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Congressional Record

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FIRST SESSION

VOLUME 129—PART 12

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United States
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Monday, June 13, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

O come let us sing to the Lord; let us make a joyful noise to the rock of our salvation! Let us come into His presence with thanksgiving; let us make a joyful noise to Him with songs of praise! For the Lord is a great God.—Psalm 95: 1–3.

Father God, how do we thank Thee as we ought for Thy goodness to us? We slept in comfortable beds last night between clean sheets; millions in our city and cities of the world slept on the streets. We awakened to a good breakfast this morning, with promise of more than enough to eat for lunch and dinner. Millions had no breakfast this morning, nor yesterday or the day before or the day before that—and they have no prospect of lunch or dinner in the foreseeable future. We live in comfortable homes, millions are homeless in refugee camps or worse.

Dear God, forgive us for ever complaining, for never thanking Thee, for behaving as though we deserve these benefits in contrast to those who are without. Don't let us have to lose these blessings to appreciate them. We pray in the name of Him whose heart was with the hungry, the homeless, the naked, the oppressed. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. WARNER). The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE POET'S FAREWELL TO HIS TEETH

Mr. BAKER. Mr. President, this week's poem was written by William Dickey and is titled, "The Poet's Farewell to His Teeth." Not that I had the misfortune to encounter such an operation of late, but somewhere, someone did, and this is dedicated to them.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE POET'S FAREWELL TO HIS TEETH

(By William Dickey)

Now you are going, what can I do but wish you
(as my wife used to say) "every success
in your chosen field."
What we have seen together! Doctor X,
having gagged us, hurling his forceps to the floor
and denouncing our adolescent politics,
or the time we had caught trench-mouth in Iowa City
and had to drive west slowly and haltingly,
spitting in all the branches of the Missouri.
Cigar-stained and tired of cavities, you leave.
It is time to go back to the pure world of teeth
and rest, and compose yourselves for the last eruption.
As to those things in a glass by the bathroom sink
they will never communicate with me as you have done,
fragile and paranoid, sensing the world around you
as wild drills and destructive caramel, getting even
for neglect by waking me into the pain of dawn,
that empty and intimate world of our bitter sharing.
Go, under that cool light. I will remember you:
the paper reports that people may still feel pain
in their missing teeth, as with any amputation.
I hope you relax by the shadowy root canals,
and thinking of me with kindness, but not regret,
toast me just once in the local anaesthetic.

SENATE SCHEDULE

Mr. BAKER. Mr. President, obedient to the provisions that were made by the Senate on last Friday, we have reconvened today pursuant to an adjournment. However, the reading of the Journal has been dispensed with, as has the call of the calendar, and no resolution shall come over under the rule. The morning hour is deemed to have expired by unanimous consent.

Mr. President, provision also has been made that, after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business of not more than 1 hour in length in which Senators may speak for not more than 5 minutes each.

At 1 p.m. this afternoon, Mr. President, the Senate will proceed to the consideration of S. 66, which is the so-called cable TV bill. That is calendar order No. 106. Time for debate on that measure has been agreed to at 13 hours, to be divided equally and controlled by the distinguished chairman of the Commerce Committee, Senator PACKWOOD, and the distinguished minority leader, Senator BYRD, or his designee.

Mr. President, under the order entered some time ago, any rollcall votes that are ordered today will be deferred until tomorrow 15 minutes after we resume consideration of the pending bill.

Mr. President, I am advised unofficially that it may not take 13 hours to take care of the cable TV bill and, indeed, we might finish that bill today except for the voting. I do not imagine there will be time remaining on which we could return to the consideration of the supplemental appropriations bill today, but if we do so I would hope the Senate would agree to do that.

I have consulted with the chairman of the Appropriations Committee and he is canvassing members to see who might have amendments to offer this afternoon. In the event that happy situation should occur, that is to say the early completion of the cable TV bill, it would be necessary then to change the unanimous-consent order which now provides for 15 minutes after we resume consideration of the pending bill. I would like to change that now, Mr. President, to make it 15 minutes after we resume consideration of the cable TV bill, because it is possible that we will not be on the cable TV bill at that time. I do now make that request.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The PRESIDING OFFICER. Without objection.

Mr. BYRD. Mr. President, give the minority leader an opportunity to object.

Mr. BAKER. The enthusiasm and the energy of the distinguished Presiding Officer was such that, while gratifying to me, perhaps was faster than the rising minority leader.

The PRESIDING OFFICER. The Chair has examined with care the minority leader's countenance and now gives him the opportunity to object.

Mr. BYRD. I thank the Chair. What I said was said in jest. I am very fond of the Senator who is in the Chair and who has always been very fair to me.

I wanted to reserve the right to object just to say that I agree with the majority leader. I would like to see us get back on the appropriation bill today, if at all possible, because the sooner we get that bill disposed of the sooner we can get on to other appropriations bills. At the moment I know of no reason why we would have any problems on our side. I may be unaware that some do exist, but it would be well, I think, if we could get back to the supplemental appropriations bill today. It would certainly shorten the time on tomorrow, which is of great interest to me and other Members. So I fully agree with the majority leader.

I say to the Chair again that we are the best of friends and we are going to continue to be. I have no objection.

The PRESIDING OFFICER. Without objection, the majority leader's request is granted.

Mr. BAKER. I thank the Chair.

Mr. President, if we can get back to the supplemental appropriations bill, I will certainly ask the Senate to do so after first consulting with the minority leader. I will not make that request at this time pending my further conversation with the chairman of the Appropriations Committee.

"DOCUMENTS OF THE SENATE" EXHIBIT

Mr. BAKER. Mr. President, this week in the "Documents of the Senate" exhibit case in the crypt of the Capitol, the U.S. Senate Commission on Art and Antiquities is sponsoring a brandnew exhibition on the famous Daniel Webster-Robert Hayne debate of 1830. The exhibit will run through December of this year.

I am privileged, along with my good friend the minority leader, to serve on the Commission on Art and Antiquities, and I want to encourage both Members and staff to take advantage of this display which illustrates a great moment in Senate history.

Those who were fortunate enough to listen to Senator Byrd, in another of his widely acclaimed history lessons on March 3, 1982, will recall that the debate between Webster and Hayne took the better part of a week, and was delivered before a packed Chamber and gallery. Hayne, from South Carolina, spoke in support of the Southern doctrine of States rights and nullification, while Webster, from Massachusetts, stressed the need for a strong central government. It was at the end of Webster's passioned plea for the Union that he spoke the now famous words, "Liberty and Union, now and forever, one and inseparable."

The display in the Capitol will include the original letter from Daniel Webster to his friend William Sullivan, describing his reaction to Haynes' remarks, and the writings of Isaac Bassett, who later became Assistant Doorkeeper of the Senate, and Margaret Smith, a famous hostess, discussing their observations of the debate.

Mr. President, I take this opportunity to commend the Curator's office, under the direction of James Ketchum, for their dedication to this exhibit and others, and I hope that their work is shared with many in the months to come.

Mr. President, I thank the Senate for its forbearance while I have perhaps exceeded the time allocated to me. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

INTERSTATE MINING COMPACT COMMISSION RESOLUTION

Mr. BYRD. Mr. President, the 17-member States of the Interstate Mining Compact Commission held their annual meeting in Little Rock, Ark., April 26–29. The Commission is composed of the Governors of most of the major mining States in America.

On April 28, the Commission adopted a resolution concerning acid deposition. The resolution notes that scientific research on the acid deposition phenomenon has produced inconclusive and conflicting results. It further states that legislation under consideration by Congress to impose new limits on sulfur dioxide emissions could have a substantial negative effect on mining and related industries. Electric utility rates could also be increased, without any assurance that sulfur dioxide controls would have the desired results, according to the resolution.

For those reasons, the Commission's resolution states that legislation to impose new sulfur dioxide controls is premature and is not based on adequate scientific research. The Commission strongly supports the enactment of legislation to accelerate the Federal research efforts into the origins, causes, and effects of acid deposition.

I have introduced S. 454, a bill to accelerate the work of the Interagency Task Force on Acid Precipitation. My bill also authorizes the Environmental Protection Agency Administrator to make grants to States for projects to reduce acidity levels.

I believe that it is significant that the Interstate Mining Compact Commission, whose member States represent a cross section of all of the mining regions in the United States, should adopt a resolution to support the approach taken in S. 454. My bill also has bipartisan support, and the cosponsors of the legislation represent many different regions of our country.

I ask unanimous consent that a copy of the resolution adopted by the Interstate Mining Compact Commission be inserted in the Record at this point, along with a list of the members of the Commission.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution by the Interstate Mining Compact Commission

Be it known that:

Whereas, there is a high degree of public attention being given to the issue of acidity levels in precipitation at some locations in the United States and Canada; and

Whereas scientific research on this phenomenon has led different researchers to different and sometimes conflicting conclusions; and

Whereas the United States Congress is considering measures intended to limit sulfur dioxide emissions that could reduce the use of coal as a boiler fuel; that could cause dislocations in coal mine employment, coal producing and using industries and related businesses; and could bring about increases in the rates of electric utility consumers with no certainty that the measure would achieve the intended results.

Now therefore be it resolved: The Interstate Mining Compact Commission believes the rush to unjustified costly remedies is premature and not based on adequate research.

Be it further resolved: The member States staunchly support and advocate the enactment of legislation which calls for an acceleration of federal research efforts into the origins, causes and effects of acid deposition.

Issued this 28th day of April 1983.

Kenes C. Bowling,
Executive Director.

List of Commissioners

Gov. Charles S. Robb, Virginia, Chairman.

Gov. Richard Celeste, Ohio, Vice-Chairman.

Gov. Bill Clinton, Arkansas, Treasurer.

Gov. James R. Thompson, Illinois.

Gov. George C. Wallace, Alabama.

Gov. Mark White, Texas.

Gov. Lamar Alexander, Tennessee.

Gov. Robert D. Orr, Indiana.

Gov. John Y. Brown, Kentucky.

Gov. James B. Hunt, Jr., North Carolina.

Gov. John D. Rockefeller IV, West Virginia.

Gov. Harry Hughes, Maryland.

Gov. George Nigh, Oklahoma.

Gov. Richard W. Riley, South Carolina.

Gov. Richard L. Thornburgh, Pennsylvania.

Gov. David Treen, Louisiana.

Gov. Toney Anaya, New Mexico.

Mr. BYRD. Mr. President, I have no request for time on this side. I yield back the rest of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 1 hour, with statements therein limited to 5 minutes.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHY CRANSTON WON IN WISCONSIN; THE SIGNIFICANCE OF THE NUCLEAR FREEZE

Mr. PROXMIRE. Mr. President, for Americans who follow politics closely, especially Democrats, the straw poll victory of Senator Alan Cranston in Wisconsin last Saturday was a real shocker, a No. 1 upset. I talked to the most seasoned observers of Democratic politics in my State. They could not believe it. Almost no one thought it could happen. Former Senator and Vice President Walter Mondale was the heavy favorite for many reasons to win that straw poll.

Mondale not only had the advantages that he has everywhere else in the country—far better name recognition, much stronger support by the movers and shakers in the Democratic Party, such as organized labor—but Mondale also had a much more seasoned larger organization, more money, and the momentum of having won in Massachusetts and being considered the sure shot frontrunner.

In Wisconsin, Mondale had special advantages. The Wisconsin and Minnesota Democratic parties have been like twin sisters with Minnesota easily the dominant twin. Hubert Humphrey was a smash hit for years in Wisconsin. Democrats loved him and in the long years when Republicans dominated Wisconsin politics, Wisconsin Democrats adopted Hubert Humphrey as their Senator.

In his speech to the Wisconsin Democratic convention just before the straw poll on Saturday, Mondale took full advantage of all this. He wrapped himself in Wisconsin's favorite liberal, old Bob LaFollette, and his dear friend and patron, Hubert Humphrey. Also Mondale himself has come to Wisconsin far more than any other national Democrat in recent years. And who was Walter Mondale—the national front runner and Wisconsin favorite up against? A Senator who a year ago had a name recognition in Wisconsin of less than 1 percent and even among active Wisconsin Democratic convention goers probably would not have been recognized as recently as 1981 by 5 percent.

Yet, in spite of all this, Cranston beat Mondale. Why? Cranston won for one reason and for one reason only. He did not win because he had a superior organization. He did not. He did not win because he spent more money, which he might have done, but the money did not really make much difference. Was there a cause in ideology? No, there were no significant disagreements in political philosophy that made the difference Was there a personal difference? No. Cranston did not come through as a stronger, more eloquent, more charismatic, more exciting figure than Mondale.

Cranston won for one simple and very obvious reason. He identified himself at the 1982 Democratic Convention—that is, last year—when he appeared as the principal convention speaker with a single issue. Mr. President keep in mind that Cranston did not differ from Mondale on the issue. They both agreed, but Cranston made that issue his at the 1982 Democratic convention, so that at the 1983 convention last Saturday, Cranston had become Mr. Nuclear Freeze.

Result: That surprising—shocking, upset vote in Milwaukee was an overwhelming expression of the intensity with which many Wisconsin people and I believe many Americans feel about the nuclear freeze issue. It's the kind of issue that will persuade people who knew and admired and enthusiastically supported former vice President Mondale to leave him, although he strongly favored a freeze, and switch to vote for a man they knew only one thing about: Cranston not only favored the freeze, he had become the very personification of the issue. The delegates could vote this intensity of their determination to win a halt to the nuclear arms race.

Mr. President, I think I have talked with more Wisconsin people than any one else ever has in history. I have found them to be moderate, tolerant people, much like Americans from any other State—devoted to hard work, proud of our country, but deeply troubled by the prospect of a nuclear war and anxious to do everything they can to persuade our leaders to find a way to negotiate an end to the arms race. Sure, those who go to a Democratic convention in my State tend to be much more liberal, more intense, more concerned than most Wisconsin citizens or most Americans. But I think that Members of the Congress and other national political leaders should heed the message that came from Wisconsin so loud and clear last Saturday. More and more American citizens have a burning desire that we find a way to end the nuclear arms race. That desire is growing. It will not be denied.

Mr. LEAHY. Will the Senator from Wisconsin yield for just a moment?

Mr. PROXMIRE. I am happy to yield to my good friend from Vermont.

Mr. LEAHY. Mr. President, I was glad to hear the statements of the Senator from Wisconsin on the floor today. I just want to take this occasion to commend the Senator from Wisconsin. He has, over the past number of months, constantly advised the Senate of items regarding the nuclear freeze and nuclear war and nuclear arms control. I have heard him speak many, many times and have read his statements in the Record.

I should note that what the Senator from Wisconsin states is something that has been a long-held belief for him. I heard and recall statements of his on the need for nuclear arms control long before I was in the Senate. I commend him on that.

During the weekend, I was in Vermont, a State that showed leadership in the nuclear freeze issue a year-and-a-half ago in their town meeting votes. I spoke to a large gathering in the southern part of our State at the Weston Priory. It is a priory run by the Benedictine Monks. It was a beautiful day, a lovely early summer Vermont day, following eight weekends of rain. The grass was green, the flowers were out, people were spread out over a long field. I spoke near one of the barns at the priory.

I was impressed by the people who were there—all concerned about nuclear disarmament. They ranged from, literally, babes in arms to one person who told me she is in her late eighties. They were Republicans, Democrats, Independents, Liberals and Conservatives, rich, poor, a cross-section, really, of Vermont. They were all united on one thing: That we need nuclear arms control, real nuclear arms control, that we try somehow to get the genie back in the bottle before it devours us all. I know, from talking with many of these Vermonters, that they wanted to know who some of the Senators were who may need encouragement in this area. I said I could give them the names of some Senators who did not need further encouragement. I mentioned the Senator from Wisconsin as one and mentioned the statements he has made on the floor.

I take this occasion to publicly applaud him for the statements he has made.

Mr. PROXMIRE. Mr. President, I thank the Senator from Vermont. One of the first statements of popular support for the nuclear freeze came from him.

About a year-and-a-half ago, after those town meetings were held, he made an extraordinarily fine, eloquent statement about the nuclear freeze and popular support for it and the real grass roots sentiment in this country at that time. Of course, it has been building ever since.

I thank my good friend for his very thoughtful remarks, I appreciate them.

Mr. LEAHY. I thank the Senator.

THE WARSAW JEWS

Mr. PROXMIRE. Mr. President, this season marks the anniversary of the Warsaw Ghetto uprising. To commemorate the event, Yisrael Gutman, a survivor of the uprising, has written, "The Jews of Warsaw 1939–43: Ghetto, Underground Revolt." It provides a detailed description of the injustices directed at the Polish Jews.

Gutman explains how the occupying Nazi police encouraged Polish gangs to harass individual Jews.

He writes:

> The Polish police ignored the rampages; the novice Polish underground did not respond at all; and the hoodlums learned that most of the Polish public, as well as the Germans, allowed them a free hand to attack Jews.

Unchecked, these personal attacks escalated into mass murder. The Nazis forced nearly 400,000 Polish Jews into the tiny Warsaw Ghetto. Gutman recalls that many died from disease and starvation. In addition, they suffered from isolation and alienation.

Gutman's work emphasizes that both the Polish Government and the local community knew of the horrible conditions the Jews endured, but remained silent. Rather than protest the violation of human rights, the Poles expressed "apathy and hostility," toward the Jews which "intensified during the war."

Under such harsh conditions, one can only commend the bravery and spirit of the Polish Jews. Battling against all odds, these people preferred to die fighting their oppressors rather than enter the Nazi death camps.

Yet, as we read Gutman's work, we realize that the Warsaw Jews could not fight unaided and expect to survive. They did not receive this support from other Poles; Gutman writes that not a single non-Jewish Pole was found within the ranks of the Warsaw Ghetto resistors.

We cannot alter the tragic ending of Gutman's story. Most of the Warsaw Jews died as martyrs, in both the Ghetto and the crematorium. The few remaining survivors will always carry painful memories of the past.

However, we can take an important step to insure that persecuted groups will never again fall prey to such desertion. The Genocide Convention declares acts of genocide criminal, and calls upon nations to make them punishable by law. By joining the other countries who have already ratified the Genocide Convention, the United States will formally express our concern for religious, ethnic, racial, and national groups into international doctrine. We would also be providing these groups with the moral support the Warsaw Jews desperately needed, but did not receive.

By ratifying the Genocide Convention, we would not only be paying tribute to the brave Jews of Warsaw, but would also be preventing the repetition of the events described in Yisrael Gutman's chronicle.

MILTON R. YOUNG

Mr. PRESSLER. Mr. President, today I would like to pay tribute to a fine Senator, a personal friend, and an outstanding man—Milton R. Young, who recently passed away.

Although I served only briefly with Senator Young, we developed a fast friendship. I often turned to Senator Young for advice on problems concerning our neighboring States. Although one of the senior members on a number of committees, he was never too busy to lend his patient ear to my concerns.

Senator Young's great career began at the county, township, and school board levels. He was elected to the North Dakota State House of Representatives, and to the Senate, where he served as president pro tempore and majority leader, until his appointment to the U.S. Senate in 1945 to fill the vacancy caused by the death of Senator John Moses. In a special election in 1946, he was elected to the term which ended in January 1951. He then went on to be reelected five times. He served continuously longer than any other Republican in the Senate's history; only six Senators have served longer.

I know the love and affection the people of his home State of North Dakota had for him. Many South Dakotans share that feeling. Senator Young served with South Dakota's Senator Karl Mundt on the Senate Appropriations Committee. Senator Mundt became ill while working on a South Dakota project, now known as the Earth resources observation satellite (EROS). Senator Young carried on Senator Mundt's efforts on this project. The people of South Dakota showed their appreciation for his good work by naming a street after him, at the EROS site near Sioux Falls and Garretson, S. Dak. That street is Milton R. Young Boulevard.

I frequently conversed and worked with Senator Young on the agricultural and water problems that face our similar States. He was in agreement that those of us who represent rural States face increasingly tougher odds in our fight to obtain fair representation of farm and rural interests.

Mr. President, Senator Young will be remembered most for his outstanding work on the Agriculture Committee. A farmer at heart, he worked diligently on the committee to see that farmers—not only those in North Dakota, but all across this great country of ours—got the best possible representation. Through his dedicated work on this committee, he was fittingly dubbed "Mr. Wheat." I believe "Mr. Agriculture" would also be an appropriate description.

Mr. President, I ask unanimous consent that an article by Wayne Lubenow concerning Senator Young appear at this point in the RECORD. The article appeared in the Garretson Weekly, published in Garretson, S. Dak.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MILTON R. YOUNG

(By Wayne Lubenow)

[From the Garretson Weekly, Garretson, S. Dak., June 9, 1983]

Milt Young is dead at 85.

He was a very special person.

I say that not only because of the 36 years he served as North Dakota's Senator, but because I knew him pretty well.

Probably no man did as much for the state as he did. And he did it in the wily ways that a United States Senator must do. To get legislation that would help North Dakota farmers, he had to go tenting with southern cotton and tobacco growing Senators.

A military hawk, he hobnobbed with top generals and admirals, rarely voted against Pentagon wishes.

That paid off, too.

When the government decided to build a Coast Guard sophisticated signal beam station called Omega, it boiled down to two sites.

Congressman Odin Langen of Minnesota wanted it for his district. Milt Young wanted it for his home town of LaMoure.

It was no contest. The military gave it to Milt and to LaMoure—proving that a Senator has more clout than a Congressman.

But I said that I knew him pretty well and I did.

When he was instrumental in getting the first Minuteman missiles into North Dakota there was some fear of the reaction of farmers.

I wrote a tongue-in-cheek imaginary interview with a farmer on whose land a missile would be based.

The column ended quoting a farmer, "I don't care about the missiles, just so they don't scare the chickens."

The next day I got a phone call from a delighted Milt Young. He was chuckling. "I'm gonna put it in the Congressional Record," he said. And he did.

He used to put a lot of my columns into the Congressional Record, a meaningless gesture, but he liked to put everything about North Dakota into the Record.

We met personally on countless occasions.

One that strikes me was when the town of Linton put grass greens into its 9-hole golf course.

Milt Young was there for the occasion and so was Lawrence Welk. So was I.

As Young and Welk were about to tee off, Milt spotted me standing among the reporters.

"Why don't you join us, Wayne?" he asked.

He didn't have to ask twice. I joined 'em—and those two old codgers beat the pants off me.

At dozens of ceremonies and press conferences I met with Milt Young. He'd see me and grin and walk over and say, "Who you after today?"

At a big party for him in the Town House Motel in Fargo, he noticed me and Rosie sitting in the huge crowd. He came right off the stage and walked to our table and shook hands and talked to us for 20 minutes.

It wasn't politics, I don't think, but maybe a kinship.

Milt Young knew that I was diametrically opposed to his conservative views. It didn't matter.

He was one of the most open, frank guys I ever met. If this sounds like name-dropping, I'm sorry. We were not close pals, not buddy-buddy. But I knew him.

Most Senators and Congressmen from agricultural states refer to themselves as "dirt farmers."

It is a ploy to get votes.

Well, Milt Young was a real "dirt farmer."

He came up the hard way and he never forgot it. If he had to play footsie with some people to get something for North Dakota, he did it.

That's why we kept electing him.

But Milt Young and I had something else in common.

He stuttered and so do I.

When we met, it would take 10 minutes for us to say hello to each other. It was worth it.

It showed me that a stutterer can become a United States Senator.

It let me know that a stutterer can also get interviews for stories.

The eulogies have poured out for Milt Young and rightly so.

Let one small voice say that he was the most honest man and the most approachable United States Senator I've seen in a long time.

So long, Milt Young. It was awfully good to know you.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 2:29 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 42. Joint resolution designating Alaska Statehood Day, January 3, 1984;

S.J. Res. 75. Joint resolution to provide for the designation of June 12 through June 18, 1983, as "National Scleroderma Week"; and

H.J. Res. 201. Joint resolution designating June 14, 1983 as "Baltic Freedom Day".

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, June 13, 1983, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 42. Joint resolution designating Alaska Statehood Day, January 3, 1984; and

S.J. Res. 75. Joint resolution to provide for the designation of June 12 through June 18, 1983, as "National Scleroderma Week".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1285) to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes (Rept. No. 98–151).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1449. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENTSEN:

S. 1450. A bill to authorize water supply for the Brazos River Basin, Texas; to the Committee on Environment and Public Works.

S. 1451. A bill to provide for possible hydropower development at Town Bluff Dam, Texas; to the Committee on Environment and Public Works.

S. 1452. A bill to amend Section 221 of the Flood Control Act of 1970; to the Committee on Environment and Public Works.

S. 1453. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control on Lake Wichita, Holliday Creek, Texas; to the Committee on Environment and Public Works.

S. 1454. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for navigation improvement at Brazos Island Harbor, Tex.; to the Committee on Environment and Public Works.

S. 1455. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control on Boggy Creek in Austin, Tex.; to the Committee on Environment and Public Works.

S. 1456. A bill to provide for municipal use of storage water in Benbrook Dam, Tex.; to the Committee on Environment and Public Works.

S. 1457. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control and recreation in the upper White Oak Bayou area, Texas; to the Committee on Environment and Public Works.

S. 1458. A bill to modify the project for navigation at Houston Ship Channel (Greens Bayou), Texas, to maintain a forty-foot depth in Greens Bayou; to the Committee on Environment and Public Works.

S. 1459. A bill to modify the Houston Ship Channel navigation project to maintain a forty-foot project depth in the Barbour Terminal Channel; to the Committee on Environment and Public Works.

S. 1460. A bill to authorize limited local action on water resources under the jurisdiction of the Corps of Engineers; to the Committee on Environment and Public Works.

S. 1461. A bill to declare the Port of Houston Authority Bridge over Greens Bayou, Tex., to be for all purposes of "lawful bridge" as defined in "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes" approved June 21, 1940 (33 U.S.C. 511 et seq.); to the Committee on Environment and Public Works.

By Mr. SYMMS (for himself and Mr. ZORINSKY):

S. 1462. A bill to provide for an administration of pay of new Government Printing Office employees under the prevailing rate system and the General Schedule, while protecting the pay of present Government Printing Office employees; to the Committee on Rules and Administration.

By Mr. BENTSEN:

S. 1463. A bill to modify the Rio Grande Bank Protection Project, Texas, to the Committee on Environment and Public Works.

By Mr. NUNN:

S.J. Res. 114. Joint resolution to request the President to proclaim September 1983, as "National Professional Security Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1449. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MILK PRODUCERS EQUITY ACT OF 1983

Mr. SPECTER. Mr. President, I rise today to introduce the Milk Producers' Equity Act of 1983. We are all aware of the overproduction problem plaguing the dairy industry, resulting in huge outlays by the Federal Government. In the interest of taxpayers and farmers, alike, we must act to decrease production. This legislation, formulated by the Pennsylvania Farmers' Association, addresses both the short-term problem of surplus stocks of dairy products, currently equivalent to 13.6 billion pounds of milk, and the long-term need to balance supply and demand. Similar legislation has been introduced in the House of Representatives, H.R. 2812, by Congressman CLINGER of Pennsylvania.

The price support program was established to assure a fair income for dairy farmers and an adequate supply of dairy products for consumers. It has been in existence for 40 years. Until recently, the program has met these goals fairly well, with Commodity Credit Corporation—CCC—purchases averaging 4.8 billion pounds per year. However, since 1979, CCC purchases have been climbing dramatically, currently representing 10 percent of total production. In an effort to stem this growth, we enacted a 50-cent assessment per hundredweight on all farmers, with an additional 50-cent assessment at the discretion of the Secretary of Agriculture. Unfortunately, the effect of these assessments has been to increase production; not decrease it. The first assessment was just implemented on April 16. However, since enactment, production has risen nationwide in an attempt to offset the assessment. The Department of Agriculture estimates, assuming the full $1 assessment in effect, that total production for the 1982-83 marketing year will increase from 1 to 3 percent, with CCC purchases of 14.3 billion pounds at a cost of over $2.4 billion. In my State of Pennsylvania, production has increased by 4 percent in each of the last two quarters. Those farmers who are unable to increase production to compensate for the assessment will be forced out of business. Obviously, placing an assessment on all farmers will not correct the supply/demand imbalance.

I am proposing repeal of both 50-cent assessments and replacing them with a two-phase dairy program. Phase 1 would bring down our surpluses by encouraging farmers to cut production and phase 2 would regulate overproduction in the future. Under this plan, farmers would be assigned a production level by the Secretary of Agriculture based on previous production. The Secretary would then determine a production reduction factor equal to the percentage of milk marketed commercially which is purchased by the Federal Government. An individual farmer's production goal would be calculated by subtracting the reduction factor from his production level. Those farmers who maintained their production goal would be supported at $13.10 per hundredweight. However, if a farmer voluntarily reduced production, below the goal, he would receive a bonus payment equal to 15 percent of the support price, approximately $2 per hundredweight. Likewise, a farmer who increases production above his production level will be charged an equivalent assessment. This penalty, reducing the price support level to approximately $11.10, is substantial enough to deter the majority of farmers from offsetting it through increased production. More importantly, the reward is a significant incentive to cut production. It has been estimated that if only 70 percent of farmers participate in the bonus system, CCC purchases would be reduced to 5 billion pounds within 1 year.

When CCC purchases fall below 4 percent of all milk marketed, the bonus/penalty program would terminate and an indexing system put in place. Phase 2 is designed to keep supply and demand in line by indexing the support price to CCC purchases. As milk purchases rise, the support price will automatically fall, and vice versa. This scale will allow the market, not the Government, to set both supply and price.

Our goal should be to reduce the amount of milk produced, not the number of dairy farmers. This legislation would achieve this goal through a temporary reduction incentive program to cut our current surpluses, followed by an indexed scale of price support levels to prevent such overproduction in the future.

I ask unanimous consent that testimony by the Pennsylvania Farmers' Association before the Senate Agriculture Committee be printed in the RECORD along with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Milk Producers Equity Act of 1983".

DAIRY PRICE SUPPORT PROGRAM

SEC. 2. Section 201 of the Agriculture Act of 1949 (7 U.S.C. 1446), as amended by section 101(2) of the Omnibus Budget Reconciliation Act of 1982, is amended—

(1) by striking our subsection (d);

(2) by redesignating subsection (e) through (h) as subsection (f) through (i), respectively; and

(3) by inserting after subsection (c) the following new subsections:

"(d) (1) Notwithstanding subsection (c) and except as provided in paragraph (2), the price of milk shall be supported at not less than $13.10 per hundredweight of milk containing 3.67 per centum milkfat.

"(2) (A) As used in this paragraph—

"(i) the term 'preceding year' means the one year period ending on the date of a determination described in subparagraph (B) is made; and

"(ii) the term 'subsequent year' means the one year period beginning on the first day of the first quarter which begins after the quarter in which a determination described in subparagraph (B) is made.

"(B) If the Secretary determines in any quarter that gross Government price support purchases of milk and the products of milk during the preceding year were less than 4 percent of the amount of milk which was marketed commercially by producers during the preceding year, the price of milk shall be supported during the subsequent year at the level determined under subparagraph (C).

"(C) During any subsequent year, the price support level for milk containing 3.67 per centum milkfat shall equal the percentage of the parity price for milk prescribed in the following table which corresponds to the amount of gross Government price support purchases of milk and the products of milk prescribed in the following table that were made during the preceding year, as determined by the Secretary:

"If gross Government price support purchases of milk and milk products during the preceding year were (in billions of pounds of milk equivalent):	The level of support during the subsequent year shall be the following percentage of the parity price:
Not more than 2.0	More than 80 but not more than 90
More than 2.0 but not more than 2.5.	79
More than 2.5 but not more than 3.0.	78
More than 3.0 but not more than 3.5.	77
More than 3.5 but not more than 4.0.	76
More than 4.0 but not more than 4.5.	75
More than 4.5 but not more than 5.0.	74
More than 5.0 but not more than 5.5.	73
More than 5.5 but not more than 6.0.	72
More than 6.0 but not more than 6.5.	71
More than 6.5 but not more than 7.0.	70
More than 7.0 but not more than 7.5.	69
More than 7.5 but not more than 8.0.	68
More than 8.0 but not more than 8.5.	67
More than 8.5 but not more than 9.0.	66
More than 9.0 but not more than 9.5.	65
More than 9.5 but not more than 10.0.	64
More than 10.0 but not more than 10.5.	63
More than 10.5 but not more than 11.0.	62
More than 11.0 but not more than 11.5.	61
More than 11.5	60

"(D) The Secretary shall make the determination described in this paragraph at least once each quarter of a fiscal year.

"(3) The price of milk shall be supported under this subsection through the purchase of milk and the products of milk.

"(e)(1)(A) The Secretary shall establish a milk production level for each producer of milk which is equal to—

"(i) in the case of a person who produced milk throughout the three year period beginning January 1, 1980, and ending December 31, 1982, the average of the amount of milk produced by the person during each quarter of the three year period (as determined by the Secretary);

"(ii) in the case of a person who produced milk throughout the two year period ending on the date of the establishment or adjustment of the milk production level (other than a person described in clause (i)), the average of the amount of milk produced by the person during each quarter of the two year period (as determined by the Secretary); and

"(iii) in the case of a person who produces milk other than a person described in clause (i) or (ii), an amount determined by the Secretary taking into account—

"(I) the level necessary to assure an adequate, but not excessive, supply of milk of pure and wholesome milk to meet current needs; and

"(II) the average of the amount of milk produced by the person during each quarter of the period beginning with the first quarter of milk production by the person.

"(B) If the appropriate county committee (established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))) determines that the amount of milk produced by a person who is described in subparagraph (A)(i) and who resides in the county was abnormally low as a result of factors beyond the control of the person, the county committee may increase the milk production level of the person established by the Secretary under such paragraph (in accordance with guidelines established by the Secretary). A producer may appeal to the Secretary the action of a county committee taken under this subparagraph. The decision of the Secretary on the appeal shall be final.

"(C) The Secretary shall adjust quarterly the milk production level established for a person described in clause (ii) or (iii) of subparagraph (A).

"(D) A milk production level established for a person under this paragraph may not be leased, sold, or transferred to a person other than to a member of the same fa[illegible] as the person (as described in section 447 (d)(1) of the Internal Revenue Code of 1954).

"(E) If a milk production level is established for a person under this paragraph and the person does not produce milk during all (or substantially all) of two consecutive years, the milk production level for the person shall be terminated.

"(2)(A) No later than September 15 of each year, the Secretary shall establish in accordance with subparagraph (B) a production reduction factor for the fiscal year beginning on October 1 of such year.

"(B) The production reduction factor for a fiscal year shall be equal to the percentage obtained by dividing—

"(i) the amount of gross Government price support purchases of milk and the products of milk which the Secretary determines were made during the fiscal year preceding the relevant fiscal year; by

"(ii) the amount of milk which the Secretary determines was produced by producers during the fiscal year preceding the relevant fiscal year.

"(3)(A) No later than September 15 of each year, the Secretary shall establish in accordance with subparagraph (B) a production goal for each producer described in paragraph (1) for the fiscal year beginning on October 1 of such year.

"(B) The production goal for a milk producer for a fiscal year shall be equal to the—

"(i) the production level established for the producer under paragraph (1); less

"(ii) the product obtained by multiplying—

"(I) the production level established for the producer under paragraph (1); and

"(II) the production reduction factor established for the year under paragraph (2).

"(4)(A) Except as provided in subparagraph (C), if a producer markets during a quarter of a fiscal year an amount of milk which is not more than the quarterly equivalent of the production goal established for the producer for the fiscal year under paragraph (3), the Secretary shall make a bonus payment to the producer which is equal to the product obtained by multiplying—

"(i) 15 percent of the level of price support for milk established under subsection (d) (in hundredweights); by

"(ii) the total amount of milk marketed by the producer during the quarter.

"(B) The Secretary shall make the bonus payment to the producer in equal installments during the quarter following the relevant quarter.

"(C) The Secretary may not make a bonus payment to a producer under subparagraph (A) unless the Secretary is satisified that the reduction in marketings is a net decrease in milk marketings by the producer and has not been offset—

"(i) by expansion of milk production in any other milk production facility in which the producer has an interest; or

"(ii) by the taking of any other action which is a scheme or device to qualify for the bonus payment.

"(D) A bonus payment received by a producer under this paragraph shall be considered as included in payments to the producer for purposes of the minimum price provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.).

"(5)(A) If a producer markets during a quarter of a fiscal year an amount of milk which is more than the quarterly equivalent of the production level established for the producer for the fiscal year under paragraph (3), the producer shall be liable for an assessment equal to the product obtained by multiplying—

"(i) 15 percent of the level of price support for milk established under subsection (d) (in hundredweights); by

"(ii) the total amount of milk marketed by the producer during the quarter.

"(B) No later than fifteen days after the date of the sale of milk, an assessment owed by a producer under subparagraph (A) shall be remitted to the Commodity Credit Corporation in equal installments during the quarter following the relevant quarter—

"(i) by each person making payment to the producer for milk purchased from the producer; or

"(ii) in the case of a producer who markets milk produced by the producer directly to consumers, by the producer.

"(C) Each person who markets milk and each person required to remit assessments under subparagraph (B)(i) shall keep such records and make such reports as the Secretary determines necessary to carry out this paragraph.

"(D) If a person is given adequate notice of, and an opportunity for an administrative hearing with respect to an alleged violation of subparagraph (B) and is found to have willfully violated such subparagraph, the person may be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation, in addition to any assessment owed under such subparagraph, plus interest and costs.

"(E)(i) The person may obtain a review of the penalty by filing a civil action (no later than thirty days after a penalty is assessed against a person under subparagraph (D)) in an appropriate district court of the United States.

"(ii) As part of the answer of the Secretary, the Secretary shall file in the court a certified copy of the record upon which the findings and decision complained of are based.

"(iii) The decision of the Secretary may be set aside only if found to be unsupported by substantial evidence.

"(iv) The district courts of the United States are vested with jurisdiction to review and enforce any civil penalty imposed by this paragraph.

"(6) In carrying out this subsection, the Secretary may, on a reimbursable or nonreimbursable basis, use—

"(i) administrators of Federal milk marketing orders;

"(ii) State and county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); or

"(iii) administrators of State milk marketing programs.".

EFFECTIVE DATES

SEC. 3. (a) Section 201(d) of the Agricultural Act of 1949, as amended by section 2 of this Act, shall become effective on the date of the enactment of this Act.

(b) Section 201(e) of the Agricultural Act of 1949, as amended by section 2 of this Act, shall become effective on October 1, 1983, and implemented no later than December 31, 1983.

STATEMENT OF THE PENNSYLVANIA FARMERS' ASSOCIATION

I am Keith Eckel, president of the Pennsylvania Farmers' Association. I am a dairy farmer from Clarks Summit, Pennsylvania, and submit testimony today on behalf of 23,429 farm family members from across our State. Over 50 percent of our members produce milk.

The Pennsylvania Farmers' Association is pleased to testify before this subcommittee to present its recommendations concerning changes on the dairy price support program. Even though our membership comes from within the boundaries of one state, we recognize that the current supply demand imbalance as a national problem and must be dealt with accordingly.

Voting delegates at our November, 1982 annual meeting devoted much time to the discussion of needed changes on the national dairy program. The following policies were adopted unanimously by the delegate body.

(1) That the fifty cent deduction deadline set for December 1 be extended to allow producers more time to offer suggestions and develop an alternative to the surplus problem.

(2) That PFA work for a production reduction plan for dairy farmers under which (1) milk producers who reduce production would not be penalized by having to pay an assessment but would rather be rewarded for reducing production, (2) milk producers who maintain past production would receive a flat rate, (3) milk producers who continue

to increase production would receive a reduced rate for excess production.

We do not believe an assessment on all dairy farmers will correct the current supply demand imbalance or solve OMB budgeting situation. Many farmers are planning to increase production in order to compensate for the 50 cents per hundredweight lost through the assessment. Milk production continues to rise, production in February totaled 10.6 billion pounds, 2.3 percent more than February, 1982, and 4.6 percent more than February, 1981. As farmers increase production to cover costs, total expenditures for the program will multiply and the government will become the owner of even more butter, cheese, and powdered milk. Estimated costs for CCC purchases in 1983 are likely to exceed $2.4 billion, an amount that is inconsistent with the original intent of the program.

We urge that the current 50 cents/hundredweight assessment and planned second 50 cents assessment be repealed. In its place, we recommend a two phase dairy program that will reestablish the proper balance between supply and demand and then maintain that balance automatically. This proposal we present to you today is built on the foundation of principles we consider essential to any successful dairy program.

(1) the cost of the program is of major concern and must be minimized.

(2) the program must be simple to administer and be easily understood by dairy farmers.

(3) the program must bring supply into line with demand through voluntary measures.

(4) the program must supply a structure that will automatically balance supply and demand in the future.

Phase one of this proposal is designed to reduce supply by providing an economic incentive for dairy farmers to reduce production rather than by reducing the number of individuals who produce milk. This will be accomplished by economically rewarding farmers who reduce production and penalizing farmers who increase production.

Revised figures put 1982 production at 135.2 billion pounds, 13.5 billion pounds above commercial disappearance of 121.7 billion pounds. Since the inception of the dairy price support program in 1949 through 1980, CCC purchases averaged 4.8 billion pounds of milk equivalent per year. Phase one will reduce government purchases by the difference between total production and commercial disappearance less the necessary government purchases needed to stabilize the market.

Dairy farmers will participate in this program because there is a significant reward for reducing production and a significant penalty for increasing production. One year will be needed to reduce CCC purchases to five billion pounds. If 100 percent of dairy farmers participate, the cost to the government will be 2.43 billion dollars, almost equal to the current cost of 2.2 billion dollars. But only 70 percent of dairy farmers must participate to make the program work. This reduction plan would automatically terminate when CCC purchases reach 4 percent of all milk marketed.

Under this plan, the average quarterly production level for each producer for the time period 1/1/80 through 12/31/82 would be calculated. A minimum of one year's production would be required for this calculation. The Secretary of Agriculture would determine the needed reduction by dividing commercial disappearance by total production. Those farmers who reduce marketings by this percentage would receive a bonus of 15 percent of the support price multiplied by their production. Those farmers who increased production by any amount would be penalized by the same percentage times their entire production. Adjustments to producers would be made in equal installments during the next quarter. Hardship cases would be handled by local ASCS committees and new producers would enter the market at 90 percent of the current support price. Only members of the same family would be permitted to pass on a production average. Administration of this program would be conducted through Federal Milk Marketing Orders, State and County ASCS committees, and State milk marketing orders.

Phase two of this proposal is designed to keep supply and demand in line by indexing the support price to CCC purchases. As milk production goes up, the support price will go down, automatically. As the supply of milk falls the support price will rise automatically. This scale will allow the market, not government to set both supply and price.

Adjustment of the support price will be made quarterly by the secretary based on predicted CCC purchases for the upcoming 12 month period. The support level will range from 80 to 90 percent of parity and be indexed to 2.0 to 11.8 billion pounds of CCC purchases. This sliding scale will be implemented when CCC purchases reach 4 percent of milk marketed and will effectively work to maintain both supply and price at a fair level.

I thank you for the opportunity to submit testimony today to discuss the Pennsylvania Farmers' Association's idea for the national dairy program. May I reiterate, that our goal is to reduce the amount of milk produced in this country, not the number of dairy farmers. We propose to do this through a short term production reduction incentive program followed by an indexed scale that will balance supply and demand in the long run. This proposal will soon be introduced into Congress. We ask your serious consideration.

By Mr. SYMMS:

S. 1462. A bill to provide for administration of pay of new Government Printing Office employees under the prevailing rate system and the General Schedule, while protecting the pay of present Government Printing Office employees; to the Committee on Rules and Administration.

GOVERNMENT PRINTING OFFICE PAY REFORM ACT OF 1983

● Mr. SYMMS. Mr. President, for over a decade, the issue of excessive wages for certain congressional employees has been discussed but not addressed by Congress. GAO has just finished its third comprehensive study of Government Printing Office wages in 7 years. The report details the fact that some employees at Congress Government Printing Office receive, on average, 42 percent more in wages than other Federal workers performing the same or similar work. This is a shocking problem in our own backyard. If Congress fails to rectify this gross inequity and overpayment of the taxpayers' money to its own employees, the American public will lose faith in our ability to fairly and economically govern.

I am introducing legislation which equitably addresses these problems. The June 3, 1983, GAO report on GPO wages revealed the following astounding facts:

GPO craft and industrial employees were paid $3,322 to $17,879 more per year than General Schedule or Federal wage system employees in the same or similar occupations. This means that GPO craft and industrial employees earn an average of 42 percent more than other Federal workers performing the same or similar work.

GPO craft employees also receive between $0.36 and $5.14 per hour more than private sector employees doing the same work. This translates into approximately a 32 percent premium over the private sector in the Washington, D.C., area.

Over the last 10 years, GPO wage increases for these workers have greatly exceeded wage increases granted other Federal workers.

Many different unrelated jobs, requiring different training and skill levels, are all paid at the same rate, completely disregarding the standard practice in the Federal Government.

The main provisions of my bill will:

First. Apply the Federal wage grades and pay rates—printing and lithographic wage scales—to all the newly hired GPO craft and industrial employees.

Second. "Grandfather" the previously negotiated Kiess Act pay levels for all GPO employees paid under that system, while classifying or grading those workers under the General Schedule or Federal wage systems; and

Third. Provide the "grandfathered" workers with pay raises which they would receive if they were paid under the General Schedule or general wage systems.

Fourth. Apply the General Schedule classification and pay systems to all present and future white-collar GPO employees.

This legislation is designed to bring GPO's classification and pay practices for both white-collar and blue-collar workers into conformity with the systems used by the rest of the Federal Government. Currently, the workers in GPO field printing plants are paid under the Federal wage system whereas the workers at the Washington, D.C., plants bargain collectively for their wages in accordance with 44 U.S.C. 305. This practice is irrational, inequitable, and has been the source of numerous legal challenges.

Three major class-action lawsuits have been leveled against the GPO in the last decade, and the agency has settled or lost them all. These suits resulted from the use of inconsistent classification and pay systems and the perpetuation of the journeyman craft status despite clear disparities in job duties. The Government has lost over $13 million in these suits already, and the costs continue to escalate. The only way to solve the agencywide problems highlighted by the lawsuits is to implement a rational, equitable, and objective classification and wage system for the agency. This legislation will be a major step toward such a system and will not impact adversely on workers currently employed at the Government Printing Office.

Here, the excessive and wasteful expenditures for Congress own printing have reached intolerable proportions.

This legislation has the potential for saving $18 million yearly when fully implemented.

We must act now for the sake of good and efficient government to remedy problems in our own house.●

By Mr. NUNN:

S.J. Res. 114. Joint resolution to request the President to proclaim September 1983, as "National Professional Security Month"; to the Committee on the Judiciary.

NATIONAL PROFESSIONAL SECURITY MONTH

● Mr. NUNN. Mr. President, I am happy today to introduce a joint resolution to designate September 1983 as National Professional Security Month. This joint resolution would recognize the outstanding contributions made by those security professionals who protect the assets—people, property and information—of private industry, government, and public institutions.

The work of these highly trained professionals has significantly reduced losses caused by various crimes against business and public establishments and have helped prevent or minimize losses to communities from fires, riots, strikes, and civil disorder.

The private security industry now employees more than 1 million men and women and grosses in excess of $10 billion annually. Private security efforts save taxpayers dollars every day by reducing crime and drug abuse.

I want to commend the 18,000 plus members of the American Society for Industrial Security (ASIS) for its efforts to educate the public on the need for improved security.

Mr. President, the many important activities of ASIS should be recognized by designating September 1983 as National Professional Security Month.●

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 1022

At the request of Mr. ANDREWS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1022, a bill to amend section 8(a) of the Small Business Act to treat businesses owned by Indian tribes as socially and economically disadvantaged small business concerns.

S. 1080

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1244

At the request of Mr. PACKWOOD, the names of the Senator from Hawaii (Mr. INOUYE), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 1244, a bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1300

At the request of Mr. HUDDLESTON, the name of the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes.

S. 1302

At the request of Mr. HEINZ, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1302, a bill to amend title XVIII of the Social Security Act with respect to purchase and rentals of durable medical equipment.

S. 1348

At the request of Mr. MOYNIHAN, the names of the Senator from Texas (Mr. BENTSEN), the Senator from Maryland (Mr. SARBANES), the Senator from Maryland (Mr. MATHIAS), the Senator from Michigan (Mr. RIEGLE), the Senator from Indiana (Mr. LUGAR), the Senator from Kansas (Mr. DOLE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 1348, a bill to authorize the President of the United States to present on behalf of Congress a specially struck gold medal to the widow of Roy Wilkins.

S. 1361

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 1361, a bill to require notice on social security checks that it is a violation of law to commit forgery in conjunction with the cashing of those checks.

SENATE JOINT RESOLUTION 54

At the request of Mr. NICKLES, the names of the Senator from Louisiana (Mr. JOHNSTON), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 54, a joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month."

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Mr. MATHIAS), the Senator from Indiana (Mr. LUGAR), the Senator from North Carolina (Mr. HELMS), the Senator from Tennessee (Mr. SASSER), the Senator from Mississippi (Mr. STENNIS), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month."

SENATE RESOLUTION 114

At the request of Mr. PRESSLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Senate Resolution 114, a resolution to express the sense of the Senate that certain rural fire protection programs should receive a level of funding for fiscal year 1984 which is at least as high as the level of funding provided for such programs for fiscal year 1983.

AMENDMENT NO. 1376

At the request of Mr. HUDDLESTON, his name was added as a cosponsor of amendment No. 1376 proposed to H.R. 3069, a bill making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

AMENDMENTS SUBMITTED

CABLE TELECOMMUNICATIONS ACT

ABDNOR (AND OTHERS) AMENDMENT NO. 1378

Mr. ABDNOR (for himself, Mr. EXON, Mr. BURDICK, and Mr. PRESSLER) proposed an amendment to the bill (S. 66) to amend the Communications Act of 1934; as follows:

"(5) recognizing the long standing tradition of the Congress of promoting universal telephone service at reasonable rates, and recognizing the rapid technological changes of the types and delivery of services offered by the telecommunications industry, it is in the public interest to ensure that all providers of telecommunication services share in the obligation of providing universal service.".

ABDNOR (AND OTHERS) AMENDMENT NO. 1379

Mr. ABDNOR (for himself, Mr. BURDICK, Mr. EXON, Mr. EAST, Mr. HELMS, Mr. ANDREWS, Mr. MELCHER, and Mr. PRESSLER) proposed an amendment to the bill S. 66, supra; as follows:

On page 23, beginning with line 15, strike out all through line 20 and insert in lieu thereof:

"(2) 'basic telephone service' means telecommunications service that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act; ".

BENTSEN AMENDMENT NO. 1380

Mr. BENTSEN proposed an amendment to the bill S. 66, supra; as follows:

On page 46, line 18, immediately after the period insert the following: "Notwithstanding any other provision of this Act, the provisions of this Act shall not be applicable to any franchise in effect on the date immediately preceding the date of the enactment of this Act.".

WILSON AMENDMENT NO. 1381

Mr. WILSON proposed an amendment to the bill S. 66, supra; as follows:

Page 37, line 18, immediately after "24 months", insert ", but not more than 36 months,".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, June 14, at 9:30 a.m., to hold a hearing on the tobacco program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Pollution, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, June 14, at 2 p.m., to receive testimony from EPA Administrator William D. Ruckelshaus on the Clean Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances and Environment Oversight, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, June 14, at 10 a.m., to hold a hearing on environmental research and development.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. PACKWOOD. Mr. President I ask unanimous consent that the Subcommittee on Nuclear Regulation, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, June 14, at 10 a.m., to hold a hearing to consider licensing reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SELF-TAX OF 1983

● Mr. QUAYLE. Mr. President, earlier this year I introducted my proposal for reform and simplification of the U.S. Tax Code, S. 1040, the SELF-tax plan of 1983. This proposal would eliminate most special preferences and reduce both individual and business tax rates.

My colleague, Senator BRADLEY, has now introduced S. 1421, a tax proposal which shares many of the aims of my own. In the interests of keeping my colleagues informed on how these two proposals compare, I have prepared some tables showing the differences in tax liability for several hypothetical taxpayers under 1984 law, the Bradley-Gephardt proposal, and the SELF-tax.

The computations for the SELF-tax are based on the tax table proposed in that bill. Computations are based on schedules for single persons who are not heads of household and married taxpayers filing jointly. The hypothetical taxpayers in these tables are the same as those used by Senator BRADLEY to compare his proposal to the 1984 law. I ask that the tax schedules for the SELF-tax and the tables comparing the 1984 law, Bradley-Gephardt, and the SELF-tax be reprinted in the RECORD.

The material follows:

TABLE 1.—SELF-TAX PLAN OF 1983: TAX SCHEDULES

If taxable income is—	The tax is—
Schedule 1. Single taxpayers who do not qualify for rates in schedules II and III:	
Not over $6,000.	No tax.
Over $6,000 but not over $16,000	Zero plus 144 excess over $6,000.
Over $16,000 but not over $40,000	$1,400 plus 21 percent of excess over $16,000.
Over $40,000	$6,440 plus 26 percent of excess over $40,000.
Schedule II. (A) Married taxpayers filing joint returns, (B) Certain widows and widowers:	
Over $10,000	No tax.
Over $10,000 but not over $26,000	Zero plus 14 percent of excess over $10,000.
Over $26,000 but not over $60,000	$2,240 plus 21 percent of excess over $26,000.
Over $60,000	$9,380 plus 28 percent of excess over $60,000.
Schedule III. Unmarried (or legally separated) taxpayers who qualify as heads of household:	
Over $6,000	No tax.
Over $6,000 but not over $19,000	Zero plus 14 percent of excess over $6,000.
Over $19,000 but not over $50,000	$1,820 plus 21 percent of excess over $19,000.
Over $50,000	$8,530 plus 28 percent of excess over $50,000.
Schedule IV. Married individuals filing separate returns:	
Over $5,000	No tax.
Over $5,000 but not over $13,000	Zero plus 14 percent of excess over $5,000.
Not over $13,000 but not over $30,000	$1,120 plus 21 percent of excess over $13,000.
Over $30,000	$4,690 plus 28 percent of excess over $30,000.
Schedule V. Estate and trust:	
Over $8,000	14 percent of taxable income.
Over $8,000 but not over $25,000	$1,120 plus 21 percent of excess over $8,000.
Over $25,000	$4,690 plus 28 percent of excess over $25,000.

COMPARISON OF 1984 LAW, BRADLEY-GEPHARDT PROPOSAL, AND SELF-TAX OF 1983

MARRIED TAXPAYER NO. 1

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	[1] $15,000	[1] $15,000	[1] $15,000
Less: Two earner deduction	500		
Plus:			
Employer paid life insurance		1,200	1,200
Employer paid health insurance		150	150
Equals: Adjusted gross income	14,500	16,350	16,350
Less: Exemptions	4,000	5,200	400
Equals: Taxable income	10,500	11,150	12,350
Tax	[2] 889	[3] 721	[4] 329
Marginal tax rate (in percent)	14	14	14

[1] Assumed $10,000 earned by one spouse, $5,000 by other.

[2] From 1984 law rate tables.

[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate.

[4] From SELF-tax rate table.

SINGLE TAXPAYER NO. 1

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	$15,000	$15,000	$15,000
Plus:			
Employer paid health		1,200	1,200
Employer paid life		100	100
Equals: Adjusted gross income	15,000	16,300	16,300
Less: Exemption	1,000	1,600	1,000
Equals: Taxable income	14,000	14,750	15,300
Tax	[1] 1,801	[2] 1,645	[3] 1,302
Marginal tax rate (in percent)	20	14	14

[1] From 1984 law tax rate tables.

[2] Taxable income less $3,000 zero bracket amount times 14 percent tax rate.

[3] From SELF-tax rate table.

SINGLE TAXPAYER NO. 2

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	$30,000	$30,000	$30,000
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		300	300
Equals: Adjusted gross income	30,000	31,500	31,500
Less: Exemption	1,000	1,600	1,000
Equals: Taxable income	29,000	29,900	30,500
Tax	[1] 5,773	[2] 4,546	[3] 4,445
Marginal tax rate (percent)	34	26	21

[1] From 1984 law rate tables.

[2] Taxable income less $3,000 zero bracket amount times 14-percent rate, plus surtax (12 percent of AGI over $25,000).

[3] From SELF-tax rate table.

MARRIED TAXPAYER NO. 2

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	[1] $30,000	[1] $30,000	[1] $30,000
Less: 2-earner deduction	1,000		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		300	300
Equals: Adjusted gross income	29,000	31,500	31,500
Less:			
Exemptions	4,000	5,200	4,000
Child care deduction		2,000	
Equals: Taxable income	25,000	24,300	27,500
Tax before credit	[2] 3,565	[3] 2,562	
Less: Child care credit	400		
Equals: Tax after credit	3,165	2,562	[4] 2,555
Marginal tax rate (percent)	25	14	21

[1] Assumed $20,000 earned by 1 spouse, $10,000 by the other.

[2] From 1984 law rate tables.

[3] Taxable income less $6,000 zero bracket amount times 14-percent tax rate.

[4] From SELF-tax rate table.

SINGLE TAXPAYER NO. 3

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	$30,000	$30,000	$30,000
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		300	300
Equals: Adjusted gross income	30,000	31,500	31,500
Itemized deductions:			
Mortgage interest	3,000	3,000	
Property taxes	1,000	1,000	
Sales taxes	250		
Income taxes	1,200	1,200	
Charitable contributions	500	500	
Total	5,950	5,700	
Less: Zero bracket amount	2,300	3,000	
Equals: Excess itemized deductions	3,650	2,700	
AGI	30,000	31,500	
Less:			
Exemptions	1,000	1,600	1,000
Excess itemized deductions	3,650	2,700	
Equals: Taxable income	25,350	27,200	30,500
Tax	[1] 4,670	[2] 4,168	[3] 4,445
Marginal tax rate (percent)	30	26	21

[1] From 1984 law rate tables.

[2] Taxable income less $3,000 zero bracket amount times 14-percent tax rate, plus surtax (12 percent of AGI over $25,000).

[3] From SELF-tax rate table.

MARRIED TAXPAYER NO. 3

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	[1] $30,000	[1] $30,000	[1] $30,000
Less: 2-earner deduction	1,000		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		300	300
Equals: Adjusted gross income	29,000	31,500	31,500
Itemized deductions:			
Mortgage interest	3,000	3,000	
Property taxes	1,000	1,000	
Sales taxes	400		
Income taxes	1,000	1,000	
Charity	500	500	
Total	5,900	5,500	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	2,500	0	
AGI	29,000	31,500	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	2,500	0	
Child care deduction		2,000	
Equals: Taxable income	22,500	24,300	27,500
Tax before credit	[2] 3,003	[3] 2,562	
Less: Child care credit	400		
Equals: Tax after credit	2,603	2,562	[4] 2,555
Marginal tax rate (percent)	22	14	21

[1] Assumed $20,000 earned by 1 spouse, $10,000 by the other.

[2] From 1984 law rate tables.

[3] Taxable income less $6,000 zero bracket amount times 14-percent tax rate.

[4] From SELF-tax rate table.

SINGLE TAXPAYER NO. 4

	1984 law	Bradley-Gephardt proposal	SELF
Income:			
Salary	$60,000	$60,000	$60,000
Dividends	100	100	100
Less: Dividend exclusion	100		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted gross income	60,000	61,900	61,900
Itemized deductions:			
Mortgage interest	4,800	4,800	
Property taxes	2,000	2,000	
Sales taxes	700		
Income taxes	3,000	3,000	
Charitable contributions	1,500	1,500	
Total	12,000	11,300	
Less: Zero bracket amount	2,300	3,000	
Equals: Excess itemized deductions	9,700	8,300	
AGI	60,000	61,900	
Less:			
Exemption	1,000	1,600	1,000
Excess itemized deductions	9,700	8,300	
Equals: Taxable income	49,300	52,000	60,900
Tax	[1] 13,595	[2] 12,264	[3] 12,292
Marginal tax rate (percent)	45	30	28

[1] From 1984 law rate tables.

[2] Taxable income less $3,000 zero bracket amount times 14 percent, plus surtax (12 percent of AGI from $25,000 to $37,500, and 16 percent of AGI in excess of $37,500.

[3] From SELF-tax rate tablE.

MARRIED TAXPAYER NO. 4

	1984 law	Bradley-Gephardt proposal	SELF
Income:			
Salary	$60,000	$60,000	$60,000
Dividends	200	200	200
Less:			
Dividend exclusion	200		
2 earner couple deduction	2,000		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted gross income	58,000	62,000	62,000
Itemized deductions:			
Mortgage interest	4,800	4,800	
Property taxes	2,000	2,000	
Sales taxes	800		
Income taxes	2,400	2,400	
Charitable contributions	1,500	1,500	
Total	11,500	10,700	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	8,100	4,700	
AGI	58,000	62,000	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	8,100	4,700	
Child care deduction		3,000	
Equals: Taxable income	45,900	49,100	58,000
Tax before credit	[1] 9,810	[2] 8,674	
Less child care credit	600		
Equals: Tax after credit	9,210	8,674	[3] 8,960
Marginal tax rate (percent)	38	26	21

[1] From 1984 law rate tables.

[2] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI over $40,000).

[3] From SELF-tax rate table.

SINGLE TAXPAYER NO. 5

	1984 law	Bradley-Gephardt proposal	Self
Income:			
Salary	$60,000	$60,000	$60,000
Long Term capital gains	40,000	40,000	40,000
Interest and dividends	20,000	20,000	20,000
Total	120,000	120,000	120,000
Less:			
Capital gain exclusion	24,000		
Dividend exclusion	100		
Net interest exclusion	450		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted gross income	95,450	121,800	121,800
Internized deductions:			
Mortgage interest	5,000	5,000	
Other interest	5,000	2,500	
Property tax	3,000	3,000	
Sales tax	1,000		
Income tax	7,500	7,500	
Charity	5,000	5,000	
Total	26,500	23,000	
Less: Zero bracket amount	2,300	3,000	
Equals: Excess itemized deductions	24,200	20,000	
AGI	94,450	121,800	121,800
Less: Exemption	1,000	1,600	1,000
Less; Excess itemized deductions	24,200	20,000	
Equals: Taxable income	70,250	100,200	120,800
Tax	[1] 23,291	[2] 28,596	[3] 29,064
Marginal tax rate:			
Ordinary income (percent)	48	30	28
Capital gains (percent)	19.2	30	28

[1] From 1984 law rate tables.

[2] Taxable income less $3,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $25,000 to $37,500, and 16 percent of AGI in excess of $37,500).

[3] From SELF-tax. rate table.

MARRIED TAXPAYER NO. 5

	1984 law	Bradley-Gephardt proposal	Self
Income:			
Salary	[1] $60,000	[1] $60,000	[1] $60,000
Long-term capital gains	40,000	40,000	40,000
Interest and dividends	20,000	20,000	20,000
Total	120,000	120,000	120,000
Less:			
Capital gain exclusion	24,000		
Dividend exclusion	200		
2 earner deduction	2,000		
Net interest exclusion	900		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted Gross Income	92,900	121,800	121,800
Itemized deductions:			
Mortgage interest	5,000	5,000	
Other interest	5,000	2,500	
Property tax	3,000	3,000	
Sales tax	1,200		
Income tax	7,000	7,000	
Charity	5,000	5,000	
Total	26,200	22,500	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deduction	22,800	16,500	
AGI	92,900	121,800	
Less: Exemptions	4,000	5,200	4,000
Excess itemized deductions	22,800	16,500	
Child care deduction		4,000	
Equals: Taxable income	66,100	96,100	117,800
Tax before credit	[2] 17,730	[3] 24,702	
Child care credit	800		
Tax	16,930	24,702	[4] 25,564

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MARRIED TAXPAYER NO. 5—Continued

	1984 law	Bradley-Gephardt proposal	Self
Marginal tax rate:			
Ordinary income (percent)	42	30	28
Capital gains (percent)	16.8	30	28

[1] Assumed $40,000 earned by one spouse, $20,000 by the other.

[2] From 1984 law rate tables.

[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $40,000 to $65,000, and 16 percent of AGI in excess of $65,000).

[4] From SELF-tax rate table.

SINGLE TAXPAYER NO. 6

	1984 law	Bradley-Gephardt proposed	SELF
Income:			
Salary	$60,000	$60,000	$60,000
Total	120,000	120,000	120,000
Less:			
Dividend exclusion	100		
Net interest exclusion	450		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted gross income	119,540	121,800	121,800
Itemized deductions:			
Mortgage interest	5,000	5,000	
Other interest	5,000	2,500	
Property tax	3,000	3,000	
Sales tax	1,000		
Income tax	7,500	7,500	
Charity	5,000	5,000	
Total	26,500	23,000	
Less: Zero bracket amount	2,300	3,000	
Equals: Excess itemized deductions	24,200	20,000	
AGI	119,450	121,800	
Less: Exemption	1,000	1,600	1,000
Equals: Excess itemized deductions	24,200	20,000	
Equals: Taxable income	94,250	100,200	120,800
Tax	[1] 35,060	[2] 28,596	[3] 29,064
Marginal tax rate:			
Ordinary income (percent)	50	30	28
Capital gains (percent)	20	30	28

[1] From 1984 law rate tables.

[2] Taxable income less $3,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $25,000 to $37,500 and 16 percent of AGI in excess of $37,500).

[3] From SELF-tax rate table.

MARRIED TAXPAYER NO. 6

	1984 law	Bradley-Gephardt proposal	SELF
Income:			
Salary	[1] $60,000	[1] $60,000	[1] 60,000
Interest and dividends	60,000	60,000	60,000
Total	120,000	120,000	120,000
Less:			
Dividend exclusion	200		
2 earner deduction	2,000		
Net interest exclusion	900		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted gross income	116,900	121,800	121,800
Itemized deductions:			
Mortgage interest	5,000	5,000	
Other interest	5,000	2,500	
Property tax	3,000	3,000	
Sales tax	1,200		
Income tax	7,000	7,000	
Charity	5,000	5,000	
Total	26,200	22,500	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deduction	22,800	16,500	
AGI	116,900	121,800	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	22,800	16,500	
Child care deduction		4,000	
Equals: Taxable income	90,100	96,100	117,800
Tax before credit	[2] 27,945	[3] 24,702	
Child care credit	800		
Tax	27,145	24,702	[4] 25,564
Marginal tax rate:			
Ordinary income (percent)	45	28	28
Capital gains (percent)	18	28	28

[1] Assumed $40,000 earned by one spouse, $20,000 by the other.

[2] From 1984 law rate tables.

[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $40,000 to $65,000, and 16 percent of AGI in excess of $65,000).

[4] From SELF-tax rate table.

MARRIED TAXPAYER NO. 7

	1984 law	Bradley-Gephardt proposal	SELF
Income:			
Salary	[1] $200,000	[1] $200,000	[1] $200,000
Long-term capital gain	400,000	400,000	400,000
Interest and dividends	400,000	400,000	400,000
Total	1,000,000	1,000,000	1,000,000
Less:			
Capital gain exclusion	240,000		
Dividend exclusion	200		
Two-earner deduction	3,000		
Net interest exclusion	900		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		2,000	200
Equals: Adjusted gross income	755,900	1,003,200	1,003,200
Itemized deductions:			
Mortgage interest	10,000	10,000	
Other interest	100,000	50,000	
Property tax	10,000	10,000	
Sales tax	4,000		
Income tax	100,000	100,000	
Charity	50,000	50,000	
Total	274,000	220,000	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	270,600	214,000	
AGI	755,900	1,003,200	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	270,600	214,000	
Child care deduction		4,800	
Equals: Taxable income	481,300	779,200	999,200
Tax before credit	[2] 222,050	[3] 261,360	
Child care credit	960		
Tax after credit	221,090	261,360	[4] 272,356
Marginal tax rate (percent)			
Ordinary income	50	30	28
Capital gains	20	30	28

[1] Assumed at least $30,000 earned by lesser earning spouse.

[2] From 1984 law rate tables.

[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $40,000 to $65,000, and 16 percent of AGI in excess of $65,000).

[4] From SELF-tax rate table.

MARRIED TAXPAYER NO. 8

	1984 law	Bradley-Gephardt proposal	SELF
Income:			
Salary	[1] $200,000	[1] $200,000	[1] $200,000
Interest and dividends	800,000	800,000	800,000
Total	1,000,000	1,000,000	1,000,000
Less:			
Dividend exclusion	200		
Two earner deduction	3,000		
Net interest exclusion	900		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		2,000	2,000
Equals: Adjusted gross income	995,900	1,003,200	1,003,200
Itemized deductions:			
Mortgage interest	10,000	10,000	
Other interest	100,000	50,000	
Property taxes	10,000	10,000	
Sales taxes	4,000		
Income taxes	100,000	100,000	
Charitable contributions	50,000	50,000	
Total	274,150	220,000	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	270,600	214,000	
AGI	995,900	1,003,200	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	270,600	214,000	
Child care deduction		4,800	
Equals: Taxable income	721,300	779,200	999,200
Tax before credit	[2] 342,050	[3] 261,360	
Child care credit	960		
Tax after credit	341,090	261,360	[4] 272,356
Marginal tax rate (percent):			
Ordinary income	50	30	28
Capital gains	20	30	28

[1] Assumed at least $30,000 earned by lesser earning spouse.

[2] From 1984 law rate tables.

[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $40,000 to $65,000 and 16 percent of AGI in excess of $65,000).

[4] From SELF-tax rate table.

MARRIED TAXPAYER NO. 9

	1984 law	Bradley-Gephardt proposal	Self
Income:			
Salary	[1] $200,000	[1] $200,000	[1] $200,000
Interest and dividends	800,000	800,000	800,000
Oil and gas partnership revenues	100,000	100,000	100,000
Less:			
Intangible drilling costs	1,000,000	142,857	
Depletion	65,000	14,286	
Total	35,000	942,857	1,100,000
Less:			
Dividend exclusion	200		
2-earner deduction	3,000		
Net interest exclusion	900		
Plus:			
Employer paid health insurance		[1] 1,200	1,200
Employer paid life insurance		2,000	2,000
Equals: Adjusted gross income	30,900	946,057	1,003,200
Itemized deductions:			
Mortgage interest	10,000	10,000	
Other interest	100,000	50,000	
Property taxes	10,000	10,000	
Sales taxes	4,000		
Income taxes	100,000	100,000	
Charitable contributions	50,000	50,000	
Total	274,000	220,000	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	270,600	214,000	
AGI	30,900	946,057	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	270,600	214,000	
Child care deduction		4,800	
Equals: Taxable income	0	722,057	1,099,200
Tax before credit	[2] 0	[3] 244,217	
Child care credit	960		
Tax after credit	0	244,217	
Minimum tax	158,000		
Total tax	158,000	244,217	[4] 300,356
Marginal tax rate (percent)	20	30	28

[1] Assumes at least $30,000 earned by lesser earning spouse.

[2] From 1984 law rate tables.

[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $40,000 to $65,000 and 16 percent of AGI in excess of $65,000).

[4] From SELF-tax rate table.

MARRIED TAXPAYER NO. 10

	1984 law	Bradley-Gephardt proposal	Self
Income: Salary	[1] $30,000	[1] $30,000	[1] $30,000
Less: 2-earner deduction	1,000		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		300	300
Equals: Adjusted gross income	29,000	31,500	31,500
Itemized deductions:			
Mortgage interest	5,000	5,000	
Property taxes	1,500	1,500	
Sales taxes	400		
Income taxes	1,000	1,000	
Charitable contributions	500	500	
Toital	8,400	8,000	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	5,000	2,000	
AGI	29,000	30,700	
Less:			
Exemptions	4,000	5,000	4,000
Excess itemized deductions	5,000	2,000	
Child care deductions		2,000	
Equals: Taxable income	20,000	22,300	27,500
Tax before credit	[2] 2,461	[3] 2,282	
Less: Child care credit	400		
Equals: Tax after credit	2,061	2,282	[4] 2,555
Marginal tax rate (percent)	18	14	21

[1] Assumed $20,000 earned by 1 spouse, $10,000 by the other.

[2] From 1984 law rate tables.

[3] Taxable income less $6,000 zero bracket amount times 14-percent tax rate.

[4] From SELF-tax rate table.●

PRESIDENT REAGAN'S NEW START OFFER

● Mr. KENNEDY. Mr. President, last week President Reagan announced that he was altering his proposal for the strategic arms reductions talks (START) to "reflect the concerns and recommendations of the Scowcroft Commission, the Congress, and others" and "offer the prospect of new progress toward a START agreement."

I hope this indicates some flexibility on the administration's part, but we do have to remember that at the same time the President is proposing the MX missile, the B–1 bomber, a record defense budget, and a whole new escalation of the nuclear arms race. This President has opposed every nuclear-arms-control agreement of the last 20 years and has supported virtually every proposed weapons system during that same period.

It is time for the administration to move toward a mutual and verifiable nuclear freeze, and to recognize that the way to stop the arms race is to stop, not START. That is why I am determined to pursue a full Senate debate and vote on the Kennedy-Hatfield nuclear freeze resolution as soon as possible.

In the June 12 issue of the New York Times, Leslie H. Gelb and Raymond L. Garthoff explain cogently why President Reagan's proposals raise doubts about the reality of flexibility in the START negotiations. As Mr. Gelb points out, the President "had made the minimum necessary changes in his negotiating approach to capture a Congressional majority for the new MX missile, but not nearly enough to achieve a breakthrough in the talks that resumed in Geneva on Wednesday." Unfortunately, "the advertised flexibility," according to Mr. Garthoff," does not extend to the key provisions that made the administration's original negotiating proposal fundamentally unacceptable to Moscow."

I commend these two articles, by a former Director of Political-Military Affairs of the State Department and a former member of the United States SALT delegation, to my colleagues and request that they be printed in the Record.

The articles follow:

[From the New York Times, June 6, 1983]

Target of 'Flexibility' Is Congress, Not the Kremlin

(By Leslie H. Gelb)

Washington.—Amid much fanfare last week, President Reagan announced that he was altering his proposal to the Soviet Union in the strategic arms reductions talks and dangled promises of continuing flexibility. But when the noise died down, the situation looked like this: He had made the minimum necessary changes in his negotiating approach to capture a Congressional majority for the new MX missile, but not nearly enough to achieve a breakthrough in the talks that resumed in Geneva on Wednesday.

In fact, the only concrete decision officials said he took in an hour-long National Security Council meeting was to raise the proposed ceiling of long-range ballistic missiles on each side from 850 to about 1,200. Every other element of his original proposal still stands, according to Administration officials, and these basics—the demands for sharp cuts in missile warheads and in large Soviet land-based missiles—remain the major stumbling blocks to agreement, as Moscow's reaction confirmed. Tass, the Soviet press agency, described the revised proposals as "mere words" which were "directed at gaining military superiority and pressing the Soviet Union into unilateral disarmament."

Nevertheless, the mood music from Washington and Moscow was less downbeat than it has been recently. Mr. Reagan went out of his way to stress that practically nothing was set in concrete. He said that Moscow was "largely," but not wholly, to blame for the lack of progress. Congressional skeptics, who were backing him, grasped the theme of flexibility as a way of holding Mr. Reagan to his pledge. Meanwhile, Soviet leader Yuri V. Andropov had said through the veteran American diplomat W. Averell Harriman that he wanted better relations with Washington, and Moscow picked up on Mr. Reagan's emphasis on the need for "deep cuts" in nuclear forces.

The first step for the Reagan team was to ensure that Congress would not undercut his bargaining position by refusing to back the MX. Getting the necessary Congressional support meant accepting the proposals of his Commission on Strategic Forces, the group headed by retired Lieut. Gen. Brent Scowcroft. The deal was that a number of Democratic legislators would vote for the MX if Mr. Reagan committed himself to building a new small missile with a single warhead, known as Midgetman, and adjusted the strategic arms talks position accordingly. This entailed raising the proposed ceiling on missiles to accommodate the additional Midgetmen, thus in theory opening the door for Moscow to march in the same direction toward reducing the number of powerful land-based missiles with multiple warheads.

The raising of the proposed missile limit from 850 to about 1,200 was also a conciliatory step toward Moscow. The Soviet proposal calls for a ceiling of 1,800 missiles and long-range bombers for each side, of which 1,450 would be missiles. Thus, the gap in proposed allowable missiles was closed to 250 at most. As of now, the United States has about 1,600 such missiles and the Soviet Union 2,350.

LAND-BASED MISSILES AN ISSUE

But there was less here than met the eye. Administration officials made known that the President would retain his limit on proposed missile warheads of 5,000, of which no more than 2,500 could be on land-based missiles. Since the Soviets have almost 6,000 warheads on land-based missiles (as compared with 1,500 submarine-launched warheads), this would still require them to destroy more than half of their best forces. On top of that, the officials said that Mr. Reagan was still insisting that Moscow reduce its forces of about 600 heavy and medium heavy missiles such as the SS–18 to no more than 210. Furthermore, he was still refusing to set limits on the 3,000-odd cruise missiles to be carried by American bombers or to bargain away the MX.

Even if Mr. Reagan proves flexible on these key issues, Moscow continues to insist that its entire position in the so-called Start talks is dependent on Washington's agreeing not to deploy any new medium-range ground-launched cruise missiles and Pershing II missiles in Europe. In other words, no deal without accepting the essential Soviet demand in the medium-range missile talks, which are being conducted separately.

MOSCOW'S PRIORITY

The main Soviet priority all along has been to prevent the deployment of the new 572 medium-range missiles and thus to hold agreement in the strategic arena hostage to prior accord in the medium-range arena. As a prelude to his visit to Moscow next month, Chancellor Helmut Kohl of West Germany backed Washington last week by warning the Kremlin not to try to intimidate his country into not deploying the missiles. But he, like other Western European leaders, would like to see an accord.

As if such matters were not complicated enough, The Boston Globe reported last week that Richard Perle, the Assistant Secretary of Defense for arms policy, had privately told reporters that he thought it was a mistake to pledge deployment of the medium-range missiles in the first place. Nonetheless, he insisted that American credibility required the deployments to proceed.

Talks in this arena are also under way in Geneva, and the deployments are set to begin in December. Administration officials continue to say that once the deployments begin, Moscow will move toward the American proposal for an equal level of missiles on both sides of about 300. But Soviet thinking seems focused on the broader political situation in the United States. Moscow knows that an arms control pact would help Mr. Reagan politically, and Soviet officials would prefer not to have him around for a second term. But if in six months or a year Mr. Reagan's re-election appears assured, then the logjam might break with Moscow moving before Mr. Reagan's hand was strengthened in a second term.

That is far away, and the President's men acknowledge that he has to maintain credibility and support at home in the meantime. Mr. Reagan's technique for doing this in recent months has been to establish bipartisan commissions in areas such as Social Security and the MX missile and strategic forces. He announced last week that he was extending the life of this last group, the Scowcroft Commission, to deal with arms control and strategic arms.

This was very important to legislators who have taken political risks to back him on the MX and who have heard past promises about flexibility. Many of them continued to wonder privately whether Mr. Reagan was now serious about arms control and had the will and skill to produce agreements or whether he was simply serious about appearing to be serious. At any rate, Mr. Reagan has bought time.

[From the New York Times, June 12, 1983]

AN ARMS NONOFFER

(By Raymond L. Garthoff)

WASHINGTON.—President Reagan's revised proposals for strategic arms reductions have been generally well received in Washington for their new, more flexible tone. This apparent flexibility will certainly help to build an American consensus on a negotiating position. Unfortunately, it will do nothing to advance actual negotiations with the Soviet Union. Indeed, by creating expectations that Moscow might have responded favorably—misplaced expectations that will not be met—the revised proposals may in fact have seriously reduced prospects for a successful negotiation.

The President's show of flexibility already seems to be serving its main purpose—gaining a degree of bipartisan support for the Administration's defense program. President Reagan no doubt believed that Soviet leaders, too, would see his new approach as a sign of reasonableness to which they should respond if they are serious about strategic arms reductions.

The American proposal to concentrate on limiting warheads, rather than launchers or missiles, is probably sound, and the proposed equal limits of 5,000 warheads would represent a significant reduction of about one-third for each side. But not all the revisions are so even-handed. The new flexible attitude toward ballistic-missile launchers, while nominally designed to open the way for developing a single-warhead missile, was really needed to allow us to retain a larger number of Minuteman 3 missiles, which the Administration feels we need to make up for the scaling back of plans for the MX. (We now plan to deploy 100 MX's rather than the 200 envisioned when the missile ceiling of 850 was established last year.) The revised proposals accommodate American defense programs: They require deep cuts in Soviet long-range land-based missiles with multiple independently targeted warheads and would alleviate the vulnerability of American long-range land-based missiles. Thus, they enhance the United States' idea of "strategic stability"—but not necessarily the Soviet one.

From the Soviet perspective, the revised proposals are fatally flawed, as Moscow indicated clearly on Thursday. The advertised flexibility does not extend to the key provisions that made the Administration's original negotiating proposal fundamentally unacceptable to Moscow. These crucial flaws are not affected by the flexibility on total ballistic-missile numbers and are in fact made worse by the American plan to deploy the MX.

President Reagan makes no reference to these unacceptable constraints: the limit of 2,500 warheads on land-based missiles, the limits of 210 on MX and larger missiles and 100 on the Soviet SS-18 missile. The 2,500-warheads ceiling would mean a cut of more than half in the Soviet warheads on intercontinental missiles, while permitting an increase in comparable American warheads. The President did not go so far as to impose explicit limitations on missile throw-weight—essentially a measure of payload—but he kept severe indirect constraints on throw-weight that would require Moscow to reduce by two-thirds its biggest and best strategic missiles, the SS-18 and SS-19, while Washington could go ahead with plans to build up its MX and Trident II missiles.

Worse still, from the Soviet standpoint, while the proposed agreement would alleviate the vulnerability of American land-based intercontinental missiles (not the major part of the American arsenal), it would greatly increase the vulnerability of comparable Soviet missiles—which are the most important component of Moscow's strategic force. There would be no equality of sacrifice and no "equal security." In short, in the Soviet view, the American pursuit of parity in missile throw-weight—the one and only area in which the Russians now have an advantage—would be at the expense of overall strategic parity, because in other areas American superiority would remain unchanged, and even increase. Thus, for example, the proposed reduction to 5,000 ballistic-missile warheads is not accompanied by any constraints on cruise missile warheads—a new technology in which the United States has a lead, with current plans to deploy up to 5,000 such missiles.

Clearly, then, the proposals remain loaded to the United States' advantage. We have yet to show flexibility where it counts. proposing reductions that are acceptable to Moscow cannot, of course, take precedence over meeting American security interests. But designing proposals tilted so far to American strategic advantage that they cannot be accepted by the other side gain us nothing, and only deprive us of the security benefits of negotiated arms control with balanced constraints and reductions that serve both American and Soviet security interests. The best arms control is that which is truly in the interests of both sides and therefore can be agreed upon and implemented.●

THE EMERGENCY SCHOOL AID ACT OF 1983

● Mr. D'AMATO. Mr. President, today I am cosponsoring a bill, S. 1256, introduced by Senators MOYNIHAN, DANFORTH, and others. Earlier in the year I cosponsored a similar measure, S. 402. In 1972, the Congress adopted the Emergency School Aid Act (ESAA) which was designed to encourage communities to voluntarily desegregate their schools. Through 1981, this program has channeled some $2.2 billion in funding into the Nation's schools for the purpose of voluntary desegregation efforts.

In 1981, however, the Omnibus Reconciliation Act folded the ESAA program and 28 others into the chapter II block grant. This has resulted in severe reductions in the amount of funding which school districts have available for ESAA activities. In my State of New York, funding for these activities has dropped from $20.4 million in fiscal year 1981 to less than $3 million in fiscal year 1982. School districts in Buffalo, Newburgh, New York, Rochester, Syracuse, and other parts of the State have suffered because of this drastic reduction in funding.

S. 1256 would reauthorize a categorical program for voluntary desegregation activities such as the planning and establishment of magnet schools and the training of staff to handle desegregation efforts. The bill would authorize $125 million for assistance in fiscal year 1983 and a like amount for the succeeding 3 fiscal years. Funds would be distributed by the Department of Education through a competitive awards process.

Mr. President, the Senate Subcommittee on Education will conduct hearings on this issue this week. I urge the members of this committee and the full Senate to carefully consider this important piece of legislation and enact it into law.●

CLINCH RIVER: HERITAGE REJECTS FEDERAL SUPPORT OF ANY SORT

● Mr. HUMPHREY. Mr. President, I have argued on several occasions that the proposals for federally guaranteed alternative financing for the Clinch River breeder reactor project—the only private financing proposals for the project offered so far—simply make a bad thing worse. As the General Accounting Office (GAO) pointed out in a report that I entered into the RECORD, May 11, these schemes would actually add to Clinch River's cost. And the amounts here are not trivial. Indeed, according to GAO calculations, they could add several hundred million dollars to the project's cost. Nor should this be surprising. These proposals, after all, require that industry be given major tax breaks—lost revenue to the Federal treasury—and that Government pay industry an industrial rate of return for the money they invest in the project. As Shelby Brewer, DOE's Assistant Secretary for Nuclear Energy pointed out, these schemes are "simply moving money around in time,"—they get industry to take Congress off the hook for having to fully fund Clinch River construction costs now by promising later to pay industry significantly more than industry ever loaned Government in the first place.

Of course, if we are truly intrested in seeing industry finance the project, no finer stimulus exists than to terminate Federal support. This is the position I have taken for the last 3 years and is the same position the Heritage Foundation emphazies in its latest Backgrounder entitled "Privatizing Federal Energy Research."

The foundation begins its report with a review of the lessons to be learned from past Government energy research efforts. Here the foundation emphasizes that commercialization projects make the least sense:

> There are a number of conclusions that can be drawn from the country's decade of experience with extensive government involvement in research, and these help to provide a framework for determining the proper federal role. The first is that the federal government should continue to have a limited, but important, presense in energy research, both as a patron of basic science, and as the sponsor of programs involving national security. . . . A second inescapable conclusion is that commercial demonstration projects will be far less likely to win congressional support in the future than they were in the 1970s. Congress has finally become aware of the inherent flaw in the logic underpinning federal encouragement of commercial demonstrations: That is, the notion that the law of supply and demand can somehow be repealed through legislative fiat, in order to force a new technology into the marketplace prematurely. Experience gained at great cost shows that this approach simply does not work. Despite the expediture of massive amounts of taxpayer dollars, little has been gained through commercial demonstrations.

The foundation's report, however, does not stop here. It gives a frame work for deciding which Federal projects should be terminated and gives precise examples:

> There are two methods that could be used to determine the appropriate roles for the government and private sectors. The first is on the basis of fuel type (fossil, nuclear, etc.), and the second is on the basis of research purpose (such as commercial demonstration, pilot-scale plant, or bench-scale test). Some blend of these approaches is likely to be necessary in each case. If this frame work is used, a number of obvious targets for privatization emerge.
>
> All commercial demonstration project should be conducted by the private sector. Not only have these projects traditionally been undertaken by private organizations, but government commercial demonstration projects—dating from the attempt to create a synthetic rubber industry during the Second World War—have been singularly unsuccessful. Among the projects falling within this first category for privatization would be all of those undertaken by the Synthetic Fuels Corporation, together with the Clinch River Breeder Reactor and solar energy demonstration projects . . . . If these technologies are really commercial, the private sector should be willing to fund them.

The Heritage Foundation here gives us good advice. It is the same advice that the President's Private Sector Survey on Cost Control gave in April. Indeed, if we are truly interested in following the President's desire to get Government out of the energy commercial demonstration business, the place to begin is in terminating Federal support of any sort for the Clinch River project.●

IN SUPPORT OF S. 540 AND A NATIONAL INSTITUTE OF ARTHRITIS, MUSCULOSKELETAL AND SKIN DISEASES

● Mr. D'AMATO. Mr. President, I am happy to add my name today as a cosponsor of S. 540, which amends the Public Health Service Act to establish a National Institute of Arthritis, Musculoskeletal, and Skin Diseases. I commend my distinguished colleague, Mr. GOLDWATER, on offering this legislation.

More than 37 million Americans suffer not only from chronic forms of arthritis, a musculoskeletal disease that attacks the body's joints and tissues, but from other musculoskeletal and skin diseases as well. Each year these painful and crippling diseases claim over 1 million new victims. Arthritis afflicts over 40 percent of those over 65. Yet it is not a disease of the elderly alone. More than 250,000 children contract a particularly ravaging form of this disease. Juvenile arthritis can stunt growth, blind, cripple, deform, and even kill. Over one-half of these childrem are crippled for the rest of their lives.

Those of any age who suffer a traumatic injury to their joints may one day develop osteoarthritis; 28 million Americans suffer from this disease. Sports, recreational, and other traumatic accidents, such as motor vehicle accidents, figure prominently in the case histories of these sufferers. Osteoporosis is another serious disease afflicting those of all ages. It is especially prevalent among women.

Arthritis alone costs our economy over $30 billion each year. This is 5 percent of our national health bill. These costs include medical care, half of all worker compensation claims, diminished earning capacity, and the resulting losses in tax revenues. An additional $1 billion is thrown away each year on quack remedies. The extent of this waste is a measure of the desperation of the victims.

The rapid growth in the percentage of the population suffering from arthritis, musculoskeletal, and skin diseases is evidence that a better organization of our research capability is necessary. Well over 16 percent of our populaton, or one of every six Americans, is now suffering from these diseases. That is an increase of 6 percent in just the last 4 years.

Mr. President, we are clearly losing ground in our battle against these diseases. The time has come to revive the original intent of Congress when it first established a National Institute of Arthritis and Metabolic Diseases to focus research attention on the musculoskeletal and related diseases.

S. 540 will enable the National Institute of Arthritis, Musculoskeletal, and Skin Diseases to promote national research efforts with increased vigor. The new Institute will become a national sponsor of research and training. It will also serve as a needed information clearinghouse.

S. 540 calls for a new national plan to expand, intensify, and coordinate research, training, and educational activities for more than 100 arthritis and musculoskeletal diseases. A beneficial international exchange of research will also be promoted.

One of the new Institute's most welcome mandates is to establish programs emphasizing the importance of early detection as well as prompt and appropriate treatment. Another is the establishment of mechanisms "to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields." A third is the appointment to the Institute's Advisory Council of at least one member of the public who suffers from one of the subject diseases and another member of the public who is a parent of such an individual. As the Arthritis Foundation has so amply demonstrated, the active involvement of the public is one of our greatest resources in the campaign against arthritis. The appointment of members nominated by the Veterans' Administration and the Department of Defense is another sound requirement.

Mr. President, I would also like to voice my support for this bill's call for a new study by the National Academy of Sciences. The study will examine the effectiveness of the organization of each of the national research institutes. We must satisfy ourselves that the $4 billion NIH annual budget is being spent in the most effective manner possible.

As we have learned in our battles against cancer and heart disease, when Americans dedicate themselves to an intensified research effort, tremendous, undreamed-of progress can be the result.

Mr. President, the time has come for such a national dedication to the battle against arthritis and related diseases. I urge my colleagues to support this important legislation as we rededicate ourselves in earnest to the conquest of the Nation's No. 1 crippler.●

PROPOSED REPEAL OF TIP INCOME REPORTING

● Mr. SASSER. Mr. President, I am pleased today to join as a cosponsor of S. 986. This important piece of legislation repeals the tip income reporting requirements contained in 1982's Tax

Equity and Fiscal Responsibility Act (TEFRA).

I actively opposed placing these provisions in last year's tax increase bill. Because of my misgivings about this provision and other sections of that measure, I voted against passage of TEFRA. I remain firm in my belief that these tip reporting requirements set a bad precedent in our Nation's tax laws.

In particular, I am concerned with the allocation provisions as well as with the complicated Internal Revenue Service regulations issued pursuant to TEFRA. Under these provisions, restaurant employees will be the only group of workers in America to have assumed income reported on their W-2 forms. This simply is not right, Mr. President.

Having the IRS assume an 8-percent tip income on a W-2 statement of restaurant employees discriminates against such workers in rural areas where tipping falls well below the national average. Such is the case with many of Tennessee's tourist areas. Indeed, the National Restaurant Association estimates that in the late 1970's there were over 17,000 tipped employees working in Tennessee's restaurants and cafes. These middle- to low-income earners will be forced to prove that they in fact earn less than the 8 percent assumed by the IRS.

Mr. President, such a provision strikes me as uncalled for. We are in effect asking these hard-working men and women to do a job that the IRS should be doing itself. It is quite difficult to justify such an approach.

In addition to these burdens, a food service employer's paperwork is substantially increased under these tip reporting provisions. The complexity of these new recordkeeping procedures has left food service operators confused and uncertain as to whether they are meeting the law's requirements. This confusion is easy to understand. The IRS regulations on this topic run some seven pages. This is additional redtape imposed by an administration which claimed it would cut back on Government interference in our day-to-day operations.

Another aspect of the bookkeeping procedures necessary under these tip reporting provisions is the impact this activity has on employer-employee relations. Under the current approach, the restaurant owner or operator is put in an adversial relationship with his or her employees. In essence, the owner has to become an in-house IRS agent. If the owner does not comply with these regulations, he or she faces Federal penalties.

Mr. President, let me underscore that I am in favor of cracking down on those individuals who evade paying their fair share of taxes. I do not believe this complex and unreasonable law is the best solution to this problem. Furthermore, as a member of the Small Business Committee, I am deeply concerned over the effects of the tipping provisions on our Nation's small businesses. In conclusion, Mr. President, let me urge my colleagues to join me in supporting S. 986 calling for the repeal of the tip reporting requirements.●

PROTECTIONISM

● Mr. CHAFEE. Mr. President, protectionism is too often proposed as a quick, appealing solution to competition from abroad and an easy way to save American jobs. But such an approach would ultimately cost this country far more than it could possibly save—in terms of jobs, productivity, prices and overall consumer choice.

A constructive approach to our trade concerns will involve a concerted effort by industry, labor, and Congress. The goal of that effort must be meeting the competition, not banning it.

Mr. President, the Washington Post today printed two excellent articles refuting arguments for protectionism. One is an editorial, entitled "A Dubious Case for Protection," the second a very thoughtful article by Ambassador William E. Brock, U.S. Trade Representative, entitled "No, Let Us Praise Free Trade."

I ask that they be printed in the Record.

The articles follow:

[From the Washington Post, June 13, 1983]

A Dubious Case for Protection

Rapid economic growth is disruptive, uncomfortable and sometimes frightening. Its benefits are great, but it forces people to live differently and earn their livings differently from the way they are accustomed to doing. Nothing pushes growth faster than foreign trade, and the United States is now in the process of coming to terms with the enormous expansion of trade in the 1970s. The political reaction is expressed in the rising campaign for protection against imports.

Several weeks ago, this newspaper published a vigorous defense of protectionism by Wolfgang Hager, a visiting professor at Georgetown University. Today, on the opposite page, we offer a rebuttal by William E. Brock, the U.S. trade representative.

The case for protectionism comes down to wages. It argues that there's an endless supply of low-wage labor in the world that threatens to destroy the high-wage economies. But the actual experience of the past four decades, with decreasing trade barriers and rising prosperity, suggests precisely the opposite.

The protectionist position argues that in the postwar years the Atlantic countries with their high standards of living had a sort of self-protective monopoly that has now been broken by Latin American and Asian industry. In response, it's useful to recall that in the 1950s industrial wages in West germany and France were as far below the American level as wages in Brazil and Mexico are today. As trade expanded across the Atlantic in the 1960s, according to protectionist theory, American wages should have dropped under competitive pressure. In fact, they kept rising steadily, while European wages soared and are now—allowing for the swings in exchange rates—in the same range as they are here.

Japan's wages are about half the American average. But wages in Brazil are less than half as high as Japan's. Both have automobile industries. Why isn't Brazil the stronger competitor?

A long recession and a strong dollar are currently giving the protectionist cause a plausibility that it doesn't deserve. The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930s demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy. Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.

[From the Washington Post, June 13, 1983]

No, Let Us Praise Free Trade

(By William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politicially expedient statements made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, a management competence and creativity, worker training and productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while

earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest our diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for a lack of productivity. Modern technology is making possible incredible improvements, and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to compete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services originating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing countries than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries' exports to the industrial world would be even more absurd right now in light of the siginificant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing-country exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumably only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of textile quotas, agricultural subsidies and steel arrangements. But to acknowledge that we are all sinners does not justify economic suicide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?●

THE WORLD TRADING SYSTEM

● Mr. TOWER. Mr. President, at this time I would like to share with my colleagues an excellent discourse on the world trading system by Bill Brock, the U.S. Trade Representative, which appeared in today's Washington Post. In his article, Mr. Brock states that the key to future economic growth and trade expansion is increasing productivity, not protectionism, which he calls the worst remedy for a lack of productivity.

Productivity was the goal that led to our Nation's historic economic success and its position as the world's leading free market economy. As the Washington Post states in an editorial of today:

> Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.

I commend Mr. Brock for the clarity of his views, and submit them for the Record.●

(Note.—The article and the editorial referred to are printed immediately prior hereto.)

DEMOCRATS AND SMALL BUSINESS

● Mr. SASSER. Mr. President, over the past few years members of the small business community have become increasingly active in our Nation's political process. I know that in Tennessee I have had the good fortune to have the advice of counsel of many small business leaders on a variety of issues. These men and women share my philosophy and support my efforts on behalf of small business.

Recently, Inc. magazine published an article about the Democratic Party's small business council and its efforts to solicit the advice, ideas, and opinions of small business owners and operators from across the country. I take great pride in the fact that this outreach effort has in large part been spearheaded by my good friend Bill Nourse. Bill has been active in similar efforts on my behalf in the State of Tennessee. Through Bill's efforts I have had a constant input on the interests and concerns of the small business community in Tennessee.

I applaud Bill's actions in taking the initiative in assisting the Democratic Party's path-blazing efforts in sounding out the interests of the small business sector of our economy. We all realize that the future of our economy relies in large part on the health of our Nation's small businesses. We are attempting to find out what we need to do to achieve this goal. I believe my colleagues would benefit greatly from reading how the Democratic Party is taking the necessary steps to insure the full participation of small business in our Nation's economic recovery. I ask that the article outlining the activities of the Democratic Party in the small business community be printed in the Record.

The article follows:

The Democrats Are Coming

The Democratic Party's new Small Business Council is getting its act together and taking it on the road. Beginning in June, the council will sponsor a series of local "town meetings" intended to solicit the advice, ideas, and opinions of people in small businesses around the country. The plan calls for a band of roving Democrats to travel from town to town, attending meetings organized by local members of the Small Business Council. The meetings will feature open sessions on topics ranging from capital formation to international trade, followed by a speech from a Democratic official active in the small business arena.

Appearances notwithstanding, organizers insist that the meetings will be "nonpartisan." The purpose, they say, is not to recruit small businesspeople to the Democratic cause, but rather to find out their needs and concerns. "We want people to express what they think the Democrats should be doing," says Rob Bender, executive director of the Small Business Council. "In a sense, we're going to be using them to help us formulate our small business program."

The idea for the town meetings comes from the ubiquitous Bill Nourse (see Inc., November 1982, page 59), the West Nashville hardware store owner who has helped lead the charge of small businesspeople into politics over the past three years. Nourse had participated in similar town meetings in Tennessee, organized in connection with state small business conferences. "They were incredibly productive," he says. "So I took the idea to Rob Bender. I said, 'Why not go nationwide with this?' "

Nourse sees the meetings as a way for the Democrats to take the pulse of the small business community, find out which issues are important, and come up with practical programs addressed to those concerns. Along the way, he hopes to strengthen the hand of the Small Business Council within the party. "We need credibility," he says. "We need the strength to win battles behind closed doors. Think of the power of being able to say, 'Here's the consensus of what small businessmen all over the country are thinking.' "

In effect, Nourse and Bender, among others, are trying to build a visible small business constituency within the Democratic Party that is comparable to the labor and big-business constituencies that already exist. To succeed, they must pull off a neat trick. First, they must attract traditionally Republican small business people to their town meetings—which involves convincing them that the meetings will be truly "nonpartisan." Then they must turn around and persuade the Democratic Party to adopt a program responsive to small business needs. Finally, they must go back and convince the small business community that the Democrats really have its best interests at heart.

That is an awful lot of persuading to do, and Nourse knows it won't be easy. "We have no illusions," he says. "It's going to be a tough, uphill fight."

On the other hand, he can draw some encouragement from recent surveys that suggest that the Republicans, and President Reagan in particular, may be losing ground in the small business community. The latest poll of small business executives conducted by Walter E. Heller International Corp.'s Institute for Small Business, for example, indicates a sharp increase in those who consider the Reagan Administration's policies "nonsupportive" of small business and a sharp decline in confidence in the President's leadership. Of course, the trend could well reverse itself if the economy makes a strong recovery.

In any case, Nourse believes that the Democratic Party can win significant numbers of small business people to its cause. "You know, I was a typical small businessman, never active in politics. I just assumed I was a Republican," he says. "But when you get involved, you go through a metamorphosis. You realize that you have more in common with Democrats.

Nourse thinks that others will draw the same conclusion, whether he tries to recruit them or not. With that hope in mind, he and Bender will take their traveling, nonpartisan road show to New England in June, move down the coast, and gradually make their way along the highways and byways of America.●

GARRISON: OPPOSITION BEGINS AT HOME

● Mr. HUMPHREY. Mr. President, as I noted in my Record entry of May 16, 1983, the Garrison Diversion Unit proposed for North Dakota needs to be examined, given its exorbitant environmental and fiscal costs. In the last 2 weeks, many Senate offices have been lobbied by Canadians from the province of Manitoba where the Garrison project threatens to destroy between 50 and 75 percent of that province's fisheries.

It would be a mistake, however, to conclude that the primary opposition to this project is Canadian or merely the product of Washington-based environmentalists. In fact, some of the stiffest opposition to the Garrison project comes within the State of North Dakota, from the very dry farmers the project its supposed to benefit.

In fact, back in April 1980, the Jamestown Sun, a major newspaper serving the State, sponsored a poll of 2,000 North Dakotans, in which more residents (36.4 percent) opposed the project's continued construction than those who favored it (31.1 percent). And last year, this opposition was converted into electoral results. For the first time in North Dakota history, individuals were elected to the Garrison Diversion Conservancy District Board who were opposed to the project. These five candidates, moreover, were not obstructionists or outsiders but local dry farmers angered over the price of irrigation from the project being far too expensive for them to buy and irritated in having to give up land for the project without getting any clear benefit from the project.

Mr. President, I think it is important that the Senate understand why North Dakotans oppose further funding the Garrison Diversion Unit as planned. I ask to enter the Jamestown Sun's 1980 poll and an anti-Garrison editorial run in the Bismarck Tribune last December, along with a letter from Darwin Fisher, one of the newly elected anti-Garrison board members and two articles that further explain the basis of Mr. Fisher's opposition to the project.

The material follows:

[From the Jamestown Sun, Apr. 11, 1980]

More Favor Halting Garrison

While 31.1 percent of 2,000 North Dakotans surveyed favor finishing the Garrison Diversion Unit in North Dakota, 36.4 percent favor either ending the project or halting further construction until the location of all lands to be benefited or taken by the project are identified and made public.

The Jamestown Sun-sponsored survey, conducted by the Bureau of Governmental Affairs, University of North Dakota, shows 31.1 percent, or 622 respondents, favor completing the irrigation project, while 23.9 percent, or 478 of the 2,000 persons surveyed, favor halting construction until lands taken and benefited are identified and made public, and 12.5 percent, or 251 people, indicate the project should not continue.

The survey shows 30.5 percent, or 611 of the respondents, aren't sure and 38 people, or 1.9 percent, did not respond to the question.

The percentages carry a plus or minus 2.2 error rate meaning 95 times out of 100, North Dakotans would answer the question the same, within 2.2 percentage points.

Of the 2,000 surveyed, 249, or 12.4 percent, said they have followed the Garrison issue closely and believe they are well informed about it. Respondents believing they have a general knowledge number 1,041, or 52 percent, and those feeling they don't know much about the project total 664, or 33.2 percent.

Results show 44 respondents did not answer the question concerning knowledge of the water project.

While 699 of the respondents have always favored the Garrison Diversion project in North Dakota, 190 or 9.5 percent who once favored it now oppose it, the survey reveals.

Another 91 respondents, or 4.5 percent, who opposed the water project now favor it and 167, or 8.3 percent, have always opposed the project. The survey shows 768 respondents, or 38.4 percent, consider themselves to have always been neutral on the issue.

The Sun-sponsored poll asked three questions concerning the Garrison project:

Question: How familiar are you with the Garrison Diversion Project?

I have followed the Garrison issue closely and believe I am well informed on the project, 249.

I have a general knowledge of the project, 1,041.

I don't know very much about the project, 664.

Question: Which of the following statements best states your position on the Garrison Diversion Project?

I believe the Garrison project should be finished without delay, 622.

I support a halt of further construction until the location of all lands to be either benefited by the project, or taken for the project, is made public, 478.

I do not believe the project should continue, 251.

I'm not sure, 611.

Question: Which of the following statements best states your opinion of the Garrison Diversion Project when you first heard of the project, as compared to how you feel about the project today? (Please circle only one answer.)

I was in favor of the project when I first heard about it, but I am against the project today, 190.

I was against the project when I first heard about it, but I am in favor of the project today, 91.

I have always been in favor of the project, 699.

I have always been against the project, 167.

I have always been neutral on the project, 768.

The Bureau of Governmental Affairs conducted the poll between March 20 and April 7, 1980. It mailed out 2,000 envelopes with two questionnaires in each, and received a total of 2,000 valid surveys, the bureau reports.

The survey shows 95 out of 100 times, North Dakotans would answer the same questions the same way, with a plus or minus 2.2 percent error on question 1, 2 percent on question 2 and 2.1 percent on question 3.

Of the 505 respondents living on farms, 101 (20 percent) favor completing the project, while 140 (27.7 percent) favor halting it until lands are identified, 100 (19.8 percent) favor ending the project and 156 (30.8 percent) aren't sure. Eight didn't respond.

Of the 855 respondents living in towns over 2,500 in population, 321 (37.5 percent) favor completing the project, 181 (21.1 percent) favor halting it until lands are identified, and 80 (9.3 percent) favor ending the project. Another 260 (30.4 percent) aren't sure and 13 people didn't respond.

Of the 320 respondents living in towns of 500 to 2,500, 108 (33.7 percent) favor completing the diversion project, 81 (25.3 percent) favor halting it until lands are identified and 30 (9.3 percent) prefer ending it. Another 94 (29.3 percent) aren't sure.

Other categories include towns under 500 and persons living in the country but not farming.

The survey also reveals of the 634 Republicans responding, 227 (35.8 percent) favor completing the project, 146 (23.5 percent) favor a halt until lands are identified, and 68 (10.7 percent) favor stopping the project. Another 185 (29 percent) aren't sure and eight didn't respond.

Of the 481 Democrats responding, 164 (53.4 percent) favor completing the Garrison plan, 101 (20.5 percent) favor a halt until lands are identified and 65 (13.2 percent) favor ending the Garrison plan. Some 151 (50.7 percent) aren't sure.

Of the 685 independents responding, 180 (26.2 percent) prefer completing the project, 200 (29.1 percent) favor halting it until lands are identified, and 96 (14 percent) favor ending it. Another 198 (28.9 percent) aren't sure.

[From the Bismarck Tribune, Dec. 26, 1982]

Garrison Project Change Needed

It's time to take a good, hard look at Garrison Diversion.

It almost doesn't matter that Garrison survived a recent House-Senate conference committee test.

Clearly, Garrison has lost politicial support in the House, which, only five days before the conference committee met, voted to cut funds 252-152.

The project is not likely to recoup much House support in the foreseeable future.

At the very best, Garrison's promoters will be able to work lose crumbs for funds. At the worst, Garrison won't be so lucky next time.

But Congress isn't Garrison's only problem.

Aside from Congress, Garrison still finds:

Stronger Canadian opposition than ever, based on fears of harm to Manitoba's fishing industry.

Opposition from environmental groups, who aren't likely to ease their stands on water development in North Dakota unless they perceive a better shake for wildlife and wetlands.

Renewed opposition by North Dakota farmers to a wildlife mitigation plan. Many landowners see Garrison as a project that takes from one set of farmers and gives to another, and many believe there is too much land in public ownership now.

The point is, as constituted, the Garrison plan continues to meet objections at every turn.

It has been nearly 30 years since Garrison Dam was completed, and this state still has no water project. At that rate, no living North Dakotan will see a completed project.

Garrison's supporters have stuck to their guns long past the time they should have tried to compromise and get a project moving forward, and it is time we faced political realities.

We should also realize that, more important than a specific water project outlining a certain number and location of acres, Garrison Diversion is an idea.

The idea is this: North Dakota has all this water in one place, doing itself little good. The best thing to do is to move that water and put it to better use.

The idea always has been and still is sound, and the idea should be implemented.

Furthermore, North Dakota has a right to a water project for agreeing to flood out more than half a million acres to create Lake Sakakawea and prevent flooding of downstream states.

But, that doesn't mean the state has a right to this particular project. It means the state has a right to compensation by whatever project or projects are acceptable to a wide array of interests.

For years, this newspaper has supported the authorized project in its editorials, believing that the 250,000-acre project was good and merely the first phase of a much bigger water plan.

Thus, it is no small step for us to urge that the current project be de-authorized and a project more palatable to the politicial powers that be, as well as to our own farmers, be authorized instead.

The reason we've come to this conclusion is that it's time to make measurable progress on a water project for North Dakota, rather than continue to get very little.

What is an acceptable alternative?

We can't say for sure. That's something to be planned out by our State Water Commission and the Bureau of Reclamation.

But here are some ideas:

If we agree to deauthorize Garrison, perhaps the feds would finance a municipal and industrial water pipeline project not only for the southwest area of the state, but for the eastern part as well.

Even that project would not fully compensate for flooding the Missouri River bottomlands.

The state should push, then, for federal financing of some of the items in the huge 1983 State Water Plan the Water Commission is presenting to the Legislature.

Let's come up with something everyone can agree on and do it. Having some water project is a whole lot better than sticking to a principle and having none.

Our politicians should show the leadership required and admit that big changes are needed for this state to get the uses it deserves out of its water.

[From the Forum, Jan. 30, 1983]

Anti-Garrison Board Member Says Irrigation Is Being Forgotten

(By Jim Baccus)

Ypsilanti, N. Dak.—When a former neighbor asked Darwin Fisher and his son, Steven, to act in a television commercial for a savings and loan association, the two did. Later, when a friend reported seeing the commercial and said, "This fellow on the screen looked just like you, except his hair was lighter." Fisher and his wife, Helen, had trouble keeping a straight face.

It's possible to mis-identify Darwin Fisher on another count. A native North Dakotan, a well-read, energetic, successful dryland farmer with scattered farmland located over aquifers that would make him an irrigator if he chose. One might well call him pro-Garrison, in favor of that Missouri River project that has had the state locked with Congress and environmentalists.

But Fisher is a dedicated enemy of the plan, and last November he was elected a member of the Garrison Diversion Conservancy District board of directors, representing Stutsman County.

With very little campaigning, Fisher won in the primary and then swept all precincts in Jamestown in November, emerging with a 58 percent majority over the incumbent, Royal Berstler.

"With Robert Melland (former state senator from Jamestown, now director of the Office of Management and Budget) as Mr. Berstler's secretary in the primary, I didn't think I had a chance against the Jamestown establishment," Fisher said at his immaculate farmestead four miles west of here.

"But when I began to tell people exactly what Garrison was doing to the state, their reactions made me realize I could win and maybe help change Garrison around."

Fisher, 50, was born near Medina, N.D. Later, his father, Emmett, moved to land a few miles south of Jamestown—a farm which Fisher's son, Steven, farms and hopes to buy. Darwin Fisher graduated from Jamestown High School in 1950, but then his formal education stopped.

What was substituted was some travel, seeing a bit of the world and making up his mind on what he wanted to do.

"I worked for Douglas Aircraft in California," he says. "I did some custom combining for a time." His older son, Trent, 23, operates a custom combining rig of his own, following his father's example.

"California wasn't for me," the elder Fisher says. "I guess farming came out of me, I had worked in the Oklahoma oil fields, and then I came back to the land."

In Oklahoma he met his future wife, Helen Disney, daughter of an Enid, Okla., farmer. It was 1958. In 1959 they were married, came to North Dakota and rented some land. In 1962, with a down payment of $1,000, their present home was purchased, and they began farming in earnest.

Today Fisher and Steven own or operate a fairly large spread, producing last year about 2,600 acres of sunflowers, 2,400 acres of wheat, plus pasture and summer fallow.

The family, with the aid of a hired man or two, including the Fishers' daughter, Jillayne, 20, a student of nursing at Jamestown College and Steven's wife, Jackie, operates the farm together.

When the newly elected director of the conservancy district went to Grand Forks for his first district meeting, Fisher's treatment, according to him, was "about what I expected."

With him was another newly elected anti-Garrison director, Herbert Nathan, and another relative newcomer, Richard Betting, of Valley City. Betting is rated as being on the fence regarding Garrison.

Nathan, of Coleharbor, N.D., had defeated Carl Kuehn of Underwood, himself pro-Garrison and as articulate as Fisher. The two had traveled the region and had made a presentation before an Oakes, N.D. audience.

"The other board members were stunned," Fisher says. He doesn't enlarge on that. But it was probably because of a long resolution which Fisher presented for consideration.

The resolution suggests that Sen. Mark Andrews, R.-N.D., has lost interest in the irrigation aspects of the project, along with the general public and the news media.

The project faces serious inter-basin transfer problems which will likely prevent further construction, the resolution continued. In consideration of all the problems, it would be wise for the district directors to initiate an investigation, measuring domestic and municipal water needs and the number of citizens interested in seeing completion of the project.

Fisher says the meeting in Grand Forks slipped into disarray. He says he had to point out several times that he still had the floor.

Pro-Garrison district member Henry Hendrickson of Fargo, representing Cass County, says Fisher and Nathan were "very vocal" during the meeting and insistent they were right throughout.

Finally, Fisher moved that his resolution be tabled, and it was.

An avid hunter who enjoys his pleasant home, is something of a Civil War buff and has strong affection for his family, Fisher's routine will probably change some as the most persuasive anti-Garrison voice on the conservancy district. His avocations, such as Fisher Sales Co., a Jamestown distribution agency for outdoor furniture and some farm equipment, may languish.

"I always thought Garrison was a good program, until about three years ago I heard about the mitigation fight," he says.

"I was never a member of Audubon (Society). There were maps showing some drained wetland just west of me that was slated for flooding and one showing how little Stutsman County land is suitable for irrigation.

"I heard about the farmers along the projected New Rockford canal and the 35,000 acres they will lose and I said to myself. "Who do we throw to the wolves?"

He says he studied the statistics and saw that the estimated total cost of the project jumped from $249 million to $1.1 billion. Water costs per acre remained at $6.45 per acre (although the estimate has jumped to over $20.)

"I realized that irrigators won't be able to make money with Garrison water. I have a friend who raised corn last year under the irrigation at $3 and sold it for $2.45."

Fisher says he has calculated that the 11 North Dakota counties which border the Missouri River can together offer more than 1 million acres suitable for irrigation. Along the McClusky Canal (already in place) there are more potential acres. Thus the state can salvage what has already been constructed.

"It won't go," he says, meaning Garrison. "We fight Congress to get a measly $4 million, when what we need is $200 million. Do you think we'll ever get the money we need to finish the job?"

He says the conservancy board and the Legislature should be bold enough to look at change, including the buried pipeline idea.

Fisher has caught the ear of Jamestown residents with his claim that the James River will not be able to handle the water flows once the vast Garrison chain is in place. Parts of Jamestown will flood, and water will seep into basements.

Garrison designers deny strongly any such idea.

"It's all wrong," Fisher says of the basic idea of Garrison. "We've lost land, and we've got farmer fighting farmer."

[From the Jamestown (ND) Sun, November 3, 1982]

COMMON GROUND—THE VOTE IS IN . . . ALMOST

(By James Smorada)

With two Jamestown wards still a-counting, the off-year election produced some surprises and hints of possible surprises to come.

One of the trends that seems to be emerging indicates a larger number of electors has second thoughts about the Garrison Diversion project.

Unofficial and incomplete returns in Jamestown and Stutsman County show incumbent Garrison board member and proponent Royal Berstler has been defeated by Darwin Fisher, a man who has compaigned for a place on the board because he opposes the water project.

And county voters may have elected three new commissioners who said they are "soft on Garrison."

In District 29, voters elected a political newcomer Wade Williams, who has indicated he feels there needs to be some modifications in the water diversion project.

In the region, voters in Renville, Pierce and McLean counties have elected Garrison board members who have voiced concerns about the project.

The trend suggests voters no longer consider the project an untouchable. Opponents of the project gained political strength on Tuesday—a measure of power in state politics opponents have not had in the past.

The results also suggest it is now possible for a candidate to oppose Garrison Diversion—or just question it—and still be elected to office.

It remains to be seen if the sentiment makes any appreciable difference to the project's future but one thing is clear: if Garrison is to survive, major compromises will have to be considered.

The objections abroad, the cost Washington may not be willing to bear; and the slightly less enthusiastic support the diversion project polled strongly suggests the idea is ripe for compromise.

Perhaps the one-sixth of the board, elected and opposed to Garrison, can play a role redesigning the water project. A growing number of voters seem to be saying the project needs some fresh thinking—not bullheaded reluctance to change.

YPSILANTI, N. DAK.,
June 3, 1983.

Hon. GORDON HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: There could be no clearer admission that the Garrison Diversion Unit cannot stand on its own merits or withstand Congressional scrutiny than the strategy announced two weeks ago by North Dakota Congressman Byron Dorgan not to seek funding for the project in the House but to have Senators Andrews and Burdick obtain $21 million in the Senate appropriations bill and then, in Mr. Dorgan's words, "slide the funding through the House" in a conference committee report. Not only does this ploy violate the principle of funding measures originating in the House, but it effectively removes the project from review by half of the Congress by preventing the House from having a voice in determining the course to be followed with the project.

It has become abundantly clear from the determination of the U.S. Bureau of Reclamation and project proponents to continue spending federal funds on the project before solving any of the serious economic, environmental or international problems that the only way these problems are going to be solved is for the Congress to step in and resolve them before any further construction is undertaken. Otherwise, options for solving those problems will continue to become more restricted as funds are expended on project features that are over-built or unneeded.

In 1965, the Congress authorized the Bureau of Reclamation to build a 250,000 acre Garrison Diversion Unit. However, the potentially devastating effects of interbasin transfer of Missouri River fish species, diseases and parasites into the Hudson Bay Basin has resulted in the Government of Canada expressing its firm opposition to any such interbasin transfer of Missouri River water, whether for irrigation or municipal use. Although this means that some 87 percent of the authorized Garrison Diversion project that is located in the Hudson Bay Basin cannot be built, the Bureau of Reclamation has not asked the Congress to review the authorization to determine what it should be building, but, rather, has continued to build a project which cannot be completed without violating the Boundary Waters Treaty of 1909.

To circumvent this obvious conflict, the Bureau now is planning to build an 85,000 acre "Phase I" of the 250,000 acre project—without determining whether the rest of the authorized project can be completed and without determining the feasibility of the 85,000 acre first phase. In fact, the Bureau acknowledges that the rest of the authorized project may never be completed, but it still is asking the Senate to appropriate $21 million for it without determining whether the features which will be constructed with those funds are needed. Not only does the Bureau not tell the Congress what it ultimately plans to build, but it does not consider that more than 60 percent of the Phase I project it is proposing is located within the Hudson Bay Basin, so there is a very real question whether even that can be completed. Thus, the Bureau of Reclamation is asking the Senate to give it $21 million to spend on whatever it decides, but not to ask whether what it builds can be used.

Clearly, it now is time for the Congress to step in and decide just what it is that the Bureau of Reclamation can and should build. Ironically, this is precisely the time that the North Dakota Congressional Delegation is attempting to prevent the Congress from reviewing the project. Again, there could be no clearer evidence of the need for congressional scrutiny of the Garrison Diversion project than this attempt by the North Dakota Congressional Delegation to prevent it.

Not only is it evident that the authorized project cannot be built, but there are serious questions whether it is needed or even wanted. North Dakota has the highest rate of participation in the Payment-In-Kind Program of any state in the nation. The PIK Program, as you know, is designed to reduce farm production and crop surpluses in order to increase commodity prices for all farmers. The Garrison Diversion Unit, on the other hand, would increase production for the few (750–1,200) farmers who would receive the massive federal irrigation subsidy ($3,787 per acre). Ironically, many private irrigators in North Dakota have enrolled their irrigated lands in the PIK Program.

With increased energy and operating costs, interest in irrigation is declining among farmers in North Dakota. Here in Stutsman County, only four of the 20 or so landowners who would receive Garrison water are interested in irrigating. On the other hand, some 600 county residents are in need of improved rural water supplies, but there is no provision for meeting these needs under the project.

Even Senator Andrews recognizes the dwindling interest in irrigation. In a November 24, 1981, news story, he was quoted as saying,

"I could care less about the 250,000 acres of irrigation. They can irrigate from aquifers or a host of other sources. What concerns me is the adequate water supply for cities such as Fargo and Grand Forks and artificial habitat for wildlife."

Under the Phase I project proposed by the Bureau, however, neither Fargo or Grand Forks will get water from the project, and the Canadian objections to interbasin transfer mean it is unlikely they will ever get water from the project. Moreover, the water supplies for Fargo and Grand Forks will actually be reduced as a result of the 20 percent reduction in flows in the Sheyenne River (a tributary of the Red River of the North) under the Phase I project. Because the project will destroy more natural wildlife habitat than it would replace with artificial habitat, Senator Andrews' concern for wildlife would best be met by not building the project.

It should also be noted that two years ago, North Dakota Congressman Byron Dorgan said, in an August 6, 1981, Associated Press story, that the Garrison Diversion project will die unless a modified plan is agreed on, and he proposed a meeting to discuss the problems facing the project and to explore alternatives. Senator Andrews endorsed the

proposal, and Senator Burdick agreed to attend. However, the meeting was never held, the problems were never resolved, and no alternative plan was ever developed, yet Congressman Dorgan now is plotting to have the Congress appropriate another $21 million to keep the project alive. I believe that Congressman Dorgan should be taken at his word, and that a modified project should be developed. I also believe that this should be done before another $21 million is spent on construction of the authorized project.

With the clear evidence that the authorized project cannot be completed, that more crop production is not needed, that most farmers do not want the project, and that other real needs will not be met by the project, it is obvious that it is time for the Congress to reevaluate the Garrison Diversion Unit to determine what is needed and what can and should be built. The place to start is by defeating the Administration's request for $21 million for the Garrison Diversion Unit in order that a thorough review of the project can be made before any more money is wasted on project features that are over-built, unneeded, or cannot be used.

Sincerely yours,
DARWIN FISHER,
Stutsman County Director, Garrison Diversion Conservancy District.●

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

CABLE TELECOMMUNICATIONS ACT OF 1983

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 66, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 66) to amend the Communications Act of 1934.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause and insert the following:

That (a) this Act may be cited as the "Cable Telecommunications Act of 1983".

(b) The Communications Act of 1934 is amended by inserting immediately after title V the following new title:

"TITLE IV—CABLE TELECOMMUNICATIONS ACT

"FINDINGS

"SEC. 601. The Congress hereby finds that—

"(1) cable systems are engaged in interstate commerce through the origination, transmission, distribution, and dissemination of broadband telecommunications services;

"(2) the provision of broadband telecommunications is of concern to governmental entities; and

"(3) a uniform national policy for broadband telecommunications can serve to eliminate and prevent conflicting and counterproductive regulations in order to allow unhampered growth and development of cable as a competitive medium which will be responsive to and serve the needs and interests of the public.

"PURPOSES

"SEC. 602. The purposes of this title are to—

"(1) establish a national policy concerning broadband telecommunications and to encourage a competitive environment for the growth and development of broadband communications;

"(2) establish guidelines for the exercise of Federal, State, and local regulatory authority;

"(3) allow cable systems to be responsive to the needs and interests of the public on an equal basis without a competitive disadvantage with other providers of telecommunications services; and

"(4) eliminate government regulation in order to prevent the imposition of an unnecessary economic burden on cable systems in their provision of service to the public.

"DEFINITIONS

"SEC. 603. For purposes of this title, the term—

"(1) 'basic service' means the lowest cost tier, other than a tier offered at a discounted fee, of service which is available to subscribers for a fee and which includes the provision of retransmission of local broadcast signals, public, educational, and governmental programing and any other programing service as offered by a cable operator as part of the tier, and specified in the franchise agreement as part of basic service, which is distributed by coaxial cable or any other closed transmission medium;

"(2) 'basic telephone service' means telecommunications service provided through a switched network capable of providing two-way voice grade communications that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act;

"(3) 'broadband telecommunications' means any receipt or transmission of electromagnetic signals, including basic service, cable service, and telecommunications service, over coaxial cable or any other close transmission medium;

"(4) 'broadcasting' means telecommunications by radio intended to be received by the public, directly or by the intermediary of relay stations;

"(5) 'cable channel' or 'channel' means that portion of the electromagnetic frequency spectrum used in a cable system for the propagation of an electromagnetic signal;

"(6) 'cable operator' or 'cable system operator' means any person or persons, or an agent or employee thereof, that provides basic service, cable service, or telecommunications service over a cable system, or that directly or indirectly owns a significant interest in any cable system, or that otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

"(7) 'cable service' means the provisions by a channel programer of one-way programing on a per channel, per program, or other basis which is distributed by cosxial cable or any other closed transmission medium, but such term shall not include basic service;

"(8) 'cable subscriber' means any person who receives or transmits electromagnetic signals distributed over a cable system;

"(9) 'cable system' means a facility or combination of facilities under the ownership or control of any person or persons, which consist of a primary control center used to receive and retransmit, or to originate broadband telecommunications service over one or more coaxial cables, or other closed transmission media, from the primary control center to a point of reception at the premises of a cable subscriber, but such term does not include: (A) a facility or combination of facilities that serves only to retransmit the television signals of television broadcast stations; (B) a facility or combination of facilities that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management; or (C) a common carrier subject to the provisions of title II of this Act whenever such carrier transmits broadband telecommunications services other than basic service or cable service;

"(10) 'channel programer' or 'programer' means any person having an agreement to provide basic service or cable service to a cable system operator, or any person who leases, rents, or is otherwise authorized to use the facilities of a cable system for the provision of basic service or cable service, and such term shall include a cable system operator to the extent that such operator, or person or persons under common ownership or control with such operator, is engaged in the provision of such service;

"(11) 'closed transmission medium' or 'closed transmission media' means media having the capacity to transmit electromagnetic signals over a common transmission path such as coaxial cable, optical fiber, wire, waveguide, or other such signal conductor or device;

"(12) 'franchise' means a permit, license, ordinance, resolution, right-of-way, contract, certificate, agreement, or similar authorization issued by a franchising authority which authorizes the provision of basic service, cable service, or telecommunications service by a cable operator;

"(13) 'franchising authority' means any State, political subdivision, or agency thereof, or any other governmental entity empowered to grant a franchise;

"(14) 'grade B contour' means the field strength of a television broadcast station computed in accordance with regulations promulgated by the Commission;

"(15) 'information' means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or other symbols;

"(16) 'law' includes any regulation, rule, order, standard, policy, requirement, procedure, or restriction;

"(17) 'person' means an individual, partnership, association, joint stock company, trust, corporation or any governmental authority;

"(18) 'telecommunications' means the transmission of information by electromagnetic means, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission;

"(19) 'telecommunications service' means the offering of telecommunications facilities, or of telecommunications but such term shall not include basic service or cable service; and

"(20) 'United States' means the several States and territories, the District of Columbia, and the possessions of the United States.

"STATEMENT OF AUTHORITY

"Sec. 604. The provisions of this title shall apply as follows:

"(1) The Commission shall have jurisdiction and exercise authority with respect to broadband telecommunications in accordance with the provisions of this title and other applicable provisions of law.

"(2) Nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from awarding, in accordance with the provisions of this title, one or more cable franchises within its jurisdiction.

"(3)(A) Except to the extent provided in paragraph (B), no cable system shall provide basic service or cable service without a cable franchise in compliance with this title.

"(B) The provision of paragraph (A) shall not be applicable in the case of any cable system in operation on April 21, 1983.

"OWNERSHIP OR CONTROL OF CABLE SYSTEMS

"Sec. 605. (a) No State or political subdivision or agency thereof, or franchising authority, shall have the authority to prohibit, directly or indirectly, the ownership of cable systems by any person by reason of that person's ownership of any other media or other interests, including broadcast, cable, newspaper, programing service, or other printed or electronic information service.

"(b)(1) Notwithstanding the provisions of subsection (a) of this section, for the purpose of ensuring fair and equitable treatment of United States cable enterprises seeking access to markets in a foreign country, the Commission shall have authority to conduct inquiries applicable to foreign persons from that country seeking access to domestic markets in the United States in connection with the construction, ownership and operation of cable enterprises as to whether the United States cable enterprises are permitted fair and equitable access to such foreign markets.

"(2) The Commission shall submit any information obtained through such inquiries to the United States Trade Representative to assist the Trade Representative in his identification and analysis of acts, policies or practices which constitute significant barriers to, or distortions of, United States exports of services.

"(3) For purposes of this subsection, the term 'foreign persons' includes any individual who is not a citizen of the United States, any subsidiary (although established under the laws of the United States or any State thereof) of a corporation or other business entity which was established under the laws of a foreign country, any corporation or other business entity established under the laws of a foreign country, or any corporation or other business entity established under the laws of the United States or any State thereof, if 25 percent or more of the capital stock or equivalent ownership is owned or controlled by an individual who is not a citizen of the United States or by a corporation or other business entity established under the laws of a foreign country, or any subsidiary of a corporation or other business entity established under the laws of a foreign country.

"(c)(1) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision or agency thereof, or franchising authority, may not acquire an ownership interest in any cable system pursuant to a buy-back provision of a franchise or require a sale of a cable system to any other person pursuant to a franchise, upon the expiration of the franchise, unless such State, subdivision, agency, authority, or person acquires such ownership or interest at not less than fair market value based upon the ongoing business value of the system. In the event that the cable operator and a State or political subdivision or agency thereof, or franchising authority, are unable to agree upon any such fair market value, then the matter of determining fair market value shall be submitted to binding arbitration. For purposes of arbitration, each of the affected parties shall select one arbitrator and the two arbitrators so selected shall choose a third arbitrator.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, in the event of termination for cause of a franchise due to a material breach, a State or political subdivision or agency thereof, or franchising authority, may acquire an ownership interest in such cable system but only upon written notice of the breach, reasonable opportunity to remedy the breach, and other due process. Any such termination shall be subject to de novo review by a court of competent jurisdiction.

"(d) In any case in which any such State, subdivision, agency, or authority has or acquires any such ownership or interest, such State, subdivision, agency, or authority shall, in no case, own or control, directly or indirectly, the content of any of the programing on such cable system, except for programing on government access channels, unless such State or political subdivision or agency thereof, or franchising authority, establishes an independent board or a separate management company. Such board or company shall not include any State or local office holder.

"ACCESS CHANNELS

"Sec. 606. (a) A cable system operator may offer in a franchise to dedicate or set aside channels for public, educational, governmental or other channel users.

"(b) The franchising authority and the cable operator may establish rules and procedures for the use of the channels set aside or dedicated pursuant to this section.

"(c) Until such time as there is demand for each channel full time for its designated use, public, educational, governmental, or other channel programing may be combined by the cable system operator on one or more channels, and to the extent time is available on such channels, they may be used by the cable system operator for the provision of other services.

"REGULATION OF RATES AND SERVICES

"Sec. 607. (a) Nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from establishing, fixing, or otherwise restricting the rates charged by cable operators—

"(1) to subscribers for the receipt of basic service,

"(2) to subscribers for equipment necessary for the receipt of basic service, and

"(3) to subscribers for equipment which facilitates the reception of basic service by hearing impaired individuals.

"(b)(1) Any rate regulated pursuant to this section may be increased annually at the discretion of the cable operator by an amount not to exceed 5 percent of the existing rate or the regional consumer price index for the preceeding 12 months, whichever is greater, upon 30 days prior notice. The ability to affect such increases shall be cumulative for not more than 3 successive years.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from providing that such automatic increases shall not apply to a franchise which is in existence on the date of the enactment of the Cable Telecommunications Act of 1983 and which provides for a fixed rate for basic service over a specified period.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section, a cable system operator may automatically increase basic service rates which exceed the basic rates allowed pursuant to subsection (a) or (b) of this section if—

"(1) such operator has requested the increase in rates; and

"(2) the request is not acted on within 90 days following the date of its receipt.

"(d)(1) Notwithstanding the provisions of subsection (a) of this section, the authority to establish, fix, or otherwise restrict the rates charged to subscribers for the provision of basic services set forth in subsection (a) of this section, except to the extent otherwise provided in paragraph (2) of this subsection, shall not be applicable in any case where the cable system is located within the grade B contour of not less than four television signals of which there shall be one affiliate of each of the three major television networks.

"(2) The provisions of paragraph (1) of this subsection shall not be applicable in the case of any franchise in existence prior to the date of the enactment of the Cable Telecommunications Act of 1983, if the rates charged to subscribers for the provision of basic services are subject to regulation or are restricted by any State or political subdivision or agency thereof, or any franchising authority. The provisions of this paragraph relating to existing rate regulation of basic service shall be applicable for a period of 5 years following the date of the enactment of such Act, or for a period equal to one-half of the period of the remaining term of such franchise, as of the date of the enactment of such Act, whichever is greater. The provisions of paragraph (1) shall be applicable to any renewal or other extension of any such franchise.

"(e) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the rates for reconnection, additional sets to the same subscriber, or sales of equipment.

"(f) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the provision of or nature of cable services offered over a cable system except as provided in section 613 of this Act.

"(g) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the provision of or nature of telecommunications services offered over a cable system, except with respect to the provision of basic telephone service, and except as provided in section 613 of this Act.

"(h) Nothing in this Act shall be construed as prohibiting a franchising authority and a cable operator from specifying, in a franchise agreement or renewal thereof, that certain cable services shall not be provided or shall be provided subject to conditions, if such cable services are obscene or are otherwise unprotected by the United States Constitution.

"FRANCHISE FEES

"Sec. 608. (a) Cable operators may be required in a franchise to pay to a State or political subdivision or agency thereof, or franchising authority, a franchise fee.

"(b)(1) No franchise fee paid by a cable system operator for the privilege of holding a franchise, shall exceed an annual aggregate of 5 percent of such cable operator's gross revenues derived from the operation of the cable system which is the subject of the franchise.

"(2) Nothing in this section shall be construed as limiting fees required by a franchise in effect on the date of enactment of the Cable Telecommunications Act of 1983 to be paid directly or indirectly to entities established for the purpose of facilitating the use of channels set aside for public, educational, or governmental use.

"(c) Any cable system operator may pass the cost of any increase in a franchise fee through to subscribers, and may designate the total franchise fee as a separate item in the subscribers' bills.

"(d) For the purposes of this section—

"(1) 'franchise fee' shall include any tax, fee or assessment of any kind imposed by a franchising authority or governmental authority on a cable system operator or cable subscriber because of their status as such; and

"(2) 'assessment' shall not include bonds, security funds, letters of credit, insurance, indemnification, penalties, liquidated damages or similar requirements which are incidental to the enforcement of the franchising agreement.

"(e) Nothing in this section shall be deemed to require a cable operator to renegotiate the provisions of an existing franchise.

"RENEWALS AND EXTENSIONS

"Sec. 609. (a) In any case in which a cable system operator submits an application to the franchising authority for the renewal or other extension of such operator's franchise authorization, the franchising authority shall grant such renewal or other extension unless it finds that—

"(1) the cable system operator has not substantially complied with the material terms of such franchise and with applicable law, or has been convicted of a felony;

"(2) there has been a material change in the legal, technical, or financial qualifications of the cable system operator that would substantially impair the continued provision of service by such operator;

"(3) the facilities to be provided by such operator, including facilities for governmental access, are unreasonable in light of the community need for and cost of such facilities;

"(4) the signal delivered by the cable system within the control of the cable system operator, has not generally met technical standards as established by the Commission; or

"(5) the proposals contained in the renewal application are otherwise unreasonable.

"(b) A cable system operator must file for renewal at least 24 months before the expiration of the franchise. The franchising authority—

"(1) must consider the renewal within 90 days of submission of the application and conduct any proceedings necessary to adequately consider the application; and

"(2) may not request, accept, or consider any other franchise application until the incumbent franchisee application is denied or approved.

"(c) A cable system operator with a franchise which shall expire within 24 months after the date of enactment of the Cable Telecommunications Act of 1983, shall be in compliance with subsection (b) if he files an application for renewal within 60 days after such date of enactment.

"(d) The franchising authority shall—

"(1) negotiate in good faith with any cable system operator regarding franchise renewal within 30 days after the completion of proceedings pursuant to subsection (b); and

"(2) make a final decision on granting or denying renewal within 12 months after receipt of an application;

"(3) in the case of denial of an application—

"(A) not make the final decision for at least 7 months from the date of receipt of the application; and

"(B) notify the applicant by written statement, within 7 days after the final decision, of the reasons for the denial.

"(e) Any renewal applicant adversely affected or aggrieved by a final decision of a franchising authority made pursuant to subsection (d), or by a failure of the franchising authority to act in accordance with subsection (d), may obtain a de novo review of such final decision in any court of competent jurisdiction. The existing franchise shall remain in effect pending the completion of such judicial review.

"UNAUTHORIZED INTERCEPTION OR RECEPTION

"Sec. 610. (a) No person or government authority shall intercept or receive broadband telecommunications unless specifically authorized to do so by a cable system operator, channel programer, or originator of broadband telecommunications or as may otherwise be specifically authorized by Federal law.

"(b) In order to safeguard the right to privacy and security of broadband telecommunications, such broadband telecommunications shall be deemed to be a 'wire communication' within the meaning of section 2510(1) of title 18 of the United States Code.

"(c) In the event that there may be any difference between the provisions of this section and chapter 119 of title 18 of the United States Code, or any regulations promulgated thereunder, it is the intent of the Congress that such chapter 119 shall be controlling.

"PROTECTION OF SUBSCRIBER PRIVACY

"Sec. 611. (a)(1) Except as provided in paragraph (2) of this subsection, no cable operator, channel programer, or originator of broadband telecommunications may use the cable system to collect personally identifiable information with respect to a cable subscriber, except upon the prior written or electronic consent of that subscriber.

"(2) The provisions of paragraph (1) of this subsection shall not apply to the collection of information solely for billing purposes or to monitor whether there is unauthorized reception of cable telecommunications.

"(3) A cable operator, channel programer, or originator of broadband telecommunications shall ensure that any such information is destroyed when the information is no longer used or to be used for the purposes for which it was collected.

"(b) No cable operator, channel programer, or originator of broadband telecommunications shall disclose personally identifiable information obtained pursuant to subsection (a) of this section with respect to a cable subscriber, or personally identifiable information with respect to the services provided to or received by a particular cable subscriber by way of a cable system, except upon the prior written or electronic consent of the subscriber, or pursuant to a lawful court order authorizing such disclosure.

"(c) If a court shall authorize or order disclosure, the cable subscriber shall be notified of such order by the person to whom such order may be directed, within a reasonable period of time before the disclosure is made, but in no event less than 14 calendar days.

"(d) Each cable operator shall, at the time of entering into an agreement to provide cable telecommunications, and regularly thereafer, inform every subscriber of the rights of the subscriber under this section. Such information shall include a description of the nature of the information to be maintained by the cable operator, channel programer, or originator of broadband telecommunications, and the location and availability of such information.

"(e) A cable subscriber shall have access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator, channel programer, or originator of broadband telecommunications. Such information shall be available to the subscriber at reasonable times and at a place designated by the cable operator, channel programer, or originator of broadband telecommunications.

"(f) Any cable subscriber whose privacy is violated in contravention of this section, shall be entitled to recover civil damages as authorized and in the manner set forth in section 2520 of title 18 of the United States Code. This remedy shall be in addition to any other remedy available to such subscriber.

"CRIMINAL AND CIVIL LIABILITY

"Sec. 612. Nothing in this title shall be deemed to affect the criminal or civil liability of channel programers or cable operators pursuant to the law of libel, slander, obscenity, incitement, invasions of privacy, false or misleading advertising, or other similar laws, except that cable operators shall not incur such liability for any program carried on any public, educational, governmental, or other channel referred to in subsection (a) of section 606, or for any program required by law to be carried on any other channel.

"PROGRAMING, SERVICES, AND FACILITIES

"Sec. 613. (a) No State or political subdivision or agency thereof, or franchising authority, may require the provision of particular programing or other broadband services, or facilities, equipment, services, or other items of value which are not related to the provision of broadband telecommunications service.

"(b) A franchising authority may require, as part of the initial franchise request for proposals—

"(1) channel capacity for governmental access purposes; and

"(2) the construction of cable system facilities or provision of other cable-related equipment.

"(c) A cable operator may offer, but may not be required to provide, as part of basic service or any other tier of service—

"(1) channel capacity for access uses; and

"(2) particular services.

"(d) The cable operator may replace or remove a particular service specified in the cable franchise as part of the basic service or any other tier of cable service or telecommunications service, or cable system facilities or cable related equipment, in any case in which there has been a significant change in circumstances since the cable operator's offer to provide such service, facilities, or equipment. The cable operator may not be required to retain a specified service in any particular category of service other than basic service.

"(e) Except as provided in subsection (c) of this section, a franchising authority may, in accordance with the provisions of this section, enforce any offer to provide particular basic service set forth in subsection (c) or particular cable services or telecommunications services or cable system facilities or cable-related equipment offered by a cable operator provided that the provision of such services, facilities, or equipment is specifically required by the franchise agreement.

"(f) Notwithstanding the preceding provisions of this section, in any case in which a franchise agreement in effect on the date of the enactment of the Cable Telecommunications Act of 1983 requires the cable operator to provide particular programing, services, facilities, cable related equipment, or channel capacity for access uses, such requirements, subject to subsections (d) and (e), shall remain in effect for the term of the franchise and in accordance with the provisions thereof.

"NO REGULATION AS COMMON CARRIER

"Sec. 614. No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to impose on a cable system regulation as a common carrier or a utility to the extent that such cable system provides broadband telecommunications service other than basic telephone service.".

EXCLUSIVE JURISDICTION

Sec. 2. (a) Except to the extent otherwise specifically provided in title VI of the Communications Act of 1934, as added by the first section of this Act and as provided in section 607 of such title, the Federal Government shall have exclusive jurisdiction over broadband telecommunications regarding matters covered by such title.

(b) Any law of any State or political subdivision or agency thereof, or franchising authority, in effect on the effective date of title VI of the Communications Act of 1934, as added by the first section of this Act, which is in conflict with the provision of subsection (a) of this section relating to the exclusive jurisdiction of the Federal Government, shall be deemed superseded, as of the expiration of the 6-month period following the date of the enactment of this Act, and shall thereafter be null and void and of no effect.

(c) Except to the extent otherwise provided by this Act and the amendments made thereby, any State or political subdivision or agency thereof, or franchising authority, may exercise jurisdiction over matters which are of strictly local concern and which are necessary for reasons of public health, safety, and welfare, including the terms and conditions for the granting of a franchise, the construction and operation of a cable system, and the enforcement and administration of a franchise.

NEW AND ADDITIONAL SERVICES

Sec. 3. Title I of the Communications Act of 1934 is amended by inserting after section 6 the following new section:

"NEW AND ADDITIONAL SERVICES

"Sec. 7. (a) consistent with sound spectrum management, the Commission shall, to the maximum feasible extent, encourage the introduction of new and additional services by new applicants, existing licensees, or other persons. In any proceeding in which new or additional services are proposed, such services shall be presumed to be in the public interest whenever the Commission finds that such services are technically feasible without causing significant technical degradation to or interference with radio transmissions by other licensees.

"(b) Any person may file with the Commission a petition to establish or an application to offer a new or additional service.

"(c) The Commission must determine whether the new or additional service proposed in a petition or application is in the public interest within 1 year after such petition or application is filed. If the Commission initiates its own proceeding for a new or additional service, such proceeding must be completed within 12 months after it is initiated.".

EFFECTIVE DATE

Sec. 4. The provisions of this Act and the amendments made thereby shall take effect upon the date of enactment of this Act.

REDESIGNATION

Sec. 5. The existing title VI of the Communications Act of 1934 is redesignated as title VII, and sections 601 through 609 are redesignated as sections 701 through 709, respectively.

Mr. BYRD. Mr. President, I designate Mr. Exon at this point to control the time on my side.

Mr. PACKWOOD. Mr. President, I sent to the desk a committee modification.

The PRESIDING OFFICER. The Senator has a right to modify the committee amendment, and it is so modified.

The modification follows:

On page 22, line 4, strike out the word "and".

On page 22, line 10, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 22, between lines 10 and 11, insert the following:

"(4) competition is a more efficient regulator than government of the provision of diverse telecommunications services and as competition continues to develop, the deregulation of telecommunications services should occur.".

On page 23, line 15, beginning with "telecomuni-", strike out all through "tions" on line 18 and insert in lieu therof "two-way voice grade communications that is held out to the public and".

On page 31, line 15, insert "be required, as part of the franchise request for proposals, to dedicate or set aside channels for public, educational or governmental users, and the cable system operator may" immediately after "may".

On page 31, line 16, strike out all beginning with "public" through "or" on line 17.

On page 32, line 16, strike out "5 percent of the existing rate or".

On page 32, line 18, strike out "whichever is greater,".

On page 34, insert between lines 9 and 10 the following new paragraph:

"(3) The provisions of paragraph (1) of this subsection shall not be applicable where the cable system is subscribed to by at least 80 percent of the residences to which cable service is available, unless the cable operator demonstrates that 90 percent of the time, adequate on-site reception of the four television signals is available to more than 50 percent of the households to which cable service is available. Such a determination shall be made by the Commission. Failure by the Commission to make a determination within 180 days after the filing of an application by the cable operator shall be deemed to be a determination that such satisfactory reception is available.".

On page 34, line 21, immediately after "(g)" insert "(1)".

On page 35, line 1, immediately after the comma, insert the following: intrastate telecommunications services,".

On page 35, between lines 2 and 3, insert the following:

"(2)(A) Subject to the provisions of subparagraph (B), a State may require only the filing of informational tariffs for intrastate telecommunications services that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act, which are offered over a cable sytem. Such informational tariffs shall specify only the rates, terms, and conditions for the provision of service and shall take effect on the date specified therein.

"(B) Subparagraph (A) shall not apply to any private telecommunications service which is a discrete service dedicated to a single customer and operated by such customer.

"(3) A State shall deregulate the provision of intrastate telecommunications services if it finds that such services are subject to effective competition.

"(4) For purposes of this subsection, an intrastate telecommunications service shall be considered to be subject to effective competition in a particular geographic area or market if there are reasonably available alternatives. In determining whether there are reasonably available alternatives, the State shall consider—

"(A) the number and size of providers of services;

"(B) the extent to which services are available from providers in the relevant geographic area or market;

"(C) the ability of such providers to make services readily available at comparable rates, terms, and conditions; and

"(D) other indicators of the extent of competition, including affiliation of providers of services.

"(5) Nothing in paragraphs (2), (3), and (4) of this subsection shall be construed as being applicable to basic telephone service.".

On page 37, beginning with line 19, strike out all through line 3 on page 38 and insert in lieu thereof the following: "franchising authority must consider the renewal within 120 days of submission of the application and conduct any proceedings necessary to adequately consider the application".

On page 39, line 3, strike out "a de novo" and insert in lieu thereof "judicial".

On page 39, line 5, immediately after the period insert "Such judicial review shall be

de novo, unless the renewal applicant has been afforded a hearing on record before an independent hearing examiner or administrative law judge consistent with State law that requires—

"(1) adequate notice;

"(2) fair opportunity for participation by the renewal applicant, which includes—

"(A) discovery;

"(B) the filing of pleadings, motions, or objections;

"(C) the introduction of written or oral testimony; and

"(D) cross-examination of opposing parties; and

"(3) a written decision by the examiner or judge based exclusively on the full record of the hearings and stating the specific findings of fact and conclusions of law on which the decision is based.".

On page 42, line 19, strike out "initial".

On page 42, line 20, insert "public, educational or" immediately after "for".

On page 43, line 4, insert "other" immediately after "for".

On page 43, line 6, immediately after "(d)" insert "(1)".

On page 43, between lines 14 and 15, insert the following:

"(2) In any case in which a cable operator submits a showing that, as a result of a significant change in circumstances, particular facilities and equipment required by the franchise are economically, technically, or otherwise impracticable, the franchising authority shall enter into negotiations with the cable operator for the termination, modification, or deferral of such requirement. If such terms and conditions cannot be agreed upon within 45 days, the matters shall be submitted to binding arbitration. For purposes of arbitration, each of the affected parties shall select one arbitrator and the two arbitrators so selected shall choose a third arbitrator. The existing franchise provisions, except for those which are the subject of arbitration, shall not be affected by the arbitrators' final decision.

On page 45, line 19, strike out "tion" and insert in lieu thereof "tions".

On page 46, line 14, strike out the quotation marks and the last period.

On page 46, between lines 14 and 15, insert the following new section:

"DECLARATION

"Sec. 8. The Congress declares that competition is a more efficient regulator than government of the provision of diverse communications services and as competition continues to develop, the deregulation of communications services should occur.".

Mr. PACKWOOD. Mr. President, at the Commerce Committee's executive session on April 21, 1983, concerns were expressed about how telephone companies would compete with cable systems in the provision of local data services. S. 66 provides that cable systems would not be subject to regulation when they provide such services. Regulation of telephone companies providing such services, however, is not addressed in this bill, and such regulation would continue, subject to state oversight.

Cable has the capability of providing much more than video services. It has the potential of offering many innovative information services at attractive prices. Yet, cable has hardly begun to enter this market. That is why S. 66 allows cable to provide local data services without being subject to regulatory control.

Telephone companies are the dominant providers of voice and data services in local markets. While many alternative technologies are now beginning to enter the local market, it is far from clear how these will fare. Until then, these services, as provided by the telephone companies, must continue to be subject to regulation.

At some point, with all of these new services, the local data service market may become competitive. It would be unfair to the telephone companies to continue to regulate them when this occurs. The proposed amendment addresses this problem.

The amendment provides that when local data services are effectively competitive, all providers of such services shall be deregulated. In other words, the telephone companies will be deregulated in the provision of these services when they face genuine competition. If, for example, the telephone companies believe such competition exists today, they are able to petition for deregulation after the bill becomes law.

The amendment also allows States to require cable operators to file an "informational tariff" when they provide local data services. This tariff will include information regarding the rates, terms, and conditions of such service and will go into effect when the cable operator specifies. States can enforce these tariffs by requiring cable operators to follow these tariffs until new ones are filed.

The advantages of this "informational tariff" are twofold. First, it allows States to see if competitive data services are actually being provided. This will facilitate the marketplace analysis required for deregulation. Second, this tariff allows consumers and competitors to determine what services are being offered. Greater information enables the marketplace to work more efficiently, increasing the opportunity for competition to develop and deregulation to occur.

The amendment also responds to another concern raised by the telephone companies: that cable is statutorily deregulated when they provide data processing services, while the telephone companies are only administratively deregulated. The amendment includes a provision placed in title I of the 1934 Communications Act that provides, as national policy that services subject to competition should not be regulated. Since data processing services fit this description, the amendment further insures that they will continue to be offered without regulation.

This bill's basic premise is that cable's entry into the local information market has the potential to greatly benefit consumers. It will join a host of other new delivery services that have already been authorized and that will increase local telecommunications competition, providing the public with a variety of new ways to send and receive information.

The telephone companies continue to have the responsibility to provide universal telephone service. This bill recognizes the importance of such an obligation by requiring cable operators who wish to provide basic telephone service to be fully subject to State regulation.

There is one other amendment to S. 66 that deals with concerns raised by Senator Thurmond. Senator Thurmond expressed concern about the antitrust implications of this legislation. Thus, several meetings took place between the staff of the Commerce and Judiciary Committees on this issue. These meetings culminated in an agreement that provides as follows:

First. The provision that no competing applications shall be considered by the franchising authority at renewal time will be deleted; and

Second. There is a conforming amendment in another section that allows a franchising authority to require the same things of a competing applicant that it did of the renewal applicant.

These amendments were agreed to in order to make clear that it is not our purpose to hinder competition by mandating exclusive rights for any cable operation. However, the incumbent cable operator has the assurance that he will be able to continue his business if he meets the renewal standards set forth in the bill, which is the basic purpose of the renewal section in S. 66.

Mr. President, I urge my colleagues to join in support of S. 66, as amended, as it is an essential step toward providing the public with quality service.

Mr. President, if I can in a brief period of time, let me try to cut through the chaff and get down to the wheat of this bill, and allay some of the fears that have been expressed about some parts of it.

Cable television has grown from infancy to adolescent. It is not yet a full-fledged adult and it has a long way to go before it will be the significant force in this country that either over the air broadcast television or the telephone company or any of its local affiliates are.

Nevertheless, there has been expressed some fear that one particular provision of this bill which would allow local cable companies to transmit data, local data—not voice, but local data—would so strip bare the revenues of the local phone companies that they would have to significantly increase their rates. No provision of this bill would do that.

We have had over the past year and a half many misstatements—I hope unintentional—about the problem of increases in the cost of local telephone service. Some of it has been blamed on the consent decree arrived at between the Department of Justice and AT&T. But that decree is not yet in effect. It does not go into effect until next January. Judge Greene, the presiding judge, hearing the Justice Department's case, still has the power to change it. So whatever the effect may be on telephone rates in the future, it has not happened yet. So scratch that consent decree argument as the reason for the increase in telephone rates.

Well, then the argument is used that we have deregulated the provision of equipment—cordless phones, princess phones, competitive phones—and indeed we have deregulated that. And indeed today you can buy phones when you formerly had to rent them from one of the AT&T affiliates or one of the private phone companies.

Today, as a homeowner, you can do infinitely better on purchasing equipment than you could ever do by renting. By and large, you can amortize most of the equipment you would purchase in your home over, say, 2½ years. And any business would be delighted to be able to amortize equipment over that period of time.

The real reason that we face the possibility of increased local phone rates in the future is that there has been a change of policy undertaken by the Federal Communications Commission to gradually require that local phone service pay its own way. In the past, local phone service was heavily subsidized, say from 35 to 50 percent of its cost, by long-distance charges, both interstate and intrastate. And so long as AT&T and its affiliates were really all one company it did not make a great deal of difference to AT&T whether or not they subsidized, in essence, their own subsidiaries.

The Senate will recall that about 1½ or 2 years ago this Senate passed a telephone deregulation bill, S. 898, that was slightly different from the consent decree. We did not require the divestiture by AT&T of its subsidiaries. So that the division of interests—and frankly that is what they are—the division of interests and division of subsidiaries between the local companies and AT&T did not exist in our bill. But even so, to make sure that the policy that the Federal Communications Commission had followed in the past of subsidizing local rates with long-distance charges was continued, we codified what had previously been FCC administrative policy.

Now the bill we passed had provisions, that did require the separation of AT&T's competitive fashion different than the consent and noncompetitive services in a decree. We did not split off the local companies from AT&T. But I want to emphasize that in our bill was a statutory codification of the policy of subsidizing residential rates and rural rates with charges on long-distance companies.

That bill did not pass the House. The House never considered it. It never got out of committee and never got to the floor. And if the House was truly interested and truly afraid that any kind of change in the makeup of AT&T or any kind of increased competition from other nontelephone company competitors was going to seriously drive up local rates, the House could have stripped out of that bill the one sentence that directed the FCC to subsidize local rates, and we would have willingly accepted it. The House did not, and we are now left with the situation that we are in.

Senator Goldwater and I, and I hope numerous others, will soon be introducing a bill, the philosophy of which is to, again, direct the Federal Communications Commission to use a mechanism to subsidize rural and residential telephone service. Because Senator Goldwater and I are committed to the concept that everyone in this country should have access to a phone and should not be denied it because they live in geographically remote areas or should not be denied it because the price finally gets so high they cannot afford it, we will start hearings on that bill after the Fourth of July. But there is nothing in the present cable bill—nothing—that has any significant effect on local rates.

The argument is made, that because we allow the cable companies to transmit data locally on an unregulated basis, that they are going to skim cream, and steal the phone companies' business. This, it is argued, will cause the phone companies to have to raise their local rates, because the phone companies would still be regulated by the same public utility commissioners in the transmission of data.

Well, Mr. President, it depends on what your philosophy is. Our philosophy is that when there is competition—and I am speaking for the Commerce Committee and Senator Goldwater and myself—our philosophy is ~~that when~~ there is competition, all of the parties should be deregulated. And our ~~bill requires~~—it is mandatory—that if and when any State public utility commissioner finds that local data transmission by cable companies has become competitive with the phone company then the phone company is deregulated as far as the transmission of data is concerned. And they will both be on a level playing field, and they will both be competitive in the marketplace, and they will both be unregulated.

The philosophy of the phone companies is they want the Federal Government—and they have suggested they may offer an amendment—in this bill to regulate both the phone companies and cable as to the transmission of local data.

Let me give you an idea of roughly what kind of revenues we are talking about. Bearing in mind that long distance calls now subsidize anyplace from 35 to 50 percent of local calls, in 1982 the revenue, the local revenue, of all of AT&T's affiliates nationwide was $29.6 billion. The local data revenue, all the money that they got from transmitting data all over the United States, every one of their local companies, was $331 million or roughly 1.1 percent of their total revenue. If cable took it all, and it is not going to, it is 1 percent. One percent of revenues is not going to subsidize anybody's local phone rate significantly.

Let me take my own phone company in Oregon. Pacific Northwest Bell serves Washington and Oregon, by and large. Its local revenue last year was $749 billion. That is revenue from all sources, voice, data, everything else. Their local data revenue was $7 million—1 percent. That does not vary significantly from anyplace in the country.

If you want to take what is perhaps the most significant example, let us take New York Telephone Co., the AT&T affiliate in New York. Let us compare with the Manhattan Cable. This is an old cable company. Manhattan has been wired for a long period of time.

Before I get into this, let me explain the situation of where cable exists in this country. By and large, Mr. President, where cable exists, as I recall my figures, something like 75 percent of all cable companies serve towns of 15,000 or less, and 90 percent of all cable companies serve areas of 30,000 or less.

In those small towns, Mr. President, there is relatively little intracity data transmission, and in many of those areas, the local phone company is the local cable company. Most cable companies exist in the smaller areas of this country.

We here in Washington, D.C., are not wired for cable service. They have not let a franchise. Montgomery County, one of D.C.'s largest suburbs, is not yet wired; there is no franchise. I doubt if most major cities today will be wired if they have not been wired, because the cost of wiring is so extraordinary today that I think few companies will be willing to put the money up front to wire the city when they face the possiblity of being supplanted by other technologies like direct satellite-to-home-television.

Now, let us use Manhattan as an example.

First, for New York Telephone, their 1982 local revenue, voice, data, and everything else, was $3.8 billion. Its local data revenue—this is New York Telephone—was $82 million or about 2 percent of their revenues.

Now let us take Manhattan Cable which is the largest cable company in the United States. Manhattan Cable has 150,000 subscribers. Twenty-two of them use it for data transmission. Manhattan Cable's total gross revenues in 1982 were $41 million; its total data revenue was $985,000.

Again I want to put that in comparison. New York Telephone's total local revenues were $3.8 million; Manhattan Cable total revenues, $41 billion; New York Telephone total local data revenue $82 million, and Manhattan Cable $985,000, roughly a ratio of 90 to 1.

Mr. President, that is not seriously competitive. Forget that. This bill says, when it becomes competitive the phone company will be deregulated in the transmission of data.

Mr. President, I could cover a lot of other aspects of this bill, but that is the principal debate we are facing right now, whether or not by passing this bill we are going to seriously undermine local service by dramatically increasing its cost or dramatically reducing its subsidy. We are not. There is no likelihood we will do so in the immediate remote future. Worse than that, it is a misleading smoke screen for the fact that the principal subsidy that exists in this country today is the local phone rate being subsidized heavily by long distance. That is a subject this bill does not address. It is a subject that Senator Goldwater and I and others will address whether any amendments are passed or not passed. Regulating or deregulating cable as far as data transmission is concerned is irrelevant to the subsidization of local telephone service.

With that, Mr. President, I will yield the floor.

Mr. GOLDWATER. Will the Senator yield to me?

Mr. PACKWOOD. I yield the floor.

Mr. GOLDWATER. Mr. President, I subscribe to everything that my Commerce Committee chairman has said. He has succinctly outlined what this bill is all about, a rather unusual and uncalled for apparent interference by American Telephone & Telegraph Co.

I would like to address myself, Mr. President, very briefly to what cable television really is.

All of us and people hearing this and reading this understand a television antenna, that your antenna has to be on your roof, that it requires a lead into your set, it requires a transmission antenna, preferably indirect line with your receiving antenna because the frequencies used by television will not penetrate to any great extent or will they go around corners or over the curve of the Earth.

Knowing that people all over America would like to have a clearer picture on their television screen than many of them are able to get—regardless of the fact that they may be in more or less direct line with the transmission antenna—cable television came out. What is cable? Cable is merely what it says. It is a cable that can be stretched on telegraph, telephone, or power polls. It can be placed underground, as mine is where I live in Arizona.

The great advantage of this is that it not only brings a clearer peiture, but it gives me in my particular case 36 different channels where I have 5 channels available locally. It enables me to see television any time of the day or night. Many people may say "Who wants to watch that much television?" Well, there are times when you want to see the news and news is available 24 hours a day on cable television.

I come from a State that is more rural than it is citified, if we want to use that word. Arizona is a State with high mountains, deep canyons—places where television cannot get to without some means of transmission by cable, the cable that can be stretched over the power or telephone lines, put underground, and made available to people in remote places.

So, if it has great appeal, it should have great appeal to people living in urban areas who do not have the advantage of direct-line reception.

Mr. President, the quality received over a cable is far, far superior to anything that can be received from antenna to antenna. I have been in this business all of my life, I know something about it. I can tell you, Mr. President, without any question that I would much rather watch cable television than antenna-to-antenna television.

We even have coming along, I think within 3 years maybe 4, the ability of every homeowner in this country able to afford a few hundred dollars to have television reception directly from satellites of television programs going on in, literally, every country in the world. If you want to spend a little more money, it will be possible to receive programs from every country in the world at any time you want them to be received, with great, great clarity.

Mr. President, in writing this bill, we have had our problems. It has not been easy.

We at first had a great deal of trouble with cities and towns in America—my own, by the way, being one. Our staff worked assiduously and constantly with the group of cities known as the National League of Cities. Finally, after 2 years of work, they came to agreement whereby the cities would support this bill. I am happy to say as I stand here today that probably 85 percent of those cities still support this bill.

Then we come to a group that is loosely known as the Coalition of Cities. I do not know how many there are. All I know is that New York City is one of them. This coalition opposes this bill.

I shall tell a little problem we run into here in Washington. The cable people want to run cable into here with the supply coming out of Virginia. Metro, our underground transportation system here, will not allow them to run a cable. A cable is about a half-inch in diameter. That would not take up a lot of room in those tunnels. That is the kind of attitude that rules a lot of our big cities; that is why our big cities are in a lot of trouble. They cannot see very far. But that is beside the point.

We have a group called the U.S. Conference of Mayors which has offered a lot of opposition to this bill. The only opposition I can sense—mind you, Mr. President, some of these people who have written me are people I have known intimately all my life—is that they are not going to be able to get quite as much money out of the cable television subscriber as they would like to get. They would like to put a bigger bite on the cable company. In spite of all this, Mr. President, our staff has been able to put together a bill that I think deserves the favorable attention of this entire body.

Now, Mr. President, we get into what my chairman was speaking about, and I think it deserves more attention. That is the opposition to this legislation by AT&T.

I know that AT&T will say, as it has said to many Members of this body, that cable television is going to compete with the phone companies. As my chairman points out, what is AT&T talking about? One percent.

Let me tell you something about this little company, Mr. President. They spend more money on research and development than the U.S. Government spends. If you put that organization in a list of countries, they have the seventh or eighth largest gross national product in the world. And they are worried about 1 percent.

As the chairman has indicated, he and I, shortly, will introduce, I presume with many other Senators, legislation that will be aimed at taking care of this growing threat and problem that every one of us is living through. My telephone bills out where I live in the Rocky Mountains of the United States are going to go up. Some way, legislation-wise, we are going to have to develop a formula whereby as subsidy can continue to pay part of the costs that have been beneficial to the local resident, whether he lives in the city or whether he lives in the country.

Mr. President, we are not even talking in the same ball park when we talk about competition from cable with telephone. Theoretically, it can be done. I admit that I can sit in my living room and I can watch the temperature, I can watch the dew point, the humidity, the winds, transmitted from some place in Georgia to Arizona. But it is put on there by an Arizona company. Or I can pick up the telephone, dial a number, and get all the weather I want and the correct time. We have not run the telephone company out of business and they have not hurt the cable business.

Mr. President, I am hoping that we can get along with this legislation. It has been very carefully put together.

Mr. President, on March 4, 1982, I introduced S. 2172, the Cable Telecommunications Act of 1982. That represented the culmination of process that began in 1979 when I introduced legislation that contained similar provisions. The extensive record of that legislation included 22 days of hearings and testimony from 171 witnesses. Unfortunately, the Senate failed to take action on that legislation in the 96th Congress.

In 1981, the Commerce Committee considered and passed a number of communications bills that were ultimately passed by the full Senate, including S. 898, the Telecommunications Competition and Deregulation Act of 1981. That bill contained several cable provisions, but no hearings had been held on those particular sections in S. 898. Therefore, during the consideration of that bill on the Senate floor, I objected to those provisions because of the commitments I had made to various cities that there would be no cable legislation without hearings. I also made it clear that I was not objecting to the substance of the cable provisions in S. 898. My amendment to delete those provisions was successful, and they were stricken from the bill.

Shortly thereafter, the Commerce Committee held 2 days of field hearings on cable. The first was in Seattle, Wash., on January 18, 1982, chaired by Senator Packwood, and attended by Senator Gorton. The committee heard testimony from 10 witnesses. The second was in Albuquerque, N. Mex., on February 16, 1982, and was chaired by Senator Schmitt. The committee heard from 10 witnesses as well. In addition, statements were received for the record from 18 other parties.

Based upon this evidence, on March 4, 1982, I introduced S. 2172, the Cable Telecommunications Act of 1982. That bill was the result of many months of study on the issues and was the first time that a comprehensive bill had been introduced on the subject of cable. Hearings were held before the Subcommittee on Communications on April 26, 27, and 28, 1982, and we heard testimony from 54 witnesses, and received statements from scores of others. After reviewing and evaluating all of the testimony and the comments received and meeting with representatives of the cities and the cable industry, the staff revised S. 2172. Those revisions were widely circulated and then were incorporated into a substitute bill which was favorably reported by the Commerce Committee on July 22, 1982, by a vote of 13 to 3.

Unfortunately, there was simply not time to bring S. 2172 to the full Senate for a vote before adjournment of the 97th Congress at the end of 1982. However, when that fact was evident, I announced my intention to reintroduce a cable bill at the beginning of the 98th Congress.

To fulfill my pledge, on January 26, 1983, at the very beginning of the 98th Congress, I introduced S. 66, the Cable Telecommunications Act of 1983. That bill was virtually identical to the previous year's revised version of S. 2172. Hearings were held before my Subcommittee on Communications on S. 66 on February 16 and 17, 1983. Testimony was received from 17 witnesses, and there were numerous submissions for the record.

Mr. President, this bill, S. 66, establishes a new title in the Communications Act of 1934 for cable telecommunications. The bill creates a jurisdictional framework which apportions the regulatory authority between the Federal, State, and local governments, and establishes a national policy for the provision of cable. Finally, S. 66 addresses the specific issues of ownership, access channels, rate regulation, franchise fees, renewals and extensions, unauthorized interception or reception, protection of subscriber privacy, criminal and civil liability, programing, services and facilities, jurisdiction, and new and additional services.

Last year, many city officials opposed S. 2172, the predecessor to S. 66. In an effort to reach an agreement which would lead to passage of S. 66, I asked the cable industry and the cities to attempt to resolve their differences. Beginning late last year, those two groups began talks.

Over the past several months, the National League of Cities (NLC) and the National Cable Television Association (NCTA) held a series of meetings in an attempt to reach a compromise on cable legislation. As a result of their successful efforts, S. 66 was revised to substantially reflect their agreement. I offered that revised version at executive session of the Commerce Committee on March 22, 1983, as an amendment in the nature of a substitute.

During that executive session, the cable bill was discussed in detail. However, several members of the committee expressed a desire to postpone final consideration due to the shortness of time within which they had had a chance to review the bill. Therefore, Senator Packwood and I agreed to postpone final consideration until a later date.

Thereafter, the NLC reevaluated its position and support for the compromise legislation. In a four-page letter dated April 6, 1983, from Mayor Charles Royer, president of the NLC and mayor of Seattle, Wash., to Thomas Wheeler, president of the NCTA, Mayor Royer detailed several major areas in the amended version of S. 66 which would have to be revised in return for the NLC's continued support of the bill.

As a result of this letter, more negotiating sessions were held which included the NLC, the NCTA and majority and minority committee staff members. These negotiations culminated in a further amended version of S. 66, which was wholeheartedly endorsed by the NLC and the NCTA. Virtually every change requested by the NLC was eventually conceded to by the NCTA and placed in the bill.

The major revisions which were made included:

First. The section which provided that no Federal agency can prohibit ownership of cable systems by any person was eliminated, so that the FCC would continue to have the authority to impose cross-ownership restrictions.

Second. The franchising authority and the cable operator were allowed to establish rules and procedures for the use of access channels.

Third. The 5-percent franchise fee limit does not include such things as bonds, security funds, and letters of credit.

Fourth. Personally identifiable information about a cable subscriber could be obtained with prior written or electronic consent.

Fifth. The criminal or civil liability of channel programers or cable operators was not affected.

Sixth. Any franchise agreement in existence on the date of enactment of the bill which requires the cable operator to provide programing, services, facilities, equipment, or access channels is grandfathered as to those provisions.

Seventh. States, franchising authorities, and so forth, may exercise jurisdiction over matters which are of strictly local concern and which are necessary for reasons of public health, safety, and welfare, including the terms and conditions for the granting of a franchise, the construction and operation of a cable system, and the enforcement and administration of a franchise.

Eighth. The act takes effect on the date of enactment.

Thereafter, the NLC and the NCTA sent a letter of endorsement, dated April 21, 1983, for the revised version of S. 66, which was jointly signed by Mayor Royer and Mr. Wheeler.

I offered the revised version of S. 66 at full executive session of the Commerce Committee on April 21, 1983, as an amendment in the nature of a substitute, and my amended bill passed the committee by an overwhelming vote of 15 to 2.

At that executive session on April 21, 1983, concerns were expressed about how telephone companies would compete with cable systems in the provision of local data services. S. 66, as reported, provides that cable systems would not be subject to regulation when they provide such services. Regulation of telephone companies providing such services, however, is not addressed in my bill.

The Commerce Committee, through the Subcommittee on Communications, which I chair, has long believed that our Nation's telecommunications needs are best met if we allow the marketplace to function free of government regulation. Services subject to effective competition in that marketplace should be deregulated. The Commerce Committee has reported many bills, almost all of which the full Senate has passed, which apply this procompetitive approach. My bill, S. 66, is one more in this long line.

Cable has the capability of, and potential for, the provision of many innovative information services at attractive and affordable rates. However, since cable has just begun to enter this market, S. 66 allows cable to provide local data services without being subject to regulatory control.

Telephone companies are the dominant provider of voice and data services in local markets. Until alternative technologies begin to enter the local market, these services, as provided by the telephone company, must continue to be subject to regulation.

At some point, with all of these new services, I believe the local data market may well become competitive. It would be unfair to the telephone companies to continue to regulate them when this occurs. Thus, I have agreed, quite reluctantly, to some amendments to my bill which I hope will address these issues and will benefit the consumer.

The amendments provide that, when local data services are effectively competitive, all providers of such services shall be deregulated. In other words, the telephone companies will be deregulated in the provision of these services when they face real competition. If, for example, the telephone companies believe such competition exists today, they are able to petition to the States for deregulation after this bill becomes law.

The amendment also allows States to require cable operators to file an "informational tariff" when they provide local data services. This tariff will include information regarding the rates, terms, and conditions of such service and will go into effect when the cable operator specifies.

There are two advantages to this "informational tariff." First, it allows States to see if competitive data services are actually being provided. This will facilitate the marketplace analysis required for deregulation. Second, this tariff will allow consumers to determine what services are available. With more information, the marketplace should work more efficiently and should increase the opportunity for competition to develop and deregulation to occur.

The amendment also responds to another concern raised by AT&T, and that is that cable is statutorily deregulated when they provide data processing services, while the telephone companies are only administratively deregulated. To address this, the amendment includes a provision to amend title I of the 1934 Communications Act that provides, as national policy, that services subject to competition should not be regulated. Since data processing services fit this description, the amendment further insures that they will continue to be offered without regulation.

A basic premise of my bill is that cable's entry into the local information market has the potential to greatly benefit consumers. It will join a host of other new delivery services that have already been authorized and that will increase local telecommunications competition to provide the public with a variety of new ways to send and receive information.

The telephone companies continue to have the responsibility to provide universal telephone service. S. 66 recognizes the importance of such an obligation by requiring cable operators who wish to provide basic telephone service to be fully subject to State regulation. Local telephone rates are rising for many reasons. As was stated at the Commerce Committee executive session on April 21, 1983, I, and the members of the committee, are now drafting legislation to resolve this larger problem. This legislation will seek to preserve reasonably affordable telephone service for the American public. Such a commitment can be met completely consistent with a competitive approach.

There is one final amendment to S. 66 that deals with concerns raised by Senator Thurmond, the chairman of the Judiciary Committee. Several meetings took place between Senator Thurmond's staff and the Commerce Committee staff on the antitrust implications of this cable bill. These meetings culminated in an agreement between myself and Senator Thurmond that provides as follows:

First. The provision that no competing applications shall be considered by the franchising authority at renewal time will be deleted. In other words, the renewal applicant could be subject to comparative challenges; and

Second. There is a conforming amendment in another section that allows a franchising authority to require the same things of a competing applicant that it did of the renewal applicant.

Since these amendments addressed Senator Thurmond's concerns, he canceled his Judiciary Committee hearing scheduled for Monday morning, May 16, 1983.

Senator Thurmond and I agreed to these amendments in order to make clear that it is not our purpose to hinder competition by mandating exclusive rights for any cable operator. The basic purpose of the renewal section in my bill remains intact, however, and that is to make sure that the incumbent cable operator has the assurance that he will be able to continue his business if he meets the renewal standards set forth in the bill, and this application for renewal will be considered according to its own strengths and weaknesses. Without such an assurance, I am fearful that a cable operator with a few years still to run on his franchise will have no incentive to upgrade the services and facilities he provides to the public, and, in fact, he will fail to do so. Even if that operator wanted to improve his system, if there were no such renewal expectancy as provided for in my bill, the banks and other lending institutions would probably not lend the cable operator the money necessary to improve his system. With this amendment, a franchising authority will be able to consider all of the evidence as to what is reasonable or unreasonable. If it wished to do that by looking at what another cable operator promises to do, it would be free to do so, and even would be free to award an additional franchise under the terms of my bill.

I believe this is an equitable solution to the concerns raised by Senator Thurmond and I welcome his support for my bill.

Mr. President, this bill, S. 66, is quite simply the most important piece of legislation for the American consumer that I have been associated with for a long, long time. I have been saying for the past 2 years that we need to establish a national policy for cable before this year is up if the cable industry, the cities, and most of all, the consumer, are to ever reap the benefits of cable's potential. If we do not pass this bill now, I firmly believe that the current patchwork system of Federal, State, and local regulation will be too firmly entrenched to undo. The American public deserves better than that, and I urge my colleagues in the Senate to join me in supporting this legislation. Its time has come; let us not let it pass.

CHANGED CIRCUMSTANCES, SECTION 613(d)(2)

● Mr. DURENBERGER. Mr. President, I should like to take a moment to understand the view of the distinguished Senator from Arizona on the amendment to section 613(d) of the act. It is my understanding that the amendment recognizes that commitments made by cable operators with respect to the provision of facilities and equipment would be distinguished from those commitments with respect to services. Does the Senator share this view?

Mr. GOLDWATER. Yes; I do, Mr. President. While it has always been the committee's view that such commitments should be met, the purpose of today's amendment is to establish procedures for reviewing commitments for facilities and equipment and to permit the modification or deferral, as well as the termination of such commitment, under appropriate conditions. The amendment would provide that where a commitment becomes impracticable as the result of a significant change in the circumstances surrounding the operator's original commitment there would be a requirement to revise that commitment.

Mr. DURENBERGER. The purpose of the amendment, then, does not automatically relieve the operator of commitments which he understood at the time he made them would be costly or otherwise burdensome. Rather, the negotiations required by the amendment would take place if the operator makes a showing that a significant change in circumstances has made the provision of particular facilities and equipment impracticable.

Mr. GOLDWATER. That is essentially correct. However, a significant change in the operator's good-faith assessment as to present and future market conditions would be sufficient to trigger negotiation under the section. We also do not want to foreclose the cable operator from responding to innovation in new facilities and equipment offering comparable capability nor to preclude a review of these commitments if economics or technology makes their fulfillment impracticable.

Mr. DURENBERGER. If the Senator will indulge me further on this point, it is the concern of State and local governments that the provision may have the effect of reducing the financial risks an operator undertakes when agreeing to demands for impracticable commitments in the franchising process. What does the Senator see in the bill to prevent a cable operator from making commitments to providing particular facilities and equipment under assumptions that he believes could change?

Mr. GOLDWATER. Several mechanisms exist. First, as to facilities and equipment, the purpose of mandatory conciliation will permit alternative, practical commitments by the operator, in addition to the option of relieving the operator of his financial commitments. Second, it can be anticipated that the uncertainty associated with binding arbitration, required by the amendment, would instill discipline and reasonableness in the franchising process from the standpoint of the franchising authority's demanding and the operator's agreeing to impracticable commitments. Third, all parties should be able to respond to the ever-changing, fast-paced technology and market demand for cable, thereby insuring the accompanying efficiencies and economic savings for the public.

Mr. DURENBERGER. These indeed appear to be appropriate. Will there be FCC jurisdiction under this section?

Mr. GOLDWATER. We have provided the Federal Communications Commission with exclusive jurisdiction over matters covered by the act with the explicit intent that all governmental levels shall exercise less regulatory control than at present. We intend that these matters can be resolved fairly among the parties, taking into consideration market conditions in the particular cable community. The parties would consider such things as the purpose of the original commitment contemplated with respect to particular facilities and equipment, opportunities available to the operator and franchising authority to defer or modify the commitment for facilities and equipment or secure alternative commitments, and the financial viability of the operator, including his ability to make a reasonable profit.

Mr. DURENBERGER. I thank the distinguished chairman for his comments. He has significantly clarified this subject.●

ACQUISITION RESTRICTIONS AND FRANCHISE FEES

● Mr. TSONGAS. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I yield.

Mr. TSONGAS. I am hopeful that alternatives which have not been considered within the scope of this bill remain available for members of the public and communities themselves to assume significant responsibilities in the planning, construction, financing, and ownership of the art communications facilities and services to members of those communities. While not numerous, those cable systems presently operating which are owned or managed in part by the communities in which they are located have been at the forefront in promoting new and innovative uses of cable and in stimulating educational and other local community programing. We should continue to encourage these different approaches which are not addressed by this bill.

While the bill recognizes the principle of municipal ownership, I am particularly concerned about certain provisions which may, contrary to its apparent purpose, be interpreted to preclude certain mechanisms of financing which are integral to making that ownership possible. In my State, for example, there are a number of towns which are interested in owning and financing the construction of their own cable systems through the issuance of general obligation bonds. Under one proposal, on completion of construction, the town would lease the system to an operator for the period of the license, while retaining title to the system and the risk incurred through financing. Such a system is immensely beneficial to the town, as it maintains ultimate responsibility for the cable system, thereby shielding itself from the potential instabilities of private operators. under Federal tax law and certain accounting principles, however, an operator holding this lease might be considered the owner of the underlying cable property, depending on the term of the lease. If this principle were carried over to this bill, section 605(c)(1), which on its face prohibits municipal acquisition "pursuant to a buy back provision" or "sale of a system * * * on expiration of a franchise" for less than fair market value might be construed to prohibit this type of arrangement. Since, as related in the committee report, the sole purpose of section 605(c)(1) was to preclude an inequitable acquisition from a private operator at the end of a franchise, would there be any basis for applying this restriction under such circumstances, where the town builds the cable system and owns it at the outset?

Mr. GOLDWATER. The Senator is correct in that the concept of municipal construction and ownership of cable systems was not addressed by the drafters with respect to this provision. Section 605(c)(1) is clearly designed for those situations where a private company takes upon itself the substantial task of constructing and franchising the construction of a system and finds itself forced through license restrictions or otherwise to sell its valuable assets to a State or subdivision at the end of the term for a fraction of the real value of the property. Such expropriation is clearly unfair and must be prohibited. At the same time, from the words of this particular section itself, there should be no question that the restriction does not apply where the municipality acquires its ownership interest in the system at the outset through financing and overseeing its own construction of the project. That the lease provisions which you describe may have some particular effect under the tax laws would not, in my view, change this result. Does that clarify the Senator's concern?

Mr. TSONGAS. It does, but there is also an additional issue I would like to address in this regard. Under the proposal described under contemplation in my State, the town which has assumed the responsibility for financing and building the cable system would obviously be entitled to a significant rent from a private operator proposing to lease the system, not only to cover the debt service called for by the financing instruments and at least part of the construction costs but also to reflect the value of the system which has been provided to the operator through the town's efforts. My concern is that section 608(d)(1) defines the term "franchise fee" so broadly—as "any * * * fee or assessment * * * imposed by a franchise authority * * *"—that the restriction in section 608(b)(1) prohibiting imposition of franchise fees over 5 percent of an operator's gross revenues might be interpreted as precluding a rental mechanism which in fact merely permits a local government to recover its costs relating to constructing its system, together with reasonable compensation for the risk taken in financing those costs. Could you address this concern?

Mr. GOLDWATER. Again, I think the answer to the Senator's question can be found in the committee report, which indicates that the overriding purpose of the 5-percent fee cap was to prevent local governments from taxing private operators to death as a means of raising local revenues for other concerns. This would be discriminatory and would place the private operator/owners at a disadvantage with respect to their competitors. However, under the plan which the Senator describes, the town is simply asking the private operator to assume a part of the total risk of constructing a system which the operator would otherwise have had to assume in full if he had been responsible for financing and constructing the cable system. Under those circumstances, it would seem to me that the owner—the town—would be free to require payment of reasonable rentals as the Senator describes. In short, rentals taking into account municipal costs and risks of financing, construction, and ownership should not be considered franchise fees within the meaning of section 608.●

FRANCHISE COMPETITION

Mr. THURMOND. Mr. President, I want to take this opportunity to make clear what purpose the distinguished Senator from Arizona (Mr. Goldwater) and I intend to achieve by amending S. 66. Quite simply, that purpose is the preservation of competition in the franchise renewal process.

In its present form, S. 66 anticipates and rightfully encourages competition in the initial franchise award; multiple franchises serving the same area are also permitted and encouraged. My opinion, however, is that initial franchise competition and overlapping system competition is not enough. When deciding to renew a franchise, pursuant to section 609 of this bill, the franchising authority must not be required to make that decision in a competitive vacuum. Rather, the franchising authority may solicit and consider competing applications during the renewal process.

To effectively inject this added element of franchise competition into S. 66, we have done two things. First, section 609(b)(2), which prohibits consideration of competing bids prior to a final decision on renewal of an existing franchise, has been deleted. Second, the word "initial" in section 613(b) has also been deleted. The purpose of these changes is to assure that, should a franchising authority desire to solicit additional bids or proposals during the renewal process, it is not precluded from doing so in the same manner as in an initial request for proposals. This change in section 613(b) is necessary to effectuate the amendment to section 609. The value of permitting competing bids under section 609 would be greatly diminished if the franchising authority was unable to solicit bids in the same way that initial franchise proposals are solicited. Finally, the elimination of section 609(b)(2) clearly contemplates franchise competition based upon many factors, including rates.

Is this the understanding and intention of the Senator from Arizona with respect to this amendment?

Mr. GOLDWATER. Yes, Mr. President, that is my understanding. I would, however, like to make clear that by eliminating section 609(b)(2) and changing section 613(b), we do not intend to impose any delay on the renewal process. Section 609(d)(2) mandates that the renewal decision be made within 12 months of submission of the application, and that provision remains unchanged. While I support the concept of competition in the renewal process, it cannot be used as an excuse to delay that renewal process.

Mr. THURMOND. I agree with the Senator from Arizona.

● Mr. DANFORTH. Mr. President, I do not believe that section 610 of S. 66 applies to the reception of satellite-delivered programing by backyard satellite Earth station operators. Does the Senator from Arizona agree?

Mr. GOLDWATER. Yes; I say to Senator Danforth section 610 of S. 66 does not apply to the reception of satellite-delivered programing by backyard satellite Earth station operators. This section applies only to the unauthorized interception or reception of broad-band telecommunications.

Mr. DANFORTH. I thank Senator Goldwater for his clarification of this matter. I appreciate his expression of support for the development of this new technology.●

"UTILITY USERS TAXES" AND DEFINITION OF "FRANCHISE FEE"

● Mr. WILSON. Mr. President, I am concerned about a particular section of the Cable Telecommunications Act of 1983, S. 66, and its impact on a number of cities in my State of California. I would appreciate having an opportunity to engage in a colloquy the Senator from Arizona (Mr. Goldwater) in order to clarify the meaning of this section and the committee's intent in proposing it.

Section 608(d)(1), provides as follows:

> (a) "franchise fee" shall include any tax, fee or assessment of any kind imposed by a franchising authority or governmental authority or a cable system operator or cable subscriber because of their status as such;

Mr. President, my concern is that this definition might be read so as to preclude the levying of what in California is referred to as a utility user tax.

A utility user tax is a tax which a so-called charter law city in California is empowered by the State to levy on consumers of the services of a utility. As applied in California, these taxes are levied, at the discretion of each city, on electric and gas users and telephone subscribers as well as cable television subscribers.

Presently, at least 17 cities in the State have exercised their power to levy utility user taxes on cable television subscribers, and others may soon do the same, for as of July 1, so-called general law cities will also have the power to levy this type of tax on consumers.

Mr. President, a utility user tax, as applied to cable television, is levied upon the consumer, not the cable operator. It is similar to a sales or use tax, and is collected by the cable operator just as a merchant collects a sales tax. The franchise fee, by contrast, is analogous to the rent from a shopping center located on land leased from a city, and is paid directly by the cable company. All utility consumers are subject to a utility users tax, whether or not the utility is under the jurisdiction of the Public Utilities Commission.

Most importantly, in relation to the definition of the term "franchise fee" in S. 66, the cable consumer is not separately classified for tax purposes, but is part of either a larger class of utility consumers or a larger class of home entertainment buyers. The tax charged is a transaction tax much like a sales or use tax. It is not being classified discriminately.

Mr. President, understandably, I have received letters of concern from a number of cities, as well as the league of California cities that S. 66 will dis-

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able the collection of utility user taxes on cable television and therefore end a source of revenue for them. Without endorsing the levying of utility user taxes—for as mayor of San Diego I opposed the imposition of such taxes—I am sympathetic to the letters that I have received. For, while some of this revenue will be used for general municipal purposes, some will be used for community projects.

I wish to quote from a letter I received from the mayor of Torrance, Calif., Jim Armstrong:

> Torrance will be particularly affected by the passage of the anti-tax provision of S. 66. We are planning to build a studio complex in our civic center for use jointly by our cable franchisee (Group W), the City and the public. In addition, we are planning to construct a small theatre to provide additional facilities as an adjunct for cable television productions. This tax money will be vital to financing the construction of these facilities. The City Council has formally committed all our cable TV related revenues to this project until it is paid for.
>
> Also, we are planning on utilizing some of these monies (after the cable TV facilities have been funded) for exploring new forms of cooperation between government, business and cable television. We have already formed a management team therefore and have met with engineers and scientists in our area in an effort to develop concrete proposals to utilize the cable for government, institution, commerce and industry purposes. We cannot expect any such activities to be funded commercially; they will have to be subsidized. Needless to say we will not be able to carry on this program if we are deprived of the use of these taxes.

Mr. President, it is my understanding that the definition of the term "franchise fee" in section 608(d)(1) is not designed to preclude the collection of utility users taxes on cable television subscribers as presently practiced in a number of California cities, and further, that it would not preclude the levying of such taxes in the future. I would appreciate the counsel of the Senator from Arizona (Mr. GOLDWATER) on this matter.

Mr. GOLDWATER. Mr. President, the Senator from California is correct in his reading of the definition of the term "franchise fee" in section 608(d)(1) of S. 66.

It was the intent of the committee, in crafting this definition, to prevent cities from circumventing the 5-percent cap on franchise fees as set out in the bill by establishing a new sort of tax on cable operators or subscribers. It was not the intent of the committee to prevent taxes of general applicability to apply to cable television just as it does to other commercial operations similarly situated.

Mr. WILSON. Mr. President, I thank the Senator from Arizona for this clarification.●

FRANCHISING

Mr. LAUTENBERG. I am concerned about how this bill would impact on the kind of franchising scheme in my State. I would like to explore this issue, if I may.

New Jersey, since 1972, has involved two tiers of government in the franchising process. By State law, the cable operator must obtain a municipal consent from the municipality, and then must secure a final certificate approval from the State's Office of Cable Television, within the Board of Public Utilities.

Now, as I read this bill, there is nothing to prevent such a two-tiered system from continuing? Am I correct?

Mr. GOLDWATER. That is right, Mr. President.

Mr. LAUTENBERG. You see, I am concerned about the way "franchise" and "franchising authority" are defined under the bill. One might argue that there are two franchising authorities in New Jersey—the State and the municipalities—and two franchises—the municipal consent and the certificate of approval. That would, of course, create problems in applying the deadlines governing franchise renewals set out in another section of the bill. So, I want to be clear about this.

Mr. GOLDWATER. There is no intent to vest any powers in local governments that they do not already enjoy by grant of the States.

Mr. LAUTENBERG. So, in New Jersey, the franchising authority is the State's Office of Cable Television and the Board of Public Utilities, and the franchise as such is the State-granted certificate of approval. And, the municipality is something of an agent of the State, conducting something on the order of a preliminary review.

Mr. GOLDWATER. Given what the Senator has told me about New Jersey law, that is right.

Mr. LAUTENBERG. So, if I may pursue this to conclusion, the deadline in section 609(b)(1), which requires a franchising authority to consider a renewal application within 90 days, would be satisfied in New Jersey, if the municipality, which takes the first look at the application, reviews that within 90 days.

Mr. GOLDWATER. That is correct, Mr. President.

Mr. LAUTENBERG. In section 609(d)(1), it says that the franchising authority shall negotiate in good faith within 30 days after the completion of proceedings pursuant to the section. That would apply to the municipality, as well, I assume.

Mr. GOLDWATER. That is correct.

Mr. LAUTENBERG. I have another question pertaining to that paragraph. The language reads, "The franchising authority shall negotiate in good faith." I want to be clear about what is meant by "negotiate."

In New Jersey, all proceedings, by the municipality and the State, are held subject to the State's sunshine law. The municipality holds quasi-judicial proceedings, as I understand it. In fact, I am told, the Board of Public Utilities has ruled that it is a violation of the law for a municipal to receive ex parte communications from one of the cable operators during the pendency of various applications. All of these procedures are intended to keep the process fair and open, to avoid so-called backroom or sweetheart deals. I want to be sure that the bill would not require any such thing. In my State, the conduct of proceedings in good faith, including the usual give and take in licensing hearings, would comply with the paragraph requiring that a franchising authority "negotiate in good faith."

Mr. GOLDWATER. That is correct. What we are striving for is fairness and good-faith conduct.

Mr. LAUTENBERG. To follow through section 609's deadlines, then, the requirement that a final decision granting or denying renewal within 12 months—that would, I presume, apply to the final action by the State. And the requirement that no denial of application can be made within 7 months from the date of receipt of an application would apply to the State, because the State, in New Jersey, has the power to overrule the denial of a municipal consent by the municipality.

Mr. GOLDWATER. That is correct.

Mr. LAUTENBERG. I wish to raise one other question regarding franchise renewals. The bill does not expressly state whether a franchise can be conditioned upon the taking of certain actions by the cable operator. Then again, it does not expressly state that such conditions cannot be imposed. Is it the case that a franchise authority can issue a conditional or unconditional franchise renewal? So, notwithstanding the specific proposal of the cable operator, the franchising authority can add certain provisions?

Mr. GOLDWATER. Yes; that would be permitted under the bill.

Mr. LAUTENBERG. I think that makes sense, certainly as an incumbent we would not want to prohibit a franchising authority from saying, for example, if you just upgrade your system slightly faster than in your original proposal, we will grant your franchise renewal. That, I think, would give greater latitude to reach resolutions that are satisfactory to the incumbent, and the public.

Mr. GOLDWATER. Of course, if the conditions are so onerous that they amount to a denial of the original application for renewal, then the cable operator would have his rights to appeal, as provided under the bill.

Mr. LAUTENBERG. Granted, Mr. President.

Mr. GOLDWATER. Mr. President, I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I take this opportunity to thank the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Mr. GORTON), and the Senator from Minnesota (Mr. DURENBERGER) for the efforts they have made to improve this bill. They have had a number of amendments. All of those amendments have been encompassed in the substitute that I have offered. I honestly say that they have actually improved this bill to where there is now relatively little opposition.

I emphasize once more the policy that Senator GOLDWATER and I, and I hope a majority of the Senate, share about our willingness to subsidize local television service.

In this country, from its founding, we have had a policy of subsidizing transport and communications. It started out in the earliest days of this country with our post roads. We subsidized river transportation with our canals. When the railroads came, we clearly initially subsidized them with extraordinary landgrants to move West. We did it with the airlines to encourage them to expand their service, and even today with airline deregulation in place and the Civil Aeronautics Board to go out of business on January 1, 1985, we have continued an airline subsidy program that runs through 1988 to make sure that smaller towns are served. We will review that policy as we approach 1988.

This is no different than the subsidy we have had for years with local telephone rates being subsidized by long distance.

In short, Mr. President, we have seen nothing wrong with saying that we think it is wise that this country be tied together in communications and tied together in transport. If we were to follow the policy in this country today that all areas of the country had to be able to support their own communication and their own transport, there would be barren areas of this country.

As far as highways are concerned, I doubt that most of the rural areas of this country have highways today that will pay for themselves. They are subsidized by other revenues, and rightly so. Most of the smaller towns would have no air service if we did not subsidize it, and rightly so.

I emphasize again that we feel the same way about telephone service, but any amendment that is offered that attempts to give the impression that if cable television can transmit local data without regulation, anybody who introduces an amendment like that and attempts to give the impression that without that amendment local rates are going to go up dramatically is misleading the public.

All of us have been in situations before where perhaps we have mistakenly said—I can recall my days from the legislature—"Pass the cigarette tax and your property taxes will not go up as fast."

What the public heard is, "Your property taxes won't go up." I do not want to mislead the public into thinking that their local rates will stay the same if an amendment is adopted regulating cable's transmission of local data.

The key issue is whether or not the bill that Senator GOLDWATER and I will subsequently offer and have hearings on passes to require the continuation of the subsidy of local rates. If that bill passes, the local rates will not go up as much as they would otherwise. If it does not pass, the local rates are going to go up rather substantially.

But that is the principal subsidy that exists in this country today, and no one should make the mistake in thinking that there is any other immense subsidies which, if saved, will keep local rates from going up.

I yield the floor.

Mr. EXON. Mr. President, it is the request of the minority leader that Senator LAUTENBERG be the manager of this bill on this side of the aisle, and I should like him so designated at this time.

Mr. LAUTENBERG. I thank the Senator from Nebraska for this distinctive honor. I will do my best to insure stability and order.

Mr. ABDNOR. Mr. President, will the Senator from New Jersey yield?

Mr. LAUTENBERG. I yield.

Mr. ABDNOR. Is the Senator going to offer an amendment at this time?

Mr. LAUTENBERG. No; I am not. I just want to make my opening statement.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank my distinguished colleague from Nebraska for yielding to me the responsibility to manage the bill. I will remember this day.

Mr. President, the committee modifications include several amendments that were incorporated at the urging of myself and several of my colleagues. These were printed separately in Friday's RECORD along with some explanatory material. I should like to speak briefly now to those amendments and other aspects of the bill.

Before so doing, I thank the Senator from Oregon, on whose committee I serve, and the Senator from Arizona, who has labored so hard for such a long time to make sense and order out of what is developing in cable telecommunication. I think cable may perhaps become the second most important communications medium in our society. I thank them also for their graciousness and willingness to accommodate some of the concerns I have had about the bill, particularly as it affected my State of New Jersey. The two Senators have come a significant distance to try to address these concerns and I am grateful.

Mr. President, S. 66 creates a national policy on cable telecommunications. It affects an area where local and State governments have been very active. The general thrust of the bill is to remove many of the impediments that allegedly exist at the State and local level to the expansion and development of cable telecommunications, and to its ability to compete with other telecommunications services.

I do believe that we need Federal legislation on cable telecommunications. There is a national interest in promoting this communications medium and in insuring that its potential benefits are enjoyed by as many people as possible.

There are however a number of general goals that I think cable legislation should address. Some of these I did not think were adequately addressed as the bill was released from committee. I would like to review some of them now.

One of the principal goals of the legislation should be to insure fair rules of the game when it comes to franchising cable. I recognize that in some cases the regulation of cable by local and State governments has impeded the growth of the medium. There have been cases of abuse, corruption, and unfairness.

But I also was very much aware of cases where local and State regulation has worked well. My own State is one example. Since 1972, New Jersey has had a State law on cable television. Cable operators must secure a franchise from both the municipality and from the State's Board of Public Utilities, which also has the power to review and overturn arbitrary municipal decisions. Both authorities conduct their procedures subject to the sunshine law. Administrative law judges are involved at the State level. There is a statewide ceiling of 2 percent on franchise fees, and a statewide common tariff on rate regulation. The result is what the New Jersey Cable Television Association calls regulatory stability generally unrecognized at the State level elsewhere. The result is that cable passes 82 percent of the homes in my State. Over 1 million homes subscribe. There is a statewide interconnect. In sum, local regulation has not impeded the development of cable in New Jersey.

It has been my goal to insure that, to the extent possible, the effective aspects of New Jersey's scheme be left intact. I think that some of the amendments included in the committee modification do this. The amendment regarding judicial review of franchise renewal denials is one example.

As released from committee, the bill provides guidelines governing a franchising authority's consideration of a cable operator's request for a renewal of his franchise. The bill provided, however, that notwithstanding these guidelines, if the franchising authority's decision is adverse to the cable operator, then the cable operator may secure de novo judicial review of the decision. In other words, the cable operator may secure a complete retrial of the issue in the courts. So, the franchising authority's decision—regardless of its fairness and openness—would be denied the respect that courts generally accord administrative decisions.

I objected to this provision. Certainly, if the franchising authority has afforded the cable operator a full and fair hearing, and has rendered its decision on the merits, there should be no second bite at the apple in the courts. That would simply impose added costs on the franchising authority, added burdens on the courts, and generally discourage franchising authorities from acting in what they believe is the public interest.

I am pleased that the committee modifications incorporate an amendment providing that where the franchising authority acts in accord with a State law setting out a fair procedure, then judicial review need not be de novo. By fair procedure, I mean one that includes adequate notice, a fair opportunity to be heard, and a decision by an impartial trier of the facts.

This amendment would clearly cover the procedure that is in effect in my State, where the franchising authority, the State board of public utilities, refers cases to administrative law judges, acting in accord with the State's administrative procedure act and the rules of the Office of Administrative Law. Certainly in my State, it would serve no public policy purpose to provide for de novo judicial review of the franchising authority's actions. The amendment would avoid that necessity.

A second goal of cable legislation should be to promote diversity of information. The public's interest in a diverse marketplace of ideas can be traced back to the first amendment to the Constitution. Cable offers the capacity to increase the variety of information and viewpoints available to the public. Educational, community, and governmental groups should have access to increase the diversity of views available.

The bill as released from committee provided that a franchising authority could require that channel capacity be set aside for access by governmental users. But it did not provide such authority for requiring access by educational groups—like the local college—or community and public interest groups—like the League of Women Voters or others. I thought that was a deficiency in the bill.

I am pleased that the Senator from Oregon and the Senator from Arizona have incorporated an amendment that addresses this problem by expanding the powers of franchising authorities to include the power to require access by public and educational groups as well.

A third goal of cable legislation should be protect consumers from what amounts to the monopoly power of cable systems. An immediate concern of mine was rate regulation.

Cable operators say that thev are in competition with alternative services, and that they have no monopoly. That may be true to the extent that cable offers movies and other forms of pay entertainment. But, in many rural areas of the country—contrary to popular belief, there are rural areas in New Jersey—people rely on cable televison simply to get clear reception of televison signals—signals that they cannot easily receive over the air. In those areas, I think, cable operates as a utility, and should be subject to fair regulation that protects consumers from the exercise of monopoly power.

I do not think the bill as released from committee provided adequate protection of the consumer in this regard.

Specifically, the bill provided that rates shall be deregulated in any area falling within the so-called B contour of four television signals, three of which must be network signals. The B contour is defined as an area where more than 50 percent of the households receive adequate reception 90 percent of the time.

In some municipalities within the B contour, however, reception is much worse. These places could be in a valley, or faced with other barriers to reception. These are areas where cable serves the function of a utility providing essential reception services, there are not available reasonably competitive alternatives to cable for the reception of television signals. There are areas where an overwhelming majority, and an unusual majority of the households subscribe. In these areas, I believe, rate regulation is entirely appropriate.

I am pleased that the Senator from Oregon and the Senator from Arizona accepted a modest amendment that provides that where a system serves more than 80 percent of the households to which cable is available, there shall be a presumption that adequate reception is not available, and rate regulation shall continue. This provision will, at least retain regulation where it is most needed—in areas where an overwhelming majority of the households find the necessity to subscribe to cable for adequate reception.

I should note as well that the bill as released from committee provided that where rates are continued under regulation, the cable operator would be assured of an annual increase in rates of 5 percent or the rise in the consumer price increase, whichever was greater. Assuming that an increase in rates should be guaranteed, notwithstanding continuing regulation, I certainly saw no rationale for allowing 5 percent increases as an alternative to the CPI.

I am pleased that the committee modifications include an amendment, that would limit the rate of guaranteed increases to the rise in the CPI.

A fourth goal of cable legislation should be to promote competition.

When the bill was considered in committee, I was concerned that it did not provide for adequate competition when it came to renewal of franchises. The bill provided that when a cable operator sought renewal of a franchise, the franchising authority could not consider the competing applications of other cable operators.

I thought that provision was unwise and anticompetitive. Some of my colleagues on the Judiciary Committee did so as well.

I am pleased that the committee modifications include an amendment that would open up renewals to competition.

Another aspect of the competition issue is holding competitors to their promises. It certainly makes no sense to promote competition between cable operators—in which operators promise a set of services in return for a franchise—unless there is some mechanism for keeping them to their promises.

The bill as released from committee included a provision that allowed cable operators to escape promises to provide certain facilities or equipment if there was a significant change in the circumstances. Certainly, there should always be room to modify a contract that is out-of-date; that was based on facts and presumptions that no longer hold; or that would actually run counter to the interests of the parties to the contract. But, the bill as released from committee, I thought, tilted too far in favor of the cable operator, and would have allowed the operator, conceivably, to unilaterally escape contractual obligations freely entered.

I am pleased that the committee modifications include an amendment, that addresses this problem. It would require negotiation before any promised facilities or equipment are withdrawn because of a significant change in the circumstances. Moreover, if negotiation fails, the amendment provides for arbitration, to avoid the resolution of these disputes in the courts.

These are some on my concerns about this legislation. I am pleased that many of my objections have been addressed in the committee modifications.

I should add however, that I still do not think that the bill is perfect, nor does it address all of my concerns. But it appeared to me that there was significant support among my colleagues for this bill as it pertains to traditional cable television issues. So, I have sought a reasonable compromise that addressed some of my concerns. The true test of a good compromise is that none of the parties is too happy with it. I think that I and the chairman of the Commerce Committee and the chairman of the Communications Subcommittee have reached a reasonably good compromise. In light of that, I plan to support S. 66 on final passage.

I yield the floor.

The PRESIDING OFFICER (Mr. PRESSLER). Who yields time?

Mr. PACKWOOD. Mr. President, I yield to the Senator such time as he needs.

Mr. GORTON. Mr. President, I am pleased to speak in support of S. 66, the Cable Telecommunications Act of 1983. As many of my colleagues know, I strongly opposed the predecessor to this bill in the last Congress. Since then, however, there has been a great deal of hard and inspired work to produce a compromise. Representatives of the cable industry and of the cities sat down over a period of several months and negotiated a proposal for legislation which both sides supported. Senator GOLDWATER prepared an amendment to S. 66 which substantially reflected this compromise, as he had promised to do.

He deserves a tremendous amount of credit for the fact that this controversial legislation has proceeded at this point in such expeditious fashion.

This amended version of S. 66 passed the Commerce Committee by a vote of 15 to 2, and it has my strong support.

During the last decade the primary responsibility for regulating cable television has fallen to the States and local governments. The local governments have a legitimate interest in selecting the best possible cable operator when they give a company the right to use the public right-of-way. The local governments also need to be able to enforce the promises the cable operator made to get the franchise. The cities have done a good job of franchising cable companies. Cable is now a thriving business with a presence in most of the communities across the Nation.

This compromise bill preserves the cities' authority to enter into franchise agreements and it preserves flexibility and freedom of contract for key terms. At the same time, the cable companies attain certainty and are relieved of regulatory burdens which have inhibited the growth of new technologies.

Under S. 66, the franchising process remains a meaningful, competitive process. Such things as access requirements, programing and service requirements, and facilities and channel requirements remain fully negotiable. In addition, all of these types of requirements in existing franchises are grandfathered by the bill. The bill sets up a procedure for renewal of a cable franchise and it establishes an expectancy of renewal, which provides the existing operator with a timely and fair procedure at the same time that it sets standards and provides for competition.

S. 66 deregulates rates for basic cable programing in many places but it provides for a 5-year or longer transition period. It does not deregulate rates in those areas, such as many hilly parts of my State, in which a subscriber does not receive four clear television stations. I should note that in my State, almost all of the city franchises have already deregulated rates, as have several States, apparently with no serious effect on consumers.

S. 66 also sets up a jurisdictional framework which apportions the regulatory authority between the Federal, State, and local governments. State and local governments retain authority over matters involving the granting of a cable franchise, the construction and operation of a cable system, and the enforcement and administration of a franchise, as well as the State's inherent authority to protect the public health, safety, and welfare.

I would also like to express my support for the amendment the committee is proposing to address the concerns of the telephone industry. S. 66 does not allow cable to be regulated as a common carrier except when it provides voice telephone service to the public. Cable will be able to offer data transmission unregulated, in competition with the telephone companies, which are presently regulated for that service. The proposed amendment permits the States to require that cable operators file informational tariffs for data services. More importantly, it directs the State regulatory authorities to deregulate data services offered by the telephone companies when the telephone companies face genuine competition.

The committee's amendment is a reasonable middle ground between regulating the new, undeveloped services to be offered over cable and completely deregulating the telephone companies before they face competition. The amendment provides the mechanism for the telephone companies to meet their competition on the same deregulated basis. And it leaves the determination of competition with the States, which are in the best position to make it.

The telephone companies' concerns about competition are legitimate. I am concerned about how competition for long-distance service, private-line service, equipment, and enhanced services as well as data transmission will affect local telephone rates. I believe that it is more appropriate, however, to deal with the broader telecommunications issues in separate legislation. Such complex issues as the FCC's access charge and separations proceedings and the AT&T divestiture are far better served by full committee hearings than by floor amendments to a cable television bill. I understand that bills will be introduced shortly to insure that our national telecommunications policies continue to provide for universal telephone service at affordable rates.

Let me, finally, simply reiterate my support for S. 66. I would like to congratulate the chairman of the subcommittee for his successful efforts to produce a compromise cable bill. I believe the compromise is a reasonable one which benefits the industry and which protects the interests of the consumers of cable services as well.

Mr. ABDNOR. Mr. President, I first wish to commend the members of committee. I know that the Commerce Committee has worked for a long, long time on this legislation which I observed in the previous session of Congress as well. Their efforts and actual passage of the bill is considerably different from what we are looking at today.

I suppose the intent is good, but I am afraid I must take issue with exactly what this legislation does in the way of deregulation from that which it intends to do.

First, let me say I regret very much that we do not have more Members present in Congress today. I guess it was necessary for many to be gone.

But this is important legislation, legislation that everyone should follow very closely, and be involved in, including hearing the arguments.

Unfortunately, the amendments that are offered today will not be voted on today but, rather, will be stacked. We will come in tomorrow, as I understand it, at 10 a.m., and proceed to vote.

Mr. FORD. Mr. President, will the distinguished Senator yield for a question?

Mr. ABDNOR. I yield.

Mr. FORD. Mr. President, I have a colloquy with the distinguished manager of the bill which shall take only a minute.

Would it be objectionable to the distinguished Senator if we conducted this colloquy before he gets into his speech?

Mr. ABDNOR. That is perfectly all right with me.

Mr. FORD. Mr. President, without the distinguished Senator losing his right to the floor, I would like to enter into a colloquy with the distinguished manager of the bill. I would like 2 minutes on the bill to engage in this colloquy with the distinguished chairman of the Commerce Committee regarding a unique problem in my State.

The Lexington-Fayette urban county, in Kentucky, is one of the few instances where cable television is an essential service. Many parts of the county do not have receivable television reception and there are extreme distortion problems in parts of the county with the NBC affiliate.

All of the network affiliates are UHF signals. Lexington-Fayette urban county will never have a VHF channel because of FCC mileage requirements. Due to geographical and topographical problems, this area of Kentucky has reception problems even under perfect conditions. Citizens of this area must subscribe to a cable system in order to receive a clear picture.

I am aware of no other place in the country where all three affiliates are UHF signals. Due to this situation, I would like to ask the chairman and manager of the bill to determine that the definition in section 607 of S. 66, on page 33, line 18, regarding grade B contour of not less than four television signals does not apply to Lexington-Fayette urban county? Lexington-Fayette urban county does not meet the letter and the spirit of this provision since the area does not receive adequate reception and the urban council should continue to regulate both basic rates A&B in Lexington and Fayette County. Is this correct?

Mr. PACKWOOD. You are correct. Lexington-Fayette urban county would be exempted from the basic rate deregulation due to this unique situation.

Mr. FORD. I thank the chairman and add that it is hoped that when S. 66 returns to the Senate from conference perhaps there will be a way to solve this problem in the legislation.

I thank the distinguished chairman and I thank my colleague for allowing us this couple of minutes.

Mr. ABDNOR. Mr. President, if I may proceed, I am now offering the amendment, and I would like to address myself generally to S. 66, known as the Cable Telecommunications Act. I begin by observing that S. 66 is not named the cable television act. This is because S. 66 is a bill covering much more than traditional cable television and other one-way broadcast issues. Putting it on the line, the real effect of S. 66 is to give cable companies a competitive advantage in offering highly profitable telecommunications services to large business customers.

Mr. PACKWOOD. Mr. President, is this time on the Senator's time on the amendment?

Mr. ABDNOR. No; it is on general discussion of the bill.

Mr. PACKWOOD. That is fine. I do not want to eat up too much of the Senator's time. Go ahead. I just want to make sure on what we are using the time.

Mr. ABDNOR. I thank the Senator from Oregon for allowing me time.

I support reasonable efforts to deregulate cable television. My esteemed colleague from Arizona, Senator GOLDWATER, who is a sponsor of S. 66, has told me that what he is trying to do in S. 66 is to provide cable television to people who do not have access to good television. I think that is a great idea.

Cable is an excellent way to improve television reception in many parts of my home State of South Dakota and other areas of the United States. I want to encourage and applaud the cable folks for doing that. But let us not rush into legislation that replaces the ghost on a bad television picture with the ghost of what today is the world's finest telephone service. We do not have to give up affordable telephone service to get good television pictures. I think that is clearly understood.

Looked at in its real context, this bill jeopardizes basic telephone service. The telecommunications revenues opened up to the cable companies are the very same revenues that are now used by local telephone companies and State regulatory commissions to hold down local rates.

I am not the only person concerned about the impact of S. 66 on the price of basic telephone service. The National Governor' Association, the National Association of Regulatory Utility Commissioners, and some 40 State public service commissions have written to you and me expressing their concerns.

Echoing the concerns of regulators across the Nation, the South Dakota Public Utilities Commission has asked that we take a "long hard look" at S. 66 which "could lead to a reduction of universal and affordable telephone service to our people." These concerns are well founded, particularly since the drafters of S. 66 have publicly acknowledged that they did not consider the impact of the bill on the rates for local telephone service.

The Senator from Oregon, my good friend, Senator PACKWOOD, has promised to introduce a bill to assure continuation of universal, affordable telephone service. I certainly support these efforts. But we should not permit harm to universal telephone service in one bill, while drafting another bill to repair the damage.

Cable systems are already in place. They use high-quality, state-of-the-art technology. They are generally large, well-financed operations—Warner Communications, American Express, General Electric, Westinghouse, Time, and Cox Broadcasting, to name just a few. These operations are poised to cherrypick the most desirable telephone company business communications markets. Jim Cuddihy, vice president of engineering and development for Group W Cable, the third largest in the United States, laid out the strategy at an industry conference this past April in Boston. Mr. Cuddihy said, and I quote:

> How successful cable can be in meeting marketplace demands for business communications, depends on several factors—facing the competitors, maintaining high technical standards and finally working together as an industry to maximize our potential. The first consideration is the competitive atmosphere in which we must function and thrive. This won't be easy, but we have one factor in our favor. I think it will take three to five years for the Bell operating companies—who will be, of course, our major competitors—to get their act together. So cable has a chance to get the jump on telephone companies, if it begins providing its services, working out the operational problems and developing its marketplace in that time frame."

S. 66 would allow the cable companies in my home State of South Dakota to immediately go after the highest volume business communications customers of the Northwestern Bell Telephone Co. in South Dakota, 2 percent of the customers account for 30 percent of the total revenues. If those telephone revenues are lost, local telephone rates for the residents of my State will increase by 50 percent. And, as the telephone company is forced to raise its rates to its remaining residential customers, more people will not be able to afford service and drop off the line, the rates for those who remain will rise still further. Spiraling rates, fewer customers, and a weakened telephone company is not my idea of a sensible public policy.

S. 66 will cause similar impact across the Nation. For example, Cox Cable Communications owns a corporation called Commline which provides two-way telecommunications services over a coaxial cable system in Omaha, Nebr. These unregulated services duplicate what Northwestern Bell offers under State regulation within the city of Omaha. A Commline promotional brochure describes its own services as "A substitute for telephone lines" and promotes its voice capability. Cox Cable has stated that its basic market for institutional cable—which can be defined as cable telecommunications services to institutions such as banks, service industries, schools, and governments—is 200 businesses in the Omaha exchange area. This may seem like a small number to some, but consider that revenues from those organizations exceed $40 million annually. If 70 to 80 percent of that revenue is lost to unregulated companies, local rates must increase over $7 per month per telephone customer in Omaha alone.

As another dramatic example, consider the State of California. Again, there is a high degree of revenue concentration: 1.2 percent of the business locations generate $760 million in revenues.

If those revenues are skimmed off by unregulated competitors who can pick and choose their customers, every residential customer in the State of California would have to pay an extra $9 per month for basic telephone service—to make up for the lost revenues which previously contributed to holding down local monthly bills.

This pattern could be repeated across the country. A Touche Ross study found that a mere 2 percent of the service areas in Arkansas, Kansas, Missouri, Texas, and Oklahoma produce more than 30 percent of the telecommunications revenues.

The scenario I have just described is exactly what S. 66 will do. The competitive advantage to the cable industry comes about because the telephone companies are regulated as public utilities. The cable companies know the regulatory handicap quite well. As Tom Wheeler, president of the National Cable Television Association, recently told a House committee, cable companies pay 22 cents of every dollar for regulation. S. 66 lifts this burden from the cable companies, but leaves it squarely on the shoulders of the telephone companies and its ratepayers. If the cable companies see the telephone companies as their major competitors, why should the U.S. Senate help one competitor and hold back the other? That does not strike me as being fair, nor in the public interest, since we are discussing an industry as important as communications.

The telephone companies must serve all customers, no matter how big or how small. The cable companies will be free to pick off only the most profitable routes and services.

The telephone companies' rates are set by the State regulatory commissions on a uniform statewide basis. This assures that everyone can afford basic telephone service—something we have been proud of all these years. But the cable companies can charge what the market will bear—underpricing the telephone company to cream-skim lucrative customers, and overpricing where they face no competition. A cable system would be fully deregulated even in those areas where it is a monopoly provider of services.

This is what S. 66 means when it talks about deregulation of cable. It means singling out cable companies for private benefit at public detriment. The bill states in section 602 that its aim is to allow cable systems to offer broadband telecommunications without a competitive disadvantage with other providers. S. 66 replaces disadvantage with tremendous leverage. Not only is competitive disadvantage questionable, the bill legislates a clear competitive advantage for cable. This is not fair, it is not even-handed, and it is not good public policy.

I propose to amend the bill to focus its deregulatory impact where it belongs—on traditional cable television service. I agree with Senator GOLDWATER that regulation of traditional cable should be revised, and S. 66 has merit in that area. But in the telecommunications area, where the quality and affordability of our nationwide telephone system are jeopardized, I hope the Senate will agree that my two simple amendments are right on target.

Mr. GOLDWATER. Will the Senator yield?

Mr. PACKWOOD. Mr. President, I am happy to yield such time as the Senator from Arizona needs.

Mr. GOLDWATER. Mr. President, I would like to answer a little bit of what the Senator has been discussing. His first criticism is that the bill is entitled, "To Amend the Communications Act of 1934."

I remind the Senator that is merely customary. Every communications bill I have had anything to do with, for or against, while on this floor started that way.

As the Senator from Oregon, the chairman of our committee, has said, he and I intend to introduce legislation that will apply itself exclusively to the problem that the urban telephone user is beginning to experience—not only the urban telephone user, but all telephone users whose monthly bills for telephone service are going to go up. And I can tell you my friends that they are going to go up a lot.

When AT&T broke up, they kept the long-line service. They have what I call the most marvelous scientific development in the world, the switching service in New Jersey that enables one just picking up the phone to call anyplace in the world. I spent a part of the last 10 days in Europe. Two or three times a day it was required that I call the Capitol. I did so as easily as picking up the phone in my office and dialing a short number. It went through the switching service that has never been equaled of the old AT&T in New Jersey. But that is beside the point.

This is not a telephone bill. It is a bill to cover the problems in cable telecommunications.

Let us look just briefly at something that the Senator was talking about. South Dakota has 48 cable systems. They pass almost 128,000 homes. They have 82,000 subscribers, roughly. Their percent of subscriber penetration is 64 percent. The TV households are 251,700, roughly, 252,000 and has a 32-percent subscriber penetration. But there is not one single system in the entire State, not one system, that passes data. So, I do not see any reason to be concerned there. Certainly nothing that is happening in the Senator's State has any effect at all upon the telephone company.

Mr. PACKWOOD. Will the Senator yield?

Mr. GOLDWATER. Yes.

Mr. PACKWOOD. Will he say that again? There is not a single cable system in South Dakota at the moment involved in two-way transmission of data? None?

Mr. GOLDWATER. There is not any.

Mr. PACKWOOD. So, this bill has virtually no effect on South Dakota at all?

Mr. GOLDWATER. Absolutely no effect.

Mr. ABDNOR. Will the Senator yield?

Mr. GOLDWATER. I have a few more figures, but I will yield to the Senator from South Dakota.

Mr. ABDNOR. As long as the Senator is talking about my State, I would like to say that there are about three capable of getting into it right now. I should have brought in the newspaper article and inserted it into the RECORD because there are plans.

Incidentally, I think maybe the Senator's figures are a little low on who has cable television in South Dakota. Since they relaxed rules so that telephone companies can install television by cable in communities under 2,500, even my town of 375 has it, and we do appreciate it. That is fine. If that is what this bill is about, to bring cable TV to many people, I am all for it.

There is one thing that bothers me. The Senator says that there is no connection between telephone companies and this bill. Let me assure you of one thing. This legislation could well allow bypass of local telephone systems which provide the access charges on long distance services. As I understand it, we would lose out on that revenue. That is what we are talking about. It does affect telephones. As long as we are in danger of losing those access charges, of causing the rates to go up because of the loss, I think it has a lot to do with telephones.

Mr. GOLDWATER. The Senator is speaking about what might happen in the future. I am not going to stand here and try to look into a crystal ball and say what might happen. It might happen, but it has not happened yet. No cable system in the Senator's State transmits data.

Now, we have 5,790 or so cable systems operating in this country. Less than 0.1 percent, or 7 out of 6,000 cable companies, transmit any data at all—0.1 percent. And the largest corporation in the history of the world is scared to death about 0.1 percent. I would like to be that scared every morning. I would live a hell of a long time. I am shocked that that gigantic corporation would try to infer that they are on the verge of real trouble.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Will the Senator from New Jersey, who is controlling the time, yield to me?

Mr. LAUTENBERG. I yield to the distinguished Senator from Nebraska.

Mr. EXON. Mr. President, the discussion and debate with regard to the bill before us has been an interesting one. I have listened to much of it today.

Like so much of the legislation which comes before this body this cable bill is not perfect, in the opinion of this Senator. This Senator has been one of those leaders seeking to protect the rights of the cities and the consumers with regard to cable television. Over the years I have maintained this position.

So, while saying that nothing is perfect, the bill before us is the best bill that we could possibly work out involving the very complicated and intricate matters dealing with cable television.

I certainly salute the chairman of the committee, on which I serve, and Senator GOLDWATER, the original leader of the bill presently before us.

While there has been some give and take, and I think there has been cooperation, I think we have done the best possible job that we could, given the importance that the cable television industry has in this Nation and will have in the future, protecting all of the interests, including the cities and consumers. We have worked it out the best we can.

For that reason, the Senator from Nebraska feels it is appropriate for me to support this measure on final passage.

But that does not mean, Mr. President, that we should make no amendments whatsoever to the bill. I said earlier it is not a perfect bill. I think it could be closer to perfection if we would eventually adopt the amendments that I understand will be offered by the Senator from South Dakota.

I would like to request at this time that if and when the Senator from South Dakota offers his amendments that I have seen I be added as a cosponsor.

Mr. ABDNOR. If the Senator will yield, I will say I would be very happy to add him as a cosponsor.

Mr. EXON. I thank my friend from South Dakota.

Mr. President, as a member of the Commerce Committee, the committee members and the Senate in full know, I think, and understand, that I have been very concerned with the issue of basic telephone rates and the problems that residential and particularly rural users may encounter should rates become so high that this basic and essential service becomes unaffordable to many of the present customers of the telephone companies.

Mr. President, I do not believe that it is entirely appropriate to say this has nothing to do with the telephone business, that this is a cable bill.

Well, Mr. President, there is very little in this life of ours today where any action we take does not have a counteraction over here. When you get into the complicated field of communication, I think it well that we recognize and realize that some things are truly likely to occur.

We have heard in debate today that no cable television company in South Dakota today is carrying on any type of competition with the telephone company. Well, that does not mean that that is not likely to happen in the future. In fact, most of the experts in this field do predict that there is going to be increased competition, and increased competition is good.

Going back to the reason that I said I intend to support this measure, I think it enhances and increases competition and still provides some legitimate protection that I think is vitally needed today to make sure that those involved in the highly competitive business of cable television and the risks that they are taking are given a degree of protection. The bill does that.

But I think possibly we should not just put on blinders and say it is not going to have an effect on basic telephone rates, because I suspect with the ingenuity and the plans which are being presently planned by the majors in the cable television industry that indeed increased competition will be a part of that.

What the Senator from South Dakota and the Senator from Nebraska are trying to do is to put on a reasonable amendment that simply says that when we pass this cable television bill, we are affording at least a degree of protection to make certain that telephone rates for individual subscribers are not more adversely affected than they certainly will be by other actions that have been taken.

I know and I realize that deregulation, getting the Government off of our backs, and all these kinds of things, have an excellent ring in the countryside and it is good politics. But certainly I can say as a Senator from Nebraska deregulation of the airline industry has not been a boon to commercial aviation in Nebraska. I think other States with larger geographical areas, other States who have medium- to small-size cities, indeed have been hurt by airline deregulation.

I do not believe, Mr. President, that was adequately addressed or understood when that measure passed the Senate before this Senator came to represent Nebraska in this great deliberative body.

Mr. ABDNOR. Will the Senator yield for a question?

Mr. EXON. Yes.

Mr. ABDNOR. As a member of that committee, you listened to the hearings and the discussions. Will we do great harm to this bill if we completely deregulate the cable television except when it comes to telecommunications to hold off on that until the hearings which are about to be held allowing us to measure the impact better and to have a better feel for what we are doing? Is that possible?

Mr. EXON. It seems a reasonable proposal to me. I guess basically what we have to do, in the opinion of this Senator, and I have not talked with my friend from South Dakota or other Members about any particular way this could be resolved, is as I said earlier, that I think the cable television, which I agree is 95 percent of this bill, is something that needs passage and I will support that. But I do think that the approach by the Senator from South Dakota, with the amendments that I understand he intends to offer, will be in a way to at least address and look into the matters that are the basic thrust of the amendments being offered by the Senator from South Dakota.

I would simply like to say that during this body's consideration of S. 898, the Communications Act which was passed by the Senate but never considered in the House during the 97th Congress, I successfully added an amendment to that bill to address basic telephone rates. This did not become law, as I am sure it would have, because of the administration's decision to enter into an agreement with the American Telephone & Telegraph Co. to end the lawsuit that was being pressed against Mother Bell.

I have heard talk here today that the House did not take action after the Senate did. That is accurate. I think, though, that most would agree that the real reason that the House did not take action was because they felt that the agreement that was entered into jointly by the administration and the Bell System did not necessitate a full telecommunications bill at that time.

The language, though, that I had embodied in that bill that I hoped would have become law simply said that rates for basic telephone service shall not exceed, Mr. President, 110 percent of the national average for comparable services. This amendment would insure that all those who relied so heavily on telephone service, particulary in the case of the less fortunate and the elderly, would continue to receive service at reasonable rates.

I think that we cannot just turn our backs on that and say, "But this has nothing to do with the bill presently before us." I simply suggest, Mr. President, that before there was a game of football, we did not play football in Nebraska; before we had such a thing as television, no one watched television. Before we had all of the devious taxes and loopholes that are replete in our system today—that happened only after we had taxation. My point is that I think it is somewhat shortsighted to say that we should pass this bill and then see what happens in the future.

The amendments that I understand are going to be offered by the Senator from South Dakota merely address the long-range approach and simply say that if we are going to regulate, we should regulate among people who are going to be competitive and if we are going to have deregulation, then there should be deregulation.

This amendment that is to be offered by the Senator from South Dakota is a follow-on to the amendment that I offered on S. 898, which really addresses how much of an increase in cost is the individual subscriber or user of a telephone going to have to pay for some of the actions that are taken through legislation on the floor of Congress. I certainly endorse the proposition that has been suggested by the Senator from Arizona and the Senator from Oregon with regard to other bills that might be coming on line. I recently joined with Senator STEVENS in sponsoring legislation designed once again to insure the availability of basic telephone service at reasonable cost. That bill is S. 1382. Once again, the 110 percent language is incorporated from S. 898, the bill that I introduced. I am hopeful that the Senate Commerce Committee will consider this bill in the near future.

Mr. President, I am aware that the opponents of the Abdnor amendments will say that S. 66 is primarily a cable television bill and that this type of amendment has no place being included in this legislation. Yet, Mr. President, this argument does not convince this Senator. Under the terms of this bill, cable service entities would be able to enter into broad new communications markets free of regulation. With the existing technology, cable would have the ability to compete directly with local exchange telephone companies, who are and will continue to be regulated, thus legally restricted from competing in the open marketplace.

As a result, I see three major concerns arising from this situation. Mr. President, I believe we will see local telephone rates become increasingly vulnerable to large cost increases. This will be particularly onerous to those customers in rural areas where service costs are higher. Cable companies in an unregulated environment could effectively attract large-volume communications customers without regard or obligation to serve the general public, thereby eroding the revenue base from which local service charges are determined. This large customer loss could have a devastating financial impact on the telephone companies and ultimately the basic subscriber especially in rural America.

There is also involved here, Mr. President, an issue of fundamental fairness and equal treatment under the law. Allowing cable television to go unregulated while telephone companies remain subject to regulation is quite frankly unfair in a supposedly competitive environment.

Finally, Mr. President, my third concern deals with the basic universal telephone service itself. I believe that the provisions of S. 66 cast uncertainty on our ability to preserve universal service at reasonable rates.

It seems to me, Mr. President, that if we could simply accept the amendments that I understand are going to be offered by the Senator from South Dakota, we would at least take a step forward in attempting to correct a situation that I see coming home to haunt us much faster than we presently envision. It is for these basic reasons, Mr. President, that I support the amendments that I understand will be offered by the Senator from South Dakota. It is my hope that we in this body may assure our telephone subscribers in these towns and farms and ranches throughout my State of Nebraska and throughout this country that we mean to do all we can to insure reasonably priced telephone rates to meet their needs now and in the future.

Mr. President, I yield the floor.

Mr. GOLDWATER. Will the Senator yield to me for just a moment?

Mr. EXON. I shall be happy to yield.

Mr. GOLDWATER. Mr. President, I should like to call the attention of my colleagues to one fact we have overlooked so far. I continue to call this a bill to handle cable television, and some of my colleagues are continually trying to turn it into a telephone bill. Let me refresh their memories.

I am not precisely or exactly certain of the time, but I am approximately so. Either the morning we were marking this bill up or the afternoon before was the first time AT&T showed any interest in this bill at all. In fact, efforts were started at that time to prevent this bill from coming out of our committee and onto the floor, and they were started by AT&T.

Everything in this bill is more or less ancient history. It has practically been in every bill to change the Communications Act of 1934 since my memory serves me. Yet, it was only a few hours before final passage that AT&T got into the act, stating that this might cause them some problems.

I remind my good friend from Nebraska, because I think we are in agreement on it, that last year, when we discussed the possibility of deregulation in this field with the distinguished Representative from Colorado (Mr. WIRTH), he said he did not think enough time had gone by and I had to agree, as did members of my subcommittee, that enough time had not passed since the breaking up of AT&T to be able to tell whether or not the Federal Government would have to step in. I think we all felt that the Federal Government would be better off if it did not have to.

Now that we see the developments coming along that the distinguished chairman has seen, we have indicated to the people interested on both sides that hearings would be held—now, I understand, as soon as the July 4 recess is over—at which time, we shall explore what the Federal Government can do to hold local and rural rates down. I no longer feel that not enough time has passed; I think enough time has passed.

I say to my good friend from Nebraska that we never had discussions on this problem during the hearings on cable television. We talked about cable television. It was not until the very last moment that the telephone business got in at all. And here we stand this afternoon, after about 2 hours of debate, and we have heard practically nothing about cable television, but we have heard all about the high cost of telephones, most of which has not happened yet.

I can assure my friend from Nebraska that I have been notified my rates are going up, and I suppose he has, too. I feel that we should meet and we should come up with some idea of what we can suggest in the way of keeping rural and local rates down, at the same time not impairing the tremendous efficiency of the switching system that we have under AT&T.

I hope that, with the knowledge certain that we are going to have adequate hearings, full hearings, on full telephone rate problems, we can get around to discussing the real meat of this bill, which is whether or not we are going to make it possible for people in the small towns in Nebraska—where my mother spent so many years of her life—in the small towns of South Dakota, in towns in my own native Arizona, that are down deep in canyons or way up on top of mountains, if we are going to say no to them on cable television or any television at all. That is what we are getting at.

That is what we are getting at. It is not to help this group or that group. I want to see something done to enable all Americans to have adequate access to good television. I also concur with what the Senator from Nebraska and the Senator from South Dakota want to see—a stopping of unusually high increased rates to local telephone subscribers. But I do not think we can accomplish that through this bill. I honestly feel that any amendments referring to telephone can well destroy this bill as far as any chance of getting it through the House. I feel at the same time that the chairman of the House Subcommittee on Communications feels as I, that the time has come when the AT&T breakup has had enough time for us to sit down and assess what is happening to local telephone rates. I do not believe it belongs in this bill. I do not think it will help the bill. I think eventually it could defeat the bill, and I know that is the last thing that the Senator from Nebraska wants. I yield the floor, Mr. President.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I ask again that my time go on the time allotted to this side of the aisle.

I thank my friend from Arizona. To answer one of his questions, why have we not had more discussion on what this bill is really about, the Senator remembers that I said it is 95 percent, maybe it is 98 percent, maybe it is 99 and 99⁄100ths percent cable. I expect that with a few exceptions there is little opposition on the floor of the Senate to the excellent compromise that has been worked out primarily because of the attitudes of the Senator from Arizona and the chairman of the committee, who have worked admirably in this area.

I understand that there is going to be some amendments on cable, but basically as far as the cable portion of this bill, which is a major portion of it, this Senator has no concerns whatsoever. They are well thought out. I say that as one, as the Senator from Arizona, who had some grave reservations when it came up last year and this year with regard to the authority that the city councils and mayors would have, especially in some of the smaller and medium sized cities in this country, with regard to their situations with the cable operators.

But I think there has been a feeling of total cooperation. I think there has been a feeling of let us work this problem out, because we all know that cable television is going to be a tremendously important part, maybe the most important part, of our television viewing and the commuications of thought and news to the people of the United States including the great people of Nebraska, who, by the way, are quite well served by cable television now. Generally speaking, we have gotten along very well with the city fathers who have the right to supervise the various cable companies that operate in Nebraska.

I think the reason we have not had more discussion on that there is that is total agreement. Where there is not total agreement is on the amendments that we have been discussing that I understand will be offered by the Senator from South Dakota. If those amendments are adopted, I cannot see why that should defeat the bill. I believe that there are sufficient votes on the floor of the Senate to pass this bill even if the amendments that I hope will be offered, and I hope will be accepted, by the Senator from South Dakota are adopted. So I do not believe, at least I have not heard previously, that the amendments that are likely to be offered by the Senator from South Dakota are killer amendments. They are merely to clarify one area where I think all of us are concerned. I recognize and realize that there can be honest differences of opinion between well intentioned people on what is right or wrong in this area. The Senator from Nebraska does not speak as a representative of, by, or for the Bell System. I am speaking on what I believe to be the best interests of the rural people particularly in my State and the individual subscribers; I am trying to give some degree of protection.

I believe that the amendments that will be offered by the Senator from South Dakota will be a significant step in the right direction and would not be killer amendments.

Mr. ABDNOR. Will the Senator yield?

Mr. EXON. I yield the floor.

Mr. ABDNOR. I commend the Senator for those remarks and I would like to associate myself with him on his statement. I, too, feel that basically this is a good bill. It is just the concerns that we have in a small part of the bill itself. We agree on most of it.

I should also like to say, as the Senator has said, that my concern is not AT&T. My sole concern is directed toward our local telephone companies that depend so much on access charges that will be lost and go a long way toward holding the rates down. That is our concern, not gigantic AT&T. I thank the Senator.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged equally against both sides.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

Mr. PACKWOOD. Will the Senator withhold?

Mr. GOLDWATER. The time being equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. WILSON assumed the chair.)

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time to the Senator?

Mr. ABDNOR. Mr. President, I have not offered the amendment. I am getting ready to do so. I was giving the chairman an opportunity to look at the amendment before we proceed.

Mr. PRESSLER. Mr. President, I wish to speak on the bill, if someone will yield time.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I would like to yield time to those in opposition to the bill, but I am controlling time in favor of it, so I cannot yield time.

The PRESIDING OFFICER. Does the Senator from New Jersey yield time?

Mr. LAUTENBERG. I yield my time to the Senator from Oregon to deal with as he judges. I yield the time to the Senator from Oregon, such as he needs for the present amendment. I do not yield all my time.

The PRESIDING OFFICER. The Senator from New Jersey may yield time to any Senator, for whatever purpose.

Mr. LAUTENBERG. The distinguished Senator from Oregon has an opportunity to use some of my time, 10 minutes.

AMENDMENT NO. 1378

(Purpose: To recognize the policy of promoting universal telephone service)

Mr. ABDNOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. ABDNOR), for himself, and Mr. EXON, Mr. BURDICK, and Mr. PRESSLER, proposes an amendment numbered 1378.

Mr. ADBNOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, between lines 10 and 11, insert the following.

"(5) recognizing the long standing tradition of the Congress of promoting universal telephone service at reasonable rates, and recognizing the rapid technological changes of the types and delivery of services offered by the telecommunications industry, it is in the public interest to ensure that all providers of telecommunication services share in the obligation of providing universal service.".

Mr. ABDNOR. Mr. President, it is my understanding that the committee would be willing to accept this amendment.

Mr. PACKWOOD. I am not quite sure. I have some questions I wish to ask about it. We may be willing to accept the amendment. I wish to ask some questions about it.

Mr. ABDNOR. Mr. President, I wish to make some comments with regard to my amendment to section 601, the findings, which reemphasize the intention of Congress in providing universal telephone service at reasonable rates.

Public officials from many branches of government have been involved in the challenge of changing the structure of the telecommunications industry. And any change as big as this one is bound to have political repercussions. Public service commissions throughout the country are beginning to feel the heat associated with changing costs and prices, and we in the Congress are the next in line. If your mail is like mine, you are already receiving a considerable number of complaints.

It is clear to me that the Congress cannot sit idly on the issue of telecommunications deregulation. Our constituencies will not allow us to do it. The Congress must pay close attention to the actions of the Justice Department and the Federal Communications Commission.

The communications industry is going through changes as a result of deregulation, and many of these changes are separate from the divestiture of AT&T of the Bell operating companies.

The forces of marketplace competition do not protect all elements of society. Among those who may not be protected adequately are residential users, people in rural and remote areas and people of lower incomes located anywhere, city and farm alike. How do we provide communications services to those in high cost areas or in low income settings?

The FCC and the Congress are working on a plan called the universal service fund to assist in providing assistance to those who face dramatic price increases. The mere creation of the universal service fund is not enough, however. To accomplish its objective, that fund needs to be adequately funded. My amendment dealing with universal service and reasonable rates cites that all providers of communications services have a responsibility and obligation to contribute to the public interest, that is, the universal service fund. The phase "all providers" may seem broad to many, but not to me.

If the new, emerging telecommunications industry is attracting new firms by the lure of profit, certainly their chipping a little bit into a common kitty is a fair and reasonable thing to do. By "all providers" I mean to include both private and public communication networks alike: I mean a whole spectrum of communications services, not just voice: I mean all forms of communication transmission services, including satellite, microwave, and digital not just wire switches.

In the changing environment of the communications field, there will be gainers and losers in the deregulation process. Unfortunately, my State of South Dakota is a big loser. But if misery loves company, I have plenty of company. Of the 48 contiguous States, at least 21 others and the District of Columbia will be facing higher costs than the national average. Similar changes will occur at the State level for intrastate access charges which will also drive up local rates. I would suggest to my colleagues, representing those States, they would benefit by conferring with me before they vote. Besides the 21 States I mentioned by name, almost all States have sizable rural areas, whose service may be jeopardized.

I do not mean to sound pessimistic about these changes in the communications industry. Actually, I am excited about the technological advances. If we take steps now to safeguard the interest of those who will be most affected by deregulation, our whole country can prosper from a technology which will transform our lives and raise the standard of living of all Americans. We are now in the information stage—It is the leading edge in the process of social change. Our economy cannot grow without the growth of the communications and information sector. It is as important to this generation and the future of our country as were the industrial revolution and the modernization of transportation in generations past.

We are witnessing the dawn of a new era, and I am excited by the prospects that accompany it. However, I will do everything possible to protect the interests of residential and rural citizens as the communications industry evolves through changes in Federal regulation and changes in technology.

Let me conclude my remarks by reading the language of my amendment. I think it summarizes well not only my feelings, but those of all Members of Congress, both past and present. These words serve to keep the United States unified through the preservation of the world's finest communications system. It reads:

> Recognizing the longstanding tradition of the Congress of promoting universal telephone service at reasonable rates, and recognizing the rapid technological changes of the types and delivery of services offered by the telecommunications industry, it is in the public interest to insure that all providers of telecommunications services share in the obligation of providing universal service.

Mr. President, I ask unanimous consent that the following two letters be included in the RECORD. They provide excellent testimony to the harm that may occur if areas subject to high costs are not protected by a universal service fund. I cannot stress my concerns enough, and my fears are substantiated by these letters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GOLDEN WEST TELEPHONE
COOPERATIVE, INC.,
Wall, S. Dak., May 18, 1983.

Senator JAMES ABDNOR,
Senate Office Building,
Washington, D.C.

DEAR JIM: The FCC appointed Joint Board has now delivered their recommendations to the FCC regarding Docket 80-286. It appears from analysis of their recommendations that rural telephone companies will be in for some rough economic times ahead. Although the FCC to our knowledge has not yet formally adopted the Joint Board's recommendations we understand they will in almost the form submitted.

Based on what we know today we have had our cost separations firm of Ernst & Whinney prepare an analysis on Golden West's operation. We are sending along a copy of this analysis as sent to our board president Earl Waterland. We are understandably concerned that the final results will cause rural companies such as ours some very serious problems.

The hoped for relief which might have come from the High Cost Factor (HCF) and resulting universal service pool did not materialize. We know that telephone rates must go up but not to the extent we force customers from having service. Surely there must be more concern for Rural America to continue to have telephone service somewhat near the quality of Urban areas. It appears that the results of FCC actions so far will be what we predicted from the start—the elimination of the Universal Service Concept and placing telephone service in a luxury category.

Thank you in advance for your past concerns of this issue.

Yours truly,

DONALD PAULSEN,
General Manager.

ERNST & WHINNEY,
Tacoma, Wash., May 5, 1983.

MR. EARL WATERLAND,
President, Board of Directors, Golden West Telecommunications Cooperative, Inc., Wall, S. Dak.

DEAR MR. WATERLAND: This letter will address the probable effects of the Joint Board's final recommendations in Docket 80-286 upon Golden West Telecommunications Cooperative, Inc. As the South Dakota Commission has not yet specified what the intrastate jurisdictional separations procedures will be, this letter will focus on the interstate side.

The Joint Board has recommended adoption of a flat 25 percent assignment of non-traffic sensitive costs to interstate, following a five year transition period beginning January 1, 1984. This 25 percent assignment will replace the frozen Subscriber Plant Factor (SPF) which, in Golden West's case, is approximately 42 percent. This means that instead of assigning 42 percent of NTS costs to the interstate jurisdiction, by 1988 only 25 percent of these costs will be considered "interstate."

Golden West's total NTS revenue requirement in 1982 will be approximately $4,126,000, or about $33.50 per line per month. In 1982, 42 percent or $1,732,900 will be assigned to the interstate jurisdiction, 33 percent or $1,358,900 to the intrastate jurisdiction, and the remaining 25 percent, or $1,034,200 will be assigned to local. By the end of the five year transition, the interstate allocation will decrease from $1,732,900 to $1,031,500 (42 percent to 25 percent). This will shift $701,400 in NTS costs away from the interstate jurisdiction. If we assume that the South Dakota Commission will follow the FCC's lead and mandate a flat 25 percent intrastate toll allocation, an additional shift of $327,400 away from the toll jurisdiction would occur.

In addition to specifying the new NTS allocator, the Joint Board has laid out the manner in which the High Cost Factor will operate. Under the proposed methodology, Golden West's NTS cost, after the access charge phase-in period, would be recovered as follows:

Interstate end user (flat rate) monthly charge	$8.38
Intrastate jurisdiction	19.72
High cost factor	5.40
Total	33.50

Golden West's current one party residence line access rate is $5.80. If we assume that on the state side, an additional $8.38 of the $19.72 intrastate NTS cost is assigned to the end user, the total NTS cost per month per line shifted to the end user would be $16.76 (Interstate—$8.38; State—$5.38). This would increase the residential single line access rate from $5.80 to aproximately $22.50, or an increase of 288 percent. An additional increase could also be expected as the current $5.80 local rate does not completely cover the portion of the NTS cost per line that is assigned to "local" in the separations process. Based upon AT&T's curtailment study, "Economic and Demographic Determinants of Residential Demand for Basic Telephone Service," a monthly rate increase greater than 200 percent would be expected to produce a decrease in Golden West's subscriber base of more than 24 percent, or more than 2,500 subscribers. However, as subscribers leave the network, the NTS costs would be spread over a shrinking base, necessitating further rate increases. Theoretically, a "worst case" situation would occur when the NTS cost per line per month reached 200 percent of the national average. At this level, no further NTS costs would be assigned to end users. This situation would come about only after Golden West's subscriber base has been reduced to less than 8,800 subscribers.

A decrease of more than 20 percent in Golden West's subscriber base, which according to our analysis is theoretically possible, along with a corresponding decrease in revenue, could have a serious negative impact upon the Cooperative's ability to maintain high quality service. The curtailment problem indicates that the long-term effect of the implementation of Dockets 78-72 and 80-286 may be more than simply a shifting of costs between the toll and local jurisdictions. While AT&T's curtailment estimates may be exaggerated to some degree, it is clear that local rate increases of the magnitude discussed previously will, certainly, convince a significant percentage of Golden West's subscribers to subscribe to a lower grade of service, engage in "shared" telephone service with other subscribers, or even to completely abandon telephone service.

Golden West's decisions regarding REA borrowing were made based upon operating conditions and revenue flows as defined by Ozark separations proceuures. A change in conditions as profound as that contemplated by the access charge and Joint Board proceedings could not have been predicted when Golden West's financing decisions were being made. Therefore, a significant loss of subscribers and operating revenues could have serious effects on Golden West's ability to fund construction and repay outstanding loans.

It should be noted that costs which are currently assigned 100 percent to toll are not affected by the Joint Board's decision. Thus, the Golden West/Northwestern Bell microwave project costs will continue to be 100 percent recoverable through settlements. However, Northwestern Bell's intrastate rate of return may be expected to decrease to some degree over the next few years, which could limit the return on that portion of the costs which are assigned intrastate vs. interstate.

Per your request, this analysis has been prepared based on current interpretations of the FCC's access charge docket, and the Joint Board's recommendations in Docket 80-286. The potential effects upon Golden West as a result of these proceedings are estimates and, therefore, subject to change based upon the ultimate outcome of both proceedings.

I hope these comments prove helpful in relation to the potential effects of proposed Federal regulation upon Golden West Telecommunications Cooperative, Inc. It is imperative that the South Dakota Commission evaluate the effects of further local increases on the State's telephone subscribers before making a decision on future intrastate jurisdictional settlements.

Sincerely,

DANIEL A. LYNCH.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the following table be printed in the RECORD. While the information contained in this table is not directly related to the effects of my amendment, I wish to point out to my colleagues how vulnerable their States are to telephone rate increases.

A portion of the cost of providing local phone service is subsidized by long-distance revenues. States where there are high costs associated with the local exchanges receive a considerable amount of subsidy. For example, my home State of South Dakota receives $1.38 in revenue for every $1 generated in long distance phone calls. That 38-percent subsidy helps to maintain quality, affordable phone service for the citizens of South Dakota.

If South Dakota customers did not receive that additional assistance, phone rates easily would double in most parts of the State. Other States are in exactly the same position; I make an illustration with South Dakota data because I am most familiar with it.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

1983 Interstate allocation of subscriber plant costs

[In dollars per subscriber line per month]

State	*Cost*
Alabama	$7
Arizona [1]	12
Arkansas [1]	9
California	6
Colorado [1]	12
Connecticut [1]	8
Delaware [1]	8
Florida [1]	13
Georgia [1]	9
Idaho [1]	10
Illinois	6
Indiana	6
Iowa	7
Kansas [1]	8
Kentucky	5
Louisiana	7
Maine	7
Maryland	5
Massachusetts	6
Michigan	4
Minnesota	7
Mississippi [1]	8
Missouri	7
Montana [1]	12
Nebraska [1]	10
Nevada [1]	28
New Hampshire	12
New Jersey	7
New Mexico [1]	10
New York	7
North Carolina	7
North Dakota [1]	10
Ohio	4
Oklahoma [1]	8
Oregon [1]	9
Pennsylvania	4
Rhode Island	6
South Carolina	7
South Dakota [1]	10
Tennessee	6
Texas	7
Utah [1]	8
Vermont [1]	11
Virginia	7
Washington	7
West Virginia	7
Wisconsin	5
Wyoming [1]	25
District of Columbia [1]	10

[1] 22 States exceed the national average of $7 (Alaska and Hawaii were excluded from the analysis).

Mr. ABDNOR. Mr. President, I ask unamimous consent to place in the RECORD two letters which were sent to the Federal Communications Commission. They underscore my involvement in the issue of universal service.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE

Washington, D.C. November 22, 1982.

Mr. MARK FOWLER,

Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that the FCC is proceeding with its task of determining access charges for telephone subscribers.

I would like to express my interest and concerns about this issue. Rural areas in the United States are highly vulnerable to significant rate increases if their unique circumstances are not recognized, or even worse, ignored. Because of low population density, per-subscriber fixed costs are considerably higher than what urban areas experience.

The United States has become the integrated and efficient economy that it is due in part to the commitment to providing universal telephone service at reasonable rates. The worldwide telephone communications network is made stronger by ensuring service to outlying areas. All telephone users have some obligation to keep the network as comprehensive as possible so that communication can take place between all points in the United States.

It is in the national interest to maintain the universal service concept and to assure that all Americans have an opportunity to use telephone services at reasonable rates. Without some level of rate support, rural users will be exposed to tremendous rate increases. Under the "Pure II" approach for defining access changes, subscribers of non-Bell services in South Dakota would be required to pay an additional $38.50 for basic monthly service. Over the entire state, all customers would be subject to an increase of about $15.00. Clearly, these large increases in rates will invoke hardship on the people of South Dakota and other rural states.

While I recognize that changes in the telecommunications market structure require changes in the allocations of costs, I do not believe that the cost of basic phone service should vary dramatically from one area of the country to another. To facilitate a comprehensive telephone network, it seems to me that a nation-wide average cost allocation is a fair way to deal with the access charge problem.

I have information that shows subscriber plant factor interstate allocation on a per subscriber basis varies from $3 to $26 per month, with $7 being the approximate average. About 21 states are above that average; 13 states exceed the average by 40% or more. If monthly costs for basic service must rise in the absence or reduction of subsidies from long distance revenue, it seems to me that the imposition of an average rate increase on all users would be equitable for all.

Today's rural citizen is probably more reliant on telephone service than his urban counterpart because of the great distances that separate the towns. Farmers and ranchers must be in constant contact with their local elevators and agriculture suppliers as well as their out-of-state commodities brokers. Businessmen, too, must remain in contact with customers and out-of-state suppliers and manufacturers.

The rural economy is very dependent on the phone system. Home and personal use of the telephone must be taken into consideration, also. Increases in phone costs to the user translate directly to decreases in the standard of living of South Dakotans. If subscribers keep the service and are required to pay as much as $400 more annually for phone service, they will have to forego the purchase of other goods and services. The only other alternative available to them is to forfeit the use of telephone service. That kind of dislocation would be tragic.

Phone usage in rural areas is a necessity. Besides the social and economic reasons for having telephone service, phone availability can assist in life-saving efforts. Weather conditions and job hazards are often life threatening in remote areas and communication is vitally important in reducing risks associated with rural living.

I urge you and your fellow commissioners to give full consideration to the needs of rural citizens. The principle of universal service at reasonable rates should not be abandoned now. The benefits from this admirable goal have been bestowed on all Americans. Let us take steps to assure the continuance of affordable basic service by compromising an acceptable mix of economic and social objectives.

With best wishes,

Sincerely,

JAMES ABDNOR,
U.S. Senator.

U.S. SENATE,

Washington, D.C., December 9, 1982.

Re Docket No. 78-72.

Hon. MARK S. FOWLER,

Chairman Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN. We are writing to express our interest in the FCC's pending decision on access charges. Specifically of concern is the impact your action will have on rural telephone subscribers.

We recognize the necessity of the action that you are taking as well as the complexity of the issue. The advent of competition in the long distance market and the settlement of the Department of Justice antitrust suit against AT&T are among the factors that dictate the replacement of the present method by which local telephone companies are compensated for the use of their facilities for the initiation and completion of long distance calls. However, your response to these new market-oriented elements should not in any way reduce our nation's longstanding commitment to universal service.

You already have heard in greater detail from some of us and from some of our colleagues about this important issue of access charges. Our purpose in writing now is not to discuss the merits of the various access charge proposals presently before you. Rather, this letter serves as a reminder that the concept of universal service is of utmost importance to this nation's legislators.

As representatives of rural America, our review and judgment of your final product will be influenced in large part by your treatment of rural telephone subscribers. Those rural citizens must continue to have telephone service and telephone rates that are comparable to the service and rates in urban areas.

Your attention to our views on this extremely important topic is appreciated.

Sincerely,

Senators James Abdnor, Larry Pressler, Edward Zorinsky, Thomas Eagleton, Pete Domenici, Dennis DeConcini, John Stennis, Alan Simpson, Don Nickles, Gary Hart, John Melcher, Quentin Burdick, David Boren, Patrick Leahy, Robert Stafford, James McClure, Mark Andrews, Wendell Ford, Paul Laxalt.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the following information be included in the RECORD. On a State-by-State basis, the first table shows that a relatively small handful of telephone service customers make up a substantial and sometimes overwhelming volume of the total revenues generated.

The second table shows how the rates or costs to other customers would be vulnerable to dramatic increases if lost revenues had to be made up in the event that large customers leave the phone network.

My argument is that these few customers are exactly the ones that everyone will be vying for in the event that the telecommunications industry, either as a whole or just certain firms, is deregulated. They are the lucrative and highly profitable end of the market. But who is going to be looking out for the little guy—the small business or the elderly couple—who still is dependent on reasonably priced phone services?

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

BUSINESS CUSTOMER REVENUES

[MTS. WATS and private lines]

	Percent of business customers	Percent of business revenues
Alabama	10	77
California	1.2	30
Connecticut	1	45
Florida	.5	47
Georgia	.5	50
Iowa	6.3	24
Kentucky	10	83
Louisiana	10	73
Maine	3	39
Massachusetts	3	55
Minnesota	6.4	28
Mississippi	10	69
Nebraska	.3	28
New Hampshire	3	44
New Jersey	3	36
New York	.3	33
North Carolina	4	45
North Dakota	.9	9
Ohio	.5	45
Pennsylvania	1	40
Rhode Island	3	51
South Carolina	.5	41
South Dakota	2	50
Tennessee	10	81
Vermont	3	42
Washington	.5	40
Missouri	1	33
Oklahoma, Kansas, Arkansas, Texas	1	33
Arizona [1]	.2	10
Colorado [1]	.3	10
Idaho [1]	.03	10
Montana [1]	.1	10
New Mexico [1]	.05	10
Utah [1]	.05	10
Wyoming [1]	.6	10

[1] These final figures were calculated to demonstrate the percentage of total business customers representing 10 percent of business revenues.

If a small number of customers generate a substantial portion of revenues and those customers drop out, then the remaining customers will probably face higher rates.

In order to meet revenue requirements to insure quality telephone service, the other customers would have to pay more for it, either through increased use or higher rates. The following table shows how rates would have to increase to maintain operating revenues in the event that large volume customers drop off the line:

If revenues drop by this percentage: 10, 20, 30, 40, and 50 percent.

Then phone rates or costs to remaining customers would have to increase by this percentage to compensate for lost revenue: 11, 25, 43, 67, and 100 percent.

Mr. ABDNOR. Mr. President, I know there are a number of people who have asked to make comments on this particular amendment.

Mr. PACKWOOD. Mr. President, will the Senator yield for a question?

Mr. ABDNOR. Yes.

Mr. PACKWOOD. I want to be sure I understand what telecommunications services means.

In the bill telecommunications service means the offering of telecommunications facilities, or of telecommunications but such term shall not include basic service or cable service.

Do I take it to mean the Senator is saying any communication in this country except for cable service or basic services will pay a fair share, to the support of universal service? This would include General Motors communicating by satellite from Detroit to their plant in California. They never paid a subsidy before, and they will pay their share of that now. If it is communication between banks in this country they will share the telecommunications costs?

Mr. ABDNOR. Those are the options I hope you consider in your legislation in the days ahead.

Mr. PACKWOOD. Fine. I am in agreement with that definition. But I want everyone to understand, although this is a policy statement and not law per se, the Senator is indicating an expansion of the subsidy far beyond what it is now, and I think it should be. I think it is unfair to make AT&T, through its Long Lines division, be the sole subsidizer. Everyone who happens to use the spectrum for transmission between their own plants does not subsidize, and it is a tremendous incentive to leave AT&T to go to another form of communication and not subsidize. I think it is only fair if we have a subsidy that everyone who communicates will pay a proportionate share of that subsidy.

Mr. ABDNOR. That is exactly what we have in mind, and we are happy that the Senator agrees with that.

Mr. PACKWOOD. I can speak for myself. I cannot speak for others. I would like to vote on this tomorrow, although I think it is a good amendment. I would be prepared to accept it. But I would like when we vote tomorrow, we would like, the yeas and nays.

Mr. ABDNOR. You will have a rollcall, you say?

Mr. PACKWOOD. Yes.

Mr. ABDNOR. With that I will yield to the Senator from South Dakota, my colleague, Senator PRESSLER.

Mr. PRESSLER. Mr. President, I rise in support of the Abdnor amendment. We are in a situation where we need to look very carefully at what has happened in rural and small town America, or what might happen, in terms of communications policy.

In our State the deregulation of airlines has had a devastating impact on the availability of service to our people. I have opposed deregulation of certain transportation modes, be they railroads or trucks, because the common carrier responsibility has been abandoned. Over the years our Nation has grown and our economy has flourished because some common responsibilities are shared that very rich markets help out in unprofitable markets.

A recent article in the Washington Post illustrates the problem. AT&T, our Nation's phone company, has announced that it will soon be selling a new computer memory chip which has four times the capacity of memory chips now in use.

Technological progress has blurred the traditional distinctions among various telecommunications industries. This change is a major justification for the pending AT&T divestiture, although I am fearful that that court-ordered divestiture may well create worse results in telephone rates in rural and small town America.

I can say, Mr. President, that in Wall, S. Dak., the head of the rural telephone co-op has a set of figures that indicates that rural cutomers will pay even higher rates than those even in small towns and smaller cities.

The merging of technologies should be a primary focus for any congressional action affecting telecommunications networks, whether it is telephone, broadcasting, or cable service.

Mr. President, I think we need to talk about defining basic telephone service as S. 66 does.

It defines it as a "telecommunications service provided through a switched network capable of providing two-way voice grade communications that would be subject to regulation by the Commission or any State."

This definition fits our traditional view of telephone service, one person picking up the phone and calling another person in the next room or next city.

However, telephone companies are beginning to offer kinds of telecommunications services, subject to State regulation. This service might be data transmission for a local bank or a large corporation. This type of service is regulated. But S. 66 would allow cable companies to provide this same type of service without any regulatory requirements.

This unequal regulation of the same service could easily lead to a bypass of the local telephone company at a time when our local phone companies need additional revenue to offset the economic impact of divestiture.

Since the local operating companies will no longer rely on long-distance cross-subsidy to maintain affordable local telephone rates, the revenue must be made up somewhere else.

The Federal Communications Commission is currently developing a universal service fund, which will help offset the costs of local phone service in high-cost areas like my home State of rural South Dakota. Long-distance carriers will pay access changes to support this fund. This money will then be paid to phone companies in high-cost areas to help maintain reasonable telephone rates. If cable companies are allowed to bypass the local phone network, they will not be required to pay these access charges. As a result, the universal service fund could be inadequate before it is fully implemented.

S. 66 has been the subject of much debate within the Commerce Committee. This measure was first scheduled for Commerce Committee action on March 22. During that executive session, I first raised the telephone issue. I asked the bill's supporters to consider its effects on our telephone companies at a time when they are most vulnerable. Committee action was postponed until April 21. During that month's delay, efforts were made to solve this problem. Unfortunately, no agreement had been reached before the next executive session. However, asssurances were given that a committee amendment would be drafted to address this problem.

Unfortunately, the committee amendment does not go far enough. The committee amendment would allow States to require informational tariffs whenever cable companies provide local data services. Although this informational tariff would require additional paperwork, it does not provide sufficient State regulatory authority to carefully monitor the bypass problem.

Second, the committee amendment allows deregulation of local data services when effective competition in the marketplace is determined. This is a promise of future deregulation for the phone companies while leaving the cable companies' data transmission services totally unregulated. The local phone company must continue to meet regulatory requirements. But it is restricted in its efforts to find new sources of revenue to stabilize the financial base. Who loses in this situation? The local telephone user who will face rapidly increased phone rates in the coming years.

Congress must fulfill its obligations to the consumer, to the American people who depend on their telephones, to the thousands of rural citizens who would be cut off from business and personal communications if they cannot afford a telephone. For this reason, I support this amendment to create a fair and equal regulatory environment for telecommunications services, regardless of who is providing those services. I urge my colleagues to join in supporting this amendment.

Mr. President, I will say in conclusion that in this struggle, let us remember that if the first transportation policies and the Communications Act and the international highway program had been set up so that they only went to areas where there was a very clear profit, our whole nationwide network of transportation and communications would not have been built up.

We must be very careful to remember that we are probably developing two forms of communications in this country.

I frequently say, and perhaps to the point that my colleagues on the Commerce Committee probably are tired of hearing me say it, but I fear that the

urban city cores and the rural areas are sometimes being left out of the so-called communications revolution. I read an excellent speech by the Senator from New Jersey about how, in some cases, the poor are being left out of data control services. I have pointed out many times that the two places where, as a Member of the U.S. Senate, I live in Washington, D.C., in Humboldt, S. Dak., we do not have cable, one a very urban area and the other a very rural area.

There has always been a provision of the U.S. mail service, from the days of the Pony Express on, to try to reach all citizens wherever they lived, even though the cost is much greater to serve someone when you have to deliver the mail in a remote area than it is to deliver that mail in an urban area where you have several hundred boxes in the same place.

The business of our Nation, the communications of our Nation, the decisions that have been made in the past, be it on railroads, airplanes, buses—must be based on a common carrier principle.

In this bill, I know the chairman of the subcommittee has done a great deal of work. I wish to commend him because the Senator from Arizona has worked out the compromise between cities and cable companies. It has been miraculous how many accommodations he has made.

But I wonder why it would harm this bill to have these amendments by my colleague attached. I do not think it would kill the bill. I think it would improve the bill.

I wish to thank the subcommittee chairman for delaying consideration of this bill and for coming up with a committee amendment. That committee amendment is not as satisfactory to me as my colleague's amendment it.

But aside from the immediate consideration of amendments, we have the broad overview of what is going on in communications policy in the United States. We must be vigilant that we are not leaving out the poor, the very urban people, the people who live on ranches, the people who live on a farms, or the people who live in a town of 300 or 500 people.

Indeed, our national policy should be to encourage more people to live in rural and small towns areas. Surveys have shown that people would prefer to if they have the option, if the quality of life is good, if there is cable TV, if there is good telephone service, if there is good educational services for their children, and good mail service. These are some of the things that we must preserve.

So I think that this effort we are seeing here this afternoon is a positive effort. This debate causes us to discuss some things that should be discussed about this bill and about telecommunications policy. It will be particularly noticeable next year when the public begins to be aware that great changes are occurring in our telephone service. Maybe I will be proven wrong, but I think the changes that are underway will be disastrous for telephone service in this country. I tend to believe that we had a great system. There were complaints, but nothing like there are going to be in the future.

So, with those remarks, I yield back my time and I urge my colleagues to join in supporting this amendment.

Mr. ABDNOR. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. Will the Senator yield?

Mr. PACKWOOD. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, first I wish to thank my friend for the complimentary remarks he made about the subcommittee and the full committee. I do not need to remind him that the art of politics is compromise. That is what we are gathered here for, to bargain back and forth and finally come up with something that is acceptable and that will work for the benefit of the American people.

I think I probably have flown across the United States more than any individual living in the United States. I am constantly looking down and I am amazed at the great, great areas where people do not live. So when you talk about rural problems, I think every State in the Union—approximately 80 percent of the land area of America—is rural in nature. It has always been our purpose to encourage private enterprise to do the best they can to help people living every place, particularly where services are hard to get to. It is only when we get the Federal Government in the act that we begin to stumble and fall down.

This amendment, I might say, is a good amendment. It does not do damage to the ultimate objectives of the bill.

I remind my colleagues, though, that the language:

> Recognizing the longstanding tradition of the Congress of promoting universal telephone service at reasonable rates, and recognizing the rapid technological changes of the types and delivery of services offered by the telecommunications industry, it is in the public interest to ensure

and I emphasize this—

> that all providers of telecommunications services share in the obligation of providing universal service.

That is why I like this amendment and why I am very happy that the chairman of the committee is willing to accept it. I like it because it gives us an opening to the series of hearings, that the chairman will hold on communications after the Fourth of July on who these providers will be, and if there is any kind of a formula we can develop as to what percentage of each bill is to be matched or returned by moneys from sources such as the Long Lines division of AT&T.

That is the real problem. As I understand it now, in the State of South Dakota the matching formula is something around 38 percent. I think it is about the same in my own State. We have been able to provide not just the man or woman who lives on a farm or who lives in a small community access to adequate telephone service all over the world, and particularly within the communal area, but we have been able to do that because of the very high rate of use of interstate telephone service which has really been the source of money to provide smaller bills for our telephone users.

So I think this is a step in the right direction. It is not the answer, I have to say, because the answer will only come after we have hearings when the problem is a little better defined, a little more clearly defined, as to what we have to provide in the way of money to enable the people of South Dakota, the people of Oregon, the people of Kentucky, the people of Arizona, to mention a few, the benefit of lower telephone rates.

The Senator made some comments about deregulation. I have to say, as one who has long believed in deregulation, if it has proven anything, it has proven almost a total inadequacy for the people engaged in free enterprise in this country to know what to do about it. We deregulated the airlines and they have never been in such bad shape.

I do not think the Federal Government moving in will take them out of that bad shape, but I think it is about time that management wakes up to the fact that somebody has to run these things, somebody has to make the telephone service work, somebody has to make the automobiles work, somebody has to do the job, and we have always looked upon the American free enterprise system to do that. I think deregulation in the long run will do it.

Mr. President, I just wanted to say those few words in support of this amendment which I think will help. I do not agree that the other amendment to be offered by the Senator's colleague is going to help cable television, but we will just have to wait and see. In the meantime, I am glad that the Senator called for a vote.

Mr. PACKWOOD. If the Senator from South Dakota is prepared to yield back his remaining time, I am prepared to yield back the remainder of my time.

Mr. ABDNOR. I thank the Senator from Arizona for his comments. I yield back the remainder of my time.

Mr. PACKWOOD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The vote will occur on tomorrow under the previous order.

AMENDMENT NO. 1379

(Purpose: To modify the definition of basic telephone service)

Mr. ABDNOR. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Dakota (Mr. Abdnor), for himself, Mr. Burdick, Mr. Exon, Mr. East, Mr. Helms, Mr. Andrews, Mr. Melcher, Mrs. Hawkins, and Mr. Pressler proposes amendment No. 1379.

Mr. ABDNOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, beginning with line 15, strike out all through line 20 and insert in lieu thereof:

"(2) 'basic telephone service' means telecommunications service that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act;".

Mr. ABDNOR. Mr. President, I now wish to direct my remarks specifically to my amendment dealing with the definition of basic telephone service. However, I wish to make a few comments about both amendments at this time to show how the two are related and equally important.

The previous amendment would add to the section 601, the findings, a recognition of the longstanding congressional policy of promoting universal telephone service at reasonable rates. My amendment would simply affirm that all providers of telecommunications service share the obligation to maintain affordable basic telephone service. On this we agreed a few minutes ago. This policy has worked well for decades in this country, and it is as right today as it ever was.

I firmly believe that this overriding principle should be reaffirmed today especially because of the changes in the industry that are occurring. I believe that S. 66, which established a national broadband telecommunications policy, should declare this basic principle.

Now, my amendment currently before the Senate would maintain the regulatory status for both local and long-distance telecommunications services until the broad social and economic effects of massive changes in telecommunications can be more fully assessed. The telecommunications industry is undergoing rapid technological changes, rapid regulatory change, and rapid organizational changes as AT&T is divesting the telephone companies into a number of separate companies. My amendment would recognize these huge uncertainties by amending the definition of "basic telephone service." My amendment does not affect the deregulation of cable television services. Traditional cable television services would be deregulated exactly as presently contemplated by the sponsors of S. 66.

My amendment would assure that telecommunications services and facilities which are currently regulated or which can be regulated when provided by a telephone company would remain subject to State and Federal jurisdiction—whether those services or facilities are provided by a telephone company, a cable company, or some other public or private organization.

My amendment would make S. 66 truly a cable television deregulation bill. It would address the very cable issues that I understood Senator Goldwater intended to address in S. 66, without jeopardizing universal service at affordable rates. I believe my amendment provides a reasonable, balanced compromise:

Traditional cable television services would be fully deregulated as now provided in S. 66.

Deregulation of the telecommunications services would be deferred so that this important issue could be addressed with appropriate care and consideration, not in the hastily drawn confines of a special interest bill.

Mr. President, I ask unanimous consent that a letter from the National Telephone Cooperative Association be placed in the Record at this time. Telephone cooperatives play an important and valuable role in providing communications services in rural areas. In South Dakota, for example, phone co-ops serve over two-thirds of the land area of the State. Only one-fourth of the population of the State resides in areas served by cooperatives. In some remote parts, there is less than one telephone customer for every mile of line. One can imagine how expensive it is to provide service along sparsely populated routes.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Telephone
Cooperative Association,
Washington, D.C., June 10, 1983.

Senator James Abdnor,
U.S. Senate,
Washington, D.C.

Dear Senator Abdnor: The National Telephone Cooperative Association (NTCA) strongly supports your two amendments to S. 66, the Cable Telecommunications Act of 1983. NTCA represents over 420 independent telephone systems in over 40 states. We are very concerned about the uneven treatment of providers of telecommunications services in S. 66 and its impact on universal service. CATV operators would be allowed to provide telecommunications services similar to that of telephone companies, but on an unregulated basis. S. 66 would promote cream-skimming of our lucrative customers and threaten universal telephone service.

NTCA believes that your amendment to define basic telephone service ensures that providers of the same telecommunications services would continue to be subject to equal regulatory treatment. Your second amendment reaffirms the Congressional policy of promoting universal service at reasonable rates and ensures that all providers of telecommunications services contribute toward maintenance of universal service.

NTCA appreciates your efforts to insure that modern telecommunications services in the information age are provided to rural Americans.

Very truly yours,
David C. Fullarton,
Executive Vice President.

Mr. ABDNOR. Mr. President, I ask unanimous consent that a letter from the National Governors' Association be included in the Record at this time. It outlines the concerns of the States in regard to the adverse effects of telephone service if cream skimming takes place in the communications industry. Certainly State and local officials are extremely concerned about rate increases which would accompany erosion of the revenue base of the phone network.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Governors' Association,
Washington, D.C., June 10, 1983.

Hon. James Abdnor,
Hart Senate Office Building,
Washington, D.C.

Dear Senator Abdnor: On behalf of the National Governors' Association, we urge you to oppose S. 66 the Cable Telecommunications Act of 1983. The bill would prevent states from insuring universal telephone service at reasonable cost and preempt state authority to guarantee moderately priced high quality cable television service.

The definition of "basic telephone service" in S. 66 would allow cable television companies to offer unregulated telephone service. Existing local telephone service would remain subject to state regulation. Cable companies would be able to offer unregulated telephone and data transmission service to high volume users. Skimming the cream from the local telephone market would mean higher rates for other customers, since fewer consumers would be forced to pay for the local telephone company physical plant.

Recent federal actions implementing the divestiture of AT&T and the FCC's access charge decisions have resulted in an industry that has already requested $4.8 billion of rate increases for local telephone service. The national goal of universal telephone service will be jeopardized as local rates become unaffordable for large groups of citizens.

State governments would be preempted from overseeing cable television service in S. 66. Cable TV enjoys the unique capability to provide through a single wire a wide variety

of services including television, voice communication, alarm services, and shopping and banking at home. No other utility can compete with cable's ability to provide this service combination.

Federal preemption of state authority to deal with intrastate telecommunications should be as a last resort. The cable industry has not demonstrated that current state and local regulation has restrained its ability to grow at a rapid pace.

We support the amendments you intend to offer that would protect the ability of states to insure the maintenance of quality telephone and cable television service at affordable costs.

Sincerely,
Gov. Robert D. Orr,
Chairman, Transportation,
Commerce and Technology Committee.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the following letter be included in the Record at this time. It is from the National Association of Regulatory Utility Commissioners, otherwise known as NARUC. As we might expect, this organization is deeply concerned with what is happening in the communications field these days. Their commitment to universal service at reasonable rates is worthy of recognition. As this topic receives more attention in the future, it is imperative that the Congress work closely with State public service commissions, the Justice Department, and the Federal Communications Commission.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Association of Regulatory Utility Commissioners,
1102 Interstate Commerce Commission Building,
Washington, D.C., June 10, 1983.

Hon. James Abdnor,
U.S. Senate, Washington, D.C.

Re: Proposed Amendments to S. 66, A Bill Proposing the Cable Telecommunications Act of 1983.

Dear Senator Abdnor: The National Association of Regulatory Utility Commissioners (NARUC), composed of the governmental agencies of the fifty States which regulate intrastate telecommunications services, strongly endorses your proposed amendments to S. 66 relating to the definition of "basic telephone service" and the continued availability of universal telephone service.

As you know, the NARUC is firmly opposed to the overall thrust of S. 66, which is that independent State and local regulatory authority over cable telecommunications should be displaced by a Federal statute placing severe restrictions on the scope and nature of State/local cable regulation. Your amendment to the bill's "basic telephone service" definition addresses one of the most serious of these restrictions. Under the bill as currently written, State regulation of cable company-provided telecommunications services—other than basic voice telephone service—would be prohibited, even though identical services offered by telephone companies would be subject to regulation. Your amendment would preserve State authority to regulate telecomminications services regardless of the nature of the service provider.

The national policy goal of universally affordable local telephone service is now in jeopardy. Recent FCC decisions and the impending divestiture of AT&T Co. are certain to exert a severe cumulative impact upon the cost of service for the basic telephone service subscriber. State regulators are in the unenviable position of having to oversee the implementation of these Federally-mandated policy decisions even as their ability to mitigate adverse impacts within their respective States is being further curtailed by these same Federal decisions.

The disparate regulatory treatment of cable-offered telecommunications services proposed in S. 66 would only exacerbate this trend. It would further reduce the panoply of regulatory tools currently at the States' disposal to ensure fair rate structures which promote universal service.

Your definional amendment as well as your amendment to S. 66's findings which would expressly state the obligation of all carriers to contribute to universal service maintenance, on the other hand, represent the types of policy directions from Congress that are absolutely essential as the telecommunications industry moves through this transition era.

The members of the NARUC commend you, Senator Abdnor, for your leadership in championing the cause of universal service.

Sincerely,
Paul Rodgers,
General Counsel.
Rita A. Barmann,
Director of Congressional Relations.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the following letter be included in the Record. The South Dakota Public Utilities Commission is one of 39 State public service commissions which support my efforts. I am pleased to know of their interest in the issue.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Public Utilities Commission,
State of South Dakota,
Pierre, June 10, 1983.

Re S. 66, a bill proposing the Cable Telecommunications Act of 1983.

Hon. James Abdnor,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

Dear Senator Abdnor: The South Dakota Public Utilities Commission wholeheartedly supports your amendments to S. 66. The amendments as proposed will help to preserve the South Dakota Public Utilities Commission's future regulation of basic telecommunication services.

Should you or your staff have questions on our Commission's position, please contact us.

Sincerely,
Kenneth Stofferahn,
Chairman.
Jeff Solem,
Vice Chairman.
Dennis Eisnach,
Commissioner.

Mr. President, I ask unanimous consent that certain information from the National Association of Regulatory Commissioners be printed in the Record at this time.

There being no objection, the information was ordered to be printed in the Record, as follows:

OPPOSITION TO S. 66

The National Association of Regulatory Utility Commissioners (NARUC) has taken a formal position opposing portions of S. 66, including those portions which would deregulate CATV companies offering telecommunications services while leaving similar services offered by telephone companies subject to full regulation. NARUC believes that the result of this unequal treatment must be increased local telephone rates. The concerns of NARUC have so far been reflected in positions taken by the Northeast Conference of Utility Commissions and by the following state Public Utility Commissions:

Alabama, Alaska, Arizona, California, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Montana, and Nebraska.

Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wisconsin.

Mr. ABDNOR. Mr. President, I yield to the Senator from Florida (Mrs. Hawkins). .

Mrs. HAWKINS. Mr. President, I rise today in support of Senator Abdnor's amendment to S. 66 because I share my colleague's concern that Congress must do all that it can to insulate consumers from the nationwide telephone rate shock that is just aroung the corner—I refer to imminent steep increases in the cost of basic local, life support telephone service.

Universal telephone service is the key phrase in today's debate. By universal telephone service, I mean universally affordable, high-quality, telephone service in all but the most remote areas of this country. It has taken years for us to reach the remarkable levels of telephone service that this country is known for. No where in the world can you find a more comprehensive and more moderately priced telephone service system.

Yet, our success is threatened today. Passage of the Cable Communications Act without this amendment will place added upward pressure on local telephone service rates. The AT&T divestiture, the recent FCC/Joint Board decisions on asset depreciation and access charge will push local rates so high that the number of people with telephones is expected to drop by 3 to 10 percent nationwide. The erosion of local telephone revenue bases by cable company cream skimming will drive that figure higher unless the Abdnor amendment is adopted.

What is cream skimming? Cream skimming involves cable company practices of obtaining a community's largest and most lucrative customers, thereby reducing the revenue base for the telephone company. What are the statistics? Telephone company revenue statistics show that a very small number of heavy phone use customers account for a very large proportion of the telephone company's revenues. Nationwide statistics show that 4 percent of residential customers represent 29 percent of cumulative residential revenues.

More nationwide statistics: Only 3.9 percent of business customers provide 61 percent of total business revenues. Over 75 percent of total revenues from business long distance are accounted for by less than 8 percent of all business customers.

Florida statistics: We are an average State; 0.5 percent of business telephone customers represent 47 percent of the business telephone revenues.

Those are just a few figures, Mr. President, that will define what I feel is cream skimming. This is what consumers already are facing, and it is just the beginning.

In 1982 alone, $3.5 billion worth of telephone rate increases were granted by State public service commissions.

I know we jest a little bit on the floor about a million here and a million there and the first thing we know, we are talking about real money. I am talking about real money: $3.5 billion worth of telephone rate increases were granted by States in 1982 alone. Right now, as we speak on this floor, there are $4.5 billion worth of increases pending before the same commissions. We should all fear how much more of these increases will erode our telephone service. The threat is real.

During the AT&T divestiture cases, a study was introduced into evidence by the defendant, AT&T, to show how many telephone customers would drop basic telephone service if the price reached certain levels.

Here were the conclusions. First, the study showed that around 93 percent of all Americans enjoyed basic telephone service, a great goal that we have reached. It showed that if local rates increased by 100 percent, which is the minimum increase expected in most markets as a result of divestiture, only 83 percent of our citizens would be able to afford basic telephone service. If rates were to increase by 200 percent, the percentage of those taking service would decrease to 70 percent of the population. In rural areas, that same 200 percent increase was expected to drop telephone hookups down to 64 percent of the population. The numbers in the study were worse for select groups within the population; of members of the group termed "very poor," 79 percent were shown to take basic service. It is a life-support service, not a luxury. A 100 percent increase was expected to precipitate a drop of 64 percent participation in that group while an increase of 200 percent would drop that figure to only 46 percent. These are frightening statistics but section 614 of S. 66 will make it harder for Congress to avoid this result later.

S. 66 effectively allows cable companies to expand into the two-way telecommunications market on an unregulated basis serving only those customers and areas they consider the most lucrative. Everything should be equal in this legislation. This provision now only encourages "cream skimming," but it also, in my opinion, removes from the FCC and State agencies the authority needed to require cable companies to make a contribution in the fight to retain universal telephone service.

Now, some may have heard the argument that the cable industry poses no threat to the seven telephone companies that will emerge from the AT&T divestiture on January 1, 1984, and that it will be years before they could even make a difference in the telecommunications market. Well, I do not think this is true. They have done very well indeed in the last 8 years. At last count, they have operating revenues of $4.5 billion nationwide and have increased their percentage of penetration into U.S. TV households from 15.5 percent. In 1976, to 36 percent today. Right now, over 50 percent of all households can accept cable. Private sector predictions are that that number will be 85 percent by 1990. Please take note that it is there newer systems being built right now that are equipped with two-way data and voice capabilities.

I am not convinced that it will be years before two-way cable service puts pressure on local telephone rates. We have badly underestimated the speed of many new technologies into the marketplace in recent days.

I expect that the cable industry will be ready very soon to compete for the Nation's telecommunications markets whether or not they are under the control of the State public service commissions. I encourage the cable industry to compete, but to compete within the regulatory framework that we have in place. There is no good public policy reason to allow ratepayers to suffer unnecessarily during the transition from a monopoly-based telecommunications system to a competitive one.

Today, Senator ABDNOR and I and the cosponsors of the Abdnor amendment are not alone in our effort to modify this cable bill. This is a very difficult and complex issue. Nevertheless, the consequences are great enough that groups like the National Association of Utility Regulatory Commissioners, the National Governor's Association, the National Telephone Cooperative Association, and the Consumer Federation of America have taken the time to analyze this bill and have spoken out in favor of the Abdnor amendment.

Thirty-nine State public service commissions have either written to or called their Senators to explain their reasons for supporting the Abdnor amendment. These commissioners are the people who live day in and day out with telecommunications companys' financial problems, technical glitches, and service complaints.

Service complaints are very important. Who is going to consider the service complaints if this bill is passed without the amendment?

Public service commissions are extremely sensitive to the difficulties that will be caused their telephone rate-payer constituents should rates be pushed up even further. They are understandably concerned about the proposition of having hundreds of cable companies establishing two-way information loops within their jurisdictional service areas. As a former public service commission chairman, I share their concerns. I have been supportive of deregulatory efforts in many areas of commerce during my 2½ years here in the Senate, and as an elected public service commissioner in Florida. Yet I have always advocated careful and deliberate deregulation with full review of all the possible consequences. The consequences of passing this cable bill without our amendment are great. We must remember that, whatever legislative solution we produce to address the question of how to preserve universal telephone service, State public service commissions will be heavily involved. In order to be an effective part of that solution, these commissions must be allowed to keep within their purview all the players in the ongoing telecommunications market competition.

I hope that my colleagues will recognize the importance of placing all companies that provide two-way communications services under the regulatory control of State public service commissions.

I urge my colleagues to support this amendment.

I thank the Chair.

Mr. PACKWOOD. Mr. President, I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I would like to inquire of the Senator from Florida if she is addressing herself to the first Abdnor amendment or the one he just offered.

Mrs. HAWKINS. The second one he has offered, but I think it is important to talk about high quality service at the same time.

Mr. GOLDWATER. I have to point out with all due respect that what the Senator is talking about we have taken care of in accepting the first Abdnor amendment.

This second Abdnor amendment applies itself to something that has not happened yet. That is the percentage of service or the volume of services that AT&T feels would be competitive to them. I believe that Florida comes

under Southern Bell Telephone & Telegraph Co.

Mrs. HAWKINS. That is correct.

Mr. GOLDWATER. They have almost $6 million in revenues, local revenues almost $3 million, but less than 0.7 percent of that is concerned with data transmission. That is what the Abdnor main amendment is aimed at.

He says:

> All providers, including cable, of basic telephone service, defined very broadly to include basic voice plus data, would be regulated by the States.

I have to point out that we are speaking about something that is so small that we cannot even measure it among the 5,790 or so cable television companies operating in this country.

As I explained earlier on this floor, in a technical way, in an electronic way, if you have a wire running from your house to my house and you are willing to spend the money, and I am willing to spend the money, and a cable company is willing to spend the money to provide the system, we could theoretically communicate.

That is not the purpose of this bill. It is not the purpose of cable television. The purpose is to provide better television for people who do not now get adequate television reception. While I have to admit that in Florida, with it being, with no disrespect, a very flat type of State, television has good transmission qualities. But we are talking about States where there are many, many square miles that television cannot reach.

S. 66, as reported, would not regulate a cable company's provision of data services over its wires. Such services offered by telephone companies are not addressed in the bill as reported.

Well, we do not address it because again AT&T has about 1 percent of their total local income coming from local data offering.

I am not going to stand here and say it is not going to grow, because AT&T has now become a communications company. It is no longer a telephone or a telegraph company. Somebody remarked that the ability of a chip to provide memory is four times as great as chips can provide now. That is absolutely true. In fact, we are working on chips that will probably offer as much as a billion times as much memory.

So, Mr. President, I have to oppose, as chairman of the Subcommittee on Communications, the second Abdnor amendment. I am perfectly happy with the first one. I think it will pave the way, as I said earlier, to help the local telephone user, seeing to it that his bills do not become exorbitant. I think they will if we do not pay attention to it. But I see no purpose in amending this bill to include something that is not even in existence. If it becomes a problem next year or the year after, we can always meet and take care of the differences that might exist then from what exists today.

I thank my chairman.

Mr. PACKWOOD. Will the Senator from South Dakota on my time yield for a question?

Mr. ABDNOR. Yes.

Mr. PACKWOOD. I want to make sure that the Senator's use of the term "telecommunication service" means the same as it did in his previous amendment.

Mr. ABDNOR. It means all telecommunications with the exception of broadcasting. Your bill's definition is adequate for me.

Mr. PACKWOOD. So this amendment is infinitely more extensive in terms of regulation than just subjecting cable television to regulation when it transmits data. The Senator is saying all telecommunications service except as he defines it, will be subject to regulation if a common carrier could provide the service?

Mr. ABDNOR. Essentially, this would be a similar regulation over what we have today for the telephone people.

Mr. PACKWOOD. Today in many States the revenue from the Yellow Pages is counted as part of the revenue of the local telephone companies in terms of determining their total revenues and it is used basically as a subsidy for telephone service.

Do I take it then that anybody else who would be providing the equivalent of that kind of service would be subject to regulation?

Mr. ABDNOR. What I intended by the amendment, is that if any service is regulated, then all providers be regulated equally. To answer your question, if Yellow Pages are regulated currently, then the answer is yes.

Mr. PACKWOOD. That is what I wanted to make sure, because I misunderstood the Senator's amendment. This amendment does not relate to just the transmission of data locally by cable companies?

Mr. ABDNOR. That is right. This would put the cable TV services under the same kind of regulations that we placed telephone people under.

Mr. PACKWOOD. That is not my question. The Senator's amendment says "telecommunication service," and in the previous amendment he said he defined that as all communications. I used the example of General Motors in Detroit communicating with its plant in California and using satellites. The Senator said, yes, that is also a telecommunication service for purposes of the subsidy amendment that he previously offered.

Mr. ABDNOR. Getting back to yellow pages, I am not referring to advertising generally under this. The Yellow Pages is part of the original package today.

Mr. PACKWOOD. In that case, if the telephone company were to offer burglar alarm service through their phone wires, any other company that wanted to offer it, cable or otherwise, would be subject to regulation?

Mr. ABDNOR. That may be right, if these services are currently subject to regulation.

Mr. PACKWOOD. And the same with any other service?

Mr. ABDNOR. Yes; I would guess.

Mr. PACKWOOD. Well, then, what the Senator really wants to do at the moment is regulate a great many services that are not regulated today.

Mr. ABDNOR. I think you have to consider the overall thrust. It would be the same kind of regulation that the telephone people are experiencing today. I do not intend to determine what is an unfair practice. It is unfair when you say, if the telephone people do this, they are subject to regulation and approval but it is perfectly OK for another area to go right ahead and do the same thing without any kind of regulation.

Mr. PACKWOOD. Let me read the Senator's amendment again.

> Basic telephone service means telecommunication service.

We have already defined that as being almost anything.

> That would be subject to regulation by the Commission or any State if offered by a common carrier.

Now, of course, the common carrier we are talking about is the telephone company. If the telephone company were to offer a burglar alarm service, it would be determined by the public utility commission of the State to be a common carrier service. So the Senator is saying that if anybody else offers that service, it is also subject to regulation by the public utility commission?

Mr. ABDNOR. I am talking about enhanced services. I am talking about the direct services.

Mr. PACKWOOD. Talking about what?

Mr. ABDNOR. The basic service. That is a better phrase. We will use "basic service."

Mr. PACKWOOD. Wait a minute now. The Senator has this term in his previous amendment. Does "telecommunication service" here mean the same as "telecommunication service" in the Senator's previous amendment?

Mr. GOLDWATER. Will the Senator yield for a question at that point?

Mr. PACKWOOD. Yes.

Mr. GOLDWATER. A number of years ago, when this matter first came up, I was approached by a newspaper publisher of this country objecting to the use of the Yellow Pages by some of the telephone companies because it would tend to destroy the want ad section of the newspapers.

The newspapers since that time, to a large extent, have bought pieces of the Yellow Pages, and they use them precisely the way that they were afraid AT&T would use them.

My question is, Would the amendment prevent the newspapers from using the property they now own; namely, lists of people, from any means of communication that they care to utilize, including the printed word, which is communications?

Mr. PACKWOOD. I am not sure what this means, but I will take a guess. I think what it means is this: If the phone company were allowed to get into the electronic yellow pages, if they could put their Yellow Pages on television and the rate they could receive would be subject to regulation by a State public utility commission, then if a newspaper did the same thing, it would also be subject to regulation, because it would be offering the same service as the common carrier, the phone company. That is assuming that the telecommunication service means the same thing that we all agreed in the previous amendment it meant, which was everything except the one exception we defined:

> Telecommunication service means the offering of telecommunication facilities or of telecommunications but such term shall not include basic service or cable service.

But apparently it means everything else.

Mr. GOLDWATER. I might suggest that this theoretically could be extended to the use of any list that can be purchased such as the total list of either political party.

Mr. PACKWOOD. I think so.

Mr. GOLDWATER. Or the lists that are now available to companies running catalog services who transmit this information back and forth. They in effect would come under this amendment.

Mr. PACKWOOD. I think what this amendment means is that any service that is offered by anybody that is telecommunication service that would be offered by the telephone company would be subject to regulation.

I ask the Senator from South Dakota whether I state it accurately.

Mr. ABDNOR. Will the Senator repeat that?

Mr. PACKWOOD. As I read the amendment of the Senator from South Dakota, it says that any telecommunications service that might be offered by anybody will be subject to regulation by the State public utility commission if that same service could be offered by the phone company.

Mr. ABDNOR. The basic telephone service; that is correct.

Mr. PACKWOOD. The basic telephone service and telecommunications service are not the same thing. I am reading from the Senator's amendment, which uses the term "telecommunications service," which is the same term used in the previous amendment and was defined in some questions and answers on the floor, which was very cumbersome.

Mr. ABDNOR. The intent of the amendment—I think it says that—is that we are not expanding any new regulatory jurisdiction at any level of government. No government body—Federal, State, or local—would have any greater regulatory power than it presently has today because of this amendment.

I do not know what you are trying to read into it. The only effect of the amendment is that it modifies the definition of "basic telephone service," which covers that which is subject to regulation today.

Mr. PACKWOOD. If offered by anybody else.

Mr. ABDNOR. If it is a basic telephone service which should be subject to regulation. It is like what we meant before and understood in the past.

Mr. PACKWOOD. I ask again: Does "telecommunications service" in this amendment mean the same as in the Senator's previous amendment?

Mr. ABDNOR. My intention is the same in both.

Mr. PACKWOOD. Your what?

Mr. ABDNOR. What we want to accept is the definition you have in your bill.

Mr. PACKWOOD. We do not have this amendment in the bill.

An intent is one thing, but if the bill says one thing, the court is not going to look at the intent, if the bill is clear.

I will read your amendment:

> (2) "Basic telephone service" means telecommunications service that would be subject to regulation by the Commission or any State if offered by a common carrier * * *.

Do I read the amendment correctly?

Mr. ABDNOR. That is what the amendment says, yes.

Mr. PACKWOOD. I want to make sure what it is driving at. If telecommunications service means——

Mr. ABDNOR. I misunderstood that you had a modification in yours. The one I sent to the desk is different from this.

Mr. PACKWOOD. You lost me there.

Mr. ABDNOR. The one I was reading from is in the bill, and I understand that I have a modification of that.

Mr. PACKWOOD. I am still confused by your amendment, because my additional thought was that what you were trying to do was to say that if a local cable company offered local data transmission, that would be subject to regulation, and I understood that was the entire thrust of the amendment. Do I misstate what your amendment was or what you intended it to be?

Mr. ABDNOR. We are not saying there should not be a difference between voice or data.

Mr. PACKWOOD. Good.

Mr. ABDNOR. But I am not going into the enhanced part. I do not know how many different interpretations you could read into this. I am telling you what the intent of the sponsor of the amendment is.

We are not talking about enhancement, but we are talking about voice or the data part. We think they are closely tied together, and we could never understand how you could totally ignore the fact that they are together.

Mr. PACKWOOD. Your phone company is Northwestern Bell. Voice transmission is the absolute sustenance of the revenues of most local phone companies. They have some other revenues. They have some Yellow Page revenues. They have some immense long distance subsidy revenues.

Mr. ABDNOR. Right.

Mr. PACKWOOD. But in terms of data transmission, Northwestern Bell's total revenues—I am not counting all their revenues, just some local revenues—are $967 million. Their local data transmission revenues are roughly $8 million. If they lost all local data transmission revenues, assuming cable wiped it out, it would be less than 1 percent of their revenues. So it is not absolutely critical and essential to the local telephone service as to whether or not your phone company keeps this relatively minuscule amount of money. If they were to lose their local voice transmission revenues, they would be destitute, and this is a significant difference.

Mr. ABDNOR. Obviously, the concern I think you have in your committee was voiced several times, that you are instantly going to look down the road to what we are doing to the telephone system. You do not deny that access charges are still going to be an important part of any telephone company.

For some reason, somewhere along here today, we seem to think that what I am doing is trying to defend AT&T, which is the least of my concern. I am thinking about the people in my State and in the other States throughout this country who have nothing but higher costs to look forward to.

This is not a big cause for the rates going up—I will grant that. We are looking toward the future. As we look down the road, an additional burden is going to fall on phone customers.

It makes me think—and you can put this on my time, if you wish. I recall what I saw earlier this year, before the close of the last session, on the so-called trucking bill we passed.

It is not the user's fee by itself that is causing the truckers' problem. It started earlier with the deregulation of the industry. Where a State like mine used to have 3 truck routes going

from one end of the State to the other, we now have more than 10, taking the cream from the top in the big cities, skipping all the little towns in between. Now we have a big user fee on top of that. Maybe a user's fee does not sound like much to people, but when you are already on the rocks and in financial trouble and you add more taxes, it becomes a gigantic problem.

We are putting the local telephone companies in difficulty.

I daresay that many of the new Bell operating companies starting up are in trouble, let alone the independents. I have a telephone company in my town, with 375 people. You bet they depend on the $1.38 return on a dollar of generated revenue that comes back. That is the only reason they have any reasonable cost at all charged for the use of the telephone.

When we take that away, it can do nothing but go up, up, up to the place where they may not be able to afford it.

In the bill as proposed today, you pave the way to losing valuable revenues in many cases. Private networks can go right around those telephone companies. So they are tied together. All we are trying to do is lessen the severe burden that is now being placed upon these small telephone companies and the RTA's because of changes in the telephone industry.

Mr. PACKWOOD. I share the same concern the Senator from South Dakota has about the small towns.

Let me once more go through the figures. Seventy-five percent of all cable systems exist in towns of 15,000 or less. Ninety percent of all cable systems exist in towns of 30,000 or less. Of more than 6,000 cable companies in this country, only 130 provide 2 way service of any kind. In small towns, intracity data transmission is negligible. In the State of South Dakota, there is no cable company that provides two-way transmission.

Indeed, I am concerned, but what I do not want to see is the public given the impression that if we adopt the amendment of the Senator from South Dakota—although I want to get back to what the amendment means—they are going to get any significant relief on their phone bills. They are not.

I understand the frustration of the phone companies. I also understand the interest of the AT&T in this. I regard it as a well-managed company. But they no longer have an identity of interest with the local Bell operating companies.

I think AT&T would hope that the present policy of the Federal Communications Commission would be continued and that we would see the end of long distance subsidies for residential rates because they are no longer going to be in the residential telephone business, and if I were in their position that is the position I would advocate.

So, anything they can do to give the impression that the increase in the telephone rates is being caused by something other than the FCC policy is in their interests.

Blame it on the divestiture—the fact is that divestiture has not gone into effect yet, and is not in effect yet, is forgotten. Nothing, not a single telephone is effected by it. There is none until January. There is not a single data transmission by cable because of the consent decree.

Blame it on someone else. Try to get out of the problem we have on long distance.

I do not want the Senator to mislead the public that if we adopt his amendment they are going to get any relief. They are not.

Mr. ABDNOR. I do not think I said that they are going to get relief. We are talking about a great erosion of revenue because of this bill being passed in its present form without my amendment. Maybe it will cause rates to go up higher because there will be loss.

I did not say we are going to reduce anything. I am saying it is going to grow worse and those end costs are going to continue to go up.

We do not have to look very far down the road to see that as more dollars are lost through access charges, the more others have to pay. And the higher it gets some people will have to give up the use of the telephone, so there will be additional loss there.

There are a number of reasons why prices will go up. But this is part of the problem.

We must do something about it.

Mr. PRESSLER. Mr. President, will the Senator yield?

Mr. ABDNOR. I do not have the time.

Mr. PACKWOOD. I yield the floor.

Mr. PRESSLER. Go ahead.

Mr. ABDNOR. I wish to say there is a direct connection. I am not a great authority on between data and voice services. All I know is what I read.

Let me read this conclusion. Maybe the Senator knows more about it than I do.

There was announced by the Federal Communications Commission in the Computer II Inquiry decision that was reported on page 31333 in the Federal Register: "there is no effective way to distinguish between a cable company's provision of voice communication services as opposed to data services."

Just recently an employee of Bell Labs, a Mr. Robert Aaron, testified before the Florida Public Service Commission, and this is what he said:

> To my knowledge there is no device on the market that is capable of distinguishing between the transmission of voice signals and voice-based data.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. ABDNOR. I yield.

Mr. PACKWOOD. Mr. President, in that case, I am looking at the filing of his telephone company, Northwestern Bell, with the Federal Communications Commission, year ending December 31, 1982, No. 34, operating revenues account 300. Local service revenues subscribers, station revenues $925 million, public telephone $16 million, and so on. Data services $8 million.

How do they know?

Mr. ABDNOR. Since voice lines can also carry data, the figure is misleading.

Mr. PACKWOOD. How can they separate the two? I know they can separate it down to how much they get from carrying data. I thought the Senator said they could not tell.

Mr. ABDNOR. Some lines are exclusively dedicated to that purpose, I suppose.

Mr. PACKWOOD. That is not what this says—devoted exclusively.

They can even break it down on this to total services. They have both intra and interstate data services on their form. They are able to break it down to how much data they have received in State revenues, how much out of State. I do not know how they break it down. I am looking at the Senator's phone company's report.

Mr. PRESSLER. Mr. President, will my colleague yield? I can state the answer to that. I do not know if it is permissible.

Will the Senator yield?

Mr. PACKWOOD. I am on his time.

Mr. ABDNOR. I yield to the Senator.

Mr. PRESSLER. Mr. President, I say that the argument of the Senator from Oregon goes toward the Abdnor amendment. Because the definitions are so vague, we need to go to conference and get this definition worked out.

There are three purposes that I see to this amendment.

One is the definitional argument.

We do need to get into conference with a definition of basic telephone service or basic data service. We have had assurances that would be done before this bill came to the floor.

I think this very debate illustrates the need to include this amendment so that will go to conference where it can be clearly defined.

Second of all, let me say that it is true that telephone rates are going to go up next year. I do not like that. But they are going to go up more if certain things happen than if certain other things do not happen.

The third area that we must consider is what will happen in the future. Now, less than half a percent of Northwestern Bell customers in South Dakota provide 28 percent of the reve-

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nues. However, that may change or someone may "cream-skim" that 0.5 percent of the Northwest Bell customers and take away 28 percent of the revenues.

So, I think the very question the Senator from Oregon asked illustrates the need to include this amendment. There is so much disagreement about the definition of basic telephone service.

Before this bill is passed through and goes through conference and goes through the House of Representatives that must be defined.

His argument in favor of the amendment illustrates the confusion and it illustrates the Pandora's box that we are leaving open for different definitions other than definitions by Congress. If Congress does not address this issue, we are leaving it to the FCC, the courts, or someone out there, and I think Congress should address it.

I would merely say in conclusion, and I know we are limited on time, that on this amendment there are three basic arguments.

The first one is the one that has been used against it, that it is a matter of definition, basic telephone service, or what is in the bill as data transmission.

That illustrates the need to define what we have and that we have not defined it. So that is point No. 1.

The second point is that the argument has been used against this amendment that only a tiny percentage of transmissions are by cable companies. Indeed, in South Dakota there are none according to one report. That very argument is an argument for the amendment because that tiny portion of the transmissions has accounted for huge portions of the revenues, namely in South Dakota—I use that as an illustration—0.5 of 1 percent of the Northwest Bell customers in South Dakota provide 28 percent of the revenues.

If that little portion of 1 percent were skimmed off, problems result, and in this business of communications technology things change very quickly.

Of course, the basic final argument that I have made many times is that we must preserve a nationwide system of telephone service and communications that does not leave out the urban poor and rural persons.

I believe we are developing two cultures, not only for telephones but also television, and all the new technology, and that new era leaves out completely the business of sharing the cost to get the messages to certain areas that are not so profitable.

We have seen it happen in deregulation of the airlines, deregulation of buses, deregulation of railroads, and now the court-ordered breakup of AT&T.

My view has been, and I opposed each of those deregulatory efforts. We are in a situation where we are giving up that common carrier responsibility, the responsibility of the very profitable markets to assist some of those not so profitable, the responsibility to build an Interstate Highway System to all States as we did, the responsibility to build railroads through all States as we did, the responsibility to deliver mail to everyone in the country and not just those where there is a profit involved.

As I have said before this afternoon the two places where I reside, Washington, D.C., and Humboldt, S. Dak., neither of them has cable TV, for an example. The urban area is left out and the rural area is left out, but there is plenty of cable TV and communications in the suburbs where it is profitable.

It can be profitable in urban areas and rural areas but it is not so profitable. So this amendment is saying to the conferees, saying to the House, that these definitions may not be perfect, but they will force the conferees to consider this issue, and I think that is what we want.

Mr. FORD. Mr. President, would the distinguished senior Senator from South Dakota yield for a question?

Mr. PRESSLER. Yes.

Mr. FORD. Senator, you somewhat ridiculed the statement of, financial statement of, Northwestern Bell.

Mr. PRESSLER. No, I did not.

Mr. FORD. You ridiculed it on the basis that it did not mean anything.

Mr. PRESSLER. No, I did not say it quite that way.

Mr. FORD. Well, you said something similar to that.

Mr. PRESSLER. Well, that is not what I said.

Mr. FORD. That the figure did not mean anything.

Mr. PRESSLER. I said this is an accounting method.

Mr. FORD. Well, they have to have some background to make that accounting method to the Federal Communications Commission.

Mr. PRESSLER. Yes, I am sure they do.

Mr. FORD. If it does not mean anything, it is just an accounting, how in the world did they ever come up with the figure they have here if it does not mean anything?

Mr. PRESSLER. I am sure there is a basis, a well-thought-out basis. I will submit to you it is not an exact science.

Mr. FORD. It is a very exact number and there is a very exact number in this report.

Mr. PRESSLER. Let me say——

Mr. ABDNOR. Let me say it is my time here. If we are going to yield, yield on the Senator's time.

Mr. FORD. You still have 16 minutes or something.

Mr. PRESSLER. Just 1 second.

Mr. GOLDWATER. Will you yield?

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. In an effort to get this back on track, and I think we are wandering all over the place, the present language in the bill, as modified, on page 23, line 15, says "two-way voice grade communications" that are held out to the public.

Now the amendment describes basic telephone service as telecommunications services that would be subject to regulation by the Commission or any State if offered by a common carrier subject in whole or in part to title II of this act.

We have in our definition exactly what my friends from South Dakota are arguing about. They are not arguing about computer talk. I am not arguing about computer talk. I will mention one thing: Cable television has been with us about 35 years, and only 15 years or so in nonrural areas. Computers have been with us a long, long time. In the 35 years of cable television they have not developed a measurable service of data transmission. It is below zero as far as we can tell. So I cannot understand why my friends from South Dakota are so upset about the language "two-way voice grade communications." That is what we are talking about. That is what I want to help you with.

Frankly, if I can get computer language in my house, and if I can understand it, before I die I might like to get it. But I do not think I will, and I think the American people are a long ways off. But they want two-way voice-grade communications. And that is all we are talking about.

Mr. PRESSLER. Mr. President, could I get the floor, will my colleague yield to me?

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. ABDNOR. How much time do we have?

The PRESIDING OFFICER. The Senator from South Dakota has 5 minutes remaining, the Senator from Oregon has 5 minutes remaining.

Mr. PRESSLER. Staff's number for data services are misleading because all business customers can use all telephone services—WATS, private line, and regular voice lines—for data transmission as well as voice. The basic telephone network is today transparent to whether voice or data is carried for the customer. The same would be true for cable company provision of these services.

The real issue is not any relative market shares for voice against data today, but the ability of State and Federal regulators to maintain control over local telephone rates as the transition to competitive markets is made.

The bill and the committee amendment would remove the power of State regulators to deal with a major provider of transmission services—a power which they have today.

That is an answer to my distinguished colleague from Kentucky's inquiry; and I think the very question illustrates the need to get this into the conference. The very need for a definition, a clearer definition, is illustrated. I believe that the definition in the amendment is sufficient for us to move forward.

Mr. PACKWOOD. Mr. President, I now have had a chance to check and I am going to say that unless the Senator from South Dakota wants to contest it, that the definition of basic telephone service as we look at the bill, includes anything intrastate or interstate. Almost anything but one-way cable programing because any of those services can be provided by a regulated common carrier, that is, phone company; dial-a-prayer, sports scores, weather, burglar alarm security, fire alarm, powerloading management, where you hook up to your home system power source and it will regulate your heating, electronic banking, shopping. All of these services not now subject to regulation will be subject to regulation under the amendment of the Senator from South Dakota if such a service could be offered by the local phone company, and, indeed; in some areas they do offer some of them. So this is not just a little amendment to decide whether or not the minuscule amount of data transmitted by cable will be subject to regulation. It is opening up a panoply of services to regulation this committee did not contemplate. I do not know whether the Senator from South Dakota contemplated it, but if he is a genuine free enterpriser he is asking for regulation on a variety of areas that are not now regulated.

Mr. ABDNOR. I think we are straying a little ways away from what I intend with the amendment. We are using telecommunications as defined in your bill and I am not speaking to the enhanced areas that you speak about.

All I am saying is this: if cable is going to offer the same kind of telecommunications service which is regulated if offered by a common carrier then cable, why should they not be regulated just like anyone else?

For heaven's sake let us keep the rules of the game. You do not get into a sports contest with one another—baseball and football, for example—and say one side over here has one set of rules and we are going to have another one for the other side which is trying to get against them in the ball game. This is not a game. This is business. If cable offers the functional equivalent of a regulated service offered by that telephone company and if it is regulated so should the same service if it is offered by cable. The language of my amendment is only as broad as to reach these same services and that is what I am talking about. The State would regulate it if offered by a common carrier and would give the State power to regulate the same services if they are offered by cable TV. It is your definition, and we think—we are not reading enhancement or anything else in it.

Mr. PRESSLER. Will my colleague yield?

Mr. ABDNOR. I do not know if I have any time remaining.

Before we go any further, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, will the Senator from Oregon yield for a question?

Mr. PACKWOOD. Mr. President, I believe the Senator from South Dakota yielded to the senior Senator from South Dakota.

Mr. PRESSLER. Mr. President, let me conclude by urging the adoption of this amendment by saying that I think the essence, the heart of the argument, is what might happen in rural, small-town areas to telephone service and perhaps to cable service and to transmission of data, be it weather services, farm market services, or voice transmissions. I think that these voices will not be heard unless we give this amendment our support and pass it. I also think that it represents an effort to blunt the edge of a severe danger that exists to communications in rural and small-town areas.

I yield back to my colleague from South Dakota. I commend him for his efforts.

Mr. GOLDWATER. Will the Senator yield for a question?

Mr. PACKWOOD. I yield to the Senator from Arizona.

Mr. GOLDWATER. The Senator from Oregon referred to services that can be purchased through cable television, such as fire protection, police protection, et cetera. If the amendment of my friend from South Dakota is accepted, this means that any State agency can get into the regulation of smoke detectors, fire detectors, police alarms, burglary alarms, and Lord knows what else that is run electronically.

Mr. PACKWOOD. The Senator is absolutely right, because the definition of telecommunications in the bill says:

> The transmission of information by electromagnetic means, with or without the benefit of any closed transmission medium,

that means with or without wires—

> including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of information) essential to such transmission.

The Senator is absolutely correct. It means the regulation of all telecommunications services if they could be provided by a local common carrier. And a local common carrier can provide almost anything, including, I might say, advertising such as the yellow pages.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from Oregon has 2 minutes and the Senator from South Dakota has 21 seconds remaining.

Mr. PACKWOOD. I am prepared to yield back the remainder of my time on the amendment.

Mr. ABDNOR. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The vote is put off until tomorrow. The bill is open to further amendment.

AMENDMENT NO. 1380

(Purpose: To amend the Communications Act of 1934)

Mr. BENTSEN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Texas (Mr. BENTSEN) proposes an amendment numbered 1380.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 46, line 18, immediately after the period insert the following: "Notwithstanding any other provision of this Act, the provisions of this Act shall not be applicable to any franchise in effect on the date immediately preceding the date of the enactment of this Act.".

Mr. BENTSEN. Mr. President, in reading over this bill and committee report, it is obvious that a great deal of work has gone into it. There is much of this bill that I agree with and that I can certainly support. I may well end up voting for this piece of legislation, except for one thing which really grates and which I cannot accept. This amendment takes care of that. The amendment that I have sent to the desk is a very simple one. It is very direct, and I think it ought to be acceptable to every Member of this body. It is an amendment that grandfathers all existing contracts.

I believe a contract is a contract. My amendment does nothing more than underline that agreements freely negotiated by major corporations and some of our cities should remain in force for their duration.

As this bill is currently written, it only grandfathers contracts regarding existing facilities and equipment and grandfathers existing rate regulations for only—get this—for only the first tier of basic service for 5 years or one-half the duration of the contract, whichever is the longer.

Now, why should it allow corporations, which I believe in the final analysis knew what they were doing, to abrogate contracts after that time? I really believe that these corporations that entered into these contracts—the vast majority of them were large corporations—were certainly sophisticated. They employed some of the finest, most expensive, most experienced attorneys in the land. Frequently, they hired additional local counsel in the hope that they could influence members of the city council. They resorted to all sorts of blandishments to encourage city councils to approve their particular contracts. They practically salivated over being able to acquire a contract to wire particular cities.

But to say that now the Congress should abrogate those things which cable companies had agreed to is not right. The city of Fort Worth, for example, negotiated a contract which called for the regulation of the first three tiers of service. S. 66, if enacted in its present form, would allow the cable company which wired Fort Worth the next day to raise the rates for the second two tiers of service, I repeat: that is just not right. Frankly, I see no reason why Congress should allow that to happen.

It has been argued that the contracts that the cities negotiated with the cable companies are "contracts of adhesion;" they were negotiated by unequal partners. Is the Senate ready to believe that powerful cities overwhelmed little companies like Warner Amex, Times Mirror, and Time-Life? Is the Senate ready to believe that they just really did not know what they were negotiating.

What do you think would happen if, instead of some of these companies finding that they were not making money on these contracts, they instead discovered that all of their rosy predictions had indeed come through? What do you all think would happen if all that they had prophesyed was going to be profitable come to pass?

Well, I will tell you what would happen to their price earnings multiples. They would go right through the roof. Their stocks would be showing enormous profits.

Do you really believe that if that happened, that Time-Life, that Warner Amex, and the other cable corporations would then go to the cities and say: "Oh, gee, fellows, this deal is a lot better than we anticipated so we want to do some extra things for you. We want to add some more channels. We want to render these extra services out of the goodness of our hearts."

Or, on the other hand, do you think that they would write in their annual statements how wise they had been, how they had been able to prophesy the great profits in this field and they were going into it even further?

You know what would happen. They surely would not be coming to the Congress and asking us to abrogate the contracts for them. They would be delighted and they would want them locked up and retained. I understand that.

I have entered into contracts that did not turn out as profitable as I had hoped they would, but I had signed my name on them and I lived up to them. I never broke a contract, and never asked Congress to break one for me either.

I do not think we ought to abrogate these contracts because of any lobbying influence, or because these companies were not sophisticated, or because things happened that they did not anticipate. The contract ought to be carried out.

It has been said that when a cable company agrees to provide a service not related to cable service, like planting trees, in one extreme case, that that does not make sense.

Well, it made sense at the time and the parties agreed to it. Sacramento wanted some trees and the cable company said, "If that is the cost, we will pay it." In fact, I understand that it was the cable company which suggested planting the trees. In other words, two parties agreed to what they thought the obligation should be.

It has been said that sometimes conditions change. CBS, for example, decided to drop its cultural programing. Well, if conditions change, then contracts can be renegotiated by both parties working together. They ought not come to the Congress and ask us to change the terms of agreements.

If you have conditions that are beyond control, that no reasonable party could have aniticipated, the court is still there. But the court looks at the individual case. It looks at the merits. It examines the evidence, and decides what should be done. We do not need a broad brush stroke painted by the U.S. Congress affecting all parties.

We have a situation in Dallas and Houston, where I understand the companies which are wiring those cities are not making money. Well, once again, companies which freely negotiated those contracts designed by great batteries of lawyers to see that every I was dotted and every comma was in its proper place, are now coming to the Congress and asking for relief.

I do not think that is the way the game ought to be played. S. 66, in spite of many other good provisions, in this situation represents a congressional nullification of contractual obligations and commitments. I am not sure that all the Members of this body understand the magnitude of that.

Earlier today I was talking to a number of the Members of the Senate who had no idea that this provision was in there. I hope that by tomorrow they will, and that they will be able to support this bill with the understanding that we are asking both parties to live up to their contracts.

I see no reason to change the rules applicable to communities which have already begun to franchise cable. Both parties entered into these contracts with explicit expectations and Congress ought to respect those expectations. Otherwise, S. 66 is going to relieve the cable operators of obligations that were freely negotiated with no recompense to communities across the Nation, and that is just not right. No record of abuse has been cited. No compelling reason of need by the cable industry has been shown to set aside these extensive and diverse agreements.

My amendment does not more than allow cities to keep what cable companies have already promised.

I reserve the remainder of my time.

Let me ask first for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BENTSEN. Frankly, I would hope that the committee in its wisdom might be in accord with the function of this amendment.

Mr. GOLDWATER. Will the Senator yield me some time?

Mr. PACKWOOD. I am delighted to yield.

Mr. BENTSEN. I was hoping that the Senator from Arizona would speak in behalf of the amendment.

Mr. GOLDWATER. Mr. President, we have not really looked at the opposition to this bill. The real core is that the cities and communities of this country are not happy with the amount of money they have been able to get out of the cable television service. Our bill has been written with the idea that we might help bring these two groups together.

If we grandfather, I can understand Dallas, which is now in the early stages of having cable television, grabbing the best that it can get, and the day after this bill passed, if that amendment were in it, every city in the country would rush to get franchises put together because they would be grandfathered.

I am not speaking on behalf of cable. I have no idea what their profits may be or are. Frankly, I could not care less. I have served on a city council. I know what their attitude is. Normally, it is a pretty good attitude to get all the money that they can out of any service coming into the city.

But I must say that these franchise agreements are not regulated by city ordinance. They are regulated by the usual process of arguing across a table as to what would happen. I have no idea, as I say, as to what these amounts might be. I think a city the size of my home town of Phoenix gets around $350,000 a year from their franchise. The little community that I call home probably gets close to $150,000 to $180,000. So we are not talking about an astronomical part of the city budgets.

What I am deeply concerned with, and I say this in all sincerity to my friend from Texas, is if we accept the amendment of grandfathering it will kill this bill. We will not need a bill at all because every community in this country would say, "Well, it is a law that the franchise that we are operating under is the one we are going to continue under." You cannot argue with that. That is exactly what grandfathering means.

Mr. BENTSEN. Will the Senator yield?

Mr. GOLDWATER. Yes.

Mr. BENTSEN. I am not talking about continuing on without any resolution. I am talking about just for the term of the contract. We should not abrogate the remainder of that contract. This piece of legislation does just that.

Mr. GOLDWATER. It should.

Mr. BENTSEN. Prior to the end of the contract?

Mr. GOLDWATER. If you put grandfathering in, I do not think the Senator from Texas thinks for one moment that the present franchise will be the end of the granfather concept in Dallas, Phoenix, or anyplace else.

Mr. BENTSEN. My understanding is the contract is an executed contract for Dallas.

Mr. GOLDWATER. That is not the understanding of the Senator's amendment. I understand grandfathering. I have lived through it many, many times. If we have grandfathering, there would be no need to continue debate, if the amendment is accepted. We would not need a bill.

Mr. BENTSEN. But when the contract expires, it expires. But we should not come in unilaterally as a legislative body and abrogate it. I am saying we should let them fulfill the contract for the period of time of the contract. That is all.

Mr. GOLDWATER. In my opinion, adoption of this amendment would do away with the need for this legislation. It is that simple. I have lived through grandfathering arguments in my community as a member of the city council. I have lived through grandfathering arguments here in the Senate. They are not made for midnight tonight. We have grandfathering clauses; regulations, and rules that govern this body. I remember when they were adopted they were only to cover a certain period. But they have gone on and on and on.

I am going to have to resist the amendment, with all the respect I have for my friend from Texas. I had hoped that it would be a smaller town. Dallas is a big place. It has a good football team, good cheerleaders and things like that. But if he makes it come from a little place like Quererito, N. Mex., I could go along with him.

Mr. BENTSEN. Mr. President, I am not sure the Senator from Arizona heard me right. My point is that that is an existing contract. A contract was signed; a contract was made.

Mr. GOLDWATER. Then let them be happy with it.

Mr. BENTSEN. Mr. President, all I want to see is that they abide by the contract now, whether it is Fort Worth, Dallas, or any other city.

Mr. GOLDWATER. I do not see any use to go back to Smoke City. Grandfathering is not going to do it.

Mr. BENTSEN. Mr. President, if there is no further debate on either side, I am prepared to yield back—let me understand something first.

Insofar as tomorrow, when the vote is cast, do I understand correctly that we have 5 minutes prior to voting to discuss the amendments?

Mr. PACKWOOD. Mr. President, I do not think there is any unanimous consent for tomorrow as to what time we vote or any 5 minutes before. We have 13 hours on the bill. It is hoped we will finish tomorrow but any votes that will be ordered will be held until tomorrow.

The PRESIDING OFFICER. The agreement is for 15 minutes after we resume consideration of the bill. There is no time agreement between votes.

We start voting 15 minutes after we resume consideration of the bill, with no time between the votes.

Mr. PACKWOOD. We shall start voting on what, Mr. President?

The PRESIDING OFFICER. On all the amendments on which yeas and nays have been ordered.

Mr. PACKWOOD. Even if the time has not been used up on the amendments?

The PRESIDING OFFICER. That is true, but up to this point, the time has all been used or yielded back on each amendment.

Mr. PACKWOOD. I understand that, Mr. President, but that is on the two Abdnor amendments, on which we almost ran out of time. I had not seen the Bentsen amendment until a few moments ago. Is the Chair indicating now that we will vote on the two Abdnor amendments, then the Bentsen amendment, start the vote on the two Abdnor amendments 15 minutes after we take up the bill?

The PRESIDING OFFICER. That is correct.

Mr. BENTSEN. Is there anything that will preclude my having 5 minutes on my amendment before the vote on the bill?

The PRESIDING OFFICER. It will take unanimous consent.

Mr. BENTSEN. I ask unanimous consent that I may have 5 minutes prior to the vote on my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. I reserve the right to object, Mr. President.

I suggest the absence of a quorum and ask unanimous consent that it not be charged to either side.

Mr. BENTSEN. Mr. President, do we have an understanding?

Mr. PACKWOOD. No, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I think Senator BENTSEN and I are ready to propound an agreement. I think I shall state it for the record and the Senator will correct me if I make a mistake.

I ask unanimous consent that, when we finish the vote on the second Abdnor amendment tomorrow, there be a period of 10 minutes for debate, divided 5 minutes equally, on the Bentsen amendment and, at the end of the 10 minutes, we vote on the Bentsen amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. I thank the managers of the bill. I appreciate the cooperation on both sides.

Mr. PACKWOOD. I thank the Senator.

Mr. President, as I understand the present order, we shall be coming in at 9:30 a.m. tomorrow. At 10 o'clock, we start on the cable bill. Is that correct?

The PRESIDING OFFICER. No later than 10 o'clock.

Mr. PACKWOOD. And at 10:15, we start to vote on the first Abdnor amendment.

The PRESIDING OFFICER. That is correct.

Mr. BENTSEN. Mr. President, I yield back the remainder of my time on my amendment other than what the unanimous-consent agreement was if the other side is prepared to yield back its time.

Mr. PACKWOOD. I am not quite prepared. I may say a few things this afternoon.

Mr. BENTSEN. Then I shall reserve the remainder of my time.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. As I have only had a chance—in fact, I have not even had a chance to read the Bentsen amendment this afternoon. I thought it was slightly different. I would ask that the unanimous-consent order be amended to include a vote on the subject of the Bentsen amendment. I may want to move to table.

Mr. BENTSEN. What is that?

Mr. PACKWOOD. I may want to move to table the Senator's amendment. I am not sure. I have not read it yet. I have not seen it.

Mr. BENTSEN. I thought we had an agreement.

Mr. PACKWOOD. We had an agreement to vote on it.

Mr. BENTSEN. It was assumed that was up or down. There was no mention of tabling it in the unanimous-consent agreement. I thought we had an agreement.

Mr. PACKWOOD. Well, I would ask——

Mr. BENTSEN. I think my friend has had a second thought.

Mr. PACKWOOD. No, not a second thought. I was assuming that by agreement we would have a vote or a chance to table the amendment because I have not had a chance to read it.

Mr. BENTSEN. That was not my understanding at all. It is my understanding that we were going to vote up or down on the Bentsen amendment.

Mr. PACKWOOD. I yield to the Senator.

Mr. BENTSEN. What?

Mr. PACKWOOD. I yield to the Senator. We will vote on the amendment.

Mr. BENTSEN. I thank the Senator.

The PRESIDING OFFICER. If neither side yields time, the time runs equally.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. I thank the Chair.

AMENDMENT NO. 1381

(Purpose: To limit to a maximum of 36 months prior to the expiration of a franchise agreement the time at which a cable television operator may seek a renewal of a franchise agreement)

Mr. WILSON. Mr. President, I have an amendment at the desk. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Until the time has been used or yielded back on the Bentsen amendment, it will not be set aside and, therefore, another amendment is not in order at this point.

Mr. WILSON. I was under the impression an agreement was reached, Mr. President.

Mr. PACKWOOD. Mr. President, the Senator from California wants to offer an amendment. As I indicated, I may wish to speak later tonight on the amendment of the Senator from Texas. The Senator from California has an amendment to offer that is acceptable but is not in order so long as the amendment of the Senator from Texas is pending. I should like to propose an amended request simply to lay it aside and take his amendment.

Mr. BENTSEN. Absolutely.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that we temporarily lay aside the amendment of the Senator from Texas in order to consider the amendment of the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized.

Mr. WILSON. I thank the Chair. I thank the distinguished managers and the Senator from Texas for their courtesy.

I have an amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. Wilson) proposes an amendment numbered 1381:

Page 37, line 18, immediately after "24 months", insert ", but not more that 36 months,".

Mr. WILSON. Mr. President, that brief reading by the clerk is a complete reading, so I need not ask that we dispense with further reading. It indicates the simplicity of this amendment. It is quite straightforward.

Section 609(d) of the bill as written provides that a cable operator must file for renewal of a franchise agreement at least 24 months before expiration of that franchise. However, the section does not set an outside time limit, that is to say, it does not say how early the franchise may be applied for, that is, the renewal. In other words, it does not state how long before expiration of the franchise an operator may ask for renewal. This amendment would set such a limit at 36 months prior to the expiration of the present franchise.

There has been concern expressed to the Senator from California primarily from the League of California Cities that as presently drafted the bill would allow for a request for renewal long before the date of expiration. It is felt that this is a defect requiring a cure because it could conceivably allow a city to suffer a great period of time in which no remedy would be available because renewal had already been granted and too little opportunity to adequately assess performance under the existing franchise agreement.

Mr. President, it is the understanding of the Senator from California that there is no objection to this amendment by the managers of the bill. It is hoped that it can be quickly dispensed with.

Mr. PACKWOOD. The Senator from California is correct. It is a good amendment. I appreciate his calling to our attention the fact that we had put in one date and not the other.

The Senator is right, the cable franchise could ask 7 or 8 years ahead of time to reopen.

Mr. FORD. Mr. President, it is also satisfactory with this side. I thank the distinguished Senator for bringing it to our attention. I am ready to voice vote it now.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PACKWOOD. I yield back all time on this side.

Mr. WILSON. I thank the distinguished managers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1381) was agreed to.

AMENDMENT NO. 1380

Mr. PACKWOOD. Mr. President, are we now back on the Bentsen amendment?

The PRESIDING OFFICER. The question recurs on the Bentsen amendment.

Mr. PACKWOOD. I suggest the absence of a quorum dividing the time equally between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR RANDOLPH TOMORROW

Mr. PACKWOOD. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order the Senator from West Virginia (Mr. Randolph) be recognized for not to exceed 15 minutes for a special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON S. 66

Mr. PACKWOOD. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 66, the cable television bill at 10 a.m. on Tuesday, that the only amendments to be in order tomorrow be amendments to be offered by the Senator from Illinois (Mr. Dixon), amendments Nos. 1324, 1325, and 1353 or modifications thereof necessary due to the committee modification, an amendment to be offered by the Senator from Pennsylvania (Mr. Specter), dealing with the lifting of the franchise fee cap, an amendment to be offered by the Senator from Oregon (Mr. Packwood), dealing with telecommunications, and an amendment to be offered by the Senator from California (Mr. Wilson) dealing with existing franchise agreements in the States of California and Massachusetts.

Mr. FORD. Mr. President, reserving the right to object, and I shall not object, the Senator from Texas (Mr. Bentsen) has a unanimous-consent order that is already in place, and there is no question about the 10 minutes prior to the vote on his amendment after the two Abdnor amendments have been considered.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. PACKWOOD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess in accordance with the previous order.

The motion was agreed to; and, at 5:36 p.m., the Senate recessed until Tuesday, June 14, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 1983:

DEPARTMENT OF JUSTICE

Stephen S. Trott, of California, to be an assistant attorney general, vice D. Lowell Jensen.

DEPARTMENT OF THE INTERIOR

William Perry Pendley, of Wyoming, to be an Assistant Secretary of the Interior, vice Daniel N. Miller, Jr., resigned.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Edgar A. Chavarrie, 526-20-2859FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601 to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Winston D. Powers, 116-18-8040FR, U.S. Air Force.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Edward C. Waller III, 567-20-2725/1310, U.S. Navy.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall any of the following officers be appointed in a grade higher than that indicated.

MEDICAL CORPS

To be colonel

Hatsell, Charles P., 226-60-8625
Rivera, Pedro N., 581-96-0300
Smith, Michael T., 226-66-3756
Waterman, John R., 018-34-8177

To be lieutenant colonel

Bogner, David F., 487-56-0705
Luciani, Ralph J., 140-32-9677
Magruder, Michael R., 223-62-7711
Porterfield, David E., 169-38-0444
Victor, David W., Jr., 288-44-1471

DENTAL CORPS

To be lieutenant colonel

Williams, David E., 329-38-4370

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be colonel

Alexander, Glen W., 231-52-0312
Bergman, Dennis W., 174-34-4802
Blaser, Paul K., 528-56-8602
Brennan, Mark E., 067-34-2951
Cohen, Robert B., 079-34-5330
Couvillion, Charles R., 434-62-2090
Dufrane, Michael H., 393-38-3738
Goupil, Michael T., 382-42-9481
Hallmon, William W., 421-58-8045
Hebda, Thomas W., 361-36-0645
Jackson, Anson B., 531-38-4933
Killian, William F., 219-42-6534
Landers, Sam R., 462-66-9298
Lubow, Richard M., 145-34-3590
Maki, Karl A., 537-36-4962
Nielsen, Adrian M., 473-48-1700
Noren, Gaylord D., 357-34-9360
Nosworthy, Donald G., 511-40-0847
Paetz, Bill L., 480-48-4371
Rossmiesl, Roman W., 475-50-5750
Schad, George W., 305-42-9163
Shannon, John W., 264-56-3753
Stevens, Fredric D., 297-36-8461
Stoffers, Kenneth W., 543-46-5736
Voss, James E., 393-42-5471
Westbrook, Steven D., 544-50-6273
Wilcox, James W., 449-50-0549

MEDICAL CORPS

Antonio, Melvin Q., 159-42-3423
Arnold, Colin B., 525-98-8344
Belihar, Robert P., 573-54-9334
Bostrom, Stuart G., 362-48-1179
Brady, Charles E., III, 228-62-2816
Carbonneau, John R., 045-36-4090
Carson, James H., Jr., 248-86-3477
Chasen, Marvin H., 114-32-9586
Christian, Charles B., Jr., 423-54-3186
Cofoid, Paul B., 338-36-3272
Cogburn, Bobby E., 432-74-8686
Copek, Arthur P., 353-34-4652
Corwin, James A., 076-36-2598
Crawford, Raymond S., III, 431-86-0574
Driscoll, Timothy J., 002-18-8554
Evans, William M., 513-46-1901
Fedosky, Allan L., 352-36-0801
Fisher, John A., 542-22-2387
Fisk, David E., 302-38-0955
Fry, Harold H., 411-44-1654
Gabatin, Angelita R., 045-42-6392
Gilmore, Robert W., 278-40-0652
Gilstrap, Larry C., III, 263-72-0864
Goff, Terry H., 074-26-8450
Haggard, Robert C., 570-30-4866
Hallett, John W., Jr., 232-70-6368
Harasimowicz, Joseph A., 012-34-2973
Harmon, Lloyd C., 287-36-7191
Harville, Victor L., Jr., 430-52-5937
Hatsell, Charles P., 226-60-8625
Hoenes, Douglas R., 529-58-6293
Hoffman, Peter F., 214-42-4009
Jaurigue, Oscar L., 052-36-2430
Kane, Daniel D., 391-40-3502
Larkin, Francis T., 562-28-2488
Lee, Chang H., 576-24-4826
Legaspi, Lester M., 320-46-1879
Lewis, Ramon L., 505-42-6858
Lichtenstein, Joel E., 271-38-0444
Loizeaux, Paul H., 219-28-2652
Lundquist, Jon E., 313-40-6256
Mabry, Earl W., II, 445-44-2663
Marsh, Royden W., 523-54-3569
Medina, Oswaldo F., 074-46-7420
Mimay, Antonio S., 502-54-0869
Moncrief, Hugh, 467-68-8173
Muller, Stephen P., 136-32-6907
Naguwa, Stanley M., 576-44-2336
Noffsinger, Jay E., 315-44-7710
Null, Donald M., Jr., 206-34-9534
Pare, Norman G., 002-22-3208
Peppard, Raymond W., 028-14-1276
Perezfigaredo, Rafael A., 583-12-5876
Poitrast, Bruce J., 031-28-3249
Postles, William T., 544-18-7033
Quebral, Merle G., 568-96-3544
Raddin, James H., Jr., 585-09-4054
Rasmussen, Reed C., 528-50-4101
Rivera, Pedro N., 581-96-0300
Rogers, James H., Jr., 259-70-3771
Rohrer, James F., 440-36-2654
Romberg, Gary P., 520-50-3270
Ruehle, Charles J., 483-52-5145
Ruggles, Charles W., 422-58-5100
Samler, Jacob D., 507-32-5161
Schull, Jerry L., 560-48-4887
Schwartz, Gary P., 093-34-8813
Schwender, George E., 456-70-0333
Shane, Jeffrey A., 031-32-8810
Sharp, John R., 521-52-9285
Sheffer, Thomas F., 194-14-2244
Shelley, James M., Jr., 266-82-5286
Shirley, Douglas P., 427-94-4311
Sipperley, Jack O., 265-66-8622
Smith, James M., 231-56-0671
Smith, Michael T., 226-66-3756
Spielvogel, Richard L., 027-32-3267
Stith, John A., 281-40-9250
Thornton, William V. S., 444-32-4716
Tolan, Gil D., 541-46-1326
Toon, Lee, 054-38-5931
Vandersarl, Jules V., 310-46-1696

Walters, William E., 492-44-4705
Wardinsky, Terrance D., 517-48-1167
Warren, Fredric H., 432-84-5376
Waterman, John R., 018-34-8177
Wilcox, Harry E., 313-16-2477
Wolfe, William H., 224-58-5795
Woolley, Galen S., 529-26-7588

In the Air Force

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be lieutenant colonel

Adams, Louis W., III, 453-84-9258
Alvarez, Angel D., 583-07-2451
Ames, John R., 520-56-7756
Arochoperez, Juan E., 583-34-8307
Beardsley, Stuart H., 355-36-5009
Calhoun, Richard L., 540-54-9922
Canning, Harold B., 439-64-6829
Crichton, David D., III, 558-70-9833
Crigger, Laurence P., 236-80-7845
Dasher, David R., 068-40-8336
Denny, John M., 529-58-3110
Fairbourn, Dennis R., 529-62-2918
Fate, Donald D., 537-50-1881
Foster, James H., 461-70-6694
Frantzis, Theodosios G., 267-50-9778
Frost, David E., 467-80-3837
Fryling, Stephen E., 219-46-7101
Goode, Robert K., 136-42-4407
Haney, Stephan J., 458-76-6635
Hebert, John R., 438-64-3817
Heck, Thomas T., 484-58-0849
Hutchinson, John D., Jr., 550-74-1298
Kaat, Daniel L., 394-48-8098
Kaplan, Paul, 277-50-1490
Kretzschmar, David P., 564-62-9978
Kyle, Frank A., Jr., 310-54-5288
Lachat, Jerry D., 291-40-6709
Langenderfer, William R., 269-46-2917
Lemar, Mark E., 216-50-9697
Lieb, Lewis V., Jr., 453-78-9424
Longo, James J., Jr., 154-32-2939
McAlpine, George J., 339-42-8461
McDonald, John J., 269-46-9215
McNerney, James M., 193-34-1024
Mizukawa, John H., 529-68-3852
Moore, Stephen P., 283-42-8080
Olson, Steven J., 533-44-1241
Palermo, James J., 011-38-4028
Roth, William C., 461-84-1982
Shiplov, Jeremiah J., 315-38-8994
Spradling, Peter M., 386-48-9367
Stelton, Dennis E., 502-52-9292
Stuckey, Dennis D., 277-42-0393
Taylor, William G., 573-68-1475
Teuton, William T., Jr., 572-74-3906
Underhill, Ronald R., 229-66-0857
Wayman, Blake E., 498-48-1887
Williams, David E., 329-38-4370
Withers, James A., 318-40-1466
Zaner, David J., 184-38-7489

MEDICAL CORPS

Ake, Burton K., 187-40-9710
Alcaraz, Rehato V., 328-44-0690
Angles, Alberto, 369-44-9864
Augustine, Jose, 579-84-7643
Ayres, Allen W., 374-50-0470
Bass, William S., 441-38-2168
Bayona, Domingo M., Jr., 353-46-6517
Berg, Michael W., 520-42-5422
Bogner, David F., 487-56-0705
Bongiorno, Frank P., 155-34-5868
Boonyapredee, Wichest, 488-70-5635
Bragado, Ines A., 459-15-7520
Burton, Joe E., 411-76-5765
Burton, Thomas P., 502-26-7043
Butler, William K., 272-44-6855
Campomanes, Benjamin A., 554-94-7918
Cantu, Rudolf G., 454-74-1955
Carpenter, Frank E., 513-48-0512
Clark, Tee S., 521-58-8364
Cordon, Ricardo M., 136-50-7336
Correa, Norma J. C., 554-88-5176
Craun, Michael L., 442-48-1080
Davis, Brian M., 483-58-9944
Deeney, Vincent F. X., 169-36-8663
Dorwart, Robert H., 202-38-4394
Douville, Douglas R., 486-50-5621
Dykstra, Kenneth D., 243-74-3073
Ebron, Rosita P., 560-17-1187
Eisenberg, Burton L., 044-42-5002
Fournier, Donald C., 259-78-9807
Gillette, Lyra S., 120-26-4748
Goodwin, Malcolm N., Jr., 242-50-5536
Haycraft, Gordon L., 559-72-1364
Huber, Stephen C., 438-70-4176
Irani, Farrokh A., 113-42-8965
Jacinto, Jolly R., 120-44-1184
Johnston, Roswell M., 423-62-2059
Jones, Venus R., 230-66-7937
Kalosis, John J., Jr., 376-46-4671
Kroner, David R., 228-68-6399
Kucinski, Stefan A., 035-32-6953
Kuner, Karl D., 572-50-9224
Lau, Liong C., 264-49-8245
Leopold, John C., 463-72-3343
Limco, Rizalina Y., 165-44-1939
Lindsey, Stephen M., 280-44-5593
Luciani, Ralph J., 140-32-9677
Magruder, Michael R., 223-62-7711
Martel, Larry, 037-28-5561
Mayer, John E., Jr., 261-88-7140
McCurdy, Fredrick A., 508-54-3188
McGannon, Patricia M., 523-52-2499
McGinnis, Lloyd P., 236-72-6961
McKee, William Y., 432-94-8287
McKenna, Peter J., 470-56-4060
Miller, James E., 403-66-9161
Navarro, Alfonso V., 173-46-6537
Nepomuceno, Concepcion A., 127-40-3705
Ngdillon, Wingsheung, 260-13-8155
Oandasan, Filadelfo V., 053-52-1095
Ortaliz, Ramon L., 320-50-3085
Paek, Donald R., 417-66-7199
Paglen, Patrick G., 102-40-2743
Pascua, Erlina V. F., 296-50-1019
Pascua, Percival G., 296-50-1034
Patel, Sushila M., 104-52-0646
Plemons, Ronald W., 509-46-3205
Pontius, Uwe R., 442-44-2542
Porterfield, David E., 169-38-0444
Quizon, Mendrado L. 094-40-9001
Raisani, Kamal K., 141-54-2220
Rao, Chamaraja A., 124-50-5622
Robertson, Howard D., 245-84-9724
Robinson, John D., 500-42-2368
Roe, John P., 295-48-5548
Roll, Walter A., Jr., 157-38-1483
Sanchez, Gualbert M., 566-74-1974
Sanders, Robert M., 437-68-9914
Santos, Marco A., 127-46-4747
Schultz, Richard L., 410-80-3383
Schutt, David C., 341-42-2744
Shahan, Michael E., Jr., 457-74-6330
Shaw, Clayton T., 024-30-5499
Silva, John S., 567-60-1146
Smith, Wilburn A., Jr., 434-70-0786
Solanki, Prabha H., 152-54-7068
Stevenson, James D., 506-58-2949
Sugunan, Unnyampath, 057-44-1668
Tuason, Moises B., Jr., 122-52-4578
Varley, Thomas, 038-18-1931
Victor, David W., Jr., 288-44-1471
Villamizar, Alfonso, 266-31-9706

In the Air Force

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be lieutenant colonel

Rogerson, John N., 144-34-6729

DENTAL CORPS

To be major

Cooley, David R., 504-56-8237
Harberson, Van A., 400-60-5734
Karn, Kenneth W., 547-88-2229
Kreutner, Mark H., 493-54-4589
Langston, Gregorv G., 251-92-7370
Mirrielees, Robert A., 102-36-0320
Mjos, David P., 472-60-2356
Stetzel, Patrick J., 309-54-1047

MEDICAL CORPS

Aarons, Scott P., 049-46-1295
Baer, Gregory S., 314-56-6374
Bassett, Mark R., 536-48-6708
Bell, William F., 284-46-2958
Boyd, Gwendolyn M., 245-86-3488
Bryant, Nancy D., 462-78-3567
Carter, Ezzard, C., 424-68-9063
Chetta, Sidney G., 433-74-0090
Copeland, Ronald L., 052-44-4844
Cord, Stephen A., 450-94-2455
Deshmukh, Avinash T., 050-60-6140
Dryer, Randall F., 480-68-8339
Gold, Mitchell J., 183-38-3271
Gomez, Rodrigo, 552-80-2649
Goodwin, Deborah V., 561-74-7330
Gratkins, Lawrence V., 349-44-4417
Haberstroh, William D., 193-38-7866
Hansen, James E., 228-74-6972
Henshaw, Raymond E., II, 544-56-6080
Higgins, James R., 504-48-8205
Johnson, Glenn R., 485-60-8555
Kennedy, John D., Jr., 227-84-0642
Kubik, Carolyn J., 348-44-4221
Marks, Donald H., 565-78-1254
McCombs, Paul R., III, 265-96-2237
Minor, Frank W., 322-42-1536
Mitchell, Foy B., Jr., 410-80-4835
Oommen, Samuel C., 347-62-5545
Robinson, Jean H., 253-86-7700
Rosenkrans, Ramon H., 435-76-1008
Stambler, Jay B., 128-44-1550
Symmonds, Jeffrey B., 472-58-9450
Taylor, Kenneth K., 424-68-2863
Vanduyne, Charles P., 564-82-2272
Villacian, Eugene, 262-78-7324
Yakuboff, Kevin P., 038-34-5434

In the Air Force

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Robert F. Ackerman, 292-36-6470
Maj. Burton O. Blomgren, 391-30-3134
Maj. Kirk R. Brimmer, 484-43-2373
Maj. David C. Engwall, 027-32-2781
Maj. Daniel S. Gordon, 447-40-9285
Maj. William H. Hays, Jr., 406-54-3193
Maj. Ralph M. Lange, 212-38-3088
Maj. Harry M. Lesley, 250-66-2256
Maj. Carol B. McAllister, 149-30-9570
Maj. Ervin D. Meyer, 455-46-6182
Maj. William R. Sherer, 527-62-4544
Maj. Jerry L. Stellner, 503-38-3570
Maj. Jerry W. Whitman, 446-40-5240
Maj. Jimmie L. Winders, 525-96-1488

MEDICAL CORPS

Maj. Thomas J. Humphries, 242-72-7905
Maj. Howard M. Richardson, 442-44-6003

In the Air Force

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be major

Augustyniak, Edward F., Jr., 028-40-6546
Balogh, Peter J., 353-46-1587
Barney, Vermon C., 528-74-9918
Barnhurst, Kenneth, 528-68-6439
Belles, Donald M., 016-44-9500
Bolger, Walton L., 128-42-0649
Broom, David B., 575-58-1851
Broome, James C., Jr., 242-74-4988
Brown, Michael R., 473-62-1469
Bussone, Richard P., 108-40-1864
Carlson, Mark T., 500-60-4434
Carmody, Dennis J., 375-60-8149
Christenson, Bradford W., 137-40-1889
Clark, Douglas A., 574-20-0611
Cohen, Jay S., 178-38-9347
Cooper, Monte L., 567-86-6181
Cornelius, Clifford W., 479-58-2378
Daniels, Walter C., 156-38-2301
Davis, Richard D., 283-42-4434
Decounter, Bradley.L., 480-68-8269
Deperalta, Alex A., Jr., 578-70-8812
Eckles, Robert L., 413-76-5607
Edwards, Richard C., 522-74-4941
Fahndrich, Alan L., 281-44-5438
Farhood, John E., 216-40-9317
Flaggert, James J., III, 464-94-6744
Foreman, Frank J., 312-50-1900
Forman, Teddy P., 072-46-9965
Fox, Lee T., 454-96-6457
Friedman, Lee E., 049-40-1741
Fuller, Michael F., 552-82-2538
Gering, Becky L., 437-92-9235
Green, Floyd W., 294-56-3751
Greene, Paul D., Jr., 236-74-2561
Greenley, Barry P., 508-60-4793
Grellner, Theodore J., 492-58-9116
Hambleton, Jeffrey C., 510-48-8293
Harnist, Jeffrey W., 287-44-5085
Hastings, Paul F., 323-40-6105
Heist, Robert L., 293-50-5159
Hills, Robert E., 492-56-6959
Hilton, Thomas J., 187-38-0145
Hiraki, Richard M., 521-80-6294
Hornburg, John S., 449-90-4926
Hoskins, John M., 294-44-4155
Ippolito, Stephen P., 125-46-9725
Jacobus, Brian B., 266-96-6611
Kelleher, Thomas P., 014-36-7098
Kennedy, Bruce A., 585-20-9669
Kennedy, Wade A., 266-08-3859
Kirk, Walter C., Jr., 250-88-4440
Kissel, Patricia A., 073-44-3502
Knight, John C., 258-90-7404
Koenke, Kenneth E., 489-54-3734
Lathan, Scott A., 465-98-5134
Levin, Kenneth A., 101-44-5331
Levon, John A., 308-62-9531
Martin, Michael W., 546-86-8624
Mathers, David G., 175-44-9640
McCall, Carol A., 500-56-1074
McMichael, David W., 405-74-6045
Mitchell, Thomas W., 247-76-9438
Moore, William S., 545-96-7735
Morelli, Ernest F., 156-42-4819
Morrison, Stephen R., 218-46-8127
Naylor, William P., 146-36-8192
Neilson, Tad O., 518-66-5022
Neubauer, Michael F., 549-92-2597
Neuser, Stephen M., 283-54-6387
Nevins, Steven J., 087-46-2281
Newton, Alan D., 086-38-1008
Nuckols, Glenda E. S., 487-52-3214
Olson, Robert A., 572-72-2387
Overton, Johnie D., 452-98-6247
Parlee, Mary T., 559-90-3996
Parsons, Michael R., 458-84-2938
Pemble, Charles W., III, 261-96-2431
Perry, Thornton T., IV, 213-56-2219
Petitti, Leonard J., 522-66-7414
Plamondon, Thomas J., 480-70-5402
Pleis, Ronald L., 507-64-0906
Pohl, Mitchell A., 075-42-0407
Poindexter, Forrest R., 525-96-7201
Propst, Larry A., 496-52-8483
Rabbio, Maria A., 026-32-2618
Raines, William H., 547-90-3435
Raper, Rex T., 284-52-1793
Raugust, James T., 538-52-9607
Rethman, Kevin V., 490-62-4255
Richter, John J., III, 462-80-1825
Robinson, Craig A., 265-86-0094
Rodriguez, Nelson., 091-40-7227
Rouse, Paul J., 208-34-8017
Salbego, Stephen B., 345-40-4176
Samborski, Charles S., 024-42-1783
Schmidt, Stephen A., 505-68-9320
Schuermer, Eric S., 401-78-5051
Shaefer, Jeffry R., 095-38-6648
Shannon, Michael D., 503-56-5709
Shannon, Rayanne F., 485-74-7349
Sheets, James Lt. A., 561-72-8434
Shoff, Carl C., 229-66-4453
Shreve, Carolyn L., 231-80-1704
Shulman, Elliot R., 556-78-6314
Simmons, Ellen M., 137-48-2681
Simmons, Ronny M., 436-72-4193
Smith, Michael W., 238-94-8815
Songrozich, Sheila W. W., 214-60-6151
Stanya, Andrew E., 272-54-3878
Stewart, Daniel M., 458-02-8174
Strickland, Judy P., 252-94-4733
Sullivan, Thomas K., 060-42-5059
Sundquist, Robert E., 130-38-6497
Thomas, Faith A., 286-54-2137
Weston, Sue E., 268-46-3339
Wiggins, Scott W., 510-60-2484
Young, John D., III, 321-48-9322

MEDICAL CORPS

Abernathy, Susan P., 432-02-4023
Abraham, Anes W., 430-96-5614
Ackerman, Neel B., Jr., 260-88-9307
Addison Therese J., 418-60-5778
Alexander, John E., 014-42-7644
Allen, Charles E., 259-88-9644
Appleman, Mark E., 010-38-2068
Arastu, Raiqua S., 505-02-5876
Argyle, Heather A., 155-40-6165
Bagnall, James W., 566-88-4137
Baker, Delwyn R., 518-60-6903
Baldwin, Gary T., 447-46-9107
Bardl, Christopher, 254-90-2013
Barker, Phillip D., 441-50-4958
Barth, Richard J., 343-42-1729
Barton, Joel H., 465-94-1333
Bearden, Dwight L., 259-90-2462
Bell, Gary V., 531-46-4509
Berg, Jack L., 513-46-7307
Biggers, Jerel R., 482-66-9904
Black, James R., 363-48-7381
Black, Jerrold G., 495-64-5734
Boersma, Richard W., 313-54-2542
Boettger, Mark L., 145-38-6395
Bohler, Henry C. L., Jr., 263-98-7464
Boiko, Susan, 101-44-7890
Bolen, George, 513-52-8941
Borel, Terry C., 512-60-0853
Bowman, John M., 557-96-2521
Bowman, Richard L., 327-48-2926
Bramble, John M., 510-58-8514
Breed, Dennis N., 153-38-9855
Bricknertruschel, Timothy L., 179-44-2279
Brinkley, Ben P., 463-80-7141
Bronfman, Jana R., 511-56-6281
Broomfield, Paul H., 035-32-9827
Brophy, Michael C., 543-60-9272
Brown, David L., 505-68-9083
Brown, James O., II, 510-52-1328
Brown, Steven B., 522-72-3456
Bryan, Charles L., 587-70-3762
Buchholz, Curtis L., 503-60-5191
Butera, Philip J., 087-46-1139
Camp, John F., 153-42-6137
Cantoni, James D., 199-44-1358
Capps, Raymond L., 490-60-0794
Cardenas, Charles D., 453-96-7192
Carleton, Scott H., 534-52-2773
Carlson, Byron H., 475-56-0957
Carnahan, Willard R., 461-92-0068
Catanese, Vincent J., 166-38-0423
Chamberlain, Craig E., 228-78-3833
Chang, Sammy L., 572-70-2276
Charochak, Patricia A., 526-96-4981
Chengson, Richard A., 572-88-6485
Chesney, Murphy A., III, 564-92-4643
Childrey, Gregory W., 256-90-2813
Christensen, Alan W., 071-42-2581
Christensen, William J., 475-56-8875
Christopher, Robert B., 005-50-5405
Clark, Robert A., 203-42-9957
Clement, Donald J., 510-56-6238
Cobb, Pamela K., 550-72-6867
Coffey, Ronald R., 062-44-5294
Cofield, Brooks G., 469-56-6256
Cohen, Barry A., 152-48-8761
Cole, Michael K., 461-88-6132
Coleman, Daniel E., 034-38-9245
Colvin, David P., 439-62-2340
Connell, Patrick, Jr., 154-38-9345
Cookson, James L., 526-96-0054
Cornish, John D., 528-70-4608
Cosby, Steven L., 406-74-9477
Costanzo, George P., 071-44-4945
Covasmaldonado, Ivan, 584-42-2938
Craft, Charles W., 431-96-7470
Crank, Robert N., 500-58-3556
Dailey, Richard R., 482-66-7530
Daniels, Michael O., 205-44-2234
David, Daniel J., 224-62-8791
Davis, Jack L., 497-54-4523
Deaton, John S., 443-54-1326
Deaton, Kenneth D., Jr., 253-74-5125
Dedwylder, Wilkins W., Jr., 587-72-2592
Dennis, David T., 510-58-2097
Dickson, James B., 581-98-2757
Dipalma, Jack A., 110-44-2855
Doran, John G., Jr., 490-46-1163
Drehner, Dennis M., 093-42-2015
Drury, William J., 563-76-7894
Dubeck, Frank J., Jr., 137-44-9303
Durand, Roger E., 471-52-9237
Durning, James P., 139-48-7319
Eastmead, Donald J., 451-94-3096
Ehrlich, Glenn W., 110-48-7007
Eilers, Mark A., 156-46-7316
Elizondo, Phillip A., 454-82-2132
Elliott, Wendell H., Jr., 428-94-9751
Ellis, Elaine M., 231-70-0509
Essig. Michael J., 163-44-8910
Exstrum, Terry D., 507-62-0460
Falkenheimer, Sharon A., 073-44-1379
Fearey, Alan J., 509-58-0333
Fenlon, Patrick B., 260-90-6064
Fling, John A., 508-72-0366
Forrest, Thomas S., 507-68-9806
Fowler, Leon A., 419-74-4694
Franz, Joseph C., 233-74-0954
Frese, Daniel R., 515-56-1232
Gallery, George P., 249-86-8778
Gasser, Robert A., Jr., 117-38-0235
Georgelas, Timothy, 225-64-0512
Gibbs, Robert H., 399-46-5803
Gibson, Desmond D., 568-64-9826
Gilliam, Paul E., Jr., 220-58-1778
Glifort, Kenneth F., 044-48-5728
Goforth, Thomas F., 446-50-3068
Goodman, Thomas M., 251-94-3496
Goodwin, Thomas E., 192-42-4394
Grayson, Robert S., 465-94-4972
Green, Charles B., 326-50-6223
Griffin, Gregory C., 221-40-0775
Griffith, Joan R., 419-74-7775
Grundy, Paul H., 548-76-8375
Haines, Garland T., 406-66-1646
Hallett, Jeffrey S., 235-74-5794
Hammond, Marvin A., 518-52-0594
Hancock, Kenneth C., 440-56-1215
Hanna, Edward S., 222-34-9917
Hardee, Gary R., 450-80-2506

Hardin, Richard D., 250-80-0412
Harimoto, Dean Y., 218-60-2954
Hayes, Edward E., 249-86-4115
Heap, Alan F., 528-46-9005
Helton, Timothy D., 225-80-2228
Hennessey, James V., 042-44-6462
Hernandez, Valentin, 559-80-9622
Herpst, Sally L., 202-46-1867
Hesterberg, Raymond C., Jr., 450-78-6121
Hicken, Stephen L., 528-72-1180
Hilbert, William L., 438-70-2080
Hillman, Steven K., 537-48-3885
Hinkin, Douglas P., 513-60-5230
Hoffman, Eric P., 519-58-8965
Hogle, Gregory A., 510-52-0996
Holmes, Russell C., 553-94-9581
Horn, Steven R., 443-52-9954
Hudson, Donald E., Jr., 476-64-5828
Hughes, Keith S., 138-46-8633
Hughes, Mark D., 458-76-8652
Hull, Donald F., III, 217-58-0201
Humphrey, Stephen S., 226-66-8180
Hunt, William M., III, 263-96-9972
Hunter, Clarence J., Jr., 259-90-6124
Hussey, Jimmy P., 459-84-8694
Hyatt, John R., Jr., 414-88-0755
Ireland, Mark L., 354-44-8075
Isley, William L., 240-80-8376
James, John T., 465-80-9050
Javaid, Mohammed H., 458-39-4549
Jeansonne, Cornel J., 434-88-7031
Johns, Walter S., IV, 176-42-0063
Johnson, Larry R., 208-42-8297
Johnson, Mark D., 225-80-6656
Johnt, James W., 247-76-0510
Jones, Frederick W., 497-64-9445
Jones, Joseph G., 254-82-4073
Jordan, Matthias J., 468-58-5376
Keats, John P., 061-38-2487
Keenan, William F., Jr., 010-42-0648
Keller, Michael G., 460-84-8582
Kelly, William M., 352-44-4485
Kelso, William R., II, 253-88-1681
Kennett, Ronald W., 515-50-6383
King, Thomas H., 213-62-4268
Kopynec, Bohdan W., 125-46-1327
Kosty, John W., 166-44-9537
Kramer, Kenneth, 302-52-4639
Kremer, John A., II, 530-34-4561
Krizan, Kelly J., 504-64-7251
Lagnese, Margaret A., 047-44-3144
Lambe, Clarke D. K., 526-94-2325
Lange, Donald H., 490-60-3994
Larson, Shelley D., 488-56-0810
Lawrence, Philip H., 290-44-4422
Leckie, Kenneth D., 451-84-6272
Leisy, Marlyn A., 408-90-8620
Lewis, David S., 501-58-5766
Lewis, Michael R., 463-82-9408
Lichtenstein, Vivian C., 056-40-2231
Loesch, David M., 475-54-9009
Lopez, Abraham R., 584-24-8052
Lopez, Edward M., 524-76-9536
Louisville, Tommy L., 587-64-8836
Lucca Michael J., 471-66-8033
Lux, Gregory K., 331-40-6279
Lynch, Barlow S., 068-44-9418
Lysak, Steven Z., 043-44-9153
Malpass, Michael A., 265-90-3160
Masferrer, Roberto, 521-23-7294
McCall, Marybeth K., 132-44-4840
McCarthy, David A., 047-48-0769
McCauley, Kathleen M., 185-38-2711
McConville, Joseph F., 504-66-2471
McCriskin, James W., 157-46-1190
McDonald, Robert E., 452-02-8618
McDougall, William A., 282-66-2715
McGraw, John J., 247-78-7951
McKinney, Michael K., 448-54-1457
McLean, John R., 217-48-2469
McClellan, Garey L., 585-20-4301
McManamy, John L., 100-44-1667
Mena, Michael C., 545-88-1692
Merkl, Matthew B., 114-44-5115
Michel, Dennis W., 568-88-7584
Mignogna, Joseph J., 162-42-7523
Millier, Thomas J., 317-58-3766
Millwood, Roger H., 255-72-5837
Milner, Garland K., 587-84-3361
Mitchell, Clyde P., 134-44-9348
Montalvo, Albert E., 584-70-0363
Moore, Robert C., 002-32-2888
Moralescaban, Alex A., 401-66-9329
Mueller, Donald P., 487-56-7481
Murname, John E., III, 230-76-8763
Narvaez, Roberto M., 459-94-9198
Nash, James P., 554-70-7959
Nellsch, Verner O., 515-46-5974
Nelson, Marvin D., 474-62-9768
Nelson, Owen A., 527-76-8335
Newcom, Gary R., 459-02-1381
Norman, Lee A., 485-68-1196
Northrup, Thomas E., 249-96-8134
Obermeier, Stephen J., 456-98-9468
Oneal, Henry J., 417-72-5011
Pabonnadal, Calvi E., 584-22-4456
Paden, Stephen J., 508-72-4070
Pandisclo, John N., 022-36-9001
Parham, John V., Jr., 237-92-9734
Parker, Mark W., 228-78-4216
Patterson, Relford E., 489-58-0413
Paynter, Donald E., 480-64-7339
Pearson, Jack A., 492-62-3776
Pelteson, Howard M., 277-50-3948
Perez, Steven J., 262-21-2017
Pham, Lu G., 586-40-6329
Pickard, Jeb S., 400-82-4020
Pietz, Jeffrey T., 499-58-9390
Pollan, William A., 460-84-5385
Porter, Donald K., 578-70-8417
Potter, Willie P., 587-32-0458
Press, Paul H., 587-10-4031
Price, Leslie A., 585-64-0754
Pulliam, David V., 488-62-2214
Ramey, Elvin R., 050-48-1589
Ramirez, Alfonso, 467-94-9711
Ramler, John M., 222-32-6715
Rea, Rodney J., 494-60-1559
Reeves, James D., 464-68-4041
Renfro, Robert H., 466-62-6678
Richardson, Londe A., 048-46-6199
Richardson, Romie N., 492-56-2455
Riddle, Samuel M., 247-96-1634
Robinette, Michael D., 553-70-2874
Rolerson, Mark H., 004-48-6468
Rollins, John M., 234-86-0097
Rossel, Linda S., 464-70-9375
Row, James M., 530-42-2127
Rowley, Steve E., 463-90-4311
Ruiz, Victor R., 084-46-6804
Russo, Martin T., Jr., 350-44-9890
Ruxer, Robert L., Jr., 282-44-2373
Ryan, Robert E., III, 439-72-5796
Saboe, Gerald W., 482-70-4822
Salvador, Anastacio T., 576-86-7398
Salzman, Eric E., 271-54-1806
Santiago, Rafael M., 583-38-8806
Sarno, Ronald A., 523-80-1653
Saucer, Glenn J., 262-08-4313
Sayers, Robert E., 272-44-8031
Scharf, Carl J., 557-96-1641
Scott, Thomas E., 575-68-7958
Scranton, Stephen L., 520-62-2591
Shelburne, Thomas M., 245-76-6278
Sholer, Chris M., 585-48-8709
Smead, Kenneth W., III, 102-44-8567
Smith, James M., 434-86-8861
Snyder, Barbara K., 024-38-1121
Snyder, Russell R., 534-46-7026
Spaccavento, Leo J., 135-42-4378
Spiekermann, Luke E., 155-46-0228
Stahly, Walter R., 532-48-2852
Stanhople, John E., Jr., 007-52-0833
Stewart, James B., Jr., 448-46-5765
Stewart, Robert L., 219-62-4990
Stolck, Gary M., 517-62-4633
Sudholt, Barbara A., 346-48-6543
Swedenburg, Mark G., 378-54-1848
Taxin, Edward, 177-36-5901
Taylor, George P., Jr., 579-74-9111
Taylor, Robert W., Jr., 487-52-8351
Taylor, Thomas M., 424-68-2898
Thacker, Stephen W., 287-50-7664
Thompson, James M., 566-82-4133
Tice, Andrew W., Jr., 269-52-9235
Tinsley, Charleen B., 217-68-4061
Tomacari, Richard L., 177-38-3064
Tonnemacher, Kent D., 546-84-4908
Townsendparchman, Wallace R., 458-94-5378
Trame, Eldon A., 332-48-9291
Trapalis, Andrew T., 557-78-6951
Truss, Hubert Nelson, 583-10-7636
Tullis, William H., 466-94-6712
Vacarella, Jake S., 516-72-5038
Vacek, James L., 506-62-3176
Valen, Peter A., 469-66-0672
Valentin, Stone, Paul Ernest, 583-36-4331
Varesko, Rudolph W., 220-60-5231
Vaughn, Andrew I. S., 240-92-3947
Vicks, Steven L., 530-38-3708
Wade, John E., III., 460-94-6461
Walker, Enlow R., 211-40-0236
Walker, Martha K., 252-88-2437
Walker, Ronald C., 451-92-6721
Ward, Stephen C., 466-80-6159
Waters, Gregory J., 368-54-3650
Webster, Raymond L., 494-58-8145
Wehr, Jerome A., 484-68-2371
Weldon, Bruce C., 491-58-0109
Wellman, Robert G., 403-64-2923
Weston, Jonathan P., 266-08-9685
Whatley, Lewis R., III, 260-74-6853
Wheelock, Johnny B., 355-46-6231
Whiteley, Michael J., 457-86-6013
Williams, Edward, 190-42-0482
Williams, Larry T., 246-82-2646
Winger, Douglas G., 005-50-1589
Wold, Thomas F., 567-64-2333
Wolf, Earl G., Jr., 263-82-5898
Woodrow, Charles L., 455-02-0245
Woods, Donald R., Jr., 287-46-5576
Wright, John C. Y., Jr., 234-80-3233
Wytock, Dale H., 228-78-6523
Yanoff, David B., 125-42-9776
Yochim, Robert J., 188-44-0049
York, Jeffrey P., 206-38-7414
Yost, Mark F., 378-56-6151
Young, Daniel W., 552-72-7063
Young, James J., 363-60-2569
Young, Karlon K. H. K., 575-60-9796
Zasik, Joseph M., Jr., 176-40-2298
Zeller, Charles J., 356-34-2159
Zerull, Robert G., 336-34-9973

IN THE MARINE CORPS

The following-named U.S. Air Force Academy graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 5585/541, subject to the qualifications therefor as provided by law:

Danel, Keith W., 8549

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107, subject to the qualifications therefor as provided by law:

Ridall, Peter A., 7219
Romano, Daniel M., 6621
Tholen, Steven L., 2372
Westbrook, Mark S., 7520

The following-named U.S. Naval Academy graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, U.S. Code, section 531, subject to the qualifications therefor as provided by law:

Shindelar, Timothy V., 3914

HOUSE OF REPRESENTATIVES—*Monday, June 13, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.
June 9, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, June 13, 1983.

THOMAS P. O'NEILL, Jr.
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We laud your name, O gracious God, for the bounty of the gifts we have received and the blessings You have given. May Your presence be with us this week and may we know the strength and the peace and the assurance that comes from Your word. O God, protect all who trust in You, that Your will may be done on Earth as it is in heaven. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 201. Joint resolution designating June 14, 1983, as "Baltic Freedom Day."

The message also announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 695. An act to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the U.S. quota in the International Monetary Fund and to authorize appropriations for increased U.S. participation in the IMF's General Arrangements to Borrow.

WAS JAMES WATT LISTENING TO THE PRESIDENT?

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I am sure many Americans took heart over the weekend when the President declared our environmental policies "the strongest in the world." But I wonder if Interior Secretary James Watt was listening.

How can we be world leaders on the environment when Secretary Watt still wants to give away massive amounts of public land in fire-sale priced coal leases? Where is the "wise stewardship" of our Nation's resources when Secretary Watt insists on more offshore oil drilling in the waters off northern California and Cape Cod? What sort of environmental concern is shown by the Department's failure to enforce vital strip mining laws?

Mr. President, we will not have the world's strongest environmental policies until Secretary Watt's actions match your words.

WILLIAM BAXTER'S VIEW OF THE WORLD IS VERY DISTURBING

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, at a time when all we seem to get is doubletalk from administration officials, I take my hat off to one member of President Reagan's team who is not afraid to speak his mind no matter how ridiculous he may sound. I am talking about Mr. William Baxter, the Assistant Attorney General for Antitrust at the Department of Justice.

Mr. Baxter told the Senate Banking Committee last week that interstate banking would not be bad for small, local banks because:

> If we were to repeal Douglas and McFadden there would be a very large number of substantial banking institutions who would become bidders for acquisition of many of these small local banks. They would be able to sell out at very handsome premiums . . .

Mr. Baxter's view of the world is very disturbing. Whatever your position is on banking deregulation, I am sure you do not believe that America's smaller banks exist solely to someday be acquired by larger banks.

This is not the first time that our chief antitrust official has spoken out publicly against the interests of small business. Last year Mr. Baxter was quoted in Duns magazine as saying:

> There is nothing written in the sky that this world would not be a perfectly satisfactory place if there were only 100 companies.

Imagine that, from our chief antitrust enforcement official.

Furthermore, Mr. Baxter told a Small Business Subcommittee that he did not like our Nation's vertical price fixing laws. Thus, even though the Supreme Court has ruled vertical price maintenance per se illegal, Mr. Baxter said he would not enforce the law of the land.

Mr. Speaker, while I applaud Mr. Baxter's honesty and openness, I for one do not find his comments very funny. Quite the contrary, I find his especially narrow, textbook view of the world very tragic.

SOVIET OBSTRUCTIONS MAKE SUMMIT URGENT

(Mr. WHITTAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTAKER. Mr. Speaker, city officials of Lawrence, Kans., have invited President Reagan and Soviet leader Yuriy Andropov to a friendly, informal meeting in the interest of world peace. The Soviet Embassy acknowledged the invitation last week.

I urge Mr. Andropov to pursue a "cordial summit" in my home State of Kansas. But, he should prove his peaceful intentions at the arms control talks at Geneva, as well.

During the course of the MX debate, instead of seeing our real enemy, many of my colleagues have tried to score political points by claiming that our own President was not committed to arms control.

Perhaps those critics have forgotten that it is the Soviet leaders—not ours—who have posed obstructions to productive arms control negotiations. It is the Soviet military buildup—not ours—which makes these negotiations so urgent. I have not forgotten.

H.R. 2957 AND THIRD WORLD DEVELOPMENT

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, on May 9, 1983, the House Banking Committee reported out the IMF quota increase bill (H.R. 2957) which

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

would authorize an additional $8.4 billion for the IMF. The bill also requires in section 409 that banks prepare economic feasibility evaluations of requested foreign project loans to document that the extensions of credit can reasonably be expected to be repaid from revenues generated by the foreign project itself without regard to any government loan guarantees on subsidy, and that the loan will benefit the host country receiving the extension of credit. This section will help insure that commercial banks diligently review foreign project loans so that only those that are productive and economically justified are undertaken, and is designed to be self-producing by only allowing Federal banking agencies to review the evaluations during the normal audit process. Consequently, this provision is not Federal intrusion into the banking industry and is not protectionism.

I consider this provision of H.R. 2957 to be essential, and urge my colleagues to support it, since one of the fundamental causes of international indebtedness is the funding of economically nonviable projects, which eventually lead to a strained international banking system and potential IMF rescheduling. This, in turn, results in added burdens to U.S. taxpayers and bankers.

Subsidies have drained financial reserves of host governments, necessitated international borrowing and been a factor that has produced prolonged global recession, increased U.S. business failures, and exacerbated U.S. unemployment.

For example steel and copper, basic and once mighty American industries, are decimated by record earning losses, plant closings, and employee layoffs. In comparison, their foreign counterparts, operating in the same world market, have maintained and in some cases increased production. Although it might appear these foreign industries are immune to the perils of global recession, in fact, government subsidies, provided with the assistance of international lenders, have resulted in oversupply and falling commodity prices below the level where American and other nonsubsidized competitors can produce, precipitating U.S. plant closings and unemployment.

Mr. G. F. Joklik, president of Kennecott, the Nation's largest copper producer, presented testimony before the Senate Banking, Housing, and Urban Affairs Committee at oversight hearings on international debt (February 14, 15, 16, 1983), on the adverse impacts of the U.S. domestic copper industry of uneconomic and ineffective Third World development. I commend this testimony to the attention of my colleagues in support of section 409 in H.R. 2957.

CAP THE CUT

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, many around the House are looking for ways to reduce the deficit. I am one of these people. And when deficit hunters are on the prowl, they look for big game.

One of the items that some deficit hunters have in their sights is the third year of the tax cut. Some want to see it eliminated completely, abolished. Mr. Speaker, these deficit hunters have shot a blank. Unfair as it is, the third year of the tax plan is nonetheless the fairest of the three. More than any Reagan tax scheme, its relief would go to middle class, working families.

The third year of the tax cut should not be stalked down and bagged. It should be capped; it should be de-Reaganized. As it is, it gives 30 times more tax relief to those making $200,000 than those making $20,000. Of course, that is fair by Reagan standards.

A cap would take the inequity out of the tax cut, and would reduce the deficit by $38 billion or more. It would give working families the tax break they need. Do not cut the cut—cap it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RATCHFORD). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, June 14, 1983.

JACK D. WATSON POST OFFICE BUILDING

Mr. YOUNG of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3151) to name the U.S. Post Office building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building."

The Clerk read as follows:

H.R. 3151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building to be constructed in Fort Worth, Texas, at the intersection of Meacham Boulevard and the Mark IV Parkway, shall hereafter be named and designated the "Jack D. Watson Post Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Jack D. Watson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Missouri (Mr. YOUNG) will be recognized for 20 minutes, and the gentleman from Florida (Mr. SHAW), will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Speaker, I yield myself such time as I may consume.

The Speaker, the purpose of this legislation is to honor an outstanding American, Jack D. Watson, who was a dedicated career employee with the U.S. Postal Service for 45 years.

Jack Watson was hired as an 84-cent-an-hour temporary employee with the Postal Service in 1945. He rose through the ranks and, subsequent to his retirement in 1980, served as postmaster of the Fort Worth Post Office for 14 years.

Throughout his career, Jack Watson was known for his foremost concern for timely and professional service to the public and the welfare of his employees. He was instrumental in forming the Fort Worth Postal Employees Council. Jack Watson was named Postmaster of the Year in 1971 and was regarded as one whom employees could talk to. Under his stewardship, the Forth Worth Post Office was chosen No. 1 in the Nation in 1971 and maintained the honor until 1976. Jack Watson died on May 18, 1983, after he fought a long battle with cancer.

In view of his long and distinguished career with the U.S. Postal Service, it is fitting that the U.S. Post Office Building to be constructed in Fort Worth, Tex., at the intersection of Meacham Boulevard and the Mark IV Parkway, be known and designated as the "Jack D. Watson Post Office Building."

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Mr. WRIGHT.

Mr. WRIGHT. Mr. Speaker, I do want to say a few words about Jack Watson and our reasons for our asking that this bill be considered today.

This may seem to most folks a parochial matter. In some ways it is. Jack Watson was best known in Fort Worth. He was, like so many others of his generation, growing up at just the time when World War II was coming on. Like thousands of others, Jack went to war, fought for our country in combat in the South Pacific in the Coast Guard. Like many others, he returned looking for a job.

Jack got a 64-cents-an-hour job as a substitute clerk in the post office and began preparing for a career. He went to college at night, finished a degree, and was determined to learn everything he could about the post office and the Postal Service. He was effective, he was popular, he was well liked, and he was dedicated.

Soon his fellow employees in the post office were electing him to represent them and to speak for them as president of their union.

Jack performed almost every job in the post office. When ultimately it became opportune for me to be asked for a recommendation for postmaster, there was no doubt in my mind that Jack Watson, having come up through the ranks, having proven himself by diligence, was the logical nominee for postmaster in Fort Worth. It was absolutely the most popular appointment I ever recommended.

I have never known a man more conscientious in his dedication to serving and pleasing the public.

☐ 1215

Fort Worth is not a big city when compared to New York, but it is a big town in Texas.

Jack came to me about a year after he had assumed the job of postmaster. He said, "Jim, I am not sure that I am the right man for this job."

I said, Why, Jack?

And he said, "I have tried by every means that I can conceive of to make a group of doctors over here on Summit Avenue happy with the service we have been providing, and I have not been able to do it."

I said, "Jack, is that office building the only one from which is emanating any complaints?"

He said, "Yes. I have got all the rest of them satisfied, but I just simply cannot seem to satisfy the people in that building, and maybe you need to have somebody else as postmaster."

Well, you can imagine my response. I said, "Jack, for Pete's sake, you've got a lifetime job. You don't have to be reelected. You have one office building in this entire city where somebody is unhappy with you. I wish I were that well off." I said, "I must be reelected every 2 years, and there are people all over town who are upset with me continually and repeatedly, Jack."

And he said, "Well, I ought to be able to satisfy those people, but I can't seem to do it."

That is the kind of man Jack was. As the manager of the bill, the gentleman from Missouri (Mr. YOUNG) has said, he was named as "Postmaster of the Year." The Fort Worth Post Office, which he managed, was named "Post Office of the Year" for 5 consecutive years.

Jack always maintained an open door policy. The employees always thought of him as one of them. He was able to understand their problems because he had endured those problems. He was able to elicit from them a high degree of dedication because he exhibited himself such a high degree of dedication.

Jack died last month and we buried him, after a prolonged battle with cancer. Even in his last months he was an inspiration to all of us who knew him.

Mr. Speaker, I think for all of these reasons to name this installation after Jack Daniel Watson of Fort Worth will be a living and constant reminder of those ideals of the public service to which he was so deeply dedicated—the vigor, the diligence, the pride, and the professionalism which the Postal Service likes to believe that it represents and of which Jack Watson was the best exemplar that I have ever known.

Mr. YOUNG of Missouri. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks of the chairman of the Public Buildings and Grounds Subcommittee, Mr. YOUNG, and the majority leader, Mr. WRIGHT, and as ranking minority member of the subcommittee, I urge the Members of the House to support H.R. 3151.

By naming the postal facility in Fort Worth, Tex., in honor of Jack Watson we are paying tribute to a man who dedicated his life to the U.S. Postal Service and the public.

Throughout his career with the Postal Service, including 14 years as postmaster of Fort Worth, his foremost concern was for timely deliveries and professional service to the public, and the welfare of his employees.

These traits earned him respect among his peers and brought prominence to his Fort Worth office.

In 1971, Mr. Watson was chosen Postmater of the Year and his Fort Worth office chosen No. 1 in the Nation.

The Fort Worth office maintained that honor until 1976.

Unfortunately, Mr. Watson died several weeks ago of cancer; and illness which he knew was killing him.

Naming the Fort Worth Post Office in honor of him is one small way in which we can pay our last respects to a man who dedicated his life to the citizens of Texas and the Nation, and the betterment of the U.S. Postal Service.

Mr. Speaker, I urge the Members to suspend the rules and pass H.R. 3151.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3151.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

INCREASING AUTHORIZATION FOR EMERGENCY RELIEF FROM HIGHWAY TRUST FUND

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3103), to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to any amounts authorized to be appropriated by section 125 of title 23, United States Code, for the fiscal year ending September 30, 1983, there is authorized to be appropriated, out of the Highway Trust Fund, for such fiscal year $150,000,000 to carry out such section.

SEC. 2. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000.".

SEC. 3. The proviso in the first sentence of subsection (b) of section 125 of title 23, United States Code (as amended by section 2(b) of this Act), limiting the aggregate amount of obligations for projects under such section, shall not apply to funds authorized to be appropriated by the first section of this Act.

SEC. 4. A project to alleviate flooding conditions caused by an inadequate box culvert under an Interstate highway in the vicinity of Carencro, Louisiana—

(1) by removal of such box culvert and construction of one or more bridges, or

(2) by construction of drainage ditches,

at a cost not to exceed $2,000,000, shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 5. A project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide and which, until its destruction, had served as the only reasonable access between two cities and as the designated emergency evacuation route of one of such cities shall be eligible for assistance under section 125 of title 23, United States Code.

Sec. 6. Construction of any bridge—

(1) which will be part of a four-lane expressway on the Federal-aid primary system in the vicinity of Valley City, Illinois, and Florence, Illinois;

(2) construction of which received discretionary funding in fiscal year 1979 under the third sentence of section 144(g) of title 23, United States Code; and

(3) construction of which, on May 1, 1983, was prohibited by judicial injunction;

shall be eligible for assistance under section 144 of such title.

The SPEAKER pro tempore. Is a second demanded?

Mr. SHAW. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California, Mr. Anderson, will be recognized for 20 minutes, and the gentleman from Florida, Mr. Shaw, will be recognized for 20 minutes.

The Chair recognizes the gentleman from California, Mr. Anderson.

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3103 is designed to at least partially address the series of weather-related disasters that have been occurring around the country with all too frequent regularity this past winter and spring.

This legislation will not revive destroyed crops, bring back washed away homes, or restore communities to their previous condition. It will, though, help assure that those roads on the Federal-aid highway system, that network of highways in which the Federal Government has a particular interest, are repaired and reconstructed.

Under present law, the emergency relief program is funded at a level of $100 million per year, and there is a cap on the amount any State may receive for a particular natural disaster or catastrophic failure.

Tragically, $140 million has already been allocated or committed for highway emergency relief in fiscal year 1983, with another $125 million in needs already identified. And this last figure does not include damages resulting from the ongoing floods in Utah and the Southwestern portions of the country. Similarly, it does not factor in the fact that we have yet to experience hurricane season this year, or the likely impact of even normal rains later this year, and their impact on the Nation's swollen rivers and saturated soils.

To address the problems already facing us, and to begin to deal with those we might reasonably anticipate, H.R. 3103 will add $150 million to the Federal-aid highway emergency relief program and, from this new authorization of budget authority only, remove the cap limiting any State's allocation to $30 million per disaster.

Mr. Speaker, that is the primary purpose of H.R. 3103; to provide humanitarian relief so that communities impacted by the Nation's severe weather conditions might at least be assured of having their Federal-aid highways repaired and reconstructed. The legislation also clarifies that two particular projects in northern California and Carencro, La., are eligible for emergency assistance, and that the Nation's territories may also be eligible, as the need arises.

Section 6 reaffirms the intent of Congress, recently overturned by a U.S. district court, that a particular bridge crossing the Illinois River is, indeed, eligible for funding under the bridge replacement program.

Mr. Speaker, it occurs to me that when a foreign nation suffers through severe weather conditions, this Congress makes available emergency aid that is needed to perform tasks such as the rebuilding of their highways. The States of our Union should be able to expect the same, and that is precisely what H.R. 3103 will accomplish.

I urge its passage at this time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3103, a bill which, beyond question, is necessary if we are to meet our obligations under the emergency relief program for the repair and reconstruction of highway facilities damaged by natural disasters.

Tragically, this has been a bad year, Mr. Speaker, and the annual authorization of $100 million for the program as contained in the Surface Transportation Assistance Act of 1982 is clearly insufficient. Therefore, the increase of $150 million in fiscal year 1983 is absolutely justified.

This is a national program, providing assistance for repair and replacement of highway facilities on the Federal-aid systems in any State in which they occur. I, therefore, would urge my colleagues, whatever areas and whatever States they represent, to support this measure.

In addition to the 1-year increase in authorizations, this bill also provides that the limitation in existing law, restricting the amount of funding which may go to any one State per disaster to $30 million, will not be applicable to the increased funds.

The bill also provides that the Virgin Islands, American Samoa, and Guam, which were made eligible for Federal-aid primary system funding in the 1982 act, are eligible for emergency relief. In future years, they will be subject to an aggregate limit of $5 million per year.

Other provisions of the bill are intended to address a severe and recurrent flooding problem in Louisiana, and to make assistance to solve a chronic problem in California clearly eligible for funding.

I am pleased to note that the bill also contains a provision to reaffirm, when the Congress has already thought it made clear in the past, and that is the construction of a bridge in the vicinity of Valley City and Florence, Ill., is eligible for funding. This project has been placed in jeopardy because of a U.S. district court ruling that it is ineligible, despite clear legislation history made at the time the bridge replacement and rehabilitation program was expanded under the Surface Transportation Assistance Act of 1978. An appeal of this decision would be costly and time consuming, however, and at least $14 million of the total $29.3 million already allocated for the bridge is in danger of lapsing.

Mr. Speaker, I urge my colleagues to support the bill.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ANDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Durbin) in whose area I believe this bridge that was just mentioned is located.

Mr. DURBIN. Mr. Speaker, I wish to thank the gentleman from California (Mr. Anderson) for yielding me this time, and I would like also to express my appreciation for the committee's support of the amendment to the legislation relating to the Valley City bridge.

This bridge is a key element in the completion of the Central Illinois Expressway, which is going to be a major transportation artery helping the people of central and western Illinois. I might say that the heroic efforts made by the Committee on Public Works and Transportation to respond to the needs of the 20th Congressional District and to make sure this amendment is included in this emergency legislation are certainly appreciated by the people living in western and central Illinois.

I thank in addition my colleague, Congressman Bob Michel, who has joined me in this effort to have the Valley City bridge language enacted into law. Both Congressman Michel and I are acutely aware of the urgent need for modern highways in western Illinois. Several years ago this area was dubbed forgottonia. Today we are taking an important first step in letting the people of central and western Illinois know they are not forgotten.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Lagomarsino).

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 3103 and urge its immediate passage.

I want to commend the gentleman from California (Mr. Anderson) and the gentleman from Florida (Mr. Shaw), for their efforts in bringing this bill before us today. They have done so very expeditiously. This is a problem that does require and merits immediate action.

For example, just in California, according to the California Department of Transportation, California has suffered about $150 million in damage to its Federal aid highway system and thus far has received $27 million from the Federal Department of Transportation. Because of the present law restricting the amount any one State may get from a single disaster to $30 million, California would be eligible to receive only an additional $3 million to cover about $120 million in work that is still outstanding.

This bill, as has been explained, would place no restrictions on the amount any State may receive from the additional $150 million, and also, of course, it would provide the additional $150 million for the disasters that we have had throughout the Nation.

Mr. Speaker, as I said earlier, I think this is a meritorious bill. I urge its immediate approval.

□ 1230

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. Nielson).

Mr. NIELSON of Utah. Mr. Speaker, I rise in support of this bill.

My own State of Utah, as mentioned in the opening statement by the gentleman from California, is not specifically included in this bill. I understand that and I know that the bill cannot be amended here because it is under suspension.

Nevertheless, I assume that raising the amount for flood relief will provide some help to Utah and other States which have experienced flood disasters.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I believe that this would include Utah. It was the intention of the committee.

Mr. ANDERSON. Mr. Speaker, if the gentleman will yield, no particular State is earmarked. Each State will make its application on a merit basis. I assume that those that have their applications in might be ahead of those that have not; but it is on a straight merit basis; no earmarking for any particular State.

Mr. NIELSON of Utah. I made that comment, Mr. Speaker, because in the gentleman's opening statement and also the statement of the gentleman from California (Mr. Lagomarsino) was that the funds would be pretty well used up by California, which had a prior disaster.

May I simply point out that the first disaster that occurred in Utah, in which a whole mountain came down and created a 200-foot dam in 3 days and then subsequently a reservoir 190-feet high which drowned a town, the highways which were involved there, U.S. 89 and U.S. 6, have a total of $27 million of damage in those two highways alone and there have been additional roads which have been cut through, including a State highway in Salt Lake City which is being used as a flood plain right now.

We will have great need for funds in Utah and I hope at the appropriate time that this can be amended in the Senate, if necessary, and that we will be considered in the action.

Mr. ANDERSON. Mr. Speaker, if the gentleman will yield further, I would like to assure the gentleman that Utah is eligible for funds under this bill as much as any other State.

Mr. NIELSON of Utah. I appreciate that.

Mr. SHAW. Mr. Speaker, if the gentleman will yield further, I would like to add my words to those of the chairman, that upon proper application, we know very well of the tremendous disasters that Utah has had and certainly upon proper application they would be eligible.

Mr. NIELSON of Utah. Mr. Speaker, I thank the gentleman.

● Mr. MICHEL. Mr. Speaker, let me express appreciation to the committee for including language in the bill making it clear that the so-called Valley City bridge in Illinois is in fact eligible for Federal funding under the highway bridge replacement and rehabilitation program.

I particularly want to thank Jim Howard and Glenn Anderson on the majority side, and Gene Snyder and Bud Shuster on our side, for their help, particularly the very forthcoming and expeditious manner in which they handled this matter.

The need for this language arose when a Federal district court ruled earlier this year that this bridge was not eligible for funding under the highway bridge rehabilitation program because the State was not going to actually tear down the old bridge and construct a new one in its place, but rather was going to build the new one a short distance to the south.

I do not agree with the court decision, because in this case the highway is being upgraded to an expressway and rerouted over the location where the new bridge is to be constructed. The old bridge, which, incidentally, is currently closed because it was banged into by a truck, thus graphically illustrating its inadequacy, would be used for local traffic only. This is certainly a legitimate replacement of a bridge if anything ever was.

Nevertheless, the court ruling does exist, and the judge indicated that if Congress clarifies its intent in this regard, he is prepared to lift the injunction as it applies to this aspect of the case. The language in this bill provides that clarification, and I thank the committee again for its assistance.●

Mr. SHAW. Mr. Speaker, I have no further requests for time.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Anderson) that the House suspend the rules and pass the bill, H.R. 3103, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ATLANTIC TUNAS CONVENTION ACT AUTHORIZATIONS FOR FISCAL YEARS 1984, 1985, AND 1986

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2784) to authorize appropriations to carry out the Atlantic Tunas Convention Act of 1975 during fiscal years 1984, 1985, and 1986, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MARINE FISHERIES PROGRAMS

Section 1. That section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "and 1983" and inserting in lieu thereof "1983, 1984, 1985, and 1986".

Sec. 2. The Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601 et seq.) is amended—

(1) by inserting "not" immediately after "shall" in the second sentence of section 303(c); and

(2) by amending subsection (c) of section 307 to read as follows:

"(c) Any vessel used, and any fish (or the fair market value therof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).".

Sec. 3. (a) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1983" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "1982 and 1983." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, and 1984.".

(b) Section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by striking out "September 30, 1982" in subsection (a) and inserting in lieu thereof "September 30, 1984";

(2) by amending subsection (b)—

(A) by striking out "fiscal year 1982," in subparagraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, and 1984,", and

(B) by striking out "1981 and 1982" is subparagraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, and 1984"; and

(3) by striking out "fiscal year 1981 or 1982, or both," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, and 1984,".

Sec. 4. Section 1(c)(2) of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)(2)) is amended (1) by striking out "shall be 90 percent" and inserting in lieu thereof "shall be up to 90 percent"; and (2) by striking out "resources," and inserting in lieu thereof "resources, prepared by an interstate commission,"; and by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'interstate commission' means—

"(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267);

"(B) the commission established by the Pacific Marine Fisheries Compact (as consented to and approved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

"(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).".

Sec. 5. Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(4), as contained in the message to the House of Representatives and the Senate from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the United States on July 1, 1983.".

TITLE II—AQUACULTURE FISHERIES

SEC. 201. TITLE.

This title may be cited as the "National Aquaculture Improvement Act of 1983".

SEC. 202. FINDINGS, PURPOSE, AND POLICY.

Section 2 of the National Aquaculture Act of 1980 (which Act is hereinafter referred to as the "Act of 1980") (16 U.S.C. 2801) is amended—

(1) by striking out "3 per centum" in subsection (a)(3) and inserting in lieu thereof "6 per centum";

(2) by amending subsection (a)(7) by inserting "scientific," before "economic,"; and by inserting "the lack of supportive Government policies," immediately after "management information,";

(3) by amending subsection (b)—

(A) by striking out "and" in paragraph (2),

(B) by redesignating paragraph (3) as paragraph (5), and

(C) by inserting after paragraph (2) the following new paragraphs:

"(3) establishing a National Aquaculture Board to facilitate aquaculture development;

"(4) establishing the Department of Agriculture as the lead Federal agency with respect to the coordination of national aquaculture policy by designating the Secretary of Agriculture as the permanent chairman of the coordinating group; and"; and

(4) by amending subsection (c) by inserting "for reducing the United States trade deficit in fisheries products," immediately after "potential" in the first sentence.

SEC. 203. DEFINITIONS.

Section 3 of the Act of 1980 (16 U.S.C. 2802) is amended—

(1) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (5), (6), (7), (8), and (10), respectively;

(2) by inserting after paragraph (3) the following new paragraph:

"(4) The term 'Board' means the National Aquaculture Board established by section 10."; and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) The term 'Secretary' means the Secretary of Agriculture.".

SEC. 204. NATIONAL AQUACULTURE DEVELOPMENT PLAN.

Section 4 of the Act of 1980 (16 U.S.C. 2803) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "Secretaries" each place it appears therein and inserting in lieu thereof "Secretary";

(B) by amending paragraph (1) to read as follows:

"(a) In General.—(1) Not later than October 1, 1983, the Secretary shall establish the National Aquaculture Development Plan.";

(C) by amending the first sentence of paragraph (2)—

(i) by inserting "the Secretary of Commerce and the Secretary of the Interior," immediately after "shall consult with", and

(ii) by striking out ", and representatives of the aquaculture industry"; and

(D) by striking out paragraph (3).

(2) Subsection (b) is amended—

(A) by inserting "to" immediately after "determine" in paragraph (1);

(B) by striking out "Secretaries deem" in paragraph (6) and inserting in lieu thereof "Secretary deems", and

(C) by striking out "Secretaries" in the matter following paragraph (6) and inserting in lieu thereof "Secretary".

(3) Subsection (c) is amended—

(A) by striking out "Secretaries determine" in paragraph (1) and inserting in lieu thereof "Secretary determines";

(B) by striking out "and" at the end of subparagraph (A) of paragraph (2);

(C) by inserting "; and" after "concerned" in subparagraph (B) of paragraph (2); and

(D) by inserting immediately after subparagraph (2)(B) the following new subparagraph;

"(C) the concurrence of the Secretaries.".

(4) By striking out subsections (d) and (e).

SEC. 205. FUNCTIONS AND POWERS OF SECRETARIES.

Section 5 of the Act of 1980 (16 U.S.C. 2804) is amended as follows:

(1) Paragraph (2) of subsection (a) is amended by inserting "the Board," immediately before "interested".

(2) Subsection (c) is amended to read as follows:

"(c) Information Services.—(1) In addition to performing such other mandatory functions under this Act—

"(A) the Secretaries shall collect and analyze scientific, technical, legal, and economic information relating to aquaculture, including acreages, water use, production, culture techniques, and other relevant matters;

"(B) the Secretary shall—

"(i) establish, within the Department of Agriculture, an Office of Aquaculture Coordination and Development,

"(ii) establish and maintain an information service for the dissemination of information generated pursuant to subparagraph (A),

"(iii) arrange with foreign nations for the exchange of information relating to aquaculture and support a translation service, and

"(iv) conduct a study of the extent to which the United States aquaculture industry has access to relevant Federal programs which assist the agricultural sector and report to Congress on the findings of such study by February 1, 1985.

"(C) the Secretary of Commerce shall conduct a continuing study, and report thereon annually in the annual status report required under subsection (d), to determine whether existing capture fisheries could be adversely affected by competition from products produced by commercial aquacultural enterprises and include in such study an assessment of any adverse effect, by species and by geographical region, on such fisheries and recommended measures to ameliorate any such effect.

"(D) the Secretary of the Interior, in consultation with the Secretary of Commerce, shall undertake a study, and report to Congress thereon by February 1, 1985, to identify exotic species introduced into United States waters as a result of aquaculture activities, and to determine the potential benefits and impacts of the introduction of exotic species.

"(2) Any production information submitted to the Secretaries under paragraph (1)(A) shall be confidential and may only be disclosed if required under court order; except, however, that the Secretaries may release or make public any information in any aggregate or summary form that does not directly or indirectly disclose the identity, business transactions, or trade secrets of any person who submits such information. The Secretaries shall prescribe such procedures as may be necessary to preserve such confidentiality.";

(3) Subsection (d) is amended—

(A) by striking out "Biennial Report" and inserting in lieu thereof "Annual Report";

(B) by striking out "Secretaries" each place it appears and inserting in lieu thereof "Secretary";

(C) by inserting "and in consultation with the Secretary of Commerce and the Secretary of the Interior" immediately after "group" in the first sentence;

(D) by striking out "biennial" in the first sentence and inserting in lieu thereof "annual";

(E) by striking out "under section 4(d)" in the second sentence;

(F) by striking out "deem" in the second sentence and inserting in lieu thereof "deems"; and

(G) by striking out the last sentence and inserting in lieu thereof "The first report required under this subsection shall be submitted to Congress by February 1, 1985, and subsequent reports on February 1 of each year thereafter. Appended to the report shall be the Annual Report prepared by the coordinating group pursuant to subsection 6(c) of this Act and the Annual Report prepared by the Board pursuant to subsection 10(j) of this Act."

SEC. 206. COORDINATION OF NATIONAL ACTIVITIES REGARDING AQUACULTURE.

Section 6 of the Act of 1980 (16 U.S.C. 2805) is amended as follows:

(1) Subsection (a) is amended by inserting ", who shall be the permanent chairman of the coordinating group" immediately after "Agriculture" in paragraph (1).

(2) Subsection (b) is amended—

(A) by inserting ", in consultation with the Board," immediately following "coordinating group" in the second sentence;

(B) by striking out paragraph (4); and

(C) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5).

(3) Subsection (c) is repealed.

(4) Subsections (d), (e), and (f) are redesignated as subsections (c), (d), and (e), respectively.

(5) Subsection (c) (as redesignated) is amended to read as follows:

"(c) Reports.—The coordinating group shall submit to the Chairman of the Federal Council and the Secretary an annual report on the activities of the coordinating group and on recommendations concerning Federal policies and programs related to aquaculture. The first report required under this subsection shall be submitted by November 1, 1984, and subsequent reports by November 1 of each year thereafter.";

(6) Subsection (e) (as redesignated) is amended—

(A) by striking out "(b)(6)" in the second sentence and inserting in lieu thereof "(b)(5)"; and

(B) by striking out "subsection (d)" in the second sentence and inserting in lieu thereof "subsection (c)".

SEC. 207. CAPITAL REQUIREMENTS FOR AQUACULTURE.

The first sentence of section 8(b) of the Act of 1980 (16 U.S.C. 2807(b)) is amended to read as follows: "Based on the results of the Capital Requirements Study conducted under subsection (a), the Secretaries, in consultation with the Board, shall formulate a plan for acting on the study's finding.".

SEC. 208. REGULATORY CONSTRAINTS ON AQUACULTURE.

The first sentence of section 9(b) of the Act of 1980 (16 U.S.C. 2808(b)) is amended to read as follows: "Based on the results of the Regulatory Constraints Study conducted under subsection (a), the Secretaries, in consultation with the Board, shall formulate a plan for acting on the study's findings.".

SEC. 209. NATIONAL AQUACULTURE BOARD.

(a) The Act of 1980 is amended—

(1) by redesignating sections 10 and 11 thereof as sections 11 and 12, respectively; and

(2) by inserting immediately after section 9 the following new section:

"SEC. 10. NATIONAL AQUACULTURE BOARD.

"(a) Establishment.—There shall be established the National Aquaculture Board.

"(b) Composition.—(1) The Board shall consist of—

"(A) twelve voting members drawn from among individuals in the private sector nominated by the aquaculture industry in accordance with procedures prescribed by the Secretary. The Secretary shall make such appointments in a manner to achieve:

"(i) equitable geographical representation of the domestic aquaculture industry; and

"(ii) equitable representation of those segments of the domestic aquaculture industry engaged in the production of marine, estuarine, and freshwater species, with each segment represented by not less than three members and with the producers of different species within each segment represented in an equitable manner.

"(B) two voting members, nominated in accordance with procedures prescribed by the Secretary, who shall be representatives of State agricultural cooperative extension services;

"(C) two voting members, nominated in accordance with procedures prescribed by the Secretary, who shall be representatives of State agricultural experiment stations;

"(D) two voting members, nominated in accordance with procedures prescribed by the Secretary of Commerce, who shall be representatives of marine advisory services; and

"(E) three nonvoting members who shall be the Secretaries or their designees.

"(2) No individual is eligible for nomination or appointment as a voting member of the Board unless the individual is knowledgeable and experienced in aquaculture.

"(3) Within one hundred and twenty days of enactment of the National Aquaculture Improvement Act of 1983, the voting members of the Board shall be appointed by the Secretary following concurrence by the Secretaries. Each voting member appointed to the Board by the Secretary shall serve for a term of three years, with the initial appointments being staggered so that three appointments expire every year after the first year. A member is eligible for any number of reappointments. Any individual appointed to fill a vacancy prior to the expiration of any term of office shall be appointed for the remainder of that term.

"(c) Compensation.—Members of the Board shall serve without compensation, if not otherwise officers or employees of the United States. Members of the Board, while away from their homes or regular places of business in the performance of services for the Board, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5, United States Code.

"(d) Transaction of Business.—(1) A majority of the voting members of the Board shall constitute a quorum, but one or more such members designated by the Board may hold hearings. All decisions of the Board shall be by majority vote of the voting members present and voting.

"(2) The voting members of the Board shall select a Chairman from among the voting members.

"(3) The Board shall meet at the call of the Chairman or upon the request of a majority of its voting members.

"(4) If any voting member of the Board disagrees with respect to any matter which is transmitted to the Secretary by the Board, such member may submit a statement to the Secretary setting forth the reasons for such disagreement.

"(e) Staff and Administration.—(1) The Board may appoint, and assign duties to, an Executive Director and such other full- and part-time administrative employees as the Secretary determines are necessary to the performance of its functions.

"(2) Upon the request of the Board, and after consultation with the Secretary, the head of any Federal agency is authorized to detail to the Board, on a reimbursable basis, any of the personnel of such agency, to assist the Board in the performance of its functions under this Act.

"(3) The Secretary shall provide to the Board such administrative and technical support services as are necessary for the effective functioning of the Board.

"(4) The Administrator of General Services shall furnish the Board with such offices, equipment, supplies, and services as the Administrator is authorized to furnish to any other agency or instrumentality of the United States.

"(5) The Board shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, in accordance with such standards as are prescribed by the Secretary. The Board shall publish and make available to the public a statement of its organization, practice, and procedures.

"(6) The Secretary shall pay—

"(A) the expenses provided for in subsection (c);

"(B) appropriate compensation to employees appointed under paragraph (1);

"(C) the amounts required for reimbursement of other Federal agencies under paragraphs (2) and (4); and

"(D) such other costs as the Secretary determines are necessary to the performance of the functions of the Board.

"(f) Functions.—The Board shall, in accordance with the provisions of this Act, carry out the following functions:

"(1) Periodically review the Capital Requirements Plan and the Regulatory Constraints Study and the operation and effectiveness of the National Aquaculture Development Plan and, if, as a result of any such review, or the aquaculture assessment required under paragraph (2), the Board determines that—

"(A) any aquatic species not currently identified in the National Aquaculture Development Plan has significant potential for aquaculture;

"(B) any action specified in the National Aquaculture Development Plan, the Regulatory Constraints Plan, or the Capital Requirements Plan, is not being accomplished on a successful or timely basis; or

"(C) any action specified in the Plans referred to in (B) should be terminated because its objectives have been achieved or its projected benefits do not warrant further support;

the Board shall make appropriate recommendations to the Secretary and the Secretary shall amend the Plans, as the Secretary deems appropriate, and advise the Board of such amendment(s).

"(2) Assess, in consultation with the coordinating group and on a continuing basis, aquaculture in the United States and other nations for the purpose of maintaining, on a continuous basis—

"(A) a complete profile of the aquaculture industry in the United States and other nations with respect to the incidence, size, and status of commercial aquaculture enterprises;

"(B) the identification of the private and public institutions and organizations involved in aquaculture research, extension, credit, and market development;

"(C) the identification of the various aquatic species being cultured and a description of the status of commercial development of each of those species;

"(D) to the extent practicable, the identification of aquacultural production regions, species, and markets that have significant potential for development;

"(E) a catalog describing all Federal programs and activities that directly or indirectly encourage, support, or assist aquaculture;

"(F) the identification of the economic, physical, legal, institutional, and social constraints that inhibit the development of aquaculture in the United States;

"(G) an assessment of the effectiveness and adequacy of Federal efforts to meet national aquaculture needs; and

"(H) the collection, compilation, and dissemination of information on aquaculture.

"(3) Periodically review and evaluate, in consultation with the coordinating group, existing research, extension service, and marine advisory service programs and recommend to the Secretaries priorities for the implementation of such programs.

"(g) CONFIDENTIALITY OF STATISTICS.—Any statistics submitted to the Board by any person pursuant to subsection (f)(2)(A) shall be confidential and may only be disclosed if required under court order; except, however, that the Board may release or make public any information in any aggregate or summary form that does not directly or indirectly disclose the identity, business transactions, or trade secrets of any person who submits such information. The Secretary shall prescribe such procedures as may be necessary to preserve such confidentiality.

"(h) POWERS.—For purpose of carrying out its functions, the Board may exercise the following powers:

"(1) Establish and maintain, and appoint the members of, such committees as are necessary and appropriate to assist the Board in carrying out the functions under this Act.

"(2) Conduct public hearings, at appropriate times and locations, so as to allow interested persons an opportunity to be heard in the development of recommendations made by the Board pursuant to this Act.

"(i) DATA COLLECTION PROGRAMS.—If the Board determines that information and data would be beneficial for the purposes of carrying out its functions, the Board may request that the Secretary implement a survey or data-collection program which would provide the types of information and data (other than information and data that would disclose proprietary or confidential commercial or financial information regarding aquaculture research or production) specified by the Board. The Secretary shall approve such survey or data-collection program if the Secretary determines that a need is justified, and shall promulgate regulations to implement the program within sixty days after such determination is made. If the Secretary determines that the need for such survey or data-collection program is not justified, the Secretary shall inform the Board of the reasons for such determination in writing. The determination of the Secretary under this subsection regarding a Board request shall be made within a reasonable period of time after the Secretary receives that request.

"(j) ANNUAL REPORT.—The Board shall prepare on an annual basis, and submit to the Secretary, a report on its activities and recommendations made pursuant to this Act. The first report shall be submitted by November 1, 1984, and subsequent reports by November 1 of each year thereafter.".

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

Section 11 of the Act of 1980 (as redesignated) (16 U.S.C. 2809) is amended as follows:

(1) Paragraph (1) is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by inserting "and" after the semicolon in subparagraph (C); and

(C) by adding at the end thereof the following:

"(D) $3,000,000 for each of fiscal years 1984, 1985, and 1986, of which not to exceed $1,000,000 in each of such years is available for the operation of the Board;".

(2) Paragraph (2) is amended—

(A) by striking out "and" at the end of the subparagraph (B); and

(B) by adding at the end thereof the following:

"(D) $2,000,000 for each of fiscal years 1984, 1985, and 1986; and".

(3) Paragraph (3) is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and";

(C) by adding at the end thereof the following:

"(D) $1,000,000 for each of fiscal years 1984, 1985, and 1986.".

SEC. 211. CONFORMING AMENDMENT.

Section 1476 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is repealed.

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. BREAUX) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill now before the House is H.R. 2784, reported unanimously from the Merchant Marine and Fisheries Committee on May 10. I will briefly describe its contents for the Members.

Section 1 contains a 3-year extension of authorizations for U.S. participation in the International Convention for the Conservation of Atlantic Tunas (ICCAT). ICCAT is the international body which regulates the tuna fisheries of the Atlantic Ocean. During the past 2 years ICCAT has been most active in the implementation of regulatory measures providing for the conservation of bluefin tuna that have, until recently, been overfished in the western Atlantic. While there has been some controversy surrounding this regulatory program, I believe the testimony received before the Subcommittee on Fisheries and Wildlife Conservation and the Environment indicates that the measures are working well and it is certainly important for the United States to continue its participation in this organization.

Section 2 of the bill contains technical amendments to the Atlantic Salmon Convention Act which we passed last year. At the time of passage there was an enrolling error in the bill which we are fixing by today's action.

Section 3 of the bill is a 1-year extension of authorization for funding under the fisheries loan fund. As the Members recall, we revitalized this loan fund in the American Fisheries Promotion Act (AFPA) by placing foreign fishing fees collected during fiscal year 1981 and fiscal year 1982 into the fund and by restricting use of the fund for loans to commercial fishermen who were suffering temporary economic difficulties. The AFPA stipulated that loans from the fund should go: First, to fishermen holding Government-guaranteed loans under the title XI vessel obligation guarantee program; second, to fishermen in danger of defaulting on mortgages not guaranteed; and, third, to fishermen experiencing net operating losses due to temporary economic downturns in a fishery.

Last year we extended the loan fund for 1 year and we propose, in this bill, to extend the fund for 1 additional year. Last year we were also successful, for the first time, in obtaining an appropriation for this fund which the National Marine Fisheries Service is in the process of distributing to fishermen in the first two loan categories. I would further note to the Members that we do not anticipate a continued need for full funding under this program and the subcommittee will be considering, later this year, alternative uses for this money which will further promote the American fisheries.

The fourth section of the bill contains clarifying amendments to a provision we added to the Anadromous Fish Conservation Act when we reauthorized that program last year. As the Members will recall, there was considerable discussion during the reauthorization last year as to how we might best promote State participation in management plans developed by the three marine fisheries commissions that Congress has created to promote interstate cooperation in fisheries management. Of particular concern was participation by the eight States which make up the Atlantic States Marine Fisheries Commission in the striped bass recovery plan developed by that Commission. Essentially, the provision we enacted last year provided that should such States participate in, and implement, that plan, grant projects proposed by those States that were related to the plan's objectives would be eligible for a 90-percent Federal matching share instead of the normal 50-percent Federal match. The National Marine Fisheries Service has raised questions of interpretation regarding that language and, therefore, we deem it appropriate to clarify our intent as set forth in section 4 of the bill before us.

Mr. Speaker, section 5 of H.R. 2784 contains congressional approvals for the 1-year extensions recently agreed to between the United States and both the Soviet Union and Poland with respect to the Governing International Fishery Agreements (GIFA's) between our countries. An amendment offered by the committee, contained in this section of the bill also grants approval to the recently renegotiated GIFA between the United States and the German Democratic Republic. In addition to bringing the existing GIFA fully into line with the "fish-and-chips" policy of the United States, this GIFA is significant in that it represents the first formal recognition by a foreign government of the recently proclaimed U.S. exclusive economic zone.

Finally, Mr. Speaker, I am pleased to note that both the Committees on Merchant Marine and Fisheries and Agriculture have agreed to include, as title II of H.R. 2784, the provisions of H.R. 2676, a bill which would reauthorize and amend the National Aquaculture Act of 1980 in a manner which will substantially strengthen the U.S. commitment to a national aquaculture policy. The bill was reported unanimously by both committees and is largely representative of the input the committees received from the diverse public and private aquaculture community.

As the Members will recall, the objective of this act is to provide a healthy climate for the U.S. private sector to capitalize on the vast potential for aquaculture development. Today, as in 1980, the U.S. aquaculture industry has the potential to significantly reduce the expanding $3 billion U.S. trade deficit in fishery products and to provide a substantial source of wholesale protein to an increasingly hungry world. Unfortunately, neither the outstanding potential benefits from aquaculture nor the constructive objectives of the National Aquaculture Act have been sufficient to generate congressional support for appropriations to carry out this important legislation. In addition, several provisions of the act have created bureaucratic complexities and inefficiencies which have prevented effective and timely implementation of a national aquaculture policy.

Mr. Speaker, I believe the provisions embodied in H.R. 2676, as contained in title II of the bill before us, correctly address the deficiencies in the National Aquaculture Act. The Department of Agriculture will now assume the lead responsibility for coordinating and implementing many Federal efforts under this act, thereby providing a central focus for the aquaculture community. In addition, U.S. aquaculture policy development and implementation will be made more responsive to the needs of the fledgling U.S. aquaculture industry through the establishment of a National Aquaculture Board.

Mr. Speaker, for years the members of our two committees have listened to a multitude of testimony which has more than sufficiently brought to our attention the virtues of developing a healthy aquaculture capability in this Nation. I believe that the bill before us will put the United States on the right track toward achieving this end, therefore, I would urge my colleagues here today to support this important legislation.

Last, I would like to particularly thank the distinguished chairman of the Agriculture Committee, Mr. DE LA GARZA, for his and his staff's hard work and cooperation in developing this bill.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2784, to reauthorize the Atlantic Tunas Convention Act and for other purposes, will maintain U.S. participation in the International Commission for Conservation of Atlantic Tunas (ICCAT). This Commission has played a critical role in the conservation of important tuna resources, particularly Atlantic bluefin tuna which have shown signs of declining stock conditions. It was forceful action by the United States under this Commission in 1981 which led to the adoption of measures which clearly took into account the concept of coastal-State preference and which, I am hopeful, will protect the Atlantic bluefin tuna resource for future generations. Although I have expressed concern about the need for complete scientific information in Commission decisions, I believe that the Commission provides to all parties a sound basis for international cooperation in the conservation of living marine resources.

H.R. 2784 also extend for 1 year the fisheries loan fund originally established under section 4 of the Fish and Wildlife Act of 1956. The bill also extends through fiscal year 1984 the dedication to the fisheries loan fund of foreign fishing fees received pursuant to the Fishery Conservation and Management Act of 1976. The National Marine Fisheries Service expects to obligate all $10 million appropriated from the fund for fiscal year 1983, leaving an unappropriated balance of $24 million in the fund. I would like to emphasize that receipts from foreign fishing fees are anticipated to be approximately $35 million this fiscal year and an additional $40 million in fiscal year 1984. The fund will thus have a balance of $89 million by the end of that year, minus fiscal year 1984 appropriations which are not expected to exceed $15 million.

When Congress amended the law to dedicate foreign fishing fees to the fund it was with the clear intention that these fees would be used to deal with some of the U.S. fishing industry's pressing needs. While a portion of the fund has been used for that purpose, it is clearly time to examine the best use of the balance. The committee is now taking a close look at directing foreign fishing fee receipts, in combination with other moneys, to a dynamic new quasi-Government institution which will serve the interests, and be under the direction of, the entire U.S. fishing industry. It is my hope that before the 1-year extension of the fund provided for in H.R. 2784 expires, Congress and the fishing industry will have had an opportunity to debate the merits of legislation establishing such an institution.

The bill also amends the Anadromous Fish Conservation Act to clarify congressional intent with respect to interstate cooperation in management of anadromous fishery resources. I have long believed that, given the migratory nature of fishery resources, interstate cooperation is essential to conservation and is to be the potential benefit of all concerned. I have supported legislation in the past which was designed to direct Federal funds to fisheries projects which involve cooperation among the States. I intend to continue advocating such an approach in future legislation.

H.R. 2784 also contains congressional approval for extensions of the Governing International Fishery Agreements between the United States and the Soviet Union, Poland, and East

Germany. Extension of these agreements is essential if the U.S. fishing industry is to benefit from the assistance offered by foreign nations in return for access to U.S. fishery resources.

The bill also reauthorizes the National Aquaculture Act of 1980 and makes a number of amendments to that act in order to improve the national aquaculture program. These amendments will, in particular, insure that the private sector plays a much larger role in the determination and implementation of aquaculture policy. It will also insure that Federal programs will be coordinated under the leadership of the Secretary of Agriculture. I believe that these amendments represent a clear statement of congressional intent with respect to the importance of aquaculture to the United States, as well as a clear statement that the Federal Government is to be responsive, to the extent possible, to the needs of the industry as identified by the industry.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 2784 and urge its adoption.

This bill contains a number of different provisions which are important to the U.S. fishing industry, including reauthorizations for the Atlantic Tunas Convention Act, the Fish and Wildlife Loan Fund, and the National Aquaculture Act. Of most importance, however, are resolutions approving the fishing treaties which the United States has signed with the Soviet Union, Poland, and East Germany.

As all Members know, the Soviet Union and Poland were banned from fishing in our 200-mile Fishery Conservation Zone after the invasion of Afghanistan and the imposition of martial law in Poland. In spite of this, both countries have continued to cooperate with U.S. fishermen by purchasing fish at sea through joint ventures. In fact, the joint venture between the United States and the Soviet Union is the largest market for underutilized species of bottomfish in the 200-mile zone off Alaska. Without the approval of these treaties, that market will collapse, leading to a severe economic problem in the fishing industry, a greater dependence on Japan as a market, and a setback to the congressional policy of fully developing our domestic fishing industry.

Like other Members of this body, I am concerned about Soviet actions in Afghanistan and Poland. However, the fact remains that the economic sanctions that the United States has applied just do not work. President Reagan recognized this when he lifted the grain embagro to the Soviet Union shortly after taking office and when he announced that further grain sales would be negotiated. Unfortunately, while the administration is helping the farmers—while at the same time paying them not to grow grain—it has ignored the problems confronting our domestic fishing industry. Further, by using the precedent of trading away our fish resources for foreign policy objectives, the administration has opened the door for future trade-offs which leave our fishermen sitting at the dock, even when there is little or no foreign policy advantage—and no economic advantage—which can be obtained from such a trade.

The Polish and Soviet treaties we are approving today are only 1-year extensions of existing treaties. I suggest that it is time that the administration look seriously at the development of our fishing industry. We need to renegotiate full fishing treaties with the Soviet Union and Poland. We need to allow a limited directed fishery for those nations if it can be shown that this will increase U.S. sales of fish in an amount greater than what we will lose by granting the directed fishing allocation. We need to negotiate a fishing treaty with the Soviet Union that will allow U.S. fishermen access to the fish resources in the Soviet 200-mile zone.

Finally, and most important, we need to end this ridiculous policy of trading fish for uncertain foreign policy objectives. I have introduced legislation that will accomplish this latter objective and I hope that it will be reviewed by the House Merchant Marine and Fisheries Committee. In his statement of March 10, President Reagan said that the proclamation of the U.S. Exclusive Economic Zone "reinforces this Government's policy of promoting the U.S. fishing industry." I think it is time that we begin seriously carrying out that policy.

Mr. Speaker, I urge passage of this very important measure.

Mr. FORSYTHE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. Pritchard).

Mr. PRITCHARD. Mr. Speaker, I rise in support of H.R. 2784, a bill to reauthorize the Atlantic Tunas Convention Act and for other purposes. This bill contains several important provisions relating to the conservation, management, development, and utilization of our fisheries resources.

H.R. 2784 amends the Anadromous Fish Conservation Act (Public Law 89–304) in two ways. First, it encourages States, via Federal matching funds, to adopt and implement interstate fishery management plans that benefit anadromous species which occur in more than one State's jurisdiction. Second, only those States implementing an interstate fishery management plan prepared by one of the three regional interstate fisheries commissions can qualify for the Federal matching funds.

Section 5 of this legislation also contains congressional approval for the 1-year extension of the Governing International Fishery Agreements (GIFA) between the United States and the Soviet Union, and Poland, and approval of the recently renegotiated 5-year East Germany GIFA. Implementation of the GIFA's is very important to the U.S. commercial fishing industry. These fisheries agreements will allow U.S. fishermen to enter into joint venture fishing arrangements with the respective foreign nations. Joint ventures allow U.S fishermen to harvest fish stocks that are not currently utilized by U.S. consumers. It also allows the U.S. fishing industry to diversify. One such joint venture with the Soviet Union has played an increasingly important role with respect to the Pacific Northwest commercial fishermen and the Pacific Northwest economy.

The bill also contains a provision that reauthorizes and amends the National Aquaculture Act of 1980. The bill amends the National Aquaculture Act by creating a National Aquaculture Board which is composed of representatives from the aquaculture industry, Federal, and State govenments, and various marine advisory services. The primary function of this board is to review and assess aquaculture in the United States. This will give industry representatives a significant role in the formulation and review of U.S. aquaculture policy. It also amends the act by having the Secretary of Agriculture become the permanent Chairman of the Joint Subcommittee on Aquaculture and in this capacity take the lead role in the coordination of Federal efforts. The amendments will help to develop and promote the U.S. aquaculture industry as a viable way to increase the world's protein supply and to benefit another increasingly important segment of the U.S. fishing industry.

Therefore, I urge my collagues to vote in support of H.R. 2784.

Mr. FORSYTHE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BREAUX. Mr. Speaker, I would just also point out for the record the hard work and perseverance that the gentleman from New Jersey has had and the persistence he has shown in assuring that ICCAT does do the job that they want in order to protect the blue fin tuna population, particularly in the Atlantic and off the area of the gentleman.

It is a very difficult program and the gentleman from New Jersey (Mr. Forsythe) has been very diligent in trying to insist that ICCAT take the necessary conservation measures that are necessary. Without the gentleman's

efforts, I am afraid they would not have moved as aggressively as they have and I would like to commend him for that.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BREAUX. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. Jones).

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Mr. JONES of North Carolina. Mr. Speaker, H.R. 2784, a bill to reauthorize the Atlantic Tunas Act and for other pruposes, is an important piece of legislation and critical for maintaining and improving the status of the U.S. fishing industry. The reauthorization of the Atlantic Tunas Convention Act serves to maintain U.S. efforts to carry out research, management and the harvest of Atlantic tunas through international efforts. The operations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) is essential if we are to conserve and utilize the highly migratory tuna in the Atlantic Ocean.

H.R. 2784 would amend the Atlantic Salmon Convention Act to clarify that U.S. representatives to the Atlantic Salmon Commission are not to be considered as Federal employees and to make law enforcement efforts with respect to the Atlantic Salmon Convention conform with the Fishery Conservation and Management Act.

This measure would extend the authorization of the fisheries loan fund for a 1-year period, as well as that part of the American Fisheries Promotion Act which directs the purpose for which fisheries loan funds are to be used: First, to aid fishermen in danger of default on fishing vessel obligation guarantees (FVOG); second, to avoid default on loans not guaranteed under the FVOG program; and third, to cover fishing vessel operating costs when fishing vessel owners or operators are operating at a net deficit. I want to point out that the moneys in the fisheries loan fund are collected from fees assessed on foreign fishermen for the privilege of operating within our 200-mile fishery conservation zone.

H.R. 2784 would also extend a very minor authorization for appropriations relating to volunteer services for fisheries and wildlife purposes. In light of the administration's encouragement of volunteer efforts, I believe this simple measure is appropriate and it could yield dividends of increased fisheries research and management efforts by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

In addition, this bill includes language which would clarify that enhanced funding provisions for the purposes of the Anadromous Fish Conservation Act are to benefit those States implementing interstate management plans established by the interstate fishery management compacts.

H.R. 2784 provides for requisite congressional approval of 1-year extensions of the governing international fishery agreements between the United States and the Soviet Union, Poland, and East Germany. These agreements are essential for "fish and chips" policy whereby foreign nations assist the U.S. fishing industry in return for the right to fish in our fishery conservation zone.

Lastly, H.R. 2784 would authorize and amend the National Aquaculture Act of 1980. These amendments would: Create a National Aquaculture Board composed of industry, administration, and research and extension representatives; make the Secretary of Agriculture responsible for coordinating national aquaculture policy; and make the Secretary of Agriculture the permanent Chairman of the Joint Subcommittee on Aquaculture, which is a Federal coordinating council. This is a minor effort to help develop our aquaculture industry. A closer working relationship between the aquaculture industry and the Government agencies involved could well bring about expanded aquaculture production in the United States and provide a subsequent boost in economic growth and employment, as well as a reduction in the existing $3 billion U.S. trade deficit in fishery products.

Mr. Speaker, I fully support H.R. 2784 and I urge my colleagues to vote favorably on this legislation which is of vital importance to the fishing and aquaculture industries.

● Mr. de la GARZA. Mr. Speaker, I rise in support of title II. The title, which amends the National Aquaculture Act of 1980, does two principal things: First, it extends the authorization for appropriations for the 1980 act through fiscal years 1984, 1985, and 1986; and second, it amends the 1980 act to provide a better coordinated role for the Federal Government in promoting the development of aquaculture.

Mr. Speaker, this legislation is the product of cooperative efforts by the Committee on Merchant Marine and Fisheries and the Committee on Agriculture. This final version of H.R. 2676, which today is identified as title II of H.R. 2784, the Atlantic Tunas Convention Act of 1975, reflects the combined views and agreements of the membership of our respective committees. It is a pleasure to bring to this floor title II that takes into consideration the diverse interests, factors, and parties, resolves all differences, and results in a title acceptable to all.

Mr. Speaker, first of all, I want to compliment my distinguished colleagues from the Committee on Merchant Marine and Fisheries—especially Mr. Breaux, the very able chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, and the ranking minority member, Mr. Forsythe. Their interest in this legislation and their commitment to further the growth and development of a domestic aquaculture industry is to be commended. I had the privilege and the pleasure of testifying before their subcommittee when this title was being originally considered as H.R. 2676. It is important to note that although this title gives the Department of Agriculture the lead role in aquaculture, it nevertheless continues to protect the rights, interests, and roles of the Departments of Commerce and the Interior. Once again, I want to thank these gentlemen and their colleagues on the full committee, for their dedication and spirit of cooperation in helping us to bring this legislation to the House.

Now, I would like to briefly explain why we are proposing changes in the 1980 act.

The 1980 act was written at a time when there was no clear Federal aquaculture program. There was no clearly understood policy for coordinating the research and development activities necessary for a healthy and viable aquaculture industry. It now seems clear that in drafting that pioneering law, Congress made the mistake of failing to concentrate responsibility for the new Federal effort in a single place.

The 1980 act made three officials—the Secretaries of Agriculture, Commerce, and Interior—equally responsible for developing, implementing, and coordinating Federal aquaculture policy. But one of the lessons that history teaches us is that when a lot of people are in charge, nobody is really in charge. The failure to centralize the direction of the Federal effort in aquaculture has become a substantial barrier to the effective implementation of the act. The result has been that no agency has taken the initiative to encourage and facilitiate an effective Federal aquaculture program.

In the opinion of our Committee on Agriculture—an opinion shared by the Committee on Merchant Marine and Fisheries—title II embodies a better way to get the job done.

The key to developing a really effective Federal effort to support private industry in developing aquaculture lies in providing better coordination and leadership. This is what title II does.

First, the title moves to provide both improved coordination and leadership

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by selecting a single Federal official to take the lead in coordinating Government operations under the act. This official will be the Secretary of Agriculture. In addition, the title requires the Secretary to establish an Office of Aquaculture Coordination and Development within the USDA.

Second, the title moves to make sure that the advice and guidance of private industry plays a major role in the program. The legislation establishes and outlines the functions and operation of a National Aquaculture Board made up of representatives of the aquaculture industry and the public.

Both committees which passed on title II believe that the board, as a national organization representing the views of the private sector to officials of the Federal aquaculture program, will greatly improve the effectiveness of the Federal effort.

While the pending legislation designates the Department of Agriculture as the lead agency for aquaculture programs, the title also maintains important roles for the Departments of Commerce and the Interior. They must be encouraged to carry out their responsibilities and every effort must be made to be sure that Federal support for agriculture is carried out in a manner which is fair to all geographical areas and which deals equitably with both warm and estuarine species.

Mr. Speaker, some may ask: "What is so important about developing a domestic aquaculture industry?" The answer is simple, it is important because development of this industry can create jobs and can bring substantial benefits to consumers and the national economy. At present, our fishery industries do not supply our full domestic demand, and we have a very great trade deficit in fishery products. If aquaculture production is fully developed in the United States, it can cut that trade deficit and can provide more ample consumer supplies at reasonable prices. Beyond that, the products of aquaculture can be a great strategic resource—they can play a major role in the years ahead in meeting the world's constantly growing protein needs.

Mr. Speaker, I urge the Members to join me in support of title II H.R. 2784, as amended.●

Mr. FRANKLIN. Mr. Speaker, I rise in support of title II of this bill, the National Aquaculture Improvement Act of 1983.

I think it is important that we address the concerns of the aquaculture industry, mainly because that industry has asked that we do so. The aquaculture people came to us. They did not come asking for more money, but instead came asking Congress to provide that industry with some direction and leadership. Up until now, the aquaculture industry has been shuffled from one Government agency to another, and this section of the bill would settle this question once and for all by placing aquaculture under the jurisdiction of the Department of Agriculture.

This is what the industry wants, and I fully endorse the designation of the Secretary of Agriculture as the permanent chairman of the Joint Subcommittee on Aquaculture. USDA has already shown great interest in advancing this industry, and their interest and support is reassuring to those of us who have a stake in the industry.

I have a particular interest in this bill because aquaculture is perhaps the fastest growing industry in my congressional district. Some 300 farmers now raise catfish in the Mississippi Delta, and this has proven to be one of the most beneficial boosts for our area's economy in many years. This bill would further strengthen this growing industry, and I urge my colleagues to support it.

Mr. FORSYTHE. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. BREAUX. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. Breaux) that the House suspend the rules and pass the bill, H.R. 2784, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the National Aquaculture Act of 1980."

A motion to reconsider was laid on the table.

ELIMINATION OF JONES ACT EXEMPTION

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1076) to strengthen the domestic waterborne commerce of the United States.

The Clerk read as follows:

H.R. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883) is amended by striking out "*Provided further,* That this section shall not apply to merchandise transported between points within the continental United States, including Alaska, over through routes heretofore and hereafter recognized by the Interstate Commerce Commission for which routes rate tariffs have been or shall hereafter be filed with said Commission when such routes are in part over Canadian rail lines and their own or other connecting water facilities:".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina (Mr. Jones) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. Forsythe) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. Jones).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1076 would delete the third proviso of section 27 of the Merchant Marine Act of 1920, commonly referred to as the Jones Act. Such action would strengthen the domestic commerce of the United States and help preserve our maritime resources.

The Jones Act requires that merchandise transported either directly or via a foreign port between points in the United States be carried on vessels built in, and documented under the laws of the United States. The exemption provided by the third proviso permits merchandise to be transported between points in the United States, including Alaska, on vessels not otherwise qualified if certain conditions are met. The merchandise must be transported over throughroutes recognized by the Interstate Commerce Commission for which rate tariffs have been filed. These routes must be, in part, over Canadian rail lines.

The exemption was originally intended to permit the continued operation on the Great Lakes of Canadian railroad car ferries. Alaska was specifically excluded but was later included in the proviso by the Alaska Statehood Act.

During the past 25 years, little use has been made of the third proviso. No one is operating under the third proviso at this time.

The current concern arises from two recent efforts to take advantage of the third proviso to install coastwise service from the lower 48 States to Alaska. If the third proviso exemption were to be utilized, it would mean that cargo now being shipped from our U.S. northwest ports on U.S.-flag vessels to Alaska could instead be moved by ground transportation to a Canadian port and from there to Alaska on foreign-flag or other noncoastwise-qualified vessels. This, of course, would harm Jones Act operators who have invested millions of dollars in the Alaska trade—as well as have the potential of a loss in U.S. maritime capability at a time when we can scarcely afford a further diminution in our maritime resources.

I urge my colleagues to join me in supporting this legislation.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1076, which would delete the so-called third proviso from the Jones

Act. The Jones Act, in general, requires that merchandise transported between points in the United States must be carried on vessels built in the United States. The third proviso grants and exemption from the requirements of the Jones Act and allows the use of foreign vessels if the merchandise is transported over routes for which tariffs have been filed with the Interstate Commerce Commission and Canadian rail lines are used for part of the transportation.

The third proviso was originally intended to allow transportation on the Great Lakes of merchandise from the Midwestern States to New England on Canadian railroads using foreign-built rail barges. With the construction of bridges, the use of the railcar barges was no longer necessary. The third proviso was extended to include Alaska at the time of the Statehood Act in the hopes that it would reduce transportation costs, but that did not turn out to be the case. The third proviso is not being used today.

During the hearings held by our committee, the testimony presented indicated that this provision is no longer needed and, in fact, it could lead to severe economic harm to U.S. shipping activities and U.S. ports if it is not repealed. This harm would come about because of foreign-flag vessels loading U.S. cargo brought to Canadian ports by Canadian railroads.

Presently, 20 U.S. Jones Act ship barge operators provide service to Alaska and four companies provide year-round liner service from the Pacific Northwest. These operators, and the U.S. ports, have invested millions of dollars in vessels and port facilities to support this trade. This investment would be in jeopardy if foreign vessels were to begin hauling U.S. cargo from Canadian ports. Furthermore, it is conceivable that foreign operators could stifle competition by driving the U.S. operators out of business by charging lower shipping rates—and then once in control of the trade—could raise their rates leading to higher transportation costs.

This provision of law is no longer needed and could be damaging to U.S. interests. Our committee unanimously approved this legislation, and I urge my colleagues to join us in supporting this bill to help our shipping industry, and the ports of the Pacific Northwest, and to preserve U.S. jobs that might otherwise be lost to Canada.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this measure and urge its adoption.

As a cosponsor of H.R. 1076, I think that this bill is needed to help maintain a strong domestic merchant marine and to insure that residents of the Pacific Northwest, and especially my State of Alaska, continue to receive the cargo service that they need.

H.R. 1076 corrects a loophole in the Jones Act that was originally enacted to solve a specific problem in the Midwest. That problem no longer exists and the proviso is no longer needed. However, various groups and individuals are now looking at using the third proviso to the Jones Act—the section that this bill would repeal—to undercut domestic operators in the Pacific Northwest by using foreign vessels with foreign crews operating out of foreign ports. This can only lead to a decrease in domestic service as U.S. operators are forced out of business by subsidized foreign operations. This could also lead to a substantial loss of employment in Alaska and the Pacific Northwest and a decrease in service to rural areas in Alaska. Finally, retention of the existing language of the law would deliver another strong blow to our already staggering domestic merchant marine.

H.R. 1076 was the subject of a day of hearings in the Merchant Marine Subcommittee. The only witnesses testifying in favor of retaining the third proviso were a foreign operator, the company in Alaska which is acting as an agent for him, and the mayor of Seward, Alaska, the port at which the foreign vessels would stop and which does not now receive extensive service due to a variety of reasons. All other witnesses, including maritime operators, unions, port directors, and private businesses, testified in favor of this legislation and against retaining the third provisio. Further, the support of the city of Seward was based on the need to increase local employment, a problem that can be solved by increasing domestic service. We do not need foreign operators undercutting our domestic merchant marine.

Allowing foreign operators to enter the Alaska trade will not result in service improvements; if anything, service will decrease to rural areas as existing U.S. carriers are forced to decrease their operations. A foreign operator that enters the trade to make a fast dollar will not take the time to serve small rural ports; he will serve only those ports that give him the greatest return. If domestic operators can not serve the large ports, they will be unable to afford to serve the small ports. This will be a disaster for every small town and village in Alaska that must rely on the maritime trade for its food, fuel, and supplies.

Foreign operators will not be able to solve the freight tariff problems that sometimes occur. They will be operating under the same ICC rules as U.S. carriers. However, instead of being able to take a problem to a local office, or even an office in Seattle, Alaskan residents will have to contact Bonn, Seoul, or Tokyo. I do not see that as any advantage.

Mr. Speaker, I think that this is a necessary piece of legislation and one that will result in no costs to the people of my State or of the United States as a whole. I urge its adoption.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. Bonker).

Mr. BONKER. Mr. Speaker, I thank the chairman of the full committee for yielding to me.

Mr. Speaker, H.R. 1076 is designed to strengthen U.S. domestic waterborne commerce by simply repealing the third proviso of section 27 of the Jones Act. The proviso is an anomaly in our Nation's maritime laws. It has outlived the purpose for which it was enacted.

I am very pleased that many of my distinguished colleagues in the Pacific Northwest agree to cosponsor this important measure: Washington Representatives Swift, Pritchard, Lowry, Dicks, and Chandler. I also want to thank Representative Young of Alaska, a cosponsor of H.R. 1076, who has worked with the committee to bring this issue before Congress. And finally, I want to thank Committee Chairman Jones, Subcommittee Chairman Biaggi, and Ranking Minority Member Forsythe, for their strong support in obtaining expeditious committee consideration of this legislation. I am pleased that the bill has moved through committee quickly and with unanimous support.

The third proviso of the Jones Act was enacted in 1920 to allow the continued operation on the Great Lakes of car ferries by Canadian railroads to improve the transportation of U.S. merchandise between the Midwestern United States and New England. With the passage of the Alaska Statehood Act of 1958, it became possible for foreign vessels to use the third proviso to enter into the Alaska trade, but there has been little interest until recently.

Due to improvements in rail transportation around the Great Lakes, the third proviso is no longer used in the Midwest to New England trade. However, there has been considerable interest within the last year in using this proviso for service in the Alaska trade.

If the third proviso is not repealed, cargo now shipped on U.S-flag vessels will be diverted from our Northwest ports to foreign vessels and Canadian ports. This is because the proviso would allow the transportation of cargo from the lower 48 States, over Canadian rail lines to Canadian ports for shipment to Alaska on foreign or other non-coastwise-qualified vessels.

The diversion of this domestic cargo from Pacific Northwest ports would severely harm the 20 U.S. Jones Act ship and barge operators who have invested hundreds of millions of dollars to provide reliable, competitive service in the Alaska trade. It would result in the loss of American seagoing and portside jobs, including terminal operators, longshoremen, and industries that provide supply receiving, warehousing, consolidation facilities and motor and rail transportation services. These services account for 20,000 jobs in western Washington—jobs which are directly or indirectly related to the transportation of cargo to Alaska. Over 4,000 of these jobs in the Puget Sound area are directly dependent upon the 20 U.S.-flag ship and barge operators serving Alaska.

If the third proviso is allowed to remain, foreign ships and crews carrying the Alaska trade cargo from Canadian ports would be able to undercut the rates offered by U.S. carriers because of the lower costs foreign operators incur for vessel construction and crew wages and the direct foreign subsidies such operators frequently receive. Domestic water carriers, which have invested nearly $1 billion in capital equipment to be used in the Alaska trade, would be unable to compete in such an environment. Service to Alaska by U.S.-flag operators would of necessity be curtailed, and the current vigorously competitive Alaska waterborne trade would be replaced by foreign carriers.

Some have suggested that third proviso transportation could result in lower prices for consumer goods delivered in Alaska. That would not occur. The perceived benefits of lower foreign-flag vessel costs which might be achieved on the ocean portion of a through trip, would in all likelihood not be passed on to the Alaska consumers. Since Canadian rail lines must be used for a portion of the through route, they need only price the total package temporarily below domestic U.S. carrier rates to attract the cargo—they need not, indeed probably would not, pass the total reduction or a portion of it through to the Alaska consumer. Once traffic is diverted and U.S.-flag carriers either severely curtail service or leave the Alaska trade entirely, the pricing situation would be monopolistic in nature and transportation costs most assuredly would rise.

Even if, in the short term, some portion of the cost reduction was passed on to the Alaska consumer, it would not significantly affect the shelf price of merchandise. The freight cost of a product sold in the Alaska market is minimal, less than 2 percent. This is an insignificant portion of the shelf price of the product.

Currently, there is a diverse, competitive, reliable, nonsubsidized U.S. maritime community serving in the Alaska trade. It is our most competitive domestic coastwise trade. Carriers have responded without subsidy to market demand and have more than doubled tonnage in the trade since 1975. The 20 U.S. ship-and-barge operators provide more vessel capacity in the Alaska trade than ever before. These carriers have historically committed private capital to increase vessel capacity in response to the demands of the Alaskan economy. They cannot continue to do so unless the third proviso loophole is closed.

The intent of H.R. 1076 is, simply, to repeal the third proviso. By maintaining the original purpose of the Jones Act—to establish and maintain a strong domestic shipping capability—current capital investment and jobs will be protected while preserving a responsive and responsible transportation service between the Pacific Northwest and Alaska.

Once again I commend the chairman of the full committee and the ranking minority member for their cooperation in expediting action on this bill.

Mr. FORSYTHE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to vote against the whole Jones Act because I think it is a protectionist adventure that keeps U.S. interests from enjoying full competition and U.S. consumers, wherever they may live, from having the benefits of full competition. This elimination of an exemption from the Jones Act is probably not a very important one.

Nobody at this time is using the exemption. On the other hand, I note with some regret that as soon as anyone begins to contemplate the use of this exemption, this Congress is going to move swiftly to remove the exemption.

What it means is that transportation between the points in question is going to be less competitive and more expensive for the consumers.

In this regard, I quote from the committee report, which in turn is quoting from a statement by the Interstate Commerce Commission, which was requested to make that statement to the committee.

> Deletion of the third proviso, it would appear, could have beneficial and detrimental effects. On the one hand, its deletion would presumably assure U.S. jobs and revenues for U.S. owned water carriers. On the other hand, its retention and utilization could conceivably increase competition and ultimately result in better service and/or lower prices to the shipping public. The latter approach would appear to be consistent with the policy thrust of the major reform legislation affecting the jurisdiction of the Commission.

Later on the Commission takes no position and it leaves this to the Congress. I would hope the Congress would take the position not to delete this proviso and leave the tiny little bit of competition in the Jones Act that now lies there.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. FRENZEL. I yield to the distinguished gentleman from Washington (Mr. Bonker).

Mr. BONKER. The gentleman and I agree so fully on international trade that I hesitate to rise to comment on his statement. But, I think we should recognize that so-called cabotage laws are in effect almost universally. That is defined as a trade or transport in coastal waters between two points within a country. Canada has such a cabotage law as does Australia, Brazil, Finland, France, West Germany, Greece, Spain, and the U.S.S.R., and the list includes three or four of the top maritime nations in the world. It is another example of the United States attempting to practice free trade in a world plagued by protectionist sentiment. I think if other countries would agree to eliminate their cabotage laws, the United States would be willing to go along so we are in a fully free trade environment, so that we are not placing our own industry at a competitive disadvantage.

Mr. FRENZEL. I thank the gentleman for his contribution and I agree with him wholeheartedly that it would be better if no nations had a protected merchant marine. I will stick to my position, however, that we should not follow the mistakes of our trading partners. Just because they want higher costs of transportation between two points in their countries, I do not think we should ask for it in our country. But the gentleman is right, it would be much better if everybody would do the same with respect to maritime transportation.

I yield to my distinguished associate from Alaska (Mr. Young).

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Mr. YOUNG of Alaska. Being this is the only State, Alaska being directly connected to this legislation with the State of Washington, let me address one situation which the gentleman brought up.

The SPEAKER pro tempore. The time of the gentleman from Minnesota (Mr. Frenzel) has again expired.

Mr. FORSYTHE. Mr. Speaker, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I do not buy the savings consumer argument and I never have bought that. I think it is important that the American people realize that in 1945 the

United States had the No. 1 merchant marine fleet in the world. Today we are 11th because we have traded off our merchant marine capability as we have traded off our fish and the guys are trying to garner sympathy or understanding from the other international shipping countries. And as the gentleman from Washington has mentioned, the cabotage laws are in place with our nearest neighbor Canada. They are in place with England, Sweden, Norway, Italy, and I can go right on down the line.

And, as the gentleman mentioned before, ideally if everybody gave it up. Well, they are not going to give it up. They are not going to give us the preferential treatment, they are not going to give the amounts of cargo that is necessary to carry, they are not going to take and even consider us. And as far as I am concerned, to have good sound shipping transportation the State of Alaska with five large carriers, who have contributed to the State of Alaska, are willing to invest in the State of Alaska, now to sell out to a German bottom ship, with a German crew, with really no understanding of the problems of Alaska, I think, is incorrect.

I honestly believe when we are talking about consumers, try dealing with Bonn and Seoul and Toyko and other areas, where right now with the ICC we do have some control over what service is offered to what States and when and where.

If the countries want to lift off their ban, fine, but they are not going to do it. Let us be realistic. They are going to insist on 50 percent of their cargo being carried by their ships. We export and import more than any other nation, yet we are 11th in merchant marine capability. I think it is time America recognized we are dependent upon the merchant marine fleets of foreign countries as we are dependent upon foreign oil. And that is what we have to address. We are dependent upon foreign oil and a foreign shipping fleet and if we keep leaving these loopholes in we will be more dependent.

Mr. FORSYTHE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. Pritchard).

Mr. PRITCHARD. Mr. Speaker, I want to congratulate the chairman and the ranking member and particularly the gentleman from Washington (Mr. Bonker) for his leadership in straightening out what I think was a loophole in the third proviso.

Without getting into the whole argument, I think at this point it makes good sense at least to tighten this loophole up and then we can worry about the consistency of the overall theory, but this is, I think, helpful legislation and I want to commend those who were most important in fashioning this bill.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1076, being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

● Mr. BIAGGI. Mr. Speaker, I rise in support of H.R. 1076.

The third proviso of the Jones Act was enacted to improve the transportation of merchandise between points in the Continental United States. It allowed the continued operation on the Great Lakes of car ferries by Canadian railroads as a part of the transportation of merchandise from midwestern States across Canada by rail and barge to New England.

Alaska was originally specifically excluded from coverage by the third proviso—but its coverage was extended to that State by the Alaska Statehood Act in 1958.

In the intervening 25 years, little use has been made of the third proviso. Improved rail transportation around the Great Lakes and the construction of bridges have made the use of railcar barges unnecessary. No one is operating under the third proviso at this time.

The trade that is involved—and of immediate issue now—is coastwise service from places in the lower 48 States to Alaska. The current concern arises from the fact that there have been two recent efforts to take advantage of the third proviso exemption. Although unsuccessful thus far, those who wish to enter the trade and take advantage of the exemption have not abandoned their efforts.

If the third proviso exemption were to be utilized, it could mean that cargo now being shipped from our U.S. Northwest ports on U.S.-flag vessels to Alaska could instead be moved by ground transportation to a Canadian port—and from there to Alaska on foreign-flag or other noncoastwise-qualified vessels. This, of course, could harm Jones Act operators who have invested millions of dollars in the Alaska trade—as well as result in a loss of American seagoing and portside jobs.

At the subcommittee hearing on March 18, we heard testimony that the Alaska trade is characterized by a high degree of competition—and is a generally regular and reliable service. The measure was reported out of subcommittee and full committee by unanimous vote.

While this Jones Act exemption once served a purpose, it has outlived its usefulness. I see no compelling reason to retain the exemption, and I urge my colleagues to join me in supporting the bill.●

● Mr. DICKS. Mr. Speaker, as a cosponsor of H.R. 1076, I am pleased to have this opportunity to comment on the importance of repealing the third proviso of the Jones Act.

The third proviso was originally intended to allow the continuation of rail and ferry service from the Midwest to New England through the Great Lakes. But in the Northwest, the effect has been to promote foreign shipping to the disadvantage of domestic carriers.

A growing Canadian emphasis on port development and export enhancement has encouraged numerous Canadian concerns to explore the use of the third proviso to broaden Canadian participation in the shipment of goods to Alaska. Since the third proviso would allow the use of foreign bottoms in Canadian transshipment, pricing for the transportation of goods via Canada could be lower than that available on domestic carriers. The diversion of cargo to Canadian carriers would mean a loss of U.S. jobs.

More than 20 U.S. ship and barge operators now provide service to Alaska. Approximately 25,000 people in western Washington are currently employed in jobs directly or indirectly related to the transportation of cargo to Alaska. And there is now more vessel capacity serving the Alaska trade than at any time in history.

Diversion of cargo from Puget Sound ports to Canadian ports will have a devastating effect on employment and economic vitality in Washington State. The impact will not be limited to the maritime community, but will be felt as well in the rail and motor carrier industries. The bottom line will be a significant loss of employment in a State already suffering a jobless rate significantly over the national average.

A vote in support of H.R. 1076 will reaffirm the interest of the U.S. Congress in the use of domestic carriers to transport domestic cargo. H.R. 1076 is legislation to preserve American jobs. I urge my colleagues to support this important bill.●

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I have no further requests, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. Jones) that the House suspend the rules and pass the bill, H.R. 1076.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL MARINE SANCTUARIES

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2062), to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972 as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) is amended to read as follows:

"TITLE III—NATIONAL MARINE SANCTUARIES

"SEC. 301. FINDINGS, PURPOSES, AND POLICIES

"(a) FINDINGS.—The Congress finds that—

"(1) this Nation historically has recognized the importance of protecting special areas of its public domain, but such efforts have been directed almost exclusively to land areas above the high-water mark;

"(2) certain areas of the marine environment possess conservation, recreational, ecological, historic, research, educational, or esthetic qualities which give them special national significance;

"(3) while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment;

"(4) a Federal program which identifies special areas of the marine environment will contribute positively to marine resource conservation and management; and

"(5) such a Federal program will also serve to enhance public awareness, understanding, appreciation, and wise use of the marine environment.

"(b) PURPOSES AND POLICIES.—The purposes and policies of this title are—

"(1) to identify areas of the marine environment of special national significance due to their resource or human-use values;

"(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas which will complement existing regulatory authorities;

"(3) to support, promote, and coordinate scientific research on, and monitoring of, the resources of these marine areas;

"(4) to enhance public awareness, understanding, appreciation, and wise use of the marine environment; and

"(5) to facilitate, to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities.

"SEC. 302. DEFINITIONS.

"For the purposes of this title, the term—

"(1) 'marine environment' refers to those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, consistent with international law;

"(2) 'Secretary' refers to the Secretary of Commerce; and

"(3) 'State' refers to each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States.

"SEC. 303. SANCTUARY DESIGNATION STANDARDS.

"(a) STANDARDS.—The Secretary may designate any discrete area of the marine environment as a national marine sanctuary and promulgate regulations implementing the designation if the Secretary determines that such designation will fulfill the purposes and policies of this title, and if the Secretary finds that—

"(1) the area is of special national significance due to its resource or human-use values;

"(2) existing State and Federal authorities are inadequate to ensure coordinated and comprehensive conservation and management of the area, including provisions for resource protection, scientific research and public education, and that designation of such area as a national marine sanctuary will facilitate these objectives; and

"(3) the area is of a size and nature which will permit comprehensive and coordinated conservation and management.

"(b) FACTORS AND CONSULTATIONS REQUIRED IN MAKING FINDINGS.—For purposes of determining if an area of the marine environment meets the standards set forth in subsection (a), the Secretary shall—

"(1) take into consideration—

"(A) the area's natural resource and ecological qualities; including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, and the biogeographic representation of the site;

"(B) the area's historic, cultural, archaeological, or paleontological significance;

"(C) the present and potential uses of the area that depend on maintenance of the area's resources; including commercial and recreational fishing, other commercial and recreational activities, and research and education;

"(D) present and potential activities that may adversely affect the factors identified in subparagraphs (A), (B), and (C);

"(E) the existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of this title;

"(F) the manageability of the area; including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;

"(G) the public benefits to be derived from sanctuary status, giving emphasis to the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism;

"(H) the negative impacts produced by management restrictions on income-generating activities, such as living and nonliving resource development; and

"(I) the socioeconomic effects of sancturary designation; and

"(2) consult with—

"(A) the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

"(B) the Secretaries of State, Defense, and Transportation, the Secretary of the department in which the Coast Guard is operating, the Secretary of the Interior, the Administrator, and the heads of other interested Federal agencies;

"(C) the appropriate officials of any State that will be affected by the establishment of the area as a national marine sanctuary;

"(D) the appropriate officials of any Regional Fishery Management Council established by section 302 of the Act entitled, 'An Act to provide for the conservation and management of the fisheries, and for other purposes', approved April 13, 1976 (90 stat. 331 et seq., 16 U.S.C. 1801 et seq. (hereinafter in this title referred to as the 'Act of 1976')) that may be affected by the designation; and

"(E) other interested persons.

"SEC. 304. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

"(a) SANCTUARY PROPOSAL.—

"(1) NOTICES.—In proposing to designate a national marine sanctuary, the Secretary shall issue in the Federal Register a notice of the proposal, together with proposed regulations that may be necessary and reasonable to implement it, and shall provide notice of the proposal in newspapers of general circulation or electronic media in the communities that may be affected by the proposal. After issuing a notice the Secretary shall conduct at least one public hearing in the area affected by the proposed designation. On the same day of issuing the notice, the Secretary shall also submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prospectus on the proposal which shall contain—

"(A) the terms of the proposed designation;

"(B) the basis of the findings made under section 303(a) with respect to the area;

"(C) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

"(D) a management plan detailing the proposed goals and objectives, management responsibilities, resource studies, interpretive and educational programs, and enforcement and surveillance activities for the area;

"(E) an estimate of annual costs of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education; and

"(F) proposed regulations to implement the measures referred to in subparagraphs (A), (C), and (D).

"(2) TERMS OF DESIGNATION.—The terms of designation of a sanctuary shall include, among other things, the geographic area included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary in order to protect those characteristics. The terms of designation may be modified only by the same procedures by which an original designation is made.

"(3) FISHING REGULATIONS.—The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to draft regulations for fishing within the United States Fishery Conservation Zone as may be necessary to implement the proposed designation. Draft regulations prepared pursuant to this section shall fulfill the purposes and policies of this title and the goals and objectives of the proposed designation. In preparing the draft regulations, the Regional Fishery Management Council shall also use as guidance the national standards of section 301(a) of the Act of 1976 to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. If the Council declines or fails to prepare the draft regulations in a timely manner, the Secretary shall prepare them.

"(4) COMMITTEE ACTION.—After receiving the prospectus under subsection (a)(1), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate may each hold hearings on the proposed designation and on the matters set forth in the prospectus. If, within the forty-five-day period of continuous session of Congress beginning on the date of submission of the prospectus, either committee issues a report disagreeing with one or more matters addressed in the prospectus, the Secretary shall consider the report before designating the national marine sanctuary.

"(b) TAKING EFFECT OF DESIGNATIONS.—

"(1) In designating a national marine sanctuary the Secretary shall issue a notice of the designation together with final regulations to implement the designation and any other matters required by law and submit such notice to the Congress. No designation may occur until the expiration of the period for committee action under subsection (a)(4). Such designation and regulations shall take effect after the close of a review period of ninety days of continuous session of Congress beginning on the day on which the designation notice is issued unless—

"(A) the Congress disapproves the designation, or any of its terms, by adopting a resolution of disapproval described in subsection (b)(3); or

"(B) in the case of a national marine sanctuary that is located partially or entirely within the jurisdiction of one or more States, the Governor(s) affected certifies to the Secretary that the designation or any of its terms are unacceptable. In the event of such certification, the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the jurisdiction of the State.

"(2) If the Secretary considers that actions taken under paragraphs (A) or (B) will affect the designation in such a manner that the goals and objectives of the sanctuary cannot be fulfilled, the Secretary may withdraw the designation.

"(3) For the purposes of this subsection, the term 'resolution of disapproval' means a concurrent resolution which states after the resolving clause the following: 'That the Congress does not approve the national marine sanctuary designation entitled   that was submitted to Congress by the Secretary of Commerce on   .', the first blank space being filled with the title of the designation and the second blank space being filled with the date on which the notice was submitted to Congress. In the event that the disapproval is addressed to one or more terms of the designation, the resolution shall state: 'That the Congress approves the national marine sanctuary designation entitled   that was submitted to Congress by the Secretary of Commerce on   , but disapproves the following terms of such designation: .', the first blank space being filled with the title of the designation, the second blank space being filled with the date on which the notice was submitted to Congress, and the third blank space referencing each term of the designation which is dispproved.

"(4) In computing the forty-five- and ninety-day periods of continuous session of Congress pursuant to section 304(a)(4) and section 304(b)(1) respectively—

"(A) continuity of session is broken only by an adjournment of Congress sine die, and

"(B) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded.

"(5) All permits, licenses, and other authorizations issued under any other authority of law that pertain to activities carried out in the area designated as a national marine sanctuary shall continue to be valid unless the regulations implementing the designation provide otherwise.

"SEC. 305. INTERNATIONAL APPLICATION OF REGULATIONS AND NEGOTIATIONS.

"(a) REGULATIONS.—The regulations issued under section 304 shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign state of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag state of the vessel, no regulation applicable to areas or activities outside the jurisdiction of the United States shall be applied to a person not a citizen of the United States.

"(b) NEGOTIATIONS.—After the taking effect under section 304 of a national marine sanctuary that applies to an area or activity beyond the jurisdiction of the United States, the Secretary of State shall take such action as may be appropriate to enter into negotiations with other governments for the purpose of arriving at necessary arrangements with those goverments for the protection of the sanctuary and to promote the purposes for which it was established.

"SEC. 306. RESEARCH AND EDUCATION.

"The Secretary shall conduct such research and educational programs as are necessary and reasonable to carry out the purposes and policies of this title.

"SEC. 307. ANNUAL REPORT ON AREAS BEING CONSIDERED FOR DESIGNATION.

"On or before November 1 of each year, the Secretary shall submit a report to the Congress setting forth information on those sites which the Secretary will be actively considering for sanctuary designation during the current fiscal year. Such information for each site shall include, to the extent available at time of submission, the following:

"(1) a description of the resources and other values which make the site nationally significant;

"(2) present and potential human uses;

"(3) impacts of present and potential activities;

"(4) existing State and Federal regulatory and management authorities;

"(5) boundary options;

"(6) regulatory options; and

"(7) potential research and educational benefits.

"SEC. 308. ENFORCEMENT.

"(a) IN GENERAL.—The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this title. The Secretary shall, whenever appropriate, utilize by agreement the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities, or of State departments, agencies, and instrumentalities, on a reimbursable basis in carrying out his responsibilities under this title.

"(b) CIVIL PENALTIES.—

"(1) Any person subject to the jurisdiction of the United States who violates any regulation issued under this title shall be liable for a civil penalty of not more than $50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(2) No penalty shall be assessed under this subsection until the person charged has been given notice and an opportunity to be hears. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

"(3) A vessel used in the violation of a regulation issued under this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued under this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States. The Attorney General may bring suit either on his own initiative or at the request of the Secretary.

"SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this title, there are authorized to be appropriated not to exceed the following sums:

"(1) $2,264,000 for fiscal year 1984.

"(2) $2,500,000 for fiscal year 1985.

"(3) $2,750,000 for fiscal year 1986.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2062.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

● Mr. BREAUX. Mr. Speaker, as chairman of one of the subcommittees responsible for this legislation, I would like to rise in support of the bill which our distinguished chairman of the Committee on Merchant Marine and Fisheries has brought before the House. The bill represents an extensive and commendable effort on the part of the members of our committee and their staff, and if enacted, I believe this bill will substantially strengthen the marine sanctuaries program.

Since its inception in 1972, the marine sanctuaries program has been the subject of extensive controversy both publicly and within the Congress. While providing an excellent opportunity to protect unique and fragile areas of the marine environment, the program has also, unfortunately, been used as a tool to hamper legitimate offshore development and resource utilization. Admittedly, such problems have been largely attributable to the failure of Congress in 1972 to provide clear and specific guidance as to the objectives of this program.

The bill before us clarifies that the marine sanctuaries program is not to be used as an oceanwide management tool but is simply a means to protect relatively small, discrete areas of the marine environment where existing State and Federal authorities are inadequate. Such areas must possess certain unique characteristics of national significance which not only should, but can be managed as a unit. Furthermore, this bill specifies that while the overall thrust of the program is to protect such unique areas from degredation, we have not created another wilderness area system in which man's activities are to be excluded in all cases. Instead, man's activities are to be permitted, and in some cases encouraged, in marine sanctuaries to the extent that such activities do not detract from the integrity of the sanctuary.

Over the years, many ocean resource user groups have indicated a need for greater access to a better defined decisionmaking process regarding marine sanctuary designations. In this bill we have provided explicit guidelines to the Secretary of Commerce for evaluating and ultimately selecting proposed marine sanctuary sites. Such proposals are then to be submitted to the Committee on Merchant Marine and Fisheries in the House and the Committee on Commerce, Science and Transportation in the Senate for our evaluation. It is intended that these committees will provide a forum to hear and evaluate disputes raised by those interests directly impacted by proposed marine sanctuary designations and to make responsible recommendations to the Secretary thereon. Since this bill retains an ultimate congressional veto provision, I fully expect that the Secretary will seriously consider congressional recommendations in the final sanctuary designation.

H.R. 2062 further provides for the use of the extensive expertise of the Regional Fishery Management Councils to develop draft regulations which pertain to fishing within marine sanctuaries. In developing such regulations, the Councils are to follow the national standards for fishery conservation and management found in the Fishery Conservation and Management Act (FCMA), but only to the extent that such standards are consistent with the goals and objectives of the proposed sanctuary and title III of the Marine Protection, Research and Sanctuaries Act. By virtue of the existing process under the FCMA, any such regulations which become final and which pertain to a fishery currently managed under a fishery management plan (FMP) will be automatically incorporated into the existing FMP.

Mr. Speaker, once again I would like to stress that, in addition to providing a reauthorization, H.R. 2062 should go some way to satisfying the concerns of ocean resource user groups regarding the proper scope of this important program. I strongly believe the bill represents a positive alternative to existing law and would conclude by urging my colleagues to support this important legislation.●

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2062 is a bill to reauthorize the national marine sancturaries program. This is a small program, relatively speaking, but one that always draws attention from the Committee on Merchant Marine and Fisheries. I am pleased to bring before the House a compromise package which has broad support among committee members.

This program is a modest one, but it is successful and popular. The reauthorization of this law is supported by the administration.

The first sanctuary was established in 1975 to protect the wreck of the U.S.S. *Monitor*, a civil war ironclad. That sanctuary is located off the shores of my district. I would just like to add, Mr. Speaker, that this wreck is a source of pride to North Carolinians. What the entire Confederate navy failed to do at the expense of many ships and lives, was done without even one cannonblast by the seas of North Carolina's Outer Banks.

This wreck was undiscovered and undisturbed for over a century, but once found was endangered by uncontrolled salvage operations. Designation as a marine sanctuary has served to protect this national treasure. Other nationally significant resources of historical or biological importance deserve equal protection, and therefore, I fully support the program's reauthorization.

H.R. 2062, as reported, substantially amends title III of the Marine Protection, Research and Sanctuaries Act. It sets forth explicit purposes and policies for the program. It establishes standards for the Secretary of Commerce to apply when assessing marine areas for sanctuary designation. It outlines site designation procedures for the Secretary to follow, including broadened consultations with affected parties, participation by regional fishery management councils in the drafting of fishing-related regulations and a 45-day period for Congress to review proposed sanctuaries. It also extends the period now set aside for congressional disapproval of a specific designation from 60 to 90 days.

H.R. 2062 is a carefully crafted compromise bill. It represents long hours of effort on the part of many people. I want to commend the members of the committee, both majority and minority, for their work on the bill. The sanctuary program is an important marine conservation program. I strongly believe that H.R. 2062 will strengthen the program and I urge my colleagues to support this bill.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2062, which reauthorized the national marine sanctuary program.

The bill before the House represents an agreement between interested members of the committee on the issue of the appropriate role and involvement of Congress and other interested parties in the designation of marine sanctuaries. Specifically, it mandates a 45-day congressional review period—during which time the appropriate House and Senate committees may hold hearings on a proposed sanctuary designation and may issue reports to the Secretary of Commerce. H.R. 2062 also gives the appropriate Regional Fishery Management Councils the authority to draft regulations pertaining to fishing interests in a sanctuary.

We have been in the trenches over this relatively tiny program since its enactment in 1972. Much of the debate stemmed from the lack of congressional intent with regard to the scope and purpose of the program. In its youth, the marine sanctuary program was perceived by many as a management tool for locking up vast areas of the marine environment. This was never the intent of Congress. NOAA responded to past confusion and controversy by instituting a new site selection and designation process. For the most part, that process has been incorporated into the bill before us today.

With H.R. 2062, I believe we have finally fashioned a program which facilitates public and private use and enjoyment of the marine environment, complements existing regulatory authority in the marine sanctuaries, and meets the critical goal of the act—to protect areas of the marine environment of special, national significance. Further, the funding levels in the bill are realistic and for fiscal year 1984 reflect the administration's request, as well as those contained in the fiscal year 1984 appropriation bill.

Mr. Speaker, I support H.R. 2062 and urge the support of my colleagues.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. Young).

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong opposition to this bill and urge its rejection by the House.

H.R. 2062 is spoken of as a compromise by its supporters. In reality, it is nothing more than a rewrite of existing law. Further, by passing this bill, this House will be renouncing it obligation to insure that our public lands and waters are wisely managed. The House will continue to support a law that is opposed by every major user of the marine environment. It will be closing its eyes to an attempt to stop all commercial use of our oceans. At a time when we are giving serious consideration to the proper development of our commercial fishing industry and to offshore oil, gas, and mineral deposits, we will be leaving all power in the hands of an appointed bureaucrat to decide the fate of large areas of our waters.

This is unprecedented in the case of every major land decision made by this Congress. While I may not agree with every decision made on wilderness areas, national parks, and so forth, I at least know that every proposed area has been subject to full review by the Congress. Yet, in the case of a marine sanctuary, there is no requirement for congressional review. We may hold a hearing, if we like. We have the opportunity to veto regulations—an opportunity, I might add, that is now being reviewed by the courts and may be denied us.

Yet there is no opportunity to take positive congressional action to designate a sanctuary and thereby insure that a sanctuary is necessary and desirable and that it could not be modified by the next bureaucrat to come along.

In passing this bill, the House Merchant Marine and Fisheries Committee ignored the testimony of every major fishing industry group in the United States. This is the same committee that found that the development of our fishing industry is a national priority. Yet, this committee responded to the requests of the marine sanctuary program people who want nothing more than another entrenched bureaucracy so they can keep spending the public's money.

Let me give you an example that was published in the Washington Post of June 10. According to the Post, a sanctuary is being established near Assateague Island, in spite of opposition from local governments, fishermen who use the area, and oil companies that have valid leases which will be worthless once the sanctuary is established. The senior program analyst from the Department of Commerce who was interviewed on this matter dismisses the oppostion by saying that "the local folks are misinformed." He also admits that the sanctuary could stop commercial fishing and that the pipeline which is soon to be put in place to bring oil to shore would probably be incompatible with the sanctuary.

Mr. Speaker, what sort of priority are we establishing in this country? Here is an appointed bureaucrat dismissing the valid concerns of American citizens as uninformed while doing what is necessary to destroy the economic livelihood of an area that is not too rich to begin with. I ask the Members of this body: Do you want to see the bureaucracy decide what is best for the people of the United States? Do you want this to happen in your area, without even the benefit of congressional review? Why are we ignoring our responsibilities as Members of this body?

If you vote for this bill, you might as well resign your office and go home. Your constituents will not need you anymore, all they have to do is fight the executive branch and you certainly are not helping them do it. If we vote for this bill, we might as well abolish the Congress, because we will have taken the first step toward destroying the system of checks and balances that were set in place by our Constitution.

Mr. Speaker, I think that this bill should be buried so deeply that it will never be able to come up for air. I urge a "No" vote on H.R. 2062.

Mr. JONES of North Carolina. Mr. Speaker, in reply to the gentleman from Alaska, I am a little disappointed that he does not have more faith in the Committee on Merchant Marine and Fisheries. We have 45 days to veto and review these propositions.

I assure the gentleman that we will be very zealous in our duties and responsibilities in that area, if that helps to any degree.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. Pritchard).

Mr. PRITCHARD. Mr. Speaker, I rise in support of H.R. 2062 and I would also like to associate myself with the remarks made by my colleagues. H.R. 2062 is the result of a truly bipartisan effort to report a bill that addresses the concerns of interested parties and provides a concise statement of congressional intent for the national marine sanctuary program.

H.R. 2062 reauthorizes the national marine sanctuary program at the level the administration supports for fiscal year 1984. The bill reauthorizes the program for 3 years: Fiscal year 1984—$2.261 million; fiscal year 1985—$2.5 million; and fiscal year 1986—$2.75 million. It also codifies the recently implemented marine sanctuaries program development plan.

I think the issues surrounding the national marine sanctuary program, brought out before the committee necessitated a change in the law. Numerous parties expressed concerns that the current law does not provide the program with adequate congressional direction. This program has caused interest groups to go on the defensive, based upon a perception of another unnecessary Federal tier of management and regulation.

H.R. 2062 addresses the aforementioned concerns in the following ways: First, in order for the Secretary to designate discrete areas of the marine environment as a national marine sanctuary and promulgate regulations implementing the designation the Secretary must determine—(a) the area is of special national significance due to its resource or human-use values; (b) existing State and Federal authorities are inadequate to insure coordinated and comprehensive conservation and management of the area, including provisions for resource protection, scientific research and public education, and that designation of such area as a national marine sanctuary will facilitate these objectives; (c) the area is of a size and nature which will permit comprehensive and coordinated conservation and management; second, it requires that the Secretary of Commerce consult with Congress, the Secretaries of the appropriate Federal agencies, appropriate officials of any State that will be affected by the National marine sanctuary, and the appropriate officials of any regional fishery management council and other interested persons; third, it increases the congressional oversight and review of the program and specific proposed sites by a 45-day congressional review period prior to final sanctuary designation; and fourth, the Secretary must provide the appropriate regional fishery management council with the opportunity to draft regulations for fishing within the U.S. fishery conservation zone needed to implement the proposed designation with the stipulation that the draft regulations will fulfill the purposes and policies of the marine sanctuary program and the goals and objectives of the proposed designation.

H.R. 2062 will give the marine sanctuaries program focus and definition which has been lacking in the past. It also allows for more public input in the site designation process. I would strongly urge my colleagues to support the passage of this legislation.

Mr. Speaker, I think those concerns expressed by the gentleman from Alaska are legitimate concerns and were the reasons why the committee changed the legislation this time. We had problems in the preceding years.

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I think some so-called bureaucrats did get a little off base, and so we tightened this up so that the committee and the Representatives from those States will have a lot to say.

Now, we only have six of these around the entire coast of America. We are going to go very slow, and I think that the Congress is going to have a chance to monitor this program, see how it works. After the hearing, and talking to these people, I am convinced that they are going to go slow and that we in Congress are going to have a lot of input. If we do not like what they are going to do, why, we can veto what they have done.

I would agree with the gentleman. We will watch closely, and we will certainly listen to his concerns. If there is any sanctuary that is put on the list that the gentleman is opposed to, I can tell the gentleman that the committee is going to be very hard about having this approved.

The gentleman has to remember that the one he suggested is 1 of 29 that were just put on the list to look at.

So I think we have tightened this up, and I think we have now finally gotten a balance.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Can we use an analogy: Let us say that the island we speak of, that I mentioned in my statement, the Department decides to go forth with and make it a sanctuary. What can this committee do?

Mr. PRITCHARD. Well, it is my understanding that when a sanctuary—even under the old bill—was being considered for Alaska, one call from one of the Representatives of Alaska immediately had that sanctuary scratched. I know the great power of this gentleman from Alaska and how much respect those people over in the Bureau have for this gentleman, and I can assure the gentleman that if his influence is not enough, well, my meager influence will be added to the gentleman's. And maybe between the two, we will not have to worry about this.

Mr. YOUNG of Alaska. My point is, let us take this island as an example. Now, we have the Department of Commerce saying the local folks are misinformed. Let us say, for instance, that maybe the Repesentative outside of that area decides that this is the best special interest group to make it a marine sanctuary. Without any hearings, this can occur; can it not?

Mr. PRITCHARD. Well, I believe they have to have hearings, and I believe they have to consult with Congress. I would just assure this gentleman that Senator Trible calls, Senator Warner calls, or the Congressman from that area, we have had assurances that within the next 2 years they are going to go very slow and very careful. Now, if they do not, well, I will be joining with the gentleman to make sure that we veto any of the actions they take.

Mr. YOUNG of Alaska. Well, all I can say is, it is the only time that we as a committee or this Congress have allowed the bureaucracy to establish the areas of wilderness or parks without actions of the Congress.

Now, our sanctuary is a marine park. If we have any other actions, if one man decides that is to be a marine sanctuary, he is the one to make that decision without any public input, without any action on the floor of the House, without any congressional voting, without any Presidential signing. I do not believe that is the appropriate way to create marine sanctuaries, because there are conflicting uses of these areas, and those uses should be heard from, not just through the Department itself, but in a congressional committee. And that is my argument.

I do not know, and I said in the committee before, what is the big rush to give the bureaucracy the authority which the Congress should hold in its hands which we are charged with as we are elected. I have never understood why this bill is such an important factor. If we want resource sancturaries, then let us act on it, as we should, but not have an agency decide what is and what is not a sanctuary.

Mr. PRITCHARD. Well, let me just say this to the gentleman: It is very hard for this Congress to make all of the decisions. The gentleman and I certainly would not want to have Congress making all of the decisions on oil leases and when the bureaucracy allows certain companies to go out and buy oil rights out there. We cannot run all of those things through. But in this case, we have a lot of power and a lot of influence, and we have been assured we are going to have this influence. All I say is that if the gentleman has any wilderness area as sanctuary in Alaska, that you have a question, why, you talk to myself—the gentleman will not need to, because of his influence—but if the gentleman feels a little short of influence, why, talk to the other Members. I know the ranking minority member will also support the gentleman, and we will make sure that his views are given strong, strong support.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thoroughly agree with what my colleague, the gentleman from Alaska, has said during the past 12 years. But the thing that we are doing now is to close down some of this awesome power that he claims that the bureaucracy has gained, and that was done in 1972 with the original enactment. There were problems, and that is why we are here today with an amendment that does not, no, go as far as bring every designation to a natural resolution in the Congress, but it does provide for a review period for Congress, and it does provide that the Congress can act if it sees fit to prevent the designation going forward.

Now, it does mean that the Congress has to initiate that action instead of the bureaucracy trying to find a way to get it through Congress, which makes it somewhat less automatic as my colleagues might wish. But I think it is much stronger than we have had in the past; so truly I hope my friend does rest a little bit easier. I assure him that I do not think he is going to get many resignations over his proposition he has put to us today.

I hope that the House will support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. Jones) that the House suspend the rules and pass the bill, H.R. 2062, as amended.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

HEALTH PROMOTION EXTENSION

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2712) to extend title XVII of the Public Health Service Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2712

A bill to extend title XVII of the Public Health Service Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking out "and" after "1981," and by inserting before the period a comma and the following: "$8,000,000 for the fiscal year ending September 30, 1984, and $9,000,000 for the fiscal year ending September 30, 1985, and $10,000,000 for the fiscal year ending September 30, 1986".

Sec. 2. Section 329(d)(2) of the Public Health Service Act (42 U.S.C. 247(d)(2)) is amended by inserting before the semicolon the following: "and the costs of repaying loans made by the Farmer's Home Administration for buildings".

Sec. 3. Section 2(b) of the Alcohol and Drug Abuse Amendments of 1983 (97 Stat. 181) is amended—

(1) by striking out "210" in paragraph (2) and inserting in lieu thereof "201"; and

(2) by striking out "201, 301" in paragraph (13) and inserting in lieu thereof "301, 201".

The SPEAKER pro tempore. Is a second demanded?

Mr. WHITTAKER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore (Mr. Jones of North Carolina). Without objection, a second will be considered as ordered.

There is no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. Waxman) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. Whittaker) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. Waxman).

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is a simple extension of the authorities of the Public Health Service Act that provide for health promotion and disease prevention activities within the Department of Health and Human Services. It is virtually identical to a bill that was passed by this House last year, but not acted upon by the Senate.

The health promotion program of HHS provides the public, educators, and professionals with information that allows them to understand and use the principles of public health. Such use is vital as the public health problems of the eighties increasingly include those chronic problems and conditions for which health information, education, and promotion are important—and sometimes the only—types of prevention available to society. This authority provides the Secretary with a specific vehicle to foster more effective strategies and methods for use by the many public and private sector groups that sponsor health promotion programs.

This reauthorization enjoys strong bipartisan support. The administration supports the program and the bill was voted out of the Health Subcommittee and the full Commerce Committee by voice votes.

I urge my colleagues to support the legislation.

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2712, a bill which provides for a simple extension through fiscal year 1986 of the health information and health promotion programs authorized under title 17 of the Public Health Service Act. These education, information, and promotion activities form the cornerstone of the Department of Health and Human Services prevention initiative.

The authorization levels in the bill are $8 million for fiscal year 1984, $9 million for fiscal year 1985, and $10 million for fiscal year 1986. During subcommittee markup, a technical amendment was offered to allow migrant health centers to repay loans made by the Farmers Home Administration (FmHA) for the construction of new buildings. A similar amendment to allow community health centers this option was made part of the Orphan Drug Act of 1982.

The bill as amended received bipartisan support and was reported by the Committee on Energy and Commerce by voice vote on May 10, 1983.

The bill being considered today also includes a technical amendment for purposes of correcting several typographical errors in Public Law 98-24, the Alcohol and Drug Abuse Amendments of 1983.

This bill is noncontroversial and should be adopted under suspension of the rules. I therefore urge my colleagues to support this legislation, and further request the House to suspend the rules and pass H.R. 2712.

Mr. WAXMAN. Mr. Speaker. I yield such time as he may require to the delegate from Puerto Rico (Mr. Corrada).

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 2712, to extend through fiscal year 1986, the authorization of the health information and health promotion programs under title XVII of the Public Health Service Act.

Nothing is more true than the old adage that "one ounce of prevention is worth a pound of cure." Individuals who are better informed about health and healthy lifestyles are more likely to make responsible choices about their own health care and health habits.

The health information and health promotion programs authorized under title XVII of the Public Health Service Act are very important for Puerto Rico and the States toward achieving their goals of providing the public, educators, and professionals with information that will allow them to understand and use the principles of public health.

These programs enable the Secretary of HHS, among others, to formulate national goals, with respect to health information and health promotion, preventive health services, and education in the appropriate uses of health care; to undertake and support necessary activities and programs to incorporate appropriate health education components into all aspects of education and health care; to increase the application and use of health knowledge by the general population in its pattern of daily living; and to foster the exchange of information respecting research, demonstration, and training program in health information and health promotion. Also, it creates an office within the Department of HHS of Health Information and Health Promotion to coordinate all activities within the Department and similar activities of organizations in the private sector which relate to health information and health promotion; and to establish a national information clearinghouse to facilitate the exchange of information on health promotion.

Keeping our people informed, and promoting better health habits is one step forward toward achieving the goal of a healthy society. I urge all my colleagues to support H.R. 2712.

● Mr. DINGELL. Mr. Speaker, today the House is considering legislation to provide for a simple extension through fiscal year 1986 of the Health Information and Health Promotion programs authorized under title XVII of the Public Health Service Act. I enthusiastically support H.R. 2712.

The legislation is needed to maintain and expand activities that are an essential part of a national prevention strategy. The quality of health in the United States is more likely to be improved when individuals are better informed about health and healthy lifestyles. Informed individuals are more likely to make responsible choices about their own health care and health habits.

The Health Information and Health Promotion programs and grants provided by this bill will prevent illness by educating the public in the appropriate use of health care. The cost-benefit ratios of such services are anti-inflationary because the alternative is more costly therapy and institutional care.

Accordingly, I urge my colleagues to approve H.R. 2712.●

Mr. WAXMAN. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. WHITTAKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Waxman) that the House suspend the rules and pass the bill, H.R. 2712, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PUBLIC HEALTH EMERGENCIES

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2713) to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies, as amended.

The Clerk read as follows:

H.R. 2713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Health Service Act is amended by inserting after section 318 the following new section:

"PUBLIC HEALTH EMERGENCIES

"Sec. 319. (a) If the Secretary determines, after consultation with the Director of the National Institutes of Health, the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control, that—

"(1) a disease or disorder presents a public health emergency, or

"(2) a public health emergency otherwise exists and the Secretary has the authority to take action with respect to such emergency,

the Secretary, acting through such Director, Administrator, or Commissioner, may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder described in paragraph (1).

"(b)(1) There is established in the Treasury a fund designated the 'Public Health Emergency Fund' to be available to the Secretary without fiscal year limitation to carry out subsection (a). There is authorized to be appropriated to the fund $30,000,000 for fiscal year 1984. For fiscal year 1985 and each fiscal year thereafter there is authorized to be appropriated to the fund such sums as may be necessary to have $30,000,000 in the fund at the beginning of such fiscal year.

"(2) The Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than ninety days after the end of a fiscal year—

"(A) on the expenditures made from the Public Health Emergency Fund in such fiscal year; and

"(B) describing such public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which were conducted or supported by expenditures from the Fund.".

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion. The gentleman from California (Mr. Waxman) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. Whittaker) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. Waxman).

Mr. **WAXMAN**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill creates a fund for use in the event of public health emergencies. A number of such emergencies have occurred recently.

The Tylenol episode frightened the country for weeks and cost the Federal Government millions of dollars.

The outbreak of the new acquired immune deficiency syndrome (AIDS) has been described by one public health official as the most significant epidemic since polio. Another says since smallpox.

The Food and Drug Administration has recently had to carry out three of the largest recalls of lethally contaminated food in history: botulistic salmon, poison mushrooms, and badly formulated infant formula.

No matter how well the executive or legislative branches may organize themselves, no one can plan a year in advance for such problems.

The fund created by this bill is to be available to the Secretary of HHS for use in investigating the cause, treatment, or prevention of the causes of health emergencies. The fund is initially authorized for $30 million in fiscal 1984 and for such sums as necessary to replenish the fund to that level at the beginning of each succeeding fiscal year.

The bill enjoys strong bipartisan support. It was passed by the Subcommittee on Health by a vote of 17 to 1 and by the full Commerce Committee by voice vote.

I urge my colleagues to support the legislation.

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Mr. **WHITTAKER**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2713, legislation which provides the Secretary of the Department of Health and Human Services a permanent revolving fund to respond quickly and responsively to public health emergencies.

H.R. 2713 creates a public health emergency fund to provide for research and investigations into the cause, treatment, and prevention of diseases or conditions which the Secretary has determined presents a public health emergency. It is intended that these funds will be used by the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, the Food and Drug Administration and the Centers for Disease Control in carrying out their responsibilities under the Public Health Service Act.

Funding is at a level of $30 million and whatever appropriations are necessary to bring the fund to a level of $30 million at the beginning of each fiscal year. The bill also requires that the Secretary report yearly to the Committee on Energy and Commerce on the expenditures made from the fund for activities undertaken in response to public health emergencies.

This legislation does not represent a new proposal for the Public Health Service. A similar request was made in 1982, by then Secretary of Health and Human Services, Richard Schweiker. At that time, he requested $20 million for this purpose and in testimony before our committee stated that:

> In the past, public health service efforts were hampered by complex financing mechanisms that delay the actual provision of services and the obligation of funds. The establishment of an emergencies response fund would enable the Department to respond quickly and effectively.

Recent public health emergencies have been as large and even larger than those experienced in 1981 and 1982. The outbreak of acquired immune deficiency syndrome (AIDS) and the Tylenol tampering incident are only current examples of public emergencies which could benefit from assistance provided through this fund.

On May 12, 1983, the Committee on Energy and Commerce reported H.R. 2713 with amendment by voice vote. I believe the bill should be treated favorably under suspension of the rules and urge my colleagues to support this very important and needed piece of legislation.

Therefore, Mr. Speaker, I ask the House to suspend the rules and pass H.R. 2713.

Mr. **WAXMAN**. Mr. Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from Puerto Rico for such comments as he wishes to make.

Mr. **CORRADA**. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 2713, to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies.

Under the Public Health Service Act, the Department of Health and Human Services have a constant responsibility to protect the public health generally and to provide prompt and effective assistance to States and to Federal agencies in emergency situations that pose a threat to the public health.

In the past few years unknown diseases have broken out in epidemic proportions which has called upon the Public Health Service to respond quickly. These unexpected health crises are in some instances so frequent, great, or serious that contingency funds are exhausted thus forcing the Public Health Service to divert funds from other existing activities.

This bill will enable the Department of Health and Human Services to better protect the health and well-being of all the residents living in Puerto Rico as well as in the Nation from these threats to the public health by creating a permanent revolving fund for use by the Secretary of HHS in responding effectively to these emergencies without deferring other also important activities.

The speed and comprehensiveness of the initial response to health emergencies is critical to insure the well-being of our citizens. Needless death, disability, and illness can be averted by immediate action. I urge all my colleagues to support this bill.

Mr. **WHITTAKER**. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from Utah (Mr. Nielson).

Mr. **NIELSON** of Utah. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this bill. When H.R. 2713 first came to the Energy and Commerce Committee, the Health and Environment Subcommittee, I opposed it because I felt it would open up an avenue which was not a proper avenue. In close cooperation with the gentleman from California, Mr. Waxman, the chairman, we devised a means of a revolving fund which I approve of. I think it is a very good piece of legislation, and very responsible.

I would have preferred a slightly smaller number as far as the cap is concerned, but as long as they report each year to the Energy and Commerce Committee and have to justify the expenditures thoroughly, I believe we have adequate supervision of the fund.

I, therefore, rise in support of this bill.

Mr. **WAXMAN**. Mr. Speaker, will the gentleman yield?

Mr. **WHITTAKER**. I would be happy to yield to my colleague, the gentleman from California.

Mr. **WAXMAN**. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Utah (Mr. Nielson) for his contributions to this legislation. He brought to our attention a number of points that we wanted to make sure were pinned down in creating a revolving fund, but he, in doing so, played a very constructive role in giving us what Secretary Schweiker thought was needed by the Department of Health and Human Services so that we could respond in an appropriate and quick manner to any public health emergency.

I want to thank him and commend him for his activities in our subcommittee.

● Mr. **GREEN**. Mr. Speaker, I am pleased to have the opportunity to speak today in behalf of H.R. 2713, which would establish a public health emergency fund. This bill would help us respond adequately to those public health emergencies which we cannot predict. In the past few years unknown diseases, such as AIDS (acquired immune deficiency syndrome), have broken out in epidemic proportions, lethally contaminated foods and drugs have been recalled and previously controlled illnesses have reappeared. H.R. 2713 would give the Secretary of Health and Human Services the discretion to respond through the Food and Drug Administration (FDA), the Centers for Disease Control (CDÇ), the National Institutes of Health (NIH), or the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA). As a cosponsor of this bill, I am asking you to lend your support to this vital measure. It is only through legislation such as this that we can begin to insure sufficient funds to provide the much needed health services necessary during these crises situations.

As you are well aware, those of us supporting additional fiscal year 1983 funds for AIDS, were not recently successful in including an amendment designating and extra $12 million in the fiscal year 1983 supplemental appropriations bill for combative research. It is now our opportunity to help secure an appropriate level of fiscal year 1984 funds for this epidemic and others that we may have to face during the upcoming year.●

● Mr. **DINGELL**. Mr. Speaker, today the House is considering legislation to authorize appropriations for a permanent revolving fund to be used by the Secretary of Health and Human Services in responding to public health emergencies.

Recent reductions in the size and flexibility of Federal health services and grant programs have posed a threat to the public health. It has been more difficult for Federal agencies to respond quickly to unanticipated public health crises without the diversion of funds from important ongoing activities.

The Public Health Service has a responsibility to protect the public health and to provide prompt assistance in emergency situations such as the "Tylenol scare," the acquired immune deficiency syndrome (AIDS) epidemic, or the rabies outbreak in wild animals that now threatens human population centers.

We cannot plan a year in advance for contaminants, epidemics, or emergencies. We must be in a position to effectively respond to these crises. Accordingly, I urge my colleagues to approve H.R. 2713.●

Mr. **WHITTAKER**. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The **SPEAKER** pro tempore (Mr. Jones of North Carolina). The question is on the motion offered by the gentleman from California (Mr. Waxman) that the House suspend the rules and pass the bill, H.R. 2713, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EMERGENCY FOOD ASSISTANCE AND COMMODITY DISTRIBUTION ACT OF 1983

The **SPEAKER** pro tempore. Pursuant to House Resolution 207, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1590.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1590) to provide emergency food assistance to low-income and unemployed persons and to improve the commodity distribution program, with Mr. Bennett in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN**. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California (Mr. Panetta) will be recognized for 30 minutes, and the gentleman from Missouri (Mr. Emerson) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. Panetta).

Mr. **PANETTA**. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983 is an important part of a continuing effort to provide relief to families and individuals who have been hard hit by the recent recession. It would continue and expand upon a program enacted in the jobs bill, Public Law 98-8, to require the Secretary of Agriculture to distribute surplus Government-owned commodities to those who need, and other deserving recipients.

It would provide a limited amount of administrative funding to effectively achieve these purposes and would establish priorities for receipt of commodities and administrative funding among eligible recipient organizations.

The primary emphasis of this bill is to provide emergency assistance to those in need. Organizations serving emergency needs would receive priority treatment in the receipt of both the surplus commodities and administrative funding. There is ample evidence that such organizations around the country are in dire need of both.

The Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, which I chair, has held bipartisan field hearings around the country on the issue of hunger. While it is impossible for me to convey to you today all that we have seen, felt, and heard, I can tell you that this country faces a very serious problem with regard to hunger. Everywhere we went, whether it was Cleveland, Ohio, Birmingham, Ala., or Los Angeles, Calif., we heard the same story. The use of soup kitchens, food pantries, and hunger centers is up dramatically in the past 2 years; in some areas by 400 and 500 percent.

□ 1340

The current array of Federal, State, and local programs are simply not meeting the need, and private, voluntary efforts, as commendable as those efforts are—and we saw some extremely encouraging efforts by a number of voluntary operations—are taxed beyond their capacity to respond.

I would like to give the Members some indication of the evidence we were able to find during the hearings. In Cleveland, for example, where they were serving in 1 month last year some 17,000 people, today they are serving 50,000 people per month in their soup kitchens. Maj. John Paul Kelly of the Salvation Army there testified that they could double their efforts in Cleveland today and still not meet the needs.

In Birmingham we received testimony from doctors who testified that the incidence of anemia in children excluded from certain programs was 20 percent. Anemia has terrible consequences, not only in terms of children but also in terms of pregnant women who could experience low birthweight infants or infant mortality.

In Los Angeles, another group serving meals to the impoverished, testified again that a year ago they were serving about 17,000 and this year in the same month they are serving 40,000.

Cheese lines, as we know, have extended for 2 and 3 miles and have sometimes lasted almost 8 hours per day. Some groups now are frustrated in their efforts, and 43 agencies, for example, in Cincinnati are quitting for lack of administrative funding.

So, clearly the need is there and I would recommend to the Members that on June 6, 1983, I included in the RECORD a summary of those hearings and would ask the Members to take a look at the full details that are outlined in that summary.

Only last week the Conference of Mayors issued a finding and study entitled, "Hunger in American Cities," in which their conclusion was that hunger is on the increase in the country. The New York Times reported only within the last few weeks that reports have indicated that the use of soup kitchens had doubled in the country recently.

So the point is this: We are dealing with a serious and growing problem of hunger in the United States. It is a national shame. There is no excuse in this country for one man or woman or child to be hungry.

H.R. 1590 is an attempt to provide some assistance for this problem. It would not solve the problem of hunger in America, but it would help. Most witnesses made clear that the commodities could be well utilized if made available.

By the passage of this bill, Congress will be making the judgment that it is better to provide food for those who need it than to pay considerable costs to store food and run the risk of losing it to spoilage. This legislation is needed to assure that the Secretary will distribute all available commodities, once all other foreign and domestic commitments are met, to those who need and request them, and that adequate administrative funding will be provided.

Up to now the commodity distribution program has been largely limited to dairy products and has been marked by inefficient and sometimes haphazard administration. H.R. 1590 should result in a more orderly and predictable program for States and localities. In addition to increasing the levels of cheese and butter distribution, it will make available for distribution wheat, rice, honey, nonfat dry milk, and other commodities that may be found in surplus in the next 2 years.

I would emphasize that H.R. 1590 strengthens the existing law in terms of requiring the Secretary to operate a surplus commodity distribution program. Unless specifically committed for use elsewhere, these surplus commodities are to be made available to the organizations made eligible by this bill. In my view, the Secretary has not fully utilized the discretion he now has. This bill would mandate that those surpluses be distributed.

While H.R. 1590 would afford the Secretary with some discretion to accommodate other foreign and domestic commitments, I want to make clear that this flexibility is not to be used as an excuse to curtail or avoid domestic commodity distribution. Once specific and reasonable commitments for utilization of surplus commodities have been met, the Secretary would be mandated to provide all available commodities to needy and deserving Americans.

As the principal sponsor of H.R. 1590, I have worked closely with the ranking minority member, the gentleman from Missouri (Mr. EMERSON) in developing this legislation, and I thank him for the work and the cooperation that he has provided, and I thank as well the chairman of the committee for the assistance that he has provided.

In addition, the chairman of the Committee on Education and Labor, and the chairman of the Committee on Foreign Affairs have indicated their support for H.R. 1590 if some noncontroversial amendments addressing their concerns can be offered and adopted on the floor. Both of these amendments, which will be offered by the committee chairman, the gentleman from Texas (Mr. DE LA GARZA) are consistent with the intent of H.R. 1590, and I hope that they will be accepted.

The amendment that Chairman DE LA GARZA will offer on behalf of the Education and Labor Committee would clarify how administrative funding should be utilized. Basically, it states that once certain operating expenses of local emergency feeding centers have been satisfied, the remaining Federal administrative funds should be generally applied by the State to the costs of delivering commodities to emergency and nonemergency recipient organizations alike. The State should not unfairly concentrate its Federal funding on one category of organization ahead of the other. In addition, the amendment makes clear that if sufficient commodities are available and emergency needs have been satisfied, commodities must be delivered to nonemergency organizations.

The amendment that Chairman DE LA GARZA will offer on behalf of the Foreign Affairs Committee would add another protection for the food security wheat reserve. Under the amendment, if any portion of this reserve is utilized for domestic purposes, and corporation stocks are not available for replenishment, replenishment of that amount would occur through purchases with Commodity Credit Corporation funds (without prior appropriation) if an international emergency should deplete whatever grain is left in the reserve. In other words, replenishment of the amount distributed in the United States would be guaranteed, without the need for specific appropriations, if an international emergency requires the use of the entire reserve.

I would add that this amendment comes on top of several other provisions already in H.R. 1590 that are designed to assure replenishment of the food security wheat reserve, if it is utilized. I would stress that use of the reserve is left wholly to the Secretary's discretion. It is to be utilized only if domestic circumstances warrant its use. Only a small portion of the reserve, less than one-thirteenth, could be made available domestically. And if the reserve is utilized, any wheat acquired by CCC thereafter would be applied to replenishing the reserve ahead of any other purpose.

I know that there is a lot of public concern that has been registered with Members of Congress with regard to the use of the wheat reserve. Most of this was in reaction to the bill prior to major improvements made at the committee level. I want to assure my colleagues that virtually all of the religious and antihunger groups concerned with this issue have now indicated their support for this bill in its current form. While many still prefer that the reserve not be utilized at all, they have accepted the committee's

view that a limited amount of the reserve should be made available, if necessary, to feed needy Americans.

Mr. Chairman, the challenge of hunger in America is real. There is no excuse, as I stated, for one man or woman or child to go hungry in a nation as prosperous as ours. Our responsibility, indeed our duty, is to insure that this does not happen. H.R. 1590 is a step in the direction of trying to end hunger in this land. Surely we can do no less.

Mr. Chairman, I urge the Members of the House to approve H.R. 1590.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I certainly support the legislation, but I want to call the attention of the House to one thing. We waived, for the purpose of these private organizations, the provisions of 7 U.S.C. 2013b, but really we ought to, I think, eliminate the section completely.

What that section does, it prohibits a county from having both direct distribution and food stamps, and what has happened is that in every county, when they went to food stamps, there were a lot of people—and they were the ones who were most deserving really—who refused to take food stamps, and because they cannot distribute some milk or some cheese directly, those people have in effect been excluded from these programs.

I just think that we ought to abolish that section and permit a county to do that if they want to. It has no adverse effect at all upon their getting food stamps if they want to do it, but some people do not want to take food stamps. So we ought to abolish that section.

I remember when this was done in 1964, the grocers were the biggest lobbyists for it. But some of these people could take some cheese or some dried milk, and also there are some people who go to the welfare department and they do not want to be on welfare, but they have got to go on welfare to qualify for food stamps. They do not want to do that.

Mr. Chairman, we ought to abolish that section for the counties as well as the private organizations.

Mr. PANETTA. Mr. Chairman, I agree with the gentleman from Iowa (Mr. SMITH). We try to take this one step at a time, and hopefully this bill is a step in the right direction.

Mr. Chairman, I yield back the balance of my time.

Mr. EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1590, a bill that will take the surplus commodities being stored by the Federal Government and distribute them to people in need of food assistance.

It makes sense to me that surplus commodities held by the Government should be shared with needy people. The lengthy recession and unemployment have caused suffering—no one disputes this. There are positive signs that the economy is turning around—but while this occurs there are people in need. There are Federal food assistance programs designed to help people in need by providing food stamps, school lunches, and other food benefits. These programs subsidize in whole or in part over 95 million meals per day for needy people.

However, at this time it appears that the need for food exceeds the benefits provided under Federal programs. At the same time the Federal Government is storing surplus commodities. That is why, in my mind, if the need for food is present and surpluses are available—distribution should be made to help families who are in need.

There is a second part to any food distribution program—payment of the actual costs of distributing the surplus commodities. I am a firm believer in using the private sector and volunteers whenever possible. The surplus dairy distribution program is a good example of the use of volunteers in Government programs. Individuals and organizations have volunteered their time, trucks, and warehouses to assist in distributing surplus commodities.

However, the subcommittee members have received testimony from both State and local government officials and private groups involved in surplus food distribution that volunteers are not as readily available now and that the agencies either have been or will be charged for transportation, handling, and storage of the surplus commodities.

One of our witnesses was the secretary of agriculture from a Midwestern State. He described their surplus dairy distribution program and stated that the success of the program depended on the cooperation of many community organizations. He mentioned their successful volunteer organization and that his State had not been charged by any warehouse for storage and handling costs involved in their first two distributions. However, in their most recent distribution of surplus dairy products, storage and handling charges have begun to be assessed.

I hope organizations continue to volunteer their services in commodity distribution programs. However, just as this State secretary of agriculture described—volunteers do not last forever and at some point States will be charged for transportation and storage costs.

The primary purposes of H.R. 1590 are:

To continue the surplus commodity distribution program, as contained in the jobs bill, for 2 years.

To require the Secretary to distribute surplus commodities, in excess of domestic or foreign commitments.

To provide reimbursement for actual administrative costs of transporting, handling and storing surplus commodities at the State or local level. Administrative cost reimbursement cannot exceed $50 million.

To require commodities to be processed into forms suitable for home or institutional use.

To permit the Secretary to borrow wheat, in conjunction with any amount borrowed under the jobs bill, from the food security wheat reserve, not to exceed 300,000 metric tons. Replenishment is required by December 31, 1984, and forfeitures are to be used first to replenish the reserve.

At a time when our country is struggling to get back on its economic feet, I believe we should make every effort to help our needy and jobless. This legislation would provide for processing surplus farm commodities into food products, pay for transportation to eligible agencies which will distribute the food, and reimburse the States for the administrative costs involved.

In addition to helping the needy, this program will aid farmers by decreasing the surpluses which have depressed farm prices and it will also reduce the Government costs for storing these surpluses.

I urge Members to support this bill.

□ 1350

Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the committee, the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I want to first commend the gentleman from California, the chairman of the subcommittee, and the gentleman from Missouri, the ranking minority member, for the diligence and the good job they have done in bringing this legislation to the floor. As all of us know, we face a very difficult situation throughout our country for many reasons, but one of the prime factors is that we have people who do not have an adequate diet, more so than the ordinary, and this legislation was artfully crafted to provide safeguards and to provide the necessary input within the limits of the budget and within the limits of available commodities, and I am satisfied that they have done that and it deserves the support of the House and the membership at large to enact this legislation.

Mr. Chairman, I rise today in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983.

This bill has a simple purpose. It directs the Secretary of Agriculture to use surplus food commodities in Government stocks to feed the hungry among us—particularly the unemployed and needy who are served on an emergency basis by organizations such as food banks and soup kitchens. It also will make food available to aid other more traditional feeding programs—the child nutrition and elderly Americans programs, for example. But its primary emphasis is to furnish food assistance to those who are largely bypassed or shortchanged by the ongoing Federal programs. It will also fill what has been a crucial gap in efforts to aid the needy by supplying some funding to get the commodities into the hands of individuals who need them most.

The recently enacted jobs bill recognized the needs of many for emergency food assistance. It established a program to meet those needs and provide some fund for food distribution. But the program expires on the coming September 30. H.R. 1590 would continue a similar program for 2 more years, through September 30, 1985.

The Subcommittee on Marketing, Consumer Relations, and Nutrition, under the able leadership of Chairmen Leon Panetta and Bill Emerson, the ranking minority member, held a series of hearings in Washington and in various other locations to ascertain the facts about hunger in this country. The testimony of witness after witness illustrated the tremendous increase in the numbers of those seeking emergency food aid from soup kitchens, food banks and similar organizations. Despite heroic efforts by volunteers, the problems of these organizations in arranging for the handling, storage and distribution of donated foods, on a shoestring were repeatedly stressed. It is these conditions that H.R. 1590 is designed to address.

The bill authorizes no new commodity acquisition program. It focuses on using commodities already acquired under the price support programs but which exceed quantities needed to meet domestic and foreign commitments of the Commodity Credit Corporation. These commitments of the Commodity Credit Corporation. These commitments include the Secretary's domestic payment-in-kind program for foreign assistance and market development. Stocks exceeding such needs must be made available to feed the hungry and other deserving recipients.

In this regard, the bill was revised during committee consideration to give the Secretary some additional flexibility in determining the amount of commodities which will be necessary to meet domestic and foreign commitments of the Commodity Credit Corporation. But it is the committee's clear intent that any Corporation stocks which are not committed must be made available for purposes of H.R. 1590. It is expected that ample stocks of dairy products will be available for distribution. Large quantities of other commodities, such as honey and rice should also be available. The so-called PIK program has reduced the Corporation's stocks of most grains, and may deplete its wheat stocks. Because flour is highly desirable for feeding programs, H.R. 1590 permits the Secretary to use up to a total of 300,000 metric tons of wheat from the food security wheat reserve for domestic program purposes, both under the jobs bill and H.R. 1590. The 4 million metric ton reserve was established in 1980 to insure that wheat would be available for humanitarian purposes abroad in the event of any shortage of U.S. stocks.

Use of the reserve for domestic food programs has been the subject of some controversy. H.R. 1590 specifies that the total quantity of reserve wheat that may be used under both its program and the jobs bill food distribution program is 300,000 metric tons. I would note that the jobs bill itself allows use of 300,000 metric tons of reserve grain for this purpose. Therefore, H.R. 1590 does not increase the quantity that may be drawn down from the reserve for domestic purposes. Further, the bill provides for replenishing the reserve to the extent that any wheat is used for domestic programs.

To resolve concerns raised by the Committee on Foreign Affairs, I shall offer an amendment that would require the Secretary to use Corporation funds, without prior appropriation, to purchase wheat sufficient to replenish any quantities from the reserve used for domestic programs if Corporation stocks are not sufficient for that purpose, but only if the entire reserve is depleted for foreign food assistance activities. I would point out that, to this date, no wheat has been drawn from the reserve for its original, designated purpose. Both committees are in agreement that this amendment will adequately address an issue in which the Committee on Foreign Affairs has an appropriate jurisdictional interest.

The bill also makes available up to $50 million in Corporation funds annually to cover costs of distributing commodities, with a cap on the amount to be made available to any State equal to 5 percent of the value of commodities distributed by the Secretary to the State. The Corporation will, at its expense, initially process the commodities and deliver them to State agencies which will, as has been the case in the past, carry out the program within the States. The $50 million in Corporation funds under the bill are earmarked first for the local distribution costs of food banks and other emergency feeding organizations. Then the remaining funds are available for costs of the State agencies in handling the commodities and distributing them to the organizations that will get them to the individual recipients. It is anticipated that significant amounts of funds will be available for this latter purpose.

The Committee on Education and Labor has communicated concerns regarding the possible impact of H.R. 1590 on the ongoing, more traditional food programs such as the child nutrition and older Americans programs which fall within its jurisdiction. In response, the bill was amended in committee to insure that the traditional programs will retain their historical share of donated bonus commodities. And I shall offer an amendment to H.R. 1590 that will insure that administrative funding made available to the State agencies, over and above that needed for local distribution costs of emergency food aid organizations, will be utilized by State agencies to cover costs of distributing the food to emergency and traditional distribution organizations alike on a nonpreferential basis. I would like to add that the Committee on Education and Labor has reported by a 27-to-2 vote, H.R. 1513, which was jointly referred to our committee. In many respects its provisions and objectives parallel those of H.R. 1590. We have enjoyed the cooperation of the Committee on Education and Labor in fashioning a measure to meet our jointly perceived needs.

The bill also directs the Secretary to carry out a complementary program under which commodities available under the bill are to be made available to private companies for further processing into end food products—processing of flour into pasta, for example. The food products then would be made available to eligible distribution organizations for use in their programs. The expense of the additional processing would be borne by the recipient organizations, except that up to $10 million in Corporation funds would be available annually to cover the final processing costs of food to be distributed by emergency-type organizations. The committee believes that this approach offers great promise for the effective use of initially processed Corporation stocks by the ultimate recipients. The bill contains various safeguards to protect this aspect of the program from abuse. The Secretary is directed to carry out the program to insure the Secretary's intent to do so is not again frustrated by other sources within the administration.

It would be appropriate to add that nothing in the bill diminishes or otherwise adversely affects other food donation programs mandated by law; it complements and supplements such programs. And the legislation will expire in 2 years, so that the consideration of its future need can be weighed in conjunction with related programs of the 1981 farm bill which will also expire in 1985.

So that the Members will have an overview of all major provisions of the bill, let me summarize them. H.R. 1590, as reported, would——

First. Direct the Secretary of Agriculture to distribute commodities owned by the Commodity Credit Corporation (the Corporation) that exceed quantities needed for the Corporation's domestic and foreign commitments to food banks, soup kitchens and like organizations that provide food on an emergency basis to the needy and unemployed and to other organizations which traditionally have operated non-emergency-feeding programs.

Second. Permit the Secretary to distribute any Corporation-owned commodities to emergency feeding organizations ahead of other commitments.

Third. If wheat in Corporation stocks is not adequate for the purpose, permit use of not to exceed a total of 300,000 metric tons of wheat from the food security wheat reserve for use in food programs under the act and under the recently enacted jobs bill (Public Law 98-8); generally require replenishment of the reserve by December 31, 1984; and provide for priority use of wheat acquired by the Corporation after use of reserve wheat for domestic feeding purposes to replenish the reserve.

Fourth. Require the Secretary to publish advance notice of estimated amounts and types of commodities that will be available for program purposes during each fiscal year, together with estimated amounts and types of commodities to be in Corporation inventories during each fiscal year and the anticipated disposition thereof. This is essential to permit State agencies and recipient organizations to plan their activities in a reasonable and business-like fashion.

Fifth. Provide that State agencies that have customarily administered food distribution programs will be responsible for distributing the donated commodities to eligible organizations within the States, but that the Secretary will distribute such commodities directly to eligible organizations if States are prohibited from doing so.

Sixth. If adequate commodities are not available for needs of all eligible organizations, give preference to needs of emergency feeding organizations, but other eligible organizations will, to the extent practicable, receive a share of any donated commodity equivalent to their share of that commodity distributed under existing law in fiscal year 1983.

Seventh. Direct the Secretary to use Corporation funds to pay for processing and packaging of commodities into forms suitable for home or institutional use—in-kind payments are authorized, except that wheat from the Reserve may not be used for such payments—and transporting commodities to State agencies.

Eighth. Direct the Secretary to use Corporation funds not to exceed $50 million annually to pay costs of State agencies—but not to exceed 5 percent of the value of commodities distributed to any State agency—in distributing commodities to eligible organizations and to pay costs of emergency organizations in distributing commodities to the needy locally. Again, if funds for distribution are not adequate for costs of distribution to all organizations, preference is to be given to distribution costs of emergency organizations.

Ninth. Prohibit State agencies from passing on any distribution costs to emergency organizations but permit passing on such costs to other eligible organizations to the extent such costs are not reimbursed by the Secretary.

Tenth. Direct the Secretary to distribute initially processed commodities to private companies for further processing into end food products for use by eligible organizations. The expense of such additional processing would be borne by such organizations, except that Corporation funds not to exceed $10 million annually are to be made available for costs of such processing for emergency organizations.

Eleventh. Apply provisions of criminal law in other statutes pertaining to misuse of donated commodities to commodities donated under the act, require the Secretary to insure that distributed commodities will not displace sales of commodities, and prohibit other possible program abuses.

Twelfth. Make clear that the donation program under the act supplements and complements mandatory Federal, State, and local nutrition programs and permit the program to be carried out in areas where the food stamp program is operating.

Thirteenth. Prohibit commodities donated under the act from being considered income or resources under Federal, State, or local law.

Fourteenth. Provide that the donation program established by the act will be effective on October 1, 1983, and expire on September 30, 1985.

Fifteenth. Require the Secretary to continue to maintain the nutrition data base of the Department of Agriculture, and to carry out certain nutrition surveillance of various groups.

The economic recession we are experiencing has fallen with particular harshness on some of our people. Recovery is coming awfully slowly to them. The press of the hungry on food banks, soup kitchens, and like emergency organizations, illustrates this point all too well. While many hunger, Government warehouses bulge with surpluses of some commodities. The Committee on Agriculture, on a broad, bipartisan basis, has concluded that, to the extent that there are not other legitimate commitments for these surpluses, the most worthy use for them is to feed the hungry in this country. It likewise concluded that modest funding is essential to move food from government stocks, through established State and private channels, to individuals in need. H.R. 1590 is the produce of that conclusion. I am confident that the House of Representatives will enthusiastically join our committee in this emergency effort to meet the ancient injunction—"If they are hungry, feed them."

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, I rise to engage in a colloquy on behalf of myself and the gentleman from New York (Mr. Gilman) and with the chairman of the subcommittee, the gentleman from California.

Will the chairman of the committee afford the House his views with respect to the use of wheat in the international wheat reserve for the purposes called for in this legislation?

Mr. de la GARZA. Mr. Chairman, as the gentleman from South Dakota is aware, the legislation before us provides discretionary authority to the Secretary of Agriculture to use up to a total of 300,000 tons of wheat now in the international wheat reserve and it will allow them to use if for domestic feeding purposes, as authorized in the jobs bill and H.R. 1590.

The international wheat reserve was established by legislation in 1980 to provide a backdrop to international food aid assistance programs of the U.S. Government in the event that supplies of wheat are insufficient to fully meet the food aid obligations of the United States.

I might also tell the gentleman, the reserve was originally intended only for use overseas and provision was made to insure that the wheat would not be available for use domestically.

In providing authority to the Secretary to make use of a small portion of the reserve for the domestic feeding purposes laid down in H.R. 1590, the committee is responding to an emergency need that exists today here in the United States. It is not the intent of the legislation to in any way undermine the original purposes of the reserve.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PANETTA. Mr. Chairman, I yield the chairman 2 additional minutes.

Mr. de la GARZA. Allow me to reaffirm for the gentleman my strong commitment to maintaining the integrity of the reserve as established in the 1980 act. Were it not for the extraordinary circumstances that confront us today, I believe that resort to the reserve would not be merited at this time. However, under the circumstances, the committee felt it appropriate to allow some discretion to the Secretary to make use of some modest amount of the reserve for short-term domestic feeding purposes.

Let me reemphasize that in so doing, the committee does not intend to undercut the reserve. My amendment to the bill illustrates that. Replenishment of wheat used from the reserve for domestic purposes will be automatic in the event that disasters overseas require full utilization of the 6 million tons earmarked for such purposes in the 1980 act, and I will actively support an appropriation to replenish the reserve, if that is required.

Mr. DASCHLE. Well, I thank the gentleman very much.

If the gentleman from California would respond as well to the intent of the legislation with regard to the food reserve, beyond that authorized by H.R. 1590 and the 1980 act.

Mr. PANETTA. I thank the gentleman. I am very well aware how many Members feel about the use of the reserve in this instance. In this regard, let me reassure the gentleman that I view the authority to use the reserve for the purposes contained in H.R. 1590 as a short-term option only. I do not regard it as a permanent change in policy on the part of the House with respect to use of the reserve. As one who has been involved with the legislation which established the reserve, I can assure the gentleman that I remain strongly committed to the reserve. For that reason, I strongly support the amendment of the chairman of the committee on behalf of the Foreign Affairs Committee, which strengthens the replenishment features of the legislation.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. PANETTA. Mr. Chairman, I yield myself 30 more seconds.

In supporting the concept of using a small quantity of the reserve for the purposes laid down in H.R. 1590, I do not intend to promote and would not support using the reserve for other purposes, other than those contained in H.R. 1590 and the 1980 act.

Mr. DASCHLE. I thank the gentleman from California. I certainly thank the chairman of the committee for his reassurance on the issue.

I rise in support of H.R. 1590, and would like to commend Mr. Panetta for his efforts, as evidenced by this bill, to alleviate hunger in the United States. I will focus my remarks, however, on one troubling aspect of the legislation—the authority of the Secretary of Agriculture to use 300,000 tons of wheat from the wheat food security reserve for domestic purposes.

While I appreciate and will support the committee amendment to be offered tomorrow which will strengthen the replenishment provision of the international reserve, I am still concerned over what I feel is an unwise authority for the domestic use of this reserve. There are three main reasons why I do not think this use of the reserve is warranted:

First, when the wheat food security reserve was established in 1980, it was done with assurance to farmers—assurances written into the 1980 law—that the grain would be used solely for international famine purposes and would be isolated from the commercial market. This isolation was to insure that the reserve would not be a depressant on domestic wheat prices. By tapping the reserve for domestic uses, we are breaking a promise to farmers and are supporting the argument of those people who prefer that we have no international food reserve.

Second, tapping the wheat food security reserve is not necessary to meet domestic hunger needs. There is plenty of wheat in this country—the carryover stocks as of June 1, 1983, in the farmer-owned reserve is 950 million bushels, 270 million bushels in CCC stocks, and 330 million bushels in free stocks, making a 1.55-billion bushel wheat carryover. And the June 1, 1984, projections of carryover of wheat stocks are 620 million bushels in the farmer-owned reserve, 147 million bushels in CCC stocks, and 779 million bushels in free stocks, for a total of 1.5 billion bushels of wheat.

We should purchase grain directly from American farmers instead of taking it from the international reserve; it would be good for our farm economy and might also cost less than replenishing the reserve at a future date.

Third, to use the wheat food security reserve for other than international purposes is a violation of our commitment to the international community. The 4 million metric tons of wheat in the international reserve is not, by the way, "surplus" grain. It is committed grain—a reserve that exists because we made an international commitment to maintain this reserve. We encourage nations, through our food and development aid policies to establish food reserves, and we should not by our actions undermine our own policies.

In addition to H.R. 1590, a similar Senate bill, S. 17, allows the Secretary to use 500,000 tons of wheat from the wheat food security reserve for domestic purposes. And S. 822 would use 1.5 million tons of wheat from the reserve for export PIK purposes. It may be that if any of these bills are signed into law, that the Secretary will choose to not use his authority to draw from the international reserve for domestic food program. I would like to place in the Congressional Record a letter from the Department of Agriculture indicating their opposition to the use of the international reserve for domestic and export PIK purposes.

We have the capability to meet our domestic food needs while at the same time maintaining the wheat food security reserve solely for international famine situations, and it is to that end that I will continue my efforts.

Mr. Chairman, I include the following letter:

Department of Agriculture,
Office of the Secretary,
Washington, D.C., May 24, 1983.

Hon. Tom Daschle,
House of Representatives,
Washington, D.C.

Dear Congressman Daschle: This is in response to your letter of April 19, in which you raised a number of questions regarding H.R. 1590 and the uses of the Food Security Wheat Reserve (FSWR).

The Department does not support H.R. 1590. The Department already has sufficient authority to distribute stocks of commodities owned by the Commodity Credit Corporation (CCC). This bill perpetuates the myth that the CCC owns large quantities of surplus commodities which it is not distributing to needy Americans when, in fact, the only significant amounts of commodities in uncommitted inventory are dairy products. We have been conducting a special donations program for dairy products since December 1981.

Under current law, the Food Security Wheat Reserve of four million metric tons is meant to provide wheat solely for emergency humanitarian needs in developing countries. The primary purpose of the FSWR is to make wheat available for P.L. 480 when domesitc supplies are so limited that the P.L. 480 availability criteria cannot be met. In addition, up to 300,000 metric tons may be released to provide urgent humanitarian relief under Title II of P.L. 480 in any country suffering a major disaster, when needs are exceptional and unanticipated.

Since 1980, when the FSWR legislation was enacted, it has not been necessary to tap the reserve. However, the need for an emergency reserve might arise at any time. Although we do not expect domestic wheat supplies to fall below the P.L. 480 availability criteira in FY 1984 or FY 1985, severe damage to our wheat crop cannot be predicted. Similarly, individual countries' disasters cannot be predicted.

We do not feel that the use of wheat in the FSWR for domestic donations is in accord with the intent of reserve. The U.S. has long been the leader in establishing grain reserves, and has urged other nations, both importers and exporters, to join us in providing for a measure of food security. Our credibility in this area could be severely damaged if the reserve is easily tapped for other purposes, such as domestic donations or PIK.

Another concern is that the FSWR is now effectively isolated from the commercial market. However, under the provisions of H.R. 1590, up to 300,000 metric tons of wheat could be added to commerical supplies. The distibution of significant amounts of flour to domestic outlets would result in substantial displacement of commerical sales, injuring American businesses and increasing the likelihood of acquisition of wheat by the CCC.

Thank you for the opportunity to comment on these issues.

Sincerely,

Richard E. Lyng,
Deputy Secretary.

Mr. EMERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. Gunderson).

Mr. GUNDERSON. Mr. Chairman, I rise in strong support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, and wish to commend the gentleman from California (Mr. Panetta) and the gentleman from Missouri (Mr. Emerson) for their diligent work in getting this important legislation to the House floor at this time.

Perhaps the greatest paradox that we face in this country today is that in a land of plenty where the Federal Government hold millions of pounds of surplus corn, wheat, rice, cheese, and nonfat dry milk, we have thousands of people who go hungry daily.

Now, we could stand here today, as we have in the past, and debate whose fault it is that there are people in our country without enough to eat. Similarly, we could debate, as we have in the past, why we have surplus agricultural production and depressed commodity prices. But, quite frankly, those words alone do nothing to remedy either problem.

H.R. 1590, on the other hand, represents an important positive attempt at solving, or at least easing, both problems in the short run.

As many of my colleagues know, in the past 18 months the Secretary of Agriculture has sought, on a smaller scale, to distribute a portion of the cheese and butter USDA has in storage to the hungry of our country through the States. In that time, almost 400 million pounds of surplus CCC cheese and butter have been ordered and distributed by the States.

Yet, as of May 27, 791 million pounds of cheese, 469 million pounds of butter, and 1.2 billion pounds of nonfat dry milk remain in Government storage. These dairy products are estimated to cost some $70 million to store in fiscal year 1983 alone.

This initial USDA distribution program has taught us two valuable lessons. First of all, any program must have a coordinated and reliable distribution system. And, second, participating States and agencies need to be reimbursed for their transportation, storage and other distribution costs.

As LaVerne Ausman, our secretary of agriculture from Wisconsin, pointed out so well in subcommittee hearings—without these guarantees, any distribution program will soon fail as participating States and agencies are financially forced to drop out. And, the facts are that the savings in storage costs can be used to finance the distribution.

I should also note that, as important as this legislation is, it is essential that it be properly drafted so that it will not prevent the Secretary from meeting his other obligations and commitments such as the Public Law 480 and PIK programs, respectively.

Actually, H.R. 1590 is the third commodity distribution bill I have been associated with since the beginning of the year. On February 7, I was an original cosponsor of H.R. 1299. And on March 10, I participated in the markup of H.R. 1513 in the Education and Labor Committee. All three bills differ somewhat in their approach to surplus commodity distribution.

Yet, the amended version of H.R. 1590 that we have before us today is a well-reasoned blend of the various approaches. It not only provides a coordinated distribution system and reimburses the expenses of States and participating agencies up to 5 percent of the value of the commodities, but does so in a way that does not impair the Secretary's ability to meet his other statutory obligations and commitments. I, therefore, urge my colleagues to join me in supporting H.R. 1590.

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Mr. PANETTA. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. Bedell).

Mr. BEDELL. Mr. Chairman, I should point out that in the debate in our Agriculture Committee I had proposed an amendment which would have limited the amount of total wheat that could be withdrawn from the reserve for any purposes whatsoever.

It appears to me that through the colloquys that have been exchanged certainly I understand that it is very clear that wheat will not be removed for any purpose other than what is specifically named in this bill without complete authorization from the Congress.

I would ask the chairman of the subcommittee if I am correct in that understanding.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from California.

Mr. PANETTA. That is clearly correct.

I wanted to point out also in the report language that we state that—

> The committee emphasizes that use of the reserve for these purposes should in no way be viewed as a precedent to tap the reserve for other purposes. The Committee foresees authorizing no additional use for the reserve beyond that which is authorized in this bill.

Mr. BEDELL. I should say that the gentleman from Iowa has serious concerns from several angles. First of all, if you establish a reserve to be there, to help for a world food problem, then I would be greatly concerned that we raid that reserve for other purposes, and particularly get concerned at this time of low wheat prices that we would not go out and buy wheat that we need for these other purposes.

The second problem that I have is that very possibly what we are doing is taking this from the reserve at a time of low prices. We will have to come back when prices are higher to replenish it, which is certainly not advisable for the taxpayers of the country.

Third, from the point of view of farmers, if this reserve is not set aside separately, and it can be used for domestic purposes, then I think we lose a large part of the purpose of the reserve as insulating farmers.

I support the legislation, but I would hope it will be clear that it will not be used for other purposes.

Although I support H.R. 1590 as a necessary and timely response to the nutrition needs of those not touched by economic recovery, I am concerned by that provision in the bill authorizing the Secretary of Agriculture to tap the emergency food security reserve in order to provide wheat to the needy.

Nevertheless, I recognize that this provision is required if we realistically hope to get this food program off the ground this year.

However, my concern about drawing from the reserve at this time stems from the distributing precedent that we are setting by this action.

First, I am troubled by the fact that we are drawing down an emergency food reserve during a period marked by record wheat production and a record wheat surplus. The conventional wisdom since Biblical times has been that you add to your emergency reserves during times of plenty, and draw from these stocks during periods of famine. The provision for tapping the reserve included in H.R. 1590, which will also mandate replenishing the reserve later—possibly during a period of widespread shortage and higher prices—stands this logic on its head.

Second, I would have preferred to see a supplemental appropriation request for this year which would have allowed the Secretary of Agriculture to go into the open market to purchase wheat directly from farmers. Farmers hold almost all of the wheat surplus right now, and they are still plagued by low prices for this commodity. Open market purchases would have provided the wheat required for humanitarian assistance in our country, while providing higher prices for farmers.

Third, farmers agreed to support the creation of the emergency food reserve largely because of the promise made to them that it would not be used, in any way, to provide wheat to the domestic market. I believe that many farmers will view our action today as breaking faith with that commitment, and this could frustrate our future attempts to maintain this type of reserve.

Finally, I would hope that our approving a new use for this reserve will not give rise to demands for tapping the reserve to fulfill other needs, such as supplying wheat for the domestic PIK program or an export PIK effort. I am pleased that the gentleman from South Dakota (Mr. Daschle) has clarified the administration's firm opposition to tapping the reserve for anything other than its originally intended purpose, and I also appreciate the assurances from the sponsors of this bill that they will oppose any efforts to authorize still other uses for the reserve.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. Dicks).

Mr. DICKS. Mr. Chairman, I want to compliment the committee for reporting out this vital legislation. In my district, the Sixth District of Washington, we have 12.8 percent unemployment. Needy people are desperate to receive surplus commodities.

One of the great problems in getting those commodities has been the lack of funds for distribution. I think the committee has recognized that requirement in this legislation.

We as Americans cannot stand by and watch our fellow citizens go without food. We hear too much today about malnutrition amongst the children, the poor, and the elderly.

Mr. Chairman, I would like to heartily endorse the passage of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. This bill addresses what I believe is an urgent need in my congressional district in Washington State, as well as in cities around the country. The sustained high unemployment rate over the past 2 years has increased the number of individuals and families in our country who are not living on an adequate diet, who literally worry where their next meal will come from.

The Federal Government has responded by making surplus foodstocks available to the hungry in our Nation, through local foodbanks and voluntary organizations. But what we have seen, in the last year particularly, is that we have stretched the limits of these organizations by not providing the necessary resources for storage and distribution. I was shocked one day last fall to see hundreds of people waiting in a line in the city of Tacoma, Wash., all because the only available truck bringing surplus milk, butter, and cheese had broken down.

Private organizations have donated storage space and have supplied voluntary labor, but there is never enough of either to make the distribution of surplus food as smooth and orderly as we would like to see it. I am pleased that H.R. 1590 provides—in fact, it mandates—that funds will be available to cover the costs of emergency organizations in distributing commodities to the needy. The bill will also add stability to the surplus commodity distribution program, because it mandates that the Secretary of Agriculture should publish each year in advance the notice of estimated amounts and the types of commodities which will be distributed.

Though H.R. 1590 will not solve the problem of hunger in our Nation, I urge its passage because it provides extremely critical reinforcement to our surplus commodity program, and to those individuals and organizations involved in distributing those commodities to the growing numbers of hungry people in America today.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. Brown).

Mr. BROWN of California. Mr. Chairman, before we vote on H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, I would like to express my support for this initiative, created to assist those so harshly affected by the downturn in our economy. There is no question that we have a hunger problem in our Nation. H.R. 1590 takes a step in addressing some of the malnutrition and hunger issues facing our constituents today. I have continuously supported efforts to relieve the suffering of the elderly, the poor, and the disadvantaged. These groups are most in need of and will most benefit from the emergency food distribution programs set out in this legislation.

However, H.R. 1590 goes beyond the distribution of commodities, referred to as a band-aid approach to helping the Nation's hungry. It includes a more permanent provision designed to increase the monitoring and assessment of national hunger. It directs the USDA to continue conducting, at intervals between its periodic nationwide food consumption surveys, surveillance of nutritionally vulnerable groups. The USDA would measure changes in their dietary or nutritional status, focusing particular attention on socioeconomic factors, and the participation of individuals in food assistance programs. These data could provide information concerning: the impact of changes in the economy on the food consumption intakes of specific groups at high nutritional risk; the impact of changes in food assistance programs on food intakes or nutritional status of program recipients or nonrecipients; and the impact of changes in food consumption patterns on the agricultural economy.

As I have stated in the past, it is critical that we continue research on all aspects of nutrition related problems. While much basic knowledge still remains to be gathered about human nutrition and the effects of diet on health, we also need the tools and information to best apply the nutrition knowledge we do have. These proposed consumption surveys along with the national nutrition monitoring system would provide important direction to Congress in establishing food and nutrition policies. Without the early warning signals to identify real and potential nutrition problems and an assessment of the effectiveness of past programs, Congress cannot expect to be productive and accurate in allocating resources and designing programs to increase health and disease prevention.

In an effort to more completely assess the nutritional problems of my congressional district, I recently held a "nutritional needs conference" in Riverside, Calif. This conference was held specifically for those involved in nutrition related programs: food banks, nutritionists, gardening programs, educators, local politicians and many others. Our goal was to bring together representatives from many organizations to improve communication and develop an information exchange network, both among those providing nutrition services and between this group and myself. The response was astounding. It was very apparent that the need for help is great. Group after group reported increased demand for food and the frustration at not having the necessary resources to fulfill this need. As a result, a coalition is being formed which will continue assessing the needs of the community and organize further meetings and educational programs. The commodities made available through H.R. 1590 will greatly facilitate the ability and effectiveness of this effort.

Many opinions will be expressed concerning the need for the Emergency Food Assistance and Commodity Distribution Act of 1983. I have added to the discussion two perspectives: the recently mentioned need for the commodities from community organizations in my district, and the need for Congress to have access to comprehensive nutritional status statistics. I wholeheartedly join the gentleman from California in urging Congress to pass this legislation.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from Illinois, Mr. Durbin.

Mr. DURBIN. Mr. Chairman, I commend the gentleman from California, Mr. Panetta, the gentleman from Missouri, Mr. Emerson, and Chairman de la Garza and the Agriculture Committee for addressing an issue which I think is very critical at this point in our Nation's history.

We in Congress are inundated with statistics and reports on the problems in our economy. But I would encourage not only those who are Members of Congress but anyone within the sound of my voice to go out one day to a distribution center and see the people who are receiving the cheese and butter.

I did this several months ago in my hometown of Springfield, Ill. and found elderly people standing in the cold rain for 3 hours to receive a 5-pound box of cheese. If that is so necessary and essential to them that they would make that sacrifice, I think it is incumbent upon us to make certain that the largesse of our country is available to our citizens.

The cost of the program, which is entailed in the portion for storage and distribution, is $50 million.

If there is some objection to this figure I might add that I think that it will be an inadequate amount. More funds will be necessary to make certain that we do distribute this food and surplus commodities in an efficient fashion.

I might also say that charity must begin at home, too. I do not oppose foreign assistance. I think it is an important part of our country. But let us make certain through this effort today, as we consider legislation to give hundreds of millions of dollars to other countries, that we expend those funds necessary to make sure that needy American citizens, unemployed, and those looking for help, are taken care of with our largesse.

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Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentleman from New York, Mr. McHugh.

Mr. McHUGH. I thank the gentleman from California for yielding.

Mr. Chairman, I rise in support of H.R. 1590 and would like to take this opportunity to commend Mr. Panetta and the other members of the Agriculture Committee for their efforts to address the growing incidence of hunger in America.

Clearly, this is an increasingly serious problem for many individuals and families. Thus, I think it is appropriate to provide for the distribution of greater quantities of Government-owned surplus food commodities to help alleviate the very real suffering that many Americans are experiencing.

At the same time, I am concerned about the provisions of H.R. 1590 relating to the food security reserve. Because I believe that many of our colleagues share this concern, Mr. Chairman, I would like to address my remarks to this issue.

Six years ago, on September 12, 1977, I introduced legislation to establish a food security reserve, the need for which had been demonstrated during the world food crisis of 1973 and 1974. At that time, as I am sure many of our colleagues recall, there had been a rather substantial drop in the amount of U.S. food assistance provided under our food-for-peace—Public Law 480—program, a drop that contributed significantly to hunger and suffering in the developing nations.

At the time I introduced this legislation, it seemed to me that we should take steps to prevent a reoccurrence of this problem. However, there was considerable concern that a reserve would overhang domestic markets and thus tend to dampen the prices that U.S. farmers receive for their labors.

As a result, the struggle to establish the food security reserve was not easy. Only after several attempts and only after insulating the reserve from domestic markets was such legislation, introduced by Mr. Gilman and myself, finally authorized by the Congress in 1980.

As one of the original sponsors of this measure, I am concerned about the precedent set by H.R. 1590. As you know, Mr. Chairman, this legislation would allow 300,000 metric tons of the reserve, which was originally designated for famine relief abroad, to be used to dispose of surplus wheat stocks currently in hand.

Although one would like to believe that the problems that led us to establish the reserve in the first place have been resolved, they have not. Because of various restrictions in Public Law 480, the amount of commodities available for food assistance after other claims have been satisfied is always going to be more limited during times of tight supply. Moreover, additional purchases in the market to meet those food emergencies will always be difficult at such times, both because such purchases tend to contribute to inflationary pressures and because they would undoubtedly increase Federal budget outlays.

Thus, I am concerned about the precedent that we are setting by drawing down the reserve for domestic commodity distribution. Doing so undermines the pledges that we made to wheatgrowers to insulate the reserve from domestic markets and weakens our capacity to respond to food emergencies abroad.

Having said this, it should also be noted that H.R. 1590 does include a provision to replenish the reserve no later than December 31, 1984, a good provision that permits me to support the bill despite my reservations. However, I do hope that this will be the only instance in which the committee authorizes use of the reserve for purposes other than those originally intended.

I also hope that members of the committee will support my efforts in the future to insure that any funds needed to replenish the reserve will be forthcoming.

Mr. PANETTA. I thank the gentleman from New York.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio, Mr. Seiberling.

Mr. SEIBERLING. Thank you.

Mr. Chairman, I rise to commend Chairman de la Garza and Chairman Panetta and the members of their committee for the work they have done to improve the commodity distribution system and to address the staggering hunger problem we have in this country.

There are literally hundreds of people in my own district who would be starving today if it were not for this program and many like it. I am sure that is true in other parts of the country. I think this would be an appropriate time to share with you my concern about a related problem, the devastating impact on the Ohio commodity distribution program by recent administration changes including the imposition of quotas on butter and cheese distribution within the State. According to the State of Ohio commodity distribution director, the State was receiving until May as much cheese and butter as it could distribute through the State's excellent system of food banks, pantries, and other distribution centers. The monthly average for cheese distribution was 100 truckloads. Monthly average for butter was something over 20 truckloads. Now, however, that State has learned that the Department of Agriculture is permitting only 30 truckloads of cheese and 13 truckloads of butter per month at least until the end of September.

Under the jobs bill authorization 16 truckloads of grain and dried milk will also be shipped. But this addition simply cannot make up for the cutback of more than 70 truckloads per month. So far, two distribution centers in my district have learned that they will not receive the commodities they expected to during May and June. Doubtless several others will be faced with a cutoff as well. It makes you wonder what kind of Scrooge is calling the shots for the administration on this program. It is my hope that the Agriculture Committee will closely monitor administration action on this new quota system and work to restore States like Ohio which was extremely active in the prior distribution system and which has an enormous number of needy to provide for and that they be restored to previous distribution levels.

Mr. PANETTA. Mr. Chairman, I yield 1½ minutes to the gentleman from Puerto Rico, Mr. Corrada.

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983.

I would like to commend my colleague Leon Panetta, chairman of the Subcommittee on Domestic Marketing, Consumer Relations and Nutri-

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tion, House Committee on Agriculture, for reporting this bill, and for the efforts of his subcommittee in responding to a national problem.

H.R. 1590 is a bill which, simply put, will help make available to needy Americans the surplus abundance of American agriculture production.

It builds on the provisions contained in the recently passed emergency jobs stimulus to free up larger portions of foods and commodities in storage, under the supervision of the U.S. Department of Agriculture for those in need of supplementary food in the United States and Puerto Rico.

In doing so, this bill will complement the principal feeding programs of the U.S. Government such as the Federal food stamp program, the school lunch program, the women, infant and children (WIC) program, and other feeding programs. All of them are designed to combat hunger and malnutrition in this great Nation; all have a specific purpose to provide assistance, where necessary, to special groups of recipients.

Mr. Chairman, in the relatively short period of time that Congressman Leon Panetta has chaired the House Agriculture Subcommittee charged with the responsibility for combating hunger in America, he has brought to this task interest, dedication, and insight.

H.R. 1590 has the support, too, of many minority members of the House Agriculture Committee including Mr. Emerson who, in a truly bipartisan manner, recognize that it makes commonsense to utilize the good will and dedication of nonprofit organizations, church groups and feeding centers in making available our surplus commodities to the needy in America.

In the case of Puerto Rico, our island government is making a good faith effort to utilize those commodities that fit the dietary needs of our populace. Although not all of the commodities made available for governmental and nonprofit use can be used—due to shipping and some storage problems, we are making every effort to utilize the provisions of the emergency jobs stimulus legislation and we believe H.R. 1590 is a relatively inexpensive way to help emergency feeding organizations, and to reach individuals and families not covered by the food stamp program or, in the case of Puerto Rico, our block grant nutritional assistance plan.

H.R. 1590 merits all of our support. The members of the committee are to be commended for this responsive and responsible effort in attacking a national problem that is in increasing evidence, that of hunger in our society; and in bringing this bill to the floor.

● **Ms. KAPTUR.** Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. As one of the original cosponsors of H.R. 1590, I congratulate Mr. Panetta on his leadership in introducing this legislation and helping it move expeditiously.

Passage of H.R. 1590 is a crucial first step toward meeting the growing problem of hunger across the United States. As we all know, however, this legislation is not a substitute for the food stamp and child nutrition programs, but only a small and temporary supplement to them.

The demand for emergency food assistance in my district in the Toledo, Ohio area is staggering. I know also that my district is not unique in this respect. Other areas across this land of agricultural abundance have been equally hard hit by adverse economic conditions. It is our responsibility in Congress to address this genuine need by establishing an effective program to move surplus commodities held by the Commodity Credit Corporation of the Federal Government to those in our society who are going hungry.

My district comprises 100 percent of Lucas County, 53 percent of Fulton County, and 21 percent of Wood County, counties in northwestern Ohio. There are currently only two programs in these counties which distribute surplus cheese and butter to my constituents, and these programs do not even begin to meet the acute demand.

But quite frankly, there is only so much that one can do with cheese and butter. Anything we can do to expand the program to include additional commodities is long overdue. I might add that many weekends, embarrassed people in my district, humbly ask me if I know where they might get one meal of meat, it has been so long since they have had any.

The largest distribution program in my district, run by the National Association for Human Development, is located in my major county, Lucas County, and was serving a total of about 20,000 families a month. The association receives two truckloads of butter and cheese each month, which it then distributes to churches, which then divide it among the families. The need has been increasing greatly in the past couple of months, so that the association is serving ever growing numbers of people. Unfortunately, figures have not yet been released on how many families are now being served, although some estimate that it may be around 35,000. Still, the need is not even beginning to be met. Some experts estimate that not even half of the qualifying recipient families will receive even a little bit of food. Moreover, our local distribution program needs financial assistance for refrigeration and local distribution. And this, my colleagues, is a description of the largest program in my district. The smaller program in Fulton County, run by the Fulton County Department of Human Services, serves only 1,300 people a month.

It is unconscionable and incomprehensible that Americans are suffering from the kind of hunger that once plagued our society before the advent of Federal nutrition programs. We must put an end to this situation. For hungry people, time is of the essence. We must respond to the call for help immediately.●

● **Mr. KILDEE.** Mr. Chairman, our Nation still is suffering from a serious recession. Although slightly lower nominal interest rates have helped bring back some home buyers and have helped lift the auto industry from its grave situation of just a few months ago, the recovery—if we can call it that—is moving painfully slow.

The national unemployment rate stands at 10.1 percent of the work force. There are more than 11 million Americans actively searching in vain for employment. The administration's own economic forecast projects unemployment at or near 10 percent for the remainder of this and all of the next fiscal year. Meanwhile, domestic hunger, which we once were committed to ending, is again on the rise.

Already during this session, the House has acted to help the victims of this extended recession.

We have passed a budget resolution which would reduce the Federal budget by over one-half trillion dollars over a 5-year period.

We have passed phase I of our antirecession program, an emergency jobs bill which provides $4.65 billion and should provide direct or indirect employment for 450,000 to 600,000 people.

We have passed an emergency homeowners assistance bill which would make available more than $700 million in loans to unemployed homeowners who, as a result of this prolonged period of economic devastation, are in danger of losing the fruits of their lifetimes of labor to foreclosure.

And we have passed an Emergency Agricultural Credit Act which would provide emergency agricultural credit assistance to farmers who through no fault of their own face a similar fate.

Today the House begins debate on H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. This is an integral part of our antirecession package, and I urge the House to enact this legislation.

H.R. 1590 provides for the distribution of excess commodities owned by the Commodity Credit Corporation (CCC) to food banks, soup kitchens, and like organizations that provide food on an emergency basis to the needy and the unemployed; permits the use of the Food Security Wheat Reserve for this purpose if necessary; and provides for the use of CCC funds to pay for processing, packaging, delivery, and distribution of the commodities to State agencies or social service organizations.

Let me assure my colleagues that the word "emergency" in this bill has not been used capriciously. In the city of Flint, Mich., in my district, Mr. Chairman, the unemployment rate has at times surpassed 25 percent during this recession. The rising demand for emergency food services there has far outstripped the public and private sectors' ability to provide them.

The U.S. Conference of Mayors this past weekend proclaimed domestic hunger to be the most serious crisis facing our Nation's cities. The hunger crisis throughout America is real.

It has been said that John F. Kennedy, while campaigning more than two decades ago for the 1960 Democratic Presidential nomination, was shocked to see so many poor, malnourished, hungry Americans. That perspective, he later said, was what prompted the antihunger programs which were among the highlights of his Presidency.

Today, we need not look far to see the hunger that surrounds us. It is as close to the halls of Congress as the impoverished indigents on the streets and steam grates of our Nation's Capital, and as close to our own homes as the soup kitchens and cheese lines in many of our congressional districts.

I want to commend my colleague, the gentleman from California (Mr. Panetta), for the tremendous effort he has put into this bill, and I want to commend the members of the subcommittee and the committee: First, for their recognition that once again hunger has become widespread in America, and second, for their resolve to eradicate it. I urge my colleagues to join in this effort by passing this needed legislation.●

● **Mr. FAUNTROY.** Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act. I enthusiastically support this legislation because we must address the hunger that haunts our Nation. Even though America's farmers are the most productive in the world and produce great surpluses of food, hunger stalks our land. Many of the casualties and the families of the casualties of our failure to develop ballanced economic programs are today hungry. While, we have all seen the lines at various distribution sites, none can pretend that we are adequately addressing the need for emergency food assistance to the casualties of plant closings, failed businesses, reductions-in-force, and structural unemployment.

Every report I get from the Nation and from the District of Columbia, which I represent, tells me that the number of people needing emergency food relief continues to grow. Just at the time when America's industrial base had started to crumble, Reaganomics cut the support programs that were designed to cushion people during hard times. President Reagan tells us that the recovery is beginning, yet for many American workers whose plants have been shut down and whose unemployment benefits are running out, economic hardship and depression are the reality. This cruel reality is characterized by the desperation that occurs when the food stamps and savings have run out and there is no where else to go. My district office has reported to me illustrative cases involving the trauma of a 25 year old structurally excluded from employment, who, has never had a job to lose and who has not eaten for 2 days, and the situation of a 70-year-old black woman who has toiled 12 hours a day for her whole life, but because of the economic injustices of our society must survive now on the minimum social security benefit of $299 a month. Her cruel reality is that after paying for housing and heat, there is nothing left for food.

This legislation for emergency food relief is needed to address a massive problem in our society and one that we have a moral obligation to remedy immediately. Our private agencies which have been providing emergency services to the victims of our economy are simply being overwhelmed by the intensity and depth of the hunger in our country. This legislation, which will allow us to distribute a wider range of foods to the hungry and will provide assistance to States and localities participating in such programs through the packaging and transportation of these commodities is an idea whose time has come. I urge my colleagues to support this legislation so that those in desperate need can receive the basic nutrition which is a fundamental human right.●

● **Mr. ECKART.** Mr. Speaker, I rise in support of H.R. 1590, the emergency commodity distribution bill. With unemployment hovering around 20 percent in my district in northeast Ohio, hunger has become more and more of a reality for increasing numbers of people. In a field hearing in northeast Ohio earlier this year, I was appalled to learn that we do not have an adequate safety net to prevent against hunger and malnutrition.

The figure for people showing up to get surplus food and for those resorting to soup kitchens are startling. In Ashtabula, the gentleman who runs the senior citizen center said he gave away 120 5-pound packages of cheese in 20 minutes. When it was all distributed, he was forced to turn away 80 to 100 more seniors who were hoping to get a share. Across the street on the same morning, the Catholic Services Agency distributed 2,300 pounds of cheese in 1½ hours. That works out to 126 pounds a minute. Fortunately, none of the 750 people who turned out for that distribution left emptyhanded. But several of the food bank staffers and community workers have expressed alarm at the rising emotional level as such giveaways, particularly when there is not enough food to distribute.

The more I look at hunger in northeast Ohio, the more concerned I become. Community leaders and hunger project staffers paint a picture of a band-aid approach to nutrition and relative health care. The WIC program Ashtabula is servicing 1,000 people per month. Yet the administrator said that 500 to 1,000 additional women whose health have been identified as being at risk are not being helped. This lack of adequate nutrition is already showing itself in anemia, height and weight development problems, and retardation in children. Babies suffer from what is known as failure to thrive, a bureaucratic way of saying that they do not grow as a result of poor prenatal and nutritional care.

It is important to note that the hunger problem extends beyond our traditional stereotype of the needy person. The people standing in line at the Salvation Army soup kitchen are not homeless derelicts but entire families who have been victimized by unemployment and the sagging economy. The hunger problem also extends to the "working poor," people who are making an effort to support themselves, yet who often cannot afford to eat right.

H.R. 1590 is an innovative, affordable way to address the hunger problem. It is an emminently reasonable approach because it is actually easier and less expensive for the Federal Government to distribute surplus foods than it is to store them. As a cosponsor of this proposal, I will do everything possible to urge the U.S. Department of Agriculture to carefully target this bill when it becomes law. I applaud the House's action on H.R. 1590 and hope to see the Senate soon pass a companion proposal.●

Mr. EMERSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Bedell) having assumed the chair, Mr. Bennett, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1590) to provide emergency food assistance to low-income and unemployed persons and to improve the commodity distribution program, had come to no resolution thereon.

GENERAL LEAVE

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK
Washington, D.C. June 10, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am writing to inform you, pursuant to ¶2 of House Rule L (50), that I have received a subpoena for original records in my possession in the case of *United States* v. *George V. Hansen*, Cr. No. 83-75, pending in the United States District Court for the District of Columbia.

In consultation with counsel, I will make the necessary determinations pursuant to ¶3 of the Rule and communicate them to you.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, U.S. House of Representatives.

☐ 1420

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. FIELDS) is recognized for 5 minutes.

● Mr. FIELDS. Mr. Speaker, during the legislative day, Friday, June 3, 1983, I was in Austin, Tex., testifying before the Texas State District Court, Judge Joe Hart presiding. Mr. Speaker, this hearing had been postponed and rescheduled over a period of 8 months. I was a party to the appeal which involved the proposed Atascocita landfill in Humble, Tex.

If I were present on Friday, June 3, 1983, I would have cast the following votes:

Recorded vote No. 156, "Yes."
Recorded vote No. 157, "Yes."
Recorded vote No. 158, "Yes."
Recorded vote No. 159, "Yes."
Recorded vote No. 160, "Yes."●

THE DANGERS OF PROTECTIONISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 20 minutes.

● Mr. FRENZEL. Mr. Speaker, this morning's Post carried a splendid article by U.S. Trade Representative Bill Brock on the dangers of protectionism. The Post also ran an editorial supporting Ambassador Brock's point of view.

The Brock article is noteworthy because its principal thesis is one that has been largely ignored in discussions of specific protectionist measures. His point is that increased protectionism insures lower productivity. The result is fewer jobs, less innovation, and more inflation.

Protectionist proposals are always intended to save industries which, for whatever reason, are not now competitive. Those proposals inevitably escalate the noncompetitiveness of the protected domestic industry.

Not every protectionist measure is another Smoot-Hawley. Nor will every one instantly convert the domestic industry into a buggy whip maker. Nevertheless each protectionist action reduces productivity by subsidizing the protected industry.

The subsidy comes out of the hides of the industry's consumers and out of the hides of the job losers in export industries which suffer retaliation.

In the protection of a noncompetitive environment, domestic industry will simply become less competitive and less productive. An insulated economy leads to an isolated society. Every society which has tried to keep the world out has worsened the lot of its citizens.

As the U.S. Trade Representative writes, "To acknowledge that we are all sinners does not justify economic suicide." Are we so afraid of competition that we will impose stagnation and hopelessness on our children? I commend the Brock article and the Post editorial which follow, and I invite the attention of my colleagues to both of them.

[The Washington Post, Monday, June 13, 1983]

NO, LET US PRAISE FREE TRADE

(By William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politically expedient statements made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, management competence and creativity, worker training and productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest our diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for a lack of productivity. Modern technology is making possible incredible improvements and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to compete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services originating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing countries than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries' exports to the industrial world would be even more absurd right now in light of the significant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing-country exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumable only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of textile quotas, agricultural subsidies and steel arrangements. But to acknowledge that we are all sinners does not justify economic suicide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?

[Washington Post editorial, June 13, 1983]

A DUBIOUS CASE OF PROTECTION

Rapid economic growth is disruptive, uncomfortable and sometimes frightening. Its benefits are great, but it forces people to live differently and earn their living differently from the way they are accustomed to doing. Nothing pushes growth faster than foreign trade, and the United States is now in the process of coming to terms with the enormous expansion of trade in the 1970s. The political reaction is expressed in the rising campaign for protection against imports.

Several weeks ago, this newspaper published a vigorous defense of protectionism by Wolfgang Hager, a visiting professor at Georgetown University. Today, on the opposite page, we offer a rebuttal by William E. Brock, the U.S. trade representative.

The case for protectionism comes down to wages. It argues that there's an endless supply of low-wage labor in the world that threatens to destroy the high-wage economics. But the actual experience of the past four decades, with decreasing trade barriers and rising prosperity, suggests precisely the opposite.

The protectionist position argues that in the postwar years the Atlantic countries with their high standards of living had a sort of self-protective monopoly that has now been broken by Latin American and Asian industry. In response, it's useful to recall that in the 1950s industrial wages in West Germany and France were as far below the American level as wages in Brazil and Mexico are today. As trade expanded across the Atlantic in the 1960s, according to protectionist theory, American wages should have dropped under competitive pressure. In fact, they kept rising steadily, while European wages soared and are now—allowing for the swings in exchange rates—in the same range as they are here.

Japan's wages are about half the American average. But wages in Brazil are less than half as high as Japan's. Both have automobile industries. Why isn't Brazil the stronger competitor?

A long recession and a strong dollar are currently giving the protectionist cause a plausibility that it doesn't deserve. The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930s demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy. Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.●

EMPLOYED INVENTOR'S RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

● Mr. KASTENMEIER. Mr. Speaker, today I am introducing two bills to address the problems of employed inventors. As we approach the 200th anniversary of our Constitution we should take stock of the principles it sets forth. For example, on the economic sphere our Constitution authorizes the Congress to: "promote the progress of science and the useful arts, by securing to authors and inventors the exclusive right to their respective writings and discoveries."

A central question facing us is whether the current patent system is working to achieve that constitutional goal. In the past two decades we have seen a dramatic shift in the patent process. In 1970 only 25 percent of the total patents granted were given to the residents of foreign nations, today that rate has increased to nearly 40 percent. More significantly, the percentage of patents granted to individuals has declined to about one-sixth of the total.

Under current patent practice five-sixths of all patents vest—from the moment of issuance—in a corporate assignee. Thus, in many ways the patent system has become more an investors law than one that serves inventors. There probably are valid economic reasons for the dramatic growth of corporate patents, such as economies of scale and expanding research and development budgets. These facts alone do not, however, reveal the whole picture.

If our country hopes to maintain its preeminent position in the world economic picture we must do more to foster individual inventiveness. Second, we must foster a marketplace atmosphere that encourages inventions to rapidly be brought to the market. Finally, we must balance the interests of personal autonomy and creativity with the economic realities of the modern corporate state.

The bills I am introducing today both relate to the rights of employed inventors. The first bill sets standards for the preemployment assignment of patent agreements. The bill excludes from preinvention assignment agreements inventions that do not arise directly out of the employee's employment situation. Thus, the individual employee/inventor retains rights with respect to the patentability of products which are conceived separate from the work place. This bill would make a uniform rule for all the States and, thus, replace several underinclusive and inconsistent State law provisions.[1]

The second bill being introduced today creates a comprehensive Federal system for determining the ownership of the amount of compensation to be paid for inventions made by employed inventors. This proposal originated in a measure passed by the House in the 96th Congress, H.R. 6933. As with the predecessor bill—which was limited to Federal employees—this bill provides a comprehensive scheme for the division of rights between employees and employers. The primary difference between this bill and the first measure is that this bill provides for compensation of employees who create an invention on the job. Under the bill a service invention would grant an employee an opportunity to negotiate with the employer for a fair reward. The basic premise behind this bill is to encourage the entry of new ideas in the marketplace. In this regard I note with interest that two of our leading competitors in the world, Japan and West Germany, both have similar protections for employed inventors.

In closing, I wish to stress my hope these bills will stimulate new ideas in the area of patent policy development. As a recent series of articles in the Washington Post highlighted, the challenge of industrial innovation is crucial for all of us. Perhaps through the introduction of these bills, and the surfacing of the concerns of employed inventors, we will stimulate the reindustrialization of America.●

INTRODUCTION OF CLEAN WATER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 5 minutes.

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[1] Calif. Code, Labor sec. 2870 et seq; Minn. Stat. Ann. sec. 181.78; Wash. Ann. 49.44.140.

● Mr. HOWARD. Mr. Speaker, I am introducing in the House today a bill to reauthorize the Clean Water Act for 5 years.

The Clean Water Act, which was first passed by the Congress in 1972 as the Federal Water Pollution Control Act, has been a major force in our Nation during the past decade in cleaning up polluted waters and preventing further deterioration.

It is a never-ending source of pleasure to me that fishermen from my home district at the New Jersey shore tell me that fish have begun to return to the Navesink and Shrewsbury Rivers after an absence of some years. With this bill, I intend to keep this Nation moving in that direction.

However, it is also a source of sadness to me that this administration is less than enthusiastic in enforcing the Clean Water Act and, in some cases, clearly opposing the intent of Congress. In those cases, a strengthening of the act is necessary to keep enforcement on the right track.

Let me explain the major provisions of my legislation. First, in the extremely vital area of sewage treatment plant construction, I propose funding increases over the $2.4 billion annual limit set by the President in 1981. I am proposing $4 billion for fiscal year 1984, $4.5 billion for fiscal year 1985 and $5 billion for fiscal year 1986, 1987 and 1988.

I propose a 3-year deadline for industry to comply with Environmental Protection Administration regulations on best available technology and best conventional technology.

I am also proposing to severely limit the ability of EPA to grant waivers for municipal treatment plants to discharge into the ocean. I intend to close the loophole that EPA officials say requires them to consider applications for waivers in already polluted waters of the New York area.

In a provision resulting from EPA's proposal to alter the water quality standards regulations, I propose to restrict the ability of States to downgrade the designated use for a body of water. Because of the restrictive regulations issued by the administration, I am proposing to set standards for the issuing of wetlands dredge and fill permits and to set procedures for appeals.

I am also proposing two new programs. First, my bill directs EPA to clean up the Nation's toxic hot spots within 5½ years of enactment. Second, a management program for the Nation's bays and estuaries is proposed.

Although there is no such provision in the bill, it is my hope in the coming weeks to focus on the extremely complicated problem of nonpoint source pollution. Along with other members of the Committee on Public Works and Transportation, I will be working to develop a proposal that can reduce nonpoint source pollution as effectively as the Clean Water Act has dealt with point sources.

This bill, I believe, represents a major step in moving the Nation back in the direction it was headed before the years when budget slashing and concern by enforcement officials for the profits of polluters took precedence over the public health and clean water. I hope my colleagues will join me in this effort to renew the Nation's struggle for clean water.●

THE CLEAN AIR ACT

(Mr. WAXMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. WAXMAN. Mr. Speaker, during the debate concerning the Dannemeyer amendment to the HUD-Independent Agencies appropriations bill (H.R. 3133), there were some questions raised about whether the amendment substantively changed the Clean Air Act. At that time I indicated that I supported the amendment because it did not change existing law. It merely made Congress intention clear when it enacted this section. Sanctions do not apply for failure to attain air quality standards by the deadline specified in the act. But sanctions are available if a State fails to submit an adequate plan or fails to implement that plan.

Perhaps the best example of the congressional reasoning behind this interpretation of the law would be the wisdom of cutting off air pollution control grants. If a State has failed to submit an adequate plan for meeting air quality standards or failed to implement that plan, then it might make sense to cut off its Federal funding. But if a State has implemented an approved EPA plan in good faith, but failed to meet the standards by the applicable date, a cutoff of air pollution control funds would virtually guarantee that the standards would not be achieved. Congress never intended this nonsensical result when it enacted the sanction provisions of the Clean Air Act.

During the debate, I mentioned that this view of the law is backed by the National Governors Association, the U.S. Conference of Mayors, the National League of Cities, and the National Clean Air Coalition; which includes the Sierra Club, the Natural Resources Defense Council, and the League of Women Voters.

Mr. Speaker, I would like to include in the RECORD at this point relevant excerpts from the statements of these organizations:

NATIONAL GOVERNORS' ASSOCIATION, COMMITTEE ON ENERGY AND ENVIRONMENT,
Washington, D.C. April 15, 1983.

Re Docket No. A-83-01
Mr. WILLIAM RUCKELSHAUS,
Administrator-Designate, EPA,
Washington, D.C.

DEAR MR. RUCKELSHAUS: The National Governors' Association strongly urges the Environmental Protection Agency to reconsider the approaches outlined in the Federal Register on February 3, 1983, concerning Clean Air Act sanctions. On that date, the Administrator proposed to find the implementation plans for certain areas inadequate to comply with the provisions of Part D of the Act, proposed disapproval of some plans required to be submitted as a condition for an extension of the deadline to 1987 for the pollutants carbon monoxide of ozone, proposed a construction moratorium, and suggested the intent to impose funding sanctions. The Governors believe that the approach described in the February 3 Federal Register notice is environmentally counter-productive and exceeds the Agency's legal authority. As a matter of law and policy, the Agency should:

(1) withdraw the proposal to find certain SIP's inadequate based solely upon a failure to attain the national ambient air quality standards by December 31, 1982, allowing such states an opportunity to revise their SIP's;

(2) allow states which are alleged to have failed to submit an approvable "extension SIP" demonstrating compliance by 1987 an adequate oppportunity to revise their plans before any final determination of inadequacy; and

(3) withdraw the proposal for construction moratoria in connection with failures to attain the standards by 1982 and withhold any proposal of funding sanctions as inappropriate until the legal irregularities in the agency's approach have been corrected and the final status of SIP's has been determined.

The Governors are convinced that the states and the EPA must work closely together as partners in order to solve our environmental problems. Unfortunately, the conflicting signals emanating from the EPA over the Clean Air Act in recent years have seriously jeopardized that partnership. To register their concerns over this matter, the Governors on the NGA Energy and Environment Committee, which I chair, overwhelmingly approved a resolution on the sanctions issue, by a vote of 20-1, which I have attached. The Governors' concerns include the following:

Failure to Obtain the Standards by December 31, 1982 (AD FRL 2294-7). The EPA has proposed a finding that 75 counties have failed to comply with the requirements of the Act, based solely upon their failure to attain the air quality standards by the statutory deadline. However, the Act does not authorize or require the imposition of a construction ban or funding sanctions based on this failure alone. Section 110(a)(2)(I) bars new construction unless the state has an approved plan which "meets the requirements of Part D." Section 172(a)(1) in Part D in turn requires that a plan "provide for" attainment by Decmeber 31, 1982. The ban is tied exclusively, therefore, to what the plan provides for, not to the plan's ultimate effectiveness. Legislative history supports this interpretation of Section 172(a)(11) and 110(a)(2)(I). Accordingly, a state which has submitted and implemented an EPA approved SIP has satisfied its obligation under the law, notwithstanding a failure to attain the standards. For areas which have implemented an approved SIP but not attained the standards by the statutory deadline, the appropriated remedy, under Section 110(a)(2)(H), is for the EPA to require a SIP revision.

The Federal Register notice also solicits comments on the conditions in which certain highway and EPA funds may be withheld from states under Section 176 and Section 316 (sewer grants) as the result of a finding that an area has not attained the standards. The language of these sections is specifically keyed to the submission and implementation of an air quality plan, not to attainment of the standards. EPA does not, then, have the legal authority to restrict federal funds to states based solely on the failure to attain the air quality standards by December 31, 1982.

Disapproval of July 1, 1982 SIP Revisions (AD FRL 2294-6). The EPA has proposed disapproval of seventeen "extension SIP's" and suggested that a restriction of certain federal funds may be one consequence of final disapproval. While the Clean Air Act provides in some cases for the imposition of a construction ban where state plans have been rejected by the EPA, the Act does not authorize or require a restriction of federal funds for the failure to submit an approvable SIP, except in narrowly defined circumstances. Specifically, Section 176(a)(3) provides that certain funds may be restricted only if a state has failed to submit an adequate plan and is not making "reasonable efforts toward submitting such an implementation plan." The clear statutory direction to EPA is to notify the states of disapproval and allow states a reasonable additional length of time to remedy the plan's deficiencies. Following the 1979 deadline on SIP submissions, the Agency allowed states an additional one and a half years to submit and revise plans before restricting funds, despite the existence on non-conforming plans in a number of states. To propose sanctions without first allowing states to revise their plans would be inconsistent with the law and that precedent.

I would also like to point out that where states do not submit a plan or plan revisions, Section 110(c) of the Act requires the EPA to promulgate a federal plan demonstrating attainment of the standards by 1987.

Since a construction ban may be environmentally counter-productive if the replacement of old industrial plant and equipment with new or modernized stock is delayed, I also urge you to use the discretion provided in the Act before imposing any construction ban on the states.

I hope that the EPA will reconsider its proposed course on clean air sanctions, and stand ready to work with you in solving the problems we face in a manner consistent with the letter and spirit of the law. If I may answer any questions regarding this matter, please don't hesitate to call me.

Sincerely,
Governor JOHN D. ROCKEFELLER IV,
Chairman.

BACKGROUND ON CLEAN AIR ACT SANCTIONS

(Prepared by the National Clean Air Coalition)

In 1977, the Congress set December 31, 1982, as the deadline for reducing pollution [1] to healthy levels in our cities, and required communities to develop plans to meet that deadline. Extensions to 1977 were available for cities with the worst auto-related pollution problems.[2]

Under the Clean Air Act, communities which refuse to adopt or carry out their plans are subject to penalties. In these areas EPA must deny construction permits for major new projects which would add to unhealthy pollution levels. The permit restrictions can be lifted if the areas agree to comply with the law.

In recent months EPA Administrator Anne Gorsuch has discussed these restrictions on a number of occasions, referring to them as a "construction ban." Her comments have left the impression that: The Act absolutely requires imposition of a "construction ban" in all areas which do not meet air quality standards by December 31, 1982; the "construction ban" is a blanket "no growth" penalty with immediate and widespread impact.

In fact, the Clean Air Act does not specifically call for the sanctions in areas which are carrying out approved clean air plans but have failed to meet air quality standards. EPA, in a newly adopted policy, has chosen to interpret the law to apply to these areas. Mrs. Gorsuch claims that the law "forces" her to impose sanctions on these areas. In fact, she has chosen to interpret the law to produce that result.

The law clearly does call for a limited restriction on construction in the second group of areas which EPA is threatening—areas which have not adopted or carried out air quality plans. However, far from being a broad ban on all construction, the sanction is actually a quite narrow restriction on selected new source permits which takes effect gradually over a period of months or years.

The limitations on the permit restrictions are several:

(1) They apply only to major new sources, which add more than 100 tons of new pollution.

(2) They are pollutant specific. They restrict only major new sources of a pollutant which is already a health problem in the community. Sources of sulfur dioxide, for example, are not affected in a community with an ozone problem.

(3) They are area specific. Major new sources of even these problem pollutants can be built in one part of town if the site is chosen carefully so as not to add to unhealthy pollution levels in another part of town.

(4) Their impact is gradual. EPA must institute a formal rulemaking before imposing any permit restrictions, giving communities time to improve their performance. The law also "grandfathers" all construction projects which apply for a permit before the rulemaking process is complete. So even if EPA goes forward, projects scheduled to be built over the next several years could proceed if applications are filed before EPA issues a final notice (some time next year, at the earliest).

OTHER SANCTIONS

EPA also has authority under certain circumstances to withhold federal grants to states for clean air administration and highway construction.

EPA can withhold highway money only if the Administrator determines that a state is not making "reasonable efforts" to submit an acceptable clean air plan. The definition of "reasonable" is left up to EPA. As the attached staff memo from the Senate Environment Committee describes, the legislative history of the Act makes it clear that a state which has made a good faith attempt to develop a plan is not to be subject to these sanctions.

Highway projects for safety, mass transit, or projects necessary for air quality benefits are explicitly exempt by law from withholding. EPA also exempts administrative grants needed to revise clean air plans.

EPA also must cut off air quality planning grants in areas that are not carrying out their plans. This sanction is not triggered by the 1982 deadline. Exemptions for many grants would be authorized under the interpretation previously applied by EPA to grant restrictions triggered by the failure to submit a plan.

Finally, EPA has complete discretionary authority to cut off sewage treatment grants if a state fails to make "reasonable efforts." EPA regulations exempt projects needed for public health.

COMMENTS OF THE NATIONAL ASSOCIATION OF COUNTIES AND THE U.S. CONFERENCE OF MAYORS ON EPA'S PROPOSAL TO INSTITUTE SANCTIONS UNDER THE CLEAN AIR ACT (48 FED. REG. 4972 ET SEQ.)

The National Association of Counties ("NACo") and the United States Conference of Mayors ("Conference") submit these comments on EPA's proposed rulemaking to designate some 213 counties as not in compliance with Part D of the Clean Air Act. The Agency has stated that a determination of noncompliance would automatically subject these counties, which include virtually every major metropolitan area in the country, to sanctions under that statute.[1] Sanctions could include a ban on construction or modification of new major stationary sources of air pollutants as well as cut-offs of Department of Transportation highway construction grants and grants by EPA to administer Clean Air Act programs.

The Conference is the official organization of the approximately 800 cities with populations of 30,000 or more. Its principal role is to develop policy on legislative and regulatory action potentially affecting the nation's larger cities. NACo serves as the national spokesman for county government in the United States. Representing more than 2,059 of the nation's 3,106 counties, NACo acts as a liaison with other levels of government, develops research and information programs to improve county government, and seeks to further public understanding of the role of counties in the federal system.

NACo and the Conference believe that the inflexible imposition of sanctions as proposed by the Agency is illegal and unsound environmental policy. We therefore urge EPA to withdraw the proposed rulemaking and to modify its sanctions policy in accordance with the directives of the Clean Air Act.

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[1] The pollutants in question are nitrogen oxides, sulfure dioxide, particulate matter ("total suspended particulate" or TSP), ozone and carbon monoxide.

[2] Deadline extensions to 1987 were available for ozone and carbon monoxide if communities adopted special measures like inspection and maintenance programs to help them meet the cleanup target. EPA has approved extensions for 196 areas.

[1] EPA proposes to designate as many as 144 counties as not in compliance with the act for failing to achieve in fact the primary national ambient air quality standards by Dec. 31, 1982. An additional 69 counties may be subject to a similar designation for failure to comply with other requirements of the act. For example, EPA has proposed to disapprove of certain State implementation plan revisions seeking extension of the deadline for attainment of the standards for carbon monoxide and ozone until Dec. 31, 1987.

* * * * *

SUMMARY

As more fully discussed below, NACo and the Conference submit that EPA lacks authority under the Clean Air Act to impose sanctions for failure to achieve in fact the primary NAAQS by December 31, 1982. The statute links the imposition of sanctions to the submission and enforcement of a revised SIP, not achievement of the standards by the December 1982 deadline. Similarly, the Agency's contention that failure to attain the primary NAAQS may subject a nonattainment area to transportation and other funding restrictions strains the plain meaning of the statutory language and must be rejected.

There also are compelling equitable considerations that foreclose the Agency from imposing sanctions inflexibly. In many cases, states have conscientiously complied with provisions of a revised SIP, which EPA approved as "meeting the requirements of Part D," but which did not achieve the desired results by December 31, 1982. The statute contemplates that approval of a revised SIP only represents a good faith judgment on the part of EPA and a state of what the SIP was likely to accomplish. It is therefore unfair to impose sanctions on cities and counties when, despite compliance with the SIP, that judgment proves erroneous.

Furthermore, sanctions are not warranted when EPA has caused or contributed to the noncompliance. For example, EPA repeatedly has stated its intention to modify the standard for particulates and, while considering various alternatives, authorized states to defer implementation of measures designed to achieve compliance with the current standard by the statutory deadline. The Agency's delay in promulgating a new standard also has precluded demonstration of attainment under a revised particulate standard. Under these circumstances, EPA is barred from imposing sanctions.

The statute does not direct the automatic imposition of sanctions. To the contrary, even for nonattainment areas arguably subject to these coercive measures, EPA is required to comply with its obligations under Section 110 of the Act before instituting any of the sanctions. These statutory provisions, not the moratorium on construction or restrictions on funding, provide adequate remedies to address the passing of the statutory deadline.

Finally, the public health objectives of the statute would be better served if sanctions are not rigidly imposed. The statute requires that construction of new sources reduce total emissions. Thus, the lawful operation of new major sources actually will improve air quality. EPA should encourage, not preclude, the replacement of older units with new, efficient plants that will reduce total emissions.

I. EPA lacks authority under the Clean Air Act to impose sanctions for failure to achieve the primary NAAQS by December 31, 1982

The Clean Air Act does not allow EPA to impose sanctions on nonattainment areas that failed to achieve the primary NAAQS by December 31, 1982. It would have been easy for Congress to have provided for the automatic imposition sanctions upon failure to meet a deadline, but Congress chose not to do so. Rather, the language authorizing sanctions links them to the submission and implementation of revised SIPs, not the deadlines by which the plan's objectives are to be achieved.

For example, the Agency's authority to impose sanctions is not triggered at all unless a "plan" fails to meet the requirements of Part D, Section 110(a)(I). Similarly, Section 172(a)(2)(1) explicitly conditions construction or modification of any new major stationary source on a state's establishing the required "provisions of an applicable implementation plan," not compliance with the statutory deadlines. Section 173(4) provides that a state may issue permits to construct or operate a new source if "the applicable implementation plan is being carried out for the nonattainment area. . . . "[2] This statutory language demonstrates that the failure to meet Clean Air Act deadlines for compliance with the primary NAAQS has no bearing whatsoever on the imposition of sanctions. Accordingly, states which have timely submitted a revised SIP to EPA and either have received or are awaiting approval from the Agency cannot be subject to sanctions.

* * * * *

CONCLUSION

For the foregoing reasons, the National Association of Counties and the United States Conference of Mayors urge the Environmental Protection Agency to withdraw the proposed rulemaking and modify its sanctions policy in accordance with the statutory directives of the Clean Air Act and the policy underlying the statute.

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[2] The conference report on the 1977 amendments, in discussing part D, confirms that the imposition of sanctions is contingent on the submission of a revised SIP, not compliance with the statutory deadlines: "As a condition for permitting major new sources to locate in a nonattainment area, States are required to have approved revised implementation plans." H.R. Rep. No. 584, 95th Cong., 1st Sess. 157 (1977).

Comments Submitted on Behalf of the National League of Cities and Certain of Its Member Cities

The following comments are submitted on behalf of the National League of Cities (the "League") and certain of its member cities,[1] in response to a series of notices of proposed action published in the Federal Register on February 3, 1983. The comments are addressed to certain generic legal and policy issues raised by EPA's notices. As such, they are intended to supplement comments which member cities are filing on their own behalf, which address issues specific to each city in greater detail.

I. INTRODUCTION

The League is the oldest, largest and most representative organization serving the nation's cities. Its membership includes more than 1100 direct member cities of all sizes, including virtually all of the nation's largest cities and 48 state municipal leagues. Through the direct membership and participation of the state leagues, the League speaks for more than 15,000 cities.

The proposals contained in the February 3, 1983 Federal Register are a matter of grave concern to the League and the cities for whom it speaks. In its notices, EPA proposes to impose sanctions against areas which allegedly have failed to comply with applicable Clean Air Act requirements. These sanctions, which would apply over large portions of the country,[3] would include bans on construction or modification of certain major industrial sources of pollution, and cut-offs of certain federal grants, including certain highway construction grants, and grants by EPA to administer Clean Air Act programs.[4]

If these sanctions are imposed, they could have a crippling effect on efforts to reduce unemployment and stimulate economic growth. Since many of the sanctions would be concentrated in urban areas, the adverse impact on the League and its members would be particularly severe. Important highway construction projects would have to be cancelled or delayed, and essential industrial plant renovation and expansion would be needlessly barred, at a time when the economy is just beginning to recover from the worst recession in years.

The League and its members strongly support the objectives of the Clean Air Act. Further, as an organization, the League explicitly endorses the concept of deadlines, and believes that there are circumstances in which the use of sanctions is appropriate to ensure that Clean Air Act requirements are met. For example, imposition of sanctions might be appropriate when a state (1) refuses to submit its state implementation plan ("SIP") by the required statutory deadline; (2) refuses to make a good faith effort to implement its SIP; or (3) refuses to revise its SIP in a timely manner after having been notified by EPA that its SIP is deficient.

For the reasons set forth below, however, the League believes that the use of sanctions proposed on February 3, 1983 is illegal, unwarranted, and unwise. Accordingly, the League urges the new Administrator to (1) withdraw the Agency's February 3, 1983 notices of proposed rulemaking; and (2) thoroughly reevaluate the Agency's policy with regard to sanctions, in order to identify those limited circumstances in which imposition of sanctions may be lawful and appropriate under the Act.

II. FRAMEWORK FOR ANALYSIS

Before turning to the specific legal issues raised by EPA's notices, it is important to note that there are a number of legal and policy considerations of a general nature which strongly support a restrictive view of the circumstances in which sanctions should be imposed:

1. The evidence to support EPA's current interpretation of the statute is weak. The Act does not contain any provision which explicitly imposes sanctions as a result of a failure to achieve attainment as of December 31, 1982, even though it would have been a comparatively easy matter for Congress to write such a provision into the law if it intended such a result. Instead, even under the Agency's interpretation of the Act, the significance of failing to achieve attainment on or before December 31, 1982, is indirect.[5]

Further, despite the potentially grave consequences of EPA's proposed sanctions, the Agency has failed to point to any evidence in the legislative history to demonstrate that Congress anticipated that severe sanctions would be imposed for failure to meet the December 31, 1982 deadline.[6]

* * * * *

A. Analysis of Requirements Applicable to States Which EPA Alleges Have Failed to Meet the December 31, 1982 Attainment Deadline.

EPA alleges that portions of 28 states have failed to meet the December 31, 1982 attainment deadline for SO_2, particulate matter and NO_x (and, in a small number of cases, ozone and carbon monoxide).[15] In each affected area, EPA proposed to impose immediately a ban on construction or modification of all major sources of the pollutant (or pollutants) for which the area is non-attainment. In addition, for auto-related pollutants, the notice also contemplates that EPA will seek to impose a cut-off on certain DOT and EPA grants at a soon-to-be-announced date.[16]

The legal justification offered for this proposal is deceptively simple, albeit misplaced. The key to EPA's position is the assertion that in every instance in which an area has failed to achieve attainment by the applicable December 31, 1982 deadline, the applicable SIP has necessarily failed "to provide for attainment" for purposes of § 172(a)(1) of the Act, and the SIP must be disapproved. As a result, EPA claims, in every such state, sanctions immediately must be imposed.[17]

EPA's contention raises somewhat different issues as it applies to the construction ban and to the cut-off of EPA and DOT grants.

1. *Issues Relating to the Construction Ban.*

The fallacies in EPA's arguments with regard to the circumstances in which the construction ban should be imposed are both narrow and broad:

a. Even under EPA's result-oriented interpretation of Part D, the fact that an area is unable to demonstrate attainment does not mean that its SIP must be disapproved.

It is important to recognize that, even under EPA's narrow, result-oriented interpretation of § 172(a)(1), the fact that an area is unable to demonstrate attainment does not necessarily mean that its plan must be disapproved. Instead, there are any number of reasons why an area might not be able to demonstrate attainment, even if its plan is adequate in every respect. For example: (1) air quality control measures may have only recently been implemented, and may not yet be reflected in available air quality data, most of which is at least 1 to 1½ years out of date;[18] (2) any exceedances which may have been observed may be attributable to violations by individual sources which may not previously have been detected by the state, or which the state may be in the process of correcting; (3) exceedances may be attributable to unusual meteorological conditions, which the state is not required to take into account in its plan, or to other special circumstances (e.g., a breakdown in pollution control equipment) which are not likely to recur; (4) exceedances may be attributable to delayed compliance orders,[19] or to orders issued under §§ 113(e) or 119 of the Act (both of which allow states to exclude certain emissions in determining whether their plans meet the requirements of the Act [20]; and (5) exceedances may be attributable to inadequate emission limitations on out-of-state sources or failure of such sources to adhere to their emission limitations.[21] (EPA's notices recognize the potential significance of interstate sources of pollution, but limit consideration of such sources to states which have failed to achieve the NAAQS for ozone. No reason is given for refusing to take into account the potential contribution of interstate sources with respect to other pollutants.)

In every instance, the conclusion to be reached is the same: because of the factor listed, ambient air concentration levels may exceeded the NAAQS. But this does not necessarily mean that the state's plan is deficient in any respect.

At a minimum, therefore, prior to disapproving any previously-approved state implementation plan, EPA should be requried to identify the particular respects in which it alleges that the previously approved plan is deficient, and give the states an opportunity to demonstrate (1) that the failure to achieve attainment is attributable to an excusable cause; or (2) alternatively, revise its plan (as discussed further below).

IV. CONCLUSIONS

For the reasons set forth above, the League urges the new Administrator to withdraw EPA's February 3, 1983 notices of proposed rulemaking, and thoroughly reevaluate the Agency's policy towards sanctions.

FOOTNOTES

[1] The cities joining in these comments are: Seattle, Wash.; St. Paul, Minn.; Cleveland, Ohio; Los Angeles, Calif.; Fort Worth, Tex.; Minneapolis, Minn.; Louisville, Ky.; Anaheim, Calif.; Indianapolis, Ind.; and Philadelphia, Pa.

Each of these cities is a target of one or more of EPA's proposed sanctions.

[3] The proposed sanctions would apply in 34 states, including each of the eight largest states in the country. See 48 Fed. Reg. at 5005-5021 and 5029. A total of 11 states (including California, New York, Texas, Pennsylvania and Illinois) would be subject to sanctions both for failing to meet the December 31, 1982 deadline and for failing to submit adequate state implementation plans ("SIPS") for ozone and/or carbon monoxide. Seventeen additional states would be subject to sanctions solely for failing to meet the December 31, 1982 deadlines, and six states would be subject to sanctions solely for failure to submit adequate ozone and/or carbon monoxide SIPs.

Virtually every major metropolitan area in the U.S. would be affected by the proposal.

[4] In addition, EPA contends that it has discretion to cut off certain sewage treatment grants under sec. 316(b) of the Act. See 48 Fed. Reg. at 4975.

[5] See 48 Fed. Reg. at 4977-78. By contrast, the Act specifically contemplates that sanctions would be imposed in certain areas as of July 1, 1979, as a result of failure to submit adequate SIPs by that date. See secs. 110(1)(2)(I) and 172(a)(1). The Agency previously found that imposition of sanctions as of July 1, 1979 was "automatic and mandatory," 44 Fed. Reg. 38471 (July 2, 1979)—a conclusion it implicity concedes does not apply to the sanctions proposed on February 3rd.

The Act explicitly contemplates that some of the SIPs required to be submitted prior to July 1, 1979 ultimately will prove to be deficient, and will have to be revised. See sec. 110(a)(2)(H)(ii). Notably, however, there is no explicit indication in the statute that Congress intended to impose sanctions during the period in which a previously approved plan is being revised.

[6] While the legislative history expressly contemplates that sanctions will be imposed as a result of the failure to submit plans by certain statutorily-prescribed deadlines, it contains no support for the view that the failure to achieve attainment automatically requires that sanctions be invoked.

[15] See note 1 supra.

[16] As the notice explains, the auto-related pollutants generally are considered to be ozone, CO and NOx. EPA also takes the position that in certain extreme cases, total suspended particulates will be considered auto-related pollutants as well—a position for which EPA cites no precedent, and which represents, at best, a strained interpretation of the Act, underscoring the Agency's apparent intention to impose sanctions in a needlessly far-reaching manner.

[17] In addition, for a number of such areas, EPA offers a second justification for the cut-off—viz., that the states allegedly have failed to comply with conditions set forth in their SIPs. EPA alleges that the failure to satisfy such conditions offers a second grounds for disapproving such SIPs, and thus for imposing sanctions.

EPA's second justification is subject to several of the same general failings as the first, but raises some new issues, discussed infra.

[18] This would be a particularly important consideration where the alleged non-attainment is based upon the failure to demonstrate compliance with annual average standards.

[19] Under sec. 113(d), there are a few limited circumstances in which states may properly issue delayed compliance orders which extend past December 31, 1982.

[20] In its notice of proposed rulemaking, EPA acknowledges the special issues posed by secs. 113(e) and 119, but takes the position that, even when the Agency previously has approved the State's plan, the burden is on the state to demonstrate that, but for orders issued under these two sections, attainment would be achieved.

None of the other special factors mentioned previously in the text are acknowledged in the notices.

[21] The first of these possible interstate problems is recognized in sec. 126(b) of the Act.●

GEORGE F. KENNAN ADVISES HOW TO IMPROVE UNITED STATES-SOVIET RELATIONS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, George F. Kennan, one of America's most distinguished citizens recently delivered a major address on United States-Soviet relations. Mr. Kennan is, of course, most famous as the originator of the "containment policy" for blocking Soviet expansionism following World War II. This policy led to the adoption of the Marshall plan, followed by NATO and other successful cooperative undertakings among the countries of the free world. He also served as U.S. Ambassador to the Soviet Union.

Speaking in Washington on May 17 to the American Committee on East-West Accord, Mr. Kennan expressed grave concern over the deterioration of relations between the two superpowers. Pointing to the decline in civility and privacy of communication between the two governments, the rise in antagonism, and the almost total militarization of public discussion on United States-Soviet relations, he observed that these are "the familiar characteristics, the unfailing characteristics, of a march toward war—that, and nothing else."

Mr. Kennan went on to make a powerful case that this state of affairs is really unnecessary and that it stems, in part, from a grotesque caricature of the Soviet regime in the minds of many in leadership positions in our own country. This caricature, as he describes it, stems from the view, which he believes to be erroneous, that there is no way the Soviets can be reasoned with other than intimidation by superior military force. Certainly, one has only to look back to the debate on the nuclear freeze resolution or the ongoing debate on the MX missile to see that just such a caricature seems to permeate the expressions of many of our colleagues in the House, not to mention President Reagan and his principal advisors.

As a former Ambassador to the Soviet Union and a U.S. Foreign Service career officer, George Kennan himself has had a lifetime of experience in coping with the Soviets. He does not minimize the difficulties of doing so. But in his speech, he stressed that these difficulties are actually less acute than they were many years ago and that they are counterbalanced by a number of more encouraging factors. Of these, he says:

> * * * The most important consists of the many persuasive indications that that leadership, however complicated may be its relations with the West, does not want a major war—that it has a serious and primary interest in avoiding such a war, and will, given a chance, go quite far together with us to avoid it.

Kennan further elaborates on the Soviet leadership as follows:

> They constitute the government of a great country. They have direct responsibilities for the shaping of the society and economic life of that country. It is from the successful development of this society and this economy, that they derive their strength. They cannot play fast and loose with either * * *. There is no single consideration—there are a thousand considerations, and these quite aside from any so-called military deterrence—which would serve to dissuade these men from any thought that their interests could be served by opening the Pandora's box of another world war. The view that sees them as so totally independent, so wholly on top of all their other problems, and so madly riveted to dreams of world conquest, that it is exlusively by the interposition of an overwhelming opposing military force that they could be dissuaded from striking out in any and all directions with acts of aggression or intimidation—this view, which incidentally, seemed to me to permeate every page of the recent report of the President's commission on strategic missilry—is, if you will forgive my language, simply childish—inexcusably childish—unworthy of people charged with the responsibility of conducting the affairs of a great power in an endangered world. Surely we can do better than this * * *.

Kennan does not merely criticize the negativism of current approaches to our relations with the Soviet Union. He points out that both countries not only have a common interest in preserving world peace but they face a number of problems and challenges in which mutual collaboration can produce positive dividends of great value to both countries and, indeed, to many others. In fact, he believes that unless we address dimensions of the United States-Soviet relationship other than just the military ones, the arms control talks are unlikely to have an adequate and enduring success.

However, Kennan is quite clearly not following the approach of those who would establish "linkage" between Soviet conduct in other matters, such as human rights in the Soviet Union, as a prerequisite to reaching agreement on arms control. Some of his remarks on this point are worthy of emphasis:

> * * * if what we are talking about are the inter-relationships of governments, a choice must be made between the interests of democratization in Russia and the interests of world peace * * *. Democracy is a matter of tradition, of custom, of what people are used to and expect. It is something that can not be suddenly grafted onto an unprepared people—particularly not from outside, and not by precept and preaching and pressure rather than example. It is not a concept familiar to the mass of the Soviet people; and whoever subordinates the interests of world peace to the chimera of an early democratization of Russia will assuredly sacrifice the first of those values without promoting the second.

Indeed, many experts, including Mr. Kennan, believe that human rights in the Soviet Union would be best advanced as a result of the lessening of tensions that will flow from successful arms control agreements and increases in cultural, commercial, and other contacts between the two countries at all levels.

Mr. Speaker, it is fortunate that at this critical time we again have the benefit of the experience and wisdom of George Kennan. I hope we heed it while there is still time. To that end, I am including the full copyrighted text of his address immediately following these remarks:

THE STATE OF UNITED STATES-SOVIET RELATIONS

I am moved to recall that it is just two years since I last spoke publicly in this city. The occasion then was the conferring of the Albert Einstein Peace Prize, and the subject treated was the nuclear arms race.

What I should like to talk about today is the Soviet-American relationship in its wider, and primarily, non-military aspect.

As we all know, Soviet-American relations, in consequence of a process of deterioration that has been several years in the making, are today in what can only be called a dreadful and dangerous condition. Civility and privacy of communication between the two governments seem largely to have broken down. Reactions on both sides to statements and actions of the other side have been allowed to become permeated with antagonism, suspicion, and cynicism. Public discussion of the relations between the two countries has become almost totally militarized, in this country at least—militarized to a point where the casual reader or listener could only conclude that some sort of military showdown was the only possible outcome—the only conceivable denouement—of their various differences—the only one worth considering and discussing.

I wonder whether anyone can mistake, or doubt, the ominous meaning of such a state of affairs? These phenomena—the ones I have just described—occurring in the relations between two highly-armed great powers, are the familiar characteristics, the unfailing characteristics, of a march toward war—that, and nothing else.

I don't think I have to point out the immensity of the danger this spells. The danger would be intolerable even if the two countries were armed only with what are called conventional weapons. The history of the past century has shown that the damages produced by armed conflict between highly industrialized great powers in the modern age, even without the use of nuclear armaments, are so terrible that it is doubtful whether Western civilization could survive another such catastrophe. But this danger is multipled many times over by the nature of the weapons the two countries hold in their hands. While either of these two factors—the nature of the weaponry or the state of the political relations—would be a danger in itself, the two in combination present a shadow greater than any that has ever darkened the future of western civilization. I fail to see how anyone could be complacent about it.

There are two questions to which I should like to address myself in these few moments we have together. The first would be: is this state of the Soviet-American relationship really necessary and unavoidable from the standpoint of the American policymaker—is there no way we could avoid it, no way we could cope with it, other than by a continuing and intensified weapons race of indefinite duration? And the second question is: if this is not the case, what is there that we could do about it?

There are those in this city who would argue, I know, that this situation flows automatically from the nature of the regime that confronts us in Moscow and is therefore unavoidable. And to support that view they would point to a given image of that regime. It is an image, I suspect, very largely of their own creation and cultivation. We are all familiar with it. It is an image of unmitigated darkness—the image of a group of men already dominating and misruling a large part of the world and motivated only by a relentless determination to bring still further peoples under their domination.

No rational motivation is suggested, by those who cultivate this image, for so unbounded and unquenchable a thirst for power. The bearers of it, we are allowed to conclude, were simply born this way—the products, presumably, of some sort of a negative genetic miracle; but in any case, being born this way and unable to help themselves, there is no way they could be reasoned with—so the thesis goes—no basis on which they could usefully be approached—no language they could be expected to understand—other than that of intimidation by superior military force. Only by the spectre of such a force—an overwhelmingly superior nuclear force, in particular—could these men be "deterred," as the phrase goes, from committing all sorts of acts of aggression or intimidation with a view to subjugating other peoples and eventually to conquering the world. There are allegedly no other inhibitions, no other considerations, no other interests, that could be expected to restrain them from such behavior.

Well, this image, if applied 30 to 40 years ago to the regime of Joseph Stalin, might not have been so far from reality, but as applied to the Soviet leadership of the year 1983 it is grotesquely overdrawn, a caricature rather than a reflection of what really exists, one which is highly misleading and pernicious as a foundation for national policy, and one which is deeply and needlessly offensive to the people in question.

The Soviet regime was born in the agony of the First World War, and it has always reflected something of the profound estrangement of Russia from the Western world which that agony, and the resulting Russian Revolution, brought about. It is not surprising, then, that it has always been marked by a whole series of characteristics that complicate its relationship to the Western powers. Some of these were inherited from the tsarist empire of earlier centuries. Some betray, although in a much modified form, the militant ideological antagonism towards non-Communist countries that was so prominent a feature of the early revolutionary period. There are traces, too, unfortunately (also, thank God, now greatly

modified) of the baleful influence once exerted on the Soviet regime by the years of Stalinist horror. But whatever their origins, these characteristics do exist; and I do not know anyone familiar with that government who would deny this.

I hope our friends from the East who, I am glad to see, are here today, will not take it amiss if I mention some of these complicating factors. In doing so, I am not unmindful of the fact that the American political system is also not invariably the easiest one in the world for foreigners to deal with.

Be that as it may, the Soviet regime has, for example, a relatively high general sense of insecurity, a marked sensitivity to conditions in border regions, a tendency to overdo in the peacetime cultivation of military strength, and above all, a positively neurotic passion for secrecy.

And as one of the consequences of this passion for secrecy, it has what seems to be a veritable obsession with espionage, in both the offensive and the defensive senses—an obsession that often gets in the way of normal and relaxed relations with other countries.

Soviet negotiating techniques often appear, particularly for those not familiar with them, to be stiff, jerky, secretive, unpredictable, and above all, lacking in that useful lubrication that comes from informal personal association and exchanges among negotiations.

And then there are, too, specific Soviet policies that grate severely on Western sensibilities. The Soviet leaders do indeed make efforts to gain influence and authority among the regimes and peoples of the Third World; and while the methods they employ do not seem to me to differ very greatly from those of other great powers, including ourselves, and while their efforts in this direction have not met, generally speaking, with any great measure of success, I understand that these practices arouse alarm and indignation in large sections of our official community.

And then, of course, there is the fact that these Soviet leaders insist on maintaining a monopoly of political power in their own country and proceed harshly against those who appear to challenge or threaten that monopoly or even try to liberalize the political system; beyond which, they unquestionably use their military hegemony to support and to maintain in power in Eastern Europe regimes similarly inspired and similarly resistant—or almost as resistrant—to liberalizing tendencies. All this, admittedly, is a constant thorn in the flesh of much Western opinion.

And finally, while we are speaking of the difficulties, let us not forget the phenomenon, familiar, I think, to all foreign representatives and observers in Russia, of the curious dual personality which the Soviet regime presents to the Foreign representative: the facade, that is, composed of people—often amiable and charming people—authorized to associate and and communicate with the outside world; but also, behind that facade, never visible but always perceptible—the other, inner, conspiratorial personality, of whose inscrutable attitudes and intentions the foreigner is never quite sure, and which for that every reason probably incurs more suspicion than it deserves.

Now these, and others I could name, are formidable difficulties. Of course, they limit the relationship. And of course, they have to be taken into consideration by Western policymakers.

But there are certain things I should like to say about them.

First, most of them are not new. Some have been there since the very outset of the Soviet-American relationship. All of us who have served in Moscow have had to contend with them. We were taught, in fact, to regard them as part of the problem. And General Marshall, I recall, used to say to us; "Don't fight the problem."

Secondly, most of these difficulties are actually less acute than they were many years ago. Perhaps with patience and understanding, they can become even less pronounced in future years.

And thirdly, those negative factors are counterbalanced by a number of more encouraging ones relating to both the psychology and the situation of the Soviet leadership.

Of these latter, the most important consists of the many persuasive indications that that leadership, however, complicated may be its relations with the West, does not want a major war—that it has a serious and primary interest in avoiding such a war, and will, given a chance, go quite far together with us to avoid it.

By an "interest" I do not mean an abstract devotion to the principle of peace as a moral ideal. I mean a consciousness on the part of these men that certain things they most deeply care about would not be served by another great war. I cannot take time here to elaborate on this point. I believe that anyone who tries to put himself in the position of the Soviet leaders will at once see the force of it. Even if they should be as evilly motivated as they are sometimes perceived to be, these men are not free agents, wholly detached from the manifold complexities and contradictions that go, invariably, with the exercise of great power. They constitute the government of a great country. They have a direct responsibility for the shaping of the society and economic life of that country. It is from the successful development of this society and this economy, that they derive their strength. They cannot play fast and loose with either. Beyond which, they live and operate in a highly complicated international environment. There is no single consideration—there are a thousand considerations, and these quite aside from any so-called military "deterrence"—which would serve to dissuade these men from any thought that their interests could be served by opening the Pandora's box of another world war. The view that sees them as so totally independent, so wholly on top of all their other problems, and so madly rivetted to dreams of world conquest, that it is exclusively by the interposition of an overwhelming opposing military force that they could be dissuaded from striking out in any and all directions with acts of aggression or intimidation—this view, which incidentally, seemed to me to permeate every page of the recent report of the President's commission on strategic missilry—is, if you will forgive my language simply childish—inexcusably childish—unworthy of people charged with the responsibility for conducting the affairs of a great power in an endangered world. Surely we can do better than this in penetrating, with our imaginations and our powers of analysis, the true complexity of the forces that come to bear on the decisions of another great government, and in forming a realistic idea of the motivation of its conduct. And surely, if we were to make this effort, what we would then see would be more reassuring than what, in the absence of it, we are led by our fears to assume.

And the area of common interest between the Soviet Union and ourselves is not limited to the need of both these peoples to see world peace preserved. Both are great industrial powers. As such, they have a growing number of common problems. Prominent among these are the environmental ones. Both of these countries occupy major portions of the environmentally-endangered northern hemisphere. The Soviet leaders are no less aware than we are of the extent to which this hemisphere, even if it should escape nuclear disaster, would still be threatened by environmental pollution and deterioration. They know that these problems will not be mastered just by measures taken within any single country—that their solution will require international collaboration.

And the environmental questions are only examples of the many problems and challenges that all the great industrial societies of this planet, including the U.S. and the U.S.S.R., have in common. And these problems—the familiar problems of the technological revolution that is coming to envelope us all—are the ones that unite—the ones on which we can collaborate—and they are the problems of the future. The others—the ones flowing from the ideological conflicts of earlier decades—are the problems of the past.

These, then, are some of the pros and cons of the Soviet-American relationship, as I see them; and if these pros and cons are stacked up against each other, what you get is naturally a mixed pattern, embracing serious differences of outlook and interest, but also embracing positive possibilities that are more than negligible. It is a pattern which of course leaves no room for exaggerated hopes, or for fulsome and hypocritical pretences to a friendship which does not, and cannot, fully exist. But it also affords no justification for some of the extremes of pessimism that we see around us today—no justification for the conclusion that it is only by some ultimate military showdown that our various differences can be resolved—and no justification for the overdrawn image of the Soviet leadership to which I have just pointed. We Americans lived for more than a century at peace with the empire of the Tsars. Despite the addition of several seriously complicating factors during the present century, we have lived for some six and a half decades at peace with the Soviet Union. And I can see, in this mixed pattern I have just been talking about, nothing to suggest that these two countries should not be able to continue to live at peace with each other for an indefinite number of decades into the future.

This cannot, of course, be assured by the state of relations we have before us today. While the true pattern of our respective interests does not, as I have just said, suggest that the prospects for a peaceful development of Soviet-American relations are not hopeless, they could easily become just that if we are unable to rise above some of the morbid nuclear preoccupations that now seem to possess us—if we are unable to see the positive possibilities behind the negative military ones, and unable to give to tnose positive ones a chance to breathe and to realize themselves.

I recognize the fundamental importance of the outstanding questions of arms control. I know that they represent the greatest and most urgent single problem we have before us in our relations with the Soviet

Union. I know that without progress in this respect there can be little hope of a peaceful future. But I would like the words I am speaking here today to serve as a reminder that there are other dimensions to the Soviet-American relationship than just the military ones; and that not only are these other dimensions of sufficient importance to warrant attention in their own right but that unless they, too, can be recognized, and cultivated, and their favorable possibilities taken advantage of, then the arms talks themselves are unlikely to have any adequate and enduring success. These two aspects of the relationship are complementary; and progress in the one is indispensable to progress in the other.

My plea, therefore, would be that we see what we can do to place this relationship as a whole on a sounder, more reassuring, and less frightening basis. I recognize that, as of today, things are badly fouled up, and that any effort to straighten them out is unavoidably going to take time. There are even those who believe that nothing that could be done from the American side over the next year and a half would suffice to restore the atmosphere necessary to permit such an effort to go forward. I cannot share that extreme pessimism. Of course the process will take time. But precisely because this is so, it is never too early to begin it; and there is nothing to prevent us from considering the sort of agenda that would be necessary to create a more normal state of affairs.

What might such an agenda look like?

Well, some of it flows, by implication, from what I have already said. We could try, first of all, to restore the full confidentiality and the civility of communication between our two governments. And we could cease treating the Soviet Union as though we were, out of one pocket, at peace with it, and out of the other—at war. We could lift the heavy dead hand off Soviet-American trade and permit that normal and useful branch of human activity to proceed in response to its own economic requirements. We have no need to be trying to set back the economy, or depress the living standards, of another great people; not is it in keeping with the American tradition to be engaged in such an effort.

We could take a much bolder, more hopeful and promising stance in matters of arms control; and when I say that, I am not talking about unilateral disarmament. We could acknowledge—and it is high time we did so—that the nuclear weapon is a useless one, which could not conceivably be used without inviting catastrophe upon the people whose government intitiated its use, along with untold millions of people elsewhere. Recognizing this, we could reject all dreams of nuclear superiority and see what we could do about reducing the existing nuclear arsenals, with a view to their eventual total elimination. A number of approaches have been suggested: the freeze, deep cuts, the so-called "build-down," a comprehensive test ban treaty, and others. These are not alternatives. They are complementary. Any or all of them would be useful. But to get on with them, I believe that we would have to learn to treat the problem as a whole in our negotiations with the Russians—not in a series of fragmentized technical talks—and to treat it at the senior political level, as it should be treated.

And then, turning to the more positive and hopeful possibilities, we could set out to take advantage of those areas where the peaceful interests of the two powers do coincide and where possibilities for collaboration do exist. What have we to lose? If my memory is correct, we once had some twenty-two separate agreements for collaboration and personnel exchanges in a whole series of cultural and scientific fields. A number of these proved fruitful; some, I understand, did not. I hold no brief for the retention of those that did not. But most of them, including certain of the useful ones, have been allowed to lapse. These could be restored, and others, I am sure, could be added. There are many possibilities in the scientific field—possibilities for collaboration on environmental problems, and the study of the Arctic and Antarctic, on oceanographic research, on public health, on nuclear fusion. The entire great area of the uses of outer space—this vast common umbrella which protects every man, woman and child on this planet—ought to be not only demilitarized but genuinely internationalized; and these two great countries ought to be taking a major, if not exclusive, collaborative part in that internationalization, instead of speculating how they might exploit this medium to the detriment of the other party—and perhaps to the detriment of humanity as a whole.

There are those who will say: yes, we once had such agreements, but we did not get as much information out of them as the Russians did. To which I can only say: if this—the acquisition of military intelligence—is the only reason one can see for entering into agreements with another country, then they had better be omitted altogether. But if we are prepared to place our hopes in their long-term effects—their effects in bringing people together in a collaborative relationship and helping them to see each other and each other's society as human beings and not as some species of demon—then I am sure we will find that many of these arrangements provide more hopeful perspective than the most ambitious of our efforts to learn how to destroy each other.

These collaborative arrangements require, as a rule, formalized agreements; and there will be some who will question whether we can trust the Soviet government to live up to such agreements when it makes them. Whenever I hear this question asked, I am surprised; for we now have six and a half decades of experience to go on and the answer provided by this experience is reasonably clear. You *can* conclude useful agreements with the Soviet side; they *will* respect them—one the condition, however, that the terms be clear and specific, not general; that as little as possible be left to interpretation; that questions of motivation and particularly professions of lofty principle be left aside; and finally, that the other contracting party show a serious and continued interest in their observance.

And then, while we are on the question of the objections that will be raised to what I have suggested, there is one more I must face: and that is the question of "human rights."

I am afraid that my answer to this question must be brief, and to many—unwelcome. Of course our sympathies are engaged for people who fall afoul of any great political police system; and I see no need to conceal it. But if what we are talking about are the inter-relationships of governments, a choice must be made between the interests of democratization in Russia and the interests of world peace; and in the fact of this choice there can be, as I see it, only one answer. Democracy is a matter of tradition, of custom, of what people are used to and expect. It is something that can not be suddenly grafted onto an unprepared people—particularly not from outside, and not by precept and preaching and pressure rather than example. It is not a concept familiar to the mass of the Soviet people; and whoever subordinates the interests of world peace to the chimera of an early demonstration of Russia will assuredly sacrifice the first of those values without promoting the second. By the nature of things, democratization must wait; world peace can not. If what we want to achieve is a liberalization of the political regime prevailing in the Soviet Union, then it is to example rather than to precept that we must look; and we could start by tackling, with far greater resolution and courage than we have shown to date, some of the glaring deficiencies in our own society.

These, then, are some of the directions in which we could move and in which I should like to see us move. We have, I reiterate, so little to lose. At the end of our present path of unlimited military confrontation lies no visible destination but failure and horror. There are no alternatives to this path that would not be preferable to it. What is needed here is only the will—the courage, the boldness, the affirmation of life—to break out of the evil spell that has been cast upon us, to declare our independence of the nightmares of nuclear danger, and to turn our minds and hearts to better things.

Permit me now, if you will, one personal word in conclusion. These observations flow from an involvement on my part with Soviet-American relations that goes back, I believe, over a longer span of years than that of anyone now in public life on either side. In the course of these years (and there are actually fifty-five of them) I have seen this relationship in some of its better times: particularly at the time of the establishment of diplomatic relations just a half-century ago—and again during our association with the Soviet Union in the waging of the Second World War. I have also seen it in some of the most bitter and disheartening moments it has known—have not only seen it in such moments but have felt some of their effects upon my own person. Precisely for this reason, I think I know as much as anyone about the difficulties the relationship involves. Yet at no time in the course of these fifty-five years have I ever lost my confidence in the constructive possibilities of the relationship. For all their historical and ideological differences, these two peoples—the Russians and the Americans—complement each other; they need each other; they can enrich each other; together, granted the requisite insight and restraint, they can do more than any other two powers to assure world peace. For this reason, the rest of the world, too, needs their forebearance with each other and their peaceful collaboration. Their allies need it. And they themselves need it—and can have it if they want it.

I wish I could convey something of this confidence to those around me in this city. I know that if this could be done, we would go forward without hesitation to face the challenges this view presents, and to shoulder, soberly but cheerfully, the burdens it implies.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Lewis of Florida) to revise and extend their remarks and include extraneous material:)

Mr. Fields, for 5 minutes, today.

Mr. Frenzel, for 20 minutes, today.

(The following Members (at the request of Mr. Seiberling) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 30 minutes, today.

Mr. Kastenmeier, for 10 minutes, today.

Mr. Howard, for 5 minutes, today.

Mr. Hertel of Michigan, for 60 minutes, June 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Nielson of Utah, and to include extraneous matter, notwithstanding the fact that it exceeds 2 pages of the Congressional Record and is estimated by the Public Printer to cost $1,208.

Mr. de la Garza, following statement of chairman of full committee, Mr. Jones of North Carolina.

Mr. Waxman, and to include extraneous matter, notwithstanding the fact that it exceeds 2 pages of the Congressional Record and is estimated by the Public Printer to cost $1,449.

Mr. Seiberling, and to include therein extraneous material, notwithstanding the fact that it exceeds 2 pages of the Record and is estimated by the Public Printer to cost $1,328.

(The following Members (at the request of Mr. Lewis of Florida) and to include extraneous matter:)

Mr. McDade.

Mr. Kemp.

Mr. Nielson of Utah.

Mr. Gingrich.

Mr. Hillis.

Mr. Lujan.

Mr. Wolf.

Mrs. Johnson.

(The following Members (at the request of Mr. Seiberling) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Markey in four instances.

Mr. Rodino.

Mr. Lantos.

Mr. Smith of Florida.

Mr. Richardson in two instances.

Mr. Kostmayer.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 42. Joint resolution designating Alaska Statehood Day, January 3, 1984; and

S.J. Res. 75. Joint resolution to provide for the designation of June 12 through 18, 1983, as "National Scleroderma Week."

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker.

H.J. Res. 201. Joint resolution designating June 14, 1983, as "Baltic Freedom Day."

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 22 minutes p.m.) the House adjourned until tomorrow Tuesday, June 14, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1343. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of June 1, 1983, pursuant to section 1014(e) of Public Law 93-344 [H. Doc. No. 98-68]; to the Committee on Appropriations and ordered to be printed.

1344. A letter from the District of Columbia Auditor, transmitting a report entitled "Capital Improvements Program Borrowing," pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

1345. A letter from the District of Columbia Auditor, transmitting a report entitled, "Allegations Regarding Ticket Fixing and Improper Release from Impoundment by the Department of Transportation Officials," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

1346. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed license for the export of major defense equipment sold commercially under a contract to the Government of Thailand (Transmittal No. MC-14-13), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1347. A letter from the Office of the Special Counsel, U.S. Merit Systems Protection Board, transmitting the annual report of activities of that office for the calendar year 1982, pursuant to 5 U.S.C. 1206(m); to the Committee on Post Office and Civil Service.

1348. A letter from the Joint Chairman of the Acid Precipitation Task Force, transmitting the annual report of the national acid precipitation assessment program for fiscal year 1982, pursuant to section 704(e) of Public Law 96-294; jointly, to the Committees on Energy and Commerce and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 2498. A bill to establish a Congressional Advisory Commission on Boxing; with amendments (Rept. No. 98-188, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3103. A bill to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes; with an amendment (Rept. No. 98-240). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

The Committee on Appropriations discharged from the further consideration of the bill H.R. 2899; referred to the Union Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GUNDERSON (for himself, Mr. Perkins, Mr. Goodling, Mrs. Roukema, and Mr. Bartlett):

H.R. 3280. A bill to amend the Vocational Education Act of 1963 regarding high technology equipment and training; to the Committee on Education and Labor.

H.R. 3281. A bill to amend the Vocational Education Act of 1963 regarding communications and telecommunications equipment and utilization; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 3282. A bill to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. JENKINS:

H.R. 3283. A bill to amend the Internal Revenue Code of 1954 to extend for 5 years the period for which the energy investment credit is allowable with respect to certain long-term projects, and for other purposes; to the Committee on Ways and Means.

By Mr. JENKINS (for himself and Mr. Hance):

H.R. 3284. A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for bus operating rights based on a 60-month period; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 3285. A bill to create a comprehensive Federal system for determining the ownership of and amount of compensation to be paid for inventions made by employed persons; to the Committee on the Judiciary.

H.R. 3286. A bill to amend title 35, United States Code, to set Federal standards for permissible employee preinvention, and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. VENTO introduced a bill (H.R. 3287) for the relief of Maria Elena Rodriguez-Huitzil and Maria Leticia Rodriguez-Huitzil; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the record of June 9, 1983]

H.R. 2818: Mr. LAGOMARSINO, Mr. SUNIA, and Mr. MCGRATH.

[Submitted June 13, 1983]

H.R. 210: Mr. ZABLOCKI.

H.R. 622: Mr. ANDERSON, Mr. FROST, Mr. LEVIN of Michigan, Mr. RAHALL, and Mr. TORRICELLI.

H.R. 800: Mr. GINGRICH, Mr. TORRES, Mr. MINISH, Mr. HUGHES, Mr. PEPPER, and Mr. SCHUMER.

H.R. 1092: Mr. BONKER.

H.R. 1543: Mr. RATCHFORD.

H.R. 1797: Mr. CARPER, Mr. VANDERGRIFF, Mr. MILLER of California, and Mr. ANNUNZIO.

H.R. 2053: Mr. CHAPPELL, Mr. FASCELL, Mr. RITTER, and Mr. WEISS.

H.R. 2193: Mr. YOUNG of Florida.

H.R. 2236: Mr. LANTOS and Mr. LEVIN of Michigan.

H.R. 2582: Mr. MORRISON of Connecticut.

H.J. Res. 59: Mr. BARTLETT.

H. Con. Res. 9: Mr. SHANNON.

H. Con. Res. 126: Mr. PRITCHARD, Mr. FISH, Mr. LEWIS of California, Mr. DANIEL, Mr. HUTTO, Mr. BONER of Tennessee, Mr. LANTOS, Mr. JONES of Tennessee, Mr. BONKER, Mr. VANDER JAGT, Mr. FAZIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Michigan, Mr. SMITH of Florida, Mr. WHITEHURST, Mr. CORCORAN, Mr. WINN, Mr. GORE, Mr. MRAZEK, Mr. KOLTER, Mr. ANDERSON, Mr. OBEY, Mr. HANSEN of Idaho, Mr. SHANNON, Mr. LELAND, Mr. MAZZOLI, Mr. FRANK, Mr. DICKS, Mr. PERKINS, Mr. TAUKE, Mr. HARKIN, Mr. FORSYTHE, Mr. SENSENBRENNER, Mr. KILDEE, Mr. BRYANT, Mr. MICHEL, Mr. NICHOLS, Mr. SCHEUER, Mr. SOLOMON, Mr. WON PAT, Mr. TALLON, Mr. BENNETT, Mr. YATES, Mr. PATTERSON, Mr. OWENS, Mr. ORTIZ, Mr. MORRISON of Connecticut, Mr. MARTINEZ, Mr. MATSUI, Mrs. SCHROEDER, Mr. WILLIAMS of Montana, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. STANGELAND, Mr. STENHOLM, Mr. STOKES, Mr. SUNIA, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS of North Carolina, Mr. BARNES, Mr. CORRADA, Mr. DASCHLE, Mr. DE LUGO, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. ANNUNZIO, Mr. KAZEN, Mr. DERRICK, Mr. ADDABBO, Mr. TOWNS, Mr. ANDREWS of Texas, Mr. BARNARD, Mr. BEDELL, Mr. BIAGGI, Mr. BOLAND, Mr. THOMAS of Georgia, Mr. HARRISON, Mr. OBERSTAR, Mr. WHITTAKER, Mr. GONZALEZ, Mr. FASCELL, Mr. EVANS of Illinois, Mr. LIVINGSTON, Mr. HATCHER, Mr. SUNDQUIST, Mr. SAM B. HALL, JR., Mr. MARTIN of New York, Mr. DAUB, Mr. WHITLEY, Mr. GRADISON, Mr. JACOBS, Mr. STRATTON, Mr. MCCURDY, Mr. TORRES, Mr. JENKINS, Mr. PASHAYAN, Mr. BREAUX, Mr. BROWN of California, Mr. FORD of Tennessee, Mr. HERTEL of Michigan, Mr. OLIN, Mr. LONG of Louisiana, Mr. PANETTA, Mr. BEILENSON, Mr. PRICE, Mr. GARCIA, Mr. MYERS, Mr. ERDREICH, Mr. ROE, Mr. TOWNS, Mr. KOSTMAYER, Ms. KAPTUR, Mr. FRENZEL, and Mr. FAUNTROY.

H. Res. 33: Mr. BERMAN.

H. Res. 191: Mr. MINETA, Mr. KILDEE, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. HILER, Mr. VANDERGRIFF, Mr. SUNIA, and Mr. BARNES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

119. By the SPEAKER: Petition of the town board, town of Boston, Erie County, N.Y., relative to the diversion of Great Lakes water; to the Committee on Public Works and Transportation.

120. Also, petition of the town board, town of Boston, Erie County, N.Y., relative to the Great Lakes Environmental Research Laboratory and the Large Lakes Research Station, N.Y.; to the Committee on Science and Technology.

121. By Mr. JONES of North Carolina: Petition of Central Florida Regional Planning Council, Bartow, Fla., relative to the proposed amendments to the Outer Continental Shelf Lands Act Amendments and the Coastal Zone Management Act, H.R. 5; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2969

By Mr. DICKS:

—On page 8, line 22, strike the period and insert the following; "until the Secretary of the Army provides certification to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives that a second course for the production of the M-1 tank engine is affordable and is cost competitive with the existing contract, and that such action is in the interest of national defense to meet surge and mobilization requirements in case of a national emergency."

—Strike our sec. 107 (page 8, lines 19-22), and redesignate the following sections accordingly.

EXTENSIONS OF REMARKS

FINANCING DEVELOPMENT IN THE THIRD WORLD

HON. HOWARD C. NIELSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. NIELSON of Utah. Mr. Speaker, I introduce the following statement in support of section 409 of H.R. 2957:

FINANCING DEVELOPMENT IN THE THIRD WORLD

(Statement by G. F. Joklik, President, Kennecott)

SUMMARY

The economic growth of the Third World depends on financial support from the industrialized nations. Third World growth, in turn, provides expanded markets for the industrialized nations' products. This economic interdependence is jeopardized when the financial resources of the industrialized nations are used to support fundamentally uneconomic Third World development projects. The consequences of such investment practices are to deprive the Third World of some of its best growth potential, penalize economic industries in developed countries and endanger repayment of many of the investments.

The adverse effects of the misallocation of credit are evident in the worldwide copper market. International financial support of Third World subsidized copper production has now become common and has caused an oversupply which has depressed world copper prices to levels below the costs of even the more economic producers. Significant production cutbacks and high unemployment in the United States copper industry have resulted.

At the same time, the economies of some Third World countries have become overdependent on copper production. The need for export earnings has prompted Third World producers to actually increase their copper output during the same period in which United States production has been contracting. In order to achieve these production levels, under adverse market conditions, the Third World government owners have subsidized copper operating losses, while substantially increasing their external borrowing.

The root of the problem is the failure of many lending institutions to consistently apply reasonable standards—standards which are based on project economies and reflect the impact of projects on the economies of the borrowing, as well as the lending, nations. Appropriate standards would assess the intrinsic viability of projects and screen out those which are made to appear viable only by foreign government support of subsidy.

As the largest national contributor to the development of the Third World, the United States is the principal underwriter of foreign subsidized production. Accordingly, the United States should take the lead role in encouraging the widespread adoption of lending standards that will promote the efficient growth of the developing economies of Third World countries. The United States can exert influence on foreign lending standards of government lending agencies and domestic commercial banks, and can encourage official agencies and the commercial banks of other principal lending countries to follow suit. As a major voting and contributing member of the multinational lending organizations, the United States can favorably influence their policies and practices.

Action should be taken now, before economic recovery from the current recession refuels the Third World's rapid growth objectives and pushes Third World development even further ahead of sound planning.

INEFFICIENT DEVELOPMENT

Increasing worldwide economic interdependence links the industrialized nations with the developing countries of the Third World. Industrial socieities rely on the Third World for raw materials and export markets. In 1981, for example, the Third World countries purchased over 36% of the merchandise exports of the United States. A 50% variation in this flow of exports to the Third World amounts to 2% of the total United States GNP—possibly enough to mean the difference between healthy growth in the United States and weak or no growth—the difference between prosperity and stagnation.

At the same time, Third World growth imposes some industrial dislocations on the economies of developed countries. The United States copper industry provides an example. Due to the worldwide recession, the price of copper corrected for inflation, fell in the summer of 1982 to its lowest level since the early 1930's. The worst impact of this market collapse was felt in the United States and Canada. United States copper production dropped by 36% between July 1981 and July 1982, and employment in the copper industry declined by 40%, idling 17,000 workers. The Third World copper producers, by contrast, increased their output of copper by 7% during the same period.

It would be shortsighted for the industrialized nations to protect domestic industries from legitimate Third World competition. In the case of copper mining operations, for example, higher grade orebodies give some Third World producers a competitive edge over domestic producers. Tariffs, import quotas, stockpiles or subsidies may serve as stop-gap measures, but they cannot provide effective protection over the long term. Such measures artificially prolong the life of inefficient domestic industries, thereby weakening the incentive for the industrial economies to adapt in a changing world.

The same logic applies to foreign investments by these industrialized nations. Projects that are not inherently economic should not be supported or undertaken. Again turning to cooper as an example, one can point to several Third World copper mines which are far less efficient than domestic copper mines, but are supported by foreign financing. Uneconomic projects, ultimately consume more resources than they provide, and divert limited financial resources from better alternative uses. Along with their role in financing the development of the Third World, the industrialized nations bear a responsibility to themselves and to the rest of the world not to encourage inefficient development.

The copper industry provides a clear-cut example of inefficient investment in the development of the Third World. The principal Third World copper producers are Zambia and Zaire in Africa and the Latin American nations Chile, Peru, and Mexico. In 1981 these five countries accounted for 42 percent of Free World cooper mine production (Table 1). The United States produced 24 percent.

TABLE 1.—PRINCIPAL THIRD WORLD COPPER PRODUCERS

Country	1981 copper mine production (1,000 tons)	Percent of free world production
Chile	1,192	16.6
Zambia	648	9.0
Zaire	557	7.8
Peru	361	5.0
Mexico	253	3.5
Total	3,011	41.9

Source: World Bureau of Metal Statistics.

Zambia and Zaire are now overly dependent on the copper industry. This relationship is illustrated in Table 2 in which the proportion contributed by copper to the export earnings of the principal Third World producers is listed. Zambia and Zaire head the list: Zambia is dependent on copper for nearly all export earnings and Zaire relies on copper for nearly one-half of export earnings. As a result, the wide fluctuations in the price of copper cause an extremely variable flow of earnings to these countries.

Table 2.—Dependence on copper for foreign revenue in 1981—Copper contribution (percent export earnings)

Country:	*Percent*
Zambia	95
Zaire	47
Chile	43
Peru	16
Mexico	2

Sources: World Bank and International Monetary Fund

This is not to say that the very substantial copper resources of these African countries should have gone undeveloped. Rather, it was the lack of a balanced development program, the overdevelopment of copper to the neglect of other segments of the economy, which was ill-advised.

The aftermath is with us today. To provide export earnings, Third World countries are obliged to continue to produce as much copper as possible, even at those mines which are inefficient and which, under the current depressed market conditions, are incurring large losses; and, in order to subsidize this inefficient production. Third World producers must rely increasingly upon external financing (Table 3). The problem is self-perpetuating and continually, growing.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

TABLE 3.—INCREASE IN EXTERNAL DEBT OF THIRD WORLD COPPER PRODUCERS

	External debt (billions of dollars)		Debt service as a percent of total exports	
	1981	1982	1981	1982
Chile	15.5	20.0	45	156
Zambia	2.0	2.2	36	51
Zaire	4.1	4.5	29	76
Peru	8.3	9.0	58	50
Mexico	65.0	80.0	38	112

Source: Brook Hunt & Associates Ltd.

The degree to which the problem has escalated is further illustrated in Table 4. As a "lender of last resort" the IMF has a strong hand with borrowers who have no alternative source of funds; nevertheless, as the table shows, the amount of IMF borrowings by Third World copper producing countries has been generally increasing in recent years, particularly in 1982.

The heavy dependence of these Third World countries on the copper industry was not inevitable and is not irreversible. Important sectors of their economies are underdeveloped. For example, in Zambia and Zaire commercial agriculture presents an opportunity for diversification. Both countries are increasingly dependent on agricultural imports, yet both have large areas of unused arable land, and a study supported by the World Bank reports that Zambia has an effective comparative advantage in at least three major crops—groundnuts, tobacco and cotton.

TABLE 4.—IFM BORROWINGS BY THIRD WORLD COPPER PRODUCERS [Outstanding balances, millions of dollars]

	1975	1976	1977	1978	1979	1980	1981	Estimated 1982
Chile	387	467	366	348	179	122	49	880
Zambia	89	110	113	318	416	396	729	620
Zaire	86	209	247	260	248	235	345	413
Peru		185	205	334	491	474	388	595
Mexico		371	509	298	136			[1] 1,000

[1] Approved, partly drawn.

Source: IMF International Financial Statistics.

The major copper producing countries in Latin America also have significant diversification opportunities. The timber resources of southern Chile, for example, remain relatively undeveloped. Agricultural export potential in the mid-south of Chile could be developed for markets in the northern hemisphere, where seasons are reversed.

Despite the rational for diversification, and despite the worldwide oversupply of copper, several new copper projects in Third World countries have been slated for development, provided that financing can be arranged. In Table 5 are listed copper projects which could be developed in Chile and Peru, between 1983 and 1990, if financing efforts were successful. The projects are grouped according to the estimated prices necessary to economically justify the projects, based upon a 15 percent before tax return on the capital invested. It is likely that copper prices will temporarily increase, as they have in past cyclical upturns, and move into ranges that are required to provide this return on investment in these properties, but it is not likely that cooper prices will attain such levels on a sustained basis during this decade.

TABLE 5.—PROSPECTIVE COPPER PROJECTS

Production Cost (1982 dollars per pound)	Project (property and country)	Added Capacity [1]
$1.20 to $1.50	Andacollo, Chile	320
	Los Pelambres, Chile	320
	Quebrada Blanca, Chile	320
	Antamina, Peru	320
Above $1.50	Disputada expansion, Chile	320
	Michiquillay, Peru	250

[1] 1,000 tons per year of copper.

Source: Metals & Minerals Research Services, London.

Lenders need to evaluate projects such as these against sound economic standards. Project financing should be contingent on reasonable expectation of a satisfactory return on investment, without the aid of financial or operating subsidies. This criterion would provide an objective basis for screening projects on economic rather than political grounds, for comparing development alternatives and for allocating limited capital resources.

THE LENDERS

The commercial banks of the United States and other industrialized countries provide the largest source of borrowings for principal copper producing countries of the Third World (Table 6). Commercial banks hold approximately 72% of the external debt incurred by these countries. Multinational lending organizations and governments constitute the other major sources of financing.

Table 6.—Structure of external debt of Third World copper producing countries (Chile, Mexico, Peru, Zaire, and Zambia)

	Percent
Commercial banks	72
United States	30
Non-U.S	42
Multinational lending institutions	13
World Bank & Affiliates	3
Inter-American Development Bank	4
International Monetary Fund	3
Other Multinational Lenders	3
Governments	15
United States	3
Non-U.S. (est.)	12
Total	100

Sources: Federal Reserve Board (Statistical Release E. 16), Bank for International Settlements, U.S. Treasury, World Bank (Annual Reports), Inter-American Development Bank (Annual Reports), IMF *International Financial Statistics*, IFC (Annual Reports), Brook Hunt & Associates, and Organization for Economic Cooperation and Development.

The amount of money that these lenders have invested in copper projects, both directly and indirectly through loans to governments, is set out in Table 7.

The classes of lenders listed in Table 6 pursue different missions and adhere to different charters. Since they are subject to and respond to different motivations and pressures, their lending criteria are not consistent.

Table 7.—Financing of government-owned copper producers

	Billions
Chile—Codelco	$1.9
Zambia—ZCCM	1.0
Zaire—Gecamines	1.1
Mexico—Cananea	0.4
La Caridad	1.3
Peru—Centromin	0.8
Minero Peru	0.6

Source: Individual Company Financial Statements, and Citibank Mining Division.

Commercial banks judge lending opportunities primarily on the basis of the borrower's ability to repay. Although factors such as project economic viability and overall market conditions generally influence their judgment, these may not be the overriding factors when adequate assurance of repayment can be obtained through guarantees or subsidies of a sovereign government.

The incentive to press for thorough project evaluation also may tend to weaken under the pressure of competition for loan business. Banks are at times encouraged by various interested parties to consider preferentially loans that build international business, enhance access to export markets, or maintain supplies of raw materials from the Third World. But, once a lending decision ceases to be firmly grounded in project economics, based on the best information available, the risk of the project is increased. In an economic downturn, the consequences of such risks may impact banks, strain the economics of the industrialized nations, and impede progress of development in the Third World.

Although commercial banks carry the largest share of development financing, the multinational lending institutions are also instrumental in the promotion of Third World economic development, often in consortia with commercial lenders. The International Bank for Reconstruction and Development (World Bank) and its affiliates—the International Development Association (IDA) and the International Finance Corporation (IFC)—finance Third World development projects. Following similar objectives, the Inter-American Development Bank (IDB) lends to finance development projects in Latin America. The International Monetary Fund (IMF) also plays an important role in Third World financing, by providing loans to governments during temporary balance of payments crises. Taken together, the policies and practices of these multinational lending organizations can substantially influence the direction of Third World development.

During times of world financial stress, IMF loan conditions tend to be adopted by commercial banks in their own lending to affected countries. Consequently, at times, the IMF can influence Third World access to money out of proportion to its own direct lending ability. In view of this, a strong United States policy stance is appropriate in favor of rigorous IMF loan standards uniformly applied through time.

Direct government lending constitutes the third significant source of financing for Third World development. Debt held by the United States government includes loans by the Export-Import Bank, Commodity Credit Corporation. Overseas Private Investment Corporation, Department of Agriculture (Public Law 480 loans), Department of Defense, and Agency for International Development. The activities of one of these agencies, the Export-Import Bank, deserve further comment.

The Export-Import Bank supplements commercial bank lending to facilitate and aid financing of United States exports. Virtually all the larger Free World countries have similar agencies to aid their exporters. The Bank is supposed to consider the net impact of a loan on the United States economy, but in practice, this effort is subject to interpretation; influence may be brought to bear by companies wishing to make export sales and arguing that Bank disapproval of a loan for capital goods would not stop an ill-conceived project, but merely shift the sales to other countries. To counterbalance such influence, there is a need for strong policy guidance of Export-Import loans.

RECOMMENDATIONS FOR ACTION

As the largest national contributor of project financing for the Third World, the United States has means of encouraging the adoption of a universal lending standard that will promote efficient growth. The degree of influence the United States can bring to bear, and the mechanism for applying this influence, vary according to classes of lending institutions.

Certainly, the United States government can exert influence on the foreign lending policies of United States commercial banks in several ways. Standards can be imposed on United States government lending agencies by direct legislative action. In the case of multinational lending institutions, the United States can guide lending practices through votes on governing boards, and by conditioning future capital subscription on reasonable performance (Table 8). Finally, the United States cannot directly control the lending of either foreign commercial banks or foreign governments, but attempts could be made to influence them through negotiation of international agreements. Thus, by establishing a coherent lending policy for Third World development, and by effectively coordinating the application of this policy among the various sources of development financing, the United States can influence the allocation of capital resources.

TABLE 8.—U.S. SHARE IN MULTINATIONAL LENDING INSTITUTIONS

[In percent]

Lender	Voting share	Capital share
World Bank and affiliates:		
World Bank	21	22.4
International Development Association	19	33.7
International Finance Corporation	29.5	31.7
Inter-American Development Bank	35	35
International Monetary Fund	19.6	19.6

Sources: Federal Reserve Board (Statistical Release E. 16), Bank for International Settlements, U.S. Treasury, World Bank (Annual Reports), Inter-American Development Bank (Annual Reports), IMF International Financial Statistics, IFC (Annual Reports).

Therefore, it is recommended that the United States undertake a coordinated program of action to control and direct foreign lending for Third World development. This program should be based on a two-part project lending standard:

First, and most important, a project evaluation standard which assesses the inherent economic viability of a project, without the influence of host nation guarantees or subsidies, and

Second, a test in which the overall, long-term economic development of the host nation, rather than the economic merit of the project itself, is assessed.

The first part of this two-part standard is amendable to conventional quantitative analysis; the second part can employ quantitative techniques, but will necessarily be more judgemental. Accordingly, the first test should dominate the decision and, if properly applied, free market forces should, in themselves, help assure that the objective of the second test will be met.

The first of the two parts is also, of course, firmly rooted in past practice of private industry. The second part is rather more innovative, although there is some precedent for this general approach in the World Bank's lending practices and Structural-Adjustment lending program, complemented by the IMF conditional loans.

The United States could act to implement this program by pursuing the following:

1. By act of Congress, require United States government lending agencies to adopt a two-part project lending standard as described above.

2. Exert influence upon United States commercial banks to place increased reliance upon the two-part project lending standard.

3. Through diplomatic initiative by the Secretary of the Treasury, attempt to negotiate adoption of the two-part lending standard by official agencies and commercial banks of principal lender countries.

4. By policy statement and action, as a party to the activities of multinational lending agencies, encourage the development of Third World economies in the most efficient manner possible.

Specifically:

(a) Promote, through voting, lending agency policies that further the efficient use of resources in the development of the Third World.

(b) Condition future United States subscriptions of capital on the lending agencies' effectiveness in furthering Third World development along efficient lines, as determined by the Secretary of the Treasury.

Now is the time for the United States to begin a program of action. Although the worldwide recession currently exerts discipline on lenders, inefficient allocation of capital is apt to recur once the recession ends.

Clearly, American industry and employment would benefit from a reduction of subsidized foreign competition, and the Third World countries would benefit from more stable and rational development.●

NUCLEAR DISARMAMOTTA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. MARKEY. Mr. Speaker, a former resident of Massachusetts, now living in Alaska, has asked me to submit the following statement on nuclear disarmament. Entitled "Nuclear Disarmamotta," this moving statement calls on all citizens of the world to work for peace. I would like to thank Daniel Bloom of Juneau, Alaska, for bringing this fine statement to my attention.

THE NUCLEAR DISARMAMOTTA

(By Daniel Halevi Bloom)

Go placidly amid the scorched cities and the burning bodies and remember what peace there once was on this Earth. As far as possible open up your eyes to the alarming rate of arms buildup and try to think of alternatives, for we pass this way but once. The arms race is becoming absurd if not but statistically insane. We are all sisters and brothers of this fragile planet with its nation-states and their devastating armaments, and nuclear war will only mean one thing: mutually-assured-destruction (MAD). March peacefully in large united groups to protest this insanity and send messages to those who represent you in Congress, Parliament or the Politburo. Write also to your representatives in the United Nations and tell them of your fears and your tremblings. When you see the arms race proliferate, counsel the nations of the world to spend their monies more wisely and for human benefit. Go out among your fellow citizens and cross borders and boundaries to spread the word of disarmament. There is no reason under the sun for nations to frighten other nations and a war will solve nothing although it might end everything. There can be no victor in the holocaust that is so possible.

With your determination and your love of life, strive to convince others of the need for worldwide disarmament and be true to your own convictions and insights. Believe in the future and work for peace. You are not alone.●

PEACE: AMERICAN STYLE

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. WHITTAKER. Mr. Speaker, will the peaceful pilgrimage of the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Yuriy Andropov, bring him to Lawrence, Kans.? It just might.

City officials of that progressive community of northeast Kansas feel that a friendly, informal meeting between President Reagan and Soviet leader Yuriy Andropov would be a bold step toward peace. They sent letters to both men, inviting them to bring their peaceful intentions to Lawrence. I have to admit, it is a nice idea. Ronald Reagan's personal magnetism has served us well in the past and a cordial visit in America's heartland might be just what we need to break the deadlocked arms control negotiations at Geneva.

This past week, Soviet General Secretary Andropov, through an official at his Embassy in Washington, called Lawrence Mayor David Longhurst with a gracious message: the Soviet leader is "very much in favor in principal to such a meeting."

In a letter to Mr. Andropov, I encourage him to pursue a "cordial summit" in my home State of Kansas but remind him that he should take his peaceful quest to Geneva, as well. Indeed, we should have reminded that Soviet gentleman of his responsibility for world peace months ago. Instead, many of my colleagues prefer to score political points by criticizing our own President's suspected insincerity on arms control. Perhaps those critics have forgotten that it is the Soviet leaders—not ours—who have posed obstructions to productive arms control negotiations. It is the Soviet military buildup—not ours—which makes these negotiations so urgent. I have not forgotten.

During the congressional debate concerning the MX missile, many of my colleagues publically doubted the administration's commitment to reaching an agreement at Geneva. Newspapers editorialized of how some of my colleagues sold out on MX—they traded the MX missile for lipservice.

Last week, President Reagan, like so many times before, proved his critics wrong when he outlined a number of general proposals which will be presented for consideration at Geneva. These proposals are quite consistent with the recommendations of the President's Commission on Strategic Forces which have won bipartisan congressional support. According to the Washington Post, the unofficial reaction to these proposals by the Soviet Government was negative. Perhaps they might have been less intransigent if they had actually seen the President's package.

It occurs to me that just maybe we had our enemies mixed up during the MX debate. Instead of being tough with the Soviet Union, we railed against the President's intransigence. While the White House was putting together realistic and equitable proposals, Mr. Andropov was looking for public relations gimmicks such as a trip to Lawrence, Kans., stopping just long enough in his quest for peace to reject arms control proposals which he has not seen.

Do we really think that it is more likely that the Soviet leader will work for peace in Lawrence, Kans., when he has passed up the chance at Geneva? I think not.

But, with continued bipartisan support in Congress, a united Western alliance, and a determined President, Soviet negotiators might be pressured by world public opinion into giving our latest proposals a chance. Unfortunately, the Kremlin is not as responsive to public debate as is our Government.

It is quite apparent that the world cannot rely on the Soviet Union to initiate meaningful progress toward a more peaceful world. That task belongs to the people of the United States and their Government. As the MX battle draws to a close, the President can begin anew in his pursuit of realistic arms control, the city officials of a great Kansas community can plan a cordial summit, and the President's critics can get the barricades ready for the next policy battle in the bylanes and bylines of Washington.

It is true, the summiteers in Lawrence may be too idealistic and the pundits in Washington may be too critical. But I personally prefer these shortcomings to the monolithic cynicism of the Soviet Government. Public debate makes us a little noisy; but, I think it makes us a little better.●

IN RECOGNITION OF THE FIRST ANNUAL VERY SPECIAL ARTS FESTIVAL OF SAN MATEO COUNTY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. LANTOS. Mr. Speaker, a few days ago, my district was the site of the First Annual Very Special Arts Festival for San Mateo County. I would like to give special recognition to this first of many such events which will acknowledge the very special artistic talents of our handicapped citizens.

The Very Special Arts Festivals held throughout the country are a valuable product of the National Committee, Arts for the Handicapped, which is our Nation's nonprofit coordinating agency for the development and implementation of arts programs for persons with disabilities. This noncompetitive forum enriches us all as disabled artists are given the opportunity to share their accomplishments and creativity in both the performing and visual arts.

The theme of our unique celebration this year was "Create Together." It involved more than 100 individual artists and performers, including children with disabilities, physically limited adults, and developmentally disabled adults. All participants share a very unique enthusiasm for enjoying to the fullest the beauty and vitality which the arts have to offer.

Mr. Speaker, I am extremely proud to pay tribute today to the contributions of our special individuals and to the numerous local organizations which made this showcase available for the benefit and enlightenment of all our community.●

LAUTENBERG HONORED BY NEW JERSEY REGION OF ZIONIST ORGANIZATION OF AMERICA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. RODINO. Mr. Speaker, tonight the New Jersey region of the Zionist Organization of America holds its 14th annual awards dinner. It is a great honor to recognize the winner of this year's Louis B. Brandeis Humanitarian Award, Senator Frank Lautenberg.

This prestigious award embodies the principles to which Justice Brandeis dedicated his own life—social justice, freedom, and human rights. Justice Brandeis promoted these ideals in his career on the bench as well as his role as an early supporter of Zionism. Senator Lautenberg is a fitting recipient of this award. As an outstanding leader in both the public and private sectors, he had a long history of service in charitable organizations before his election to the Senate. In his short tenure as a Senator, he has already shown himself to be a man of integrity, dedication, and commitment to social justice.

Senator Lautenberg has been a good friend and supporter of Israel, and is the founder and chief supporter of the Lautenberg Tumor and Immunology Institute at Hebrew University. The outstanding cancer research performed at this institute bearing his name benefits people all over the world. Tonight Senator Lautenberg will be named man of the year, and I can think of no one more deserving of this award.

The organization is also citing Philip A. Campbell, president of New Jersey Bell Telephone and a member of the executive board of the National Conference of Christians and Jews; Sister Rose Thering, an activist in support of Israel and human rights movements worldwide, particularly Soviet Jewry; Rabbi Judah Washer from Bergen County; and Sol Kramer, a leader in the Jewish community from Union County.

Mr. Speaker, it would be impossible to properly pay tribute to the New Jersey region of the Zionist Organization of America without mentioning the outstanding work of Judge Joseph Lerner and his wife Bea Lerner, two very dear friends who I admire greatly. Their constant devotion to social justice and human rights is unmatched. I salute the Lerners, Senator Lautenberg, and the other award winners and hope that it will be a memorable occasion for all.●

USAIR ESTABLISHES NEW SERVICE AT DULLES

HON. FRANK R. WOLF

OF VIRGINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. WOLF. Mr. Speaker, on behalf of the citizens of northern Virginia, I want to take this opportunity to express appreciation to USAir and company president Edwin I. Colodny for the airline's decision to establish new service from Dulles International Airport to the airline's major connecting hub at Pittsburgh, Pa., this coming November. I also want to commend the Washington Dulles Task Force and the Federal Aviation Administration (FAA) for their efforts in working with USAir to start this new service. The new flights will allow Dulles travelers to make convenient connections to over 70 cities throughout the USAir system.

The new Pittsburgh flights will be the first USAir service ever at Dulles Airport and will begin in November once hourly slot restrictions at Pittsburgh are lifted. This will permit the airline to schedule Dulles service at the most desired times.

These new flights will continue the trend toward increased air service at Dulles. Since December, direct service has been added to eight other cities. The airport has had increased passenger use for 16 consecutive months. An additional 1,500 passengers a day are using Dulles compared to a year ago, according to FAA officials.

In fact, from November 1982, to May 1983, Dulles' domestic passenger traffic increased on a monthly average by 28 percent over the same period the previous year and the pace of this growth is accelerating. During March, total passenger traffic increased '33 percent over March 1982. Domestic traffic rose 37.7 percent over the same period last year.

Between 1970 and 1980, over 82 percent of the population growth in Washington has occurred in the area most convenient to Dulles. That population growth and the tremendous business growth in the Dulles area are visible signs that thousands of travelers find Dulles to be their most convenient airport.

This is documented by a survey last year of air travelers conducted by the Metropolitan Washington Council of Governments, which revealed that 2 million more passengers would use Dulles if the service were available.

I encourage other airlines to follow USAir's decision to initiate service at Dulles, and join in the effort to make Dulles the hub airport it was intended to be for the Metropolitan Washington area.●

HOW CAN WE BEAT THE UPCOMING INCREASES IN LOCAL PHONE BILLS?

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. MARKEY. Mr. Speaker, I believe that there are many steps that can be taken to reduce the upcoming increases in local phone bills. Over the next few weeks, I hope to detail a few of them in statements in the Record.

The first of these measures is the provision of effective competition in the Bell System procurement market. It is one I have been involved with for some time now.

I have always viewed Bell System procurement as a consumers' issue, as well as a question of competition. A major part of our telephone bills goes to cover the cost of local exchange equipment—which amounts to billions of dollars every year. One of the best ways to hold these costs down is to insure that local telephone companies purchase this equipment at the lowest possible price.

Unfortunately, as far as the Bell System goes, we have no way of knowing whether this has ever been the case, and every reason to suspect that it has not. This is because Western Electric has always dominated Bell System procurement and never faced any serious competition from independent equipment manufacturers.

I recognize that divestiture may eventually result in a more competitive Bell market. But divestiture is no panacea; it alone will not necessarily bring the competition needed to offset local rate increases.

In proceedings before Judge Harold Green, the issue of the post-divestiture Central Staff Organization (CSO) has been raised. The prospect that the CSO would act to prevent effective competition in Bell System markets warns us that divestiture per se will not solve the problem of market domination. Judge Green himself has questioned AT&T executives and other concerned parties in the divestiture debate on just this point.

Regardless of what divestiture brings, those concerned about future phone rate increases should look at what is happening in the industry now, under the status quo. Already, Western Electric has moved to penetrate the smaller independent telephone company markets to which its only competitors have generally been confined. If it succeeds in capturing a dominant share of independent sales, there may be no serious competition left to lower equipment prices when Bell markets are finally opened.

What then can we do?

Right now, the Federal Communications Commission (FCC) has before it a proceeding—CC docket 80-53—which investigates Bell System procurement processes. It is the FCC's job to insure that Western Electric does not preempt its existing competition or block new entrants during this crucial transition period, and that independent equipment manufacturers are given immediate and equitable access to Bell System markets.

Three weeks ago, I wrote to FCC Chairman Mark Fowler for the second time, urging expedited consideration of docket 80-53. Chairman Fowler has promised a late summer decision in the docket—a date later than I had hoped, but a date, if adhered to, that will provide for some analysis of the FCC's action before divestiture is completed. I have inserted my letter to Chairman Fowler, and his response, in the Record following these remarks.

In conclusion, I urge my colleagues to take an active role in the debate over the upcoming increases in local phone rates. We in Washington can do some things about these increases.

Effective competition in the sale of telephone central office equipment, then, is the first step in the fight to beat the upcoming phone rate increases.

House of Representatives,
Washington, D.C., May 23, 1983.

Hon. Mark S. Fowler,
Chairman, Federal Communications Commission, Washington, D.C.

Dear Chairman Fowler: Last December I wrote to you urging the Commission to take prompt action in its Docket 80-53 on Bell System Procurement Practices.

My concern then, as now, is that in the absence of genuine and fair competition, divestiture will not produce any meaningful benefits for American consumers. Specifically, I was worried about press reports that Western Electric was attempting to dominate independent telephone company sales before its grip on Bell System procurement was loosened by divestiture. The practical effect of this marketing strategy would be to deprive consumers of a truly competitive market, as smaller independent equipment makers would be driven out of business and new entrants would be denied a fair opportunity to enter the field.

In your response to my last letter, you seemed to share my concerns. You stated that the Commission shares my "belief that one way to hold down potential telephone rate increases is through vigorous competition among equipment manufacturers." As you know, such potential rate increases have been the subject of great concern in the Congress, and many of us have urged measures to mitigate the harmful consequences of divestiture. As a result, I was encouraged by your reply and our apparent mutual understanding on this issue.

I was also encouraged by our promise in your letter that the issue would "be given prompt and careful consideration by the Commission." Moreover, in January the Commission invited the public to comment on a "Petition for Expedited Consideration" in CC Docket 80-53. It was my hope, in light of these factors, that the Commission would take prompt action in this docket.

To date, however, such action has not occurred. Divestiture is almost upon us, and many are questioning its merits and the methods of its implementation. Appropriate action by the Commission could do much to address these concerns by ensuring that local phone companies are able to procure high quality network equipment at the lowest possible cost. The best way to achieve that is to provide for vigorous, genuine competition in these markets.

Would you please advise me at your earliest convenience of the status of Docket 80-53 and the timetable for Commission action in this proceeding? I know that many of us in the Congress stand ready to undertake legislative initiatives in this area, if they are necessary.

With best wishes,

Sincerely,

EDWARD J. MARKEY,
Member of Congress.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., June 2, 1983.

Hon. EDWARD J. MARKEY,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN MARKEY: This is in reply to your letter of May 23 in which you request both a status report relative to Docket No. 80-53 (Bell System Procurement Practices) and a timetable for Commission action. Your letter also refers to a "Petition for Expedited Consideration" filed by Stromberg-Carlson Corporation on December 15, 1982, which as I indicated in my earlier letter to you, has raised some additional issues for the Commission's consideration.

On January 17, 1983, the Commission issued a public notice on the Stromberg-Carlson petition, inviting comments by February 16 and reply comments no later than March 3. Following the filing of the comments, Stromberg-Carlson submitted a motion requesting an extension of time to March 14 to file its reply comments. That motion was granted, and the pleading cycle with respect to the Stromberg-Carlson petition was closed on March 14.

Since that time, the Common Carrier Bureau has been in the process of analyzing the complex issues raised by this latest round of comments, and the proceeding generally. We expect a staff recommendation and action before the Commission on this docket before the end of the summer.

We appreciate your interest in this proceeding and hope that the foregoing has been responsive.

Sincerely,

MARK S. FOWLER,
Chairman.●

TRIBUTE TO CARL ZIKA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to congratulate Carl Zika, the outgoing president of the Van Nuys Jaycees, on completing a year of outstanding service to our community.

Through his work with the jaycees, Carl Zika has helped to provide leadership training programs and has led the jaycees in many worthwhile projects. Much of his effort has gone toward helping the less fortunate individuals among us.

He has given generously of his time to the "Bowl for Breath" to benefit the Cystic Fibrosis Foundation, and played a significant role in benefit events for the Los Angeles Children's Hospital and the Leukemia Society. In addition, he helped to make the holiday season just a little brighter for many children through his work in the "Call Santa" project, which received over 500 phone calls from area children, and serving as Santa Claus at Children's Hospital for the children who had to be hospitalized during the holidays.

Carl Zika has added a great deal to the Van Nuys Jaycees through his dedicated service. I am pleased to be able to commend him for all his fine work, and offer him my personal congratulations and best wishes for the future.●

WHY THE HOUSE SHOULD PASS THE IMF QUOTA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. HAMILTON. Mr. Speaker, I commend to my colleagues the following op-ed piece by Robert Solomon, guest scholar at the Brookings Institution, urging the House of Representatives to pass the IMF quota legislation.

The international debt crisis has by no means been solved. It still overhangs prospects for sustained economic recovery in this country and the health of the global economy. Passage of the IMF quota legislation, which would provide the IMF with adequate resources to continue performing its important role in the months ahead, is a critical component of any strategy to insure that the debt crisis is managed and ultimately solved.

Last week the Senate passed the IMF quota legislation. Action now rests with the House. Mr. Solomon's article offers persuasive arguments why Members should vote positively when the quota legislation reaches the floor. I urge my colleagues to read Mr. Solomon's article before making their decision.

The article follows:

WHY CONGRESS SHOULD PASS IMF QUOTA HIKE

(By Robert Solomon)

It is reported that the legislation authorizing an enlarged U.S. quota in the International Monetary Fund is in trouble in the House of Representatives.

It seems hard to believe, at a time when the fact of international economic interdependence is so widely perceived, that some members of the House do not see the importance to the United States of an actively functioning IMF.

American exports of goods and services have increased, as a proportion of our gross national product, from 5 percent 30 years ago to more than 11 percent now. For many industries and for agriculture, export sales are a mainstay. Our economy and our financial system are inextricably bound up with what happens in the rest of the world.

These linkages have been dramatically demonstrated in the past year when one developing country after another encountered difficulty in servicing its debts. Mexico and Brazil, among other countries, sharply curtailed their imports, even before they approached the IMF. One result was a further decline in U.S. exports, which were already falling because of recession in the other industrial countries and the high value of the dollar.

The debt problem became critical for the world economy when the commercial banks around the world, which had been providing credit on a large scale to the advanced developing countries since the early 1970s, abruptly reduced their lending in mid-1982.

Yet countries with current account deficits cannot be expected to eliminate such deficits overnight. These countries need a continuing inflow of capital, just as the United States depended on borrowing from abroad, especially from England, in the 19th century.

The IMF proved its usefulness by requiring, as a condition for its own loans to the debtor countries, that the commercial banks increase their lending. This was a function that no individual government could have performed.

The Fund's unique role as an international monetary institution gave it the power and influence to see to it that funds continued to flow to the debtor countries. If this had not happened enormous economic and financial disorder would have occurred in the world economy.

How does one demonstrate to recalcitrant members of the House that the functions of the IMF are so important? The very success of the Fund in preventing chaos also deprives us of the evidence to show how crucial the Fund is. If a system of health care prevents disease, doubting Thomases can always point to the absence of disease if they wish to disparage the importance of the health-care system.

While the debt problem is being handled—albeit with uncertainties—it will be with us for a number of years. Economic recovery in the industrial world, not only in the United States but also in Europe and Japan, is a necessary condition for the developing countries to increase their exports and therefore re-establish their ability to finance their

vital import needs and also meet interest payments on their outstanding debts.

Worldwide recovery is far from assured, even though the United States is solidly on an upward growth path. Moreover, interest rates remain high in the industrial countries and this too burdens the balance of payments positions of the developing nations.

Thus there will be a continuing need for the IMF to lend and to use the leverage that its lending potential gives it.

How does one demonstrate to the recalcitrant congressman that the meeting of this need is in the vital interest of the United States?

One points out that American exports and therefore American jobs are at stake. But, we may be told, Brazil and Mexico have reduced their imports and this is hurting the United States. True, but in the absence of the activities of the IMF described above, Brazil and Mexico would have had to slash their imports much more severely.

We may be told that what the IMF is doing is bailing out the banks, which are alleged to have loaned recklessly to the developing countries. This notion has a certain appeal to some American congressmen. But it can be shown to be incorrect.

First of all, the economic performance of the major developing-country borrowers was highly impressive until the last two years when recession and high interest rates in the industrial world hit them hard. The Brazils and Mexicos grew fast and exported successfully throughout the 1970s. They must have been putting the borrowed funds to good use.

Second, the commercial banks are not being bailed out. As has so often been said, they are being bailed in, since the Fund is requiring the banks to increase their exposure to the debtor countries. Not a cent of the money loaned by the IMF is going to repay debt to banks.

What does one say to a congressman who has seen cuts in non-defense federal spending in his district and is therefore reluctant to vote for an increase in funding for the IMF?

One answer is that the Fund quota increase is not in the budget and is therefore not competing with budget dollars that might be spent in his district. A related answer is that whether or not the enlarged IMF quota is authorized, there will continue to be pressure to reduce "out year" budget deficits.

The more basic answer is that an increased U.S. quota in the Fund is not some form of giveaway by the United States. We are joining with the other 150 members of the IMF in assuring that it can continue to perform its vital functions on which all countries are dependent.

The congressman's constituents will be worse off if the Fund is not able to carry out these functions because American exports will be lower, because instability in other countries will harm us, and because a healthy world economy benefits Americans in countless ways.

Write to your congressman!●

A TRIBUTE TO MARTA MONTES

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. SMITH of Florida. Mr. Speaker, today, I rise to give special recognition to a resident of my district. Marta Montes, a native of Esperanza Las Villa, Cuba, is the first Cuban-born naturalized American woman to hold municipal office. Marta is a woman who is unafraid to speak out to correct injustices. Her sense of responsibility and civic mindedness led her to be elected to the City Council of Hialeah Gardens, Fla. by people who recognize her leadership qualities.

Traditionally, Hispanic women have encountered cultural barriers that discouraged them from participating in political matters. Now, Hispanic women, such as Marta Montes, are emerging with a new force to influence their community. Marta has proven to be a leading force in her affiliations with the Pan American Chamber of Commerce, Hialeah Gardens Civic Association, and Hialeah Gardens Business Association.

Marta's example and commitment to Hialeah Gardens is commendable. I find her a constant source of inspiration to the well-being, safety, and security of her neighbors. Marta's roots may be in Cuba, but she has dedicated her efforts and energies to serve the United States. The pride in her origins is redirected to the American dream. A registered nurse by profession, her personal history shows a dedication to humanitiarian causes. I ask that Congress acknowledge with me her achievements on behalf of Hispanic women. Her commitment has made a lasting impression that one will not forget.●

PROBLEMS WITH SOCIAL SECURITY DISABILITY REVIEW PROGRAM

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. MARKEY. Mr. Speaker, I would like to share with my colleagues a personal experience I had with the social security disability determination process. I want to relate this incident for I believe the story is emblematic of the problems confronting many Americans currently labeled disabled by the Social Security Administration.

Just last fall, I received a phone call from a 38-year-old Malden, Mass., man who was concerned about his claim for social security disability benefits. A husband and father of three, this constituent was forced to leave his job in late 1980 after suffering a heart attack. His physician diagnosed the condition to be coronary artery disease and in light of his condition, recommended he not return to work.

Unable to make a living and facing mounting financial pressures, he was left with little choice but to file a claim for social security disability benefits in January 1981. His claim was denied three times. He then requested a hearing, but received no response from the Social Security Administration. In January of this year, another decision was reached: This constituent was determined not disabled due to coronary artery disease, and his claim was denied. Three weeks later, after being determined capable of work and ineligible for disability benefits, he died of coronary failure.

I relate this story to illustrate the tragic circumstances surrounding the social security disability program. The problems with SSD are not confined to first-time claims only. In fact, the injustices are often far greater for SSD recipients who find their benefits terminated after a suspect review. Obviously, those continuing disability investigations are necessary. But no one expected the reviews to be cursory and, in some instances, simply harassing. They have caused a tremendous amount of harm to many and to some, even death. Mr. Speaker, the story I have already related powerfully illustrates this last point.

The problems with the SSD program began with a reform measure mandated by this body. Congress ordered a review of those persons receiving disability benefits every 3 years after hearing GAO testimony indicating that as many as 20 percent of those receiving SSD benefits were medically ineligible. In light of the estimated $2 billion annual loss due to ineligible recipients, the action of Congress was certainly well intentioned.

Unfortunately, Mr. Speaker, like so many programs, the results were far different than the intent of Congress. Since the reviews began in March 1981, disability examiners have ordered 46 percent of those reviewed off the disability rolls. Of those who appealed their denials, 60 percent have had their monthly payments reinstated. Consequently, 60 percent of those people cut off from disability benefits were terminated unjustly and without proper cause. And in my home State of Massachusetts, an even higher percentage, 74 percent, have been reinstated after appealing the initial termination decision. Clearly, Mr. Speaker, severe problems existed in the disability review program.

Finally, after months of public outcry over the inhumane and unjust handling of SSD review cases, Secretary of Health and Human Services Margaret Heckler has issued several

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reforms of the disability review process. Secretary Heckler's recent report on needed reforms in the review process are a step in the right direction. Nevertheless, these reforms represent only a slight shift in the administration's attitude toward SSD recipients. Much, much more needs to be done before all affected Americans can feel secure in receiving their disability benefits on an uninterrupted basis.

The revisions contained in Secretary Heckler's June 7 report on the SSD review process are welcome, but long overdue. Since 1981, when the new review rules were first promulgated, I have insisted that substantive changes are needed in the review process. Clearly, Mr. Speaker, Secretary Heckler has issued these regulations in an effort to appease both the public and the elected officials who have voiced their legitimate concerns and complaints. I commend Secretary Heckler for moving forward with these revisions and I hope the Social Security Administration is quick in implementing these changes. Unfortunately, Mr. Speaker, while the revisions are welcome, they are not enough.

Secretary Heckler must be made to understand that the problems with SSD are tremendously more complex, involving many, many more disabled Americans than a perusal of the revisions indicates. Of the changes Secretary Heckler has proposed, the most significant is the moratorium on reviews of the 135,000 persons receiving SSD benefits based on mental impairments classified as "functional psychotic disorders." In addition, the revisions will suspend further reviews of similar cases which are still pending. The moratorium will end once the Social Security Administration has adopted new, acceptable mental standards and procedures for reviewing these types of sensitive cases. At that time, SSA will reevaluate those individuals who may have been unjustly terminated in the past.

This moratorium is significant for it prevents SSA from taking action against mentally ill cases absent acceptable medical standards. The only other change of any importance is the addition of approximately 200,000 SSD recipients in the "permanently disabled" category. This brings the number of cases exempt from review to over 1 million.

I find these developments to be encouraging for it will spare many disabled Americans from emotional and financial suffering. Denied disability income while the long appeal process continues, uncertain as to how they will provide for themselves and their families, many disabled Americans are forced into untenable positions. To the extent these changes save our citizens from these unfortunate circumstances, I find these revisions a most welcome development. Nevertheless, I encourage Secretary Heckler to make additional revisions in order to protect the great number of disabled Americans who are disabled, who have proven to be disabled after appeal, from the ravages of a review process which serves no one.●

NATIONAL SPELLING BEE COMPETITORS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. RICHARDSON. Mr. Speaker, I had the privilege of meeting one of the many young men and women from all across the country who have come together in Washington this week to compete in the national spelling bee competition sponsored by Scripps-Howard Newspapers. We can all be proud of the accomplishment of these young people have shown in mastering a special educational skill.

Fourteen-year-old Mary Catherine Ward attends Quemado High School in my district. Mary's hard work in preparing for the spelling bee competition was rewarded when she won a competition held in New Mexico involving 129 students from Catron, McKinley, Soccarro, and Bernalillo Counties. Mary is in Washington to compete in the national round of the Scripps-Howard spelling bee competition. She is with her mother, Cathy Ward, who is providing her with encouragement, support, and some last minute coaching.

Mary has aspirations of becoming a doctor in the future and I am confident the hard work and determination that won her a spot in the national spelling bee competition will help set the tone for her to attain her future goals. Mr. Speaker, it is appropriate that all of us in the Congress take note of the accomplishments of the spelling talents of the many young people who have traveled to Washington this week to compete in the national spelling bee competition.●

THATCHER'S VICTORY: HARD LESSONS FOR REAGAN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. GINGRICH. Mr. Speaker, Stuart Butler recently published a column entitled "Thatcher's Victory: Hard Lessons for Reagan." His analysis should be studied by every advocate of a conservative government.

Mr. Butler clearly and candidly draws the distinction between the aggressive militancy of the British Conservatives under Thatcher and the uncertain, zig-zag approach of Republicans and some conservatives in our own country.

It is well worth examining. Mr. Butler's column follows:

[From the Washington Times, June 10, 1983]

THATCHER'S VICTORY: HARD LESSONS FOR REAGAN

(By Stuart M. Butler)

Margaret Thatcher's crushing win in Britain's general election yesterday has no doubt produced smiles all round at the White House, and even broader grins among GOP strategists planning a Reagan reelection bid. After all, Prime Minister Thatcher was swept back into power while presiding over an unemployment rate of nearly 13 percent and a recovery which is still more a promise than a fact. Most economic forecasters expect Reagan to be in a much better position in the run-up to the 1984 election.

Yet the lessons from Britain are a little more mixed for the president than the landslide result suggests. The campaign was the culmination of shrewd political groundwork laid carefully by the Conservatives during the last four years, aimed both at building support for the government and at defusing damaging issues. Many of the actions of the Reagan administration, on the other hand, seem to have had exactly the opposite effect. Only time will tell if the difference is fatal.

Mrs. Thatcher, of course, did have the help of two factors which are hardly likely to figure in the U.S. presidential election. The afterglow of the victorious Falklands war and an opposition Labor party not only dominated by its left wing, but led disastrously by Michael Foot—who managed to combine a poor campaigning style with a remarkable ignorance of technical issues. As the London Economist remarked in a scathing profile, "Mr. Foot does not know anything about anything . . . He scarcely knows M3 from MX."

But these factors are far from a complete explanation of Thatcher's success. It should be remembered that Winston Churchill (to whom Mrs. Thatcher is often compared these days) led Britain to victory over a much more formidable adversary than Argentina, only to be thrown out of office in the 1945 election. And while the Falklands war gave a boost to the Conservatives, the party's support in the polls began to rise dramatically several months before the war broke out.

Besides, early returns indicate that the Conservatives won the election with a larger share of the total vote than any other victorious party in recent British elections. Thatcher did not win, in other words, simply because anti-Conservative vote was split more evenly than usual between Labor and the third party (this time, a Liberal-Social Democratic Alliance), but because the Tory share held rock-solid.

The Conservative victory appears due instead to deeper influences in the electorate. One of these was the remarkable effectiveness of the Tory campaign in dealing with sensitive issues. The Campaign for Nuclear Disarmament, Britain's freeze movement, was attacked vigorously and methodically for its leadership's ultra-left and Soviet connections. The Conservatives did not allow the radical unilateralists to hide behind a wall of honest, genuinely concerned men and women. The nuclear disarmament issue,

if anything, helped Mrs. Thatcher by enabling her to denounce Labor's embrace of an anti-nuclear policy as both naive and suspect.

The Conservatives also built upon a legislative strategy designed in part to detach urban and black voters from the Labor column. Measures have been taken to improve police relations with minorities (who are mostly first—or second—generation immigrants from the Commonwealth), and a new law has helped to clarify the immigration status of dependents and ease racial tension. So the Conservatives have managed to portray themselves to recent immigrants as the party of integration, based on equality of opportunity rather than on special treatment. One campaign poster featuring a black youth asserts: "Labor says he's black; Tories say he's British."

Like older urban areas in the United States, British cities are in poor shape, but here the Conservatives combined electoral damage control with an effective counterattack. Within a year and a half of Thatcher's taking office, the government showed its commitment to urban job creation by enacting legislation to create 11 urban enterprise zones in key cities (the number was increased to 24 last year). Far more important, however, the Conservatives gave public housing tenants the right to buy their units at substantial discounts. Over half a million might have been sold in this way, turning many traditional Labor voters into homeowners now sympathetic to Tory overtures.

Most critical of all was Thatcher's ability to defuse the issue of unemployment—now running at nearly 13 percent. Pre-election polls showed that about 50 percent of the population rated unemployment as the election's most serious issue. Yet it looks as though the Conservatives may have picked up well over a quarter of the votes of the unemployed—almost half the number going to Labor.

The reason seems to be that the Thatcher government convinced a significant proportion of the unemployed that real, lasting jobs could only come with a healthy and growing economy. The government stood steadfast against "jobs" bills, and refused even to make forecasts about when the unemployment rate would fall. By maintaining this firm stand, the Conservatives were able to argue that they stood for policies aimed at permanent job creation, and to denounce the other parties as favoring short-term relief to buy votes while endangering long-term growth. Tory strategists calculated that this firm approach would win over enough of the unemployed to seriously weaken the opposition parties. And they assumed that a commitment to low inflation and high growth would be a major vote-winner among the majority of voters, who have jobs. It seems they were right on both counts.

These features of the Conservative win should indicate to the White House that a lot of work needs to be done if Ronald Reagan is going to emulate Mrs. Thatcher in 1984. In contrast to his ally, Reagan has almost gone out of his way to alienate the black and urban vote. Administration contortions over civil rights will probably ensure a Democratic shut-out among black electors. And the president's one vote-winning initiative, the enterprise zone proposal, has still to pass the Republican-controlled Senate in this third year of the administration.

The economy still looks good for Reagan in 1984, but the federal deficit may yet be his Achilles heel. The total government deficit in the United States (including state and local deficits, and "off-budget" items) is more than 10 percent of the nation's GNP. Mrs. Thatcher, on the other hand, went into the election with a total deficit of under 3 percent, projected to fall to 2 percent by 1986, and a zero "structural deficit." This was achieved not by massive tax increases on Britain's electors but by tight control over public spending, together with restructuring and "privatization" (that is, the sale) of government-owned industries.

The Conservative strategy, then, was based on a mixture of offense and defense. Potentially damaging issues and voter blocks were defused and courted, while other voters were gained from traditional opponents by innovative policies. The strategy was so successful that bookmakers in London refused to take election bets last week because the odds on a Conservative win were too great. Unless Ronald Reagan learns the real lessons of the British election, that is unlikely to happen here.●

THE DEDICATION OF THE NEW FIRE HOUSE IN WINAMAC IND.

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. HILLIS. Mr. Speaker, last Sunday, I had the pleasure of speaking at the dedication of the new firehouse in the town of Winamac, Ind.

It was a proud day for the citizens of Winamac—a small farming town in Pulaski County that many of you may remember was the site of the Ford Pinto trial a few years ago. The new fire station they dedicated that day was a source of great pride—a symbol of community purpose and unity. The dedication was an important statement that the people of Winamac care about their town and are willing to make personal sacrifices for its betterment.

The new building itself is not large—50 by 105 feet with an attached 1,200-square-foot social room and space for five firefighting vehicles. It is not a flashy building either but it serves Winamac's purpose well, providing a home for the equipment that keeps the city's residents and property safe from fire. This, in itself, would not merit comment in the Halls of Congress if it were not for the fact that the Winamac fire station was built and opened without the expenditure of 1 cent of tax money.

The former Winamac fire station was an old, outdated two-bay gas station that did not provide adequate housing for the department's expensive and vital firefighting equipment.

The volunteer fire department decided a new facility was needed so it went to work, pledging $18,000 in its own fund toward building construction. Then, instead of following the conventional path of seeking Federal and State dollars, the volunteer firemen asked the rest of Winamac to be volunteers and pledge donations to the building fund.

The citizens responded and raised about $40,000—no minor accomplishment considering Winamac is just a small farming town of only 2,370 people.

While the building itself was erected by a professional contractor, Chief Raymond Smith and his 19-man department did all the wiring, heating, plumbing, and decorating themselves saving hundreds of dollars.

The Winamac fire station is an extraordinary example of what a community can accomplish if left, on its own, to solve its own problems. Winamac recognized the need for a new fire station, identified the solution and accomplished the task without relying on Washington's alphabet agencies and the U.S. Treasury's greenbacks.

Indeed, I venture to say, if Winamac had chosen to pursue Federal funds, its building would be merely a dream wrapped in redtape instead of a functional facility that, today, is a source of great community pride.

The building belongs to the people of Winamac but the example they set is something the entire country can share. I congratulate them on their accomplishment and applaud their civic consciousness and independence.●

ACID RAIN

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. MARKEY. Mr. Speaker, 13 years ago our Nation faced the grim prospect of its cities made unlivable by air pollution. Auto emissions and smokestack discharges polluted our cities and created a "dirty soup which made our cities unhealthy places to live. At the time there was little hope of cleaning up the environment. Nevertheless, this pervasive environmental threat has been checked, if not reversed, by the forceful action of the President and Congress in enacting the Clean Air Act.

Today, we face a similarly devastating attack on our environment. It is an environmental attack that kills our Nation's ponds, poisons our waters, and damages our buildings. Today, acid rain is threatening our environment, and the time action has passed. We need action now.

Despite the pressing need for action on acid rain, the Reagan administration consistently has opposed any Federal effort to address the problem. On Wednesday, June 8, however, the administration released a report that challenges this administration's reluctance to take action.

The report places primary blame for the problem of acid rain on manmade pollution, especially pollutants from electric utilities and heavy industries. The administration report also emphasizes the national scope of the problem; acid rain is not simply a regional problem confined to the Midwest and Northeast. And most significantly, the report stresses that 100 percent scientific certainty is so difficult to achieve that it should not be a prerequisite for regulatory action.

This finding is the most important development in the administration's position on acid rain I have witnessed. For too long the Reagan administration has resisted action on acid rain on the ground that there is insufficient evidence on the source of the problem. The President has maintained this position in the face of numerous studies which document the cause of acid rain is pollutants put out by coal-burning utilities and factories. The administration has maintained this position despite a preponderance of evidence showing the source of acid rain.

I am encouraged by this report if in fact it portends a change in the administration's adherence to 100 percent proof of the cause. Unfortunately, we live in an uncertain world and must depend on less than 100 percent evidence in many areas of life. Uncertainty is a basis principle of science. I imagine that one could find studies which show that the link between cigarettes and lung cancer is not complete, or the connection between mining and black lung is uncertain. Nevertheless, we have moved forward in both of these areas to combat the specific problem without having 100 percent certainty. Just because a batter does not understand the physics and aerodynamics behind an incoming pitch does not mean that he cannot hit the pitch. Well, just because we do not have the luxury of 100-percent certainty on the source of acid rain does not mean we should not take action to correct the problem. One hundred percent certainty is a luxury that life rarely gives us. We do have sufficient evidence, however, to take action against the sources of acid rain with the confidence that a preponderance of the evidence gives us. We should take that action now.

Recently, President Reagan asked the Environmental Protection Agency to give top priority to a reassessment of the administration's position on acid rain. Ostensibly, it appears that after 2 years in office, the President has finally felt the political heat and begun to move on acid rain. Unfortunately, these past 2 years, when steps could have been taken to arrest the problem, have been wasted by a President intent on study rather than solution. Each year that goes by without action, environmental damage spreads and the problem becomes harder to control. I hope that the President finally has realized he must seize the opportunity to move forward on acid rain control.

Acid rain, or more precisely acid precipitation since snow and even fog can be contaminated, is caused by the combination of pollutants released by electric utilities and motor vehicles (sulfur dioxide and nitrogen oxides) with oxygen and rainwater to form nitric and sulfuric acid. Recent measurements indicate that rain falling in the Northeast is 10 to 100 times more acidic than normal.

This precipitation, falling into lakes and reservoirs as rain, quickly makes them more acidic. In addition, acid rain leaches minerals and heavy metals from the soil and carries them into the ponds. Acid rain has been tied to high levels of aluminum and mercury in local ponds. As levels of these toxic metals rise, and as the ponds become increasingly acidic, fish and plant life die. Over 180 lakes in the Adirondack region of New York have been classified as dead. Moreover, high levels of mercury, found in some lakes contaminated by acid raid, can be hazardous in drinking water supplies. Finally, the leaching of nutrients from the soil, and the effects of acid rainfall on leaves, may be harmful to trees and crops. Acid rain also damages monuments and other buildings, eating away at our national treasures. In the Northeast alone, acid rain has been estimated to cause over $2.5 billion of damage each year.

I regret to add that such damage could be only the tip of an acid iceberg. Trends over the past 20 years show that the problem of acid rain is both spreading and intensifying. In the mid-1950's, acid rain was confined primarily to the Midwest and Northeast, with rain in other areas of the country virtually normal. By the late 1970's, however, the problem had spread south and west, and in many regions the precipitation is two or three times the acid measure of the 1950's.

The acid rain problem was exacerbated by utilities converting from oil to coal, which contains more sulfur, and from relatively expensive low-sulfur coal to cheaper, higher sulfur coal. These changes were largely the result of a national effort to promote the use of domestic coal rather than imported oil. While technologies exist to burn coal more cleanly, to clean the coal before burning, and to scrub utilities' emissions, all of these would place an expensive burden on an industry already staggering from unexpectedly low growth and soaring nuclear power costs. Indeed, estimates of the cost of retroactively cleaning coal burners run as high as $5 billion a year.

These factors indicate that the problem of acid rain is intimately connected with key elements of national policies, and require truly inventive solutions. Time is running out for the environment. It is time to begin an aggressive search for methods to take the sting out of acid rain.●

A SIGNIFICANT WEEK FOR THE U.S. SPACE PROGRAM

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. LUJAN. Mr. Speaker, this is a very significant week for the U.S. space program.

This morning the Pioneer 10 explorer satellite accomplished something that we earthlings have never done before. This manmade object has left the perimeters of our solar system. It is now traveling into deep outer space. After 11 years and 3.8 billion miles of its journey, it is still performing above any expectations. It will most likely continue its voyage after this planet ceases to exist.

Also this morning, the space shuttle prototype *Enterprise* left Washington, after a visit, to return to Edwards Air Force Base in California. It was received in Washington with a welcome appropriate to a national hero. Its visit demonstrated the tremendous support for this program by the American people.

And Saturday of this week the space shuttle *Challenger* will leave the Cape on another historic trip into space. The five member crew will be highlighted by the fact that it includes America's first woman to travel into space. Astronaut Sally Ride will take her place among our space pioneers.

As the ranking minority member of the Space Science and Applications Subcommittee, I am fortunate to have firsthand involvement in this fascinating program.

Mr. Speaker, this is an important week in our space activities. It demonstrates well that the people of the planet Earth are on the dawn of a new and awesome age.●

HEALTH AND PHYSICAL EDUCATION COURSES SERVE A PURPOSE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. RICHARDSON. Mr. Speaker, I would like to draw my colleagues attention to an article that recently appeared in the Journal of Physical Education Recreation and Dance. Alliance President Wayne Osness shares his views on a report issued by the President's National Commission on Excellence in Education entitled, "A Nation at Risk: The Imperative for Educational Reform."

President Osness cautions that while changes are needed to turn around the educational decline in recent years in this country that it is important to keep in mind that physical and health education courses do have a role to play in providing our young people with a complete, well-rounded education.

Mr. Speaker, I hope that my colleagues will take the time to read this well-thought-out piece:

ALLIANCE PRESIDENT RESPONDS TO COMMISSION

On April 26th, the White House released a report from the National Commission on Excellence in Education entitled "A Nation at Risk: The Imperative for Educational Reform." The report sounds a warning to educators across the nation: We have let our educational system decline; the results have affected our economy, our industries, our children, and the safety and security of our nation and our future. The message is clear: America cannot afford to continue to tolerate the status quo in education.

The Commission report made public many issues and concerns that educators have been sharing with each other for some time now. From American Alliance members we have often heard: "Some of our majors come to us neither with the rudimentary essentials in math and science, nor the physical skills needed to continue their learning at the college level." "Students seem interested only in getting by, getting the credentials necessary to get a job."

One can argue selected points of the commission's findings, the logic and practicality of their recommendations, or the dirge-like seriousness of their warnings. But what cannot be argued is that this report is long overdue and is very likely to signal a renaissance in education which will precipitate major changes in the very fabric of our educational system—the impact will reach far into the future. We may be on a critical threshold. The possibilities are infinite and exciting.

But there are also some ominous implications. One of the major criticisms the commission levies at the current system is that "Twenty-five percent of the credits earned by general-track high school students are in physical education and health education, work experience outside the school, remedial English and mathematics, and personal service and development courses, such as training for adulthood and marriage . . ."

The commission believes that these courses take time away from math, science, English and social studies courses, thereby contributing to the decline in the overall level of educational achievement of our nation's students.

The American Alliance disagrees with this inference on two counts. First, grouping physical education and health education courses with remedial courses, training for adulthood and experiences which occur outside the school denigrates our professions, which are part of the educational mainstream. The teaching skills, knowledge, and appreciation of movement is an essential part of a complete, well-rounded education. Developing an understanding and awareness of an active lifestyle on an individual and personal level is an integral part of the school curriculum of the future.

Second, the implication that somehow these courses have contributed to a diminished educational performance could not be further from the truth.

Physical education and health education classes are not the cause of the declining level of student achievement; they can and do serve as an impetus for higher achievement. Physical education teaches skills and knowledge which can be used throughout a student's lifetime, resulting in a healthier, more physically fit adult. Increased levels of physical activity bring increased capacity for productivity. A physically active person is a more productive person. A physically active person is tired less often and finds an increased level of energy. Physically active and fit students, therefore, will have more, not less time and energy.

Physical education and health education teach students about healthy diet, good nutrition and how their bodies function. Students who eat right and engage in regular physical activity will be healthier and will be absent from school less often. Students who are knowledgeable about their bodies and who are in good physical condition use less energy to accomplish goals, and maintain an efficiency of movement which can leave more time for learning.

Physical education teaches students how to use their leisure time. Appropriate use of leisure time provides a much needed respite to the rigors of a demanding new educational curriculum, allowing better concentration and increased attention span while on task.

Health education teaches students about the care and maintenance of their bodies. Students who have an awareness of how to maintain and enhance their health, and who can put those practices to use in a concrete and personal way will be healthier children and adults. With the rising costs of medical care, we cannot afford to ignore preventive measures. Healthy students can learn more efficiently and effectively than unhealthy students.

The commission reports that "our society and its educational institutions seem to have lost sight of the . . . high expectations and disciplined effort needed . . ." to attain a quality education. They recommend that colleges and universities "adopt a quality education. They recommend that colleges and universities "adopt more rigorous and measureable standards, higher expectations for academic performance and student conduct. . . ." Physical education teaches these values. Physical education can teach students how to relate to the physical world, the real world in a very basic way. It can teach them how to change their environment by changing themselves. It can teach them how to change, mold, and improve their bodies through discipline, hard work, training, and skill development.

We applaud the commitment to education which resulted in such a comprehensive look at our public educational system at the national level. We urge only that the vision of the future which the commission has glimpsed include physical education and health education as necessary and vital components of our educational system. What kind of a future will we have at the cost of our children's health and development? How can we compete with other nations either in war or peace, either on the real battlefield or the economic front if we cannot come prepared with healthy minds and bodies? The dichotomy between them is false. We live in a physical world. We must continue to relate to it. We must continue to teach children how to use their bodies and their minds, and how to use their minds and bodies together so we will have more whole and healthy students, who are truly prepared to face the future.●

TRIBUTE TO CARL SWANSON

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. KOSTMAYER. Mr. Speaker, on June 4, 1983, Carl Swanson of Levittown, Pa. passed away. Few events in my 5 years of service in the House saddened me as much as this one. Carl was the husband of Marge Swanson who has been a member of my staff since I was first elected to Congress in 1976. The father of Carla, Linda, and Carl, Jr. and a lifelong resident of Bucks County, Carl fought for his country during the Second World War serving 5 years in the U.S. Marine Corps. For the last 30 years he was employed at the U.S. Steel Fairless Works, since the opening of that facility.

Carl was an extraordinarily kind and generous man and his home in Levittown became my second home during my years of travel throughout the Eighth Congressional District. He epitomized all that is good in this country—open and deep love of his family, compassion for those less fortunate than he, devotion and pride in his country.

Carl Swanson left the world a better place than he found it and I join the many people whose lives he touched in honoring his memory today.●

IN SUPPORT OF A STRONGER EPA

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mrs. JOHNSON. Mr. Speaker, I rise in support of the amendment to increase funding for the Environmental Protection Agency (EPA). Review of EPA's budget and performance have made it very clear that that arm of Government needs increased, not reduced, support if its mission is to be accomplished. I am pleased, therefore, to support the amendment offered by my colleague from Colorado that restores much of the muscle that EPA so desperately needs.

With the appointment of William Ruckelshaus, the President has demonstrated his commitment to excellence at EPA and, although I am concerned about the ability of any organization to absorb $220 million more than it requested, I am certain of the Agency's need and confident of the new Administrator's ability to allocate his budget judiciously.

For too long, the important functions of research and development, enforcement, and grants to States have suffered from severe and inappropriate budget cuts. A 43-percent reduction in research and development funding does not reflect our need as a society to better understand the impact of chemical and hazardous wastes on our environment nor does it provide the information needed to guide the development of new approaches to the safe and effective clean up and disposal of hazardous wastes. We have to this point failed to adequately address the massive clean up problem that must be solved if we are to preserve the well-being of all citizens. In light of that, it is unreasonable to reduce funding for EPA enforcement activities by 31 percent from the fiscal year 1981 level as the proposed budget allows. When new hazardous waste sites are being uncovered every week, our commitment of resources must reflect the new evidence of our Nation's needs.

One of the inadequacies of the enforcement effort that is particularly important to the State of Connecticut and my constituents because it is costing us jobs is the ever-increasing role of interstate enforcement in achieving clean air and water nationwide. Without a stronger commitment to interstate enforcement of clean air and water laws, jobs in complying States like Connecticut will continue to shoulder the heavy capital costs of compliance with clean air and clean water requirements and be underbid by noncomplying producers from surrounding noncomplying States. Many Connecticut jobs are threatened by the failure of surrounding States to comply with national clean water and air standards. This threat to our jobs and industry is very real but the answer is not to step back on our commitment to a quality environment but to force surrounding, polluting States to comply.

The more we learn about the effects of waste disposal on the environment, the more truth we see in the old saying that, "an ounce of prevention is worth a pound of cure." The disparity between the amount of money that would have prevented the hazards of Times Beach, Mo., or Love Canal, N.Y., and the amount of money necessary for cleanup is simply astounding and a tragedy in a world of limited resources.

Mr. Speaker, I strongly urge the new EPA Administrator to use his resources wisely and to realize our national goal of creating and maintaining a clean, safe, and livable country and planet.●

WELL DONE NASA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. GINGRICH. Mr. Speaker, I am paying tribute to the people at the National Aeronautics and Space Administration for a magnificent achievement. It is a feat which demonstrates America's bold and adventurous spirit.

Today, at approximately 8 a.m. e.d.t., the first unmanned spacecraft departed the solar system. At that time the NASA Pioneer 10 spacecraft crossed the orbit of Neptune, currently the outermost planet of our solar system, at a distance of about 2.8 billion miles from the Sun.

After over 11 years of flawless flight, Pioneer 10 has begun a virtually endless journey into interstellar space. The spacecraft is expected to last for billions of years traveling at a speed of almost three-quarters of a million miles a day. It should outlast the solar system itself, since, in about 5 billion years, the Sun will become a giant red star and engulf the Earth.

The direction and speed of Pioneer 10 were achieved by an ingenious maneuver. The spacecraft was actually thrust into interstellar space by slingshot action due to Jupiter's rotational speed. Their encounter occurred during December 1973.

Pioneer 10 continues to gather detailed scientific information. It relays the information to Earth with only a very small 8-watt radio transmitter which has a power equivalent of a very weak light bulb. When the signal is received by our 210-foot-diameter radio antennas it has weakened to 1 billion-trillionths of a watt.

Pioneer 10 has made a long list of discoveries about Jupiter and the Sun's full range of activity. It is now exploring the outer solar atmosphere and is looking for a possible 10th planet or a large dark star at the outer fringes of the solar system. Such an object has long been suggested by unexplained irregularities in the orbits of Uranus and Neptune.

Pioneer 10 will also search for evidence of cataclysmic collisions between galaxies or two massive black holes. These violent upheavals rattle the entire universe and produce gravity waves having wavelengths of 1 to 3 billion miles.

Pioneer 10's departure from the solar system transcends any previous achievement in planetary exploration. It is an accomplishment of great scientific, technical, and operational skill and human ingenuity.

Well done NASA.●

THE UAW'S CONTRIBUTION TO THE INDUSTRIAL POLICY DEBATE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. MARKEY. Mr. Speaker, many of us in the Congress are concerned about the lack of a coherent industrial policy in this country. The devastation of Reaganomics has disrupted major sectors of the economy, changes in international trading practices have cost us jobs and business abroad, alternatives to the status quo seem confusing or unpromising.

The debate over industrial policy will surely dominate the legislative and political agendas over the next few years. Worthwhile contributions to this debate can be expected to come from all quarters—most recently, the Democratic Caucus and the high production group both made valuable additions to the discussion.

But there is one report, one viewpoint, of special interest to me. The recent paper by the United Auto Workers, "The UAW Blueprint for a Working America," explains the challenge facing us and offers potential solutions with an eloquence and expertise rarely matched. It contributes greatly to the ongoing efforts to reindustrialize and rebuild America.

I want to congratulate the UAW for its efforts. Special credit should go to those who helped the UAW build this report: Donald Ephlin, Ira Magaziner, Derek Shearer, Lester Thurow, and two good friends, David Smith, and Barry Bluestone. Because of space limitations I cannot have the entire report reprinted here—though I do recommend it highly to my colleagues. What follows, then, is an excerpt from a section of the paper entitled "The Blueprint."

The excerpt follows:

The UAW Blueprint for a Working America

WHY AN INDUSTRIAL POLICY

America needs a new industrial policy because the old economic rules haven't been working. Even business leaders recognize the crisis. Chrysler President Lee Iacocca criticizes "big U.S. companies who should be buying new technologies (but) waste billions of dollars in a frenzy of corporate takeovers."

It is becoming increasingly clear to labor, many political groups, and some business and industrial leaders that the days of free-for-all economic decision-making must give way to a new era of industrial policy development.

We hear from some quarters that the destruction of our basic smokestack industries is actually a good thing—that we'll evolve into an economy based on service work and high technology products.

We fundamentally disagree. The U.S. needs basic heavy industry as well as service and high technology sectors. In fact, it is our basic industries above all which create markets for the service sector and for high technology products. Auto, for example, accounts for 35 percent of the U.S. market for industrial robots and related technology. These industries are central to the economy because they have linkages to so many sectors and so many jobs. In fact, in many regions, most of the demand for locally-supplied services is generated in the goods-producing industries.

In the past several months dozens of approaches have been put forth for reindustrializing America. Here is ours.

Our Blueprint is based on several key principles:

1. Industrial policy must be coordinated.—Our economy is a collection of linked parts. If any important piece is disturbed, shock waves reverberate throughout the structure, reducing demand and forcing the economy to operate at lower levels of capacity utilization and fewer economies of scale. Cutbacks in auto mean fewer jobs in parts, in service industries, and even in the high-tech sector of consumer electronics.

2. Industrial policy should be bargained. We envision a procedure under which government, labor and management all have a voice in bargaining the direction of our economy and of specific industries. Not only is top-down planning by a private or public elite undemocratic, but experience has shown that it won't work in the U.S.—that workers and communities will strongly resist elitist planning at their expense.

3. There is a legitimate role for government. We expect government to act in the public interest in setting the economic ground rules and in framing national economic policies. We must also expect the government to pursue the public interest in helping to modernize industries and rebuild communities. Government already possesses many of the tools it needs to accomplish these goals, including tax, credit and labor-market programs, but these resources must be coordinated to insure that industrial restructuring proceeds systematically without victimizing workers and communities.

4. Finally, industrial policy must be based on a system of social accounting. No longer should the bottom line be only short-term profit gains. The precondition to efficient planning is to socially account major economic decisions—to measure more widely the return to society of an investment made or not made. The use of this "public balance sheet" approach, by recognizing the links between industries, can increase society's rate of return on private as well as public investment.

When decisions are being debated on whether to close an "unprofitable" plant, for example, we must factor in such things as the cost to society of jobless benefits, other Treasury losses, the destruction of the community's social structure, and the potential viability of alternative products that could be produced there.

STRUCTURE

In order to provide the widest possible input into industrial planning, to guarantee the resources necessary for industrial development, and to hold accountable those charged with implementing industrial policy, we believe there must be a new national coordinating structure established for industrial development.

Such a structure would include:

A National Strategic Planning Board to set overall national economic performance standards and to coordinate sectoral plans developed under its oversight. It would be composed of cabinet-level federal government officials plus representatives from labor, business, public-interest groups, and state and local government. The Board would propose overall national targets on employment, tax and credit policy, etc. and recommend legislation to accomplish its goals. As with all sections of the structure, the Board would be guided by social accounting methods.

A considerable part of the Board's activity would be targeted toward specific industrial sectors in the economy, especially mature industries like auto and steel, which must be restructured to face growing international competition. Even with the benefit of long-term loans, loan guarantees and import relief, however, it must be recognized that these industries may indeed shrink as a proportion of the total economy. But if that is to happen, the Board's role will be to plan the change in an orderly and responsible way and not at the expense of workers.

Growing industries such as computers and telecommunications could receive different types of assistance: for example, government-level negotiations to open up foreign markets, or research-and-development help aimed at commercializing new products and new, cost-cutting technology.

The tools to help startup industries, such as new biotechnology firms, would also be different and might include special grants, loans and equity investments until the new industries gain a solid footing.

The Board's technical and research staff would keep it up to date on industrial input-output data, links between different industrial sectors, and current status of specific industries and businesses. This would help it in developing national strategies that could be presented to Congress, and to provide the framework for specific plans for particular industries.

Backing up the Board would be several other groups, including:

Industry Strategy Committees to develop strategies for the economy's major industries and to present their recommendations to the National Strategic Planning Board. The committees would consist of labor, business, and federal, state and local government representatives. The plans for each industry would be based on social accounting principles: rather than merely aiming at better sector profitability, they would have to describe how to maximize society's total net benefits—jobs and job security, reduced dislocation, increased tax revenues, better and more affordable products, and a cleaner environment. Once a plan won Board approval, it could result in help from a

National Strategic Development Bank empowered to make long-term loans to, or take equity in, companies undergoing restructuring certified by the National Strategic Planning Board. The Bank would feature regional branches and provide credit through different sectoral "windows" according to the needs of those sectors. Bank activities could be funded through the sale of stock and long-term Treasury-guaranteed bonds as well as through investments of employee pension funds. Because the Bank would employ social accounting principles, it would invest in some projects which don't "make money" in a commercial sense but which do produce desirable social returns on investment. Congressional appropriations would help fund these investments in the public interest.

National Civilian Technology Administration, the research-and-development arm of the structure, designed to help tailor assistance to firms, projects, universities or consortia attempting to develop and commercialize new technologies to help make the U.S. economy more competitive and productive. NCTA could also undertake its own research and development efforts. Companies benefiting from NCTA's publicly funded research would be expected to apply those technological benefits in jobs-creating U.S. investment rather than using them for overseas production and profit. Finally, there would be a

Bureau of Conversion Assistance, attached directly to the Board for the purpose of effecting orderly converison through advance notice of plant closings and concerted efforts to prevent closings through the introduction of alternative product lines or production processes.

At this time, the UAW is less concerned with the final configuration of the Board and its related agencies than with the effectiveness and accountability of the structure. We want the Board to possess the necessary tools to act decisively and respond appropriately to the needs of industries and regions, but the Board's power must be carefully balanced against the need to maintain democratic controls over its functions. We clearly do not want an industrial policy agency which can exercise the awesome power of today's Federal Reserve and not be accountable to the public for its decisions.●

MORE ON TIP O'NEILL'S SURTAX ON THE MIDDLE CLASS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. KEMP. Mr. Speaker, earlier this week I pointed out that the Democratic leadership's proposal to cap this year's tax cut at $700 amounts to a surtax on the middle class. I would like to provide my colleagues with additional information to show this. For example, nearly half of all taxpayers who face a tax increase under this ill-conceived plan are below the $50,000 income level—some, in fact, below $20,000.

Earlier, I pointed out that "the cap proposal would hit the middle class, not the rich. The rich have already received their tax cut." This occurred when the top income tax rate dropped from 70 to 50 percent on January 1, 1982.

And under the cap, families with lower incomes will receive their equal share. But the cap proposal would repeal part of the equal-percentage tax cuts for people in between. Specifically, a $700 cap would hit families with gross incomes as low as $39,250, and individuals with gross incomes as low as $31,150, if they do not itemize deductions. In 1970 dollars, those incomes are barely $15,000 and $12,000, respectively.

To show this, I would like to insert two tables verified by the U.S. Treasury. The tables show the levels of adjusted gross income at which different taxpayers would face a tax increase under the $700 cap proposal.

These estimates use the Treasury's assumption that enacting the $700 cap would require raising marginal income tax rates after 1983: for example, from the 33 to 49 percent range which prevails under current law for joint returns, to a 37 to 50 percent range, at taxable incomes between $35,200 and $162,400. There would be commensurate tax-rate increases for single returns in the appropriate brackets.

The first table applies to one-earner families of four; the second table to single taxpayers. Both tables have a column for taxpayers who do not itemize deductions and a column for those who itemize and have the average level of itemized deductions; namely 23 percent of income—most taxpayers who own a home itemize; most taxpayers who rent do not itemize.

TABLE I.—INCOME LEVELS AT WHICH TAX CAP WOULD AFFECT A FAMILY OF FOUR

Tax cap	Adjusted gross income level	
	Nonitemizers	Itemizers
$700	$39,250	$45,550

TABLE II.—INCOME LEVELS AT WHICH TAX CAP WOULD AFFECT A SINGLE TAXPAYER

Tax Cap	Adjusted gross income level	
	Nonitemizers	Itemizers
$700	$31,150	$37,450

As I pointed out in my earlier remarks, these income levels are rather low for a plan that is supposed to soak the rich: In 1970 dollars, those incomes are barely $15,000 and $12,000, respectively.

According to the Department of Labor's Bureau of Labor Statistics, the Consumer Price Index stood at 295.5 in April (1967=100) compared with an average of 116.3 in 1970. This indicates a 154-percent rise in prices. Therefore, the purchasing power of $39,250 or $31,150 today is equal to $15,448 or $12,260 in 1970 dollars. These are the income levels at which typical nonitemizers would be hit by the $700 cap.

But in fact, not every family or single taxpayer is typical. Indeed, the Treasury estimates that of the 8.1 million taxpayers whose taxes would be raised by the Democratic cap proposal, almost half—I repeat, almost half—would have incomes below $50,000. As a matter of fact, the largest number of such taxpayers is in the $30,000 to $50,000 class. And almost as many taxpayers in the $15,000 to $30,000 range would face a tax increase as in the over $200,000 class.

I would like to insert the Treasury table into the RECORD at this point.

TABLE III.—*Number of taxpayers facing a tax increase if the third year of tax cuts is capped at $700*

[Numbers in thousands]

Income class:	*Taxpayers affected*
0 to 15	
15 to 20	12
20 to 30	142
30 to 50	3,718
50 to 100	3,489
100 to 200	599
200 plus	155
Total	8,115

Source: U.S. Treasury, Office of Tax Analysis.

How can this be, if TIP O'NEILL claims that the cap would only hit those with incomes over $50,000? The reason seems to be that the cap plan hits a disproportionate number of two-income households. In other words, the Democratic plan goes a long way toward reinstituting the marriage penalty—a higher tax burden for being married than for remaining single.

No matter how you look at it, Mr. Speaker, the tax cap is a turkey. It hits the middle class. It hits savings and small business. It is unfair. The only fair tax plan is President Reagan's equal percentage tax-rate reduction for all taxpayers. Congress should leave it in place and get out of the way of the American peoples' desire to work and earn and save.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 14, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 15

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 1288, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.

SR-253

Labor and Human Resources

To hold hearings on the nomination of Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

SD-430

9:30 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To continue hearings on S. 1174, proposed Public Utility Holding Company Act Amendments.

SD-538

Labor and Human Resources

Business meeting, to mark up S. 564, U.S. Academy of Peace Act, S. 772, Smoking Prevention Health and Education Act, S. 242, Employment Opportunities Act, and S. 724, Public Investment/Jobs Act.

SD-430

10:00 a.m.

Appropriations

District of Columbia Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.

SD-192

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Water Resources Subcommittee

To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.

SD-406

Finance

To hold hearings on the Administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.

SD-215

Foreign Relations

To hold hearings to discuss U.S.-Soviet relations.

SD-419

Rules and Administration

Business meeting, to mark up S. Res. 66, to establish regulations needed to implement television and radio coverage of proceedings of the U.S. Senate, and other pending legislative and administrative business.

SR-301

Veterans' Affairs

To hold oversight hearings to examine the health effects of agent orange.

SR-418

Joint Economic

Economic Goals and Intergovernmental Policy Subcommittee

To hold hearings to examine teacher shortages in the math and science fields.

SD-562

10:30 a.m.

Labor and Human Resources

To hold hearings on the nominations of Ford B. Ford, of California, to be Under Secretary of Labor, and John J. O'Donnell, of the District of Columbia, to be Assistant Secretary of Labor for Legislative Affairs.

SD-430

2:00 p.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider proposed changes in the dairy, tobacco, and target price programs.

SR-328A

Judiciary

To hold hearings on pending nominations.

SD-226

4:00 p.m.

Foreign Relations

Closed briefing on revised START proposals.

S-116, Capitol

JUNE 16

9:15 a.m.

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 1256, proposed Emergency School Aid Extension Act.

SD-430

9:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider proposed changes in the dairy, tobacco, and target price programs.

SR-328A

Banking, Housing, and Urban Affairs

To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.

SD-538

Small Business

Business meeting, to consider pending calendar business.

SR-428A

10:00 a.m.

Appropriations

Business meeting, to mark up H.R. 3132, making appropriations for fiscal year 1984 for energy and water development programs.

SD-192.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Nuclear Regulation Subcommittee

To continue hearings on nuclear licensing and regulatory reform.

SD-406

Finance

To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.

SD-215

Foreign Relations

To hold hearings on the Executive Council on Foreign Diplomats.

SD-419

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Select on Intelligence

Closed briefing on intelligence matters.

S-407, Capitol

Joint Economic

Agriculture and Transportation Subcommittee

To resume hearings to review the administration's perspective on future farm policy, focusing on the economic condition and prospects of agricultural and rural businesses.

SD-124

2:00 p.m.

Environment and Public Works

Environmental Pollution Subcommittee

Business meeting, to mark up S. 431, authorizing funds for fiscal year ending September 30, 1983, through fiscal year 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.

SD-406

Foreign Relations

To continue hearings to discuss United States-Soviet relations.

SD-419

Judiciary

Courts Subcommittee

Business meeting, to mark up S. 645, proposed Court Improvements Act.

SD-226

JUNE 17

8:30 a.m.

Finance

Energy and Agricultural Taxation Subcommittee

Taxation and Debt Management Subcommittee

To hold joint hearings on S. 654, to repeal certain IRS Code provisions requiring the apportionment of research and development expenditures made in the United States.

SD-215

9:30 a.m.

Governmental Affairs

Energy, Nuclear Proliferation and Government Processes Subcommittee

To hold hearings to review those programs administered by the Office of the Secretary of Energy.

SD-342

10:00 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on S. 314, proposed In-Flight Medical Emergencies Act.

SR-253

Finance

Energy and Agricultural Taxation Subcommittee

To hold hearings on S. 1396, to extend the availability of energy tax credits for solar, wind, geothermal, and biomass renewable energy resources.

SD-215

JUNE 20

9:30 a.m.

Finance

To hold hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.

SD-215

10:00 a.m.

Energy and Natural Resources

To resume oversight hearings on the geopolitics of strategic and critical minerals.

SD-386

Judiciary

Immigration and Refugee Policy Subcommittee

To hold hearings on proposed legislation authorizing funds for refugee assistance.

SD-226

JUNE 21

8:30 a.m.

Small Business

To hold oversight hearings on the Small Business Administration's small business development center program.

SR-428A

9:30 a.m.

Banking, Housing, and Urban Affairs

To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.

SD-538

Finance

To continue hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.

SD-215

Judiciary

Juvenile Justice Subcommittee

To hold hearings on S. 520, to remove all noncriminal juveniles from secure detention facilities within the United States.

SD-226

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Water Resources Subcommittee

To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.

SD-406

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on the report of the President's Commission on Excellence in Education.

SD-430

JUNE 22

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on S. 1120, to authorize printing of the back side of $1 bills by a method other than the intaglio process.

SD-538

Commerce, Science, and Transportation

To hold hearings on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act.

SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1306, to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.
SD-226

Labor and Human Resources
Business meeting, to consider pending Calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending Calendar business.
SD-366

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on environmental research and development programs.
SD-406

Finance
To resume hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Veterans' Affairs
To hold hearings on S. 374, S. 786, and S. 991, bills to establish a presumption of service connection for certain diseases in veterans caused by exposure to agent orange, herbicides, and chemicals during the Vietnam war.
SR-418

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to resume markup of S. 431, authorizing funds for fiscal year ending September 30, 1983, and through fiscal year 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to reconsider pending Calendar business.
SD-538

Governmental Affairs
To hold hearings on operational testing procedures in the Department of Defense.
SD-342

Labor and Human Resources
To hold hearings on the effects of anticancer drugs in the treatment of cancer patients.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending Calendar business.
SD-366

Environment and Public Works
Environment Pollution Subcommittee
Business meeting, to mark up S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Judiciary
Business meeting, on pending Calendar business.
SD-226

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings to examine the legal and constitutional ratification process of the Panama Canal Treaty.
SD-562

JUNE 24

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on the budget request for the Energy Information Administration, Department of Energy.
SD-366

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review legislative proposals to combat abusive tax shelters, focusing on charitable contribution tax shelters and the ability of the Internal Revenue Service and courts to process large volumes of tax shelter returns.
SD-215

Judiciary
Courts Subcommittee
To hold hearings to discuss the current bankruptcy situation of the Manville Corporation in Denver, Colo.
SD-562

Judiciary
Juvenile Justice Subcommittee
To hold hearings to discuss proposed Federal assistance to State and local law enforcement agencies in handling child serial murders.
SD-226

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to continue markup of S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

JUNE 27

9:00 a.m.
Finance
Estate and Gift Taxation Subcommittee
To hold hearings on proposals providing for transitional rules for estates and gift tax treatment, including S. 953, S. 1180, S. 1210, S. 1250, S. 1251, S. 1252, S. 309, and S. 310, and Senate Resolution 126, expressing the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.
SD-215

9:30 a.m.
Finance
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Judiciary
Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253

Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 28

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the International Monetary Fund's gold reserves.
SD-538

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal mine safety and health amendments.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources Subcommittee
To continue hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Finance
To resume hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings on the impact of crime on the elderly, focusing on victim compensation.
SR-485

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 1090, to establish the Outdoor Recreation Resources Review Commission.
SD-342

JUNE 29

9:30 a.m.
Judiciary
To hold hearings on S. 737, proposed Joint Research and Development Ventures Act.
SD-226

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans, and related measures, and proposed legislation to provide educational assistance for veterans and persons entering the Armed Forces.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the administration's equal employment opportunity policy.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
Business meeting, to mark up proposed legislation to extend the revenue sharing program for local governments.
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges.
SD-562

JULY 12

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

JULY 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19, to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on future directions in nursing home health care.
SD-430

JULY 19

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 21

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

JULY 26

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

1:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

SENATE—*Tuesday, June 14, 1983*

(Legislative day of Monday, June 13, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray

FLAG DAY

"Oh, say, can you see, by the dawn's early light,
What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, through the perilous fight,
O'er the ramparts we watched, were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there.
Oh, say, does that Star Spangled Banner yet wave
O'er the land of the free, and the home of the brave?

—*Francis Scott Key.*

Sovereign God, we thank Thee for all that our flag represents to our Nation and the world. Forgive us when we have, as a nation or as individuals, failed to live up to its promise. Give us grace to rectify such failure and to be true to that for which it stands. Help us never to deify the flag or equate our Nation with the Kingdom of God. May we remember that to Thee alone belongs our ultimate allegiance and may that allegiance constrain us to responsible citizenship. We pray this in the name of the Lord of History. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, today is Tuesday, and because of the requirement for caucuses on both sides of the aisle between the hours of 12 noon to 2 p.m., I ask unanimous consent that the Senate stand in recess for that period.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that any time remaining after the expiration of the time allocated to the two leaders under the standing order be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each, and to extend not beyond the hour of 10 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE TODAY

Mr. BAKER. Mr. President, at 10:15 a.m. the Senate will commence to vote on rollcalls ordered on the cable TV bill, and at 12 o'clock noon we will recess until 2 p.m. It is my hope that by 12 o'clock we will have completed action on the cable TV bill. That prospect was improved last evening by the granting of the unanimous-consent agreement which limits the number of amendments that will be in order to the pending measure.

I commend all Senators for agreeing to that arrangement. It will materially improve the chances that we can get to and work hard on the supplemental appropriations bill for a good time today.

I do not expect to ask the Senate to remain in late today, but I do hope we can finish the supplemental today and, if not today, then certainly tomorrow.

FORMER SENATOR JAVITS ADDRESSES GRADUATING CLASS OF THE UNIVERSITY OF CALIFORNIA AT BERKELEY

Mr. BAKER. Mr. President, on Sunday one of our former colleagues, Senator Javits, spoke to the graduating class of the University of California at Berkeley where his daughter Carla, graduated that day with great distinction.

The very fact that Jack Javits spoke as he did from a wheelchair with a portable respirator assisting his breathing, after traveling across the width of this great country for that great occasion, is a commentary on one of the bravest men I have ever known. While his physical body has failed him in so many ways and he has suffered so much as a result, that great mind that we came to know in the Senate continues to function not only effectively but enthusiastically.

Mr. President, I commend Senator Javits for his courage and for the content of these remarks, and I extend my congratulations not only to Carla, his daughter, but to his wife Marian, and to his entire family. They are a great family of great courage and accomplishment.

Mr. President, I ask unanimous consent that the text of Senator Javits' commencement address may appear at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS OF FORMER SENATOR JACOB K. JAVITS OF NEW YORK

POLITICS AND THE MAN

I hope the graduates will join with me and with my family, which is here today, and with their families, their friends and guests in the joy of achievement on commencement day from this University. Personally, I am especially thankful for I have the great privilege of speaking at the commencement of our own daughter, Carla, and the deep gratification of her having earned membership in the Phi Beta Kappa Society, and in the presence of my brilliant, beautiful and very contemporary wife, Marian, who has been all her life a wonderful mother and my close partner; our Pembroke-Brown dancer-choreographer daughter, Joy; her husband, David, classical actor; and our labor-lawyer, Yale-Georgetown son, Joshua.

As I thought about this commencement exercise and my own relation to it, I felt that I should tell you first as political science majors something about the life of a politician who aspired and I hope realized somewhat to be a statesman, in my 34 years in the House of Representatives, in the United States Senate and in the Statehouse in Albany, New York.

Politicians are probably the most underrated people in our society. The overwhelming majority are hard-working, completely dedicated to the nation, or the state or the local government in which they serve. Certainly they are ambitious and want to be re-elected or, if in the bureaucracy to be promoted to higher responsibility. But the dominant consideration is the approbation of re-election for the record they have made.

Obviously, the press and media keep a sharp and beady eye on politicians and assess them, on the whole, with some cynicism. Indeed, the word "politician" has been made for many Americans almost a word of opprobrium as contrasted with the word "statesman". Yet the great statesmen of our time were all politicians: Churchill, Franklin D. Roosevelt, Harry Truman, Dwight D. Eisenhower, Gandhi, Sadat, Ben Gurion and Adenauer. Nor can the cynicism and suspicion of the press and media about politicians necessarily be criticized. There are enough rascals around so that the form of censorship exercised over the great power that is vested in politicians—the power over life and death, prosperity and depression of the people who elected them—demands a very close scrutiny in a democracy. When that scrutiny is lacking, tyranny, corruption and man's baser qualities have a better chance of entering into the public business in any government.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Absences from home and family must necessarily be extensive due to the exigencies of the politician's calling; and, what is even worse, the divergence of a politician's interests, which are intensely concerned with the public business almost to the exclusion of the amenities of life, are often a compelling distraction. Wife or husband and children suffer from this, and it becomes an important issue in the development of a marriage and the character and development of the children. It is, on the other hand, precisely because of the public's scrutiny and sensitivity to family and home relationships that these may be improved. This is even a career question because a breakdown in them, or in the character or conduct of the children, can be very harmful to the politician's reputation and, therefore, to his career.

The physical condition and health of politicians is also an important question. The calls on their time and energy are inordinate. The number of public appearances outside of their official duties which are called upon from them is felt to measure the degree of authority and power which the people believe they have vested in them. The people expect almost as a qualification for office to see them robust and in the pink of health. This can only be done with proper exercise and rest—mental as well as physical. It takes an understanding public to bring this about. Indeed, this is one of the greatest dangers a politician faces: a physical breakdown in the face of so great a demand upon his or her time and energy.

Now, I speak of the ethical responsibilities: the conflicts of interest, the dangers of corruption with so many temptations held out to a public official, and the susceptibility to condemnation in the public press even before judicial action. Yet this, too, is a safeguard of our system, and, on the part of the public official, a greater degree of candor and revelation is required of him than from others. For decades, doctors and lawyers have been guided by codes of ethics, and these should be treasured and favored by politicians as prescribing the parameters of their own conduct, rather than to be resented or repelled.

To paraphrase Gilbert and Sullivan, "A politician's life is not a happy one," but it can be deeply gratifying and rewarding; indeed, I believe as much so as that of artistic creation, scientific invention, great research or great teaching. For a politician is a leader, a teacher, and exemplar and capable of being a great doer of good as well as of evil. A politician must have dedication, conviction and especially the ability to teach, to innovate and to persuade.

To get some concept of the gratification which can be involved, I offer my own experience in four fields: bringing into fruition the National Arts Program in the United States and the National Endowment of the Arts and Humanities with the inestimable aid of my wife, Marian, to give joy and instruction to millions of Americans, and especially those in areas which were parched deserts for our culture before; second, the Employees Retirement Income Security Act (ERISA) giving firm assurances of the enjoyment of their private pensions generally derived from the employer-employee relationships to fifty million working Americans; the War Powers Resolution curbing the power of the President as Commander-in-Chief to de facto put the nation into war, thus restraining, in the words of the founders of our country, "the hounds of war"; and the struggle resulting in the Civil Rights Act of 1964, which liberated millions of women and of Americans who are black or hispanic from discrimination and granted them by law equal opportunity, the greatest gift of our democracy.

It is my judgment that the demands upon politicians in the coming years of this century and going into the 21st century will be greater than ever. I believe that the graduates' families and friends gathered here should be deeply excited by what is ahead, and should seek to develop with them ideas and attitudes based on information and debate which will prepare the ground for the graduates' future careers as politicians, or, at the very least, as actively participating citizens knowledgeable enough to come to informed conclusions. In this regard, I speak in a special way to women, the pace of whose career catchup is so greatly accelerated and must be even more effectively moved forward.

Let us remember that even though the graduates may be considered by many to be as yet inexperienced in worldly terms that what they have already experienced may well be the foundation of future critically important action.

I give you two examples from my own political life. when I first came to the House of Representatives in 1946, I brought with me the youthful memories of trade union organizing by immigrant boarders in our Lower East Side New York tenement, who came home nightly with broken heads from police clubs and gangsters employed by union-busting employers because they were picketing non-union shops.

I also developed a conviction that national or regional emergency strikes must not result in national or regional immobilization. I carried with me and followed these principles throughout my political career.

A second example—I was born and raised in poverty in the ghetto, and I learned that poor people wanted to work, were especially honest in paying their bills and had generally good character. They were not goldbrickers and lazy, but they lacked decent opportunity and training. This carried over into my support of the war on poverty and the civil rights laws when I was in the House and Senate.

Now to give you some concept of the towering challenges, as I see them, which will face politicians as their leaders, and the people generally in the coming years with the 21st century speeding upon us; and while these graduates are still in the middle of their working lives, I lay before you these questions:

How do we avoid the coming danger of atomic war?

What can we do to stem endemic poverty among two-fifths of the world's people, with 800 million estimated to go to bed hungry every night?

How can we deal with automated reindustrialization and maintain culture and enterprise, notwithstanding the new leisure?

What are the prospects for moral and spiritual values in the next century, which is bound to be dominated by considerations of productivity and the economy?

What is the future of the democracies and human rights in the 21st century?

These questions contain both the hopes and the fears of the generation which sits before us here as graduates, and clearly they need to be discussed between these graduates, their parents, associates and friends. As to the fears, we must understand that life has always been perilous, and it is perilous now. Indeed, the degree of security today is probably greater than it has been at any time in the world's history, and the opportunity to live a full, fruitful and long life is greater than ever. At the same time, the perils of war and revolution, depression and despotism are before us on a more stupendous scale than ever before in the world's history.

We should take this as a challenge, and should become more rather than less tall in stature in endeavoring to cope with the size of the perils which threaten us. Obviously, within the compass of a commencement address, I cannot develop with you all of my thoughts on how to meet this challenge. But, I can give you some sense of its exhilaration and its opportunities.

For example, in meeting the peril of the danger of atomic war, we must be concerned with three approaches. First, we must come to some better understanding and accommodation on economic, cultural, political and security matters than we have to date between the Soviet Union and the United States—the two superpowers. Only in this way can we materially reduce the level of atomic armament and the dangers of the atomic arms race we face, and only in this way can the nuclear nonproliferation treaty to which 125 nations adhere be effectively enforced. Only in this way can the competition between the two superpowers respecting their forms of government in terms of the one-party non-elective communist system and the multi-party democratic system be peacefully resolved. It is this competition which breeds regional wars like those in Vietnam, the Middle East, Central America, and the so-called wars of national liberation. We must first find an economic place for the poor and developing countries of the world, and this depends upon the effective opening of trade to the developing countries and the effective participation by their peoples in the world's economy. For the first time in mankind's history, it is not necessary that abject poverty be the lot of an important part of the world's population. Our resources are big enough to feed and house these hundreds of millions in return for their work. Also, the peacekeeping machinery of the United Nations and of the world needs to be elevated so that through the confluence of nations and multi-national peacekeeping forces there can be greater international order and justice in the world.

Finally, there needs to be a flowering of reindustrialization and automation to free man even more from the burdens of labor in order to gain the necessities of life, and a flowering of the world's culture in the arts, the humanities and learning and in discovery and medical care and research in order to fill working and leisure time productively and usefully.

All of these aspirations must have a moral basis as well. This moral basis will undoubtedly find its source in the great religions, but greater relief from the fear of war which could destroy all of civilization can produce a higher moral tone, together with a more intimate knowledge of the capacity of the human brain and the human spirit.

I see a mighty force for these aspirations and ideas in the women of the world just coming into their full share of responsibility and authority in every field.

Speaking specifically to today's graduates in political science, I see great hope in the regionalization of government, thereby reducing many of the tensions of communities organized strictly along national lines. For example, note the progress being made by the nations of the ASEAN bloc in Southeast Asia in economics and in society. Similarly, the progress of the European Common Market—including those ancient enemies, France and Germany—nations acting together in respect of trade in Africa, Latin America and western Europe under the so-called Lome Agreement, the Andean bloc of nations in South America, and the hopeful reconstitution of the Central American Common Market to help those nations out of their darkest hours.

Also, we continue our hopes that the nations organized in the Eastern European bloc under the general rubric of Comecom may show similar development in voluntary, rather than in communist-ordered, cooperation for their own and the world's development.

All of these movements being tied together with the rest of the world in, literally, an explosion of telecommunications.

There is a great exciting new world out there, graduates, in which to conquer and to live, not to accept and to die, and you have the inestimable privilege of entering into it trained, and, I hope, motivated and inspired to better the deeds of your predecessor generations.

Thank you and God bless you!

HEE-HAW'S 15TH ANNIVERSARY

Mr. BAKER. Mr. President, I would like to offer a hearty sa-a-lute on the 15th anniversary of television's most successful syndicated show, "Hee-Haw." For 15 years, the residents of Cornfield County have brought laughter and song into the homes of millions of Americans.

The homespun humor of Archie Campbell and Minnie Pearl, the music of Grandpa Jones, Buck Owens, and Roy Clark, and the zany antics of the "Hee-Haw" clan have proved to be a successful formula for the show's talented producer, Sam Lovullo, and his staff at Gaylord Program Services.

"Hee-Haw" has also put Nashville, Tenn., on the map as a major television production center. As the country's top rated and longest running syndicated show, it has attracted new talent and more shows to Nashville, giving more credence to the city's fame as "Music City, U.S.A."

For the cast and crew of "Hee-Haw," ". . . may your pleasures be many; your troubles be few," and a very happy 15th anniversary.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I believe I have no further need for my time under the standing order, and if any remains I yield it to the control of the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. Kasten). The minority leader is recognized.

TRIBUTE TO FORMER SENATOR JAVITS

Mr. BYRD. Mr. President, I thank the majority leader.

I join the majority leader in his encomium with respect to Senator Javits, who has one of the most remarkable minds, I am sure, ever to be heard from in the Senate. The fact that he is continuing under very extreme physical difficulties is an additional commentary on his courage and his dedication. He was always supremely dedicated to the work of the Senate. He could speak on almost any subject at the drop of a hat, and speak knowledgeably.

We on this side of the aisle had and still have a great admiration for our former colleague, Mr. Javits, and I applaud the majority leader for calling attention to the speech made by former Senator Javits.

THE BIRTHDAY OF A NEW CONSTELLATION

Mr. BYRD. Mr. President, today is Flag Day—a day set aside especially for honoring what is already one of the world's most honored symbols. On this day in 1776, less than 1 year after adopting the Declaration of Independence, the Continental Congress passed the resolution that set the mode in which the American flag has been cast ever since, and I quote:

> Resolved that the flag of the United States be 13 stripes alternate red and white; that the Union be 13 stars white in a blue field representing a new constellation.

Adopting that resolution was almost natural and was certainly understandable. Flags, banners, and coats-of-arms were practical and commonplace throughout the Middle Ages—easy ways for battling forces to recognize allies and spot enemies.

With the European discovery and settlement of the New World, many banners came ashore with the colonists from several nations—the black-raven standard with the Vikings, the Spanish emblem with Columbus, and the British flag with the Pilgrims and the Jamestown Cavaliers. Added to those national insignia were the flags of the Netherlands, the Russian Empire, Sweden, and France.

But the outset of the American Revolution saw the emerging United States marching under several different flags—flags of various colonies and several colonies under various flags. For example, the Bunker Hill flag was a blue banner with a white canton filled with a red cross and a small green pine. Rhode Island troops fought under a blue-anchor ensign emblazoned with the word "Hope."

The need for one flag was, therefore, a reflection of the need for unity—for New Yorkers and South Carolinians alike to think of themselves as never before as Americans. And so 13 stars and 13 stripes allowed every American to tie his prevailing loyalty to his home colony more closely to a new loyalty—a loyalty to a new nation and to a revolutionary way of life.

In more than two centuries since our first national flag was adopted, that personal tie between the American citizens and the American flag has deepened. First, we have continued the link between the stars on the flag and the States of the Union. But the citizens of few other countries, if any, are as closely devoted to their flag as are the overwhelming majority of the American people to the American flag.

In fact, some outside observers say that the nearest parallel to the American attitude toward our flag is a British subject's devotion to the English monarch. We have almost personified our flag. Presidents come and go, but that flag remains. Seeing the American flag in a foreign country is like recognizing a friendly face. And many people with little or no formal religious commitment confess to a nearly mystical reverence in the presence of the Stars and Stripes.

And perhaps that is the way that is should be. Nationalism should not blind us to the sometimes higher demands of morality or religous faith, and jingoism often leads its adherents to make moves that sometimes do more harm than good.

But in a century disillusioned by two world wars, atomic weapons, materialism, and failed ideologies and fallen demogogs, we need symbols that elicit allegiance to causes worth living for. Our flag is one of those symbols and the United States is one of those causes.

Our country is not perfect. But no political experiment in history has been more successful than has been the United States of America. And no nation deliberately created by its own citizens has ever inspired as much admiration in other countries and other people. The United States is the yardstick by which millions of people around the world measure their own nations and their own standards of life and progress.

But for those of us who enjoy life under the American flag, that symbol should always remind us of the realities and the hope toward which that flag is always pointing—imperfect people striving for perfection, a powerful nation committed more to justice than to conquest, a vast country in which even the humblest citizen has rights that nobody can arbitrarily take

away and in which even the lowliest souls can aspire to the highest dreams.

And so today, we celebrate one of the most important and lasting actions of our predecessors in the Continental Congress—the adoption of the Stars and Stripes as our national ensign. And let us hope that we shall continue carrying it with the same dedication and patriotic resolve with which our fathers and grandfathers carried it in the generations in which they made the United States the greatest country in world history.

I now yield to my distinguished senior colleague, Senator Randolph, any additional time that I have for his use in the event he needs it.

RECOGNITION OF SENATOR RANDOLPH

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia (Mr. Randolph) is recognized for not to exceed 15 minutes.

Mr. BYRD. Mr. President, did I have some time remaining? I yield my time to Mr. Randolph.

The PRESIDING OFFICER. The Senator from West Virginia has an additional 12 minutes.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

FLAG DAY IS A TIME TO REFLECT ON OUR HISTORY AND TO REDEDICATE OURSELVES TO RESPONSIBLE CITIZENSHIP

Mr. RANDOLPH. Mr. President, this is Flag Day 1983. Earlier this morning I took occasion to come to the Capitol by a route that I do not usually use. I wished to come by south of the broad expanse of the lawn at the White House so that I could see on the Ellipse an American flag that is spread on the luxuriant green grass at this special time of the growing of flowers and grasses, and the luxuriant leafing of trees.

I went there that I might see this flag—411 feet in length, 230 feet in width—placed there by the National Park Service very early this morning, I understand, at the direction of the Secretary of the Interior.

I watched the boys and girls by the hundreds looking at this flag. Earlier this morning, I saw it being unrolled on the news of CBS. This may be the largest American flag that has ever been seen in Washington. I only hope that our colleagues in the Senate and in the House of Representatives and men and women who are visiting with children in the Nation's Capital may see that flag today.

I am not a carping critic even in a slight degree, but I looked at the Federal buildings of the United States this morning and saw the flag poles of varying heights and yet there were no American flags waving from them. I know that from time to time, it is perhaps understandable. People say, "Well, so and so is a flag waver." I have heard that note of feeling that he or she who might talk about patriotic subject matter might better discuss the intricacies of legislation pending on Capitol Hill.

But I thought this morning that I wished to comment about our American flag, about what leaders of our country and those who are just fathers and mothers and little children have been saying and thinking about our flag.

I am thinking of a Flag Day that the pages of both the Senate and the House had last year. It was held in the Chamber of the House of Representatives at an early hour when there was no business being transacted. I recall that occasion, and I ask unanimous consent that the insertion which I placed in the Congressional Record on Monday, June 14, 1982, be printed with these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RANDOLPH. On that occasion, Mr. President, I commented on what Abraham Lincoln said during his Presidency. He was asked to raise the flag over a structure completed during his tenure of office, the U.S. Treasury building, and there was a flag raising to take place. Perhaps this is the shortest speech ever made by a President of the United States, any President at any time. Abraham Lincoln said:

> The part assigned to me is to raise the flag which, if there be no fault in the machinery, I will do. And when up it will be for the people to keep it up.

Had the Great Emancipator, who, by his proclamation on June 20, 1863, proclaimed West Virginia a State, spoken hundreds of words there could have been no more meaningful statement made than the one to which I have just referred.

I think now of another President, Woodrow Wilson, a wartime President. It was on the eve of World War I. President Wilson was speaking at a Flag Day ceremony. We do not have so many such ceremonies in our Republic today. These were his thoughts. I believe you will want to hear them, those of our guests who are in the Chamber.

This flag—

Said Woodrow Wilson—

> which we honor and under which we serve, is the emblem of our unity, our power, our thought, and our purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours.

The first President of the United States, George Washington, realized that there is something almost magic, in a sense, magnificent in something that you speak of as a patriotic symbol. And he was speaking of a banner.

He said:

> Leave me but a banner to plant upon the hills of West Augusta.

That is that part of the earlier Commonwealth of Virginia which became West Virginia on June 20, 1863.

> Leave me but a banner to plant upon the mountains of West Augusta. I will gather around me the men who will lift our bleeding country from the dust and set her free.

Think in terms of a banner. This morning we were thinking more than we ordinarily would have of the content of the very worthwhile prayers that are given by our Chaplain. I hope that many, many people will read his invocation at the beginning of the session today in which he speaks of our flag and of what it means, what it holds, hopefully, for a shrinking world in which there is not just pride but there is understanding, and that, hopefully, we can reach world peace.

At an earlier date in our Nation's history, there was a man who was talking about the human spirit. I have often thought that something that has substance and vision but lacks spirit never gets off the ground. But when you have substance, vision, and spirit all wrapped in one, you are very often able to accomplish something that is worthwhile.

Henry Ward Beecher, the noted author of an earlier day, said this about our flag:

> The thoughtful mind, when it sees the Nation's flag, sees not the flag but the Nation itself and whatever may be its symbols, its insignia, he reads chiefly in the flag, the Government, the principles, the truths, the history that belongs to the Nation that sets it forth.

I believe there is a very present need, Mr. President and colleagues, those who may read these remarks, for us to give more time not to just thinking about a piece of cloth of cotton or silk, but thinking of what it stands for and what it means.

Mrs. Randolph and I lived for many years at 4608 Reservoir Road NW. Our two sons, now 48 and 44, were pupils in the Rosales Hardy Elementary School. On Flag Day there was always a program in which the children took a very active and meaningful part. They knew what it was all about. They knew the reason for the program. Early today I called the Hardy School and talked with someone there. Remember the other days, I asked what their plans were for at least a short Flag Day ceremoney at the school. I was told that no plans had been made.

I am not critical. I want that understood. There was every courtesy by the teacher or the official with whom I was speaking. In fact, she said, "We will call the attention of the different rooms today to this date being Flag Day."

I do hope so, as I know that in my hometown of Elkins today our schools are recognizing and celebrating Flag Day.

Yes; Members of this body were once boys, and two of our Members were once girls. I can remember on Main Street—we were in a narrow valley and there was not much except Main Street, with Valley Street running north and Water Street running south, but Main Street was our community—I remember so very well that my father taught me these words:

> Hats off, along the street there comes, the blare of bugles and the ruffle of drums. Hats off, the flag is passing by.

I am glad my father taught me those words. I do hope that parents, in increasing numbers, in the family circle, which seems to have lost some of its values and strength, that children, along with those who are older, think in terms that it is right to talk about the principles of this Republic.

A few years ago with a group of my colleagues I studied hydroelectric power in the country of Norway. It was in nowise a junket, although that word is understandably used. We were having certain studies made at that time and we felt that we could spend 1½ or 2 days in Norway because of certain types of development, unique, which were taking place in that country. We were in rural sections, in mountains, valleys, a vast country. I saw these flagpoles, I will say to Senator GOLDWATER, in front of almost every house. They were attractively painted in varying colors.

I will say to Senator PACKWOOD, I asked one of the Norwegians, "I see your Norwegian flag today, what day are you celebrating?"

He said, "We have the Norwegian flag flying every day, not just on a certain day. It flies in front of our homes in the countryside."

That is not an overexpression of the unity or understanding of a people in Norway. It is a recognition there, as it can be in so many sections of the world, that whatever the flag may be, let it be a moving part of that country and its history.

The story of the beginning of our national flag parallels the story of the beginning of our country. We received our birthright from the peoples of many lands who came to the New World to found a new nation. So, too, did the pattern of the Stars and Stripes we know today draw its design from the march of history.

We know that the star is a symbol of the heavens and the divine goal of man since the beginning of civilization. The stripe is symbolic of the days of light from the sun. Both themes have been represented on the standards of nations throughout world history.

The first flags adopted by our colonial forefathers were symbolic of their struggles with the wildness of a new land. The banners of the British colony carried emblems such as beavers, pine trees, rattlesnakes, anchors, and other such insignia. Their mottoes proclaimed "Hope" and "Liberty" and "Appeal to Heaven." The independence spirit was emblazoned on the colonial flag with the words, "Don't Tread on Me."

Shortly before the American Revolution, the Grand Union flag appeared. It is sometimes referred to as the "Congress Colors." It was the first flag of the colonists to have any resemblance to the present Stars and Stripes.

In January 1776, the Grand Union flag became the standard of the Continental Army. Some people still believe that Betsy Ross made the first flag. Historians say a more probable story is that the first Stars and Stripes flew above Fort Schuyler in August of 1777. It was made from a white shirt, with blue cloth taken from a captain's cloak, and the red stripes came from the petticoat of a soldier's wife, who gladly donated it for that purpose.

On June 14, 1777—203 years ago today—the Continental Congress approved a resolution establishing the Stars and Stripes as the national standard. General Washington, when the Star Spangled Banner was first flown by the Continental Army, is said to have described it in these words:

> We take the stars from the heaven, the red from our mother country, separating it by white stripes—thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty.

The Continental Congress did not specify the arrangement of the stars, only that there should be 13, representing each of the Colonies. In 1794, Kentucky and Vermont were formally admitted to the Union, creating a 15-star flag. Realizing that adding a new stripe for each new State would soon become unwieldy, the Congress decided that the 13 stripes would remain unchanged.

As you know, West Virginia became the 35th star in the American flag when it joined the Union in 1863. In this century, a 48-star flag was created with the admission of Arizona and New Mexico in 1912. Alaska added a 49th star in 1959, and Hawaii became the 50th star in 1960.

Mr. President, the American flag. Long may it wave over the land of the free and the home of the brave.

EXHIBIT 1

CONGRESSIONAL PAGES HOLD MEETING ON FLAG DAY—SENATORS AND REPRESENTATIVES SPEAK

Mr. RANDOLPH. Mr. President, today the helpful pages who serve the Members of Congress met in the House of Representatives Chamber with their teachers, parents and families prior to the annual commencement program for graduating seniors from the Capitol Page School this evening. This page program held a special significance, I feel, because June 14 is Flag Day throughout the United States.

David Hartman, on today's "Good Morning America" program of ABC, appropriately recognized Flag Day.

In my remarks, the shortest of President Abraham Lincoln's speeches was quoted in full. His words, at the flag-raising ceremony at the U.S. Treasury Building, are as follows:

"The part assigned to me is to raise the flag, which, if there be no fault in the machinery, I will do, and when up, it will be for the people to keep it up."

I further said:

"Our flag symbolizes the human spirit. The noted author, Henry Ward Beecher, wrote: 'A thoughtful mind, when it sees a nation's flag, sees not the flag, but the nation itself. And, whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belongs to the nation that sets it forth.' "

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"We take the stars from the heavens, the red from our mother country, separating it by white stripes—thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty."

On the eve of the First World War, President Woodrow Wilson spoke at a Flag Day ceremony in words which I feel describe our thoughts on this day. He said:

"This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and our purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours."

Thoughtful and inspiring talks were presented to the approximately 200 persons in attendance, by Strom Thurmond, the President pro tempore of the Senate; Senator Orrin Hatch of Utah; Representative Jim Wright, majority leader of the House; Representative Morris Udall of Arizona and William Whitehurst, Representative from Virginia.

Andy Glick, a House page and William Norton, of the Democrat cloakroom staff, introduced the speakers.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

MARCY PROPOSES COMPREHENSIVE UNILATERAL NUCLEAR TEST BAN

Mr. PROXMIRE. Mr. President, many of us in the Senate remember Carl Marcy as the staff director of the Senate Foreign Relations Committee for many years. He is a wise, thoughtful, thoroughly knowledgeable man on foreign policy issues. On last Wednesday, June 8, the Christian Science Monitor carried an article by Carl Marcy proposing that this country put the Soviet Union to the ultimate test in the nuclear arms race by challenging them to stop any further testing of

nuclear weapons. If the Soviet Union agreed to abide by the ban on all nuclear weapons tests, we would have taken by far the most significant step toward stopping the nuclear arms race. Marcy cites experts who wrote in October 1982:

> The technical capabilities needed to police a comprehensive test ban down to explosions of very small size unquestionably exist; the issues to be resolved are political.

Marcy lists advantages of the United States taking the inititative to stop nuclear testing:

First. It would not endanger the security of the United States. If the Soviets were to reject the moratorium tests, the United States would renew its testing.

Second. It would virtually mandate reciprocal action.

Third. It would, if ignored, expose the mendacity of the other side.

Fourth. It would, if accepted by both parties, reduce the danger of nuclear war by preventing the testing of new and old weapons.

Mr. President, without testing, the nuclear arms race would lose most of its drive and force. Both sides could of course continue to produce the same old weapons. We could both deploy those weapons. But we would have won a stability on which we could build effective arms control. Consider, for example, that the virtual certainty of both sides developing and then testing and, having tested, producing the new satellite killers. Consider how the development of these new weapons—that depend crucially on testing—could end any real prospects for effective arms control. And consider how other developments in nuclear technology can and surely will destabilize the strategic balance and bring us closer to the beginning of the last world war. And consider how all of this terribly dangerous advance hinges on testing.

Mr. Marcy has made a suggestion of the greatest importance. I hope all Members of the Congress will consider it carefully.

Mr. President, I ask unanimous consent that the article to which I have referred by Carl Marcy from the June 8 issue of the Christian Science Monitor be printed in the RECORD.

There being no objection, the article was order to be printed in the RECORD, as follows:

STOP TESTING—AND REDUCE THE DANGER OF NUCLEAR WAR

(By Carl Marcy)

The ideal nuclear arms control initiative would be one which either the United States or the Soviet Union could put forth without endangering the security of either nation; which would be simple enough not to involve extensive wrangling among the experts; which would be concrete, verifiable, and recognized worldwide as sincere; which would virtually mandate reciprocal action; and which, if accepted by both nations, would be a clear step toward reducing the danger of nuclear war.

President Reagan or General Secretary Andropov—even the US Congress—could grasp such an initiative by stating without equivocation that beginning at a time certain—say Sept. 1, 1983—all underground tests of nuclear weapons would be suspended for a fixed period of time or until the other party renewed tests. If the other party failed to reciprocate, underground tests would be resumed. Congress could compel the administration to take such an initiative by prohibiting the expenditure of funds for underground tests for as long as the other party observed such a moratorium.

At the present time there are no restraints on new weapons developments; technology is outpacing politics. There is no reciprocal trust on which to build restraints. The growing concern that arms control negotiations in the present format will not be productive has spawned proposals in the dozens—most of which involve further time-consuming refinements and negotiations.

Why not a mutual moratorium on all tests of nuclear weapons—a moratorium which it is to be hoped might continue until the madness of the present race has been met by agreement for deep cuts in existing weaponry?

There is precedent for such a moratorium. In March 1958 the Soviet Union announced that it was discontinuing all tests of nuclear weapons. It appealed to other nuclear powers to take similar action, adding, however, that the Soviet Union would "naturally be free" to resume testing if others did not stop. President Eisenhower rejected the proposal. Some tests, he said, could be conducted "under conditions of secrecy." The Soviets thereupon resumed testing which continued until November 1958. By then, however, test ban negotiations were underway and on the initiative of President Eisenhower the negotiating powers refrained from testing nuclear weapons for three years. This "mutual voluntary moratorium" ended in September 1961 when the Soviets, after noting the French had renewed tests, resumed testing, followed two weeks later by the U.S.

But the example had been set. British Prime Minister Harold Macmillan and President Kennedy pressed negotiations with Soviet Premier Nikita Khrushchev, and in August of 1963 the U.S. and the U.S.S.R. signed the treaty which bans nuclear tests in the atmosphere, outer space, and under water.

Testing was driven underground. After a flurry of tests, they have now leveled off to about 50 per year equally divided between the U.S. and the U.S.S.R. (France conducts about 10 such tests each year.) The Threshold Test Ban Treaty signed in 1974, observed but unratified, limits the size of underground tests to 150 kilotons.

President Reagan's fear, however, that the Soviets might cheat on the size of tests and that a ban on all tests could not be verified has put both ratification of the treaty and negotiations for a complete ban on tests in limbo. According to eminent seismologists, however, there is no basis for fear that tests of militarily significant weapons cannot be detected. Write Lynn R. Sykes and Jack F. Everden in Scientific American (October 1982): "The technical capabilities needed to police a comprehensive test ban down to explosions of very small size unquestionably exist; the issues to be resolved are political."

Whether the issues involved are technical (vertification, counting warheads, etc.) or political, arms control negotiations are at an impasse. In the words of former Secretary of State Henry Kissinger: ". . . sometimes an impasse can be broken only by a daring departure; surely the nitpicking SALT negotiations offer little hope for the traditional approach." Mr. Kissinger, following an earlier proposal by Congressman Albert Gore Jr. (D) of Tennessee, then offered his "daring departure"—a call for the U.S. to move toward single-warhead missiles; he hoped this would be in agreement with the Soviets, but if not then he proposes that the U.S. unilaterally proceed to build single-warhead missiles in sufficient quantity to match the total warheads emplaced on soviet missiles.

For the U.S. to suspend all underground tests for a period of time and to continue such suspension if the Soviet Union follows suit is not as daring or as expensive a departure from the traditional approach as the Gore-Kissinger call for restructuring our nuclear deterrent by building single-warhead missiles. Consider the advantages, however, of the U.S. initiating a limited unilateral moratorium on underground tests which:

Would not endanger the security of the U.S. If the Soviets were to reject the moratorium by continuing tests, the U.S. would renew its testing.

Would virtually mandate reciprocal action.

Would, if ignored, expose the mendacity of the other side.

Would, if accepted by both parties, reduce the danger of nuclear war by preventing the testing of new and old weapons.

Finally, to end on a political note, if President Reagan were to grasp the initiative and propose a moratorium on testing it would provide at least a partial answer to those Americans who doubt the sincerity of his commitment to stopping the nuclear arms race. If General Secretary Andropov were to propose a moratorium on testing, how would the U.S. respond?

REMEMBERING THE ARMENIAN GENOCIDE

Mr. PROXMIRE. Mr. President, in 1948 the United Nations, responding to the horror of the Holocaust, unanimously ratified a formal treaty declaring genocide an international crime. In June 1949 President Truman submitted the Genocide Convention to the Senate for its advice and consent. As my colleagues are well aware for the past 16 years I have given a daily speech on this body's unwillingness to ratify the Convention.

I deliver these daily speeches in part to remind my colleagues of the gross violations of human rights in the 20th century, but I was reminded recently by a Richard Cohen article in the Washington Post that memories, no matter how terrible, tend to fade.

Cohen describes an encounter he had with the Turkish Ambassador during which the Ambassador made a painstaking effort to refute the Ottoman Empire's genocidal persecution of the Armenians during World War I. The Ambassador admitted the Empire banished the Armenian population to Syria, but he persisted in characterizing the 1.5 million Armenian deaths as the natural outcome of a civil war within the Empire. He dismissed all eyewitness accounts of the Armenian genocide as lies fomented by Turkey's foes.

Unfortunately the Ambassador's line of reasoning is consistent with the Turkish Government's concerted attempt to rewrite history.

The Armenian genocide, the first genuine case of genocide in the 20th century, threatens to become a forgotten incident. Official U.S. recognition of the Armenian genocide is now clouded by an unfortunate statement that appeared in the State Department Bulletin August 1982.

> Because the historical record of the 1915 events in Asia minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people.

Mr. President, I was privileged to participate in an April 27 Senate colloquy commemorating Armenian Martyrs' Day. I joined my colleagues in voicing my outrage at this denial of decades of U.S. policy toward the Armenian massacre.

Beginning with Senate Resolution 359 of May 13, 1920, which recognized the atrocities committed against the Armenian people, the United States has repeatedly condemned the genocide perpetrated in 1915.

A crime against humanity of this magnitude must be remembered. As my friend and colleague Carl Levin points out:

> If the Armenians of 1915 had been remembered, if the perpetrators of their genocide were punished by a world tribunal, and if international laws were enacted preventing the heinous crime of genocide, 6 million Jews might not have perished at the hands of the Nazis.

While the Genocide Convention has lain dormant in the Senate millions more have died, victims of genocide. Senate ratification of the Convention would be an important step in preventing future cases of genocide.

I urge my colleagues to give this treaty favorable consideration, thus putting the United States on record in the convention of mass murder.

THE DOCTRINES SYMBOLIZED BY OUR MAJESTIC FLAG

Mr. WARNER. Mr. President, I rise today, the 67th national celebration of Flag Day, seeking unanimous consent to include in the Record two items which further emphasize the spirit upon which our great Nation was founded and which reflect the underlying character of America's people in supporting the doctrines symbolized by our majestic flag.

The first item, Mr. President, was inspired by one of the most courageous and humble Americans I have ever been privileged to know—Ambassador Bruce Laingen. His remarks at a ceremony in Arlington National Cemetery on April 25, 1983, dedicating a memorial plaque to those who gave their lives in the Iran rescue mission, epitomize the principles for which our servicemen and women are willing to pay the ultimate sacrifice.

I introduced the legislation in the Senate which authorized this plaque, and while neither Ambassador Laingen, nor any member of the Active Military Forces asked that these remarks be included in the Record, his comments are so inspiring that I felt compelled to share them with my colleagues.

Second, Mr. President, I submit for inclusion in the Record, a letter I wrote to the President of the United States, urging him to broaden the criteria under which the Purple Heart may be awarded to members of our armed services.

Originally conceived by Gen. George Washington over 200 years ago as an award for those serving with distinction in the War of the Revolution, it has more recently been awarded to those killed or wounded in combat and other specified circumstances.

Today, however, members of the Armed Forces find themselves necessarily exposed to violence and injury in foreign lands acting in the line of duty under Presidential orders. To recognize the service and sacrifice made by these protectors of our freedom, I am recommending to the President that he update the authorization for the award of the Purple Heart to accommodate the circumstances presented by contemporary conditions that we are experiencing today.

Mr. President, in the brief time remaining, I will read the letter that I have written to the President.

> Dear Mr. President: Award of the Purple Heart to members of our military is an honor that stems from the earliest days of our nation. Coincidentally, this is the bicentennial period for this decoration which General George Washington authorized for those serving with distinction during the Revolutionary War on August 7, 1782. In 1932, the medal was selected to serve as recognition for those who received wounds under combat and other specified circumstances.
>
> The Purple Heart is awarded under the auspices of a Presidential Executive Order. Executive Order 11016 signed by President John F. Kennedy on April 25, 1962, is the most recent document revising the criteria for making the award. In view of the changing circumstances under which men and women of our armed forces must serve in the cause of freedom and peace, I submit it is timely to again consider updated revision to the Executive Order covering the Purple Heart.
>
> The existing guidance for the Purple Heart was formulated when there was far less terrorist threat and unconventional activity focused toward our military. It is questionable whether the language of the present Executive Order, although broad, was intended to cover the present day risks being assumed. Today, members of the Armed Forces find themselves increasingly exposed to violence and injury in foreign lands acting in the line of duty, under Presidential Orders. In 1982 and 1983 a total of six service members were killed and five were injured as a result of such actions.
>
> I therefore strongly urge you to update the Executive Order providing authorization for the award of the Purple Heart to accommodate the circumstances presented by contemporary conditions. I believe that this is entirely fitting and proper and in keeping with the highest traditions of the award.
>
> With warm personal wishes,
>
> Sincerely,
>
> John W. Warner.

Mr. President, I ask unanimous consent that Ambassador Bruce Laingen's remarks that I have referred to be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Ambassador Bruce Laingen at Ceremony in Arlington National Cemetery

> Mr. Secretary, Members of Congress, distinguished guests, families of those we honor, colleagues from the Tehran hostage group:
>
> Three years ago those whose memory we honor today were members of a small band of valorous men, embarked on a mission of almost incredible complexity. Men persuaded by hope and filled with the exuberance of youth, bright eyed in a spirit of adventure and daring, confident and committed in teamwork.
>
> But more than that—they were also men joined together because they cared; because they cared about something much larger than themselves. Because they cared about freedom; because they cared with special fervor about the freedom and welfare of 53 of their countrymen; and because they cared about the dignity of the human spirit.
>
> Renewing in this way their commitment to those very fundamentals of individual freedom that have always been at the core of the American experience; reminding us of the commitment of all who respond to the call of public service. Reminiscent of an expression from Thomas Paine that those who expect to reap the blessings of freedom must undergo the fatigue of supporting it. Reminiscent also of a maxim attributed to another American patriot, Andrew Jackson, that one man with courage makes a majority. Courage was not in short supply at Desert One. The men on that mission three years ago made courage contagious.
>
> This is not the time or place to make a judgment of the technical or political wisdom of what those men were asked to do, and of the resouces made available to them. Their mission has been termed a failure. And it did fail, in the sense that none of those men reached their goal. And it was a terrible tragedy in the loss of these eight men.
>
> But it was not a failure in other respects: in what was learned, and in the demonstrated readiness of that group of men to try, and to try against almost impossible odds. Nor was it a failure in the way they reaffirmed in that way America's espousal of freedom and in the example they set for all of us of personal courage and sacrifice.

> Today we come to this place, so symbolic of sacrifice in our nation's history, to dedicate a simple plaque to their memory, and to their heroism; yes, and also to commemorate the courage and spirit of all who went on that mission, and the love of families that gave them the strength to try.
>
> A plaque that can do little to ease the pain of the families of those who did not return. A plaque inevitably inadequate in terms of what we owe them. But let this plaque, this monument, be seen as something more as well; let this plaque—and its dedication today—be also a reminder of the sacrifice of those many unsung heroes in a far larger sense. All those in public service who give of themselves and, not infrequently, their very lives in responding to the call of duty; all those who lives are lost in the daily task of training and exercises in maintaining our military deterrent in times of peace, at sea and on land (including those who died in the Indian Ocean while we were held in Iran), but whose loss sees so little public notice.
>
> Yes, those too who man and who seek to protect our Embassies abroad in so many areas of risk—all of us reminded this past week by the tragedy of Beirut of what too often we take for granted in such service and where examples of heroism too often go unnoticed. Unsung, all of them, but heroes too, just as much as those we honor here today.
>
> So let this memorial be a continuing memorial, one that is alive in our minds and preserved in our hearts, to all who even today risk their lives, their homes, their sacred honor in the defense of those ideals that have made us proud to be called Americans.
>
> And now to you, eight brave countrymen, who tried to reach out to us; from 53 fellow Americans who did not and now can never know you, but whose freedom when it finally came was brighter because of what you tried to do and what your memory means to us; over the distance of that great unknown that in death divides you from us, but within the faith that unites us all; we salute you, we reach out to you in a spirit of undying respect, we will not forget.
>
> I now ask Secretary Weinberger to join me in unveiling the memorial plaque.

Mr. GOLDWATER. Will the Senator yield?

Mr. WARNER. I yield.

Mr. GOLDWATER. I am very happy to hear the Senator read the letter just referred to. I think in any consideration of changing the rules concerning the award of the Purple Heart we have to consider a redefinition of combat. I recall a few years ago asking the Chairman of the Joint Chiefs of Staff if he would assist me in writing legislation that would prevent women from engaging in combat, although we have a Federal law and Federal regulations against their participating now. He said:

> Well, you have to really define combat. While I was commander in Vietnam, I awarded over 200 Purple Hearts to women who were nurses, who were wounded, although not in actual combat but received wounds in areas adjacent to combat areas.

I am also aware today that women are flying transport craft across the Atlantic. One young woman who is the daughter of a general friend of mine is the first pilot on a C-141. I had two women copilots in my old tanker outfit in Arizona. What happens to them if they are on a mission and are wounded? I think that should be considered.

I ask that I be made a cosponsor.

Mr. WARNER. I am very happy that the Senator has asked to be included in this. Indeed, the Nation is the beneficiary of his many years of experience in this area.

IN MEMORY OF MILTON R. YOUNG—COLLEAGUE AND FRIEND

Mr. RANDOLPH. Mr. President, the wonder of America is in its diversity, which inspires individuals to explore and expand their interest to encompass many segments of our society. One shining example is the career of former Senator Milton R. Young, who died at his home at Sun City, Ariz., last week. He was 85.

Milton Young, until he retired from the Senate in 1981, was one of the dedicated, effective legislators who worked tirelessly for his constituency. Yet his vision and his goal in life provided benefits throughout the world.

As the Washington Post described him, he was "A tall, laconic man with a leathery face, he was a picture of dignity. He was quiet and even at the peak of his power on his committees was more a listener than talker."

He was a man of the soil and a man for the people.

Born near Berlin, N. Dak., he was reared on his family's farm. After attending college, he returned to become a grain farmer and landowner. He won his first race in 1924 when he was elected to the school board. He was elected to the North Dakota House in 1932 and to the State senate 2 years later. He was the senate's president pro tem in 1941 and the floor leader in 1943.

In 1945, he was appointed to the U.S. Senate and served with dignity and distinction in that body for 36 years. On his retirement, he held the record for longest continuous service by any Republican Senator and had held elective office continuously for 47 years.

Mr. President, it was my privilege to be a friend and colleague of Milton Young for many of those years. I extend sincere condolences to his wife, Patricia, and to his three children.

BALTIC FREEDOM DAY

Mr. PERCY. Mr. President, it is fitting that the anniversary of Baltic Freedom Day falls on June 14, our own Flag Day. For the brave peoples of Lithuania, Latvia, and Estonia aspire to the same personal, religious, and political freedoms embodied in our flag, the symbol of our American national heritage.

This June 14 is the sad 43d anniversary of the brutal Soviet occupation of the sovereign and independent Baltic nations, nations with whom the United States has maintained official relations for over 60 years. In June 1940 the U.S.S.R. seized these nations forcibly, incorporated them into the Soviet Union, deported many thousands of their citizens to Soviet concentration camps, and embarked upon a policy of repression and Russification that continues to this day.

Nevertheless, the national heritage and free spirit of Lithuania, Latvia, and Estonia have endured, and are very much alive to inspire us today. Inside the Baltic countries men and women have given their lives in speaking out for their free national identities. Many are even now in Soviet prisons for their courageous persistence in the cause of self-determination. Outside the Baltic States, including in our own country, Lithuanians, Latvians, and Estonians work tirelessly for the eventual return of freedom to their homelands.

Thus, today, the rest of us in America join with them in admiration for their perseverance in a just cause. We declare our solidarity with all who continue to devote their efforts to the legitimate aspirations of the Baltic peoples.

TRIBUTE TO MILT YOUNG

Mr. SIMPSON. Mr. President, I very much want to add my comments to those words of tribute by my colleagues in recent days as we share our feelings on the life of Milton Young.

Milt Young was a quiet and genial man—and one who left a tremendous impact on the U.S. Senate. When I joined the Senate in 1978, I swiftly learned that the man who knew every nook and cranny of the Senate and its procedures was also the man who was most noted for his warm and gentle demeanor. I found that Milton Young was unassuming but wise, conciliatory but strong, kind but determined and always dedicated to the people he served.

He served in the Senate with my father, Milward Simpson, and they quickly cemented a bond of friendship, a bond that was never broken.

Milt Young was a gentleman in every respect. He was a man of extraordinary grace—one who was always willing to take time with a new Member of the Senate, to show them the ropes. More than one Member of the Senate was most grateful for that courtesy. I, for one, have not forgotten—and will never forget—the kindness and attention he afforded me.

Milt was rightly known for his dedication to the agriculture industry. His wisdom, leadership, counsel, dedication, service, and deeds on behalf of the family farm—and all agriculture—are appreciated by the Nation. The people of North Dakota rewarded Milt, sending him back to the Senate again and again, until he earned the title of "longest serving Republican Senator." No small feat—and a marvelous political tribute.

I know a sense of personal loss in learning of his death. For my life is richer for having shared a portion of it with Milt Young. He was a remarkable man and he leaves a great void in the hearts of us here. He was much more than a friend to his constituents—and a champion of agriculture—for he was, in so many ways, a true friend of us all.

My wife, Ann, joins with me in conveying our deepest love, sympathy, earnest prayers, and affectionate warm wishes to Pat. May God bless her at this trying time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CABLE TELECOMMUNICATIONS ACT OF 1983

The PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

> A bill (S. 66) to amend the Communications Act of 1934.

The Senate resumed consideration of the bill.

ABDNOR AMENDMENTS 1378 AND 1379

Mr. PACKWOOD. Mr. President, in 15 minutes, we shall vote on the first of two amendments by Senator Abdnor. I encourage the Senate to vote for the first amendment. It is a policy statement which I hope we shall soon be undertaking.

The second amendment, Mr. President, I regard as pernicious. Frankly, it does much more than the Senator from South Dakota intends. Very quickly, let me run through the situation as it exists now in terms of local telephone service and long distance.

Today, by and large, long distance phone rates subsidize rural and residential phone rates by 35 and 50 percent. Local data transmission—not voice, but local data transmission—is so insignificant as not to be a subsidy at all. If any of you think that if the telephone companies get all of the data transmission that cable now gets, or could possibly get in the foreseeable future, if anybody thinks that will reduce telephone rates, you are fooling yourselves and I think fooling your constituents.

For example, let us take the telephone company that serves South Dakota—Northwest Bell. Its total local revenues are $96 million; the total interstate long distance revenues—and I am not including intrastate—interstate, $770 million. That is quite a subsidy. Part of it, of course, is the cost of the calls, but a great portion of it is the subsidy. How much local data transmission does this entire company do? Point 9 percent—roughly $8 million. Out of $968 million in local telephone charges, $8 million is not much of a subsidy.

The argument is made that local telephone rates are going up and there is $4 billion in increases this year from all of the telephone companies requested of the various State public utility commissions. How much are cable revenues this year? About $4.6 billion. This is all of cable revenues. How much of that cable revenue is data transmission? Less than 0.003 percent—less than $3 million—is data transmission. So I hope we can put to rest the argument that if we adopt an amendment that says the telephone companies can have all of cable's data transmission, it is going to make any difference in local rates. It is not.

Now, Mr. President, why are we being given the impression this is going to make a difference? I think I understand why. First, you have to understand the relationship between AT&T and its affiliates. It is in limbo. Under Judge Greene's order modifying the AT&T/Justice Department consent decree, AT&T is to be split apart, and the local operating companies are no longer going to have any relation at all to AT&T. As long as AT&T owns the local companies, AT&T does not really care whether or not long-distance revenues are used to subsidize the local rates. It is all part of the same pot. But with the divestiture that is coming, it will no longer be in AT&T's interest to subsidize local phone rates. It is going to be out of it. So it wants others to subsidize the local phone companies.

It is understandable. If I were lobbying for AT&T, that is the position I would take. But you cannot say, if you are AT&T, "We want others to subsidize what we used to subsidize." So AT&T has to give the impression that the local phone rates are going up for reasons other than the elimination of the subsidy.

They blame divestiture. Divestiture has not even taken place yet, does not take place until next January. So, so far, no one blames any increase in local telephone rates on divestiture.

I thought that Tim Wirth, the chairman of the Subcommittee on Communications in the House, had an interesting comment yesterday. He was quoted in an article in today's Washington Post as follows:

> Rep. Timothy E. Wirth (D-Colo.) told the National Cable Television Association's annual convention here that AT&T's opposition to a Senate cable deregulation bill now under consideration is designed to "deflect criticism of its own campaign of sharply raising rates by blaming someone else—in this case cable."
>
> AT&T is opposing the Senate cable bill because it claims that the deregulation of data services offered by cable systems in competition with AT&T will deprive local phone companies of revenue they need to maintain low local rates.
>
> Wirth argued here that cable does not have that kind of market power, and in fact that its services are competitive with AT&T services that represent only 2 percent of phone companies' revenues.

So you cannot blame it on data transmission or divestiture.

Let us take Judge Greene's interesting statement the other day. I am quoting from the Washington Post. This is the judge in the divestiture case.

> The Federal judge supervising the massive reorganization of the American Telephone and Telegraph Company, sharply criticized the Federal Communications Commission, saying it was "taking advantage of the divestiture" with policies that will boost the cost of local telephone service.
>
> U.S. District Judge Harold Greene said yesterday that a December FCC ruling requiring consumers to pay an additional "access fee" for long distance calls "jeopardizes the plan of reorganization." He added, "It is not at odds with the divestiture agreement."

I shall tell you exactly what happened. The Federal Communications Commission started a number of years ago to shift the burden of paying for local telephone rates from long distance to local. That is the FCC. It is at odds with Judge Greene's intent in the divestiture case, but everyone is looking around to find someone else to blame. As Judge Greene clearly indicates, the FCC is partly responsible for the change in philosophy. In fact, that is the biggest reason that local rates are going up. You can talk about inflation, you can talk about depreciation. Basically, it is going up because the FCC has changed its policy.

Let us forget all of that, however, and get to the Abdnor amendment. I want to emphasize again that whether or not the local telephone companies get every penny of revenue from the cable companies offering of data transmission, it would not amount to a whit in terms of subsidy of local telephone service.

Now, the Abdnor amendment:

> "Basic telephone service" means telecommunications service that would be subject to regulation by the Commission or any State if offered by the common carrier.

Translated, telecommunications service means anything the telephone companies could offer even if they do not.

In the bill, telecommunications is defined as the transmission of information by electromagnetic means, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and service (including the collection, storage forwarding, switching, and delivery of such information) essential to such transmission.

I shall not go on with the definition, but the bill defines telecommunication service as anything, whether they use wires or use the air, anything of what we call basic communication service which is basic, or cable service, which is one-way program, Home Box Office, C-Span, things of that nature.

Everything else in the bill that is telecommunications service is included, and the Abdnor amendment adopts that definition. I asked the Senator as follows:

> Will the Senator from South Dakota on my time yield for a question?
>
> Mr. Abdnor. Yes.
>
> Mr. Packwood. I want to make sure that the Senator's use of the term "telecommunication service" means the same as it did in his previous amendment.
>
> Mr. Abdnor. Your bill's definition is adequate for me.

Now, I understand this amendment was not per se drafted by the Senator from South Dakota. We have seen this amendment before. It is AT&T's amendment. It drafted it, and I know what it is after. What it wants is anything that will shift from them to you or me, or anybody else, the cost of subsidizing local phone service.

I will say again, the Abdnor amendment makes subject to State regulation any service that a local phone company could provide whether or not it is providing it. It makes it subject to regulation, preemptive regulation and prohibits the local government from ever deregulating it. It is federally preemptive.

Now, what kind of services can a phone company offer? Electronic banking, electronic shopping, burglar and fire alarm services, videotext and teletext, data processing, data storage, computer games, information services like Dial-a-Prayer, weather, time, energy management and load control, traffic light control, reservation services, point-of-sale ticketing, like Ticketron, the electronic yellow pages and electronic newspapers. All of these services, and more, can be offered by the local phone company.

What the Abdnor amendment says is that if cable offers any of these, whether or not the local phone company offers it, it shall be subject to regulation. I understand why. AT&T wants every conceivable, possible revenue that can be raised at the local level from any service by cable to be used to offset local telephone rates so that it is not apparent to the public that they are gradually shifting out from the subsidy.

Ladies and gentleman, my fellow Senators, if I were AT&T, I would do the same thing.

Let me give you just one example of what is going to happen:

> CBS and American Telephone and Telegraph—

And I am quoting from their press statement—

> Announce a new video text home information service that combines the power of the computer with television and telephone. Videotext is a new communication medium that uses the telephone network. It will offer a number of unique services including continuously updated international, national, and local news, information, weather, and sports, advertising created for more than 80 advertisers by 16 major agencies, home shopping services, home banking service, and a variety of personal services.

That is in effect now between CBS and AT&T in a variety of areas around this country. If cable offers any of those services anyplace else, it will be subject to regulation.

I do not know if that is what the Senator from South Dakota intended, but as the courts look at the law they are not concerned with what we intend if the law is specific. Indeed, the bill is very specific because it was drafted to be specific. Any source of money that they can get to subsidize local phone service from any place will go toward reducing the subsidy that AT&T has had to subsidize in the past.

Now, then, what is going to happen? Senator Goldwater and I—and I hope a number of other Senators—will be introducing a bill that will continue the subsidy that has existed in the past. We will modify the policy that the Federal Communications Commission is following to continue a policy that, for years, has provided adequate telephone service in rural and residential areas.

I hope that the Senator from South Dakota, I hope that all others would join us on that legislation. But I hope that no one in this Senate is at the moment thinking of putting the Federal Government into the regulation of burglar alarms and fire alarms and smoke alarms and electronic banking services and yellow pages and teletext and videotext. In the case of the teletext and videotext—such regulation comes very close to treading on the first amendment.

That is what the amendment of the Senator from South Dakota will do. It is dangerous. It has never had any hearings. There is no limit, I think, to what can be sent through a telephone wire, and consequently if cable gets into it—and I emphasize again, even if the phone company is not in it—will be subject to regulation.

My fellow Senators, I hope that everyone understands there is a difference in philosophy between the Abdnor amendment and the Commerce Committee's bills. The Abdnor amendment says that if cable gets into anything, it shall be regulated, and especially if it gets into something that the phone company is now providing.

The philosophy of the Commerce Committee is exactly the opposite. We say that if cable gets in and there is effective competition with the phone company, and the phone company is currently regulated, then the phone company and the cable company will be deregulated under a provision calling for an effective competition analysis.

So the question is really whether you favor regulation or deregulation; whether you favor competition or monopoly. The Abdnor amendment favors monopoly. The Commerce Committee favors competition. Both are level playing fields. The decision to be reached is whether you want to play on the field of competition or whether you want to play on the field of regulation.

I yield the floor.

Mr. BAKER and Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, it is 10:15 a.m., and under the order entered we are scheduled to vote on the first of two amendments; is that correct?

The PRESIDING OFFICER. First of three amendments.

Mr. BAKER. First of three amendments. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BAKER. Very well.

Mr. ABDNOR. Will the majority leader yield?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. No, Mr. President.

The PRESIDING OFFICER. There is no time for debate.

Mr. EXON. Mr. President, point of order.

The PRESIDING OFFICER. The Senator from Nebraska will state the point of order.

Mr. EXON. Has the time expired without the proponents of the amendment having time to debate this morning?

The PRESIDING OFFICER. The agreement was to begin voting at 10:15 a.m. for the three amendments, and the time to vote is now before us.

Mr. EXON. I ask unanimous consent, in view of the fact that the proponents of the amendment have been shut out on time, that at least 5 minutes, no more than 5 minutes be granted to this Senator and all others similarly situated, in a manner of fairness.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. Objection is heard.

(Following is the colloquy Senator Abdnor and Senator Exon intended to enter into at this point, in explanation of amendment No. 1378:)

Mr. EXON. Mr. President, I share the concern of the Senator from

BEST COPY AVAILABLE

South Dakota (Mr. ABDNOR) for maintaining universal telephone service at affordable rates. I would like to emphasize that I support deregulation of cable television services as I understand that term. The Senator's amendments appear to address both of my concerns, but I should like to ask a few clarifying questions. With respect to the first amendment, would support for universal telephone service be required from cable operators providing traditional CATV services?

Mr. ABDNOR. The Senator's question goes to the very issue that amendment addresses. Let me first define what I mean by traditional cable services and what I mean by telecommunications service.

With respect to traditional cable television services, it would include original programing such as is now provided over traditional cable service channels.

In S. 66, these are not considered as telecommunications services, and would not be subject to the obligation to support universal service. These services, under our amendment, would be fully deregulated as provided in other sections of the bill.

With respect to telecommunications services and facilities used to provide telecommunications, those now subject to regulation would continue to be regulated—whether provided by a telephone company, a cable operator or other provider of services; and, whether they are local or long distance services. Those not now subject to regulation would remain unregulated. The status quo is maintained. Those telecommunications services which would be subject to access charges to support universal service would continue to provide support—even when provided by a cable system.

Our amendment would limit deregulation of services provided by a cable system to traditional cable television services and continue regulatory jurisdiction over telecommunications services and all facilities used to provide all or part of a telecommunications message.

It also clarifies the definition of basic telephone service in S. 66 to include all services presently regulated by the States and the FCC—both interexchange (long distance) and intraexchange (local) services and facilities. My amendment would not prohibit deregulation of those types of telecommunications services by either State commissions or the FCC. But, regardless of whether those services are offered under contract or tariff, and whether offered generally to the public or under special or individual specifications or agreement, deregulation would occur on an equal basis for all providers.

Mr. EXON. Would the Senator's amendment subject cable systems to any new regulation or prevent deregulation of any services in the future?

Mr. ABDNOR. My amendments would not create or expand any regulatory jurisdiction at any level of government. The only effect of our amendment, which modifies the definition of "basic telephone service," would be to insure that services which are subject to regulation today as telephone services on the State and Federal levels would not be deregulated by S. 66. Those services already deregulated would not be affected. It does not address any other deregulatory provisions of S. 66, and creates no impediments to further deregulation of services—cable, common carrier, or otherwise—by Federal, State or local authorities under standards which provide equality and fairness in those markets where effective competition is determined by those regulatory authorities to exist.

Mr. EXON. I understand the Senator's concern for the local ratepayer, but are cable systems a significant threat to established telephone companies?

Mr. ABDNOR. I believe they are. Our amendments address the far broader issue of assuring continued universal telephone service at affordable rates.

Information furnished by the telephone industry indicates that much of their revenues are concentrated in both a small geographic area and in a small number of customers. These customers are usually large business customers in the commercial or business districts in large cities which are also the areas and customers normally served by cable systems. A deregulated cable system could cream-skim those customers. A cable system would also provide bypass of the local telephone system, which would avoid all access charges on long distance services; and therefore, contributions to the universal service fund to support local rates would be lost. The very mechanism set up by the FCC and joint board to assure continued availability of "universal service" would be bypassed—to the detriment of ratepayers.

That is not my opinion alone. It is shared by the National Association of Regulatory Commissions (NARUC) and some 40 individual State public service commissions who have written to me and other Senators. They believe the threat is real—so do I.

The CATV industry is not an infant industry. It has highly sophisticated "state of the art" facilities in place, it is a well financed industry, and it is positioned to quickly provide unregulated bypass telecommunications services. Cable systems are therefore not infant or insignificant competitors—they are truly the major economic alternative for a telephone company's most important source of revenue.

● Mr. LAUTENBERG. Mr. President, I have given a great deal of thought to the two amendments proposed by the junior Senator from South Dakota. They raise two related policy issues about which I am very interested. First, how do we insure, notwithstanding the advent of deregulation and competition in the field of telecommunications, that universal telephone service continues to be available. Second, how do we insure that competition is fair and effective.

Recently, I spoke at some length in this body about the challenges I believe our Nation faces as it proceeds in an information age—an age when people and business are relying more and more on information and the means to get, store it, process it, transmit, and use it. Information networks that apply new technologies are multiplying and becoming more pervasive.

Still, the most widely used, and most indispensable network is the telephone system that reaches into virtually every home and business in our Nation. With the advent of competition in telecommunications, however, universal service is threatened. Regardless of what happens here today with regard to S. 66, a bill on cable telecommunications, universal service is threatened. It is threatened because those elements of the giant American Telephone & Telegraph Co., that for years have borne the burden of subsidizing local residential telephone rates will be bearing that burden no more. As long as AT&T's long lines must face competition from the likes of MCI and Sprint, and as long as AT&T's Western Electric must face competition from other equipment manufacturers like Rolm and even General Electric, the argument goes, AT&T should not bear a cost that the others do not bear—the cost of subsidizing local telephone rates.

So, we are fast approaching a day when local service users must pay the full cost of their service. In my State, New Jersey, regulatory officials predict that as a result of regulatory and judicial decisions that have already been made, basic telephone rates may rise as much as 150 percent by early 1984. The effect could be devastating. An increase of that magnitude may force 10 or 15 percent of telephone subscribers off line, cutting them off from an essential information network.

It does not have to be that way. As I have said, in the name of fair competition, there is a trend to lift from the old AT&T the burden of subsidizing local telephone service that its competitors do not bear. But, it would be just as fair instead to make AT&T's competitors share in that burden. It is just as fair to make all the competitors share in the burden, as it is to make none of them do it.

That brings us to the first amendment proposed by the junior Senator from South Dakota. It would declare it a national policy that all telecommunications providers contribute to insuring universal telephone service. That is a policy I support. While our Nation experiments in competitive telecommunications, universal service cannot be its guinea pig. The Committee on Commerce, Science, and Transportation, on which I serve, has already stated its intention to commence hearings with the goal of producing legislation to preserve universal service. I intend to be very involved in that process.

The second amendment proposed by the Senator from South Dakota raises questions of how we insure that competition in telecommunications is fair and effective. That amendment would redefine basic telephone service in S. 66. Its effect would be to subject cable operators to the same kind and level of regulation that governs the telephone companies when it comes to providing local data transmission services. This amendment I cannot support.

I have heard two arguments made in support of this amendment. The first is that without it, cable operators will be free to invade markets served by telephone companies without the same regulatory restrictions. In other words, its simply unfair. The other argument is that if cable is free to do so, it will skim the "cream" of a telephone company's market—its high volume business customers—thereby depleting telephone company revenues and, ultimately, forcing up rates.

As to the question of fairness, I am not convinced that what is fair is always what is equal. The telephone companies reach virtually every home and business in this Nation. Cable reaches significantly fewer homes. The telephone companies maintain an overwhelming share of the market in data transmission services. In my State, cable holds no share of the market. It has not even entered the field. I think that there must be some recognition of the different starting positions of the two competitors at issue. That should be incorporated in how we approach their regulation. As modified, the bill does this. It would enable cable to get on its feet. However, once effective competition exists, cable would be subject to the same treatment as the telephone company.

The second argument in defense of the amendment is that cable must be prevented from skimming the "cream" of a telephone company's revenues. Otherwise, local telephone rates will be forced up—that is, forced up further than they already seem destined to go.

In response, I think we should examine the whole issue of so-called bypass—that is, the practice of avoiding reliance on the telephone network by the use of alternatives. Even if cable were hamstrung by regulation, that would not stop other telecommunications providers from trying to compete with the local operating company and offering a way to bypass the network if it was economical and efficient to do so.

In my own State, we see bypass occurring by the use of both private and public networks. The Port Authority of New York and New Jersey plans to construct a teleport—a satellite farm on Staten Island—that would link Jersey City and New York by a fibre optic cable. That is another form of bypass. To stop all forms of bypass would require us to turn back the clock—to reverse a clear trend toward competition in telecommunications—a trend that I hope will increase efficiency and promote innovation.

Rather than try to stop all forms of bypass, I think we should address its undesired effects. To the extent cable does secure a part of the market—a part that has contributed to the subsidy of local telephone rates—then cable should bear the burden of that subsidy. It should come with the territory. That is the principle embodied in the first amendment of the Senator from South Dakota, an amendment I support.

In sum, this Nation has embarked down the road of competition in telecommunications. Rather than try to stymie competition by some entrants, I think we should direct our energies to insure the continuation of universal service—to insure that the public enjoys the benefits of competition and is saved from its unintended effects. I am committed to doing just that.●

VOTE ON AMENDMENT NO. 1378

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1378. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas (Mr. DOLE) and the Senator from Nevada (Mr. HECHT) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) is necessarily absent.

The PRESIDING OFFICER (Mr. WILSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—97

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—0

NOT VOTING—3

Cranston
Dole
Hecht

So Mr. ABDNOR's amendment (No. 1378) was agreed to.

VISIT TO THE SENATE BY PARLIAMENTARIANS FROM THE COMMONWEALTH OF AUSTRALIA

Mr. BAKER. Mr. President, we are favored today with a visit from a most distinguished delegation. Our guests from the Commonwealth of Australia are as follows:

The Honorable Robert J. L. Hawke, A.C., M.P., the Prime Minister of Australia;

The Honorable Paul J. Keating, M.P., Treasurer;

His Excellency Sir Robert Cotton, K.C.M.G., Ambassador of Australia to the United States;

Sir Geoffrey Yeend, C.B.E., Secretary, Department of the Prime Minister and Cabinet;

Mr. P. G. F. Henderson, Secretary, Department of Foreign Affairs;

Mr. W. B. Pritchett, Secretary, Department of Defense;

Mr. Graham Evans, Principal Private Secretary, Prime Minister's Office; and

Mr. John Bowan, Adviser to the Prime Minister—Foreign Affairs—Prime Minister's Office.

I shall ask the Senate to stand in recess so that we may greet the Honorable Robert J. L. Hawke, the Prime Minister of Australia, who is accompanied by the Honorable Paul J. Keating, the Treasurer of his government, the Honorable Sir Robert Cotton, who is the Australian Ambassador to the United States, and their party. I hope that Members will join me and Senator PERCY and Senator PELL in paying our respects to these distinguished Parliamentarians.

[Applause.]

RECESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess for a period of 2 minutes so that we may have an opportunity to greet our friends from Australia.

There being no objection, the Senate at 10:39 a.m., recessed until 10:41 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Wilson).

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, I ask unanimous consent to proceed for 30 seconds so that I may yield to the distinguished chairman of the Appropriations Committee for an important request.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate. Senators not involved in the legislation before us will please go to the cloakroom or take their seats.

Is there objection to the request of the majority leader for unanimous consent? Without objection, it is so ordered.

Mr. BAKER. I now yield to the Senator from Oregon (Mr. Hatfield).

REQUEST FOR SENATORS TO CONSTITUTE A QUORUM OF THE APPROPRIATIONS COMMITTEE

Mr. HATFIELD. Mr. President, it is imperative that if we are to work out these appropriations measures to be able to get a quorum. I am asking all the members of the Appropriations Committee as soon as we start this next vote, to vote early and go immediately to S-128 downstairs, the first floor, in order to make a quorum for the HUD bill.

This afternoon we mark up the bill before the Subcommittee on Energy and Water. We have to move these appropriations bills out as soon as they come over from the House, and in order to do that we are going to have to obtain a quorum within the next 15 or 20 minutes so that they can work their way through the Appropriations Committee.

So I urge all members of the Appropriations Committee to come to S-128.

CABLE TELECOMMUNICATIONS ACT OF 1983

The Senate continued with the consideration of the bill (S. 66).

VOTE ON AMENDMENT NO. 1379

The PRESIDING OFFICER. The question recurs on agreeing to amendment No. 1379 of the Senator from South Dakota. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. Hecht) is necessarily absent.

The PRESIDING OFFICER (Mr. Pressler). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—44

Abdnor
Andrews
Baucus
Biden
Bingaman
Boschwitz
Bumpers
Burdick
Chiles
Cranston
Denton
Dixon
Domenici
Durenberger
Eagleton
East
Exon
Glenn
Hawkins
Heflin
Heinz
Helms
Laxalt
Leahy
Levin
Long
Lugar
McClure
Melcher
Metzenbaum
Mitchell
Percy
Pressler
Proxmire
Pryor
Riegle
Roth
Sarbanes
Sasser
Stafford
Stennis
Symms
Wallop
Zorinsky

NAYS—55

Armstrong
Baker
Bentsen
Boren
Bradley
Byrd
Chafee
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dodd
Dole
Ford
Garn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Mathias
Matsunaga
Mattingly
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Quayle
Randolph
Rudman
Simpson
Specter
Stevens
Thurmond
Tower
Trible
Tsongas
Warner
Weicker
Wilson

NOT VOTING—1

Hecht

So Mr. Abdnor's amendment (No. 1379) was rejected.

● Mr. DeCONCINI. Mr. President, earlier today I cast my vote for Senator Abdnor's amendment advocating universal service at reasonable rates. However, I felt compelled to oppose Senator Abdnor's second amendment pertaining to data transmission because I am very concerned that this amendment leads us not toward the deregulation that we all seek, but toward increased regulation which may prove to be self-perpetuating.

It is imperative that this Senate move rapidly to deal with the problems of universal service at reasonable rates. Senators Packwood and Goldwater have assured me that the Commerce Committee will hold hearings after the July 4 recess on this issue. Among the points raised by Senator Packwood in his proposed legislation is one that I see as critical to Arizona. We must insure that any carrier that connects directly or indirectly to any local telephone exchange contributes to the maintenance of the universal telephone network. Furthermore, I think it is crucial that provision for "lifeline service" for residential telephone users is an integral part of any legislation. There can be no doubt in anyone's mind that the telephone is no longer a luxury. In fact, the telephone is an absolute necessity, especially in States with large rural populations.

Therefore, Mr. President, I plan to work closely with the members of the Senate Commerce Committee to see that we move rapidly to insure universal service at reasonable rates. I recognize that there are those who believed that Senator Abdnor's amendment was a cure for the present problems. I do not agree. It is my belief that Abdnor's amendment on data transmission would have increased regulation without substantially insuring help for consumers facing rapidly rising telephone rates.●

AMENDMENT NO. 1380

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Texas. There is a time limitation of 10 minutes equally divided on this amendment.

Mr. BENTSEN. Mr. President, yesterday I proposed an amendment on which we will vote in a few minutes. My amendment is simple, direct, and fair; it is an amendment to preserve all existing contracts. My amendment does nothing more than to underline that agreements freely negotiated by major corporations and by municipalities shall remain in force for the duration of those contracts.

I just do not believe it is our responsibility in the U.S. Senate to abrogate those kinds of contracts. These are contracts that were freely arrived at. The companies which negotiated these contracts were some of the most sophisticated and largest companies in the United States. They hired the most famous law firms they could. They then employed local counsel, and subjected city council, to all the pressure they could muster in order to win these contracts.

They made these agreements and now some of them are not profitable so they want out of them. They want us to release them from their commitments. I think that is wrong. If they were making a lot of money out of them, if their real costs had undershot the mark and their earnings were really skyrocketing, do you think they would be going back to the cities to say, "Look, we want to add more services. We want to do more things for you"? No, they would be saying in their annual statements how wise they had been and what a good job they had done as executives, in negotiating advantageous contracts.

One of the basic premises of the private enterprise system is the sanctity of the contracts. I think we ought to preserve it.

As this bill is written, there are many things in it which I approve, that I think are good. But this one is one that I think violates the sanctity of the contract and we should not support it.

The bill as it is now written recognizes only parts of contracts some of the time. It maintains existing rate regulations for 5 years or one-half of the remaining term of the contract, whichever is longer. But take a city like Fort Worth, an example which is repeated around the country. They have negotiated contracts which regulate the first three tiers of service. If S. 66 is enacted, the cable company which wired Fort Worth could raise its rates the next day for the second two tiers of service, even though it had a binding contract not to do that. Frankly, I see no good reason why Congress should abrogate this contract along with the many others that are comparable to it.

The cable companies entered into these agreements freely. No one broke their arms to enter into these contracts. Municipalities made deals that they hoped would protect the consumer's interest and the citizens. Those contracts would no longer be binding because we changed the rules of the game. That is not right.

Some of the cities made good deals. Well, good for them. Some of them made deals that were not so good, but I think they have to live up to those contracts too.

There are some on the committee who have said that my amendment would gut the bill. I do not believe that. The bill already requires cable companies to provide much of what they promised. Why suddenly, if they can fulfill half the term of the contract, can they not fulfill the whole thing? There is a principle involved here.

The operators and the communities entered into these contracts with very explicit expectations, and Congress should respect those expectations. Otherwise, S. 66 will relieve cable operators of freely negotiated operations with no recompense to the communities whatsoever. No record of abuse has been cited. No compelling need by the cable industry has been shown to set aside these extensive and negotiated agreements.

My amendment does nothing more than say to the cable companies, "Just live up to your word."

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Oregon.

Mr. PACKWOOD. Mr. President, very simply, this amendment does one thing. It guts the agreement in the bill between the National League of Cities and the cable television industry. That is what this amendment would achieve.

We have worked for a year and a half, Senator Goldwater and I, to attempt to get this bill to this stage. Twice the National League of Cities was able to stop it or delay it because initially it had no grandfathering in it at all.

Now, we have grandfathered programing, services, facilities, equipment, access channels, and rates for 5 years or one-half of the remainder of the franchise if that is longer than 5 years, whichever is longer. The National League of Cities supports this amendment. To the best of my knowledge, there are only three cities in this country—Dallas-Fort Worth can be counted as one—only three cities that do not support the agreement reached by the National League of Cities. If it only goes to half the bill, it guts the remainder of the bill.

I yield the remainder of my time to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to confirm what the chairman has said: If this amendment is taken, there is no need for a cable bill. We can forget all about it. No one will be affected by this. This is one of the major bargaining points that we went through for 3½ years with the cities of this country, trying to work out with them a satisfactory way that they can work out contracts with the cable people, with the idea that they can carry on, or not, or change. This follows the free enterprise system precisely, as anyone who has ever executed a contract would know.

It would frustrate the principal goal of establishing a uniform national policy for cable. This is very important. This is what we are trying to do. We are trying to offer to the American people a chance to have the best television in their homes they can get. If we are not allowed to have this bill the way it has been written in cooperation with the great majority of American cities, there is no need to even have the bill.

Cable faces increased competition today. If all agreements are grandfathered, the current system of overregulation would continue. So why have a bill?

The chairman has already listed the places that we have already grandfathered in the bill. Programing—this is a touchy point with the cities. Services is another touchy point with the cities. We have grandfathered that. The facilities—that varies from community to community, place to place, and even rural area to rural area.

Equipment varies. There is no way that there can be a standard equipment. I cannot understand why we would want to grandfather any idea that a cable company has to buy this or has to buy that. It is up to the city, it is up to the community, it is up to the county or any other governmental agency that wants to make a contract and makes contracts with cable people.

Access channels was a very touchy point. It required most of the bargaining time for 3½ years. How many access channels should we allow? The town I live in now has three. They can only use two so far, so why grandfather three? It might be wise at the end of this current contract to go back to two, it might even be wise to go up to four. We had many cities, in the course of arguing, that wanted as many as 10 channels or that wanted 20 percent of the channels for visual advertising.

Rate deregulation we have grandfathered for 5 years, or one-half of the remainder of the term. Certainly no community could ask more than that.

As my chairman pointed out, we are talking about three, maybe four big cities in this country who, by offering this amendment, want to deny the American people living in little towns and valleys where they cannot have television, living on the sides of mountains where they cannot have television, living too far away from an antenna television transmission system to get television. All this bill is trying to do is allow the American people to have access to really fine television. I can tell my colleagues that if they want to deny them, they will accept this amendment.

The PRESIDING OFFICER. The time has expired.

Mr. GOLDWATER. I thank the Chair. He has been very generous and patient.

The PRESIDING OFFICER. The question is on agreeing to amendment 1380 offered by the Senator from Texas (Mr. Bentsen). The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. Hecht) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Mississippi (Mr. Stennis) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 19, nays 79—as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—19

Bentsen
Boschwitz
Chiles
Dixon
Eagleton
Ford
Hatfield
Huddleston
Johnston
Levin
Long
Metzenbaum
Proxmire
Sarbanes
Sasser
Stafford
Tsongas
Wallop
Zorinsky

NAYS—79

Abdnor
Andrews
Armstrong
Baker
Baucus
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dodd
Dole
Domenici
Durenberger
East
Exon
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hawkins
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jackson
Jepsen
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy

Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Tower
Trible
Warner
Weicker
Wilson

NOT VOTING—2

Hecht
Stennis

So Mr. Bentsen's amendment (No. 1380) was rejected.

Mr. DIXON. Mr. President, will the majority leader yield for a question in connection with the order on S. 66?

Mr. BAKER. I am happy to yield.

Mr. DIXON. I have three amendments that were laid down last week in connection with this bill. I understand that at 12 noon we will recess for the separate conferences of the two parties; that thereafter, when we return at 2 p.m., we will return to the supplemental for at least three amendments. There seems to be some lack of understanding of how we will then proceed. I would hope we would return to S. 66, so that at least the three amendments I have laid down would be fully considered before we ultimately dispose of this measure.

Mr. BAKER. Mr. President, I thank the Senator for his inquiry.

When the unanimous-consent agreement was crafted, I think it was assumed that we would finish the communications bill before 2 p.m. today and would have that behind us. Unless we hurry, we are not going to get that through before 12 noon, when we recess.

So, in answer to the Senator's question, we will go ahead and have the supplemental appropriations bill votes that were ordered, beginning at 2 p.m.

Then it will be the intention of the leadership to ask the Senate to return to the consideration of and finish the communications bill, before we resume consideration once more of the supplemental appropriations bill. That means we will probably not get much done on the supplemental, but we can finish the communications bill. We will be on the supplemental tomorrow.

While I have the floor and we are on this subject, I may say that it is the intention of the leadership to ask the Senate to proceed to the consideration of the withholding on interest and dividends measure on Thursday and Friday.

Mr. DIXON. I thank the majority leader.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DIXON. Mr. President, last week I proposed amendments 1324, 1325, and 1353 to S. 66. As my good friend the manager of this bill knows, on one day, either Friday or Monday, prior to this day, the distinguished junior Senator from New Jersey in discussions with the manager of the bill had agreed with the manager about some amendments and modifications to the bill which I understand have been made in my absence over the weekend so that it will now be necessary for me to offer modifications to the amendments previously offered.

They embrace the same subject matter, may I say to the manager and to the Members, but the necessity of the modification is due to the change in language by virtue of the modification of the bill agreed to by the manager on the prior occasion at the request of the Senator from New Jersey.

Mr. PACKWOOD. Mr. President, I am not quite sure what the Senator from Illinois is saying.

We entered into this unanimous-consent agreement yesterday, after we had adopted the suggested changes of the Senator from New Jersey.

Mr. DIXON. If I may again briefly explain what I am saying, my amendments address sections 607 and 609 of S. 66. Those two sections separately deal with the ratemaking powers of municipalities and the question of renewal of franchises.

The junior Senator from New Jersey, my good friend, in dealing with the manager, addressed both of those subject matters and as a consequence the amendments that I have proposed that are presently in the possession of the clerk are not entirely appropriate by virtue of the modifications in the bill.

The standing order embraces the right to deal with the modifications made as well as the bill, and I am now suggesting the amendments I have here are materially and basically the same amendments. All they deal with are the same sections as modified by the manager in accepting the modification offered by the junior Senator from New Jersey.

Mr. PACKWOOD. Mr. President, I wonder if I might do this since I have not seen the amendments. In a moment I would just ask unanimous consent to reserve my right to object, and I will take a look at those amendments during the 12 o'clock to 2 p.m. recess. My hunch is I will not object. I wish to see what they say before I waive any rights that might exist under the agreement. But I think I can assure the Senator I will bend over backward to accommodate him unless they are so different as to not fit the scope of the agreement.

Mr. DIXON. I think that is perfectly all right. I understand the graciousness of the manager. I am sure we will have no difficulty if I could send these amendments to the desk now. These amendments are modifications of amendments 1324, 1325, and 1353.

Mr. PACKWOOD. Again, to protect our interest, I ask unanimous consent to reserve my right to object to these amendments, if by chance they simply are way beyond the parameters of the unanimous-consent agreement. I assure the Senator from Illinois I will look at them during this 12 o'clock to 2 o'clock period.

Mr. DIXON. I thank the manager of the bill and if I may proceed then, Mr. President——

Mr. PACKWOOD. I think the Chair is getting ready to rule on the unanimous-consent request.

The PRESIDING OFFICER. If the Senator will withhold, under the agreement obtained yesterday the Senator from Illinois has the right to make the modifications to his amendments, to make them conform with the committee's modification. That is the status of the agreement.

Mr. DIXON. I thank the President. That is my understanding of the standing order.

Mr. PACKWOOD. Mr. President, again I have not seen the amendments and the change.

Let me assure the Senator from Illinois once more that I have been at this long enough, and every now and then an amendment comes along that the sponsor thinks is not different but it turns out upon observation that it is.

That unanimous-consent agreement was drafted to allow the Senator from Illinois and others who are going to present amendments to conform them to the committee substitute, as I understand it, that was proposed. These may conform to it. I just do not know if they do.

So I simply do not wish to waive any of my rights on the introduction of these amendments.

All I am asking is unanimous consent to reserve my right to object until we take up this bill again at 2 p.m.

The PRESIDING OFFICER. The Senator from Oregon does reserve the right to object to an amendment if he feels the amendment is not in conformity with the agreement entered yesterday.

Mr. DIXON. Yes; of course.

The PRESIDING OFFICER. The Senator would not be bound by it.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum, the time to be charged to my time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, may I say that I have had a discussion with the manager of this bill and I think we are in agreement.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield to the Senator from Illinois.

Mr. DIXON. I thank the Chair.

I think it is a fair representation that both of us agree that the third amendment that I have asked to be numbered 1353 may present some questions with respect to its being a modification of amendments previously offered.

To the extent that that may be so, I wish to state my position if it is satisfactory to the manager and then whatever the manager wants to do I will understand his position in that regard because I suppose it is subject to discussion as to whether the third amendment complies with the standing order.

The third amendment that I have offered is an equal opportunities amendment that has been requested by the newly elected mayor of the city of Chicago, Mayor Harold Washington, in a letter sent to me dated June 13, subsequent to the time that I filed the previous amendments. The mayor of the city of Chicago suggests that the bill in question may be subject to the interpretation that municipalities may not impose equal employment opportunity and affirmative action guidelines on cable operators. The bill is not sufficiently clear in that regard, and he has simply asked that I introduce an amendment that says nothing in this act shall be construed as prohibiting a franchising authority or a State or political subdivision or agency thereof from requiring a cable operator to follow certain equal employment opportunity and affirmative action guidelines or from imposing minority business enterprise requirements on a cable operator.

I would simply have to say that the question is subject to some debate as to whether the bill protects municipalities in that right, but I would hope that my distinguished colleague, the manager of the bill, and others who are interested in the passage of this legislation, would not want the major cities in America, like the city of Chicago and others to be concerned about the problem of equal employment opportunity, in those great cities where the minorities are such a significant percentage of the population, and so integrally involved in the economic life of the communities.

So I do not know what my good friend, the manager of the bill, would want to do? I wish he would agree in our favor so that we can resolve this important issue regarding equal employment opportunities.

I would say that if he wants to raise that question and if the Chair wants to rule against me, I would want to appeal the ruling of the Chair on this fundamentally important issue of the rights of our minorities in America to be involved in this very important growing economic experience in the country known as cable franchising.

Mr. PACKWOOD. Mr. President, let me tell the Senator what my difficulty is.

Both the Federal Communications Commission and the Equal Employment Opportunity Commission have rules relating to minority business enterprises, and affirmative action.

I ask the Chair: Has this amendment been offered, amendment No. 1353?

Mr. DIXON. It has not yet been offered.

The PRESIDING OFFICER. No; it has not.

Mr. PACKWOOD. I thank the Chair.

My misgiving is that of getting an amendment for the first time that I think clearly goes beyond not only the subject of the bill, but that we never discussed nor considered in any of our committee hearings nor in any of the debate in the committee nor in the Chamber. This amendment clearly goes beyond the definition in the unanimous-consent agreement yesterday of "modification necessary due to committee modifications." So I believe I would be constrained, when it is offered, to object to the consideration of it, not because I do not share the sympathies, but I just want to know what the effect of it is in relation to the FCC and the EEOC. With the time constraints that we are under, I just do not think we can give it proper consideration here.

Mr. DIXON. Mr. President, I say to the manager that I understand his position quite well. I trust he understands mine. The letter referred to is from the distinguished mayor in a major city in my State and is dated June 13.

At the same time, I am constrained to say that the concerns of Mayor Washington would be paramount to me in connection with this legislation and I would feel compelled to clarify this question.

I would prefer, in view of the fact that both the manager and I agree that the other two amendments comply with the rules under the standing order, to begin on the substantive amendments and dispose of them on their merits and then come back to this parliamentary question at a later time, since it is clear that we cannot dispose of any amendment before 12 noon. I hate to complicate the major questions that are before us that are obviously within the standing order over this procedural question.

Mr. PACKWOOD. Mr. President, I do not want to say that the two amendments are in order. I think they are in order and I think we will be prepared to debate them on the merits apparently around 3 o'clock, because we are going to have some other votes at 2 o'clock first. He may want to take his two amendments first and if he wants to wait until his third amendment and have that one be the one relating to the mayor of Chicago, that is his privilege.

Mr. DIXON. Mr. President, I wish to say, in all candor to my friend, the manager of the bill, that I think he has a point in connection with the standing order. I am the first to confess that.

At the same time, he would appreciate the position the Senator from Illinois finds himself in, in connection with the request from a distinguished mayor in the largest city of his State concerning an issue of paramount importance. At the same time, I do believe the other amendments which fall within the standing order ought to be dealt with first.

Since the hour is 7 minutes to 12 and our conferences begin at 12, it might be just appropriate to come back to the whole thing at 3.

Mr. PACKWOOD. Mr. President, I know exactly the situation the Senator from Illinois is in. We have all been in that situation, when our Governor or a mayor from a principal city contacts us on practically the day the bill is coming up with some concern—perhaps genuine, perhaps alleged, perhaps not genuine—and we are kind of left in a dilemma.

If I were in the Senator's position, I would be doing exactly the same thing he is doing and my hunch is that if he were in my position he might be doing the same thing I am doing. But I agree totally with the Senator.

Mr. GOLDWATER. Will the Senator yield?

Mr. PACKWOOD. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I think we might solve this to the satisfaction of the Senator from Illinois and to the satisfaction of the recently elected mayor of Chicago. You are really getting at what this bill is all about, the negotiation of contracts.

I do not think it is the duty or the prerogative of this body to tell any city in America what they should or should not do relative to contracts. Now, if Chicago is drawing up a contract with a cable company and wants to specify equal employment, I think that is up to them. I do not think we here should make it mandatory or prevent it. I think it is up to the mayor of Chicago, in dealing with his cable people, to reach the conclusions that he wants to reach.

I can assure the mayor that the Senator from Illinois has done an outstanding job in presenting the mayor's case to this body, but I would have to object to the consideration of that particular amendment.

Mr. DIXON. Mr. President, I thank my good friend, the senior Senator from Arizona, for his remarks. I would just point out that this is what my amendment says: "Nothing in this act shall be construed as prohibiting," as prohibiting, "a franchising authority from having this right."

Again, I do not quarrel with the standing order, but I would suggest to my friends here that that clarification is so without offense to the bill that I suggest that it would be a meritorious thing to consider over the lunch hour as to whether you might be interested in accepting this. I think it is entirely harmless to say to those municipalities that nothing prevents them from requiring equal employment opportunity and affirmative action guidelines. I ask that you do consider it over lunch hour.

Mr. PACKWOOD. We will consider it over the luncheon period.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

The motion was agreed to and, at 12:02 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Lugar).

SUPPLEMENTAL APPROPRIATIONS, 1983

The Senate resumed consideration of the bill H.R. 3069.

AMENDMENT NO. 1335

● Mr. HART. Mr. President, I support the amendment offered by Senators Bumpers and Jackson, to prohibit any additional new production coal leasing during the remainder of this fiscal year, and I urge my colleagues to vote for it.

Some say it would be an extreme measure for Congress to completely ban new leasing during the next 3½ months. That may be so, but this step is warranted by the true extremism represented by the coal leasing policies of the Reagan administration. Secretary of the Interior James Watt has issued leases at "fire sale" rates, giving away the public's valuable resources at far less than their true value.

According to an investigation by the House of Representatives Committee on Appropriations, the Department of the Interior's recent Powder River Basin coal sale cost the public $50 million because of an inadequate return for the coal. The General Accounting Office has put the loss even higher—at $100 million.

Whether the loss was $50 million or $100 million is relatively unimportant; what is important is that the procedures that led to an inadequate return should be reformed before additional leases are issued. This is the conclusion of GAO, which recommended that Congress "postpone scheduled regional coal lease sales until Interior has had an opportunity to correct deficiencies in its valuation, leasing, and fair market value procedures."

Even more troubling than the fact that Interior is not getting an adequate return for the public's coal is the mounting evidence that Interior officials have deliberately corrupted the leasing process to favor individual coal companies. Interior officials allegedly leaked information on the Powder River coal to selected companies, and jury-rigged lease tracts to fit the desires of particular companies. It is ironic and tragic that in this administration, with all its lipservice to the advantages of the free market, we see deliberate efforts to undercut the competition that is the cornerstone of the marketplace.

When this administration has gone too far in its leasing policies—as it repeatedly has—Congress has stepped in. We have previously blocked leasing of portions of the Outer Continental Shelf off the coast of California, where environmental values clearly outweigh energy values. We have previously blocked Secretary Watt's efforts to open our wilderness areas up to mining and drilling. Now it is time for us to block additional coal leasing, until meaningful reforms can be adopted to insure the public interest is properly protected in future lease sales.

I emphasize that this amendment merely affords an opportunity for meaningful reform. That is the real issue here. We experienced not long ago a 10-year moratorium on coal leasing. I do not think we should have another such moratorium, and I would be one of the first Members of this body to oppose such a moratorium. I hope that we will have an opportunity during this fiscal year to come back and lift the prohibition that would be imposed by the Bumpers-Jackson amendment. I hope that this amendment will force Secretary Watt to realize that, once again, he has stepped way over the bounds of what the American people are willing to accept. I hope that Secretary Watt will now work with Congress to establish binding safeguards to insure the public interest is protected in future coal leasing. As soon as those safeguards are established, I will enthusiastically propose a resumption of Federal coal leasing.

But that has not happened, and we must deal with the world as it now exists. We must deal with a Secretary and other officials at the Department of the Interior who have repeatedly demonstrated that their real desire and true agenda is to give away our public resources. Until such time as we can fashion appropriate restraints on the Secretary of the Interior's authority, to insure balance in the leasing of our coal resources, we should prohibit additional leasing.●

VOTE ON AMENDMENT NO. 1335

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas (Mr. Bumpers). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. Glenn) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—48

Baucus
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Bumpers
Byrd
Chiles
Cohen
Cranston
DeConcini
Dixon
Dodd
Durenberger
Eagleton
Ford
Hart
Hollings
Huddleston
Humphrey
Inouye
Jackson
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
Long
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Riegle
Roth
Sarbanes
Stafford
Stennis
Tsongas
Warner

NAYS—51

Abdnor
Andrews
Armstrong
Baker
Boren
Burdick
Chafee
Cochran
D'Amato
Danforth
Denton
Dole
Domenici
East
Exon
Garn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Jepsen
Johnston
Kasten
Laxalt
Lugar
Mathias
Mattingly
McClure
Murkowski
Nickles
Pressler
Quayle
Rudman
Sasser
Simpson
Specter
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Weicker
Wilson
Zorinsky

NOT VOTING—1

Glenn

So Mr. Bumpers' amendment (No. 1335) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THIRD EXCEPTED COMMITTEE AMENDMENT

(Page 63, strike line 22 through and including line 2, page 64.)

Mr. HATFIELD. Mr. President, I move the adoption of the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1346

The PRESIDING OFFICER. The question now recurs on Percy amendment No. 1346. There are 5 minutes to be equally divided for debate with the time to be controlled by Senator Hatfield and Senator Stennis.

Mr. HATFIELD. Mr. President, I would like to yield time to the Senator from Illinois (Mr. Percy) and the Senator from Wisconsin (Mr. Kasten).

Mr. CHAFEE. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will please retire to the cloakrooms or their seats.

May we please have order in the Senate?

The Senator from Oregon has yielded to the Senator from Illinois.

Mr. HATFIELD. Mr. President, I yield time control to the Senator from Illinois (Mr. Percy) and the Senator from Wisconsin (Mr. Kasten).

Mr. PERCY. May we have order, Mr. President?

The PRESIDING OFFICER. There will be order in the Senate. Senators will please listen to the debate.

The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, the amendment I am offering would restore to title V of the supplemental appropriations bill the sum of $4.5 million for voluntary contributions from the United States to the International Atomic Energy Agency, IAEA. The amount of this appropriation was approved by our colleagues in the House, but was deleted during consideration of the bill in the Appropriations Committee.

There are strong reasons why this money should be restored. First, the IAEA performs absolutely vital functions. It carries out the mission of safeguarding the civilian nuclear power facilities—hundreds of them—in many nations around the world. The Agency's safeguards program is at this time the best mechanism we have available for detecting a diversion of nuclear materials from these civilian facilities to some clandestine military or terrorist purpose. I am sure that none of us in this Chamber would like to see the safeguards program—so vital to our interests—weakened in any way. Second, the ability of the United States to achieve its goals in the IAEA depends on our ability to work with other member nations so that they may achieve their objectives. Our contributions for technical assistance are an important means for demonstrating this cooperation.

The Foreign Relations Committee has followed recent developments at the IAEA very closely. We have been most concerned by actions last year which reflect an increasing politicization in the Agency. Last year, on the last day of the general conference of the Agency in September, there was an attempt to deny the credentials of the Israeli delegation. The proposal was put to a vote and defeated when the final tally resulted in a tie, which under the Agency's rules meant the proposal was rejected. Later, in what the United States regarded as an irregular procedure, the voting was reopened and the vote of a member nation not present at the original vote was counted. This made a majority for the motion to deny Israel's credentials to sit in that meeting. The United States walked out in protest. We were joined by many of our allies. I said then and I say again today that this action by the general conference was deplorable. It was just one more effort by certain dissident member nations to inject political issues into the discussions of an Agency which has been, and which we believe should remain a technical—not a political—body.

Immediately after the walkout in September of last year, the United States carried out an extensive reassessment of our role in the IAEA. The question of whether there are viable alternatives was seriously examined. The reassessment looked at the Agency's goals and those of the United States and compared the two. Finally, the President decided we should resume our participation, that the IAEA is important to our security interests, and that, at least in the immediate future, no reasonable alternative is available. When we resumed participation in February of this year, it was with the understanding that every effort should be made to reduce political bickering unrelated to the Agency's functions.

During the reassessment, Congress considered the fiscal year 1983 budget.

In December, as part of the continuing resolution, we agreed to language which reduced the amount available for voluntary contributions to the IAEA in fiscal year 1983 from the $14.5 million originally requested by the President to the level of $10 million. At the same time, the continuing resolution imposed a condition: The $10 million appropriated could not be expended unless or until the IAEA certified that Israel was entitled to fully participate in the Agency's activities.

At the meeting of the Board of Governors of IAEA last February, the question of this requirement in our law came up very early. On February 23, the Director General of the IAEA, Dr. Hans Blix, sent a letter to the Secretary of State, which reads as follows:

> On February 23, 1983, the Board of Governors of the IAEA met and considered the status of Israel as a member of that Agency. I have been authorized by a decision of the Board of Governors to certify on behalf of the IAEA that it is the position of the Board that the State of Israel is entitled to participate fully as a member nation in the activities of the IAEA.

On March 1, 1983, Secretary Shultz formally transmitted Dr. Blix's letter to the Speaker of the House and the President of the Senate, thus satisfying the requirements of the law. Such a certification from an international organization is not an everyday occurrence. I believe we can read this as an example of the importance which member states attach to the participation of the United States in the Agency.

Mr. President, I am impressed by the seriousness the administration attaches to this matter. I have received a letter from the Secretary of State which says, in part:

> The loss of these funds would have serious, adverse consequences as far as our interests are concerned. It would mean a serious setback to our efforts to strengthen the IAEA, an agency which the President has said is critical to our national interest.

The Secretary also notes that:

> There has been strong bipartisan support for IAEA in the Congress in the past and repeated requests that we increase our contributions. Deep cuts at this time—and this is a deep cut, more than 30 percent—would certainly diminish our ability to influence the direction of the Agency.

Mr. President and Members of the Senate, we must remember in deciding this question that in many ways the IAEA was created and supported in the early years by the United States. The Congress exercised particular leadership in the effort. The statute creating the Agency was negotiated in large measure by the United States, and in 1956, the Senate ratified it. Shortly thereafter, Congress passed the IAEA Participation Act. Sterling Cole, an American Congressman and former Chairman of the Joint Committee on Atomic Energy, became the Agency's first Director General in 1957. Another important step occurred in the late 1960's, when through the joint efforts of the United States and the Soviet Union, the Treaty on Non-Proliferation of Nuclear Weapons was negotiated and opened for signature. The treaty, ratified by the Senate more than a decade ago, greatly expanded the importance of the Agency's activities and laid renewed emphasis on the vital safeguards program. More recently, in the Nuclear Non-Proliferation Act, the Congress recognized the importance of the IAEA and its functions to achievement of our nonproliferation objectives.

Mr. President, the disturbing events which occurred last September at the IAEA's general conference must be evaluated in light of this historical commitment to the Agency and the vital functions it carries out. Looking toward the future, our commitment is—if anything—more important than it has been in the past: This summer, the United States will be involved in an international conference on the peaceful uses of nuclear energy. More importantly, 1985 is the year set for review of progress on the Non-Proliferation Treaty. There is no good reason to open the United States to criticism in those forums. The safeguards program of the IAEA is widely viewed as a pioneering effort in the field of arms control and international cooperation. We should not thwart our own best interests—both security interests and international political interests—by failing to live up to our commitments.

In summary, Mr. President, although the dollar figure in this amendment is small, its importance is great. In many ways, it is a symbol of our renewed commitment to the Agency's technical programs and to continued international cooperation in this vital area. I urge my colleagues to restore the full level of funding requested by the President, and to vote for this amendment.

Mr. President, I want to read to my colleagues the following statement from the Secretary of State on behalf of the President:

> The loss of these funds would have serious, adverse consequences as far as our interests are concerned. It would mean a serious setback to our efforts to strengthen the IAEA, an agency which the President has said is critical to our national interest.

I am pleased to yield now to my distinguished colleague from Idaho for his statement.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I thank the Senator from Illinois for yielding this time to me. I am pleased to join with the Senator from Illinois and our colleague, the Senator from Ohio (Mr. Glenn), in supporting this amendment. This was the subject of earlier discussion as the so-called Kasten-McClure amendment of last year that established the conditions under which the initial $10 million would be made available, which I think is worth revisiting only to the extent of restating that this is the only international safeguards program. It is a key to the Nuclear Non-Proliferation Treaty.

I think it is also the key to the Nuclear Non-Proliferation Act of 1978, and it has to be the key to the domestic safeguards under the United States. IAEA treaty to which the Senate gave advice and consent in 1980. I hope that we will add this money. In spite of the fact that certainly there are deficiencies in the IAEA program, it is not going to benefit by starving it of the funds that are necessary to enable it to do the job and to do it better. So I hope that we will at this time add the money which will restore the amount of funding which the administration had asked initially and which because of the difficulties had been reduced earlier, but this money would simply put it back to the original figure.

I thank the Senator for yielding.

Mr. PERCY. Mr. President, I yield the remainder of my time equally divided between the Senators from Rhode Island and Virginia. How much time do I have left?

The PRESIDING OFFICER. The Senator has 14 seconds remaining.

Mr. PERCY. How much?

The PRESIDING OFFICER. Fourteen seconds.

Mr. PERCY. I yield 7 seconds to each of my colleagues.

Mr. PELL. Mr. President, I merely support the amendment of the Senator from Illinois. It is an excellent amendment. I commend it to my colleagues.

Mr. WARNER. I rise in support of the amendment offered by the distinguished Senator from Illinois.

Everyone in this Chamber who is concerned about nuclear nonproliferation should support this amendment.

The International Atomic Energy Agency performs a vital role, in many cases providing the only means of assuring that nuclear materials and technology are not diverted to make nuclear weapons.

As an advocate of so-called measures to prevent the use of nuclear weapons by third parties or terrorist groups, I believe this is one of the most important expenditures we can make.

For some time I have been deeply involved in this issue. Working with Senators Nunn and Jackson in cooperation with the Roosevelt Center for Policy Study and attending the Ditchly Foundation conference last year on nuclear nonproliferation.

I commend the chairman of the Senate Foreign Relations Committee for his efforts and thank all Senators who join in support of this measure.

Mr. PERCY. I thank my colleagues.

The PRESIDING OFFICER. Time has run out on the majority side. Who yields time?

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi or his designate controls the time.

Mr. KASTEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wisconsin will state the inquiry.

Mr. KASTEN. It was my understanding that the chairman of the Appropriations Committee allocated the time between the Senator from Illinois (Mr. Percy) and myself; is that correct?

The PRESIDING OFFICER. That is correct. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, I am opposed to the $4.5 million add-on. I think it is important to recognize that they have already received $10 million. I do not believe that they need the additional $4.5 million at this particular time. It certainly is not an emergency situation. A year ago on the floor of the Senate we put together a compromise. The committee initially had zero funding for this agency. We put together a compromise and said that if they certified the membership of Israel, we would then give them $10 million, not $14.5 million. I believe that we ought to stick with that original compromise. We do not need this additional money in this supplemental. If they need more money for this agency, they can come in and get it in the regular 1984 bill. I do not believe it is necessary. I am hopeful that the Senate will continue to support the committee and leave the dollar amount at $10 million rather than $14.5 million.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Illinois. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan (Mr. Riegle) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—65

Abdnor
Baker
Bentsen
Biden
Bingaman
Bradley
Burdick
Chafee
Cranston
Danforth
Denton
Dixon
Dodd
Domenici
Durenberger
Exon
Garn
Glenn
Hart
Hatch
Hatfield
Hecht
Heinz
Hollings
Humphrey
Jackson
Jepsen
Johnston
Kassebaum
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
McClure
Melcher
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Roth
Sarbanes
Simpson
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson

NAYS—34

Andrews
Armstrong
Baucus
Boren
Boschwitz
Bumpers
Byrd
Chiles
Cochran
Cohen
D'Amato
DeConcini
Dole
Eagleton
East
Ford
Goldwater
Gorton
Grassley
Hawkins
Heflin
Helms
Huddleston
Inouye
Kasten
Matsunaga
Mattingly
Metzenbaum
Pressler
Quayle
Rudman
Sasser
Specter
Zorinsky

NOT VOTING—1

Riegle

So Mr. Percy's amendment (No. 1346) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. May we have order, Mr. President?

The PRESIDING OFFICER. Order in the Senate. Senators will take their seats. May we have order in the Senate so that we can proceed to the next amendment? Will Senators please retire to the cloakroom or take their seats so that we may proceed to the next amendment?

AMENDMENT NO. 1360

Mr. HATFIELD. Mr. President, on this next amendment, the Metzenbaum amendment, I designate Mr. Metzenbaum and Mr. Rudman to handle the time of 2½ minutes each.

The PRESIDING OFFICER. The question now recurs on the Metzenbaum amendment numbered 1360, with 5 minutes of debate, equally divided.

Who yields time?

Mr. METZENBAUM. Mr. President, I yield myself 1 minute.

The amendment that I offer today, and I will offer a second-degree amendment at the conclusion of the time, would be only prospective with respect to the matter of Navy leasing. It does not abrogate the right of the Navy to lease. It does not enter into the issue of whether or not the Navy should or should not lease.

It does one thing and one thing alone. It provides that the funds of the Federal Government provided for under this bill shall not be used to indemnify lessors of any property that the Government leases on the basis of indemnifying those lessors in the event they have a tax claim. In other words, one arm of the Government should not be indemnifying a private person against a tax claim of the Internal Revenue Service.

It further provides that none of the funds in this legislation may be used to pay the attorneys of those who are the lessors.

I regret to advise the Senate that there are now 13 ships that have already been leased. Those ships do provide for the indemnification not only against the taxes but against the cost of the attorneys as well. The legislation is prospective.

I believe that if the Navy wants to lease ships it should come through the proper authorizing and appropriation committees. I have no issue with respect to whether they do or they do not, but I do not think it makes good sense for one arm of the Government to pay for fighting and another arm of the Government, in this case the Internal Revenue Service, to pay.

Mr. President, I reserve the remainder of my time. I yield a half minute to the Senator from Michigan.

Mr. LEVIN. Will the Senator yield for a question?

Mr. METZENBAUM. Yes.

Mr. LEVIN. Is this resolution——

Mr. METZENBAUM. Mr. President, may we have order?

Mr. GLENN. Mr. President, may we have order? We cannot even hear back here sitting beside the Senator.

The PRESIDING OFFICER. May we have order in the Senate? Will Senators please clear the aisle or retire to the cloakroom? There must be order for debate to be heard. We have only a short period of time. May we please have order in the Senate? Senators please take their conversations off the floor. May we please have order?

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the time used in getting the Senate to order not be charged against the time of the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I yield one-half minute to the Senator from Michigan.

Mr. LEVIN. Mr. President, my question to the Senator from Ohio is this: Is this resolution prospective only, or is it retroactive, in effect?

Mr. METZENBAUM. I will submit a second-degree amendment making it prospective only and not dealing with the present leases that have already been entered into.

Mr. LEVIN. Mr. President, once that is clarified, it seems to me this sense of the Senate resolution is eminently sensible and does not upset existing contracts. I hope that we can accept this resolution.

Mr. METZENBAUM. Mr. President, it is my understanding that the Senator from Kansas wishes to be recognized. I yield 30 seconds to the Senator from Kansas.

Mr. DOLE. Mr. President, I understand this is prospective, is that correct?

Mr. METZENBAUM. That is correct.

Mr. DOLE. Mr. President, I support the amendment. It seems we were getting into a lot of backdoor spending in the defense area. It is a matter that ought to be considered by the appropriate committee, which I understand could be the Finance Committee. This is only the tip of the iceberg. It is not just happening here, it is happening in many other areas. I am going to support the amendment of the Senator from Ohio.

Mr. METZENBAUM. I thank the Senator from Kansas.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAKER. Mr. President, is there time remaining?

The PRESIDING OFFICER. There are 2½ minutes remaining under the control of the Senator from New Hampshire.

Mr. BAKER. Will the Senator yield to me for a minute?

Mr. RUDMAN. Yes.

Mr. BAKER. Mr. President, I make this inquiry of the Senator from Ohio. It had been called to my attention that he indicated that if this amendment passes he is going to offer a second-degree amendment that would make the effect prospective. Is that correct?

Mr. METZENBAUM. No. I will offer a second-degree amendment before this amendment is put to a vote.

Mr. BAKER. Will that be the effect of that amendment?

Mr. METZENBAUM. That would be the effect of the amendment, that it would be prospective only, yes.

Mr. BAKER. Let me ask for the meaning of prospective. Assume for the moment, which I understand to be the case in one situation in Tennessee, that the contract has been awarded but that the contract documents have not yet been signed. Would that, indeed, be prospective?

Mr. METZENBAUM. That would not, because the language that would be in the second-degree amendment would be entered into on or after June 19, 1983.

As I understand the Senator from Tennessee, he has indicated that the contract is in the discussion stage and has not as yet been entered into.

Mr. BAKER. It has been awarded; that is, the formal award of the contract has been made, but the documents themselves, the contracts, have not yet been signed.

Mr. METZENBAUM. If the Senator from Tennessee can assure me I would have his support on this amendment and we can change the language appropriately, it will be done.

Mr. BAKER. Mr. President, if the Senator from Ohio promises me that is not a felonious undertaking, I will be glad to do so.

Mr. METZENBAUM. I do indeed do that.

Mr. BAKER. All right. Mr. President, I intend to support the amendment, obviously free of any coercion or suggestion from the Senator from Ohio.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, in light of these developments, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. Kassebaum). Without objection, it is so ordered.

Mr. HATFIELD. Madam President, what is the pending business?

The PRESIDING OFFICER. There are 30 seconds left to the Senator from Ohio on his amendment.

Mr. HATFIELD. So the amendment of the Senator from Ohio is the pending business?

Mr. METZENBAUM. I cannot hear the Senator.

Mr. HATFIELD. May we yield back the time and vote on the Senator's amendment?

AMENDMENT NO. 1382 TO AMENDMENT NO. 1360

Mr. METZENBAUM. Madam President, I yield back the time on the first-degree amendment and send an amendment in the second degree to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio (Mr. Metzenbaum) proposes an amendment No. 1382 to amendment No. 1360.

Mr. METZENBAUM. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

None of the funds appropriated by this Act shall be used by an agency of the Government to indemnify any person or to pay attorney fees in connection therewith, pursuant to any contract with the United States entered into on or after June 14, 1983, unless awarded prior to June 14, 1983, for amounts paid by such person to the United States by reason of any action by the Internal Revenue Service.

Mr. METZENBAUM. Madam President, I ask unanimous consent to take just 30 seconds to read the substance of the amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the Senator may proceed.

Mr. METZENBAUM. It would read:

None of the funds appropriated by this act shall be used by an agency of the Government to indemnify any persons or to pay attorney fees in connection therewith, pursuant to any contract with the United States entered into on or after June 14, 1983, unless awarded prior to June 14, 1983, for amounts paid by such person to the United States by reason of any action by the Internal Revenue Service.

Mr. RUDMAN. Madam President, I yield such time to the Senator from Maine as he may require.

May we have order, Madam President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. Madam President, I ask unanimous consent that 1 minute be yielded to the Senator from Maine.

The PRESIDING OFFICER. Without objection it is so ordered.

● Mr. GRASSLEY. Madam President, I rise to support Senator Metzenbaum in his attempt to attach this tax provision on the supplemental appropriation bill. The reason for my support of his worthy effort is that my subcommittee, the Subcommittee on Oversight of the Internal Revenue Service of the Senate Committee on Finance will hold hearings on the issue of abusive tax shelters on June 24. In my opinion, Senator Metzenbaum has pinpointed an excellent example of a tax scheme which merits additional congressional attention. While Senator Metzenbaum's amendment only applies to prospective indemnifications, it is my hope that my subcommittee and later the full Committee on Finance can explore the Navy cargo ship transaction in greater detail. Questions about the propriety of these leasing transactions have been raised and merits more detailed study.

Until these issues have received a hearing in the relevant committee, I will vote for Senator Metzenbaum's amendment as a helpful stopgap measure. I think my friend from Ohio has spotted an area which commands congressional attention and I urge him to present his views before my subcommittee on June 24. To effectively resolve this problem, I am convinced we need to listen to the statements of concerned witnesses and make a deliberate judgment on the best way to remedy this problem. Nevertheless, this amendment is an important first step in curbing this wasteful Federal expenditure.●

Mr. COHEN. Madam President, I rise in opposition to the amendment of the Senator from Ohio, not because I am not sympathetic and might agree with him that it is the right thing to do in the future, but because it is premature. There are now seven subcommittees studying the entire area of indemnification, and my own Subcommittee on Sea Power and Force Projection is dealing with the issue of indemnification. I think we make a mistake in handling this matter today. I have a number of recommendations dealing with the entire area of lease arrangements and purchase arrangements by the Navy and other DOD agencies.

I would recommend that we vote against this measure. Actually, if a point of order does not lie, I would move to table the amendment offered by the Senator from Ohio, not because I do not support the objective. I may, in fact, come to that conclusion, but not today.

Mr. STEVENS. Did the Senator move to table?

Mr. COHEN. Not yet.

The PRESIDING OFFICER. Did the Senator from Maine move to table the amendment in the first degree or the second degree?

Mr. COHEN. To table the underlying amendment.

The PRESIDING OFFICER. The motion is on agreeing to the motion to table the amendment in the first degree.

Mr. COHEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion of the Senator from Maine. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. Long) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—49

Abdnor
Andrews
Boschwitz
Chafee
Cochran
Cohen
Cranston
D'Amato
Denton
East
Garn
Goldwater
Gorton
Hatch
Hatfield
Hawkins
Hecht
Helms
Humphrey
Inouye
Jepsen
Kassebaum
Kasten
Laxalt
Lugar
Mathias
Mattingly
McClure
Mitchell
Murkowski
Packwood
Pell
Pryor
Quayle
Rudman
Sarbanes
Simpson
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson

NAYS—50

Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chiles
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Glenn
Grassley
Hart
Heflin
Heinz
Hollings
Huddleston
Jackson
Johnston
Kennedy
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Moynihan
Nickles
Nunn
Percy
Pressler
Proxmire
Randolph
Riegle
Roth
Sasser
Specter
Zorinsky

NOT VOTING—1

Long

So the motion to lay on the table amendment No. 1360 was rejected.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I make a point of order that the amendment should not be sequenced because it is an amendment against which a legitimate point of order might lie, and I intend to raise a point of order.

The PRESIDING OFFICER. The Senator's point of order is well taken.

Mr. METZENBAUM. Madam President, I raise the issue of germaneness.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Madam President, I supported this matter, but may I inquire of the ruling of the Chair. Was the ruling of the Chair predicated on the unanimous-consent agreement?

The PRESIDING OFFICER. Yes, it was.

Mr. BAKER. And not on the question of legislation on appropriation?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. May I inquire further then of the Chair if a defense of germaneness would lie under such a point of order?

The PRESIDING OFFICER. It is no longer a sequenced vote and——

Mr. BAKER. Madam President, I would like to make sure everybody understands.

The point of order is not against the amendment as such, but, rather, the sequencing of the vote on the amendment; is that correct?

The PRESIDING OFFICER. That is correct.

CABLE TELECOMMUNICATIONS ACT OF 1983

The Senate continued with the consideration of the bill (S. 66).

Mr. BAKER. We are now back on the cable bill, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. When we return to the supplemental appropriations bill, the point of order can be made against the amendment if any Senator chooses to do so?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. But it has not yet been made on the amendment?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I thank the Chair.

Mr. METZENBAUM. Madam President, may I have that clarified?

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. My amendment is still pending. The vote with respect to my amendment, what is the status of that?

The PRESIDING OFFICER. A yes or no vote on tabling the amendment has taken place.

Mr. BAKER. Madam President, may I inquire if I am correct, if the Senator from Ohio would listen to me for a moment. The point of order was made pursuant to the provisions of the unanimous-consent agreement which said that any amendment against which a legitimate point of order can be made would not be sequenced. Therefore, since the tabling motion did not prevail, the amendment of the Senator from Ohio is still pending, but since it is not sequenced it will recur after we get back to the supplemental and not at this time.

Mr. METZENBAUM I thank the majority leader.

Mr. BAKER. Madam President, will the Chair please place before the Senate the pending business?

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 66) to amend the Communications Act of 1934.

Mr. GOLDWATER. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

AMENDMENT NO. 1353, AS MODIFIED

Mr. DIXON. Madam President, just prior to the noon recess, when the two political parties went to their respective conferences, I had engaged in a dialog with my friend, the manager of this bill; and upon returning to the bill now, I should like to offer a modification to amendment 1353, which I tell the manager of the bill is section 609.

I am told by the Parliamentarian that this is in correct form, to conform to the standing order. Does the manager have a copy of it?

Mr. PACKWOOD. No; the Senator is not giving me an amendment different from what we had at noon, is he?

Mr. DIXON. It is the same amendment we had before we adjourned for lunch.

Mr. PACKWOOD. I think this is the first time I have seen this one.

Mr. DIXON. That is the renewal amendment to section 609.

Mr. GOLDWATER. Madam President, may I ask the Senator from Oregon to yield to me for a question?

Mr. PACKWOOD. I yield.

Mr. GOLDWATER. As I understand it, we had a unanimous-consent agreement that no amendments could be offered after yesterday.

Mr. PACKWOOD. What we had was a unanimous-consent agreement that the Senator from Illinois could offer three amendments.

May we have the agreement read, that we had yesterday? May the clerk read the unanimous-consent agreement, Madam President?

Mr. GOLDWATER. I did not hear the Senator.

Mr. PACKWOOD. I am asking that the clerk read the unanimous-consent agreement.

Mr. GOLDWATER. These are the amendments that were offered by the Senator from Illinois yesterday?

Mr. PACKWOOD. No; last night, three amendments were printed in the Record.

Mr. GOLDWATER. That is right.

Mr. PACKWOOD. These are not those amendments. These are three different amendments that we got at noon today.

Mr. GOLDWATER. That is what my question was directed to. There are three new amendments, and that is contrary to the unanimous-consent agreement. I have to object, on that ground, to the Senator from Illinois offering any amendments that have not been offered in the proper order.

Mr. DIXON. Madam President, I call the attention of the Chair to the Record of June 13, at page 8278, the unanimous-consent agreement on S. 66.

Mr. Packwood. Mr. President, I ask unanimous consent . . . that the only amendments to be in order tomorrow be amendments to be offered by the Senator from Illinois (Mr. Dixon), amendments Nos. 1324, 1325, and 1353 or modifications thereof necessary due to the committee modification, an amendment to be offered by the Senator from Pennsylvania. . . .

The amendment I am offering is No. 1353. The modification thereof is due to the fact that the manager, the distinguished Senator from Oregon, accepted an amendment by the distinguished junior Senator from New Jersey (Mr. Lautenberg), and this amendment is nothing more than addressing the same section, the same amendment, the same concept, the same section of the bill—only required because of the acceptance in my absence yesterday by the manager of the bill of an amendment tendered to him by the distinguished junior Senator from New Jersey.

So I persist in suggesting that this is exactly in conformance with the unanimous-consent agreement.

Mr. PACKWOOD. Has the Senator offered amendment 1353?

Mr. DIXON. I do now offer that amendment. It is at the desk, I believe.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. Dixon) proposes an amendment numbered 1353, as modified.

The amendment, as modified, is as follows:

On page 36, beginning with line 18, strike all through line 16 on page 37, and insert in lieu thereof the following:

"Sec. 609. (a) In any case in which a cable system operator submits an application to the franchising authority for the renewal or other extension of such operator's franchise authorization, the franchising authority shall grant such renewal or other extension if it finds that—

"(1) the cable system operator has substantially complied with the material terms of such franchise and with applicable law;

"(2) the cable system operator has not been convicted of a felony;

"(3) there has been no material change in the legal, technical, or financial qualifications of the cable system operator that would substantially impair the continued provision of service by such operator;

"(4) the facilities to be provided for such operator, including facilities for governmental access, are reasonable in light of the community need for and cost of such facilities;

"(5) the signal delivered by the cable system within the control of the cable system operator, has generally met technical standards as established by the Commission; and

"(6) the proposals contained in the renewal application are otherwise reasonable.".

On page 37, lines 17 and 18, after "renewal" strike "at least" and insert "between 18 and".

In subsection (b) of section 609, just before the last period, insert ", and may not accept any bid that does not ensure that the original franchisee receives fair market value for any assets to be acquired by the proposed new franchise holder".

On page 38, beginning with line 24, strike out all through the matter immediately preceding line 6 on page 39 and insert in lieu thereof:

"(e) Any renewal applicant adversely affected or aggrieved by a final decision of the franchising authority made pursuant to subsection (d), or by a failure of a franchising authority to act in accordance with subsection (d), may obtain a review of such final decision in any court of competent jurisdiction, and such review shall be limited to issues of law and procedure.".

Mr. GOLDWATER. Madam President, will the Senator from Oregon yield?

Mr. PACKWOOD. I yield.

Mr. GOLDWATER. To get back to the unanimous-consent agreement, alterations were authorized in the manner of changing a number or a paragraph or a page. As I understand it, these are completely new amendments. They do not comply at all with the unanimous-consent agreement; therefore, I have to restate my objection to the amendments.

Mr. DIXON. May I be heard on that, Madam President?

Mr. PACKWOOD. May we have a ruling of the Chair as to amendment 1353, as to whether or not this amendment is in order, based upon the unanimous-consent agreement of yesterday?

The **PRESIDING OFFICER.** A point of order cannot lie against an amendment until the time for debate on that amendment has expired.

Mr. DIXON. Madam President, section 609 of this bill, dealing with renewals and extension procedures, is flagrantly anticompetitive. It will minimize new entrants into cable and competition among existing cable companies while protecting incumbent operators from pressure to upgrade their systems at the time of franchise renewal.

Section 609 not only preempts the substantive criteria for granting renewals and the procedure to be followed, but overturns the traditional deference of the courts to a city's legislative decision by granting a right to de novo review.

The modification to the committee substitute proposed by Senator PACKWOOD, who negotiated with my friend, Senator LAUTENBERG, has just one or two flaws in the de novo review process. The greatest of these is that it is unclear whether any State in the Union can actually meet the new standards set out.

Communications Daily on Monday, June 13, 1983, page 5, states:

> NCTA (National Cable Television Association) knows of only four States that have such statutes, including New Jersey.

According to the Congressional Research Service American Law Division, there are probably no States that meet the new negotiated judicial review procedures. I know my State cannot meet these standards and neither can the majority of the 50 States. This new provision of the bill, as did the original de novo provision, only invites costly litigation.

Thomas Wheeler, president of the National Cable Television Association, is quoted in Monday's Communications Daily about these new provisions of the bill: "* * * We do not consider any of these concessions to be very substantial * * *."

Madam President, my amendment strikes the committee provision for de novo review, and the Lautenberg language, while allowing judicial review limited to the issues of law and renewal procedures.

The amendment also gives the incumbent operator a predictable procedure to follow and the opportunity to justify renewal in light of past performance and future promises, but the burden lies with the operator, not the local community.

The cable industry has not demonstrated any abuse of the renewal process. Almost all franchises are renewed today. For example, the New York State Cable Commission reports that not a single New York State cable franchise renewal was denied over a 10-year period. Over 325 were granted.

Renewal is an appropriate time for a community to review the overall quality of service it has received, the alternatives to existing facilities, and possible improvements in the system and services to adjust to future community needs. Failure to renew is extraordinary because the existing operator has strong competitive advantages—such as an in-place facility—over any outside bidder.

Nevertheless, it is the possibility of nonrenewal that allows the franchising authority to negotiate improvements with operators seeking renewal.

A federally mandated renewal right leaves a local community virtually powerless to persuade a cable operator to fulfill its past contract obligations or to upgrade a system to reflect changes in the state of technology.

Madam President, we have heard over the last few days about the power-hungry cities negotiating cable television franchises. This power exists only because it is unreasonable to expect that each citizen of a community can successfully negotiate his or her own personal package of cable services with a monopoly cable TV operator. The local communities, in exercising this control over cable franchises, seek only to protect their citizens.

If we are to make changes in cable television in our country, we must do so only in a fair and equitable manner. I offer this amendment in that spirit, and request that my colleagues strengthen S. 66 by adopting this amendment.

This amendment, No. 1353, as modified, to S. 66, addresses a very important problem in this bill. Section 609 of S. 66 has to do with the renewal application of a cable television franchisee.

Under the bill as proposed by the manager, the bill provides that the burden of proof is on the municipality to prevent the franchisee from reacquiring the franchise, and that after all the hearings take place, if the municipality has failed to meet the burden to prevent the renewal of the franchise, should that occur, there will be a trial de novo in the circuit court or the original court of jurisdiction on the whole subject matter. That is directly contrary to every existing legal experience in American jurisprudence.

What my amendment does—and it is requested by the municipalities in my State of Illinois and is supported by cities and municipalities generally throughout the United States—is to provide that the burden is where it should be—that the burden is upon the cable television franchisee to show when it comes in, and again for renewal of its franchise, that it has conformed with all the applicable law; and when it has met that burden of proof, it is granted a new franchise. If it fails, the matter goes on to administrative review, to the courts, where the whole matter is reviewed. But the burden is upon the cable television franchisee to substantially show that it is entitled to keep its franchise.

Some would argue, I suppose, that it is materially important to the cable television people that the whole body of law in America be changed to put the burden of proof on the municipalities and the cities of this country, on the ground that some might not be given a new franchise.

We had a study made on franchises. For example, I want the Members of the Senate to know this: In the State of New York, the New York State Cable Commission reports that not a single New York State cable franchise renewal has ever been denied in a decade, in 10 years. More than 325 television franchises have been renewed in that State, and not one has been denied.

S. 66 would purport to change the whole burden of proof from the cable franchise licensee who has the privilege of serving the consumers in the community—change the whole burden of proof, put it upon the community, instead of the cable television people.

Then, if they lose, they are to go up on an appeal in a trial de novo and try the whole thing over in the courts. It is a lawyer's delight. It will cost the municipalities of this country millions of dollars to respond to that kind of requirement in the law. It is wholly unnecessary because, as I have said, none of these is ever denied.

But what is the final fact?

I say in my amendment that should the unforeseen ever develop, should in the whole United States of America sometime, someplace, in some unique situation one licensee ever be denied his right to a new license, he must, be fully, wholly, and completely compensated for the value of everything he holds and owns in that license franchise before the denial takes place and a new franchisee is found.

Now, let me say this to Senators:

We stand in this place every day and talk about the rights of the local community. We say as representatives of this Federal Government how genuinely we are concerned about the local community, about the little city, about the governments closest to home that care the most about the people of these United States of America.

But every time we come to a great issue like this one, what is the first thing we do? Why, of course, the first thing we do is to rip from the local community, take from the local body politic, snatch from the local leaders closest to the people who see them every day on the streets of America their right to enforce the law at the local level.

Madam President, I say to you this is an abomination. This is absolutely a reversal of everything that is ever done.

This is a suggestion that we should take to the Federal Government or give to the franchisees and the cable television companies of America the right to keep their franchises in perpetuity. I say "in perpetuity" because under this state of the law, as you see it encompassed in section 609 of S. 66, there will never be a failure to renew a franchise in this country.

Now, I wish to say this in conclusion: If I felt that anything in this amendment did violence with the right of private industry in this country represented by the cable television companies in this country to continue to make a decent profit everyplace in America I would not offer it.

But it does not do that. And I suggest to you that this amendment embodies the correct statement of the law to protect local government and to protect the interests of local consumers.

Madam President, I move adoption of the amendment.

Mr. PACKWOOD. Madam President, I rise in opposition to this amendment. I hope when the time has expired the Senator from Arizona will renew his objections on the grounds that it violates the unanimous-consent agreement.

Madam President, again this is a situation that involves an agreement between the National League of Cities and the cable television industry. As a matter of fact, I can assure you that in terms of the negotiations this was not high on the priority of the National League of Cities' list. What we have put in this bill is a five-test standard which gives the cable operator a hoped-for renewal, an expectation of renewal, not a guarantee. It says that the city or whoever else is the franchisor shall grant a renewal or an extension unless it finds the following:

First. The operator has not substantially complied with the material terms of the franchise and with other laws or has been convicted of a felony.

Second. There has been a material change in the legal, technical, and financial qualifications of the operator that would substantially impair service.

Third. The facilities to be provided are unreasonable in the light of the community's need and their cost.

Fourth. The signal delivered has not met FCC technical standards.

Fifth. The renewal proposals are otherwise unreasonable.

Madam President, I say once more this agreement is perfectly satisfactory to the cities and perfectly satisfactory to the cable television industry, and it is designed to give some little hope to those who are going to invest millions and millions and millions of dollars that they will not at the whim of some arbitrary city council lose their investment.

We indicated when we adopted the amendment of the Senator from New Jersey (Mr. LAUTENBERG), we said there did not have to be a de novo review on appeal, if a State had some kind of an administrative procedure act that would guarantee the rights of appellants. This insures that they would not be shut out by the administrative action of the city council, and could not raise the same facts in a court of law.

Madam President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Washington (Mr. GORTON).

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SLADE GORTON ON AMENDMENTS OFFERED BY SENATOR DIXON

RATE REGULATION

My colleague from Illinois has proposed an amendment to S. 66 which would strike all of those provisions in the bill which limit a local government's power to regulate rates for cable television. I am opposed to this amendment because it eliminates the most significant deregulatory feature of the bill and it destroys the balance struck in the compromise which this legislation reflects.

Many local governments presently regulate the rates cable operators may charge for basic cable service. It is important to note that rate regulation is for basic service only; the FCC prohibits rate regulation for pay cable services such as Home Box Office. What justification is there for rate regulation? Rate regulation is warranted for essential, monopoly services, because for these services the marketplace fails to function to control the prices charged to consumers.

A great deal of testimony before the Senate Commerce Committee has proven that for those services which comprise basic cable, cable is not providing an essential monopoly service. The clearest indicator of this is that across the industry, only about half of the homes served by cable subscribe to it. The other half presumably prefer the competition to cable: they watch over-the-air TV, read books, watch video cassette recorded programming, subscribe to other pay television offered over microwave, go to the movies, etc. This existing competition to cable will soon be supplemented by direct broadcast satellite service and low power television. It is clear that cable is subject to competition and that the marketplace will function to keep cable rates down. In addition, cable has a natural interest in keeping basic rates low, because a household must be attracted by basic cable services before it will subscribe to the far more lucrative pay cable services.

The compromise which S. 66 reflects would generally end local regulation of basic subscriber rates wherever there are at least four television stations serving the community, the standard now prevailing in California, Massachusetts, and New Jersey. This protects consumers in those areas where there is limited competition to cable, that is, where television reception is poor. This will apply in many mountainous areas in my state, and I am satisfied that it provides a reasonable means of protection against potential monopolistic practices.

The trend in legislation has been to do away with burdensome and costly regulation in industries which now are subject to competition. Congress has deregulated trucking, buses, airlines, and railroads. It would be an anomalous step backwards to increase regulation in the increasingly competitive cable industry by regulating cable television rates.

RENEWAL

The second amendment eliminates the expectation of renewal contained in the bill for the cable operator. Last year I was highly critical of the cable bill, and especially of the renewal section, because I believe it was anticompetitive and provided no incentive to the cable operator to upgrade the system. This year, however, the entire cable bill has changed considerably, and with the addition of changes suggested by Senator Thurmond and incorporated into the Committee amendment, I am highly satisfied with the renewal provisions in S. 66 and I am opposed to the amendment of my colleague from Illinois.

The key point I would like to make is that to appreciate the effect of the renewal provisions, my colleagues must consider the entire compromise package. Last year's cable bill prohibited any control over the services offered over cable. It mandated a 10 percent maximum for access channels. This year, the bill makes services and access entirely negotiable between the cable operator and the cities, and it allows the cities to mandate the cable facilities they want built.

The result is that the cities have considerably more leverage under S. 66, which is also more useful at renewal time because of some significant changes in the renewal provisions from last year's bill.

As a result of Senator Thurmond's suggestion, the cities may consider competing applications at the time of renewal. S. 66 also broadens considerably the criteria the cable company must satisfy to get a renewal. For example, it adds a broad criteria that the cable operator's proposal must not be "otherwise unreasonable." With the adoption of the Committee amendment, incorporating suggestions by Senators Thurmond and Lautenberg, the cities will be able to mandate an upgrade of the system and to mandate the provision of public, educational, and governmental access channels on the system after renewal.

The cable operator, of course, has a legitimate interest in a reasonable expectation of renewal. The operator may have a multimillion dollar investment in the cable facilities. That operator needs an expectation of renewal to obtain financing for capital investments towards the end of the franchise period, and I find reasonable the argument that without that expectation, the operator does not face the proper incentive to upgrade the system.

Our objective in the renewal provisions should be to provide the proper incentives to upgrade the system to the benefit of consumers. I believe that the combination of the expectation of renewal, which encourages capital investments, and the fact that this expectation is contingent on the cable operator playing by the rules, is quite satisfactory.

Mr. PACKWOOD. Madam President, I wish to read from that statement because I find it very persuasive. Just having it printed in the Record is not sufficient. The Senator from Washington is referring to this amendment

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Madam President, I wish to emphasize once more how far we have come in this bill in negotiations between the cities, cable television, and the Commerce Committee. A year and a half ago this bill was unacceptable to the cities. By extraordinary negotiation many things that the cities wanted that were not in the original bill are there now, and there was an honor-bound agreement when we finally finished between the cities and cable that once we had finished this agreement, we would live by it. So far in this Chamber we have lived by it, but it is a very, very tenuous agreement. If this amendment is adopted, it is going to upset the agreement negotiated by the principal organization representing all of the cities in this country and the principal trade association representing all of cable television.

This amendment is not in the interest of the consumers. It is not sought by the cities.

I urge this Senate to either vote for the defeat of this amendment if we vote for it on the merits or to support the position of the Senator from Arizona if he raises an objection to the consideration of this amendment.

Mr. DIXON. Madam President, may I quickly respond to the three points made by my warm friend and manager of this bill?

The first is there has been talk going around here for weeks about the fact that there is an agreement in principle among all the parties affected.

Let me say that if there is such an agreement, I had never known anything about it. All the municipalities in my State, the city of Chicago, the biggest city in my State, the city of Springfield, the capital city, De Kalb, Peoria, Decatur, major towns in my State, are opposed to this bill.

Here is a letter dated June 10—this letter is 4 days old:

> Dear Senator Dixon: The U.S. Conference of Mayors is pleased to provide its strong backing to your amendment to S. 66, the Cable Television Communications Act of 1983.
>
> Franchise renewal and rate regulation are two of the most often mentioned difficulties Mayors have with the potential impact of S. 66. Although conference policy opposes Federal cable television legislation, your amendment would go far toward alleviating deeply held concerns by Mayors in those areas.

So the mayors of this country are against this bill and for this amendment.

Second, when my warm friend, the manager, talks about upsetting some kind of a deal, it is not a deal that most of us were privy to. If it upsets this deal to say that a right of appeal should be with the burden on the television cable franchises and not on the city and that there should not be trial de novo in the courts costing millions of dollars, then that is a bad deal that should not have been made.

Finally, I wish to say that my distinguished friend from New Jersey has done a good job of partially cleaning up this bill and I congratulate him. But the amendment that he put on affects only four States in this Union, according to the information I have here from the affected people that know this business.

I will read this for you: "NCTA advises that only 4 States have statutes that encompass the provisions of this amendment out of the 50."

I just wish to say in conclusion that this is a good bill with this amendment. This amendment and the next one I am going to offer strengthen this bill. They make this a better bill and they make it a bill that the municipalities can live with. And I think that is desirable.

I suggest to my colleagues in the Senate that a vote for this amendment is a vote, as a lawyer I would tell you, to follow the proper appellate procedure; is a vote, I would tell you, to follow the evidentiary requirements of the law; that is, the burden is on that party who wants to go forward in this case, the cable television licensee, and it is in accordance with the established law of America.

So why should we pass a bill here that changes that law for one select group? I am not for hurting this group, I am for helping them. This amendment will help them. It retains for the local body politic, the local communities of America, the right to represent their citizens.

Now, what is the matter with that? Do we not have confidence in the cities of our States? Do we not have confidence in the people who run those great communities of America? That is all this amendment is doing.

Madam President, the amendment is a good amendment that will viably strengthen S. 66.

Madam President, section 609 of this bill, dealing with renewals and extension procedures, is flagrantly anticompetitive. It will minimize new entrants into cable and competition among existing cable companies while protecting incumbent operators from pressure to upgrade their systems at the time of franchise renewal. Furthermore, it invites costly litigation.

Section 609 not only preempts the substantive criteria for granting renewals and the procedure to be followed, but overturns the traditional deference of the courts to a city's legislative decision by granting a right to de novo review.

The modification to the committee substatute proposed by Senator Packwood, who negotiated with my friend, Senator Lautenberg, has just one or two flaws in the de novo review process. The greatest of these is that it is unclear whether any State in the Union can actually meet the new standards set out.

According to the Congressional Research Service American Law Division, there are probably no States that meet the new negotiated judicial review procedures. I know my State cannot meet these standards and neither can the majority of the 50 States. This new provision of the bill, as did the original de novo provision, only invites costly litigation.

Thomas Wheeler, president of the National Cable Television Association, is quoted in Monday's Communication Daily about these new provisions of the bill: "* * * We do not consider any of these concessions to be very substantial. * * *"

Renewal or extensions must be granted unless a franchising authority finds: First, failure to substantially comply with material terms of the franchise and with applicable law or if the operator has been convicted of a felony; second, a material change in the operator's qualifications that would substantially impair continued service; third, the facilities to be provided are unreasonable in light of community needs and cost; fourth, signal quality is below FCC standards; or fifth, otherwise unreasonable renewal proposals. The operator may apply for renewal any time prior to 2 years before expiration, and the city must make a final decision within 1 year. If the city denies renewal, the cable operator has a right to reargue its entire case in Federal court.

The cable industry has not demonstrated any abuse of the renewal process. Almost all franchises are renewed today. For example, the New York State Cable Commission reports that not a single New York cable franchise renewal was denied over a 10-year period. Some 325 were granted. The Ohio League of Cities says a similar record exists in Ohio.

Renewal is an appropriate time for a community to review the overall quality of service it has received, the alternatives to existing facilities, and possible improvements in the system and services to adjust to future community needs. Failure to renew is extraordinary because the existing operator has strong competitive advantages—such as an inplace facility—over any outside bidder.

The incumbent operator enjoys many advantages over any possible challenger. Its capital investment is fully depreciated by renewal time. A challenger can not offer equivalent services at equivalent prices since it must recover the cost of a entirely new facility. Nevertheless, it is the possibility of nonrenewal that allows franchising authority to negotiate improvements with operators seeking renewal.

Cable incumbents do not need statutory protections to have an inherent economic advantage over challengers. A legal presumption of renewal will make it impossible to eject a bad operator from a community. S. 66 creates an expensive legal tangle with difficult burdens of proof on franchise authorities. A bad operator will automatically sue regardless of the merits of his claim. The operator should enjoy only normal legal rights to challenge an adverse decision.

The cable industry asserts that it should have a right to renew a franchise in order to protect the substantial investment made in a cable system. The industry claims that the uncertain rights of an operator to secure a renewal of a franchise seriously jeopardizes its ability to obtain adequate financing.

The fact of the matter is that virtually every cable franchise is issued for a specific number of years, typically 15 or more. The cable operator knows when entering into a contract to provide cable service that it has a specified period of years to recapture its investment.

In addition, many frachise agreements contain specific terms relating to renewal. This is a matter that can be freely negotiated between a cable operator and a community. Permitting a cable operator to acquire by Federal Government fiat a renewal right, not previously negotiated between the local community and the cable operator is blatantly anticompetitive. Moreover, it seriously jeopardizes the ability of the community to enforce previously agreed-upon contractural commitments.

First, a Federal renewal provision would foreclose any meaningful competition between cable operators at the time of refranchising. The cable industry has offered no justification for exempting the provision of cable television service from the traditional competitive bidding process. Certainly cable operators are at least as sophisticated about cable television issues as are local communities and ought to be able to adequately protect their own business interests in a franchise negotiation. If a cable operator believes a renewal expectancy is critical, it can negotiate this issue during the franchising process. There is no reason for the Federal Government to bail out a cable operator from a calculated, if in retrospect, incorrect, business decision.

More importantly, a Federal renewal provision would remove virtually any leverage a local community has when discussing with the cable operator both past performance problems and future service obligations. A federally mandated renewal right leaves a local community virtually powerless to persuade a cable operator to fulfill its past contract obligations or to upgrade a system to reflect changes in the state of technology.

It is reasonable to provide procedural guidelines for the renewal process and to allow judicial review of a denial on questions of law and procedure. For the Federal Government to set substantive criteria is an inappropriate and unnecessary intrusion into a local relationship. To require de novo review of any denial would strongly discourage any rational franchising authority from denying renewal to even the most inefficient of cable operators. Moreover, it is simply an unproductive use of judicial resources.

My amendment gives the incumbent operator a predictable procedure to follow and the opportunity to justify renewal in light of past performance and future promises. The burden lies with the operator, not the local community. My amendment will insure that, in the extraordinary circumstance where a franchise is not renewed, the original franchise holder must receive fair market value for any assets that are to be acquired by the new franchise holder.

The amendment strikes the committee provision for de novo review, while allowing judicial review limited to the issues of law and renewal procedures. De novo review creates an expensive legal tangle with the difficult burden of proof on local communities.

Many local communities have participated for over a year or more in expensive studies on the best cable operation for their citizens. S. 66 dilutes the value of these plans and substitutes requirements that do not reflect the will of the local community. Local government has proved itself to be the proper level at which to evaluate the quality of service, to establish the reasonableness of rates, and to protect the consumer. Effective competition in the cable industry should be the main ingredient in determining what is best for a local community, be it rural or urban.

If we are to make changes in cable television in our Nation, we must do so only in a fair and equitable manner. I offer this amendment in that spirit, and request that my colleagues strengthen this bill by adopting this amendment.

I move the adoption of the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I rise in opposition to the proposal of my colleague from Illinois to amend this bill as it now stands. A lot of work went into bringing the bill to this stage. I have been deeply involved in working for an accommodation of concerns that I thought were not addressed initially. I have tried to be diligent and thorough.

Many points of view had to be brought together here. Some came to light fairly late. At this point, I think we risk losing what has been accomplished. I think that the bill now, though not perfect, does satisfy most of the consumer's interests.

Madam President, I come from a State that is the most cabled State in the Union. Forty-two percent of the homes in New Jersey have cable TV. We have a regulatory system that operates efficiently. Cable provides quality reception and the rates are reasonable. I was as concerned as any one about preserving those aspects of local regulation that work and serve the public well. Again, though I was not satisfied with the bill initially, the amendments that I and other colleagues here have had incorporated I think present us with a much improved bill that can be accepted by all of the interested parties.

Madam President, my prime aim has been to serve the consumer. It is in the consumer's interest that the industry continue to invest and improve the quality of the transmission and the kind of service. In the interests of the consumers, we have had to accept provisions that, it is hoped, will encourage the industry to invest and provide desired services. One such provision says that the investor or franchisee who provides quality service, and meets the terms of his contract should have a reasonable expectation that his franchise shall be received. I note however, that the bill also includes now a provision that other operators may compete for the franchise at renewal time. This was a key modification that I supported. So, the bill achieves what I think is a reasonable balance.

My colleague from Illinois suggests that we should eliminate altogether the requirement for de novo review, because not enough States have the kind of fair regulatory procedure outlined in the bill as modified. Under the bill as modified, if a franchising authority affords a fair procedure as set out in the bill, then there will be no full blown review in the courts. New Jersey has such a procedure. I would encourage those States that do not conform to the bill now to look to New Jersey as a model of the kind of fair procedure that is desirable.

I would add, in reference to the second amendment that I expect my colleague from Illinois to offer, that we have secured modifications pertaining to the matter of rates. Increases in rates still subject to regulation may rise by the rate of the consumer price increase—but not by an arbitrary 5 percent as the bill provided initially. We have had incorporated amendments that retain regulation where cable most resembles a monopoly—where there are no adequate, reasonable alternatives to cable-fed reception of television signals. If an overwhelming majority of the households, 80 percent or more, in an area subscribe—because cable is the only reasonable way to get reception—then the rates shall presumably be regulated, because cable in that case does act like a monopoly. We have tried to shield consumers from monopolistic pricing by cable operators.

So, Madam President, I think we have answered most of the concerns of the distinguished Senator from Illinois. I encourage my colleagues here in the Senate to support this bill as modified. It is not perfect, but I think with the modifications and compromises we have secured, we have satisfied the responsibilities that we owe to our constituents.

Mr. PACKWOOD. Madam President, in conclusion, this bill came out of committee, by a 15-to-2 margin, and had heavy majority and minority support. It would have gone to the Judiciary Committee for Senator Thurmond and the Judiciary Committee to consider adding some provisions they were concerned about, but the provisions the Senator from New Jersey just mentioned satisfied the Judiciary Committee and they canceled their hearings and agree with the bill as modified.

The cities and the cable companies agreed with it. To the best of my knowledge, apart from the Senator from Illinois, there is no objection to this particular provision in the bill. So, I encourage the Members of this body to vote "no" when we vote on it.

Mr. GOLDWATER. Will the Senator yield?

Mr. PACKWOOD. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. I just wish to add one point. The Thurmond amendment has the complete backing of the Justice Department.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Has all time been yielded back?

The PRESIDING OFFICER. All time has not been yielded back.

Mr. DIXON. I yield back the remainder of my time.

Mr. PACKWOOD. I yield back the remainder of my time and I move to table the amendment.

Mr. DIXON. Madam President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon (Mr. Packwood) to table the amendment of the Senator from Illinois (Mr. Dixon). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. Denton), is necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. Denton), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. Long), is necessarily absent.

The PRESIDING OFFICER (Mr. Hecht). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—82

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bumpers
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Simpson
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson

NAYS—16

Bradley
Burdick
Dixon
Dodd
Eagleton
Johnston
Leahy
Levin
Metzenbaum
Moynihan
Percy
Proxmire
Sarbanes
Sasser
Specter
Zorinsky

NOT VOTING—2

Denton
Long

So the motion to lay on the table Mr. Dixon's amendment (No. 1353), as modified, was agreed to.

Mr. HATFIELD. Mr. President, I yield on the bill 2½ minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, I thank my friend and colleague from Oregon for yielding.

Mr. President, on June 1, I informed my colleagues that, when the Senate takes up the repeal of withholding, I intend to offer an amendment relating to social security reviews of the mentally disabled. This amendment, which is basically the same as S. 1144, sponsored by myself and 41 other Senators, would require that the Social Security Administration revise its regulations for evaluating mental disabilities, after receiving the recommendations of a panel of outside mental health experts appointed by the Secretary.

Six days later, on June 7, HHS Secretary Margaret Heckler announced a series of disability initiatives which include, among other things, a moratorium on the reviews of two-thirds of the mentally disabled—those suffering from psychotic disorders. I have let the Secretary know, in a letter which I ask be made part of the Record, that while this moratorium is helpful, I can find no fair or scientific rationale for excluding beneficiaries with nonpsychotic disabilities from the moratorium. In one breath, the Secretary admits that the standards are fatally flawed and, for that reason, exempts the psychotic patients from a disability review temporarily; but then the Secretary is willing to continue applying basically the same flawed standards to the nonpsychotic disabilites—standards under which someone is found not to be disabled because he or she wears a clean shirt or blouse, feeds a pet, boils an egg, or bangs a few keys on the piano. I have appended to my letter to Secretary Heckler, a letter I received from a physician from St. Vincent's Hospital, in Harrison, N.Y., which comments, at length, on the basic illegitimacy of excluding from the moratorium patients with severe, nonpsychotic disorders.

Further, the Secretary's June 7 statement is not at all clear in defining how far the administration intends to go in revising the criteria for judging mental disabilities. They apparently intend to revise the standards for the psychotic evaluations; but not for the nonpsychotic. They are apparently prepared to revise the medical listings for the psychotic evaluations, without considering the frequently more relevant functional capacity standard for people who do not meet the severity rating in the so-called medical listings. My amendment would require that the Secretary appoint a panel of outside experts to consider both the medical listings and the residual functional capacity assessment—for all the mental impairments, not just the psychotic.

The way in which the Secretary proposes to make changes in the mental disabilities standards is also very different from that proposed in my amendment. SSA apparently wants to set up informal work groups with compassionate outside personnel—as they are called in the press document—to help SSA bring its antiquated standards up-to-date. Well, the groups who should be participating in the process, like the National Mental Health Association, the American Psychiatric Association, and various others, have all written to Secretary Heckler expressing grave misgivings about SSA's motives for wanting these informal groups, as opposed to a panel of experts working out in the open for the public to view. Other administration documents indicate SSA would apparently prefer informal groups as being easier to manipulate than a panel of recognized experts.

Mr. President, the continuing disability reviews need a complete reform; and it would be a tragedy if the administration were to go through the exercise and end up with something that falls short of a full remedy. A panel of outside experts would help the Secretary achieve a genuine remedy without tieing their hands.

Finally, my amendment requires that a qualified psychiatrist or psychologist participates in the disability determination of people with severe mental disabilities. The GAO, in testimony before the Aging Committee that I entered in the Record on April 26, found that one of the major deficiencies in the reviews of the mentally disabled is that decisions are routinely made by individuals with little or no training in psychiatry or psychology.

Mr. President, for all these reasons I intend to offer my bill as an amendment to H.R. 2973.

At this point, I ask unanimous consent that my letter to Secretary Heckler, along with the letters of the National Mental Health Association, the American Psychiatric Association, and other groups, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Special Committee on Aging,
Washington, D.C., June 14, 1983.

Hon. Margaret M. Heckler,
Secretary of Health and Human Services,
Washington, D.C.

Dear Madam Secretary: I am writing to commend you for taking the initial steps toward reform of the continuing disability review process and to urge you to go further and complete these initiatives by making the substantive changes that will finally remedy the weaknesses in the disability review program.

In general, the initiatives you announced on June 7 are helpful and constructive. I am pleased to see that in the past two weeks you have been able to lead the Administration in its reappraisal of the continuing disability reviews. In my judgment, your announcement marks a major change in attitude—which I hail.

Still, further action is necessary before we can both say that the problems plaguing the review process and hence, social security disability beneficiaries, have been resolved.

The new initiatives do not in any way affect, the way in which disability reviews are conducted. They affect how many reviews are undertaken, and how one gets selected for review. But once selected, it is still business as usual. The important changes that would correct the existing serious flaws in the process have, unfortunately, been relegated to the category of initiatives which HHS is studying. Until HHS stops studying the problems and takes action, the CDI problems will only grow more severe. In particular, until the Department returns to a medical improvement standard, people will continue to be terminated even though their condition has not changed, and may even have deteriorated, since they were last awarded benefits. This is an inequity that Congress will remedy if HHS does not.

Similarly, Congressional action is still necessary in regard to the mental disabilities. HHS's self-imposed moratorium on reviews of individuals with psychotic disorders needlessly—and unjustifiably—excludes from the moratorium those who suffer from nonpsychotic disorders. Although this latter group constitutes only one-third of those with severe mental disabilities, the termination rate at the initial level has been a staggering 62 percent, compared to the 39 percent termination rate for psychotic disorders and the 45 percent termination rate for all other disabilities. The high termination rate of this nonpsychotic group is made possible by the flawed medical listings—which are essentially the same standards that are applied to the psychotic population. These standards allow the nonpsychotic—and the psychotic—to be terminated with the same ease by considering the performance of rudimentary daily activities as not meeting the severity standard in the so-called listings. For example, Part B of the nonpsychotic regulations includes, among 4 requirements, deterioration of personal habits. Disability examiners have told the GAO that people are thus found not disabled because they wear a clean shirt or blouse. Indeed, some of the symptoms of this illness are that individuals are compulsively clean; they can never be clean enough in their tortured states of mind. Yet these seriously ill people are arbitrarily found not to meet the current listings.

Further, the mental patient's diagnosis does not indicate his or her capacity to work, as the enclosed letter from Dr. Beatrice Braun sets forth in detail. Also, diagnoses change over the course of the illness; and many of the nonpsychotic were previously considered psychotic and are now borderline psychotic. The GAO found that these nonpsychotic illnesses are the most difficult to evaluate, and are the ones requiring the most expertise in terms of psychiatric and psychological training. Yet the fact is that these decisions are daily being made by people with little or no training in psychiatry or psychology. Finally, the disability population most prone to suicide is found among these nonpsychotic patients, who suffer from severe, chronic depression.

In short, while I applaud the HHS moratorium on the reviews of psychotic cases, I can find no fair or scientific rationale for excluding the nonpsychotic. Also, the new permanent disability category you have established for mental retardation eliminates from the 3 year review only a small minority of such cases, according to the Association for Retarded Citizens. For these reasons, I see a need to move ahead with my bill S. 1144, which would impose a moratorium on the reviews of all beneficiaries with severe mental disabilities.

There is a need for a comprehensive review of all the regulations governing the adjudication of mental disabilities. Yet the extent and the level of the HHS commitment to revise the medical listings and residual functional capacity criteria are not at all clear. My bill would create a panel of outside experts, appointed by the Secretary of HHS, to review the existing regulations for all mental disabilities, not just the psychotic illnesses. The materials you released at your press conference do not indicate how far the Administration is prepared to go in reviewing all the mental disability criteria. Furthermore, although the Administration says it is consulting with "compassionate outside personnel," the process is not open to the public, and the results are therefore likely to be questioned. Recent letters to you from the American Psychiatric Association, the National Mental Health Association, and others, indicate their broad concerns about SSA's motives in choosing this informal approach. My bill would allow you to appoint outside experts who could address all the interrelated issues with expertise, and then allow you to decide how to proceed, without raising such misgivings about the process used to arrive at those decisions.

My bill would also require that a qualified psychiatrist or psychologist perform the required medical evaluations of people suffering from severe mental disabilities. The GAO listed the absence of trained personnel in the decisionmaking process as a major contributory factor in the erroneous denials of benefits to mentally disabled beneficiaries. Your press conference did not address this deficiency.

In closing, although I am encouraged by your recent news announcement, I would caution you not to overestimate the impact of these initiatives. Correction of the problems in the disability review system will require the close cooperation of the Administration and the Congress in the coming weeks.

Sincerely,

JOHN HEINZ, *Chairman*

ST. VINCENT'S HOSPITAL,
Harrison, N.Y., June 9, 1983.

Senator HEINZ,
Chairman, U.S. Senate Special Committee on the Aging, Dirksen Building, Washington, D.C.

DEAR SENATOR HEINZ: I would like to offer some comments on the Social Security Administration announcements regarding disability reviews. The public outrage and your legislative efforts have elicited a response from SSA which shows at least some recognition of the problem, but is not an acceptable solution. I can only hope that your fellow legislators will realize this and pursue passage of your amendment which will effect absolutely necessary changes in disability determination criteria before any further reviewing of mentally disabled patients is pursued.

Not having seen the full text of Margaret Heckler's announcement, my comments will be confined to the New York Times summary on June 8th.

By speaking of exemption of "functional psychotic disorders" it would appear that the decision for entitlement to benefits will be based on diagnosis rather than on functional capacity. Yet we have long realized that the two are not necessarily closely related. The new American Psychiatric Association Diagnostic and Statistical Manual (DSM III) has no such category as "Functional Psychotic Disorders". Certain diagnostic categories are considered psychotic disorders because in order to make the diagnosis of such a disorder, the patient must at some time have been psychotic in addition to other criteria necessary for one or other of the diagnoses among psychotic disorders. The term "functional" is studiously avoided for we clearly recognize that there are neurochemical and neurophysiologic abnormalities in the central nervous system and elsewhere associated with these illnesses. Thus, are not functional in the sense of being without related observable physical changes.

While it is true that among patients with a diagnosis of one of the psychotic disorders many will lack the ability to engage in substantial gainful activity, some patients with other mental disorders will likewise lack this ability. The diagnosis is not the relevant issue; the degree of severity of impairment that results is alone relevant for an assessment of disability entitling the patient to benefits. For example, a person with a phobia so severe that he cannot leave his house has a mental illness, not classified among the psychotic disorders, but certainly may be unable because of the phobia to engage in substantial gainful activity. On the other hand, a patient who has a psychotic disorder, even on, is actively psychotic, suffering from schizophrenia with hallucinations, with delusions and disordered thought processes, occasionally may be able to hold a job with proper supports. We have such a patient currently who finished a year in Sheltered Workshop and has recently gotten a full time job on a loading dock. How long he is able to function at this level remains to be seen, but he constantly hallucinates, and is unable to carry on a conversation at an ordinary rate because of the hallucinations distracting his concentration.

Without the sheltered workshop trial we could not have determined that he would be able to work. This is an unusual case, but there are other patients who suffer from one of the psychotic disorders, but are not currently psychotic may not be nearly as severely impaired as the phobic mentioned above or others in various diagnostic categories not included in the group of psychotic disorders.

One could go on and on with examples to demonstrate that a diagnostic or psychotic, non-psychotic method of exempting patients from review will only continue the present injustices and will not accomplish the desired goal. In fact, it is a step backward. The responsibility of the SSA is to determine whether or not a patient's impairment resulting from mental illness constitutes a disability entitling him to benefits. Thus, it is the degree of severity of the impairment and this is denoted by functional ability, not by diagnosis.

There has been a body of literature built up around the Psychiatric Review Form presently used by the SSA. The test has demonstrated good inter-rater reliability yet nowhere can I find any proof of its validity. I have written to Dr. Kurt Nussbaum, who originated the PRF, to ask if indeed such studies have been done and have received no reply to date (letter enclosed).

Various raters assessing data on a patient will come to nearly the same overall rating of the patient on the PRF. But no one has determined by studies that the test measures what they are trying to measure, i.e. whether or not the patient is able to engage in substantial gainful activity and, therefore, whether or not the patient is entitled to benefits. What good is a test that doesn't measure what one is testing for? Do we test for reading ability by giving an arithmetic test? It matters little if several teachers come up with the same mark on the test, because the test says the person can do arithmetic, but you wanted to know if the person could read. This appears to be analogous to the situation with the SSA's Psychiatric Review Form. It is not a valid instrument to assess disability, and its use for this purpose has resulted in the carnage we have experienced in the past couple of years.

In conclusion, I think the decisions announced by the Social Security Administration only further confuses the situation. They are a bandaid when major surgery is needed. They will do more harm than good because basic criteria and methods of obtaining and assessing data to determine disability due to mental illness are needed. In light of this it is even more necessary that your proposed legislation, stating that until these changes can be made there be a moratorium on all reviews for mentally disabled, be enacted.

Sincerely,

BEATRICE S. BRAUN, M.D.,
Director, Preventive Treatment Unit.

ASSOCIATION FOR RETARDED
CITIZENS OF THE UNITED STATES,
Washington, D.C., June 6, 1983.

Hon. MARGARET HECKLER,
Secretary, Department of Health and Human Services, Hubert H. Humphrey Building, Washington, D.C.

DEAR MADAME SECRETARY: We are writing to you on behalf of a coalition of national organizations concerned about Social Security and Supplemental Security Income disability benefits. Included within this coalition are organizations of disabled persons and their families, advocacy organizations, medical and other mental health and developmental disability groups, and representatives of state and local governments.

As you are no doubt aware, serious concerns have been raised by the Congress, by the courts, by state and local governments and by disabled individuals and their representatives about the Social Security Administration's regulations and policies governing the evaluation of mentally impaired individuals for disability benefits. Violations of law as well as of professional standards have been thoroughly documented.

Over the past 18 months, the coalition of organizations we represent has been working cooperatively with the Social Security Administration to help resolve these problems. Recently, at the request of Social Security Administration staff, we have been involved in establishing expert work groups to assist SSA in making needed changes in its regulations, policies and procedures.

We are writing to you now because we believe that the future of these work groups and potentially the future of continuing

efforts at cooperation between SSA and the disability community on these issues is endangered. We want you to understand that we have been, and continue to be, committed to working for a cooperative resolution of the problems in the area of mental impairment. However, recent statements made by SSA to the Congress in its opposition on the Heinz moratorium bill (S. 1144) have raised serious doubts about SSA's commitment to give real consideration to the proposals prepared by the work groups.

We believe establishing the work groups under the auspices of the Secretary's office with a commitment from the Secretary to make needed changes is essential to provide the necessary assurance that the Department is dedicated to achieving a viable solution to these problems. Absent such a commitment, the coalition can only conclude that the work groups are intended by the Department as mere window-dressing—designed to promote the image of cooperation without the substance.

We sincerely hope that the efforts to get a truly cooperative effort off the ground will succeed and that we can work together in the future to resolve these concerns. To further this goal, representatives of our coalition would appreciate an opportunity to meet with you or with Undersecretary Svahn to discuss this further.

Respectfully yours,

MYRL WEINBERG,
Assistant Director.

On Behalf of American Coalition of Citizens with Disabilities, American Foundation for the Blind, American Psychiatric Association, Epilepsy Foundation of America, Goodwill Industries of America, Mental Health Law Project, National Association Private Residential Facilities for the Mentally Retarded, National Association of State Mental Retardation Program Directors, National Mental Health Association, National Society for Children and Adults with Autism, United Cerebral Palsy Association, Inc.

NATIONAL MENTAL HEALTH
ASSOCIATION,
Arlington, Va., May 26, 1983.

Hon. MARGARET M. HECKLER,
Secretary, Independence Avenue S.W., Washington, D.C.

DEAR SECRETARY HECKLER: I was appalled to see that the Administration does not anticipate making substantial revisions to the disability criteria, even if such revisions are recommended by outside medical and other mental health experts now working with the Social Security Administration. Such an attitude is outrageous.

This position became clear in your response to Senator Heinz bill, S. 1144.

The NMHA was instrumental in setting up groups to work with the Social Security Administration that expert opinion on the complex questions of how to fully assess a mental disability would be of great assistance to the Social Security Administration. We further assumed that such expert opinion would be taken seriously and carry weight as the agency implements this program. However, in comments on S 1144, the Administration states that while some revisions may be made as a result of our recommendations, "we do not anticipate that revisions will involve such radical changes in the standards to justify a moratorium." Further, the memo opposes a provision in the Heinz bill which would set up panels of outside experts on the basis that such a panel would "create great pressure to make substantial liberalizations in our standards."

In other words, while professing to work with us, the Administration indicates a clear intent only to make minor changes to the standards. Should our groups recommend more substantial changes, they will not implement them.

This is unacceptable. SSA's criteria have already been shown to be totally inadequate to assess a mentally ill person's actual ability to function and to work in our society. SSA agreed, in Congressional Testimony that there were serious and major problems with the adjudication of claims by the mentally ill. Only through genuine cooperation between the agency and medical, mental health and vocational experts in these fields, can appropriate criteria be determined.

We have postponed any further cooperation with SSA and cancelled planned meetings of the work groups pending resolution of this question.

The Administration's statements simply reinforce our opinion that the only way to protect mentally disabled people from grossly unfair practices and unjustified termination of their benefits is passage of a bill establishing a complete moratorium on reviews of mentally disabled people, such as S 1144.

I look forward to hearing from you.

Sincerely yours,

WYMENE VALAND,
Vice-President, Public Policy.

AMERICAN PSYCHIATRIC ASSOCIATION,
Washington, D.C., May 26, 1983.

Hon. MARGARET HECKLER,
Secretary, Department of Health and Human Services, Hubert H. Humphrey Building, Washington, D.C.

DEAR MADAME SECRETARY: On behalf of the American Psychiatric Association, a medical specialty society representing over 28,000 psychiatrists nationwide, I wish to share with you our deep concern and dismay about recent unfortunate developments in what we understood was to have been a cooperative effort with the Social Security Administration to improve upon existing policies and procedures which have led to the termination of many mentally disabled persons from the rolls of the Social Security Disability Insurance Program.

As you are aware, the APA's Federal governmental involvement has been both through the legislative process and working cooperatively with the Administration, to help resolve the now well-documented shortcomings in the SSA's regulations and policies surrounding continuing disability investigations (CDIs) for the mentally impaired. Our working relationship with the Department dates back to April, 1982, when we first met with then Secretary Schweiker. Flowing from our mutually agreed course of action, we have pursued actively all means of working with SSA to resolve these difficulties. For example, last summer, we responded to proposed changes in the "Medical Listings" (regulations for establishing disability based on medical criteria alone). At that time, we made substantive recommendations for change, and shared such recommendations with SSA officials at several meetings during the summer. Regrettably, the final regulations did not reflect our thinking, or respond to any of our articulated concerns.

At the same time, again as the result of our meeting with Secretary Schweiker, we sought means of bringing increased numbers of psychiatrists onto state DDS staff to provide the critical special medical input into the adjudication of disability cases for the mentally impaired. While our efforts have met with some success in locating interested psychiatrists, again, here also regrettably, to our knowledge, SSA has never informed the state DDS offices of our activities, and hence interested APA members have not yet been utilized in any significant way. This lack of meaningful SSA follow-up has of course not gone unnoticed by other potentially interested psychiatrists, who otherwise might have expressed further interest and participation.

More recently, we have continued in our efforts with SSA, providing them with several suggestions regarding the use of established APA peer review mechanisms in the redetermination process for the mentally ill, and agreeing to participate in the larger multi-disciplinary workgroups to help resolve the regulatory problems inherent in the current Listing of Impairments and procedures for assessing "RFC" (residual functional capacity, or ability to work despite some measure of medical impairment). In coordination with other organizations, we entered into such arrangements with SSA in good faith, and had scheduled one workgroup to meet on May 31, and tentatively had scheduled the critical workgroup to rewrite the Listings of Impairments for mental impairment to meet the first full week in June. For the reasons set forth below, we regrettably, have had no alternative but to join with the other organizations in a mutual decision to delay initial implementation of such activities.

This decision is based upon the Administration's comments, hereinafter discussed in detail, set forth in an Administration response to legislation introduced by Senator Heinz. His bill, S. 1144, would impose a moratorium on CDIs for the mentally ill, pending development of new Medical Listings and procedures regarding RFC for that population. That document, which we understand had been cleared through OMB and therefore represents a formal Administration position, casts a shadow over our mutual efforts.

Specifically, the document states that "while we (SSA) will likely revise the listings and instructional materials as a result of the recommendations of the workgroups, we do not anticipate that our revisions will involve such radical changes in the standards to justify a moratorium." We are concerned that such a statement indicates that SSA has already prejudged what changes it might accept and which it might reject, even before the workgroups have begun their deliberation. It appears to foreclose a thoughtful, medically appropriate and sophisticated redevelopment of those criteria necessary to establish a finding of medical disability. Such a recodification of the Medical Listings is, we expect, a far more complicated task than originally envisioned and the document's statement would imply that our work may well go unheeded.

Further credence is lent to this belief by the subsequent statement in the same document that the Heinz bill's provisions regarding the establishment of an outside panel of experts to make recommendations regarding the revision of both the Listings for mental impairments and the procedures for assessing RFC "could create great pressure . . . to make substantial liberalizations in our standards. We might even be forced to apply a less severe definition of disability for the mentally impaired. . . ." The document is

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> saying, in essence, that only through "the weight of congressional intent" would significant changes be accepted by SSA. Thus, absent authorizing legislation for an expert panel, our own expert panel recommendations can be disregarded. Further, SSA implies that it has the authority to alter the definition of disability for the mentally impaired, and that such alteration could work to the detriment of other disabled persons. The definition of disability is set by statute, not by SSA, and cannot per se be altered. However, the "weight of congressional intent" might lead SSA to develop Medical Listings and procedures which more appropriately measured mental impairment and thus disability.
>
> Finally, SSA argues that revision in the Listings and RFC "could be expected to take almost 2 years after enactment." Two points are worth mentioning in connection with this statement. First, the Listings have not been revised in 13 years, and substantial medical technical knowledge has developed in that time, which can help make more precise decisions regarding when a mentally ill beneficiary is or is not eligible for disability benefits. SSA has admitted before Congress that the regulations and procedures for assessing RFC require revision. Why, then, continue to review beneficiaries under admittedly outmoded, inappropriate regulations and procedures for the two year period SSA argues such redevelopment might take?
>
> Second, we are forced to question the accuracy of the argument that such activities would take two years, since in discussions leading to the development of the workgroups, SSA staff informed our staff that if the "Medical Listings" could be rewritten quickly, the Agency could go immediately to an interim final regulation, with an effective date in late July or early August, with no trouble. Such statement does not "square" well with the formal Administration comment on the Heinz bill.
>
> We are equally concerned about several statements made in the document regarding the use of psychiatrists to make the medical decisions regarding mental impairment and RFC assessment at the state level which SSA rejects on cost and other grounds. SSA lauds its own efforts with the APA to seek out greater numbers of psychiatrists and notes that state DDS offices are working with APA District Branches to that end. We have already stated earlier in this letter that SSA has failed to provide necessary follow-up to APA efforts to seek greater psychiatrist participation. We are deeply concerned that, by invoking the APA's name, SSA is seeking to exonerate itself on this subject. We do not believe that our good faith efforts should be misused.
>
> Last, SSA states that "Many State agencies in mental impairment cases now use physicians with training in a more general subspecialty that includes a subspecialty in psychiatry or psychology." We in the practice of medicine have substantial difficulty understanding who such persons are and, in fact, this argument makes no sense other than as rhetoric.
>
> The American Psychiatric Association wishes the Department to understand that it believes major improvements in the SSDI program for the mentally ill could be accomplished as the result of our workgroup activities and other truly cooperative APA-SSA activities. However, we believe it important that the Department articulate its own support for our work efforts, by lending Secretarial support for and endorsement of such activities. It is otherwise difficult to believe that our activities to this point and potentially in the future in coordination with SSA would be other than to present an image but not the substance of necessary positive program and regulatory change.
>
> Sincerely,
>
> MELVIN SABSHIN, M.D.,
> *Medical Director.*

Mr. HEINZ. Mr. President, let me summarize for my colleagues my concern.

On June 7, Secretary Heckler announced a series of disability initiatives that, among other things, would stop the continuing disability reviews of some two-thirds of the mentally disabled, those suffering from psychotic disorders.

I believe that we have here, an instance where the Secretary in one breath is admitting that the mental disability standards are fatally flawed. And it is for that very reason that we believe that she is wrong in exempting only the psychotic patients from a disability review based on such flawed standards.

When the Secretary is willing to continue applying the same flawed standards to those with nonpsychotic mental disabilities, it seems to us to be a very unfair and illegitimate approach to a very serious problem. It is my hope, Mr. President, that my colleagues will agree that the moratorium on only two-thirds of the mentally disabled is unfair and unjustified in terms of the nonpsychotic. And that the way SSA proposes to change the mental disability standards is vague: They propose a closed-door method; we want a panel of outside experts.

Finally, what the Department of Health and Human Services proposes does not take into account the critical need to have a psychologist or a psychiatrist make these kinds of difficult disability determinations.

I thank my colleague (Mr. PACKWOOD) for the time.

AMENDMENT NO. 1324

(Purpose: To provide that cable operators may not automatically increase rates annually)

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I send to the desk a modification to amendment 1324, which I believe is in the hands of the clerk at this time.

May I say to the distinguished manager of the bill that the majority leader just came over and asked me, "Say, landslider, are you going to go ahead with your second amendment?" I said that I thought I could get more votes for this one, having received only 16 on the last, and he suggested I had plenty of room.

The PRESIDING OFFICER. If the Senator will allow, the amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Illinois (Mr. DIXON) proposes an amendment 1324, as modified:
>
> On page 32, beginning with line 14, strike out all through line 20 on page 33, and reletter subsequent subsections accordingly.

Mr. DIXON. Mr. President, in connection with the modification to amendment 1324, this has to do with franchisees rates and increases to be allowed the cable television franchise owners throughout the country. As S. 66 came out of committee, it provided two types of increases in franchise rates that a cable television franchisee could receive; either, one, a 5-percent increase each year or, two, a franchise rate increase according to the Consumer Price Index increase.

Now, an amendment was accepted by the distinguished manager of the bill, again from the junior Senator from New Jersey, which did away with the 5-percent increase, but provides in this bill, S. 66, so far as the franchise rates of cable television and franchisees are concerned, that a franchise rate increase is automatic each year—without any hearings—in the amount of the Consumer Price Index.

Now, I am sure that my friend, the manager of the bill, will suggest that that is in the spirit of fairness and any franchisee ought to receive an increase at least in the amount of the cost-of-living increase, but I would want to make these two points. First of all, these franchises are granted usually for 15 to 20 years. Many of these franchisees without a doubt make substantial profits. I would argue, first, why should a franchise rate be imposed upon the consumers by a Federal law—I want to stress that, by a Federal law—by this bill, S. 66? Why should you in the U.S. Senate increase franchise rates on the consumers in the communities, in the municipalities you represent in your State without there being a hearing at the local level? There is no justification for it, if the rate increase is not justified, why grant it because there has been a cost-of-living increase? A company could be doing very well. It could be a very profitable company and there would be no justification for a rate increase, but notwithstanding that fact it would be granted by Federal law under this bill.

The second point is this: We are talking about in effect what amounts to a monopoly in these communities—a franchise by a cable television authority in a community, and we are granting to that monopoly a rate increase without any hearings when we do not do that in any parallel situation.

I think that if my friend, the manager of this bill, came to you and suggested that we ought to give the telephone company a rate increase along the lines of the cost-of-living increase, you would oppose it. I think if my friend, the manager of the bill, came in and said give to a power company a

rate increase dependent upon a cost-of-living increase without hearings, you would oppose it. I think if my friend, the manager of this bill, came in and said give a water company a rate increase dependent upon the cost of living without any hearing, you would oppose it.

So that the manager of this bill and the sponsors of S. 66 are saying to you, give an automatic rate increase without any hearing to protect the consumers. Notwithstanding whatever the profit of the company might be, no matter how immense the profit of that company might be in a given year, if they are tripling their investment in that year, you give them a rate increase anyhow, because there has been a cost-of-living increase.

I suggest that if I were a lobbyist for the power companies or the water companies or the telephone companies, I would like to come to this place and ask for the same consideration.

In the last debate, on the last amendment, which was overwhelmingly rejected, my warm friend the junior Senator from New Jersey said that what he was concerned about here was the consumer. Well, I want to say this: My amendment is directly concerned about the consumer. This amendment says that before you can have rate increases, you have to have a hearing. Is that unfair?

You have a monopoly, as the only business in town, the only person who can sell the service, and you give them an increase, without a hearing. It is unprecedented. There is nothing like it on any books in this country.

But we are going to do it because I suppose everybody in the committee has agreed to it, and I suppose the vote will be overwhelming.

I am sure that when the voters inquire about the rate increase in the future, the rejection as to why you did this will be overwhelming as well.

Someone might say, "Well, it is in the interest of fairness. They ought to have a rate increase."

Listen to this: The Paul Kagen Cable TV Franchising Newsletter of March and April of this year, 1983, right now, reported on rate regulation activity in 120 communities—not 1 or 2, not 10, not 2 dozen, but 120 communities—in 27 States, more than half. According to its figures, the average system in the country granted an increase raising rates by 16.2 percent last year. I said 16.2 percent, from $7.83 to $9.03.

Are they coming to this place saying they have not had equity? Are they coming to this place saying, "It is not fair to us"? The evidence is to the contrary. All the evidence on the record by the newsletters that convey the information concerning the subject matter at hand is that they received rate increases of 16.2 percent last year in America in 120 communities, in 27 States.

I suppose this will be overwhelmingly rejected, too, and I suppose everybody will say this is what the committee agreed to as well. But I want to say this: If we are going to establish a precedent in this place on June 14, 1983, to give monopolies in this country automatic rate increases where there are no hearings, I say, "Katy, bar the door! Katy, bar the door!"

They wanted to make the rate increase 5 percent or the cost-of-living increase, whichever is greater, not smaller; that is what they wanted, greater. You pay more. That is what they wanted. They took half. They give you half a break. That is what you consumers got—half a break, the back of the hand.

Whenever you give anybody a right to go into a place and sell their goods and nobody else's goods; whenever you say in this country, "This is a monopoly and nobody else can have it, just you—you're the only guy going to sell this," there should be a hearing for the consumer, to protect the little guy with patches on his breeches, before you raise the cost.

That is what I am talking about here. I do not care if it is dimes or dollars. I know there has been a deal. Fine. I was not in on it. The deal is no good. The deal raises the rates to ordinary consumers in every town, big and small, without a hearing, and that is not fair. It is unreasonable. It is outrageous; and whatever the price, it is a shock to me that it be done. It will be done in a minute.

Old "Landslide Dixon" will not get more than 16 for this one, either. But I want to tell you something: I can go home and build a landslide on what is happening here. Nobody can justify doing this. This is not reasonable. This violates every fundamental principle of how you deal with a monopoly in America. When it is done and when it takes place, and if it is only 26 cents on the bill, the people in your home State and the towns you go back to are going to talk about it, and will have to justify this vote.

I say to you that this is an expression of a special interest coming to this place and getting a special deal.

Mr. President, I find it ironic, at a time when we, in Congress, are trying to shift regulatory responsibility to State and local jurisdictions, that we are now presented with legislation imposing new Federal rules on these governmental bodies. This legislation would impose unilateral changes in cable contracts that have been painstakingly negotiated in such a sensitive area as rate regulation.

Cable operations are a monopoly not subject to effective competition in many instances. Local government is in the best position to determine whether regulation is appropriate, and in what form and under what conditions it should be suspended or eliminated.

As cable television has developed throughout our States, local communities have clearly acted in a responsible manner in granting needed rate increases. But rate regulation is an integral enforcement mechanism for many franchisers. Therefore, if S. 66 is to pass, I urge my colleagues to support my amendment to delete the automatic rate increase provision of S. 66.

Local and State governments are capable of intelligently regulating cable services. For example, most communities use their discretion not to regulate entertainment cable services. It is simply not in anyone's interest to regulate a company out of business. Cities are likewise acting reasonably in reviewing rate increases.

S. 66 is based on an unproven premise—that cable television faces meaningful competition from comparable industries. I am not convinced.

I think cable is great. I can watch the news whenever I choose; it is a dream come true for sports fans. I even have the opportunity to watch my colleagues in the House 24 hours a day. It offers programing for minorities, teenagers, small children—just about any other group.

The cable industry deserves special commendation for its local programing—whether produced by the cable company or by the community. The opportunity for citizens to become "video literate" by learning how to create programing may be one of the most under-recognized benefits offered by the cable industry to our Nation.

I have touched on only a few of the services offered by one-way video. The potential of two-way video and for data transmission may be even more exciting.

The capacity to offer such a range and quantity of services via single transmission medium makes a cable communications system unique. We should encourage the full development of cable's potential.

Basic, cable, and telecommunications services over a broadband transmission system should not be regulated if they are subject to effective competition. Regulation should extend only to that which is necessary to protect consumers and users from unfair marketplace power.

Any decision to regulate should be reached only after a fair evaluation of the competitive situation in the community. The diversity among regions and communities across the Nation requires a local test for adequate competition.

The cable industry has made no showing that it faces significant competition for many of its most important services. As my distinguished colleague, Senator Gorton, said during the hearings on S. 66:

> We must examine each of these new technologies to see if they provide services that are competitive with cable, quality that is competitive with cable. We must not forget that cable can offer a multichannel service with two-way capacity at a relatively low cost. None of the new technologies presented yesterday can rival cable's services. Some lack multichannel capacity, most lack two-way potential, and many are still in a developmental stage. Indeed, Mr. Bortz concluded yesterday that cable television will be the dominant television medium in this country and that alternative services may capture only 5 to 10 percent of the marketplace.

Similarly, a California Public Broadcasting Commission report published earlier this year summarized cable's overall role in the communications market:

> There has been much speculation about competition to the cable industry from Multipoint Distribution Systems (MDS), Direct Broadcast Satellites (DBS), and perhaps Low Power Television (LPTV) stations. All could deliver premium programming, thus perhaps skimming from the cable industry some pay-TV revenue. All are much less expensive to install and operate than cable systems.
>
> While each of these technologies may be successful, however, it seems unlikely that they will have much impact on cable. At most it appears that they might lessen the demand for cable to serve new communities, thus slowing the overall growth of the cable industry.
>
> The reasons for this pro-cable conclusion are that cable has beeen able to offer upwards of ten times as many channels for about the same monthly charge; cable systems not only provide new service but improve the reception quality of local broadcast stations; cable can offer desirable premium services plus local origination; cable can offer interactive services for information and at-home transactions; and cable can become a more broadly based business by providing voice, video, and data transmission to industry and government. Finally, cable does not require exterior antennas of any kind.[1]

In fact, several technologies recently have fallen victim to cable's inherent economies of scale and have been unable to compete effectively with cable. For example, "Communications Daily" reported on May 16:

> Preview subscription TV announced its Cleveland-based STV operation would cease August 31. President Nate Garner blames cable: "Cleveland has been an efficient, well run operation, but the size of our potential market is becoming increasingly limited due to the expansion of Cable TV . . ."

Finally, as I said, local and State governments are capable of intelligently regulating cable services.

States and localities are behaving and will behave responsibly. They need the discretion to regulate where it becomes necessary.

I urge my colleagues to support this amendment.

Mr. PACKWOOD. Mr. President, this is one more amendment that flies in the face of the agreement that was made, what apparently the Senator from Illinois calls the special interests, one being the National League of Cities, which represents every significant city in this country. By that I mean the elected officials of those cities, the people who are allegedly closer to their constituents than anybody else.

Let me tell you why. Cable television, say what you want, has serious competition in this country. The Senator from Illinois says, "Would we do this for a water company and would we do this for an electric company?" We would not.

Traditionally, the position of this country has been that local governments have no right to regulate communications. Cable is a form of communications. But for the sole reason that they have to string a wire, the Federal Government initially made a decision that they could regulate cable. But now they have competition. Now, satellites can beam down television programs.

All of us do not have to drive very far, be it around Washington, D.C., or our home States, to see more and more people putting up those funny little white dishes in their front yards or backyards. In 2 or 3 years, you will be able to put them on your roof. The local governments will not have any right to regulate them, and they will compete with cable.

So, what we were finally trying to do was to achieve some accommodation so that the many cities that do not have cable could get it while there is still a chance. Frankly, I do not think there is a chance. I think the day of people putting millions of dollars into cable is about gone.

All this bill does now, so far as these rates are concerned, is simply to say that, one, local cable may have its rates go up no greater than the regional consumer price index, and two, that where they compete in an area where the viewers can receive at least four other over-the-air signals clearly, three of which must be network, then there will be no rate regulation.

Do you know what we found? If you happen to be so lucky that you are in an area where you can receive four signals clearly, you do not subscribe to cable. So we said, under those circumstances, for what we call basic service—basic service is two things: the retransmission of broadcast signals for pickup elsewhere, such as Ted Turner's signal out of Atlanta, or the access channels, if you want to watch the county commission, the city council, the school board, those are the access channels—that there will be no rate regulation. That is all the cities have agreed to. They know it is in their interests. Cable has agreed to it. They think it is in their interests. The majority and minority of the Commerce Committee have agreed to it.

I hope that when we come to a vote, the Senate will treat this amendment much in the same fashion as it has treated the last one.

Mr. GOLDWATER. Mr. President, will the Senator yield for a moment?

Mr. PACKWOOD. I am delighted to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, this would eliminate the automatic rate increase provision. We have already accepted the Exon amendment which restricts to its regional CPI.

I remind my colleague that anytime a city council sits down to renegotiate a franchise or a contract, rates have to come into it, and in my particular case, I have had cable television for 2 long years and not 1 penny of rate increase.

So I think the Senator from Illinois is raising a strawman in this. It would gut the main policy thrust of our bill.

I hope that the Senator, in his wisdom, will not offer this amendment and let us get on with the completion of the work.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. What is the time situation?

The PRESIDING OFFICER. The Senator from Oregon has 10 minutes, and the Senator from Illinois 4 minutes.

Mr. PACKWOOD. Mr. President, I am prepared to yield back our time if the Senator from Illinois is prepared to yield back his time.

Mr. DIXON. Mr. President, I am more than willing to yield back the remainder of my time and move the adoption of the amendment.

Mr. PACKWOOD. Would the Senator be satisfied with a voice vote?

Mr. DIXON. No. The Senator wishes the yeas and nays.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. Huddleston) and the Senator from Louisiana (Mr. Long), are necessarily absent.

The PRESIDING OFFICER. Have all Senators in the Chamber voted?

The result was announced—yeas 26, nays 72, as follows:

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[1] CPBD "Public Telecommunications Project" (John Witherspoon, 1983) quoted in CPBC, "The Consumer and Cable in California," at 99 (1983).

[Rollcall Vote No. 142 Leg.]

YEAS—26

Abdnor
Biden
Boren
Boschwitz
Bumpers
Burdick
Dixon
Dodd
Eagleton
Exon
Humphrey
Jackson
Johnston
Leahy
Levin
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Pell
Proxmire
Sarbanes
Sasser
Stennis
Zorinsky

NAYS—72

Andrews
Armstrong
Baker
Baucus
Bentsen
Bingaman
Bradley
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dole
Domenici
Durenberger
East
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Inouye
Jepsen
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Lugar
Mathias
Matsunaga
Mattingly
McClure
Murkowski
Nickles
Packwood
Percy
Pressler
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson

NOT VOTING—2

Huddleston
Long

So Mr. Dixon's amendment (No. 1324), as modified, was rejected.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1325, AS MODIFIED

Mr. DIXON. Mr. President, I send to the desk amendment No. 1325, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Rudman). The clerk will report.

The legislative clerk read as follows:

> The Senator from Illinois (Mr. Dixon) proposes an amendment numbered 1325, as modified.
>
> At the end of the bill, insert the following new section. "Section . Nothing in this Act shall be construed as prohibiting a franchising authority, or a State or political subdivision or agency thereof, from requiring a cable operator to follow certain EEO and affirmative action guidelines or from imposing minority business enterprise requirements on a cable operator.".

Mr. DIXON. Mr. President, if I may briefly be heard on this, this is the discussion we had before noon today. I know what has transpired on prior amendments and the rejection overwhelmingly of those amendments. I expect ultimately to be heard on this bill, at which time I will tell you at length why I think you have made very, grievous errors in permitting this bill in this shape to leave this place.

This particular amendment, which I am told may be objected to on the grounds that it does not come within the standing order, is an amendment requested by the mayor of the city of Chicago, a city that has a substantial minority population. Chicago is presently considering a cable franchise for the whole city, and has been listening to evidence and has had hearings for 3 years. All Illinois wants to say in this bill is that nothing in this act shall be construed to prohibit a franchising authority from providing for equal opportunity of employment.

How we can send a bill out of this place that is going to affect with the greatest impact the major cities of America—New York, Detroit, Cleveland, Chicago, Philadelphia, Los Angeles, Atlanta, Miami and all the great cities of this Nation, without giving a guarantee that "You will not prohibit the opportunity to discuss equal opportunities in the franchising process"? I want to say to you, this is a grievous error. I will have the occasion to say more about it in the consideration of the final bill.

You have a bill here where you have given these folks——

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order. The Senate will please be in order.

The Senator from Illinois.

Mr. DIXON. You have a bill here where you have given these folks carte blanche on everything. Every time we talk about it somebody says arrangements have been made and everybody signed off. I want to tell you the American people have not signed off.

This bill has some very, very serious problems. I am going to say to you that it would be in the interest of a reassessment of this matter by many of us, I think, if this amendment could be accepted.

I would like to say this: If a point of order is going to be raised, this Senator understands the right of every Senator to do that, but for someone to suggest that this is protected anyway, I want to say to you if that is the case, why is it not in the bill? One: Why are the great municipalities of my State saying they are concerned about it? Two: Why are their lawyers saying that? Why are the great leaders who are concerned about the interests and the rights of minorities in these great communities concerned?

I am concerned. You should be concerned.

I think this language is the kind of language that is without any possible harm to the impact of this bill at all. Nothing in this bill can be harmed by an acceptance of this language which protects the rights of Hispanics, blacks, and other minorities in America in the communities where these franchise considerations are going to be made.

Mr. President, I ask that this amendment be considered at this time. I will not ask for the yeas and nays until I hear what the manager has to say.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, a unanimous-consent agreement entered into yesterday makes it in order for the Senator from Illinois to offer amendments or modifications thereof necessary due to the committee modification.

Mr. President, after studying the amendment offered by the Senator from Illinois in this instance, I believe that it is not within the terms of the agreement. It is, therefore, a new amendment.

The agreement entered into yesterday stipulated that the only amendments in order today were those specifically authorized in the agreement. Because this amendment of the Senator from Illinois does not conform to the requirements of the unanimous-consent agreement, I raise a point of order that the amendment is not in order.

The PRESIDING OFFICER. The Chair advises the Senator from Arizona that the point of order may not be considered until all time has been used or yielded back.

Mr. DIXON. I yield back the remainder of my time.

Mr. PACKWOOD. Mr. President, the Senator from Illinois yielded back his time. All I can say is that this issue is statutorily covered by current Federal law. As sympathetic as I am to the issue the Senator from Illinois may have raised, this is a totally unnecessary amendment, when we have the FCC with enforcement duties involved with equal employment opportunities. We have the Equal Employment Opportunity Act. If it is all right with the Senator from Arizona, I shall be willing to yield back my time so he may make the point of order.

Mr. GOLDWATER. The Chair has heard my statement. There is no need to repeat it. I raise the point of order that this amendment is not in order.

The PRESIDING OFFICER. The point of order is well taken.

Mr. DIXON. Mr. President, I shall not appeal the ruling of the Chair for the simple reason that I shall reserve my statements along this line for my statement against the bill.

Mr. BAKER. Mr. President, may I inquire of the managers of the bill, is this the last amendment that was in order under the terms of the unanimous-consent agreement?

Mr. PACKWOOD. There is one by Senator Specter under the unanimous-consent agreement, but we are prepared to accept that and one by Senator Wilson, as well.

Mr. BAKER. The reason I ask is that I am trying to evaluate the time situation. It is essential, in my view, that we finish this bill tonight. I am trying to figure out whether we are going to have any more rollcall votes or not.

I inquire of the managers of both sides if there is any demand so far for a rollcall vote on passage.

Mr. DIXON. There is a demand by this Senator.

Mr. FORD. The demand is obvious.

Mr. BAKER. Yes, Mr. President, the demand has been made, that is true.

Mr. GOLDWATER. Mr. President, I wish to emphasize that we have spent a lot of time on this bill. The hour is getting late. There are several people engaged in this matter who have very important things to do tonight. The daughter of the manager of this bill, the chairman of the committee, is graduating. He needs to attend that. I have a longstanding engagement involving one of our top aviators, Jimmy Doolittle, that I could miss but I would not like to. I would like to get along with this, if it is all right with the Senator from Illinois, whom we waited for to get back from Stockholm or Sweden, wherever he was, just as they waited for me to get back from Geneva. I would like to get along with it if it is agreeable to my friend from Illinois.

Mr. DIXON. Mr. President, I say to my dear friend from Arizona that it is the hope of this Senator that in his short or long career, whatever it might be here, he can always get along with people. I am not going to take a long time. I say to my distinguished friend, the senior Senator from Arizona, I am willing to vote at 6 o'clock. But I want to tell everybody why I think this is not a good bill. I do not want to consume a long time. I hope there is never an occasion when people think the Senator from Illinois has imposed on others.

Mr. GOLDWATER. Mr. President, I have raised a point of order. Has the Chair ruled?

The PRESIDING OFFICER. The Chair has ruled that the point of order was well taken.

Mr. BAKER. Mr. President, I heard the Senator from Illinois say that he is prepared to vote at 6 p.m. on passage. I would like the minority leader to give me his views on that, so I would not like to propound that request until I have heard from the minority leader. I think it is important to conclude this bill, and while we wait for him, will the managers of the bill be ready to proceed with the other amendments?

Mr. PACKWOOD. I am ready to take up the other amendments, yes, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I believe the Senator from Pennsylvania (Mr. SPECTER) has an amendment that can be agreed upon. I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 1383

(Purpose: To amend the Communications Act of 1934)

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Oregon (Mr. PACKWOOD). I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) proposes an amendment numbered 1383.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 7, immediately after the period add the following: For purposes of this subsection, a franchise agreement containing such requirements shall be considered to have been in effect on such date of enactment if such agreement was the result of a franchise proceeding for which a request for proposals was originally issued, however subsequently modified or replaced, on or prior to September 30, 1982.

Mr. SPECTER. Mr. President, the amendment amends section 613(f) of the bill to extend the meaning of "franchise agreement in effect on the date of enactment of the Cable Telecommunications Act of 1983" to include franchise agreements on matters for which requests for proposals were originally issued, however subsequently modified or replaced, where those original requests for proposals were made on or prior to September 30, 1982. I believe that this provision is equitable and just. It insures that cities or municipalities which have been in the process of seeking such franchise agreements for some substantial period of time but have not been able to complete negotations will be treated as if their franchise agreements had been formally entered into for purposes of this subsection.

I think it is appropriate to say for the record so there will be no question about legislative intent here that this amendment is being submitted in order to be sure that the city of Philadelphia will be covered as if their franchise agreements had already been entered into. The city of Philadelphia is large and has been divided up into areas. There are complexities and, for a variety of reasons, those franchise agreements have not yet been put into final form and signed by all the parties.

This amendment will treat the city of Philadelphia as if the agreement were in effect for purposes of this provision of the bill since their request for proposals had initially been issued prior to September 30, 1982. The language "however subsequently modified or replaced" is protective so if there is a modification or replacement or alteration of any sort, it will be covered.

I think that adequately describes what we are seeking to accomplish here. I thank the distinguished Senator from Oregon for his consideration.

Mr. PACKWOOD. Mr. President, speaking on behalf of the majority, we are prepared to accept the amendment.

Mr. FORD. Mr. President, speaking on behalf of the minority, we are more than willing to accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PACKWOOD. All time is yielded back.

Mr. SPECTER. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1383) was agreed to.

AMENDMENT NO. 1384

(Purpose: To limit the applicability of subsections (b), (c), and (d) of section 607 relating to the regulation of rates)

Mr. PACKWOOD. Mr. President, I yield to the Senator from California for the purpose of offering an amendment.

Mr. WILSON. Mr. President, I thank the distinguished Senator from Oregon and the distinguished minority manager.

I send an amendment to the desk and ask for its immediate consideration. Mr. President, I also ask unanimous consent that my colleague from California (Senator CRANSTON), be added as cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. WILSON), for himself and Mr. CRANSTON, proposes an amendment numbered 1384.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 35, after line 8, insert the following:

"(i) The provisions of subsections (b), (c) and (d) shall not apply to a franchise agreement in existence on the date of enactment of this Act for a period of five years following the date of enactment of this Act, or for the remaining term of such franchise agreement, whichever is greater, in any state which has in effect, and has had in effect since January 1, 1983, a statutory scheme deregulating rates which contains a requirement regarding minimal channel capacity.".

Mr. WILSON. Mr. President, cable television is thriving in California. But, this did not happen by chance.

The State of California—and its cities—have long taken an enlightened approach to cable television regulation. As a result, in speaking with cable television system operators, large and small, the Senator from California has been told, what he long suspected, that his home State is a good place in which to seek a franchise for, operate, and seek renewal of, a cable television system. Indeed, to date there are approximately 350 cable systems providing services to 700 communities throughout California.

The purposes and effects of California law are very much in keeping with S. 66, the Cable Telecommunications Act of 1983. California law already provides for de novo review of a denial of franchise renewal and a 5-percent cap on franchise fees. California law also establishes a structure for resolution of subscriber complaints.

Perhaps, most importantly, California—in recognition of the validity of free market mechanisms—has provided a statutory scheme deregulating rates.

For cable systems desiring to have their rates deregulated, California law does set certain minimal standards concerning channel capacity, system capabilities, and available over-the-air television reception, and it does require a small payment—50 cents per subscriber per year—to be made to a nonprofit, community service channel program. All of this is in keeping with the beneficial purposes of S. 66.

Actually, California's rate deregulation scheme is preferred over that of S. 66 not only by the League of California Cities, but also by the California Cable Association.

In the past 24 hours, I have heard from Spencer Kaitz, president of the California Cable Association, Ed Allen, president of Western Communications and a member of the board of the National Cable Television Association for the past 11 years, Drew Lewis, president of Warner-Amex Cable, and Eugene Yee of Cox Communications in my home town of San Diego. Each of these individuals speaks for significant cable operations in California. And, each supports by amendment.

Mr. President, my amendment is narrow in its focus. It takes cognizance of the fact that California has—on its own—already enacted rate deregulation schemes which, while slightly different from that of S. 66, are very much in keeping with it.

My amendment would simply grandfather the State statutory rate deregulation schemes presently in existence, and which remain in existence, for a period of 5 years or for the length of any existing franchise agreement, whichever is greater.

The Senator from California trusts that no one in this Chamber—and especially no Senator who is supporting S. 66 and who is wisely seeking a statutory scheme of deregulation—in any way wants to impose a similar, though new and different structure on those States which have led the way on deregulation of cable television.

If it can be agreed that cable deregulation in California and Massachusetts is working well—and this the Senate should be able to do as has the National Cable Television Association—then my amendment should be adopted.

S. 66 is a good bill, and I support it. However, in the view of those most directly affected by it—the cable companies and the cities—a minor change concerning rate deregulation is in order.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. The Senator from California has explained the amendment. As far as the majority is concerned, the amendment is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Is there objection?

Mr. PACKWOOD. I can also speak for the minority.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PACKWOOD. I yield back all time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 1384) was agreed to.

AMENDMENT NO. 1385

(Purpose: To provide a technical correction to the Committee modifications.)

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER) proposes an amendment numbered 1385.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, line 9, strike out ", or cable system facilities or cable related equipment,"; and

On page 43, line 12, strike out ", facilities or equipment".

Mr. DURENBERGER. Mr. President, yesterday's modification of the committee language which was kindly agreed to by the manager of the bill and the senior Senator from Arizona inadvertently left out a provision of an amendment I had worked out with the distinguished chairman from Oregon and the chairman of the Communications Subcommittee. My amendment strikes the references to "facilities and equipment" which are contained in section 613(d)(1) providing us with an approach that is flexible enough in terms of relationships between the franchisors and the franchisees.

Mr. PACKWOOD. The Senator from Minnesota is exactly correct. This was left out yesterday simply by inadvertence. We agreed to the amendment orally.

I am prepared to yield back the time.

Mr. FORD. Mr. President, this side is in agreement with the manager of the bill and delighted to accept the amendment of the distinguished Senator from Minnesota.

Mr. DURENBERGER. I thank the Senator.

The PRESIDING OFFICER. Is all time yielded back?

All time is yielded back.

The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 1385) was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, was there a desire to move to reconsider?

Mr. PACKWOOD. We have not been doing that.

Mr. BAKER. Are there other amendments that the managers are aware of?

Mr. PACKWOOD. There are no more amendments.

Mr. BAKER. I thank the managers.

Mr. President, may I inquire once more if there is a possibility of establishing a time for a vote on final passage on this measure? No other amendments will be offered. I wonder if the Senator from Illinois could agree to 15 or 20 minutes for his statement and establishing a time for final passage, say, at 5:45 p.m. this evening?

Mr. DIXON. I thank the majority leader for his inquiry. If I could have 20 minutes, that would be adequate to dispose of my point of view on the subject.

Mr. BAKER. Very well. Mr. President, I ask unanimous consent—by the way, before I make it, I am advised that the minority leader has been apprised of this request and does not object. Is that correct?

Mr. FORD. That is correct.

Mr. BAKER. Very well.

Mr. President, I ask unanimous consent that the vote on final passage on this measure occur not later than 5:45 p.m.; that provisions of paragraph 4, rule XII be waived. I further ask unanimous consent that 20 minutes of the time remaining between now and 5:45 be allocated to the distinguished Senator from Illinois under his control.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank the majority leader for his usual graciousness, and I know that the distinguished manager of this bill and my friend from Arizona, the sponsor of the bill, understand that nothing that I have said is to be interpreted as criticism of their outstanding service. I respect all of them and the work they do and the sincerity in which they have approached this issue.

Some weeks ago when discussion on this bill became very general in this Chamber, everyone who came to see me said that this was in effect an agreed bill, that everybody had signed off on S. 66. That being the case, I felt no difficulty in indicating that if this was in fact an agreed bill and if in examination by me I found nothing particularly offensive, I would probably be inclined to go along with the bill.

When I checked with my constituency in my State, I found general dissatisfaction with this bill. Now, how things can be represented as agreed when in fact back home there is no agreement at all, and in fact a good deal of concern, is difficult for me to understand. But I think the folks in this body ought to know that the city of Chicago has been considering the franchising of cable television franchisees now for 3 years. There is general satisfaction in that community with the way it has been handled. I think I can represent that both of the great metropolitan newspapers, the Chicago Tribune and the Chicago Sun Times, have generally been satisfied with the way it has been handled.

When I talked with the folks in the city of Chicago, I found general opposition to this bill. Had it been limited just to the city of Chicago, I might have felt, well, it is a small city-big city disagreement, and that is understandable.

But I want to stress that that is not the case in my State. Most communities and community leaders that I talked to were opposed to this legislation. The city of De Kalb—I do not offhand know the size of the city of De Kalb. I come from the city of Belleville in southern Illinois, a town of 45,000. I think De Kalb is smaller, perhaps only 20,000 or 25,000, but the community leaders there were against this bill, and so I looked at the bill.

One of the regrettable things about this Chamber is that you are usually talking to yourself and a couple of others. I am delighted to see the sponsor of the bill present and one or two other Senators. This is a piece of legislation that is going to affect everybody in America. After this bill passes, I want every person in America who has cable television to know this. The price of your cable television is going up immediately. How do you like that good news tonight? I see some of you in the gallery nodding. You do not like it. You never vote down here. Too bad. But the price of your cable television is going to go up.

This bill originally said here is what we are going to give them. You can raise the price 5 percent a year or the Cost of Living Index, let it go up that much, whichever is greater, give you whichever is greater, give you a little gift. It does not matter how much you are making. It does not matter how profitable your investment is. The price is going up.

Earlier on we had a fight—you all know about that—between the telephone company and the cable television folks and a modest amendment by my friend, the distinguished junior Senator from South Dakota, was accepted. The other was rejected. But we now have a curiosity—and incidentally, I am not here to hold the flag high for the telephone company. They are a big organization. They have their folks here and they are well represented. But we have decided to treat them differently—different rules for different monopolies now. The water company has to have a hearing, the telephone company has to have a hearing, the power company has to have a hearing on the price of gas or the price of electricity, but cable television can raise its rates without it.

If I thought that this had been well thought out in such a way that it represented the views of all groups in America, maybe I could accept that. It would be difficult, frankly, for me.

Here is a bill, the first half of which is struck out. The reason why the first half is struck out is that that is the bill of last year. That would not fly. The second half of the bill is not struck out. That is because that is the bill this year. That is the bill that will fly. That is the one everybody signed off on.

The reason I am getting beat here—16 votes one time and 26 another—is that everybody in the committee went along with this. I am not on that committee, and I don't go along with it.

I want to say this: This bill may be small potatoes in price, but the American consumer knows when he has been had. The American consumer has been had right here on S. 66.

That is what we used to call in southern Illinois, when I was a kid, a lollapalooza—a lollapalooza. There is a little bit in here of everything you want. A lollapalooza—that is what this bill is, S. 66, a lollapalooza.

You get a rate increase; you do not have to have a hearing on it. They took the whole body of law that was built up in the common law of the United States of America for two centuries, inherited from Great Britain. It worked there for centuries before and had hundreds of years of experience. No matter. Change it all around.

The cable television people do not have the burden of proof. I practiced law a long time, and I know something about it. They do not have the burden of proof—oh, no. Everybody has signed off on this. When the cable television folks come in, the city has the burden of proof. The city has to say, "We have the burden of proof. We have to show, down the line—1, 4, 6, 8, 9, 10, 12—why you do not deserve to renew your franchise, again."

I said let us do it the way we do everything else. No, they are going to do it differently for cable TV.

Let me tell you how I feel about this. If it were just one little thing, I would not mind that. Man learns to acquire accommodation, new attitudes in this business, as he grows over a lifetime. Man learns to say, "I'll go along a little bit to get the job done." I understand that, and I do not condemn accommodation for accommodation's sake. I have done a lot of it in my time. So I do not come here pure on that question.

But I will tell you this: Every piece of accommodation in this legislation turns out miraculously to be an accommodation for the cable television folks. The odds are not good on that. You throw dice and you get 7 sometimes, and sometimes 12. Here, you get television cable franchise every time you throw it. That looks odd to me.

Here is the final thing I want to say.

This bill is ging to affect everybody in America who looks at cable TV, and it is going to affect all the cities and small towns of this country.

I have the word of the manager and others not to worry, because we will have equal opportunity for everybody as a consideration of franchising under this legislation. I believe the manager. He is an honorable man. But I wonder why the major of a great city in this country, who happens to be black, wants to go to the trouble of getting hold of me, saying that he is worried about it and their lawyers, the corporate counsel they pay good money, are worried about it, and they asked me to offer an amendment.

That amendment does not say you shall have it. It says you shall not prohibit it. But the manager and sponsor of S-66 do not want to accept it.

I am running out of time. I am sure the manager is delighted about that. Perhaps the country at large is. I want to say something about this bill. This bill is just the way they want it. They have it just the way they want it, and that is OK with this Senator; because after I vote, I can live with that part of it. But when this bill is understood by the country—it is not too complicated to understand; the issues are simple—when this bill is understood by the country, the people are going to understand that we took one monopoly and gave it special rates that we did not ever give anybody else. We singled this one out special.

Maybe the people of this country will live with that. They are pretty tolerant folks in the United States, or in my State, anyway. But when they find out what we did and that on top of everything else it is going to cost them money, that they have to reach down in their pockets and pay, they are not going to like that too much. I predict that.

I predict that if newspapers print this and make known the debate that took place here today, if they will put that in the papers back home so the folks know what happened and they read about it, then when those bills go up, the folks will know it was S. 66. I just want to say to the folks back home, when their bills go up, the junior Senator from Illinois did not vote for S. 66.

This bill represents a piece of legislation that was written to benefit the cable operators it regulates, and that is what it does. There is no way you can pick up this piece of legislation and take it home and light a pipe and have a drink and read it and believe it was written to benefit anybody but the people it deals with. That is what it is.

Where I come from in southern Illinois, that is a lollapalooza.

(Applause in the galleries.)

The PRESIDING OFFICER (Mr. Rudman). The galleries will be in order.

Who yields time?

Mr. LEVIN addressed the Chair.

Mr. GOLDWATER. Mr. President, the request was for a vote at a quarter to 6, which is 7 minutes from now—no later than 5:45. I suggest that if the Senator from Illinois has finished his remarks and the yeas and nays have been ordered——

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. GOLDWATER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr GOLDWATER. I ask for third reading of the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senate will suspend while the Chair consults with the Parliamentarian.

The question is on the committee substitute, as modified and amended.

Without objection, the committee substitute is agreed to.

The Senator from Michigan.

Mr. LEVIN. Mr. President, will the manager yield 4 minutes to me?

Mr. GOLDWATER. Let me hear the question again.

Mr. LEVIN. Will the Senator yield 4 minutes of time to me?

Mr. GOLDWATER. The Senator wishes 4 minutes.

Mr. LEVIN. If everyone else is done, I wish to use 4 minutes. I do not want to use time if the Senator is going to use it.

Mr. GOLDWATER. I will be happy to let the Senator have 4 minutes. It will be refreshing.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank my friend.

Mr. President, I rise in opposition to S. 66.

Mr. President, it is not fair and it is not equitable to create a situation when the unregulated provider of service can pick off the most lucrative share of the market while the regulated provider is unable to respond.

As a result of the rejection of the Abdnor amendment this morning, that is what S. 66 allows, and it is one of the reasons why I cannot support this measure.

Mr. President, we also, I hope, will be sensitive to the needs of local government, and this is the item about which the Senator from Illinois so effectively spoke.

I came out of local government. I must tell the Senate that when local government finds out that its contracts, its franchises, that they freely entered into are going to be abrogated by the great Senate of the United States, we then, I hope, will hear from local government.

This is not a question of whether or not we should be legislating from scratch as to what the rules of the same game will be for the future.

Let us all understand what we are doing here. We are telling local governments that freely entered into franchises and those franchisees who had to compete with other prospective franchisees that the Senate of the United States is retroactively changing the rules of the game.

Since when do we sit here and talk about the Federal Government coming in and changing the rules for local government and local people without blanching?

There are people in this Chamber who have spent a good deal of their lives opposing Federal intervention in local affairs, and yet that is exactly what we are doing now retroactively.

Prospectively, yes. Tell people if we want what the rules of the game will be for the future. But let us not now say that the rules of the game can be changed after that game has been played by local governments, after the game has been played by franchisees, because that is what we are doing when we allow the terms of those contracts to be changed retroactively, and this bill allows that.

In the December 2, 1982, edition of Cable TV Franchising, Anna Marie Hutchison, chairperson of the California Cable Association, an industry association, is quoted as stating:

> It's time to pull ourselves out of the blue sky and settle down on earth. Blame resides primarily in our own house. Local officials expect no more than we told them we could deliver. * * * If they are ignorant of the financial realities of cable TV, it is because we have too often found them so, and left them so.

Why then, given this insight of the industry, were these promises made by the cable operators in the franchise agreements they freely entered into? The April 12, 1982, edition of CableVision sheds light on the answer to this question. In this edition, Storer Cable president Arno Mueller states:

> The trick is recognizing what you have to give away to win the franchise.

S. 66 represents a corresponding legislative trick to try allow the one party to a contract to take back some of the promises they made. I cannot give my support to this bill.

For those reasons, and others, Mr. President, I shall vote against this bill.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, I might just tell my friend from Michigan that this bill is the result of over 3 years of negotiation with the cities and towns of America, and I would say 85 percent of those cities and towns are in perfect agreement with this bill.

Mr. LEVIN. The cities and towns I may respond that have not yet entered into franchises are not certainly going to be in disagreement. It is the cities and towns that have entered in the franchises and are presently negotiating with them that are very much in disagreement when we come in and retroactively say that the terms and conditions of an existing contract can be modified by big brother in Washington.

That is what they are going to object to. It is not the prospective utilization of this statute but the retroactive utilization of that.

Mr. GOLDWATER. As the Senator knows, there has been full cooperation from the cities on this.

Mr. DOMENICI. Mr. President, this bill establishes a national policy with respect to cable. More importantly, it sets guidelines for the exercise of regulatory authority and eliminates some regulation. The end result is that marketplace forces will prevail. The costs associated with this bill are modest. The Congressional Budget Office estimates that the added cost to the Federal Communications Commission would be $1 to $3 million annually.

This bill results from years of study and hearings by the Commerce Committee. I wish to commend Chairmen Packwood and Goldwater for their hard work throughout its consideration. In the spring, the committee worked hard to resolve the separate concerns of the National League of Cities and the National Cable Television Association. The result is that both these groups now endorse the revised bill. This week, the committee met with other Senators as well as representatives of the cable industry. Modifications were made to address additional problems identified by some of our cities. These changes have helped me to support the final bill.

Like every compromise, not all aspects of the bill are equally desirable. I would have preferred, for example, to see the amendment adopted which provided that any telecommunications service subject to regulation if offered by a common carrier would still be regulated under the terms of this legislation. It would have begun to address what I see as legitimate concerns of the local operating telephone companies regarding the potential impact of the cable bill. However, the measure introduced by Chairman Packwood does contain provisions for ultimate equality of regulatory treatment. The States may require cable operators to file an information tariff when they provide local data services. More importantly, all providers of these services will be deregulated once it is clear that effective competition exists.

I do agree with all who observe that a bill on universal telephone service is needed. We are in an important era of technological growth and transition. During this process, I am committed to insuring that no developments undermine this Nation's goal of universal telephone service. Therefore, I urge Chairman Packwood to bring to the floor as quickly as possible the legislation now being drafted. It is my understanding that both the committee bill and Senator Stevens' bill will fully address the problem of local telephone rates.

Even after passage of such a bill, the Congress must remain vigilant and prepared to respond to changed circumstances in telecommunications. Because I believe Chairman Packwood and Goldwater share this perspective and because there are worthwhile features in the bill now before us, I am voting for it.

● Mr. HOLLINGS. Mr. President, my colleague, Senator Goldwater, and I have been working on cable legislation in one way or another for at least 5 years. More recently, we each drafted legislation that directly addressed the problems the cable industry and users of cable services face. The legislation now before the Senate, S. 66, is a product of a careful and deliberate evaluation of the cable television market and the direction in which we think it should go. It is based largely on the recently compromise between the National League of Cities and the National Cable Television Association. As with all compromises, parties had to give on certain issues; but, overall, I believe S. 66 is good legislation.

I recognize well that many parties are concerned about this legislation. Since the committee markup, we have worked to resolve as many problems as possible. We have met with the Judiciary Committee and come to an agreement. We have met with Senators Lautenberg, Exon, Durenberger, and Boschwitz and come to an agreement. All of these changes have given more oversight authority to the cities. Finally, the Commerce Committee has drafted an amendment to deal with the problem of competition between the cable operators and the telephone companies. It is clear that the supporters of this bill have shown a willingness to listen and respond to concerns.

No one can doubt that localities should be able to exert some control over cable because it crosses public rights of way. However, this public rights-of-way rationale has limits; it must bow to larger national concerns.

Once communications could be generally defined by geographical lines; they were either intrastate or interstate. Modern technology, however, makes such distinctions absurd. With the advent of satellite delivery, interconnected networks, and other advances, communications bears almost no relation to arbitrary political boundaries. While some may quibble about this point, there can be no doubt that all telecommunications services must now be considered part of a national system.

Recent actions by Congress and the Federal Communications Commission reinforce this point. In all common carrier legislation, the Congress has preempted States in numerous regulatory areas. The FCC now largely oversees such locally delivered services as cellular radio, digital termination systems, teletext, and FM SCA's. Finally, even with regard to cable, the Commission as far back as 1972 took a leading role by adopting sweeping cable rules.

Although it cannot operate without crossing city streets, cable is clearly part of our national telecommunications system. None of its competitors are regulated locally; some are not regulated at all. Many of its services come to it as part of nationwide networks. If we are to structure a sound telecommunications system to serve the public, we must insure that firms compete on as fair a level as possible.

Local control over cable must thus be consistent with national telecommunications policy—a policy that relies on competition and deregulation as the best way to provide service to the public. The localities should continue to have responsibility for public health, safety, and welfare concerns, including the enforcement of labor and antitrust laws, and they should have the ability to collect a fee for the use of public rights of way similar to the fee they charge others. However, economic control must be limited to coincide with our national procompetitive interests.

In determining whether or not to regulate cable, one must not only look at the rationale for regulation; one must also examine the drawbacks of regulation.

Local oversight over cable certainly produces many drawbacks. First, the current system of franchising cable is very expensive. In certain areas, the total cost of the cable bidding process can run upwards of $5 million. Second, the current system often causes the creation of excess transmission capacity. Cable subscribers are thus paying something for nothing or at best for a hope of some service much farther down the road. Third, this system is creating a host of subsidies—often involving tens of millions of dollars—where subscribers are picking up the costs of less attractive city and cable services. Such a tax inhibits people from becoming subscribers.

In sum, the overall process of local oversight does not come cheaply. A recent study of the cost of cable regulation found that it accounts for about one-quarter of the cost of a cable system. Even if it is only one-half of this amount, this is a very high price for the public to pay for Government regulation. Further, this high price will obviously cause cable to be much less competitive, giving other service providers—who are not overseen by local governments—a distinct and unwarranted advantage.

S. 66 addresses these problems reasonably and fairly. This legislation restricts what cities may require of cable operators, but it continues to allow cities to obtain the basic cable facilities and services they require. In addition, this legislation allows the services and facilities in current franchise agreements to be retained, subject to the deregulatory provisions of the bill. This is an obvious benefit to cities that now have cable systems.

Let me turn now to the problem raised by the telephone companies. S. 66 provides that cable systems will not be subject to regulation when they provide certain telephone services. Regulation of telephone companies providing such services, however, is not addressed in this bill, and such regulation would continue to be subject to State oversight.

The telephone companies argue that they should be treated in the same way we have treated cable systems. Equal treatment in this instance, however, is a far cry from fair treatment. The telephone companies are so far and away the dominant providers of telephone service in the local market that to deregulate them—as they asked just prior to the committee's executive session—would be sheer folly. If they were deregulated and raised their prices, the public would have no alternative at hand or coming in the near future. Such a proposal must be firmly rejected. Why then should not cable systems be regulated when they offer local telephone services?

First of all, when they offer basic voice telephone service, originating and terminating within an exchange, they will be regulated. The committee well understood the importance of moving cautiously in this area. Thus, we are talking primarily about local data services. In this area, the committee decided to proceed with the procompetitive approach that has succeeded so well in the long-distance telephone and telephone equipment markets. Cable has the ability to offer innovative, local services at low prices. We believed that the public should receive those benefits without undue delay.

Today, there are about 7 cable systems out of some 5,000 providing local data services with total annual revenues of a few million dollars. This is a minimal amount in contrast with that of the telephone companies. In addition, there are not that many new proposals by cable systems to offer these services. Cable still is predominantly a video medium. These data services will come in a decade, but only if we encourage entry today.

There are two major criteria by which to judge whether an entity should be regulated as a common carrier: Whether it has a monopoly and first, can gouge the consumer; or second, can predatorily price, preventing new businesses from entering. Cable can neither gouge the consumer nor can it predatorily price with success. It simply does not have the necessary market power, like the telephone companies have. Why then regulate it, since regulation will only delay entry, perhaps indefinitely?

What about local telephone rates? Would they not increase? The claim that cable will cause local rates to increase is based more on speculation than any hard evidence. Our experience with allowing competition in communications has shown that firms that are aggressive competitors cut their costs and lower prices, causing revenues to increase. Just as the telephone industry has performed well in the face of long distance competition, it should perform well in local service competition. The local telephone loop is a tremendous asset. The technology exists for it to be improved so it can increase its capacity and capability, even allowing it to carry video programing to consumers. In addition, the telephone wire reaches just about everyone, giving it a tremendous advantage over cable which only goes into about an average 50 to 60 percent of a community's homes.

As discussed earlier, cable's entry into the data transmission market is by and large many years away. The telephone companies have time to decide how best to compete. They have time to meet customers' needs. They can work with the State regulators, who have an incentive to aid the telephone companies, to determine how best to meet the local competition that is bound to come from many sources.

The telephone companies thus can meet competitive challenges by cable. Rates need not automatically rise because of the entry of cable systems. But even keeping cable out will not prevent local competition to the telephone companies.

The FCC has already authorized many new competitors in the local market. The new entrants include cellular radio, digital termination systems, FM SCA's teletext, enhanced paging systems, and private local networks. These private local networks are designed to serve the communications needs of businesses in industrial parks and commercial centers, and they are not regulated. Local competition is clearly coming.

Local rates are rising for many reasons. The Commerce Committee is about to address this larger problem. Rates must be kept reasonable. But, to prevent or delay entry of a competitor is not the answer.

I believe the committee has formulated a reasonable compromise to this problem of cable competition to telephone companies. We have provided that when the telephone companies face effective competition, they shall be deregulated. This is the same procedure we used for long distance telephone competition in S. 898, the telephone legislation that passed the Senate last Congress. It would protect consumers, allow marketplace competition to develop, and eventually free all competitors from government oversight.

Finally, the provision in the committee's amendment that amends title I is based upon a simple, workable approach to deregulation. Our objective is to encourage the development of full and fair competition in order for a competitive marketplace to replace governmental regulation. The one standard for deregulation is a finding by the regulator that the competitor does not possess undue power within the marketplace. In the case of the telephone companies, we need to examine whether the facilities controlled by the carrier create a bottleneck. Regulators must find that prospective and present users of the carrier's services and facilities have reasonably available alternatives.

This approach has been the subject of numerous hearings and has been reflected in various telecommunications bills. I would rather have treated this issue in a general telephone bill rather than here, but that option was not available. In the absence of such a telephone bill, the cable bill must address the question of how cable should be regulated when it offers telephone-type services. That is the question addressed here.

Two final points should be made on this provision. First, we do not intend that it or any other part of the committee's amendment be read to prevent regulators from imposing safeguards that are needed to further competition in the telecommunications markets. A finding of effective competition and deregulation can certainly be conditioned on particular events or actions, either in the marketplace or by the regulators. Second, this amendment in no way would disturb any part of the Modification of Final Judgment in United States against AT&T.

In conclusion, S. 66 is a good piece of legislation. It properly and fairly addresses the problems in regard to cable telecommunications. It deserves the support of the Senate.●

● Mr. LEAHY. Section 611 of S. 66 relates to the protection of cable subscriber privacy. In reviewing this bill, it is apparent that subscriber's rights of privacy in two-way cable operations may be very complex. An individual may be able to buy goods and services, purchase publications or interact with his/her banker, travel agent, stock broker, and maybe even his/her doctor through the cable. These third parties may arguably be subject to the requirements of the bill as channel programers or originators of broadband telecommunications.

Mr. HOLLINGS. To the extent that a third party neither owns nor operates a cable channel, but is simply using a cable system operated and programed by others to sell goods or services, such third party shall not be subject to the restrictions of section 611.

Mr. LEAHY. I am concerned that the subscriber privacy provisions of S. 66, to the extent that they may regulate these third parties, may represent a significant departure from the traditional sector-by-sector manner in which the United States has developed privacy protection. This approach was firmly endorsed by the U.S. Privacy Protection Study Commission in its 1977 report. The Privacy Commission recommended the creation of a national privacy policy. Its study and recommendations focused on particular recordkeeping relationships and did not see the computer or communications advances as the primary problem of privacy. The problem was the rules that covered particular recordkeeping relationships. The insurance, banking, and social welfare sectors, among others, were seen by the Privacy Commission to need further regulation.

Mail marketing and employment sectors were seen, by and large, not to require legislative consideration. While that conclusion may need to be revisited, a sector-by-sector approach remains the keystone of the development of privacy protection in the United States which has been to develop laws to resolve specific and identifiable examples of abuse.

Mr. HOLLINGS. We agree that we should try to develop privacy law on a sector-by-sector basis. However, the advent of interactive cable presents some privacy issues which we believe requires policy consideration.

Mr. LEAHY. I agree that there are aspects of cable operations which may require the consideration of privacy protection requirements. I am concerned, however, that S. 66 focuses on cable technology rather than the privacy relationships affected. A person subscribing to a magazine or other mail marketing activities through cable would have more and different rights than a person subscribing to that same magazine simply by responding to a phone or mail solicitation. I am also concerned that the subscriber protection provisions of S. 66 may conflict with rights afforded consumers in areas already regulated like banking and credit.

For example, section 611(b) may conflict with requirements of the Fair Credit Reporting Act (FCRA). The FCRA allows credit grantors to disclose information to reporting agencies about the payment history and account status of a consumer. Arguably under S. 66 if an item or service was purchased on credit through a cable system, no information may be disclosed without the written or electronic consent of the subscriber notwithstanding other legal requirements.

More importantly, consumers have rights to see records about themselves as provided by the FCRA; be informed of the reasons why they have been turned down for credit under the Equal Credit Opportunity Act; and to challenge and dispute credit billing records under the Fair Credit Billing Act. Section 611(e) of S. 66 provides only access to personal information about that person. I am concerned that the provisions of S. 66 may be seen to supplant protection provided by these other statutes. I would like assurances that this is not the case.

Mr. HOLLINGS. S. 66 makes a cable subscriber aware of how information is going to be used or disclosed to others and that it be done with his knowledge.

A third party who neither owns nor operates a cable channel under the bill and who obtains a contact with an individual through the technology of cable, would be able to use that data in the same way as if it was collected in more traditional means.

While the sponsors of the bill recognize that S. 66 may place new or additional requirements on cable operators, channel programers and providers of broadband telecommunications, it was not our intent to conflict with other relevant law. The sponsors believe that the Congress should exercise its oversight responsibilities to resolve any problems.●

● Mr. KASTEN. Mr. President, I rise in support of S. 66, the Cable Telecommunications Act of 1983. As a member of the Commerce Committee, I have seen this legislation develop over the past 3 years to the point where the bill that is before the Senate today deserves the full Senate's approval.

S. 66 represents the establishment of a national cable television policy. By amending the Communications Act of 1934 and adding a new title VI to deal with cable, Congress is recognizing the present and future importance of cable in interstate communications.

At the same time S. 66 establishes a Federal cable policy, this legislation also preserves the local control that has guided cable for the past 30 years. The bill recognizes local authorities' exclusive power to grant franchises and negotiate contracts and contract renewals with cable operators.

This legislation reflects a compromise reached between the National League of Cities (NLC) and the National Cable Television Association (NCTA). Like any good compromise, both sides do not agree with this bill 100 percent. But S. 66 is a livable and workable bill that is necessary for the future of cable television.

S. 66 addresses many specific issues facing cable television, ranging from franchise fees to cable's entry data into services. Let me briefly speak on these two points.

An important addition to the cable bill, which resulted from the NLC and NCTA negotiations, was the establishment of franchise fee ceiling. S. 66 provides that cable operators may be required to give up to 5 percent of their annual gross revenues to the franchisor for the privilege of using a city's rights-of-way.

Today the Federal Communications Commission places a ceiling on franchise fees at 3 percent of the operator's annual gross revenues, but grants waivers up to 5 percent under appropriate circumstances. As a result of the provisions in S. 66, cities will get the highest permissible franchise fee under existing law. I believe this is a fair charge to the cable operators for the use of public rights-of-way. More importantly, it takes this issue out of the hands of the Federal Government (the FCC), and leaves it up to the city and the cable operator.

With regard to telephone company concerns, I support the committee amendment which provides that telephone companies will be deregulated by State public utility commissions when it is determined there is effective competition. I have long believed that our telecommunications needs will be best met when we let the marketplace work. Competition is much preferred to regulation.

However, I do realize the importance of data service revenues for the telephone companies. To that end, I will work closely with the chairmen of the full committee and the subcommittee to see that legislation is passed which will protect local telephone users.

The premise upon which the Commerce Committee developed this bill is that the cable industry faces strong and increasing competition in the provision of services from a variety of other sources. Cable's challengers are new low-cost technologies that transmit programing over the air rather than through wires. These new technologies range from subscription television and over-the-air broadcasting to low power television and direct broadcast satellites. While cable television is now in 24 million American homes, its share of the pay television market slipped from a commanding 95 percent in 1977 to 85 percent in 1982.

Mr. President, I support S. 66, not because I am procity or procable, but because I am for the cable subscriber. This bill insures that cable television as we know it in 1983 will be available to consumers next year, the year after that, and into the foreseeable future.●

● Mr. GOLDWATER. Mr. President, in a recorded address today, June 14, 1983, before the National Cable Television Association in Houston, Tex., I discussed S. 66. It is the most important piece of legislation for the consumer that I have been associated with for a long time. Modern and revolutionary advances in the field of communications require that we update the Communications Act, so that we as a nation can have the benefit of growing and remaining competitive in world markets and at the same time take advantage of the new services offered in this viable industry. As indicated in my remarks, the time to pass this bill is right now.

I ask that the following text appear at this point in the RECORD.

The material follows:

SPEECH BY SENATOR BARRY GOLDWATER—NATIONAL CABLE TELEVISION ASSOCIATION, HOUSTON, TEX., JUNE 14, 1983

Thank you for inviting me to speak to you today.

This audience is well aware that during the last several years, the world has witnessed revolutionary changes in communications technology. While traditional heavy industry has stagnated, telecommunications and information industries have blossomed. Within a single generation these industries have expanded and now rank among the most productive and viable in the world.

Such high economic stakes are creating strains within our country, and affect United States relations with other nations.

Our response to the challenges presented by new technologies will affect every consumer in America and the future of our nation's ability to compete in world markets.

Congress recognizes what this challenge means to America. The communications act of 1934 is simply no longer adequate as a statement of national policy. It was drafted when radio broadcasting was the sole source of entertainment programming, and the crank telephone and telegraph key were our major means for intercity communications. Now, certain provisions of that act actually impede the delivery of new and lower cost goods and services to the consumer.

Congress has also recognized that while new technologies create new markets for American companies, they offer similar opportunities to foreign companies, and although I generally support free trade, I am also a believer in fairness. It seems to me that it is not only fair, but also essential to the future of our economy that U.S. companies be permitted to compete in foreign markets.

In 1976, Congress embarked on an effort to update the Communications Act. After years of hearings on numerous bills, in 1981, the Senate Commerce Committee under Republican leadership, established as a major objective the passage of comprehensive amendments to the Communications Act.

The reasons for amending the Communications Act are clear. If no changes are made, we will be faced with a continuation of the long, disruptive regulatory and court challenges that have been characteristic of the past fifteen years. The many years that the cable industry has spent in the courts is ample evidence of this struggle. Under these circumstances, policy is made by the judicial branch without adequate consideration of the social and economic implications for the public. We do not intend to allow that to continue.

Our guiding principle throughout these legislative efforts has been establishment of a policy framework that relies on marketplace competition wherever possible. Regulation at all levels must be confined to that which will achieve purposes not met by competition, and must be entirely prohibited where first amendment rights are at stake. We recognize that a true competitive environment is not present in all markets, so we will restrict regulation solely to that which is needed to manage the transition to that environment.

Our committee has been successful in passing several important communications bills. Two years ago, we spent a lot of time on a domestic telecommunications bill. However, the status of that legislation will not be clear until the AT&T/Justice Department consent decree is final. Many questions have been raised about that decree and they must be answered before Congress can pass any legislation affecting the telephone industry's structure.

We have also passed bills to deregulate the broadcasting industry and reduce regulation of other communications services. But one industry which is a most difficult legislative subject is the cable industry. As you are well aware, there are no easy answers to the issues involved. Satellite distribution has significantly expanded the capability of cable systems to offer new programming services. And although your industry's provision of nonentertainment or enhanced services is in its early stages, I have every reason to believe that technology and consumer demand will make these services an important part of your business faster than you or I can imagine.

The question then is, what kind of an environment will encourage the growth of your industry and ensure the delivery of new and innovative services to the American people?

For example, as chairman of the Senate Communications Subcommittee, I am keenly aware of the critical human needs of a traditionally isolated population across this Nation—the 16 million hearing-handicapped Americans of all ages who are frustrated every day of their lives in attempting to communicate with the world around them. The technological breakthrough called "closed captioning" is now giving these people access to our most powerful communications medium—television, both public and commercial. I have been pleased to note recent pioneering efforts in the cable industry to reach this sizable new audience. Tribune Cable Communications, for example, has become the first cable company to sign an agreement with the National Captioning Institute to fund the closed captioning of one movie every month for hearing-impaired subscribers and also plans to sell closed captioned decoding devices at cost and to experiment with closed captions for local programming. I applaud such public service action and urge all NCTA members to join in this special mainstreaming project for your deaf and hard-of-hearing subscribers.

On March 4, 1982, I introduced S. 2172, the Cable Telecommunications Act of 1982, in an effort to answer this question. That presented the culmination of a process that began in 1979 when I introduced legislation that contained similar provisions. The extensive record of that legislation included 22 days of hearings and testimony from 171 witnesses. Unfortunately, the Senate failed to take action on that legislation in the 96th Congress.

In 1981, the Commerce Committee considered and passed a number of communications bills that were ultimately passed by the full Senate, including S. 898, the Telecommunications Competition and Deregulation Act of 1981. That bill contained several cable provisions, but no hearings had been held on those particular sections in S. 898. Therefore, during the consideration of that bill on the Senate floor, I objected to those provisions because of the commitments I had made to various cities that there would be no cable legislation without hearings. I also made it clear that I was not objecting to the substance of the cable provisions in S. 898. My amendment to delete those provisions was successful, and they were stricken from the bill. Based upon this evidence, on March 4, 1982, I introduced S. 2172. That bill was the result of many months of study on the issues and was the first time that a comprehensive bill had been introduced on the subject of cable. Hearings were held before the Subcommittee on Communications on April 26, 27, and 28, 1982, and we heard testimony from 54 witnesses and received statements from scores of others. After reviewing and evaluating all of the testimony and the comments received, and meeting with representatives of the cities and the cable industry, the staff revised S. 2172. Those revisions were widely circulated and then were incorporated into a substitute bill which was favorably reported by the Commerce Committee on July 22, 1982, by a vote of 13 to 3.

Unfortunately, there was simply not time to bring S. 2172 to the full Senate for a vote before adjournment of the 97th Congress at the end of 1982. However, when that fact was evident, I announced my intention to reintroduce a cable bill at the beginning of the 98th Congress.

To fulfill my pledge, on January 28, 1983, at the very beginning of the 98th Congress, I introduced S. 66, the Cable Telecommunications Act of 1983. That bill was virtually identical to the previous year's revised version of S. 2172. Hearings were held before my subcommittee on Communications on S. 66 on February 16 and 17, 1983. Testimony was received from 17 witnesses, and there were numerous submissions for the record.

My bill, S. 66, establishes a new title in the Communications Act of 1934 for cable telecommunications. The bill creates a jurisdictional framework which apportions the regulatory authority between the Federal, State, and local governments, and established a national policy for the provisions of cable. Finally, S. 66 addresses the specific issues of ownership, access channels, rate regulation, franchise fees, renewals and extensions, unauthorized interception of reception, protection of subscriber privacy, criminal and civil liability, programming, services and facilities, jurisdiction, and new and additional services.

Last year, many city officials opposed S. 2172, the predecessor to S. 66. In an effort to reach an agreement which would lead to passage of S. 66, I asked the cable industry and the cities to attempt to resolve their differences. Beginning last year, those two groups began talks.

Over the past several months, the National League of Cities and the National Cable Television Association held a series of meetings in an attempt to reach a compromise on cable legislation. As a result of their successful efforts, S. 66 was revised to substantially reflect their agreement. I offered that revised version at executive session of the Commerce Committee on March 22, 1983, as an amendment in the nature of a substitute.

During that executive session, the cable bill was discussed in detail. However, several members of the committee expressed a desire to postpone final consideration due to the shortness of time within which they had had a chance to review the bill. Therefore, Senator Packwood and I agreed to postpone final consideration until a later date.

Thereafter, the NLC reevaluated its position and support for the compromise legislation. In a four-page letter dated April 6, 1983, from Mayor Charles Royer, President of the NLC and Mayor of Seattle, Washington, to Thomas Wheeler, President of NCTA, Mayor Royer detailed several major areas in the amended version of S. 66 which would have to be revised in return for the NLC's continued support of the bill.

As a result of this letter, more negotiating sessions were held which included the NLC, your industry, and majority amd minority committee staff members. These negotiations culminated in a further amended version of S. 66, which was wholeheartedly endorsed by the NLC and the NCTA. Virtually every change requested by the NLC was eventually conceded to by the NCTA and placed in the bill.

Thereafter, the NLC and the NCTA sent a letter of endorsement, dated April 21, 1983, for the revised version of S. 66, which was jointly signed by Mayor Royer and Mr. Wheeler.

I offered the revised version of S. 66 at full executive session of the Commerce Committee on April 21, 1983, as an amendment in the nature of a substitute, and my amended bill passed the committee by an overwhelming vote of 15 to 2.

I must add here that your leader, Tom Wheeler, and particularly Jim Mooney, were instrumental in moving this legislation through its long and arduous journey. Throughout the negotiations, they handled themselves in a courteous, professional manner, and their statesmanship is a tribute to your industry.

At that executive session on April 21, 1983, concerns were expressed about how telephone companies would compete with cable systems in the provision of local data services. S. 66, as reported, provides that cable systems would not be subject to regulation when they provide such services. Regulation of telephone companies providing such services, however, is not addressed in my bill.

The Commerce Committee, through the Subcommittee on Communications, which I chair, has long believed that our Nation's telecommunications needs are best met if we allow the marketplace to function free of Government regulation. Services subject to effective competition in that marketplace should be deregulated. The Commerce Committee has reported many bills, almost all of which the full Senate has passed, which apply this pro-competitive approach. My bill, S. 66, is one more in this long line.

Cable has the capability of, and potential for, the provision of many innovative information services at attractive and affordable rates. However, since cable has just begun to enter this market, S. 66 allows cable to provide local data services without being subject to regulatory control.

Telephone companies are the dominant provider of voice and data services in local markets. Until alternative technologies begin to enter the local market, these services, as provided by the telephone company, must continue to be subject to regulation.

At some point, with all these new services, I believe the local data market may well become competitive. It would be unfair to the telephone companies to continue to regulate them when this occurs. Thus, I agreed, quite reluctantly, to some amendments to my bill which I hope address these issues and will benefit the consumer.

The amendments provide that, when local data services are effectively competitive, all providers of such services shall be deregulated. In other words, the telephone companies will be deregulated in the provision of these services when they face real competition. If, for example, the telephone companies believe such competition exists today, they are able to petition to the States for deregulation after this bill becomes law.

The amendment also allows States to require cable operators to file an "informational tariff" when they provide local data services. This tariff will include information regarding the rates, terms, and conditions of such service and will go into effect when the cable operator specifies.

There are two advantages to this "informational tariff." First, it allows States to see if competitive data services are actually being provided. This will facilitate the marketplace analysis required for deregulation. Second, this tariff will allow consumers to determine what services are available. With more information, the marketplace should work more efficiently and should increase the opportunity for competition to develop and deregulation to occur.

The amendment also responds to another concern raised by AT&T, and that is that cable is statutorily deregulated when they provide data processing services, while the telephone companies are only administratively deregulated. To address this, the amendment includes a provision to amend title I of the 1934 Communications Act that provides, as national policy, that services subject to competition should not be regulated. Since data processing services fit this description, the amendment further ensures that they will continue to be offered without regulation.

A basic premise of my bill is that cable's entry into the local information market has the potential to greatly benefit consumers. It will join a host of other new delivery services that have already been authorized and that will increase local telecommunications competition to provide the public with a variety of new ways to send and receive information.

The telephone companies continue to have the responsibility to provide universal telephone service. S. 66 recognizes that importance of such an obligation by requiring cable operators who wish to provide basic telephone service to be fully subject to State regulation. Local telephone rates are rising for many reasons. As was stated at the Commerce Committee executive session on April 21, 1983, I, and the members of the committee, are now drafting legislation to resolve this larger problem. This legislation will seek to preserve reasonably affordable telephone service for the American public. Such a commitment can be met completely consistent with a competitive approach.

There is one final amendment to S. 66 that deals with concerns raised by Senator Thurmond, the chairman of the Judiciary committee. Several meetings took place between Senator Thurmond's staff and the Commerce Committee staff on the antitrust implications of this cable bill. These meetings culminated in an agreement between myself and Senator Thurmond that provides as follows:

1. The provision that no competing applications shall be considered by the franchising authority at renewal time will be deleted. In other words, the renewal applicant could be subject to comparative challenges; and

2. There is a conforming amendment in another section that allows a franchising authority to require the same things of a competing applicant that it did of the renewal applicant.

Since these amendments addressed Senator Thurmond's concerns, he cancelled his Judiciary Committee hearing scheduled for Monday morning, May 16, 1983.

Senator Thurmond and I agreed to these amendments in order to make clear that it is not our purpose to hinder competition by mandating exclusive rights for any cable operator. The basic purpose of the renewal section in my bill remains intact, however, and that is to make sure that the incumbent cable operator has the assurance that he will be able to continue his business if he meets the renewal standards set forth in the bill, and this application for renewal will be considered according to its own strengths and weaknesses. Without such an assurance, I am fearful that a cable operator with a few years still to run on his franchise will have no incentive to upgrade the services and facilities he provides to the public, and, in fact, he will fail to do so. Even if that operator wanted to improve his system if there was no such renewal expectancy as provided for in my bill, the banks and other lending institutions would probably not lend the cable operator the money necessary to improve his system. With this amendment, a franchising authority will be able to consider all of the evidence as to what is reasonable or unreasonable. If it wished to do that by looking at what another cable operator promises to do, it would be free to do so, and even would be free to award an additional franchise under the terms of my bill.

My bill, S. 66, is quite simply the most important piece of legislation for the American consumer that I have been associated with for a long, long time. I have been saying for the past two years that we need to establish a national policy for cable before this year is up if the cable industry, the cities, and most of all the consumer, are to ever reap the benefits of cable's potential. If we do not pass this bill through the congress now. I firmly believe that the current patchwork system of Federal, State, and local regulation will be too firmly entrenched to undo. The American public deserves better than that, and I urge my colleagues in the House to join in supporting this legislation. Its time has come; your time has come; let us not let the time pass.●

Mr. ABDNOR. Mr. President, I ask unanimous consent that the following letter be included in the RECORD. The South Dakota Public Utilities Comission is one of 39 State public service commissions which support my efforts. I am pleased to know of their interest in the issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PUBLIC UTILITIES COMMISSION,
STATE OF SOUTH DAKOTA,
Pierre, June 10, 1983.

Re S. 66 a bill proposing the Cable Telecommunications Act of 1983.

Hon. James Abdnor,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR ABDNOR: The South Dakota Public Utilities Commission wholeheartedly supports your amendments to S. 66. The amendments as proposed will help to preserve the South Dakota Public Utilities Commission's future regulation of basic telecommunication services.

Should you or your staff have questions on our Commission's position, please contact us.

Sincerely,
KENNETH STOFFERAHN, *Chairman.*
JEFF SOLEM, *Vice Chairman.*
DENNIS EISNACH, *Commissioner.*

● Mr. MOYNIHAN. Mr. President, it was 35 years ago that an American community—Mahanoy City, Pa., first enjoyed the benefits of cable television. Cable provided the residents of Mahanoy City, a small town surrounded by mountains, with clear, direct reception of television signals.

Cable's function today is quite different. No longer simply a method by which to improve television reception, cable is now a major supplier of entertainment and information to a substantial and ever growing portion of the citizenry.

Yet despite cable television's rapid growth, our Federal telecommunications policy all but ignores it. We need to establish a Federal cable television

policy that protects consumers but also affords the industry protection against unnecessary and often burdensome regulation.

The Cable Telecommunications Act of 1983 furnishes us with a relatively coherent Federal cable television policy, with an emphasis on sensible deregulation, and I support it.

Let me make clear, however, that I have reservations about certain provisions of the bill. I do not think S. 66, as introduced, struck a proper balance between the cable industry's need for deregulation and city officials' responsibilities to protect what they determine to be the public interest.

Subsequent amendments have moved us closer to some sort of equilibrium. I speak in particular of Senator THURMOND's amendment, which allows a city to consider competing franchise applications, and those amendments drafted by Senator LAUTENBERG, whom I believe has exhibited considerable leadership and skill on this issue.

Nevertheless, there remain deficiencies in S. 66. The bill is silent on leased access channels. It should not be. Cities should be able to require cable operators to make channels available to business and other groups at fair market value. I am also concerned that the bill may effectively preclude cities from rejecting franchise renewal applications for entirely legitimate reasons. Surely injecting more competition into the renewal process would be an improvement.

These objections aside, on balance I think S. 66 is a good and necessary bill. It could certainly be improved, however, and I hope and expect the House will give careful consideration to amendments suggested by our Nation's cities and others.●

Mr. GOLDWATER. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GOLDWATER. All time is yielded back.

Mr. DIXON. I yield back all my time.

Mr. GOLDWATER. I believe everything is yielded back.

I think the yeas and nays have been ordered.

Mr. BAKER. Mr. President, this is the last vote today.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announced that the Senator from Idaho (Mr. MCCLURE) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 87, nays 9, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—87

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Lautenberg
Laxalt
Lugar
Matsunaga
Mattingly
Melcher
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sasser
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—9

Boschwitz
Dixon
Leahy
Levin
Mathias
Metzenbaum
Proxmire
Sarbanes
Stafford

NOT VOTING—4

Huddleston
Kennedy
Long
McClure

So the bill (S. 66), as amended, was passed as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Cable Telecommunications Act of 1983".

(b) The Communications Act of 1934 is amended by inserting immediately after title V the following new title:

"TITLE VI—CABLE TELECOMMUNICATIONS ACT

"FINDINGS

"SEC. 601. The Congress hereby finds that—

"(1) cable systems are engaged in interstate commerce through the origination, transmission, distribution, and dissemination of broadband telecommunications services;

"(2) the provision of broadband telecommunications is of concern to governmental entities;

"(3) a uniform national policy for broadband telecommunications can serve to eliminate and prevent conflicting and counterproductive regulations in order to allow unhampered growth and development of cable as a competitive medium which will be responsive to and serve the needs and interests of the public;

"(4) competition is a more efficient regulator than government of the provision of diverse telecommunications services and as competition continues to develop, the deregulation of telecommunications services should occur; and

"(5) recognizing the long standing tradition of the Congress of promoting universal telephone service at reasonable rates, and recognizing the rapid technological changes of the types and delivery of services offered by the telecommunications industry, it is in the public interest to ensure that all providers of telecommunication services share in the obligation of providing universal service.

"PURPOSES

"SEC. 602. The purposes of this title are to—

"(1) establish a national policy concerning broadband telecommunications and to encourage a competitive environment for the growth and development of broadband telecommunications;

"(2) establish guidelines for the exercise of Federal, State, and local regulatory authority;

"(3) allow cable systems to be responsive to the needs and interests of the public on an equal basis without a competitive disadvantage with other providers of telecommunications services; and

"(4) eliminate government regulation in order to prevent the imposition of an unnecessary economic burden on cable systems in their provision of service to the public.

"DEFINITIONS

"SEC. 603. for purposes of this title, the term—

"(1) 'basic service' means the lowest cost tier, other than a tier offered at a discounted fee, of service which is available to subscribers for a fee and which includes the provision of retransmission of local broadcast signals, public, educational, and governmental programing and any other programing service as offered by a cable operator as part of the tier, and specified in the franchise agreement as part of basic service, which is distributed by coaxial cable or any other closed transmission medium;

"(2) 'basic telephone service' means two-way voice grade communications that is held out to the public and that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act;

"(3) 'broadband telecommunications' means any receipt or transmission of electromagnetic signals, including basic service, cable service, and telecommunications service, over coaxial cable or any other closed transmission medium;

"(4) 'broadcasting' means telecommunications by radio intended to be received by the public, directly or by the intermediary of relay stations;

"(5) 'cable channel' or 'channel' means that portion of the electromagnetic frequency spectrum used in a cable system for the propagation of an electromagnetic signal;

"(6) 'cable operator' or 'cable system operator' means any person or persons, or an agent or employee thereof, that provides basic service, cable service, or telecommunications service over a cable system, or that directly or indirectly owns a significant interest in any cable system, or that otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

"(7) 'cable service' means the provision by a channel programer of one-way programing on a per channel, per program, or other basis which is distributed by coaxial cable or any other closed transmission medium, but such term shall not include basic service;

"(8) 'cable subscriber' means any person who receives or transmits electromagnetic signals distributed over a cable system;

"(9) 'cable system' means a facility or combination of facilities under the ownership or control of any person or persons, which consist of a primary control center used to receive and retransmit, or to originate broadband telecommunications service over one or more coaxial cables, or other closed transmission media, from the primary control center to a point of reception at the premises of a cable subscriber, but such term does not include: (A) a facility or combination of facilities that serves only to retransmit the television signals of television broadcast stations; (B) a facility or combination of facilities that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management; or (C) a common carrier subject to the provisions of title II of this Act whenever such carrier transmits broadband telecommunications services other than basic service or cable service;

"(10) 'channel programer' or 'programer' means any person having an agreement to provide basic service or cable service to a cable system operator, or any person who leases, rents, or is otherwise authorized to use the facilities of a cable system for the provision of basic service or cable service, and such term shall include a cable system operator to the extent that such operator, or person or persons under common ownership or control with such operator, is engaged in the provision of such service;

"(11) 'closed transmission medium' or 'closed transmission media' means media having the capacity to transmit electromagnetic signals over a common transmission path such as coaxial cable, optical fiber, wire, waveguide, or other such signal conductor or device;

"(12) 'franchise' means a permit, license, ordinance, resolution, right-of-way, contract, certificate, agreement, or similar authorization issued by a franchising authority which authorizes the provision of basic service, cable service, or telecommunications service by a cable operator;

"(13) 'franchising authority' means any State, political subdivision, or agency thereof, or any other governmental entity empowered to grant a franchise;

"(14) 'grade B contour' means the field strength of a television broadcast station computed in accordance with regulations promulgated by the Commission;

"(15) 'information' means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or other symbols;

"(16) 'law' includes any regulation, rule, order, standard, policy, requirement, procedure, or restriction;

"(17) 'person' means an individual, partnership, association, joint stock company, trust, corporation or any governmental authority;

"(18) 'telecommunications' means the transmission of information by electromagnetic means, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission;

"(19) 'telecommunications service' means the offering of telecommunications facilities, or of telecommunications but such terms shall not include basic service or cable service; and

"(20) 'United States' means the several States and territories, the District of Columbia, and the possessions of the United States.

"STATEMENT OF AUTHORITY

"SEC. 604. The provisions of this title shall apply as follows:

"(1) The Commission shall have jurisdiction and exercise authority with respect to broadband telecommunications in accordance with the provisions of this title and other applicable provisions of law.

"(2) Nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from awarding, in accordance with the provisions of this title, one or more cable franchises within its jurisdiction.

"(3)(A) Except to the extent provided in paragraph (B), no cable system shall provide basic service or cable service without a cable franchise in compliance with this title.

"(B) The provision of paragraph (A) shall not be applicable in the case of any cable system in operation on April 21, 1983.

"OWNERSHIP OR CONTROL OF CABLE SYSTEMS

"SEC. 605. (a) No State or political subdivision or agency thereof, or franchising authority, shall have the authority to prohibit, directly or indirectly, the ownership of cable systems by any person by reason of that person's ownership of any other media or other 'interests, including broadcast, cable, newspaper, programing service, or other printed or electronic information service.

"(b)(1) Notwithstanding the provisions of subsection (a) of this section, for the purpose of ensuring fair and equitable treatment of United States cable enterprises seeking access to markets in a foreign country, the Commission shall have authority to conduct inquiries applicable to foreign persons from that country seeking access to domestic markets in the United States in connection with the construction, ownership and operation of cable enterprises as to whether such United States cable enterprises are permitted fair and equitable access to such foreign markets.

"(2) The Commission shall submit any information obtained through such inquiries to the United States Trade Representative to assist the Trade Representative in his identification and analysis of acts, policies or practices which constitute significant barriers to, or distortions of, United States exports of services.

"(3) For purposes of this subsection, the term 'foreign persons' includes any individual who is not a citizen of the United States, any subsidiary (although established under the laws of the United States or any State thereof) of a corporation or other business entity which was established under the laws of a foreign country, any corporation or other business entity established under the laws of a foreign country, or any corporation or other business entity established under the laws of the United States or any State thereof, if 25 percent or more of the capital stock or equivalent ownership is owned or controlled by an individual who is not a citizen of the United States or by a corporation or other business entity established under the laws of a foreign country, or any subsidiary of a corporation or other business entity established under the laws of a foreign country.

"(c)(1) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision or agency thereof, or franchising authority, may not acquire an ownership interest in any cable system pursuant to a buy-back provisions of a franchise or require a sale of a cable system to any other person pursuant to a franchise, upon the expiration of the franchise, unless such State, subdivision, agency, authority, or person acquires such ownership or interest at not less than fair market value based upon the ongoing business value of the system. In the event that the cable operator and a State or political subdivision or agency thereof, or franchising authority, are unable to agree upon any such fair market value, then the matter of determining fair market value shall be submitted to binding arbitration. For purposes of arbitration, each of the affected parties shall select one arbitrator and the two arbitrators so selected shall choose a third arbitrator.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, in the event of termination for cause of a franchise due to a material breach, a State or political subdivision or agency thereof, or franchising authority, may acquire an ownership interest in such cable system but only upon written notice of the breach, reasonable opportunity to remedy the breach, and other due process. Any such termination shall be subject to de novo review by a court of competent jurisdiction.

"(d) In any case in which any such State, subdivision, agency, or authority has or acquires any such ownership or interest, such State, subdivision, agency, or authority shall, in no case, own or control, directly or indirectly, the content of any of the programing on such cable system, except for programing on government access channels, unless such State or political subdivision or agency thereof, or franchising authority, establishes an independent board or a separate management company. Such board or company shall not include any State or local office holder.

"ACCESS CHANNELS

"SEC. 606. (a) A cable system operator may be required, as part of the franchise request for proposals, to dedicate or set aside channels for public, educational or governmental users, and the cable system operator may offer in a franchise to dedicate or set aside channels for other channel users.

"(b) The franchising authority and the cable operator may establish rules and procedures for the use of the channels set aside or dedicated pursuant to this section.

"(c) Until such time as there is demand for each channel full time for its designated use, public, educational, governmental, or other channel programing may be combined by the cable system operator on one or more channels, and to the extent time is available on such channels, they may be used by the cable system operator for the provision of other services.

REGULATION OF RATES AND SERVICES

"SEC. 607. (a) Nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from establishing, fixing, or otherwise restricting the rates charged by cable operators—

"(1) to subscribers for the receipt of basic service,

"(2) to subscribers for equipment necessary for the receipt of basic service, and

"(3) to subscribers for equipment which facilitates the reception of basic service by hearing impaired individuals.

"(b)(1) Any rate regulated pursuant to this section may be increased annually at the discretion of the cable operator by an amount not to exceed the regional consumer price index for the preceeding 12 months, upon 30 days prior notice. The ability to affect such increases shall be cumulative for not more than 3 successive years.

"(2) Nothwithstanding the provisions of paragraph (1) of this subsection, nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from providing that such automatic increases shall not apply to a franchise which is in existence on the date of the enactment of the Cable Telecommunications Act of 1983 and which provides for a fixed rate for basic service over a specified period.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section, a cable system operator may automatically increase basic service rates which exceed the basic rates allowed pursuant to subsection (a) or (b) of this section if—

"(1) such operator has requested the increase in rates; and

"(2) the request is not acted on within 90 days following the date of its receipt.

"(d)(1) Notwithstanding the provisions of subsection (a) of this section, the authority to establish, fix, or otherwise restrict the rates charged to subscribers for the provision of basic services set forth in subsection (a) of this section, except to the extent otherwise provided in paragraph (2) of this subsection, shall not be applicable in any case where the cable system is located within the grade B contour of not less than four television signals of which there shall be one affiliate of each of the three major television networks.

"(2) The provisions of paragraph (1) of this subsection shall not be applicable in the case of any franchise in existence prior to the date of the enactment of the Cable Telecommunications Act of 1983, if the rates charged to subscribers for the provision of basic services are subject to regulation or are restricted by any State or political subdivision or agency thereof, or any franchising authority. The provisions of this paragraph relating to existing rate regulation of basic service shall be applicable for a period of 5 years following the date of the enactment of such Act, or for a period equal to one-half of the period of the remaining term of such franchise, as of the date of the enactment of such Act, whichever is greater. The provisions of paragraph (1) shall be applicable to any renewal or other extension of any such franchise.

"(3) The provisions of paragraph (1) of this subsection shall not be applicable where the cable system is subscribed to by at least 80 percent of the residences to which cable service is available, unless the cable operator demonstrates that 90 percent of the time, adequate on-site reception of the four television signals is available to more than 50 percent of the households to which cable service is available. Such a determination shall be made by the Commission. Failure by the Commission to make a determination within 180 days after the filing of an application by the cable operator shall be deemed to be a determination that such satisfactory reception is available.

"(e) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the rates for reconnection, additional sets to the same subscriber, or sales of equipment.

"(f) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the provision of or nature of cable services offered over a cable system except as provided in section 613 of this Act.

"(g)(1) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the provision of or nature of telecommunications services offered over a cable system, except with respect to the provision of basic telephone service, intrastate telecommunications services, and except as provided in section 613 of this Act.

"(2)(A) Subject to the provisions of subparagraph (B), a State may require only the filing of informational tariffs for intrastate telecommunications services that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act, which are offered over a cable system. Such informational tariffs shall specify only the rates, terms, and conditions for the provision of service and shall take effect on the date specified therein.

"(B) Subparagraph (A) shall not apply to any private telecommunications service which is a discrete service dedicated to a single customer and operated by such customer.

"(3) A State shall deregulate the provision of intrastate telecommunications services if it finds that such services are subject to effective competition.

"(4) For purposes of this subsection, an intrastate telecommunications service shall be considered to be subject to effective competition in a particular geographic area or market if there are reasonably available alternatives. In determining whether there are reasonably available alternatives, the State shall consider—

"(A) the number and size of providers of services;

"(B) the extent to which services are available from providers in the relevant geographic area or market;

"(C) the ability of such providers to make services readily available at comparable rates, terms, and conditions; and

"(D) other indicators of the extent of competition, including affiliation of providers of services.

"(5) Nothing in paragraphs (2), (3), and (4) of this subsection shall be construed as being applicable to basic telephone service.

"(h) Nothing in this Act shall be construed as prohibiting a franchising authority and a cable operator from specifying, in a franchise agreement or renewal thereof, that certain cable services shall not be provided or shall be provided subject to conditions, if such cable services are obscene or are otherwise unprotected by the United States Constitution.

"(i) The provisions of subsections (b), (c), and (d) shall not apply to a franchise agreement in existence on the date of enactment of this Act for a period of 5 years following the date of enactment of this Act, or for the remaining term of such franchise agreement, whichever is greater, in any State which has in effect, and has had in effect since January 1, 1983, a statutory scheme deregulating rates which contains a requirement regarding minimal channel capacity.

FRANCHISE FEES

"SEC. 608. (a) Cable operators may be required in a franchise to pay to a State or political subdivision or agency thereof, or franchising authority, a franchise fee.

"(b)(1) No franchise fee paid by a cable system operator for the privilege of holding a franchise, shall exceed an annual aggregate of 5 percent of such cable operator's gross revenues derived from the operation of the cable system which is the subject of the franchise.

"(2) Nothing in this section shall be construed as limiting fees required by a franchise in effect on the date of enactment of the Cable Telecommunications Act of 1983 to be paid directly or indirectly to entities established for the purpose of facilitating the use of channels set aside for public, educational, or governmental use.

"(c) Any cable system operator may pass the cost of any increase in a franchise fee through to subscribers, and may designate the total franchise fee as a separate item on the subscribers' bills.

"(d) For the purpose of this section—

"(1) 'franchise fee' shall include any tax, fee or assessment of any kind imposed by a franchising authority or governmental authority on a cable system operator or cable subscriber because of their status as such; and

"(2) 'assessment' shall not include bonds, security funds, letters of credit, insurance, indemnification, penalties, liquidated damages or similar requirements which are incidental to the enforcement of the franchising agreement.

"(e) Nothing in this section shall be deemed to require a cable operator to renegotiate the provisions of an existing franchise.

"RENEWALS AND EXTENSIONS

"SEC. 609. (a) In any case in which a cable system operator submits an application to the franchising authority for the renewal or other extension of such operator's franchise authorization, the franchising authority shall grant such renewal or other extension unless it finds that—

"(1) the cable system operator has not substantially complied with the material terms of such franchise and with applicable law, or has been convicted of a felony;

"(2) there has been a material change in the legal, technical, or financial qualifications of the cable system operator that would substantially impair the continued provision of service by such operator;

"(3) the facilities to be provided by such operator, including facilities for governmental access, are unreasonable in light of the community need for and cost of such facilities;

"(4) the signal delivered by the cable system within the control of the cable system operator, has not generally met technical standards as established by the Commission; or

"(5) the proposals contained in the renewal application are otherwise unreasonable.

"(b) A cable system operator must file for renewal at least 24 months, but not more than 36 months, before expiration of the franchise. The franchising authority must consider the renewal within 120 days of submission of the application and conduct any proceedings necessary to adequately consider the application.

"(c) A cable system operator with a franchise which shall expire within 24 months after the date of enactment of the Cable Telecommunications Act of 1983, shall be in compliance with subsection (b) if he files an application for renewal within 60 days after such date of enactment.

"(d) The franchising authority shall—

"(1) negotiate in good faith with any cable system operator regarding franchise renewal within 30 days after the completion of proceedings pursuant to subsection (b); and

"(2) make a final decision on granting or denying renewal within 12 months after receipt of an application;

"(3) in the case of denial of an application—

"(A) not make the final decision for at least 7 months from the date of receipt of the application; and

"(B) notify the applicant by written statement, within 7 days after the final decision, of the reasons for the denial.

"(e) Any renewal applicant adversely affected or aggrieved by a final decision of a franchising authority made pursuant to subsection (d), or by a failure of the franchising authority to act in accordance with subsection (d), may obtain judicial review of such final decision in any court of competent jurisdiction. The existing franchise shall remain in effect pending the completion of such judicial review. Such judicial review shall be de novo, unless the renewal applicant has been afforded a hearing on record before an independent hearing examiner or administrative law judge consistent with State law that requires—

"(1) adequate notice;

"(2) fair opportunity for participation by the renewal applicant, which includes—

"(A) discovery;

"(B) the filing of pleadings, motions, or objections;

"(C) the introduction of written or oral testimony; and

"(D) cross-examination of opposing parties; and

"(3) a written decision by the examiner or judge based exclusively on the full record of the hearings and stating the specific findings of fact and conclusions of law on which the decision is based.

"UNAUTHORIZED INTERCEPTION OR RECEPTION

"Sec. 610. (a) No person or government authority shall intercept or receive broadband telecommunications unless specifically authorized to do so by a cable system operator, channel programer, or originator of broadband telecommunications or as may otherwise be specifically authorized by Federal law.

"(b) In order to safeguard the right to privacy and security of broadband telecommunications, such broadband telecommunications shall be deemed to be a 'wire communication' within the meaning of section 2510(1) of title 18 of the United States Code.

"(c) In the event that there may be any difference between the provisions of this section and chapter 119 of title 18 of the United States Code, or any regulations promulated thereunder, it is the intent of the Congress that such chapter 119 shall be controlling.

PROTECTION OF SUBSCRIBER PRIVACY

"Sec. 611. (a)(1) Except as provided in paragraph (2) of this subsection, no cable operator, channel programer, or originator of broadband telecommunications may use the cable system to collect personally identifiable information with respect to a cable subscriber, except upon the prior written or electronic consent of that subscriber.

"(2) The provisions of paragraph (1) of this subsection shall not apply to the collection of information solely for billing purposes or to monitor whether there is unauthorized reception of cable telecommunications.

"(3) A cable operator, channel programer, or originator of broadband telecommunications shall ensure that any such information is destroyed when the information is no longer used or to be used for the purposes for which it was collected.

"(b) No cable operator, channel programer, or originator of broadband telecommunications shall disclose personally identifiable information obtained pursuant to subsection (a) of this section with respect to a cable subscriber, or personally identifiable information with respect to the services provided to or received by a particular cable subscriber by way of a cable system, except upon the prior written or electronic consent of the subscriber, or pursuant to a lawful court order authorizing such disclosure.

"(c) If a court shall authorize or order disclosure, the cable subscriber shall be notified of such order by the person to whom such order may be directed, within a reasonable period of time before the disclosure is made, but in no event less than 14 calendar days.

"(d) Each cable operator shall, at the time of entering into an agreement to provide cable telecommunications, and regularly thereafter, inform every subscriber of the rights of the subscriber under this section. Such information shall include a description of the nature of the information to be maintained by the cable operator, channel programer, or originator of broadband telecommunications, and the location and availability of such information.

"(e) A cable subscriber shall have access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator, channel programer, or originator of broadband telecommunications. Such information shall be available to the subscriber at reasonable times and at a place designated by the cable operator, channel programer, or originator of broadband telecommunications.

"(f) Any cable subscriber whose privacy is violated in contravention of this section, shall be entitled to recover civil damages as authorized and in the manner set forth in section 2520 of title 18 of the United States Code. This remedy shall be in addition to any other remedy available to such subscriber.

"CRIMINAL AND CIVIL LIABILITY

"Sec. 612. Nothing in this title shall be deemed to affect the criminal or civil liability of channel programers or cable operators pursuant to the law of libel, slander, obscenity, incitement, invasions of privacy, false or misleading advertising, or other similar laws, except that cable operators shall not incur such liability for any program carried on any public, educational, governmental, or other channel referred to in subsection (a) of section 606, or for any program required by law to be carried on any other channel.

"PROGRAMING, SERVICES, AND FACILITIES

"Sec. 613. (a) No State or political subdivision or agency thereof, or franchising authority, may require the provision of particular programing or other broadband services, or facilities, equipment, services, or other items of value which are not related to the provision of broadband telecommunications service.

"(b) A franchising authority may require, as part of the franchise request for proposals—

"(1) channel capacity for public, educational or governmental access purposes; and

"(2) the construction of cable system facilities or provision of other cable-related equipment.

"(c) A cable operator may offer, but may not be required to provide, as part of basic service or any other tier of service—

"(1) channel capacity for other access uses; and

"(2) particular services.

"(d) The cable operator may replace or remove a particular service specified in the cable franchise as part of the basic service or any other tier of cable service or telecommunications service in any case in which there has been a significant change in circumstances since the cable operator's offer to provide such service. The cable operator may not be required to retain a specified service in any particular category of service other than basic service.

"(2) In any case in which a cable operator submits a showing that, as a result of a significant change in circumstances, particular facilities and equipment required by the franchise are economically, technically, or otherwise impracticable, the franchising authority shall enter into negotiations with the cable operator for the termination, modification, or deferral of such requirement. If such terms and conditions cannot be agreed upon within 45 days, the matter shall be submitted to binding arbitration. For purposes of arbitration, each of the affected parties shall select 1 arbitrator and the 2 arbitrators so selected shall choose a third arbitrator. The existing franchise provisions, except for those which are the subject of arbitration, shall not be affected by the arbitrators' final decision.

"(e) Except as provided in subsection (c) of this section, a franchising authority may, in accordance with the provisions of this section, enforce any offer to provide particular basic service set forth in subsection (c) or particular cable services or telecommunications services or cable system facilities or cable-related equipment offered by a cable operator provided that the provision of such services, facilities, or equipment is specifically required by the franchise agreement.

"(f) Notwithstanding the preceding provisions of this section, in any case in which a franchise agreement in effect on the date of the enactment of the Cable Telecommunications Act of 1983 requires the cable operator to provide particular programing, services, facilities, cable related equipment, or channel capability for access uses, such requirements, subject to subsections (d) and (e), shall remain in effect for the term of the franchise and in accordance with the provisions thereof. For purposes of this subsection, a franchise agreement containing such requirements shall be considered to have been in effect on such date of enactment if such agreement was the result of a franchise proceeding for which a request for proposals was originally issued, however subsequently modified or replaced, on or prior to September 30, 1982.

"NO REGULATION AS COMMON CARRIER

"Sec. 614. No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to impose on a cable system regulation as a common carrier or a utility to the extent that such cable system provides broadband telecommunications service other than basic telephone service.".

EXCLUSIVE JURISDICTION

Sec. 2. (a) Except to the extent otherwise specifically provided in title VI of the Communications Act of 1934, as added by the first section of this Act and as provided in section 607 of such title, the Federal Government shall have exclusive jurisdiction over broadband telecommunications regarding matters covered by such title.

(b) Any law of any State or political subdivision or agency thereof, or franchising authority, in effect on the effective date of title VI of the Communications Act of 1934, as added by the first section of this Act, which is in conflict with the provision of subsection (a) of this section relating to the exclusive jurisdiction of the Federal Government, shall be deemed superseded, as of the expiration of the 6-month period following the date of the enactment of this Act, and shall thereafter be null and void and of no effect.

(c) Except to the extent otherwise provided by this Act and the amendments made thereby, any State or political subdivision or agency thereof, or franchising authority, may exercise jurisdiction over matters which are of strictly local concern and which are necessary for reasons of public health, safety, and welfare, including the terms and conditions for the granting of a franchise, the construction and operation of a cable system, and the enforcement and administration of a franchise.

NEW AND ADDITIONAL SERVICES

Sec. 3. Title I of the Communications Act of 1934 is amended by inserting after section 6 the following new sections:

NEW AND ADDITIONAL SERVICES

"Sec. 7. (a) Consistent with sound spectrum management, the Commission shall, to the maximum feasible extent, encourage the introduction of new and additional services by new applicants, existing licensees, or other persons. In any proceeding in which new or additional services are proposed, such services shall be presumed to be in the public interest whenever the Commission finds that such services are techically feasible without causing significant technical degradation to or interference with radio transmissions by other licensees.

"(b) Any person may file with the Commission a petition to establish or an application to offer a new or additional services.

"(c) The Commission must determine whether the new or additional service proposed in a petition or application is in the public interest within 1 year after such petition or application is filed. If the Commission initiates its own proceeding for a new or additional service, such proceeding must be completed within 12 months after it is initiated.

"DECLARATION

"Sec. 8. The Congress declares that competition is a more efficient regulator than government of the provision of diverse communications services and as competition continues to develop, the deregulation of communications services should occur.".

EFFECTIVE DATE

Sec. 4. The provisions of this Act and the amendments made thereby shall take effect upon the date of enactment of this Act.

REDESIGNATION

Sec. 5. The existing title VI of the Communications Act of 1934 is redesignated as title VII, and sections 601 through 609 are redesignated as sections 701 through 709, respectively.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I wish to commend the distinguished chairman of the Commerce Committee (Senator Packwood) and the Senator from Arizona, the chairman of the Subcommittee on Communications (Senator Goldwater), the Senator from Kentucky, and others who participated in the deliberations of the Senate on the cable TV bill. This is an important measure which was hotly debated and adopted in a fairly prompt manner.

I extend my congratulations to them for the efficient management of this important matter.

Mr. President, as I have already announced, there will be no more record votes tonight.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REDUCTION IN LEADERSHIP TIME TOMORROW

Mr. BAKER. Mr. President, I further ask unanimous consent that—and may I say, by the way, that I have talked to the minority leader about this and he is agreeable—on tomorrow the time allocated to the two leaders under the standing order be reduced to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR JACKSON ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order, the distinguished Senator from Washington (Mr. Jackson) be recognized on a special order of not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there are other requests for special orders tomorrow and it may be that we will need to readjust these arrangements a little bit, but it is anticipated at this time that after the Jackson special order there will be a brief period for the transaction of routine morning business and then the Senate will resume consideration of the supplemental appropriations bill at 10 a.m. As I say, there may be some changes in that. I am aware of the request by certain Senators of the so-called Steel Caucus who would like to be heard. I would like to negotiate with them on whether that occurs in the morning or in the afternoon.

But, in any event, Mr. President, after the special orders are executed and perhaps a time for the transaction of routine morning business, the Senate will resume consideration of the supplemental appropriations bill. I hope we can finish the supplemental tomorrow, because it is the intention of the leadership, if we have finished, to go to the bill to repeal withholding on dividends and interest after that, either on Wednesday or, if not then, on Thursday.

ORDER FOR THE RECOGNITION OF SENATOR HEINZ AND SENATOR SPECTER ON TOMORROW

I now ask unanimous consent, Mr. President, that following on after the execution of the order in favor of the Senator from Washington (Mr. Jackson), that there be special orders in favor of the distinguished senior Senator and the distinguished junior Senator from Pennsylvania for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, that throws our plan a little out of kilter, but not very much.

ORDER TO RESUME CONSIDERATION OF H.R. 3069 ON TOMORROW

Mr. President, I ask unanimous consent that after the execution of the special orders, the Senate resume consideration of the supplemental appropriations bill at not later than 10:25 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, at 10:25 tomorrow, we will be back on the supplemental appropriations bill. I urge Senators to consider this matter needs to be dealt with tomorrow and I hope we can reach final passage before the close of business on tomorrow, Wednesday.

ORDER FOR THE RECOGNITION OF SENATOR HOLLINGS ON TOMORROW

Mr. President, I am told the Senator from South Carolina has need for a special order on tomorrow, and had first understood that those orders would not be granted in the morning, but we have changed it.

Mr. President, I ask unanimous consent that after the orders in favor of the two Senators from Pennsylvania have been executed, the Senator from South Carolina (Mr. Hollings) be recognized on special order for not to exceed 15 minutes.

Further, Mr. President, that the time for the Senate to proceed after that be advanced by whatever time is required up to 15 minutes, according to the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, 1983

The PRESIDING OFFICER. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HATFIELD. Mr. President, what is the pending committee amendment?

The PRESIDING OFFICER. The pending business is the first excepted committee amendment, page 6, line 13.

Mr. HATFIELD. Mr. President, I believe that was acted upon today. I think the pending amendment is the D'Amato amendment.

The PRESIDING OFFICER. The third committee amendment was adopted today.

Mr. HATFIELD. Mr. President, I would then ask that the first committee amendment be set aside temporarily in order that the Senator from New York (Mr. D'AMATO) may ask for consideration of his amendment, which was also temporarily laid aside. I might announce that the committee is ready to accept the amendment of the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1350

Mr. D'AMATO. Mr. President, I thank my distinguished colleague, the chairman of the Appropriations Committee. It is my understanding that this amendment has been agreed to by both the majority leader and the minority leader.

The PRESIDING OFFICER. Does the Senator wish to send the amendment to the desk?

Mr. D'AMATO. The amendment is already at the desk. It had been set aside.

I thank the leaders for their cooperation. I urge the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Senator from New York (Mr. D'AMATO).

The amendment (No. 1350) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask, on behalf of the managers of the bill, that the first committee amendment be temporarily set aside in order that the Senator from South Carolina (Mr. THURMOND) may offer an amendment.

The PRESIDING OFFICER. Does the Senator also ask for consent that the Metzenbaum amendment be set aside?

Mr. HATFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized for the purpose of offering an amendment.

AMENDMENT NO. 1386

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself and Mr. HOLLINGS, proposes an amendment numbered 1386.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of page 30, insert the following:

The project for Cooper River, Charleston Harbor, South Carolina, authorized by the River and Harbor Act of 1968, Public Law 90-483, approved August 13, 1968, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to install a closure structure in the diversion canal between Lake Marion and Lake Moultrie and to construct such measures as the Chief of Engineers determines necessary to improve the seismic stability of the Pinopolis West Dam on the Cooper River, at an estimated cost of $22 million; *Provided*, That nothing in this section shall waive any requirements under the Federal Power Act of 1935 (49 Stat. 847).

(b) In addition to such sums as are otherwise appropriated by this Act there are appropriated $2,000,000 for the fiscal year 1983 for engineering and design studies in connection with the modified project authorized by subsection (a).

Mr. THURMOND. Mr. President, I am pleased to have my distinguished colleague from South Carolina (Senator HOLLINGS) join me in proposing an amendment to permit the Corps of Engineers to design and construct remedial works in the impoundment system of the South Carolina Public Service Authority, also known as Santee-Cooper. The amendment would also appropriate $2 million to the corps for project engineering and design.

Mr. President, the Federal Energy Regulatory Commission has recently conducted seismic stability studies of the Pinopolis West Dam, and the North Dam of the Santee-Cooper system. As a result of those studies, it was determined that neither of those dams could be expected to withstand an earthquake of intensity equal to the one which struck Charleston, S.C., in 1886.

Santee-Cooper personnel, working in conjunction with the Federal Energy Regulatory Commission, performed an extensive geo-technical investigation of the Santee-Cooper system, assuming the occurrence of a similar earthquake in the vicinity. From that study, it was concluded that failure of the Pinopolis West Dam would cause a flood that would seriously damage or destroy the Charleston Naval Shipyard, the Naval Weapons Station, the Polaris Submarine Base, the Charleston Air Force Base, the North Charleston Army Depot, and the Coast Guard Base. The Cooper River Rediversion Canal, which is an authorized Corps project nearing completion, would be drained, rendering the St. Stephen's generating plant useless. Loss of life and property, both individual and Government, would be catastrophic. In addition, the increased water flow through the Cooper River and Charleston Harbor would likely cause extensive harbor silting, rendering the harbor relatively useless for months. If the North Dam, on the Santee River, were to fail, the Cooper River rediversion canal would be drained, also rendering the St. Stephen's generating plant useless. In the event of such an earthquake, the damage to the rediversion project and defense facilities would likely run into the hundreds of millions of dollars.

Preliminary engineering studies indicate that the likelihood of failure of the West Dam could be minimized through one of several alternative methods of strengthening the dam. The studies reveal that, although there is not an economically feasible method of reinforcing the North Dam, effects of dam failure could be minimized through the installation of a gateclosure system in the diversion canal. This gate would prevent the waters of Lake Moultrie from flowing back through the canal in the case of dam failure.

Cost for design and construction of these protective measures is estimated to be in the vicinity of $22 million. The purpose of this legislation is to authorize $22 million for this essential remedial work, as an addition to the Cooper River rediversion project of the Corps of Engineers. A substantial amount of time and effort has already been put into the rediversion project by the Corps of Engineers, including expenditures of $156 million from a projected $168 million. In view of this and the tremendous loss of life and property that would result from the failure of these dams, it is prudent and necessary to take these preventive measures as soon as practicable. I might add that the Charleston District of the Corps of Engineers has agreed that these improvements should be made in the interest of public safety.

Mr. President, I cannot overemphasize the importance of this project,

both from the standpoint of public safety, and from the standpoint of potential loss to the Federal Government. It is urgent that we take these steps at this time.

I move that the Senate adopt the amendment.

Mr. HATFIELD. Mr. President, the Senator from South Carolina appeared before the Energy Subcommittee of the Appropriations Committee this afternoon to explain this to the full committee. Senator STENNIS, the ranking minority member of the Full Appropriations Committee, and Senator JOHNSTON, the ranking minority member of the subcommittee, as well as our majority side, have cleared this amendment. We are ready to accept it. I second the motion to adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1386) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I express my deep appreciation to the able chairman of the Appropriations Committee for his able and prompt action in this matter, which is a very important matter.

Mr. PERCY. Mr. President, when the House passed the supplemental appropriations bill, H.R. 3029, it included language allowing the Department of Education to continue contracting with private collection agencies to collect defaulted student loans. Unfortunately, the Senate Appropriations Committee deleted this authority when they marked up the bill. I urge that the House-Senate conferees maintain the House language in the conference on H.R. 3029.

Payco American and G.C. Services—the two firms collecting for the Department of Education—are doing an outstanding job collecting millions of dollars in defaulted student loans that never would have been collected otherwise. Abruptly ending these contracts now would make no sense whatsoever—a few reasons why:

Through March 1983, private contractors have collected over $30 million in student loans.

More student loans were collected last year than in any previous year: Over $70 million at the Federal level. The amount collected increased from $55 to $70 million in 1 year, the biggest increase ever, and this is due almost entirely to the work done by these two collection agencies.

It's true that collection agencies charge the Government a commission to collect these debts—but that's precisely why they are doing such a good job collecting these debts, they have the incentive to do it. The net amount of dollars going into the U.S. Treasury is the bottom line here. Even if it costs twice as much for a collection agency to collect loans, if the firm collects 10 times as much money, the Government is far ahead of the game.

The additional money being collected by these contractors provides needed revenues to help offset the deficit we are trying so hard to control and, I believe, helps restore the American taxpayers' confidence in student loan programs.

In the Debt Collection Act of 1982, enacted last October, authority was provided for all Federal agencies to utilize collection firms to supplement their collection efforts. Some of the language of that act has inadvertently resulted in the requirement that advance appropriations be provided for such collection contracts, thus, it is necessary that the Department of Education have language in this supplemental appropriation to continue its contract with collection agencies.

Mr. President, the two collection agencies collecting student loans—Payco American and G.C. Services—represent two of the most cost-effective contracts in the entire Government: For every dollar we give them, they return about two back to the taxpayers. That is a 200-percent return on investment.

I have the highest regard for these two companies and the work they are doing for the Department of Education. Dick Horn of Payco American is one of the most outstanding businessmen in this country, and under his leadership Payco American has done an outstanding job of collecting defaulted student loans for the Government. Even more impressive is that in handling some 45,000 student default cases in a pilot project, Payco did not receive one single complaint that they had been abusive in anyway, or violated the Fair Debt Collection Practices Act. This is clearly a magnificent record of achievement. I commend G.C. Services for doing an excellent job collecting students loans. Bob Dawson of G.C. appeared at a recent hearing I chaired and has been a great asset to our efforts to improve Federal debt collection.

Finally, I thank Senator D'AMATO for his help in pursuing this issue in the Appropriations Committee, and for participating in the Governmental Affairs hearing on debt collection a few weeks ago.

SPECIALTY METALS CLAUSE

● Mr. HEINZ. Mr. President, I would like to discuss briefly the specialty metals provision of this bill (H.R. 3069) with the Senator from Texas (Mr. TOWER).

Mr. President, this is the third time in the last year that the Senate has considered this issue. A year ago language similar to that in the bill before us today appeared in the 1983 defense authorization bill reported by Senator TOWER's Armed Services Committee. During consideration of that bill, the Senator from West Virginia, Senator BYRD, and I attempted to strike that language and replace it with language that would have broadened the restriction on the ability of the Department of Defense to procure foreign produced specialty metals. Our efforts, however, were unsuccessful. Last December the question recurred on the continuing resolution because the Senate Appropriations Committee included language which would have allowed DOD to purchase only "weapons or weapons systems" manufactured outside the United States and containing specialty metals of non-U.S. origin.

At that time the Senator from Texas and I worked together to produce a compromise in an effort to settle the issue once and for all. That proposal, which allowed the Department of Defense to purchase finished products including defense items, parts and components of defense items which are manufactured outside the United States that contained foreign specialty steel but prohibited purchases of unfinished foreign specialty steel, was accepted by the Senate, but the conference committee instead agreed to stronger language contained in the House passed version of the Committee Report. That language allowed DOD to purchase only "weapons or weapons systems" manufactured outside the United States and contained specialty metals of non-U.S. origin. It is that language which is current law today, and which the supplemental appropriation proposes to change once again.

Both the House and the Senate Appropriations Committee have approved language that allows DOD to buy foreign made items for the purpose of offsetting U.S. sales or furthering NATO rationalization, standardization, and interoperability.

Mr. President, I am concerned about this provision for the same reasons I have been concerned about it in the past—because of its direct effect on the economic health of an industry vital to our national defense.

Specialty steel is a uniquely critical industry. Its products form the most basic elements of our national defense and our industrial society. Machine tools, turbines, transformers, semiconductor devices, communications equipment, jet engines, missile parts, gas, and oil drilling equipment, and many other vital machines and components all have essential elements of specialty steels. Our economy could not have obtained the degree of productivity and sophistication that it has without

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the efforts of the specialty steel industry and its continuing investment in research, development, and new technology. And it goes without saying that we would not be in a position to defend our industry—and our society—without the contribution this industry has made to our national defense.

At the same time, however, I recognize that the industry is nearing the end of its 18-month quest for more aggressive Government action against dumped and subsidized imports. Its petition under section 301 of the Trade Act of 1974 culminated in a request by the President last November that the International Trade Commission initiate a case under section 201 of that same act. In that case the Commission has found injury and recommended import relief. The President's decision is due by July 6. If the industry obtains sufficient relief, by which I mean the full 5 years with appropriately low floor levels, through the 201 case, then the case for maintaining a strong specialty metals clause in the Defense Appropriations Act is somewhat lessened.

The Senate Appropriations Committee clearly recognized this in its report on the pending bill, where it also reaffirmed its determination that the industry be adequately protected so as to best be in a position to continue to meet our defense needs. That report states:

> The Committee considers the viability of the U.S. specialty metals industry as vital to the national security of the United States. The erosion of this country's specialty metal production is, therefore, a matter of great concern and should be addressed expeditiously by the administration. * * *
>
> The Committee wishes to emphasize that its approval of the administration's request to exempt specialty metals from Buy America restrictions has been predicated upon the expectation that the President will act upon the recommendations of the International Trade Commission in an expeditious and thorough manner. The Committee further expects that the administration's proposals will insure that this country's specialty metal industry will be competing with limited imports and is protected from predatory export practices of other countries.

Mr. President, this language is most reassuring. It reaffirms the commitment of the Congress to maintaining a strong and vital specialty metals industry. I wonder if the Senator from Texas would indicate whether he also agrees with the language in the committee report.

Mr. TOWER. I can assure the Senator from Pennsylvania that I am also concerned about the health and viability of the U.S. specialty metals industry. The Armed Services Committee recognizes the importance of a strong and vital specialty steel industry to meet our defense needs. Maintaining that strength demands appropriate import relief for the industry. President Reagan himself acknowledged the injury the industry has suffered from imports when he asked the ITC to begin an investigation under section 201 last November. He stated:

> The injury to the domestic industry is clear. The specialty steel industry is an efficient, technologically up-to-date and export-oriented branch of the steel industry. * * * Nevertheless, the industry is facing an unprecedented challenge to its continued prosperity, and a number of its member firms are fighting for survival. * * *
>
> If we are ever to put an end to constant trade disputes in steel, we must stop dealing with discrete import and export issues in isolation and instead begin a coordinated approach to the problem. By combining the section 201 and section 301 approaches, the United States hopes to stabilize the immediate import situation and to reverse the global trend toward greater excess capacity, increased subsidization, and closed markets.

I have opposed past efforts to address the problems of the U.S. specialty metals industry in the DOD appropriations bill because I felt that the United States had established a number of mechanisms to review the injury done to U.S. industry through imports and allegations of unfair foreign trade practices—such as section 201 and section 301 cases under the Trade Act of 1974. In my view, these were the appropriate avenues for meaningful relief for the specialty metals industry and not the relatively insignificant procurement activities of the Department of Defense. I still believe this and so hope that the President will take appropriate action through already established processes to maintain the vitality of the U.S. specialty metals industry.●

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 6:30 p.m.; in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER ON PROCEDURE

Mr. BAKER. Mr. President, the requests I am about to make now have all been cleared with the minority leader. He is necessarily absent from the floor at this time. I say on my own responsibility that he has approved the requests.

ORDER TO HOLD H.R. 9 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 9, a bill to designate components of the National Wilderness Preservation System in the State of Florida, be held at the desk until the close of business Wednesday, June 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 2477 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 2477, entitled the "Sipsey Wilderness Additions Act of 1983", be held at the desk until the close of business Wednesday, June 15.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER TO PLACE H.R. 2713 ON THE CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that once the Senate receives from the House of Representatives H.R. 2713, to authorize research for the cause, treatment, and prevention of public health emergencies, it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC HEALTH EMERGENCIES AND AIDS

Mr. CRANSTON. Mr. President, yesterday, June 13, the House of Representatives passed H.R. 2713, legislation to establish and authorize appropriations for a public health emergency fund to provide for research and investigations into the cause, treatment, and prevention of diseases or conditions which the Secretary of Health and Human Services determines present a public health emergency. On May 5, I introduced, along with Senators MOYNIHAN, KENNEDY, and TSONGAS, S. 1226, the companion measure to H.R. 2713. This legislation is vitally needed to remedy a serious inadequacy in our Nation's health system—the lack of a Federal mechanism for dealing effectively and expeditiously with large-scale public health emergencies that occur suddenly and require immediate action such as investigating and monitoring outbreaks of disease, removing contaminated products from the market, or undertaking new medical research.

The need for this kind of legislation has been made plain in a number of recent public health emergencies—Legionnaire's disease, toxic shock syndrome, the Tylenol poisonings, and three of the largest food recalls—salmon, mushrooms, and infant formula—in history. Now the outbreak of acquired immune deficiency syndrome—AIDS—a disorder that destroys the body's immune system, leaving the individual highly susceptible to other life-threatening diseases—has become an uncontrolled epidemic that demands urgent action.

Although several Government agencies have authority to address different aspects of public health problems, the costs, which can be substantial for these types of emergencies, cannot be anticipated. Recent unexpected public

health crises have been of such numbers, sizes, and complexity that any funds budgeted for in advance have quickly been depleted.

In the past, the Department of Health and Human Services relied to some extent on the resources of the PHS hospitals and the PHS Commissioned Corps, as well as the flexibility in some categorical programs for reprograming moneys and reassigning personnel to meet emergency situations. However, the authorities for the PHS hospital system and many of the categorical health programs were repealed in 1981, the Corps faces continuing Office of Management and Budget attempts to limit, reduce, or eliminate its authority, and the Public Health Service as a whole has suffered several budget cuts over the past 3 years. The combined effect has been to weaken very substantially the minimal capability that previously existed to respond to public health emergencies.

Mr. President, without a contingency fund and coordinated effort, HHS' only way to react to these problems is by siphoning resources out of other research areas and public health programs to which the same immediacy may not attach but which are equally important in protecting the health of our Nation's citizens. When those other resources cannot be found and diverted quickly, we experience dangerous delays in our efforts to stop the spread of diseases that can cause widespread suffering and death.

Unfortunately, we have learned this lesson the hard way through our current experience with AIDS. Although the majority of AIDS victims thus far are members of population groups with identifiable risk factors, the disease is moving out of these well-defined high-risk groups. As of June 1, 1983, 1,552 cases of AIDS had been reported to the CDC; 599 people have died of AIDS since 1981. Four to five new cases are reported every day and the case rate is doubling every 6 months. If the incidence of AIDS remains unchecked, by this time next year there will be more than 5,000 cases of this disease resulting in many more deaths.

The initiation of a Federal response to the AIDS emergency was slow and inadequate. Although AIDS was first detected in the United States in 1979, it was not until 1981 that the Centers for Disease Control began to investigate reports of AIDS cases and did so by diverting funds from other disease control programs. Research on AIDS at the National Institutes of Health has also been slow. It was not until 15 months after AIDS data were collected CDC that the first AIDS-specific NIH grant—of only $166,461—was approved.

Our bill—S. 1226—and the House-passed bill would insure the availability of funding for swift and effective Federal responses to public health emergencies—including funding for expeditious research into the causes, treatment, and prevention of diseases or disorders, such as AIDS, that constitute emergencies. To this end, the legislation would establish in the Treasury a public health emergency fund and authorize the appropriation to the fund of $40 million for fiscal year 1984, and for each subsequent fiscal year such sums as are necessary for there to be $40 million in the fund at the beginning of the fiscal year. The fund would be available for use in responding to an emergency if the Secretary, after consultation with the Director of NIH, the Commissioner of the Food and Drug Administration, the Director of CDC, or the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, determines either that a disease or disorder presents a public health emergency or that a public health emergency otherwise exists with respect to which the Secretary has authority to take responsive action. Following that determination, the allocation of moneys from the fund would be authorized for the purpose of appropriate responses to the emergency.

The House-passed bill differs from S. 1226 in only two significant ways. First, the authorization of appropriations would be for $30 million—rather than $40 million. Second, the House bill would require the Secretary of HHS annually to report on the use of the funds to the House Committee on Energy and Commerce and the Senate Committee on Labor and Human Resources. I believe the reporting requirement is a good addition, and, in the interest of the quick enactment of this legislation, I would accept the $30 million authorization in lieu of the $40 million authorization at this point.

The concept of making contingency funds available to meet public emergencies is not unprecedented. The Environmental Protection Agency and Federal Emergency Management Agency have funds available for use in emergencies. Nor is this specific proposal novel. In 1982, then-HHS Secretary Schweiker proposed to establish a national emergency response fund to provide the Department with the capability to respond quickly and effectively in critical situations that affect the Nation's health and welfare. In testimony before the Labor and Human Resources Committee in 1981, Secretary Schweiker, in expressing his support of such a fund, stated:

> In the past, our efforts to provide the necessary health and social services in these crises were hampered by complex financing mechanisms that delay the actual provision of services and the obligation of funds.

The CDC has called AIDS the worst epidemic since smallpox. The administration's top health official, the Assistant Secretary of Health and Human Services, Dr. Edward N. Brandt, Jr., recently declared that the investigation of AIDS has become the No. 1 priority of the U.S. Public Health Service, as well it should be and should have been much earlier. Had the Federal Government been able to respond faster to this emergency and applied our country's resources more effectively to find some answers to this fatal disease, today we might be much closer to controlling the spread of AIDS and preventing the death toll from climbing higher.

Mr. President, our Government urgently needs to be better prepared to deal swiftly with public health emergencies. The prompt enactment of this legislation would be very desirable at this point—both because it would provide HHS with the coordinated, centralized mechanism that HHS needs to do this and because enactment of the authorization of appropriations would obviously enhance the prospects for the enactment of appropriations needed to activate this program in fiscal year 1984.

Therefore, Mr. President, I believe that the urgent need for the enactment of this legislation warrants the majority and minority leaders and the Chairman (Mr. HATCH) and ranking minority member (Mr. KENNEDY) of the Committee on Labor and Human Resources addressing this issue immediately. Hence, I have urged that they work out an arrangement whereby the House-passed bill, H.R. 2713, will not be referred to the committee and the Senate will take up the bill immediately, pass it, and send it to the President to be signed into law. This approach would demonstrate to the American people—and especially to those so very concerned about AIDS—that the Congress can respond effectively and swiftly and in a bipartisan manner to a great public concern about a problem and act constructively to meet urgent national needs.

SENATOR CRANSTON ON NUCLEAR "BUILD-DOWN" AND THE FREEZE

Mr. KENNEDY. Mr. President, my good friend and colleague ALAN CRANSTON has authored an important critique of the nuclear "build-down" proposal, which a number of Senators have suggested might be a more desirable alternative to a United States-Soviet nuclear freeze. As Senator CRANSTON notes:

> For those sincerely committed to real arms control now there remains a simple, equitable, verifiable proposal that drew 81 percent support in a May Business Week/Lou Harris poll . . . It's called the bilateral nuclear weapons freeze.

Senator CRANSTON, who has been a leading advocate of the nuclear freeze resolution in the Foreign Relations

Committee, has made a very helpful contribution to the debate on arms control with his critique of the "build-down." I commend his article from this morning's Los Angeles Times to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article ordered to be printed in the RECORD, as follows:

THE NUCLEAR BUILD-DOWN DELUSION: PROPOSAL IS CATCHING ON, BUT RELIES ON UNREALISTIC ASSUMPTIONS

(By Alan Cranston)

President Reagan is embarked on a public-relations campaign designed to persuade skeptics at home and abroad that he is committed to achieving equitable nuclear-arms reductions with the Soviet Union.

A critical element in this campaign was the recent White House move toward endorsement of the nuclear "build-down" proposal, which has gained bipartisan support from several respected members of the Senate Armed Services Committee. This proposal would seek to curb the nuclear-arms race by attaining U.S. and Soviet agreement to retire two nuclear warheads for every new one deployed.

The President endorsed the "build-down" concept in a letter that he circulated last month on the eve of congressional voting on the MX missile. When moderate swing votes then fell into line behind the MX, the build-down proposal was elevated to new prominence. And now key congressmen are publicly conditioning their future support for the MX on the President's willingness to follow through on his suggestion that he might make a build-down proposal to the Soviets in the Geneva nuclear-arms talks.

Opponents of the MX were of course dismayed by Congress' vote giving the green light to further production of the dangerous, destabilizing MX missile-without-a-mission. But it was also disconcerting to witness the congressional rush toward the ineffectual build-down proposal now being offered by many as a panacea for the cancer that is the nuclear-arms race.

Build-down is advertised as a practical means of curbing the nuclear-arms race while permitting "stabilizing" arms modernization. Proponents argue that it "would permit the replacement of aging weapon systems with more survivable systems" by requiring the superpowers "to eliminate two older, less stabilizing nuclear warheads" for each new warhead deployed.

At the heart of the build-down are two related assumptions that could prove to be dangerously unrealistic. These assumptions are that our strategic planners will move us toward deployment of more survivable weapon systems, and that these new systems will somehow stabilize the arms competition.

First, aging weapon systems are not necessarily being replaced by more survivable systems. In fact, the vote that rescued the MX—with the help of those who support the build-down—also would have it installed in fixed silos that this Administration has long insisted are not survivable.

Second, new U.S. and Soviet deployments are not necessarily more stabilizing. Putting 10 highly accurate warheads on MX missiles in each of the "vulnerable" U.S. silos limits this weapon primarily to first-strike use, while the Soviets' deployment of hundreds of mobile, three-warhead SS-20s exposes all European capitals to attack virtually without warning.

Proponents argue that, under build-down, prudent defense planners would soon move toward deployment of more survivable systems. But there is little in current deployment practices to justify this optimism. And, with more than 50,000 nuclear warheads in the superpowers' arsenals, it could take decades of costly modernization before we had "built down" to significantly lower levels of survivable systems.

In their eagerness to provide an arms-control gloss for their commitment to continued production of new nuclear systems, build-down proponents have ignored another basic fact governing U.S.-Soviet arms competition: With such enormous overkill in the U.S. and Soviet arsenals, the perilous nuclear-arms race is today much more qualitative than quantitative. It is the Sisyphean insistence that nuclear stability awaits after just one more round of modernization that drives the superpowers to waste so many billions on still more nuclear weapons. And adherence to the Orwellian logic that to get less we must first have more obscures the fact that we must first stop the escalating arms race if we are to achieve deep reductions.

The Administration is now selling the MX to Congress as essential for arms control. It is making the same argument regarding plans to put 572 Pershing 2 and cruise missiles in Europe beginning this December.

This is not arms control. Neither is the build-down. These are prescriptions for a continued nuclear buildup, a continued waste of U.S. and Soviet human, financial and technological resources.

The buildup/build-down proposal is perhaps best understood by recognizing its source. It was first pushed by people who were concerned that the nationwide call for a nuclear freeze might hamper U.S. weapons modernization. It was offered in the House of Representatives as an amendment to kill the genuine nuclear-freeze resolution while providing an arms-control fig leaf for continued nuclear-arms production. It is now backed by a President who has refused to support ratification of three arms-control treaties that were accepted by the Soviets and negotiated by past Republican and Democratic Administrations (the SALT II, Threshold Test Ban and Peaceful Nuclear Explosion treaties) and who has walked away from a fourth, nearly completed, negotiation (Comprehensive Test Ban).

For those sincerely committed to real arms control now, there remains a simple, equitable, verifiable proposal that drew 81 percent support in a May Business Week/Lou Harris poll.

It's called the bilateral nuclear-weapons freeze.

HOMILY FOR ROBERT KENNEDY

Mr. KENNEDY. Mr. President, on June 4, nearly 200 friends and coworkers who served with Robert Kennedy in the 1950's on the staff of the Senate Permanent Subcommittee on Investigations and the Select Committee on Investigation of Improper Activities in the Labor and Management Field gathered in Washington to attend an anniversary mass for my brother, who died 15 years ago last week.

The homily at the mass was delivered by Carmine S. Bellino, who was my brother's right-hand man and chief investigator for so many years when he was counsel and later chief counsel in those investigations. Carmine Bellino's eloquent words remind us all how much we miss Robert Kennedy today. The homily is a generous and fitting tribute to Bob's memory, and I ask that it may be printed in the RECORD.

There being no objection, the homily was ordered to be printed in the RECORD, as follows:

HOMILY BY CARMINE S. BELLINO: 15TH YEAR ANNIVERSARY MEMORIAL MASS FOR ROBERT FRANCIS KENNEDY AT ST. JOSEPH'S CHURCH ON CAPITOL HILL, JUNE 4, 1983

Welcome, former staff members of the Senate Permanent Subcommittee on Investigations and the Senate Select Committee on Investigation of Improper Activities in the Labor or Management Field. It's been almost 25 years since our last hearing. What a reunion this would have been if Robert F. Kennedy had not been taken away from us fifteen years ago.

Welcome Ethel Kennedy and members of her family.

We sincerely thank Monsignor Murphy for the wonderful cooperation he has extended.

It is fitting that we should get together today, coming from far and wide, to pray for and remember Robert F. Kennedy.

We can never forget Bob for he was our boss—full of understanding, consideration and compassionate. He was our boss—straightforward, candid and direct. He was our boss—the kind of boss one dreams about.

To go back to our days with him, may I quote extracts from "An Ode to Bob" written by Alice Dearborn and Georgia Wilbur at our Christmas party in 1959:

"Here is to Bob, the boss of our dreams
He's everything nice and not what he seems,
He makes us work hard and long hours too
We all miss our rides, which makes us very blue.
It may not be long until he will say,
'We're working Saturdays', how we dread that day.
He gives us corsages and smelly 'My Sin'
We ride on his yacht and blister our skin.
On national holidays, while others are snug
He makes us pull out and then counts our mugs.
He makes us write letters, memos and reports,
Then he gets softhearted and invites us for snorts.
The snorts he insists will be drunk after five
But we don't mind, 'cause they bring us alive."

Within a short period of time, Bob climbed to political heights. He was the first man to go from Chief Counsel of a congressional committee to Attorney General of the United States. He was elected Senator from the State of New York and was on the way of becoming a great President of the United States when he was struck down by a mindless and senseless act, fifteen years ago. We and the Nation and the World deeply mourn his loss.

May I quote from an article written by Pierre Salinger in 1968:

"In the twelve years of my association with Bob, I watched the development of a man into the ablest and most compassionate leader this country has ever developed. He had an inexhaustible curiosity about life that drove him in a never ending search for more knowledge, for more understanding.

One thing that never changed was his honesty. It was because he was so honest that he was believable. When you worked for Bob, you came not to expect those lavish words of praise for your efforts that employers sometimes bestow on their subjects. But the quiet words, expressed at the right time, the feeling that you had his confidence and that he trusted your judgement—these were rewards of far greater significance for those who worked for Bob Kennedy."

And as my sister-in-law, Angie Novello, stated in Pat Lawford's book, "That Shining Hour."

"We loved Bob Kennedy as a boss and as a friend. He was a great inspiration to all of us who worked for him because he had the uncanny ability of bringing out the best in us. He was a hard taskmaster but our reward was knowing that in some small way we were sharing in his greatness. And his warm smile of approval and 'thank you' was all we needed to keep going on to the next project. His fight was our fight; his defeat was our defeat, his triumph was our triumph. Bob is gone but how lucky we were to have known him and to have shared his hopes and dreams for the country he loved so much. The inspiration he instilled in all of us will continue to live and grow because he left a little bit of himself in each one of us and as long as we live, he lives."

And may I further quote from an article written by Ted Sorensen, June 22, 1968:

"Oh yes, much will be said and written about his death. Let us honor and remember his life. It was a beautiful life—so unfairly brief but so incredibly full, marked by sorrow but overflowing with joy, too short to do all that he wanted to do, but long enough to leave more lasting legacies to all mankind than a legion of lesser men could have achieved at twice his age. It was a meaningful life—blessed with the love of a wonderful wife and children, enriched by the shining example of a brother whom he loved and served and helped make great, and preserved in masterful books and speeches and pieces of legislation that rightly bear his name. And yet, for such a public man, it was a surprisingly private life. He was adored by millions, excoriated by thousands, but known, truly known, by very, very few.

"Those who saw only the toughness of his hide could not have believed the tenderness of his heart. Those who marvelled at the majesty of his public presence could not have understood the modesty of his private thoughts. It would surprise those critics who spoke so stupidly about his ruthiessness to know that in fact, in the poet's words, 'His life was so gentle, and the elements so mixed in him, that nature might stand on its feet and say to all the world—THIS WAS A MAN.'

"Unlike his brother, Robert Kennedy never became President of the United States—although I truly believe he was on his way to becoming one of the greatest—but he molded more minds and inspired more hearts in this and other nations than nearly all the men who served in that exalted post. Like his brother, he forsook comfort for country, grew wiser and warmer as he grew older, preferred candor to cliches' in both formal and informal utterances, laughed at himself more often than at others, forgave even those who reviled him, and was struck down by the assassin's bullet at the height of his power and glory."

All of us here today share the sentiments of Ted Sorensen, and Angie and Pierre.

Bob Kennedy served his country well. We know because we had the great privilege of being there with him. Bob truly exemplifies what President Kennedy asked of all Americans when he said:

"And so, my fellow Americans, ask not what our country can do for you—ask what you can do for your country."

Bob had great concern and exerted every ounce of effort for Peace, for Civil Rights, for Equal Opportunity, for Racial Equality and for the Poor.

People remember Robert Kennedy for many things:

The Senate Counsel fighting labor racketeers; the closest adviser to President John F. Kennedy; the tough yet judicious Attorney General; the distinguished and eloquent Senator from New York; the Presidential Candidate shot down when his leadership shone more brilliantly than ever.

All these recollections are true. But let us not forget that Bob Kennedy was, first of all, a very devout, humble servant of God. His faith was not something he wore on Sundays only for the benefit of the public. He believed it. He lived it. I remember arriving in Minneapolis with Bob, on a cold Sunday morning, after we had been flying all night. We checked into the hotel and Bob said, "Before we get some sleep, let's go to an early mass." We found a church nearby that had a 7:00 AM service. There couldn't have been more than a dozen parishioners in the church. Even the altar boy didn't show up. When Bob saw the Priest alone on the altar, without hesitation, he left our pew, jumped over the altar rail and served Mass. I know Bob Kennedy is remembered for great historical events. And that is as it should be. But we remember Bob also for the many less celebrated things—like that wintry morn in Minneapolis when a Priest needed an altar boy.

Bob, in Heaven, is surely smiling down upon this gathering. Those of us who knew him and worked with him, can never forget his great love for country, for his wonderful family and for the betterment of mankind.

Let us resolve to do all we can in fulfillment of the dreams and ideals of this great man and friend—Robert F. Kennedy.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276(d)-276(g), as amended, appoints the Senator from Connecticut (Mr. DODD) as a member of the Senate delegation to the Canada-United States Interparliamentary Group, to be held in Kenora, Canada, on June 16-20, 1983.

WHAT THE AMERICAN FLAG MEANS TO US

Mr. BRADLEY. Mr. President, every so often, a person or an event shakes us from the complacency with which we regard our country, and even our lives. Sometimes it only takes words. Since today is Flag Day, I thought I would take the opportunity to share with you the very eloquent words of a young Vietnamese refugee now living in my State of New Jersey—words which remind us how special our country is, and how unique the liberties we enjoy here really are.

Ahn Phoung Nguyen, aged 13, left her war-torn country with her family in the 1975 airlift sponsored by our Government. Today, she is an eighth-grade student at Our Lady of the Holy Angels Elementary School in Little Falls, N.J. In an essay written for a contest sponsored by the Passaic Valley Elks Post 2111 on the topic, "What the American Flag Means to Me," she says:

> The American flag has given meaning to my life. It has provided a sanctuary for me and my family where we can feel free to love and to grow and to dream—dreams we never dared before. In America, we have a future.

It comes as no surprise that Ahn's essay won first prize. Her evocative words rekindle in all of us the love we feel for our country, and its symbol: the American flag.

For a moment, as we read her essay, we are lifted from individual preoccupations, and we remember our own ancestors who came to America so that they—and we after them—might live free and flourish. We remember who we are as a nation.

More than 30 years ago, the late Adlai Stevenson used words different, but no better than Ahn's, to bring home the same message. He said:

> When an American says he loves his country, he means not only that he loves the New England hills, the prairies glistening in the sun, the wide and rising plains, the great mountains and the sea. He means that he loves an inner air, an inner light in which freedom lives and in which a person can draw the breath of self-respect.

Mr. President, I would like to submit the entire text of Ahn Phoung Nguyen's essay into the RECORD, so that every so often, whenever we get a little too complacent, her words might remind us what the American flag should mean to all of us.

"WHAT THE AMERICAN FLAG MEANS TO ME"

(By Ahn Phoung Nguyen, Little Falls, N.J.)

As the flag waves over the "purple mountian's majesty, through the fruitful plains," and to the Altantic Ocean I wonder to myself, "What is the American flag. . ." "What does it mean to me?" The flag with its various colors, stars, and stripes is a symbol which represents America; a symbol which we honor. The flag means different things to many people but to me our flag represents freedom.

As a refugee from Vietnam, I know what it is like not to have freedom and to live under Communist rule. Imagine not being able to choose your own government; not being able to speak out for what you believe in nor to express your own personal feelings, not choosing your own religion, education, or career. I have lived in America for eight years now. I have learned the meaning of freedom and opportunity and I have come to enjoy the lifestyle of the Americans.

There are times however, when some people take advantage of their liberty. They commit crimes, they do not vote, they mock and hurt others, and they even destroy our country's beauty and resources. We must learn never to take our freedom for granted. We must stop complaining and start being thankful for all that we do have. We must always remember there are people who are less fortunate than we are. We must be willing to show our total fidelity to our country, anytime, even if it means giving up our lives, as our ancestors did in service to America.

The flag, therefore, is very sacred to me. I am honored to stand beneath it everyday and salute it. The flag has given meaning to my life. It has provided me with a home in which to live. It is my security blanket against all harm. It has provided a sanctuary for me and my family where we can feel free to love and to grow and to dream—dreams we never dared before. In America we have a future; a new chance to start again. As the flag waves over the land of the free and the home of the brave I am proud and happy to say, "I pledge Allegiance . . ." to my new homeland.

MESSAGE FROM THE HOUSE

At 5:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2712. An act to extend title XVII of the Public Health Service Act, and for other purposes;

H.R. 2713. An act to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies;

H.R. 2784. An act to amend the National Aquaculture Act of 1980;

H.R. 3103. An act to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes; and

H.R. 3151. An act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building."

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as follows:

H.R. 1271. An act with regard to Presidential certifications on conditions in El Salvador; to the Committee on Foreign Relations.

H.R. 2712. An act to extend title XVII of the Public Health Service Act, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 2784. An act to amend the National Aquaculture Act of 1980; to the Committee on Commerce, Science, and Transportation.

H.R. 3103. An act to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3151. An Act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building;" to the Committee on Governmental Affairs.

HOUSE BILL PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2713. An act to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1233. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a soil conservation service plan for the South Fork Licking River watershed, Ohio; to the Committee on Environment and Public Works.

EC-1234. A communication from the Secretary of the Treasury transmitting, pursuant to law, a report on the operation and status of the State and local fiscal assistance trust fund, fiscal year 1982; to the Committee on Finance.

EC-1235. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on reimbursement of clinical laboratories under medicare; to the Committee on Finance.

EC-1236. A communication from the U.S. Trade Representative transmitting, pursuant to law, a report on rules of origin in international trade; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-218. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTION

"Whereas, on November second, nineteen hundred and eighty-two, three State senatorial districts and fifteen State representative districts overwhelmingly approved the jobs with peace referendum; and

"Whereas, in that same election, the nuclear freeze referendum won by a substantial margin; and

"Whereas, the Nation's cities are in desperate need of action that generates jobs for their residents, and Government spending generates fewer jobs per dollar than private sector spending; and

"Whereas, proposed military spending from fiscal year nineteen hundred and eighty-two through fiscal year nineteen hundred and eighty-seven will total one and six tenths trillion dollars; and

"Whereas, the proposed increases in military spending will require higher taxes, deeper cuts in domestic programs in future years, fuel inflation and further undermine the economy; and

"Whereas, those Americans on a fixed income or without adequate source of income have the right to a decent standard of living including housing, health care, education and other essential services; and

"Whereas, the tax burden is crippling the working American; now therefore be it

"Resolved, that the General Court of Massachusetts hereby urges the President and the Congress of the United States to cease unnecessary military spending on new military programs and, instead, to cut taxes and to spend the funds for civilian needs such as construction of energy efficient housing, mass transit, public education and health care; and be it further

"Resolved, that the Massachusetts General Court respectfully requests his excellency, the Governor of the Commonwealth, to declare the week of April tenth through April sixteenth, nineteen hundred and eighty-four as "Massachusetts Jobs With Peace Week"; and be it further

"Resolved, that copies of these resolutions be transmitted by the Clerk of the House of Representatives to the President of the United States, to the presiding officer of each branch of Congress, to each member thereof from the Commonwealth and to his excellency, the Governor of the Commonwealth."

POM-219. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Banking, Housing, and Urban Affairs:

"SUBSTITUTE HOUSE JOINT MEMORIAL NO. 19

"Whereas, international trade has grown to such an extent that exports currently account for a high percentage of our gross national product; and

"Whereas, international trade is particularly important to the State of Washington, both now and in the future, due to the state's bountiful natural resources, productive industries, and strategic location; and

"Whereas, the United States Export Import Bank's mission is to promote United States exports through direct loans to foreign purchasers of our exports and loan guarantees; and

"Whereas, the international marketplace is increasingly dominated by foreign government subsidized consortiums and state corporations with which our exporters must compete; and

"Whereas, key industries of the state, particularly in agriculture, aviation, forest, and other manufactured products, are greatly affected by the activities of the Export Import Bank; and

"Whereas, the strength of these industries is vital to our economy and contributes thousands of jobs for employees, subcontractors, and others dependent on them;

"Now, therefore, Your Memorialists respectfully pray that Congress be fully aware of the benefits derived from the activities of the Export Import Bank and authorize an adequate funding level for the Bank to allow our important industries to fairly compete with their foreign competitors to maintain and expand exports.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each Member of Congress from the State of Washington."

POM-220. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Banking, Housing and Urban Affairs:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION FURTHER EXPANDING THE SECTION 8 SUBSIDY TO THE ELDERLY, POOR, AND OTHERS

"Whereas, the current standard of living of many poor and elderly Americans is so inferior that they are compelled to live in substandard housing and because of depressed finances are often unable to pay to adequately heat their living quarters; now therefore be it

"Resolved, that the Massachusetts General Court respectfully urges the Congress of the United States to enact legislation to expand and facilitate the section 8 subsidy and distribution formula to give direct rental assistance to house the poor and elderly in the two, three and four family homes of their communities through local housing and redevelopment authorities; and be it further

"Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the President of the United States, to the presiding officer of each branch of the Congress and to each Member thereof from this Commonwealth."

POM-221. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation:

"HOUSE JOINT MEMORIAL No. 32

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The Pacific Northwest is blessed with perhaps the greatest of all game fish, the steelhead trout; and

"Whereas, The steelhead trout, an anadromous rainbow trout, enjoys an unparalleled reputation as a game fish, a fish that challenges the most competent anglers; and

"Whereas, Economic and commercial development has substantially reduced the natural run of steelhead trout so that today, the majority of the steelhead trout caught are hatchery-bred trout, primarily paid for by sport angling license fees and other sport angling-related tax dollars; and

"Whereas, The commercial steelhead fishery accounts for approximately half or the annual harvest of this diminishing resource while making no significant contribution to the maintenance of the steelhead resources; and

"Whereas, There are simply insufficient steelhead trout available to support both a sport fishery and a commercial fishery, and the economic, social, and cultural value of the steelhead trout as a game fish far exceeds its economic value as a commercial fish;

"Now, Therefore, Your Memorialists respectfully pray that Congress enact legislation declaring the steelhead trout a national game fish and prohibiting the commercial sale of this splendid fish.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the Secretary of the Interior, the President of the United States Senate, the Speaker of the House of Representatives, each Member of Congress from the State of Washington, and the Honorable John Spellman, Governor of the State of Washington."

POM-222. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Commerce, Science, and Transportation:

"HOUSE RESOLUTION No. 268

"Whereas, it has come to the attention of this legislative body that the Federal Aviation Administration is investigating the recent midair near collision of a United Airlines jumbo jet and a private jet over Cedar Rapids, Iowa; and

"Whereas, this mishap is only one of several recently involving controllers at the FAA Regional Center in Aurora, Illinois; and

"Whereas, the mishaps have occurred at a time when the FAA is considering lifting emergency air traffic restrictions over the four-state Midwest area that were imposed in 1981 when the staff of the Aurora facility was decimated by the national walkout by members of the Professional Air Traffic Controllers Organization; and

"Whereas, FAA officials plan before the end of the year to lift the strict controls imposed after the controllers strike that limit traffic handled by the Aurora facility to about 85 percent of prior levels; and

"Whereas, an FAA spokesman said the Aurora center now employs 250 controllers as compared with 501 in June, 1981, before the walkout; and

"Whereas, FAA officials concede that there has been a significant increase in the number of air traffic control mishaps thus far this year; therefore, be it

"Resolved, by the House of Representatives of the Eighty-Third General Assembly of the State of Illinois, That we urge the Federal Aviation Administration to press its investigation of all mishaps which endanger the life and property of our citizens; and be it further

Resolved, That we encourage the Federal Aviation Administration to restaff all air control facilities to levels capable of safely handling traffic at all levels at all times; and be it further

"Resolved, That a suitable copy of this preamble and resolution be delivered to the Director of the Federal Aviation Administration in Washington, D.C."

POM-223. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Commerce, Science, and Transportation:

"ASSEMBLY JOINT RESOLUTION No. 25

"Whereas, the national tourism policy established by Congress in 1981 recognizes the contribution of tourism to economic prosperity, full employment and the international balance of payments and stresses the importance of encouraging the free and welcome entry of persons from foreign countries traveling to the United States; and

"Whereas, promoting the United States as a destination is a necessary and appropriate federal function which has been vested in the United States Travel and Tourism Administration in the Department of Commerce; and

"Whereas, allocations of money to the United States Travel and Tourism Administration enable it to compete with other countries in attracting foreign visitors and constitute an investment which brings a high rate of return in benefits to the economy; and

"Whereas, current allocations to the agency are inadequate for a full and effective program, but congressional proposals are pending which would authorize a more realistic level of support; and

"Whereas, proposals are also pending which would reduce impediments to travel by waiving the requirement for visas for persons from certain countries who come to the United States for 90 days or less; and

"Whereas, attracting more visitors to the United States will provide increased opportunities for employment and produce much-needed tax revenues in states such as Nevada whose economies are highly dependent on tourism; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That this legislature urges the Congress of the United States to increase its allocations of money to the United States Travel and Tourism Administration to a level which will enable the agency effectively to carry out its function of encouraging persons from foreign countries to travel to the United States; and be it further

"Resolved, That this legislature urges the enactment of legislation providing for the waiver of requirements for visas for travelers to the United States wherever feasible; and be it further

"Resolved, That the legislative counsel shall forthwith transmit copies of this resolution to the Vice President of the United States as President of the Senate, the Speaker of the House of Representatives, the chairman of the Subcommittee on Business, Trade and Tourism of the Senate Committee on Commerce, Science and Transportation and each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-224. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation:

RESOLUTION

"Whereas, the diminishing of Federal operating subsidies to regional public transit systems have forced increases in fares and decreases in service; and

"Whereas, it is much fairer to use Federal revenues than State revenues to pay mass transit operating costs; and

"Whereas, Massachusetts citizens deserve safe, affordable, and comfortable public transportation and Massachusetts businesses demand a sound public transportation system as an integral part of the infrastructure of the Massachusetts economy; therefore be it

"*Resolved*, That the Massachusetts General Court hereby expresses its dissatisfaction with further cuts in Federal operating subsidies for mass transit; and be it further

"*Resolved*, That a copy of these resolutions be forwarded by the clerk of the house of representatives to the President of the United States, the Secretary of Transportation, the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-225. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation:

"RESOLUTION

"Whereas, a uniform system of reckoning time throughout the several states is convenient and necessary for the proper and efficient carrying on of interstate commerce; and

"Whereas, by the Uniform Time Act of 1966 (P.L. 89-387; U.S.C. 15 Section 260 et seq.), Congress provided for such a uniform and coordinated system, including the observance of Daylight Saving Time (except in those states which by law omit such observance) during the summer months, from 2:00 A.M. on the last Sunday of April until 2:00 A.M. on the last Sunday of October of each year; and

"Whereas, the benefits of Daylight Saving Time, in providing an extension of natural light into the evening hours, have been almost universally acknowledged, not only in the United States, but also in many foreign nations; and

"Whereas, the return each fall to Standard Time, whereby winter sunset causes an undesirable encroachment of darkness upon the latter part of the active day, requiring an unnecessary and undesirable drain upon valuable and increasingly scarce power resources to supply artificial light, creating conditions hazardous to vehicular and pedestrian traffic during a peak travel period, and offering unduly propitious conditions for violent and predatory criminal acts upon the streets and thoroughfares of many urban areas; and

"Whereas, The value of Daylight Saving Time as a conservation measure, reducing the consumption of fuel for power generation (and the concomitant effusion of pollutants), was recognized by the Congress in providing for year-round observance of this time reckoning during the war emergency period from February, 1942 to October, 1945; and in providing for extension of Daylight Saving Time during the energy shortage from 1974 to 1975; and

"Whereas, Urgent current needs for conservation of energy sources, control pollution, deterrence of street crime and reduction of the human suffering and property damage due to accidents combine to support the advisability of a permanent extension of Daylight Saving Time; therefore be it

"*Resolved*, That the Massachusetts General Court calls upon the Congress to amend the Uniform Time Act of 1966 (P.L. 89-387; U.S.C. 15 Section 260 et seq.) to provide for observance of Daylight Saving Time from 2:00 A.M. on the last Sunday of February until 2:00 A.M. on the second Sunday of November each year; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of the Congress, and to each member thereof from this Commonwealth, and to the presiding officers of the legislative bodies of the several States in the Eastern Time Zone."

POM-226. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL NO. 15

"Whereas, The United States is the only nation in the world to have organized a National Civilian Conservation Corps; and

"Whereas, The Corps compiled an impressive record of accomplishments during its nine years of existence including: Planting three million acres of trees, thinning five million acres of forests, building bridges and roads, battling forest fires, controlling erosion, and opening up state and national parks; and

"Whereas, A National Civilian Conservation Corps would provide employment for the youth of today, make them self-reliant, and offer them a practical work routine where they would be trained as foresters, construction foremen, administrative clerks, truck drivers, equipment operators, mechanics, carpenters, and many other practical jobs; and

"Whereas, Four billion tons of waste wood could be removed from our national and state forests and could be converted into wood alcohol at the rate of eight hundred thousand barrels a day which, besides helping increase the supply of energy, would provide revenue for the government;

"Now, therefore, Your Memorialists respectfully pray that the administration and the Congress give immediate and serious consideration to the establishment of a permanent Civilian Conservation Corps.

"*Be it resolved*, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-227. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources:

"HOUSE RESOLUTION NO. 61

"Whereas, Gradual decontrol of wellhead gas prices allowed under the Natural Gas Policy Act of 1978 raised Pennsylvania gas bills by more than 130% since 1978; and

"Whereas, If decontrol continues, either at its current rate under the Natural Gas Policy Act of 1978 or at a rate accelerated by the United States Congress or by administrative actions of the Federal Energy Regulatory Commission, it would cost Pennsylvania gas consumers between ten billion dollars and thirteen billion dollars between 1983 and 1986; and

"Whereas, Interstate gas pipelines have little incentive to make prudent purchasing decisions to keep prices as low as possible; and

"Whereas, President Reagan has recently proposed to remove all controls from the natural gas market over the next three years; therefore be it

"Resolved, That the House of Representatives urge the Congress of the United States to pass comprehensive legislation which would:

"(1) extend gas price controls beyond 1985 and set ceilings at prewinter 1982-1983 levels, allowing for increases based on inflation only;

"(2) eliminate expensive and onerous pipeline contract provisions which unnecessarily increase gas costs to consumers;

"(3) force the Federal Energy Regulatory Commission to review pipeline gas purchases to insure that pipelines buy the least expensive gas available;

"(4) remove the Federal Energy Regulatory Commission's ability to administratively deregulate gas prices; and

"(5) require the Federal Energy Regulatory Commission to allow greater public participation in the Federal Energy Regulatory Commission gas rate proceedings; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress, the Chairman and Commissioners of the Federal Energy Regulatory Commission and to each member of Congress from Pennsylvania."

POM-228. A concurrent resolution adopted by the Legislature of the State of Hawai'i; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION NO. 169

"Whereas, the State of Hawaii and all of her people proudly share, endorse, and encourage American ideals and principles of justice through law, and profoundly believe that an unresolved injustice to one is a harm endured by all; and

"Whereas, such a harm to Native Hawaiians has occurred without redress or remedy; and

"Whereas, Native Hawaiians have been included and identified as Native Americans in recognition of their unique and special relationship with the United States as an indigenous people; and

"Whereas, as a result of the good conscience of the American people, speaking through the Congress, redress and remedy have been granted to other Native Americans for injustices and harm done them; and

"Whereas, the Congress of the United States has indicated its interest in the pursuit of seeking resolution to possible claims by Native Hawaiians for the losses and damages which resulted from the overthrow of the legal government of the Kingdom of Hawai'i in 1893; and

"Whereas, the Congress enacted Public Law 96-565, Title III, and thereby established a Native Hawaiians Study Commission to advise the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Interior and Insular Affairs on issues of concern to Native Hawaiians; and

"Whereas, the Legislature of the State of Hawai'i also has an abiding and deep commitment to the fulfillment of national purposes relating to Native Hawaiians and truly affecting all of the citizens of Hawai'i; and

"Whereas, it is, therefore, appropriate for this Legislature to express its formal beliefs in the matter of Native Hawaiian claims against the United States for action which occurred in 1893, and subsequently with American annexation of the Islands of Hawai'i in 1898; and

"Whereas, based upon a careful examination of historical records and accounts the Legislature of the State of Hawaii has determined there is sufficient reason to believe that:

"(1) The United States, through its representatives in the State and Navy Departments, did encourage and actively supported rebellion against the legitimate government of the Kingdom of Hawai'i;

"(2) The involvement of U.S. Minister John L. Stevens was crucial to the success of the rebellion, and that his refusal to remain neutral in the domestic affairs of the Kingdom and, instead, to become an active agent in the planning and military force supporting the insurrection by ordering the landing and placement of American marines in a manner and position unmistakeably intended to intimidate the Queen of Hawai'i and her government;

"(3) Without such armed American support, the insurgence would have failed for a lack of popular support and insufficient arms; and

"(4) Such actions by the American minister and forces was a breach of international law, of treaties with the Kingdom of Hawai'i, and was characterized by President Grover Cleveland in his "Executive Message to Congress" (December, 1893) as an illegal and immoral act of war against a feeble and trusting nation; and

"Whereas, because of these American actions the Queen yielded her authority and that of her government to the United States

through Minister Stevens, who did not forward her plea for review by the United States but acted to recognize a provisional government composed of leaders of the insurrection and to declare an American protectorate over the Islands; and

"Whereas, these actions were augmented two weeks later by the occupation of American troops in all government buildings of the Hawaiian Islands at the request of the provisional government from a fear of being unable to maintain control; and

"Whereas, these actions culminated in the assertion of control by the subsequent Republic of Hawai'i over the crown, government, and public lands of the Kingdom of Hawai'i; and

"Whereas, such lands and sovereignty represented the traditional and ancestral land rights and titles of the Native Hawaiian people; and

"Whereas, these ancestral rights and lands were ultimately ceded to the United States by a government whose existence was dependent upon the actions and agents of the United States; and

"Whereas, this transfer occurred without the consent of the Native Hawaiian people, without compensation for their interests, and without any explicit protection of their interests; and

"Whereas, through amendments to the State Constitution in 1978, the people of the State of Hawai'i ratified and formally acknowledged the rights of Native Hawaiians to a legislatively determined pro rata share of the proceeds of such lands ceded to the United States and returned as a public trust to the State of Hawai'i in the Admission Act of 1959; and

"Whereas, in the ratification of another constitutional amendment in 1978, the people of Hawai'i also established an Office of Hawaiian Affairs to administer the proceeds from this trust, and explicitly empowered the Office to be the receptacle for all moneys or lands granted to the Native Hawaiians as restitution by the United States for damages incurred by the actions which resulted in the overthrow of the Kingdom of Hawai'i; and

"Whereas, these State Constitutional provisions, and their codification in the Hawaii Revised Statutes as Chapter 10, do indeed endorse and encourage Native Hawaiian rights and interests as a significant, proper, and public purpose; now, therefore,

"*Be it resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, the Senate concurring*, That the Congress of the United States is respectfully urged to acknowledge the illegal and immoral actions of the United States in the overthrow of the Kingdom of Hawai'i in 1893, and to indicate its commitment to grant restitution for the losses and damages suffered by Native Hawaiians as a result of those wrongful actions; and

"*Be it further resolved*, That certified copies of this Concurrent Resolution be transmitted to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Chairperson of the U.S. Senate Committee on Energy and Natural Resources, the Chairperson of the U.S. House Committee on Interior and Insular Affairs, the members of the Hawai'i Congressional delegation, the Chairperson of the Native Hawaiians Study Commission, and to the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs."

POM-229. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION NO. 25

"Whereas, The United States Forest Service reviewed and evaluated the suitability of more than 2.5 million acres of roadless and undeveloped land in Nevada for designation as wilderness; and

"Whereas, Many officials of the State of Nevada and its local governments, and members of the public in this state, participated extensively in this review and evaluation, the second phase of the Roadless Area Review and Evaluation ('RARE II') by the Forest Service; and

"Whereas, The Forest Service completed the review and evaluation on January 4, 1979, and issued a 'Final Environmental Statement,' which many of those who participated in the study in Nevada found to be adequate for this state; and

"Whereas, The United States Court of Appeals for the Ninth Circuit recently ordered the Forest Service to conduct a third review of 47 roadless areas in California, a review which will be at considerable cost to American taxpayers; and

"Whereas, Congress has recently ratified the legal adequacy of the 'Final Environmental Statement' respecting studies by the Forest Service of roadless areas in Alaska, Colorado, Indiana, Missouri, New Mexico and West Virginia, and the statement respecting Forest Service land in Nevada should be so ratified; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That this legislature strongly urges the Congress of the United States to enact legislation which ratifies the legal adequacy of the 'Final Environmental Statement' of the United States Forest Service as it applies to lands of the Forest Service within the boundaries of the State of Nevada; and be it further

"*Resolved*, That this resolution is not intended, however, to endorse the proposal by the United States Forest Service to designate certain areas of Nevada as wilderness; and be it further

"*Resolved*, That the legislative counsel shall forthwith transmit copies of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada congressional delegation and the Chief of the United States Forest Service; and be it further

"*Resolved*, That this resolution shall become effective upon passage and approval."

POM-230. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Finance:

"ENROLLED SENATE CONCURRENT RESOLUTION
NO. 9

"Whereas, the President of the United States has proposed a contingency tax of Five Dollars per barrel on domestic oil beginning October 1, 1985, if certain economic conditions are met; and

"Whereas, if domestic oil prices should continue to decline, the Five Dollars per barrel tax could reach a rate grossly disproportionate to the price of oil per barrel; and

"Whereas, the early estimates by the Budget Committee of the United States House of Representatives project these taxes will cost the oil and gas industry 27.1 billion dollars if implemented; and

"Whereas, if this contingency tax were imposed on our domestic oil industry, it would represent a serious danger to an already beleaguered industry; and

"Whereas, this proposal could be very harmful to the oil and gas industry and ultimately to the consumer.

"Now, therefore, be it resolved by the Senate of the 1st Session of the 39th Oklahoma Legislature, the House of Representatives concurring therein:

"That the Oklahoma Legislature does hereby memorialize the President of the United States and the United States Congress to refrain from imposing a contingency tax of Five Dollars per barrel on domestic oil beginning October 1, 1985.

"That copies of this resolution be distributed to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Oklahoma Congressional Delegation and the Secretary of the United States Department of the Treasury."

POM-231. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 30

"Whereas, The United States is reportedly the only country in the world which taxes gaming winnings as income; and

"Whereas, The right to raise revenues for state purposes is reserved to the states by the Constitution of the United States; and

"Whereas, Gaming is a primary and vital source of revenue in the economy of the State of Nevada; and

"Whereas, The people of the State of Nevada have approved, as a matter of state policy, the raising of state revenue through the imposition of state taxes on gaming businesses; and

"Whereas, The legalization of gaming in the State of Nevada has resulted in the virtual elimination of illegal gaming activities in the state; and

"Whereas, the beneficial effects of the legalization of gaming on the state's interests are significantly inhibited by the imposition of a discriminatory federal tax which interferes with the latitude necessary for the state to pursue its revenue raising policies and law enforcement goals; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the legislature of the State of Nevada requests the Congress of the United States to enact legislation which exempts the winnings of individual gaming patrons from income tax; and be it further

"*Resolved*, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President of the Senate and the Speaker of the House of Representatives of the United States and to each member of the Nevada congressional delegation; and be it further

"*Resolved*, That this resolution shall become effective upon passage and approval."

POM-232. A resolution adopted by the Napa County, Calif., Board of Supervisors urging Congress to enact the Wine Equity Act of 1983; to the Committee on Finance.

POM-233. A resolution adopted by the Presbytery of the Redwoods expressing their profound gratitude to Almighty God and to the House Committee on Foreign Affairs for their refusal to approve $60 million in military aid to the Government of El Salvador; to the Committee on Foreign Relations.

POM-234. A resolution adopted by the General Court of the Commonwealth of

Massachusetts; to the Committee on Foreign Relations:

"Resolution

"*Whereas,* it is the natural right of every nation to govern itself; and

"*Whereas,* the artificial division of Ireland by England has resulted in injustice and oppression; and

"*Whereas,* the struggle for a united Ireland is a legitimate struggle for political self-determination; and

"*Whereas,* the British propaganda machine has succeeded in depicting the age-old Irish struggle for freedom as an eruption of bigotry based on ancient and petty grudges; and

"*Whereas,* certain persons in the United States Government have fallen prey to such propaganda and have involved themselves on the side of the British oppressors; therefore be it

"*Resolved,* that the Massachusetts General Court hereby urges the President of the United States, the Congress of the United States and the State Department to use the full weight and power of their offices in imploring Great Britain to regrant political status to Irish Republican dissidents in Ireland and Britain to withdraw all British troops from the streets of northeast Ireland and further requesting the British Government to declare an intent to withdraw all military personnel from occupied Ireland; and be it further

"*Resolved,* that a copy of these resolutions be sent by the Clerk of the House of Representatives to the President of the United States, the Secretary of State, the presiding officers of each branch of the Congress and to each Member thereof from this Commonwealth."

POM-235. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolution

"Whereas, the United States was founded upon a spirit of equality and freedom of choice; and

"Whereas, the country of Ireland is currently involved in an internal conflict which is being affected by external policies and governments; and

"Whereas the United States traditionally favors policies of self-determination over policies of colonization; therefore be it

"*Resolved,* That the Massachusetts General Court respectfully urges the Congress of the United States to enact such legislation as may be necessary to call for self-determination of government for the country of Ireland; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Clerk of the House of Representatives to the President of the United States, the presiding officers of each branch of Congress and the Members thereof from this Commonwealth."

POM-236. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolutions urging the United Nations to Consider the Issue of British Occupied Ireland

"Whereas, the Massachusetts General Court deplores the violence and bloodshed which has occurred in British occupied Ireland; and

"Whereas, continuance of violence in British occupied Ireland affects not only that country but much of the civilized world; and

"Whereas, it appears unlikely that peace will be restored in British occupied Ireland unless British troops are removed therefrom and unless the parties involved in such violence negotiate in good faith and restore peace; and

"Whereas, the United Nations presents an ideal and readily available Agency through which such negotiations may be conducted; therefore be it

"Resolved, that the Massachusetts General Court hereby urges the United Nations to immediately consider the situation in British occupied Ireland with a view to effecting the elimination of violence and a political solution to the problems of British occupied Ireland by negotiation of the parties involved; and be it further

"Resolved, that copies of these resolutions be sent forthwith by the clerk of the House of Representatives to the President of the United States, the Secretary General of the United Nations, the Presiding Officer of each branch of Congress and the Members thereof from this commonwealth."

POM-237. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolutions Memorializing the Congress of the United States To Recognize the Contributions of the Irish People of Our Nation

"Whereas, recognizing the many contributions of men and women of Irish blood to the building of our great Nation and to the cause of freedom everywhere since the earliest times; and

"Whereas, recognizing the fact that Ireland is artificially partitioned against the wishes of the overwhelming majority of the Irish people; and

"Whereas, recognizing that Irish people in the six-county area known as "Northern Ireland" are denied basic civil and human rights, and are unable to obtain adequate protection from attack or equal justice under law; and

"Whereas, the explosive situation in "Northern Ireland" is an unreasonable threat to the peace and is therefore the legitimate concern of all men; and

"Whereas, it is in the best interests of the United States that there be a just and equitable solution to this problem; and

"Whereas, for humanitarian reasons, as well as out of respect for the principles of freedom, liberty, justice, natural law, and history, we hereby take notice of the deplorable state of affairs in Ireland; therefore be it

"Resolved, that the Massachusetts General Court hereby memorializes and petitions the Congress of the United States to use its full power in insisting that Irish people ought to be permitted to exercise the right of national self-determination thus returning the disputed six counties to the Irish Republic, unless a clear majority of all the people of Ireland in a free and open plebiscite, determine to the contrary; and be it further

"Resolved, that copies of these resolutions be sent forthwith by the Clerk of the House of Representatives to the President of the United States, the Secretary of State, the Presiding Officer of each branch of Congress and to the Members thereof from this commonwealth."

POM-238. A joint resolution adopted by the Legislature of the Senate of Washington; to the Committee on Foreign Relations:

"House Joint Memorial No. 31

"Whereas, Nearly a decade has passed since the United States removed its military forces from Viet Nam and Southeast Asia; and

"Whereas, Many Americans gave of themselves to fight for their country, prevent the spread of Communism and strengthen America; and

"Whereas, The human losses suffered by those who served in Viet Nam, and by their families and friends, will live with this country for years to come; and

"Whereas, Those losses are particularly painful for families and friends of Americans who remain missing in action; and

"Whereas, This nation has an obligation to the families and friends of MIAs, and to the MIAs themselves, to make every effort to locate the MIAs and have them returned to the United States;

"Now, therefore, Your Memorialists respectfully pray that President Ronald Reagan and the United States Congress make every possible effort to have all MIAs in Viet Nam and Southeast Asia returned to the United States.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-239. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs:

"Senate Joint Resolution No. 26

"Whereas, On July 21, 1982, the United States conveyed to the State of Nevada approximately 50 acres which had been a part of the Stewart Indian School at Stewart, Nevada; and

"Whereas, The 50 acres granted to the State of Nevada was the maximum amount of real property which could be transferred to the state pursuant to 25 U.S.C. § 293(a); and

"Whereas, Approximately 60 acres of real property adjacent to the 50 acres conveyed to the state have not been conveyed by the United States; and

"Whereas, That 60 acres contains several residences, a part of the campus of the former school and facilities for treating sewage from the school; and

"Whereas, The problems of managing the former school, the groundwater of the area and the treatment of sewage would be alleviated if the 60 acres were conveyed to the State of Nevada; and

"Whereas, The 60 acres presently are of little value or use to the United States and are not easily managed by the United States; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the legislature respectfully requests that the Congress of the United States convey to the State of Nevada, all the real property and improvements lying and situate in Carson City, State of Nevada, more particularly described as being portions of the N½ of the NE¼ of Section 5, Township 14 North, Range 20 East, and the S½ of the SE¼ of Section 32, Township 15 North, Range 20 East, M.D.B. & M., and more fully described by metes and bounds as follows:

"Parcel 1: Beginning at a point on the Sixteenth Section line which bears North 52°33'29" West, a distance of 2217.18 feet from the Southeast corner of Section 32, Township 15 North, Range 20 East, M.D.B. & M.; Thence South 49°48'10" West, a distance of 72.00 feet; Thence South 44°15'30" West, a distance of 235.95 feet; Thence South 28°20'04" West, a distance of 628.52 feet; Thence North 62°50'01" West, a distance of 245.00 feet; Thence North 5°22'00" West, a distance of 340.03 feet; Thence North 0°41'52" East, a distance of 330.08 feet to a point on the Sixteenth Section line; Thence following said Sixteenth Section line, South 89°06'59" East, a distance of 763.82 feet to the Point of Beginning; said parcel containing an area of 7.91 acres, more or less; and

"*Parcel 2.* Beginning at a point on the East Section line which bears South 1°03'14" West, a distance of 1077.90 feet from the Northeast corner of Section 5, Township 14 North, Range 20 East, M.D.B. & M.; Thence continuing along said Section line, South 1°03'14" West, a distance of 192.48 feet to the Sixteenth Corner; Thence following the Sixteenth Section line, North 89°16'53" West, a distance of 428.88 feet to a point on the meander line of Clear Creek; Thence following said meander line of Clear Creek, North 43°36'51" West, a distance of 22.80 feet; Thence North 67°16'46" West, a distance of 90.51 feet; Thence North 34°12'17" West, a distance of 166.11 feet; Thence South 47°36'58" West, a distance of 63.63 feet; Thence North 18°50'03" West, a distance of 84.41 feet; Thence South 46°12'07" West, a distance of 47.87 feet; Thence North 63°02'10" West, a distance of 315.42 feet; Thence South 87°15'50" West, a distance of 82.01 feet; Thence North 38°34'12" West, a distance of 78.80 feet; Thence South 38°00'33" West, a distance of 59.14 feet; Thence North 31°19'04" West, a distance of 119.13 feet; Thence South 72°07'16" West, a distance of 67.78 feet; Thence North 30°18'23" West, a distance of 72.79 feet; Thence North 83°21'14" West, a distance of 188.45 feet; Thence South 62°40'03" West, a distance of 169.64 feet; Thence South 84°18'59" West, a distance of 216.08 feet; Thence North 89°05'18" West, a distance of 277.76 feet; Thence North 46°35'40" West, a distance of 292.25 feet; Thence North 67°05'59" West, a distance of 140.00 feet; Thence North 29°16'31" West, a distance of 165.70 feet; Thence North 73°25'20" West, a distance of 58.09 feet to a point on the Quarter Section line; Thence following said Quarter Section line, North 0°49'17" East, a distance of 475.81 feet to a point on the Section line common to Section 5, Township 14 North, Range 20 East, and Section 32, Township 15 North, Range 20 East, M.D.B. & M.; Thence continuing to follow the Quarter Section line, North 0°41'52" East, a distance of 664.80 feet to the Southwest corner of the Stewart Campus Area; Thence following the southern boundary of the Stewart Campus Area, South 62°38'24" East, a distance of 109.83 feet; Thence South 26°55'22" West, a distance of 147.92 feet; Thence South 62°12'54" East, a distance of 456.62 feet; Thence South 24°05'28" East, a distance of 687.25 feet; Thence South 65°02'06" East, a distance of 488.53 feet; Thence North 26°04'24" East, a distance of 497.00 feet; Thence North 74°54'48" East, a distance of 207.70 feet; Thence North 31°52'06" East, a distance of 395.68 feet; Thence South 80°32'08" East, a distance of 312.76 feet to a point of the West side of the abandoned Virginia and Truckee Railroad (V&TRR) right-of-way; Thence following the West side of said abandoned V&TRR right-of-way, South 21°30'35" East, a distance of 1441.72 feet to the POINT OF BEGINNING; said parcel containing an area of 52.37 acres more or less. Both parcels containing an area of 60.28 acres, more or less; and be it further

"Resolved, That copies of this resolution be immediately transmitted by the legislative counsel to the Vice President of the United States as President of the Senate, to the Speaker of the House of Representatives, and to each member of the congressional delegation of the State of Nevada; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-240. A resolution adopted by the Council of the American Historical Association endorsing the Eagleton bill (S. 905) which would separate the National archives and Records Service from the General Services Administration and restore it to the independent agency status it enjoyed prior to 1948; to the Committee on Governmental Affairs.

POW-241. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on the Judiciary:

"House Joint Memorial No. 17

"Whereas, The people of the State of Washington have long supported the rights of women, having voted in 1883, while still a territory, to grant women their right to vote; and

"Whereas, The people of the State of Washington have further demonstrated this dedication to achieving equity for women by amending the State Constitution to guarantee equality of the sexes in 1972; and

"Whereas, Over a century of involvement by women and their supporters in seeking equal legal rights through the democratic process has contributed significantly to the welfare, rights, and privileges now enjoyed by the citizens of the State of Washington and to the quality of life in this state; and

"Whereas, A growing number of citizens are dedicated to making this a nation where men and women are truly created equal and are endowed with the same inalienable rights to life, liberty, and the pursuit of happiness;

"Now, Therefore, Your Memorialists respectfully pray that renewed efforts be undertaken to encourage the speedy passage of the Equal Rights Amendment to the United States Constitution.

"Be it resolved, That copies of this Memorial be immediately transmited to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-242. A concurrent resolution adopted by the General Court of the State of New Hampshire; to the Committee on the Judiciary.

"Senate Concurrent Resolution No. 4

"Whereas, scientific and medical studies show marijuana to be of medical value in easing the debilitating side effects of chemotherapy in some cancer patients; and

"Whereas, courts have recognized marijuana's medical benefits in such treatment; and

"Whereas, the New Hampshire general court has enacted, and the governor of New Hampshire has signed, legislation (RSA 318-B:9, VII and 10, VI) permitting the limited medical use of marijuana, and they have further sought to establish compassionate programs of medical access to marijuana; and

"Whereas, the state of New Hampshire, through its various offices and agencies, has made a good faith effort to fulfill the intent of the New Hampshire general court to obtain marijuana for medical applications; and

"Whereas, federal agencies have failed to meet this good faith effort and have, instead, through regulatory ploys and obscure bureaucractic devices, resisted and obstructed the efforts of the New Hampshire general court; and

"Whereas, cancer patients undergoing chemotherapy who have been promised medical access to marijuana under the laws of New Hampshire are being deprived of such access by federal agencies that impose unrealistic limitations on that access; and

"Whereas, these problems are not peculiar to the state of New Hampshire but generally affect several other states and the citizens of these states adversely; now, therefore, be it

"Resolved by the Senate, the House of Representatives concurring:

"That the United States Congress is hereby urged to become informed of these difficulties, and to investigate and hold public hearings into federal policies which prohibit marijuana's legitimate medical use; and

"That the President of the United States and the United States Congress are hereby urged to seek to eliminate federal restrictions which prevent the several states from acquiring, inhibit physicians from prescribing, and prevent patients from obtaining marijuana for legitimate medical applications; and

"That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the New Hampshire congressional delegation."

POM-243. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"Resolutions Memorializing the Congress of the United States To Enact Legislation Providing Equal Rights to Women Under the Constitution of the United States

"Whereas, women have an absolute right to participate equally with men in sharing the benefits of our Democratic society; and

"Whereas, many laws exist which discriminate against women adversely affecting them socially, economically and politically; and

Whereas, gender is no proper measure of ability; and

Whereas, the fourteenth amendment to the Constitution of the United States which guarantees equal protection of the laws to all persons has proved to be inadequate in its application to women; and

Whereas, the Congress of the United States is considering a resolve to amend the Constitution of the United States by an article which, in essence, provides equal rights to women; now therefore be it

Resolved, that the Massachusetts General Court respectfully urges the Congress of the United States to waste no time in passing the resolve for equal rights to women; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officers of each branch of Congress and to the Members thereof from this Commonwealth."

POM-244. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ALLOW GREATER IMMIGRATION TO THE PEOPLE OF IRELAND

"Whereas, A part of the new U.S. immigration policy which is neither just nor equitable toward the Irish, and an Irish person who desires to come and settle here in the United States will no longer be allowed to do so; and

"Whereas, If the present U.S. Immigration Law had been on our statute books one hundred and fifty years ago, at least ninety per cent of the Irish in America would not have been allowed to enter the United States; and

"Whereas, It is recognized that the old immigration law was unjust and unfair to some other nationalities but that the 1965 Immigration Act substituted a law which, now, is as unfair to Ireland as the old law was to these other nationalities; and

"Whereas, Irish nuns and brothers, have, for many years staffed schools, hospitals, orphanages and rest homes for the aged in our nation and these religious groups, who desire to come here to continue this work, must now wait their turn because of this new Immigration Act; and

"Whereas, In 1965, the Irish ranked fifth among the nationals immigrating to the United States and since then no longer ranks fifth or even tenth. Irish immigration is at an all time low. In 1967, two thousand six hundred and sixty-five were admitted. Since the enactment of the new law in July, 1968, a total of one thousand seventy-six persons applied for visas and through November 30th, 1968, only seventy-two were issued; therefore be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to enact such legislation as may be necessary to allow greater immigration to the people of Ireland; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Clerk of the House of Representatives to the President of the United States, the Secretary of State, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-245. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Labor and Human Resources:

"SENATE CONCURRENT RESOLUTION No. 3

"Whereas, West Virginia, even under normal allocation procedures, received less than its fair share of the present Federal Jobs Bill; and

"Whereas, West Virginia for several months now has been experiencing the highest unemployment rate of any state in the nation; and

"Whereas, The Congress has targeted nearly 2.4 billion dollars of the total 4.6 billion dollars in the Jobs Bill for specific projects in states other than West Virginia; and

"Whereas, No such specific projects were targeted for West Virginia despite the fact that West Virginia has the highest unemployment rate in the nation; and

"Whereas, The Federal Jobs Program funds that are coming to the state of West Virginia are mandated to expand or enhance existing programs rather than have as their primary purpose the creation of new jobs; and

"Whereas, West Virginia lost more federal aid than any other state last year; therefore, be it

"Resolved by the Legislature of West Virginia:

"That Congress is hereby urged in its consideration of the second phase of federal jobs program legislation to enact, and the President is urged to promote and approve a new jobs program bill which will target funds for the creation of permanent, productive jobs in West Virginia and other states which did not receive their fair share of the jobs program funds provided for in the first jobs program bill passed by Congress; and be it

"Resolved further, That the Clerk of the Senate is hereby directed to send a copy of this resolution to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives and to each member of the West Virginia Congressional delegation."

POM-246. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Veterans Affairs:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO STUDY THE EFFECTS OF AGENT ORANGE

"Whereas, due to the nature of the Vietnam War, the Vietnam veteran has not received the public approbation commonly accorded to military veterans; and

"Whereas, the Vietnam era veteran is subject to problems unique to veterans of that period; therefore be it

"Resolved, that the Massachusetts General Court requests the Federal Government to provide adequate treatment and compensation for any physical and mental disabilities caused by exposure to the chemical defoliant "Agent Orange"; and be it further

"Resolved, that the Federal Government thoroughly study and research the long-term health effects caused by exposure to "Agent Orange"; and be it further

"Resolved, that the Federal Government recognize the delayed stress effects known as "Post Vietnam Syndrome" as legitimate medical problems; and be it further

"Resolved, that copies of these resolutions be forwarded by the Clerk of the House of Representatives to the presiding officer of each branch of Congress and to the Members thereof from the Commonwealth."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 152. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1342.

By Mr. DOMENICI, from the Committee on the Budget, without amendment and without recommendation:

S. Res. 153. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1347.

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Con. Res. 22. Concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the United Nations Decade of Disabled Persons (1983-1992).

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. Res. 157. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1746; referred to the Committee on the Budget.

By Mr. GARN, from the Committee on Appropriations, with amendments:

H.R. 3133. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-152).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ARMSTRONG (for himself and Mr. Hart):

S. 1464. A bill to amend the Tax Reform Act of 1969 with respect to the application of the excess business holding provisions to private foundations; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. Quayle):

S. 1465. A bill to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building"; to the Committee on Environment and Public Works.

By Mr. DENTON (for himself, Mr. Symms, Mr. Thurmond, Mr. Hatch, Mr. Cochran, Mr. Humphrey, Mr. Quayle, and Mrs. Hawkins):

S. 1466. A bill to amend the Higher Education Act of 1965 to provide authorities for the study of peace, arms control, and conflict resolution, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HUMPHREY:

S. 1467. A bill for the relief of Edwin Greble; to the Committee on the Judiciary.

By Mr. ROTH:

S. 1468. A bill to amend the Internal Revenue Code of 1954 to clarify the existence of tax incentives for investment in resource recovery systems; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. Grassley, Mr. Denton, Mr. Leahy, Mr. Heflin, Mrs. Hawkins, Mr. Dole, Mr. Abdnor, Mr. Huddleston, Mr. Nunn, Mr. Thurmond, Mr. Hatch, Mr. DeConcini, Mr. East, Mr. Bradley, Mr. Pressler, Mr. Zorinsky, Mr. Laxalt, and Mr. Nickles):

S. 1469. A bill to amend title 18 of the United States Code relating to the sexual exploitation of children; to the Committee on the Judiciary.

By Mr. DANFORTH:

S. 1470. A bill to amend the act of March 3, 1911 (36 Stat. 1077, chapter 211) to remove restrictions on the use of the Springfield Confederate Cemetery, Springfield, Mo.; to the Committee on Veterans' Affairs.

By Mr. HELMS (for himself and Mr. East):

S. 1471. A bill to authorize the use of certain lands in connection with the project at Manteo (Shallowbag) Bay, N.C.; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN (for himself and Mr. D'Amato):

S. 1472. A bill to require the disposal of certain lands at Fort Totten, N.Y., for public health and park and recreation purposes; to the Committee on Governmental Affairs.

By Mr. MATHIAS:

S. 1473. A bill to authorize the city of Baltimore to sell the Raleigh Building without affecting the provision of Federal assistance if certain conditions are met; to the Committee on Environment and Public Works.

By Mr. KASTEN:

S.J. Res. 115. Joint resolution proposing an amendment to the Constitution of the United States with respect to the length of the terms of office of the President, Vice President, and Members of the Senate and of the House of Representatives and the number of terms a President, Senator, or Representative may serve; to the Committee on the Judiciary.

By Mr. KASTEN (for himself and Mr. Bradley):

S.J. Res. 116. Joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ANDREWS:

S. Res. 157. Original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1746; from the Select Committee on Indian Affairs; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG (for himself and Mr. Hart):

S. 1464. A bill to amend the Tax Reform Act of 1969 with respect to the application of the excess business holding provisions to private foundations; to the Committee on Finance.

APPLICATION OF EXCESS BUSINESS HOLDING PROVISIONS

● Mr. ARMSTRONG. Mr. President, in Colorado Springs, Colo., there exists today a unique private sector partnership that channels the profits from free enterprise into meeting individual and community needs that would otherwise remain unfilled.

For the past 42 years, the after-tax profits earned by the historic Broadmoor Hotel in Colorado Springs have been channeled through its owner, the El Pomar Foundation, to help fund civic and charitable groups throughout the State. With the Broadmoor as its cornerstone, more than $65 million has been contributed by the El Pomar Foundation to help meet the needs of the Penrose Hospital for Cancer Research, Colorado College, the University of Denver, the Chicano education project, and more than 300 other such groups.

But this creative and productive partnership is threatened by requirements proposed by current tax law. The bottom line is this: Unless current law is amended, the El Pomar Foundation will be forced to lose majority ownership of the Broadmoor, and the Broadmoor will probably no longer—to the regret of the State of Colorado and to the Colorado Springs community—be locally controlled or operated.

Today, Senator Hart and I are jointly introducing legislation which will stop this forced divestiture which is now required by an overly broad and misguided provision contained in a 1969 tax law.

When Congress wrote the 1969 law, some individuals created foundations to escape payment of estate taxes on inherited family enterprises. To stop this practice, Congress enacted legislation requiring all foundations—even if there was no hint of tax fraud or abuse—to divest themselves of majority ownership of all enterprises. As a result, the El Pomar Foundation must divest itself of 50 percent of its Broadmoor stock by 1989, and an additional 15 percent of its stock by 2004.

One irony surrounding the El Pomar's forced divestiture is that in drafting the 1969 law the U.S. Senate approved a provision which in large measure exempted the Broadmoor from the divestiture requirement for at least 36 years. At the time, the Senate believed, as I do today, that the factors that led to the foundation legislation in 1969 are not present in the El Pomar Foundation. In fact, none of those operating the Broadmoor or the foundation are descendants of Spencer Penrose, the original founder of the Broadmoor and the foundation.

The legislation Senator Hart and I are introducing today exempts the El Pomar Foundation from the divestiture requirements imposed by section 101(1)(4) of the Tax Reform Act of 1969.

There are several compelling reasons why S. 1464 should be enacted:

First, profits now earned from the Broadmoor Hotel's operations are channeled through the El Pomar Foundation into civic and charitable projects throughout Colorado. A forced divestiture would adversely affect this partnership.

Second, under present law prospective buyers could take unfair advantage of the foundation since it has a legal mandate to sell in the future.

Third, the factors that led to the 1969 law are not present in this case. Both the Broadmoor Hotel and the foundation are totally free from the influence of the grantor or the heirs.

Fourth, there would be no revenue loss if this proposal is enacted into law since the Broadmoor Hotel is subject to the corporate income tax law regardless of ownership by the El Pomar Foundation. Although the El Pomar Foundation is exempt from Federal income tax law, the foundation, like all foundations, is subject to the private foundation excise tax on its investment income.

Fifth, there is precedent for this legislation since the U.S. Senate has earlier approved similar legislation.

Sixth, the Broadmoor Hotel is locally owned and managed, and is a bedrock of the Colorado Springs community. It is the city's second largest employer, and the Broadmoor subsidizes hundreds of community activities. Because the Broadmoor is such a unique and valuable asset, financial analysts believe that only corporations now located outside the State would be able to purchase the Broadmoor. So the likely result of a forced sale of the Broadmoor, as now required by law, would be nonresident absentee ownership. One indication of the opposition to absentee ownership of the Broadmoor is an editorial accompanying my remarks that was recently published by the Colorado Springs Gazette Telegraph, the city's largest newspaper.

Mr. President, the Armstrong-Hart bill merits quick hearings and early enactment. Let me point out that this is not a controversial bill. In fact, it has unanimously passed the Senate Finance Committee on a 19 to 0 rollcall vote. It has also twice passed the U.S. Senate—again by unanimous votes. The only thing preventing the quick enactment of this legislation is the House of Representatives. They have rejected the amendment in conference with the Senate. But I trust this attitude will change now that the House Ways and Means Committee is scheduling hearings on the issue. I look forward to working with the House on this issue.●

By Mr. LUGAR (for himself and Mr. Quayle):

S. 1465. A bill to designate the Federal building at Fourth and Ferry Streets, Lafayette, Ind., as the Charles A. Halleck Federal Building; to the Committee on Environment and Public Works.

CHARLES A. HALLECK FEDERAL BUILDING

● Mr. LUGAR Mr. President, I am pleased to have my distinguished colleague from Indiana (Senator QUAYLE) join me in introducing legislation to designate the Federal building at Fourth and Ferry Streets, Lafayette, Ind., as the Charles A. Halleck Federal Building.

Mr. Halleck served in the U.S. House of Representatives from 1935 to 1969 in the then Second District of Indiana. In addition, he presided as the majority leader in the 18th and 83d Congresses and as minority leader in the 86th, 87th, and 88th Congresses.

Mr. Halleck was born in Jasper County, Ind., on August 22, 1900. He served in the infantry of the United States during World War I and was graduated from Indiana University in 1922 and from its school of law in 1924. Mr. Halleck also served as the prosecuting attorney for the 13th judicial court from 1924 to 1934.

As a Representative, Mr. Halleck sponsored legislation that created the Lafayette Division of the U.S. District Court for the Northern Division of Indiana, which subsequently is located in the Lafayette Federal Building.●

By Mr. DENTON (for himself, Mr. SYMMS, Mr. THURMOND, Mr. HATCH, Mr. COCHRAN, Mr. HUMPHREY, Mr. QUAYLE, and Mrs. HAWKINS):

S. 1466. A bill to amend the Higher Education Act of 1965 to provide authorities for the study of peace, arms control, and conflict resolution, and for other purposes; to the Committee on Labor and Human Resources.

EDUCATION FOR PEACE, ARMS CONTROL, AND CONFLICT RESOLUTION ACT

● Mr. DENTON. Mr. President, on behalf of myself and Senators SYMMS, THURMOND, HATCH, COCHRAN, HUMPHREY, QUAYLE, and HAWKINS, I today introduce the Education for Peace, Arms Control, and Conflict Resolution Act. The legislation is designed to make it possible for the Government to provide effective support for the further development of research and teaching by our colleges and universities on the problems of international peace, arms control, peacemaking, and peacekeeping. My bill takes the form of an amendment to title VI of the Higher Education Act of 1965, and the responsibility for the operation of the program is given to the Arms Control and Disarmament Agency.

Many Members of the Congress are concerned about the ability of our educational system to provide the kinds of research and training essential to the preparation of young men and women to address effectively the problems of our complex world and to assist in the peaceful resolution of international disputes. There have been several proposals about the best way for the Government to act. Some of them require the establishment of entire new institutions, or carry very high costs. The approach I have proposed takes advantage of the very successful programs operated under title VI of the Higher Education Act of 1965, programs that reflect the particular responsibility of the Federal Government for foreign affairs.

Mr. President, it is of course for the Congress to determine whether or not the Federal Government should provide financial support to educational activities of the kind envisioned by my bill. If the Congress judges that such support is needed and justified, I believe that my bill is the most effective and congenial way to provide it. I hope that colleagues in the Senate will see the merits in the approach I proposed and that they will join in cosponsoring it.●

By Mr. ROTH:

S. 1468. A bill to amend the Internal Revenue Code of 1954 to clarify the existence of tax incentives for investment in resource recovery systems; to the Committee on Finance.

RESOURCE RECOVERY TAX INCENTIVE AND CLARIFICATION ACT OF 1983

● Mr. ROTH. Mr. President, today I am introducing the Resource Recovery Tax Incentive and Clarification Act of 1983 that would make a technical amendment to the Internal Revenue Code to implement Congress intent that public purpose resource recovery projects described in section 48(l)(6) of the code are eligible for investment and energy tax credits.

Investment and energy credits are designed to reduce the real cost of depreciable assets, thereby increasing the demand for such assets. These credits are critical incentives for the construction of environmentally safe and energy-efficient resource recovery or waste-to-energy facilities, which dispose of solid waste and generate useful steam and electricity. However, these projects are running into major stumbling blocks across the country because of section 48(a)(5) of the code, which excludes from the investment and energy credits property "used by" government. The rationale for section 48(a)(5) is that the demand of governmental units is not generally subject to stimulation resulting from lowered costs, and the credits are, therefore, not needed. Although the typical government project may be relatively unaffected by price, public purpose resource recovery facilities are constructed only if they can compete on the basis of price in the free market for customers. Municipalities do not guarantee the economic success of the project, and many parties other than municipalities participate in delivering waste to the project and purchasing the project's steam or energy product. Since the private taxpayer/operator of the resource recovery project must be able to win customers away from landfills by offering an attractive tipping fee, the rationale of section 48(a)(5) is inapplicable to these projects.

Some resource recovery projects may currently be sheltered from the loss of these credits because of the IRS recognition of the concept of "service contracts," where the taxpayer uses property to provide services to a customer/government versus a "lease" where the government uses the property to provide services to itself. Many resource recovery facilities probably would be considered to have service contracts and not leases with the government. Unfortunately, the issue of what arrangements are service contracts under section 48(a)(5) has been the subject of inconsistent and unclear IRS interpretation and litigation. Because of the uncertainty over the interpretation of section 48(a)(5), tax counsel are unable to state unequivocally that some resource recovery facilities are ineligible for the tax credits. This uncertainty has delayed major resource recovery projects around the Nation and caused total project expenses to escalate. In many cases, the municipalities involved in these projects are forced to pay higher tipping fees to dispose of their solid waste.

Because of the adverse effect of this continued uncertainty on the resource recovery industry and the critical national need to move forward quickly to build waste-to-energy plants in the United States, I am introducing legislation that will resolve this issue. My bill will clarify section 48(a)(5) by excluding from its applicability "recycling property" as defined in section 48(l)(6) of the code.●

By Mr. SPECTER (for himself, Mr. GRASSLEY, Mr. DENTON, Mr. LEAHY, Mr. HEFLIN, Mrs. HAWKINS, Mr. DOLE, Mr. ABDNOR, Mr. HUDDLESTON, Mr. NUNN, Mr. THURMOND, Mr. HATCH, Mr. DECONCINI, Mr. EAST, Mr. BRADLEY, Mr. PRESSLER, Mr. ZORINSKY, Mr. LAXALT, and Mr. NICKLES):

S. 1469. A bill to amend title 18 of the United States Code relating to the sexual exploitation of children; to the Committee on the Judiciary.

SEXUAL EXPLOITATION OF CHILDREN

Mr. SPECTER. Mr. President, I rise today to introduce a bill on behalf of myself and the distinguished Senator from Iowa (Mr. GRASSLEY) as principal cosponsor, together with some 19 other cosponsors, aimed at the protection of children against sexual exploitation.

Mr. President, this bill reflects the substantial leadership effort in this area by Senator GRASSLEY, and combines provisions of legislations he introduced (S. 29 and S. 1240) with similar legislation which had been introduced on my behalf (S. 57).

There has been in the United States, regrettably, substantial exploitation of children. The new bill we are introducing is a legislative effort that Senator GRASSLEY and I have coordinated, and I believe it will substantially strengthen the hand of law enforcement in protecting children from the pornography, from the obscenity, and from exploitation.

The Subcommittee on Juvenile Justice, which I chair, began its investigation into the multimillion-dollar child pornography industry in 1981. Our first hearing, which was conducted on November 5, 1981, explored the nature and scope of child sexual exploitation. Our second hearing on April 1, 1982, focused on the Federal law enforcement response to this serious problem, while our most recent hearing on December 10, 1982, reexamined this matter in light of the Supreme Court decision in New York against Ferber. In this decision, the Supreme Court ruled that the compelling State interest in safeguarding the physical and psychological well-being of children constitutionally justified the prohibition of nonobscene sexually explicit photographs of children.

In the 97th Congress, Senator GRASSLEY and I introduced separate bills to incorporate the Supreme Court's decision into Federal law. On the first legislative day of this session, Senator GRASSLEY and I each reintroduced similar bills.

The bill I am introducing today with Senator GRASSLEY as the principal cosponsor not only incorporates provisions of each of our bills but also refines these two bills by clarifying the nature of certain prohibited sexual conduct, by providing stiff penalties for organizations which violate the act and by including provisions for civil and criminal forfeiture.

Mr. President, at this juncture I ask unanimous consent that the following documents be printed in the RECORD: the full text of the bill, and an article from the Ladies Home Journal, dated April 1983, entitled "Innocence for Sale."

With respect to the Ladies Home Journal article, I commend the editors and the author Rita Rooney, for the submission of this article, which has shed substantial light on this problem.

To counter the increased incidence and severity of child sexual exploitation in this country, we urge our colleagues to support this bill, which would extend greater protection to our Nation's youth.

There being no objection, the bill and the article were ordered to be printed in the RECORD, as follows:

S. 1469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds that—

(1) child pornography has developed into a highly organized, multimillion-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 2. Chapter 110 of title 18, United States Code, is amended to read as follows:

"CHAPTER 110—SEXUAL EXPLOITATION OF CHILDREN

"Sec. 2251. Definitions for chapter.
"Sec. 2252. Sexual exploitation of children.
"Sec. 2253. Certain activities relating to material involving the sexual exploitation of minors.
"Sec. 2254. Criminal forfeiture.
"Sec. 2255. Civil forfeiture.
"Sec. 2256. Reporting.

"§ 2251. Definitions for chapter

"For the purposes of this chapter, the term—

"(1) 'minor' means any person under the age of eighteen years;

"(2) 'sexually explicit conduct' means actual or simulated—

"(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(B) bestiality;

"(C) sado-masochistic abuse;

"(D) masturbation; or

"(E) a display of the genitals or pubic area of any person for the purpose of arousing or inciting sexual desire;

"(3) 'simulated' means the explicit depiction of any conduct described in clause (2) of this section which creates the actual appearance of such conduct;

"(4) 'producing' means producing, directing, manufacturing, issuing, publishing, or advertising; and

"(5) 'visual or print medium' means any film, photograph, negative, slide, book, magazine, or other visual or print medium.

"§ 2252. Sexual exploitation of children

"(a) Any person who knowingly employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, shall be punished as provided under subsection (c), if such person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed, or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct shall be punished as provided under subsection (c) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(c) Any person who violates this section shall be fined not more than $75,000 or imprisoned not more than ten years or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $150,000 or imprisoned not less than two years nor more than fifteen years, or both.

"§ 2253. Certain activities relating to material involving the sexual exploitation of minors

"(a) Any person who—

"(1) knowingly transports or ships in interstate or foreign commerce or mails any visual or print medium, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium visually depicts such conduct or such visual or print medium is obscene and depicts such conduct; or

"(2) knowingly receives, sells or distributes any visual or print medium that has been transported or shipped in interstate or foreign commerce or mailed, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium visually depicts such conduct or such visual or print mediums is obscene and depicts such conduct;

shall be punished as provided in subsection (b) of this section.

"(b)(1) Any person who violates this section shall be fined not more than $75,000 or imprisoned not more than ten years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $150,000 or imprisoned not less than two years nor more than fifteen years, or both. Any organization which violates this section shall be fined not more than $250,000.

"(2) For purposes of this section, the term 'organization' means a person other than an individual.".

§ 2254. Criminal forfeiture

"(a) whoever violates any provision of section 2252 shall forfeit to the United States (1) any interest he has acquired or maintained in violation of section 2252, and (2) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 2252.

"(b) In any action brought by the United States under this section, the district courts of the United States shall have jurisdiction to enter such restraining orders of prohibitions, or to take such other action, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

"(c)(1) Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the United States, it shall expire, and shall not revert to the convicted person.

(2) All provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the

customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions thereof. Such duties as are imposed upon the collector of customs or any other person with respect to the disposition of property under the customs laws shall be performed under this chapter by the Attorney General.

(3) The United States shall dispose of all such property as soon as commercially reasonable, making due provision for the rights of innocent persons."

§ 2255. Civil Forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) any visual or print medium produced, transported, shipped, or received in violation of this chapter; and

"(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the dispostion of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer of any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer."

§ 2256. Reporting

Beginning 120 days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to Congress the number of cases and convictions brought under section 2252 of title 18, United States Code and the dollar amount of any forfeiture of assets under 2254 of such title."

[From the Ladies' Home Journal, April 1983]

INNOCENCE FOR SALE—A SPECIAL REPORT ON CHILD PORNOGRAPHY

(By Rita Rooney)

The first time Sunny appeared in a pornographic magazine, she was about 6, a towheaded youngster with a toothless grin and wide, innocent blue eyes. Detectives in the Indianapolis Police Department's child porn unit nicknamed her "Sunny," because she was such an obvious contrast to the other children whose pictures crossed their desks. Sgt. Tom Rogers, head of the unit, remembers, "This kid's smile was real."

Her strikingly childlike expression in an unchildlike pose alerted police that this little girl's victimization had probably just begun. If she were lucky, she'd be identified before the assault on her young mind and body twisted her grin—and her life.

But Sunny wasn't found. In the next few years, she appeared in more pornographic magazines and films, and her smile changed to a half-smirk, a look that might have been a comic parody of seduction were it not worn by a youngster photographed in a sexual encounter with an adult male. By the time she was about 14 and beginning to develop into a young woman, she was the filmed object of increasingly savage sadomasochism.

Police officers report they haven't come across any pictures of Sunny in more than a year. That's not surprising since she's reached the age when models are routinely discarded for younger children. If her life parallels statistics, Sunny, not yet 16, is walking the streets as a prostitute.

Julie Rich was a chatty 3-year-old with an expanding vocabulary. Her latest acquisition was "butt," a word that puzzled Julie's mother since it wasn't one she or her husband were likely to use. Then one day, while talking about James Meacham, the owner of Isabel's Nursery School in Los Angeles, where she spent the mornings, Julie announced: "James took pictures of my butt today."

Diane Rich wanted desperately to believe her child was confused. But when she questioned Julie further, the little girl demonstrated positions she was forced to take for the photographs—and Rich's worst fears were confirmed.

Around the same time, parents of other children who attended Isabel's heard similar stories from their youngsters, and the police were notified. When Meacham, a middle-aged man with a doctoral degree, was finally arrested, police confiscated more than two thousand pictures of boys and girls between the ages of two and five, including nude pornographic shots of giggly little Julie Rich.

Johnny Atwood was a troubled kid. The 13-year-old couldn't get along with his real father (his parents were divorced), and he was having difficulty adjusting to his stepfather. So when Johnny was hired by Donald Glaser, a United Church of Christ minister, to help with home repairs, his mother was delighted. Perhaps the Reverend would have a positive influence on the boy.

But young Johnny's troubles had only just begun. Two months after he accepted the job, his parents became suspicious of gifts and money he had received. They questioned him, and the boy eventually broke down and told the truth. He had been the willing prey of the charismatic clergyman who convinced him that posing in homosexual acts was no more than an easy way to earn big money fast.

When the police arrested the minister, they found a diary and a photo album chronicling thirteen years of encounters with young boys.

Unfortunately, these aren't isolated cases. Two teenage girls in rural New Jersey narrowly escaped death last year when a man, jailed for soliciting their participation in child pornography, tried to have them killed so they couldn't testify against him. Law enforcement officials estimate that as many as one millon youngsters—ranging in age from 16 to under a year—are sexually molested and then filmed or photographed, either for the abuser's own pleasure or for a profit. Many of the young victims, like Sunny, are never identified and are subjected to every form of sadism and bestiality. One magazine, Baby Sex, shows six-month old infants in sexual acts with adults. Some audio tapes, complete with descriptive narrative, record the screams of a little girl being raped.

"This sickness exists," says Father Bruce Ritter, founder of New York's Covenant House, a nonprofit youth shelter, "because a small segment of society wants it, another segment profits by it, and the rest aren't doing anything about it. Maybe we don't know enough—or care enough."

Who are the child pornographers? Often they are people who profit from the sickness of others. There are disturbed, immature people called pedophiles who cannot relate to other adults sexually, but can only receive sexual satisfaction by having relations with children. Pedophiles are excited by seeing children in stimulating poses. Child pornographers realize that a great deal of money can be earned by catering to these perverted tastes. Dana E. Caro of the criminal investigation division of the Federal Bureau of Investigation has testified that most child pornography material available in this country was originally produced for self-gratification by individual or groups of pedophiles. Commercial photographers and distributors of child porn pose as pedophiles in order to obtain these sexually explicit photographs of children free of charge. The commercial pornographers then sell the photographs, which are published in child porn magazines.

Children become ensnared in child pornography in many ways. Commercial operators may pick up youngsters who have run away from home. According to police, the pornographer's favorite subject is the attractive, well-scrubbed, smiling child, the more innocent-looking the better. Pedophiles may kidnap and molest a child, then take photographs for their own use or to pass along to friends. Other children may actually be exploited by their own parents. Every child is a potential victim.

Even children from happy homes may be lured into the vile business by someone familiar, someone they're supposed to respect. The toddlers who kissed their mothers good-bye at the entrance of Isabel's Nursery School had been taught to be "good little boys and girls" and obey the teacher. Jacqueline Connor, head of the sexual crimes program in the Los Angeles county district attorney's office, says she gets at least one complaint a week that youth leaders, camp counselors, baby sitters or other people in positions of authority are involved in some form of child molestation, including pornography.

Since the predator is often someone parents trust, they easily miss signals that something is wrong. "When Jenny complained that she didn't like her gym coach," recalls one mother, "I snapped that if she did what she was told she'd get along with her teachers." Jenny, however, stuck to her opinion of the coach and stayed away from him. He was later fired for asking children to pose nude.

Pornographers get children to pose through insidious methods, including blackmail. When two young girls in Chicago accepted a job modeling jeans, one of their mothers went to the first session to be sure everything was legitimate. But after several weeks, the girls were coaxed into modeling bathing suits with the bribe, "we won't tell your mom. This will be extra money you can pocket." Next came nude photos, and by the time they were asked to pose for hardcore pornography, their photographer had

them cornered. "He told us that if he showed our parents the nude photos, they'd believe we had done the rest anyway," one of the girls reports. "I was really ashamed to let my folks see those pictures."

The seducer is also quick to prey on a child's vulnerabilities. For instance, Ellen Crandon, 14, had recently been diagnosed as diabetic and was coping with the anxieties the disease produces in addition to the usual traumas of adolescence. She began to confide her personal feelings to a family friend, Senne Brookshire, 53, who was always a kind, patient listener. He had to be. It took more than a year of kindness and grandfatherly attention before he has so ingratiated himself that he caught Ellen sufficiently off guard to molest her and take pictures.

Brookshire then swore Ellen to secrecy, convincing her that she was at fault, that her parents would never forgive her and that her father would probably wind up in prison for trying to kill him as revenge. For months, Ellen kept her awful secret to herself. However, when she found out that Bookshire had also molested her 12-year-old sister, she told her parents about their trusted friend.

PSYCHOLOGICAL DAMAGE

But telling the truth is not always easy. Ellen has been in therapy for several years trying to deal with the after-effects of sexual abuse.

The psychological damage to children can be serious—and longterm. Johnny Atwood was so shaken by his encounters with the Reverend Glaser that he had to be placed in a resident adolescent psychiatric facility. Two years later, he still needs counseling. Several years after the incident at Isabel's Nursery School, one little boy still cries out in the night, "He's going to kill me! If I tell, he'll cut me up!"

According to Ann Burgess, at Boston City Hospital, who has studied children involved in pornographic exploitation, many of the youngsters withdraw, avoiding all social contact. She believes that the secrecy demanded by the pornographers leaves children feeling that they are society's outsiders and increases the chances they'll turn to antisocial behavior such as truancy, alcohol and drug abuse.

Still worse, "Some of these youngsters never get back into the mainstream," says Frank Osanka, a social psycologist in Naperville, Illinois, and a leading specialist in the prevention of sexual exploitation of children. "By the time they are fourteen and no longer younger and 'attractive' enough to pose, they have accepted the pornographer's brainwashing—that they are no good—and so they go on to a deviant lifestyle."

Also, there is a tendency in some police departments and even among some parents to think of youngsters as participants rather than victims in pornography. Particularly if the child is older, people are judgmental. In turn, the child hears an adult definition of pornography as crime, and begins to think of himself as a criminal. The terrifying reality is that relatively few child pornography victims are identified. So there may be hundreds of thousands of youngsters, along, coping with their own interpretations of whether they are "good guys" or "bad guys" in society.

In many cases, a youngster's pornographic experience will color future attitudes about sex. According to Dr. Osanka, the child tends to blame himself, not the adult, and thinks "There must be something wrong with me." "That conviction," says the psychologist, "can lead to promiscuity, or it can cause some youngsters to grow up believing sex is bad." Psychiatrists note that, as victims get older, some have difficulty synchronizing the physical, emotional and psychological dimensions of marriage. "Sex may become the victim's only form of expression," says Dr. Burgess, "or it may become separate from feeling."

Sex may become a bartering tool. "Pornographers teach children to be manipulative," Dr. Burgess warns. "Even a five-year-old can be programmed to use sex to acquire recognition and attention." The child learns that sex is something to be given in exchange for favors—anything from ice cream to a ten-speed bicycle. Kathy Johnson, one of the Isabel Nursery School parents, reports that after her 3-year-old son left the school, he tried to get his way at home by giving his mother a "French kiss."

In addition to the trauma of being sexually molested, a child who's been photographed or filmed must cope with another fear: Will the obscene pictures or movies show up again? A youngster may know that the material still exists and that he or she has no control over its future use. The child's own imagination, plus any suggestion of blackmail the pornographer may have made, becomes a constant threat to the youngster's happiness. "One photograph," says Dr. Osanka, "can haunt a child for a lifetime."

For instance, Margie, a shy 9-year-old, was lured into a pornographic session by a Little League coach who used provocative pictures of Brooke Shields as a child to entice her. Although the coach has been convicted, not all the photos of Margie were found. Recently, she refused to go to her school's open house because she dreamed her teacher had the missing photographs displayed for everyone to see. "No one in her school has any idea what went on," her mother says, "but she has nightmares just the same."

While children like Margie suffer, pornographers make huge profits. A magazine of obscene pictures of children can be produced for fifty cents and sold for as much as $12.50. Overall, the kiddie porn industry is estimated at half a billion to a billion dollars annually.

The pornographers work in back rooms, garages and motels in every size community across the country. In 1981, an FBI investigation of a flim developer in Syracuse, New York, uncovered truckloads of child smut for customers in such diverse places as Chicago and Swansboro (North Carolina), New York and Gardner (Montana).

Even those who deal in adult pornography are incensed at the proliferation of material using children. "This is a monstrous crime," charges Joe Steinman, chairman of the Essex Group, an "adult film" conglomerate. "It bears no similarity to adult media, which features consenting people of legal age. Children don't have a choice—they're exploited." Steinman, who is vice president of the Adult Film Association of America reports that the national organization voted unanimously to oust any member involved in child porn.

PORNOGRAPHERS' ALLIES

Nevertheless, those engaged in the sexual exploitation of children have some powerful allies. In Los Angeles, the Rene Guyon Society, which claims 5,000 members, is made up of doctors, lawyers and other men and women in respected, influential positions who believe that young children should experience sex. The group, whose slogan is "Sex by age eight, or it's too late," uses child porn to stimulate youngsters.

The North American Man-Boy Love Association (NAMBLA), a homosexual group, has chapters around the country, an emergency defense fund for members arrested for molestation, a prisoner support committee and a lending library of what they call "boy love literature." Last December, police officials raided a cottage in Massachusetts that they believed was used by members of NAMBLA, and found photographs, some of which they say showed young boys in sex acts with men. In the past, NAMBLA has taken positions on a variety of issues, including the military draft, and consequently received support from some student groups and gay organizations.

In recent years, there have been moves to crack down on child pornography. In 1978, the Protection of Children Against Sexual Exploitation Act was signed to halt the production and dissemination of pornographic material involving youngsters. Since then, the FBI reports 428 investigations under the provisions of the Act, leading to thirty-three indictments and twenty-three convictions. Last year, the U.S. Supreme Court held that the dissemination of pornography using children is illegal regardless of whether the material is judged legally obscene. The ruling upholds laws in twenty states and paves the way for other states to enact stronger legislation. Also, the Missing Children's Act, sponsored by Senator Paula Hawkins (Rep., Fla.), was made law last year, allowing a national computer to be used to help trace children reported missing.

But despite these moves, law-enforcement efforts are too often fragmented. Civil, criminal, local and federal codes differ, and three federal bureaus—postal, customs and FBI—have jurisdiction over child porn. Local police, who are usually ill-equipped to track down the offenders, frequently claim that the FBI doesn't do enough, while the FBI says it needs expanded authority. "Right now," says Sean McWeeney, chief of the organized crime section, criminal investigative division of the FBI, "we get involved when there's evidence of a large operation. But it's the small-town operator who contributes to the massive business in child pornography."

Part of the enforcement problem is that many children are too frightened to come forward, and many parents are unwilling to press charges. Sometimes, they refuse to face up to the full implications of what has happened. When a Boy Scout leader in Louisiana was arrested on child porn charges, parents wouldn't testify, reasoning: "He was the best Scout leader we ever had." Some people regard an abused youngster as suddenly "sexual." For instance, last year one judge dismissed a charge of sexual molestation, calling the 5-year-old involved "provocative."

In addition to overcoming bias and getting cooperation from parents and victims, a strong legal case also requires concerted efforts by law-enforcement officials. In Los Angeles, according to Connor of the D.A.'s sexual crimes program, her office and the police department's sexually exploited child unit worked hand in hand for more than a year in preparing the case against James Meacham, the owner of Isabel's Nursery School. Meacham was eventually tried on eleven counts of molestation and received a 26-year, 8-month sentence, just short of the 28-year maximum.

In most cases, however, the courts tend to be lenient. For example:

Donald Glaser, the minister who seduced Johnny Atwood, was put on probation and sent back to an unwary community to do two hundred hours of community service. Johnny's mother, who was reluctant to testify for fear of exposure, but did so to keep the minister off the streets, now wonders, "I risked my son's reputation, his peace of mind, and for what?"

Senne Brookshire was out on probation for child abuse when he molested the Crandon sisters. After his arrest, he was released on bail and soon molested two other children. Police estimate he'll probably have to serve only four and a half years of his current seven-year sentence.

Judges who hand out easy sentences are often swayed by a defendant's willingness to seek psychiatric counseling. They assume psychiatry is equipped to help a molester reverse his sexual deviation. Most psychiatrists, however, claim there's no satisfactory treatment.

Overall, child pornography tends to be a low priority with police and politicians. A few years ago, Dr. Judianne Densen-Gerber, a noted child advocate, tried to get White House involvement by approaching then President Carter for help in curbing sexual abuse of children. "He told me I represented a special interest group," she charges.

The persistent child advocate hasn't given up. She's collecting one million signatures appealing to President Reagan to declare children the nation's first priority.

Dr. Densen-Gerber believes that the laws already on the books aren't being implemented. She says, "I've heard district attorneys say they can't concern themselves with naughty pictures when they have murders to deal with."

Such an attitude, however, indicates ignorance. These sexually lewd pictures harm society as a whole. All children become more susceptible to violence. "There's a ripple effect," says Kristin Cole Brown, information director of Child Find, a nonprofit agency devoted to locating missing youngsters. "Kiddie porn readers may be incited to abduct and rape a child." To stop these crimes against children and put this double-x-rated industry out of business will take the combined efforts of concerned community leaders, law enforcement officials—and parents.

Senator Arlen Specter of Pennsylvania, who chairs the subcommittee on juvenile justice, agrees that tougher sentences are needed, and says law enforcement should initiate an intensive program to acquaint parents with the dangers of child porn. "We've got to make it expensive for these criminals to do business," he argues. "If we accept the findings that abused children often become child abusers, we have to see that ignoring this issue is setting up a pattern for future violence against yet another generation."

How To Protect Your Child

Could your youngster be a victim of child pornography? Like other forms of sexual molestation, there are signs to watch for—and ways to protect a child:

Give youngsters clear-cut, specific warnings. Tell them that no one, even people in authority, should touch them where they don't want to be touched.

Know to whose care you entrust your children. Demand that schools, youth groups, camps and other organizations do thorough background checks on employees and volunteers working with children.

Set up a pattern of open communication with your child. Be sure the youngster knows the difference between doing something bad and being a victim of wrongdoing.

If your child has negative feelings about a teacher or some other authority figure, explore why he feels the way he does.

Know the signs that a child may have been assaulted, such as unexplained or continual physical disturbances, loss of appetite, disturbed sleep, mood change and sudden sexually focused behavior, such as talking more about parts of the body or adding genitalia to drawings.

Believe your children if they say they've been assaulted. Experts agree children seldom lie about molestation.

If you feel your child needs psychological counseling, be sure the therapist is skilled in dealing with sexually exploited children. Professionals say special expertise is needed to help youngsters overcome the trauma.

I'm sure that you, like the editors of Ladies' Home Journal, were shocked and horrified by this report on child pornography. But we all know that outrage is not enough. We must put a stop to this vile business and better protect all our children.

Recently Senator Arlen Specter (Rep., Pa.) introduced a new bill in the Senate relating to child pornography. The bill's objectives are to strengthen existing laws and toughen the punishment for those trafficking in child porn.

The bill makes three major changes in existing legislation:

Part one will increase penalties. Fines would be raised from $10,000 to $75,000 for a first offense, and from $15,000 to $150,000 for subsequent offenses.

Federal law currently prohibits interstate distribution of child pornography or distribution through the mails for sale or commercial use. The second part of Senator Specter's bill would make any interstate distribution or distribution through the mails (even noncommercial) a Federal crime.

Part three would change the wording of existing laws. It would eliminate the word "obscene" from many laws to take away the burden of proving obscenity. This bill would simply make unlawful the distribution of any photographs which sexually exploit children under age 18. (The bill makes an exception only for certain nude photographs which are judged to have "serious literary, artistic, scientific, social or educational value.")

MYRNA BLYTH,
Editor-in-Chief.

Mr. GRASSLEY. Mr. President, I am happy to cosponsor the bill that Senator SPECTER just introduced. I compliment him for his leadership in this area. More importantly, I want to thank him for his willingness to work out the compromise that resulted in the legislation just introduced, particularly thanking him for the leadership he showed as chairman of the subcommittee, not only in the holding of the hearings but also in the public discussion of this legislation.

I believe this legislation will make it easier to prosecute in this area because what we are doing is conforming a Federal statute to the Supreme Court's decision of July 1982, the Ferber case. Our moving forward in this direction is obviously not only something that is constitutional but something that we are capable of doing as a result of this Supreme Court decision, something that we should and must do.

I want to thank Senator DENTON for his work in this area as well, and also Senator STROM THURMOND because, as we were working out the details of this legislation, we both appreciated his leadership and help.

Two bills on this subject were introduced and referred to the Judiciary Committee in this session of Congress. The bill that I introduced (S. 29) is identical to one that I introduced and which passed the Senate as part of the Violent Crime and Drug Enforcement Act in the latter part of the 97th Congress. I reintroduced that bill on January 26, and later introduced another bill (S. 1240) which increased criminal penalities and raised the maximum age for children protected by the act to 18 from 16 in the current law. Senators THURMOND, DENTON, DOLE, LAXALT, HATCH, EAST, DECONCINI, HEFLIN, JEPSEN, KASTEN, RANDOLPH, DOMENICI, HUDDLESTON, WARNER, and NICKLES joined me in cosponsoring that bill.

As originally introduced, Senator SPECTER's bill (S. 57) contained a number of exceptions to prosecution. The bill originally contained a defense that would not restrain the distribution or production of materials involving minors if the materials contain "serious literary, artistic, scientific, social or educational value." A specific exemption also existed in the original S. 57, and the version reported by the Juvenile Justice Subcommittee for mediums depicting children masturbating if that medium was "an integral portion of a work possessing serious scientific or educational value." I want to emphasize here today that these exemptions have been dropped from the compromise now being introduced.

This legislation is in keeping with the Supreme Court decision in *Ferber*, which addressed and assessed the potential need for blanket exemptions to prosecution and concluded:

> . . . A 12-year-old child photographed while masturbating surely suffers the same psychological harm whether the community labels the photograph "edifying" or "tasteless". The audience's appreciation of the depiction is simply irrelevant to New York's asserted interest in protecting children from psychological, emotional, and mental harm. . . An exception for depictions of serious social value, moreover, would actually increase opportunities for the content-based censorship disfavored by the first amendment.

This act is so critical a shield for the Nation's children that it warrants the strictest adherence to the *Ferber* decision. In eliminating the loopholes that previously existed in the bill that was passed out of the subcommittee and

instead adopting the increased sanction and age limit contained in that bill, I believe that we have created a most effective prosecutorial tool through this legislation.

Other strengthening provisions that are contained in this legislation include stricter language relating to the definition of sado-masochistic abuse. Section 2253 of title 18 defines "sexually explicit conduct" to include "sado-masochistic abuse (for the purpose of sexual stimulation)." We have eliminated the qualifier "for the purpose of sexual stimulation" in hopes of further removing children from the sexual marketplace. Another critical provision, contributed by Senator JEREMIAH DENTON, allows forfeiture in child pornography cases. It is only through effective economic deterrents that the business of child pornography can be effectively suppressed.

All of us recognize that this bill marks only the beginning of heightened efforts to abolish child pornography. The true test of its effectiveness remains in the hands of our Federal prosecutors. Let us hope that through this legislation we will have armed them adequately.

By Mr. HELMS (for himself and Mr. EAST):

S. 1471. A bill to authorize the use of certain lands in connection with the project at Manteo (Shallowbag) Bay, N.C.; to the Committee on Environment and Public Works.

OREGON INLET

● Mr. HELMS. Mr. President, Senator EAST and I are introducing legislation to address a serious problem in North Carolina—the future of Oregon Inlet as a safe navigable channel for commercial and recreational vessels; and most important of all, the future of many people who live in and around Dare County, N.C., and who depend on the local fishing industry for their livelihoods.

Oregon Inlet is located in Dare County, along the Outer Banks. Mr. President, those who haven't visited the Outer Banks have missed a great joy. It is one of the most beautiful areas of the country, with some of the best fishing to be found anywhere.

Oregon Inlet is the only inlet along the Outer Banks from Norfolk (more than 90 miles to the north) to Hatteras Inlet (roughly 45 miles to the south). Oregon Inlet is therefore a potential haven for all kinds of ocean-going vessels in bad weather. And when the weather is bad along the Outer Banks things can get pretty rough. You have got be be hardy to live there year-round, and you have to be particularly hardy—and brave—to sail through Oregon Inlet every day in search of your livelihood.

Wanchese Harbor, which is on the back side of the Outer Banks sheltered from the Atlantic Ocean, houses a commercial fishing fleet. The only access to Wanchese Harbor is through Oregon Inlet.

The age-old problem there, and the problem Senator EAST's and my bill seeks to remedy, is serious shoaling in the inlet itself. There is often too little water in the channel for the fishing boats to pass safely. At such times, the captains must take their boats to other ports, which are many miles away. This costs them dearly in time and money—sometimes making a catch unprofitable. Often the captains risk making it through the inlet. Sometimes they make it, and sometimes they do not.

In 1970 (in section 101 of the River and Harbor Act of 1970) Congress authorized the Manteo (Shallowbag) Bay project, which provides for the stabilization of Oregon Inlet with dual jetties and facilities for sand transfer. Despite this authorization, however, jetties have never been built. When the project was authorized, all Federal agencies involved, including the Department of the Interior, the Department of Health, Education, and Welfare, and the Department of Transportation, as well as the Corps of Engineers were in favor of the project.

Unfortunately, the authorization did not contain a specific grant of authority to the Department of the Interior to make available to the Corps of Engineers the land necessary for jetty construction.

I refer, of course, to land to the north of Oregon Inlet—the Cape Hatteras National Seashore—and land to the south—the Pea Island National Wildlife Refuge. These lands are under the jurisdiction of the Department of the Interior, and cannot be released without authority.

Omission of this grant of authority has caused great hardship for those who depend on the channel for their livelihoods, and has led to one of the most ridiculous and time-consuming bureaucratic hassles I have ever witnessed.

Repeated attempts to get the Department of the Interior to issue permits for jetty construction have proven unsuccessful—Secretary Watt has maintained, and still maintains, that he has no authority in law to issue the necessary permits. I have accepted his lawyers' interpretation of the law, and that is why Senator EAST and I are introducing this legislation today.

Our bill would simply authorize the Corps of Engineers to use land within the boundaries of the Cape Hatteras National Seashore and land within the boundaries of the Pea Island National Wildlife Refuge to carry out the project at Manteo (Shallowbag) Bay, North Carolina.

Mr. President, Congressman WALTER JONES of the First Congressional District of North Carolina has agreed to introduce the Helms-East bill in the House of Representatives. I understand that he may have done so today. In any event, he has agreed to offer it. Congressman JONES and I, and Senator EAST, have been working together, and have solicited and received the support of the Governor of our State and other interested officials and citizens, to see this project through.

I should mention that this bill does not authorize the expenditure of any funds—it simply settles the question of authority to use certain land for jetty construction.

Mr. President, I ask unanimous consent that its text be printed in the RECORD at the conclusion of my remarks, along with copies of letters in support of this bill from Senator EAST, The Governor of North Carolina, and the chairman of the Oregon Inlet Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to use land within the boundaries of the Cape Hatteras National Seashore and land within the boundaries of the Pea Island National Wildlife Refuge which he determines to be necessary to carry out the project at Manteo (Shallowbag) Bay, North Carolina, authorized by section 101 of the River and Harbor Act of 1970.

U.S. SENATE,
Washington, D.C., May 2, 1983.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR JESSE: I have had an opportunity to review your proposed legislation that would authorize the U.S. Army Corps of Engineers to utilize lands under the jurisdiction of the U.S. Department of the Interior for use in anchoring jetties at Oregon Inlet.

The legislation has my full support, and I shall do all I can to insure its passage. Our good folks on the Outer Banks of North Carolina have too long endured the bureaucratic nightmare that has been the hallmark of this project for the past eleven years. Your legislation will resolve the land issue once and forever.

Thank you for taking the initiative in this important project.

Sincerely,

JOHN P. EAST,
U.S. Senator.

OFFICE OF THE GOVERNOR,
Raleigh, N.C., May 16, 1983.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR JESSE: Your office has provided me a copy of a draft bill to authorize the Corps of Engineers to use the lands necessary to build jetties at Oregon Inlet.

I have always believed that when Congress authorized the Manteo (Shallowbag) Bay Project in 1970 that it clearly intended for the necessary federal lands to be used in constructing the project. The project plan approved in 1970 clearly proposed the construction of jetties on each side of the inlet. This draft bill should make Congressional intent completely clear on this point.

I have no specific comment on the draft bill which appears to resolve the land jurisdiction problem with which we have been struggling. We need to make sure that this bill will in fact finally resolve the issue.

Also, from our own perspective, we want to make sure we use only the minimum amount of land reasonably necessary for this project. The Corps of Engineers, the Department of Interior, and Congressional Committee staff experts would be the best sources of advice on these points, and I will leave that consultation to you.

My administration has strongly supported the stabilization of Oregon Inlet, which is critically important to the economy in northeastern North Carolina and to protect the safety of the lives and boats of our fishermen. I support this draft bill as a means to achieve that end. Thank you very much for your efforts to prepare this legislation. Please call on us for any help we can provide in assuring its passage.

My warmest personal regards.

Sincerely,

James B. Hunt, Jr.,
Governor.

County of Dare,
Manteo, N.C., May 4, 1983.

Re legislation to authorize the Corps of Engineers to use whatever land is necessary to build jetties at Oregon Inlet.

Hon. Jesse Helms,
U.S. Senate,
Washington, D.C.

Dear Senator Helms: The Oregon Inlet Commission is in complete agreement with the proposed legislation referenced above. We are wholeheartedly in favor of using this method of breaking the impasse now blocking the construction of the much-needed jetties necessary to stabilize Oregon Inlet and therefore preserve the lives, livelihoods, and heritage of our North Carolinia fishermen. We are also in support of your recommendation that companion Bills in the House and Senate be introduced the same day.

In conjunction with this, we would like to offer our assistance by appearing at Congressional hearings, arranging meetings which you might deem necessary in our area, or in any other way that we might be able to help in bringing about the passage of this much-needed legislation.

Sincerely,

W. Stanford White,
Chairman, Dare County,
Oregon Inlet Commission.●

● Mr. EAST. Mr. President, I am honored to join as a cosponsor of this legislation offered by the senior Senator from North Carolina, Senator Helms. This legislation would authorize the U.S. Army Corps of Engineers to utilize lands under the jurisdiction of the U.S. Department of the Interior for the purpose of anchoring jetties at Oregon Inlet.

The legislation has my full support. It would allow for the completion of the Manteo (Shallowbag) Bay project, authorized under the River and Harbor Act of 1970 as a navigational project. That enabling legislation specifically identified the construction of jetties as the means by which the inlet would be stabilized. In keeping with the congressional mandate, the Congress has authorized, over a period of years, $15 million for the construction of jetties. The project is of major importance to the economic advancement of northeastern North Carolina and to the lives and well-being of the fishing crews who work the stormy ocean area nearby.

The good people on the Outer Banks of North Carolina have too long endured delays in the completion of the Manteo (Shallowbag) Bay project. The State of North Carolina and local interests in the Oregon Inlet vicinity wish to support and expand our domestic fishing industry. This legislation, by resolving the land issue once and forever, would permit the stabilization of Oregon Inlet and allow safe passage through the channel. The impact on our domestic fishing industry would be enormous.

Mr. President, if we are to continue to be responsive to the water resource needs of present and future generations, we ought to aim to improve navigational facilities to allow our fishing vessels safe passage. To this effort I commend this legislation to my colleagues.

I urge my colleagues to support this legislation. It provides for the vital use of lands important to the development of a safe and stable navigation channel.●

By Mr. MOYNIHAN (for himself and Mr. D'Amato):

S. 1472. A bill to require the disposal of certain lands at Fort Totten, N.Y., for public health and park and recreation purposes; to the Committee on Governmental Affairs.

DISPOSAL OF CERTAIN LANDS AT FORT TOTTEN

● Mr. MOYNIHAN. Mr. President. I am introducing a bill to direct the transfer of a piece of surplus U.S. property at Fort Totten, N.Y., to the city of New York and so to put an end to 20 years of confusion over what is to be done with the property. Identical legislation is being introduced in the House by Representatives Scheuer, Ackerman, and Owens.

In 1963, the Federal Government announced its intention to relinquish some or all of its property at Fort Totten, an historic site in Bayside, Queens. From 1969 to 1973, a Job Corps Center was operated at Fort Totten by the Labor Department. In 1977, the General Services Administration formally declared over 46 acres surplus to the needs of the Government.

Community groups and elected officials in the vicinity began making plans in 1963 to use the surplus property as a park and recreation area. In 1980, a nonprofit organization known as Eastern Paralyzed Veterans Association asked that it be permitted to build a halfway house for paralyzed veterans on part of the site.

One month ago, on May 7, New York City and Eastern Paralyzed Veterans Association concluded a formal agreement for use of the 46-acre surplus parcel. But on May 24, the GSA announced it was preparing to donate only 11.4 acres to New York and that it would "give the city the opportunity to purchase an additional 32 acres."

Since 1963, officials and citizens in New York had been negotiating for this parcel of land thinking that it would be transferred to the city free of charge. They had good reason to think so. Since 1949, when the GSA was established, Federal law has authorized the free transfer of surplus Federal property to States, cities, and nonprofit organizations for public health uses and to State and local governments for park and recreation uses.

The current administration has chosen not to exercise this authority in most instances. Somehow, the administration got the idea that Federal surplus property could be sold for vast sums of money. The program has been a failure. Last September, National Journal ran an article about it entitled, "What If the Government Held a Land Sale and Hardly Anybody Showed Up?"

The managers in charge of the program are still at it, however. At Fort Totten, they would apparently ask local government and a charitable organization to pay for property that will be dedicated to public purposes. Even if the city and Eastern Paralyzed Veterans Association could afford to buy the property, what would be gained? The taxpayers of New York and paralyzed veterans would ultimately bear the cost. Can the administration's surplus property salesmen intend to raise money for the Federal Government by forcing increases in local taxes and raising the cost of services provided to paralyzed veterans?

I should not think so. But perhaps they do not realize what they are doing. The legislation I introduce today in the form of a Senate joint resolution will prevent it, no matter what their thinking.

I ask that the text of the bill be printed in the Record following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall assign to the Secretary of Health and Human Services for use in the protection of public health and to the Secretary of the Interior for use as a public park or recreation area, portions of an area of land at Fort Totten, New York, totalling 32 acres that

was declared surplus to the needs of the United States Government on February 24, 1977 as required by sections 2 and 3 of this Act.

Sec. 2. Within thirty days of the enactment of this Act, the Administrator of General Services shall assign to the Secretary of Health and Human Services that portion of the land at Fort Totten, New York, described in the first section as is set aside for programs related to the aid and assistance of physically handicapped persons and their families pursuant to an agreement dated May 7, 1983, between the City of New York, the Fort Totten Preservation Council, Inc. (a nonprofit corporation incorporated under the laws of the State of New York), and Eastern Paralyzed Veterans Association of New York House, Inc. (a nonprofit corporation incorporated under the laws of the State of New York). Within thirty days of the assignment of the property described in this section, the Secretary of Health and Human Services shall convey the property without monetary consideration to Eastern Paralyzed Veterans Association of New York House, Inc., in accordance with section 203(k)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)).

Sec. 3. Within thirty days of the enactment of this Act, the Administrator of General Services shall assign to the Secretary of the Interior that portion of the land at Fort Totten, New York, described in the first section as is not assigned to the Secretary of Health and Human Services pursuant to section 2 of this Act. Within thirty days of the assignment of the property described in this section, the Secretary of the Interior shall, without monetary consideration, convey the property to the City of New York for public park or recreation uses in accordance with section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)).●

● Mr. D'AMATO. Mr. President, I am pleased to join my distinguished colleague, the senior Senator from New York, as a sponsor of this bill to direct the conveyance of certain property located within Fort Totten, N.Y., from the General Services Administration to the city of New York and the Eastern Paralyzed Veterans Association. This bill will insure that these surplus Federal properties are used for the good of the community.

This measure will guarantee the positive resolution of a controversy which has divided the local community, produced litigation and acrimonious disputes, and required the attention of senior officials of the city of New York, the General Services Administration, the Department of the Interior, the Department of Health and Human Services, the Department of the Army, the Department of Defense, and the White House. Once enacted into law, this measure will require the Administrator of the General Services Administration to assign a part of the property to the Department of the Interior and a separate part to the Department of Health and Human Services. The Department of the Interior would then convey its portion of the property to the city of New York for use as a public park or recreation area. The Department of Health and Human Services would then convey its portion of the property to the Eastern Paralyzed Veterans Association of New York House, Inc., for use for programs related to the aid and assistance of physically handicapped persons and their families.

This bill is based upon and implements an agreement dated May 7, 1983, between the city of New York, the Fort Totten Preservation Council, Inc., and the Eastern Paralyzed Veterans Association of New York House, Inc. It represents the final resolution of the conflicts between the parties within the community with legitimate interests in the land.

Legislative action is necessary to resolve this issue because, despite positive assurances and a forthcoming and helpful attitude on the part of the General Services Administration, we have been unable to secure a commitment to convey the property free of charge according to the above agreement. Action is required now because of a May 24, 1983 GSA decision on the disposition of the property.

In a press release issued on May 24, the GSA stated that it would "* * * donate to New York City for park and recreation purposes 11.4 acres of the 'old fort' at Fort Totten in Queens and GSA also will give the city the opportunity to purchase through negotiated sale an additional 32 acres.* * *" The GSA also stated it intended to "* * * set aside 3 acres at the fort for possible transfer to the Army."

If this press release were implemented, the best interests of the local community would not be well served. First, the city of New York has no available funds to purchase the property from GSA. If the city did not buy the property, there is a strong probability that the GSA would sell the property at public auction to any developer who wanted to buy it. Second, it does not accommodate the interests of the Eastern Paralyzed Veterans Association. Finally, it ignores the efforts which went into the resolution of the existing differences among the groups and interests competing for the property, and it also ignores the agreement which is the concrete product of these efforts.

While the bill addresses local community's concerns, I am also mindful of the Army's continuing legitimate interests in Fort Totten. Military families from all services will continue to live in the family housing on the post. Their privacy and security must be assured. Also, this Nation's largest Army Reserve Center, the Ernie Pyle Reserve Center, has just been dedicated on Fort Totten. This building is the home of the 77th Army Reserve Command. It is the facility which supports more than 2,000 Army reservists, providing training, administrative, and logistical support for their activities in the defense of our country. I will work with the GSA, the city of New York, and the EPVA to insure that these legitimate interests are accommodated.

I understand that Congressmen Scheuer, Ackerman, Owens, and Townes, all of New York, are introducing a similar measure in the House. I urge my colleagues to give early and favorable consideration to this bill. It meets the needs and wishes of the local community and involves no direct expense to the Federal Government.●

By Mr. MATHIAS:

S. 1473. A bill to authorize the city of Baltimore to sell the Raleigh Building without affecting the provision of Federal assistance if certain conditions are met; to the Committee on Environment and Public Works.

SALE OF RALEIGH BUILDING IN BALTIMORE, MD.

● Mr. MATHIAS. Mr. President, today I introduce a bill that would enable the city of Baltimore to sell the Raleigh Industrial Center to private investors without sharing the proceeds of the sale with the Federal Government. Under the current law, the city is required to share the proceeds of such a sale with the Federal Government because it received in 1976 a $4.7 million Economic Development Administration grant to help refurbish the property. That $4.7 million is the portion of the proceeds that the city is required to return to the Federal Government.

In 1976, the eight-story Raleigh Building in Southwest Baltimore was in dire need of repair, and nearly completely vacant. Baltimore City came to the rescue by purchasing and then renovating it with the help of an EDA grant. The city, with characteristic foresight and imagination, took a facility falling into total disuse and turned it into a vertical industrial park, making 330,000 square feet of space available to small businesses. Today, the Raleigh Industrial Center houses 25 newly-started businesses, including a printer, a security firm, and a clothing distributor. The building now boasts 90-percent occupancy.

Without the EDA grant, Baltimore would not have been able to accomplish these things, and these businesses would not be in Baltimore today. The EDA grant provided $4.7 million of the total investment of $8.6 million in the building.

The city of Baltimore has accomplished its purpose in this venture, but it is still the landlord of the facility. Right now, the taxpayer's dollar is subsidizing a property that would be attractive to the private sector to own and operate.

The city of Baltimore would like to sell the Raleigh Industrial Center and use the funds realized to advance the

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highly successful economic development program of the city of Baltimore. But, if they have to return a substantial amount of the proceeds to the Federal Government, There is little financial incentive to the city for selling the building.

This legislation is devised to remove that obstacle to the sale. There is precedent for it. The Congress has approved the elimination of this requirement in at least two other cases: that of the Panatages Theater for the Performing Arts in Tacoma, Wash., and the two concert halls used by the Philharmonic Orchestra of Buffalo, N.Y.

EDA has made it clear that it does not have the authority to waive this requirement. If the city of Baltimore were, in any manner, to give up controlling interest in the Raleigh Industrial Center, EDA would currently be required to collect the amount of the grant, $4.7 million, from the city immediately. This legislation would free-up resources which could be better spent elsewhere. I urge the Senate to move expeditiously on this legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon request of the City of Baltimore, Maryland, the Secretary of Commerce shall authorize such city to sell to any person the Raleigh Building without affecting the Federal assistance provided by a grant under the Public Works and Economic Development Act of 1965 (project number 01-01-01460) if the sales agreement provides for the operation of such building as an industrial park for the useful life of such building and if such city provides such assurances as the Secretary of Commerce may require to ensure that all proceeds from such sale not utilized for repayment of loans made for development and operation of such building shall be used by such city, within 3 years after the date of such sale, for economic development purposes which are consistent with the objectives of such Act.●

By Mr. KASTEN:

S.J. Res. 115, Joint resolution proposing an amendment to the Constitution of the United States with respect to the length of the terms of Office of the President, Vice President, and Members of the Senate and of the House of Representatives and the number of terms a President, Senator, or Representative may serve; to the Committee on the Judiciary.

LIMITATION ON PRESIDENTIAL AND CONGRESSIONAL TERMS

● Mr. KASTEN. Mr. President, today I am introducting Senate Joint Resolution 115, a constitutional amendment to limit congressional terms and change the length of office of our President.

Historically, our Nation has been led by people who have come from a variety of backgrounds. Farmers, small businessmen, teachers, and people from many other fields have taken time from their profession to help guide the country. This is one of the important factors that has helped make our Nation so great.

Today we are seeing a shift from this tradition: it is becoming more difficult for individuals to serve as elected representatives while maintaining a separate career. Instead, it is becoming necessary for persons to make a career of their desire to serve their fellow citizens. We are seeing the demise of the traditional legislator and the rise of the career politician.

This trend is leading to a less representative form of government. Civic-minded individuals are being forced to choose between a career as an elected official or in another field. This places constraints on who can serve as a legislator.

The Constitution establishes the principle of checks and balances as integral to our Federal system of government. This principle, however, cannot be effective when a few individuals can dominate a branch of our Government. The joint resolution I am introducing today addresses this problem by limiting the number of years Congressmen and Senators may serve.

This joint resolution will limit any President to a single 6-year term. Senators will be limited to two 6-year terms and Members of the House of Representatives will be limited to six 2-year terms. An individual's service in one body would not place any limits on the term of service in another body.

Under our current system, legislators are encouraged to seek reelection again and again. These incentives have forced elected officials to spend an exorbitant amount of their time concentrating on running for office rather than on best serving their country. Instead of a Congress of statesmen, we have a Congress of candidates. If the term of service could be limited, the need to be continually running for reelection would be reduced and legislators could concentrate their efforts on serving the Nation.

This problem is not limited to the Congress, but also faces the President. Today a President has very little time to adopt and implement a platform before he must begin to seek reelection. By electing a President to a 6-year term, he would be given the necessary time to see significant programs enacted into law and carried out. During this term, the President would be free to concentrate his efforts on his programs rather than his reelection.

By adopting this resolution, Congress would reaffirm its commitment to a system of checks and balances. In addition, we would enhance the ability of leaders to effectively represent the American people. Our legislators would be more responsive to the needs of the country in a system where power and authority were more equally distributed. More individuals would be encouraged to run for office if they knew they could be effective. For these reasons, I believe the Congress should move quickly in adopting the resolution I am introducing today.

Mr. President, I ask unanimous consent that the full text of my amendment be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 115

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE

"SECTION 1. The term of office for the President and the Vice President shall be six years. No person otherwise eligible under this Constitution to be President shall be eligible to be President if he has previously been elected to such office, and no person who has held the Office of President, or acted as President, for more than three years of a term to which some other person was elected President shall be eligible to be elected to the Office of the President.

"SEC. 2. The term of office for Members of the Senate shall be six years. No person otherwise eligible under this Constitution shall be eligible to be elected to the Senate more than twice, except that no person who has held the Office of Senator for more than three years of the term to which some other person was elected shall be eligible to be elected to such office more than one time.

"SEC. 3. The term of office for an elected Representative shall be two years. No person otherwise eligible under this Constitution shall be elected to the office of Representative more than six times.

"SEC. 4. The terms of office provided for the President and Vice President, Senators and Members of the House of Representatives by sections 1, 2, and 3 of this Article shall apply to the terms of office of such Presidents and Vice Presidents, Senators and Members of the House of Representatives elected after the date on which this Article is ratified.".●

By Mr. KASTEN (for himself and Mr. BRADLEY):

S.J. Res. 116. Joint resolution to designate the week of September 4, 1983 through September 10, 1983, as Youth of America Week; to the Committee on the Judiciary.

YOUTH OF AMERICA WEEK

● Mr. KASTEN. Mr. President, time and again here on the Senate floor we have heard Members of this body

stress the importance of protecting and lending support to our Nation's most valuable natural resource—our children. In honor of those youth, I today am introducing a joint resolution which proclaims the week of September 4-10, 1983, as Youth of America Week.

The idea for a commemorative week for children was inspired by the National Football Alumni, who last year during the first week of the NFL season launched a project called Kids Week U.S.A. During that week former professional football players throughout the country devoted their time and attention to children in their communities. The former heroes planned a host of activities—from hiking and fishing trips to sports clinics and picnics for disadvantaged youth. Soliciting the advice of community leaders, the former stars were able to plan activities most beneficial to the youth in their area and to offer those children hope in overcoming the difficulties they face.

Based on the success of this operation, Mr. President, I think it is appropriate that we try to encourage increased activity in this area and involve even more individuals across the country during Youth of America Week.

By setting aside a special week for youth and calling attention to the activities of the NFL Alumni, we will encourage other civic and community leaders as well as individuals throughout the country to reach out and help those children in need. Like our sports heroes, people can put a little of themselves back where it counts most, with the kids.

Our country was built upon the tradition of people helping people and it will continue to flourish with such efforts. In keeping with the true spirit of voluntarism and good will, we should promote activities which will help the youth of America see the way to a brighter future.

I urge all of my colleagues to support this joint resolution, and I invite all of you to join me as a cosponsor of the measure.

Mr. President, I ask unanimous consent that the full text of the resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 116

Whereas the children of our Nation are the most valuable natural resource for the future of the country;

Whereas the sharing of knowledge, experiences, and wisdom by adults with children will help to nurture the development in our youth of democratic principles and strong moral and spiritual values, so important to the survival and future betterment of our Nation; and

Whereas all of the people of the United States can be involved in the development of such important principles and values in the youth of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 4, 1983, through September 10, 1983, is designated as "Youth of America Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of S. 37, a bill to temporarily reduce the duty on certain disposable surgical drapes and sterile gowns.

S. 237

At the request of Mr. WALLOP, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves.

S. 336

At the request of Mr. NUNN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 336, a bill to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor.

S. 591

At the request of Mr. INOUYE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 591, a bill to amend the International Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 654

At the request of Mr. WALLOP, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1954 to treat deductions for research and experimental expenses attributable to activities conducted in the United States as allocable to income from sources within the United States.

S. 699

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 699, a bill to provide for Federal support and encouragement of state, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes.

S.704

At the request of Mr. HEINZ, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 704, a bill to establish the Crime Victim's Assistance Fund.

S. 745

At the request of Mr. NUNN, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 745, a bill to amend the Small Business Investment Act of 1958 to provide debentures for State development companies licensed pursuant to section 501 of the Small Business Investment Act of 1958.

S. 873

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 883

At the request of Mr. MCCLURE, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 883, a bill to amend the Geothermal Steam Act of 1970—30 U.S.C. 1001 et seq.—to expedite exploration and development of geothermal resources.

S. 914

At the request of Mr. MCCLURE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 914, a bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

S. 1047

At the request of Mr. MELCHER, the names of the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1047, a bill to direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States.

S. 1132

At the request of Mr. MCCLURE, the names of the Senator from Idaho (Mr. SYMMS), and the Senator from Wyoming (Mr. WALLOP) were added as cosponsors of S. 1132, a bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures.

S. 1144

At the request of Mr. HEINZ, the names of the Senator from Minnesota

(Mr. Durenberger), the Senator from Alabama (Mr. Denton), the Senator from Iowa (Mr. Jepsen), and the Senator from Minnesota (Mr. Boschwitz) were added as cosponsors of S. 1144, a bill to suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process.

S. 1201

At the request of Mr. Mathias, the name of the Senator from Arizona (Mr. DeConcini) was added as a cosponsor of S. 1201, a bill to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes.

S. 1270

At the request of Mr. DeConcini, the name of the Senator from Georgia (Mr. Mattingly) was added as a cosponsor of S. 1270, a bill to amend title 17, United States Code, regarding the Copyright Royalty Tribunal.

S. 1306

At the request of Mr. Mathias, the names of the Senator from Indiana (Mr. Lugar), and the Senator from South Dakota (Mr. Abdnor) were added as cosponsors of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1325

At the request of Mr. McClure, the names of the Senator from Iowa (Mr. Jepsen), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of S. 1325, a bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year.

S. 1422

At the request of Mr. Nickles, the name of the Senator from Texas (Mr. Bentsen) was added as a cosponsor of S. 1422, a bill to repeal the windfall profit tax.

SENATE JOINT RESOLUTION 34

At the request of Mr. Riegle, the names of the Senator from South Dakota (Mr. Pressler), and the Senator from Illinois (Mr. Percy) were added as cosponsors of Senate Joint Resolution 34, a joint resolution designating "National Reye's Syndrome Week."

SENATE JOINT RESOLUTION 77

At the request of Mr. Dole, the name of the Senator from Wyoming (Mr. Wallop) was added as a cosponsor of Senate Joint Resolution 77, a joint resolution designating "National Animal Agriculture Week."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. Specter, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE RESOLUTION 126

At the request of Mr. Wallop, the names of the Senator from Arkansas (Mr. Pryor), the Senator from Nebraska (Mr. Exon), and the Senator from Indiana (Mr. Quayle) were added as cosponsors of Senate Resolution 126, a resolution to express the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.

SENATE RESOLUTION 139

At the request of Mr. Zorinsky, the names of the Senator from Arkansas (Mr. Pryor), and the Senator from Michigan (Mr. Riegle) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the study group on Senate practices and procedures to abolish the Senate Committee on Veterans' Affairs.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, 1983

METZENBAUM AMENDMENT NO. 1382

Mr. METZENBAUM proposed an amendment to amendment No. 1360 to the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes; as follows:

None of the funds appropriated by this Act shall be used by an agency of the Government to indemnify any person or to pay attorney fees in connection therewith, pursuant to any contract with the United States entered into on or after June 14, 1983 unless awarded prior to June 14, 1983, for amounts paid by such person to the United States by reason of any action by the Internal Revenue Service.

CABLE TELECOMMUNICATIONS ACT

SPECTER AMENDMENT NO. 1383

Mr. SPECTER proposed an amendment to the bill (S. 66) to amend the Communications Act of 1934; as follows:

On page 44, line 7, immediately after the period add the following: For purposes of this subsection, a franchise agreement containing such requirements shall be considered to have been in effect on such date of enactment if such agreement was the result of a franchise proceeding for which a request for proposals was originally issued, however subsequently modified or replaced, on or prior to September 30, 1982.

WILSON (AND CRANSTON) AMENDMENT NO. 1384

Mr. WILSON (for himself and Mr. Cranston) proposed an amendment to the bill S. 66; as follows:

Page 35, after line 8, insert the following:

"(i) The provisions of subsections (b), (c), and (d) shall not apply to a franchise agreement in existence on the date of enactment of this Act for a period of five years following the date of enactment of this Act, or for the remaining term of such franchise agreement, whichever is greater, in any state which has in effect, and has had in effect since January 1, 1983, a statutory scheme deregulating rates which contains a requirement regarding minimal channel capacity.".

DURENBERGER AMENDMENT NO. 1385

Mr. DURENBERGER proposed an amendment to the bill S. 66, supra; as follows:

On page 43, line 9, strike out ", or cable system facilities or cable related equipment,"; and

On page 43, line 12, strike out ", facilities or equipment".

SUPPLEMENTAL APPROPRIATIONS, 1983

THURMOND (AND HOLLINGS) AMENDMENT NO. 1386

Mr. THURMOND (for himself and Mr. Hollings) proposed an amendment to the bill H.R. 3069, supra; as follows:

At the end of page 30, insert the following:

The project for Cooper River, Charleston Harbor, South Carolina, authorized by the River and Harbor Act of 1968, Public Law 90-483, approved August 13, 1968, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to install a closure structure in the diversion canal between Lake Marion and Lake Moultrie and to construct such measures as the Chief of Engineers determines necessary to improve the seismic stability of the Pinopolis West Dam on the Cooper River, at an estimated cost of $22 million; *Provided,* That nothing in this section shall waive any requirements under the Federal Power Act of 1935 (49 Stat. 847).

(b) In addition to such sums as are otherwise appropriated by this Act there are appropriated $2,000,000 for the fiscal year 1983 for engineering and design studies in connection with the modified project authorized by subsection (a).

SENATE RESOLUTION 157—ORIGINAL RESOLUTION REPORTED WAIVING THE BUDGET ACT

Mr. ANDREWS, from the Select Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on the Budget:

S. Res. 157

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 1746. Such waiver is necessary because H.R. 1746 authorizes the enactment of new budget authority which would become available in fiscal year 1983 and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974, for such authorizations. Such waiver is also necessary because H.R. 1748 authorizes the exercise of new budget authority which would become available in fiscal year 1984 and such bill was not reported on or before May 15, 1983, as required in section 402(a) of the Congressional Budget Act of 1974, for such authorizations.

The waiver of section 402(a) is necessary to permit the Navajo and Hopi Relocation Commission to fulfill its statutory mission of implementing Public Law 93-531 (88 Stat. 1712).

H.R. 1746 provides an authorization increase to $7,700,000.00 from the preexisting level of $5,500,000.00 for section 14 activities under Public Law 93-531 (88 Stat. 1712), and a new authorization of $15,000,000.00 for fiscal year 1983 through 1987, for section 15 activities under Public Law 93-531 (88 Stat. 1712).

The House Appropriations Subcommittee on Interior has included funds in its fiscal year 1984 markup for implementation of these program activities. The sums provided in the subcommittee markup are included in the President's fiscal year 1984 budget request. The Appropriations Committee of the Senate and the House of Representatives have, therefore, had adequate notice of this authorization. Thus, congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's full committee markup on pending legislation scheduled for June 16, 1983, at 9:30 a.m., in room 428A Senate Russell Office Building, has been postponed until further notice.

ADDITIONAL STATEMENTS

SALEM COLLEGE COMMENCEMENT SPEAKER STRESSES NEED FOR INDIVIDUALITY, COMPETITIVE SPIRIT

● Mr. RANDOLPH. Mr. President, the voices of many learned and inspiring commencement speakers have been heard in the past few weeks. They seek to convey a fundamental message to graduates based on their own experience and knowledge. They harbor the hope that their words and thoughts might energize the young people to set a proper course toward successful living.

At the graduation last month of my alma mater, Salem College, industrialist, David Lincoln Luke III, was the speaker. He also received an honorary doctor of laws degree. Another merited honorary degree was awarded to Dorothy Upton Davis, veteran teacher, historian, and friend of the arts from my birthplace.

Mr. Luke, who is chairman and chief executive officer of Westvaco Corp., said that America's greatest strength "stems from the power of creative, constructive individual effort."

He stresses the focus we have placed on equality has tended to reduce somewhat our emphasis on individual excellence, and that the lack of competitive challenge has reduced individual efforts to excel.

With the reemphasis and renewed recognition of the importance of constructive, individual creativity, new American generations can most certainly compete in talent against the new generations coming along in the other countries of the world, he avowed.

Mr. President, Mr. Luke's advice has universal applicability, and his message serves as a good guide for every facet of our society. I ask that Mr. Luke's thoughts be shared in the Record and shared with my colleagues and others.

The address follows:

The Individual: America's Fundamental Strength

(By David L. Luke III)

Honored guests, ladies and gentlemen, I feel a special kind of kinship with you in several respects. The company with which I have spent most of my working career was founded in the beautiful mountains of West Virginia in 1888. By coincidence, that was the same year that Salem Academy, the forerunner of Salem College, was also established. Within our company, we are deeply proud of the company's West Virginia heritage. Our experience in the state has been very positive and we have deep roots in West Virginia.

William M. Thackeray once said that next to excellence is the appreciation of excellence. It is, therefore, a distinct honor to share the platform today with such a distinguished group of outstanding people. Each in his and her own way also has a very special kinship with Salem College.

I would like to say just a few words about one particular member of this distinguished group—Senator Jennings Randolph.

We each owe Senator Randolph deep gratitude for his long span of public service to our country during which he has always offered a stable, common sense point of view of the national interest.

You may or may not know that one of his great contributions to our system is the fact that he authored the 26th Amendment to the Constitution which lowered the voting age to age 18. Even if you are aware of the accomplishment, it is less likely that you are aware of the dedication and perseverance required to accomplish this achievement. Senator Randolph first introduced the bill in 1942 and continued to present it in other Congresses for a total of 18 times until the bill became law nearly thirty years later in 1971.

One of his most steadfast beliefs has always been his faith in the power and importance of the individual. This is a fundamental belief that I, too, share. The occasion of this graduation from Salem College provides an opportunity for me to discuss this subject as many of you begin a search for direction in your futures today.

As I talk about the role of the individual this afternoon, I am going to touch on three aspects of the subject.

First, the importance of individual effort.

Second, the way in which competition stimulates development of the individual.

And, finally, the importance of the creative individual to our country.

Since its founding, our country has always been well endowed with geography and natural resources, but in the final analysis, as you look at the progress of our nation, it becomes unmistakably clear that our greatest strength stems from the power of creative, constructive individual effort.

Whenever, as a nation, we have praised and recognized and encouraged such individual effort, we have been at our very best. In such times, we achieve progress and results which are the envy of the other societies of the world. When, however, we fail to recognize our potentials for excellence, we are very little different from other less fortunate societies where the opportunity for creative and constructive development of individual potential simply does not exist.

A man named George Mason, one of the signers of the Declaration of Independence, said in 1775 that we each come into this world as equals and as equals we go out of the world. It is the period of time that George Mason neglected to mention, the time in between, that is so terribly important, for this is the time that we as individuals can really do something to make a difference in our society.

At different points in time, priorities in the country vary and change. In recent years, we have given the concept of equality of opportunity a very central role in our social philosophy and we have certainly made very substantial and very encouraging progress against our goals.

At the same time, the great focus we have placed on equality has tended to somewhat reduce our emphasis on individual excellence. In recent years, uncommon effort has too often been the exception rather than the standard. We have all seen too much mediocrity. We have been losing some of the American "can do" attitude that once supported our society and have been tending to replace it with attitudes that almost seem to say, "Why care? It doesn't really matter anyway." As a result of these changing attitudes, two out of three Americans polled in recent years currently indicate that they believe their grandchildren will not live as well as they do, a dramatic and remarkable change in the traditional American expectation. The attitude shift raises the question, "Does this really have to be?"

The prospect of a steadily promising future has always been almost an American birthright. I don't feel that we have to give it up and I certainly don't feel that a generation graduating today should feel that we have to give it up. The fact is that the door to opportunity has never been wider open than it is right now. Today's graduates have a prospect of better health and greater longevity than in any preceding generation. The sum of knowledge and the range of tools available to you has never been greater than it is now and there really is no reason to be limited by pessimism. With your own best individual efforts and hard work, there is every reason to be optimistic.

Some say that computer processing devices and industrial robots will be the way to reach the potentials of the future, but the truth is that these devices have a significant fault. They do not have something very special that individuals have, the ability to dream things that never were and ask, "Why not?"

Faith in individual talent, perseverance and hard work can literally produce miracles. A good example is the story told about a Kansas City newspaper editor and a young local artist who needed work. Sketches which the young man presented did not at all impress the tough old editor. He kept shaking his head and repeatedly saying, "No." Even worse, he not only rejected the samples, but at one point he told the young artist he doubted whether he had any talent at all.

Faith in his own ability led the artist to try other offices, too, but for quite a while the result always seemed the same. Finally, he secured a job drawing publicity material for some nearby churches. The young man rented a mice-infested garage where he worked to turn out his sketches. He continued to produce free-lance material and slowly, very slowly, his work began to find a market. His perseverance made Walt Disney famous. Certainly one of the mice in that original garage where he received the inspiration for his Mickey Mouse series became very famous, too. Today, no one would question the power of Walt Disney's talent, but yet his great creative talent would have been lost to mankind forever had he not persevered to develop it with dedication through his early days.

Of course, not every one of us can be a Walt Disney, but each of us has unique qualities which represent a competitive edge and there are many, many examples of outwardly very ordinary people investing uncommon effort to achieve extraordinary results in ways just as Walt Disney did in his day.

Some of you are going on from here to be teachers with tremendous potential for influence on other generations. I hope that each of you will make uncommon efforts to provide your students with the very best you have to offer, teaching foundations in mathematics, the sciences, communications and all of the other disciplines, and encourage your students in their turn to use their imaginations and to be creative.

Others of you are going to be nurses, caring for the sick and injured in our society. With your patients there is a marvelous opportunity to use your individual talents and creativity to provide the very best in nursing care.

Still others of you will be involved in mathematics, computer programming and some of the other sciences which are so basic to American industry. Again, there are wonderful and exciting challenges to be met as you draw fully on your personal resources with dedication to your task.

It is possible for all of us to pursue our chosen paths seeking excellence in what we do. The rewards and personal satisfaction of such goals in contrast with the rewards of just getting along are justification enough for the commitment that is required, but the knowledge of what such performance can mean to society at large is an additional reason for such dedication.

With the reemphasis and renewed recognition of the importance of constructive, individual creativity, new American generations can most certainly compete in talent against the new generations coming along in the other countries of the world.

This leads me logically to the second part of my presentation, the stimulus of competition. Maximizing individual potential is a very challenging objective. It can present great satisfaction, but it requires remarkable steadfastness and dedication and it sometimes is helped by special sources of stimulus.

"Man is so made," wrote La Fontaine, "that whenever anything fires his soul, impossibilities vanish." Competition has just this effect on individual performance. Competition is a positive tonic for our society. Healthy competition frequently is just what is needed to bring out the best in each of us.

No one in our lifetime has shown the potential of this power more clearly than Vince Lombardi, coach of the Green Bay Packers and the Washington Redskins. Coach Lombardi stressed the power of the individual to unleash the untapped energies of man.

"Becoming all you are" was the Lombardi credo, and it is the foundation of our competitive strength as individuals and as a nation. Becoming all you are recognizes that we each have something important to give to the world in a way that will benefit society. It is an attiude about being the very best you can.

It is my belief that we have a real opportunity to translate the same winning attitude of the athlete, whether amateur or professional, the same desire to win, into our everyday lives, including our jobs.

In industry, competition is certainly one of our most important stimuli. I have seen it happen in Westvaco. One of our most successful products is directly attributable to an effort by one of our major competitors to make a lower-cost product to serve one of our markets. We had to try to surpass the benefits which their product was intended to bring to our customers, or run the risk of losing our share of the business. So we came up with a much better product which has since developed into one of our major businesses. The axiom is clear: When anybody does something well, it becomes a new standard for everyone else to try to exceed, and the world benefits.

What is true in sports and in industry is equally true in the sciences and research as well.

The events which led to the understanding of the famous double helix structure of DNA are a good example of this. In the early 1950's, the young American scientist, Dr. James D. Watson, and his colleague, Dr. Francis Crick, were working in the Cavendish Laboratory of Cambridge University in an effort to solve the riddle of the structure of DNA. They were spurred on by the importance of the task but also by their feeling that Dr. Linus Pauling was hard at work on the same challenge at Cal Tech. The sense that there was competition helped contribute to one of the major scientific discoveries of our time and won a Nobel prize for Watson and Crick.

In each example I have mentioned, there was a competitive stimulus which has brought forth the best in individual performance. Today, there is worldwide competition in many of the things we do and those who can no longer compete gradually fall by the wayside.

This provides an appropriate introduction to my final point: It is time for America to reassert itself again, to put the focus on individual excellence and to let the best we have shine through. America can compete.

I sincerely believe that the American people, all of us, are beginning to recognize the need for our country to make a new commitment to competitive strength, to once again become world-class competitors, and I am convinced we can.

The present challenge is great. In addition to the long-established recognition that our industries need to compete within our own country, it is now very clear that the oceans that surround us are no longer barriers to protect us from the need to compete in the economies of the world and the ideas of the world. The consequences of this are becoming increasingly clear. Recent reports on the competitive scorecard have not been too encouraging.

The matter is serious enough so that all of us need to work on changing the attitude of pessimism which even extends to some of the thought leaders of our society.

There is no reason whatsoever why we should be less optimistic about our country and its potentials for the future. Our way has worked incredibly well. If we restore traditional American faith in the power of the individual and in hard work and accountability for our performance, if we truly face the competitive challenge, America will continue to offer steadily growing opportunity for future generations.

As Americans, we have the expertise, we have the research excellence, we have the dedication of many competent individuals, but what we now need is a winning attitude, confidence and an overall desire among our citizens to be world-class competitors, to be the best that each of us can.

In this quest, the key is in the individual. Governments can influence ideas, but they really can't solve many of the problems that face us.

A perfect example of this lies in what we have called the energy crisis.

Starting with the disruption of the Middle East supply which occurred in the aftermath of the Arab-Israeli war of 1973, the balance between our energy needs and our energy sources became a great concern of our Federal government. Most of us saw a President put on a sweater and propose a great program of red tape, government control, and government expenditure. Fortunately, greater wisdom prevailed. The government restrained itself and gradually individuals went to work on the problem. Private oil and gas exploration increased in this country. Nonpetroleum domestic sources of energy were tapped and almost all of us in our daily lives began to reduce our consumption of energy.

Less than a decade later, our need for imported sources of energy has shrunk dramatically and the cost of energy has tumbled so sharply that in the past year it has been one of the key factors that have helped reduce inflation to an almost negligible level.

Other energy challenges may lie ahead, but the past decade has shown us that common sense and individual effort are a powerful tonic. The experience is a great model for the solution of other problems. The creative power of the individuals who make up our country is an enormous force when individuals apply themselves with dedication.

We sometimes like to think that success comes easily and instantly, but the truth is it seldom works that way, even for the most creative. The path to excellence requires dedication and commitment. Thomas Edison's successes were not handed to him on a silver platter. One summer evening, when Mr. Edison returned home from his work, his wife said, "You've worked too long without a rest. You must take a vacation." "But where will I go?" he asked. "Decide where

you'd rather be than anywhere else on earth and go there," was the answer. "Very well," promised Mr. Edison, "I will go tomorrow." The next morning he returned to his laboratory.

I would like to conclude with this thought: By virtue of living in the United States we enjoy a political system, an economic system, and a tradition of ideas that are unique in all of civilization. Our way is founded on the right of every person to pursue his or her own happiness in an environment of liberty and justice. Our founders counted on the individual. It mattered to them. They saw it as America's fundamental strength.

My message to you today is the same. We are counting on you, the Class of 1983.

Thank you and God speed.●

U.S. COUNTERINTELLIGENCE MUST RELY ON HELP FROM AMERICAN HIGH-TECH BUSINESS

● Mr. NUNN. Mr. President, the Soviet spy organization, the KGB, has launched an all-out campaign to obtain, through both legal and illegal means, high technology from the United States, other Western nations, and Japan.

The Soviets' technology acquisition drive is a threat to our national security because it enables the U.S.S.R. to keep pace with our scientific and engineering breakthroughs at only a fraction of what it costs us. In addition, by having access to our defense technology, the Soviets can design their own weapons to counter our newest systems.

The KGB has so many operatives at work in the United States that the FBI counterintelligence team is hard pressed to track all of them. But, if there were a more coordinated effort between the American Government and American business, our own counterintelligence agents would be much more effective.

The need to enlist the aid of the high technology business community in stopping illegal acquisitions is the theme of an article written by Henry Eason for the June 1983 issue of Nation's Business.

Mr. Eason correctly points out that Federal authorities must do a better job of educating businesses in how to improve their own security with regard to militarily critical technology. Equally important, each business executive whose firm is in this field—from R&D to production—must be ever mindful that Soviet and Soviet bloc spies utilize a diversity of techniques in obtaining sensitive know-how. As the magazine's cover headline aptly warns, "Soviet Spying: Are You Next?"

Mr. President, I request that the article from Nation's Business be printed in the RECORD.

The article follows:

SOVIET SPIES: YOUR FIRM COULD BE THEIR NEXT TARGET

(By Henry Eason)

Several years ago, a group of Soviet specialists in aeronautics was taken on a State Department-sponsored tour of three American plane factories. The Russians visited plants operated by Lockheed, Boeing and McDonnell-Douglas—all major defense contractors.

At one plant, in Burbank, Calif., Lockheed was manufacturing the L-1011 commercial wide-body plane. The Russians were kept far away from sensitive defense facilities at the same plant; however, there seemed no harm in showing them how a civilian aircraft was made.

But the Soviet visitors had their own reasons for being interested in the L-1011. It was a big, lightweight plane that could carry large numbers of people at a high speed. The Russians had not figured out how to make such a plane themselves.

The specialists visiting the Lockheed plant were wearing shoes with adhesive soles. Metal particles picked up on the soles at the plant (and at the other two plants as well) were later analyzed in a Moscow laboratory. From that analysis, the Soviets learned enough about jumbo-jet metallurgy to build bigger and faster troop- and cargo-carrying aircraft.

An Eastern European revealed that bit of Soviet trickery in 1981, after defecting to the West. The sticky-shoes episode is just one example of what American intelligence officials say is a mounting Soviet campaign to spy on the American businesses that give the United States its edge over the Russians in military technology.

The Soviet campaign is putting an enormous strain on American counterespionage resources, at a time when President Reagan's defense buildup is bringing more companies of all sizes into defense-related activities. Many of these businesses have never thought of themselves as potential targets of Communist spies.

Over 3,000 officials from Communist countries—about 35 percent of them spies—work out of 180 offices in the United States, according to the Federal Bureau of Investigation. Also, many of the thousands of tourists, students and trade representatives who come from Communist nations each year to the United States actually are on intelligence-gathering missions.

FBI Director William Webster said recently, "I do not think there's been another time in our history when our country has been under such a sophisticated espionage assault."

Despite the United States' "very aggressive campaign" to foil spy operations, says Edward O'Malley, head of the FBI's counterintelligence division, "we have manpower problems. There are more Communist officials here than there are FBI people engaged in counterintelligence."

In April Soviet espionage plots were uncovered in France, the United States and Australia. French authorities expelled 47 Soviet diplomats found trying to steal military secrets; three diplomats were expelled by American authorities and one by the Australians. Observers say the expulsions reflect more the dramatic upswing in Soviet spying than improved Western counterintelligence.

"U.S. counterintelligence efforts are stretched thin," the Central Intelligence Agency warned in a recent report. "It appears that Western industrial security—both defense and commercial—will be severely tested by the Soviet intelligence services and their surrogates among the Eastern European satellites during the 1980s."

Soviet-bloc spies in the United States have targeted the 12,000 or more companies working on defense contracts, the thousands of defense subcontractors and other companies whose high-technology products could be put to military uses. Most defense contractors are small or medium-sized and have modest security programs. Some of the high-tech firms have no security programs at all.

More than 1 million people work on classified, secret or top secret defense projects for the government. Recruiting agents from this vast pool of people is a favored method of Soviet spies.

The Pentagon's Defense Investigative Service, which clears all employees working on military projects, is struggling with a huge backlog. DIS Director Thomas O'Brien's 1,153 overworked agents will make 181,000 clearance investigations and reinvestigations this year—"a tremendous workload," says O'Brien. DIS has melted last year's backlog of 84,000 cases down to 36,000, but critics say the agency cut corners to reduce the backlog.

DIS "is sacrificing a lot of quality in its investigations in order to catch up," complains David Martin, who recently completed a Heritage Foundation-sponsored study that warns of a government-wide security problem.

In the past DIS conducted "full field" investigations during which neighbors, coworkers and acquaintances of an applicant for a defense job were interviewed. With its heavy workload, the agency now interviews the candidates and does record checks instead of more extensive checking. Although it hopes to reduce its backlog further and resume more detailed reviews this summer. O'Brien says the present method make better use of an investigator's time and is sound but not foolproof.

Critics have insisted that defense workers should be reinvestigated after their initial security check to determine whether changes in their personal lives might make them more vulnerable to the overtures of Soviet spies. DIS began performing reinvestigations in April, but its backlog is huge.

The fear that employes could be lured by Soviet intelligence agents permeates even the more heavily secured defense firms, like Lockheed's Missiles and Space Company, of Sunnyvale, Calif., which makes Trident submarine-launched nuclear missiles and is researching the kind of laser weaponry that President Reagan says is needed for future antiballistic missiles.

James Fitch, director of Lockheed's 400-person security force at Sunnyvale, says, "There are probably espionage attempts all the time. It could happen to me this afternoon, or maybe it's happened already and I don't know it."

California, with its string of defense factories and high-tech firms running from San Diego to the "Silicon Valley" south of San Francisco, has become the happy hunting ground of the Soviet KGB, which controls all Warsaw Pact nation's spy services.

The KGB scored two of its biggest victories in the Los Angeles area. Christopher John Boyce stole highly sensitive satellite technology from TRW in 1977 and sold it to the Russians, and William Holden Bell funneled Hughes Aircraft designs for fighter plane radar to a Polish intelligence officer in 1981. The two Americans were eventually caught, but not before they had seriously compromised advanced American weapons.

"Boyce and Bell" has become a cry equivalent to "Remember the Alamo!" for United States intelligence officers and plant security chiefs. They are working hard to prevent similar cases, but the odds are stacked against them. Soviet bloc spies are on the offensive: They recruit individuals, they gather useful material from public documents and seminars, and they make illegal purchases of militarily significant goods through middlemen.

Communist spies are focusing increasingly on individuals, especially those who work for small companies with lower awareness of security. They move into the lives of these people, showing a chameleon's ability to adapt.

O'Malley, the top FBI spy catcher—he is the real-life U.S. equivalent of British novelist John le Carte's George Smiley—sheds some light on how the Soviets operate:

"The Russian that the American meets today is not a 5-foot-2-inch-wide, 5-foot-2-inch-tall man wearing a baggy suit with a long beard and unable to speak English very well. No, this is a very suave, eloquent individual, who speaks English almost flawlessly. He is dressed very casually in a modish leather jacket with jeans and a cowboy hat, or he might look like he has just come from the 18th green at Burning Tree [a Washington country club].

"He knows the American is wary, so he will portray himself as an individual, rather than as a Soviet. He may even bitterly criticize his own country. The American thinks: 'He's not such a bad fellow. He's not trying to coerce me. He's a nice man. So what if he takes me out to lunch?' The Russian will try to cultivate the American socially. If that American is a New York Mets fan, I guarantee you that within a short time that Soviet will know more about the Mets than he does."

The Russian's objective, O'Malley says, is to move subtly from a casual business meeting to a recreational and even family relationship. The psychologically trained Soviet intelligence officer wants to get beyond the target's professional and social personality to what O'Malley calls his "third personality," his inner self. The KGB is very patient in burrowing toward this goal, he says.

Bell, a 30-year Hughes employe, was cultivated in this fashion by a spy posing as a Polish trading company official. The Pole moved into Bell's apartment complex. Their families became fast friends. They played tennis. When the Internal Revenue Service began pressuring Bell for back taxes and he was sapped by other financial demands, the Pole discreetly gave him money, then more money, until he had passed Bell a total of $170,000.

Greed, experts say, is what usually motivates the American turncoat today. The Soviets rarely attempt to persuade an American to accept Marxist doctrine, as they once frequently did. The KGB manual preaches using capitalism on the capitalist, O'Malley says.

With its resources strained, the government cannot operate effectively unless employes approached by foreign spies report immediately to the FBI or their security officers. Flirting with the KGB, says one FBI agent, is like being an amateur snake charmer: "Once you get the cobra to come out of the basket, then what do you do?"

"It's amazing how people get involved in these things, and don't realize what's happening," says Robert Gast II, head of the FBI's San Francisco office, the chief counterespionage center in the Silicon Valley area.

Gast adds: "I am concerned about the smaller companies, the emerging ones, where a couple of guys leave one of the major companies with a new idea. Security is one of the last things the smaller companies will go for, because it doesn't, to be trite, go to the bottom line. It's expensive, and you don't see any cost benefits from it. Some of those small companies are on the cutting edge of technology and are certainly targets for the Soviet intelligence services."

Sen. Sam Nunn (D-Ga.), under whose leadership the Senate Permanent Subcommittee on Investigations last year spotlighted the drain of American technology—through a variety of conduits—to the Soviet Union, says the private sector has to get more involved in fighting Soviet spying. He suggests that defense contracts should require extensive anti-spy educational programs that will free hard-pressed federal agents for more field work.

American companies can lose their defense contracts—with the U.S. government and allied governments—if serious security breaches occur. But combating espionage is not easy for business, whose primary goals are to produce goods and services and make a profit. Often the federal government's myiad, confusing regulations governing defense goods' production and sale leave the businessman "concerned, confused and perplexed," says George Mozingo, who runs an FBI program for development of counterintelligence awareness in the San Francisco area. "The businessman is caught in the middle," he says, "between selling products and helping national security."

John Shea, president of Technology Analysis Group, Inc., which performs security evaluations of semiconductor firms for the Pentagon and the Central Intelligence Agency, says, "Most firms are more concerned about whether a competitor steals from them than whether the Soviet bloc is laying hands on their products."

Zilog, a San Jose computer systems firm that produces some militarily useful wares, cannot vouch for the ultimate purchasers of goods it sells through distributors, says President Frank deWeeger.

"We are powerless to come to grips with it," deWeeger says. "We try to comply with the laws, but you can't screen every order that comes in."

If the United States and the Soviet Union or their allies ever clash on a battlefield, the outcome will depend on the quality of weapons. For now, the combat is taking place in the shadowy world of defense industrial espionage. There, the Soviets are making gains in quality that enhance the edge they already have in numbers.

A GUIDE TO GUARDING MILITARY SECRETS

Tens of thousands of American companies are doing business in defense and defense-related fields, and several thousand intelligence officers from Soviet bloc and Soviet-influenced nations and China are believed to be spying on them.

According to a Central Intelligence Agency assessment, "Security provided by commercial firms is no match for the human penetration operations of foreign intelligence services." Federal Bureau of Investigation Director William Webster calls on American business to take stronger steps to protect itself.

Here are some guidelines government agencies offer for better protection against espionage. American business people should be aware that:

Scrimping on security programs could be penny-wise and dollar-foolish. More comprehensive antispy educational programs are needed, especially in small companies, which are often at the forefront of new technology and are more vulnerable to Soviet penetration than major defense contractors with well-developed security departments.

Spy operations are not confined to Washington, New York and California. FBI officials say espionage nests have been formed in almost 200 locations.

You could be doing business unknowingly with a firm whose main goal is illegal acquisition of your goods and services. Just because a company is chartered to operate in the United States, do not assume that it has been sanctioned by the government.

Soviet bloc spy services have been making increasing use of individuals and companies with no direct links to Communist countries—"open brokers" who act as middlemen.

American companies are being urged by the government to more thoroughly check firms with which they deal. This warning applies particularly to companies whose products are not restricted for sale but could have military applications.

"Human assets"—Americans who understand sensitive defense systems and can steal what the Soviets cannot obtain in an open environment—are believed to be of primary interest to the KGB, the Soviet spy service. Even custodial workers who might have access to carbon sheets, typewriter ribbons and discarded drafts of vital reports can be important to the KGB. The best approach, according to the FBI, is for employers to discourage their employes from having social relations with anyone suspected of spying.

Soviet bloc countries are particularly interested in the following types of American industrial activity computers, semiconductors, communications, transportation, lasers and optics, nuclear physics, microbiology, chemistry and energy, as well as defense.

For further information on espionage methods and on products the government believes the Soviets desire, contact: Arms Licensing Division, Office of Munitions Control, U.S. State Department, Washington, D.C. 20420, (202) 235-9761; or Exporters Service Staff, Office of Export Administration, U.S. Commerce Department, Washington, D.C. 20230, (202) 377-4811. For a copy of the CIA report, "Soviet Acquisition of Western Technology," write: Defense Industrial Security Institute, Security Awareness Division, c/o DGSC, Richmond, Va. 23297.

HOW THE KGB SPINS ITS WEB

(This is a composite KGB operation, based on interviews with Federal Bureau of Investigation and Defense Department counterintelligence officers and on material provided by them.)

A Detroit-based Hungarian importer and his wife make friends with an American tank manufacturing engineer and his wife at a reception after a symphony concert. The Americans find the Hungarians entertaining and are delighted to be invited to dinner the following weekend. At a jazz bar after the dinner, the Hungarian's wife notices that the American man is boastful but guarded about his work.

The importer, a spy under indirect control of the KGB (the Soviet intelligence service),

reports the meeting to his superiors. After a strong show of interest by Soviet military intelligence, the KGB orders the Hungarian to develop his budding relationship with the American.

Over the next few months, always careful not to inquire about the American's work, the Hungarians cultivate a purely personal relationship with the Detroiters. One evening, after a number of cocktails, the apparently drunk Hungarian curses his Communist overlords.

He and the American engineer, now fast and trusting friends, go sailing one afternoon, and the American confesses he has an expensive young mistress who is squeezing his pocketbook and hinting that she may leave him if he is not more generous. He is worried that he cannot cover his debts much longer.

Later, at a Detroit Lions game, the Hungarian introduces the American to a friend, a "false flag" East German who is posing as a West German defense consultant. The second relationship flourishes. The German offers to hire the American in the near future. His firm, he says, has a regular relationship with a West German armaments maker. The job would pay 50 percent more than the American is now making. But the German firm wants to see some samples of the American's work.

The American cannot do much checking on the German without arousing suspicion. He smuggles out some of his engineering designs but gives the German no top secret material. The German appears satisfied but reports back later that executives at his firm must see more elaborate work, a better taste of the American talent they are about to hire. The American has already adjusted himself to his anticipated higher salary and has, indeed, accepted a small part of it against future wages.

Pondering his dilemma late at night in his office, he has second thoughts, even though he believes he may already have violated some federal law. Sighing wearily, he phones the local FBI office.

Then, working with his own government, the American allows himself to be drawn deeper into the web, until one morning an FBI intelligence division squad arrests the Hungarian, the East German and their accomplices.

Since they are not accredited diplomats, who have immunity, they all go to jail under the Espionage Act.●

TRIBUTE TO FORMER ASSEMBLYMAN DRUMM

● Mr. D'AMATO. Mr. President, I take this opportunity to reflect on the distinguished career of a beloved New Yorker and elder statesman, former Assemblyman Willard C. Drumm who passed away last week at the age of 85.

A life-long resident of Niverville in Columbia County, Willard Drumm actively operated the family's dairy farm until his death. Born October 1, 1897, he was the son of the late Frank and Jessie R. Drumm. He was elected to the New York State Assembly in 1946 and represented Columbia and Greene Counties for nine terms until 1965. Assemblyman Drumm championed extension of the Taconic State Parkway from Dutchess County to Columbia. He vehemently opposed double taxation of State residents who worked in nearby Massachusetts and was against the original State sales tax.

Mr. Drumm was a member of the State legislature's "Pilot Club," the Town of Kinderhook and Columbia County Republican Committees; the Niverville Fire Company; Niverville Methodist Church; and he was a charter member of the Norther Columbia Lions Club.

An active and respected Republican since 1926, Assemblyman Drumm was a member of the State GOP committee at the time of his death.

He participated in every local election right up to the most recent and was a close confidant of State and national Republicans.

I add my voice to the many across our State who mourn his loss. He was truly a community-spirited individual who superbly represented the interests of his constituents. His interest in politics and love of government embodies all the positive attributes of public service.

To his family and friends, I extend heartfelt sympathy.●

TRIBUTE TO SGT. BERNARD CASTELLINI

● Mr. LAUTENBERG. Mr. President, it is my privilege today to pay tribute to Sgt. Bernard Castellini of Vineland, N.J. I would like to take a moment to recognize this man whose extraordinary dedication to his community is worthy of our highest praise and admiration. On June 30, Sergeant Castellini will retire from the police department of Vineland after 28 years of loyal service.

Sergeant Castellini will leave behind a career that we all can envy. As a police officer and Korean war veteran, he has been dedicated to insuring the safety of his community and his country. In so doing, he has been able to find ways to enrich and touch the lives of others.

Under his leadership, the safety patrol program of Vineland has produced many fine students and outstanding citizens. The program's safety record, which now ranks near the best in the State, is testimony to its tremendous success and to Sergeant Castellini as director.

Sergeant Castellini has also led many youth visits here to Washington D.C., serving both as fundraiser and organizer. This firsthand introduction to our Federal Government has proved to be a memorable experience for all involved; one which no amount of classroom study can replace.

I am proud to join those honoring him today, for I have the highest respect for men and women who have dedicated themselves to improving life for others. His career has been marked by great personal distinction and made remarkable by his dedication to the youth of Vineland.●

IVY LEAGUE CONFERENCE ON NUCLEAR ARMS

● Mr. LEAHY. Mr. President, on April 30, I was privileged to address the Ivy League Conference on Nuclear Arms, held at Dartmouth College. The conference was a gathering of some of the brightest students from the Ivy League colleges to present prize-winning papers on nuclear weapons issues, and to discuss ways the nuclear arms race might be brought under control.

During the conference, the student delegates broke up into a number of working groups to discuss different aspects of nuclear arms. These groups produced short position papers reflecting views on specific issues. The position papers give an insight into the thinking of some of our best young minds on the most urgent issue of our time: How to gain control over the arms race and the march of weapons technology.

These position papers should be carefully read by all those interested in nuclear arms control. I ask that the text of the position papers be inserted in the RECORD at this point.

The material follows:

ARMS LIMITATIONS: OPTIONS AND REALITIES

As experts talk of new generation of weapons, they rarely hear from students, the new generation of citizens most affected by the future of the arms race. As students, we believe that an uncontrolled increase in nuclear arsenals decreases national security for a number of reasons. First, it increases the potential for nuclear proliferation which in turn increases the potential for nuclear war. In addition, it increases asymmetries in nuclear weapons capabilities, which can decrease the stability upon which deterrence is based. We also believe that the development and maintenance of nuclear arsenals diverts economic resources from social programs which could better be applied toward solving other world problems.

Therefore, we support ratification of HJR 521, a call for a mutual, verifiable, negotiated freeze on all production, testing and deployment of nuclear weapons. This would be a first step toward negotiated reductions in nuclear arsenals and a halt in the use of destabilizing technologies. In the past, technology has dictated strategy. Thus strategy has been over-intellectualized and has obscured the simple reality that a nuclear exchange, in all likelihood, will lead to Mutually Assured Destruction. Any other strategy is not a strategy of deterrence, but a potential justification for fighting a nuclear war in the event that MAD deterrence fails. Since no new rational strategy can arise out of technological advance, we believe that testing of new technologies should be halted. Technological advances should be focused on command, control and communications, and national technical means of verification.

Further agreement between U.S. and U.S.S.R. could be reached through the ratification of SALT II, Peaceful Nuclear Explosions Treaty, and the Threshold Test Ban Treaty. As a complement to these measures, we support a resumption of negotiations on the Comprehensive Test Ban Treaty, renewed efforts to restrict antisatellite warfare, agreement on measures to limit anti-submarine warfare such as the establishment of oceanic zones free of anti-submarine activity, continued adherence to the ABM Treaty, and stronger efforts to discourage the spreading of nuclear technology. Finally, we support the establishment of a National Peace Academy to expand expertise in nuclear issues, further the study of negotiation, and encourage public involvement in the nuclear debate. While we agree on the need to reduce dependence on counterforce weapons and avoid the escalation scenarios of warfighting doctrines, we disagree on how to reduce destabilizing weapons. Pro and con arguments follow.

The unilateral elimination of all counterforce weapons is the most advantageous strategy for the U.S. to employ after the ratification of a mutual negotiated freeze. The U.S. relies on its land based ICBMs for its counterforce threat, but there is no proven protection for these missiles, and subsequently U.S. ICBMs are vulnerable to a Soviet attack. But the U.S. also possesses a submarine force which is invulnerable to a Soviet attack, and which is capable of destroying the complete social fabric of the U.S.S.R. an unnecessary number of times. This is undoubtedly enough to deter any aggressive tendencies by the Soviet Union. Furthermore, the existence of land based ICBMs poses many dangers; They are an attractive target to the Soviet Union, and they are located close to populated areas. Subsequently, an attack against them would cause the deaths of ten to twenty million Americans. More importantly, the existence of ICBMs is more likely to provoke the U.S.S.R. to adopt a launch on warning posture, which creates a high increase in the chance of accidents. A unilateral reduction of ICBMs would indicate to the Russians that our intentions are peaceful and defensive, and would compel the Russians to adopt similar motivations.

The counter argument is as follows: Although unilateral elimination of counterforce capable ICBMs would not effect the balance upon which MAD deterrence is based, it could prove undesirable for two reasons. First, the effect such an act would have on Soviet perceptions. If Soviet leaders refuse to accept the wisdom of MAD deterrence, they might interpret the U.S. act as creating a situation in which they could launch a successful, surgical first-strike directed at hardened command control and communications centers, thus eliminating the potential for all U.S. retaliatory strikes. The second weakness with unilateral action is the divisive effect it would have on the grass-roots consensus which has congealed on the issue of disarmament. Unilateral disarmament bears the stigma of appeasement. An alternative to the unilateral elimination of U.S. counterforce capable ICBMs is a bilateral agreement to move to single-warhead ICBMs, thus reducing their first-strike capability.

Despite this one issue of contention, we agree that a mutual, verifiable negotiated freeze is the first step on the long road to eliminating the nuclear threat.

Greg Conklin, Brown University; Michael Davis, Brown University; James Galanis, Columbia University; James Hamilton, Harvard University; Tony Harwood, Cornell University; Kenneth Lanzetta, Pennsylvania University; Jens Robinson, Dartmouth College; Rosamund Wallis, Cornell University; Moderator: Emily Saltzman, Dartmouth College.

The Public Perception: How They Think About Nuclear Weapons

In pursuing a general consensus in our findings, Group four realized that specificity sometimes must be sacrificed for generalization in the pursuit of unanimous agreement. Our conclusions, therefore, down-play the intricacies and subtleties which we explored, and of which we reached a greater understanding.

The relationship between the public's perception of nuclear weapons issues and information was a recurring theme in our discussion. Information tends to be scattered and often biased to the point of impracticality. More effort should be made to provide accurate public information and attempt to avoid clothing messages in rhetoric. The concept of a "science court," where opposing viewpoints are presented and adjudicated, was favored as a forum to demystify many aspects of the nuclear arms debate. A confused and passive public is what we witness today, with misinformation playing a causal role.

Additionally, the ever-present risk of nuclear annihilation, creates what a delegate termed "psychological numbing." This numbing effect tends to displace our fear, and can lead to apathy in an otherwise concerned population.

Problem resolution will be nearly impossible if current trends continue in the area of world understanding. We should examine each other's societies in order to better comprehend the mass of direct and indirect motivations which cause governments and individuals to act.

Peace movements carry the potential for both positive and negative contributions. Whereas group action can be a medium to further inform and politically influence, they can be potentially misdirected toward the symptoms of disease whose causes should be emphasized instead.

In the context of new space-based, defensive weapons proposals, our groups concluded that public perception and acceptability of nuclear weapons strategy may not be based on fact. The knowledge of "population targeting" and similar concepts of mutually assured destruction could lead individuals to ask the pertinent question, "What could conceivably motivate either the United States or the Soviet Union to initiate a nuclear attack?" Information on the possible instabilities involved in shifting away from our currently accepted strategies must be made available.

In a similar vein, people should be made aware that the course of technology need not be considered altogether uncontrollable. The use and direction of technology can sometimes be directed, and its adverse effects blunted.

Finally, our Soviet delegate helped us appreciate that progress lies more in problem-seeking than in criticism of either foreign or domestic parties. Public energy should shift immediately to the resolution of a given problem when enough information is available. As is true with all our above recommendations, this applies to no more appropriate a problem than that of the nuclear arms race.

Serth Farber, Columbia University; Robert Field, Dartmouth College; Michael Gnoutcheff, Jr., Dartmouth College; Louise Pierson, Dartmouth College; Justin Rudelson, Dartmouth College; Steven Streetman, Dartmouth College; Moderator: Cynthia Lash, Dartmouth College.

The Decisionmaking Process: How, Why, and Who

We see many problems in the present historical decision-making process regarding nuclear arms policy. Decisions have been made in too narrow a context. First, they have been made by a small group of so-called experts with little or no public debate. This can be seen in the Taiwan Straits Crisis of 1958 and the decision to drop the atomic bomb in 1945. Second, decisions about nuclear policy have been made with a short-term perspective, as with the decision to develop the hydrogen bomb and, more recently, multiple warhead systems. Third, political and military decision-makers have often acted in self-interest rather than in the nation's interest. For example, competition among the armed services for a share of the military budget has resulted in weapons systems that go beyond the needs of the national security, and Congressional leaders have based their decisions for the economic benefit of their constituencies. Finally, decisions have often been made with little regard for long-term social and economic costs, as evidenced by our current excessive arms buildup. This decision-making process has failed to increase our national security; on the contrary, it has brought us closer to nuclear conflict.

In order to make decision-makers more accountable and responsible to their constituencies. the public must have better access to information. There is a need to counterbalance the military's position as the dominant source of defense information. We recommend that a defense information agency be established, independent of our military and executive branches. Such an agency would not only be a reliable, non-partisan source of information for Congress and the public on issues of nuclear weapons, but also would provide in-depth, expert analyses of various defense alternatives. In addition, we propose a re-establishment of the independent character of the Arms Control and Disarmament Agency, and a re-appraisal of information classification guidelines.

Beyond this need for unbiased information and alternative policy proposals, defense policy must be in line with public sentiment. As a first step in achieving these goals of increased political accountability and responsiveness, we support an immediate freeze on the testing, production and develepoment of nuclear weapons. This will allow sufficient time for a reform of our decision-making process.

Blair Bunting, Dartmouth College; Neta Crawford, Brown University; Paul Efthim, Dartmouth College; Nicholas Hentoff, Cornell University; Peter Hussey, Dartmouth College; Richard Nathan, Dartmouth College; Nellie Pennington, Dartmouth College; Tracy Weister, Cornell University; Moderator: Ann Schonfield, Dartmouth College.

Technology: Implications on Future Nuclear Strategy

In the past, technology played an important role in determining nuclear strategy. Much of the problem lies in the manner of arms procurement; projects often gain momentum and coast through the development phase into deployment. Moreover, there are political concerns, such as the need to justify research expenditures, interservice rivalry, as well as a bureaucratic and military fascination with technological gadgetry. These factors have led to massive stockpiling of weapons by the U.S. and U.S.S.R., along with the increasing threat of disaster.

While extensive arms control is certainly the ideal solution, a fundamental step in this direction would be establishing a leaner deterrence. Rather than the traditional system of counting launches and throw weight, lean deterrence involves maintaining only those weapons systems necessary for stability, and discarding others.

In addition, proposed weapons systems should be evaluated within the framework of lean deterrence, not as a response to increments in Soviet forces. The criteria must focus on military, not political, considerations, as well as the long term impact of proposed systems on the arms race as a whole.

This doctrine would change the very nature of arms control. Instead of breeding weapons to serve as bargaining chips, lean deterrence trims forces to safer levels without compromising stability and security. Such is the true spirit of arms control.

Clearly, then, modifying the arms procurement procedure will have profound ramifications. We envision an independent board much like the Federal Reserve Board insulated from the political arena, to request development of weapons systems appropriate to a coherent, long range defense strategy. Furthermore, an additional body should closely monitor the development process so that systems are not developed solely as a result of the momentum generated within the defense bureaucracy and the military. Members of these boards should include experts from the academic community who do not change with every administration. Only in such a system can technology serve nuclear strategy rather than shape it.

Robert Baum, Pennsylvania University; Leonard Ganz, Harvard University; Jon Ippolito, Harvard University; David Klatsky, Brown University; Kathleen Masterton, Cornell University; Gary Sabot, Harvard University; Charles York, Cornell University; Moderator: James Scarrow, Dartmouth College.

Nuclear Strategy: Present Policies and Prospects for the Future

Introduction.—We have chosen to discuss nuclear strategy in the context of U.S./Soviet relations, recognizing that this context is one part of a broader dilemma. As a short-term goal, this group advocates the pursuit by both sides of a reduction of nuclear forces to a minimal level of deterrence. It is understood that the word "minimal" is a highly subjective term. We recommend, however, that each side recognize that the other approaches negotiations from a different perspective based on unique historical experiences. We recognize that each side has very legitimate reasons to distrust the other. Only by recognizing each other's legitimate needs and fears can we reach a stable and mutually acceptable conclusion.

We also recognize that the complexity of the issues did not dictate a clear, indisputable solution. Therefore, we have decided to present two viewpoints:

Viewpoint 1.—We desire a world free from a nuclear threat. We believe a nuclear war between the U.S. and the U.S.S.R., on any level, once initiated, could not be controlled.

The current administration is attempting to attain nuclear superiority over the U.S.S.R., as demonstrated by their support of the M-X, Trident II, Cruise Missiles, and Pershing II weapons systems. These weapons are destabilizing and contribute to America's quest for superiority. The U.S. should publicly renounce this quest.

In recognition of public opinion, the U.S should move to implement a verifiable, bilateral freeze as an initial step toward stability. The U.S should gradually eliminate its first-strike capabilities and move toward a non-aggressive deterrent force structure. Money currently budgeted for nuclear weapons modernization programs should be channeled toward improving verification measures.

Viewpoint 2.—We suggest two negotiating elements in order to facilitate the attainment of the group's overall goal. First, the current controversy over tactical nuclear forces in Europe and limited nuclear war could be settled if NATO were not forced to rely so heavily on nuclear weapons. We therefore call for a reduction of Soviet and Warsaw Pact conventional strength until relative parity with NATO forces is achieved. Once this is achieved, the probability of reduction and eventual elimination of intermediate range and tactical nuclear weapons in Europe will be enhanced.

Second, with respect to strategic nuclear forces, we recommend an approach similar to that advocated by Henry Kissinger. His proposal seeks to eliminate the presence of MIRV technology from the American and Soviet strategic forces with the goal of achieving a level of parity. The result would be a reduction of the first-strike capability each side perceives the other as desiring. In this case, stability would be enhanced and the threat of nuclear war diminished. Both proposals, of course, recognize that complete mutual verification is essential to any bilateral treaty between the superpowers.

Elizebeth Ameluxen, Brown University; John Barker, Dartmouth College; Wendy Ford, Cornell University; Jonathan Mostow, Harvard University; Richard O'Donnell, Harvard University; Kevin Rosen, Dartmouth College; Marc Schacter, Princeton University; Jeffrey Wilkie, Dartmouth College; Nicole Yankelovich, Brown University; Moderator: Laurel Schneider, Dartmouth College.

Superpower Relations: The Character of the Two Actors

U.S./Soviet relations are characterized by a deep-seated and pervasive tension. This tension shapes the political climate and agenda of the global community, and threatens its existence.

The sources of tension seem to fall into three categories. First, the two nations' inherent ideological and cultural values and economic philosophies. Second, in situations where values are not irreconcilable, both powers often take uncompromising stances. A third source of conflict emerges because of each nation's ignorance or lack of appreciation for the customs and culture of the other superpower.

Despite differing aims between the two powers, both nations agree on at least one thing: Neither wishes to resolve conflict through nuclear war. Though we recognize this fact, members of our group came up with differing views on the role of nuclear weapons in maintaining peaceful coexistence.

One argument presented states that strategic nuclear stability is the best means of preventing nuclear war. This stability can only be provided by balancing the capabilities of two asymmetrical force postures. A nuclear freeze is seen as undesirable, since it contains neither technological innovation nor Soviet SS-18 counterforce capability.

An alternative plan for the future rejects the maintenance of nuclear arsenals for deterrence as a dangerous tool for peace. It calls for an end to escalation of the arms race through a nuclear freeze and advocates gradual bilateral disarmament. Their aims would have to be achieved through negotiated treaties.

Since tensions between the two nations have been reduced in the past we hope the superpowers will be able to undertake the necessary steps again. Our group came up with suggestions that could immediately help to reduce the strain between the powers:

(1) Encourage the study of Russian and Soviet culture with special emphasis placed on language study.

(2) Encourage cultural exchanges between the U.S. and the U.S.S.R. We found that Dr. Panin from the University of Moscow added useful insights to our discussion.

(3) We advocate the continuation of trade in non-military related areas.

We need to work on understanding to help reduce international tension: though only a beginning, initiating the aforementioned programs can help to ease U.S./Soviet conflict.

David Colton, Pennsylvania University; Michael DeChiara, Cornell University; Mark Duvall, Dartmouth College; William Hammond, Dartmouth College; Evelyn McDonnell, Brown University; David Shorr, Brown University; Moderator: Matthew Wilson, Dartmouth College.

Ethics and Morality: Can We Justify the Presence of Nuclear Weapons?

STATEMENT

We approach the question of the nuclear arms race from a moral perspective. We reject the proposition that moral concerns can be detached from politics and military strategy. Indeed, the same moral criteria we now apply to the nuclear arms race have been applied historically to the use of conventional weaponry, and we hope that, as the horrors of conventional warfare themselves multiply, the practice of moral investigation will intensify. In rejecting nuclear warfare as an inherenty and inevitably immoral method of conflict resolution, we conclude that the force of moral rule should replace the rule of military force. To achieve this aim, citizens must challenge the mythol- ogy of technological expertise and the rule of military elites. As a beginning, we must insist that moral considerations and democratic ethics occupy a central place in the project of resolving the dilemma of our time.

We reach the following conclusions regarding the morality of the use of nuclear weapons:

(1) Because of the now total destructive potential of full scale nuclear war, such an exchange can never satisfy the requirements of proportionality. The death and destruction incurred in the conflict could never be justified in terms of the goals of the war.

(2) Furthermore, the risks to civilian and military populations can not be separated. Full scale nuclear exchange is an act of societal destruction, which goes beyond the characterization of war, and beyond moral justification.

(3) Given that full scale nuclear war is morally unjustified, and because limited nuclear war between superpowers always presents a high and unavoidable risk of escala-

tion, it follows that limited nuclear war is also morally unjustifiable.

(4) Since a non-nuclear country has no practical defense in deterrent capability in response to a nuclear threat, it also follows that the use or threat of nuclear attack by a nuclear power against a non-nuclear power to achieve political ends is also morally unjustifiable.

Deterrence, the use of nuclear weapons to deter nuclear conflict between nations, is morally defensible only if the alternative is nuclear war. Deterrence is a destabilizing policy because of the twin dangers of war—either planned or accidental—and because of the diversion of resources from life enhancing production. In the present world situation deterrence is justifiable only if it is maintained in conjunction with a policy geared towards arms reduction, a lessening of world tension, and an exploration of alternative methods of conflict resolution.

Peace in the nuclear world requires the moral engagement of all individuals. Citizens should act upon informed consideration by participating in the established channels of the electoral and legislative process, and by pressing the democratic agenda for peace through collective, non-violent alternatives.

Michael Cader, Brown University; Sue Boyd, Dartmouth College; Jamin Raskin, Harvard University; Jim Goldgeier, Harvard University; Larry Glickman, Princeton University; Ann Kurth, Princeton University; Bernard Weintraub, Cornell University; Moderator: Karl Berger, Dartmouth College.●

NO, LET US PRAISE FREE TRADE

● Mr. MATTINGLY. Mr. President, I would like to bring to the attention of the Congress an article written by Ambassador William Brock, the U.S. Trade Representative, that appeared on the op-ed page of the Washington Post on June 13, 1983. Mr. Brock's article, entitled "No, Let Us Praise Free Trade," was written in response to an article appearing earlier in the Post, May 15, 1983, by Wolfgang Hager who attempted to provide a convincing argument supporting the tenets of protectionism.

I believe Ambassador Brock's rebuttal correctly addressed the weaknesses in the argument for protectionism. While the United States must signal to our trading partners the limits of our tolerance on trade issues, reverting to protectionist measures is not the answer.

The impact of protectionist legislation, as Ambassdor Brock points out, would cause greater harm to the domestic economy, the American consumer, and eventually, the international marketplace than exists now. Such legislation would destroy more domestic jobs than it creates, while crippling efforts to make American business more competitive in the world economy.

In addition to Mr. Brock's statement, I have included a Washington Post editorial appearing in yesterday's paper. The Post's editorial supports Mr. Brock's thesis, as it points out additional weaknesses in the protectionist argument. I commend Ambassador Brock and the Washington Post for speaking out against a shortsighted and short-term approach to resolving long term and more fundamental problems.

Mr. President, I ask that Mr. Brock's article and the Washington Post editorial be printed immediately following my remarks.

The material referred to follows:

[From the Washington Post, June 13, 1983]

No, Let Us Praise Free Trade

(By William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politically expedient statements made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, management competence and creativity, worker training productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest our diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for a lack of productivity. Modern technology is making possible incredible improvements, and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to compete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services originating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing countries than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries' exports to the industrial world would be even more absurd right now in light of the significant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing countries' exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumably only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of textile quotas, agricultural subsidies and steel arrangements. But to acknowledge that we are all sinners does not justify economic suicide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?

A Dubious Case for Protection

Rapid economic growth is disruptive, uncomfortable and sometimes frightening. Its benefits are great, but it forces people to live differently and earn their livings differently from the way they are accustomed to doing. Nothing pushes growth faster than foreign trade, and the United States is now in the process of coming to terms with the enormous expansion of trade in the 1970s. The political reaction is expressed in the rising campaign for protection against imports.

Several weeks ago, this newspaper published a vigorous defense of protectionism by Wolfgang Hager, a visiting professor at Georgtown University. Today, on the opposite page, we offer a rebuttal by William E. Brock, the U.S. trade representive.

The case for protectionism comes down to wages. It argues that there's an endless supply of low-wage labor in the world that threatens to destroy the high-wage economies. But the actual experience of the past four decades, with decreasing trade barriers and rising prosperity, suggests precisely the opposite.

The protectionist position argues that in the postwar years the Atlantic countries with their high standards of living had a sort of self-protective monopoly that has now been broken by Latin American and Asian industry. In response, it's useful to recall that in the 1950s industrial wages in West Germany and France were as far below the American level as wages in Brazil and Mexico are today. As trade expanded across the Atlantic in the 1960s, according to protectionist theory, American wages should have dropped under competitive pressure. In fact, they kept rising steadily, while European wages soared and are now—allowing for the swings in exchange rates—in the same range as they are here.

Japan's wages are about half the American average. But wages in Brazil are less than half as high as Japan's. Both have automobile industries. Why isn't Brazil the stronger competitor?

A long recession and a strong dollar are currently giving the protectionist cause a plausibility that it doesn't deserve. The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930s demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy. Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.●

TRIBUTE TO THE CHEMISTRY DEPARTMENT OF COLUMBIA UNIVERSITY AND TO PROF. NICHOLAS J. TURRO

● Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to the Chemistry Department of Columbia University and to offer my congratulations to Prof. Nicholas J. Turro, the William P. Schweitzer professor of chemistry at Columbia University. Dr. Turro is one of five scientists who has just received the Ernest Orlando Lawrence Memorial Award, which is presented annually to American scientists who are early in their careers and who have made recent meritorious contributions to the development, use or control of atomic energy.

A native of Middletown, Conn., Dr. Turro received his bachelor's degree summa cum laude from Wesleyan University in 1960 and his Ph. D. in chemistry from the California Institute of Technology in 1963. He then joined the Columbia faculty in 1964, was appointed full professor in 1969, Schweitzer Professor in 1982, and, in 1981, was elected chairman of the chemistry department and a member of the National Academy of Sciences.

The chemistry department of which he is a member is one which has always responded to the paramount research and development needs of the Nation—in defense, energy, health, and a host of related areas. The university's chemistry department is committed to the kinds of basic research—especially in organic and laser chemistry—which is critical to continued American leadership in chemical and petrochemical industries. More than half of the research activity now underway in the department bears upon the production, use, and conservation of energy in these and other energy-intensive industries.

Professor Turro exemplifies his department's excellence. The Lawrence Memorial Award, which he has received, recognizes his pioneering work in photochemistry, specifically his use of light to enhance chemical reactions ranging from isotope separation to the creation of certain polymers.

Mr. President, science is the keystone to this Nation's future. Dr. Turro's work is crucial to that future and is indeed worthy of this body's recognition.●

DEFENSE OF AMERICA

● Mr. ARMSTRONG. Mr. President, on March 23, President Reagan announced his plan for a 180° shift in U.S. strategic policy—from a policy of mutual assured destruction to a policy of defending America against destruction.

The evidence is mounting that the President's proposed reemphasis on strategic defense is strategically sound, practical, and affordable. I ask to have printed in the Record at this point an article by Prof. Benson D. Adams which appeared in the June 1983 issue of the U.S. Naval Institute Proceedings which adds some historical perspective to the wisdom of the President's policy shifts, and a summary of Project High Frontier, which outlines what may well be a practical and affordable means of making homeland defense a reality.

[From U.S. Naval Institute Proceedings, June 1983]

In Defense of the Homeland

(By Benson D. Adams)

Threatened by a militarily stronger Nazi Germany in the mid-1930s, England—which lionized the audacious Lord Nelson above all her sons—abandoned Nelson's precepts and chose a defensive national strategy. What possible relevance could this have for the United States today?

The United States is faced with very nearly the same situation today that England faced in 1935-37. Confronted by a rearming Germany and the prospect of another world war, England had to decide whether to allocate its scarce resources to strengthen its deterrent by increasing bomber production or to strengthen its defense against air attack by shifting production to a new generation of fighters. Britain chose the fighters and a system of air defense, when the keystone of pre-World War II British defense policy was predicated on an offense-dominant air deterrent strategy. The relevance for the United States is that we are in precisely the same strategic situation as Britain found itself almost 50 years ago.

Britain changed the emphasis of its air policy temporarily from offensive to defensive because the balance of military power, in particular air power, had shifted from England to Germany; the threat of war seemed inevitable; England's allies as well as elements in the government and the military began to have doubts about the deterrent's adequacy to carry out British commitments; British officials were coming to fear the consequences of becoming self-deterred, as their population was undefended and the nation became increasingly vulnerable to German air attack; and technological developments had made defense against bomber attack possible.

With the present technological possibilities offered for strategic defenses, the time has come for the United States, as it did for England in 1936, to adjust its strategy to meet the strategic current and projected military and political situation. The technical review of strategic defense (analogous to the review of air defense England undertook in 1934 knowing the potential of radar as an early warning system) now being undertaken as a result of President Reagan's 23 March 1983 speech on the defense budget is only a first step. This review must be unencumbered by the constraints of deterrence and arms control, which have proven inadequate. We should move temporarily from deploying more offensive missile power in favor of deploying a complete missile defense system so that the United States cannot be coerced in a crisis, knocked out or crippled in a surprise or "limited" nuclear attack, or deterred by Soviet nuclear power. We can no longer afford the grand delusion that our current offense-dominant deterrent strategy deters, when we have lost both superiority and parity in nuclear forces to the Soviet Union. We must provide for defense of the homeland first in our rearmament program, then deploy more offensive nuclear forces.

The system of defense should include: antisubmarine warfare (ASW) forces; missile, air, and space defense; early warning, surveillance, and attack assessment systems; command, control, and communications, and intelligence (C^3I); all forms of passive defense; civil defense; and other measures necessary to ensure the survivability and replacement of these assets in the event of a prolonged nuclear war. We appear to have no sense of strategic or technological urgency to determine whether the technological potential is realizable. We are proceeding at an academic research pace instead of at a pace which would reflect the fact that we are engaged, whether we realize it or not, in a technological race with the Soviet Union to achieve a breakthrough in defensive weaponry which could negate the offense and offer the means of strategic defense of the homeland. In the postwar period, we have never viewed homeland defenses strategically. Instead, our offense-dominant strategy has militated against a serious consideration of strategic defense.

Strategic Defense Before 1945: Until shortly after World War II, the United States sought security against foreign attack through a series of fixed coastal fortifications guarding our coasts, harbors, and naval installations. Although considered the first line of defense, it was not until the 20th century that the U.S. Navy achieved the capability against major naval powers to defeat an enemy fleet at sea. From the time of the Monroe Doctrine to the Civil War, the Royal Navy provided for U.S. seaward defense because U.S. and British policy interests coincided. Fixed coastal fortifications were long thought to be superior to shipboard guns, and a manpower-cheap and economical way to thwart landings, buying time until ground forces could arrive at an enemy landing site. This policy was made obsolete by airpower although extensive coastal fortifications continued to exist until after World War II, when the United States first became seriously vulnerable to direct attack from overseas. In contrast, the Soviet historical experience consisted of regular land invasions from the tenth century on, including two in this century, resulting in a traditional preoccupation with the problem of defending the homeland. The U.S. preoccupation with strategic defenses, on the other hand, stemmed from a unique combination of factors, not the least of which was that there were no serious land threats and coastal fortifications were defensive in nature and did not threaten anyone. Coastal defenses offered a means for avoiding war, by making the cost of invasion so unattractive as to discourage it altogether or, failing that, to make any invasion as difficult and costly as possible.

In contrast to this peacetime doctrinal heritage of strategic defense complemented by small light mobility forces, wartime U.S. military doctrine from the Civil War on espoused an offense built around mass armies and fleets. By the end of World War II, the conflicting doctrines of continental defense in peacetime and the wartime preference for the offense collided.

The Nuclear Age and Strategic Air Bombardment: The nuclear age has ingrained in the United States a view of war beginning with a nuclear Pearl Harbor against our cities and/or our nuclear forces. This is an emotion, and deterrence—prevention from action by fear of the consequences—is a response to an emotion. It is neither a strategy nor a solution to the problem of war. We urgently need to address the problem of nuclear war in a strategic and military manner, considering all alternatives. This preoccupation with surprise attack still dominates U.S. national security policy. Because of the awesomeness of nuclear weapons, a basic tenet of U.S. nuclear strategy became "the next war had to be prevented, i.e., deterred, not fought." This view, expounded by Bernard Brodie in his book The Absolute Weapon (Harcourt, Brace and Co., 1946), coincided with the strategic bombardment school of air enthusiasts who saw in nuclear weapons and heavy bombers the means for the first time to execute successfully the objectives of strategic bombardment that had so eluded them during World War II. Thus was born the idea of deterring war based on an offense-dominant air and later missile strategy.

The U.S. Air Force adopted a deterrent strategy based on threatening unacceptable damage to an enemy's urban and industrial base should the United States be attacked, even though military targets were also to be attacked. An opposing view to this concept was best expressed by William Borden in his book There Will Be No Time (MacMillan, 1946) in which he argues that the best way to deter war is to be prepared to wage it, and that the enemy's military forces should be the primary target, not the urban and industrial economic infrastructure. Moreover, Borden envisioned the need for civil as well as active defense.

The United States and the Soviet Union took divergent paths in the race to develop the means of delivering nuclear and thermonuclear weapons. In 1946–47, the United States decided to concentrate on jet-propelled bombers, whereas in 1945 the Soviets decided to upset the balance of power by perfecting intermediate and intercontinental range missiles, and bypassing bomber delivery except as an interim measure. We interpreted what was to the Soviets a stop-gap measure as reflecting our own decision to concentrate on bomber delivery of nuclear weapons. Thus, we deployed an extensive air defense against a threat which never materialized in the magnitude anticipated. Other reasons for not deploying or considering strategic defenses were that air defense and missile defense technology were still in their infancy against high-speed intercontinental threats, and the problems of defending against such threats seemed overwhelming, continuing the myth that "there is no defense." Finally, there was the view prevalent in the Air Force that the best defense was a good offense, and that it was uneconomical to spend scarce resources on the defense, when only a strong offense could deter. This view is still propounded by the Air Force and Navy today. However, this was not always the case. In the late 1940s, the Navy opposed the Air Force concept of urban-industrial targeting (occasioned by the scarcity of nuclear weapons), favoring the use of nuclear weapons against military targets and a strategy which included air defense and strong conventional forces. A decade later the Air Force and Navy views were reversed. The Air Force became the proponent of counternuclear, counter-force, and counter-military attacks, and the Navy, because of the yield/accuracy characteristics of the Polaris/Poseidon which was best suited for attacking soft area targets, now favored the counter-value deterrent concept. Since the Navy may possess the only modernized leg of the Triad, the Trident I and II, the Navy may be forced to rethink its current views on nuclear strategy and deterrence concepts, possibly returning to the views held in the later 1940's.

Moreover, the Army and Air Force were in competition with each other in the mid- and late 1950s in developing rival ballistic missile defense (BMD) concepts. This argument was muted as both services engaged in a "roles and missions" battle over missile defense. The Army approach, Nike-Zeus, was a terminal/point defense, while the Air Force concept, wizard, was an area defense.

The late 1940s and 1950s were given over to large-scale offensive competition, although both the United States and the Soviet Union deployed extensive air defense systems and began BMD development. The Soviet air defense system has lasted to this day, consistently undergoing modernization and upgrading. As it turned out, the Soviets had better reason than we did to deploy the extensive air defense system that they did because of our emphasis on bombers. The U.S. air defense system was not as extensive as the Soviet system, but consumed considerable resources and was extensive by our standards.

ICBMs and Missile Defense: It was not until incontrovertible evidence from German engineers and technicians repatriated from the Soviet Union in 1952 convinced the United States that the Soviets were developing long-range rockets, and we experienced a breakthrough in weapons design that allowed an H-bomb to be placed on a "reasonable"-sized rocket, that we restarted the intercontinental ballistic missile (ICBM) program which was halted in 1947. At the same time the ICBMs looked feasible, both the United States and the Soviet Union undertook BMD development. All U.S. BMD systems, until the Site Defense System of the 1970s, shared two common characteristics: they were all designed for city defense, not hardpoint defense or defense of military targets; and they were all terminal or point-defense systems. (Some work was done and continues to be done on area, mid-course, and boost-phase systems, but the technology was not available then to make such systems feasible, although eventually the exoatmospheric interceptor of the Safeguard system could reach out 400 miles. Space-based BMD over the last 20 years has always held a fascination for U.S. defense planners, but the cost was exorbitant and/or the technology unavailable to make it feasible until possibly now.) This required BMD to be accompanied by a civil defense program. Thus, by the end of the 1950s, the classic dialectic struggle between the offensive and defensive was joined as both Soviet and U.S. nuclear strategies and their respective weapon systems capabilities began to interact. It is interesting that while they were working to develop ICBMs and deploying an interim bomber force, the Soviets were spending more than half their nuclear force budget on strategic defenses. Today, the Soviet Union is spending about 30–40% of its defense budget on strategic defenses, whereas the United States is spending less than 5% of its strategic budget on defenses.

ICBMs became the primary Soviet threat in the 1960s, which caused U.S. strategic defense priorities to shift from air defense to missile defense. The latter then became synonymous with strategic defense. Ironically, U.S. BMD development and deployment was retarded by those opposed to BMD; they argued that U.S. BMD technology lacked the ability to overcome the U.S. offense. While this was true, the opposition failed to see that it was the Soviet offensive threat, not a U.S. one, that the U.S. BMD program had to overcome. By attributing advanced characteristics of U.S. offensive systems to the Soviets, which was not the case until very recently, a considerably successful action was fought against BMD deployment from the outset. While there were valid technical reasons that early BMD systems were not adequate to cope with the threat, the major opposition to strategic defenses was a belief that the objectives of such a strategy were incompatible with deterrence and arms control theories—mutual deterrence/assured destruction—which viewed defenses as provocative. The fact that BMD had to be accompanied by a large-scale civil defense program did not help matters either, since civil defense was viewed as destabilizing by the mutual deterrence advocates.

The U.S public, as measured in surveys over the last two decades, has consistently expressed a belief that the government has deployed strategic defenses, including missile defenses, to guard the country; the respondents were in favor of civil defense measures but thought Congress was opposed to civil defense. Congress, on the other hand, has consistently expressed the view that civil defense is either impractical or the American public was opposed to it! Indeed, a vociferous, influential group of arms controllers, defense strategists, and scientists have had a disproportionate influence in fostering opposition to any kind of civil defense measures on the grounds that it is useless to try to protect people in the event of a nuclear war. It is ironic and tragic that we have allowed the emotional arguments and twisted and distorted logic of deterrence—that defense is bad, but offense is good—to leave us without strategic defenses in the past are currently in the forefront of the nuclear freeze and unilateral disarmament movements. More disturbing are the arguments and themes they are using—those of the Soviet peace, nuclear disarmament, and disinformation campaigns of the late 1940s, which the Soviets later used in their neutron bomb, Pershing II, and cruise missile campaigns of the late 1970s and early 1980s.

Mutual Deterrence and Arms Control: In the early 1960s, the theory of mutual deterrence was postulated in this country. Proponents of the theory argued that greater stability in the U.S-Soviet strategic balance would be achieved if both sides were mutually vulnerable to each other's secure second-strike capability, i.e., if each side offered its populations as hostage to the other in order to deter nuclear war. Mutual deterrence depends on some undefinable combination of finite military capability and political will to be credible, and thus to influence Soviet perceptions in order to deter them from taking any action inimical to our interests that might lead to nuclear war. This theory presumed the Soviets had an interest in avoiding nuclear war and thus had a common interest in subscribing to mutual deterrence and being satisfied with nuclear parity based on an offensive capability.

Throughout most of the nuclear era, U.S. and Soviet views of nuclear war and the forces both sides acquired to support those views and their respective strategies have been radically divergent, a fact only conceded in the late 1970s at official levels of our government. The U.S. forces which were procured well before the latest generation of Soviet forces have typically had more capability than our declaratory policy has credited them with, but their existence has always been justified on the basis of a deterrent strategy. In the 1980s, while it is still possible for the United States to destroy Soviet society in terms relevant to our values, the preponderance of nuclear power has shifted from the United States to the Soviet Union. The U.S. view of deterrence remained remarkably consistent, although our rationalization of our forces and their capabilities changed at different times as the Soviet nuclear buildup continued. Similarly, our views on the nature of nuclear war remained unambiguous and consistent until 1974 when a series of changes in our employment policy began to occur, shifting our views from the simple, spasmodic holocaustic view of a nuclear exchange to a complex, protracted war notion in which survivability, endurance, reconstitution, and simultaneous military operations were emphasized.

In contrast, the Soviets have held that war is a continuation of policy and that nuclear weapons, while more powerful than conventional explosives, are still weapons and can be used. The Soviets believe nuclear war is wageable and winnable. The Soviets, like ourselves, recognized early that nuclear weapons brought about a qualitative change in the nature of warfare—that the opening phase of a conflict might be the only phase before war termination. This conclusion led the Soviets to place a great emphasis on preemption because the existence of nuclear weapons creates the possibility of their use. This is a view the United States subconsciously understands but wants to deny. Thus, the United States has consciously sought to prevent this understanding from becoming a reality by maintaining a high-nuclear threshold to ensure nuclear weapons are not used early, complemented by a deterrent strategy which threatens unacceptable damage to an aggressor. Ironically, a high-nuclear threshold coupled to a nuclear-deterrent strategy is contradictory, because a high-nuclear threshold robs the deterrent of its credibility, since it suggests an unwillingness to use nuclear weapons initially and requires large, capable standing conventional air, land, and naval forces to meet any aggression. The Soviets, on the other hand, reject as irrational the threat of nuclear war if it leads to suicide. The presence of strategic defenses allows a reconciliation between reality and the U.S. vision of nuclear war on a strategic plane rather than an emotional one without having to adapt to the Soviet view of nuclear war. Strategic defenses not only contribute to deterrence, they can repulse an attack, shield the homeland, protect the offense, and provide an opportunity to regain the initiative, rather than conceding it to an enemy as a deterrent strategy does.

Mutual deterrence is also referred to as assured destruction, which later was called mutual assured destruction (MAD). The term "assured destruction"—which is not credible to the Soviets because they do not believe the United States is prepared to commit suicide—came to be erroneously equated with U.S. nuclear strategy despite the fact that our targeting and operational plans include both counternuclear and counter-military targets. However, the criteria for assured destruction—40-70% industrial destruction and 25–40% population fatalities—were considered by many defense analysts, experts, and officials as the minimum needed for deterrence because it was equated with what the United States perceived as necessary for modern societal destruction. While the term "assured destruction" was used as a short-hand description of our declaratory policy, it was never a strategy nor an employment policy. However, the concept was also used as a force-sizing criteria, i.e., to determine acquisition policy—the need for new offensive nuclear weapons was evaluated against the marginal contribution they would make to the numerical assured destruction criteria. Incidentally, the criteria for assured destruction as translated into force levels and capabilities—i.e., the Triad—were used as a floor above which anything was negotiable for Strategic Arms Limitation Talks (SALT) purposes. Therefore, the strategic objective to be protected by SALT was assured destruction! The Soviet preoccupation with strategic defense was dismissed as an aberration or as an inability to escape from their historical experience. The Soviets have always favored a balance between offensive and defensive nuclear forces.

Mutual deterrence was also viewed as consistent with an arms control regime based on a finite offensive-deterrent force. It was thought that if the technological development of the offense could be kept ahead of the defense, and if the offense was restrained, then the offense would continue to deter without a new round of offensive improvements a race in defensive systems. Defenses were identified as provocative and destabilizing because their deployment would upset the mutual vulnerability/hostage relationship which was central to mutual deterrence. Any advantage which protected people or increased the residual number of offensive weapons left after an attack was anathema to the advocates of mutual deterrence. This thinking coincided with the arms control theory that advocated preventing the deployment of strategic defenses, BMD in particular, in order to preclude a new dimension in the U.S.-Soviet arms competition. The mutual deterrence and arms control theories combined to denigrate the value of strategic defenses, whose value is not based on theory but on military fact. However, while the theories were mutually reinforcing, the policy reality was different—strategy and arms control policy from the late 1960s until the present have tended to travel on divergent paths, which is inconsistent with sound strategic planning. The advocates of mutual deterrence argued that defenses were provocative, destabilizing, not cost-effective, would not work, were easily and cheaply countered, would accelerate the arms race, and would prevent meaningful arms control. These arguments, combined with the offensive dominant Air Force doctrine dating to the earliest days of air power and the strategic bombing experiences of World War II, mutually reinforced one another to prevent the deployment of strategic defenses.

The United States unilaterally withheld deployment of BMD from 1965 to late 1967 in hopes of persuading the Soviets to accept mutual deterrence and not to deploy a BMD for reasons of arms control. Even though the United States decided to deploy a BMD in 1967 (Sentinel), and later altered its mission in 1969 to ICBM defense (Safeguard), it was never seriously prepared to deploy missile defenses since it was prepared to give them up in SALT. Later, we even dismantled the one BMD site that we were permitted by SALT, perpetuating the view that strategic defenses are undesirable.

The arguments marshaled against developing or deploying BMD were also used against deploying civil defense programs, and are also being used today against the development of beam-type weapons for defense even before the feasibility of such weapons is discovered. The objective, opponents of BMD argue, is to preserve mutual deterrence through mutual vulnerability, not to find a defense against ICBMs. A variation on this theme occurs in the opposition to the United States developing antisatellite weapons, and a means for protecting our own space assets from Soviet antisatellite weapons, because this would add a new dimension to U.S.-Soviet arms competition by carrying military operations into space.

Conclusions: The U.S. rearmament program must not reaffirm and sanctify for another generation the bankrupt strategy of deterrence and the current approach to arms control that leaves the country without homeland defenses, making our population and cities deliberately vulnerable to Soviet attack, while the Soviets have extensive air and civil defenses plus an operational missile defense site around Moscow. The United States must not base its arms control efforts on the theology of mutual deterrence, which depends on some undefinable combination of military capability and political will to influence Soviet perceptions in order to deter them from taking any action inimical to U.S. interests. But today, deterrence is not mutual. The Soviets have shifted the nuclear balance and conceivably as far back as 1976 defeated our nuclear strategy. We are more vulnerable to attack because we did not deploy our defenses, even when they were available, on the theory that mutual vulnerability was less provocative to the Soviets than attempts to defend ourselves. According to the deterrence theory, our security depends on Soviet goodwill and intentions, while there are no limits placed on Soviet armaments because they do not subscribe to mutual deterrence. U.S. unilateral restraint, coupled with a misplaced belief in arms control and a massive, decade-long Soviet military buildup, has left us vulnerable to a Soviet attack and incapable of defending our homeland. There is little we can do except admit the errors of the past while there is still time to prepare to meet the Soviet threat head-on by building strategic defenses, much as England did against Germany in the 1930s.

One of the arguments opponents of strategic defenses make is that the deployment of a system of strategic defenses is equivalent to the adoption of a first-strike strategy, i.e., one side might be tempted to launch a surprise attack and rely on its system of defense to counter the other side's retaliatory strike. This is where the logic of deterrence and present-day arms control theory leads! While this logic may make sense to the opponents of strategic defense, it belies the traditional American disdain for initiating wars of aggression. Because of our historical experiences and beliefs regarding war, no one would seriously believe that the U.S. deployment of a strategic defense system signifies the adoption of a first-strike strategy. This would be counter to our moral, political, religious, and cultural beliefs.

Despite the arguments against strategic defenses, there are a number of reasons why strategic defenses do contribute to a deterrent strategy. First, penetrating defenses can be so costly in terms of resources and forces so as to make the effort not worthwhile. The multi-billion dollar penetration aid and multiple independent reentry vehicle (MIRV) programs for ICBM and sea-launched ballistic missiles to penetrate Soviet missile defenses is an excellent example. Such programs are not cheap, nor were the technical solutions easy. Second, defenses cause great uncertainly for the conservative offense planner as to the effectiveness of his resources to accomplish their objectives. Third, defenses exert virtual attrition on the payloads of the offense by forcing either defensive systems and penetration aids to be carried at the expense of warheads, or warhead yields to be reduced as the number of weapons are fractionated to increase penetration. Strategic defense provides a military option which is initially defensive, does not require immediate or hasty offensive counteraction, and preserves the offense for future use. Finally, there are some who view defenses as a way out of the moral and religious dilemma posed by an offense-dominant deterrent doctrine.

Defenses are intended to make any attack extremely costly, repel an attack, and preserve or protect a target in order to allow its essential functions to continue to perform even when damaged or under attack. The value, vulnerability, and priority of targets in terms of their worth to the defender and his strategy must be carefully assessed, and only those targets essential to the success of the defender's strategy or which can defeat the attacker's strategy are defended. Damage is to be expected. But what rates of attrition can be expected to deter and if deterrence fails what active and passive measures will, under conditions of damage, allow a target to function or survive and the initiative to be resumed by the offensive? If the offense in the nuclear age cannot be sure of success or absolute decisiveness in its initial attacks in the presence of defenses, then the defense may well have contributed to deterrence in a manner uniquely different from an offense-dominant or offense-only deterrent. The latter to make the deterrent credible only if the attacker believes they will and can be used. If the attacker thinks he has a way to neutralize the deterrent, the deterrent no longer deters. Whereas in the presence of defenses, the attacker must assume there will be no hesitancy to use the defenses, complicating the issue of whether to attack in the first place. In a deterrent strategy where defenses are present, they are there to be used, whereas the offense is there so it will not have to be used. Our inability or unwillingness to think about strategic defenses in such a systematic way has left us with few options as the strategic balance shifts toward the Soviets, the credibility of our deterrent is weakened, and deterrence may no longer be mutual. Meanwhile, we are buying more offense to restore the strategic balance eroded by the massive Soviet buildup, i.e., offense begets more offense without necessarily increasing our security. Strategic defenses were rejected not on strategic grounds but because they did not conform to the theories of mutual deterrence and arms control which themselves have proved invalid.

The time and circumstances have come when a reconsideration of the value and role of homeland defense is needed, for political as well as strategic reasons. Our vulnerability to attack must be reduced and our homeland's defense considered if the United States is to meet the threat of Soviet power in the 1980s and 1990s. We must negate the Soviet nuclear threat. This can only be done with strategic defenses, including early warning and attack assessment systems placed as a buffer between the Soviet offensive threat and the modernization of our offensive forces.

The national security establishment and our political leadership must take the possibility of war seriously notwithstanding our belief in deterrence. In face of the growth of Soviet military power and the race for a technological breakthrough in directed energy weapons, serious consideration of strategic homeland defenses is the first step in examining our security strategically and not emotionally as it was for England almost 50 years ago.

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The High Frontier Study: A Summary

The United States is faced with an historic, but fleeting, opportunity to take its destiny into its own hands. The ominous military and economic trends which today beset the peoples of the Free World can be reversed, and confidence in the future of free political and economic systems restored.

To accomplish this, we need only take maximum advantage of one priceless legacy handed down to us by our free institutions—superiority in space technology. We can escape the brooding menace of "balance-of-terror" doctrines by deploying defensive systems in space. We can confound the prophets of doom by opening the vast and rich High Frontier of space for industrialization.

If we are to seize this historic opportunity, we must first muster the political will to discard without qualm the failed doctrines of the past, to attack without quarter the bureaucratic impediments to action, and to meet without flinching the wave of indignation from outraged idealogues at home and abroad. The technology is available; the costs are reasonable; and the alternatives are not promising solutions to our security problems.

THE OBJECTIVE

The objective of the High Frontier study is to formulate a national strategy option that makes maximum use of U.S. space technology to accomplish the following goals:

Nullify the present and growing threat to the U.S. and its Allies which is posed by Soviet military power.

Replace the dangerous doctrine of Mutual Assured Destruction (MAD) with a strategy of Assured Survival.

Provide both security and incentive for realizing the enormous industrial and commercial potential of space.

THE GUIDELINES

This objective must be met with recommendations that are:

Militarily sound.
Technologically feasible.
Fiscally responsible.
Politically practical.

THE THREAT IMPERATIVE

The High Frontier effort has focused primarily on countering the Soviet military threat, which is ominous and growing. This threat is the result of determined efforts by the Soviet Union to establish global military dominance—efforts abetted by poorly conceived U.S. security policies such as MAD. The Soviet military buildup coupled with U.S. military neglect has created these alarming conditions:

There is a serious and growing Soviet advantage in strategic nuclear power that cannot be countered by the undefended United States except by a threat of retaliation that is the equivalent of committing national suicide.

The preponderance of Soviet conventional power vis-a-vis the U.S. and its allies is also severe and growing. It can no longer be counterbalanced, as it has been in the past, by a credible threat to bring higher technology U.S. weaponry to bear.

The Soviet Union is increasingly successful in the use of propaganda and the application of direct or indirect military power to disrupt our alliances and to force the conversion of underdeveloped nations to Marxism. This Soviet success now threatens the continuing availability of raw materials which are critical to the industrialized West.

The West is dangerously dependent on diminishing crude oil supplies located in areas threatened by Soviet military or manipulative political power.

The U.S. alliance system is in serious disarray. It suffers a lost sense of purpose and a perception of a decline in U.S. power and leadership. The Soviet propaganda offensive against U.S. nuclear weapons designed to persuade Europeans to become neutral is increasingly effective.

The USSR is engaged in a costly and all-too-successful effort to cap its current strategic advantages—in their terms "a favorable correlation of forces"—with Soviet domination of near-Earth space. The Soviets have the only tested space weapon on either side—an antisatellite system. They have orbited nuclear reactors. They have a manned space station in orbit and are expanding it.

Almost all Soviet space activity has a distinct military flavor. The essence of the Soviet military space threat was included in the 1981 Department of Defense publication "Soviet Military Power" (pp. 79-80):

"The Soviets have a vigorous and constantly expanding military space program. In the past 10 years they have been launching spacecraft at over 75 per year, a rate four to five times that of the United States. The annual payload weight placed into orbit by the Soviets is even more impressive—660,000 pounds—10 times that of the United States. Some, but by no means all, of this differential can be accounted for by long-life U.S. satellites using miniaturized high technology components. Such an activity rate is expensive to underwrite, yet the Soviets are willing to expend resources on space hardware at an approximate eight percent per year growth rate in constant dollars.

"We estimate that 70 percent of Soviet space systems serve a purely military role, another 15 percent serve dual military/civil roles, and the remaining 15 percent are purely civil. The Soviet military satellites perform a wide variety of reconnaissance and collection missions. Military R&D experiments are performed onboard Soviet manned space stations, and the Soviets continue to develop and test an antisatellite (ASAT) co-orbital interceptor.

"The Soviets appear to be interested in and possibly developing an improved ASAT. A very large space booster similar in performance to the Apollo program's Saturn V is under development and will have the capability to launch very heavy payloads into orbit, including even larger and more capable laser weapons. This booster is estimated to have six to seven times the launch weight capability of the Space Shuttle.

"Soviet space research and development, test, production, and launch facilities are undergoing a continuing buildup. The new booster will be capable of putting very large permanently manned space stations into orbit. The Soviet goal of having continuously manned space stations may support both defensive and offensive weapons in space with man in the space station for target selection, repairs and adjustments, and positive command and control. The Soviet's predominantly military space program is expected to continue to produce steady gains in reliability, sophistication, and operational capability."

The Soviets consider space a perfect environment in which to exercise longstanding doctrinal and operational preferences in warfighting—unconventional "first moves," preemptive or "decapitation" attacks against vital targets such as strategic communications, "combined-arms" moves (as are possible with shiptracking satellites), and other elements of a well-stocked repertoire. The Soviets integrate military space operations into their strategic thinking. They see space in straightforward terms, as an operational or combatant theater, whereas we see it—given our own "strategic culture"—as a "sanctuary" where "support forces" for terrestrial military forces can operate permissively.

If Moscow achieves its aims, we will be faced with a new era of Pax Sovietica in which Soviet space power dictates Free World behavior. We believe that the High Frontier of space provides us with the opportunity, perhaps our only opportunity, to frustrate Soviet power ambitions and at the same time to open up a new era of hope and prosperity for the U.S. and the Free World.

THE HISTORICAL IMPERATIVE

The immediate threat impels us to exploit our space technology, but there is also an unavoidable historical imperative to move vigorously into that arena. Throughout man's history, those nations that moved most effectively from one arena of human activity to the next have reaped enormous strategic advantages. For instance, when man's activities moved from the land to the coastal seas, the Vikings established an extraordinary dominance by excelling at sailing those seas.

After the epic voyages of Columbus and Magellan, Spain and Portugal dominated the world through military and commercial control of the new arena of human activity—the high seas. Later, England with her powerful fleet of merchantmen and men-of-war established a century of Pax Britannica. When the coastal seas of space—the air—became a new sphere of human activity, the United States gained great strategic advantages by acquiring the most effective military and civilian capability in aviation. Today, after epic manned and unmanned exploration of space, we shall see which nation puts the equivalent of the British merchantmen and men-of-war into space. We dare not let it be our adversary.

THE MILITARY DIMENSION

We cannot reverse the adverse trends in the military balance if we adhere to current strategy and try to compete with the Soviets in piling up weapons of current technology. Even if Congress were willing to appropriate unlimited funds for procurement of these weapons (and it is not), our defense production base is in such a sorry state that it could not compete with the Soviet arms production base, which is today operating at very high levels. Our best hope is to change our strategy and to move the key competition into a technological arena where we have the advantage.

A bold and rapid entry into space, if announced and started at this time, would end-run the Soviets in the eyes of the world and move the contest into a new arena where we could exploit the technological advantages we hold. This is far preferable to pursuing a numbers contest here on Earth that will be difficult or impossible for us to win.

THE STRATEGIC DEFENSE OPTION

When we look to space for the technological end-run of the Soviets, we find all factors call for an emphasis on strategic defense. First, defensive systems hold the only promise to break out of the Mutual Assured Destruction doctrine. Second, defense is the only sound alternative to costly "racetrack"-type options to protect our deterrent systems. Third, our current and crucial heavy military investment in space is also vulnerable to attack. Fourth, available technology favors defensive space systems. Lastly, there are severe political constraints and some technical-military reasons inhibiting the deployment of offensive weapons in space.

For these reasons the military side of High Frontier emphasizes the resurrection of a long-neglected aspect of our security—protective strategic defense. We visualize a layered strategic defense. The first layer would be a spaceborne defense that would effectively filter a Soviet missile attack in the early stages of flight. The second layer would be a broader space protection system, probably using advanced beam weaponry to further reduce the effectiveness of a missile attack and to defend other space assets from a variety of attacks. The third layer would be a ground-based point defense system capable of removing any Soviet assurance of success of a first strike against our missile silos—even before a space system is deployed—and of intercepting Soviet missiles that later might leak through the space defenses. A passive fourth layer would be civil defense, which becomes a valuable aspect of strategy in conjunction with these active defense layers.

We can get a point defense within two or three years adequate to protect our ICBMs in silos and avoid high-cost deployment modes for MX. An initial spaceborne global ballistic missile defense can be acquired in five or six years given adequate priority. A second-generation general space defense using more advanced technology can probably be achieved in the early 1990s.

In proposing such strategic defenses, one invariably encounters the shibboleths that have plagued consideration of strategic defensive options in the past. It has been an article of faith in the offense-only, Assured Destruction school of thought that strategic defenses in the nuclear era are useless unless they are impermeable or not subject to attack and that they are impossibily expensive. These are false premises.

With regard to impermeable or invulnerable defenses, there never has been nor ever will be a defensive system that could meet such criteria. Such perfectionist demands ignore the purposes of defenses and the effects of strategic defense on deterrence. Defenses throughout military history have been designed to make attack more difficult and costly—not impossible. Defenses have often prevented attack by making its outcome uncertain. General Grant put a cavalry screen in front of his forces not because the cavalry was invulnerable to Confederate bullets or because he thought it could defeat General Lee, but because he did not want the battle to commence by an assault on his main forces or his headquarters.

It is the same common military sense that must prevail in our approach to strategic defenses today. Given the drastic consequences of a failed nuclear attack on an opponent, the critical military task is to keep a potential aggressor uncertain of success if not certain of failure. In the absence of defenses the Soviet military planner has a rather straightforward arithmetic problem to solve to be quite sure of the results of a disarming strike against all locatable U.S. strategic weaponry—ICBM sites, airfields, and submarine bases. His problem is simply to insure that he can deliver two warheads of current size and accuracy against each such target. If, on the other hand, the Soviet planner must consider the effects of a strategic defense, especially spaceborne defense that destroys a portion of the attacking missiles in the early stages of their trajectories, he is faced with a problem full of uncertainties. He does not know how many warheads will arrive in the target area and—even more crucial—which ones will arrive over which targets. This changes the simple arithmetic problem into a complex calculus full of uncertainties; such uncertainties are the essence of deterrence.

Strategic defenses are eminently practicable and by no means impossibly expensive if the programs involved are not required to meet unrealistic standards of perfection or incredible postulated threats. A cursory review of combinations of spaceborne defenses, land-based ABMs, and civil defense—while by no means definitive as to costs—indicates that a defense system of decisive strategic importance can be devised that is relatively inexpensive when compared with some previously proposed offensive systems.

SURVIVABILITY

One issue which must be addressed carefully is that of space-system survivability. While space systems are nearly invulnerable to a large array of threats with which terrestrial systems must cope (e.g., bombs and bullets), they have some unique vulnerabilities to threats that can be posed by a technologically advanced adversary. An examination of this problem leads to several conclusions:

As with all other systems, no space-based system can be envisaged which is invulnerable to all postulated threats.

Vulnerability of current U.S. space assets (intelligence and communications satellites and the Shuttle) sharply increases the imperative for an effective spaceborne defensive system which can defend itself, reduce the threat to other space systems, and defend ground targets against hostile objects transiting space, e.g., ICBMs.

Defensive systems employing large numbers of less sophisticated satellites are far less vulnerable than those employing small numbers of more sophisticated satellites.

An ability to provide mutual warning and protection among satellites in a ballistic missile defense is very important to survivability.

The sooner a spaceborn ballistic missile defense system can be deployed, the better its survivability (long leadtime systems are susceptible to long leadtime Soviet countermeasures—real or postulated).

Future U.S. deployment of more sophisticated beam-weapon military satellites may be dependent for survivability on protection provided by a lower technology defense system already deployed.

Given the characteristics of currently operating U.S. space systems, one can readily postulate ways for the Soviets to attack them, ranging all the way from throwing sand in their paths to burning them out of space with futuristic beam weapons. Such attack modes fall into two basic categories, peacetime attack and wartime attack.

Most current Soviet capabilities to attack U.S. space systems are applicable in the peacetime attack category. These include attack with nonnuclear direct-ascent missiles, the current Soviet anti-satellite system, and current power level Soviet lasers. However, these attack modes presuppose Soviet willingness to risk the grave consequences (including war) of attacking our space systems in time of peace or crisis. While such Soviet action cannot be totally ignored, most experts on Soviet behavior find this possibility extremely remote.

The second class of threat—wartime—is more serious. In this situation nuclear weapons could be used to destroy or disable our space systems using radiation effects. (Blast effects are of little consequence outside the atmosphere.) There are technical means of reducing the vulnerability of space systems to these effects, but a capability of a defensive system to intercept hostile objects directed at it is the best way to counter such threats.

The Soviets may develop laser beam weaponry of such power that satellites passing over them could be destroyed with a single burst of energy. It is doubtful, however, that such systems could in the foreseeable future successfully attack satellites coming over the horizon toward the Soviet Union where they would be shielded by much more of the Earth's atmosphere.

Probably the most important factors in the survivability problem are military rather than technical. Survivability is sharply increased by the ability of space vehicles to destroy threatening objects launched at them or at other U.S. space vehicles. Even should the Soviets eventually create the means to attack a spaceborne defense system successfully in order subsequently to launch a strategic missile attack, all chances of destroying the U.S. deterrent on the ground would be lost. In these circumstances, launch-on-warning or launch-under-attack becomes both a credible and feasible option for the United States. The Soviets could not expect, after the attack in space, that the U.S. President would hesitate to respond to sensor warnings that a missile attack had been launched from the USSR. This fact alone would make a spaceborne defense of great straegic value.

THE NONMILITARY DIMENSION

Space holds out the promise of a new era of economic expansion. The unique environment of space—zero gravity, near-perfect vacuum, unlimited heat absorption, and sterile conditions—opens up a broad range of industrial and commercial possibilities. Space also contains inexhaustible supplies of minerals and solar energy. The economic potential of space is already being tapped in the communications industry. As the cost of space transportation is lowered, the industrialization of space will burgeon. However, the capital investment in space industries will be quite large and unlikely to be undertaken if space installations are unprotectable from hostile attack. For this reason, military capabilities in space are critical to space-based economic growth.

We should harbor no illusions that space can be limited to "peaceful uses" any more than could previous arenas on land, at sea, or in the air. Indeed, most current space assets, U.S. and Soviet, are partially or entirely military—and the most destructive of weapons, strategic ballistic missiles, must transit space enroute to their targets.

The government's role in opening up the High Frontier of space for economic exploitation is basically the same as it has been with the opening of frontiers of the past: exploration, transportation systems, and security. These functions translate to these specifics: scientific research, improving the Space Shuttle, and providing spaceborne defenses.

Both the military and nonmilitary uses of space depend on the continued efforts in certain core technologies: improvements in space transportation to reduce the cost-per-pound of materials in orbit, and the creation of permanent, manned space stations at the "terminals" of the space-transport system.

Though these efforts are primarily the responsibility of government, they should be undertaken in cooperation with private industry and with support from other nations that would benefit.

With a proper combination of space technologies we can sharply improve the security of the U.S. and its Free World allies, and at the same time restore confidence in the ability of Free World economies to meet the challenges of the future.

The urgency here is far greater than many people in this country appear to recognize. The Soviets made clear following the U.S. successful Moon landing that, while intending first and foremost to develop maximum possible military capabilities in space, they expect also to achieve dominance with respect to the economic exploitation of space opportunities. In 1964, Brezhnev spoke of these plans, and Soviet specialized literature has gone into great detail concerning concrete possibilities. Further, all phases of ongoing Soviet space activities that aim at strategic objectives also serve as stepping stones to USSR preeminence in the space environment for military as well as nonmilitary purposes.

THE URGENT REQUIREMENTS

In order to fulfill the objectives of the High Frontier concept, including rapidly closing the "window of vulnerability," creating the concrete basis for a new strategy of Assured Survival, and opening space for economic growth, the following list of urgent requirements is presented.

The requirements for military systems to implement the High Frontier concept are these:

A point defense for U.S. ICBM silos which, within two or three years, at a cost less than that of superhardening, can destroy any confidence the Soviets might have in a first strike against our deterrent.

A first-generation spaceborne ballistic missile defense, deployable in five or six years at a cost not exceeding that of the original MX-MPS system and capable of significant attrition of a Soviet strategic missile attack in the early part of trajectory.

A second-generation space defense system, deployable within 10 or 12 years and capable of attacking hostile objects anywhere in near-Earth space with advanced technology weaponry (e.g., lasers).

A utilitarian manned military space control vehicle, deployable within the next six to eight years and capable of inspection, on-orbit maintenance, and space tug missions wherever satellites can go.

A civil defense program of sufficient scope and funding to take advantage of the proposed active missile defenses and thus add to U.S. deterrent strength.

The primary requirements in core space technology and nonmilitary applications are:

Improved space transportation, designed to lower the cost-per-pound in orbit to under one hundred dollars.

A manned space station in low Earth orbit as soon as practicable. It would allow low cost, efficient development and testing of both civilian and military system elements and would constitute a first step toward a similar manned station at geosynchronous orbit.

Development work on reliable, high-capacity energy systems in space, initially to power other space activities, and eventually to provide electrical power to any spot on Earth.

Preparatory development of a selected number of promising commercial business opportunities. Government efforts should focus on encouraging the transformation of these "seed" efforts into independently viable commercial operations as soon as possible.

CAN WE DO IT?

All these requirements can be met, some of them with technology already in hand, with components already tested. None of these requirements need rely on technological breakthroughs or a commitment to interminable basic research. There are in fact a variety of viable options available to meet each of the requirements of High Frontier. The following is a description of one set of programs which could do so. Each is described in some detail in the main body of the study. The costs estimated for these programs are in constant dollars. The costs and times indicated are based on a management system that minimizes bureaucratic delays.

QUICKLY DEPLOYABLE POINT DEFENSE

A partially tested system exists that could meet the requirement to destroy Soviet confidence in a first strike against our silos. It is a very simple system that fires a large number of small conventional projectiles which form a barrier against a warhead approaching a U.S. missile silo at about one mile from the target. It could be described as "dynamic hardening" instead of as an antimissile system. If deployed to intercept only the first Soviet warhead approaching a silo, it would cost $2-3 million per defended silo; if it is to intercept a second warhead, the costs increase to about $5 million per silo.

FIRST-GENERATION SPACEBORNE DEFENSE

The requirement for an initial spaceborne ballistic missile defense system can be met by using off-the-shelf hardware to create a multiple-vehicle, orbiting system. This system would deploy nonnuclear kill vehicles to destroy Soviet missiles in the early phase of trajectory. Enough weapon-carrying satellites would be orbited to insure continuous coverage of Soviet ballistic missile trajectories, including those of SS-20 Eurostrategic missiles and submarine-launched missiles. This system could provide protection to our allies as well as to the United States.

The multiple-satellite deployment permits one satellite to defend itself and several others from attack. It also has potential for forming the basis of a highly effective and secure command, control, and communications (C^3) system. Since the system makes maximum use of off-the-shelf space hardware components, it may be the cheapest and quickest available option. This system could start deployment in perhaps as little as three years and be fully deployed in five or six years at a cost of some $10-15 billion.

SECOND-GENERATION SPACEBORNE DEFENSE

The requirement for higher technology space defense systems could be met by a high-powered laser system on the ground with redirecting mirrors on satellites, or by beam weapon systems deployed in space or in pop-up installations on the ground. All are in research now. Costs to continue such research should probably be increased by about $100 million per year.

HIGH-PERFORMANCE SPACE PLANE

There is an urgent need to develop a multipurpose, military, manned space control vehicle to perform a wide variety of space missions such as inspection of friendly or suspect space objects, satellite and space station protection, and adjustment or retrieval of satellites. One such vehicle is the High Performance Space Plane, or one-man Space Cruiser, which uses available space hardware components and technology and which could be operating in several years for less than $500 million. It is now under active consideration in the Department of Defense.

CIVIL DEFENSE

Civil defense is a multifaceted endeavor, whose utility and cost effectiveness sharply increase when considered in conjunction with active defenses. A program at a level of $300-$500 million per year would add greatly to overall U.S. security.

IMPROVED SPACE TRANSPORTATION

The immediate answer to improved space transportation is an upgrade of the current Shuttle program to improve turnaround time and to create an unmanned cargo-only version. At the same time, development work should begin on a much higher load capacity vehicle. These programs would cost an estimated $12 billion over a 10-year period.

A MANNED LOW EARTH ORBIT SPACE STATION

The currently proposed military Space Operation Center should be given high priority and expanded in concept to include provision for "fly-along" industrial and commercial space installations. The space station should be equipped to receive power for operations from a prototype solar power satellite. A 10-year program to deploy this space station should cost about $6 billion.

A SPACE POWER SYSTEM

This requirement can be met by a proposal using known technology which would place in geosynchronous orbit a solar power satellite and on Earth a microwave receiving antenna and conversion system providing 500 megawatts of continuous electrical power. This pilot system, modified to include a capability to provide power to a space station with laser transmission, would cost about $13 billion.

SPACE INDUSTRIAL SYSTEMS RESEARCH AND DEVELOPMENT

The cost of R&D for industrial space applications would probably be borne almost entirely by interested private enterprise, with no more than $50 million per year in government support.

COSTS

The total costs of the High Frontier concept over the next five or six years in outlays of constant dollars might be on the order of $20 billion. Through 1990 the total costs in constant dollars would probably be about $35 billion—a figure that compares favorably with what would have been the total cost of MX-MPS in its original configuration. It also compares favorably with the Apollo-Moon landing program, and strikingly so if the inflation rate of the past 12 years is considered.

If one considers possible tradeoffs in programs no longer needed or lowered in priority by the existence of an effective strategic defense, the real costs of the High Frontier programs are lower. For instance, the $2.5 billion now earmarked for superhardening of existing missile silos and for deploying more complex point defenses need not be expended. There are other possible tradeoffs such as repositioning of SAC airfields, reducing the urgency of theater nuclear force upgrade in Europe, C^3 improvements, and so forth. Thus real (or net) costs over the next 10 years for High Frontier could be well under $50 billion total.

Finally, there is a reasonable chance for sizable cost offsets from industry and Allied participation in the most expensive aspects of the High Frontier effort—nonmilitary applications. This is especially true if a vigorous effort to tap solar energy is emphasized. Several nations have already stated their willingness to assist in such an effort. Such nongovernment input would further reduce the real costs of the concept.

In any case, costs to the U.S. taxpayer of implementing High Frontier will certainly be lower than those involved in other approaches to solving urgent security issues, e.g., MX-MPS. The High Frontier approach, therefore, cannot be characterized as unrealistically expensive.

IMPACTS

The mere announcement of a bold, new U.S. initiative along the lines of the High Frontier concept would have beneficial impacts at home and abroad. The fulfillment of the urgent requirements noted above would have even more far-reaching impacts.

MILITARY IMPACTS

On the purely military-strategic side, we would be moving away from the unstable world of terror balance to one of Assured Survival—a much more stable condition. We would provide answers to U.S. and Allied security problems not involving the amassing of ever larger stockpiles and ever more expensive deployments of nuclear weapons.

By creating a proper balance between strategic offense and strategic defense, we broaden the options for strategic retaliatory systems. A great deal of the counterforce, damage-limiting function of our strategic forces can be shouldered by the defensive systems. Cruise missiles become a more attractive option in a new strategic setting that includes defenses against ballistic missile attack. Proliferation of cruise missiles on land, sea, and air platforms may become a feasible alternative to expensive ballistic missile or bomber options.

Perhaps most important to our military efforts as a whole, the High Frontier concept would restore the traditional U.S. military ethic. The military man's role as defender of the country has always been the tie that has bound him to the supporting citizenry. Strategies of the recent past, such as MAD, which deny that role have seriously weakened that bond. A commitment to a new strategy consistent with the military rationale of the average U.S. citizen could greatly ease problems in all facets of U.S. security efforts.

POLITICAL IMPACTS

The potential for public support of this concept is enormous. If the military and nonmilitary aspects of High Frontier are effectively harnessed together, broad segments of the U.S. body politic are likely to rally in support. Recent elections have demonstrated the widespread desire for improved defenses. There is a remarkably large support base, primarily among younger people, in the form of space enthusiasts. And there is general disillusionment with the doctrines and strategies of the past.

The High Frontier concept will even convert or confuse some of the conventional opponents of defense efforts and technological innovations. It is harder to oppose nonnuclear defensive systems than nuclear offensive systems. It is impossible to argue effectively for a perpetual balance of terror if it can be negated by new policies. It is hard to make environmentalist cases against space systems.

Even those naysayers whose basic concern is disarmament will be hard pressed to make a case against High Frontier, the ABM Treaty notwithstanding. It is not necessary to abrogate the ABM Treaty to commit to High Frontier programs.

The High Frontier spaceborne defensive systems fall into the category described in the treaty as "systems based on other principles" which are "subject to discussion" with the Soviets. Point defense systems can be selected that are so different from ABM systems, as defined in the treaty, that they too could be considered as not covered. Indeed, some silo-defense systems can be considered "dynamic hardening"—a substitute for reinforced concrete—rather than an ABM. Further, the current ABM Treaty is scheduled for review in 1982, and the United States could propose any amendments deemed necessary to accommodate strategic defensive decisions.

A U.S. commitment to the High Frontier concept does not necessitate rejection of arms negotiations with the Soviets. It does, however, mean that future negotiations would proceed on a different philosophical basis. Rather than continue to pursue agreements which attempt to perpetuate a balance of terror and MAD, our negotiating efforts would be dedicated to achieving a stable world of Mutual Assured Survival.

ECONOMIC IMPACTS

There can be little doubt that a strong commitment of the United States would have highly beneficial economic impacts. Some of these impacts will affect the U.S. economy in the near term, primarily through the stimulus to investment in high technology sectors of industry and a probable upswing in confidence generally. An increase of 200,000 jobs in the near term as a result of a strong commitment to space has been estimated. Longer term impacts will depend on the rate at which industrial applications are realized and on unpredictable technological spinoffs from the space effort.

One area of commercial space application is already paying its way very well. That is communications. Space communications is a $500 million-per-year enterprise and is growing rapidly. By 1990 it should become a multi-billion dollar per year industry.

As other industrial applications in space are realized, the total revenues from space industries might reach levels of several tens of billion dollars per year by the year 2000.

Some of the most beneficial economic impacts of a strong High Frontier effort are indirect and unquantifiable. The demand for highly skilled workers is certain to have an impact on the education system and on the labor market. New products, tools, and services will be required by an expanding space effort. Research efforts will intensify.

Overall, the economic benefits of a strong U.S. commitment to the exploitation of space for both security and industry are potentially very great, but they are no more predictable today than were the future economic benefits of aviation in the 1920s.

FOREIGN IMPACTS

The positive political effects in the U.S. will probably be reflected overseas among our allies. The announcement of commitment to the High Frontier concepts could have a strong counter-effect on the current highly disruptive, "antinuclear," or "peace" movements in Europe. A bold U.S. strategic initiative would certainly bolster the morale of pro-U.S. elements. The High Frontier concept can become a new cement for Free World alliances, making them global rather than regional.

A shared U.S.-Allied commitment to the harnessing of solar power from space could have highly beneficial impacts on foreign relations. If the prospects were good for future supplies of energy independent of the geographical location of fossil fuels, the overdependence of the industrialized West on oil and gas producing countries could be corrected. Further, the prospects for overcoming the intractable problems of the underdeveloped nations could have a beneficial impact on the attitudes of the Third World.

As for the Soviets, their reaction is easily predictable as hostile. They have already moved to counter the U.S. potential to adopt available military space options. They have introduced in the U.N. (and garnered some support for it among our allies) a new treaty which would ban all (not just nuclear) weapons in space. Meanwhile, evidence mounts that they are already in violation of their own cynical proposition. We can expect an extraordinarily strong Soviet propaganda effort against a U.S. commitment to the High Frontier concepts, including threats of counteraction. However, in both particulars Moscow will find, for substantive reasons, an attack on the High Frontier concepts much more difficult to conduct than for any other of the anti-U.S. campaigns.

MANAGEMENT

Time is critical in any commitment to the High Frontier, especailly with regard to the military systems. If we cannot change the adverse trends in the military balance quickly, we may not be able to change them at all. If we do not move quickly to secure space for promising industrial development, we may later be denied the opportunity.

There are no tachnical obstacles to meeting the military and nonmilitary obectives of the High Frontier. We can close the window of vulnerability in two or three years and negate the brooding menace of Mutual Assured Destruction in five or six years. We can lower the costs of men and materials in space, establish a permanent manned presence in space, and open the door to enormous economic advantages in 10 years. However, this can be done only by initially selecting systems using to the maximum off-the-shelf technology and by instituting special management and procedural arrangements for thsir rapid acquisition and deployment. By using known and tested technology we can avoid the long delays imposed by research and development. By special management arrangements we can avoid the bureaucratic hurdles that have been inserted into our weapons acquisition processes over the past 15 years. Time is money, and literally billions can be saved by cutting acquisition times.

In 1956, President Eisenhower gave the go-ahead on a concept for a ballistic missile firing submarine. That concept involved far more technological unknowns than do the High Frontier options. In 1960, 47 months later, the first Polaris put to sea. In 1962, President Kennedy announced the objective of putting a man on the Moon. Seven years later this astonishing feat was accomplished.

Today, even a new fighter aircraft take 13 years or more from concept to acquistion and decades of delay are predicted for space developments. Such protracted processes cause costs to soar astronomically. This sad state of affairs exists not because Americans have become technologically inept but because we have, over the years, constructed a complex and multilayered bureaucratic system in the Executive Branch and in the Congress which simply cannot produce quick results. In order to take advantage of the opportunities available to us on the High Frontier, we must find a way to circumvent bureaucratic procedures.

The first step is to select—and select quickly—those systems which will meet the urgent requirements of the High Frontier concept. This should be done by a Presidential Systems Selection Task Force composed of prominent and properly qualified individuals.

To provide overall guidance to the High Frontier effort, a National Space Council should be appointed with representation from the involved departments and agencies of the Executive Branch, the Congress, and industry. Its function would be to insure full cooperation and fast action by all branches of government and private industry involved in the effort. Its chairman should be the Vice President.

The actual, coordinating and expediting of the programs selected to meet the High Frontier requirements should be the responsibility of a chief operating officer heading up a Consolidated Program Office. This officer should be assisted by special project officers within the departments and agencies charged with acquiring the first generation of High Frontier systems. The management system should ensure individual rather than committee responsibility for decisions, a minimum of Executive and Congressional staff review, and specified or "fenced" funding for High Frontier programs.

This management system should be unequivocally temporary. It should go out of existence upon achievement of its objectives of first-generation system acquisition. As results are obtained, all responsibility for the operations, maintenance, and further growth of space systems should return to the cognizance of the appropriate agencies—Defense and NASA. There is no need to create a new permanent layer of bureaucracy.

These are the essentials of the High Frontier concept. They are discussed in much greater detail in the main body of the study. We believe that the change of strategy recommended in the study supports the following proposed U.S. Policy statement.

PROPOSED STATEMENT OF U.S. POLICY

The United States and its Allies now have the combined technological, economic, and moral means to overcome many of the ills that beset our civilization. We need not pass on to our children the horrendous legacy of "Mutual Assured Destruction," a perpetual balance of terror that can but favor those most inclined to use terror to bring down our free societies. We need not succumb to ever gloomier predictions of diminishing energy, raw materials, and food supplies. We need not resign ourselves to a constant retreat of free economic and political systems in the face of totalitarian aggressions. The peoples of the Free World can once again take charge of their destinies, if they but muster the will to do so.

In April 1981, the Space Shuttle Columbia made its dramatic maiden voyage into space and back safely to Earth. This event was not merely another admirable feat of American space technology. It marked the advent of a new era of human activity on the High Frontier of space. The Space Shuttle is a development even more momentous for the future of mankind than were the completion of the transcontinental railway, the Suez and Panama Canals, or the first flight of the Wright brothers. It can be viewed as a "railroad into space" over which will move the men and materials necessary to open broad new fields of human endeavor in space and to free us from the brooding menace of nuclear attack.

This is an historic opportunity—history is driving us to seize it.

A few thousand years ago, man's activities—his work, his commerce, his communications, all of his activities, including armed conflict—were confined to the land.

Eventually man's technology and daring thrust his activities off the land areas of the continents and into the coastal seas. His work, commerce, communications, and military capabilities moved strongly into this new arena of human activity. Those nations that had either the wit or the luck to establish the stronger military and commercial capabilities in the new arena reaped enormous strategic advantages. For example, the Vikings, although never a very numerous people, became such masters of the coastal seas that their power spread from their homes in Scandinavia over all the coasts of Europe and into the Mediterranean Sea, up to the very gates of Byzantium.

At the beginning of the 16th century, after the epic voyages of men like Magellan and Columbus, human activity surged onto the high seas. Once again, the nations that mastered this new arena of human activity reaped enormous strategic rewards. First Spain and Portugal utilized their sea power to found colonies and to solidify their strength in Europe. Later, Great Britain, with an unsurpassed fleet of merchantmen and fighting ships, established a century of relative peace which we remember as Pax Britannica.

In the lifetime of many of us, man's activity moved strongly into yet another arena, the coastal seas of space—the air. And once again the nations which quickly and effectively made use of this new arena for commerce and defense gained great advantages. As Americans we can take pride that the greatest commercial and military successes in aviation have been achieved by our nation.

But today, following the epic voyages of our astronauts to the Moon and our unmanned explorer satellites to the rings of Saturn and beyond, we find man's activities moving strongly into yet another new arena—the high seas of space. Already the United States and other major nations, including the Soviet Union, are making huge investments in space. Much of our communications, intelligence, weather forecasting and navigation capabilities are now heavily dependent on space satellites. And, as history teaches us well, those nations or groups of nations that become preeminent in space will gain the decisive advantage of this strategic "high ground."

We must be determined that these advantages shall accrue to the peoples of the Free World; not to any totalitarian power. We can improve the Shuttle, our railway into space, placing space stations at its terminals and sharply reducing the cost-per-pound of material put into space. We can thus open the doors of opportunity to develop new space-based industries, promising new products and new jobs for our people here on Earth. We can eventually create the means to bring back to Earth the minerals and the inexhaustible solar energy available in space. By doing so, we can confound the gloomy predictions of diminishing energy and material resources available here on Earth. This will not only enhance the prosperity of the advanced, industrialized nations of our Free World, but will also provide the means to solve many of the hitherto intractable problems of the developing countries.

Further, we can place into space the means to defend these peaceful endeavors from interference or attack by any hostile power. We can deploy in space a purely defensive system of satellites using nonnuclear weapons which will deny any hostile power a rational option for attacking our current and future space vehicles or for delivering a militarily effective first strike with its strategic ballistic missiles on our country or on the territory of our Allies. Such a global ballistic missile defense system is well within our present technological capabilities and can be deployed in space within this decade, at less cost than other options that might be available to us to redress the strategic balance.

We need not abrogate current treaties to pursue these defensive options. A United Nations Treaty prohibits the emplacement of weapons of mass destruction in space, but does not prohibit defensive space weapons. The ABM Treaty requires discussion among Soviet and U.S. representatives of any decision to proceed with defensive systems "based on other principles" such as space systems. We should initiate such discussions and propose revisions, if necessary, in the ABM Treaty which is scheduled for review in 1982.

Essentially this is a decision to provide an effective defense against nuclear attack for our country and our allies. It represents a long-overdue concrete rejection by this country of the "Mutual Assured Destruction" theory, which held that the only effective deterrent to nuclear war was a permanent threat by the United States and the Soviet Union to heap nuclear devastation on the cities and populations of each other. The inescapable corollary of this theory of MAD (perhaps the most apt acronym ever devised in Washington) was that civilian populations should not be defended as they were to be considered hostages in this monstrous balance of terror doctrine. The MAD doctrine, which holds that attempting to defend ourselves would be "destabilizing" and "provocative," has resulted not only in the neglect of our active military and strategic defenses and our civil defense; it has also resulted in the near total dismantlement of such strategic defenses as we once had.

For years, many of our top military men have decried the devastating effect the MAD theory has had on the nation's security. In fact, our military leaders have, over the years, denied its validity and tried within the limits of their prerogatives to offset its ill effects. But those effects are readily evident. The only response permitted under MAD to increased nuclear threats to the United States or to its Allies is to match these threats with increased nuclear threats against the Soviet Union. Further, a U.S. strategy which has relied at its core on the capability to annihilate civilians and denied the soldier his traditional role of defending his fellow citizens has had a deleterious effect on the traditional American military ethic, and on the relationship between the soldier and the normally highly supportive public.

This legacy of MAD lies at the heart of many current problems of U.S. and Allied security. We should abandon this immoral and militarily bankrupt theory of MAD and move from "Mutual Assured Destruction" to "Assured Survival." Should the Soviet Union wish to join in this endeavor—to make Assured Survival a mutual endeavor—we would, of course, not object. We have an abiding and vital interest in assuring the survival of our nation and our allies. We have no interest in the nuclear devastation of the Soviet Union.

If both East and West can free themselves from the threat of disarming nuclear first strikes, both sides will have little compulsion to amass ever larger arsenals of nuclear weapons. This most certainly will produce a more peaceful and stable world than the one we now inhabit. And it will allow us to avoid leaving future generations the horrendous legacy of a perpetual balance of terror.

What we propose is not a panacea that solves all our problems of national security. Spaceborne defense does not mean that our nuclear retaliatory capabilities can be abandoned or neglected. The United States will still maintain strategic offensive forces capable of retaliation in case of attack. The Soviets, while losing their advantage in first-strike capabilities, will still be able to retaliate in case of attack. Nor does our approach to the strategic nuclear balance eliminate the need to build and maintain strong conventional capabilities.

We Americans have always been successful on the frontiers; we will be successful on the new High Frontier of space. We need only be as bold and resourceful as our forefathers.

TURN ON THE COAL FAUCET

● Mr. JOHNSTON. Mr. President, today the New York Times ran an excellent editorial entitled "Turn On the Coal Faucet." The Times editorial has caught the essence of the coal pipeline issue: Does Congress believe in competition?

The Senate Energy and Natural Resources Committee reported S. 267, the Coal Distribution and Utilization Act of 1983 by an overwhelming majority. Just last week the House Public Works Committee, often thought to be a stronghold of slurry opponents, favorably reported a similar measure by a vote of 32 to 18. These votes, and editorials such as that in the Times, indicate the strong support for this measure both inside and outside the Congress.

BEST COPY AVAILABLE

Make no mistake about it, this legislation is moving. Those of us who support this measure believe coal pipelines should have the right to compete for a portion of our Nation's coal haulage. We encourage each of you to join us in that support when S. 267 is considered by the full Senate.

Mr. President, I ask that the Times editiorial be printed in the Record.

The editorial follows:

[From the New York Times, June 14, 1983]

Turn On the Coal Faucet

Transport coal in a pipeline? The idea seems bizarre, but it has long been possible. The coal is pulverized, mixed with water or oil and pumped as a "slurry" hundreds of miles from mine to customer.

It's not clear yet whether slurry lines will be able to compete economically with railroads. But the rails fear that they can, and have thus far managed to block Federal legislation to facilitate construction across state lines. Congress is now taking a fresh look; happily, this time it seems likely to choose free enterprise.

The obstacle to building a slurry pipeline is obtaining the right of way. Opposition from railroads, compounded by indifference on the part of states that would not directly benefit, has made that almost impossible. Only two long coal slurry pipelines have been built. Only one, the Black Mesa line in Arizona, is in operation—and it is owned by the Southern Pacific Railroad. If the ambitious interstate slurry line network now on the drawing boards is ever to be built, the Department of Interior needs the power of eminent domain, the power to condemn and buy property for public purposes.

The railroads oppose that, arguing that slurries would cut rail employment and that such use of Federal eminent domain would violate states' rights. The employment argument is antique. It could as easily have been advanced against the railroads when they displaced wagon drivers and steamboat deck hands. Besides, the demand for coal is expected to grow enough to protect the railroads against any loss of tonnage.

The states' rights argument at first caught the fancy of "new federalists" in the Reagan Administration. But even the White House now quietly acknowledges that the Founding Fathers intended to give the Feds power to regulate interstate commerce.

A more important political debate has arisen over water rights. Much coal comes from arid Western states. And the railroads enlisted support from farmers who didn't want to compete against slurry operators for scarce water. But the current bill, ready for a Senate vote, generally satisfies farmers by affirming state control over water rights.

Thus the slurry issue has been stripped to the essential question. Does Congress believe in competition or not?●

S. 1340 AND S. 1341—LEGISLATION ASSISTING THE DISABLED AND HANDICAPPED

● Mr. HATCH. Mr. President, on May 23 I reported two measures from the Committee on Labor and Human Resources: S. 1340 the Reauthorization of the Rehabilitation Act of 1973 and Developmental Disability Assistance and Bill of Rights Act and S. 1341 the Reauthorization of the Education of the Handicapped Act. Both of these bills are very important to the 36 million disabled children, youth, and adults of our Nation. I want to particularly commend Senator Weicker, Chairman of the Subcommittee on the Handicapped and Senator Randolph, ranking minority member for their efforts in drafting these important bills. Reporting out two bills that were unanimously polled out of full committee is a tribute to their dedication and hard work in producing legislation supported by all of the Senators on the full committee. The committee reported an original bill, a vehicle which prevents the listing of cosponsors, so I shall ask that the names of the cosponsors be printed at this time in the Record and that they be added as cosponsors now that the bills have been officially filed.

Cosponsors for Rehabilitation—S. 1340

Lowell Weicker—Connecticut.
Jennings Randolph—West Virginia.
Robert Stafford—Vermont.
Robert Dole—Kansas.
Paula Hawkins—Florida.
Don Nickles—Oklahoma.
Spark Matsunaga—Hawaii.
Dan Quayle—Indiana.
Edward Kennedy—Massachusetts.

Consponsors for Education of the Handicapped—S. 1341

Lowell Weicker—Connecticut.
Jennings Randolph—West Virginia.
Robert Stafford—Vermont.
Robert Dole—Kansas.
Paula Hawkings—Florida.
Don Nickles—Oklahoma.
Spark Matsunaga—Hawaii.
Dan Quayle—Indiana.
Edward Kennedy—Massachusetts.
Claiborne Pell—Rhode Island.●

THE INTEGRITY OF THE CIVIL RIGHTS COMMISSION

● Mr. GLENN. Mr. President, the administration's recent move to replace half of the six-member Civil Rights Commission appears to be an attempt to politicize the Commission and silence criticism of administration civil rights policies.

The administration is attempting a wholesale replacement of the Civil Rights Commission. It has submitted nine nominations to replace members of the Commission, and thus far has succeeded in replacing its chairman and vice-chairman. There have only been 21 commissioners during the entire 25-year history of the Commission.

I oppose this attack on the Commission because it will undermine the independence and integrity of the agency. I oppose the action only from an institutional standpoint and not on the basis of the qualifications or competence of the individuals nominated as replacements. In fact, the nominees appear well qualified for service on the Commission. The issue here, however, does not concern their qualifications but rather the independence of the Commission.

The Commission is the watchdog of our civil rights law. It was established as a bipartisan, independent Federal agency. The role of the Commission, in the President's own words, is to assure "that we as a Nation keep our statutory commitments to fairness and equity for all Americans." Of course, it can perform this function only if it is allowed to operate freely and objectively, unhindered by the constraints of partisanship.

Despite its record of efficiency in monitoring our civil rights law, the administration is attempting the almost unprecedented action of "packing" the Commission in order to fit its own politics and ideology. We simply cannot sit idly by and watch this happen.

To insure the independence of the Commission, I propose the following action: Congress should adopt a resolution condemning the wholesale replacement of the Commission; the Senate should block the nominations of the replacements by withholding its advice and consent; and, the Senate should consider the advisability of legislation to insulate the Commission from future politicization.

I am in the process of consulting with my colleagues, the NAACP, the Leadership Conference on Civil Rights and other interested organizations in order to determine the best method to implement these proposals.

Mr. President, the administration's poor civil rights record is in large part due to its pursuit of counterproductive actions, such as its attempt to pack the Civil Rights Commission. The administration would do well to spend its time developing ways to promote quality education, fair and equal access to housing and the voting booth and other ways to improve the quality of life for all the citizens of this great country.

For my part, I pledge to work to preserve the integrity of the agency which is so critical to the efficent operation of our civil rights laws.●

BALTIC FREEDOM DAY

● Mr. RIEGLE. Mr. President, last year, it was my privilege to be one of the original sponsors of legislation in the Senate establishing June 14, 1982, as Baltic Freedom Day. The passage of Public Law 97-196 marked the first time Congress had unanimously approved legislation recognizing the plight of the Soviet-occupied Baltic nations of Lithuania, Latvia, and Estonia.

It is still necessary for the Congress to make a plea for freedom on behalf of the captive Baltic nations. I am heartened by the overwhelming congressional support for the captive states which has again manifested

itself in the form of a resolution declaring June 14, 1983 as Baltic Freedom Day.

Mr. President, this year marks the 43d anniversary of the brutal occupation by the Soviet Union of Lithuania, Latvia, and Estonia—an oppressive occupation which continues to this day. In celebrating Baltic Freedom Day, we send out the word that the United States—a Nation which places its commitment to preserving basic human rights and freedoms above all else—recognizes the oppression under which the Baltic people continue to live, and calls the attention of the world to the plight of these captive nations.

Despite the Soviet Union's physical dominance over the Baltic nations, in flagrant violation of the Helsinki agreements, the citizens of Lithuania, Latvia, and Estonia continue to hold fast to their individual cultures and identities. The memory of the freedoms which we in the free world take for granted are what enable those still suffering under Soviet oppression to continue their fight.

In honoring Baltic Freedom Day, special recognition should also be made of the unique contributions made by members of the Baltic community here in the United States. Their tireless efforts, which have sustained those struggling for freedom in the captive homelands, are an inspiration to all of us. Representing one of the largest Baltic communities in the United States, I am aware of the hard work and significant contributions they have made, not only in Michigan, but throughout the United States.

In recognition of the continuing struggles of the Baltic peoples in their search for freedom and justice, and of the support provided by members of the Baltic community in this country, I join in celebrating Baltic Freedom Day with a renewed commitment to seeing the return of freedom to the captive Baltic nations.●

CALL TO CONSCIENCE VIGIL

● Mr. BOSCHWITZ. Mr. President, I am pleased to participate in the 1983 Congressional Call to Conscience Vigil for Soviet Jewry here in the Senate. The purpose of this vigil is to bring to the forefront, once again, the human rights violations imposed by the Soviet Union upon its citizens. Members of Congress, as part of this vigil, will be actively speaking out against such actions and will publicly convey to Soviet officials that the American people will not stand by silently and watch people be denied their basic human rights. Today, I would like to focus on the problem that exists for Jews in the Soviet Union, although it should be noted that Soviet citizens of other faiths are encountering similar treatment as well.

It is difficult and dangerous for Jews to apply for and seek exit visas. Jews who have applied for emigration have suffered the consequences of being demoted and losing their jobs, being stripped of their educational degrees and titles, being harassed, and, in some cases, eventually imprisoned. The emigration process is long and often includes bureaucratic delays. Individuals must pay the government approximately 3 months' income for the right to give up Soviet citizenship and an additional amount for the exit visa. In many instances, this can only be done with great financial sacrifice.

Anti-Semitism and anti-Israel sentiments are serious problems for Soviet Jews. As a result, Jews have been denied employment, and, in recent days, more Jewish students are being denied entrance to leading Soviet universities. The government has banned informal groups studying Jewish religion, history, and culture. Police have raided homes where Hebrew is taught. Less than 60 synagogues remain open today; in 1926, 1,000 were open. The average age of rabbis is 70 and there are no longer seminaries existing in the Soviet Union to retrain new rabbis. Jewish religious texts and ritual objects are not produced in the Soviet Union and are often confiscated when brought into the country by visitors.

Nearly 400,000 Jews have shown interest in emigrating. I am very sensitive to the plight of these people because of my own experience. As a son of German parents, my father had the extraordinary foresight to see the "writing on the wall" for Jews and other minorities in Germany in the 1930's. I often wonder what would have happened if we had stayed and often wonder about those who did.

Last month, I was fortunate to have the opportunity to participate in the "First American Jewish Gathering of Holocaust Survivors." The question asked so often was "Why didn't any one say or do anything?" Today we have no excuses. We know exactly what is going on in the Soviet Union with respect to human rights. We must use every forum, every avenue, every opportunity that exists to let the world know that the United States will not turn her back on Soviet Jews or any other persecuted people.

As a part of the vigil, each member was asked to adopt an individual or a family that is imprisoned or has been denied permission to emigrate and to work and speak out in their behalf. I have chosen Anatoloy Shcharansky as this person. Anatoloy Shcharansky has been sentenced to 13 years of prison and labor camp for the crime of applying to emigrate. He has been subjected to cruel punishment and has been denied contact with his family and the outside world for over a year. I have met with his loyal and brave wife, Avital, who I am sure has also met with many of my colleagues during the course of her husband's incarceration. Avital has been an emissary for her husband and I will join her in this role. It is my goal to see Mr. Shcharansky united with her in Israel.

It is in the Soviet's own best interest to not violate the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act. The Soviet Union's continued refusal to let Jews and other minorities emigrate is an irritant in United States-Soviet relations. The Soviet Union could go a long way in improving their worldwide image by ameliorating the situation for Jews and other minorities.

We in the United States have been blessed with personal freedoms. We must continue in our efforts to secure these same righs for others.●

UNIVERSITY OF TEXAS LONGHORNS WIN NCAA BASEBALL WORLD SERIES

● Mr. BENTSEN. Mr. President, this weekend in Omaha, Nebr., the University of Texas Longhorns won the NCAA baseball world series. It was the Longhorns fourth baseball championship in the 37-year history of the college world series, and I want to take a moment here today to pay tribute to a courageous group of college athletes and the man whom I believe is the greatest college baseball coach in the country—Cliff Gustafson.

Coach Gustafson is the winningest active coach in America. In 16 seasons at the University of Texas he has compiled an amazing win-loss record of 750-159, for a winning percentage of more than 80 percent. He is a gentleman winner: He does not engage in dirt-kicking abuse of umpires or clubhouse fistfights. He is a calm, considerate coach who enjoys his players admiration and friendship. He is a tremendous recruiter, strategist, organizer, and motivator. I hope that if he ever runs for office, he runs as a Democrat, because we could certainly use him. But Coach Gus could probably do without our headaches, so I hope he continues to coach for my alma mater, the University of Texas.

At one point during the series, Coach Gustafson commented "we're not playing that good, but we're playing tough." Whenever the Longhorns were in a pinch, they came through with the clutch hit, big strikeout, and defensive gem that they needed to win. The Longhorns are only the 10th team to go undefeated in world series play.

Jamie Doughty hit an 11th inning double to defeat Oklahoma State. Pitcher Calvin Schiraldi, who won most valuable player honors with an incredible series earned run average of 0.63, struck out amateur baseball's top hitter to win his pitching duel with Dave Magadan. Freshman Bill Bates hit an RBI double to defeat Alabama in their first game against Texas. Shortstop Mike Brumley hammered the Longhorns' only series home run, a grand slam, to defeat the University of Michigan. Kirk Killingsworth's center field triple scored Texas' go-ahead run in the series' finale. Roger Clemens pitched two games, and his silencing of Alabama's bats in the championship was truly outstanding. Jeff Hearron caught every game to join teammates Bates, Brumley, and Schiraldi in being named to the all-tournament team. Perhaps the most amazing play was from the Longhorns top hitter, first baseman Jose Tolentino, who came to bat in the final game with only one hit from 18 trips to the plate. His drag bunt single scored the winning run. I would like to pay tribute to every member of the Longhorn club, because it requires a terrific team effort to defeat the best college baseball teams in the Nation and win the championship in five straight games.

This team pulled together in the face of adversity. Thirteen times this season the Longhorns have won in their last at bat. They trailed in 41 games and came from behind to win 27 of them. Of the five series games, they trailed in four. They outscored their last four opponents by a cumulative total of only six runs. Only 10 of their 52 hits went for extra bases. They committed 12 errors, the most of any team in the series. But the Longhorns were not to be denied.

Perhaps the best tribute was paid this team by Alabama Coach Barry Shollenberger when be complained to series officials, "Texas will not let you beat them."

Mr. President, I pay all praise to the Texas Longhorns. They are a great team from a great State. May they wear their championship crown with pride and honor.●

BALTIC FREEDOM DAY

● Mr. GLENN. Mr. President, today we commemorate Baltic Freedom Day. On June 14, 1940, 43 years ago, the Soviet Union forcibly occupied and incorporated the Baltic States of Latvia, Lithuania, and Estonia into the U.S.S.R. Before the conquest of these three nations, there was a brief but proud moment of free government in these lands. After World War I, Latvia, Lithuania, and Estonia all declared their independence and enjoyed democratic governments. Then, at the outset of World War II, they lost their freedom when Hitler and Stalin decided that these three nations should be part of the Soviet Union. Tens of thousands of Baltic people were killed and over 1 million were deported to slave labor camps. Many others were deported from their homes because of their resistance to the subjugation or because of their religious or political views. They were replaced by people from other parts of the Soviet empire in an exchange of population that Moscow hoped would totally destroy the national identities of the Baltic peoples. These brave nations have not been forgotten. Throughout the free world, the peoples of Latvian, Lithuanian, and Estonian origin have maintained their national and cultural heritage. Their civic organizations and churches have struggled to keep faith with their enslaved countrymen so that the light of freedom is not extinguished. At this moment, when world attention remains focused on the unfortunate peoples of Poland and Afghanistan, we must not forsake the older struggle of the Baltic people for freedom and autonomy. They look to the United States as a source of moral support and unwavering commitment to the ideals of freedom and self-determination of people. We must do all that we can to help preserve the national consciousness and cultural integrity of these once-free states. Let us take this opportunity to remind the family of nations that by the continued subjugation of the Baltic States, and by other acts, the Soviet Union makes a mockery of the human rights provisions in its own constitution, the United Nations Charter, and the provisions of the Final Act of the Helsinki Accords.●

BALTIC FREEDOM

● Mr. LEVIN. Mr. President, in 1918 the Baltic Republics, born of the drive for self-determination, were established. Their respective national identities, traditionally linked to northern Europe and to the West were further defined and made whole during the two decades which followed.

In June 1940, when troops of the Soviet Union invaded and illegally annexed Estonia, Latvia, and Lithuania, they found flourishing societies, thriving agriculture, and modern industry. The Soviets immediately initiated a systematic campaign of russifying the Baltic peoples, a process harsh in scope and intensity. Pro-Soviet governments were imposed and forced fraudulent elections were held, which led to "petitions" that the states be incorporated into the Soviet Union. Soviet control was interrupted by the outbreak of hostilities with Germany, and the Baltic area became a battleground in the struggle between the two powers. The Soviet Union reimposed control as the war was coming to a close and carried out widespread arrests, deportations, and executions. The hundreds of thousands deported during the 1940's included politicians, military personnel, higher officials, writers and publishers, businessmen, and peasants.

The Soviet policy of substantially diminishing—with the aim of eventually eradicating—the cultural and social differences between the Baltic and Russian people has persisted for 43 years. It has been expressed in a variety of forms: forced relocation; assault on traditional Baltic family and religious values; the elimination of Latvian, Estonian, and Lithuanian languages and all ethnic traditions; the establishment of Russian as the official language in government, place names, and employment; job discrimination against Baltic people in their own homelands; prohibition against artistic portrayals of ethnic Baltic themes; and colonization of the Baltic by Russian colonists and the reduction of Balts to a minority in their own homelands. Although it would be difficult to match the single-minded fervor of the early days of the occupation, the Soviets have been tightening the screws in recent years against the objections of the Baltic peoples.

Resistance to Soviet rule remains, as it has for decades, the dominant factor of political life in the Baltic States. A proud sense of national identity springs from the history, culture, language, and religion of these determined people. The memory of political independence along the eastern shore of the Baltic Sea is still too near, too vivid for the Soviets to ease its imprint with improvised history and an imposed alien ideology.

True Baltic citizens, having once tasted freedom, know what it is worth and are simply not buying the Soviet line today any more than they bought it four decades ago. The large number of churchgoers, the stubborn insistence of the people on speaking their native tongues, and the renaissance of Baltic folk music all reflect a vigorous counter-campaign among Baltic citizens to protect their heritage, their culture, and their vast reservoir of human talent.

The attitude of Baltic youth is also telling. There are spontaneous demonstrations and increasing demands for more university courses to be taught in the native language. Overt protest against the Soviet regime is on the rise. The bold series of appeals to the Soviet leadership and to the outside world since the early 1970's have also drawn attention to the concerns and interests of Baltic and intellectuals, and reflect a diminishing reticence on their part. Their calls for greater respect for human rights and for a nuclear free zone extending to the Baltic shows a growing sophistication and a wide awareness of the political context in which the Baltic people live today. Underground publications containing dissident views are circulated widely

and, despite Soviet interference with the Radio Free Europe, Radio Liberty, and Voice of America broadcasts in Estonia, Latvia, and Lithuania, their messages continue to be heard.

In short, Moscow's attempt to draw the Baltic States into a more cohesive and supportive union with the Soviet network is not succeeding due to the determined spirit of the Baltic people.

It is essential that on this 43rd anniversary of Soviet annexation, the United States reaffirm its long-established policy of not recognizing the Soviet Union's forcible incorporation of Estonia, Latvia, and Lithuania into its borders. We must not, through inadvertance or inattention, forget or ignore the fate of nearly 8 million people. We must remain mindful of our obligation to seek a world in which the peoples of Estonia, Latvia, and Lithuania will once again join the family of nations, free to pursue their own lives and destinies without external interference.●

BALTIC FREEDOM DAY

● Mr. DOMENICI. Mr. President, today marks the 43d anniversary of the Soviet annexation of the Baltic States of Lithuania, Latvia, and Estonia. And while in designating this day as Baltic Freedom Day we have provided Baltic Americans an opportunity to join their countrymen in the mournful observance of the illegal occupation of their homeland, it is crucial that the United States continue to utilize every available means to release the grip that the Soviet Union has on these states.

Deprived of their most fundamental rights—the free expression of religion, the celebration of cultural and traditional holidays, and the liberty to pass on their rich heritage and language to their children—the Balts persist in their struggle for independence. We must reaffirm our ongoing support and admiration for their determination to free themselves from the oppression they have lived under all these years.

So, while this day is a somber one, it should also be one of hope. That the Balt's 43-year struggle has not dampened their sense of unity as a people serves to reinforce the notion that however strong an oppressor the Soviet Union might be, national pride and an attachment to one's history are equally formidable powers. Thus, as we lend our support to the Baltic objective of autonomy, so can we learn from them the immeasurable value of one's cultural heritage. It is my deepest hope that next year, rather than joining in a commemoration of the Soviet annexation of the Baltic States, we will be celebrating the victory of these people over the outrage of imperialism.●

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. First, I ask unanimous consent that the period for the transaction of routine morning business may be extended 10 minutes under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SALARY OF SENATORS

Mr. MATHIAS. Mr. President, there has been considerable conversation in this Chamber and throughout the Capitol and there has been some discussion in the press in the last few days on the subject of the salary of Members of the Senate. It is my opinion that the decisions that we took last Thursday, as well as those that we may take tomorrow on the subject of Senate pay, are not going to change the course of history, nor do I think they will alter the character of the Republic, nor will they even permanently alter the Senate. But, Mr. President, the decisions that we took last Thursday and that we may take tomorrow may very well affect the work of the Senate for a generation, so I think they must be taken seriously.

My impression is that many votes were cast on the basis of how they would be perceived at home, which is a right and proper basis. But I would say it is right and proper when there is a full understanding and a broad comprehension at home of all the facts upon which the decision is based.

Those who voted against a pay raise rightly judge that $60,000—even 60,000 inflated dollars—is still a lot of money in most places. Those who voted for a cap on honoraria rightly think that not only is a lot of money changing hands, but that under some circumstances, the practice looks unhealthy and suspicious.

But it seemed to me no one in that debate tried to establish what the Senate salary ought to be. It was easy to decide what it should not be, but we totally failed to determine, except by default, what is the right figure.

That is understandable, as it is a delicate subject.

If we set it too high, we will be charged with avarice or, at the very least, with exaggerated ideas of our own value.

If we set it too low, we not only price ourselves too cheap, but we limit the number of those who can challenge an incumbent Senator to youthful heirs of great fortunes or elderly business executives of ample means who want to fill their twilight hours with indoor work that does not require heavy lifting.

Serious men and women who must support themselves and educate their children could not even consider running for election to the U.S. Senate. While the salary may be $60,662, the take-home pay is about $30,000. It does not take many children in college to cost up to $20,000 so little more need be said about need.

But the salary should not be fixed on a basis of need, since everyone in the country would like an income based on need.

The Senate salary should be based on what Senate service is worth to the American people, not measured in hours of work, but in the weight of responsibility carried.

It would be in the selfish interest of Senators to fix an hourly compensation at some generally accepted professional rate, since most Senators work for many more than 40 hours a week. It might be argued that "perks" should be deducted and I would not object to that, although perks are not unknown in the private sector.

But then, I ask, what profession makes comparable demands to service in the U.S. Senate?

Here we do not merely apply the existing law to the facts; we apply the facts to formulate new law.

By merely existing, we force Presidents to exercise care in making appointments and, on occasion, we correct their errors.

By merely existing, we force Presidents to consider and reconsider questions of high policy in our relations with other nations.

If the Senate does not have the quality or character to make these powers effective, they would soon lose their force and their value to the American people.

It is impossible to put a dollar value on the discharge of such responsibilities that affect issues of life and death.

There is an historical approach that may be worth considering in attempting to estimate what is proper compensation for the Senate. In 1969, before the recent wave of inflation that dislocated the relation of values to each other, the Senate salary was $42,000. Since that date, the salary has risen to $60,662.50, but in the same period, the Consumer Price Index has risen 168.6 percent. If the index were to be applied to the salary of a Senator today it would be at an annual rate of $111,775.

The historical approach should not be employed as a sole method of determining Senators pay, but it offers at least some objective facts that can be considered.

There is a wide range of other factors to think about in trying to be fair. One is obviously the question of what is fair to the taxpayers. There are several components of that question. One is whether the taxpayers will get their money's worth however much they spend. Are Senators compensated at a level in which they can be reasonably expected to devote their whole time and full energy to Senate duties? At what level of compensation is it reasonable to expect that a Senator's energies will be diverted to moonlighting, to outside moneymaking activities, or to look to private means to supplement income, thereby diminishing the taxpayers return on their investment?

Finally, we can consider what the budgetary impact of the decision would be.

For example, the former Senator from New Jersey, Mr. Brady, proposed last year that Senate salaries be advanced to $125,000 per annum but that each Senator finance the increase out of allowances for staff salaries. Thus, he suggested a dual objective was served at no additional expense to the taxpayer by settling the pay issue and at the same time reducing the number of Senate staff slots, which I think he felt would be a desirable measure.

Now, not all Senators would agree with either objective, but I cite it as an approach that illustrates that creativity can be useful in dealing with a difficult problem.

Mr. President, I ask unanimous consent that a letter that I received from Senator Brady under date of September 3, 1982, and explaining his proposal be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, undoubtedly other factors will be considered, but my point this evening is that an attempt should be made to make a rational and sensible decision and not merely to decide this issue as a reaction to political fear and timidity.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, D.C., September 3, 1982.

Hon. CHARLES MCC. MATHIAS,
U.S. Senate,
Washington, D.C.

DEAR MAC: I have done a great deal of thinking about the low level of Congressional salaries. Although I recognize that this may be an untouchable subject in an election year, it is clear to me we will be in danger of populating Congress with mediocrities and/or rich people unless something is done about the level of Congressional pay. Therefore, I would like to suggest the following:

(1) Congressional pay be increased to $125,000 per year which compensation and payroll consultants inform me is consistent with the level that people in roughly comparable jobs such as hospital administrators, managers of professional organizations, university presidents, foundation presidents, etc., are currently receiving.

(2) The cost of such an increase would be approximately $35 million and would be funded by reducing Congressmen's office expenses (both Staff and Official) by a similar amount. Obviously, this has the enormous advantage of providing the pay increase without costing the taxpayer additional money.

(3) The proposal would also include simple mechanics so that any Member could return so much of the increase as he or she saw fit either by returning it to the Congress as a whole or by adding it back to his own staff account.

It seems to me that this proposition has great merit:

(a) It does not cost the taxpayer any additional money.

(b) Congress would not be unduly hampered by a lower staff commitment.

(c) Different Members obviously have different legitimate financial requirements and can cut the cloth to fit the suit.

(d) If enacted, any member who didn't like the plan could return the funds as a reduction of Congressional expenses and make a personal statement.

I would like to talk to you about implementing this matter on return from the Labor Day recess.

Sincerely,

NICK.

Mr. BAKER. Mr. President, I intend to speak on this subject tomorrow. I do not mean to use this late hour as a rehearsal, but prompted as I am by the excellent remarks of the Senator from Maryland I feel I should add a thought or two to go along with the insights and observations just given by the distinguished chairman of the Rules Committee, an outstanding Member of this body, a man who has a keen sensitivity for the essence of the American democracy.

Mr. President, I wonder sometimes how we lost our way in the continuing business of defining the role of Congress, for I am sure that the Founding Fathers never intended us to be what we are today, an aggregation of Senators elected by popular vote, committed full time to the legislative undertaking in the Federal City, returning to our homes for periodic visits on weekends and the occasional breaks from the legislative schedule that are afforded by Christmas, Memorial Day, the Fourth of July, and the like. We have become elected bureaucrats.

I am sure that was never intended by the Founding Fathers. It does not take a very keen student or a scholarly approach to the classic design of the American Republic to ascertain that the powers of Government were divided between the Congress, which I think of as the people's branch, to set the general policies of the Government in the name of the people, and the representative of the collective sovereign, to give the authority to execute those policies to the executive department, with all of these activities to be monitored by the court and by the sovereign itself. But for the life of me, I cannot see any place in the Constitution or the early documents of the Republic where it says Congress was supposed to compete with the bureaucracy in the detailed daily nitty-gritty of governing this country.

Now, that may sound esoteric and not very exciting and pretty theoretical, but I think that really is how we lost our way when we lost our self-image of the policy-setting people's branch of the Government.

Some of my friends and colleagues who may accidentally read these remarks have heard me make this speech before. I can recall so clearly when my father came to Congress many years ago. He came on the train from Tennessee, and it was an overnight trip. He came in January and he had no plans to go home before Easter certainly and maybe not until later in the spring. He never thought about moving his family permanently to Washington or giving up his home in Tennessee. For that matter, he never thought about giving up his profession or his business or his civic enterprises and interests. He was a Tennessean, temporarily in Washington to speak for the people of his congressional district.

Years later, I was elected to the Senate and I came in a jet airplane. It took an hour. I brought my family with me. I went home the following weekend; and I still go home almost every weekend for a hurried grazing pass at the people of my State, masquerading in the guise of a man trying to find out what is going on. And who in the world can find out what is going on in the people's minds on a Saturday or Sunday when people would rather not be talking to politicians to begin with.

Mr. President, my father came up here with two staff people, and when he went home he went back on the train, and he took two trunks with him. Until this good day, I will bet Members of the Senate do not understand, or most of them do not know why, they are entitled to two footlockers every year, but they are. The reason was that Members were expected to gather up their files in their office, put them in those footlockers, and send them home so that they could work with them for those 7 or 8 months of the year that they were expected to be home.

That little anacronism is still here. This is, you can go down to the Sergeant at Arms' office and still get your two trunks every year. I bet you cannot put your files in them, though.

Mr. President, my point is that I do not think we will ever solve this problem of pay for Members of Congress as long as we think of ourselves as permanent full-time employees of the Federal Government instead of the elected representatives of the people of our districts and States. I do not think we will ever solve this pay problem as long as we think of ourselves first and primarily as Federal employees who are supposed to be here 12 months of the year. We pass silly rules

and regulations and statutes that say we are forbidden to do anything else except come up here and legislate 12 months out of the year. I do not think we are ever going to pass enough to represent what we think we are worth, at least in relation to what we could make and did make before we came to Congress. I like to point out that when I came here in 1967, I was a wealthy young lawyer. I have gotten over all three of those conditions now.

Mr. President, the only way we will solve the problem is to redefine our role, and our role is to represent the people on major policy decisions and to transmit those judgments on policy to the executive department to execute, with us to supervise and the court to monitor for constitutionality.

That is why, Mr. President, I think the answer is not more money but less money. That is why I think we ought to be in session not 12 months out of the year but 6 or 7 months out of the year. That is why I think there ought to be a positive disincentive for the Senate to stay around instead of an incentive for us to do so. That is why I think that we ought to be paid on a basis that reflects a provision against us being out of pocket for our Federal services; it is our citizenship reward but not our livelihood.

That is why, Mr. President, I am convinced that we need to change our self-image and the definition of our role.

Mr. President, I would like to see us repeal all of those laws and statutes and all of those rules and regulations against outside earned income. It is the strangest expression of the American ethic to say that there is nothing wrong in having unlimited unearned income in the Congress but there is a prohibition against having more than x dollars of earned income. Where is the Puritan ethic in that? I would like to see us once more to be an aggregation of lawyers and doctors and farmers and architects. I would like to see us once again immersed in the business of our country so that we understand what it is about and what we are legislating about.

I would like to see us encouraged rather than prohibited from taking an active role in our communities' affairs, in the commerce and industry of this country.

Of course, there would have to be stern and stringent conflict-of-interest laws. Certainly, we would have to require absolute, full disclosure on where our income came from, earned or unearned, so that the essential political question of whether that money was something the electorate approved of or disapproved of was made by the electorate, not by Congress and not by an Ethics Committee of the House or the Senate.

I would like very much to see such fundamnental changes, but I know full well that they will not happen on a supplemental appropriations bill; and they will not happen this session of Congress, and perhaps they will not happen in the year and a half I have remaining of my term in the Senate.

All that says to me is to preach the sermon more often, because we are never going to solve the problem of pay and allowances for Members of Congress as long as we are primarily elected bureaucrats, as long as we are employees of the Federal Government, instead of citizen legislators.

We are never going to get over the business of passing thousand-page bills until we get over that. I come to the floor sometimes and look at a piece of legislation—I have picked up one at random, which is the supplemental appropriations bill. It is a half-inch thick and 125 pages long. I believe there are not more than 10 Members of the Senate who have read it all the way through, and I do not blame them. Incidentally, I am not one of the 10.

Mr. President, I have come to the floor occasionally and seen bills that were 500 pages long, or 1,000. I saw one once that was 1,200 pages. That is not why we are in business. When I read through one of those bills, it seems like the Federal Register instead of the United States Code. It reads like a bunch of proposed rules and regulations instead of statute law. It appears like the product of a bunch of anonymous bureaucrats instead of elected Senators. It sounds like we do not know what we are supposed to be doing, and we do not.

We are the trustees of the ultimate sovereignty. The ultimate sovereignty in this country is the full expression of the desires and the demands and the dissent of the people of this Nation, expressed through their elected representatives.

We will not in our lifetime really know what the range of those desires and demands and dissent may be if we stay on the banks of the Potomac 12 months of the year.

So it is not just a question of pay; it is a question of our function. I think that one of these days we have to reexamine the fundamental role of Congress in relation to this magnificent country of ours and its role in this inspired federal system that our Founding Fathers gave us.

Once again, I thank the Senator from Maryland for his excellent presentation.

I apologize to my colleagues for my inability to resist preaching this sermon one more time, and I apologize to the Public Printer for the excess RECORD he will have to print tomorrow.

Mr. MATHIAS. Mr. President, if my brief remarks on the subject of Senate salaries has no other result than to evoke the eloquence of the majority leader, I think they have already served some useful purpose.

I have a high degree of sympathy for the sentiments he has expressed. I think it is a curious question as to why we consider that dividends in very large amounts, representing property interests in corporations, should be considered as not tainted in any degree with suspicion of self-interest; whereas, a modest honorarium is immediately branded as the subject of suspicion and conflict of interest.

Mr. BAKER. Mr. President, I do not wish to elaborate on that unduly; but one of my colleagues said today—and this is not directed toward any Senator, but to illustrate the point—"Why is it wrong for me to take a $2,000 honorarium from the American Bankers Association to make a speech to them, when it is not wrong for someone to receive $100,000 in dividends from his bank?"

It is a good question, Mr. President, and one that I think cannot be answered because I believe we are barking up the wrong tree.

Mr. MATHIAS. That very question is the sort of thing the Senate has to consider when we get into this whole difficult question of pay raise, of compensation, and of outside income. I do not think we can make snap decisions without looking at the whole picture.

So far as the majority leader's thoughts on the subject of the function of Congress are concerned, I recall very well my years of service in the other body with Representative Thomas Curtis of Missouri. He held very similar views.

He felt that we had gone too far in sanitizing Congress; that lawyers who had to be told what the state of the courts was, or farmers who had to be told what the state of agriculture was, or businessmen who had to be told what the state of commerce and business was, were going to be less effective as representatives than lawyers and bankers and businessmen or other professions or callings in life who knew what the state of their particular profession was because they practiced it, because they spent several months a year in the active pursuit of that profession, that calling, that trade, that craft, whatever it might be. They knew what was going on in the country because they were part of the country and not divorced from the country and living in this kind of hot house atmosphere that has been created on Capitol Hill.

But I think what comes clear out of some thought on this subject, Mr. President, is that you cannot have it both ways. You can totally sanitize Congress by prophylactic measures but then you cannot expect Congress to maintain its quality and its character without providing for some compensatory financial provision for the

Members of Congress. On the other hand, if you live in a less sanitized atmosphere Members can then acquire other means of supporting themselves but you then pay the price of having some perception of conflict of interest.

But these are the kinds of things that need to be debated, that need to be brought out on the surface, so that people then can make a judgment as between the different course of action that we should take.

What is wrong in my judgment is simply to react hastily and without this kind of discussion which after all educates the country as well as ourselves on what the various alternatives are and choose the best of the very difficult decisions that can be made.

It is not an easy matter. It is a matter which we all approach with some fear and trepidation, with some concern we are going to be misunderstood and misinterpreted, but if we are to do the job which the Constitution assigns to us, perhaps the toughest job that the Constitution imposes on us, to set our own salary, then I think we owe it to the country as well as to ourselves to consider all of the options, not to make decisions on horseback, but consider all of the options and decide what is in the best interests of the people of the United States.

Mr. BAKER. Mr. President, will the Senator yield to me one more moment?

Mr. MATHIAS. I yield.

Mr. BAKER. Mr. President, I have an idea, and I meant to say this earlier and I forgot, that the Founding Fathers who did such an extraordinary job of constructing this edifice of self-government for us maybe did not have any better ideas than we do at the moment about how to handle the pay and allowance question.

I have been told by my staff, and I have not seen the research papers to verify this, this was a matter of considerable debate and there was once proposed a further amendment to the Constitution as part of the Bill of Rights so-called, but it was not adopted because the delegates could not agree on what that proviso should be.

Mr. President, I have thought long and hard about this business of the fundamental conflict of interest that exists in Members of Congress setting their own salaries. It is one that we demonstrate so frequently that we are institutionally incapable of dealing with that patent conflict of interest, that is, setting our own salary.

I think we are going to have to do something constitutionally about it.

I joined with the distinuished Senator from Louisiana (Mr. LONG) who is a former chairman of the Finance Committee and, if he will permit me to say so, a fixture on the political scene in this country, in introducing Senate Joint Resolution 1, which is a proposed constitutional amendment which would provide that the business of setting the compensation for Members of Congress shall be taken away from Congress and given to a constitutional pay commission.

I think that is the only way we are going to finally solve this problem unless we go back to the citizen-legislator, the citizen-Congress concept.

So I intend to ask the distinguished chairman of the Judiciary Committee, Mr. THURMOND, to report that resolution so the Congress can debate it yet this year and, perhaps, adopt it, and send it on down to the House and ultimately to the several States for their consideration.

But in the meantime, Mr. President, we have this supplemental appropriations bill before us, and we have to deal with this issue, and we will do that tomorrow. I think the Senator from Maryland has given us some very valuable advice, and I thank him for it.

Mr. President, I have spoken far longer than I intended, and I see no other Senator seeking recognition.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, in accordance with the order previously entered, I move that the Senate now stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:50 p.m. the Senate recessed until Wednesday, June 15, 1983, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 14, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
June 13, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, June 14, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D. offered the following prayer:

Lift our eyes, O God, above the immediate tasks that confront us, so that we may see the plan of Your creation and the majesty of Your purpose. May we recognize that we were created to live in harmony with nature and in peace with the human family. Help us put aside any greed that strives for selfish gain or causes us to use our neighbor for our own purpose, but focusing on Your love, may we be messengers of understanding and doers of justice in our communities and world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FIELDS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FIELDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 375, nays 20, answered "present" 6, not voting 31, as follows:

[Roll No. 185]

YEAS—375

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chapple
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Cooper
Coughlin
Coyne
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Dreier
Duncan
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harrison
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (MO)
Zablocki
Zschau

NAYS—20

Clay
Craig
Dickinson
Durbin
Emerson
Evans (IA)
Fields
Forsythe
Gejdenson
Harkin
Miller (CA)
Penny
Richardson
Roemer
Sabo
Sikorski
Solomon
Walker
Yates
Young (AK)

ANSWERED "PRESENT"—6

Edgar
Jacobs
Lundine
Oberstar
Ottinger
St Germain

NOT VOTING—31

Applegate
Berman
Collins
Conyers
Corcoran
Courter
Crockett
Dowdy
Fiedler
Flippo
Gaydos
Goodling
Hansen (ID)
Hawkins
Heftel
Hutto
Kolter
LaFalce
Leach
Markey
Martin (NC)
Martinez
McKinney
Mitchell
Murphy
Rodino
Schroeder
Skeen
Sundquist
Udall
Young (FL)

☐ 1215

Mr. SIKORSKI changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

A TRIBUTE TO THE LATE HONORABLE WILLIAM MUNFORD TUCK

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, last Thursday, June 9, Virginia lost one of its most illustrious sons—former Governor and Congressman William Munford Tuck.

Bill Tuck was an institution in the Old Dominion—whose public service in Richmond and Washington brought distinction to him personally and to the people he so ably represented.

Many men of greatness shine as a beacon in their time, only to be enhanced or relegated by historians of later years. Bill was always one who stood out wherever he was—and made his mark in history by what he said and what he did, in a way not matched by many of his peers.

His booming voice, his forthright manner, his friendly handshake and his marvelous sense of humor will be remembered for many years to come by all those who knew him. There was never any guesswork as to where he stood, not much mystery as to what his course of action would be, but constant assurance that he never forgot a friend.

His friends and supporters remembered him often at the ballot box—electing him to the Virginia House of Delegates (1924–32), the State senate (1932–42), Lieutenant Governor (1942–46), Governor (1946–50) and the House of Representatives (1953–69), when it was my privilege to succeed him.

Bill Tuck never forgot the rewards of those who elected him, and in every office he held, his concern for people as individuals permeated his service. Almost everyone who knew him can come forth with a "Bill Tuck anecdote" because at every level of his associations, there was a genuineness of fellowship that made thousands feel as though they knew him personally.

His record as Governor of the Commonwealth of Virginia was marked by memorable events. His service in this body was no less a tribute to his memory. On the House Judiciary Committee and the Un-American Activities Committee, he approached matters of national concern just as he did those back in Virginia. "The Governor," as he was affectionately known, never quite saw the world as complicated and overwhelming as most of us do, and his direct, unadorned approach often paid off.

Bill loved Southside, Va., from which he came, and always fashioned himself as a country lawyer who represented his people the best he knew how. In his day, he was probably known personally by more people, and knew more Virginians by name, than any man in the State. He loved people—and usually saw issues in terms of those whom they affected.

He could command the English language as few orators of his time and fashion phrases that had a way of lasting. He served in the Marines during World War I, attended the College of William and Mary and was graduated from the Law School of Washington and Lee University. He was a member of numerous organizations over the years and left his imprint on most of them.

Of many men and women it can be said that they lived a full life—and of Bill Tuck it can be especially said that he enjoyed it to the fullest. Whether it be country music, gospel singing, sports, political gatherings, or just conversation with old friends, he was at home. We shall remember him—and we shall miss him.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I just want to thank the gentleman from Virginia, Mr. DANIEL, for calling the attention of the House to the sad passing of Governor Tuck. I had the privilege of serving on the Judiciary Committee with Governor Tuck, and we had one thing very firmly in common. When Governor Tuck served here, he and I were the only two Members of the House of Representatives who were former enlisted marines. We will miss him a great deal.

GENERAL LEAVE

Mr. DANIEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of my dear friend, the late Honorable William Munford Tuck.

The SPEAKER pro tempore (Mr. ECKART). Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMERICA'S SCHOOLCHILDREN WOULD BEAR THE BRUNT OF EDUCATION CUTS

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, President Reagan claims to be concerned about the quality of education in this country. He claims to be the friend of children in New York City and around the country who need a strong public education system to realize their potential for achievement.

With friends like the President, America's children cannot afford enemies.

Let us discuss the President's record on funding for public education. Cuts in elementary school programs, cuts for handicapped children, cuts for disadvantaged kids. He does not understand that those cuts mean fewer teachers, fewer books, scaled-back curricula.

As a former teacher, as a parent, and as a public official who supports more tuition tax credits and a strong Federal commitment to public education, I want to tell the President this.

When you cut education funding, and when you beat up on teachers, the people who get hurt the most are America's schoolchildren.

PRESIDENT REAGAN AND EDUCATION

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, recently my attention was captured by a television advertisement in which a small boy was sitting in the cockpit of a fighter jet staring blankly at the instruments. The message of the advertisement was that without good education we cannot have good defense. I did not realize the chilling objectivity contained in that statement until I learned that one-fourth of the recruits to our Navy cannot read well enough to understand simple safety instructions. Far from being able to defend our country, these recruits are not able to defend even themselves.

We have a President whose main concern appears to be national defense. He is willing to mortgage every aspect of domestic support to satisfy an unquenchable thirst for new military gadgetry. Yet, when it comes to providing a little support to educate young people to the point where they might have some hope of operating that gadgetry—or of negotiating a lasting peace—he says the solution is merit pay for teachers. You and I know that teacher pay has always been determined at State and local levels. You and I know that any crafty politician who wants to turn criticism away from his own failings will present to the public an issue that captures attention but over which the politician has little control. That is what our President is doing.

The education of our children is not a matter that we can afford to treat as lightly as the President treats it. When he tries to tell us that the Federal Government spends more on education than it does on defense, we need to tell him that combined the Federal, State, and local governments spend less than half of what he wants for defense. Every responsible American must bring the message home to Mr. Reagan that a national crisis demands a responsible national solution. Mr. President, we do not need smoke-

screens. We need meaningful solutions. And we need them now.

□ 1230

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT WHILE HOUSE IS READING FOR AMENDMENT UNDER 5-MINUTE RULE ON TUESDAY AND WEDNESDAY, JUNE 14 AND 15, 1983

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Tuesday and Wednesday, June 14 and 15.

The purpose of the permission is to allow markup of the following bills, all of which have been sequentially referred to the Committee on the Judiciary. The sequential referrals on the first three bills listed end on June 15.

H.R. 2867, to amend the Solid Waste Disposal Act;

H.R. 2970, Federal Trade Commission Authorization Act;

H.R. 2797, Department of Energy National Security and Military Applications of Nuclear Energy Authorization;

H.R. 1878, Shipping Act of 1983, on which the sequential ends June 30.

The minority has been consulted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF COMMITTEE ON THE JUDICIARY TO SIT WHILE HOUSE IS READING FOR AMENDMENT UNDER 5-MINUTE RULE ON TUESDAY, JUNE 14, AND THURSDAY, JUNE 16, 1983

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on Tuesday, June 14 and Thursday, June 16, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of these subcommittee meetings is to conduct hearings on H.R. 2327 and related regulatory reform bills.

The minority has been consulted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SANCTITY OF MEMBERS' TESTIMONY VITAL TO PROPER FUNCTIONING OF COMMITTEE SYSTEM

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, it came to my attention last week that serious alterations have appeared in the printed transcript of a joint hearing held last year by a Government Operations subcommittee, along with two Science and Technology subcommittees and two Energy and Commerce subcommittees. The alterations have the effect of substantially changing the testimony of three participating members.

The sanctity of members' testimony is vital to the proper functioning of the committee system. As chairman of the Committee on Government Operations, there is no responsibility I take more seriously than that of assuring the integrity of the committee's records and publications.

An investigation by the Government Operations Committee and Science and Technology Committee staffs since the discovery of this particular problem has not revealed when or how the alterations occurred. However, I want to assure the Members of this House that the Committee on Government Operations appreciates the seriousness of the problem, that we are making every effort to determine the facts and to find a remedy that will minimize any damage that may have resulted. Congressman DON FUQUA, chairman of the Committee on Science and Technology joins me in this concern. We plan to consult as soon as possible with all affected members so that we can arrive at some agreed-upon procedure.

MAJOR NEW LEGISLATION TO STRENGTHEN FEDERAL PIPELINE SAFETY PROGRAM

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I am today introducing major new legislation to strengthen the Federal pipeline safety program and close the gaping loopholes in current law regarding pipeline accidents across the Nation.

Pipeline safety is too often somebody else's problem—until gasoline or some other hazardous liquid appears in our backyard or across the street in a neighbor's. Across the country there exists old pipelines which are leaking or spilling thousands of gallons of hazardous liquids in residential, commercial and agricultural areas.

My legislation, the Pipeline Structural Integrity Act, was prompted by the poor record of the Williams Pipe Line Co. and other companies with long histories of pipeline failures.

Since 1977, the Williams Pipe Line Co. has spilled nearly 3 million gallons of hazardous liquids in 12 States. In my own State of Minnesota, the company's leaks have totaled approximately 800,000 gallons in the past 6 years. Those leaks include one in which thousands of gallons spilled on a farm in rural Minnesota and another in which 12 homes were contaminated when a pipeline ruptured gasoline in a residential suburb of the Twin Cities. The Williams Pipe Line Co. is a classic example of why my legislation is necessary.

Our existing pipeline safety program—if we can even call it that—is a disgrace.

My bill will close loopholes in the existing Hazardous Liquid Pipeline Safety Act of 1979. That law is inadequate to deal with the problem of corrosive leaks which are the cause of many recent accidents.

It is really a catch-22 situation. A pipeline company is required to repair corrosion when it is found in a pipeline, but there is no requirement that a company look for corrosion on a systematic basis. When a pipeline is so corroded it leaks in one spot, the company is only required to patch that spot. In many cases, the law does not require testing of the overall structural integrity of the line so that future problem sections can be repaired or replaced before they leak. This is the reason we find leak after leak in the same line even after repairs have been made.

The Pipeline Structural Integrity Act is aimed at reducing the possibility of leaks before they happen. It will require periodic testing by the owners of pipelines carrying hazardous substances. The Secretary of Transportation will be required to oversee the testing and will have the discretion to require certain pipelines to undergo more frequent testing.

Many pipeline systems in our country are more than a half century old. They run under neighborhoods and commercial areas because they were laid before there were any laws preventing this. Pipeline corrosion-control systems did not become available until the 1950's, so there were years and years when these pipelines had no viable protection.

Pipeline leaks are serious business. Gasoline and other hazardous liquids are coming up where kids play and people work. And there is no law to effectively prevent this from happening by requiring regular testing of a pipeline's structural integrity. I urge your support for my legislation.

PRESIDENT RESUMES HIS EDUCATION ROAD SHOW

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, today as the President resumes his education road show, our first lesson ought to be to pay close attention to what the President has done, not to what he says.

The President declares his commitment to excellence in education, but his legislative and budget proposals lead to the curtailment of a national strategy in achieving that excellence.

He insists that he has only slowed the growth of the education budget, but there have been real and drastic cuts in Federal aid to elementary, secondary and vocational schools.

There has been a $200 million cut in Pell grants. The guaranteed student loan program has been cut by 37 percent. The social security student benefit for the children of widows has been eliminated and the Federal share of education for the handicapped has been slashed by more than one-third.

Still, the President has demanded that we make even more cuts in our support for public education.

I agree that Federal tax dollars alone will not solve the current educational crisis in this Nation; but it is equally true that the crisis cannot be solved without Federal dollars.

The President's rhetoric will not change those facts.

THE IMPORTANCE OF REVENUE SHARING FUNDS

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, the general revenue sharing program, begun by the State and Local Assistance Act of 1972, as amended in 1976, is scheduled to expire on September 30 of this year. As the deadline approaches, and as the debate between the proponents and opponents of the revenue sharing concept intensifies, I rise this morning to emphasize before the Members of this body the importance of revenue sharing funds to the fiscal soundness and stability of the units of local government within my congressional district in northeastern Pennsylvania.

Mr. Speaker, the Pennsylvania League of Cities has conducted an extensive survey of the impact of revenue sharing within the Commonwealth, and its findings are compelling evidence of the need to continue, if not expand, this program. For example, the league survey reveals that within my own 11th District, expressed as a percentage of locally raised revenue, Federal revenue sharing funds amount to fully 16 percent.

Even more dramatically, if revenue sharing funds had to be replaced by property taxes within my district, the necessary increase would be a staggering 86.6 percent. The people of my district, Mr. Speaker, where unemployment far exceeds the national average, and where so many of our citizens are older, and live on fixed incomes, could simply never afford to pay this staggering increase in property taxes.

The fact is that more than 70 percent of the municipalities within my district have indicated that it would be necessary for them to increase taxes, in addition to curtailing services, if this source of funding were not available to them.

The question has arisen before the other body as to whether to change the distribution formula if the funding level for this program is to be increased. I am opposed to changing this formula at the present time. We know from past experience that any such change will have a delaying effect because of changes in the distribution of funds to municipalities that would result from such an action. If changes in the formula are considered for implementation, it is my view that this should be done only after the program has been reauthorized and only after a thorough study has been completed. Any delay in the prompt reauthorization of this program will cause difficulties in the preparation of local government budgets, as officials will not be able to budget a line item for revenue sharing funds, thus necessitating the preparation of contingency budgets with tax increases and personnel layoffs as an integral part of any alternative budgets.

It is for all of these reasons, Mr. Speaker, that I urge the Members of this House, and my colleagues in the Senate, to act promptly in the renewal of the revenue sharing program.

CONGRESSIONAL FAST AND PRAYER VIGIL FOR SOVIET JEWRY

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, each passing day extends the human suffering of 2 million Jews living in the Soviet Union.

With each day, the pain of forced imprisonment within the country of their birth ravages the spirit of the more than one-half million Soviet Jews who have applied to emigrate. Their longing for religious and intellectual freedom has brought only heartbreak, shattered lives, incarceration and forced separation from families and loved ones.

Each day is another day of travesty to the spirit which led the nations of the world to formulate the Helsinki Accords and the United Nations Universal Declaration of Human Rights. It is not enough that the Soviet state restricts cultural and religious expression among its Jewish population, as it does with all ethnic groups within its borders. Instead, it also dangles freedom cruelly before those who would leave, only to snatch it away on a political whim. And when protests are heard, the next sound is the crashing shut of prison gates.

As a beacon of truth in a sometimes darkened world, this Nation must not let the plight of Soviet Jews pass silently through time. Our efforts must continue on many fronts to expose the injustice and intolerance of the Soviet regime to the world. In this spirit, I urge my colleagues to join Mr. Porter and myself on July 14 for a day of reflection and symbolic protest. The Congressional Fast and Prayer Vigil for Soviet Jewry will show our solidarity with the oppressed victims of Soviet contempt for human dignity.

CHILD PORNOGRAPHY

(Mr. HUGHES asked and was given permission to address the House for 1 minutes and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, on behalf of myself and Mr. SAWYER I am today introducing a bill to amend the Child Pornography Act of 1977. We have now had the opportunity to examine 5 years of experience with this law, which we passed to get at the despicable practice of posing children in explicit sex acts in order to film or photograph them and distribute the products in interstate commerce.

We have had some success with this law, but there are some shortcomings in it which prevent it from being fully effective. Last year the U.S. Supreme Court cleared the way for curing one of these shortcomings when it unanimously ruled that laws designed to stamp out child pornography need not require that the material depicting children in sex acts be proven legally obscene before its distribution can be penalized.

We were reluctant to impose an obscenity requirement when we processed the legislation 6 years ago, but did so out of an abundance of caution, and upon the advice of the Justice Department, which felt that the courts might rule that even this totally odious material is protected by the Constitution. The highest court in the land had clearly ruled that it is not, and my bill deletes this requirement.

A second change needed is one which eliminates the requirement that persons distributing such materials in interstate commerce do so for purposes of sale. Many pedophiles trade and exchange these materials without transacting sales, and there is no reason to limit the prohibition to commercial transaction.

In last year's Supreme Court decision, some members of the Court expressed concern that laws designed for the commendable purpose of protecting children from sexual abuse might unintentionally reach too far, and encompass material which has legitimate literary, scientific, or artistic value. Our bill makes provision for the courts to consider any such value the material may have in situations in which the risk of harm to the child is very slight. We would also close a loophole which permits producers of these materials to escape punishment unless they are actually caught abusing the children, and would increase fines to a more realistic level. We believe these changes should give our law enforcement angencies better tools to combat this repulsive practice.

THE DULL EDGE OF ECONOMIC RECOVERY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I have great concern that any current economic improvement that is occurring is temporary. In my home city of Wichita, Kans., it was just announced on Friday that 750 Beech Aircraft Corp. workers will be laid off next week. The company in saying that cited a less than expected increase in retail sales.

The chairman of the company indicated:

> We fully believe that the national economy is recovering; but unfortunately, we are not yet on the leading edge of this recovery.

Sadly, it seems to me that the leading edge of this Reagan recovery is very, very dull, and that millions and millions of Americans may be mislead by rhetoric on television and radio which indicates that a recovery is coming and all we need to do is to wait for it, folks; when, in fact, more and more folks may be in the unemployment lines and interest rates will go up.

So I say in conclusion that the status quo on national policy is no good; it does not, unfortunately, look like economic recovery is at hand. It looks like a lot of folks unfortunately may be in the unemployment lines in the future and one would hope that we would be able to change our Government policy, to revise the administration's economic policy, particularly with respect to the enormous deficits, in order to make sure that the Beech layoffs do not become widespread.

UNEMPLOYMENT EXTENDED BENEFITS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. KAPTUR. Mr. Speaker, I rise today on behalf of all those workers in my home State of Ohio who are no longer listed on the official unemployment roles, not because they are going back to work, but because they have been out of work so long, they no longer receive unemployment benefits. Last month, Ohio lost State extended unemployment benefits because its insured unemployment rate went down. I assure you, Mr. Speaker, Ohio's rate is going down only because the average duration of unemployment is going up. Ohioans will be receiving fewer benefits despite the fact that our unemployment has been higher and lasted longer than other States that still qualify for extended benefits.

It is a cruel benefit system whose calculation process makes a deteriorating situation appear to be improving. Two bills introduced by our colleague DON PEASE, H.R. 3196 and 3197, will return unemployment compensation law to its status prior to the misguided Reconciliation Act of 1981. If we pass this legislation, unemployment compensation will once again realistically reflect the problems it was designed to address. I urge my colleagues to support these bills to let the Americans who are out of work know that they are not forgotten.

The following letter received in June 1983 from a constituent in Delta, Ohio, is representative of the continuing plight faced by the many jobless in my district.

> DEAR CONGRESSWOMAN KAPTUR: I have a real problem. I'm unemployed, and have been for over a year and a half.
>
> Now before you label me as a lazy slob, let me tell you what I've done.
>
> I have applied for over 300 jobs. Usually for every opening there are hundreds of able bodied applicants. For one job, I stood in line for five hours.
>
> I am tired of filling out employment forms! I do not say that to be funny, I say it because I'm mad. I'm tired, I'm scared.
>
> How will I keep the car we have, and make the payments on mobile home we "survive" in?
>
> I am a skilled craftsman. I am a carpenter that many people want to hire, but they can't. I started going door to door to find "odd jobs" to keep food on the table. Even that has slowed down to almost nothing.
>
> If Uncle Ronald thinks this depression is over, he's only fooling himself. We know that it's still here, and it still hurts!
>
> Tell him to get off his MX and get us back to work!

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THE CHALLENGE TO AMERICAN EDUCATION

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, today as President Reagan embarks upon his trip to Knoxville to sing the praises of American education—I believe his record on behalf of the schools—the teachers—and the students of our Nation should be set straight. In the last 2 years, we have witnessed an unprecedented attack on the Federal education budget to the tune of over $5 billion in cuts.

At the same time, we have a national blue ribbon panel which has detailed the disasterous decline in the achievement of students in our schools today.

I stand here today not to condemn the President—but rather—to urge that we build upon the many successes of American education—that we seize the opportunity before us with all eyes focused on finding answers to the problems we face today.

Let us not forget that there are countless good points to the gloom and doom that we have heard about: since 1950, the dropout rate has fallen from 39 percent to 14 percent—college enrollment has jumped from 3 million in 1960 to 12 million today, and 57 percent of our children now attend kindergarten as compared to the 37 percent 10 years ago. Funding for education has jumped from $25 billion in 1960 to $200 billion in 1982. I am introducing legislation today that will establish a national summit meeting on education. All members of the education community would be invited to help make recommendations on how to make sure that our schools and colleges remain bastions of achievement—and not the makers of mediocrity.

JASON AVERBACH—OUTSTANDING YOUNG AMERICAN

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, the Walt Disney Productions, as a part of its program of honoring young people in the schools of our country, has selected a young man named Jason Averbach, 11 years old, who has just finished the sixth grade in Treasure Island Elementary School, Miami Beach, in my district, to realize his very deeply felt ambition to be a page of this House. By appointment of the Honorable JOSEPH MOAKLEY, chairman of the Personnel Committee of the House, Jason is on the floor here today, back at the pages' desk, an honorary page for the day.

He is a young man of already great distinction. He was captain of his school patrol. He is on his school's honor roll. He has achieved first place in an oratorical contest in his school, and he was voted in his school superior in contribution to his school.

I think it is heartening for all of us to know that a young man of his tender years has the ambition to be a lawyer and to be in public life and that he has dreamed at some time to be a Member of this honorable body. I am proud of Jason and his great family.

If Members have time this afternoon to say hello to him back there I am sure it would be encouraging to him.

VOCATIONAL EDUCATION

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, recently, I conducted a vocational education factfinding mission to my district in Wisconsin in conjunction with the Education and Labor Committee's expected reauthorization of the Vocational Education Act. I met with many administrators, teachers, and students to discuss the needs of our Nation's vocational education system.

It became quite clear to me that vocational education will offer a large contribution to our Nation's efforts to retrain and train Americans of all ages.

The teachers and administrators I spoke with indicated a pressing need in two areas left unemphasized by our current Vocational Education Act. First, and most obvious, is funding for high-technology equipment and training programs. Unquestionably, our Nation is rapidly moving to a computer-oriented and increasingly automated society. The ability of our work force to operate and repair these machines is essential to a competitive economy into the next century.

Second, the reach of vocational education at all levels can be rapidly expanded through the use of modern communications and telecommunications equipment technologies. Obviously, we need to reach many individuals who are unable to attend our schools and training centers. The use of television, radio, and other communications techniques to expand the scope of vocational education to the handicapped, homemaker, farmer, and others is a pressing need which we must rapidly fill.

With these needs in mind, I introduced yesterday two pieces of legislation which would make these activities and programs allowable for funding under the basic State grant.

The issue of whether or not we should increase the total Federal expenditure is not addressed in these bills. Rather, I beleive we can all agree that for whatever amount is spent at the Federal level, these two instructional services ought to be allowed. And I invite my colleagues to join me in updating the Vocational Education Act in this regard.

THE PASSING OF HON. AUGUSTUS W. BENNET

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I have the sad duty of reporting to the House the passing away of a former colleague, who represented New York State's mid-Hudson Valley region in this Chamber.

Augustus Witschief Bennet served only one term in the U.S. House of Representatives, from 1945 to 1947, but he was one of the most respected attorneys and community leaders in our region, and especially in his hometown, Newburgh, N.Y. Even before his election to the 79th Congress, Gus Bennet had founded the Newburgh Community Chest, was the guiding force behind the Newburgh YMCA, and had a hand in many other worthwhile civic endeavors.

Mr. Bennet was the son of William Siles Bennet, who represented Orange County, N.Y., in the House of Representatives from 1905 to 1911, enabling him to learn about politics and the working of this body at an exceptionally early age. Gus began the practice of law in the city of Newburgh in 1921—a practice in which he remained active until his retirement only 3 years ago.

Gus Bennet served as president of the Newburgh Rotary in 1926-27, and maintained an active membership until his passing.

Thirty years after leaving the House, Gus Bennet was still performing community services, continuing to chair his region's United Fund, well after his 80th birthday.

Throughout his life, Gus Bennet encouraged younger people to get involved in politics and to render community service. Many of us are indebted to him for his concerns.

In 1978, at 81 years of age, Gus Bennet received the Distinguished Service Award from the Newburgh Jaycees for his continued civic and charitable activities.

Last week, we lost Gus while he was enjoying a well-deserved and long-postponed retirement in California. To his widow Maxine, to his two daughters and to his son, and to his many grandchildren and loved ones, we offer our deepest condolences.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character and public service of the late Honorable Augustus W. Bennet.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXCESSIVE WAGES FOR SELECT GROUP OF FEDERAL EMPLOYEES

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, for over a decade the issue of excessive wages for a certain select group of Federal employees has been a subject of a good deal of controversy in the House but little has been accomplished.

Just recently the GAO, upon the request of several Members of Congress, has completed its third comprehensive report evaluating the question of these wage disparities.

Today I am introducing legislation which will address these problems. As outlined in the June 3, 1983, GAO report on GPO wages, this report revealed the following astounding facts:

GPO craft and industrial employees are paid $3,222 to $17,879 more per year than General Schedule or Federal wage system employees in similar occupations. Indeed, my colleagues should be interested to note that people who are working for the Government Printing Office in other parts of the country, doing identical work, are involved in these wage disparities. They are being treated unequally to their colleagues here in Washington, D.C.

My bill is designed to cover these inequities and I ask Members to review it with care and join me in cosponsorship.

REPRESENTATIVE ROUKEMA INTRODUCES LEGISLATION ON CHILD SUPPORT

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, and my colleagues. This Sunday, June 19, we celebrate Father's Day—a national tribute to one of the oldest institutions of civilized man. On Father's Day, we express our love and devotion to those heroic men who stand 10 feet tall in the eyes of their children. Men who unflinchingly give of themselves

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to provide the material and spiritual sustenance to their children.

Yet, Mr. Speaker, in recent years, a shadow has fallen across this revered holiday for millions of America's children. The shadow has grown blacker, and become a shameful blot, threatening to poison the lifeblood of our society.

The number of fathers who refuse to comply with court decrees and to pay for child support has grown to epidemic proportions. Their criminal neglect is depriving millions of innocent children of basic necessities—food, clothing, shelter—not to mention education and a helping hand as they enter the world of work—and at times forcing them onto welfare roles.

For example, a typical case is that of a divorced working mother, with a court order for child support, who must time and time again return to court to hear from the judge, "He must pay or else."

But there is no "or else"—crowded court dockets and astronomical legal bills prevent this mother from ever really winning.

Other fathers skip from State to State. Going on welfare is frequently the last desperate recourse for the family.

There is no national enforceable system of justice for these children. And the children are the victims.

We as legislators must remedy this shameful system. No mother, no child should have to bear the burden of endless and debasing legal battles before they can receive the rightful support which due process has decreed.

For these reasons, I am introducing legislation this week that will initiate a national response to this national problem. The details of this legislation are inserted in the Extension of Remarks today.

FORT WAYNE, IND.—THE MOST LIVABLE ALL-AMERICAN U.S. CITY

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, one of the nice things that we get to do occasionally here in Congress is to stand up and brag a little bit about our district or our hometown. I have not been in Congress that long but I have had the extraordinary opportunity to be up here several times to inform my colleagues of some extraordinary achievements in the Fourth District of Indiana.

All of us remember the national recognition received by the more than 30,000 youngsters that helped man the dikes and save our city from the floods of 1982. In February I had the great privilege and distinction of announcing to my colleagues that Fort Wayne, Ind., had received the All-American City Award.

Today it is another award. Fort Wayne, in competition with 50 other cities around the country, has nosed out such notables as Charleston, S.C., for the title of the most livable city in the United States. As Patricia Barrio, a spokeswoman for the U.S. Conference of Mayors, said, "In all, the judges were quite captivated by Fort Wayne."

Now the rest of the United States knows what we in Fort Wayne always knew; namely, that we are the most livable all-American city in the Nation.

Nice going, Fort Wayne. I love you.

CONTINUING FIGHT IN THE WAR ON DRUGS

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Speaker, the concentrated campaign to intercept illegal drug traffic which has been undertaken in south Florida has indeed shown dramatic results, and I am pleased to learn that the administration proposes to expand the war on drugs to all vulnerable border points. In fact, the success of the Florida effort has forced drug smugglers to other U.S. points of entry, illustrating the need for a coordinated, nationwide program. The growing drug problem is clearly national in scope, well beyond the capabilities of individual States. Additionally, the expanded drug war will target all foreign drug traffic, not just that arising from Latin America. Since 55 percent of the heroin used in the United States originates in Pakistan and Afghanistan, we must address more than one source. The expanded effort comes at a propitious time: Schools are closing for the summer, and the Nation's children and young adults will be particularly vulnerable to the lure of illegal drugs. I believe the proposal, which will be unveiled in detail on Friday, could be a sound beginning for an ongoing coordinated fight against drugs.

TRIBUTE TO FORMER VIRGINIA GOVERNOR WILLIAM MUMFORD TUCK

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I rise to associate myself with the remarks of my colleague from Virginia, Dan Daniel, in memory of a great American and a gentleman who contributed so very much to the history and the character of the Commonwealth of Virginia, former Governor Bill Tuck.

ALTERATIONS IN MEMBERS' REMARKS IN TRANSCRIPTS OF COMMITTEE HEARINGS

(Mr. GREGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, earlier in the 1-minute addresses the chairman of the Government Operations Committee came before the body and expressed the fact that there had occurred within one of the transcripts published by the Government Operations Committee relative to a joint hearing of the Committees on Science and Technology, Government Operations, and Energy and Commerce serious alteration of Members' remarks.

As one of the Members who has found in reviewing the transcript that the terms of my remarks have been dramatically changed, that the intent and thrust of those remarks have been changed, I am extremely concerned about what has happened here. There are a number of us who appear to be on the minority side, all of us whose remarks were intentionally changed within the transcript as reported.

Those of us who have had this occur to them are very concerned about the effects which this has on the integrity of the process. What can be more fundamentally important to our process than to have the remarks of the Members of the House, as we participate in the business of the House, reported accurately?

We do not know how these changes occurred, but we must get to the bottom of this issue. We, therefore, will be asking that the chairmen of the committees involved convene a special hearing on the activities which led to this occurrence. In this hearing we will request that subpena power be granted to the minority side in order that we may ask for and have before us those members of staff who may have knowledge as to what happened.

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We have further asked as of today that all documents relative to these hearings be impounded, so that we can be sure that the documents that are necessary will be available for our review.

Further, it is our opinion that these hearings should give great latitude and leverage to those Members affected in addressing the different individuals who may be testifying before the hearings so that we as individuals having been affected will have the opportunity to cross-examine in an open forum under an oath what actually happened and who was actually involved.

The seriousness of this situation has been expressed by the chairman of the committee, Mr. Brooks.

CLARIFICATION OF TRANSCRIPT ALLEGATIONS

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Do I understand that the gentleman is referring to somebody changing his remarks that were made on the floor of the House or is the gentleman referring to changes in the transcript of a committee hearing?

I yield to the gentleman from New Hampshire.

Mr. GREGG. In a committee hearing.

Mr. STRATTON. Well, obviously that would have to do with the staff of the committee; would it not?

Mr. GREGG. That would appear to be the case. However, we have not yet developed enough information to make a final conclusion on that.

Mr. STRATTON. I thought the gentleman was referring to an article that appeared in the Reader's Digest some time ago that all "Congressmen lie" because we sometimes correct our grammatical errors in the record of our remarks for the RECORD. I thought the gentleman was referring to that situation.

Mr. GREGG. No.

Mr. STRATTON. He does not take exception to that practice?

Mr. GREGG. No; I say to the gentleman from New York. I would correct the gentleman, I am not referring to that; what I am referring to is the fact that testimony which was taken and questions which were propounded and comments made in a hearing process were actually changed, the statements were actually changed so that the entire intent of the statement of the Member was completely redirected without the Member's knowledge. This happened in the occurrence of at least 6, possibly 7, Members in over 100 instances.

Mr. STRATTON. I appreciate the gentleman's clarification.

FURTHER CLARIFICATION OF TRANSCRIPT ALLEGATIONS

(Mr. HILER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILER. To follow up on what the gentleman from New Hampshire just referred to, I was one of those affected Members who had his statements changed numerous times.

The changing of the official transcripts strikes at the very integrity of this body and what we do as a legislative institution, be it on the floor or be it in committee. I frankly am shocked at the arrogance of those involved with this cavalier change of the printed record for their own political gain or their perception of what should have happened at that hearing although it did not. We who were affected feel very strongly that only under subpoena, only under oath will we get to the bottom of this matter and we are going to request an independent investigation so that never again, be it staff or whoever, will they have such arrogance to feel that they can change the statements of Members of the House of Representatives. This issue must have the highest visibility, so that never, ever, ever again will some staff member feel that they have it within their own domain to change the printed record of what took place in an official committee hearing of this institution.

I yield to the gentleman.

Mr. WALKER. I thank the gentleman.

Is it not true that we are also finding incidents where the transcript was changed with regard to witnesses' testimony as well and witnesses' statements and so it is not only the Members of the House that are affected but it is our ability to go out into the country, bring in witnesses and have them feel as though they are participating in a process that has complete integrity.

Mr. HILER. It would appear at this point that witnesses who testified had their statements changed to reflect a different point of view but I would say that that is under further investigation.

It will take us probably several days to have all the information available but we will get to the bottom of this.

TRIBUTE TO WILLIAM M. TUCK

(Mr. BATEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATEMAN. Mr. Speaker and Members of the House, I rise today as one of those who would pay tribute to a former and distinguished Governor of the Commonwealth of Virginia and a former Member of this body for some 15 or 16 years, the late and great William M. Tuck of Halifax County, Va.

He was an outstanding Governor of our Commonwealth, an outstanding Member of this body and of its Judiciary Committee. We in Virginia who knew Bill Tuck and who therefore loved him, and everyone who knew him did, will greatly miss him. He was one of those rare good people, the most excellent of companions. As a public servant, one who gave greatly throughout a long and illustrious career tc public service in the best traditions of our Commonwealth of Virginia.

THE IMPORTANCE AND SYMBOLISM OF FLAG DAY

(Mr. HARTNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARTNETT. Thank you, Mr. Speaker.

I really do not have anything important to say this morning, but I just felt it was kind of necessary that I remind my colleagues, probably a fourth of whom do not even know what today is, that today is June 14. Historically in America it has been known as Flag Day.

I have heard a lot of griping this morning about not enough money for education, not enough money to chase down fathers who do not pay their child support and griping about committees. And I wish just maybe for today we might be the leaders and let this Congress rally around its flag.

You know, she has been a lot of places we have never been. She has been to Bunker Hill, Chateau Thierry, Heartbreak Hill, Pork Chop Hill, Vietnam. She has covered a lot of coffins of dead, brave American soldiers, marines, seamen, who have died for our freedom.

I just think it would be great if we might realize that virtually half the people of the world would give everything they have to be able to live under that flag and what it stands for. Let us quit all this griping. We cannot afford all these programs you talk about this morning. You know that as well as I do. Let us just remember that this flag is a symbol of America to the entire world. Today is Flag Day.

I urge my colleagues to try rallying around that flag and give a little thought to patriotism.

I yield to the gentleman from New York.

Mr. STRATTON. I just want to join with the gentleman from South Carolina (Mr. HARTNETT). This is the 14th of June and it also is that day that we are resuming consideration of the Department of Defense authorization bill for 1984. I cannot think of a better way for the Members to demonstrate their love of the flag and their patriotism than voting for the committee's position on the various issues associated with the authorization bill.

PRESIDENT FAILS EDUCATION

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, for 18 years of my life, I was either a teacher or a principal of elementary and high schools in Hawaii. I know what the process of education is all about, for I have fought long and hard in the trenches of the front lines. And, I also

know that in general, the quality of education is directly proportional to the amount of money and importance one is willing to assign to the very process itself.

Mr. Speaker, the President has failed. He has failed us, our children and generations to come. The President has failed to assign a high priority to education. The President has failed to assign a high priority to funding education and education programs; the President has failed to level with the people of this country, as he continues to reduce funding for education programs.

Many of my colleagues know the facts: According to figures in the President's last budget, funding for educational purposes has actually fallen—from $14.3 billion in fiscal year 1982 to $13.5 billion in fiscal year 1984. Funding for elementary, secondary, and vocational education has also dropped. Funding for guaranteed student loans has fallen. And, in the face of a steady decline in numbers, the President continues to defend his support of an "escalating budget for education."

Mr. Speaker, rhetoric is not enough. I cannot—and I will not—sit idly by while the President of this Nation slashes funding for education and then tells our Nation's people that he has "not cut any budgets." The time has come for this administration to understand that rhetoric, no matter how grand, is not policy. Words alone cannot implement policy. Money—and that means dollars and cents—implements policy.

The future of our Nation will be shaped by the hands of our young people. When we deprive them of the opportunity to receive a quality education, what we are really doing is depriving ourselves of a future where our Nation is master of its destiny.

If we are going to shape the future, we can only do so in the present. The President apparently does not understand that fact. Just listen to his recent words:

> I have had students accost me and tell me that we have reduced their ability to get help. Well, for a fellow that worked his own way through school, I understand the problem of students that have to. I must say, it wasn't too arduous. I washed dishes in a girls' dormitory.

Mr. Speaker, the fact that the President washed dishes in a girls' dormitory is irrelevant. His schoolboy nobility will not make our children any smarter. It will not make our children able to compete any better in the field of high technology. It will not affect the presence or absence of excellence in our education system in the least.

Mr. Speaker, the time has come for the President to translate policy into action. The time has come for the President to invest in education—for the sake of our future.

Listen to the words of Education Secretary Bell, and then tell me what kind of confidence you have in the President's agenda for education: "I am very grateful that we have education up where it is high on the education agenda of this country." Words devoid of meaning, best spoken in Wonderland.

OUR FLAG—A SYMBOL OF UNITY

(Mr. HERTEL of Michigan, asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL of Michigan. It is June 14, it is Flag Day. As we can see here in this Chamber the Flag of the United States is the focal point of this room. Let us always remember the flag is a symbol of unity of all the people of the United States. Let us as Members and Americans make sure that we never allow the flag to be wrapped in ideologies and that it is wrong to use that symbol of all the people for specific goals, specific programs, debating issues pro or con.

I think that is very dangerous and I ask my fellow Members to remember today that being Flag Day, our flag is the symbol of our national unity and not to demean what that stands for by devisive political rhetoric.

A GIANT STEP IN THE WRONG DIRECTION: THE PRESIDENT'S PLAN FOR EDUCATION

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, the President's "new interest" in education would be welcome if it were matched by administration policies which would enhance the Nation's education systems.

I find that the Reagan administration's plan for solving some of the problems in our school systems is running almost counter to the findings of his own National Commission on Excellence in Education and is clearly a giant step in the wrong direction: The Reagan administration continues to push for tuition tax credits; a reduction in funding for title I funding; and a weakening of bilingual education.

Using tuition tax credits as an incentive for placing children in private schools threatens support for public education. A curtailment in funding for title I grants also drastically reduces the educational enhancement opportunities for the poor and disadvantaged who have relied on the educational opportunities in the public school system. Further, lowering the standards for bilingual education will further restrict the ability of linguistic minority students to fully participate in the educational process.

As a former schoolteacher, I strongly believe that the answer to solving a declining educational system, in this country, is not a curtailment of Federal spending which will ultimately cripple the have-nots. Hopefully, the President's rhetorical support for education can be turned into increased dollars for education.

ANTISATELLITE WEAPON AMENDMENT

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, when the House resumes debate on the armed services procurement bill, the pending business will be an amendment which I and several of my colleagues introduced dealing with antisatellite weapons. As I indicated in earlier debate I felt that the House was justified in spending some time on this because it represents crossing a threshold of placing actual weapons in space, and as such I feel deserves serious consideration.

We have had a serious debate on this. I appreciate the courtesy and consideration of the Armed Services Committee for their active and effective participation in this debate.

I hope the Members will read the earlier debate. I also have some charts in the Speaker's lobby which show in graphic form the military satellites which both we and the Soviets have and I would urge the Members to take a look at those charts to gain further perspective on this issue.

OUR FLAG—A CENTERPIECE

(Mr. PHILIP M. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PHILIP M. CRANE. Mr. Speaker, I happened to be passing on the floor when I heard my distinguished colleague from Michigan make reference to the fact that this is Flag Day. I commend him for his remarks. I went to public schools on the south side of Chicago at a time when it was not yet a criminal offense to pray. So, we opened up each day with prayer. In addition to that we opened up with a pledge of allegiance to the flag and sang some patriotic anthem as well. It set a good tone for the day.

I think when some of the young Philadelphia lawyers in classrooms started protesting that it was a violation of their rights to have to pledge allegiance to that flag they overlooked something very important. Our flag represents a sacrifice paid by every generation from the very first, people who shed blood, who gave their lives, that we would still be living in the freest society that mankind has ever known. My colleagues mentioned that that flag is the centerpiece of this Chamber; right above it are those famous words, "In God We Trust." Congress incorporated that sentiment as an ingredient of the Pledge of Allegiance to the flag during the Eisenhower administration. Both the sacrifice of American patriots and trust in God warrant our allegiance and honor on this important day by more than a casual declaration that this is Flag Day and I commend my colleague for calling this to our attention.

□ 1315

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Daniel). Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, June 13, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 1076, by the yeas and nays, and H.R. 2062, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ELIMINATION OF JONES ACT EXEMPTION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1076.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. Jones) that the House suspend the rules and pass the bill, H.R. 1076, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 373, nays 44, not voting 15, as follows:

[Roll No. 186]

YEAS—373

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Bryant
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Courter
Coyne
Craig
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Franklin
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gray
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Luken
Lundine
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NY)
Matsui
Mavroules
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki

NAYS—44

Bartlett
Brown (CO)
Broyhill
Burton
Cheney
Clinger
Conable
Crane, Daniel
Crane, Philip
DeWine
Dreier
Emerson
Erlenborn
Evans (IA)
Frank
Frenzel
Gibbons
Gradison
Gramm
Green
Gregg
Hansen (UT)
Hiler
Kastenmeier
Leach
Loeffler
Lujan
Lungren
Mazzoli
McDonald
Nielson
Oxley
Paul
Petri
Roberts
Roukema
Rudd
Smith (NE)
Smith, Denny
Stump
Tauke
Thomas (CA)
Weber
Zschau

NOT VOTING—15

Anthony
Berman
Corcoran
Coughlin
Dorgan
Fuqua
Hansen (ID)
Heftel
Martin (NC)
Martinez
McKinney
Ridge
Rodino
Schroeder
Wright

□ 1330

Mr. TAUKE. Mrs. SMITH of Nebraska, Messrs. ROBERTS, DEWINE, EMERSON, HILER, and PETRI changed their votes from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

Does the gentleman from Alaska (Mr. Young) desire recognition?

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Speaker, is this the bill where the House gives up its real legislative responsibility?

NATIONAL MARINE SANCTUARIES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2062, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. Jones) that the House suspend the rules and pass the bill, H.R. 2062, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 38, not voting 15, as follows:

[Roll No. 187]

YEAS—379

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Archer
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Courter
Coyne
Craig
Crockett
D'Amours
Daniel
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—38

Applegate
Badham
Bartlett
Bateman
Burton
Chappie
Cheney
Crane, Daniel
Crane, Philip
Dannemeyer
Dreier
Edwards (OK)
Emerson
Erlenborn
Fields
Fish
Gramm
Hammerschmidt
Hansen (UT)
Jones (OK)
Kindness
Lujan
McCain
McCandless
McDonald
Nielson
Packard
Paul
Rudd
Schaefer
Skeen
Slattery
Smith, Denny
Smith, Robert
Solomon
Stump
Vucanovich
Young (AK)

NOT VOTING—15

Anthony
Berman
Corcoran
Coughlin
Dorgan
Fuqua
Hansen (ID)
Heftel
Lewis (CA)
Markey
Martin (NC)
Martinez
McKinney
Rodino
Schroeder

□ 1340

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on Thursday, May 26, 1983, pending was an amendment offered by the gentleman from California (Mr. Brown). The gentleman from Indiana (Mr. Burton) had 2 minutes of debate remaining.

The Chair recognizes the gentleman from Indiana (Mr. Burton) for the remaining 2 minutes.

Mr. BURTON. Mr. Chairman, briefly I would just like to state that since the Committee rose 2 weeks ago there have been a number of additional amendments which have been proposed. I was scanning these amendments this morning and became very distressed because a number of these amendments do exactly what they were trying to do 2 weeks ago, and that is, in my opinion, to unilaterally disarm America. At least that will be the effect if these amendments are passed.

In view of the tremendous buildup on the part of the Soviet Union, it is inconceivable that we would pass any of these amendments.

I appeal to my colleagues today to study these amendments very thoroughly and to not cut off funding for the B-1B bomber, the MX, the Pershing and the cruise missiles, the M-1 tank, or a number of the other military apparatus that is essential to the security of this country. I hope that all of us will study these amendments thoroughly and do what is best for the United States of America. We need and must have a strong defense.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Brown amendment and I urge the body to defeat it. I would like to point out and put this matter into perspective and provide a few facts about the antisatellite or ASAT system that the amendment offered by the gentleman from California addresses.

First, Mr. Chairman, let us deal with the allegation that the Pentagon has been hiding the ground-based antisatellite program from Congress. I believe that most Members of the House are aware that the Arms Control and Disarmament Agency, in connection with the DOD and the Department of

Energy, must submit arms control impact statements on major programs to Congress each year in both classified and unclassified forms. This has been required by law and it has come to pass.

During both the Carter administration and the Reagan administration, arms control impact statements have reported a serious and growing Soviet space threat, and the fact that the Soviet Union has had an operational satellite system for several years has been reported. In fact, according to Mr. Herbert Scoville, Jr., of the Arms Control Association, the Soviets first tested and orbited a satellite as early as 1962. They first intercepted and exploded another satellite in 1968. They have continued to test and refine their antisatellite system every year.

The Soviet threat, Mr. Chairman, is real. It exists, and this House does not have the power to legislate it out of existence. The Soviets have the only existing capability in the world to blind or to destroy another nation's communications or navigation or surveillance or early-warning satellites. They have a 10-year technological lead. It has been said that the United States is far ahead in antisatellite technology, but since there is no Soviet counterpart to Aviation Week and Space Technology, since no arms control impact statements are distributed by the Soviets, I know of no Member of this House or of the U.S. military who has been briefed by the Soviets on this subject.

☐ 1350

I think that we must take such statements with large grains of salt. We simply do not know, Mr. Chairman. It is true that the United States once maintained a limited antisatellite capability. That system was designed to use a large nuclear warhead against Soviet nuclear weapons placed in orbit that could be used against the United States on command. While this system would have damaged any U.S. satellites in the vicinity, its existence proved an incentive to the Soviets to sign an outer space treaty.

On May 26, Mr. Chairman, the debate in the House on the Asat system unfortunately degenerated into a speculative discussion of "Star Wars" in space. But this is a solution that the gentleman from California (Mr. BROWN) proposed as the cheaper solution and the solution that fits best in the DOD's long-range plan. He seems to propose that we develop a satellite base there with our low-powered missile satellite laser, our satellite mounted laser system. This is a "Star Wars" concept. But this is not the system proposed by the Department of Defense, nor is it the system that the Brown amendment addresses. What the Brown amendment addresses is the $19 million contained in the authorization bill for long-lead production items for a ground-based missile to be carried by an F-15 fighter.

Mr. Chairman, one thing is certain. U.S. restraint has not prevented the Soviet deployment of an Asat capability against U.S satellites in low orbit. Unless we go forward with this system, Mr. Chairman, nothing will deter the Soviets from developing an ASAT system against satellites in high orbit. If that happens, the estimated $3.6 billion that the U.S. system will cost will be a very, very small cost relative to this system that we will have to develop in the 1990's to meet it.

Mr. Chairman, I urge the defeat of the Brown amendment.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

There was no objection.

Mr. STRATTON. Mr. Chairman, the pending amendment is one that was debated at considerable length some 2 weeks ago, I believe, when the bill first emerged on the floor, and I fear that not all of that debate was necessarily illiminating. But since this is the first proposed amendment for this important piece of legislation, the Department of Defense authorization bill for fiscal year 1984, I would like to try to get this debate off on the right foot.

In the first place, we cannot understand some of the "Dear Colleagues" that have been circulated around this House or some of the misleading information that has been provided by so-called defense think tanks without seeing this issue in true perspective.

Back in the early sixties, before the days of the Carter administration, there was a good deal of speculation in the Committee on Armed Services that the Soviets had actually developed a capability of knocking out our satellites, the satellites we were depending on to determine whether the Soviets had launched a missile against us, and the satellites we were depending to determine exactly where that missile might land and how much warning time we would have to protect ourselves against it.

When the Carter administration came in, we brought this matter to the attention of Secretary Brown, who was Secretary of Defense at the time, and we said, "Mr. Secretary, how come the Russians have this new brand of weapon, a satellite that can knock out our satellites? Don't we have anything like that?" And the Secretary said, "No." He said, "Sorry, we don't, but we in the Defense Department are going to try to develop one."

And that is precisely what Secretary Brown did during the Carter administration, a Democratic administration, an administration that was supported by many Members of the House who sometimes seem to be opposing defense matters when they come from a Republican Department of Defense. But it was Secretary Brown, let me repeat, who undertook the development of an American antisatellite weapon.

After a good deal of time and money was spent, that weapon has now reached the point in its development that it is appropriate that we try it out and see whether it will actually fly. To do that we have to procure some long-lead time items which are funded in our bill for a relatively measly $17 million. In terms of the hundreds of millions of dollars that are included in this bill, that is a very minor item. But certainly if the Soviets have had, as Secretary Brown told us, such a functioning satellite since 1976 and if they had been testing it even earlier than that, we certainly ought not to feel ashamed or upset that our current Department of Defense is finally trying to develop the same kind of weapon which the Soviets already possess and get it in production and procurement so that we can protect ourselves and with the same sort of capability that the Soviet Union has had for many years.

I have always found it extremely difficult to understand that when the Soviets have something like a hard-target kill capability, for example, not just one system but three or four of those systems, it is OK. But if we Americans propose to build up a hard-target kill capability, just one little system, the MX, for example, somehow that is bad. Somehow that is immoral. Somehow that is going to destroy all of the possibilities for arms control and somehow bring about the annihilation of the whole world. We have seen exactly the same kind of an argument presented during those 2 or 3 hours when we had our bill up before for a short time some weeks ago that going ahead with the Asat would seriously damage arms control, that it would also get us into space wars, and that we were going to violate outer space.

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

(On request of Mr. SEIBERLING, and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. STRATTON. Mr. Chairman, I appreciate the gentleman's asking for 2 additional minutes.

Mr. Chairman, I cannot understand why, when we want to build this kind of a thing, somehow it is immoral, somehow we should not be doing it, somehow we are going to be damaging arms control, and somehow we are going to be violating space.

One of the arguments was that outer space is so pristine and inviolate we should not be violating it. But I think outer space—like the Indian Ocean—was deflowered by the Russians some time ago. And I ask, why are we letting this kind of an argument proceed?

So it seems to me that we should at least provide the opportunity that the Secretary of Defense has asked us to provide him with, namely, $19 million to begin the procurement of these long leadtime items so that we can test it and see whether it will work. And if it has an impact on arms control, I would think the best arms control impact would be the fact that if we have this kind of weapon ourselves then there is something to negotiate across the table with the Soviets who are already ahead. Why should we always let the Soviets be ahead of us. Why is it always good having the Soviets with the balance on their side?

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I wonder if the gentleman will explain to the House how our having an antisatellite system deters the Soviets from deploying one, too?

Mr. STRATTON. Mr. Chairman, it does not deter them from deploying it because they have got it already deployed. But if the Soviets should undertake to try to kill our satellites, we could then kill their satellites in return. That is precisely the purpose of it.

Why should we be unprotected when our most probable adversary is not only protected but armed to the hilt?

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The time of the gentleman from New York (Mr. STRATTON) has expired.

(On request of Mr. BROWN of California and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield further?

Mr. STRATTON. I am glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, would the gentleman agree that our having an antisatellite system that is deployable against the Soviet satellites does not protect our satellites in any way whatsoever?

Mr. STRATTON. It represents the same retaliatory capability that we have in our land-based nuclear weapons.

☐ 1400

The retaliatory capability is what deters the other fellow from attacking us. It applies in land-based missiles. It applies in gas warfare, which we will be getting into a little bit later, and it applies in antisatellites. If he knows that we have the capability of shooting down some of his satellites, maybe he will not be so ready to shoot ours down.

Mr. SEIBERLING. Well, I disagree completely with that reasoning. I will simply say that both countries have an interest, so long as we have arms control agreements, to allow each other to maintain their respective satellites. To develop ASAT places both arms control and our own early warning systems in jeopardy.

Mr. BROWN of California. Mr. Chairman, would the gentleman be willing to respond to a few questions?

Mr. STRATTON. I would be glad to yield, yes.

Mr. BROWN of California. This is the first time I have ever heard the assertion that our proposed system would have the capability to strike down their so-called killier satellite.

Is the gentleman sure that that is part of the mission of this weapon?

Mr. STRATTON. An antisatellite weapon is something that is designed to knock down a satellite, yes.

Mr. BROWN of California. But the Defense Department assures me that it could not handle a maneuverable satellite of the sort that their antisatellite is.

Mr. STRATTON. That is because we are about 20 years behind them, I will say to the good gentleman from California. We are just getting into the business at the very bottom of the ladder and what we are trying to do is to develop, as the gentleman from Missouri has indicated, a capability that can deal with that kind of a satellite in the event that it is operational in outer space.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(At the request of Mr. BROWN of California, and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, if the gentleman will yield further, I am sure the gentleman is aware of the fact that the United States deployed an operational antisatellite weapon 15 years ago. The gentleman will confirm that, will he not?

Mr. STRATTON. Well——

Mr. BROWN of California. It was deployed on a Thor missile in the Pacific in 1968.

Mr. STRATTON. Well, that was not the same thing as we are discussing now.

Mr. BROWN of California. No, it was not. It was a nuclear tipped missile that was tested and it was determined it had the ability to intercept and, therefore, it could destroy the enemy's satellite.

The gentleman, I am sure, is aware that the original order to develop an antisatellite weapon was given by President Kennedy in 1961.

Mr. STRATTON. I recall that, but the gentleman from California seems to be opposed to the whole matter, whether it was recommended by President Kennedy or by President Carter. But when Secretary Weinberger asks us for a little money to proceed with this same system it becomes an atrocious, terrible weapon, and the gentleman is opposed to it. I do not quite follow the gentleman's line.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield further?

Mr. STRATTON. I would be very happy to. I have been yielding to the gentleman.

Mr. BROWN of California. This gentleman made it quite clear that what he was objecting to was not the $1 billion we have already spent or will spend, for R&D, but merely the deployment of a $3.6 billion system without adequate debate on the part of the House, as to whether we wish to cross the new threshhold of putting offensive weapons into space.

Mr. STRATTON. Well, this is exactly what this legislation is designed to do. If the gentleman was interested in it, the gentleman could have attended the hearings of the committee and testified before our committee. I do not recall that he gave us any request.

I do not feel that Congress has to have a full scale debate on every item that comes out of the gentleman's committee. I usually go along with matters reported from the gentleman's committee. I give some credence to proposals from other committees. But to suggest that we have got to stop the whole procedure of the Department of Defense authorization bill to hold a congressional seminar on this one subject does not seem to me to make sense. That is what the committee system in this Congress is for.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the United States is highly dependent on satellites for monitoring Soviet military activities, particularly a launch of nuclear missiles. So the concept of countering a Soviet ASAT by having a system which strikes down their satellites fails to recognize the inherent nature of the antisatellite threat that the rather primitive Asat system of the Soviets imposes. The Soviet system is a satellite which is projected into orbit by a rocket of the same kind that launches ballistic missiles. The ASAT satellite then maneuvers alongside a U.S. satellite until it is in a position to destroy it.

Now, if the Soviets should ever trigger those antisatellite satellites, that would be a signal that they are prepar-

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ing to launch or are launching a nuclear attack.

The fact that we could do the same thing to their satellites would accomplish nothing, because we would already be under attack. We would simply launch a counterattack on the U.S.S.R., not an attack on Soviet satellites. Therefore, the idea that the way to respond to the Soviet antisatellite weapon is by developing an even more sophisticated weapon ignores the actual realities of the situation.

But there is a further question here. The United States is highly dependent upon satellites for monitoring Soviet military activities and for giving us advanced warning of a nuclear attack. So from self-interest, we should be working on a treaty with the Soviets to eliminate any further developments of ASAT's. That possibility has not been explored by the Reagan administration, unfortunately, but it should be. However, once we flight-test our proposed ASAT which can be deployed on any F-16 fighter plane anywhere, and which will consist of a rocket which will make a direct flight to attack a Soviet satellite, then we have passed the point of no return in the ability to work out a verifiable antisatellite agreement with the Soviets. They will be unable then to verify whether we have deployed our ASAT, because once we have flight tested it, there is no way of determining how many have been produced or deployed. By contrast, it is still relatively easy to verify the deployment of the existing Soviet ASAT launchers.

Therefore, it is critical that, while we go ahead and do the R&D on satellites up to the point of flight testing, if we complete flight testing, we are past the point of no return. So that is where we ought to be focusing, and I submit that we certainly should not be going beyond that at this time by getting into procurement of an antisatellite system.

The only procurement we should be doing right now is procurement that is for R&D, short of flight testing. In due course, I intend to offer an amendment to prohibit flight testing of an Asat until Congress should decide otherwise by separate legislation. However, there is no sense in going ahead with procurement if we are going down the road of an antisatellite treaty.

Therefore, I strongly urge support of the gentleman from California's amendment.

Mr. MOAKLEY. Mr Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts (Mr. Moakley) is recognized for 5 minutes.

There was no objection.

Mr. MOAKLEY. Mr. Chairman, I rise in strong support of the amendment to delete $19.4 million from the DOD authorization bill earmarked for procurement of anti-satellite weapons.

Before I list my reasons for supporting this amendment, let me clarify a misperception voiced a couple weeks ago during the initial debate on this amendment. It was correctly pointed out by one of my colleagues that the Soviets have launched more satellites than the United States, on the average of over 75 per year for the past 10 years. The clear implication given was that because the United States launches fewer satellites than the Soviet Union, the United States has a space capability of inferior quality.

I should remind my colleagues that quantity and quality are not the same thing. According to NASA Administrator James Beggs the high Soviet launch rate "demonstrates a weakness rather than a strength. It means their satellites are less sophisticated than ours and require replacement more often. They do not have the life that ours do and they are not multipurpose as many of ours are, and so they have to launch more in order to do a similar amount of work." As recently as March 23 of this year, the Director of the Defense Advanced Research Project Agency, Robert Cooper, testified before the House Appropriations Committee's Subcommittee on Defense on this matter. Mr. Cooper stated that the high-launch rate and heavy payloads of the Soviet space program, "reflect some technological weakness in the areas of longevity and flexibility." We launch fewer lighter satellites than the Soviets because our equipment last much longer and is far more sophisticated.

The issue here today is whether the Congress should approve procurement funds for a weapons system which has received virtually no attention by this body or whether the Congress should refrain from granting these funds pending further discussions. I personally believe that the Congress should take the latter action. There are still far too many unanswered questions about the proposed U.S. antisatellite weapon for us to proceed with any comfort.

Original projections placed the cost of the total antisatellite program at $1.7 billion. Soon that figure was revised up to $3.6 billion. Now a recent General Accounting Office report concludes that the program will be even more costly, and I quote from their report:

> When the Air Force selected the miniature vehicle technology as the primary solution to the anti-satellite mission it was envisioned as a relatively cheap quick way to get an anti-satellite system that would meet the mission requirements.

□ 1410

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. STRATTON. Does the gentleman not believe in the committee system in the House of Representatives?

Mr. MOAKLEY. Yes, I do.

Mr. STRATTON. The gentleman said that he felt that there ought to be an opportunity for the House to consider a particular weapons system. Is that not what committees are for? When you have a weapons system you consider it in the Committee on Armed Services.

Mr. MOAKLEY. The gentleman is correct.

Mr. STRATTON. And the committee has considered it and has recommended that we approve the figure of $19 million.

Mr. MOAKLEY. All I am saying is that I think we have not considered it far enough with all of the implications that I am about to allude to.

Mr. STRATTON. But we cannot hold a seminar for all of the Members of the House every time a new weapons system comes along.

Mr. MOAKLEY. I understand. This is not to strike out the $206 million in research and development. This is only $19.4 million in deployment.

Mr. STRATTON. But that is the thing that gets it going. Otherwise we are just sitting, as was done all during the Carter administration.

We are now moving in the direction of responding to what the Soviets have done. I would think the gentleman would feel that that is what we ought to do, would he not?

Mr. MOAKLEY. No. I think the committee system works well but, as I say, I am just alluding to some points brought up in the debate 2 weeks ago.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. Moakley) has expired.

(By unanimous consent Mr. Moakley was allowed to proceed for 2 additional minutes.)

Mr. MOAKLEY. Mr. Chairman, as I was saying, the GAO report says:

> When the Air Force selected the miniature vehicle technology as the primary solution to the anti-satellite mission it was envisioned as a relatively cheap, quick way to get an anti-satellite system that would meet the mission requirements, this is no longer the case, it will be a more complex and expensive task than originally envisioned potentially costing in the tens of billions of dollars.

The high cost of this antisatellite weapon alone should compel each Member of this Congress to carefully scrutinize and analyze whether we are taking the most appropriate action.

Beyond cost there are grave strategic questions to be considered. It is my belief that the U.S. antisatellite weapon will represent an irreversible step toward a space weapons race. We should note that a ban on the present Soviet antisatellite weapon would be relatively easy to verify the Soviet system is boosted into orbit by a modified SS-9 or SS-18 rocket. These same boosters are used for launching Soviet ICBM's, and could be detected with the same ease as a Soviet ICBM launch.

The American antisatellite weapon however, is much smaller and much more versatile than its Soviet counterpart. The American weapon consists of a 17-foot-long two-stage missile which carries a miniature homing vehicle. The miniature homing vehicle measures only 12 by 13 inches. This missile will be carried aloft by an F-15 fighter aircraft. Once operational, it will be extremely difficult if not impossible, to verify whether or not it has been deployed. Moreover, it takes only 6 hours to convert any F-15 into an antisatellite weapon launcher. Thus every F-15 will become a potential antisatellite weapon platform in Soviet eyes.

Clearly the U.S. antisatellite weapon system will be far superior to the Soviets present and very questionable capability. It is logical to assume that the Soviet's will respond to our updated technology by trying to match or outdo it. Before long the prospects for negotiating a treaty banning antisatellite weapons or space weapons in general will be greatly diminished if not lost.

I might add that some of the world's greatest scientists and military experts have recently signed a petition urging a ban on space weaponry, arguing that space weapons, in part by threatening vital reconnaissance, communications and navigation satellites will increase the likelihood of war on Earth. I would like to urge that Congress debate the merits of banning space weapons before rushing headlong into the procurement of such weapons.

We have the unique opportunity to prevent an extension of the arms race from occurring. If we hesitate to consider the implications—both strategic and economic—of the antisatellite weapon. We may very well be saddled with a program which will ultimately detract from our security and be prohibitively expensive. History has shown us that it is much easier and practical to ban weapons which are still being tested than to negotiate away weapons which are operational. It would be sad to repeat the same mistake made in MIRV'ing warheads. Years ago, proposals to ban MIRV's before their deployment were rejected. We were confident that the Soviets could not easily match our MIRV capability. Much to our chagrin the Soviets MIRV'd their warheads a few short years after the United States. Today these destabilizing systems threaten all of mankind. Failure to limit all of their deployment is today widely regretted by many of its advocates. Must we relearn this very same lesson all over again?

In conclusion let me again point out that it is unwise to proceed with actual procurement of the antisatellite weapon when there are still so many questions to be answered. I remind my colleagues that the amendment we are discussing still leaves $206 million for antisatellite weapon research. However, we need more time to consider this important step and if, need be for Members to obtain classified information on this issue. I have been informed by Chairman Zablocki of the House Foreign Affairs Committee that they will examine the issue of space weapons in the near future. If there is any chance of preventing a space weapons race, then surely we can afford a little more time to consider how to do so.

Mr. WHITEHURST. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Members of this House should have a clear understanding of the real significance and seriousness of the $19.4 million procurement item under consideration. In the first place this is no routine off-the-shelf procurement matter. It is not something that can be reprogramed next month, next quarter, or next year, and still have the ASAT meet its desparately needed 1987 operational date.

Here are some plain facts on the importance of this $19.4 million item that the amendment would delete. This is procurement money specifically for long—and I emphasize the word "long"—leadtime high technology items for the production of ASAT. The production period, after the contract is let, is 30 to 36 months. This does not include, of course, all of the production items for ASAT. But it does include certain vital sensitive components without which you cannot have an operational ASAT.

This means that if you do not approve, in this current authorization bill, this $19.4 million for these items, you are guaranteeing the Russians that the United States will not have an operational ASAT on the programed schedule date of about 1987. If you vote to support the amendment please understand clearly that you are voting to delay, about 1 year beyond 1987, an operational satellite for the United States. You would therefore also be assuring that Russian satellites will have an unimpeded, safe environment in which to keep U.S. military disposition and forces under almost constant surveilance. You will be giving the Russians an assured ability, without a chance of U.S. interference, to spot and plot locations of the ships of the U.S. Navy throughout the world.

Taken in this context, it is obvious that this $19.4 million under consideration is crucially important to the defense of the United States, and to the survival of the ships at sea. I urge Members of this House to reject the amendment. In so doing we will let our servicemen, in our Nation and on distant stations throughout the world, know that we are standing behind them and that we are not going to default on our responsibility to provide the weapons they need to protect themselves and defend our Nation.

Mr. BONIOR of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague from California.

Mr. BROWN of California. I wonder if I could ask the page to bring some charts up here.

I thank my colleague for yielding and I asked him to do so so that I might produce these charts to further clarify the situation with regard to military satellites.

This chart is a depiction of all of the military satellites on both sides. It is the blue team/red team which I am sure you are all familiar with. It does not show any civilian satellites.

Some of you may feel that we do not have many satellites up in orbit or that they are mostly civilian. We have a lot of satellites up in orbit and they are mostly military, and this is a depiction of them.

Now, despite some assertions that were made by several of the speakers opposing my amendment, most of our satellites are in orbits which cannot be reached by the Soviet antisatellite weapon. The GAO classified report which I hope you will all read indicates that if we go ahead and deploy this ASAT by 1987, that magic date that was referred to earlier, we will have the capability to meet 3 percent of the missions set by the Joint Chiefs of Staff for an antisatellite weapon. So we are not talking about leaving our boys bereft of protection. We are leaving them bereft of 3 percent, maybe, of what they might have had.

The other chart that I have over here is a comparison of the technical capability of the ASAT system which we are ready to deploy, and the Soviet ASAT. It is a very simple chart. It shows that in 1 day we can knock out all of their satellites within the range of our ASAT and that with their system they can knock out one satellite a day of ours, at the most, for whatever period of time it takes us to decide to respond by taking out their launch facilities.

□ 1420

And that is because their satellite is launched, as was said, from an SS-9 or another similar launcher, which has a

3-day turnaround time. Their weapon's technical capability is such that it takes three shots to be assured of 95-percent certainty that it will destroy its target. So, if they are lucky, they could get one satellite a day, while we would be able to knock out every satellite they have in low Earth orbit within 1 day with our ASAT system as planned.

Now, neither system attacks the satellites which provide the basic information that we rely upon for nuclear warning.

On this chart the so-called strategic or nuclear-oriented satellites are marked with a star, so that you can see where those satellites are.

Most of our nuclear explosion observation satellites, the VELA's or the ones that are the GPS, which are located at a 10,000-mile orbit, cannot be reached by the Soviet's antisatellite capability. All they can do is to hit, one at a time, some of our satellites that are in low-Earth orbit.

Now, that is not a particular massive threat.

Incidentally, the distinguished chairman of the subcommittee, the gentleman from New York, seemed to take some umbrage with the fact that I had not appeared to debate this before the Armed Services Committee.

I did something better. I went through their complete record and I found that in this year's hearings they devoted a full 5 minutes to this subject in committee. I went over to the Senate which held hearings last fall and I found they devoted several hours to it. In that Senate hearing, Under Secretary DeLauer testified as follows and I would like to quote:

> The United States ASAT program is not a bargaining chip and never was.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. BONIOR of Michigan was allowed to proceed for 4 additional minutes.)

Mr. BROWN of California. Mr. Chairman, will the gentleman yield further to me?

Mr. BONIOR of Michigan. I yield to the gentleman from California.

Mr. BROWN of California. This is Dr. DeLauer speaking:

> The United States ASAT program is not a bargaining chip and never was. He have no policy mandate to pursue space weapons.

Weapons, he is talking about.

> On the other hand, given the Soviet activities and their spending rates, we must continue our research and planning.

And I am doing nothing in this amendment to stop that.

"We will not do any acquisition" and this is DeLauer's testimony last September, "unless our security is threatened."

Now nothing has happened since September. There have been no new Soviet ASAT tests; there have been no other indications that our security is threatened. I am a little surprised at the statements of some of the speakers that we want our Asat's to knock out their observation satellites. That should not be part of our policy. We have a treaty, for example, that says we do not interfere with the other side's technical means of verification or whatever the proper term of art is here, and that policy should be extended to all satellites.

But several of the speakers have indicated we want the capability to knock out their observation satellites. Such a view is only consistent with a desire to attain the capability for protracted nuclear war fighting. Such views are held by many in this administration, but they are not shared by a majority in this body, or by the citizens of this country.

I mention these points to clarify a very large policy area which I think needs full discussion, not the 5 minutes that it got in the Armed Services Committee.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield? I will get you more time if you want.

Mr. BONIOR of Michigan. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman.

If the gentleman from California would resume the floor, I would like to commend the gentleman on a very impressive presentation. It helps put things in perspective I am sure for most of us who are not intimately acquainted with this.

But there are a couple of things that I did not understand to which you alluded. I wonder, is there an ongoing Asat effort that we are aware of that the Soviets have deployed to reach further than just the low orbit satellites that the United States has?

Mr. BROWN of California. If the gentleman from Michigan will yield, the gentleman is correct. There is a large extensive program by the Soviets to move to the next generation of antisatellite technology. They are spending a great deal of money, as the gentleman knows better than I, on directed laser beams and some other things of that sort.

Mr. DICKINSON. If the gentleman will yield further, now of course what we are talking about here and what the gentleman is well aware of is we are not talking about a space mine that you put up there and it loiters and can be awakened and be dispatched. This is one that is fired from an F-15 that gives it its initial impetus, and then it takes off. This money is for the seeker in this missile. It really is a 30-month long leadtime, if we should decide to deploy and really is not a production decision. Do you not agree we would probably be working against our best interests if we did not go forward at least with the seeker money that we have in here? That is what we are talking about.

Mr. BROWN of California. Would the gentleman yield further?

Mr. BONIOR of Michigan. I yield to the gentleman from California.

Mr. BROWN of California. My friend from Alabama is so eminently reasonable that I hesitate to actually disagree with him. The $19 million is really for setting up the production facilities as I understand it. It does not even buy the first seeker. But it does allow us to proceed down the road with preparation for production of the actual weapon.

Mr. DICKINSON. My point is this is not a commitment to either produce or deploy.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. DICKINSON and by unanimous consent. Mr. BONIOR of Michigan was allowed to proceed for 3 additional minutes.)

Mr. BONIOR of Michigan. I thank the Chair and my colleagues for getting me extra time.

I am reluctant to engage in this debate in terms of the sophistication of the arguments put forward by my colleague from California, and the comments that have countered those by the gentleman from New York and the gentleman who has just spoken from Alabama. But, I would like to state that I am in strong support of the amendment that is being offered by Messrs. MOAKLEY, and BROWN of California.

The procurement of anti-satellite weapons launched would appear to me to be a very new and a very dangerous phase in the arms race. The $19.4 million requested in this year's budget, as has been explained by the gentleman from Massachusetts, Mr. MOAKLEY, is expected to increase tenfold next year, and according to the Government report which he mentioned earlier, may eventually reach in the neighborhood of tens of billions of dollars.

And to embark upon this type of a program without serious efforts at arms control I think it is a shortsighted squandering of our natural resources.

What also bothers me, I suspect if my colleague from California is correct, and I assume he is, is that the Armed Services Committee—and I do believe in the committee system—did look at this issue and did spend only 5 minutes with respect to hearings on it, it seems to me to be quite foolish to be going ahead with a billion dollar, perhaps multibillion dollar budget without the benefit of more thoughtful and at least lengthy debate from that committee.

Our Nation has an extensive investment in space and a satellite network vital not only to our defense and to

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our civilian and to our commercial communities.

☐ 1430

Extending the arms race, it seems to me, into space will only place this investment in jeopardy. We all look to man's ventures into space with awe, with expectations. Let us vote today to insure that our explorations will bring enhanced prospects for peace rather than new dimensions for today's battlefields.

I thank my colleagues from Massachusetts and California for bringing this to our attention.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I would make just one brief point and that is that in the whole area of arms control there is one thesis that stands out and that is it is far easier to develop agreements before the development of weapons than it is after they have been put into effect.

This is particularly true in the space area where it is hard to retrieve something that has been placed in space. If you look at the Antarctica treaty which is a model; if you look at the ABM section of SALT I, which is a model, it would appear that now is the time to raise, at a very high level of import, this is an arms control agreement.

As the gentleman knows, we had three discussions in 1978 and 1979 on ASAT. I think we ought to return to the table on this particular issue. This amendment represents a very modest cut, 9 percent. I would urge its serious consideration.

Mrs. HOLT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, in opposition to the amendment I would like to read into the RECORD a letter that our chairman has received from the Secretary of Defense, dated June 13:

> THE SECRETARY OF DEFENSE,
> *Washington, D.C., June 13, 1983.*
>
> Hon. MELVIN PRICE,
> *Chairman, Committee on Armed Services,*
> *Washington, D.C.*
>
> DEAR MR. CHAIRMAN: There is an amendment pending to the FY 84 Defense Authorization Bill (House) which would delete $19.4M for procurement of long-lead production parts and production test equipment for the air-launched miniature vehicle (ALMV) antisatellite (ASAT) program. We strongly oppose that amendment.
>
> Certain Soviet space systems pose a grave threat to the U.S. and Allied forces because of their capability to provide valuable targeting information.
>
> The Soviet Union has had an operational antisatellite system since the early 1970s which can destroy many of our vital low orbiting satellites.
>
> The President recognized this serious imbalance and declared in the National Space Policy of July 4, 1982 that the U.S. should develop and deploy an antisatellite system as soon as practical.
>
> The Soviet Union is not likely to consider seriously any negotiations aimed at reducing weapons in space if the U.S. does not have an operational ASAT.
>
> They were incredulous during 1979 negotiations that we would even suggest dismantling their system when we had nothing to give up in return.
>
> This amendment, if passed, would cause at least one year slip in the initial operational capability of the U.S. ASAT. We cannot afford that delay.
>
> One of the crucial subsystems—the Flight Sensor Assembly—has a lead time of about 30 months.
>
> It is therefore imperative that we begin buying parts for this assembly in FY 84 if we are to meet the desired initial operational capability.
>
> We have reviewed other options to the air-launched miniature vehicle ASAT—including such alternatives as ground- and space-based lasers. It is our belief that none of these could provide the required operational capability as soon as the current air-launched miniature vehicle ASAT system.
>
> While we empathize with those persons wishing to see space as a medium free of weapons, the reality of the situation is that we cannot allow ourselves to ignore Soviet space systems which can put our forces at an intolerable disadvantage.
>
> The DoD is committed to development and deployment of the ASAT as directed by the President. We request your support in initiating production by rejecting the amendment which would delete long lead procurement funds for FY 84.
>
> Sincerely,
>
> CASPAR WEINBERGER.

Mr. PRICE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, supporters of the amendment have distributed an information sheet by the Center for Defense Information stressing that the United States should not proceed with an anti-satellite system because it would destroy the opportunity to get an agreement on limiting such space systems. The information sheet points out that our satellites are more valuable to us than the Soviets are to them and that we have a greater capability in satellite systems.

I think we all share the goals of wanting to ban weapon systems whenever possible and in this case, particularly, of keeping space weapons free.

The Center for Defense Information, however, concedes that the Soviets have an antisatellite system and that they continue to test it. The Center's extensive discussion does not suggest that the Soviets stop testing their antisatellite system or be asked to stop deployment of their operational system.

What is simply not clear to me is why we should not even develop any capability in this area. The Center simply does not explain why it is no threat to peace if the Soviets have a system deployed, as they do, but it somehow would risk a war in space if the United States even tests such a system.

The Center's report implies that because the United States is willing to test a system means that it is unwilling to seek an agreement banning weapons in space. But the Soviet Union is presumed to be in favor of a ban on space weapons merely because it has said its desires to ban space weapons and notwithstanding that it has deployed and continues to test an antisatellite weapon.

I agree that we must carefully monitor development, keeping in mind the issues raised by the General Accounting Office.

But I cannot agree that we should make our decisions on the basis of advice from those whose mindset seems to conclude that almost anything the United States does in reaction to Soviet deployments is provocative but that somehow Soviet actions themselves are not provocative.

I think, also, we should try to get away from listening to those who loosely throw out the idea that you cannot deploy any weapon that might threaten the other side's weapons in a time of crisis they might quickly go to a use-them-or-lose-them strategy. I do not think any side is going down to quickly conclude that a first strike is advantageous simply because the other side has weapons that could take out some strategic weapons or some satellite systems. It is to my mind fuzzy thinking to suggest that people are going to act in a hair-trigger way with nuclear weapons. I do not think the leaders on either side are that crazy.

Last, let me just point out that this ASAT system development is not a product of the Reagan administration. That development was directed by President Carter in 1978 and he did so only after he concluded that the efforts to get a ban on space weapons would be unsuccessful without some development on the part of the American Government because the Soviets had been testing interceptor satellites since the early sixties.

It is true that the Soviets have submitted a draft agreement to a multilateral disarmament committee in Geneva. But did you know that the Soviet draft would classify the U.S. space shuttle as an antisatellite weapon? President Carter refused to negotiate on that basis.

☐ 1440

Mr. DANIEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, I wanted to get the attention of the gentleman from California, the author of the amendment.

As I understand the gentleman's amendment, the purpose of that amendment is to prevent any actual procurement and testing of a U.S. antisatellite weapon, with the understanding that if we exercise restraint, then we have the best opportunity of achieving a treaty on antisatellite weapons; is that not correct?

Mr. BROWN of California. If the gentleman from Virginia will yield so that I might respond, I think the gentleman is approximately correct. He uses the term "testing." There is some divergence in views amongst the supporters of my amendment with regard to the testing.

Basically, I want us to continue with the research and development but not the deployment of the weapon.

Mr. STRATTON. But the gentleman feels that if we were to deploy the ASAT weapon, obviously, research and testing on the ground is not going to be a clear test of whether it will operate in outer space.

But is the gentleman aware that from 1972 through 1979, during the Carter administration, we did exactly, the Carter administration did exactly, what the gentleman is proposing that we should do now; namely, we did not field any of these weapons, we did not field an antisatellite. But the Soviet Union did field one system, and yet, with all of that restraint on our part, there was no treaty.

Even as the gentleman from Iowa indicated, they refused to engage in a treaty negotiation in 1979.

So how does the gentleman feel that by cutting out this money for proceeding to match them in this particular area we are going to have any better success by failing to produce a weapon than we did during the period from 1972 to 1979? That solution, the gentleman's solution, the benign solution, has been tried. It does not work. And I would think that the situation today would be even more unhealthy for that kind of expectation.

Mr. BROWN of California. If the gentleman from Virginia will yield, we could stipulate to the history on this. During the period that the gentleman refers to, first, we had deployed and operating an anti-satellite system. We had one deployed on Johnson Island in the Pacific with the capability to destroy the entire Soviet satellite system as well as our own, and it was in response to that that the Soviets developed their ludicrously ineffective system.

The reason we are not negotiating today is because we walked away from the last negotiations. I am asking that we go back to them.

Mr. STRATTON. But the restraint that we exercised then did not bring about any successful negotiation. Apparently the satellite on Johnson Island did not pose any particular threat to them. But now that the gentleman says that we are ahead of them in our capabilities, he also says we ought to restrain ourselves rather than proceed to promote our own interests.

Does not the gentleman think that we ought to be ahead of the Soviets sometime in something at all?

Mr. BROWN of California. If the gentleman from Virginia will yield, I have listened to the gentleman from New York often enough to know that, as far as he is concerned, any arms race is a good arms race. Now, as far as I am concerned, he could make the same statement about me, that any arms race is a bad arms race.

I do not want to have this debate conducted on that basis. We should look at this on the best factual grounds that we can, on the basis of the facts—and I cited the testimony of the Under Secretary of Defense—in September of last year said we did not need to deploy this. The GAO says it will not work and it is overpriced. And I think we ought to make a decision based on that.

Mr. STRATTON. Yes, but the lesson of history demonstrates that the gentleman's approach does not bring a satisfactory treaty. I would love to see a treaty, but his proposal is not likely to yield that result.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from Colorado.

Mr. KRAMER. I thank the gentleman for yielding.

Mr. Chairman, if the gentleman from California will tell me, so that I am certain in my mind where he is coming from on this issue, as I recall the last debate, although it was several weeks ago, the gentleman was saying at that time that he was not opposed to the United States developing an antisatellite capability but he felt strongly that the proposed system as described in this legislation was perhaps not the best way to do it.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia (Mr. DANIEL) has expired.

(On request of Mr. KRAMER and by unanimous consent, Mr. DANIEL was allowed to proceed for 1 additional minute.)

Mr. KRAMER. If the gentleman will yield further, as I understand the debate today, what the gentleman is suggesting is that it is not really so much an issue of whether this or that system is the better system but that the deployment in effect would be provocative, that the Soviet systems do not really threaten many of our satellite systems and that, really, what we ought to be doing is trying to negotiate a way out of the Asat systems totally. There does seem to be some inconsistency between what the gentleman's position was in the last debate and what it is today, and I am wondering if the gentleman might be able to clarify that for us.

Mr. BROWN of California. If the gentleman will yield, I do not want to be unfair about this. I am fully in support of the goal of being ahead of the Russians, or anybody else, in space. I am fully in accord with the national goal of using space for military purposes. I fully support research and development on the further use of space for weapons if it is required.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia (Mr. DANIEL) has again expired.

(By unanimous consent, Mr. DANIEL was allowed to proceed for 1 additional minute.)

Mr. DANIEL. Mr. Chairman, I yield further to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I am trying to draw with this amendment a line that allows us to do all of these things that I have mentioned, continue to have the world's foremost program in space, use it for military purposes, do the R&D on weapons, but avoid that extremely expensive breakthrough when we start actually deploying weapons into space until we can explore other possibilities. I hope that is not an unclear posture to take.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, during the debate that took place on May 26 there were several points addressed and several issues that cannot remain unchallenged. Let us review the basic facts that surround this issue.

First, the Russians have developed, tested, and deployed an antisatellite system that has been ongoing since the early 1970's. The Soviets have actually demonstrated satellite intercepts and that capability is expected to improve.

Second, the United States has no such antisatellite capability and will not until much later in this decade. We have no such capability by our own choice. We could have, but declined in hopes that the Soviets would alter their course.

In the 1970's there were extensive negotiations in an effort to achieve this objective. Finally, however, President Carter decided that negotiations were fruitless and he directed his Secretary of Defense Harold Brown to initiate a U.S. antisatellite program.

In 1982, President Reagan determined, as President Carter had before him, that the Soviets would not respond to negotiations when they had a capability and we had none. He directed that ASAT be deployed as soon as possible.

The U.S. ASAT is designed to perform against those low-altitude satellites which perform reconnaissance, surveillance, and provide targeting information to the Soviets of our land and sea forces. Our ASAT is not only nonnuclear it is nonexplosive and provides a measured response which is not, and I emphasize not, a space-based weapon. Contrary to the Soviet ASAT, our ASAT will never be in orbit.

Several of my colleagues have quoted the GAO report that ASAT will cost $15 billion. Mr. Chairman, I cannot find any factual support for such statement of cost. According to Major General Randolph, Director of Space Systems for the Air Force, "there is absolutely zero evidence in the GAO report to support the contention that ASAT will cost tens of billons of dollars." General Randolph went on to say the system is currently budgeted on the order of about $3 billion to complete the entire antisatellite system. This would make the total cost about $3.6 billion.

What the amendment before us is intending to delete, while identified as ASAT production moneys, is in reality a "get ready" for production authorization. There will be no true production activity in fiscal year 1984. The $19.4 million money simply represents the procurement of certain long-lead components and test equipment which are needed in order to meet an initial operational capability of 1987. Some items require at least 30 months for advanced procurement. Next year, fiscal year 1985, is when we will make the production decision after tests have verified that ASAT is ready for production. I repeat, Mr. Chairman, no production funds will be requested until after tests have proven that ASAT really works.

Let us ask ourselves the basic question, Do we really need an ASAT capability. Listen to Dr. Robert Cooper of DARPA, who recently stated:

> We are not building our ASAT because Russia built one—and we did not do it because it was a bargaining chip to get rid of theirs.

Rather, Dr. Cooper reasons that both nations are working on weapons meant to protect themselves against satellites which are perceived as intolerable if left untouched during time of war.

We as a nation cannot permit ourselves to being placed in a position of being denied our vital satellites, communications, command and control links while the Soviets are allowed to maintain theirs. Because of our geography and worldwide disbursement we are more dependent on satellites than the Soviets. The fact of the matter is, Mr. Chairman, that without an antisatellite capability our land and sea forces during the time of war could be blinded and rendered defenseless. Not protecting ours and the free world's assets defies logic and may well motivate the Soviets to take action they would otherwise find unacceptable if we possessed the same antisatellite capabilities.

I share with my colleagues the concern of escalating weapons technology in space, but there is no doubt in my mind that to do nothing in this area could be dangerous. The solution to this problem is not served by the amendment before us today. I strongly recommend that we carefully examine the facts surrounding this issue and the consequences of this amendment and join with me in rejecting any delay in this most needed program.

□ 1450

Mr. FROST. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the only appropriate time for the United States to reassess its commitment to antisatellite weapons development is when we have a reciprocal and verifiable treaty with the Soviets banning the use of outer space for weapons tests and deployment. Until that time, it makes no sense for our country to retreat from the ASAT program.

Our research and development in this field has left us with an advantage—but not a monopoly—over the Soviet Union. For all intents and purposes, the Soviets are not now interested in negotiating a treaty covering the outer space. When they are inclined to engage in meaningful negotiations, we should immediately move to the negotiating table and work in earnest on this question.

But to slow down any facet of this program—whether it be procurement, testing, or research and development—in the absence of a treaty will do nothing but buy more time for the Soviets to move their program into equivalence with the United States. This is very bad policy Mr. Chairman, and I urge the defeat of this amendment.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. AKAKA. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Hawaii.

Mr. AKAKA. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from California, Mr. BROWN.

Mr. Chairman, I rise in strong support for the amendment proposed by the gentleman from California (Mr. BROWN). I strongly support the deletion of $19.4 million for procurement of anti-satellite weapons.

Mr. Chairman, now is not the time to spend money on procuring these weapons. This question is a highly complex one and certainly needs to be further studied by the Members of this body. To decide today to procure this system is not a responsible action, for we need further information in order to make a sound decision.

Let me tell you why we should not today take this first step to procure an operational anti-satellite system. The answers lie in the long-term ramifications of what will happen if we do, today, on the floor of the House, decide to proceed with funding for the procurement of an operational ASAT system.

First, this decision will affect the balance of power, both perceived and real. The Soviets already have a primitive ASAT capability in hand; should we procure a more sophisticated system now, we are simply asking for a certain escalation in the arms race. This is a decision which should not be made lightly with a mere $19 million. If we want to engage in a serious arms race with the Soviets, then we should do so, honestly and with great gusto. I strongly object to sending a strong and bellicose signal to the Soviets by mistake, for a mere $19 million procurement. If we approve this procurement today, the Soviets will only, and with good reason, upgrade their system and then we will upgrade ours and the race will be on and on and on * * * ad bellum.

If we are going to engage in an arms race with the Soviets, then let us declare an arms race with the Soviets. Let us wage that war and let us win! This decision is both a serious one and an expensive one. It should be made in a reasoned fashion, head-on and not through the back door of a $19 million procurement. I strongly object to slipping into an arms race at this stage in the world's history.

Second, strategy should come first—there will always be enough time for hardware refinement and development. There are many other technologies under consideration which may very well prove to be both more effective and cheaper, as far as ASAT's are concerned.

The simple fact is that we do not know if the current method of eliminating enemy satellites is the one we want. Under these circumstances, procurement now is simply silly and definitely short-sighted. We must, in this body, look at the big picture.

And third, it is not too late to begin negotiations now with the Soviets for a mutual and verifiable agreement banning antisatellite systems from space. I want to remind my colleagues that once we procure an operational system, serious negotiation is, at very best, difficult. I also want to remind my colleagues that in March of this very year, close to 50 Members of Congress wrote to the President of the United States to ask that the United States refrain from testing the ASAT weapon system until we have tried, in good faith, to negotiate a ban on these systems. The simple fact is that procurement of ASAT system now, in the fiscal year 1984 budget, is premature.

Passage of the Brown amendment does not eliminate over $200 million in funding for research and development of an ASAT system. I strongly support continued R&D funding, for an ASAT capability may be of critical importance to our long-term global defense posture.

I urge my colleagues to support the Brown amendment. I urge my colleagues not to throw DOD money at a problem in the vain hope of scaring the Soviets into submission. This is strategy that simply will not work. We should not, over a mere $19 million goad the Soviets into fighting a war-in-space race with vigor.

You can be sure, that if we, as a nation, decide that we need an operational ASAT system, we will have one. But, that is a decision best made after careful deliberation * * * not in the heat of debate on whether or not to procure a system which, in all likelihood, is already outdated. The only reasoned vote on this amendment is a vote for the Brown amendment.

Mr. BEDELL. Mr. Chairman, I think this debate is about to come to a close.

I would point out quite clearly that, indeed, we are talking about procurement. We are talking about procurement of parts to move forward in order to set in place this system about which we are talking. I believe it makes some sense for us to be certain of what it is that we are procuring before we start procurement. I think it is quite clear here that once we start procurement, the argument is always brought forth that we have already started, this is no time to stop, we made that decision earlier.

The argument is made that, indeed, this is necessary for us to help get agreement with the Soviet Union. I would point out that as we move forward on these weapons systems it equally has proven that we have been unable to get agreement with the Soviet Union.

Mr. Chairman, I agree wholeheartedly that the antisatellite weapons system requires further consideration before Congress commits itself to this new and potentially destabilizing program. It will be, as others have pointed out, far more expensive than originally anticipated. Once Congress approves this first, small amount of procurement funding, we shall in effect be committing ourselves to putting out $200 million next year, and more and more, every year, year after year, until we find ourselves in yet another costly arms spiral from which we cannot extract ourselves. I see no reason to commit ourselves to a multibillion-dollar program until we have had ample opportunity to debate the strategic implications of such a system. Why should we begin procurement of this system when all research, development, testing, and evaluation has yet to be completed? Why should we commit ourselves to such a potentially destabilizing weapons system without first attempting to negotiate a treaty with the Soviet Union banning the deployment of such systems?

I would remind my colleagues that to delete this money—$19.4 million—today in no way affects the initial deployment of this weapons system, which is scheduled for 1987, even if we should elect, after full consideration, to continue on our present course. I would urge my colleagues to adopt the Brown amendment in order to insure that the merits of deploying a sophisticated antisatellite weapons system are debated and truly in the best national security interests of the United States.

● Mr. BROWN of California. Mr. Chairman, I urge my colleagues to support the amendment offered by myself, Mr. MOAKLEY, Mr. SEIBERLING, and Mr. LEACH to the Department of Defense fiscal year 1984 authorization bill.

The amendment is very simple. It deletes $19.4 million earmarked in the bill to begin procurement of an operational antisatellite space weapons system. This amendment does not cut funds for research on the ASAT system and leaves the United States with a program level of roughly $200 million per year, totaling over $1 billion through fiscal year 1985.

I am proposing to cut procurement funds for the ASAT system, because in my opinion Congress and the United States are simply not ready to take the major step of placing weapons in space at this time. If we approve procurement funding now, we will be giving the green light to a weapons race in space with unforeseeable consequences and without the benefit of informed debate and consideration. This program is literally being slipped in under our noses, when we lack a clear space policy. Eugene Rostow, former head of the Arms Control and Disarmament Agency, perhaps said it best last September before a Senate hearing; he said, "We do not really know yet what we want in the area of space." We need policy first, procurement later.

Procurement at this time represents a critical step from strategic, budgetary, and foreign relations standpoints. It means crossing the threshold to placing weapons in space.

Moreover, while this system appears to be a minor investment from a budgetary standpoint, the fact is that the $19.4 million we are being asked to approve is just the tip of the iceberg. DOD wants to come back next year with a request for $197 million. And while the Air Force estimates the cost of the ASAT system at $3.6 billion, the General Accounting Office recently estimated that to meet mission requirements, the system would cost in the tens of billions.

Here is what the recent General Accounting Office report said:

> When the Air Force selected the miniature vehicle technology as the primary solution to the antisatellite mission, it was envisioned as a relatively cheap, quick way to get an antisatellite system that would meet the mission requirements. This is no longer the case. It will be a more complex and expensive task than originally envisioned, potentially costing in the tens of billions of dollars.

So the system might be obsolete by the time it is built, and we will pay billions of dollars for an obsolete system.

The U.S. military has long depended on space for communications, early warning, intelligence, weather, navigation, reconaissance and arms treaty verification. These systems lend security and efficiency to our military operations. U.S. antisatellite weapons are contemplated for the purpose of destroying Soviet satellites. Ironically, however, the Soviet Union is less dependent on satellites than the United States; therefore the U.S. has more to lose in an antisatellite weapons confrontation.

I do not wish to minimize the concerns of those who are aware of the Soviet ASAT capability. The Soviets do have an operational antisatellite system, which, while primitive, is a legitimate cause for concern. But we must put the Soviet system in perspective. The Soviet ASAT system can only attack targets in low-Earth orbit; most of the important U.S. national security satellites are in very high orbits, and are not vulnerable to the current Soviet ASAT. The Soviet ASAT, which uses fixed launch sites, is a cumbersome and inflexible system in comparison to the mobile, F-15 based, U.S. system.

The United States risks little by refraining from procurement of an operational ASAT system at this time, and has more to gain by entering into negotiations with the Soviets. Leaving the research intact, we could go ahead with the deployment of an ASAT system within a year or two if we so desire after considered debate. The Soviet system, while deemed operational, poses only a clumsy threat to the U.S. space systems.

Furthermore, Dr. Richard D. DeLauer, Under Secretary of Defense for Research and Engineering, stated last September before the Senate Subcommittee on Arms Control that the U.S. has "no policy mandate to pursue space weapons. On the other hand, given the Soviet activities and their spending rates, we must continue our research and planning, but we will not do any acquisition unless our security is threatened." This is exactly what my amendment proposes to do—to delete procurement funds but continue with research and development. There has been no evidence of an increased threat from the Soviet Union in the last few months since September, 1982 when Dr. DeLauer made his statement regarding acquisition of an ASAT system. It is not clear to me therefore, why DOD has come to Congress with a request for procurement funds.

Let us give ourselves the opportunity to begin negotiations with the Soviets again. If we allow antisatellites to reach the operational phase, it will already be too late—ASAT's are extremely difficult to detect and any treaty will be virtually impossible to verify.

The United States has a 20-year history of negotiating for the peaceful exploration and development of space. The 1963 Limited Test Ban Treaty, the 1967 Outer Space Treaty, and the 1972 Treaty of the Limitation of Anti-Ballistic Missile Systems have all contributed to securing peace, not only between the superpowers, but throughout the world. Ambassador Buchheim, former head of the U.S. Delegation to the United States-Soviet Union Anti-Satellite Weapons talks, offered the following statement in the Senate hearing last September in favor of resuming talks with the Soviets.

> In my opinion, there would be merit in engaging in well prepared discussions with the U.S.S.R. for the explicit purpose of seeking mutually advantageous agreements * * * on antisatellite operations and systems.

We urge support for delaying procurement while continuing research on ASAT weapons. It is much wiser to negotiate limitations before procurement than to dismantle existing systems. The Antarctic Treaty, which internationalized and demilitarized the Antarctic Continent and provided for its cooperative exploration and future use, is an example of nations exercising foresight and working in concert to prevent conflict before it develops.

Let us not find ourselves 5 years down the road with an expensive and perhaps dangerous weapons race in space, that all started with the $19.4 million we now are being asked to approve for the procurement of an antisatellite weapons system. This is a complex issue and one that requires careful consideration.

Space is indeed the last frontier. Let us think carefully before we place weapons there.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. BROWN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROWN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 243, not voting 12, as follows:

[Roll No. 188]

AYES—177

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (TX)
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Biaggi
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Britt
Brown (CA)
Carper
Carr
Chandler
Clarke
Clay
Coelho
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Daschle
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Garcia
Gejdenson
Gephardt
Gibbons
Glickman
Goodling
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hamilton
Harkin
Hertel
Hopkins
Howard
Hoyer
Jacobs
Jeffords
Jones (OK)
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
Mack
MacKay
Markey
Matsui
Mavroules
McHugh
McNulty
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pritchard
Rahall
Rangel
Ratchford
Reid
Richardson
Rostenkowski
Roukema
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schumer
Seiberling
Shannon
Sikorski
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Towns
Traxler
Udall
Vento
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Yates

NOES—243

Alexander
Andrews (NC)
Annunzio
Anthony
Applegate
Archer
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boner
Breaux
Brooks
Broomfield
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Chappell
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Coleman (TX)
Conable
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dowdy
Dreier
Duncan
Dyson
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Fiedler
Fields
Fish
Flippo
Franklin
Frost
Fuqua
Gaydos
Gekas
Gilman
Gingrich
Gonzalez
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (UT)
Harrison
Hartnett
Hatcher
Hefner
Hightower
Hiler
Hillis
Holt
Horton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McKernan
Mica
Michel
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Ortiz
Oxley
Packard
Parris
Pashayan
Patman
Paul
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Roth
Rowland
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Weber
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NOT VOTING—12

Bonker
Corcoran
Frenzel
Hansen (ID)
Hawkins
Heftel
Martinez
McKinney
Rodino
Schroeder
Simon
St Germain

☐ 1500

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Frenzel against.

Mr. Hawkins for, with Mr. Corcoran against.

Mr. McKinney for, with Mr. Hansen of Idaho against.

Messrs. YOUNG of Missouri, COLEMAN of Texas, and SLATTERY changed their votes from "aye" to "no."

Mr. DURBIN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1510

The CHAIRMAN pro tempore. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. M'CLOSKEY

Mr. McCLOSKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCloskey: Page 7, strike out line 11 though 14 and insert in lieu thereof the following:

(d) Procurement of the B-1B bomber aircraft may not be carried out under a multiyear contract.

Mr. McCLOSKEY. Mr. Chairman, I am here today to speak in strong opposition to multiyear procurement status for the B-1B bomber. To put it very simply, while the basic issue before us is the question of the B-1B bomber as to multiyear funding status, I truly think that there is a larger question here underlying all this just as to what is our role here in the Congress as far as overseers of our military policy, particularly with concern to our budget, our budget priorities, and our ability to be able to make decisions.

While the amendment here is as to multiyear procurement of the B-1B, I think the larger question is just what is the budget authority of the Congress? What is our ability to undertake that on a continuing basis and just what is our ability and, indeed, our interest to comply with both our own statutory policy and the normal regulatory processes that are supposed to go on over in the Department of Defense.

Very, very simply speaking, the Department of Defense criteria state that a system must be in effect stable and technically mature. That has been generally interpreted by Secretary Carlucci as saying, as far as the operations of the Defense Department go, the Carlucci amendment basically states that to be stable and technically mature, research and development must essentially be done on this.

Then I ask, Mr. Chairman, why is it that we have $1.6 billion going into research and development over the next 3 years for this weapons system?

In effect, this means that with not one B-1B off the production line, with not one test flight done, the Congress would not have the ability to oversee this situation for some 3 years. In effect, there would be more than 50 authorized; so I ask, with not one flight having been done on this, with not one test flight and with not one plane off the production line, why are we going for multiyear procurement on the B-1B?

Is it not in effect to opt us out of the decision making process over the next 2 or 3 years?

In effect, if we are going to go along with our own statutes, if we are going to go along with the stated policies of the Secretary of Defense, we should not be putting in multiyear procurement funding for the B-1B at this point.

I would stress that my amendment as such is not a pro or anti B-1B amendment. I think that people on both sides can vote for this policy in good faith. It does not cut $1. It just says at this point, so early in the process, we are not going to opt out of this for 2 or 3 years and have 50 of them off the line before we can go at it again.

I would note that many people say that the R&D funding of the original B-1B itself is essentially a matter of it having been done already.

I would note that a substantial portion of the systems of the B-1B are not identical to and are quite distinct from the B-1 itself, so there is much R&D to go. We do not yet have one plane and we do not yet have one flight test.

So I would ask for your cooperation on this. Those of you who are strong B-1B folk, we are not cutting $1. We are just saying let this go another year before we get into a multiyear procurement status.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the distinguished Representative from Michigan.

Mr. HERTEL of Michigan. Mr. Chairman, I thank the gentleman from Indiana, the maker of the amendment.

I want to clarify two things. The gentleman pointed out, first of all, that there will be no funds cut at all from the B-1B bomber by this amendment.

Mr. McCLOSKEY. That is true.

Mr. HERTEL of Michigan. The gentleman also pointed out the production of the plane will not be slowed down one iota by the passage of this amendment.

Mr. McCLOSKEY. That is true.

I would note that part of the justification for this, I say to the gentleman from Michigan (Mr. Hertel), is that the Air Force contends that we would have an $800 million savings. That has since been downplayed to the tune of $600 million and, indeed, the GAO has recently pointed out that even that does not take into effect the discount value of money and this comes at a time when the four prime contractors on the B-1B are in negotiating positions, with present cost status some 31 percent over the agreed upon budgetary limits.

□ 1520

Mr. HERTEL of Michigan. Will the gentleman yield further?

Mr. McCLOSKEY. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. The basic essence of the amendment clearly then is to say that the Congress, the Department of Defense, and the Air Force in particular and the contractors involved must follow the statutory language adopted earlier. If it went to multiyear contracting in this case we would lose some of those powers because the B-1 bomber was a controversial project and still is to some degree a controversial project, but mostly since you are not talking about limiting the B-1 bomber or cutting funds or slowing down the B-1 bomber, I support the amendment, clearly because we are talking about showing the American public with this large expenditure of tax dollars, what we are trying to show by this kind of an amendment is to show the American public, the taxpayers that are paying for this weapon and other weapons that we are doing the best possible job in spending their money and staying on top of this kind of expenditure to make sure it is done properly, timely, and with the right standards met that this Congress earlier had set forth for the B-1 bomber.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. McCloskey) has expired.

(By unanimous consent Mr. McCloskey was allowed to proceed for 2 additional minutes.)

Mr. McCLOSKEY. Indeed it does meet all of those statements, I would say to the gentleman from Michigan, (Mr. Hertel,) and I might note that it totally complies with the statute and even with the DOD-stated policies. No one can literally say that R&D is done on the B-1B and we have $1.6 billion slated to go into that. That is against all of the previous policies of the DOD. This would be an unprecedented move to lock in a weapons system of this sort in this early stage. I do not see how it cannot wait another year.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman.

Mr. SKELTON. Is the gentleman from Indiana aware of the fact that there were four prototypes of the B-1 bomber? Is the gentleman aware of that?

Mr. McCLOSKEY. I am aware of previous prototypes. That is true.

Mr. SKELTON. And the gentleman wishes to do away with the multiyear procurement for the B-1; is that correct?

Mr. McCLOSKEY. That is true at this point.

Mr. SKELTON. And the purpose of a multiyear, as we all agree, is to save the taxpayers dollars; is that not correct?

Mr. McCLOSKEY. That is true.

Mr. SKELTON. And in essence we run the risk of losing some $600 million for the taxpayers if we do not proceed with the multiyear; is that not correct?

Mr. McCLOSKEY. I would say even if you did not take the GAO at face value and if you eliminated the statements of the GAO, that so-called saving has not been discounted in terms of the dollars involved, that that is a relatively minuscule or chancy amount when you consider as far as the $20.6 billion ceiling on the B-1B. Right now we are in a position with the contractors where the proposed contracts are 31 percent over the base. So I think when you consider just how subject to change all of that is that it is a very deep chance, problematic chance to take.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, let me say I think the reasons given by the proponent and the offerer of this amendment are commendable but I think he has his facts garbled. I would like to try to put this in perspective.

Most of us here will remember back 2 years ago when we labored long and hard over this particular bill and the section on multiyear procurement. I think we debated just this one amendment for about 3 days, as to whether or not the Department of Defense should have the right to go into multiyear procurement on certain programs.

There were two groups on the floor at that time who opposed it. We fought it out but I think we were just overwhelming with logic. I would like to think so.

But, anyway, we passed it and we put it in place.

But let me point out to the Members that we made certain stipulations we wrote into the permanent law these stipulations, that must exist in order for the Secretary of Defense to select a candidate for multiyear procurement:

That the use of such contract will promote the national security of the United States and will reduce the total overall cost. That the minimum need for the property to be purchased is expected to remain substantially unchanged. That there is a reasonable expectation that throughout the contemplated contract period the Department of Defense will request funding for the contract at a level required. That there is a stable design for the property to be acquired, and that the technical risks associated with such properties are not excessive. Also that the estimates of both cost of the contract and the anticipated cost through the use of multiyear contracts are realistic.

What we are doing here. Mr. Chairman, is that we have authorized a technique that we call multiyear contracting in order to save the taxpayers money. There is not a person here who has not heard complaints from taxpayers or from constituents saying, "Hey, the Department of Defense wastes money." So in order to get a handle on this we said, "Hey, why should contractors every year have to go to the supplier, to the vendors, and everything, and to the Congress, and not know the price from year to year?"

Multiyear contracting enables the contractors to go to their suppliers, to their vendors, and get stable levels of production so that they could facilitize, hire people, buy long leadtime items, buy scarce metals and minerals.

Now, in order for the B-1 to be a candidate it has to live up to these requirements that we have set out. In order for the Secretary of Defense to be availed of this opportunity he has to certify those things I have read.

The Air Force tells our committee that the projected savings by going multiyear is some $800 million in constant fiscal year 1981 dollars. It will save that much just by allowing the contractor to buy on a continuing basis, on a level effort basis so that he does not have to go back and recontract with the suppliers each year, and so that he does not have to go back and renegotiate his wage rates. It gives a stability to a program that is going to last over several years.

These are not my figures. I cannot vouch for them. I am saying these are the Air Force projected savings of $800 million just by being allowed to do this if the Secretary certifies that these criteria have been met.

So the point is we have established a mechanism, put it in place, and we have tried to save money. Then if we approve this amendment and deny them the ability to contract multiyear procurement and deny the savings, then we are in effect just shooting ourselves in the foot and making for naught what we have put in place.

If this is a stable program, the Secretary has to certify that. The low technical risks have to be certified and if he cannot certify to these essential requirements then it is not a candidate for multiyear.

We have built, as has been pointed out, four prototypes of the B-1. Then the program was canceled. Now the B-1B is being developed. It has about 80 percent airframe commonality with the original B-1.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. Dickinson) has expired.

(By unanimous consent Mr. Dickinson was allowed to proceed for 3 additional minutes.)

Mr. DICKINSON. So what we have here is a savings. It does not commit us to anymore than we are presently committed.

The Secretary of Defense has to certify the stability, the low technical risks of the program, the need, and that it will, in fact, make these savings.

So now to declare by this amendment and say we do not want these savings, that we want to spend whatever we have to spend and not to try multiyear, not try to stabilize production, is very shortsighted in the extreme.

So I would hope we would not undo what this committee has already done and we can proceed in an orderly fashion.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I will be pleased to yield to my colleague in the well.

□ 1530

Mr. McCLOSKEY. Thank you very much.

I would like to again state that Mr. Dickinson, is the gentleman in effect saying that no significant R&D, RDT&E is yet to be done? Why is that $1.6 billion out there? This is not an anti-multi-year procurement policy generally. We are looking at this particular weapon system, where not one is off the production line and not one is flight-tested. I have to ask the gentleman what is his specific opinion of the philosophy behind the Carlucci amendment, the Carlucci statement which says to qualify for multiyear procurement they must have completed RDT&E? Do these words mean anything?

Mr. DICKINSON. I will be glad to try to explain. The Carlucci initiatives, if the terminology means anything to you, were really an outgrowth of and were developed by our committee and particularly the Subcommittee on Readiness. We held hearings for a year. The gentleman from Virginia (Mr. Daniels), chaired it.

Out of this came the so-called Carlucci initiatives, I think some 32 of them. Multiyear procurement is a part of that. We are very familiar with it.

Mr. McCLOSKEY. Does the gentleman think it should not be adhered to then?

Mr. DICKINSON. If we have reached that point where the Secretary can certify a low technical risk—and I do not know that he has done this yet; I think so—but if he can certify these things then it is a candidate to save $800 million. I certainly know it will not cost anything to allow them to go forward as we have directed in the past. It is a commonsense approach.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Ohio.

Mr. KASICH. If I could make a point to clarify the discussion about RDT&E.

The **CHAIRMAN** pro tempore. The time of the gentleman from Alabama (Mr. Dickinson) has expired.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

I am very interested in this amendment because it is a subject that I think we all ought to be very concerned about.

It struck me in the conversations that we are having at the committee, I have to ask the gentleman from Indiana if he would get near to a mike because I would like to ask a couple of questions about it.

I was puzzled by this issue when it came up in the Committee on Armed Services. I asked the question, what is the issue on multiyear procurement here in the case of the B-1 bomber? Was this a request that the Pentagon had for multiyear procurement for the B-1?

Mr. McCLOSKEY. If the gentleman will yield. In effect yes, the Air Force very strongly wants multiyear procurement, at a point, Mr. Aspin, when, you know, there is not one off the production line, not one item has been flight tested yet. We would not get to review this until most of the program is done, some 50 planes.

Mr. ASPIN. The point you are making is it is awfully early to go to multiyear procurement on this weapon system?

Mr. McCLOSKEY. It is exceedingly early at a point when we have 3 years of RDT&E scheduled, $1.6 billion allocated for it, how can we say there will be no significant design or other technical changes once the flight test starts?

Mr. ASPIN. What about the other procurement, other requests from the Pentagon to the Committee on Armed Services requesting that other systems go to multiyear procurement? What happened on those?

It seems to me, as I understand it and I am trying to reconstruct the conversation we had in the committee, it seems to me the issue was raised that they had some requests for other multiyear procurement which the committee turned down, is that correct?

Mr. McCLOSKEY. I believe so. I do not recall the specific items, Mr. Chairman. But I would note that this is somewhat unprecedented as far as how early in the aircraft's development we would be going for multiyear procurement.

Mr. ASPIN. Let me ask the chairman of the subcommittee, the gentleman from New York, did we have other multiyear procurement requests in this bill that we turned down?

Mr. STRATTON. If the gentleman will yield.

Mr. ASPIN. I yield to the gentleman.

Mr. STRATTON. I think the gentleman is familiar with the report that we issued. We had a number of requests for multiyear funding. In fact, we turned down eight of those requests. For example, we turned down the multiyear procurement of the CH-47 which provided only $3.9 million in saving and would have required up front money of $64 million.

We also disapproved multiyear funding for the F-18 engine and we disapproved multiyear procurement on the TOW missile. But the fact of the matter is that the B-1 bomber represented virtually a classic case of how you could achieve real savings, in this case a total of $1.2 billion on a weapon system that we have all been familiar with, should never have been eliminated by President Carter in the first place and which we now realize is desperately needed to provide the bomber leg of the triad.

Mr. ASPIN. I understand. Let me stick to the issue of the multiyear procurement, because I am curious as to what the committee found. It is my understanding that the committee found that in fact the savings from multiyear procurement are not all that they have been cracked up to be.

Mr. STRATTON. Well, I do not know what the gentleman regards as "cracked up" money, but I would certainly think that $1.2 billion is something that you should not sneeze at.

Mr. ASPIN. No, no, I was not talking about the B-1. I was talking about the other programs.

Mr. STRATTON. That is right.

Mr. ASPIN. If the gentleman will let me finish.

Mr. STRATTON. I am trying to answer the gentleman's question.

Mr. ASPIN. The discussion we had in the committee, which was the question as to whether in fact you save money from multiyear procurement? It seems to me the Government report showed that the savings were not what we anticipated.

Mr. STRATTON. The fact——

Mr. ASPIN. I have the time.

Mr. STRATTON. I thought the gentleman wanted our views.

Mr. ASPIN. No, I want to talk. I will refer to the gentleman when I want to refer to the gentleman. What I am saying is it seems to me there is some evidence at this point that the multiyear procurement is not getting the savings that were anticipated.

I think the subcommittee recognized that fact by taking out the multiyear procurement for a number of weapon systems. So, it seems to me rather peculiar, that being the case, that the B-1B should be one of the systems that is allowed to continue under multiyear procurement or to start it, when we are starting it at a very, very early stage, at a point when we really, as the gentleman from Indiana so eloquently pointed out, when we really do not know enough about a weapon system. We are locking ourselves into a multiyear procurement.

The **CHAIRMAN.** The time of the gentleman has expired.

(By unanimous consent, Mr. Aspin was allowed to proceed for 2 additional minutes.)

Mr. Aspin. There is a suspicion that the military or the Air Force in this case wants to lock us all into this contract because multiyear procurement means if you want to cut it down later it is going to cost you a bundle to get out of the contract. And they are concerned that we are going to have a money squeeze later and with a money squeeze later we are going to want to try to buy fewer B-1B's and that means in order to get out of this, in multiyear procurement, it is going to cost a lot of money to do that. It seems to me the gentleman from Indiana has a case. I would like to yield to anybody else who has a counterclaim? No one?

I yield back the balance of my time.

Mr. BADHAM. I move to strike the requisite number of words

Mr. KASICH. Mr. Chairman will the gentleman yield?

Mr. BADHAM. I yield to the gentleman.

Mr. KASICH. I thank the gentleman for yielding.

Let me make a couple of points quickly. There is some discussion about RDT&E moneys being included in the B-1 project and somehow that implies that the project is still not certain, not stable. What everyone should know is that there is still RDT&E money included in the B-52 bomber program and also in the F-16 program through the year 1985.

So, including money in RDT&E in the B-1 does not in any way, shape, or form imply instability in the program, but rather is normal program cost. I will be glad to yield back to the gentleman and take 5 minutes later myself.

Mr. BADHAM. I thank the gentleman for his contribution.

I think we ought to get to the background of multiyear procurement and why we have it.

The esteemed chairman of our subcommittee, the gentleman from New York, has correctly pointed out that there were several requests made for multiyear procurement that were turned down. They were turned down basically on affordability. Take the F-18 engine, as an example, it is a mature engine, it would be a good candidate for multiyear procurement, but this year's cash flow would not permit the up-front money to permit some savings down the line.

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The B-1 is just the other way around. The maturity of the B-1 program I would like to comment on for just a moment. My recollection is that

the B-1 first flew in 1972. I think after having flown now for 12 years or so we could call that a mature aircraft. The Soviet Union thinks it is a mature aircraft. They have already produced two copies of the B-1, the Blackjack and the Backfire bombers, both pretty good copies of the B-1, one a little smaller, one a little bigger.

The fact is that if we do not go on to multiyear procurement now, this will jeopardize or maybe even kill this needed program. We have, debated B-1 procurement every single year that I have been in the Congress. Finally, a year or two ago, we decided that it was time to go ahead with this mature system that has been flying, that has been tested, that is ready to go into production. It just stands to reason that if this program is going to come into line on cost and on time we are going to have to give subcontractors confidence, and we are going to have to give the contractor confidence, and we are going to have to move ahead in a coordinated, coherent policy for the production of this most needed weapons system.

Mr. Chairman, I hope that this amendment will be defeated because it seems to be nothing more than a transparent attempt to knock B-1 from multiyear procurement and will destroy the program by putting the program costs over the affordability threshold.

This program is needed by our Air Force and it is ahead of schedule and under cost at the present time.

We should keep it that way.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, I wonder if the gentleman is aware of the fact that we have completed about 24 percent of the total contracts and 24 percent of the total contracts are between 2 and 7 percent below cost and while the argument may carry on here that somehow there are bids coming in that are significantly higher than what they should be, I must point out to the gentleman that those bids came in like that on 24 percent of these contracts that are completed. Yet we are ahead of the schedule and we are also 2 to 7 percent lower than estimated cost.

So it seems to me, and may be the gentleman would respond, that we are doing a good job on this B-1 in terms of cost and schedule.

Mr. BADHAM. Well, I think we should be doing a good job on the B-1. After all, it has been around for about 12 years now. So I guess it is mature enough to go into production, but I thank the gentleman again for his contribution, because what he says is absolutely correct. We are saving money by creating coherence, coordination, and responsibility within the contract.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I am opposed to this amendment because this amendment is nothing more than a flanking attack on the B-1B program. The opponents have lost the battle on the issue on whether or not to go forward with the B-1 and now having lost that they seem to want to try to win in the locker room what they lost on the playing field.

Let me point out that the subcomittee very diligently did its work. There were requests and attempts to have the multi-year system imposed in some eight instances. Seven of them were turned down, but this one was one where we could save money. And it was adopted in the subcommittee and the full committee.

The House made a rational decision last year. We decided that we should acquire the B-1B as quickly as possible and as cheaply as possible. And that is what we attempted to do in the subcommittee and in the subcommittee this year.

The Secretary of Defense took a blood oath to the Congress and we put it into the law that the program would be completed for $20½ billion in the fiscal year 1981 dollars. And that contract between the Congress and the Defense Department assumed that the program would be placed on a multiyear basis and save us $1.2 billion.

Now, it is interesting to hear those say that we are not going to save as much as we thought. $1.2 billion is a pretty healthy savings and even using the figures of our friend from Indiana, $600 million is a great savings.

Now, if we back out of our half of the bargain now it could cost at least that much in savings and we would be behind the eight ball in that regard.

Mr. Chairman, that is exactly what the supporters of the amendment are trying to bring about. They hope that they can get the multiyear movement canceled and disapproved and the cost of the B-1B will go up. And they will say, "Ah ha, I told you so. It is going to cost more." But in a multi-year we are not going to let it happen, we are going to hold the cost down. We will proceed with this important weapons system and we will come in at cost or below.

Mr. Chairman, I urge the defeat of this amendment.

Mr. KASICH. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, there are several points that need to be made here. We are hearing a lot about a GAO study that the supporters of this amendment are talking about. What everyone should know is that there has been no GAO study on the B-1 bomber, but rather, only a GAO study based on an Air Force independent cost analysis in September of 1981. So the GAO itself never even looked at ths overall program except by referring from this CAIG analysis. That analysis itself is faulty for several reasons, particularly because it made many worst case assumptions.

Let me explain very briefly about the GAO report. We have already heard about RDT&E money. I have explained how this is a nornal way to operate with any weapons system, including the B-52, but other arguments are being made against this particular clause, in which you must prove you need a multiyear contract. The Secretary of the Air Force has said and verified that we have fulfilled public law in this case, but some of the arguments against multiyear procurement maintain that the B-1B program does not include such items as additional testing. We already have 1,000 additional hours of testing budgeted and requested for the B-1B program, and already have 1,800 hours of flight.

So I would maintain that this argument does not make very good sense. The GAO also says the depot support requirements are not included, but if my colleagues will look at the facts in terms of this, the Air Force feels that it has properly budgeted its depot support requirements.

Let us talk about the simulator costs. These costs are not included in the B-1B program. Well, Mr. Chairman, it is not improper for simulators to be budgeted separately. In fact, in many cases, it is done that way.

Let us talk about engineering change orders. We are hearing about all these needs that change the design, but let me say that we have budgeted for engineering change orders. The Air Force budgeted 6 percent, while the actual cost involved in engineering change orders are only running 5.7 percent, but the GAO thought that we did need 10 percent more dollars for engineering change orders.

So this CAIG report it really out of perspective. If you look at RDT&E money, if you look at simulator cost, if you look at engineering change orders, there really is not much validity to that argument that was based on a study made in 1981 before we even started on this whole B-1 program.

Let me say that this multiyear program is going to save the taxpayers $800 million in 1981 money or $1.2 billion in then year financing.

The simple fact of the matter is we are 2 to 7 percent below cost at this point, with 24 percent of the total contracts completed. And if we go multiyear we are going to stay in the budget. If we do not, the President of the United States would have to come to this Congress and say we are out of control. In fact, we are below cost and ahead of schedule.

And let me tell my colleagues a few good things about the B-1 program. The B-1B flight test program began a month earlier than contract commitments called for and has flown 10 successful missions to date.

□ 1550

All engineering drawings have been completed and released to manufacturing for fabrication. Special test equipment authorization and the design review are complete. All associate contractors are reporting below their budgeted cost by 2 to 7 percent. All associate contractors are between 3 to 6 months ahead of their contractual commitments.

So, Mr. Chairman, I would argue that this amendment is not an attempt simply to eliminate the multiyear procurement which will save the taxpayers of this country a big chunk of money, but really this is an attempt to eliminate the B-1B program in itself. I would urge the House to reject this amendment, save the taxpayers' money, and let us get on with the program that has really proved to be successful.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Mr. Chairman, let me ask the gentleman specifically, how much are we under budget on the B-1B?

Mr. KASICH. At this point, with 24 percent of the contracts signed, we are running 2 to 7 percent ahead of schedule.

Mr. COLEMAN of Texas. No; that is the problem I am having with the gentleman's unwillingness to accept the GAO study.

Two to seven pecent—what are we talking about in terms of dollars? And why is it not exactly 4 percent or 3 percent? I do not like numbers like 2 to 7 percent. I think that is what the American public does not like. They understand that we continually are not giving people real numbers. So I am asking the gentleman if he can do that for us with the B-1B.

Mr. KASICH. The gentleman should understand that both the Secretary of Defense, Caspar Weinberger, and also Secretary of the Air Force, Verne Orr—

The CHAIRMAN pro tempore (Mr. Barnard). The time of the gentleman from Ohio (Mr. Kasich) has expired.

Mr. BEDELL. Mr. Chairman, I move to strike the requisit number of words.

Mr. Chairman, as a former businessman, I have appreciated the colloquy that has taken place so far. If I might ask the gentleman from Ohio, did I understand the gentleman to say that there is budgeted additional testing for the B-1 bomber?

Mr. KASICH. That is correct.

Mr. BEDELL. And did I understand the gentleman to say that there is money budgeted for engineering changes that may be required for the B-1 bomber?

Mr. KASICH. That is correct. In fact, we have budgeted at this point in time more liberally in terms of the cost of engineering change orders than have actually occurred.

Mr. BEDELL. And if I understand correctly from the gentleman from Alabama, there is about 80 percent commonality with the B-1A and that there is 20 percent, then, that is not common.

Mr. DICKINSON. If the gentleman will yield, yes. The gentleman has to understand that this is the total aircraft. It varies. The components, such as radar, avionics, and so forth, it varies. But, yes, roughly 80 percent in common.

Mr. BEDELL. And if I understand it correctly, further, from the gentleman from Indiana, there is about $1.6 billion still which we are authorizing for RDT&E; is that correct?

Mr. McCLOSKEY. That is correct; 1984 to 1987. I might also add that, as to previous statements that the GAO has not dealt with this recently, they have been dealing with this intensively in recent weeks, just as recently as 2 days ago, testifying before the House Appropriations Subcommittee on Defense. So they are very much on that. I would relay that to the distinguished gentleman from Ohio.

Mr. BEDELL. It seems to me that we are getting at exactly the gut issue here. As the gentleman from Alabama clearly stated, Public Law 97-86, which is the law of the land, states that we will only enter multiyear contracts under five particular criteria. One of those criteria, which he read to us, reads as follows: "that there is a stable design for the property to be required and the technical risks associated with such property are not excessive."

I do not see how anybody can argue that we do have a stable design when we are budgeting for a significant amount of additional research, where we are budgeting for an additional amount of engineering change, when 20 percent of what we are proposing is new and different from what we have had in the past.

We talk about saving money. But I am telling you that if you are to save money, the one thing you do not do if you are a businessman is to enter into multiyear contracts, into something that you have not determined what it is going to be and how it is going to be built.

Surely, it is the responsibility of us as Members of Congress to see that the laws of the land are obeyed. And if we are going to say what we are going to do is simply leave it up to the Secretary of the Air Force, which we know wants to use any excuse he can to go forward with this project, to certify that it is indeed being obeyed, then I submit that we are not doing the job that we were elected to do as we were elected to serve here in the Congress.

So I would urge the members of the committee to take our responsibility, which is that we are going to demand that the laws be obeyed. We can talk about saving money, but I am here to tell you that you do not save money when you enter into a multiyear contract to buy something for several years out ahead that you do not yet know what it is going to be. At least in this gentleman's opinion we surely should have the courage, as Members of this Congress and Representatives of the taxpayers, of the people of our Nation, to first of all see that the laws are obeyed and, second, to operate in a businesslike manner, that before we enter into multiyear contracts on something we know what it is we are going to want and what we are going to buy.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Ohio.

Mr. KASICH. I wonder if the gentleman is aware of the fact that the B-52A to the B-52H required more than 20 percent change order in those aircraft. We have moved right along from the A to the H, and there has been more than a 20-percent engineering change order. But in this B-1 we have got 80 percent similarity.

Mr. BEDELL. But that is not our argument here. Our argument is whether we should go with multiyear contracting and the law—let me read it again—that there is a stable design for the property to be acquired.

Can we have a stable design when we only know about 80 percent of what the product is going to be? Certainly any manufacturer who only know what 80 percent of this product would be would not say he had a stable design.

Mr. KASICH. If the gentleman will further yield, the Secretary of the Air Force and the Secretary of Defense have to certify these 5 items.

Mr. BEDELL. Absolutely, and I understand that clearly.

Mr. KASICH. And the Secretary of the Air Force and the Secretary of Defense believe that 80 percent similarity means the project is stable and that this 20 percent is certainly manageable. And that is why we are going to save this money on multiyear.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa (Mr. Bedell) has expired.

(By unanimous consent, Mr. Bedell was allowed to proceed for 3 additional minutes.)

Mr. BEDELL. Mr. Chairman, if I might reply to the gentleman, that is our whole argument. The whole argument is: Is it up to us to say to the Secretary of Defense or the Secretary of the Air Force, "You decide whether or not it is being done," or is it up to us, as Members of Congress, to accept the responsibility that we will abide by the laws, just as we expect others to abide by the law?

I do not think it would take anybody in my district of tremendous intelligence to say that if you only have 80 percent of a product designed that you have a stable design for that whole product. That is what our responsibility is. And if we are going to say that we are going to avoid that responsibility, I do not believe we are properly serving the taxpayers of our country.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding.

Mr. Chairman, perhaps I can help the gentleman a little bit.

I would doubt very strongly if 20 percent of the Members of the Congress of the United States could tell the difference between a B-1A and a B-1B anyway. So I would say to the gentleman from Iowa that the commonality factor of 80 percent means that 80 percent of everything in this airplane is absolutely common. Take it off of B-1A, put it on a B-1B. Stable airframe absolutely. Stable design absolutely. Not many people could even tell the difference, I would say to the gentleman, between one aircraft and the other.

Now, among the things that are uncommon: Changes in some of the avionic sweeps that have been advanced from B-52 to B-1, to B-1B. They do not show. They have nothing to do with the design. They have been under constant RDT&E since the inception of B-1 back in the early 1970's, that they have been tacked onto the B-1 and now are part of the B-1B. They are not common to the original plans of the original B-1, but they do not look different, they do not change the design. They give the pilots a break and they give the people flying our airplanes a break.

The radar signature has been substantially reduced by a factor of I believe 10, which is quite a factor. That does not change the stability of the design or in any way change the things, but it is not common, because of changes in the weapon space to make the thing a possible cruise missile carrier as opposed to a SRAM carrier, a short-range atomic missile, there had to be a change in the bomb bay construction. That does not make the plane look any different or fly any different, but it is not common, so it is different.

So I would say to the gentleman that you have a slight mod change, not as much of a change, I would venture to say, as between B-52A and B-52H. They are still B-52's.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa (Mr. Bedell) has again expired.

(On request of Mr. Badham and by unanimous consent, Mr. Bedell was allowed to proceed for 2 additional minutes.)

□ 1600

Mr. BADHAM. I do not want to go on any further, but I am sure the gentleman is sincere in his concern and I can assure the gentleman that going through the design, going through the stability, going through the manufacturing progress of the thing, as the subcommittee has, that the gentleman would agree with us that this is a good candidate for multiyear procurement because there is so much of it that is right out of the B-1 that is ready for production that it will save $1.6 billion.

Mr. BEDELL. I thank the gentleman for his contribution. I do not question for a minute his sincerity, but let me again read the law of the land, "that there is a stable design for the property to be acquired." Not for 80 percent of the property to be acquired; for the property to be acquired. That is the law of the land. We can either ignore the law of the land or we can say that, indeed, it is up to us to abide by the law of the land.

I think that when we decide that the law of the land is for other people to abide by, but that the Congress of the United States can ignore the law of the land, then I think we are setting a very, very, very dangerous precedent.

Mr. BADHAM. If the gentleman will yield further, I do not want to get into a semantic argument, that there is a stable design for the property to be acquired and that the technical risks associated with such property are not excessive.

Mr. BEDELL. The statement says "and," not "or." It absolutely requires that there be a stable design for the property to be acquired. You do not have a stable design for an aircraft that has never been flown, and only has 80 percent common parts with a plane which has been flight tested.

Mr. BADHAM. In addition to that, the parts that are not common to the B-1A are common to other systems such as other radars, other avionics, and so forth, so there is stability in the design all the way through, I would say to the gentleman.

Mr. BEDELL. The gentleman from Iowa would submit that when you combine items that that is not a stable design; that you can combine two items that are stable necessarily and come out with something that is not stable.

In the opinion of the gentleman from Iowa, until such time as we have completed testing so we do have a design that we know what it is going to be, the law of the land would prohibit multiyear contracting. I contend that it is our responsibility to abide by the law just as we expect of others.

Mr. Chairman, this amendment should not be interpreted as an effort to deny the Air Force the legitimate opportunity to modernize the bomber leg of our Nation's strategic triad. The gentleman from Indiana (Mr. McCloskey) and I both recognize the tremendous value that these forces add to our Nation's present and future nuclear deterrent posture over the Soviet Union. Nevertheless, we offer this amendment because we do not believe that in its present stage of development, the B-1B does not satisfy adequately both the legislated and the Defense Department's regulatory criteria governing multiyear procurement contracting. Simply stated, the purpose of our amendment is to insure that B-1B research, development, testing, and evaluation, as well as its procurement will comply with the law, satisfy those concerns that have been consistently been voiced by the General Accounting Office and, provide for better congressional oversight and decisionmaking with respect to current U.S. bomber remodernization efforts that are intended to benefit our national security into the 1990's and beyond.

Mr. Chairman, on May 1, 1981, Deputy Secretary of Defense Frank Carlucci issued a policy memorandum on multiyear procurement. Included with this memo are six specific criteria: one, multiyear procurement should yield substantial cost avoidance or other benefits when compared to conventional annual contracting methods; two, the minimum need for the production item or service is expected to remain unchanged or vary only slightly during the contemplated contract period; three, there should be a reasonable expectation that the program is likely to be funded at the required level throughout the contract period; four, the item should be technically mature, have completed research, development testing, and evaluation—including development testing or equivalent—with relatively few changes in item design anticipated and the underlying technology should be stable; five, there should be reasonable assurance that the cost estimates for both contract costs and anticipated cost avoidance are realistic, and six, there should be confidence that the potential contractor(s) can perform adequately, both in terms of Government furnished items—material, data, and so forth—and their firm's capabilities. As stated these criteria were incorporated into pending legislation and enacted into law on December 1, 1981. Specifically, Public Law 97-86 mandates that the Department of Defense must find that any proposed multiyear candidate must meet and satisfy each of the following five conditions: One, multiyear procurement must benefit the Government through reduced contract costs and enhanced national security; two, the agency must have confidence in the estimated cost savings; three, the equipment to be purchased must be stable in design; four, the program must have stable funding, and five, the requirement for the equipment must continue to be valid.

The gentleman from Indiana (Mr. McCloskey) and I are not suggesting that the B-1B does not satisfy any of these requirements. However, we are reminding our fellow colleagues that any multiyear procurement candidate must satisfy each of the criteria specified and that because sufficient questions with respect to key criteria remain to be answered, the B-1B program is ineligible for approval as a multiyear procurement candidate.

I shall address my remarks to what I believe to be the key areas that the B-1B does not satisfy and then I would like to engage the gentleman from Indiana (Mr. McCloskey) in a dialog with respect to each of those areas.

First, multiyear procurement must benefit the Government through reduced contract costs. The Air Force has reported that multiyear procurement of the B-1B would result in a baseline cost of $20.5 billion for 100 B-1B aircraft at a savings of $800 million to the American taxpayer. I find it important to note that General Accounting Office considered the projected multiyear savings of $800 million to be based on an accounting methodology they considered to be very unreliable. I also find it important to note that the Defense Department's Cost Analysis Independent Group (CAIG) estimated a significantly higher baseline cost for the B-1B. In this regard, CAIG reported an ultimate acquisition cost of $26.8 billion for 100 B-1B aircraft. Finally, I would like to note that the House Subcommittee on Appropriations report on the supplemental appropriations bill for 1983 (House report No. 98-207) echoed CAIG findings and agreed that the $20.5 billion baseline does not include many items normally associated with the B-1B. These items include "additional testing, depot support requirements, additional initial spares, suggested underestimation of avionics costs, interim contractor support, simulator costs, and a suggested underestimation of engineering change order costs." Two weeks ago, in passing the supplemental appropriations bill, the House also approved a prohibition on multiyear procurement of the B-1B. I see absolutely no reason why we should reverse ourselves on this issue today.

Second, multiyear procurement candidates must be stable in design. In this regard, I would remind my colleagues that the Carlucci memorandum specified that the item should "have completed Research, Development, Testing and Evaluation with relatively few changes in design anticipated." Clearly, the B-1B program does not satisfy this critical criterion of multiyear procurement. Once again, I would point to the findings made by the Defense Subcommittee on Appropriations which were based on Air Force testimony received on April 26, 1983. These findings include: One, while approximately 80 percent of the B-1B airframe configuration remains common to the B-1A design, the remaining 20 percent of this platform will require engineering changes ranging from partial modification to total redesign; two, approximately 40 percent of the defensive avionics—those systems that would permit the B-1B the opportunity to penetrate sophisticated Soviet air defenses—must also be redesigned; three, that the Air Force will budget approximately $1.6 billion to B-1B research, development, testing, and evaluation—or more than 50 percent of all RDT&E moneys—of the B-1B over fiscal years 1984-87; and, four, that the first production model B-1B will not begin flight testing until December of 1984. Considering these facts, approval of B-1B multiyear procurement would fly in the face of the legal criteria Congress established for multiyear procurement on December 1, 1981, and reenunicated 2 weeks ago when it rejected an Air Force request for B-1B multiyear procurement in the supplemental appropriations bill of 1983.

Finally, there must be reasonable assurance that the cost estimates for a multiyear procurement candidate are realistic. While I am sure the proponents of B-1B multiyear funding, as well as Air Force officials associated with the B-1B program, will tell us that these savings are realistic, I remain unconvinced. In its report to Congress (GAO/MASD-83-21), the GAO specified that they "received oral comments on a draft of this report from Defense officials. They informed us that the Air Force guidance for major weapons systems acquisition cost estimating is under review to determine if revisions are needed. The officials informed us that if revisions are made to the B-1B program cost estimate they prefer to include them as additions to the $20.5 billion estimate." While it is quite possible that revisions in the B-1B cost estimate will not occur, it is probable that scheduled design changes for the B-1B airframe and defensive avionics, as well as design changes that might include the incorporation of Stealth technology into the B-1B will result in increased B-1B program costs. Under these circumstances, I doubt Air Force confidence that the cost estimates for B-1B multiyear procurement are realistic.

In conclusion, I would once again state that the effort to prohibit multiyear procurement for the B-1B bomber is not an effort to prevent the remodernization of our bomber fleet. In fact, this amendment does not delete any funds that are authorized for the B-1B program. It does, however, prevent the Air Force from going ahead with what many of us believe to be a premature commitment to multiyear procurement contracting—negotiations for which are not scheduled to occur until October 1984. For these reasons, I commend my colleagues to vote in favor of the McCloskey amendment.

Mr. HERTEL of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to speak because the gentleman from Iowa, I think, hit on a very good point. Dan Rather said, in regard to a trial this last week, that if something looks like a duck, walks like a duck, and talks like a duck, it is a duck. That is not always true.

The gentleman from Iowa has said that sometimes we see what sounds like savings down the line may not be savings; that multiyear contracting when you are not ready to have the final decision made might not be that great savings and might cost more.

Let me quote to you from Robert M. Gilroy, Senior Associate Director of the GAO's National Security Division, who noted that the marks against the systems do not mean they should be ruled out from multiyear procurement permanently, but rather, are flags to notify Congress of problems that should be examined and monitored.

He said the best way for Congress to improve the situation is to direct the Defense Department to prioritize its candidates and to provide a complete picture of the costs involved, including the impact on the outyear budgets.

I think more and more of us are becoming very concerned, obviously, about the total deficit but outyear budgets for specific major weapons programs.

Mr. Gilroy said that if Congress wants a more drastic action, it could place a moratorium on major weapons systems as candidates for multiyear procurement until the savings from current multiyear systems are analyzed. He said that more candidate systems are being submitted than expected.

What we are talking about here is really money, specifically on the B-1B. The following is a summary of GAO's preliminary evaluation and a final analysis will be submitted by GAO in September.

The gentleman from Iowa, and others today, including the maker of the amendment, talked about following previous standards for multiyear contracts and what they have to meet. The savings, criteria projected savings of 5 percent or more, was not met by the B-1B engine. The funding stability requirement was failed by the B-1B airframe, engine, offensive avionics, and defensive avionics. The design stability criterion was not met by the four B-1B bomber systems.

This amendment is not to stop the B-1 bomber. The gentleman made that clear at the beginning. But I think some opponents are opposed to the amendment because, in fact, as the gentleman from Missouri said earlier, the B-1 bomber has been controversial. That is the very reason for this Congress not to abdicate its responsibility to advocate the standards that we have set in this Congress for the B-1B and other multiyear contracts.

The public is very concerned about the defense spending increases. They are very concerned about the deficit. The best way to make sure that the pendulum does not switch too far, as it did in the early 1970's, to underfinancing defense is to show that we, the elected Representatives, are doing the best possible job in making sure the taxpayers' money is spent correctly in this department and every other department. The fact is that in this case the best way to demonstrate that on a project this large is to keep control of it.

We can still have adequate savings. In fact, we maintain we can have better savings if everyone knows, because we are talking about so many contractors, that we are monitoring this totally from year to year. Yes; it must come up before the committee every year, and yes; it must come up before the Committee on Appropriations, and yes; it must come up on the floor of this House, so that any questions can be asked about it, so we are not buying out with a multiyear contract.

I guess I say the opposite of what the gentleman from Missouri said. This is not to kill it, but it certainly is to stay on top of this controversial program. I do not think the controversy will end next week or next year or in 2 years, but I think the public outcry against this system, if it does overspend too much, will be drastic and that might hurt other systems that are essential to the defense and security of this Nation.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman yielding.

The gentleman has voiced concern that we know what we are spending in the outyears and the fact that the taxpayers are concerned about the burgeoning costs of weapons systems. In fact, the multiyear procurement program is a two-edged sword because it does give you a contract where you can look down the line and see what you are spending.

Where is the gentleman's quarrel in that? If we look at the multiyear contracting as carrying this situation in which we fund a program 1 year, and the contractor, with his long-lead requirements and his material requirements and all the other requirements, does not know if Congress is going to go forward or backward, can never give the types of costs that he can give if he, in fact, has a contract for a couple of years. That is good for the taxpayers, too.

The statements that the gentleman has cited are consistent with that.

Mr. HERTEL of Michigan. I thank the gentleman, because I think he raises the major crux of the problem. If you are saying that the criteria I have cited, which is our official criteria that GAO has judged it upon, it is too stringent for a program like that, that it is different from many other programs because of when it will be completed and the progress it has made, the fact is that maybe the committee should consider changing or looking into the criteria for multiyear contracts, but in this particular case the criteria has been violated regarding the B-1B bomber program and, therefore, I urge adoption of the amendment offered by my colleague.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. Hertel) has expired.

(On request of Mr. AuCoin and by unanimous consent, Mr. Hertel of Michigan was allowed to proceed for 3 additional minutes.)

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, I think almost every Member of Congress wants to take whatever step he or she can to reduce costs wherever we can find those cost savings. Certainly a good candidate in looking for those cost savings would be the defense budget, it seems to me.

One of the tools, I suppose, that one could use for finding cost savings would be multiyear procurement and multiyear contracting. However, I have got to say, and I hope the Members of the House come to the same conclusion and understand this, that one of the other things, though, that happens when you enter into a multiyear procurement is that you lose flexibility from a budgeting standpoint.

The concern I have, which I think the gentleman has just stated, is that as we proceed forward into this coming fiscal year and the next fiscal years, I think it is going to be more clearly seen that the Congress is going to have to do something about $200 billion deficits. If we lock in major weapons systems on a multiyear procurement basis, they will be exempt from the budget ax that will fall and we have less flexibility over what we must do.

I think the costs of canceling contracts or changing the multiyear procurement will be very great, so I think that some people in good faith want to find budget savings by multiyear procurement here, but I think others are trying to exempt the B-1 bomber from the budget discipline that inevitably is going to have to happen, if not this fiscal year, then Congress is going to see the light of day and do it in the next fiscal year. I would just hate to see us lose that flexibility that I think we must have on the B-1 bomber in making its contribution in budgetary sacrifice, as all other programs are being asked to do, this fiscal year and in the fiscal years to come.

☐ 1610

There is no other way to achieve the budget ceiling and reduce the $200 billion deficit, let us face it.

Mr. Chairman, I am wondering if the gentleman from Michigan does not agree with the statement I just made?

Mr. HERTEL of Michigan. Mr. Chairman, I agree with the gentleman completely. He makes the point very well, and I thank him for his help. I appreciate his making the statement.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to associate myself with the comments of the gentleman in the well and the gentleman from Michigan. They make a lot more sense on this issue than they do on the MX.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan, Mr. Hertel, has expired.

Mr. ADDABBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I say to my colleagues, let us not confuse the issue. This is not a question of whether we are for or against the B-1B. That amendment will be offered later on and we can decide whether we are for the B-1B or not.

This amendment is simply to keep congressional control and proper budgeting. This amendment simply strikes $437 million of front loading. That $437 million is necessary as a penalty if this contract is canceled.

Now, why should we rush into going into a multiyear contract on the airframe? The airframe contract will not be ready for negotiation until fiscal year 1985. So why should this Congress put up front $437 million, as has been pointed out so graphically, when we are is such dire straits on deficits and there is other needed defense spending? Why should we put $437 million for negotiation into a contract which will not be negotiated until fiscal year 1985?

The only reason for it is to tie the hands of the next Congresses. That is the only reason I can see for it at this point in time.

The Committee on Armed Services, whose bill is before us, sets these criteria. I argued against multiyear on a shotgun approach, that everything should be going multiyear. They set these criteria, and then they come before us today and say that those criteria are not really important. They say it is only 20 percent more that may be changed.

But do the Members know what 20 percent more costs? It is $1.6 billion more of R&D. That is $1.6 billion more of R&D than has to be done on the B-1B.

How can we say it is stable, that it has stability and design, if we are still going to spend $1.6 billion for R&D?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. Not at this point.

Mr. Chairman, we hear of hundreds of millions of dollars in savings thrown around like they were pennies. No one knows, not even the Air Force, what savings there would be, if there is going to be any savings with this multiyear.

Why? GAO has looked at this. GAO testified before my subcommittee, and in no way does the multiyear conform with the criteria of multiyear. But more important than that, we hear discussions of the savings in multiyear. They have not been given the authority. They have not been given the authority to look at the offers or to look at the books or anything else. Yet this Congress is being asked to give the Air Force the permission to go ahead and negotiate a multiyear contract without our knowing what the offer is or what the dollars are.

We do know that on many of the contracts the contract price has been 30 percent over, over 30 percent. Yet we sit back here today and say, "Oh, yes, Air Force, you know how to negotiate. We are going to give you a blank check. We have billions of dollars that we can waste. The defense budget is sacrosanct. The taxpayers do not care how much you spend. Here is a blank check. Go ahead and negotiate with the contractors. We do not care what it costs us, whether it is $200 billion or $400 billion, so go ahead and spend it."

If there are savings, then why would they not let our Government Accounting Office look at their books and look at the price.

Mr. Chairman, I say, let this Congress continue as a civilian arm of the Defense Department, and let us not legislate away all our authority. As I said before, if Members are for the B-1, fine. They will have their chance on the amendment for the funding of the B-1. This has nothing to do with that.

This is tying the hands of Congress and giving blank checks away without knowing what the savings may be or, if we have a design, what the cost of those changes is going to be.

Those members of the Committee on Armed Forces know as well as I do and those who sit on the Appropriations Committee know that once you sign this contract, once this contract is signed, if there is a design change, no matter what, you then must have an amendment to that contract.

The CHAIRMAN pro tempore. The time of the gentleman from New York, Mr. Addabbo, has expired.

(By unanimous consent, Mr. Addabbo was allowed to proceed for 1 additional minute.)

Mr. ADDABBO. Mr. Chairman, as I say, you must then have an amendment to that contract, and that is when we read about cost overruns, because that is when they have the right to really charge us on those changes. That is the change orders. If that change is made while it is still in R&D, before these multiyear contracts, then that can be negotiated, and that is where we have savings.

So I ask my colleagues to forget whether they are for the B-1B or not. That amendment will come later. This amendment says, let the Congress keep control of a contract which is not to be negotiated until 1985 so that we have enough time to look at it, look further as the prices come down, and maybe the contractor and the Air Force will give our General Accounting Office a chance to look at the figures and really determine if there are going to be savings or not, and then we can really, with that knowledge, vote for or against it.

Mr. GEKAS. Mr. Chairman, will the gentleman yield for a moment to answer a certain question for me?

Mr. ADDABBO. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, is the gentleman's narrative here in opposition to all multiyear or just this one?

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. Addabbo) has again expired.

(By unanimous consent, Mr. Addabbo was allowed to proceed for 1 additional minute.)

Mr. ADDABBO. Mr. Chairman, in answer to the question of the gentleman from Pennsylvania, Mr. Gekas, I can tell the gentleman that as chairman of the Subcommittee on Defense Appropriations, we have funded many multiyear programs. I have funded the F-16 multiyear program and many others.

If it meets our criteria, we will support it; if it does not meet our criteria, we do not support it.

Mr. GEKAS. Mr. Chairman, let me just ask this question, then: Is the gentleman saying that he is not opposed to the B-1 but that he is opposed to the multiyear contracting for the B-1?

Mr. ADDABBO. No; I did not say that.

Mr. GEKAS. And that he is not opposed to multiyear contracting for other programs?

Mr. ADDABBO. No; I did not say that.

At this point in time, I am opposed to this multiyear procurement. I am opposed to the B-1. But that should not becloud this issue. This issue is strictly on multiyear. When we get to the question of the B-1, an amendment will be offered, and then we will debate the question of the B-1. This is strictly whether we have congressional control on behalf of our taxpayers or whether we waste money or give free license to the DOD.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to start out just briefly by asking the chairman of the Subcommittee on Defense of the Appropriations Committee if he could respond to one question.

As I understand it, one of the thrusts of his remarks was that we have this 20 percent unknown quantity and it is not in our best interests to move forward at this time with multiyear procurement, and yet I can recall this subcommittee chairman asking this House last year to abandon the B-1 and move forward into a completely unknown field, and that was Stealth, where we have very few known quantities.

Is that an accurate statement?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the subcommittee chairman.

Mr. ADDABBO. Mr. Chairman, on the issue of Stealth, I would make that same motion today and I would offer that same amendment today. On Stealth it was not multiyear, that was annual appropriation, and I say the same thing here.

The fact is until it has stability, there should be debate on an annual basis. Stealth was on an annual basis, and I would still stand on that position.

Mr. HUNTER. Mr. Chairman, the point I am making is that the gentleman is not really a supporter of the B-1 program and he is taking the chance that this unknown program, which is Stealth, would have rewards which would exceed the B-1 program.

Mr. ADDABBO. Mr. Chairman, the information my committee has—and I have many other sources—is that the Stealth is not just a paper thing. It can be achieved if given proper funding.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from New York, Mr. Addabbo.

Mr. Chairman, I would like to speak very briefly to the B-1A RDT&E flight test completion statistics because I think they are important.

I think it is important to remember that we are talking about a system which has had tremendous testing. There have been to date, 1,895 test hours, the engine has completed 7,600 flight test hours, there have been 23,688 engine ground test hours, we have accomplished 168 mission simulator hours, and we have 24,930 hours of wind tunnel testing on airframe, engines, and structures.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. With that, Mr. Chairman, I will yield to my friend, the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I have got to make a point here. The argument seems to be based on this Public Law 97-86, followed by a number of items that I brought up before, including the fact that the proponents of this amendment have argued that there is additional testing which is needed. That is false.

□ 1620

There are 1,000 hours of additional testing requested in this budget. We have already had a history of testing in this budget. We don't feel there is the need for any additional money for that.

Second, depot support requirements and additional spares: The Air Force has argued that these figures are budgeted correctly accordingly to experiences from other programs.

Then there is the avionics cost that we have talked about. The argument is that the avionics costs are underestimated; but in fact, the Air Force overestimated the avionics costs. For example, the computer costs half as much as expected. The radar costs less, as it was the same as the one used in the F-16.

The GAO report was based on two inertial guidance systems, while the B-1B only needs one.

Simulators are not to be properly included in this program, as they are not included in other programs.

The engineering change order, this 80 percent we keep talking about, the engineering change order, the Air Force budgeted for 6 percent of an engineering change order, while the actual cost is running at 5.7 percent, while the GAO thought that 10 percent was needed.

The Air Force budgeted liberally. They thought we were going to have to change it by 6 percent, but we are only changing it by 5.7.

Again, this RDT&E, the F-16 needs $110 million in RDT&E money; so what we are doing in this B-1 is what we are doing in virtually every other program. We have a stable design. We have already saved money, as 24 percent of the contract is already completed. We are 2 to 7 percent below cost.

I am listening for the argument over here, but in this letter that comes out, supported and signed by all the proponents, none of these points made in here can be substantiated; none of them, not the simulator, not the avionics cost, none of them.

I would say that this is really again an argument to defeat the B-1 itself. Let us go after the multiyear. They went after the B-1 in the nuclear freeze debate. Then we go after the multiyear. Once we defeat the multiyear, then we go after the plane itself.

I think that the overwhelming majority of the Members of this House believe we need this B-1 and we are going to save the American taxpayers $800 million in 1981 dollars and $1.2 billion in 1986 dollars and, boy, we need to do that and have a good aircraft.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Iowa.

Mr. BEDELL. The question that puzzles the gentleman from Iowa, is that if there is no more research and development needed——

The CHAIRMAN pro tempore (Mr. Barnard). The time of the gentleman from California has expired.

(At the request of Mr. Bedell, and by unanimous consent, Mr. Hunter was allowed to proceed for 1 additional minute.)

Mr. BEDELL. Mr. Chairman, if the gentleman will yield further, it seems to me that the gentleman from Iowa should be informed and that Members of the Congress should be informed, that if there is no more research and development needed, why is it that we are proposing to spend $1.6 billion, as I understand it, for additional research, development, and engineering, upon this particular project?

Mr. KASICH. Mr. Chairman, if the gentleman will yield, I would be glad to respond to that.

Mr. HUNTER. I yield.

Mr. KASICH. The RDT&E money is something that follows all programs, just like it follows the F-16. We got $110 million in RDT&E money and we are still spending RDT&E money on the B-52; so to have RDT&E money included in the B-1 is proper, as it follows along with the B-52 and also with the F-16.

Mr. BEDELL. Mr. Chairman, if the gentleman will yield further, then the gentleman is agreeing that there is, indeed, research, development, and engineering, yet to be done on the 20 percent of the proposal for the B-1B that is not completed.

Mr. HUNTER. Mr. Chairman, let me take back my time and answer the gentleman on that one.

What the gentleman from Ohio was saying, which is quite accurate, is that most of our weapons systems today require continuing RDT&E and especially as our cruise missile programs move along and other ordnance programs move along that are going to be married up with the B-1B bomber as a key part of the RDT&E.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my friend and colleague, the gentleman from Indiana (Mr. McCloskey).

The gentleman from Indiana (Mr. McCloskey) has been a valuable and very diligent member of the committee, but I think we have to put this amendment in some perspective for the House itself. We have had a lot of figures and a lot of specifics, but the fact is, as has been pointed out already, the Armed Services Committee and the House of Representatives made one major breakthrough last year and that was the achievement of the ability to authorize multiyear contracting.

As has been already indicated in the debate, not all systems are necessarily advisable for multiyear funding and the committee in this particular bill, if you will read the committee report, has rejected eight particular requests for multiyear funding. Multiyear funding is good in some cases; if you find the right issue and the right weapon, you can save considerable money.

The committee itself after very serious deliberation came up with the conclusion that if any one weapons system was ever appropriate for multiyear funding, the B-1 was that particular system. It was a program we were familiar with. It had been wiped out, unfortunately and foolishly, under the Carter administration. Many of us Republicans as well as Democrats regretted that action.

We find ourselves with decaying B-52's and with Stealth bombers that are still just on paper. Meanwhile we have got to have something for the bomber leg of our triad, our very important deterrent triad.

The B-1, having gone through a gread deal of research and development, is really a classic case. You can save in multiyear procurement, as I pointed out to the gentleman from Wisconsin (Mr. Aspin). It was $1.2 billion and that is a lot of money.

The amendment that the gentleman from Indiana is proposing would wipe out that particular saving. What he would do is to wipe out of the current 1984 budget proposals of $483 million, the cost of multiyear procurement. That would be a saving for 1984. But then the cost of the weapons systems goes in 1985 to $590 million and in 1986 to $1.213 billion. The whole program ends in 1986.

Now, it has also been argued that if you go to multiyear procurement, Congress no longer has control. That is simply not correct. Congress does have control. It still has to authorize, as we are now authorizing or proposing that the House authorize, in this legislation for multiyear contracts for the B-1.

The Appropriations Committee has to appropriate the funds. The gentleman from New York (Mr. Addabbo) indicated that he is going to be looking at that item very closely.

All the B-1 contracts are being negotiated. They have not been postponed for another 2 or 3 years, as the gentleman from Wisconsin (Mr. Aspin), I think it was, indicated. We in Congress do have control and this is a decision we are making carefully.

I think there has been general agreement on the B-1B. We have had a lot of debate on it in the past, but even the efforts by the gentleman from New York (Mr. Addabbo) to wipe out the B-1 last year did not carry, although the gentleman was successful, temporarily, on the MX.

The major point, however, is that what this new multiyear procurement procedure actually provides is to address something even more important.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(At the request of Mr. Nichols, and by unanimous consent, Mr. Stratton was allowed to proceed for an additional 5 minutes.)

Mr. STRATTON. Mr. Chairman, I thank the gentleman for his request.

What this procedure does is to address something that many of us have been talking about, but not too many have been able to do something about; namely, cost control and cost overruns.

□ 1630

Congress itself, in the Nunn amendment, authorized the B-1B if the entire program would not cost more than $20 billion. The B-1B program is exactly on that target today.

But if the amendment of the gentleman from Indiana is adopted then the cost is going to go up and the Nunn amendment, the instructions of Congress to the Air Force to keep the program within this $20 billion cost figure will go down the drain and with it the B-1 will go down the drain, too.

In the Appropriations Act with respect to the B-1B, there is a requirement that the President must also certify that the overall cost of the entire program will be within the $20 billion limit. He has already certified that. But if we accept this amendment, the whole program is lost. There will be a cost savings in this 1984 legislation of $438 million. But it will be countered by the much higher costs that come from the 2 remaining years of the program.

So let us stay with this and not be penny-wise and pound-foolish. I think it is fairly clear that many of the people who are speaking against the multiyear procurement are really against the B-1 itself. They do not want it revived and they are using this device, as one of the questioners on this side was suggesting a moment ago, to eliminate the B-1.

But all of us have been complaining about cost overruns. Well, here we have a program where the Congress, the Armed Services Committee, have been controlling costs. For us now in this very important and vital system to take a foolish action that would wipe out these cost controls I think would be extremely damaging.

Those who profess to be concerned about costs certainly would not want to raise the cost by rejecting this new but very promising method of defense procurement.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Alabama.

Mr. DICKINSON. Let me say in line with what the gentleman is saying, I feel like those of us who have been supporters on the committee of the B-1 sort of really have our necks stuck out because we have accepted the figures that were given to us as to what the program was going to cost. As a consequence I personally have followed it very closely.

We have asked the Secretary, we have asked everybody that came before the committee what about the costs, are you really keeping them low. In talking to the prime manufacturer or in talking to the subs or the vendors, everyone tells me they have never known a major weapons system whose cost accounting has been so minute and so detailed and held to such accountability as this particular program, which is reassuring to me because I would be awfully embarrassed as a supporter of it if it exceeds the amount that they promised us at the beginning.

So I think the gentleman is right, that we are holding the costs down, and this is one of the tools that we are using to hold the costs down. If we take away the tools, then they can say, "Whoops, it slipped away and got away from us, but you in the Congress are responsible, not us."

I do not want them to have that out.

Mr. STRATTON. The gentleman is absolutely correct and has made a very fine statement.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. ADDABBO. I thank my colleagues from New York for yielding. As the gentleman from Alabama said, these costs are really being monitored and they are monitored. I imagine the costs given by the gentleman in the well who has spoken of the costs that the Air Force has given him, the DOD has given him, that the gentleman from Alabama says the contractor has given to him, if these costs are so and they are exact and the savings are exact, could the gentleman tell me and my colleagues why the Air Force, the contractors would not make these figures available to the only independent accounting office we have, the General Accounting Office?

Mr. STRATTON. In the first place, I do not think the General Accounting Office has usually proved itself much of a friend of defense programs. I cannot recall any defense program where they have come out suggesting that they were for it.

Their job is to try to find fault with things and they do a rather effective job.

But if we were to provide the opportunity to the GAO to look into tentative negotiating proposals, then Congress would be operating on proposals instead of on budget requests.

Mr. AuCOIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take the entire 5 minutes, but I want to reiterate for my colleagues what the issue is and what it is not.

The issue is not terminating the B-1 bomber or to let it go forward. The issue is on what basis do we want to fund the B-1 bomber and the issue further is, at a time of $200 billion deficits, is it reasonable to say that the Congress of the United States ought to retain enough flexibility to make some changes in whatever acquisition we make in B-1 bombers in the years to come or are we in the alternative going to put our hands in handcuffs and lock us in at an amount and at a number of aircraft that may seem to make sense today but, as we move forward into fiscal years with this staggering structural budget deficit staring us in the face, may not seem to make so much sense in the years to come?

I want to say to my friend from New York who preceded me in the well

that it is true that even under multiyear contracting and procurement the bills will come each year on the authorization bill and the appropriation bill before the Congress. But I differ with my colleague from New York when he suggests that we will still have the flexibility that we now have in purchasing the B-1 bomber.

The reason we will not have flexibility is if we are to today approve the multiyear procurement, the reason we will not have flexibility is if we make changes, after such a decision to go forward with multiyear procurement, there will be contract penalties that the Government will bear on the part of the contractors who will say we are in a breach of contract. In a time when we are trying to save money, that kind of an argument I think will mitigate against the decision on forces structure and all of the rest that this Congress may want to make with regard to the B-1 bomber.

So let us not make any mistake about it. There are those who legitimately believe we will find some cost savings in multiyear procurement with the B-1 bomber. There are others who want to protect the B-1 bomber from the budget ax that most surely will fall if not this year then in subsequent years as the reality of the $200 billion deficit begins to dawn on this Congress, particularly with regard to what has to be contributed to correct those in the area of defense cost savings. That is one issue and I hope the Members of Congress understand it.

But beyond that, is the Defense Appropriation Subcommittee that I serve on, Air Force testimony brought out this fact: It brought out that one of the proposed target prices in one of the multiyear contracts, according to Air Force testimony, is 44-percent higher on a multiyear basis than the Air Force's budgeted amounts.

Further testimony by the Air Force brought out that the ceiling prices that are involved in these multiyear contracts are 82- to 83-percent higher than the Air Force budgeted amounts for the B-1 bomber.

So not only do we have a question of possibly limiting the flexibility for budget savings on the part of future Congresses but we also may be locking in ceilings or target prices and under a multiyear procurement basis that will cost more rather than cost less.

So for all of these reasons I hope that the Members of the House will recognize we need the flexibility. We need the flexibility; therefore, the amendment should be approved.

Second, if we buy the multiyear procurement, we may be buying in at a higher targeted price than even this Congress wants.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. I thank the gentleman from Oregon for yielding. I agree exactly with what the gentleman has stated here this afternoon.

Earlier in the debate the maker of the amendment and I quoted from the GAO report saying we were not meeting the criteria, the B-1B contractor is not meeting the criteria required for multiyear contracting.

Those specifics have not been answered by opponents of the amendment and so while it is true that the Congress did approve the B-1B bomber before, they also set these criteria, these standards, that had to be met for multiyear contracting.

We have heard through this whole debate that those standards have not been met and therefore I concur with the gentleman in the well as to the reason why we probably are going to have gross cost overruns, because this is not a candidate for multiyear contracting under the Congress own criteria as we have heard in the debate today.

Mr. AuCOIN. I agree with the gentleman. I would say to the gentleman that some have said that those of us who believe that that program is not mature enough to warrant consideration for multiyear procurement, which is one of the standards—the gentleman from Michigan makes the point that there are certain standards that have been arrived at for consideration of multiyear procurement. One of those is the relative maturity of such a program, and those of us who believe it is too soon to go to multiyear procurement for the B-1 bomber have mentioned the amount of money in R&D that this budget still carrries.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon (Mr. AuCoin) has expired.

(By unanimous consent Mr. AuCoin was allowed to proceed for 1 additional minute.)

Mr. AuCOIN. People have said that the F-16 still has R&D funds in it and, therefore, that argument about R&D funds is not valid. I would have to point out to my colleagues that much of the F-16 R&D funds are caused by multistaged improvement programs with follow-on improvements being proposed for the F-16 which require R&D, additional R&D funds.

□ 1640

That is why there are additional R&D funds for the F-16 which have multiyear procurement.

Mr. PRICE. Mr. Chairman, I suggest to the membership that we have been here all afternoon on this one proposal. I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BADHAM. Reserving the right to object, Mr. Chairman, I would suggest to the Chairman I do not think there is anybody else willing to talk.

I withdraw my reservation of objection.

Mr. PRICE. If there is no other, then I ask for a vote on the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. McCloskey).

The question was taken; and the Chairman pro tempore being in doubt, the Committee divided, and there were—ayes, 16; noes, 21.

● Mr. LUKEN. Mr. Chairman, I strongly oppose the amendment before us to prohibit multiyear procurement for the B-1B bomber. I am convinced that this modernized version of the B-1 bomber is one of the most effective additions to our national defense system. Furthermore, multiyear procurement for the B-1B saves money, and greatly benefits our Nation's efforts to effectively modernize the bomber leg of our strategic triad.

Opponents of multiyear procurement for the B-1B argue that the Air Force has understated program costs for the B-1B bomber program should not go into multiyear procurement until costs stabilize. However, the situation is quite different. The accusations being made by opponents of multiyear procurement for the B-1B are based, almost solely, on a GAO report dated April 13. However, it may be wise to note that this GAO report was based not on GAO cost assessments, but rather on reported findings of other Air Force cost estimates. In fact, most of the cost estimates used in the report are outdated and have no relationship to the approved B-1B program.

The GAO report is flawed for many reasons. Primarily, it is based on cost analyses from the fall of 1981, before the B-1B program was enacted, and in all cases the worst case assumptions in its estimates. Furthermore, the cost analyses on which the GAO report was based assumed that the B-1B program was a new program and was completed before a firm B-1B configuration was established by the Secretary of Defense. It totally ignored the B-1A bomber program.

In addition to grossly misrepresenting the actual B-1B program costs, the GAO report claims the program does not meet the procurement criteria for multiyear contracts. However, there is evidence to refute this claim. Both the Secretary of Defense and the Secretary of the Air Force have certified that multiyear procurement of the B-1B will save the Government $1.2 billion and will materially enhance national security through the acquisition of a highly flexible multirole strategic

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bomber. Furthermore the B-1B design is stable, and satisfies all operational requirements. It is considered the top priority of the Air Force in its modernization of U.S. strategic forces.

There is absolutely no evidence to support allegations that the B-1B program cost estimates understate the true program costs. All indicators to date demonstrate that the B-1B is within its programed budget and may in fact be executed for less than the original estimate. Moreover, production of the bomber is actually ahead of schedule.

The B-1B program is off to a fast start, progressing rapidly and ahead of all current program goals. Based on the best available information, I believe that multiyear procurement of the B-1B is a very positive, and fully warranted step in the process of modernizing our strategic bomber force.

I urge you to support multiyear procurement of the B-1B bomber as the most effective means of continuing the program that has produced America's first strategic bomber in over a generation.●

● Mr. LIPINSKI. Mr. Chairman, I rise in support of the amendment offered by my colleague from California to debate funding for the B-1B bomber program.

The B-1 bomber is a classic case of an unnecessary, strategically obsolete, and fiscally irresponsible airplane program that will be of marginal utility and effectiveness. Estimated costs of this plane range from $283 million to $400 million. This would make the B-1 the most expensive U.S. bomber aircraft in history and there is precious little evidence that it will be the most effective or dependable. According to the Congressional Budget Office the cost of 100 B-1B's will be $42 billion.

This plane is not needed. If the plane comes on line as scheduled in 1988, its useful mission life as a conventional bomber with retaliatory capabilities will be shortlived. By 1988 or 1990, Soviet advances in air defense will render the B-1 incapable of penetrating Russian airspace. In the 1970's tremendous expenditures were made to retrofit and modernize the B-52's. The B-52's have served this country long and well. It is my belief that the B-52 can continue to be important to our deterrent force in the role of a standoff cruise missile launcher as well as a conventional bomber until the new Stealth bomber comes on line in the 1990's.

I was elected to Congress to cut out waste and inefficiency in Government, as well to bring about fiscal responsibility. I am a strong believer in national defense and maintaining a strong posture against the Soviets. I voted against the nuclear freeze because I felt we must allow the President to have a free and strong hand in dealing with the Soviets. I support his decision to build the MX missile system because, like the freeze, I feel we must demonstrate to the Soviets our resolve not to let them become a threat to our national security. We must negotiate from a position of strength.

But the B-1 bomber is just not essential to our national security. We, as Members of Congress, have an obligation and a duty, to carefully review these weapons systems, and vote to insure that waste and unnecessary expenditures are cut out. I urge adoption of the amendment.●

RECORDED VOTE

Mr. McCLOSKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 252, not voting 9, as follows:

[Roll No. 189]

AYES—171

Ackerman
Addabbo
Albosta
Andrews (TX)
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Biaggi
Boland
Bonior
Bonker
Borski
Bosco
Boxer
Britt
Brooks
Brown (CA)
Brown (CO)
Carper
Carr
Clay
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Dellums
Dingell
Donnelly
Downey
Durbin
Dwyer
Early
Edgar
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Fazio
Ferraro
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Frenzel
Garcia
Gejdenson
Gephardt
Gibbons
Gore
Gray
Green
Guarini
Hall (IN)
Hamilton
Harkin
Harrison
Hertel
Hightower
Horton
Howard
Jacobs
Jeffords
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levitas
Lipinski
Long (MD)
Lowry (WA)
Lundine
MacKay
Markey
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Nowak
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Paul
Pease
Penny
Pepper
Pritchard
Pursell
Rangel
Ratchford
Reid
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stark
Stokes
Swift
Tallon
Tauke
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vento
Walgren
Waxman
Weaver
Weber
Weiss
Wheat
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Yatron

NOES—252

Akaka
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Archer
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boner
Boucher
Breaux
Broomfield
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Conable
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dixon
Dorgan
Dowdy
Dreier
Dymally
Dyson
Eckart
Edwards (AL)
Edwards (OK)
Emerson
English
Erlenborn
Evans (IA)
Feighan
Fiedler
Fields
Flippo
Franklin
Frost
Fuqua
Gaydos
Gekas
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hawkins
Hefner
Hiler
Hillis
Holt
Hopkins
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Levine
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
McCain
McCandless
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
Mica
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Oakar
Ortiz
Oxley
Packard
Parris
Pashayan
Patman
Patterson
Perkins
Petri
Pickle
Porter
Price
Quillen
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Synar
Tauzin
Taylor
Thomas (CA)
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NOT VOTING—9

Corcoran
Duncan
Heftel
Martinez
McKinney
Rahall
Rodino
Studds
Yates

□ 1700

The Clerk announced the following pairs:

On this vote:

Mr. McKinney for, with Mr. Duncan against.

Messrs. PRITCHARD and TAUKE changed their votes from "no" to "aye."

Mr. DIXON changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. McCURDY. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. McCURDY was allowed to proceed for 2 additional minutes.)

Mr. McCURDY. Mr. Chairman, I plan to support H.R. 2969. But I do so reluctantly and with a great sense that, as a nation, we have yet to construct a viable national defense strategy.

There is little question that the billions of dollars we devote to national defense today are necessary. In 1963, President John F. Kennedy spoke to the value of a strong weapons capability:

> Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace.

A dollar does not go as far today as it did when President Kennedy made those remarks. Where he spoke of a $50 billion defense budget, we address current national defense needs with a budget of some $240 billion. Yet, reality strongly suggests that even this sum is not enough to accomplish all the defense capability goals set out by the Reagan administration.

This is what concerns me most about our action today—are we getting our money's worth out of this legislation? I will vote "yes" on H.R. 2969 because, "yes," we do need to strengthen our defense posture and these billions of dollars will certainly increase capability. But, how does our action fit into an overall strategy?

In testimony before Congress, Defense Secretary Weinberger said the administration's "long-term goal is to be able to meet the demands of world-wide war, including concurrent reinforcement of Europe, deployment to Southeast Asia and the Pacific, and support for other areas. . . "

Mr. Weinberger has best stated the problem we now face. The administration has developed a defense strategy that is impossible to implement. We have not the resources to achieve a 3½ war strategy at once. We face a serious mismatch of strategy and resources.

This mismatch can have a devastating impact on our military readiness posture. Where we do achieve an improvement in overall capability, we do so at a tremendous waste of valuable resources.

The stark reality that we cannot continue to procure systems to do everything has apparently hit the Air Force. The Air Force reportedly plans to eliminate, or at least defer, the procurement of some major systems because they are unaffordable. Was this a unilateral Air Force decision or was it made in a much broader defense context? Does this imply a similar approach in the programs of other services?

We have gone far enough without a defense strategy. An overall defense management policy cannot be forged through amendments to authorization bills on the floors of the House and Senate. The administration has failed to articulate a clear defense strategy and we in Congress have failed thus far, to fill the void. Minus a defense strategy that we can implement with available resources, Congress must prioritize our defense needs in a way that clearly responds to the military threat to the United States and our allies.

Our first priority should be to modernize our conventional capabilities to neutralize the obvious superiority of Soviet forces over our NATO allies in Europe and the Persian Gulf. Given the outbreak of conflict in Europe, we should be equipped to respond with conventional forces first, rather than resort to nuclear weaponry as the only effective deterrent.

Second, we must vastly improve our airlift and sealift capabilities in order to prevent the success of an initial Soviet military thrust. The Soviets prepare themselves to achieve any objective through a combined arms strategy within 30 days. The more quickly and effectively we can respond to a remote conflict, the more surely it will remain remote.

Our third priority should be to improve our overall readiness capability—the support systems of men, women, and supplies that make our major weapons work.

Fourth, we must develop and maintain proper management and procurement procedures to produce a maximum defense capability at minimum cost. If we decide to develop a new tank that will modernize our conventional capability, it becomes a top priority. We should fund it fully and complete a procurement contract as soon as possible, then proceed to the next priority. The Pentagon should come to the Armed Services Committee with a clear statement of what the most effective rate of production is on a given weapon system.

And finally, we must continue to upgrade our strategic forces. Until the Soviets are willing, through arms control, to make appropriate reductions along with us we must modernize our strategic triad, including land-based ballistic missiles. Improvements in all three modes are required to insure an effective deterrent.

The priority list I have just outlined is, of course, subject to much debate and review. It is long past time that Congress emerge from this vacuum of no clear defense strategy and state what we believe the priorities to be.

Mr. Chairman, there is additional legislation before this Congress aimed at reorganization of the Department of Defense that will enhance our ability to devise a clearly defined defense strategy.

Because Congress cannot effectively micromanage any Government agency, particularly the largest, we must depend a great amount upon the expertise within these agencies. Today, that expertise on defense matters evolves primarily from the branch Secretaries. Legislation offered by Representative SKELTON, of which I am cosponsor, proposes to reorganize the Joint Chiefs of Staff to provide a better opportunity for the military to offer sound advice on strategic, operational, and resource issues—not just from a narrow service perspective—but also from a national view of our defense needs.

The Defense Authorization Act of 1984 that is before us today continues America's military modernization on many fronts—too many fronts. Reality sends a simple message. There are not enough dollars in the Federal Treasury to accomplish the military goals set out by this administration in 5 years or even, perhaps, 10 years. Unfortunately, H.R. 2969 contains haphazard procurement and inadequate funding for readiness items and other nonglamorous essentials such as ammunition stores. I am positive that our defense capability is improved by this bill but I doubt whether we will receive our money's worth.

□ 1710

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). Are there additional amendments to title I?

AMENDMENT OFFERED BY MR. LEVINE OF CALIFORNIA

Mr. LEVINE of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. LEVINE of California: Page 10, after line 12, add the following new section:
>
> LIMITATION ON PROCUREMENT OF BRADLEY FIGHTING VEHICLES
>
> SEC. 106. (a) None of the funds appropriated pursuant to the authorization of appropriations in section 101 for weapons and tracked combat vehicles for the Army may be obligated or expended for the M2 Bradley Infantry Fighting Vehicle or the M3 Bradley Cavalry Fighting Vehicle—
>
> (1) until the Secretary of the Army has submitted to Congress the report required by subsection (b); or
>
> (2) if the certification by the Secretary required to be included in that report certifies that the survivability rate for such vehicles and their crews in a modern combat environment against actual Soviet weapons in the projected European threat force is less than 90 percent.
>
> (b)(1) The Secretary of the Army shall submit a report to Congress containing a de-

based upon the results of those tests, the survivability rate for the Bradley Fighting Vehicles and their crews in a modern combat environment against actual Soviet weapons in the projected European theater is greater than 90 percent.

(2) The tests to be conducted for the purposes of this section shall test—

(A) the survivability of the M2 Bradley Infantry Fighting Vehicle against the effects of behind-armor vaporifics, as provided in subsection (c);

(B) the value of the armor on the M2 Bradley Infantry Fighting Vehicle and the M3 Bradley Cavalry Fighting Vehicle against current Soviet light and heavy automatic weapons fire, as provided in subsection (d);

(C) the value of the armor on the M2 Bradley Infantry Fighting Vehicle and the M3 Bradley Cavalry Fighting Vehicle against current Soviet shaped-charge chemical rounds, as provided in subsection (e); and

(D) the performance per unit cost of the M2 Bradley Infantry Fighting Vehicle compared to the performance of other United States infantry vehicles, on a side-by-side field performance basis, as provided in subsection (f).

(c)(1) The Secretary of the Army shall conduct tests under this subsection in order to test behind-armor vaporifics effects on personnel in the M2 Bradley Infantry Fighting Vehicle. The methodology to be used in conducting the evaluation of such effects shall be the methodology developed by the United Kingdom ballistic research program. The tests of vaporific effects shall be conducted on the specific vehicle design of the M2 Bradley Infantry Fighting Vehicle, and the test vehicles to be used shall be current (as of June 1, 1983) production-line models of that vehicle.

(2) Tests under this subsection shall include—

(A) a test specifically to measure the effects of blast overpressure within the interior of a Bradley Infantry Fighting Vehicle that has been fully sealed to normal combat status, with measurements to be taken by Piezo-electric transducers calibrated according to the national standard of the United Kingdom by AWRE of Foulness, Great Britain;

(B) a test specifically to measure oxides of nitrogen and hydrocyanide within the interior of a Bradley Infantry Fighting Vehicle that has been fully sealed to normal combat status;

(C) a test specifically to measure the reaction of the shaped-jet and the formation of fireball effects within the interior of a Bradley Infantry Fighting Vehicle that has been fully sealed to normal combat status, such measurements to be taken using heat gauges designed by the United Kingdom Chemical Defense Establishment Laboratory and to include measurement of flash-light intensity; and

(D) a test specifically to measure the peak volume (measured in micro-seconds) of the shaped-charge jet pressure within the interior of a Bradley Infantry Fighting Vehicle fully sealed to normal combat status.

(3) In each test under this subsection—

(A) the engine and all systems of the test vehicle shall be run up to normal operating temperatures before and during the test and all behind-armor effects shall be measured on the basis of actual field operational status;

a fully combat-loaded vehicle;

(C) the test shall be conducted using a HALON fire extinguisher system mounted in the test vehicle and shall be repeated in an identical manner with a HALON fire extinguisher system mounted in the test vehicle; and

(D) surrogate crew members, represented by anaesthesized pigs, shall be used.

(4) Each test under this subsection (including all measurements under such tests) shall be carried out in accordance with and in a manner consistent with the methodology referred to in paragraph (1).

(5) In order to test the reduction in spall effects through the use of a ballistic liner consisting of a ½ inch thickness of the filament Kevlar, an identical test vehicle to the test vehicles used for tests under this subsection shall be selected from the production line by representatives of the General Accounting Office and shall be fitted with a complete Kevlar ballistic liner in an appropriate matrix and weave. Such vehicle shall be tested under this subsection in the same manner as test vehicles tested without such ballistic liner.

(d)(1) The Secretary of the Army shall conduct tests under this subsection in order to test the armor of the Bradley Infantry Fighting Vehicles against current Soviet light and heavy automatic weapons.

(2) Tests under this subsection shall include—

(A) a test of the Soviet RPG-7 infantry hand-held anti-tank weapon:

(B) a test of the Soviet AT-3 SAGGER infantry anti-tank missile;

(C) a test of the Soviet AK-47 infantry assualt rifle;

(D) a test of the Soviet 12.7-millimeter heavy machine gun;

(E) a test of the Soviet 14.5-millimeter KVPT vehicle-type heavy machine gun; and

(F) a test of any additional weapon suggested by the Army or the General Accounting Office for the purpose of providing a larger data base on the survivability of the Bradley Infantry Fighting Vehicles.

(3) Each test under this subsection shall be conducted using a weapon and ammunition of Soviet manufacture and may not be conducted using "similar charge" weapons or explosives or "similar type" weapons or ammunition.

(4) Each rifle and heavy machine gun used in a test under this subsection—

(A) shall be fired at least 10 times at the front of the vehicle and shall be tested directly in the path of the engine compartment; and

(B) shall be fired at least 10 times at the side of the vehicle and shall be tested directly in the path of the rear fighting compartment.

(5) Each test of a rifle and heavy machine gun under this subsection shall be from a range of not less than 10 nor more than 400 meters. The exact range shall be indentical in each such test.

(e)(1) The Secretary of the Army shall conduct tests under this subsection in order to determine the value of the armor in the Bradley Infantry Fighting Vehicle systems against current Soviet-shaped charge chemical rounds.

(2) Each anti-tank shaped-charge chemical weapon used in a test under this subsection—

(A) shall be fired at least once at the front of the test vehicle and shall include a strike

of the test vehicle and shall include a strike directly in the path of the rear fighting compartment.

(3) Each test of a weapon under this subsection shall be from a range of not more than two times the diameter of the warhead. The exact range shall be identical in each such test.

(f)(1) The Secretary of the Army shall conduct two field operations tests of the M2 Bradley Infantry Fighting Vehicle to compare the performance per unit cost of that vehicle on a side-by-side field performance basis with the performance per unit cost of other infantry vehicles of the United States Army. The vehicles to be used for such tests shall include the M-113, the M-901, and the advanced infantry fighting vehicle. In each such test a platoon of Bradley fighting vehicles shall be tested against the other infantry vehicles as provided in this subsection.

(2)(A) One of the tests conducted under this subsection shall be conducted using advanced infantry fighting vehicles. In such test, three advanced infantry fighting vehicles shall be used for each Bradley fighting vehicle. Two-thirds of the advanced infantry fighting vehicles shall be armed with 25-millimeter cannon, and one-third shall be armed with dual TOW missiles under armor.

(B) the other test conducted under this subsection shall be conducted using M-113 and M-901 vehicles. In such test, seven M-113 vehicles and one M-901 (with dual TOW) shall be used for each Bradley fighting vehicle.

(3) Each test conducted under this subsection shall be carried out using current Army tactics under battlefield condition. Each vehicle shall be manned with its full complement of infantry and shall be driven for 24 hours before entering the combat conditions under the test. Vehicle maintenance during the test shall be allowed only on the field as under battlefield conditions.

(4) Each test under this subsection shall include all previous tests recommended by the General Accounting Office. All tactics under such tests shall be approved by the General Accounting Office before the conduct of the tests.

(g)(1) Each test conducted under this section shall be evaluated in accordance with this subsection. The Comptroller General of the United States shall develop and provide for the purpose of each test evaluation forms to be used for reporting accurately and completely the results of such test.

(2) Representatives of the Army, the contractor for the Bradley Fighting Vehicle systems, and the General Accounting Office shall observe each test under this section and shall report independently to the Secretary of the Army on the conduct of the test and the results of the test.

(3) Each report under this subsection of a test under subsection (c)—

(A) shall include an evaluation of vaporific effects against a test vehicle without a ballistic liner and with a ballistic liner as specified in such subsection (c); and

(B) shall contain an estimate of the cost to install a Kevlar ballistic liner on the Bradley Infantry Fighting Vehicle, the M-113 armored personnel carrier, and the M-113 derivative advanced infantry fighting vehicle designed by the FMC Corporation of San Jose, California.

(4) Each report under this subsection shall be included in the report of the Secretary of the Army under subsection (b).

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conditions for any test conducted under this section—

(1) the test (if not previously completed) shall be terminated and the results of such test shall be invalidated; and

(2) the M2 Bradley Infantry Vehicle and M3 Bradley Cavalry Fighting Vehicle programs shall be terminated.

Mr. LEVINE of California. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEVINE of California. Mr. Chairman, I rise today to offer an amendment to the fiscal year 1984 Department of Defense budget to require further testing of the M-2 Bradley infantry fighting vehicle. I do this out of deep concern for the safety and the combat readiness of these vehicles.

The amendment that I am proposing would simply require the Army to prove that the Bradley can do what the Army says it can do. The Army began a search more than a decade ago to replace the M-113 as its primary troop transport vehicle. This program has been plagued by cost overruns and questions about the survivability of the M-2 on the modern battlefield. To date, the Army has apparently not yet decided whether the Bradley is primarily a personnel carrier, which was its initial mission, or an infantry fighting vehicle, which it has now become.

Now, at an enormous cost, the Army argues that it can successfully accomplish both of these objectives. Its critics claims that it can do neither well.

The list of problems which have plagued the development of the Bradley seem endless. Among them are:

First. Although it is designed to transport troops, it is too small to carry a full squad of infantry.

Second. It is too big to fit into a C-141 troop transport without removing the side armor and collapsing the Bradley suspension system.

Third. It is very tall, more than 2 feet taller than the M-1 tank which it is supposed to accompany into combat, and more than 2 feet taller than the Soviet BMP. Many believe that this would make it a sitting duck for enemy antitank weapons.

Fourth. It is extremely expensive. Cost estimates for the Bradley range from $1.5 million to $1.9 million each. This is five times more than the Army told Congress it would cost in 1980 and more than eight times as much as the vehicle it is designed to replace.

Fifth. It is very noisy. Its diesel engine is much louder than the engines of the M-1 tank, and critics have expressed concern that this noise could warn an enemy of the Bradley's

Sixth. The gun ports, which are designed to give the infantry riding inside the Bradley the ability to fight on the move, are virtually useless.

But by far, Mr. Chairman, the most troublesome allegations about the Bradley involve the effectiveness of its aluminum armor and a lack of adequate testing of the armor. This is the primary reason I have chosen to introduce this amendment.

The Army claims that the Bradley's armor can resist 91 percent of the Soviet weapons it is likely to encounter on the battlefield. Yet, tests which I have seen raise serious doubts about the accuracy of the Army's claims. These tests show that 14.5 millimeter and air burst artillery fragments completely penetrated the Bradley's armor during the tests.

After questioning the Army on this matter, I was informed that the vehicle specifications require only that a portion of the bullets fired at the vehicle not penetrate its armor, not all of them. No data is apparently available on the effects of those shells which do penetrate the Bradley.

Equally troublesome are questions involving the so-called vaporific problems of aluminum armor. An extensive study of this problem was conducted by the British Army in 1980. That study found that vaporifics killed soldiers in three ways: First, when a vehicle like the Bradley is hit by a shaped antitank weapon, tremendous overpressure builds within the vehicle within a matter of milliseconds; second, a fireball develops inside the vehicle which causes severe burns and temporary blindness; and finally, noxious gases such as oxides of nitrogen and hydrocyanide build within the vehicle.

Despite these findings, the Army has yet to fire a single antitank round at the Bradley to determine the effects of vaporifics. I believe we should all be gravely concerned that an expensive piece of equipment like the M-2, which is ultimately going to cost the United States $13.5 billion, has already gone into production without adequate testing. Until the Army has test results which confirm the claims which they have made to the Congress about both the performance and the survivability of the M-2, I do not believe that it would be prudent or responsible for us to continue to give them carte blanche with their funding request.

If the Bradley can do everything the Army says it can, if it can play the role the Army has assigned, then I will support construction. Until those tests have been run under realistic and reasonable circumstances, it would be irresponsible for us to continue procurement of this vehicle.

the Bradley can do what the Army claims it can do. I believe this amendment, Mr. Chairman, is a moderate and a responsible approach to dealing with a serious problem and I urge my colleagues to give it careful consideration.

□ 1720

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The time of the gentleman from California (Mr. LEVINE) has expired.

(On request of Mr. DICKINSON, and by unanimous consent, Mr. LEVINE of California was allowed to proceed for 2 additional minutes.)

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, I have two quick questions. I am not as familiar with this as is the chairman of the Subcommittee on Procurement that approved this figure.

The reason I am not more familiar with this item is that I spend most of my time in the Subcommittee on Research and Development, but it is my understanding that this is the fifth year of production that we are starting for this vehicle. We have already produced over 2,000 of them, and what the gentleman would have us do, unless my figures are wrong, is stop it in the middle of production, shut everything down, lay everybody off, terminate the contract, and then go through a very voluminous test procedure that is outlined here.

Mr. Chairman, I wonder, does the gentleman have any idea what this would cost?

Mr. LEVINE of California. Mr. Chairman, I appreciate the gentleman's asking me this question, and I would like to submit, first of all, that my understanding is that thus far only 525 of these weapons have in fact been produced; 1,700 are under contract. So we are not yet at the stage that the gentleman suggests.

Second, with regard to the premise that these tests have already been run, this is in fact a matter on which I questioned the Army quite specifically, relative to the specific tests that had been done. It is my understanding now, based upon both open and classified material that the Army has provided me, that these tests have not been done.

With regard to slowing down the process, in speaking to one of the contractors I was advised that current contracts are going to run through the end of 1984, and these tests could be done within a matter of months.

Mr. DICKINSON. Mr. Chairman, what would the gentleman's amendment do? Would it terminate production until these tests are completed, or would it allow them to continue whatever is under contract?

Mr. LEVINE of California. Mr. Chairman, it would allow the current contracts to go ahead and be met, but at the end of the current contracting period, if the Army's tests reveal that the vehicle does not do what the Army claims it does, it would terminate the production.

The CHAIRMAN pro tempore. The time of the gentleman from California, Mr. Levine, has expired.

(By unanimous consent, Mr. Levine was allowed to proceed for 30 additional seconds.)

Mr. LEVINE of California. But, Mr. Chairman, the point I would like to emphasize in response to the gentleman's question is that the current contracts last for over a year and a half. It would not take nearly a year and a half to do these tests, and in fact they could probably be done within a matter of a few months. If in fact the tests proved that the Army's assertions are correct, no production would be stopped at all.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman's amendment has just been made available to the committee, and it is a very detailed amendment, proposing a series of tests, running to some nine pages. The staff has not had an opportunity to examine the amendment or to determine what the cost of running these tests would be, and as far as I can see, there has been no section offered that would include additional funds for running the tests.

For example, one of the tests they would like the Army to run on the Bradley fighting vehicle is to determine the survivability rate for the Bradley fighting vehicles and their crews in a modern combat environment against actual Soviet weapons in the projected European theater to make sure that it is greater than 90 percent survivability rate. I would imagine that the only way that we could do that would be to start a war with the Soviet Union and then determine exactly how many of those weapons survive. So I think the gentleman's proposal is really beyond the ability of the committee to accept in this form.

I would also point out, as the gentleman from Alabama (Mr. Dickinson) has already indicated, that the Bradley fighting vehicle has been in procurement for some 5 years, and although earlier there was some question that the Bradley fighting vehicle's cost was going up, in fact it has been going down in the last few years. A further part of the gentleman's concern, I think, stems from the fact that the Bradley fighting vehicle is not a tank.

But in order to understand what the Bradley fighting vehicle really represents to the men in the field—and I wonder whether the gentleman has actually talked to soldiers who had been using the Bradley fighting vehicle—let me say that it is a very substantial improvement over what used to be provided for the infantry.

Under the classic arrangement of tank warfare, for example, in the Israeli-Egyptian war in 1973, the Yom Kippur war, tanks were conventionally followed by infantry, and the infantry were designed to protect the tanks; but they also were highly exposed. However, the American Army has long used the M-113, which provided transportation for the infantry across the battlefield, behind the tanks but it was like a pickup truck and there was no real protection for the troops. What the Bradley fighting vehicle has done has been to provide real protection for our infantry troops.

It is equipped with a TOW missile and it is equipped with a 75 millimeter gun.

The gentleman from Texas, (Mr. Leath) and I visited Fort Hood some 3 weeks ago and specifically talked with the troops who were using the Bradley fighting vehicle. I saw some problems with it, and I tried to suggest some difficulties. But I was amazed at the way the individuals who dealt day after day with the Bradley fighting vehicle appreciated the cover that it gave to them. It allows them to go closer to the battle front without being exposed. To suggest that the Bradley vehicle has got to have the same kind of ability to withstand a Soviet missile as a tank I think, would be totally unreasonable and unrealistic.

So, Mr. Chairman, I would suggest that, although we would like to oblige the gentleman from California (Mr. Levine), the committee must reject the amendment.

Mr. BADHAM. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I think it is unfortunate, as my distinguished chairman of the subcommittee, said, that this amendment was delivered to us but seconds before. It is a usual courtesy, when a Member is having an amendment read at length at the desk, to grant the Member's unanimous consent request that the amendment be considered as read and printed in the Record, but in this case it is too bad, because had I known about this and had I seen a copy of this amendment, I would certainly have objected to its being considered as read. This amendment goes on for nine pages telling the Army how to run a test.

And that is not all, I would suggest. This is a program that has been in production for 5 years, and the gentleman apparently has something against the program, although I do not know what. I do not know where he got all his technical information that would suggest how the Army would run a test. Maybe he will suggest that to us in a moment or two. But this says that the U.S. Army shall somehow obtain Soviet weapons and fire them against this vehicle.

In addition, apparently the Army will be required to cease production on this item that has been in production for 5 years. They will have to run a series of tests using Soviet ammunition, and where we will get that I do not know.

☐ 1730

We will be using methodology in conducting the evaluation of such a test developed by the United Kingdom ballistic research programs.

Measurements to be taken by Piezoelectric transducers calibrated according to the national standard of the United Kingdom.

We will test the peak volume, measured in microseconds, of the shaped charge jet pressure within the interior of the infantry fighting vehicle fully sealed to normal combat status.

The test vehicle shall be armed, fueled, and supplied with ammunition.

The test shall be conducted using a HALON fire extinguisher system.

But Mr. Chairman, this is the part that really got me; on page 4, subparagraph (D), that surrogate crewmembers, represented by anesthetized pigs, shall be used to test this vehicle.

Now, I think that would cause a few problems for some of the people who think that too much experimenting is going on with various animals and things, to take a fighting vehicle, blow it up with Soviet ammunition, not even read before this House, and fill it with anesthetized pigs.

I hope the gentleman will withdraw his amendment and bring it back under the context of a committee hearing when we have time to have full hearings.

My colleagues, as you may know, the Bradley fighting vehicles are now entering their fifth year of production, and clearly any break in the production line will ultimately result in a higher program cost. Therefore, it is not clear to me why the gentleman from California has decided to offer this amendment which by its very nature is guaranteed to interrupt production and increase the program cost of a program which is entering its fifth year of production and has no technical or cost control problems.

Yes, I realize that there have been isolated cases of the news media criticizing this program in recent years, but I believe that the program has moved past that point. We know that it has taken many years, perhaps too many years, for this program to evolve to the point at which it is today. But it is equally clear that we must have an infantry fighting vehicle which is at least comparable to those possessed by our principal adversary. I believes we

have such vehicles named the Bradley fighting vehicles.

My colleagues from California also argues that the current armored protection for the Bradley fighting vehicles is insufficient, and in some cases could be detrimental to the troops riding inside the vehicles. First, let me say that in terms of armored protection, the Bradley fighting vehicles meet the specifications that were established for them as part of the original requirements effort. Second, regarding the allegations that aluminum armor is flammable and explosive, I would simply say that many of our systems including aircraft and ships, are made of some type of aluminum alloy. Additionally, many of the infantry fighting vehicles that our allies use are also made of aluminum alloy. I think it should be clear that if our present personnel carrier—M-113A2—or fighting vehicles—Bradley fighting vehicles—are attacked with a large caliber munition such as a 120-millimeter cannon, there will probably be significant damage done from the warhead and from fragmentation. Therefore, whether the Bradley is made of steel or aluminum would not make any real difference in terms of the damage done by a large caliber munition. In terms of smaller caliber munitions, any overpressure or heat that might result from that small caliber munition penetrating the Bradley fighting vehicle would have minimum impact upon the crew—unless of course that munition punctured the fuel tank or hit the ammunition storage rack. However, it should be noted that in the event of a fire, the Bradley fighting vehicle is equipped with a fire extinguishing system that can react in one-tenth of a second.

My colleagues, I think it is clear that the Bradley fighting vehicles are a very important part of the Army's modernization effort; it is clear that the Bradley program is entering its fifth year of production without any technical problems; it is clear that there has been a 13-percent decrease in the program unit cost for the Bradley fighting vehicles; and it is clear that this program should be allowed to proceed on schedule.

Therefore, I urge my colleagues to join me in defeating this amendment.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to raise a couple questions about the Bradley fighting vehicle. The gentleman from California has proposed this amendment, which seems to me to have some ideas in it and raises some questions about the effectiveness of the Bradley fighting vehicle, which I remember having read in newspapers some questions about the effectiveness of this weapon.

It seems to me that the gentleman on the other side of the Capitol here in the other body, the Senator from Georgia, Mr. Nunn, for a great number of years has been raising some serious questions about the effectiveness of the Bradley fighting vehicle. That is a gentleman who I think a number of people in this body have learned to respect as a person who is a fairly sensible person about these military systems and one whose judgment has proven to be correct in a number of cases.

So it seems to me, and I do not remember the exact points raised by the Senator from Georgia on the other side of the Capitol, but it seems to me that if he has raised some questions, maybe there is some validity in the idea of conducting some tests.

Does the gentleman from California, know, for example, the issues that have been raised about the effectiveness of this weapon?

Mr. LEVINE of California. The gentleman from Georgia that my colleague refers to, Senator Nunn, raised the question very succinctly in hearings.

The CHAIRMAN pro tempore (Mr. Downey). The Chair would advise both the gentleman from California and the gentleman from Wisconsin that it is contrary to the rules of the House to refer either to the proceedings of or by name to Members of the other body.

Mr. LEVINE of California. I thank the Chair.

The gentleman from the other body to whom my colleague refers did, I think, succinctly raise a very critical question with regard to this vehicle by saying that if it is 10 feet tall that it is a sitting duck for any weapons that can be used against it. It does not matter what type of sophisticated weaponry is on it. It is likely to be defeated by virtually any Soviet antitank weapon.

This has been a very significant criticism which has thus far, at least in this gentleman's opinion, not been satisfactorily answered.

Mr. COLEMAN of Texas. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, let me at the outset suggest to all of the Members that certainly there is not an element of surprise with respect to the amendment. I knew of this amendment some days ago. I just do not happen to agree with the amendment, but that is certainly not the reason I would rise in opposition to it.

I read my mail and knew that the gentleman from California intended to offer this amendment.

I would say to those Members, however, that are thinking of supporting this particular amendment, that the Bradley fighting vehicle program has certainly taken too long for total production; but since it is now in production for the past 4 years, at this point I personally see no reason to further delay production of what I consider to be a new and important weapons system.

I do not believe that we should insist on yet another study of a system that has been studied for well over 10 years, a system that, by the way, is now proving its worthiness and one that I happen to believe is, indeed, needed to combat the sophisticated weaponry that we would face in any conventional conflict.

It does not even seem remotely reasonable that we, the Congress, should take a program which is finally stable and on schedule and as a result of forcing additional program delays, continue to drive up the cost of this program. I think that that would be a waste of the taxpayers' money. I believe this amendment, indeed, would be a waste.

The Bradley fighting vehicle, and it has been my privilege, as a matter of fact, I consider it one of my duties as a member of this committee, to personally inspect that vehicle and talk with the soldiers who are now utilizing it from my own State. I would say that this vehicle is certainly superior in speed. It is certainly superior in firepower than the weapons system it replaces, the M-113. During my tenure in the service, I would say that it was my duty to command certain personnel carriers and men that were required not just to be in them, but to be removed from them and to engage in fighting.

I would say that with the TOW-2 missile on the Bradley fighting vehicle, and particularly the superior armored protection against a range of smaller caliber munitions, this weapon can, indeed, be an effective fighting machine.

There is no need to do another comparative analysis between the M-113 or any other armored personnel carrier with the Bradley fighting vehicle.

I believe that we have the best, the most cost-effective infantry fighting vehicle in the world today and we must not allow our troops to go off to battle in anything less than that.

Mr. REID. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, people make slight of the fact that some tests have been required of this weapon. The reason that these experiments need to be conducted, we are not talking about taxpayers' dollars only, but the lives of our servicemen. I think the tests that the Army itself has run indicate that this weapon, this vehicle, has a great deal of failings. For example, we know that the Army's own tests show that

50-caliber bullets will penetrate the shell of this vehicle.

Now, if there are other tests, we have asked for them, but we have not been able to get them.

If in fact this weapon, this vehicle, meets all the specifications that it is supposed to meet, it should be very simple for them to supply the tests and the experiments that they have already conducted.

Mr. LEVINE of California. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to my colleague and the cosponsor of this amendment.

Mr. LEVINE of California. Mr. Chairman, just to follow up on the comments of my colleague, the gentleman from Nevada, and to respond briefly to the points that have been made by the opponents, in essence, if this vehicle does what the Army says it does, we need not delay any aspect of production, even a single day. All this amendment requires is that the Army be able to demonstrate to the Congress that this vehicle does what the Army says it does.

Now, in opposition to this amendment it has been suggested that what this gentleman resists is the fact that this is not a tank. This gentleman has no interest in this being a tank. All this gentleman is suggesting is that the Bradley fighting vehicle has certain criteria that the Army claims it meets, specifically the criterion that it will defeat 91 percent of Soviet weapons. If, in fact, it will do that, all I am suggesting is that that be demonstrated to this Congress.

There was a question raised with regard to a reduction in cost. Well, the cost of this vehicle even under the most modest assumptions is still at least $1.5 million per vehicle. Some assumptions are $1.9 million per vehicle, replacing an $80,000 per vehicle weapon.

Finally with regard to the type of tests, the reason I have spelled out in the amendment certain types of tests similar to those that have been done by the United Kingdom, the Army of the United Kingdom, is that that army is the only army that has conducted these types of tests thus far. Our Army has not.

There was an analogy made in the course of the debate to the lessons learned in the wars in the Middle East. I think that is a very important issue to raise, because the army that has been the most successful army on the ground in the recent past, the Army of the State of Israel, has categorically rejected this type of vehicle. They believe that it is a dangerous vehicle, one which will not protect its own troops and they have elected not to use this type of vehicle.

□ 1740

If we are going to take lessons from the experience of the last several wars in the Middle East, I think it would be appropriate for us to consider carefully why the State of Israel has decided, after facing Soviet vehicles that are similar to this, that they will not produce a vehicle such as this.

Mr. RIDGE. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman.

Mr. RIDGE. Much has been made of the requirement or a suggested use of anesthetized pegs. I know you and your cosponsor want to make sure that the infantry soldiers are not sitting ducks either, so I appreciate the efforts you have made.

I am looking at page 5, particularly paragraph 2 where you have suggested tests under the subsection and you list five specific weapons. Three appear to be the standard infantry weapons that might be employed in a combat situation. Two appear to be probably light vehicle weapons attached to vehicles employed in a combat situation.

In any of the classified material that you received or in any of the material that you received from the Department of the Army, the Department of Defense, were they able to relate to you that one, these tests were conducted; that is, tests on weapons systems from opposing forces that we know actually exist, not necessarily under combat conditions but just testing one system against another; and what were the results of those tests?

Mr. LEVINE of California. It is my understanding those tests have not been conducted and that these are the specific Soviet weapons that would most likely be used against the Bradley.

● Mr. MINETA. Mr. Chairman, my colleagues, as you know, I have frequently spoken out against defense programs which represent less than prudent investments for the taxpayer. I believe, however, that the Bradley fighting vehicle, which is entering its fifth year of production, represents a prudent investment and satisfies an important military requirement for our conventional forces. Therefore, I must rise in opposition to this amendment because it would unnecessarily increase the cost of the program and delay delivery of these needed conventional systems to our soldiers.

As I understand the amendment, it would force the Department to initiate yet another costly study, and it would force the contractor to stretch out the current production. As I see it, this would not only increase the cost of the program, but it would also result in slipping the delivery of these systems to our combat units. I have no other choice but to urge that we defeat this amendment.

It is important that the United States have a strong conventional defense to reduce our dependence on potentially destabilizing nuclear weapons for military deterrence. I believe the Bradley fighting vehicle enhances the capability of our conventional forces and represents an important contribution to the security of the United States.

Passage of this amendment would only increase the costs to the American taxpayer for our vital conventional forces. For these reasons I urge my colleagues to show their support for a strong conventional defense force by voting to defeat this amendment.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. Levine).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. REID. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 283, not voting 25, as follows:

[Roll No. 190]

AYES—124

Ackerman
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brown (CA)
Brown (CO)
Bryant
Carper
Clay
Collins
Conyers
Cooper
Coughlin
Crockett
Dellums
Dixon
Dorgan
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Evans (IL)
Ferraro
Florio
Ford (MI)
Ford (TN)
Frank

Frenzel
Garcia
Gephardt
Glickman
Gore
Gray
Green
Guarini
Hall (IN)
Harrison
Hawkins
Howard
Hughes
Johnson
Kaptur
Kastenmeier
Kildee
Lehman (CA)
Lehman (FL)
Leland
Levine
Long (LA)
Lowry (WA)
MacKay
Markey
McHugh
Mikulski
Miller (CA)
Mitchell
Moakley
Moody
Morrison (CT)
Murphy
Nowak
Oberstar
Obey
Olin
Ottinger
Owens
Paul
Pease
Penny

Petri
Rangel
Reid
Ridge
Roemer
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Seiberling
Shannon
Sikorski
Simon
Slattery
Smith (FL)
Snowe
Solarz
St Germain
Stark
Stokes
Synar
Torres
Torricelli
Towns
Udall
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Yatron

NOES—283

Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Badham
Bartlett
Bateman
Bereuter
Bethune

Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boner
Breaux
Brooks
Broomfield
Broyhill
Burton
Byron
Campbell

Carney
Carr
Chandler
Chappell
Chapple
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte

Coyne
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dowdy
Dreier
Dyson
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Foglietta
Foley
Fowler
Franklin
Frost
Fuqua
Gaydos
Gekas
Gibbons
Gilman
Gingrich
Gonzalez
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kasich

Kazen
Kemp
Kennelly
Kindness
Kogovsek
Kolter
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lent
Levin
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McKernan
McNulty
Mica
Michel
Miller (OH)
Mineta
Minish
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Oakar
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pepper
Perkins

Pickle
Price
Pritchard
Quillen
Ratchford
Ray
Regula
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Spratt
Staggers
Stangeland
Stenholm
Stratton
Stump
Sundquist
Swift
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Traxler
Valentine
Vander Jagt
Vandergriff
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NOT VOTING—25

Addabbo
Alexander
Barnard
Britt
Corcoran
Courter
D'Amours
Derrick
Duncan

Forsythe
Gejdenson
Hall (OH)
Harkin
Heftel
Kostmayer
Martinez
McKinney
Porter

Pursell
Rahall
Rodino
Rose
Schumer
Studds
Yates

□ 1800

The Clerk announced the following pairs:

On this vote:

Mr. McKinney for, with Mr. Derrick against.

Mr. PEPPER and Mr. FOGLIETTA changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

● Mr. LEHMAN of Florida. Mr. Chairman, I support the Brown amendment to delete $19.4 million earmarked to begin procurement of an antisatellite (Asat) weapons system. If we do not delete these funds we will not only be committing ourselves to an additional $19.4 million, but also to billions of dollars in the future that will be needed to keep an Asat system operational. The General Accounting Office has calculated that a fully operational Asat system may cost in the tens of billions of dollars. Although such a system might act as a deterrent to the Soviet Union, it is neither our sole alternative, nor our best.

Deterrence occurs in three forms: negotiation, retaliation, and force. Our most optimistic and the most humane step would be to follow a path of deterrence through negotiation. If we do not reinstate U.S.-U.S.S.R. talks, we will enter the first stage of a space weapons race in which there will be no winners. The best time to negotiate is while we have the advantage, before the Soviets develop more advanced space technology. The Soviets have already expressed an interest in negotiating. It is now up to us to show them that we want to seek peace together and to use space as the new frontier in a joint effort for peace.

I urge my colleagues to vote for the Brown amendment.●

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McCurdy) having assumed the chair, Mr. Downey of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969), to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, had come to no resolution thereon.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON WEDNESDAY, JUNE 15, 1983, DURING 5-MINUTE RULE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation be permitted to sit while the House is in session under the 5-minute rule on Wednesday, June 15, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 126, COMMEMORATION OF 100TH ANNIVERSARY OF THE BIRTH OF HARRY S. TRUMAN

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-242) on the resolution (H. Res. 226) providing for the consideration of the concurrent resolution (H. Con. Res. 126) providing for the commemoration of the 100th anniversary of the birth of Harry S. Truman, which was referred to the House Calendar, and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2668, CONSUMER PRODUCT SAFETY AMENDMENTS OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-243) on the resolution (H. Res. 227) providing for the consideration of the bill (H.R. 2668) to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3263, MILITARY CONSTRUCTION APPROPRIATION, 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-244) on the resolution (H. Res. 228) waiving certain points of order against consideration of the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2972, MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98–245) on the resolution (H. Res. 229) providing for the consideration of the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EDUCATION AS A POLITICAL CAMPAIGN ISSUE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, from recent actions of the President, it appears that Mr. Reagan has been persuaded that the education of our children could be a potent campaign issue for himself and for his party in 1984. Only last week he initiated a national public relations effort to portray himself as a friend of education despite the efforts of his administration to substantially reduce the Nation's commitment to public education.

I have an article published by the Washington Post, Friday, June 10, 1983, which say that Mr. Reagan even went so far as to dispatch the Secretary of Education to a gathering of Republican officials to convince them that attacks on the American system of education can be an important source of votes in 1984. Mr. Speaker, the President's reckless attempt to stir up public resentment against education through the use of misrepresentation and distortion is a shameful act.

I urge the American people to reject this President's tactics and to express their dissatisfaction during the weeks and months ahead.

Mr. Speaker, the Washington Post article to which I referred and a second article, also appearing in the issue of Saturday, June 11, 1983, are included as follows:

Bell Sharpens Education Theme, Attacking NEA and Mondale

(By Bill Peterson)

Dallas, June 10—Education Secretary T. H. Bell today stepped up the Reagan administration's effort to make education a major 1984 campaign issue, sharply criticizing the National Education Association and the Democratic presidential hopeful to whom it is most closely tied, Walter F. Mondale.

In a partisan speech to the Republican National Committee, Bell attacked the NEA, the nation's largest teachers organization, for opposing merit pay for teachers, and Mondale for advocating an $11 billion increase in federal aid to education.

Bell suggested that the aid increase would lead to "federalizing our schools," which he said would be "the height of foolishness."

He said more federal money is not the answer to the schools' problems and that "until we make some long-past-due changes in education, our money will not be well spent."

He said that the NEA, which is expected to endorse Mondale, is standing in the way of reforming teacher pay scales because it wants to "cling to the same tired old system we have had in the past" in which teachers are paid on the basis of experience and college credits.

Bell's speech was part of a hard sell to convince GOP leaders that education can be a potent campaign issue. Party leaders were also given a copy of the recent report by the National Commission on Excellence in Education, which found "a rising tide of mediocrity in the nation's schools," and a briefing book on administration education policies. On Saturday they are to be briefed again on education.

The party leaders didn't need much convincing. Bell was given two standing ovations and was surrounded by autograph seekers when he finished speaking.

The GOP leaders have been gathered here since Wednesday for their annual summer meeting, largely for a preview of the 1984 Republican National Convention site. Little real business is on the schedule and the RNC members are spending much of their time being wined and dined by their Dallas convention hosts.

With the economy and President Reagan's popularity improving, the mood among party leaders is generally optimistic. White House political affairs director Edward J. Rollins added to the upbeat atmosphere today by saying, "I think without a doubt that the president is going to run for reelection.

"Ronald Reagan has never been a man to walk away from a fight," He said, adding that much of the business the president had hoped to accomplish when he entered office is still unfinished.

Bell and Reagan visited Minnesota Thursday as part of their campaign to establish the president as a spokesman for a return to basics in education and merit pay for teachers.

Bell's appearance here was not without paradox. He was almost invisible as a Cabinet member during the first two years of the Reagan administration, when his chief duty was supposed to be to abolish the Education Department.

Today, however, Bell was introduced by Republican National Chairman Frank J. Fahrenkopf Jr. as holding "the most important job next to the president's in the U.S.," and abolishing the department was not mentioned as an administration goal in the briefing book given to party leaders.

Bell portrayed education as an issue that will draw a clear ideological line between the two parties, with Democrats favoring more federal aid and Republicans supporting state and local action to toughen standards for teachers and students.

"The president is on the right side of these issues, because he is where the parents and the better school boards and the bill-paying businesses and working people are," he said.

"Gross Misrepresentations" Charged—Democrats Rebut Reagan on School Issues

(By George Lardner Jr.)

Congressional Democrats bluntly accused President Reagan yesterday of twisting the truth and trying to palm himself off as a champion of better schools with a campaign of "gross misrepresentations" and "grotesquely inaccurate" statements.

"It embarrasses all of us as Americans to have to point out that the president of the United States is not telling the truth," House Majority Leader James C. Wright Jr. (D-Tex.) said at a news conference. "It's an embarrassment to any of us to have to state that fact. But the fact has been repeated so frequently that it must be called to the public's attention."

Sens. Edward M. Kennedy (D-Mass.) and Claiborne Pell (D-R.I.) and House Education and Labor Committee Chairman Carl D. Perkins (D-Ky.) joined in the attack, accusing Reagan of repeatedly mangling educational facts and figures in recent weeks and of playing down his attempts to dismantle the federal aid programs.

"The president's advisers obviously hope that on the issue of education, the American people will watch what he says, not what he does," Kennedy said. "In the three annual budgets submitted since they came into office, this administration has called for cuts in education amounting to $9 billion, or almost 20 percent of the federal education budget for those years. In everything they have done, they have proved that they are no friend of teachers or students, schools or classrooms."

Perkins was especially annoyed by what he described as Reagan's "policy" of "making all these false claims about federal interference" in the schools, a theme the president sounded again Thursday in Hopkins, Minn., in defense of his educational policies.

Speaking at a regional forum of the National Commission on Excellence in Education, Reagan said that the federal government "provides 8 percent of the educational budget, but . . . has, kind of, grabbed off about 50 percent of trying to regulate the schools."

Perkins, one of the architects of the federal educational support structure, denounced such talk as "just nonsense."

With education emerging as a major issue for the 1984 campaign, Reagan has been advocating merit pay for top-flight teachers as the centerpiece of is program. Perkins said he was all for that, but as a former teacher who earned $59.60 a month he added that "we've got to pay ordinary teachers more, too."

Even today, Perkins said, "we have many $11,000 and $12,000 teachers, in some cases as low as $10,000," while starting salary on a Ford Motor Co. assembly line is $20,000 to $21,000.

Wright said it was "grotesquely inaccurate" and "outrageous" for the president to say, as he did in a May 17 news conference, that federal aid to education had increased "2,000 percent" in a 10-year period, from $760 million to $14.9 billion.

"Ten years ago," Wright said, "the federal budget for assisting and aiding educational programs was not $760 million, but very nearly $7 billion. And so he [Reagan] has totally skewed the facts in his misrepresentation.

"I want to believe that he doesn't know any better," Wright said. "I want to believe that those who furnish him those spurious

statistics are the culprits and that the president of the United States is innocently making these statements, not aware of their total untruth."

Wright also took exception to Reagan's repeated assertions that education receives more dollars than defense. Apparently comparing the federal defense budget with all kinds of spending for education, including local, state and private outlays, the president said Thursday that "in 1982, the total budget for national defense was $179 billion" while "it was $215 billion for education."

"That's another inaccuracy," Wright charged, saying the president was even counting private costs, such as baby-sitting expenses while a parent attends a college class. He said that Reagan also failed to mention he is seeking $245 billion for defense this year.

Pell noted that the administration has made "drastic cuts"—$200 million between fiscal 1981 and 1983—in the higher-education grant program for low-income students that bears his name, and also in the direct student loan program, which dropped by $107 million between 1980 and 1983.

"Had President Reagan had his way, education programs would have been cut more," the four Democrats added in a joint statement, pointing out that Congress had fended off much larger reductions proposed by the administration.

A GHOST OF CONGRESSES PAST

(Mr. WIRTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. WIRTH. Mr. Speaker, 2 weeks ago, during the final hours of debate over the MX, a rumble was heard across the Chambers of the House. A ghost of Congresses past? Yes. Our former colleague, Robert Dornan.

Unfortunately, and I might add, uncharacteristically, Mr. Dornan's full story on his employment by the Arms Control and Disarmament Agency was not heard by all of us. We were assured that Mr. Dornan was to play no part in our country's arms control negotiations; we were assured by the White House that Mr. Dornan is not, was not, and will not be a consultant or an employee or on the payroll of the Arms Control and Disarmament Agency.

Alas, ghosts do return, and I include in today's Record Mr. Dornan's own account, as reported in Sunday's Baltimore Sun.

"A blankety-blank lie" said the usually quiet and God-fearing Mr. Dornan. "I was not only considered, I was hired," said Mr. Dornan.

Recognizing that veracity and attention to detail are not necessarily qualities that have endeared this administration to the Congress, I thought all of us might do well to review Mr. Dornan's side of the story.

What will the White House say now? "Oh what a tangled web we weave, when first we practice to deceive."

Mr. Speaker, yesterday's Baltimore Sun provided us with insight into the intrigues of the administration's policy concerning the MX missile and arms control. The Byzantine plot suggests Mr. Dornan had been offered a position with the Arms Control and Disarmament Agency by the White House. However, when reports to this effect surfaced, the House was informed Mr. Dornan was not hired by ADCA. Former Congressman Dornan emphatically denies the administration's statement. Quite the contrary, it was his understanding the position was offered to him and only taken away when the White House considered news of his appointment a significant liability with the final MX vote at hand.

Mr. Speaker, what happened in this situation is yet another highly disturbing example of this administration's manipulation of an issue of grave importance to the American people. The article that I am submitting for the record casts further doubt as to the administration's real intentions with regard to negotiations of a meaningful arms control agreement. If the scenerio described by the Baltimore Sun is accurate, one wonders if on some future day we and the rest of the American people might be as equally surprised by an administration that promises one thing and delivers another.

Mr. Speaker, I include the following:

[From the Baltimore Sun, June 12, 1983]

An Angry Dornan Says White House Hired, Then Dropped Him to Save MX

(By Robert Timberg)

Washington.—On Thursday morning, May 26, Representative Jack Edwards, the Reagan administration's floor leader on the MX missile, told his colleagues in the House that Robert K. Dornan "is not, was not and will not be a consultant or an employee or on the payroll of the Arms Control and Disarmament Agency."

With those words, the Alaska Republican quenched a smoldering legislative brush fire that had threatened to engulf the administration's hard-fought MX victory.

House opponents were using reports that the hawkish ex-California congressman was to get an ACDA job as evidence that the president was not serious about arms control.

By denying—with obvious White House sanction—that the mercurial Mr. Dornan was in line for an ACDA job, Mr. Edwards deprived opponents of a late-blooming hope that they could turn back the MX and cleared the way for the essentially technical final vote that enacted the legislation.

But was the denial true? Not according to an angry, bitter Mr. Dornan, who called it instead a "god-damned lie." As he put it in an interview last week, "I was not only considered, I was hired.

"The White House threw me to the wolves," said Mr. Dornan, 50, a three-term Republican representative who gave up his seat last year to run, unsuccessfully for the Senate.

Mr. Edwards could not be reached for comment, but his press secretary, Nancy Bruce, quoted him as saying: "What I said on the floor is exactly what the administration told me."

An ACDA official, speaking on the condition he not be identified by name, said, "Mr. Dornan was not hired at ACDA and in any event, he would have had to have been granted a security clearance prior to being hired. He has not."

Mr. Dornan said that he is a close friend of the president, had once hosted a television talk show with Mr. Reagan's daughter, Maureen, and employed his son, Michael, as an aide for two years in his California district office.

"I didn't treat Michael Reagan the way I was treated," he said. "I treated him well. He was a friend, and I can only assume the president doesn't know what's happened to me."

Mr. Dornan also said that back in January he had been offered the deputy directorship of the ACDA, but chose instead the No. 2 post at the United Nations, then held by Kenneth L. Adelman, now ACDA director.

But Mr. Dornan said the U.N. job was put on hold for five months because Mr. Adelman could not win Senate confirmation for the ACDA post. By the time he did, the U.N. position was given to someone else, and Mr. Dornan was told that something better was in the offing.

The former congressman said that he had been growing frustrated and had considered returning to California, but that William P. Clark, the president's national security adviser, told him in early April, "Bob, don't you dare go home. Your country needs you here."

Mr. Dornan said he was offered the consulting job with the ACDA by Mr. Adelman May 3 and immediately accepted. He said he was fingerprinted at the State Department later the same day.

The only reason he was not already on the job, he said, was because the FBI had not completed the background check for the top-secret clearance he would need in the national security post.

Since he has not actually assumed his new duties, he said, it was easy for the White House to deny he had been hired. "If I had been in a domestic job, what would they have done, told me to slink out the back door?"

The ACDA official said Mr. Adelman had discussed a consulting job with Mr. Dornan "but before his ever having been hired, alternative arrangements were suggested outside of ACDA. It is our understanding that these arrangements were satisfactory to all concerned." The official did not elaborate.

Mr. Dornan also said he knew nothing of the controversy surrounding him until that Thursday afternoon—after it was all over—when, while studying a book on Soviet weaponry to prepare for the new job, he received a call at home from Mr. Adelman, the ACDA director.

Mr. Adelman said he had gone up to Capitol Hill that morning and "felt like Daniel in the lion's den," Mr. Dornan recalled.

"He's calling me fella, buddy. 'Hey, fella, we don't know what to do.' He kept using this one word—horrendous. 'It was horrendous. Horrendous. Your friends were lining up to attack you,'" Mr. Dornan said he was told. Mr. Adelman also told him to forget the ACDA job, he said.

The following day, he said, he was called at home by James A. Baker III, the White House chief of staff, who offered condolences. "His exact words were, 'We had to do what we had to do,'" Mr. Dornan said. "He said the MX was too important."

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Mr. Dornan said that, in fact, he agreed, and would gladly have withdrawn if anyone had informed him there was a problem.

"I said, 'Jim, you're a Marine Corps officer, I'm an Air Force officer. What you've done is feed me to the draft avoiders,'" Mr. Dornan said, calling on both his and Mr. Baker's previous military service while attempting to demean some of his congressional foes.

At the same time, Mr. Dornan said he is convinced Mr. Baker was not behind his difficulties and now is actively trying to find him a job in the administration. Mr. Dornan says he is now doing consulting work and has received a number of job offers, but want to join the administration.

The Dornan controversy was ignited Wednesday night, May 25, when MX opponents began circulating a two-week-old, little-noticed story in a Long Beach (Calif.) paper saying Mr. Dornan was to get an ACDA job.

Mr. Dornan, a onetime fighter pilot, was a vigorous supporter of the Vietnam War but maintained that it was not pursued aggressively enough. Known for his volatile, bombastic rhetoric, he has been an influential figure in the New Right.

By the time the article had circulated, the administration already had won the crucial MX votes on the House and Senate and there remained only a routine final vote in the House to meet technical requirements.

But the story caused an immediate stir, and the final vote scheduled for that night was postponed till the next morning as opponents tried to figure out if they could use it to make one last stand against MX.

The administration and its congressional allies, however, moved quickly to salvage the situation, passing the word that Mr. Dornan was not going to the ACDA and offering, one key participant said, to put it in writing if necessary.

According to Mr. Dornan, some House members were awakened that night by White House staffers assuring them that their former colleague was not ACDA material and urging them not to change their MX position.

By the time Mr. Edwards went to the podium the following morning and cooled down the opposition, two congressmen already had spoken on the MX and Mr. Dornan and others were prepared to do so.

One of them, Howard E. Wolpe (D. Mich.), wondered aloud if Mr. Dornan might not be the "unknown element" in the MX compromise.

Mr. Wolpe read gleefully from the Long Beach paper, which quoted Mr. Dornan as saying, "I'd be good in the field of human rights. I'm Catholic and a lot of these dictators are Catholic. I could talk to them the way the Carter administration couldn't. I'd go down to a guy like former Argentine President Leopoldo Galtieri and say, 'Look, you SOB, it's wrong to torture people. If you don't believe it, go ask your priest.'"

Critics contended that Mr. Dornan was neither philosophically nor temperamentally suited to an arms control post. But he says he is an expert on arms control and would be a perfect choice.

"I'm a grandfather three times over who sees the world heading toward a holocaust, and I want to prevent it."

Mr. Dornan said his problems developed because Kenneth M. Duberstein, the administration's chief congressional lobbyist, "panicked" when the newspaper story hit the House floor that Wednesday night. Attempts to reach Mr. Duberstein were unsuccessful.

Mr. Dornan remembered calling Mr. Duberstein the following afternoon: "He said it was a firestorm. Then he said, 'Are you going to the Paris air show?' I said, 'Ken, I'm doing damage control on my life. There's only one former member I'm doing better than and that's the late Phil Burton.'"

THE HARDSHIP OF TELEPHONE RATE INCREASES ON POOR AND ELDERLY

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYDEN. Mr. Speaker, all of us are aware of the telephone rate increases which are pending across the country. The doubling and tripling of telephone rates threatens to disenfranchise many of the elderly and the poor, cutting them off from their communities. For the elderly the problem is particularly acute, since telephones are really a lifeline to the outside world.

Earlier today, Congressman Timothy Wirth, who chairs the Subcommittee on Telecommunications of the Commerce Committee, addressed the issue of rate increases. His speech outlines in a careful and succinct manner why these rate increases are unjustified. Congressman Wirth's speech clearly defines what is needed to create a national policy for telecommunications. In his speech, he outlines a proposal to move sound common carrier legislation before the end of the year.

In my home State of Oregon I have set up a citizens committee that is working to hold down phone rates, and Tim Wirth's speech has given our committee a roadmap. I hope my colleagues will read carefully Congressman Wirth's speech—it is important if we are going to hold down phone costs in this country.

Remarks by Timothy E. Wirth, Chairman, House Subcommittee on Telecommunications, Consumer Protection and Finance at the New Telecommunications Marketplace Seminar

Good morning. I'm pleased to be with you. In the two years that I have chaired the Subcommittee on Telecommunications, I have often been asked to speak about the "new" or the "emerging" or even the "future" telecommunications marketplace. Of course, every time I've been asked to speak, the lightning speed of developments—whether the divestiture, the introduction of HR 5158, or even Saturday's announcement of IBM's purchase of an interest in ROLM—has created a changing picture of the "new" marketplace.

What has remained constant throughout these exciting, chaotic months of turmoil and very hard work is my commitment to the goals that I believe must drive the telecommunications marketplace, if it is to fulfill its potential.

These goals—encouraging the development of a fully competitive marketplace, and ensuring the continued universal availability of affordable telephone service—are as valid in June 1983 as they were a year ago when we began debating HR 5158 in full Committee.

I believe that in order to realistically assess the "new" telecommunications marketplace, we must do it in the context of these venerable—and still critical—goals.

Let's look at those "old" goals in their "new" context. Just what does encouraging the development of a fully competitive marketplace mean? All we have to do is look at the equipment market to find out.

Instead of the limited choice available through a single supplier, we can now go to a phone boutique or a drug store and spend anywhere from $10 to $1,000 for a telephone. Competition has created choice, availability and a fertile marketplace for new entrants.

But I still believe that markets should not be deregulated before there is adequate competition within them. Deregulation is only one means to encourage competition, and right now provides an answer in only a very limited number of markets.

For example, long distance, while open to competition—and we are also seeing a host of new entrants in this market—is still far from competitive. Yet, AT&T has recently asked the FCC to deregulate certain long distance services on an "experimental" basis.

Clearly, there is still a need for a regulatory structure that will guard customers against such haphazard deregulation, and assure the ability of competitors to enter the market.

Our challenge is to bring the "old" goals into synch with the "new" realities, to make sure that the growth of competition does not damage the availability of universal, affordable telephone service.

Almost 50 years ago, when only 31% of all Americans had telephones, the Communications Act committed us to the goal of making telephone service available to "all the people of the United States" at reasonable charges. The authors of the Act foresaw, accurately, that universal telephone service would bring isolated citizens into the mainstream of American life, and help bind the disparate sections of the nation into a unified whole.

In the intervening half century, particularly in the last ten years, the "telephone network" has become the "telecommunications networks." The electronic transport of data and information over phone lines has become an increasingly vital cornerstone of commerce, essential to both the manufacturing and service sectors of the economy.

Telecommunications is the infrastructure of the information age, and nationwide access to those networks is becoming crucial to full participation in a society and economy that are increasingly dependent upon the rapid exchange of information. Electronically-delivered messages, and not the written word, are the dominant form of communications. A citizen without access to the telephone is in danger of fading back into isolation.

We must, therefore, insure our "information infrastructure" against the kind of deterioration that has gravely weakened the nation's roads, bridges and railroads. We must fashion a communications policy that is as farsighted as 1934's original commitment to universal telephone service.

We can prevent it in part by education and training, but we must assure that demographic or economic status does not present a barrier to access.

As you know, the goal of maintaining affordable, universal telephone service, with full competition, was at the heart of H.R. 5158. But our attempts to pass the bill were derailed, and AT&T succeeded in its multimillion dollar effort to "disconnect H.R. 5158."

Our failure—conversely, AT&T's success—was part of what AT&T Chairman Charlie Brown derisively called a "three-ring circus." And since we were not allowed to do our work, "taming of the lions" is, for the present, taking place in other arenas. Let's look for a moment at what is going on there.

Fundamental decisions about the future of the telecommunications industry are being made by the FCC, state public utility commissions, the Joint Board, and Judge Greene.

You are all familiar with the subject matter of these decisions: the development of an access charge system; the reorganization of AT&T; the drawing of LATA boundaries to establish the service areas of the divested BOCs; changes in capital recovery to enable telephone companies to modernize their facilities.

Despite the complexity and importance of the tasks at hand, however, the decisionmakers are flying by the seats of their pants. Without a Congressional mandate, there are no clear, consistent standards to guide the regulators, the industry, and the judge as they size up the situation before them and make decisions that send billion-dollar tremors thoughout this country.

The success or failure of these efforts to reshape the industry must be judged against the need to meet the demands of the new telecommunications marketplace—fair competition, open entry, the "level playing field"—and the continuing, increasingly important need to maintain our historic commitment to universal service.

Unfortunately, these needs are not being met. Since the first of the year, we have been assailed by reports of requests for billions of dollars in local rate hikes. In just two states—California and Texas—Bell's rate requests amount to almost $2 billion.

Clearly, there will be some increases in the cost of telephone service because of inflation, the construction of new telephone company facilities, and changes in capital recovery. But I am skeptical—very skeptical—of the unprecedented magnitude of the proposed increases. I have seen nothing that would justify such a sudden, sharp rise in the cost and price of basic service.

We are told that divestiture and the "loss of the long distance subsidy"—due in large measure to the FCC's access charge decision—underlie the pending rate increases. Let's look behind those assertions.

I am more than a little surprised to hear divestiture being blamed for higher local rates. Last year, during consideration of HR 5158, Charlie Brown told us, in no uncertain terms, that the divestiture would not raise rates. Bell operating company presidents, as you may remember, were initially much more concerned about rates—but soon they, too, adopted the company line, assuring us that our fears about divestiture and the cost of basic service were unfounded.

We disagree with Mr. Brown and the others. We said then, and it remains true, that divestiture could have a very significant impact on rates, unless the continued financial viability of the BOCs is assured.

The Bell operating companies must make certain that they are divested in top financial shape—with the assets and debts that they share with AT&T divided fairly, and with their fair share of newer, more efficient, more revenue-producing equipment.

AT&T officials tell us all of these things are happening; critics of the divestiture process disagree. It is certain, however, that divestiture has not occured yet, and that rate increases based on the so-called "costs" of divestiture are, at best, speculative.

The same point can be made about proposed rate increases that are tied to the access charge decision. No telephone company has even filed access tariffs with the FCC yet—and nobody is scheduled to do so until October 3. Until access charges have been approved by the FCC, no one nows the extent to which the interstate contribution to local will be reduced.

We do know, however, that the telephone companies themselves have been given broad flexibility in designing access tariffs, and for the majority of companies that do not face significant bypass threats the access charge will add only $2 per month to each customer's basic monthly charge.

But if divestiture and access charges do not justify today's proposed increases, what does? Does competition? I don't think so. Competition in the telephone industry is not new; it precedes divestiture and this recent round of rate hikes by ten years.

Technological developments and the consequent growth of competition may well require some upward adjustment of local rates. But divestiture and the restructuring of the industry will not increase the total cost of providing communications service in this country.

In other words, if the rates for local service increase, then we should expect to see compensating reductions in the rates for long distance service. In fact, AT&T has promised that long distance rates will drop as local rates rise. But while local rate hikes have already been filed, the promise of lower long distance rates has not been matched with action.

To the extent that it is necessary, the bitter medicine of local rate hikes must be prescribed for every class of local customer. Sad to say, this equity does not seem to be the rule.

The fate of residential customers in California is typical. There, more than half of the requested revenue increase—$466 million—is to be collected from residential ratepayers. According to the California PUC, that will amount to a rate increase of 88 percent.

Local business customers, by contrast, will face a rate hike about half that.

I am at a loss to explain what's going on here. Perhaps local Bell companies fear for their futures—and they seek a security blanket of cash from their most dependable customers, the individuals and small businesses whose monthly checks built the telephone network.

Perhaps, in all the confusion over divestiture local telephone companies simply see an opportunity to increase their revenues—at the expense of ratepayers and universal service.

As you know, our Subcommittee set out on an agenda of vigorous oversight of the divestiture and the changing nature of the communications industry. We had hoped through oversight to ensure that the critical decisions being made outside Congress would result in thoughtful and orderly change.

We see now, however, that that is simply not the case. The access charge decision, unnecessarily generous capital recovery, and the incredible rate requests pending everywhere add up to chaos. The restructuring of the industry is proceeding without regard for the public interest—the situation we sought to avoid last year, by working for passage of H.R. 5158.

There is growing concern on the Subcommittee—from senior Members like John Dingell and Al Swift and newer Members like Jim Bates—that Congress must act now to give direction to industry, and to ensure the future of universal service. I agree.

Jim Bates has already begun circulating a draft bill to safeguard local telephone service and restore fairness to the access charge decision handed down by the FCC. I am confident that we will be able to report a consensus bill to the full Committee later this year.

Let us recognize what legislation can—and cannot—do. A bill cannot stop telephone companies from requesting inflated rate hikes. But unreasonable rate increases—like the ones pending today—can otherwise be avoided.

They can be avoided, for instance, if the state regulatory commissions closely and objectively examine the telephone companies' requests, and grant only what is absolutely necessary. PUCs need not play Santa Claus.

Let us also recognize that responsible legislation cannot—and should not—turn back the clock to the days before competition. Competition has spurred technological development and increased consumer choice at home—an increasingly competitive domestic telecommunications industry will enhance and promote our commercial leadership in the world market for communications products and services.

Legislation can—and must—set national communications policy, and direct the actions of the FCC. Legislation is needed to assure that universal service can co-exist, peacefully, with competition in 1993 and 2003. We must make it abundantly clear that everyone who benefits from the nationwide telecommunications network—long distance carriers, local customers, and even bypassers—ought to share the costs of maintaining and improving that network.

Legislation must also recognize the additional costs of providing service to rural America.

I am committed to making sound common carrier policy. It is more imperative than ever—for our economy and for the future of our democratic society—that universal service be maintained, even as we strive for a more competitive marketplace. No American should be denied access to the information age for want of a telephone. I hope I can work with you to make these goals a reality.

OBLIGATIONS TO ACHIEVE PEACE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, June 10 is the 20th anniversary of President Kennedy's commencement address at American University, one of the most eloquent speeches on the obligation of the world's most powerful country to achieve peace.

In light of recent bellicose statements by administration officials and

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at a time when obscene weapons like the MX are referred to as peacekeeper, it is good to review the approach to our most fundamental problem taken by a certifiable peaceseeker.

COMMENCEMENT ADDRESS AT AMERICAN UNIVERSITY IN WASHINGTON, JUNE 10, 1983'

President Anderson, members of the faculty, board of trustees, distinguished guests, my old colleague, Senator Bob Byrd, who has earned his degree through many years of attending night law school, while I am earning mine in the next 30 minutes, ladies and gentlemen:

It is with great pride that I participate in this ceremony of the American University, sponsored by the Methodist Church, founded by Bishop John Fletcher Hurst, and first opened by President Woodrow Wilson in 1914. This is a young and growing university, but it has already fulfilled Bishop Hurst's enlightened hope for the study of history and public affairs in a city devoted to the making of history and to the conduct of the public's business. By sponsoring this institution of higher learning for all who wish to learn, whatever their color or their creed, the Methodists of this area and the Nation deserve the Nation's thanks, and I commend all those who are today graduating.

Professor Woodrow Wilson once said that every man sent out from a university should be a man of his nation as well as a man of his time, and I am confident that the men and women who carry the honor of graduating from this institution will continue to give from their lives, from their talents, a high measure of public service and public support.

"There are few earthly things more beautiful than a university," wrote John Masefield, in his tribute to English universities—and his words are equally true today. He did not refer to spires and towers, to campus greens and ivied walls. He admired the splendid beauty of the university, he said, because it was "a place where those who hate ignorance may strive to know, where those who perceive truth may strive to make others see."

I have, therefore, chosen this time and this place to discuss a topic on which ignorance too often abounds and the truth is too rarely perceived—yet it is the most important topic on earth: world peace.

What kind of peace do I mean? What kind of peace do we seek? Not a Pax Americana enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, the kind that enables men and nations to grow and to hope and to build a better life for their children—not merely peace for Americans but peace for all men and women—not merely peace in our time but peace for all time.

I speak of peace because of the new face of war. Total war makes no sense in an age when great powers can maintain large and relatively invulnerable nuclear forces and refuse to surrender without resort to those forces. It makes no sense in an age when a single nuclear weapon contains almost ten times the explosive force delivered by all of the allied air forces in the Second World War. It makes no sense in an age when the deadly poisons produced by a nuclear exchange would be carried by wind and water and soil and seed to the far corners of the globe and to generations yet unborn.

Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace. But surely the acquisition of such idle stockpiles—which can only destroy and never create—is not the only, much less the most efficient, means of assuring peace.

I speak of peace, therefore, as the necessary rational end of rational men. I realize that the pursuit of peace is not as dramatic as the pursuit of war—and frequently the words of the pursuer fall on deaf ears. But we have no more urgent task.

Some say that it is useless to speak of world peace or world law or world disarmament—and that it will be useless until the leaders of the Soviet Union adopt a more enlightened attitude. I hope they do. I believe we can help them do it. But I also believe that we must reexamine our own attitude—as individuals and as a Nation—for our attitude is as essential as theirs. And every graduate of this school; every thoughtful citizen who despairs of war and wishes to bring peace, should begin by looking inward—by examining his own attitude toward the possibilities of peace, toward the Soviet Union, toward the course of the cold war and toward freedom and peace here at home.

First: Let us examine our attitude toward peace itself. Too many of us think it is impossible. Too many think it unreal. But that is a dangerous, defeatist belief. It leads to the conclusion that war is inevitable—that mankind is doomed—that we are gripped by forces we cannot control.

We need not accept that view. Our problems are manmade—therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly unsolvable—and we believe they can do it again.

I am not referring to the absolute, infinite concept of universal peace and good will of which some fantasize and fanatics dream. I do not deny the value of hopes and dreams but we merely invite discouragement and incredulity by making that our only and immediate goal.

Let us focus instead on a more practical, more attainable peace—based not on a sudden revolution in human nature but on a gradual evolution in human institutions—on a series of concrete actions and effective agreements which are in the interest of all concerned. There is no single, simple key to this peace—no grand or magic formula to be adopted by one or two powers. Genuine peace must be the product of many nations, the sum of many acts. It must be dynamic, not static, changing to meet the challenge of each new generation. For peace is a process—a way of solving problems.

With such a peace, there will still be quarrels and conflicting interests, as there are within families and nations. World peace, like community peace, does not require that each man love his neighbor—it requires only that they live together in mutual tolerance, submitting their disputes to a just and peaceful settlement. And history teaches us that enmities between nations, as between individuals, do not last forever. However fixed our likes and dislikes may seem, the tide of time and events will often bring surprising changes in the relations between nations and neighbors.

So let us persevere. Peace need not be impracticable, and war need not be inevitable. By defining our goal more clearly, by making it seem more manageable and less remote, we can help all peoples to see it, to draw hope from it, and to move irresistibly toward it.

Second: Let us examine our attitude toward the Soviet Union. It is discouraging to think that their leaders may actually believe what their propagandists write. It is discouraging to read a recent authoritative Soviet text on *Military Strategy* and find, on page after page, wholly baseless and incredible claims—such as the allegation that "American imperialist circles are preparing to unleash different types of wars . . . that there is a very real threat of a preventive war being unleashed by American imperialists against the Soviet Union . . . [and that] the political aims of the American imperialists are to enslave economically and politically the European and other capitalist countries . . . [and] to achieve world domination . . . by means of aggressive wars."

Truly, as it was written long ago: "The wicked flee when no man pursueth." Yet it is sad to read these Soviet statements—to realize the extent of the gulf between us. But it is also a warning—a warning to the American people not to fall into the same trap as the Soviets, not to see only a distorted and desperate view of the other side, not to see conflict as inevitable, accommodation as impossible, and communication as nothing more than an exchange of threats.

No government or social system is so evil that its people must be considered as lacking virtue. As Americans, we find communism profoundly repugnant as a negation of personal freedom and dignity. But we can still hail the Russian people for their many achievements—in science and space, in economic and industrial growth, in culture and in acts of courage.

Among the many traits the people of our two countries have in common, none is stronger than our mutual abhorrence of war. Almost unique, among the major world powers, we have never been at war with each other. And no nation in the history of battle ever suffered more than the Soviet Union suffered in the course of the Second World War. At last 20 million lost their lives. Countless millions of homes and farms were burned or sacked. A third of the nation's territory, including nearly two thirds of its industrial base, was turned into a wasteland—a loss equivalent to the devastation of this country east of Chicago.

Today should total war ever break out again—no matter how—our two countries would become the primary targets. It is an ironic but accurate fact that the two strongest powers are the two in the most danger of devastation. All we have built, all we have worked for, would be destroyed in the first 24 hours. And even in the cold war, which brings burdens and dangers to so many countries, including this Nation's closest allies—our two countries bear the heaviest burdens. For we are both devoting massive sums of money to weapons that could be better devoted to combating ignorance, poverty, and disease. We are both caught up in a vicious and dangerous cycle in which suspicion on one side breeds suspicion on the other, and new weapons beget counterweapons.

In short, both the United States and its allies, and the Soviet Union and its allies, have a mutually deep interest in a just and genuine peace and in halting the arms race. Agreements to this end are in the interests of the Soviet Union as well as ours—and even the most hostile nations can be relied

upon to accept and keep those treaty obligations, and only those treaty obligations, which are in their own interest.

So, let us not be blind to our differences—but let us also direct attention to our common interests and to the means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity. For, in the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal.

Third: Let us reexamine our attitude toward the cold war, remembering that we are not engaged in a debate, seeking to pile up debating points. We are not here distributing blame or pointing the finger of judgment. We must deal with the world as it is, and not as it might have been had the history of the last 18 years been different.

We must, therefore, persevere in the search for peace in the hope that constructive changes within the Communist bloc might bring within reach solutions which now seem beyond us. We must conduct our affairs in such a way that it becomes in the Communists' interest to agree on a genuine peace. Above all, while defending our own vital interests, nuclear powers must avert those confrontations which bring an adversary to a choice of either a humiliating retreat or a nuclear war. To adopt that kind of course in the nuclear age would be evidence only of the bankruptcy of our policy—or of a collective death-wish for the world.

To secure these ends, America's weapons are nonprovocative, carefully controlled, designed to deter, and capable of selective use. Our military forces are committed to peace and disciplined in self-restraint. Our diplomats are instructed to avoid unnecessary irritants and purely rhetorical hostility.

For we can seek a relaxation of tensions without relaxing our guard. And, for our part, we do not need to use threats to prove that we are resolute. We do not need to jam foreign broadcasts out of fear our faith will be eroded. We are unwilling to impose our system on any unwilling people—but we are willing and able to engage in peaceful competition with any people on earth.

Meanwhile, we seek to strengthen the United Nations, to help solve its financial problems, to make it a more effective instrument for peace, to develop it into a genuine world security system—a system capable of resolving disputes on the basis of law, of insuring the security of the large and the small, and of creating conditions under which arms can finally be abolished.

At the same time we seek to keep peace inside the non-Communist world, where many nations, all of them our friends, are divided over issues which weaken Western unity, which invite Communist intervention or which threaten to erupt into war. Our efforts in West New Guinea, in the Congo, in the Middle East, and in the Indian subcontinent, have been persistent and patient despite criticism from both sides. We have also tried to set an example for others—by seeking to adjust small but significant differences with our own closest neighbors in Mexico and in Canada.

Speaking of other nations, I wish to make one point clear. We are bound to many nations by alliances. Those alliances exist because our concern and theirs substantially overlap. Our commitment to defend Western Europe and West Berlin, for example, stands undiminished because of the identity of our vital interests. The United States will make no deal with the Soviet Union at the expense of other nations and other peoples, not merely because they are our partners, but also because their interests and ours converge.

Our interests converge, however, not only in defending the frontiers of freedom, but in pursuing the paths of peace. It is our hope—and the purpose of allied policies—to convince the Soviet Union that she, too, should let each nation choose its own future, so long as that choice does not interfere with the choices of others. The Communist drive to impose their political and economic system on others is the primary cause of world tension today. For there can be no doubt that, if all nations could refrain from interfering in the self-determination of others, the peace would be much more assured.

This will require a new effort to achieve world law—a new context for world discussions. It will require increased understanding between the Soviets and ourselves. And increased understanding will require increased contact and communication. One step in this direction is the proposed arrangement for a direct line between Moscow and Washington, to avoid on each side the dangerous delays, misunderstandings, and misreadings of the other's actions which might occur at a time of crisis.

We have also been talking in Geneva about other first-step measures of arms control, designed to limit the intensity of the arms race and to reduce the risks of accidental war. Our primary long-range interest in Geneva, however, is general and complete disarmament—designed to take place by stages, permitting parallel political developments to build the new institutions of peace which would take the place of arms. The pursuit of disarmament has been an effort of this Government since the 1920's. It has been urgently sought by the past three administrations. And however dim the prospects may be today, we intend to continue this effort—to continue it in order that all countries, including our own, can better grasp what the problems and possibilities of disarmament are.

The one major area of these negotiations where the end is in sight, yet where a fresh start is badly needed, is in a treaty to outlaw nuclear tests. The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

I am taking this opportunity, therefore, to announce two important decisions in this regard.

First: Chairman Khrushchev, Prime Minister Macmillan, and I have agreed that high-level discussions will shortly begin in Moscow looking toward early agreement on a comprehensive test ban treaty. Our hopes must be tempered with the caution of history—but with our hopes go the hopes of all mankind.

Second: To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one. Nor would such a treaty be a substitute for disarmament, but I hope it will help us achieve it.

Finally, my fellow Americans, let us examine our attitude toward peace and freedom here at home. The quality and spirit of our own society must justify and support our efforts abroad. We must show it in the dedication of our own lives—as many of you who are graduating today will have a unique opportunity to do, by serving without pay in the Peace Corps abroad or in the proposed National Service Corps here at home.

But wherever we are, we must all, in our daily lives, live up to the age-old faith that peace and freedom walk together. In too many of our cities today, the peace is not secure because freedom is incomplete.

It is the responsibility of the executive branch at all levels of government—local, State, and National—to provide and protect that freedom for all of our citizens by all means within their authority. It is the responsibility of the legislative branch at all levels, wherever that authority is not now adequate, to make it adequate. And it is the responsibility of all citizens in all sections of this country to respect the rights of all others and to respect the law of the land.

All this is not unrelated to world peace. "When a man's ways please the Lord," the Scriptures tell us, "he maketh even his enemies to be at peace with him." And is not peace, in the last analysis, basically a matter of human rights—the right to live out our lives without fear of devastation—the right to breathe air as nature provided it—the right of future generations to a healthy existence?

While we proceed to safeguard our national interests, let us also safeguard human interests. And the elimination of war and arms is clearly in the interest of both. No treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can—if it is sufficiently effective in its enforcement and if it is sufficiently in the interests of its signers—offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

The United States, as the world knows, will never start a war. We do not want a war. We do not now expect a war. This generation of Americans has already had enough—more than enough—of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and unafraid, we labor on—not toward a strategy of annihilation but toward a strategy of peace.

THE TWO HISTORIES OF THE UNITED STATES AND IRELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. SHANNON) is recognized for 60 minutes.

Mr. SHANNON. Mr. Speaker, from the birth of this Nation, we have maintained a strong and enduring concern for the people and politics of Ire-

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land. That concern is a tribute to history—the two histories of the United States and of Ireland.

Ireland was native land to some 43 million Americans. President Reagan said recently that "like the seeds of the shamrock, Ireland has scattered its sons and daughters to the four winds, and everywhere they've taken root, they've made a unique contribution to their adopted country." In education, in industry, in military service, in the arts, and in government, Irish Americans have left their mark and advanced the best interests of America.

We in America are drawn to Ireland by our personal histories, as well as by Ireland's traditions, traditions which have endeared that land to many of our friends and neighbors.

We are also drawn to Ireland by another history—the history of a small island which has endured waves of feudal wars and foreign conquests, and centuries of oppression, economic depression, and mass emigration. It is a sad and unrelenting history, marked by vile discrimination and violent uprisings.

Ireland's centuries of exploitation and sacrifice have come down to this: a conflict concentrated in the six counties of Northern Ireland, 14 years of recurring violence, thousands of lost lives and livelihoods, and for many who live in Northern Ireland's most devastated communities, no end in sight. The violence has served to keep many in Ireland rooted firmly in the past. Meanwhile, economic decline, itself at least partially a product of the violence, prevents all but the most optimistic from looking very far forward.

That situation need not and should not continue. The results of last week's British elections suggest both an opportunity and an obligation to begin turning things around. Prime Minister Thatcher now has a new opportunity. She won a resounding victory. Her party secured 397 seats in the House of Commons, as against 253 for all her opposition. This represents an increase of 101 seats on her previous and at times tenuous majority. Mrs. Thatcher is firmly in place at 10 Downing Street for several years if she so chooses. It is her very margin of victory which provides her with a fine opportunity to look again at the situation in Northern Ireland.

Mrs. Thatcher has not only an opportunity, but also an obligation to take a fresh look at the situation. I use the term obligation for three reasons. These reasons concern the violence, the economy, and the election results in Northern Ireland.

First, Northern Ireland has suffered violence long enough. I refer to the violence that comes from the barrel of a gun as well as the violence that comes from unjust laws. These are the laws which have been erected to control the violence, but instead have served, in some cases, to act as its catalyst.

Since British troops first returned to the streets of Belfast and Derry in 1969—where they were welcomed following the violence of mobs led by the Reverend Ian Paisley—more than 2,300 people have been killed and more than 25,000 seriously injured in these so-called troubles. There are victims and perpetrators of violence from all quarters.

More than half of these deaths have been claimed or attributed to Republican terrorist groups like the Provisional IRA. Another 27 percent of the victims died at the hands of Loyalist death squads like the Ulster Defense Association. And 11.7 percent of the victims were killed by the security forces.

The victims have been Irish and British, very young and very old, soldier and civilian, famous and obscure. Some achieved their fame in the manner of their dying.

The list of the dead includes Airey Neave, a long time political ally and close friend of Mrs. Thatcher. His car was detonated as he drove it out of Westminster parking lot. Lord Montbatten, blown to bits in Bantry Bay off the west coast of Ireland along with three unintended and anonymous victims. Two of them were 14 years old. One of them was Irish. Maire Drumm, a spokeswoman for the Provisional Sinn Fein, the political wing of the Provisional IRA, shot to death in her hospital bed by unknown assassins as she lay dying of cancer. And Bobby Sands led 10 men, who starved themselves to death in prison beds.

Many of the victims have been gunned down while going about their daily business. Recent examples include a police officer murdered in sight of the children he was helping across the road, a postman shot delivering a letter which had been mailed to lure him to an isolated spot. A Bible teacher was killed in front of his class, a schoolbus driver murdered in the presence of his passengers. A young girl on the way to the shops for her mother was stunned and killed by a plastic bullet. In the recent buildup to the elections, a woman was shot in the back on her mother's doorstep—her first visit home since marrying a British soldier 12 years ago. These anonymous histories are recent additions to a long litany of victims.

We need to remember that all of this has taken place in a country the size of the State of Connecticut. If we translate the figures on death and serious injury to the United Kingdom and the United States, the total would be over 50,000 deaths and 270,000 injuries for the U.K. The equivalent in our country would be 250,000 deaths and 1.3 million serious injuries over the last 14 years. Great Britain has never suffered comparable losses in any of its wars; we would not tolerate such an attrition rate, five times our losses in Vietnam, on our people here in the United States. Mrs. Thatcher has an obligation to do everything in her power to work out a political solution, and end the campaign of violence.

Mrs. Thatcher should also take a fresh look at the situation for a second reason, one that concerns the economic conditions of Northern Ireland, conditions for which she must share blame with the men of violence. While unemployment was rising to 12 percent during her first 4 years in office, it went to 25 percent in Northern Ireland, and over 50 percent in some communities. Unemployment in the peak years of the Depression in this country never reached this level, coming close in 1933. It is no coincidence that most of the violence emanates from the communities with the highest rates of unemployment.

The violence has cost jobs. That was one of its intentions. One Cambridge economist estimated that Northern Ireland lost 24,000 jobs because of the violence through 1980. In 1982, according to the Industrial Development Board, "not a single new job came to Northern Ireland * * * from overseas companies—not even one from any firm in Great Britain or the Republic (of Ireland)."

Mrs. Thatcher's policies have also cost Northern Ireland dearly. In the face of a failing economy and failed prescriptions for recovery, firms with bases throughout the United Kingdom closed down their operations in Northern Ireland. In the last 2 years, Dunlop in Derry, BP in Belfast, Michelin in Antrim, Standard Cable in Enniskillen, and the fiber giants—Courtalds, ICI, and British Enkalon—elected to shut down in Northern Ireland in preference to across-the-board layoffs elsewhere.

Mrs. Thatcher has one final reason to pay better attention to the affairs of Northern Ireland. In the recent parliamentary elections, 100,000 people voted for Provisional Sinn Fein, the party that went to the polls with the motto "an armalite rifle in one hand and a ballot in the other." That is fully 13.5 percent of the population, better than 1 in 3 Catholic votes. This is the party of violence, the party that presided over the crowning of 10 more martyrs in the hunger strikes of 2 years ago. They won one seat in the House of Commons with the only other Catholic seat going to the Social Democratic and Labor Party. It is true that they did not win a majority in any district, not even in impoverished West Belfast, from which they draw much of their support. But they increased their vote by running in 14 constituencies. They served notice that they did in fact have support among fully a third of the Catholic population.

I do not believe that Provisional Sinn Fein will ever increase that mandate, as long as they remain a party of violence. But I do believe they were helped mightily to that peak by the hard-line, some say hard-hearted, approach of Mrs. Thatcher to Northern Ireland. And they represent 100,000 people who are saying that they prefer the anarchy of Provisional IRA violence to continued British policies.

The other major Catholic party, the SDLP under the leadership of John Hume, who also won a seat at Westminster, have fought long and hard to advance a course of reconciliation and consent. They maintained their share of the vote, and won the support of over half the Catholic population.

All of these circumstances, the violence, the economy, and the elections, would seem to make it clear that Northern Ireland has suffered enough and deserves new attention. I do not believe that more of the same—the kind of "not an inch" approach that we all witnessed during the hunger strikes—will advance the fortunes of Northern Ireland. If the last 14 years has demonstrated anything, it is that the current approach is not working. Peace has not been created by the imposition of 25,000 to 30,000 security forces, or by emergency laws that permit the arrest without warrant or charge for up to 7 days. The violence continues at its erratic, deadly pace, and the economy continues to decline—one fodder for the other.

I suggest a new departure, one that accents the dual heritage of Northern Ireland, and satisfies the needs of the majority and minority on the island and in Northern Ireland. This new approach should embrace four principles.

First, Mrs. Thatcher should resume the Anglo-Irish dialog that was short-circuited by the Falklands war. The Taoiseach, Garret Fitzgerald, is a man who understands the problems of Northern Ireland by birthright—his mother was a Protestant from the North. He looks behind the biases and short-term objectives. This is a fine opportunity to renew a dialog that can help bring peace and stability to the North and to create the kind of enduring brotherhood that England and Ireland deserve.

Second, Mrs. Thatcher should encourage the Unionist community to be open to the findings of the New Ireland Forum announced by the Taoiseach in March of this year. With the participation of the three major political parties in the Republic and the major Catholic party in the North, the Forum hopes to identify means by which peace and stability can be achieved in a New Ireland through the democratic process. It is a sincere attempt to put substance behind traditional assurances of protection for the Unionist point of view in a New Ireland.

Third, Mrs. Thatcher should ban the use of plastic bullets as an indication of her concern for issues of justice in the north. The litany of arguments against this riot control device are well known—so well known that no British police force chose to employ them in the summer of violence that followed the Brixton riots in 1981. There have been 14 people killed by these bullets, 4 of them children. A British commitment to use other methods of crowd control would emphasize a real determination to turn things around in Northern Ireland.

Finally, it may also be necessary to begin thinking in terms of a mini-Marshall plan for Northern Ireland. It has long been assumed that any eventual solution to the troubles, which are now rooted as much in economic as in political factors, would involve some form of 5-, 10-, or even 30-year plan for economic redevelopment. I do not expect that Britain could bear the burden of reconstructing alone, but I do expect that a concerted economic plan involving that country, the Republic of Ireland and the United States could go far in resolving many of the underlying causes of violence in the north.

The way forward in Northern Ireland is through democratic processes and a commitment to social and economic justice. If those who seize power with the bomb and the bullet are to be turned away, Mrs. Thatcher should seize her opportunity and implement these reforms. The size of her victory affords her that opportunity.

Peace-loving Americans—whatever their heritage—hope that she takes that opportunity.

☐ 1820

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I would like to compliment the gentleman from Massachusetts (Mr. SHANNON) on his remarks. They may receive, and I hope they will receive, serious attention in Ireland and Great Britain, as well as here, because the gentleman, along with others, has been striving to insure that the role and position of all those who love Ireland is against violence and against the use of the bullet and the bomb to achieve objectives which can only properly be achieved by democratic processes within the free political system.

The gentleman has added to that concern some specific recommendations which, I suppose, can be dismissed as coming from an American Member of the House as advice to a British Prime Minister but which contain, I know, a great reflection and concern by the gentleman in the well and others, and I would hope that they would receive a respectful hearing in Westminster and by the Prime Minister herself. The facts are that the situation in Ireland in not progressing in the North, that the economic difficulties of the region seem to be coinciding with the problems in the political direction of the North, and that those who have spoken in support of violence have in the past not received any degree of appreciable public support in the political process. Now there is the disturbing fact that to some degree, albeit limited, those who speak for violence are receiving political support as well, and it is undoubedly the result of the frustration of some of the populace over the lack of progress and movement.

Mr. Speaker, I want to congratulate the gentleman from Massachusetts (Mr. SHANNON) for his statement and tell him that I believe it constitutes a most constructive and useful addition to the discussion of this issue in the House.

Mr. SHANNON. Mr. Speaker, I want to thank the very distinguished majority whip, the gentleman from Washington (Mr. FOLEY) for his remarks today and also for his leadership on this issue in assuring that Irish Americans who are concerned about Ireland show their concern in constructive ways. The gentleman has been a champion and a spokesman for peace and justice in all of Ireland, and I think that there has been no time when his efforts are as needed as they are today.

Mrs. KENNELLY. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Speaker, I thank the gentleman for yielding, and I am glad to join him in this special order.

Mr. Speaker, today, I join my distinguished colleagues in this special order to express my strong support for the New Ireland Forum, and I congratulate the gentleman from Massachusetts for initiating a special order on behalf of this noble enterprise.

For the last 14 years Northern Ireland has been wracked with violence which has led to the tragic loss of thousands of lives and has bitterly divided the country. Clearly, the religious, cultural, and political differences which have contributed to this problem will not be solved overnight, but the existence of the New Ireland Forum represents a step in the right direction. For the next 6 months, the forum, comprised of the Irish Republic's three major political parties and Northern Ireland's major Nationalist Party, the Social Democratic and Labor Party, will attempt to achieve peace and stability through the open exchange of ideas. Specifically, the forum will, through consulation, attempt to develop ways to reconcile both Nationalist and Unionist traditions so that the people of Ireland can live together peacefully. It is a unique and extraordinary attempt to achieve peace in a society that has for so long known violence as a way of life, and political paralysis as the norm. Participation in this forum displays a hope, and indeed, a conviction that a peaceful solution is possible. It also represents a commitment to work toward that solution.

Unfortunately, the Unionist political party has chosen not to participate in this special meeting because they feel the forum, dedicated to a "New Ireland," simply means a "United Ireland." I humbly urge the Unionists to reconsider the stance they have taken and join in this reasonable endeavor to achieve peace. It is only through the active participation of all those who have a stake in a peaceful Ireland, an Ireland without violence, that these difficult problems can be resolved. Unionist fears are real indeed. But it is precisely these fears which the forum aims to address. The forum will search for ways in which the Unionist and Nationalist traditions, as well as both groups' political, social, cultural, and religious security can be accommodated. Prime Minister Garrett Fitzgerald stated in his opening remarks to the leaders of the inaugural session of the forum that, "We cannot hold back from examining any structures, any solutions, that might meet the essential requirement of giving expression to, and guaranteeing the two Irish identities."

In addition, I strongly urge the British Government to openly support the New Ireland Forum. Prime Minister Margaret Thatcher, in light of her recent overwhelming victory, is in an excellent position to lend her support to this much needed initiative in Ireland. The British Government should encourage this sincere attempt to find a reasonable, peaceful solution to the divisions.

Dublin's temperate Irish Times said recently that the New Ireland Forum offers a hope brighter than any that has appeared on the gloomy scene of North-South relations for a long time. We, in congress, encourage that hope and support the work of the the New Ireland Forum.

Mr. SHANNON. Mr. Speaker, I want to thank the gentlewoman from Connecticut (Mrs. KENNELLY), for her statement.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. Mr. Speaker, I thank the gentleman very much for yielding.

First of all, Mr. Speaker, I would like to go on record as totally endorsing the full and very eloquent statement of the gentleman from Massachusetts (Mr. SHANNON).

Second, I would like to say that in a consistent manner, which has probably received very little national publicity here, the gentleman from Massachusetts (Mr. SHANNON) and the gentleman from Washington (Mr. FOLEY), are to be commended for their constant—and I mean constant—efforts in working for peace as to the Irish question and the Irish troubles.

Not several weeks ever go by without very distinguished visitors from both Northern Ireland and Southern Ireland, all with very strong statements and all with very real details to tell about the Irish situation, visiting us, and one of the greatest pleasures of my time in Congress has been the chance to talk to these people, one on one, and get their concerns, their evaluations, and their advice. One of the things that they would tell us is that, despite the fact that it is often asserted that words are cheap and that what is said here may not be that noticed as to the Irish question, literally everything that is said by a Congress person, by someone on the House floor, is very much watched, and it very well may be a matter of debate or action on the Irish island or in Britian itself.

So with that in mind, I would like to say that one of the most heart-rending experiences for me has been to see person after person come to these meetings of the Friends of Ireland conducted by the gentleman from Massachusetts (Mr. SHANNON), and the gentleman from Washington (Mr. FOLEY), and tell us of the constant intrusions, of the severe barbarities involved, and of getting ripped out of their homes at 2 or 3 o'clock in the morning to be held indefinitely without detention.

The gentleman from Massachusetts (Mr. SHANNON), has very touchingly alluded to the matter of children being cut down with rubber bullets.

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I myself have asked people like Miss Corrigan, who does not even like to hear mentioned the idea of a United Ireland or Brits Isle. She just wants peace and peace now.

What is the reaction of the British on this? How can people stand that?

She would say to me, "Mr. McCLOSKEY, you just don't understand. The British have other things on their minds. They just do not care to listen and be concerned for our concerns."

If you think about that, the idea of being taken out of your home at 3 o'clock in the morning and still not preaching violence, revolution, or even violent protest, these people are very much to be commended.

So I would say with the gentleman from Massachusetts (Mr. SHANNON) that it is very incumbent now with Mrs. Thatcher having elections out of the way, having the power to act and the full power of leadership on this vital question, that the British Parliament and the Prime Minister not ignore this any more, that they come out for justice in Northern Ireland and Ireland as they have elsewhere on other occasions.

Again I would like to thank the gentleman from Massachusetts (Mr. SHANNON) for the honor of taking part in this day.

Mr. SHANNON. I thank the gentleman from Indiana for his remarks and for his participation in the Friends of Ireland. The gentleman has been of great assistance throughout this year and a great voice for peace and justice.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Speaker, I just want to thank the gentleman from Massachusetts for taking this special order.

Mr. Speaker, there is an artificial boundary in Ireland which divides the 6 countries of the North from the 26 countries of the South. This boundary represents a foreign presence in Ireland. Over the years, Catholics in the north of Ireland have experienced religious discrimination. Civil disturbances have led to direct rule from Westminster. There is no doubt that Ireland must be reunited. But the reunification must be effected in a manner that respects the traditions and values of all parties.

Recently the Irish Prime Minister convened a meeting of the New Ireland Forum, a group which has for its objectives, according to Ireland's Foreign Minister, Peter Barry, "* * * consultation on the manner in which lasting peace and stability can be achieved in a new Ireland." The forum is open to all parties which eschew violence. Unfortunately, the Unionists have chosen not to be part of this forum which has been endorsed by the Irish Prime Minister, the Fianna Fail party, the Labor Party, and the leader of the Social Democratic and Labor Party in Northern Ireland. I commend these Irish leaders for undertaking a difficult task.

The recent election in Great Britain will result in 11 members of Parliament from the Official Unionist Party, 3 from the Democratic Unionist Party, 1 from the Social Democratic and Labor Party, 1 from the Provisional Sinn Fein, and 1 from the Popular Unionist Party. The election results indicate that those parties which favor continued union with Great Britain are in the majority of the parliamentarians representing Northern Ireland in Westminster.

Mr. Speaker, I strongly urge the British Government to take a more active role in resolving the situation in Northern Ireland. The pious platitudes uttered by the British Government simply will not do. Such utterances merely mask indifference.

The British Government will have to become more involved in solving the problem within an Anglo-Irish context. Since Great Britain is in no small manner responsible for the problems in Ireland, that Government must make it clear that it will work with the Irish Government to resolve the problems and, at the same time, make clear to individuals in Northern Ireland that Britain's presence there is of a limited duration. Great Britain's withdrawal from Northern Ireland is inextricably interwoven with the evolution of new political institutions which will respect the rights of all Irish men and women. But in the final analysis we hope the day will come, and that it will not be long in coming, when Ireland is governed by Irish men and women.

Mr. SHANNON. Mr. Speaker, I am happy to yield to the distinguished gentleman from Massachusetts (Mr. BOLAND), the ranking member of the Appropriations Committee and chairman of the House Intelligence Committee.

Mr. BOLAND. Mr. Speaker, I want to commend my colleague from Massachusetts, Congressman JIM SHANNON, for providing this opportunity to discuss recent events in Ireland. His efforts to encourage through his leadership a peaceful solution to the issues which divide the Irish people, are recognized and appreciated, not only in our country, but in Ireland as well.

The "troubles" in Northern Ireland are now in their 14th year. They have resulted in the deaths of more than 2,000 people, the infliction of serious injury on many thousands more, and have seriously impaired economic development in the country. The "troubles" have amply demonstrated that violence is not the way to solve the problems that beset Northern Ireland. For years I have joined other concerned Members of Congress in repeatedly urging that all parties to the conflict in Northern Ireland seek a political settlement to their differences. Recently, two events have occurred which I believe offer a promise for the achievement of a political settlement and highlight the need to move as expeditiously as possible to effect such a settlement.

On May 30, the New Ireland Forum convened for the first time. For the next 6 months, delegates to the forum, representing the three major political parties of the Irish Republic and the Social Democratic and Labor Party of Northern Ireland, will meet to discuss options for peace. No one who is familiar with the divisions in Ireland would underestimate the difficulties inherent in the task confronting the forum. Those difficulties are underscored by the opposition of the Unionist parties in Northern Ireland to the Forum's activities. The Forum does, however, represent an opportunity to demonstrate that there exists a democratic alternative to terrorism and violence. I hope that delegates to the Forum will engage in a wide-ranging examination of the two great Irish political traditions, and how they can be fairly and effectively represented in a New Ireland. The Forum offers an opportunity for the establishment of closer cooperation between the north and the south of Ireland and I hope it can lay the groundwork for the eventual reconciliation between the two traditions in Ireland. The work of the forum should be encouraged by all those who advocate a peaceful resolution of the conflict in Northern Ireland, and I believe that expressions of support from the United States and Britain for that work could be particularly useful.

Mr. Speaker, the recent British elections underscore the need to move resolutely to a political settlement in Northern Ireland. We all know that election results can be interpreted in different ways, but I believe that the showing of Sinn Fein, the political wing of the Provisional Irish Republican Army, provides an indication of the depth of the frustration and alienation, felt by a sizable portion of Northern Ireland's nationalist population. I hope that the British Government will take notice of this fact, and also the continued strength of the Social Democratic and Labor Party, and work with moderate groups in the north in a forthright and sincere manner. Prime Minister Thatcher's sizable victory gives her the means by which to formulate a serious initiative for Northern Ireland. If she can be persuaded to propose and work for a realistic plan for a political settlement in Northern Ireland, the Tory victory in Britain may inure to the benefit of the cause of peace in Ireland.

Mr. SHANNON. Mr. Speaker, I want to thank the gentleman for his eloquent remarks.

Mr. Speaker, I want to thank the gentleman from Ohio, whose involvement in this issue began long before he arrived in the U.S. Congress. He is a true friend of Ireland and as his remarks indicated, I know that the gentleman has taken some positions from time to time on this issue that have caused him some political jeopardy and I think that he deserves the thanks and appreciation of all friends of Ireland, both here and abroad.

● Mr. HOWARD. Mr. Speaker, I would first like to express my appreciation to the gentleman from Massachusetts for taking the initiative on this issue of great concern to so many of us in Congress.

It was my honor just 15 days ago, to be present in Dublin Castle at the historic and dramatic opening of the Forum for a New Ireland. I attended that opening session with the hope that it will lead to a breakthrough in the lengthy stalemate in Northern Ireland.

It was obvious that day that nobody was expecting any quick solutions to thorny problems in Northern Ireland. But it was also obvious that the participants and observers considered the opening session to be an historic first step in what will be an extremely difficult process.

The big disappointment on that day was the failure of the nonviolent Unionist Party from Northern Ireland to attend that meeting or even to agree to participate in the Forum.

With their participation, the Forum would be a success from the beginning by getting the parties with divergent views to sit down and talk together. Without their participation, we can only speculate about the outcome.

On that opening day, Dr. Garret Fitzgerald, the Taoiseach, again invited the Unionists to join the Forum. I hope that they will heed his request, although the recent election results in Northern Ireland make that event even less likely.

Although the conflict in Northern Ireland has been at crisis proportions for 14 years, the root of the problem extends back to the division of Ireland 60 years ago and, actually, to three centuries ago when the British moved into Ireland. Everyone agrees that there are no simple solutions to this problem that in many ways is more difficult to solve than the Middle East.

But the fact is that it must be solved, not only for the people in Northern Ireland but also for those in the Irish Republic. Only then will Ireland truly turn from dealing with the senseless violence in the North to facing the overwhelming problems it faces among its own people.

Everywhere we went during our stay in Ireland we heard accounts of the Irish economic situation as the worst in Europe. They are faced with an incredibly high cost of living, unbelievable tax rates, and an ever-growing black market between the north and the south.

On top of that, the population is growing at a faster rate than it has in a century. One-half of the Irish population is under the age of 25, placing a tremendous burden on the taxpaying wage earners and on the nation's school system. Dublin has expanded to more than 1 million people.

For those of us of Irish ancestry in this country, there is the luxury of the romantic view of Ireland as the Auld Sod and the Emerald Isle that has been captured in movies. But that romanticism evaporates quickly with the

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closer view that Ireland is a country with serious economic problems that must be addressed.

I am confident I join with every Member on the floor in hoping that the Forum for a New Ireland can gaze into the cloudy crystal ball and develop a blueprint for a peaceful Ireland that will be united.

To some that may sound like an impossible task. However, if the nonviolent parties from all of Ireland can discuss the issues in a peaceful, sensible manner, the chances for such an agreement increase daily.

In establishing the Forum, Dr. Fitzgerald said the people of Ireland had not sufficiently faced reality. Through this Forum, there is an opportunity to not only face reality but also to change what the reality will be in the future.

If they can produce that workable blueprint for the future, the 5 million people in Ireland, north and south, will owe them a large debt of gratitude. That debt, however, can only be repaid by helping to put the Forum's plan into operation.

Looking back on that day in Dublin Castle, it is obvious I was playing the only role any of us here will be able to play—that of an observer. We can offer our aid and our advice, but it is only the nonviolent elements of the Irish political process that will be able to produce a resolution.

I wish them good luck, for the solution does not seem near at hand, and facing reality can be a difficult process.●

● Mr. McDADE. Mr. Speaker, on May 30, in Dublin Castle, the New Ireland Forum convened its first session. This unprecedented initiative was represented by the four parties involved in the turmoil of Northern Ireland: Fine Gael and Labour, the current coalition partners; Fianna Fail, the main opposition party of the Republic; and the Social Democratic and Labour Party, the main Catholic party in the north. The Forum provides new hope to Ireland and the world for a lasting peace in Northern Ireland.

As a member of the "Friends of Ireland," a bipartisan organization which includes members of both the U.S. House of Representatives and the U.S. Senate, I cannot overemphasize the significance this step represents. The "Friends of Ireland" seek nothing less than an end to the violence of Northern Ireland and a peaceful reconciliation and unity.

The Forum makes no grand promises. But it is a step in the right direction for peace. This step must not have been taken in vain. Both sides must now accept the challenges which the Forum has presented them. Both sides must boldly face up to their past errors—errors which have become Irish tragedies. They must be willing and eager to cooperate in a new beginning, a policy which will reconcile the two traditions that are Ireland. This is a time which calls for great courage from both sides.

James Connolly, on the title page of his pamphlet, "The New Evangel," said:

> Ireland without her people is nothing to me, and the man who is bubbling over with love and enthusiasm for "Ireland" and can yet pass unmoved through our streets and witness all the wrong and suffering, the shame and degradation wrought upon the people of Ireland, aye, wrought by Irishmen upon Irish men and women, without burning to end it, is, in my opinion, a fraud and a liar in his heart, no matter how he loves that combination of chemical element which he is pleased to call "Ireland."

The stage has been set for this shame and degradation to cease. I hope and pray that the challenge is accepted and the next step toward a peaceful Ireland is taken by all sides.●

● Mr. GEJDENSON. Mr. Speaker, I am honored to have this opportunity today to express my admiration and support for a committed group of people in Ireland who have joined together through a peaceful and democratic means to try to solve the problems which have for so long divided their nation. This group is the New Ireland Forum and deserves the support and recognition of all of us gathered here today.

For more than a decade, Northern Ireland has been plagued by a violent and destructive war between a people similar in heritage, but divergent in tradition. The division is rooted deeply in their history and only increases as each passing day fails to effectuate a workable solution.

Past attempts to formulate an answer have obviously failed to gain support or to free Ireland from the violence that is destroying this community, and thus the drama continues. The time is now for all parties concerned to join together in a constructive effort to work toward the common goal of peace.

The New Ireland Forum attempts to do exactly what its title suggests, to create a "New Ireland." Democratic principles guide the Forum, and its main goal is to establish a compromise solution which will include the traditions and rights of all the people who inhabit the island. The Forum was initiated by some political parties in the Republic of Ireland but reaches out to all nonviolent parties and groups throughout the entire country. Unfortunately, the British and two Protestant factions in the north have not yet expressed an interest in becoming actively involved in the discussions. Success can only be fully achieved if all the people in the nation cooperate with one another.

The Unionist and Alliance parties in the north have not joined the Forum because they are fearful that the New Ireland Forum is attempting to undermine their position in the north and is insensitive to their own sense of having a British tradition. This is not the case. In fact, all the leaders of the Forum are realistic in their endeavor and are aware that two very different traditions exist in Ireland. The leaders realize that success cannot be achieved until a mutual trust and recognition is established between the two groups.

Many of the initiators of the Forum have expressed these sentiments. Mr. John Hume, leader of the Social Democratic and Labour Party in Northern Ireland stated:

> The heart of this crisis in Ireland is the conviction—the profound and seemingly irreducible conviction—of the majority of Protestants in the North that their ethos simply would not survive in an Irish political settlement. This conviction, older than King Billy's throne, encrusted and gnarled with the generations of embattled struggle, is rejected by the rest of us equally convincably, our dark past that we could never impose dominance on others, we who have known better than most the misery and sterility of oppression.

The Prime Minister of Ireland, Dr. Garret Fitzgerald, stated this theme similarly in his address before the opening of the New Ireland Forum.

> * * * we believe that this Forum cannot hold back from examining any structues, any solutions, that might meet the essential requirement of giving expression to and guaranteeing, the two Irish traditions: the Irish/Irish identity of the nationalist tradition, which has found itself stifled with the structures of Northern Ireland, and the British/Irish identity of the unionist tradition, which fears that it would be stifled under any different structures.

In order for the voices, ideas, fears, and proposals of the Protestant factions to be heard and the Forum to have the benefit of their views, it is essential for these groups to contribute to the responsible effort taken by the nationalist groups and attend the sessions of the Forum.

All people desire peace, freedom from oppression, and discrimination, and an escape from the fear of struggle through the security of lasting peace. The only method to stop the impassioned atrocities in Northern Ireland is through peaceful and democratic means. There are no simple solutions to the historic tragedy in Northern Ireland, but hope has been renewed since the creation of the New Ireland Forum.

What can we in the United States and in Congress do to assist the truly worthy New Ireland Forum achieve its goal? First, we can actively demonstrate our sincere commitment to the Forum and its purpose by supporting the resolution, House Joint Resolution 207, introduced by the congressional group, the Friends of Ireland, on St. Patrick's Day. This resolution reaffirms congressional commitment for a just and lasting peace, an end to violence, and for the reconciliation of the two Irish traditions in Ireland. The Friends of Ireland and this resolution have gained a great deal of support from many prominent politicians in Ireland and all those who conform to the theme expressed in the resolution.

Second, we can appeal to our Irish-American constituencies to reject violent methods, renounce organizations which contribute to the unrest, and to deny American dollars to any group which condones violence. We must express to Americans that the only way to bring about a lasting peace in Ireland is through negotiations and efforts similar to the New Ireland Forum, not through violence. As seen by past history, violence has done nothing more than to frustrate and deteriorate the already volatile problems in the nation.

Third, the United States must urge Prime Minister Thatcher to become actively involved in the negotiations of the New Ireland Forum and to work directly with Prime Minister Fitzgerald. The recent British elections, which gave an overwhelming victory to Mrs. Thatcher, demonstrate her secure position in the English Government, thereby signaling that now is an opportune time for her to turn her attention to the problems in Northern Ireland.

The British Government must also encourage the Unionist and Alliance Parties in the north to join in the deliberations of the Forum. Since Britain plays an essential role in any solution to the conflict, it is England's responsibility to work, in any way possible, toward peace. This includes setting an example to the protestant factions by including itself in some form of negotiations.

Mr. Speaker, civil strife in Northern Ireland has continued for far too many years and now is the time to find a workable solution to the violence which has torn this small nation apart and has turned its citizens against one another. The initiative taken by the members of the New Ireland Forum will bring a new spirit to the island, is a positive step toward finding a lasting peace, and is an inspiration to the many innocent people who only desire to live securely in their land.

Today, I have joined in this special order to pay tribute to this constructive effort and to honor the men and women who will contribute to its success.●

● Mr. DWYER of New Jersey. Mr. Speaker, important events continue to unfold in Northern Ireland, and it is right that we pause to reflect on our own steadfast hope for an ultimate, enduring, and, by all means, peaceful resolution of the conflicts which persist on the island.

I would like to thank my colleague, Mr. Shannon, for his foresight in calling this special order, affording a vehicle for the expression of American support for the New Ireland Forum, which convened for the first time May 30.

The purpose of this unique forum is to work toward peaceful, effective solutions to the religious, political, and economic strife in Ireland; its fundamental premise: the peaceful coexistence of both Irish traditions.

This approach is a welcome one, to be sure. Individuals of vision and reason have enthusiastically endorsed this approach as the only one at present with any realistic chance for a truly lasting reconciliation. The Forum holds even greater import, now that Northern Ireland's more moderate voices have lost a seat in the British parliament.

In the United States, home to so many people of Irish heritage, we continually strive to define our own role in the Irish peace process. We know that the causes of strife are deeply rooted in history and generations of economic and political stresses, both internal and external. We know, too, that our ties to this land are strong—often emotional—but we must not let this cloud our perceptions of the issues there.

However difficult to define, I believe we do have a role in promoting the forces of reason and compassion in Ireland—individuals such as John Hume, leader of the Social Democratic and Labour Party—who have taken this bold, important step in convening the New Ireland Forum.

Had these forces of reason and changes been allowed their proper and free expression in other times, the crisis of Ireland might have been abated, certainly eased. This suppression has led to frustration, despair, and, yes, to violence.

Despite years of setbacks—key issues persistently unresolved—the people of Ireland have not given up on the power of negotiation.

As Friends of Ireland, we must applaud them for this. Their task is difficult; they need our support, and that of Britain, and surely that of the Unionist leadership, who all have a great stake in a more peaceful and, with this, a more prosperous Ireland.●

● Mr. ROE. Mr. Speaker, an historic event took place in Ireland recently that, for the first time this century, has given rise to hopes there might be a breakthrough in the stalemated efforts to secure a peaceful solution to the violence that has plagued that troubled nation.

I am referring to the convening of the New Ireland Forum, which held its initial session in Dublin Castle last May 30.

Mr. Speaker, I was most honored to have been able to attend that session as an official guest of the Irish Government. The historic relevance and potential importance that session represented cannot be overemphasized. For the first time in 60 years, both sides in the Irish political conflict, who support a peaceful restoration of Irish unity, have agreed to come together at a conference table to air their views and differences.

Ireland's leading newspaper, the Irish Times described the Forum session as "a hope brighter than any that has appeared on the gloomy scene of north-south relations for a long time."

The stature of those attending the opening day session and the words spoken there gave this Member of Congress the feeling that perhaps before too long, "peace" may be a word that will be uttered on the lips of Irishmen around the world.

Included among those speaking at the forum were Prime Minister Garret Fitzgerald, Deputy Prime Minister Dick Spring, and John Hume of Northern Ireland's Social Democratic and Labour Party.

Mr. Speaker, the theme of the New Ireland Forum is abundantly clear: Irish problems must be solved by Irish solutions. As Prime Minister Fitzgerald put it so succinctly, "underlying all the issues that we must examine, is the right of the people in this island to live, and not be murdered, because of their birthright."

Another important event also occurred that has a direct bearing on the situation in Northern Ireland. British Prime Minister Margaret Thatcher won a landslide victory giving her party a plurality of more than 100 seats in Parliament. It is evident to even those not politically minded that the British Government under Mrs. Thatcher should be firmly in place for at least the next 6 years. It is also evident that it is now time for England to take positive steps to enhance the chances of peace in Northern Ireland.

One key reality to the situation in Northern Ireland is that a true, lasting peace wil never be accomplished as long as British soldiers are stationed on Irish soil. That military presence truly distorts the political situation in Northern Ireland and acts as an inhibiting force to the peace process there.

Mr. Speaker, I have gone on record many times in this Chamber outlining the terrible record of the Royal Ulster Constabulary, the major British force in Northern Ireland. The actions of that group against the Irish people has been loudly condemned by human rights organizations the world over.

Before any peace can be achieved in Northern Ireland, the British Government must acknowledge the fact that its Irish policies have contributed greatly to the tragedy of Northern Ireland.

The New Ireland Forum is scheduled to meet for 6 months. These will indeed be emotionally difficult months for those attending the sessions. But it

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is most important that the feelings of ill will that have developed over the years between all sides in this conflict not be allowed to stand in the way of the accomplishments this historic session is capable of achieving.

This Forum must show the world that Ireland can find peaceful solutions to its problems. In the past 14 years, more than 2,000 Irish lives have been lost in the violence that has made Northern Ireland the bloodiest battleground in Europe. It is time for the guns to be silenced.

● Ms. **FERRARO**. Mr. Speaker, I would like to commend my colleague from Massachusetts for calling this special order on Northern Ireland.

Last week Prime Minister Thatcher received a landslide victory in the parliamentary elections in Great Britain. Following her victory, Mrs. Thatcher said, "I approach my return to office with a very great sense of responsibility and humility."

In keeping with this feeling of responsibility, we, as Members of Congress, should call upon the Thatcher government to work toward peace and unity in Northern Ireland. In calling upon the British Government to support Irish unity we are not asking them to impose an American solution to the Anglo-Irish problem. Rather, we are asking them to recognize the natural aspiration of the Irish people. I believe, Mr. Speaker, that the solution to the troubles in Ireland can only be achieved with the consent of the majority of people in Ireland. England has the moral responsibility to help end the violence and to facilitate the goals of reconciliation and unity of the Irish people.

It is my hope, Mr. Speaker, that Mrs. Thatcher will give the New Ireland Forum—which represents an effort on the part of the major parties representing the nationalist traditions—her government's full support. The Forum will only be successful in drawing up a plan for peace and unity if all the parties and governments involved participate. I urge Mrs. Thatcher to use the Forum to personally review previous British policy on Northern Ireland and to give this issue a high priority in the coming months.

I hope and pray that the time will come when all the Irish people can live as one. I, therefore, ask all my colleagues to urge Mrs. Thatcher to pledge herself toward the attainment of peace, justice and unity in Ireland.●

GENERAL LEAVE

Mr. **SHANNON**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE LATE HONORABLE TOM STEED

The **SPEAKER** pro tempore (Mr. Shannon). Under a previous order of the House, the gentleman from Oklahoma (Mr. McCurdy) is recognized for 60 minutes.

GENERAL LEAVE

Mr. **McCURDY**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. **McCURDY**. Mr. Speaker, it is a great personal privilege for me to lead this special order on behalf of our distinguished former colleague and close friend, Tom Steed, who died last Wednesday. Ironically, he died on the day the House considered "his bill"—the Treasury, Postal Service, General Government appropriation. He had chaired that subcommittee for years and took great pride in handling its legislation.

When Tom Steed retired from the House in 1980, he left behind a distinguished 32-year career in this body and even more years as an aide to three Oklahoma Congressmen during the 1930's. To say, therefore, that Tom Steed loved the House of Representatives is indeed an understatement.

Tom Steed also loved his State and served in the House longer than any Congressman in Oklahoma history. He was a vigilant protector of his district's interest—a fact that I know firsthand having succeeded him in Congress. Whether it was the three military installation in the Fourth District, the Interstate Highway System, inland water projects, or the Postal Service, Tom Steed alway came through with results.

In his later years in the House Tom Steed became the elder statesman of the Oklahoma delegation. When he retired in 1980, Tom had 32 years of service compared to 22 for the other five members of the delegation combined. Although I did not have the honor to serve with Tom Steed, he was my steadfast mentor in helping to learn my job and what my constituents expected from their Congressman. No young Congressman could do better than having access to the wisdom and guidance of Tom Steed.

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No young Congressman could do better than to inherit the help and assistance of staff members that had worked with Tom: Imogene Holmes, who is my office manager, and Vaughn Clark, who is the administrative assistant for district affairs.

Other members of the Oklahoma delegation join me in extending their condolences to the Steed family and also to join in this personal privilege to comment and to relate to experiences that we have had with our distinguished former colleague.

I will also enter in the Record at this time under my name a statement that was recorded by Mr. Truman Richardson who was the former assistant administrative assistant to Congressman Tom Steed, who is an historian, and had served with the Congressman for a number of years and recorded some personal recollections and achievements over the years that Congressman Steed had performed for our great Nation.

The statement referred to follows:

STATEMENT RECORDED BY MR. TRUMAN RICHARDSON FORMER ADMINISTRATIVE ASSISTANT TO THE HON. TOM STEED

Tom Steed served in the House of Representatives for 32 years, longer than anyone else in the history of Oklahoma.

First elected in 1948, the year President Truman won re-election, he represented the Fourth district of Oklahoma through seven presidencies until his retirement at the end of 1980, as a Democratic member.

He always said that he served his people not only as a lawmaker, but as an errand boy and as their promoter of economic improvement. He was known for his ability to promote projects and programs that he felt in the national interest and which he believed could be done best in his home state.

His most powerful legislative assignment was that ot Chairman of the House Appropriations Subcommittee on The Treasury, Postoffice and General Government. This post, which he held for 16 years, was the most significant regarding federal funding of any ever held by an Oklahoman. The committee passed on the budgets of the White House and Executive Offices, the Secret Service, the Postal Service, the Bureau of Customs, the Mint, the General Services Administration and other agencies.

Steed was one of the prime movers in the tremendous water resources development of Oklahoma since World war II.

In the 1950s he played a key role in the enactment of the $41 billion interstate highway act, still the largest public works program in history.

A champion of education, he was a cosponsor of the impact aid program (Public Law 874 of the 83rd Congress) under which schools with enrollments swollen by federal installations have received financial assistance since 1950.

Soil conservation, library services, rural electrification and the reduction of federal paperwork were among the other legislative fields close to his heart.

As a member of the Military Construction Appropriations subcommittee Steed was an effective supporter of strong national defense. He worked successfully for new facilities and assignments for Oklahoma's three great military bases—Fort Sill and Tinker and Altus Air Force bases, all at one time in his district. He contended that essential defense functions could be performed outstandingly at them because of their fine economic and efficiency records.

Repeatedly he succeeded in helping to bring them new functions, such as in 1968, when he was responsible for bringing the basing of the C5A transport to Altus, and the mid 1970s, when he helped to bring the AWACS to Tinker.

For 30 years Steed was a member of the House Small Business Committee. Long a watchdog unit seeking to help attain fair competitive conditions for independent business. Eventually he served briefly as its chairman in the late 1970s. In the 1950s and 1960s, he was an active subcommittee chairman, campaigning, largely unsuccessfully, for effective restriction of oil imports and warning on national security grounds against the dangers of becoming dependent on foreign, especially Middle Eastern, sources. He was more successful in nationwide hearings on price wars afflicting the dairy and retail petroleum industries.

When he entered the House, Steed's first assignment was to the Education and Labor Committee. There he was junior member of the Subcommittee that wrote the impact program for the schools. Both John F. Kennedy and Richard M. Nixon were members of the committee.

In the 1960s and 1970s Steed was a leader in sustained and largely successful fights to provide funds to continue this work, despite efforts by Presidents of both parties to cut it back or eliminate it. In Oklahoma it is especially vital to schools such as those of Midwest City, Lawton, and Altus.

A member of the Public Works Committee in the early 1950s, Steed wrote the compromise amendment on funding that enabled the interstate highway program to become law in 1956. His formula was a compromise on how much tax burden should be borne by the trucking and related highway interests.

He also played a part in the passage of the St. Lawrence seaway, reported by the Public Works Committee.

In 1957, sponsored by Speaker Sam Rayburn, Steed became a member of the Appropriations Committee. For four years (1961-65), he headed the subcommittee in charge of the Capitol itself. An eager student of its history, he sponsored improvements for historical exhibits open to the public, including funding for the present exhibit room beneath the Rotunda.

Brought up in a rural area where books were often scarce, Steed became a joint sponsor of the Library Services Act (1956), which established federal aid for certain library programs and brought about the bookmobile system. He worked for its funding through the rest of his service.

His farm background made him especially proud of the fact that it was in his first years in office that most of the rural part of the then Fourth district of Oklahoma obtained electrification, projects he helped to expedite.

An apostle of soil conservation, Steed cosponsored with Congressman Bob Poage of Texas the Upstream Conservation act of 1954. This measure authorized federal planning and financial aid through the Soil Conservation Service to locally controlled conservancy districts of landowners protecting individual creek valleys from flood and erosion by systems of water storage ponds.

Wewoka creek in Seminole county led the way in this work, with Steed meeting frequently with local organizers to push it. Eventually Oklahoma came to rank second only to Texas in the amount of land protected by upstream conservation.

In the late 1970s Steed worked as a member of the Federal Paperwork Commission. Its findings produced legislation still being implemented to cut down the paperwork burden on citizens dealing with the federal government.

A longtime close friend of Speaker Carl Albert, Steed was his campaign manager when he was elected Majority Leader of the House and when he became Oklahoma's only Speaker in 1971. It was their teamwork, following the leadership in earlier years of Senator Robert S. Kerr, with other members of the Oklahoma Congressional delegation that brought the state its tremendous water resources development.

On the appropriations committee beginning in 1957 Steed worked as a junior partner to Senator Kerr in obtaining funding for the $1 billion plus system of dams that eventually became the Kerr-McClellan Arkansas valley navigation project. Ultimately he took part in the ceremonies opening the port of Cataoosa and formally bringing ocean navigation as far as Tulsa.

With Senator Kerr, Steed sponsored the legislation bringing about Lake Thunderbird in Cleveland county. It brought needed water supplies for Norman, Midwest City and Del City.

He authored the bill authorizing Mountain Park dam on Otter creek in Kiowa county, providing a 50-year supply of water essentially to the economics of Altus, Frederick and Snyder. The reservoir was named in his honor when it was completed in 1975.

Waurika dam, Markham Ferry and Foss reservoirs were among others for which he was especially active. He also was instrumental in obtaining federal aid for water supply lands for Stroud, Okemah and Coalgate.

In the early 1960s he assisted in establishing the Southern Great Plains experiment station, Department of Agriculture, at Chickasha.

With the Association of Central Oklahoma Governments he obtained federal funding beginning in 1978 for research on the best method of safely developing water supplies for more than 20 communities in Oklahoma and Cleveland counties served by the subterranean Garber-Wellington aquifer.

In 1968, with Senator Mike Monroney, Steed played a vital role in bringing the Postal Service Institute to the University of Oklahoma at Norman. Working with Dr. Thurman White, director of continuing education, they obtained the nationwide training center where postal employees come for specialized short courses.

In 1979, Steed assisted in obtaining federal funding for a continuing education center at Oscar Rose Junior College, Midwest City, later named in his honor.

He and Monroney also were instrumental in securing funds to establish the Gordon Cooper vocational school at Shawnee.

As a member of the Transportation Appropriations Subcommittee, Steed consistently stressed development of the Federal Aviation Administration center at Oklahoma City. With Senator Dewey Bartlett he sponsored the bill naming the center for Senator Monroney, who had earlier brought it to Oklahoma.

Named in honor of Thomas Jefferson, Steed was a lifelong student of the life of the third President and collected works by and about him.

Steed was born March 2, 1904, on a farm near Rising Star, Texas, one of 11 children in a family with a Southern background.

He was four when his family moved to a farm near Konawa in Seminole county, Oklahoma, fording the South Canadian river, as he liked to recall, in a wagon.

Valedictorian of his eighth grade class, Steed left school from financial necessity and began his newspaper work under the tutelage of W. D. Little, longtime publisher of the Ada Evening News.

He went on to a newspaper career with the Bartlesville Examiner-Enterprise, Daily Oklahoman and McAlester News-Capital. He married Hazel Bennett of Ada in 1923, and they celebrated their 60th wedding anniversary this year.

In 1935 he went to Washington as administrative assistant to Congressman P. O. Gassaway of Coalgate. There he met Lyndon B. Johnson, then assistant to Congressman Kleberg of Texas, and their lifelong association began. He acted as assistant to two other Oklahoma congressmen, Hill of the Fifth district and Gomer Smith, in a period of four years.

Returning to Oklahoma, he became managing editor of the Shawnee News-Star in 1938. From that post he volunteered for army service after Pearl Harbor. Enlisting as a private, he eventually was discharged as overage after becoming a second lieutenant.

Then he began a second wartime career with the Office of War Information under famed newsman Elmer Davis. He spent the latter years of the conflict in the Burma-India-China theater, based at Bombay. He interviewed such leaders as Jawaharlal Nehru, Mohandas K. Gandhi and Lord Louis Mountbatten.

On his return to Oklahoma he operated an automobile agency at Holdenville until he decided to run for Congress in 1948 when the old Fourth district seat was vacated by Glen Johnson. He won over a field of six in the first of his 16 races.

In 1967 a major congressional redistricting made necessary by the Supreme court's one man-one vote decision gave him an almost entirely new district. Only Pottawatomie, his home county, remained from the old east-central Oklahoma district, and the new Fourth district stretched through southwestern Oklahoma instead. Despite that he won re-election over a Republican house member, James V. Smith, when the two were involuntarily thrown into the same territory. He never had another election that was close.

Steed was a 33rd degree Mason and a member of the Methodist church.

He and Mrs. Steed had two sons, Richard, now an attorney at Shawnee, and Roger, killed in service in China. They have three grandchildren.

Mr. **NATCHER**. Mr. Speaker, will the gentleman yield?

Mr. **McCURDY**. I will gladly yield at this time to the distinguished gentleman from Kentucky, I know a personal friend of this Member, but a very, very close friend of the Honorable Tom Steed.

Mr. **NATCHER**. Mr. Speaker, it is difficult to reconcile ourselves to the fact that our beloved former colleague and friend, Tom Steed, has passed away.

Mr. Steed's service in the House of Representatives will continue to be one of the bright spots in our country's legislative history. He was a good Member of the House and was recognized as one of the best subcommittee chairmen who has ever served on the Committee on Appropriations. For many years, he was chairman of the subcommittee that makes the recommendations for appropriations for the

Department of Treasury and Postal Service.

His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not to the best interest of our people. Words are inadequate to fully appraise Tom Steed's tremendous capacity for loyalty and love of his country. He loved the House of Representatives and believed, as we all do, that this is the greatest legislative body in the world.

In every position he held, he achieved distinction. His service in all of his assignments was marked by a high sense of conscience and duty. His forward-looking attitude and determination to give great service, gives all of us an inspiration to work harder in our years upon this Earth for worthy causes. He had become an inspiration, a symbol of the power and the achievement of the House of Representatives. Tom Steed will have a high place in the history of his country and in the hearts of his countrymen.

His name will be known in all time to come, at home and in the far corners of the Earth, for his monumental works in behalf of representative government, which is the source and the protector of all human liberties in all nations where freedom prevails. May God let the light of his countenance shine upon him and give him peace.

I have lost a true friend and this country has lost a great statesman.

Mr. Speaker, to his lovely wife and family, I extend my deepest sympathy in their bereavement.

Mr. McCURDY. I want to thank the gentleman for his very moving and heartfelt comments. I know that Tom Steed stated to me on a number of occasions that there was no better friend in the House than BILL NATCHER from Kentucky, and that as a Member who had fought for impact aid for education, and for those districts and counties in my district and Tom Steed's district that depended so desperately upon impact aid, that BILL NATCHER was a great friend. I know that Tom Steel had told me that if I neded help on the floor of the House, if I needed help on an issue, that you were the person to go to, and I appreciate your staying at this late hour.

We did have the Defense authorization bill this afternoon and it is late and a number of colleagues in the House have handed statements to me to enter into the RECORD for them. Over 26 Members have already stated their interest in submitting statements.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. McCURDY. I will be glad to yield to the distinguished dean of the Oklahoma delegation, chairman of the Budget Committee, Mr. JONES.

Mr. JONES of Oklahoma. Mr. Speaker, last week when word came to Washington that Tom Steed had passed away in Oklahoma I was indeed very, very saddened because Tom Steed was one of the dearest and closest friends I had in Congress or outside of Congress.

But since that time and since those of us in the Oklahoma delegation and others joined his friends in attending the funeral last Saturday, we have had a chance to talk at the funeral and afterwards and since then about Tom Steed. And the more you talk about tom Steed, even though he has passed from us, the happier you get because he was one of those individuals who brought good cheer to people that he was around.

So it is out of both sadness and joy that I am pleased to participate in this special order.

I guess Tom Steed was really one of the three or four individuals who had the greatest impact upon my life. Two of them obviously were people for whom I had worked in my political career, Lyndon Johnson and Ed Edmundson. One who was not an employer of mine was Tom Steed and he had a tremendous impact on me even before I came to Congress.

I had occasion to be in Washington in a law practice and would always make it a point to come by and see Tom Steed. You did not have a short visit with Tom Steed. Everybody knew that. He loved to talk. He loved to talk about all kinds of things, particularly with regard to the Congress and politics in general.

But he gave me a lot of sound advice. Much of the wisdom I gleaned from Tom's visits before I was elected was responsible for my being elected.

But after I came to this body he talked to me, and he was giving me his view of the House of Representatives, which he loved very, very deeply. But he said, "Around here, son, knowledge is power."

To him that meant you have to do your homework, you have to do it thoroughly, and then you have to impart that information honestly to those of your colleagues. And he said, "After awhile if you are honest and thorough people will come to you for advice and that is a measure of power, and you can have effect on public policy."

He practiced that himself. Tom was not an educated person in the sense of getting formal degrees. In fact, he never had a college education. But he was probably as educated in the way this country works, in the appropriations process of the Congress, as any person who ever served in the Congress itself.

There was very little about the appropriation bills that Tom Steed did not know, and he imparted that knowledge impartially and honestly and as a result of that he did indeed have a great deal of power which he used not only for his State but for his Nation and for the public good in general.

Tom Steed, because of the subcommittee position that he held, having control over the White House budget and the Treasury Department budget, was a friend of many Presidents.

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I know when I worked for President Johnson, both while he was in office and after he left office, perhaps President Johnson loved and respected Tom Steed as much as any Member of the House or the other body. I think it was that way with all of the Presidents. They respected Tom Steed and they certainly knew that he respected the Office of the Presidency. Tom was a great storyteller. In fact, he used to circulate around this Chamber and it seemed every day he would talk to the Members and have a new story, a little joke—a little joke or story he would use at some point. The thing that amazed me about him was that he never told the same story to the same person twice. How he kept it all apart in his mind I could never figure out. But you looked forward to seeing Tom Steed. In the heat of debate in this body, people going after each other on public policy issues, Tom would come around and tell a little story that would bring everything back to normal. That is one of the things I will remember about him.

Tom was a great historian. This is something not well known. But he probably knew more about the history of the Capitol and the Capitol grounds and Washington in general as any historian who has ever served in the United States, certainly around this institution.

Sunday mornings, most often, rather than being in church, Tom Steed was out walking around Washington and the Capitol grounds. He knew all the trees, he knew all the plants, he knew when they were planted, who planted them, everything about them. He was just a walking historian who brought history alive and made it mean something to anybody who had the privilege of walking with him.

I was very pleased that Father Mike, who delivered one of the eulogies at the funeral last Saturday, alluded to the fact that Tom Steed was not a regular churchgoer, that he communed with nature on Sunday mornings as much or more than he communed inside of a church. Father Mike said in his sermon, anyone who believes that Tom steed was not religious both does not understand Christianity and certainly does not know Tom Steed. And I think that is true.

Tom Steed was a great political thinker; he understood human beings. I remember one of the stories he told of the many times he was redistricted

in Oklahoma and he was always given a new district that was impossible to win and Tom Steed always won it. And he told the story of a new community that was in his district, I think this was in 1966. He was scheduled to meet with the chamber of commerce in this town. And Tom was always on time.

He walked into the meeting and they were not ready to hear from Tom Steed. They had one of his opponents they were visiting with. So, Tom walks out, he looks about halfway down the block and in the alley was a garbage truck. He walks down to the garbage truck and he said, "Do you fellows mind if I get on the garbage truck and ride around with you?" They said, "Come on." He rode around while they picked up the garbage. He said, "Would you mind leaving me off in front of the chamber of commerce office?" Which they did. He walked in.

The chamber of commerce board was there to meet with him, to determine whether or not they were going to endorse him. He walked in, sat down and said, "You fellows were busy when I was here on time. It does not really matter. I have been riding around in the garbage truck and I know more about you than you know about me. I know which one of you drinks, which one of you run around on your wives." He said, "They endorsed me so fast; it did not take anymore discussion whatsoever."

Tom had that kind of ability to know human beings and to understand what was going on. He was what I would call a compassionate conservative.

He clearly had fiscal responsibility. He made as many speeches against excessive spending as the most ardent conservative.

But he also understood that government had a role, to help human beings, with suffering, with education, with development of their economic opportunities.

And he clearly had an outstanding record there.

Tom was a plain talker. You knew where he stood on an issue. Another great story about Tom Steed which I will have to clean up just a little bit, but back 15 years or so ago they had a fairly major pay increase for Congress. That is always a hot issue in Oklahoma. You never can vote for a congressional pay raise.

Tom Steed stood out there and voted for a congressional pay raise. He was the only one in the Oklahoma delegation to do so. So, in any event he goes back home and they land at the airport, all the reporters are there. This was a front page story.

And they grabbed him as he came off the plane and they said, "Congressman Steed, how could you possibly vote for a congressional pay raise, you are the only one in Oklahoma to do it. We need an explanation."

Tom said, "Gather around." All the television cameras and everything. He said, "You fellows gather around me, I do not want you to miss a single word of this." They gathered around, the TV cameras zeroed in on him and he said, "Because I am a greedy SOB." Of course that never ran on television that night, and they did not put it in the newspapers except for a few dotted lines. But that is the way he was.

He made a decision, he voted that way and he plainly explained why he did what he did. Only in this case he thought their question was not worthy of a real answer.

Finally, Tom Steed was a tremendous family man. His lovely wife Hazel was his partner for over 50 years of marriage. That was one of the accomplishments that Tom was proudest of, when they celebrated their 50th wedding anniversary. He loved his children, his grandchildren and he loved this institution, the House of Representatives.

It clearly is a better place, this is a better country for Tom Steed having served 32 years in Congress. To all of us, newer Members of the Oklahoma delegation, he was our teacher, our friend and we will all miss him very, very deeply.

I thank the gentleman for taking this special order.

Mr. McCURDY. I thank the dean of the delegation, chairman of the Committee on the Budget for his eloquent remarks. Certainly he has touched the heart of Oklahomans and has been so accurate in his description of our former colleague.

I would be happy to yield to my distinguished chairman of the Intelligence Committee and very close personal friend, Mr. BOLAND of Massachusetts.

Mr. BOLAND. I thank my friend for yielding.

Probably JIM JONES said as well as anybody could say it.

Mr. Speaker, I want to join with my colleagues in paying tribute to one of my dear and close friends of many years, Tom Steed, who was dean of the Oklahoma delegation at the time of his retirement in January 1979, after serving 16 useful productive terms in the U.S. House of Representatives.

I had firsthand knowledge of Tom Steed's effectiveness and dedication for the people of Oklahoma because I had the privilege of serving with him on the Appropriations Committee for many years. He served with distinction as chairman of the Legislative Appropriations Subcommittee from 1961 through 1964, and as chairman of the Treasury, Postal Service and General Government Matters Appropriations Subcommittee from 1965 until his retirement. As a member of that subcommittee over several years of Tom Steed's leadership, I had an opportunity to observe the way in which he met the special challenges and constant demands which confront those of us who serve as Appropriations Subcommittee chairman. He was fair, uniformly even-handed and always solicitous of the opinions of all House Members, regardless of party or seniority.

Tom Steed's qualities of persistence and incisiveness had been developed and honed during his early years as a newspaperman in Oklahoma. There as a young man he began a journalism career that stretched over 20 years, working on newspapers in Ada, Bartlesville, McAlester, Oklahoma City and as managing editor of the Shawnee News and Star. His congressional training came in the late 1930's while serving as secretary to three Oklahoma Congressmen. During World War II he enlisted, October 29, 1942, as a private in antiaircraft artillery and was released from Active Army duty in May 1944, with the rank of second lieutenant. He immediately joined the Office of War Information and went overseas to serve as head of the Information Division Office for the India-Burma War Theater at Bombay, India, until December of 1945.

Tom Steed served in the U.S. House of Representatives for 32 years, longer than any other Oklahoman, having first been elected to the 81st Congress on November 2, 1948. That record of longevity in Congress is a fitting testament to the special faith which the constituents of the Fourth District of Oklahoma had in him. They had placed their trust in Tom Steed's integrity, in his character and in his ability to represent their interests over a span of post-World War II years that were the most tumultous in American history. He was the first Oklahoman to hold a full committee chairmanship in the House from that State since the Congressional Reorganization Act of 1946, having been elected chairman of the House Small Business Committee in September 1976.

Mr. Speaker, I extend my profound sympathy to Tom Steed's devoted and gracious wife, Hazel, and to his son, Richard. We shall continue to miss Tom Steed's wisdom, counsel, and humor in the Halls of Congress.

Mr. McCURDY. I thank the gentleman. As Tom Steed has said about Mr. NATCHER, he made very similar statements about the distinguished gentleman from Massachusetts, Mr. BOLAND who is the ranking member of the Appropriations Committee, the committee that I think Mr. Steed loved very, very much and dedicated much of his life to the service of.

I would be glad to yield to the gentlewoman from Louisiana, very close personal friend of the Honorable Tom Steed and, I know, his lovely wife, Hazel.

Mrs. BOGGS. I thank the gentleman for yielding and I thank him so much for the privilege of participating in the tribute to Tom Steed and to Hazel Steed.

Tom was a wise and witty man who was a legend in his own time. He was a true American patriot, totally devoted to his country and his institutions and really devoted to the people, to the service of the people who were his constituents in Oklahoma, and to those he considered his constituents who were the emloyees of the Federal Government—including, as the gentleman from Oklahoma, Mr. JONES has said, the President in the White House whom he represented in committee and defended on the floor of the House.

When I first came to the Congress Tom felt a very special reason to make me feel happy every day and he would tell me some new, amusing anecdote, a story to lift my spirits and make me giggle a little and then very seriously inquire about my needs, about my desires and offered to help in any way he could to realize them.

I will miss Tom Steed as I have missed him these years that he has not been here in the Halls of Congress and I know that I am not going to have to miss Hazel, because I know that her spirit and her energy will always be here in Washington and I hope that we will have her come to visit us often. She and Tom would have celebrated their 60th wedding anniversary this year and I cannot imagine any couple that would have deserved that celebration more than the two of them.

□ 1900

Tom was a very religious man. And I know that he will be here to celebrate with Hazel on that occasion and that he is all around us and always will be around us because he was an integral part of this body and this House.

I thank the gentleman for allowing me to pay some small tribute to a person I loved and respected so very much.

Mr. McCURDY. I certainly thank the gentlewoman and I know the entire citizenry of the State of Oklahoma and many, many close friends of Congressman Steed appreciate the very touching remarks of the gentlewoman.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. McCURDY. I yield to my good friend, the energetic, hard working defender of rural America from the Third District of Oklahoma, a person who probably had as difficult a time as any because he succeeded the former Speaker of the House, Carl Albert, and had Tom Steed as a constituent for a few months. I empathize with tough constituencies like that. There is probably no tougher job than to inherit a district that has been represented, such as mine by Tom Steed, who knew so many people and had done so much and when they talk about having to fill someone's shoes, it is an impossible task. I know that WES WATKINS has had to kind of live up to that same tremendous task by succeeding the great Carl Albert.

Mr. WATKINS. I thank the gentleman for yielding to me and I thank him for organizing this special order.

As Mr. McCURDY stated he had the honor of succeeding Tom Steed in serving the Fourth District. I have had the honor, under redistricting, to pick up Shawnee, Pottawatomie County, the home of Tom Steed, to be in the third District of Oklahoma. When Tom Steed died he was a constituent of mine from that particular community and county.

Mr. Speaker, on behalf of the entire Oklahoma congressional delegation I have submitted language to the Appropriations Subcommittee on Transportation to designate Interstate Highway 40 between Oklahoma City and Shawnee as the "Tom Steed Memorial Highway." This is fitting, for Thomas Jefferson Steed, perhaps more than any one man, was considered the father of the Nation's Interstate Highway System.

In rising today to pay tribute to Tom Steed, I can understand what President Lincoln meant when he said, "The world will little note, nor long remember what we say here * * *."

The words we use today to try and capture Tom Steed's accomplishments and his worth will be inadequate and are pigmy-sized compared to what the man did in his lifetime. The monuments to Tom Steed lace the Nation in the form of the Interstate Highway System. The monuments are the waterways and terraces, the dikes, dams, and impoundments which control floods and soil erosion, which were of great concern to this son of the soil. The monuments to Tom Steed are engraved in the minds of the young people who studied, and study, in elementary and secondary school systems made better by his vision in foreseeing the need for impact aid. The monuments are the military installations which guard our freedom such as Tinker and Altus Air Force Bases and Fort Sill in Oklahoma.

One of 11 children, Tom Steed was born on a farm near Rising Star, Tex. Even that was perhaps prophetic, for in truth Oklahoma has not seen, nor is apt to see, one who rose to eminence as did Tom Steed. Before his congressional career ended with his retirement in 1980, Mr. Steed had accumulated 32 years in the Congress, an Oklahoma record.

When he was four, the family moved to a farm near Konawa, in what would become 3 years later the State of Oklahoma. Mr. Tom said the Steeds were "poor white trash," which we view as an exaggeration. Poor, undoubtedly; white trash, hardly. They were too poor to own land, so they rented, in the first years from Indian landowners, who required their tenants to build houses. When the house was built and the crop made, the tenants were evicted to search for new land which did not yet have a house. This was repeated several years, Mr. Steed recalled. He helped build a lot of houses that way.

His formal education ended after one semester of high school. It may have been his lack of formal education which spurred him to take an interest, when he was in a position to do something about it, in the education of the youth of our Nation. His first committee assignement after his election to Congress in 1948 was to the Committee on Education and Labor, where he served with a couple of second-termers named Richard M. Nixon and John F. Kennedy. The first bill he introduced dealt with education. By profession a newspaper man, Tom Steed worked for 20 years on some of Oklahoma's best—at Ada, Bartlesville, McAlester, Oklahoma City, and Shawnee, where he was managing editor just prior to his first election. In the 1930's he had served as "secretary"—as staff members were then known—to three Oklahoma Congressmen. When World War II came along, 38-year old Tom Sneed enlisted as an antiaircraft artillery private on October 29, 1942. He was discharged 2 years later as a second lieutenant with the Office of War Information, a connection he retained until December 1945 in the India-Burma theater as a civilian.

After his election to Congress, Tom Steed rose in power and influence and became a mentor and friend to hundreds of young Congressmen. He told me, when I first came to the Congress, that he had three main pieces of advice for freshmen: "Be patient, be patient and be patient." As chairman of the Appropriations Subcommittee dealing with the executive branch, he also gave advice and counsel to newcomers to the White House. He once cautioned candidate Jimmy Carter not to say that he, as President, would reduce the White House staff. President Carter had to come to Chairman Steed to fund additional White House personnel. He said that of the Presidents with who he had served, Truman and Nixon would have the most attention by history: "Truman for the right reasons, and Nixon for the wrong."

Tom Steed steeped himself in the historic lore of the Nation's Capital and Capitol and its former occupants. A walking tour of the Capitol with him was an indepth history lesson during which one could almost hear the ring of the mason's hammer

against the foundation stones; or the crackle of the fire set by the British invaders; or the resonant, impassioned speeches of the giants and the screeches of those of minimum impact. The empty Halls came alive with the spirits of those who had previously inhabited them.

An insatiable reader who claimed to have read over 400 books about the President for whom he was named, Mr. Tom was just as tireless a "talker." Friends recall with fondness the time when he took 16 minutes to introduce the late Senator, and former Congressman, Mike Monroney, to a Democratic gathering. Senator Monroney by that time had been in Congress for two decades.

Tom Steed stories are legion. He frequently told friends in his later years he was planning a book, and had selected the title: "Windbags I Have Known; Not an Autobiography." What a shame he did not write that book.

Tom Steed was fearless. He took on the White House and he took on the Senate. He won some and lost some, but he was not fearful. He was concerned about lawyers, even though his son, Richard, is an attorney in Shawnee. "Lawyers and legislative jobs concern me," he said. "They swear allegiance to the judicial branch of Government which weakens their ability to be completely loyal to the legislative branch. Some think a decrease of attorneys would be an improvement," he is quoted saying.

He claimed television was the "undoing" of such political giants as Lyndon Johnson, who was impressive in close quarters, but "became the biggest muling idiot on Earth" when he got on television. During one election in the color television era, Tom faced a particularly attractive young candidate of the opposite party. A well-done TV commercial—"slick" he would say—was aimed at convincing the nonurban voters of the young man's knowledge of rural Oklahoma. It showed him walking in the beautiful outdoors, his eyes gazing at the trees and sky. Mr. Tom huffed that the young man may be good loooking, but he sure did not know much about cows if he walked around a pasture with his eyes to the sky.

Mr. Steed told a visitor last year that a Congressman was many things: "He's a lawmaker, an errand boy, an employment agent, and a chamber of commerce. Being a good errand boy is what'll get you reelected." He also said, "But, being a good lawmaker is the only thing that will earn—a Congressman—a place in history."

Tom Steed was a good lawmaker, and earned his place in history. He was also a good errand boy, for the people elected him 16 times to the Congress.

Tom Steed's wisdom served many well, as he gave sound and sage advice.

In the 1960's Tom Steed saw into the future. He stated it was no longer a matter of speculation regarding a possible petroleum embargo; it was only a matter of time.

Hazel Bennett and Tom Steed observed their 59th wedding anniversary last February; their marriage was one about which the poets sing. They had two sons: Roger, a Marine pilot killed in the line of duty in China in 1947, and Richard, who with three grandchildren, also survives. Tom Steed was also survived, as we say in our part of the country, "by a host of friends."

In closing, Mr. Speaker, I repeat the words of former Speaker Carl Albert, who knew Tom Steed most of his life: "I just can't imagine living in a world without Tom Steed." Those of us who must, will live in a better world because of Tom Steed.

□ 1910

Mr. McCURDY. I thank the gentleman for his very eloquent words. I can recall as a candidate for Congress in 1980 for the district from which Tom Steed was retiring, I first met WES WATKINS, who was wearing a button that said, "Tom Steed for President," and I knew then that I had my hands full and it was going to be a tough job and certainly tough shoes to fill.

Tom Steed was a tremendous storyteller. I recall on first coming to Congress he left me a joke book, a book of stories that he had compiled over the years, and for some reason it always seemed that I could never pull them off the way he did, because he had a new one every day.

At his funeral Saturday, the Governor of the State of Oklahoma expressed so well the sentiments of the State and the people in our region who are going to miss Tom Steed very much. As I said earlier, as a new Member of Congress in 1980, he introduced me to a number of Congressmen, committee chairmen, the Speaker, and was very helpful and assisted in my appointment to some very important committees for the Fourth District of Oklahoma.

In conclusion, Mr. Speaker, I would just like to say that as a person who succeeded a very fine and great man in the service of our country, it is impossible for me to ever completely fill those shoes, for those shoes will always and always be remembered in Oklahoma. I think he is a very important person who has a special place in these Halls and will always be remembered in the House of Representatives.

● Mr. YATRON. Mr. Speaker, it is with great sadness that I rise today to honor a friend and former colleague who is no longer with us, Thomas Jefferson Steed.

I had the opportunity to serve with Tom Steed for 12 years, and to witness first hand his many unique legislative skills and capabilities. He was, unquestionably, one of the most effective, talented, and respected Members of the U.S. House of Representatives. No one was better at serving his or her constituents than Tom Steed.

During his 32 years in the House, Tom Steed was instrumental in the enactment of some of the most important legislation to come before this Chamber, and his achievement abound. His major accomplishments were linked to the interstate highway system, water development, school legislation, military installations, the postal service, and general government. His work on the Appropriations Committee was well known and admired by his colleagues. Through his quick wit, sense of humor, and superb anecdotes, Tom Steed help to break the tension on many occasions, which facilitated the flow of legislation.

Tom Steed contributed much to the betterment of the American way of life, and we will miss him greatly. His integrity, dedication, and conscientiousness were beyond reproach. His service to the people of Oklahoma and this country will remain unsurpassed. Tom Steed's career should serve as an example to all of us in public life.

I want to extend my deepest sympathies to his wife Hazel, and to his son Richard and his family.●

● Mr. ADDABBO. Mr. Speaker, it is with much sadness that I join today with my colleagues to pay tribute to our former friend and colleague, the Honorable Tom Steed of Oklahoma, who died last week of cancer in that State he loved best of all.

Tom Steed was one of the first people I met in this body when I joined it in January 1961, and through the years he served as friend, adviser, confidant, and someone whose advice was always sound and who was always there when he was needed.

Much to the regret of so many of us, Tom did not run for reelection in 1980 and he has been sorely missed since he returned to Oklahoma. Up until this year, we could count on his presence with us at least once each year as he presided over the annual breakfast which bore his name and which he had started as a means of letting Washington, D.C., know just how the folks out in Oklahoma felt about their Government. It was an event that featured all of the Oklahoma delegation, but, in office or out, it was generally accepted to be a captive audience for Tom to tell some stories. That is not to say that Tom needed much of an excuse or a formal setting. He could no more stop telling stories than the Earth could stop revolving and if the Earth did its job as well as Tom did his, we would always be on time.

I was lucky enough to be assigned to the Appropriations Committee and to the Small Business Committee, where in each instance I had the opportunity to watch this slow talking, easy going man charm friends and enemies alike to get what he needed into the bills that came before him.

Tom Steed taught me to keep my mouth shut when I did not have much of anything to say, to keep my ears open, and to consider the possibility—even though it would be obviously a long shot—that the other side might have something valuable in their argument.

Tom Steed proved again, if it needed proving again, that commonsense and a willingness to dig until the facts are found pay more dividends in the long run than all the speeches ever made. He was most proud, I think, of having been a newspaperman in his early years, and until the day he died he never did stop looking for the truth. He was a great one for facing facts and if a thing could not be done, it could not be done, and the world would probably survive.

In his quiet and hard-working way, Tom accomplished more than most of the breast-beating zealots ever do. He was a profound and dedicated man, but he had the good commonsense that would let him laugh at himself now and then, and he never forgot that it is the people who run this country.

A traffic accident earlier this year began the process which last week ended the life of this great leader and which brought us to this point today.

Those of us who served with Tom and who by our exposure to that great personality, that endless patience, and that everlasting sense of humor, know just how much they have lost with his passing. Only in America could a young man with all of his ties in America's largest city become so closely allied with someone whose major preoccupation was rural America. We gained much from the knowing of one another. I extend my deepest regrets and sympathies to Tom's beautiful wife, Hazel, his son, Richard, and his three grandchildren. All of us who loved him here know how proud you were of Tom and how much you will miss him.●

● Mr. WHITTEN. Mr. Speaker, I join with my colleagues to pay special tribute to Tom Steed. As I told my colleagues on June 8—Congressional Record, 14807—when I heard of my friends untimely death, Tom Steed was chairman of the Appropriations Subcommittee on Treasury, Postal Service and General Government, a chairmanship which he held since the 89th Congress. Tom also served on the Legislative, Transportation and Military Constructions Subcommittees.

It was my privilege to serve with Tom Steed for 24 years on the Committee on Appropriations. In my experience here, I have never known a more courageous person or a man who stood by his convictions any better than Tom Steed.

Among other things, he loved this institution and he loved Washington. He knew everything about the Capitol. When we talk about professional guides showing people around here, if you ever had a chance to walk around as I did, with Tom, he knew more about the history of the Capitol and about the Capitol itself than anyone.

I know, as sad as we all are at his passing, he leaves many monuments to the wonderful service that he rendered to his country, all of which will last forever.

May I say, too, that we express our sorrow to his lovely wife, Hazel. She was very close and a very great help to Tom. We have lost a dear friend, who leaves with us many happy recollections.●

● Mr. PATTERSON. Mr. Speaker, I join my colleagues in paying tribute to Tom Steed, a man who was an esteemed colleague and friend to many of us here today.

Tom Steed served in the House for 32 years—longer than any other Oklahoman—and in that time acquired one of the greatest collections of Capitol Hill lore of any Member of this body. Although not known for his oratory on the House floor, he was always ready to regale listeners in the Cloak Room with a story for any occasion.

Tom was able to be candid and direct without causing offense, and he was expert at working quietly behind the scenes to build compromises. He knew how to wade through rhetoric and craft a piece of workable legislation. Our Nation's Interstate Highway System is perhaps the greatest tribute to his negotiating skill.

Almost entirely self-taught, Tom was one of the most knowledgeable Members of this body and one of the most able to understand and maneuver through the appropriations process.

Tom was a good friend and an outstanding Member of this House. He will be deeply missed by all who knew him.●

● Mr. ALEXANDER. Mr. Speaker, President Thomas Jefferson wrote, in an 1813 letter to President John Adams: "I agree with you that there is a natural aristocracy among men. The grounds of this are virtue and talents."

President Jefferson could have been referring to people like the person whose memory we honor here today. To those of us who served with him in this House he was Tom Steed. His full and formal name was Thomas Jefferson Steed and he was a student of the philosophy of democracy and government of that earlier Thomas Jefferson.

The honor, integrity, compassion, diligence, and humor which marked Tom Steed's years in this body were surely among the virtues and talents to which Thomas Jefferson referred in his letter to John Adams.

During my first years on the Committee on Appropriations, which he served so well, I was privileged to be a member of a subcommittee that was fortunate enough to have Tom Steed on its roll. Those years are a valued experience of mine.

The history and traditions of this House were enriched by the 32 years of service Congressman Tom Steed gave to his people, his Nation and his colleagues. His decision to retire to his home in Oklahoma did not close the book on Tom Steed's interest in his Nation and his people. When his experience and knowledge were needed, he was generous in sharing them.

Political partisan that he was, Tom Steed was ever conscious of the fact that a free and democratic government survives only through fair and just representation of the views and interests of all the people of the Nation. This is the challenge his service in this House presents to all of us who continue to serve here.●

● Mr. CONTE. Mr. Speaker, It was sad enough for me to take the well 3 years ago to pay tribute to Tom Steed on his retirement, but the news of his death last week gave me a very heavy heart. I had the honor of serving with Tom for 22 years, and I cherish his memory now more than ever.

For several years, Tom served as the ranking majority member—and briefly as chairman—of the committee on Small Business, while I served as that committee's ranking minority member. I also had the good fortune to serve for 5 years as the ranking minority member of the Treasury-Postal Subcommittee of Appropriations while Tom served as that panel's chairman. During the 96th Congress, Tom's last Congress, as the ranking minority member of the full Appropriations Committee, I continued to have the opportunity and privilege of serving with Tom.

Thus, I speak from experience when I say that Tom Steed was superb as a legislator and as a chairman. He was always fair, decent, and honest with witnesses and Members alike.

His background as a newspaperman and his Oklahoma commonsense served him and all Americans well in his annual handling of the Treasury-Postal bill. But, of course, we all know that Tom Steed was more than just a chairman to those who served with him. He was a fine, loyal friend, and was also the best story teller in the House. Many of us wished we had just half of his ability to spin a yarn.

Another great storyteller and Oklahoman, Will Rogers, once professed that he could state honestly that he had never met a man he did not like. Well, I am no great storyteller, but I

do know that I have never met a man or woman who did not like Tom Steed.

I would like to add my sincerest condolences to Tom's wife of 60 years, Hazel. I know that our words of sympathy can do little to fill her sense of emptiness, but I am sure she can take great comfort in knowing how very much we all grieve his loss.●

● Mr. SMITH of Iowa. Mr. Speaker, it was my privilege to serve for a number of years with the late Tom Steed on the Appropriations and Small Business Committees. Like his other colleagues, I remember him for his many fine qualities—courage, integrity, capacity for friendship, compassion, and incomparable wit. But most of all I will remember him as the consummate legislator who, as a Congressman, provided his colleagues with a model to follow and who translated his exceptional skills into substantive achievements on behalf of his State and his country. We all learned from Tom. He was an architect of good legislation and a builder of effective coalitions to get that legislation passed. He did not waste time on self-serving press releases. He was too busy registering solid achievements on behalf of the citizens of Oklahoma and of the United States. Tom Steed will be remembered with respect and affection by the many people he served so well. But he will be remembered by those of us in Congress who had the privilege of working with him as the ultimate professional as a legislator. As such, his contribution to good and honest government in our land will be his lasting memorial. My wife Bea, and I, who are longtime personal friends of the Steeds, extend our sincere condolences to Hazel and the family.●

● Mr. PERKINS. Mr. Speaker, the passing on of a Member or former Member of this House is always a sad day, but the departure of someone who came to the Congress in your class, and who became a close friend, cuts deeply.

I met Tom Steed on January 3, 1949, the day we were sworn in as freshmen Members of the 81st Congress. He was a newspaperman with a farm background and I was an attorney with a farm background, and we just seemed to hit it off pretty well. Our families got along well also, and we went on the New York trip in the fall of 1949, where Tom, a man with a great sense of humor, kept the railroad car laughing.

We did have one dispute though, and it was a serious one.

It came in our first term—as a matter of fact, it came on January 1, 1951, just a couple of days before the end of our first term. The House was in session on New Year's day to pass an emergency tax bill for the Korean war.

Mr. Speaker, on that day the University of Kentucky was playing the University of Oklahoma in the Sugar Bowl, and Tom felt pretty strongly that Oklahoma was going to win.

As a matter of fact, he wanted to bet on the game, and as a colleague and friend, I thought I ought to oblige him. We decided that the loser would buy the winner the best hat in Washington.

Well, you know the outcome Mr. Speaker, because how could anyone forget that the University of Kentucky beat the University of Oklahoma by the score of 13 to 7.

Incidentally, the coach at Kentucky then was a tough young fellow named Bear Bryant.

I went downtown to one of the better hat shops in Washington and got the best hat I could find. Well, I have not had a hat as good as that one since then, and we have all lost a friend and a former colleague that will not be matched for decency and friendship and good humor for a long time.

Our thoughts are with the family, and we want them to know that the name of Tom Steed will light these Halls for a long, long time.●

● Mr. FORD of Michigan. Mr. Speaker, like many others today, I join in paying tribute to Thomas Jefferson Steed, a strong and honest Oklahoman who served in this Chamber for 32 years. When I first came to Congress in 1965 and served on the Education and Labor Committee, I realized his tremendous leadership qualities in his continuing concern for Federal education legislation, particularly impact aid, a program he coauthored in his first term in 1949.

Tom Steed described a congressman as four things, "A lawmaker, an errand boy, an employment agent, and a chamber of commerce." Today I would like to add a fifth. When a congressman accomplishes the first four with the wisdom and dedication of Tom Steed he becomes a statesman. I am proud to have worked with him and to have learned from this fine and honorable man.

An earlier statesman, Thomas Jefferson, influenced Tom Steed greatly. In his autobiography, Thomas Jefferson wrote about the U.S. Congress, "That one hundred and fifty lawyers should do business together ought not to be expected." But if any Member of this body could create harmony it was my friend Tom Steed. From the 81st to the 96th Congress he made "business as usual" as expectation of the House of Representatives.

To his wife, Hazel, and his family I extend my deepest sympathy and offer my heartfelt prayers.●

● Mr. MILLER of Ohio. Mr. Speaker, I want to join my colleagues in the House today in paying tribute to a distinguished American whose service will be evident in this country for years to come. The passing of my friend Tom Steed marks a tremendous loss for this Nation. I had the honor to serve with Tom on the Treasury, Postal Service and General Government Subcommittee of the House Appropriations Committee for nearly 8 years and I can say that it was one of the most rewarding and gratifying experiences I have had during my years in Congress.

The countless hours that I shared with Tom in subcommittee will long be remembered for the insight I gained in good government and good representation of the people's needs and interests. Above all else, he was a fair and forthright man, a person of utmost integrity and who earned the respect of his colleagues in the House from years of work and deeds that spoke much louder than the words of others. He knew that government itself was only as good as those involved in it and he labored for years in Washington to make government truly responsive to the people of Oklahoma and America.

One of my fondest memories of Washington and the Congress will be in recalling working along side Tom Steed. I am richer for the experience and our Nation is stronger for the leadership he gave to all of us.

My wife, Helen, joins me in extending our deepest sympathy to a very wonderful lady, Hazel Steed and to her family.●

● Mr. WON PAT. Mr. Speaker, I thank our colleague, Congressman David McCurdy from Oklahoma, for taking this special order to honor our deceased former colleague, Tom Steed.

As you may know, Congressman Steed served in the House for 32 years, longer than any other Oklahoman. He served his constituents and this Nation with honor and dignity and I am deeply saddened at the news of his death.

I was privileged to work with Congressman Steed on several occasions while he was in Congress and was always impressed by his grasp of other people's problems and his open and friendly manner.

There were many occasions when Tom Steed rose to help his fellow Americans in Guam and I will be eternally in his debt for his assistance.

Tom was a very good friend and a fine public servant. This body and this Nation has seldom known his equal and I am certain that Congressman Steed's many friends both here on Capitol Hill and in the Government will long cherish his memory.

On behalf of the people of Guam, I extend our deepest sympathies to Congressman Steed's family. We share your grief over the passing of a wonderful man. He will truly be missed.●

● Mr. ANDERSON. Mr. Speaker, I want to congratulate our friend, Dave McCurdy, for arranging this special order today in order to pay tribute to

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our departed colleague from Oklahoma's Fourth Congressional District, the Honorable Tom Steed.

Born on a farm near Rising Star, Tex. in 1904, Tom attended the public schools of Konawa, Okla. Thereafter, he began a 20-year career in the newspaper business. He worked as an apprentice printer on the Konawa Chief-Leader and was a reporter for papers in Ada, Bartlesville, McAlester and Oklahoma City, Okla. For 4 years, he was managing editor of the Shawnee News and Star.

On October 29, 1942, Tom enlisted in the Army as a private in antiaircraft artillery. He advanced to the rank of second lieutenant before being released from active duty in May 1944. On July 1, 1944, Tom joined the Office of War Information and served in the China-Burma-India theater in information and psychological work until December 1945.

Prior to being elected to the House of Representatives, Tom had previous experience at the Capitol. He was assistant postmaster of the Senate for a short time and worked for 4 years for three different Representatives—P. L. Gassaway, R. P. Hill, and Gomer Smith. Tom also operated an automobile agency in Holdenville, Okla.

Tom was first elected to the Congress in 1948. He would later go on to be reelected in each succeeding Congress for the next 32 years. This is the longest tenure for any Congressman from the State of Oklahoma.

During this time, Tom worked hard to earn the reputation of getting things done for his State. Through his tireless efforts on the Appropriations and Small Business Committees, he accomplished much for the residents of his district, his State, and his country.

As you know, there were three military installations within Tom's district—Tinker Air Force Base, Fort Sill, and Altus Air Force Base. He made sure that their interests were taken care of annually. In addition to this, he secured funding for the Kerr-McClellan navigation system which made Tulsa a seaport. Other major accomplishments included the Interstate Highway System and the development of a strong and effective school system across the country.

In short, Tom was one of the most effective Members this Chamber has ever known. His command of the issues in which he was confronted was noteworthy and should be emulated by us all. Above all, his dedication to all the people—and not a selected group—will live on in the memories of all who knew him.

My wife, Lee, joins me in this salute to Tom Steed and we offer our condolences to his wife, Hazel, their son, Richard, and their grandchildren.●

● Mr. HORTON. Mr. Speaker, I join my other colleagues in honoring a dear friend and esteemed colleague, Tom Steed. Tom's record of service to our Nation is a model for us all. He served 16 terms in Congress, a distinction shared by only 47 other Members in the history of the Congress. He had a reputation as a gentleman who was able to get things done.

Tom, a native Texan, certainly earned his spurs as an Oklahoman. Elected to the House from that State in 1949, he went on to serve his constituents in ways that few, if any, Members come close to achieving. To be a constituent of Tom's was to be blessed with excellent political leadership. If you had a problem or needed some help, Tom would move mountains to do it for you.

Yet, Tom's contributions went well beyond helping his own constituents. His legislative accomplishments were many. As chairman of the House Appropriations Subcommittee on Treasury, Postal Service, and General Government, he carefully guarded against the excesses big government may sometimes be prone to. Yet this was never done at the expense of people in need.

There is one area where I particularly want to express my appreciation. Tom and I worked closely together to establish the Commission on Federal Paperwork. He actively participated on the Commission and then in 1980 worked to achieve passage of the Paperwork Reduction Act, which carried out many of the Commission's key recommendations.

The responsibility of chairing that Commission was on my shoulders, and I know I would not have been successful in discharging that responsibility were I not able to turn to him. His commitment to a properly managed government, his knowledge about how to achieve results and his fine qualities as a gentleman proved invaluable in making the Commission successful. With his help the Commission received the resources necessary to do its work, finished that work on time, under budget, and set in motion reforms that have made lasting improvements in the administration of Federal programs.

Tom's wife, Hazel, and his son, Richard, and the grandchildren have every reason to be proud of him and his service to our country. He is not only part of a very select group of only 67 people to have had the honor of representing citizens of Oklahoma in the Congress since the State entered the Union but he lives in the memories of those of us who have served with him as a fine and capable individual.●

● Mr. ROE. Mr. Speaker, it is with great sadness in my heart that I rise to join in this remembrance of our former colleague Tom Steed, who passed away last week.

For 32 years Tom Steed served the people of Oklahoma with distinction and pride. When he retired in 1979, Tom had served 16 terms in the House, longer than any other Oklahoman who has been in Congress.

Tom was a hard-working Member of this body truly devoted to the needs of his constituents and this great Nation. His major interests centered around the Interstate Highway System, water development in his home State, aid-to-schools legislation and Oklahoma military installations.

Tom Steed was fiercely proud of being an Oklahoman. He brought great national recognition to that fine State in 1976, when he was elected chairman of the House Appropriations Committee, the first Congressman from Oklahoma to hold a committee chairmanship since Congress was reorganized in 1946.

Our friend Tom Steed was fond of saying that a Congressman is four things: he is a lawyer, an errand boy, an employment agent and a chamber of commerce. He was a great Congressman.

Our heart-felt sympathies go out to Tom's lovely wife Hazel and the rest of his fine family. With Tom Steed's passing, America has lost one of its finest sons.●

● Mr. YATES. Mr. Speaker, the news that Tom Steed had died saddened me greatly. We were very good friends and I admired him tremendously. Tom and I were both elected to the House in 1948 and we served together on the Appropriations Committee for more than 20 years.

Tom taught me a great deal about Oklahoma farmers and the Indian people of that State, and I like to think that from me he gained a greater appreciation for urban America and Chicago in particular. Tom was, of course, a source of wonderful stories about the Congress and this country and he knew how to get things done. He was a strong and effective Congressman and a fine human being. I will miss him.●

● Mr. PANETTA. Mr. Speaker, I would like to join my colleagues in paying tribute to Tom Steed, who served in this body for nearly a third of a century and died last week at the age of 79.

Tom Steed was a gifted legislator who contributed enormously to the workings of the Congress. As a longtime member of the Appropriations Committee, he was a vital cog in the operations of the Federal Government, chairing the Treasury, Postal Service subcommittee and always working to move legislation swiftly and effectively. He worked very hard on behalf of Federal employees, recognizing their invaluable contribution to the running of the Government.

This Member had the privilege of serving with Tom Steed during his last two terms in the House. It was a pleasure to be able to work with him and to learn from him, as so many of my colleagues did. He was dedicated to making the Federal Government work for the people of this country, and he provided an example of hard work, statesmanship, and skill to his younger and less experienced colleagues.

Mr. Speaker, I know all my colleagues join me in expressing sympathy to Tom Steed's family. They can be proud of the life he lived, of the service he provided to his country, and of the legacy he left to those who knew him.●

● Mr. BENNETT. Mr. Speaker, Congressman Tom Steed was in fact one of our history's most effective and able legislators. His record of achievement in legislation is indeed outstanding. I came to Congress in January 1949 at the same time that Tom came here. From the very beginning of our service here we had a close companionship, a warm friendship shared by our wives as well. Certainly that friendship is one of the real treasures of my life; and I send to his widow and family my very deepest sympathy and my loving prayers, in which my wife joins me as well as our children.●

● Mr. de la GARZA. Mr. Speaker, today we gather to pay our respects to one of our most popular former colleagues, Tom Steed. With his passing our country has lost a great statesman. I have lost a good friend.

When I entered the House in 1965 I will never forget the kindness he showed to a freshman Member. He was courteous, accommodating, warmhearted—a man of sprightly wit, tireless energy, and a genuine willingness to extend the warm hand of friendship. On many occasions I was the benefactor of his experience and wise counsel.

As a Representative in Congress Tom had those qualities that are essential for leadership—sound judgment, patience, perseverance and unyielding adherence to the principles and policies advocated by his party for the welfare of the country. He was a dedicated and constructive Member of this body, one who labored tirelessly for the welfare of the people of his congressional district which he served so well.

His character, achievements and faithful service will be an inspiration to generations yet to come. With his passing has been taken from us all a respected colleague, from the State of Oklahoma a dedicated Representative and from the people of the United States an outstanding legislator.

May God let the light of His countenance shine upon him and give him peace.●

● Mr. ZABLOCKI. Mr. Speaker, it is with a sense of personal sadness and loss that I join the gentleman representing the Fourth District of Oklahoma (Mr. McCurdy), and all members of his State delegation in honoring the memory of a great Sooner, legislator, and patriot, the Honorable Tom Steed of Oklahoma.

As his numerous obituaries have duly noted, Tom Steed was first elected to the House in 1948 and served longer in national elective office than any other Oklahoman. It was my honor and privilege to have served with him in this body during the entirety of his tenure here—up to including that memorable day in August 1980, when some 300 of his colleagues gathered to vote upon the last appropriations bill for the Treasury-Postal Service and General Government, which was managed by the gentleman from Oklahoma, and gave him a long and well-deserved, standing ovation.

Tom Steed was, in the last analysis, a workhorse of this body who spoke only when necessary and then, directly to the point. He relished his reputation as someone who could get the job done, and he did his job well for 32 years. And although his formal schooling ended in the eighth grade, it is important to note that the education of Tom Steed was a never-ending process, for he left this Chamber in 1980 as one of the most knowledgeable and effective legislators of his generation.

While Tom Steed was not much inclined toward oratory—or abstract ideology—he played his leadership role out in the open—for all to see and to judge accordingly. Everyone knew exactly where Tom Steed stood, and his positions on most issues were not only respected, but they generally prevailed. He also had a sense of history and a repertoire of stories which not only enriched and influenced the legislative process, but always contained a message which the listener would disregard at his peril.

The loss of Tom Steed is a loss to the people of Oklahoma, the House of Representatives and the Nation. It is also a loss to the other body with which he delighted in engaging in honorable and sustained battle—to the betterment of the conference process.

To the family and the many friends of Tom Steed, I extend my deepest sympathy and my lasting admiration for the outstanding public service rendered by this great American.●

● Mr. MONTGOMERY. Mr. Speaker, I want to join with many of my colleagues here today in paying tribute to Tom Steed, who died last week. The gentleman from Oklahoma served his State longer than any other. His 32 years in the House of Representatives were most productive. He was a very effective legislator and his work on the Appropriations Committee was proof of this.

I had the privilege of knowing Tom for more than 10 years here in this Chamber. He was always a delight to be around.

Tom was proud of the legislation he helped guide through the House. He spent a lot of time working on those bills and he was almost always successful with them. I also remember that he always was aware of how everyone voted on the legislation he was managing on the floor.

We will all miss him. We are all better men and women for having the chance to know and serve with this fine American.●

● Mr. FUQUA. Mr. Speaker, it is with a great sense of sadness and loss that I rise today to speak of the passing of our dear friend and colleague Tom Steed who for 32 years so ably represented Oklahoma's Fourth District in the U.S. House of Representatives.

Our friends from Oklahoma have properly pointed out the role Tom Steed played as mentor to those who served with him from Oklahoma. Let it not be forgotten, however, that he was also a tremendous influence and teacher for many of us from other sections of the country who had the privilege of serving with him.

Tom Steed frequently joked about the errand boy function of being a Congressman but his constituents and his colleagues know that he was really talking about the need to represent those who elect you—and Tom Steed represented his constituents with every fibre of his being and in every forum to which he had access.

His role in creating the Interstate Highway System which crisscrosses our land is well documented and remembered, as is his persistent battle to improve educational opportunities through impact aid in those areas with significant military populations.

At times taciturn but frequently loquatious, Tom Steed automatically brought to mind the American ideal of the independent American frontiersman—hard working, good spirited, bluntly honest, and fiercely loyal.

We have missed his presence among us since his retirement in 1980 and it is difficult to imagine we will not again have the wisdom of his counsel to guide us.

Among the qualities which endeared him to his colleagues was his brevity in addressing the House.

With that in mind I will simply summarize that I know no tribute which can adequately express my profound respect for the memory of Tom Steed.●

● Mr. ANNUNZIO. Mr. Speaker, I rise today to join my distinguished colleague, Hon. Dave McCurdy, in paying tribute to the Honorable Thomas Jefferson Steed. Tom Steed represented the Fourth District of Oklahoma from the 81st through the 96th Congresses. He devoted 32 years in service to his country and constitutents and he was highly regarded and respected by his constituents and his colleagues in Congress.

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Beginning his career in southern Oklahoma, Tom worked 20 years as a newspaperman with Oklahoma dailies. He enlisted in the Army in 1942 at age 38 and served in the antiaircraft artillery and later as an information officer. He was discharged in 1945 as a second lieutenant. His career in the House of Representatives began with his election victory on November 2, 1948.

Congresssman Steed's outstanding service in the House included the chairmanship of the Small Business Committee and the chairmanship of the Appropriations Subcommittee on the Treasury and Post Office, and the experience and ability he shared with his colleagues was invaluable.

Tom Steed was a man devoted to the people of his district, his State, and his country, and he compiled a record of excellence and accomplishment on their behalf. A humble public servant, he believed the most important role of a Congressman was to attend to the immediate problems and needs of his constitutents. Tom was sorely missed when he retired from Congress 2 years ago, and Mrs. Annunzio and I extend our deepest sympathy to his wife, Hazel, and his son, Richard.●

● Mrs. HOLT. Mr. Speaker, it is not difficult for any of us who knew Tom Steed to understand why his Oklahoma constituents elected him to represent them in this House for 32 years.

He was a warm, caring person whose personality reached out to people in friendship. I have missed him since he left the Congress, as indeed I know so many other Members have missed him.

Very often when the House was in session he would come across the aisle to visit with me, and he was quick to help with questions related to his work in the Appropriations Committee and the Small Business Committee.

Although he served in the Congress for so many years, he never lost his dedication to the people of his district in Oklahoma. His outstanding record of service to his constituency and our country is an example that merits our attention.

Mr. Speaker, all of us who knew Tom Steed share a sense of loss at his death. My prayers are with his family.●

● Mr. WINN. Mr. Speaker, I want to join my colleagues in paying tribute to our former colleague, Tom Steed of Oklahoma. Not only were we from neighboring States but during his final years in the Congress, we were neighbors on the fourth floor of the Rayburn Building.

Tom Steed served his State and his district longer than any other Representative from the State of Oklahoma. For 32 years he served the Fourth District of Oklahoma with distinction.

He had a great sense of humor and was one of the all-time story tellers of the Congress. He could spin a yarn to the delight of those around him.

Tom was a newspaperman for 20 years in Oklahoma becoming managing editor of the Shawnee News and Star. He served in the Second World War and was discharged as a second lieutenant. Tom served on the Appropriations Committee and the Small Business Committee. He was a dedicated public servant, and an inspiration to those who knew and worked with him on a daily basis. He was well respected by Members on both sides of the aisle, and was always available for advice and counsel. He will be missed by all who knew him. My heartfelt sympathies are extended to his family.●

● Mr. SYNAR. Mr. Speaker, losing Tom Steed has been one of the greatest losses of my life. He was more than a friend to me; he was a brother, a father, a mentor or whatever I needed him to be. I loved him very much.

Tom's rich personality and generous heart were his greatest assets. If I had to find any fault with Tom, it was that he could not ever turn away anyone who came to him for help. He went out of his way to work for any worthy cause or person.

Tom put his many talents to work in the most generous way possible. No one I know worked harder for the State of Oklahoma and its people. He took seriously his role as a representative of the people of Oklahoma and our citizens have been enriched by his efforts. Generations of future Oklahomans will benefit from the service and dedication he so generously gave.

As the consummate public servant, he left his successors a mighty role to fill. From his humble beginnings in rural Oklahoma, his hard work and natural ability took him to one of the highest leadership positions ever held by any Oklahoman in Congress yet he never forgot his Oklahoma roots. He loved his State and his country very much and the service he gave in their behalf, he gave lovingly.

I am honored to follow in the footsteps of such a great man and great American. I know we will all miss him very much.●

● Mr. BEVILL. Mr. Speaker, our good friend and former colleague, Tom Steed of Oklahoma, was one of the most able persons ever to have served in the U.S. House of Representatives. For 32 years he provided the highest caliber of representation to the people of Oklahoma.

It was my great personal pleasure to have served with Tom on the Appropriations Committee. It was there, watching him in his role as chairman of the Treasury, Postal Service, and General Government Subcommittee, that I became familiar with Tom Steed's legislative abilities. I greatly admired his personable style and his deep and abiding love for his country.

In a quiet and efficient manner, Tom Steed formulated wise appropriations bills and guided them smoothly through the Congress. Tom Steed was certainly a man who provided much substantive contribution to our country.

We were all saddened to learn of his death. All of us who knew Tom well know what a deep loss this is for his family and for his State of Oklahoma.

And while his passing is a loss for the entire Nation, his life of service and dedication to a land he loved, greatly enriched America.

Tom Steed served his country well.●

● Mr. ENGLISH. Mr. Speaker, I am deeply saddened by the loss of my friend and former colleague Tom Steed. I can think of no person who has served the State of Oklahoma and this country with more honor, integrity, and compassion than Tom Steed.

Before his election to Congress in 1948, Tom had served 20 years as a newspaperman. During World War II, he resigned from the local draft board to enlist as a private in antiaircraft artillery. He was released from active duty 2 years later with the rank of second lieutenant.

Tom brought these qualities to Washington and enriched all of us. He became a power on the Appropriations Committee, but his real power was with words. He was a master of conversation. He was a teacher and a leader to those of us with less experience.

Tom Steed used to say that a smile is the best cure for facial wrinkles. If that is true, then Tom Steed cured more wrinkles than all of the plastic surgeons in town.

I am confident that the spirit of Tom Steed will continue to cure wrinkles.●

LEGISLATION TO INCREASE IRA CONTRIBUTION LIMIT FOR NONWORKING SPOUSES

The SPEAKER pro tempore (Mr. WATKINS). Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

● Mr. SENSENBRENNER. Mr. Speaker, I would like to take this time to make my colleagues aware that today I am introducing a bill to increase the Individual Retirement Account contribution limit for nonworking spouses.

Congress recognized nonworking spouses' value to the American family and economy when it created the so-called spousal IRA. Under present law, an individual can contribute, and thus deduct for income tax purposes, $2,000 to a qualified IRA. But, only $2,250 is allowed where a spousal IRA is utilized. In my estimation, given the financial problems of older women, the $2,250 limit is insufficient. My bill proposes to allow the nonworking spouse a $2,000 contribution as well. This legislation is also drafted in such a fashion as to circumvent the cliff in present law which precludes from spousal IRA participation, the spouse who earns petty cash from serving jury duty.

Specifically, under my bill, the lower earning spouse's contribution limit would be the lesser of $2,000 or the sum of her income plus her husband's income, to the extent he did not deduct it for an IRA.●

THE ALTERNATIVE BUDGET FOR FISCAL YEAR 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, I wonder how many of my colleagues have noticed how Congress has diverged from the public's position on the matter of the Federal budget. One would think, from surveying the situation around here, that the cry for less spending and less government had been stilled. After all, the House was no longer being steamrollered by the White House into reducing spending and slashing taxes. Quite the contrary, we have been gleefully attempting to undo the past 2 years by imposing new and higher taxes and by spending for tomorrow as if there were no tomorrow.

It is therefore reassuring to those of us who believe in fiscal restraint, and it ought to be alarming to those who would abandon such restraint, to notice that Missouri—in an about-face from last year—has become the 32d State calling on Congress to convene a constitutional convention for the purpose of drafting a balanced budget amendment.

The importance of this vote does not so much revolve around the constitutional aspects of a balanced budget as it reveals growing discontent with the apparent inability of Congress to do the job. And the fact that both houses of the Missouri Legislature are controlled by the Democratic Party indicates the widespread and nonpartisan appeal of this issue.

I suggest it is high time for the House to reflect on where it is headed. Do we acknowledge and accede to the wishes—the demands—of the American people, or are the leaders of the majority so intransigent they would rather overload the system until the fuse is blown than compromise even a fraction of their ideological purism? They would be well advised to notice the fate of the Labor Party in Britain in last week's election.

It is not too late to resuscitate a fiscally responsible budget for 1984, and it would be keeping faith with the American people to do so. Accordingly, I will present facets of the budget I formulated as an alternative to the first concurrent resolution on the budget for fiscal year 1984 as produced by the House Budget Committee. Certainly, it is far from ideal. There are flaws. It is not designed to please everyone. But it goes a long way toward reducing the budget to a point where the deficit is manageable and, down the road, eliminated altogether.

THE ALTERNATIVE BUDGET

It is truly tragic that this legislative body called Congress holds such monumental contempt for our Nation and its citizens in the form of refusing to take corrective action on the Federal budget. The gargantuan deficits which loom ever larger and larger pose a menace to our very economic and financial existence. The combination of high interest rates and higher inflation—both indisputably supercharged by continued and massive deficits—will permanently stifle industrial activity, prevent homeownership by future generations, and render our senior citizens wards of the State dependent upon welfare for subsistence.

It would not be imprecise to suggest that this scenario is exactly what one-world Socialists are hoping to achieve: Destroy our economic base, ravage the integrity of the dollar—this has been going on since the advent of the magic money machine—wipe out savings and property ownership, pit the welfare-dependent elderly against the overtaxed young, incapacitate our national defense, plunder our remaining gold reserves—by bailing out the International Monetary Fund, which will replenish the coffers of world bankers—foster a climate of fear and hatred—the classic battle of the haves versus the have-nots—and precipitate the paralyzation and subsequent collapse of our socioeconomic and political institutions. And at that point, some enterprising group of Marxists or eco-Fascists gleefully mount the rubble and proclaim the victory they have been striving toward all these years.

There is a terrible irony in all this: namely the Great Chasm between the majority in Congress who proceed posthaste down the insolvent road to ruin and the majority of Americans who perceive the hazards of that road and are increasingly desperate to avoid it. And nothing is more illustrative of this dichotomy than pitting the public pulse against congressional action. In March 1982, a Newsweek poll indicated that 85 percent of Americans favored reducing the size of the deficit by cutting spending. In December 1982, a Gallup poll revealed 75 percent in favor of a balanced budget constitutional amendment. And in March 1983, a poll taken by Market Opinion Research disclosed that a 78 percent majority favor at least a partial freeze on Federal spending, with a full 46 percent—nearly one-half—supporting a total, across-the-board freeze. But to little avail. On October 1, 1982, the House of Representatives defeated the balanced budget constitutional amendment—the vote was 236 to 187 in favor but failed, by 46 votes, to obtain a two-thirds majority. And, of course, on March 23 of this year, the House passed what may go down on record as the most irresponsible budget in our Nation's history, calling for $30 billion in new and higher taxes while leaving a $174 billion deficit. Democratic representation at its best.

It is a general rule-of-thumb, as well as a political fact of life with considerable historical precedent, to lay the blame for everything which is going wrong on the President. To be sure, were we to peruse the records of all of our administrations, we would find ample evidence of misdirection, miscalculation, confusion, contradiction, indecision, blunders, and, in some instances, outright calumny, in nearly all of them. To varying degrees, of course. It is also true that, in recent decades, there has not always been the motivation or desire to change course from the fiscally and morally bankrupt Keynesian philosophy which is primarily responsible for pushing us toward the precipice of ruin.

But this attitude should have changed following the 1980 election. President Reagan promised and set out to correct years of fiscal irresponsibility as well as curb the Big Brother encroachment upon our freedoms which has been the hallmark of Federal bureaucrats and social planners. For a variety of reasons, however, early successes have ben superceded by dangerously menacing reverses which threaten not only the longevity of the administration but our very way of life. A series of costly errors—failure to incise more deeply into the Federal budget to diminish the deficits in the past 2 years, caving in under pressure to revert to tax increases, a pervasive laxness in pursuing legislation favorable to the President's program, a general lack of coordination and timing to promote that program—the President's fiscal year 1984 budget was not even introduced in the House this year—and a critical ineptitude in countering adverse public opinion have placed the Reagan Presidency on the defensive. No matter that it is Congress—as it has always been Congress—which votes to spend money we do not have on programs we do not need only to serve the parochial interests of special constituencies who have been siphoning at the public trough for decades.

So the job begins not at home but in the House. Since the House of Representatives is endowed with constitutional power of the purse strings, it is only appropriate that the budget of the land should rest at its tender mer-

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cies. House action, unfortunately, has been neither tender nor merciful. In true oligarchic fashion reminiscent of the halcyon days of King Caucus, the House Budget Committee devised and reported a veritable Frankenstein's monster of a budget resolution which is doomed to self-destruct: higher spending to placate those liberal constituencies, higher taxes to relieve taxpayers of their hard-earned income, and higher deficits to strangle the economy.

This concoction is nothing new in the annals of fiscal irresponsibility and would be bad enough. But, to make matters worse, no alternative was allowed to be discussed, debated, or even offered. In recent years—ever since atmospheric deficits have warranted it—a balanced budget amendment or substitute has been offered, not so much because it was given much chance to succeed but rather to let the people back home know that some of their elected representatives were practicing what they have long preached about putting our fiscal house in order. Last year this balanced budget was introduced by John Rousselot. Only 1982 was not a year like so many preceding it; this time the political climate was such that, although losing, it received 182 votes in favor on May 25—the second highest total for any of the 7 major substitute amendments to the first concurrent resolution on the budget for fiscal year 1983.

This year, in order to avoid the debacle which occurred during last year's deliberations—a proliferation of amendments, missing the budget deadline by nearly a month, no amendment receiving a majority on the first round—the Budget Committee reported out the one and only version of the fiscal year 1984 budget on March 21, 2 months ahead of schedule. Accordingly, I had prepared this year's alternative budget, alternative because, alas, the projected deficits have become too large even for my well-honed ax. Hence it is an almost-balanced budget, which pares the deficits in fiscal years 1984 and 1985 down to manageable levels—$69 and $12 billion, respectively—and brings us out of the red by 1986. This is accomplished by applying 273 changes—mostly reductions—to our present budget.

Unfortunately, the Rules Committee, on orders from the House leadership, restricted debate by allowing only one alternative to the Budget Committee resolution, that being the heretofore-mentioned nonexistent administration budget. It is one thing to defeat a balanced budget amendment in a fair fight on the floor of the House; it is quite another to prevent the option.

At any rate, this is what might have been. Or could yet be.

ECONOMIC ASSUMPTIONS

There are many variables which go into the formulation of any budget. One of the most critical is the set of economic assumptions which gage the climate in which a budget is brought to fruition. Quite obviously, the state of the economy and a few major components thereof will materially affect both estimated tax receipts and projected spending. Four such components are primary indicators: real—preinflation—growth in the gross national product, inflation as measured by the Consumer Price Index, the 91-day Treasury bill rate, and unemployment.

For each of these indicators, this alternative budget adopts the same assumptions as the House Budget Committee; that is, those estimated by the Congressional Budget Office, with two exceptions: real GNP growth for 1983 and the 91-day T-bill rate for 1984. Although it is certainly possible to arrive at different assumptions for all of the indicators, there is no compelling argument to do so. With regard to the T-bill rate, this change is not causal but rather a result—a manifestation of lower interest rates due to a greatly reduced deficit.

There has been considerable sentiment expressed concerning the probable underestimation, by both the administration and the House Budget Committee, of the growth in real GNP. And even a slight variation here can mean a difference of billions of dollars in receipts and outlays. Accordingly, this alternative budget extracts an average rate from the economic projections of nine major forecasters:

	Rate	Date
Wharton	3.2	Oct. 27, 1982
Chase	3.0	Oct. 28, 1982
Olsen/Citibank	5.0	Dec. 8, 1982
Martin Feldstein	4.0	February 1983
Morgan	[1] 3.8	Do.
Paul Volcker	4.0	Feb. 18, 1983
DRI	[2] 3.0	Do.
Forbes	5.0	Feb. 28, 1983
Blue Chip	2.7	Mar. 10, 1983
Average	3.7	

[1] 5.1 on a 4th quarter to 4th quarter basis.
[2] 4 on a 4th quarter to 4th quarter basis.

The 3.7-percent rate represents a significant increase from the 2-percent rate assumed by the House Budget Committee. And considering that each one-tenth of a point translates into a $1 billion difference in the amount of the deficit, the change is dramatic.[1]

ECONOMIC ASSUMPTIONS

	President	HBC/CBO	Alternative
1983			
Real GNP (annual averge)	3.1	2.0	3.7
CPI–U	5.0	4.5	4.5
Unemployment	10.4	10.4	10.4
91-day T-bill	8.0	6.8	6.8
1984			
Real GNP	4.0	4.7	4.7
CPI–U	4.4	5.0	5.0
Unemployment	9.5	9.7	9.7
91-day T-bill	7.9	7.4	[1] 6.5

[1] This lower rate emanates from adoption of the gold standard, utilizing the argument contained in the article by Lewis Lehrman (Appendix B).

SUMMARY

"To tax the community for the advantage of a class is not protection; it is plunder."—**Benjamin Disraeli**, Speech, House of Commons, May 14, 1850.

Thus, the preeminent British statesman of the 19th century succinctly states the reason why we ought to balance budgets by cutting spending, not by raising taxes. It is all the more ironic since the Prime Minister had the benefit of experiencing neither the spending programs nor the budget process of the U.S. Congress.

Fortunately, the congressional budget process is not at issue here. Bearing some similarity to the M-1 tank, it may be newer, more fascinating, and certainly more expensive than its predecessors, but its efficacy is underwhelming.

What is at issue is the catastrophic size of our Federal budget deficits and the imperative to reduce them, if not totally, at least to a manageable level. A balanced budget with no red ink is a goal which commands overwhelming public support; but the sheer magnitude of recent and projected future deficits makes this virtually unattainable for fiscal year 1984, and very difficult beyond that without benefit of a constitutional amendment requiring such a balanced budget.

What we are left with, then, is to take legislative action to reduce spending. Budget cuts—shutting off the spigot to pet projects and favored constituencies—like smallpox immunization; unpopular and painful, but essential for future health. But perhaps less noticeably painful if we all share in the ordeal. After all, if we monitor public opinion, it would not be unreasonable to expect that most Americans would not mind biting the proverbial bullet so long as we all chomped together.

NATIONAL DEFENSE

The alternative budget allows real annual growth of 6.5 percent in budget authority and 6.1 percent in outlays—average—over the next 5 years; aggregate real growth, 1984–88, is 43.5 percent in budget authority and 40.7 percent in outlays. This is a respectable growth rate which would finance the revitalization of our defense effort while saving $53 billion in the process.

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[1] Effects on the budget from this change are calculated using the CBO "rule-of-thumb" which appears as Appendix A.

Much of the President's program is incorporated, including increased personnel levels and bonuses. There would be 10 percent real annual growth in procurement, 5 percent in operation and maintenance and military construction, and an intermediate—10 percent in 1984–86, 5 percent in 1987–88—growth rate for research, development, test, and evaluation. In addition, there would be a 1-year pay freeze for 1984 and no cost-of-living allowance for retirees; this is a 1-year measure in conjunction with a Government-wide wage freeze.

INTERNATIONAL AFFAIRS

The effort here is twofold: We cannot afford to spend billions of dollars overseas when we have severe economic problems at home, and we need to prioritize that spending so as to maximize alliances with friends and allies.

There would be a general reduction in multilateral assistance and a greater reliance on bilateral or unilateral assistance in order to limit funding nonessential and/or anti-American causes and governments. Moreover, credit levels would be lowered or capped, repayment of loans more strictly enforced, and high-risk and low-priority loans would be restricted. The President's Caribbean Basin Initiative would be promulgated in conjunction with a general realinement giving greater priority to our own hemisphere. And there would be no authorization for a bailout of the International Monetary Fund.

GENERAL SCIENCE, SPACE, AND TECHNOLOGY

There would be no curtailment of the space shuttle or other programs of national importance. A cap would be placed upon funding for the National Science Foundation and its activities would be prioritized to minimize the financing of frivolous and unnecessary projects.

ENERGY

The policy of continued decontrol and deregulation would be adhered to, with minimal activities being maintained in monopoly or interstate situations.

NATURAL RESOURCES AND ENVIRONMENT

An overall policy would be implemented whereby the integrity of our national heritage of parks and wilderness areas would be maintained, but the further encroachment of Government via either land acquisition or land use restrictions would be curtailed.

The environmental protection program would be restructured to emphasize deterrence to pollution rather than nonproductive regulation. Taxpayer financing of the Superfund account would be reduced in favor of relegating a greater share of the cost of cleanups to the polluters.

Inland waterway and recreation user fees would be imposed in order to recover costs presently borne by taxpayers who, for the most part, do not use the services they are paying for.

AGRICULTURE

Outdated—and largely corporate—subsidy programs would be terminated or restricted, and greater emphasis placed upon family farms and the free market. Obsolete, redundant, or unnecessary services would be similarly reduced or eliminated.

The President's payment-in-kind program would be maintained until it can be determined whether or not it is a viable alternative to current price support policies. General agricultural policy should shift from one of nonproduction to production; allowing farmers to harvest however much they desire in order to feed the Nation and establish a fair-market value in the process is far more economically sound, logical, and humane than continuing the present policy of paying them not to.

COMMERCE AND HOUSING CREDIT

The President's proposal to restrain escalating costs for many of these programs is incorporated. Corporate subsidies and certain nonproductive activities are restricted.

TRANSPORTATION

The President's recommendations are adopted to reduce the level of subsidies and promote further deregulation of transportation industries. The 1 cent per gallon gasoline tax allocation for urban mass transportation systems would be rescinded.

COMMUNITY AND REGIONAL DEVELOPMENT

Obsolete, unessential, or counterproductive programs would be terminated.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Many of the President's recommendations to redirect the emphasis of certain education programs are incorporated, including the replacement of existing loans and Pell grants by work/study and self-help grants. Recovery of delinquent student loans would be accelerated. Funding for bilingual education and the National Institute of Education would be terminated. Funding for the National Foundation on the Arts and the Humanities would be restricted to curtail taxpayer subsidies for projects of little or no artisitc merit.

HEALTH

Medical costs have risen faster since the advent of Federal hospital insurance, in large part because vendors know that the Government—that is, taxpayers—will foot the bill. From 1940 to 1965—premedicare—the Consumer Price Index for medical care ran from 5 percent to 26 percent below the inflation rate; from 1965 to 1974, they were roughly comparable; since 1975, medical care has grown from 5 percent to—in 1982—14 percent above the inflation rate. More spectacularly, hospital room costs have escalated from 25 percent above the CPI in 1970 to 70 percent above in 1979. It is clearly a cycle in which increased Federal spending fuels higher medical costs, which, in turn, push the demand for Federal spending even higher.

Growth in the medicare program would be restricted to that in national defense, that is, a 10.4 average annual increase—6 percent real growth. This would allow for modest cost increases above inflation while also predetermining what vendors could receive from Government payments. Medicaid funding would be capped to similarly discourage vendors from arbitrarily raising costs.

INCOME SECURITY

For both Social Security and Federal retirees, a one-half COLA would be granted in 1984, and 60 percent-of-CPI COLA's would ensue in the outyears. The windfall and featherbedding subsidies in the railroad retirement system would be eliminated.

The wasteful and fraud-ridden public housing projects would be terminated and workfare instituted for those receiving public assistance payments.

In the efforts to combat fraud and abuse in the food stamp program, various enforcement measures would be undertaken and purchase requirements would be reinstated. Various child nutrition programs would be consolidated and restricted to the truly needy.

VETERANS BENEFITS AND SERVICES

In conjunction with the policy adopted in other retirement programs, a 60 percent-of-CPI COLA would be adopted in the outyears.

ADMINISTRATION OF JUSTICE

Greater emphasis should be placed on fighting crime, not social causes. In an effort to curtail unnecessary harassment and public financing of liberal social schemes, the Bureau of Alcohol, Tobacco, and Firearms and the Legal Services Corporation would be terminated.

GENERAL GOVERNMENT

Excessive increases in the cost of Government would be curbed and, in general, the President's proposals adopted to streamline the still-bloated bureaucracy.

GENERAL PURPOSE FISCAL ASSISTANCE

Revenue sharing would be terminated. This money is ill-affordable and misspent when confronted with triple-digit deficits. Furthermore, a healthier economy and lower Federal taxes will be more beneficial to States and communities than a lump sum from Washington.

NET INTEREST

Billions of dollars in interest on the public debt would be saved through adoption of a gold standard and, concurrently, greatly reduced budget deficits.

ALLOWANCES

A Government-wide pay freeze would be effected for 1984 only, a CPI-based COLA to be resumed thereafter. The Davis-Bacon Act would be repealed, the policy of contracting-out extended, and greater recovery of delinquent debts sought.

UNDISTRIBUTED OFFSETTING RECEIPTS

The President's recommended level of receipts would be adopted.

MISCELLANEOUS OFFSETS

Higher real GNP growth and an oil price decline will account for billions of dollars in added revenue and a modest decline in outlays.

COMPARING NUMBERS

The following table compares the alternative balanced budget proposal to the first concurrent resolution on the budget—fiscal year 1984 produced by the House Committee on the Budget and passed in the House on March 23, 1983, and to the President's original Budget of the U.S. Government—Fiscal Year 1984 issued by the Office of Management and Budget on January 31, 1983, and which was reestimated by the Congressional Budget Office.

THE FISCAL YEAR 1984 BUDGET—A COMPARISON

[In billions of dollars]

Function	President's reestimated	House Budget Committee	Dannemeyer alternative
050 National defense:			
BA	280.25	263.85	271.28
O	244.70	235.40	236.15
150 International affairs:			
BA	26.65	18.85	11.21
O	12.70	13.20	8.70
250 General science, space and technology:			
BA	8.45	8.85	7.38
O	8.15	8.35	7.33
270 energy:			
BA	2.85	4.40	2.69
O	3.30	4.30	2.49
300 Natural resources and environment:			
BA	9.35	12.10	8.60
O	10.10	12.50	9.34
350 Agriculture:			
BA	13.10	14.85	11.02
O	12.80	14.65	10.84
370 Commerce and housing credit:			
BA	7.80	6.10	5.04
O	.75	2.30	.85
400 Transportation:			
BA	27.70	28.30	25.73
O	24.90	26.15	24.37
450 Community and regional development:			
BA	6.15	8.25	6.30
O	7.35	8.55	7.17
500 Education, training, employment, and social services:			
BA	25.60	39.15	25.85
O	25.25	32.70	24.58
550 Health:			
BA	92.05	96.25	90.73
O	90.25	96.00	89.96
600 Income security:			
BA	286.10	310.60	278.23
O	278.55	284.70	271.82
700 Veterans benefits and services:			
BA	25.90	26.00	25.60
O	25.35	25.55	25.31
750 Administration of justice:			
BA	5.60	5.60	4.83
O	5.55	5.50	4.95
800 General Government:			
BA	5.95	5.80	5.40
O	5.85	6.05	5.22
850 General purpose fiscal assistance:			
BA	6.75	7.60	3.19
O	6.75	7.60	3.19
900 Net interest:			
BA	96.00	96.15	69.68
O	96.00	96.15	69.68
920 Allowances:			
BA	.95	1.20	−3.71
O	.95	1.25	−3.71
950 Undistributed offsetting receipts:			
BA	−18.90	−17.35	−22.75
O	−18.90	−17.35	−22.75
999 Miscellaneous offsets:			
BA	0	0	−15.00
O	0	0	−15.00
Total budget:			
BA	908.70	936.55	811.30
O	843.10	863.55	760.51
Revenues	661.65	689.10	692.00
Deficit	181.45	174.45	68.51
Taxes raised	3.0	30.0	0

□ 1920

Mr. Speaker, we know the law requires that by September of this year the House, under existing law, must adopt a second concurrent resolution. It is my hope that the House will come to a rational judgment on what is the responsible thing to do in this country with respect to setting the spending level for fiscal year 1984, and I hope the House will at least take up that alternative budget which this Member prepared so that we can have a vote as to whether or not the Members are interested in reducing this runaway spending.

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my colleague, the gentleman from Oklahoma.

Mr. McCURDY. Mr. Speaker, as the gentleman knows, I supported that constitutional amendment and have been very concerned about deficit spending.

Is the gentleman saying that he would support a proposition whereby we would have a freeze on spending across the board, both in defense and nondefense items, if it were in some measure to have a meaningful effect on deficit reduction?

Mr. DANNEMEYER. Mr. Speaker, in response to that question, let me say that this alternative presupposes a reduction in spending for 1984 of some $85 billion over the version that the House budget presented to us. Included within that approach is a freeze on almost all categories of spending except for defense, and in defense it permitted a growth of 5 percent after inflation.

The reason I provided that was not because I feel that defense should be exempted, but over the last 20 years the record shows that the increase in defense spending has grown by about 11 percent in constant 1972 dollars, whereas the growth in nondefense spending has been over 400 percent in the same 1972 constant dollars, the point being that this country and its budget is not out of whack because of excessive defense spending; it is because of social spending or nondefense spending that we are in deep fiscal trouble today.

Mr. McCURDY. Mr. Speaker, I would agree that spending has gotten out of control, but I would just state that the gentleman may have an opportunity to cast a vote on a freeze across the board. I am to the point that I believe we may have to be calling for bold action for a freeze on all spending, and we have to consider defense as well.

Mr. Speaker, I did not want to take too much of the gentleman's time. I just wanted to clarify his position.

Mr. DANNEMEYER. Mr. Speaker, I appreciate the comment of my colleague, the gentleman from Oklahoma, Mr. McCurdy.

Over the course of the next 4 or 5 days, I intend, if time permits in the schedule of the House, to bring to the attention of my colleagues where the specific cuts in spending can be made in a reasonable, defensible way. I think I can also make clear to my colleagues that these cuts, totaling some $85 billion, are not being done on the backs of the poor, and we are not taking this out of the downtrodden, the handicapped, the deprived, and the underserved of our society.

Mr. Speaker, I yield back the balance of my time.

OPEN TRADE AND EUROPEAN COMMUNITY SUBSIDIES—HISTORICAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. Bereuter) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, each of us is aware of the extensive export trade subsidies being placed on agricultural exports by the European Economic Community (EEC), in their effort to reduce the domestic surpluses they are systematically producing.

While I can certainly understand the need for the members of the EEC to maintain their self-sufficiency in the area of food production, the facts clearly indicate that many members of the Community, particularly the French, have in recent years consciously produced surpluses and then used export subsidies to take away third-nation markets from the United States and other traditional export suppliers. For example, EEC exports of wheat have risen from a total of 1.2 million tons—3 percent of world trade—in 1970–71 to an estimated 12.5 million tons—13 percent of world trade—in 1982–83, a year when U.S. exports are expected to drop by almost 8

million tons. While the strong dollar is, of course, responsible for some decline in U.S. exports, much of that decline is directly attributable to fallout from the Carter grain embargo and especially, to excessive export subsidies currently utilized by the EEC.

Some things occur again and again. This Member finds it interesting that over 100 years ago, in the 48th Congress, the late Senator John S. William expressed the same sentiments that I am expressing today, when he stated: "All we want is an open field and fair play. We want opportunities to reach the market of the world."

In fact, it can be said that the American producer is twice penalized by the EEC agricultural policies, in that much of the funding for export subsidies is, in effect, raised by the import tariffs which the EEC imposes upon American farm products imported to the EEC. Our hands are certainly not clean with respect to trade barriers, but we are, by general agreement, the developed Nation with the most open trade opportunities for imports from other countries. Then, too, it must be recognized that while we also heavily subsidize our agriculture, our subsidies are primarily focused on reducing production to sustain reasonably profitable commodity price levels. Thus, for example, while we keep wheat production down by subsidies, the French are expanding wheat production and subsidizing their product at the export end. It can thus be said that the American taxpayer is indirectly subsidizing the French wheat farmer through: First, our subsidies which decreases U.S. supplies and, second, by paying import tariffs which increase commodity prices in the EEC.

I believe it is even more important for EEC officials to understand the severe adverse impacts of their agricultural subsidy actions upon our producers and their export markets.

I believe it is even more important for EEC officials to understand the severe adverse impact of their agricultural subsidy actions upon our producers and their export markets, not to mention the tremendous impact upon Third World nations that have one or two commodities as their export base.

We have been forced to substantially reduce our production levels in this country, due, in part, to the extensive subsidy programs utilized by the European Economic Community. These subsidies have excluded U.S. agriculture from the markets it has earned and to which it is entitled by efficiency and natural advantages. Senator Thomas F. Bayard, Sr. of Delaware made a statement in 1883, 100 years ago, which also clearly describes the situation we face today. He said:

> When we find ourselves tied up in our home market by overproduction and are asking for relief, do we stop labor and cease production, for we cannot go abroad? We have an overweighted and overhandicapped horse, that cannot be put into the race with others outside of this country, because he would be beaten almost before he started.

European Economic Community subsidies have, in effect, handicapped and overwighted our horse, and unless we move toward demanding an equalization of weight, we will never become competitive in the race.

□ 1730

BALTIC FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, June 14 marks the 43rd year the people of the Baltic States of Estonia, Latvia, and Lithuania have been occupied by the Soviet Union. The proud people of these nations are not only enduring but bravely resisting intense pressures to "Russify" their separate national cultures and I was glad to cosponsor House Joint Resolution 201, the bill to designate June 14, 1983, as Baltic Freedom Day. The bill passed in the House of Representatives on June 9.

This horror began in 1940 when the Communists invaded these nations with the intent of incorporating them into the Soviet Union. In order to make the transition from free, independent nations to Communist-controlled ones, the Soviets needed to eliminate the differences in culture these nations enjoyed. The Red army began by arresting, forcibly deporting, and in some cases executing intellectuals, peasants, and politically active persons.

Each nation lost tens of thousands of people through deportation. These citizens were herded into cold unsanitary boxcars and shipped to Siberia and other remote parts of the Soviet Union. The remaining citizens were subjected to severe restrictions on religious practices, customs, and the use of native languages. These efforts intensified in 1941 until interrupted in June of that year by the Nazi invasion. When the Communists regained control in 1944, their destruction of the heritage and identify of the Baltic States resumed. In addition, more deportations took place in 1949, including an estimated 30,000 from Estonia and 50,000 from Latvia. About 10 percent of the entire population of Lithuania was deported in 1948 and 1949.

Today these countries remain under Soviet control while native citizens struggle to maintain a sense of national identity. The Soviets continue to try to destroy this identity with force. In an effort to eliminate the Baltic languages, they have directed that Russian be taught in all kindergartens, day care centers, and secondary schools. Religious activities and beliefs are rewarded with discrimination, harassment, vandalism, and arrests. Communist propaganda and threats are used to influence young people and their activities are monitored and scrutinized for their aherence to party objectives.

The Baltic people are hard working and industrious and often produce a surplus of food and goods. In 1978, the Estonian output of dairy products, eggs, and beef was nearly twice the Soviet Union average. The other Baltic nations share similar successes. However, most of these products are exported to the Soviet Union, causing shortages, rationing, and long lines in these productive nations.

The Governments of the United States, Great Britian, and Canada have never recognized the illegal annexation of the Baltic States by the Soviet Union. Recently, the European Parliament adopted a resolution on the situation in Latvia, Lithuania, and Estonia. The resolution follows as does the editorial by the Voice of America on this subject as reprinted by the March-April edition of the ELTA Information Bulletin, published by the Lithuanian National Foundation:

RESOLUTION ADOPTED BY THE EUROPEAN PARLIAMENT ON JANUARY 13, 1983

RESOLUTION ON THE SITUATION IN ESTONIA, LATVIA AND LITHUANIA

The European Parliament,

A. having regard to the joint declaration of 45 nationals of Estonia, Latvia and Lithuania, in April 1979, calling on the United Nations to recognize the rights of the Baltic States to self-determination and independence, and demanding a referendum on this issue,

B. having regard to the bilateral peace treaties between the Soviet Union and the three Baltic States in Dorpat (2 February 1920), Moscow (12 July 1920) and Riga (11 August 1920), in which the Soviet Union guaranteed the three Baltic States the inviolability of their territory and eternal peace,

C. having regard to Article VIII of the Final Act of the Helsinki Conference on Security and Cooperation, which secures the right of self-determination of peoples and their right, in full freedom, to determine, when and as they wish, their internal and external political status,

D. condemning the fact that the occupation of these formerly independent and neutral States by the Soviet Union occurred in 1940 following the Molotov/Ribbentrop Pact, and continues,

E. whereas the Soviet annexias of the three Baltic States has still not been formally recognized by most European States and the USA, Canada, the United Kingdom, Australia and the Vatican still adhere to the concept of the Baltic States,

F. having regard to the eight-year-long struggle and armed resistance of Estonians, Latvians and Lithuanians fighting for their freedom, the thousands of victims of this struggle and the 665,000 Estonians, Latvians and Lithuanians who have been resettled and removed to labour camps in Siberia by the Soviet rulers since 1940,

G. having regard to the motion for a resolution by Sir James Scott-Hopkins and others on behalf of the European Conserva-

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tive Group on the situation in Estonia, Latvia and Lithuania (Doc. 1-777/80),

H. having regard to the report of the Political Affairs Committee (Doc. 1-656/82),

1. Calls on the Foreign Ministers meeting in Political Cooperation to form a common favourable approach to the declaration addressed to the United Nations in 1979;

2. Suggests that they submit the issue of the Baltic States to the Decolonization Subcommittee of the UN;

3. Considers that the plight of the peoples of these States should be the subject of review during the conferences to monitor implementation of the Helsinki Final Act;

4. Expresses the hope that the Conference of Foreign Ministers will use their best endeavours to see that the aspirations of the peoples of these States as to their form of government are realized,

5. Instructs its President to forward this resolution to the Foreign Ministers meeting in Political Cooperation and to the Governments of the Member States.

VOICE OF AMERICA—EUROPEAN PARLIAMENT AND "MOSCOW'S BALTIC COLONIES"

(A VOA editorial reflecting the views of the U.S. Government)

"The European Parliament issued an appropriate reminder earlier this month about a large population whose desire for independence was ignored during the great period of decolonization that followed the second world war.

"The independence of the Baltic States, Estonia, Latvia and Lithuania, was in effect ended by a secret treaty between Nazi Germany and the Soviet Union more than four decades ago. The subsequent annexation of the three countries by the Soviet Union deprived their populations of the right of self-determination that the United Nations has supported the world ever since its founding.

"So the delegates to the European Parliament have called on their foreign ministers to submit the issue of the Baltic States to the United Nations subcommittee on Decolonization. That is an excellent idea.

"The annexation of the Baltic States has never been recognized by the United States, Great Britain or Canada, or by most of the governments of Western Europe, or by the Vatican. But the United Nations has never taken up their status in its subcommittee on Decolonization—an appropriate forum for the issue given the Baltic States' de facto status as Soviet colonies.

"No one should have any illusions about Moscow's attitude in this matter. Ever since Stalin, Soviet policy toward the Baltics has been consistent and unremitting. It is to destroy their sense of separate nationality, to exploit their national resources and to crush any dissidents within their boundaries.

"We don't expect any sudden change in that policy. The Kremlin is not likely to be persuaded by world condemnation to hold free elections so that the Baltics can decide their own political fate. But bringing their colonial status before the United Nations would emphasize that time has not legitimized the Soviet claims to Estonia, Latvia and Lithuania.

"It would also remind the Kremlin leaders that the outside world is aware of their treatment of the Baltic population—and of the harassment and imprisonment of the Baltic patriots who even today continue to defy the imperial Soviet state.

"That was an editorial, reflecting the views of the U.S. Government".

(This editorial was transmitted in all the VOA languages).

Mr. Speaker, I am pleased and privileged to join with Americans of Estonian, Lithuanian, and Latvian descent in the 11th Congressional District, which I am honored to represent, in the city of Chicago, and across the Nation in commeorating June 14, 1983, as Baltic Freedom Day. On this day we honor and remember the brave souls who died for freedom as well as those who continue the struggle to keep alive the hopes and dreams of these great peoples, who only seek to live their own lives and guide their own destinies. It is my hope that democracy will someday be restored to these three nations.●

MISSIONARIES RESPOND TO PRESIDENT REAGAN'S CENTRAL AMERICAN ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 15 minutes.

● Ms. OAKAR. Mr. Speaker, I want to bring to the attention of my colleagues a statement prepared by 49 missionaries in Nicaragua in response to President Reagan's recent speech to the Joint Session of Congress on Latin America. Unfortunately, the major dailies and the weekly news magazines did not report the missionaries' statement.

As we slip deeper and deeper into active military involvement in Central America, it is essential that we listen to those people who are working in countries like Nicaragua to learn what the effects of our policies and actions are. We must make every effort to avoid the misperceptions, half-truths and falsehoods that preceded our disastrous involvement in Vietnam two decades ago.

The religious who issued the response to the President's speech remind us of the real causes of turmoil in Central America—poverty, hunger, and injustice. These are the problems we should be addressing. They must be addressed through humanitarian and economic aid, not military aid and covert action.

Following is the statement of the missionaries and a list of those signing:

CENTRAL AMERICAN HISTORICAL INSTITUTE, INTERCULTURAL CENTER, GEORGETOWN UNIVERSITY,
Washington, D.C. April 27, 1983.

STATEMENT BY U.S. RELIGIOUS IN NICARAGUA IN RESPONSE TO THE ADDRESS BY PRESIDENT REAGAN TO A JOINT SESSION OF CONGRESS

"I ask if you really want to defend human rights, that you prohibit the sending of military aid to the junta and guarantee that your government does not intervene, directly, with military, economic, diplomatic, etc. pressures in determining the density of the Salvadoran people." (From a letter by Archbishop Oscar Romero to President Jimmy Carter, March 1980.)

We, a group of U.S. Church people who have lived and worked in Nicaragua and other Central American countries for many years, believe in the Gospel and the search for truth. We echo Monsignor Romero's words and underline them, not only for El Salvador, but for the rest of Central America.

In Mr. Reagan's address to the joint session of Congress on Wednesday (April 27), he said he was acting in the hope of preventing a crisis. We who live here can attest to the fact that the crisis already exists and daily is made more acute by U.S. policy in the region. We feel Mr. Reagan's address presented a very distorted view of the Central American reality to the American people. We feel President Reagan did not address the real causes of conflict in Central America. As Senator (Christopher) Dodd pointed out, if poverty, hunger and injustice did not exist, revolution would not exist—with or without the Soviet Union.

We have seen great strides and faltering mistakes here in Nicaragua in the last three and one-half years. We have seen the joy of peasants learning to read, the improved health of children vaccinated against polio and other childhood diseases, the pride of farmers who have title to their own land for the first time.

As religious workers in Nicaragua, we have found that we are free—and encouraged—to exercise the preferential option for the poor stressed by the Latin American bishops at Medellin and Puebla. Nicaragua is one of the few Latin American countries in which those efforts for the poor are echoed rather than repressed by the government. We do not deny problems, nor mistakes—but we must not confuse errors with systematic repression. We know repression, In other Central American countries, we have all lost friends and co-religious who were killed by U.S.-backed military or paramilitary forces for their work with the poor.

More and more in the last year we have also seen the effects of the U.S. backed counterrevolutionary activity on those same poor of Nicaragua—in what we strongly feel is an illegal and undeclared war by the Reagan administration on this country. We have seen tobacco fields burned, young volunteers in the coffee harvest shot and killed, delegates of the word picked out for torture and death. We have taken shrapnel out of the heads of babies—from mortar shells launched from Honduran territory.

We must repeat emphatically that it is the poor in Central America who are affected every day by U.S. policy. It is they who bear the brunt of decisions made in Washington or in the U.S. embassy in Tegucigalpa. It is the poor who suffer as the U.S. squeezes Nicaragua economically.

The Somocista forces attacking Nicaragua from Honduras in order to overthrow this government are pictured in Washington as a democratic alternative. One has only to look at the system of oppression under which the Nicaraguans lived for 46 years and at the actions of Somoza's security forces from which most of these forces come to see what their return to power would mean to Nicaragua.

What is our hope? Our hope is that the U.S. will encourage bilateral negotiations between Nicaragua and Honduras; that the U.S. will encourage efforts by the Contadora group (the Foreign Ministers of Colombia, Mexico, Panama, and Venezuela); that the U.S. will agree to bilateral negotiations

with Nicaragua, asked for repeatedly—most recently only last Monday by Daniel Ortega. We ask for the U.S. to stop its intervention in Central America, to cease its insistence upon military solutions, and that it allow these countries the right of self-determination.

We also hope that U.S. citizens (many of whom have visited Nicaragua and seen its reality) will continue in their efforts to bring a policy of peace to this area. We applaud and support the efforts of the U.S. Conference of Catholic Bishops, the National Council of Churches, the Moravian Church, and countless other church and civic groups who echo Archbishop Romero's words and cry for peace with dignity in Central America.—Managua, Nicaragua, April 29, 1983.

Letter in reponse to Reagan's speech April 27, 1983 signed by:

Rev. James E. Goff, United Presbyterian Church, USA.
Margaret P. Goff, United Presbyterian Church, USA.
Joan Parajon, American Baptist Churches, USA.
Rev. Stephen Heneise, American Baptist Churches, USA.
Shelia Heneise, American Baptist Churches, USA.
Sharon Hostetler, Mennonite Church, USA.
Katherine Pettus de Torres, Episcopal Church, USA.
Howard Heiner, United Methodist Church, USA.
Peggy Heiner, United Methodist Church, USA.
Gerald Schlabach, Mennonite Central Committee.
Joetta Schlabach, Mennonite Central Committee.
Nancy Hansen, School Sisters of St. Francis.
Alicia Ramirez, Sisters of Loretto.
Barbara Arcol, Sisters of Notre Dame de Namur.
Sandra Price, Sisters of Notre Dame de Namur.
Mary Hartman, Sisters of St. Agnes.
Margarita Navarro, Sisters of St. Joseph of Medaille.
Julia Marciacq, Sisters of St. Joseph of Carondolet.
Phyllis Celleher, Dominican Sisters of Tacoma.
Andrea Balconesse, Dominican Sisters of Adrian.
Suzanne Dellie, Sisters of Mercy.
Jo Ellen McCarthy, Sisters of Charity of the BVM.
Lisa Fitzgerald, Religious of the Sacred Heart.
Camellus Dusreyne, SFC.
Peter Marchetti, Society of Jesus.
Robert Stark, Blessed Sacrament Priest.
John Spain, Maryknoll Fathers.
Barbara Ginter, Sisters of St. Joseph.
Patricia Edminsten, Maryknoll Sisters.
Julianne Warranshius, Maryknoll Sisters.
Nancy Donovan, Maryknoll Sisters.
Beatriz Caragoza, Maryknoll Sisters.
Joan Uhlen, Maryknoll Sisters.
Rachel Pinal, Presentation Sisters.
Lorretta Kruegler, Maryknoll Sisters.
Maria Collabella, Maryknoll Sisters.
Rita Owczarek, Maryknoll Sisters.
Julie Miller, Maryknoll Sisters.
Patricia Murray, Maryknoll Sisters.
Patricia Hynds, Maryknoll Lay Missioner.
Dina O'Connell, Maryknoll Lay Missoner.
Peggy Healy, Maryknoll Sisters.
Donna Woznica, Maryknoll Sisters.
Celine Woznica, Maryknoll Sisters.
Teresa Perkes, Maryknoll Sisters.
Patricia Haggerty, Maryknoll Sisters.
Bridget Keogh, Religious of the Sacred Heart.
Carol Magoon, Associate, United Church Board for World Ministries.●

JUDICIAL REVIEW OF VETERANS CLAIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 10 minutes.

● Mr. LAFALCE. Mr. Speaker. Today, along with our colleagues THOMAS A. DASCHLE, chairman, Vietnam-Era Veterans in Congress Caucus, DAVID E. BONIOR, NORMAN E. D'AMOURS, WILLIAM Z. RATHFORD, ROBERT MRAZEK, JIM OBERSTAR, and RON MARLENEE, I am introducing a bill to provide for judicial review of determinations made on veterans' claims by the Veterans' Administration (VA).

Under current law, a veteran's claim for benefit is reviewed and decided upon completely in-house by the Veterans' Administration (VA) and may not be brought before the courts for adjudication. Veterans are literally held hostage to the VA determinations. They have no legal recourse.

It is ironic indeed, Mr. Speaker, that veterans who have fought to protect the basic constitutional rights of all Americans are being denied the basic right to due process when dealing with the VA. The bill that I am introducing today along with my Vietnam-Era Veterans in Congress Caucus colleagues will end this dual system of justice by guaranteeing to all veterans the same rights and privileges enjoyed by all Americans when dealing with other Government agencies.

Clearly, our goal should be to insure the most equitable consideration of claims filed by veterans. Our bill would accomplish this goal by giving the veteran access to the Federal court system and through that a fresh look at his or her claim.

The bill also provides for reasonable attorney fees for veterans in need of legal assistance. Presently, a veteran who seeks legal assistance can pay his or her lawyer no more than $10 for legal services associated with the claim. The bill also requires VA compliance with the Administrative Procedures Act.

The Senate Veterans' Affairs Committee has already reported a bill to provide for judicial review of VA claims decisions, and the Subcommittee on Oversight and Investigations of the House Veterans' Affairs Committee has scheduled hearings on the issue for July 21 and 22, 1983.

Mr. Speaker, without this bill or similar legislation, the VA will continue to make decisions affecting the lives of veterans unfettered by the prospect of judicial review, while veterans will remain second-class legal citizens.

The basic right of appeal to a higher authority, a right extended to all Americans who feel they have been wrongly judged by an agency of the Federal Government, must be extended to veterans whose lives and well-being can be dramatically affected by VA decisions.●

MANTEO BAY PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of North Carolina. Mr. Speaker, I am today introducing a bill designed to clear up a problem that has for several years now delayed the construction of the much-needed Manteo (Shallowbag) Bay project in Dare County N.C. The bill will transfer land crucial to the project from the jurisdiction of the Department of the Interior to the Secretary of the Army, thus clearing the way for the project to begin.

The Manteo (Shallowbag) Bay project is designed to stabilize the Oregon Inlet, an inlet which is crucial to North Carolina's offshore fishing industry. The inlet is a passageway between two islands in the North Carolina outer banks, Bodie Island and Pea Island. By the use of jetties and an innovative sand bypassing system, the project will stabilize the inlet to allow fishing vessels safe ingress and egress to the modern seafood processing facilities at Wanchese Harbor. Safe access to this modern facility will result in a strong growth in the fishing industry in this area and will add millions of pounds of seafood to domestic and foreign markets.

The need for the project may be easily demonstrated by noting the danger which fishermen who now use the inlet face each time they make the journey from the Atlantic Ocean to the safety of harbors within the Pamlico and Albemarle Sounds. During the fall and winter fishing seasons, shoaling is extremely rapid and the channel within the inlet changes its position quickly. During the peak commercial and sport fishing months, groundings of vessels in the inlet average 15 to 20 per month. These accidents not only cause vessel losses and damages in the millions of dollars each year, but also result in personal injuries and loss of life. The Coast Guard recorded eight lives lost in the Oregon Inlet from the years 1969 through 1979.

In 1970, Congress addressed the problem at the inlet by authorizing a project to stabilize the inlet through the use of a jetty system and a means of sand transfer to the downdrift beach. The channel through the ocean bar at the inlet was authorized to be

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20 feet deep and 400 feet wide. So far, neither stabilization nor the authorized channel depth have been achieved. The Corps of Engineers has determined that the jetty and sand bypassing system is the only means by which this can be done.

The project designed by the corps will stabilize the inlet with no adverse environmental impact. In fact, if the project is not soon built, the environmental effects may be quite severe. The corps estimates that, unless a jetty system is used to stabilize the inlet, Pea Island, the site of a Coast Guard lifesaving station and a national wildlife refuge, will lose 450 acres over the next 8 to 10 years. The Manteo (Shallowbag) Bay project will stabilize this erosion, which even now is occurring at a rate of 16 to 17 acres per year.

The reason that the project has not already been built relates to the owner of the land north and south of the inlet, the U.S. Department of the Interior. Some amount of land north and south of the inlet must be used by the corps to construct and operate the jetties. To the north of the inlet is Bodie Island and part of the Cape Hatteras National Seashore. To the south of the inlet, as I have mentioned, exists the Pea Island National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service.

Although the owners of the land, the Department of Interior, has indicated to the Corps of Engineers a preference for dredging the inlet, rather than the use of jetties, the corps has studied the dredging alternatives and has found none of them to be workable. Nevertheless, the Department of the Interior has not issued the necessary permits so that construction of the project can begin. Because the construction of the project is for navigation purposes not consistent with the purposes for which the Pea Island Wildlife Refuge was established, the Department has taken the position that no permit can be issued to use wildlife refuge land. The Department has also taken the position that no authority exists to grant permits for the construction of jetties using property within the Cape Hatteras National Seashore.

My bill will avoid this problem by transferring the necessary property to the Secretary of the Army so that the project can be built as authorized by Congress in 1970. The Secretary of the Army, through the Chief of Engineers, will determine what land is necessary for the construction of the property. I am informed that the land necessary for permanent corps authority will be no more than 90 acres. An additional 50 acres of land will need an easement in favor of the corps.

Mr. Speaker, this bill is necessary to correct a situation which was not envisioned when the Manteo (Shallowbag) Bay project was authorized in 1970. The project is very important to the people of North Carolina and will result in very significant economic growth in an area where unemployment now runs as high as 40 percent. I ask my colleagues to strongly support the bill.●

NATIONAL CHILDREN'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Panetta) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, Francis Thompson said:

> Know you what it is to be a child? It is to be so little that the elves can reach to whisper in your ear; it is to turn pumpkins into coaches, and mice into horses, lowness into loftiness, and nothing into everything, for each child has its fairy godmother in its soul.

Mr. Speaker, in this time of uncertainty and constant change, when the threat of nuclear annihilation hangs like a dark cloud over all our plans and designs for the future, we must remember that our children represent this Nation's most precious resource. They are the citizens, and the leaders, of tomorrow; in them lies our potential and our brightest hope.

With this realization, Mr. Speaker, come certain responsibilities. If our children are to survive the problems of today—let alone solve the problems of tomorrow—they will need the proper tools and the proper environment in which to use them. As public servants, it is our duty to try and create for them a world free from poverty and hunger, illness and ignorance; free from discrimination in all its forms and from the ravages of war. We must provide them with a good education, and with the opportunity for each one of them to use that education to fulfill his or her individual potential. We must give them the confidence and courage to know that they can guide the forces of change, rather than being driven by those forces. And we must insure that the policies we pursue today will leave them a legacy not of environmental contamination, social and economic discord, and the horrible threat of nuclear confrontation—but of peace, justice, and freedom.

In these monumental tasks, Mr. Speaker, I believe the children themselves can help us. Their perception, their innocence, their special vision and spirit can serve as guides for us in the difficult decisions that lie ahead. In order to acknowledge not only our responsibility and commitment to them, but also their special contribution to us, I am today introducing a resolution to designate this August 7 as National Children's Day. Through a similar resolution adopted by the 97th Congress, August 8, 1982, was also set aside for this purpose.

I believe the designation of a second National Children's Day will help us to keep a sense of perspective, to recognize the importance of this very special constituency, and to understand the importance of the decisions we make not only for today's children but for their children and for the future. I hope my colleagues will agree, and will support this resolution.

The text of the resolution follows:

H.J. Res. 294

Whereas American's children represent new life and new hope for the future of the Nation and the world;

Whereas children should be regarded as this Nation's most precious resource, and be assured of proper guidance and opportunity to be prepared to become productive citizens and responsible leaders of tomorrow;

Whereas children have a right to quality education, freedom from hunger, freedom from poverty, freedom from discrimination, and the legacy of a world at peace;

Whereas the Nation's adults have an obligation to create a better world which is conducive to the well-being of the children of the United States, a world in which children can feel secure in the knowledge that they will have the opportunity to achieve their maximum potential as adults; and

Whereas the Nation should affirm its commitment to focus on the joys, the rights, and the needs of children so as to create a better life for them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 7, 1983, is designated as "National Children's Day" and the President is requested to issue a proclamation commemorating the occasion and calling upon the people of the United States to observe that day with appropriate ceremonies and activities.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at his own request), for today and probably Wednesday, June 15 on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McCain) to revise and extend their remarks and include extraneous material:)

Mr. Sensenbrenner, for 5 minutes, today.

Mr. Dannemeyer, for 30 minutes, today.

Mr. Dannemeyer, for 30 minutes, on June 15.

Mr. Dannemeyer, for 30 minutes, on June 16.

Mr. Dannemeyer, for 30 minutes, on June 27.

Mr. Dannemeyer, for 30 minutes, on June 20.

Mr. Dannemeyer, for 30 minutes, on June 21.

Mr. Bereuter, for 5 minutes, today.

(The following Members (at the request of Mr. Shannon) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio for 5 minutes, today.

Mr. Gonzalez for 30 minutes, today.

Ms. Oakar for 15 minutes, today.

Mr. LaFalce for 5 minutes, today.

Mr. Jones of North Carolina for 5 minutes, today.

Mr. Panetta for 5 minutes, today.

Mr. Alexander for 60 minutes, on each day, June 14–17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Obey, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,449.

(The following Members (at the request of Mr. McCain) and to include extraneous matter:)

Mr. Broomfield.
Mr. Rogers.
Mr. Hiler.
Mr. Skeen.
Mr. Bereuter.
Mr. Wolf.
Mr. Fields in four instances.
Mr. Gradison.
Mr. Shumway.
Mr. Sundquist.
Mr. Mack in two instances.
Mrs. Roukema.
Mr. Dannemeyer in two instances.
Mr. Campbell.
Mr. Lewis of California.
Mr. Badham.
Mr. Lagomarsino in four instances.
Mr. Porter.
Mr. Lowery of California.
Mr. Dreier of California.
Mr. Ritter.
Mr. Lewis of Florida.
Mr. Martin of North Carolina.
Mr. Pursell.
Mr. Evans of Iowa.

(The following Members (at the request of Mr. Shannon) and to include extraneous matter:)

Mr. Stark in two instances.
Mr. Lantos.
Mr. Rodino.
Mr. Fazio.
Mr. Mica.
Mr. Volkmer in two instances.
Mr. Markey in two instances.
Mr. St Germain.
Mr. Wirth.
Mr. Mavroules.
Mr. Brown of California in three instances.
Mr. Addabbo.
Mr. Rahall.
Mr. McDonald in two instances.
Mr. Moakley.
Mr. Udall.
Mr. Gaydos.
Mrs. Lloyd.
Mr. Murphy.
Mr. Long of Maryland in two instances.
Mr. Fowler.
Mr. Wheat.
Mr. Schumer.
Mrs. Collins.
Mr. Torricelli in two instances.
Mr. Conyers.
Mr. Lipinski.
Mrs. Schroeder.
Mr. Harrison.
Mr. Bedell in two instances.
Mr. Solarz.
Mr. Gore.
Mr. Ford of Tennessee.
Mr. Alexander in five instances.
Mr. Derrick.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on June 13, 1983 present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 201. Joint resolution designating June 14, 1983, as "Baltic Freedom Day."

ADJOURNMENT

Mr. McCURDY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 15, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1349. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the custodial services function at the Naval Regional Medical Center, Newport, R.I., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1350. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-33, Alcoholic Beverage Control Amendments Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1351. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-34, D.C. Election Code of 1955 and Related Election Practices Amendments Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1352. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-35, Cable Television Communications Act of 1981 Amendment Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1353. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-36, Firearms Control Regulations Act of 1975 Amendments Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1354. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-37, Solid Waste Regulations Amendments Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1355. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-38, Van Dyke Allen Walker Court Designation Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1356. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-39, D.C. Municipal Regulations Publication Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1357. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-40, Day Care Policy Act of 1979 Amendment Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1358. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-41, Technical and Clarifying Amendments Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1359. A letter from the Director, Defense Security Assistance Agency, transmitting the Navy's proposed lease of defense articles to Turkey (transmittal No. 16-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1360. A letter from the Director, Defense Security Assistance Agency, transmitting the Air Force's proposed lease of defense articles to Canada (transmittal No. 17-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1361. A letter from the Director, Defense Security Assistance Agency, transmitting the Army's proposed lease of defense articles to NATO (SHAPE) (transmittal No. 12-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ZABLOCKI: Committee on Foreign Affairs. H.R. 2760. A bill to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America; with amendments (Rept. No. 98-122, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

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Mr. WHEAT: Committee on Rules. House Concurrent Resolution 126. Resolution providing for the commemoration of the 100th anniversary of the birth of Harry S Truman (Rept. No. 98-241). Referred to the House Calendar.

Mr. WHEAT: Committee on Rules. House Resolution 226. Resolution providing for the consideration of House Concurrent Resolution 126, concurrent resolution providing for the commemoration of the 100th anniversary of the birth of Harry S Truman (Rept. No. 98-242). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 227. Resolution providing for the consideration of H.R. 2668, a bill to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes (Rept. No. 98-243). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 228. Resolution waiving certain points of order against H.R. 3263, a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-244). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 229. Resolution providing for the consideration of H.R. 2972, a bill to authorize certain construction at military installations for fiscal year 1984, and for other purposes (Rept. No. 98-245). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina:

H.R. 3288. A bill to authorize the Secretary of the Army to use certain lands in connection with the navigation project for Manteo (Shallowbag) Bay, N.C.; jointly, to the Committees on Public Works and Transportation, Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 3289. A bill to establish a commission to study defense-related aspects of the U.S. merchant marine; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. BIAGGI:

H.R. 3290. A bill to authorize appropriations for a national summit conference on education; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 3291. A bill to amend section 2(11) of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. CONABLE:

H.R. 3292. A bill to modify the dairy price support program and to repeal the assessment program; to the Committee on Agriculture.

By Mr. DERRICK:

H.R. 3293. A bill to amend the authorization of the demonstration project at Broadway Lake, S.C.; to the Committee on Public Works and Transportation.

By Mr. DOWNEY of New York:

H.R. 3294. A bill to eliminate discrimination with regard to mental illness under medicare; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. EVANS of Iowa (for himself, Mr. Bennett, Mr. Jeffords, Mr. Winn, Mr. Leach of Iowa, Mr. Franklin, Mr. Roberts, Mr. Bedell, Mr. Stangeland, Mr. Morrison of Washington, Mr. Hughes, Mr. Stenholm, Mr. Gunderson, and Mr. Forsythe):

H.R. 3295. A bill to amend the Commodity Credit Corporation Charter Act to promote the exchange of surplus dairy stocks for other materials; jointly, to the Committees on Foreign Affairs, Agriculture and Armed Services

By Mr. HARKIN:

H.R. 3296. A bill to provide that a buyer in the ordinary course of business who buys farm products from a person engaged in farming operations shall own such goods free of any security interest in such goods created by his seller even though the security interest is perfected in accordance with applicable State law and even though the buyer knows of its existence; to the Committee on Agriculture.

By Mr. HARKIN (for himself, Mr. Jeffords, and Mr. Gunderson):

H.R. 3297. A bill to amend the Packers and Stockyards Act, 1921, for the purpose of protecting good faith purchasers of livestock; to the Committee on Agriculture.

By Mr. HUGHES (for himself and Mr. Sawyer):

H.R. 3298. A bill to amend chapter 110 (relating to sexual exploitation of children), and for other purposes; to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. Fish, Mr. Sawyer, and Mr. Sensenbrenner):

H.R. 3299. A bill to amend the Controlled Substances Act, the Controlled Substances Import and Export Act, and the Tariff Act of 1930 to improve forfeiture provisions and strengthen penalties for controlled substances offenses, and for other purposes; jointly, to the Committees on the Judiciary, Energy and Commerce and Ways and Means.

By Mr. LaFALCE (for himself, Mr. Daschle, Mr. Bonior of Michigan, Mr. D'Amours, Mr. Mrazek, Mr. Ratchford, Mr. Oberstar, and Mr. Marlenee):

H.R. 3300. A bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LATTA:

H.R. 3301. A bill to release the State of Ohio and the Ohio Turnpike Commission from restrictions with respect to the imposition and collection of tolls on the Ohio Turnpike; to the Committee on Public Works and Transportation.

By Mr. Lewis of California (for himself, Mr. Lott, Mr. Montgomery, Mr. Michel, Mr. Stenholm, Mr. Frenzel, Mr. Hunter, Mrs. Vucanovich, Mr. Edwards of Oklahoma, Mr. Gramm, Mr. Stump, Mr. Emerson, Mr. Denny Smith, Mr. Gregg, Mr. Broyhill, Mr. Craig, Mr. Philip M. Crane,, Mr. Daniel, Mrs. Martin of Illinois, Mr. Chappell, Mr. Loeffler, Mr. Sam B. Hall, Jr., Mr. Livingston, Mrs. Smith of Nebraska, Mr. Kindness, Mr. Daniel B. Crane, Mr. Myers, Mr. Hartnett, Mr. Rogers, Mr. McCollum, Mr. Thomas of California, Mr. Gingrich, Mr. Hightower, Mr. Solomon, Mr. Breaux, Mr. Campbell, Mr. Valentine, Mr. Hiler, Mr. Wortley, Mr. Chappie, Mr. Stangeland, Mr. Porter, Mr. Erlenborn, Mr. Courter, Mr. Brown of Colorado):

H.R. 3302. A bill to provide for administration of pay of new Government Printing Office employees under the prevailing rate system and the General Schedule, while protecting the pay of present Government Printing Office employees; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. MACK:

H.R. 3303. A bill to designate the Federal Building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building"; to the Committee on Public Works and Transportation.

Mr. MARRIOTT:

H.R. 3304. A bill to amend the Small Business Act with respect to disaster loan programs; to the Committee on Small Business.

By Mr. SCHEUER (for himself, Mr. Ackerman, and Mr. Owens):

H.R. 3305. A bill to require the disposal of certain lands at Fort Totten, N.Y., for public health and park and recreation purposes; to the Committee on Government Operations.

By Mr. SCHUMER:

H.R. 3306. A bill to amend the Internal Revenue Code of 1954 to permit medical expenses incurred by crime victims to be deductible without regard to the 5-percent floor on the deduction for medical expenses; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 3307. A bill to amend the Internal Revenue Code of 1954 to provide that certain married individuals are eligible for the deduction for retirement savings on the basis of the earnings of their spouse; to the Committee on Ways and Means.

By Mr. SKEEN:

H.R. 3308. A bill to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building"; to the Committee on Public Works and Transportation.

By Mr. THOMAS of California:

H.R. 3309. A bill to amend the Internal Revenue Code of 1954 to provide that certain married individuals are eligible for the deduction for retirement savings on the basis of the earnings of their spouse; to the Committee on Ways and Means.

By Mr. TORRICELLI:

H.R. 3310. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to the use of alcohol in confectionery; to the Committee on Energy and Commerce.

By Mr. VANDER JAGT:

H.R. 3311. A bill to suspend for a 3-year period the duty on (bicyclchexyl)-1-carboxylic acid 2-(diethylamino) ethyl ester hydrochloride; to the Committee on Ways and Means.

H.R. 3312. A bill to suspend for a 3-year period the duty on 1-piperidinebutanol, alpha-[4-(1,1-dimethylethyl)phenyl]- 4 -(hydroxy-diphenylmethyl); to the Committee on Ways and Means.

H.R. 3313. A bill to suspend for a 3-year period the duty on 2- [4-(2-chloro-1, 2-diphenylethenyl) - phenoxy]-N,N-diethylethan-amine dihydrogen citrate; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 3314. A bill to amend the Hazardous Liquid Pipeline Safety Act of 1979 and the Natural Gas Pipeline Safety Act of 1968 to require additional testing and inspection of pipelines to minimize the risk of injury and damage from pipeline leaks; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. YOUNG of Florida:

H.R. 3315. A bill to amend section 700 of title 18, United States Code, relating to desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. WALKER:

H.R. 3316. A bill to permit localities with severe unemployment to increase employment by obtaining waivers of Federal laws and regulations which limit employment opportunities; to the Committee on Government Operations.

By Mr. PANETTA:

H.J. Res. 294. Joint resolution designating August 7, 1983 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. TRAXLER:

H.J. Res. 295. Joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS of Ohio:

H.J. Res. 296. Joint resolution concerning the proposed United States Steel-British Steel purchase agreement; to the Committee on Ways and Means.

By Mr. BIAGGI:

H. Con. Res. 134. Concurrent resolution expressing the sense of Congress on a transmittal concerning treatment of contributions from relatives to medicaid applicants or recipients; to the Committee on Energy and Commerce.

By Mr. DOWNEY (for himself, Mr. Lehman of Florida, Mr. Gejdenson, Mr. Barnes, Mr. Young of Missouri, Mr. Pursell, Mr. Lujan, Mr. Owens, Mr. Gonzalez, Mr. Roybal, Mr. Broomfield, Mr. Towns, Mr. Duncan, Mr. Frost and Mr. Paul):

H. Res. 230. Resolution recognizing and commending the Presidential Scholars in the Arts for their outstanding contributions to the cultural spirit of this Nation; to the Committee on Post Office and Civil Service.

By Mr. WYDEN (for himself and Mr. Swift):

H. Res. 231. Resolution expressing the sense of the House of Representatives that the Federal Communications Commission should institute an inquiry to ascertain the impact on telephone rates of regulatory changes and judicial decisions affecting the telephone system, and that the Subcommittee on Telecommunications, Consumer Protection, and Finance of the Committee on Energy and Commerce should begin consideration of legislation that will assure that basic telephone service is affordable to all the people of the United States; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Neal and Mr. Tallon.

H.R. 225: Mr. Sabo.

H.R. 237: Mr. Bilirakis.

H.R. 242: Mr. Hopkins and Mr. Hansen of Idaho.

H.R. 569: Mr. Rinaldo.

H.R. 919: Mr. Ackerman.

H.R. 1016: Mr. Bilirakis, Mr. Kildee, and Mr. Clinger.

H.R. 1097: Mr. Lewis of Florida.

H.R. 1135: Mr. Carr.

H.R. 1183: Mr. Conyers, Mr. Glickman, and Ms. Kaptur.

H.R. 1197: Mr. Carper, Mr. Gore, Mr. Early, Mr. Craig, Mr. Edwards of Oklahoma, Mr. Cooper, Mr. Savage, and Mr. Eckart.

H.R. 1226: Mr. Conte.

H.R. 1242: Mr. Applegate, Mr. Carr, Mr. Chappie, Mr. Cooper, Mr. Erdreich, Mr. Ford of Michigan, Mr. Frost, Mr. Gilman, Mrs. Lloyd, Mr. Savage, Mr. Torres, Mr. Walgren, Mr. Weaver, Mr. Yatron, and Mr. Zablocki.

H.R. 1244: Mr. Bedell.

H.R. 1315: Mr. Akaka, Mr. Broyhill, Mr. Daniel B. Crane, Mr. Dowdy of Mississippi, Mr. Dyson, Mr. Fish, Mr. Guarini, Mr. Harkin, Mr. Heftel of Hawaii, Mr. Hubbard, Mr. Ireland, Mr. Leach of Iowa, Mr. Luken, Mr. McCloskey, Mr. McCollum, Mr. McKinney, Mr. Madigan, Mr. Pashayan, Mr. Ritter, Mr. Roberts, Mr. Shaw, Mr. Torricelli, Mr. Yatron, and Mr. Zablocki.

H.R. 1341: Mr. Olin, Mr. Akaka, Mr. Clarke, Mr. Kostmayer, Mr. Boucher, Mr. Bryant, Mrs. Schneider, Mr. Bedell, and Mr. Wise.

H.R. 1351: Mr. Sabo.

H.R. 1373: Mr. McCollum, Mr. Walgren, and Mr. Dymally.

H.R. 1382: Mr. Carr.

H.R. 1400: Mr. Roe.

H.R. 1584: Mr. Rowland.

H.R. 1599: Mr. Mineta.

H.R. 1607: Mr. Dreier of California and Mr. Simon.

H.R. 1617: Mr. AuCoin, Mr. Gilman, Mr. Ottinger, and Mr. Neal.

H.R. 1693: Mr. Dwyer of New Jersey, Mr. Ford of Tennessee, and Mrs. Schroeder.

H.R. 1755: Mr. Dyson, Mr. McNulty, Mr. Gilman, Mr. Coelho, Mr. Sabo, and Mr. Mineta.

H.R. 1775: Mr. Bedell, Mr. Bevill, Mr. Boucher, Mr. Brown of California, Mr. Brown of Colorado, Mr. Carper, Mr. Daub, Mr. Dixon, Mr. Downey of New York, Mr. Dymally, Mr. Fazio, Mr. Flippo, Mr. Fowler, Mr. Gejdenson, Mr. Harkin, Mr. Horton, Mr. Hughes, Mr. Jeffords, Mr. Lagomarsino, Mr. Lehman of Florida, Mr. Lewis of Florida, Mrs. Lloyd, Mr. Lowery of California, Mr. McGrath, Mr. Matsui, Mr. Rangel, Mr. Ratchford, Mr. Roe, Mrs. Schroeder, Mr. Simon, Mr. Studds, Mr. Torres, Mr. Torricelli, Mr. Weber, Mr. Yatron, Mr. Young of Missouri, and Mr. Mineta.

H.R. 1870: Mr. Ray, Mr. Sisisky, Mr. Slattery, Mr. Emerson, and Mr. McCloskey.

H.R. 1880: Mr. Scheuer, Mr. Markey, Mr. Ackerman, Mr. Barnes, Mrs. Boxer, Mr. Gejdenson, Mr. Pritchard, and Mr. Sunia.

H.R. 1903: Mr. Gregg.

H.R. 1905: Mr. Minish, Mr. Ackerman, Mr. Pursell, and Mr. Bereuter.

H.R. 1955: Mr. Hillis and Mr. Winn.

H.R. 2053: Mr. Fields and Ms. Oakar.

H.R. 2073: Mr. Reid.

H.R. 2076: Mr. Pashayan and Mr. Feighan.

H.R. 2204: Mr. Coyne, Mr. Wise, Mr. Evans of Illinois, Mr. Mrazek, and Mr. Towns.

H.R. 2225: Mr. Schumer, Mr. Neal, Mr. Gradison, and Mr. Quillen.

H.R. 2232: Mr. Towns, Mr. Weaver, Mr. Mitchell, Mr. Morrison of Connecticut, Mr. Torricelli, Ms. Ferraro, and Mr. Ackerman.

H.R. 2233: Mr. Towns, Mr. Weaver, Mr. Mitchell, Mr. Morrison of Connecticut, Mr. Torricelli, Ms. Ferraro, and Mr. Ackerman.

H.R. 2324: Mr. Studds, Mr. Morrison of Connecticut, Mrs. Holt, and Mr. Donnelly.

H.R. 2372: Mr. Boucher, Mrs. Holt, and Mr. Heftel of Hawaii.

H.R. 2377: Mr. Mica.

H.R. 2468: Mr. Shumway, Mr. Martin of New York, Mr. Sunia, Mr. McHugh, and Mr. Yatron.

H.R. 2530: Mr. Owens, Mr. Florio, Mr. McKinney, and Mr. Hertel of Michigan.

H.R. 2566: Mr. Frank, Mr. Roth, Mr. Jeffords, Mr. Mitchell, Mr. Bedell, Mr. Nowak, Mr. Stenholm, Mr. Daschle, Mr. Dyson, Mr. Roe, Mr. Jacobs, Mr. Bilirakis, Mr. Won Pat, Mr. Dymally, Mr. Towns, Mr. Stokes, Mr. Wolpe, and Ms. Kaptur.

H.R. 2567: Mr. Flippo, Mr. Simon, Mr. Price, Mr. Corcoran, and Mr. Roberts.

H.R. 2714: Mr. Boland, Mr. Boucher, Mr. Ford of Michigan, Mr. Richardson, Mr. Barnard, Mr. Goodling, Mrs. Boxer, and Mr. Mollohan.

H.R. 2813: Mr. Frenzel.

H.R. 2820: Mr. Anthony and Mr. Carr.

H.R. 2837: Mr. Feighan, Mr. Rahall, Mr. Lowry of Washington, Mrs. Kennelly, Mr. Kolter, Mr. Staggers, Mr. Wolpe, Mr. Dwyer of New Jersey, Mr. Coyne, Mr. Hatcher, Mr. Hiler, Mr. McDade, Mr. Scheuer, Mr. Murtha, Mr. Boner of Tennessee, and Mr. Kostmayer.

H.R. 2916: Mr. Packard, Mr. Kogovsek, Mr. Hertel of Michigan, Mr. Roth, Mr. Vandergriff, Mr. Robinson, Mr. Emerson, Mr. McKinney, and Mr. Gregg.

H.R. 2918: Mr. Duncan.

H.R. 2928: Mr. Evans of Iowa, Mr. Chappie, and Mr. Bedell.

H.R. 2929: Mr. Nielson of Utah.

H.R. 2939: Mr. Mrazek.

H.R. 3025: Mr. Frenzel, Mr. Goodling, Mr. Simon, and Mr. Thomas of California.

H.R. 3026: Mr. Nichols, Mr. Duncan, Mr. Yatron, Mrs. Lloyd, Mr. Ford of Tennessee, Mr. Florio, Mr. Tauke, Mr. Barnard, Mr. Dwyer of New Jersey, Mr. Edwards of Alabama, Mr. Hubbard, Mr. Kindness, Mr. Rinaldo, Mr. Whitehurst, Mr. Murphy, Mr. Erdreich, and Mr. Patterson.

H.R. 3043: Mr. Jacobs.

H.R. 3045: Ms. Ferraro.

H.R. 3049: Mr. Daniel B. Crane.

H.R. 3104: Mr. McKinney and Mr. Levine of California.

H.R. 3106: Mr. Hughes, Mrs. Schneider, Mr. Stokes, Mr. Ridge, and Mr. Markey.

H.R. 3110: Mr. Sunia, Mr. Sam B. Hall, Jr., Mr. McHugh, Mr. Anthony, Mr. Miller of Ohio, Mr. Hughes, Mr. Luken, Ms. Kaptur, Mr. Bates, and Mr. Clinger.

H.R. 3112: Ms. Kaptur, Mr. Won Pat, Mr. Conyers, Mr. Solarz, Mr. Eckart, Mr. Seiberling, Mr. LaFalce, Mr. Hertel of Michigan, Mr. Traxler, Mr. Dwyer of New Jersey, Mr. Edgar, Mr. Smith of Florida, and, Mr. Pease.

H.R. 3140: Mr. Kindness.

H.R. 3170: Mr. Crockett, Mr. Lantos, Mr. Hughes, and Mr. Edgar.

H.R. 3171: Mr. Young of Florida.

H.R. 3280: Mr. Ackerman.

H.R. 3281: Mr. Ackerman.

H.J. Res. 1: Mr. Heftel of Hawaii.

H.J. Res. 29: Mr. Scheuer, Mr. Heftel of Hawaii, Mr. Pepper, Mr. Valentine, Mr. Duncan, Mr. Pashayan, Mr. O'Brien, Mrs. Schneider, Mr. Annunzio, Mr. Albosta, Mr. Stokes, Mr. Barnes, Mr. Akaka, Mr. Young of Alaska, and Mr. Skeen.

H.J. Res. 93: Mr. de la Garza, Mr. Anthony, Mr. Levitas, Mr. Coats, Mr. Frost, Mr. Corcoran, Mr. Dyson, Mr. DeWine, Mr. Bilirakis, Mr. Tauke, Mr. Mollohan, and Mr. Franklin.

H.J. Res. 134: Mr. Lewis of California and Mr. Patterson.

H.J. Res. 137: Mr. Boland, Mr. Bosco, Mr. Britt, Mr. Coats, Mr. Dixon, Mr. Duncan, Mr. Fauntroy, Mr. Florio, Mr. Frost, Mr. Fuqua, Mr. Goodling, Mr. Gregg, Mrs. Hall of Indiana, Mr. Hatcher, Mr. Heftel of Hawaii, Mr. Hertel of Michigan, Mr. Hughes, Mr. Jeffords, Mr. Kasich, Mr. Leland, Mr. McGrath, Mr. Matsui, Mr. Mineta, Mr. Murphy, Ms. Oakar, Mr. Panetta, Mr. Porter, Mr. Rahall, Mr. Rangel, Mr. Robinson, Mr. Simon, Mr. Denny Smith, Mr. Sunia, Mr. Taylor, Mr. Torricelli, Mr. Waxman, Mr. Weaver, Mr. Wortley, Mr. Alexander, Mr. Andrews of North Carolina, Mr. Bilirakis, Mr. Boner of Tennessee, Mr. Carper, and, Mr. Yatron.

H.J. Res. 139: Mr. Lehman of Florida, Mr. Bliley, Mrs. Lloyd, Mr. Ackerman, Mr. Valentine, Mr. Fascell, Mr. Andrews of North Carolina, Mr. Gray, Mr. Moorhead, Mr. Denny Smith, Mr. Lewis of California, Mr. Rodino, Mr. Hansen of Utah, Mr. Morrison of Connecticut, Mr. Neal, Mr. Wortley, Mr. Hughes, Mr. Minish, Mr. Mack, Mr. Shumway, Mr. Gonzalez, Mr. Boner of Tennessee, Mr. Gore, Mr. Kastenmeier, Mrs. Schneider, Mr. Williams of Ohio, Mr. Duncan, Mr. Swift, Mr. Moody, Mr. Winn, and Mr. Quillen.

H.J. Res. 174: Mr. Conyers, Mr. Vandergriff, Mr. Frank, Mr. Nichols, Mr. Schumer, Mr. Lundine, Mr. Harrison, Mr. Andrews of Texas, Mr. Rahall, Mr. Bates, Mr. Sabo, Mr. Barnes, Mr. McKinney;, Mrs. Boxer, Mr. Beilenson, Mr. Biaggi, Mr. Cooper, Mr. Yatron, and Mr. Solarz.

H.J. Res. 225: Mr. McCurdy and Mr. Wylie.

H.J. Res. 228: Mr. Clinger, Mr. Barnard, Mr. Boland, Mr. Leach of Iowa, Mr. Donnelly, Mr. McHugh, Mr. Breaux, Mr. Bennett, Mr. Bates, Mr. Boner of Tennessee, Mr. Kindness, Mr. Lagomarsino, Mr. Waxman, Mr. Gradison, Mr. Conyers, Mr. Patman, Mr. Won Pat, Mr. Murtha, Mr. Sunia, Mr. Andrews of Texas, Mr. Denny Smith, and Mrs. Boxer.

H.J. Res. 243: Mr. Bereuter, Mr. Bilirakis, Mr. Evans of Iowa, Mr. Lowery of California, Mr. Rowland, Mrs. Vucanovich, and Mr. Walker.

H.J. Res 253: Mr. Rodino, Mr. Fauntroy, Mr. Stokes, Mr. Smith of Florida, Mr. Berman, Mr. Moakley, Mr. Waxman, Mr. Hyde, Mr. Kemp, Mr. Frank, Mr. Richardson, Mr. Ford of Tennessee, Mr. Roe, Mr. Brown of California, Mr. Ratchford, Mr. Horton, Mr. Owens, Ms. Mikulski, Mr. Frenzel, Mr. Edgar, Mr. Traxler, Mr. Scheuer, Mr. Ackerman, Mr. Barnes, Mr. Studds, Mr. Simon, Mr. Corrada, Mr. McNulty, Mr. Dwyer of New Jersey, Mr. McGrath, Mr. Hughes, Mr. Early, Mr. Torricelli, Mr. Guarini, Mr. Leland, Mr. Weiss, Mr. Stenholm, and Mr. Hertel of Michigan.

H.J. Res. 268: Mr. Clinger, Mr. Berman, Mr. Molinari, Mr. Owens, Mr. Stokes, Mr. Jeffords, Mr. Williams of Montana, Mr. McCain, Mr. Duncan, Mr. Feighan, Mr. Solarz, Mr. Frost, Mr. Corrada, Mr. Shaw, Mr. Leland, Mr. Fuqua, Mr. Ratchford, Mr. Miller of Ohio, Mr. Waxman, Mr. Skeen, Mr. Bilirakis, Mr. Minish, Mr. Kindness, Mr. Biaggi, Ms. Kaptur, Mr. Smith of Florida, Mr. Lipinski, Mr. Stenholm, Ms. Mikulski, Mr. Reid, Mr. Coats, Mr. Frenzel, Mr. Bevill, Mr. Dwyer of New Jersey, Mr. Wilson, Mr. Horton, Mr. Matsui, Mr. Lewis of Florida, Mr. Lagomarsino, Mr. Robinson, Mr. Morrison of Connecticut, Mr. Won Pat, Mr. Stangeland, Mr. Dyson, Mr. Hansen of Idaho, Mr. Simon, Mr. Dixon, Mr. Wirth, Mr. Miller of California, Ms. Snowe, Mr. Regula, Mr. Donnelly, Mr. Quillen, Mr. Vandergriff, Mr. Kemp, Mr. Ackerman, Mr. Vento, Mr. Torricelli, Mr. LaFalce, Mr. Sunia, Mr. Roe, Mr. Oberstar, Mr. Rangel, Mr. Barnes, Mr. Swift, Mr. Hightower, Mr. Frank, Mr. Hughes, and Mr. Edgar.

H.J. Res. 283: Mr. Akaka, Mr. Andrews of Texas, Mr. Applegate, Mr. Barnard, Mr. Barnes, Mr. Beilenson, Mr. Bennett, Mr. Bereuter, Mr. Bliley, Mr. Boland, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mr. Won Pat, Mr. Britt, Mr. Brown of California, Mr. Burton, Mr. Chappell, Mr. Chappie, Mrs. Collins, Mr. Corrada, Mr. Daniel B. Crane, Mr. Daniel, Mr. Daub, Mr. Davis, Mr. Dellums, Mr. Derrick, Mr. Dickinson, Mr. Dicks, Mr. Donnelly, Mr. Dowdy of Mississippi, Mr. Dymally, Mr. Dyson, Mr. Evans of Illinois, Mr. Fazio, Mr. Feighan, Ms. Fiedler, Mr. Fields, Mr. Fish, Mr. Foley, Mr. Ford of Tennessee, Mr. Forsythe, Mr. Fuqua, Mr. Gilman, Mr. Gore, Mr. Gramm, Mr. Guarini, Mr. Hansen of Idaho, Mr. Harrison, Mr. Heftel of Hawaii, Mr. Hiler, Mr. Howard, Mr. Hutto, Mr. Jacobs, Ms. Kaptur, Mr. Kemp, Mr. Kildee, Mr. Latta, Mr. Leach of Iowa, Mr. Lent, Mr. Lewis of California, Mr. Lipinski, Mrs. Lloyd, Mr. Lowery of California, Mr. Matsui, Mr. McDade, Mr. Miller of California, Mr. Miller of Ohio, Mr. Molinari, Mr. Morrison of Connecticut, Mr. Myers, Mr. O'Brien, Mr. Pashayan, Mr. Patterson, Mr. Rangel, Mr. Richardson, Mr. Ritter, Mr. Robinson, Mrs. Schneider, Mr. Shannon, Mr. Smith of Florida, Mr. Stenholm, Mr. Stokes, Mr. Stump, Mr. Sundquist, Mr. Swift, Mr. Synar, Mr. Tallon, Mr. Torricelli, Mr. Vandergriff, Mr. Walgren, Mr. Whitehurst, Mr. Wilson, Mr. Wise, and Mr. Leland.

H. Con. Res. 40: Mr. Kogovsek and Mr. Jones of Tennessee.

H. Con. Res. 71: Mr. Winn, Mr. Roe, Mr. Harrison, Mr. Sunia, Mr. Montgomery, Mrs. Holt, Mr. Daub, and Mr. Nielson of Utah.

H. Con. Res. 107: Mr. Corcoran and Mr. Foglietta.

H. Con. Res. 115: Mr. Forsythe, Mr. Zschau, and Mr. Weber.

H. Con. Res. 122: Mr. Bryant, Mr. Dellums, Mr. Clay, Mr. Seiberling, Mr. Scheuer, and Mr. Kostmayer.

H. Res. 175: Mr. Albosta, Mr. Nelson of Florida, Mrs. Lloyd, Mr. Conte, and Mr. Dymally.

H. Res. 190: Mr. Anderson, Mr. Bates, Mr. Barnes, Mr. Beilenson, Mr. Berman, Mr. Boner of Tennessee, Mr. Boucher, Mr. Chappie, Mr. Clay, Mr. Conte, Mr. Clinger, Mr. Corrada, Mr. Crockett, Mr. Daschle, Mr. Davis, Mr. de Lugo, Mr. Dellums, Mr. Downey of New York, Mr. Eckart, Mr. Evans of Illinois, Mr. Fazio, Mr. Feighan, Mr. Gejdensen, Mr. Guarini, Mr. Green, Mr. Hawkins, Mr. Heftel of Hawaii, Mr. Hoyer, Mr. Hughes, Mrs. Kennelly, Mr. Kildee, Mr. Lewis of California, Mr. Lantos, Mr. Lehman of Florida, Mr. MacKay, Mr. McKinney, Mr. Morrison of Washington, Mr. McNulty, Mr. Minish, Mr. Mineta, Mr. Moody, Mr. Mollohan, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Panetta, Mr. Patterson, Mr. Penny, Mr. Pepper, Mr. Porter, Mr. Rangel, Mr. Richardson, Mr. Roe, Mr. Sikorski, Mr. Simon, Mr. St Germain, Mr. Stangeland, Mr. Stokes, Mr. Studds, Mr. Torricelli, Mr. Wise, Mr. Yates, and Mr. Boehlert.

H. Res. 191: Mr. DeWine.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2969

By Mr. KAZEN:

—Page 25, after line 13, add the following new section:

ASSISTANCE TO CERTAIN SCHOOL DISTRICTS IN SAN ANTONIO, TEX.

Sec. 405. (a)(1) The Secretary of the Army may make a grant to the Fort Sam Houston Independent School District of San Antonio, Texas, for the purpose of providing assistance to that school district for current expenditures.

(2) There is authorized to be appropriated to the Army for fiscal year 1984 the sum of $784,000 for the purpose of making a grant under paragraph (1).

(b)(1) The Secretary of the Air Force may make grants to the Randolph Field Independent School District and the Lackland Independent School District of San Antonio, Texas, for the purpose of providing assistance to those school districts for current expenditures.

(2) There is authorized to be appropriated to the Air Force for fiscal year 1984 the sum of $657,000 for the purpose of making grants under paragraph (1).

—Page 25, after line 13, add the following new section:

LOANS TO CERTAIN SCHOOL DISTRICTS IN SAN ANTONIO, TEX.

Sec. 405. (a) The Secretary of the Army may make a loan to the Fort Sam Houston Independent School District of San Antonio, Texas, in an amount not to exceed $784,000, in order to assist that school district in meeting current expenditures. A loan under this subsection may be made from amounts available to the Army for operation and maintenance for fiscal year 1984. Any such loan shall bear interest at such a rate and be subject to such terms and conditions as the Secretary requires.

(b) The Secretary of the Air Force may make loans to the Randolph Field Independent School District and to the Lackland Independent School District of San Antonio, Texas, in a total amount not to exceed $657,000, in order to assist those school districts in meeting current expenditures. A loan under this subsection may be made from amounts available to the Air Force for operation and maintenance for fiscal year 1984. Any such loan shall bear interest at such a rate and be subject to such terms and conditions as the Secretary requires.

(c) If funds under the Act of September 30, 1950 (Public Law 874, 81st Congress; 20 U.S.C. 236 et seq.), are not provided for fiscal year 1984 to a school district receiving a loan under this section in the full amount that would have been provided to that school district for that fiscal year without regard to the Omnibus Budget Reconciliation Act of 1981, then such loan (including interest) shall be forgiven to the extent that the amount provided to that school district for that year under such Act is less than such full amount.

By Mr. VENTO:

—Page 7, after line 14, insert the following new subsection:

(e)(1) After preliminary selection of a contractor for production of the European Delivery System Aircraft but before final selection and announcement of the contractor selected, the Inspector General of the Department of Defense shall certify to the Secretary of the Air Force—

(A) whether the employment practices of the contractor selected meet all applicable United States laws regarding nondiscrimination in employment; and

(B) whether the selection of that contractor was influenced by prior foreign sales of United States-produced defense equipment.

(2) The Secretary of the Air Force may not award a contract for procurement of the European Delivery System Aircraft to a contractor if the certification of the Inspector General of the Department of Defense under paragraph (1) states either that—

(A) the employment practices of the contractor selected do not meet all applicable United States laws regarding nondiscrimination in employment; or

(B) the selection of that contractor was influenced by prior foreign sales of United States-produced defense equipment.

—Page 15, line 16, insert "(a)" after "SEC. 301.".

Page 15, after line 21, insert the following new subsection:

(b) None of the funds appropriated pursuant to the authorization in subsection (a) for procurement of the MX missile system may be obligated or expended until—

(1) the President has certified to Congress that at the time of the initial operational capability of the MX missile system there will be in place a command, control, and communications system which is adequate for successful launching of the MX missile in its approved basing mode; and

(2) the Congress has approved such certification.

H.R. 2970

By Mr. SAM B. HALL, JR.:

—Page 6, line 25, insert "(1)" after "State".

Page 7, line 3, strike out "(1)" and insert in lieu thereof "(A)"; in line 5 on that page strike out "(2)" and insert in lieu thereof "(B)"; in line 7 on that page strike the period and insert in lieu thereof "; or"; and insert after line 7 the following:

(2) if such acts or practices are effectively regulated in the State by the State court of last resort in civil cases or by such court and State law.

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EXTENSIONS OF REMARKS

AMBASSADOR ZELAYA'S LETTER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to share with my colleagues a letter written to me by his Excellency Jorge Zelaya, Ambassador of Guatemala to the United States. In his letter, Ambassador Zelaya describes the process his government is following to bring his country to a fully functioning democratic society.

The letter follows:

EMBASSY OF GUATEMALA,
Washington, D.C., June 6, 1983.

Hon. ROBERT J. LAGOMARSINO,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. LAGOMARSINO: I wish to take this opportunity to send you the enclosed document on the present situation of Guatemala, which attempts to address some of the concerns that you and other Members of Congress may have regarding my country and my Government's intentions.

The Government of President Rios-Montt is promoting a political process of open participation, as the only alternative to do away with the violence that afflicts Guatemala. The steps that the Government has taken to that effect include:

(a) The creation of an independent and autonomous Electoral Tribunal, whose members have been chosen by the Supreme Court of Justice from a list of candidates provided by a Nomination Committee (Comité de Postulación). This Committee is composed of the President of the National University, one representative for the Presidents of private universities (there are four private universities), all the Deans of the Law Schools (there are four Law Schools in Guatemala), and a representative of the Chairmen of the professional associations.

The members of the Electoral Tribunal are, Messrs. Oscar Barrios Castillo, Arturo Herbruger Asturias, Manuel Ruano Mejia, Gonzalo Meméndez de la Riva, and Justo Rufino Morales.

They are all honorable citizens and distinguished attorneys, with no connections to political parties or the government.

(b) The system of registration of voters is being renewed, and new identity cards will be issued to every Guatemalan citizen. Records of the previous system have been destroyed in many villages in the rural areas by terrorist attacks.

(c) New regulations for the organization of political parties have been enacted. They have eased the conditions for the organization of political parties. Whereas before, 50,000 registered citizens were needed in order to organize a political party, now only 4,000 are required. This has been done to stimulate the emergence of new political organizations. There will be no limitations regarding ideologies, and socialists and communists are being encouraged to participate in the political process.

When this institutional infrastructure is in place, elections of Constituent Assembly will be called. The Constituent Assembly will draw a new Constitution (the sixth in Guatemalan history), and will call for elections of President, Congress, and Municipal authorities.

For this democratic process to succeed, we need your understanding and your support.

Sincerely,

JORGE L. ZELAYA,
Ambassador.

THE PRESENT SITUATION OF GUATEMALA

1. Violence has decreased dramatically, compared to the levels that existed prior to March 23, 1982, when the coup d'etat took place. The death squads have been suppressed.

2. Although they have declined, there remain some unfortunate Human Rights abuses. The present Government is seriously trying to put an end to those abuses. As a result of this effort, during the last year, 265 policemen have been brought to trial for crimes such as murder, kidnapping, rape, and various other abuses. Two soldiers, members of the Guatemalan Army, have been among those executed for serious crimes.

3. The Courts of Special Jurisdiction have been temporarily established, while the Government attempts to strengthen the system of institutional justice. These Courts are composed of three members, and the Courts of Appeals are composed of five. Their identity is kept secret to avoid possible reprisals or threats that may endanger due process of law. The trials are closed trials; the Guatemalan legal system does not have open trials, and open hearings are established only on very specific instances. Eighty percent of the people tried by these Courts have been released, and only 29 persons have been sentenced; 15 of them to death, and 14 to minor terms in prison.

The Government has requested the assistance of the Inter-American Judiciary Committee of the OAS to make every effort to conform the procedure of the Courts of Special Jurisdiction to internationally acceptable legal standards.

4. The Government has pledged to seek a solution to the problem of the refugees that are presently living in Mexico. To that effect, it is willing to accept the cooperation of the United Nations High Commissioner for Refugees and of the Mexican Government. The Guatemalan Government will take every necessary step to resettle Guatemalans who fled the country, back into their local communities. To date, more than 1,000 refugees have returned from Mexico.

5. The violence in rural areas had eliminated local authorities in about 9% of our territory. Now, local authorities exist in every rural community. Furthermore, normal life in the areas of conflict has slowly been reestablished. Schools (40% of which had been destroyed), health centers, electricity, etc., are now functioning normally.

6. The guerrilla movement has been confronted with the "Beans and Rifles" program. The Army is emphasizing the "Beans" part of the program as the military situation has stabilized. The Guatemalan Army has provided assistance to 2.2 million Guatemalans in refugee camps that were established throughout the areas of conflict.

7. The internal security is, to a certain extent, in charge of rural peasants who have formed a civil defense force of over 500,000. The Guatemalan Armed Forces consist of 20,000 people.

8. An amnesty has been offered to the guerrillas since the beginning of April 1983, and more than 1,000 active combatants and collaborators have taken advantage of it. The present tendency clearly indicates a substantial decrease in the support that the guerrillas enjoyed.

9. On March 23, 1983, the state of siege was lifted, and new political and electoral laws were enacted. They have provided the institutional framework for a political opening, that will allow the possibility to all political tendencies to participate in the democratic process. Even the Communist Party will be allowed to register and participate as a legal institution for the first time in thirty years.

10. Elections of a Constituent Assembly will take place next year. That Assembly will call for general elections. President Rios Montt will not be a presidential candidate, nor will he join or support any candidacy or political party.

11. The Guatemalan Government has a historical commitment to promote respect for Human Rights, on the basis of developing a stable and pluralistic democratic process.●

FREEZE QUESTIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FIELDS. Mr. Speaker, today I am inserting for the RECORD an article from the Reader's Digest, condensed from the Dartmouth Review. The author, Greg Fossedal, clearly examines many questions we should ask of those supporters of a nuclear freeze.

Perhaps if freeze supporters could answer these provocative questions, they would have a better understanding of the real intentions of the Soviet Union.

I commend my colleagues' attention to this important and illustrative article.

[From the Reader's Digest, May 1983]

15 QUESTIONS FOR YOUR NUCLEAR-FREEZE FRIENDS

(By Greg Fossedal)

It was interesting, for a week or two, to contemplate the negotiation of a joint and verifiable (emphasis on the latter) freeze of nuclear-weapons deployment along with our friends in Moscow. You knew the Russians would never agree to verification anyway, so you relaxed and indulged the impulse to daydream.

But now it's time to politely change the subject. If you find yourself getting bogged down in the freeze debate, pop one of these 15 questions:

1. Describe in 100 words or less the Soviet monument to détente that stands in Berlin.

2. Name the last three arms-control treaties upheld by the Soviet Union. (This is a trick question.)

3. Estimate the total number of deaths in Soviet prisons from 1917 to 1923. (Hint: up to five million.)

4. Illuminate the vigor of the Soviet election system by comparing it with such "fascist" American allies as El Salvador, Chile and Guatemala.

5. Outline the many differences between now and 1963, when the United States unilaterally pulled its nuclear missiles out of Turkey, Italy and Britain—but the Soviets neither cut back nor froze, but expanded.

6. Give the total number of Soviet citizens murdered in the Gulag Archipelago from 1936 to 1950. (Hint: some 16 million.)

7. Compare the military budget of the U.S.S.R., a mere 13 percent of Soviet gross national product, with that of the NATO countries, a provocative and militaristic 4 percent of GNP, and of the United States, a whopping 6 percent of GNP.

8. State the Soviet bill of rights.

9. Outline the many differences between now and 1976, when the United States began unilateral disengagement of its anti-ballistic-missile program—but the Russians neither cut back nor froze, but expanded.

10. Narrate the stunning success of the Soviet "Chemicals for Peace" program in Afghanistan, Cambodia and Laos.

11. Place a check by each country in which the Soviets established a military presence in recent years: a. Mozambique, b. Nicaragua, c. Iraq, d. Angola, e. Ethiopia, f. All of the above, and more.

12. Review the Russian policy of providing support for world peacemakers, such as Muammar el-Qaddafi, Fidel Castro, Yasir Arafat.

13. Relate the progress of Soviet good-will missions to Poland, Czechoslovakia, Hungary, Angola and South Yemen.

14. Examine America's aggressive, jingoistic withdrawal from the Panama Canal as a contributing factor in defensive Soviet actions in Nicaragua and El Salvador.

15. Trace the development of Russia's nuclear-freeze movement, including the many protest marches, pamphlets, Soviet TV specials advocating a nuclear freeze. (Another trick question.)

That should provide you with enough ammunition to blow up your friends' world 15 times over. We might as well stop there and see if the other side will reciprocate—i.e., stop talking about a nonsense freeze and come back to the earth on which there lies a Soviet Union.●

WHY MAKE IMMIGRANTS FOREVER STRANGERS?

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. SHUMWAY. Mr. Speaker, our Nation is experiencing the largest influx of immigrants in its history. In 1976, 400,000 immigrants came to the United States legally, and in 1980, more than 800,000 legal immigrants came to our country. It is believed that if immigration continues at this rate of growth, the population of the United States by the year 2030 will be over 320 million. I am deeply concerned with the economic and social problems associated with this large influx of immigrants into the United States, particularly with our ability to effectively assimilate these newcomers into U.S. society.

Our Nation's linguistic minorities do necessitate, to a certain degree, special attention and help. I strongly believe, however, that this assistance should serve to integrate the growing non-English speaking populations in America into U.S. society, not to promote the segregation of America's immigrants. Rather than encouraging the adaptation of immigrants to the speech and customs of their new homeland, the Government is prolonging their assimilation by sponsoring bilingual programs which enhance dissimilarities between immigrants and the mainstream of American life and thus which inhibit the process of acculteration.

Government-sanctioned programs, such as bilingual ballots and bilingual education, have served to impede the full integration of immigrants into American society. U.S. naturalization laws state that a person must "read, write, and speak English in ordinary usage" to become a U.S. citizen. Our laws, however, also mandate that immigrants who vote, and who thus exercise the highest privilege of U.S. citizenship, must be provided with ballots in their native language. Furthermore, bilingual education has inhibited the integration of immigrants into society. Mastery of the English language is vital to the assimilation of our Nation's immigrants, and yet bilingual education appears to have become an end in itself, rather than the means for immigrants to become full and participating members of American society.

While I believe that it is important that the tradition of accepting foreigners to our Nation is preserved, it is imperative that immigrants are integrated into U.S. society as quickly as possible in order to allow them to become useful, productive members of our society. I strongly believe that proficiency in English is essential to this assimilation. On March 2, I introduced a constitutional amendment—House Joint Resolution 169—designating English the official language of the United States. This amendment reflects the views of many Americans that English is and must remain our only national language. The designation of English as the official language of the United States, however, should by no means be construed as a betrayal of the diverse cultures which make up our great Nation. Our Nation has been immeasurably enriched by the cultural diversity of our society and thus it is vital that this diverse cultural tradition is preserved. I submit, however, that a multilanguage society is not in the best interest of our Nation.

Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the June 3 edition of the Los Angeles Times, written by Neal R. Peirce, which underscores some of the important questions regarding the value of bilingual programs to our Nation's immigrants.

The article follows:

[From the Los Angeles Times, June 3, 1983]

WHY MAKE IMMIGRANTS FOREVER STRANGERS?

(By Neal R. Peirce)

This year the federal government is spending about $138 million to subsidize bilingual-education programs in schools across the land. State and local governments are publishing ballots in Spanish and multiple other languages. Philadelphia and Florida are offering Civil Service examination in Spanish. There are only 11 states in which one needs to know English to take a driver's-license test. And increasingly the question is being asked—Why?

Critics say that bilingual-education programs, which were originally sold as a way to help foreign language-speaking children make a transition to English, have become an end in themselves. Behind the programs are bilingual-education teachers (some with a shaky knowledge of English themselves) and cultural organizations with a vested interest in the continuing bilingual school curriculums that are financed by federal dollars.

There's even a National Bilingual Education Conference that draws hundreds of delegates from as far as our Pacific territories for national lobbying conferences in luxury hotels. The theme at the last meeting, in Washington, was "Bilingualism—In the National Interest," a far cry from the goal of short-term transitional programs in the schools.

Now a prestigious Twentieth Century Fund task force on education, headed by the University of Massachusetts' Robert Wood, asks what good all the bilingual-education programs achieve. "Anyone living in the United States who is unable to speak English cannot fully participate in our society, its culture, its politics," the panel says. It recommends "that federal funds now going to bilingual programs be used to teach non-English-speaking children how to speak, read and write English."

On a parallel track, the English language has finally acquired its own organized lobby. It's called U.S. English, and it's open to all "who agree that English is and must remain the only official language of the people of the United States."

The proponents of "English first" have to know that they're playing a dangerous game. All so easily they can be labeled racist, reactionary, xenophobic or anti-Latino.

But the leaders of U.S. English are hardly know-nothings. Their honorary leader is a semanticist of Asian origin, himself an immigrant—former Sen. S. I. Hayakawa of

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

California, who proposed a constitutional amendment affirming English as the official language of the United States. The chairman is Michigan physician John Tanton, the founder of the Federation for American Immigration Reform. And the present is Gerda Bikales, who learned four languages—German, Yiddish, Flemish and French—before she was finally taught English at the age of 16 after her family fled Nazi-occupied Europe and settled in the United States.

U.S. English, which so far operates on a shoestring at its cramped offices in Washington, is not against Americans' full mastery of foreign languages. It is giving strong support to improved, expanded foreign-language programs in schools and universities "for practical, economic and foreign-policy reasons." One of the most intriguing things about the group is its requirement that its board members be masters of at least one foreign language. But on putting English first in the schools the group is adamant. "As a child," Bikales says, "I found language barriers could easily be overcome. Arriving in America without knowledge of English, I nevertheless learned it very fast. So did my friends among the immigrant students in my New York City high school."

And so can immigrant children today, she says.

Indeed, the question is compelling: If the children of earlier generations, speaking so many languages, from Italian and Polish to Portuguese and Chinese, could learn English, why not immigrant children now?

Where bilingual issues reach red-hot intensity is among Latinos who envision a large, independent Spanish-speaking nation within the American nation—an American Quebec, as it were.

Asked about taxpayer-supported Spanish education, the Puerto Rico-born mayor of Miami, Maurice Ferre, is quoted in the May issue of Esquire as responding: "We demand this because we recognize that culture is vitally important if we are going to be able to solve our problems."

But Ferre, who also boasts that "you can go through your whole life without having to speak English at all" in today's Cuban-dominated Miami, doesn't necessarily speak for all Latinos.

"Middle-class ethnics romanticize public separateness and trivialize the dilemma of the socially disadvantaged," writes Mexican-American novelist Richard Rodriguez, author of "Hunger of Memory." "America is a place where you don't lose your culture—you gain one."

The questions that remain for us all, native English-speaking and modern-day immigrant alike, are these:

Why should ballots be printed in foreign languages when practically all political debate, the very essence of responsible citizenship, is conducted in English?

Why should driver's-license tests be given in foreign languages—except for foreign visitors or for a limited time—when road signs, warnings and the voice of the traffic officer are all in English?

Why shouldn't bilingual education be limited, as U.S. English recommends, to "a program of short-term instruction that uses the child's home language to help him for the first few months"?

Any other choice consigns youngsters to segregated classrooms, to lifetimes of minimal or non-existent English, outside the mainstream of American business and public life. They may easily, in Bikales' words, "be doomed to be forever strangers in their new country." It could be the ultimate racism.●

SUBCOMMITTEE REVIEW SUGGESTS NEED FOR IMPROVING ELECTRICITY SUPPLY

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mrs. LLOYD. Mr. Speaker, Nucleonics Week reported in its May 19, 1983 edition that the 1982 annual energy outlook prepared by the DOE shows a predicted increase in U.S. electricity demand of about 3 percent annually between 1980 and 1990, corresponding to a 3.2 percent annual growth in the GNP.

In his May 17, 1983 RECORD entry, the distinguished chairman of Energy and Commerce's Subcommittee on Energy Conservation and Power noted that "since 1978, more than 40 (nuclear) reactor orders have been canceled in America alone." When coupled with the dismal assessments of the state of the utility industry recently reported in the news media, a situation caused by external impediments to new plant construction and the overall financial difficulties facing the industry, there evolves a scenario in which projected annual growth in electricity demand and GNP amounts to 3 percent or better, while the electric capacity required to meet this demand is declining.

Earlier in May the Energy Conservation and Power Subcommittee heard testimony from a Congressional Research Service (CRS) specialist, who noted that "serious reliability problems are likely only if the economy grows at 3 percent per year or better and capacity construction follows our worst capacity assumptions;" that is, insufficient capacity to assure the reliability of the electric supply system by 1990, with a serious shortfall by 1995.

Clearly, the present situation suggests that this worst case scenario may well be upon us. Perhaps it is a propitious time for the opponents of neclear power to rethink their views on the need for assuring the Nation's electricity supply, and to finally recognize that the crisis has not passed. We urgently need to continue our pursuit of the most viable electric supply technologies in order to guarantee that an economic recovery is sustained, including nuclear power generation technologies such as the high temperature gas cooled reactor (HTGR) and the breeder reactor. For as noted further by this same CRS expert in his testimony before the subcommittee, other supply options such as direct solar technologies "will contribute as fuel savers and as peak shavers in some applications, but will not be a significant factor in reducing utility capacity requirements, regardless of the penetration levels achieved."

Electricity produced from breeder reactors and advanced nuclear converters have no such limitations, offering us the opportunity to meet all our electricity demands for centuries to come, while we continue the development of other highly speculative—a phrase used by the CRS expert—but perhaps less politically controversial, supply technologies.●

EXPLANATION OF H.R. 1904, THE CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION OPPORTUNITIES ACT AS REPORTED

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MURPHY. Mr. Speaker, many have confused the contents of the Child Abuse Prevention and Treatment Act and Adoption Opportunities Act, H.R. 1904, with the final regulation the Department of Health and Human Services implemented on March 22, 1983. While both strive to save the lives of infants born at risk, H.R. 1904 does not address medicaid funding nor mandate that signs be posted in hospitals. The bill does not require a hotline, but attempts to establish local oversight of each unique case while utilizing the expertise of medical professionals. Furthermore, H.R. 1904 incorporates the recommendations of the Presidential Commission report, "Study of Ethical Problems in Medicine and Biomedical and Behavioral Research," by directing the HHS Secretary to establish guidelines which will encourage and assist States to develop local review mechanisms for such cases.

Responsible hospitals now have review processes in place. H.R. 1904 is written to expand the definition of "child abuse" to include those at risk infants who are denied medical or nutritional treatment solely on the basis of their handicaps. State reporting policies need not be changed—hospitals are currently required to report child abuse and neglect cases. The review mechanism—which should consist of medical professionals, rehabilitation representatives, and advocates for children's rights—will assure that each case is considered appropriately and thoroughly. Those who may disagree with the review mechanism's decisions can appeal through the State or courts according to current practices. Infants who are saved but are unwanted by their parents will be considered for adoption under the Adoption Opportunities Act within H.R. 1904.

The complex medical and ethical decisions made after parental consultations are difficult ones. H.R. 1904 places them on the local level where they are best evaluated and determined. This legislation revises sexual abuse definitions and makes technical changes to insure that children are protected regardless of age. The bill is awaiting a rule from the House Rules Committee before its consideration by the House in the near future. I am hopeful that it will continue to receive the same bipartisan support shown in committee, and I urge my colleagues to support the passage of H.R. 1904 as reported from the Education and Labor Committee.●

HIGH PRICE FOR PEACE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the Oxnard Press-Courier, in my district, recently published an editorial noting the death of Navy Comdr. Albert Schaufelberger in El Salvador. The editorial comments that although it is a high price to pay, it is part of the price that most Americans "have always been willing to pay in the service of a just cause."

[From the Press-Courier, May 31, 1983]

HIGH PRICE FOR PEACE

It was only a coincidence that Navy Cmdr. Albert A. Schaufelberger, the first American military adviser to die in El Salvador, was murdered a few days before Memorial Day. But his death at the hands of terrorists in San Salvador became the latest reminder to all Americans of the supreme sacrifice so many have made in the service of their country.

Schaufelberger was a career naval officer, a professional trained to fight and win. The cause for which he gave his life in El Salvador, however, had more than simply a military dimension. Like all U.S. military advisers there, Schaufelberger was in El Salvador to help carry out a policy intended to bring peace, stability and a measure of democracy to that wartorn country.

Appropriately enough, Schaufelberger's job was to teach Salvadorans how to defend their popularly elected government against Marxist guerrillas intent on imposing a dictatorship. Defeating those guerrillas would go a long way toward ensuring the stability needed for peaceful change elsewhere in Central America.

By all accounts, Schaufelberger was enthusiastic about his work in El Salvador and dedicated to the cause he served. It is our guess that he would be the last to want his death to deter a continuing U.S. commitment in El Salvador.

All American military trainers and advisers in El Salvador are under orders to avoid combat. It is a measure of how strictly those orders have been adhered to that the small U.S. advisory group has suffered only one battle-related casualty, a Special Forces sergeant slightly wounded by guerrilla fire while flying in a helicopter.

But in a guerrilla war in which there is no real front, the kind of terrorist act that took Schaufelberger's life can happen anywhere at any time. It must be said that other Americans may die in El Salvador before peace returns to that country. If so, it is part of the price that most Americans, and especially men like Albert Schaufelberger, have always been willing to pay in the service of a just cause.●

OPERATION YOUTH

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. GRADISON. Mr. Speaker, I would like to take this opportunity to recognize an outstanding program—Operation Youth—which took place recently in my district. Operation Youth is a weeklong conference during which interested young men and women learn about our system of government.

This year's conference, the 33d edition, was held June 4–11 at Xavier University in Cincinnati, and over 89 selected Ohio high school students participated in the program. The agenda included speeches by leaders in government, education, and law on topics such as "Scientific Innovation and World Peace," "Freedom and Economics," and "Plato on Justice and Human Freedom." Forums were then set up for the students to discuss these topics and other current issues. In addition, the students formed political parties and elected officials to a mock municipal government. I am extremely proud to recognize those who were elected to office as well as those who participated in all other aspects of this valuable program.

They are as follows:

Mayor: Coni Rich of Lima Central Catholic High School; vice mayor: Jeanine Miller of Northwest High School; city manager: Tom O'Brien of Moeller High School; clerk of council: Eric Bender of Moeller; and city council members: Tom Hecht of Elder High School, Theresa Helbling of Tusculum Central Catholic High School, Steve Jorres of Oak Hills High School, Steve Kaine of Elder High School, Chris Kossen of Moeller, Tony Kovalik of Moeller, and Suzy Mack of Mother of Mercy High School.

Also participating in the conference were:

Scott Allgyer of Elder, William Bambeck of Newcomerstown High School, Tina Beck of North Lexington High School, Amy Bidwell of Princeton High School, Theresa Born of Mother of Mercy, Mike Bullock of Circleville High School, William Burke II of Summit High School, Rob Burkhart of Roger Bacon High School, Amy Carovillano of Loveland High School, Karen Cavalancia of St. John High School, Rosemarie Cerchio of Seton High School, Rachel Clark of Taylor High School, Melissa Cook of Reading High School, Shery Cornelius of Medeira High School, Renee Daniels of Norwood High School, Diana DeJonckheere of Purcell-Marian High School, Chuck Dickman of Minster High School, Kevin Dues of Coldwater High School, Jeff Elderton of Loveland, Carol Forste of Deer Park High School, Pamela Freeman of Norwood, Maria Gaston of Oak Hills High School, Laura Gentry of Fenwick High School, Cheryl Goff of Zanesville High School, Stephanie Goodrich of Zanesville, Elizabeth Greenwald of Wyoming High School, Michael Hamilton of St. Bernard High School, Richard Hart of Goshen High School, Denise Heckman of Seton High School, Stephanie Herrin of Goshen High School, Natalie Herrmann of Wyoming, Donna Hines of Southeastern High School, Jurt Huelsman of Minster High School, John Janning of Roger Bacon, Patti Jones of Anderson High School, Sheryl Jones of St. Ursula Academy, Bradley Karcher of Liberty-Ben. High School, Shellie Kauffman of Findlay High School, Anne Keith of Wyoming High School, Timotly Kelly of Elder, Paul Kollner of Purcell-Marina, Robert Krumm of Elder, Beth Kruthaupt of McAuley High School, Melba LaFarge of Loveland, Shannon Lane of Turpin High School, Tina Lewis of ;Hughes High School, Marc Linser of Rosecrans High School, Stacey Lysaght of Fenwick High School, Michele Martin of McNicholas, Mariann Mayhew of Newcomerstown, Luke McConnell of Circleville High School, Laura Meinking of Our Lady of Angels High School, Ronnie Meister of Taylor High School, Michael Murphy of Findlay, Paul Neyer of Roger Bacon, Derek O'Neal of Roger Bacon, Susan Rauen of Loveland, Mary Schaub of Shelby Senior High School, Rob Schuette of Moeller, JoEllen Scofield of London High School, Clark Searle of Oak Hills, James Silone of Lima High School, Thomas Sippel of Lehman High School, Michael Sora of Fenwick High School, Mary Spinks of Del.-Hayes High School, Margaret Spinning of London, Tim Stadler of Shelby, Christine Starner of North Lexington High School, Lawrence Stier of St. Xavier High School, Alan Stivers of Ripley High School, Mark Telles of Elder, Joan Vonderhaar of Eaton High School, Patty Wagner of Liberty High School, James Weiss of Moeller, Kathleen Wendt of Aiken High School, Michael Wolfert of Talawanda High School, Sue Wright of Seton High Schook, and Monica Yee of Western Hills High School.

I would especially like to honor William E. Smith, director of Operation Youth and professor of accounting and finance at Xavier University. His dedication in insuring the success of this program has been unsurpassed. His efforts, as well as those of his staff, enabled over 89 young citizens to gain new insight into the workings of democracy. The staff included:

Mr. Kevin Bien, program director; Mr. Bill Maly, chief of staff; Rev. Leo Bennish, chaplain of Xavier University; senior staff members: Karen Fahlbusch, Brenda Green, and Karen Schilling; and junior staff members: Ann Bailey, Brian Clark, Michelle Frost, Patty McLoughlin, Marsha Telles, Mike Vorbroker, Mike York, and Gary Pugh.

Mr. Speaker, I am happy to pay tribute to this outstanding and worthwhile program.●

GRENADA—WHAT THE WASHINGTON POST DID NOT TELL YOU

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. McDONALD. Mr. Speaker, on June 1, 1983, the Washington Post ran an interview with Maurice Bishop, Marxist totalitarian dictator of Grenada. Of course, the Washington Post chose to tell its readers that Bishop is a prime minister. Then too, in that article, the author, John M. Goshko chose to suggest that President Reagan's speech to the American people and photographic evidence was questionable on the matter of the airfield being built with Soviet and Cuban Marxists on Grenada territory.

Then the Washington Post chose to cite Grenada's airfield as an attraction for the so called thousands of tourists who go there. Is Mr. Goshko talking about tourists like Angela Davis, Philip Agee, or Harry Belafonte, who states that elections are not needed in Grenada.

It is indeed a shame that the Washington Post knows neither the meaning, nor practices journalistic integrity. Fortunately there are other sources, one of which I would like to share with my colleagues today. On January 9, 1983, the West German publication Welt Am Sonntag, published an article by Uwe Siemon-Netto, clearly pointing out that Grenada is fast becoming a second Cuba. Article follows:

[From Hamburg Welt am Sonntag (in German), Jan. 19, 1983]

GRENADA SAID TO BECOME "SECOND CUBA"

[Article by Uwe Siemon-Netto: "A Black Castro Is In the Process of Turning an Island of the Queen Into a Second Cuba: Grenada—the Most Charming Island in the Caribbean. Russians Have Purchased 17 Villas on Belafonte's 'Island in the Sun' "]

[Text] St. George's. For an hour we stood silently next to each other at the bar. He was a young black, I a white man barely past the midpoint of life. My attempt to start up a conversation with him at first failed because of his taciturnity, which was not typical for a man from the Antilles.

Finally he asked me: "American?"

I replied: "German."

He: "East or West?"

I: "West."

He: "Comrade?"

I: "No."

Thereupon he smiled and explained to me his behavior up to now: "You know why the people of Grenada fly to Trinidad to see a dentist? Because there they can open their mouth without worry."

I pinched myself. Where was I? In the GDR? In the USSR? Was this the latest from Radio Yerevan? No, I was in Grenada, "My Island in the Sun," as Harry Belafonte sang about the most charming of the Caribbean Islands.

But dark vapors lie over this tropical pygmy state, whose sovereign in formal terms is still the Queen: A black Castro is in the process of turning the Commonwealth member into a second Cuba, into one of the most important potential bases for Moscow's military and political plans in the Caribbean area, in Central and South America, at the "soft underbelly of the United States," as one likes to put it there.

This is why the people in Grenada approach strangers with similar caution as Central Germans or Czechs: Either they are silent, like my neighbor in a harbor bar in the picturesque capital of St. George's was at first, or they speak in parables.

"What do you think of Bishop?" I asked a hitchhiker whom I had picked up in my rental car. I had in mind Prime Minister Maurice Bishop, who came to power in an almost bloodless coup d'etat (only two dead) on 13 March 1979. His name means bishop.

"Bishop? Bishop?" my passenger pretended to rack his brain. "You know, I am Anglican. We do not have a bishop here. But I hear that the Catholic bishop is very nice."

This Catholic bishop is called Sydney Charles. He is the prelate of 65 percent of the 110,000 consistently pious inhabitants of Grenada, which is why he is still being treated by the regime like a raw egg for the time being. And recently he said in public: "There are two bishops on this land, and we both have the Grenadians [sic] on our knees." The other bishop was not very happy to hear this.

Prime Minister Maurice Bishop is 39 years old, well-built and without a sense of humor. His wife Angela, a former carnival princess, has left with her children for Canada; his current girlfriend, Jacqueline Creft, who has also made his a father, was appointed by him to the post of minister of education.

After his coup d'etat 4 years ago, Bishop promised elections in the near future. And he would have won easily, for his action was popular at that time.

Sir Eric Gairy, the prime minister who was overthrown by him, was regarded as corrupt and slightly crazy. He busied himself primarily with unidentified flying objects (UFO), and he happened to be in New York at the time to address the United Nations on the subject of UFO when he lost his power at home to Maurice Bishop.

But Maurice Bishop did not keep his promise to hold elections. Today, many people in Grenada assured me, he would no longer win an election; at most 20 percent of the people stand behind him, I was told. And so he said that Grenada would never "return to the farce of the parliamentary system a la Westminster."

But it so happens that in Grenada's neighboring countries—for example Barbados, Trinidad and Jamaica—the democratic traditions are carefully cultivated as the most precious legacy from the period of British colonialism. Among other things, this necessitates a courageous free press. With regularity it publishes the names of political prisoners, some of whom have been imprisoned in the dreaded "Richmond-Hill" prison for almost 4 years, without ever having been charged with an offense.

This tropical Bautzen [fortress] is largely being ignored by the European and North American leftist intellectuals who are streaming into Grenada in order to support the 'revolution' there.

There is, for example, Angela Davis, today the second highest official of the American Communist Party; in the spring she came with 14 relatives at the expense of the taxpayers of Grenada to the island for a carnival celebration.

There is Philip Agee, the former CIA agent derailed to the Left, who from time to time also lives in Germany and is so closely allied with Grenada that he is traveling through the world with a passport of the mini-state.

There is the precentor of German peace marchers, Harry Belafonte, who likes to be invited to "My Island in the Sun" and assures the natives that free elections are not necessary.

The prison of Grenada would really be worth the interest of people like that. For the conditions prevailing there justify the word "isolation torture," which is so popular among the leftists. As several members of the clergy and relatives of prisoners told me, the inmates of "Richmond Hill" are locked into their cells for 23 hours a day, frequently in solitary confinement in tiny dark rooms, whose only furniture are the foam rubber mattresses without any linen that lie on the floor.

Only every 2 weeks are they allowed to see their relatives for 15 minutes. The relatives have to bring them clean clothing, biscuits and milk; the food in the prison is barely eatable. A typical menu looks as follows: A muddy brown soup made of figs or flour and water and then boiled fish heads.

No outsider knows the exact number of prisoners in "Richmond Hill." The journalist Alister Hughes, a brown Ossietzky, who with unimaginable courage informs the outside world about the conditions in Grenada, told me: "I had compiled a list of 100 names, but then 28 were released, and among them were many of whom I did not know that they were in 'Richmond Hill.' Consequently I have to assume that there are still other people there about whom I do not know anything."

Over 100 political prisoners: A large number for a small country. If similar conditions prevailed in the Federal Republic, close to 50,000 opponents of the regime would have to populate the penitentiaries according to this scale.

The prison is so full that for the time being it can no longer accept common criminals. I was told the story of a murderer whom the police brought to the penitentiary, where he was turned back at the gate because of lack of space. He was sent home by way of hitchhiking.

A strange perversion of the British builders of "Richmond Hill" is responsible for the fact that it has the most beautiful view of the picturesque harbor of St. George's.

A bit farther on the same road an airy villa is located whch is regarded as the real power center of the island.

This is where the 38-year-old Cuban ambassador Julian Torres Rizo lives and works, a prudent dark-haired gentleman who is married to a white American woman by the name of Gail.

Torres is not an ordinary ambassador, but a high-ranking officer of the Cuban secret service DGI. In 1976 he was identified as the leading Cuban agent in the United States.

In Grenada hardly anyone doubts that Torres and the DGI planned the coup d'etat which brought Maurice Bishop to power 4 years ago. A month after the coup Torres turned up as charge d'affaires in St. George's—as one of the first of the many hundreds of Cubans who are on the island today.

Approximately 350 of them are working on a project which is causing some concern to the United States: They are building an international airport with a runway of almost 3 kilometers.

Officially the word is that this airport is supposed to entice jumbo jets full of tourists to Grenada. But a single figure shows what one should think of this version: At the moment there is a total of only 450 hotel beds on the entire island. . . .

Of the $70 million which the airport will cost, $2.2 million is coming from the development fund of the European Community. The Cubans are investing $33.6 million in the enterprise.

In Washington people believe that the Europeans are thus helping to finance a Soviet-Cuban airbase directed against the United States.

"The fact is," a prominent Grenadian told me, "that our country is being transformed into a Soviet aircraft carrier."

How important Grenada is for the Soviets is indicated alone by the fact that Admiral Gorshkov, the commander of the Soviet Navy, inspected the island 2 years ago.

Since that time the Soviet embassy has bought 17 luxurious villas on the island. Libya, too, maintains a large embassy in the ministate. The GDR has sent "technical advisers" to the island. And the pygmy-state has at its disposal a 75,000 watt transmitter, which is stronger than the transmitters of the Voice of America and can also be received in Europe.

When Maurice Bishop overthrew his predecessor Gairy, the country only had 140 soldiers. Today the regular army has 1,500 men and the people's militia another 8,000 to 15,000. All in all they constitute more than one-seventh of the population and they are being trained by Cubans. Guerrillas, including PLO terrorists, are supposedly to be trained at the army base of Calivigny.

The "Island of Spices" is now teeming with young blacks who are playing Red Army soldiers: With Soviet steel helmets, Soviet belt gear and Kalashnikov rifles. The Cubans apparently not only brought hundreds of military vehicles of the Zyl and Gas trademarks into the country, but also heavy equipment: On 25 August the Cuban freighter "Baira" docked in St. George's. In the evening a blackout was imposed on the entire country. Those who were trying to find their way in the darkened streets were escorted home by military personnel.

And then throughout the night heavy vehicles rolled from the harbor to the army base of Calivigny. They transported giant crates, in which, among other things, the most modern Soviet anti-aircraft rockets were suspected.

The Grenadians, one of the most lovable and hospitable peoples of the Caribbean, see and hear what is going on around them, and they behave like a people behaves when it is afraid: They rush into the churches, which have not been so full in decades. "For all of us feel," a priest told me, "that something is brewing here."

[Map caption] Grenada's strategic position is of great value. Brazil, the oil fields of Venezuela, and shipping lanes that are vital for the United States lie within reach of jets.

[Picture caption] Charlotte Town on the West coast of Grenada is one of the oldest settlements of Grenada. A total of 110,000 people live on the 334-square-kilometer, large island.●

BALTIC FREEDOM DAY

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1983

● Mr. SENSENBRENNER. Mr. Speaker, I take this opportunity to recall the year 1940, when the Soviet Union, in an extremely illegal and immoral action, incorporated the Baltic States of Latvia, Lithuania, and Estonia. This action, and the subsequent deportation of hundreds of thousands of Balts to Siberian work camps stripped the Baltic people of their heritage, culture, and human rights.

The United States has never recognized this illegal action and continues to monitor and address human rights violations still taking place today in the Baltic States. We, in America, must recommit ourselves to the cause of freedom in Latvia, Lithuania, and Estonia, just as the people in this region themselves have done.

The independent spirit of the Baltic people, their never-ending drive for freedom, is evident in the dissident underground publications which circulate widely in each state. Also, despite Soviet efforts to stop the activity, Balts continue to listen to Radio Free Europe, Radio Liberty, and Voice of America broadcasts. The undying courage and determination of the Baltic people is a beacon to the oppressed people of the world. We must never acquiesce to this unconscionable crime committed by the Soviet Union and continue our vigil until the totalitarian yoke is lifted from this region.

I join with my colleagues and all the people of the world in prayer that someday freedom will return to these brave people.●

RADIO MARTI: GETTING THE TRUTH TO CUBA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LAGOMARSINO. Mr. Speaker, during the recent debates in the House Foreign Affairs Committee on El Salvador and Nicaragua, there were a number of comments about this administration's emphasis on military solutions to fighting communism in this hemisphere. I believe those charges are false, and I believe the record demonstrates that they are false. The administration has sought the approval of its Caribbean Basin Initiative, the advancement of its democracy program, and the authorization of Radio Marti.

Radio Marti will fight the lies of communism in this hemisphere through ideas not through military aid. For all those who have said there should be an alternative to military aid, support for Radio Marti is an obvious and appropriate choice.

I urge my colleagues to read the following commentary prepared by the Heritage Foundation describing the objectives of Radio Marti.

RADIO MARTI: GETTING THE TRUTH TO CUBA

INTRODUCTION

The Reagan Administration has proposed that the United States establish a radio station to broadcast news to the people of Cuba. This so-called Radio Marti would break the information blockade that Fidel Castro has imposed on Cuba's citizens. It would get the truth to Cubans, letting them know the full extent, and cost, of Castro's activities at home and abroad.

The concept is not new. For years, Radio Free Europe has broadcast into Eastern Europe, as Radio Liberty has into the Soviet Union. Both tell their listeners living behind the Iron Curtain about events in, and concerning, their homelands.

Plans for Radio Marti have generated opposition from American broadcasters because Castro has threatened to retaliate by jamming on U.S. stations. Cuban jamming capabilities, however, are limited and costly. They could block broadcasts from other countries in the region with whom Cuba is trying to maintain good relations. Furthermore, American stations have the technology to overcome such interference.

The Administration's foreign policy critics also attack the plan. They call it provocative and suggest instead that the U.S. negotiate with Cuba for better relations. But Castro himself is the biggest obstacle to improved U.S.-Cuban relations. Moreover, Cuba for years has transmitted radio programs, laden with propaganda and anti-American rhetoric, into the United States and Latin America. Radio Marti, by contrast, would consist solely of news and entertainment; it would be prohibited from broadcasting propaganda. Establishment of Radio Marti would not preclude American negotiations with Cuba.

Radio Marti represents a peaceful, effective, and inexpensive foreign policy tool for

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U.S. efforts to deal with Fidel Castro's destabilizing activities. It can give the Cuban people the news and information about their own country and its activities that is currently denied them. It thereby may divert Castro's energies from creating instability abroad and focus his attention on problems closer to home.

BACKGROUND

The Reagan Administration repeatedly has sought ways to blunt Fidel Castro's adventurism. Since his takeover in 1959, Castro has vowed to export his revolution; in recent years, direct Cuban involvement in African, Central American, and South American affairs has grown ominously. For instance, Cuba has supplied proxy troops for the Soviet Union in Ethiopia and Angola. It has also trained and armed rebels in Nicaragua, Colombia, and El Salvador, to name just three trouble spots.

Castro's efforts at subversion, though, are not limited to the battlefield. Whenever he can drive a wedge between the U.S. and its neighbors, he does so.

A dramatic case in point occurred during the Falklands/Malvinas crisis. Cuba's relations with Argentina's right-wing military government had never been good. But when the U.S. announced it would side with Great Britain in the conflict, Cuba suddenly became Argentina's best friend. Cuban propaganda carried relentless denunciations of the United States and praise for the Argentine struggle to defeat what Cuba termed "imperialist actions." Cuban delegates to the Organization of American States and to the United Nations pointedly supported Argentina's side in the dispute. Just this year, Fidel Castro endorsed a resolution of support for Argentina at the Non-Aligned Nation's conference in New Delhi.

Cubans are kept in the dark about their country's extensive destabilization efforts around the globe. They have not enjoyed a free flow of information for the nearly quarter-century that they have lived under communism. Cuba's mass media is strictly controlled by the government. The estimated 130 radio stations, three TV channels, and magazines and newspapers in Cuba give the public only the information that fits into the Communist Party line.

Not only do Cubans receive sketchy news about foreign affairs, they are told little about domestic events. They do not know, for instance, the full extent of Castro's vast political prison system and systematic violation of human rights, or about acts of industrial and agricultural sabotage committed by disillusioned workers, or of the Soviet Union's $3 billion annual subsidy to keep the Cuban economy afloat. The Cuban people get information about events within their own country through official propaganda and by word of mouth, both unreliable.

In 1980, candidate Ronald Reagan's advisers suggested that the United States break this information blockade and enable Cubans to know what their government was doing at home and abroad. The idea was to direct Castro's attention away from international adventurism and toward domestic problems. They recommended a radio station devoted exclusively to the task.

After his election, Reagan endorsed the concept of such a radio station. The Presidential Commission on Broadcasting to Cuba was established in September 1981 to study its feasibility.[1] The panel's favorable report led to the drafting of plans for direct U.S. radio broadcasts to Cuba.

As originally envisioned, the new station would be named after José Marti, a 19th century Cuban patriot. It would beam programs of news, music, and sports to Cuba fourteen hours daily. The entire operation would be run by the Board for International Broadcasting, the same federal agency operating Radio Free Europe and Radio Liberty.

BROADCASTERS' OBJECTIONS

Plans for Radio Marti drew immediate fire from U.S. broadcasters. They expressed concern over threats by Castro that he would jam Radio Marti, fearing the effect of such action on American radio stations. They ignored, however, the fact that Cuban radio transmissions already interfere with U.S. stations, particularly in Florida. Cuba also has broadcast on frequencies and at signal strengths that violate international agreements. It has done so for years, long before plans for Radio Marti were announced. In addition, Castro revealed plans in 1979 for two Cuban AM "superstations" of 500,000 watts each, ten times the maximum power allowed to American stations. Such superstations could substantially disrupt radio signals throughout the U.S.

Castro apparently has played on American broadcasters' fears of radio interference. On August 30, 1982, in a display of radio muscle-flexing, Cuba broadcast four hours of programing at extremely high power over five AM radio frequencies. Twenty-two U.S. radio stations using those same frequencies encountered some interference with their broadcasts.[2]

The potential impact of Castro's threat, however, is overstated. Jamming has limitations and even drawbacks for Cuba. It requires transmitting high-power signals on the same wavelength as the targeted station in order to disrupt incoming signals. These can be simply noise and static to garble the offending broadcasts or "counterbroadcasting" that drowns out the incoming signals by sheer power. Sustained jamming and counterbroadcasting, though, require quantities of electricity, which could tax severely Cuba's limited and expensive power-generating capabilities. Moreover, counterbroadcasting affects not only U.S. radio stations but also those of neighboring Central and South American countries with which Castro wants to maintain good relations. Already, Mexico, Venezuela, and Colombia, among others, have voiced concern over current and potential Cuban radio interference.

Jamming does not always work. The Soviet Union and its East European satellites have tried to block Western radio transmissions for years, but with only limited success. During the height of the martial law crackdown in Poland, for instance, Polish authorities sought to jam radio transmissions from the West. But by one account, an estimated 60 to 90 percent of Poles could still hear Radio Free Europe—despite the jamming effort.[3]

Even if Castro decides that the cost, effort, and consequences of jamming are worth it, U.S. broadcasters can overcome Cuban radio interference. Transmitter power can be stepped up, and the radio beam can be focused to reach target audiences with greater precision. Moreover, early plans calling for Radio Marti to use AM frequencies that are also used by other U.S. radio stations have been modified, so that Cuban attempts to block Radio Marti would not necessarily interfere with American commercial broadcasts.

With or without Radio Marti, though, rogue Cuban radio transmissions could remain a problem for American broadcasters. Eliminating Radio Marti is not the answer. The problem will be solved only when Cuba abides by international broadcasting rules and standards.

FOREIGN POLICY CONSIDERATIONS

Opponents of the Administration's foreign policy have argued that President Reagan seeks confrontation, rather than negotiations, with Cuba. They point to Radio Marti as proof of this, seeing it as an effort to provoke Castro.

Yet Cuba and other Communist countries long have used radio broadcasts to further their policies. Cuba transmits some 280 hours of programs to North America and the Caribbean each week. This is in addition to the more than 130 hours a week of Soviet broadcasts into the region, as well as broadcasts from East Germany, mainland China, and other Communist bloc countries into this Hemisphere.[4]

Cuba's own radio broadcasts have not stopped the U.S. from trying to negotiate with Castro, just as Radio Marti alone would not preclude efforts to improve relations with Cuba. Rather, Castro has been the main obstacle to negotiations. He repeatedly has rejected both open and secret overtures for better relations. In addition, he refuses to discuss the issues of greatest concern to the United States: the Cuban military presence in Africa, his support of guerrillas in Central America, his complicity with drug smuggling into the U.S., and immigration matters. His dealings with the United States have been marked by intransigence and defiance.

The Carter Administration, for instance, made repeated efforts to reestablish relations with Cuba. During that same period, though, Castro sent more troops into Angola, dispatched forces into Ethiopia, supplied arms and training to the Sandinista guerrillas in Nicaragua, and released massive numbers of Cuban refugees through the Port of Mariel.

LEGISLATIVE HISTORY

Legislation to set up Radio Marti passed the House of Representatives on August 10, 1982, by a vote of 250 to 134. The bill cleared the Senate Foreign Relations Committee, but died in the Senate during the 97th Congress' lame duck session.

Congressional critics in both Houses expressed concern about the wisdon of the move from a foreign policy perspective. They questioned the cost of the new enterprise (an estimated $7 million to $10 million a year) and suggested the use of Voice of America facilities for broadcasting. They echoed broadcasters' concerns about potential interference with U.S. radio stations, should Cuba try to jam Radio Marti, and about the costs if American stations needed to purchase equipment to counter Cuban interference.

Some of the strongest objections to Radio Marti came from the Iowa congressional delegation. Original plans had called for Radio Marti to use a frequency of 1040 kilohertz (kHz) on the AM band, the same spot on the dial as station WHO in Des Moines.

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[1] Executive Order 12323, Sept. 22, 1981.

[2] "Cuban Radio War?" Washington Post, Sept. 1, 1982, p. B–6.

[3] "Poland Censures Old Annoyer: Radio Free Europe," New York Times, May 11, 1982, p. A-2.

[4] "Broadcasting to Cuba," National Review, July 23, 1982, p. 877.

WHO is a so-called clear channel station, which means its power is boosted at night to reach much of the United States. Broadcasters there feared that Cuban jamming could block WHO's signal throughout the country.

The Radio Marti bill has been reintroduced in the 98th Congress with changes designed to address the concerns raised by the plan's opponents. The new legislation does not restrict Radio Marti to the AM band, but specifies that, should Radio Marti choose to use an AM frequency, it must use the one currently assigned to the Voice of America (1180 kHz). This would limit interference from Cuban jamming efforts to this government frequency and spare commercial broadcasts. To save money, Radio Marti would be permitted to use the VOA's broadcasting facilities as well.

The measure's supporters have called for a fund to compensate radio stations that suffer from Cuban radio interference. Legislation in the House included $5 million for that purpose, and a similar amount will be proposed in the Senate.

To address foreign policy concerns, both the House and Senate bills contain identical language requiring that broadcasts to Cuba avoid provocative or inflammatory rhetoric. The legislation specifies that Radio Marti programs must "serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news." [5]

CONCLUSION

Radio Marti's fate should not depend on Fidel Castro's threat of radio blackmail, but rather on the station's value to American foreign policy. On this score, Radio Marti is a good investment.

Using a tested and proved concept similar to the successful Radio Liberty and Radio Free Europe, Radio Marti may divert some of Fidel Castro's energies from foreign troublemaking. At the least, the station will help Cubans understand the full extent and cost of Castro's policies. The fact that Castro seems so anxious to block Radio Marti testifies to the idea's impact and effectiveness.

Radio Marti offers the Reagan Administration a low-cost, high-yield foreign policy option. It is a peaceful means of containing Fidel Castro and his activities. Given the lives and treasure that are being spent in order to contain Castro's policies in Central America, the idea of redirecting his efforts back home has an appeal, and an urgency, that cannot be denied.

Prepared for the Heritage Foundation by Luis A. Luna.●

BALTIC FREEDOM DAY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1983

● Mr. CLINGER. Mr. Speaker, June 14 of this year marks the 43d anniversary of the Soviet Army's tragic invasion and occupation of the Baltic States of Lithuania, Estonia, and Latvia. Since that invasion in 1940, the citizens of these states have been subjected to severe hardships and injustices. As the Baltic citizens continue in their struggle against this Soviet oppression, I commend the passage of House Joint Resolution 201, to designate June 14 Baltic Freedom Day 1983.

The Soviet regime has taken from the people of the Baltic States their fundamental right to self-determination. In the 43 years since the initial invasion, Lithuania alone has lost over 1,250,000 lives to the totalitarian deportation policies of the Soviet Union. This denial of basic human rights has been accompanied by severe colonial economic exploitation. In spite of the indignation of this situation, the people of the Baltic regions continue in their struggle for freedom.

We in the United States sometimes take our personal liberty for granted. Let the Congress now join in a unanimous message to citizens of our own country, as well as those of other nations, that the struggle of the Baltic citizens is not without significance.●

BALTIC FREEDOM DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BROOMFIELD. Mr. Speaker, yesterday, I was privileged to attend a White House reception for Baltic Americans. I was honored to be there when the President signed the legislation proclaiming June 14 "Baltic Freedom Day." I was moved by the President's poignant remarks at the reception and want to share them with all of my colleagues here in the Congress.

I share the President's deep commitment to human rights and his deep concern about the tragedy of the Baltic States. The history of that area is a tragic one that all free men should know and never forget so that we may profit from the mistakes of the past.

As all of you know, Estonia, Lithuania, and Latvia were once free and independent nations. In 1922, the United States recognized those republics and welcomed them into the international arena. These countries were viable nations made up of industrious and independent farmers who cherished their freedom.

In 1940, the Soviet Army marched into the Baltic States, and effectively sealed the Baltic nations off from the prying eyes of Western media. They immediately formed puppet regimes. The legislatures, completely dominated by members of the Communist Party, petitioned the Supreme Soviet of the U.S.S.R. to incorporate each Baltic Republic into the Soviet Union.

As soon as the Russian troops arrived, and the incorporation was declared, the Soviets began a systematic campaign of violence against the population of these nations. The Soviets needed to wipe out any opposition to the new order. Over 665,000 Estonians, Latvians, and Lithuanians were deported to Siberia. The Kremlin settled large numbers of people of Russian stock in the Baltic States to strengthen their control of the area. Widespread bloodshed ensued when the Baltic guerrillas took to the forests to establish a network of armed opposition to the illegal occupiers. More people were killed when the front changed and Nazi Germany invaded her old ally, the Soviet Union.

When the Soviets returned the second time in 1944, they were determined to stay and began a brutal plan of collectivizing the countryside. Farmers were forcibly evicted and deported. More troops than ever were brought in to destroy the guerrilla movement. Even so, the partisans continued their struggle until the early 1950's when, isolated by numerous divisions, many in the resistance movement gave up their arms.

In spite of overwhelming oppression, the peoples of the Baltic States are struggling to maintain their linguistic, ethnic, and religious identities. We cannot abandon these freedom-loving peoples. They have already demonstrated their determination for liberty and their willingness to do what is necessary to keep their national characters intact.

We must remind the world that there once were free and independent states on the eastern coast of the Baltic Sea. We should all work together to bring about an end to the illegal occupation of Estonia and the other Baltic States.

With this in mind, I strongly recommend that all of the Members of the House read the President's comments. Let us remember that those who forget history are doomed to repeat it.

REMARKS OF THE PRESIDENT AT THE RECEPTION FOR BALTIC AMERICANS

I once learned in a public-speaking class that you should never open your remarks with an apology. (Laughter.) But, then, how can I explain to you that I'm sorry I was late and have kept you waiting here? I'll tell you how that happened here if some of the fellows behind me won't get mad. They had a meeting scheduled also with a delegation from the Congress, and I've found out that every time that happens I'm late from then on. (Laughter.)

But welcome to the White House. We're gathered to draw attention to the plight of the long-suffering Baltic people and to affirm to the world that we do not recognize their subjugation as a permanent condition. (Applause.)

The Soviet occupation of Latvia, Estonia and Lithuania is a living reminder of the cynical agreement between Soviet Russia and Nazi Germany that precipitated the Second World War. The Soviets would like the world to forget this dark chapter of history, but it's something the Baltic people and freedom-loving people everywhere will always remember.

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[5] "Radio Broadcasting to Cuba Act," H.R. 2453, S. 602, 98th Congress.

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The Soviet Union invaded these small but proud countries in 1940. And, then, in June of 1941—only days before Hitler turned on his partners in the Kremlin—the Soviets arrested tens of thousands, executed many and began a mass deportation to Siberia.

At the end of the war, the horror continued as hundreds of thousands were sent to the Gulag. Today, it's no coincidence that a large percentage of people living in these occupied countries are not of Baltic descent. The Soviets have tried their best to Russify the Baltic peoples, as they have with so many of the other oppressed nationalities within the Soviet empire.

The worship of God, once at the heart of Baltic culture, has been brutally suppressed. Any legitimate attempt at independence from Moscow has been suppressed. Any tangible effort to preserve their national identity has been denied, but the Soviets have never broken their spirit. Underground publications flourish and ad hoc committees and groups defend religious and national rights as guaranteed by the Helsinki Accords.

It seems ironic that those responsible for the repression I've been describing are now proposing what they call "an atom-free Baltic," "a Nordic nuclear-free zone," especially since unidentified submarines have repeatedly violated the territorial waters of Norway and neutral Sweden. This kind of conduct doesn't lend itself to a spirit of trust. As a matter of fact, the curious thing is, if you really stop to think about it, their description of a nuclear-free zone is that there won't be nuclear weapons in that zone. The kind of nuclear-free zones we want in the world are zones where nuclear weapons will not be landing and exploding. (Applause.)

I urge the Soviets to concentrate on the serious negotiations in Geneva instead of making meaningless gestures. Last week, as you're aware, I unveiled a new arms control proposal. We hope the Soviets will take this proposal seriously. We've demonstrated flexibility. The ball is now in their court. We're seeking verifiable and equitable agreements because we're firmly convinced that such agreements are in the interest of both our countries and all the people of the world.

However, we should never delude ourselves as to just who and what we're dealing with. I can promise you we will not, in the process of seeking peace be lured from our moral commitment to those captive peoples who are now held in bondage. (Applause.)

There are those who believe that we should muffle our criticism of totalitarianism in the mistaken notion that this will further the cause of peace. But we Americans want nothing more than to remain free and at peace.

Nevertheless, ignoring reality, giving up the moral high ground, refusing to speak the truth will not engender the respect needed for the preservation of peace and human liberty. Totalitarian regimes must know that free men will not cower. Then and only then can conflict be avoided.

I'm happy to report after the Williamsburg Summit that I am confident freedom and peace can be preserved. The leaders of the Western Democracies gathering there in the Cradle of Liberty met as friends and allies. A new spirit is emerging in the West, a fellowship of decent and free people. We have the strength of our convictions and we're not afraid.

June 14th, the day in 1941, when the massive deportation of the Baltic people began, is a day which reaffirms our commitment to our ideals. The people of Latvia, Estonia, Lithuania and all the other nations look to the United States. We must keep the peace and we will. We must also keep the beacon of freedom shining. And from that sacred responsibility, we will never shrink.

Last week, Congress expeditiously adopted legislation proclaiming June 14th Baltic Freedom Day. (Applause.) And I will now sign the proclamation marking that designation. (Applause.) (The President signs the proclamation.)●

CECIL WILLIAM McLINN, OUTSTANDING FIREFIGHTER HONORED

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. DYMALLY. Mr. Speaker, June 20, 1983, marks the 70th birthday of one of southern California's outstanding firefighters. In a State whose population is made up as much of nonnatives as natives, Cecil McLinn is one of those somewhat unusual people who was born, raised, and who has given a lifetime of service to the Los Angeles area. Born in 1913 in Hollywood, Mr. McLinn is a graduate of the Los Angeles public school system. He studied both at Los Angeles City College and East Los Angeles City College where his studies were in the area of fire science and administration.

After college, Cecil worked for 2 years—1933 to 1935—as a surveyor with the Civilian Conservation Corps, seeing service in Lompoc, Calif., and in Sequoia National Park. After leaving the CCC, he worked for a time with the C. W. Cooke Surveying Co.

His career in firefighting in the Los Angeles area began with his appointment to the Los Angeles Fire Department on November 11, 1936. Cecil moved steadily through the ranks and took the post of fire department engineer on January 1, 1961. On July 19, 1962 he was appointed captain.

When Chief Raymond Hill created a special unit for community relations in August of 1967, he tapped McLinn to head the unit. As coordinator of these programs, he spent much time with the youth of the community in engine house rap sessions. His work was aimed at building a better community and at building a strong firefighting force within the community. One aspect of building such a force was McLinn's effort to bring more members of minority groups onto the force.

Cecil has worked long and hard for the community. He has served in many community organizations. Included among them are the Student Committee for Improvement of Watts, the Watts Coordinating Council, the Watts Health Association, Watts Pride Association, and the Fire Service Explorer Post 651.

His professional affiliations include: California State Firemen's Association, the National Fire Protection Association, Los Angeles Fire and Police Protective League, Professional Firefighters Union Local 748, and the Los Angeles City Fire Relief Association.

Although Cecil retired from the Los Angeles Fire Department in February of 1972, he has been anything but retired. In addition to working for the Los Angeles County marshal's office, Cecil presently owns and operates a child care center in Culver City. I join with the thousands of citizens in the Los Angeles area who have benefited from Cecil's service over the past five decades, in wishing him the happiest of birthdays. Cecil, you are not getting older; you are just getting better.●

NOTABLE AND QUOTABLE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the Wall Street Journal recently published excerpts from an editorial originally appearing in a newspaper in Tegucigalpa, Honduras, under the title "What Fools the Gringos Are." I urge my colleagues to consider the comments representative of the views from Central America.

NOTABLE AND QUOTABLE

(Translated from an editorial, "What Fools The Gringos Are," in La Prensa of Tegucigalpa, Honduras, March 26.)

A wise old proverb says that no one is more blind than he who doesn't wish to see. It could apply to certain gentlemen on Capitol Hill, some in the Senate and some in the House of Representatives, who go crazy whenever it comes to defending their own security. They appear to be more worried about what the Soviet Union is likely to say than they are about peace for their people.

It's very difficult to understand the North Americans. They never seem to have recognized the enormous responsibility they assumed when they took over the leadership of the West. They let themselves be taken in by cunning old Stalin, and the Soviets gobbled up half of Europe, practically without a single shot being fired.

Now there has come a president with a much different conception on his responsibilities as leader of the West. Ronald Reagan faces the difficult task of correcting a course with so many blunders. However, his countrymen, especially the so-called liberals, fail to understand that the reality of Central America is quite different from that of Massachusetts and Oregon.

Mr. Reagan has been misunderstood by some members of his own party and by many in the Democratic opposition.

He has told them of the dangers of a Marxist enclave in Central America. But these gentlemen don't understand or don't want to understand. They stubbornly hold that the unique solution is to sit down with the Salvadoran guerrillas and ask them to lay down their conditions. They are more concerned with cutting off aid to El Salvador than with recognizing that the survival of a friendly government in that country is vital for the security of the United States.●

AMERICA'S DEFENSE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FIELDS. Mr. Speaker, I would like to present for the RECORD an article appearing in the May 1983 edition of the Reader's Digest, condensed from the January 1983 edition of the Washingtonian. The author, John G. Kester, clearly and concisely explains why our Nation's need for a strong defense is more important today than ever before.

Mr. Kester examines the defense question in a logical and rational manner. His conclusions are sound and informative, and provide meaningful insight to those who sincerely and objectively wish to form an opinion on this matter of national importance. I commend this article to the attention of my colleagues.

The article follows:

WHAT YOU SHOULD KNOW ABOUT AMERICA'S DEFENSE

(By John G. Kester)

Congress is ready to attack the big budget deficit, and both Republicans and Democrats are looking at the Pentagon for likely cuts.

Money for the Pentagon stirs primitive broodings. Foes of defense want to believe that almost all Pentagon spending is foolish or dangerous. On the other side, some of the hawks go beyond acknowledging the need to defend ourselves and would buy nuclear bombs if the only threat were Chief Sitting Bull.

Extremes aside, cautious people favor defense. The less we spend on defense, the greater the risk of war. But how much money for defense is enough? Are our defenses sufficient now and for the future?

Following are some answers to these and other simple but important questions that will help you recognize the strengths and weaknesses of our defense program.

How will the Pentagon money be spent?

If Congress accepts the President's proposed budget for fiscal 1984, 18 percent of the Pentagon's $274 billion budget will go for military pay; another 27 percent for civilian employees, operating costs and maintenance; 11 percent for research and development; 34 percent for buying weapons and equipment; 6 percent to retired military people; and 4 percent for miscellaneous.

Another way to slice the budget is by the categories of forces it buys. Only about 15 percent goes for strategic nuclear forces; 70 percent operates conventional units of the armed forces, and the rest is general overhead.

How do our conventional forces compare with those of the Soviets?

The United States now has 2.1 million men and women in the armed forces, supported by another million civilian employees of the Department of Defense (this is about the same size our forces have been for nearly 20 years, except during the Vietnam war). The Soviets keep 3.7 million in their army, navy, air force, rocket forces and air defense, plus 560,000 paramilitary border guards. The NATO armed forces overall about equal the numbers of the Soviets' and their East European allies', though they have more firepower and we have better aircraft.

What is needed to prevent a nuclear war?

After World War II, the Army, Navy, and Air Force bureaucracies each looked for a role in nuclear weapons. The Army at first built land-based missiles; the Air Force flew bombers; the Navy built submarine-launched missiles. This "triad" of separate nuclear deterrents has remained (and worked) for a quarter-century. It has the common-sense appeal of not putting all our strategic eggs in one basket.

There are important practical advantages to each system. Bombers can be scrambled on warning and then called back in case of a false alarm. ICBMs are the most accurate and controllable. Submarines—at the moment—are very hard to find when submerged.

Countermeasures to attack each system involve different technologies—so if the Soviets have to spend their rubles and their scientists' time preparing to knock out our ICBMs, they will have less to devote to finding our submarines. None of our three strategic forces will necessarily work forever; dropping from three to two would make it much easier for the Soviets and leave us in a pickle if number two began to act up.

Unless we want to risk moving from three to two strategic deterrents, we need a more accurate, powerful and survivable missile than the one- or three-warhead Minuteman. We have it in the ten-warhead MX. Unfortunately, no one has yet figured out a way to deploy MX that is both politically acceptable and militarily effective. A smaller mobile missile may be the answer, but none now exists, and submarines are not going to stay undetectable forever. So without a survivable MX, we might wake up one day with only bombers to defend us. Paradoxically, MX could help arms control: it would be a marvelous chip to trade for some of those 308 monstrous SS-18 ICBMs that the Soviets have pointed at us.

How much national defense is enough?

"Enough" cannot be measured without looking at the threat our armed forces are built to face. The Soviets have steadily increased their defense effort by about 3 to 4 percent each year for 20 years, and now they spend about 150 percent as much as we do for their military each year (about 180 percent as much for weapons).

The best index of how much to buy is to look at what policy has worked in the past to maintain a balance of power, keeping potential adversaries from doing anything too dangerous. Enough is whatever is necessary to keep that rough balance.

Is there Pentagon waste?

You bet there is. But a certain amount of waste is inevitable in any large organization, and the Pentagon is far better run than nearly any other part of the federal government. There is no easily deleted budget area titled "waste, fraud and abuse."

Of course, improvement is always possible. One big item of real waste in the defense budget is unnecessary and inefficient military bases all over the country. There are dozens of such forts, arsenals, factories and reservations that if closed tomorrow would save $2 billion to $3 billion a year. But Congress finds ways to keep them open despite the efforts of Secretaries of Defense of both parties to close them. Every base has one Representative and two Senators, who have colleagues facing similar problems or needing a vote to trade.

Another big source of waste is weapons contracting. Members of Congress spread out procurements so that instead of building, say, 500 planes in one year (the way the Soviets do), jobs are protected and costs raised by buying 50 planes annually over ten years—and also buying as many different models (and therefore as many different sets of spare parts) as possible, so that the federal dollars are spread around the districts.

Do weapons cost too much?

Yes, the cost of high-technology weapons is enormous. But if they work (many, not all, of them do) they are worth every penny. Still, there is appalling slowness and inefficiency in the way weapons are planned and produced. When military officers, trained to work in staffs, buy weapons and vehicles, they get agreement from each staff section. The cost goes up because of all the features added to get everyone's okay, and because all that overhead isn't cheap. The time for development gets so long that some weapons are obsolete before they are built.

There is a need for more real competition in defense procurement (there is little now), and more products designed to meet a performance and cost standard, rather than a set of bureaucratically approved blueprints.

Do we have good soldiers?

The Falklands and Israeli-Syrian wars reminded us, among other things, that given rough parity of arms, smart, well-led armies and air forces can figure out how to beat inept ones.

Our forces don't look like the best. With today's high unemployment, the Army is able to recruit high-school graduates. But Army training manuals are being revised down to fifth- or sixth-grade English for the people who with effort can be trained to operate one of our $2.5-million tanks, but whose reaction to the unexpected is anyone's guess. For leaders, we no longer have the draft to persuade college youth to become officers.

The greatest fault of our volunteer army is a social one. Freed from the draft, the American middle class no longer pays its dues to defend itself and its comfortable life-style, relying instead on mercenaries. We should be drafting ablebodied young men for 15-month tours of military service. The benefits of a draft would come in the deterrent value of our forces, in the reconstitution of the reserves, in the infusion of leadership and in the visible determination of a society willing to exert personal effort, as well as money, to defend itself.

Do our allies contribute their fair share?

Our allies, principally the NATO countries, South Korea and Japan, never do as much as we would like, but they do a lot. For one thing, most of them care enough to draft their young men. The West Germans provide housing and support for our forces in Europe and, in the event of war, they would supply the battlefield and most of the casualties. The Japanese do less, brandishing the constitution we wrote for them that limits their military activity.

The nearly 300,000 troops we keep in Europe are there to serve our own interests by helping to keep the Soviets out of Western Europe, and they do not add much to the defense budget. If our troops left, the Europeans, who know they cannot hold off the Soviets without us, would make the best of a hopeless situation by accommodating the Soviets. And sustaining the troops in this country would cost about as much as keeping them east of the Rhine.

Another great contribution that our allies can make is to provide our forces with overseas bases. These bases mean lower costs for logistics and fuel if American troops must fight outside our borders. Overseas bases are just what we lack, and what the Administration wisely is seeking in the Middle East.

Is defense spending wrecking the economy?

The size of the current defense budget has little to do with economic health. To suggest that we cannot afford the defense dollars the Administration wants is nonsense. Under John Kennedy in 1961, this country spent nine percent of its gross national product—almost half the federal budget—on defense. Today we allocate only 6.7 percent of GNP, a quarter of the federal budget, to defense. Meanwhile, the Soviets have steadily added to their own military expenditures.

What has increased in this country over two decades is the cost of other activities and income-redistribution programs. In 1982 they were 39 percent of the federal budget, versus 28 percent for defense. Social Security is by far the costliest in budget terms; it was 1.9 percent of the federal budget in 1950 and 26 percent in 1982. Cutting the defense budget amounts to stripping the defense of the United States to write bigger Social Security checks. That's the unpleasant economic contest of our times—our parents versus our children.

But it is true that too much money spent too suddenly for defense hardware can jam the circuits. So many manufacturers have quit defense contracting that this country has frighteningly little defense industrial capacity left.

What the defense industry needs is steady growth, not spasms of shopping. But having considerable reason to doubt the voters' steadiness of purpose, the military would like to get as much as it can while the money is there and start as many hard-to-cancel programs as possible. Unfortunately, as those programs expand, they will require vastly more dollars two and three and four years from now.

Is the arms race mindless?

There are only two major powers in the world today, and the Soviets keep doing the one thing they do well, which is to build military forces. The United States is not planning nuclear first strikes. We are not trying to upset the military balance, but the Soviets are. Unless you want to trust Soviet benevolence, the only ways to handle them are to surrender, or to keep them at bay with forces sufficient to deter, and with mutual and verifiable arms-limitation agreements that maintain the balance.

Will it ever end?

Not any time soon. Our present military posture is worse than most people realize. But it certainly is not hopeless, if we don't give up. The good news is that our defense efforts, combined with a productive economy and stable society, have kept this country physically untouched and relatively well off since 1945.

There is no reason that we cannot continue to survive comfortably, through a combination of wise leadership, skillful diplomacy, a dynamic economy, people who work hard and believe in their country—and military forces that other countries would prefer not to have to fight. There is more that can be done to improve the way we defend ourselves, but we will be sorry if we exert ourselves much less than the President is asking now.●

EXCHANGE FOR PEACE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. UDALL. Mr. Speaker, on April 28, 1983, I introduced House Joint Resolution 254, the United States-Soviet Student Exchange for Peace. Eighty seven of my colleagues in the House have cosponsored this measure, and it has received bipartisan support. I would like to thank my fellow Members for their support.

In brief, the United States-Soviet Student Exchange for Peace calls for the President to negotiate with the Soviet Union for the creation of an exchange for peace program to be administered by a joint United States-Soviet Exchange for Peace Commission. This Commission would be composed of civic, educational, and cultural leaders from both countries. It would be financed by both public and private contributions and aim at an initial enrollment of 2,000 participants between the ages of 15 and 20. To maximize its effect, both countries should pledge to recruit half of these young people from the families of civic, political, education, and cultural leaders.

The purpose of the resolution is simple. By having a large number of students exchanged between the United States and U.S.S.R., we will create a solid base of citizens in both countries, who have a better understanding of the other superpower. Soviet students will live and learn about America firsthand. Likewise, U.S. students will have a rare opportunity to get past the Soviet stereotypes that are so prevalent in our society.

On June 9, 1983, the Washington Post carried an op-ed article that I would like to call to the attention of my colleagues. It was authorized by Patt Derain, the former Assistant Secretary of State of Human Rights during the Carter administration.

TALKING TO RUSSIANS: WHY BOTHER?

(By Patt Derian)

Here is a small ceremonial spoon, virtually weightless, lacquered gold, with red and green stylized designs. It is Russian, a present, handed across the table during a momentary pause in a lunchtime conversation about nuclear war. It was given, politely, by a Russian man and received, politely, by me.

We were participants in an unofficial exchange conference between Americans and Soviets on arms control, disarmament and U.S.-Soviet Relations, in a Minneapolis hotel. The five-day meeting was sponsored by the Institute for Policy Studies. Some 50 persons, more or less evenly divided between nations, sat closely about an immense rectangle of tables for long hours.

The Soviet statements, usually as stylized and carefully executed as the designs on my gift, demanded careful listening to determine if there was any deviation from the standard rhetorical detail. For those Americans expert in arms there may have been something. For me, the discussions were as weightless as the spoon. And as ceremonial. There is never a concession of imperfection by Soviets around a table, total denial is the norm.

While the conference itself was definitely not official, not sponsored by the U.S. government, not on the diplomatic agenda, not part of any official bilateral record, there is no such thing as an "unofficial" Soviet delegation. The people in attendance came with the permission and at the behest of their government.

Dealing with official delegates is like talking with people encased in cloudy glass. The canned speeches, super-cautious conversations, probing, are relieved, barely, by time-out trades about work habits, children, family. The overall effect is one of exhaustion, exasperation and creeping cynicism. The Soviets come across as a fixed unit, confident they have "the correct information."

Americans seem to come across as pieces in a menacing kaleidoscope, encased but constantly moving and presenting new patterns. Even the most sophisticated and experienced of the Soviets, the very smoothest, don't get us, don't fathom this society much less its democracy.

The taped-for-TV public forum put on by the Humphrey Institute at the University of Minnesota, nominally on arms control and disarmament, demonstrated the non-understanding. Three Americans and three Soviets appeared on stage with a moderator. Members of the audience lined up at two microphones and for an hour one after another raised human rights issues. Some were former Soviet citizens, all were serious and very few dealt with nuclear war. It was a tough session, and the Soviets were visibly annoyed and shaken.

One man asked if the Soviets would make an inquiry or give some information about Galina Vilchinskaya, who had served three years in prison for reading the Bible to some children in the woods. She was rearrested, after refusing to join the "official" Baptist church, and at last word was awaiting trial. He stumbled in the pronunciation of Vilchinskaya and was curtly dismayed by the Soviet respondent, who said scornfully that he "should learn to pronounce the name first."

A woman commented that the forum was "an important occasion to send a message to Andropov: free Sakharov." The Soviet delegate sitting next to me whispered, "Who is that woman?" I shrugged. "Don't you know her?" he asked with disbelief. One of his colleagues on stage observed, toward the end of the program, "These people are not representative of the United States."

That session provided the only break in the too-pat-to-be-believed unanimity of the Soviets. They reacted: "There's an example of democracy—hatred." "This doesn't change our view of the American people." "The subject was not dealt with. Subjects raised were not on the agenda." "This cannot be given the name of 'forum'; 'organized event,' perhaps. It could have been avoided."

The Soviet delegation chairman later read aloud a letter from a Mr. Swenson apologizing for the "trend and direction" of the

forum. Don Fraser, mayor of Minneapolis attested to the "honest, strong convictions" that he thought were not "reflective of general sentiment" and "regretted the diversion of the discussion," but pointed out that the forum had been "a piece of American political life" and that the Soviets needed to understand it because "it will continue."

One of the high-ranking Soviets said that they were not offended, but felt "lucky that the conference finally found ourselves faced with realities." He said he would show the tape at home so all could "see what happens in America." He found a "different strata of democracy" which showed that "even democracy has its limits and borders."

Genuine communication, at last. Anger.

Perception and language difficulties? Yes, but more than that. We are people from antithetical systems. There is no nation more "foreign" to Americans than the Soviet Union. And so it is for them. Friendship, could it be attained between the people of the two nations, would have nothing to do with arms control, disarmament or U.S.-Soviet relations.

Why keep meeting?

Friendship may be as impossible as it is irrelevant in the grand scheme. Anger may be an honest emotion, but it is useless. Our systems are so stunningly different that Americans are not going to come around to "understanding" or approving the consistent gross violations of human rights by the Soviet government. Nonetheless, we are obliged to know the Soviets because we have business between us.

Nuclear arms, war, mistake, the death of all life on the planet compose the business.

We must meet because our diversity seems mad to them and their singular intolerance of diversity seems mad to us. We are weak and unpredictable as only madmen can be, to them. They are strong and predictable as only madmen can be, to us. If there is another reality, we must be able to comprehend it.

The only way to comprehension is knowledge and experience. That won't come with meeting 10,000 Soviets or Americans once. It comes with meeting the same people over and over again, getting past opening statements and host/guest rituals to whatever else is there.

The alternative is wildly dangerous. The longer both sides believe they are dealing with madmen, the likelier one will choose to go down fighting.

I urge my colleagues to join me in this effort.●

THE CASE AGAINST PROTECTIONISM

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BEREUTER. Mr. Speaker, yesterday's Washington Post contained two articles in defense of free trade. The first of these, by the U.S. Trade Representative William E. Brock, makes a very strong case against protectionism and responds to an earlier article which attempted to justify current protectionist sentiment in this country. The second of the two articles, by the Post editorial staff, supports the conclusions made by Ambassador Brock and further states the case for free trade. I would request that both of these articles be published in the CONGRESSIONAL RECORD, for the benefit of my colleagues.

Mr. Speaker, while the arguments in support of the adoption of protectionist policies by this country are weak, we must also recognize the extent to which our trading competitors rely upon those very same types of protectionist actions, and we must renew our efforts to persuade them to remove those artificial barriers. We can ill afford to be the only major trading nation of the world which stands by its free trade policy, while virtually every other nation takes advantage of that position. While I continue to oppose the adoption of protectionist policies, our competitors must recognize that America's patience is wearing thin. The political reality is that, in the absense of the lifting of trade barriers by those competitors, the United States will have no other alternative but to impose such restrictions of its own.

NO, LET US PRAISE FREE TRADE

(William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politically expedient statements made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, management competence and creativity, worker training and productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest our diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for a lack of productivity. Modern technology is making possible incredible improvements, and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to compete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services orginating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing counties than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries exports to the industrial world would be even more absurd right now in light of the significant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing-country exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumably only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of tex-

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tile quotas, agricultural subsides and steel arrangements. But to acknowledge that we are all sinners does not justify economic suicide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?

A DUBIOUS CASE FOR PROTECTION

Rapid economic growth is disruptive, uncomfortable and sometimes frightening. Its benefits are great, but it forces people to live differently and earn their livings differently from the way they are accustomed to doing. Nothing pushes growth faster than foreign trade, and the United States is now in the process of coming to terms with the enormous expansion of trade in the 1970s. The political reaction is expressed in the rising campaign for protection against imports.

Several weeks ago, this newspaper published a vigorous defense of protectionism by Wolfgang Hager, a visiting professor at Georgetown University. Today, on the opposite page, we offer a rebuttal by William E. Brock, the U.S. trade representative.

The case of protectionism comes down to wages. It argues that there's an endless supply of low-wage labor in the world that threatens to destroy the high-wage economies. But the actual experience of the past four decades, with decreasing trade barriers and rising prosperity, suggests precisely the opposite.

The protectionist position argues that in the postwar years the Atlantic countries with their high standards of living had a sort of self-protective monopoly that has now been broken by Latin American and Asian industry. In response, it's useful to recall that in the 1950s industrial wages in West Germany and France were as far below the American level as wages in Brazil and Mexico are today. As trade expanded across the Atlantic in the 1960s, according to protectionist theory, American wages should have dropped under competitive pressure. In fact, they kept rising steadily, while European wages soared and are now—allowing for the swings in exchange rates—in the same range as they are here.

Japan's wages are about half the American average. But wages in Brazil are less than half as high as Japan's. Both have automobile industries. Why isn't Brazil the stronger competitor?

A long recession and a strong dollar are currently giving the protectionist cause a plausibility that it doesn't deserve. The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930s demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy. Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.●

"A HELPING HAND"—HOUSING THROUGH THE PRIVATE SECTOR

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FIELDS. Mr. Speaker, recently Vice President George Bush announced the beginning of a new and innovative housing program in Houston, Tex. "A Helping Hand," sponsored by the Houston Apartment Association (HAA), is the first plan initiated by the private sector to house the economically disadvantaged citizens of our Nation.

In the past, housing for the poor has been the responsibility of charitable organizations and the Federal Government. This program signals a new future for housing America's economically disadvantaged through the private sector, thereby saving taxpayers millions of dollars through the years in the form of reduced federally subsidized housing projects.

"A Helping Hand" is the first program of its kind. I congratulate the Houston Apartment Association and all others involved in the preparation of this program, and look forward to viewing the implementation of similar programs, where possible, throughout the Nation. I commend the following related article to the attention of my colleagues:

"A HELPING HAND"—HAA LAUNCHES INNOVATIVE HOUSING PROGRAM

On April 8 Vice President George Bush announced the beginning of a historic program. "A Helping Hand," sponsored by the Houston Apartment Association (HAA), is the first plan to be initiated by the private sector to house the economically disadvantaged in America.

The Houston Apartment Association's program has initially provided 200 apartment units to house Houstonians on the waiting list of the Housing Authority of the City of Houston. Residents currently residing on Housing Authority properties may also qualify for the program.

The HAA estimates its plan will save the federal government approximately $51 million over a 40-year period. Figures, based on the program's first 200 units, show savings of $11 million in new construction and more than $40 million in operating costs during the 40-year estimated life expectancy of a federally subsidized apartment project.

Vice President Bush said HAA apartment owner members have signed agreements with the local apartment association to donate one or more units per property to the program. The apartment owners have also signed agreements with the Housing Authority of the City of Houston to accept residents on a one-year basis. Lease contracts may be renewed at the end of the one-year period.

Residents participating in "A Helping Hand" will pay 15 percent of their gross monthly income as rent, as opposed to the 27 percent normally paid in government housing programs. HAA representatives said the 12 percent allowance was given to assist resident with utility costs.

"This program is exactly what the Reagan administration favors," Vice President Bush said. "We feel this fixed income housing program is the signal of a new future for housing America's economically disadvantaged through the private sector."

The National Apartment Association (NAA) announced its support of the Houston program and said it will encourage similar plans on a national basis in cities where there is no rent control.

NAA President James Reeder said the HAA program will be a testing ground. "The initiative we have seen from Houston leads us to believe the program can be implemented nationally. We are certain that apartment associations around the country will be watching the Houston program very closely."

William E. Dinerstein, past president of the Houston Apartment Association and chairman of the HAA Low Income Rental Housing Task Force, spearheaded "A Helping Hand."

"The cooperation exhibited by my peers in the private sector has been incredible," Dinerstein said. "This type of program makes Houston stand out as a pioneer city. People have decided goodwill should outweigh business interests. I think it's terrific."

HAA President Leon Samet added, "We have long recognized the problem of housing Houston's economically disadvantaged residents. We feel that moving them into mainstream America will also raise their economic and social consciousness. We look forward to cooperating with the Housing Authority to make sure the program stays in place. We want 'A Helping Hand' to become a framework for progress in our effort to house the citizens of Houston."

H. J. Tollett Jr., chairman of the board of Houston's Housing Authority, said "This type of cooperation is exactly what we are looking for. Our goal is to improve the quality of life for economically disadvantaged residents. The Houston Apartment Association has paved the way with its exceptional private sector initiative."

Samet added that the HAA program began in December 1981 and units were committed in early 1982.

"Our program is now beginning during the most difficult financial period in our history and when occupancy rates are at an all time low," Samet explained. "These owners will be increasing their expenses without significantly increasing their income."

He then praised his membership for continuing with the program during more difficult times.

Texas Governor Mark White issued a statement in which he commended the efforts of the Houston Apartment Association. "The project, aptly named 'A Helping Hand,' is an excellent example of what can be accomplished when we all work together to share and to help take care of our neighbors in times of need. I wholeheartedly support this effort and hope it is only the beginning of such projects throughout Texas and the rest of the nation," Governor White said.

Houston Mayor Kathryn Whitmire was equally supportive. "Today's announcement is graphic evidence that a meaningful partnership can be forged-tween the public and private sectors," she said. "Houston's shortage of public housing will be partially addressed by today's announcement, but more importantly, an example is being set and a challenge made for additional initiatives. I congratulate the Houston Apartment Association for recognizing that it has an obligation to return something to the city from which it gains its livelihood, and further commend the Houston Housing Authority for its cooperation in making this nationally-unique program a success."

HOW IT WORKS

The Houston Apartment Association's "Helping Hand" program is an attempt by the private sector to provide rental housing for economically disadvantaged people.

Although the program was officially launched on May 1, 1983, the task force that developed it began work on it in December 1981. The Low Income Rental Housing Task Force of HAA spent months working on several options to find solutions to this national problem.

Through the cooperation and assistance of the Housing Authority of the City of Houston a joint effort was formed to conduct the program.

Residents for the program are being provided by the Housing Authority of the City of Houston from either their waiting list of residents or those people now living in public housing within their jurisdiction.

Apartment owners in the Houston Apartment Association are asked to contribute one unit per property, or two or three units on large properties for the program. It is absolutely critical that those owners participating in the program and the residents residing in these units remain anonymous.

The apartment owners that participate in the program agree to provide the unit or units for one year. In addition they will receive 15 percent of the gross adjusted monthly income of the resident for rent. This amount is determined by the Housing Authority of the City of Houston.

Each resident is counseled by the Housing Authority and interviewed prior to being accepted in the program. The Housing Authority matches the resident to the unit and issues a certificate of participation to the resident. The resident is sent to the apartment property with their certificate of participation. The certificate shows: (1) the name of participant, (2) the names of all people in the household, (3) the ages of the children in the household, if any, and (4) the size of unit the participant needs.

Apartment owners have the right to use the same screening procedures they use on their properties with these residents and can reject them if they do not meet their standards.

During the term of the agreement to participate in the program the owner has the right to terminate the agreement in the event of the sale of the property. A 60-day notification is necessary as specified in the contract.

During their involvement in the program, representatives of the Housing Authority of the City of Houston will monitor each resident and their participation in the program. If there are problems, the owner or manager can call the Housing Authority for assistance. They will counsel any resident that is not abiding by the terms of the lease, security deposit or rules and regulations of the property. In addition, the owner still has the right of eviction if it is necessary.

With the commitment of apartment owners to donate units, the assistance and participation of the local housing authority, and the willingness of the prospective residents to make the program work we can and are providing "A Helping Hand" to economically disadvantaged Americans.

STEP BY STEP

(1) The Housing Authority of the City of Houston (HACH) shall select participants for the program from the applicants on the waiting list and residents presently occupying HACH owned and operated units, utilizing established selection criteria.

(2) Selected participants shall be counseled regarding the terms and conditions of the lease agreement applicable to sponsored units and the rules and regulations covering participation in the program.

(3) Selected participants shall be issued a Certificate of Participation and the owner's name and property address of the available Houston Apartment Association (HAA) sponsored unit, which shall state: (1) the amount of rent that the resident shall be obligated to pay, (2) the names of all occupants of the household, (3) the ages of all minors in the household, and (4) the size of the unit needed by the resident.

(4) The Director of Housing Management of the HACH shall refer selected participants, with their certificates of participation, to the owner or his respective agent for their review and final approval according to their standard screening procedures.

(5) Resident participants and the owner or his respective agent shall enter into a lease agreement.

(6) Resident participant shall be obligated to abide by all rules, policies and regulations that apply to the operation of the respective apartment complexes.

(7) In the event of a sale of a participating apartment project during the term of the program, the owner/management company will have the right to terminate any lease with a resident participant upon sixty (60) days notice to the resident participant and HACH.

(8) The HACH agrees to monitor all participants in the program to assure timely payments of rent, adherence to all applicable policies, rules and regulations, and the successful assimilation of the resident participant into the new environment. In order to accomplish this, owner or owner's agent shall provide the Director of Housing Management of the HACH a monthly report outlining all problems relating to the occupancy of the resident participant and the corrected action expected.

(9) Each resident participant shall be responsible for the payment of any deposits and monthly service charge for utilities and telephones.

(10) If resident fails to pay rent or other amount owned by resident under the lease agreement, or if resident, his guests, or other occupants violate the lease or owner's rules and regulation or applicable federal, state and local laws then owner's representative may terminate resident's right of occupancy by giving resident one day's written notice to vacate indicating the grounds for such termination. A copy of such notice shall also be delivered to the Director of Housing Management for the HACH. However, an owner or owner's agent shall not institute eviction proceedings until the resident participant has exhausted the grievance procedures and has been advised by the HACH of its determination relative to the resident participant's right to either relocate to a HACH owned and operated unit or retain his position on the waiting list.

(11) Within three (3) days of receipt of the notice to vacate, the HACH shall notify resident participant in writing as to whether the grounds indicated by owner or owner's agent for such termination warrants that resident participant forfeit his right to relocate to a HACH owned or operated unit or to retain this position on the HACH conventional public housing waiting list. This notice shall state that resident participant has three (3) days in which to request an informal hearing with the Director of Housing Management of the HACH or to provide written comments and objections to the Director of Housing Management of HACH.

(12) Within five (5) days of either the receipt of the written comments of the resident participant or the informal hearing, the Director of Housing Management of the HACH shall notify the Resident Participant of its determination as to the right of the resident participant to either relocate to a HACH owned or operated unit or to retain his position on the HACH conventional public housing waiting list. If the resident participant's occupancy is being terminated through no fault of the resident participant, this notice shall be provided within five (5) days of receipt of the notice to vacate by HACH. The Director of Housing Management of HACH shall notify the owner or owner's agent that a determination has been made so that eviction proceeding can be instituted.

HOPING IT WILL GROW

(By William A. Harper, Cae, HAA Executive Vice President)

Having the only private rental housing in the world not controlled directly or indirectly by the government, it has at best been difficult for our industry to generate enough apartments to house those Americans who choose apartment living as a lifestyle.

The difficulty has been increased by an historically poor image, misunderstanding and adverse laws and regulations such as rent control, environmental impact laws, inclusionary housing, condo moratoriums and no growth policies.

Fortunately, the Houston Apartment Association locally and the Texas Apartment Association state-wide have worked diligently and successfully to provide a positive economic climate for apartment owners and developers to operate in both our metropolitan area and in the state of Texas. We have addressed numerous problems and challenges throughout the years and have arrived at solutions equitable for both apartment residents and owners.

The major problem our entire country has been confronted with and concerned about over the years is housing our economically disadvantaged citizens in affordable housing. Previously our federal government and some charitable organizations have been the only institutions to make rental housing available to these people. Now for the first time in recent American history, someone has taken on this problem and is providing a solution—and what a solution it is.

The plan may look simple, but like any puzzle, it was tough to piece together until we first saw the solution. The seven-foot high jump and the four-minute mile were at one time seen as impossible objectives, but these goals were met and surpassed. The discovery of penicillin was a serendipitious event and with its discovery came a cure for diseases that had previously meant death to people. Throughout recorded history are examples of discoveries and inventions that were the results of hard work, determination and, in instances such as the penicillin discovery, a fresh outlook on an old problem.

Our solution, although seemingly simple, was arrived at only after almost a year and a half of meetings attended by dedicated and concerned apartment owners. The task force members made a personal commitment to spend time away from their work to aid in finding a method that would house residents on the low income spectrum of our economy.

Our Board of Directors, believing that we are more than brick and mortar, proved beyond a shadow of a doubt our willingness to serve our fellow man. And the real unsung heroes of the program are the anonymous apartment owners who are donating their rental units.

This program was begun in December 1981 and the apartments that have been donated to it were committed in early 1982 when owners were experiencing a positive cash flow. Our program is beginning during the most difficult financial period in our history, a time when we have our lowest occupancy in the last quarter-century. It is easy to make a contribution when things are going well and one has financial strength. It is extremely difficult to do the same thing when financial resources are at the breaking point.

It is our hope, our prayer, our most sincere desire that this effort, this commitment, this program serve as a model for all cities in America. The Houston Apartment Association has broken the barrier, invented the mechanism to do the job and now offers its discovery freely and willingly to all apartment associations and apartment owners in America to go forth and do likewise.

Let our motto be, "A Helping Hand," a hand extended to those less fortunate and those deserving of a chance and an opportunity to improve their lives through a better environment and a better chance to succeed in life.●

THE LITHUANIAN FIGHT FOR FREEDOM

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. ADDABBO. Mr. Speaker, today, June 15, 1940, should stand as a symbol and reminder for all governments throughout the free world, as we support Lithuania in their continuous fight against Soviet domination.

Over 43 years ago, June 14 to 18, 1941, which are commonly known as the terrible June days, the Soviet Union invaded and occupied Lithuania in a brutal fashion. These years often remind us of the systematic deportation and killing of Jews by the Nazis but we often forget of the systematic disruption and destruction of the Lithuanian society by the Soviets during these 4 days. The Soviet Union, before the war was over, had already begun their crusade to destroy all foreign elements in order to unify the Soviet state.

The Soviet NKVD prepared their program to liquidate all anti-Soviet elements in the three Baltic States, Lithuania, Latvia, and Estonia. The liquidation bore its greatest thrust during the years 1940–44 when it is estimated that Lithuania suffered a loss of over 1 million lives.

Lithuania's past history brings us great sadness, but what deserves even more of an outcry and sadness is that the totalitarian occupation by the Soviet Union of Lithuania, still exists. Subjugation and denial of basic freedoms for the Lithuania people are even more prevelant in present times.

Can you imagine being a citizen of a nation, without the freedom to travel or reunite yourself with your family members? They are forced to endure treatment and restrictions almost inconceivable to a person living in a democracy today.

Today, more than ever, we must recognize what the terrible June days represent and voice our support to Lithuania who refuse to give in under tremendous Soviet pressure. We, as a nation, should look up to Lithuania and follow their lead, as we fight and stand strong against Soviet threats and policy throughout the world.

Our support and nonrecognition of the Soviet annexation of the Baltic States is vital in nourishing the Lithuania spirit and will to survive. This spirit and fight for what they rightfully deserve will not waiver as long as we are ready to stand behind them.

I hope that as Members of Congress, we will continue to extend the moral and necessary support needed by the Lithuanians as we, ourselves, fight to maintain the level of freedom that Americans are so fortunate to have in the United States.●

BETTER PROTECTION AGAINST IN-FLIGHT LAVATORY FIRES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BIAGGI. Mr. Speaker, last week I introduced a bill (H.R. 3264) that would require commercial airlines to install smoke detectors and automatic fire extinguishing systems in aircraft lavatories. The bill would also require an automatic fire extinguishing system to be installed in aircraft galleys.

We need to look no further than to a tragic event that took place 2 weeks ago to understand the crucial need for these aircraft fire safety improvements. On June 2, 23 persons were killed when an in-flight lavatory fire spread out of control on an Air Canada DC-9 jetliner. Eighteen others were injured in that accident, which occurred during a flight from Dallas-Fort Worth to Toronto.

The fire was discovered when the aircraft was some 6 miles high and 25 miles away from the Greater Cincinnati Airport. The plane landed just 13 minutes after the fire was discovered, but despite the heroic efforts of the flight crew and air traffic controllers involved, as well as the emergency rescue personnel, 23 lives were lost and the 23 survivors will be scarred for life by this terrible experience.

A second Air Canada in-flight lavatory fire occurred this past weekend. Reports indicate it was an act of arson by a disgruntled passenger. Fortunately, the fire was brought under control before there were any injuries.

The tragic consequences of the first Air Canada lavatory fire become even worse knowing that measures could have been taken to prevent it. As far back as 1973, the National Transportation Safety Board recommended that "the FAA (Federal Aviation Administration) require a means for early detection of lavatory fires on all turbine-powered, transport-category aircraft." The recommendations came soon after an in-flight lavatory fire killed 124 people aboard a Brazilian Varig plane in Paris, France.

In supporting their recommendation, which was issued on September 5, 1973, the NTSB stated that "the Board is seriously concerned over the number of in-flight fires that have occurred during the past several years as a result of ignition of flammable materials in lavatories of large jet transport aircraft."

The report also mentioned that:

> (1) no fireproof waste material containers are provided in the lavatories; (2) frequently, cigarette butts are found in waste paper containers during cleaning operations at the termination of flights; (3) waste paper fragments and other flammable materials, such as lint and dust particles, can enter inadvertently into terminals or electrical units; (4) full-face smoke masks with emergency oxygen bottles are not provided for the cabin crew; and (5) lavatories are vented in such a manner as to exhaust any odors or smoke in the case of lavatory fires, thus precluding detection in the cabin area until a serious fire is in progress.

The latter point seems especially relevant to the Air Canada disaster. Reports of that accident indicate the fire was not discovered until heavy smoke could be seen coming out of the rear lavatory, and by that time the fire was out of control.

However, despite the NTSB's recommendation and the strong evidence they provided to support the need for "a means for early detection of lavatory fires," the FAA never issued such a requirement.

In a December 5, 1974, report, the NTSB also urged the FAA to "require that automatic-discharge fire extinguishers be installed in lavatory waste paper containers on all transport aircraft." This recommendation followed two in-flight lavatory fires that occurred aboard a Boeing 747 on July 17,

1974, and aboard a Boeing 727 on August 9, 1974.

In making this recommendation the NTSB said that "small, self-contained fire extinguishers can be installed in small compartments such as lavatory waste containers. These extinguishers are charged with a nontoxic agent and discharged automatically when the compartment temperature rises to a hazardous level. The cost of one extinguisher is below $50, and installation is simple."

Once again, however, the FAA chose to reject the NTSB's safety recommendation.

In addition to requiring airlines to install smoke detectors and automatic, fire-extinguishing systems in aircraft lavatories, it would also require automatic fire extinguishing systems in aircraft galleys, where other in-flight fires have originated. For example, in 1974 a TWA aircraft caught on fire after a coffeemaker exploded.

Ironically, FAA regulations require airlines to have smoke detectors and built-in, fire-extinguishing systems in their cargo compartments, but not in the passenger area.

Prior to the two Air Canada incidents, there were 49 "large air carrier" in-flight fires since 1978, according to a report I received from the FAA. Four of those fires originated in the aircraft's lavatory.

Simply put, Mr. Speaker, we cannot afford to delay any longer in requiring the airline industry to better protect their 300 million passengers against in-flight fires. Too many lives have already been lost, some of which might have been saved if certain modest safety improvements, such as the lavatory smoke detectors and automatic fire extinguishing system recommended by the NTSB, had been an airline requirement.

I am pleased to note that the distinguished chairman of the House Public Works and Transportation Subcommittee on Investigations and Oversight has scheduled hearings on the overall airline safety issue for next month. I am hopeful that those hearings will bring us closer to preventing future in-flight fire disasters. I offer my bill, H.R. 3264, as an important step in achieving that crucial goal.●

LOOK WHO SEES A DEFICIT

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. HILER. Mr. Speaker, one of the more remarkable discoveries in this House was made recently by some of my colleagues on the other side of the aisle.

They have discovered that we have a Federal deficit. The American people, particularly in my home State of Indiana, have been alarmed at the deficits this Congress has been piling up for decades.

And while my Democrat colleagues try to point their collective fingers at an administration that has done more to reduce the growth in Federal spending than any in recent history, they should also know that their ploy is not working. The Elkhart Truth, a leading newspaper in the northern Indiana district I represent, recently published an excellent editorial that cuts right through the paper-thin facade some of my colleagues are trying to drape over the eyes of the American people. Mr. Speaker, I ask unanimous consent to have the article printed in the CONGRESSIONAL RECORD, and urge my colleagues to read it carefully.

[From the Elkhart Truth, June 7, 1983]

LOOK WHO SEES A DEFICIT

What a remarkable thing, to see that Speaker Tip O'Neill can recognize a deficit. For years Rep. O'Neill has seemed blind to deficits piling up as a result of congressional spending. Now, all at once, he perceives "a sea of red ink" threatening to sink the federal government.

The Speaker ought to be congratulated, for having learned to see a deficit. But he hasn't yet learned how to see the way out of one.

At the same time O'Neill is issuing threats against the July tax cut, the House is cranking up a set of big spending bills exceeding the president's budget. O'Neill wants to raise taxes by reneging on part of the tax cut. But if he could get his way, you can be sure the money raised in higher taxes would go, not to reduce the deficit, but for more spending.

O'Neill is playing politics with this. He knows very well that his plan to trim the tax cut (which is due in just three weeks) will not pass. But higher spending bills more than likely will pass the House of Representatives, with O'Neill's encouragement, and some may pass the Senate as well. When that happens, only the president's veto will stand in the way of making the deficit worse with more spending.

Economic recovery is coming along. The tax cuts that were to assist it came into effect more slowly than they should have, but things are picking up now, just as the third stage of tax cuts is ready to click in.

With recovery barely in sight, O'Neill and his like already think it's time to go back to the old tax and spend policies that got the deficit juggernaut rolling in the first place. But everybody who can remember when these people were in charge knows that whatever was raised in new taxes wouldn't be used to reduce the deficit. It would just be spent, and the Speaker would somehow become blind again to the consequences.

Trying to set this up as a "rich against the poor" issue, O'Neill ignores the revenue-raising side of the tax cut program. The point is to put money into the economy where it can be productive. To work, cuts have to go to the people who pay the taxes.

Most of the benefits of the third-year tax cut will, in fact, go to lower and middle-income families. People earning less than $50,000 a year will get 78 percent of the benefits from the July 1 reduction in rates. But if the idea is to encourage productive investment, you can't leave out the people at the upper end of the income scale.

At that end the Reagan tax program is showing the desired effect. Estimated payments from upper-income taxpayers in 1982 are 10 percent higher than the year before, because rate reductions are drawing upper income earners out of tax shelters and into revenue-producing investments that build economic growth.

With more growth, more revenue goes to the government from an expanding economy and less has to be paid in benefits to people out of work. The deficit has reached its present level because of recession. A program designed to build recovery also is a revenue-producing program. A healthier economy will push deficits down, so long as some restraint is kept on government spending.

Speaker O'Neill ignores all this, trying to make it appear that it's all right to raise taxes now. To follow his advice, just as the recovery gets going, is like shoving the patient back in bed just as he's getting on his feet. Deficits are important, as O'Neill has lately discovered. But the way out is not by going back through the old tax and spend routine.

DOES HIGH TECH NEED THE SOCIAL SCIENCES?

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BROWN of California. Mr. Speaker, we have heard a great deal in recent months about high technology and its importance to economic growth. Recognizing the stiff international competition we are now facing in technology, we have taken decisive action as a Congress to insure that the United States will maintain its international lead in technology. For example, we acted to upgrade and improve science education through H.R. 1310, the Emergency Mathematics and Science Education Act. We acknowledged the importance of basic research in the physical sciences and engineering by authorizing and appropriating substantial funding increases to these programs at the National Science Foundation.

In trying to create a climate in which technological innovation will flourish, we have not heard as much about the social sciences. Do the social sciences really have a role to play in our effort to achieve and sustain economic growth? The following article answers the question with an emphatic "Yes." I commend the article to my colleagues. As we marshal our educational, scientific, and technological resources for economic growth, we should recognize the important contribution the social sciences can make.

[From Science Magazine, May 20, 1983]

HIGH TECHNOLOGY AND THE SOVIET SCIENCES

The recent AAAS colloquium on "R & D, High Technology, and Economic Recovery" provided multiple analyses of and justifica-

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tions for the Administration's 1984 budget for research and development. The scientific and research management communities heard numerous assessments justifying defense priorities. They were also assured that substantial increases in funding of basic research in the physical sciences and engineering, primarily by the National Science Foundation, would lead to innovations in high technology and contribute to economic expansion and employment growth.

Inevitably, these analyses also raised a series of fundamental research questions about the training and supply of scientists and engineers, the problems of organizing research groups for innovation, the diffusion of knowledge and transfer of basic research from the laboratory to marketable technologies, and about the process of job creation associated with high-technology development. Each of these questions, posed at the colloquium by representatives of the Office of Science and Technology Policy, Office of Management and the Budget, and by other speakers, is central to the domain of social science. These questions, taken together, outline an agenda for basic social science research. Not all the participants in the colloquium, however, seemed to recognize the social scientific nature of these questions and the research efforts needed to understand the conditions conducive to technological innovation and the likely consequences of such change.

The challenge to the research community lies in providing research-based answers to these kinds of questions. Psychologists, sociologists, and economists have addressed these questions in studies of national laboratories, careers of scientists including Nobel Laureates, and the rise and productivity of specific industries, such as the semiconductor industry and agriculture.

A key question concerns the impact that organizational size and complexity, bureaucratic structure, and regulatory procedures have on productivity and innovation. Some analyses suggest support for small, high-technology firms will lead to higher rates of innovation and increases in employment; and policies have been proposed to support the individual small firm. But, is it the critical mass of many small firms on Route 128 in Massachusetts or in Silicon Valley that provides a creative environment? In such an environment ideas diffuse rapidly and spin-off growth of new firms is accelerated. A definitive answer concerning the relation between job creation and size of firm still remains elusive.

We need to understand the impacts of technological change in economic and social terms. Typically, economic benefits are estimated but potential costs ignored. Technological innovation in one area often means technological obsolescence in others. This can affect community tax bases as well as the demand for products of some firms and for skills of some workers.

These research questions represent only a few dimensions of the social science research agenda, yet research in such areas remains severely hampered by the reductions (despite partial restorations) of funds for social, economic, and behavioral science research in NSF and other agencies. The importance of the research questions and needed answers should justify support. The record of performance also warrants it. The value, significance, and yield of basic research in the social and behavioral sciences, concluded a 1982 report of the National Academy of Sciences [1], justifies continued public investment as a national resource. Like basic research in physics and engineering, basic social science research is an indispensable part of the effort to achieve and sustain economic growth.—James J. Zuiches.●

STEEL PIPE AND TUBE INDUSTRY RELIEF

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FIELDS. Mr. Speaker, I am today submitting for the RECORD an official copy of House Resolution No. 97 as passed by the 68th Legislature of the State of Texas.

As an original cosponsor of the Fair Trade in Steel Pipe and Tube Products Ace, H.R. 2299, I join with my colleagues in the Texas State Legislature in urging prompt action on this important legislation.

As a member of the Congressional Steel Caucus, with two major steel plants located in my district, I know that a vibrant domestic steel industry is absolutely essential to our industrial base and our national security.

Steel is absolutely critical to our daily way of life. Yet, our Government has allowed this vital industry to be subjected to new and increasing onslaughts of foreign steel imports.

Just as Col. William Barret Travis drew a line in the sand at the Alamo, now is the time for our Government to draw a line on steel imports. In my judgment, this legislation is a positive step in that direction and together with efforts to strengthen and improve our trade laws will, I believe, help revitalize our domestic steel industry.

The text of this resolution follows:

HOUSE CONCURRENT RESOLUTION No. 97

Whereas, the thousands of jobs in Texas and other states; and

Whereas, A reliable domestic supply of specialty pipe and tube products, including oil country tubular goods is essential to U.S. energy exploration and production; and

Whereas, Rapidly increasing imports of steel pipe and tube products are a substantial cause of serious injury to steel pipe and tube producers in Texas and other states; and

Whereas, This injury will be compounded by the diversion of steel imports from the European Community to pipe and tube products as a result of recently negotiated restrictions on the importation of other types of European steel products; and

Whereas, The provisions of a separate arrangement between the United States and the European Community on the importation of steel pipe and tube products cannot be adequately enforced to prevent such diversion without federal legislation; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislative hereby; and, be it further

Resolved, That a copy of this resolution shall be forwarded by the Texas Secretary of State to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States Congress.●

PROXY (CUBA) RED SUN OF SOVIET TYRANNY OVER GRENADA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. McDONALD. Mr. Speaker, in another part of this CONGRESSIONAL RECORD I introduced, for the benefit of my colleagues, a very timely article on Grenada, translated from a West German publication. On April 8, 1983, the Manchester Union Leader, of Manchester, N.H., carried a column by Patrick J. Buchanan warning of the establishment of many Cubas in Central America.

On June 6, 1983, former Governor of New Hampshire, Hon. Meldrim Thomson, further illustrated the danger in Central America in a column titled: "Red Sun of Soviet Tyranny Rising Fast Over Grenada." I have taken the liberty in the title of this entry to show that the Soviet Union's proxy, Cuba, is really doing the Kremlin master's dirty work.

Only this past Sunday, June 12, the Washington Post, true to their mission of promoting Fidel Castro and Cuba, carried the summary of a Carlos Fuentes, who delivered the commencement address recently at Harvard University. What should be interesting to my colleagues is that Fuentes calls for sitting down and negotiating with Castro. Americans should know the reason why. It is simply that Castro is costing the Soviet Union in excess of $10 million per day to sustain Castro's Cuba, and what better way to save Castro and the Soviet Union than have the U.S. taxpayer now get friendly and bail Fidel out.

We do not think the American people will buy any negotiating with Castro, and yet as another reminder for even the most gullible that listen to such prattle at Harvard University, I now share Governor Thomson's column on the true situation in Grenada, from the June 6, 1983, edition of the Manchester Union Leader:

RED SUN OF SOVIET TYRANNY RISING FAST OVER GRENADA

The red sun of Soviet tyranny is rising rapidly over Grenada in the Antillean Islands that form the eastern edge of the Caribbean, and this despite the vehement protestations to the contrary of the Marxist Grenadian Prime Minister, Maurice Bishop.

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[1] Committee on Basic Research in the Behavioral and Social Sciences, *Behavioral and Social Science Research: A National Resource* (National Academy Press, Washington, D.C., 1982).

Last week, according to a U.S.A. Today news release, Prime Minister Bishop was in Washington to get a meeting with President Reagan to clear up "misconceptions" about his smallest nation in the Western Hemisphere. Bishop contends that the 10,000-foot airstrip now under construction with the help of Cuban and Soviet funds and advisers poses no military threat to the United States.

Bishop and 33 members of his Marxist New Jewel Movement grabbed power, under the protective cloak of Cuban agents, on March 13, 1979, just five years after Grenadians achieved independence from Great Britain. Since then Bishop has busily converted Grenada into a typical communist state that represents a real and growing threat to its neighbor nations in the Caribbean Commonwealth and to the interests of the United States—a threat far out of proportion to the size of Grenada.

Grenada is a mountainous island of 133 square miles, about one tenth the size of Rhode Island. Its population of 108,000 is predominantly Negro, whose annual per capital income amounts to $500.

This tiny island whose nutmeg, bananas and cocoa are the principal agriculture products and where the per capita arable land is only 0.05 acres, was rated as "free" in 1979 by Freedom House of New York City. During the next two years its freedom rating slipped to "partly free." In 1982 it acquired the rating of its friends and sponsors—the Soviet Union, Cuba and Nicaragua—as "not free."

TOTALITARIAN TACTICS

Bishop moved quickly to crush freedom and usher in a totalitarian communist state.

According to Michael J. St B. Sylvester, a native of Grenada, Barrister and Solicitor and now Adjunct Professor of Law at Pace University in New York, Grenadians are hard-working, "a productive and surplus-creating peasant proprietorship," honest, thrifty and religious.

Time now is on the side of the dictator. When the coup d'etat occurred in March 1979 the people welcomed the new administration of Bishop as a potential relief from the capricious, sometimes venal and often oppressive rule of former Prime Minister, Eric Gairy.

Last March, following President Reagan's speech to Congress in which he spoke out against the Grenada airstrip, the Free West Indian of March 19th carried pictures showing Grenadians watching Russian armoured and personnel carriers and automobiles parading through the streets of St. George, Grenada's capital, marking the "fourth anniversary of the Revolution."

The same issue of the Free West Indian showed a picture of the Cuban Minister of Construction, Jose Lopez Moreno addressing a group at the opening of the Sandino housing complex. This Cuban minister promised that the airstrip would be open in time for the fifth anniversary of the Revolution.

In 1981 it was estimated there were 700 political prisoners in Grenada. According to Professor Sylvester the number imprisoned "without charge or trial is probably considerably higher taking into account those persons of the Rastafarian sect, many of whom have been confined to reeducation centers throughout the island."

Free press has been eliminated, opposition assemblies forbidden, elections suspended, properties confiscated, and "important community opinion leaders" imprisoned for such legally alien crimes as counter-revolutionary activities.

MURDER, RAPE COMMON

Murder and rape by Cuban soldiers occurs frequently in Grenada, according to Sylvester, who tells of the rape of the wife of Sir Dennis Henry in early 1981, at gunpoint and in the presence of her husband and children. Sir Dennis, an outstanding lawyer and owner of a substantial estate, fled the island with his family.

If Grenadians do not attend government-sponsored public meetings they are harassed and threatened. Communist indoctrination courses for students and teachers are conducted twice a week by Cubans. Instead of attending church on Sundays, children are required to attend military camps for instruction in the use of firearms.

A MILITARY THREAT

A Communist Grenada is a real and present danger to the United States.

Close to Grenada is the deep water channel used by oil tankers that carry millions of barrels of oil each day to the East Coast of the United States.

In time of war or even the threat of war these tankers would be easy prey for the 10 Soviet MIG 23's sitting in crates in Grenada today, or the Soviet TU-96 "Bears" that by treaty have been given the right to land at the Point Solina airstrip.

Also, the tankers, and American shipping anywhere in the Caribbean could fall victim to the Soviet patrol boats given to Cuba. The 30 high speed (up to 40 knots) patrol boats now operated by Cuba carry Styx missiles. They could play havoc in forays from the deep water, mountain-protected Egmont Harbor of Grenada.

Residents in the area of this harbor have been relocated and signs warn the public to keep away. It is generally thought that the crates of materials unloaded at night by Cubans only may have something to do with the conversion of the harbor to a Cuban naval base capable of accommodating Soviet submarines.

AMERICAN ACTION NECESSARY

Timothy Ashby in Review of the News of April 6, 1983, warned of the Grenadian thorn in America's large and overly exposed backside. He said, "We will yawn and turn away only at our peril."

The columnist, Patrick J. Buchanan, also, warned about the growing crisis in the Caribbean in an article published in The Union Leader on April 8, 1983. He said:

"The United States cannot remain a credible superpower if it allows the establishment of half a dozen Cubas in Central America. The President should declare it to be American policy to liquidate every Soviet outpost in Central America."

In truth, an American policy—a revival of the Monroe Doctrine—to preserve freedom throughout the Caribbean is long overdue.

Sooner or later we will have to come to grips with the rapidly spreading communist threat in the entire Caribbean area. A Caribbean Basin Initiative will not do the trick. No foreign problem is so close to home, so dangerous to the future security of America, so fraught with peril to freedom as the continuing presence of armed communism, in the Western Hemisphere.

If we are unwilling to risk pulling the communist thorns in the Americas today, there will come a day when we will have to fight a full scale war in the Caribbean, or worse still, submit to slavery at the hands of a cowardly leadership.●

GEORGE MASON: A HISTORICAL REFLECTION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. WOLF. Mr. Speaker, as we approach the bicentennial commemoration of the U.S. Constitution to be observed in 1987, I believe it is appropriate to recognize a patriot who has greatly influenced the composition of the U.S. Constitution.

As a member of the Virginia Constitutional Convention in 1776, George Mason is credited for designing the Virginia Declaration of Rights which constitutes a notable part of the Virginia Constitution adopted by the panel in 1776. The Virginia Declaration of Rights was the most advanced and complete statement of the rights of man up to that time. This was recognized by Thomas Jefferson who incorporated Virginia's Bill of Rights in the first part of the Declaration of Independence.

George Mason's work was widely drawn upon by other States in drafting their constitutions, became the basis of the first 10 amendments to the U.S. Constitution and had considerable influence in France at the time of the French Revolution.

The principles of freedom and equality, the constant check on the balance and power of government and the ideals of individual freedom, all of which are inherent in George Mason's Declaration of Rights in the Virginia Constitution, provided the guidelines and general structure of the U.S. Constitution.

Americans regard the U.S. Bill of Rights as the basis for everyday freedom and equality under the law by which we live. George Mason's wise and honorable concepts gave inspiration to Thomas Jefferson in the drafting of the U.S. Constitution. Jefferson also responded to Mason's conviction that a Bill of Rights should be included in the U.S. Constitution to limit the power of government and preserve individual and State rights.

We are indeed indebted to George Mason for his contributions to the U.S. Constitution.●

LIST OF GRADUATES, SPARROWS POINT SENIOR HIGH SCHOOL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LONG of Maryland. Mr. Speaker, I was honored to give the commencement address to the 1983 graduating class of Sparrows Point Senior High School, Baltimore, Md. on June 5, 1983. I would like to again congratulate the graduates and wish them much success.

It is my pleasure to submit for the RECORD, a list of the graduates and the outstanding students who received special awards and honors.

MEMBERS OF THE CLASS OF 1983

Doyle E. Vincent, Jr., President.
Mary M. Stech, Vice-President.
Kimberly A. Haley, Secretary.
Candy R. Bever, Treasurer.
Mrs. Ellen Feazell, Class Sponsor.
Ms. Joanne Philipovich, Class Sponsor.

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* Member National Honor Society.

The Sparrows Point Middle and Senior High School PTSA will host a reception for graduates, parents and friends immediately following the graduation exercises in the school cafeteria.

RECIPIENTS OF DEPARTMENTAL HONORS AND SERVICE AWARDS

Art, Wade W. Sievers.
Business Education, Sharon Y. Harvey.
Diversified Occupations, Ronald E. Baker, Jr., Joseph E. Long, Jr.
English, Wisdom W. Lu.
Journalism, Angela M. Curbeam.
Padlock, Sharon Y. Harvey.
Yearbook, Susan K. Ekholm.
Foreign Language, Selena P. Dillon.
Health Services, Linda L. Hardy.
Home Economics, Sandra M. Corbin.
Industrial Education, Orville E. Johnson, Jr.
Mathematics, Joseph F. Dolinar, Jr.
Music: Instrumental, James M. Brown, Mark K. Chavis, Rebecca L. Hall, Jane E. Flack, Dawn R. Martin; vocal, Dolores L. Menser.
Physical Education, Gregory R. Sauter, Denise M. Shifflett.
Science, Joseph F. Dolinar, Jr.
Social Studies, Gregory R. Sauter.
Science Service, Pamela M. Swink.
Student Government, Rose M. James.
Faculty Award of Excellence, Richard E. Cunningham, Wisdom W. Lu.
Faculty Service Award, Rose M. James, Doyle E. Vincent, Jr.

RECIPIENTS OF LOCAL SCHOLARSHIPS

Battle Grove Elementary School P.T.A., Karen L. Cummings.
Chesapeake Terrace Elementary P.T.A., Wisdom W. Lu.
Edgemere Elementary School P.T.A.:
Ruth A. Cox Scholarship, Melinda L. Kroat.
Mongan Brothers Scholarship, Kimberly A. Haley.
H. Lee Parsons Vocational Scholarship, Franklin L. Porter.
Edgemere Elementary Mothers' Club, Kimberly A. Haley, Melinda L. Kroat.
Sparrows Point P.T.S.A., Kevin F. Hagan, Kimberly A. Haley.
Nancy Cummings Memorial Scholarship, Wanda G. Pendleton.
American Legion Auxiliary, Dundalk Unit 38, Micki L. Currey.
Dundalk Community College Alumni Association, Susan K. Ekholm.
Dundalk Community College Honors Program, Sharon L. Hart, Wanda G. Pendleton.
Dundalk Kiwanis Scholarship, Angela M. Curbeam.
Dundalk-Sparrows Point Branch NAACP, Agnes L. Dailey,
Edgemere-Sparrows Point Recreation Council, Kevin F. Hagan, Sharon L. Hart, Dawn M. Royer, Denise M. Shifflett.
"It's Academic", Kevin F. Hagan.
Optimist Club Scholarship, Selena P. Dillon.
Rotary Club of Dundalk, Franklin L. Porter.
Sav-More Pharmacy, Denise M. Shifflett.
St. Luke's Church Scholarship, Pamela A. Kunkel.
Wells-McComas Post No. 2678 Memorial Scholarship, Sharon L. Hart, Gregory R. Sauter.
Rufus K. Wood Memorial Scholarship, Joseph F. Dolinar, Jr.
Future Business Leaders of America Club, Melinda L. Kroat.

RECIPIENTS OF COMMUNITY AWARDS

The American Legion School Awards, Bethlehem Steel Post No. 88:
Francis D. Collott Award, Gregory R. Sauter, Denise M. Shifflett.
Optimist Club Boy and Girl of the Year, Joseph F. Dolinar, Jr., Mary M. Stech.●

ASAT PROCUREMENT LAUNCHES ARMS RACE IN SPACE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MARKEY. Mr. Speaker, I rise in support of the amendment to strike $19.4 million from the fiscal year 1984 defense authorization bill earmarked for procurement of antisatellite weapons.

Mr. Speaker, Congress decision whether to authorize procurement of antisatellite weapons will be a pivotal one.

The United States and the Soviet Union stand poised at the start of a new arms race; one that could prove infinitely more dangerous and expensive than the nuclear arms race.

But this arms race in space need never begin; we can take an important step to end it by voting against procurement of antisatellite weapons.

Presently, neither the Soviet Union nor the United States has deployed an antisatellite system that poses a serious threat to the other's satellites.

The Soviet Union has developed a very primitive ASAT, but it can only attack low-orbiting targets.

Since almost all of the United States defense satellites are in synchronous or semisynchronous orbits, thousands of miles beyond the range of the Soviet ASAT, the Soviet system does not endanger them.

Further, the Soviets have had very poor results in their ASAT testing program, with a failure rate of about 50 percent.

Because of its size, the Soviet ASAT is easily verifiable. Also, because it takes 1½ to 3 hours to reach its target, the Soviet ASAT weapon is easy to track after launching.

On the other hand, the Asat weapon the U.S. Air Force plans to begin testing later this summer—the weapon we are being asked to spend $19.4 million in procurement money—that weapon has none of the negative qualities that the Soviet weapon has.

The Air Force ASAT weapon is mounted on modified F-15 fighters. It is a highly sophisticated weapon that is fired at high altitudes and aimed directly at the intended target.

After launching, the Air Force antisatellite weapon flies thousands of miles per hour faster than the satellite it is supposed to destroy, ultimately overtaking and smashing into the satellite.

We are not catching up with the Soviets if we deploy this weapon. This weapon is at least a generation ahead of the present Soviet system. If it is deployed it would be a serious and substantial threat to Soviet satellites.

Because the Air Force ASAT is so small in size and because any F-15 fighter could be a potential launcher for this ASAT, if the United States deploys the ASAT, it would impose impossible verification problems for the Soviets if we ever wanted to negotiate a ban on these weapons in the future.

So what do you think the Soviets will do if they are faced with an overwhelming threat to their satellites? They will respond by building a comparable, if not superior, system to target against our satellites.

If the Soviets did this we would be forced to upgrade our system. The result would be a new suicidal arms race.

Such an arms race would not benefit the United States and it would not benefit the Soviet Union. It would drain valuable resources from both countries.

Instead of authorizing this money for producing an ASAT weapon we should be negotiating treaties banning all weapons from space. But those negotiations will be made extremely difficult, if not impossible, if the United States goes ahead with deployment of antisatellite weapons.

Congress therefore now has a choice. It can authorize this $19.4 million installment on the arms race in space. Or Congress can urge the President to begin negotiations to ban weapons from space permanently.

I hope Congress chooses the latter option and votes no on the $19.4 million for procurement of ASAT weapons.●

STUDY SUPPORTS FIRE SAFE CIGARETTE AS GREATEST POTENTIAL FOR REDUCING HOUSE FIRE DEATHS AND INJURIES

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MOAKLEY. Mr. Speaker, in a 3-year study of house fire deaths in Maryland, more than half of the deaths resulted from cigarette ignited fires with 39 percent of the victims being someone other than the cigarette smoker. The March 1983 Journal of the American Medical Association revealed that these victims tended to be lower income individuals; that the smoker often had high concentrations of alcohol in the bloodstream; and that 31 percent of the children killed in house fires died as the result of carelessly discarded cigarettes.

"Fatal House Fires in an Urban Population," by Johns Hopkins University School of Hygiene and Public Health researchers Marianne C. Mierley, MHS and Susan P. Baker, MPH, outlines the terrible tragedy which results each year from carelessly discarded cigarettes and the policy options which we have to confront this problem.

During 1981 alone, 63,518 cigarette-ignited fires resulted in 2,144 deaths, 3,819 injuries, and $305 million in property damage. The time has come when we must end this tragedy by attacking this serious problem at its source—the cigarette.

The Johns Hopkins paper follows:

[From the Journal of the American Medical Association, March 1983]

FATAL HOUSE FIRES IN AN URBAN POPULATION

(By Marianne C. Mierley, MHS and Susan P. Baker, MPH)

(House fires kill about 5,000 Americans annually, at a rate (2/100,000) that has remained almost constant for the past 50 years. House-fire deaths were studied in Baltimore, where 55 residents died during a three-year period. More than half of the deaths resulted from cigarette-ignited fires; 39% of the people who died in such fires were not the cigarette smokers themselves. For both blacks and whites, the death rate was highest in census tracts where property rental values were low. The death rate from fires ignited by heating or electrical equipment was nine times as high in the lowest-value census tracts as in the highest.)

Three fourths of all fire-related deaths in the United States result from house fires, which cause 5,000 deaths annually.[1] For ages 1 to 64 years, house fires are the leading cause of death from unintentional injury in the home.

House-fire deaths in Baltimore were studied to determine death rates in relation to property rental value, to analyze important contributing factors, and to suggest potential preventive measures. Of particular interest were fires ignited by cigarettes, the reported source of ignition in 13 percent to 30 percent of all fires[2,3] and in 47 percent of fatal fires.[4]

METHODS

Case reports of all unintentional deaths related to house fires in Baltimore from 1976 to 1978 were reviewed at the Office of the Chief Medical Examiner of Maryland. Information about the cause of each fire was obtained from a synopsis of the fire investigator's report. The 55 deaths included in the study were consistent with the International Classification of Diseases classification (E890) of "conflagration of private dwelling."

The 1977 Baltimore population, enterpolated from 1970 and 1980 census data, was used as a denominator for death rates. To compute house-fire death rates in relation to an economic measure, the Baltimore population was divided into quintiles on the basis of census tract median rental values (MRVs). (The MRVs for each census tract were determined by the Bureau of the Census from 1970 census data. The 200 census tracts in Baltimore were ranked by MRV, than subdivided into five groups, each containing one fifth of the total population. In addition, MRV quintiles were determined separately for the white and black populations.) Each death was assigned to one of the five MRV groups on the basis of the MRV of the census tract of residence.

Nonresidents were excluded. Since deaths of city residents that occurred outside the city were not known, death rates may underestimate actual mortality.

RESULTS

The average annual death rate from house fires for Baltimore residents was 2.2/100,000 during the three-year period 1976 to 1978. The death rate for males was 2.6; for females, 1.8. The death rate for blacks was twice the death rate for whites—2.8 compared with 1.4. Sixteen (29 percent) of the deaths occurred in children aged 0 to 14 years; children aged 0 to 4 years had the highest death rate (4.3). Persons aged 60 and older had the second highest rate (2.7).

For the lowest two median rental value quintiles (MRVQs) combined, the death rate was 3.4, compared with 1.0 for the two highest. Sixty percent of deaths among blacks and 75 percent among whites occurred in the lowest two MRVQs, where only 40 percent would be expected if house-fire deaths were evenly distributed among the respective populations. Forty-seven percent of the deaths occurred in multiple-death fires, which occurred predominantly in the two lowest MRVQs (Table 1). The higher death rate in MRVQ 2 compared with MRVQ 1 was associated with more multiple-death fires.

TABLE 1.—HOUSE-FIRE DEATHS IN RELATION TO MEDIAN RENTAL VALUE

Median rental value quintile	Number of deaths	Number of fires	Number of fires with multiple deaths	Percent of fires with multiple deaths
1	13	10	3	35
2	22	13	5	35
3	10	8	1	13
4	7	5	1	13
5	3	3	0	13
Total	55	39	10	26

Fire investigators attributed 55 percent of the fires (56 percent of deaths) to cigarettes,

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typically on the basis of evidence that fire broke out in a smoldering mattress or upholstered furniture and that cigarette smokers were involved. The death rate from cigarette-ignited fires was 1.6 in MRVQs 1 and 2 and 0.8 in MRVQs 4 and 5. The percentage of house-fire deaths caused by cigarettes increased with median rental value (Table 2). Five of the 16 children in the study died in cigarette-ignited fires. Altogether, at least 12 (39 percent) of the 31 persons who died in cigarette-ignited house fires were not the smokers of the cigarettes.

Nine of the 11 deaths related to heating or electrical equipment occurred in the two lowest MRVQs (Table 2). The death rate from these fires was 0.9 in MRVQs 1 and 2 and 0.1 in MRVQs 4 and 5.

TABLE 2.—HOUSE-FIRE DEATHS BY IGNITION SOURCE AND MEDIAN RENTAL VALUE

Ignition source	Median rental value quintile			
	1 and 2	3	4 and 5	Total
Cigarette (percent of total)	16(46)	7(70)	8(80)	31(56)
Electrical or heating equipment	9	1	1	11
Matches	1	1	0	2
Other [1] / unknown	9	1	1	11
Total	35	10	10	55

[1] Other: two grease fires, one bed ignited by candle, one coat ignited on register. In seven cases, ignition source was not identified.

Postmortem tests for alcohol were performed on 33 persons aged 15 years or older; 13 (39 percent) had blood alcohol concentrations (BACs) of 0.10 percent by weight or higher. (Four of the six adults not tested survived more than four hours, making BAC at death an unreliable indicator of BAC at time of injury.) Blood alcohol concentrations of 0.10 percent or higher were found in 11 of 22 (50 percent) of the adults who died in cigarette-ignited house fires, compared with two of 11 (18 percent) in other house fires ($P<.1$).

Forty-five percent of all deaths resulted from fires that occurred in the four-hour period from 2 to 6 a.m.

COMMENT

During the past half century, while the death rate from other fires and burns has decreased dramatically, the death rate from house fires has remained fairly constant [1], 5. In part, this difference may reflect progress in burn treatment, which would have had its greatest effect on mortality caused by burns from other sources, since most house-fire deaths occur before medical treatment can be given. Changes in products have also reduced burn mortality. The number of deaths caused by clothing ignition dropped sharply in the 1960s, especially deaths of girls, in connection with changes in clothing styles and fabrics.[6]

Several studies have pointed to greater morbidity and mortality resulting from burns in economically disadvantaged groups. Barancik and Shapiro[7] reported higher rates of clothing-ignition burns among the population quintile with the lowest median income. Moyer[8] cited substandard housing and hazardous heating devices as probable factors in the higher burn-death rates among blacks and in southern states. The Baltimore data reported herein provide the first evidence of a strong correlation between economic conditions and house-fire deaths for both blacks and whites.

Important avenues for future research include the characteristics of low-rent housing: for example, ignition sources, flammability of building materials, potential toxicity of combustion products, warning systems, and egress. Most housing units in low-income areas are rented, which may make hazards easier to regulate than in the case of owner-occupied units. The role of electrical and heating equipment deserves special scrutiny, since deaths related to improper or faulty heating and electrical systems were nine times more frequent in low-rental than in high-rental census tracts.

Alcohol is a major factor not only in house fires but also in vehicle crashes, drownings, and many other injuries.[9] Unfortunately, there is no evidence to support hopes that a large proportion of alcohol-related deaths can be prevented by changing alcohol-related behaviors. Similarly, it is not likely that the incidence of cigarette-initiated house fires can be substantially reduced by making cigarette smokers more careful.

Nationally, 2,300 house-fire deaths each year are attributed to cigarettes.[10] In our study, the cigarette was the principal ignition source in all rental value quintiles and accounted for eight of the ten deaths in the two highest quintiles. Typically, cigarette-ignited fires occur when a cigarette falls unnoticed into bedding or upholstered furniture and smolders for hours.[10] By the time fire breaks out, people are asleep. If intoxicated, they are less aware of a dropped cigarette, less likely to be roused by smoke or fire, and less able to escape. Most deaths are due to carbon monoxide poisoning from smoke inhalation rather than burns.[4,11]

One promising measure for preventing cigarette-related house-fire deaths is the development and sale of cigarettes that self-extinguish before they ignite fires. The Cigarette Safety Act currently before Congress would give the Consumer Product Safety Commission jurisdiction over the cigarette as a fire hazard.[10] Cigarette brands already vary greatly in two characteristics that influence their fire-igniting potential: the temperature at which they burn and the length of time they smolder before self-extinguishing. It is expected that some existing brands, including ones advertised as having no chemical additives, would meet a fire-safe standard set in accordance with the proposed Cigarette Safety Act.[12] At least 19 patents for self-extinguishing cigarettes have been registered.[10]

To date there is no evidence that smokers prefer cigarettes that continue to smolder until completely consumed. Against such preferences—if indeed they exist—should be weighted the many deaths of nonsmokers in cigarette-ingnited fires. (The effect on other people of products purchased for "personal use" was also exemplified by a study showing that the majority of people injured in crashes do not own the cars in which they are injured.[13]

Fatal house fires often start during early morning hours when people are sleeping soundly. Effective detection and alerting systems are therefore especially important. A review of 699 fires in residences protected with smoke detectors showed that smoke detector alarms reduced the potential for severe injury or death in 90 percent of the fires that occurred when all occupants were asleep.[14]

A national survey indicated that about 30 percent of families with less than $10,000 income have smoke detectors, compared with about 60 percent of families with income of $20,000 or more.[15] Other researchers have reported a greater risk of house fires in rental property[2] and a lower rate of smoke detector installation by renters than by homeowners.[16] Thus, there seems to be an inverse correlation between the risk of fire and the likelihood of being protected with a smoke detector.

Materials that reduce toxic byproducts of combustion, designs that prevent the spread of fire, automatic sprinkler systems, and adequate escape routes are essential but long-term measures. In the meantime, modification of ignition sources and continued efforts to protect homes with effective alerting systems probably offer the greatest potential for reducing house-fire deaths and injuries.

REFERENCES

[1] Public Health Service: *Vital Statistics of the United States, 1978,* National Vital Statistics Division, National Center for Health Statistics. Government Printing Office, 1978.

[2] Ducik S, Ghezzo HR: Epidemiology of accidental home fires in Montreal. *Accident Anal Prevention* 1980;12:66-73.

[3] Planek TW: Home accidents: A continuing social problem. *Accident Anal Prevention* 1982; 14:107-120.

[4] Birky MM, Halpin BM, Caplan YH, et al: Fire fatality study. *Fire Materials* 1979;3:211-217.

[5] Bureau of the Census: *Mortality Statistics, 1930.* Government Printing Office, 1934.

[6] Young GS, Baker SP: *Recent Trends in Childhood Burn Deaths.* Baltimore, The Johns Hopkins School of Hygiene and Public Health, 1978.

[7] Barancik JI, Shapiro MA: *Pittsburgh Burn Study: Pittsburgh and Allegheny County, Pennsylvania,* June 1, 1970-April 15, 1971. US Consumer Product Safety Commission, May 1976.

[8] Moyer C: The sociological aspects of trauma. *Am J Surg* 1954;87:421-430.

[9] Haddon W Jr., Baker SP: Injury control, in Clark DW, MacMahon B (eds): *Preventive and Community Medicine.* Boston, Little Brown & Co., 1981, pp 109-140.

[10] McLoughlin E: The Cigarette Safety Act. *J Public Health Policy* 1982;3: 124-126.

[11] Levine MS, Radford EP: Fire victims: Medical outcomes and demographic characteristics. *Am J Public Health* 1977;67:1077-1080.

[12] Krasny JF, Allen PJ, Maldonado AM, et al: *Development of a Candidate Test Method for the Measurement of the Propensity of Cigarettes to Cause Smoldering Ignition of Upholstered Furniture and Mattresses: Final Report,* (NBSIR) 81-2363. US Dept of Commerce, National Bureau of Standards, 1981.

[13] Baker SP: Who bought the cars in which people are injured? An exploratory study. *Am J Public Health* 1979;69:76-78.

[14] US Fire Administration: *An Evaluation of Residential Smoke Detector Performance Under Actual Field Conditions: Final Report.* Federal Emergency Management Agency, 1980.

[15] Massey JD, Jones VB: A detector in every other home: *Summary of a Household Survey of Smoke and Fire Detector Owners Conducted for the National Fire Data Center, US Fire Administration,* WMW-C-0029. Federal Emergency Agency, 1980.

[16] Miller RE, Reisinger KS, Blatter MM, et al: Pediatric counseling and subsequent use of smoke detectors. *Am J Public Health* 1982; 72-392-393.●

SERVICE ACADEMY APPOINTEES SET HIGH STANDARDS FOR OTHERS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. SCHUMER. Mr. Speaker, I would like to bring to my colleagues' attention the achievements of four outstanding students in my district. It is with great pride that I inform you that Sean Eagleton, John Tumino, John Kosman, and Jeffrey Gee have all been invited to attend our Nation's

service academies. It is refreshing to see achievement such as this. These four young men personify the level of excellence to which we should all aspire.

Mr. Eagleton, who graduated from Edward R. Morrow High School, will attend the U.S. Merchant Marine Academy at Kings Point. Mr. Kosman, who graduated from Brooklyn Technical High School, will attend the U.S. Air Force Academy at Colorado Springs. Mr. Gee, also a graduate of Brooklyn Technical, has for the past year attended the State University of New York at Stony Brook. Both he and Mr. Tumino, a graduate of John Dewy High School, will matriculate at the U.S. Military Academy at West Point. These four men all share in the distinction of graduating from high school with admirable grades and high scholastic aptitude test scores.

These schools are three of the finer institutions of higher learning in this country. Only superior students with leadership potential are accepted to these highly competitive schools. I congratulate these four young men on their achievement and I wish them well as they prepare to expand on their already fine qualities. It is my hope that their achievements and ambition will inspire their peers to strive for similar personal and academic distinction.●

AMERICA RESPONDS TO SAN MATEO COASTSIDERS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LANTOS. Mr. Speaker, in a magnificent display of bipartisanship, the House has just acted to approve full Federal funding—estimated at over $50 million—to create at long last a safe, dependable year-round road link between our coastal communities in San Mateo County. This action by the House of Representatives speaks eloquently of the vitality and compassion of our democratic form of government. The thousands of our fellow citizens who live along the spectacularly beautiful coast of San Mateo County cried out for help a few months ago as torrential rainstorms and earth slides destroyed their only direct access for travel, business, and even emergency evacuations.

At my request, the Surface Transportation Subcommittee of the House, under the leadership of Chairman GLENN ANDERSON of California and the ranking Republican, our distinguished colleague, BUD SHUSTER of Pennsylvania, came for a full day of field hearings to the towns of Pacifica and Half Moon Bay and visited the focal point of the crisis itself, Devil's Slide. Yesterday's vote for emergency funding is in addition to the usual flow of transportation funds to California, thus enabling the State to use its regular highway fund allocation for other urgently needed projects, such as Highway 92.

We are a nation of 230 million people, but, when just a few thousands suffer, our democratic form of government, as we have now demonstrated, can respond. Democracy is alive and well in these United States, Mr. Speaker, and the thousands of men, women, and children along the coast of San Mateo County join me in expressing our thanks to my colleagues in the House of Representatives.●

FOWLER BRACKET-FLATTENING/MEGA CAP INCOME TAX PROPOSAL

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FOWLER. Mr. Speaker, the prospect of ever-growing deficits surpassing $300 billion a year by the end of this decade is frightening. The deficit problem is compounded by the growing incomprehensibility and inequity of the Federal tax system, which in turn is driving more and more taxpayers to evade their income taxes.

Both the Senate Budget Committee and the full House recommended revenue increases of about $30 billion in fiscal year 1984, tacitly endorsing repeal of the third year of the tax cut. Many of us, however, are concerned because although we recognize that the gap between spending and revenues cannot be narrowed by spending cuts alone, the increased tax burden caused by repeal of the third year of the tax cut would fall most heavily on those least able to bear the additional burden—lower and middle income taxpayers. These same people are also the ones who have benefited least from the earlier stages of the tax cut. Also, simply repealing the indexing provision would leave us without any mechanism for addressing the serious problem of bracket creep.

The full Senate, however, scaled back its revenue request to about one-third of what the House asked for. What I propose to do is to split the difference between the House and Senate revenue targets with my own proposal for income tax reform.

The Fowler bracket-flattening/itemized deduction mega cap proposal would move our complicated Tax Code toward a flatter income tax system by reducing the number of marginal tax rate brackets. At the same time, it would broaden the income base without requiring repeal of any specific tax preferences. It would accomplish these goals equitably while raising some additional revenues.

Details of my proposal follow:

FOWLER BRACKET-FLATTENING/MEGA CAP INCOME TAX PROPOSAL

PURPOSES

(1) To reduce the number and broaden the size of income tax brackets (for example the number of brackets for joint tax returns would be cut from 13 to 5) in order to minimize the effects of "bracket-creep."

(2) To promote equity in the tax code: Vertical equity—by maintaining the basic progressivity of the current federal income tax system, which counter-balances the generally non-progressive character of other taxes paid by individuals (sales, Social Security, etc.); horizontal equity—by curtailing the impact of tax preferences (deductions) which can cause two taxpayers with the same incomes to be taxed differently.

(3) To increase the economic efficiency of individuals' spending and investment decisions by reducing the discrepancies in taxation of different allocations of income through limitation on itemized deductions.

(4) To curb future federal deficits by bringing federal revenues more into line with federal responsibilities.

(5) To provide for a more even sharing of costs and benefits under the current "Economic Recovery" program by giving a tax cut to individuals earning $10,000 or less (who, according to CBO, have suffered a net decline in household income under the current program) and imposing a slightly higher proportion of the total tax burden on those making $100,000 or more (who have been the biggest beneficiaries of the 1981 tax and spending decisions).

(6) To preserve the federal income tax as the dominate financing source for federal programs.

(7) To achieve all of the above in the least disruptive and most feasible fashion by building on to the present tax system (progressive tax with allowances for special circumstances—deductions) rather than making a radical departure.

DETAILS

(1) Beginning January 1, 1984, the individual income tax rate schedules would be amended to the following (and withholding schedules would be adjusted accordingly):

(A) Married individuals—joint returns:

Taxable income:	Tax:
Not over $4,600	No tax.
$4,600 to $27,000	20% of the excess over $4,600.
$27,000 to $33,000	$4,704 plus 26% of the excess over $27,000.
$33,000 to $62,000	$6,264 plus 39% of the excess over $33,000.
Over $62,000	$17,574 plus 50% of the excess over $62,000.

(B) Unmarried individuals (other than surviving spouses):

Not over $2,300	No tax.
$2,300 to $16,000	20% of the excess over $2,300.
$16,000 to $22,000	$2,877, plus 31% of the excess over $16,000.
$22,000 to $28,000	$4,737, plus 36% of the excess over $22,000.
$28,000 to $43,000	$6,897, plus 39% of the excess over $28,000.
Over $43,000	$12,747, plus 50% of the excess over $43,000.

(C) Married individuals—separate returns:

Not over $2,300	No tax.
$2,300 to $13,500	20% of the excess over $2,300.

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$13,500 to $16,500	$2,352, plus 26% of the excess over $13,500.
$16,500 to $31,000	$3,132, plus 39% of the excess over $16,500.
Over $31,000	$8,787, plus 50% of the excess over $31,000.

(D) Estates and trusts:

Not over $11,200	20%.
$11,200 to $14,200	$2,352, plus 26% of the excess over $11,200.
$14,200 to $28,700	$3,132, plus 39% of the excess over $14,200.
Over $28,700	$8,787, plus 50% of the excess over $28,700.

(2) Beginning January 1, 1984, the Zero Bracket Amount would be increased to $4,600 for joint returns ($2,300 for singles).

(3) Beginning January 1, 1984, the personal exemption for the taxpayer (and spouse in joint returns) would be increased from $1,000 to $2,400.

(4) Beginning January 1, 1984, a cap would be placed on total itemized deductions, limiting them to no more than 40% of adjusted gross income in any year.

(5) The July 1983 withholding change and indexing of the income tax would be repealed.

(6) Beginning January 1, 1984, the deduction for two-earner married couples would be repealed, because the "bracket flattening" proposal itself originated as a method for reducing the "marriage penalty" in a manner that would not exacerbate the "marriage bonus"/"singles penalty" that exists in certain cases.●

CAMPBELLSVILLE BAPTIST CHURCH

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. ROGERS. Mr. Speaker, I want to direct the attention of my colleagues in the House to an outstanding church and its congregation in my district.

It was 192 years ago that a handful of Taylor County, Ky., residents first came together to form "Church Pitman." It was a joint effort by Pitman Creek and Robinson Creek, founded 2 years apart in 1791 and 1793.

Later, in 1852, "Church Pitman" became Campbellsville Baptist Church. Besides housing the congregation, the building was also an historic site during the Civil War, and was used as a county courthouse after Confederate soldiers burned down the courthouse itself.

Since then, much has happened. In 1889, Shuttleworth Memorial Baptist Church replaced the former church building. In 1915-16, a new church building was erected with a domed ceiling and four walls of stained glass windows. A fire destroyed that building in 1962, but the congregation worked to erect a new church in 1963.

From its simple past in the earliest days of our Nation, the Campbellsville Baptist Church now ministers to over 1,400, under the direction of one of the State's great religious leaders, Dr. James Jones.

As the proud representative of the Fifth District, and as a fellow Baptist, I want to congratulate the Campbellsville Baptist Church as the oldest church in Taylor County, and one of the outstanding congregations in the Nation. I urge my colleagues to similarly recognize this congregation, and join me in wishing them well during their next 192 years of spiritual and civic service to Taylor County and Kentucky.●

EVOLUTION: FACT OR FALLACY?

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. DANNEMEYER. Mr. Speaker, the Federal Government continues to promote the theory of evolution as the sole explanation of man's origins on Earth to the exclusion of the theory of creation.

Specifically, this occurs through avenues as diverse as Federal funding of exhibits at the Smithsonian Institution which treat only evolution, to the partial funding of educational instruction at primary and secondary schools across our country that only presents the theory of evolution in science classes.

It has long been my position that both the theory of creation and the theory of evolution should be presented when this subject is under consideration in whatever forum. Regardless of one's own views on the subject, simple fairness dictates that both points of view be presented since it is clear that we do not yet know all that there is to know on this issue. The presentation of both theories is especially important when whole or partial Federal funding is involved. Just as taxpayers should not be required to subsidize abortion, so should taxpayers not be required to subsidize one presentation over another on this issue.

The presentation of the theory of evolution to the exclusion of creation is also unjustified given the legitimate questions that have been raised about the theory of evolution. In this connection, I would like to share an article with my colleagues that appeared in the May 1983 edition of This Month, a publication of the Southern California District of the Lutheran Church-Missouri Synod.

In the article, "Evolution: Fact or Fallacy?", Randolph Merrill, a seventh grade teacher at Good Shepherd Lutheran School in Inglewood, Calif., presents factual evidence and arguments which call into question the theory of evolution. Mr. Merrill's article presents the scientific reasons for at least taking a skeptical view of evolution as the sole theory of our origins. Until and unless we give equal time to the theory of creation, we will not be able to come to grips with the fundamental question of from whence do we come.

Mr. Speaker, I would like to insert the article at this point in the RECORD and urge my colleagues to carefully consider its conclusions and their implications for Federal funding of these activities.

The article follows:

[From This Month, May 1983]

EVOLUTION: FACT OR FALLACY? TEACHER EXPLODES SCIENTIFIC THEORIES

(By Randolph Merrill)

(Editor's Note: In the following scholarly features, Randolph Merrill, a seventh grade teacher at Good Shepherd Lutheran School, Inglewood, explodes "scientific" theories maintained by exponents of the Theory of Evolution. His position was shared recently in a special series of lectures in the Adult Bible Class of his congregation.) [1]

An insidious movement has been underway during the last century to discredit the once commonly held belief that our earth and all the forms of life on it came about as the result of a special creation such as is described in the book of Genesis. This subversive line of pseudo-scientific, anti-Christian thought received its first real impetus when Charles Darwin published his views on the matter in his "On the origin of species" in 1859 and his "The Descent of Man," in 1871.

What amounted to nothing more than a biological hypothesis based on evidence inadequate even in Darwin's day to qualify it as a good theory, has been promulgated into the present so-called "fact" of evolution, which has since permeated all other areas of science. On the assumption that the biological theory of evolution is true, scientists in other branches have been impelled to reexamine the basic, long-accepted theories and hypotheses of their disciplines in light of evolution's new tenets.

In much the same way as the run-off from a heavy rain fouls a clear stream, so the digressive run-off from the heavy rain of evolutionary theorizing has fouled the mainstream of scientific thought and exploration. As a result, rather than being viewed in a truly objective scientific manner, all new and existing evidence which the universe provides as a clue to its origin, is viewed from the static assumption that macro-evolution, in one form or another, is fact.

Meanwhile, the product of this upheavel of traditional thought has been spoon-fed by an eager media to a gullible public as absolute truth, to the decidedly unscientific exclusion of all conflicting theories or evidence.

Yet, in spite of the media hype, and contrary to the repeated denials of the evolutionist community, the fact remains that the bulk of scientific evidence, when viewed objectively and by the unprejudiced eye, lends solid support and credibility to the Creation model while contradicting the Evolutionary model at nearly every turn.

Although it is impossible within a format such as this to attempt even a limited exposition on the myriad discrepancies between the Evolutionist model and the actual scientific evidence, included here are just a few classic examples from some of the major areas of contention. Consider the following:

Two proven and universally accepted scientific laws, the First and Second Laws of Thermodynamics, are in total contradiction to the theory of evolution. These two laws state respectively that (1) nothing is now being either "created" or destroyed, and (2) that all things left to themselves always tend to go from complex to simple, from organized to disorganized. Consequently the universe, governed as it is by present natural law, cannot circumstantiate its own origin, and the evolutionary requirement of a progressive development from simplest to more complex forms, is totally incompatible.

A single important discovery, made at the time of the moon landings, has effectively negated all existing evolutionary models for the origin of our solar system. Chemical analysis of the moon rocks showed their composition to be distinctly different from that of terrestrial rock, much to the chagrin of the evolutionists. If the earth's own moon does not share a common origin with the earth, then there is obviously no basis for speculating that other planets do either.[2]

According to the evolutionists, the first life originated entirely by chance from inorganic substances. Amino acids, formed in this way, went on to form the first simple proteins, which eventually developed into the first primitive cells, However, if, as the evolutionists believe, the sun's origin predates that of the earth, then the earth would necessarily have been bombarded by solar radiation from the moment of its inception with the result that such simple chemcial compounds as amino acids would have been destroyed at a rate far in excess of their rate of formation. Consequently, no significant quantities of these compounds would ever have been produced.[3]

In additions, according to Dr. Duane T. Gish, in his speech on the campus of the University of California at Davis:

"The probablity of a protein of only 50 amino acids forming by chances would be 1 to 10^{65}, or in layman's language 100,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000, to one!"[4]

As if these odds alone were not sufficiently insurmountable, Dr. Gish goes on to point out that:

"Even the very simplest cell contains several thousands of different kinds of proteins, and many billions of each kind, plus all kinds of DNA, RNA and other highly complex molecules, along with many complex structures arranged in an incredibly complex system."[5]

Experience by Bureau of Mines scientists, described in "Chemical and Engineering News," May 29, 1972, p. 14, support the idea that the coal and oil which we find in the earth today can and probably did form rapidly rather than over millions of years. They have shown that cellulosic materials such as cow manure, when subjected to a temperature of 716°F, at 2000 to 5000 pounds per square inch and in the presence of carbon monoxide and steam, can be converted to a good grade of petroleum in about 20 minutes.[6] Yet only recently have non-creation scientists begun to admit that oil can be formed rapidly.[7]

As proof of the validity of their immense evolutionary time scale, evolutionists frequently make reference to the geologic column and the fossils imbedded in its layers. By dating the rocks, they contend, it is possible to obtain clues to the age of the earth, and also to determine when certain plants and animals lived. However, as convincing as this line of logic may appear, it is in reality totally ambiguous. In his book, "Scientific Creationism," Dr. Henry M. Morris cites the following methods by which "rocks are not dated. . .

(1) By their appearance;
(2) By their petrologic character;
(3) By their mineralogic content;
(4) By their structural features;
(5) By their adjacent rocks;
(6) By their vertical superposition;
(7) By radiometrically;
(8) By any physical characteristics at all; and
(9) By their total fossil contents."[8]

What, then, is the sole criteria used by evolutionary geologists to date the rocks in the geologic column? "The answer . . . index fossils."[9]"

Certain fossils which are assumed to have lived within a limited time period during the earth's history become the keys by which the rock strata in which they are found are dated. The absurdity of such a presumption becomes apparent at once. The rocks in the geologic column are dated according to the index fossils. The dating of the index fossils is based on the assumption that macro-evolution is fact. The theory of evolution is then defended on the basis of the so-called fossil record.[10]

Unfortunately, as a result of strenuous efforts on the part of the evolutionists, most of this evidence continues to be excluded from the nation's textbooks and classrooms, and from the mass media in general. Whenever it does manage to surface, its signifiicance and validity are vigorously decried and disavowed by the evolutionary propagandists, ostensibly in the interest of scientific progress and the public good.

Yet, if the process of science is indeed an objective search for answers and knowledge, and if its product consists of the facts and ideas that have been discovered throughout the years, then why such vitriolic disaffirmation of tangible scientific evidence without so much as a cursory examination by these so-called men of science?

The roots of the American democratic system itself are grounded on the precept that a diversity of ideas and opinions is not only healthy and progressive, but the inalienable right of all concerned. How much more so should be the area of science, given the tenuous nature of hypothesis. And neither evolution or creation is even a scientific hypothesis, since there is absolutely no way of testing them.[11] Why, then, the continuing effort by the evolutionists to subert the creationist scientific movement?

Ultimately, it is because, to the majority of its adherents, evolution does not simply represent an alternative scientific theory as to the origin of man and his universe. To many it represents a philosophy of life which they freely admit has had a tremendous impact on society. The steady increase in the spread of venereal disease, unwanted pregnancies, and abortions is directly related to the "evolutionary-based attitudes on sex, and the evolutionary based attitude that all morality is relative,"[12] Likewise, the increase in drug dependence and in the suicide rate can, in large part, be attributed to the promulgation throughout our society of the humanist philosophy, as outlined by the American Humanist Association in the Humanist Manifesto II (as quoted here from Dr. Henry Morris):

"As in 1933, humanists still believe that traditional theism, especially faith in the prayer-hearing God, assumed to love and care for persons, to hear and understand their prayers, and to be able to do something about them, is an unproved and outmoded faith. 'As nontheists, we begin with humans, not God, nature not deity.'

'No deity will save us; we must save ourselves.'"[13]

The very condition of society today, after more than 100 years of humanist/evolutionist influence, suggests that if man must rely upon himself to be his own savior, then he is in exceedingly deep trouble. For despite all the scientific and technological breakthroughs in recent years, the world continues to drift deeper into the quagmire of moral and spiritual decay. Meanwhile, "Asimov and other humanists decry the teaching of creationism as 'religious' while, at the same time, their Manifesto proclaims their own set of beliefs to be a 'living and growing faith.'"

Clearly the humanists' faith in the eventual ascendancy of man over the squalor he has created, and of his vindication as a result of his own merit, is ill-founded. Given such a bleak outlook for the future, it is any wonder that so many people have turned in despair to the mental oblivion afforded to them by drugs, and that they live as if there were no tomorrow, doing all things in excess, with no thought for anyone but themselves?

Considering the very religious nature of evolution, as professed by innumerable evolutionists themselves, it seems rather obvious why they are so eager to repudiate the teachings of scientific creationism. For it is one thing to disagree with a person's opinions regarding such an abstract concept as the origin of the earth or the universe. It is quite another thing to challenge his faith and his religious beliefs. Therein lies the answer to the enigma of the creationist's inability to secure an equitable public hearing.

Both the evolutionist and the creationist are motivated by considerations which go deeper than simple scientific zeal. And as long as this is true, there can be no reconciliation between them. The volutionist is bound, by his belief in the humanistic religion of evolution, to proselytize for it. Likewise, the creationist is bound by his faith in the Creator and His Word to zealously proclaim what he believes to be the truth.

At stake for the evolutionist is the freedom to choose to live in whatever style pleases him the most, unfettered by any morality other than his own and that imposed upon him by society. (Hence, the need to proselytize!) At stake for the creationist is the freedom and the opportunity for all men to live under God in His kingdom, and to do His will, now and also throughout eternity.

Both evolutionists and creationists use science to achieve their goals, and to help support their teachings. Neither doctrine can be proved scientifically.

There is, however, one inescapable difference between the approaches used by the two opposing sides. As a close, and unbiased examination of the evidence will reveal, it is the evolutionists who are guilty of distorting the truth to further their own ends, not the creationists. They have done this in the past, and they continue to do it today. And lest anyone say that the definition of what is distortion and what is not is simply in the eye of the beholder, remember this: it is not the creationists who are presently making an all-out effort to deny a public hearing to the evolutionists!

Footnotes at end of article.

For creationists, the words of John 1: 1-3 are still the definitive answer to this debate:

"In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by him; and without him was not anything made that was made." KJV.

FOOTNOTES

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[1] Henry M. Morris, Scientific Creationsim (Creation-Life Publishers, San Diego, CA, 1974) p. 25.

[2] Ibid., p. 31.

[3] Dr. Duane T. Gish as quoted in the booklet Are You Brainwashed?, (Life Messengers/Creation-Life Pub., San Diego, CA, 1974) p. 23.

[4] Ibid., p. 23.

[5] Data not supplied.

[6] Duane T. Gish, "Petroleum in Minutes, Coal in Hours," Acts and Facts, Vol. 1, No. 4., as quoted in John Whitcomb Jr., The World That Perished, (Baker Book House, Grand Rapids, Michigan, 1973) p. 124.

[7] "Five Minutes with the Bible & Science: The Origin of Coal and Petroleum," Bible-Science Newsletter, Vol. 20, No. 7 (July, 1982), p. 1.

[8] Henry M. Morris, op. cit., pp. 132-124.

[9] Ibid., p. 134.

[10] Ibid., 136.

[11] Henry M. Morris, Ph.D., "Evolution is Religion, Not Science," Impact (Institute for Creation Research, El Cajon, CA, May, 1982) p. i.

[12] Paul A. Bartz, "The Social Consequences of Evolution," Bible-Science Newsletter, (July, 1982) p. 3.

[13] Henry M. Morris, "An Answer For Asimov," Impact, (Institute for Creation Research, El Cajon, CA, Sept., 1961) p. i.

[14] Ibid., p. 1.●

REV. JOSEPH A. COGO CELEBRATES 25TH ANNIVERSARY AS A PRIEST

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. RODINO. Mr. Speaker, it is a pleasure for me to take this occasion to salute Father Joseph A. Cogo, C.S., who, on Wednesday, June 15, will celebrate the 25th anniversary of his ordination into the priesthood.

Father Cogo and I have worked together for many years on an issue of mutual concern, U.S. immigration policy. The Immigration Subcommittee of the House Judiciary Committee has called on him many times for his thoughtful and constructive counsel, and he was of immense assistance to the Select Commission on Immigration and Refugee Policy established by Congress and the special task force assembled by President Reagan.

Through this long association, Father Cogo and I have developed a close personal friendship. I have come to know him as a great humanitarian and as an expert on immigration in the broadest sense and on Italian immigrant issues in the singular sense.

It is for his work in the latter area that Father Cogo has received wide acclaim. Since 1966, he has been executive national secretary of the American Committee on Italian Migration, a private, nonprofit, voluntary organization noted for its services to immigrants from Italy and other nations who have come to these shores facing an uncertain future. Throughout its more than 30 years, ACIM has been a provider of very tangible assistance to newcomers to our shores and a voice for a just and humane immigration policy. For the last 17 years, Father Cogo has been a dedicated leader in continuing and expanding this assistance and has given that voice eloquent and effective expression.

Even before assuming his leadership role with ACIM, Father Cogo was esteemed for his ministering to the social, economic, and religious needs of immigrants. Father Cogo is himself an immigrant. He was born in Italy in 1933, came here in 1955, and was ordained in Chicago in 1958, as a member of the Scalabrini Fathers, an order dedicated to the care of immigrants. From 1955 through 1965, he served at Our Lady of Pompeii Church in Greenwich Village, N.Y., where his outstanding work with immigrants brought him to the attention of ACIM.

Father Cogo and his good and able colleagues at ACIM have earned accolades over the years for their selfless and tireless work with immigrants, and I again salute them all. But June 15, 1983, is a very special day for Father Cogo, and it is a very special privilege for me to congratulate him on his silver jubilee as a priest dedicated to brotherhood and human dignity and the social and spiritual well-being of his fellow immigrants, his fellow citizens.

On behalf of his fellow Italio-Americans, on behalf of all Americans, I thank him for his invaluable service, and I wish him many, many years of continuing fulfillment and success.●

HOME CARE PROGRAMS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Ms. SNOWE. Mr, Speaker, I want to express my support for House Joint Resolution 268, a measure designating the week beginning November 27, 1983, as National Home Care Week. This resolution serves to focus attention on an alternative to the institutionalization of many elderly and disabled persons in less than life-threatening situations.

All too often, institutionalization is the only health care alternative for older persons and their families. High home health care costs and limited support from medicare, medicaid and other health insurance programs force many individuals into nursing homes or hospitals, individuals who, with adequate community support systems, would be able to remain at home.

An example of an excellent home health care program can be found in my own State of Maine. A report of new home-based-care program was recently submitted by the Bureau of Maine's Elderly, to the Maine State Legislature which concluded that as of September 30, 1982, the program served 642 clients at an average client cost of only $480 per month. That cost, including all administrative and direct service expenses, is significantly less expensive than the average cost per month for an intermediate care facility bed of $931 or a skilled nursing facility bed of $1,298.

Maine's home care program is designed to supplement family care if the client has relatives at home. Many families are overtaxed in providing care to an elderly relative 24 hours a day. Respite care is provided, perhaps for only a few hours a week or for a weekend. In other cases, a single elderly person may need daily assistance for such tasks as preparing an evening meal, chopping wood, or housekeeping chores. These services can be provided in the home when more serious health problems are not involved, avoiding premature or inappropriate institutionalization. AFDC recipients, neighbors, and professionals from nonprofit and proprietary agencies provide the necessary services, guided by a Home Based Care Act Advisory Committee which includes representatives of the Maine Community Health Association, Homemaker Council, Maine Health Care Association, Maine Hospital Association, area agencies on aging and the Maine Committee on Aging. Many professionals are involved in monitoring this program to insure quality service to the client.

Mr. Speaker, we in Congress should encourage creative approaches to providing home services to elderly and disabled Americans. In our interest to reduce health care costs, we should also be concerned that quality care is available to those unable to help themselves. By observing a Home Care Week we pay tribute to home care groups such as those in Maine, presently engaged in providing quality service to disabled Americans, and I urge my colleagues support for this resolution.●

THE FEDERAL ROLE IN EDUCATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BROWN of California. Mr. Speaker, more now than at any time in the past 25 years, education is attracting considerable attention from the public, the media, and the Congress. Initially, the debate focused on the severe shortage of math and science teachers. In March, the House

passed H.R. 1310, the "Emergency Mathematics and Science Education Act," to address this need. Now, with the recent release of several major reports pointing to "a rising tide of mediocrity" in our schools, the discussion has broadened to include our entire educational system.

The revitalization of our schools will require sustained efforts at the local and State levels. I believe the Federal Government also has a very important role to play in the process. One of the key questions emerging in the national debate is the nature of that Federal involvement.

The following article makes a convincing case for a strong Federal role in education. As the author, Diane Ravitch, writes: "Properly conceived, the Federal role is to inspire, prod, and assist localities to improve the quality of education available to all children. But even under ideal circumstances, the Federal role can only be subsidiary to local and State efforts."

The article gives a number of examples of how the Federal Government can help bring about the substantial improvements that the public is beginning to demand. I highly commend the article to my colleagues and constituents.

[From the Washington Post, June 5, 1983]

THERE'S A LOT WASHINGTON CAN DO

(By Diane Ravitch)

For the first time since Sputnik was orbited in 1957, education is a major political issue. The warning by the National Commission on Excellence in Education that the schools—and our society—are threatened by "a rising tide of mediocrity," and similar appraisals by other national study panels have made the public aware that the condition of the schools cannot be taken for granted. The question now is, can the momentum for school improvement be sustained?

All the recent reports have complained that national indicators of academic achievement and of literacy have fallen over the past 20 years, despite the vast expansion of our educational system. Educators disagree about why this is so and even whether the measures of achievement are valid, but there is no doubt that the trend has been down. Not only did average college-entrance examination scores drop steadily from 1964 until last year, but the number of high-scoring students has shrunk dramatically. Since the mid-1960s, the same downward pattern has also been recorded on standardized tests given in junior high school and senior high school.

Test scores, of course, are but a symptom of the larger problem. During the past decade, researchers have pointed to disturbing practices: lower requirements for high school graduation and college admission, which led to smaller enrollments in foreign languages and in advanced courses in mathematics and science; dissolution of the history and English curriculum, which promoted the proliferation of specialized or non-academic electives; less time spent reading, writing or doing homework, which undermined verbal skills. Student behavior in school has also changed for the worse; reports of absenteeism, vandalism and fighting by students have been widespread. During the same period, grade inflation and social promotion reflected the low value placed on academic achievement.

Although there has been a tendency to place much of the blame for these developments on the teaching profession, it seems clear that the larger trends were not caused by teachers. For the person who loves to teach poetry or history or science, the schools have not been a happy work place. Because of the poor conditions of teaching, it is little wonder that the schools have had an increasingly difficult time attracting or holding on to talented teachers.

The dire descriptions of our educational problems are no cause for negativism. In a democracy, the first step necessary for dealing with a problem is to recognize it, and this is the service performed by the national reports. At the time of Sputnik, heightened public concern about the schools led to effective action at all levels—federal, state, and local. Real changes occurred as a result, such as increased enrollments in foreign languages, science, and mathematics and the development of new curricula.

Thus, the bad news about our educational needs may actually be good news because it means that we now have the political consensus to do something about improving the schools. The seriousness of our long academic slide provides fair warning that no quick fixes will do. The recent commission reports contain many sensible suggestions, and they make clear that the job of improving the schools will require thoughtful and consistent efforts by teachers, administrators, parents, state legislators, and federal officials.

Yes, there is a federal role in education, and it has nothing to do with prayer or private school subsidies. The federal government must continue to be concerned about both the quality and equality of educational opportunity. The value of a strong national voice is exemplified by the admirable report of the National Commission on Excellence in Education, which has already raised the level of discourse about education across the country.

Federal policies must be designed to address local needs. Federal action can help to alleviate the shortage of teachers in subject areas like foreign languages, mathematics and science by offering fellowships and loans to prospective teachers and by creating a mechanism to recognize and reward outstanding teachers. The National Science Foundation can play a constructive role by furthering contacts between high school students, teachers and the larger world of science and technology.

The recent efforts by the National Endowment for the Humanities to improve the teaching of history, literature, and foreign languages in high school should be encouraged. On Chairman William Bennett's initiative the endowment is offering summer seminars for high school teachers to increase their knowledge of history and literature and has sponsored collaborative activities for teachers of the humanities in high schools and colleges. In addition, the endowment's interest in the high schools has prompted many state humanities councils to involve teachers and students in their programs.

Instead of cutting the bilingual education budget, Congress should turn the program into a national literacy campaign with an even larger budget. The federal government should state clearly, as the 20th Century Fund task force on federal policy recently recommended, that "the most important objective of elementary and secondary education in the United States is the development of literary in the English language." The task force (on which I served) proposed that the federal government establish the goal—literacy in the English language for every child—and that each district be free to decide which methods (including bilingual education) are most appropriate.

A wise federal policy would include expanded funding of educational research and information, in order to keep policy-makers, educators and citizens well informed. The National Center for Education Statistics, already an invaluable barometer of education trends, should have the capacity to keep tabs on the performance of students, teachers, and schools across the nation. With better information, we are less likely to be surprised by educational crises in the future.

The federal government should also grant financial assistance to school districts that are overwhelmed by an influx of immigrant children. The well-funded "impact aid" program, intended originally to subsidize districts with large numbers of military personnel, could be redirected for this purpose.

Properly conceived, the federal role is to inspire, prod, and assist localities to improve the quality of education available to all children. But even under ideal circumstances, the federal role can be only subsidiary to local and state efforts. Educational change that is more than cosmetic will require the cooperation of many different actors. Public education continues to be primarily a state responsibility, and the day-to-day functioning of schools depends on the attitudes and actions of teachers, administrators, school board members and parents.

To improve student achievement, teachers will have to assign more homework, expect students to do more reading and writing, and spend more time correcting essays. Parents will have to see that their children spend more time on homework and less time on entertainment. Colleges should raise their admissions requirements, which would immediately affect high school curricula. Schools should strengthen the basic curriculum for all students so that everyone studies history, literature, science, mathematics, the arts and foreign language. Those who are going to college need a stronger background; those who are not going to college may not have another opportunity to learn what is taught in school.

For everyone involved, the critical factor that must change is the attitude toward the importance of good education. Technological changes demand higher standards of literacy for the entire population. Schools are not simply a custodial institution designed to keep young people off the streets and out of the labor market. They are vital in developing the abilities and intelligence of young people. Our future well-being as a society depends in large measure on the capacity of our schools to nurture productive thoughtful, and adaptive young men and women.

The impetus for school improvement that followed Sputnik lasted only seven or eight years before other social crises captured the attention of the public and the education profession. It fell victim, too, because its stress on the needs of the gifted conflicted with a rising tide of egalitarianism. School reformers today plead not for the needs of the few but for the right of all American children to a better education. If it is true that public education has the chance only once in a generation to gain enough nation-

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al attention to produce substantial change, then the time is now.

[The writer, adjunct professor of history and education at Teachers College, Columbia University, served on the 20th Century Fund task force on education and is author of the forthcoming book "The Troubled Crusade: American Education 1945-1980."]●

COMPUTERS IN OUR SOCIETY

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. WIRTH. Mr. Speaker, everywhere we turn we see computers playing an increasingly active role in our society and our lives. Technological advances which were hardly dreamed of just a few years ago are now being made daily. But even though this technological revolution promises to bring with it an era of progress and sophistication never before seen, some very old and familiar patterns are already becoming apparent in our application of the new technology. In the May 26 issue of the Wall Street Journal, Margaret Loeb addresses this topic by detailing disparities which are developing as computer instruction is introduced into our school systems.

In the fall of 1982 72.6 percent of the richest U.S. high schools had instructional computers, versus only 45.5 percent of the Nation's poorest high schools. Not only do wealthier school districts have more funds to work with, but they also often have far superior access to private donations.

In addition to resources, there appears to be a pronounced difference in attitudes between school districts. In wealthier districts, parents tend to be more in touch with computers in their own lives, and thus, provide more encouragement and opportunity for computer learning for their children. Furthermore, while middle-class school systems tend to use their computers as part of higher level academic curricula, innercity schools tend to emphasize vocational aspects of computer study.

The potential academic benefits of computer use in our Nation's schools are substantial. However, as the article illustrates, it is imperative that we not lose sight of one critical point. A basic tenet of our education system is equality, and in the rush to join the computer age, we must be careful to preserve equal opportunity and equal access to a quality education for all Americans. Children in less-advantaged school districts must not be denied entry into the computer age, or else we will have lost a major battle in the fight for equal opportunity in America.

I believe that Ms. Loeb's article makes many valid points for us to consider, and I urge my colleagues to read it closely.

The article follows:

[From the Wall Street Journal, May 28, 1983]

Computers May Widen Gap in School Quality Between Rich and Poor

(By Margaret Loeb)

Atlanta.—Luther Judson Price High School is in a poor, inner-city neighborhood. Riverwood High is in one of Atlanta's wealthy suburbs. But one day last March, Price had six microcomputers to help its students learn while Riverwood had just three.

Now, however, Riverwood has unpacked 15 more computers, the gift of generous parents. The new score, 18 to six in Riverwood's favor, points up a worry voiced by many educators: that computers, potentially a great equalizer, may instead widen the gap between the rich and the poor.

"The advantage of the American school system is that it's decentralized," says Andrew Molnar, a program director with the National Science Foundation. Essentially, he says, "schools that want to introduce computers are free to do so; the disadvantage is there are going to be major discrepancies between those who have the resources and those who don't."

Jerome T. Murphy, associate dean at Harvard's graduate school of education, emphasizes the disadvantage. "We have a system of education in this country that is highly inequitable," he says. "There is tremendous diversity between school districts and among the states. Computers are a small exacerbation of a more fundamental problem."

SEEN AS KEY TO FUTURE

With the move toward an information and services-based economy, many think that computer knowledge—both knowledge *from* computers and a knowledge *of* them—will become a key to jobs and prosperity. Legislators see it as a way to attract high-tech industries to their recession-stung states. Educators and parents see it as a way to give children a better future.

"Everything you see on TV—it's computer this and computer that," says Joyce Hines, a senior at an inner-city high school here. "If it's going to take over, maybe I can get a job with one."

Computers are likely to become a permanent fixture in the classroom. Educators say they cut down on teaching time and seem to improve learning in various subjects. Harvard is making computer work a graduation requirement. The state of Utah is requiring computer literacy for all new teachers, starting next fall.

But in the schools' rush to show they are in touch with the future, equity issues have largely been ignored, says Ernest L. Boyer, the president of the Carnegie Foundation for the Advancement of Teaching. "There's much evidence," he says, "that if we aren't careful, the affluent districts, where parents are themselves caught up in computer possibilities, will provide a lot of opportunity for young people while in poverty districts many young people won't be coming in touch with any of these new developments."

TOO SOON TO WORRY

According to a survery by Market Data Retrieval, a market-research firm, 72.6 percent of the country's richest high schools had instructional computers in the fall of 1982 while only 45.5 percent of the poorest high schools did. But since all this is relatively new—another survey found that instructional computers had reached into the classrooms of about 64 percent of U.S. secondary schools—some educators believe that it's too early to worry about equity.

"We don't have more than 200,000 microcomputers in schools," says Frank Withrow, the acting director of the U.S. Department of Education's division of educational technology. "If you arbitrarily say that every kid is entitled to 30 minutes a day on the computers, we would need four million in U.S. schools."

Other educators note that schools, despite any lack of local wealth, can often acquire computers with federal aid, state block grants, corporate donations or their own discretionary funds. They say the equity issue is really one of interest and student demand.

In Montana, for instance, the Stevensville school system has 48 computers for about 1,100 students, although it has one of the lowest per-pupil expenditure records in the state. "It's strictly priorities," says a school official. "A school system can have computers if it's willing to sacrifice somewhere else." But it often takes less of a sacrifice at a rich school than at a poor one.

MONEY AND DISCOUNTS

Education agencies are beginning to tackle computers at the state and district level. Some, like the Houston school district, are allocating funds for hardware, software and teacher training. Others are starting out by arranging equipment discounts, offering curriculum advice and promoting software-sharing programs. "A few states are moving ahead to make computers a budget-line item, but it's more the exception than the rule," says Henry Ingle, the director of the technical-assistance project for state education agencies.

While corporate donations are an option for poorer schools—computer manufacturers are increasingly responsive to schools' requests for help—federal aid may provide a disappointing salve. Despite a rush of bills on mathematics, science and educational technology, "the proposals, while likely to have an impact, won't have the kind of impact that the rhetoric would have you believe," says Harvard's Mr. Murphy.

Of course, some students have computers at home. But there again, they aren't the poorer youngsters, so that just makes the equity problem worse.

At Scarsdale High School in Westchester County, N.Y., Corwith Hansen, assistant principal, says he isn't sure how many students have home computers, but "there's a small handful of kids who have surpassed anything we can offer them here." One student with a home computer wrote some programs now used by the school administration. Another earns $300 to $500 a month consulting and hopes to collect royalties on programs he writes. "But the school can't take credit for that," Mr. Hansen says. "He spent his bar mitzvah money on equipment, then earned it all back."

For disadvantaged students, such opportunities often don't exist. "Poor students would have access only in school, if at all," says Chicago Superintendent Ruth Love. "It's a major concern. We don't want to take away—we want the affluent and middle class to have access. We just don't know how to compensate with the poor."

Another concern of some educators is their belief that different schools use computers in such ways to reinforce the contrasting ambitions of their students. The national PTA told its state officers:

"At the secondary school level, a vocationally oriented curriculum in such areas as word processing, data processing and computer repair is developing for inner-city youngsters, whereas middle-class youngsters are being provided with higher-level uses of the computer in a precollege-level curriculum."

In assessing the problem of inequity, a closer look at two high schools, one in Atlanta's inner city, the other in a wealthy suburb, may provide some insight.

Price High School

Eight years ago, when Assistant Principal Narvie Hill Williams came to Luther Judson Price High School, her main task, she says, was to "stop the girls from fighting—there was a lot of that."

Things have improved over the years. She no longer has to accompany students to court "at least once a week for drugs or weapons." But fundamental problems affecting this school, with its high percentage of disadvantaged students, will probably never go away.

No wonder, then, that administrators here have trouble separating computers from deeper socioeconomic problems.

"At a faculty meeting, a department head expressed concern that we weren't in touch with the computer world," Mrs. Williams says. "I'm kind of torn. We need them; it's a fact of life. We want kids to be competitive. But we don't need them to the exclusion of basic needs."

For her, smaller classes and more teachers are higher priorities. So is money for special projects, such as showing her "regionally provincial" students parts of the city that every middle-class Atlantan is familiar with. "The school," she says, "is a child's only resource in a community like this."

Only a fraction of the 780 students at Price use the school's six educational computers. They aren't available before or after school because they are locked away—"so no one steals them," says Sybil Allen, an eighth-grader. For an hour each day, the computers are available on a first-come, first-served basis, but it isn't clear how many students take advantage of that time. The only scheduled use of the computers is in remedial-reading classes, where 150 or so students use them.

One eighth-grader, Tracy Love, describes her work this way: "The computer gives me a paragraph to read, I put an answer on my work sheet and the computer lets me know if I'm right or wrong." When she answers correctly, the computer screen fills up with little "wows."

"The kids fall out of their chairs when they see that," says Linda Clements, a remedial-reading teacher.

Charles Mason, Price's principal, says he plans to buy another computer for the school this summer. He also hopes that Price will be accepted in a proposed city pilot program that would finance $400,000 of computer software and equipment for about eight schools.

Not everyone at the school has an interest in computers. James Shepherd, a junior, thinks learning with computers would be pretty odd.

"I think they're working on a computer that can walk around," he says. "It would be strange to have it walk up to you and say, 'Here's your assignment.'" He adds: "I'd rather deal with my own kind."

Riverwood High

Last December, a parent donated $5,000 toward Riverwood's planned computer lab and promised to match that amount if the PTA could raise another $5,000 before year's end. Sherry Hines, PTA co-president, got on the phone. It took one call.

Although many students here had computers at home, private-school children, with whom Riverwood students compete for admission to elite colleges, already had computer labs in their schools, Mrs. Hines says. The kids at Riverwood, she believes, were suffering by comparison.

Now the school has 15 new computers, and Principal Leonard Jones hopes that many of the school's 1,200 students will use them in math, science, English, foreign languages and personal finance, as well as basic to advanced computer courses. Mr. Jones is excited by the possibilities.

"For 200 years," he says, "education has been the same—someone standing up and lecturing. This is the first time we can teach 15 different students all at their own rates."

There are some computer-savvy students here who will doubtless be putting the computers to good use. Travis Brown, for instance, went to computer camp last summer. He ties up the phone for hours, his sister complains, using it to hook up to other computers in the area. Computers mean so much to him that his parents have devised a new punishment: Recently they "grounded" him awhile from using the family computer.

Travis finds the school's three older computers pretty pedestrian. "These are the worst," he says. "They're no fun to use. The're probably five years old. There's stuff we can't do on them."●

AMERICAN TEXTILE MACHINERY ASSOCIATION CALLS FOR PRODUCT LIABILITY REFORM

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. CAMPBELL. Mr. Speaker, one of the legislative priorities of the American Textile Machinery Association, many members of which are constituents of South Carolina's Fourth District, is enactment of product liability reform. As the Senate reportedly intends to move on this issue, I think it is important for Members to understand how current product liability laws can impact on the textile machinery industry. Accordingly, I am pleased to insert into the Record samples of the damage product liability laws have caused several companies. I think the stories speak for themselves.

Product Liability Textile Machinery Cases

1. PROCTOR & SCHWARTZ, INC.

Proctor & Schwartz, Inc. and its predecessors have manufactured textile machinery for 100 years. In 1975 Proctor made a decision based upon economic factors, including the mounting costs (direct and indirect) of product liability expenses, that it would no longer be economically feasible to manufacture rotary textile machinery. Since that time, they continued to be faced with the ever increasing costs of defending lawsuits, some of which arise out of accidents involving machines that are more than 70 years old and others involving cases where the accident occurred on machines that were not manufactured by Proctor.

They have successfully defended their product and continue to vigorously defend each of the lawsuits brought against them. Unfortunately, Proctor has little or no opportunity to recover the costs incurred in defending these cases. The theory that the manufacturer can pass the cost of product liability on to the consumers does not apply to Proctor because they are no longer in the rotary textile machine business. If they were to add the cost of litigation to their existing machinery line, they would become uncompetitive.

2. JAMES HUNTER MACHINE COMPANY, INC.

In 1979 a case was settled before trial involving a piece of equipment shipped in 1920. No one could state that the machine was the original after careful inspection. There were many parts of the machine which, of necessity, had had to be replaced during the 59 years from the time of its manufacture. A large sum of money was paid to the plaintiff, even though the machine had been sold three or four times. The various second- and third-hand owners had each replaced original Hunter parts with foreign parts.

In California, there are several suits pending, one of which involves an accident on a machine which the plant made up from several old machines they had in their warehouse. Unfortunately, the frame of the equipment which carried all of the working part had a Hunter name plate on it and order number. However, this order number bore no relationship to the machine which was constructed by the mill and a sheet metal company they hired to provide duct work. Hunter Machine Company had no record whatsoever of what had been done nor had they ever manufactured the machine with the configurations of the one of which the man was injured.

Hunter Machine Company, Inc. had filed Chapter 11.

3. DAVIS AND FURBER MACHINE COMPANY

Since 1830 the Davis and Furber families have been manufacturing textile machinery for the American textile industry. In September 1982, it went out of business. The annual cost of product liability made manufacturing new textile machinery impossible.

The company is currently defending a case involving a machine manufactured in 1895. It has been altered and modified again and again by different owners. Davis and Furber had not seen the machine since it left the plant in 1895.

The company has had 36 product liability claims in its history. These cases were settled because the company found that the cost of litigation would far exceed the amount of settlement. At one point Davis and Furber was one of the largest textile machinery manufacturers in the world. It no longer exists.●

INEQUITY AND DECLINE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. STARK. Mr. Speaker, I would like to call the attention of my colleagues and the readers of the Congressional Record to an outstanding

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new book on the economic and moral reasons demanding that we make tax reform a top legislative priority.

The new book, by Robert S. McIntyre and Dean C. Tipps, is entitled "Inequity and Decline," and is published by the Center on Budget and Policy Priorities.

Our Nation's tax laws were pretty pitiful before 1981, but the 1981 Tax Act destroyed any semblance of equity and has created economic chaos for the rest of this decade—unless we act to reduce the deficits caused by the 1981 act and restore equity to the law. The 1982 TEFRA tax bill made some progress toward narrowing the deficits and ending some loopholes, but it was just a start.

The McIntyre-Tipps book starts with a quote from F. D. R.'s second inaugural address, which is startling for its freshness and wisdom: "We have always known that heedless self-interest was bad morals; we know now that it is bad economics."

It is my hope that the 98th Congress can take to heart the information provided by this book and enact a moral, economically efficient tax program.●

A TRIBUTE TO MARY CLARK DIMOND

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. WHEAT. Mr. Speaker, I am greatly saddened by the death of Mrs. Mary Clark Dimond, a distinguished gentlewoman from Kansas City who died unexpectedly Thursday, June 9.

Mrs. Dimond, 65, was born in New York and graduated from Radcliffe College in Cambridge, Mass., in 1935. She came to Kansas City 14 years ago, and in that short time she accomplished a lifetime of good, including contributing to improved understanding between the citizenry in the United States and the People's Republic of China.

By her pervasive involvement in the community, Mrs. Dimond became a leader for the best fundamental causes. She carried out those beliefs in her work as president of the Edgar Snow Memorial Fund Inc. at the University of Missouri-Kansas City and as vice president of the Truman Medical Center Foundation.

Last month Mrs. Dimond was responsible for bringing to Kansas City a distinguished delegation of Chinese and Americans to honor Edgar Snow, the man who wrote the history of the Chinese revolution for the West and who helped lay the foundation for the historic Nixon-Mao Tse-tung meeting. Two Chinese ambassadors and other statesmen from that era attended the ceremony, including Leonard Woodcock, who was named the first U.S. Ambassador to the People's Republic of China in 1979. At the ceremony, Mr. Woodcock said: "Mary Dimond has done more for United States-Chinese understanding than all the ambassadors put together."

In addition to her active role in international affairs, Mrs. Dimond was also a professional photographer. She used an old Konica camera with a fixed lens and no filters. Her photographs were never doctored, only enlarged. She believed that an undistorted photograph of a subject, usually in nature, had its appeal through its honesty. That belief carried through in her work with people.

Mrs. Dimond was a gracious gentlewoman with a remarkable capacity to get things done, and she will be sorely missed by family, friends, Kansas Citians, and people around the world.●

THE FERTILIZER INSTITUTE MARKS 100TH YEAR

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LONG of Louisiana. Mr. Speaker, I would like to take this opportunity to commemorate the 100th anniversary of the Fertilizer Institute. The institute has rendered a tremendous service to the agricultural community and the U.S. fertilizer industry over the years by educating our Nation's leaders on the necessity of a viable fertilizer industry. The U.S. fertilizer industry is an essential part of U.S. agriculture, particularly when you recognize that approximately 35 percent of U.S. food production is a result of fertilizer usage.

I, specifically, wish to recognize the Fertilizer Institute due to my valuable longstanding relationship with both the Louisiana fertilizer industry and the institute.

Louisiana is the leading State in the production of nitrogen fertilizer. Today, Louisiana has 16 modern nitrogen fertilizer plants representing 30 percent of the U.S. total capacity. A majority of Louisiana's fertilizer plants are located in my district and I am proud to recognize and congratulate the industry association representing a vital U.S. industry and an important Louisiana industry.

The Fertilizer Institute has been an effective force in Washington in serving the needs of not only the fertilizer industry, but the farmers as well.

I am proud to have this opportunity to congratulate the Fertilizer Institute on its 100th anniversary.●

A TRIBUTE TO OUR NATION'S FLAG

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. GILMAN. Mr. Speaker, the celebration of our flag, our immortal "Stars and Stripes," has been commemorated each year on June 14, since Flag Day was first declared on August 3, 1949.

The design of our Nation's flag dates back to June 14, 1777. Since that date, the "Stars and Stripes" has survived many a crisis, a Revolutionary War, a Civil War and two World Wars. It has led our courageous service men and women in battles in Europe, Africa, Korea, Vietnam, and on the seven seas.

George Washington, in describing our flag, said:

> We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty.

Throughout our 200 year history, Americans have held our flag in high esteem, symbolic of our Nation's strength and firm belief in our pursuit of freedom and justice.

In 1892, we adopted the "Pledge of Allegiance to Our Flag." Our pledge "to our Flag and to the Nation for which it stands" has been repeated by millions of Americans, time and again, demonstrating undying loyalty and faith in the American way of life which our flag represents.

Though Flag Day is not recognized as a legal holiday in States other than Pennsylvania, the President proclaims a public Flag Day observance each year. Increasingly, more Americans every year actively participate in paying homage to this revered symbol of a freedom-loving people.

During the Revolution, Navy Commander John Paul Jones wrote:

> The Flag and I are twins . . . so long as we can float, we shall float together. If we must sink, we shall go down as one.

This attitude is still shared by Americans throughout our Nation. The love we have for our institutions, our democracy and our way of life is eternal in time and powerful in its existence. Nowhere is patriotism more heartfelt by every citizen as it is in America.

For this reason, we celebrate today our pride in our "Stars and Stripes," a banner respected and admired worldwide.●

MEET THE PRESS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. GORE. Mr. Speaker, as a believer in the kind of informative programing that shows like NBC's "Meet the Press" has brought for many years into our homes, it is an honor for me today to share with my colleagues the news that the founder of "Meet the Press," Lawrence E. Spivak, will be presented a special award for his service to the television industry.

For 28 years, until his retirement in 1975, Mr. Spivak served as originator and moderator of this program, the world's longest running television series. During his years as the show's permanent panelist, Mr. Spivak earned a reputation for his straightforward style of interviewing. All his guests, from Presidents to world leaders from all walks of life, had to face his challenging questions.

Later today, in a quiet gathering of friends, Mr. Spivak will be presented the coveted Christoper Award. The same award was given to "Meet the Press" in recognition of its 35 years on television last November. Today the award will be turned over to Mr. Spivak by the staff of "Meet the Press" in recognition of his dedicated service for 28 years of the show's existence.

I thank you, Mr. Speaker, for the opportunity to recognize Mr. Spivak for his innovative contributions to network news programing and I know that I share the respect of my colleagues for this great man.●

DEMOCRATIC RESPONSE TO THE PRESIDENT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mrs. COLLINS. Mr. Speaker, recently one of my colleagues, Representative BARBARA MIKULSKI, wrote a critical and poignant response to the President's plan for appropriating $625 million to defense. The theme was to build minds instead of missiles and I could not agree with this thesis more.

While I strongly advocate the need for an adequate defense, I can hardly condone the blatant actions taken by the Reagan administration in misappropriating moneys that should be used elsewhere. The report made by the National Commission on Excellence in Education emphasizes the need for a greater monetary commitment in order for our Nation to excel in academics once again.

I submit the following response made by Congresswoman MIKULSKI. Her words reflect my feelings and convictions regarding this matter of great import.

DEMOCRATIC RESPONSE TO THE PRESIDENT

(By Congresswoman Barbara A. Mikulski)

Just about a year ago I was visiting a school in my district where most of the students came from a local housing project. One of the kids asked, "Congresswoman Mikulski, what is the difference between Democrats and Republicans?"

I replied, "the difference is that Republicans want to spend money for bombs, the Democrats want to spend money for books."

That difference came to light this week. The Republican Senate approved $625 million for research and development of the MX missile. That whole system will cost $18 billion.

The President says we need that money to build weapons to make the Soviets think twice before they attack.

But there is another enemy threatening this country. That enemy is illiteracy. We need money to educate our people.

Recently the National Commission on Excellence in Education said that American education is sliding into mediocrity.

Think of what we could do if we used $18 billion to attain excellence in education.

Think for a moment about these figures from the children's defense fund. For the cost of the whole MX program we could eliminate poverty for all children in the United States twice over and meet the special needs of handicapped children.

As a nation, we must invest our money carefully. We must put our money where it will give the greatest return.

Democrats believe that the benefits of an education accrue to society as well as to the individual. It is the responsibility of government to provide opportunities to every citizen for a sound and adequate education.

So often we have heard the Republicans talk about the threat of tyranny. Their solution is to build more missiles. The Democratic solution is to build more libraries.

If we have to choose between rockets and rulers, let us make the best choice. Let us teach basic values and old-fashioned skills.

A Democracy cannot survive without a literate population. Our greatest defense against communism is a people that can read, and write, and make decisions for themselves.

Our greatest defense is a population that can go beyond their own personal experience for ideas. As long as an individual can read and have access to facts, there is no way to control his or her mind.

We have heard the President say that the best social program is a job. I agree with that. It is time we used our money to create those jobs.

Our people need education, training, and re-training to find jobs in a high-tech small business. Without a trained work force, this Nation cannot compete in the world. We will fall behind as a world leader.

Finally, we need education to keep our American dream alive. This is the first generation that cannot look forward to a higher standard of living than their mothers and fathers had.

This is the first generation that is not as well educated as their mothers and fathers. This is the first generation to face the reality of a shrinking rather than an expanding economy.

What can we do for this generation? They do not need more missiles. We must give them an education. It is the job of government to teach them and train them to live in the world that we have created. We can start by using Federal money for schools and colleges.

Closing the window of vulnerability in our defense system will mean nothing unless we open the door of opportunity for our children and our children's children.●

CONGRESSIONAL ART COMPETITION WINNERS

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. HARRISON. Mr. Speaker, I would like to take this occasion to make note of the winners of the Congressional Art Competition in the 11th District of Pennsylvania, and congratulate these fine students for their participation in this project, which stresses the importance of the arts in our schools.

Janice Bartley of Wilkes-Barre, a student at Coughlin High School, won first place with an untitled painting. Monica Matushoneck of West Hazleton, a student of West Hazleton High School, won second place with a painting entitled "Pride in Industries." Charles Eckhart of Sweet Valley, a student at Northwest Area High School, won third place with a painting "Pride Down Under."

I would also like to take note, Mr. Speaker, of the other participants in this contest: Maryann Dombroski, Bishop Hoban High School; Denise Boyer, West Hazleton Area High School; Jim Stone, Bishop Hafey High School; Michael Voystock, Freeland High School; Tabatha Miller, Freeland High School; Cherie Leco, Coughlin High School; Michael Timek, Bishop Hoban High School; Jo Beth Tomco, Bishop Hafey High School; Gregory Matenkoski, Bishop Hafey High School; Susan Sadowski, Bishop Hoban High School; Karen Whitesell, Northwest Area High School; Mark Bradigan, Pittston Area High School; and Nancy Norkaitis, Wyoming Valley West High School.

All of these young men and women demonstrate an enthusiasm, ability, and a great deal of talent in their works highlighting northeastern Pennsylvania.

Their efforts demonstrate again the greatness of today's youth and their pride in their home region and our Nation as well.●

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CONTRACTING-OUT BY DOD

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. IRELAND. Mr. Speaker, it is that time of year again when we consider the Department of Defense authorization bill. Again, this year we apparently must withstand efforts to limit contracting-out by DOD. I need not repeat the arguments which clearly show that contracting-out is in the public's interest, is in small business' interest, and is in the interest of general Government efficiency and economy. It has come to my attention that someone in this body will introduce an amendment to prohibit contracting-out of firefighting and base security functions at military installations. Such an amendment is purely and simply bad government. There is no record to support such a ban and I intend to speak against any such amendment. At this time, I would like to share with my colleagues a letter on this subject sent out by the National Maritime Union in opposition to such an amendment.

THE VOICE OF MARITIME LABOR,
Washington, D.C., June 10, 1983.

Hon. VIC FAZIO,
U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN FAZIO: The officers and members of the National Maritime Union of America, AFL-CIO, have asked that I relay to you their concern with your bill H.R. 2324, which would prohibit contracting out of firefighting and base security functions at military installations. This bill would impact unfairly upon a number of NMU members.

Currently, the Industrial Technical and Professional Employees division of the NMU represents hundreds of private sector security guards at various military bases throughout the United States. Additionally, the ITPE-NMU represents thousands of other workers in the service contract field.

The NMU has always supported the contracting out of government support services to the private sector where the work being done can be performed most effectively and efficiently by non-government employees. More importantly, contracting out will not take jobs away from active government employees.

Contracting out is fully consistent with U.S. economic objectives of supplying more jobs in the private sector and promoting free and competitive trade. Any prohibition of these actions can only serve to restrict competition and impede the productive operation of government.

We respectfuly urge that you reassess your position on contracting out until the impact of the moratorium can be determined.

Respectfully,

TALMAGE E. SIMPKINS,
Executive Director.●

TORY VICTORY

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, Britain's Conservative Party, under the indomitable leadership of Margaret Thatcher, last Thursday scored a signal political triumph. The feat of winning a landslide mandate after 4 years in office wrestling with seemingly intractable problems of economic decline makes this one of the most noteworthy political victories of the century.

What is most significant for Americans is that Mrs. Thatcher has demonstrated that resolute, far-sighted leadership is, after all, good politics. The moderate, consensus-oriented wing of the Tory Party, the "wets," who 2 years ago were urging a U-turn away from stringent fiscal and monetary policy, stand discredited. Margaret Thatcher has shown that principle politics is better than consensus politics.

She made the British people realize that inflation, unemployment, and economic stagnation are not problems that can be cured overnight or within the artificial span of an election cycle, as most politicians promise. The most compassionate leader is the one who asks the people to face up to the painful, long-term nature of the cure, the only cure that will bring the unemployed and the poor, real, lasting jobs and steadily rising living standards. The leaders of the Labour Party and those on the other side of the aisle in this Chamber, who can offer nothing more than short-term palliatives and nostrums that in the long run impede recovery and stifle economic growth, are not the friends of the downtrodden, but their exploiters.

The British Prime Minister stood up, cast aside the easy politics of compromise and compassion, told the truth bluntly, and has been rewarded with the trust and confidence of her electors. That is a lesson for every leader of a free people.●

STATEMENT OF CONGRESSMAN BERKLEY BEDELL

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BEDELL. Mr. Speaker, as a cosponsor of House Joint Resolution 201, I rise in favor of its passage and urge my colleagues to join us in support of this effort.

As you know, House Joint Resolution 201 calls attention to the 42d anniversary of the Soviet occupation of Estonia, Latvia, and Lithuania, and designates June 14 as Baltic Freedom Day. This date retains an important and tragic significance for the Baltic States as well as for the rest of the world. On this day in 1941 the Soviet Union initiated a brutal occupation and a program of "Russification" in the Baltic area. These actions were in direct violation of treaty obligations made only 20 years earlier, in which the Soviets had "voluntarily and forever" relinquished all claims to sovereignty over the Baltic States.

This illegal invasion and subsequent occupation are truly representative of the type of oppression and colonial expansion that the United States has fought since 1775, when its war for independence from British oppression was begun. Even as a participant in the Helsinki Accords and the United Nations, which accord the highest importance to the principle of self-determination, the Soviet Union continues to exploit this region. Besides relocating, imprisoning, and killing hundreds of thousands of people, the Soviet Union has also attempted to eliminate the national cultures of these countries in order to insure its permanent domination of the area. In the process, the most basic civil liberties have been suspended and a reign of terror established.

Soviet actions in this area are a question of human rights—a question of freedom of action versus totalitarianism. These once independent nations are now subject to the control of an outside force and while the proud and courageous citizens of these nations continue to resist the attacks made on their cultural heritage, it has been a long and difficult struggle, one which deserves the continued support of the United States.

Today, it seems that many Americans are unfortunately unaware of the plight of these proud Baltic peoples. By designating this 14th day of June as Baltic Freedom Day and encouraging appropriate ceremonies and activities, more people can be made aware of the great injustice of this situation. In addition, Baltic Freedom Day can serve as a reminder that at this time, both in Poland and Afghanistan, communism is being challenged and its oppression resisted.

This 14th day of June will be a remembrance of the past, a reflection of the present, and a guidepost to the future. As former President Harry S. Truman said, "In the long run our security and the world's hopes for peace lie not in measures of defense or in the control of weapons, but in the growth and expansion of freedom and self-government."●

H.R. 2713, PUBLIC HEALTH EMERGENCIES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. STARK. Mr. Speaker, it is sad, but true, that a public health emergency fund is needed in our public health service system. The last few years have been tragic public health emergencies—the Tylenol problem, recalls on foods and now acquired immune deficiency syndrome (AIDS). These outbreaks have required unanticipated strains on PHS budget requirements, personnel staffing levels and research facilities. H.R. 2713 will set aside much needed funds to respond to such emergencies, should they arise.

This bill provides a great amount of flexibility in responding to public health emergencies. A permanent revolving fund for use by the Department of Health and Human Services, in consultation with other health officials will allow for prompt and effective use of funds and quick response. Moreover, it is our best hope for resolution of public health emergencies that threaten us all.●

MORTGAGED FARM COMMODITIES

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. HARKIN. Mr. Speaker, I am today introducing two bills dealing with the problem that good-faith purchasers of agricultural commodities have in obtaining clear title when these commodities are purchased in the normal course of business. The problem is created by a small minority of producers who illegally sell a commodity which has an outstanding lien and, without paying the security holder, divert the funds to other uses. Third parties, such as market agents, meatpackers, grain elevators and even farmers who do not have knowledge of the recorded liens, are liable to the security party for the value. As a result, the injured third party pays for a commodity twice, once to the seller and once to the bank or other lender as payment for the sellers loan.

This problem is unique for agricultural commodities because section 9-307 of the Uniform Commercial Code states:

> A buyer in ordinary course of business, other than a person buying farm products from a person engaged in farming operations; takes free of a security interest created by his seller even though the security interest is perfect and even though the buyer knows of its existence.

In other words, buyers of products in the ordinary course of business are under no obligation to search for liens. However, because of the exception ". . . other than a person . . . in farming operations . . ." in section 9-307, buyers of farm products must search for liens and are liable to repay the loan if a lien exists. This section of the Code, therefore, treats agricultural producers differently than any other businessman and means that the purchasers of a farmer's grain or livestock is liable to pay for commodities twice when the producer fails to repay the lien holder for the mortgaged commodities.

This is a grossly unfair situation to the purchasers of farm commodities who must make searches for the existence of liens, a process which is cumbersome, time consuming, and not altogether successful because of the lack of centralized filing of liens in some states and the interstate movement of agricultural commodities. To further compound this situation, section 409(a) of the Packers and Stockyards Act requires that every packer or other purchaser of livestock must pay for the livestock by the close of the next business day. While I strongly supported and cosponsored this provision which insures prompt payment of farmers for livestock sold, this provision makes it nearly impossible for the purchaser of the livestock to check for the existence of a lien.

The need for corrective legislation is clear, but the approach to remedy the problem is not. Therefore, I am introducing two bills, each with a different approach. The first, H.R. 3297, is narrow in scope and amends the Packers and Stockyards Act. Because this act applies only to meat and poultry, this approach would bring relief only to purchasers of livestock and poultry. However, because of the prompt payment provision of the Packers and Stockyards Act and the wide movement of livestock in interstate commerce, enactment of this bill would solve much of the problem.

The second bill takes a different approach to create a freestanding statute to cover all agricultural commodities. This preemptive approach would bring uniformity for all commodities nationwide.

With the introduction of these bills, I am hopeful that Congress will begin the process of addressing this serious problem. I am sure that others will have different approaches to this problem, and I am open to considering all possible alternatives, but it is important that we begin the process now.

I am hopeful that producer groups, agribusiness, and financial interests can participate in a process to work out a remedy to this problem. To this end, I intend to have hearings on this subject in my Subcommittee on Livestock, Dairy, and Poultry this summer.●

IN PRAISE OF OLD GLORY

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LEWIS of Florida. Mr. Speaker, like most Americans, I get a sense of inner strength every time I hear the "Star-Spangled Banner" or "America the Beautiful" sung. The sight of Old Glory flying ignites in me a feeling of pride in my country and all for which it stands.

I urge all of my colleagues to join their neighbors during the 21-day salute beginning today—Flag Day—and ending July 4—Independence Day—in raising their flags in celebration.

By this small gesture, we tell the world we intend to maintain the pride and principles that made our great Nation strong.

I am reminded today of Woodrow Wilson's impressions of what the Stars and Stripes meant to him on a summer day more than a half century ago: "This flag which we honor and under which we serve is the emblem of our unity, our thought, and our purpose as a nation."

Our flag is a majestic symbol that has united Americans with fellow Americans for 207 years. Let us choose this day to reaffirm our traditional commitment to work together for the good of the entire Nation.

We who enjoy what our flag stands for must be mindful of all we have inherited if we are to preserve freedom, honor, and prosperity. We cannot be afraid to parade our patriotism if we are to keep this a free and prosperous country for now and for those who come after us.●

RECOVERY FAILS TO STIMULATE CAPITAL SPENDING

HON. JOHN J. LAFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LAFALCE. Mr. Speaker, I want to bring to the attention of the Members a recent article in the Washington Post that reports an anticipated 3.1-percent drop in 1983 for U.S. capital investments. This projection represents an unprecedented 2 consecutive years of decline.

President Reagan's supply-side miracle is not resulting in the predicted surge in investment. Such investment is critical to the improvement of our Nation's international competitive position. Clearly, we must stop hoping

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for an economic miracle and start thinking about a coherent national strategy for increasing capital investment in productive uses.

The text of the article follows:

[From the Washington Post, June 10, 1983]

Capital Spending Expected to Drop 3.1 Percent

(By Drew Von Bergen)

American business plans to spend 3.1 percent less on new plants and equipment in 1983 than last year, but began a turnaround during the second quarter of this year, the Commerce Department reported yesterday.

The second-quarter report by the department provided a slightly brighter economic picture for this year than was painted at the end of the first quarter, when projections were for a 3.8 percent decline in capital spending over the year.

Despite an expected end-of-the-year buildup, the United States faces an unprecedented two consecutive years of decline in spending by nonfarm businesses, following last year's 5.5 percent drop.

Investment by business is a key indicator of how quickly the economy is rebounding from the recession with rising spending suggesting expansion that would ease unemployment, now over 10 percent.

Business spending during the first quarter of 1983 declined 1.9 percent, but the department projected a 2.6 percent increase from April through June in data adjusted for the rate of inflation.

That trend is expected to continue in the third quarter, with a 1.7 percent increase, and a 4.5 percent jump in the fourth quarter, the department predicted.

In current dollars, not adjusted for inflation, the report said businesses plan to spend $305.5 billion for new plant and equipment during the year, compared with $316.4 billion a year ago.

Spending for capital goods, adjusted for inflation, will decline by 0.4 percent during the year, compared with a 4.1 percent increase in 1982, the department said.

The overall 3.1 percent decline in spending during the year reflects a decrease of 4.3 percent in manufacturing, the same as forecast at the end of the first quarter, including a 6.5 percent drop in durable goods and 2 percent decrease in nondurables.

There is only a 2.3 percent decline in nonmanufacturing spending, however, compared with a 3.6 percent dropoff projected in March.●

1983 PRESIDENTIAL SCHOLARS HONORED FOR EXCELLENCE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. PURSELL. Mr. Speaker, it is with great pride that I bring to the attention of the House of Representatives and the people of this Nation, recognition of the 1983 Presidential scholars.

This year 141 students have been selected for this honor through the Department of Education. Each of the scholars has demonstrated leadership, scholarship, contribution to school and community, and outstanding accomplishments in the arts, sciences, and other fields of interest.

In Michigan, we are indeed fortunate to have five students selected for this outstanding recognition. In my congressional district, Donald L. Gilbert of Livonia, and Jason Novetsky of Ann Arbor, have received these honors. Others from Michigan are Elizabeth Holm of Kalamazoo, Hein Kim of West Bloomfield, and Eric Voetberg of Troy.

I would like to take this opportunity to extend my most sincere congratulations to the Presidential scholars of 1983, and express best regards and good wishes for their continued success.●

STATEMENT OF REPRESENTATIVE PAT SCHROEDER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mrs. SCHROEDER. Mr. Speaker, yesterday the Supreme Court reduced the rights of Federal whistleblowers. The decision discarded well-settled law and created bad public policy.

The case involved a NASA engineer named Bill Bush. Bush publicly revealed that NASA was paying employees, himself included, too much for the work they had to do. As a reprisal, NASA management downgraded Bush. He fought the case in the Civil Service Commission, won, received back pay and reinstatement to his old grade. This placed Bush in his old position but neither reimbursed him for the wrongful breach of his constitutional right of free speech nor sanctioned his supervisor for committing the constitutional tort. So Bush sued his supervisor under the Bivens line of cases holding that an individual can recover for a constitutional tort.

The Supreme Court ruled that, because there is an elaborate administrative scheme to protect Federal whistleblowers, no Bivens action was available for Federal workers. As Mark Lynch of the American Civil Liberties Union says, this decision puts enormous faith in the civil service system. As chairwoman of the Civil Service Subcommittee, I can report that this faith is not justified.

The Office of Special Counsel, created by the Civil Service Reform Act of 1978, has done a terrible job in protection of Federal whistleblowers and in investigating their complaints. Last year, I became so fed up with this office that I introduced legislation to abolish it. I withdrew this legislation after K. William O'Connor was appointed Special Counsel in order to give O'Connor an opportunity to prove himself. Although the jury is still out on O'Connor, the evidence so far is mixed.

The Merit Systems Protection Board, which adjudicated whistleblower cases, has been decidedly negative to these cases. The Board has imposed procedural and evidentiary stumbling blocks which make it quite difficult for a whistleblower to win justice.

The way the whistleblower protection provisions of the Civil Service Reform Act have been implemented runs counter to the intent of Congress. We voted to provide strong protection to employees who disclosed waste and abuse to encourage them to do so. One of the best ways to eliminate wrongdoing in the Federal Government is to reveal it publicly. This not only forces agency managers to correct disclosed deficiencies, but it also forces them to run much cleaner shops in the first place. We in Congress have been embarrassed again and again when agencies, which we establish, run afoul of our intent. Whistleblowers can help prevent that from occuring.

The Supreme Court's decision makes it less likely that whistleblowers will come forward. It makes it less likely that they will reveal what they know about fraud and abuse in the Federal Government. And, the decision makes it less likley that this malfeasance will be corrected. The taxpayers will pay a high price for yesterday's decision.●

BROOKLYN-BORN DAVID BRODY HONORED BY N.Y. TIMES AS "UNELECTED MEMBER" OF THE UNITED STATES SENATE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. SOLARZ. Mr. Speaker, the New York Times has officially declassified one of the least kept secrets in Washington: David Brody, the Washington representative of B'nai B'rith's Anti-Defamation League, is so respected, so powerful as a lobbying voice, that he is considered an "Unelected Member" of the Senate.

The simple fact is that we in the House of Representatives recognize him as a colleague as well.

In an article in the National Journal on May 13, 1978, David's record and the esteem in which he is held was described in the following paragraph:

> "Brody is a classic mover and shaker," said one House aide who knows him well. "He's a fixer, trading favors, you name it." He is known by most Members of the Senate and many in the House, and when he makes his rounds on Capitol Hill, it appears to some observers that the Members of Congress seek him out, not vice versa. He lobbied aggressively for such issues as civil service reform, civil rights, anti-boycott legislation, the Jackson-Vanik amendment and sizable arms sales packages for Israel.

Although David Brody has established a successful legal practice in Washington, specializing in matters such as administrative law, trademark and patent appeals, I would like to remind my colleagues that David was born in Brooklyn, and he received his education at C.C.N.Y., where he was awarded a B.S.S. degree, and at Columbia University Law School for which he served as legislation editor as a member of the Law Review. His Government service record includes work as an attorney in the Agriculture Department's Office of the Solicitor and as a legal assistance officer during World War II in the U.S. Navy. He joined the Anti-Defamation League in 1949, and he was promoted to chief Washington representative in 1965.

During the course of my five terms in Congress, I have relied on David Brody, probably more than any other friend and counselor in Washington, for his experience, for his wisdom, for his trust and advice. Around the House Foreign Affairs Committee, like E. F. Hutton, when David Brody talks, people listen.

I am delighted that the New York Times has accorded him the kind of credit and recognition he deserves: For the benefit of my colleagues, I ask that the Times article about this remarkable man be printed below.

[From the New York Times, May 26, 1983]

An "Unelected Member" of the Senate

(By Martin Tolchin)

Washington.—"Senators Only" said the sign in front of the Capitol subway, but David Brody was waved aboard by Senator Charles E. Grassley, Republican of Iowa, whom he thanked for signing a resolution opposing the sale of advanced weaponry to Jordan.

"Senators Only" said the sign above the elevators in the Capitol, but Mr. Brody was escorted onto the car by Senator Jesse Helms, Republican of North Carolina, whom he congratulated on North Carolina State's N.C.A.A. basketball championship.

"Dave Brody is the unelected member of the U.S. Senate," said Senator Charles McC. Mathias Jr., Republican of Maryland, who is an old friend.

Mr. Brody, who will be 67 years old next month, is a short, kinetic institution who seems to know just about everyone in Government. He is the Washington representative of B'nai B'rith's Anti-Defamation League, and, like those of many other lobbyists, his office walls are lined with signed photographs of Presidents and other White House notables. "What would we do without friends?" wrote Vice President Bush, and James A. Baker 3d, the White House chief of staff, called Mr. Brody "oftentimes a strong ally, occasionally a worthy adversary, but always a friend."

It is the Senate, however, where Mr. Brody presses his campaigns, which focus on aid to Israel and support of civil rights legislation. Some other lobbyists for Jewish organizations consider him a loner because of his failure to coordinate his activities with them, and some Capitol Hill people regard him as overly persistent. But most consider him effective.

STRATEGY ON AID TO ISRAEL

"Dave Brody can get in and out of more senators' offices quicker than any person I have ever met in my life," said former Vice President Walter F. Mondale.

Mr. Brody's present concerns include the foreign aid authorization bill, which contains an increase in aid to Israel, and legislation that would put teeth into a fair housing bill. On aid to Israel, Mr. Brody tells senators, "You can't win over the Arabs by weakening Israel. If Israel receives the aid it needs, it's in a better position to compromise; a weakened Israel cannot." On the fair housing bill he tells them, "Without effective enforcement, the bill doesn't mean very much."

Mr. Brody is a full-service lobbyist. He introduces senators to constituents, fund-raisers, reporters and "people I think they should meet." He gives personal advice. He suggest positions on a wide range of subjects, including those in which his organization is disinterested.

"I don't come around only when I need something," Mr. Brody said. "I come around to chat on a general exchange of views. I don't have a heavy-handed, demanding style."

OF FRIENDS AND AWACS

"He's given me valuable advice," said Senator Howell Heflin, an Alabama Democrat. "He has a broad range of interests."

Mr. Brody doesn't seem to care if a senator is a Democrat or Republican, liberal or conservative. Some of his closest friends in the Senate voted for the sale of Awacs to the Saudis, which Mr. Brody lobbied hard, and unsuccessfully, to defeat. "Somebody can be against you on one issue, and with you on the next," he said.

His manner can be direct. When Senator Lloyd Bentsen, the Texas Democrat, told him that Israel needed another Golda Meir, Mr. Brody replied, "Senator, if you have the power to resurrect Golda Meir, that's fine with me, but Golda Meir also had problems with our government."

Mr. Brody does considerable entertaining at home, often bringing senators together with the Israeli Ambassador. Rolf Pauls, former German Ambassador to Washington, once quipped that he had seen more senators at Mr. Brody's home than on the Senate floor.

Mr. Brody, a native New Yorker who is a graduate of City College and Columbia Law School, came to Washington in 1940 to work for the Department of Agriculture, and joined the league in 1949. He was promoted to chief Washington representative in 1965.

His style has evolved over the decades. "Maybe I am a loner," he said.

"I have my own style. You have to be able to relate to people, even when you find yourself in disagreement. You have to deal with members as individuals, and know what their concerns are. I'd have a very narrow range of friends in we had to agree on every issue."●

OUTSTANDING CITIZEN

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LOWERY of California. Mr. Speaker, People like Paul Fordem make government work. An outstanding citizen and revered public official, Paul Fordem has made a difference in every position he has held. Presently a member of the board of supervisors, and a former mayor of the city of La Mesa, Paul has had a guiding hand in making this county a better place to live.

Since becoming a member of the San Diego Board of Supervisors, Paul has had more budget amendments adopted than any other supervisor in both 1981 and 1982. True to Paul's fiscal conservatism, these amendments produced a net reduction of $10 million dollars.

We can also thank Paul for the installation of an electronic flood warning system in 1982 that covers flood-prone creeks and dams throughout the county with automatic radio reports of rainfall, waterflow, and reservoir depths.

His pay-as-you-stay plan was adopted to force convicted lawbreakers to pay for taxpayer costs of jailing and paroling them.

Other accomplishments include opening Stelzer Park in the community of Lakeside with $157,000 obtained from room tax and sale of surplus land. This park, a wonderful recreation spot for all, is especially designed for the handicapped and their families with wheelchair trails and braille-marked paths.

Perhaps most important about Paul's years in government is the way he listens to his constituents. He cosponsored a no strike charter amendment following an 8-day strike of sheriff's deputies which left several cities without police protection. This proposition was approved by 64 percent of the voters in November of 1981.

Paul has done all of this and more and still had the lowest budget of any supervisor in 1982 and will again in the current fiscal year.

Paul Fordem is married to his high school sweetheart, Pat Jacobsen Fordem, and they have two children.

I am looking forward to many more years of accomplishment from Paul's thoughtful and effective style of governing. And I am proud to have him in the 41st Congressional District, which I represent in Congress.●

A BILL TO NAME THE FEDERAL BUILDING IN FORT MYERS, FLA., AFTER GEORGE W. WHITEHURST

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MACK. Mr. Speaker, today I am introducing a bill to name the Federal building in Fort Myers, Fla., after the late Judge George W. Whitehurst.

Judge Whitehurst was a deeply respected jurist whose career on the bench was a sterling example of integ-

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rity and professionalism. Born in Wauchula, Fla. in 1891, he became an attorney in 1915 and was elected county judge of De Soto County almost immediately, for the term commencing on January 1, 1917. In 1919 his performance as county judge earned him appointment by the Governor to be the first circuit judge of the 12th circuit, of which Lee County, Fla., was then a part.

Judge Whitehurst became a resident of Fort Myers shortly thereafter, in 1923, and was a resident and pillar of the community of Fort Myers from that time until his death over half a century later in 1974.

President Harry Truman appointed Judge Whitehurst to a Federal judgeship in 1950. In 1959, he became chief judge of the southern district of Florida and served in that position with distinction until his 70th birthday in 1961.

Upon his retirement, Judge Whitehurst had served as a judge of either the State or Federal courts for a period of 54 years, which is considered one of the longest judicial careers in the State of Florida, if not the Nation.

It is for this half-century of exemplary service to the ideals of justice and integrity that I ask this Congress to honor Judge Whitehurst by naming the Federal building in his hometown of Fort Myers after him, to serve as a constant reminder to those who utilize that building of the principles to which he devoted his life.●

CELEBRATION OF NATIONAL FLAG DAY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. TORRICELLI. Mr. Speaker, today our Nation celebrates National Flag Day. It is a day on which millions of our fellow Americans pay tribute to our national symbol—the American flag.

Our Nation's flag is a constant source of inspiration to us all. It serves as a reminder of our traditions of liberty and justice. It symbolizes our many virtues as a nation and the strength of our ideals.

But more than this, National Flag Day is a time to reflect on the acts and deeds of the many men and women who throughout our history have made our Nation great.

Woodrow Wilson once said, "The things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history."

On this day, let us renew our pledge of allegiance to our Nation and also pause to pay tribute to those who have contributed so much to the greatness and wealth of our Nation.●

REVAMPING SOCIAL SECURITY DISABILITY ROLLS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FORD of Tennessee. Mr. Speaker, the Reagan administration has announced plans to revamp its inhumane practice of throwing people off the social security disability rolls. Health and Human Services Secretary Heckler, in announcing the reforms, stated that "the system has produced some sad results in terms of trauma on individual lives."

I have always been very critical of the manner in which the Department has conducted its disability investigations and the criteria the Department has directed the States to use in determining whether individuals are disabled. I most recently voiced my displeasure in February of this year when I wrote to then Secretary Schweiker concerning this issue. I was incensed over reports that the Department had set quotas on how many social security disability cases administrative law judges must hear and how many must be decided in the Government's interest. I asked Mr. Schweiker to report and explain any such directives. In response, the Commissioner of social security assured me that no such quota system existed and that disability investigations were being conducted "in as fair and humane a manner as possible."

The administration now admits that the review procedures were neither "fair" nor "humane." Is it sheer coincidence that the administration's willingness to reform the disability review process comes on the heels of the embarrassment of terminating the benefits of Roy P. Benadivez, a war hero whom President Reagan awarded the Medal of Honor in 1981 and who was receiving disability benefits for multiple and severe war wounds? I do not think so. It is indeed unfortunate and inexcusable that this heroic individual could be so shabbily treated. But he is not alone. I wonder if the administration ever would have taken action on behalf of the disabled poor, the downtrodden, and those who are unable to speak for themselves, had it not been for the unfortunate plight of Mr. Benadivez.

The administration is trying to save face by saying that they inherited an inadequate review process for determining disability cases. It has also shifted the blame to Congress for mandating that disability cases be reviewed every 3 years.

The blame squarely lies with an overzealous administration who would terminate disability payments to deserving individuals in the name of cutting costs. The ongoing cries and criticism from the Congress, from medical and mental health professional groups, and from the beneficiaries themselves, should have spurred the administration to make changes to the system long before now. Certainly, the reviews mandated by Congress did not give the administration a license to engage in inhumane and unfair treatment of physically and mentally disabled individuals.

The administration's decision to make some long overdue changes in its disability review procedures is indeed a step in the right direction. However, further study should be made to determine if additional changes are needed to assure a fair, equitable, and humane review system for disabled social security beneficiaries.●

THE SURPLUS DAIRY PRODUCTS EXCHANGE ACT

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. EVANS of Iowa. Mr. Speaker, the Surplus Dairy Products Exchange Act, which I am introducing on behalf of myself and 13 cosponsors, addresses two problems facing our Nation. First, the Commodity Credit Corporation (CCC) owns an overabundance of dairy products, and second, the national defense stockpile is seriously deficient and has insufficient funds to meet established goals. Under this legislation, the CCC will accept offers to exchange 15 percent of the surplus dairy stocks for strategic and critical materials needed for the stockpile in each of the next 2 fiscal years.

The dairy stocks owned by the Commodity Credit Corporation are valued at close to $3 billion. These stocks include over 459 million pounds of butter, 812 million pounds of cheese, and 1.26 billion pounds of nonfat dry milk. Even with the movement of some of this surplus through domestic and international donation programs, procurement and storage costs for the uncommitted dairy stocks continue to mount.

On the other hand, the national defense stockpile is estimated to be $10.3 billion short of strategic and critical materials, and at the current rate of funding, it will take about a century to reach the goals. These goals on 61 family groups of materials have been set to sustain the United States through 3 years of a national emergency. Many of the most critical of these materials are available primarily outside the United States.

This bill will facilitate the matching of those countries which have materials needed for our stockpile and are deficient in dairy products while minimizing the U.S. Government involvement in the transactions. Under this bill, U.S. traders who know where there are the minerals we need, will offer proposals to the CCC for up to 15 percent of the surplus dairy stocks in the next 2 years. Also, unlike most programs, and although progress will be made toward two of our country's goals, no Government outlays will be involved.

This bill does not place the burden of these transactions on the shoulders of the Government but rather in the hands of private traders who are better equipped for trading. The pricing structure requires that the dairy products be valued at not less than the current world price and the strategic materials at not more than the world price. This provides the margin necessary to interest private traders and to assure a reasonable return to them.

The continuing ability of our farmers to produce an overabundance of agricultural goods has placed emphasis on the importance of maintaining export channels. Simultaneously, options for strictly cash transaction may not be the only way to keep trade flowing. This is especially true during periods of large international debts, tight budgets, and scarce foreign exchange. Innovative methods to facilitate transactions which are clearly beneficial to the United States should be encouraged. It is in this spirit that I introduce this bill.●

TRADE RELATIONS WITH CHINA

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. WIRTH. Mr. Speaker, this morning's Wall Street Journal contained a rather amazing story regarding our trade relations with China. The numbers speak for themselves. We have turned a $133.8 million trade surplus into a deficit for the month of April—at a time when the Chinese are actively seeking American exports of high technology products.

Earlier this year, the House Committee on Energy and Commerce, led by Chairman John Dingell, visited China to discuss relations between our two nations. During the course of that visit, the Chinese made abundantly clear their interest in obtaining access to increased levels of U.S. exports. The United States must take exports more seriously, and make aggressive efforts to increase our level of exports.

I commend this short article to my colleagues' attention.

U.S. Had April Deficit In Trade With China; Farm Exports Fell 80 Percent

Peking.—The U.S. in April had a $23.4 million trade deficit with China, in contrast to a $133.8 million surplus a year earlier, the U.S. Embassy said. The month's decline narrowed the U.S. surplus through April 30 to $110.9 million from a $482.4 million surplus in the first four months of 1982.

The embassy said U.S. exports to China fell 55 percent in April, to $120.8 million from $267.9 million a year earlier. In the same month, it added, exports of U.S. agricultural products dropped about 80 percent, to $30.1 million from $151.5 million in April 1982, reflecting China's economic retaliation for U.S. restrictions on Chinese textile imports.

The embassy said Chinese exports to the U.S. in April were up 7.5 percent, to $144.2 million from $134.1 million a year earlier.●

PAYING TRIBUTE TO THE SACRED EMBLEM OF DEMOCRACY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. YOUNG of Florida. Mr. Speaker, throughout our Nation today, the American flag is being flown proudly in honor of Flag Day.

The American flag is a symbol of freedom and democracy not only in the United States but wherever it is flown throughout the world. It stands as a sacred emblem to our great Nation and serves as a reminder of the struggles we have endured to maintain our form of government and way of life. In other nations, the American flag is a symbol of encouragement for those people who someday hope to live in a free land where human rights are respected and guaranteed.

The American flag has been a part of the greatest moments in our history. American soldiers are remembered for raising the flag as a symbol of victory at Iwo Jima, Neil Armstrong is remembered for placing the flag on the Moon as a symbol of our triumph in space, and on numerous occasions the flag has been raised at the Olympic Games as a symbol of our athletic achievements.

Unfortunately, the American flag has also been a part of some of our Nation's darkest days when it has been desecrated by protestors. We can recall demonstrations where the flag has been burned, shredded or removed from flag poles and replaced with the flags of other nations.

That is why I have reintroduced my legislation today to expand the criminal penalties for anyone convicted of desecrating the American flag. This legislation is important to insure that the American flag is treated with the honor and respect it deserves, not only on Flag Day, but each day throughout the year.

Our Nation's leaders will come and pass as they have throughout our long and glorious history, but like the freedom and democracy upon which our country is based, the American flag will endure and continue to be a reminder to future generations of the sacrifices that have been made to preserve the values for which the United States of America will always stand.●

BALTIC FREEDOM DAY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1983

● Mr. FEIGHAN. Mr. Speaker, June 14 marks the anniversary of the most tragic date in Baltic history. On that day in 1940, the Soviet Army brutalized and deported thousands of Estonians, Latvians, and Lithuanians to the barren wastes of Siberia. Many would never see their homelands again; those who returned where subjected to the tyranny of Soviet-style totalitarianism. That tyranny continues today.

I would like to share with my colleagues an essay on those "terrible June Days" that was prepared by the National Executive Committee of the Lithuanian/American Community of the U.S.A. It details Stalin's cold-blooded and methodical plan to liquidate the Lithuanian people. Let there be no misunderstanding of what happened to the Baltic people. It was nothing less than genocide—a crime we must never forget.

The 42d Anniversary of the Terrible June Days in Lithuania

June 15, 1940 and June 14–18, 1941 are called the "Terrible June Days" by Lithuanians the world over. It is with sadness and moral indignation that Lithuanians remember this two-fold tragedy. June 1940 marks the date when the Soviet Union invaded and occupied the Baltic States of Estonia, Latvia, and Lithuania. This criminal act has not been redressed to date. June 14–18, 1941 ushered in Soviet genocide against the Lithuanian Nation. During four days 34,260 men, women and children were rounded up by NKVD agents and deported in stifling cattle cars to the depths of Russia and Siberia. In the period 1941–1951 the Soviets were responsible for the deportation or liquidation of seven hundred thousand Lithuanians. Why? Because these people were Lithuanians.

Genocide—the deliberate and systematic destruction of a racial, political, religious or cultural group—is being perpetrated by the same Soviet Union today in Afghanistan. Nazism does not claim a monopoly in its practice. The Soviet Union is an old practitioner of this infamous method.

Genocide was a deliberate instrument of Kremlin policy in the Baltic States. The ultimate aim was the physical annihilation of three distinct cultures: the Lithuanians, Latvians, and Estonians.

Genocide against the Lithuanians was cold-bloodedly planned in 1939—two years

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before the first major act. During the evening of October 10, 1939, shortly after a Mutual Asssistance Pact was concluded between the USSR and the Republic of Lithuania, the NKVD was preparing Order No. 001223 to deal with the liquidation anti-Soviet elements in Lithuania, Latvia, and Estonia. This order was later cited in the November 28, 1940 Order of the Lithuanian People's Commissar A. Guzevicius and the April 25, 1941 Order No. 0023 of NKVD Commissar for Lithuania Gladkov.

The methodic and centralized genocidal operations can be observed in the other Kremlin orders and directives issued to underlings in occupied Lithuania. For example, the head of the NKVD in Lithuania, Commissar Gladkov in one of his instructions to his lieutenants cites Order No. 001530 of December 4, 1940 which dealt with the surveillance of persons whose whereabouts could not be ascertained from their last place of residence. On May 3, 1941 Soviet NKVD Commissar Merkulov in his Order No. 449174 to Commissar Gladkov urged the latter not to delay preparations for mass deportations of Lithuanians. On May 19, 1941 Merkulov in his Instruction No. 77 ordered Gladkov to form a central operations staff in Lithuania for the mass deportations. The efficiency and detailed work of the NKVD genocide apparatus is also attested to by the infamous Serov Instructions which spelled out in detail how the mass deportations were to be executed.

Therefore Soviet genocide in Lithuania in 1941 was not the result of panic resulting from the Nazi assault, nor was it blind reprisals for anti-Soviet resistance on the part of the victims. These were after-thoughts in later years in an attempt to justify the crime.

The perpetrators of the terrorism of June, 1941 must not, cannot be forgotten. The responsible criminals were Soviet NKVD commissars Serov and Merkulov. They were followed by major Gladkov, NKVD Commissar for Lithuania, and his adjutants Security Deputy Chief Medvedev, Jerigo, Head of Counterintelligence, and Semyokhin, secretary of the social police.

The most infamous local criminals were Lithuanian Communist Party Secretary Antanas Snieckus in his capacity as director of security, Internal Affairs Minister Gedvilas, and A. Guzevicius, the People's Commissar for Security. Todesas, Dembo, Krastin, Grosmanas-Didziulis, Finkelstein, Miss Komodas and Mackevicius are guilty because they drew up the deportation lists and compiled their addresses. Gailavicius, Zdanavicius, Slavin, Razowski, Kucinskas and Gadliauskas are guilty because they implemented the deportations. The former so-called President of the Lithuanian SSR Justinas Paleckis was guilty because he signed and confirmed all of these acts of genocide.

Most of these culprits are dead today, yet their infamy is an indelible stain upon the Soviet system. A far greater transgression against humanity would be any attempt to justify their actions or to silence the outcry of 700,000 victims of callous totalitarianism.

The initial horror did not cease. When the Soviets occupied Lithuania in 1944 they increased their terror. Genocide was increased tenfold. The Soviet regime executed mass deportations tenfold. The so-called "operative list of operational liquidations" on the average claimed 2-3,000 Lithuanian victims each month between 1944 and 1951.

The Soviets methodically implements mass deportations in July-September 1945, February 18, 1948, July-December 1947, May 22, 1948, March 24-27, 1949, June 1949, and March 1950. According to the Lithuanian demographer, prof. Kazys Pakstas the nation suffered a loss of 1,250,000 lives.

Most of the perpetrators of this genocide are dead, yet the harm done still perpetrates a totalitarian occupation of its victims, Lithuania.●

BRIAN LAWTON

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. ST GERMAIN. Mr. Speaker, on June 8, my constituent, Brian Lawton, became the first American to be drafted into the National Hockey League's No. 1 position since the organization began 67 years ago. Mr. Lawton, a 17-year-old graduate of Mount Saint Charles Academy in Woonsocket, R.I., is a resident of Cumberland, R.I. Brian Lawton has been referred to by many as an unselfish team player and an excellent skater. This is certainly a landmark event, and I feel Brian should be commended for his outstanding achievements. Brian Lawton ought to be very proud of himself, as I am proud of the young man.

I am sure that he would be willing to share his success with his high school hockey coach, Mr. Bill Belisle, who has developed many other great hockey players and distinguished young citizens over the past 9 years as coach at Mount Saint Charles.

On behalf of all my colleagues, I wish young Mr. Lawton every success in his hockey career.●

FEWER COAL MINERS DIED IN FIRST QUARTER OF YEAR

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. GAYDOS. Mr. Speaker, the closing weeks of 1981 and the early days of 1982 produced a virtually unprecedented series of coal mine disasters, but the first months of 1983 wrote a different record for the archives of coal mine safety to the benefit of miners.

The rate of death in coal mines shows a 75-percent decrease for the first 3 months of 1983 compared to the opening quarter of last year, according to the Mine Safety and Health Administration (MSHA). Furthermore, the rate for all injuries during that time shows a 20-percent decrease, the MSHA figures show.

Ten died in the mines during the first quarter of 1983; 43 died during the matching period of 1982. The rate 0.02 deaths per 200,000 work hours compared to 0.08. As for the all-injury rate, it was 6.82 compared to 8.69.

The Assistant Secretary of Labor for Mine Safety and Health, Ford B. Ford, says the figures suggest to him "a continuing trend to safer coal mining" that began in 1982. Mr. Ford notes that the 122 coal mine deaths of 1982 were a record low for a full-production year, and the full-year fatality rate of 0.06 was nearly a record.

There is disagreement among those in mining as to whether low production during the industrial depression of 1982 and 1983 is responsible for these improved statistics; that is, whether it stems from the closing of many dangerous, small mines and the removal by layoff from working mines of those believed to be the most likely to suffer accidential injury—the inexperienced miners.

But Mr. Ford, in a recent letter to me, as chairman of the Subcommittee on Health and Safety, asserted that this is not the case.

He noted that miners with at least 5 years' experience constituted 68 percent of those killed in 1982 and 71 percent of the injuries, and so far in 1983, 70 percent of the fatalities.

However, those who disagree note that if the work force is composed chiefly of veteran miners, then virtually any accident will involve someone with significant experience. Moreover, coal mining still is the most dangerous occupation, and the concentration of all this experience in the mines may be the chief contributing factor to the eye-catching decreases in the statistics on death and injury, they say.

Nevertheless, the improvement is welcome news, whatever the reasons. MSHA is one of the regulatory agencies in which new emphasis and changing emphasis is controversial. For example, Mr. Ford's administration of MSHA has supplemented a policy of enforcement and citation for violations with training, consultation, engineering, cooperation, and assistance to miners and mine operators.

Mr. Ford restated the belief behind this in his letter: only by working together can the mining community—miners, mine operators, and regulators—achieve real and lasting improvements in safety.

In other words, he credits the significant improvement in safety to the flexibility his Administration has brought to regulation. Mr. Ford wrote:

> I would hope that no segment of the mining industry would view this downward trend as an excuse to rest on past laurels. We at MSHA certainly do not intend to. We intend to continue to find new answers to old mine health and safety problems.

Mr. Ford repeatedly has said he wants his Administration to be judged on the results produced by this flexibility.

So, as the economy recovers, as more return to work and the pressures rise under greater production, events will

establish whether Mr. Ford has a trend.

I would hope that Mr. Ford, as an official who is concerned about miner safety, will monitor his statistics closely and continuously; and, if his trend shows signs of turning, that he will display sufficient flexibility to quickly change his policies of enforcement in a way that will be equally effective under the greater pressure of higher production.

Results do make the ultimate judgment; and the lives of miners are too important to cling to an untried system 1 minute past the point that it begins to show signs of failure under pressure.

The Subcommittee on Health and Safety will await subsequent reports with interest.●

FIFTH ANNIVERSARY OF THE SACRAMENTO JOB CORPS CENTER JUNE 14, 1983

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FAZIO. Mr. Speaker, it is an honor for me to rise today to commend the outstanding accomplishments of the Sacramento Jobs Corps Center as the center celebrates its fifth anniversary of service to the Sacramento community.

Each year, the Sacramento center has improved its record of service to the community and the young people who participate in the program. More than 900 students were served by the center last year, and of that number 80 percent completed one of the center's many training programs. In addition, the Sacramento center continues to outpace the average wage and job placement rates of other centers nationwide, and last year set a new record: The center graduated more students with GED's—high school equivalency diplomas—than any other center in the Nation.

Mr. Speaker, I think you would agree that these are significant achievements, particularly considering the economic recession, the declining Federal commitment to job training programs in general, and the near record levels of unemployment we have been experiencing nationwide.

The bottom line is that Job Corps is one program that returns much more to the kids and the communities than it costs. A recent study shows that 92 percent of these young people go on to continue their education, continue their training or be placed in jobs, most of them in the private sector, while another study shows that Jobs Corps returns more than $2 to the community for every dollar that the program costs.

Without Job Corps, Mr. Speaker, the tens of thousands of young people that are helped each year—that actually help themselves—would be justified in giving up hope on their futures. With Job Corps, they have not given up, we cannot give up on them either.●

COMMEMORATING FLAG DAY 1983

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. RITTER. Mr. Speaker, I am proud to join with many other patriotic Americans today in our Nation's observance of Flag Day. This is the day which has been traditionally set aside to observe the symbol of our freedom and strength, the American flag.

We are a Nation of many peoples whose heritages span the globe and whose beliefs and religious followings are many. However, few symbols have come to mean more to one people than the red and white stripes and the five-pointed stars on a field of blue. It is the symbol which inspired Francis Scott Key to write the National Antheum, which rallied our troops up San Juan Hill, whose presence told the marines on Iwo Jima that victory was theirs and it is a lasting piece of America on the lunar landscape. In good times, the Amerian flag flying in the breeze or passing in a parade has sent a feeling of pride racing through our veins. In bad times, it has been a symbol of unity.

The flag, like the Declaration of Independence and Constutition, has come to represent the symbol of a free and proud people, a people whose course has been to create a benevolent government at home and a caring hand to those in need throughout the world. Individually and as a nation, we can be proud of the flag and what it stands for.

There was a time in the not too distant past that our flag was an object to be mocked and trampled upon. Those were dark days in our Nation's history, days when reality bordered on chaos, when it seemed that patriotism, justice, and our most venerated ideals were held on high to reevaluated and scorned. Thankfully like a summer tempest, they have passed. From within a great people rode this storm of dissent. It is a measure of our greatness to know that we will never permit a loud, angry and chaotic minority to divert the direction of our country, that our goodness and understanding will overcome our restlessness and shortsightedness. It is a comfort to see our flag again restored to the symbol it always has been, one of pride and affection.

In the Lehigh Valley of Pennsylvania, the area I am proud to represent in Congress, the streets of Allentown, Bethlehem, Easton, in the towns, boroughs and crossroad villages, the flag waves forever free. Like the rest of America, this area will be a colorbust of red, white and blue.

Unfortunately, Flag Day has not received the attention it deserves and has in recent years become another day to most Americans. It is vitally important, therefore, that our schools continue to instill in our Nation's youth that patriotism which has made our Nation great and it is equally important the Congress remembers to honor Flag Day every year. If we do this, then no power on Earth can ever stop our flag from waving free and proud.●

BALTIC FREEDOM DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. ANDERSON. Mr. Speaker, on this, the 43d anniversary of the Soviet occupation of the Baltic States of Estonia, Latvia, and Lithuania, I rise once again to call attention to the continued repression and hardships to which the Baltic people have been subjected.

In June 1940, the Soviets moved ruthlessly into the Baltic States, instituting mass arrests, executions, and deportations of the Baltic people away from their homeland in an attempt to gain domination of the region. In one evening alone, on June 14, 1941, over 100,000 Estonians, Latvians, and Lithuanians were forcibly deported from their homes in cattle cars to Siberian concentration camps.

Mr. Speaker, this forced occupation and repression continues to this very day. Since Yuriy Andropov's rise to power, the level of persecutions and mass searches has actually increased. The KGB began a new series of widespread arrests and searches in January in Latvia and in March in Estonia. These cruel and unjust raids are continuing to this day.

In spite of this, the people of Estonia, Latvia, and Lithuania have continued to stand strong against Soviet domination and repression. As a freedom-loving country, we have continued to express our solidarity with their efforts to regain their independence and freedom. I can only hope that our efforts in support of the Baltic people will strengthen them in their resolve to resist Soviet domination and to continue to maintain and to strengthen their own unique cultures.●

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PIONEER 10

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. VOLKMER. Mr. Speaker, I want to point out that a momentous occasion in the history of space exploration occurred yesterday.

Pioneer 10 is being heralded as the first man-made object to escape the solar system and enter interstellar space. On June 13, the spacecraft crossed the orbit of Neptune, and, at that point, was farther out from the Sun than any of the known nine planets. Pluto, with its highly elliptical orbit, will be for the next 17 years inside the orbit of Neptune.

However, does this great distance—2.8 billion miles from the Sun—alone define the end of the solar system and the beginning of interstellar space? Just where does the edge exist?

Pioneer 10, in a new extended mission, is searching for this boundary, and what it discovers ironically may rob the spacecraft of its current celebrity of being the first to traverse the edge of our Sun's domain.

The formal primary mission for Pioneer 10 was completed following its Jupiter encounter on December 3, 1973; similarly, Pioneer 11's primary mission ended with its encounter of Saturn on September 1, 1979. Since those encounters, both spacecraft have pursued a new enterprise, defining the extent and behavior of the Sun's extended atmosphere, the magnetic bubble which contains the Sun and the planets and which is created by the million-miles-an-hour solar wind blowing out from the Sun in all directions; this bubble is known as the heliosphere and the boundary between the heliosphere and the interstellar medium through which the solar system is moving is the heliopause, the edge of the solar system.

Launched in March 1972 and April 1973 respectively, Pioneers 10 and 11, the first deep space missions undertaken by NASA, are currently proceeding toward the solar system boundary in nearly opposite directions. Pioneer 10 is traveling at a rate of 2.8 AU—one astronomical unit equals the distance from the Earth to the Sun or 93 million miles—per year in a direction generally away from the center of our galaxy and roughly opposite the direction of our basic solar system motion with respect to nearby stars, and, therefore, is traveling down the tail of the heliospheric teardrop. Pioneer 11 is traveling at a rate of 1.9 AU per year opposite that of Pioneer 10 within the quadrant of the upstream direction—solar apex direction—of the heliosphere near the ecliptic plane in our galactic arm. The only other spacecraft in the outer solar system are Voyagers I and II which are dispersed on either side of Pioneer 11's escape trajectory. At present these four spacecraft are mankind's only probes beyond Jupiter; furthermore, there is no prospect of getting any other spacecraft to such enormous distances from the Sun before about the year 2010. If crossing the heliopause determines entrance into interstellar space, Voyager I should be the first to succeed since its greater speed will make up for Pioneer 10's head start and since Pioneer 10, heading down the solar tail, must travel the longer path.

A stellar wind is the mode of transition between most kinds of stars—including the Sun—and the interstellar medium. It is thought that the solar wind will eventually be terminated when it has beome so tenuous that its internal pressure no longer exceeds the external pressure—due to flow of interstellar medium, galactic magnetic field, cosmic rays, or some combination of these mechanisms. The solar wind is expected to undergo a deceleration, heating, and a deviation from purely radial outflow so that it can turn and slide along a boundary, the heliopause, which separates the solar wind from interstellar plasmas and fields. There are major uncertainties in the size and shape of the heliosphere, the volume occupied by the solar wind plasma, as well as in the distance at which heating and deflection of the solar wind occur. It has been suggested that the properties of the solar wind will change abruptly at a thin shock surface interior to the heliosphere. One objective of the extended Pioneer mission will be to seek evidence of such a shock or, alternatively, a thick transition region caused by the interstellar interaction. If such a change occurs, it should be readily observable in the magnetic field and plasma data. It is also possible that, before a terminal shock or transition region is reached, other effects of the interstellar gas will be detectable. It is thought that, as the neutral interstellar gas enters the solar system and becomes ionized, it will exert a drag force on the solar wind which will lead to significant heating and, presumably, to the production of waves and other irregularities in the interplanetary field. If the heliopause is at large heliocentric distances, such drag effects may be the first effect to be observed.

In addition to investigating the interaction of the solar wind with the interstellar medium, the Pioneer extended mission is also studying the influence of changing solar activity on the structure and dynamics of the interplanetary medium. Since launch the Pioneers have covered almost one 11-year solar sunspot cycle, and are currently near the beginning of a new sunspot cycle and the start of a 22-year magnetic field polarity reversal cycle on the Sun. These two phenomena determine the shape and size of the heliosphere with the latter phenomenon giving rise to the theory that the heliosphere breathes, and, therefore, that the distance of the heliopause from the Sun changes.

The experiments aboard Pioneer 10 and 11 continue to monitor the solar wind at ever increasing distance from the Sun. So far Pioneer 10 has reached 30 AU, and data give no indication of a nearby heliospheric boundary. The instruments on board will detect the termination of the heliosphere if the spacecraft crosses the outer boundary during the life of the mission; this is not expected to occur. In the meantime, the instruments continue to map out the morphology of the outer solar wind and to monitor disturbances in this region.

Although Pioneer 10 may not transverse the heliopause during its mission's life, the spacecraft has made signifcant findings about the heliosphere; for example, the solar wind does not lose velocity with distance from the Sun; and the primary source of turbulence in the outer heliosphere is sunstorms not solar wind collisions. Also Pioneer is searching for the very low frequency gravitational waves and the theorized 10th planet. If Pioneer 10 does not cross the heliopause and enter interstellar space during its mission's life, these and other findings still win for the spacecraft historic laurels.●

BALTIC FREEDOM DAY

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1983

● Mr. DREIER. Mr. Speaker, I rise today in recognition of Baltic Freedom Day. The Baltic Nations—Lithuania, Estonia, and Latvia—are captives under the powerful control of the Soviet Union. This day marks the anniversary of the mass deportation, by Communist authorities, of the Baltic peoples from their native land in 1941.

This outrageous and unjust action is terrible to reflect upon, especially for those who continue to live separated from their families. As American citizens, I feel that out of respect, we must acknowledge the survivors and the pain and suffering they continue to experience.

It is important to remember that the oppression these nations suffer exists not only around the Balitc Sea, but also around the world in places like Afghanistan, Cuba, and Nicaragua. Innocent citizens are abused as their religious and human rights are violated. They are constantly fighting to regain their lost national identity while finding themselves being further subjugated by blatently overt Soviet actions.

This day should make us all aware of how fortunate we are to live in a Nation that stands for freedom and dignity, the blending of various cultures, and the justice man deserves. Let us hope that one day soon the peoples of the Baltic Nations will enjoy these same rights.●

TRUTH DOSES NEEDED TO TREAT SOVIET PROPAGANDA LIES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. PORTER. Mr. Speaker, events surrounding the European deployment of American cruise and Pershing missiles have served to highlight a potentially serious problem facing the West: The Soviets, through their sophisticated use of propaganda, are slowly winning the battle for public opinion in Europe, while at the same, their unprecedented military buildup continues unabated.

This paradox is testament to the skill with which the Soviets have managed to capture the high ground of moral righteousness. The fact that Moscow is believed as it continues to talk about reducing weapons, all the while deploying over 300 offensive SS 20's at the heart of Europe, is cruel confirmation of this polemical phenomenon.

It is therefore essential that we recognize their lies before the battle is lost. Fortunately, as we can see in the following article, our only weapon need be the truth:

[From the Wall Street Journal]

Moscow Talks a Lot About Arms Control, But Its Nuclear Arsenal Keeps Growing

(By Neil Ulman)

Paris.—Many Europeans and Americans wonder what motivates the big Soviet arms buildup of the past decade. Whatever they think of the Soviet system few believe the Russians are crazy enough to seek war.

While acknowledging pressure on the North Atlantic Treaty Organization, for example, its secretary general, Joseph C. Luns declares: "I am not a bird of gloom. As long as we maintain a credible deterrent, there will be no war. In nuclear war there will be no victors, and the Soviets know it. The Soviets fear war, don't want war and won't make war unless all the cards are stacked in their favor."

Says Alois Mertes, Christian Democratic Party minister of state in the West German Foreign Office, and the closest thing to hawk that country has produced in government: "The risk of war is zero in Europe. The real issue is the military superiority of the Soviet Union and the Finlandization of West Germany."

HOSTILE NEIGHBORS

Why then a Soviet buildup that far exceeds defense needs?

Perhaps not even the Soviets themselves can answer. There is as much truth as humor in the observation that the U.S.S.R. is the world's only nation surrounded by hostile communist countries. Friendless, the Soviets seek safety in controlling by threat of force their unloving neighbors. The ambition to extend that control the Soviets interpret as prudent self-defense. To the neighbors it looks like, and is, a threat.

To some neighbors, at least. Others believe the Soviets benign and cite their "reasonable" proposals for European arms control as proof. "I don't think we are threatened. The Soviet Union has an interest in peaceful cooperation and so should we," says Penate Koppe, a 21-year-old history major at the University of Bonn, and a member of the local Peace Committee.

But a step back from the trees of Soviet proposals to look at the whole forest of arms debate and Soviet tactics is instructive. Comparing Soviet words Soviet deeds along the path of recent history offers a nice insight into how the Soviets use their arms buildup.

It was at the dawn of detente in 1972 that Western analysts believe the Soviets conceived their new SS-20 missile. Built to replace their SS-4s and SS-5s, it represents a significant advance by virtue of its longer range (3,000 miles), greater accuracy, triple warhead, mobility and reloadability. The missile was also arriving on the scene at the same time that the Soviet Union was achieving parity with U.S. intercontinental ballistic missiles, calling into question U.S. will to use such weapons to stop a limited Soviet military thrust in Europe.

PACIFYING THE WEST

To Europeans, it looked as if the Soviets were about to get the drop on them. As deployment on the SS-20s began in 1977, then West Germany Chancellor Helmut Schmidt called on the U.S. to restore NATO's medium-range deterrent in Europe with a new class of missiles. Here the Soviets first began to "use" their new rocket.

In March 1979, then-Soviet Communist Party leader Leonid Brezhnev began to talk up limits on medium-range nuclear weapons in Europe. By October, with more than 100 SS-20's deployed and NATO apparently nearing a decision to deploy its own new missiles, Mr. Brezhnev made a proposal. The Soviets would be ready to discuss reduction of unspecified medium-range weapons in Europe provided NATO introduced no new weapons.

That proposal, coupled with the presence of the SS-20s, was partially successful. In December 1979, NATO agreed to start deployment this year of new cruise and Pershing 2 missiles to restore its deterrent. But in response to Mr. Brezhnev and Western public opinion, NATO went further. It agreed that the U.S. would open talks with the Soviets with a view to reducing or stopping the NATO deployment if agreement on arms control could be reached. Thus the Soviets acquired for the first time a form of direct influence over a NATO military decision. That would have been impossible without the SS-20s.

The Soviets first declared that the NATO decision to go ahead with cruise and Pershing had destroyed the basis for negotiations. But then they "relented." In July 1980, Helmut Schmidt traveled to Moscow despite Western outrage over the Soviet invasion of Afghanistan the previous December. He was rewarded by a Soviet arms control "concession." They would negotiate after all. When the Soviets needed a friend in the West, the SS-20 helped bring them one.

All the while the Soviets were talking about reducing weapons, they were adding SS-20s. When Mr. Schmidt himself proposed a limited moratorium, the Soviets declined, in fact, on the grounds that only they would be giving up something.

In March 1982, however, with over 200 SS-20s deployed, Mr. Brezhnev announced a "unilateral moratorium." So far as anyone can determine, it never meant anything.

Finally, last December, Yuri Andropov, successor to Mr. Brezhnev, offered to reduce the Soviet missiles deployment (by then over 300 SS-20s) to match the 162 rockets of the British and French strategic forces. And last week, with the SS-20s totaling over 350, each with three warheads, he offered a reduction to match NATO warheads, including British and French, still providing NATO dropped its plans for cruise and Pershing missiles.

Here the growing SS-20 force is used for two purposes. The first is to block NATO's restoration of its eroding deterrent. The second is to drive a wedge between any in NATO who would find the offer appealing and the British and French governments who insist that their strategic forces are their defense of last resort and cannot automatically be committed to NATO as are cruise and Pershing missiles.

Presumably, the Soviets don't want war, and don't want to launch those SS-20s. But the missiles aren't strictly defensive, either. They are there to wield influence over NATO decision making, which they already have. They are there to intimidate Europe and raise doubts about American willingness to defend its European allies, and they have done some of that, too.

Current betting among European governments is that over the short term, at least, the Soviets won't succeed. If Europeans see Soviet arms deployments and arms control ploys for what they are and demonstrate they won't be intimidated, there is a chance the Soviets will even negotiate equitable reductions. That is what the propaganda battle of 1983 is all about.

MEMPHIS AND SHELBY CO. DAR HONORS FLAG DAY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. SUNDQUIST. Mr. Speaker, this past weekend, in honor of Flag Day, I had the privilege of addressing the Memphis and Shelby County Regents Council of the Daughters of the American Revolution.

Flag Day, as all of my colleagues know, is a very important day because it is the time we pay tribute to the principles and ideals our flag represents. It has been said that when the world looks at our flag, it is looking through a window at our country past, present, and future.

The Stars and Stripes has never represented a king or monarch, and has never been planted in conquest of foreign soil. Nor has our flag represented the power of a particular President or

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statesman. Rather, since its official adoption on June 14, 1777, the American Flag has represented the ideal of liberty and justice for all men.

I would like to commend the Memphis and Shelby County Regents Council of the Daughters of the American Revolution for the work they do within the community, State, and Nation, and for so appropriately honoring a special day in our country's history. Also, I would like to congratulate Mrs. Huey King of Murfressboro, Tenn., who was recently selected as president general of the National Society of the Daughters of the American Revolution.

Let us be ever mindful for what June 14 represents. Our Nation's flag is a symbol of unity between the citizens of our great land, and should serve as a constant reminder of just how precious our own individual liberty and freedom really is.●

NASA TELESCOPE MAKES IMPORTANT FUNDAMENTAL FINDING

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. VOLKMER. Mr. Speaker, I am pleased to announce that a novel space venture for scientific exploration is proving to be a great success. The Infrared Astronomical Satellite, called IRAS, was launched earlier this year from Vandenberg Air Force Base at Lompoc, Calif. It is a joint project of the U.S. National Aeronautics and Space Administration, the Netherlands Space Agency and the United Kingdom's Science and Engineering Research Council with NASA taking the lead role.

Several very young stars, called protostars, were detected by the telescope on IRAS. Astronomers believe that these stars are no more than a million years old and are coalescing from interstellar dust and gas clouds. These protostars appear to be very much like the Sun was during its early stages of formation, about 4.6 billion years ago. The astronomers theorize that these young stars will become low-luminosity stars very much like the Sun.

The stars were spotted in IRAS telescope scans across two dark clouds of dust and gas called Barnard 5 and Lynds 1642. As many as five protostars appear to be forming within Barnard 5 and one or two within Lynds 1642.

According to theory, stars form from nebulae which are dense clouds composed mostly of hydrogen and helium and small dust particles. Regions of these clouds collapse into protostars, attracting the surrounding material. The protostar continues to gain mass from the cloud—the more mass it gains, the greater its ability to attract more material to itself. Gravitational attraction packs the material tighter in its core and the resulting pressure and density in the protostar raise the temperature enough to make it glow in infrared light. The process continues until a critical temperature, pressure and density are reached. Once past this threshold thermonuclear fusion begins and a new star has been created.

The observed stars are at this stage and are still enshrouded in gas and dust so that only a faint infrared glow is detectable by IRAS.

These observations made by IRAS will help determine what processes initiate star formation and will help explain the conditions under which the solar system formed. Because these protostars are very much like the early sun, scientists believe that incipient solar systems of planets might be forming around the young stars.

Other phenomena have been detected by IRAS. Observations have indicated that two interacting galaxies are tearing each other apart by gravity forces as they pass one another. IRAS observations have shown that these interacting galaxies are unexpectedly strong emitters of infrared radiation. In addition, very old stars have been observed and more than one-third of its all-sky survey of infrared objects has been completed. In all, the IRAS project scientists expect more than 200,000 infrared objects to be observed during the mission.

This is truly a successful joint space exploration venture that highlights NASA's role as a leader in expanding international cooperation in high technology and space. The United States provided the infrared telescope system, the tape recorders, the Delta launch vehicle, the scientific data processing, the U.S. cochairman and members of the Joint IRAS working group. The Netherlands Agency for Aerospace programs provides the other cochairman and European members of the Joint IRAS Science Working Group. In addition they provided the spacecraft, an additional experiment and the integration, testing and launch preparations for the flight satellite. The United States, the Netherlands, and Great Britain all provide some tracking, command, control, and date acquisition.

Off-line date processing to produce a catalog of inertially fixed infrared emitting point sources is being accomplished by the Jet Propulsion Laboratory at Pasadena, Calif. This information will be available to the scientific community at large to help answer some basic questions in astrophysics.

The telescope is expected to operate through early January 1984, when its supply of refrigerant is depleted. With the end of this project NASA will have again demonstrated its immense value to the scientific and international communities as a leader in completing successful and important scientific projects and in fostering international cooperation.●

H. LES REMMERS

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BADHAM. Mr. Speaker, I would like to bring my colleagues attention to the retirement of H. Les Remmers who is leaving from the board of directors of the Moulton-Niguel Water District after 16 years of service in that capacity. Les Remmers was instrumental in bringing a supplemental supply of water to southeastern Orange County, Calif., an area I have the privilege of representing in this honorable body. He was also one of the leaders in the community in establishing Orange County Water Works District No. 4, which since that time has provided water service to the city of San Juan Capistrano.

Prior to his service on the board of directors of the Moulton-Niguel Water District, Les Remmers served as a member of the board of directors of the Coastal Municipal Water District, which, along with the Municipal Water District of Orange County, are the primary entities through which land in Orange County obtains membership in the Metropolitan Water District of Southern California.

Les Remmers is being honored by his friends on June 29, 1983, at the Mission Viejo Country Club in Orange County, Calif. As the Congressman representing much of southern Orange County, I would like to commend H. Les Remmers for his leadership in the planning and implementation of projects for providing Orange County with a dependable supplemental supply of water and for a job well done.●

THE TRAGIC JUNE DAYS

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. KASICH. Mr. Speaker, 43 years ago, on June 15, the Soviet Union forced its way into the Baltic States, illegally occupying the Lithuanian homeland. From June 14 through June 18, 1941, now termed the "Tragic June Day," the Soviet Union's plans for genocide against the Lithuanians were actualized. During those 4 days alone, over 34,000 men, women, and children were ruthlessly shipped off to Siberian concentration camps. An estimated 700,000 additional Lithuanians were deported or murdered during the following decade.

The Soviet Union to date has not been forced to recognize its heinous acts. Even though most of the Soviet policymakers acting at the time of the genocide are dead, the oppression continues. Lithuanians today still are exposed to harsh Russian policies which deny even the most fundamental of human rights.

By our nonaction, the Soviets' totalitarian government is given permission to hold people in bondage based on their racial and political background. How much longer is the oppression of the Lithuanians going to be allowed to continue? The Lithuanians send out cries of help to the United States and its Government. We, as a Government, must do what we can to persuade the Soviets to implement policy changes that will ease the plight of all Lithuanians.

Policy changes have been proposed that would significantly improve the conditions of these enslaved peoples. Specifically called for are: First, a reduction in tariff rates on parcels going to relatives in the Baltic States; second, allowances for a longer duration on the present 5-day tourist visa; third, more reasonable travel restrictions on tourists going to Lithuania; and fourth, in accordance with the Charter of the United Nations which was signed by the U.S.S.R., provisions for Lithuanians to meet with family in other countries.

On June 15, all American Lithuanians as well as free Lithuanians from the other nations throughout the world will join together to mourn the plight of these people held under the dictates of Russian totalitarianism. This certainly is an appropriate time for all U.S. lawmakers to investigate the situation and see what we can do to help promote universal justice throughout the world.●

DESIGNATE LAS CRUCES FEDERAL BUILDING AS THE "HAROLD L. RUNNELS FEDERAL BUILDING"

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. SKEEN. Mr. Speaker, today I introduced legislation to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building."

As you know, Mr. Runnels preceded me as the Congressman from New Mexico's Second Congressional District. I was elected to the seat following his untimely death on August 5, 1980. Harold Runnels and I were long-time friends. We served in the New Mexico Legislature together and although we represented different political parties, our thinking was more often than not parallel. Harold Runnels served the people of New Mexico and the United States well for many years. He was a good man and a good Member of Congress. It is only fitting that the Federal Building in the largest city in the district he served be named in his memory.●

THE IMPORTANCE OF THE FISHING INDUSTRY TO THE U.S. ECONOMY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. TORRICELLI. Mr. Speaker, support of our U.S. fishing industry is of paramount importance to the strength of our economy and the economic well-being of our coastal communities. Presently, industry leaders consider themselves in a land of opportunity as squid, mackerel and butterfish species abound in the waters off the Atlantic coast. These prime commercial species are, as yet, undeveloped, and the fishing industry is on the verge of making significant breakthroughs in using these fish to the full extent of their availability. The U.S. fishing industry is preparing itself to deal in the international marketplace by stimulating the full U.S. utilization of the fishery resources, including harvesting, processing, and marketing. Following is the statement of Alan D. Guimond, presented before the House Merchant Marine and Fisheries Committee, Subcommittee on Fisheries and Wildlife Conservation. I feel it is an important issue and I commend it to my colleagues.

STATEMENT OF ALAN D. GUIMOND

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you today to discuss matters relating to the management of the Atlantic Squid, Mackerel and Butterfish resources. When we in the U.S. industry look at these species we feel that we are in the "land of opportunity," since on the Atlantic coast these are the prime commercial species which we have not fully developed yet. As I will explain, we are on the verge of significant break-throughs in using these, particularly squid and butterfish, to the full extent of their availability. The issue today seems to be: how should the Government respond to this?

One thing not to do is ever again to allow the kind of administrative decision-making which we witnessed for Amendment 3 to the Fishery Management Plans for Atlantic Squid, Mackerel and Butterfish. This presented the industry with three problems:

1. Planning: The Amendment 3 soap opera continued on for two years, between the Councils, NMFS, the rest of the Commerce Department, and last but certainly not least, the Office of Management and Budget. This unfortunately occurred during a time when the U.S. industry was moving fast on a number of fronts, and needed to make certain assumptions of what was going to happen with the fisheries management structure. We did that, only to see the whole thing coming apart toward an ever-delayed end. Needless to say, this is not the kind of business climate in which U.S. businesses will be able to operate for very long and still expand their utilization of these valuable resources.

2. Optimum Yield: As a member of one of the Regional Fishery Management Councils, I know that very often you can get things done if you characterize them properly. But no matter what you call it, it appears that under Amendment 3 as it is being implemented, the economics of the development of the U.S. industry will not receive proper attention in the yearly establishment of Total Allowable Levels of Foreign Fishing. Given what the Magnuson Act was set up to do, this is not very smart. We saw last year that foreign markets will not open up to U.S. suppliers if foreigners know they will be able to catch the product themselves. This is Catch-22 in its most elemental form. I certainly believe that we should not have to go to school again on this point.

Clearly the U.S. industry ought to have some facts and be able to demonstrate that it could reach those markets. But the fishery management process must give us the ability to hold back fish from TALFF so that we can demonstrate our capabilities. Amendment 3 was certainly intended to do this, and this was clearly understood by everybody. Now, however, bureaucratic machination has apparently put the point in question, for reasons that do not seem to be related to the development of the U.S. fishing industry.

3. Flexibility: I understand that the implementing regulations provide that decisions that need to made under Amendment 3 with regard to OY, TALFF, DAH, DAP, DAP, JVP and the like, will be up to the Secretary of Commerce, and may be made only once per year. I sincerely hope that some administrative relief is available here. If the intent is to delegate this authority to the Regional Director, which Amendment 3 requires, then timely decisions can be made. But the Secretary or his office cannot routinely be involved if the Government intends to be responsive to problems on a real time basis.

And once-a-year decision-making is classic head-in-the-sand bureaucratics. Just try to imagine what we would have to come up with if on May 10, 1982, all of us had sat in this room and speculated what the squid situation might look like today! Even within the past ten days there have been fast-moving developments, as it begins to look more and more as if the Loligo squid will be available in record quantities. The Government must be able to respond quickly to these types of developments.

My other suggestion to the Committee and to the agencies concerning the development of the industry's ability to fully utilize these species would be that you allow the industry the opportunity to sort out its own problems. As you are probably aware, there is a pretty fair disagreement within the industry right now concerning the best route to take to our common goal: the full U.S. utilization of the fishery resources of the FCZ, including harvesting, processing and marketing. But this is a decision that must be worked out within the U.S. industry if we are to get into the international markets efficiently, for the long run.

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In the joint venture context, there are some who want to characterize this as a problem between U.S. processors and foreign processors, and claim that the processor preference amendments to the Magnuson Act should be invoked to protect the domestic processor. But in reality, the problems are between some U.S. processors who want to continue dealing with foreign markets as they have in the past, and others such as myself who believe that there is a better way. I like to think of the disagreement as between those who want to wait for the markets to come to them, and we who have decided to aggressively go out and move into those international markets for fishery products of all kinds.

A lot of people have been wondering what my company is up to, why, and how it is consistent with positions I have taken in the past. Let me offer a few words of explanation. Anybody who has been around this building for very long knows that few have been as strongly in support of moving foreign vessels out of our fisheries and putting Americans to work in this industry (on vessels and in shoreside plants) as I have. On the New England Fishery Management Council, I consistently argued against "joint ventures" in the technical sense of the Magnuson Act, §201(b)(6), but I always supported the development of true "joint ventures" in the business sense. To me, that means that the foreign partner becomes involved because the business deal stands on its own, not because it will get the foreigners more allocations. It also means that the foreign partner makes a commitment to the long-term development of our industry, and does not just conveniently buy fish at sea. When the possibility of doing some business with the Spanish came up, the position I took was consistent with these views. I let it be known at the outset that I was not interested in arranging over-the-side sales, since in the long run that does nothing to get the U.S. industry, or me as an individual businessman, into the market, where we must be in order to sell our products profitably over the long-term.

As a result of our negotiations, we have incorporated Stonavar Offshore Processing, which is a Rhode Island corporation owned by my company, Stonington Seafood Products, and Anavar S.A., a private Spanish commercial enterprise. It is not me doing business with Spain—it is "we" doing business in the world market for fish products. Obviously we are concentrating first on those markets where we can get our best foothold, and they are in Spain. But Stonavar is a long-term business commitment by both of the participants, and we will be operating with whatever products and markets will return us a profit.

Our corporate view on some issues might be surprising. For example, I have said many times that we do not believe that any country should be given preferential directed fishing allocations just because some group from that country has negotiated a joint venture, and that includes Spain. Once a country has performed, then under the already-existing provisions of the Magnuson Act, which the Chairman of this Committee pushed hard for just two years ago, its vessels will be entitled to preferential treatment for whatever surplus is available. But we do not believe in rewarding foreign fishing interests simply for have made promises.

Nor do we believe that joint ventures (i.e., over-the-side sales) should be allowed in a fishery where U.S. processors can and will utilize the available product fully. But let's look for a second at the fishery which is causing all of the consternation at this moment: Loligo squid. Last year our industry produced less than 5,000 tons of Loligo. In past years we have done some more, but usually much less. Now, our industry is trying to convince you and others in Government that we can do much more—upward of 20,000 metric tons. I agree that we can do that, and even more. But not the way we have done business in the past. That is why I am doing business differently.

So what has happened? Our industry first decided to ask that joint ventures be eliminated from New England, but allowed to go forward in the Mid-Atlantic, and presented those views to the Mid-Atlantic Fishery Management Council. My company decided thereafter to remove our joint venture operation from New England waters, partly for operational considerations, but also to see if the rest of the industry could perform. Then, at the convention of the National Fisheries Institute, they went after another bite of the apple—no joint ventures for Loligo anywhere on the East coast until the potential impacts could be better understood.

Needless to say, because of past performance levels and the earlier position, this is going to be a difficult proposition to sell. And it is going to be even tougher given what is happening right now in the fishery. At my plant, we are adding another production shift. All over Southern New England, fishermen are calling me wanting to sell squid because our processing industry does not have the capacity to handle all of the product that is there. A large fish trap in Rhode Island last week let 50,000 pounds of dead squid out because there was no processor who could handle the product. One of my fellow Rhode Island processors, who has no great love for joint ventures, said to me the other day, "Wouldn't it be great if we could bring one of those foreign processors in here now."

Mr. Chairman, I am convinced that the U.S. industry, if it keeps its wits about it, can deal in the international marketplace, and that we can get there quickest if we can find a way to use foreign participation to our advantage. For example, I am committed to buying, shoreside, as much Loligo squid this year as the entire U.S. industry produced last year. And we are well on our way—our first six containers were shipped this morning. With the other three processors who are packing for us in this joint venture, we are now able to produce 60 tons of Loligo per day. We are putting people to work in our plant, and as we learn more our workforce will have more employment available to it for longer periods of time. And we believe that for us, this is just the beginning.

I hope that all of the shoreside processors are able to achieve their processing goals this summer. Maybe I will be proven wrong, and it will become apparent that others in the industry have a better way to develop our fishery resources. If so, the marketplace will weed me out, and them in. The avenue my company has chosen comes with some risks, but good dividends often come only from good risks. The point is this: Loligo has become a very competitive fishery, and I am an American businessman looking for ways to be competitive. I do not believe that the Government should take steps to stifle that competition without first being sure which way will result in the best long-term competitive position for us all in the international marketplace.

Mr. Chairman and Members of the Committee, thank you very much for your kind attention. I would be glad to answer any questions you or the Staff may have.●

PERSONAL EXPLANATION

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. DERRICK. Mr. Speaker, I was inadvertently detained and was unavailable for rollcall vote No. 190, an amendment by Mr. LEVINE of California to the defense authorization bill, H.R. 2969, to defer procurement funds for the Bradley fighting vehicle until adequate testing is completed. Had I been present I would have voted "nay."●

THE NATIONAL NEED FOR CHILD SUPPORT ENFORCEMENT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mrs. ROUKEMA. Mr. Speaker, the time has come for the Congress of the United States to take action in the face of a national disgrace. The disgrace is all the more shameful and tragic because it has children as its innocent victims. I am speaking of what has become almost criminal neglect of the nearly 3 million fathers, ordered to pay child support who have failed or refused to comply.

I am not talking about alimony. I am talking about millions of children deprived of food, shelter, and clothing because of fathers who simply ignore their financial responsibilities and pay little or nothing toward their children's livelihood. By ignoring this problem, which has reached epidemic proportions, we are literally driving these children onto the welfare rolls.

Statistics abound on the subject, the most recent of which were developed in our own House Select Committee on Children, Youth and Families. The facts in that committee's report are clear. There is not a segment of our society which does not fall beneath the shadow of irresponsibility. I here insert page 20 of the committee May 1983 report and direct your close attention to the dramatic difference between those cases where child support is ordered and those cases where it is provided.

7. Child support. Barely one third of women with children under 21 whose fathers are absent receive child support payments from the absent fathers. The average amounts received are small among all groups. Both the likelihood of support and the amount of support are highest when the mother is legally divorced, is white, or has a college education.

WOMEN WITH MINOR CHILDREN FROM AN ABSENT FATHER, 1978

	Number in U.S. population (in millions)	Percent awarded child support payments	Percent who received any child support	Mean annual support received[1]
All women with minor children from an absent father	7.1	59	35	$1,799
Number of own children:				
1 child	3.6	55	30	1,288
2 children	2.1	65	42	1,995
3 children	0.8	62	36	2,528
4 or more children	0.5	57	34	2,752
Current marital status:				
Divorced	2.4	80	52	1,951
Remarried	2.0	77	39	1,602
Separated	1.3	45	27	1,906
Never married	1.4	11	6	976
Race and Spanish origin:				
White	5.1	71	43	1,861
Black	1.9	29	14	1,294
Spanish origin	0.5	44	24	1,318
Educational attainment:				
Less than 12 years	2.4	46	23	1,503
High school graduate	3.2	64	38	1,664
Some college	1.1	69	43	2,089
College graduate	0.5	71	52	2,574

[1] By those who received any support.

Note.—Own children includes both biological and adopted children.

Source: Calculated from U.S. Bureau of the Census, Current Population Reports, series P23, No. 112, table 8.

"U.S. Children and Their Families: Current Conditions and Recent Trends "Report of the Select Committee on Children, Youth and Families," 98th Congress.

I will be introducing legislation this week that will initiate a national response to this national problem. A summary of the provisions follows:

SUMMARY OF PROVISIONS OF CHILD SUPPORT ENFORCEMENT LEGISLATION A BILL TO AMEND THE SOCIAL SECURITY ACT

1. Requires each state to enact, implement and effectively enforce a law providing for collection of child support through mandatory wage withholding, in order to be eligible for title IV and XIX payments.

2. The system must apply in every case where a state resident owes child support under a court order or an administrative order whether AFDC or non-AFDC.

3. Withholding of wages is in the amount equal to any child support payment or payments due during the pay period.

4. If the individual owes any past-due child support, additional amounts equal to 100 percent of the past-due child support or 25 percent of the individual's gross wages for the pay period, whichever is less, are withheld.

5. Distribution of amounts withheld from wages is through existing IV-D programs so no new agencies need be created. Any fees or charges imposed to cover the costs of collection must be paid by the individual responsible for paying the child support.

6. Employers are prohibited from using wage withholding in connection with disciplinary or discharge action.

7. States must take necessary action to extend the wage withholding system so that the system includes withholding of child support from income other than wages, or to impose bonding or other requirements to ensure collection regardless of the source of income.

8. States must enter into agreements with other States so that withholding can be undertaken even if the applicable court order or administrative order was issued in another State.

9. States have 18 months to comply after the date of enactment.●

STEPHEN CRYSTAL AUTHORS IMPORTANT BOOK ON PUBLIC POLICY AND AGING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. CONYERS. Mr. Speaker, I want to call the attention of my colleagues to a book that the Christian Science Monitor selected as one of the best books of 1982. The book, entitled, "America's Old Age Crisis: Public Policy and the Two Worlds of Aging," was written by Stephen Crystal, the director of the Department of Family and Adult Services of New York City's Human Resources Administration.

Mr. Crystal's book has been critically well-received, as evidenced by the reviews of it that appeared in the Cleveland Plain Dealer, Philadelphia Inquirer, Washington Post, and Christian Science Monitor. I commend the book to my colleagues.

The articles of the newspapers follow:

[From the Cleveland Plain Dealer, Dec. 26, 1982]

AN AGENDA FOR CONGRESS: OLD AGE PUBLIC POLICY NEEDS HARDER LOOK

(By Robert L. Girouard)

"Any book which is at all important," wrote Schopenhauer, "should be reread immediately."

Stephen Crystal's America's Old Age Crisis is such a book, and deserves to be read and reread by every member of Congress, particularly now, when debate about troubled social programs, Social Security foremost among them, is generating more heat than light, more base political evasiveness than honest, thoughtful confrontation.

Crystal begins by dispelling some of the myths about this nation's aged and the policies affecting them.

One is that the elderly are, by and large, decrepit, helplessly inactive and desperately poor. As it turns about, only about 6% of the elderly live in institutional-care settings, but at an annual cost of $20 billion.

Despite a constantly heard refrain about America's niggardliness toward care of the old, Crystal demonstrates that we are perhaps paying too much—distributed unfairly—and certainly far more than, say, Japan, France and other nations putatively more civilized than we are.

Despite a common perception that most social-program abuses are perpetrated by "welfare mothers," Crystal painstakingly shows how if anyone is ripping off the system, it's middle- and upper-middle-income white retirees.

And contrary to the myth that more and more Americans are now taking in their elderly, Crystal demonstrates the reality of the situation: Only one group stands out as taking in its own old, and that is blacks—a fact that helps explain why elderly black women enter nursing homes about seven years later than white women.

One passage in the book is so important to the current Social Security muddle that it is reproduced here in its entirety:

"Consider a married man who retired at 65 in 1977. His maximum payroll taxes since the system's start in 1937 could not have exceeded $7,705, with an equivalent contribution from the employer. Benefits to the employe and his spouse, at about $8,400 for a maximum contributor, would exceed his contributions in the first year. Even more spectacular have been the payoffs to early participants in coverage expansions. Thus, someone who retired in 1950 under the newly implemented self-employment plan, and who lived until 1977, would have received $43,000 in benefits on an investment of $121.50.

"The mechanism which makes this possible is the time-honored principle of the chain letter or Ponzi scheme. In such a system, those who get in first profit greatly from the investments of those who join later. But there is always a day of reckoning. Future payoff rates will be considerably less beneficial. Future retirees—particularly single people, married women, and those who have paid the maximum tax—are likely to receive less in benefits than they could have received by investing their contribution on their own, in an Individual Retirement Account, for example."

The day of reckoning Crystal talks about is already upon us, and his observations certainly belie the frequent claim of Social Security pensioners that they only want what is rightly theirs, i.e., what they put in. If what they put in were what they actually get or expect to get, they would quite simply starve.

Crystal doesn't simply sketch out a doomsday scenario, however. He has some practical, sensible solutions to the mess we're in, vis-a-vis caring for our elderly: First, let's make sure we are more equitable about helping those with genuine need, he says.

He also suggests wider application of advance funding for both public and private pension programs, so they can generate capital instead of radically depleting it; an assets-test for Medical recipients; an increase in the floor of Supplemental Security Income (SSI) grant levels to improve the lot of the worst-off elderly; and a move, whenever possible, from costly nursing-home care to a network of preventative medicine, based on Health Maintenance Organizations, that allows for home care instead.

America's Old Age Crisis will become a seminal document for crafters of old-age public policy for years to come—if only they will read it, and then reread it immediately.

[From the Philadelphia Inquirer, Jan. 16, 1983]

THE PROBLEMS OF THE ELDERLY IN TOUGH TIMES

(Reviewed by Elizabeth Taylor)[1]

The current debate over programs and benefits for America's elderly is particularly heated because, as Stephen Crystal observes, the elderly are the "one minority to which we all anticipate belonging." Emerging in the midst of this controversy, Crystal's America's Old Age Crisis provides a fresh analysis and even some recommendations for how America might cope with its

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[1] Elizabeth Taylor, a former aide to Sen. Arlen Specter, has done extensive research on retirement communities in America.

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burgeoning elderly population during hard economic times.

Crystal criticizes the current system, which perpetuates the existence of two classes—or worlds—of old people, "one poor, one comfortable—separate and unequal." Today's policies allow the middle-class elderly to enjoy bigger slices of the pie while poor, old people receive only minimal benefits, he says.

America's Old Age Crisis is sure to invite criticism from the Left, which tends to see the elderly as a homogenous and needy population, and from the Right, which insists that some invisible hand will place food on the table of even the poorest old person.

Crystal challenges the myth that all elderly are poverty-stricken. He contends that the proportion of the elderly living below the poverty level has declined and that the American public is mistaken in thinking that the elderly as a block receive insufficint government assistance. In 1982, according to Crystal, one-third of the entire federal budget provided "benefits to the aged." The problem, according to Crystal, is in the distribution—not the level—of benefits.

Crystal indicts the Reagan administration for promoting "two-class" retirement. In the latest round of budget cuts, the Reagan administration preserved Social Security and Medicare—programs which, according to Crystal, are the concerns of the organized, middle-class elderly. Sacrificed instead was funding that provides a lifeline to America's old people living at the poverty line—the Title XX program for social services, which helps pay for in-home care, food stamps, energy assistance, nutrition programs and Medicaid. Crystal attacks the usual demons: fraud, waste and mismanagement. But, he maintains that President Reagan's cuts end up hurting the poor more than eradicating fraud.

Crystal is at his best when navigating his readers through the thicket of benefits—Social Security, Medicare, Medicaid and Title XX—as well as through the myriad pension plans, such as IRA and Keogh. Crystal clarifies ways in which these plans, which have become such an important part of the American economy, operate. Pension programs help shift the burden of caring for the elderly away from the family and promote "systematic inequity," he says. They reward skilled employees of large corporations, who mainly happen to be white men.

Women's economic disadvantages are accentuated in the retirement years, says Crystal. In his brief treatment of women, Crystal points out that women, especially widows, comprise a major portion of the poorest elderly; unmarried women comprise 72 percent of this population. The working married woman benefits little from Social Security, which regards non-working women as the norm.

Crystal's discussion should satisfy the specialists' requirement of sophistication; it comes close to meeting the standards of clarity necessary for a general audience. Unfortunately, Crystal occasionally lapses into jargon ("differential access skills and resources"), but he does better than most social scientists at restraining this sort of excess.

Crystal's recommendations are sensible and innovative, but sketchy. They are important and merit more than the concluding chapter. His proposals reflect a determination to develop a public policy that allows America's old to live comfortably at a more equal standard. His sometimes controversial recommendations include encouraging in-home rather than nursing-home care, expanding Health Maintenance Organizations to provide special care for the elderly, insisting upon mandatory pension coverage, taxing half the Social Security benefit, considering raising the retirement age, increasing Supplemental Security Income. The reader is left wondering how these proposals would fare in the real world where, for instance, political pressures recently deterred the Reagan administration's efforts to cut Social Security.

A year ago, President Reagan, with the cooperation of Congress, established the bipartisan National Commission on Social Security Reform to suggest ways to eliminate a deficit in the old-age benefits program. As the commission deliberated, it is to be hoped that it considered Social Security, as Crystal has done; within the context of the network of assistance programs for the elderly. Members of the Reagan administration, who will soon be considering the commission's recommendations, would be smart to look at this book.

[From the Washington Post]

OLD AGE: FACING THE FACTS

(By Robin Marantz Henig)

When Stephen Crystal told a friend that he was writing a book about national policy toward the aged, his friend said, "I didn't think there was any." In a sense, there isn't—and that is the theme of Crystal's scholarly new book. America bases its treatment—or, more often, non-treatment—of the aged on myth, misconception, fear, and misunderstanding, turning the notions of retirement, of social "security," of leisure in the "golden years" into a cruel joke.

We can no longer afford to turn our backs on the aged, Crystal says. Demographics alone compel compassion. "Ultimately," he warns, "the aged will include almost all of us," and by "us" he means mostly the post-war baby boomers, today's 30- to 40-year-olds who are an eternal "blip" on the curve of the nation's age distribution. As this population bulge moves, like a rabbit swallowed by a python, inexorably toward old age, our current guarantees of a decent income and decent medical care for the elderly will be all but impossible to meet. And as federal promises become ever more elusive, the population over age 65 will split increasingly into "two worlds"—the very well-to-do, and the desperately poor.

Crystal sets out, convincingly, to dash some of our most cherished stereotypes about the elderly. He uses a wealth of data to counter myths such as the one that the aged are physically infirm. "With improving health standards, fewer physically debilitating manual jobs, better nutrition, and longer life spans," he writes, "'the young-old' retire between 65 and 74 is likely to be as capable of being productive as someone in his late fifties or early sixties was two generations ago." He refutes, too, the stereotype of the aged as lonely: "In 1981, 65 percent of those under 65 believed that loneliness was a very serious problem for most old people, while only 13 percent of the aged found this [problem] very severe for them personally." The once-popular "disengagement theory" (that we naturally and inevitably pull away from social intercourse at life's close) is also discredited, though the theory still forms the backbone of "our expectations about retirement and our overuse of institutions such as nursing homes."

Among the most cherished myths about the elderly—and, according to Crystal, the most dangerous—are our myths about the aged in the family. Contrary to popular belief, old people are not dependent on their adult children for money or support. Less than 5 percent of the aged regularly receive money from their adult children—in fact, "the elderly are twice as likely to report *providing* financial help to children as to report *receiving* it!"—and most do not rely on their extended family members for ongoing support.

When asked, the elderly generally are forceful in insisting on independence from their adult children. And their children, as the prospect of caring for Ma and Pa looms closer, are just as forceful in believing their parents should continue to live on their own. According to Crystal, the myth that the family network still supports the aged is potentially the most damaging, because "the assumption that public benefits for the needy aged merely supplement or displace family help can easily be used to justify cutting back the programs that constitute the floor under economic well-being and access to care for the aged."

Declining fertility rates and that ever-present population blip of the baby boom means that many of our current policies toward the elderly will soon need significant rethinking. Crystal documents the now-familiar crisis ahead for Social Security: when the program began in 1945, there were 50 active workers contributing to Social Security for every retiree drawing an income from it. Today, there are just three active workers for each retiree, and in another 45 years the ratio will drop to two to one. Concludes Crystal, "something will have to give—much higher payroll taxes, benefit cuts, an advance build-up of the trust fund from its present token level to cover the problem years, or some combination of these. Still, it should be noted that today's benefit levels could be sustained even in the worst coming years if we were willing to pay social security tax rates at the level currently imposed in a number of European countries. . . . The social security ride will never again be almost free, at least not in any of our lifetimes."

It's no wonder that a recent Harris survey found that nearly 70 percent of workers under age 55 expressed "no confidence" in the Social Security system, and more than half the workers surveyed by *The New York Times*/CBS News said they didn't believe there would be any money left from which they could draw their own Social Security benefits.

In an age of diminishing resources, Crystal projects, the elderly will be left more and more to fend for themselves, depending on private pension programs, savings and investments, and family members for their means of support. As the government pulls back on its commitment to the aged, there will be no middle ground. Persons over 65 will be either well off (those more likely to be under age 75, physically healthy, and connected to spouses, relatives, and other members of the community) or disadvantaged (those more likely to be very old, sick, poor, and alone).

Crystal offers some suggestions to stop this widening gap, but his recommendations are generally uninspired. His prose, too, is uninspired, sprinkled so liberally with numbers and statistics that the mind reels and the eyes glaze over. Still, America's Old Age Crisis is a useful book, and even if its message has been heard before it needs to be heard again and yet again. There is a particular shame, and a particular irony, ot our

callous treatment of the aged, our quickness to allow a significant group of old people to slip quietly into poverty, isolation, and sickness. Because the aged, as Stephen Crystal reminds us, "are a unique group: they are the one minority to which we all anticipate belonging."●

THE BLACKBOARD AND CHALK THEORIES OF MR. WILLIAM BAXTER

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BEDELL. Mr. Speaker, I would like to share with our colleagues a letter that the Small Business Committee Subcommittee chairmen sent to President Reagan earlier today. The letter expresses our concern about a statement made by Mr. William Baxter, the Assistant Attorney General for Antitrust at the Department of Justice.

Last week, Mr. Baxter told the Senate Banking Committee that interstate banking would not be bad for small, independent banks because:

> If we were to repeal Douglas and McFadden there would be a very large number of substantial banking institutions that would become bidders for acquisition of many of these small local banks. They would be able to sell out at very handsome premiums . . .

Mr. Baxter's assumption that local, independent banks would be best served by being acquired by bigger banks is totally insensitive to the important role small banks play in their relationships with small businesses, small farmers and small communities. His views obfuscate the need to evaluate bank deregulation from the perspective of providing the small business and agriculture sectors with an adequate supply of low cost capital to fund expansion and investment.

This is not the first time that our chief antitrust official has spoken out publicly against the interests of small business. Last year Mr. Baxter was quoted as saying:

> There is nothing written in the sky that this world would not be a perfectly satisfactory place if there were only 100 companies.

Imagine that from our chief antitrust enforcement official.

On another occasion, Mr. Baxter told a Small Business Subcommittee that he did not like our Nation's vertical price fixing laws. Thus, even though the Supreme Court has ruled vertical price maintenance per se illegal, Mr. Baxter said he would not enforce the law of the land.

Mr. Baxter's especially narrow, textbook view of our marketplace is very disturbing. Policies that govern our economy should take into account the interwoven and delicate relationships between our industrial sectors. To callously apply cold and impersonal blackboard and chalk theories to these relationships, as Mr. Baxter insists upon doing, is a tremendous disservice to the men and women who have built their lives around small businesses in small communities and rural America.

At this point I would like to insert into the RECORD the letter the Small Business Subcommittee chairmen sent to President Reagan. I would also like to insert a letter on the same topic sent to President Reagan by Mr. James Herrington, president of the Independent Bankers Association of America.

The letters follow:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, D.C., June 14, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Last week, Mr. William Baxter, the Assistant Attorney General for Antitrust at the Department of Justice, told the Senate Banking Committee that interstate banking would not be bad for small, independent banks because: "If we were to repeal Douglas and McFadden there would be a very large number of substantial banking institutions that would become bidders for acquisition of many of these small local banks. They would be able to sell out at very handsome premiums. . . ."

As Small Business Committee Subcommittee chairman, we find Mr. Baxter's view of the role that small, local banks play in our economy very disturbing. Whatever your position is on banking deregulation, we are sure you do not believe that America's small banks exist solely to someday be acquired by larger banks. Accordingly, federal policies should not be based on the especially narrow point of view to which Mr. Baxter apparently subscribes.

Small businesses and small farmers are highly dependent on a stable community of diverse financial institutions, including local, independent banks. Together they are forging relationships that will increase employment and prosperity in towns and regions that have been hard hit by our long recession. Bank deregulation should be evaluated from the perspective of providing each industrial sector with an adequate supply of low cost capital to fund expansion and investment. This is particularly important to smaller firms as banks are often their primary source of capital. Mr. Baxter's policies and public pronouncements are clearly not contributing to this effort.

Sincerely,

PARREN MITCHELL.
ANDY IRELAND.
HENRY NOWAK.
BERKLEY BEDELL.
TOM LUKEN.

INDEPENDENT BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., June 9, 1983.

HON. RONALD REAGAN,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: Speaking for thousands of community banks, I was disappointed and angered to read of Assistant Attorney General Baxter's recommendations to the Senate Banking Committee to completely restructure our nation's financial system.

In putting forward policy prescriptions that will promote the demise of thousands of community banks and their small business and agricultural customers, Baxter's philosophical premise was that his policy recommendations would increase the price at which small banks could sell out to big banks . . . and that is the only thing that small banks should care about. This is an appallingly narrow value system.

It is statements like this which are giving your Administration the reputation of speaking and caring only for Wall Street rather than Main Street.

I write this letter as a concerned Republican.

Sincerely,

JAMES D. HERRINGTON.
President.●

SALUTE TO LUCILE DeGEORGE, LEADER, EDUCATOR AND WORLDWIDE HUMANITARIAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BIAGGI. Mr. Speaker, we are indeed very fortunate in life when we can enjoy good health, the warmth and security of a loving family, and the company of loyal, devoted friends. I have been very blessed in life to have been provided with a great measure of all these important fundamentals. It has been one of my very special fortunes in life to know an extraordinary woman, of exceptional talents and abilities, whose leadership of and contributions to communities, governments at all levels, social, fraternal and charitable organizations, have made the difference in the happiness and well-being of so many people throughout the world. Underlying the great admiration and respect I hold for her as a great lady of achievement, is a tremendous love for the warm, vivacious, and dynamic person that she is, a loving gift to all people who are fortunate to know her, who has been my friend, confidante and adviser, as family, for many years.

There does not seem to be enough that I could say by way of introduction of description for her. Superlatives, the gamut of concerns and issues, commitment, service, giving, all must combine in lavish terms over and over again to adequately attempt to salute Lucile DeGeorge of Whitestone, Queens, N.Y., mother, grandmother, founder, director, trustee, historian, president, chairman, manager, representative, delegate, speaker, and award recipient of societies and organizations the world over. Recently, Lucile DeGeorge celebrated her 80th birthday at festivities surrounded by loving family and friends. Words of admiration and praise flowed in personal tribute to this grand lady. Because of her extensive contributions on the national and international levels, in addition

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to philanthropic and filial causes everywhere, and the qualities she radiates which are inspirational to people everywhere, I feel it appropriate to salute Lucile DeGeorge, a woman of achievement today, as an example of dedication to service and devotion to the needs of others.

Born and raised in New York City, Lucile's character, and love for others through giving, are thought to be shaped by a lesson taught her as a child, by her father. Having only enough money for candy for herself, while in the company of others, her father chided her, "Before you put any candy in your mouth, you should buy enough for everyone with you, before you eat it yourself." Since that time, Lucile has lived her life, giving before taking.

Even as a youngster, Lucile excelled in all she did. Her dedication to teaching the catechism at St. Lucy's Church in Harlem, led to her promotion as supervisor of the Sunday school. It was also not unlike Lucile to become the top fundraiser in her parish Catholic charities drive during her first year of appointment. Another story is told of how Lucile became so involved in a Liberty bond drive during World War I, that she forgot to get home on time. Even though severely punished by her mother for arriving home at 11 p.m., Lucile did not excuse her absence, believing her patriotism should not have to be mentioned.

As a young adult, Lucile DeGeorge went on putting her fine organizational talents and personal drive to work for the community. She was the founder and executive director of the Ta Wa Si Childrens Benevolent Society which, for several decades through Lucile's personal efforts, has provided free summer camp vacations for many hundreds of needy children, besides giving them shoes, clothing, food, and very special treats through holiday baskets and parties.

Always in the service of her country and community as needed, Mrs. DeGeorge was executive board member of the Civil Defense Volunteer Organization's East Harlem Branch during World War II. Significantly, she was the vice chairman of the initial Minute Man Bond Drive for the East Harlem area, speaking on Radio Station WBNX for this cause, and organizing the largest parade in Manhattan, over 3,000 marchers, to launch the bond campaign.

Lucile DeGeorge, also one of the most distinguished leaders in Italian-American circles, has been awarded the Legion of Merit and the Star of Solidarity of the Republic of Italy by the Italian Government. Such formidable international acclaim was fitting tribute to her diligence for the advancement of Italian people through her inexhaustible contributions in education, government, and philanthropy. Lucile's international prominence was even more meaningful because its basis was in her sympathetic interest in humanity, and broad range of accomplishments, to which she devoted herself with realism and enthusiasm.

Nelson Rockefeller as Governnor of New York distinguished Lucile for further recognition by appointing her to the staff of the important New York State Commission for Human Rights.

In addition to the extensive list of significant posts Lucile DeGeorge has occupied, of which I will note some of the most special highlights, Lucile has received countless awards in tribute to her personal sacrifices and abilities to lead others. Among the most noteworthy was her presentation with the New York State Civil Service Employees Award by the New York State Employees Brotherhood Committee. Lucile was thereby saluted as the State career employee whose daily life exemplified the true spirit of, and sincere dedication to, the principles of brotherhood. She was also a recipient of the Brotherhood Award from the Queens Branch of the National Conference of Christians and Jews.

Moreover, Lucile DeGeorge was the founder and first president of AMITA, American-Italian Awards for Women of Achievement, the organization devoted to honoring American women of Italian extraction who have achieved unusual distinction in their respective fields of endeavor. She also founded the Montessori Lodge of the Order of the Sons of Italy in America, and the Association of Women Columbians, to give proper significance and recognition to the contributions of Italian-Americans to American society.

Lucile also set new heights in her own public service career. She was personally responsible for many contributions to the public welfare in a number of important civil and private organizational posts. Lucile DeGeorge served as appeals secretary of the Society for the Prevention of Cruelty to Children. She was the executive confidential secretary of the then Aldermanic Council at City Hall in New York, and secretary of the Borough of Manhattan, in which position she organized the initial boroughwide Committee for Local School Chairmen. On the Federal level, Lucile was the New York representative and executive secretary for the 18th Congressional District of New York.

Lucile DeGeorge has been warmly honored by youth organizations, professional women's groups, public officials, conferences, social and fraternal clubs. As highlights of the array of awards, Lucile has received the "Certificate of Appreciation" from the Department of the Army, presented by the Surgeon General at special ceremonies in Pershing Hall on Governors Island. She was selected as the Outstanding Citizen of Queens County, N.Y. to be given the "Citation of Honor" by the Queens Borough president. For her exceptional service to youth, Lucile has received the Boy Scouts of America plaque and the Girl Scout Community Award of the Girl Scout Council of Greater New York.

In addition to all that she has done for others, Lucile has always found time to be a good mother to her beautiful daughter, Peggy, and an inspiration to her grandchildren, Kathy and Steve.

There was a very deep love between my brother, Alfred, Peggy's husband, and Lucile, as great a love as a mother could have for her own son, and their relationship assumed mother-son dimensions, flourishing upon mutual understanding and respect. They contributed to each others qualities, allowing both to be more, and achieve even greater heights. Alfred passed away prematurely, and the tragedy of that loss, never really bearable, could only be made tolerable in light of Lucile and Peggy's tremendous faith, which shone through and was inspirational for all.

Mr. Speaker, the accolades and example of the tributes this wonderful woman has been accorded can go on in an almost endless fashion, because Lucile DeGeorge has given so much of herself to so many people for so long. We have been able to see what she has accomplished and examples of the personal qualities she has brought to her work for others. To the sentiments of all her friends and admirers, it is my pleasure to add our best wishes that she will continue, in good health, to lead her rich life full of goodness and thoughtfulness for others. I hope in her many years ahead, that all her dreams and wishes for others, for which she has fought so long and hard, will come true. May God bless and keep her, Peggy and family.●

MIDDLE EAST PEACE INITIATIVE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. RAHALL. Mr. Speaker, 1 year ago at this time the Israeli invasion of Lebanon was well underway. Much has been said in this Chamber about the excessive military incursion that followed throughout the summer of 1982. However, we must look back over the past year with regard to the progress being made toward a peaceful settlement of the conflict in the Middle East. The President's peace initiative of September 1 was rejected by Israel almost as quickly as the words were out of the President's mouth. After many months of discussions during which the President's plan was never,

nor to this day has it been, outright rejected, Jordan and the PLO have decided at this time not to enter into further talks. I call on all parties to follow the steps necessary for the implementation of the President's peace initiative. The people of Lebanon have suffered enough over the last 8 years.

With continued fighting in Lebanon fueled by outside forces, it is essential that this country and the countries involved take steps necessary for the removal of all foreign forces from Lebanon and a reestablishment of the territorial sovereignty of that country.●

BIPARTISAN CONSENSUS? A MIRAGE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. ALEXANDER. Mr. Speaker, the gentleman from Massachusetts (Mr. Studds) has written an op-ed piece which was published by the New York Times on Monday, June 13, 1983. Congressman Studds points out that Congress should face national issues squarely and not avoid such concerns of the American people as the crisis in Central America and the MX issue. Mr. Studds observes that this avoidance may be the result of the President's popularity and Mr. Reagan's effective conveyance to the American people of a nostalgic and simplistic view of the world.

Mr. Reagan strikes a responsible chord in all of us because most of us have held similar views—until the clearly contrasting blacks and whites of youth give way to the complex greys of adulthood.

These are good guys (us) and bad guys (them). These two sides fight over a kind-hearted damsel with a questionable past (El Salvador) and the winner must always be faster with a gun—or, as MX defenders would say "must possess a prompter hard-target kill capability," the writer stated.

I commend the article of the gentleman from Massachusetts to our colleagues.

[From the New York Times, June 13, 1983]

BIPARTISAN CONSENSUS? A MIRAGE

(By Gerry E. Studds)

WASHINGTON.—In recent weeks, several pundits, Congressmen and the President have hailed the birth of a bipartisan consensus on two of the most controversial foreign policy issues we face: Central America and arms control. In fact, there is no such consensus on either issue—and one can't help wondering, with some apprehension, why so many in Washington wish to pretend that there is.

True, there is some superficial evidence of consensus: The House Foreign Affairs Committee recently voted 36-1 to approve new conditions for United States military aid to El Salvador. Two weeks later, the Democratically controlled full House of Representatives voted to fund flight testing of the MX missile.

The Foreign Affairs Committee adopted a laboriously worded set of nonbinding conditions on United States arms aid to El Salvador, including a requirement for semiannual Presidential reports and procedures permitting periodic Congressional votes concerning the continuation of assistance in 1984. At the urging of Representative Stephen J. Solarz, the committee added a requirement that El Salvador consent to a dialogue, without preconditions, with the leftist opposition—a critically important provision but one, alas, that Congress may not be able to enforce.

The compromise plan prevented a bitter committee debate over El Salvador. Members hailed the "consensus," all but defied the term "bipartisanship" and moved on to less emotional issues.

Yet, rhetoric aside, the committee did not agree on a policy toward El Salvador. It agreed, instead, on a procedure for delaying a clear-cut decision on policy until at least April 1984, six months into the next fiscal year. Nowhere in the debate is there any genuine consensus about the definition of a true dialogue between the Salvadoran right and left, about the usefulness of United States military aid or about the need to put genuine pressure on El Salvador's murderous right wing. Despite the overwhelming vote in favor of outlining criteria to guide future votes on El Salvador, there is no real agreement on our policy toward that country.

As for the MX, the majority of Democrats hope to kill the missile before it kills us. But this has not stopped a group of "moderate" Democrats from joining Administration supporters in voting to fund the missile. Although they took only one-third of the other House Democrats with them, these "moderates" held the balance of power—and hosannas from the consensus chorus were heard once again.

But these Democrats had not argued that the MX was cost-effective, intelligently based or needed for our defense. They argued simply that it was needed to appease Mr. Reagan and to make him feel secure enough to consider serious arms control.

Once again, an apparent consensus emerged from conflicting views without resolving the conflicts between those views.

It is always nice to agree in politics. But there is a crucial difference between a consensus that sustains a sound policy and a consensus that blurs substantive issues, obscuring responsibility for a questionable policy.

A number of Congressional Democrats seem to feel that President Reagan's personal popularity makes it unwise or unsafe to oppose his policies directly. The President has effectively conveyed to the American people a nostalgic and simplistic view of the world. Mr. Reagan strikes a responsive chord in us all, because most of us have held similar views—until the clearly contrasting blacks and whites of youth gave way to the complex grays of adulthood. There are good guys (us) and bad guys (them). These two sides fight over a kindhearted damsel with a questionable past (El Salvador), and the winner must always be faster with a gun—or, as MX defenders would say, must possess a prompter hard-target kill capability.

In reality, of course, nothing is that simple, Barring further economic collapse, if the Democrats don't win on the issues of war and peace in 1984, they will not win at all. The polls indicate quite clearly that a majority of the American people oppose Administration policy in Central America and desire a far more vigorous effort to control the nuclear arms race. The personal popularity of the President does not extend to his policies. Democrats can only lose, therefore, by blurring the real distinctions between their principles and judgments and those of the President.

United States democracy stands to profit far more from a blunt, forthright debate between its two major political parties over the issues of Central America and arms control than it does from timid formulations of false consensus. Only through such debate will our thinking grow sharper in focus, and a more stable sense of policy and purpose emerge.●

IN DEFENSE OF THE HOUSE DEFENSE BUDGET

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BROWN of California. Mr. Speaker, there has been much debate about the President's proposed fiscal year 1984 budget for the Defense Department. The House and Senate have wrestled with this issue, and the debate has proceeded in the media as well, with citizens writing to take sides on this issue.

I have struggled with the issue of defense funding for nearly two decades, trying to find the funding level at which we can project the necessary defense of the liberty which we cherish without draining our domestic sector of the strength which it requries. I have sought to find a satisfactory balance and have supported approaches which seek that golden mean. And I have been roundly criticized at times for my efforts.

If I were assured that we have a consistent, rational defense policy, coordinated with a civilian foreign policy designed to establish lasting political and economic relationships, I would support that policy and the expenses required to achieve it. Unfortunately, I did not see this approach in the budget which was presented to us this year.

This lack of a consistent policy has caused me to question our defense budget in the past. It seems that every few years we shift our perspective on what the cornerstone of our defense system should be. In the past we have been told that conventional weaponry had been rendered obsolete by modern nuclear weapons. Then we were told that we needed advanced conventional weaponry with sophisticated computer guidance systems. Then we were told that no, in fact, our security depended upon a conventional Rapid Deployment Force, and that we had gone too far in our reliance upon sophisticated weapons.

Even when we discuss a single weapon system, such as the MX missile, we see the lack of a consistent policy. At first we needed the system to be land mobile because our existing silos were vulnerable. Then it was decided that the "dense pack" approach was the way to go. Now we are told that the best way to deploy this system is to put it in the silos which were previously so vulnerable. This vulnerability still exists, according to the Department of Defense which estimates that by 1989, the Soviet Union would be able to knock out 99 percent of these missiles. The public has every right to be skeptical about our policy on this system and to demand that Congress carefully examine the eventual deployment mode for MX.

Then we have the problem of escalating costs on our weapons systems after we commit ourselves to them. We have seen costs for new aircraft presented to Congress at $6 million per plane grow to $30 million per plane. The mission of these planes changes over time as they are adapted to cover new functions and the cost escalates.

We read stories about all-weather equipment which bogs in the mud or becomes disabled by sandstorms. We read about "smart" missiles too dumb to find their designated targets. We in Congress are asked to sanction these systems based upon flimsy performance specifications or idealized plans and then pay later to correct the flaws.

An excellent example of this is contained in the DOD budget for fiscal year 1984 in the request to begin purchases for an antisatellite system (ASAT). The request begins with a request of only $19 million in fiscal year 1984. However, the cost of the total system is expected to go as high as $10 billion. And this for an ASAT system that will be obsolete by the time that it is deployed. I strongly oppose this program, preferring to see an investment made in manned space missions which could perform both military and civilian missions.

But what are the costs of being drawn down these rosy paths of technology's promise? We neglect existing defense systems and mundane matters like procuring enough spare parts to keep existing planes flying and ships afloat. We are forced, as this year, to choose between some shiny hardware and adequate pay for the men and women whose job it is to keep our defenses strong. I am tired of being forced to make these choices which are the result of poor planning and the lack of consistency in our defense policy.

I am also painfully aware of some of the broader costs of unplanned shifts in budget priorities. We need to realize that we are, in these times of fiscal austerity, dealing with a limited amount of money. This means that each dollar that we allocate to defense comes at the expense of some other program.

This is most clearly shown in the research and development (R&D) efforts in Government. Our economy needs to develop new industries using advanced technology in order to maintain its leadership position. Federally supported R&D which has provided the base for many of our current industries, but in recent years this support has declined.

Now, at a time when expansion in civilian R&D is needed, military R&D is usurping valuable funds. Since 1981, military R&D has increased a staggering 80 percent and in the 1984 Reagan budget would have comprised 70 percent of the entire Federal R&D budget. Military R&D has little direct effect on developing new businesses and industries: It is geared toward performance specifications which are not cost effective in the civilian sector, much of it is kept in a classified state, and most of it is not coordinated with areas of civilian economic development. It is money stolen from our reindustrialization effort.

Some defense contractors are becoming concerned about being too dependent upon military funding sources. At the same time, some in the Pentagon are questioning the quality of the goods received under loosely developed weapons systems planning. I share this concern; it is the reason why I have supported efforts to readjust the Department of Defense budget.

In my support for reductions in the DOD fiscal year 1984 budget request, I am sending a message that we need a better plan. I am tired of seeing defense plans made and weapons systems proposed as the last chance of preventing our downfall, and then having those plans change or those systems prove inadequate. I am tired of a defense policy made with little recognition of the gains that can be accomplished with a consistent foreign policy.

We owe it to ourselves to make the best uses of our limited resources.●

GPO WAGES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LEWIS of California. Mr. Speaker, for over a decade the issue of excessive wages for certain GPO employees has been discussed but not addressed by Congress. GAO has just finished its third comprehensive study in 7 years detailing that many employees at Congress' Government Printing Office receive, on average, 42 percent more in wages than other Federal workers in similar occupations. This is a shocking problem in our own backyard. If Congress fails to rectify these gross inequities and overpayments to its employees, the American public will lose faith in our ability to fairly and economically govern.

Today I am introducing legislation which equitably addresses these problems, as outlined in the June 3, 1983, GAO report on GPO wages. This report revealed the following astounding facts:

GPO craft and industrial employees were paid $3,222 to $17,879 more per year than general schedule or Federal wage system employees in similar occupations. This means that GPO craft and industrial employees earn an average of 42 percent more than other Federal workers.

GPO craft employees also receive between $0.36 and $5.14 per hour more than private sector employees doing the same work. This translates into approximately a 32 percent premium over the private sector in the Washington, D.C., area.

Over the last 10 years, GPO wage increases for these workers have greatly exceeded wage increases granted other Federal workers.

Many different unrelated jobs, requiring different training and skill levels, are all paid at the same rate, completely disregarding the standard practice in the Federal Government.

The main provisions of my bill will:

One. Apply the Federal wage grades and pay rates (printing and lithographic wage scales) to all the newly hired GPO craft and industrial employees.

Two. "Grandfather" the previously negotiated Kiess Act pay levels for all GPO employees paid under that system, while classifying or grading those workers under the general schedule or Federal wage systems; and

Three. Provide the "grandfathered" workers with pay raises which they would receive if they were paid under the general schedule or general wage systems.

Four. Apply the general schedule classification and pay systems to all present and future white-collar GPO employees.

This legislation is designed to bring GPO's classification and pay practices for both white collar and blue collar workers into conformity with the systems used by the rest of the Federal Government. Currently the workers in GPO field printing plants are paid under the Federal wage system whereas the workers at the Washington, D.C., plants bargain collectively for their wages in accordance with 44 United States Code section 305. This practice is irrational, inequitable, and has been the source of numerous legal challenges.

Three major class action lawsuits have been leveled against the GPO in the last decade, and the agency has settled or lost them all. These suits were based upon the use of inconsistent classification and pay systems and the perpetuation of the journeyman craft status. The Government has lost over $13 million in these suits already, and the costs continue to escalate. The only way to solve the agencywide problems highlighted by the lawsuits is to implement a rational, equitable, and objective classification and wage system for the agency. This legislation will be a major step toward such a system and will not impact adversely on workers currently employed at the Government Printing Office.

The original cosponsors of this bill are:

LIST OF COSPONSORS

Trent Lott
Sonny Montgomery
Bob Michel
Charles Stenholm
Bill Frenzel
Duncan Hunter
Barbara Vucanovich
Mickey Edwards
Phil Gramm
Bob Stump
Bill Emerson
Denny Smith
Judd Gregg
James Broyhill
Larry Craig
Phil Crane
Dan Daniel
Lynn Martin
Bill Chappell
Tom Loeffler
Sam Hall
Bob Livingston
Virginia Smith
Tom Kindness
Dan Crane
John Myers
Tom Hartnett
Harold Rogers
Bill McCollum
William Thomas
Newt Gingrich
Jack Hightower
Gerald Solomon
John Breaux
Carroll Campbell
Tim Valentine
John Hiler
George Wortley
Gene Chappie
Arlan Stangeland
John Porter
John Erlenborn
Jim Courter
Hank Brown

I am including, for the record, a summary of the General Accounting Office report on the U.S. Government Printing Office's pay and classification system and a copy of the bill.

COMPARISON OF THE U.S. GOVERNMENT PRINTING OFFICE'S PAY AND CLASSIFICATION SYSTEM TO OTHER FEDERAL AND PRIVATE SECTOR SYSTEMS—GENERAL ACCOUNTING OFFICE REPORT B-211140, JUNE 3, 1983

SUMMARY

At the request of six Members of Congress, the General Accounting Office (GAO) performed a comprehensive evaluation of the pay practices and classification systems of the U.S. Government Printing Office (GPO) and compared them with the pay and classification systems used by other Federal agencies and private sector printing businesses in the Washington, D.C. area. This included a job-by-job comparison of the actual duties and responsibilities of employees working at the GPO and at these other Federal and private printing facilities. Based upon this extensive review, the GAO concluded:

During 1982, GPO craft and industrial workers were paid an average of 42 percent more (ranging from $3,222—18 percent—to $17,879—143 percent—and averaging $8,410) than other Federal employees in similar occupations who were paid under the General Schedule or Prevailing Rate (FWS) pay and classification systems.

GPO craft and industrial workers were paid $.36 to $5.14 more per hour (an approximate average of 31 percent) than were private sector employees doing similar work in the Washington, D.C. area.

For calendar years 1973 through 1982, GPO pay increases ranged from 112 to 131 percent while FWS employees received only 93 to 120 percent increases, and General Schedule employees received only a 75 percent wage increase for that period.

GPO employees are paid a night shift differential of 15 percent for the second and third shifts, while FWS employees receive only a 7.5-percent differential on the second shift and 10 percent on the third. Private sector printing establishments in the Washington, D.C. area pay, on the average, 5 percent for the second shift and 10 percent for the third.

When GPO employees work on holidays, they are paid 2½ times their basic hourly rate, but GS and FWS employees are paid double time.

GPO's long-standing practices of paying the same wage rates to employees performing different levels of work does not follow the generally accepted Federal pay principle of maintaining pay distinctions in keeping with work and performance distinctions.

GPO's primary benefits, such as retirement, health, and life insurance, are the same as those granted other Federal workers, and studies indicate that they are comparable to such benefits in the private sector.

The GAO recommended that a joint labor-management task force study the possible alternative pay systems for GPO:

Modify GPO's collective bargaining process to require that negotiated wage rates be determined on the basis of private sector prevailing wage surveys; or

Place GPO under appropriate Federal pay systems such as the FWS and the General Schedule, with most GPO collective bargaining employees coming under the FWS.

The GPO is a legislative branch agency which has served the printing needs of the Federal Government since 1860. In addition to its central office, located on the corner of North Capitol and H Streets in Washington, D.C., GPO operates five regional printing plants, the Departmental Service Office, 13 regional printing procurement offices, and 27 bookstores. GPO's central office prints and distributes the Congressional Record and the Federal Register, as well as Congressional bills, resolutions, hearings, reports, committee prints, and miscellaneous agency work. In fiscal year 1982, GPO contracted out to the private sector 71 percent of the GOP's work.

GPO employs about 5,900 workers in Washington, D.C., and 450 employees in the regional facilities, with an annual payroll of about $163 million. In the central office, approximately 3,400 employees collectively bargain for wages; while GPO's other 2,500 employees are paid under GPO's equivalent of the General Schedule system. The 450 regional employees are either General Grade (Schedule) or FWS. Since the early 1970's, changes in technology including shifts from hot metal to electronic photocomposition and from letterpress to offset printing, have altered the jobs performed by journeymen craftsmen and required major retraining efforts.

The GAO conducted its field study from January to March 1983 and performed its work "in accordance with generally accepted Government auditing standards". The GAO made onsite visits to GPO's central office, the Departmental Service office, and GPO regional printing and procurement offices in Chicago, Denver, New York, and San Francisco. GAO auditors selected, from lists of names provided by both labor and management, employees in 21 jobs in nine occupational categories, "to determine their duties and responsibilities and to observe the work they perform." The auditors also visited the Pentagon Division of the Defense Printing Service, the Department of Commerce's Office of Publications and National Oceanographic and Atmospheric Administration, the Office of the Federal Register, the National Labor Relations Board, the Defense Mapping Agency's Hydrographic and Topographic Center, the U.S. Geological Survey, and the Bureau of Engraving and Printing. At these facilities, GAO obtained position descriptions and actually observed the employees at work. With the assistance of a classification expert from the Office of Personnel Management, the duties of the workers in all of these facilities were correlated with the occupational categories used under the GPO, FWS, and General Schedule systems. The private sector comparisons were performed based upon visits to three private printing plants and analysis of the Washington, D.C., FWS printing and lithographic wage survey results.

The Federal Government utilizes three basic pay setting mechanisms: the General Schedule, Federal Wage System, and collective bargaining for wages. The General Schedule applies primarily to the Government's white collar work force (1.4 million) and it allows the President to adjust salaries annually on the basis of a national survey conducted by the Bureau of Labor Statistics which compares Federal salaries with those paid in the private sector for similar work. The President sends his recommendation to Congress for approval, and for 6 of the last 8 years the GS raises have been smaller than called for by the comparability process. The Federal Wage system covers the Government's blue-collar workers (445,000) and provides for the setting and adjusting of pay rates in accordance with local prevailing rates in 135 localities. The FWS also has 13 special printing and lithographic wage areas for which pay rates in excess of the normal maximum FWS rates are paid. It is to these higher pay rates, covering approximately 2,200 non-GPO Federal printing and lithographic employees in Washington, D.C., that GAO compared GPO wage rates. For the last 5 years, Congress has restricted FWS pay increases to the same percentage increase granted General Schedule employees. The Government bargains collectively for wages with approximately 643,000 employees, with almost 98 percent of that total employed by the Postal Service or the Tennessee Valley Authority. Generally, statutes require that these agencies which bargain for wages set wage rates which are comparable with the private sector, and thus the only real bargaining occurs over how wage surveys are to be conducted, and not the resultant wage rates themselves.

At the GPO, wages are set in accordance with the Kiess Act of 1924, which requires the Public Printer to hold wage conferences with committees selected by trades having more than 10 employees. If an agreement is reached, the Joint Committee on Printing of the U.S. Congress must approve the agreement. If no mutually satisfactory wage level is agreed to by the Public Printer and the crafts, the Joint Committee is empowered to set the wage rates. For many years,

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there was no systematic procedure for determining wage rates since the only standard articulated by the Kiess Act was that they be "in the interest of the Government and just to the persons employed." In 1940, a formula was agreed upon which included a 24-city survey, but this approach was subsequently abandoned because labor and management could not agree on a proper survey scope and methodology. In 1982, the Public Printer proposed a substantial pay increase. The Joint Committee, because the parties could not agree and based upon certain recommendations by a Fact Finder, established a 3-year wage adjustment providing for essentially a 5-percent wage increase the first year and cost-of-living increase capped at 5 percent for the next 2 years.

After providing this background information on GPO and Federal pay systems, the GAO then analyzed in detail the actual duties performed by GPO employees. GAO's auditors reviewed 21 jobs in 9 occupational categories, including photocomposition keyboard operator and related employees (i.e., text editors and proofreaders), bookbinders, offset pressmen, offset strippers, and non-printing craft employees (i.e., carpenters, electricians, machinists, truck drivers). These duties were then compared with the actual duties performed by employees at the other seven Federal agenices which GAO reviewed (Defense Mapping, NOAA, Office of the Federal Register, etc.). The GAO concluded that "work performed by . . . printing and lithographic employees [at these Federal agencies] is generally comparable to work performed by GPO employees in similar positions." In fact, certain of these Federal agencies perform work which the GAO found to be "more demanding, critical, and precise than the printing work generally performed by GPO." In addition, all of GPO's field printing plants were found to have certain jobs which were comparable to those performed in GPO's central office, although the field employees are paid under the General Schedule or FWS pay systems.

With this detailed and exhaustive information as a foundation, GAO issued its conclusions detailed at the beginning of this Summary. The primary findings of GAO were:

"GPO employees who collectively bargain for wages at the Washington central office are paid more than their Federal and private sector counterparts. Also, over the last 10 years, GPO's central office printing craft, maintenance craft, and printing plant workers have received cumulative percentage pay increases substantially larger than those granted General Schedule counterparts and somewhat larger than those granted FWS counterparts doing similar work. In addition, GPO's premium pay for shift differentials and holiday work is higher than that paid to other Federal and private sector employees. Furthermore, GPO's primary fringe benefits are the same as those granted most other Federal employees and are comparable to those typically available in the private sector."

After comparing the wages paid workers at GPO and other Federal Printing facilities, GAO found that:

GPO compositors receive 58 percent more than their counterparts in other Federal agencies.

GPO offset strippers and platemakers received 52 percent more.

GPO maintenance craft workers received 46 percent more.

GPO bindery equipment operators received 43 percent more.

GPO printing plant workers received 29 percent more.

GPO pressmen received 21 percent more.

The Public Printer, GPO's unions, and the Joint Committee on Printing all were given the opportunity to comment upon a draft of the GAO report and their comments and GAO's responses concluded the report. The Public Printer suggested that analysis of fringe benefits be included in the report to provide information regarding the claim by GPO's unions at the fact finding hearing that public sector benefits were inferior to private sector benefit packages. The GAO found that benefit packages were comparable. The Public Printer also stated that the first alternative recommendation of the GAO—an independent GPO private sector wage survey—was unworkable based upon past failures to agree on such surveys by GPO management and labor.

GPO's unions' main concern was that the GAO did not include in its report an analysis of the 1982 Fact Finder's conclusions regarding the nature of the work performed at GPO. The GAO responded that it did not address that report because it was not relevant to the specific job-by-job comparison of duties undertaken by GAO pursuant to a Congressional request. Further, the unions maintained that because the GPO's 40 hour workweek was 1.5 hours longer than the private sector workweek in Washington, D.C., that this should be factored into the wage comparisons. The GAO could find no evidence, however, that private sector employees regularly worked beyond their 38.5 hour workweek and thus the difference in the length of the workweek was accurately factored into the hourly rates used for comparison. The GAO also acknowleged that the concept of comparability had not always been fulfilled in the FWS and General Schedule systems because of the "pay caps" imposed by the President or Congress. Lastly, GAO rejected the unions' claim that the adoption of the FWS pay scales by GPO would make GPO workers less productive.

The Chairman of the JCP founded his comments upon the Fact Finder's report as well. The Chairman cited the Fact Finder's contention that it was important to consider that the GPO is much larger than any other Federal Printing facility when analyzing GPO wage levels. The GAO auditors, however, found size of the total facility to be irrelevant when examining, as it had done, the knowledge, skills, and abilities needed to operate a single press or other piece of machinery. In addition, GAO noted that although some other facilities had fewer varieties of presses than GPO, many of the press operators in federal agencies had to do more difficult five color work, as opposed to the easier single-color work performed at GPO. Certain other factors considered by the Fact Finder, such as production requirements, hiring standards, and job pressures were found by GAO to be difficult to quantify and compare. Many of these factors, however, were found to be roughly equivalent, if not more demanding, in certain of the other federal printing plants surveyed.

H.R. 3302

A bill to provide for administration of pay of new Government Printing Office employees under the prevailing rate system and the General Schedule, while protecting the pay of present Government Printing Office employees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Government Printing Office Pay Reform Act of 1983".

SEC. 2. Section 305(a) of Title 44, United States Code, is amended to read as follows:

"(a) The Public Printer may employ such persons as are necessary for the work of the Government Printing Office. He may not employ more persons than the necessities of the public work require."

SEC. 3. (a) Section 5102(c) of Title 5, United States Code, is amended by striking out paragraph (9).

(b) Section 5342(a)(1) of such title is amended by inserting after "Executive agency" the following: "and the Government Printing Office".

(c) Section 5349 of such title is amended—

(1) in the first sentence of subsection (a), by striking out "the Government Printing Office,"; and

(2) in subsection (b), by striking out ", section 305 of Title 44,"

SEC. 4. (a) Any employee of the Government Printing Office who, upon enactment of this Act, holds a position the rate of basic pay for which—

(1) immediately before such enactment, is a rate determined by conference or appeal under section 305(a) of Title 44, United States Code; and

(2) upon such enactment, is reduced because of any amendment made by this Act;

shall continue to receive basic pay at the rate in effect immediately before such enactment, plus any increase payable for the position under the prevailing rate system or the General Schedule.

(b) Subsection (a) shall not apply to any employee who—

(1) has a break in service of one workday or more;

(2) is demoted for disciplinary reasons or at the employee's request; or

(3) upon or after the enactment of this Act, is placed in a position the rate of basic pay for which—

(A) is equal to, or higher than, the rate otherwise applicable under subsection (a); or

(B) immediately before such enactment, is a rate not determined by conference or appeal under section 305(a) of Title 44, United States Code.

SECTION-BY-SECTION ANALYSIS

Section 1.—Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Government Printing Office Pay Reform Act of 1983".

Analysis.—This Act is entitled the "Government Printing Office Pay Reform Act of 1983". It is the first substantive wage legislation altering the manner in which wages are established at the GPO since the Kiess Act of 1924. This Act is truly "reform" legislation in that it will promote the principles of equal pay and government economy, while reforming the bizarre wage-fixing systems now employed at the GPO.

Section 2.—Section 305(a) of Title 44, United States Code, is amended to read as follows:

"(a) The Public Printer may employ such persons as are necessary for the work of the Government Printing Office. He may not employ more persons than the necessities of the public work require."

Analysis.—This section will replace the existing section 305(a) of Title 44, which now provides for the setting of rates of wages for GPO's craft and industrial workers by means of conferences between the Public

Printer and representatives of groups of at least ten of those GPO workers. If the parties agree to a rate of wage, the Joint Committee on Printing reviews the agreement; whereas, if the parties cannot agree, the Joint Committee on Printing sets the wage rates. The rates of wages so adjusted cannot be changed more than once a year. The existing section 305 also provides the Public Printer with the authority to employ certain classes of workers and others necessary for the work of the GPO, and prohibits him from employing more than the necessities of the public work require.

The proposed section 305(a) retains the broad employment authority of the Public Printer while excluding specific references to "Journeymen" and "laborers" because the Public Printer's authority to employ those types of workers is implicit within his broader employment authority. The reference to "apprentices" is deleted because the GPO no longer employs apprentices. The entire wage negotiation and appeal procedure employed to fix the wage rates of GPO's craft and industrial workers is repealed, since that system is made obsolete and superseded by the wage fixing provisions of this proposed legislation. The prohibition against employing more persons than necessary remains intact.

Section 3(a).—Section 5102(c) of Title 5, United States Code, is amended by striking out paragraph (9).

Analysis.—This proposed section formally mandates that GPO's General Grade (white collar and clerical) workforce become subject to the General Schedule (GS) classification and pay system which now applies to most federal workers in the executive branch. Since the GPO has already administratively adopted the GS classification and pay system for all of its General Grade (GG) workforce, this proposed section merely statutorily requires that the existing system be maintained, and that, if any discrepancies exist between GPO's GG system and the GS system, those discrepancies must be abolished. This section is necessary to removal all wage-setting discretion, to clarify the status of GPO's GG employees, and to harmonize the mandatory nature of all of GPO's wage setting systems.

Section 3(b).—Section 5342(a)(1) of such title is amended by inserting after "Executive agency" the following: "and the Government Printing Office".

Analysis.—This proposed section serves to bring the GPO within the Federal Wage (prevailing rate) System for the purpose of grading and pay GPO's newly hired craft and industrial workers. Workers in positions previously covered by the Kiess Act will be graded under the Federal Wage System although their wages will be "grandfathered."

The Federal Wage System (FWS) is based upon area-wide surveys of private sector wages for certain jobs, and the fixing of government wages on an annual basis at the same levels. This basic system now covers almost 500,000 Federal craft and industrial workers doing jobs similar to those done at the GPO. A special Printing and Lithographic Wage Scale has been developed for ten geographic areas to take into account the unique requirements of the printing industry. The Office of Personnel Management sets the policies for the Federal Wage System, and a single federal agency is designated to conduct the wage surveys for all Federal Wage employees within its geographic wage area. Federal employee unions have the opportunity to take part in the wage surveys conducted by lead agencies.

The application of this system to the GPO will immediatley remove the Public Printer, the JCP, and GPO's unions from direct involvement in setting of wages for all craft and industrial workers at the GPO. The existing negotiated wage system, which has led to GPO craft and industrial workers receiving on a mean average 42 percent more than their Federal counterparts, will be replaced by the FWS subject to the "grandfather" provisions of this legislation.

Section 3(c).—Section 5349 of such title is amended—

(1) in the first sentence of subsection (a), by striking out "the Government Printing Office,"; and

(2) in subsection (b), by striking out", section 305 of Title 44,".

Analysis.—This is a technical amendment which precludes the application to the GPO of 5 U.S.C. §§ 5349 (a) and (b), which provide for discretionary application of the Federal Wage System to an agency. Section 3(b) of this proposed legislation provides for mandatory application of that system to the GPO.

Section 4.—(a) Any employee of the Government Printing Office who, upon enactment of this Act, holds a position the rate of basic pay for which—

(1) Immediately before such enactment, is a rate determined by conference or appeal under section 305(a) of Title 44, United States Codes; and

(2) Upon such enactment, is reduced because of any amendment made by this Act; shall continue to receive basic pay at the rate in effect immediately before such enactment, plus any increase payable for the position under the prevailing rate system or the General Schedule.

(b) Subsection (a) shall not apply to any employee who—

(1) has a break in service of one workday or more;

(2) is demoted for disciplinary reasons or at the employee's request; or

(3) upon or after the enactment of this Act, is placed in a position the rate of basic pay for which—

(A) is equal to, or higher than, the rate otherwise applicable under subsection (a); or

(B) immediately before such enactment, is a rate not determined by conference or appeal under section 305(a) of Title 44, United States Code.

Analysis.—This "Grandfather" provision allows all present GPO craft and industrial employees to retain their last negotiated wage rate, despite the application of General Schedule classification or Federal Wage grades to their positions. These "grandfathered" employees are also able to receive any increase in wages which they would receive if they were under the General Schedule or Federal Wage Systems. Because of this "grandfather" provision, no present employee of the GPO will lose one dollar of his or her presently negotiated wages.

The wage protection provisions of this subsection, however, will be lost by an employee who has a break in service (i.e. leaves the agency and later wants to return); who is demoted for disciplinary reasons; or who is promoted or transferred to an equal or better position, or a position not previously covered by the Kiess Act. These requirements are consistent with wage retention provisions presently applicable to the rest of the Government.●

HOUSE OF REPRESENTATIVES—*Wednesday, June 15, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
June 13, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, June 15, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for all people who labor for the good, who stand for the right, and who, in good times and bad, keep faith with the covenant You have given. We pray, O gracious God, that Your spirit will encourage men and women to be faithful in their convictions. With the pressures and turmoil of daily life, enable us all to pursue truth and righteousness and do all good deeds of service and love to those about us. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PARRIS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PARRIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 367, nays 25, answered "present" 5, not voting 35, as follows:

[Roll No. 191]

YEAS—367

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Badham
Barnard
Barnes
Bartlett
Bateman
Bedell
Beilenson
Bennett
Bereuter
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (TX)
Collins
Conable
Conte
Cooper
Corcoran
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Donnelly
Dowdy
Downey
Dreier
Duncan
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Ford (TN)
Fowler
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McKernan
McNulty
Mica
Michel
Miller (CA)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
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Nichols
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Nowak
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Ritter
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—25

Breaux
Coleman (MO)
Coughlin
Dickinson
Dorgan
Durbin
Emerson
Evans (IA)
Fields
Forsythe
Gejdenson
Goodling
Harkin
Hawkins
Luken
Miller (OH)
Mitchell
Roberts
Roemer
Sabo
Schroeder
Shelby
Solomon
Walker
Young (AK)

ANSWERED "PRESENT"—5

AuCoin
Jacobs
Oberstar
Ottinger
St Germain

NOT VOTING—35

Alexander
Bates
Berman
Bethune
Chappell
Clay
Conyers
Crockett
D'Amours
Dingell
Dixon
Foley
Ford (MI)
Frank
Garcia
Heftel
Kennelly
Kolter
Long (MD)
Martinez
McDade
McHugh
McKinney
Mikulski
Moody
O'Brien
Pritchard
Rahall
Rinaldo
Rodino
Smith (NJ)
Swift
Thomas (CA)
Williams (MT)
Yates

□ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

ELECTION OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

Mr. ROSTENKOWSKI. Mr. Speaker, I offer a privileged resolution (H. Res. 232) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 232

Resolved, That the Honorable Jim Wright, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of the Honorable Jim Wright as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

The SPEAKER pro tempore. The Chair will ask the Dean of the House, the distinguished gentleman from Mississippi (Mr. WHITTEN) to administer the oath of office.

Mr. WRIGHT assumed the chair and took the oath of office administered to him by the gentleman from Mississippi (Mr. WHITTEN).

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 10 a.m. on Wednesday, June 15, 1983, for the purpose of hearing testimony on H.R. 2883—a bill to admit certain passenger vessels to the coastwise trade—Cunard Princess and Cunard Countess.

The ranking minority member of the committee, the gentleman from New Jersey (Mr. FORSYTHE), and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. SNYDER), have been apprised of the hearing date and time and are in accord with this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THATCHER VICTORY PRESENTS OPPORTUNITY FOR PEACE INITIATIVE FOR ULSTER

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, Prime Minister Margaret Thatcher's resounding electoral triumph last week gives her the largest working majority of any British leader since 1945. It was unfortunate that Northern Ireland was barely raised as an issue in the campaign. However it would be a tragedy were Mrs. Thatcher to interpret her victory as a referendum of support for present British policy in Ulster.

Eleven years ago, former President Nixon immediately after receiving a decisive electoral mandate from the American people embarked on a dramatic foreign policy initiative with the People's Republic of China. It was the right time in history. So too should Mrs. Thatcher embark on a dramatic new peace initiative for Northern Ireland. It is also the right time in history.

The plan should include but not necessarily be limited to:

A declaration of intent by the British to begin a phased and orderly withdrawal from Northern Ireland.

A new commitment to the economic rebuilding of Northern Ireland including an end to all forms of economic discrimination.

A free and open dialog with all parties to the conflict aimed at developing a consensus political solution.

As chairman of the bipartisan Ad Hoc Congressional Committee for Irish Affairs I restate my contention that peace can and never will come to Ireland until all forms of violence—civilian and official are ended. The goal of peace, justice, human rights, and unity for Ireland should be at the top of the agenda for the Thatcher government.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on Wednesday, June 15, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of the subcommittee meeting is to hold a hearing on H.R. 2327, the Regulatory Reform Act of 1983.

The minority has been consulted, and it has no objection to the request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUCCESS OF CHAPTER 1 PROGRAM

(Mr. PERKINS asked and was given permission to address the House for 1 minute.)

Mr. PERKINS. Mr. Speaker, recently the President has been making claims that the quality of education began to deteriorate when the Federal Government became involved.

This has certainly not been the case with the chapter 1 program for educating disadvantaged children—or for Federal aid in general.

Chapter 1, formerly called title I, supports special educational services to low-achieving students in poor areas, and according to all recent evaluations, the program is working.

For example, the national assessment of educational progress' latest assessment of reading shows achievement scores increasing at a greater than average rate for the types of students helped by chapter 1. Between 1971 and 1980, low-achieving 9-year olds' reading scores increased by 8.8 percent. Among this same age group, black students' scores went up by 9.9 percent, disadvantaged urban students by 5.2 percent, all students in title I schools by 4.2 percent, while the average 9-year old's score increased by 3.9 percent.

Secretary of Education Terrell Bell has remarked on many occasions how successful chapter 1 is. In March 1982, before the Appropriations Committee, the Secretary said of chapter 1:

> That is a very successful federally-funded program. The evaluation data just persuade you of that.

I think the President ought to listen more to his own Cabinet Member before he makes statements about the impact of Federal programs.

□ 1030

THE PRESIDENT'S REPORT CARD

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, it is appropriate that President Reagan's new-found interest in education comes at the end of the school term. Let us look at his report card.

To begin with, mark the President tardy—for being so late in understanding the importance of public education.

Give the President an A-plus in gymnastics—for his perfect flip-flop on education issues. The President, who now says he supports education, last year proposed abolition of the Department of Education, cuts in student loans, and cuts in vocational education.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The President must do more homework in history. Although he claims Federal education programs have failed, the opposite is true. Reading achievement for students in the title I program is up 8.8 percent for 8-year-olds and up 5.2 percent for urban youth. These programs have worked; the President just does not know his history.

On the whole, the President's education report card is not good. In fact, although he wants to stay the course, it is apparent that he will fail the course. Rather than graduating to another term in November 1984, I predict that the President will flunk out.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2250

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A MILITARY TRAINING CAMP IN HONDURAS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, setting up a military training camp in Honduras for Salvadorans makes a lot of sense.

Military training in El Salvador is interrupted and harassed by the guerrillas. Honduras will be safer.

If we learned one thing in Vietnam it is that when fighting guerrilla or jungle warfare, you have to fight the way the enemy fights if you expect to win.

The training that will be given the Salvadorans by the Green Beret, will be small mission-type training.

In my opinion, El Salvador is worth saving, but the military generals cannot fight a 9-to-5 war and the country's leaders are going to have to make many sacrifices to obtain freedom for their people.

The South Vietnamese became too dependent on the United States and when we stopped our support they could not adjust.

We can help this Central American country, but the main responsibility is up to the leaders and people of El Salvador.

IF WE WANT EXCELLENCE IN EDUCATION, WE MUST PAY FOR IT

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, yesterday, the President told us that if we want excellence in education, we must be ready to reward it. Of course, that is true. But it is also true that if we want excellence in education, we are going to have to be willing to pay for it.

So we do not abolish the Department of Education as this President has many times suggested.

We do not decrease Federal aid for vocational and adult education as this President's budget proposes.

We do not reduce the student loan program by three-quarters of a million students as this President's policies have already done.

The fact is that the education of our children has one thing in common with the MX missile: it costs money. But, it is an investment in hope, not fear; in the future not doomsday. Let us get on with it.

MILITARY REORGANIZATION IN THE PENTAGON

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, yesterday the Subcommittee on Investigations of the Armed Services Committee held a hearing involving the issue of the revision of the military organization in the Pentagon. As many Members know, I have introduced a bill, H.R. 2560, the Military Reorganization Act of 1983. What it does is it revises the top military staff, among other things abolishing the Joint Chiefs of Staff, establishing a Chief of Staff, and it is designed to save money and make the procurement and the operation of the military and the Pentagon more cost efficient. Actually, it is designed to save money.

Secretary McNamara testified recently that this proposal would save approximately 5 percent of the military budget.

The chairman of the committee, the gentleman from Alabama (Mr. Nichols), is to be commended for tackling this difficult problem.

Yesterday the hearing was held. The Joint Chiefs of Staff testified, and I submit that they helped me make my case for a better organization within the military.

UNNECESSARY SPENDING ON B-1 BOMBER IS A STEP BACKWARD

(Mr. ANDREWS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Texas. Mr. Speaker, I rise today in opposition to funding for the B-1 bomber.

Our debate on the B-1 is not only a matter of national defense but also one of economics. In these times of record deficits, efforts to strengthen our country's defense must rest on the sound foundation of a strong economy. Further appropriations for the B-1 bomber will endanger the commitment of many in Congress to significantly reduce the deficit.

The cost of the B-1 bomber has escalated astronomically. In 1981, a Pentagon study estimated the final cost of 100 B-1's to be $20.53 billion. Recently, the Project for Military Procurement estimated the B-1 to cost nearly twice that. The first 52 alone will cost approximately $19.7 billion. That is too much to pay for an interim weapons system which has yet to be tested in its final configuration. Tremendous sums have already been spent to refit and modernize our B-52's. These improvements in the B-52, combined with our fleet of F-111 bombers, create a bomber force capable of carrying us through the early 1990's. At that point, the Stealth bomber will replace our present bomber force. Let us move forward with this new Stealth technology. Additional appropriations for high-priced interim weapons are impractical.

We must establish our priorities and adhere to them. If our future defense lies in the Stealth weapons system, let us make further strides to reach this goal. Unnecessary spending on the B-1 bomber is a step backward.

A PILGRIMAGE OF HOPE FOR POPE PAUL II

(Mr. HERTEL of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL of Michigan. Mr. Speaker, today marks the anniversary of the signing of the Magna Carta in England in the year 1215. That event marked the first major step in the recognition of human rights versus total dictatorship. That quest has lasted more than 700 years for civilization.

Today, in another historic journey, Pope Paul II will be making his second visit to his homeland of Poland. Much has changed since his last visit. As Pope John Paul embarks on his pilgrimage of hope, he carries with him the tradition of generations of mankind struggling for dignity and for freedom.

We commend his heroic efforts to renew the faith and spirit of his oppressed countrymen and to keep the ideals of freedom alive. We wish the Pope well in his quest for freedom and in his efforts to better the lives of the people of this entire planet.

STOP PRODUCTION OF NERVE GAS WEAPONS

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, soon this House will begin the debate on the Armed Services bill and an amendment which will be offered by myself and the gentleman from Wisconsin (Mr. Zablocki) concerning the question of whether this country should commence the production of a new age of chemical weapons, known as the binary nerve gas weapon.

In spite of the fact that there is more evidence this year that this House was right when it voted overwhelmingly to stop the production of these weapons last year, the Department of Defense is pushing to commence production of the nerve gas weapons. They are pushing and they are telling Members that it is essential that we begin, because we do not have the artillery shells and they are telling Members that the Big Eye bomb is working.

Mr. Speaker, I say first of all, the artillery shells that we have are adequate. They are efficient and we have a sufficient quantity of those shells.

Second, the Big Eye bomb is not working. The Big Eye bomb is blowing up on us, not them.

Members cannot intelligently resolve this important issue based on the kinds of information that could be discussed in public. Therefore, at the appropriate time today or tomorrow, whenever this issue is before the House, I will move the House, pursuant to rule XXIX, to go into secret session, at which time I intend to bring out the kind of factual information which Members must have in order to make an intelligent judgment toward the resolution of this issue.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 368

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that my name be deleted as a cosponsor of the bill, H.R. 368.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REWARDING EXCELLENCE IN EDUCATION: THE AMERICAN WAY

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, I have watched with interest this past week as my colleagues on the other side of the aisle have attempted to engage the Congress in yet another exercise in futility. They want to throw more money at the problems in our education system and institute more Federal controls as a means of dealing with America's present educational predicament.

In doing so, Mr. Speaker, they ignore the fact that as Federal funding has increased over the past 15 years, academic performance has declined. They also seem to forget that the decline in basic standards in public education has occurred despite the massive expansion of the Federal role over the past 10 years in education.

Mr. Speaker, for the last several years, President Reagan has been trying to get the Federal Government to recognize its abysmal track record in education and withdraw from policymaking and from regulating our school districts. Education decisions should be made by State and local governments, parents, and students. President Reagan's education program aims to return those decisions back to local control.

Perhaps the most important component of the President's education program is his initiative to reward teacher performance. Because too many teacher organizations have failed to subject their membership to standards of accountability, there are virtually no rewards for the outstanding teacher whose contribution is toward the best interests of education.

Speaking in support of his teacher performance proposal yesterday, President Reagan said that "if we want to achieve excellence in education, why not reward it? That's the American way."

President Reagan correctly wants the Federal Government to focus its limited resources on defining and encouraging excellence, making available the most up-to-date and well-proven methods of its attainment and rewarding people and programs that exemplify excellence in education. That, Mr. Speaker, certainly is the American way.

QUALITY EDUCATION

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, some people today want to debate the Federal role in education. If they think this is the debate, they are mistaken. The debate today is over quality education, and the National Commission on Excellence report clearly places the problem at all levels of the educational system and says the solution must come from within the entire system, with a heavy emphasis on State and local levels.

Why must we restrict the debate to the Federal level when the Commission calls for national leadership in carrying out reforms at the State and local level? No one level of government can accomplish these reforms, certainly not the Federal Government.

Joseph Califano fought the battle about the appropriate Federal role in education during the last administration. This is what he has to say:

> The vast bulk of the money the Federal government provides to education should go with as few strings as possible, providing maximum freedom to state and local school systems.[1]

The issue today is how to bring about reforms at the State and local level, not to just increase Federal spending. The issue is how to obtain quality from the $215 billion we do spend nationally for education today.

□ 1045

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 953

Mr. HARTNETT. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of the bill, H.R. 953.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

THIRD-YEAR TAX CUT

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, the suggestion that we put a cap of $700 on the amount of tax cuts Americans will receive July 1, as part of the President's overall 25-percent tax reduction, is an idea absolutely out of touch with reality and potentially damaging to America's economic recovery.

Mr. Speaker, at a time when this economy is finally responding in a positive manner, when we are seeing real growth in GNP, lower unemployment, reduced inflation and interest rates, we have the party which brought us billions of dollars in deficits now proposing that instead of making more money available to Americans to spend, we take billions of dollars out of circulation and put it into Uncle Sam's pockets.

Mr. Speaker, now is not the time for a tax increase. Now is the time for us to make sure our recession ends for good; and the third-year tax cut proposed by the President, and set to go into effect July 1, is the best guarantee we have to see to it that our recovery continues.

REPEAL WITHHOLDING

(Mr. PETRI asked and was given permission to address the House for 1

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[1] Califano, Joseph. "Governing America," p. 315.

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minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, let us have an end to this foot-dragging on repeal of withholding on interest and dividends.

Both Chambers have voted overwhelmingly to prevent implementation of withholding. But since the bills passed by each Chamber are not identical, withholding is still scheduled to go into effect July 1.

This past weekend the people of my district kept on asking me "Why? Why hasn't Congress come to agreement on withholding and thrown it out? Surely, there's been plenty of time."

Clearly, they are right.

The public is justly cynical about this Congress which seems bent on ignoring the people's clearly expressed wishes.

So, let us stop the foot-dragging and repeal withholding.

ADMINISTRATION CONTRIBUTIONS TO EDUCATION

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, recent statements have confused the facts surrounding the administration's support for education. The budget authority for student financial assistance programs for the fiscal year was $6.7 billion. The proposal for fiscal year 1984 is $5.6 billion. That appears to be a budget cut but, in fact, is not.

The reduction in budget authority is due to a drop in interest rates and reflects the reduced cost to the Government of subsidizing student loans. The fact of the matter is that the Department of Education projects an increase of more than 100,000 in the number of students who will receive guaranteed student loans in fiscal year 1984. The lowered cost of student loans is something of which the administration can be proud since it is part of the economic recovery from the excessive interest rates and inflation of the Carter years.

The administration has also asked Congress to approve an increase in the maximum Pell grant from the current level of $1,800 to $3,000. This will broaden the range of institutions a needy student can attend with Federal assistance. An increase of 60 percent has also been requested for college work-study funds which will help an additional 345,000 students meet the costs of attending college.

The student aid program is but another example of how the administration's program to reduce inflation and interest rates allows more individuals to participate while reducing the cost to the Government.

MORE MONEY NOT THE ANSWER TO BETTER EDUCATION

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, the present controversy over education is another perfect illustration of the differences between the two parties. The Republican Party has made two major contributions to local education over the past 2 years. First, we have cut the inflation rate from 13 percent to practically zero. This means that local school districts no longer have to raise taxes every year just to stay even.

Second, we have cut the Federal income tax rates by 25 percent across the board. This means that billions of dollars that would otherwise have been siphoned off to Washington have remained in our local communities available for real improvements in local schools.

This strengthens our traditional system of local control so that parents, not Washington bureaucrats, can decide what is best for each school.

The Democrats have offered only more high taxes and centralized control which have done so much to undermine the confidence of our schools. The Democratic budget proposes to pull an additional $30 billion in new taxes out of our local communities in 1984 alone. They will then send a tiny portion of those funds back to local school districts, and Federal bureaucratic paperwork and interference attached, in another one-size-fits-all emergency Federal program.

Mr. Speaker, this country cannot stand a CETA program for its schools.

The choice is clear, Mr. Speaker: More taxes and more Federal control, or lower taxes and more local control. I think the Republicans are on the right track in returning control of our schools to the people themselves.

MORE DOLLARS FOR EDUCATION NOT THE ANSWER

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, it seems that the tired, old idea of throwing money at a problem is still with us. The problem of providing a quality education for America's youngsters is apparent. But, is throwing another $11 billion at the problem the answer? Is this really the best we can do? Let us look at the facts.

In 1982-83, the average spending per pupil in this country will increase by 9.5 percent. This has occurred despite reductions in enrollments at the elementary, secondary, and postsecondary levels.

Moreover, education dollars buy more now than they would have had the 12.6-percent 1980 inflation rate continued. In fact, every 1-percent reduction in inflation buys $2 billion more in services. This is one of the hidden contributions of this administration to supporting education funding. Of course, this is compatible with the administration's economic goal of increasing State and local purchasing power, and with its goal of increasing State and local control and decision-making.

Specifically, the inflation rate has decreased by 8 percentage points since 1980. This means that today's education dollars are buying $16 billion more than they would have otherwise.

CONCERN FOR QUALITY EDUCATION

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, now that everyone is talking about education I guess it is inevitable that we will have to listen to more partisan attacks on the President by those who spent our education policy into failure, even creating a new department to hand out the money.

The problem with our education policy in this country is not the amount of money spent. In fact, over the past 20 years education spending has skyrocketed. Unfortunately, the education of the children in our country has suffered during this time of increased spending.

The reasons are obvious to concerned observers. As the Federal Government has increased its spending, it has also increased its control over local education policy.

The President has tried to address this Federal failure in education policy by reducing Federal intrusion and returning control of programs and money to the local level. He also has proposed a voucher program to allow parents to participate in choosing their children's education opportunities, and tuition tax credits to help those who send their children to private schools.

Mr. Speaker, what disturbs me most is that I have yet to hear those Members who criticize the President mention the words "quality education." Apparently to them education is simply a political issue to be exploited. For the President it is a question of quality education to provide for our children's future.

QUALITY EDUCATION NEEDS MORE THAN JUST MONEY

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, it really is truly unfortunate, as many Members preceding me in the well have pointed out, that the education debate which our country so badly needs now seems to be denegrated by a debate simply limited to the issue of Federal spending.

I suppose partisanship was almost irresistible in this case but I would urge Members who are truly interested in the educational issue to look at the three major commission reports that prompted the current educational debate: The report of the President's Commission, the report of the Governors' Commission chaired by Governor Hunt, a Democrat of North Carolina, and the report of the 20th Century Fund, a nongovernmental institution.

Those reports do not lead to the conclusion that the major problem facing education is an absence of funding. None of those reports do. They talk about issues like excellence in education, restoring of basic curriculum, restoring incentives so we can attract and maintain quality teachers, and setting higher standards for our students.

The question of Federal funding in all of those reports is truly a secondary issue. Members who seek to move the educational debate solely to the issue of Federal funding are really doing those who are concerned about quality education a great disservice.

OPEN DEBATE ON BINARY CHEMICAL WEAPONS

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANTHONY. Mr. Speaker, my colleague from Arkansas indicated in a 1-minute speech earlier that when the House goes into the Committee of the Whole that he would ask that we go into a secret session of the House so that we could discuss the binary project.

The binary project is being called in some circles the nerve gas project. That happens to reside in my congressional district. It is at the Pine Bluff Arsenal in Pine Bluff, Ark.

We had an open and public-spirited debate on the nuclear freeze. We had an open and public debate on the MX missile.

I think it would be a crying shame if we went into a secret session. We should have an open, spirited, friendly debate on the binary project and not only should the Members of Congress know the true facts about this important defense issue, but I think the public at large has a right to know what the true facts are, and they will only determine that in a spirited and open debate on this House floor.

Once that debate has taken place, I think not only the public would understand the need to modernize our chemical warfare but I think the Members of Congress would understand it and would give us an overwhelming vote for an amendment that I think will be offered later on by the gentleman from Texas (Mr. Leath).

□ 1100

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, with Mr. Russo (Chairman pro tempore), in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, June 14, title 1 was open for amendment.

Are there any further amendments to title 1?

AMENDMENT OFFERED BY MR. SMITH OF FLORIDA

Mr. SMITH of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of Florida: Page 2, line 14, strike out "$4,738,400,000" and insert in lieu thereof "$4,067,300,000, none of which may be used for the procurement of the division air defense (DIVAD) gun".

Mr. SMITH of Florida. Mr. Chairman, my amendment seeks to delete all procurement, advance procurement, and spare parts funds for the Sergeant York division air defense system, also known as "DIVAD."

The amendment seeks to save $671 million in fiscal year 1984 and about $2.5 billion over the next 5 years.

In recent months, a great deal of negative information on "DIVAD" has surfaced.

Both the Congressional Budget Office and the General Accounting Office have issued negative reports with reference to the gun. And I might just at this moment take the opportunity to say that the Comptroller General's GAO report says the Army should confirm the Sergeant York air defense gun's reliability and maintainability before exercising the next production operation, that was in January 1983. And in February 1983, just a few months ago, the Congressional Budget Office, also in its report offered that this gun be deauthorized completely and that the whole weapon system be abandoned.

As some of the reasons for this stance, they cited the following: The latest version of the HIND-E attack helicopter which is the basic weapon against which this weapon was to perform, the HIND-E being the latest Soviet equipment has a range greater than the DIVAD gun. Which means this weapon could conceivably come to the battlefield area, discharge its weapons, and leave without the DIVAD having any ability to shoot it out or knock it down.

DIVAD's active radar could become vulnerable to Soviet missiles that home in on the radar beam.

DIVAD's guns do not work well against maneuvering targets. "Of course, DIVAD will miss if the target jinks; no computer can handle a jinking target," quoting Lt. Gen. James Malony, then head of Army Air Defense Center.

The Army had to cancel reliability and maintainability testing because the prototypes did not meet specifications.

Testing that did occur has disclosed numerous deficiencies and the need to redesign portions of the system. Indeed, a production model will not be available until September 1983, the required delivery date. Since no production model exists, the Army is unable to develop training and logistical support programs for DIVAD.

In addition, DIVAD uses a 40-mm round. The West German air defense gun—the only other air defense gun in Central Europe—uses a 35-mm round. So much for NATO interoperability.

Questions about DIVAD are even being raised—however belatedly—at the Pentagon. Some DOD officials noted that data on the effectiveness of DIVAD's lethality may have been overstated by as much as 300 percent and of its reaction time overstated by as much as 400 percent.

That is a direct quote from a memo sent by David Chou, the Director of Program Analysis and Evaluation, to the Pentagon superiors. And he calls for an absolute reevaluation of this weapon.

These officials question whether a production go-ahead would have been given if this information had been known at that time.

DIVAD is a classic example of what occurs when "fly before buy" becomes "fly and buy." When procurement begins before development is complet-

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ed, it becomes almost impossible to correct faults that inevitably arise in testing. The contractor is under pressure to deliver the system, regardless of inadequacies. Several hundreds of millions of dollars are being spent on additional engineering while DIVAD is in production—and DIVAD's problems still have not been corrected. This is not the way to purchase a weapons system.

About 18 months ago, the Army conducted a "checklist" to obtain data on the operational effectiveness and military suitability of DIVAD. The Army's conclusions should have convinced just about anybody that serious problems have not been corrected in DIVAD.

These tests were not conducted under the most realistic circumstances:

All maintenance above crew level was performed by contractor personnel. All repair tools and equipment were controlled by the contractor. Therefore, the Army noted, a full maintenance evaluation could not be made.

Units were trained by the contractor.

The flat terrain of the test site, while enhanced electronically, did not reflect the complexity of a real battlefield. Western Europe has rolling terrain, is foggy and rainy and wet. The test site was flat and dry.

The tests did indicate significant good features and improvements had been made in DIVAD, but there were a "significant" number of problems, in the Army's estimation.

DIVAD has a system intended to designate the highest priority target. The contractor-trained crew did not have confidence in the use of this system, and only 15.6 percent of designations of single aerial targets were made with this system.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 3 additional minutes.)

Mr. SMITH of Florida. If a contractor-trained crew did not have confidence in this system, will an Army-trained crew have that confidence when encountering multiple targets?

Gloves to protect against chemical weapons or cold weather protection interfered with the success of the system. It does get cold in Europe.

Drivers were endangered by the turning turret, and other problems—not involving the actual firing of DIVAD's guns—endangered the crew.

When the turret moves from one place to another, brake pressure becomes low. When brake pressure is low, braking does not occur promptly enough. So, DIVAD's turret may not be able to stop quickly enough to switch from one incoming target to another. How, then, will it handle multiple targets?

A diving target may cause the gun to fire into the ground because DIVAD cannot distinguish between the actual target and clutter closer to the system. During our test the gun fired at the reviewing stand and into the ground.

DIVAD is supposed to detect and fire at a target in 8 to 10 seconds. The test data—some of which is classified—shows it cannot.

DIVAD's survivability on a battlefield is questionable. Gunfire smoke, the rotating radar antenna, and its high profile make it easy to spot. Its ability to deal with antiradiation missiles (ARM) faces severe problems.

DIVAD's built-in testing equipment is supposed to tell the crew when an equipment malfunction might threaten the success of the engagement. This equipment shows problems even when they do not exist. If the crew were to rely on this equipment, DIVAD would be shot down more often than necessary.

The ammo feeding mechanism jams—one in four jams during each reload cycle.

Mr. Chairman, let me summarize my reasons for seeking to end funding for DIVAD:

First, the contract was awarded before development was completed. Consequently, we are paying millions to now make design changes that should have been made previously.

Second, the contract was awarded under questionable circumstances in which test data looks as if it was misrepresented. In fact, the contractor which was awarded the contract had the worst record in terms of testing. Problems have not yet been corrected. Even though the first production model is due in months and we are now in the third year of procurement testing.

From a military point of view DIVAD will not be able to defeat the threat it was designed to confront. Quite frankly, Mr. Chairman, the Army which needs a new air defense gun at some point in time cannot afford the DIVAD and other weapons. What should be done? CBO said Congress could direct the Army to develop a system less vulnerable to countermeasures.

In the interim, the Army could rely on the existing Vulcan gun, improvements to which are being funded under this bill, as well as planned buys of the Stinger air defense missile, which appears to do the same job in a better mode than the DIVAD weapon. Whatever the choice we make we must insure that testing and interpretation of the results are above reproach, that development is completed before procurement begins, that NATO interoperability is respected and the new system works.

Why do we want it to work? Because not only do we want equipment to be worth what we pay for it, but because American soldiers' lives are at stake, allied soldiers lives are at stake with the weapons we give them. The things we give them to deal with and work with must be the best possible.

I am convinced that DIVAD does not work. Many of you are convinced. I would hope that we will eliminate funds for procurement of the DIVAD until such time as the weapon is absolutely operational and the Defense Department agrees which it does not now do.

Mrs. HOLT. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment. I think all of the statements that have been made opposing this weapon system are typical of those made by individuals who want to wipe out a single weapon system. They comment on every test during the development and cite every step as a fault in the weapon system. I have a letter here from General Meyer, General of the Army, former Chief of Staff, who has said that he wants to make his position very clear regarding continuing procurement of the Sergeant York system. He says:

> I believe that the Sgt. York is urgently needed to replace the Vulcan air defense gun now deployed with the heavy divisions. The Sgt. York system has been designed to accompany the heavy division maneuver forces in the forward battle area, providing air defense protection in order that those forces may survive to fight. I know of no substitute for the Sgt. York.

Now, there was a criticism in the last gentleman's statement that we went into procurement before we had contracts signed to develop the DIVAD, but the General says:

> The urgency of need was so great that the Army embarked on an innovative acquisition strategy for Sgt. York that included "skunk works" development using "off-the-shelf" components, competitive development by two contractors, and concurrency in training and logistics development. That approach worked. The program is on schedule and is within two percent of originally programmed costs. The threat to our forces in the forward area is even greater than originally forecast.
>
> We have committed procurement dollars to the Sgt. York program for three years, funding two production options for a total of 146 systems.

The letter follows:

> U.S. ARMY,
> THE CHIEF OF STAFF,
> *April 26, 1983.*
>
> Hon. MELVIN PRICE,
> *Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: Media articles have quoted excerpts from my recent testimony before the Defense Subcommittee of the Senate Appropriations Committee regarding Army's Sgt. York Air Defense Gun System being "on the margin." These statements are being quoted out of context and may be obscuring my true viewpoint.
>
> I want to make clear to you my position regarding continued procurement of the Sgt. York system. I believe that the Sgt. York system is urgently needed to replace the Vulcan air defense gun now deployed with the heavy divisions. The Sgt York system has been designed to accompany the heavy division maneuver forces in the forward battle area, providing air defense protection in order that those forces may survive to fight. I know of no substitute for the Sgt. York.
>
> The urgency of need was so great that the Army embarked on an innovative acquisition strategy for Sgt. York that included "skunk works" development using "off-the-shelf" components, competitive development by two contractors, and concurrency in training and logistics development. That approach worked. The program is on schedule and is within two percent of originally programed costs. The threat to our forces in the forward area is even greater than originally forecast.
>
> We have committed procurement dollars to the Sgt. York program for three years, funding two production options for a total of 146 systems. Deployment will begin this fall. The FY 84 procurement dollars will fund a third production option of 130 systems.
>
> I strongly recommend continued procurement of the Sgt. York system and request your support.
>
> Sincerely,
>
> E. C. MEYER,
> *General U.S. Army,*
> *Chief of Staff.*

Regarding the threat, the Soviets have made large investments to modernize their conventional forces, including attack helicopters. Did you know that over the next 10 years it is estimated that the Soviet helicopter force will increase by over 20 percent at the present production rate. For example, one production line is producing at a rate of almost 40 helicopters per month. You can be sure that they will not hesitate to use these sophisticated attack helicopters in any future conflict with this country or our allies.

I think it is safe to assume that Soviet helicopters will represent a sizable threat to our forward deployed division in any further conflict. Therefore, we need an effective air defense system capable of helping to counter the helicopter threat. That air defense system must be capable of maneuvering with our heavy division elements such as M-1 tank and Bradley fighting vehicle units; it must be capable of acquiring and engaging fast moving targets at maximum range, and it must have some armor protection. Did you know that the Soviets have, for several years, employed the ZSU-23/24 air defense systems, and these systems generally can perform those functions. Plus the Soviets are building a follow-on more capable system.

PRESENT SYSTEM

We have a 1960-vintage system called the Vulcan. Although efforts are being made to upgrade this system, its days are numbered. Therefore, we need DIVAD which has armor protection, can maneuver with the heavy divisions in the forward battle area, and can acquire and engage the sophisticated air threats of the 1980's and 1990's.

NEED FOR DIVAD

I certainly would not like to be the one to tell our young Army troops that while the Soviets continue to improve air defense protection for their soldiers, we refuse to afford our soldiers, at least, equivalent air defense protection. We need DIVAD, and with the fiscal year 1984 procurement contained in H.R. 2969, almost 45 percent or 276 systems of the total inventory requirement will be satisfied.

The program is progressing on schedule, within 2 percent of the original design-to-unit-cost goals—$1.9 million in 1978 to $2.2 million in 1983—and it enjoys strong support from the Defense Department.

Help me defeat this amendment.

Mr. STRATTON. Mr. Chairman, would the gentlewoman yield to me?

Mrs. HOLT. I will be happy to yield to the gentleman from New York.

Mr. STRATTON. I want to commend the gentlewoman from Maryland for her precise statement and knowledgeable comments.

I am not aware that the gentleman from Florida has any particular expertise in divisional artillery matters. And it seems to me that we here in the House ought to be a little bit suspect when attacks on weapons which we have studied in some detail in the Armed Services Committee, as the gentlewoman has done, are attacked because somebody has read an article in some particular magazine. That is what happened last night in connection with the Bradley fighting vehicle. And we had to analyze something that was based on critiques made by somebody else and I am not aware that the Atlantic Monthly has any particular expertise. But I would suggest that the strongest support for the gentlewoman's position is contained in a letter from the Chief of Staff of the U.S. Army.

☐ 1115

The CHAIRMAN pro tempore. The time of the gentlewoman from Maryland (Mrs. HOLT) has expired.

(At the request of Mr. STRATTON and by unanimous consent, Mrs. HOLT was allowed to proceed for 5 additional minutes.)

Mr. STRATTON. Mr. Chairman, will the gentlewoman yield further?

Mrs. HOLT. I yield to the gentleman from New York.

Mr. STRATTON. General Meyer, who is the outgoing Chief of Staff of the U.S. Army, is a distinguished combat veteran in Korea and in Vietnam and he says this:

> * * * Continued procurement of the SGT YORK system . . . is urgently needed to replace the VULCAN air defense gun now deployed with the heavy divisions. The SGT YORK system has been designed to accompany the heavy division maneuver forces.

Incidentally, I might point out that the name of this weapon is DIVAD because it is division artillery. And that is what it is called by the forces who are anxious to have it for their protection.

> The SGT YORK system has been designed to accompany the heavy division maneuver forces in the forward battle area, providing air defense protection in order that those forces may survive to fight. I know of no substitute for the SGT YORK
>
> The program is on schedule * * * within two percent of originally programmed costs. The threat to our forces in the forward area is even greater than originally forecast.
>
> I strongly recommend continued procurement of the SGT YORK system and request your support.

And that is addressed to Chairman PRICE.

Mrs. HOLT. I thank the gentleman for his remarks.

Mr. Chairman, I certainly feel that that is absolutely accurate, that when these statements by experts are taken out of context or statements are made by people who have not the expertise such as the writers in the Atlantic Monthly that great harm can be done to the real truth.

Another point that I want to make; the gentleman from Florida mentioned the fact that Dr. Chou's shop was opposing this weapons system. Well, that shop has opposed it from the very beginning and has done everything in its power to prevent the development of this much needed weapon system.

Mr. SMITH of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentlewoman for yielding.

Let me first say that I do not believe that myself or many others here would take what is written in a magazine as gospel and attempt to come to this floor and convince Members with a great deal of expertise in this area that we are doing something based solely upon an article in a newspaper.

However, I will say that I never met a skunk, nor have I ever talked to one, but I sure know when something smells. And this is that kind of situation. And to say that merely the Atlantic Monthly article is the reason for not having this kind of weapon——

Mrs. HOLT. If I may reclaim my time, I thought the gentleman had some other comment to make.

Mr. SMITH of Florida. Well, if the gentlewoman will allow me to make the point I made when I asked her to yield, I would be very grateful.

Mrs. HOLT. I will yield to the gentleman from Florida.

Mr. SMITH of Florida. The point is that this letter from Dr. Chou inside the Defense Department, who is charged with overviewing these projects—he is the Director of Program Analysis and Evaluation—sends up a signal that there may be something wrong with the way the weapon is testing. The CBO is not the Atlantic Monthly, that Congressional Budget Office belongs to us.

Mrs. HOLT. If I may reclaim my time, the gentleman has made all of those points.

Mr. SMITH of Florida. The GAO is not the Atlantic Monthly, those items belong to us.

Mrs. HOLT. The GAO has notoriously attacked weapons systems. We in the Armed Services Committee have had hearing after hearing. We have had the experts in who have testified on this program. We have watched the development of the program. We feel that it is on time, it is within cost. And with General Meyer stating that there is no substitute for the Sergeant York, I think that that is the best expert testimony that we can get on the subject.

Mr. NICHOLS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Unfortunately the gentleman from Florida (Mr. SMITH) has not had the benefit of the many hearings our committee has conducted—running from early February through late May—on major Defense programs such as DIVAD. I say it is unfortunate because if Mr. SMITH was able to receive and respond to the testimony given concerning DIVAD performance and cost, I am certain he would have arrived at a different conclusion. I believe he would not be offering this amendment which appears to be based on an Atlantic Monthly article of October 1982 and a recent Newsweek article.

I should say at the start that the Atlantic Monthly article, which is itself almost 8 months old, was based on test and performance data from 1981—2 years ago. Clearly, the fact that the information is 2 years old does not, in itself, discredit the allegations. However, the fact is that these allegations are totally false.

Let me just review his major points:

First, Mr. SMITH claims in his "Dear Colleague" letter that DIVAD cannot hit maneuvering aircraft or helicopters.

Nothing could be further from the truth.

The DIVAD cannot only hit but it can kill aircraft—both fixed wing and helicopter—which might be flying a variety of mission and attack profiles.

In fact, the DIVAD uses a proximity round which will permit it to kill an aircraft without a direct hit. DIVAD is clearly superior to the 1960-vintage Vulcan system it is replacing.

Second, Mr. SMITH claims that DIVAD's radar could be used by the enemy to find the DIVAD system.

It is true that the Soviets have a missile called an antiradiation missile (ARM) which homes on radio frequency emitters such as the DIVAD radar. Therefore, if the attack aircraft is armed with this missile and if the missile is on the proper frequency, and if the DIVAD is not employing electronic countermeasures—such as turning the radar off and on at irregular intervals—then the missile just may be capable of finding DIVAD.

Just like our antiradiation missiles are capable of locking on to Soviet weapons systems which are radiating such as their ZSU-23/24 air defense systems. However, does this mean that the Soviets are going to stop producing and employing their air defense systems such as the ZSU-23/24, which are similar to the DIVAD? I doubt it. In fact, the Soviets are developing a more sophisticated, follow-on air defense system to replace the ZSU-23/24. It just does not make sense to use the radar emitter argument to support deleting funds for the DIVAD.

Third, Mr. SMITH claims that unrealistic testing and questionable evaluation procedures occurred in the DIVAD program. I do not know the source of his information. But I have listened to testimony on this program for several years and, quite frankly, it is clear that these claims are unfounded.

The DIVAD program, from the very beginning, was designed to be a highly compressed program. It is important to note that the DIVAD program started in 1978 and by 1982 it was in production, 50 systems, and by this fall the Army will start fielding DIVAD. Therefore, in the space of about 4 years, DIVAD has moved from just a concept to a deployed system. It usually takes about 8 to 10 years to do this.

Notwithstanding its compressed development and production schedule, DIVAD is within 2 percent of the original cost estimates, in real terms, and is performing well.

The Army has indicated that it plans to complete initial production testing in 1984 and that all fixes have been identified for those reliability deficiencies surfaced during earlier testing.

Mr. SMITH also alludes to a recent Newsweek article, May 23, 1983, which alleges that DOD officials are questioning the DIVAD program. I have a copy of the memorandum upon which the article was based. It was written by some lower level DOD staff person as an internal memorandum.

It never even reached the assistant secretary level. The Army has indicated that the allegations are unfounded, the Chief of Staff of the Army, General Meyer, supports the program, and the DOD continues to support the program—as reflected in H.R. 2969.

Finally, Mr. Chairman, I would just like to add that I disagree with Mr. SMITH's conclusion because I believe that the DIVAD program is representative of what is right with the procurement process. The DIVAD system went from: First, design to production in 4 years—it usually takes 8 to 10 years. Second, the DIVAD unit cost is less than 2 percent above the original cost estimate, in real terms—how many defense or nondefense programs can say that? Third, the DIVAD program is on schedule.

I hope my colleagues will join me in defeating this amendment.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, I have not had the benefit of all the hearings to which the gentleman referred but yesterday I received a letter from a gentleman who is an expert in this field. This gentleman is a member of the Armed Services Committee in the other body. He had recently had the experience of firing the DIVAD, and without the benefit of a lot of experience, hit the target.

I think that is pretty good evidence of the accuracy of this weapon.

I quote from his remarks:

> Recently I had occasion to visit a couple of military installations around the United States and I wanted to share my observations with you.
>
> First, I paid a visit to Fort Bliss, Texas, which as you know, is the home of the Army Air Defense Center. The principal purpose for my visit was to take a look at the Sergeant York Air Defense Gun System sometimes known as DIVAD. This gun has been controversial in the news media and, on some occasions, here in the Congress. There is no doubt about the Army's support for this weapons system and a recent letter from the Army Chief of Staff testified to that fact.
>
> The Sergeant York is now being tested at the McGregor Test Range north of Fort Bliss and I had an opportunity, not only to look at the weapons system, but to fire the 40 millimeter guns at a couple of airborne targets. The helicopter drones which I fired at were miniature compared to the Soviet's Hind Helicopter. Nonetheless, I was able to score hits on both drones. The automatic changeover from the search to the track radar was particularly impressive as was the subsequent high degree of accuracy of the automatic system. After firing the Sergeant York system at drones, I was subsequently able to observe the system in its tracking mode against a high speed target. An A-7 aircraft flew past at approximately 300 knots and at about one and a half kilometers range and the Sergeant York system tracked this target extremely well. There is no doubt that the system could have downed the A-7. It is my conviction that the testing is proceeding very well with the Sergeant York Air Defense System and that the Congress should fully fund it in this year's authorization process.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

My colleagues, it just does not make sense to delete funds for this vital defense program. As one reviews the facts, it should be clear that the DIVAD or Sergeant York gun is integral and vital to the successful employment of our forward deployed Army divisions.

The DIVAD is the only system available to the maneuvering unit commander which has the rapid reaction time and range to counter the ever increasing Soviet helicopter threat. DIVAD has the capability to maneuver with forward deployed units of M-1 tanks, Bradley fighting vehicles, and armored personnel carriers and, thus, provide credible protection against the low flying air threat. The current Vulcan system is clearly inadequate and will not be capable of responding to the sophisticated helicopter threat of the 1980's. Yes, we certainly need DIVAD.

It is important to note that the DIVAD system was developed using an accelerated acquisition strategy. This strategy was adopted because of the need to quickly improve air defense coverage for the forward deployed Army divisions and to reduce the expense usually associated with the development of a major weapon system. Therefore, the DIVAD program was structured to take advantage of an existing tank chassis, (M-48A5), and installing a modern fire control system with radar and a 40-millimeter twin barrelled gun for the firepower. Under this accelerated strategy, the DIVAD evolved from the basic concept design phase to the production phase in just 4 years—which may be a record as major systems go. Our troops will be receiving these systems starting next year. In fact, with the fiscal year 1984 procurement, the Army will have 276 DIVAD systems or about 45 percent of its total requirement.

For those of you who are as concerned as I am about cost growth, the DIVAD today costs less than 2 percent more than it was originally estimated to cost. Not a bad record. Further, since the current contract is a fixed price contract, it is fair to assume that there will be no additional cost increases to the Government.

I believe that this good cost control record is, in part, due to the 3 years of competition, from 1977 to 1980, which provided an excellent opportunity to refine cost estimates. The winner of the competition was awarded a contract in 1980, and the Army will be receiving its first production of DIVAD in a few months.

In summary, this is a sound program which is entering its third year of production. It is on schedule, within cost, and has no significant performing problems.

Mr. Chairman, it is unfortunate that although we recognize that any weapons system can be attacked on the floor of the House or in magazines, but here we have the apparent basis for this amendment to kill this system desparately needed by the Army a magazine article which implies and I quote from the Atlantic Monthly.

> These devices will make the DIVAD the most sophisticated piece of equipment ever to roll onto a battlefield and it is priced accordingly at a minimum of $6.8 million each.

And it goes on to say that DIVAD will cost nearly three times as much as the M-1 tank it is designed to defend.

Now anyone who studies the Defense Department, studies weapons systems, studies our accounting procedures, will know on the face that the author who wrote the article either purposefully neglects the truth or is not in a position to know the truth.

☐ 1130

The M-1 tank has a cost of approximately $2.2 million a copy, rollaway cost. The DIVAD is approximately the same, about $2.2 million,

To say one costs three times the other is either purposeful falsehood or ignorance of the truth.

Another charge is that the DIVAD cannot hit an aircraft that is flying evasive maneuvers; it is designed to defend against helicopters that have ground attack capability, and anybody who has ever ridden in a helicopter or who has flown a helicopter will recognize the fact that a helicopter cannot hit the broadside of a barn when it is making wildly evasive maneuvers.

The whole idea is to prevent the helicopter from doing damage against ground targets, such as tanks, infantry fighting vehicles, infantry and forward air defense equipment; and a helicopter that is wildly maneuvering could not do damage anyway.

It is unfortunate that the gentleman offered the amendment on the basis of some magazine articles, and that is why the amendment should be rejected. I think it is too bad that it was offered in the first place.

Mr. COLEMAN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague, the gentleman from Florida.

I think that my colleague should be reminded of the important mission of the air defense gun, the system itself, and the role that it plays in air defense. Today's Army currently lacks adequate air defense coverage. Indeed, with early 1960 vintage systems, today we need to create a system that will be effective in the front area of the battlefield. There is a proliferation of Soviet ground attack aircraft and antitank guided missile-launching helicopters today. The DIVAD has the capability to provide an effective defense against these threats through the use of sophisticated acquisition and tracking radar and a responsive fire control system. The Army's present air defense gun, the Vulcan air defense system, lacks those capabilities.

My colleague, the gentleman from Florida, asserts, based on an October 1982 Atlantic Monthly article and a Newsweek article dated May 23 of this year, that DIVAD is not capable of performing what it was designed to do. I do understand those allegations. However, it is my view, from the research, as a member of the Armed Services Committee, that those articles were truly based on outdated and incorrect information. The "Dear Colleague" letter that I received from the gentleman from Florida alleges that the DIVAD has problems locating and destroying maneuvering aircraft and that unrealistic testing and questionable evaluation procedures were used in the DIVAD program. Those allegations, in my view, are unsubstantiated. In fact, the DIVAD has a high kill probability when compared to the current Vulcan system, and compares favorably to those air defense systems currently being used by the Soviet bloc nations. DIVAD is capable of tracking maneuvering aircraft. With respect to questionable evaluation procedures, I understand that DIVAD testing satisfied those program objectives. Furthermore, followon testing of the production model will be completed before full-scale production occurs.

I think that it is extremely important in this debate to understand that the continuation of modernization of weapons systems such as this one certainly is going to be necessary. It is one about which we should not shirk our duty. I am not at all disturbed by the fact that someone in the Department of Defense questioned it. I think that that is only proper and right in this country to question programs, and I am willing to have this program questioned continually. I have had the opportunity in my district to talk with the soldiers who have seen and who have had hands on and utilized the DIVAD in Texas. They continue to inform me, as does the commanding general, General Maloney, at Fort Bliss, Tex., of their satisfaction with this program, and they agree with me on the need to go forward with it. They believe it is essential for the protection of our forward maneuvering units on the battlefield.

I therefore urge my colleagues to join with me in the defeat of this amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished colleague, the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Chairman, I really would like to say that, first of all, I do not disagree with the need for the weapons. Second of all, I do not disagree that we need a weapon that can be capable of countering what is going to be developed or is being developed now in terms of what the Soviet capability will be. But I would like to say that, first of all, the allegation that this amendment or the thrust of this amendment in terms of weapons systems is based on a newspaper or an article in a magazine is a bunch of nonsense. This is not. The article was sent around with the "Dear Colleague" because it was in a concise form, just a compendium of what had been already ferreted out by agencies of this Government and of the Congress itself. No one—no one—who spoke in opposition to this amendment took the time to attempt to counter what was said by the Congressional Budget Office, which is the arm of this Congress.

Let me read to the Members what the Congressional Budget Office said:

> Although the DIVAD offers significant improvements relative to the Vulcan air defense system, the latest version of the Soviet attack helicopter—the Hind E—reportedly has an effective range of eight kilometers, twice as great as that of the DIVAD gun. Were the Warsaw Pact to field the attack helicopters at rates consistent with recent historical experience, by the end of the decade almost 50 percent of the helicopter fleet could fire its ordnance beyond the range of DIVAD. Further, the active radar, which is critical to DIVAD's accuracy, could become vulnerable to Soviet missiles . . .

Nonetheless, the Army plans to procure 472 DIVAD systems in 1984 to 1987, at a total program procurement unit cost—I might say to the gentleman from California—of $6.5 million, almost 3 times the amount, according to our own Congressional Budget Office, and what they claim that they will cost.

The report from the General Accounting Office, the independent investigational arm of the U.S. Government:

> Some reliability tests are being held at the Aberdeen Proving Grounds, but instead of the Army agencies performing them, they have been done under the joint direction of the project manager and the prime contractor. In preliminary demonstration of the prototype, the radar fire control system failed to operate reliably, the graphic display unit failed intermittently, the armament feed system's performance was unsatisfactory.
>
> Army test and evaluation subsequently concluded that the prototype was unsuitable for testing and recommended that the government tests be discontinued.

This is all 1983, I say to my colleagues, not old articles in magazines. And I wish that the representation made by my colleagues were backed up with facts as are contained in these direct quotes from our own agencies. And why should we disregard what the Department of Defense has to say? The very person who has been hired to overview for that department, the purpose of all of this weapons testing, has said specifically that the contractors overstated, overvalued the very items which the tests are being done to corroborate the project, and that is whether or not the system is reliable.

It is not reliable now. Let us do more testing before we procure. That is all I am saying. I am not advocating this weapon be phased out. All I am saying is that before we give our own soldiers a weapon that will not perform the tasks they are asked to do with it, we ought to make sure that they can in fact rely on that weapon. That is all I am asking. Everyone seems to agree who is in any seat of authority with reference to independent investigation, including the Department of Defense. And I would urge my colleagues to think about that and not this silly mention of an article in a magazine.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. I just did want to respond. I think it is only responsible, as the gentleman from Florida requests, that those of us who are his colleagues who have spoken in opposition to his amendment respond in some part.

First of all, I would ask the gentleman from Florida (Mr. SMITH), if the gentleman from California (Mr. DELLUMS) would yield to him for that purpose, whether or not he understands the range of the missile that would be fired by the Russian new Hind helicopter.

Mr. DELLUMS. I yield to my colleague, the gentleman from Florida (Mr. SMITH).

Mr. SMITH of Florida. The range is 8 kilometers. At the present time, the kilometer range of the DIVAD is approximately only 4.

Mr. COLEMAN of Texas. If the gentleman will yield further, I would say to the gentleman from Florida that that is not the testimony that we have had in our committee. Indeed, the testimony was that the range of the missile was 3 kilometers.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I further yield to the gentleman from Texas (Mr. COLEMAN) if he has not completed his statement.

Mr. COLEMAN of Texas. What I wanted to say was that the target acquisition is 8 kilometers, but you cannot fire the missile from 8 and hit a target. The ability to hit a target is estimated, or in fact proven, to be exactly 3 kilometers.

I would also say to the gentleman from Florida that I have a problem with saying, "Well, we should not produce it because they will build a better helicopter." That continues to be a problem, in my view, in terms of our national defense system. If we continue to never build one, we will still be using the Vulcan system, and I have a problem with using that antiquated 20-some-odd-year-old system for our air defenses in this country, and I would just suggest to the gentleman that we should also ask of him and those who would be proponents of this amendment what they would put in place of that Vulcan system.

☐ 1140

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Chairman, my colleague from Texas raises some very good points which in and of themselves prove the hypothesis which I am trying to make this House aware of: The fact that there are agencies who differ greatly in the questions and answers relating to what the tests have shown. It would seem to me to mandate in the way that we are supposed to look at things that we go further with testing and not procure items which have no established and agreed to, by those parties who are looking at it, basis for being procured at the present time. If there is a question with reference to the fire safety or a reference to whether it can hit a target on the kilometer range, with reference to what the capabilities of the enemy targets that it is going to be aiming at are, in fact.

If there are these questions from independent agencies which we fund, which we ask to bring us this information, we ought to ask further and get more of a bottom line rather than leave this issue out in the open and procure at the cost of $6.8 million per unit and then find out that the weapon is useless in the hands of the people we give it to because it does not fulfill the projected capability for it.

I would urge that my colleagues understand that that is all I am asking; not to do away with the weapon. It may ultimately become the real weapon that we need to counter this capability on the other side.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. I would just say to the gentleman from Florida

(Mr. SMITH) that the biggest problem I have with statements like that is that if we are not able to get into production, if we are not able to actually put the machinery, the weapons system, in the hands of the soldiers who are going to be using it, then we are not going to be able to make those improvements except somewhere on paper.

Mr. Chairman, I would add one other point, and perhaps the gentleman from Florida is unaware, that the Department of Defense Systems Acquisition Council concluded that DIVAD met all requirements to enter production. Mr. Chiu, who by the way was quoted in that Newsweek article, was on that council and he also approved it.

I would just say to the gentleman from Florida (Mr. SMITH) again, and I repeat what I said when I made my statement from the well, I do not object to members of the Department of Defense or Members of this Congress at all questioning the capability of any new weapons systems in our inventory, but I would say to the gentleman that I think it is extremely important that we go ahead with this particular program because without it we are relegated to a 20-year-old system.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. SMITH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SMITH of Florida. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 192]

ANSWERED "PRESENT"—405

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Bellenson
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bilirakis
Billey
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Porsythe
Fowler
Frank
Franklin
Frenzel
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Pashayan
Patman
Patterson
Paul
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Udall
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

☐ 1200

The CHAIRMAN pro tempore. Four hundred and five Members have answered to thier names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Florida (Mr. SMITH) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Five minutes will be allowed for this vote.

The vote was taken by electronic device, and there were—ayes 134, noes 283, not voting 15, as follows:

[Roll No. 193]

AYES—134

Ackerman
Addabbo
Aspin
AuCoin
Barnes
Bates
Bedell
Bellenson
Biaggi
Bonior
Bonker
Borski
Boxer
Breaux
Brooks
Brown (CA)
Clay
Clinger
Collins
Conable
Conyers
Cooper
Coyne
Crockett
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Feighan
Ferraro
Florio
Ford (MI)
Ford (TN)
Forsythe
Frank
Frenzel
Garcia
Gejdenson
Glickman
Gore
Gray
Guarini
Harkin
Harrison
Hawkins
Howard
Hughes
Jeffords
Jones (OK)
Kaptur
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Long (LA)
Lowry (WA)
Markey
McHugh
McNulty
Miller (CA)
Mitchell
Moakley
Nowak
Oberstar
Obey
Olin
Ottinger
Owens
Patterson
Paul
Pease
Penny
Pritchard
Rangel
Reid
Richardson
Ridge
Roe
Roemer
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Sikorski
Slattery
Smith (FL)
Snowe
Solarz
St Germain
Stark
Stokes
Studds
Synar
Torres
Torricelli
Towns
Udall
Valentine
Volkmer
Waxman
Weaver
Weber
Weiss
Wheat
Williams (MT)
Wirth
Wyden
Yates
Yatron
Young (MO)

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NOES—283

Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bosco
Boucher
Britt
Broomfield
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conte
Corcoran
Coughlin
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dowdy
Downey
Dreier
Duncan
Durbin
Dyson
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Fazio
Fiedler
Fields
Fish
Flippo
Foglietta
Fowler
Franklin
Frost
Fuqua
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Gonzalez
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McKernan
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Oakar
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rose
Roth
Roukema
Rowland
Rudd
Sawyer
Schaefer
Schulze
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Skelton
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Spratt
Staggers
Stangeland
Stenholm
Stratton
Stump
Sundquist
Swift
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Vander Jagt
Vandergriff
Vento
Vucanovich
Walgren
Walker
Watkins
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wylie
Young (AK)
Young (FL)
Zablocki
Zschau

NOT VOTING—15

Berman
Courter
Foley
Hansen (ID)
Heftel
Kennelly
Kolter
Martinez
Mavroules
McDade
McKinney
Moody
Rodino
Thomas (CA)
Traxler

The Clerk announced the following pairs:

On this vote:

Mr. Berman for, with Mr. Thomas of California against.

Messrs. DE LA GARZA, McKERNAN, MRAZEK, and MINISH changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1210

AMENDMENT OFFERED BY MR. HARTNETT

Mr. HARTNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARTNETT: On page 5 line 2 strike out "301,000,000" and insert in lieu thereof "$381,000,000."

Mr. HARTNETT. Mr. Chairman, my amendment would add $80,000,000 to the authorization for the MCM-1 mine countermeasure ship program to authorize four ships in fiscal year 1984, as requested in the Navy's budget, rather than the three ships authorized by the committee.

In other words, Mr. Chairman, my amendment would add one ship to the Navy's fiscal year 1984 shipbuilding program making the total number of ships authorized 23, as requested by the President.

The committee cut the MCM ship for essentially two reasons. One was related to the fact that we had information presented to us which indicated that certain technical and programmatic issues involving design and costs were unresolved. The committee believed that it had chosen a prudent course of action when it decided to slow down procurement because of the uncertainties still outstanding.

The other reason related to the House budget resolution. In order to make reductions called for by the House, it was necessary to find places where reductions might be made. The potential problem associated with the MCM ship led the committee logically to its conclusion to delete one of these ships.

Since that time, however, several things have occurred which I believe merit reconsideration of the committee's action.

First, following a review of the Navy's MCM ship program by the Secretary of Defense, Secretary Weinberger sent a memorandum to the Secretary of the Navy approving continuation of the MCM program. Subsequently, the Assistant Secretary of the Navy, Shipbuilding and Logistics, the Hon. George Sawyer, rescinded a memorandum he had issued withholding award of the second ship pending resolution of the construction issues I mentioned earlier.

On May 2, 1983, the Navy awarded the contract for the second MCM to Marionette Marine Corp. in Marinetta, Wis. As I understand the agreement, the ship will be about 7 feet longer in length and cost the Navy an additional $250,000, but that the total cost to the Navy will remain as originally budgeted. The lead ship of this class is currently under construction at Peterson Builders, Inc., Sturgeon Bay, Wis.

To summarize, in my opinion, the basic technical reason the committee cut the MCM ship from the fiscal year 1984 budget is no longer applicable. The related reason, to conform with House directed reductions in the Defense budget may still be applicable, but I am hopeful that the committee will favorably reconsider its action on the MCM ships based on the merits of the urgent need for such ships in the U.S. Navy.

The Navy has only three active duty mine warfare ships (MSO's). They are over 30 years old. There are 18 MSO's in the Naval Reserve Fleet, 9 each in the Atlantic and Pacific Fleet. These ships are also over 30 years old.

The United States faces a serious threat from mine warfare. Current U.S. mine countermeasure capability is inadequate, obsolete and declining in assets.

The large inventory of existing Soviet mines poses a serious threat to U.S. ports and sealanes. The Navy's MCM program is the only on-going U.S. program that is capable of countering the threat.

In my opinion, it is a national disgrace that the U.S. Navy had neglected to upgrade its surface ship mine warfare program. Perhaps there exists a ligitimate argument why other programs have deserved a higher priority in the Navy's budgets, but I think the time has come to try to make up for a lack of foresight in establishing a better balance of naval forces.

I believe that the distinguished chairman of the Seapower Subcommittee will agree with me that our mine countermeasure forces are sadly in need of improvement. And finally, I hope that the Congress will support authorization for the level of the President's budget request for this important mine warfare program.

The threat, as I see, it, Mr. Chairman, is that the Soviet Union possesses a stockpile of mines 10 times larger than that which we have in our stockpile. The Soviets have more than 300 mine warfare ships and we have three. Soviet mine warfare personnel are held in high esteem by Soviet Naval commanders and by the Soviet people themselves. The United States can counter with three active duty minesweepers and 18 reserve minesweepers, the youngest of which is more than 30 years old.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina (Mr. HARTNETT) has expired.

(By unanimous consent Mr. HARTNETT was allowed to proceed for 2 additional minutes.)

Mr. HARTNETT. Our ports and our sealanes are highly vulnerable to large quantities of existing mines. Strategic SSBN and tactical forces need immediate breakout capabilty. Norfolk Harbor, Charleston Harbor, San Diego Harbor, all could be mined, bottling up what little capacity we have for our surface ships and our submarines.

Between 90 and 95 percent of our war materiel must leave the United States through U.S. seaports. We are spending money for rapid deployment forces and we are trying to build our Navy up and to be able to send supplies to any of our personnel anywhere in the world. Ninety to 95 percent would have to leave through U.S. ports with the possibility of being mined and not having adequate countermine measures.

Mr. Chairman, mine warfare is a very inexpensive force multiplier. I think we have been terribly derelict in our duty. There is no parochial interest on the part of this Congressman, not on behalf of the issue which I have raised here. It is strictly to give us better defensive capability, better countermine warfare measures, and an ability to be able to respond to what is not a potential Soviet threat but which is an existing Soviet threat.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from California.

Mr. HUNTER. I want to commend the gentleman on his amendment. I would like to ask the gentleman is it not true that our current fleet is over 30 years old and that it is scheduled to be phased out within the next 8 years?

Mr. HARTNETT. The gentleman from California is correct. We only have three active duty mine ships. The Soviets have 300.

Now we do have 18 in our reserve forces, but they, as the gentleman said, are all over 30 years old.

Mr. HUNTER. I appreciate the gentleman responding to that question.

I have one other point that I think is important for this Congress to realize, and that is the Soviets, as I understand, in their Bison and Bear bombers, which are deployed in Cuba at this time, do possess a mine laying capacity that can be operated out of Cuba.

Mr. HARTNETT. They can. They can lay mines with airplanes and with their submarines.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. HARTNETT) had again expired.

(On request of Mr. HUNTER and by unanimous consent Mr. HARTNETT was allowed to proceed for 1 additional minute.)

Mr. HARTNETT. There is one other point that I want to mention. Of the 18 reserve minesweepers which we have, all 18 have been rated by the Navy as incapable of performing their wartime assignment. In other words, we have them, they are 30 years old, and they have also been rated as inadequate to perform any type of wartime scenario or function that they may have to perform.

Mr. HUNTER. I thank the gentleman. I would simply say that I think that in our being concerned with the Caribbean Basin and potential interdiction of American trade moving through that basin, we should be very concerned about the number of mine ships that we possess. It is totally inadequate.

I would agree with the gentleman and I would urge support for his amendment.

Mr. HARTNETT. I thank the gentleman and I yield back the balance of my time.

☐ 1220

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from South Carolina offered amendments in the subcommittee and in the full committee to add this minesweeper. In both places this request was turned down. I and a majority voted against this ship. Therefore, it is my responsibility as the subcommittee chairman to oppose the amendment. This is in no way a derogation of the ship itself. It is a good ship, a needed ship; but the committee has undertaken the responsibility to try to stay within the constrains the committee imposed upon itself to meet budgetary targets. Of course, if the House itself wants to add this ship without subtracting from other needed purchases, it would be a proper ship to add because we need more minesweepers. But if the budgetary restraints that have been set are to be carried out, this ship will have to wait until next year. I have no doubt it will then be approved and appropriated for. Fulfilling my responsibilities as chairman of the subcommittee I must oppose the addition this year, as the subcommittee and the full committee have both disapproved the addition of this ship for the current year.

Mr. HARTNETT. Mr. Chairman, would the gentleman from Florida yield for a moment?

Mr. BENNETT. I yield to the gentleman

Mr. HARTNETT. I only wanted to ask the gentleman, is it not true, that this is the second time we have put off one of these ships? This is the second time that we had more programed, more planned. This is the second time we have reduced the number of mine sweepers that we had scheduled or had hoped to build, is that not right? We moved them to the right twice now as the lingo in the Navy goes, we have moved them to the right.

Mr. BENNETT. Well, we authorized four last year and the appropriations committee cut it to one. So in a way we reduced but our committee did not reduce it. Furthermore, three of these ships are in this bill and another kind of mine sweeper ship is in this bill as well. It would be fine but if you want to add more ships, I have a list of those that would be superior to this to add. I am willing to have anything added that will strengthen our Navy. The truth of the matter is that we feel a responsibility in the Armed Services Committee to try to do something about the tremendous deficits we have and we set a standard and that is why we had to cut this ship out, not because it is not a good ship. And you are certainly a very eloquent speaker for it.

Mr. HARTNETT. I thank the gentleman for yielding.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly rise to oppose this amendment. I do not know of any statement that the proponent, the gentleman from South Carolina has made in support of this amendment with which I would disagree. It is a good ship, it is a needed ship. But the fact is that the request was for four. In the judgment of the subcommittee, then the full committee, considering monetary constraints, gave them three. Three out of four is not bad.

In addition to that there are a total of 22 ships, total, added in this bill; there is a total of over $12 billion in this bill to purchase new ships for the Navy.

The CNO of the Navy called on me last week asking my support to add more people than we had given to the Navy in this bill. He claimed that they do not have the personnel authorized to do the job that the Navy feels they must do with the ships that we are giving them.

So, we do not have the people in here to man more ships; we are giving them three out of four and we have met the mark put on us by the House to cut this budget and we have done it in the most careful way that we knew how. So, while I support the thrust of what the gentleman is attempting to do and hopefully we can get this next year, I just think that we cannot get everything we want, and we completed the tasks required by the committee.

It is for that reason that I would not support this amendment.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

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(By unanimous consent, Mr. Dickinson was allowed to proceed for 2 additional minutes.)

Mr. HARTNETT. Mr. Chairman, with the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from South Carolina.

Mr. HARTNETT. I thank the gentleman.

I would say to my ranking member for whom I have a great deal of respect, and also to the chairman of my subcommittee, that I understand and I think it is laudable of the committee to exercise fiscal responsibility. But, Mr. Chairman, if I might call you that, maybe one day I will get to call you that, is it not true that in our entire force we have 3 active duty mine sweepers and the Soviet Union has 300, is that not true?

Mr. DICKINSON. If you say so, I have no reason to doubt it.

Mr. HARTNETT. And our response as far as our shipbuilding as always—it is a response, it is a reaction to the potential threat and the Soviet mine threat is there. Do you not feel they possess significant mine capabilities, offensive-mining capability?

Mr. DICKINSON. There is no doubt about that, they do. My only problem with it is that we had to find somewhere to cut because we did not have all the money we needed. Consequently we put 3 of the ships in here and deferred the fourth 1 until some further time, having put 20 other ships in here at a cost of over $12 billion. If this were tried in some way so that it did not increase the money perhaps there would be less resistance. But we are just adding $80 million for another ship. I think the committee was right in its judgment. It is up to the House as to whether that judgment is right or not.

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I commend the gentleman from South Carolina for offering this amendment. I would like to make sure we understand what we are talking about.

I recognize the budget constraints we are under as a member of the committee, of course. I did support this amendment when it was offered in the full committee. I think we have to talk about the threat. When we look at the Second World War and I do not have any figures, but there is no question that mines destroyed a number of American ships.

I would like to engage the gentleman from South Carolina, to clear up the numbers that we are talking about. Would you correct me if I am wrong? But it was my understanding that the Navy originally asked for 14 MCM ships; we have 1 under construction now, in fiscal year 1982 we authorized and appropriated for 1; in fiscal year 1983 we authorized, I think 4 but actually only appropriated money for 1. So, that means we are down three MCM ships if my figures are correct going into the fiscal year 1984 budget.

Mr. HARTNETT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman.

Mr. HARTNETT. I would respond in the affirmative, the gentleman is correct. I do not know whether it is because minesweepers are not macho ships, they do not shoot missiles, or carry airplanes. A potential adversary would not have to bomb Pearl Harbor as they did 40 years ago. All they have to do is mine it: all they have to do is tell us that they mined it even if they did not. We do not have a minesweeper in Pearl Harbor, there are none there. So, the point I am trying to make is you are right, in your numbers you are absolutely correct.

Mr. DAVIS. The gentleman as I understand is absolutely correct unless someone can dispute the figures. The Soviet Union's capability, they do have 300 minesweepers of various sorts and the United States has only 3 minesweepers plus 18, I guess on inactive duty. But the question is if we are down three now and we have cut one out this year, that means we are down four MCM ships which we very much need. And my concern is that yes our Armed Services Committee has said we are going to go ahead and authorize three. But what is going to happen in conference committee, what is going to happen until the appropriations levels, we could very well end up cutting.

I would hope that we could go along with this amendment. It gives us a good bargaining position on a ship that we very, very definitely need. I am very fearful we are going to end up with less than three ships this year.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Michigan. I notice the chairman of the committee said this was a good ship and it was a needed ship. I think, delay, translated means we are willing to pay more. The Navy is ultimately going to receive these ships. But if we put off construction of the ship it is going to cost the taxpayers more in the future.

☐ 1230

Now there are no strong arguments that I have been able to discern here this morning to delay the building and construction of this ship, but there are some very strong arguments for building of the ship.

First of all, it is going to cost us less now, that is No. 1, No. 2, the ships are needed. So why do a job and only do it halfway? Why not do the job the way it should be done?

We will be myopic if we do not complete the job, in other words, if we delay it and procrastinate. We always seem to be a day late and a dollar short in this area. I cannot see why for once we cannot do the job right the first time. To put it off is only going to mean that it is going to cost more next year. So let us do it now, do it right and let us pay less and get the most for our dollar. That means we have to construct the ship now.

I compliment the gentleman for introducing this amendment. I think it is a very good amendment and I appreciate the foresight the gentleman has demonstrated.

Mr. DAVIS. I appreciate the gentleman's comments. Let me make just one more statement before I yield to the gentlewoman from Maryland.

The CNO, Admiral Walters, testifying before the House Armed Services Committee this year on April 20 said the following:

> No segment of naval warfare has been more underfunded for so many years as has the mine warfare community. It is imperative that we move now to a serious production. These ships are urgently needed to replace the obsolete MSOs which were build in the 1950s.

I think that is very important.

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentlewoman from Maryland.

Mrs. HOLT. I thank the gentleman for yielding.

Certainly all of the gentlemen who have spoken, particularly the gentleman from Wisconsin, make very good points, but our subcommittee went over hundreds of line items. Every one of them could have been purchased at a more cost-effective rate. There is no question that we need them, we have to have all of them, but we do not have the money to do it. There is no way that we can buy everything that we need as fast as we should buy it to have the most cost-effective rate.

For years and years we have been saying, "Don't stretch out the buys, use multiyear contracts. Do everything that you can to make it cost effective." But we cannot afford it.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. Davis) has expired.

(At the request of Mr. Hartnett and by unanimous consent, Mr. Davis was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, I understand full well the need and the requirements for an additional minesweeper. That is all well and good. And were we not under budgetary constraints, I would be with the gentleman in the well urging one, but there is a good possibility that the Budget Committee will not come back with a 6-percent increase that we had, but with a 5-percent increase, which means we are going to have to go back to the drawing board in this committee and cut some more.

Where are you going to take it out? Are you going to take it out of one of the aircraft carriers? Where are you going to cut to get this minesweeper? That is the serious question.

We have done a good job in the Armed Services Committee cutting back $10½ billion. And it is back to bare bones as I can see it.

Where do you cut? Do you cut the destroyers, the DDG-51's, an aircraft carrier to get this minesweeper? Where do you cut to get this?

Mr. DAVIS. I appreciate the gentleman's comments. I guess it is a matter of priorities and I understand that most members of the committee would like to add this. We just think it is a very important item and we need another ship.

Mr. HARTNETT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from South Carolina.

Mr. HARTNETT. I thank the gentleman for yielding.

Mr. Chairman, I want to point out to the gentleman and my colleagues here that we are talking about $80 million. Now even by Federal Government standards that is not a paltry sum, but we always seem to come back with supplemental appropriations for all the good social programs and all the things—and if this money were going to be applied directly to the deficit, this gentleman would withdraw his amendment, if he knew that money was going to go to the deficit.

If we would bring the deficit down by $80 million I would withdraw my amendment, but I am confident the gentleman and I both realize it will not be used to reduce the deficit, it will go to one of these other programs for which we always seem to find the money.

Every one of our colleagues who has stood here today with us has said, "It is a good ship. It is a needed ship. We must have it, but it costs more money than we have."

Well, a lot of those colleagues vote for other programs.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. Davis) has again expired.

(At the request of Mr. Hartnett and by unanimous consent, Mr. Davis was allowed to proceed for 1 additional minute.)

Mr. HARTNETT. If the gentleman will continue to yield, a lot of our colleagues always find money for those other programs somewhere.

I am confident that this House in its wisdom will make reductions of $80 million somewhere. If not, my colleague from California leading the frey, I am sure we will find some reductions someplace. And $80 million is not a lot of money for a much needed ship, which has been mutually agreed upon by everybody.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. Hartnett.)

The question was taken, and on a division (demanded by Mr. Hartnett) there were—ayes 6, noes 19.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dellums: Page 6, line 21, strike out "$21,051,300,000" and insert in lieu thereof "$14,871,700,000, none of which shall be available for the B-1B bomber program".

Mr. DELLUMS. Mr. Chairman, yesterday this body considered a proposition dealing with the B-1B bomber program. The amendment was to strike the multiyear funding for the B-1B. One of my distinguished colleagues and member of the committee, the gentleman from Missouri (Mr. Skelton) said that the thrust of that amendment was to win—arguing by analogy—a battle in the locker room that had been lost on the playing field.

Well, this amendment is an effort to go back to the playing field and replay the game, because I want to stop the B-1B program.

In order to challenge the military budget in this Congress one has to be tenacious, one has to be willing to be repetitive, year in and year out, making the same argument on a number of these weapons systems, but, Mr. Chairman, this Member thought that in 1971 we had finally stopped the B-1 program when the then President of the United States, Jimmy Carter, saw that this program was an absurdity, that it was unnecessary, that it was extraordinarily expensive, a redundant weapons system.

But some way or another this weapons system survived. It lived. And when the present President took office, he gave new birth to the B-1 program, changed it a little and called it now the B-1B program.

So, Mr. Chairman, I am asking for that decision to be replayed. I would say to my colleague, we are coming directly at this program. We are saying that in 1977 the decision to stop this program was an intelligent, rational, sane judgment. We are saying that the decision to give new birth to this B-1 program is not a rational decision. It has no military relevance.

Again yesterday as my colleagues discussed the multiyear funding for the B-1, a number of Members in opposition to that amendment suggested that we would save the American people $800 million in real dollar terms and $1.2 billion of taxpayers' funds in terms of future dollars if we continued to purchase this weapons system on a multiyear basis.

☐ 1240

This amendment goes far beyond those savings. This amendment, Mr. Chairman and members of the committee, would specifically cut $6.17 billion. So for my colleagues who are interested in saving funds, this amendment would go beyond $800 million, go beyond $1.2 billion. It would save the American people $6.1 billion.

In the course of my remarks, Mr. Chairman, I want to make several points briefly, because we have had this debate over a number of years. I would like to suggest to my colleagues that this weapon system is unnecessary, it is wasteful, it has no role, and certainly no multirole. It is too costly and it is too expensive to waste or to risk as presently contemplated.

To the issue of this weapon system being unnecessary, the primary rationale for the B-1B program is to improve our strategic bomber force. But I would suggest that our 300 B-52 bombers and more than 60 FB-111 bombers are more than adequate to address our needs in the foreseeable future. That is 411 bombers.

A number of my colleagues during the course of this debate would have you believing that these B-52 bombers are sitting there so fragile that the wings are about to fall off. But there is no documented evidence that I have been able to obtain whatsoever that would lead one to belief that flying B-52 bombers is in some way risky. It is not. One would argue that the pilots of the B-52 planes are younger than the planes themselves. So what? A number of us in this room travel back and forth from this job on old planes.

The CHAIRMAN pro tempore (Mr. Murtha). The time of the gentleman from California (Mr. Dellums) has expired.

(By unanimous consent, Mr. Dellums was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, age has nothing to do with it. Is the plane capable of carrying out its mission? And I am suggesting to the Members that the B-52 and the FB-111 is more than capable of carrying out that mission.

The B-1B is also an obsolete weapon, Mr. Chairman. On that basis it is wasteful.

Consider this: This administration hopes—and I underscore for the purposes of emphasis—hopes that they will be able to place a 15-plane squadron in 1986. That means that the 100 planes that this President proposes to place online will be placed online sometime after 1986.

Now, depending on what expert you are willing to agree with, the notion is that we will not be able to penetrate the Soviet Union air defense with a manned penetrating bomber after 1988 or 1990, depending on which expert you buy. So that at a maximum we are talking about a multibillion-dollar program—and I will get to the figures in a moment—that we may use for 2 years, we may use for 2, maybe 3, years, if I grant you that. But I would suggest to you that we probably would not have 15 planes on line by 1986. But even if I grant that, maybe by 1987, 1988, you have the full complement of 100 extremely expensive B-1B planes, and if they cannot penetrate the Soviet air defense from 1988, maybe 1990, are we spending this amount of money for a weapon system that will only carry out its responsibility for maybe a couple of years?

That is an important argument. But the Pentagon is very smooth. The administration is very smooth. And a number of my colleagues on the floor of Congress who are interested in the support of the B-1B program have found new arguments. They say, "Even if we grant you that we will not be able to penetrate the Soviet Union air defense beyond 1988, 1989, we have new roles, we have a multifunction for this B-1."

And I suggested to you in my opening remarks that there is no role, there is no multirole. And I will get to that.

The B-1B has been billed as a multirole aircraft, and here too I would state flatly the B-1B is a superfluous weapon. As a cruise missile carrier, consider this, my colleagues, the B-1B program, even by your own definition, is an extraordinarily expensive, extremely sophisticated weapon system.

Now, you are going to take this multimillion-dollar weapon system, this plane, and gut it so that it can carry cruise missiles. I would suggest to you that any wide-bodied plane can act as a cruise missile carrier, a 747, an L-1011, a DC-10, and they certainly do not cost hundreds of millions of dollars per plane. Cruise missile carriers. So you can do that with less expense. And certainly the B-52G's are already capable of carrying out that function. So the B-1B would be a duplicative, extremely expensive weapon.

Now, they said the next role would be as a conventional bomber or a maritime support aircraft. This is laughable. Laughable. A multibillion-dollar program as now a conventional bomber, and you sold it because you said we needed a strategic bomber. But now that it will not be able to penetrate the Soviet air defense for a couple of years, we back all the way back, we need a conventional bomber. I would suggest to my colleagues that we could handle that mission less expensively with other weapons systems. You do not need a new conventional bomber at this cost. You certainly do not need a maritime aircraft.

Next, Mr. Chairman and members of the committee, it is too expensive. If you believe the Pentagon and this administration, this program is going to cost you $20.5—not million—$20.5 billion for 100 planes. That is over $200 million per plane.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, that $20.5 billion is in 1981 dollars. And we know how to do sleight of hand here. We quote 1981 dollars, 1983 dollars, 1985 dollars, 1979 dollars. We play games with people. But even if you use 1981 dollars, $20.5 billion, over $200 million a copy for these planes, the Congressional Budget Office projections placed the total figure not at a little over $200 million per plane but $398 million per plane or $39.8 billion for 100 planes, the B-1B program.

CBO figures assume that the first bomber would be available in October of 1986 and that the force would be completed, as I indicated in my previous remarks, by the year 1989.

In reality, projection costs would probably raise costs. Judging by prior aircraft purchases and experiences that we have had over the total lifespan of the B-1B program, we probably will spend $100 billion on this weapon system.

Now, finally, Mr. Chairman, it is too expensive to waste because under the category of multirole, one consideration is to take this $200 million plane, if you use the Pentagon figures, $400 million plane, if you use the CBO figures, as a theater weapon. Consider that. A $400 million plane as a theater weapon. Now, is that not too expensive a weapon to risk in that kind of a confrontation? It is my hope that we would never go down that road again. But it is certainly wasteful.

In summary, Mr. Chairman and members of the committee, on both military and fiscal grounds there are no persuasive arguments whatsoever in favor of the B-1B program. And for all of these reasons, the $6.179 billion ought to be cut. And in this era of rising deficits that my colleagues speak very powerfully and very strongly about, and increasing citizen concern about the growing military budget and the potential of military war, it would seem to me that it is our responsibility to scrutinize all spending proposals for excessive expense and waste.

I would conclude by saying that this weapon system is expensive, this weapon system is wasteful, this weapon system is unnecessary, this weapon system needs to be buried again as it was buried in 1977.

☐ 1250

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, what seems to be overlooked is the fact that we have an aging B-52 fleet, and they are an aging fleet, and some of the other planes that the gentleman mentioned are getting up in years.

The question is: What happens when they are unable to fly or the cost of repairing them and keeping them maintained is far more than what it should be in a normal maintenance situation? We have to have new weapons systems coming on, and if we have to have new weapons systems coming on, we should have the best. The B-1B is the very best. Is this not correct?

Mr. DELLUMS. If I may reclaim my time, my response to my colleague is, first of all, the question ought to be, do we need the weapons system? I think that is terribly important. I think that is our responsibility. Do we need this weapons system in the context of policy?

I am suggesting to the gentleman, no, we do not need this weapons system in the context of policy. There is no appropriate mission for this weapons system.

It is interesting that when we go back over the history, in 1977, when the President of the United States stopped the B-1 program, this Congress, interestingly enough, in a very smooth way, cut out funds for the improvement of the B-52; that we could have gone forward to make the B-52 even more modern, but they cut out a number of funds in order to keep the pressure on this body to come forward with a new bomber because you and I know, even if we are not willing to say it on the floor of this Congress, that the Air Force very desperately wanted a new bomber.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. They wanted a brand new bomber, and they tried various means, and they came to the B-1, and they wanted that B-1 program.

So I would just add a couple other points. We are talking about the potential of Stealth bomber technology, and that technology is there, that technology is being explored. If people are interested in that, why do we need a $40 billion B-1 program?

Mr. SKELTON. If the gentleman will yield, I would like to interrupt my friend at that point.

Mr. Chairman, the technology, and I am sure that the gentleman has information such as I have, is down the road. We have not even gotten close to flying the first prototype. That is still in the very early research and development stages. That is betting against the future, betting against the uncertainty, if you are putting your eggs in that basket. That is why it is best to take the bird in the bush, the B-1 bomber, which is here with us today.

Mr. DELLUMS. Mr. Chairman, if I may reclaim my time, I simply respond to my colleague by saying, No. 1, the B-52's are not falling down, the FB-111's are not falling down. They are more than capable of carrying out their mission.

Finally, in terms of the triad, we have changed the name to the air-breathing wing of the triad. Remember, we do have air-launch cruise missile technology. So my question is: Why do we need B-52, FB-111, B-1B, Stealth bombers and air-launched cruise missile technology? America and the world is screaming to put an end to the madness of the arms race and bring this military budget back within the confines of some kind of reasonable control.

It just seems to me that we do not need to go forward with a $40 billion program that has a dubious future and a dubious mission statement at best. I think we can get along without this.

Mr. SKELTON. I thank the gentleman.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(On request of Mr. GEKAS and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I will be very pleased to yield to my colleague, the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is very intense in his argument. I commend him for supporting his own convictions.

What I would like to ask the gentleman, though, is: Does the gentleman support the triad defense posture that is in place and on which American security depends? I assume that he does, that the gentleman does support the basic precept of the triad system.

Mr. DELLUMS. Mr. Chairman, if I may reclaim my time momentarily, let me say to my colleague, as my distinguished colleague, the distinguished gentlewoman from Colorado, has said on a number of occasions, we tend to equate the triad with the Trinity, and we do not particularly agree with that.

I would think that we do not necessarily have to go forward with the triad. There is nothing holy and sacred about three legs of our nuclear capability. I think that we probably could make a very good argument on this floor for a diad and ultimately to remove all nuclear weapons.

Mr. GEKAS. If the gentleman will yield further, may I rephrase it then? Does the gentleman agree that we ought to have an air arm of defense separate and apart from the submarine and strategic forces that we need? Do we need an air capability such as the B-52 now represents?

Mr. DELLUMS. I think if we accept the assumptions of moving forward with nuclear technology, the greatest hope in the future is in our submarine capability, not in our airbreathing wing of the traid.

Mr. GEKAS. Does this mean that the gentleman does not support an air wing of national security and national defense?

Mr. DELLUMS. I do not think it is necessary, I say to my friend. I really do not believe that. I do not think there is anything sacred about a triad, and I do not think we ought to live or die on that. I ultimately would like to see us remove every leg of the nuclear triad. I think it is, by definition, madness, my friend.

Mr. GEKAS. Then I must commend the gentleman further. He is against an air arm; therefore, he is against the B-1 and appears to be against the B-52. Therefore, he is totally consistent and ruins my argument.

Mr. DELLUMS. If I may reclaim my time, I will be more than pleased to yield, but let us not burlesque each other's argument here.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Let us not burlesque each other's argument here. This is not a personal debate here. This is a debate on policy.

Mr. GEKAS. Certainly.

Mr. DELLUMS. I have spent 15 minutes here not engaging in some personal harangue. What I have tried to do is challenge the B-1B program on its merits or the lack of it. I am saying to the gentleman, just to be repetitive in a very brief way. It is an unnecessary weapons system; it is a wasteful weapons system; it has no role, and is extremely costly.

Those are my arguments. If the gentleman wants to beat those arguments up, challenge them, and let us have an intellectual debate.

Mr. GEKAS. If the gentleman will yield, all I am saying is that the gentleman is absolutely 100-percent correct in his logic if the gentleman opposes any air capabilities. I commend him for remaining consistent. All I am saying is that if, indeed, we do require an air wing to our defense system, then we must either have a refurbished B-52, updated, and whatever it costs to do so, or a sustaining of the B-1 program.

Mr. DELLUMS. I would simply say to my colleague that we do have refurbished B-52's. I think we have enough bombers to take care of that. I think our bomber wing is obsolete. I have said before that if we ever have a nuclear war, probably the safest place to be is in a B-1B, because by the time you get to the target, the war is over.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, yesterday we voted for having multiyear procurement for the B-1B, so obviously the majority of Members of Congress who voted for the multiyear procurement expressed pretty well the sentiment of the Congress that this is a weapon we should continue.

I feel that if an arm or a leg, or whatever one wants to call it, of the triad is ineffective, like I believe the MX to be, then it is a good thing to get rid of it and we ought to do something really effective. Well, the B-1B is not only a viable part of the triad, or the diad, or whatever we have, but it also has conventional ability. It is the only portion of the triad that does have conventional ability. The other two portions, the Trident submarine and the ICBM's do not have any conventional value for us.

So it seems to me that when we have a leg of the triad which can be used for strategic deterrence, trying to keep a nuclear war from coming on, that to throw away the one leg that really has the ability to be a conventional weapon as well is a pretty costly thing to do.

Furthermore, we have technological advantage over the potential opponents in the field of bombers. We have good bombers. It is true that our present bombers are old, but we can go with the B-1 and be even better, thus obtaining a more modern bomber. Why throw away, why deter, why destroy something that is as good as our bomber development is?

As is well known, I do not feel that way about the ICBM's because I think we have a very vulnerable situation with regard to that. But the B-1 is not that vulnerable. It is a strong weapon. It is much stronger than our potential opponent's. They are producing bombers, but they are not producing any better bombers than we are producing. We really should go ahead with this

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next development of a bomber which will bring us into the modern age.

Repeating then: We did yesterday express an opinion that we ought to go to multiyear procurement of the B-1, which shows a majority of the sentiment in the House is for the B-1B.

Second, which is the most important thing, I think, about the B-1B, it is a part of our nuclear deterrent that can also be used as a conventional weapon. Any time you can do that, you really have something because you have something that can be used in the field of conventional war which, I think, is what we ought to be looking toward if we have to have war, rather than a nuclear war.

☐ 1300

We have technological advantages in the production of bombers, and we ought to keep that going.

Mr. DELLUM. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

I just want to raise a question on one particular point. The gentleman mentioned that the B-1B plane can be used as a conventional bomber. In terms of conventional missions, could not the B-52 or a refurbished B-52 or the FB-111 carry out a conventional mission as well as some new weapons systems?

Mr. BENNETT. Mr. Chairman, they are very old, and we have problems working with them at the present time. I really feel that we have got a very good bomber down the road, and to go into something that is 30 years old like the B-52 is a mistake. We ought to be giving our airmen the very best we can afford to give them, and when we have an advantage like we have here, particularly when it is both a deterrent in the nuclear field and also has conventional value, it would be one I would be very reluctant to give up.

Frankly, my thrust and, I think, the gentleman's thrust is to try to see if we can end the threat of nuclear war. That is the thing the gentleman yearns for and the thing I yearn for. When we have a weapon that can be used in a purely conventional manner, I think that is an advantage.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I thank the distinguished subcommittee chairman for yielding.

I just wondered if the gentleman was aware of an article that John Glenn wrote in our Strategic Review magazine where he says this:

> Both as a conventional bomber and cruise missile launcher, the B-52 will be increasingly unsatisfactory because it lacks the capabilities of a more modern plane such as the B-1. Seventeen of the B-52's were lost to relatively primitive North Vietnamese air defenses in the early 1970's and during the next 20 years increasingly deadly air defenses will become the property of many nations, thus greatly reducing the credible threat of the B-52 in a conventional role.

I know that the gentleman is familiar with the Foxhound-A, which has the first true look-down, shoot-down capability of the Soviet Union. We need the B-1 because it has lower radar visibility, improved avionics, improved countermeasure capabilities. Does that not, in fact, speak to the issue of the real necessity of having the B-1, particularly since there is now an argument about the B-52 being able to penetrate air defenses in the mid-1980's?

The CHAIRMAN pro tempore (Mr. Murtha). The time of the gentleman from Florida (Mr. Bennett) has expired.

(On the request of Mr. Dellums, and by unanimous consent, Mr. Bennett was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. Mr. Chairman, the gentleman from Ohio (Mr. Kasich) asked me a question, and I will answer that first. I agree with the gentleman from Ohio. Certainly the B-1B is a more modern type of weapon, and we should be getting it.

Mr. Chairman, I will now yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

I will simply say to my distinguished colleague on the other side of the aisle that I think in quoting John Glenn's argument, what the gentleman has done is underscored the argument against all of these bombers. They are all going to be increasingly vulnerable to more sophisticated air defenses, which raises the whole question of the obsolete nature of a manned penetrating bomber in the first place.

This is precisely what I am saying. They are even now beginning to write articles raising the question of whether Stealth bomber technology will be obsolete by the time it comes online as we develop more sophisticated air defenses.

So the gentleman's argument is not an argument in support of the B-1B; it is an argument against the B-1B and, for that matter, all of the bombers as strategic weapons systems in our triad.

Mr. KASICH. Mr. Chairman, will the gentleman yield further?

Mr. BENNETT. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, to briefly answer that point, it is now estimated that the B-1B will be able to penetrate Soviet air space well into the 1990's, and some people are now arguing that it will be able to penetrate Soviet air space well after the beginning of the next century.

So with the B-1B, with its improved electronic countermeasure capability, its improved avionics package, its reduced radar visibility, and its ability to fly low, those are the kind of elements we are looking for in an aircraft when we talk about the need to penetrate a country's air defense system.

Mr. Chairman, I urge my colleagues to reject the amendment, because I think the B-1B is going to do the job that this country needs to maintain that third leg of the triad.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by my distinguished colleague, the gentleman from California (Mr. Dellums).

I think, as the gentleman from Florida (Mr. Bennett) has already pointed out, that this House on yesterday, really in a very genuine sense, has already expressed its overwhelming sentiment in favor of the B-1. Although the issue was somewhat different, involving the question of multiyear procurement, the membership generally regarded that as a B-1 amendment, and the Members voted to retain the B-1 by a very substantial majority.

I think, as has also been pointed out by the distinguished gentleman from Florida (Mr. Bennett), the long debate that we had in this body several weeks ago over the nuclear freeze resolution, if it brought one point home to this body and to the American people, pointed out the deteriorating quality of our strategic nuclear deterrent. The deterioration was recognized most obviously in the fact that the B-52's are deteriorating, in some cases even on the runways, and for us to assume that we could continue to keep this aircraft flying against the improvements that have taken place in the last few years with the bomber leg of the Soviet triad would be hardly believable.

This is underscored by the fact that at the present time the Soviets have in fact copied the B-1, which we rejected very foolishly and against the recommendations of both the uniformed and civilian leaders in the Pentagon. The Soviets have begun to copy the B-1, not only in their Backfire bomber but also in the Blackjack bomber, both of which are enormously more capable than the current B-52's which, as has already been pointed out, would be absolutely unable to penetrate the airspace of the Soviet Union.

The gentleman from California, Mr. Dellums, primarily based his argument on the hope that sometime in the future—and we do not really know when it will occur—the so-called Stealth bomber will be in production. But no one is in a position to pin down any particular date for the Stealth aircraft. It is generally assumed that it would be available by the middle of the 1990's. But the Stealth aircraft, is after all, a paper plane. It is a new technology. We do not know much about it. We do not know how fast it will go, and we do not know what kind of a load it will be able to carry. It is wrong to assume that we could keep alive the aging B-52's, which are already 25- to 30-years old, up until the middle of the 1990's, waiting for the Stealth aircraft to emerge.

And this is an aircraft which might actually turn out to be a substantial lemon. We have to take that kind of a risk when we get involved in advanced technology.

It would be dangerous in the extreme for us not to continue the B-1 to fill in the important bomber leg of the triad between now and that time. In fact, I point out to the House that to keep the B-52's going between now and the middle of the 1990's, when the gentleman from California anticipates Stealth would be available, would actually cost as much as the $20 billion involved in the B-1 bomber program, which, by the way, is on target both in terms of time and in terms of cost. And that schedule was reaffirmed by the overwhelming vote on yesterday.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield very briefly to me?

Mr. STRATTON. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

I appreciate the fact that the gentleman and I have very, very different politics and very different perceptions with respect to this issue, but I would like to ask my colleague one question seriously.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. Stratton) has expired.

(On the request of Mr. Dellums, and by unanimous consent, Mr. Stratton was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, if the gentleman will continue to yield, I would like to ask my colleague seriously and in all candor, what does he actually perceive in specific terms to be the function of the B-1B program?

☐ 1310

We share the rhetoric. We need a new plane, but what do we really want to do? Are we really talking about dropping bombs on the Soviet Union? Are we talking about a European theater weapon? Are we talking about a Third World theater bomber? What are we really talking about? What does the gentleman really perceive to be the real function in explainable terms for the B-1B program?

Mr. STRATTON. Well, this is the ABC's of anybody who is a member of the Armed Services Committee, but I would have no hesitation in going through it.

We have since the advent of the nuclear age placed our nuclear deterrent in a triad, a triad of land-based missiles, a triad of submarine-based missiles, and the third leg of the triad is the bomber.

The reason for the triad, as I am sure the gentleman is well aware, is that nobody has actually fired one of our nuclear missiles in anger. We do not know whether the land-based system will actually work as we expect it to do. There may be hitches. There may be glitches. There may be magnetic pulses, and we also know of course, as we have found out with the development of the Soviet hard target capabilities, those land-based missiles are vulnerable.

The gentleman has pointed out that even the MX may be vulnerable. If they are, then we have also decided to have a backup system. This is nothing new. The fire departments have backup systems. NASA has backup systems. There is no redundancy when you are sailing to the Moon and you have a backup system, in case system A goes out, you have system B available.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(At the request of Mr. Dellums, and by unanimous consent, Mr. Stratton was allowed to proceed for 2 additional minutes.)

Mr. STRATTON. So the submarine-launched missiles have a capability of invulnerability, unless the Soviets are able to develop an underwater radar and spot these submarines, but they have so far not been able to do it; however, the submarine missiles do not have the accuracy of the land-based missiles; so one has a capability that the other does not have. If it turns out, for example, the Soviets were to launch their weapons, either submarine missiles or land-based missiles against the United States, we would have a warning time which would permit us to launch the B-52's that are our Strategic Air Command deterrent and they would be on their way to the Soviet Union with a retaliatory strike while the missiles were already in the air. That is the rationale of all of them and the B-52 has a very important mission, as General Ellis made clear to our committee when he briefed us a year or so ago.

Mr. DELLUMS. Will the gentleman yield briefly to me?

Mr. STRATTON. Yes.

Mr. DELLUMS. A land-based missile takes between 25 and 30 minutes to travel between the United States and the Soviet Union. Missiles fired from submarines could theoretically get there in a shorter time.

What is the time frame for a B-1B plane taking off in the United States and going to the Soviet Union, how many hours?

Mr. STRATTON. I have not timed the routes, as I have not had the opportunity to fly them; but the point is that we will know when the Soviets launch their missiles at us and when the B-52's take off, they will deliver the retaliatory strike.

Mr. DELLUMS. If the gentleman will yield briefly to me, my argument with the gentleman is that it is all over at that point, and therefore, underscores the notion that this weapon system is not needed.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Persons in the gallery will be in order. The Chair notes a disturbance in the visitors' gallery, in contravention to the laws and rules of the House. The doormen and guards will remove from the gallery those persons participating in the disruption.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think that the discussion that we just got into came very close to what is really at the heart of this issue. It is terribly important that we focus on it.

When I grew up, I was fortunate enough to be trained as a pilot. I got to take aerodynamic engineering. I got to do all those good things, and yet I do not fly to my district because the jet airplane has replaced the single engine aircraft as a reasonable mode of transportation to my district. To get from Washington, D.C., to Denver, Colo., and try to do it by myself in a small single-engine plane, I would hardly get there on a weekend in time to turn around. Technology made my piloting skill obsolete.

The gentleman from California is saying the B-1 bomber as a manned bomber is also one of the victims of this kind of technology change. We have heard arguments over and over again that we must have the B-1, because the B-52 is old. Right. The B-52 is old; but the question is, What does the B-1 do that the B-52 does not do that makes it worth $200 million to $400 million a copy? That is the issue that we have to decide.

Now, as we talk about the other two legs of the triad, and the gentleman from California pointed this out very well, we are talking about minutes—minutes—when you are talking about land-based missiles, or when you are talking about the submarine missiles, you are talking about minutes between launch and arrival.

When you are talking about manned bombers, it is like Pat Schroeder trying to fly to Denver, Colo., on weekends in single-engine planes. It is much too slow.

The B-1 is a subsonic aircraft. It does not go any faster than the B-52.

People say that it is penetrating. It does not penetrate Russian defenses. We admitted that it did not penetrate years before, it certainly does not penetrate now. It leaves a gigantic print on the Soviet screen and they are not going to sit there and say, "Well, the Americans think they are penetrating, so we will just let them on through." Baloney. Do not kid yourselves. This is double speak, and I know we are all into double speak, but we should not be. You can call it penetrating, but it does not penetrate Russian defenses, and I do not think anybody is worried about the Canadians or anyone else; so if it does not penetrate Russian defenses, we should not say it does. Remember the B-1 goes the same speed as the B-52. It is manned. It is slow. It does not penetrate.

As we pointed out years ago when we defeated the B-1, I remind you, this plane has been in the works since 1960 and is almost as old as my children. The B-1's main function in a war would be to bounce the rubble, because by the time it got anywhere, the potentials for so many missile exchanges are so high, it is almost certain they would have occurred. Assuming the B-1 got to enemy territory and assuming it got through air defenses, which are incredible assumptions, there would not be anything for the bomber to do but bounce the rubble the highest. If that is somebody's idea of victory and somebody's idea of what we should spend $200 million or $400 million a copy for to gain that capacity I think they are wrong.

When we keep trying to talk about multipurpose and we keep agonizing over what are we going to do with the B-1 we are seeking a reason to purchase no matter whether it is obsolete or not.

Now, if you want to update the air breathing wing of the triad, it has been said over and over and over again, the manned bomber is not the way to do it. You update by having an air platform that launches cruise missiles. That is a whole lot cheaper. It does not have the macho pizzazz of the manned bomber. You cannot wear silk scarves and goggles, but it is a new day. Technology has changed things.

It might have been fun to be a wing-walker, but that is out, too, and we are now talking about today and where we are and spending American dollars.

We must abandon the idea real men must have manned bombers. Real men do not go out and buy any single, silly thing that comes down, when they know it is obsolete. We have to know the B-1 is obsolete from the debates that have gone on in this House over and over and over again, year after year after year. It is like these arguments do not penetrate our skulls. If these arguments had penetrated our skulls as well as some say the bomber penetrates the Soviet defenses, we would not even be having this debate at all. We must focus on the fact that the penetrating manned bomber is obsolete. It costs a lot of money. It only commits us to more debt at a time when we do not have the money to spend.

☐ 1320

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(On request of Mr. SEIBERLING and by unanimous consent Mrs. SCHROEDER was allowed to proceed for 4 additional minutes.)

Mrs. SCHROEDER. If you really want to wax philosophical and talk about what is wrong with the defense budget, how do we get ourselves into these phenomenal price tag items that everyone knows is obsolete. If you want to strengthen the airborne leg you can do it with wide-bodied aircraft, that you can buy off the shelf for just a small fraction of what the B-1B costs. If modernization is what you want to do, buy the wide bodies. That would help the civilian aircraft companies, it helps America rebuild its infrastructure and we would have an airborne leg that is much more survivable than we have if we do the much more expensive B-1.

That to me seems to make all of the sense in the world and I am totally baffled by why we cannot do something that is sensible for a change rather than continuing down the same path.

Mr. McEWEN. Will the gentlewoman yield?

Mrs. SCHROEDER. I will be delighted to yield.

Mr. McEWEN. I appreciate the gentlewoman's comments concerning the wide-bodied aircraft. Perhaps you could distinguish for me how that would be less vulnerable from Soviet radar and how perhaps the pilots would not wing walk or use goggles or scarves.

Mrs. SCHROEDER. If the gentleman will yield back, it is very simple. With an airborne platform you are not trying to penetrate the air defenses of the other country. The Soviet Union has very, very good air defenses. An airborne platform does not penetrate the air defenses. Rather, the cruise missiles it launches do.

It stands back. It stands off and you do not attempt to fly it through the nation's boundaries but fire missiles through the boundaries. You send through Cruise missiles they show up like little dots on the screen or birds or whatever.

Mr. McEWEN. The point the gentleman from California has been making during the course of his presentation is precisely in opposition to the point that you are making as to why we need it.

Mrs. SCHROEDER. If I may reclaim my time, I think the gentleman is incorrect. The gentleman from California was not making an opposite argument. There was some confusion and I will be happy to yield to the gentleman from California.

I think there was some confusion. I think we were talking about strategic versus air defense, and I think the different things got confused.

Mr. DELLUMS. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I will be happy to yield to the gentleman from California.

Mr. DELLUMS. I thank the gentlewoman for yielding.

I would say to the gentleman that I am in total agreement with the gentlewoman. In fact, the gentleman I do not believe was present on the floor when I made my opening remarks.

Mr. McEWEN. I was.

Mr. DELLUMS. What I tried to suggest at that point was that one of the tragedies of this weapons system is that when you challenge its incapacity to penetrate Soviet air defense, the fallback position of those persons in support of this weapons system say it can be used as a cruise missile carrier.

Our argument in response to that is that you can take 747's or other wide-bodied planes that certainly do not cost you $400 million a plane to act as a cruise missile carrier, with standoff capability, to launch missiles, if we want to go down that insane road.

So the gentlewoman is perfectly correct and I am not arguing in opposition to the gentlewoman. We are in extraordinary harmony on this issue.

Mr. EDGAR. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I will be delighted to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentlewoman for yielding.

I would like to associate myself with your remarks and indicate my strong support for the amendment offered by the gentleman from California.

It seems to me that voices of concern heard today, symbolize voices that are heard throughout our Nation. A number of people at an intellectual level understand the points the gentlewoman from Colorado is making, but I think at an emotional level there are a number of people who are also making a point that the defense levels that we are committing to in this country are too high and that we are talking about real people, real human beings, and real children.

I think that all of us must be reminded in terms of the technical aspects of the weapons systems that they also have some very real implications in terms of war.

Mrs. SCHROEDER. I thank the gentleman from Pennsylvania, and he is so correct.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has again expired.

(On request of Mr. EDGAR and by unanimous consent Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. I agonize for persons crying out saying, "How can we continue this insanity?"

I cannot understand how we can continue this insanity either.

We are going into Father's Day weekend. Many of us are parents. This insanity goes on and on and on and the tragedy of this body is that we are not listening at either the emotional or the intellectual arguments on defense.

We keep acting like real men, build weapons—they do not ask questions, they do not do anything about changing our course and that worries me. That worries our constituents and I think that is what drives people to come in here and scream out and say, "Don't any of you hear?"

I want to compliment my colleague because we are trying to say at an intellectual and at an emotional level and any other way that there are very serious issues and there is a very high frustration level that it appears that no one is listening.

I thank the gentleman for listening because this is an important survival issue for our future.

Mr. SEIBERLING. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Of course, if we do want a penetrating bomber, this is not it. The gentleman from New York (Mr. STRATTON) mentioned the testimony of Gen. William Ellis, former Commander of the Strategic Air Command. Last year General Ellis came into see me and he said, "Congressman, I have come to see you because I just want to say, now that I have retired from my command, that you were absolutely right in your long opposition to the B-1 bomber. It was a waste of money." I would add, parenthetically that B-1 is not a problem from an arms control standpoint. It is probably a plus. But it is simply a waste of money.

General Ellis went on to say that if we wanted to get a bomber that supplied the same purpose as the B-1 we would not have to spend all of this money. For another $5 billion we could get an additional fleet of FB-111's, get them in the next couple of years, and bridge whatever gap there is—and he did not seem to think there was a serious gap—between now and the time that we get the Stealth bomber.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has again expired.

(On request of Mr. SEIBERLING and by unanimous consent Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Will the gentlewoman yield?

Mrs. SCHROEDER. I will be delighted to yield.

Mr. SEIBERLING. General Ellis said further that the money that we are spending on the B-1 bomber will delay the development of the Stealth by at least 2 years, because we will be diverting resources that we could be putting into developing Stealth.

So if we really think we need a penetrating bomber we are going down the wrong road, and that is from the former Commander of the Strategic Air Command.

Mrs. SCHROEDER. I thank the gentleman from Ohio for pointing that out.

I think many of us have talked before about how tired we get of truth as an exit line. As the uniform comes off and the command hat comes off, they say, "Oh, by the way, you really were right. That thing is a waste of money and it doesn't penetrate."

Let us point this out, our country does not have money to waste, No. 1. This bomber does not penetrate, No. 2. This silly thing is going to cost $200 million to $400 million a copy and you do not get any additional requirements for the money you do not really improve the airborne leg. It is time to blow the whistle on the B-1 and I compliment the gentleman from Ohio for pointing all of this out. I think it is very important.

Mr. STRATTON. Mr. Chairman, will the gentlewoman yield to me?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. STRATTON. I would just say to the gentlewoman from Colorado that the B-1 does penetrate and that is the reason we are building a B-1, because it does penetrate.

It is the B-52 that does not penetrate.

Mrs. SCHROEDER. If the gentleman from New York would tell me what the B-1 penetrates I will be happy to know. All of the testimony we have had is that it does not penetrate the Russian defenses. My understanding is that is what we are looking at, not Canada's.

I think that is the very serious problem with the B-1.

Mr. SEIBERLING. And if it is so wonderful why was it opposed by General Ellis?

Mrs. SCHROEDER. I think the gentleman from Ohio makes a very good point and we all know the Russian defenses have only gotten better, and they have gotten more accurate. We know that the B-1 leaves a very large print on the Russian screen and the cruise missile does not.

That is why people feel that the airborne launching platform makes much more sense and it is much more survivable and much cheaper. I urge support of the amendment.

● Mr. MARKEY. Mr. Chairman, I rise in support of the amendment to cut $6.18 billion from the Defense authorization bill, which has been earmarked for the B-1 bomber.

Mr. Chairman, if ever there was a weapons system that clearly represented a waste of taxpayer's money, it is the B-1.

Former President Jimmy Carter once said that the B-1 seems to have a life of its own. Indeed this plane has had a longevity that has been unmatched in the annals of wasteful military projects.

President Carter's efforts to kill the B-1 resulted in the House and Senate voting to kill the bomber project in 1978.

Congress then correctly decided that air-launched cruise missiles were a cheaper and more effective way to strengthen this Nation's strategic triad.

Now, with the Reagan administration's resurrection of the B-1, this wasteful project is back to haunt us again.

The main argument against the B-1 is the one that has been made time and time again: The bomber will simply be out of date for the mission it is supposed to perform by the time it becomes fully operational.

The B-1's mission would be penetration bombing. But by the time the B-1 becomes fully operational later this decade, Soviet air defenses will have been improved to the point that the B-1 will not be able to penetrate Soviet air space.

In other words, we are talking about spending $6.18 billion on a weapons system that will be an antique by the time it is deployed.

The Air Force has even anticipated that Soviet surface-to-air missiles will threaten the effectiveness of air-launched cruise missiles the United States is presently procuring.

That is why the Air Force agreed to end the procurement of the current version of the ALCM after fiscal year 1984 and instead decided to buy an improved stealth version of the ALCM.

So if the Air Force believes that the Soviet air defense system will be able to locate and destroy a ground-hugging, 21-foot-long, air launched cruise missile, what makes the Air Force think that a 151-foot long, swing-wing bomber will survive those air defenses?

Of course, it would not be able to survive.

Even Defense Secretary Caspar Weinberger has testified to Congress that the B-1 will not be able to penetrate Soviet air defenses in 1990 "unless somebody wants to direct suicide missions."

It is clear that the B-1B will be obsolete before it is deployed. And in a time of national belt tightening, we simply cannot afford to waste the taxpayers' money on a weapon system that will never be cost effective.

If Congress approves procurement of this flying dinosaur, the Air Force will be stuck with an extremely costly, new bomber that cannot perform its intended strategic mission.

In fact, the Air Force, in order to justify procurement of the B-1, is already listing all sorts of conventional bombing chores for the B-1B which are already assigned to cheaper, existing aircraft.

At best, the B-1 is a redundant weapon. And, because it puts a severe strain on the limited resources for defense, it weakens our national security by wasting funds that could otherwise be spent on more cost-effective weapons or on severely neglected areas such as readiness and maintenance of existing weapons systems.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. Dellums).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 194]

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Ford (TN)
Forsythe
Fowler
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

□ 1340

The CHAIRMAN pro tempore. 405 Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California (Mr. Dellums) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 255, answered "present" 1, not voting 12, as follows:

[Roll No. 195]

AYES—164

Ackerman
Addabbo
Albosta
Andrews (TX)
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Biaggi
Boland
Bonior
Bonker
Borski
Bosco
Boxer
Britt
Brooks
Brown (CO)
Carper
Carr
Clay
Clinger
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Dellums
Derrick
Dingell
Donnelly
Downey
Durbin
Dwyer
Early
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Florio
Foglietta
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Frenzel
Garcia
Gejdenson
Gephardt
Gibbons
Gore
Gray
Green
Guarini
Gunderson
Hall (IN)
Hamilton
Harkin
Harrison
Hertel
Horton
Howard
Hughes
Jacobs
Jeffords
Jenkins
Kaptur
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Lipinski
Long (MD)
Lowry (WA)
Lundine
MacKay
Markey
Mavroules
Mazzoli
McCloskey
McHugh
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Nowak
Oberstar
Obey
Ottinger
Panetta
Paul
Pease
Penny
Petri
Pritchard
Pursell
Rahall
Rangel
Ratchford
Reid
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Slattery
Smith (IA)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Tallon

Tauke
Torricelli
Towns
Traxler
Vento
Walgren
Waxman
Weaver
Weber
Weiss
Wheat
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Yates

NOES—255

Akaka
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Archer
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boner
Boucher
Breaux
Broomfield
Brown (CA)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clarke
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Corcoran
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
de la Garza
DeWine
Dickinson
Dicks
Dorgan
Dowdy
Dreier
Duncan
Dyson
Eckart
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Fiedler
Fields
Flippo
Foley
Franklin
Frost
Fuqua
Gaydos
Gekas
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gramm
Gregg
Hall (OH)
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hawkins
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
McCain
McCandless
McCollum
McCurdy
McDonald
McEwen
McGrath
McKernan
Mica
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Oakar
Olin
Ortiz
Oxley
Packard
Parris
Pashayan
Patman
Patterson
Pepper
Perkins
Pickle
Porter
Price
Quillen
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Synar
Tauzin
Taylor
Thomas (GA)
Torres
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

ANSWERED "PRESENT"—1

Dixon

NOT VOTING—12

Courter
Daschle
Dymally
Heftel
Kennelly
Kolter
Martinez
McDade
McKinney
Owens
Rodino
Thomas (CA)

□ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Thomas of California against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1400

Mr. STRATTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, earlier in the session, during the 1-minute speeches, the gentleman from Arkansas (Mr. Bethune) indicated his intention, when it came to the subject of binary chemical weapons, to request that the House resolve itself into a secret session for the consideration of the subject to which his amendment was addressed.

I think, as chairman of the Subcommittee on Procurement and Nuclear Systems of the House Committee on Armed Services, our committee is assured and is convinced, on the basis of both the classified and the unclassified briefings that we have received, that there is no useful purpose in going into an executive secret session of the House of Representatives.

I think the American people deserve to know the facts on this subject, and the basic facts of the subject are not classified. In fact, I have in my hand today a letter from the Assistant Secretary of Defense, the Honorable Richard L. Wagner, addressed to our chairman (Mr. Price), as follows:

> In response to your inquiry concerning what information relating to the chemical program is classified, and could not be discussed in an open forum, the following are the general categories:
>
> 1. Intelligence data that identifies the exact extent of knowledge about Soviet capabilities.
>
> Second, the war gaming data that gives specifics of our vulnerability to chemical warfare and our requirements to sustain operations during chemical warfare.

I am sure the gentleman from Arkansas (Mr. Bethune) would not want that matter discussed because that would undermine his particular amendment.

> 3. The exact numbers of chemical munitions in our stockpile; however, the locations and percentages are unclassified.
>
> The major elements of the chemical program as contained in the fiscal year 1984 budget request are unclassified and give a thorough and fair portrayal of our chemical warfare posture. I do not believe that there is any classified information that alters the substance of issues now being debated on our need to modernize our chemical stockpile.

I think it is also important that the Members of the House, of the Committee of the Whole, should understand what the parliamentary situation is.

If the gentleman from Arkansas (Mr. Bethune) wishes to propose that the House go into secret session, he would first be required to move that the Committee do now rise, and those of us who feel that it would be improper for us to go into a secret session, and to go through the 1½ hours required to sanitize the Chamber, those of us who oppose the motion to go into executive session would have to vote down the motion of the Committee to rise.

The motion to rise is a nondebatable motion and, therefore, I have taken this time, prior to whenever the gentleman from Arkansas (Mr. Bethune) may propose his motion, so that the Members of the Committee will understand that if you believe in open discussion, if you believe that we ought to debate this important issue so that the American people know what we are debating, if you do not want to spend an hour and a half sitting around while we sanitize the Chamber, then I hope you will join with the committee and oppose the motion to rise. Since the Assistant Secretary of Defense has indicated there is not any classified information that alters the substance of the issues now being debated on our need to modernize the chemical stockpile.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I will be glad to yield to the gentleman from Arkansas.

Mr. BETHUNE. I thank the gentleman for yielding.

Mr. Chairman, the gentleman and I both have spent a good deal of time working on this issue. It is an important issue and I think Members are attuned to the fact that we will probably have a rather extensive debate here.

I would just like to propound a few questions to the gentleman. First of all, is the date of the letter today that you received from the Secretary?

Mr. STRATTON. This is a letter that was received from the Secretary today; yes.

Mr. BETHUNE. And was the Secretary's letter written to the gentleman in response to the fact that I had suggested that I would request, under rule XXIX, a secret session?

Mr. STRATTON. I discussed the matter with the Secretary to determine precisely where the areas of classified information were, and they are as set out in the letter, and it does not deal with the area that the gentleman is proposing to offer an amendment to.

Mr. BETHUNE. The reason I ask this is, as I listened attentively as the

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gentleman read the letter, I have not seen it, but as I understand it, the classified information would be the intelligence information that we might have regarding Soviet capabilities, wargaming data, and the exact numbers of the stockpile. The percentages of chemicals and the location are unclassified.

Mr. STRATTON. I yield back the balance of my time.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. Stratton) has expired.

Mr. BETHUNE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the reason that I raise this point, I say to the gentleman from New York (Mr. Stratton) is that throughout the course of my investigation of this particular matter, as I have tried to glean the facts relating to the binary chemical program, I have been admonished over and over by the Department of Defense that certain areas were classified.

Now if, in fact, the details concerning the Big Eye bomb and the problems that we have had with the Big Eye bomb and all information relative to the Big Eye bomb are not classified, so that the gentleman from Arkansas and others would not feel constrained to make whatever points that we want to make and to bring out whatever factual information that we wish to bring out relative to the Big Eye bomb, then I think it would be in the interest of the House if we struck an agreement here to put at the desk the numbers of chemical weapons that are in our stockpile here in this country and abroad, if that be the case, and then I would suggest that we could proceed with the debate in full knowledge that Members would have an opportunity to see the numbers here that are relevant to our existing stockpile, and with the full satisfaction and knowledge that Members would not be constrained in any way to debate any and all facts that they may have relevant to the Big Eye bomb.

The reason that I felt so uncomfortable and wanted to make the request today for a secret session is that, as I said in the course of my investigation, I have had an opportunity to see the Big Eye bomb that exploded as they were testing it just a few months ago. I have had occasion to talk to all the people who worked on that particular bomb. I have had occasion to talk to them about the alternatives that they considered to fix it, and I have had occasion to talk to them about the way in which the so-called remedies would work.

Now, in the course of those discussions, they told me that that was confidential information and marked it so. If the Secretary of Defense, who has sent the letter over today, is authorized to release us to commence a discussion about that kind of material, then the gentleman from Arkansas could very easily go forward with the debate and I think we could have a good debate and make an intelligent decision based on the facts, rather than to leave great gaping holes in the debate.

☐ 1410

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

I have asked the gentleman to yield for the purpose of asking a question of the gentleman from New York (Mr. Stratton), not being a member of the Committee on Armed Services.

Mr. Chairman, there were certain allegations made as to the stockpile we had and what the Soviet Union has, and it is indeed classified. I would ask the gentleman from New York, if we do not get the permission to go into secret session, is the gentleman from New York prepared to share the classified information that the Committee on Armed Services has, so that our Members can intelligently make a decision on this very highly technical and very important subject?

Mr. STRATTON. Mr. Chairman, if the gentleman from Arkansas will yield, the response is that the committee would obviously not share any intelligence classified material that we were provided in the committee. But the point is that no intelligence classified material is required to deal with the subject of whether we should modernize our stockpile.

As the letter from Dr. Wagner indicated, the classified material is based on the Soviet threat, and the gentleman from Wisconsin and the gentleman from Arkansas obviously do not believe that the threat is serious enough to justify the modernization procedures which we tried last year to get approved and which we are trying again this year to get approved.

So that information, were it to be discussed—but, of course, we cannot discuss it—would further undermine the gentleman's position.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding.

I want to follow up on the point the gentleman from New York was making and say that all classified information in the Committee on Armed Services is available to all other Members. All they have to do is come and get that information. It will be made available.

Of course, on the floor sometimes some of this classified information should not be given in public, but any Member is entitled to any classified information. Members can come by the Committee on Armed Services and they can get it.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. Bethune), has expired.

(On request of Mr. Montgomery, and by unanimous consent, Mr. Bethune was allowed to proceed for 1 additional minute.)

Mr. MONTGOMERY. Mr. Chairman, if the gentleman will yield further, the gentleman mentioned the Big Eye bomb that he was concerned about. As I understand it, there are no funds in this bill for the Big Eye, and I would see no reason why the gentleman would have to bring that area up. There are no funds in here for the authorization.

Mr. BETHUNE. Mr. Chairman, the gentleman is mistaken about that. There is funding here in the authorization.

Mr. MONTGOMERY. There are no procurement funds.

Mr. BETHUNE. There is funding or there is authorization to commerce tooling and commence work on shell casings and metal parts for the Big Eye, and I understand that the gentleman from Texas (Mr. Leath), will be trying to preserve that under his amendment.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from New York (Mr. Stratton) has stated that the classified information could not be shared on the floor. The gentleman from Mississippi (Mr. Montgomery) has apparently said otherwise.

Now, what will be the policy of the Committee on Armed Services? Will it share its classified information and its confidential information with other Members?

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, the policy of the Committee on Armed Services is that any information that our committee has is available to any Member of Congress. All Members have to do is to come to the committee and ask for the information, and it will be shown to them.

Mr. ZABLOCKI. But do I understand that it cannot be discussed?

Mr. PRICE. It cannot be discussed. Otherwise it would not be considered classified.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. Bethune) has again expired.

(By unanimous consent, Mr. Bethune was allowed to proceed for 1 additional minute.)

Mr. BETHUNE. Mr. Chairman, I think the numbers are important. That was not the main point that I wanted to develop in the closed session. The main point I wanted to develop in the closed session that I think is critical to the debate here is the details concerning the Big Eye bomb—what happened to it, why it is not working, and what the ideas are for getting it to the point where we can be satisfied that it might work someday.

I am satisfied, based on the colloquy that we have had here, that I am not going to be locked up by the FBI or somebody else if I now engage in a full discourse here on the floor about what I know about the Big Eye bomb, and that is exactly what I intend to do because I think it is relevant.

With respect to the numbers, it would seem to me that it would help Members who are going to be wandering in and out if there were readily available to set of numbers on the stockpile, because that will be mentioned, too, and we could place one at the desk.

If the Committee on Armed Services is so intractably disposed to make it difficult for Members that they have to send staff over to the committee room or wherever else to get these numbers, then I will just announce to the Members that I have the numbers. They are right here, and I will share them with the Members.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas, Mr. Bethune, has again expired.

(On request of Mr. Leath of Texas, and by unanimous consent, Mr. Bethune was allowed to proceed for 2 additional minutes.)

Mr. LEATH of Texas. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Texas.

Mr. LEATH of Texas. Mr. Chairman, I think that the gentleman from Arkansas (Mr. Bethune) knows that we are not concerned with trying to hide anything from anyone. But the gentleman from Arkansas, because of the fact that he has been so diligent in looking into this, knows there is adequate unclassified information that is available, and we have reams and stacks of letters and comments from everybody involved in this chemical program stating what our threat capability is today.

That is the essential question, and I do not blame the gentleman for wanting to win his point and wanting to take this House off on another tangent and get it in a secret session and talk about how many thousand 0.155 rounds we have got and how many 8-inch rounds we have got. That is all irrelevant.

The point that needs to be discussed on the floor is, do we as a Nation, in order to protect ourselves and in order to make sure that we have a comparable chemical threat on a conventional battlefield, which we absolutely do not have today—and no one can make a case otherwise—need to modernize that threat which has been lying dormant for 14 years?

So, Mr. Chairman, I do not think we need to let this debate get off on something that is irrelevant, and that is what is going to happen to it.

Mr. BETHUNE. Mr. Chairman, I am not trying to get the debate off on something that is irrelevant. I am now satisfied, based on the letter from the Secretary dated today in response to my announcement that I intended to call a secret session, that I can discuss the details concerning the Big Eye bomb. I intend to do that whether the gentleman wishes to have me do that or not.

Next, it would seem to me that all we are arguing about now is whether or not Members should have to come to me to get the numbers, whether they should be able to go to a neutral playing field to get the numbers, or whether they will have to go out and try to get the numbers from the Defense Department.

Mr. LEATH of Texas. I do not think that is at all what we are talking about.

Mr. BETHUNE. Mr. Chairman, it seems to me that we are wasting time here. We can go ahead and move forward with the debate.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. Bethune) has expired.

(On request of Mr. Leath of Texas, and by unanimous consent, Mr. Bethune was allowed to proceed for 1 additional minute.)

Mr. LEATH of Texas. Mr. Chairman, if the gentleman will yield, the gentleman well knows and he was told on his visit that this is a technical problem. I think the gentleman knows that if we get off into a technical discussion of the Big Eye bomb—which I do not think this House is capable of doing at this point, because it is just that—it is a technical problem, and I think the gentleman was told, when he visited the facilities where they are manufacturing that bomb, that it was a technical problem, and that we have the technology to repair it and make it work.

The Big Eye was conceived under a different set of doctrinal circumstances from what we are going to have to adapt it to use, but it can be adaptable, and I think the gentleman knows that.

So we do not need to argue about these Big Eye bombs or weapons systems. We need to focus the debate back where it should be, and that is, are we going to do something about the 14-year unilateral disarmament we have had in this country on chemical weapons? And are we going to bring ourselves up to the point where we do not have to lower the nuclear threshold by having a comparable nuclear threat?

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. Bethune) has expired.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Chairman, the gentleman from Arkansas (Mr. Bethune) has indicated that he intends to discuss the Big Eye bomb under title I of the armed services procurement bill of 1984. My inquiry is, Would not such a discussion be ruled out of order, since there are no procurement funds in title I for the Big Eye bomb?

The CHAIRMAN pro tempore. The Chair will state that the question would only be whether it is relevant to the matter under consideration in title I of the procurement bill, if the debate were in open session in the Committee of the Whole.

Mr. STRATTON. Mr. Chairman, there are no procurement funds for the Big Eye, and there are no production funds, so then it would be out of order, I take it, Mr. Chairman.

Let me advise the Chair, however, that we do have money in the R&D title II section, but not in title I.

The CHAIRMAN pro tempore. The Chair will state that the debate may advocate that production money be included for the Big Eye bomb. The Chair does not know what the amendment or debate would advocate.

☐ 1420

AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Zablocki: Page 2, line 15, strike out "$2,272,500,000" and insert in lieu thereof "$2,157,900,000".

Mr. ZABLOCKI. Mr. Chairman, for 3 years now the Congress has been engaged in a vigorous debate with the Department of Defense over the question of breaking this country's longstanding moratorium on the production of lethal nerve gas.

Last July, in an historic vote, the House of Representatives overwhelmingly rejected—by a margin of 251 to 159—the Pentagon's request for new nerve gas when it adopted an amendment offered by myself and the gentleman from Arkansas (Mr. Bethune), my Republican colleague, to delete funds for chemical weapons production.

Last year, when the Congress decisively rejected any binary production money, the House at the same time expressed a clear desire to maintain our existing chemical retaliatory capability, while pursuing serious chemical arms control negotiations.

I recall that in that debate, we pointed out, that rather than produce the binary, we should spend money on defense against chemical warfare.

I believe that the American people support continuation of this policy which seeks to eliminate the horrible threat posed by chemical warfare.

It is for this reason that I am once again introducing this amendment, along with the gentleman from Arkansas (Mr. BETHUNE), to delete $114.6 million requested for binary chemical weapons production. We do not delete any money from research and development.

I would like to point out to my colleagues that this amendment enjoys broad based support from Members on both sides of the aisle.

To name just a few, Mr. BETHUNE and I are joined today by Mr. EDWARDS of Oklahoma, Mrs. ROUKEMA, Mr. AUCOIN, Mr. LEACH, Mr. BONIOR, Mr. GREEN, Mr. GEJDENSON, and Mr. KASTENMEIER.

I want to make it perfectly clear again to our colleagues, Mr. Chairman, precisely what the effect of my amendment is. The amendment leaves intact nearly 90 percent of the funds requested for the U.S. chemical warfare program. That amount, that 90 percent is over three quarters of a billion dollars. This includes almost $70 million for badly needed chemical defensive programs, $76 million for demilitarizing the small portion of the current stockpile that is unusable, and about $40 million for research and development and maintenance of the existing stockpile of lethal chemical weapons.

Now, why are we striking this $114.6 million? It is because in my opinion, Mr. Chairman, we are not ready to go into production of binary munitions. They have not been adequately tested. We have problems with the Big Eye bomb, in particular, which has been blowing up in laboratory tests.

Simply put, my amendment would only delete $114.6 million for the production of binary weapons, which are not needed, are not fully tested, and which would result in billions of dollars of unnecessary Government spending.

Mr. Chairman, I am convinced that the Congress wisely deleted the funds last year and that the Congress is equally justified in deleting the funds for this costly and unnecessary program again this year.

Two recent developments which I will now discuss reinforce this point. Just a month ago, the Pentagon asked the House Armed Services Committee to defer $43 million it had sought for the production of the Big Eye binary bombs, because the bomb could explode on its own and spew deadly nerve gas while being carried by American fighter aircraft.

According to Dr. Ted Gold, the Deputy Assistant Secretary of Defense for Chemical Matters, the problems with the Big Eye binary bomb were not discovered until late last year. This is particularly disturbing in light of the fact that the Big Eye bomb had been under development since the late 1950's.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for an additional 5 minutes.)

Mr. ZABLOCKI. And also, because the Pentagon had sought congressional approval of funds for Big Eye bomb production last year before these serious technical problems were discovered.

I believe there are two important lessons to be learned from the Big Eye bomb "bomb." First, it underscores the importance of not proceeding with production of weapons systems that have not been adequately and fully tested, which the binaries have not been; and second, it calls into question the viability of the binary concept which was thought to be a so-called proven technology.

Mr. Chairman, the second development which I referred to earlier was the release by the Committee on Foreign Affairs of a report prepared by the General Accounting Office, entitled "Chemical Warfare: Many Unanswered Questions." I would hope our colleagues, Mr. Chairman, would carefully review this document.

This new report which was begun nearly 2 years ago, concludes that spending billions of dollars on the production of binary nerve gas will not provide the United States with a "credible chemical warfare deterrent" capability.

The GAO report reaffirms what many of us have argued for the past several years; that is, that the first priority of our chemical program should be the correction of long standing deficiencies in U.S. chemical warfare doctrine, training, and defensive equipment. Production of new binary nerve gas weapons will not improve the U.S. chemical warfare deterrent posture in the fact of these serious deficiencies.

Further, Mr. Chairman, the GAO report made the following findings:

First, contrary to DOD assertions that the Soviet Union possesses a massive chemical warfare capability, GAO found that:

> Little is known about the size and mixture of the Soviet stockpile of chemical munitions" and, that
>
> The Soviet chemical warfare delivery means are virtually unknown.

Second, despite DOD claims that the U.S. stockpile of chemical weapons is obsolete and deteriorating, GAO found that:

> The precise size and condition of the U.S. stockpile are not known:

Third, although DOD has claimed that binaries are more advantageous than the existing unitary chemical weapons, GAO disagrees. The report says:

> Available data does not sustain the argument that binaries offer substantial technical and operational advantages over existing weapons,
>
> Binaries place greater space requirements on storage, transportation, and deployment,
>
> The mixing requirements of binaries may diminish their operations effectiveness, and
>
> Peacetime advantages (of binaries) may have related wartime costs (such as mixing time and more complex logistics).

Fourth, despite Reagan administration claims that binary chemical weapons production may have a positive effect on prospects for chemical weapons arms control, GAO found that:

> Binary production might complicate verification procedures.

Finally, although the United States has possessed lethal chemical weapons for decades, the GAO found that:

> The United States does not have a chemical warfare doctrine,
>
> The United States, unlike the Soviet Union, has not built a strong ability to defend against chemical warfare, and
>
> The United States does not have realistic or adequate training and exercises for chemical warfare.

Mr. Chairman, if there are any Members here that have some concerns or questions regarding the U.S. retaliatory capability, I do not have a secret document which outlines our stockpile. I shall not quote from it, but it is available. I am sure the Armed Services Committee and gentleman the from Arkansas (Mr. BETHUNE) have the same information. I do not think we need to go into a secret session, but the data which supports my claim as to the adequacy of our existing chemical weapons stockpile is available.

Finally, as to DOD claims that binaries are safer and better than existing unitary munitions, the GAO disagrees, noting that binaries have significant technical and operational disadvantages over existing weapons, and therefore, more investigation is needed and more research and development is needed.

That is what many of us in Congress are saying. Research and development, yes. Production of untested and unreliable binary munitions, no.

This is basically the bottom line of this amendment.

I am one who has continuously supported an adequate defense for our country. I would not be offering this amendment if I thought I would be putting my country, our country, at a disadvantage.

Mr. Chairman, the Committee on Foreign Affairs has had an active interest in U.S. chemical warfare policy

for the past decade. During the many hearings we have held over the years on this issue, we have always sought to answer one key question: "Does resumed nerve gas production contribute to U.S. national security interests?"

Mr. Chairman, the answer has and continues to be "no."

☐ 1430

The United States already has an adequate stockpile of usable nerve gas munitions which have been fully tested and can be relied upon to provide a sufficient retaliatory capability in a crisis situation.

Yes, yes, there are a few old munitions that must be destroyed. But to produce new binary artillery shells, which are 18 times the cost of upgrading one existing unitary shell, is simply a waste of the taxpayers' money.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has again expired.

(By unanimous consent Mr. ZABLOCKI was allowed to proceed for 3 additional minutes.)

Mr. ZABLOCKI. To move forward with the production of binary munitions at this time, Mr. Chairman, would be detrimental to our relations with our friends and allies in Europe who oppose chemical weapons and could seriously jeopardize NATO's ability to go forward with intermediate nuclear force deployments in the event that there is no progress in the INF talks by December of this year.

My colleagues, I just got back from a NATO assembly over the weekend. In talking with and questioning our counterparts, parliamentarians from our NATO ally countries, I found that they continue to be concerned about chemical warfare. Where would we place these weapons? What theater are they to be used in? Is it not Europe?

But our allies will not allow them to be deployed in their countries. Only one country at the present time has chemical weapons on its soil. If we do not have a place to keep them, the question in my mind is why are we spending so much money on the binary program and not spending money where we really need it, which is on chemical defensive programs.

Resumed nerve gas production affords the Soviet Union yet another propaganda advantage vis-a-vis the world community. Yes, you and I know they have been charged with using chemicals in Afghanistan, in Kampuchea. But if we go into production after some 14 years of a moratorium, the Soviets would say the United States intends to use chemical warfare.

I believe that it is clear that binary production undermines rather than enhances U.S. security interests.

Mr. Chairman, I urge my colleagues to support this bipartisan effort to delete the funds for production of binary weapons.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I will be delighted to yield to the gentleman from Arkansas.

Mr. BETHUNE. I would like to compliment the gentleman on his amendment and express my appreciation for the way in which he has worked with me over the last year. I think the gentleman has brought out some very excellent points and certainly in the space of the short time in which he was permitted to address the House he has provoked thought among Members about the salient issues which we must deal with before we can make any decisions on this binary weapons program.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has again expired.

(On request of Mr. BETHUNE and by unanimous consent Mr. ZABLOCKI was allowed to proceed for 2 additional minutes.)

Mr. BETHUNE. The fact of the matter is since 1969 this country has neither produced nor used chemical weapons.

This is in stark contrast to what the Soviet Union has done. I think the whole world knows certainly by perception if not in reality that the Soviet Union is producing and is using chemical weapons. The stories of Sverdlovski, Afghanistan, Southeast Asia, are enough evidence, I think, on that point.

I hope as Members listen to the debate they will not only consider the very particular arguments that you and I and others will make about the particular weapons under consideration, the nature and extent of the stockpiles and so forth, but that they will pay close attention to the point the gentleman made about how our allies feel about the binary weapons and about the environment that exists at the Committee on Disarmament presently and in the world, which this country could take advantage of in its quest for a treaty, which would be the ultimate cure to the problem, and that is a ban on chemical weapons. I hope that Members will listen attentively because I am satisfied that those who wish to commence production will try very hard to offer very interesting amendments or substitutes that would lead Members to believe that we are not really making a decision here today to produce, we are only making a decision to sort of get started.

I think it will become clearer as the debate wears on that you cannot have it both ways and that the best procedure for this country today is to hold to the existing policy until such time as we are satisfied that we need to do this, which we do not need to do right now, and until we are satisfied that the weapons that they are offering to this House for approval work, and the ones that they are offering now do not work.

So I think those are the two critical issues that will have to be developed here in the course of this debate, but always being sensitive to the question of arms control and the feelings of our friends and our allies in nonalined countries around the world.

Mr. ZABLOCKI. I thank the gentleman for his contribution. We should not give the Soviet Union an opportunity to transfer the criticism of the world, that is now on their back, on us.

AMENDMENT OFFERED BY MR. LEATH OF TEXAS TO THE AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. LEATH of Texas. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. LEATH of Texas to the amendment offered by Mr. ZABLOCKI: Strike out the amount proposed to be inserted by the amendment and insert in lieu thereof "$2,272,400,000".
>
> At the end of the amendment add the following:
>
> "At the end of title I (page 10, after line 12) add the following new section:
>
> "LIMITATION ON THE PRODUCTION OF BINARY CHEMICAL MUNITIONS
>
> "SEC. 109. Funds appropriated pursuant to authorizations of appropriations in section 101 for ammunition for the Army for binary chemical munitions may be used for the establishment of a production base for binary chemical munitions and for the procurement of components for 155-millimeter binary chemical artillery projectiles, but may not be used for actual production of binary chemical munitions before October 1, 1985. For purposes of this section, production of binary chemical munitions means the final assembly of weapon components and the filling or loading of components with binary chemicals."

(By unanimous consent Mr. LEATH of Texas was allowed to proceed for an additional 10 minutes.)

Mr. LEATH of Texas. Mr. Chairman, those of you that have been here since I came to Congress in 1979 know that I have subscribed to a proverb that my father had that you can learn a great deal more by listening than you can by talking. I have seldom come to this well in those 4½ years, but today I am compelled to do so because I sincerely believe there has never been a single issue in those years more misunderstood than this one we are debating here today.

This is indeed an issue that can be made so very, very emotional because there is no question about the fact that chemical weapons are horrible. It can be drowned in rhetoric, and it has been, because it is a very complex issue involving a great deal of personal opinion and a great many assumptions on the part of all of us.

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Real arms control is the issue. But if you want a strong conventional force structure, if you want to keep the chance of us using nuclear weapons much less than it would be under our current circumstances, then, ladies and gentlemen, I think you will support this amendment and this concept.

On an issue as vital as this issue is, one that is so very vital to our conventional forces' threat, Mr. Chairman, it is imperative that we keep our focus on the facts. It is imperative that we keep our focus on historical reality. It is imperative that we keep our focus on knowledgeable assessment from those who know what constitutes relevance on a subject so complex as this one.

Because the program was unnecessarily delayed last year by this same opinion, our committee went into great detail this year to make sure that we were on solid ground by once again redefining all of the credible opinion that we could find in our Department of Defense on this program, and the timing of this program as it relates to our arms control efforts and cooperation with our negotiators.

☐ 1440

Mr. Chairman, let me go through the concerns that have been expressed—legitimate concerns that have been expressed here—as best I can and then present to the Members of the House the logic that I believe will very effectively address those concerns.

Finally, Mr. Chairman, I want to show how my amendment can satisfy those concerns and still give us that little-bitty degree of insurance that we need just in case things do not work as we all hope they will.

First of all, Mr. Chairman, the strongest points made by Chairman Zablocki and Mr. Bethune last year in the debate, and this year, are purely that; they are points based on opinion, points based on their opinions. I happen to believe that both fact and history invalidate the conclusions that these dear colleagues have drawn on this subject. So let us examine their opinions in the light of existing facts and in relation to historic perspective and in relation to what this country needs to have a credible defense threat.

The first point—and interestingly enough neither gentleman has denied the fact that we need a chemical warfare capability, but the first point is, What is the current status of our chemical weapons threat? Both gentlemen contended that we already have a sufficient amount of chemical weapons in our stockpile both in quantity and quality to provide a credible deterrent.

Mr. Chairman, that contention is absolutely not true and it is not borne out by anybody in our services with any degree of credibility that says that it is. The size and condition of our stockpile is precisely known and it is completely inadequate, comprising only a small portion of what the JCS requirement is. Yes, we have tons and tons of highly toxic, deadly, dangerous chemicals, many of them 50 years old, 40 years old, 35 years old. The truth is 72 percent of that stockpile is either in unserviceable rounds and rockets that we no longer have launchers to use or they are in bulk. My friend likes to stand up and talk about the beautiful safety of these chemicals. Yes, they are like a rattlesnake. Out in the western part of my district, a rattlesnake will not bother you as long as you have him in his lair, when you step on him, it is deadly.

The fact is if we had to move this tremendous amount of chemical agents that we have stored we indeed would be in trouble, not only from the troops that would have to use it but from the population centers and in all of the districts where we would have to take it.

Of the 22 percent of our chemical short-range capability only 6 percent of it, only 6 percent of that is useable. And the amount that we have in deep-strike capability, Mr. Chairman, is so minute that it is not even worth talking about.

Mr. Chairman, the very best military opinion that we have in this country strongly states that our stockpile is totally inadequate to pose any semblance of a counterthreat to deter the Soviets from using chemical weapons in the event of a conventional confrontation. We have letters which we can put into the Record and let the Members read, from General Vessey, from everybody in the Department of Defense, who has addressed this subject.

The truth is, Mr. Chairman, that we can deliver a chemical strike only to the first echelon of a conventional force. That is approximately 16 kilometers. If you envision a conventional battlefield where you have at least four echelons, that attacking echelon, the second in reserve, then the third and then the fourth which would constitute the airfield, ships, and so forth.

We have the capability in our arsenal to go the first echelon, 16 kilometers. Now, the Soviets by contrast can strike all four echelons. It has been estimated that they could wage a chemical war for at least 30 days on a 500 kilometer range and focus on all four echelons of our forces on that same battlefield, which means they could get our ships, they could get our airfields, our supply depots, our reserve areas up to 500 kilometers. They outnumber us at least 12 to 1 in chemical warfare personnel.

They have 85,000 troops especially trained in chemical warfare, in every division they have. They outnumber us over 5 to 1 in weapons, over 4 to 1 in stockpile, even as inadequate as ours is. Get this, they have 14 current producing chemical weapons plants. My colleagues, we have none, we have zero. They outnumber us at least 25 to 1 in decontamination equipment. These figures have to convince anyone that has an open mind that there is no comparable threat, when we compare our aged, deteriorating arsenal to theirs.

Now, why is comparable threat absolutely necessary doctrine in chemical weapons? Let us talk about that a little bit because that is where the focus of this debate should be. The focus of this should be on that doctrine. History, Mr. Chairman, that is why, history graphically verifies that doctrine.

It is probably the most valid military doctrine that we have. We can argue forever in this Chamber about the validity of a doctrine that says we have to have absolute parity in nuclear weapons threat and I am not sure who is right on that argument.

I think I could make a credible argument either way. None of us really knows because, thank God, we have never had to go through a nuclear exchange, so it is all opinion. But there can be no argument concerning the validity of that doctrine in relation to chemical warfare, my colleagues, because 65 years of history, 65 years of history since World War I and numerous wars since World War I, prove that conclusion to be completely factual.

The quality of that stockpile has direct relation to the comparability of threat concerning conventional forces. Now, my friend if the two most heinous enemies in the history of modern warfare, Nazi Germany and Japan, did not use these weapons, there was only one reason why they did not. We had the ability to retaliate in spades and they knew it.

Our intelligence confirms conclusively that they both considered this option and they rejected it and they rejected it for that one reason, that the threat was comparable.

If the same disparity that exists today had existed in 1945, Mr. Chairman, history would indeed have been rewritten and we would not be here today talking about this issue.

If the first foundation of the Zablocki-Bethune approach assumes a comparable threat, and it does, Mr. Chairman, it is indeed a foundation that is built on sand. It is a totally invalid and undefensible, by either fact or history. You can shoot at it with rhetoric, you can shoot at it with assumptions and you can shoot at it with opinions, but you cannot substitute it for fact.

The second basic foundation of the Zablocki-Bethune initiative assumes that we are just on the verge of reaching agreement with the Soviets to ban

chemical weapons and for us to do something to protect our interests after 14 years would harm those efforts. Here again, my friends, they make some very dangerous assumptions, some very loose assumptions that in my judgment cannot be validated by fact, either historical or judgmental.

They both made this same contention so many times over the years that I think in fact they destroy their own case.

Again, my colleagues, this is pure opinion. Let me tell you what the facts are and then you draw your own opinions, you make up your own minds, based on history and fact. This scenario began 14 years ago in 1969 when President Nixon, hoping that we could entice the Soviet Union into agreeing on banning the manufacture, stockpiling and use of chemical weapons, unilaterally, on our own, halted our efforts.

So, for 14 years now we have done nothing but talk. During that period of time the Soviets have talked and they have manufactured and they have stockpiled and they have used. After completion of the Biological and Toxic Weapons Convention in 1971, an international discussion of complete chemical weapons ban began in earnest. This work was carried out in the conference on the Committee on Disarmament, which is the forerunner of the current Committee on Disarmament.

☐ 1450

The United States participated very actively in these discussions. The United States and the Soviet Union then in 1976 ensued bilateral discussions pursuant to an understanding that was reached in 1974 at the Vladivostok summit. These technical and exploratory discussions laid in mid-1977 to the opening of intensive bilateral negotiations on a comprehensive chemical weapons ban. Altogether 12 rounds of talks were held. The most recent being in July 1980.

While the United States and the Soviets reached agreement in principle on the scope of the ban, little progress was made in resolving a number of key verification-related issues.

The United States pressed for mandatory international onsite inspection in a number of situations. For example, the mothballing and eventual destruction of all declared chemical weapons production facilities. The Soviets obviously rejected the U.S. approach, advocating instead reliance on photographic satellites and on self-inspection by each nation. The United States made clear, and quite accurately, that such an approach could not provide competence in compliance.

Now remember, my friends, that we are talking about a scenario that started in 1969. Because of the stalemate in the bilateral negotiations, the Committee on Disarmament established a working group in chemical weapons in 1980. The purpose was to create a forum for intensive, multilateral consideration of a chemical weapons ban.

The United States actively supported this very important step in view of the failure to make satisfactory progress behind closed doors with the Soviet Union.

After reviewing this situation, the Reagan administration concluded that the prospects for progress would be best if the Committee on Disarmament remained the principal forum. U.S. representatives were directed to participate vigorously and focus on resolving verification issues.

Consequently the United States supported the gradual expansion of the working group's mandate, which now calls for elaboration of a convention. The majority of the members support effective verification which includes onsite inspections. The Soviets, while claiming to have made concessions in this area, failed to clarify its actual position.

Unfortunately, even in the multilateral forum, progress has been much slower than we had hoped.

With a view toward accelerating the committee's work, Vice President Bush addressed the committee on February 4. He emphasized U.S. support for a complete and effective chemical weapons ban. He called on the members of the Committee on Disarmament to join the United States in serious negotiations toward that end and announced that the United States would table the document contained detailed views of the content of a convention.

The U.S. initiative has been well received. However, the Committee on Disarmament failed to resume serious work on a chemical weapons ban until late in the spring session. And why? Why was it late in the spring session? Due to a series of procedural roadblocks thrown up by the Soviets and their surrogates. At the Committee on Disarmament's summer session, which begins in mid-June, the U.S. representatives will continue to press for acceleration of the Committee on Disarmament's work on a chemical warfare ban.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. Leath) has expired.

(By unanimous consent, Mr. Leath of Texas was allowed to proceed for 5 additional minutes.)

Mr. LEATH of Texas. The record is perfectly clear, Mr. Chairman. For the better part of 14 years now we have talked and we have talked, while they have stalled, and built, and used chemical weapons.

Both the gentleman from Wisconsin and the gentleman from Arkansas stood on this floor last year about this same time and assured us that we were on the verge of agreement. Now they come back 12 months later with that same reasoning. All we need is a little bit more time.

As Ambassador Lewis Fields clearly states in a letter to Senator Warner in April of this year:

> Unfortunately, during the first eight weeks of our 12 week spring session serious discussions were obstructed by procedural maneuvering of the Eastern Bloc. The result of this deplorable development has been a blockage of all substantive work in the committee.

Ambassador Fields continues:

> The Soviets have not yet responded in any substantive way to our detailed views. While I wish that I were in a position to give the Senate an optimistic view, my judgment is that we are years away.

He goes on to say that even if we do reach a moratorium after many more years of negotiating, it is going to take even more years in order to get that treaty where we can use it. To codify the detailed arrangements.

And in the meantime our 6 percent capability is going to obviously reach zero. Our threat will virtually disappear.

Are we close to an agreement as these gentlemen contend? Not according to our negotiator. Is the reason we are not our fault? Hardly our fault. Ambassador Fields concluded by stating, "that the public debate on the binary issue has the effect of reducing such leverage as we may have," and is damaging negotiations.

The gentleman from Arkansas claims that the United States has the high moral ground since we have not produced any chemical weapons since 1969. He states that this example of restraint and world opinion will force the Soviets to negotiate seriously. He claims that should we begin production of chemical munitions, we will no longer have world opinion on our side.

Mr. Chairman, I do not believe this argument is accurate. Fourteen years inaccurate. The United States has not produced any munitions since 1969. This restraint has not caused the Soviets to negotiate seriously. It has enabled them to build a truly impressive arsenal which flies in the face of unilateral U.S. disarmament.

The gentleman's own statements on the subject are somewhat contradictory. He quotes:

> The world has not focused much on the fact that the Soviets are producing and using chemical weapons, and I think the reason that they have not is that they have not really noticed yet the stark contract between our policy and practice and that of the Soviet Union.

Then in the same Congressional Record of May 5, he stated:

> Here I think is advice that rings true to every person of commonsense, and it comes from former Ambassador James Leonard. He said that the United States has gotten

much credit from refraining from producing and building binaries.

On the one hand we have not received any credit, on the other hand we received much credit. The fact is that after 14 years, credit or no credit, nothing constructive has happened.

Ambassador Fields accurately assesses the situation when he says:

> At some point, If the Soviet decide to negotiate seriously, they will pay little attention to world opinion. They will be influenced only by their perception.

To me, Mr. Chairman, the second basic foundation then of this approach, of this initiative, is just like the first. It is good rhetoric, it is sincere opinion, but it is poor policy and it is a policy of Russian roulette in our approach to our security interests.

On the other hand, my amendment gives a totally rational, sensible approach that should satisfy all among us with the exception of those who simply want to totally unilaterally disarm in this area. It exhibits faith, but it does not exhibit blind faith. It stresses first and foremost the desire for a ban. Yet it buys us some insurance just in case.

The amendment guarantees us 2½ more years on top of 14 long years. Obviously we will have to make annual authorizations also.

My amendment just merely guarantees that we have got a minimum of five negotiating sessions, a minimum of 2½ years before we can build a chemical munition.

The amendment clearly focuses on a ban treaty as our primary goal, but just as importantly, Mr. Chairman, it buys us some insurance.

This amendment gives us a path that leads us toward the objectives that we want, I think every Member in this House wants, which is a verifiable ban on chemical weapons and pending that ban, a credible deterrent to chemical warfare. It buys us a little insurance. And I ask my colleagues to join with me in this approach that I think will accomplish all of the things that all of us want to accomplish.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, I wish to compliment the gentleman from Texas on this compromise amendment. And that is what it is. It is one that attempts to understand the objections and yet it realizes the true facts and reality of the situation in which we find ourselves.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. Leath) has expired.

(At the request of Mr. Skelton and by unanimous consent, Mr. Leath of Texas was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. Mr. Chairman, I suggest to the gentleman that we look back in history, that during World War II the reason that the Germans or the Japanese did not use chemical weapons was the fact that they knew there would be an immediate retaliatory force.

Word was sent to them through the Swiss, history tells us, during the final stages of World War II, that should any be used that we would retaliate in kind.

□ 1500

The fact that we were able and prepared prevented many, many untold thousands of deaths from chemical weapons. This is the only protection against it being used in any eventuality against us, and the gentleman's compromise amendment is the proper way to go. I compliment the gentleman on his amendment.

Mr. LEATH of Texas. I thank the gentleman for his comments, and I think the gentleman is entirely accurate.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Calfornia.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman in the well for the description that he has given of the restraint that we have exercised in the use and production of chemical weapons that has been manifested in our ongoing negotiations with the Soviet Union since 1974, which have been completely fruitless.

I think that it is important to note the statements that were made by Ambassador Fields, who is our representative to the Committee on Disarmament, that were recently sent to the Armed Services Committee, and particularly the portion of the letter in which Ambassador Fields notes that every time we tried to move forward with some type of meaningful negotiations, our efforts were obstructed and were blocked by the Soviet Union, and particularly on the first page he notes that serious discussions were obstructed when the Eastern bloc, aided and abetted by certain members of the neutral and nonaligned states, raised numerous procedural questions about the committee's agenda and establishment of their working groups.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. Leath) has expired.

(On request of Mr. Hunter and by unanimous consent, Mr. Leath of Texas was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. They blocked any substantive effort or any substantive work in the committee, pending the resolution of the procedural maneuvering. The result of this deplorable blockage of all substantive work was a temporary frustration of our efforts to achieve progress on a chemical weapons ban.

I think the question we should ask ourselves is, in light of 14 years of restraint that we have exercised, and still seeing the delaying tactics and the blockage tactics that are being exercised by the Soviet bloc, how much longer—and I would ask this of the gentleman who initiated the original amendment—how much longer do we exercise restraint? It is obvious that our restraint has only given the Soviet Union the idea that here they have an area in which they have a monopoly, and the Soviet Union is a nation which likes monopolies and which likes to do everything they can to take advantage of any area of weapons development in which no one else is working.

I commend the gentleman for showing that while we have exercised restraint for 14 years, we are still being stopped cold by the Soviet Union, and they are continuing to build. I commend the gentleman.

Mr. LEATH of Texas. Would the gentleman agree, then, that 2½ additional years or 5 full negotiating sessions on top of that 14 years of unilateral disarmament is an extremely fair approach to it?

Mr. HUNTER. Absolutely.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Chairman, I would like, first of all, to rise in complete support of the gentleman's amendment and associate myself with his remarks. I think the gentleman has done an excellent job in outlining the problem here.

I would like to discuss with the gentleman just briefly one element that concerns me. First of all, historically, we have never chosen and never would this Congress choose to unilaterally disarm as far as nuclear forces are concerned, because we recognize the peril that would be involved if we saw those forces of the Soviet Union in sole possession of nuclear arms, and the NATO forces and ourselves without.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. Leath) has again expired.

(On request of Mr. Hillis and by unanimous consent, Mr. Leath of Texas was allowed to proceed for 3 additional minutes.)

Mr. HILLIS. Of course, we have done all that we can to maintain a high threshold in the prevention of the use of those nuclear weapons.

I wonder if the gentleman views the situation, much as I do, that if we persist in this policy of basic unilateral disarmament, as far as chemical weapons are concerned—a type of weapon

that we all abhor and that we never want used—if we are not changing the threshold in the case of a conventional war where one side would use chemical weapons and we had no retaliation against, the threshold of the use of nuclear would be lower.

Mr. LEATH of Texas. I think the gentleman is absolutely correct. The gentleman has made a very valid point. If you can visualize, as the gentleman can, because he is a very valued member of the committee, a conventional conflict, and where the commander on this side has total ability to wipe out the full four echelons of an attacking side, and the other commander has, at the very best, a 16-kilometer range, and this commander decides to use chemical weapons, what choice does he leave, in this case the allied commanders, except to get on the phone and say, "Mr. President, I cannot defend against this, I do not have a comparable threat; the only alternative that I have got to surrender is to use nuclear weapons."

That is a tremendous point that needs to be realized by the Members in this debate, and I am delighted that the gentleman pointed it out because I do not think there is any question that it lowers the nuclear threshold. It makes the possibility of having to use nuclear weapons much more than if you have a comparable threat. As we said earlier, the proof of that doctrine goes back 65 years, because they did not use it in World War II. I think if there were ever an opportunity, they would.

Mr. HILLIS. I appreciate the gentleman's statement.

It seems to me that if we go the route that others would have us go, that we undermine everything that we are doing not only in achieving an enforceable ban against chemical weapons, we may be undermining the idea of the freeze movement. We are upgrading the possibility of the danger of nuclear war.

Mr. LEATH of Texas. I think the gentleman is absolutely correct.

Mr. HILLIS. The other point I wish to ask the gentleman: With this extended use indepth of chemical weapons, the four elections, the frontline troops have protective clothing, which is a passive defense, at least, and can survive, although their performance is degraded, but if you start striking ports, airfields, points of logistic supplies, such as cities, the civilian population of the NATO community or other areas have no protective clothing, and does the gentleman not think that their casualties from these agents would be tremendously heavy?

Mr. LEATH of Texas. There is no question about it. I think the gentleman is absolutely correct, that you would have tremendous casualties among the civilian population in a scenario where the enemy used chemical weapons.

Mr. HILLIS. I thank the gentleman for his response.

AMENDMENT OFFERED BY MR. BETHUNE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. BETHUNE. Mr. Chairman, I offer an amendment as substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Bethune as a substitute for the amendment offered by Mr. Zablocki: Page 2, line 15, strike out "$2,272,500,000" and insert in lieu thereof "$2,157,900,000".
>
> Page 10, after line 12, insert the following new section:
>
> PROHIBITION ON PROCUREMENT OF BINARY CHEMICAL MUNITIONS AND RELATED PRODUCTION FACILITIES, EQUIPMENT, AND PRECURSOR CHEMICALS
>
> Sec. 109. (a) None of the funds appropriated pursuant to the authorizations of appropriations in this title may be obligated or expended for procurement of binary chemical munitions or for production facilities, equipment, or precursor chemicals for such munitions.
>
> (b) No funds available to the Department of Defense may be made available for the production or procurement of binary chemical munitions (or for production facilities, equipment, or precursor chemicals for such munitions) through the use of reprogramming authority.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SKELTON. Mr. Chairman, is this an amendment to the Leath of Texas amendment?

Mr. BETHUNE. Mr. Chairman, this is a substitute for the Zablocki amendment.

POINT OF ORDER

Mr. STRATTON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. STRATTON. Mr. Chairman, under section 109 of the amendment, on line 9, it says,

> No funds available to the Department of Defense may be made available for the production or procurement of binary chemical munitions (or for production facilities, equipment, or precursor chemicals for such munitions) through the use of reprogramming authority.

The point of order is that this bill is a bill that would authorize funds for fiscal year 1984 exclusively, whereas the amendment deals with funds that might have been made available to the Department of Defense in other ways, prior years, or subsequent year, and, therefore, is outside of the scope of the pending legislation and is, therefore, out of order.

□ 1510

The CHAIRMAN pro tempore (Mr. Murtha). Does the gentleman from Arkansas (Mr. Bethune) wish to be heard on the point of order?

Mr. BETHUNE. Mr. Chairman, the gentleman from Arkansas would state that this is not without the scope. If there is ever an opportunity to correct the kind of misadventures that have occurred throughout the binary program, it is in the authorization process and in the authorization bill.

We stand on the amendment as written.

The CHAIRMAN pro tempore. Do other Members wish to be heard on the point of order?

Mr. SKELTON. Mr. Chairman, I have an additional point of order that I wish to be heard on after this one is ruled upon.

The CHAIRMAN pro tempore (Mr. Murtha). The Chair will rule.

The Zablocki amendment addresses the Army ammunition funds authorized by title I of the pending bill. The Bethune substitute addresses other funds available to the Department of Defense not authorized by the pending title I and is not germane to the Zablocki amendment.

The Chair sustains the point of order.

Mr. BONIOR of Michigan. Mr. Chairman, I rise in opposition to the Leath substitute.

Mr. Chairman, I have deep respect for my colleague from Texas, but I must rise in opposition to the substitute.

The supporters of the substitute have peddled it so far this afternoon as a compromise that would delay production of binary chemical munitions until 1985 but would allow establishment of a production base and a procurement of equipment. Such a moratorium, combined with production, it is argued, would pressure the Soviets toward fruitful negotiations.

I am deeply disturbed to learn that the proposed moratorium actually represents little, if any, change in the binary chemical production schedule as outlined by the Department of Defense in testimony before the appropriate committee. What we have here is neither a real moratorium nor a compromise, but merely a new package for an old request.

This substitute merely wraps the production of a new generation of binary chemical weapons in the guise of arms control.

We can all agree on the need to negotiate a comprehensive, verifiable treaty banning chemical weapons. Our disagreement lies with the question: What is necessary to bring about such negotiations?

The gentleman from Texas (Mr. Leath), and those supporting his substitute, argued and will continue to

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argue that the United States needs to establish a production base and procure long-lead parts in order to provide the stick that will force the Soviet Union into some type of serious negotiations and serious discussions.

Yet, a recent GAO report concludes that the production of binary chemical weapons will most likely complicate—complicate—the verification issue, which is the lynchpin of successful negotiations. Moreover, such production may ease the way to a greater proliferation throughout the world.

In stressing the need to go ahead with production equipment, the proponents of the Leath substitute ignore the fact—they ignore the fact—that there is little evidence to support the contention that binary weapons are superior to our existing chemical munitions.

The GAO report concludes that:

> Available data do not sustain the argument that binaries offer substantial technical and operational advantages over existing weapons.

Even more troubling is the GAO finding that the Department of Defense has not adequately weighed the alternatives to binary chemical weapons. To begin production of binary weapons facilities and equipment will lock the United States into a type of weapon that has not been adequately tested, and to a weapons policy that has not been adequately evaluated by this Government.

Finally, those who argue we need to put production facilities in place so we can readily manufacture binary munitions are operating on unproven assumptions about the nature of the Soviet and United States chemical arsenals. The argument that the United States needs to produce chemical weapons hinges on the twin security premises that the U.S. stockpiles are dangerously inadequate while the Soviets have developed a commanding offensive capacity. Yet, the GAO finds that these premises are, at best, more assumptions than fact. Indeed, the GAO concludes that we lack the necessary information to make a clear assertion about Soviet offensive capabilities, nor has a valid assessment of our own retaliatory capacity been made.

The Leath substitute addresses none of the basic issues we face in debate about chemical warfare. The substitute ties the United States to a weapon that is untested and unnecessary. Rather than provide the incentive for negotiation, binaries will commit the United States to a new policy of arms escalation of uncertain dimensions that they may defy future negotiations. Even with limited production, the United States will abandon the international support we have gained from 14 years of moratorium; I might add, 14 years of both Republican and Democratic administrations.

Mr. Chairman and Members, I hope we will reject the Leath amendment and we will stay with the position that we took so very forcefully a year ago when we defeated a similar proposition in this House by over 100 votes.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague, the gentleman from Iowa (Mr. Leach).

Mr. LEACH of Iowa. I thank the gentleman for yielding. I would like to raise three or four points that have not as yet been raised in this debate. The first relates to the issue of proliferation.

Embarking upon a new program of chemical weapons production raises the possibility that another enormously expensive and awesomely dangerous arms race may be in the making, this time in a field where the superpowers may have even less control over proliferation than they have with regard to nuclear weapons.

If legitimized through new production and stockpiling, chemical weapons could all too easily become the poor man's weapons of mass destruction. Nuclear arms are beyond the financial and technical capabilities of most nations. However, countries which are unable or unwilling to produce nuclear weapons can easily produce or obtain some types of deadly chemical weapons. Let us not lead in the direction of legitimatizing these weapons for countries like Cuba, Syria, and Libya.

My second point relates to the size of our stockpiles. If uniformly distributed around the globe, we have enough stockpiled chemical agents to kill every human being on the planet. This is not to say we have the capacity to distribute chemical weapons that widely, but the sheer volume of our stockpiles must be considered awesome. In addition, it should be stressed that we have enough agents stockpiled in Western Europe to kill every human being in Eastern Europe, although, admittedly, we lack the capacity to distribute these agents with such scope and accuracy. The reason I raise this point about volume of existing stockpiles is that little could be more misleading than to make reference to unilateral disarmament. We have opted for restraint, but hardly disarmament.

The administration argues we need a new generation of chemical weapons, not a new weapons system. But weapons are not credible unless they are deployed. And in Europe today, the publics are simply not crying out for new chemical compounds to be placed in their countries.

With significant elements of European publics already aroused against the planned deployment of intermediate-range nuclear weapons, it is difficult to imagine that our allies will accept the deployment of more sophisticated chemical weapons on their territory without long and tortuous negotiations.

A decision to go forth with a new generation of chemical weapons would bear the seeds of division at a time we can ill-afford more alliance rancor.

As for the issue of safety, current chemical weapons have not been overly problemsome. The "bugs," so to speak, have not been worked out of the Big Eye bomb. From a storage and handling point of view, the status quo appears vastly preferable.

Those of us who are skeptical of this new weapons system must acknowledge some legitimacy to the argument that if a country lacked any chemical weapons deterrent, the threshold of reliance on nuclear weapons might be lowered. Yet, despite it not being as large as some would like, we have an extraordinary chemical weapons capacity. There is another problem, though, that may be more troubling. Usage of chemical weapons may at some finite point become a substitute for nuclear weapons. But their usage would also increase the likelihood of usage of their first cousin—biological weapons, living organisms like plagues for which there may be no known antidote.

Here, it should be stressed that under the Soviet lexicon there are three weapons of mass destruction—nuclear, biological, and chemical. Of the three, the most dangerous weapon is biological; the second most dangerous is nuclear; and the third, by a quantum margin less lethal, is chemical. Because of their lethality, however, the three must be looked at from a similar ethical perspective. Usage of these weapons raises profound moral as well as strategic concerns.

In an ethical sense, the Big Eye is a misnomer. Chemical weapon have no eyes. When unleashed, they cannot distinguish between civilians and combatants, between men and women, children and adults. They are instruments not of war, but of mass destruction.

What we need is an understanding of the big picture, not a commitment to build the Big Eye. Arms control is the issue of our age. We do not need more chemical weapons. We do need effective arms control.

Let us vote with our eyes open for life, not blindly for a monster of death called Big Eye.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan, Mr. Bonior, has expired.

(By unanimous consent, Mr. Bonior of Michigan was allowed to proceed for 2 additional minutes.)

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague, the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I thank my colleague, the gentleman from Michigan, for yielding, and I rise in opposition to the Leath amendment.

I thank my colleague, the gentleman from Michigan, Mr. Bonior, and the gentleman from Iowa, Mr. Leach, for pointing out the distinction between "moratorium" and "unilateral disarmament." There are going to be a lot of code words used here today, including "deterrence" and "modernization," and now we have seen "unilateral disarmament" creep into the discussion.

The moratorium is not unilateral disarmament. We have adequate and ample stockpiles not only in this country but also in Germany, and to that point I want to refer to an article that appeared in the Washington Post as recently as May 24, in which Pentagon sources were quoted as referring to the adequate stockpiles already located in Germany.

So, Mr. Chairman, let us not confuse moratorium with unilateral disarmament.

Mr. BONIOR of Michigan. Mr. Chairman, I thank the gentlewoman from New Jersey (Mrs. Roukema).

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. Mr. Chairman, I yield to my colleague, the gentleman from Arkansas.

Mr. ANTHONY. Mr. Chairman, I thank the gentleman for yielding.

Inasmuch as the gentleman has quoted from the GAO report, if he would allow me, I would also like to quote some sections of that report that I think counteract some of the parts that he has taken out, and I do quote from the same report from which the gentleman spoke.

It notes that not only do the Soviets have a wide range of ways of deliver chemical warfare munitions but also this array gives them the ability to strike anywhere within NATO.

Then the report adds that there is a serious deficiency in the U.S. ability to threaten Soviet and Warsaw Pact targets in rear echelons.

That was the main purpose the DOD was asking for the Big Eye to be developed, so that we could go past what the gentleman from Texas (Mr. Leath) said was the first echelon and be able to go to the rear echelon.

So I think it should be noted that we can go through a report that may be critical in some aspects, but if we take a close look at that report, we can also find paragraphs and sentences that indicate the authors of that report are not so sure themselves.

So I would indicate my support for the Leath amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. Bonior) has expired.

(On request of Mr. Anthony, and by unanimous consent, Mr. Bonior of Michigan was allowed to proceed for 1 additional minute.)

Mr. ANTHONY. Mr. Chairman, if the gentleman will yield further, I would repeat that one can go through a particular governmental report and pick it apart on the words that are spoken, but I think that one can also go through a particular report like that and start tearing it apart for lack of quality, inadequate methodology, and false and unsupported facts and data and conclusions.

So I think that once we start citing reports, we have to take a hard, critical look at those reports.

Mr. Chairman, I thank the gentleman for yielding.

Mr. BONIOR of Michigan. Mr. Chairman, I would just respond by saying that no one denies the Soviets have the capabilities to deliver their message, but I think the basic premise of the GAO report was very, very critical of the assumptions on which this Government is operating to go ahead with the Big Eye or indeed with the binary program. It is an extremely critical report, and I think in no way can it be asserted that it supports the policies which the committee has brought forward to this House floor.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield for an additional comment?

Mr. BONIOR of Michigan. I yield to the gentleman from Arkansas.

Mr. ANTHONY. Mr. Chairman, as I recall, the GAO report itself says that there is little known about the Soviets' chemical war capability. Would the gentleman in the well not agree that our military intelligence knows a great deal about their capabilities?

Mr. BONIOR of Michigan. Well, we know a great deal, but we do not, unfortunately, have a definitive answer to what has happened in Laos, Kampuchea, and Afghanistan.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and in support of the Leath amendment.

Mr. Chairman, one of the interesting issues of our debate, since we resumed consideration of our bill on yesterday, is that we are facing in this particular debate the same question that faced us when we were dealing with the amendment against the Asat.

Why is it all right for the Soviet Union to have some particular military capability, but when the United States proposes to duplicate that capability, somehow it is immoral, somehow it is bad, and somehow it is going to contribute to the destruction of the entire world? This is a kind of a double standard that some of us are using, and I find it hard to understand how anybody can defend it.

The fundamental purpose of establishing an up-to-date, modern chemical capability is to deter the other superpower from using his very considerable capability.

The gentleman from Wisconsin (Mr. Zablocki) indicated at the beginning of his remarks that he was attending the North Atlantic Assembly last week, and I was honored to be a small part of the distinguished delegation led by our great chairman. On our way back we stopped off in London. I got a copy of the Sunday Telegraph, and was reading some of the memoirs of the great wartime premier, Winston Churchill. It had this to say:

> Churchill was determined to be in a position to retaliate. On September 28, 1940 he pressed Lord Ismay to insure that Britain's stocks of gas were being maintained. "We should never begin," Churchill noted, "but we must be able to reply. Speed is vital here. The highest priority must be given." And he added, "I regard the danger as very great."

Mr. Chairman, I think we have something of this danger today, because we have no retaliatory capability, speed is vital, and the danger is very great.

Mr. ZABLOCKI. Mr Chairman, will the gentleman yield?

Mr. STRATTON. I will yield when I get through with my presentation, but my time is short.

Mr. Chairman, what we are doing as a result of this failure to provide a credible deterrent is that we are failing to provide for our infantry soldiers the kind of protection that a genuine retaliatory capability would give them. I would like to demonstrate to the Members of the House exactly what this means as an extra burden on our infantry troops.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. Mr. Chairman, if the gentleman would watch my presentation, I think he will be enlightened.

I find that it is against the rules of the House to actually clothe a Member of Congress with the equipment of one of our fighting troops, but the gentleman from California (Mr. Hunter) can properly demonstrate that capability. We will just show the Members what Mr. Hunter, if he were an infantryman, would have to undergo because we have no chemical retaliatory capability. He would have to put this strange mask on his face. It is all rubber, it is very hot and uncomfortable, and it has to go over his head. Mr. Hunter would have to breathe through this mouth filter and if he wanted to drink there is just a little hole where he can insert a tube from his canteen down here. That is not a very appetizing kind of thing to use.

Then the infantry soldier needs a very heavy coat to go on—I think this is just about your size, Duncan—which is designed to be impermeable to the current type of gas munitions or chemical munitions that the Soviets have—but I daresay we can assume the

Soviets are already trying to make their munitions more able to penetrate heavy clothing.

These are the pants. This is the belt that includes the water, if he can drink it through that tube, and also where he carries his ammunition.

Then finally, of course, he needs some rubber boots, and he needs his metal helmet on top of that uncomfortable face mask.

Finally, for his hands he would first have to put on these white gloves because the heavy rubber outside gloves get very sticky and the rubber ones would not be able to get off.

This is what our infantry soldiers are having to put up with, and as a result of wearing this cumbersome uniform, the performance of the individual soldier is reduced by 50 percent.

Not only that, but it is in fact impossible to attend to the calls of nature. Therefore, the soldiers' span of daily combat is extremely limited.

Mr. Chairman, this is the burden which we in this House are inflicting on our U.S. troops all because we refuse to provide the credible retaliatory capability in chemical weaponry that we ought to have and that Churchill wanted so desperately in the dark days when Great Britain faced the threatened Nazi invasion.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. Stratton) has expired.

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. Stratton) be permitted to proceed for 2 additional minutes.

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. Skelton) has been seeking recognition, and the Chair recognizes the gentleman.

☐ 1530

Mr. SKELTON. Mr. Chairman, I think it is important to point out and make a correction that the gentleman from Arkansas mentioned a few moments ago. The gentleman indicated that all of our troops would be so equipped, as the gentleman from New York (Mr. Stratton) just showed us. This is not the case. It is not the case that all our frontline troops are so equipped. As a matter of fact, a good portion, over $600 million, of what is in this bill is going toward making them safer.

Before discussing, Mr. Chairman, why I disagree with the Zablocki-Bethune amendment, I think it might be useful to review exactly what is included in the bill before us and also discuss the substitute amendment of the gentleman from Texas.

The bill before us contains $96.5 million to be used to complete the preparation of production facilities which are necessary to produce binary chemical munitions. The bill also contains $18.1 million to procure the components and to produce binary 155 millimeter artillery projectiles in the fiscal year 1984. Therefore, there is a total of $114.6 million in title I of the authorization bill, which is to support the binary production program.

It is interesting to note, Mr. Chairman, that this $114.6 million is only 12 percent of the total amount requested and authorized to support the Defense Department's chemical programs. In fact, Mr. Chairman, 75 percent of the dollars for the Department of Defense chemical programs is to support chemical defensive or protective activities.

I wish to point this out, because that is what is needed. That is what we do not have in a great degree and that is what this bill provides.

Again, the only production funds in the authorization bill before us is the $18.1 million for the production of 155 millimeter projectiles. Therefore, I would like to focus my discussion on why it is important that we defeat the Zablocki amendment so that we can start production.

However, I would like to make a statement that the substitute amendment offered by the gentleman from Texas is a good compromise, because it does allow some five negotiating sessions, five negotiating sessions with the Soviets to reach some sort of agreement; but Mr. Chairman, we also know that the Soviets only understand when we speak from a position of strength and that is what we intend to do, either from the bill or from the substitute amendment of the gentleman from Texas.

I would like to point out that of the inventory that we presently have, we have persistent nerve agents. They are fired out to a very limited range. This can cause us and our own troops serious problems because of the short range, what we call the persistency of the agent, and I question whether that is a credible deterrent. The new binary projectile is nonpersistent and certainly better than our current unitary munitions that we have. We must modernize ourselves. We must do the best we can to prevent being threatened or blackmailed in a nuclear setting.

Mr. Chairman, I yield to the gentleman from Texas (Mr. Leath).

I wish to inquire of the gentleman from Texas, Is it not true that the gentleman's substitute is a compromise between the bill itself and the Zablocki-Bethune amendment?

Mr. LEATH of Texas. There is no question about that. Just to stress the point that my dear friend, the gentleman from Michigan (Mr. Bonior) made a minute ago, we are in no way attempting to deceive the membership by the fact that we all understand, and we assume the Members do, too, that it would take a period of time before we could actually start production, anyway; but we felt that through this approach we would adequately point out to the Members that there is a valid period of time and that all we are saying is that we are as interested in arms control, we are as interested in a treaty as anyone, but we want a little insurance with a facility.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. Skelton was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. Mr. Chairman, I wish to commend the gentleman for offering this amendment.

I also wish to ask, is it not also true that this would give some negotiating time for our negotiators to reach an agreement between this moment and 2½ years hence?

Mr. LEATH of Texas. My amendment specifically states that in the event we reach a treaty, we cannot produce any, period. So if we reach a treaty in July or reach agreement in July, as the gentleman from Arkansas thinks we might be able to do, then there will be no production; but it is just simply saying that we are willing to go an additional 2½ years on top of the 14 years that we have already done, but we are smart enough to understand that if you want to argue and say that it is not unilateral disarmament, you have at least got to say, as our good friend, the gentleman from Illinois, Henry Hyde, said when we were discussing some other things, "It is unilateral attrition," because these things will destroy themselves the longer they lay there.

Mr. SKELTON. I thank the gentleman so much.

Mr. HUNTER. Mr. Chairman, I rise to speak in favor of the substitute amendment.

Mr. Chairman, I am not going to take a great deal of time. I would like to speak to a couple points that have been made concerning the effectiveness of the binary system and the safety factor that they will bring to our chemical arsenal.

I think one thing that everybody in this House must realize before we come to a vote on the substitute and on the amendment is that here we have a situation in which modernizing is going to make our chemical system safer. I do not know if everybody realizes what we mean when we say binary round, because we have used this term "binary chemical system" so often; but binary means that you are going to have two substances, neither of which is deadly or is dangerous, unless combined with the other.

I think we must realize now, and even the proponents of the Bethune-Zablocki amendment have to admit, our present system is a system in which we have deadly gas which is confined within containers and if that gas escapes, if it escaped right now, it would be very deadly

The binary system is a system in which you have two components; neither one of those components by itself is deadly. That means you can store it with safety.

We have had some statements today that really there is no problem as far as storing the gas that we have right now and we have not had any problem with it as of late; but I think that the point that was made by the gentleman from Texas (Mr. Leath) must be taken into consideration. That is, it may be safe where it is stored, but if we had to deploy it, if we had to move it, it would be very costly and potentially very dangerous to do so; so make no mistake about it, if you want to vote for safety with respect to chemical weapons and you want to clean up our chemical weapons situation in the United States and where these weapons reside in their depositories, the way to do that is to move forward with the binary system.

The House must realize this is our chance to move forward and to make this gas safe, not deadly, but safe in its repositories here, and if you are speaking of moving it to Western Europe, I am sure our Western allies would much rather have a binary system in Western Europe where there can be no deadly effect until the combination takes place, than to simply have that deadly gas and have to depend on the containers to keep it controlled.

Mr. LEATH of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to my friend, the gentleman from Texas.

Mr. LEATH of Texas. I appreciate what the gentleman said.

I think one point should be made here that has not come out thus far. As a part of this bill as it came to the floor through the amendment placed there by our friend, the gentleman from Kentucky (Mr. Hopkins) in the committee markup, every round of binary weapons that is produced, for every binary weapon that is produced, a serviceable round of unitary will be destroyed; so this absolutely is not a buildup. It is not an effort to get more weapons. It is an effort, as the gentleman from California accurately states, to try to get rid of those that we have that are dangerous and to try to replace them with something that I think will work very much better.

Mr. HUNTER. Mr. Chairman, I thank the gentleman.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Kentucky.

Mr. HOPKINS. Mr. Chairman, if I could engage the author of the amendment in a colloquy, the gentleman from Texas, what the gentleman is telling our colleagues is that the gentleman's amendment is no way interrupts that portion of the bill as it left the committee, whereby for each round that is produced, a serviceable round must be destroyed. Which as you know was my amendment that the committee adopted.

☐ 1540

Mr. LEATH of Texas. The gentleman is absolutely correct. I think that that is an important part of this entire thing and I think it indicates that none of us who are advocating that we modernize our chemical arsenal are interested in trying to get back a great, big, horrendous chemical warfare potential. All we are trying to do is get a comparable threat and so the amendment does not in any way affect the gentleman's efforts.

As a matter of fact, I voted for that and applaud those efforts.

Mr. HOPKINS. I thank the gentleman. If the gentleman will continue to yield. As I understand it my amendment is in tack—which would do three things. One, it would allow the military to modernize and upgrade their stockpile, but second, it would not permit those stockpiles to increase in size. And finally for the nine storage sites that we have in this country today it will give more peace of mind as far as safety is concerned for those people living in those areas.

Mr. LEATH of Texas. I would think, if the gentleman would yield, I would certainly think it would be much more of an advantage to have the binary weapons stored in a district.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. Hunter) has again expired.

(By unanimous consent Mr. Hunter was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. I would like to bring out, Mr. Chairman, one other point. It is a fact, I think, that one point that was made during the freeze resolution and the debate, which was a good one, was that we should basically leave negotiations to the negotiators. We should rely on their expertise.

I am drawn again to the statement that was made by Louis G. Fields, Jr., our Ambassador and representative to the Committee on Disarmament, regarding our efforts in chemical negotiations and the Soviet response.

The gentleman from Arkansas (Mr. Bethune) and Dr. Ted Gold traveled to Geneva. I would like to quote our Ambassador, our representative, Mr. Fields. He said:

> During this period Dr. Theodore Gold, Deputy Assistant to the Secretary of Defense for Chemical Matters, and the Honorable Edwin Bethune, a Member of Congress, visited Geneva and we arranged a series of conversations between them and representatives/experts of many delegations.

Then he goes on and talks about how although they hold different views on modernization, they are dedicated to reducing the threat of chemical warfare in the world.

The point is, even though our friend and colleague, Mr. Bethune, was in Geneva and talked with various groups, apparently Mr. Fields still came to the conclusion that the Soviets have continued during this session to block any substantive work on any substantive questions being resolved in the chemical warfare area. He said, and again I quote:

> Serious discussions were obstructed when the Eastern Bloc, aided and abetted by certain members of the neutral and nonaligned states, raised numerous procedural questions about the committee's agenda and establishment of our working groups. They blocked any substantive work in the committtee pending the resolution of their procedural maneuvering. The result of this deplorable blockage of all substantive work was the temporary frustration of our efforts to achieve progress on a chemical weapons ban.

Finally, and I think this is most important, this is Mr. Fields' opinion as to how we are going to get the Soviets to the negotiating table. He states:

> At some point, if the Soviets decide to negotiate seriously, they will pay little attention to world opinion, and at that point they will be influenced only by their own perception of their national interests. If they perceived that their present advantage might be neutralized by our acquisition of a modernized and effective deterrent capability it could provide a powerful incentive.

In other words, by abandoning the field to the Soviet Union we are not helping those people in Afghanistan, in Kampuchea, and Laos and other people who have been subjected to chemical attacks, because the Soviet Union likes to exploit a weakness and a vacuum, if you will, in weapons development.

As long as we do nothing in this area I think we can count on them to accelerate their development.

Mrs. BYRON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support to the Leath amendment.

My colleagues, it seems clear to me that our principal adversary, the Soviet Union, has continued to improve its arsenal of chemical munitions. I understand that the Soviets enjoy at least a 4-to-1 advantage in chemical stockpiling, an 11-to-1 advantage in trained chemical personnel, a 5-to-1 advantage in ground base chemical delivery systems—such as artillery projectiles, an 11-to-1 advantage in training facilities, and last but not least, a 14-to-0 advantage in production facilities.

As you know, we have not produced any chemical munitions since 1969. Therefore, we have virtually been in a unilateral freeze for 14 years while the Soviet Union continues to expand its inventory. It should be clear that the Soviets are serious about maintaining

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a credible chemical war fighting capability.

Mr. Chairman, although we certainly need to improve our chemical retaliatory capability, I believe it is interesting to note that the bill before you contains over $690 million for chemical protection equipment, which is over 70 percent of the funds requested in fiscal year 1984 for the chemical program. It turns out that less than 13 percent of the fiscal year 1984 funds requested for chemical munitions is for chemical retaliatory equipment.

I certainly agree with and support the proposed funding level for chemical protection equipment, but it is not enough. We also need a credible chemical retaliatory capability. We must remember that the principal objective is to deter the use of chemical weapons by potential adversaries. Investing more money in protective equipment will not accomplish this objective. The Soviets will be deterred from using chemical weapons—as the Germans were deterred from using chemical weapons in World War II—only if they realize that we have the capability to respond in kind. Therefore, we must maintain a credible chemical munitions program.

What kind of chemical munitions should we have in our inventory? I would suggest that binary munitions are safer to handle and safer to store than the current chemical munitions. Further, the new binary 155 millimeter artillery projectile will provide greater range than the current projectile. This additional range will provide an added measure of safety for our troops. It seems reasonable that we would want to provide the safest possible environment for our troops to handle and use chemical munitions. If that is true, upgrading the current unitary stockpile with binary munitions should be our objective.

I hope you will join me in supporting this amendment.

AMENDMENT OFFERED BY MR. BETHUNE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. BETHUNE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. Bethune as a substitute for the amendment offered by Mr. Zablocki:

Page 2, line 15, strike out "$2,272,500,000" and insert in lieu thereof "$2,157,900,000".

Page 10, after line 12, insert the following new section:

PROHIBITION ON PROCUREMENT OF BINARY CHEMICAL MUNITIONS AND RELATED PRODUCTION FACILITIES, EQUIPMENT, AND PRECURSOR CHEMICALS

Sec. 109. None of the funds appropriated pursuant to the authorizations of appropriations in this title may be obligated or expended for procurement of binary chemical munitions or for production facilities, equipment, or precursor chemicals for such munitions.

Mr. BETHUNE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, was the request that the amendment be considered as read and printed in the Record?

Mr. BETHUNE. The gentleman is correct.

Mr. DICKINSON. Do we have copies here?

Mr. BETHUNE. I am sorry. I gave copies to the desk and I thought they had been distributed.

Mr. DICKINSON. Under the general reservation I would like to see what this is.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BETHUNE. Mr. Chairman, I have a number of things on my mind to say. There are so many points that need to be considered that I scarcely know where to begin.

But I think I would begin by concurring with the distinguished chairman of the Foreign Affairs Committee, my colleague from Wisconsin, Mr. Zablocki, when he announces the fundamental need for opposing binary weapons.

First of all, we do not need the 155 millimeter artillery shells the committee is seeking here.

Second, the Big Eye bomb does not work. It blows up on us, not on them.

Those are the only two things that are being requested. It escapes me that if we can establish that we do not need a weapon or if we can establish that a weapon is not working, how it is going to have any impact but a negative impact on what this country is trying to do in terms of getting a ban on chemical weapons.

□ 1550

I hear Members say that this will lower the threshold of the nuclear threat. I wonder how it could be such that we would lower the threshold of the nuclear threat by producing weapons we do not need or by producing weapons that do not work.

I do not think the Soviets are going to be scared if we suggest to them by some action here today that we are going to get started making this Big Eye bomb. Frankly, I think you could hear them laugh all the way from the Kremlin.

The bomb is a mechanical nightmare and I shall establish that in just a few moments.

First, I want to dispose of a couple of other things that have been said here, because a good deal has been said about Mr. Lou Fields, our Ambassador in Geneva and the effort he and his team are taking there to get a treaty. Members have seen fit to rise and read passages from Mr. Fields, who by the way is a good servant of the administration, read letters from Mr. Fields characterizing the trip that I made to Geneva in February of this year. In the course of that trip I had occasion to talk to over half of the Ambassadors working closely on the chemical weapons issue, sat with Mr. Fields in meetings with the Ambassadors from France, England, and nonalined countries.

And upon my return I got a letter from Mr. Fields and it was a nice letter, as you would expect, since we had a cordial visit there. But I know the other Members have wanted to read the letter that they got from Mr. Fields.

They were not there, I was there. I can report to the Members that there is a great degree of optimism at the Committee on Disarmament in Geneva that we can get a chemical weapons treaty in the near future.

Furthermore, you do not have to get a whole treaty, one signed, sealed, and delivered. There are benchmarks we can see in the near future.

For instance, it would be entirely conceivable we could get agreement with the Soviets on the issue of declaring production facilities, or that we could get agreement with the Soviets on the question of destruction of existing stockpiles. Those are very achievable events.

I learned in the course of my time in Geneva that there is a lot of interest there and a lot of optimism, that the environment is right for us to get a treaty banning these chemical weapons from the face of the Earth. And that is the ultimate cure.

The ultimate cure is not to produce weapons. The ultimate cure is to get a ban on such weapons.

But, in any case, when I made my round in Geneva I looked those people in the eye and the Soviet Ambassador, Mr. Victor Issraelyan, one of them, we had a 1½ hour session. I looked Mr. Issraelyan in the eye and I said:

> Sir, the people of the United States do not want to produce this new age of chemical weapons. We have had a moratorium on this since 1969. We are proud of it. We are doing the right thing. We are not producing them and we are certainly not using them. But I will tell you this, Mr. Ambassador, we cannot hold on to that position ad infinitum, because we know you are producing it and the stories out of Sverdlosk and Afghanistan are sufficient proof not only that you are producing them but that you are using them. So, it troubles me greatly and I think I speak for the Members of the House of Representatives, Mr. Soviet Ambassador, when I say to you that we want a treaty, the American people want a treaty, the people of the world want a treaty and you and the rest of the Soviet Union better get busy and give us a treaty for if you do not, we will have to produce chemical weapons.

The position that I advocate and the position that Mr. Zablocki, in league with me, advocates here in this House of Representatives is the compromise position, my friends, not the substitute that is billed as a compromise by the committee.

The committee wants to produce chemical weapons, make no mistake about it.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. Bethune was allowed to proceed for 5 additional minutes.)

Mr. BETHUNE. The committee has been trying to produce chemical weapons since the first day I entered this Congress, it has been clear to me.

Believe it or not and this is very hard to believe, this Congress and the committee and DOD throughout various ways that they can do things, even though the people and the Congress are telling them not to do it, have managed to spend $2 million in the last year setting up a line in a plant in Louisiana where they can make either smokebombs or binary nerve gas-bombs. Now they did that with the express purpose of getting ready to produce binary bombs, even though this Congress voted by an overwhelming margin last year not to produce them.

I tell you there is an impulse in the Department of Defense and there is an impulse on this committee to produce and build these nerve gas weapons irrespective of the strong feeling of the people of this country.

That is why when I took to the well earlier today and offered an amendment which was ruled out of order, I expected a ruling because I included in there a little clause that would have prevented them from reprograming and going through the machinations which they have done in order to spend money that this Congress has told them it does not want spent.

OK. That may be out of order. But I say to you this, the Members of this House voted strongly that they did not want this stuff produced and I believe they are going to stand firm for what is the compromise position and that is that we want to put a "full court press" on the Soviet Union in the summer session of the Committee on Disarmament which meets next month in Geneva, and then again in February. And if after those events take place and if they ever get the bugs out of the Big Eye bomb, then come back here and we will have more data upon which to make an intelligent decision about this very critical program.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman.

Mr. HUNTER. I thank the gentleman.

The gentleman stated very strongly and I believe he is extremely sincere that he wants a treaty; we all want a treaty on chemical weapons.

I would ask the gentleman this, a great deal of the money here is going to develop a binary system, a system where instead of having nerve gas which is dependent on its containers to keep it safe from the general population, we can depend on two separate elements, where neither one of the elements is deadly unless combined with the other.

I would ask the gentleman, let us assume we have a treaty and I am sure we are not going to have a treaty that eliminates totally every bit of nerve gas produced or that is present in this country or the Soviet Union; would the gentleman not still want to see a binary system, where you would take gas, whether it is in your district or another colleague's district, that is deadly right now and replace it with two elements which are not deadly unless they are placed together? In other words, to make the gas that we presently have in the inventory safe, whether we have a treaty or not?

Mr. BETHUNE. If the gentleman will let me reclaim my time, I would be glad to say that the safety record with the unitary weapons which we have is remarkably good, A. And B, the binary, that you want to build, especially the one that you want to put in the Big Eye bomb does not sound very safe to me, because the testing that they did on it just in the last few months indicates that it would blow up en route to the target in the airplane that our pilots are flying. That does not sound safe to me. That sounds rather hazardous.

So, I do not understand where you would come at us on the safety issue. Let me make another point because I know the gentleman is trying to get me off the track here. Let me make this point because I never did have the chance to read the letter from Ambassador Fields.

The point is this, that I advocate, and my colleagues who are with me on this issue is the compromise position. We make a sensible proposal. Let us not start a new age of chemical weapons which is going to frighten the "bejebers" out of our allies all across Western Europe. They do not want it, do not want us to deploy it there. They have some deployed of what we have already. So, why stir up that hornet's nest, as the chairman of the Committee on Foreign Affairs has said? Moreover it seems to me what we should do is spend a little time and effort and try to get your Big Eye bomb working. It has been only in the last 60 days that we discovered it has blown up. So, let us get that working and then come back with your question.

On that other question, Mr. Lou Fields has been quoted on. I must read what he wrote in his letter to me after I went around and made my presentation including the remarks that I made to the Soviet Ambassador. And what our Ambassador Lou Fields said.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. Bethune was allowed to proceed for 5 additional minutes.)

□ 1600

Mr. BETHUNE. Mr. Fields said: "There are some here concentrated within certain geographical reason and a few ideological soulmates who question our seriousness and credibility with regard to this issue. And needless to say, your forthright and convincing presentations to them left no doubt about the congressional attitude concerning these negotiations. Moreover, you clearly left them with the unmistakable fact that your efforts against the binary program is linked closely to the progress in the Committee on Chemical Weapons Ban. This should be a sober incentive to those delegations to negotiate in good faith to achieve an effective ban with reasonable speed."

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. I thank the gentleman for yielding.

I would like to get a couple of things clear in my mind in the discussion of whether or not we need these new weapons systems and certainly the gentleman from New York presented a very dramatic display with the additional gear that is necessary when chemical weapons are introduced into the battlefield.

Does the present stockpile of American chemical weapons—would that create the necessity of the Soviets to gear up with just the weapons systems that we presently have?

Mr. BETHUNE. Certainly it would. This is one of the points that I had hoped to bring out. I am glad the gentleman raises it.

Let me just read. The question here and we debated this at length last year, is do we have sufficient material to force the Soviets to suit up. That is all. Because they would have to labor under the same conditions and the same kind of suits, even worse suits, Butal rubber suits, that are even worse than ours.

The question is whether we can force them to get into their suits. And I will just read to the gentleman, because people have said we do not have enough artillery shells and I would just like to read to the gentleman from the Record in the U.S. Senate where the Department of Defense said this about our existing artillery shell supply:

> For procurement of new artillery shells the need is not one of redressing a clear lack of military capability. The U.S. possesses a stockpile of chemcial nerve artillery shells similar to the proposed M-687 binary round that are compatible with modern 155 and 8 inch artillery shell pieces.
>
> The quantity is in the range of sufficiently. And actually is higher than the planned acquisition quantity for the binary projectile.

So right here, their own words tell us that they have got more of the existing artillery shells then they would intend to produce of the others. And they say that they are—get this—there is a clear stockpile deficiency in the lack of a deep target persistent agent's capability which could be redressed by the Big Eye bomb, they say. And there is a strong possibility that our chemical artillery stocks will be ineffective or unsafe to use—here you are—in the late 1980's and 1990's. That is their own language.

So this proposition that somehow our artillery shells are out of date, unuseful, leaking, no good, is phony. The Department of Defense admits that they have got more of the ones on hand right now then we would have when they make the binary and that they are good to the late 1980's or into the 1990's. That is A. And B, on the Big Eye bomb, if I ever get a chance here to get to the Big Eye bomb, I think that I will blow it out of the tub just like it blew out of the tub they had it sitting in out at Aberdeen, Md., when it exploded.

Mr. GEJDENSON. If the gentleman will yield further, let me just continue with a few more brief questions.

I thank the gentleman for his answer. Regarding the present strength of America's chemical weapons stocks, I think the gentleman is correct that almost around a 30-day supply for any war in Europe that the present availability forces the Russians into the same or worse position in necessitating their troops gearing up for a potential chemical warfare.

Let me ask another question. In both the 1981 and 1982 Defense Appropriations Acts we requested the Defense Department to survey our European allies to their desire to have these weapons placed on their soil, because I think as the gentleman adequately and the chairman of the committee quite aptly pointed out earlier, it is clear that these weapons system are to be deployed in Europe if they are to be used.

Is there a desire by the Europeans to receive these weapons? Do we have support from our NATO allies? And has the Defense Department indeed gone with the law and surveyed our allies and come back to the Congress with an answer?

Mr. BETHUNE. When the administration first came out with its proposal it said, "We want to produce binary weapons and rectify this alleged deficiency we have in our stockpile." And then they said, "We want to deploy them in Europe."

They ran into a buzz saw. So they backed down and they said, "Well, we really don't want to have to address the question of deployment right now."

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. Bethune) has again expired.

(At the request of Mr. Gejdenson and by unanimous consent, Mr. Bethune was allowed to proceed for 2 additional minutes.)

Mr. BETHUNE. So they backed off of that position, the administration did, and came at us with this: "Well, just let us produce. We will work out the deployment issue later."

And now, having had their britches taken off here in the Congress last year on that request, they are coming at us now and saying, "Well, we really don't want to produce. Just let us get started building the buildings and the facilities and the shell casings and things like that. We will defer the production decision until 1985 under the Leath amendment."

Well, 1985 is the earliest time that these weapons would ever come off the line in the first place.

So they are not doing anything here except taking the date upon which they would receive these and putting it into an amendment that would confirm that.

Mr. GEJDENSON. If I could just thank the gentleman for his answers.

I guess my last question would be: Does the gentleman consider the amendment of the gentleman from Texas a compromise?

Mr. BETHUNE. No. The gentleman from Texas and the Armed Services Committee want to produce binary weapons and that is plain to everybody here, I think.

On the other hand, you would find the extreme position we do not ever want to produce binaries under any circumstances.

My position and the position of those who support Bethune and the Zablocki approach is that we think there may be a day regrettably when we would have to break our moratorium and go to that, but the day is not here. We have an adequate supply. It is in good shape. And the Big Eye bomb is not working. Let us pursue this treaty. We have plenty of time to do that and then if we ever have to regrettably make that decision, we can do it later.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentlewoman from California.

Ms. FIEDLER. I thank the gentleman for yielding.

I noticed with interest before that the gentleman quoted from a document from the Department of Defense. Does that mean that the gentleman believed the information that was within the Department of Defense document?

Mr. BETHUNE. No; I pointed to a document from the U.S. Senate wherein Senators asked them questions and they responded.

Ms. FIEDLER. So it was their information. It was coming from them; is that correct?

Mr. BETHUNE. Yes.

Ms. FIEDLER. With that point in mind, that means that the gentleman does believe that the Department of Defense will present information on specifics in this case, that specific that is accurate.

I would like to present to the gentleman also some information from the Department of Defense. In this case from the Department of the Navy, which says that they have in fact come to a satisfactory conclusion regarding some of the specific problems with the Big Eye bomb, particularly the offstation mixing. And in this point paper have specified that they have started to test a resolution of those problems and will continue to verification flight during July 1983.

I would further like to note, aside from that particular point——

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. Bethune) has again expired.

(At the request of Ms. Fiedler and by unanimous consent, Mr. Bethune was allowed to proceed for 2 additional minutes.)

Ms. FIEDLER. I would further like to note that if someone supports the concept and believes as the gentleman said before that they are in fact making progress in Geneva, that the most important impetus that the Soviets could have to come to agreement to resolve the binary chemical issue, is to have a time certain on which they can count that in the event they do not come to agreement that they in fact will face further production here in the United States.

And I personally support the Leath amendment. I think that it is a thoughtful alternative to simply cutting off any production whatsoever. It provides an impetus to the Soviet Union to come to agreement and I am hopeful that by having a clear-cut date for an agreement that they will in fact come to the agreement that we all hope and pray will stop the necessity of any further production, but in the event we are not successful in reaching that point, we will at least have some alternative, because the

bottom line is that it is our soldiers, our children, who are going to be subjected to these chemical weapons of the Soviet Union in the event that they ever should be used.

I will tell the gentleman this, I would not want to be personally responsible in any way for not providing them with an adequate deterrent because I feel that as a Member of the U.S. Congress that is our ultimate responsibility to make sure that our forces, our troops, are adequately protected as we move about trying to deal with the very special and difficult problems of war, none of which are satisfactory or enjoyable or in any way the kind of thing that any Member of this House wants to have to vote to support but finds it necessary because of the reality of the present day situation.

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Mr. BETHUNE. The gentlewoman has asked a very important question. I cannot answer the gentlewoman's question in probably the 15 seconds that remain to me, but it is probably one of the more important questions that have been asked here today. So I would hope that the Members would understand and allow me the time that will be necessary to answer the gentlewoman's question.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. Bethune) has expired.

(By unanimous consent, Mr. Bethune was allowed to proceed for 5 additional minutes.)

Mr. BETHUNE. Mr. Chairman, this is the nub of the issue that we face here today. I think, if Members will take the opportunity to go and look at the numbers that they can find either at the Armed Services Committee or from me or from some other Members who have the numbers of the existing stockpiles on our artillery shells and read the commentary and talk to the Department of Defense, they will quickly agree that insofar as artillery shells are concerned, we have got another 6 or 7 years, by the Department of Defense's own calculation, before we ever need to start producing another single artillery shell. So that is off the table.

Now, let us get to the Big Eye bomb, which is the only thing left before us here today.

The gentlewoman brought up a point paper which the Department of Defense has put out, and it was dated June 1. I did not see this until yesterday because apparently it was not circulated to those of us who have already taken a position on this issue. The Big Eye bomb has an interesting history. Nineteen years ago, I say to my colleagues, 19 years ago they started working on the Big Eye bomb. It was one of the eye series—Snake Eye, Wet Eye, Double Eye, I do not know, Big Eye—but, in any case, they started working on it 19 years ago.

And by the way, when they started working on it, they had the idea that airplanes would come in high and slow and drop bombs to the target. Well, when you are up here you do not have to worry about the temperature because it is way down low. And they knew, from the early experiments they did on the chemicals, that, as long as you were in a cool temperature, it was a very forgiving weapon.

Lately, in fact just a couple of years ago, they realized that they will not be able to come in high and slow. They need to come in low and fast to get in under the radar. So they decided that they would do some testing, because they began to realize that the temperatures down low are not as cold as the temperatures up high, and so in January 1982—in January 1982, that is not very far back—they started testing various temperatures, and they began with the low temperatures and then every week or so they would work up to a higher temperature. Well, in June 1982, when they finally got all the way up to that high temperature of 60° Fahrenheit, they noticed something about the Big Eye bomb. The Big Eye bomb was beginning to make gas, and pressure was building up inside the Big Eye bomb container. So they knew they had a little bit of a problem there. So they decided they would test one all the way to destruction just to see how long it would take for one of them to blow completely up or what would happen if they just let it go.

In October 1982, in the test chamber at Aberdeen, Md., where I visited 3 weeks ago, they tested a Big Eye bomb to destruction, October 1982, and at 60° Fahrenheit it blew up.

Now, they have told you in this point paper that the seal—well, I believe they say that the heating was more severe than had been anticipated and accelerated rates of chemical reaction in the weapon after mixing, these high pressures were inconsistent with safe captive carrying. In other words, you better not have one of these on you after you start mixing up the chemicals because she is going to blow up at 60° Fahrenheit.

I saw the bomb that blew up. You can go out there and look at it yourself, out at Aberdeen. It lies in a steel chamber where the walls on the steel encasement are a quarter or a half inch thick, and when the bomb exploded it was not a seal that leaked at the end of the bomb, it exploded with such force that it bowed out the end of the steel container. So they decided they had to work up a new scenario on this thing.

Well, my point is this: When they wrote this point paper, they have rushed as quickly as they can to go out and do one more test on the Big Eye bomb so that they can write a point paper and come in here and say that they have overcome that particular problem, they have overcome the problem that they have. So they rushed out and did a little test on it, and they dropped it from 6,000 feet, on May 30 of this year, they dropped it at level flight, they dropped it straight down. The language in the point paper says it was a free fall.

Now, the point is this: They say it worked swell. But the problem is that at 6,000 feet you are going to get shot down unless you are somewhere around the Andes or the Himalayas or the Rocky Mountains, because the radar is going to pick you up unless you have some kind of protective terrain.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. Bethune) has again expired.

(By unanimous consent, Mr. Bethune was allowed to proceed for 5 additional minutes.)

Mr. BETHUNE. The fact of the matter is, my colleagues, they went out and tested this at 6,000 feet because it takes 15 to 20 seconds to mix up a batch of VX, which is the nerve agent that goes in the Big Eye bomb. You got to have 15 or 20 seconds. You cannot come in low and fast, because when you let the bomb out of the airplane, which they have got to do now, because it blows up if you keep it on the airplane, so they have said, "We figured out a new way to do it, we are going to have offstation mixing; we are not going to start mixing the two ingredients until we get the bomb out of the airplane."

Well, regrettably, if you come in low, you do not have the time for it to mix. And so they said the answer to that is, "Well, we will loft that sucker in, and we will come in and we will throw it up in the air like that and bring it down."

I do not think, from what I know about this bomb, that they can make it work, based on this information. What I believe will happen right now is that they will drop this persistent nerve agent in the Big Eye bomb, and it will not have time to mix, if it does not blow up before they start to this point, and it will fail onto the ground, like bird droppings, and the VX that is contained therein, which is something similar to 10 weight motor oil, will splash out in a little circle, and a Soviet soldier, having heard the buzz bomb noise that you hear because there is a little gasoline motor that makes the dangdest racket you ever heard, after he hears that racket, and then he can smell the bomb because it has the odor of sulfur about it, because that is one of the ingredients, he can walk right over to the spot and drive up a little stake saying, "Nyet. This is American nerve gas, and don't step in it."

So I do not think you have got a situation here where you have got the bugs out of this bomb, frankly. In fact, all of the evidence is to the contrary.

Nineteen years they have been working on this bomb, and they finally decided to test it under something similar to what they might actually face in the modern combat world, and it blew up on them.

POINT OF ORDER

Mr. STRATTON. Mr. Chairman, I wish to make a point of order.

The **CHAIRMAN** pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Chairman, I make a point of order against the gentleman from Arkansas. The gentleman is discussing a munition that is not funded in this section of the bill, and he is spending considerable time of the Committee in discussing that, although there are no funds for the production of the weapon that he refers to. I think he is proceeding out of order.

The **CHAIRMAN** pro tempore. The gentleman from Arkansas is discussing chemical weapons, and it is difficult to restrict the gentleman to a narrow interpretation of that in the comments he is making.

Mr. STRATTON. Mr. Chairman, if I may be heard further on the point of order, there are a number of things that are funded in the bill. Binary systems is the basic issue which the gentleman from Wisconsin addressed himself to. But the particular one that the gentleman from Arkansas is debating is something that is not funded in this portion of the bill, and it seems to me that this is a proceeding out of order and abusing the time of the Committee.

The **CHAIRMAN** pro tempore. Does the gentleman from Arkansas (Mr. Bethune) wish to be heard on the point of order?

Mr. BETHUNE. Mr. Chairman, is my time protected while the gentleman from New York makes his point of order?

The **CHAIRMAN** pro tempore. The gentleman's time is protected.

Mr. BETHUNE. I thank the Chair.

Mr. Chairman, I would just simply say that the bill does ask for moneys to build buildings, facilities, to do tooling work, to build the casings for the Big Eye bomb. I do not know what could be more relevant than to discuss whether or not it works before we start building facilities and the QL mix that would go in the bomb.

Mr. STRATTON. Mr. Chairman, may I be heard further on the point of order?

The **CHAIRMAN** pro tempore. The gentleman from New York may be heard further on the point of order.

Mr. STRATTON. Mr. Chairman, the thrust of the gentleman's argument in discussing an item that is not funded in the legislation is to create the impression that all of the activities of the Department of the Army in dealing with chemical weapons, and particularly the binary weapons which are funded in this section, is defective. But the item which he is constantly referring to, and with all of its mistakes, is not included; and the problems that it had led the committee to remove the money for that particular weapon. If the gentleman wants to discuss it, it ought to be discussed in the research and development title of the bill rather than in the procurement and production title with which we are engaged now.

□ 1620

The **CHAIRMAN** pro tempore. (Mr. Murtha). The Chair will rule.

The money in the bill is unearmarked and the arguments of the gentleman from Arkansas are considered relevant to the debate on his amendment which is pending and which addresses the issues being debated.

The Chair will overrule the point of order.

Mr. BETHUNE. I thank the Chairman.

The distinguished gentleman from New York made an important point. He said that I am using the facts that I have given you about the Big Eye bomb and that I am trying to parlay that to the point where I am going to poison your minds about the statements of the Department of Defense, and that I am trying to use this in some way to discredit the entire program because of this one point.

Let me say this to the Members: We were deceived here on this floor last year by the Department of Defense. That is pretty strong language coming from somebody who is known to be a fairly strong advocate of national defense, but let me point out some dates here that are pretty important.

I said to my colleagues that they discovered the problem about the temperature and the fact that the bomb was blowing up at 60° Fahrenheit, and they did, and they discovered it last June of 1982. The Army, the Navy, and the developer knew that there was a fundamental problem with the Big Eye bomb on June of 1982. The House had its debate on the binary chemical weapons on July 22, 1982. The distinguished people on the Committee on Armed Services were not given the facts by the developers of the weapon. They did not know that they were having trouble with it.

What is even more frightening is that the Department of Defense, Dr. Ted Gold, who is in charge of the chemical weapons program at the Department of Defense, did not learn about it until December of 1982, even though they had tested it and it had failed on October 7, 1982.

What I am saying to my colleague is this: When we debated this issue on this floor last year, we went on for nearly a whole day. I brought up the issue of the Big Eye and I said that I felt we were going to have some problems with the Big Eye, it was going to be troubled, the timing mechanism and the delivery mechanism, and they knew at the very moment that I was right, but they did not tell their own people at the Department of Defense, and they did not tell the people here on the committee. Fortunately, this Congress had the good judgment to kill the program.

This Congress should kill the program again, because what they are asking us to do now, they are not coming to us this year with a 19-year record of development; they are coming to us with about a 6-week record of development; and they are coming to us telling us that they tested this bomb on May 30 and it worked, and they tested it at 6,000 feet, and that proves nothing.

The Big Eye bomb does not work, they have not been leveling with us, and we are in the right on this issue. Vote for our compromise.

Mr. ANTHONY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Leath amendment.

Mr. Chairman, I guess I agree with my colleague from the State of Arkansas (Mr. Bethune). There are so many facts and there have been so many arguments made here that it is kind of hard to know where to jump in, so I am just going to jump in where we left off last.

I am going to ask a question, and then I am going to answer it, and I hope my colleagues will listen to the answer. What are the technical problems of the Big Eye bomb?

When the Big Eye was designed initially, the plan called for the nerve agents in the binary bomb to be mixed before the bomb was loaded on the plane. Let me remind Members that this design was done originally in the 1960's, as my colleagues said, when the flight patterns to avoid enemy radar were different than they are today. Today's flight patterns make it more desirable and safer, just as adequate, to plan for mixing the chemicals after the bomb is released from the plane. It is no criminal offense to find that an original design is flawed and to change one's mind to try to find a safer, more desirable usable one. But if we continue to go back and hammer at the old and not come forward to the new, then we never get all of the facts on the table.

So, what has happened? I have personally gone over and I have seen the film. There was a successful flight. There was a successful flight of the Big Eye bomb after it had exploded on one occasion.

What does that tell you? That they are making progress in solving the problem. We all know that we have voted on this floor for many military weapons that had many, many problems. In fact, last week an ongoing debate on the MX missile is a key one. Obviously, there are problems here, problems that they have solved. There are additional test flights that are scheduled. There is no production money in this bill. Last year there was money for the LAP. There are moneys in the bill this year for the facility.

I am going to ask another question and then I am going to answer it.

Why is the 155 binary shell needed? I thought we had an adequate supply of the 155 shells? Well, here is the answer. The 155 shells we have now are filled with unitary persistent nerve gas. "Persistent" means the nerve agent clings to the area for weeks or months after the shell is fired. The 155 shell will be fired into the front. As Mr. Leath has adequately demonstrated, we only have present-day capabilities of going to the first echelon, the echelon that our troops would then like to move into.

What is likely to occur then? Our troops moving into the area, where the persistent agent is used, they cannot move into the area immediately. What we need is a 155-millimeter shell with a nonpersistent nerve agent that will dissipate in a relative sense more rapidly than the persistent agent, or our troops will have to move into the same enemy zone dressed in the manner in which Mr. Stratton demonstrated that our soldiers would have to dress in the event they were subject to attack.

Going to the Big Eye, although this authorization contains no funds for the production of the Big Eye, it does contain authorization to complete the facilities needed to produce the Big Eye. If we started on the facility today, it would be July of 1986 at the earliest before we would be ready to begin production. So if we take out the funds, and if we postpone it for another year, and then for another year, that 1986 date slides to 1987, it slides to 1988, and then we suddenly are in the time frame within which my colleague cites the Department's own witnesses saying that we are going to be in trouble.

My dear colleagues, let us not postpone it to reach that date so that we are in trouble.

The Big Eye bomb requires three types of facilities, a metal parts facility, a facility to produce the chemical used in the Big Eye, and a load assembly and pack, or a LAP facility.

Listen to what we did last year. Funds for the construction of the LAP facility were authorized. We have already gone part way. What we are asking for now is to fund $31.5 million to buy the equipment needed for the LAP facility. There is certainly no great harm in putting the money together for the load assembly and pack.

It also contains $35 million to acquire a facility to produce a chemical, QL, for the Big Eye, and other equipment. Listen: It does not contain funds to buy QL or any chemicals for the Big Eye.

The **CHAIRMAN** pro tempore. The time of the gentleman from Arkansas (Mr. Anthony) has expired.

(By unanimous consent, Mr. Anthony was allowed to proceed for 5 additional minutes.)

Mr. ANTHONY. We have an opportunity today to go see a successful test flight of the Big Eye. That cannot be refuted. That comes after the failure that my colleague talks about. He cannot refute that it has been successful. He can try to qualify it, but the fact remains that it is a successful flight. Before we put production funds for the QL, this Congress, you, are going to have an opportunity to see many other test flights.

□ 1630

If those test flights are not successful, obviously we are going to be reasonable men and women and we are going to postpone the actual moneys for that production. It makes a great deal of sense to do that, if the Department of Defense is capable, with its research, and development, and expertise, to resolve those problems and prove to us that we are going to have an opportunity to do that and to fund it at a later date.

Mr BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, the gentleman makes a couple of points.

One is that he talked about the vast superiority of the binary artillery shell and suggested that it would give them a chance to reach out to a little further range. Well, the facts are that it is not much more, a few kilometers.

But let me ask the gentleman this: We have never done similar tests, and we have only done similar testing on the binary weapon. We know what the unitary will do. We have only done similar testing on the binaries.

It takes 10 seconds for that substance to mix inside the binary weapon. How are you going to shoot an artillery shell and hit anything at close range? Because you have got to get 10 seconds before it mixes.

So that is a shortcoming of the binary artillery shell. You have to have a sufficient amount of flight for that weapon to be activated. That is the problem with it in terms of effectiveness.

I would make one other point with the gentleman, and that is that he calls the flight test that they did the other day, a successful flight test. He saw it on the video screen, I take it. I am glad somebody saw it. I am glad they called the gentleman and told him to come over and look at it, because they sure did not call me and ask me to come over and look at it. I did not even know they had done the test until yesterday, when one of my colleagues handed me this so-called point paper they put out.

Then I did a little research on it and discovered the reason they dropped this thing from 6,000 feet, which they would never be able to fly at on a real mission—they would be shot down in a minute—the reason they dropped it from 6,000 feet is that you have got to have 15 or 20 seconds at moderate temperatures for the mixing to take effect and to work.

Mr. ANTHONY. Mr. Chairman, I thank my colleague for that comment, and I would like to reclaim my time.

Mr. BETHUNE. So the point is that that argument proves nothing.

Mr. ANTHONY. Mr. Chairman, I reclaim my time.

The fact remains that the film is there. Members will have time to go and see the film probably before we have the vote. It was a successful flight, and I do not blame the gentleman, I would be a little nervous about the fact there was a successful flight. The gentleman did not see the bomb exploding; he went and saw the aftermath of the bomb exploding.

Mr. BETHUNE. I saw the film of the bomb exploding, though.

Mr. ANTHONY. I saw a film of a successful flight, so we are equal. The successful flight came after the gentleman's failure.

Mr. Chairman, let us get back to the real gut issue here. I think this is something we are missing. To Members who are nervous about going back to their constituents and having their news media ask them: "Why did you vote for chemical weapons?" Or having some constituent stand up in a public forum and asking: "Why did you vote for chemical weapons?" I say that is not the issue today. We have chemical weapons. We have 6-percent capability, as our opposition to this position states. We have only 6 percent of a capable deterrent. So the issue is whether or not we are going to have chemical weapons. The gut issue is whether or not we are going to have a modern, capable, safe chemical warfare deterrent, not first strike but a deterrent.

And it is a tough issue. Chemical warfare is abhorrent to me. I know it is to other Members also, but there are some facts here we have got to look at so we can resolve this on the facts, and on the merits, and not on the emotion of whether we are for or against chemical warfare. I say to the Members: if you want to vote on emotion, there is no way we can get your vote because we cannot convince you. Your mind is closed to the merits and the facts. But I also say; if you have an open mind to the merits and the facts, bear me out for a few moments.

Since the First World War no nation with both offensive and defensive capabilities in chemical warfare has ever been the victim of chemical attack. We are now down to only 6 percent. If we do not modernize and begin to modernize, then we are going to have an additional attrition rate in that. It is only when nations have been unable to credibly threaten retaliation in kind that a chemical attack or an attack with toxic agents was used against them.

Interestingly, the opposition to this position takes the floor and makes an admission that says, in stark contrast to the U.S. position, that the Soviets are producing and using chemicals.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas, Mr. ANTHONY, has expired.

(By unanimous consent, Mr. ANTHONY was allowed to proceed for 5 additional minutes.)

Mr. ANTHONY. Mr. Chairman, they make an admission in sharp contrast to our position of 14 years of nonproduction. So they are producing and they are using chemicals. If that is not enough to tell us that we are not going to be successful in securing a chemical treaty, I do not know what it does tell us.

But the gentleman from Texas, Mr. LEATH, takes what I consider the high road and the moral road. With that, we are able to stand up in front of our constituents: "If we do not modernize, our military leaders would have to say, 'Mr. President, give me the authority to use the nuclear bomb'."

We do not want that. We want a capable deterrent so that chemical weapons are not used on our troops.

What else are Members able to tell their constituents? They can say that for every one that is built, one will be destroyed, so that we do not have a total buildup. All we are doing is replacing an old, deteriorating stock.

Let me tell the Members how embarrassing it is. Pine Bluff, Ark., is in my congressional district. I have been in the bunker. I have put on the mask. I have gone in and I have seen it. I have gone through all the briefings, the classified and the unclassified, at the Pentagon and at the arsenal. I have seen the wire fences around it. I can tell you that it is a little spooky.

It is also a little spooky when you walk outside and hold a press conference, and say: "Boy, they are doing a great job at the Pine Bluff Arsenal; we are really up to snuff about what we are doing," only to be called the next day by the commander saying: "Mr. Anthony, we are releasing a report today to the news media that we have found six leakers in the bunker."

It puts a little egg on your face. So what do you do? You have to go right straight to the heart of the matter and you have to tell your constituency: "Yes, it is old, it is deteriorating, but we are doing a good job of protecting it, and we are fighting like the devil to replace it with a modern, capable binary system."

Another comment that was made was that there is a ground swell across these United States. I want to say that there is not a ground swell in my district. My district supports it. I represent that district, and if there were an outpouring of letters and marches, I would be the first to know. I would be the point person in this case because much of this is going to be done at Pine Bluff. And in fact, when the Army held its environmental impact hearings, not one single person attended the public hearing in opposition, and that is in face of the fact that my colleague only lives 35 miles up the road and represents the State capital, with the largest population center in the State. That ought to tell us something about the fact that we have a constituency in the State of Arkansas that will not be persuaded by emotion but knows that something has to be done, and they are willing to do their share.

There can be a lot of arguments made one way or the other. I rise in support of the Leath substitute because I think it does strike a reasonable compromise.

Members can say what they want, there will be no production until October 1, 1985. I can stand up in front of the strongest conservative in my district: "We have disarmed for 14 years. We have given the Soviets two and a half more years and five negotiating sessions to sign a treaty, and if they don't sign a treaty, yes, we are going to replace an old stockpile with a new stockpile."

And they will say: "Mr. Anthony, that makes a great deal of sense, and I am going to support you on that issue."

Any Member from any other congressional district in the United States can make those same arguments. They can argue down a hostile press and they can argue down a hostile constituency, because history is on our side and the facts are on our side.

Mr. Chairman, I ask the Members to support the Leath substitute.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Leath amendment.

Mr. Chairman, I certainly will not try to take more than 5 minutes.

I want to commend the gentleman from Arkansas, Mr. ANTHONY, who also pointed out that if we ever do build chemical weapons, they will be built in his district and he is supportive of the program.

I would also like to point out to my other colleague, the gentleman from Arkansas, Mr. BETHUNE, that earlier today we had a colloquy on whether any money was in the bill for production of the Big Eye bomb. I go back to my earlier statement that there is no money for production of the Big Eye. There was $43 million put in the bill by the Army, or requested by the Army. That money was taken out by the request of the Chief of Staff of the Army. There is some money in the bill pertaining to the Big Eye for load, assembly, and pack. This is equipment. For $31 million it would help build the bomb whenever the production money was put into the legislation.

There are funds in the bill to produce the chemicals, and these chemicals would cost around $35 million. But I make the point that I made earlier in the day: The bomb cannot be built now because there is no production money in this legislation.

□ 1640

I would also like to point out that under the Leath amendment there would still be testing up through 1985, so there can be no production or building this bomb as long as they are testing it.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield to me, since he mentioned my name?

Mr. MONTGOMERY. Briefly, I yield to the gentleman.

Mr. BETHUNE. Mr. Chairman, I thank the gentleman.

The gentleman has been around here a lot longer than I have, but it seems to me what the gentleman is doing here in the request—and the gentleman just read off the list—you are building a load assemble pack equipment. You are building the nerve gas itself, that is the QL, and then you are doing tooling for the metal parts.

It sounds to me like you are doing everything that you need to do except stamping the name on the side of it, which you could not do anyway until the year that he puts in his date as to the final production.

Mr. MONTGOMERY. The gentleman knows this is a long lead item and you have to prepare yourself. I do not have any problem with that.

Mr. BETHUNE. I know, but all you are reserving is the final little act which we would come back then, not having had any slippage in the program.

Mr. MONTGOMERY. Like the other gentleman from Arkansas said, you say 1985, then you say 1987, and then you say 1989, and we will be into the next century before we will ever get going.

I will have to take back my time. I am sorry. Let me talk about the General Accounting Office.

Mr. BETHUNE. Mr. Chairman, will the gentleman give me 30 seconds?

Mr. MONTGOMERY. I request the Chair to permit me to proceed.

Mr. BETHUNE. I just want to ask one question.

The CHAIRMAN pro tempore. The gentleman from Mississippi reclaims his time.

Mr. MONTGOMERY. I yielded to the gentleman and I would like to reclaim my time. I think the gentleman owes me the courtesy to let me move on and talk about another subject.

Mr. BETHUNE. I would be delighted to let the gentleman proceed.

Mr. MONTGOMERY. All right. If the gentleman will be seated, I will move right along.

Mr. BETHUNE. At the end of the gentleman's remarks, let me ask the gentleman one question. He mentioned my name.

Mr. MONTGOMERY. And the gentleman has gotten most of my time.

Mr. BETHUNE. I started out by asking the gentleman, because he has been around longer than me. I did not get to ask the question.

Mr. STRATTON. Mr. Chairman, the gentleman declines to yield.

The CHAIRMAN pro tempore. The gentleman from Mississippi controls the time.

Mr. MONTGOMERY. Mr. Chairman, I would like to move on to another subject pertaining to the General Accounting Office report, which is named, "Chemical Warfare," and it says, "Many Unanswered Questions."

I have had the privilege to look at that General Accounting report and it seems to me the report has many unanswered questions.

It also seems to this gentleman in the well that the report was written at the General Accounting Office and it did not really move out into the field and find out about this chemical situation. They did not contact the person or the agency of the Department of Defense, which is the Office of the Assistant to the Secretary of Defense for Atomic Energy, who has been heading up the DOD chemical focal point since 1980.

Under the General Accounting Office report, they admitted they did not even contact the person in the DOD that heads up the chemical production warfare.

Let me say that under the General Accounting report, they say, "Little is known about Soviet offensive chemical warfare capabilities."

But did they check any primary intelligence documents?

The General Accounting Office did not follow up on this. They did not check on anybody.

My last point is that the second item pointed out in the General Accounting report is that the size and condition of the U.S. chemical stockpile, the GAO said that the military did not know what they had in their stockpile.

The CHAIRMAN pro tempore. The time of the gentleman from Mississippi has expired.

(At the request of Mr. LEATH of Texas and by unanimous consent, Mr. MONTGOMERY was allowed to proceed for 2 additional minutes.)

Mr. MONTGOMERY. Let me make this point. The General Accounting Office did not run a survey or run a stockpile audit, nor did they do a review of the inventory of what the Army had in their chemical stocks; so the General Accounting Office report on chemical stockpiles and chemical warfare, as far as I am concerned, is shot full of holes and it was written downtown at the General Accounting Office and they did not do much research on the report.

Mr. LEATH of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Texas.

Mr. LEATH of Texas. I think the gentleman makes an interesting point. I think the Members really need to perk up and listen to this.

This GAO report was made on what they call an evaluation synthesis methodology.

Now, when queried as to what that was, they said, "We sat down and read a bunch of reports and arrived at our own conclusions."

Now, I find it passing strange that if you are going to investigate something, you do not even go to the people in charge of it or to the source.

So the Department of Defense questioned this and they wrote GAO and said, "What is going on here?"

Let me give you the response. It goes to Mr. James Wade, Principal Deputy Under Secretary of Defense for Research and Engineering:

"Here are three copies of the evaluation synthesis methodology as requested by your staff. One caution"—I want you all to listen to this, because you are talking about bureaucratese—

> the methodology differs in certain key respects from the information synthesis work we performed in the chemical warfare paper. For example, one dissimilarity is the prospective, rather than the retrospective, nature of the studies included in the information synthesis. This, of course, necessitates the developement of independent assessment criteria, a problem one doesn't have in the evaluation of synthesis because of the availability of evaluation paradigm.

Now, if that is not a pretty good indication of how valid this GAO report is.

Mr. MONTGOMERY. This is what we have been concerned about for the last couple years; they are just pumping out reports over there and they are really not doing the proper research, especially on such an important subject.

The CHAIRMAN pro tempore. The time of the gentleman from Mississippi has again expired.

(At the request of Mr. ANTHONY, and by unanimous consent, Mr. MONTGOMERY was allowed to proceed for 1 additional minute.)

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. ANTHONY. Mr. Chairman, I thank my colleague, the gentleman from Texas, for pointing out that the GAO report was based on other documents that the authors had an opportunity to read. Let me quote from that GAO report:

> The literature agrees in general that the United States lacks a credible chemical warfare deterrent. Inadequacies in the U.S. ability to retaliate and defend are all well documented.

Another section of that same report goes on to say:

> In contrast, the literature generally reflects the perception that the Soviet Union is highly capable of waging chemical warfare.

Case closed. The jury ought to bring in a verdict for the amendment of the gentleman from Texas (Mr. LEATH).

Mrs. LLOYD. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the Leath amendment.

Mr. Chairman, I am going to approach the subject of chemical warfare from an entirely different perspective. To say the least, I am concerned about the use of chemical weapons by the Soviets and their surrogates in Loas, Cambodia, and Afghanistan as well.

I have a 19-year-old son. And I would hope that neither he nor any members of his generation who man the frontlines of our defense will have to face the use of chemical agents against them or this country; but neither am I blind to the possibility that it could happen.

Within the past 6 months, we, in the Congress, have received from the State Department conclusive evidence of the Soviet-inspired use of these weapons over the past 7 years, and it continues even today. What we are witnessing in Southeast Asia and Afghanistan cannot be attributed to natural phenomena and could, in fact, be what our own frontline troops will be facing in the foreseeable future.

I am not asking that anyone support the use of chemicals which we all condemn, but we must also assure that they are not used against U.S. forces, a real risk that we face on an ever-widening scale. We cannot ignore what is happening; these weapons are being used today. If we bury our collective heads in the sand, we will invite even graver violations of human rights.

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In my opinion, we cannot turn our backs and ignore these illegal acts or rely on arms control negotiations or on U.N. investigations, but to take the very decisive step to assure that we have a reliable, believable, and a safe retaliatory capability, a capability that does not mortgage the survivability of our fighting forces, a capability that enhances the national policy of deterrence and reduces the potential of chemical war.

After years of setting aside this difficult task, hoping that arms control negotiations would accomplish the complete and verifiable ban of chemical warfare weapons, we can no longer stand by and continue to unilaterally disarm chemically. We have to act now to restore our capability to enhance national policy and to show the Soviets our contempt for actions that violate long-established and accepted practices and precepts of international law. We need to show our resolve to acquire a deterrent system which will subject them to the same degradation that they hope to inflict on our forces. We must now assure the survivability of our forces who face the Soviet chemical warfare threat on a daily basis, preclude a chemical war and avoid decisive defeat.

□ 1650

For us to do so we must begin at once to produce modern chemical weapons that will give the Soviets a real reason to withdraw their chemical weapons. We must authorize and we must appropriate the funds for our chemical retaliatory program.

I believe the Soviet response to a realistic commitment to resume production of these types of weapons will be to begin serious negotiations on limits and reductions in chemical warfare agents, just as we are now seeing more serious efforts on their part to negotiate strategic nuclear weapons limits.

I yield back the balance of my time.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words and rise in support of the Leath amendment.

Mr. Chairman, I have listened with some interest this afternoon and I have read the proceedings of this body last year when I was not a Member. This issue is one of such significance that it has concerned me sufficiently that even though not a member of the committee I wanted to share a perspective of this Member.

We are dealing here, I think, with one of the great paradoxes that we have spoken to on this floor for many hours in the course of the last 60 to 90 days, a great paradox. That paradox is that deterrence to nuclear war, deterrence to chemical warfare, lies in our ability to retaliate against the use of such weapons by our adversaries.

We have heard a great deal of discussion about whether or not the Big Eye bomb, as it is referred to, is presently a perfected, totally confident weapon. We have heard discussions of many things.

We have heard references frequently to the General Accounting Office report which I have bothered to read. I applaud the distinguished gentleman from Arkansas (Mr. Anthony) for his having pointed out that in that very report the deterrent capability of the United States in chemical warfare is definitely regarded as deficient.

Yet, again to the paradox. If we do not have a credible deterrent how can we expect to avoid the risk of our forces being subjected to nuclear warfare agents?

I would say that we heard references earlier to conversations between the distinguished gentleman from Arkansas (Mr. Bethune) and the Soviet Ambassador at the chemical warfare negotiations in Geneva. I applaud that dialog and certainly we want to continue that dialog.

He told us what he told the Ambassador of the Russians at Geneva, and it is what I would have said to him had I been there. It is what any one of us would have said to him had we been there.

But what he did not tell us was what was the Russian Ambassador's response. What was his response then to our Ambassador Fields who has been there?

I am more concerned about what response they give to us than I am about a recitation of what all of us would obviously say to them, because there is no Member of this body who wants to use chemical warfare. We want to maintain a capability to improve that capability for the very reason that we do not want to use it.

It is a fact, not a theory, that the Soviet Union has a superior capability in chemical warfare, a capability that is increasing and will continue to increase through 1985 or 1986 if we do nothing. Doing nothing after 14 years is simply going to give them an opportunity to increase their capability, which goes unresponded to.

High moral ground? I do not believe there is any higher moral rectitude to saying disarm ourselves or let us not be prepared or maintain a deterrent in the face of another capability which is superior.

I think indeed that the morality of the issue lies on the part of the proponents who would say, and who do say through the Leath substitute that we will produce none of these weapons but since we have had 14 years without interruption of our not producing anything we will return to and produce them after this period of time unless you have reached an agreement with us.

I think this is the prod which is indeed necessary to produce meaningful negotiations and a successful negotiation in order that we produce that paradox of deterrence. It means having a capability; having the capability is the incentive to the negotiations that we all want to succeed.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from California.

Mr. LAGOMARSINO. I want to compliment the gentleman on his statement. I think he gets right to the heart of it.

We do have to have a deterrent capability. It is nothing unique with this weapons system. We have been talking about it, as the gentleman has said, for 60 to 90 days; years, in fact, with regard to nuclear weapons.

Unfortunately, these two items are directly related.

There are those who think that we need not have that kind of a deterrent capability, at least not a modernized deterrent capability for chemical warfare.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia (Mr. Bateman) has expired.

(On request of Mr. Lagomarsino and by unanimous consent Mr. Bateman was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. There are those who say we need not have that kind of deterrent capability for chemical weapons systems because we do have nuclear weapons systems available. I would suggest that that is no answer at all.

What we are all seeking to do is to avoid the use of nuclear weapons and not get in a position where it might be necessary to do so.

A couple of weeks ago I had the opportunity and the unique privilege of visting our troops in southern Germany right up to the border, right at what would be the front lines if there is an invasion across the German border, the East German-Czechoslovakian border, right where the people say it probably would occur. The No. 1 concern of the officers and of the enlisted men almost unanimously, all who I spoke to at any rate, was with this issue. They think that we are sadly lacking. They think we need to go to a binary system if we cannot get the kind of agreement I think that we all would prefer.

The question I guess really comes down to what is the best way to get that agreement. I am absolutely convinced that the only way you get any agreement with the Soviets on anything is to be prepared and to show that you can match them if that need be. We have had example after example where when they know that and they know that we have the capability and the determination and the will that they will reach that agreement.

I think that is what we should be fighting for and it seems to me that the Leath amendment is the best way to reach that point.

Mr. Chairman, I rise in opposition to the Bethune amendment and in support of the Leath amendment.

Mr. Chairman, some of our colleagues claim that our military forces do not require modern chemical munitions for deterrence or for retaliating to any first use of chemical weapons by an enemy. They claim that we should rely on nuclear weapons—that nuclear weapons are adequate for this role. This argument is extremely dangerous and contrary to the best interests of the United States.

In an age of nuclear parity, we cannot afford to wave our nuclear sword to make up for a lack of other capabilities. We must do everything possible to raise the barriers to the use of nuclear weapons because the consequences of nuclear war are completely unacceptable to us. Our Government must not be placed in the position of using nuclear weapons to offset the advantage the Soviets enjoy in chemical warfare capability. A nuclear exchange would be an act of desperation and, of course, lead to even greater destruction. In view of the Soviet nuclear capability, I do not believe our nuclear weapons present a credible deterrent to the Soviets in the use of chemical weapons. Grave doubts could exist in the minds of Soviet leaders concerning whether the United States would use nuclear weapons for anything other than to retaliate for Soviet use of nuclear weapons.

It seems apparent that with nuclear parity and a severe asymmetry in chemical warfare capabilities between the United States and the Soviet Union, we have a situation that would actually encourage the Soviets to initiate chemical warfare. We must also keep in mind that the threat of chemical warfare exists in places other than Europe. I conclude therefore, Mr. Chairman, that in today's real world, it is foolish to think that our nuclear weapons are a credible deterrent or useful for retaliation should the Soviets initiate chemical warfare against our forces or those of our allies.

It is time that we face up to the problem that confronts us. Our choice is hard but it must be made. We need not choose between defeat or nuclear suicide. We have the obligation—the solemn duty—to provide those items required for use by our military forces in accomplishing their tasks in defending our interest. Therefore, I have concluded that we must move forward if we do not reach agreement with the Soviets as provided in the Leath amendment to close the gaps in our chemical warfare posture vis-a-vis the Soviets. I encourage my colleagues to provide the funds required to produce binary munitions so that our forces can have an effective chemical retaliatory capability and so that we can have a chance to reach an agreement with the Soviets. They are much more likely to agree if they know we are prepared to proceed with binary weapons. The Leath amendment is a good practical compromise.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia (Mr. Bateman) has again expired.

(On request of Mr. Bethune and by unanimous consent Mr. Bateman was allowed to proceed for 2 additional minutes.)

Mr. BATEMAN. If I might take at least 1 of these 2 minutes to respond to the comments of the gentleman from California then I will be happy to yield to the gentleman from Arkansas.

I appreciate the comments of the gentleman from California. I, too, during the month of March, went over to the East German frontier and talked to our commanders there and to the troops in the field. The gentleman is precisely right as to what their principal concern is at all levels of our military forces there in East Germany. It is that we would be in a position where we cannot respond to the very kind of an attack that would leave our forces at great risk, a risk that I think would be tragic for us to leave them exposed to.

Certainly I think the best way to avoid that is to have a credible deterrent, not a lack of a credible deterrent.

Further, I think it is preposterous to say that we have that deterrent because we could use nuclear weapons. Certainly that is not a rational basis for deterrence.

The only deterrence that is meaningful here is the deterrent in a similar weapons system, not the risk of an escalated nuclear response.

Mr. BETHUNE. Will the gentleman yield?

Mr. BATEMAN. I will be happy to yield to the gentleman from Arkansas.

Mr. BETHUNE. I thank the gentleman for yielding.

The gentleman asks me what the Soviet Ambassador's response was to the presentation that I made.

Mr. BATEMAN. I take it that it was "nyet."

Mr. BETHUNE. It was an hour and a half meeting and I scarcely doubt that I could squeeze it into probably the 30 seconds that I am going to be allowed. But I would remind the gentleman that an independent observer who was at that meeting, our Ambassador Lou Fields, wrote to me and he said, "Your forthright and convincing presentation left no doubt about the congressional attitude and it is a sobering incentive to those delegations to negotiate in good faith."

I will tell the gentleman that what I think it all is boiling down to is I think the Soviet Ambassador understood the message. That is, those of us taking the position that I take say that we want a treaty and you had better give it to us, of if we can get the bugs out of this Big Eye bomb then we are going to start building it.

□ 1700

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

I thank the Chairman.

Mr. Chairman and ladies and gentlemen of the Committee, I have listened with a great deal of interest to the debate that has come from this well. It is an emotional issue and it is a very important issue and I think it is healthy that we have had a full ventilation of the facts as they have developed here.

The previous speaker, the gentleman from Virginia, mentioned a paradox. There is another paradox here. Here in this country where we enjoy the freedoms that we have, we are here debating whether or not to develop the capability of building binary munitions. Now there is nobody that doubts that if we should do this it is strictly as a matter of deterrent. We had them in World War II and did not use them. We had them in Vietnam and Korea. We did not use them. We would only use them in self-defense. The only reason we are interested now is our own protection, our self-defense. We are told by intelligence sources and I believe this, that in the closing days of World War II when Adolf Hitler saw his visions of empire crumbling around him, he was so desperate that he would have done anything that he thought would have brought victory within his grasp and keep it from slipping away he very seriously contemplated using gas. The only thing that deterred him, from using poison gas on the Allied troops was his sure and certain knowledge that we had the capability of reciprocating and would reciprocate.

And only that kept the Allied troops from being gassed in World War II.

Now, if in the event we should get into hostilities in Europe with the Soviets, once again that and only that sure and certain knowledge on the part of the Soviets that we have the present capability, will deter them from using chemical warfare.

And when we do not have it, what other alternative do we have? Only nuclear. And that is one heck of a choice. Who wants the capability? I think everybody that is basically concerned and charged with the responsibility of negotiating a treaty with the Soviets and seeing to the defense of this country want it.

For instance, the Secretary of Defense wants as does the Chairman of the JCS, and General Kingston, Commander of the U.S. Central Command,

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and Admiral Long, Commander-in-Chief of the Pacific.

Today the chairman of the Committee on Armed Services received this letter from the Secretary of State, George P. Schultz and I think in conclusion I would just like to read this into the RECORD.

It reads as follows:

> Dear Mr. Chairman: The House is now considering the fiscal year 1984 Defense Authorization bill. Included in that bill is a request for funds to restore our chemical warfare deterrent and to modernize our deteriorating chemical weapons stocks.
>
> I believe that the United States needs to take visible steps now to modernize our chemical weapons deterrent. Action is necessary for security as well as foreign policy reasons.
>
> As you know, the United States is actively seeking a complete ban on all chemical weapons.
>
> It is we who are the ones that are seeking it.
>
> Last February, at the 40-nation Geneva Committee on Disarmament, Vice President Bush put forth an initiative to accelerate to work of the Committee and to launch negotiations for an agreement. In Geneva we also offered our detailed views on the contents and requirements for a comprehensive, effective, and verifiable chemical weapons ban.
>
> The United States should do all it can to make arms control work in the chemical weapons area. Existing agreements must be strengthened and new, more effective ones negotiated. Working together with the U.S. Arms Control and Disarmament Agency and the Department of Defense, the Department of States is pursuing these goals. An effective chemical weapons deterrent is an important element of our arms control objectives.
>
> One of the major tasks we face in this area is to convince the Soviet Union that a complete and effective ban on chemical weapons is truly in its interests—not just its political or propaganda interests, but in its security interests as well. As long as the Soviets are assured that the United States will do nothing to improve or even maintain its chemical weapons deterrent capability, they will have little incentive to conclude a verifiable ban. An effective U.S. deterrent capability should help convince the Soviet Union to negotiate seriously. It would also safeguard U.S. security in the interim until our arms control goal is achieved.
>
> I therefore urge you and your colleagues to approve the administration's funding request.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. DICKINSON. Mr. Chairman, the sum and substance of it is, and even the proponent, the gentleman from Arkansas (Mr. BETHUNE) has said, he is not for it now but he thinks down the road perhaps we would have to go to this. The point is that the Leath amendment gives five negotiating periods or 2½ years for the Soviets to come to the table and negotiate before the first shell would be filled. How much more do we have to demonstrate and how much more time should we give in order to afford them an opportunity to show their good faith? I think that is reasonable, I think it is in our national interest to do this. I think to do otherwise would be short-sighted in the extreme. And I think we should give Secretary of State George Schultz the tools with which to do the job, I think we should give our negotiators the opportunity to work diligently and in good faith and secure in the knowledge that they can deliver what they say. And the Soviets would know, on the other hand, that they are not bargaining from an empty position.

So, I urge the Members of the House, do not deny our Government the capability and the credibility to negotiate a verifiable chemical warfare—chemical reduction. Give us the opportunity to go ahead and put in place a verifiable, permanent ban on the use of chemical weapons. If this is what you want, then this is the only way you are going to get it.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Members of the Committee, I do not intend to take the entire 5 minutes. But in this debate we have heard accusations and allegations about who is right and who is wrong. And of course the Comptroller General's report to the Committee on Foreign Affairs entitled "Chemical Warfare, Many Unanswered Questions," was quoted by both sides and misquoted and taken out of context on many occasions. But I must call to the attention of the Committee and the Members of the House that this lobbying document that DOD has prepared and distributed to the Members, is full of distortions. Let me just read one of the first charges. I am not going to try to answer every one of their allegations or misstatements.

Mr. Chairman, here is what it says in the very first sentence, very first page: "The report was prepared for the House Foreign Affairs Committee and reflects the views of the committee staff."

Now who among you can possibly believe that a Government agency, an independent body that serves us, would be listening to and writing a report dictated by any staff?

□ 1710

Now does this not exemplify how little value must be given to the rest of the comments and charges in this DOD lobbying document?

I said I was going to be very brief. Let me just go to the bottom of the page. I could comment on every one of the 12 pages, but I will not. On the bottom of the page the charge is that the GAO has stated that binary production might complicate arms control. And DOD responds: Key precursor chemicals are identical for binary and unitary and verification is equally difficult. GAO report is not a useful guide to the issues involved and reflects methodology and poor staff work.

Well, I would say this is the kettle calling the pot black.

Let me just quote Dr. Fred Ikle, our current Under Secretary of Defense on this question of the effect of binary production on chemical arms control efforts. Several years ago he argued that production of binaries would undermine rather than enhance the prospects for achieving a chemical warfare ban. That is your own Under Secretary of Defense. I will quote him accurately. He stated:

> If we start on a new type of production program it becomes even harder to envisage construction arms control agreements limiting competition in chemical weapons.

Mr. Chairman, the Committee on Foreign Affairs has just received this letter from the Comptroller General of the General Accounting Office, Mr. Charles Bowsher. This letter, which I request be made a part of the record, states quite clearly that "the chemical warfare report was prepared with the same objectivity and independence that GAO applies to all its products."

The letter follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 15, 1983.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs
Washington, D.C.

DEAR MR. CHAIRMAN: It has come to our attention that a document is circulating among Congressional Members which questions certain statements in our chemical warfare report (Chemical Warfare: Many Unanswered Questions, April 29. 1983). Our initial impression is that these comments are similar to those already published in our report. Report pages 103–106 and pages 121–122 contain our response. We will analyze the comments more fully, however, and provide additional information shortly if that seems necessary.

In the interim, I want to assure you that the chemical warfare report was prepared with the same objectivity and independence that GAO applies to all its products.

Sincerely yours,
CHARLES A. BOWSHER,
Comptroller General.

AGENCY COMMENTS AND OUR RESPONSE

Draft copies of this report were submitted to DOD for comment on December 9, 1982, and we granted a request for additional time beyond the customary 30 days for review, extending DOD's comment period to January 21, 1983. On January 24, 1983, we met with DOD officials at the Pentagon. Our representatives were advised that written comments would not be available and that the purpose of the meeting was to provide us with official oral comments on the draft report. These official oral comments were presented by Dr. Theodore Gold, the Deputy Assistant to the Secretary of Defense for Chemical Matters. Dr. Gold began his comments by acknowledging a need for good analyses on chemical warfare. We concurred with this view and indicated that we were aware that his office was proposing to sponsor analyses, through the Institute for Defense Analyses, on chemical warfare joint test and evaluation. We also indicated our familiarity with previous IDA analyses on chemical warfare. After this preliminary, Dr. Gold presented four points as the official DOD comments on this report.

DOD POINT 1

A literature review is not an adequate method for addressing issues in this area because some relevant information is not in documented form. Moreover, the draft report does not cover some documents that are pertinent to the issues. Giving an example of the limitation of a literature review as a basis for addressing issues in this area, Dr. Gold cited our discussion in the report of the size and condition of the U.S. chemical stockpile. He contended that quoting figures from various documents written over a period of several years does not constitute an adequate basis for judging stockpile size or condition. He noted that DOD had recently attempted to assess the chemical weapons stockpile.

OUR RESPONSE

We informed Dr. Gold that we used several techniques in preparing the report. We reviewed the literature but we also made use of a panel of experts, who assisted us in determining which documents to include in our review. We assessed the value of each document in terms of how well it supported its conclusions and the degree to which its findings were reinforced by similar conclusions in other studies. We incorporated information from interviews we held with officials of DOD, including the armed services, and with notable experts and independent researchers. In the course of collecting data, we attended briefings and congressional hearings on chemical warfare issues. The information we gained in these activities supplemented the information we gathered from the literature and helped us identify the major issues in the subject of chemical warfar. (In chapter 1, we present full details of our methodology).

With regard to the stockpile example Dr. Gold raised, we informed him that we used two recent documents sponsored by DOD to address the stockpile issues in our report—the 1981 Defense Science Board study and DOD's 1982 report to the Congress on chemical warfare. When we asked Dr. Gold for documentation on the more recent DOD efforts to assess the stockpile size and condition, he did not provide any additional sources.

DOD POINT 2

The report does not provide a balanced and complete picture of the important issues in chemical warfare. Giving an example,

Dr. Gold stated that we had not reviewed primary intelligence data regarding an enemy's threat of using chemical weapons.

OUR RESPONSE

We discussed with Dr. Gold and the DOD officials how we used intelligence information, and we agreed to clarify the report to show that we did not use primary intelligence data, did not challenge any intelligence data, and accepted at face value and used intelligence information that is cited in DOD documents. We also pointed out that the Central Intelligence Agency reviewed a draft of the report and did not challenge the way we have referred to intelligence information.

DOD POINT 3

The report contains many factual errors and errors of omission, and there is additional documentation that would have been of assistance in the preparation of the report.

OUR RESPONSE

We requested Dr. Gold to support his statement that the report contains many factual errors. However, he offered us no examples of error in the report, responding only that DOD did not make a line-by-line review. When we asked for the titles and sources of the additional documentation that Dr. Gold had referred to, none were given.

DOD'S POINT 4

GAO did not work through Dr. Gold's office and did not talk to responsible officials in DOD or the individual services.

OUR RESPONSE

Regarding Dr. Gold's concern that we did not work with his office and did not talk with responsible officials, we pointed out that we had conducted the interview and data collection phase of our work before he arrived at DOD and that we will make this clearer in the report. We also presented him with a list of individuals in DOD and the services whom we made contact with during our audit. The list includes Major General Niles Fulwyler and members of his staff (his office served as the Army's focal point for chemical warfare matters during the period of our review), Colonel John Tengler of the Joint Chiefs of Staff, Victor Utgoff and Colonel Horace Russell of the National Security Council, Robert Mikulak of the Department of State, and Professor John Deutch of the Massachusetts Institute of Technology (during a briefing on chemical warfare that he presented at the MITRE Corporation). We added that we had attended and obtained testimony presented to the Senate Appropriations Committee in May 1982 by Dr. Richard L. Wagner, the Assistant to the Secretary of Defense for Atomic Energy, by Dr. Theodore Gold, the Deputy Assistant to the Secretary of Defense for Chemical Matters, and by the Honorable James F. Leonard, former Ambassador and senior official in the Arms Control and Disarmament Agency on chemical and biological warfare issues. Dr. Gold indicated that Amoretta Hoeber, the Principal Deputy Assistant Secretary of the Army for Research, Development, and Acquisition, has no records indicating that she received, reviewed, and commented on the list of sources we compiled for this report. We replied to Dr. Gold that we can provide documentation that verifies that she did review a draft version of our bibliography (printed as appendix II in this report).

We have revised the report so that it includes a discussion of how we treated intelligence information, which we hope clarifies the concern that DOD raised. The other official comments were so general that, without more specific reference, we were unable to make any revision that could be based on them.

We received a written response from DOD well past the established time for the submission of agency comments. However, since it documents the oral presentation we have discussed above, we have included it in the final report in appendix IV. The letter of response we sent to DOD is also printed in appendix IV.

GENERAL ACCOUNTING OFFICE,
Washington, D.C., February 22, 1982.

Mr. JAMES P. WADE, JR.,
Principal Deputy Under Secretary of Defense for Research and Engineering,
Washington, D.C.

DEAR MR. WADE: Thank you for your letter of February 4 giving me the written position of the Department of Defense (DOD) on our Chemical Warfare paper. As you know, your letter was delayed beyond the time which GAO allocates for agency comments (DOD had the full 30 days, plus a 10-day extension requested by your staff and granted by GAO). However, since your letter contains no new information and reiterates some of the points already made to us by your staff in the official "verbal comments" session of January 24, you may be sure that we have carefully considered all of your points and that we will be responding generally to the DOD comments in our report.

One thing you may want to note: I think we are in presence of a misunderstanding about the nature of our report methodology: it is neither a "literature review" nor an audit. It is an information synthesis which does indeed begin with a literature review but goes very much further, analyzing the quality of each piece of information (in terms of the evidence supporting it) with an end-product of refined information about the state of knowledge in a particular area at a particular time.

The purposes of such an effort are: (1) to try to make sense out of conflicting information that exists on a given topic (conflicts cannot always be easily resolved, of course, but sometimes they can be when it turns out, for example, that one study has been soundly designed, implemented, and reported, whereas another is based solely on the author's opinion or on anecdotal evidence); (2) to develop an agenda showing clearly where the gaps in needed information are that call for new agency research; and (3) to lay the groundwork for further GAO evaluation or audit work in the area.

In using the information synthesis approach, we do not expect to propose any agency action, other than the filling of important knowledge gaps our work has revealed. Therefore we make no recommendations, contrary to the procedure we would use in a methodology featuring original data collection, such as an effectiveness evaluation or an economy and efficiency audit. However, we do make conclusions and observations about the information we have found and to do this naturally entails the prior elaboration of a synthesis framework laying out the questions and subquestions to be answered, the scope, nature, and timeframe of the initial literature review, and the criteria for assessing the quality of the information. If you look at our report, you will see that we have documented this important front-end work in considerable detail.

A potential problem in such an approach might be the question of the "universe": that is, how can we be sure we've got all the major studies? In this case, although it was an especially arduous task to accomplish—given the breadth, international character, and classification of the topic, and the obscurity of some of the work—we now feel assured that we have covered all the major studies done as of May 1982 (end-date for our data collection effort). One of the methods we use in the synthesis approach to reach this assurance is through the combined knowledge of a panel of experts. (In this case, we included DoD's General Niles

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> Fulwyler and Dr. Amoretta Hoeber. The OSD focal point position was not filled at that time, as you know.) We were further confirmed in our confidence by peer reviews of our work (including the CIA) and our January 24 session with your staff in which no title, document, or source was produced that GAO had not already reviewed and analyzed.
>
> With regard to the potential benefits of the synthesis approach, we feel they are enormous. First, the ability to draw on a large number of soundly designed and executed studies adds great strength to the knowledge base when findings are consistent across different studies by different scholars using different methods. No single study, no matter how good, can have this kind of power. Second, when studies are not well designed and executed, the knowledge that there exists no firm basis for action is also an important benefit: the size of the risk is clarified, necessary caution is introduced into the debate, and over the long term, the number of failed shots in the dark is likely to be diminished.
>
> I hope this letter will better explain what we are trying to do and how it differs from an audit or literature review. A GAO staff paper describing the synthesis methodology may be of additional help. Please let me know if you would like to see it.
>
> With kind regards,
>
> Sincerely yours,
>
> ELEANOR CHELIMSKY, *Director.*

Mr. ZABLOCKI. Now, I shall take just one more minute or two because I had hoped the gentleman from New York would have yielded to me since he mentioned my name and apparently was trying to give a certain impression, even though I must say he did not say so. Yes, Congressman STRATTON of New York was in Copenhagen, Denmark, at the NATO Assembly. And he did a wonderful job, a credible job there. But, he has implied that in informal conversations, I could not find any of the European delegates who opposed chemical weapons. The truth is, that the European delegates came to me and stated that they did not support chemical warfare and they would not permit new chemical weapons in Western Europe. I believe the gentleman from New York tried to imply that what I had stated on this deployment question was not true.

I would like at this time to ask the gentleman from New York: Did you hear any of the European delegates support chemical warfare or support binary systems?

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for 3 additional minutes.)

Mr. ZABLOCKI. Yes or no.

Mr. STRATTON. Let me just say to my good friend——

Mr. ZABLOCKI. Not too much time. I was going to be brief.

Mr. STRATTON. First of all, I was not trying to cut the gentleman off, but as the gentleman remembers I wanted to put on a little display of the kind of clothing that is required for our forces and that is why I declined to yield to him.

I conducted no survey of our delegates at the North Atlantic Assembly, but many of the people who I talked to were still a little bit concerned about whether we in this country really meant business with the MX, with the Pershing missile, and with retaliatory capabilities. And we tried to reassure them——

Mr. ZABLOCKI. If I may reclaim my time, the gentleman is not going to answer the question.

Are they supportive of chemical warfare and binary chemical weapons?

Apparently the gentleman does not want to answer. I will answer for him. They do not want chemical weapons on their soil. And since the gentleman from New York has mentioned the display he had——

Mr. STRATTON. What was the question?

Mr. ZABLOCKI. I am going to respond to the gentleman's comment that he could not yield to the gentleman from Wisconsin because he was going to display the protective suit.

I must say that display was the best support for the position of the gentleman from Wisconsin. I have always maintained that we must spend more money on our defense programs. A better protective suit. Of course it is too heavy. Of course it is not adequate. And instead of producing the binary, put a better protective suit on our servicemen.

Mr. STRATTON. If the gentleman will yield, is he aware that in 1983 we spent $780 million on new protective clothing for our troops? That is some of what I demonstrated.

Mr. ZABLOCKI. The gentleman would have spent less if you had had the money for the binary.

Mr. STRATTON. We would not have had to spend as much if we had a retaliatory capability that the Europeans as well as the Russians would believe in and regard as credible.

Mr. ZABLOCKI. I yield no further.

I might say to my colleagues one reason we do have better uniforms and have put more money in spending for defense is because in the past this gentleman from Wisconsin and others who joined with me insisted that we spend more money for defense.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the fact that the gentleman has now brought up a subject that is very relevant to this discussion.

We are not talking about unilateral disarmament, we are not talking about giving up our posture of being protected in the field.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has again expired.

(At the request of Mrs. ROUKEMA and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 3 additional minutes.)

Mrs. ROUKEMA. In fact, this bill provides for and the amendment does not affect the funds for defensive positions, both in terms of suiting up as well as decontamination of sites, efforts that we definitely need to improve. However, the point is that we are being asked here today, and let us not forget it, to base our decision on specious evidence and frequently contradictory documentation. Despite what has been said denigrating the report of the GAO concerning chemical warfare, the GAO recognizes very well that there is conflicting testimony on the subject, but also points out that there are no citations on either side, only assertions.

So the evidence is specious, the answers to the questions regarding the integrity of our stockpiling are contradictory. Those of the Armed Services Committee have admitted earlier in this debate that yes, we do have enough retaliatory capability to force the opponents to suit up. Today's debate has gone back and forth all day and I think we are losing the forest for the trees.

I want to get back to the point, Mr. Chairman, that the gentleman has repeatedly emphasized. We are again being asked to abandon a moratorium based on contradictory evidence, with no evaluation of the implications of such a decision on our foreign policy, particularly how our NATO allies feel knowing that such a battle would be fought on their ground, knowing that only one member of the NATO alliance presently consents to the stockpiling of chemical weapons, having no explanation as to how we are going to deploy these weapons. Do not be deceived. The Leath amendment is the first step to not only abandoning the moratorium, but the first step to production. It will be an impediment, if not an absolute block to supporting the initiative presented by Vice President Bush in February when the negotiations resume this July in Geneva. And that is the discussion, not the obfuscation of who is right and what is the current level of stockpiling. The issue is, are we going to put forward this initiative and help our negotiators, or are we going to send a signal to the Europeans and the world that we may in some way be planning a new initiative, one that will trigger an escalation in the arms race?

Mr. ZABLOCKI. I thank the gentlewoman for her contribution and urge a "no" vote on the Leath amendment, which is no compromise but rather restores the binary program.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Zablocki amendment and in opposition to the Leath amendment.

☐ 1720

Mr. Chairman, the debate this afternoon has been an interesting debate and has covered many points. There are two points, however, that I think need special emphasis. The first deals with the issue of arms control, and the second deals with the issue of whether or not we need chemical warfare for retaliatory capabilities.

Let me speak first on the issue of arms control. During the bilateral chemical warfare arms control negotiations in the late 1970's, agreement was reached in principle on most aspects of the scope of a chemical warfare treaty, even though the United States was not producing or considering the production of binary nerve gas.

Chemical warfare arms control efforts stalemated in 1980 not because of the Soviet Union being intransigent on verification but, rather, because the Reagan administration decided to abandon further bilateral chemical warfare arms control talks.

Last summer the Soviets showed flexibility in the chemical warfare verification in a new chemical warfare proposal which suggested the possibility of systematic, international, onsite inspection. The United States put forward its own new chemical warfare proposal at the Committee on Disarmament earlier this year. These newly submitted proposals should be fully explored in both bilateral and multilateral negotiations before the United States proceeds any further with the costly and controversial program that is under discussion this afternoon.

The second area of concern is whether or not there is adequacy in existing U.S. chemical retaliatory capability. I point out to my colleagues that one of the main arguments that binary proponents cite in support of their position is that the United States stockpiles are dangerously inadequate.

However, the Department of Defense no longer subscribes to that position. Look at what they say this past February to the Senate Armed Services Committee, and I quote:

> For procurement of new artillery shells, the need is not one of redressing a clear lack of military capability.

And again they say:

> The United States possesses a stockpile of chemical nerve agent artillery shells . . . that are compatible with modern 155 millimeter and 8-inch artillery pieces.

Third, they say:

> The quantity is in the range of sufficiency, at least for the United States forces, and is actually higher than the planned acquisition quantity for binary projectiles.

And finally, they say:

> The current mix of agent may not be ideal . . . however, these factors, in and of themselves, might not be sufficient to justify the expense of replacing the stockpile.

Mr. Chairman, thus even our Department of Defense admits that quantity and the quality of the existing chemical artillery shells is sufficient and that the expense of replacing the stockpile with these new chemical weapons may not be justified.

Mr. Chairman, there are really some very major issues that have been dealt with and discussed this afternoon, but I think they can be summed up in five simple statements.

The United States already has adequate offensive chemical warfare capabilities.

Second, the U.S. production of binary carries grave foreign policy implications.

Third, the U.S. production is a waste of the taxpayers' dollars.

Fourth, the U.S. production of these chemical weapons undermines our arms control efforts.

And finally, and most importantly, chemical weapons are militarily ineffective.

I urge my colleagues on both sides of the aisle to do exactly what we have done in the past: To delete the funds in this resolution; to support the Zablocki amendment.

● Mr. MARKEY. Mr. Chairman, I rise in support of the amendment to strike $114.6 million for the production of lethal binary chemical weapons.

Mr. Chairman, the Reagan administration is about to plunge the United States into another arms race with the Soviet Union that could be as dangerous as the nuclear arms race in which we are already caught.

By asking Congress to approve funding for binary chemical weapons, the President indicates he is willing to end the 14-year ban on production of these weapons which began when President Nixon stopped all manufacturing of chemical weapons by the United States.

In reversing a policy adhered to by Republican and Democratic administrations since 1969, the Reagan administration is reversing progress in arms control and is ignoring the bitter lessons learned in World War I.

Poison gas has little effect on properly equipped enemy soldiers. Instead, chemical weapons kill innocent civilians and often hamper the operations of the army that uses them first.

In Europe, where the United States would probably use binary chemical weapons, the fighting would take place in the midst of large, unprotected civilian populations.

In the event of chemical warfare in Europe, tens of millions of innocent men, women, and children would die—suffering uncontrollable spasms, vomiting, progressive blindness, and deafness, before finally asphyxiating.

I also wonder why we must build more chemical munitions when the United States already possesses sufficient stocks of nerve gas for about 30 days of chemical warfare in Europe.

In a study conducted by the Army in 1982, the entire U.S. stockpile of 155-millimeter and 8-inch chemical munitions was found to be issuable for use in battle.

Why then should we replace these shells with a weapon that has never been certified as battle ready?

Binary chemical weapons have never been tested with live chemical agents. And even in tests with similar nonpoisonous chemicals, the binary weapons have shown serious flaws.

Much of the Army's own data indicates that binary munitions are less reliable than existing nonbinary shells.

Furthermore, the binary weapons are heavier and bulkier to transport, posing logistical problems on the battlefield.

Instead of spending hundreds of millions of dollars for a weapons system that is clearly inferior than the one it is supposed to replace the administration needs to investigate a number of serious problems the General Accounting Office has found in how the military would actually use chemical weapons and how it would protect our troops from an enemy chemical attack.

The April 1983 GAO study found that the United States does not have a doctrine for using chemical weapons, despite the fact that it has possessed huge inventories of the weapons for several decades. GAO also found that the U.S. defensive measures to protect our soldiers are not adequate for full-scale chemical warfare.

Neither the administration nor the Army has addressed these questions or proposed any solutions.

Building more deadly chemical weapons will not solve the deficiencies reported by the GAO. It will only add unnecessarily to an already huge and sufficient supply.

Instead we should continue the policy set by past administrations and continue the moratorium on chemical weapons production. We should also initiate negotiations with the Soviets on reducing these ghastly weapons.●

● Mr. RAY. Mr. Chairman, I rise in opposition to the Zablocki amendment and in favor of the Leath amendment.

The idea of chemical warfare is a frightening situation and Americans as well as our allies around the world are hesitant to even discuss the probability of such a brutal and inhumane action.

This is an emotional issue but one which must be faced up to.

In 1974 when I worked as a staff person in the Senate I was privileged to attend a classified briefing in reference to our country's chemical warfare stocks and deterrent abilities.

The briefing emphasized that our defense consisted of obsolete chemical stocks—some dating back to World War II, with no current research and development or deterrent plans underway. We were also informed that the top ranking officer in charge of our chemical warfare deterrent program consisted of one Army colonel.

On the other hand, in 1974—the Soviet Union had moved ahead full speed with no slowdown since the early 1950's. At that time—in 1974—the Soviet Union had in charge of its chemical warfare research and development and its eventual plans to conduct chemical warfare, nine general officers who were busily expanding the Soviet Union's chemical warfare program.

It is my understanding that today, 1983, 9 years later, the situation from America's viewpoint has worsened. While the Soviet Union has gained tremendous superiority in this area, the majority of our chemical stocks are in bulk, difficult to use, dangerous or in rockets and bombs which are in some cases rusting and leaking. We do not, I am told, have launchers necessary to use certain of the shells or rockets which are in our chemical arsenal.

Mr. Speaker, the opinion of many experts is that the Soviets are clearly up to something. Classified briefings which members of the committee have been given clearly point out that the Soviets have several chemical warfare plants actively manufacturing and involved in research and development of several new chemical weapons.

We have heard evidence that the Soviets have more than 30,000 vehicles, including helicopters, which can operate in a chemical environment.

It is alleged and we are convinced, that the Soviets have used chemical warfare in Afghanistan and other areas. So we feel assured that the Soviets will not hesitate to employ every advantage possible to use these weapons.

So the question in my mind is that somehow or other we must build a defense and deterrent against this threat—in fact we cannot afford to sit idly by and let this threat continue to increase.

It is a well-known fact that during World War II when both sides of the conflict had an adequate and strong chemical defense that none was used. It is further believed that had either the Germans or the Japanese possessed a nuclear weapon during World War II we would not have used the atomic bombs on Hiroshima and Nagaski because of the retaliatory possibility against our country or our allies.

It appears to me that we must decide in this body whether we can accomplish this objective with our current unitary stockpile or whether it is necessary to modernize and upgrade the stockpile with a more effective, safer, binary munition. I am convinced that our current stockpile is not sufficient to deter potential aggressors from the use of chemical munitions, and I am equally concerned that our old weapons will not provide maximum safety and protection necessary in handling, and storing chemical munitions.

Therefore, I strongly urge that you provide the funds necessary to at least begin to develop systems and to produce binary munitions to replace our current unitary munitions.

My colleagues, I think it is important to note that our committee has taken great pains to insure that the bill before you contains a provision which would allow the production of binary munitions only if for every new binary munition placed in the inventory, a serviceable unitary munition is removed. This will insure a zero growth in our chemical stockpile.

I urge your support in defeating this amendment.

I urge your support for the Leath admendment.●

● Mr. KASTENMEIER. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI), the chairman of the House Committee on Foreign Affairs, and the gentleman from Arkansas (Mr. BETHUNE), to delete from the Department of Defense authorization bill $114.6 million for the production of lethal binary chemical weapons.

The production of binary chemical weapons is an extremely dangerous area for this country to leap into. At a time when we should be devoting our energies to making progress in chemical arms control negotiations, we have an administration proposal to begin what will certainly and ultimately be a massive reconstruction and modernization of our chemical weapons stockpile. We should wonder if the risks which accompany the binary chemical weapons program, in terms of the potential and dangerous proliferation of chemical weapons, have been fully evaluated by the Department of Defense compared to the estimated risk associated with the status quo pending the outcome of treaty negotiations.

We have been told that the United States must improve its retaliatory capabilities in order to deter chemical warfare. This is the same argument which the administration uses with respect to nuclear weapons. To turn to chemical weapons, one of the most repulsive of mankind's inventions, however, is unworthy of our Nation. Lethal nerve gases kill in a particularly ghastly and indiscriminate way, and their victims are more often than not civilians.

The U.S. Government is not now producing chemical weapons. We have not done so since 1969, when President Nixon unilaterally decided to place a moratorium on chemical weapons production. To resume the production of poison gases would be a serious mistake, and we should reject the proposition that reduction of chemical weapons through a treaty with the Soviets is only possible through increased production.

The best course of action to follow in dealing with such an evil weapon as nerve agents is to vigorously pursue the reduction and elimination of chemical weapons through negotiations with the Soviets. Rather than opening the floodgates to a multibillion-dollar program of binary chemical production and the chemical arms race which will be triggered by resuming the production of nerve gas, let us set an example for the rest of the world to observe.

Last year, the House, by a substantial margin, rejected the request for funds to produce binary chemical weapons. This year, in a bipartisan effort, almost 100 Members have now cosponsored H.R. 822 which prohibits obligating or expending funds for the production of lethal binary chemical munitions and calls on the President to enter into immediate negotiations with the Soviets for a mutual, verifiable limitation on the production and stockpiling of chemical weapons.

Mr. Chairman, there is no good reason to proceed with the production and stockpiling of new, horrifying nerve gases. In fact, according to a recent report from the General Accounting Office on chemical warfare and from comments of various experts in chemical warfare, there is very good reason not to proceed with the binary chemical weapons program. Let us pass the amendment offered by Mr. ZABLOCKI and Mr. BETHUNE and put a stop to reviving the special horrors of chemical warfare.●

PARLIAMENTARY INQUIRY

Mr. DANIEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DANIEL. Mr. Chairman, would the Chair kindly state the order in which the questions will be put on the pending matters?

The CHAIRMAN pro tempore. The first vote will be on the Leath amendment to the Zablocki amendment. Then the second vote will be on the Bethune substitute to the Zablocki amendment as or as not amended.

Mr. DANIEL. I thank the Chairman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. LEATH) to the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and on a division (demanded by Mr. ZABLOCKI) there were—ayes 32, noes 5.

RECORDED VOTE

Mr. ZABLOCKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 216, not voting 14, as follows:

[Roll No. 196]

AYES—202

Alexander
Andrews (TX)
Anthony
Archer
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bevill
Bilirakis
Bliley
Boner
Bosco
Breaux
Brooks
Broomfield
Bryant
Burton
Byron
Campbell
Chandler
Chappell
Chappie
Cheney
Clarke
Coelho
Coleman (MO)
Coleman (TX)
Conable
Corcoran
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
de la Garza
DeWine
Dickinson
Dicks
Donnelly
Dreier
Duncan
Dyson
Edwards (AL)
Emerson
English
Erlenborn
Evans (IA)
Fazio
Fiedler
Fields
Flippo
Franklin
Frost
Fuqua
Gekas
Gibbons
Gilman
Gingrich
Gramm
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hefner
Hightower
Hillis
Holt
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (MD)
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (NY)
Matsui
McCain
McCandless
McCollum
McCurdy
McDonald
McEwen
McNulty
Mica
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Ortiz
Packard
Pashayan
Patman
Perkins
Petri
Price
Quillen
Ratchford
Ray
Regula
Ridge
Ritter
Robinson
Rogers
Rose
Rostenkowski
Roth
Rowland
Rudd
Sawyer
Schaefer
Schulze
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Smith (NE)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Stenholm
Stratton
Stump
Sundquist
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Watkins
Whitehurst
Whitley
Whitten
Wilson
Winn
Wise
Wolf
Wright
Wylie
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—216

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Annunzio
Applegate
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Bethune
Biaggi
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boxer
Britt
Brown (CA)
Brown (CO)
Broyhill
Carney
Carper
Carr
Clay
Clinger
Coats
Conte
Conyers
Coughlin
Coyne
Crockett
D'Amours
Daschle
Dellums
Derrick
Dingell
Dixon
Dorgan
Dowdy
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
Erdreich
Evans (IL)
Fascell
Feighan
Ferraro
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Frenzel
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hawkins
Hertel
Hiler
Horton
Howard
Hoyer
Jacobs
Jeffords
Jenkins
Johnson
Kaptur
Kastenmeier
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Lipinski
Long (LA)
Lowry (WA)
Luken
Lundine
Markey
Martin (IL)
Martin (NC)
Mavroules
Mazzoli
McCloskey
McDade
McGrath
McHugh
McKernan
Mikulski
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Murphy
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Oxley
Panetta
Parris
Patterson
Paul
Pease
Penny
Pepper
Pickle
Porter
Pritchard
Rangel
Reid
Richardson
Rinaldo
Roberts
Rodino
Roe
Roemer
Roukema
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Sikorski
Simon
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Traxler
Udall
Vento
Walgren
Walker
Waxman
Weaver
Weber
Weiss
Wheat
Whittaker
Williams (MT)
Williams (OH)
Wirth
Wolpe
Wortley
Wyden
Yatron
Zablocki

NOT VOTING—14

Boucher
Collins
Cooper
Courter
Downey
Heftel
Kennelly
Martinez
McKinney
Miller (CA)
Owens
Pursell
Rahall
Yates

□ 1740

Messrs. MINISH, FORSYTHE, JENKINS, LEHMAN of California, SHARP, Mrs. HALL of Indiana, Messrs. FEIGHAN, CARNEY, EDWARDS of Oklahoma, D'AMOURS, and STANGELAND changed their votes from "aye" to "no."

Mr. VOLKMER changed his vote from "no" to "aye."

So the amendment to the amendment was rejected.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arkansas (Mr. BETHUNE) as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. STRATTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 161, not voting 15, as follows:

[Roll No. 197]

AYES—256

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Annunzio
Applegate
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Bethune
Biaggi
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boxer
Britt
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Carney
Carper
Carr
Clarke
Clay
Clinger
Coats
Coelho
Collins
Conte
Conyers
Coughlin
Coyne
Craig
Crockett
D'Amours
Daschle
Daub
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hawkins
Hefner
Hertel
Hiler
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Johnson
Jones (OK)
Kaptur
Kastenmeier
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Lipinski
Long (LA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Markey
Martin (IL)
Martin (NC)
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McNulty
Mica
Mikulski
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Moody
Morrison (CT)
Mrazek
Murphy
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Oxley
Panetta
Parris
Patterson
Paul
Pease
Penny
Pepper
Perkins
Pickle
Porter
Pritchard
Rangel
Ratchford
Reid
Richardson
Rinaldo
Roberts
Rodino
Roe
Roemer
Rostenkowski
Roukema
Roybal
Russo
Sabo
Savage
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shuster
Sikorski
Simon
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Solarz
Spratt

St Germain
Staggers
Stangeland
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Traxler
Udall
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wirth
Wolpe
Wortley
Wright
Wyden
Yatron
Zablocki
Zschau

NOES—161

Alexander
Andrews (TX)
Anthony
Archer
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bevill
Bilirakis
Bliley
Boner
Bosco
Breaux
Brooks
Bryant
Burton
Byron
Campbell
Chandler
Chappell
Chappie
Cheney
Coleman (MO)
Coleman (TX)
Conable
Corcoran
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Davis
DeWine
Dickinson
Dreier
Duncan
Dyson
Edwards (AL)
Emerson
Erlenborn
Fiedler
Fields
Flippo
Franklin
Fuqua
Gibbons
Gilman
Gingrich
Gramm
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hightower
Hillis
Holt
Hubbard
Hunter
Hutto
Hyde
Ireland
Jones (NC)
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (MD)
Lott
Lowery (CA)
Mack
MacKay
Marlenee
Marriott
Martin (NY)
McCain
McCandless
McCollum
McDonald
McEwen
Michel
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
O'Brien
Ortiz
Packard
Pashayan
Patman
Petri
Price
Quillen
Ray
Regula
Ridge
Ritter
Robinson
Rogers
Rose
Roth
Rowland
Rudd
Sawyer
Schulze
Shaw
Shelby
Shumway
Siljander
Sisisky
Skeen
Skelton
Smith, Denny
Snyder
Solomon
Spence
Stenholm
Stratton
Stump
Sundquist
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vandergriff
Vucanovich
Whitehurst
Whitley
Wilson
Winn
Wise
Wolf
Wylie
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—15

Boucher
Cooper
Courter
de la Garza
Downey
Heftel
Kennelly
Madigan
Martinez
McKinney
Miller (CA)
Owens
Pursell
Rahall
Yates

☐ 1800

Mr. JONES of Oklahoma changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI), as amended.

The amendment, as amended, was agreed to.

Mr. BENNETT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having resumed the chair, Mr. MINISH, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, as a member of the House Foreign Affairs Committee I participated in a fact-finding study mission to the Middle East with several other Members of the House from May 26 to June 4, which encompassed the Memorial Day district work period. Because of a delayed return to allow a visit to Lebanon and Syria and to engage in meetings with high-level officials of those countries, I was absent from the House during consideration of several bills and resolutions.

The votes I missed along with the indication of how I would have voted had I been present, are listed below:

Rollcall 139, "yes."
Rollcall 140, "yes."
Rollcall 141, "no."
Rollcall 142, "yes."
Rollcall 143, "yes."
Rollcall 144, "yes."
Rollcall 145, "yes."
Rollcall 146, "yes."
Rollcall 147, "yes."
Rollcall 148, "no."
Rollcall 149, "yes."
Rollcall 150, "yes."
Rollcall 151, "yes."
Rollcall 152, "no."
Rollcall 153, "yes."
Rollcall 154, "yes."
Rollcall 155, "yes."
Rollcall 156, "no."
Rollcall 157, "no."
Rollcall 158, "no."
Rollcall 159, "no."
Rollcall 160, "no."
Rollcall 161, "yes."

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2053

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Minnesota (Mr. FRENZEL), be withdrawn as a cosponsor of H.R. 2052.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. DICKINSON asked and was given permission to address the House for 1 minute.)

Mr. DICKINSON. Mr. Speaker, if I could get Mr. FOLEY's attention I would ask unanimous consent to proceed out of order.

Mr. Speaker, I would inquire as to the first item of business to come up tomorrow, whether it will be this bill or some other bill.

The SPEAKER pro tempore. I see the distinguished majority whip is here so he may respond.

Mr. FOLEY. Mr. Speaker, will the distinguished gentleman yield to me?

Mr. DICKINSON. I yield to the gentleman.

Mr. FOLEY. I thank the gentleman for yielding.

It is the intention of the leadership on this side to call up the commodities bill from the Department of Agriculture tomorrow; that bill should be subject to action within a very short period of time. I do not think it will take long.

Following that we will return to the bill presently under consideration, Department of Defense authorization.

Then we will move to take up the rule on military construction authorization and the consumer products rule, rule only.

Mr. DICKINSON. I am not sure I understood you. Would you take up the rule on the military construction bill before we go back into the Defense authorization bill?

Mr. FOLEY. No, we go back into Department of Defense authorization bill after we do the first bill which is the commodity bill. When that commodities bill is concluded, we will go directly back to the present Department of Defense authorization.

Before rising for the day, we will rise on the further consideration of the Department of Defense and take up two rules at the end of the day tomorrow, the rule on military construction and the rule on commodities.

Mr. DICKINSON. Is there a general agreement as to when we might rise tomorrow? I know we will not finish the bill.

Mr. FOLEY. I think something in the nature of tonight's schedule, 6, 6:30 in that area. Maybe earlier than that, but I do not think it will be much later.

Mr. DICKINSON. And we will come in at 10 tomorrow?

Mr. FOLEY. We come in at 10 tomorrow.

The SPEAKER pro tempore. I think the gentleman may be reasonably assured that it will not be any later tomorrow. There being no Friday session and no prospect of completing the Department of Defense authorization bill, Members may rest reasonably secure that we will adjourn at a reasonable hour.

Mr. FOLEY. Will the gentleman yield to me?

Mr. DICKINSON. I yield to the majority whip.

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Mr. FOLEY. If the gentleman will yield further to me, having, as the British say, taken advice, I want to report to the gentleman, striking my previous answer, that we will not go late tomorrow and that we expect a reasonably early end of the day's business.

Mr. DICKINSON. I thank the gentleman.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., June 13, 1983.
Hon. THOMAS P. O'NEILL, JR.,
Speaker of the House, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to inform you, pursuant to the provisions of House Rule L (50), that an employee of mine, Peter D. H. Stockton, has received a deposition subpoena duces tecum in *Jacqueline Srouji, et al.* v. *Simon & Schuster, et al.*, Civil Action No. 82-3855. (M.D. Tenn.) Michael J. Ward, formerly on the staff of the Subcommittee on Energy and Power, and now an attorney in private practice, has also been served with a subpoena in the same matter. In both instances, the subpoenas related to their official duties.

I will undertake to make the determinations required by the Rule and communicate them to you.

Sincerely,
JOHN D. DINGELL,
Chairman.

RESIGNATION AS MEMBER OF HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore laid before the House the following resignation as a member of the House Commission on Congressional Mailing Standards:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 9, 1983.
Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: I hereby respectfully submit my resignation from the House Commission on Congressional Mailing Standards effective on the 15th Day of June, 1983.

I regret any inconvenience which my resignation may cause; however, my other duties in the House make it impossible for me to continue to serve on the commission.

Sincerely yours,
TRENT LOTT,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

THE 1983 PRESIDENTIAL SCHOLARS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GINGRICH. Mr. Speaker, I am pleased to announce that we have as our guests in the House at this time the 1983 Presidential Scholars. These 141 young people from throughout the country are recipients of the Nation's highest honor bestowed on graduating high school seniors, all of them distinguished young persons who have demonstrated leadership, scholarship, contribution to school and community, and accomplishment in the arts, sciences, and other fields.

By Executive order of the President, the Commission on Presidential Scholars annually selects and honors these distinguished graduating seniors as representatives of excellence in education in our Nation's schools.

The Presidential Scholars have been invited to Washington, D.C., this week as guests of the Commission for Presidential Scholars National Recognition Week, which culminates tomorrow with the presentation of the Presidential medallion to each scholar at a ceremony sponsored by the White House.

In a larger sense, the true beneficiary of this program is the United States. In recognizing these young men and women, we reaffirm the commitment of the United States to secure for all its people the maximum opportunity for education to enable them to lead lives of challenge, accomplishment, and fulfillment.

On behalf of the Congress may we extend our heartfelt congratulations to the 1983 Presidential Scholars.

[From the Commission on Presidential Scholars]

THE 1983 PRESIDENTIAL SCHOLARS PROGRAM

The Presidential Scholars Program was established over 19 years ago to recognize and honor our nation's most distinguished high school seniors. The Program was extended in 1979 to include recognition of students with exceptional talent in the visual, creative and performing arts. One hundred forty-one students are chosen annually from among the most outstanding graduating seniors in the United States. Those students who become Presidential Scholars are chosen on the basis of their accomplishments in many areas—academic success, artistic talent, leadership, involvement in school and community. The Scholars are representative of the promise for greatness in young people. In honoring the Presidential Scholars, the President symbolically honors all American youth of high potential.

The Commission on Presidential Scholars is a group of eminent private citizens appointed by the President to select the Presidential Scholars. The Commission members serve at the pleasure of the President and receive no monetary compensation for their participation. The final selection of Scholars each year rests solely upon the independent judgement of the Commission. The U.S. Department of Education provides administrative support to the Commission and assists in fulfilling the Commission's various responsibilities.

There are two paths to the honor of becoming a Presidential Scholar. The greater number of students are chosen on the basis of broad academic achievement. Students may not apply individually to the academic component of the program, nor may their schools nominate them. All high school seniors are automatically identified for the Program if they have scored well on either the College Board Scholastic Aptitude Test (SAT) or the Assessment of the American College Testing Program (ACT) and have authorized release of student descriptive information through participation in the College Board's Student Search Service or ACT's Student Profile Section. Through a subsequent review in January of the student profiles and descriptive questionnaires, some one thousand students are identified as protential candidates. To be considered further, students are asked in February to affirm their candidacy and submit materials such as essays, self-assessments, secondary school reports, and transcripts to support their candidacy. From the most outstanding candidates, the Commission on Presidential Scholars selects one young man and one young woman from each state, the District of Columbia, and Puerto Rico. Two students are chosen from families of U.S. citizens living abroad, and 15 students are chosen at large.

Twenty students are chosen for recognition on the basis of their achievements in the visual or performing arts or in creative writing. To be considered for this part of the Program, a group of selected students who participate in the Arts Recognition and Talent Search (ARTS), a national program for the identification and recognition of young people who have demonstrated excellence in the arts, are identified for consideration by the Commission. Students are subsequently asked to affirm their candidacy and submit other supporting materials. From those identified as demonstrating the highest levels of achievement, the Commission selects 20 Scholars with exceptional accomplishment in dance, music, theater, writing, and the visual arts. As in the selection of the academically accomplished Scholars, final selection rests solely with the Commission.

Scholars are awarded the Presidential Scholars medallion, which commemorates their designation as Scholars by the Presi-

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dent of the United States. There is no provision for a monetary award within the Executive Order establishing the Program. However, for the past three years, the Geraldine R. Dodge Foundation has graciously awarded $1,000 to each newly appointed Scholar and will continue to do so for 1983.

In June, the Scholars are invited to Washington, DC as guests of the Commission, where they are honored by their elected representatives and by others in public life. During their four-day visit to Washington, Scholars meet with senators, congressmen, Supreme Court justices, educators, authors, musicians, scientists, and other accomplished persons. They visit the memorials and museums of the nation's capitol. The Program culminates in the presentation of the medallions, and parents are invited to accompany their sons and daughters at a ceremony sponsored by the White House.

There have been over 2,350 Presidential Scholars, all of them distinguished young persons who have demonstrated leadership, scholarship, contribution to school and community and accomplishment in the arts, sciences, and other fields. By personally recognizing these truly outstanding young men and women, the President honors their achievements.

In a larger sense, the true beneficiary of this Program is the United States. In recognizing these young men and women, the Commission on Presidential Scholars reaffirms the commitment of the United States to secure for all its people the maximum opportunity for education to enable them to lead lives of challenge, accomplishment, and fulfillment.

1983 PRESIDENTIAL SCHOLARS

(NOTE.—Asterisk indicates "Chosen for excellence in the arts.")

ALABAMA

Paula J. Baker, 2721 Bush Boulevard, Birmingham, AL 35208; Ramsay Alternative High School, 1800 13th Avenue, South, Birmingham, AL 35205.

Rebecca J. Henson, 7608 Teal Drive, SW, Huntsville, AL 35802; Virgil I. Grissom High School, 7901 Bailey Cove Road, SE, Huntsville, AL 35802.

John A. Knox, 1108 Camellia Road, Birmingham, AL 35215; Huffman High School, 950 Old Springville Road, Birmingham, AL 35215.

ALASKA

Lucy A. Ljubicich, 2201 West 47th Avenue, Anchorage, AK 99503; West Anchorage High School, 2201 West 47th Avenue Anchorage, AK 99503.

Steven G. Sherrod, 2928 Seawind Drive, SRA 535, Anchorage, AK 99507; Service High School 5577 Abbott Road, Anchorage, AK 99507.

ARIZONA

Rochelle Bagatell, 4931 East White Gates Drive, Phoenix, AZ 85018; Scottsdale Arcadia High School 4703 East Indian School Road, Phoenix, AZ 85018.

Steven E. Hellman, 5790 Calle del Ciervo, Tucson, AZ 85715; St. Gregory High School, 3231 North Craycroft Road, P.O. Box 12665, Tucson, AZ 85732.

ARKANSAS

Kelley K. Conner, 508 Powers Street, Mountain Home, AR 72653; Mountain Home High School, Bomber Boulevard, Mountain Home, AR 72653.

C. Craig Tadlock, P.O. Box 211, Sheridan, AR 72150; Sheridan High School, 800 West Vine, Sheridan, AR 72150.

CALIFORNIA

Susanna L. Kim, 2626 17th Avenue, San Francisco, CA 94116; Lowell High School, 1101 Eucalyptus Drive, San Francisco, CA 94132.

*C. Andrew Pearce, 4754 Palm Drive, La Canada, CA 91011; La Canada High School, Oak Grove Drive, La Canada, CA 91011.

Brian P. Scottoline, 211 Country Hill Road, Anaheim, CA 92807; Canyon High School, 200 South Imperial Highway, Anaheim, CA 92807.

COLORADO

James A. Meyers, 1439 Allison Drive, Loveland, CO 80537; Loveland High School, 920 West 29th Street, Loveland, CO 80537.

Jody L. Smith, 2953 South Milwaukee Circle, Denver, CO 80210; Thomas Jefferson High School, 3950 South Holly, Denver, CO 80237.

Inger S. B. Thomsen, 1509 Stardust Drive, Colorado Springs, CO 80906; Cheyenne Mountain High School, 1200 Cresta Road, Colorado Springs, CO 80906.

CONNECTICUT

*Sean L. Abbott, 115 Puddin Lane, Willimantic, CT 06226; Edwin O. Smith High School, Storrs Road, Storrs, CT 06268.

Bonnie L. Boyd, 151 Middlebrooks Avenue, Trumbull, CT 06611; Trumbull High School, 72 Strobel Road, Trumbull, CT 06611.

Susan F. Diaz, RR 1, Box 207, Woodstock, CT 06281; Pomfret School, Pomfret, CT 06258.

Jennifer L. Gordon, 57 Bundy Lane, Storrs, CT 06268; Edwin O. Smith High School, Route 195, Storrs, CT 06268.

David M. Senak, 26 Minnesota Lane, Bristol, CT 06010; Bristol Eastern High School, King Street, Bristol, CT 06010.

DELAWARE

Ottavio F. Biondi, Wilmington, DE; Wilmington Friends School.

Karten A. Pieslak, Wilmington, DE; Archmere Academy.

DISTRICT OF COLUMBIA

*George W. Dick, Washington, D.C.; Duke Ellington School of The Arts.

Dorothy A. Jeffress, Washington, D.C.; Georgetown Day High School.

Daniel M. Singer, Washington, D.C.; Sidwell Friends School.

FLORIDA

Amy L. Deen, Miami, FL; Ransom Everglades School.

*Lawrence J. Lipkin; N. Miami Beach, FL; North Miami Beach Senior High School.

Pedro J. Pizarro, Miami, FL; Miami Southridge Senior High School.

GEORGIA

Thomas C. Cisewski, Dunwoody, GA; Dunwoody High School.

Karen M. Kagiyama, Warner Robins, GA; Northside High School.

HAWAII

Mark M. Kunichika, Honolulu, HI; President William McKinley High School.

Lori R. Shiraishi, Honolulu, HI; Henry J. Kaiser High School.

IDAHO

Amy M. Helmon, Emmett, ID; Emmett High School.

David L. Rodeback, Moreland, ID; Snake River High School.

ILLINOIS

Kim Crawford, Chicago, IL; St. Ignatius College Preparatory.

Phillip J. Kerwin, Wilmette, IL; New Trier High School.

*Timothy P. Ying, Winnetka, IL; New Trier High School.

INDIANA

Carl L. Gordon, Munster, IN; Munster High School.

Marta Hollman, Muncie, IN; Burris Laboratory School.

IOWA

Margo B. Baender, Iowa City, IA; West High School.

Mark A. Morris, Des Moines, IA: East Des Moines High School.

KANSAS

Margaret E. McCarthy, 1628 Grove, Topeka, KS 66606; Topeka West High School, 2001 Fairlawn, Topeka, KS 66604.

David J. Staudacher, 3928 N.W. Morley Road, Topeka, KS 66618; Seaman High School, 4850 N.W. Rochester Road, Topeka, KS 66617.

KENTUCKY

Brian C. Jones 4312 Springdale Road, Louisville, KY 40222; Ballard High School, 6000 Brownsboro Road, Louisville, KY 40222.

Jill L. Wagner, 1240 Devonshire Drive, Madisonville, KY 42431; Madisonville-North Hopkins High School, U.S. Highway 41 N, Madisonville, KY 42431.

LOUISIANA

Leigh W. Carnahan, 8178 Old Hammond Highway, Baton Rouge, LA 70809; Baton Rouge High School, 2825 Government Street, Baton Rouge, LA 70809.

Byron A. Jeff, 5730 St. Bernard Avenue, New Orleans, LA 70122; St. Augustine High School, 2600 A. P. Tureaud Avenue, New Orleans, LA 70119.

MAINE

Kristin L. Amerling, Singles Road, Cape Elizabeth, ME 04107; Cape Elizabeth High School, Ocean House Road, Cape Elizabeth, ME 04107.

Seth W. Lawry, 60 Front Street, Waterville, ME 04901; Waterville High School, Brooklyn Avenue, Waterville, ME 04901.

MARYLAND

*Kevin A. Berlin, 10604 Stable Lane, Potomac, MD 20854; Walt Whitman High School, 7100 Whittier Boulevard, Bethesda, MD 20817.

Ronald G. Dove, Jr., 19 Lake Drive, Bel Air, MD 21014; Bel Air High School, Kenmore and Heighe Streets, Bel Air, MD 21014.

Wendy W. Leng, 2200 Westridge Road, Timonium, MD 21093; Dulaney Senior High School, 255 Padonia Road, Timonium, MD 21093.

Anne M. Lopez, 65 Greene Avenue, Aberdeen, MD 21001; the John Carroll School, 703 Churchville Road, Bel Air, MD 21014.

*Rachel J. Pastan, 11710 Beall Mountain Road, Potomac, MD 20854; Sidwell Friends School, 3825 Wisconsin Avenue, NW, Washington, DC 20016.

*Debra A. Seddon, 1026 Wintergreen Terrace, Rockville, MD 20850; Richard Montgomery High School, 250 Richard Montgomery Drive, Rockville, MD 20852.

MASSACHUSETTS

Danny Fain, 24 Fairbanks Street, Apt. 5, Brookline, MA 02146; Brookline High School, 115 Greenough Street, Brookline, MA 02146.

Jean A. Talbot, 40 High Point Drive, Amherst, MA 01002; Amherst Regional High School, Triangle Street, Amherst, MA 01002.

MICHIGAN

Donald L. Gilbert, 37581 Sherwood Court, Livonia, MI 48154; Adlai Stevenson High School, 33500 West Six Mile Road, Livonia, MI 48152.

Elizabeth A. Holm, 5154 Whippoorwill, Kalamazoo, MI 49002; Portage Central High School, 8135 South Westnedge Avenue, Portage, MI 49002.

Hein Kim, 3847 Spanish Oaks, West Bloomfield, MI 48033; Andover High School, 4200 Andover Road, Bloomfield Hills, MI 48013.

*Jason D. Novetsky, 1721 Shadford Road, Ann Arbor, MI 48104; Interlochen Arts Academy, Interlochen, MI 49643.

*Eric J. Voetberg, 4219 Beach, Troy, MI 48098; Interlochen Arts Academy, Interlochen, MI 49643.

MINNESOTA

Jane A. Bailey, 5216 Girard Avenue, S, Minneapolis, MN 55419; Washburn High School, 201 West 49th Street, Minneapolis, MN 55409.

Steven R. Englund, 12819 Forest Meadow Drive, Minnetonka, MN 55343; Hopkins Senior High School, 2400 Lindbergh Drive, Minnetonka, MN 55343.

MISSISSIPPI

Michael R. McMullan, Route 1, Box 4-B, Decatur, MS 39327; Decatur High School, 635 Broad Street, Decatur, MS 39327.

Paula C. Womack, 416 North Star Drive, Hernando, MS 38632; Hernando High School, 311 South Street, Hernando, MS 38632.

MISSOURI

Merlin L. Bruening, 1624 Village O Drive, Maryville, MO 64468; Maryville R-II High School, 1514 South Munn Street, Maryville, MO 64468.

Melissa A. Parisi, 313 Defoe Drive, Columbia, MO 65201; David H. Hickman High School, 1104 North Providence Road, Columbia, MO 65201.

*Hayuru Taima, 816 Mason Wood Drive, St. Louis, MO 63141; Mary Institute, 101 North Warson Road, St. Louis, MO 63141.

MONTANA

Laurie A. Larson, 110 East Oak Street, Libby, MT 59923; Libby Senior High School, Route 3 Libby, MT 59923.

Patrick A. Reinken, Route 4110, Great Falls, MT 59401; Charles M. Russell High School, 228 17th Avenue, NW., Great Falls, MT 59404.

NEBRASKA

Walter F. C. Anderson, 12221 Orchard Street, Omaha, NE 68137; Millard South High School, 14905 "Q" Street, Omaha, NE 68137.

Judith L. Moore, 9803 Pasadena Avenue, Omaha, NE 68124; Westside High School, 87th and Pacific Streets, Omaha, NE 68114.

NEVADA

Barton L. Jacka, 7246 West Edna Avenue, Las Vegas, NV 89117; Bonanza High School, 6665 West Del Rey Avenue, Las Vegas, NV 89102.

Jennifer L. Miller, 6425 Meadowlark Lane, Las Vegas, NV 89103; Edward W. Clark High School, 4291 West Penwood Avenue, Las Vegas, NV 89102.

NEW HAMPSHIRE

Christina L. Todaro, 3 Windsor Boulevard, Londonderry, NH 03053; Londonderry High School, 295 Mammoth Road, Londonderry, NH 03053.

John W. Wiggins, Jr., Stagecoach Road, Sunapee, NH 03782; Sunapee Junior-Senior High School, North Road, Sunapee, NH 03782.

NEW JERSEY

Ariela J. Gross, 264 Hartley Avenue, Princeton, NJ 08540; Princeton High School, Moore Street, Princeton, NJ 08540.

Stephen T. Perkins, 515 Lyme Rock Road, Bridgewater, NJ 08807; Bridgewater-Raritan High School-West, P.O. Box 97, Raritan, NJ 08869.

Amelia J. Zoler, 345 Bedford Road, Ridgewood, NJ 07450; Ridgewood High School, 627 East Ridgewood Avenue, Ridgewood, NJ 07451.

NEW MEXICO

Sunit K. Bhalla, 2025 Hixon Drive, Las Cruces, NM 88005; Las Cruces High School, 1755 El Paseo Road, Las Cruces, NM 88005.

Rachel E. Mischke, 137 Chamisa Street, Los Alamos, NM 87544; Los Alamos High School, 1300 Diamond Drive, Los Alamos, NM 87544.

*Paula Kay Walker, 12408 Morrow, NE, Albuquerque, NM 87112; Eldorado High School, 11300 Montgomery Boulevard, NE, Albuquerque, NM 87111.

NEW YORK

Margaret A. Carroll, 155 Maplewood Avenue, Spencerport, NY 14599; Ellsworth J. Wilson High School, 2749 Spencerport Road, Spencerport, NY 14559.

Stephen R. Hays, 121 Hatherly Road, Syracuse, NY 13224; Christian Brothers Academy, 6245 Randall Road, Syracuse, NY 13214.

*Rosemarie Johnson, 5521 Whitty Lane, Brooklyn, NY 11203; School of Performing Arts, 120 West 46th Street, New York, NY 10036.

*Carlos A. Rosado, 110 Arlington Avenue, Brooklyn, NY 11207; High School of Art & Design, 1075 Second Avenue, New York, NY 10022.

NORTH CAROLINA

Howard W. Gulley, 1836 Runnymeade Road, Winston-Salem, NC 27104; R. J. Reynolds High School, 301 North Hawthorne Road, Winston-Salem, NC 27104.

*Nicholas J. Kitchen, 1600 Delaware Avenue, Durham, NC 27705; Carolina Friends Upper School, Route #1, Durham, NC 27705.

Kathy M. Nanney, Route 2, Box 7, Hendersonville, NC 28739; Edneyville High School, P.O. Box 129, Edneyville, NC 28727.

NORTH DAKOTA

Michael S. Sheldon, 1200 11th Avenue, NW., Minot, ND 58701; Minot High School, Magic City Campus, 1100 11th Avenue, SW., Minot, ND 58701.

Elizabeth A. Vitalis, 40 14th Avenue, North, Fargo, ND 58102; Oak Grove Lutheran High School, 124 North Terrace, Fargo, ND 58102.

OHIO

Brian D. Bryant, 3527 Skyview Lane, Cincinnati, OH 45213; Walnut Hills High School, 3250 Victory Parkway, Cincinnati, OH 45207.

Jan A. Fischer, 3077 Derby Road, Columbus, OH 43221; Upper Arlington High School, 1650 Ridgeview Road, Columbus, OH 43221.

OKLAHOMA

Kermit L. Alexander, 3917 Woods Drive, Oklahoma City, OK 73111; Casady School, P.O. Box 20390, Oklahoma City, OK 73156.

James A. Barker, 2527 East 26th Place, Tulsa, OK 74114; Holland Hall High School, 5666 East 81st Street, Tulsa, OK 74136.

Hyunah Lee, 2112 Westwood Drive, Norman, OK 73069; Norman High School, 911 West Main Street, Norman, OK 73069.

Vivian S. Lee, 1812 Valley Ridge Road, Norman, OK 73069; Norman High School, 911 West Main Street, Norman, OK 73069.

OREGON

Lowell Lee Carson, Jr., 7715 Cannon Street, Klamath Falls, OR 97601; Henley High School, 8245 Highway 39, Klamath Falls, OR 97601.

W. Elaine Sang, 10720 Southwest Wedgewood Street, Portland, OR 97225; Sunset High School, 13840 Northwest Cornell Road, Beaverton, OR 97005.

PENNSYLVANIA

Mantu B. Gupta 709 Southwinds Drive, Bryn Mawr, PA 19010; Radnor High School, 130 King of Prussia Road, Radnor, PA 19087.

Elizabeth A. Neidel, 1035 McCormick Road, R.D. #3 Mechanicsburg, PA 17055; Mechanicsburg Area Senior High School, South Broad Street, Mechanicsburg, PA 17055.

PUERTO RICO

Jose G. Arias, S-15 Jardin Street, Garden Hills, Guaynabo, PR 00657; Colegio San Ignacio de Loyola, Sauco Street, Santa Maria, Rio Piedras, PR 00927.

Carmen B. Torruella, 450 Ponce de Leon PH-G, San Juan, PR 00901; St. John's School, 1466 Ashford Avenue, Santurce, PR 00907.

RHODE ISLAND

Susan L. Harris, 19 Brenton Avenue, Providence, RI 02906; Classical High School, 770 Westminster Street, providence, RI 02903.

Robert J. Hinde, 10 Glenfield Road, Barrington, RI 02806; Barrington High School, Lincoln Avenue, Barrington, RI 02806.

SOUTH CAROLINA

Scott S. Fowler, 205 Crestline Drive, Spartanburg, SC 29301; Paul M. Dorman High, 1491 W. O. Ezell Boulevard, Spartanburg, SC 29301.

Sallie L. Krawcheck, 3 Colonial Street, Charleston, SC 29401; Porter-Gaud School, Albermarle Road, Charleston, SC 29407.

Jenne R. Trimnal, Route 3, Box 295, Rock Hill, SC 29730; Rock Hill High School, 320 South Springdale Road, Rock Hill, SC 29730.

SOUTH DAKOTA

Connel R. Fullenkamp, 2312 Wayland Court, Sioux Falls, SD 57105; Lincoln Senior High School, 2900 South Cliff Street, Sioux Falls, SD 57105.

Julie R. Hobus, R.R. 1, Box 49, Lebanon, SD 57455; Gettysburg High School, 100 East King Street, Gettysburg, SD 57442.

TENNESSEE

Rachael A. Adcock, 7200 Tenderfoot Trail, Ootewah, TN 37363; Chattanooga Central High School, 5728 Highway 58, Harrison, TN 37341.

*Elizabeth W. Johnson, Route 27, Anderson Road, Knoxville, TN 37918; Webb School of Knoxville, Route 21, Knoxville, TN 37923.

John A. Palmer, III, 18 Clearview Avenue, Chattanooga, TN 37404; The McCallie School, 3850 McCallie Avenue, Chattanooga, TN 37404.

Jose A. Reyes, Jr., 3816 Northwood Drive, Cleveland, TN 37311; Cleveland High School, 850 Raider Drive, Cleveland, TN 37311.

TEXAS

*Leonard Arvisu Cruz, 3111 Darby Boulevard, San Antonio, TX 78237; Holy Cross High School, 428 North San Felipe Street, San Antonio, TX 78228.

*Ramona K. Jackson, 5210 Jade Drive, Dallas, TX 75232; Arts Magnet High School, 2501 Flora, Dallas, TX 75201.

*Shira-Lee Shalit, 7919 Oakington, Houston, TX 77071; High School for the Performing and Visual Arts, 4001 Stanford, Houston, TX 77006.

Samantha J. Smoot, 4211 Cedarbrush, Dallas, TX 75229; W. T. White High School, 4505 Ridgeside, Dallas, TX 75234.

Ray D. Tilley, 2918 Avenue H, Hondo, TX 78861; Hondo High School, 2603 Avenue H, Hondo, TX 78861.

UTAH

Zoe G. Cardon, 4 University Hill Way, Logan, UT 84321; Logan Senior High School, 162 West 100, South, Logan, UT 84321.

Mark A. Larson, 1499 West 950, North, Provo, UT 84604; Provo High School, 1125 North University Avenue, Provo, UT 84604.

*Vinh Kien Ly, 493 36th Street, Ogden, UT 84403; Bonneville High School, 251 East Laker Way, Washington Terrace, Ogden, UT 84403.

Laura J. Sill, 2261 West 3825, South Roy, UT 84067; Roy High School, 2150 West 4800, South Roy, UT 84067.

VERMONT

Keith M. Eldred, R.D. 1, Box 992 Waterville, VT 05492; Lamoille Union High School, Hyde Park, VT 05655.

Eileen M. Geagan, 3 Robinhood Circle, Montpelier, VT 05602; Montpelier High School, Memorial Drive, Montpelier, VT 05602.

VIRGINIA

Kirsten E. Dwyer, 604 Melrose Street, Alexandria, VA 22302; T. C. Williams High School, 3330 King Street, Alexandria, VA 22302.

Craig S. German, 8433 Cherry Valley Lane, Alexandria, VA 22309; St. Stephen's Episcopal School, 1000 St. Stephen's Road, Alexandria, VA 22304.

William H. Lipscomb, 1460 Northwood Circle, Lynchburg, VA 24503; E. C. Glass High School, 2111 Memorial Avenue, Lynchburg, VA 24501.

WASHINGTON

Ronald J. Craswell, 2412 Henry Street, Bellingham, WA 98225; Bellingham High School, 2020 Cornwall Avenue, Bellingham, WA 98225.

Jacqueline Gerson, 1013 142nd Avenue, SE Bellevue, WA 98007; Sammamish High School, 100 140th Avenue, SE Bellevue, WA 98005.

WEST VIRGINIA

Anna S. Brenneman, Route 2, Box 36A, Rupert, WV 25984; Greenbrier West High School, Charmco, WV 25958.

Gregory L. Hung, 109 Linnwood Place, Parkersburg, WV 26101; Parkersburg High School, 2101 Dudley Avenue, Parkersburg, WV 26101.

WISCONSIN

Clare T. Brennan, W329 N7790 West Shore Drive, Hartland, WI 53029; Arrowhead High School, North Avenue, Hartland, WI 53029.

Andrew C. Grogan, 2202 Fox Avenue, Madison, WI 53711; West High School, 30 Ash Street, Madison, WI 53705.

Kara W. Swanson, 2918 North Wisconsin Street, Racine, WI 53402; The Prairie School, 4050 Lighthouse Drive, Racine, WI 53402.

WYOMING

Robert Harsch, 913 West Fremont, Riverton, WY 82501; Riverton High School, 2001 West Sunset, Riverton, WY 82501.

Cynthia A. Knudson, 1210 Skyline Drive, Cheyenne, WY 82009; Cheyenne Central High School, 5500 Education Drive, Cheyenne, WY 82009.

AMERICANS ABROAD

Marc H. Dalton, NSA P.O. Box 420, FPO New York 09521; Naples American High School, NSA P.O. Box 420, FPO New York 09521.

Frances Therese P. Dydasco, P.O. Box 807, Agana, Guam 96910; Academy of Our Lady of Guam 241 O'Hara Street, Agana, Guam 96910.

Ruth C. Hobaugh, 89th Medical Detachment, APO New York 09102; Heidelberg American High School, APO New York 09102.

CONTINUATION OF THE JOURNEY OF PIONEER 10

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AKAKA. Mr. Speaker, I want to thank Lori Ann Voellmy of Kailua, Hawaii, for this beautiful lei that was presented to me this morning.

Mr. Speaker, 11 years ago we had the wisdom and foresight to launch a spacecraft called Pioneer 10. This craft was designed to last only 21 months; it has performed perfectly over 11 years.

Longevity, however, is not Pioneer 10's only victory; just 2 days ago Pioneer 10 crossed the orbit of Neptune and is now well on its way out of our solar system. There is no single event in human history which equals the accomplishment of Pioneer 10. Think about it for a minute: In 1972, we built a spacecraft to explore parts of our solar system; little did we dream then that this craft would possibly survive well into the 1980's. Little did we dream that our technological ability would far exceed our intellectual grasp of possible missions. Little did we dream that Pioneer 10 could map the far corners of the universe—corners which we have seen only by the light of our imagination.

Pioneer 10 is truly man's window on the universe. This spacecraft may well prove to be of critical importance to us in learning more about the universe in which our galaxy and solar system hang suspended. All of us should look closely at the example offered us by this performance of this remarkable craft. Pioneer 10's success should teach us a good lesson concerning our past mistakes and our future potential for accomplishment.

This administration planned to turn off the Pioneer 10 spacecraft on January 1, 1983, in order to save a few dollars. Fortunately, there were those of us in Congress and in the scientific community who saw the folly of this proposal. As a result, Pioneer 10 received continued funding and is free to continue its silent journey across the face of the universe.

What disturbs me is that this administration was perfectly willing to turn off Pioneer 10, effectively blinding the only eye we have on the universe. I ask you: What kind of a society are we, if we refuse to cherish the tools which allow us to push back the boundaries of our knowledge? What kind of a society are we if we refuse to invest in our future? What kind of a society are we if we lack the courage to expand the sphere of our understanding?

We cannot continue to mortgage the future to pay our debts of the past. Space science, Mr. Speaker, and our unwillingness to invest in space science, is a good example of our failure to invest in our future.

If we continue to invest in only those projects and programs with short-term benefits and payoffs, we will, by the end of this decade, have mortgaged our future to a state where we are beyond redemption.

It is no surprise that, with this attitude, the United States is losing its lead in space science and exploration.

Mr. Speaker, this year marks the 25th anniversary of NASA—our only civilian space agency. NASA's 25 years represent an impressive history of scientific achievement. We can be proud, as a nation, of these accomplishments. We cannot, however, be proud of the growing trend in this administration to cut back on our base of research in space science. There is certainly evidence of a definite lack of commitment to space science and exploration by the United States. While we are neglecting this important field, Europe, Japan, and the Soviet Union are actively engaged in the pursuit of expending man's knowledge of space.

As we celebrate NASA's 25th anniversary, it is appropriate for this great Nation to recommit its resources and undivided attention to scientific research and exploration in space, that is, if we want to maintain leadership and excellence. It is crystal clear that space science represents a cutting edge in the total technology effort of this Nation. We are nothing, if not foolish, to allow our ability to achieve excellence to die an atrophy death.

Mr. Speaker, I ask that my colleagues join me during the month of June in commemorating the remarkable accomplishments of both Pioneer 10 and our space science program. I also ask that a copy of the editorial "Space Science in the Doldrums," which appeared in Aviation Week & Space Technology be inserted in the RECORD immediately following my remarks.

[From Aviation & Space Technology, Dec. 13, 1982]

SPACE SCIENCE IN THE DOLDRUMS

(By William H. Gregory)

After a decade of abundance in the 1960s in the wake of the Sputnik challenge, U.S. space science has gradually eroded from the weathering of difficult economic times and stratiened federal budgets. Planetary science, triumphant in unmanned flybys of Mercury, Venus, Mars, Jupiter and Saturn, unmanned landings on Mars, and piggyback trips on six manned lunar landings, is almost moribund. A Voyager 2 flyby of Uranus and Neptune is yet to come, but is the result of a Pioneer/Voyager program begun a decade ago. Some hope lives for a Galileo mission to Jupiter actually to fly. A campaign is under way to sell a Venus mapper for inclusion in the Fiscal 1984 budget, although the Office of Management and Budget zeroed out all new starts in its first cut at the NASA submission. A comet flyby is being salvaged with an ingenious diversion of an existing spacecraft in orbit.

Several Earth orbit missions are in development, or are in the running as new starts, including a gamma ray observatory to push out further into one of the frontiers of astronomy. Much of the science effort, though, is wrapped around the space telescope in assembly for a 1985 launch on the space shuttle. The space telescope is an exciting mission that, by leaping beyond the interference of the Earth's atmosphere and what astronomers call light pollution, could inject new life into optical astronomy. Spacelab 1 and 2 are the homes of various astrophysics and life sciences experiments, which do offset the losses in science-dedicated spacecraft.

DISTURBING WASTE

Space science obvioulsy gets shoved, perhaps unwisely, into the class of a luxury in a country that is as broke as the United States is after a decade and a half of fiscal irresponsibility. There is a disturbing waste even so, a tapestry of unutilized laboratories, of working with data in the bank from past missions, of a failure to infuse new talent into this branch of technology.

More disturbing is the parallel in space science to what is going on in U.S. research and technology. Basic research in universities has been hit hard by the burgeoning of uncapped entitlement programs that have forced cuts in what still is cuttable in the federal budget. Corporations find it hard to justify the kind of research in their laboratories that is intellectually fascinating but has little discernible application. This is the province of the university laboratories, where the frequent misses are part of the process of learning and where the long-term payoffs eventually stem from.

Universities are rich with a generation of scientists that is hitting the retirement bracket and poor in younger talent as replacement. As is true with space science, there are too few jobs in many research areas to attract the generation now maturing in college. This kind of underemployment gets little attention in the economic statistics, but is potentially lethal to U.S. technological health.

Defense research funds are in somewhat more robust condition, but Congress has taken a dim view of what the Pentagon can do in supporting basic research that has no military mission application. Furthermore, there is inherent in any government research effort like that of the National Science Foundation or the Defense Dept. the danger that any increased funds will be passed out only to ever more entrenched constituencies rather than go to independent, unconventional research of the kind that can produce the unpredictable breakthroughs.

IMPORTANT SYMPTOM

When space science was vigorous and innovative in the 1960s, U.S. technology was vigorous and innovative. Its industrial products, particularly in higher technologies, were preeminent in the global marketplace. In the 1980s, space science is subdued and U.S. technology and U.S. industry are puffing and wheezing to match the pace being set by the Germans and the Japanese. The decline in space science effort is important in itself, and more important as a symptom that U.S. technology in general needs a shot of vitamin B.

Europe has as many economic troubles as Washington, but it is maintaining a modest—but stable—space science program. Europeans tend to look with admiration at the U.S. powerhouse in space technology, but the U.S. could also look at Europe's steady plugging away in the European Space Agency with respect also.

Economic pressure on space science is not all bad. More ingenious, cost-effective ways to do space science in the fashion of the revivified comet mission must be found in the kind of economic climate that is going to prevail over the next decade. There may be new avenues to explore, as piggybacking on commercial payloads as spacecraft grow bigger and heavier to take advantage of the freight hauling capability of the space shuttle.

Policymakers at the same time cannot escape the necessity for fostering U.S. technology as they are charged with fostering commerce and industry. The three are inseparable. Space science should be recognized as a cutting edge in the total technology effort and not left as an orphan to wither away with neglect. If space science is neglected, so will other technologies.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. SCHROEDER) is recognized for 5 minutes.

● Mrs. SCHROEDER. Mr. Speaker, yesterday, June 14, I was absent for three votes. Had I been present, I would have voted as follows:

Rollcall No. 186, elimination of Jones Act exemption, "yea."

Rollcall No. 187, National Marine Sanctuaries, "yea."

Rollcall No. 188, Brown amendment to delete $19.4 million in Air Force procurement funds for antisatellite system, "yea."●

AMERICANS WANT BETTER AUTO MILEAGE—PENALTIES SHOULD BE IMPOSED ON THOSE WHO FAIL TO MEET MILEAGE STANDARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, this morning's newspapers report that the Reagan administration is "studying the desirability of trying to repeal or reduce the Federal minimum mileage standard for new cars to avoid having to levy hundreds of millions of dollars in fines against the Nation's two largest automakers."

I hope these reports are wrong.

As a nation, for the good of all Americans, we must insist that our country's automotive fleet continue to improve in efficiency.

Sure, there is an oil glut today. There may be a glut next year, and gasoline prices may hold steady for a year or two.

But there is also nothing more certain than the fact that the world is exhausting its supplies of oil, and that in the natural course of time, oil prices will begin to soar again. Political events in the Mideast and elsewhere could speed up this natural process, and once again plunge us into gasoline lines and doubling and tripling gasoline prices.

One of the best ways of insulating our economy and our lives from this future shock is to replace our current fleet of autos with more efficient ones.

Indeed, instead of thinking of forgiving the companies for not meeting the mileage standards, we should be proposing new, and higher levels of standards for the post-1985 years.

I would like to congratulate Chrysler for meeting the fleet average. I would say to the other big two producers that Americans do want more efficient and effective autos—what do they think all these Japanese cars are about?

If the administration proposes any relaxation of standards, I think we should substitute an amendment setting new and gradually rising standards through the rest of this century.

I would just say, Mr. Speaker, that the President keeps talking about a return to basics in education. One of those basics is history—and if this administration does not learn from the history of oil shortages, it will condemn this Nation to repeat the past.●

WASHINGTON STATE SUPREME COURT RENDERS DECISION ON CONTRACTS BETWEEN WPPSS AND UTILITIES.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 10 minutes.

Mr. WEAVER. Mr. Speaker, as chairman of the subcommittee of the Interior Committee having jurisdiction over the Bonneville Power Administration and as the longest opponent of the Washington Public Power Supply System nuclear projects, I want to announce to the House that

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today the Washington State Supreme Court declared the contracts between WPPSS and the utilities to be not binding on the utilities. The reasons the supreme court cited were that the contracts were neither contracts to instruct the plants, nor were they contracts to purchase electricity, but were in between. They were contracts to purchase electricity regardless of whether the electricity were furnished or not.

This means that $2.25 billion worth of bonds that had been sold to construct WPPSS 4 and 5 now have as assets to look to virtually nothing else but two lifeless trunks on the plains of Satsop and Hanford in the State of Washington, half-finished nuclear plants that will never be built.

Mr. Speaker, many years ago, after having read the contracts that were drawn up between WPPSS and the utilities, the public utilities of Oregon and Washington State, I said that these contracts were not worth the paper they were printed on. They gave the utilities all the risk and no possible gain.

And I said notwithstanding the possibility that the plants might be completed, although I believed they never would be, I said that these contracts between WPPSS 1, 2, and 3 and the contracts on 4 and 5 that have found by the Washington State Supreme Court today to be null and void, were a legal ruse foisted on the public by bureaucrats, utilities, and politicians, who wanted to obligate the people of the Northwest to pay for these plants, regardless of whether the people wanted to and without the people's consent.

So they used the tricky legal ruse to do this without going to the people. They used the kind of contracts that are called take or pay, the kind of contracts that say that whether you get the goods you bought you still have to pay for them.

And now these people, these utilities, these bond attorneys, all the people involved in this horrendous scandal and mess are now hoist on their petard. Can you imagine that WPPSS, the largest single municipal bond buyer in the history of this country having issued over $9 billion worth of bonds now is bereft and heading for bankruptcy. It will of course shatter the municipal bond market because there are other take-or-pay contracts in the municipal bond market, contracts again used to make people pay for something whether they got the goods.

The Washington State Supreme Court said today that at least in the State of Washington in the municipal and public utility district, utilities do not have the authority to enter into such contracts to in effect obligate their own ratepayers to pay these horrendous sums without their consent and unless they got the electricity delivered.

☐ 1820

It is the culmination of a long fight that I have waged, Mr. Speaker, in the Congress and outside, to try to stop the meaningless, horrendous construction of plants that were not needed. I said 8 years ago the plants would be so expensive we could not complete them and we would have surplus electricity and would not need them.

At the time, most politicians and bureaucrats and utilities were saying in the Northwest that WEAVER would cause blackouts and brownouts if his policies were maintained; that we needed these plants. Today it is proven. With our huge surpluses of electricity, we do not need them, and with the cost of these plants, we cannot afford to finish them, and if finished, we would not use them.

So now, today, I do not know what the bondholders will do. There are going to be, I am sure, dozens if not hundreds of lawsuits against bond attorneys, against utilities, against WPPSS, against Bonneville, against all people who were party to this fraud.

I can only say that I tried to stop them 8 years ago before we spent $10 million. I tried to stop them 8 years ago, I tried to stop them 6, 5, 4, 3, 2, 1. I can only say now that not one more penny should be spent and funneled down the rat hole of WPPSS, and I assume now the bondholders and others will understand that the ratepayers of the Northwest will fight and continue the fight to keep from paying for something they did not agree to.

THE SITUATION THE UNITED STATES FACES IN CENTRAL AMERICA

The SPEAKER pro tempore (Mr. FEIGHAN). Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 10 minutes.

Mr. SEIBERLING. Mr. Speaker, friends, and colleagues, there are not many of us here at this hour, but hopefully there are people who are watching in the country, because I want to talk about one of the most serious dangers that faces the United States, and that is the situation in Central America.

I am not talking of the kind of terms that we have heard too much of from the White House, the State Department, the Department of Defense and the CIA. A rather ominous headline was in today's news that brings us a little closer to the kind of situation which we escaped from in Southeast Asia only 10 years ago. It said 105 Green Berets have been sent to Honduras. That should send a shudder down the spine of many Americans, particularly young Americans.

In the Washington Post for Sunday, June 12, there was a brilliant article by the famous Mexican writer, Carlos Fuentes, based on the commencement address that he delivered at Harvard University. I suggest we ought to be listening to him and to others of our friends in Latin America before we make some truly fatal mistakes. Let me just read a few excerpts from his speech. I am now reading from Senor Fuentes.

> The mistaken identification of change in Latin America as somehow manipulated by a Soviet conspiracy not only irritates the nationalism of the left. It also resurrects the nationalist fervors of the right—where Latin American nationalism was born in the early 19th Century.
>
> In the name of cultural identity, nationalism and international independence, a whole continent is capable of uniting against you. This should not happen.
>
> The chance of avoiding this continental confrontation lies in negotiations.
>
> We consider in Mexico that each and every one of the points of conflict in the region can be solved diplomatically, through negotiations, before it is too late.

Mr. Speaker and colleagues, I thought it was a truly tragic event when the Assistant Secretary of State for Latin American Affairs and the Ambassador to El Salvador, both of whom were hardliners when it comes to dealing with communism, were let go by this administration a few weeks ago because they suggested a double track of military strengthening of the El Salvadoran Government and negotiations.

Now let us turn to the situation in Nicaragua. Mr. Fuentes says:

> There is no fatality in politics that says: given a revolutionary movement in any country in the region, it will inevitably end up providing bases for the Soviet Union.
>
> What happens between the daybreak of revolution in a marginal country and its imagined destiny as a Soviet base? If nothing happens but harassment, blockades, propaganda, pressures and invasions against the revolutionary country, then that prophecy will become self-fulfilling.

We should heed that, my colleagues, before we drive all of the moderates in the Sandinista regime into the hands of the extremists.

Mr. Fuentes goes on to say this:

> The longer the situation of war lasts in Central America and the Caribbean, the more difficult it will be to assure a political solution. Everything can be negotiated in Central America and the Caribbean before it is too late: Non-aggression pacts between each and every state; border patrols; the interdiction of passage of arms, wherever they may come from, and the interdiction of foreign military advisers, wherever they may come from; the reduction of all the armies in the region; the interdiction, now or ever, of Soviet bases or Soviet offensive capabilities in the area.
>
> The problems of Nicaragua are Nicaraguan, but they will cease to be so if that country is deprived of all possibility for normal survival. Why is the United States so impatient with four years of Sandinismo when it was so tolerant of 45 years of Somocismo? Why is it so worried about free elections in Nicaragua, but so indifferent to free elections in Chile? How can we live together on the basis of such hypocrisy?

I think we ought to think about that, my friends, when we get to dealing with the question of whether, in violation of our solemn treaties with our Latin American neighbors, we are attempting, through supporting military invasions, to topple the government of a fellow American nation because we happen to disagree with the philosophy of some of its leaders. Now, let us turn to El Salvador. Mr. Fuentes says:

> It is precisely because of the nature of the Army that a political settlement must be reached in El Salvador promptly, not only to stop the horrendous death count, not only to restrain both the Army and the armed rebels, not only to assure the young people of the United States that they will not be doomed to repeat the horror and futility of Vietnam, but to reconstruct a political initiative of the center-left majority that must now reflect, nevertheless, the need for a restructured Army. El Salvador cannot be governed with such a heavy burden of crime.
>
> The only other option is to transform the war in El Salvador into an American war.

My friends, if we know anything, we know one thing: The American people do not want to transform El Salvador into an American war and once again send our American sons, and daughters, I might add, to fight in the jungles of Central America.

Returning at last to Mr. Fuentes closing remarks, he says:

> The United States can no longer go it alone in Central America and the Caribbean. It cannot, in today's world, practice the anachronistic policies of the "Big Stick." If it does so, it will only achieve what it cannot truly want.

My friends, it is not too late. There is still time, if we are prepared to accept the initiative of the Contadora nations, the four Central American countries that have offered their good offices to try to negotiate an end to these conflicts before we have to make the choice between either letting those countries go completely down the drain or sending in American troops, and in the end, as we learned in Vietnam, even that is not a solution.

So I suggest that we listen to Mr. Fuentes and some of our other truly good friends to the south and abide by their advice.

(The full article follows:)

YANKEE, STAY HOME

DON'T INTERVENE; REMEMBER THAT WE WERE REVOLUTIONARIES, TOO

(By Carlos Fuentes)

More and more over the past two years I have heard North Americans in responsible positions speak of not caring whether the United States is loved, but whether it is feared; not whether it is admired for its cultural and political accomplishments, but respected for its material power; not whether the rights of others are respected, but its own strategic interests are defended.

These are inclinations that we have come to associate with the brutal diplomacy of the Soviet Union.

But the true friends of your great nation in Latin America—we the admirers of your extraordinary achievements in literature, science and the arts and of your democratic institutions, of your Congress and your courts, your universities and publishing houses and your free press—we will not permit you to conduct yourselves in Latin American affairs as the Soviet Union conducts itself in Central European and Central Asian affairs. You are not the Soviet Union.

We shall be the custodians of your own true interests by helping you to avoid these mistakes. We have memory on our side. You suffer too much from historical amnesia.

Your alliances will crumble and your security will be endangered if you do not demonstrate that you are an enlightened, responsible power in your dealings with Latin America.

Yes, you must demonstrate your humanity and your intelligence here in this house we share, our hemisphere—or nowhere shall you be democratically credible.

The mistaken identification of change in Latin America as somehow manipulated by a Soviet conspiracy not only irritates the nationalism of the left. It also resurrects the nationalist fervors of the right—where Latin American nationalism was born in the early 19th Century.

You have yet to feel the full force of this backlash, which reappeared in Argentina and the South Atlantic crisis last year, and in places such as El Salvador and Panama, Peru and Chile, Mexico and Brazil.

In the name of cultural identity, nationalism and international independence, a whole continent is capable of uniting against you. This should not happen.

The chance of avoiding this continental confrontation lies in negotiations. Before the United States has to negotiate with extreme cultural, nationalistic and internationalist pressures of both the left and the right in the remotest nations of this hemisphere, Chile and Agrentina; in the largest nation, Brazil; and in the closest one, Mexico; it should rapidly negotiate in Central America and the Caribbean.

We consider in Mexico that each and every one of the points of conflict in the region can be solved diplomatically, through negotiations, before it is too late.

There is no fatality in politics that says: given a revolutionary movement in any country in the region, it will inevitably end up providing bases for the Soviet Union.

What happens between the daybreak of revolution in a marginal country and its imagined destiny as a Soviet base? If nothing happens but harassment, blockades, propaganda, pressures and invasions against the revolutionary country, then that prophecy will become self-fulfilling. But if power with historical memory and diplomacy with historical imagination can come into play, we, the United States and Latin America, might end up with something very different: A Latin America of independent states building institutions of stability, renewing the culture of national identity, diversifying our economic interdependence and wearing down the dogmas of two nasty 19th century philosophies.

The longer the situation of war lasts in Central America and the Caribbean, the more difficult it shall be to assure a political solution. The more difficult it will be for the Sandinistas to demonstrate good faith in their dealings with the issues of internal democracy, now brutally interrupted by a state of emergency imposed as a response to foreign pressures. The more difficult it will be for the civilian arm of the Salvadoran rebellion to maintain political initiative over the armed factions. The greater the irritation of Panama as it is used as a springboard for a North American war. The greater the danger of a generalized conflict, dragging in Costa Rica and Honduras.

Everything can be negotiated in Central America and the Caribbean before it is too late: Non-aggression pacts between each and every state; border patrols; the interdiction of passage of arms, wherever they may come from, and the interdiction of foreign military advisers, wherever they may come from; the reduction of all the armies in the region; the interdiction, now or ever, of Soviet bases or Soviet offensive capabilities in the area.

What would be the quid pro quo? Simply this: the respect of the United States—respect for the integrity and autonomy of all the states in the region, including normalization of relations with all of them.

The problems of Cuba are Cuban and shall be so once more when the United States understands that by refusing to talk to Cuba on Cuba, it only weakens Cuba and the United States—but strengthens the Soviet Union. The mistake of spurning Cuba's constant offers to negotiate whatever the United States wants to discuss frustrates the forces in Cuba desiring greater internal flexibility and international independence. Is Fidel Castro some sort of superior Machiavelli whom no gringo negotiator can meet at a bargaining table without being bamboozled by him? I don't believe it.

The problems of Nicaragua are Nicaraguan, but they will cease to be so if that country is deprived of all possibility for normal survival. Why is the United States so impatient with four years of Sandinismo when it was so tolerant of 45 years of Somocismo? Why is it so worried about free elections in Nicaragua, but so indifferent to free elections in Chile? How can we live together on the basis of such hypocrisy?

Nicaragua is being attacked and invaded by forces sponsored by the United States. It is being invaded by counterrevolutionary bands led by former commanders of Somoza's National Guard who are out to overthrow the Revolutionary Guard and reinstate the old tyranny. Who will stop them from doing so if they win? These are not freedom fighters. They are Benedict Arnolds.

Finally, the problems of El Salvador are Salvadoran. The Salvadoran rebellion did not originate and is not manipulated from outside El Salvador. To believe this is akin to crediting Soviet accussations that the Solidarity movement in Poland is somehow the creature of the United States. (The passage of arms from Nicaragua to El Salvador has not been proved: no arms have been intercepted.)

The conflict in El Salvador is the indigenous result of a process of political corruption that began in 1931 with the overthrow of the electoral results by the Army, and culminated in the electoral fraud of 1972, which deprived the Christian Democrats and the Social Democrats of their victory and forced the sons of the middle class into armed insurrection. The Army had exhausted the electoral solution.

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This Army continues to outwit everyone in El Salvador—including the United States. It announces elections after assassinating the leadership of the opposition, then asks the opposition to come back and participate in these same hastily organized elections—as dead souls, perhaps?

This Gogolian scenario means that truly free elections cannot be held in El Salvador as long as the Army and the death squads are unrestrained and fueled by American dollars. Nothing now assures Salvadorans that the Army and the death squads can either defeat the rebels or be controlled by political institutions.

It is precisely because of the nature of the Army that a political settlement must be reached in El Salvador promptly, not only to stop the horrendous death count, not only to restrain both the Army and the armed rebels, not only to assure the young people of the United States that they will not be doomed to repeat the horror and futility of Vietnam, but to reconstruct a political initiative of the center-left majority that must now reflect, nevertheless, the need for a restructured Army. El Salvador cannot be governed with such a heavy burden of crime.

The only other option is to transform the war in El Salvador into an American war. But why should a bad foreign policy be bipartisan?

The United States can no longer go it alone in Central America and the Caribbean. It cannot, in today's world, practice the anachronistic policies of the "Big Stick." If it does so, it will only achieve what it cannot truly want.

Many of our countries are struggling to cease being banana republics. They do not want to become balalaika republics. Do not force them to chose between appealing to the Soviet Union or capitulating to the United States.

☐ 1830

THE TERRIBLE JUNE DAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Stratton) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, this week the Congress is commemorating the 43d Anniversary of the Soviet invasion of Estonia, Lithuania, and Latvia. I was pleased to cosponsor the resolution in the House, House Joint Resolution 201, designating June 14 as Baltic Freedom Day, which was signed by President Reagan on June 9. I also now rise to join with my colleagues this week in commemorating the heroic struggle of the Baltic peoples in their battle against Soviet oppression.

These first warm days of the summer remind us once again of those days over 40 years ago, June 15, 1940, and June 14-18, 1941, known as Terrible June Days, by Lithuanians throughout the World. During the turmoil of World War II in Europe, on June 15, 1940, the Soviet Union invaded and occupied the Baltic States. Forty-three years later the people of the Baltic States remain under Soviet domination and continue to be deprived of their basic human rights, and the right to self-determination.

One year, almost to the day, after the Soviet invasion, the Soviets began a campaign of genocide against the Baltic peoples. In Lithuania alone, 30,000 members of the government, military, and intelligensia were rounded up and either killed or deported to inner Russia or Siberia. Another 5,000 political prisoners were summarily executed. German armies overran Lithuania only a few days later, and the Nazis sent almost all the Lithuanian Jews to concentration camps. It is estimated that from 1940-45, the population of the Baltic countries was reduced by 10 percent, as over 850,000 people were either killed, relocated or forced to emigrate.

The purpose of the Soviet strategy of violence and disruption of the people of the Baltic States was to purge them and any dissident forces, and to lay the groundwork for the reoccupation of those countries more vulnerable to control once the war was over. Over the last four decades, the genocide of the Terrible June Days has been followed by efforts at Russification of the cultures of Lithuania, Latvia, and Estonia. Despite these efforts to impose Russian culture and language, the Baltic peoples have maintained a strong sense of their own, unique cultures and traditions. The strength and vigor of the Lithuanian, Latvian, and Estonian communities in the United States and elsewhere also attest to the determination of these peoples to keep their communities alive, and to continue to fight for their freedom and dignity, so that they may again reclaim their countries.

I want to assure the friends and families of the people of Baltic States that we will continue to rise in the Congress every hot, muggy June and recount the ugly, violent stories of the genocide by the Soviets in the Baltic States. We will continue to keep the pressure on the Soviet Union to cease their opposition and nondemocratic practices in the Baltic States. And we will continue to lend our support and our fervent hopes that these countries will once again be freed.●

THE JOHN J. RHODES REHABILITATION INSTITUTE

● (Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, many Members of the House will remember that the former minority leader, John J. Rhodes of Arizona, was considered a conservative's conservative, when it came to Federal spending. But those of us who knew John well knew that there were certain subjects we deal with that he considered underfunded. One of them was rehabilitation of the handicapped, and for as long as he served in the House, John worked to increase vocational rehabilitation funding.

In April, this long devotion was recognized in a very significant way, by the people at home, when the John J. Rhodes Rehabilitation Institute was dedicated at Mesa Lutheran Hospital, Mesa, Ariz. I was asked to prepare a video tape for the event, because when John was a freshman, back in 1953, he and I served on an Education and Labor Subcommittee that investigated the need for new legislation on vocational rehabilitation. We went to Warm Springs, Ga., for one set of hearings, and the tour of the place made famous by President Roosevelt was impressive.

We produced and passed our legislation, with John's stalwart help, and we have seen more improvements through the years John served. Now that he is retired, I know he cannot exercise the influence he had, but if any Member has any question about the program, they can call him for some good advice.

Mr. Speaker, several of the Arizona papers covered the dedication, and I would like to include the articles that appeared with my remarks.

Hospital Rehabilitation Facility Honors Former Representative Rhodes

(By Jerry Hickey)

Mesa.—Early in his congressional career, former Rep. John J. Rhodes became interested in the problems of the physically handicapped.

As a result, he later helped promote federal legislation that increased funding for rehabilitation of the handicapped.

On April 23, a 30-bed rehabilitation unit at Mesa Lutheran Hospital will be named in his honor.

"It's as fine a facility for the physically handicapped as I've seen anywhere—and I've seen a few," he said last week.

Rhodes, a Mesa resident who retired in January after serving 30 years in Congress, has been a strong supporter of rehabilitation for the handicapped.

"I served on the Education and Labor Committee during my first three terms in the House of Representatives," he said. "Up to that time, there had been very little involvement in rehabilitation work by the federal government."

The government had been mainly involved in it on an experimental basis, he recalled.

"Actually about the only rehabilitation then was in sheltered workshops and there weren't very many of them," he said.

While Rhodes, a Republican, was a member of the Education and Labor Committee, it recommended legislation that later was enacted to expand the federal government's role in rehabilitation work. The legislation resulted in larger appropriations to the states for that purpose, he said.

Rep. Carl Perkins, D-Ky., who served on the Education and Labor Committee with Rhodes, recalled that committee members visited a vocational rehabilitation center set up by the late President Franklin Roosevelt in Warm Springs, Ga.

Perkins said the committee members conducted hearings in Warm Springs and Atlanta to determine the direction the federal government should take in rehabilitation.

The legislation recommended by the committee was aimed to improving opportunities for vocational rehabilitation.

"Later on, when I was on the House Appropriations Committee, I was very interested in seeing that funds were available for rehabilitation of the physically handicapped," Rhodes said. "I thought it was a very good investment up to a point."

He said that some years he voted conservatively on appropriation bills in general.

"But we (congressmen) all had our vices," he said. "One of mine was that I was pretty liberal on appropriations where the physically handicapped were concerned."

The John J. Rhodes Rehabilitation Institute will be dedicated in a ceremony at Mesa Lutheran on April 23. Rhodes and Sen. Barry Goldwater, R-Ariz., will be guests of honor and speakers at a dedication banquet at the Mesa Country Club that evening.

The hospital's 30-bed rehabilitation unit opened in December. It serves patients disabled by conditions ranging from rheumatoid arthritis to paralyzed limbs, according to Betty Capes, the unit's patient-care manager.

The treatment involves individualized care. A team of professionals—including nurses, physicians and therapists—work with the patients during the rehabilitation process, Capes said. The patients' families are involved in certian stages of the treatment.

Capes said the patients, who include stroke victims and people who have suffered head injuries, learn new skills and relearn skills lost because of their conditions.

The rehabilitation process involves the gradual withdrawal of support so that the patient becomes progressively independent, she said.

Rhodes Cuts Ribbon on Rehabilitation Unit

(Pam Izakowitz)

Hailed as Mesa's "most distinguished citizen and one of America's great leaders," former U.S. Rep. John J. Rhodes Saturday cut the ribbon that officially opened the Rehabilitation Institute at Mesa Lutheran Hospital dedicated in his name.

"It's an honor that I can't quantify or describe," said Rhodes, as hospital officials looked on. "I'm proud to be connected with the unit in my name."

Pre-recorded video tapes of President Reagan and U.S. Congressman Carl D. Perkins, (D-Kentucky), included words of praise for Rhodes, who helped promote federal rehabilitation legislation since his early days as a congressman in 1953.

Then, he and Congressman Perkins were members of the Education and Labor Committee. Together, Perkins said, they helped pass legislation on vocational rehabilitation that "was a human program but an economically sound one as well.

"You couldn't have named it (the rehabilitation unit) after a more dedicated fighter," Perkins said.

Though officially opened Saturday, Mesa Lutheran Hospital's 30-bed rehabilitation unit has been in operation since December. The unit, which currently has 16 patients, serves people with disabling conditions such as rheumatoid arthritis, paralyzed limbs, stroke victims, head injuries, amputations and chronic pain, said Linda Sicklesteel, a nurse on the unit.

A special guest at the dedication was the unit's first patient, Walter Tampellini, 68, of Apache Junction.

Tampellini suffered a stroke in October 1982 and was moved into the rehabilitation unit in the early part of December.

"I feel like a new born baby," said Tampellini, as he carefully walked over to Rhodes to participate in the ribbon-cutting ceremony.

"I got the best care from day one," he said. "If you were to get sick, this is the place to come."

Even the food, he added, "was good."

Sicklesteel, who has been with Mesa Lutheran since December, said the care provided at the rehabilitation unit is unique to the Mesa-Phoenix area because it provides a team approach that includes the patient and family, nursing, psychiatry, therapy, and counseling. The patients, she said, "are like family to us."

Patients also wear their own clothes and eat in their own separate dining room, she said. The rehabilitation institute includes inpatient and outpatient services.

Sicklesteel said the staff "slowly withdraws from the patients, making them independent. We don't wait on them or pamper them."

"The technique is revolutionary," Rhodes said, after strolling through the unit. "The patient is so busy, he doesn't have a chance to feel sorry. They treat them physically, but emotionally and mentally as well."

Sen. Barry Goldwater, R-Ariz., was the guest speaker at a dinner honoring Rhodes at the Mesa Country Club later Saturday night.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Yates for today, on account of illness.

Mr. Courter (at the request of Mr. Michel), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Oxley) to revise and extend remarks and include extraneous material:)

Mr. Erlenborn, for 60 minutes, today.

Mr. Erlenborn, for 60 minutes, on June 16.

(The following Members (at the request of Mr. Weaver) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 30 minutes, today.

Mrs. Schroeder, for 5 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. Weaver, for 10 minutes, today.

Mr. Seiberling, for 10 minutes, today.

Mr. Stratton, for 5 minutes, today.

Mr. Alexander, for 60 minutes, on June 20, 21, 22, 23, 24, 27, 28, 29, 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. Oxley) and to include extraneous matter:

Mr. Lent.
Mr. Fish.
Mr. McGrath in two instances.
Mr. Weber.
Mr. Campbell.
Mr. Corcoran in two instances.
Mr. Young of Florida.
Mr. Hartnett.
Mr. Paul.
Mr. Sundquist.
Mr. Lewis of California.
Mr. Broomfield.
Mr. Bliley.
Mr. Philip M. Crane.
Mr. Porter.
Mr. Livingston.
Mr. Sawyer.
Mr. Bereuter.
Mr. Daub.

(The following Members (at the request of Mr. Weaver) and to include extraneous matter:)

Mr. Markey in two instances.
Mr. Yatron.
Mr. Mica.
Mr. Roe.
Mr. Mineta.
Mr. Roybal.
Mr. Owens.
Mr. Dyson.
Mr. Donnelly.
Mr. Hamilton.
Mr. Lipinski.
Mr. Howard.
Mr. Minish.
Mr. AuCoin.
Mr. Edgar.
Mr. Eckart.
Mr. Harrison.
Mr. Wheat.
Mr. Florio in two instances.
Mr. Olin.
Mr. Mazzoli.
Mr. Mavroules.
Mr. Ford of Tennessee.
Mr. Simon in three instances.
Mr. Patterson.
Mr. Berman.
Mr. Biaggi.
Mr. Long of Maryland.
Mr. Guarini in two instances.
Mr. Mrazek.
Mr. Hertel of Michigan.
Mr. Rodino.
Mr. Dwyer of New Jersey.
Mr. Durbin.
Ms. Oakar.

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, June 16, 1983, at 10 a.m.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1362. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 403 of title 37, United States Code, to eliminate from entitlement to variable housing allowance those members of the Reserve components serving short terms of active duty; to the Committee on Armed Services.

1363. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period July 1, 1983 to August 31, 1983, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

1364. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed issuance of a license for the export of major defense equipment sold commercially to Nigeria (Transmittal No. MC-13-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1365. A letter from the Acting Administrator, General Services Administration, transmitting the annual report for fiscal year 1982 on personal property furnished to non-Federal recipients, pursuant to section 202(e) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

1366. A letter from the Executive Director, Reserve Officers Association of the United States, transmitting the audit report on the association for the year ending March 31, 1982, pursuant to section 3 of Public Law 88-504 (36 U.S.C. 1103); to the Committee on the Judiciary.

1367. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Public Works and Transportation.

1368. A letter from the Comptroller General of the United States, transmitting a report entitled "Review of the Federal Housing Administration Fund's Financial Statements for the Year Ending September 30, 1981" (GAO/AFMD-83-66, June 10, 1983); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1369. A letter from the Comptroller General of the United States, transmitting a report entitled "The Household Goods Moving Industry: Changes Since Passage of Regulatory Reform Legislation" (GAO/RCED-83-86, June 10, 1983); jointly, to the Committees on Government Operations and Public Works and Transportation.

1370. A letter from the Secretary of Transportation, transmitting the eighth annual report on the Department's activities under the Deepwater Port Act of 1974, covering the fiscal year 1982, pursuant to section 20 of the act; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 14, 1983]

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 1010. A bill to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes; with amendments (Rept. No. 98-64, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 15, 1983]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2797. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1984, and for other purposes; with amendments (Rept. No. 98-124, Pt. II). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2797. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year. 1984, and for other purposes; with an amendment (Rept. No. 98-124, Pt. III). Ordered to be printed.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 2970. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such Act, and for other purposes; with an amendment (Rept. No 98-156, Pt. III). Referred to the Committee of the Whole House on the State of the Union.

ADVERSE REPORTS

Under clause 2 of rule XII,

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 2797. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1984, and for other purposes. (Rept. No. 98-124, Pt. IV). Referred to the Committee on the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Consideration of H.R. 2867 by the Committee on the Judiciary extended for an additional period ending not later than June 17, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 3317. A bill to amend the Higher Education Act of 1965 to permit deferrals in the repayment of student loans for active duty members of the National Oceanic and Atmospheric Administration Corps; to the Committee on Education and Labor.

By Mr. CONABLE:

H.R. 3318. A bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household; to the Committee on Ways and Means.

By Mr. ERDREICH:

H.R. 3319. A bill to amend title 5, United States Code, to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes; jointly, to the Committee on the Judiciary and Rules.

By Mr. FRANK:

H.R. 3320. A bill to provide that the trademark law does not require that each drug be manufactured in a tablet which is unique as to its size, color, and shape; to the Committee on the Judiciary.

By Mr. LIVINGSTON (for himself, Mrs. Boggs, Mr. Breaux, Mr. Long of Louisiana, Mr. Moore, Mr. Huckaby, Mr. Tauzin, and Mr. Roemer):

H.R. 3321. A bill to provide for the striking of medals to commemorate the Louisiana World Exposition; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARRIOTT:

H.R. 3322. A bill to amend title 18 of the United States Code relating to the sexual exploitation of children; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 3323. A bill to authorize appropriations for grants to the Washington Workshop Foundation; to the Committee on Education and Labor.

H.R. 3324. A bill to authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs; to the Committee on Education and Labor.

By Mr. ROYBAL:

H.R. 3325. A bill to establish in the Office of Managment and Budget an office to be known as the Office of Federal Audiovisual Policy, and for other purposes; to the Committee on Government Operations.

By Mr. SHAW:

H.R. 3326. A bill to establish the Office of the Director of National and International Drug Operations and Policy; to the Committee on the Judiciary.

By Mr. BOLAND (for himself, Mr. Conte, and Mr. Mineta):

H.J. Res. 297. Joint resolution providing for appointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. ROSTENKOWSKI:

H. Res. 232. Resolution electing the Honorable Jim Wright as Speaker pro tempore during the absence of the Speaker; considered and agreed to.

By Mr. WYDEN:

H. Res. 233. Resolution urging the President to enter into negotiations with the Soviet Union to conclude a treaty providing for mutual cooperation to deal with the threat of accidental nuclear war caused by acts of terrorism; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

189. By the SPEAKER: Memorial of the Legislature of the State of Iowa, relative to the decontrol of natural gas prices; to the Committee on Energy and Commerce.

190. Also, memorial of the House of Representatives of the State of Iowa, relative to the Federal funding of veterans' centers; to the Committee on Veterans' Affairs.

191. Also, memorial of the Legislature of the State of Texas, relative to the steel pipe and tube arrangement between the United States and the European Community; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BADHAM:

H.R. 3327. A bill for the relief of Fred J. and Colleen H. Mallgrave; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 3328. A bill for the relief of Mary Concepcion Jadulco Narrido; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 220: Mr. Bartlett, Mr. Hiler, Mr. Whitley, Mr. Kasich, Mr. Taylor, Mr. Duncan, Mr. Quillen, and Mr. Ireland.

H.R. 287: Mr. Sawyer and Mr. McCollum.

H.R. 408: Mr. Lowery of California, Mr. Hyde, Mr. Chappie, Mr. Marriott, Mr. Shumway, and Mr. Gingrich.

H.R. 618: Mr. Coyne, Mr. Bateman, and Mr. Bartlett.

H.R. 1084: Ms. Mikulski, Mrs. Smith of Nebraska, Mr. Barnard, and Mr. Clinger.

H.R. 1199: Mr. Horton, Mr. Whittaker, Mr. Morrison of Connecticut, and Mr. Neal.

H.R. 1756: Mr. Ackerman.

H.R. 1903: Mr. Ottinger.

H.R. 2097: Mr. Marriott, Mr. McCandless, and Mr. DeWine.

H.R. 2126: Mrs. Lloyd and Mrs. Schneider.

H.R. 2127: Mrs. Lloyd and Mrs. Schneider.

H.R. 2374: Mrs. Schneider, Ms. Kaptur, and Mrs. Lloyd.

H.R. 2382: Mr. Kazen, Mr. Daschle, Mr. Gingrich, Mr. Gregg, Mr. Ireland, Mr. Petri, Mr. Tallon, Mr. Evans of Illinois, and Mr. Michel.

H.R. 2489: Mr. Schumer, Mr. Vento, Mrs. Hall of Indiana, and Ms. Oakar.

H.R. 2543: Mr. Brown of Colorado, Mr. Smith of New Jersey, and Mr. Bosco.

H.R. 2715: Mr. Coelho and Mr. Mollohan.

H.R. 2732: Mr. Daub, Mr. Bonker, and Mr. Martin of North Carolina.

H.R. 2833: Mr. Rangel.

H.R. 2911: Mr. McHugh, Mr. Clinger, and Mr. Kogovsek.

H.R. 2977: Mr. Hansen of Idaho.

H.R. 2997: Mr. Lehman of California, Mr. Long of Maryland, Ms. Ferraro, Mr. Simon, Mr. Scheuer, Mr. Feighan, Mr. Hertel of Michigan, Mr. Torricelli, Mr. Wirth, Mr. Nelson of Florida, Mr. Panetta, Mr. Dwyer of New Jersey, Mr. Levine of California, Mr. Bonior of Michigan, and Mr. Barnard.

H.R. 3015: Mr. Duncan, Mr. Sunia, Mr. Frenzel, and Mr. Latta.

H.R. 3016: Mr. Applegate, Mr. Bryant, Mr. Evans of Illinois, Mr. Forsythe, Mr. Roe, Mr. Torricelli, Mr. Sam B. Hall, Jr., Mr. Leath of Texas, Mr. Horton, Mr. Vandergriff, Mr. Wilson, Mr. Siljander, Mr. Kildee, Mr. Weber, Mr. Ford of Tennessee, Mr. Smith of Florida, Mr. Stangeland, Mr. McHugh, Mr. Biaggi, Mr. Akaka, Mr. Stokes, Mr. Frost, Mr. Kostmayer, Mr. Boner of Tennessee, Mr. Sabo, and Mr. Tauzin.

H.R. 3024: Mr. Archer and Mr. Robinson.

H.R. 3072: Mr. D'Amours, Mr. Leland, Mr. Frank, Mr. Sharp, and Mr. Won Pat.

H.R. 3074: Mr. Gonzalez, Mr. LaFalce, Mrs. Johnson, Mr. Edgar, Mr. Yates, Mr. Feighan, Mr. Clinger, Mr. Neal, Mr. Solarz, and Mr. Evans of Illinois.

H.R. 3090: Mr. Hillis.

H.R. 3192: Mr. Solomon and Mr. Forsythe.

H.R. 3280: Mr. Corrada.

H.R. 3281: Mr. Corrada.

H.J. Res. 71: Mr. Hughes.

H.J. Res. 103: Mr. Broomfield, Mr. Forsythe, Mr. Gradison, and Mr. Traxler.

H.J. Res. 174: Mr. Levine of California, Mr. Wyden, Mr. Fauntroy, Mr. Hoyer, and Mr. Bryant.

H.J. Res. 228: Mr. Cooper, Mr. Sam B. Hall, Jr., Mr. Vander Jagt, Mr. Tallon, Mr. Levine of California, Mr. Hefner, Ms. Kaptur, Mr. Durbin, Mr. Coleman of Missouri, Mr. Duncan, Mr. Wright, Mr. Oxley, Mr. Wyden, Mr. Boehlert, Mr. Whittaker, Mr. Weaver, Mr. Bedell, Mr. Harrison, and Mr. Hoyer.

H.J. Res. 263: Mr. Lantos, Mr. Weaver, Mr. Frost, Mr. Chandler, Mr. Coats, Mr. Biaggi, Mr. Daschle, Mr. Ford of Tennessee, Mr. Hyde, Mr. Jacobs, Mr. Patterson, Mr. Weiss, Mr. Ratchford, Mr. Stenholm, Mr. Richardson, Mr. Corrada, Mr. Barnes, Mr. Dellums, Mr. Berman, Mr. Rangel, Mr. Bedell, Mr. Wyden, Mr. Vento, Mr. Lipinski, Mr. Frenzel, Mr. Bonior of Michigan, Mr. Reid, Mr. LaFalce, Mr. Waxman, Mr. Neal, Mr. Levine of California, Mr. Owens, Mr. Jeffords, Mr. Dorgan, Mr. Scheuer, Mr. Clinger, Mr. Ottinger, and Mr. Rinaldo.

H.J. Res. 273: Mr. Livingston, Mr. Stark, Mr. Clinger, Mr. Tauke, Mr. Lewis of California, Mr. O'Brien, and Mrs. Roukema.

H. Con. Res. 132: Mr. Andrews of Texas, Mr. Barnard, Mr. Bedell, Mr. Chandler, Mr. Derrick, Mr. Dowdy of Mississippi, Mr. Emerson, Mr. Hughes, Mr. Rahall, Mr. Roth, Mrs. Smith of Nebraska, Mr. Whittaker, Mr. Yatron, and Mr. Valentine.

H. Res. 191: Mr. Neal and Mr. Hammerschmidt.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 388: Mr. Bartlett.
H.R. 953: Mr. Hartnett.
H.R. 2053: Mr. Frenzel.
H.R. 2250: Mr. Schumer.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1590

By Mr. de la GARZA:

—Page 6, line 16, after the period insert "The Secretary shall not limit the types of commodities that are made available, upon request, to State agencies under paragraph (1) on the basis of the types of eligible organizations requesting such commodities.".

—Page 8, strike out line 16 and all that follows through page 9, line 15, and insert in lieu thereof the following:

"(A) pay or make advance payments, upon request, to each State agency, but not in excess of 5 per centum of the fair market value of the commodities provided to the State agency by the Secretary under this subsection, for use by the State agency (i) first, to pay or make advance payments, upon request, to eligible emergency organizations to cover actual costs incurred by them in storing, transporting, handling, and distributing commodities distributed to them by the State agency under this subsection and in completing paperwork which is necessary only because of their receiving and distributing some commodities, and (ii) then, to cover, in the most equitable and non-preferential manner, actual costs it incurs in storing, transporting, handling, and distributing commodities that are to be distributed to eligible organizations, without regard to whether they are eligible emergency organizations or other eligible organizations: *Provided*, That if the amounts made available to a State agency by the Secretary are not adequate to cover the costs described in clauses (i) and (ii), preference shall be given to covering the costs described in clause (i); and

"(B) pay to eligible emergency organizations amounts to cover costs described in the preceding clause (A)(i) incurred by them with respect to commodities made available directly to them by the Secretary as provided in paragraph (2).".

H.R. 2969

By Mr. DICKS:

—Page 8, line 22, strike out the period and insert in lieu thereof "until the Secretary of the Army certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives (1) that a second source for the production of the M-1 tank engine is affordable and is cost competitive with the existing contract for production of that engine, and (2) that the award of such a contract is in the interest of national defense to meet surge and mobilization requirements in case of a national emergency.".

By Mr. HERTEL of Michigan:

—Page 35, line 20, strike out "APRIL 1, 1984" and insert in lieu thereof "OCTOBER 1, 1983".

Page 36, beginning on line 4, strike out "4 per centum effective on April 1, 1984" and insert in lieu thereof "4 percent effective on October 1, 1983".

Page 36, line 13, strike out the period and insert in lieu thereof "or (except as provided in paragraph (4)) in pay grades above O-6.".

Page 36, after line 13, insert the following:

(4) The basic pay of members of the uniformed services in pay grades above pay grade O-6 who on the day before the effective date of the increase provided for under this subsection are entitled to a rate of basic pay less than the rate of basic pay payable for members in pay grade O-6 with over 26 years of service shall be increased as provided in paragraph (1), except that the rate of basic pay for such members may not be increased above the rate of basic pay (as increased under paragraph (1)) for members in pay grade O-6 with over 26 years of service.

—At the end of the bill, add the following new section:

USE OF FUNDS TO RELIEVE ECONOMIC DISLOCATIONS

Sec. 1111. (a) Section 2392 of title 10, United States Code, is amended—

(1) by striking out "No funds" in subsection (b) and inserting in lieu thereof

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"Except as provided in subsection (c), no funds"; and

(2) by adding at the end thereof the following new subsections:

"(c) The Secretary of Defense shall conduct a program in accordance with this subsection to exempt certain contracts of the Department of Defense from subsection (b) and to pay a price differential under such contracts for the purpose of relieving economic dislocations. Under such program, the Secretary may exempt from the provisions of subsection (b) any contract (other than a contract for the purchase of fuel) made by the Defense Logistics Agency—

"(1) if the contract is to be awarded to an individual or firm located in a labor surplus area (as defined and identified by the Secretary of Labor); and

"(2) if the Secretary of Defense determines—

"(A) that the awarding of the contract will not adversely affect the national security of the United States;

"(B) that there is a reasonable expectation that bids will be received from a sufficient number of responsible bidders so that the award of the contract will be made at reasonable cost to the United States;

"(C) that the price differential to be paid under the contract will not exceed 2.2 percent; and

"(D) that the value of the contract, when added to the cumulative value of all other contracts awarded under the program during the fiscal year in which the contract is to be awarded, will not exceed $7,000,000,000.

"(d) Not later than April 15 of each year, the President shall submit a report to the Congress on the implementation and results during the preceding year of the program authorized by subsection (c). Each such report shall include an assessment of the costs and benefits of the program.".

(b)(1) The heading of such section is amended to read as follows:

"§ 2392. Prohibition on use of funds to relieve economic dislocations; exception".

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of title 10, United States Code, is amended to read as follows:

"2392. Prohibition on use of funds to relieve economic dislocations; exception.".

(c) The amendments made by this section shall take effect on October 1, 1983.

By Mr. SEIBERLING:

—Page 14, after line 10, insert the following new subsection:

(c) None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for flight testing of an antisatellite weapon until such testing is specifically authorized by law enacted after the date of enactment of this Act.

By Mr. VENTO:

—Page 7, after line 14, insert the following new subsection:

(e) No funds authorized under this title may be used in connection with the European Distribution System Aircraft unless, after preliminary selection of a contractor for production of such Aircraft but before final selection and announcement of the contractor selected, the Inspector General of the Department of Defense certifies to the Secretary of the Air Force that—

(1) the employment practices of the contractor selected meet all applicable United States laws regarding discrimination on the basis of religion or race; and

(2) the selection of that contractor was not determined by prior foreign sales of United States-produced defense equipment.

SENATE—*Wednesday, June 15, 1983*

(Legislative day of Monday, June 13, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, inasmuch as Thou knowest all things, hiding from Thee is an exercise in futility. Give us the wisdom to understand this. Thou knowest our thoughts before we think them, our words before we speak them. Trying to deceive Thee, we deceive only ourselves, and deprive ourselves of Thy gracious kindness.

What a waste Father, that we should bear a load of corrosive guilt when Thou art so ready to forgive and renew if we confess our sin and need. Help us to see that there is nothing we can do to make Thee love us more and there is nothing we can do to make Thee love us less. Help us to open our hearts, acknowledge our need, and receive your unconditional, forgiving, renewing love. In the name of Him who submitted to the cross in demonstration of that love and forgiveness. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this morning will be a busy morning. There are four special orders plus leader time and an order that the Senate will resume consideration of the supplemental appropriations bill not later than 10:40 a.m.

That is going to be tough to do, Mr. President, but that is what we need to do, because it is the hope of the leadership on this side that we can get on the supplemental appropriations bill and finish it today. If we do not finish it today, we will still be on it tomorrow. Whether we finish today or not probably will determine whether we are going to be in session on Friday, because we have still the repeal of withholding on dividends and interest to do this week, and if that has to wait to Friday to come up, we are still going to do it.

So, Mr. President, I urge Senators to consider that the supplemental appropriations bill is far from the last appropriations bill they are going to see this session and they need not exhaust their legislative agenda on this single item and that we ought to get on with the business at hand.

The whole question of pay and limitations on outside income will be debated today, no doubt. I hope we can resolve that issue and get on with the balance of the matters to be dealt with in the supplemental appropriations bill at an early hour.

I do not expect the Senate to remain in session late today. I anticipate recessing about 6 or 6:30 p.m.

Mr. President, I have no further need for my time under the standing order and I yield any time remaining of the abbreviated time to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

IS THERE A DEAL IN THE WORKS FOR AFGHANISTAN?

Mr. BYRD. Mr. President, after more than 3 years of brutal occupation, there are faint signs that the Soviet Union may be prepared to withdraw its 105,000-man army from Afghanistan. The Washington Post of Sunday, June 16, carried a report that preliminary talks on Afghanistan have been held by the Foreign Ministers of Pakistan and the Soviet Union.

Many times during the course of the past 3 years I have addressed the Senate on this important issue, repeating the call for a free and independent Afghanistan. I have insisted that the Soviet Union end its naked aggression, respect the international rule of law, and abide by the numerous resolutions passed by the U.N. General Assembly calling for the withdrawal of Russian troops from Afghanistan. The heavy losses inflicted upon Russian troops by the courageous Afghan freedom fighters and the continued opprobrium heaped upon the Soviets by the international community may, at last, have convinced them that their attempt to crush Afghanistan under the heel of totalitarianism could not succeed. Perhaps the Soviets see the light as well.

However, let us not deceive ourselves. News reports of the meeting between the two Foreign Ministers indicate the Soviets intend to retain some form of puppet regime which they have established in Kabul. There are indications that they intend that Afghanistan will join those pitiful nations that make up the Soviet collection of satellites; to become yet another piece of landscape whereby the Soviets strip the country of its resources and return only repression and misery.

Therefore, I believe it is imperative that the international community continues to press the Soviet Union to withdraw its army and permit a truly free and independent Afghanistan nation—a nation free from the domination of any foreign force. A strong, nonalined Afghanistan does not pose any threat to the Soviet Union. Indeed, it would provide the stability that 3 years of fighting has failed to produce. In addition, it should be clear to the Soviets that the determination of the Afghan freedom fighters is such that they would never accept Soviet tyranny from afar, since they have fought so long and hard to defeat the tyranny of the Red Army in Afghanistan itself.

If the recent meeting of Pakistani and Soviet Foreign Ministers signals the onset of negotiations leading to a Russian withdrawal from Afghanistan, I welcome this development. However, a negotiated solution must also include an elected government, chosen freely by the Afghan people themselves. However, history is not on the side of the Afghan people. The bitter experience of the international community with Soviet regimes has taught us that they do not respond to a conventional sense of morality, nor do they value the ideals of freedom and sanctity of the individual which are the very foundation of democratic traditions.

Winston Churchill once observed that Soviet policy was often "a riddle, wrapped in a mystery, inside an enigma." Maybe, in the case of Afghanistan, the Soviets will see their interests much more clearly than has been the case in the past. And the interests of the Soviet Union would be served only if Afghanistan were returned to the Afghan people.

APPROPRIATIONS BILLS

Mr. BYRD. Mr. President, anent the majority leader's reference to appropriations bills, there are four I see that await action. I am sure that it will be in the interest of all Members of the Senate to see these appropriations bills adopted by the time the Independence Day recess occurs. Is that the plan of the majority leader?

Mr. BAKER. Yes; Mr. President, it is, indeed. I think it is urgently important that we do that. We have some problems in getting them out of our own Appropriations Committee in time to do that, but I believe we can.

We have another complication on the question of authorization bills to accompany some of these appropriations bills, but I believe we can work our way around that complication. On HUD, for instance, both the authorization bill and the appropriation bill are here. I am not yet ready to recommend whether we should pass the authorization bill first, which would be the normal and ordinary course of affairs, or whether we ought to go ahead and do the appropriation bill which is available. I will consult with both Senator HATFIELD and Senator GARN on that subject and have a further announcement to make a little later.

Mr. BYRD. The Appropriations Subcommittee on Energy and Water marked up a bill yesterday. I believe the chairman of the Appropriations Committee is moving quickly.

Mr. BAKER. He is.

Mr. BYRD. So that appropriation bill will be reported to the Senate shortly.

I personally wish to compliment Mr. HATFIELD on the speed with which he is pressing forward with the appropriations bills.

Mr. President, if I have any time remaining I yield it to Mr. JACKSON for his use.

Mr. JACKSON. I thank the distinguished minority leader.

RECOGNITION OF SENATOR JACKSON

The PRESIDING OFFICER (Mr. HEINZ). The Senator from Washington is recognized for 15 minutes.

CENTRAL AMERICAN COMMISSION

Mr. JACKSON. Mr. President, I send a resolution to the desk on behalf of Senator MATHIAS and myself.

Mr. President, I am honored to be joined by Senator MATHIAS in introducing a resolution urging the President to convene a national, bipartisan commission on U.S. policy in Central America.

Over the last several weeks, the debate over Central America has become even more fractious and our policy even more paralyzed. Our diplomatic personnel get shifted around, rhetoric gets louder; piecemeal, ad hoc proposals get floated; and an effective long-term policy gets ever more remote.

Our Nation simply cannot afford this stalemate, nor can we afford incrementalist approaches which sap political energies for lack of a coherent, comprehensive policy. The strategic stakes are too high.

As I noted in extended floor remarks on the subject on May 12, it is understandable that some American citizens and political leaders prefer not to see the United States engage itself in Central America. The problems there are enormous and do not lend themselves to quick solutions. But that is no longer the choice before us. The question is not whether we will engage, but how.

A majority of the Members of Congress now recognize that threats to the stability of Central America arise in large part from long histories of economic and social injustices. Obviously, military solutions alone will not meet our Nation's long-range security needs in the region. The economic and social deprivations, as well as the abuses of human rights endemic to some countries in Central America, are going to have to be addressed.

What Senator MATHIAS and I are proposing is a Presidentially appointed commission composed of distinguished leaders from all sectors of American society that will investigate the full range of our relationships with Central American nations, consult with leaders from the region, and make recommendations on an appropriate long-term policy—a policy that will resemble, in its commitment and sense of responsibility, the European Economic Recovery Plan of George Marshall.

Mr. President, the strategic interests of the United States in a stable Central America are at least as high as in a stable and secure Western Europe. A sequence of crises leading to Castro-type regimes throughout Central America, including Mexico, would have disastrous consequences. None of us relishes the prospect of living in a garrison state, unable to meet our commitments to our NATO allies, friends in the Middle East, and others. Nor do we like to contemplate the threat such a course of events poses to the fundamental nature of American society and her democratic institutions.

Obviously, the circumstances between Europe and Central America are vastly different. Quick and massive transfers of wealth from this country to Central America will not insure stability in the region. The economic and social problems are much too systemic and chronic, and conditions vary widely from country to country. What we need is a policy that has a 30- to 50-year vision of building democracy, increasing economic opportunity, and reinforcing human rights for the peoples of Central America. Only if we strongly project such a long-term goal can our short-term policies garner the support of the American people, our allies, and the peoples of Central America.

I will not deny that the recommendations of the commission will likely require sacrifice by American citizens. But the sacrifice will be minor compared to the sacrifices required if the nations of the Central American isthmus, including Mexico, are destabilized, undergo economic and social collapse, and become hostile nations allied with Cuba and the Soviet Union.

I urge my colleagues to join us in taking this important first step toward a much needed bipartisan assessment and formulation of our Central American policy.

Mr. President, I yield to the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the senior Senator from Washington.

Mr. President, when Senator JACKSON invited me to join him in introducing this resolution, I welcomed the chance to associate myself with an initiative that could galvanize a new approach toward Central America, an area whose welfare and stability are of vital concern to the United States.

The resolution we introduce today—calling on the President to "convene a national bipartisan commission to address the serious longstanding problems of security and economic development in Central America"—seeks to promote a national consensus on a comprehensive U.S. policy toward that area. It intends that this policy be informed by consultation with governmental and other leaders of Central America, and that it be framed by a group of outstanding citizens, representing a broad spectrum of national life.

The reasons for setting up such a commission are obvious. The guerrilla warfare in El Salvador and Nicaragua that dominates our concern about the area today is only the most visible and contemporary expression of ancient and profound economic, social, and political problems. We cannot hope to address one problem successfully without addressing them all. And we cannot hope to address them all successfully without seeking a broad national consensus for such a policy and without basing it on the hopes and aspirations of the peoples of Central America.

As Carlos Fuentes told the graduating class at Harvard University last weekend, "The United States can no longer go it alone in Central America and the Caribbean. It cannot, in today's world, practice the anachronistic policies of the 'Big Stick'."

The proposal we launch today recalls to mind another day and another commencement address at Harvard

University. The analogies are not precise. The times and the circumstances are very different. But Secretary of State George C. Marshall's words to the Harvard graduating class of 1947—words that inaugurated the European recovery program—apply as well to this enterprise.

"It is logical," Secretary Marshall said,

> that the United States should do whatever it is able to do to assist in the return of normal economic health to the world, without which there can be no political stability and no assured peace. Our policy is directed not against any country or doctrine but against hunger, poverty, desperation and chaos.

The European nations responded immediately to Secretary Marshall's proposal and began to draw up an economic recovery program. Meanwhile, in order to assure congressional passage of the massive assistance program, President Truman appointed two committees to study whether the United States could afford to support a program of such magnitude. He also instructed the newly formed Council of Economic Advisers to analyze the domestic impact such a program might have.

One of these committees—the President's Committee on Foreign Aid—was composed of distinguished private citizens drawn from the ranks of business, labor, finance, agriculture, and academic institutions. Its chairman was W. Averell Harriman, a man who to this day continues to contribute richly to our national life, most recently through his revealing discussions with Soviet Secretary General Yuri Andropov.

Among the committee's members were national leaders of the caliber of George Meany, then treasurer of the American Federation of Labor; Paul G. Hoffman, president of the Studebaker Corp.; and Robert Gordon Sprout, president of the University of California.

That committee could serve as a model for our commission in many ways, although as I said earlier, the parallels are not exact. Its conclusion, in recommending the massive economic aid program, also is worth contemplating as we attempt to devise a new approach to Central America.

The report described a state of affairs in post-World War II Europe similar to the situation in Central America today. It stated:

> The democratic system must provide the bare necessities of life now and quickly rekindle the hope that by hard work a higher standard of living is attainable. If these countries by democratic means do not attain an improvement in their affairs, they may be driven to turn in the opposite direction. Therein lies the strength of the Communist tactic: It wins by default when misery and chaos are great enough.

The report concluded:

> We cannot make or expect guarantees. But we can make intelligent choices. We shall be engaged in a vast undertaking . . . we are laying the groundwork for a new world with greater opportunities and greater hope.

Our goal in proposing this commission is not very different from theirs and no less urgent. Our prospects for success are no less bright, providing only that the people of the United States come to perceive a new relationship with Central America to be in the national interest and that they gird themselves to make whatever sacrifices are necessary to achieve it.

We are setting an enormous task for this commission. "What we need," as Senator JACKSON said in his eloquent introductory remarks, "is a policy that has a 30- to 50-year vision of building democracy, increasing economic opportunity, and reinforcing human rights for the peoples of Central America." I am proud to join with Senator JACKSON in that sentiment.

I am optimistic that we can achieve this policy. I am confident that the vehicle to achieve it is a bipartisan Presidential Commission. And I am encouraged by the examples of the Scowcroft Commission and National Commission on Social Security Reform to believe that even the most stubborn and difficult problems can be resolved if we are determined to resolve them.

Mr. JACKSON. Mr. President, I again want to express my appreciation to the distinguished senior Senator from Maryland for joining in this bipartisan effort. We hope that we will have good, solid support in the Senate so that the world will know of our commitment and dedication to a better life for the peoples in Central America.

The military shield, Mr. President, will crumble unless we have a sound and effective foundation which deals with the issues that the distinguished Senator from Maryland has just mentioned. The issues of poverty, misery, disease, denial of human rights—all of those problems have to be addressed if true democracy is to come to the peoples of Central America and if it is to endure.

Mr. MATHIAS. If the Senator will yield for one more moment, I am particularly pleased to forge this partnership today with the senior Senator from Washington. I think there is something symbolic because we bridge this continent from the icy waters of the Puget Sound to the——

Mr. JACKSON. Warm waters.

Mr. MATHIAS [continuing]. To the warmer waters of the Chesapeake Bay. I think that is symbolic in that it represents the national concern over what is happening in Central America and what might happen in Central America, and that we really do express today here a continental opinion that something has to be done. What has to be done has to rise above partisan politics, has to rise above party, has to look far into the future. That is really the purpose of this resolution.

We invite other Members of the Senate to join with us in promoting the concept of this commission.

The Senator from Washington has a reputation which is excelled by none in the Senate for the defense of the rights of Americans wherever they may be in the world. I think the fact that he has taken the leadership in this question and sees the imperative of moving in the economic-social field is an important indication that that is where the problem lies and that is where we must make progress.

Mr. JACKSON. I thank my colleague for his joint participation in this endeavor.

Mr. President, I ask unanimous consent that the resolution remain at the desk for cosponsors for the balance of this week.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 158

Whereas Central America is of vital importance to the interests and long-term security of the United States;

Whereas the social and economic crises facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

Whereas military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

Whereas respected leadership from all sectors of American society and from all regions should be drawn on in the making of United States policy toward Central America; and

Whereas an effective United States policy for Central America requires the understanding and support of the American people: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region; and

(2) Such Commission should—

(A) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(B) consult with governmental and other leaders of Central America, invite their views and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(C) report its findings and recommendations to the President and the Congress 180 days after the date of adoption of this resolution.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

RECOGNITION OF SENATOR HEINZ

The PRESIDING OFFICER (Mr. Specter). Under the previous order, the Senator from Pennsylvania (Mr. Heinz) is recognized for not to exceed 15 minutes.

SPECIALTY STEEL IMPORTS

Mr. HEINZ. Mr. President, we are opening today in the Senate of the United States an important debate, a debate I hope will be heard in other branches of our Government and the news media, through all our States and communities, and, eventually throughout the world.

Members of the Senate from various States across the Nation are joining in a colloquy in support of one of our most essential industries—specialty steel. But far more than the fate of this one industry and of its highly skilled workers is at stake in the discussion today and in the decision which the President must make on specialty steel imports within a few days after the Fourth of July.

Indeed, what is at stake in the questions we will raise here today is the whole future of industrial democracy, not only in this country but in the world. We have in the specialty steel industry of America a unique test case. Perhaps in no other industry are the lines so clearly drawn on one of the great questions of our time, the question not only of whether an American industry can survive against subsidized imports, but whether our entire free economic system can endure in competition with the Socialist and quasi-Socialist systems in the world around us.

In specialty steel we have an industry that is acknowledged as the global leader in technology, in cost efficiency, in the productivity of its workers. Yet it is being forced to the wall by imports from countries where the specialty steel industries are either outright owned by foreign governments or are heavily subsidized by the treasuries of governments which enjoy unlimited taxing authority.

In specialty steel we see an industry that defeats all its rivals on all the classic points of comparative advantage, and yet is losing out to these same rivals because of the artificial advantages provided by their governments.

In this industry, so essental to our national economy and to our national defense, we have a text book case of a modern, pace-setting, high technology industry that has done all the things it should do to maintain the leading position in its home market and to expand its exports abroad. But it is being beaten to its knees here in its own domestic marketplace by subsidized imports and its world markets are being picked off one by one by the creeping socialism that is gradually embracing basic industries in other countries.

Mr. President, if this competitive, aggressive, technologically advanced specialty steel industry cannot survive and stay afloat in the rising sea of subsidies, then no American industry will ulitmately survive under our present system.

In short, it is the system itself that is being tested in this decision which the President of the United States must make within a few short weeks.

If the President makes the right decision and grants specialty steel an import restraint program that will give the industry a fighting chance to maintain its world leadership in technology and production, he will send a clear message to all other countries that the United States of America is determined to defend its free enterprise industries and its free economic system against predatory trade practices, and, most especially against the ever-growing subsidization of trade.

If, however, the executive branch permits itself to be pressured by foreign interests into a weak response to this challenge, I am very much afraid that it will, however unintentionally, give our trading partners the wrong message—the message that they can continue subsidizing their exports to the United States, that they can keep on shipping their unemployment and other social problems to our shores, that they are perfectly free to keep indulging in the uneconomic practices that have led not only to a world overcapacity in steel, but to the tremendous strains on the world banking system, and indeed to what many economists fear could become the threatened collapse of the world financial structure.

Mr. President, we want our trading partners to thrive and prosper, but not over the dead body of the specialty steel industry and other industries in our own country. We want to see their economies recover from the world recession, as ours is doing right now. But they must be made to understand that their economies cannot truly recover unless they abandon the fundametally uneconomic socialist approaches which have fueled inflation in the past, including the subsidization of their industries for export purposes.

I would now like to take a closer look for a moment at what foreign government subsidies have done to the specialty steel industry and its workers.

It is now more than a year and a half since the specialty steel industry of the United States and the United Steelworkers of America, AFL-CIO, jointy filed a complaint under section 301 of the Trade Act against subsidies by seven other countries, subsidies that are not only in violation of our U.S. laws, but of the GATT international codes as well.

That 301 case led to the President's decision last November 16 to take the unusual action of initiating a section 201 escape clause case on behalf of the specialty steel industry and its workers. In taking that action, the President confirmed that the joint industry-union allegations of subsidies are well founded, that the injury to the domestic industry is clear, that the specialty steel industry is an efficient, technologically up-to-date and export-oriented branch of the steel industry, and that its output is used in a wide range of demanding applications critical to an industrial economy.

The President noted that this industry is far more profitable, in the true sense of that word, than most of their major competitors abroad.

Nevertheless, he added, the industry is facing an unprecedented challenge to its continued prosperity, and a number of its member firms are fighting for survival.

He also put his finger firmly on the source of the problem—unfair imports, which are resulting from what he correctly identified as the global trend toward greater excess capacity, increased subsidization, and closed markets.

The President's determination in this landmark case was unprecedented. Never before had a Chief Executive so clearly identified the problem of an American industry and its workers in an international trade case. In fact, never before had a President so incisively described the reasons for the decade-long malaise afflicting so much of our domestic economy—unfair imports resulting from excess capacity, increased subsidization, and closed markets conditions which exist not just in specialty steel, although that was the proximate case he focussed on so trenchantly.

Since that Presidential action last November to initiate an accelerated escape clause case, the U.S. International Trade Commission conducted a thorough investigation, issued a finding that the specialty steel industry and its workers were being injured by imports, and recommended to the President on May 6 that he implement a 3-year import restraint program in some specialty steel products.

Unfortunately, 3 years is not sufficient time for the industry to recover or to commit itself to a program of capital investment and increased funding for research and development, a program it must undertake soon if it is to maintain its position of leadership in technology and productivity.

Nor are the restraint levels recommended by the ITC low enough to give the industry any real relief unless demand for its products were to suddenly soar to historic levels. In fact, in one product line, stainless steel rod, the ITC suggests import levels of no less than 42 percent.

Dr. Adolph J. Lena, chairman of both the AL Tech Specialty Steel Corp., and the Advisory Committee, Specialty Steel Industry of the United States, has pointed out that there is no sound economic reason why the domestic industry—by far the most efficient producer—should surrender 42 percent of its home market to foreign producers who are less efficient and less cost-effective.

Dr. Lena and Lloyd McBride, president of the Steelworkers, have jointly communicated with President Reagan, giving him their reasons why a 5-year restraint program is necessary and setting forth more realistic import levels than those recommended by the ITC.

Mr. President, neither Dr. Lena nor Mr. McBride—nor any other responsible leader of either industry or labor—has suggested that we close the door entirely to imports of specialty steel products. The import levels they suggest range up to 23.8 percent of the domestic market in the same product the ITC recommends a 42-percent level.

As Dr. Lena has stated, the domestic industry would not have to surrender any portion of its home market if the classic laws of comparative advantage and true free trade were operable in our era. Unfortunately, they are not so Dr. Lena and other industry leaders are forced to swallow a bitter pill in the name of realism, a realism I might add that ignores actual economic realities.

Mr. President, I ask unanimous consent to insert in the Record at this point a joint release issued by the steelworkers and the specialty steel industry summarizing Lloyd McBride's and Dr. Adolph Lena's joint letter to the President and detailing the tariff import levels recommended by the ITC and the industry.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Specialty Steel Industry of the United States

PRESIDENT ADVISED BY INDUSTRY, LABOR THAT ITC RECOMMENDATIONS ON SPECIALTY STEEL IMPORT RESTRAINTS ARE NOT ADEQUATE TO REMEDY SEVERE INJURY

Washington, May 10.—President Reagan was told today by leaders of both industry and labor that the three-year restraints recommended by the U.S. International Trade Commission on foreign specialty steel are not adequate to remedy the serious injury suffered by the domestic injury and its workers from illegal imports.

Lloyd McBride, President of the United Steelworkers of America, AFL-CIO/CLC, and Dr. Adolph J. Lena, Chairman of Al Tech Specialty Steel Corporation and the Advisory Committee, Specialty Steel Industry of the United States, detailed the reasons for the their position in a letter to the President.

McBride and Lena referred to the ITC recommendation voted by the Commission April 27 and sent to the White House last Friday (May 6). The ITC urged the President, who has 60 days to make his decision, to impose three years of quantitative import restraints with differing levels for various product categories.

"Unfortunately," McBride and Lena said, "the ITC recommendation, if adopted, will not adequately remedy the serious injury that the U.S. specialty steel industry has suffered. The industry needs five, not three years of quantitative restraints, at levels well below those recommended by the ITC.

"A five-year relief program is necessary so the excess world capacity can be reduced and the unfair practices of our foreign competitors eliminated," they said.

McBride and Lena emphasized that "a full five years of relief is also needed so that the capital-intensive U.S. industry can make the investments needed to stay technologically advanced."

They reminded Mr. Reagan that, in initiating the Section 201 (escape clause) case with the ITC last November, he verified that the specially steel industry is "An efficient, technologically up to-date and export oriented branch of the steel industry" which is "facing an unprecedented challenge to its continuing prosperity, and number of its firms are fighting for survival."

"The specialty steel industry will make the commitment to a continuation of aggressive capital investment and research and development during a five year relief period." the industry said in the letter to the President.

"This activity will allow the industry to remain competitive and to provide other U.S. industries not only the commodity-type specialty steels exported to the U.S. by foreign producers, but also the very advanced specialty steels required for high technology and defense applications," the letter continued.

McBride and Lena informed the President that the import levels recommended to him by the ITC are much too high. "The minimum import levels under the ITC recommendation are so large that domestic demand would have to increase substantially, to near historic peak levels, before the restraints would have any effect," they said.

"The ITC approach will not effectively remedy the injury suffered by the industry and its workers, thousands of whom are now unemployed," they pointed out. McBride and Lena recommended the President's decision "embody the historical reference periods and quantitative restraint levels that we originally proposed to the ITC."

McBride and Lena told President Reagan "the future of an efficient, technologically advanced industry—an industry vital to the U.S. economy and to our national defense—rests largely in your hands.

"You have already expressed your concern for the health of this competitive industry. We urge you to act promptly and effectively to remedy the serious injury suffered by the specialty steel industry and its highly skilled workers."

The industry and labor leaders again asked the President for a meeting "as soon as possible to discuss this urgent issue."

The import restraint levels recommended by the ITC Friday and by the Specialty Steel Industry and the United Steelworkers today are as follows:

	ITC		Industry	
	Percent	Minimum tons	Percent	Minimum tons
Stainless steel bar	17	27,000	13.6	19,600
Stainless steel rod	42	19,100	23.8	3,941
Stainless sheet and strip	8	62,900	5.9	38,436
Stainless steel plate	10	10,700	2.7	2,976
Total steel	20	22,400	16.7	18,700

In another specialty steel trade matter, the industry and labor leaders pointed to a final determination by the Department of Commerce of subsidy of stainless bar and rod from Brazil.

The Commerce Department said that stainless bar and rod imports from Brazil were subsidized at the level of 15.44 percent during 1981, which is a higher subsidy level than the 12.5 percent in Commerce's preliminary determination.

However, apparently recognizing that Brazilian subsidies continue to increase, the Commerce Department is requiring the Brazilian government to impose an export tax of 16.26 percent.

Brazil is required to impose the export tax because of a suspension agreement with the United States government.

The member firms of the Specialty Steel Industry of the United States are: Allegheny Ludlum Steel Corporation; AL Tech Specialty Steel Corporation; ARMCO Stainless Steel Division, ARMCO Inc.; Braeburn Alloy Steel Division, CCX, Inc.; Carpenter Technology Corporation;' Columbia Tool Steel Company; Crucible Materials Group, Colt Industries, Inc.; Eastern Stainless Steel Division, EASTMET Corporation; Guterl Special Steel Corporation; Jessop Steel Company; Jones & Laughlin Inc.; Joslyn Stainless Steels; Latrobe Steel Company; Republic Steel Corporation; Universal Cyclops Specialty Steel Division; Cyclops Corporation and Washington Steel Corporation.

Mr. HEINZ. Mr. President, there are other Members of the Senate who I know need and want to be heard on this issue, but before yielding to my distinguished colleagues I want to bring to the attention of the Senate a letter that we will be sending in 2 days' time, on June 17, to the President urging a full 5 years of import relief for the specialty steel industry. We will hold this letter until Friday, June 17, for additional signatures of Senators. At this point we already have 25 Members of the Senate who have signed this letter, and I anticipate more signatories particularly if my colleagues take advantage of the next day or so to read the colloquy today so that they may fully understand the nature of the problem confronting the specialty steel industry and our Nation.

Mr. President, I ask unanimous consent that the text of the letter I referred to, to be sent to the President, dated June 17, be printed in the Record.

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There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Finance,
Washington, D.C. June 17, 1983.

Dear Mr. President: We are writing to you to express our support for a strong effective remedy in the specialty steel section 201 case.

In your statement last November 16th, you noted that the domestic specialty steel industry "is an efficient, technologically up-to-date and export oriented branch of the steel industry." You also indicated that the industry is facing an unprecedented challenge to its continuing prosperity and a number of its firms are fighting for survival because of the injury caused by imports. You asked the United States International Trade Commission to investigate the industry under section 201 of the Trade Act of 1974. The ITC has done so, and found that the domestic industry has been seriously injured by imports.

We believe that an adequate remedy for the industry consists of three elements: a full five years of import restraints; restraints that maintain imports at normal levels, and minimum import levels that are based on normal industry performance data rather than the peak levels of production assumed by the ITC.

In your November 16th memorandum, you directed the United States Trade Representative to initiate multi-lateral and/or bilaterial discussions aimed at the elimination of all trade distortive practices in the specialty steel sector. We are aware that this process has begun, and respectfully urge that such discussions be carried out aggressively during a five-year import relief program. In addition, five years are needed by the industry so that it can plan and carry out the investments needed to remain technologically advanced.

The domestic specialty steel industry is an efficient, high technology industry which is essential to our national defense and our industrial economy. This is an industry which is highly competitive and deserves to survive. It has fought battles against imports for years and has shown through successful cases that a high percentage of imports are dumped or subsidized. After the industry has struggled for so many years, you now have an opportunity to develop the kind of long-term, comprehensive solution you envisioned in your November 16th memorandum. We support your efforts to help this industry, and respectfully urge a strong, effective remedy.

Sincerely,

John Heinz, Orrin Hatch, Carl Levin, Howell Heflin, Alan J. Dxion, Paul Sarbanes, Jim Sasser, Daniel Patrick Moynihan, Jennings Randolph, Fritz Hollings, Charles McC. Mathias, Jr., Don Quayle, Jake Garn, Arlen Specter, Sam Nunn, Charles Percy, Dennis DeConcini, Mack Mattingly, Jessie Helms, Walter D. Huddleston, John Melcher, Rudy Boschwitz, Robert C. Byrd, Alfonse D'Amato, Don Riegle.

Mr. HEINZ. Mr. President, the Senator from Pennsylvania (Mr. Specter) also is on the floor and is a part of this colloquy. I yield to him on his time, if he wishes, reserving the remainder of my time.

Mr. SPECTER. That would be fine.

I am delighted to use the time on my special order.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order the Senator from Pennsylvania (Mr. Specter) is recognized.

SPECIALTY STEEL IMPORTS

Mr. SPECTER. Mr. President, I begin by commending my distinguished colleague, Senator Heinz, for the leadership which he had exhibited as chairman of the Steel Caucus on behalf of the steel industry of the United States. In taking these initiatives Senator Heinz has been acting in the national interest because of the absolute necessity in having a domestic steel industry which can serve the United States both in time of national emergency and also to take care of our domestic production.

It so happens that steel is a very vital part of the economy of Pennsylvania, which gives a double reason for the leadership of Senator Heinz, and I am pleased to join with him on these efforts.

The steel industry has long been the number one industry in our Commonwealth of Pennsylvania, accounting for some 14 percent of its employment prior to the past several years. Lately there have been many problems which have beset the national steel industry, such as unfair foreign trade practices and foreign dumping, and these problems touch very directly upon the subject of the specialty steel industry.

The domestic specialty steel industry is, in fact, a very important component in our complex national economy.

The products made by this industry and its very skilled workers are essential for national defense, and beyond that essential to many other key industries, including aerospace and telecommunications, oil and natural gas production and transportation, marine navigation and computer technology. And virtually any list would be incomplete without mentioning the pervasive influence of specialty steel in our economy.

The United States of America cannot afford to become totally dependent upon foreign sources of supply for the high-tech metals so critical to our industrial society and to our survival as a nation.

We have learned from the bitter experience of dependence on a foreign source of supply of OPEC oil. The long gas lines which plagued the United States late in 1973 and early 1974 caused a sharp reversal of our national policy. Once we begin to rely upon foreign supply, it invites the foreign suppliers to raise the cost, thus putting a strangle hold on the United States. We should not allow ourselves to be in this position again with any product—be it oil or specialty steel. However, that is the risk we face unless action is taken now on the specialty steel issue.

It is now more than a year and a half since the specialty steel industry of the United States and the United Steelworkers of America filed a joint petition under section 301 of the Trade Act requesting that our Government take action to end the illegal foreign government subsidies of specialty steel exports that was even then severely injuring the domestic industry and its workers.

Since that time two companies producing specialty steel have filed for bankruptcy. Bethlehem Steel abandoned its tool steel business after three-quarters of a century of production. And Colt Industries shut down its stainless steel mill at Midland, Pa., last October idling another 5,000 workers, and demoralizing the small town of Midland, Pa.

Senator Heinz and I personally bear witness to the problems of that town, from an open house town meeting which we held jointly there on March 5 of this year. At that time the town residents crowded into a high school auditorium and told us of their problems, and we feel it is simply unfair to have some 5,000 workers thrown out of work and be victimized by unfair foreign trade practices.

Moreover, these events are only the tip of a much larger and more tragic iceberg. Unemployment in some specialty mills has run as high as 60 percent during the past year. Short work weeks are commonplace. And many of the major producers of specialty steel ended 1982 losing money.

How is it that an industry acknowledged by all to be the world leader in technology in its particular field of production could be brought to such a pass as this? Most of us here today know the answer to that. Our private companies in Pennsylvania, Ohio, Michigan; and in many other States of the United States are being forced to compete with foreign governments which are subsidizing their specialty steel industries in order to export their unemployment and other social problems to the United States.

The U.S. Trade Representative's office confirmed these subsidies after long investigation. The President acknowledged them last November when he initiated the section 201 escape clause case on behalf of the industry and its workers. And the specialty steel industry and its employees are forced to live with the grim results of this subsidization.

I remind my colleagues that the kind of subsidies we are discussing here are not only illegal under our countervailing duty laws. They are prohibited by international trade law too. Yet these codes are openly flaunted by our trading partners with the result that a technologically advanced industry like

specialty steel is forced to fight for its very survival.

The President of the United States has a golden opportunity to correct this problem in the section 201 case now before him. It is obvious that illegal subsidies played in major role in injuring our specialty steel industry and its workers. Although subsidies are not one of the criteria in escape clause cases, the President can nonetheless put our trading partners on notice that the United States will no longer tolerate such illegal practices in international trade. He can best do this by fully enforcing the Trade Act of 1974 which can grant a full 5 years of import restraints on specialty steel products.

To give my colleagues, and the President, a more detailed overall view of just what is involved in the specialty steel decision I ask unanimous consent to have printed in the Record an article by Jane Blotzer of the Pittsburgh Post-Gazette along with the accompanying table showing the various products covered by the ITC recommendations, the import penetration in these products in 1982, the limitation levels recommended by the Commissioners, and the levels requested by the industry.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Pittsburgh Post-Gazette, Apr. 28, 1983]

ITC Recommends Specialty Steel Quotas

(By Jane Blotzer)

Harrisburg.—The U.S. International Trade Commission has recommended that the president restrict imports of specialty steel products for three years.

The year-and-a-half old case will not be concluded, however, until President Reagan makes his decision, required by July 5.

The recommended remedy comes a month after the ITC ruled that specialty steel imports had caused substantial harm to the domestic industry.

At a time when the clamor for import restrictions and stricter import laws is growing, Commissioner Paula Stern said, "The case demonstrates that import relief is available under existing law, even when an American industry is suffering from the most serious post-war recession."

It is the second time in seven years that the commission has recommended that the president restrict imports of the specialty steel products.

In 1976, President Ford imposed quotas that lasted until 1980.

The industry claims the problem resurfaced once the restrictions were lifted.

The recommendations made by the ITC yesterday are not as far-reaching as the industry had requested—an overall market share of 8 percent of domestic consumption for five years.

Burt Delano, spokesman for the industry, said five years is a more realistic breathing spell and is the time needed to address the problem of worldwide overcapacity of specialty steel production capability.

"Now it is squarely in the hands of the president," he said.

"We have been inundated by imports, most of them illegal, for a great many years and if the president wants to preserve this vital industry he must provide meaningful relief very soon," said Adolph J. Lena, chairman of both the AL Tech Specialty Steel Corp. and the advisory committee of the Specialty Steel Industry of the United States.

It seems likely that the president will not totally ignore a recommendation for relief, since it was he who sent the case to the ITC in the first place, recommending expedited action.

The suit began in late 1981 as a Section 301 case, in which the specialty steel industry charged a broad range of unfair trading practices by importers.

In response to that suit, Reagan, in a highly unusual move, asked the ITC to conduct an expedited investigation under section 201 of the trade laws, which does not require proof of unfair trade, only that imports are a substantial cause of serious injury.

In taking the case to the ITC, Reagan acknowledged that the industry is "efficient, technologically up to date and export oriented branch of the steel industry."

But despite those characteristics, the industry, which is concentrated in the Pittsburgh area, has been experiencing the worst recession of its history. Some 40 percent of the 60,000 specialty steel employees are out of work and at least 10 of 17 specialty steel companies lost money in 1982.

The steelmakers said that imports—capturing nearly 20 percent of the domestic market in 1982 for the durable, heat-and-corrosion-resistant steel—were primarily responsible for the problem.

The commission recommended that the president restrict imports to a share of the domestic market in five areas—stainless steel sheet and strip; stainless steel plate, stainless steel bar, stainless steel rod; and alloy tool steel.

They also recommended that the president divide up that limit market share on a country-by-country basis.

The countries involved directly in testimony in the case were Japan, West Germany, France, Italy, Great Britain, South Korea, Belgium, Sweden, and Spain.

Mr. SPECTER. Mr. President, let there be no mistake that those of us who speak today do not raise the note of protectionism. We are articulating the cause of free trade but it is indispensable to free trade that it be fair trade and fair trade means the absence of foreign subsidies.

For too long in this country we have sacrificed our key industrial interests on the altar of foreign policy. Too often deals are made which permit the importing of goods such as British steel. This steel was identified by the International Trade Commission as bearing subsidies as high as $250 a ton. We permitted its importation in order to get British support on other matters such as NATO defense. Too often we have sacrificed U.S. industries on the altar of foreign policy in our dealings with the Japanese in an effort to have them undertake a more expansive role in the defense of the Southwest Pacific. Just last week this body approved some $8.4 billion for the International Monetary Fund over some dissenting votes, such as mine, who felt that the Fund is being used to subsidize foreign exports which engage in these unfair practices.

Treasury Secretary Regan appeared before the Foreign Operations Subcommittee a few weeks ago, and I had an opportunity to bring to his attention the practices of Brazilian steel which are subsidized by the Brazilian Government. I raised the point with Treasury Secretary Regan that I considered it unfair to the steelworkers of the United States to be paying taxes to the U.S. Treasury while the U.S. Treasury then advanced money to the International Monetary Fund which in turn advanced money to Brazil, which in turn subsidized Brazilian steel exports to the United States, which unfairly deprived those taxpaying steelworkers of their jobs.

Treasury Secretary Regan responded to me, as the written transcript will show, that if we cut off all subsidies to Brazilian steel, it would throw 300,000 Brazilians out of work. I responded to the Secretary of the Treasury that that would be unfortunate, but why should their unemployment be exported to the United States, and why should there be tens of thousands of American steelworkers out of work?

The Treasury Secretary responded that unemployment in the United States was not caused solely by foreign subsidies, and to that I agree. The problems of the American steel industry are more complicated than that, but some of its unemployment is caused by these foreign subsidies.

I do not believe that we should be engaging in the practice of supporting foreign subsidies. I feel this way not only for steel but also for produce and agricultural products which Brazil exports to Egypt and undercuts U.S. opportunities for those markets.

There is fair play in international affairs and that is indispensable if free trade is to work. The specialty steel industry is uniquely entitled to this consideration because of the high degree of efficiency within the specialty steel industry.

When applications are made from time to time under the U.S. trade laws, replies are received that some branches of American industry are not as efficient as they should be. This presents an opportunity for foreign imports which are perhaps, on some occasions, more efficient in their operations. However, this is not the case with specialty steel, and I feel that this industry merits special attention and consideration.

I urge my colleagues on this same subject to give further consideration to S. 418, the Unfair Foreign Competition Act of 1983. This legislation would open the U.S. courts to grant injunctive relief to stop such unfair foreign trade practices such as these. In the long run it is my thought that the only really effective relief will be the self-help of American industry and American labor in going to the courts to stop these unfair trade practices.

Next Friday, June 24, the Judiciary Committee has scheduled hearings on a related subject, where we will be examining the plans of the United States Steel Corp. to bring British steel into the ferro-steel plants. The executives of United States Steel have represented that this action is necessary in order to save jobs in that plant.

The question is a complicated one, and there are very grave dangers in permitting foreign subsidies even in the short run, to save jobs because in the long run it has the potential for great ill.

Senator THURMOND, chairman of the Judiciary Committee, has graciously consented to permit these hearings. My colleague, Senator HEINZ, has agreed to join us in these hearings to make that important inquiry.

I note, Mr. President, that several of our colleagues have come to the floor, and I yield the remainder of my time, with the concluding statement that I urge all of our colleagues, including those who may not represent States which have had the highly undesirable fact of massive unemployment caused by these unfair subsidies, to listen closely and watch this very important subject so that the U.S. Senate may act as a body to stop these unfair practices.

Mr. HEINZ. Mr. President, will the Senator yield the remainder of his time to my control in the event we need it for other Senators?

Mr. SPECTER. I do so yield the remainder of my time to the senior Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank my distinguished colleague and friend from Pennsylvania for his remarks. I think he has stated the case very well.

Mr. President, I note the presence on the floor of the distinguished minority leader, Senator BYRD, who has been a very, very active member of the Senate Steel Caucus as well as the Senate Coal Caucus, and I yield him such time as he may require but not to exceed the amount of time I have.

Mr. BYRD. That is fair enough. I will take very little time.

Mr. President, first of all, I congratulate the two Senators from Pennsylvania for the statements they have made. As a member of the Steel Caucus I am one of the signatories on the letter which the distinguished Senator from Pennsylvania, Senator HEINZ, has just inserted in the RECORD, and that letter will be going to the President concerning the need for effective import relief for the specialty steel industry.

I personally appeared before the International Trade Commission in 1982 on behalf of the specialty steel industry and its employees in West Virginia. I expressed my belief that the domestic industry was being victimized by illegal trade practices carried out by some of the United States trading partners. These practices include dumping of goods on the American market at prices below the cost of production, and massive subsidization of industries by foreign governments.

On March 24, 1983, the ITC ruled that Japan; West Germany, France, Sweden, and Spain are illegally subsidizing the specialty steel products that they export to the United States, and that the domestic industry has been severely injured as a result of the illegal subsidization. The ITC ruling simply confirmed what I have been saying—that the United States is already engaged in a trade war, and we are losing without firing a shot—and it provides a sound basis for action to counteract illegal trade practices.

It is inexcusable that an industry as modern and efficient as the domestic specialty steel industry should have to suffer drastic injury as a result of imports from foreign producers who are less efficient. Foreign producers have ignored the standards of international conduct—and American laws—that are designed to govern the conduct of international trade.

The domestic industry has suffered as a result of the unfair actions of foreign producers. Unemployment in the domestic specialty steel industry has risen steadily as foreign producers captured a growing percentage of a shrinking American market. As the full force of the recession hit American producers, the foreign producers simply stepped up their imports.

Employment in the specialty steel industry has declined by 20 percent since 1980. Total manhours worked in the industry has declined by more than one-third over the past 3 years. In human terms, these figures translate into thousands of workers—many of whom live in West Virginia—and these people want to return to work.

The ball is in the President's court now. The ITC recommended a relief program for the domestic specialty steel industry that includes a 3-year quota on certain specialty steel products. I would urge the President to examine the benefits of a 5-year relief program along similar lines. While a 3-year program would be helpful, the 5-year program will help stabilize investment in our domestic industry.

Advanced research and development that is continuously carried out by the domestic industry runs closer to 5 years to realize product improvements that keep American specialty steel competitive. That research investment is the key to the long-run competitiveness of the specialty steel industry, and to the industries that use its products, such as electronics, aerospace, and military technology.

It is important to remember that specialty metals are vital to our national security, in that the metals make up components of jet and missile engines and structures, electronic systems, and high-speed machinery used in a variety of military applications.

I urge the President not to turn his back on this critical sector of our economy.

I thank the distinguished Senator for his courtesy in yielding and for the leadership he is providing in this matter.

Mr. HEINZ. I thank the distinguished minority leader and I thank him for an excellent statement.

Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. HEINZ. May I ask if there are other Senators seeking recognition under this special order?

● Mr. HEFLIN. Mr. President, in the near future the fate of one of this Nation's most important industries will be determined by the President of the United States. I join with my Senate colleagues today in urging the President to insure that industry's survivability by granting the maximum import relief permitted by U.S. law, a full 5-year relief program.

I am speaking, of course, about the specialty steel industry of the United States and its workers. After 7 months of investigation, the International Trade Commission recently voted 3 to 1 that the domestic industry was being seriously injured by imports of foreign specialty steel. In numerous separate actions, both the ITC and the Department of Commerce have found that our European trading partners have been illegally subsidizing and dumping their specialty steel products sold in this country. These decisions resulted from individual cases filed by the domestic industry as provided for in our trade laws. The industry has availed itself of all trade relief avenues. In all those instances, repeated investigations have proven the industry to be highly advanced in technology, in fact, superior to our trading partners, and an efficient producer. Despite having these two essential elements necessary to succeed in today's marketplace, the domestic industry is faced with market import penetration of nearly 20 percent. This market penetration has only been possible because our trading partners have been selling their products in the United States at prices below the cost of production as well as providing subsidies to their industry.

All of these statements argue in favor or providing the domestic industry with the import relief it seeks. Our specialty steel companies have played by the rules. Our trading partners have not. Indeed, they have flagrantly disregarded the international trading laws they helped create. The specialty steel industry of the United States can compete and prosper in a fair marketplace. I encourage the President to restore that equality by granting the industry the 5-year relief program.●

● Mr. DIXON. Mr. President, the overall rise in imports of specialty steel has been dramatic. While some may claim that such imports are not at a critical level, the long-term effect of dumped or subsidized imports has been devastating to this industry, which is technologically among the most advanced in the world.

Figures for employment, the number of hours paid and the actual wages paid to production and related workers provide further indication of the damage inflicted on the industry by imports. Between 1979 and 1982, employment of these workers had declined by more than 5,000. The number of hours worked by production and related workers dropped by over 40 percent in stainless steel firms, and by almost 50 percent in the tool steel segment of this industry. This translates into over $100 million less in wages paid in 1982 than 1979.

Nonetheless, these figures cannot reflect the hardship and suffering imposed upon the specialty steelworkers, their families and their communities as a result of these lost jobs and wages.

Many of these employees have been forced to rely on unemployment compensation, and a significant number have been laid off so long that they have exhausted all available benefits, without being able to find new jobs. As the jobless rate has soared and the wages have plummeted, small communities whose economies are based on the revenues generated by the specialty steel plants have been severely affected.

Our Government normally measures the injury caused by unfairly traded imports in terms of lost jobs. However, long before appreciable numbers of jobs are lost, there is the loss of the ability to do research and development; loss of the capability to install new technology; loss of the ability to train people in new skills; and more difficulty in attracting bright new people to the industry.

In effect, there is a significant reduction in the industry's ability to invest in its future. Without such an investment, there can be no hope for even the remaining employees in this industry.

I join my colleagues in strongly urging the President to reverse this tragic trend that has cost us so dearly in human resources. An effective retraining program for no less than 5 years is needed to halt the flood of unfair imports which has brought this industry and its workers to their knees.

We are joined in support of this position by the specialty steel industry itself, and its workers. Labor and management, together, are asking for assistance so that they can continue to compete in this important industry.●

Mr. HEINZ. Mr. President, again I want to remind all Senators that it is only in a very few days that the President will be making up his mind on what kind of relief to grant to our specialty steel industry. It is absolutely critical that the President make the right decision, that he go further than the International Trade Commission has recommended.

● Mr. MATTINGLY. Mr. President, I wish to associate myself with the concern being expressed today by my able colleagues about the American specialty steel industry and its workers, who deserve all our attention and our support.

I do not need to dwell very long on the importance of this domestic industry and the value of its highly skilled workers. The American specialty steel industry which accounts for only 2 percent of all steel tonnage but 10 percent of its value, produces the high-strength alloys and other specialty steel products vital to many other industries of our national economy. It is used in the manufacture of roller bearings, stainless tableware, rifle barrels, nuclear powerplants, and ocean-going ships.

In addition, the specialty steel products produced by this very competitive American industry are essential to all branches of our Armed Forces. The Navy needs them for its communication and navigational equipment. The Air Force relies upon these metals for its very existence since they are widely used for the construction of all aircraft, missiles, and communications and control equipment.

Mr. President, it is very obvious that the plight of the American specialty steel industry and its workers must be solved soon, because it is one of the pillars of our national industrial base and determines in a decisive way our industrial readiness.

Besides our economic and military strength being at stake in this case, I believe the specialty steel industry has made a strong case for relief for reasons dealing with trade. The American specialty steel industry has established a solid reputation for its competitive status. It has made heavy capital investments to reduce costs, improve efficiency, and maintain technological leadership. For instance, capital expenditures from 1971 through 1975 averaged $60.7 million per year. During 1976-80, the industry's capital expenditures averaged $93 million per year—an increase of 53 percent.

This positive attitude of the domestic specialty steel industry and the achievements of efficiency and competitiveness have led the administration, the Congress Office of Technology Assessment, the U.S. International Trade Commission, and even foreign producers and governments to recognize that the U.S. specialty steel industry is the world's leader in process and product technology.

Despite all these efforts, the U.S. specialty steel industry is in deep trouble. Its problems are to a great extent rooted in the excess capacity of less efficient foreign producers who are owned or subsidized by their governments. The privately owned American specialty steel companies do not compete generally with private foreign steel companies, but with foreign governments and their treasuries. In that way, an efficient and modern American industry is paying a heavy price for the social, economic, and financial problems of other countries.

Personally I am tired of hearing about instances where U.S. industries suffer on account of other countries' problems. We must signal to these countries that our limits of tolerance have been reached. It is for this reason that I join my colleagues to ask the President that he grant the maximum adequate relief urged by this industry, accompanied by effective import levels.

In addition, the support this case has received in the Senate should reflect a sense of the Congress that the administration should apply and enforce our own trade laws as conscientiously and effectively as they are intended to be—and, indeed, as most other countries enforce their trade laws. The specialty steel industry case provides an excellent and appropriate opportunity for the executive branch to show that the U.S. Government will enforce its trade laws. No case is better than that of a modern and efficient American specialty steel industry to show that the U.S. Government can no longer stand the relentless destruction by unfair and illegal trade practices of a technologically up-to-date industry, necessary to our industrial backbone.

Mr. President, I ask unanimous consent that a fine article, published in "33 Metal Producing," January 1982, be printed in the RECORD. It explains very well how technologically innovative the American specialty steel industry is and focuses also on the problem of damaging imports.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STAGE IS SET: WILL SPECIALTY STEEL PREVAIL?

Six years and millions of dollars later, America's stainless and tool steelmakers are embroiled in yet another struggle to reclaim their market from predatory marauders. What more can be done?

Given the opportunity and incentive, the specialty steel industry of the United States will act. History evidences that fact. You need look no further than the past decade when the sector pumped massive amounts of capital into new facilities and advanced technology, expenditures all keyed to enhance productivity.

Industry leaders, in concert or one-on-one, boast that the American specialty steel sector stands as the world leader in technology, advanced equipment and alloy development. And few, if any, challenge that claim. In fact, a plethora of studies, among them a report issued by the Office of Technology Assessment of the United States Congress in 1980 have concluded that major investments in advanced technology—such as the argon oxygen decarburization process and continuous casting—have made this country's stainless and tool steel community a highly competitive industry.

To be sure, many of the investments made through the '70s were mandated as a survival tactic to help combat the tides of rising imports. A reoccurring threat, imports are just as clear and present a danger today as they were in 1971 and 1972 when the industry filed and won dumping cases against France and Sweden. A quick perusal of the record indicates, however, that duties were neither levied nor collected.

In 1975, the nation's specialty steel industry filed and won its landmark 201 Escape Clause trade case. A year later, President Gerald Ford established quotas covering the majority of specialty steel imports from members of the European Economic Community and Sweden and negotiated an orderly marketing agreement with the Japanese.

At that time, the industry "promised" that if sanctions were indeed imposed against imports, it would make the required investments to modernize and attempt to keep price increases within reason. And that pledge was kept. The record shows that specialty steel did indeed increase its capital expenditures, raise its research and development budgets and pace its price increases at a slower rate than those of steels which were not subject to the sanctions.

Since 1976, for example, Allegheny Ludlum Steel, Pittsburgh, has accomplished what it characterizes as the "most significant technological and economic changes that have ever occurred in the history of the company." Added to A-L's production corps during the half-decade since then were argon oxygen decarburization units, a continuous caster and induction furnaces, which had a dramatic impact on the cost of producing iron to supply the BOF and a myriad of other improvements. More than $100 million was invested to reduce costs, enhance quality and maintain technical leadership. And Allegheny Ludlum was not alone.

As part of an aggressive $400-million investment program geared to expand capacity by 50%, officials for Carpenter Technology, Reading, Pa., announced plans last summer relating to three major projects totaling some $165 million. Included are a $112-million hot strip mill to be installed at CarTech's Reading, Pa., plant, a $46.4-million GFM Model SX65 rotary forging machine and additional melting equipment (two VARs and two ESRs) also slated for installation at Reading, and a $6.6-million finishing facility at its Bridgeport, Conn., plant. "When this expansion effort is completed," Paul R. Roedel, president and CEO, comments, "our specialty metal manufacturing facilities for our product forms will be among the most sophisticated in the free world."

At Washington Steel, Washington, Pa., President Robert E. Heaton cites the installation of a continuous slab caster, hot strip mill and an AOD vessel. Just two months ago, the company started up a new anneal and pickle line which has already improved production efficiency, added much needed finishing capacity and boosted product quality.

Meanwhile, in Midland, Pa., the Crucible Stainless and Alloy Div. of Colt Industries installed a pair of ultra-high-power electric furnaces to replace its blast furnace and coke ovens. "Each 85 kVA EF features a 170-t capacity and is computer controlled," Charles Kurcina, senior vice president, manufacturing services, explains. The division is currently installing a $2 million strain-draw furnace for quenching and tempering hot rolled bar products.

Further north—in Syracuse, NY, to be exact—Warren T. Bickerton, president, Crucible Specialty Metals Div, reports the productivity thrust there has focused on various bar finishing improvements—specifically centerless grinding—geared to improve quality and increase output. One of the sector's smaller members, Braeburn Alloy Steel, a division of Continental Copper & Steel Industries, Inc, Lower Burrell, Pa., has also been pounding the expenditures trail. The major installation added there is a high speed billet coating line. According to Hugo G. Becker, president, the line uses arc-sprayed aluminum to prevent decarburization in bar rolling and annealing and thereby significantly improves the billet-to-finish bar yields. Becker estimates the line has lifted yields 7 to 10%

MANAGEMENT PHILOSOPHY: CONTINUITY AND CHANGE

Basic management philosophy governing the dynamics and direction of Specialty Steel USA did and didn't change during the decade of the '70's. Traditionally, the domestic specialty steel sector has been acknowledged as quicker to adopt new technology than its counterparts in the carbon steel arena. This has not changed.

Reasons cited to explain this character trait vary considerably. William E. Lusby, manager, strategic planning, Stainless Steel Div, Armco Inc., Baltimore, Md., for instance attributes the sector's high speed technology adoption rate to the rapid growth in demand for specialty steels here in the US and the industry's response to the profit opportunity such a swell presents.

Claude F. Kronk, vice president, specialty steels, Jones & Laughlin Steel, Pittsburgh, sees it another way. "In many cases," Kronk contends, "corporations in the specialty steel industry are involved exclusively in this business; they are not subsidiaries or divisions of larger corporations. Within those organizations," he continues, "capital is usually used for expanding and upgrading existing specialty steel facilities rather than having to compete with capital projects from totally different businesses."

Relative size and a tight focus on goals also won their fair share of mentions. "Technical support for the mill has always been more closely aligned with pinpointed targets within the market," Edward J. Dulis, president, Crucible Research Center, Pittsburgh, comments. "Smaller volume from generally smaller facilities has meant faster implementation of change in both product and process. Change is easier to implement in the specialty steel industry," Dulis reasons. "Initial capital investment for development specialty products and processes is generally smaller simply because the operation is likely to be smaller," he says, "at least at the outset."

Change comes in a number of guises, not all inferring innovation. "The industry is beginning to shake-out, and a degree of specialization is becoming more dominant," John L. Stewart, senior vice president, Cyclops Corp, Pittsburgh, addresses the restructuring of the domestic specialty steel sector. "At one time," he reflects, "we were proud to make any alloy in any form for any market for any application. We took on all challenges that came down the road."

Seconding that notion is Alan M. Smith, president, Universal-Cyclops Specialty Steel. "What has been going on subconsciously has developed into a very conscious movement," Smith comes straight to the point. "Inherent weaknesses in organization, facilities and capabilities are all being examined. Instead of the supermarket approach," he contends, "each company is moving down a separate path towards specialization. The total overlap of products between companies is becoming minimal. You sort of have vertical product towers rather than a pyramid pattern," Smith analogizes.

Shake-out, of course, doesn't always mean specialization. It can also reflect a company's decision to withdraw from the marketplace entirely. Late last year, for example, Bethlehem Steel, Bethlehem, Pa., a major tool steel producer, announced its decision to completely withdraw from that particular market. Imports were cited as the overriding reason. Then there's restructuring via acquisition, à la the Stainless Steel Div. of McLouth Steel, Detroit, Mich., which was recently purchased by Jones & Laughlin Steel. According to J&L's Kronk, the addition of the McLouth facility (which is known as the Detroit Plant) will allow the Pittsburgh-based steelmaker to become more deeply involved in strip production.

IMPORTS: ONCE MORE WITH FEELING

Reminiscent in tone and substance of the trade situation suffered through the early 1970s, today's struggle against imports is nonetheless threatening for being familiar. Charges of dumping and unfair and illegal imports fill the air as they did a decade ago. "When the quotas expired in February, 1980," Allegheny Ludlum's Simmons recalls, "the imports of specialty steel sheet, strip and plate continued to decline. In fact, in 1980," he continues, "imports of these products reached the lowest levels they've been in fifteen years and at a time when we had no protection whatsoever. As a clear measure of our ability to compete, coupled with the foreign producers' charge that they weren't going to ship their product to the U.S. because the price was too low," Simmons explains, "imports were held in check."

Then, the familiar lament. "When the economies turned down around the world," Simmons says, "the Europeans and, to some degree, the developing nations, once again intended to use our markets to export their unemployment." The charge by the specialty steel industry is simple: unfair imports through dumping or subsidies by foreign governments are systematically destroying this competitive and efficient sector of American industry.

"If we are efficient, if we are technologically advanced, if we are competitive," Simmons asks rhetorically, "will we be successful? Should we invest? If we can be destroyed by the less efficient not the more efficient, would we invest?"

While the industry ponders the question of investment, it, too, is being pondered as an investment. It has happened before and it could happen again. Corporate takeovers of additional specialty steel concerns by a larger company and/or nonsteel producer loom as very real possibilities.

How will the specialty steel sector of the year 2000 compare to its 1982 predecessor? There are those who predict a deeper transition, a sea-change, of sorts, brought about by the interplay of positive factors ranging from quotas and market stability to healthy profits. "The larger will get larger," one knowledgeable specialty steel executive predicts, "several of us will be absorbed by other specialty steelmakers and there'll be takeovers."

Any way you cut it, the future of Specialty Steel USA is written in change not only in terms of the technology it adopts and the marketplace it serves, but also in the basic structure of the industry itself. Transition is definitely the watchword of the 1980s.●

Mr. DENTON. Mr. President, I join my colleagues today in urging the President to take strong action to counter the unfair foreign trade practices that are eroding the market share held by our domestic specialty steel industry. If market share continues to decline as precipitously as it has in the past several years, the United States may very well be left without a domestic industry capable of servicing its basic defense needs. I do not believe that an effective, modern defense is possible without a healthy specialty steel industry.

For example, one of the most important applications of specialty steels is in power generation. There is not a single major powerplant in the country that does not depend upon specialty steels for rotors, bearings, shafts, transformer tubing, or gears. Similarly, the Nation's telephone switching equipment utilized millions of integrated circuits employing large amounts of controlled expansion alloys. Furthermore, no aircraft in use today, or planned for production in the future, could be considered safe without such critical high-strength components as hydraulic lines, landing gears, brakes, or bearings. Specialty steels are used in the manufacture of motor shafts and other moving parts for our helicopters and for engine, transmission, and drive components in heavy duty and off-the-road vehicles such as trucks, personnel carriers, and tanks.

Mr. President, the American specialty steel industry is a vital part of the American industrial capability and industrial readiness. The stronger and healthier the industry, the better our defense posture will be.

In a report by the Subcommittee on General Legislation of the Senate Armed Services Committee, dated March 27, 1972, the subcommittee affirmed the critical importance of the specialty steel industry to our national defense. Because of the report's relevance to our discussion today, I ask unanimous consent that an excerpt from it be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a table on U.S. strategic mineral dependence from the "Congressional Handbook on U.S. Materials Import Dependency Vulnerability" (September 1981) be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. DENTON. Such critical metals as chromite, nickel, and manganese are essential in the production of specialty steel. For further information on the subject, I also refer my colleagues to the hearings on the defense industrial base conducted by the House Armed Services Committee in 1980.

Mr. President, the domestic specialty steel industry has been found by the International Trade Commission and the International Trade Administration to be an up-to-date, modern, competitive industry. In 1980, the General Accounting Office even found that the industry tends "to be the lowest cost producers for the domestic market and for many foreign markets as well."

I therefore urge President Reagan to respond forcefully to our foreign competitors unfair trade practices and provide the necessary import relief.

EXHIBIT 1

REPORT ON ESSENTIALITY OF AMERICAN SPECIALTY STEELS INDUSTRY TO NATIONAL DEFENSE

On April 7, 1972, the Subcommittee on General Legislation held hearings to examine the relationship of the specialty steels industry for the national security. The subcommittee chairman made it clear at the outset that the scope of the hearings would be confined to defense essentiality. He emphasized that it was not the subcommittee's authority to invade the jurisdiction of other committees that deal with import quotas, tariffs, and stockpiles.

WHAT ARE SPECIALTY STEELS?

Although there is no single material that is designated steel there are hundreds of materials that make up the metals industry. When speaking of specialty steels, we are dealing with only a small portion of the entire steel production. The carbon steels represent the bulk tonnage of the steel producing industry.

The specialty steels vary in their carbon content and other elements are deliberately introduced to obtain special properties for desired applications. These elements include, among others, nickel, chromium, molybdenum, manganese, vanadium, cobalt, tungsten, columbium, and titanium.

The specialty steels include stainless steels, tool steels, high temperature steels, superalloys and refractory electrical and electronic metals. The category also includes pressure and mechanical tubing of carbon, alloy, and stainless steels. The unique characteristics of these specialty metals lend themselves to many and varied applications. They are designed for use in extreme environments requiring exceptional hardness, toughness, strength, resistance to wear, erosion or abrasion or combinations of these factors.

ESSENTIALITY TO NATIONAL DEFENSE

The testimony adduced from industry and Government witnesses makes it abundantly clear that specialty steels are essential, today more than ever, in the fabrication of the major portion of our defense weapons and critical weapons systems. Moreover, these specialty steels are necessary for the proper functioning of related essential components and weapons reliability. The Department of Defense witness emphasized that "* * * no aircraft in use today or planned for production in the future could be considered safe without such critical high strength components * * *" or "* * * meet the high performance demanded of it in combat situations * * *", without the specialty designed components produced by the specialty steels industry.

The importance of the industry to our national security by the Defense Department witness was summarized as follows:

> It is a common misconception that military forces alone are the sole deterrent to war. However, all of us can appreciate the fact that a nation's industrial capability and industrial readiness in case of an emergency can either strengthen or weaken a nation's military capability. The steel industry as a whole and specialty steel in particular are a vital part of this industrial capability. It is a national asset and a part of our military power that serves as a deterrent to would-be enemies.

The Department of Commerce witness had this to say.

> There is no one, to my knowledge, in the Federal Establishment who believes even remotely that the specialty steel industry is not essential to our national security. We are in an age of tremendous sophistication in weaponry and other military, space, and atomic hardware. The greater the degree of sophistication the greater the need for new steel alloys. Since such is the case, it follows that there is a continuing need for a viable research and development effort to maintain weapons, space and atomic preeminence.

The representative of the Office of Emergency Preparedness (OEP) testified that:

> * * * based on information available to OEP, if present downward trends in the capability to produce specific steel product continues, this situation could become a matter of concern on national security grounds.

INDUSTRY RESEARCH AND DEVELOPMENT

The testimony of industry witnesses indicates that nearly 60 percent of the costly research and development conducted by industry has been directed, in the past, toward improved specialties and high performance materials to meet the increasingly sophisticated national security needs. This, according to the testimony, is so despite the fact that Defense needs represent only a fractional part of U.S. tonnage production. Today, however, the specialty steels industry has seriously curtailed this research and development effort because of dwindling commercial markets resulting from unrestricted import quotas and foreign competition. The manpower skills developed since World War II and up-to-date technology may not be available in a period of national emergency if the industry continues to decline.

U.S. DEPENDENCE ON FOREIGN RESOURCES

As stated earlier in this report, there are many elements which are essential in the production of specialty metals such as chromite, nickel, and manganese, etc. These elements also have a direct bearing on our national defense posture. The testimony reveals that the United States is dependent on foreign imports for almost 100 percent of the minerals which are vital in the production of specialty steels. The following table shows U.S. dependence on foreign sources for strategic and critical minerals. This table was prepared by the Bureau of Mines, Department of Interior. According to the Department of Commerce, the percentages shown on the table are understated because of recent sales of surplus materials from Government stockpiles.

LIST OF SELECTED MINERALS AND METALS SHOWING U.S. DEPENDENCY ON FOREIGN SOURCES IN CALENDAR 1970

Commodity	Percent of U.S. consumption from foreign sources — Total	By source	Quantity of net imports
Aluminum	91	Jamaica 41, Surinam 16, Australia 11, Canada 6, Dominican Republic 4, Guyana 3, Haiti 3, other 7	4,382,000 tons.
Antimony	94	Republic of South Africa 32, Mexico 20, United Kingdom 14, Bolivia 11, Guatemala 6, France 4, other 7	18,100 tons.
Asbestos	83	Canada 78, Republic of South Africa 3, other 2	649,400 tons.
Beryeium (ore)	51	Brazil 37, Uganda 4, Republic of South Africa 3, Argentina 3, Mozambique 2, other 2	4,940 tons.
Cadmium	53	Canada 17, Mexico 16, Japan 7, other 13	3,460 tons.
Chromite	100	U.S.S.R. 33, Republic of South Africa 29, Turkey 18, Philippines 15, other 5	1,405,000 tons.
Cobalt	93	Congo (Kinshasa) 52, Belgium-Luxembourg 26, Norway 6, Canada 3, other 6	6,200 tons.
Columbium	100	Brazil 58, Canada 22, Nigeria 12, Congo (Kinshasa) 2, Angola, Argentina, Belgium-Luxembourg, Burundi-Rwanda, West Germany, Mozambique, Portugal, Singapor, Uganda, United Kingdom 6.	2,860 tons.
Copper	6	Peru 2, Chile 2, Canada 1, other 1	9,900 tons.
Fluorspar	78	Mexico 60, Spain 10, Italy 6, United Kingdom, Brazil, Mozambique, West Germany, Republic of South Africa 2	1,077,000 tons.
Iron ore	33	Canada 18, Venezuela 10, Australia, Brazil, Chile, Liberia, Peru, Sweden 5	39,400,000 tons.
Lead	38	Canada 11, Australia 9, Peru 8, Mexico 4, Yugoslavia 2, Honduras 1, other 3	350,000 tons.
Magnesium	0		(31,200) tons.
Manganese (plus 35 percent ore)	99	Brazil 35, Gabon 31, Republic of South Africa 8, India 4, Ghana 4, other 17	836,600 tons.
Mercury	38	Canada 31, Spain 3, other 4	17,000 flasks of 76 lbs. each.
Mica	100	India 86, Brazil 13, other 1	5,309,000 lbs.
Molybdenum	0		(55,737,000) lbs.
Nickel	87	Canada 72, Norway 7, Republic of South Africa 1, other 7	135,000 tons.
Platinum group metals	98	United Kingdom 45, U.S.S.R. 34, Republic of South Africa 8, Japan 3, Canada 2, Colombia 2, Belgium-Luxembourg 1, Norway 1, other 2.	1,009,300 ozs.
Rhenium	7	West Germany 3, U.S.S.R. 2, France 2	210 lbs.
Rutile	100	Australia 92, Sierra Leone 8	242,200 tons.
Selenium	29	Canada 28, other 1	454,000 lbs.
Silver	27	Canada 16, Peru 5, Mexico 2, Honduras 2, other 2	34,686,000 ozs.
Tantalum	100	Canada 46, Congo (Kinshasa) 21, Brazil 17, Spain 5, Burundi-Rwanda 3, United Kingdom 2, Argentina, Australia, Belgium-Luxembourg, Cameroon, Cyprus, Japan, Nigeria, Portugal, Spain, Western Africa 6.	523 tons.
Tellurium	20	Peru 11, Canada 9	64,000 lbs.
Tin	100	Malaysia 63, Thailand 30, Indonesia 3, other 4	46,100 long tons.
Tungsten	0		[1] (18,171,000 lbs.
Vanadium	22	Republic of South Africa 13, Chile 5, U.S.S.R. 3, other 1	1,033 tons.
Zinc	58	Canada 32, Mexico 10, Peru 6, Australia 3, Japan 2, other 5	795,900 tons.

[1] Net exports largely due to Government sales.

Note: Figures in parenthesis are net exports.

Characteristic of many of these ores and minerals imported into the United States, the total import is not consumed in any one given year by the metallurgical industry. For example, chromite is consumed by the metallurgical industry, the chemical industry, and the refractory industry. 1,405,000 tons of chromite were imported into the United States in 1970 and 1,403,000 tons were consumed. Of the total consumed, the metallurgical industry used 912,000 tons of metallurgical grade chromite of which 46 percent was imported from the U.S.S.R. as shown in the following chart:

APPENDIX II.—IMPORTS OF METALLURGICAL GRADE CHROMITE FOR DOMESTIC CONSUMPTION

[In thousands of short tons]

	1960	Percent	1961	Percent	1962	Percent	1963	Percent	1964	Percent	1965	Percent	1966	Percent	1967	Percent	1968	Percent	1969	Percent	1970 [1]	Percent
Rhodesia	307	57	218	48	234	41	144	37	259	38	325	37	219	22	147	20	1					
Russia	7	1	20	4	36	6	192	49	275	42	352	27	302	29	299	40	335	47	299	39	365	41
Turkey	123	23	150	33	171	30	40	10	18	6	114	19	186	18	108	15	151	22	74	10	120	19
South Africa	80	15	54	12	101	17	18	5	64	10	119	13	184	18	95	13	74	11	143	18	87	11
Other	24	4	10	3	35	6	0	0	25	4	34	4	22	2	11	2	6	1	13	2	66	9
Subtotal	541		452		557		394		651		844	100	913	89	660	90	567	81	529	69	638	80
Stockpile shipments													115	11	71	10	135	19	243	31	160	20
Total	541		452		557		394		651		844	100	1,028	100	731	100	702	100	772	[1] 100	798	100

[1] 1970 date I.M. 146 (Department of Commerce).

Source: Bureau of Mines data (1960–69).

STATUS OF NEGOTIATIONS ON VOLUNTARY LIMITATIONS AGREEMENT

In full recognition that the principal problem facing the specialty steels industry results from circumstances outside the jurisdiction of this subcommittee, we think it proper to comment briefly on the negotiations on the voluntary limitations arrangement. In 1968 the United States entered into an arrangement with Japanese and European Common Market steel producers. The agreement was designed to moderate the flow of foreign steel into the United States by placing quantity limitations on total tonnage to be shipped by these foreign producers during 1969, 1970, and 1971. Of extreme importance was a provision in the arrangement that the signatories would not change materially the product mix of their steel exports.

According to the testimony, there has been a gross violation of this provision by foreign producers and the shift of product mix toward more expensive steels and the increasing tonnage of shipments have had a critical impact on the U.S. specialty steel products.

Negotiations are now being conducted by the State Department with a view to the reestablishment of voluntary restraints on steel exports, including specialty steels, from these countries and the United Kingdom. However, industry representatives express little hope that any voluntary workable agreement can be negotiated. Even if an agreement is reached, unless it includes mill products item-by-item the problems of the U.S. specialty steels industry will not be resolved on the diplomatic level.

CONCLUSIONS

1. Based on the testimony the specialty steels industry is essential to the national security.

2. During a period of national emergency there may not be sufficient time to train the people in the specialized and critical skills which are essential to produce the specialty metals vital for our defense requirements if the industry is not preserved.

3. The U.S. specialty steels industry is in extreme difficulty today due to the dwindling commercial market which, according to the testimony, is caused by unrestricted imports of specialty metals.

RECOMMENDATIONS

1. The subcommittee strongly urges that the responsible departments and agencies of the executive branch undertake to determine whether this country can afford to lose the specialty steel industry and the currently available skills and technology associated therewith.

2. That the responsible departments and agencies of the executive branch maintain careful vigilance over the declining trend of the specialty steel industry and to institute corrective action, if necessary.

3. That the Secretary of Defense examine the desirability of amending the Armed Services Procurement Regulation (ASPR) to provide that domestically produced specialty metals are employed to the maximum extent in the production of equipment under Department of Defense contracts.

EXHIBIT 2

[Committee Print 97-6]

A CONGRESSIONAL HANDBOOK ON U.S. MATERIALS IMPORT DEPENDENCY VULNERABILITY

Report to the Subcommittee on Economic Stabilization of the Committee on Banking, Finance and Urban Affairs, House of Representatives.

TABLE 2.—U.S. NET IMPORT RELIANCE ON SPECIFIC METALS AS A PERCENT OF APPARENT CONSUMPTION

Material	Percent — 1980	Percent — 2000	Major foreign sources	Material usage	Increased demand expected annually through 1990, percent
Antimony	53	96	China, Bolivia, Mexico, Republic of South Africa, Canada	Flame retardant, batteries, ceramics, chemicals	3.1
Asbestos	76	86	Canada, Republic of South Africa	Pipe, floorings, roofing, friction products, insulation, coatings	([1])
Bauxite and alumina	94	80	Jamaica, Guinea, Australia	90 percent for aluminum; remainder for chemicals, abrasives, refractories	5
Cadmium	62	61	Canada, Australia, Mexico	Plating, batteries, pigments	1.8
Cesium	100	100	Canada, West Germany	R&D in MHO power generation, electronic and biomedical applications	14
Chromium	91	89	Republic of South Africa, Philippines, U.S.S.R.	Construction, machinery, transportation, paints, chemicals, ceramics	3.2
Cobalt	93	76	Zaire, Zambia, Finland	Aerospace, cutting tools electical, magnetic materials, catalysts	2.5
Columbium	100	100	Brazil, Canada, Thailand	Construction, petroleum industry, transportation, machinery	6
Copper	14	10	Canada, Chile, Zambia	Electrical, construction, machinery, transportation	3.6
Corundum	100	100	Republic of South Africa	Grinding and polishing optical components, fabricated metal products	1
Diamond (industrial)	100	100	Republic of South Africa	Machinery, transportation equipment, grinding and cutting equipment	4.8
Fluorspar	84	96	Mexico, Republic of South Africa, Spain, Italy	Steel and aluminum production, flourine compounds	2.7
Gallium	70	37	Switzerland, West Germany, Canada	Electronics	6
Gold	28	80	Canada, U.S.S.R., Switzerland	Jewelry and arts, electronics, dental, investment bullion	2.2
Gypsum	38	43	Canada, Mexico, Jamaica	Building products, agriculture	2.5
Ilmenite	47	67	Australia, Canada, Republic of South Africa	Pigments, titanium metal, drilling mud, chemicals	3
Iron Ore	22	22	Canada, Brazil, Venezuela, Liberia	Steel	1.6
Lead	E	33	Canada, Mexico, Peru, Honduras, Australia	Batteries, paint, chemicals, ammunition, construction, electrical	1.3
Lithium	E	E	Brazil, Canada, France, Japan	Aluminum production, glass, ceramics, lubricants	5.7
Magnesium	E	18	Norway, Canada, Italy, Netherlands	Refractories, magnesium compounds	1.8
Manganese	97	100	Republic of South Africa, Gabon, Brazil, Australia	Steel production, batteries, chemicals	1.6
Mercury	49	38	Spain, Algeria, Italy, Canada, Yugoslavia	Electrical, paint, chlorine production	([2])
Sheet Mica	100	100	India, Brazil, Malagasy	Electrical, electronics	([3])
Nickel	73	46	Canada, New Caledonia, Dominican Republic	Transportation, chemical industry, electrical, construction materials	4
Molybdenum	E	E	Canada, Chile	Machinery, transportation, oil and gas industry	4.2
Phosphate rock	E	E	Morocco, Netherlands Antilles, Mexico	Fertilizers, animal feed, food products	2.5
Platinum	87	83	Republic of South Africa, U.S.S.R., United Kingdom	Automotive, chemical	3.1
Potash	62	67	Canada, Israel	Fertilizer	2.2
Salt	8	5	Canada, Mexico, Bahamas	Chemical industry, highway deicing, food products	2
Selenium	40	42	Canada, Japan, Yugoslavia	Electronics, glass, chemicals, pigments	1
Silver	E	78	Canada, Mexico, Peru	Photograhy, electrical, silverware, solders	3.1
Strontium	100	100	Mexico	Color TV tubes, signals, pyrotechnics	1.4
Sulfur	13	E	Canada, Mexico	Agricultural chemicals, chemical products	4.6
Tentalum	97	87	Thailand, Canada, Maylaysia, Brazil	Electronic components, machinery, transportation	4
Tin	84	79	Malaysia, Bolivia, Thailand, Indonesia	Cans and containers, electrical, construction, transportation	([2])
Tungsten	54	74	Canada, Bolivia, Thailand, Republic of Korea	Metal working and construction machinery, transportation, lamps, electrical	5
Vanadium	15	71	Republic of South Africa, Chile, Canada	Steel and titanium alloys, catalyst	4
Zinc	58	55	Canada, Honduras, Peru	Construction materials, transportation and electrical equipment, machinery, chemicals	1.1

[1] Static.

[2] Less than 1.

[3] Decline 2.2.

E = Net exports.

Source: Data from U.S. Department of the Interior, Bureau of Mines, Mineral Commodity Summaries 1981 except for the projections to the year 2000 which were derived from data in U.S. Bureau of Mines, Mineral Trends and Forecasts 1979. This country's future dependency on imports of these materials may be higher than these figures indicate since in the eyes of some analysts, this publication's estimates of future production in 2000 are overly optimistic. For cobalt imports, dependency in 2000 was calculated using an estimated production of 10,000,000 pounds instead of the 20,000,000 pounds listed in the Bureau of Mines table.

Mr. RANDOLPH. Mr. President, I welcome this opportunity to participate with my Senate colleagues today in this colloquy on behalf of the specialty steel industry of the United States and its workers, members of the United Steelworkers of America. This industry is vital to our industrial base. Specialty steel is an essential element of our continued advancement in aerospace and telecommunications. It is critical to the maintenance of essential service such as oil and natural gas production and transportation. And workers in the specialty steel industry are among our Nation's most skillful.

The domestic specialty steel industry has been seriously injured by imports of foreign produced specialty steel. This was the conclusion of the United States International Trade Commission after its 7-month investigation of the industry's petition for the import relief filed under section 201 of the Trade Act. The petition was requested by the President following the industry's request 1½ years ago for relief under section 301 of the Trade Act.

What does seriously injured mean? It means that over 40 percent of the industry's work force has been layed off. In some plants, more than 60 percent of the labor force is unemployed. It means that many of the plants still operating are doing so on short-week schedules with a similar reduction in worker pay. Other plants have been completely shut down. Companies have filed for financial reorganization under chapter 11 of our bankruptcy laws. The companies and their workers in the specialty steel industry are suffering through the worst period of financial losses and unemployment since the Great Depression.

The most obvious question we should ask is—why is this industry being injured? And the answer, Mr. President, is that our foreign trading partners have been illegally subsidizing and dumping their products in the United States at a constantly increasing rate. Imports have captured an increasing share of the domestic market.

I believe in international trade which allows fair competition with our trading partners, and which provides relief from unfairly traded imports.

The domestic specialty steel industry is cost efficient, technologically advanced and productive. With these qualities, we might expect specialty steel to be highly competitive in the world market. However, as long as our foreign trading partners can continue to sell their products in the United States at less than fair value, our domestic industry will not be able to compete. Their actions are not only illegal under U.S. law, but under international law which these nations helped create. With fair trade practices, American specialty steel producers can compete with any foreign steelmakers.

The U.S. International Trade Commission has determined that this industry is being seriously injured by imports. The industry and its workers have asked the President to grant them a 5-year relief program, the maximum permitted by law, at quantitative levels that will be helpful. I urge the President to accept their request.

Without 5 years of relief, this industry and its skilled workers may not survive. Without this industry and its skilled workers, our Nation will lose one of its greatest technology bases. Without this technology base, we will lose our ability to compete in many other high-technology fields. With that loss, Mr. President, we can assuredly predict the loss of even more jobs. These skillful, productive workers and the specialty steel producers deserve this relief package.

Our Nation, our industries, and our workers cannot continue to sustain this recession. We must rebuild our productive capacity and put our people back to work. Faced with the most severe financial and economic conditions since the Great Depression, we cannot continue allowing illegal imports to destroy our industrial and economic base, and terminate American jobs.

The President has an opportunity now to provide relief to this hard-hit industry and its workers. I urge him to make the right decision—to grant the 5-year relief at import levels that will be helpful.

Mr. MOYNIHAN. Mr. President, I rise today to speak on behalf of an industry—an efficient industry—that has been seriously damaged by high levels of imports.

The domestic specialty steel industry has been recognized by the Congressional Office of Technology Assessment, the International Trade Commission, and the President of the United States as among the world's most efficient producers. Yet just 3 months ago the International Trade Commission found that the industry's competitiveness was being eroded by subsidized specialty steel imports, largely from Western Europe and Japan. The ITC recommended the President impose quotas on specialty steel imports so that the domestic industry might have a chance to compete fairly with foreign products. The President is to make a decision on this case by July 5; that decision could determine the survival of a vitally important U.S. industry.

The President's decision will have an especially large impact on New York, home of several specialty steel companies. One such company, the AL Tech Specialty Steel Corp. of Dunkirk, N.Y., laid off approximately 40 percent of its work force during 1982. The effect of this layoff on Dunkirk and the surrounding area was severe.

In order to provide relief to the dozens of Dunkirks in this country, I urge the President to impose a 5-year program of effective quotas. This action will be of significant assistance to one of our most technologically innovative industries and, just as importantly, to the thousands of people whose livelihoods depend on a healthy specialty steel industry. They deserve no less.

Mr. SARBANES. Mr. President, I wish to join my colleagues in the Senate who are members of the Congressional Steel Caucus in expressing my deep concern about the very serious condition of our specialty steel industry. The depressed state of this very important industry is due largely to the extremely adverse impact of rapid increases in unfairly subsidized foreign imports.

Over the last year, imports of stainless and tool steel have increased dramatically: From 150,432 net tons in 1979 to 202,547 net tons in 1982. This is an increase of over 35 percent at a time when domestic shipments declined from 1,306,264 net tons down to 841,741 net tons. This is a reduction of 36 percent since import restraints were removed in early 1980.

Mr. President, these stark facts show clearly that the specialty steel industry in our country would be faring far better during the recession were it not for the huge increase in imports.

The industry's claim that the surge in imports is the result of unfair and illegal practices by our foreign competitors was vindicated when, on March 24, 1983, the U.S. International Trade Commission determined, after a lengthy investigation, that imports of specialty steel products caused substantial injury to our industry and to our workers.

Mr. President, my own State of Maryland has felt the consequences of the unfair specialty steel imports. Two major firms, Armco Steel and Eastern Stainless Steel Corp., have experienced serious reductions in work orders, employment, and operating capacity.

Over the last year, Armco Steel has been forced to place on layoff status about 50 percent of its work force. Its production work force of 900 reached a low of 525 and its salaried employees have been reduced from 340 down to 260 during the same period. Armco's Baltimore plant has never been able to operate at more than 45 percent of capacity in the last year.

Eastern Stainless Steel has also experienced similar unemployment and its total 1,300 work force has been reduced by 300 at the lowest point this past fall. Eastern's Baltimore plant has never been able to reach more than 50 percent of its capacity over the same period.

Mr. President, both these companies are technologically sound companies as is the specialty steel industry as a whole. Armco recently added a new forging machine and horizontal caster as part of a $30 million investment to increase its energy efficiency and to improve its product quality.

During 1979 to 1980, Eastern Stainless undertook a $50 million expansion in new equipment which, unfortunately, it has not been able to utilize fully.

Mr. President, this very productive industry has kept pace with technology and is ready to produce in a climate of fair international competition. The competition is not now fair and, as the industry and the United Steelworkers contend, our workers are being penalized through no fault of their own. Therefore it is clear that the International Trade Commission's 3-year import restraint program should be extended to the full 5 years so that the industry can reach its full productive potential.

Recently I joined many of my colleagues in a letter to the President urging an adequate remedy for the specialty steel industry containing three elements: The full 5 years of import restraints, restraints that maintain imports at normal levels, and minimum import levels that are based on normal industry performance data rather than the peak levels of production assumed by the ITC. It is my hope that we can now develop a long-term and comprehensive approach to this industry which is essential to our national security and industrial economy.

IMPORTS REQUIRE SPECIAL ATTENTION

Mr. HOLLINGS. Mr. President, the complex question of the impact on a domestic industry of foreign imports again requires our special attention.

It is a serious threat when foreign industries, due to political advantage, are able to export their products to this country in quantities which destroy the livelihood of American citizens and undermine our industrial base.

Mr. President, a few examples will illustrate very clearly that our domestic specialty steel industry and its highly skilled workers do not compete against foreign companies and foreign workers but against the governments and the national treasuries of those countries.

It is well known that foreign government owned or subsidized companies do not have to meet the same disciplines of profit and capital formation required of American industry.

For example, the government-owned British Steel Corp. ran up a record loss of $1.5 billion in 1980–81 while accumulating debts of more than $8 billion. In fact, British Steel has been running huge losses for years. Nonetheless, it has expanded its specialty steel capacity substantially while

dumping its specialty steel products in the United States. In short, the British Government underwrites British Steel's losses and expands its capacity so England can export its endemic unemployment to the United States.

Another example of this kind of foreign government intervention is the ailing Belgian steel company, Cockerill-Sambre, which will get $2.1 billion in new financing in its latest government bailout. The company is currently losing money at the rate of about $20 million a month, but it keeps shipping its specialty steel to the United States at prices well below those of our domestic companies. This is the biggest threat our American industry faces. It is the subtle and concealed unfair advantage that occurs through the vehicle of government ownership and subsidization. Richard P. Simmons, president of Allegheny Ludium Steel Corp., estimates that in terms of tonnage capacity at least 60 percent of the domestic industry's foreign competition is government owned and much more is heavily subsidized.

Foreign government owned or subsidized companies are able to sell specialty steel products in our country at prices as much as 40 percent below U.S. prices, although such prices have to result in a net loss for every pound sold. Foreign producers can price their products at levels which are unprofitable and which do not even have to cover production costs.

When the executive branch permits other countries to ship their unemployment and other social problems to the United States, this results in traumatic experiences for our steel workers. Unemployment in specialty steel mills in this country has risen dramatically, as high as 50 to 60 percent in some plants. Capacity utilization in the specialty steel industry fell to 40.6 percent for 1982. Shorter workweeks, temporary or definitive layoffs, plant shutdowns, and some companies just getting out of specialty steel products entirely—all these could be avoided if the executive branch would act more energetically in enforcing our trade laws. The United States must stop considering these matters as instruments of foreign policy and begin treating them as economic issues, which they really are.

We must come to grips with the fundamental problem I have described—government-owned industries competing against our privately owned industries. And there is no better example of this unfair practice than what our specialty steel industry has been subjected to in recent years. Here is an industry that leads the world in high technology and cost efficiency and the productivity of its skilled workers. Yet it is being driven to the wall by foreign governments.

I am pleased to join my colleagues in urging the President to show that he is ready to act vigorously in defense of any industry which has invested heavily to remain the world leader in its field. In doing so he will demonstrate that the United States is ready to press our trading partners to abide by the same laws our industries must abide by and, in the long run, this will benefit these other countries as well as our own.

Mr. MELCHER. Mr. President, I want to associate myself with the other Senators present today in what they are endeavoring to do in support of the specialty steel industry. I hope this time our efforts on behalf of this important industry and its workers will make the executive branch understand what is at stake if no action is taken to assure the long-term health of this important industry.

The problems and their causes and consequences to this industry and its workers have been with us for some time, although in the last year or so it has gotten worse. It has also struck me that since our last Senate colloquy in 1977 on behalf of this industry the executive branch has become more and more reluctant to admit that we are in need of more than a patch for a slow leak, a leak that is slowly drowning one of this country's most vital industries.

The fundamental issue in my view is still the behavior of many of our trading partners, which is characterized by foreign government subsidies, dumping, and other unfair trade practices.

Privately owned American specialty steel companies do not compete with foreign steel companies. Rather, they are forced to compete with foreign governments which own, subsidize and direct their steel industries to assure greater plant utilization and employment at home while using predatory pricing to provide markets for their specialty steel products abroad.

This subsidization robs American companies of profits, American workers of their jobs, and does great harm to the American economy. Plants have to close, companies go into bankruptcy or are forced to introduce heavy layoffs, shorter workweeks, and decreased capacity utilization—the latter was down to 40.6 percent in specialty steel in 1982. Unemployment, under pressure of excessive imports, has climbed as high as 30 to 40 percent in many plants, and some specialty steel plants have an even worse record.

Damage to workers, families, and communities has been irreparable, and for others threatens to become irreparable if no firm enforcement of our trade laws is implemented soon.

The more time we take to counteract subsidies and other illegal trade practices in specialty steel, the more our trading partners will take advantage of our lenience as they continue to dump into our marketplace. The Chairman of the U.S. International Trade Commission declared at the end of March that—

> Imports have increased during the time of our investigation * * *. There is incontrovertible evidence of serious injury to the domestic (specialty steel) industry.

Up to now the American specialty steel industry has somehow managed to be the world leader in efficiency and technology. But there is a serious question whether it can maintain that leadership without adequate relief from unfair imports. This industry wants only to compete in open, fair, and mutually beneficial world trade. But the problem is that a growing number of our trading partners, in spite of the fact that they have signed international agreements barring subsidies and dumping, simply ignore those agreements. Only strong action by our Government will correct this situation and bring back true international competition with well-defined rules that are fair to every competitor.

In the past, we have too often been the first to make concessions and the last to impose restraints. The time has come for the United States to let its trading partners know with action, not words, that in the future we intend to enforce our trade laws and see that others live up to their international agreements, too.

We have not been able to obtain results through international negotiations. There is no alternative left to us except to change unilaterally America's trade policy.

We can no longer expect American companies, our own workers, and the national economy to bear the backbreaking burden of the widespread illegal trade practices perpetuated by other countries. The time to correct this intolerable situation is now. I am pleased to join my colleagues in urging the President to take the required action to preserve the vital specialty steel industry and the jobs of its highly skilled workers.

Mr. PERCY. Mr. President, I join my colleagues in requesting the implementation of an effective relief package for the specialty steel industry; a relief package of sufficient duration which will enable this technologically advanced and vibrant industry to make the necessary investment in R&D and new plant which is crucial to maintaining the industry's competitiveness.

Despite the recent finding of the U.S. International Trade Commission that the U.S. specialty steel industry has been seriously injured by imports, the industry continues to be among the most competitive and technologically efficient in the world. This has been confirmed on numerous occasions by the U.S. International Trade Commission and the Office of Technology Assessment. Technology has been the key to this success, and the industry continues to spend considerable funds to maintain this technological edge. For example, capital expenditure from 1971 to 1975 averaged $60.7 million per year. During 1976 through 1980, while an import restraint program was in effect, the industry's capital expenditures averaged $93 million per year—an increase of 53 percent. The industry was therefore able to maintain its technological lead notwithstanding the competition from government-owned or government subsidized foreign producers. Further, the industry continues to make major expenditures for research and development in recognition of the important contribution innovation has made to the industry's efficiency and competitive edge.

Imports continue to be a problem for the industry, however, and are continuing to increase as a share of the domestic market. Recently I heard from Mr. Russell Boettger, president of Columbia Tool Steel Co. in Chicago Heights, Ill. Mr. Boettger has sent me the latest data on imports of tool steel.

Mr. President, I ask unanimous consent that a chart provided by Mr. Boettger showing 1983 import growth be included in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

ALLOY TOOL STEEL: U.S. DOMESTIC SHIPMENTS, IMPORTS, EXPORTS AND APPARENT DOMESTIC CONSUMPTION

[In tons]

	Domestic shipments	U.S. imports	U.S. exports	Apparent consumption	Import penetration (percent)
1981	67,360	36,238	3,869	99,729	36.3
1982	43,997	40,057	2,405	81,649	49.1
1983:					
January	3,163	2,671	238	5,596	47.7
February	3,092	2,654	222	5,524	48.0

The role of technology in the future of specialty steel will remain important. The industry has publicly committed itself to use additional revenue generated as a result of the new import relief program to make massive capital investment and research and development expenditures in order to maintain its competitiveness. However, the long timetable for these investments and the cyclical nature of this industry demand that the relief period be of sufficient duration so as to assure domestic producers that if they continue to invest they will emerge from the relief period in a position to realize the full benefit of their investment. Without such assurance, domestic producers will not be able to justify, either to their investors or to themselves, the continued high level of investment necessary to remain modern and efficient. I therefore ask President Reagan when he issues his final recommendation that he establish an import relief program that will be in effect for 5 years. Failure to do otherwise would render the relief package essentially ineffective and would threaten the future health of a dynamic and competitive American industry. Neither the American economy nor the national defense could afford such a development.

Mr. HEINZ, Mr. President, the specialty steel industry has production facilities in a dozen States and other kinds of installations in many more. But this essential, technologically advanced arm of our steel industry is centered in my State of Pennsylvania and the citizens of our commonwealth are proud to have it there.

There are more than a score of specialty steel mills in the Keystone State and the products they make help keep our high-tech economy moving. In fact, the sophisticated alloys that went into the rockets that landed the first Americans on the Moon were made in the Pittsburgh area of western Pennsylvania. And I doubt seriously if our space shuttle, largely designed and built by another Pittsburgh company, Rockwell International, could have been as successful as it has been without the metallurgical miracles forged in the specialty steel furnaces of Pennsylvania.

The late Frank Harper, columnist of the Pittsburgh Press, published a book about 25 years ago with the immodest title, "Pittsburgh: Forge of the Universe." In it he described the key role played by Pittsburgh and the surrounding industrial area in helping America defend democracy in two world wars. If Frank Harper could come back today and witness what is being done to undermine the industrial base of the Pittsburgh region he would think he had landed on another planet where all the inhabitants had taken leave of their senses.

It is simply unbelievable that the specialty steel industry of the United States, acclaimed by all the experts to be the world leader in steel technology and productivity, should at this critical moment in our history be hanging on the ropes taking an unmerciful pounding from less efficient foreign producers.

Many of our trading partners indulge in predatory monopolistic practices that have been outlawed in this country and in international agreements for years. That they do this under the guise of government ownership of their industries or through hidden subsidies for export purposes does nothing to lessen the devastating impact upon our industries and our workerts.

The specialty steel industry in America stands as exhibit A in the long roll of evidence that proves beyond the shadow of any doubt that our industries and our workers are being victimized by illegal trade practices.

Overall unemployment in the specialty steel industry is, right now, more than 25 percent. That, Mr. President, is 2½ times the national unemployment rate. But in some specialty steel mills the rate is 50 percent—five times the national average.

The relationship of this inexcusably high unemployment to imports is obvious in a glance at the production figures for the various bread-and-butter specialty steel products over the past 4 or 5 years.

In 1979, stainless steel sheet and strip production in the United States reached 873,757 tons but by 1982 it was down to 582,289 tons as import penetration nearly doubled in the same period, from 7 percent to 13.5 percent.

Stainless plate production in 1979 stood at 145,706 tons. Last year it was 97,338 tons, a drop of more than one-third while import penetration was soaring from 5 percent to 12.5 percent.

In stainless bar the production story was much the same, though the import penetration was much worse, rising from 16.5 percent in 1979 to 30.4 percent in 1982.

Yet even these incredibly high penetration figures were dwarfed by the penetration in stainless rod, which went up from 31.5 percent in 1979 when the previous import restraint program was in place to 50.4 percent last year.

And alloy tool steel import penetration was almost as serious. It shot up from 27.3 percent in 1979 to no less than 49.1 percent in 1982 and another estimate places it as high as 56 percent. During the same period domestic shipments declined precipitously, from 94,560 tons of alloy tool steels to 43,997 tons.

Moreover, the import penetration figures for the first quarter of this year, and for the month of April, show very little abatement in import penetration in any of these product lines.

A few years ago we had 65,000 jobs dependent upon specialty steel production in the United States. More than 30,000 of them were in Pennsylvania. At least 5,000 of those jobs, and probably more, have been wiped out permanently.

Since 1975 trade adjustment assistance petitions covering 153,624 specialty steelworkers have been filed, more than half of them in the recent period, 1980 to 1982. Obviously, many specialty steelworkers have been on trade adjustment assistance two, three and even four times in the last 8 years.

I. W. Abel, Lloyd McBride's predecessor as President of the Steelworkers Union, characterized trade adjustment assistance as burial insurance for the jobs of our workers. Even though some of them seem to come back from the grave of their jobs to collect trade adjustment assistance, I know that the

overwhelming majority of these people would rather work than have to take any kind of assistance from the Government.

If true free trade existed in the world today the job opportunities for our steelworkers would be expanding, not contracting. The superior cost efficiency of the American specialty steel industry and the generally higher productivity of its workers would give the industry a commanding position in the U.S. market and in world markets as well. Yet in 1982 our specialty steel exports dropped to their lowest point, a mere 4.4 percent of total domestic shipments.

This drop was not due solely to the world recession. The import barriers erected by other nations against our specialty steel products were certainly a major factor. Brazil, Argentina, Mexico, Venezuela, and Columbia all require import permits on specialty steel and the governments set the limits. In short, they impose quotas. But in practice the Brazilian market is literally closed to specialty steel imports.

France has devised various restrictions to keep out specialty steel imports and Spain levies duties of approximately 30 percent. Korea simply does not permit imports of certain steels and Japan's customs regulations make it exceedingly difficult to penetrate that large specialty steel market.

Yet Japan, Brazil, France, Korea, and some of the others I have named are among those most vigorously opposed to this country implementing any kind of a realistic import restraint program on specialty steel imports. Their motto, it seems, is "Don't do as I do. Do as I say."

There was a myth abroad for some years that unrestrained imports helped keep prices down and actually held back inflation. Large numbers of economists preached this as gospel although they could see that prices kept rising as imports continued to go up.

The specialty steel industry, during the import restraint program from 1976 to 1980, helped explode this myth, though it still prevails in certain circles, particularly among some members of the President's Council of Economic Advisers.

A Labor Department study, "Price Behavior of Products Under Import Relief," was originally issued in 1978 and was updated in 1979 and again in June 1980. This study showed that for all the key products under import restraints—specialty steel, color television sets, nonrubber footwear, textiles and apparel—all the restraints had proved to be anti-inflationary. The prices of some of these products had risen, of course. But, as in the case of specialty steel, they had increased more slowly overall than prices for all durable manufactured goods.

I do hope this is one myth, the myth that imports fight inflation, that the President will ignore when he makes his decision on specialty steel import restraints next month.

It was America's superior productivity that gave us the highest standard of living in the world—not imports.

Indeed, our forefathers fought the Revolutionary War in part over this very issue. They wanted the right to manufacture their own products in this country. Britain insisted that it had to make the finished products from our raw materials and then ship them back to us at premium prices. Even Bibles had to be imported from Britain. The only Bibles printed in this country prior to the Revolutionary War, with one or two exceptions, were German Bibles. The English did not print German Bibles so they exempted them. But we had to buy English-language Bibles and practically all other manufactured products from Britain.

Are we returning now to this same kind of economic colonialism? I hope not. And yet if our free system does not find some realistic method of defending itself against unrestrained imports subsidized by foreign countries like Japan and others our industries, at least, are in danger of assuming an increasingly colonial coloration.

The President has a golden opportunity in the specialty steel import case now before him to strike a telling blow for our free system and against economic colonialism. He also has a chance to let America again set the right kind of example for the world to follow in the whole sphere of economics.

Ultimately, we are not doing our trading partners any favors by encouraging them to subsidize their exports to the United States. If they wish to choose uneconomic systems or practices in the operation of their internal economies; that is, of course, their business. But when they use those practices in whatever degree, to subsidize exports in order to ship their unemployment over here, then it becomes our business.

British Steel Corp. is also a good example. British Steel is owned by the British Government which is the only reason that corporation can afford to keep losing money to the tune of more than a billion dollars a year for some years now. Yet this losing company built the largest stainless steel facility in the world in the late 1970's, knowing that when the import restraint program ended in the United States it would have open access to our market. And it did. This British Steel stainless facility is presently a significant part of the increasing problem of world overcapacity of specialty steel.

The American specialty steel industry needs the full 5 years of import restraints permitted by law to give this world overcapacity a chance to adjust. It also needs 5 years to justify the expenditures it plans to make for capital improvements and for increased R&D so it can maintain its technological leadership.

The industry and its workers have made a firm commitment to implement future modernization programs. This is not just a vague promise. The companies have submitted confidential information to the President's Trade Policy Staff Committee indicating the investments they intend to make if a 5-year relief period is granted.

I am confident the industry will live up to its commitment and I am equally confident our specialty steelworkers will continue their efforts to remain the most productive in the world. The past record demonstrates they are serious about these commitments. During the last import restraint program that ended in early 1980, the industry, with the full cooperation of its workers, implemented a sweeping modernization program that enabled it to maintain its leadership position in the world. It will do so again.

However, it can only do so if the President grants sufficient relief from subsidized and other unfair imports—a full 5 years of import limitations at levels the industry and its workers can live with.

I should note that while the President is deciding this critical section 201 case there are seven other antidumping and countervailing duty cases going through the administrative process or pending in the courts, all of them involving specialty steel products. The industry has won virtually all of these cases thus far, and the ITC has confirmed injury in all but one instance.

The dumping margins and subsidy levels found by the Commerce Department have been startling. They have ranged up to more than 219 percent on some specialty steel products from West Germany, a country that many economists used to tell us never indulged in dumping.

It is perfectly obvious that dumping on a scale like this can only be possible where there are Government subsidies, however well concealed in euphemistic tax rebates or other subterfuges. And this brings us again to the primary point I want to emphasize today—the question of how industries like specialty steel can compete with foreign governments; the question of how any American company which must generate its own capital can survive against the unlimited taxing authority of government treasuries abroad; the ultimate question of whether our free economic system can long endure in a world increasingly dominated by government distortion of the market system.

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Mr. President if the United States were an island unto itself, I have no doubt that our free system would thrive and grow, as it did for much of our history when we were, to all extents and purposes, such an island. But in this new world of interdependent nations where no country can prosper in isolation we must find a way to realistically compete with socialist and quasi-socialist economies or our free system will gradually go under.

The American specialty steel industry and its highly skilled workers are on the cutting edge of this challenge and we should be grateful to them for helping us draw the lines so clearly.

How do we meet this challenge? We certainly cannot meet it by surrendering technologically advanced industries like specialty steel to subsidized imports, of that I am certain.

But we can meet this challenge by enforcing our trade laws more vigorously so that our trading partners will know that they no longer can violate them with impunity as they have so often in the past and are doing at this moment.

The United States should be setting an example for other countries to follow in international trade by insisting that they observe not only U.S. law but the international codes outlawing subsidies. In the long run, it will prove much healthier for these countries to cut back and eventually eliminate their subsidies for export purposes. It may be painful for them at first, but they must realize that they cannot indefinitely sustain this uneconomic practice without going bankrupt themselves. Moreover, it is in their self-interest to have a strong, economically viable America as a friend, rather than an America whose industrial and defense base has been undermined by their unfair trade practices.

A few years ago the Harvard Business Review published a chart adapted from the Economist of London showing graphically the degree of subsidization or government ownership of 11 key industries in 18 industrialized nations. A quick review of this chart shows how far advanced the world is down the road of socialism.

By alphabetical accident the United States winds up down at the very bottom of this chart. But we would also qualify for this position by measure of the degree of socialization in this country as compared with all the others. Only our Postal Service is Government owned, as are all the others in the world. And only about 25 percent of our railways and electric power industries are now State owned, whereas almost all other countries have government ownership of these two industries.

However, all the other eight key industries surveyed are still owned by the people in America, whereas in other countries most of them are owned by governments.

So here we are down at the very bottom of the heap, shoring up the economy of the industrialized world with our free economic system. What our trading partners should ask themselves is how long can America carry this burden without breaking its own back?

And that is the critical question President Reagan should ask himself before he makes his decision on import restraints for the specialty steel industry of the United States and its thousands of hard-pressed workers. He has a unique chance in this decision to help strengthen our free system and to roll back the creeping tide of subsidization and other nonmarket practices that is gradually engulfing the world economy. I know my colleagues join me in urging him to make the right decision for this industry, for our country, for the world.

Mr. President, once again, I ask all Senators who are concerned about this to read the letter that I placed in the RECORD. That letter will be sent to the President this Friday, June 17. I have described the content of that letter.

We have 25 signatories so far. It is my hope that a significant additional number of Senators will want to sign that letter, and I invite them to do so.

Mr President, I yield back the remainder of my time.

RECOGNITION OF SENATOR HOLLINGS

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for not to exceed 15 minutes.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

PROFESSIONAL TEACHER GRANT PROGRAM

Mr. HOLLINGS. Mr. President, what I am about to suggest can be termed radical. And yet, before one jumps to dismiss this as pure politics, I ask that you please think on it. I have thought on it for over 30 years. In 1950, I chaired the study on education in the South Carolina Legislature which instituted a radical sales tax program of construction, transportation, the certification of teachers, and doubling their pay. For three decades, I have wrestled with school budgets, State and Federal programs, the local effort, the categorical Federal programs, and served on numerous boards of institutions of higher learning. I have been in the debates, pro and con, of Federal aid, of local and Federal control. I know the politics and the concerns of the National Education Association, of the American Federation of Teachers, of the National School Boards Association, of the American Association of School Administrators, the Parent Teacher Associations, the Council of the Great City Schools, the American Association of Universities, and many others dedicated to quality in education. I have worked with them and been recognized by them. I know the needs of our children and the worry of the taxpayers. The public school system of America is an American success story. But 4 years ago, when we instituted the Department of Education, we failed to follow through with a comprehensive Federal program to continue this success story. America's schools have been losing their competitive edge, and 5 years ago, were about to lose their support. The majority of the Senate was prepared to give general aid to the private schools while blaming the local schools for not doing better. And we are faced with that threat today.

Now comes an explosion of studies and interest. It is almost impossible to open the newspaper, or turn on the radio, or listen to a politician without hearing that something is dreadfully wrong with public education.

And what you hear, almost incessantly, is that Johnny cannot read, Mary cannot write, and teacher cannot do either. The indictment generally focuses on the notion that teachers are inadequate or worse, and that if we could give all the teachers a test to identify the bad ones and weed them out, we could improve education overnight.

We all know that America's educational system is in bad shape. The parents know it, the school boards know it, the school administrators know it, the teachers know it, even the students know it. But this is a time for everyone to pull together to improve the system, not search for scapegoats.

The plethora of new reports on the condition of public education documents the problems. You have already heard about the National Commission on Excellence in Education, the National Task Force on Education for Economic Growth, and the Report of the 20th Century Fund. Between now and Christmas, there will be 20 more national reports describing our educational ills.

These reports perform a distinct public service in focusing attention on America's most crying need. We are at last beginning to think about education and talk about education.

These many studies propose many programs to improve education—more homework, longer hours, a longer school year, improved curriculum, more teaching training, better discipline, more student loans, programs for gifted students, programs for master teachers, programs for adult illiterates. There is one suggestion

common to each of these studies and one flaw common to each of them. The common suggestion is for a better teacher. The common flaw is the failure to propose a national effort for a better classroom teacher.

There are two root causes for education's ills. The first root cause is that teaching in the United States of America is not a profession. Do not misunderstand. The teachers' relationship with students is professional. They care about students. Teachers have studied for a long time in order to be effective in helping them. Yet teaching is not a profession. Teaching does not enjoy the characteristics or privileges of a profession. Teachers do not control their work. Teachers do not control the curriculum or the tools of their trade. In many places, teachers cannot select their own textbooks. Teachers do not have individual "clients." They do not enjoy the status or the remuneration of other professionals. In many places, teachers do not have the right to represent themselves on such professional matters as wages, hours, job security, or even the length of the schoolday. The teaching profession does not exist. Education will not—cannot—improve substantially in this country until teaching becomes a profession—until teachers come to enjoy a responsibility over their professional tasks.

The second root cause is that teachers have been underpaid for over a century. This was accepted for most of the century because of the status of women. But now that women have been liberated, many who could be talented teachers are being paid twice a teacher's salary in the private sector. Philosophically, all of us have resisted Federal involvement in teacher pay. But today we have "A Nation at Risk." There is a national crisis. This national crisis warrants a national solution. The States and local communities are without adequate resources. Only the Federal Government has the resources to insure that teaching can become a profession. Teaching will not—cannot—become a profession unless and until the Federal Government makes a commitment to upgrading teaching into a true profession.

There is a way. Years ago, Albert Einstein told us the way when he said, "A society which pays its teachers less than its plumbers, will have neither good teachers nor good plumbers." I propose a Federal grant to increase the base salary of every full-time classroom teacher in this country by $5,000. For classroom teachers in schools with special professional challenges, such as the inner-city school, the base salary increase would be double that sum.

The grant of $5,000 would be distributed on a per-teacher basis to each school district. This assistance would be used for the purpose of extending a classroom teacher's regular school-year contract to a full year's contract.

To be eligible for the professional teacher grants, each State must create a professional teacher commission responsible for regulating the teaching profession within the State. The commission would be composed of classroom teachers, administrators, school board members, and the teaching component of higher education. The classroom teacher representation must be substantial and representative of the teachers of the State. Each State's Governor would select members for the commission from lists submitted by the major State education associations. The commission would establish the standards for entry into teaching; it would be responsible for hearing cases related to misconduct; it would have the power to coordinate and approve in-service programs in much the same way that State coordinating commissions operate for higher education under section 1202 of the Higher Education Act of 1965.

The time under a full-year contract would be used to improve educational programs by providing instructional opportunities for classroom teachers. They could attend local in-service programs, develop curriculum, lesson plans, attend summer sessions at universities and colleges whose teacher education programs are accredited, conduct original research, pursue an advanced degree, meet the requirements of State certification in additional subject matter areas or competencies, or any other instruction-related activity. This across-the-board proposal would be limited to full-time classroom teachers. Moreover, the local district would not be allowed to use these funds to replace existing or future State or local funds for teachers' salaries.

This approach has the advantage of upgrading education by a quantum leap. It goes a long way toward making teaching a profession. Professionals are people who are paid before they are thanked and teachers are neither paid nor thanked. If we want good classroom teachers, we will have to pay for them. It is as simple as that. It must be emphasized that decisions about this plan would remain local decisions.

Of course, there will be those who call this proposal a giveaway. Is it a giveaway to pay doctors five times more than the average? Or is this a surefire way of insuring we have the best medical care in the world?

Is it a giveaway to pay plumbers more than unskilled laborers? Or is this a surefire way to encourage the development of labor skills?

Why then is it a giveaway to insure that classroom teachers are merely brought up to the same salary which is enjoyed by the average wage earner?

The basic problem in education, I repeat, is that the top 10 percent of educated talent in this country—classroom teachers—are in the bottom third of salaries of all wage earners.

No corporation could survive by paying its most educated employees progressively less than its other employees. It should not be surprising that a Nation which has institutionalized such a policy toward its teachers should find itself becoming, ever more rapidly, a "Nation at Risk."

There will be those who charge that I am trying to buy the teachers' vote—that I am throwing money at the problem. Thirty-three years ago, when I authored what is now a $720 million education program in South Carolina, they charged that I was throwing money at the problem. Later, as Governor, when I increased teachers' pay 38 percent and instituted technical training, they accused me of throwing money at it. Two weeks ago, when I increased the education budget $1 billion, I was accused of throwing money at it. Today, we have a national defense problem and the Federal Government spends for defense $241 billion. Today, we have a national education problem but the Federal Government effort is limited to $15 billion. Increasing this to $29 billion is not extravagant. Last week, we threw $32 billion at America's agriculture. It must be remembered that we are throwing $33 billion at the MX missile. We are throwing $40 billion at the B-1 bomber. Upgrading education in this country seems to me to be worth at least as much as one weapons system. The Commission on Excellence in Education's submission has been costed out at a figure in the range of $50 billion. Central to these recommendations is the quality of the teacher. Rather than race off in all directions and wrangle between entities for the responsibility, the one single contribution that the Federal Government can make at this time to positively implement its own recommendations is the $14 billion professional teacher grant program.

Some would accuse me of going in two directions: Freezing the budget on one hand and increasing the budget for education on the other. My preference is for a budget freeze. I have fought for this for 2 years. But the President has prevailed with his extravagant deficits; and the issue in Washington today is not how to cut the deficit. It is how to spend the deficit. We are into the matter of program priorities, and I am going to fight as hard as I can for the Nation's highest priority—the rebuilding of America's public education.

As I submit this proposal today, President Ronald Reagan is in Albuquerque submitting his proposal of merit pay for teachers. His approach

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assumes some teachers are deserving and others are not and this is a Federal problem. He reasons that if you raise the pay of the merit teacher, those fighting for the pay raise will develop quality. He ignores the fundamental need for a professional teacher. All of us would favor a merit pay increase for a professional teacher. But first we must professionalize teaching in America. Only then can we provide a competent professional for every classroom. President Reagan assumes that his is a redhot idea. He assumes that local boards have never tried it; certainly they do not need money for it because he makes no provision for Federal funds for the merit teacher program. He exhorts the teachers, parents, school authorities to all turn their attention to merit with local funds. Every school administrator in this land has tried this at one time or another. Of course, with the shortage of funds, they have had to take from the less meritorious and underpaid in order to increase the meritorious and, almost immediately, quality has diminished rather than increased.

But for the sake of argument, let us assume that the Federal Government has just instituted a pay supplement for, say, the top 20 percent of the best teachers in the country. How long would it take for the remaining 80 percent to become merit teachers? When would the merit teacher reach Awendaw, S.C.? It would probably take a decade or two for the 80 percent to develop merit. What happens in the meantime to the 80 percent of the children who are not being taught by a merit teacher? Amid this divisiveness and discord, how long would it take for quality to develop? I am trying to be realistic. We must give the President his due. What the President fails to realize is that there is a merit pay program in this country. It is called private, free enterprise. The average classroom teacher with 12 years' experience today receives $17,000. Any industry would pay an individual of that competence at least $25,000. Further, if individuals could be targeted with the President's program, industry would no doubt look to this as a resource for further hiring. The President's program, ironically, would accelerate the drain of talent from the classrooms.

We should reward the merit teacher and recognize the master teacher. But the national emergency in education mandates that we professionalize teaching by putting all of our classroom teachers on a full-time professional basis with the requirements of a profession and the pay of a profession. In short, it should be a Federal policy to find the classroom teachers of America deserving as professionals. Our children deserve no less than a professional classroom teacher and my program assures that one will be available as quickly as possible.

Let us bring the public schools into perspective. Free public education has been busy for most of the years of this century doing exactly what society asked it to do. Since the days of Horace Mann, the mission of American education has been to provide every child with the chance for an education. American education was not asked to provide quality; it was asked to provide equity and the best quality which was consistent with equity. But equity—access to an education by every child—was the first priority. So, the critics of American education—and the harping politicians who are now trying to exploit the issue—should not be surprised that the achievement of equity often came at the expense of quality.

How could it be otherwise? Expenditures for public education have never been adequate to insure that every child had individual attention. And even the best public schools have had to endure reduction in quality as they opened their doors to an ever-increasing number of students from increasingly diverse social and cultural backgrounds. This opportunity, this equity, is the glory of education. Our society is the first in history to provide educational opportunity to each and every child. Yes, American free public education was the first to add "opportunity" to education, and the first to add "equal" to the word "opportunity." Free public education is an American invention, and so is educational equity. The fundamental premise of America is that any person, regardless of birth, can rise in our society, according to his or her talent, industry, and achievement. And the kind of ideological attack we are witnessing on public education today is an ideological attack on a free and open society.

Now the challenge is building quality. We must have quantity and quality simultaneously. Only by fusing quality with quantity can we keep ahead of our international competitors in business and military technology. Only by fusing quality with quantity can we insure that children with learning disabilities, have an opportunity—as well as a right—to be all that they can. The teachers' job, for the remainder of this century, is to fulfill that educational objective. As they seek that objective, their job will change. Instead of dwelling with mass education, classroom teachers will be dealing with individual instruction on a mass scale. Classroom teachers will be called upon to design individual learning programs for each child. Instead of being hired help, they will be recognized as competent and important professionals.

It is the classroom teacher's manifest destiny as a professional, as it is our manifest destiny as a nation, to insure that each and every child has the opportunity to develop that individual ability to the fullest.

In order to get this great and worthy job accomplished, classroom teachers must act as professionals. A profession must have pride in itself and pride in its work. Classroom teachers need to be professionally active for growth and change and learning new ways, because the knowledge explosion coming into the classrooms in the next few years will be unprecedented. It is going to be hard keeping up.

Elihu Root years ago stated: "Politics is the practical art of self-government and somebody must attend to it if we are to have self government. * * * The principal ground for reproach against any American citizen should be that he is not a politician."

Every major educational decision is a political decision. Adequate funding for education is a political issue. Sustaining a teaching profession is a political issue. Above all, the creation of a teaching profession is a political issue. Political involvement is essential in achieving the right to practice the profession.

When the Japanese militarists prepared Japan for war, they did so by taking over the curriculum. They required that mathematics had to be taught by teaching ballistic trajectories and literature had to be taught by teaching Bushido military values.

When Hitler took over, he began by persecuting teachers as well as Jews.

When Third World countries have a revolution, from the left or the right, it is teachers who are the first victims.

This should not be surprising. Radicals of the right and left recognize teachers as their natural enemies. This is because teaching requires moderation as a precondition for the effective practice of the profession.

Let me repeat that: Teaching requires moderation in order to be teaching.

Teachers are presently in the political doghouse because this administration has no more use for moderation than for the people who practice it. Under the circumstances, to be politically inactive is equivalent to being unprofessional. A profession which is based on moderation, but is politically inert, will not remain a profession for long. It was Shakespeare who wrote:

> There is a tide in the affairs of men,
> Which, taken at the flood, leads on to fortune,
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries.

Shall the public schools of this land be bound in shallows and in miseries? Or shall we take the tide at the flood? This is education's tide. This is education's time. This is its hour. The country has awakened to the realization that its future is in the public schools. If we start now—if we seize the opportunity we now have to develop quality in education—we can preserve this last best hope of Earth. Let us go to work.

SUPPLEMENTAL APPROPRIATIONS, 1983

The **PRESIDING OFFICER**. Under the previous order, the Senate will now resume consideration of the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The Senate resumed consideration of the bill.

FIRST EXCEPTED REPORTED AMENDMENT, PAGE 6, LINES 14-17.

The **PRESIDING OFFICER**. The pending business is the first excepted committee amendment, page 6, lines 14-17.

The **PRESIDING OFFICER**. The Chair, in his capacity as the Senator from Georgia, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **HATFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **HATFIELD**. Mr. President, what is the pending business?

The **PRESIDING OFFICER**. The pending question is the first committee amendment.

Mr. **HATFIELD**. Mr. President, that means we now have the supplemental back on the floor to consider. I believe this is the fifth day that this bill has been pulled, yanked, twisted, and turned around for various and sundry reasons. If there are those who are listening on the so-called squawkbox in their respective offices and Members of the Senate whose staff may be on the floor or within hearing distance, I wish to make a very urgent plea to each of those Senators who may have an amendment that he plans to offer on this appropriations measure to contact the floor and make certain to be here on the floor to offer it. I wish to make one thing very clear, that I shall not hesitate to call for third reading on this bill if we get to the place where we are going into an inordinate number of quorum calls and where Senators say they cannot present their amendment until 3 p.m. or until 2 p.m.

It is now 10 minutes to 11 of the fifth day that this bill has been on the floor. I have every intention of exercising my prerogative, as one of the managers of the bill, to call for third reading if there are no amendments that are being offered.

I note the Senator from Colorado is on the floor at the moment to offer an amendment that is listed on our list of some 8 or 10 amendments. I am going to instruct staff at this time to call each of the authors of the amendments that have been planned to be offered and indicate to those Members that those amendments will be called up in immediate order following the presentation of the Senator from Colorado. I am very hopeful that they will be here on the floor to offer them. If they are not and we can get no other Member to offer an amendment, then I shall call for third reading notwithstanding the number of amendments that we have been given an indication are going to be offered.

Mr. President, we cannot continue this kind of process with any kind of reasonable logic. It is illogical to let this thing continue, on and on. We have to get to conference. I have been horsewhipped and every other way to get these bills out on the floor as soon as they come over from the House, the 1984 bills. We have to clear the deck because we have 1984 bills being reported out now as of yesterday. We had the HUD bill reported out, we shall have other bills the rest of this week and the first of next week and they have to take their place on the agenda as well.

I just wanted to make that statement today, urging Senators please to cooperate in order to complete this bill.

Mr. **BAKER**. Mr. President, I absolutely and totally support the chairman of the Committee on Appropriations in his remarks, in his request, and in his admonition to Members. They had better come over here and offer their amendments, because after the Metzenbaum amendments are disposed of and after the committee amendments are disposed of, if there is anything like a hiatus in the proceedings third reading is going to come swift and sure.

Legislation by convenience on these appropriations bills is not going to be the order of the day. We are going to pass these appropriations bills if it is humanly possible to do so. I have pledged before and I reiterate now my pledge to the chairman of the Committee on Appropriations that I am going to try to move heaven and Earth to see that he passes all of those appropriations bill before the Fourth of July.

What that means, Mr. President, is that some people are going to get upset, some people are going to be inconvenienced, some people are not going to get to offer their amendments, some people are going to be surprised. But we are going to pass these bills. If they are serious about their amendments, they had better come over here and offer them.

I do not care whether they are in committee or whether they are committed downtown or if it is inconvenient to come. The convenience of the chairman of the Appropriations Committee and the ranking minority member is paramount, because they have a heavy responsibility to deal with this matter promptly.

I urge Senators who may hear me in their offices and their staff to understand that we are not kidding, that we are going to pass these things and if the authors of the amendments are not on the floor to act, they may never get to act.

Mr. **HATFIELD**. Mr. President, I thank the distinguished majority leader for his very strong and enthusiastic support for the proposition of getting this bill completed.

Mr. President, I instruct the Chair now on behalf of the managers to lay aside temporarily the committee amendment and the Metzenbaum amendments—there is unanimous consent for that, I believe—in order that the distinguished Senator from Colorado may offer an amendment.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The Senator from Colorado.

Mr. **ARMSTRONG**. Mr. President, I say to the distinguished chairman I sort of ambled over here this morning to offer my little amendment. I am absolutely convinced, after hearing the chairman of the commitee and the majority leader that this is the finest time I could have chosen to present my amendment on this floor provided I am prepared to do so with great dispatch, and I am.

Mr. **BAKER**. If the Senator will yield, he never ambled at a more propitious time.

AMENDMENT NO. 1387

(Purpose: To provide for continuation of the repayment contract of the Dallas Creek participating project at the Upper Colorado storage project)

Mr. **ARMSTRONG**. Mr. President, in the spirit of this morning, I send an amendment to the desk on behalf of myself and Senator HART and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG) for himself and Mr. HART, proposes an amendment numbered 1387.

Mr. **ARMSTRONG**. I ask unanimous consent that further reading be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 35, between lines 5 and 6, insert the following:

"In accordance with the repayment contract for the Dallas Creek participating project of the Upper Colorado River storage project, entered into January 14, 1977, and entitled "Re-Payment Contract Between the United States of America and the Tri-County Water Conservancy District", the portion of the costs of such project, including interest on construction costs, allocated to muncipal and industrial use which exceeds $38,000,000 shall not be reimbursable.".

Mr. ARMSTRONG. Mr. President, this is the Dallas Creek amendment which we discussed last week. I see no need to elaborate on the discussion which we had then. I think we had a good discussion on it late last week. The issues were defined. I wish to make a couple of observations so those who followed the discussion last week will be informed.

First, the question was raised about the budgetary impact. I raised this question with the Congressional Budget Office and have received a report from the Budget Office indicating there is no budget impact.

Second, I make the point that this amendment merely confirms a repayment contract with water users which was negotiated by the prior administration and is supported by the present administration; changes the contract in no way; has no budgetary impact according to CBO; sets no precedent because the contract is unique; has, in its essence as S. 662, been approved by the Senate Energy Committee; and is already contained in the House-passed version of this measure. I do not see this as a controversial matter. I hope others will not.

I should explain the reason why, in light of all I have said, we think it is necessary to have this confirming language. We do not think this amendment changes the legal status of the water users. What we do think it encourages is that anybody who might be dreaming of a lawsuit to challenge this contract will not do so because if they file a lawsuit, they will succeed not in overturning the contract but in delaying construction of the project, with probable cost escalation.

With that word of explanation, I ask my colleagues to support the amendment.

Mr. METZENBAUM. Mr. President, will the Senator from Colorado yield for a question?

Mr. ARMSTRONG. I am very happy to do that, Mr. President.

Mr. METZENBAUM. The Senator from Colorado indicated there will be no budgetary impact. Is that a fact as far as the future is concerned?

It is my understanding that CBO has addressed itself only to the first 3 years. Am I wrong about that? I actually have not seen the CBO report.

Mr. ARMSTRONG. Mr. President, I am very happy to respond to that question. Since the report of the Director of CBO is very brief, I shall take just a moment to read it. It is, in essence, a single paragraph. The operative paragraph is as follows:

> This bill reaffirms the provisions of the repayment contract for the Dallas Creek participating project to specify that the portion of costs allocable to municipal and industrial use which exceeds $38 million shall not be reimbursable to the federal government by the Tri-County Water Conservancy District in Colorado. It is not expected that additional receipts would have been realized in the absense of this legislation, because the original repayment contract specifically set $38 million as the maximum reimbursable obligation of the water district. Thus, it is estimated that no budget impact will result from enactment of this legislation.

There is a paragraph ahead of that and a paragraph behind it, but that is the essence of the CBO.

Mr. METZENBAUM. I understand the CBO's response, and I appreciate the Senator from Colorado reading it into the record. This is not new legislation. This is not a subject to which we have not addressed ourselves previously. It is my recollection that it was a matter of some dispute in the last session of Congress. At that time I had some reservations about it, because it seems to me that the real reason for the legislation is that there is a real question as to whether or not that additional $35 million will not have to be paid by the actual users of the water, notwithstanding the language in the contract. If there were not that question, we would not have this legislation on the floor of this Chamber and the legislation in the House.

I think it is bad public policy. I think that it is an instance where we are assuming a Federal obligation that will undoubtedly cost $35 million because that is the amount of the overrun. I think that it should not be. I have some question as to the propriety of the legislation being on this particular bill. I do not intend to raise a point of order, I do not intend to raise the question of germaneness, nor do I intend to ask for a rollcall vote. But I do not support the position of the Senator from Colorado. If he is prepared to put the matter to a voice vote at the present time, I will be satisfied if I merely have an opportunity to indicate my opposition orally.

Mr. ARMSTRONG. Mr. President, that is entirely satisfactory to me. So Senators will appreciate it, the gracious statement the Senator from Ohio just made is a followup of private discussions we have had, and I understand completely his concerns. I believe and indeed I am convinced that the future course of events will show that his concerns are not well founded. But in any case, I think we have reached a meeting of the minds on it and I see no reason to have a rollcall under the circumstances. I am ready for the question if other Senators are.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1387) was agreed to.

Mr. ARMSTRONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ARMSTRONG. I thank the Chair and the Senator from Ohio.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The amendment of the Senate from Ohio to his own amendment.

Mr. METZENBAUM. The amendment of the Senator from Ohio in the first degree or in the second degree?

The PRESIDING OFFICER. The second degree to the first degree.

Mr. METZENBAUM. Mr. President, I think that the Senator from Maine is on the floor seeking recognition apropos this subject. I yield to the Senator from Maine.

Mr. COHEN. I thank the Senator for yielding. Perhaps just for the purposes of clarification I might read the amendment in the second degree so that we will know what we are about to vote on.

Mr. METZENBAUM. May we have order in the Senate, Mr. President?

The PRESIDING OFFICER. Let us have order, please.

Mr. HATFIELD. Mr. President, a parliamentary inquiry, if the Senator will yield. What is the pending business?

The PRESIDING OFFICER. The pending business is the second-degree amendment of the Senator from Ohio to his original first-degree amendment.

Mr. HATFIELD. What happened to the committee amendment?

The PRESIDING OFFICER. The last amendment laid aside is normally the first amendment which recurs.

Mr. HATFIELD. I only set it aside for the purpose of the Senator from Colorado offering an amendment.

The PRESIDING OFFICER. The Senator had set it aside by unanimous consent, and it would normally recur.

Mr. HATFIELD. Mr. President, let us get this clear right now. The committee amendment should reappear as the pending business after each amendment. I only set it aside for the purpose of one Senator at a time. That is what I did with the Senator from Colorado.

Mr. METZENBAUM. May I point out to my good friend from Oregon that I believe my amendment was the pending business yesterday and never had been set aside, so that it continued to be pending, as I understand it.

The PRESIDING OFFICER. All the amendments were set aside yesterday, the Senator from Ohio, the Senator from New York, and the committee amendment. Each amendment recurs in the inverse order that it was set

aside. That is the precedent of the Senate.

Mr. HATFIELD. The Chair is mumbling. I do not understand what the Chair is saying. Will the Chair speak up?

The PRESIDING OFFICER. The last amendment set aside always recurs.

Mr. HATFIELD. The last amendment what?

The PRESIDING OFFICER. Set aside always recurs, which would have been the amendment of the Senator from Ohio.

Mr. HATFIELD. Mr. President, I want to get back into the proper order so that the committee amendment becomes the pending business. Will the Chair instruct the manager of the bill how to put the body in that position?

The PRESIDING OFFICER. Call for the regular order.

Mr. HATFIELD. Regular order, Mr. President.

The PRESIDING OFFICER. Regular order is the first committee amendment.

Mr. HATFIELD. Now, Mr. President, I ask unanimous consent on behalf of the managers of the bill that the committee amendment be—I instruct the Chair on behalf of the managers of the bill to lay aside the committee amendment temporarily so the pending business may be the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The amendment is laid aside. The question is on the amendment of the Senator from Ohio.

METZENBAUM AMENDMENT NO. 1382 TO AMENDMENT NO. 1360

Mr. STEVENS. Mr. President, it is my understanding that there is now pending before the Senate another amendment offered by the Senator from Ohio; is that correct? I am looking at amendment No. 1382, which I understand is an amendment to amendment 1360; is that correct?

The PRESIDING OFFICER. There is a second-degree amendment to the first-degree amendment.

Mr. STEVENS. Mr. President, I would like to direct a question to the Senator from Ohio. His amendment provides that:

> None of the funds appropriated by this act shall be used by an agency of the Government to indemnify any persons or pay any attorney fees in connection therewith, pursuant to any contract with the United States entered into on or after June 14, 1983, unless awarded prior to June 14, 1983, for amounts paid by such person to the United States by reason of any action of the Internal Revenue Service.

I understand it was primarily aimed at the Department of Defense. Is that correct?

Mr. METZENBAUM. Its primary direction is the Department of Defense, but if the Department of the Interior should decide to sell and lease back Yellowstone National Park, the prohibition on indemnification clauses would be equally applicable.

Mr. STEVENS. Does the Senator have any indication as to how many contracts have been entered into that were awarded prior to June 14? As I understand it, there is a condition here that if contracts were awarded prior to June 14 but entered into after June 14, there could not be any reimbursement by action of the Internal Revenue Service.

Mr. METZENBAUM. The language with respect to contracts having been awarded but not yet having been actually signed came about by reason of an inquiry made by the majority leader of the Senate. He indicated that in Tennessee contracts had been awarded and all of the paperwork and all of the understandings had been arrived at, and the only thing that had not been finalized was the actual signing.

The Senator from Ohio is particulary concerned about putting a stop to this practice. I might say that I am joined in that endeavor by the Senator from Kansas, the chairman of the Finance Committee. I have some reservations and problems with respect to contracts already signed and contracts that are awarded but not yet signed, but my real concern has to do with putting a stop to the practice until such time as a committee of the Congress determines that this is or is not the right program or practice to follow.

Mr. STEVENS. Let us put it right back where it started; I am disturbed by the scope of this, obviously. We have a lease contract for a Navy vessel with the price for the lease partially dependent upon an investment tax credit which the builder and lessor of the vessel intends to obtain, and the contract provides that if the Internal Revenue Service turns down an investment tax credit, that loss of benefits comes out of the computation and the lease payments would increase.

Is this what the Senator is talking about—that kind of contract?

Mr. METZENBAUM. Yes and no. The "yes" has to do with the fact that I am talking about that kind of Navy contract; but "no," I do not believe, to the best of my knowledge, that any contracts provide specifically as the Senator from Alaska has described the matter. I believe that what they provide, in the main, is that if the lessor is unable to obtain all the tax deductions invisoned by the tax shelter, then the Navy or such other Government body—Air Force, Army—will provide for indemnification of the lessor; and if the lessor decides to contest the issues with the IRS, the Government agency will also pay for the cost of the attorneys to fight the IRS.

Mr. STEVENS. Mr. President, I am perfectly willing to try to work this out with the Senator from Ohio, but the precise situation is that our committee has insisted that the Department of Defense secure the advantage for the Government of any tax consideration that has been entered into on behalf of the people who deal with the Department of Defense.

If there is investment tax credit, if there are accelerated depreciation deductions that come to a person contracting with the Department of Defense, those benefits must be passed on to the Government and deducted from the lease cost.

Those contracts provide that in the event the IRS disallows the benefits, they will then have a recomputation of the lease amount or the purchase amount.

The original impetus came from our committee to make certain that the tax advantages that come to people who deal with the Department of Defense in particular are, in fact, passed on to the Department of Defense.

The impact of the Senator's amendment will make it a one-way street, that if the IRS acts adversely to the lessor or to the provider of the services to the Department of Defense, the lessor has no opportunity to recover the loss.

In other words, the net effect of the Senator's amendment is going to increase the cost of doing business for the Department of Defense, because contractors will not be willing to enter into agreements which we have forced through past actions of the Appropriations Committee. I think the Armed Services Committee has been involved in this, too.

I understand that the Finance Committee is looking at the whole ramification of the tax advantages of persons who deal with the Federal Government. We have already done that, I think, successfully in the Department of Defense.

As a matter of fact, I held up the vessels that I think caught the Senator's attention, and there is a provision in the bill that deals with the specific vessels. I held those up last year so that we could study them and determine if the leases were to the advantage of the United States.

We also have language in the bill—if the Senator will look at page 16—dealing with the whole question of leases or options for contract extension or renewal of vessels, aircraft vehicles, through lease, charter, or similar agreement. We are monitoring this situation very much.

I am of the opinion that the Senator's amendment deals with the Finance Committee aspects of items that no one on the floor really understands. No one knows what contracts, in fact, have been awarded which may deal with this very question of actions by the Internal Revenue Service.

The difficulty is that the indemnification comes about only when the Internal Revenue Service denies the person doing business with the Department of Defense the advantages which were thought to be available under the tax laws and were included in terms of the lease or charter agreement.

I say to the Senator that we are chartering aircraft now. The Navy intends to charter aircraft to train navigators. The charter costs assume tax advantages that will come to the operator of the charter. I would expect it still would be less than buying the planes and putting people into the Navy and paying retirement pay and all the costs that go along on a full lifetime basis to provide the training we need for navigators.

The real problem is that I think the Senator's amendment goes too far, and that is the position I am in. I think the Senator from Maine may want to accept it but we are the ones who are going to be in conference on this.

I understand that the Armed Services Committee is going into it. It affects the merchant marine also, and we are looking at that aspect.

I believe that in terms of the charters I am familiar with, for vessels and aircraft, the provisions in the existing contracts are for the benefit of Government. The action that will come about as a result of the Senator's amendment, should it become law, would be that the people doing business with the Government will not enter into contracts that have the provisions that require the Federal Government to get the advantage of any such deductions, if it is a one-way street for people doing business with the Government.

I invite the Senator from Ohio to further modify this amendment in a manner that reflects the concept of a two-way street—in other words, that it would apply only to such situations where the contract did not provide that the advantages would be passed on to the Government.

In effect, it would then leave the person doing business with the Government in the same position as he would be if the IRS does its job correctly.

I think the Senator is looking for the person who is going to get a windfall by virtue of an IRS ruling. We are looking to the situation where the price to the Government is calculated on the basis of the IRS determination. If that is done, I say to the Senator that the cost to the Government in terms of revenue lost or the funds paid out would be identical.

Mr. METZENBAUM. Mr. President, I point out to my good friend from Alaska that these ships that have already been leased could be bought for $178 million each. They are going to cost $415 million to the Federal Government by reason of the leasing arrangements; $210 million of that comes from the cost of tax writeoffs over a period of 25 years. It comes right out of the Treasury.

With respect to the matter of indemnification, I point out that the Air Force has advised us—and I want the Senator from Alaska to be certain to hear this—that they are not using the indemnification clause in their contracts. So that, obviously, there is no real need for the indemnification clause to be in.

Many of these sort of leases are made by people every day of the week in the corporate world, and they do not provide for tax indemnification.

What we have here is a situation where one arm of the Federal Government is indemnifying a private lessor against a tax claim by the IRS. The sad part about it is that, regardless of how much the Navy might possibly save on one of these deals—and there is no real saving; in fact, there is tremendous cost, as I have already indicated—the private investors will be taking money back from the Federal Treasury far more than the Navy even claims it could save. The Joint Taxation Committee has said that the leasing route will cost 12 percent more than to make the purchases.

My amendment has one purpose and one purpose alone. Originally, I wanted to knock out the present leases that have been executed. I am not certain if I would or would not have prevailed.

But then it was urged upon me that that would be unfair, that it would not be right to put in jeopardy private people who did business in good faith with the U.S. Navy, so I backed off of that position.

I then felt that the main objective of my amendment should be to put a halt to this practice until such time as Congress may spell out specifically that it approves of it. And I feel certain that it will never come to that conclusion because it is too costly.

The Senator from Kansas, the chairman of the Finance Committee, has in this Chamber indicated that he supports this amendment and has indicated that he will go further with legislation on this whole question of government bodies selling their assets and then leasing them back.

In this case we do not have a sale and a lease back. We have a straight out lease.

But he has indicated plans to address this issue and he yesterday voted with me on it. He has publicly indicated his support for my position in connection with this matter, and I hope the Senator from Maine, who has looked into this issue and I know has a concern about it, with his committee, will proceed forward on this subject in order to bring about the appropriate resolution but in the interim we will call a halt.

I yield to the Senator from Maine.

(Mr. PRESSLER assumed the chair.)

Mr. STEVENS. Wait a minute. I want to finish this dialog myself, Mr. President. If the Senator from Maine has a question, I am happy to allow him to have a question.

But I think that the Senate should understand that the Senator from Ohio as a member of the Judiciary Committee and the Senator from Kansas as the chairman of the Finance Committee have an obligation to bring a finance bill here to the Chamber, if that is what they want us to consider.

This is a supplemental appropriations bill, and this amendment ties up any money in this bill for the purpose of indemnifying or paying any fees in connection with any contract where the amounts that are to be paid are derived by reason of the action of the Internal Revenue Service.

Believe me, the Finance Committee should go into this. What about State or local taxes? What about pass-through provisions that are in the lease contracts?

The problem is that the Senator from Ohio and the Senator from Kansas do not know what is in this bill that deals with the Department of Defense. I think we do. If they want to have some Finance Committee provision that deals with this question let them come up with it.

Let me tell you about the leasing of these vessels because I looked into it. As I said, I held them up for some 5 months myself. The net cost to the Government, notwithstanding, is over a period of years for 25 years the Navy will pay $415 million for each TAKX vessel. But that cost is $131.7 million when discounted back to present value.

Mr. STEVENS. Those vessel costs were demonstrated by the Department's analysis. This contract is to the advantage of the Government because the discounted value of money over 25 years is less than the present value. The $131.7 million is the discounted lease compared to $178 million to buy them. We would have had to borrow the money. Mr. President, we are in a deficit situation. We would have to borrow some portion of this purchase price and pay interest in excess of 10 percent a year for 25 years.

Now, the net effect of doing that as compared to leasing them and having a private operator lease them to the Navy with the tax advantages that come to a private operator means that it costs less for the Department of Defense, depending on whose formula we apply.

I was concerned that it may cost more for the Government as a whole because of the revenue loss coming about from tax deductions.

The GAO studied this issue and determined that there is an advantage to the Government to do business in this manner.

Under those circumstances it was let go, but we still are studying the matter. I still have some concerns about the impact of this leasing practice, as does the Armed Services Committee. I will yield the floor here in a minute to the Armed Services Committee representative, the Senator from Maine. But I want the Senator to understand that in conference it will be the Appropriations Committee people who are dealing with this with the House of Representatives, and I believe need a better understanding as to what the Senator wanted to do not just in terms of the Navy but of other Federal agencies and perhaps the railroad aspects. I know something about the Alaska Railroad and so does the Senator from Ohio. But the Alaska Railroad does not have the tax advantages that private railroads do. Private railroads can use investor-owned cars and equipment, and there is a tax advantage to a private operation to have that come about because again of the investment tax credit and other things. I am sure the Senator knows of some of those shelters that are there.

If the Senate adopts this amendment we should make certain that this is not a precedent. This provision should cover only those contracts which did not provide for a two-way street; did not provide that the price to the Government would be reduced by the tax advantage; but would be increased in the event the IRS denied the tax advantage where the calculated price for the lease took into account the investment tax credit or accelerated depreciation but provided for increases should the IRS deny the tax advantage. Then I would have no problem with it.

Again, the GAO concluded that the option to purchase or lease is a wash, and I think the Senate should understand the current arrangement results in a wash. There is no disadvantage to the Government. There is no advantage to the lessor or charterer. and vice versa, if the contract is specific. The net effect of what the Senator's amendment will do will be to take away the advantage that will occur to the lessor or charterer in the event that the tax incentive is denied and, therefore, would mean they would not enter into the kind of contract we have demanded.

(Mr. PRESSLER assumed the chair.)

Mr. STEVENS. Because of the seven committees that are looking into the whole question of how to deal with the problem of tax advantages when dealing with the Federal Government, I think we should not do this.

If the Senator from Ohio wants to modify this amendment in the manner I have suggested I withdraw my objection. But I hesitate to accept this so long as it does not take into account the kind of contracts that deduct the value of tax benefits.

Mr. COHEN. Mr. President, I would just like to address a couple of comments to the Senator from Ohio. Yesterday, I raised a question as to whether we should proceed, and offered a motion to table his amendment in the first degree principally because of the lack, I think, of understanding on the part of many Members as to what we were getting into because there were seven committees, it is my understanding, seven committees of Congress now examining the benefits of lease-charter versus buy agreement and indeed the whole issue of indemnification.

My own Subcommittee on Sea Power and Force Projection has been holding hearings and now is engaged in a markup dealing with this very issue. I think we have to separate out what the Senator from Ohio is not dealing with, the issue of lease-charter versus a buy arrangement on the part of the DOD at this point and that is a separate issue, and I think it is an underlying issue nonetheless because we deal with the indemnification proceeding.

Generally speaking, we have a situation now where we have a contractor we need on a ship on a rapid basis, we cannot wait for it to be constructed, we engage in a lease arrangement. We have long- and short-term leases and that is an important distinction as to whether it is a 5-year cutoff of goes beyond 5 years. In terms of what impact it is on procurement funds and operation and maintenance, all of those are complicating issues. But basically someone who might lease to the Government may lease at a lower than market value rate because he is anticipating getting certain tax advantages, whether investment tax credit, accelerated depreciation, and the contracts have, in fact, provided for a lower payment from the Government to him, anticipating he is going to get those tax advantages. In the event the IRS rules against that particular contractor, then the Government has agreed to indemnify the difference between the fair market value of what we are paying plus the attorneys fees. That is a policy question, should we do that as a matter of policy? I suppose my own recommendation would be, for example, perhaps we should rewrite that or invert it so that we pay a higher fee or, namely; the fair market value up front and in the event the IRS agrees with the accelerated depreciation or the investment tax credit, you will get lower payment accordingly. There is no indemnification in that regard and we have a lower payment made by the contractor at the latter part of the contract itself. It achieves the same goal.

There is a problem with that in my own mind; namely, if we are paying a higher fee up front to reflect the fair market value and the IRS rules against the contractor, saying "You are not entitled to those tax advantages," whether or not he had an incentive to repeal it, to get it reversed, since he has a higher value up front, that is another issue. I think the Senator from Ohio at least raises a valid point as to what should be the policy on the part of the Government in dealing with lease versus buy; whether indemnification or whether we should pay the fair market value up front without dealing for reimbursement of IRS rulings.

I would just read to the Senator from Ohio the kinds of recommendations we are making in our subcommittee dealing with the lease-purchase situation so he would at least rest assured we are looking at this seriously, trying to take it into account. The committee has reached the following conclusions on the charter versus buy and lease versus buy controversy—this has not been agreed to by the subcommittee, I might add, or the full committee but these are my recommendations: First. Additional guidelines are needed to assist future charter versus buy, lease versus buy decisions not only by the DOD but other departments and agencies.

Second. The acquisition of assets for long-term charter-lease arrangements which are operated by operation and maintenance accounts is the direct substitute for the use of procurement funds and therefore should require the same level of congressional approval as procurement programs.

We ought not to get into kind of an off-budget item, we ought not to be sustituting operation and maintenance funds for what is in effect a procurement account. So we are concerned about that.

Third. As a general rule, the long-term charter of assets will be more expensive in undiscounted terms to the Government over the total period than acquisition through procurement, not always but as a general rule this is our conclusion.

Fourth. Despite any cost disadvantages there are other considerations from the national security perspective sufficient as to timely acquisition of an immediately important capability for which sufficient procurement funds are not immediately available. That they make a charter or lease program preferable to a procurement program. There are those situations. I refer specifically, for example, to the rapid deployment force. If we have to have some ships immediately for the rapid deployment force which we could not construct or could not purchase, under the circumstances we

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may agree to a lease versus a buy program.

Fifth. The use of charter or lease programs should be carefully monitored because of its potentially adverse impact on O&M accounts.

Sixth. The chartered MPS, which is the maritime pre-positioned ships, as well as the five tankers both of which are currently under contract, should proceed as negotiated by the Navy, although it should not be taken as a precedent for any other case.

There are a number of other recommendations I am making to the subcommittee and full committee on this issue so I have had this concern we not have your amendment serve as a precedent for a prejudgment.

I am not prepared at this time to say whether or not lease versus buy or buy versus lease is the best policy. It may change. I am not prepared to say at this time whether an indemnification of contractor provision in a contract should be banned, but as I understand the Senator's amendment, what he has done is confined it to those contracts that will be executed after the date of June 14, 1983, or those that are about to be signed, have already been negotiated, would not be barred by this.

You have limited from June 14, forward until the end of the supplemental appropriations period and have stated here on the floor it is not intended to serve as a precedent.

It is my understanding we have no other contracts that we are currently contemplating, at least in the seapower field or force projection field that will be affected, so maybe this will be accepted on the basis of let us have hiatus, let us have a temporary holding period, here until such time as we can decide as a policy whether or not we should always have a buy agreement as opposed to a lease arrangement or whether or not if we do have a lease arrangement whether or not we ought to have these passthrough provisions which the Senator from Alaska has rightly referred to as giving us the benefit we ought to be in position of making a policy judgment.

I am not prepared to reach a conclusion but I do say to the Senator from Ohio if it is confined to this short period with no precedential impact upon a prejudgment that the Senate is in favor of canceling all indemnification provisions, that I could accept the amendment.

That is the reason I want to reiterate to the Senator from Ohio why I offered yesterday the motion to table, not because I am necessarily in opposition, I share his concern about this, but I was not satisfied that enough committees have looked at what the long-term consequences are. I think whenever we are dealing with long-term leases we ought to leave an option to buy. I do not like having long-term leases in which we are paying out lots of money and have nothing at the end. We are trying to deal with those issues.

So I would just say to the Senator from Alaska if it is confined to this short-term period, if it does not serve as a precedent for a judgment by the Senate that we are, as a body, opposed to indemnification provisions, which I am not prepared to make, then I would not have an objection.

Mr. STEVENS. Will the Senator yield to me just about this scope: I really have no objection on the basis you just talked about if it were confined to the Department of Defense. If the Senator examines our committee report we have notified the Department of Defense that they cannot exercise long-term leasing or charter authority except when it is budgeted and when it is authorized.

Under those circumstances, the Department of Defense already has in effect a fence around it. Specific authority will be required in advance from Congress.

But I also happen to be chairman of the Subcommittee on Governmental Affairs that deals with the Post Office and with the GAO. The Post Office or GAO may have similar kinds of contracts.

The word "indemnification" in this is what bothers me, because it is my understanding, and perhaps the Senator from Ohio would clarify it for us, that the term would cover a contract payment for any of these kinds of charters or leases with the Federal Government.

As I say, I think we understand—certainly I believe the Senator from Maine knows even in greater detail than I what the Department of Defense is doing—but I understand, under this bill, what it is doing with the money we provided. I can assure the Senator from Ohio that his amendment would reinforce what we have told the Department of Defense not to charter, not to lease until they have the authority, have budgeted at least a portion of that money.

This indemnification concept to be applied to that contract area would be salutary, so long as it would have no adverse impact in the other areas of the Government.

But I say to the Senator, I would join him in saying that we could accept this if the Senator from Ohio would change that to "by an agency of the Department of Defense," rather than for the Government as a whole. I just do not think the Government as a whole has studied the myriad number of contracts that are out there that already require the passthrough, and I think this amendment could disrupt those contracts.

Mr. METZENBAUM. Will the Senator from Alaska yield for a question?

Mr. STEVENS. The Senator from Maine has the floor.

Mr. COHEN. I yield back the remainder of my time.

Mr. METZENBAUM. We are not under controlled time.

I point out to the Senator from Alaska that I have looked at the supplemental appropriations bill and on page 13 I see some reference to the matter of leasing, but that talks about agreements which the Navy has already entered into and we obviously are not dealing with that, so that is not applicable.

Mr. STEVENS. Page 16 is the language and page 36 of the report dealing with contract termination liability for leasing programs, if the Senator would read that provision.

Mr. METZENBAUM. On page 16, it refers only to those leases "that impose an estimated termination liability on the Government exceeding 50 percent of the original purchase value of the vessel, aircraft, or vehicle involved for which the Congress has not specifically provided authority in an appropriation act for the obligation of 10 percent of such termination liability."

Mr. STEVENS. That covers future contracts like the T-AKX and the T-5.

Mr. METZENBAUM. What I am saying is neither of those paragraphs, and I do not know about the report language because I have not seen it, provide the shutoff that my amendment would provide.

Now, I am frank to say to the Senator from Alaska that between last evening and this early morning session, we have already received at our office two calls from two law firms in Washington indicating that they have these deals in the pipeline ready to go and that my amendment will put a stop to them.

Mr. STEVENS. With respect to what agency?

Mr. METZENBAUM. We did ask them, but they did not want to tell us.

Now, apparently the Senator from Alaska does agree that it is appropriate that we call a halt to these deals having to do with the Department of Defense and is willing to accept the amendment if it is limited to that.

I am not clear why he would be unwilling to call a halt to the Government's indemnifying any private lessor for the tax obligations that that lessor might incur if he cannot get all of the tax benefits from the tax shelter, or if he had to pay attorneys fees.

I do not know what is happening out there. I do not know, frankly, whether or not the Interior Department or the Energy Department or the Commerce Department or the GSA, or whomsoever, may be making these deals at this very moment and we in the Congress would be totally unaware of it and the American people would be unaware of it.

Again, as Senator Cohen has aptly pointed out, this language does not finally determine the rightness or wrongness of the leasing activity, whether it be leasing Department of Defense facilities or whether it be leasing any other Government facilities. What it does do is to call a halt to a practice that we know is being used by the Navy. I have already advised the Senator that I am told the Air Force is not following the same practice. It calls a halt to the question of indemnification with respect to tax writeoffs and indemnification with respect to attorneys fees.

Mr. STEVENS. Does the Senator's reference to indemnification cover the situation I mentioned, where a lease agreement or charter agreement specifically provides that the payment by the United States shall be based upon a figure which calculates the tax advantage to the lessor or the charterer and in the event the IRS determines that that tax advantage is not available, that payments to the United States to the charterer or lessee will increase? Is that indemnification in the Senator's mind?

Mr. METZENBAUM. Yes; it is.

Mr. STEVENS. Well, I can tell the Senator that there are a myriad of contracts. The Park Service charters buses annually. I am confident the Senator can find out that the buses that operate in Yellowstone National Park and Mount McKinley have some provision which deals with a tax advantage to the charter operator. They may have assumed a tax advantage in their costs which are passed along to the Government. You may be cutting off the advantage to the Government.

The Senator asked why am I willing to limit it to the Department of Defense. We know something about the Department of Defense. We know that in the future we have told the Department of Defense we are going to examine each one of these programs on a case-by-case basis. We have told them they have to budget in advance and get authorization in advance.

I cannot tell the Senator specifically what GSA, the Postal Service, the Department of Interior, the Corps of Engineers, and others have done. But out there, there are probably a bunch of contracts that are about ready to be signed by some agency, the net effect of which, according to GAO's review of the leasing program, is a wish.

Yet the Senator's amendment will deny the agency the authority, in effect, to enter into those because no one in his right mind that knows about the Senator's amendment is going to sign the agreement. Or else they are going to go ahead and sign the agreement and later they are going to be told that, "While we were signing, the Congress cut off our right to give you the increased payment," and you may have a few bankrupt bus operators dealing with the Park Service.

Now, I think we ought to deal with what we know. Again, if the Finance Committee wants to come out with something that can be studied throughout the Government, that would be another matter. In this area, we have studied the Department of Defense. The Senator from Maine knows what he is talking about, and he has gone into it in depth.

In terms of the provisions of this bill that deal with charters and leases, we know that the impact of the Senator's amendment would be complimentary to what we have already done. We do not know about the rest of the bill.

I would have to ask the other subcommittee chairmen on appropriations what the impact of the Senator's amendment is as far as their areas are concerned.

But I call attention to the fact that there is a considerable amount of money available in this bill for the Corps of Engineers river and harbor contracts throughout the United States. There is money in here for the Department of the Interior and substantial amounts of money for the Department of Housing and Urban Development for low-income housing.

I ask the Senator: Does he know if any of those contracts that are involved would deal with the question of indemnification in the event of an adverse IRS ruling? The Senator does understand passthrough contracts, I am sure of that.

Mr. METZENBAUM. Yes; very well.

Can the Senator from Alaska represent to this body that the Park Service contract for the leasing of the buses contains such an indemnification clause?

Mr. STEVENS. I used to be the ranking member on that subcommittee. I know that they lease a considerable number of buses in the summertime. I do not know what provision they have for requiring a passthrough of the tax advantages to the Government in the event they get new equipment. But neither does the Senator from Ohio know. That is the problem.

Mr. METZENBAUM. I will say to the Senator from Alaska that I do not think he and I are in disagreement. I think it is a question mainly of fact.

This body leases photocopying machines and we lease other kinds of equipment. Without knowing the facts, I would bet all the tea in China that there is no tax indemnification clause in the photocopy machine lease that this body has with the private companies. And I would be almost certain that there are few, if any, other governmental contracts that have been entered into that provide this kind of tax indemnification.

I will say further to my friend from Alaska that even if they do this amendment would do nothing more than smoke them out. It would make them come to the Congress and say, "We want authority." It would not cause any of those that have already been entered into to be declared illegal, if in fact they are legal now. All this would do would be to put a halt to it until the proper committees of the Congress had a chance to dispose of the issue.

In connection with the comment that the Senator from Alaska keeps referring to——

Mr. STEVENS. Let me interrupt the Senator, if I may. The chairman wants to get on with this. We are going to conference with the matter. In view of the dialog that has taken place I would be more than willing not to pursue my opposition if the Senator would understand that between now and conference we are going to check this out with the Office of Management and Budget, with the GSA, with the Postal Service, with the areas that we know do contracts with charters and leases and determine the impact on them and their programs and modify it to the extent that we are not going to permit this amendment to have an adverse impact on the programs we are providing money for. We will have people put out of work and other problems if this is something that is much broader than we understand.

I can tell the Senator that because of what we have done, as modified, and with the understanding that I understand the Senator from Maine has indicated and the Senator from Ohio has agreed to, that this is not a precedent, that we are not going to make this boilerplate in all Department of Defense bills from now on. We will examine it in connection with the general appropriations bills. But as far as this is concerned, we have an understanding that we can modify this—and we will consult with the Senator—we can modify this as far as reducing its impact.

I say to the Senator I can understand a lot more than the Senator's amendment. If he had an amendment that says anyone who obtains a tax advantage has to pass that advantage on to the Government, that is what we have done in the Department of Defense and other areas. There may be other areas where it is not passed through. But where we have done it, and that is what we are trying to do, I can understand the Senator's concern that we do it. In the Department of Defense it would have no adverse impact under these circumstances because of the provisions in the bill and in the report, as modified with the Senator and with the understanding of the Senator from Maine. I say it

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will have an adverse impact unless it is modified in accordance with the comments we have received. I would be willing to take it to conference under those circumstances.

Mr. METZENBAUM. Mr. President, due to the willingness of the chairman of the Defense Subcommittee of the Appropriations Committee and the chairman of the Appropriations Committee on this amendment I will not debate this matter longer than an additonal minute. I want to make sure the record is clear on a couple of points.

I have before me the report by the staff of the Joint Committee on Taxation. It addresses itself to this issue. It indicates that the Government's cost of one TAKX leased ship is estimated to be $199 million—$20.8 million more, or approximately 11.7 percent higher, than its purchase price. Including the residual value I think it goes up to 14 percent.

But whether it costs more or not, I think it is clear that my statement sends a signal to slow down, to halt, until we get this matter resolved by the proper committees of Congress.

Having said that, let me conclude my remarks. I gather we will be able to have this amendment agreed to without further debate. I want to be certain that nothing I have said, nor anything I have implied, suggests that the existing indemnity clauses are valid. It is this Senator's opinion that those clauses are invalid, and that at an appropriate time they will be struck down by an appropriate court if the Navy fails to do that which I believe it should do. That is to refuse to abide by them should there be a claim asserted under those clauses.

I want to make it very clear that I think the clauses from the first instance were illegal.

Having said that, Mr. President, it is my understanding that this amendment can be accepted. If so, I see no further reason to use my vocal chords unnecessarily.

The **PRESIDING OFFICER.** Is there further debate?

Mr. STEVENS. As I stated, Mr. President, with the understanding that we are going to take it to conference and it may be modified there in accordance with the objections or comments raised by other agencies. I have nothing further.

Mr. METZENBAUM. Mr. President, my understanding is that the question before the body, the pending issue, is, Shall the second-degree amendment be adopted? Am I correct?

The **PRESIDING OFFICER.** The Senator is correct.

Mr. METZENBAUM. I ask that the Chair put the question.

The **PRESIDING OFFICER.** Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 1382) was agreed to.

Mr. METZENBAUM. Mr. President, it is also my further understanding that the matter now pending before the body is only the first-degree amendment, as amended by the second-degree amendment, and that the yeas and nays have been ordered on the first-degree amendment. Is the Senator from Ohio correct in that?

The **PRESIDING OFFICER.** The Senator is correct.

Mr. METZENBAUM. Under the circumstances, Mr. President, if there is no further opposition to this matter, I ask unanimous consent that the yeas and nays be vitiated.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment, as amended.

The amendment (No. 1360), as amended, was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment as amended, was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I thank the Senator from Ohio. At this time, Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[Quorum No. 7 Leg.]

Baker
Bumpers
Byrd
Garn
Hatfield
Melcher
Metzenbaum
Pressler
Stafford
Stennis
Stevens

The **PRESIDING OFFICER.** A quorum is not present.

The majority leader is recognized.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators. I ask for the yeas and nays on the motion.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Idaho (Mr. Symms), the Senator from Virginia (Mr. Trible), and the Senator from Connecticut (Mr. Weicker), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. Biden) and the Senator from Colorado (Mr. Hart), are necessarily absent.

The **PRESIDING OFFICER** (Mr. Kasten). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—91

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Tower
Tsongas
Wallop
Warner
Wilson
Zorinsky

NAYS—4

Goldwater
Heflin
Proxmire
Quayle

NOT VOTING—5

Biden
Hart
Symms
Trible
Weicker

So the motion was agreed to.

Mr. BAKER. Mr. President, while there are Senators in the Chamber, if I could have their attention for a moment.

The **PRESIDING OFFICER.** The Senate will be in order.

The majority leader.

Mr. BAKER. Mr. President, I do not like to have rollcall votes on motions to instruct the Sergeant at Arms. It is a waste of energy and I guess of time from one standpoint. But, Mr. President, I want Members to know the level of frustration in being on this bill since 10:40 a.m. this morning and absolutely nothing has happened with one exception. What has happened is there have been seven new amendments listed.

We had seven amendments remaining when we quit this bill on Friday and incidentally we stopped Friday because no one was here and there were no amendments that could be offered. Now there are 14 but no one will offer them.

Mr. President, we simply have to pass this bill. I have two things to say now if I may, and I do not like playing this role, but I have no alternative.

First, I indicated earlier we would be out at the regular hour this evening. I

rescind that. We will stay as long as we need to stay to make progress and perhaps to finish this measure.

By the way, if this goes over until tomorrow, that almost surely guarantees that we will be in session on Friday because we still must do the dividend and interest withholding repeal this week.

Second. I am going to ask the managers of this bill on both sides to try to take this bill to third reading regardless of whether there are amendments that we know of that are still outstanding.

There is no way that we can continue to wait and wait and wait for Senators to come to the Chamber and offer their amendments.

So far at this moment the amendments that I am aware of yet to be disposed of are a Mattingly-Bumpers amendment on education, a Bumpers amendment dealing with EDA, a Moynihan amendment dealing with health benefits for the unemployed, a Baker-Dole amendment perhaps to deal with pay and honoraria, a Quayle amendment dealing with park development, a Wallop amendment dealing with military construction planning and design funds, a Kennedy amendment dealing with summer jobs, a Hatfield technical amendment, a Melcher soil conservation amendment, a Jackson pay and honoraria amendment perhaps in the second degree, a Cranston-Wilson amendment dealing with EDA, a Weicker amendment dealing with pay and honoraria, a Percy amendment dealing with foreign aid, a Humphrey amendment unspecified, and an Inouye amendment dealing with—it looks like an FHA office. I assume that is correct.

Mr. HATFIELD. That is correct.

Mr. BAKER. Mr. President, that is a lot of amendments. I would hate for anyone to be cut off by us getting third reading but so that no Senator is taken by surprise they should know that that is the risk that I am suggesting they run if they do not come to the Chamber now and offer their amendments.

Mr. President, I am not a very good fishwife. I do not like doing this sort of thing. I am not a very good slave driver. But I am telling you that we are going to go to third reading on this bill if Senators do not come to the Chamber and offer their amendments, if the Senate will permit me to do so.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PERCY. I wish to express sympathy with the majority leader and minority leader and the managers of this bill.

Although we were holding hearings with Secretary Shultz this morning, I sent word to the Chamber that if necessary I would come over and offer my amendment immediately and get someone else to relieve me. I am now ready. I think it can be disposed of in a 5- or 3-minute colloquy. If the colloquy is not successful then the amendment could be offered with a time limitation of 5 minutes on each side. And I am ready to go now.

Mr. BAKER. I thank the Senator.

Mr. President, that is the full quotient of my indignation at the moment.

I yield the floor.

Mr. WALLOP addressed the Chair.

Mr. HATFIELD. Mr. President, I ask unanimous consent to set aside the pending committee amendment in order that the Senator from Wyoming may offer an amendment.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. PERCY. Mr. President, if the Senator will yield, I was ready to offer an amendment. Could I be listed as following the Wallop amendment? Mine will not take long.

Mr. MOYNIHAN. Mr. President, will the Senator from Wyoming yield?

Mr. WALLOP. The Senator from Wyoming will be delighted to yield for the purpose of a question.

Mr. MOYNIHAN. Would it be agreeable that I might be listed following the Senator from Illinois in that same order? I think the Senator from Oregon would like to see some of these matters proceed.

Mr. BYRD. Make that request.

Mr. MOYNIHAN. I, therefore, make a request with the Senator from Oregon in the first instance.

Mr. BAKER. Mr. President, they are attempting to sequence the amendments. That is a good sign.

Several Senators addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Oregon has the floor.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, we are now sequencing those who are indicating to us a willingness to be ready.

Mr. Wallop, Mr. Percy, Mr. Melcher, Mr. Moynihan, and Mr. Bumpers.

I think most of these will be very short.

Mr. BUMPERS. Mr. President, will the Senator from Oregon yield in order for me to ask a question of the Senator from Wyoming?

Mr. HATFIELD. I yield.

Mr. BUMPERS. Could the Senator from Wyoming tell us how long he expects the amendment to take?

Mr. WALLOP. As far as the Senator from Wyoming is concerned 5, 6, or 7 minutes. I do not know what opposition may develop to it.

I do not think in any case it is going to be long.

Mr. BUMPERS. I have an amendment that will take about 60 seconds. I will wait until everyone gets a little further along.

AMENDMENT NO. 1388

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The bill clerk read as follows:

> The Senator from Wyoming (Mr. Wallop), for himself and Mr. Simpson, proposes an amendment numbered 1388.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

> On page , line , insert the following:
>
> Sec. . Notwithstanding the provisions of Section 113, Public Law 97-323, funds appropriated by such public law for study, planning, design, architect and engineer services for the Air Force are available for design of site-specific facilities for the MX Missile system.

Mr. WALLOP. Mr. President, I offer this amendment on behalf of Senator Simpson and myself. It modifies the 1983 Military Construction Appropriations Act to permit site-specific design of MX-related facilities but continues the prohibition against construction until all environmental review is complete.

Mr. President, unless this change is made now the Air Force will not be able to complete design work on critical buildings so construction can begin next year.

Our reason for offering this amendment is to allow the most efficient construction management for facilities proposed for Wyoming and Nebraska and to present unnecessary peaking of construction-related impact in our State. The amendment has no increased cost and should save money.

Let me review the history of the military construction section that we propose modifying. In 1980, when the multiple protective shelter basing mode was proposed, the 1981 Military Construction Appropriations Act contained the prohibition against "design of any site-specific facilities for the MX missile system until all terms, conditions, and requirements of the National Environmental Policy are met." At that time consideration was being given to deployment in Nevada and Utah and to split basing with some missiles in those States and some in Texas and New Mexico. This prohibition was reenacted in the 1983 Military Construction Appropriations Act which became law last fall, a few weeks before the President formally recommended dense pack deployment. At the time of passage, alternate locations were under consideration.

Since the time this prohibition was enacted, the deployment situation has changed dramatically. In April of this year, the President recommended deployment of 100 MX missiles in Minuteman silos under the command of F.

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E. Warren Air Force Base near Cheyenne. Last month both the House and the Senate approved "full-scale engineering development" of the basing mode in the President's recommendation. Thus the prohibitions were written at times when alternative locations were under consideration. This is no longer the case. The Congress has approved a basing mode and F. E. Warren Air Force Base is the only location under discussion.

Adoption of this amendment does not mean that environmental and community impact questions will be neglected. Such concerns are very important to us so we would not propose an amendment that would reduce the environmental review. Several points are particularly relevant to potential impacts:

The potential impact of the present deployment plan is considerably less than previous basing modes. MX will be put in existing silos with no major hardening or silo hardening. The barometer of potential impact on the environment and on community facilities is peak year employment.

That is the basic thing that is going to affect us in Wyoming. The estimated peak year direct employment for the multiple protective shelter (MPS) basing mode was 30,000 jobs; for closely space basing (CSB) or dense pack, 6,100; and for deployment in Minuteman silos, 1,500, less then MPS by a factor of 20 and less than CSB by a factor of 4.

The Air Force has publicly committed to perform a full environmental impact statement (EIS) on the present MX deployment plan. June dates for public scoping meeting were announced last weekend.

This amendment only permits design, not construction, before the EIS is complete.

The reason the Senators from Wyoming are proposing this amendment is to reduce unnecessary environmental and community impacts in Wyoming and Nebraska. The most critical Wyoming facility for meeting the 1986 initial operational capacity (IOC) date is the assembly, surveillance, and inspection building. This facility is essential to the buildup and deployment of the nuclear weapon reentry systems. Delay of the initiation of design would make it impossible to begin actual construction during the 1984 building season. With the notorious Wyoming winters, winter construction is impossible, leaving only two building seasons instead of three until the planned IOC. Delay in design would mean either the IOC would be delayed or the Air Force would put in more men, money, and material in a shortened period, increasing total cost and increasing the impact on Wyoming communities, particularly Cheyenne. Such delay is clearly not necessary.

I would like to remind Senators from the States like New York and California of what Wyoming communities are like. Cheyenne, the second biggest city in Wyoming, has a population of 47,283. An increase above the projected 1,500 peak year direct jobs would be very significant in adding short-term impacts for a community of that size. And there would be no long-term benefit. If such an incease were necessary for the national defense, it would be tolerable, but it is clearly unnecessary.

The House Appropriations Committee has recognized the logic of allowing site-specific design of MX facilities and, in their markup of the 1984 military construction appropriations bill last week, changed the language of the section to permit site-specific design of MX facilities. Since this is a 1984 bill, design would be delayed until October 1, 1983, losing 3 critical months of design essential for beginning construction in the next season.

For those Senators who believe the proceeding with MX is unwise, let me say that there will soon be other opportunities to debate MX and to vote on funding for MX. The Speaker of the House has delayed further consideration of the Defense authorizations so votes on MX can occur after the Fourth of July recess. In the Senate, the Armed Services Committee is beginning markup of that bill. We can expect that bill on the Senate floor before the end of July. And appropriations bills will provide yet another opportunity to debate MX.

I urge you to see this amendment in the proper light, as a means to provide a more rational construction process and a means to prevent unnecessary construction-related impacts in Wyoming. The environmental restrictions passed last year, and in previous years, were designed to prevent adverse impacts on the environment and on community facilities. With major changes in the deployment mode for MX, they will have the opposite effect.

I urge you to prevent this by permitting design, and design alone, to begin now and to enhance the process of environmental review in Wyoming and to minimize the impact upon us, if it is indeed the ultimate judgment of Congress to proceed with the MX.

Mr. LEVIN. Mr. President, the Senator from Wyoming and his colleague are obviously sensitive to the environmental impact of the MX in Wyoming, and I think it is clear from the eloquence and the sensitivity of that statement that that is their principal concern. It is their belief that this amendment would lead to the conclusion that there be greater attention paid to those environmental impacts. I must say, even though I disagree with their conclusion, that I must respect that that is their motive.

It is obvious that their principal and primary concern is the environmental impact here on their home State, and I think we all ought to appreciate that and applaud it.

I have reached a different conclusion in terms of the environmental impact of waiving the existing law that requires environmental impact statements before we permit design of a site specific location or the building they are now contemplating constructing.

While I am going to raise a point of order because I do believe this is legislation on an appropriations bill, before I do that I must say in all sincerity that I commend my friends from Wyoming for their determination to protect the environment of their home State, even though I have reached a different conclusion as to how we would best protect the environment when we are proceeding with this kind of construction. I do want to commend them for their determination to protect the environment.

Mr. WALLOP. Mr. President, will the Senator yield?

I urge the Senator to try to look at this from the perspective of the State of Wyoming. I know and the Senate knows of the Senator's long and eloquent opposition to the MX in the first place.

I think this amendment does nothing either to enhance or diminish his arguments in that respect. But if it is the ultimate judgment of Congress to proceed with MX, I urge the Senator to consider what the impact of the extra men and material will be, disregarding the cost. I think all of us have a deep feeling for this—yet I urge my colleagues to consider what impact those extra people will have on us.

We in Wyoming are no strangers to such an impact. We have been cited on national television in Hawk Springs, in Gillette, Wyo., and in Evanston most recently with the overthrust belt, and we deal with this impact better than many other States. But to put us through an impact statement that is not necessary seems to me to be cruel and unusual treatment.

It seems to me as well if you are going to do an environmental impact statement which has meaning to the community being impacted, that it would be nice to know what the facility was, as well as what that impact was going to be, so that mitigation could be taken into account in the whole process of doing what the environmental impact process intends.

On top of that, the Air Force has assured the government of my State, the Governor, and legislature, that they will provide us with an impact mitigation study which would be similar to that which would be required under State law if it was anything but a Federal entity being constructed, and in order to make that meaningful they have to have the work force, construction force, and the time of construction, as well as material and transportation needs identified in order to satisfy State requirements.

So this is not an attempt either to advance or retard the MX from the point of view of the Senator from Michigan, because that argument is still clearly on the table in front of us. This is just our attempt to do something for our people to minimize the impact of what has already been some psychological impact as well as increased demand on local school systems.

Mr. LEVIN. I applaud the Senator's motives in trying to tack this amendment on an appropriation bill. I believe we should put this environmental language in there to protect the environment against unnecessary impact of the MX or of any facility that builds it. And while I think it is important that we have an environmental impact study before we design a building for a specific site on that Air Force base to produce the warhead or to manufacture these warheads, I must say that I think the language served the purpose, that we ought to allow it to carry out that purpose, and that it is important that we have an environmental impact statement or study before we design a building for a particular location at that Air Force base. I think that is important and was contemplated and is a legitimate purpose.

Putting aside my own opposition to MX, I would think purely from an environmental point of view that that is a legitimate point. And if the Senator is correct, this would then put pressure on the environment later on, because we will be doing in 2 years or 3 years what we should be spending 3 years or 4 years to do, and that would be because of the arbitrary and artificial decision of the Air Force to proceed and not because of any action in this Congress.

We have said in the law that we believe an environmental impact study should be completed before there is a site-specific design which is made. That is presently in the law. I think it is there to protect the people, the environment. While I respect the motive and the determination of the Senators from Wyoming in terms of how they believe this may work out in the future, I must say that is not the intent of the law.

Mr. WALLOP. Will the Senator yield for just 1 minute? I can assure him of a couple of things. The design takes 12 months and the environmental impact statement will be concluded by January of this year.

Again, would the Senator just consider what information would be available to the people of Wyoming when commenting on the draft EIS if there was site-specific information and something of the dimensions and size and construction impact of that building. If we do not have that, then much of the information that will be made available to the people of Wyoming to make or to consider during the draft EIS statement period will not be available to them. From the standpoint of our people, they would very much like to have that information.

Mr. LEVIN. It should be available to them clearly at some point. But we also should know the impact on the environment of the location of a building that we are designing. I think it is also important that we know that; that we know where on the Air Force base it is being designed, because where on the Air Force base it is being designed could affect the design itself.

Mr. WALLOP. That is exactly what I am asking in this amendment. It does no violence to the concept the Senator is espousing. Indeed, it enhances it from the standpoint of our people who have to look at this.

Clearly the Senator is within his rights to ask for the point of order and I suspect the Parliamentarian will rule it should stand. But I urge the Senator not to do that, on behalf of the people of my State—not his State—who will have the impact of this building coming in their midst. They would like to have the information the design process will provide.

Mr. LEVIN. And I think they are entitled to the information. My point is that the environmental impact statement, which is required before a site-specific facility is designed, should also be available to the people. I think that if this were going to the State of Michigan I would try to do both, exactly what the Senator is doing but also require that there be an environmental impact assessment before we design the site-specific building on that Air Force base.

Mr. WALLOP. The site information is so much more important to the issue at hand from the standpoint of our people.

Mr. LEVIN. I think they are both important.

Mr. WALLOP. If we conduct a review in the abstract, the Air Force will be considering a building that could be anywhere within 7,000 to 8,000 acres. If they do it in the specific, they have specific information. The people of Wyoming can say they do not want their schools near that, or it is not in the right place, or anything else, but they could not do that under the procedure that the Senator would wish to lay on us. I urge him not to do that.

Mr. LEVIN. I think we can do both. I think we can have the environmental impact assessment before we select the site and then have an environmental assessment after we select the site. I think both of those assessments are very possible.

I appreciate what the Senator is saying that they are necessary. I think we both agree they are necessary.

Mr. WALLOP. May I ask the Senator if he would agree to something like this, so perhaps we can get the best of both worlds? Then I will not belabor this much longer. If we were to ask the Air Force, while proceeding with their environmental impact statement, if they would provide an environmental assessment, as well as identification of the site-specific problems of the building before the design is completed—because these two things need not take place in the same moment—then we would get both what the Senator seeks and what I seek. What I am trying to do is simply avoid a greater specific impact, human impact, not a military impact, of construction workers and all that, on the communities of southern Wyoming.

Mr. LEVIN. I think that impact would be avoided by the Air Force selecting a timetable or, if necessary, modifying their timetable so that impact does not occur.

I happen to agree with the Senator 100 percent. There is no justification for that impact occurring.

Mr. WALLOP. There is a national purpose to be served in setting the timetable for MX. I urge the Senator not to conduct the debate on the MX at the expense of the people of Wyoming who will have the impact.

Mr. LEVIN. I could not agree with the Senator more. They should not have an unnecessary impact imposed upon them, because the IOC of the MX is in 1988 or 1989. I happen to agree with the Senator 100 percent. I hope the Senator is successful in mitigating any impact from an artificial IOC. I would indeed support him, as he knows, if and when we decide to proceed with the MX on the appropriation bill and on the authorization bills which come up. That IOC should be set in such a way so that the concerns of the Senator from Wyoming are met. We should not have an IOC on this MX which is artificial and which, at the same time, has an unnecessary negative impact on the people of Wyoming. I do not think we have to do that. If I thought we had to do that, I must tell the Senator I would concede to what the Senator is saying.

If I felt that this decision would necessarily lead to what the Senator says in terms of a harmful impact on this State, I would relent. But I do not believe that is true, nor should it be true. There is no reason why we should tolerate that kind of impact on the people of Wyoming, nor do we have to.

I believe that we are more clearly protecting the environment by keeping the environmental impact statement requirement in the law. It was put there for a purpose. I think it serves that purpose if we apply it to the present situation.

(Mr. HUMPHREY assumed the chair.)

Mr. WALLOP. The Senator knows it was put in there for a purpose that is quite unrelated to the present set of circumstances.

More importantly, we are only talking about a 4-month period, but that 4-month period is of great concern to the State of Wyoming. If the House version of the military construction appropriation goes through, this restriction is removed effective October 1. The 4-month delay puts on an additional burden because our winters, whose effects on construction are well known to the Senator from Michigan and since they are similar to those in his State, will delay construction for 1 full year.

I will not belabor the point any longer. I urge the Senator to consider those of us who are the most affected by these national decisions. The Senate and the House, if they go ahead with these things, may provide the IOCs which each of us would prefer not to have.

The IOC is there now and anything we do, I grant the Senator, is arbitrary. But in my opinion, the change we are proposing is just a piece of belief and a piece of information which my people would clearly like to have.

Mr. LEVIN. Mr. President, I believe the Senator is correct, that his people should have this information. There is nothing, in raising a point of order, which will prevent them from receiving that information.

All this point of order will do is to require that the law which we have on the books about an environmental impact statement prior to the design of a site-specific facility will be retained. It does not in any way suggest that the information which the Senator very correctly points out his people are entitled to before the next stage is taken will not be required.

I will be at his side on that issue, insisting that that information be available to the people. He is absolutely right.

I will also be at his side, hand in hand, in insisting that we not take any shortcuts in designing these facilities or in implementing or constructing the MX which will jeopardize the health and welfare and safety of the people of Wyoming. They are entitled to that. I hope that every Senator in this Chamber will join when it comes to protecting the health and welfare of all in Wyoming because they are all Americans, not just Wyomingites. My point is that if we require this to stay in the books, that we will not deemphasize welfare. We can require the information which the Senator has outlined, and, in addition, it will be required by law. We should not telescope the construction process to jeopardize the State of Wyoming with the impact. I think the Senator will find a majority of this Senate being united in determining that we are not going to cut corners on the construction of the MX to be an artificial IOC which will be in any way jeopardizing the people of Wyoming.

Mr. MATTINGLY. Mr. President, being the chairman of the Military Construction Subcommittee, this falls under my responsibility. I agree with the Senator from Wyoming on this point.

One, all the requirements for the NEPA have been fulfilled. I know the Senator from Michigan is perfectly within his rights to try to stop this amendment. I think if the U.S. Air Force had done their job, which they did not do, they would have been able to convince the Senator from Michigan and everybody else in here of the necessity of doing this, and also that it was legislatively correct to go ahead and everything had been fulfilled.

The U.S. Air Force just left my office some 45 minutes ago. They finally decided to come by and tell me about this issue. I told them they were a little bit late.

I just feel in defense of the Senator from Wyoming it would have helped us if they had done their job, which they did not do. I think that message was given to them very clearly some 45 minutes ago.

I ask unanimous consent to have printed in the Record a point paper in reference to the debate we are having today.

There being no objection, the point paper was ordered to be printed in the Record, as follows:

Point Paper on Need to Begin Peacekeeper Facility Design

Section 113, Public Law 97-323 "prohibits" site-specific facility design for the Peacekeeper missile system until the requirements of the National Environmental Policy Act (NEPA) have been fulfilled.

There is general agreement that Section 113 does not apply to facilities outside the deployment area; thus, the Air Force anticipates beginning design of these facilities soon.

There have been different viewpoints expressed regarding facility design for F.E. Warren AFB.

The DOD believes that all terms, conditions, and requirements of NEPA for site selection have been met, and, therefore, Section 113 has been complied with.

An opposing position is that the Section 113 restriction against site-specific design prohibits the Air Force from beginning any F.E. Warren AFB facility design at this point.

Repeal of Section 113 by Congress in the FY 83 Suplemental Appropriations Act and substitution of language restricting construction rather than design would dispell differences and allow timely design of F.E. Warren AFB facilities—would it (Sec. 113) apply to any other facility?

There is an urgent need to begin design now for the Reentry System Assembly, Surveillance and Inspection (AS&I) facility at F.E. Warren AFB. This facility is essential to the buildup and deployment of the nuclear weapon reentry systems and is on the critical path. The schedules for design, construction, equipment assembly and checkout, testing, training, nuclear surety and weapons buildup have already been compressed to the maximum. If design is authorized now:

Construction could begin by August 1984 which is necessary to meet the December 1986 initial operating capability date (IOC). Delay in start of construction from August 1984 (if design begins following repeal of Section 113 in the fiscal year 1983 DOD Suplemental) to November 1984 (if design begins following the fiscal year 1984 MILCON Act) could result in a three month IOC slip.

Sufficient foundation and structural work can be completed before the onset of severe winter weather to allow work to proceed through the winter months. If design/construction is delayed by three months, chances of productive construction activity during the winter months will be substantially diminished and additional construction costs would be incurred.

The maximum possible time will be available for construction. This will help minimize impacts to the affected area due to inmigration. Delaying the start of design/construction, while retaining the December 1986 IOC, exacerbates impacts by requiring the same construction activities to be accomplished in a foreshortened period.

No previous design efforts have taken place on the AS&I facility.

Given authority to begin the design process now and construction in fiscal year 1984, all fiscal year 1984 construction contracts can be awarded by August 1984.

Mr. MATTINGLY. I do not know if the Senator will back off from his request or not, but nobody wants a clearer and more protected environment any more than I do. I would just say that I think the concerns of the Senator from Michigan would be satisfied if he had the discussions that I have had in the last few days on this.

Mr. LEVIN. I thank my friend. I think all of our concerns are mutual. We are all interested in protecting the environment equally. I have no greater concern than the Senator from Wyoming on that matter. I respect Senators for their different views, although we have reached different conclusions on this.

Mr. WALLOP. If, as the Senator says, we both share the same goals, I would urge him to consider my people and whom they have asked to represent them, speak for them, and provide them with this information in a timely fashion. Of course, the Senator is quite able to do it otherwise. But this is a request from my fellow Senator from Wyoming, Senator Simpson, and myself that our people have what they feel they need in a process that is a little beyond their scope and reach. This amendment is just a way of providing them with a little further help along a difficult path, which we are going to do.

The Senator is entitled to make his point of order.

I yield the floor.

Mr. LEVIN. Again, I respect my friend very deeply. I believe that that information must and should be available to the people of Wyoming before any construction begins. I also believe that this provision, as stated, will require the EIS before the facility is designed. That will bring some additional information to the people of Wyoming and the people of America. That is, the location of the building before it is designed because, in fact, the location of that building on that Air Force base could affect the design. I think all that information is necessary.

Clearly, the information which the Senator from Wyoming seeks is essential; as I indicated, I think it would be a violation of law for us to proceed with construction of this facility without that information being available. But under the current law, it also requires the EIS before the site on that Air Force base for the particular facility is selected. I think that adds some additional protection. I had not intended in any way to detract, clearly, from what the law provides for information.

Based on that, I would raise a point of order, Mr. President, that this is legislation on an appropriations bill.

The PRESIDING OFFICER. The amendment of the Senator supersedes provisions of existing law and is, therefore, legislation on an appropriations bill. The point of order is sustained.

Mr. WALLOP. Mr. President, I withdraw the amendment on behalf of the Senator from Wyoming, Senator Simpson, and myself, and express my deep regret that the judgment of a Senator from a State not ours has been substituted for those people who represent them. I am sorry to say that, but I do believe we have not been well served by an arbitrary decision.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MATTINGLY. I object.

The PRESIDING OFFICER. Objection is heard

The legislative clerk resumed the call of the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE NORDEN DAM-O'NEILL UNIT

Mr. EXON. Mr. President, I am pleased that the Senate Appropriations Committee has reported H.R. 3069, the fiscal year 1983 supplemental appropriations bill, with a directive to the Secretary of the Interior to contract with the State of Nebraska to study alternatives to the Norden Dam, O'Neill unit of the Pick-Sloan Missouri basin program.

The provision in H.R. 3069 requires the Bureau of Reclamation to immediately initiate a joint, State-led study with available funds in this fiscal year. The committee has promised to provide followup funding from the O'Neill project's construction fund account for the study in the fiscal year 1984 appropriations bill.

In the interest of encouraging a prompt but thorough study, the bill language limits the study period to 18 months. State water officials have indicated that 18 to 24 months would be required for this study which would include onsite testing and data collection. The time period for the study shall commence with the execution of the contract and the availability of funding between the Bureau and the State of Nebraska. Less time may actually be required.

The bill directs that this joint Federal-State study be State-led.

Nebraska water officials have outlined a plan of study to examine the possibility of serving the designated project lands without utilizing a major reservoir. An artificial ground water recharge proposal has been suggested by the Nature Conservancy which has raised interest in this possible alternative.

This joint, State-led study, mandated by the provisions of H.R. 3069, would examine: First, the capability of the Niobrara River Valley to support well fields pumping water to the project area utilizing vertical wells of conventional design or collection galleries, so-called horizontal wells, of less common, but of proven technology; second, the potential for large-scale ground water recharge, utilizing ditches, pits, spreading basins, and so forth, in the project area on a sustained basis; third, the possibilities of directly serving some project lands where recharge may not be feasible so as to maintain the objectives of Congress and "keep the project lands whole"; fourth, to estimate the cost of the alternative project in terms of Federal, State and local outlays, out-of-pocket costs to irrigators, operation and maintenance costs, and other social, environmental, and legal issues.

Total Federal costs for the alternative study are estimated to be $100,000 according to State officials.

Mr. President, Nebraskans are at a crossroads regarding the future of the Norden Dam, O'Neill unit project. There is substantial support for the project, and, there is substantial opposition. In short, Nebraska is divided over the question of building the Norden Dam.

Last December the House of Representatives, during consideration of the continuing resolution, voted overwhelmingly to reject all funding for the Norden Dam on a vote of 245 to 144. This rejection of the Norden Dam project, by 101 votes, was soon followed by the introduction of legislation in the 98th Congress to totally deauthorize the Norden Dam project.

The vote last December in the House was significant in that a majority of both Democrats and Republicans voted against the project, as well as a majority of westerners and members of the House Interior Committee. Opposition to the Norden Dam has focused on the project's rapidly escalating costs and environmental problems.

The future of the Norden Dam project as currently proposed is dim. I have asked all interested parties to strive to agree upon an alternative to the dam which can be supported by Nebraskans and the Congress in light of the fiscal realities facing water projects and all Federal spending in the Congress.

Recognizing the need to reassess, reconsider, and reexamine this matter, I contacted our Governor, Robert Kerrey, State officials, my fellow Nebraskans in the Congress, and prominent supporters and opponents of the authorized Norden Dam project.

I am encouraged by the response to my request that Nebraskans reach a consensus on the future of the Norden Dam.

In my letter of last March I stated that it has always been my belief that there is a real need for water development and for limiting Nebraska's water outflows. It is obvious that the construction of the Norden Dam has faced formidable environmental and financial obstacles. Ever since the unfavorable vote in the House of Representatives last December, which should have rung the alarm bell of all, I have been weighing the best future course of action for Nebraska. It appears to me that we have two options: One is to ignore the difficulties and proceed on course with the original O'Neill concept while acknowledging the risk of losing all funding; or second, to seek a workable, less costly alternative that could hopefully receive widespread support.

In this March letter to Nebraska's leaders and water community, I referenced two possible alternative projects. The first was the Carns diversion alternative, researched 2 years ago by the Bureau of Reclamation and supported by Nebraska Congressman Doug Bereuter after a study of nine possible alternatives. The second was a ground water recharge plan which was a totally new idea, not previously studied or considered in the 1981 report for Representative Bereuter.

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This second alternative was, as I mentioned, brought to my attention by the Nature Conservancy. Recognizing the need to provide water for north central Nebraska, this plan, called the Niobrara River water development plan, proposes to obtain, deliver, and store the waters of the Niobrara River in an innovative and creative manner. As a substitute for the Norden Dam, Reservoir, and extensive canal networks, the plan proposes to place a well field in the Niobrara River alluvium pumping approximately 9 months of the year and recharging the ground water basin beneath virtually the same project area served by the Norden Dam, O'Neill unit, according to the Nature Conservancy. In addition, conservancy spokesmen have estimated the cost/benefit ratio to be 3.78 to 1, compared to 1.32 to 1 for the Norden Dam. The projected cost of the well field proposal is estimated to be $96.5 million compared to the Norden Dam now estimated to cost in excess of $370 million.

The ground water recharge proposal to be studied by the State of Nebraska could save the Nation's taxpayers a quarter of a billion dollars. Furthermore, the proposal would eliminate most of the environmental objections, according to the conservancy, and yet provide most of the irrigation benefits of the authorized project.

Alternatives which will save taxpayers' dollars and preserve much of the Niobrara River's instream flow, stand a much better chance of acceptance in our current climate. With Federal budget deficits looming ahead in excess of $200 billion annually, we must seek more cost-effective ways to meet our water needs as well as all other Federal expenditures.

Limited Federal dollars will challenge our creativity and require new thinking and innovations to meet our future water needs. This is a challenge which I believe Nebraskans, who are vitally dependent upon water to support agriculture, are ready and willing to accept.

In order to meet our water demands in the years ahead we must move forward boldly in seeking less conventional methods to develop needed water supplies. We must let loose the old and tired notions of the past in searching for new solutions to these water needs.

My letter of March 10, circulating the ground water recharge alternatives to Nebraska's leaders, has stimulated considerable discussion of the possibilities of a less costly, less environmentally objectionable alternative to the dam both privately in correspondence to me, as well as in an endless number of news accounts across the State of Nebraska. Many are pleased and support an alternative and some do not. Some simply prefer a dam and reservoir or nothing at all, and are completely unwilling to consider alternatives as well as the Norden Dam.

Others, Mr. President, have raised legitimate questions about the feasibility of the ground water recharge proposal, with a willingness and open mind about reviewing possible alternatives to the Dam.

On March 17, Mr. J. Michael Jess, director of the Department of Water Resources for the State of Nebraska wrote to Gov. Robert Kerrey discussing the nature conservancy's alternative. He told the Governor that the conservancy's proposal was "innovative and has viable elements," and that "it is worthy of further pursuit by the Congress and the States."

On March 22, Governor Kerrey responded to my inquiry and suggested that "a formal review of this approach would yield valuable results and should be initiated by the appropriate Federal agencies. It is important for us, as Nebraskans, to work together to achieve our common goal of developing and utilizing our water resources."

On April 19, Governor Kerrey requested that the State of Nebraska undertake a study of the proposed ground water recharge alternative citing the need for "an objective, scientific analysis." The Governor estimated that $100,000 in Federal funding would be needed to conduct the study which would include onsite testing of various well yields in the project area. Directed by Mr. J. Michael Jess, the State's director of water resources, the Governor emphasized that "we need a judgment we Nebraskans and others can trust to be accurate."

On April 21, the Nebraska Natural Resources Commission voted, 12 to 2, to support a study and urge Federal funding to examine the potential of the ground water recharge alternative. Mr. Dayle E. Williamson, executive secretary of the commission, wrote to me following the commission's vote advising me of that agency's position.

Recently, Mr. Vincent H. Dreeszen, director of the conservation and survey division of the University of Nebraska's Institute of Agriculture and Natural Resources wrote to me indicating that he was pleased that I have initiated action to fund an alternative study. He stated that "the need for the study becomes more and more obvious as questions are raised and opinions expressed by interested people. All of us are speculating based on inadequate information."

Mr. President, Vince Dreeszen's comments accurately summarize the pressing need to quickly, but accurately, study the well field and ground water recharge proposal.

In addition to the encouragement of the State of Nebraska's water leaders, several major newspapers have editorialized in support of considering the ground water recharge alternatives.

The Omaha World-Herald, on March 27, said, "It would make good sense to lay aside emotionalism and to remember that the primary purpose of the O'Neill unit is not to build the Norden Dam. The primary purpose of the O'Neill unit is to provide irrigation water to farmers in an area where the water tables are declining." The World-Herald reiterated this position again in another editorial on June 10.

The Lincoln Journal, on March 16, said, "The better wisdom, Democrat Exon says, is to agree upon a less expensive alternative. That's sound advice."

On March 16, the Norfolk Daily News stated, "as long time supporters of the Norden project, we would like for the Nature Conservancy proposal to get a thorough examination by engineering experts and resource developers."

The Lincoln Star, on March 22, stated in its editorial, "We believe the Norden Dam is a lost cause and some alternative must be sought if anything is now to be salvaged. The Nature Conservancy plan does have a lot to offer and could be the rallying point for the consensus of which Senator Exon speaks."

Finally, the Nebraska Resource Report, published by Mr. Jack Hart, formerly the State's water resources coordinator under former Governor Thone, reviewed the well field and ground water recharge alternative. In his April 1983, issue of the report, Hart stated that the future of the O'Neill project "must be based on what now can be done to insure as much irrigated agriculture and as much economic development as possible in that north central part of the State," and that, "against these realities," Hart concludes, "the better part of valor appears to be to rally that consensus Exon seeks, create the very best plan with the greatest amount of irrigation possible."

Mr. President, I believe that, in light of projected water needs and future domestic and international demand for grain, we must make good use of otherwise lost water resources. The major goal of the O'Neill unit was always to provide irrigation water to north central Nebraska and recharge the aquifer. This must continue to be our goal and we must not be deterred from considering any acceptable and workable alternatives to building a dam.

With that in mind, I am hopeful that a consensus to protect Nebraska's water interests can be built around a proposal which recognizes the realities of the situation in the Congress, and in particular, in the House where complete deauthorization of the project is imminent absent an alternative plan.

I have not selected any one alternative to the exclusion of others. State

water experts will start with the Nature Conservancy's well field recharge plan. Answering a series of technical questions about the yields of the proposed well field, the placement of the wells, recharge rates, siltation problems in the recharge basing, energy costs, and other questions, will be our first and best step forward in forging a concensus for the good of Nebraska.

I am greatly encouraged by the committee's support for a State-led study of alternatives.

I applaud my fellow Nebraskans who have recognized the real situation facing the Norden Dam and have urged that this study be undertaken. It is my fervent hope that it will lead us toward a positive and balanced water development program for north central Nebraska.

I strongly encourage the Senate's full support for this provision in H.R. 3069, and request the firm commitment of the Senate conferees to this provision so important to the State of Nebraska.

Mr. President, I ask unanimous consent that the editorials from the Omaha World-Herald, the Lincoln Journal, the Norfolk Daily News, Omaha Sun, and Lincoln Star, in addition to the excerpt from the Nebraska Resources Report be printed in the Record.

I further ask unanimous consent that the letters from Governor Robert Kerrey, and the outline of the study plan prepared by the State, be printed in the Record as well.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., March 10, 1983.

Dear —— ——: I am writing to seek your advice on how we should best proceed on the O'Neill Unit. A similar letter is going forward to several others, including the Governor and the rest of Nebraska's Congressional delegation.

It appears that we may be at a crossroads on this project, and Nebraska's interests have highly questionable chances of being saved unless we Nebraskans can get our act together very soon. It will be my effort to accomplish that result and I hope you can help by giving me your views.

It has always been my belief that there is a real need for water development and limiting Nebraska's water outflows for the benefit of North Central Nebraska. But it is obvious that the construction of the Norden Dam-O'Neill Project has faced formidable environmental and financial obstacles.

There is a possibility that the current long legal battle over environmental concerns could be resolved, perhaps rather soon. But regardless of that outcome, whether favorable to the project or otherwise, there are now even more serious financial difficulties sometimes not fully appreciated.

Last December, it was only the Senate's continued authorization of funds that prevented the essential elimination of the project. Prior to the favorable Senate action, the House of Representatives voted against the O'Neill Unit for the first time by an overwhelming margin. Please refer for details to two letters dated February 24, 1983, copies attached, from Congressman Bonior, which make it clear that the action by the House in the lame-duck session was but the beginning and not the end of that body's determined opposition. With the federal deficits now confirmed at running in the $200 billion yearly range for years to come, it can be anticipated that the Senate also will be looking more critically at reducing or eliminating authorizations.

Ever since the unfavorable vote in the House of Representatives last December, which should have rung the alarm bell of all, I have been weighing the best future course of action for Nebraska.

It appears to me we have two options: One is to ignore the difficulties and proceed on course with the original O'Neill concept while acknowledging the risk of losing all funding; or, second, to seek a workable, less costly alternative that could hopefully receive widespread support in both Nebraska and Washington. The Carns Diversion Alternative already researched by the Bureau of Reclamation should be further reviewed as well as any other workable alternatives.

I have obtained Congressman Bonior's assurances that he would be approachable and would consult with me on possible alternatives without the necessity of reauthorization. He has made no commitment, however, as of now not to proceed with deauthorization. I have advised him that I will first attempt to form a consensus among Nebraskans as to how we should proceed.

In February I began looking at still another possible alternative, not previously suggested, from the Nature Conservancy group. It embodies, as a substitute for the dam, reservoir and extensive canal networks, wellfields further downstream and adjacent to the Niobrara supplying groundwater recharge to virtually the same O'Neill area. I was interested in many of the suggested benefits which claim to speed up completion, dramatically reduce the costs, eliminate all or most environmental concerns and other seemingly practical advantages advanced by this alternative. The claim is that, if adopted, the project's costs would be reduced by 73 percent, for a completed cost of less than $100 million as opposed to the present completion plan for over $368 million.

You will find attached some of the information on this option that was designed by an engineer. If there is sufficient interest in this proposal, I will initiate a formal review of this approach by appropriate federal agencies as to their view of its costs and feasibility. The main point is that we must, with dispatch, come to a workable concensus as Nebraskans and unite to reasonably protect Nebraska's water interests.

Because of the obvious need to cut federal spending, we must all do our part to explore less costly taxpayer-financed expenditures. There has been too much of the philosophy, "Let's cut yours, but don't touch mine." That attitude has got to be changed.

Your comments are solicited and further copies of this correspondence are available to any interested party from my office.

Cordially,

J. James Exon,
U.S. Senator.

Enclosures.

Nature Conservancy's "Niobrara Alternative"

This is a summary of the proposal as advanced by the above organization.

The Niobrara Alternative proposes 196 pumping stations, similar to those already employed by Nebraska's three largest cities, to draw water from the Niobrara River's alluvium to a lined canal which would distribute water to approximately 125 small groundwater recharge basins. This proposal maintains instream flow for possible downstream irrigation and hydropower projects by employing underground water storage through aquifer recharge to support about 87,000 acres of land in the O'Neill area. Points for comparison and consideration:

1. The Niobrara Alternative minimizes water loss through evaporation, as it requires 70,400 acre-feet of water annually compared to the 166,500 acre-feet required by the O'Neill Unit.

2. The O'Neill Unit would serve 77,000 acres compared to the Niobrara Alternative's 67,000 acres, but the Niobrara Alternative would allow for additional irrigation downstream because of its smaller water requirements.

3. Niobrara Alternative cost is projected at $96.5 million; the O'Neill Unit at $368.7 million.

4. The estimated benefit cost ratio is 3.78/1 for the Niobrara Alternative; the same is 1.32/1 for the O'Neill Unit.

5. The O'Neill Unit requires acquisition of 30,264 acres of private land; the Niobrara Alternative only 2,300 acres.

6. It would take about 12 years construction time for the O'Neill Unit; five years for the Niobrara Alternative.

7. Since this is a groundwater recharge project, pumping costs for irrigators will be greater under the Niobrara Alternative. However, since the construction repayment obligations of the irrigation district will be much lower under the Niobrara Alternative, this will more than offset the additional pumping costs.

8. Under the Niobrara Alternative, farmers will be able to irrigate when their crops need it rather than according to the O'Neill Unit's water distribution schedule.

9. The recreation benefits of the Niobrara Alternative will be substantial although not of the same type. The recharge basins will provide excellent waterfowl habitat, and current recreation along the Niobrara will be preserved. Recreation benefits assumed in both alternatives are minor considerations in the benefit cost analysis.

10. The O'Neill Unit would require almost 100 miles of larger, lined canal and would require construction of long, underground "siphons" to transport water under creeks which traverse the canal path. The lined canal is smaller in diameter and only 20 miles long in the Niobrara Alternative.02

State of Nebraska,
Lincoln, March 22, 1983.

Hon. J. James Exon,
U.S. Senate, Hart Office Building, Washington, D.C.

Dear Jim: I have had my staff carefully study your letter of March 10, 1983, in which you ask me on how we should best proceed on the O'Neill unit. Attached is a copy of a report from the State Water Engineer.

The question is most important because it does appear that we may be at a crucial turning point in the funding of the project. It looks as though we run a real risk in losing funding and authorization for the project.

Our concern in this issue is to deliver irrigation water to those areas which badly need supplemental water. The question is how do we provide proper soil moisture for the necessary crop production in those areas to be irrigated by the O'Neill project. Our challenge is to answer that question with tools that we have available to us.

If funding for the O'Neill unit is not going to be possible in these difficult economic times, we do need to consider feasible alternatives as you suggest. If these alternatives are feasible and do achieve our goal of delivering water to the agricultural production areas, it is important that the authorization for the O'Neill project be transferred to an alternative so that we don't have to start all over again, the lengthy process of authorization.

I've had my staff review the Nature Conservancy's "Niobrara Alternative". Without going into technical details, I can say that the Niobrara Alternative merits further study. Mr. J. Michael Jess, Director of the Nebraska Department of Water Resources, has reviewed the plan for me and considers it to be innovative and a viable alternative. He feels that it is worthy of further pursuit by the Congress and by the State.

Therefore, I suggest that a formal review of this approach would yield valuable results and should be initiated by the appropriate federal agencies. It is important for us, as Nebraskans, to work together and to achieve our common goal of developing and utilizing our water resources.

Sincerely,

Robert Kerrey,
Governor.

State of Nebraska,
Lincoln, March 17, 1983.

Gov. Robert Kerrey,
State Capitol Building, Lincoln, Nebr.

Dear Governor Kerrey: I have reviewed an alternative to the now-proposed O'Neill Unit which is intended for irrigation of some 77,000 acres of land in Holt and Keya Paha counties. The alternative study was prepared by a private firm for the Nature Conservancy. During two visits with the consultant, the scheme has been more fully outlined.

The alternative scheme proposes delivery of irrigation water to some 67,000 acres in Holt County. Much of those lands are the same as proposed for service by the Bureau of Reclamation. The principal differences between the schemes are two. The Bureau project calls for construction and operation of the Norden Dam. The Conservancy plan calls for construction of a well field in the Niobrara valley. Approximately 200 wells along a five-mile reach of the river valley constitutes the source of supply.

The other difference between the plans relates to the method of service to project land. The Bureau project utilizes a traditional approach involving direct service through canals, laterals, etc. The Conservancy plan involves operation of numerous ground water recharge pits scattered throughout the project lands. Through seepage from the pits the ground water reservoir would be recharged. Individual farm operators would tap the augmented supply by utilizing their own wells.

From an engineering viewpoint, several elements of the Conservancy plan appear feasible. Clogging of recharge pits by sediment carried in raw river water would be eliminated by utilizing pumped ground water for recharge of the aquifer underlying the project. The transfer scheme calls for sufficient recharge quantities to offset a significant portion of present ground water declines.

Cost of the alternative appears substantially less than the Bureau's proposal. The primary savings is achieved by eliminating the Norden Dam and Reservoir. Other cost savings result from construction of a smaller capacity and shorter length supply canal. Deemed unnecessary and thus eliminated is the Springview Canal which would provide water to about 10,000 acres north of the Niobrara River.

Contrasted to the proportionally high construction cost of the Bureau project, the Conservancy plan is highly energy intensive. Total lift in pumping from the valley wells and moving the water up to the high tableland south of the Niobrara valley amounts to 300 to 350 feet. Thus, a greater ratio of variable cost presumably changing in parallel with the economy would be substituted for fixed costs spread over a scheduled payback period.

In converstation with the consultant, out-of-pocket costs for individual farmers were said to be less than under the Bureau proposal. Under the same discount rate, the Conservancy plan is said to have a more favorable benefit to cost ratio (3.78 to 1 vs. 1.32 to 1). The Conservancy plan in not providing for a dam and reservior consequently eliminates flood control, sediment reduction, and some recreation benefits. I expect employment of individuals involved in the construction would also be less.

Development of a sufficient well field in the Niobrara valley at the recommended site is uncertain. The consultant acknowledged a lack of site-specific information. In its absence, he made an assessment based upon regional correlations. Skeptics could have come to dissimilar conclusions.

In summary, continuing ground water declines are a fact of life within the proposed O'Neill project. Imported supplemental supplies will provide stability to the local economy. The authorized Bureau project presents an attractive subsidy in terms of project payback, discount rate and other factors. No assurances have been given that the Conservancy plan would entail such advantages. Nonetheless, the plan is innovative and has viable elements. I believe it worthy of further pursuit by the Congress and by the State. I would be pleased to review and advise you should the plan be carried further.

Sincerely,

J. Michael Jess,
Director,
Department of Water Resources.

Gov. Robert Kerrey,
Lincoln, Nebr., April 19, 1983.

Hon. J. James Exon,
U.S. Senate,
Washington, D.C.

Dear Jim: As you say in your letter of April 1, 1983, there is considerable resistance to looking at any project (other than the O'Neill Unit/Norden Dam Project) that may successfully deliver the needed ground water to the agricultural production. Any new technology is meeting with resistance.

In analyzing any technology our method must be scientifically accurate and unbiased. We cannot afford to have the results of any experiment confounded by the preconceived notions of what the results should be.

Therefore, I am suggesting that an objective analysis be carried out by the Nebraska Department of Water Resources. The Director of this Department, Mr. Michael Jess, a qualified engineer, will coordinate a technical review of the proposed alternatives. This analysis will cost about $100,000 which we hope to provide through federal funds.

We could start the analysis this summer at the earliest date if funding can be provided. We would appreciate your assistance in this regard.

We need an objective, scientific analysis of these alternatives. We need a judgment we Nebraskans and others can trust to be accurate.

Sincerely,

Robert Kerrey,
Governor.

State-Led Review of Nature Conservancy Alternatives to the O'Neill Unit

The recently released Nature Conservancy proposal outlines an alternative scheme for supplying supplemental irrigation water to the lands identified in the Congressionally-authorized O'Neill Unit. Reaction to the proposal has been mixed. A number of technical and economic questions have been raised. Review and evaluation of those issues is desired.

Michael Jess, Director of the Department of Water Resources, has been designated by Governor Kerrey to coordinate a State-led review. Jess will call on Vince Dreeszen, Conservation and Survey Division, UN-L and V. K. "Tony" Vrana, Natural Resources Commission for assistance. The review will be conducted with the aid of the private sector, University departments, State agencies, the North Central Nebraska Reclamation District, the Nature Conservancy and the Bureau of Reclamation. Information available from the Bureau of Reclamation, from other federal agencies and from elsewhere will be utilized.

The Governor has estimated that a minimum of $100,000 in cash will be sought. The study coordinator estimates the effort will require 18 to 24 months' time.

The State-led review will examine the possibilities of serving the designated project lands without utilizing a major reservoir. The study will not attempt to pass judgment on the O'Neill Unit as authorized. Rather, it is envisioned as an effort to consider alternatives consistent with the objectives of Congress.

Specifically, the review is expected to shed further light on the:

(1) Capability of Niobrara Valley well fields utilizing vertical wells of conventional design or collection galleries of less common but proven technology.

(2) Potential for large-scale ground water recharge (through ditches, pits, spreading basins, etc.) in the project area on a sustained basis.

(3) Possibilities of directly serving some project lands where recharge may not be feasible so as to maintain the objectives of Congress and "keep the project lands whole."

(4) Estimated cost of the alternative project in terms of federal, state and local outlays, out-of-pocket costs to irrigators, and operation and maintenance.

To the extent possible, the review will also address social, environmental and legal issues.

If a favorable report can be made on an alternative, it is assumed that a feasibility study would follow.

State of Nebraska,
Gov. Robert Kerrey,
Lincoln, Nebr., June 7, 1983.

Hon. Edward Zorinsky,
Hon. J. James Exon,
U.S. Senate,
Hon. Douglas K. Bereuter,
Hon. Hal Daub,
Hon. Virginia D. Smith,
House of Representatives,
Washington, D.C.

Dear Nebraska Delegation: Earlier this Spring, several State water development agencies joined together to propose a State-led review of alternatives to the Norden Dam-O'Neill unit. I designated Michael Jess of the Department of Water Resources to coordinate the State led review, which would be conducted with the aid of the Conservation and Survey Division of UNL, the Nebraska Natural Resources Commission, and other parties including the U.S. Bureau of Reclamation.

In proposing the State-led review, we estimated that $100,000 would be necessary from the Bureau of Reclamation and that 18 to 24 months would be required to complete the study.

The Senate Appropriations Committee has now directed that the State-led study be undertaken, and we ask that the Nebraska delegation support the language as it was reported in the 1983 Supplemental Appropriations Bill. To maximize the objectivity and effectiveness of the study, the sooner the study is approved, the sooner it can be completed. We are assuming that no further money would be spent on construction activities until the study is completed.

We are eager to move forward with a cost effective consensus project for the benefit of north central Nebraska and it is the intention of the State to conduct the study expeditiously. I have directed Michael Jess to begin immediate preparations in order to advance the timetable of the study.

Sincerely,

Robert Kerrey,
Governor.

[From the World-Herald, Mar. 27, 1983]

A Choice on Norden Dam

The Bureau of Reclamation's proposal to dam the Niobrara River near Norden, Nebr., and transport water by canal to the O'Neill area continues to generate opposition in the Midlands and in Congress.

That opposition has reached the point where proponents of using Niobrara water for irrigation in the O'Neill area should recognize the possibility that the Norden Dam will not be built.

Last December, the House voted 245-144 against appropriating construction money for the dam.

An analysis of the vote distributed by Rep. David Bonior, D-Mich., illustrated the extent of the opposition to the Norden Dam. Those voting against the project included majorities of the House Democrats, House Republicans, House Interior Committee members, Public Works Committee members and representatives from Western states. Even the Nebraska delegation, he noted, is divided.

Last week, Bonior introduced legislation to "deauthorize" the project.

Sen. J. J. Exon, who is proposing a look at an alternative plan proposed by the Nature Conservancy, has said the situation is at a "crossroads." Governor Kerrey, who has recommended that the Nature Conservancy's plan be submitted to a formal review, says the O'Neill project is at a "critical turning point."

Exon, in a letter to a number of Nebraskans earlier this month, said the choice is between:

Ignoring the political and financial difficulties associated with the Norden Dam and risking the loss of all federal funds for irrigation in the O'Neill area;

Seeking a workable, less costly alternative capable of winning support in Nebraska and in the nation's capital.

Supporters of increased irrigation in the O'Neill area should consider those alternatives.

The Nature Conservancy's proposal would involve the drilling of 198 wells on either side of the river. Water pumped from beside and below the river would be carried by canal to man-made ponds in the O'Neill area, from where the water would soak into an aquifer.

Local irrigators would pump the water to the surface as needed, using their own irrigation systems.

Some of the reaction to the Nature Conservancy's plan has been critical. Such longtime supporters of the Norden Dam as State Sen. John DeCamp of Neligh and former Sen. Maurice Kremer of Aurora have described the plan as merely a variation of a concept already studied and found unworkable.

Supporters of the Nature Conservancy's plan say that the idea is superior to the Norden Dam proposal. The Nature Conservancy's plan would cost less, they say, leave more water in the river, lose less water to evaporation and seepage, require the condemnation of less private land and still provide irrigation water to most of the territory targeted for Norden Dam water.

Such claims should be submitted to study and review as suggested by Kerrey and Exon. The Nature Conservancy's plan deserves a look. The O'Neill Unit issue needs to be resolved.

It would make good sense to lay aside emotionalism and to remember that the primary purpose of the O'Neill Unit is not to build the Norden Dam. The primary purpose of the O'Neill Unit is to provide irrigation water to farmers in an area where water tables are declining.

[From the Lincoln Journal, Mar. 24, 1983]

Dam Does Not Thrill Kerrey

Nature Conservancy's alternative to the Norden Dam as a means of furnishing irrigation water to the O'Neill Project is, quite as Gov. Kerrey says, an "innovative" one. Whether it is also a "viable alternative," as the governor is further quoted as saying, isn't quite as firm. That may be a case of the hope being the father of a wished-for conclusion on Kerrey's part.

The governor's letter to Sen. J. J. Exon endorsing careful checking of the suggestion of an extensive well field along the Niobrara River as a source of water for north-central Nebraska irrigation is still a meaningful statement. It means that Kerrey is not keen about construction of the Norden Dam. Reaching a contrary conclusion would be difficult.

As a platform for his comments to Exon—who raised the Nature Conservancy alternative earlier this month—the governor referred to comments of J. Michael Jess, the state's water resources director. Jess wrote that from an engineering consideration, the well field/recharge pit package appears feasible.

But Jess also was cautious enough to add that there is no guarantee of a well field of sufficient productive size at the proposed location. And tests could prove him correct.

It may be that the kind of river water diversion structure and temporary reservoir sketched by Rep. Douglas Bereuter months ago might be a more stable, satisfactory option.

Not only the Nature Conservancy proposal but the diversion and pumping combination cited by Bereuter ought to be checked out in maximum detail—including financial detail.

[Editorial from the Lincoln (Nebr.) Journal, Mar. 16, 1983]

State Should Follow Up Exon, Bereuter Norden Alternatives

It's J. J. Exon, not E. F. Hutton, who's doing the talking. Nevertheless, backers of the embattled O'Neill Unit-Norden Dam project ought to listen attentively.

The state's junior U.S. senator this week all but signalled the project in its present controversial form is probably moribund. The financial costs and environmental considerations involved are too heavy. The better wisdom, Democrat Exon says, is to agree upon a less expensive, dam-less alternative.

That's sound advice.

An option which Exon recommends—at least for purposes of getting constructive new thinking started, so far as we can tell—is a proposal developed by the Nature Conservancy. It has as its central feature an extensive well field bordering the Niobrara River, straddling the Rock and Holt County boundary line, and then a groundwater recharge system.

Pluses held out for this plan are that it would cost less than $100 million or about one-fourth of the current project design, have a genuinely positive benefit-cost ratio, be less environmentally intrusive and could have a chance of being operative six to seven years earlier.

This is not the same plan which Rep. Douglas Bereuter had highlighted in October 1981, rather than going ahead with construction of Norden Dam. Of nine alternatives to the old project, Bereuter focused on one called the Carns Pump Diversion plan—a 10-foot high diversion structure positioned on the river, creating a small seasonal holding pool just where Rock, Holt, Boyd and Keya Paha Counties come together.

Whether the Carns Pump Diversion scheme is better than the wells/recharge combination prepared by the Nature Conservancy is, of course, an informed judgment incapable of being made without analysis.

When Democratic Rep. John Cavanaugh declined to seek a third term, Republican Bereuter picked up the flag of opposition to the O'Neill Project, so long as it embraced the Norden Dam. Bereuter's politically unpopular but leadership-style call in June 1981 for an honest, updated financial evaluation of the project helped lay the groundwork for the position which Exon now has reached.

Given Exon's political weight, in Nebraska and on the Senate Budget Committee, his counsel that all sides get together on a compromise alternative should not be spurned. Exon is simply being pragmatic in this regard, and of a mind to help Nebraska, lest the entire irrigation project go, as they say, down the river.

[Editorial from the Norfolk (Nebr.) Daily News, Mar. 16, 1983]

AN ALTERNATIVE?

Sen. J. J. Exon thinks there may be a way to meet the objectives of the O'Neill-Norden Dam project without the dam. He wants serious consideration given the proposal made by Nature Conservancy to supply water to the 67,000 irrigable acres in the O'Neill area by means of wells drilled along the Niobrara.

That proposal would require nearly 200 wells along a stretch of the river north of Newport. The area is approximately 40 miles east of the Norden Dam site. It would require much less canal construction, and would provide a series of small water impoundment areas supplied by the wells rather than the single large dam. As estimated now, the cost-benefit ratio would be greatly improved.

The Norden project's cost estimate is currently $368 million; that for the conservancy plan $96.5 million. The benefit to cost ratio of the original project is to be 1.32 ($1.32 in benefits to each $1 of estimated costs), while the new plan indicates a 3.78 ratio. Land acquisition by the federal government for the conservancy plan would total 2,300 acres; that for the original project 30,000 acres.

The plan advanced by the conservancy group and suggested for consideration now by Sen. Exon has two major deficiencies. It would not create a new lake, useful for recreation, though that tradeoff for flooding of a scenic area has never been acceptable to opponents of the project. Neither would it provide water to 8,000 acres in the Springfield area which is a feature of the original Norden project.

Sen. Exon believes the vote in the House last year when the O'Neill-Norden project was denied additional funding was an omen which now leads to only two options. One would be to attempt to "proceed on course" with the original project despite the risk of losing all funding. The other is "to seek a workable, less costly alternative."

Before the conservancy group's plan there seemed no practical alternative to consider. Now there is one, though its feasibility must still be determined. There may be environmental groups which would as vigorously oppose the alternative as the original project; or those who would see grave dangers in tapping ground water to the extent such a project requires. Still others will argue—as is the case with the original project—that any schemes to improve production in the face of crop surpluses is unwise.

Making good use of otherwise wasted water resources, however, remains good public policy.

The conservancy group has come up with a proposal that deserves careful study. Sen. Exon has outlined the situation in realistic terms. There is every reason for advocates of resource development in the area and in Nebraska to examine it with care, and with a positive approach. As long-time supporters of the Norden project, we would like for the Nature Conservancy proposal to get a thorough examination by engineering experts and resource developers.

[Editorial from the Lincoln (Nebr.) Star, Mar. 3, 1983]

NEW FUTURE POSSIBLE FOR NORDEN DAM PLAN

Slowly but surely, it seems, the Norden Dam-O'Neill Project is slipping away into oblivion. Congressional forces are arrayed against it that seem irreversible and the project earns no new friends along the way.

Nebraska Sen. Jim Exon is currently attempting to determine what route the state wants to take, from a political point of view. He writes in a letter: "In February I began looking at still another possible alternative [to Norden], not previously suggested, from The Nature Conservancy group. It embodies, as a substitute for the dam, reservoir and extensive canal networks, wellfields further downstream and adjacent to the Niobrara supplying groundwater recharge to virtually the same O'Neill area.

"I was interested in many of the suggested benefits which claim to speed up completion, dramatically reduce the costs, eliminate all or most environmental concerns and other seemingly practical advantages advanced by this alternative. The claim is that, if adopted, the project's costs would be reduced by 73 percent, for a completed cost of less than $100 million as opposed to the present completion plan for over $368 million. . . ."

The Senator went on to note that it is imperative that Nebraska come to some kind of consensus in this matter, beyond the O'Neill unit on a take-it-or-leave-it basis. It is imperative because political forces in Congress are moving to de-authorize that unit, a project now nearly 30 years in the planning and still without a shovelful of dirt moved toward its construction.

On a vote in the 1982 lame-duck session of Congress, the O'Neill project was rejected by a staggering 101-vote margin. The prime House mover against the project is Rep. David E. Bonior of Michigan who has informed Senator Exon of his intentions to see a House de-authorization of the O'Neill unit, a move Bonior believes will be met with resounding success.

We believe the Norden Dam is a lost cause and some alternative must be sought if anything is now to be salvaged. The Nature Conservancy plan does have a lot to offer and could be the rallying point for the consensus of which Sen. Exon speaks.

Without some such switch in approach, everything will be lost and Nebraska will have to start all over again. A switch to the conservancy's plan would salvage existing appropriations of some $10 million plus salvaging a green light in the Congress for a water project along the Niobrara.

We do not lay claim to the engineering expertise to render a solid judgment on the conservancy project but it looks to have a great deal of potential. We commend Exon for his attention to the matter and hope he proceeds with a request for a formal review of the project by appropriate federal agencies, as he has offered to do if support out of Nebraska is forthcoming.

If Nebraska sticks to its guns on the Norden Dam, it is likely to lose that battle, plus anything that could be salvaged from moving at this time to a new plan of action. It is time to recognize the inevitable demise of the O'Neill unit.

[Editorial from the Omaha (Nebr.) Sun, Mar. 23, 1983]

SENATOR EXON TRIES SALVAGE OPERATION

Since its authorization by Congress in 1971, the proposed Norden Dam project (also known as the O'Neill, Nebr. irrigation unit) has been attacked by environmental and taxpayer groups.

While opposition has mushroomed in recent years, our two U.S. senators, J. J. Exon and Ed Zorinsky, have straddled the fence.

Both are still there, but Exon has taken some action, mailing a letter to 60 Nebraskans who represent a cross-section of viewpoints on the issue. He has asked them to compromise so Nebraska won't be shut out of funding for some type of irrigation project in North Central Nebraska.

Some observers have termed his action "courageous." Always sticklers for precise language, we prefer the phrase, "politically astute."

In our view, those who know Jim Exon's style can take the letter as an electrocardiogram of the dam's failing vital signs.

Last fall, Rep. David Bonior led a floor fight to eliminate funding for Norden. The motion carried by more than 100 votes in the House, though it was deleted from budget resolution language in what is known as "joint conference."

Nevertheless, Bonior says he'll pursue the issue. With more Democrats in the House this year, a move to dump Norden would be even more popular.

So Exon has turned to alternatives, specifically a new proposal forwarded by the Nature Conservancy, an environmental group. It calls for construction of almost 200 wells along the Niobrara River to supply water for 67,000 acres.

The plan includes 125 recharge basins. The underground water table has been dropping because of past irrigation. The need for recharge has been cited by Second District Congressman Hal Daub as a reason for his support of Norden.

The Nature Conservancy plan appears to have several advantages over the Norden plan put forth by the Army Corps of Engineers.

Take cost. For the Nature Conservancy plan, it's $26.5 million. For Norden? $368 million.

Wells would not threaten the scenic river and its white-water rapids as would Norden, nor would wells put agricultural land under water. Environmentalists and Ed Jaksha, head of the Nebraska Taxpayers Coalition, seem amenable to such a plan. While the well system doesn't give dam backers everything they wanted (it would irrigate 10,000 fewer acres), it might be something they can live with.

Depending on the willingness of the two factions to compromise, the senator appears to have stepped in at the right time to put an end to the long dispute.

While congratulating Exon on his initiative, we must point out that his past reluctance to oppose an essentially wasteful project has prolonged its life.

Indeed, his chief concern today seems to be to save "Nebraska interests,"; in other words, to salvage some federal money for the state.

In essence Exon is still suggesting we spend tens of millions—most paid by electrical ratepayers—to irrigate for increased agricultural production. At the same time, the government is paying farmers not to grow crops. Sometimes politics is simply beyond our understanding.

The real credit for scaling down this boondoggle should begin with former Second District Congressman John Cavanaugh, who had the courage to attempt scuttling a pork barrel project in his own state.

And let's not forget First District Congressman Doug Bereuter, who has had the courage to buck a Republican colleague (Rep. Virginia Smith) in arguing for a less costly alternative. Their efforts made Bon-

ior's assult on Norden possible, with the result that Norden supporters should now be grateful for whatever Exon can do to salvage something.

[From the Nebraska Resources Report, April 1983]

O'NEILL'S ONLY HOPE

The supreme irony of the year: Jim Exon rallying support for a consensus on a plan for irrigation land near O'Neill.

The existing plan, a considerably more beneficial plan than the new one being touted, once had just that kind of consensus in Nebraska—solid support from the congressional delegation, the governor and all the political forces that really counted.

It had that kind of consensus until then-Gov. Exon beat a hasty retreat when the project started drawing some flack and his Democratic colleague in Congress, John Cavanaugh, came out against it.

Had then-Gov. Exon given the original plan some strong support in the latter 1970s, now-Sen. Exon might not have to be out hustling support for a lesser project in 1983.

Such reflections, though, are not the stuff that decisions should be made of. Deciding the next step in the tortuous course of the O'Neill project must be based on what now can be done to ensure as much irrigated agriculture and as much economic development as possible in that north central part of the state.

Whatever has gone before, injection of the Nature Conservancy plan into the cauldron of controversy surrounding O'Neill irrigation undoubtedly spells the doom of the original project.

If sponsors now attempt to push ahead with the original plan, no matter how good that plan or how noble the cause, they almost surely would do it without the support, and likely with the opposition, of Exon and Gov. Kerrey, who have embraced the alternative, as well as Rep. Doug Bereuter.

That would be too much burden even for the best of projects, which the original O'Neill plan is.

Against these realities, the better part of valor appears to be to rally that consensus Exon seeks, create the very best plan with the greatest amount of irrigation possible, then stay the course toward realization of that plan even if its course too becomes a little rocky.

Mr. PERCY. Mr. President, on Thursday, June 3, the Senate adopted an amendment which I introduced related to the need for authorization prior to the obligation of foreign assistance appropriations. I believe colloquy is needed to create more legislative history related to that amendment. I have discussed this situation with Senator HATFIELD, the chairman of the Appropriations Committee, and also with Senator KASTEN, the appropriate subcommittee chairman on Foreign Operations.

The House bill contains language that states:

> Funds in this chapter may be made available for obligation only upon enactment of authorizing legislation.

The amendment that I introduced included identical language and it also contained one additional sentence which states, "Funds in this chapter shall remain available until expended."

The second sentence was added at the suggestion of the Appropriations Committee and I concur that if the authorization bill is enacted late in the year that such language is necessary.

The reason that I raise this issue again, however, is that I want to make absolutely certain that the addition of this second sentence in my amendment does not make the substance of the first sentence subject to modification in conference. Since both bills contain identical language requiring subsequent authorization, I believe that this sentence should remain in the conference bill. I also want to make certain that the conferees will not add language to the bill that would in any way waive the need for subsequent authorizing legislation. That was the clear intent of my amendment and I am sure the managers of the bill will honor that intent.

It is my understanding that they do concur with it. Certainly, the chairman of every authorizing committee in the Senate and the ranking member of every authorization committee in the Senate would concur with that. Otherwise, what is the authorization process all about? That is the principle we are protecting on the floor today.

I thank my distinguished colleague for considering this matter and would very much appreciate at this time his response.

Mr. KASTEN. Mr. President, let me answer the chairman of the Foreign Relations Committee in the following manner. As he knows, when the supplemental appropriations bill came over from the House, it contained language with reference to authorization. That language was redundant. The underlying permanent law requires authorization through the so-called Fulbright amendments. Therefore, I moved to strike the additional language and the committee struck it.

Nevertheless, I agreed to accept the Senator's amendment putting this redundant language back in, amended by a suggestion I made, making the funds available no-year funds, the latter being something that we do not like to do in the Appropriations Committee with reference to foreign assistance. Nonetheless, in order to accommodate the Senator from Illinois, we did so. As I understand the Senator, he wishes me to make some kind of ironclad guarantee that the other body will not insist or the conferees will not insist that some kind of change be made in the language.

I know from his discussion that the Senator realizes that this is something that I cannot unilaterally do. I do not have the power to do it. I have tried to accommodate the concerns of the chairman because I believe in the regular process. I, too, want to get an authorization bill. As the Senator knows, there were some in the administration wanted me to introduce an amendment waiving authorization or to submit a date certain. I would not do that. But it is impossible for me to guarantee against any action that the conference might take on this matter. However, I agree with the interpretation of the Senator from Illinois. Since both versions of the bill contain identical language requiring subsequent authorization, I fully agree that I will make every effort to insure that language will be in the conference bill.

I also agree that I will make every effort to insure that the conferees will not add additional language to the bill which has the effect of overriding this provision or which would in any way waive the need for subsequent authorizing legislation prior to obligation of the appropriated funds in chapter V.

Mr. PERCY. Mr. President, I thank my distinguished colleague. I feel, with this assurance—and I have great confidence in his tenacity. Having worked with him as closely as I did for as many weeks and months as we did on the important matter involving withholding, I know he is a tenacious fighter and fights for what he believes in. I thank him very much indeed. This will make unnecessary, then, an amendment at this time. I thank the Senator from Wisconsin for the assurances he has given to me.

I also want to say that should the conference bill return to the Senate with language waiving the foreign aid authorization requirement, I want to make very clear to the leadership and managers of this bill that I shall do everything in my power to delay and defeat the conference bill. I want to have no misunderstanding about the intentions of the Senator from Illinois in that regard.

I do very much appreciate the spirit of accommodation with which we have always worked together. It is essential that the chairman of the Appropriations Committee and the chairman of the Foreign Relations Committee and our respective ranking members do work closely together in harmony. We have done it for 2½ years. I know we shall continue to do so. I appreciate this matter being resolved.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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AMENDMENT NO. 1389

(Purpose: Provide an additional $34.5 million for soil conservation programs)

Mr. MELCHER. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator that the pending business is the committee amendment.

Mr. MATTINGLY. Mr. President, I ask to set aside the pending committee amendment to consider the amendment of the Senator from Montana.

The PRESIDING OFFICER. The Senator, as floor manager, has that right.

The clerk will state the amendment of the Senator from Montana.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself and Mr. BOREN, Mr. BAUCUS, Mr. ZORINSKY, Mr. JEPSEN, Mr. RANDOLPH, and Mr. EXON, proposes an amendment numbered 1389.

At, the end of the bill add the following new section:

For an additional amount for Soil Conservation for the fiscal year 1983, $34,500,000 to remain available until expended, of which $10,000,000 shall be for Resource Conservation and Development, $3,900,000 shall be for the Great Plains Conservation Program, $10,000,000 shall be for Soil Conservation Matching Grants, $10,000,000 for the Agricultural Conservation Program, $600,000 shall be for the Special Areas Conservation Program: *Provided further*, That $100,000 from the Special Areas Conservation Program be made available for the "MIDAMERICA" program.

Mr. MELCHER. Mr. President, the amendment which I am offering on behalf or myself and Senator BOREN, Senator JEPSEN, Senator BAUCUS, Senator RANDOLPH, Senator EXON, and Senator ZORINSKY is an amendment that has been carefully worked out with the soil conservation districts throughout the country through the national organization and with the professionals in the Soil Conservation Service down at the Department of Agriculture. The way we have done this is to say that we would like to do the right thing with soil conservation, to start an additional step in the catchup that we know is needed by coming up with sufficient funds for doing the right thing for our soil and water base throughout the country. We proposed an amount somewhere in the range of $32 million to $36 million as an add-on to this supplemental in order to take that additional step.

We are not making the case that there has not been some dollar improvement over the past couple of years for soil conservation. What we are making the case for is that in real dollar values, we are attempting desperately to get back to where we were in the actual amount of work accomplished in soil conservation in the 1968–70 period. That is how sad the situation is. We are approximately one-half in actual accomplishment in soil conservation work during 1982 of where we were in 1968, 1969, or 1970. That is a sad situation.

One might say, well, maybe we were doing too much in 1967, 1968, 1969, and 1970. That was not the case. We were simply a little more prudent. As a matter of fact, none of us will argue that you ever do too much work on soil conservation, that you ever do too much work on watershed protection, that you ever do too much work on avoiding erosion, whether from water or wind. All of us who realize that the greatest asset this country has is our soil and water base know that we could never do too much in soil conservation.

We did not do too much in the late sixties or the first year or two in the decade of the seventies, but it has been a sad fact that since then because of inflation, because of the urgency of other national programs, we have not really kept pace. We have started down the trail of trying to make the adjustment to put soil conservation work on a higher priority, but we simply have not reached the point where we can say we are doing an adequate job. In a year when we are facing huge deficits, we know full well that an add-on amendment to a supplemental appropriation or any appropriation bill is a difficult task, but there is money in this supplemental for so many different things that are of less importance than soil and water conservation that I urge all Senators to very seriously consider the need for this modest add on.

The reason it is split up in the five different components is to make certain that the areas of soil conservation work that need a little additional funding will have it. We have taken the advice, as I mentioned earlier, of the soil conservation districts throughout the country and we know that this money will be very wisely spent. When will it be spent? It will not necessarily be spent between now and October 1. The argument could be made, "Well, why make it in an appropriation bill?" The reason we are offering it now, Mr. President, is to make sure that the utmost in planning and utilization can take place. Planning for soil conservation work is not the type of planning where you have the money this week and you start to figure out how you are going to spend it 2 or 3 weeks from now. To the contrary; the money used for soil conservation work has to be available and then programed through the system. That takes a great deal of time. The money that we are actually appropriating, once it has been enacted into law, will get into that process, that chain of events and will clearly be ready sometime late this fall where the climate permits it or into next spring and summer. None of it will be wasted.

The regional convention of the National Association of Conservation Districts throughout the United States had just recently completed its activities in our State of Montana. The convention was held at Great Falls. We felt rather honored to be able to host this regional convention. The soil conservation districts throughout the country are composed of people who devote their own time without much in payment, sometimes none, sometimes modest, depending on whether there is any money in the soil conservation district. But they devote their time because they are so concerned with these precious assets, our land and water, in the United States that they want to make progress. The purpose of this amendment is to assist that effort. Most soil conservations districts are composed of thousands of people who are dedicated to the lifelong work of trying to leave the soil and water base in better shape than when they first acquired ownership or first became engaged in farming or ranching.

Most of them are people with families. They involve the family in the vital concern of conservation work. They constantly keep uppermost in their mind that while farming and ranching is often very tough economically, soil and water work must continue. They do that because they realize the future generations of this country are hostage to the work that we do during our lifetime—so that we pass on to them the opportunity of production from land, utilization of land for wildlife values that is better than it would have been if we had not paid attention to it.

That sounds like a very simple procedure. Actually, it is a procedure that is so right that no matter whether it is simple or difficult or involved, every project that is undertaken in a soil conservation district is one that has been designed to accomplish a given purpose and to reach the goal that we all contribute to, and that is a better land and water base.

We have had a great concern over the past several years about the amount of erosion that has transpired because of heavy cropping of our farmland. This is of great concern to everybody that works the land, and it is of great concern to the Department of Agriculture. It is of great concern to everybody that has ever contemplated the value of our land and water base.

Soil conservation work is the tool that we use to protect that. Now, if we felt that we were up to snuff in it, up to full speed in it, I do not think I would be offering this amendment today and my colleagues would not be joining me in asking the Senate to support this amendment, but we are not up to speed. We do not have things going properly in soil conservation work; that is why it is so urgent that we pass this amendment today, to take one more, little step forward in that catchup work that is so vital. I hope that my colleagues will join with me in supporting the amendment.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I sincerely regret having to rise in opposition to this amendment offered by the Senator from Montana. Not only is he a very wise and able Senator in the specific area of farm and soil conservation programs, but he has identified an area of need that clearly exists. As a matter of fact, it was just a couple of weeks ago that the Soil Conservation Subcommittee of the Senate Agriculture Committee began a series of hearings around the country to try to identify the best ways to go about solving some of these very serious problems. In my State of Mississippi, for instance, we are ranked third among the States in the average annual rate of soil loss by reason of erosion. I know there are some other critical areas out in the Northwestern part of the country. For instance on much of our very valuable farmland. The national average is something like 10 tons of soil per acre being lost each year. So every effort has to be made to address this critical problem.

It was for this reason that the jobs bill that was recently passed included $107 million to create jobs for building watershed projects and for taking other steps to provide technical assistance for landowners to help meet this critical problem. In addition to that, Mr. President, in the regular appropriation bill for fiscal year 1983, we provided over $30 million for the resource, conservation, and development program and over $20 million for the Great Plains conservation program. Both of these are areas in which the Senator from Montana now seeks to add almost $14 million.

What we are saying is that we are now in the process of writing the subcommittee's recommendations for soil conservation to the Senate Committee on Appropriations for the fiscal year 1984 budget.

These matters that are brought to the attention of the Senate now by the Senator from Montana will certainly be in the minds of the members of that subcommittee as we proceed to a markup on Tuesday.

Although we know the money could probably be used—we know the needs are there—we should not come in at this point and add over $20 million of new money to be spent during the remainder of this fiscal year. We hope to have an adequate level of funding to recommend to the full committee.

I might say, too, that in the discussion of this bill, we authorized some $17 million to be spent by the Soil Conservation Service to rehabilitate watershed and other flood control devices that may have been damaged in recent flooding that the country has endured.

In other words, there is a strong effort being made by the Senate, and the Appropriations Committee, to get the maximum amount of funding targeted to these critical areas of need.

It was brought to my attention this morning that we are approaching $1 billion in excess of the administration's request in this supplemental appropriations bill. I am afraid that if we push our luck too far, we are not going to see this bill signed, but sent back to us.

There are a lot of critical problems targeted in the bill, and I would hate to see us bogged down in a confrontation that can be avoided. I think it can be avoided by waiting for the fiscal year 1984 appropriations bill that is coming up to fund the activities of the Soil Conservation Service. Let us not try in less than one-half of the fiscal year to do everything we know needs to be done.

We have long-range problems. We have some very serious problems in this area.

My hope is that the Senate will refrain from approving the amendment and will leave to the regular budget process the ability to help solve this problem.

Mr. MELCHER. Mr. President, my good friend from Mississippi has accurately stated what has been done recently.

The $5 million in the jobs bill that was carved out, for example, for RC&D lead to an effort to identify how much was needed to be done in RC&D work.

For those who are not familiar with the initials RC&D, it is resource, conservation, and development areas that are spread throughout the United States and identify, under this program, how better to make the area improve in resource, conservation, and development efforts.

That $5 million out of the sum that was appropriated in the jobs bill was a small part of the 55 million dollars' worth of work for RC&D that should be funded immediately, as quickly as possible. What is available under current appropriations, however, is something less than $30 million.

So we cannot perhaps do as much as we should for RC&D. But, having spent the $5 million and finding out far more was needed, it seems to me that it would be a little foolish not to go ahead and provide some of the unfunded money. What we have done in the amendment is to stake out $10 million of this $34 million for that purpose.

In looking at the Great Plains conservation program, we found that there are some contracts that are supposed to be let. These are contracts that are supposed to be let this year out of funds obligated in fiscal 1983. These are funds where the Federal Government puts up a little money and, like our RC&D and ACP, almost all conservation work, where the Federal Government puts up a little money—sometimes it gets up close to half; in recent times, nowhere near that—and the individuals put up the balance.

We are not talking about a program where we dole out of the Federal Treasury the money to buy something. What we are talking about in these programs is where we take some seed money out of the Federal Treasury, and then it becomes larger because the individuals or the areas, the soil conservation districts, and sometimes the States, contribute half or more.

When you break it down, in several of these programs we are talking about a dollar of Federal money and $2 to $3 of somebody else's money. It is a good investment for the Treasury.

In the Great Plains conservation program, we find that there are 262 contracts that cannot be met. They should be met this year, so that the work can start going forward. As I explained earlier, sometimes the work can start this fall. It generally does. Other times, we even have to wait until spring. But until a contract is let with the individual operator or the soil conservation district, nothing is in the mill.

It is estimated by the Department of Agriculture and by the National Association of Conservation Districts that $3.9 million would meet its unmatched or unfunded obligations. Bear in mind that this will be part Federal money and the bulk of it will be private money. So it is a good investment.

It is discouraging—and this is what we can take note of for next year—that in the Great Plains conservation program there are 4,000 unserviced contracts, with a value of nearly $70 million, that could be developed if this program were ever funded at an adequate level.

So what we are talking about in this supplemental is a modest $3.9 million for this program to catch up on the 262 contracts that will not be funded otherwise.

There is another program that has never gotten off the ground. It is the basic soil conservation matching grant program in which the Department of Agriculture provides matching grants for a conservation district itself to match, or the State can match it. We came up with this idea a number of years ago because we realized that we were under tight budget constraints. So we authorized this program, and it has never been funded a nickel. Under this amendment we will take that little step and start this program

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going; $10 million of this amendment is made available, or would be made available, to start that program.

One might say that this is a new program but it really is not a new program. This is just a new way of funding soil conservation work. It is not a new program at all. The basic concept of soil conservation goes back to whenever they stuck a plow for the first time into the earth of this great country of ours. Soil conservation work is as old as that.

This is just a new method of funding that the Department of Agriculture and Congress thought would be a little more meaningful in stretching the buck.

I think it has great promise.

We enacted it in the Agriculture and Food Act of 1981, and we have never been able to have any money. So, a very modest $10 million is allowed for starting this program.

Of course, the other $10 million that makes up this $34 million total figure is in the agricultural conservation program. That is the basic program that has been utilized for so many decades and would bring it up a little bit, just another step forward.

We used to appropriate $170 million almost routinely every year for this program. Part of our trouble has been that each year during the seventies the $170 million bought less. The dollars were the same but they bought less in all work done.

Now we have worked that back up to close to $200 million. We are not quite there. This would add it to the $190 million that is already appropriated and would make it $200 million flat.

What would that $200 million buy? It would buy less than half of what it bought in 1970 but, nevertheless, it would be another little step forward in our catchup, our combined efforts to do the right thing by soil conservation work.

I hope the point was not missed on what my friend from Mississippi was describing in the add-on that we have had for watershed protection. Yes, indeed, we did that, and I am very proud and pleased that the Senator from Mississippi made that proposal, and I think he really did a service to the country and credit to Congress in making that proposal on an earlier bill to add that amount of money.

So this amendment does not deal with that, having recognized we have gone about as far as we can this year in watershed protection. We do not offer anything in this area in our amendment now before the Senate.

But each and every one of these items that we have in here is very vitally needed, money well spent, prudently spent, if we agree with the amendment, and it will be something better, a little bit better for our soil and water base throughout the country.

Mr. President, I ask unanimous consent that Senator BURDICK be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I do not know of any Senators on this side of the aisle who intend to speak on the amendment.

I am prepared, if the Senator from Montana is, to yield back the time and vote on the amendment. I do not see any point in belaboring the issue. It is one that clearly is correct in terms of bringing to the attention of the Senate the fact that we have a lot of unmet needs in the area of soil conservation. It is going to cost a lot of money to correct problems that exist throughout this great country of ours, and we are going to run the risk of wasting a valuable resource, our land and water, if we neglect them.

But efforts are underway to try to identify and to target funds to areas of most need. We plan to include some money for targeted area programs in the fiscal year 1984 bill that will be considered by our subcommittee next week. And we hope to meet some of the other needs that have been identified by the Senator from Montana.

It is not a question of whether these needs exist or whether it is important that Congress respond. The question is, do we have time within this fiscal year to do $34 million worth of work in this area? Or should we follow the regular, more orderly appropriations process to address the funding needs that we have in soil conservation?

For these reasons, I hope the Senate will vote against the process.

The PRESIDING OFFICER. Is there further debate?

Mr. MELCHER. Mr. President, I do not think we are going to talk any more about this. I think the case is stated.

What we have done is very carefully identified the funds that should be committed the remainder of this fiscal year. I am not talking about the calendar year. I am talking about the remainder of this fiscal year and that identification has been done by the soil conservation districts themselves and carefully gone over and screened by the professionals down in the Department of Agriculture.

The Department of Agriculture, the people in the Soil Conservation Service, John Block, the Secretary of Agriculture, everyone connected with it believes firmly that this should be done.

It is not their fault that they cannot get by the Office of Management and Budget.

To put this in perspective, if we could, $34 million is about what we spend in this country about every 10 minutes. If we could get the rate of interest that is paid for Treasury notes down not one-tenth of 1 percent, down 1 percent of one-tenth of 1 percent, we would have $34 million for this vital soil conservation work.

I hope that Senators will very seriously consider this proposal and note that not only is it urgently needed for this fiscal year but it has been urgently needed for several years and we will have the opportunity to take one of the minor steps of catching up with work undone for the country.

Mr. STENNIS. Mr. President, I shall be quite brief.

I have been concerned with the reports that have come in the last couple years, for instance, with new soil erosion problems. That seems to be a backward step needing special program attention of some kind because great progress was made at one time in this highly important field, conserving our land.

I have talked to the Senator about this matter and knew he was going to present this amendment and I told him it was a matter of my special interest and I would support it.

We ordinarily follow the rule here that it would be out of the regular order at least to be putting it on bills like this. But this one is so filled with violations of the hard rule that I do not mind waiving that. I think this subject matter must be given special attention.

I did not get the benefit of what the Senator from Mississippi said. I know whatever he says his intentions are to follow it up. I got the idea he made some reference to perhaps the future program.

But I am going to support this now, Mr. President, hoping it will be a beginning anyway that something be done on this program. I think it is well to present this amendment.

Mr. President, I do not care to take any more time at this point.

Mr. MELCHER. Mr. President, I ask unanimous consent that the Senator from Iowa (Mr. GRASSLEY) be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I say to the manager of the bill we have no further request for time. We are ready for a vote.

Mr. COCHRAN. Mr. President, I know of no other request on this side. I am prepared to yield back the time.

The PRESIDING OFFICER. Is there further debate?

Mr. MELCHER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Idaho (Mr. SYMMS) and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Colorado (Mr. HART), are necessarily absent.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—67

Abdnor
Andrews
Baucus
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Grassley
Hatch
Heflin
Heinz
Helms
Hollings
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nickles
Nunn
Pressler
Pryor
Randolph
Riegle
Sarbanes
Sasser
Specter
Stafford
Stennis
Stevens
Thurmond
Wallop
Warner
Zorinsky

NAYS—29

Armstrong
Baker
Bentsen
Chafee
Chiles
Cochran
Dole
Goldwater
Gorton
Hatfield
Hawkins
Hecht
Humphrey
Lugar
Mattingly
McClure
Murkowski
Packwood
Pell
Percy
Proxmire
Quayle
Roth
Rudman
Simpson
Tower
Trible
Tsongas
Wilson

NOT VOTING—4

Dodd
Hart
Symms
Weicker

So Mr. MELCHER's amendment (No. 1389) was agreed to.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask the Chair to again lay aside temporarily the first committee amendment in order that the Senator from Hawaii may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

AMENDMENT NO. 1390

(Purpose: To prohibit the expenditure of funds to relocate the Hawaii State office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii)

Mr. INOUYE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment has been cleared by all parties and is a straightforward amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Hawaii (Mr. INOUYE) proposes an amendment numbered 1390.
>
> On page 3, between lines 16 and 17, insert the following new section:
>
> GENERAL PROVISION
>
> None of the funds appropriated by this or any other act may be used to relocate the Hawaii State office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that Senator MATSUNAGA be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, the purpose of my amendment is straightforward: It will prohibit the Farmers Home Administration from using appropriated funds to move its Hawaii State office from Hilo to Honolulu. Ever since the FmHA opened an office in the State of Hawaii, it has been located in Hilo, on the Island of Hawaii. The reasons for this location are as good today as they were in 1978: First, most of Hawaii's farmers and rural housing programs are located on the Big Island, not Oahu; second, Hilo avoids the congestion of the capital city of Honolulu; and third, it represents an important step in decentralizing Federal services in the State of Hawaii instead of concentrating them in the State capital.

Given the success of the Federal Government's original decision to locate the FmHA's State office in Hilo, you can imagine my surprise when the FmHA announced its plan in May to move the office to Honolulu. This plan was announced after 2 years of assurances that no such relocation was forthcoming. The FmHA's announcement has drawn a firestorm of criticism from across the State, including the mayor and council members of the county of Hawaii, State senators, State representatives, two chambers of commerce, more than 380 farmers, and several current employees at the USDA. Some of those opposing the move are Democrats, others are Republicans, but all agree that it is detrimental to the best interests of the FmHA and the farming community of the State of Hawaii.

Why then has the FmHA proposed to relocate its Hawaii State office? In a letter to me dated May 5, 1983, the FmHA's State director indicated that the move was intended to "fully utilize federally owned space and reduce the Federal deficit." In support of the plan, he cited annual savings in lease costs and other recurring expenses of $78,000. He also suggested the need for alterations in the "old" Hilo Federal Building should the FmHA decide to use the Federal office space available there.

Mr. President, not only has the FmHA glossed over the fact that there is Federal office space available in Hilo, but it has minimized the costs of this move, both financial and human.

The actual costs of relocating the FmHA's Hawaii State office to Honolulu are sizable. For example, the State director estimates that it will cost the Federal Government $274,000 to relocate the FmHA's personnel, office furniture, and telephone equipment. In addition, the FmHA has overlooked the fact that the cost of living is significantly higher in Honolulu than it is in Hilo and that the Federal Government will have to pay twice as much in COLA's if the FmHA moves. Indeed, several officials have estimated that based on an annual payroll of $425,000, relocating the FmHA will cost the Federal Government $45,000 each year in increased COLA payments alone.

The last straw, however, is that 16 hardworking Federal employees will be needlessly relocated: They will either have to travel to a different island or lose their jobs. In a time of high unemployment, the FmHA's plan amounts to a callous disregard for employees who have served the Federal Government and the FmHA's clients so well over the past 5 years.

Mr. President, the costs of this move certainly outweigh the benefits, and the consensus in Hawaii is clear: The FmHA's State office should remain in Hilo. Both the Senate and the House Appropriations Committees included language in their reports accompanying the supplemental appropriations bill for fiscal year 1983 disapproving the move. The Senate Appropriations Committee in particular stated:

> The Committee understands that the Farmers Home Administration intends to move the Hawaii State office from Hilo to Honolulu. The Committee disapproves of this proposal. This office was originally located outside the State capital so that it might best serve its clients, most of whom are located on the neighboring islands, not Oahu. More than 50 percent of the State's farms are located on the island of Hawaii, as are many of the housing programs served by Farmers Home. Federally owned office space is available in Hilo, and all but one of FmHA's 17 State office employees reside on the island of Hawaii. The Committee, therefore, instructs the FmHA to maintain its State office in Hilo and prohibits the use of any appropriated funds to move the office from the island of Hawaii to the island of Oahu.

I regret that the administrators at the Farmers Home Administration have accepted the proposal to relocate the Hawaii State office. I see no alternative but to offer bill language prohibiting the use of Federal funds to carry out an ill-timed and ill-conceived move.

I commend this amendment to my colleagues and urge its immediate adoption.

Mr. MATSUNAGA. Mr. President, as one of those who originally helped to convince the Farmers Home Administration to locate its Hawaii State Office in Hilo, I believe the contemplated move of this office to Honolulu would defeat the purpose for its initial location in Hilo. Hilo was selected as the site for the State office in order to make it more accessible to the farming and rural communities which it serves. Better than half of the farms in the State are located on the Big Island, while less than a quarter are on the island of Oahu, where Honolulu is situated. Although Honolulu may be the political and financial center of Hawaii, the financial institutions all maintain offices on the island of Hawaii. Hilo is the more appropriate location for this agency because of its accessibility to many of the State's important rural and farming areas, and its character as a rural city. Not only will moving the Farmers Home Administration office remove it from those who depend upon it most, it also will have a significant and detrimental economic impact on the city of Hilo. Any of the minor economic savings that arguably would accrue from this move would be offset by the hardship experienced by the agency's employees, the Hilo area, and the rural community of the State.

As its cosponsor, I urge my colleagues to join in support of the Inouye amendment, which would prohibit the use of any Federal funds to effectuate the announced move.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I want to say that, as chairman of the subcommittee with jurisdiction over this area of the bill, we recommend that the amendment be agreed to. We had included, I might point out, in the report on the bill, a statement indicating the wishes of the committee that this office not be moved, as has been contemplated by the Farmers Home Administration. The language of the amendment makes abundantly clear the position of the committee. We are perfectly happy to recommend that the amendment be agreed to.

For the purpose of having the record complete, however, I ask unanimous consent that a letter written to the chairman of the Committee on Appropriations from the Under Secretary for Small Community and Rural Development of the Department of Agriculture be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 14, 1983.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Language in your Committee report for the Agriculture Supplemental Appropriations bill for fiscal year 1983 (report number 3069) indicates objections to moving the Hawaii State Office from Hilo to Honolulu. I would like to take this opportunity to fully define our position and reasons for making this move.

The decision to move the office was predicated on one basic overriding factor: reduce cost to the Federal Government without diminishing the high level of service to the farmers and rural residents of the island of Hawaii.

Careful financial analysis shows that the move will provide a net savings to the Federal Government of at least $500,000 over the next 10 years. The Farmers Home Administration (FmHA) county offices in Hilo and Kealakekua will remain open. Since all FmHA farm, housing and community programs are handled through county offices in Hawaii, the island's residents will continue to receive the same personalized services they now receive. The county office will remain in Hilo and no change in our services to Hawaii FmHA borrowers will occur because of the relocation of the State Office.

On March 8, 1983, the General Services Administration published new regulations which require agencies to use available Federal office space where possible. The FmHA State Office is currently leasing space in a commercial office building. The lease expires on July 31, 1983. In compliance with the new GSA regulations, FmHA requested space in the Federal Building in Hilo.

We were told by GSA that the available space in the old Hilo Federal Building is not adequate and that extensive alterations would be needed. The alterations would take 2 years to complete and cost about $180,000. Even then, the building would not provide contiguous office space, suitable conference rooms, adequate parking or facilities for the handicapped. Because of the time frame, cost and deficiencies, this was not a viable option.

In contrast, the 5-year-old Prince Kuhio Federal Building in Honolulu has 40,000 square feet of vacant space which would need only minor alterations that can be completed in 2 or 3 weeks.

In addition to these considerations, a Honolulu location would greatly enhance the efficiency of the State Office. For instance, FmHA would be in the same building with other federal agencies with whom we work very closely. The Agricultural Stabilization and Conservation Service and Soil Conservation Service are already located there. Our increased efforts to work more closely with State agencies and commercial lenders will be greatly enhanced through the close proximity to their offices in Honolulu.

Some logistics advantage would also contribute to greater cost cutting and efficiency. They range from access to the Federal Telecommunications Service (FTS telephone lines) to improved mail and airline services.

I would be less than candid if I did not acknowledge some discontent among our State Office employees over the move. They are being asked to relocate from Hilo to Honolulu. We, of course, are making every attempt to assist those who are willing to make the move and to alleviate, as much as possible, any other problems and inconveniences that may arise.

On balance, there is overwhelming evidence that moving the FmHA State Office from Hilo to Honolulu will reduce government expense and greatly increase the ability of the agency to better serve the rural people of Hawaii.

Sincerely,

FRANK W. NAYLOR, Jr.,
Under Secretary for Small Community and Rural Development.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1390) was agreed to.

Mr. HATFIELD. Mr. President, I again ask the Chair to temporarily lay aside the committee amendment in order that the Senator from Arkansas may offer an amendment.

AMENDMENT NO. 1391

(Purpose: A technical amendment to provide limited authority to the Economic Development Administration to approve the leasing of a portion of the Pine Bluff, Ark., Convention Center)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS), for himself and Mr. PRYOR, proposes amendment numbered 1391.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Upon request of the city of Pine Bluff, Arkansas, the Secretary of Commerce shall authorize such city to lease to any person the banquet and kitchen facilities of the Pine Bluff Convention Center, without affecting the Federal assistance provided by a grant under the Public Works Employment Act of 1976 (project number 01-51-00020) or any other law, if such transfer documents provide for the operation of such facilities as kitchen and banquet facilities for at least twenty-five years after the date of such transfer.

Mr. BUMPERS. Mr. President, this amendment deals with the convention center in Pine Bluff, Ark., which received an EDA grant in 1971 to build a convention center. In 1976, under the Public Works Employment Act, they got additional money to build kitchen facilities and bathroom facilities. Included in that grant was a provision that the convention center might not either sell or lease those facilities. Now they have an opportunity, with the Hilton Hotel, for the Hilton to build a high-rise hotel next to the convention center, which, incidentally,

has not fared very well and will not until they have a hotel near by.

The convention center wants to enter into an agreement with Hilton Hotel under which Hilton will operate the convention facilities, that is, the banquet hall and the kitchen facilities, and pay the convention center 15 percent of its positive cash flow.

In addition to that, Hilton will operate the convention stands for the convention center and pay the convention center 18 percent of those profits.

EDA does not have the legal authority to allow the convention center, under the terms of the original grant, to lease these facilities. EDA regrets that, incidentally. I have talked to Carlos Campbell, Jim Martin, and others at EDA and they have no objection to this amendment. And this is not precedent setting. It has been done a number of times. It was done once in the State of the Senator from New York, once in the State of Washington, and it has been done other places.

The convention facility anticipated a hotel when it was built. As a matter of fact, it was anticipated that a hotel would be built and that the convention center would never really be adequate and profitable until a hotel was in fact built.

Mr. President, to summarize, in 1971, Pine Bluff, Ark., was awarded a title I grant from the Economic Development Administration for construction of a convention center. The original proposal included a request for funds for the banquet and kitchen facilities of the center. However, available funds were inadequate for full funding, so construction of the banquet and kitchen facilities was delayed. Under the Public Works Employment Act of 1976, the city applied for and was awarded funds for construction of the banquet and kitchen facilities.

The city of Pine Bluff has prepared a proposal for UDAG funds for construction of a Hilton Hotel. As a part of this proposal, the city would enter into an agreement with the hotel whereby Hilton would lease the banquet and kitchen facilities of the convention center for an initial term of 50 years with two successive optional extension periods of 25 years. In return, Hilton would spend approximately $1,000,000 to renovate the banquet area, would build a new heating and cooling facility for the hotel and the entire convention center, and would return 15 percent of their net positive cash flow to the city. Hilton would not only cater conventions but would also be the concessionaire for all events at the center, returning 18 percent of those profits to the city.

Since the Public Works Employment Act of 1976 prohibits leasing to a profitmaking organization facilities built with funds authorized by the act, the Economic Development Administration needs legislative authorization to approve the proposed lease agreement between the Hilton Hotel and the city of Pine Bluff. It should be emphasized that the city will retain title to the facilities and would only lease them to the Hilton.

This agreement would only enhance the convention center and is within the scope of the original proposal, which stated that a motel or hotel would eventually be built adjacent to the center. There are no EDA funds involved. If the UDAG proposal is approved, this project would create approximately 400 construction jobs and 130 permanent, full-time jobs. The hotel will, in fact, increase the value of the convention center by virtue of its presence, if not by virtue of its planned $1 million renovation of the banquet facilities. The city is guaranteed a return from the lease of 15 percent of the net profits from the banquet facilities, and the Federal Government and the city of Pine Bluff are protected by the lease agreement, with the right as owner to recapture the facility if the lease arrangement is broken by Hilton.

In summary, this project will not require additional EDA funds, but will enhance the Federal Government's initial investment in the convention center and banquet facilities, will provide additional revenues for the city and will increase employment opportunities in the area.

● Mr. PRYOR. Mr. President, I support my colleague's amendment to direct the Economic Development Administration to execute an agreement that would allow the city of Pine Bluff, Ark., to lease the banquet facilities at the convention center located there to a hotel as part of a plan that will bring a new hotel to the convention center site.

From the beginning, the convention center complex at Pine Bluff has suffered from the lack of nearby hotel accommodations for users of the center. For every convention group utilizing the center in Pine Bluff, transportation has had to be provided at additional expense and inconvenience. From the time of its conception, the planners of the convention center had envisioned the eventual construction of a modern hotel to serve the center. A hotel complex on the site of the center offers the prospect of greatly enhanced revenues to the city of Pine Bluff and to the Federal Government. This is the very essence of the mission of such centers and the goal of the Federal Government when it agrees to finance them.

It seems ironic, Mr. President, that the city of Pine Bluff has been faced with a very inflexible government policy in its attempts to develop a contract that would make this government-financed convention center complex an even more attractive investment for the government and a more functional convention center. I can think of nothing that could be done to enhance this facility more than the plans that have been developed and approved by the City Council of Pine Bluff. I personally regret that we have had to resort to the legislative process to accomplish these plans to protect and enhance the public interest. I urge the approval of this amendment.●

Mr. BUMPERS. Mr. President, I have cleared this with Senator LAXALT, who is chairman of the Appropriations Subcommittee with jurisdiction over EDA. I hope the amendment will be accepted.

Mr. HATFIELD. Mr. President, on behalf of the minority and majority managers, we accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1391) was agreed to.

Mr. BUMPERS. I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN addressed the Chair.

Mr. HATFIELD. Mr. President, I instruct the Chair to lay aside the committee amendment temporarily in order that the Senator from New York may be in a position to offer an amendment.

Mr. MOYNIHAN. I thank my distinguished friend from Oregon.

AMENDMENT NO. 1392

Mr. MOYNIHAN. Mr. President, on behalf of myself and Senators MATSUNAGA, RIEGLE, BRADLEY, BENTSEN, KENNEDY, EAGLETON, LAUTENBERG, and INOUYE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) for himself and Senators MATSUNAGA, RIEGLE, BRADLEY, BENTSEN, KENNEDY, EAGLETON, LAUTENBERG, and INOUYE proposes an amendment numbered 1392.

On page 69, after line 23, add the following:

HEALTH CARE BENEFITS FOR THE UNEMPLOYED

For payments for health care benefits for the unemployed, $225,000,000, to be available only if a program is enacted into law providng for such benefits under title XX of the Social Security Act or under the Public Health Service Act. Any part of such amount not obligated prior to October 1, 1983 shall remain available for obligation in fiscal year 1984.

Mr. MOYNIHAN. Mr. President, I have asked that the full text of the amendment be read because it is so simple, so direct, and so comprehensible. This provides the funds for health

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insurance for the unemployed that were provided for in the budget resolution in an amendment by the distinguished chairman of the Committee on Finance, the Senator from Kansas (Mr. Dole), for this fiscal year. It has two provisos, the first being that if the money is not fully expended during this fiscal year, it will remain available for the following one.

Also, it contemplates that such benefits could be provided either under title XX of the Social Security Act or under the Public Health Services Act.

Mr. President, it was one of the more attractive and emphatic bipartisan acts of this Congress so far, that by a vote of 90 to 9, this body endorsed the proposal of the Senator from Kansas that we provide in the budget for this contingency.

It is well known in this body that the proposal for health insurance for the unemployed arose with the two distinguished Senators from Pennsylvania in the context of a tour of that State on which they had the privilege to conduct the President. Legislation is under consideration by two committees. This is going to have to be resolved and will be, in a situation where there is this much support. But money has to be provided in either outcome. This simply makes the money available in a general appropriations measure that is sure to pass and sure to be enacted into law.

The case for the measure is well known, has been eloquently made by Senators, not the least those two from Pennsylvania. The vote speaks for itself, 90 to 9.

Mr. President, I might take just a moment to point out what I am sure was simply a mistake made by Dr. Robert Rubin, the Assistant Secretary for Planning of the Department of Health and Human Services. Some months ago, Dr. Rubin stated on an evening television program, the MacNeil-Lehrer program, a respected forum, that those persons losing their health benefits that were employer based could be picked up by the State medical programs. Mr. President, this is, in some measure, technically possible. If an unemployed worker declares himself wholly destitute and eligible in consequence for welfare benefits, he is eligible equally for medicaid payments. But the great principle of unemployment insurance is that the unemployed should not be destitute, should not go through the necessarily painful, humiliating experience of productive working people who have lost employment having to declare themselves to have lost everything else as well.

More than 10.7 million persons have lost health insurance as a result of unemployment since December 1982; and of that number 7.4 million have lost their jobs. They were not changing jobs, they were not entering the labor market or reentering. They had been laid off as stated in the greatest recession since the Second World War, the Great Recession it has been called. Of these 7.4 million, 5.3 lost their health insurance coverage in consequence of being discharged, involuntarily and without fault. The recession was and is that harsh. We have not dropped below 10 million persons unemployed even yet. When you add their dependents, you have some 10.7 million persons, by the estimate of the Congressional Budget Office in December, deprived of health insurance benefits they had previously been covered by inconsequence of employment; 10.7 million people. The number cannot be significantly different today. The economic projections suggest it will not be significantly different for years to come.

This legislation is necessary, Mr. President, timely, and has the widest support in this body. I hope this simple amendment—insuring that when the legislation is enacted it can, in fact, be carried forward because the funds are available—will pass.

I see my distinguished friend from Michigan (Mr. Riegle), a cosponsor of this measure, has risen. I yield to him such time as he may require.

Mr. RIEGLE. Mr. President, I thank the Senator. I commend him for bringing this amendment to the floor at this time. I am pleased to join with him.

Mr. President, I think it is important to note that not only do we have the previous action of the Senate voting on this specific item, ratifying it by a vote of 90 to 9 on a strongly bipartisan basis, as a recent part of the Record, we are presently, in the budget conference—and I am serving there as a conferee—endeavoring to reach accord on the difference between the version the Senate has, the money that we have put in the budget for this purpose versus the sum that the House also has put in. I make the point because we are proceeding within the budget conference on this very item.

Also, in the Senate Labor and Human Resources Committee, we met this morning on a list of items, one of which was to act on the authorizing legislation on health insurance for unemployed workers. Not only do we have a strong bipartisan support shown by the earlier record vote as part of the budget proceedings in the Senate, but by these actions in other forums to carry this thing forward.

This is contingency funding in a sense that what we would do is make it available assuming then that we see the normal authorization process go forward. Were that not to be done for any reason, then, of course, these funds would not be expended. But it is very important that this be established at this time, and that we recognize the importance of moving in this direction. I hope the Senate will take this step, as we earlier did by vote of 90 to 9.

I thank the Senator for yielding.

Mr. HEINZ and Mr. MOYNIHAN addressed the Chair.

Mr. MOYNIHAN. Will the Senator from Pennsylvania yield to me?

Mr. President, I ask unanimous consent that Senator Glenn be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SPECTER. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. There is not a sufficient second. The question is on the amendment of the Senator from New York.

Mr. SPECTER. We are not prepared to vote yet. Senator Hatfield has designated me to manage this portion. There are those of us on this side of the aisle who have something to say. I think Senator Heinz——

Mr. MOYNIHAN. Would my friend from Pennsylvania yield?

The PRESIDING OFFICER. The request for the yeas and nays cannot cut off debate.

Mr. MOYNIHAN. I did not suggest that Senators be foreclosed from debate. I asked for the yeas and nays.

Mr. SPECTER. Mr. President, I would suggest that the yeas and nays will not be necessary because Senator Hatfield has authorized me, speaking for the Appropriations Committee, to accept the amendment for reasons which will be set forth immediately.

Mr. HEINZ. Mr. President, maybe the proper way to proceed is to ask the Senator from New York to withhold his request for the yeas and nays.

Mr. MOYNIHAN. I would be happy to.

Mr. HEINZ. I do not think he will have any difficulty getting them if he wants, but, on the other hand, it may not be necessary.

Mr. MOYNIHAN. Mr. President, I will withhold, but I will eventually ask for the yeas and nays.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I yield to my colleague from Pennsylvania (Mr. Heinz).

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, I think the Senate is well aware that the sentiment in this country as expressed in the previous 90 to 9 vote favors a program of emergency health care for the unemployed. As such, I think the amendment of the Senator from New York is meritorious. I intend to support the amendment. I would like to see the Senate move quickly on this matter.

Indeed, my colleague from Pennsylvania (Mr. Specter) and I have worked very long and hard, first, to bring this issue to the attention of the President of the United States, and then to overcome the objections of the Director of the Office of Management and Budget, Mr. Stockman, who initially had great reservations about establishing any emergency health care program whatsoever. Eventually, after not one, but several meetings at the White House, we were able to convince the Director of OMB that the case for creating an emergency program for the medical needs of the unemployed was a meritorious one. Furthermore, we convinced Mr. Stockman that we would find a way, as the Senate went on record in affirming this program, to insure that such a program would have no net effect on the budget deficits.

With that agreement in effect, the Director of the Office of Management and Budget came to the Senate Finance Committee, and he testified as to what the administration could and could not support. But in effect, what the administration said they would support—provided we found the revenues to offset the cost—was an emergency health care program of a bridging or temporary nature. They remain adamantly opposed to an entitlement program, and I know the Senator from New York does not seek to create an entitlement program by this amendment.

However, I think it is a little unusual to appropriate money in this instance for two reasons. First, it is a little unusual, because, if we have a bill from the Finance Committee that is an extension of title XX, the Finance Committee does not need an appropriation in order to do that.

I would not want—and I will pose a question to the Senator from New York on this in a minute—the Appropriations Committee to interpret any affirmative action by the Senate on this amendment as being an admission on our part that those programs which heretofore were not subject to appropriation by the Appropriations Committee, and that now are within the jurisdiction of the Finance Committee, will not, because we may accept and support this amendment, be subject to the appropriations process. In other words, I want to be sure that the amendment agreed to today, will set no precedent in that regard. I will ask my colleague about this matter of procedence in a minute.

Second, it is a little unusual, although I suppose we have done it before, to appropriate money for a program before we have acted on the authorization program.

It is true that in many of our appropriations bills, because the authorization process gets hung up, we do act on appropriations first. None of us are proud of it, but it is much more unusual to appropriate money for a program that does not yet exist.

Mr. President, until we do pass an authorization for this program, I do not know whether the amount the Senator from New York has suggested, which is $225 million for the remainder of this fiscal year, is going to be enough money. If we were to act immediately, that amount of money might not suffice. If we postponed it until—and I hope we do not—September 30, it will probably prove to be too much funding for a period of 1 month.

That is one of the reasons we do not usually, where a new program is concerned, authorize appropriations before the authorization is actually passed.

But notwithstanding these reservations, because this is a program I strongly believe in, I am willing to support my friend from New York in this instance. But I would like to ask my friend from New York, returning to the issue posed to him, if the Finance Committee, on which we both serve, decides to enact a program which would be an extension of one of our existing programs, such as title XX—a program not subject to appropriation—then, Is it the intention of the Senator from New York to subject that kind of a program of Finance Committee jurisdiction also to the jurisdiction of the Appropriations Committee?

Mr. MOYNIHAN. No; it is not save the extent that, in my understanding, this already exists. We have put fixed limitations on title XX and the money is appropriated, even though it is appropriated at the level we have established.

I would ask the chairman, more knowledgeable than I on the matter, is that not the case?

Mr. HEINZ. I think the chairman was otherwise engaged. The question is, Is title XX now subject to appropriations?

Mr. MOYNIHAN. If I may restate my question, I say that we have fixed a limit which money is appropriated.

Mr. DOLE. It is an appropriated entitlement.

Mr. MOYNIHAN. The chairman just gave us the word that we have been searching for. It is an appropriated entitlement.

Mr. HEINZ. If the committee decided that it was going to write a temporary entitlement—we may not do this, but if the committee decided that as part of the medicaid program, Would the medicaid program then be subject to appropriations?

Mr. MOYNIHAN. I think the Senator is drawing me into a field where I would not want to give an answer without preparation. Medicaid funds are again appropriated, although they are appropriated on an open-ended basis. But respecting my learned friend, who is more knowledgeable than I, having served in the Congress much longer than I, I think it would be imprudent of me to state any more than I have stated with respect to the specific bill in front of us.

Mr. HEINZ. I gather from the sense of the Senator's remarks that he does not seek to have appropriations jurisdiction over anything more than the Appropriations Committee now has.

Mr. MOYNIHAN. That certainly would be my personal desire. I hope it would be his.

Mr. HEINZ. Mr. President, that was the point I was trying to establish. We do not know how this program is going to be written. We do not want to establish a precedent we are not prepared to establish.

With that clarification, as I said—although I think this amendment comes at an unusual time and in an unusual way—I am going to support it.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I believe that my colleague from Pennsylvania, Senator Heinz, was somewhat generous in his categorization of the submission of this amendment by the Senator from New York as being surprising.

As I had said earlier, Senator Hatfield had designated me to speak for the Appropriations Committee on this matter and to accept this amendment. In accepting the amendment, it had been our thought that there would not be the necessity for a rollcall vote and the time that it would take. But a few minutes more or less is really of no importance.

I do thank the Senator from New York for his action today which does speed up the process. In accepting this amendment, I think it is important to note that there is a disregard of two issues here, if they can be said to be issues.

One is the appearance of who is taking credit for this amendment, and, second, the jurisdictional issue.

As to the issue of credit, those on this side of the aisle have, with deliberation, decided not to be cosponsors with Senator Moynihan. But we feel it is worthwhile to recite, albeit briefly, the chronology as to where we are and where the initiatives have been and how this matter has come to the floor as it has, at the present time.

Senator Heinz and I had occasion to have a town meeting in Midland, Pa., on March 5. That is a famous American city, because it had the misfortune

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to have the major employer, a steel company, collapse and 5,000 people were thrown out of work. Among the problems which hundreds of people who crowded into that high school auditorium brought to Senator Heinz and me on that day—and there were many problems—was the problem of health care coverage for the unemployed. It appeared to be the No. 1 priority that day.

On our return to Washington, Senator Heinz and I decided that we would put that item No. 1 on our agenda. Our staffs went to work and prepared Senate bill 811, which we introduced just 10 days later, after working out quite a number of complexities.

On March 23, the social security bill was pending before the Senate, and Senator Heinz and I pressed Senator Dole on the issue of adding this measure, S. 811, to provide health care for the unemployed, on that bill.

Senator Dole urged us—and the Record shows his statement on the floor—not to proceed at that time because of complexities with the social security bill, and we deferred to his judgment on the matter. He did promise a meeting as soon as possible with the administration. And the record will show that Senator Durenberger, as chairman of the appropriate subcommittee, promised early hearings.

The meeting with the administration took place that Friday, March 25. We had finished up the social security bill at 2 a.m. on that day, but at 10 a.m., in Senator Dole's office, there was a group assembled: Budget Director Stockman, Secretary of Health and Human Resources Heckler, Senator Durenberger, and I, were present, and others were present. At that time, we put the framework into operation to move ahead with this important measure.

On April 6, President Reagan had occasion to travel to Pittsburgh, and Senator Heinz, Governor Thornburgh, and I, had the opportunity to ride with him in the Presidential limousine. The question arose as to what questions he would be likely be asked at a question-and-answer session which was scheduled that day.

We were aware of the protocol about bringing up subjects to the President. He said he would be interested in knowing what questions the people in Pittsburgh were likely to raise, and we brought up, among other subjects, the one of health insurance for the unemployed.

The President did, in fact, receive a question on this serious problem in Pittsburgh. As the national news later commented, the new comment made by President Reagan that day was his concern and consideration of health insurance for the unemployed.

As Senator Heinz outlined, there followed a meeting at the White House, attended by Edwin Meese, James Baker III, Senator Dole, Senator Heinz, Senator Quayle, Senator Hatch, and me, at which we moved this matter along.

There were then hearings before the Finance Committee on April 21. Perhaps Senator Moynihan did not know about those hearings, because he was not present there that day.

Then Senator Quayle has hearings before the Committee on Labor and Human Resources on May 3, at which time the necessity for this matter was spelled out in some detail.

I had been interested in moving this matter on the appropriations bill and conferred with Senator Weicker, the chairman of the Health and Human Services Subcommittee, and Senator Hatfield, the chairman of the full committee, and was urged to permit the issue to follow the regular process because Senator Dole has scheduled a markup in the Finance Committee. We did agree to insert the following report language as an indication of the Appropriations Committee's concern and support of this issue. The language appears on page 90 of the supplemental appropriations bill, 1983 Report No. 98-148.

HEALTH CARE FOR THE UNEMPLOYED

The Committee notes the ever increasing problem of loss of employer-based health insurance for unemployed workers. According to the Congressional Budget Office, almost 90 percent of the unemployed in the United States, or close to 11 million persons, have already lost their coverage, most within 30 days of job termination.

For months now, hospitals, clinics, health centers, and health service employees have been absorbing the cost of care to those unemployed workers and their families who cannot afford to pay their bills.

It is completely understandable that one of the major fears of the unemployed is the uncertainty of what will happen if someone in their family becomes ill.

Early action on health care legislation can help to remove some of that uncertainty. Early legislative action has been encouraged by the Senate budget resolution vote of 90 to 9 in favor of budget authority for health care coverage for the unemployed.

The Committee strongly urges the appropriate authorizing committees to promptly provide Congress with legislation for health care for the unemployed so that this long overdue program may be brought a step closer to reality.

The Appropriations Committee will do all it can to see that this program is adequately funded once enacted.

When I learned less than 1 hour ago that Senator Moynihan had elected to proceed with this amendment, without any communication with my staff prior to noon today, there was a meeting among Senators Dole, Durenberger, Heinz, Quayle, and myself; and it was our decision that the most appropriate course of action, considering all the facts, would be to accept the amendment, setting forth the chronology I have just presented.

The second factor I outlined, that of jurisdiction, has already been covered by my distinguished colleague from Pennsylvania, Mr. Heinz, so I think no more need be said on that subject. I believe the record is plain about the necessity for health coverage for the unemployed, and the record is clear as to how we have gotten to where we are today.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I make two very small points, one of which I think is not relevant to this specific issue before us. But, for the record, the first proposal for health insurance for the unemployed to be introduced in Congress was introduced at the end of the last Congress by the distinguished senior Senator from Michigan (Mr. Riegle).

I thought I went out of my way to point out that in this Congress, it was Senator Heinz and Senator Specter who brought the matter forward; and I point out and observe with regret that I am not a member of Senator Durenberger's subcommittee.

Mr. DOLE. Mr. President, I listened to the debate carefully.

I simply wished to say we are prepared, in fact, on June 30 to go ahead to mark up in our committee.

We had a little problem on who will report out what kind of a bill, whether it is going to be the Labor Committee or the Finance Committee.

We did promise Senators as well as the American taxpayers that we would not start a new program unless we could pay for it.

I feel obligated in the Finance Committee much like my predecessor Senator Long did, over the years that if we are going to report out a new program we should try to pay for it.

We made that promise, and the only point I make is the fact if we adopt this amendment, as I am certain we will, let us keep in mind that we are going to have a markup and we are going to put together a constructive package. I hope it can be supported by nearly everyone in the Senate. But at the same time we are going to try to find some way to pay for it. We just do not add it to the debt.

I think that is the view of the Senator from New York, the Senators from Pennsylvania, and others.

So I support the efforts today, and I state that there has been a lot of discussion on health care for the unemployed on both sides of the aisle, and I know that the Senator from Pennsylvania (Mr. Specter) did not offer this in the Appropriations Committee because very honestly we discouraged him from offering it because we had not had the markup.

So I apologize to the Senator from Pennsylvania (Mr. Specter) but in any event the amendment will be adopted. The concept should be supported.

We are going to move as quickly as we can in the markup to report a bill

to the Senate floor and hopefully when that bill is reported, whether it is $1 billion, or $900 million, or whatever the cost may be, there will be some provision in that bill or a related bill to fund the program or to pay for the program.

● Mr. KENNEDY. Mr. President, I am pleased to cosponsor Senator Moynihan's amendment to allot $225 million to provide health insurance for the unemployed. This money is to be appropriated subject to passage of authorizing legislation.

The need for action in this area is very great. In February of this year alone, 10.2 million people who formerly had health insurance through a family members job has lost their coverage. In 1984, over 9 million workers receiving unemployment benefits on whose benefits expired within the last 2 years will be without health insurance coverage at some point during the year. If dependents are included, a staggering 19 million people will fall in this category.

Within the last few weeks, the Labor and Human Resources Committee heard from just a few individuals who had experienced the human tragedy that loss of health insurance can cause. Needed care was deferred; life savings were lost and large debts incurred; in one case, the death of a baby may result from lack of insurance coverage. These cases are just the tip of an iceberg with 19 million vulnerable people at its base.

I am hopeful that our committee will report a bill to provide needed relief within the near future. This bill has been developed as part of a bipartisan effort to meet this need. While the $225 million in funding provided by this amendment is just a start on the problem, it is very important that we begin now to prevent repetition of the many human tragedies that have occurred over the the last few years because this insurance coverage has not been available.●

Mr. HATFIELD. Mr. President, in my capacity as chairman of the Appropriations Committee, as well as in my capacity as an elected representative from a State which has been bludgeoned by double-digit unemployment rates, I am pleased to speak on behalf of the amendment offered by my colleagues from New York, and Pennsylvania, and other States.

Mr. President, the ugly underside of this Nation's unemployment problem has surfaced in the area of health care. The overwhelming majority of Americans in this country secure health insurance through their place of employment. They either receive it outright as an employee benefit, or they purchase health insurance directly from companies accustomed to offering health benefits to employee groups.

But what happens when the job which serves as the predicate for this health coverage disappears? What is the person who suddenly finds himself or herself and dependents without health insurance to do? Well, Mr. President, the answers to these questions are disturbing. They sit and worry about the potential financial disasters which would attend a sustained illness or period of hospitalization. They postpone medical treatment for minor injuries or maladies, only to watch their medical conditions worsen. And Mr. President, if they are unfortunate enough to have to seek hospitalization or extended health care, they fall victim to the assault occuring all over this country where sky rocketing medical care costs bleed bank accounts dry and precipitate swift financial disaster.

There are over 12 million people in this country who are unemployed. It has been estimated that about half of this group has already lost coverage under employment-related health insurance programs. Studies have also shown that as the duration of one's unemployment grows, the ability of the individual to continue to finance individual health care costs and to pay insurance premiums diminishes. And even though there are signs that our economy is recovering and that the unemployment rates are improving, the problem facing this country persists. That is because there is an entry lag period during which a newly hired employee must wait before he or she becomes eligible for health insurance. One study found this period to be at least 3 months long for a quarter of all new workers.

So, Mr. President, although Congress has been swift to address the plight facing the unemployed through supplemental benefits and extended benefits, Congress has been conspicuously silent in the face of a dilemma inextricably entwined with the recession. Oregon's adult and family services division and the State employment division have kept me informed of the perilous situation facing county and State health facilities that are now absorbing new groups of indigents and the attendant costs involved with that care. I believe this amendment offered by my colleagues is a reasonable response to a national crisis. This amendment will target $225 million to the States to provide assistance to the millions of people who not only have lost their jobs, but have lost their health insurance protection.

I am pleased that we can accept this amendment, and in so doing, can address a problem that for too long has been ignored in the mad scramble to involve the Federal Government in the pressing problems facing this Nation's unemployed.

Mr. MOYNIHAN. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. SPECTER. Mr. President, let me add one more response to Senator Moynihan.

It was not a hearing by Senator Durenberger's subcommittee of which Senator Moynihan says he is not a member. It was a hearing held by the full Finance Committee of which Senator Moynihan is a member.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Idaho (Mr. Symms) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. Hart) is necessarily absent.

The PRESIDING OFFICER (Mr. Abdnor). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—75

Andrews
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Glenn
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Hollings
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Packwood
Pell
Percy
Pryor
Quayle
Randolph
Riegle
Roth
Sarbanes
Sasser
Simpson
Specter
Stafford
Stevens
Thurmond
Tsongas
Warner
Weicker

NAYS—23

Abdnor
Armstrong
Denton
East
Garn
Goldwater
Gorton
Helms
Humphrey
Kassebaum
Mattingly
McClure
Nickles
Nunn
Pressler
Proxmire
Rudman
Stennis
Tower
Trible
Wallop
Wilson
Zorinsky

NOT VOTING—2

Hart
Symms

So Mr. Moynihan's amendment (No. 1392) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats or leave the Chamber. Senators will either take their seats or retire to the cloakroom.

Mr. HATFIELD. Mr. President, I inquire if the Senator from New Hampshire is in the Chamber. I wish to indicate that we have now sequenced in the following order the next amendments: Senator Quayle, Senator Wilson, Senator Humphrey, Senator Durenberger, Senator Kennedy, and then Senator Mattingly and Senator Bumpers, which we expect will take some time. That is the so-called education amendment. But these others should take a very short time if the Senators would only come to the floor to offer their amendments.

Again, they are Senator Quayle, who is here, Senator Wilson, Senator Humphrey, Senator Durenberger, Senator Kennedy, and then we will move to Senator Mattingly and Senator Bumpers.

Mr. President, I ask the Chair, on behalf of the managers, to set aside temporarily the committee amendment in order that the Senator from Indiana may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1393

(Purpose: To extend the availability of funds for developing parks and recreation areas)

Mr. QUAYLE. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana (Mr. Quayle) proposes an amendment numbered 1393.

Mr. QUAYLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

AVAILABILITY OF FUNDS FOR DEVELOPING PARKS AND RECREATION AREAS

Notwithstanding any other provision of law or any rule or regulation, any amount appropriated by Public Law 98-8 under the heading "DEVELOPING PARKS AND RECREATION AREAS" shall remain available for grants for projects involving the planting of trees or shrubs until December 31, 1983.

Mr. QUAYLE. Mr. President, under the Emergency Jobs Act for 1983, Public Law 98-8, the Small Business Administration (SBA) received additional appropriations for making grants to States for developing parks and recreation areas. In order to promote the efficient use of Federal funds, I am offering an amendment to extend, in limited cases, the deadline for carrying out projects funded by those grants.

In the Emergency Jobs Act of 1983, we established deadlines for the expenditure of funds to insure that the money is spent to hire the unemployed during the crisis period, when unemployment is at its peak. I supported that effort and I introduced amendments to further that goal.

It was not foreseen that this deadline date for SBA grants for developing parks and recreation areas might cause unnecessary waste or force the program to be poorly administered. But that is the case with the grant received by my home State of Indiana.

As a condition for receiving a grant under this program, the Governor must certify that all projects will be completed by October 1, 1983. One of the permissible activities under this program is planting trees and shrubs. The best time to plant most trees and shrubs is when they are dormant. However, in order to meet the October 1 deadline, all trees and shrubs would have to be planted during the summer months, when they are not dormant.

As result, contractors will charge higher rates because they know that if trees and shrubs are planted when they are not dormant, they will have to replace a higher percentage of them.

The Indiana State Department of Natural Resources and the Indiana Parks and Recreation Association have brought this problem to my attention. I want to thank them for taking the initiative to see that our tax dollars are spent more efficiently.

My amendment would simply permit projects involving the planting of trees or shrubs to be carried out until December 31, 1983. This amendment would be limited to projects of that nature. In addition, since all economic forecasts predict that unemployment will remain high for all of 1983, this amendment will not be subverting the congressional intent that money be spent to hire the unemployed during this period of high unemployment.

Mr. President, I have talked with both the majority and minority managers on this issue. I have talked with the chairman of the subcommittee. It is my understanding that there is no problem with the amendment.

As I said, the deadline in the emergency jobs legislation was brought to my attention by the Indiana State Department of Natural Resources and the Indiana Parks and Recreation Association. The deadline will be extended from October 1, 1983, until December 31, 1983.

Mr. President, I yield the floor and ask for the adoption of my amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HATFIELD. Mr. President, this matter has been cleared with Senator Laxalt, the chairman of the subcommittee. We are willing to accept it on our side of the aisle.

Mr. STENNIS. Mr. President, we have examined this amendment on this side and we approve of the amendment and know of no opposition.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana (Mr. Quayle).

The amendment (No 1393) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. QUAYLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I again ask the Chair to temporarily set aside the committee amendment in order that the Senator from California (Mr. Wilson) may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, I thank the distinguished manager of the bill.

AMENDMENT NO. 1394

(Purpose: To provide for the lease or sale of the George P. Scotlan Memorial Convention Center Building)

Mr. WILSON. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mr. Wilson), for himself and Mr. Cranston, proposes an amendment numbered 1394.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following new section:

Sec. . Upon request of the City of Oakland, California, the Secretary of Commerce shall authorize such City to sell or lease to any person the George P. Scotlan Memorial Convention Center building, without affecting the Federal assistance provided under the Public Works and Economic Development Act of 1965 (project numbered 07-01-02471), or any other law, if—

(1) such sale or lease provides, for the operation of such facilities as a Convention Center for at least sixty-five years after such transfer; and

(2) in the event of the sale of such building, the repayment of any grant made pursuant to the Public Works and Economic Development Act of 1965 shall—

(A) be made over a period of thirty years;

(B) provide that no payments shall be made for the first fifteen years of such period; and

(C) be made in equal annual installments over the last fifteen years of such period.

Mr. WILSON. Mr. President, I am today proposing an amendment to H.R. 3069 which will allow the city of Oakland to sell its convention center and to use all proceeds from that sale to further the economic development of downtown Oakland. I am happy to say that I am joined in offering this amendment by my distinguished colleague, the senior Senator from California (Mr. Cranston).

This would not be a matter for this legislative body to consider but for the fact that the Oakland Convention Center, known as the George P. Scotlan Memorial Convention Center, was built, in part, with the help of Economic Development Administration funds. EDA regulations require a grantee to repay the grant if the property is sold during its useful life. This amendment would waive the requirements in much the same fashion that Senator Bumpers sought for the Pine Bluff Convention Center, but there is a significant distinction here. The amendment provides that the convention center will continue to be used as a convention center, and, more significantly, in the event of a sale there will be repayment in full of the grant from the Economic Development Administration.

The only waiver that is sought is that instead of immediate repayment, repayment may be scheduled over a period of years sufficient to allow the city of Oakland to achieve its purpose of using the proceeds from the sale for the economic development downtown.

Mr. President, I urge adoption of the amendment.

Mr. CRANSTON. I am happy to support this amendment being offered by my colleague from California (Mr. Wilson).

The Oakland Convention Center is the city's primary downtown economic development project. But ancillary economic development in the downtown area is necessary to the convention center's success.

The ancillary development is not possible without the proceeds from the sale and leaseback transaction because Oakland's economic position has changed drastically since plans for the convention center were initiated in 1978. Proposition 13, depletion of the State budget surplus and subsequent California State aid, and cuts in Federal funding have resulted in cuts in Oakland's budget unprecedented among California cities and significant increases in taxes and fees, providing a disincentive for business to locate in Oakland.

Leverage of Oakland's investment and that of the Federal Government through the sale and leaseback of the convention center will increase related convention center business, attracting more visitors and providing services to the surrounding economically depressed neighborhoods. The proceeds from the sale could be used to subsidize convention center activities in its early years, purchase or refinance local farmers markets, rehabilitate Victorian commercial structures in the downtown area, build an additional downtown hotel, construct a cogeneration plant to provide inexpensive heating and cooling for the convention center, among other projects.

Oakland's population is 60 percent minority, and has a high percentage of older people. The unemployment rate is one of the highest in California—14 percent overall. Unemployment among minority youth is 50 percent and 23 percent among minority adults.

This amendment will permit the sale and leaseback of the Oakland Convention Center and thereby facilitate much needed economic development in that city. I understand Oakland will make a good faith effort to repay the Federal funds over a period of 30 years.

I urge adoption of the amendment.

Mr. DOLE. Mr. President, this Senator has announced his plan to introduce legislation which will remove most, if not all, of the tax benefits currently available from sale and leasebacks of municipal property. Such transactions permit State and local governments to subvert the democratic process by which voters may control borrowing by State and local governments, create lucrative new tax shelters for private investors, and obtain backdoor Federal financing for projects that the Congress has never approved. This Senator believes very strongly that such deals must be limited.

The amendment before us, however, does not address the tax benefits for such transactions. This amendment merely waives certain Commerce Department regulations in order to facilitate one such possible deal. Accordingly, this Senator does not oppose this amendment. Providing for repayment of the grant over an extended period is more desirable than providing a complete forgiveness. But other Senators should be on notice that this Senator believes that special tax benefits for such deals should not be permitted. The legislation that will be introduced, as I announced on the floor of the Chamber last month, will deny the lucrative tax benefits sought from deals like this, effective generally for property placed in service after May 23, 1983.

Mr. HATFIELD. Mr. President, I believe I am correct that on inquiring of the authorizing committee whether they approved of this, the Senator did inquire of the committee. Is that correct? The Senator did inquire of Senator Stafford?

Mr. WILSON. That is correct.

Mr. HATFIELD. And Senator Stafford indicated approval of the Senator's amendment?

Mr. WILSON. The Senator indicated no objection. Senator Laxalt was also consulted as was the Senator from Kansas (Mr. Dole).

Mr. HATFIELD. We do try to work with each of the authorizing committees to make certain that the amendment is acceptable. It is acceptable to the majority side.

Mr. STENNIS. If the Senator will yield, we accept the assurances given by the Senator from California and there is no objection to this amendment.

Mr. WILSON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1394) was agreed to.

Mr. WILSON. I thank the Chair.

Mr. HATFIELD. Now, Mr. President, I again ask that the Chair set aside temporarily the committee amendment in order that the Senators from Georgia and Arkansas may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield to the Senator from Georgia to raise the amendment. The Senators have been notified that the amendment would be brought up at this point.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

Mr. HATFIELD. Mr. President, I will ask the Senator to withhold that.

Mr. President, I yield the floor to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1395

(Purpose: To provide a per capita income adjustment to a grant which a local educational agency is eligible to receive under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. Bumpers) for himself and Mr. Mattingly, proposes an amendment numbered 1395.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, between lines 9 and 10, insert the following:

GENERAL PROVISION

Sec. 101. (a) Section 111(a)(2) of the Elementary and Secondary Education Act of 1965 is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D) and by inserting after subparagraph (A) the following:

"(B) The grant which a local educational agency is eligible to receive under this subpart for a fiscal year shall be further adjusted by dividing the amount of the grant determined under subparagraph (A) by the quotient obtained by dividing the per capita income for the State in which the local educational agency is located by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands), except that the quotient in no case shall be less than .85 nor more than 1.15. The adjustment required by this subparagraph shall not apply to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

(b) Section 111(a)(2)(C) of such Act (as redesignated by subsection (a)) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "subparagraphs (A) and (B)".

(c) Section 111(a) of such Act is amended by inserting "(A)" after "(4)" and by adding at the end thereof the following:

"(B) For the purposes of this subsection, the term 'per capita income' means with respect to a fiscal year, the total personal income in the calendar year ending in the second fiscal year preceding the fiscal year for which the determination is made, divided by the population of the area concerned in the calendar year preceding such calendar year (or if not available the year for which the most recent satisfactory data are available from the Department of Commerce).".

AMENDMENT NO. 1396

(Purpose: To provide an adjustment to the grant which a local educational agency is eligible to receive under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. BUMPERS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. WEICKER. Mr. President, I believe as soon as the amendment was read the Senator from Arkansas lost the floor and the Senator from Connecticut, the manager of the bill, was recognized to ask that further reading be dispensed with.

Mr. MATTINGLY. May I ask a question of the Senator from Connecticut?

The PRESIDING OFFICER. The Senator from Connecticut also lost the floor.

Mr. WEICKER. But I was recognized to send an amendment to the desk.

Mr. BUMPERS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. Does the Senator's unanimous-consent request that further reading of the amendment be dispensed with give the Senator from Connecticut the floor?

The PRESIDING OFFICER. It does not, but he requested the floor.

Mr. BUMPERS. The Senator from Georgia has been on his feet ever since I offered the amendment.

The PRESIDING OFFICER. It is customary for the Senators to rise and request the Chair's permission to be recognized. In the judgment of the Chair, the Senator had asked it.

The Senator from Connecticut.

Mr. WEICKER. Mr. President, I have sent an amendment to the desk. I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 1396 to the Bumpers amendment numbered 1395.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after page 1, line 3, and insert in lieu thereof the following:

Sec. 101, (a) Section 111(a)(2)(A) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking out "In" and inserting in lieu thereof "Subject to subparagraph (B), in";

(2) by striking out "80 per centum" each place it appears and inserting in lieu thereof "70 per centum"; and

(3) by striking out "120 per centum" each place it appears and inserting in lieu thereof "110 per centum".

(b) Section 111(a)(2) of such Act is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following:

"(B)(i) The aggregate amount of grants determined under subparagraph (A) for all local educational agencies located in a State for each fiscal year shall not be less than one-half of 1 per centum of the amount determined for all local educational agencies under subparagraph (A) for such fiscal year. The amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this division for each fiscal year shall be determined on a pro rata basis.

"(ii) The aggregate amount of grants which all local educational agencies located in a State are eligible to receive under this subpart may not be increased for any fiscal year in an amount which is greater than 50 per centum of the amount which all such agencies in that State received under this subpart in the fiscal year preceding the fiscal year for which the determination is made.".

(c) Section 111(a)(2)(C) of such Act (as redesignated by subsection (b)) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "subparagraphs (A) and (B)".

(d) Section 111(a)(2)(D) of such Act (as redesignated by subsection (b)) is amended by striking out "32 per centum" in clause (ii) and inserting in lieu thereof "28 per centum".

(e) The amendments made by this section shall take effect with respect to the school year 1983-1984 and thereafter.

Mr. MATTINGLY. Mr. President, will the Senator yield for a question?

Mr. WEICKER. Of course I yield for a question.

Mr. MATTINGLY. Does the Senator from Connecticut not agree that in our recent conversations we agreed that the Senator from Arkansas was to offer an amendment and the Senator from Georgia was to offer a second-degree amendment and no one else would try to offer a second-degree amendment?

Mr. WEICKER. My distinguished friend from Georgia raised the matter on Friday and I specifically could not give him the assurance that there would not be a second-degree amendment offered to the amendment of the Senator from Arkansas. It was at that point that my good friend from Georgia raised the matter with the majority leader. But I could not give that assurance to the Senator from Georgia and never did, and I would not. If I had, I would certainly have permitted him to go ahead and have his amendment.

Mr. MATTINGLY. I would say that probably we had a misunderstanding between the distinguished Senator from Connecticut and myself because I was under the impression that both the Senator from Connecticut and the distinguished Senator from Vermont indicated that would be the agreement. I think without a doubt it was very clear to all parties. Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I raise a point of order on whether or not the amendment of the Senator from Connecticut is properly drafted.

The PRESIDING OFFICER. It is properly drafted as a perfecting amendment.

Mr. WEICKER. Now, Mr. President, I yield to the Senator from Vermont.

Mr. STAFFORD. Mr. President, I rise to oppose the amendment offered by the Senator from Arkansas (Mr. BUMPERS) which would make radical changes in the formula that funds assistance to the States under the chapter I program of the Education Consolidation and Improvement Act.

Senator WEICKER and I have offered an alterantive to the formula that the distinguished Senator from Alabama has proposed. We take this action reluctantly and with regret. I have offered the sponsors of this amendment the opportunity to bring their issue before the Subcommittee on Education, Arts and Humanities. I had hoped that that offer would be accepted.

I am still prepared to hold hearings on this matter in September, and I would undertake to bring legislation out of the Subcommittee on Education, Arts and Humanities, of which I am the Chairman, to the full committee also this fall so that the matter could be examined in the proper way, in the legislative way, a procedure which the amendment being proposed this afternoon completely derails.

We might as well dispense with the legislative committees if we are going to simply come to the floor on appropriations bills and do the legislating here without any opportunity for the committees in question to carry out the function for which they are designed.

I had hoped the formula debate on the floor could be avoided, but I suppose formula fights are not new; they are as old as Federal aid itself. But, the amendment offered by the Senator from Arkansas has only recently been revealed to my colleagues and to the educational community and the public.

In fact, we are being asked to make this radical change after preliminary notices have been issued to the States by the U.S. Department of Education regarding the chapter I allotments the States can anticipate in the coming year.

All of us are aware that the chapter I allotments are those which fund the Federal participation in the program for disadvantaged children in this country.

My own State of Vermont would gain money if the amendment of the Senator from Arkansas were adopted, but even so, I cannot support the proposal. Indeed, the Commissioner of Education of Vermont opposes the proposal.

It is not that Vermont could not use the extra money for education. We surely could. But it would not be fair to the other States because Vermont's gain would come through a change in the formula that could damage the very integrity of the entire chapter I program.

It may be helpful to examine the rationale for the existing formula, which was created in 1974 and was adopted in the Senate as an amendment offered by the then Senator from Arkansas (Mr. McCLELLAN).

The idea of the chapter I program—formerly known as the title I program—is to provide additional funds to local school districts to help economically disadvantaged youngsters. Thus, the idea is to provide extra money for poor children to pay for compensatory educational programs.

Thus, at the heart of the present formula is the number of poor children in the schools. That number is gathered by using the results of the decennial census and its count of children in families whose incomes are below the poverty level.

But there are also variations in the costs of educating students in different States. Thus the formula also includes a factor that takes into account these cost differences.

Those differences are reflected by using the State average per pupil expenditures. But limits are placed on those differences. A cost factor for each State can be no lower than 80 percent of the national average or higher than 120 percent of the national average per pupil expenditure.

In general, those limits provide protection for the poorer States and restraints on the richer States.

But, now we are being told that this formula is unfair.

What has changed to make the present formula unfair?

What has changed, I say to my colleagues, is the census count of children aged 5 to 17 below the poverty level. That is the 1980 census count.

Because the allocation of Federal aid funds for the 1983-84 school year will be based on the 1980 census figures, those States that have lost larger numbers of poor children in the decade between 1970 and 1980 want to change the rules of the game.

The census count was deemed in 1974 to be the best measurement for the allocation of these Federal moneys, but that count does not seem so attractive to some States this year.

Thus, we have a proposal to introduce a new factor which is more attractive. That factor is called inverse per capita income and it is offered as a new way to allocate chapter I funds.

Let us first examine whether the amendment offered by my friend the able Senator from Arkansas, meets the test of equity, as has been represented.

In the 1970 census, the State of Arkansas had 155,135 children aged 5 to 17 in poverty families. In the 1980 census, that number had dropped to 109,490 children—a decline of 29.4 percent.

If we continue to use the present chapter I formula, with its 85-percent, old-harmless provision, Arkansas would receive only a 9.8-percent decrease in Federal funding for the new school year of 1983-84, despite its nearly 30-percent decrease in eligible children.

However, under the amendment offered by the Senator from Arkansas, his State would experience a funding reduction of only eight-tenths of 1 percent to go with its decline of nearly 30 percent in the number of poor children.

Let us take another State. The State of Nevada, which experienced a 31-percent increase in its count of poverty children, would receive a 7.3 percent cut in Federal funding under the proposal offered by the Senator from Arkansas.

I submit that any proposal that would respond to a 30-percent decline in poor children in one State by cutting aid less than 1 percent, while cutting Federal aid by 7 percent to another State that experienced a 30-percent increase in the number of poor children appears to this Senator, at least, to fail any test of fairness.

In truth, we should make no changes without lengthy and thoughtful legislative consideration of the consequences.

Surely we should make no change that diminishes the weight the present formula gives to the numbers of poor children—for it is those poor children we seek to help.

But, if the only way to prevent radical and destructive changes to the present formula is to propose changes that are not so radical or destructive, than I am prepared to take that course of action.

AMENDMENT NO. 1396

Mr. President, the amendment which Senator WEICKER and I have offered—Senator WEICKER has offered it—is in the second degree as a perfecting amendment to the Bumpers amendment. I wish to explain it very briefly.

First, I have offered this amendment with Senator WEICKER because it does less violence to the existing situation and the present distributive formula for chapter I than does, in my judgment, the Bumpers amendment.

Presently, the amount distributed under the basic grant portion of the chapter 1 law is calculated as I suggested earlier, by multiplying the count of children aged 5 to 17 in poverty families times 40 percent of the State average per pupil expenditure. The State per pupil expenditure is often referred to as the cost factor because it reflects the differences in educational costs from State to State.

Yet, for those States below 80 percent of the national average per pupil expenditure, they shall be raised to 80 percent of the national average per pupil expenditure—or p.p.e.—for purposes of the formula. Also, those States which are above 120 percent of the national p.p.e. would have their State p.p.e. reduced to 120 percent. Thus, the formula neither rewards those States with per pupil expenditures considerably above the national average nor penalizes the States who spend the least for education.

The amendment this Senator proposes would simply change the bounds on the cost factor from 80/120 to 70/110. Also, the amendment would provide that no State would receive less than 0.5 percent of the basic grant except that any State receiving additional moneys because of the application of the minimum grant could not

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receive an increase greater than 150 percent of its previous year's allotment.

Mr. President, that essentially is the amendment Senator WEICKER and I have offered. By moving the cost factor's bounds down to 70/110, we are not rewarding the State with the highest p.p.e. as much, but at the same time we are not rewarding those States which choose not to spend as much money for the education of their children.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I want to commend the senior Senator from Arkansas on his proposal to amend the distribution formula for chapter I of the Education Consolidation and Improvement Act. I know that much time and effort have gone into the development of his formula and that his concern is to best serve disadvantaged children under chapter I. I am sympathetic to the intent of the amendment. Certainly, I welcome its allocation of additional funds to Utah. Utah has consistently been among the top handful of States in the amount of money it spends on education versus its resources—it has strained itself in the establishment of a quality education system more than have others, and I have long felt that this commitment deserved relief such as that offered by the Bumpers amendment.

However, as the chairman of the committee with jurisdiction over the Education Consolidation and Improvement Act programs, I must object to the consideration of this formula change as an amendment to an appropriations bill. This tactic, of course, denies the Labor and Human Resources Committee its right to hold hearings and deliberate on the matter, and should be avoided for any authorizing legislation. The denial is far more serious in this case, however, because of the importance of the chapter I formula. Chapter I's $3 billion-plus funding makes it far and away the largest Federal education program at the elementary and secondary level. Its formula directly determines the flow of chapter I dollars to local educational agencies. For the Senate to make a change of such magnitude as that proposed here without referral to committee is indefensible.

In this key formula, competing interests and needs must be carefully balanced to give the fairest results for all, and especially for the disadvantaged children served by the program. This can only occur through deliberate and thorough consideration in committee of this and alternative changes to arrive at the best one. Occasions for the restructuring of this formula come rarely, and we have no excuse for not taking the time to make sure the version we pass is the very best and most equitable.

Now it may be that the Bumpers amendment is in fact the best that can be constructed, but we will never be able to verify that here today. It is rediculous to believe that the just balancing of interests, the resolution of conflicting claims of equity and injustice, can be accomplished by a few minutes' discussion on the floor of the Senate. Instead, without on the spot being able to get to the bottom of the claims to be made for and against this and the substitute amendments, we will today, by-and-large simply vote our pocketbooks. Is this the type of reflection we owe these disadvantaged children?

On the other hand, the reluctance of the spensors of the amendment to send it into committee as a separate bill cannot spring from any fear of a hostile reception there. This formula change benefits the States of a majority of members both of the Education, Arts and Humanities Subcommittee, and of the full Labor and Human Resources Committee. Senator STAFFORD, the subcommittee chairman, has offered to hold prompt hearings. If the amendment is introduced as a separate bill, I myself am committed not only to making sure we report out of committee a formula which better serves the children of Utah than the present one, but also to making sure this is not accomplished at the unfair expense of children in other States.

For these reasons, I believe it is essential that the Senate safeguard the interests of disadvantaged children and honor the perogatives of the Labor and Human Resources Committee by refusing a vote on the merits of the amendment at this time.

Mr. SASSER. Mr. President, compensatory education is one of the Nation's most important efforts to equalize educational opportunity; chapter I represents the largest single category of Federal aid to elementary and secondary education. The concept of compensatory education stems from the recognition that children from disadvantaged backgrounds frequently do not enjoy the same educational benefits as their peers. Many attend schools in districts that have low overall revenues or high concentrations of disadvantaged families, and such circumstances place special strains on the schools and adversely affect the general development of pupils. Compensatory education is intended to ease those problems by providing disadvantaged children with additional services to help them complete their education on more equal terms.

Congress had three purposes in mind when it enacted title I, now chapter I. First, it sought to provide additional financial assistance to school districts serving large numbers of students from low-income families and to the schools with the greatest number of such students. Second, Congress sought to fund special services for low-achieving children in schools with low revenue levels. And third, Congress intended title I programs to contribute to the cognitive, social, and emotional development of participating students. Recent studies demonstrate that the purposes of chapter I are being accomplished. In its congressionally mandated study, the National Institute of Education reported that elementary school pupils participating in title I gained 7 to 12 months in reading achievement and 11 to 12 months in mathematics achievement for each year in the program and that title I funds are primarily used to provide supplementary instruction in the basic skills of reading and mathematics to eligible educationally disadvantaged pupils. A federally financed study administered by the Educational Commission of the States found—

> Students with poor academic track records made some big gains in reading—and held their own in mathematics and science—over the course of the seventies. . . . [and that] disadvantaged youngsters and low-achieving students made considerable gains . . . especially in elementary school.

Mr. President, I support the Bumpers-Mattingly amendment because it will improve the equity of the chapter I formula by targeting funds to those States with the greatest percentages of children from low-income families.

Since 1965, the chapter I allocation formula has favored wealthier States because the only measure of fiscal effort used in the formula has been each State's average cost of instruction per pupil. Per pupil expenditures correlate positively with the fiscal capacities of the State: States with relatively high per capita personal incomes are usually better able to generate tax revenues to pay for education. The result has been that States with the lowest per capita personal income and highest percentage of children from low-income families are also the States who receive, on the average, the lowest payment rate per pupil. Let me illustrate.

The eight States with the lowest per capita income have an average per capita personal income of $8,278 and their average per pupil expenditures are $1,790. The eight highest per capita income States average per capita income is $11,858 and their per pupil expenditures average $2,702. The national averages are $10,517 and $2,436, respectively.

Under current law, assuming chapter I is fully funded, States at the lower limit of the payment rate would receive about $694 per pupil while States at the upper limit would receive $1,041. The eight highest per capita income States would average about $938 per pupil. Thus, the wealthiest States would receive, at full funding, on the average of $244 more per pupil. Furthermore, the eight States with

the lowest income have, on the average, 22.4 percent of their schoolchildren from low-income families while the eight highest income States have, on the average, only 11.6 percent of their school-age population from this segment of society.

The Bumpers-Mattingly amendment would improve the equity of the chapter I formula by recognizing that States with lower fiscal capacity should be compensated more equitably. Whereas, under the current formula, 19 States with 44 percent of the eligible children would receive 49 percent of the funds, under this amendment, the allocations to these States would decline to 45 percent of the funds. Of the 32 States which benefit under the amendment—those States having 56 percent of the eligible children and now receiving only 49 percent of the funds—their share of chapter I funds will rise to 55 percent.

Mr. President, 21 percent of the schoolchildren in Tennessee are from low-income families. Our State ranks 43d in per capita income. Coupled with over 13-percent unemployment, it is clear that Tennessee is in no position to generate more tax revenue to make up the nearly $3 million decrease in chapter I funds that would result under the current formula—that is $3 million less than the 1982-83 allocation.

In conclusion, I urge my colleagues to support the Bumpers-Mattingly amendment and the commitment it embodies: To equalize educational opportunity.

Mr. PRYOR. Mr. President, I support this amendment, being offered to the supplemental appropriations bill, that would increase the allocation of chapter I funds. In voicing my support, let me add that a total of 32 States would have their funds increased at a time when our educational system in those States needs help more than ever before.

The chapter I program was originally intended to assist the States in providing improved education for educationally deprived children living in low-income areas. The allocation formula has been revised periodically in order to comply with the intent of the law.

The formula now under operation uses the average cost of instruction per pupil in each State as the principal criteria. Naturally this overlooks the fact that a number of States are wealthier than others. We believe the formula should be an accurate reflection of the true needs of each State—and of the students within that State.

Put simply, our amendment would allocate funds to those States with the greatest percentages of children from low-income families. In many States, the total number of school-age children coming from low-income families has dropped in the past decade. But many of them still have large concentrations of children in poverty. And if the present formula continues it is these States that will get a disproportionately small share of the funds.

In Arkansas alone, chapter I funds in fiscal year 1983 were $37,500,000. Under the existing formula, we would receive only $33,800,000 this next year. This is a reduction of over $3.5 million.

Mr. President, there is 100-percent participation by the Arkansas school districts in chapter I funds. In the 926 schools participating, nearly 72,000 students are served by the program. Should funds be reduced further, it does not mean that services would be curtailed. It means that fewer students would receive the services.

Let me quote briefly from the recent report issued by the National Commission on Excellence in Education:

> Some 23 million American adults are functionally illiterate by the simplest tests of everyday reading, writing and comprehension. About 13 percent of all 17-year-olds in the United States can be considered functionally illiterate. Functional illiteracy among minority youth may run as high as 40 percent.

The needs are clear and pressing. Our amendment would not ask for more money to support a bloated Government bureaucracy. It simply asks for a more equitable and fair distribution of the available funds.

Mr. PERCY. Mr. President, I oppose the amendment offered by the distinguished Senator from Arkansas (Mr. BUMPERS) and will vote accordingly. The amendment would change the formula for allocating funds to State and local education agencies under chapter I of the Education Consolidation and Improvement Act, compensatory education for disadvantaged children, by introducing per capita income.

My major reason for opposing this measure is simple. A legislative change of this magnitude should not take the form of a floor amendment without the benefit of the full legislative process. There has not been 1 day of hearings on this proposal before the appropriate committees. Therefore, no one really knows what the impact of it will be. Few matters we debate on the Senate floor are as complicated as formulas of this nature, involving billions of Federal dollars. At the very least, any change ought to be thoroughly studied and weighed by the Education Subcommittee prior to full Senate consideration.

Second, I am concerned about this particular proposal because it introduces per capita income into the formula. Proponents of the new formula contend that per capita income reflects adequately a State's capacity and effort to provide services.

Last year, the prestigious Advisory Commission on Intergovernmental Relations, which has been studying the matter of per capita income as a measure of fiscal capacity, stated the following:

> The Commission finds that the use of a single index, resident per capita income, to measure fiscal capacity seriously misrepresents the actual ability of many governments to raise revenue. Because states tax a wide range of economic activities, other than the income of their residents, the per capita income measure fails to account for sources of revenue to which income is only related in part. This misrepresentation results in a systematic over- and understatement of the ability of many states to raise revenue.

The Commission goes on to recommend to the Federal Government that a new measure of fiscal capacity be utilized, such as the representative tax system developed by ACIR, which reflects the wide diversity of revenue sources which States currently use.

While the Commission does not address tax effort, which is distinct from tax capacity, it would seem that per capita income would be just as lacking a measure as it is with capacity, and perhaps more so.

Mr. President, this theme was also sounded by the General Accounting Office in a March 9, 1983, report to the Congress on the medicaid formula. GAO criticized the formula used to establish Federal reimbursement rates for state medicaid spending as "not as equitable to the States as it could be." This, GAO said, was because per capita income, a key formula factor, does not adequately reflect the greater tax burden of States with a high proportion of the needy and because it is not the best available measure of States ability to finance medicaid from State revenue sources.

These criticisms of per capita income cannot be discounted. And if the purpose of introducing per capita income into the formula is to measure a State's tax capacity and/or effort, I seriously question whether it would accomplish that goal, based on the recommendations just cited.

This underscores my first point about the need for full and thorough review of this proposal prior to its consideration.

Last, I oppose the amendment because while Illinois has experienced an increase in the number of disadvantaged children in the last decade—the children which are the target of chapter I programs—it will lose money under this new formula.

In 1970, Illinois had 310,636 children eligible for chapter I programs. In 1980, that number rose to 341,574. In fiscal year 1983, Illinois will receive $120 million in chapter I funds. Its fiscal year 1984 estimate is $133 million under current law. If the proposed amendment were adopted, Illinois could expect to receive only $123 million, a $10 million cut. The current law increase in funds is due to the fact that Illinois' population of children in families below the poverty level has also increased.

I fail to see the logic in cutting funds to States that stand to gain funds because their populations of poor children increased. I ask unanimous consent that a letter I sent to Chairman STAFFORD be included in the RECORD, and also a copy of the Chicago Sun-Times editorial about this issue.

Mr. President, for all these reasons I intend to oppose the amendment and urge my colleagues to do likewise, at least until we have had the opportunity to study the full impact of this proposal.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 27, 1983.

Hon. ROBERT T. STAFFORD,
Chairman, Subcommittee on Education, U.S. Senate, Washington, D.C.

DEAR BOB: I am deeply concerned by recent reports that a proposal may be offered on the Senate floor to significantly alter the formula for allocation of funds to the countries under Chapter I of the Education Consolidation and Improvement Act, education for disadvantaged children.

According to estimates prepared by the Illinois State Board of Education, this proposal would reduce my state's allocation by 7.3 percent—almost $10 million in Fiscal Year 1984. As I understand the new formula incorporated in this proposal, the state average per pupil expenditure would be divided by the ratio of state to national average personal income per capita and the resulting amount would be multiplied by the eligible Chapter 1 child population to determine county payments. The present formula, as you know, does not include per capita income.

This proposal has the effect of penalizing states like Illinois. Ironically, those that would lose the most money under this proposed formula are the very states which have the highest concentrations of poor children.

This new formula would make major changes in the allocation of funds to states to assist them in educating disadvantaged children. As such, it should not be undertaken precipitiously. To consider it on the Senate floor without the benefit of full and thorough study by the appropriate Senate committees is a profound injustice to the states which would be adversely affected and a gross disservice to the children this program is intended to serve.

I urge you to oppose any such effort until we have had the opportunity to subject this proposal to the full deliberation of the legislation process. If I can assist you in any way as you study this matter, please don't hesitate to call me.

Warm personal regards,

CHARLES H. PERCY,
U.S. Senator.

[From the Chicago Sun-Times, June 9, 1983]

SUN BELT ROBBERY

Frost Belt senators should beware of a cunning proposal that would rob their states of their fair share of federal education aid for disadvantaged students.

The plan, being pushed by the Senate's Sun Belt bloc, would base the aid partly on a state's per capita personal income. States below the average national income would get more money; high-income states would get less.

It sounds fair on the surface, but it's not.

Per capita income is not a valid measure of a state's ability to tax itself to meet its needs. Many states with relatively low personal income raise huge amounts of money through severance taxes on minerals.

Nor does it measure the cost of providing an education. Minnesota and Texas have the same per capita income, but Minnesota's education costs are 9 percent above the national average, while Texas' are 19 percent below.

The program in question, the Education Consolidation and Improvement Act, was designed to provide supplemental services to the poor, not to redistribute income from state to state. The transfer of wealth from Frost Belt to Sun Belt is progressing rapidly anyway, thanks to private economic decisions and misguided federal policies; it needs no further boost from the government.

The Sun Belt proposal would cost Illinois $10 million next year. Sen. Charles H. Percy (R-Ill.) is trying to beat it back and we hope other senators support him.

Mr. KENNEDY. Mr. President, I rise in opposition to the amendment offered by my good friend, Senator BUMPERS.

I am sorry that this amendment has been offered because it forces the Senate to indulge in one of its most unpleasant activities—a formula fight over the distribution of a multibillion program. My State of Massachusetts is a loser under this formula, to the tune of $2.8 million, in its expected allocation in fiscal year 1984. I suppose that none of my colleagues are surprised at my opposition to the amendment, given these facts. After all, that is the nature of a formula fight: Winners love the formula and losers hate it.

However in this case, that is not the only reason that I am opposing this amendment. It is not even the primary reason for my opposition. I believe that this is quite simply the wrong time and the wrong vehicle to consider the issues raised by this amendment. There are reasons and times to circumvent the established legislative procedures, but this is certainly not one of them.

The proponents of the amendment claim that this is not a major change in the funding formula. They note that this is a change in only one of the several factors that are employed to determine the allocations under chapter I. Nevertheless, this change results in a drastic reallocation of funds under this program. Almost $200 million would be redistributed among the States as a result of this amendment. Under no circumstances could this be considered a minor change.

I have listened today to the arguments made by both the proponents of the change and by its opponents. I listened to the same arguments during two meetings of the Labor and Human Resources Committee. I can sympathize with those Senators who are trying to protect their States from a precipitous loss of funds. I can understand their desire to right what they claim is a longstanding wrong. But I can also sympathize with those Senators whose States are anticipating increases in funds mainly because I am one. The arguments I have heard demonstrate to me that this is a complex issue—with equities weighing in on both sides. It cannot be, nor should it be, resolved after only a brief floor debate, today.

Senator STAFFORD has clearly indicated his willingness to hold hearings on this subject. I believe that this body should defer any action on this matter until the Senator, through his Education Subcommittee, is permitted to fully consider the issues and equities raised by this amendment.

I understand the fear of some Members that their States will, in the interim, suffer the very precipitous loss in funds which they, with their amendment, are attempting to prevent. We faced this same fear last year when the Department of Education tried to choose between using the 1970 census date or the 1980 census data for determining the allocation to the States. We in the Congress crafted a compromise to insure that no State suffered a precipitous loss in funds due to the indecision of the Department. I am hopeful that a similar compromise can be crafted today which protects those States which fear a precipitous loss in funds, but which at the same time leaves chapter I formula unchanged until the Education Subcommittee is able to conduct hearings on the subject.

I urge my colleagues to allow the normal legislative mechanism to run its course.

Mr. D'AMATO. Mr. President, I rise in strong opposition to the amendment offered by the Senator from Arkansas, and urge its rejection by the Senate.

The title I program, now chapter I program, was originally enacted back in 1965 as part of the Elementary and Secondary Education Act of 1965. It is by far the largest single program of Federal assistance to our Nation's elementary and secondary school students, currently providing more than $2.6 billion in funds to over 13,000 school districts. These vital funds are used to increase the educational attainment of economically disadvantaged children.

Specific statutory formulas govern the distribution of these funds to counties and States. These formulas are quite complicated, but essentially are based on two factors. The first is the most recent census count of poverty-level children in a county or State plus a small portion of AFDC children. The formula also includes a cost factor, that is the cost of providing

educational services. Together these two factors—count of poverty-level children and the State per pupil expenditure—succeed in fulfilling the objective of the chapter I program, and, that is to supplement educational programs and services for disadvantaged children.

The amendment before us would change this distribution formula which has stood for many years by adding a per capita income component. This amendment is bad on both procedural and substantive grounds. Procedurally, it simply does not reflect well on the greatest deliberative body in the world to change formulas in such an essential program on an appropriations measure and without the benefit of any hearings on this issue. Changing formulas in this way will set a disastrous precedent for this body.

It is my understanding that the chairman and ranking minority member of the Senate Education Subcommittee has offered the proponents of this amendment hearings on this formula issue, and that is precisely the course which this matter should follow. Interested parties and experts in the field would be able to provide information so that the Senate could make a decision based on informed, intelligent debate, not a 1-page sheet on who wins and who loses. As the National Education Association said in a letter to me dated June 7: "If a formula change is to occur, NEA embraces a procedure that is as fair and above board for all concerned parties."

On the substance side, the current chapter 1 formulas represent a delicate compromise. These formulas are predicated on the count of poverty-level children in a county and State and the State-average-per-pupil expenditure, and as such channel funds to the economically disadvantaged children of this Nation.

Last year, during the court battle over the use of the 1980 census to distribute chapter I funds, an amicus brief filed by several of the Senators who would benefit from this amendment stated that shifting a single block of the formula will unbalance the entire structure. We should heed this advice and not change the formulas in this program.

The Department of Education will now quite correctly use 1980 census data to distribute chapter I funds. The States which have experienced increased levels of poverty-level children will appropriately receive more funds to meet the needs of this increased population. Conversely, those States which have lost poverty-level children will have their funds reduced. These formulas will direct Federal funds to the intended beneficiaries of the chapter I program.

The per-capita-income factor which this amendment seeks to introduce will not further the goals of the chapter I program. The purpose of chapter I is to target funds for supplemental educational purposes, not to redistribute Federal funds based on per-capita-income differences among the States.

Moreover, per-capita income is not a measure of fiscal capacity. As a recent GAO report regarding medicaid stated: "per capita income, which serves as an indicator of the State's needy and as a measure of the State's tax capacity is a poor measure of both."

Fiscal capacity is measured by a State's ability to raise revenue through taxes. Some States have been experiencing growing economies and tax bases. However, these States have not increased their commitment to education. We should not be rewarding this disinclination to put forth the local effort which simply must be put forth. The State-average-per-pupil expenditure factor which exists in the current title I formula recognizes a State's effort and encourages the State to continue that effort.

I might paranthetically note that because of a 120-percent ceiling on this per-pupil-expenditure factor existing in law, my own State does not receive all that it should. Ideally, I would like to lift that cap altogether so that my State would receive its fair share. But I recognize that the formula debate in 1965 resulted in a delicate compromise.

Mr. President, school districts are expecting their chapter I payments for the 1983-84 school year in July. Changing these formulas will cause undue delay in the distribution of these funds and will wreak havoc on the planning and budgeting processes of the Nation's local school districts.

Mr. President, I feel very strongly on both substantive and procedural grounds that this amendment be rejected. I doubt that there are more than a handful of Senators here who understand all of the nuances of this formula debate. I certainly do not profess to be an expert. It is precisely because of the complexity of this issue that hearings should be held and this amendment should be rejected.

I greatly appreciate the efforts of Senator STAFFORD to head off this attempt by the Senator from Arkansas. Let there be no mistake about it, I firmly believe that there should be no changes in the chapter I formulas; however, the Weicker-Stafford amendment does less harm than the Bumpers amendment.

Mr. LEVIN. Mr. President, I am opposed to the amendment offered by my good friend and colleague from Arkansas. The amendment would change the formula for allocating chapter I Elementary and Secondary Education Act funds by shifting money to low per capita income States at the expense of States with large numbers of poor school-age children and high per-pupil costs. This amendment would cost my State of Michigan $2,898,000. It will cost many other deserving States substantial sums of chapter I funding.

Chapter I of the Elementary and Secondary Education Act provides Federal funds for compensatory education for disadvantaged children. Under current law, funds are allocated to States on the basis of the number of school-aged children at or below poverty, using 1980 census data, and on the basis of a State's average per-pupil expenditure, thereby assuring that funding levels correspond to States with the greatest costs and concentrations of poor children. For the purpose of calculating formula allotments, a States' per-pupil expenditure has a floor of 80 percent and a ceiling of 120 percent of the national average, bringing low- and high-spending States closer into line with the national median cost.

The Bumpers amendment would substitute per capita income as the measure of a State's need for chapter I funding—despite the intent of the program to focus funding on poor school-aged children.

Mr. President, chapter I is not an income redistribution program. The purpose of chapter I is to provide supplemental educational programs for poor children. It was not created to be an income redistribution program which equalizes the differences in per capita income among the States.

The current chapter I formula is a result of a delicate, comprehensive compromise. During the litigation on the chapter I formula last year, 50 Senators and Congressmen filed an amicus brief on behalf of the States contesting the use of 1980 census data. The amici, led by our colleague Senator DENTON, stated the following:

> In constructing this compromise in 1978, Congress acted deliberately and carefully to build a balanced package. . . . Congress tried to include something for each geographic region; something for urban areas and for rural areas; something for rich states and for poor states; something for large states and for small states. . . . Thus, shifting even a single building block of the formula will unbalance the entire structure.

Mr. President, the use of the 1980 census directs funds toward the current location of poor children. Some States have smaller numbers of poverty children, as shown by the 1980 census data, and as a result, they will have their chapter I payments reduced. Use of the 1980 census, however, directs Federal program dollars to where the increased numbers of poor children are located. It targets the program to the intended beneficiaries. I simply cannot emphasize this point enough—the funds are appropriately directed where the need is greatest.

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Mr. President the current chapter I formula essentially boils down to two elements:

First, directing funds to where the poor children are located; and

Second, providing supplemental funds to school districts based on the average cost of running an education program in that State—40 percent of the average per pupil expenditure in the State.

The application of the per-pupil cost factor corrects for State and regional differences in the cost of providing education services. These two factors taken by themselves adequately channel program funds to meet the stated purpose of the act.

It is important to note that the current cost factor already boosts low effort States. As earlier stated the per pupil expenditure cost factor is modified by raising States whose per-pupil expenditure is below 80 percent of the national average up to 80 percent, and by lowering those whose per-pupil expenditure is above 120 percent of the national average down to 120 percent. Consequently, 13 States which have per-pupil expenditure below 80 percent have their per-pupil expenditure inflated to 80 percent, and 10 States which have a per-pupil expenditure above 120 percent have their per-pupil expenditure reduced to 120 percent.

Additionally, there is a provision in current law which holds school districts harmless at 85 percent of their previous year's allocation. This minimizes the impact of any loss of funds due to use of the 1980 census data for those schools which otherwise would lose even more. In any case, it must again be emphasized that the purpose of the program is to provide funds for programs to serve poor children on the basis of the most recent available count.

Finally, Mr. President, it has been contended that the use of an AFDC child count in the current formula biases the distribution of funds in favor of the wealthier States. The fact is that the AFDC factor includes only those children in families receiving AFDC with incomes above the poverty level for a nonfarm family of four as updated annually by the CPI. As the poverty income level has been increasing with CPI, the number of AFDC children counted in the formula has been decreasing rapidly—minus 79 percent from 1980 to 1984. In 1984, the AFDC count represents only 1.1 percent of the total poverty count for chapter 1. This small percentage, the only poverty count updated annually in chapter 1, can hardly be viewed as a strong bias. Again, I urge my colleagues to join me in opposing the Bumpers amendment. This proposal, calling for the inclusion of per capita income in the chapter 1 formula, would have the effect of redirecting funds to States which are losing poor students, and of making payments at levels unrelated to the actual cost of providing supplemental educational programs in a particular locale.

● **Mr. DODD.** Mr. President, chapter I of the Education Consolidation and Improvement Act of 1981 continues a categorical program first adopted by Congress in 1965. The sole purpose of which is providing Federal assistance for the education of disadvantaged children.

The formula for distributing chapter I funds among the various States acknowledges this purpose. Since 1965, State allocations have been based on the percentage of needy students in each State. When the formula was changed in 1974, no attempt was made to change that governing philosophy. The change was intended to provide a more accurate count of the disadvantaged children we want to help.

From its inception as title I, then, this program was never intended to reduce State and local responsibilities for education. It was never intended to be a general assistance program. Rather, the purpose of this legislation was, and remains, to help equalize access to quality education for all American children regardless of family income, home address, or national heritage. Its distribution formula reflects that laudable goal.

The amendment under consideration would change the intent of the program by distributing Federal moneys on the basis of per capita income.

The effect of such an amendment would be a significant reduction of Federal support for programs for disadvantaged children in a number of States. More importantly, it would alter the fundamental character of the program itself. Instead of being targeted to needy children, title I would become a form of interstate revenue sharing.

Many of the States and localities which would lose funds because of such an amendment would be hard-pressed to make up these losses. They are, for the most part, already paying steep taxes for higher teacher salaries, improved school facilities, and sophisticated materials and equipment necessary to insure a quality education. In essence, they have made every effort to offer sound educational programs for all students within their jurisdiction.

One of the great ironies of such an amendment would be to increase Federal support for education in those areas with declining poverty rates. On the other hand, it would sacrifice programs for disadvantaged children in areas where the poverty rate has not significantly changed, or in many instances, where the poverty rate has increased.

In an effort to comply with this proposed amendment, many States would be forced to reduce the quality of education in one area to compensate for the loss of Federal funds in another. A second alternative, equally as unfortunate, would be to allow an educational caste system to develop. Ultimately this would mean that students lucky enough to live in high-income areas would be able to attend good schools and receive a quality education. Students residing in low-income areas, students residing apart from their parents, and students of limited English-speaking proficiency would be offered educational programs of lesser quality simply because promised Federal funds had been withdrawn.

The record shows that title I has been judged to be highly successful in terms of providing quality programs and services for disadvantaged school children. I strongly support maintaining this program as initially intended. To adopt an amendment which discounts the degree of poverty within each State would be to establish another revenue-sharing program rather than maintain title I's intent—a quality education for educationally disadvantaged students.●

Mr. LAUTENBERG. Mr. President, I want to express my strong opposition to any effort to change the formula for distributing chapter I education aid through an amendment to the supplemental appropriations bill. The Senate floor is not the appropriate place to begin making major changes in a carefully crafted formula.

Chapter I—known for years as title I—provides funds for compensatory education for disadvantaged children. The formula for these funds focuses on the number of disadvantaged children living in a jurisdiction. This seems to me to be the proper factor to consider in distributing the funds. If others disagree with the approach in current law, then the Labor and Human Resources Committee is the proper forum to examine those concerns and consider changes in the formula.

Mr. President, chapter I is the largest single Federal education program. Under current law, my State of New Jersey is scheduled to receive $87.2 million for the 1983-84 school year. These funds are vitally needed to support compensatory education programs for children who live in some of the poorest areas in this country. As I said the other day, Mr. President, when I first addressed this body, we must see to it that all our children have an equal chance to get the education they need to grow and succeed in America today. The main route out of poverty for today's children, as it was for children of my generation, is through education. Chapter I funds have been very helpful in my State, as in others, in stretching limited tax dollars which are devoted to education.

Although I oppose any amendment to this bill which would alter the chapter I funding formula, I will support the compromise which will allow my State to receive its full share of 1984 chapter I funds.

Mr. BRADLEY. Mr. President, we can continue to debate the merits of both of the amendments pending before the Senate. But the fact of the matter is that we should not be debating a formula change on this bill. The underlying first degree amendment offered by the Senator from Arkansas has had no hearings. The sponsors of the amendment have not yet even introduced legislation on the issue. Therefore, I think it appropriate for the Senate to first address whether the underlying first degree amendment is in order prior to any significant debate on the issue.

Therefore, Mr. President, I make the point of order that the underlying first degree amendment is legislation on an appropriations bill.

Mr. BUMPERS. Mr. President, I raise a question of germaneness.

The PRESIDING OFFICER. Under the rules, the question is submitted to the Senate.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. An additional inquiry. Is there any language in the House bill—OK, I raised the point of germaneness. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi will state his parliamentary inquiry.

Mr. COCHRAN. Is there time for debate on the point of order at this time in the proceeding?

The PRESIDING OFFICER. There is not.

Mr. COCHRAN. There is no time for debate at this point?

The PRESIDING OFFICER. No time.

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. The question before the Senate is whether the Bumpers amendment is germane to the House legislative language. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Idaho (Mr. SYMMS) are necessarily absent.

I further announce that, if present and voting the Senator from North Carolina (Mr. EAST), and the Senator from Idaho (Mr. SYMMS) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Colorado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER (Mr. SPECTER). Are there any other Senators in the Chamber wishing to vote?

The yeas and nays resulted—yeas 35, nays 60, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—35

Abdnor
Baker
Baucus
Bingaman
Boren
Bumpers
Burdick
Chiles
Cochran
Cohen
DeConcini
Denton
Domenici
Exon
Ford
Grassley
Hawkins
Heflin
Helms
Hollings
Huddleston
Jepsen
Johnston
Mattingly
Melcher
Mitchell
Nickles
Nunn
Pressler
Pryor
Sasser
Stennis
Thurmond
Trible
Warner

NAYS—60

Andrews
Armstrong
Bentsen
Biden
Boschwitz
Bradley
Byrd
Chafee
Cranston
D'Amato
Danforth
Dixon
Dodd
Dole
Durenberger
Eagleton
Garn
Gorton
Hatch
Hatfield
Hecht
Heinz
Humphrey
Inouye
Jackson
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
McClure
Metzenbaum
Moynihan
Murkowski
Packwood
Pell
Percy
Proxmire
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Simpson
Specter
Stafford
Stevens
Tower
Tsongas
Wallop
Weicker
Wilson
Zorinsky

NOT VOTING—5

East
Glenn
Goldwater
Hart
Symms

The PRESIDING OFFICER. The amendment is not germane.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was ruled to be not germane.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 1397

(Purpose: To provide for an equitable modification in the grants which local educational agencies are eligible to receive under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an amendment numbered 1397.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, between lines 22 and 23, insert the following:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, $103 million to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than the amount of grants determined for the local educational agencies in that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 Census data in order to increase the amount for local education agencies in each such State to the amount determined for that State for fiscal year 1982: *Provided*, That the amount of the increase in any grant which a local education agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

It is the intention of the Congress that for each fiscal year ending prior to September 30, 1987, an additional amount will be appropriated, as necessary, for the payment of grants to local educational agencies in all States subject to the provisions of the previous paragraph in order to increase the amount for local educational agencies in each such State for each such fiscal year to the amount determined for that State for fiscal year 1982.

Mr. BUMPERS. Mr. President, a point of order was made a moment ago before the proponents of the amendment had an opportunity to be heard. I am going to be heard on this amendment one way or the other, win, lose, or draw.

But this amendment that I have just offered has a hold harmless clause so that States such as mine would not be severely penalized as we will be if we do nothing.

I have read two or three editorials in the past 2 weeks referring to my efforts, and the efforts of the Senator from Georgia, as a very parochial Southern effort, and that somehow or other the chapter 1 formula is sacrosanct, and that the Senate should not tinker with it.

First of all, I wish to point out that this formula has been changed four times since title I was passed in 1965.

Other editorials and articles have said that Senator McClellan, the Senator from the State of Arkansas, who was chairman of the Appropriations Committee, actually drafted this formula. Let me put Senator McClellan's efforts in context.

What Senator McClellan did was to try to defend the State of Arkansas and a lot of other States similarly situated from what was an inexorable effort to modify the formula coming

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from the wealthier States, which would have had an even more devastating effect than the present formula would have had back then, and all he did was to say that no school district would get in any given school year less than 85 percent of its allocation for the previous year. Further, they made sure that the per pupil expenditure used in the formula for each State would be no less than 80 percent of the national average per pupil expenditure. Senator McClellan was simply attempting to protect the poorer States by making sure that the formula contained allocation floors. His effort was merely defensive. He succeeded, but the basic inequities in the formula continued.

I want everyone to know two or three things that they just voted on.

No. 1, by defeating that amendment the 1980 census is going to be used, and the title I funds are going to be distributed under the existing formula without adjustment for State per capita income. A lot of Senators voted against the amendment saying "I think the money ought to go where the poor children are." If that is their concern, then they should have voted in favor of my amendment.

I can tell the Senate that if this formula is not changed—and unless we change it today there is no earthly way to change it before the allocation is made on July 1—will you say the current formula is fair when 56 percent of all the chapter 1 money is going to go to 51 percent of the children? Let me repeat that: 56 percent of all the money under chapter 1 is going to the States that have only 51 percent of the poor children. That is the kind of fairness that Senators just voted for. No. 2, the question is often raised:

> Why do you not make a greater effort, you Southerners, you lethargic Southerners? Why do you not make a greater effort to educate your children?

Well, you will be surprised to know that of the 10 States of this country that have over 20 percent of their children below the poverty line, 8 of them are indeed in the South, and in those 8 Southern States you will also be surprised to know they make a much greater effort in educating their children than the 8 wealthiest States in this country make.

They contribute a greater percentage of all public revenues—local, county, city, and State—than the eight wealthiest States in this country contribute.

So is it fair to penalize some of the poorer States, which are spending a greater proportion of their income to educate their children than the eight wealthiest States in the Nation, is it fair to penalize them further?

I am not asking everybody in this body to be parochial. I do not think the formula that I designed is perfect. But I want you to explain this to me: What is fair about the existing formula that treats the 49th poorest State in the Nation, namely Arkansas, what is fair about giving us $338 in 1983 per child, and cutting us by $33 per child to give us $305 in 1984? Is that fair? If your State was the State I was talking about, would you think it was fair? And neither the existing formula nor my formula even comes close to addressing one of the basic problems, and that is those school districts that have deep pockets of poverty, and God knows I have got plenty of them in my State. The whole point of the Chapter 1 program is to alleviate the education problems created by large concentrations of extremely poor children. This legislative purpose is stated in the first section of the act. Yet the formula in current law does not deal with this problem.

Some of you are from urban areas—I have been in some of those areas in Philadelphia and New York and Detroit—and I am not trying to penalize you. I want you to get every dime you can get and you can have every dime you are scheduled to get under the existing formula. I applaud you. You need it, you are entitled to it, and I will vote for it, but not when you get your share by penalizing the poorer States in the country, and that is what the existing formula does.

I have been nauseated reading some of the editorials about how fair the existing formula is, how it was crafted by a Southerner, and how terrible this is that some of us would tinker with it. Well, it is just a very simple question: Is it equitable to penalize States like mine and even Utah, States like Kentucky, Louisiana, North Dakota, Maine, Vermont, New Hampshire, Arizona, New Mexico—they are not Southern States—and it is not fair to penalize them either.

I do not want to fight the war all over again. I want the urban States to get exactly what they are entitled to get, and so the new amendment I have just sent to the desk, Mr. President, is a hold-harmless clause.

The fact that Arkansas and Mississippi and Louisiana and New Mexico and Arizona and several other States have fewer children below the poverty line now is a source of gratitude to all of us. I could not be happier. But I can tell you we still have deep pockets of poverty, we still have a lot of children on AFDC, and we still have a lot of children in institutional homes. I invite the Senator from Connecticut or the Senator from Vermont or the Senator from any State to tell me why it is fair to take $30 a child, or even more in some States; why would we want to spend less per child in the poorer States and more per child in the richer States when we poorer States are making a bigger effort than you are, as a percentage of our income, to educate our children? That is what this amendment is all about.

I am raising the question here because I do not think it is fair, and I do not think many people within earshot think it is fair. I am not trying to cut the wealthier States. You have your problems, and we have ours. So I have offered this amendment, Mr. President, which will hold each school district 100 percent harmless for the 1983-84 school year; it will cost $103 million, but if the Education Commission report means anything it is that we are not doing a good job of educating the very children we are talking about here today, the poorest children, and we are certainly not going to redress the problem by cutting 32 States back from what they are getting right now.

Does it make any difference whether I have 40,000 children in Arkansas below the poverty line or 20,000? The fact that we have fewer children now means we have done better and, as I say, we are euphoric about it, we are pleased with it, but is that a justification to cut back on the amount of money when most of our poverty is in deep-seated pockets just as it is in Newark, just as it is in the Bronx, and just as it is in a whole host of cities across the country?

Mr. MATTINGLY. Will the Senator yield?

Mr. BUMPERS. I yield.

Mr. MATTINGLY. I do not intend to support this amendment. I want to talk about the original Bumpers-Mattingly amendment. I am extremely concerned about education and the well-being and future of the disadvantaged children in our country. I was up front and honest in my approach.

Just recently, as everybody knows, Secretary Bell released the findings of the National Commission on Excellence in Education. The report brought into focus a fact that we all know is true: the educational system of our country is in serious trouble.

Education has always been the foundation of our country and our society. It affects our democratic way of life, our economy, our well-being, and the health and happiness of our people. Every State must be able to offer quality programs if our Nation is going to be strong and productive. The Mattingly-Bumpers amendment would have corrected a deficiency in the way in which Federal funds for elementary and secondary education programs were going to be allocated to the States.

The fact is that the current formula is biased in favor of the wealthier States and that is because the only measure of fiscal effort used in the allocation formula has been each State's average cost of instruction per pupil.

The problem is that the measure only considers expenditures and not

fiscal capacity. A State's per pupil expenditure correlates highly with the fiscal capabilities of that State, and those States where per capital income is high have a greater ability to generate tax revenues to finance education than do those States where per capita income is low. The result is that when you apply the current formula, those States that are rich get richer and those that are poor get poorer, and I do not mean rich just in terms of dollars. I mean rich in terms of their ability to offer educational programs for their children. That is not right and that is not fair.

The key issue is that the formula change would have put Federal education money where the eligible children are. The 19 States that would have received less funding, under our proposal had 44 percent of the eligible children. Under the current law, they receive 49 percent of the chapter I funds. The 31 States that would have received an increase in chapter I funding have 56 percent of the eligible children under current law. These States now receive only 51 percent of available funds. Under the amendment that Senator Bumpers and I offered, they would have received 55 percent of those funds.

So it is clear the amendment that was offered would have corrected a tremendous imbalance in the allocation of Federal dollars.

During the past year there have been a lot of discussions on the formula issue. In fact, had chapter I gone through the proper reauthorization process we would be discussing the issue right now. I am not as concerned about procedure as I am about the education of children. I have stood on the floor of the Senate and I have heard at one time or another most Members speak about their concerns for education.

I think if we had been truly concerned about education, we would have adopted the amendment and taken a step forward for education. I regret that we did not because we let the children of our Nation down.

All Senator Bumpers and I were asking was that you vote to send the money where the children who need help are located. The way to do that is to include per capita income in the distribution formula. The poorer States, the ones least able to raise the money on their own for these educational programs, would only have ended up getting their fair share of the available funds.

My own State of Georgia would have gotten more from this proposal, that is true, along with about 30 other States. I wish it were not so, though. I wish my State were rich enough to be among the small number of States that would have gotten less funds under our amendment. I wish we had as much money as we do good sense and sunshine in Georgia, but we do not.

If we are ever going to see our children catch up we have to make sure that they get their fair Federal share of Federal education dollars. That was the purpose of the Bumpers-Mattingly amendment.

Mr. WEICKER. Mr. President, I am going to be brief before yielding to my distinguished colleague from New York.

First of all, let me say this to my colleague fom Arkansas. I want to make sure he has ample time to expound his views on this subject, but I wish to alert him to the fact that I will probably raise the same point of order against this amendment.

Mr. BUMPERS. Mr. President, I would plead with the Senator not to do that.

Mr. WEICKER. Mr. President, I am giving my colleague a chance to take as much time as he wants, but to alert him as to what is in the back of my mind. I can assure him I have absolutely no intention of depriving him of one sentence of time.

In response to the arguments made here that need to be dealt with to a far greater length and with far more knowledge by the distinguished Senator from New York, since he was one of the original drafters of the original package, very simply, in the present formula the money follows the children.

Now, if we have a redistribution of income proposition out here on the floor, that is fine. But, insofar as the educational purposes are concerned, the money follows the children. It is as simple as that. I cannot think of anything more fair.

I yield to my distinguished friend from New York.

Mr. MOYNIHAN. Mr. President, I cannot expand upon the statement that the distinguished Senator from Connecticut has just made. The principle of the 1965 Elementary and Secondary Education Act, of which the present legislation was originally part, was that the money would follow the children. Mr. President, I will take a moment of the Senate's time to ask: Which children?

Now, there is a specific place and time when this legislation began. Senators will recall it was the first Federal aid to education of a general nature ever to be enacted by the Congress. The history is a simple one.

President Kennedy proposed general legislation. It was not passed by either Congress until after his assassination. He had put into place in the Executive Office of the President a task force to study the issue of poverty, to investigate whether general programs of the kind he was seeking in education would not be more successful if they were focused on a specific problem.

President Johnson, immediately upon taking office, saw the viability of that measure and the justice of it. In 1963, the President of the United States declared war on poverty. The Economic Opportunity Act of 1964 was adopted. Thereafter, children in poverty, aged persons in poverty—persons generally in that circumstance—were to be a special concern of Federal legislation. The Federal Government was henceforth to make such matters its particular concern.

In 1965, consistent with pledges made in the 1964 Democratic platform and the 1964 campaign generally, the administration and the new Congress understood their mandate to be: Adopt aid-to-education legislation. The Presidential campaign of 1964 had been fought on just such issues. And, if memory serves, on April 11, 1965, the new Congress having no more than just come into office, President Johnson had that bill on his desk and signed it, the Elementary and Secondary Education Act of 1965.

Now, to which children was that act directed? It was children with family incomes below the Federal poverty standard, a statistical standard developed in the Department of Health, Education, and Welfare which continues its use in various ways as it ought to do.

The 1960 census was the basis for the allocation at that time. The 1970 census became the basis for the next allocation. Now there is a 1980 census and we find that poverty has diminished, that the very States toward which these programs were directed—and there were many, many derided at great length in this body, I may say—they have had their success. The States that were poorest are less poor. There are relatively, and in many cases absolute, fewer children in poverty. And I come from the second largest State which, although its overall population dropped 3.7 percent in this last decade, showed an absolute increase of 98,000 children in poverty, some 19 percent.

Now, fair is fair. We are dealing not with States, not with school districts, not with counties, but with children. And if we are going to redistribute this money away from the children toward which it was originally directed, have we kept faith with this legislation? Have we kept faith with this commitment?

I would argue it is elementally the case that we have not done so. May I also say that in doing this, we do something dangerous: We reject the successes of our efforts.

It is not the case, as some wish to argue, that there has been no response to Federal education programs. There has been an emphatic response and it has been most conspicuous among the children who find themselves in the poverty areas and categories. The educational achievement of children up to about the fourth and fifth grade in this Nation has gone up since this legislation was enacted. So there is something to show for it. The number of people living in poverty has gone down. The incidence has shifted. The distribution is not what it was. Yet the commitment ought to remain what it was.

This education legislation, the first of its kind, was directed to poor children. To redirect it now is to break a commitment this Nation made in the name of John F. Kennedy and Lyndon Johnson.

I was there to watch its birth and early progress. I am proud to have been a part of it. I would be ashamed to see this body break that commitment.

I see the Senator from New Jersey, whom I think shares my views in this matter, has risen. I yield.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, the amendment which is before us now is a so-called hold harmless provision offered by the Senator from Arkansas.

It is important that we be clear on the cost of the amendment and on who would actually be held harmless.

Mr. President, under this amendment, every county would be held harmless. The cost is over $100 million.

Mr. President, if we passed a simple hold harmless for the States, it would only cost $60 million. If we passed a 95-percent hold harmless for States, it would cost close to $25 million.

Mr. President, I am not unsympathetic to the interests of the Senator from Arkansas, but I think he has grossly overstepped what is possible for the Senate to support. This hold-harmless provision would deliver more dollars to many States than they would have received if the change in the formula had been enacted.

That brings us, Mr. President, to the question of whether there is a good rationale for the current title I formula. The current formula is based upon two pillars. The first is the use of the most recent census count of poor children in a State. It is true that there has been a shift in the proportion of poor children to many Northern and even some Southern States, such as Texas, since 1970. That movement in the poverty population has to be reflected in the Federal money that goes to educate the children of poor people. That is what the Senator from Connecticut meant when he said that the money follows the poor children.

Mr. President, the second pillar, which is equally important, and was hammered out under great debate and in periods of great compromise in the 1970's, is that the varying costs of educational services should be taken into consideration in determining a State's share of funding. The average per-pupil cost in a State must be taken into consideration.

Mr. President, in the existing formula, there is a so-called 80-120 cap, meaning that no State whose per-pupil costs are less than 80 percent of the national average would receive less than 80 percent and no State whose per-pupil costs are more than 120 percent of the national average would get more than 120 percent.

Mr. President, in my State of New Jersey the average per-pupil cost is 135 percent to the national average. We are brought down under the formula to 120 percent. In the State of the Senator from Arkansas, the average per-pupil cost is 67 percent of the national average. His State is raised 13 percent, while the State of the Senator from New Jersey is dropped 15 percent under present law. The effect of this compromise is to even out high spending and low spending States.

Mr. President, it is clearly important that the costs of educational services be taken into account. In some parts of the country it costs more to educate a child—more for wages, more for energy, more for a variety of factors, all of which are figured into per-pupil costs.

So, Mr. President, the formula must not just be a count of poor children. It must also take into account the effort that the State is making to educate its children, The formula must reflect the varying costs of educating those children. A hold harmless—or a formula change similar to that proposed by the Senator from Arkansas—weakens the current dual purposes of the program.

Mr. President, while I am not unsympathetic to the general direction of this amendment, I think it oversteps by a considerable margin what is possible for me to support, since it delivers more total education dollars to many States than would have flowed to them if the previous formula amendment had been adopted. While I cannot support the amendment offered by the Senator from Arkansas, I believe that we can come to a compromise on this issue. I urge my colleagues to join with me in working toward a compromise.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I know the purpose of every Member of this body would be to do the right thing, the thing that would bring the most results.

I am not an educator, I have never had that privilege, but I do know something about the problems that go with schools. I know something about the schoolrooms, inside the schoolrooms, teaching that is going on now, because I go into those schools. I go in during class hours and visit with the children and the teacher because I want to get the feel of the situation. I want to know the feel, the subject matter, the adequacies, in my opinion, at least of the teachers, the students, the administration, and all that goes with it.

Now to come in here and reduce the amount of money that is going to go to various States because of that artificial State line or because of some change in the situation that still leaves the need there is just downright gross error. We are making a great mistake when we try to do it.

I know that within the last few years my State of Mississippi paid the highest percent of the tax money they collected for education than any other State in the Nation. That does not mean they are any better than anyone else, but it means that they are trying, and they are making a show, and they are willing to apportion this money out where I think it probably belongs more than any other one place, and that is in the teaching and training of those children.

Recently, I think within the last 6 months, figures came out with reference to the quality—I do not know just how the educators gauged that —the quality of the work, the studentship and all that was turned out. According to their formulas, our State was among the very highest.

Somebody is doing a lot of hard work in putting what money they do have to a mighty good use. Why come along here and under this situation let it drop back? With the census that will go into effect soon, that amount will drop from $351 per child to $308. That is a $43 drop in this very critical time when headway is really being made.

I know, too, from my own personal knowledge, that it is up to us to get out there and stay behind the schools. We are already behind them. The Parent-Teacher Association and all kinds of organization are behind them. But we have to get the children in there and find where the talent is, where the aptitudes are, the capacity and the talent, I repeat, and then direct that teaching into those channels where the real payoff is. I think in that way we are doing a mighty good job.

I do not see how anyone could come and just, with all deference, promote the idea when prices are sky-high—promote the idea here that will cause these reductions.

Certainly, we can make up for it in some way with hard money, but it will be a great mistake now to take this step backward.

When I go into those classrooms, I call on them to explain the application of title I money. That is the first place I go. I find these encouraging facts that I have told.

They have not deceived me and they have not tried to crowd me or push me or anything, but they are expecting—we do not expect a whole lot, or everything that comes along. But those people are expecting and those children are expecting the protection, for now and later, in the progress we have made and the plans we are making for the future. This bill will just slap them in the face.

I do not object to anybody else having an increase. I am not envious of any other State. What I am trying to stop is the tendency to decrease the States.

No one has proven any fault at anyone's doorstep. No one said anything about any money being thrown away. I can guarantee that it is not being done in our State; I would know about it if it were.

What we are asking for is do not penalize us because of some change in statistics. We know that we are proven in spots and in the right places. I know those people well enough to know they are going to continue. I deal with all of them, come in daily contact, when I am home, with all kinds, regardless of color, condition, or anything else. I have their confidence. They talk to me. I know. I know what they are planning.

I plead with this body now, let the outcome of this debate and these amendments, take any kind of penalty here in the way of money. This is a money bill. Do not let us take anything away from any State. Let us keep the standard up.

We do not have a lot of money to spare, but we do not leave out many things. I do not see how we can come along now and penalize—and that is what it means—these States that would lose out under this formula.

I am pleased with the leadership of this body in this educational field. I have no complaints to make, but I have this plea to make: Let us get this thing adjusted.

I commend the Senator from Arkansas and the Senator from Georgia and all others who have worked on this problem, even if they did not have my position.

I yield the floor, Mr. President.

Mr. BUMPERS. Mr. President, did the Senator from New York wish to speak further?

Mr. MOYNIHAN. No; I thank the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I withdraw my amendment and send an amendment to the desk.

The amendment (No. 1397) was withdrawn.

AMENDMENT NO. 1398

(Purpose: To provide for an equitable modification in the grants which local educational agencies are eligible to receive under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965)

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an amendment numbered 1398.

Mr. BUMPERS. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, between lines 22 and 23, insert the following:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, $40,000,000 to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than 95 per centum of the amount of the grants for that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 census data in order to increase the amount for local educational agencies in each such State to the amount determined for that State for fiscal year 1982: *Provided*, That the amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

It is the intention of the Congress that for each fiscal year ending prior to September 30, 1987, an additional amount will be appropriated, as necessary, for the payment of grants to local educational agencies in all States subject to the provisions of the previous paragraph in order to increase the amount for local educational agencies in each such State for each such fiscal year to the amount determined for that State for fiscal year 1982.

Mr. BUMPERS. Mr. President, this is an amendment I have discussed with the distinguished Senator from Vermont (Mr. STAFFORD), the Senator from Connecticut (Mr. WEICKER), and the Senator from New Jersey (Mr. BRADLEY). First, I thank them for agreeing to support this amendment.

I want everybody to know that the amendment provides a 95 percent hold-harmless protection at the State level, and the amendment appropriates an additional $40 million. It is not sufficient to redress a really critical problem in about 20 States including Arkansas. We have, as I said earlier, most of our poverty, most of our children below the poverty line, in certain sections of the State. In the school districts where they are located—this is true of Mississippi, and it is true in a lot of States—I can tell you that the cost of educating children where you have those deep pockets of poverty is very high. The school boards in our State have to know right now whether they are going to be able to keep any of their remedial reading teachers and other teachers that they use and hire with chapter I money, as we call it now. We are going to have to discharge a lot of teachers in Arkansas at a time when the education commission report to the President says that the Nation is at risk because of educational standards.

As I say, Mr. President, I have been around here long enough to take a half loaf when I cannot get a full loaf. But I think here we are, in a sense, shooting ourselves in the foot. Be that as it may, I thank the other Senators for their cooperation in helping me try to work this out. I hope the sponsors and the floor managers will accept the amendment.

Before getting to that, does the Senator from Georgia wish to speak?

Mr. MATTINGLY. Yes, Mr. President, I do.

I regret that we have reached this point in this discussion. What started out as a good-faith effort to provide an equitable method of disburing Federal tax dollars for education has turned into an auction. It reminds me of the TV program, "Let's Make a Deal."

We are hearing once again the old Government solution for the problem: Let us just throw more money at it and it will go away. What we ought to be talking about is fairness and equity in allocating the existing Federal dollars for education. What we end up talking about is increasing the already huge Federal deficit.

Now is not the time to spend more money. The economic recovery is very fragile. The last thing we need to have is an already bankrupt Federal Government going further into debt.

Mr. President, I can understand and appreciate the reasoning behind this recommendation for the increased funding. If we had the money sitting in the Treasury, it would be something we could discuss. But the money is not there.

Mr. President, the question before us is very simple. I hope my colleagues listen to this: Is the current formula for allocating these funds among the States fair? The answer is an emphatic no. Whether we are talking about $5 or $5 billion, the formula now used to decide who gets how much is just not fair. That is what the issue is.

Is it fair that wealthier States get more of these chapter I funds than the poorer States? Absolutely not. Considering the goals of chapter I, this is the reverse, the absolute cockeyed reverse of what should be true.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, I believe we have reached the point of agreement. It is my wish to thank all the parties to it and to say that it is evidence again of the capacity of this body, as the distinguished Senator from Mississippi has so often said, to reason together here. I think we have done so. I cannot forgo, however, a brief notice that there are many programs which were adopted in the 1960's that are alive and well and of great importance to our people. Without wishing to say any more, I just wish to express my satisfaction in this case, particularly my appreciation to all the participants in the debate.

The Senators from Arkansas and Georgia have made their case with great eloquence and, in the best terminology of the cotton country, if they have to go home with a half loaf, that is a good getting for the day and not the worst thing to get.

Mr. BUMPERS. Mr. President, I modify my amendment to read, after "1965" on line 5, "such sums as shall be necessary but not to exceed $40 million."

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 71, between lines 22 and 23, insert the following:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, such sums as may be necessary, but not to exceed $40 million to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than 95% of the amount of the grants for that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 Census data in order to increase the amount for local educational agencies in each such State to the amount determined for that State for fiscal year 1982: *Provided*, That the amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

It is the intention of the Congress that for each fiscal year ending prior to September 30, 1987, an additional amount will be appropriated, as necessary, for the payment of grants to local educational agencies in all States subject to the provisions of the previous paragraph in order to increase the amount for local educational agencies in each such State for each such fiscal year to the amount determined for that State for fiscal year 1982.

Mr. BUMPERS. Mr. President, I ask the adoption of the amendment.

Mr. MATTINGLY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MOYNIHAN. Mr. President, the rollcall has not begun. I wonder if the Senator from Georgia is aware that the managers——

The PRESIDING OFFICER. The rollcall has not been ordered.

Mr. MATTINGLY. I request a rollcall vote, Mr. President.

The PRESIDING OFFICER. The question is pending. Is there a sufficient second?

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. As of this moment, there is not a sufficient second.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. As manager of the bill at this juncture, I have a slight question as to the language proposed, and I would like to discuss that a minute with the Senator from Arkansas.

I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. I think it is important for the legislative Record to state that whatever happens with this hold-harmless amendment, all of the allocations under title I due to go out on July 1 should in no way be delayed even by 1 day. The allocations for the eligible States and school districts across this country should not be delayed if this provision is passed. It is conceivable that it may take the Department of Education a few weeks in order to get the additional money out, but it would be, I think, the legislative intent of all the participants in this debate that passsage of this amendment would in no way delay the money going out to the rest of the eligible States and counties around the country.

Mr. STAFFORD. Mr. President, I would like to reiterate what the gentleman from New Jersey (Mr. Bradley) just said.

The U.S. Department of Education is to go ahead with its ordinary July 1 distribution of chapter 1 funds and not delay this distribution as a result of this amendment.

These additional hold-harmless funds, if they become law, should be distributed at a later date and the States receiving them should redistribute them on a pro rata basis.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California (Mr. Cranston), the Senator from Ohio (Mr. Glenn), and the Senator from Colorado (Mr. Hart) are necessarily absent.

The PRESIDING OFFICER (Mr. Gorton). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—63

Andrews
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
DeConcini
Denton
Dodd
Domenici
Durenberger
Eagleton
Exon
Ford
Garn
Grassley
Hatch
Hatfield
Hawkins
Heflin
Heinz
Hollings
Huddleston
Inouye
Jepsen
Johnston
Kennedy
Lautenberg
Leahy
Levin
Long
Mathias
Melcher
Metzenbaum
Mitchell
Murkowski
Packwood
Pell
Pressler
Pryor
Randolph
Riegle
Roth
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Tsongas
Weicker

NAYS—34

Abdnor
Armstrong
Baker
Danforth
Dixon
Dole
East
Goldwater
Gorton
Hecht
Helms
Humphrey
Jackson
Kassebaum
Kasten
Laxalt
Lugar
Matsunaga
Mattingly
McClure
Moynihan
Nickles
Nunn
Percy
Proxmire
Quayle
Rudman
Symms
Tower
Trible
Wallop
Warner
Wilson
Zorinsky

NOT VOTING—3

Cranston
Glenn
Hart

So Mr. Bumpers' amendment (No. 1398), as modified, was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I yield to the Senator from Hawaii (Mr. Inouye).

AMENDMENT NO. 1399

(Purpose: To assure that certain funds relating to the Commission on Wartime Relocation and Internment of Civilians shall be available until September 30, 1983)

Mr. INOUYE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. Inouye) proposes an amendment numbered 1399.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, after line 24, insert the following: Commission on Wartime Relocation and Internment of Civilians

SALARIES AND EXPENSES

Funds appropriated under the heading of Commission on Wartime Relocation and Internment of Civilians in Public Law 97-377 (96 Stat. 1877) shall remain available until September 30, 1983.

Mr. INOUYE. Mr. President, pursuant to Public Law 97-152, the Commission was given until December 31, 1982, to submit its report to Congress. Due to administrative delays and the considerable volume of material which the Commission had to review, as well as the addition of several new subject areas such as economic losses and the psychological impacts of internment, the Commission requested an additional appropriation in fiscal year 1983 and a time extension through June of this year.

Subsequently the sum of $300,000 was appropriated in the continuing resolution to enable the Commission to complete its work in a thorough and comprehensive manner. Language in the continuing resolution states that these funds are "available only until June 30, 1983." Although the Commission's work will be complete prior to June 30, this language appears to preclude them from conducting a 3-month wind-down period with the unexpended funds. For this reason, I would like to request your assistance in adding language to the supplemental appropriations bill to clarify this matter. No further appropriation is necessary.

Mr. President, this amendment has been cleared by all parties involved. It has no budgetary impact. It does not add a dollar. All it does is give the Commission an opportunity to wind down its activities.

Mr. WEICKER. Mr. President, this amendment has been cleared on this side and I imagine also on the other side.

I urge its adoption.

Mr. MATSUNAGA. Mr. President, I am a cosponsor of this amendment.

Mr. President, the continuing resolution passed by Congress in December 1982, appropriated an additional $300,000 for the Commission on Wartime Relocation and Internment of Civilians. Under the provisions of the continuing resolution, the Commission had authority to use these funds until June 30, 1983.

Senator Inouye's amendment, of which I am a cosponsor, to the supplemental appropriations bill would extend the Commission's authority to use this money until September 30, 1983. The amendment does not appropriate any additional funds for the Commission, but merely gives this body a 90-day period to close its office, testify before Congress if necessary, and handle any other matters pertinent to an orderly phaseout of its existence.

The law which established this body provided for the Commission to have such a 90-day "wind down" period and the Inouye-Matsunaga amendment merely brings the appropriation into line with this provision. I urge the adoption of the amendment.

Mr. KENNEDY. Mr. President, I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 1399) was agreed to.

Mr. MATSUNAGA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WEICKER. Mr. President, I would appreciate it if my colleagues would just give a little attention to the floor because I think we can do away with three or four amendments and I think get very close, with the exception of a major matter which is yet to be resolved, to resolving various issues on the floor. If we could go through this, I would greatly appreciate it if we would have the Senate in order.

I know the Senator from Pennsylvania and the Senator from Minnesota both have amendment which I think will be agreed to in fairly short order, and the same holds true for the Senator from Massachusetts.

What I wish to do at this time is, assuming no opposition, we can probably dispense with the amendment of the Senator from Pennsylvania in several minutes.

Mr. HEINZ. I am hopeful that we can.

Mr. WEICKER. If these Senators will stay on the floor I think we can do all of this in only 5 minues. That will help the scenario.

Mr. President, I ask unanimous consent that the committee amendment be temporarily set aside to permit an amendment by the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. Gorton). Without objection, it is so ordered. The amendment is temporarily set aside.

AMENDMENT NO. 1400

(Purpose: To suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. STENNIS. Mr. President, if we do not have quiet we just cannot transact any business.

The PRESIDING OFFICER. The Senate will be in order.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. Heinz) for himself proposes an amendment numbered 1400.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new title:

TITLE V—SOCIAL SECURITY DISABILITY PROVISIONS REVISION OF REGULATORY CRITERIA RELATING TO MENTAL IMPAIRMENTS

Sec. 501. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The Secretary shall also revise the methods and procedures for assessing the residual functional capacity of individuals having mental impairments. The revised listings and residual functional capacity assessments shall individually and together be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. The revised listings and assessments required by this subsection shall be completed within 6 months after the date of the enactment of this Act.

(b)(1) The Secretary shall appoint a panel of outside experts to make recommendations with respect to the revisions to be made in accordance with subsection (a), consistent with the requirements of titles II and XVI of the Social Security Act for individualized determinations of disability.

(2) The panel shall consist of individuals who are experts in the field of mental health, and shall include at least one psychiatrist, one rehabilitation psychologist, one medical social worker, and one vocational expert.

(3) Members of the panel shall be appointed without regard to the requirements of title 5, United States Code, and each member of the panel not otherwise in the employ of the United States Government shall receive the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which such member is actually engaged in the performance of the duties of the panel. Each member of the panel shall be allowed travel expenses in the same manner as an individual employed intermittently by the Federal Government under section 5703 of title 5, United States Code.

(c)(1) Until such time as revised criteria have been established by final regulation in accordance with subsection (a), no continuing eligibility reviews shall be carried out under title II or XVI of the Social Security Act with respect to any individual previously determined to be under a disability by reason of a mental impairment.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that fraud was involved in the prior determination, or where an individual is engaged in substantial gainful activity.

(d)(1) Any disability determination or reconsideration or appeal of such determination, and any reconsideration or appeal of a continuing eligibility review, made under title II or title XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by final regulation in accordance with subsection (a), shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

(3) Any mentally impaired individual who was found to be not disabled pursuant to an initial disability determination or continuing eligibility review between March 1, 1981 and the date of the enactment of this Act, and who reapplies for benefits under title II of the Social Security Act, shall, only for purposes of determining whether the special insured status for disability is met, be deemed to have reapplied as of the time of the prior determination or continuing eligibility review. Reapplications under this paragraph must be submitted within one year after the date of the enactment of this Act.

REQUIREMENT FOR EVALUATION BY PSYCHIATRIST OR PSYCHOLOGIST

Sec. 502. (a) Section 223(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7) In any case in which an individual alleges to be under a disability by reason of a severe mental impairment (as defined by the Secretary), the determination of whether such individual is under a disability shall be made only after the Secretary has demonstrated that a qualified psychiatrist or psychologist has completed the medical portion of the sequential evaluation and residual functional capacity assessment.".

(b) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following new subparagraph:

"(G) In any case in which an individual alleges to be under a disability by reason of a severe mental impairment (as defined by the Secretary), the determination of whether such individual is under a disability shall be made only after the Secretary has demonstrated that a qualified psychiatrist or psychologist has completed the medical portion of the sequential evaluation and residual functional capacity assessment.".

(c) The amendments made by this section shall apply with respect to applications filed for benefits under title II or XVI of the Social Security Act on or after the date of the enactment of this Act.

Mr. HEINZ. Mr. President, I thank the Senator from Connecticut for setting aside the committee amendment.

This amendment is, I think, well known to most Senators.

On June 1, I informed my colleagues that, when the Senate takes up the repeal of withholding, I intended to offer an amendment relating to social security reviews of the mentally disabled. This amendment, which is basically the same as S. 1144, sponsored by myself and 43 other Senators, would require that the Social Security Administration revise its regulations for evaluating mental disabilities, after receiving the recommendations of a panel of outside mental health experts appointed by the Secretary.

Six days later, on June 7, HHS Secretary Margaret Heckler announced a series of disability initiatives which include, among other things, a moratorium on the reviews of two-thrids of the mentally disabled—those suffering from psychotic disorders. I have let the Secretary know, in a letter which I ask be made part of the Record, that while this moratorium is helpful, I can find no fair or scientific rationale for excluding beneficiaries with nonpsychotic disabilities from the moratorium. In one breath, the Secretary admits that the standards are fatally flawed and, for that reason, exempts the psychotic patients from a disability review temporarily; but then the Secretary is willing to continue applying basically the same flawed standards to the nonpsychotic disabilities—standards under which someone is found not to be disabled because he or she wears a clean shirt or blouse, feeds a pet, boils an egg, or bangs a few keys on the piano. I appended to my letter to Secretary Heckler a letter I received from a physician from St. Vincent's Hospital, in Harrison, N.Y., which comments, at length, on the basic illegitimacy of excluding from the moratorium patients with severe, nonpsychotic disorders. After some very detailed reasoning, Dr. Braun concludes—and I quote: "One could go on and on with examples to demonstrate that a diagnostic or psychotic, nonpsychotic method of exempting patients from review will only continue the present injustices and will not accomplish the desired goal."

To illustrate some of the injustices, I am inserting in the record five case studies that the GAO reviewed in preparing its testimony for the Aging Committee. Four of these five cases, all of which involve the so-called nonpsychotic disabilities, are erroneous terminations, in the opinion of the GAO. One of the five—example No. 4—had insufficient evidence in the file on which to base a termination.

SELECTED CASES WHICH MIGHT BE CLASSIFIED AS FUNCTIONAL NONPSYCHOTIC DISORDERS RATHER THAN PSYCHOTIC ILLNESSES—THESE CASES HAVE BEEN TERMINATED BY SSA WITHIN THE LAST 2 YEARS

1. Woman aged 47 years was diagnosed as suffering from a severe anxiety state. The record also stated that she had a depressive neurosis with anxiety and high blood pressure. She also has somatic illnesses. She has had three mini-strokes, severe headaches, peptic ulcers and bowel irritability. She worked from 1967-75 and has had benefits since that time. She has been treated for 2 years at a psychiatric clinic and is on Librium. She is dependent on her husband, does not go out without him, can't stand people and her husband and daughter look after the house when she is unable to. She has been turned down by vocational rehabilitation and staff they were unable to name any jobs she could do. She was seen as depressed, tense, constricted, unable to relate to others, but memory, judgement and orientation were intact.

2. A 56-year-old registered nurse was diagnosed as depressed with paranoid features, complicated by alcoholism and possibly early Alzheimer's disease. She was institutionalized in 1967, 1970, 1979, and July 1982. The Claimant worked as a registered nurse for 29 years until 1977. She was allowed disability in April 1978. A CE physician in 1978 felt the disability was sufficient not to establish a medical diary date. In 1980 the claimant was placed in Goodwill Industries as a nurse's aide. She had a breakdown in October 1981 and has been living in a nursing home. Though active and social and offering a normal appearance, the claimant functions under supervision with constant reminders. The nursing home is her representative payee. The claimant needs help dressing and taking medicine. She needs to be reminded to eat. She has a hobby and goes to yard sales with encouragement. Her treating physician and nursing home personnel say she is deteriorating and cannot function except in a structured supervised environment. When the claimant lived alone, she neglected her home, became depressed, and did not eat and did not keep herself clean.

Disability benefits were terminated in October 1982 on the basis that she is oriented in 3 spheres, has a satisfactory memory, has good contact with reality, is neat and clean in appearance, and functions adequately in daily activities.

It is difficult to judge which depressions will be classified as psychotic and which neurotic.

3. A 29 year old woman was diagnosed as having a Dysthymic Disorder. She has been hospitalized 4 times in 4 years for suicidal attempts. She is depressed, overweight, has no friends, she can't get along with others nor hold a job. She is in outpatient treatment and is on antidepressants and tranquilizers. However, she can dress herself, manage her money and go out by herself. The Consultant Psychiatrist considered her suicidal and homicidal.

4. Male aged 24 diagnosed as mentally retarded, IQ 66 with an organic brain syndrome. He has a long history of poor impulse control and poor interpersonal relationships. He has nightmares, recurrent headaches, has difficulty sleeping. He is irritable, restless and walks all day. He has auditory hallucinations. His recent memory is impaired. He had had 2 head injuries following accidents. His mother is his representative payee. He can understand simple instructions and can dress and feed himself. However, he does not have friends or relate to others outside the family. His disability was denied on the grounds that the behavioral difficulties were part of the mental retardation. No adequate neurological examinations appear to have been taken.

5. Male aged 25 years. Schizophrenic reaction—paranoid type. Has had 9 admissions to the VA between 1974-79. He has done 2 years of unskilled work in his life. He was discharged after 3 months from the VA. He lives with his father and is on medication. He is seen as untidy, manipulative, verbally abusive, with no insight or judgement. He

cannot manage money. The VA considered him to be demanding, dependent, violent, suicidal, self-neglecting. He would not stay in the VA Hospital.

It is not clear whether this individual would be classified as schizophrenic or as a paranoid personality. There are frequent diagnostic problems with these borderline individuals.

In short, this HHS policy distinction between psychotic and nonpsychotic disorders does not seem appropriate—or fair—from a medical standpoint. This group left out of the Secretary's moratorium is being terminated at a staggering 62-percent rate, many—if not most of them—erroneously. In addition, the Secretary's approach also leaves out of the moratorium those who are the most prone to suicide, because of their severe depression. And the Secretary's action also may have an adverse impact on women. Although we do not have hard numbers on this, we know, in general, that women suffer more frequently than men from the anxiety disorders and the nonpsychotic depression that falls in the categories of reviews not halted by the Secretary.

Further, the Secretary's June 7 statement is not at all clear in defining how far the administration intends to go in revising the criteria for judging mental disabilities. Two sets of criteria are really involved: The first is the so-called medical listings, which is a list of medical symptoms and findings. If the beneficiary's condition is as severe as the symptoms on that list of impairments, then the individual is found to be disabled. A second set of criteria is the so-called residual functional capacity. This is for people with impairments not as severe as those in the medical listing, although still considered to be severely impaired. The law and regulations require that SSA assess how much functional capacity that individual has, even though his impairment does not meet the standard contained in the listing. Since SSA data indicate that only 28 percent of decisions are made because the impairment meets or equals the listings, the application of this second set of criteria on residual functional capacity is as important, if not more important, than the medical listings themselves.

Secretary Heckler is apparently willing to revise the medical listings for judging psychotic disorders, but there is still no indication that the Department is willing to revise the second set of criteria, residual functional capacity, for evaluating pyschotic disorders which do not meet the listing. But for those suffering from nonpsychotic disorders, HHS is apparently not willing to revise either the medical listings or the residual functional capacity assessment. My amendment would require that the Secretary appoint a panel of outside experts to consider both the medical listings and the residual functional capacity assessment for all mental impairments—not just the psychotic.

The way in which the Secretary proposes to make changes in the mental disabilities standards is also very different from that proposed in my amendment. SSA apparently wants to set up informal work groups with "compassionate outside personnel"—as they are called in the press document—to help SSA bring its antiquated standards up to date. Well, the groups who should be participating in the process, like the National Mental Health Association, the American Psychiatric Association, and various others, have all written to Secretary Heckler expressing grave misgivings about SSA's motives for wanting these informal groups, as opposed to a panel of experts working out in the open for the public to view. Other administration documents indicate SSA would apparently prefer informal groups as being easier to manipulate than a panel of recognized experts.

Mr. President, the continuing disability reviews need a complete reform; and it would be a tragedy if the administration were to go through the exercise and end up with something that falls short of a remedy. A panel of outside experts would help the Secretary achieve a genuine remedy without tying their hands.

Finally, my amendment requires that a qualified psychiatrist or psychologist participate in the disability determination of people with severe mental disabilities. The GAO, in testimony before the Aging Committee that I entered in the Record on April 26, found that one of the major deficiencies in the reviews of the mentally disabled is that decisions are routinely made by individuals with little or no training in psychiatry or psychology.

Mr. President, for all these reasons, I am offering my bill as an amendment.

I would emphasize, again, that this amendment deals with the continuing disability review process, but only for those who are mentally disabled. This is a very small group of people, about 11 percent of all disabled workers, who are particularly vulnerable and defenseless because of the very disability that is under review. It is an amendment that Senator Weicker, Senator Sarbanes, Senator Cranston, Senator Moynihan, Senator Boschwitz, Senator Jepsen, Senator Warner, Senator Cohen, and Senator Grassley also join me in cosponsoring, and I ask unanimous consent that they be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, let me make it clear that the moratorium on reviews of about two-thirds of the mentally disabled, which Secretary Heckler announced on June 7, was a step I personally welcomed. I am glad it was taken and I salute the Secretary for doing so. It is an improvement.

But, in my judgment, it simply does not go far enough because it leaves out most of those people who are mentally retarded; it leaves out those who are mentally disabled but who are not psychotic, such as people who are suicidally depressed, or people who are inclined toward homicide but for one reason or another are not psychotic. And the purpose of this amendment is to give the Department of Health and Human Services 6 months to come up with new medical listings and a new system of evaluating residual functional capacity, which is, in plain English, the question of whether these people can or cannot work, considering their age, education, and work experience.

Until those new regulations are issued in final form, there will be a moratorium on all reviews of social security and SSI beneficiaries, who were previously awarded benefits because of a mental disability. If the new, final regulations are issued before the 6-month deadline, the moratorium will end at that time. But if HHS takes longer than 6 months to revise, in final form, the regulations specified in this amendment, the moratorium will remain in force until such time as HHS has issued the new regulations.

The problem today is that the Social Security Administration is disallowing benefits to people who clearly cannot work because they are mentally disabled or mentally retarded. The purpose of this Senator's amendment is to put an end to that injustice.

I am advised the cost of the amendment, were the moratorium to be in effect for the full 6 months, is less than $3 million; and it would be my hope that my colleagues would support the amendment.

Mr. WEICKER. Mr. President, I urge adoption of this amendment, to put a moratorium on review of disability cases for mentally impaired persons, until new regulations recommended by GAO and others can be implemented.

Too often in the past mentally impaired persons have been thrown off the disability rolls, even though they are not capable of getting and holding a job. The amendment is needed and I support its adoption.

The PRESIDING OFFICER. The Senator from Mississippi.

The Senator for Kansas.

Mr. DOLE. Mr. President, I will just take 1 minute. I discussed this amendment—in fact, there are a number of Senators on both sides of the aisle who have been working in this general area for the past year: Senator Heinz, obviously, Senator Durenberger, Senator Cohen, Senator Levin, Senator Metzenbaum, Senator Riegle, a number of Senators, trying to accomplish, I think, some legitimate objectives.

First, I would commend the administration for the announcement they made just last week. I mean this is not an anti-administration amendment. I think it is the feeling of the Senator from Pennsylvania that the action, although laudable, did not go far enough.

This is a very minor amendment. The Senator from Pennsylvania has agreed, as I understand it, to put a 6-month limitation on the amendment.

We are told by the Congressional Budget Office that the cost is under $5 million, and that would be zero in the process of the way they round down or up.

So I think it is a good amendment. I know the distinguished Senator from Louisiana (Mr. Long) may or may not have reviewed the amendment. But what happened in 1980 was there was a law passed by Congress—I think most Members of Congress voted for it—and we started the review in 1981 based on the 1980 law.

There has been some concern that HHS has been moving too quickly, and this is an effort by the distinguished Senator from Pennsylvania to slow down the process; it would temporarily suspend the review of eligibility of the mentally impaired on disability insurance rolls, and it would seem to me that if the Department now acts as the Senator from Pennsylvania hopes they will act, they can do this next week, next month, 2 months from now.

So I think the amendment is satisfactory.

Mr. HEINZ. Mr. President, I want to thank my friend from Kansas, the chairman of our committee, for his kind words on the amendment. I believe the amendment does do what he has said it does. It will cost, hopefully, even less than the $3 million I indicated earlier.

Mr. President, I ask unanimous consent that Senators Levin and Durenberger be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. LEVIN. Mr. President, I support the amendment offered by the Senator from Pennsylvania. As ranking minority member of the Subcommittee on Oversight of Government Management, of which Senator Cohen is the chairman, I have been active in trying to correct tragic flaws in the social security disability program for the last 2 years.

At the time Congress passed legislation requiring a review at least every 3 years of those persons in the disability program who are not deemed to be permanently disabled, it was estimated by the Social Security Administration that approximately 20 percent of the persons in the program were actually ineligible and should be terminated. That was a pretty large admission of improper management of the program by SSA, and I think it surprised many Members of Congress. However, current figures on the percentage of persons being terminated from the disability program at the State level show 45 percent of the persons being reviewed are being terminated. That is unbelievable. That figure alone tells me that something is very wrong with the current continuing disability review process, particularly, because for those who avail themselves of the appeals process, some 60 percent are being reinstated. That is an enormous waste of administrative resources as well as an unfortunate imposition of anxiety and uncertainty for the persons who are terminated and subsequently reinstated.

The Oversight Subcommittee recently held a hearing on the role of the administrative law judge in the disability review process, and I became convinced through that testimony that SSA has been working very hard to get the administrative law judges to lower allowance rates, so that fewer people who appeal to an ALJ will stand the chance of being reinstated. Most significantly, this pressure by SSA to lower the allowance rate is—by SSA's own admission—not based on any evidence that the decisions by the State disability examiners to terminate are correct, and without that piece of information, reducing the reversal rates of ALJ's is unjustified. At that hearing, I had the following exchange with Louis Hays, Acting Deputy to the Deputy Commissioner for Programs and Policy and Associate Commissioner for Hearings and Appeals:

Senator Levin. Do you agree that the trend to more denials is a favorable trend?

Mr. Hays. It could be a favorable trend.

Senator Levin. Could it be an unfavorable trend?

Mr. Hays. It certainly could indicate that more cases are being properly handled at lower levels of adjudication.

Senator Levin. Could it be an unfavorable trend?

Mr. Hays. I suppose it could be.

Senator Levin. We don't know whether it's favorable or unfavorable. It may or may not be in and of itself. We can't determine that it's a favorable trend; would you agree with that?

Mr. Hays. I think it depends on the quality and accuracy of those decisions. If those decisions that go into an increasing or decreasing allowance rate are accurate, correct decisions, then it's a good trend. If the decisions are not accurate and of good quality, then it's a bad trend.

Senator Levin. So in and of itself the trend to lower reversal rates, which means more denials by ALJ's is not a favorable trend; you'd have to look behind it.

Mr. Hays. Looking solely at an allowance rate tells you very little.

Recently, Secretary Heckler announced six initiatives—those are her words, I believe—to improve the disability program and make it more humane. Little in that announcement was new, and the really important issues about changing the review process itself were not addressed, for example—the fact that there should be a showing of medical improvement before someone can be terminated, the need to pay benefits through the administrative law judge decision, the need to have uniform standards for determining disability made subject to public notice and comment, and the need to reverse SSA's longstanding policy of not complying with decisions rendered by circuit courts of appeal with which SSA disagrees. Senator Cohen and I introduced a bill on February 15 of this year which addresses these important, substantive issues. We now have some 24 cosponsors, and anticipate Finance Committee consideration later this year.

Mr. President, I think Congress was right when it passed the 1980 amendments requiring periodic review of persons in the disability program. We do not want people who are not disabled to receive benefits, and following good management practices, we should make sure that such people do not get into the program in the first place, and if they get there, that they are promptly removed. However, with equal passion, we want those persons who are severely disabled, and are eligible for benefits, to receive them. In concentrating on the former, the Social Security Administration has ignored the equal importance of the later.

And, because the manner in which these reviews are being conducted is so offensive to common standards of due process and fair play, I think it is appropriate for Congress to temporarily halt for those persons most seriously affected, what everybody has agreed conceptually is, otherwise, a good management practice. Senator Heinz' amendment is directed only at those persons receiving benefits who are mentally impaired, because the record shows that these persons are more likely to be terminated, are being reviewed at a faster rate than the physically impaired, are less able to manage the demands of the review process, and are being judged by standards that haven't been updated for years. I think the suspension of the reviews of these persons until the necessary standards are reviewed and updated is humane public policy, and I am pleased to support Senator Heinz' amendment today.●

● Mr. COHEN. Mr. President, I am pleased to be a cosponsor of this amendment which would impose a temporary moratorium on further reviews of mentally impaired individuals receiving social security disability benefits.

In my judgment, suspension of the Social Security Administration's reviews of the mentally disabled is warranted because of the overwhelming evidence indicating that benefits have been wrongly terminated for thousands of severely disabled people. Hearings held by the Aging Committee revealed that the criteria for evaluating the mentally disabled are woefully inadequate and that, in many cases, the decision to terminate benefits is made by personnel with little or no training in psychiatry or psychology. In light of these fundamental deficiencies, I believe that suspending the case reviews is appropriate until the regulations governing the disability determinations—known as the medical listings—are revised to permit an accurate assessment of the individual's ability to work.

Although I strongly support Senator Heinz' amendment, I want to emphasize my belief that comprehensive legislation reforming the entire social security disability review process is still urgently needed. Much more remains to be done to insure that the reviews are fair to disabled workers, whether they suffer from mental impairments or grave physical ailments.

In this regard, I am pleased to note that Senator Heinz has cosponsored the comprehensive bill that Senator Levin and I introduced in February. It is my hope that Congress will act quickly, not only on the moratorium legislation but also on the long-term bill, so that hardships and injustice inflicted on the severely disabled will finally be eliminated. I commend the Senator from Pennsylvania for his initiative and his contributions to this goal.●

Mr. PRYOR. Mr. President, I rise in strong support of the amendment by my distinguished colleagues from Pennsylvania, the chairman of the Special Committee on Aging, which would insure that individuals receiving social security and supplemental security income by reason of mental disability would receive equitable treatment from the Social Security Administration.

Since implementation of the 1980 amendments to the Social Security Act, which required triannual reviews of the nonpermanently disabled individuals, the disability program has been fraught with controversy. There is not one Member of Congress whose office has not been inundated with calls and letters from constituents who have been terminated from the disability program. Despite GAO estimates that approximately 20 percent of those on the disability rolls were improperly receiving benefits—estimates which precipitated enactment of the triannual reviews—almost half of the disability beneficiaries are being removed. Since the Social Security Administration began these reviews, over 300,000 beneficiaries have been cut off from their benefits.

Mr. President, there is not a Member of Congress who condones the receipt of benefits by those who are undeserving. But in case after documented case it has been discovered that many, many deserving individuals are being terminated only to gain reinstatement after a lengthy and painful appeals process. In some of the more extreme—and not so rare—cases, beneficiaries who have appealed are reinstated only after they have died from the disability which the Social Security Administration deemed not serious enough for the continuation of benefits.

As alarming as some of these reports are, a combined investigation of the GAO and the staff of the Special Committee on Aging has revealed far more appalling facts about reviews of the mentally impaired disabled.

During recent hearings before the committee, we learned that, although about 11 percent of those on the disability rolls have mental impairments, between 24 and 28 percent of the reviews and terminations are of the mentally impaired. And out of 1,400 appeals in such cases, 9 out of 10 terminations were overturned by administrative law judges. In a GAO survey of 40 denial and termination cases reviewed by a staff clinical psychologist, 27 individuals were judged incapable of daily functioning without support and could not work in stressful environments. In 13 other cases she judged that additional medical information was needed. The following are the major weaknesses GAO documented for the Special Committee on Aging regarding disability reviews of the mentally impaired:

First, an overly restrictive interpretation of the criteria to meet SSA's medical listings, resulting principally from narrow assessments of individuals' daily activities;

Second, inadequate development and consideration of a person's residual functional capacity and vocational characteristics;

Third, inadequate development and use of existing medical evidence, resulting in an over-reliance and misuse of consultative examinations; and

Fourth, insufficient psychiatric resources in most state DDS's (Disability Determination Services).

While there have been successful lawsuits filed against the Social Security Administration regarding the mentally impaired, and more are pending, the wheels of justice are grinding far too slowly for the many mentally disabled who are being unfairly stripped of their benefits. It is time for the Congress to act to counter these grave injustices.

Secretary of HHS Margaret Heckler last week announced some new departmental initiatives for reform of the disability program. Among these was one which was directed specifically at the mentally impaired: That reviews of two-thirds of the mentally impaired scheduled for review—those suffering from psychotic disorders—would not be reviewed until SSA's standards have been revised. This action is a subtle admission by the administration that faulty standards have been used, which have resulted in much suffering. Merely placing a moratorium on review of the most severe cases will not fully address the problem we are facing.

In view of SSA's deplorable track record, I believe it is of vital importance that we go further in our efforts to reform this most important program.

While I am hopeful that, in the coming months, the Congress will see fit to further address the problems of the disability program, Senator Heinz' proposal is a first step toward this aim. He is to be commended for his painstaking and thorough efforts to document some very, very serious flaws in the system. I urge my colleagues to follow his lead and approve the changes he is requesting today.

Specifically, his proposal would: Require SSA to revise applicable criteria for mental disability classification after consultation with an appointed, outside advisory council, the members of which would be chosen by the Secretary and shall have expertise in the field of mental impairments; prohibit SSA from reviewing any new mental disability cases until these criteria are set in place; require SSA to process all new applications and appeals of prior decisions, with the stipulation that these cases be earmarked for redetermination after new regulations are in place; and make SSA responsible for assuring that the medical portion of the evaluation for mental impairment be conducted by a qualified psychiatrist or psychologist.

In view of the administration's admission that there is a problem with determinations of mental impairment, I believe Senator Heinz' proposal a commonsense approach to dealing with a very important part of the entire disability issue.

Mr. DOMENICI. Mr. President, I rise in support of the amendment offered by my colleague, the senior Senator from Pennsylvania. This amendment would require reform in the adjudication of mental disabilities by the Social Security Administration and would impose a moratorium on disability reviews until new, more fair and humane, standards are implemented.

The controversy in the social security disability program is not new. Congress passed legislation in 1980 requiring the Social Security Administration to review all nonpermanent disabilities once every 3 years. We were concerned about GAO reports that as many as 20 percent of the disability recipients did not meet the eligibility criteria, and that incorrect payments could exceed $2 to $4 billion per year.

The administration shared our concern and worked hard to implement the review schedule. It became clear, however, that rushing this process led to hardship for many disability recipients. So, in December 1982, Congress passed legislation to protect all disability recipients from an unfair or abrupt termination of benefits. I supported that provision.

Since December of last year, we have become aware of another problem in the review process. It affects only a small minority of disabled workers, those who are mentally impaired. These individuals are a particularly vulnerable and defenseless group and, as such, deserve all of the protections we can provide.

Hearings before the Senate Aging Committee, of which I am a member, provide substantial evidence that the current rules and procedures for judging mental disabilities are flawed. This has resulted in many evaluations that are undependable and inaccurate.

Mr. President, it would be unjust to impose this flawed decisionmaking process on any group of citizens. It is expecially disturbing to find it being imposed on the most vulnerable members of society. Unfair or erroneous disability terminations can swiftly upset the delicate balance of life outside of the mental institution for these recipients.

This amendment would not stop progress in weeding from the program those who are able to work or are collecting benefits fraudulently.

The amendment does three important things. First, it requires the Social Security Administration to revise its regulations for evaluating mental impairments. Diagnosis, treatment and standards of measurement for mental disorders are highly controversial among mental health professionals, but there is agreement that the standards now in use are error prone. Of course mental health experts would be deeply involved in revising the standards.

Second, the amendment would suspend continuing disability reviews for all of the mentally impaired until the new standards are in place, unless fraud or work activity was involved. This insures that the lives of mentally impaired recipients would not be unfairly disrupted.

Third, the amendment would also require that a qualified psychiatrist or psychologist participate in the disability evaluation of people with severe mental disabilities.

As part of this overall effort by congress and the administration, the amendment in question would allow Congress to protect mentally disabled beneficiaries and still move toward a fair periodic review process. We should continue our efforts to eliminate program abuse, but we must not abandon basic human decency in the process.

This amendment is not the only step being taken to improve the disability determination process. The administration recently announced a series of major reforms in the social security disability program. I regard these reforms as equally important as the amendment before us today because they focus on all of the disabled, not just the mentally impaired.

As a result of Secretary Heckler's announcement, fully 1 million of the 2.6 million insured individuals receiving disability benefits are now exempted from continuing disability investigations. They are considered permanently impaired. The administration has thereby added whole new categories for automatic exemption.

The Department is also changing the review process to shorten delays that now occur in appeals due to backlogs of unresolved cases. This means recipients in New Mexico would not have to wait as long for a final determination.

Finally, the administration is accelerating its comprehensive review of all policies which affect those drawing disability benefits. I find all of these developments encouraging.

The PRESIDING OFFICER. Is there further debate?

Mr. STENNIS. Mr. President, I like the amendment, I approve it. I do not know of any opposition here on this side.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. Heinz' amendment (No. 1400) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I ask unanimous consent that the committee amendment be temporarily set aside in order that we might have the amendment of the distinguished Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1401

(Purpose: To allow a State to reallocate payments in lieu of taxes)

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. Durenberger) proposes an amendment numbered 1401.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, after line 12, insert the following:

(4) A new section 6907 is added as follows:

"(a) Notwithstanding any other provision of this chapter, a State may enact legislation which requires that any payments which would be made to units of general local government pursuant to this chapter be reallocated and redistributed in whole or part to other smaller units of general purpose government that provide general governmental services and contain the entitlement lands within their boundaries.

"(b) Upon enactment of legislation by a State, described in subsection (a), the Secretary shall make one payment to such State equalling the aggregate amount of payments which he otherwise would have made to units of general local government within such State pursuant to this chapter. It shall be the responsibility of such State to make any further distribution of the payment pursuant to subsection (a).".

Mr. DURENBERGER. Mr. President, chapter VII of this bill contains language reported out of the Energy and Natural Resources Committee in H.R. 1213. It amends the Payments in Lieu of Taxes Act of 1976 which compensates local governments for the presence of Federal tax exempt lands within their boundries. The effect of the language is to set aside a recent U.S. circuit court of appeals decision, Meade Township, and others against Andrus in which the court held the Secretary of Interior had exceeded his authority under the act in allocating payments in lieu of taxes to local governments.

The provision of H.R. 3069 at issue here would permit the Secretary of Interior to continue to allocate funds as he has in the past. The report accompanying H.R. 1213 explains the committee's opinion that this change is necessary to insure the timely payment of entitlements under the act.

The amendment I am proposing is very simple. It would permit the payment in lieu of taxes funds to continue to go out exactly as they have since the beginning of the program with one slight change. The amendment would allow a State to pass a law, if it so desired, to reallocate the funds within the unit of government receiving the funds between that unit and other units of local government contained within it. If the State decides to reallocate the funds, all of the funds reallocated must remain within the boundaries of the unit of government to which the Secretary originally made the allocation.

The necessity for this amendment arises from the courts ruling that the Secretary of Interior had erroneously applied the "principle provider of services" criterion to determine which local government received the funds. The court held that the Secretary was required by law to allocate the funds to the smallest unit of local government in which the entitlment lands were located, regardless of which government provided services.

The committee amendment to the act has the effect of setting aside this court ruling to permit the Secretary to continue applying the "principle provider of services" criterion. I have no objection to this. In fact, I think it only makes sense that if the Federal land lies in two overlapping jurisdictions, it should be that jurisdiction providing public services on the land that receives Federal compensation for the land's tax-exempt status. And if both jurisdictions provide a share of the services, it makes sense that the Federal compensation should be split between them in relative proportion to the services each provides.

The problem with the committee amendment is that it does not permit this to occur in a few cases. The Secretary of Interior has said that currently the data are not available on a timely basis to make the determination in States where significant overlapping occurs as to which jurisdictions are providing which exact services. So, the Secretary would be making—and has been in a few cases—an arbitrary determination and sending all of the payment in lieu of taxes to what he determines is the principle provider of services. This is universally the county government except in the New England States where counties do not really provide any services.

The amendment I am proposing would allow the Secretary to continue to make the allocation on the basis of his original regulations, but would simply give the States an opportunity to reallocate those moneys, within the same county, in a manner that fits the unique way services may be provided in that particular county area. This takes Congress out of the business of applying uniform rules across all States and across all local governments within a State when such a rule would distort the intent of the program.

Mr. President, although there is not a lot of money at stake here, this is the essence of the New Federalism debate. At issue here is a dispute between two types of local governments in a few States over who provides the majority of the services. Congress should not be in the business of settling these disputes. We have an obligation to see to it that money is provided in compensation for the presence of tax exempt Federal property. It is ridiculous for Congress to attempt to tailor a Federal program to take account the thousands of idiosyncratic ways local governments throughout the Nation provide public services. But, Mr. President, it is just as ridiculous for Congress to pretend these differences do not exist and to apply a uniform national standard simply for the sake of bureaucratic expendiency.

Let me reiterate that if the State does not pass a law reallocating funds, the Secretary of Interior's allocation will stand. And if the State decides in its wisdom to reallocate the money, it must be redistributed only to local governments within the boundaries of the original recipient. Furthermore, only general purpose local governments as defined by the Bureau of the Census will be eligible to receive funds under the reallocation—that is, only those jurisdictions currently eligible to receive general revenue sharing. Special districts will not be eligible unless the eligible jurisdictions negotiate an agreement with such districts as is currently the case in a few instances.

I have heard that by proposing this amendment I am somehow endangering the entire payment-in-lieu of taxes program. This is simply not true. The quickest way I know of to endanger the program is to whip up a controversy by making a few feel they have been had. The compromise I am offering would diffuse the controversy. It would provide a mechanism for subcounty level government to petition their State legislatures and prove their case.

Perhaps I make to much of New Federalism, but if Congress cannot take itself out of the business of settling local disputes when the issue is clear cut, I do not know how we will ever make progress on sorting out the big responsibilities. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I support this amendment. It is a modification of the amendment which I offered in the committee that deals with the payment in lieu of taxes program.

The need for this amendment lies in the implementation of the original PILT statute which was designed to provide revenues to that smallest unit of local government which provides general public services.

In the original administration of the act, the Department of the Interior wrote regulations and adopted definitions which resulted in the payments going to countries or their equivalents in almost every instance.

The townships in Michigan, among others, felt offended and brought suit. The court said that the regulations which had been adopted by the Department of the Interior were inappropriate. This cast a great deal of doubt on the payment in lieu of taxes program, and would have almost certainly meant that no further payments would have been made until that litigation was finally resolved. It would have also made a tremendous hiatus with respect to the status of payments that had been made under the program since the program began.

As the author of the PILT amendments in the first instance, I can say it was our intention that we create a stream of revenue that would act, in effect, as a substitute for the taxes that would have been generated upon property otherwise subject to taxation. That stream of revenues would go to that unit of government closest to that land that would have normally received those revenues under an ad valorem taxation scheme.

The Department of the Interior has reacted strongly to the Michigan case, saying that they simply are not equipped nor able to make the determinations that might be required beyond what they have done under the regulations that are in effect at the present time.

The amendment offered by the Senator from Minnesota solves that problem by saying that the State legislature must make that determination. If the State statute complies with the requirement that the lands be within the unit of government which provides that service and the revenues go to that unit of government which provides general public services in the areas where the lands are located, then the State will receive a lump sum payment. The State makes the distribution, and the State carries the administrative expense.

I should add that if the State does not make such a determination to reallocate funds, the Secretary of the Interior must continue to make PILT payments in the same manner as in the past.

I think this is an appropriate balancing between the legitimate concerns as to whether the intention of the original statute was being complied with and whether or not the Department of the Interior could be asked to absorb a greater administrative burden in attempting to meet the objections raised by the Michigan court.

This is not a perfect solution, but perhaps there is no perfect solution. I do think, however, that it is a reasonable compromise between two legitimate points of view. Although it detracts slightly from the thrust of the amendment which I had originally offered during committee markup of this bill, I have no objection to this amendment and urge it be adopted.

Mr. DURENBERGER. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota (Mr. Durenberger).

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The amendment (No. 1401) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I ask that the committee amendment be temporarily set aside for the purposes of the Senator from Massachusetts offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

AMENDMENT NO. 1402

(Purpose: To provide an additional $30,000,000 for summer youth employment and training)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 1402.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, between lines 17 and 18, insert the following:

SUMMER YOUTH EMPLOYMENT AND TRAINING

For an additional amount for part B of title II of the Job Training Partnership Act, relating to summer youth employment and training programs, $30,000,000.

Mr. KENNEDY. Mr. President, my amendment would add $30 million to this bill for the purpose of funding an additional 30,000 jobs for unemployed teenagers this summer.

I offered a similar amendment last March to the emergency jobs supplemental that was moving through the Senate. At the request of Chairman HATFIELD, I agreed to withdraw that amendment to give the chairman and the administration the opportunity to consider a separate initiative for youth that the administration would be forwarding to the Congress.

At that time, the chairman recommended that my amendment be offered instead on the next supplemental. The bill that we are now considering is the first supplemental appropriations bill to come before the Senate since Senator HATFIELD and I had that discussion last March. Senator HATFIELD also indicated that we would even gain the support of the Senator from Oregon if the amendment were postponed. I am pleased that he is still so inclined.

I want to remind my colleagues that while there has been some good economic news lately for the unemployed there has not been much for our young people to cheer about. Unemployment still stands at unprecedented levels for teenagers. One out of every five cannot find work, and for minority youth, one of every two black teenagers are jobless.

My colleagues will recall that the jobs bill we passed last March did very little to create employment for teenagers, and the program promised by the administration has yet to materialize.

We are hearing a lot these days about the importance of education in shaping the future of our youth, but I would point out to my colleagues that many youngsters will not be able to return to school in the fall or go on to college unless they have a job this summer. This amendment is a very modest addition which I think will pay a significant dividend.

I would remind my colleagues that in 1980, 840,000 summer jobs were created. At that time unemployment stood at just over 7 percent. This year, even with the funds provided in the emergency jobs bill last March, we will only employ 813,000 teenagers.

My amendment would mean opportunity for an additional 30,000 youngsters this year.

Now I know some of you will suggest that the summer is upon us and it is too late to get these moneys out to communities in time for them to spend. But I am confident that mayors all across the country will make whatever effort is required to insure that unemployed teenagers in their cities will be hired in productive jobs. I can think of no more important issue for the Senate to act on today than putting our young people to work this summer.

I thank the chairman for his support.

Mr. President, I ask unanimous consent to have a table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMER JOBS

[Dollar amounts in millions]

	1979	1980	1981	1982	1983 (Administration budget)	Emergency jobs bill	Kennedy amendment
Funding	$785	$725	$839	$700	$725	$825	$855
Youth served	888,000	839,000	766,000	679,000	715,000	813,000	843,000

Mr. STENNIS. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. STENNIS. That is just a summer program?

Mr. KENNEDY. That is only a summer youth program administered by the mayors. It is a program which is already in place. It is an effective program and this is an extremely modest addition.

Mr. WEICKER. Mr. President, I recommend accepting the amendment. With nationwide unemployment still in excess of 10 percent and with youth unemployment twice that level, there is no doubt about the need for more jobs for our young people this summer. I urge adoption of the amendment.

Mr. STENNIS. Mr. President, we have no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY).

The amendment (No. 1402) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST EXCEPTED REPORTED AMENDMENT, PAGE 6, LINES 14-17

Mr. HATFIELD. Mr. President, I move adoption of the pending committee amendment.

The PRESIDING OFFICER. Is there debate? If not, the question is on agreeing to the pending committee amendment.

The 1st excepted reported amendment, page 6, lines 14-17, was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1403

(Purpose: To make technical corrections in the bill)

Mr. HATFIELD. Mr. President, I call up the committee technical amendments. I send them to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an amendment numbered 1403.

On page 70, line 22, before the period insert a comma and the following: "to remain available until September 30, 1984".

On page 87, line 23, strike, "Public Law 97-424" and insert in lieu thereof "Urban Mass Transportation Act of 1964 as amended."

Mr. HATFIELD. Mr. President, these are technical amendments which have been cleared on both sides of the aisle.

The first one extends the date of the availability for handicapped educational funds, and the second one is a matter of changing the citation for the transportation section. These are technical amendments that were omitted by the printer.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1403) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1404

Mr. HATFIELD. Mr. President, I have another technical amendment to be considered.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an amendment numbered 1404.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the Thurmond amendment No. 1386 at the end of page 30, insert the following:

The project for Cooper River, Charleston Harbor, South Carolina, authorized by the River and Harbor Act of 1968, Public Law 90-483, approved August 13, 1968, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to install a closure structure in the diversion canal between Lake Marion and Lake Moultrie and to construct such measures as the Chief of Engineers determines necessary to improve the seismic stability of the Pinopolis West Dam on the Cooper River, at an estimated cost of $22,000,000: *Provided*, That nothing in this paragraph shall waive any requirements under the Federal Power Act of 1935 (49 Stat. 847): *Provided further*, That in addition to such sums as are otherwise appropriated by this Act there are appropriated and additional $2,000,000, to remain available until expended, for "Construction, general, Corps of Engineers—Civil", for engineering and design studies in connection with the project authorized by this paragraph.

Mr. HATFIELD. Mr. President, this is basically to correct and to bring into appropriate language the amendment offered by the Senator from South Carolina (Mr. THURMOND) last evening. We must conform the text of Mr. Thurmond's amendment adopted last evening with the format of the supplemental appropriations bill. The revised language also makes the $2 million provided by that amendment available until expended as is currently the case with other appropriations for the Corps of Engineers construction account.

I move adoption of the amendment.

The PRESIDING OFFICER. Is this in lieu of the earlier amendment?

Mr. HATFIELD. This is in lieu of Senator THURMOND's previously offered and adopted amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1404) was agreed to.

Mr. HATFIELD. Mr. President, I believe we have cleared all amendments on our list except the ones dealing with honoraria and the possibility of an amendment by Mr. HUMPHREY.

Mr. BAKER. Mr. President, I have been discussing with Members for some time now as they drifted by the desk if there were going to be any more votes tonight and what time they would be out. I have been telling them that I hoped we would be out by 6:30 p.m. and I was unsure whether there would be other votes or not.

Since then, I have been advised that there is one other amendment, and perhaps two other amendments, and very likely there will be another rollcall vote tonight. I hope Members who hear me in their office will take account of that and will understand that there may be at least one and perhaps two rollcall votes this evening.

It is still my hope that we can finish today's activities by 6:30 p.m. or thereabouts.

In order to do that, Mr. President, in order to leave this bill at a fairly early hour, I think it is essential that we get unanimous-consent agreement that no other amendments would be in order except the pay and honoraria amendments. I think the Senate would be better off to debate that tomorrow rather than tonight. I will not now put such a request, but I am going to later put a request after the Senator from New Hampshire (Mr. HUMPHREY) reaches the floor and offers his amendment or amendments. I plan to put a request that no other amendments will then be in order except the honoraria amendments.

If that order is granted, then I will expect the Senate to go out until tomorrow.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow after the recognition of the two leaders under the standing order, the time remaining from that time until 10 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF H.R. 3069 ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that at 10 a.m. the Senate resume consideration of the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the Appropriations Committee and the Judiciary Committee, I am told, have markups by the full committees tomorrow morning at 10 o'clock. We have an order to go back on this measure, the supplemental appropriations bill, at 10 a.m. What I would like to do is leave that as it is at the moment and assure the chairman of the Appropriations Committee and other Senators that tomorrow, as we need to, we shall adjust those times.

If we are going to finish the supplemental tomorrow, especially if we are going to have a debate on pay and honoraria, and do interest and withholding repeal, we need all the time we can get. I should like to leave it as it is and readjust tomorrow as the circumstances permit.

Mr. President, while we await the arrival on the floor of the Senator from New Hampshire (Mr. HUMPHREY) I ask unanimous consent that I may speak as in morning business for a brief moment.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

CONGRATULATIONS TO SENATOR TOWER

Mr. BAKER. Mr. President, I take this opportunity to call to the attention of my colleagues that today is the 22d anniversary of the swearing in of the distinguished senior Senator from Texas (Mr. Tower) as a Member of this body. It was 22 years ago today that Senator Tower arrived from Texas and took his place here, in this Chamber. He has served with distinction since that time and, as one of the senior Members of this body, Senator Tower, in my view, exemplifies the honor, dedication, and commitment that are the marks of an effective Senator.

For over 20 years now, Senator Tower has been a powerful watchdog for the concerns of Texas and the Nation and during the last 2½ years, as the distinguished chairman of the Senate Armed Services Committee, he has been most instrumental in assisting President Reagan in his efforts to rebuild our Nation's defenses.

I am most proud to serve alongside John Tower in the Senate, and I am sure that my colleagues on both sides of the aisle will join me in sending our deepest congratulations to Senator Tower on this special anniversary of a very special public service career.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, 1983

The Senate continued with the consideration of the bill (H.R. 3069).

O'NEILL UNIT, ALASKA

Mr. EXON. Mr. President, if I may have the attention of the managers of the bill for just a moment, I thank the chairman of the committee and the ranking minority member for the total cooperation they have given the Senator from Nebraska with regard to our attempts to reduce substantially the construction costs on an important irrigation project in Nebraska. I believe that a colloquy is in order and has been agreed to.

I inquire of the manager of the bill, the distinguished chairman of the committee (Mr. Hatfield) if this would be an appropriate time to have that in the record.

Mr. HATFIELD. Mr. President, the Senator is correct. It is always somewhat puzzling to me, when Congress acts with such precision and clarity on certain really noncomplex issues, that people in the bureaucracy can find ways to twist or turn it or misinterpret it. The Senator from Nebraska was very concerned about a report in a Nebraska newspaper which I shall include in the record about interpreting an amendment that the Senator offered, which the committee accepted.

The committee adopted a bill provision proposed by the Senator from Nebraska (Mr. Exon), which provides for further study of the Norden Dam, O'Neill unit of the Pick-Sloan Missouri River Basin program.

There have been recent press accounts, as I mentioned, regarding this provision which do not reflect the clear intent of the Senate on this legislation. A Bureau of Reclamation official has been quoted as stating that the agency may not have authority to participate in this study.

Mr. President, the bill language relating to the study of alternatives to the Norden Dam, O'Neill unit, project in Nebraska is clearly intended to authorize and direct the Bureau of Reclamation to participate in a joint study with the State of Nebraska.

It is the committee's intent that the bill provision, together with the report language, directs the Secretary of Interior to participate and help finance this State-led study and to contract with the State if necessary to help undertake the work. We believe that the legislative history on this point is clear.

In addition, the bill provides funds in fiscal year 1983 to initiate this study. Further, report language indicates that the committee expects to provide follow-on funding as required in the appropriations process to continue this effort.

In order to make it more clear, if that is necessary, Mr. President, I ask unanimous consent to have the newspaper article and the documentation printed in the Record at this point.

There being no objection, the materials were ordered to be printed in the Record, as follows:

[From the World-Herald Bureau]

Bureau Unsure if it Can Fund Water Study

(By Mary Kay Quinlan)

Washington.—The Bureau of Reclamation hasn't determined whether it could legally give the State of Nebraska cash to help finance a study of cheaper alternatives to the O'Neill Unit water project in Nebraska, of which the Norden Dam is a part.

A bureau official said Tuesday that a Senate supplemental appropriations bill's language is not clear.

"We haven't had it researched," said William C. Klostermeyer, an assistant commissioner of reclamation.

Sate officials have indicated in a memorandum that they want about $100,000 in cash from the bureau.

The funds would be used for a state-led study of ways to irrigate the O'Neill area without building a large dam on the Niagara.

If the provision calling for bureau participation in a state-led study stays in the final version of the bill, bureau lawyers would have to determine whether its legislative history authorizes the agency to give cash to the state, Klostermeyer said.

"I don't know if the language is sufficient to permit it (bureau aid) in the form of cash," he said.

He said the bureau insisted last year that Congress specifically authorize it to make a cash contribution to Nebraska for a Platte River study.

Normally, Klostermeyer said, the bureau provides technical assistance to states for water resources studies.

Or study responsibilities be divided, with the bureau doing part of the work and a state doing part, he said.

Sen. J. J. Exon, who sponsored the language in the Senate bill, has asked the bureau whether it has the authority to give cash, an Exon aide said.

Bureau officials have "totally skirted giving any answer, but they've never said no," he said.

H.R. 3069

[Report No. 98-148]

The Secretary of the Interior shall, under the general investigations authority, engage in a joint, State-led study with the State of Nebraska of cost effective alternatives to the Norden Dam, O'Neill unit of the Pick-Sloan Missouri River Basin program, Nebraska; and shall use available funds to initiate such study. The study period shall not exceed 18 months. No funds shall be expended for any construction activity for the Norden Dam, O'Neill unit prior to the completion of this study.

The Committee has included a provision which directs the Secretary of the Interior to undertake a joint study with the State of Nebraska to investigate cost effectiveness alternatives proposed by the State to the Norden Dam, O'Neill unit of the Pick-Sloan Missouri River basin program, Nebraska. Total Federal costs for this study shall not exceed $100,000, and the Secretary is encouraged to immediately initiate Federal participation in fiscal year 1983. The Committee expects to provide follow-on funding as required in the regular 1984 appropriation process to continue this effort. The Committee further directs the Bureau to make Federal funds available to the State of Nebraska to assist in this joint, State-led study of alternatives.

PUBLIC LAW 97-338—97TH CONGRESS

An Act to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in a special study to assist the State of Nebraska in establishing water resource conservation and development priorities, consistent with constitutional and statutory provisions of the State of Nebraska, in the Platte River Basin from the western border of the State of Nebraska to the confluence of the Platte and Missouri Rivers.

The purposes of the study shall be to—

(a) determine the availability of water resources within the basin;

(b) identify, define, and quantify the existing and foreseeable intrabasin and interbasin demands on such resources within the State of Nebraska (including irrigation, ground water stabilization and recharge, enhancement of water quality, small community and rural domestic water supplies, management of fish and wildlife habitat, public outdoor recreation, preservation of scenic qualities, flood control, hydroelectric power development, municipal and industrial water supplies, and such other demands as the study may identify);

(c) identify, evaluate, and estimate costs for alternative methods of meeting the identified water demands, including but not limited to withdrawals from the Platte River, ground water pumping, water conservation, and improved water management; and

(d) resolve the identified conflicts by making specific recommendations on the full and best utilization of the available water supply, including a priority ranking for implementing recommended water conservation and development projects.

Sec. 2. The special study authorized by section 1 of this Act shall be a Federal-State study conducted jointly by the Bureau of Reclamation and the Nebraska Natural Resources Commission. The broadly constituted study body responsible for making the recommendations required by section 1 shall consist of such citizens, representatives of agricultural, environmental and development groups, State and lcoal officials, and Federal agency representatives as the Governor of Nebraska and the Secretary shall jointly determine. Federal agencies invited to participate shall include, but not be limited to, the U.S. Geological Survey, the U.S. Fish and Wildlife Service and the Environmental Protection Agency. The special study authorized by section 1 of this Act shall be completed within thirty months after funds are first appropriated under this Act.

Sec. 3. (a) There is hereby authorized to be appropriated the sum of $350,000 to carry out section 1 of this Act. One-half of this sum shall be made available as a grant to the Nebraska Natural Resources Commission and shall be matched equally by direct contribution or inkind services by the State of Nebraska, its political subdivisions, or other non-Federal entities.

(b) The sums expended or services provided by the State of Nebraska, its political subdivisions, or other non-Federal entities after March 9, 1982, for the purposes of this Act shall be considered in the determination of the matching non-Federal share.

Mr. EXON. Mr. President, once again, I thank my distinguished friend and colleague, the manager of the bill, for his usual cooperation, understanding, and leadership.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. Pressler). Without objection, it is so ordered.

AMENDMENT NO. 1405

(Purpose: Relating to a flood control project on the Pearl River, Miss.)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. Humphrey) proposes an amendment numbered 1405:

On page 30, lines 5 and 6, strike out "and construct and undertake".

On page 30, line 11, strike out "at a currently estimated cost of $26,500,000,".

On page 30, beginning with "Expenditures" on line 13, strike out all through the period on line 20.

Mr. HUMPHREY. Mr. President, I think Senators are aware that from time to time the Appropriations Committee makes available for expenditure or obligation funds that have not been authorized in the usual way. By the usual way, I mean formal legislation not having been issued by an authorizing committee.

At the very least, this is a circumvention of the normal process of business. At the worst, it is, if I may say so, a usurpation of authority by the Appropriations Committee at the expense of authorizing committees. It appears to this Senator at least, although I have not conducted any kind of scientific study, that this trend is growing worse all the time, that is, we are seeing more and more cases of the Appropriations Committee providing funding for projects that have not been properly authorized.

I am going to be offering two amendments this evening, the first of which is before us and the second amendment is a general sort of amendment that would apply to all cases within the appropriations bill presently before us where the appropriations are lacking in an ordinary authorization.

But in any case, the first amendment which is now before us is directed specifically at a project called the Pearl River flood control project in Mississippi. I do not choose this one for the reason of making life difficult for my colleagues from Mississippi. I have great respect for both of them. But this particular case seems to me to be one of the worst contained in this bill for the reason that not only is money being authorized in the absence of an authorization from the Committee on Environment and Public Works, which is the normal procedure, but language within this appropriation bill appropriates money for the Pearl River flood control project. So the Appropriations Committee has not only gone beyond usurping the authority of the Public Works Committee to authorize projects but is actually authorizing it. It is not only providing the money but providing the authorization, which is possibly unheard of. I hope it is.

But in any case, here it is before us. The Appropriations Committee is not only making money available for a project not considered and approved by the Committee on Environment and Public Works, but it is also placing authorizing legislation within the body of this appropriations bill.

I have no doubt, Mr. President, that my colleagues from Mississippi will make an appealing and perhaps even a convincing case on the merits for this particular project, the Pearl River flood control project. I am not here to argue in favor of floods, although I might be cast in that light. I am here to argue for regular procedure.

There are some 62 flood control projects presently under review by the Executive in Washington. All projects must go through a number of review stages before construction is authorized. The flood control project for Jackson, Miss., the Pearl River flood control project, funding for which is included in this appropriation, circumvents the entire process. This appropriation, if passed as it is, will place ahead of these 62 projects going through the normal channels of approach in the Executive and then coming before the Committee on Environment and Public Works for review and possible authorization of the Pearl River project. The Pearl River project by means of language in this bill is going to circumvent completely that process. It is going ahead of 62 other flood control projects presently working their way through the process in the Executive and ultimately would come to the legislature, to the Committee on Environment and Public Works.

In summary, Mr. President, my objections are to the Appropriations Committee usurping authority, providing money where there is no authorization from a relevant committee, and in this specific case going beyond providing money when there is no authorization, going beyond that and providing authorizing language itself. Imagine it, the Appropriations Committee providing authorizing language in an appropriations bill. It is a highly objectionable procedure, highly irregular, highly improper. I am not arguing against the merits of the Pearl River flood control project. I am arguing against the procedure involved. I am arguing against placing it ahead of 62 projects with merits just as compelling as the merits behind this one.

I urge my colleagues, Mr. President, to adopt this amendment, to delete the funding for the construction and also the authorization language so as to allow this project to proceed through the normal channels of review in both the executive and legislative bodies of our Government.

Mr. COCHRAN. Mr. President, I rise to strongly oppose the amendment offered by the Senator from New Hampshire.

I have read that the amendment is brought up at this point to challenge the need for the funds that are included in this bill for doing some emergency work in the Pearl River Basin in Mississippi, where recent floods have caused millions of dollars of damage to homeowners and to businessmen and women who have seen, for the fifth time since March 1980, their homes and businesses inundated by floodwaters in this river basin.

What we are confronted with, Mr. President, is an emergency situation. In 1979, this area experienced what was called by the Corps of Engineers and other experts a 500-year flood. As a result of that flood in 1979, under the Government's disaster assistance program, some $36 million in disaster benefits and aid were paid out to flood victims.

We are talking about a $2.3 million appropriation in this supplemental to try to help minimize future flood damage.

After the 1979 flood that I just mentioned, the Corps of Engineers was authorized to proceed with a comprehensive review of the situation, to come up with measures that could be undertaken to help minimize this kind of damage from occurring in the future. That comprehensive plan for flood control has been underway; a study has been underway by the district engineer of the Corps of Engineers in Mobile, Ala., since that time. We understand that a comprehensive plan will be presented to Congress, maybe as early as September of this year, which could include some proposal for a major construction effort.

That is not the subject of this provision in this supplemental appropriations bill. This committee is not recommending to the Senate that it approve a major comprehensive plan for flood control in that area, because the study has not been completed.

However, preliminary findings indicate that some immediate steps could be taken to help minimize damages. Before that could be funded or implemented, another flood, almost as serious as that which occurred in 1979, occurred just this year. As a matter of fact, three floods have occurred this year. The most recent was the most serious, and the national news reporters graphically portrayed the damage and the problems throughout the country, over television and in the newspapers. It is common knowledge in this body that Jackson, Miss., was inundated with floodwaters, that this has become a problem that needs immediate attention.

This provision is necessary in this bill to save the Government money, just in disaster money that it is required to pay out each year. We have seen five different floods occur since 1980. There have been 17 in this century.

My hope is that the Senate will support the findings and the decision of the Senate Committee on Appropriations, which recognized the seriousness of the problem, the emergency nature of the problem. The authorizing committee, while it has been conducting hearings and looking into problems throughout the country, has not reported a bill authorizing any flood control activity in 7 or 8 years, as I understand it.

There probably will be a proposal before the Committee on Environment and Public Works to authorize a major flood control effort in this basin, but that is not the subject of this provision in this bill. This is an emergency, temporary procedure that has been indentified by preliminary studies as feasible and appropriate to take in order to help minimize the damage that will continue to be sustained in this area unless these funds are made available.

Mr. President, the committee took a careful look at this. I met last week with the district engineer and his staff in Mobile to go over this plan for helping us minimize the damage in this area, and I can assure the Senate that this is not something that has not been reviewed or carefully studied by either the Corps of Engineers or a committee of Congress. It certainly has had the close attention of representatives of the Senate and of the Corps of Engineers.

I hope the Senate will reject the amendment.

Mr. STENNIS. Mr. President, I do not mind one bit anyone exercising their constitutional right to come in here and offer amendments. As a practical matter, though, I think it is well to choose a time other than right at the end of the bill, particularly when we are so far behind in the schedule this week. But those are incidental matters.

Mr. President, the rainfall in the area affected there, within the last 30 days, has been without parallel, and it was not peculiar just to that place. It has been an irregular season.

I saw a graph showing that in the last 6 months there was more rainfall in this area served by Pearl River than there had been in the preceding 12 months—just by that gage. Another time in the Pearl River Valley, and more recently, there were 13 inches of rain, I think, within 6 days. The ground becomes full of water, and the streams finally run off and reach the flood stage.

My colleague and I went down there and went through the areas. We did not go together. This was not just looking at the high water and going back and having a drink. We went through those rugged places and waded through water, drove all over the affected part of the city, went into places of business that were victimized, went into residential areas.

The Red Cross and the Salvation Army were there providing food. There was no food in those residences because of the flood, and all the electrical devices for cooking were not operating. There were no groceries, no refrigeration. Little children were standing around, some of them crying. There was a mother with a child in her arms. Water had already come up 3 or 4 feet high in some places inside the houses, ruining everything—carpets, shades, wallpaper.

It was a terrible sight. There was agony by the block. That was not one, two, three, or four houses. It was blocks and blocks, because of this torrential amount of water. There was not enough to hold it.

Talking about waiting until the engineers can complete the project and make a survey and make calculations, that takes weeks and months. Fortunately, the time was here when bills of this type were moving along, and there was a certain amount of fundamental information. The $2.3 million in the bill now is just to pay for some of the preliminary work that has to be done to make a real calculation.

The bill is going to run high. I mean the bill to make an effective installation there that will control this water.

It has a number of extraordinary facts about it that are hard to control. My colleague has already spoken about the flood in 1979 which was bad but not anything like the problem that is presented now by this one. Something on a very large scale is absolutely necessary.

I have been and still am a strong advocate of having the authorization first and then the appropriations. I have been on an authorization bill in the committee and the appropriations bill for a long, long time.

Something along that line is necessary, but there has to be emergency outlets for everything. We cannot have a perfect rule and apply it at all times under all circumstances.

So if there is anything like an emergency ever going to occur this is one of them. Mount St. Helens is another one—just remember 2 or 3 years ago—and that is not all cured yet. There are items in this bill now for Mount St. Helens and there is authorization and money also for things that have more recently developed and studied.

That is true with reference to a current earthquake in California. We better get all those over here now who have had earthquakes and something in the bill for them and also matters like Mount St. Helens or any other flood or anything of that kind.

I do not see how we can improve on our system of work here. We have taken all this time getting these facts together through the guidance of professional men, the engineers, and have taken all this time going through the committees with it.

The Senator from New Hampshire is one of my favorites, but I did not see him at any of these hearings trying to check up on this thing. Here we have been in debate and the bill has been on the floor here almost 10 days, and the Appropriations Committee chairman has been begging for Senators to come on in with their amendments so we could make a study and dispose of them. The floor leader for the majority has been downright pleading and begging over and over in his gentlemanly way for everyone to come on now as fast as you can and get these amendments moving, get in here and offer them, and part of that is to let the other side know what the alleged facts are and have it checked out.

So now here at the last I would not deny him his constitutional right but it is just upside down in method, it seems to me, to come in here at the last moment now and to try to set aside all this work that has been done.

It will make it cost the people more in the long run who have been affected. I am thinking about the flood again now on the Pearl River. This is not strange country to us. My colleague lives there at Jackson. I have been going there a good number of years and up and down this Pearl River all the way to the coastline and up where it rises up near where I live.

So, we are asking our colleagues there now to bear with us a little and make an emergency out of this thing—that is exactly what it is—and give us this little appropriation of $2.3 million for the immediate use, not put it off any more, for the Corps of Engineers that are down there and have been there on duty all the time, and the mayor of Jackson is quite almost an engineer himself now because he has been at it so much day and night.

We need Senators help now. We are not begging for anything for us, but we are begging for Senators to act promptly as they possibly can, and most all the processes of legislation have already been taken care of, and I think now we should have a vote as soon as we can to dispose of these things with dispatch.

Talking about unauthorized matters in the bill again, if we are going to do that there are dozens of them in here and just of necessity or something special about them or they would not get in the bill. There are the Utah mudslides. We went into that. I have already mentioned the California earthquakes and there is something here about Santee-Cooper in Charleston, S.C. We met a condition that was given to us here in the committee yesterday afternoon. It had been thoroughly and exhaustively gone into as an emergency.

We are not begging for anything, but we are asking Senators to help stop this destruction down there and give those people a chance to repair the damage, get back to where they can live in their homes and work in their business places and let this whole thing move along on a scientific basis.

I thank the Chair and I yield the floor.

Mr. HUMPHREY. Mr. President, I do not blame my colleagues from Mississippi for being somewhat exercised that their particular project has been singled out.

The truth is there are scores of projects in this appropriations bill for which there are no authorizations. It is getting worse all the time.

I chose this particular one because it happens to stand out more than others, but I am not arguing against the merits. Let me make clear to my colleagues and in particular my colleagues from Mississippi that my amendment does not strike the $2.3 million requested for design and research. That money is there, I say to Senator Stennis and Senator Cochran. My amendment does not strike that funding. It will be there for research and planning, even though I object frankly to appropriating of money for which there is no authorization. What my amendment does is to strike the language in the bill relating to this project, striking the language which authorizes construction.

Here we have the Appropriations Committee not only appropriating money for which there is not authorization but going beyond that and placing authorization language into an appropriations bill.

I read from page 10:

> The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct.

There is authorization for construction. It is not just a provision of money without an authorization. It is putting authorization language into an appropriations bill.

The Appropriations Committee is not satisfied with appropriating money for which there is no authorization. Now they are putting authorizing language in the appropriations bill. That strikes me as going much too far.

So my amendment would strike that authorization. It leaves $2.3 million, even though there is no authorization for that appropriation—it leaves it. It would only strike the authorizing language to construct. That is the purpose of my amendment.

The Senator from Mississippi (Mr. Stennis) has remarked on the upside-down nature of my resorting to an amendment for this purpose. I suggest that I am trying to correct an upside-down situation where a project is not only being funded in the face of a lack of an authorization but the Appropriations Committee is also placing authorizing language into a bill.

That seems to me to be the upside-down situation, and I am trying to rectify that.

I will agree with my friends from Mississippi that it is a little bit unjust for me to pick on this project because in truth there are scores of projects in the appropriations bill for which there is no authorization.

So I urge my colleagues to accept this amendment, Mr. President, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I do not mean to prolong the debate, but in closing let me just say there has not been an authorization of a flood control project in this Congress for 7 years.

There has been no majcr construction project approved by the Appropriations Committee for 13 years. The Appropriations Committee has been looked to to provide authority for appropriations for emergency projects that are clearly needed and whose benefits clearly outweigh the costs of those projects.

In 5 years this basin has sustained damages well over $300 million, and we are talking about steps that would clearly save in this most recent flood about $70 million. So I hope the Senate will reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. Denton) and the Senator from Kansas (Mrs. Kassebaum) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. Cranston), the Senator from Ohio (Mr. Glenn), and the Senator from Colorado (Mr. Hart) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 2, nays 93, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—2

Humphrey
Proxmire

NAYS—93

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole

VOL 129
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JE 13—22
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Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NOT VOTING—5

Cranston
Denton
Glenn
Hart
Kassebaum

So Mr. HUMPHREY's amendment (No. 1405) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COCHRAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will please be in order.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I understand the distinguished Senator from New Hampshire has another amendment. Could I inquire of him, for the purpose of scheduling, how long it will take him to present that amendment and whether he will ask for a rollcall vote?

Mr. HUMPHREY. I will ask for a rollcall vote. I would say it would require 20 minutes of discussion at the most.

Mr. BAKER. I thank the Senator. There is one other matter I would hope to have us consider.

Let me outline the plan I would like to suggest that the Senate follow.

It is clear that at least on the issue of pay and honoraria we cannot finish debate and resolve the issue tonight. It is also clear that if we do not finish the supplemental appropriations bill tomorrow, we will never get to interest-dividend withholding, which we simply must do tomorrow.

Mr. President, I would like to get unanimous consent that, after the Humphrey amendment is dealt with, no other amendments be in order except amendments dealing with pay and honoraria. If the minority leader is prepared for me to put that request at this time, I will do so.

Mr. President, I put the request at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, there willl be one more rollcall vote tonight. That will be on the Humphrey amendment, the debate on which is about to occur. There wil be no rollcalls after that until tomorrow. The Senate will convene tomorrow at 9:30 a.m. We will be back on the supplemental appropriations bill at 10 a.m. It is the intention of the leadership to ask the Senate to finish this bill tomorrow and also to try to finish the interest-dividend withholding tomorrow. If we can do both of those things, we will not be in session on Friday.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

AMENDMENT NO. 1406

(Purpose: To limit the availability of appropriations to programs not formally authorized)

Mr. HUMPHREY. Mr. President, now that the Senate has gone solidly on record as being opposed to floods, I want to try to address this matter in another way. My point in raising the amendment on Pearl River was not to single out that particular project and certainly not to give my colleagues from Mississippi a dilemma, but to bring up the issue that the Appropriations Committee has included in this bill scores of projects for which there is no authorization. It seems to this Senator, at least, that this is a trend which is going the wrong way. We see this more and more often, where the Appropriations Committee provides money where there is no authorization, where there has been no hearing or consideration of the case by the authorizing committee.

Mr. President, I am going to try to address this matter now in a more general sort of way.

I send an amendment to the desk which I ask to be considered at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 1406.
>
> On page 125, between lines 7 and 8, insert the following:
>
> SEC. . Expenditure or obligation of funds appropriated by this Act is restricted to programs for which a formal authorization exists.

Mr. HUMPHREY. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. HUMPHREY. Mr. President, the language of this amendment is very brief, very simple, one sentence. It says:

> Expenditure or obligation of funds appropriated by this Act is restricted to programs for which a formal authorization exists.

Mr. President, Senators have told me in private that they try and protest against the appropriation of money where there is no authorization, so here is an opportunity to do more than simply protest verbally. Here is an opportunity to cast a vote against a procedure increasingly common in this body, it seems to this Senator. Here is an opportunity to cast a vote against the procedure by which the Appropriations Committee makes money available in the absence of an authorization. It is that simple. There are scores of projects funded in this appropriations bill which are not authorized by the relevant committee, projects which have not been reviewed by that committee.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HUMPHREY. It seems to this Senator, Mr. President, that this institution is falling down around us. I do not believe that is an overstatement. We have seen it with respect to the budget process. We have seen it especially with respect to the appropriations process, and increasingly so.

Here is an opportunity, in effect, to strip from the appropriations bill, this appropriations bill, all appropriations for which there is no authorization.

I have reason to believe if a point of order is raised against the amendment the Chair will rule that it is, in fact, in order. I hope that more than two of my colleagues will support this amendment. I believe we must do something. I do not know how it is going to be done. I do not expect to prevail on this vote. But I, for one, am going to continue to register opposition and to oppose in every way I can find the irregularities which are cumulative and which are eating away at the foundations of this body. I believe this place is coming apart because of expedients such as this.

Mr. SYMMS. Will my colleague yield?

Mr. HUMPHREY. I yield.

Mr. SYMMS. I thank my colleague for yielding.

Mr. President, H.R. 3069, the supplemental appropriations bill for fiscal year 1983 contains several provisions which are within the jurisdiction of the Environment and Public Works Committee's Subcommittee on Transportation.

The Subcommittee on Transportation held a long series of hearings during the 97th Congress which culminated in the passage of the Surface Transportation Assistance Act of 1982. This bill made an additional $4 billion available for the Federal-aid highway program in fiscal year 1983, and will increase spending even further in fiscal years 1984 through 1986.

While the Federal Government cannot and should not meet all the highway needs of the States and localities, I believe the STAA of 1982 will

go a long way in addressing the most important national needs of the highway system.

Historically, the Federal-aid highway program has worked on the basis of the Federal Government providing funds in broad categories with the States and localities taking the responsibility for selecting the specific projects for funding. I believe this policy has resulted in one of the most cost-effective Federal grant programs we have ever had.

The Federal-aid highway program is the only large Federal grant program that I am aware of that is funded by contract authority. Highway users pay taxes into the highway trust fund and this money is then available only for expenditures on the Federal-aid highway system. The Committee on Environment and Public Works authorizes the Federal-aid highway program. Because this program is funded by contract authority, the funds authorized can be immediately obligated by the States. The program does not go through the usual appropriations process. Therefore, our committee has both authorizing and spending jurisdiction over this program.

Mr. President, there are several provisions in H.R. 3069 which cause me great concern as chairman of the Subcommittee on Transportation.

First, the bill contains a provision which directs the Department of Transportation to make $5 million available to Georgia from section 144 of title 23 for the Talmadge Memorial Bridge project in Savannah. In the past, appropriations acts have designated bridges as eligible for funds under the discretionary bridge program. Over 75 high-cost bridges now have legislative history and are waiting in line for $200 million in annual assistance. The discretionary bridge program was designed to replace and repair bridges that create a public safety hazard because of their extreme state of disrepair and which are a very high priority within the State.

The STAA of 1982 included a new provision which requires that bridges must meet certain criteria which results in a rating factor to be eligible for these funds.

While there may be very good reasons to replace the Talmadge Bridge because of navigation problems, according to the Department of Transportation, the structural condition of the bridge is very good compared to many other bridges. The bridge has a high sufficiency rating and the problem is primarily functional obsolescence. Under existing law, the bridge would not be eligible for funding under the discretionary bridge program. I do not believe it is fair to take funds away from other projects which are eligible for these funds and which have been waiting in line for them.

Second, H.R. 3069 appropriates $6.5 million for the Vista Boulevard interchange near Sparks, Nev.

The STAA of 1982 increased the level of funds for the Interstate 4R program from $800 million to $1.95 billion in fiscal 1983. This will increase to over $3 billion in fiscal 1986. The Vista Boulevard interchange is eligible for these Interstate 4R funds. Again, according to information from the Department of Transportation, the existing Vista Interchange has no structural problems. The bridge itself has a very high sufficiency rating of 85. The problem appears to be one of poor geometrics and the larger trucks are having some problems negotiating the interchange. This will be a fairly common problem throughout the country particularly with older sections of the interstate. This is one reason additional Interstate 4R funds were provided. If the States expect Federal funds to address this problem over and above the regular Federal-aid highway program, the cost to the Federal Government could be tremendous.

Finally, the Surface Transportation Assistance Act of 1982 provided that for fiscal year 1983, $75 million would be available from the highway trust fund for park roads and parkways. Previously these funds were appropriated from general revenues. The STAA of 1982 also stipulates that this money is to be allocated by the Department of Transportation in cooperation with the Department of the Interior by a formula based on relative needs. The report accompanying H.R. 3069 lists projects which are eligible for these funds. I understand that this list comes from the Department of Transportation and the National Park Service and is their priority listing on the basis of needs as required by Public Law 97-424. I will not object to such a listing, but I believe it must be understood that these funds are to be allocated by formula on the basis of relative needs as required by Public Law 97-424. It must also be understood that these figures which are listed in the report are the Department of Transportation and Department of the Interior's best estimate at this time of what these projects will cost. The actual cost of the project may be somewhat different. As chairman of the Subcommittee on Transportation, I believe it is extremely important that this money continues to be allocated by the formula required in Public Law 97-424.

Mr. President, the Congress passed one of the most significant highway bills in recent history 5 months ago. It greatly increased spending for the program at a time when many other programs have been cut. The program is working well. I believe appropriating funds for highway projects for which there is no authorization is detrimental to this program. As chairman of the Subcommittee on Transportation which has both authorizing and spending responsibility for this program, I believe it is inappropriate to authorize specific highway projects through an appropriations bill.

Mr. President, I doubt if the Senator's amendment will be adopted, but I think he is bringing something to the attention of the Senate that needs to be brought to the attention of the Senate. Somehow this has to be worked out. The entire budget and appropriations process is becoming completely out of hand. I thank the Senator for offering the amendment. I will vote for it.

Mr. HUMPHREY. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. HUMPHREY. I thank the Senator from Idaho for his supporting comments.

As I said, there are scores of projects in this appropriations bill with no authorization. For every one of those projects, there are two Senators who support it. I do not expect to do very well, but I must register a protest, especially as a member of the Committee on Environment and Public Works which has been completely circumvented in this process with respect to water works and other public works projects.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. May we have order in the Senate?

Mr. HATFIELD. Mr. President, I am not going to take a great deal of time, but I do think the record ought to be made in response to the amendment offered by the Senator from New Hampshire.

I certainly want to assure the Senator from New Hampshire that the Appropriations Committee is not interested at all in taking over authorizing responsibilities. We have enough problems just handling the appropriations matters. But I think the Senator from New Hampshire does not see the problem. I think the Senator from New Hampshire has tried to correct an institutional problem on a supplemental appropriations bill. It simply cannot work. We have to address the institutional problem with where we get the authorizing committee actions to precede the Appropriations Committee actions.

Mr. STENNIS. May we have quiet?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. HATFIELD. You will not solve that problem in this one bill. Let me

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say, this is another way to get to the Pearl River project that he was defeated on. He only got two votes.

This is the same kind of approach to get to this same project.

In addition to that, let me say to the Senator, we go to the question of the Pribilof Islands off Alaska; the Justice Department—none of those programs has been authorized in all accounts in the Justice Department. Does the Senator want to close the Justice Department down?

There are the FTC, many projects in NOAA, in the Transportation Act, the Georgia and Nevada bridges; the International Monetary Fund, and all foreign aid.

The B-1 bomber is not specifically authorized in one of the amendments. The water projects including projects in Illinois, Louisiana, Texas, Mississippi, Alabama, Oregon, Washington, California, New York, Florida, Colorado, Wyoming, Oklahoma, Montana, South Dakota—that is basically because there has not been an authorization in 7 years, no major authorization in 12 years.

We also get involved with the Agriculture Subcommittee and all rural water and waste disposal plants.

In the Interior Subcommittee, it involves SPRO and all the Department of Energy—none of the accounts in the Department of Energy.

Consequently, this, as I say, does constitute a real problem for the institution of the Senate. The Senator, I fear, does not really understand or does not see the problem. We are not going to correct that problem here, on this bill, tonight. I urge my colleagues to vote "nay" on this.

Mr. HUMPHREY. Mr. President, I do not want to prolong matters unduly and I shall not. The Senator is right. We have an institutional problem. I do not see how we shall ever get to correction of that problem if we continually accede to these expedients. The Senator from Oregon has read off a list of States accommodated by this bill in the way of appropriating money where there is no authorization. It was quite a lengthy list, even more lengthy than the Senator from New Hampshire had realized. The Senator from Oregon, whether he intended to or not, made my point on that score.

Having totaled up those States and multiplied by two, I can see we are not going to do terribly well on this. I hope I have made a point to some extent. Since I can see the futility of it at this point, unless somebody objects, I shall ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER (Mr. Boschwitz). Is there objection?

Without objection, it is so ordered.

The amendment (No. 1406) was withdrawn.

Mr. HUMPHREY addressed the Chair.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I should like in all sincerity to put a question to the chairman of the Committee on Appropriations: How does he propose that we get at this problem?

Mr. HATFIELD. Mr. President, I think this is going to take a matter developed by the leadership as to when and how they want to address it. I have some suggestions I should be very happy to share with the Senator—perhaps combine the authorizing and Appropriations Committee as one. Perhaps we can get rid of the whole authorizing process in that way. There are different ways.

I am not here tonight to try to reform the Senate. I only say there are different ideas that have been expressed to the leadership of the Senate, in the Rules Committee, the caucus, and the policy lunches we attend. When all decide we want to reform it, we will get it reformed.

Mr. HUMPHREY. Mr. President, the situation is simply intolerable. Something must be done. I put a question to the majority leader: What can we do about this? When can we do something? It is feeding on itself. It is cumulative, it is metastasizing. It is a nasty situation that bring disrepute on this body and on ourselves. It is getting worse all the time. What are we going to do about it?

Mr. BAKER. Mr. President, if the Senator will yield, I understand. I do not disagree with the Senator's observations. I have often commented on the fact that, over the years, one way or another, we have sort of rendered the two-tier system a nullity, the authorizing and the appropriating process. One way or another, we need to address that question. It is now a three-tier system. We have authorizing, we have appropriating, we have budget. The very uncertainty of the system cries out for some sort of readjustment.

Congress, however, the Senate may be less well than the House in many ways, has a way of dealing with messy situations. In this case, that is exactly what we have done. For instance, I have tried to take the position that we simply must deal with the authorizing bills before we can take up the four appropriations bills given us by the House. After I had my staff research it, I found out that the authorizing bills did not really deal so much with authorizing appropriations to be made as it did authorizing new programs which were largely entitlements rather than appropriating funds. So it is neither fish nor fowl, really.

The Senator is right: It is a mess. It has sort of grown up into a situation that I know the chairman of the Appropriations Committee is not happy with, nor are the chairmen, I suspect, of the several authorizing committees. Senator Domenici is living proof of the fact that he is frustrated over the whole situation.

The only solution to it, I think, is a reappraisal of the whole basic relationship. The distinguished minority leader and I undertook that last year, I believe it was, or the year before last, when we asked two of our former colleagues, Senators Ribicoff and Pearson, to examine the whole situation and make recommendations. These recommendations have now been made and filed with the leadership and the Rules Committee. No doubt the Rules Committee will make recommendations to the full Senate and they will embrace trying to rationalize this whole thing.

In the meantime, we have to keep doing the country's business. So, for the time being, I suspect that what we shall do is keep on passing appropriations bills that are only marginally authorized under the rules of the Senate and statutes and keep passing appropriations bills and bypassing the appropriations bills and keep adopting budget resolutions which have the force and effect of appropriations and authorizations both. I shall sit here and be unhappy with it as the Senator from New Hampshire properly will be. I can pledge him that I recognize the problem he points out and I shall do my best to see that we approach it in a rational and reasonable way.

I commend him for his concern in this respect. I intend to consult with him privately on this matter in the next few days and we shall compare notes.

Mr. HUMPHREY. Mr. President, I thank the majority leader. I can only say that on top of an absolute inability to reach a budget resolution, this adds insult to injury, providing money for new projects that have no consideration in the hearing process, no authorization. I say to my colleagues that I know of several.

Mr. BAKER. Will the Senator yield for just a moment to permit me to announce that there will be no more Record votes tonight?

Mr. HUMPHREY. Mr. President, I only say finally that notwithstanding arguments about the emergencies which some of these appropriations address, notwithstanding that, there are quite a number of appropriations in this bill that are simply logrolling, simply favors to members of the Appropriations Committee. I find that not only unjustified but of a nature which does violence to this body and its procedures.

I thank the Chair.

Mr. LEVIN. The people of the State of Michigan have suffered tremendously over the past few years as a result of the deep economic recession that has gripped the State. In particular, Michigan's unemployment has increased to levels unprecedented since the Great Depression—with 15 percent statewide and upwards of 25 percent in some areas. This has placed a severe financial strain on both the State and local governments as they try to meet this pressing human need.

But in addition to these financial requirements, the financial burdens of certain counties is being compounded by the increased costs associated with operation and maintenance of flood control works within their jurisdiction. Specifically, Bay County has faced significant cost increases related to dredging of the Kawkawlin River flood control project.

Bay County had performed dredging on the Kawkawlin related to flood control prior to 1971. As a precondition to the corps construction of the project, Bay County executed a local cooperation agreement fully intending to continue maintenance dredging.

In 1971, when the Kawkawlin project was completed, the corps estimated that the cost of maintenance dredging would be approximately $25,000 per dredge, which takes place every 4 or 5 years. However, because of inflation and the need to dredge an unanticipated and increased amount of material, the cost of dredging the Kawkawlin is now between $350,000 and $500,000.

In order to ease this burden on the county, Representative Traxler offered language in the House-passed fiscal year 1983 supplemental appropriations bill that would authorize the corps to assume the cost of operating and maintaining this flood control project.

I would like to ask the chairman of the Appropriations Committee, if during conference, he might give a sympathetic look at this authorization in the House-passed bill in light of the corps 1971 representations as to costs.

Mr. HATFIELD. I appreciate knowing the Senator's concern over the equities in this matter. I am, of course, concerned about the broader implications of this language, but I will certainly consider as sympathetically as possible the concerns you have raised when reviewing this language during the conference.

Mr. BRADLEY. Mr. President, I am pleased that the supplemental appropriations bill includes funding for the Center for Disease Control and the National Institute of Health for the continued research and study of acquired immune deficency syndrome (AIDS). AIDS has become a subject of deep concern in this Nation and for a very good reason: 80 percent of AIDS patients diagnosed in 1980 are now dead and as of May 2, 1983 there have been 520 deaths caused by the syndrome. New Jersey has reported 110 AIDS patients since July 1981, the third largest State for AIDS cases in the Nation, and more than half of these victims are no longer alive.

While the causal agent behind the AIDS epidemic is unknown, research has shown that individuals affected by AIDS develop opportunistic infections, an "attack" on the patient's immune system; in effect, the immune system "turns off." We do not know why, nor have we had any success in determining whether or how AIDS is transmitted. Although research has not, as of yet, been able to isolate the cause or cure of AIDS, what is known is that the mortality rate for AIDS patients is shockingly high. More deaths have been associated with AIDS than with toxic shock syndrome and Legionnaire's disease combined. Yet, Government expenditures for AIDS has been for less than for either of these other diseases.

Cost for immunological research are significant. Investigators have pointed out that the study of AIDS victims costs $1,000 per person and immunological experiments on animals are approximately $25,000 per animal per year. Although $2 million has already been allocated toward investigation of this disease by the CDC in 1982, these resources had to be shifted from other CDC activities and they pale when compared to the amounts expended on toxic shock and Legionnaire's disease. I do not feel that present resources are sufficient for the research and investigative work that lies ahead.

I urge my fellow Senators to support this appropriation which attempts to squarely combat this most serious threat to the public health of this Nation.

STATEMENT ON WALLOP AMENDMENT NO. 1388

● Mr. GRASSLEY. Mr. President, I support Senator Wallop's fine initiative to modify the Surface Transportation Assistance Act of 1982. Senator Wallop's bill, the Highway Use Tax Equalization Act of 1983, repeals the heavy vehicle use tax and replaces it with a 5-cent extra tax on diesel fuel. This "diesel differential" has been advocated by truckers because it taxes trucks which drive a greater number of miles more heavily. Clearly, those trucks which drive the greatest number of miles inflict the heaviest road damage. This measure also exempts passenger vehicles from the extra diesel tax if they weigh less than 10,000 pounds.

This bill responds to some of the concerns raised by members of the trucking community. Not only have truckers persuasively argued that a flat heavy vehicle use tax does not tax trucks with limited mileage fairly, they have also argued that the heavy vehicle use tax creates an added paperwork burden for them. A tax on the pump relieves truckers of this extra paperwork responsibility. Also, it eliminates the piggyback of additional State taxes which are threatening to raise trucking costs to prohibitive levels.

The simplicity of administration and the greater equity of this measure are features which deserve our serious consideration. I am convinced that this new bill will improve this unpopular levy and I am proud to join Senator Wallop in cosponsoring this measure.●

● Mr. HUMPHREY. I would like to discuss for a moment with the Senator from South Dakota, who is the chairman of the Treasury, Postal Service Subcommittee, a situation which has developed in my State of New Hampshire and which is within the jurisdiction of the subcommittee.

My intent today was to offer an amendment to the supplemental appropriations bill which would issue continued and sufficient customs service for Lebanon Municipal Airport. I understand, however, that the press of committee business combined with severe time constraints make consideration of any new business a difficult proposition. I will then respect the wishes of the committee and submit my amendment at a more appropriate time.

I will, however, take the opportunity to state why customs service should be provided to Lebanon Airport.

In January of 1982, Commissioner von Raab, U.S. Customs Service, wrote me to announce that customs service would be provided to Lebanon Municipal Airport. In his letter, the Commissioner stated:

> I am pleased to advise you that I have decided to provide service to Lebanon from Burlington, Vt. customs office with the use of a part-time—700 hour, when-actually-employed employee.

Unfortunately, this commitment was never fulfilled. Instead, service was provided through the expensive and inconvenient method of oncall service from Derby Line, Vt.

The cost to the Federal Government of this service is unwarranted. Officials of Lebanon Municipal Airport as well as the major beneficiaries of this service are willing to pay the entire cost of providing customs inspection. Bureau of Customs Management Circular 9-0:I:PA written in June of 1973 describes a method of providing service by which the salary and expenses of the customs officer is reimbursed to the Government through a user fee system. The concept described therein is known as a customs station and this is what should be employed at Lebanon Airport.

Finally and most importantly, some of our Federal agencies seem to have forgotten that we are a federal system of government composed of 50 distinct and equal States. I need not remind Senator Abdnor that South Dakota and New Hampshire are the only two

States in this federal system which currently have no international landing rights or international status airport within their boundaries. This causes businesses with international markets not to locate in our States thus impeding economic development. I take great exception to this discriminatory policy and urge my colleagues to support customs service for New Hampshire.

Mr. ABDNOR. I appreciate the Senator's decision not to offer his amendment at this time. He raises a very important point regarding the need for customs' presence in Lebanon. I want to assure him that the committee shares his concern and will certainly consider steps to provide for continued service in Lebanon during consideration of the fiscal year 1984 bill.●

SIX MILE CREEK

● Mr. BUMPERS. Mr. President, when the Senate began consideration of H.R. 3069, the 1983 supplemental appropriations bill, I intended to offer an amendment similar to the one the House adopted but which was dropped in committee on this side. The jobs bill, Public Law 98-8, included $100 million for the Soil Conservation Service for its watershed and flood prevention operations. The bill states that the funds are to be used "in installing works of improvement and rehabilitation of existing works * * *" as well as for other purposes.

In the justification of the President's request for a 1984 supplemental appropriations was language saying none of these funds were to be used for the rehabilitation of existing projects. This language is, of course, in direct conflict with the language of Public Law 98-8.

This amendment the House adopted on the supplemental appropriations bill directed the Soil Conservation Service to use $17 million of the $100 million for installing works of improvement and rehabilitation of existing works. Of that $17 million, $2 million was to be available for rehabilitation of Six-Mile Creek in Arkansas. This project was constructed between 1954 and 1957 as part of a pilot watershed program which included 54 projects around the country. In the Six-Mile Creek watershed, approximately 25 dams were built by the Soil Conservation Service for flood control, erosion prevention, and related purposes. Many of these dams are in desperate need of repairs, and at the time the pilot program was initiated, local sponsors did not have authority to levy taxes for maintenance activities. The funds included in the jobs bill for the Soil Conservation Service were to help make these needed repairs, and the House language on the supplemental made this clear.

The reason I am not offering an amendment to this bill on Six-Mile Creek similar to the House amendment is that Soil Conservation Service officials have assured me that Six-Mile Creek is that agency's top priority for repairs, and that if funds are made available, the dams on Six-Mile Creek will be repaired.

Since the bill we are considering today includes language directing the Soil Conservation Service to spend $17 million for rehabilitation of these projects, although the Senate amendment deletes earmarking for Six-Mile Creek. I am relying on the assurances of the Soil Conservation Service that this project will be repaired. I want to go on record that these assurances were made, that I accepted them in good faith, and I withheld offering an amendment earmarking $2 million for Six-Mile Creek in reliance upon SCS's assurances.●

● Mr. PRYOR. Mr. President, I want to express my strong support of the effort to restore the Six-Mile Creek watershed project in Arkansas to a safe and functional level. This project, first authorized under Public Law 83-156, was one of 54 projects selected for a pilot watershed program in the 1950's. The plans for this program were designed to demonstrate the practicability of complete protection as a means of conserving soil and water, of reducing floodwater and sediment damages, and of alleviating numerous other upstream land and water problems.

Work on this project in Logan and Franklin Counties was begun in 1954 and completed in 1957, and consisted of 24 earth-filled flood control dams and 15 miles on channel improvements. Mr. President, 26 years later we find that this project, so long a regional asset, may now pose a public hazard because of, among other things, a faulty design. No local sponsor group had ever been formed until recently because none was required on projects of this nature in the 1950's, and therefore local maintenance was strictly voluntary.

It now appears that the engineer's estimates on the necessary repairs will total some $500,000. Mr. President, this is a very small sum in today's dollars to keep a very important Federal public works project from being dismantled. The House has taken note of this demonstrated need and earmarked the project as one requiring attention. Because I am satisfied that the Committee and the Soil Conservation Service share my support for the project and that funds from this bill will be allocated as necessary to restore this project to a safe operational level, no attempt will be made to insist on inclusion of specific language in the Senate version of this bill. I do, however, fully expect that the intentions expressed regarding funding of the project by the Soil Conservation Service will be fulfilled.●

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, since no other amendments are in order except pay amendments, and they are not coming up until tomorrow, I ask unanimous consent that there be a brief period for the transaction of routine morning business to extend not past the hour of 7:15 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FORMER SENATOR MILTON YOUNG

Mr. THURMOND. Mr. President, it was with great sadness that I learned of the recent death of my former colleague, Senator Milton Young of North Dakota. To his lovely wife, Pat, and other family members, my wife Nancy and I extend our deepest sympathy.

I am certain that Milton Young will be remembered as one of the most effective Senators in the history of the U.S. Senate. His long and impressive career of public service began in 1924 when he was first elected to various local offices in his small hometown of Berlin, N. Dak. From there, Milton Young went on to become a representative in the North Dakota House and was subsequently elected to the State senate in 1934.

After serving in the North Dakota State Senate as majority leader and president pro tempore, Mr. Young was appointed to the U.S. Senate on March 14, 1945, and was later elected to that post in a special election in 1946. He was reelected in 1950, 1956, 1962, 1968, and 1974, as he completed 34 years of consecutive service in the Senate, a record that no other Republican Senator in history has ever matched.

In addition to that amazing record, Senator Young was never defeated for reelection in his six decades of public service, and in 1968 he received the highest percentage of votes of any Republican Senator having an opponent. The good people of North Dakota did well to select this outstanding man to represent them, and, indeed, he represented them well.

Throughout his tenure in the Senate, Senator Young was one of the most ardent supporters in this country of the small, family farm. In fact, he was often referred to as "Mister Wheat" for his deep and sustaining concern for our country's agricultural needs. Whether in his capacity as ranking member of the Appropriations Committee or in his position on the Agriculture Committee, the family farmer was his most important constitutent.

While many Senators probably remember Milton Young for his work on

behalf of farmers, I also remember him for his commitment to a strong national defense. When considering defense issues, Senator Young always handled himself in a bipartisan fashion, and he believed that America's precious freedoms deserved to be protected. I was and always will be grateful for his strong leadership in this vital area.

Although Senator Young could be steadfast on important issues, he always conducted himself as a kind and considerate gentleman. As secretary of the Republican Conference Committee, from 1946-1971, his concise and evenhanded approach to problems was respected and appreciated. In short, he was a dedicated and able Senator and a good friend who always displayed a friendly smile and an unassuming grace.

Near the close of his Senate career in 1980, Senator Milton Young was selected by the Senate to be President pro tempore for 1 day. My colleagues are to be commended for their nonpartisan spirit in extending this special tribute for the many exemplary contributions and accomplishments of Senator Young.

I am certain that I share the sentiments of many other Senators in saying that Milton Young was a great American, a true patriot, and a statesman who represented what he believed to be best for North Dakota and the United States.

LITHUANIAN DOMINATION BY U.S.S.R.

Mr. PRESSLER. Mr. President, June 15, 1983, marks the 43d anniversary of the forced incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union. I would like to offer a few remarks in honor of the courageous people of Lithuania.

On August 23, 1939, Hitler and Stalin, the leaders of Nazi Germany and the Soviet Union concluded a nonaggression treaty. On June 15, 1940, the results of this infamous Molotov-Ribbentrop Pact were seen as the Soviet Union forcefully invaded the Baltic States of Estonia, Latvia, and Lithuania with 300,000 soldiers supported by planes and armored forces. A mass deportation of hundreds of thousands of Lithuanians to Siberian concentration camps soon followed. Although the people of Lithuania and the other Baltic States have since been living under Soviet rule, they have continued to maintain their nationalistic spirit despite religious persecution and repression of their cultural, political, and language preferences.

The United States rightfully has never recognized the Soviet Union's violent and illegal annexation of Lithuania but continues to recognize the diplomatic corps established by the independent Lithuania. We have repeatedly seen in the many years since 1940 that our nonrecognition policy is a continuing symbol to the people of the Baltic States of hope for the future. It is a constant reminder that we have not forgotten them.

The Lithuanian-American Community of the U.S.A. urges the United States to insist that the following policies be adopted by the Soviet Union:

First. A lowering of the excessive tariffs imposed on parcels to relatives and friends residing in the Baltic States.

Second. An increase in the duration of the current 5-day tourist visa to a more reasonable limit.

Third. Elimination of unreasonable travel restrictions on tourists to Lithuania.

Fourth. Provision for Lithuanians to reunite with their families in other countries as provided by the Charter of the United Nations, which was signed by the U.S.S.R.

In many nations, suppression of human rights is prevalent but nowhere is it more total than in the Baltic States of Estonia, Latvia, and Lithuania. I salute the people of Lithuania and their descendants here in America, all of whom are determined to keep the spirit of freedom alive in their hearts and minds. The American people are aware of their struggles and yearnings for freedom, and we understand and sympathize.

DETROIT REPERTORY THEATRE SILVER SEASON

Mr. LEVIN. Mr. President, later this month the Detroit Repertory Theatre will conclude its silver anniversary season. I would like to take this time to note its achievements. During the past 25 years this company has brought quality theatrical productions, reflecting the concerns and character of the people of Michigan, to my State.

The Detroit Repertory Theatre, originally called the Millan Theatre Company, was founded in 1957 as a touring company of professional actors performing original musical dramas for children. In its first 10 years the company toured extensively, serving not only Michigan, but Indiana, Ohio, and Pennsylvania as well. It built a national reputation for children's drama of superior quality and great originality.

As the needs of the city of Detroit changed in the late 1960's, the company altered its goals, choosing to concentrate on adult theatre, and producing its first play, Moliere's Tartuffe, in 1968. The next 4 years were difficult and discouraging for the company; dispite the quality of the productions, audiences and funding were often meager. The staff developed innovative programs featuring jazz concerts and showings of films to ease these financial difficulties.

In 1972 the repertory received its first Government grant from the National Endowment for the Arts, and began a continuing trend of growth and success, of expansion and renovation. In spite of many obstacles, including a disasterous fire in 1979, the repertory has become nationally known for consistent excellence and creativity in theatre.

In addition to stage productions, the repertory sponsors free acting workshops, and the Michigan playwrights program, which enables Michigan writers to have their works performed by a professional company, and brought to the attention of theater goers throughout the region. Another successful public service sponsored by the repertory is the cultural fellowship program, designed to provide opportunities for handicapped and disadvantaged individuals to attend plays on a regular basis.

The inspiration, vision, and perserverance of artistic director Bruce E. Millan and Detroit Repertory's staff, actors, directors and board have made it a success. Michigan is proud to be the home to such a fine organization and I am proud to salute this outstanding theatrical company in this, their silver season.

EX-CIA HEAD NOW WORKS FOR NUCLEAR FREEZE AND WHY

Mr. PROXMIRE. Mr. President, no one can deny that the nuclear freeze movement has impressive popular support. Last year, American citizens had a chance to vote on the nuclear freeze in nine different referenda. Eight times they supported it, and usually, as in my State of Wisconsin, they supported it overwhelmingly. Thanks to this great popular support, a nuclear freeze resolution has passed the House of Representatives, and it passed decisively.

As I indicated yesterday, the political potency of the freeze was vividly demonstrated in the Wisconsin Democratic convention straw vote when Senator Alan Cranston, armed almost exclusively with his identification as Mr. Nuclear Freeze, defeated an overwhelming Wisconsin favorite, former Vice President Walter Mondale, last Saturday.

In view of the repeatedly demonstrated popular support for this nuclear freeze, is it not a cinch that our country will eventually adopt it? After all, we are a democracy. We are organized to provide rule by the people. So why is not the freeze inevitable? Here is why:

With all this potency, the nuclear freeze movement faces very powerful adversaries. The two newspapers that probably have the greatest clout in

Washington, the New York Times and the Washington Post, both oppose it. The President of the United States and his administration have tried their best at every turn to derail it. A big proportion of the most widely read and most influential newspaper columnists oppose it, and are trying their effective best to give it an extremist, pie-in-the-sky, idealistic caste. And of course the massive military-industrial complex, with its array of admirals, generals, corporation presidents, labor union leaders, and university nuclear-weapons researchers, has been performing right on the cue about which President Eisenhower so wisely warned us in his farewell address.

Is the military-industrial complex really this concerned now? Yes, indeed, and here is why:

New York Times reporter Charles Mohr reported the other day that without a freeze, even if we succeeded in working out a nuclear arms agreement with the Soviet Union, we would still spend an additional $50 billion a year on strategic weapons for each of the next 5 years.

Now, $50 billion per year is not exactly peanuts. That will buy a whale of a lot of jobs. It can make the difference between prosperity and deep, painful recession in a number of States and congressional districts. A nuclear freeze would end all this.

So the freeze had obvious and powerful popular support in this democracy. But it could fail because it does not have the political movers and shakers: the people in and out of Government with the power, and the economic interests who specialize in focusing on the power and winning.

Still, it has some impressive and highly knowledgeable supporters. Many of the retired military officials who no longer feel the tug of a Presidential leash—people such as Admiral Rickover and Admiral Gaylor, for example—have spoken out for stopping the nuclear arms race.

In the judgment of many perhaps the most surprising and the most effective supporter of the freeze is the former Chief of the Central Intelligence Agency, William Colby. Colby is no starry-eyed, unrealistic idealist. He is a tough, anti-Communist, experienced, thoroughly professional cold warrior. He thoroughly understands the cruel, hard, selfish, and opportunistic way in which the Soviet Union operates. Above all, he knows the limits and the possibilities of our intelligence, the extent to which it can inform the President and our military and civilian leaders about any Soviet strategic buildup.

Where does William Colby stand on the nuclear freeze? He is not just for it, maybe, or perhaps with modifications. He is for it—all out and enthusiastically. In fact, he is spending much of this time promoting the cause of the nuclear freeze, railying support around the country on it.

Would we take too big a gamble with a nuclear freeze because the Soviet Union would cheat, and then would our intelligence be able to detect the cheating and permit us to know about it in detail and on time? Well, what does Colby say? He says the Russians could not violate a freeze in a way that would constitute a serious threat to our security without our timely knowledge.

When Mr. Colby testified to that effect before the Defense Appropriations Subcommittee a month ago, none of the witnesses who appeared could refute him, although many of them disagreed, as did some members of the committee on the freeze itself. Intelligence verification lies at the heart of a successful freeze. Colby's assurance that we can depend on it is a vital reassurance.

Mr. President, the New York Times published an article in its Tuesday, June 14, issue about Mr. Colby's support of the nuclear freeze, and I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 14, 1983]

EX-CIA HEAD NOW WORKS FOR A NUCLEAR FREEZE

(By Phil Gailey)

WASHINGTON, June 13.—Eight years ago, while this city was undergoing its post-Watergate cleansing, William E. Colby did something unusual for a director of Central Intelligence.

He disclosed the agency's "family jewels," as its dark secrets and illegal activities were called by insiders, before a Senate committee. At the same time he turned over to the Justice Department the findings of an internal inquiry that led to the prosecution of Richard Helms, one of his predecessors, for lying to Congress about C.I.A. activities in Chile.

The agency's old guard reacted with harsh accusations and innuendoes. Some, including James J. Angleton, who had been ousted as head of counterintelligence by Mr. Colby, suggested at the time that he might be a Soviet mole; others accused Mr. Colby of paralyzing the agency's ability to conduct covert operations by kneeling before the Senate Select Committee on Intelligence as if it were, in the words of one former C.I.A. director, "a mourner's bench." President Ford asked for Mr. Colby's resignation in late 1975.

These days Mr. Colby, who practices international law here, is again playing a surprising role for a former director of Central Intelligence. He has joined the public debate on nuclear arms control on the side of the Catholic bishops and the nuclear freeze movement, and this has brought a new round of criticism of Mr. Colby by some of his old C.I.A. colleagues who never forgave him for opening the agency's black bag to the world.

KNOWN AS A "SOLDIER-PRIEST"

"My position is a little incongruous for a former C.I.A. man, and I understand that," he said, adding that, contrary to what some are saying, neither religion nor guilt brought him to his present view.

Still, friends and critics alike, including two former directors of Central Intelligence, suggest privately that Mr. Colby, known around the C.I.A. as the "soldier-priest," may be motivated in part by his deep commitment to his Roman Catholic faith and a sense of guilt from some of the most painful periods of his life.

After he was appointed C.I.A. Director in 1973, antiwar groups tacked up posters in Washington labeling Mr. Colby a "murderer" and war criminal for his role in directing Operation Phoenix, an effort to identify and recruit or imprison leaders of the Vietcong in South Vietnam. Some 20,000 Vietcong "suspects" were killed during the operation. Mr. Colby told a House committee that there had been some "excesses" despite his rules against illegal killings, but he insisted that the program had, on the whole, been successful.

Still, Mr. Colby was shaken by suggestions that he had condoned political assassinations. "How does it feel to be married to a war criminal?" he asked his wife when the posters went up.

His public tribulations were matched by his personal grief. In 1971 his eldest daughter died in Washington after a long illness, and friends say Mr. Colby, who was stationed in Vietnam during the years her health was deteriorating, felt a sense of guilt for not having spent more time with her.

PRACTICAL AND MORAL ASPECTS

Mr. Colby, whose poker player's face rarely betrays his emotions or private thoughts, nodded slightly as a reporter repeated this speculation about why he went from the cold to the freeze.

"If I were taking the other side, nobody would bat an eyebrow about it," he said. "I felt this way long before the bishops' letter came out and, in fact, I helped to some degree in explaining the issue to Catholic groups. I figure the priests can take care of the moral aspects and I'll talk about the practical aspects."

Mr. Colby, who is waging his personal freeze campaign on the speaking circuit and in newspaper columns, contends that his antinuclear activities are "a logical extension of what I was doing in the intelligence business."

He goes on: "At the C.I.A. it became obvious to me that the real function of intelligence is not to win battles but to help with the peace, to avoid the kind of destabilizing surprises that can occur. It is clear to me that the arms race has us on the verge of another one of these terrible destabilizing steps that is moving us toward a hair-trigger world with all this talk of launch under attack. My God, we're talking about the fate of the world."

If Mr. Colby's former colleagues in the intelligence community are perplexed by the latest public role of this man who calls himself "an unreconstructed cold warrior," so are some liberals who have welcomed him into the ranks of the nuclear freeze movement despite his support for the Reagan Administration's policies in El Salvador and his unwavering defense of American involvement in Vietnam.

James R. Schlesinger, a former C.I.A. director, said that the freeze movement, "if anything but a political gesture, could be detrimental to the overall military balance." He said he did not doubt his former colleague's sincerity, but, like some other members of the national security community, said he felt that Mr. Colby's words were taking a turn toward stridency.

Mr. Schlesinger, Secretary of Defense in the Nixon and Ford Administrations, said he read with dismay Mr. Colby's recent remarks to an antinuclear group at Georgetown University. Mr. Colby told that audience: "I think it's time for people to take this matter away from the priesthood that has gotten us into this mess and to simply insist that we stop building these things."

In an interview, Mr. Schlesinger said: "I get restless, and I suspect others do too, over firebrand comments about a supposed nuclear priesthood. Bill knows better than that. Discussions regarding nuclear strategy have been quite open, more so than in the intelligence matters, and Bill would properly resent casual remarks about an intelligence priesthood."

Whatever his motivation, Mr. Colby has not come lately to the arms control issue. He did some personal lobbying on Capitol Hill for the second treaty on limiting strategic arms that became a casualty of the Soviet intervention in Afghanistan, trying unsuccessfully to reassure Senator John Glenn, Democrat of Ohio, on his concerns about verification. Looking back, Mr. Colby says Senator Glenn's position had "a very large impact on the failure of Salt II." More recently, Mr. Colby has spoken out against the Reagan Administration's MX missile program.

DESCRIBED AS "ANTICHARISMATIC"

At the age of 63, Mr. Colby still fits his description of the perfect clandestine operative, "the traditional gray man, so inconspicuous that he can never catch the waiter's eye in a restaurant." Mr. Colby, a wiry man with a stern face and pale blue eyes framed by translucent pink glasses, has a reserve and quiet that are difficult to reconcile with the stories of his courage in World War II. His personality has been described as "anticharismatic."

Despite his unassuming physical profile, Mr. Colby has not been a man easily overlooked since he went before the Senate Select Committee on Intelligence in 1975 to confess the misdeeds of his agency.

Mr. Helms, the former C.I.A. director who gave Mr. Colby some key career breaks at the agency, has never forgiven his old colleague for handing over to the Justice Department evidence that forced him to enter into a plea bargain arrangement to avoid a perjury charge. Mr. Helms pleaded nolo contendere to a misdemeanor charge of testifying inaccurately and incompletely on C.I.A. activities in Chile.

Mr. Helms, who says he is proud to be known as the man who kept the secrets, said in a recent interview that he did not want "to reopen old wounds" by expressing an opinion on Mr. Colby's role in the arms control movement. Mr. Helms is a member of the Presidential commission that recently recommended deployment of the MX missile, and that, he said, was the limit of his involvement in the nuclear weapons issue.

"I have preferred to remain independent of politics," Mr. Helms said, letting the contrast speak for itself. "I haven't done a lot of public speaking. When it comes to the intricacies of weapons systems, I believe someone in my position can be humble about his 'knowledge."

LEVITICUS SUCCESSFUL

Mr. HOLLINGS. Mr. President, as the former chairman, and now ranking minority member of the Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Subcommittee, I have had the opportunity to closely observe our law enforcement efforts. As a nation, we have deliberately decided to distribute law enforcement between Federal, State, and local agencies. As any informed observer knows, this has often led to ultimate forms of creative tension as the various levels pursue the criminals who are unaffected by bureaucratic structures and restrictions. In our highly mobile and sophisticated society, our law enforcement agencies need to cooperate more than ever in order to effectively pursue their common enemy.

Our subcommittee long ago realized the need for greater cooperation, particularly the sharing of intelligence between State and local police units. The junior Senator from Arizona (Mr. DECONCINI) has been the chief spokesman, but the subcommittee, to a man, Democrat and Republican alike, has consistently supported the grants to the joint State and local law enforcement agencies. We have done this in spite of the constant opposition of the Department of Justice.

There are now seven multi-State agencies, including the Regional Organized Crime Intelligence Center which serves the Southeast; the Western State Information Network; the Rocky Mountain Information Network; the Mid-Atlantic-Great Lakes Organized Crime Law Enforcement Network; the New England State Police Administrative Council; the Mid-States Organized Crime Information Center; and Leviticus, a special operation that combats fraud in the coal industry in seven States. These networks were mainly formed to share information on drug trafficking but over the years they have expanded into other areas of law enforcement.

I have recently communicated with the members of the Regional Organized Crime Intelligence Center and am assembling information to report on the cooperation between the local police and our Federal law enforcement agencies. My initial reaction is that we are not getting the cooperation we need and that our local agencies depend on the ROCIC for the intelligence and other support they vitally require.

Mr. President, this week's edition of Newsweek contains an article on the success of the Leviticus operation that I mentioned earlier. I will ask unanimous consent that the article be printed at the conclusion of my remarks.

Leviticus, involving the States of Alabama, Georgia, Indiana, Kentucky, New York, Pennsylvania, and Virginia, is headed by the highly respected assistant district attorney of New York County, Matthew T. Crosson. Leviticus is filling a void in the enforcement of our tax laws that the Department of Justice ignored. With an investment of $2.3 million in grants from the appropriations our subcommittee supplied, Leviticus has uncovered $168 million in fraudulent investments. This article reinforces my strong interest in the multi-State intelligence networks and I am sure will give a lift to all the members of our subcommittee.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EAGLE EYE OF LEVITICUS

Thou shalt not defraud thy neighbor.—Lev. 19:13.

Not long after the federal government sweetened the tax laws to encourage investment in the coal industry, bunko artists took to the hills of Appalachia. They hijacked heavy equipment, sold bogus mineral leases and, most creatively, peddled phony tax shelters. For a time these coal-country criminals had the upper hand because they operated across boundaries that confounded local law-enforcement agencies: a typical scam would move from the hollows of Kentucky to the putting greens of the sun belt to the financial canyons of Manhattan. When the Department of Justice showed less interest in attacking these problems than some local officials thought appropriate, six coal-producing states and New York formed their own strike force. Three years and $2.3 million in federal grants later, the cooperating state prosecutors has charged 209 people, mostly for white-collar crimes. Last week they celebrated their greatest success to date when a state judge in New York sentenced five men for a tax-shelter fraud that may have cost the United States up to $20 million in taxes.

Fines: The states call their project Leviticus, after the third book of the Old Testament. Their computer-assisted experts in white-collar crime have uncovered $168 million in fraudulent investments on which the Internal Revenue Service may seek back taxes and fines. "We have proven that state and local law enforcement can manage collective investigations across state lines," says Matthew Crosson, the project's coordinator and deputy chief of the Manhattan district attorney's frauds bureau.

The men sentenced last week presented one of the most complicated challenges Leviticus has yet faced. Their scheme depended on bending the tax-shelter law, which permits investors to write off losses from their taxes; the catch is that the enterprises involved must stand a sporting chance of succeeding. Financiers Richard Firestone and Milton Dorison—later helped by two lawyers and two salesmen—sold $8.7 million worth of shares in a coal-mining venture but then allocated just 5 percent to actual development for mining operations. The key to the scheme was a presumption that no one would complain: the investors would get their lucrative tax write-offs, the conspirators would split the loot and the Treasury would never know what it missed.

The conspirators' mistake was trying to take advantage of a New York financial consultant named Eugene Foley who ran the Small Business Administration under John Kennedy. At Firestone's request, Foley prepared an opinion letter concerning Firestone's chances of obtaining government

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loans for a coal mine. His recommendation was included in Firestone's tax-shelter offering without permission. And when the angry Foley read a news account of the Leviticus project, he brought his suspicions to the Manhattan D.A.'s office.

Investigators traced back through the chain of sales and word-of-mouth recommendations to the venture's chief public official, general partner Peter Gettinger, and then to Firestone and Dorison. A team of New York detectives and accountants paid by Leviticus sifted through mounds of subpoenaed documents. Ultimately the hunt led to a network of offshore banks that, according to the prosecution, the conspirators passed their money through—both to hide it and, at other times, to "create the appearance of funds without there being funds," according to Crosson.

Appeal: The case went to a Manhattan jury on April 15—hardly a day to win sympathy from taxpayers. Defense lawyers stressed that the shelter and its promoters were well within the letter of the law, but the jury found Firestone, Dorison and Gettinger guilty on 25 counts of conspiracy, fraud, larceny and other business violations. Three other defendants were convicted on one or more of those charges. Firestone and Dorison drew the harshest sentences—including fines of $2 million each—but all six men plan to appeal, arguing that they should not have been tried together and that the case was too complicated to be heard by a jury.

Investors in the scheme, meanwhile, aren't sure how much they have lost. John Mienik of Manhasset, N.Y., invested $50,000 in the shelter—which gave him a $100,000 savings on his 1979 taxes. Now, after recalculating his write-offs, paying an interest charge and deducting that, Mienik appears to have lost $26,000. But he thinks he may have made some money with the extra $100,000 he had available to invest for two years. Still, Mienik now gives his tax-shelter work to a Wall Street brokerage less likely to fall prey to the silky blandishments of con men—or run afoul of Operation Leviticus.

BALTIC FREEDOM DAY

Mr. HOLLINGS. Mr. President, I was pleased to sponsor the resolution to proclaim June 14 as Baltic Freedom Day, in mournful observance of the criminal and inhuman transgressions committed against the Baltic peoples by the Soviet Union during and after World War II.

From 1940 to 1951 hundreds of thousands of Lithuanians, Latvians, and Estonians lost their lives and millions more lost their freedom when Stalin's regime overrun the Baltic States and began its reign of terror.

The tragic fate of the Baltic peoples at the hands of their Soviet oppressors should serve as a reminder that our vigilance against tyranny and totalitarianism must never cease.

It should serve as a stark reminder of what we stand for as a nation, of what makes us different in our competition with the Soviets, and why pursing a human rights policy is so important in our fight against repression, whether it be on the left or the right.

If we as Americans stand for anything, it is that all of us—all the world's peoples—should enjoy at least the basic human rights of liberty and freedom from violence and oppression. The grievous suffering and slaughter of the Lithuanians, Latvians, and Estonians is a tragic episode in history. It is a tragedy that continues today. Let this day serve as notice that it is a tragedy we shall never forget.

PLIGHT OF THE ETHIOPIAN JEWS

Mr. PROXMIRE. Mr. President, since the 15th century, the black Jews of Ethiopia have been the target of continuing harassment and torture.

Ethiopian leader after leader gave the black Jews a choice: Convert to Christianity or die.

Sources as diverse as the New York Times and Christian Century have reported that the pressures faced by these Jews have not eased with time. Jews in Ethiopia are the victims of constant and demoralizing attacks. They are sold by their countrymen as slaves, imprisoned for unfounded charges of conspiracy, and raped and beaten. The Ethiopian Government regularly confiscates the lands of the Ethiopian Jews and then forces these landless people to serve as sharecroppers who must turn over 75 percent of their crops to the state. It is no wonder that starvation prevails.

Ethiopian Jews are scattered among 490 small, poverty-stricken and remote villages—villages without any government schools and without doctors and hospitals.

Centuries ago the Ethiopian Jews were a flourishing community in excess of 500,000, and as late as 1900, 100,000 Jews still lived in Ethiopia. Now only 28,000 Jews remain in their Ethiopian homeland, and that number is rapidly declining. The Ethiopian Government seems intent on fulfilling its cruel goal, intent on inflicting more pain on these destitute people.

Despite documented evidence that the black Jews have lived in Ethiopia since the fourth century, most other Ethiopians refuse to acknowledge that these Jews are their countrymen. This is reflected even in the derogatory name the Ethiopians call these Jews—Falashas—which means "strangers" or "intruders" in their native tongue.

The Ethiopian Jews have asked for help from the rest of the world. Unable to emigrate, these Jews are living in a hostile land where they are brutally oppressed.

The U.S. Government and the American people cannot sit by idly while the Ethiopian Jews suffer and are killed.

The first step the United States must take to help the Ethiopian Jews is to ratify the Genocide Convention. Although not a panacea, the International Genocide Treaty, which has already been ratified by over 90 countries, proclaims genocide an international crime and protects mankind's most fundamental right—the right to live.

It is a disgrace that the United States remains the only major nation which has not ratified this treaty. While Americans profess great respect for human rights, when the American Government attempts to defend the rights of oppressed minorities like the Jews in Ethiopia, onlookers and oppressors alike are quick to notice the hypocrisy of our position: We are leading a battle against genocide yet have failed to ratify a vital genocide treaty. U.S. efforts to promote better human rights and curb ever-present genocide cannot and will not be credible until we ratify the convention.

I urge my colleagues to support this document and act on it without delay.

CLOSING OF AGRICULTURAL COOPERATIVE SERVICE FIELD OFFICE IN NORTHERN NEW ENGLAND

Mr. MITCHELL. Mr. President, on May 7, I attended the dedication of a potato growers cooperative storage and packing facility in Fort Kent, Maine. The opening of the Fort Kent facility represents a significant step forward for potato growers in the region for it demonstrates that they can work together to insure both their short- and long-term prosperity. This facility also is a concrete example of the many contributions which the northern New England field office of the Agricultural Cooperative Service has made to the economic well-being of farmers in Maine, Vermont, and New Hampshire.

Since 1980, Mr. Gerald Ely, the cooperative specialist in the field office, has provided valuable assistance to New England farmers in the areas of marketing research, management, and director training, quality control, and financial, and legal aspects of cooperative activity. In Maine, he has helped organize two potato cooperatives which are projected to generate $2 million per year as a result of his efforts to improve quality control and marketing initiatives. He has also worked with the forest product marketing and management cooperative of Dover-Foxcroft and two fisheries organizations in Vinalhaven and Boothbay. Mr. Ely has worked closely with the Merrimack Growers Cooperative in New Hampshire and the Vermont Northern Growers Cooperative in marketing of fresh produce through three seasonal retail vegetable outlets. This work, in short, has helped to establish New England agricultural cooperatives as one of the few vehicles which will enable small family farmers to survive.

Because of these many contributions made by the New England Agricultural Cooperative Service field office, I was distressed to learn that the Department of Agriculture is closing this office. I have received many letters and calls seeking to determine if the office can be saved. I joined with my colleagues from Maine, Representatives SNOWE and MCKERNAN, and with Senators HUMPHREY and LEAHY and Representatives D'AMOURS and JEFFORDS from New Hampshire and Vermont in sending a letter to Secretary Block to see if the office could be maintained. The Maine commissioner of agriculture, Mr. Stewart Smith, has offered to provide office support to help defray the cost of maintaining the field office in Augusta. All of this is to no avail; the USDA has continued to move to close this office.

The rationale for the USDA action is, quite frankly, not convincing. The New England field office has received and granted a significant number of technical assistance requests involving long-term, comprehensive assistance to farmers seeking to establish cooperatives. The New England office fares quite well in comparison to the other offices. In the period from 1980 to the end of 1982, the New England office handled 10 requests for technical assistance from farmer groups. In this same period the Kentucky office has received 10, the North Carolina office received 12, and the California and Arkansas offices received 9 requests each. Last year, a new office was opened in Hawaii. This year, the USDA has proposed to close the California and Arkansas offices along with the New England office leaving open the new office in Hawaii and the Kentucky and North Carolina offices. Clearly, the New England office has generated comparable workload responsibilities as have the other field offices. Furthermore, the costs of operating the New England office is not great in relationship to the benefits which come with maintenance of this office. To keep it open the USDA would need to allocate only about $55,000 per year.

The advantage of having on hand for easy consultation both in person or by phone a qualified cooperative specialist like Mr. Ely is tremendous compared with the requirement of having to contact Washington, D.C., as proposed by the Agricultural Cooperative Service. By removing this office, there will be no specialist in New England available to assist small farmers. And, no matter how anxious the ACS office in Washington is willing to help, it will not be able to devote the same time and individual attention to the problems of New England farmers as can a specialist on hand in the region. Furthermore, Washington is far away both geographically and attitudinally from northern New England.

In my view, the closing of this office is extremely shortsighted. It is a great disappointment to me that the Agriculture Appropriations Subcommittee would not reverse the administration decision to close this office. In a bill of over $15.6 billion, $55,000 cannot be found to support an office which would help the small family farms of northern New England. Such budget cutting is truly penny-wise and pound-foolish. By hurting the small farmer, it hurts the economies of the northern New England States. I will, however, continue in my efforts to find funds to reopen the cooperative office in New England.

WEIRTON ESOP

Mr. LONG. Mr. President, last night, I had the great honor of addressing the annual business meeting of the Weirton, W. Va., Chamber of Commerce. The community of Weirton is in the midst of negotiations with National Steel to utilize an employee stock ownership plan (ESOP) to acquire the Weirton division.

Due to my support of ESOP's, the chamber of commerce asked that I address their membership.

This community has shown great courage and, I think, great foresight in moving forward with their proposal to acquire that facility in Weirton, and I know that my colleagues join me in wishing them the best of luck in their endeavor.

Mr. President, I ask unanimous consent that the text of my remarks be entered into the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR RUSSELL B. LONG TO THE WEIRTON CHAMBER OF COMMERCE, JUNE 14, 1983

You have come a long way since that bleak day back in March of last year when National Steel indicated their intention to cease operations here in Weirton. At that time, the possibility of closing the Weirton facility was very real. And the chances of a successful employee buyout must have seemed extremely remote.

But now—fifteen months later—you are on the verge of success. You are on the threshold of creating something that will not only give new life to the Weirton community but will also serve as a beacon of hope to people in distressed communities all across this nation.

You will be doing more than saving jobs—although that's important. And you will be doing more than keeping your community alive—though that too is a measure of the magnitude of your success.

If you are successful—and I think you will be—your example can prove to others all across this country how a community can pull together to survive and to prosper.

Before leaving Washington this afternoon, I was looking through my files at several photographs taken here in Weirton over these last fifteen months.

One photo from your July 4th parade showed the winning float—a crepe paper halfback charging across the goal line with a football marked "ESOP".

Another was a picture of a local rock and roll band that cut a record titled "We Can Do It" and dedicated the proceeds to the Joint Study Committee.

A third showed a picture of several Weirton children in Halloween costume raising money with a neighborhood parade for the ESOP.

Later today, on the drive in from Pittsburgh, I couldn't help but notice the many references to the ESOP:

Billboards mentioning the ESOP.

Banners praising the ESOP.

Posters supporting the ESOP.

Local merchants with signs in their windows favoring the ESOP.

I think this is great. When it comes to ESOPs, my philosophy is simple: anything you can do is great. And the more you can do the better.

The Weirton community's all-out support for the ESOP reminds me of that great American philosopher, Mae West, who once said, "Too much of anything is simply marvelous."

Over the past ten years, we have had some success at enacting laws designed to encourage ESOPs. And I am proud to have played a part in sponsoring much of that legislation.

I am happy to report that your two fine Senators—Jennings Randolph and Robert Byrd—have been instrumental in helping secure the passage of this ESOP legislation. My good friend Jennings Randolph has announced his retirement effective the end of this Congress.

He has had a long and distinguished career in the Senate, and he will be sorely missed. However, I have every reason to believe that the next West Virginian sent to the Senate will also be an active ESOP supporter.

Your junior Senator—Bob Byrd—has served as the Democratic leader of the U.S. Senate for many years now. Already he has helped overcome environmental problems that stood in your way. He is strongly for what you are doing and I am proud to be his associate in this undertaking.

I am confident that Congress will continue to encourage employee stock ownership. ESOPs are not really a new concept. They are as old fashioned as the idea of people working together.

Employee stock ownership provides a way to bring out the very best that the American worker has to offer.

It offers the employees the opportunity to build for themselves a better life and to own what they have built.

As at Weirton, the United States is blessed with an increasisngly well-educated work force—a work force that is highly skilled and highly trained—and, not surprisingly, a work force that has brought with it an increase in expectations.

Americans want to work and they expect good pay. But they also want a sense of achievement, as well as recognition and challenge. People want—and need—an awareness of their importance to the process.

Today's farsighted managers understand this. They understand that you can't expect people to behave like responsible, dedicated workers unless they are treated as valuable players on the team.

Today's best management also understands that people need to share in the success that they are expected to help create. Certainly those who help to make the economic pie are entitled to a slice of it. But they are also entitled to own a piece of the pie-making machinery.

I am convinced of the many benefits that capitalism has to offer. There is no doubt in my mind that free enterprise is better than any other system. But that does not mean it can't be improved upon.

One of the primary improvements we could make is to ensure that as this capitalist system of ours creates more new capital that it creates more new capitalists as well.

It comes as a great surprise to most people to discover just how few capitalists there really are in this great free enterprise economy of ours. Less than one percent of our people own over fifty percent of all individually-held corporate stock. More than 80 percent of Americans own no corporate stock whatever.

For most American families their most important "wealth" is now their entitlements under Social Security. Thus, for most Americans, their most important asset is an assurance that their children will be taxed on their behalf.

That is a long, long way down the wrong road for an economy that prides itself on a heritage of private property.

This ownership issue goes to the very heart of just what sort of economic system we mean to have in the United States—and just what sort of system we intend to leave for future generations of Americans.

For our economic policy to maintain—and encourage—a concentrated pattern of capital ownership is an extraordinarily shortsighted strategy. It is a particularly shortsighted strategy for a nation that hopes to see its way of doing business prevail throughout the world.

We are trying to prevent socialism and communism from taking over Latin America, and from taking over in Asia, Europe and Africa. If we are to be successful, we need to provide a working model of what we would advocate for all to see.

Rather than simply making the rich even richer—and I am sorry to report that that was largely the effect of the huge tax cut enacted in the last Congress—wouldn't we be better off working to see to it that more and more Americans have an opportunity to share in the bountiful potential of this great nation?

If we had such a model—and I think Weirton can be such a model—other nations would be more likely to follow our lead.

Secretary of State Schultz recently suggested that this nation needs programs that will enable us to "get ahead of history." Employee stock ownership is just such a program.

Full employment of our labor resources is important—but that policy should be expanded to include widespread ownership of our capital resources. The combination of those two policies would go a long way in providing a firm foundation for future economic growth that would be fairly shared.

What could be a better answer to the unfulfilled promise of communism?

By moving in the direction of more widespread employee ownership, we would be making good on our promise of a better life for our people while challenging other nations to do likewise. And lesser developed nations would be encouraged to move our way rather than seek the false hope that lies down the socialist path.

ESOPs can change the way in which others view our system. In much of the world, capitalism is portrayed simply as a system in which most of the productive wealth is held by a privileged few.

The solution lies not in destroying private property but in making it possible for everyone to become an owner of some of it.

The ESOP concept is difficult to classify. There are those who will tell you that ESOPs are very conservative. After all, what could be more conservative than "every man a capitalist"? And there are those who will tell you that ESOPs are very liberal. What could be more liberal than cutting the working man in on a piece of the action?

I recall that Adial Stevenson was once asked whether he was a liberal or a conservative; Governor Stevenson's response seems custom-made for those trying to pigeonhole the Weirton ESOP. Governor Stevenson replied that the issue was not whether he was liberal or conservative. The question, he said, is "Am I headed in the right direction?"

Employee stock ownership is the right direction. You are on the verge of making the right decision in choosing to save your jobs—and save this valley—with an employee stock ownership plan.

Of course, the ESOP alone is not going to save Weirton. The ESOP is a financing technique, and the tax incentives it offers can help to make the acquisition possible.

But you are still going to have to produce a high quality product. And you will still have to meet the competition if you are going to sell what you produce. Fortunately, you have what it takes to make it go. Weirton has a proud hertiage of high quality production. Your fine reputation is widely known and richly deserved.

The Weirton community has shown that it is willing to do whatever it takes to make this a success, so be good to one another. Continue that spirit of cooperation and compromise that has made all this possible. Nourish your new company with dedication and craftsmanship. Prune it of waste and eliminate poor workmanship wherever it appears.

It's going to take that extra effort, and that extra attention to detail that separates the merely good from the truly excellent. We all know that you can make it. Some of the best minds in the financial world think so too.

Finally, let me congratulate everyone who has played a part in this courageous endeavor.

Your efforts are a source of pride and inspiration. The world is going to be watching Weirton. I know that people everywhere join me in wishing you the best of luck in the hope that you will grow and prosper.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1076. An act to strengthen the domestic water borne commerce of the United States.

The message also announced that the House has agreed to the following resolution:

H. Res. 232. Resolution electing the Honorable Jim Wright as Speaker pro tempore during the absence of the Speaker.

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1076. An act to strengthen the water borne commerce of the United States; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1237. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State transmitting, pursuant to law, copies of international agreements other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-1238. A communication from the Associate Dean for Operations, Uniformed Services University of the Health Sciences, Department of Defense transmitting, pursuant to law, the annual pension report for the Uniformed Services University of the Health Sciences; to the Committee on Governmental Affairs.

EC-1239. A communication from the Director of Nonappropriated Fund Financial Management, Department of the Army transmitting, pursuant to law, the report for the U.S. Army nonappropriated fund (NAF) employee retirement plan for the fiscal year ending September 30, 1982; to the Committee on Governmental Affairs.

EC-1240. A communication from the Executive Director of the President's Commission on Executive Exchange transmitting a draft of proposed legislation to repeal the termination provision on use of participation fees by the President's Commission on Executive Exchange; to the Committee on Governmental Affairs.

EC-1241. A communication from the Acting Administrator of the General Services Administration, transmitting pursuant to law, a report on the cost of travel and of operating privately owned vehicles to Government employees while engaged on official business; to the Committee on Governmental Affairs.

EC-1242. A communication from the United States of America Postal Rate Commission transmitting, pursuant to law, the Opinion and Recommended Decision on Elimination of the Aggregate Letter Rule; to the Committee on Governmental Affairs.

EC-1243. A communication from the Chairman of the Board of Directors, Washington Metropolitan Area Transit Authority transmitting, pursuant to law, the 16th annual report of the Washington Metropolitan Area Transit Authority; to the Committee on Governmental Affairs.

EC-1244. A communication from the Assistant Secretary for Health, Department of Health and Human Services transmitting, pursuant to law, two copies of a report on a new system of records: Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development; to the Committee on Governmental Affairs.

EC-1245. A communication from the Administrator of the Veterans' Administration, transmitting, pursuant to law, the semiannual report of the Veterans' Administration Inspector General for the period October 1, 1982 through March 31, 1983; to the Committee on Governmental Affairs.

EC-1246. A communication from the Secretary of Defense, transmitting pursuant to law, the semiannual report on audit, inspection and investigative operations in the Department of Defense for the period ending March 31, 1983; to the Committee on Governmental Affairs.

EC-1247. A communication from the Administrator of the Office of Federal Procurement Policy, transmitting pursuant to law, a report on the major activities of the Office of Federal Procurement Policy for the period October 1, 1980 through December 31, 1982; to the Committee on Governmental Affairs.

EC-1248. A communication from the Inspector General, Department of Health and Human Services, transmitting a report entitled "False identification—The Problem and Technological Options"; to the Committee on Governmental Affairs.

EC-1249. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the abbreviated annual report of the Inspector General for the period January 1 through September 30, 1982; to the Committee on Governmental Affairs.

EC-1250. A communication from the Secretary of the Department of Agriculture transmitting, pursuant to law, the semiannual report of the Inspector General covering the period October 1, 1982 through March 31, 1983; to the Committee on Governmental Affairs.

EC-1251. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation to amend section 3109 of title 5, United States Code, to clarify the authority for the appointment and compensation of experts and consultants as Federal employees, and for other purposes; to the Committee on Governmental Affairs.

EC-1252. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Inspector General, Agency for International Development for the period October 1, 1982 through March 31, 1983; to the Committee on Governmental Affairs.

EC-1253. A communication from the Secretary of the Department of Health and Human Services transmitting a proposed draft of legislation that would be cited as "Refugee Assistance Amendments of 1983"; to the Committee on the Judiciary.

EC-1254. A communication from the Director of the Federal Prison System, Department of Justice transmitting, pursuant to law, a copy of the 1982 Federal Prison Industries, Inc., Board of Directors' annual report to Congress for calendar year 1982; to the Committee on the Judiciary.

EC-1255. A communication from the Assistant Attorney General, Antitrust Division of the Department of Justice, transmitting, a report on identical bidding in advertised public procurement; to the Committee on the Judiciary.

EC-1256. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation; to the Committee on the Judiciary.

EC-1257. A communication from the Chairman of the National Commission for Employment Policy, transmitting the "Eighth Annual Report; The Work Evolution; to the Committee on Labor and Human Resources.

EC-1258. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report of the National Science Foundation Committee on Equal Opportunities in Science and Technology; to the Committee on Labor and Human Resources.

EC-1259. A communication from the Secretary of the Department of Health and Human Services transmitting, pursuant to law, the fifth report to Congress from the National Center for the Prevention and Control of Rape; to the Committee on Labor and Human Resources.

EC-1260. A communication from the Secretary of Education, transmitting, pursuant to law, an annual report on the National Technical Institute for the Deaf for fiscal year 1982; to the Committee on Labor and Human Resources.

EC-1261. A communication from the Office of the General Counsel of the Department of Defense transmitting a proposed draft of legislation to increase the number of Assistant Secretaries in the Department of Defense; to the Committee on Armed Services.

EC-1262. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Review of the Federal Housing Administration Fund's Financial Statements for the Year Ended September 30, 1981"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1263. A communication from the Chairman of the Board of the U.S. Synthetic Fuels Corporation transmitting, pursuant to law, the U.S. Synthetic Fuels Corporation quarterly report for the quarter ended March 31, 1983; to the Committee on Energy and Natural Resources.

EC-1264. A communication from the District of Columbia Auditor, transmitting a report entitled "Allegations Regarding Ticket Fixing and Improper Release From Impoundment by the Department of Transportation Officials"; to the Committee on Governmental Affairs.

EC-1265. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Capital Improvements Program Borrowing"; to the Committee on Governmental Affairs.

EC-1266. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Revenue Report for April 1983"; to the Committee on Governmental Affairs.

EC-1267. A communication from the Director of the Office of Management and Budget, transmitting a draft of proposed legislation to simplify the authorizations for reduced-rate postage supported through appropriated funds, to enable the extent of public support for eligible mailings to be more visible and more easily understood by the public, and for other purposes; to the Committee on Governmental Affairs.

EC-1268. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cummulative report on recissions and deferrals dated June 1, 1983, pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Labor and Human Resources, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Finance, the Committee on Veterans Affairs, the Committee on Governmental Affairs, and the Committee on Small Business.

EC-1269. A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation amending the Disaster Relief Act of 1974; to the Committee on Environment and Public Works.

EC-1270. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the "Alcoholic Beverage Control Amendments Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1271. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the "D.C. Municipal Regulations Publication Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1272. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the "D.C. Election Code of 1955 and Related Election Practices Amendments Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1273. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Cable Television Communications Act of 1981 Amendment Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1274. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Technical and Clarifying Amendments Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1275. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Van Dyke Allen Court Designation Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1276. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Solid Waste Regulations Amendments Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1277. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Day Care Policy Act of 1979 Amendment Act of 1983" and report; to the Committee on Governmental Affairs.

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EC-1278. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Firearms Control Regulations Act of 1975 Amendments Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1279. A communication from the Special Counsel of the Merit Systems Protection Board transmitting, pursuant to law, the annual report to Congress covering the activities of the Office of the Special Counsel of the U.S. Merit Systems Protection Board for calendar year 1982; to the Committee on Governmental Affairs.

EC-1280. A communication from the Assistant Secretary for Health, Department of Health and Human Services transmitting, pursuant to law, two copies of a report on an altered system of records; "Clinical Research: Division of Cancer Biology and Diagnosis Patient Trials"; to the Committee on Governmental Affairs.

EC-1281. A communication from the Assistant Secretary for Health, Department of Health and Human Services transmitting, pursuant to law, two copies of a report on an altered system of records: "Participants in Drug Abuse Research Studies, Supporting New Drug Applications"; to the Committee on Governmental Affairs.

EC-1282. A communication from the Architect of the Capitol transmitting, pursuant to law, a report on all expenditures from moneys appropriated to the Architect for the period October 1, 1982 through March 31, 1983; to the Committee on Appropriations.

MEASURE PLACED ON THE CALENDAR

Under the authority of the order of the Senate of April 21, 1983, the Committee on Labor and Human Resources was discharged from the consideration of the following bill, and the bill was placed on the calendar:

S. 724. A bill to authorize the United States Army Corps of Engineers to undertake activities to provide new public works investment, grants to the several States to encourage and foster the construction of necessary public capital investment projects, to assist in creating new and productive jobs, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Lt. Gen. Howard W. Leaf, U.S. Air Force, to be reassigned in the grade of lieutenant general and to be Senior U.S. Air Force Member of the Military Staff Committee of the United Nations and Lt. Gen. Oren E. DeHaven, U.S. Army, (age 58) to be placed on the retired list. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Army there are 26 appointments to the grade of colonel and below (list begins with Armand N. Jalbert) and the Marine Corps there are 49 appointments to the grade of second lieutenant (list begins with David E. Adams II). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be orderd to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of June 7, 1983, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 1474. A bill to amend title 10, United States Code, to authorize the use of post and base exchanges and commissary stores by persons who, but for age, would be entitled to retired pay under chapter 67 of such title; to the Committee on Armed Services.

By Mr. WALLOP (for himself, Mr. BOREN, Mr. GRASSLEY, Mr. PRYOR, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. PRESSLER, and Mr. HUDDLESTON):

S. 1475. A bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States; to the Committee on Finance.

By Mr. JOHNSTON:

S. 1476. A bill to provide for a temporary suspension of the duty on 6-amino-1-naphthol-3-sulfonic acid until January 1, 1986; to the Committee on Finance.

S. 1477. A bill to provide for temporary suspension of the duty on 2-(4-aminophenyl) - 6 - methylbenzothiazole - 7 - sulfonic acid until January 1, 1986; to the Committee on Finance.

By Mr. JOHNSTON (for himself and Mr. LEVIN):

S. 1478. A bill to provide for a 3-year suspension of the duty on B-naphthol; to the Committee on Finance.

By Mr. LONG (for himself and Mr. JOHNSTON):

S. 1479. A bill to provide for the striking of medals to commemorate the Louisiana World Exposition; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY:

S. 1480. A bill to reduce temporarily the duty on caffeine; to the Committee on Finance.

S. 1481. A bill to suspend the duty on sulfanilamide until the close of December 31, 1986; to the Committee on Finance.

S. 1482. A bill to suspend duty on sulfaquinoxaline until the close of December 31, 1986; to the Committee on Finance.

S. 1483. A bill to suspend the duty on sulfaquanidine until the close of December 31, 1986; to the Committee on Finance.

S. 1484. A bill to suspend the duty on sulfamethazine until the close of December 31, 1986; to the Committee on Finance.

S. 1485. A bill to suspend the duty on sulfathiazole until the close of December 31, 1986; to the Committee on Finance.

By Mr. DANFORTH:

S. 1486. A bill relating to the duty-free entry of certain scientific equipment imported for the use of the Ellis Fischel State Cancer Hospital, Columbia, Mo.; to the Committee on Finance.

By Mr. PRESSLER:

S. 1487. A bill to amend title 10 of the United States Code to allow reserve commissioned officers to be promoted to, or recognized in, a higher reserve grade while serving on active duty; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JACKSON (for himself and Mr. MATHIAS):

S. Res. 158. Resolution expressing the sense of the Senate that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America; submitted and read.

By Mr. GLENN:

S. Con. Res. 45. Concurrent resolution expressing the sense of the Senate that the Republic of South Africa should cease its "blackspot" policy of forcibly removing black South Africans from their legally acquired residences and relocating them; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES:

S. 1474. A bill to amend title 10, United States Code, to authorize the use of post and base exchanges and commissary stores by persons who, but for age, would be entitled to retired pay under chapter 67 of such title; to the Committee on Armed Services.

EXTENSION OF COMMISSARY PRIVILEGES TO CERTAIN RETIREES

● Mr. SARBANES. Mr. President, I have today introduced legislation designed to make service in the Reserve and Guard components of our Armed Forces more attractive as a secondary career choice. This measure provides for the extension of commissary and base or post exchange access for those members who have completed all statutory requirements for retirement as contained in 10 U.S.C. 67 except for attaining the age of 60.

Under the present retirement system, a member of the Guard or Reserve is mandatorily retired after the completion of 30 years of satisfactory Federal service. Where personnel began their military duty following completion of high school or college, this forced retirement procedure will characteristically take place when the member reaches the age of 50. During the period between the point when the guardsman or reservist completes his

service and the point where he or she is again permitted the use of these base facilities, they are essentially shut out and cut off from the service and a way of life to which they have devoted 30 years. This measure is designed to both increase the incentive to remain in these units and to remedy the unfair situation that now exists. This modification would entail no significant additional costs to the Government nor would it adversely impact upon the present commissary or exchange systems.

Mr. President, our Reserve and Guard components are an integral part of our defense capability. In a time of national emergency, these units will be required to shoulder much of the burden of our defense needs and to provide thousands of experienced and trained personnel to respond to the Nation's call. This legislation will provide an added incentive for people to enter the Reserve and Guard and to complete a full commitment to a Guard or Reserve unit. I feel this measure is an essential element in maintaining a skilled and Ready Reserve and Guard and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1032. Post exchange and commissary store privileges for certain nonregular members of the armed forces

"Subject to such rules and regulations as the Secretary concerned may prescribe, a member of the armed forces who has met all the requirements for retired pay under chapter 67 of this title except for attaining 60 years of age shall be entitled to use the services and facilities of post or base exchanges and commissary stores operated under the jurisdiction of any military department.".

(b) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end thereof the following new item:

"103. Post exchange and commissary store privileges for certain nonregular members of the armed forces.".●

By Mr. WALLOP (for himself, Mr. BOREN, Mr. GRASSLEY, Mr. PRYOR, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. PRESSLER, and Mr. HUDDLESTON):

S. 1475. A bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in heavy trucks; to the Committee on Finance.

HIGHWAY USE TAX EQUALIZATION ACT OF 1983

Mr. WALLOP. Mr. President, today I am introducing the Highway Use Tax Equalization Act of 1983, on behalf of myself, the distinguished Senator from Oklahoma (Mr. BOREN) and others. This proposal would repeal the burdensome heavy vehicle user fees which were heaped on the back of the American trucking industry when the 97th Congress passed the Surface Transportation Assistance Act of 1982.

I do believe truckers and all other classes of highway users should pay their share toward maintaining, repairing, and constructing our Nation's highway network—but only their fair share. Under the Surface Transportation Assistance Act, the Nation's truckers will see their use tax increase by 800 percent, going from $240 to $1,900 per year by 1988. But they, too, believe they should pay their fair share, and indeed our proposal, which would replace the user fee tax concept with a pay-as-you-go system, is enthusiastically supported by the American Trucking Association. It would accomplish this by eliminating the heavy truck use tax and replace it with an increase in the diesel fuel tax imposed only on vehicles weighing over 10,000 pounds, or what is called a diesel differential.

The bill would tax diesel fuel an additional 3 cents on July 1, 1983, and 2 more cents on July 1, 1984. So, in 1983, we would end up with a diesel tax of 12 cents a gallon and in 1984 it would increase to 14 cents a gallon. The tax on gasoline and diesel used in automobiles, pickups, and vans under 10,000 pounds would remain at 9 cents and would not be affected by this proposal.

By reestablishing the pay-as-you-go system, a vehicle traveling 20,000 miles a year on our Nation's transportation network would pay, and should pay more than the truck traveling only 10,000 miles. The Surface Transportation Assistance Act changed the pay-as-you-go system to a tax on the gross weight of the vehicle, or a pay-whether-or-not-you-go system which amounts to not much more than a Federal property tax.

We do not, by this legislation, mean to reduce the financial obligation of the trucking industry with respect to the maintenance of our highway system. And while preliminary revenue estimates for this legislation fall somewhat short of the mark, I do expect that obligation will be fulfilled as the bill progresses through the legislative process. Overall, I believe this measure will provide an equitable solution to maintaining the safety standards for America's highways and bridges while at the same time boosting the fragile financial health of a critical American industry.

Frankly, Mr. President, I stated earlier that all highway users should pay their fair share to the upkeep of our Nation's highways. I did vote against the Surface Transportation Assistance Act, as did many of my colleagues, not because I was against road repairs, but because I believed the trucking industry could not financially stay afloat under the weight of increased heavy vehicle use taxes. If I may, I would like to defer to the wisdom expressed by an old Wyoming rancher that "You can learn very little extra from the second kick of a mule." Our highways need repairing—that is a plain fact. But, to make these repairs on the back of an industry which is still struggling to land feet first on the balance sheet after 3 years of deregulation would be the final kick I am afraid.

To bring this point home, I would like to highlight some rather startling facts about the trucking industry. In 1982, the motor carrier industry suffered its worst financial results in history. Of the top 100 carriers by revenue, 45 had net losses in 1982. The profit margin of those firms was .42 of 1 percent and their return on equity was 2.19 percent compared to 11.10 percent in 1981.

The figures get worse. For example, based on final net income, almost 43 percent of the carriers ended 1982 with a net loss. In the fourth quarter of 1982 specifically, 59 percent of all carriers experienced losses in operating their trucking business. This is in conjunction with 300 major carriers, employing 55,800 which have gone out of business altogether, are in chapter 11 bankruptcy, or have reduced or altered service since July 1980. And, even now, the trucking industry—without the user fee increase contained in the Surface Transportation Assistance Act—pays income taxes at the second highest effective rate of 46.1 percent in a group of 22 industries according to the Joint Committee on Taxation.

Many trucking companies in my State of Wyoming reflect these gruesome financial facts of life. Just yesterday I received the 1982 annual report of a trucking firm in my State which saw a 13.5-percent decrease in revenues. The book value per share of this company's common stock fell from over $3.50 to slightly below 50 cents during this last year. When you compare this value to the pre-deregulation book value of almost $7 in 1978, that is quite a plunge in 4 years time.

In closing, I would like to mention a statement included in a recent issue of the Wyoming Trucker magazine which many truckers believe today. This statement is from a lobbyist in the railroad industry who was quoted as saying:

> We're waiting like a hawk on a barn roof. Rail deregulation has helped the most, but this new law (the Surface Transportation Assistance Act) will help, too.

These words illustrate just how financially fragile the American truck-

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ing industry is now, and will continue to be, if the heavy truck taxes remain on the books.

I urge my colleagues to support the Highway Use Tax Equalization Act of 1983. Let us not contribute in hammering home the final nail into the coffin of a truly vital American industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highway Use Tax Equalization Act of 1983".

SEC. 2. REPEAL OF THE HIGHWAY USE TAX.

(a) IN GENERAL.—Subchapter D of chapter 32 of the Internal Revenue Code of 1954 (relating to the tax on the use of certain vehicles) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6156 of such Code (relating to installment payment of highway use tax) is hereby repealed.

(2) The table of subchapters of chapter 36 of such Code is amended by striking out the item relating to subchapter D.

(3) The table of sections of subchapter A of chapter 62 of such Code is amended by striking out the item relating to section 6156.

(4) Paragraph (2) of section 6601 of such Code (relating to installment payments) is amended—

(A) by striking out ", 6156 (a),", and

(B) by striking out ", 6156 (b),".

SEC. 3. INCREASE IN DIESEL FUEL TAX.

(a) INCREASE IN 1983.—

(1) IN GENERAL.—Paragraph (1) of section 4041 (a) of the Internal Revenue Code of 1954 (relating to diesel fuel) is amended by striking out "9 cents" and inserting in lieu thereof "12 cents".

(2) GASOHOL.—Paragraph (1) of section 4041 (k) of such Code (relating to fuels containing alcohol) is amended to read as follows:

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of the sale or use of any liquid fuel at least 10 percent of which consists of alcohol (as defined in section 4081 (c) (3))—

"(A) subsection (a) (1) shall be applied by substituting '7 cents' for '12 cents' each place it appears, and

"(B) no tax shall be imposed by subsection (c).".

(b) INCREASE IN 1984.—

(1) IN GENERAL.—Paragraph (1) of section 4041 (a) of such Code, as amended by subsection (a) (1), is further amended by striking out "12 cents" and inserting in lieu thereof "14 cents".

(2) GASOHOL.—Subparagraph (A) of section 4041 (k) of such Code, as amended by subsection (a) (2), is further amended—

(A) by striking out "7 cents" and inserting in lieu thereof "9 cents", and

(B) by striking out "12 cents" and inserting in lieu thereof "14 cents".

(c) SPECIAL RULE FOR DIESEL FUEL USED IN AUTOMOBILES AND LIGHT TRUCKS.—The Secretary shall by regulation prescribe a means whereby the additional tax imposed by this Act shall not apply to fuel otherwise subject to this Act used in a highway vehicle which has a gross vehicle weight rating not in excess of 10,000 pounds.

SEC. 4. EFFECTIVE DATES.

(a) HIGHWAY USE TAX REPEAL.—The amendments made by section 2 shall take effect on July 1, 1983.

(b) INCREASES IN DIESEL FUEL TAX.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) of section 3 shall take effect on July 1, 1983.

(2) INCREASE IN 1984.—The amendments made by section 3(b) shall take effect on July 1, 1984.

● Mr. BOREN. Mr. President, today, I join with my colleague from Wyoming, Senator WALLOP, in introducing legislation that will replace the heavy-vehicle-use tax with an increase in the diesel fuel tax of 5 cents for heavy vehicles over 10,000 pounds.

This legislation replaces the entire user fee with an increase in the diesel fuel tax imposed on trucks of 3 cents in 1983, and an additional 2 cents in 1984 for a total of 5 cents. It is anticipated that this bill will raise approximately the same amount of revenue as did the heavy-use tax with the burden being placed on those vehicles with the greatest highway use.

As my colleagues will remember, Congress passed the heavy-use tax during the last hectic days of the lameduck session right before Christmas. This legislation was passed without the careful scrutiny that it deserved especially in light of the added burden to our Nation's truckers.

I do not believe that most Members understood the extreme impact on our Nation's truckers when we passed this huge increase in heavy-vehicle-use taxes. Prior law set the maximum use tax on the heaviest trucks at $240 per year. Although the legislation that finally passed raised the maximum tax to $1,900, which is less than the original Department of Transportation proposal of a maximum tax of $2,700, I believe even this much of an increase is too burdensome. An increase in tax from $240 per year to $1,900 per year amounts to almost an 800-percent increase. And this is only the use tax. This does not even take into account the increase in the fuels tax from 4 cents to 9 cents per gallon and the increase in excise taxes on truck tires.

In the rush to create jobs and fix our Nation's highways and bridges, which we can all agree needs to be done, I believe that we created a situation where vast numbers of our Nation's truckers will not be able to continue operating profitably. It is an unrealistic assumption to believe that all these increased taxes can be passed through to the shippers via rate increases. Such huge increases will certainly force the shippers to look for alternatives for moving their goods.

Mr. President, I do not believe that Congress willingly chose to force many truckers out of business in our efforts to rebuild our network of roads and bridges. The 5-cent-a-gallon increase in fuel tax sounded good for raising several billion dollars to do this. However, I do not believe that most of my colleagues knew what a tremendous burden we would be placing on this segment of our Nation's work force.

Unfortunately, by passing this legislation, we have also put a large financial burden on our shippers, especially farmers and small businesses who are already economically hard hit.

Mr. President, passage of this bill will still allow us to raise the revenue needed for the highway trust fund. We would still be able to carry out our objective of repairing and maintaining our roads and bridges, but at the same time, we would not be forcing our truckers out of business.

I urge my colleagues to support the passage of this bill.●

● Mr. PRESSLER. Mr. President, I rise today to join my distinguished colleague from Wyoming in sponsoring this important legislation. It is absolutely essential to the existence of small truckers and the well-being of the thousands of consumers who depend daily on the goods they transport.

The basic goal of this bill is to repeal the heavy-user fee that is scheduled to go into effect in July 1983, and replace the revenue with a 5-cent diesel tax. You may recall that I introduced a similar bill on the first legislative day of this Congress. I am pleased to join in this effort today because my commitment to changing this provision of the Surface Transportation Assistance Act of 1982 remains firm. It is absolutely essential that we in Congress speak with a unified voice in our collective effort to correct the inequities of this provision. I will gladly support any legislation which will achieve that end.

As the situation now stands, truckers will have to pay a flat heavy-use tax of up to $1,600 per rig starting a little over 1 year from today, and up to as much as $1,900 in the years ahead. This figure does not include the existing taxes on diesel fuel, tires, sales tax, the various State taxes, and others. After 1985, almost all trucks weighing 80,000 pounds or more will have to pay. It makes no difference if they travel 10,000 miles, 100,000 miles, or 200,000 miles per year. If you own the truck you pay the tax. I feel this is absurd.

The tax we are trying to repeal is called a use tax. As I have often told my colleagues in the past, it is not a real use tax. A more appropriate name would be an "existence" tax. Truckers would be taxed simply because they exist, regardless of how much they really use the highways. Such a tax will drive thousands of small truckers out of business and cause transportation rates and consumer prices to rise. This is unfair and it must be changed.

I have talked with hundreds of truckers in my home State of South Dakota. In a rural State like mine, we will be especially hard hit. Many truckers are farmers who drive truck part time just to make ends meet. To assess such a tax increase now would surely wipe them out. Everyone should be aware that the trucking industry is currently going through some of its hardest economic times ever. If we in Congress allow this tax to take effect unchanged, it would make a very bad economic situation much worse. It would certainly be the straw that broke the camel's back for thousands of small operations throughout the country.

I am not opposed to having those who use something pay for it. Neither are the vast majority of the truckers I have spoken with. Everyone who uses our Nation's highway systems know they are in desperate need of repair. But we can certainly assess the damage on a more fair and equitable basis.

Mr. President, I believe this type of legislation goes a long way in doing just that. I urge my colleagues to support its passage. It is in the best interests of all Americans.●

● Mr. BOSCHWITZ. Mr. President, since the passage of the 5-cent gas tax bill, I have been very active in efforts to reduce or repeal the enormous increases in the heavy vehicle use tax.

As you know, prior to the gas tax bill, the maximum heavy vehicle use tax was $240 a year for an 80,000-pound truck. Now, the tax will go to $1,600 next July 1 and will hit $1,900 a year by 1988 for the same truck.

I felt then, as I feel now, that it is absurd to expect an industry as hard hit by the recession and regulation as the trucking industry to absorb tax increases of over 700 percent.

It is because of this high level of taxes and the "too much too soon" concerns I have heard from truckers and trucking companies that I have introduced a bill of my own to lower the use taxes; and I am cosponsoring Senator WALLOP's bill today.

Two issues have been thrown around in the debate on these tax increases. One is fairness: Who pays? The other is accountability: How much should they pay?

The trucking industry does not dispute that they damage roads. Nor do they disagree that heavy trucks cause more damage than autos or lighter trucks. However, they all agree that a flat tax, imposed regardless of miles traveled, is unfair and defeats the idea of accountability.

The bill we are introducing today is probably the best way to solve the two issues, for it replaces the flat heavy vehicle use tax with a pay-as-you-go diesel tax.

This means trucks would only pay the tax if they were on the road, actually working. They would not pay huge taxes for inventory they cannot use during slow periods. The pay-as-you-go approach is also preferable to the lump sum payments required by the heavy vehicle use tax because it allows the tax to be a barometer of actual business, not inventory. And that is what a user fee is supposed to be.

This bill replaces the heavy use tax with a 3-cent diesel tax increase on July 1, 1983, and an additional 2 cents on July 1, 1984, and is probably the fairest users tax we can develop. It also brings in the same revenue and actually creates a tax system whereby those who go the most miles pay the most tax.

I believe most of us here in the Senate understand the importance of a healthy, competitive, trucking industry. Trucks are a vital part of our transportation system, basically responsible for all the first and last stage delivery of bulk commodities. We cannot afford to lose this industry because of tax or user fee policies.

I hope my colleagues on the Finance Committee follow the able leadership of Senator WALLOP and push for rapid consideration of this bill. Some may argue the increases are still a year away, so why hurry? But do not be put off; business plans ahead, even if we here in the Senate do not seem able to.

I urge my colleagues to support this bill, and to work with the authors to insure the bill receives quick action.●

By Mr. LONG (for himself and Mr. JOHNSTON):

S. 1479. A bill to provide for the striking of medals to commemorate the Louisiana World Exposition; to the Committee on Banking, Housing, and Urban Affairs.

MEDALS TO COMMEMORATE THE LOUISIANA WORLD EXPOSITION

Mr. LONG. Mr. President, in May 1984, the Louisiana World Exposition will officially open in New Orleans, La. To honor this event, I have introduced legislation to authorize the striking of national medals appropriate for the event by the Secretary of the Treasury for sale by the Louisiana World Exposition, Inc., a nonprofit corporation. These national medals will commemmorate this exciting international event and will be sought after by both medallion collectors and exposition visitors.

The legislation which I have introduced, and which is cosponsored by Senator JOHNSTON, of Louisiana, allows the U.S. Mint to strike and deliver to the exposition officials no more than 750,000 medals in quantities of not less than 2,000 at times that are required by the exposition officials. To indemnify the United States for full payment of the costs of manufacturing these national medals, satisfactory security must be furnished by the Louisiana World Exposition to the Director of the mint.

This legislation is not intended to cost the U.S. taxpayers any money but merely authorizes this official national medal to be struck by the U.S. Mint and marketed by the exposition. Therefore, the issuance of these medals should result in no net cost to the Federal Government.

The exposition promises to be a successful celebration of its theme, "The World of Rivers—Fresh Water as a Source of Life." Its site on the Mississippi River banks in New Orleans demonstrates the utility as well as the beauty of this great river. Inhabitants along the entire Mississippi River and other great rivers in this country and around the world will find the Louisiana World Exposition both enjoyable and educational. They will be able to remember this event through the national medal which this legislation authorizes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the Louisiana World Exposition to be held at New Orleans, Louisiana, in 1984, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike and deliver to Louisiana World Exposition, Incorporated, a nonprofit corporation, not more than seven-hundred and fifty thousand medals, with suitable emblems, devices, and inscriptions to be determined by the Secretary in cooperation with the Exposition corporation. The medals, which may be disposed of by the corporation at a premium, may be delivered at such times as may be required by the corporation in quantities of not less than two thousand, but no medals shall be struck by the Secretary after December 31, 1984.

SEC. 2. The Secretary shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. Security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be struck in gold, silver, or bronze and of such size or sizes as shall be determined by the Secretary in consultation with the corporation.

SEC. 4. The medals, produced by the Secretary, shall be considered to be national medals for purposes of section 5111 of title 31, United States Code.

By Mr. PRESSLER:

S. 1487. A bill to amend title 10 of the United States Code to allow Reserve commissioned officers to be pro-

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moted to, or recognized in, a higher Reserve grade while serving on active duty; to the Committee on Armed Services.

PROMOTION OF CERTAIN RESERVE COMMISSIONED OFFICERS

Mr. PRESSLER. Mr. President, today I am introducing a bill to amend title 10 of the United States Code to allow Army Reserve and National Guard commissioned officers to be promoted to, or recognized in, a higher Reserve grade while serving on active duty.

This legislation is needed to correct a fluke in the law which allows such promotions for Air Force, Navy, and Marine Corps Reserve officers while on active duty, but does not permit them in the case of USAR/ARNG officers on active Guard/Reserve duty.

With the enactment in 1980 of the Defense Officers Personnel Management Act, the service criteria of all officers on active duty were unified. However, section 3380 of title 10, United States Code still operates to prevent Army Reserve officers from receiving promotions for which they are otherwise eligible when they are on active duty. The bill I am introducing today will amend section 3380 to remove this inequitable barrier.

Approximately 500 officers currently on active Guard/Reserve duty are prevented from accepting promotions, resulting in as much as 3 years loss of pay in the higher ranks for which they are qualified. The consequence of this situation is that recruitment and retention of essential officers in our Reserve components is threatened. Having served as an officer in the U.S. Army, I am familiar with the value of eliminating or minimizing unnecessary bureaucratic obstacles to prompt recognition and promotion of highly qualified and dedicated members of our Armed Forces. We cannot permit the destruction of officer morale and expect to maintain the world's best All Volunteer Armed Forces.

Mr. President, I met recently with South Dakotans who serve as officers in Guard and Reserve components. They made it very clear that their own desire to continue serving our Nation was hurt by the knowledge that their promotions would have to wait as long as 3 years until their active duty service terminated. We cannot afford to lose these good men from this active duty program just because of a quirk in the law which denies them for 3 years the pay increase which would accompany their deferred promotions.

According to the Army, whatever additional cost would be incurred by the enactment of my legislation would be negligible. This is because, like promotions for their peers in the Air Force, Navy, and Marine Reserves, any promotions would be subject to grade and strength limitations. Identical legislation has been introduced by Congressman Solomon in the House of Representatives.

Mr. President, these officers should not be denied their normal promotions simply because a no longer valid provision of law remains unamended. I urge my colleagues to join me in support of this effort to correct a serious inequity which poses negative consequences for key personnel working to maintain the readiness of our national security forces.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3380 of title 10 of the United States Code is amended to read as follows:

"§ 3380. Commissioned officers; promotion of reserve commissioned officers on active duty

"(a) Subject to the limitations contained in section 524, a reserve commissioned officer on active duty (other than for training) who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade may be promoted to such higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in such higher reserve grade.

"(b) The date of rank for promotion purposes only of any reserve commissioned officer, who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade but whose promotion to, or recognition in, such higher reserve grade is delayed only because of the limitations contained in section 524, is the date such officer would have been promoted to, or recognized in, such higher reserve grade if the limitations contained in section 524 did not exist.".

Sec. 2. The table of sections at the beginning of chapter 337 of title 10 of the United States Code is amended by striking out the item relating to section 3380 and inserting in lieu thereof the following new item:

"3380. Commissioned officers; promotion of reserve commissioned officers on active duty.".

ADDITIONAL COSPONSORS

S. 128

At the request of Mr. Roth, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 128, a bill entitled "The Equal Opportunity Retirement Act of 1983."

S. 249

At the request of Mr. Packwood, the name of the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 249, a bill entitled the "Employee Educational Assistance Extension Act."

S. 337

At the request of Mr. Packwood, the name of the Senator from Virginia (Mr. Trible) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 476

At the request of Mr. Levin, the names of the Senator from Tennessee (Mr. Sasser), and the Senator from Minnesota (Mr. Durenberger) were added as cosponsors of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 663

At the request of Mr. Armstrong, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 663, a bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.

S. 688

At the request of Mr. Hatfield, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 688, A bill to provide that, unless the Government of El Salvador actively participates in negotiations with all major parties to the conflict which are willing to participate unconditionally in negotiations for the purpose of achieving a cease-fire and an equitable political solution to hostilities, U.S. military support for El Salvador shall be terminated, with military assistance funds to be transferred for use for development and humanitarian assistance.

S. 788

At the request of Mr. Quayle, the name of the Senator from New Jersey (Mr. Bradley) was added as a cosponsor of S. 788, a bill to amend the Agricultural Act of 1949 to reduce the loan rates for the 1983 through 1985 crops of sugarcane and sugar beets.

S. 1159

At the request of Mr. Hatfield, the names of the Senator from Ohio (Mr. Glenn) and the Senator from Vermont (Mr. Stafford) were added as cosponsors of S. 1159, a bill to amend the Export Administration Act of 1979 to extend the provisions relating to the export of domestically produced crude oil.

S. 1165

At the request of Mr. Quayle, the names of the Senator from Alabama (Mr. Denton), and the Senator from California (Mr. Wilson) were added as cosponsors of S. 1165, a bill to provide for the continued operation of overseas schools for dependents of Department of Defense personnel by the Department of Defense.

S. 1244

At the request of Mr. Packwood, the name of the Senator from Tennessee (Mr. Sasser) was added as a cosponsor of S. 1244, a bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care.

S. 1305

At the request of Mr. Packwood, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes.

S. 1348

At the request of Mr. Moynihan, the names of the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. Durenberger), the Senator from New Jersey (Mr. Bradley), the Senator from Connecticut (Mr. Dodd), the Senator from Hawaii (Mr. Matsunaga), the Senator from Tennessee (Mr. Baker), and the Senator from Washington (Mr. Jackson) were added as cosponsors of S. 1348, a bill to authorize the President of the United States to present on behalf of Congress a specially struck gold medal to the widow of Roy Wilkins.

S. 1419

At the request of Mr. Sarbanes, the name of the Senator from Georgia (Mr. Nunn) was added as a cosponsor of S. 1419, a bill to amend title XVIII of the Social Security Act to retain the option of direct reimbursement for all providers under the medicare program.

S. 1469

At the request of Mr. Specter, the name of the Senator from Nebraska (Mr. Exon) was added as a cosponsor of S. 1469, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

SENATE JOINT RESOLUTION 1

At the request of Mr. Long, the names of the Senator from Nevada (Mr. Laxalt) and the Senator from Virginia (Mr. Warner) were added as cosponsors of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States with respect to fixing the compensation of Members of the Congress.

SENATE JOINT RESOLUTION 50

At the request of Mr. Levin, the name of the Senator from Minnesota (Mr. Boschwitz) was added as a cosponsor of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as National Adult Day Care Center Week.

SENATE RESOLUTION 122

At the request of Mr. Moynihan, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

AMENDMENT NO. 1298

At the request of Mr. Cranston, the names of the Senator from Tennessee (Mr. Sasser) and the Senator from Nebraska (Mr. Exon) were added as cosponsors of Amendment No. 1298 intended to be proposed to S. 578, a bill to amend title 38, United States Code, to provide for adult day health care services for veterans, to authorize the Veterans' Administration to administer a community residential care program, to establish a presumption of service connection for former prisoners of war suffering from dysthymic disorder and to revise and clarify eligibility for reimbursement of expenses of travel for Veterans' Administration health care.

SENATE CONCURRENT RESOLUTION 45—RELATING TO THE "BLACKSPOT POLICY" IN SOUTH AFRICA

Mr. GLENN submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. Con. Res. 45

Whereas the Government and the people of the United States have recognized inherently and innately, as a natural extension of this Nation's founding principles and objectives, the rights of property owners and of their descendants to possess and occupy land which they have lawfully acquires and maintained;

Whereas violations of these rights within or outside the United States are considered a flagrant abuse of basic assumptions governing the conduct of civilized societies and cannot be condoned by the people or the Government of the United States;

Whereas the Republic of South Africa is systematically and forcibly removing millions of black South Africans from land they owned and farmed for generations, stripping them of their citizenship, and relocating them in racially segregated communities, in violation of the United Nations Charter and the Universal Declaration of Human Rights;

Whereas living conditions in the new black "homelands" are grossly inferior to those enjoyed by white South Africans, for example (1) there is only one doctor for every 400,000 people in the black "homelands", while white South Africans have a doctor for every 350 people, (2) the infant mortality rate in the black "homelands" is 282 per 1,000 births, while in white South Africa the infant mortality rate is 12 per 1,000 births;

Whereas the "blackspot" policy toward blacks prompted Saul Mkhize to oppose the Republic of South Africa's attempts to force him to surrender land his family had owned for three generations;

Whereas this policy moved Saul Mkhize to write South African Prime Minister Botha stating, "We do not wish to be rebellious in any way, but only to continue to live our lives in our own environment."; and

Whereas this policy led to the shooting death of Saul Mkhize by the security police of the Republic of South Africa:

Now, therefore, be it resolved by the Senate, (the House of Representatives concurring), that it is the sense of the Congress that:

(1) the Republic of South Africa should comply with internationally recognized human rights, the UN Charter and its Convention on Human Rights by ending the "blackspot" policy and allowing relocated South Africans to remain in or return to their legally acquired land and residences;

(2) the United States should continue its policy of not recognizing the sovereignty or independence of the so-called "homelands";

(3) at such times that "homeland" officials apply for visas and passports for travel to the United States, the United States should deny travel to these officials under a "homelands" visa;

(4) the President and his representatives should convey to the Republic of South Africa the Congress's concerns expressed in this resolution and

(5) the President should transmit a copy of this resolution to the Ambassador from the Republic of South Africa to the United States and to the Prime Minister of the Republic of South Africa.

Mr. GLENN. Mr. President, today I am submitting a Senate concurrent resolution expressing the sense of the Congress that the Republic of South Africa should cease its "blackspot" policy of removing black South Africans from their legally acquired land and residences and forcibly relocating them in desolate homelands. The spirit behind this concurrent resolution is embodied in the words of Saul Mkhize who was shot to death by the South African police while opposing the Government's attempt to force him to surrender land his family has owned for three generations.

> We do not wish to be rebellious in any way, but only to continue to live our lives in our own enviroment.

The philosopher Rosseau wrote that,

> The first man who, having fenced in a piece of land, said, "This is mine" * * * that man was the true founder of civil society.

Indeed, Americans have recognized this since the birth of the Republic and have solidified through law and through custom the rights of property owners to possess their lawfully acquired land. That the South African Government has chosen to violate these tenets with respect to its black citizens should not surprise us but neither should we stand idly by and ignore an outrageous abuse of human rights and human dignity which is directed against one racial group. The desolate homelands to which black South Africans are banished are monuments to the callousness of apartheid. In these isolated areas, black South Africans, stripped of their citizenship, struggle to live without electricity, transportation, basic medical treatment, or economic opportunities to achieve self-sufficiency. The

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"blackspot"/"homelands" policy of the South African Government is a most repugnant manifestation of apartheid and I hope my colleagues will join me in speaking out forcefully against it.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, 1983

ARMSTRONG (AND HART) AMENDMENT NO. 1387

Mr. ARMSTRONG (for himself and Mr. HART) proposed an amendment to the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes; as follows:

On page 35, between lines 5 and 6, insert the following:

"In accordance with the repayment contract for the Dallas Creek participating project of the Upper Colorado River storage project, entered into January 14, 1977, and entitled "Re-Payment Contract Between the United States of America and the Tri-County Water Conservancy District", the portion of the costs of such project, including interest on construction costs, allocated to municipal and industrial use which exceeds $38,000,000 shall not be reimbursable.".

WALLOP (AND SIMPSON) AMENDMENT NO. 1388

Mr. WALLOP (for himself and Mr. SIMPSON) proposed an amendment to the bill, H.R. 3069, supra, as follows:

At the appropriate place, insert the following:

SEC. Notwithstanding the provisions of Section 113, Public Law 97-323, funds appropriated by such public law for study, planning, design, architect and engineer services for the Air Force are available for design of site-specific facilities for the MX Missile system.

MELCHER (AND OTHERS) AMENDMENT NO. 1389

Mr. MELCHER (for himself, Mr. BOREN, Mr. BAUCUS, Mr. ZORINSKY, Mr. JEPSEN, Mr. RANDOLPH, Mr. EXON, Mr. BURDICK, and Mr. GRASSLEY) proposed an amendment to the bill, H.R. 3069, supra, as follows:

At the end of the bill, add the following new section:

For an additional amount for Soil Conservation for the fiscal year 1983, $34,500,000 to remain available until expended, of which $10,000,000 shall be for Resource Conservation and Development, $3,900,000 shall be for the Great Plains Conservation Program, $10,000,000 shall be for Soil Conservation Matching Grants, $10,000,000 for the Agricultural Conservation Program, $600,000 shall be for the Special Areas Conservation Program: *provided further*, that $100,000 from the Special Areas Conservation Program be made available for the "MIDAMERICA" program.

INOUYE (AND MATSUNAGA) AMENDMENT NO. 1390

Mr. INOUYE (for himself and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 3, between lines 16 and 17, insert the following new section:

GENERAL PROVISION

None of the funds appropriated by this or any other Act may be used to relocate the Hawaii State office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

BUMPERS (AND PRYOR) AMENDMENT NO. 1391

Mr. BUMPERS (for himself and Mr. PRYOR) proposed an amendment to the bill H.R. 3069, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Upon request of the City of Pine Bluff, Arkansas, the Secretary of Commerce shall authorize such city to lease to any person the banquet and kitchen facilities of the Pine Bluff Convention Center, without affecting the Federal assistance provided by a grant under the Public Works Employment Act of 1976 (project number 01-51-00020) or any other law, if such transfer documents provide for the operation of such facilities as kitchen and banquet facilities for at least 25 years after the date of such transfer.

MOYNIHAN (AND OTHERS) AMENDMENT NO. 1392

Mr. MOYNIHAN (for himself, Mr. MATSUNAGA, Mr. RIEGLE, Mr. BRADLEY, Mr. BENTSEN, Mr. KENNEDY, Mr. EAGLETON, Mr. LAUTENBERG, Mr. INOUYE, and Mr. GLENN) proposed an amendment to the bill H.R. 3069, as follows:

On page 69, after line 23, add the following:

HEALTH CARE BENEFITS FOR THE UNEMPLOYED

For payments for health care benefits for the unemployed, $225,000,000, to be available only if a program is enacted into law providing for such benefits under title XX of the Social Security Act or under the Public Health Service Act. Any part of such amount not obligated prior to October 1, 1983 shall remain available for obligation in fiscal year 1984.

QUAYLE AMENDMENT NO. 1393

Mr. QUAYLE proposed an amendment to the bill H.R. 3069, supra; as follows:

At the appropriate place in the bill, insert the following:

AVAILABILITY OF FUNDS FOR DEVELOPING PARKS AND RECREATION AREAS

Notwithstanding any other provision of law or any rule or regulation, any amount appropriated by Public Law 98-8 under the heading "DEVELOPING PARKS AND RECREATION AREAS" shall remain available for grants for projects involving the planting of trees or shrubs until December 31, 1983.

WILSON (AND CRANSTON) AMENDMENT NO. 1394

Mr. WILSON (for himself and Mr. CRANSTON) proposed an amendment to the bill H.R. 3069, supra; as follows:

At the end of the bill insert the following new section:

SEC. —. Upon request of the City of Oakland, California, the Secretary of Commerce shall atuhorize such City to sell or lease to any person the George P. Scotlan Memorial Convention Center building, without affecting the Federal assistance provided under the Public Works and Economic Development Act of 1965 (project numbered 07-01-02471), or any other law, if—

(1) such sale or lease provides, for the operation of such facilities as a Convention Center for at least sixty-five years after such transfer; and

(2) in the event of the sale of such building, the repayment of any grant made pursuant to the Public Works and Economic Development Act of 1965 shall—

(A) be made over a period of thirty years;

(B) provide that no payments shall be made for the first fifteen years of such period; and

(C) be made in equal annual installments over the last fifteen years of such period.

BUMPERS (AND MATTINGLY) AMENDMENT NO. 1395

Mr. BUMPERS (for himself and Mr. MATTINGLY) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 72, between lines 9 and 10, insert the following:

GENERAL PROVISION

SEC. 101. (a) Section 111(a)(2) of the Elementary and Secondary Education Act of 1965 is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D) and by inserting after subparagraph (A) the following:

"(B) The grant which a local educational agency is eligible to receive under this subpart for a fiscal year shall be further adjusted by dividing the amount of the grant determined under subparagraph (A) by the quotient obtained by dividing the per capita income for the State in which the local educational agency is located by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands), except that the quotient in no case shall be less than .85 nor more than 1.15. The adjustment required by this subparagraph shall not apply to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

(b) Section 111(a)(2)(C) of such Act (as redesignated by subsection (a)) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "subparagraphs (A) and (B)".

(c) Section 111(a) of such Act is amended by inserting "(A)" after "(4)" and by adding at the end thereof the following:

"(B) For the purposes of this subsection, the term 'per capita income' means with respect to a fiscal year, the total personal income in the calendar year ending in the second fiscal year preceding the fiscal year for which the determination is made, divided by the population of the area concerned

in the calendar year preceding such calendar year (or if not available the year for which the most recent satisfactory data are available from the Department of Commerce).".

WEICKER AMENDMENT NO. 1396

Mr. WEICKER proposed an amendment to the bill H.R. 3069, supra; as follows:

Strike all after page 1, line 3, and insert in lieu thereof the following:

SEC. 101. (a) Section 111(a)(2)(A) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking out "In" and inserting in lieu thereof "Subject to subparagraph (B), in";

(2) by striking out "80 per centum" each place it appears and inserting in lieu thereof "70 per centum"; and

(3) by striking out "120 per centum" each place it appears and inserting in lieu thereof "110 per centum".

(b) Section 111(a)(2) of such Act is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following:

(B)(i) The aggregate amount of grants determined under subparagraph (A) for all local educational agencies located in a State for each fiscal year shall not be less than one-half of 1 per centum of the amount determined for all local educational agencies under subparagraph (A) for such fiscal year. The amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this division for each fiscal year shall be determined on a pro rata basis.

"(ii) The aggregate amount of grants which all local educational agencies located in a State are eligible to receive under this subpart may not be increased for any fiscal year in an amount which is greater than 50 per centum of the amount which all such agencies in that State received under this subpart in the fiscal year preceding the fiscal year for which the determination is made.".

(c) Section 111(a)(2)(C) of such Act (as redesignated by subsection (b)) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "subparagraphs (A) and (B)".

(d) Section 111(a)(2)(D) of such Act (as redesignated by subsection (b)) is amended by striking out "32 per centum" in clause (ii) and inserting in lieu thereof "28 per centum".

(e) The amendments made by this section shall take effect with respect to the school year 1983-1984 and thereafter.

BUMPERS AMENDMENT NO. 1397

Mr. BUMPERS proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 71, between lines 22 and 23, insert the following:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, $103 million to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than the amount of grants determined for the local educational agencies in that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 Census data in order to increase the amount for local educational agencies in each such State to the amount determined for that State for fiscal year 1982: *Provided*, That the amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

It is the intention of the Congress that for each fiscal year ending prior to September 30, 1987, an additional amount will be appropriated, as necessary, for the payment of grants to local educational agencies in all States subject to the provisions of the previous paragraph in order to increase the amount for local educational agencies in each such State for each such fiscal year to the amount determined for that State for fiscal year 1982.

BUMPERS AMENDMENT NO. 1398

Mr. BUMPERS proposed an amendment to the bill H.R. 3069, supra, which was subsequently modified; as follows:

On page 71, between lines 22 and 23, insert the following:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, such sums as may be necessary, but not to exceed $40 million to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than 95 percent of the amount of the grants for that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 Census data in order to increase the amount for local educational agencies in each such State to the amount determined for that State for fiscal year 1982: *Provided*, That the amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

It is the intention of the Congress that for each fiscal year ending prior to September 30, 1987, an additional amount will be appropriated, as necessary, for the payment of grants to local educational agencies in all States subject to the provisions of the previous paragraph in order to increase the amount for local educational agencies in each such State for each such fiscal year to the amount determined for that State for fiscal year 1982.

INOUYE (AND MATSUNAGA) AMENDMENT NO. 1399

Mr. INOUYE (for himself and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 10, after line 24, insert the following: Commission on Wartime Relocation and Internment of Civilians

SALARIES AND EXPENSES

Funds appropriated under the heading of Commission on Wartime Relocation and Internment of Civilians in Public Law 97-377 (96 Stat. 1877) shall remain available until September 30, 1983.

HEINZ (AND OTHERS) AMENDMENT NO. 1400

Mr. HEINZ (for himself, Mr. WEICKER, Mr. SARBANES, Mr. CRANSTON, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. JEPSEN, Mr. WARNER, Mr. COHEN, Mr. GRASSLEY, Mr. LEVIN, and Mr. DURENBERGER) proposed an amendment to the bill H.R. 3069, supra; as follows:

At the end of the bill add the following new title:

TITLE V—SOCIAL SECURITY DISABILITY PROVISIONS

REVISION OF REGULATORY CRITERIA RELATING TO MENTAL IMPAIRMENTS

SEC. 501. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The Secretary shall also revise the methods and procedures for assessing the residual functional capacity of individuals having mental impairments. The revised listings and residual functional capacity assessments shall individually and together be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. The revised listings and assessments required by this subsection shall be completed within 6 months after the date of the enactment of this act.

(b)(1) The Secretary shall appoint a panel of outside experts to make recommendations with respect to the revisions to be made in accordance with subsection (a), consistent with the requirements of titles II and XVI of the Social Security Act for individualized determinations of disability.

(2) The panel shall consist of individuals who are experts in the field of mental health, and shall include at least one psychiatrist, one rehabilitation psychologist, one medical social worker, and one vocational expert.

(3) Members of the panel shall be appointed without regard to the requirements of title 5, United States Code, and each member of the panel not otherwise in the employ of the United States Government shall receive the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which such member is actually engaged in the performance of the duties of the panel. Each member of the panel shall be allowed travel expenses in the same manner as an individual employed intermittently by the Federal Government under section 5703 of title 5, United States Code.

(c)(1) Until such time as revised criteria have been established by final regulation in accordance with subsection (a), no continuing eligibility reviews shall be carried out under title II or XVI of the Social Security Act with respect to any individual previously determined to be under a disability by reason of a mental impairment.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that

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fraud was involved in the prior determination, or where an individual is engaged in substantial gainful activity.

(d)(1) Any disability determination or reconsideration or appeal of such determination, and any reconsideration or appeal of a continuing eligibility review, made under title II or title XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by final regulation in accordance with subsection (a), shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

(3) Any mentally impaired individual who was found to be not disabled pursuant to an initial disability determination or continuing eligibility review between March 1, 1981 and the date of the enactment of this Act, and who reapplies for benefits under title II of the Social Security Act, shall, only for purposes of determining whether the special insured status for disability is met, be deemed to have reapplied as of the time of the prior determination or continuing eligibility review. Reapplications under this paragraph must be submitted within one year after the date of the enactment of this Act.

REQUIREMENT FOR EVALUATION BY PSYCHIATRIST OR PSYCHOLOGIST

Sec. 502. (a) Section 223(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7) In any case in which an individual alleges to be under a disability by reason of a severe mental impairment (as defined by the Secretary), the determination of whether such individual is under a disability shall be made only after the Secretary has demonstrated that a qualified psychiastrist or psychologist has completed the medical portion of the sequential evaluation and residual functional capacity assessment.".

(b) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following new subparagraph:

"(C) In any case in which an individual alleges to be under a disability by reason of a severe mental impairment (as defined by the Secretary), the determination of whether such individual is under a disability shall be made only after the Secretary has demonstrated that a qualified psychiatrist or psychologist has completed the medical portion of the sequential evaluation and residual functional capacity assessment.".

(c) The amendments made by this section shall apply with respect to applications filed for benefits under title II or XVI of the Social Security Act on or after the date of the enactment of this Act.

DURENBERGER AMENDMENT NO. 1401

Mr. DURENBERGER proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 55, after line 12, insert the following:

(4) A new section 6907 is added as follows:

"(a) Notwithstanding any other provision of this chapter, a State may enact legislation which requires that any payments which would be made to units of general local government pursuant to this Chapter be reallocated and redistributed in whole or part to other smaller units of general purpose government that provide general governmental services and contain the entitlement lands within their boundaries.

"(b) Upon enactment of legislation by a State, described in Subsection (a), the Secretary shall make one payment to such State equalling the aggregate amount of payments which he otherwise would have made to units of general local government within such State pursuant to this Chapter. It shall be the responsibility of such State to make any further distribution of the payment pursuant to subsection (a).".

KENNEDY AMENDMENT NO. 1402

Mr. KENNEDY proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 67, between lines 17 and 18, insert the following:

SUMMER YOUTH EMPLOYMENT AND TRAINING

For an additional amount for part B of title II of the Job Training Partnership Act, relating to summer youth employment and training programs, $30,000,000.

HATFIELD AMENDMENT NO. 1403

Mr. HATFIELD proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 70, line 22, before the period insert a comma and the following: "to remain available until September 30, 1984".

On page 87, line 23, strike, "Public Law 97-424" and insert in lieu thereof "Urban Mass Transportation Act of 1964 as amended."

HATFIELD AMENDMENT NO. 1404

Mr. HATFIELD proposed an amendment to the bill H.R. 3069, supra; as follows:

In lieu of the Thurmond amendment numbered 1386, at the end of page 30, insert the following: The project for Cooper River, Charleston Harbor, South Carolina, authorized by the River and Harbor Act of 1968, Public Law 90-483, approved August 13, 1968, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to install a closure structure in the diversion canal between Lake Marion and Lake Moultrie and to construct such measures as the Chief of Engineers determines necessary to improve the seismic stability of the Pinopolis West Dam on the Cooper River, at an estimated cost of $22,000,000: *Provided*, That nothing in this paragraph shall waive any requirements under the Federal Power Act of 1935 (49 Stat. 847): *Provided further*, That in addition to such sums as are otherwise appropriated by this Act there are appropriated an additional $2,000,000, to remain available until expended, for "Construction, general, Corps of Engineers—Civil", for engineering and design studies in connection with the project authorized by this paragraph.

HUMPHREY AMENDMENT NO. 1405

Mr. HUMPHREY proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 30, lines 5 and 6, strike out "and construct and undertake".

On page 30, line 11, strike out "at a currently estimated cost of $26,500,000,".

On page 30, beginning with "Expenditures" on line 13, strike out all through the period on line 20.

HUMPHREY AMENDMENT NO. 1406

Mr. HUMPHREY proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 125, between lines 7 and 8, insert the following:

Sec. — Expenditure or obligation of funds appropriated by this act is restricted to programs for which a formal authorization exists.

EMERGENCY JOB TRAINING FOR VETERANS

SIMPSON (AND CRANSTON) AMENDMENT NO. 1407

Mr. SIMPSON (for himself and Mr. Cranston) proposed an amendment to the bill (S. 1033) to amend title 38, United States Code, to establish an emergency job training program for wartime veterans; as follows:

On page 15, between lines 14 and 15, insert "TITLE I—VETERANS' EMERGENCY JOB TRAINING PROGRAM".

On page 15, line 15, strike out "Sec. 2" and insert in lieu thereof "Sec. 101".

On page 32, line 20, strike out "Sec. 3" and "Act" and insert in lieu thereof "Sec. 102" and "title", respectively.

Add at the end of the bill the following new title:

TITLE II—VETERANS' ADMINISTRATION REORGANIZATION

Sec. 201. The requirements of section 210(b)(2)(A) of title 38, United States Code, shall not apply to the planned administrative reorganization at the Veterans' Administration Rehabilitation Engineering Center (hereinafter in this section referred to as "VAREC") at 252 Seventh Avenue, New York, New York, involving—

(1) the transfer to the Veterans' Administration Medical Center, New York, of 24 full-time equivalent employees from the VAREC Special Clinic team, 5 full-time equivalent employees from the VAREC Restoration Laboratory, and 4 full-time equivalent employees from the VAREC Research and Development Service;

(2) the administrative reassignment from the VAREC of 8 employees (in addition to those described in clause (1)) who are orthotists or prosthetists and whose work stations are at nearby Veterans' Administration medical centers to those medical centers; and

(3) the reorganization of elements of the VAREC not providing direct patient services so as to continue them at 252 Seventh Avenue as the "Veterans' Administration Prosthetic Technology and Information

Center", under the direct supervision of the Director, Prosthetic and Sensory Aids Service, Department of Medicine and Surgery, Veterans' Administration Central Office.

NOTICE OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Robert Morris to be Deputy Director of the Federal Emergency Management Agency on Wednesday, June 22, at 2 p.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider the following bills: S. 482, to provide relief for certain desert land entrymen in the State of Idaho; S. 508, to exempt entities receiving financial assistance from the Rural Electrification Administration from fees under the Federal Land Policy and Management Act of 1976; S. 620, to amend Public Law 89-668 relating to the Pictured Rocks National Lakeshore to require the development of a local land use plan and zoning regulations for the inland buffer zone; S. 600, to amend Public Law 95-244; S. 598, to authorize a land conveyance from the Department of Agriculture to Payson, Ariz.; S. 807, to amend the boundaries of the Cumberland Island National Seashore; S. 864, to amend the Volunteers in the Parks Act of 1969, and for other purposes; and S. 1160, to authorize Douglas County of the State of Nevada to transfer certain land to a private owner.

The hearing will be held on Monday, June 27, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Reserved Water, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HEINZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 15, at 10 a.m., to hold a hearing on United States-Soviet relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 15, at 4 p.m., to hold a top secret executive session briefing on the revised START proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HEINZ. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 15, in order to receive testimony on the following nominations:

Hector M. Laffitte, of Puerto Rico, to be U.S. District Judge for the District of Puerto Rico;

Francis M. Mullen, of Virginia, to be Administrator, Drug Enforcement Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, June 15, at 4 p.m., to hold a markup on proposed changes in the dairy, tobacco, and target-price programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Pollution, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, June 16, at 2 p.m., to mark up the amendments to the Clean Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 16, at 10 a.m., to hold a hearing on foreign diplomats.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 16, at 2 p.m., to hold a hearing on United States-Soviet relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 16, at 10 a.m., in closed session to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TERRIBLE JUNE DAYS

● Mr. ZORINSKY. Mr. President, today marks the 43d anniversary of the "Terrible June Days" in Lithuania. Forty-three years ago, under the pretext of an imminent Nazi threat, the Soviet Union invaded Lithuania as it began to draw the infamous Iron Curtain on the Baltic States.

The dawn of Russification in Lithuania initiated a chapter of violent oppression as hideous as any in history. During a 4-day period in 1941, June 14 to 18, over 34,000 Lithuanian men, women, and children were deported or liquidated. Over the decade spanning the years 1941 to 1951, some 700,000 Lithuanians were victimized under a Soviet policy of virtual genocide.

Though the terrorism of the Stalin era has subsided, the more sophisticated methods of domination by terror practiced by today's Soviet regime are every bit as thorough and brutal as those under Stalin. Through four succeeding decades the Soviet strangle hold applied during the "Terrible June Days" has never slackened. Indeed, the rise of Yuriy Andropov to leadership in the U.S.S.R. does not bode well for Lithuania. As head of the KGB, Andropov was an architect of the more sophisticated methods of terrorism employed today by the Soviet Union. If anything, the strangle hold on Lithuania is likely to tighten under the reign of the Andropov regime.

And so the future outlook for Lithuania is as grim as the very memory which we pause to observe today. There is, however, cause for hope on this solemn day of remembrance. The Lithuanians are a courageous people, and contemporary Lithuanians are the heirs of many generations of historical and cultural heritage. The tradition of the Lithuanian nation and culture predates the U.S.S.R. by centuries, and that tradition will endure long after the Soviet epoch in history has passed.

The Soviet Union has sought to extinghish all vestiges of Lithuanian tradition in the effort to completely absorb Lithuania into the U.S.S.R. However, the severity of Soviet domination has in fact steeled the resolve of Lithuanians the world over to embrace and fiercely defend their identity as Lithuanians. People of all nation-

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alities draw strength from the example of the Lithuanian people. In the face of four decades of incredible persecution, Lithuanians have refused to deny their bloodlines, their religious faith, their rich tradition.

The legacy of the Lithuanian struggle is nothing short of heroic, and it deserves the support of free people everywhere. It is the United States to which Lithuanians throughout the world look for leadership in the ongoing refusal to officially acknowledge the incorporation of Lithuania into the U.S.S.R. As a paragon of freedom among the nations of the world, the United States must champion the cause of Lithuania in its bid to emerge from the pall of Iron Curtain domination. With the moral support of the United States the Lithuanian people will persevere in their struggle for independence, and, despite the era of oppression at the hands of the U.S.S.R., Lithuania's long and proud tradition will survive.●

B-1 BOMBER

● Mr. GOLDWATER. Mr. President, recently there has been a substantial amount of discussion about the B-1 bomber aircraft as we move into consideration of this year's defense budget. As my colleagues are aware, I have long been a strong supporter of the B-1 bomber and felt that we should have undertaken production several years ago. Nevertheless, that is water over the dam. Now we are moving toward production and the program promises to be every bit as valuable as I had hoped. Nonetheless, some opponents of the B-1 have insisted that Stealth technology is becoming rapidly available and will be so useful as to make the B-1 production unnecessary. Recently I read an article in the May issue of Defense Electronics magazine concerning Stealth. Although there are many useful points in this article, this much is clear. The development of Stealth has not overtaken current technology. Certain Stealth techniques will be valuable and those, in fact, will be included in the production of the B-1.

Mr. President, I ask that the entire article entitled "Stealth Takes Shape" from the May 1983 issue of Defense Electronics magazine be printed in the Record at this point in my remarks and I urge my colleagues to read this article.

The article follows:

[From the Defense Electronics Magazine, May 1983]

Stealth Takes Shape

(By James B. Schultz)

The Air Force is rapidly developing stealth technologies that will significantly reduce bomber and fighter aircraft and cruise missile susceptibility to detection by Warsaw Pact radars and sensors.

Application of radar-absorbing and deflecting materials, advanced ECM systems, radical aerodynamic designs, and low IR signature engines will increase aircraft survivability against an improved Soviet air defense system that includes a look-down/shoot-down capability.

Pentagon officials say stealth techniques will first be introduced in the USAF/Rockwell B-1B bomber and advanced cruise missile program, and later in advanced strategic bomber and fighter aircraft that may be operational by the early 1990's.

According to Air Force spokesman Lieut. Col. Don Brownlee, stealth, or low-observable characteristics, fall into three categories, all aimed at reducing airframe cross section detection from visual and radar systems.

They involve:

Airframe shaping that deflects radar signals.

Use of composite materials that absorb radar signals.

Electronic countermeasures (ECM) that jam or spoof enemy radars and weapons.

New methods of "negating, neutralizing, or confusing the enemy" are also considered part of the overall stealth technology program, Brownlee said. Such techniques may likely include the use of high-energy laser and particle beam weapons to kill Soviet interceptors, and advanced highpower ECM systems to locate and jam enemy radars and guided weapons.

The introduction of stealth technology will be made with a two-bomber plan that will amount to production of 100 B-1B long-range combat aircraft (LRCA), which will be operational in 1986 at a cost of some $20 billion, and 110 stealth, or advanced technology bomber (ATB) aircraft, costing more than $30 billion. The ATB fleet could be operational as early as 1991, sources said.

RADAR CROSS SECTION CUT

Several stealth features are built into the latest version of the B-1. The swing wing aircraft exhibits a radar cross section of less than one square meter when measured head-on, a dramatic improvement over the B-1A, which has a 10-square-meter cross section, and the aging B-52, which produces a signature of more than 100 square meters.

Designers achieved the single-square-meter threshold by removing the EW antenna spine on the back of the bomber, which reflected radar signals, smoothing out flight control leading edges, modifying engine intake ducts, and integrating a highly improved defense avionics suite (the AN/ALQ-161) that can automatically detect and jam enemy radars and missiles (See DE, Jan. 1983, p. 56).

The antenna spine was removed from the bomber as part of an Air Force contract awarded ot Eaton/AIL to intergrate the tail warning system directly into the AN/ALQ-161. Many of the cables and connections on the previous tail warning system, the Westinghouse AN/ALQ-153, were mounted in the bomber's dorsal spine.

Another major upgrade to the B-1B is the Westinghouse phased-array antenna, which employs stealth technologies and replaces the B-1A's dish-shaped radar. The antenna is a modified version of the APG-66 radar on the F-16, and is used for following, low-altitude terrain, and general navigation.

Both Northrop and a team comprised of Rockwell and Lockheed are reportedly developing preproduction models of an advanced technology bomber. While neither company has actually flown an aircraft, wind tunnel tests and target penetration simulations have been conducted since 1980. "We're seeing radar cross sections of less than one-millionth of a square meter. That's incredibly small for a huge airplane," an engineer associated with the project said.

COMPOSITE MATERIALS

Air Force officials indicate ATB concept designs are noteworthy departures from conventional aircraft design and powerplants. Engineers are investigating development of delta wing aircraft made of composite materials that are lighter and stronger than titanium or steel, and do not reflect radar. Several materials are being considered, including carbon and fiberglass structures, fiber-reinforced graphite skins, and special paints that can absorb or deflect radar signals.

Boeing, under a $23 million USAF Wright Aeronautical Laboratory contract, is developing a set of graphite/epoxy composite wings for an F-111 that is expected to be structurally superior to metal because of a higher resistance to cracking and less sensitivity to fatigue. "Composites, however, are considered somewhat more sensitive than metals to extreme temperatures and high moisture environments," a Boeing engineer said. Although, he noted the graphite/epoxy wing should remain pliable to temperatures as low as minus 65 deg. Fahrenheit. Flight tests of the Boeing graphite/epoxy composite wing design are scheduled to start in September at Edwards AFB, CA.

Taking advantage of lessons learned from developing the B-1B, ATB designers will attempt to omit radar-reflecting edges and echo-producing engine nacelles slung under the aircraft wings. Existing concepts show aircraft with large, rounded leading edges, V-shaped delta wings, and engines that are integrated into the wing or fuslage section. Designers are also trying to eliminate the telltale vertical stabilizer by designing winglets or V-shaped tail sections that will give acceptable levels of stability while reducing the radar cross section. Instead of reflecting or absorbing radar signals, the stabilizer, at canted angles, will deflect them out and away from the aircraft.

"Next-generation aircraft will look smoother and be more aerodynamically sound," an industry source said.

Several sources said the ATB must exhibit good handling and produce minimal buffeting at low altitudes near Mach speeds. They say the bomber demonstrates its greatest stealth qualities in terrain hugging at altitudes under 200 ft. where Soviet radars are obscured by hills and other natural obstructions.

One Air Force artist's concept of an advanced bomber depicts a domino-shaped aircraft that flies at supersonic speeds using only two small, vertical stabilizers and twin nose-mounted fins for stability. A large wing would only be used for takeoffs, landings, and low-level flight, and then rotated 90 deg. where it would be locked in a conformal position on top of the aircraft's fuselage.

ENGINE MODIFICATIONS

Modifications to engine intake inlets and development of engines that use denser fuel and increase aircraft range, yet produce a cleaner exhaust, are also being researched. Newly designed intake ducts will incorporate a profound breakthrough in technology—zigzag tunnels. These ducts are designed to bounce radar signals back and forth inside the inlet instead of reflecting them back at the enemy radar.

Although the ATB would be designed to defeat ground-based and airborne threats, other weapon systems will be needed to eliminate Soviet space-based infrared surveillance systems that can detect aircraft. Most Soviet radar and surveillance satellites operate at low altitudes well within the range of the U.S. air-launched ASTA interceptor.

STEALTH FIGHTER

Aside from developing a stealth bomber, the Air Force is pursuing research on a highly classified stealth fighter being developed by Lockheed. Lockheed, which has extensive experience in high-altitude, hard-to-detect aircraft by virtue of its successful U-2 and SR-71 reconnaissance planes has reportedly test-flown three prototypes. Reports indicate the 20,000-lb. class fighters have been flown from airfields in both the Nevada desert and at Eielson AFB, AK. Although Lockheed officials declined to discuss the subject, Air Force sources said two fighters have crashed since flight tests began in 1979. They say neither crash was in any way related to stealth technology.

One Pentagon official said the fighter-size stealth aircraft is "more a test bed for future ATB designs" than a preproduction aircraft. The fighter apparently relies heavily on radar-absorbing and deflecting techniques achieved through use of composite materials. One report suggests the aircraft uses Fibaloy, a composite material (developed by Dow Chemical Company), which has glass fibers woven into a plastic base. Such a design would make the airframe strong, light, and small enough to be tucked inside a transport plane.

ADVANCED CRUISE MISSILE PROGRAM

Last February, the Air Force abruptly cancelled further funding for the Boeing AGM-86B air-launched cruise missile, capping production at 1,499 missiles, in favor of a new stealth, or advanced, cruise missile. Advancements in the Soviets' lookdown radars and development of ALCM stealth technology were leading factors in reducing the planned buy of 3,418 USAF/Boeing ALCM's, officials said.

The ACM will use technology begun in 1980 under a Defense Advanced Research Projects Agency (DARPA) program called Teal Dawn. Sometime this spring, the Air Force is expected to award an initial development contract to one or more contractors competing for the ACM. The competitors are Boeing, Lockheed, and General Dynamics, which is the prime contractor for the ground- and sea-launched versions of the cruise missile.

DARPA RESEARCH

Other reports indicate the DOD is also considering development of a "black curtain program" stealth cruise missile that would use a Williams International engine made of plastic parts. For the last several years, DARPA has evaluated advanced cruise missile engine designs that have lower fuel consumption, greater range, and increased thrust over the current F-107 cruise missile engine.

One such engine is a compound-cycle, turbofan engine with a two-stroke, high-speed diesel engine and an eccentric engine, consisting of a three-spool turbofan with the third spool mounted off-axis to the other two spools. A recuperative engine that uses a coated-carbon material for fabricating high temperature subcomponents is also under investigation by DARPA. Both engines would apparently boost the ACM range to 6,000 miles, compared to 1,500 miles for the AGM-86B. If that standoff range were achieved, the Pentagon could conceivably launch the missile from within the U.S. at targets inside the Soviet Union. Such a capability would eliminate the need to forward-base ground-launched cruise missiles in Europe.

To put stealth in the ACM, contractors are studying several candidate options. Most are focused on altering the missile's external design to reduce its radar signature, developing an advanced guidance system, permitting the missile to penetrate Soviet airspace at low altitude, and evaluating the use of on-board ECM that would allow the missile to detect and evade enemy radars and missiles.

An artist's concept generated by the Air Force shows a missile that more closely resembles flying wings than the current conventional-styled AGM-86B. Presumably, the added dimensions would provide greater lifting capacity, reducing engine output while increasing range.

Although the Soviet air defense radar system has been improved over the past several years, Pentagon officials express confidence that the slow-flying ACM will get to its target. DARPA has conducted a series of cruise missile penetration evaluations to validate the radar masking, clutter, propagation data, and IR background data over target areas.

According to a DARPA FY-1983 summary description report, the data will be used to modify and refine analytical models of defensive system performance and to predict the ACM's survivability rate.

To guide the ACM to its target over such a long distance, the Air Force could place a small Navstar GPS satellite receiver on board. GPS signals could be received continuously throughout the mission, giving the missile a 16-meter accuracy. A combined terminal homing/inertial navigation system that would allow the missile to maneuver around Soviet air defense zones is also being studied for use in the ACM.

The Air Force has not publicly stated how many ACM missiles it intends to purchase; however, some industry analysts are predicting the service will want to buy somewhere between 1,500 and 3,000 missiles over several years, starting in the mid-1980's●

EXPORT OF ALASKAN OIL TO JAPAN

● Mr. LEVIN. Mr. President, I am a cosponsor of S. 1159, extending the prohibition contained in the Export Administration Act that prevents the export of Alaskan oil. I would like to briefly outline why I have supported this legislation.

When the Alaskan pipeline was first proposed, it was argued that the pipeline should be routed to bring oil to the Midwest, thereby assuring that supplies of Alaskan oil would be distributed throughout the United States. Unfortunately, this was not done and the export prohibition was enacted so that this great resource would be available throughout our country. This policy is in the best interests of the United States.

Because of the great distance that Alaskan oil now travels, however, we should remain open to more efficient alternatives. I have talked with several of my colleagues about alternatives to the prohibition and many of us believe that consideration should be given to modifying the prohibition under certain circumstances. If the Japanese made major trade concessions, I would consider supporting modifications to increase the flexibility of the statutorily defined criteria for allowing the export of Alaskan oil to Japan. However, because of our current trade imbalance with Japan and their present commitment to policies that allow them to compete unfairly with us, I cannot at the present time support any proposal that would lower their fuel prices and thereby increase their trading advantage. If they would agree to major changes in their trade policies, I would consider proposals to allow the export of some Alaskan oil to Japan.●

AMERICA'S VIEWS ON U.S. MILITARY

● Mr. GOLDWATER. Mr. President, recently there appeared in the Christian Science Monitor a short article by Lucia Mouat entitled, "America's Views on United States Military." What this article does is to bring into correct focus the new attitude of the American people toward the military as compared to other institutions existing in this country.

It is interesting, I think, at this point to mention to my colleagues that the military is held in much higher esteem than is the body in which we serve. I ask that the article be printed in the Record.

The article follows:

[From the Christian Science Monitor, Apr. 28, 1983]

America's Views on U.S. Military

(By Lucia Mouat)

Chicago.—Most Americans welcome the increased number of women in the armed services and say they think women should have access to more jobs—such as jet fighter pilots and missile gunners—that now are closed to them, according to a survey by the National Opinion Research Center (NORC) as the University of Chicago.

The survey results also showed that most Americans found the ratio of blacks in the armed forces (about 22 percent) and in the Army (33 percent) "about right." Most, and particularly blacks, also argued that Hispanic representation in the military should be increased.

"The military is probably the most thoroughly desegregated institution in the United States," says James Davis, senior author of the report and chairman of the Harvard University Sociology Department. "On the one hand, there is pride that it is a bellwether, but there is also enormous concerns in some Washington circles that the ethnic mix could one day lead to an all-black military. . . . This survey suggests the American people might not be unhappy about what disproportion there is and would be satisfied to go further before it stops," he says.

Most Americans say they think the all-volunteer system is working well or fairly well. They strongly oppose a return to the draft except in a national emergency. If there were a draft, however, most Americans say women should be included. One-third, especially working women as opposed to men and housewives, favor hand-to-hand combat duties for women. Although the American military establishment has taken a verbal battering from its critics over the years, the military as an institution ranks a high fifth in the NORC survey—well ahead of the Supreme Court and most other Washington fixtures.

"With the exception of Vietnam, there has hardly been a historical situation where the military has come off badly in popular thinking," Professor Davis notes. "This survey suggests no evidence that Americans have become cynical." NORC's annual public opinion survey for the first time included questions on the military. Those data have just been analyzed with the help of special Ford Foundation funding.●

MIGUEL ALEMAN, FORMER PRESIDENT OF MEXICO

● Mr. **GOLDWATER**. Mr. President, a great Mexican, former President Miguel Aleman, who was a friend of mine and of the United States and a vigorous supporter of private business, died recently. In honor of him, I should like to have printed in the RECORD a moving eulogy by Willard Andrews, president of the Mexican Chamber of Commerce of the United States and president of the Latin American Division of Becton, Dickinson & Co., as well as a brief profile of President Aleman by the Mexican National Tourist Council, which he headed for many years.

The material follows:

EULOGY TO EX PRESIDENT MIGUEL ALEMAN

Ladies and Gentleman, before I proceed with the introduction of our distinguished speaker, I would like to explain the black sash on the Mexican flag to my left. Last week we lost a honorary director of the Chamber and a good and dear friend.

Miguel Aleman, President of the Mexican National Tourist Council.

President of the Republic of Mexico from 1946 to 1952.

Principal developer of the National University and creator of the fabulous University City.

Founder of Mexico's Industrial Revolution.

Lawyer, teacher, judge, senator, President and diplomat, husband, father, friend. gentleman par excellance.

I will never forget—nor will my wife and my daughter—the miracle we witnessed last year at the Felt Forum on the 15th of September—Mexican Independence Day.

Don Miguel Aleman—dreadfully ill with terminal cancer—there as the representative of President Lopez Portillo—to give the traditional "grito." Supported to the rostrum by his son Miguelito and by Ambassador Garcia Lopez and Ambassador Munoz Ledo—both of whom are here on the dais today—he was a sick, tired old man.

When the uniformed cadets handed him the "Bandera Nacional"—a miraculous metamorphosis took place.

He rose to his full height—a smile lighted his face—and while waving the flag with vigor and love he gave the "GRITO" in the voice of his youth.

Six thousand people in the forum were ecstatic with the joy, the love and the patriotism that radiated from him.

I will tell you that I wept and I was one of thousands equally touched by that magic moment.

I am not going to ask you to stand for a minute of silence for Don Miguel as that would not be his style or his wish.

I will say—God bless him—may he rest in peace.

MIGUEL ALEMAN, 1903-1983

Miguel Aleman's career spanned three major eras in Mexico's history. Born on September 27, 1903 in Sayula, Veracruz, he was a boy of 7 when the revolution broke out in 1910 and during the next 7 years he served under his father, a distinguished General who had joined the Revolution against the dictatorship of Porfirio Diaz, subsequently fought the Huerta regime and later gave his life for the cause of the Revolution.

After completing his schooling in Orizaba, Veracruz, and at the National Preparatory School (the old San Ildefonso College), he attended the National University of Mexico's Law School where he graduated in 1928. Upon graduation he began his professional career in Tampico as Counsel for the mining, petroleum, and railroad workers and during the next six years, he acquired a wide reputation as an advocate of workers' rights, while playing a very active role in agrarian reform and the restructuring of the Institutional Revolutionary Party (P.R.I.), today the leading political party in Mexico.

In 1934 he was appointed Superior Court Judge for the Federal District and two years later was elected Senator for his home State of Veracruz. He was elected Governor of Veracruz that same year, 1936, and served until 1939, when General Manuel Avila Camacho who was a candidate for President, asked him to manage his campaign. General Avila Camacho was elected and he appointed Mr. Aleman his Secretary of "Governación". "Gobernación" is the senior portfolio in the Mexican Cabinet and is a combination of the Interior Department and that of Home Secretary, responsible for law and order and immigration. Mr. Aleman's term as Secretary of Gobernación coincided with World War II and brought him into very close contact with the government of the United States. He was sent by President Avila Camacho to Washington to develop a series of agreements and cooperative plans for continental defense and he played a major role in the Chapultepec Conference which created the Organization of American States.

In 1945 he resigned from the Cabinet in order to conduct his own campaign for the Presidency and thereby succeed President Avila Camacho. He was elected by an overwhelming majority and took office on December 1, 1946 as the first civilian President of Mexico in this century.

President Aleman's administration, 1946-1952, heralded a new era for Mexico. World War II was over; the world's economy was in shambles and a period of tremendous growth and development for Mexico was about to begin. He assigned a very high priority to education and two of his many accomplishments in this field were the construction of University City, on the southern perimeter of Mexico City, the largest university complex in the world at that time, as well as the National Polytechnic Institute, in the northern section of the city. His administration built thousands of schools and teachers' training facilities throughout the country. President Aleman's extensive social services and industrial development programs brought Mexico to the forefront as a dynamic country ready to exploit its enormous resources—oil, minerals, agriculture, a magnificent climate, a tremendous variety of tourist attractions including colonial architectural gems, impressive archaeological zones and thousands of miles of beaches. His administration triggered a rapidly-growing educated middle class.

Under President Aleman, vast housing schemes were completed, a major rural and urban electrification program was initiated and top priority was assigned to agriculture and food production including the creation of a cabinet-level department to develop the country's water resources and establish a national irrigation system. Special emphasis was placed on communications; the Sonora-California and the Southeastern Railroads were completed linking the country's two peninsulas, Baja California and Yucatan; highways were built, including the Mexico City-Acapulco highway, and ports were developed to accept ocean-going vessels. President Aleman was always very conscious of the importance of preserving his country's myriad cultural facets and he founded the Institute of Fine Arts, The National Indigenous Institute, and the Office of Tourism.

The fact that women were totally incorporated into Mexico's public life and have attained some of the highest positions in the land, is a tribute to President Aleman who amended Article 115 of the Constitution thereby granting women total franchise. Extremely concerned about the fate of the Jewish population of Nazi-occupied Europe, Miguel Aleman, as Secretary of Gobernacion during the war years, had set up a system whereby Jews were issued Mexican Salvoconductos/Laissez Passer which enabled them to enter a neutral or friendly country and eventually reach Mexico. Subsequently, when ships carrying Jewish immigrants attempting to reach Israel were prevented from reaching Israeli ports and were barred by most other countries, President Aleman announced to the world that they were welcome in Mexico. The existence of a most progressive Jewish community in Mexico today can be attributed in no small part to President Aleman. His interest in the Jewish people was further highlighted when he became the first Head of State to travel to New York to address the United Nations on behalf of the establishment of the State of Israel and when the 1947 Israeli-Arab war broke out, he supplied Israel with Mexican oil for its tanks and aircraft.

His friendship with U.S. Presidents Franklin Roosevelt and Harry Truman was well-known and relations between Mexico and the United States reached a peak during his administration. He was the first President of Mexico to address a joint session of the United States Congress and he was the first to be received at the White House.

President Aleman always had a deep interest in tourism and in the development of his country's tourist attractions. He was responsible for the rediscovery of Acapulco—today one of the world's most exciting tourist destinations.

In 1961 Mr. Aleman was asked by President Lopez Mateos to accept the Presidency of the National Tourist Council (Consejo Nacional de Turismo), the tourism marketing and promotion Agency of the Federal Government of Mexico. For the next twenty-two years, "Don Miguel", as he was affectionately known to millions of people, devoted his time and energies to traveling throughout the world promoting his country's many attractions and spreading goodwill among the peoples of all nations.

In his trips throughout the Americas, Europe, Australia and Africa, he stated repeatedly that tourism knows no national boundaries; he was always a fervent believer in the brotherhood of man and he freely expressed his feelings that tourism brought together peoples of many races, languages and ideologies, and that getting to know and understand each other better would help create a world where all people could live in peace and tranquility. He was instrumental in bringing thousands of major international conventions and congresses to Mexico, including world medical conventions, the World Tourism Association, UFTAA, PATA and ASTA—the American Society of Travel Agents—the world's premier professional travel association; he was inducted into the ASTA Hall of Fame in 1974.

His friendly smile, his warm handshake, his gentle manner and his deep interest in people brought Don Miguel honors wherever he went—honorary degrees from leading universities, including Columbia, Temple and Hebrew University in Jerusalem, the highest decorations of many countries in the Americas, Europe, Africa and Asia, honorary membership in cultural organizations both in Mexico and abroad, including the Royal Spanish Academy, the Academy of International Law and various national academies of arts and sciences.

Mexico and the world have lost a leader, beloved by all. He left behind a legacy which will endure for many years; those who were fortunate enough to be inspired by him will not forget and we know that his spirit will live forever.●

HIGHWAY USER FEES

● Mr. **ABDNOR**. Mr. President, the Surface Transportation Assistance Act of 1982 placed a tremendous tax burden on the trucking industry.

This burden is both unfair and inequitable because a flat user fee is to be assessed on all heavy motor vehicles, regardless of miles traveled. Trucks that travel a mere 5,500 miles a year across our Nation's highway system are to be subject to an identical fee as trucks that travel 200,000 miles on our highways.

One need not be an economist or a scholar to realize the regressiveness and inequity of this approach.

On January 26 of this year I introduced S. 113, to repeal highway user fees for heavy vehicles and replace the fees with a nickel-a-gallon increase in the Federal tax on diesel fuel to be phased in over a 2-year period.

I took the lead in introducing this legislation because I felt a "pay-as-you-go" fee would distribute more equitably the burden of maintaining our Nation's highway system. Under my legislation, heavy vehicles which travel more miles, using more fuel, thereby will pay their appropriate share for the maintenance of our highways.

The American Trucking Association, composed of motor carriers from all 50 States and the District of Columbia, has given its full support to my proposal as an equitable replacement for the user fees imposed by last year's act.

Today, Mr. President, I am happy to join Senators WALLOP and BOREN in their initiative to move a diesel differential fuel tax bill through the Committee on Finance. As members of the Committee on Finance, they can be instrumental in moving the differential fuel tax through Congress.

With combined efforts, I believe we can reach our goal of maintaining our country's vital highway system by justly taxing those who benefit from it the most; and for that reason I am pleased to cosponsor their bill which is virtually identical to my own.●

LATIN AMERICA AND ROBERT F. KENNEDY

● Mr. **DODD**. Mr. President, 15 years after his death, the words of Robert Kennedy continue to inspire and inform us. Much of what he had to say during a lifetime of distinguished public service remains fresh, relevant, and compelling today. In part, this is a tribute to the acuteness of the man's vision and the quality of his eloquence. But in part, I am afraid, it also reflects our failure to heed some of his warnings years ago.

Robert Kennedy knew that revolution was coming in Latin America, for example, and he knew what our country had to do if that revolution was to be channeled toward just, humane, and constructive ends. Not an insignificant portion of the price being paid in Central America now could have been saved if we had listened more carefully to him.

In the New York Times on June 9, 1983, Anthony Lewis recalled some of Robert Kennedy's wisdom, its applicability to the contemporary world, and the void which his murder has left. I ask that his column be printed in the RECORD.

The column follows:

"THE LAND OF BECOMING"

(By Anthony Lewis)

BOSTON, June 8.—On a visit to Latin America in 1965, Robert Kennedy told a group of Peruvian students that the responsibility of our time was "to lead a revolution—a revolution which will be peaceful if we are wise enough, human if we care enough, but a revolution which will come whether we will it or not." To lead it toward freedom and justice was a formidable task, he said, but not impossible for us in our hemisphere:

"America is, after all, the land of becoming—a continent which will be in ferment as long as it is America, a land which will never cease to change and grow. We are as we act. We are the children and the heirs of revolutions. . . ."

It is 15 years this week since Robert Kennedy was murdered. How far we have moved in that time from his vision of the United States: as a country receptive to change, sensitive to injustice, ready to help victims of oppression struggle against ignorance and poverty. How far especially in our Government's policy toward Latin America.

Senator Kennedy came back from the 1965 trip warning that, "if we allow Communism to carry the banner of reform, then the ignored and the dispossessed, the insulted and injured will turn to it as the only way out of their misery." Yet the leaders of many Latin countries, he said, denounced all efforts for justice as Communist.

"If we allow ourselves to become allied with those to whom the cry of 'Communism' is only an excuse for the perpetuation of privilege," he told the Senate—"if we assist, with military material and other aid, governments which use that aid to prevent reform for their people—then we will give the Communists a strength which they cannot attain themselves."

Today the United States is responding to turmoil in Central America in ways that, to many Latins, seem to align us with the defenders of privilege. In El Salvador the old forces of oppression are now undoing land reform. The military spends much of its time murdering civilians, including peasants and nuns who question the status quo. And the Reagan Administration's answer is to identify us with the regime: to stake our reputation on its murderous ineptitude.

Everywhere in Latin America the policy is "anti-Communism" at any price. Washington winks at official mass murder in Guatemala. It cozies up to torturers in Chile and killers in Argentina. It ignores the appeals of our friends in Mexico and elsewhere for political negotiation.

The result of such a policy will be as Senator Kennedy predicted: to make Communism more attractive to the dispossessed of Latin America, and improve the prospects for a revolution that is not humane. And there is another result, about which he would have cared just as much: the darkening of the vision that we have of ourselves as a nation.

How many of us assume now that our Government acts in the world on moral principle? How many expect it to oppose inhumanity wherever it is found? In this age of cynicism, how many think that real change is possible? How many think that America is the land of becoming?

Robert Kennedy made people believe in the possibility of change. That was his special quality, and it got through to audiences of all kinds: in Tennessee and Peru, in Poland and South Africa. People who had lost hope found it in him.

He did not do it by easy promises. To the contrary, he made a point of saying that there would have to be sacrifices, that life would be uncomfortable. Nor did he offer the usual politician's smooth self-confidence, the packaged simplicities. He made mistakes and admitted them. He was vulnerable, prickly, irreverent. He was a romantic. He was a realist.

He believed in moral concern as public policy, and he believed in power: a combination that we have almost forgotten how to put together. He warned above all against the feeling that nothing can be done. Any man or woman, he said, acting in "courage or belief," can make a difference.

To think about Robert Kennedy is to realize what limp political choices Americans have today. The White House projects the sense not of possibility, of hope, but of fixation. The Democratic candidates offer all the passion of an accountants' convention.

No wonder so many millions of Americans, especially the young, are turned off by politics. I find myself thinking that something has gone fundamentally wrong with our political process, that it is not again going to produce leadership of vision and courage. But that is the very kind of defeatism that Robert Kennedy rejected.

He would have been celebrating his 35th Harvard College reunion this week. His daughter, Kathleen Kennedy Townsend, spoke to his classmates one night. She talked briefly and affectingly about his concern for human rights, his belief that the privileged have obligations, his insistence that problems made by men can be solved by them. Then she said: "Those dreams are still worth dreaming."●

HONORING JESS GORKIN

● Mr. D'AMATO. Mr. President, it is with special pride that I ask the Nation's thanks be extended, with honor, to a most distinguished citizen, Jess Gorkin of Long Boat Key, Fla., and White Plains, N.Y. Mr. Gorkin recently retired after long service as one of America's most farsighted and courageous editors.

Mr. Gorkin, earlier an editor at Look, served in the U.S. Office of War Information (OWI) during World War II and afterward assumed the editorship of Parade, the Sunday newspaper magazine. Under his editorial leadership, Parade grew from 1 million to 21 million in circulation and attained great national respect: read and consulted by citizens and leaders in many fields.

Retiring from Parade about 5 years ago, Mr. Gorkin took over the editorship of Retirement Living and reshaped it into the vigorous, modern 50 Plus magazine which was still growing rapidly on January 1 of this year, when he finally decided his job had been finished and chose to retire to a more private life.

During 30 years at Parade, Mr. Gorkin proved himself an editor of great courage and insight, investigating national and social problems and always suggesting practical solutions. He faced issues squarely, and associates say he never let partisanship influence his recommendations.

Among the world's journalists he is known as the man who, sensing a critical need for instant communication in a nuclear age, published an "open letter" to President Eisenhower and Soviet Premier Nikita Khruschev proposing a Washington-Moscow hotline. Both nations acted and that hotline is still in effect today.

In national journalism, Mr. Gorkin became famous for his series of "open letters" to the public, the Congress, the White House, and other American leaders. Among other important topics, these letters dealt with health care, highway safety, education, national defense, and justice. He was one of the first to challenge American architects and builders to change their plans so that Americans need no longer be trapped in homes and buildings from which escape is difficult in case of fire.

Among his other significant public service contributions have been:

An open letter to the public urging action to save the Gettysburg Battlefield from unsightly commercial exploitation;

An open letter to President Nixon calling for a Washington-Peking hotline—a project on which he is still at work;

An open letter to educators asking that cardiopulmonary resuscitation (CPR) and the Hemlich maneuver—to rescue choking victims—be made part of the mandatory training in high school physical education courses. Many have done so;

An open letter to President Johnson proposing the first joint United States-Soviet space flight, which became an actuality and earned him a commendation by President Ford;

An open letter to American youth suggesting they "work a day for J.F.K." and raise funds toward the Kennedy Memorial Library—contributions totaled over $5 million; and

As editor of 50 Plus he published a series of "challenges" to business leaders, educators, doctors, and public officials in which he fought for reforms that would assure better treatment and care for America's senior citizens.

Mr. Gorkin has been honored by the American Legion, Veterans of Foreign Wars, the National Safety Council, and the Overseas Press Club—for excellence in foreign reporting. He has been given high honors, too, by the University of Iowa—his alma mater—where he lectures occasionally on journalism, and by other organizations.

Mr. Gorkin married the former Miss Dorothy Kleinberg and they have three sons, Michael, Brett, and Scott. They now maintain a residence at Long Boat Key, Fla.●

RHODE ISLAND'S BRIAN LAWTON: AN AMERICAN ORIGINAL

● Mr. PELL. Mr. President, Rhode Island and the entire Nation were proud last week when a 17-year-old school boy from Cumberland, R.I., became the first American ever selected as the first choice in the National Hockey League amateur draft. Brian Lawton, the son of Richard and Cathy Lawton, had a glittering 4-year high school career at Mount St. Charles School in Woonsocket, R.I., and had graduated from high school just 3 days before learning of his No. 1 selection in the National Hockey League draft. The second of four children, Brian has been an outstanding athlete ever since he began playing hockey at the age of 5. Although he has won almost every honor available to a high school athlete, including Rhode Island Schoolboy Athlete of the Year, he has gone out of his way to make sure that he is treated as an ordinary student despite the intense media attention and professional scouting that have surrounded him. Moreover he has maintained a steady "B" average throughout his high school years.

Whether Brian Lawton decides to pursue a college career or participation in the Olympics before playing professional hockey, it is evident that he has an outstanding career ahead of him. I would like to share with my colleagues an article about this very unique young man which appeared recently in the Woonsocket Call. I ask that the text of the article, entitled "It's Official: Lawton Top Pick," be printed in the RECORD.

The article follows:

[From the Woonsocket Call, June 8, 1983]

IT'S OFFICIAL: LAWTON TOP PICK

(By Larry Berman)

MONTREAL.—The historic announcement came in one simple sentence.

"The Minnesota North Stars select Brian Lawton," blurted Lou Nanne, the team's general manager, as the National Hockey League's amateur draft began this morning at the Montreal Forum.

Lawton, who graduated from Mount St. Charles Academy only three days ago, became the first American ever to be drafted in the number one position in the NHL's 67-year history.

Sitting in the stands with his parents, Richard and Cathy, Lawton came bounding down to the applause of some 1,000 draft watchers. The 17-year-old center was escorted to the North Stars' table on the floor of the arena and shook hands with Nanne and team officials. The Cumberland resident was presented a Minnesota jersey and immediately became engulfed by media members.

"It's great thrill!" said a beaming Lawton. "I'm so honored. And, I'm still a little bit in awe."

The Canadian natives were a bit in awe, too, wondering how an American could have stolen the thunder from a sport it has so long dominated.

Reminded of the significance of such a selection, Lawton said, "It hasn't hit me yet.

"I had hoped that I'd be number one, but I was never really sure until I heard my name called."

Nanne, known for his many trades in past years, listened to numerous offers even until this morning, but he deemed all deals, which included established NHL players, not equal to the potential of Brian Lawton.

Americans continued to steal the spotlight with two other selections in the top five. Center Pat Lafontaine of Detroit was tabbed third by the New York Islanders, and goaltender Tom Barrosso of Acton-Boxboro (Mass.) High was the fifth choice by the Buffalo Sabres.

The Hartford Whalers surprised many by passing over the high-scoring Lafontaine in favor of Sylvain Turgeon, a center from Quebec.

The Boston Bruins, selecting last in the first round, chose Nevin Markwart, a wing from Toronto.

However, none of those players gained the national and international attention of professional scouts as much as one center from a high school power in Woonsocket, R.I.

Lawton has been coveted by NHL scouts since the beginning of his storied Mount

career. He has made his reputation as a complete player—with no weaknesses in any area.

The 6-1, 180-pounder has outstanding size and toughness. He's an excellent skater and an unselfish team player.

He had a glittering career at Mount, earning Call all-star and all-state honors for three consecutive years. The Cumberland resident also played regularly as a freshman and wound up his career by playing integral roles on all four state and national championship teams. He won the Call Scoring Race championship and the state scoring title in each of his last two years.

As the number one choice, he is stepping into some pretty fast company. Among the previous first selections were Denis Potvin, now captain of the four-time Stanley Cup champion New York Islanders; Guy Lafleur, who led the Montreal Canadiens to four consecutive Cups in the 1970s, and Gil Perreault and Dale McCourt, now stars with the Buffalo Sabres.

All of those players were tabbed directly out of the Canadian Junior Leagues, which is the usual route. But now, U.S. high school and college players are coveted just as highly.

"I knew that some day we'd see the top few selections being Americans, but I never thought it would happen so soon," said Nanne. "The Americans have developed rapidly."

Previously, the highest a U.S. native had ever been drafted was third. Two years ago, Bobby Carpenter was tabbed by the Washington Capitals directly out of St. John's Prep in Danvers, Mass.

Carpenter and Lawton played against each other for their respective high schools in an exhibition game (won by Mount). They share other similarities—both had accepted full scholarships at Providence College, although Carpenter skipped a collegiate career and immediately joined the Caps.

Lawton had scored 64 goals and 136 points in his two seasons, proving that American school boys can more than hold their own with their Canadian counterparts.

Lawton may also pass up the opportunity to join the Friars, at least for the upcoming season. If he does not sign right away with the North Stars, he is leaning toward becoming a member of the United States Olympic Team as it defends its gold medal in Yugoslavia next February.

Lawton must first try out for the Olympic squad at the U.S. National Festival in Colorado Springs. That camp is only three weeks away. He hopes to make some sort of decision before then so as not to leave U.S. coach Lou Vairo hanging.

After the Olympics, he could sign with the North Stars and join them immediately (February isn't so far away," Lawton says), or remain an amateur and begin his PC career the following year.

"The Olympics have always been a dream for me," he says.

Of course it will be hard to pass up Minnesota offers, which figure to be in the range of at least a half-million dollars for a three-year period.

"I'm in no hurry to be rich," adds Lawton. "The financial security would be nice, though."

As his big decision comes nearer, Lawton is confident in the fact that he can play with the big boys. "But I'd have to do a lot of hard work over the summer," he adds.

He's already adjusted well to playing with older talent. He was the youngest member on both of his U.S. teams in the past year. At the World Junior Championships in the Soviet Union he was one of the squad's Most Valuable Players, and at the World 'B' Championships in Japan he scored two goals in the team's most important victory, which secured the gold medal for the U.S.

Lawton displayed his potential early in his career and has improved each season. While playing at Mount, he racked up superb totals of 125 goals and 125 assists.

In his final three seasons, his statistics were tremendous—34 goals and 31 assists as a sophomore, 45 goals and 43 assists as a junior, and 37 goals and 46 assists this past winter (despite missing some action due to the Russian trip).

But all the success has not come on natural ability alone . . . although he certainly has plenty of that. He is a tireless worker, always being the last to leave the ice at practice.

And now, all that hard work has been rewarded.

"It's a great honor to be number one," Lawton concluded, "But I'm still going to have to go out and prove myself."●

CHARLES A. HALLECK FEDERAL BUILDING

● Mr. QUAYLE. Mr. President, I am pleased to join with my colleague, Senator LUGAR, in introducing S. 1465, a bill to rename the Federal Building in Lafayette, Ind., in honor of an outstanding Hoosier, Charles A. Halleck.

Throughout his long career, Charles Halleck has exemplified an unfailing devotion to public service. He is a native of Demotte, Ind.; served in the infantry during World War I; attended Indiana University; and practiced law for over 10 years, as a prosecuting attorney on the 30th Judicial Circuit.

On January 29, 1935, Charles Halleck commenced his service in the House of Representatives which was to continue for over 30 years. He served as majority leader in the 80th and 83d Congresses and as minority leader in the 86th, 87th, and 88th Congresses. In 1968, after more than 34 years as a Member of Congress and a leader of the Republican Party, Charles Halleck retired to Rensselaer, Ind., where he continues to reside today.

At the age of 82, Charles Halleck remains an active and vital senior spokesman of Indiana's Republican Party. He enjoys widespread affection and admiration from his neighbors, former constituents, and the judicial officers with whom he served.

I believe that the Charles A. Halleck Federal Building is a fitting tribute to one who enjoys an outstanding record of faithful public service and who serves as an example for all who follow his footsteps.

RHODE ISLAND PLANS FOR THE FUTURE

● Mr. PELL. Mr. President, I call the attention of the Senate to an article describing an extraordinary effort now underway in the State of Rhode Island to identify, analyze, and define the elements of our State's future economic development.

As one of the oldest of the industrial States, Rhode Island is a living laboratory of America's economic evolution and, because of its compact geographical size, it lends itself to the kind of systematic analysis described in the article.

The project is being undertaken by the Rhode Island Strategic Development Council, which brings together the leaders of the business, labor, financial, and educational communities of the State.

The coauthors of the article are especially well qualified to describe this unique venture. J. Terrence Murray, chairman and president of Fleet Financial Group of Providence is chairman of the Rhode Island Strategic Development Commission. Ira Magaziner is president of the international consulting firm, Telesis Inc., which is coordinating research for the commission.

Mr. President, I submit for printing in the RECORD the article entitled "Rhode Island Plans for Future," from the Boston Globe of May 10, 1983.

The article follows:

[From the Boston Globe, May 10, 1983]

RHODE ISLAND PLANS FOR FUTURE

(By J. Terrence Murray and Ira Magaziner)

In a period when almost every state is scrambling to promote economic development, the State of Rhode Island has defined a uniquely comprehensive approach to planning its economic future.

In recent years, Rhode Island's economic development efforts have been quite similar to those of most other states. In addition to a glossy advertising campaign stressing quality of life, Rhode Island offers a standard package of investment incentives, such as industrial revenue bonds, site development and training subsidies and investment tax incentives. Along with 30 other states, Rhode Island provides special assistance to small businesses, and it has an active series of Small Business Administration programs and Urban Development Action Grant programs.

Still more recently, many Rhode Islanders talked up a storm about "high technology," "university-business partnerships" and "venture capital formation." There are now 18 states with high technology advisory councils, 19 programs around the country to foster university-industry technology and well over a dozen states with public, pension fund or public/private efforts aimed at venture capital formation.

Rather than jump on the bandwagon, leaders in Rhode Island have decided to take a more comprehensive approach to plotting Rhode Island's economic future. A commission has been established with representatives from the business, labor, financial, university and public communities in the state to prepare for the future. What distinguishes Rhode Island is the comprehensiveness of the study effort and the sweeping mandate for the commission to implement its work.

The Rhode Island Strategic Development Commission and its Advisory Committee comprise 70 people. The study itself is being conducted by 50 additional people (spending an average 20 hours per week), who have been donated by their companies, unions or universities or who have donated their own time. The study results will provide a more comprehensive look at the economy of a state than has ever been provided in this country. Some specific examples of the 32 separate examinations comprising the study are the following:

Specific information on cost structures, competitive positions, growth prospects, labor force characteristics, investment patterns and company structure will be gathered for almost every company in the state which exports goods or services anywhere outside Rhode Island.

An analysis of every company which has gone out of business or moved from the state (with over 50 employees), or which has reduced employment by more than 100 during the past 10 years, to understand the reasons why.

An analysis of all of the small businesses in the state carried out by direct interview rather than by secondary sources to understand better what constitutes the small business population and the characteristics of small business job creation, markets and growth. This will include a 100 percent analysis of the fate of all incorporations over a period of several years including those no longer in business.

An analysis of 23,000 corporate tax returns to understand the effects of various types of tax incentives (corporate, property, and income) on investment and job creation.

A department-by-department analysis of all the research capabilities in universities, hospitals and other institutions in the state to identify current and potential industry linkages.

When the results of this analysis are completed this summer, there will be a body of agreed-upon facts which will become the basis for a series of comprehensive recommendations for the state's executive authorities.

The majority of the recommendations, however, will be directed at the private sector. Each of the state's economic constituencies (industry, labor, finance, education, etc.) will be called upon to carry out certain recommendations as part of a compact for economic development.

The recommendations will address questions of how to stabilize and selectively expand Rhode Island's current industrial base, how to approach new growth areas selectively, how to improve the state's infrastructure for development without impairing its environment, how to develop its human resources through better training and better use of current know-how to improve the overall business climate.

The unveiling of our recommendations later this year will not end the commission's reason for being. Rather, it will mark the real beginning of our work, because we intend to see the project through to its actual implementation. As with any blueprint for economic development, no matter how well-conceived, we understand that success is not guaranteed. Plans cannot be carried out in a vacuum, free from influences of the world and national economies, politics, changing lifestyles and a host of other important factors.

The Strategic Development Commission will have done its job, we believe, if we succeed in creating a positive atmosphere in Rhode Island for economic growth and full employment. Our goal is to set the stage for a future in which Rhode Island's time has come to enjoy prosperity without fear that a troubled economy will take it away from us due to our own lack of planning or foresight. We feel our citizens deserve that much.●

BALTIC FREEDOM DAY

● Mr. PRYOR. Mr. President, on June 9, 1982, the Senate affirmed its solidarity with the Estonians, Latvians, and Lithuanians by unanimously supporting Senate Joint Resolution 201, naming June 14 as "Baltic Freedom Day." The resolution, which denounces the Soviet Union's illegal annexation of Lithuania in 1940, advocates the freedoms that the Soviet Union has categorically denied the Baltic States: those pertaining to self-determination, sovereignty, and free elections.

Today we should stop to consider the status of the Lithuanian state and the Lithuanian people. We have never and do not now recognize the pro-Soviet Government established after the U.S.S.R. orchestrated the national government's downfall in 1939. Rather, we choose to join with the thousands of Lithuanians who are struggling against the policy of Russification pursued by the Soviet regime. Protesting the hegemony begun under Czarist Russia, the Lithuanian people, at home and abroad, zealously defy attempts to eliminate their culture and national identity.

This Baltic Freedom Day, I encourage the citizens of the United States to examine Soviet actions in both Afghanistan and Poland, bearing in mind the Lithuanian plight. It is essential that we, as a nation, join with the Baltic States in rejecting oppressive regimes and the subsequent violations of human rights.●

COMMITTEE MEETINGS TOMORROW

Mr. McCLURE. Mr. President, I wonder if I may just alert the majority leader and other Members to a question that we may probably have on tomorrow.

We have a long-scheduled markup for the Committee on Energy and Natural Resources on the natural gas bill. We have finally gotten to the point where we are ready to start voting on some of those issues in that scheduled markup tomorrow morning.

At the same time, the distinguished Senator from Oregon has found it necessary to schedule the markup of the full Appropriations Committee on the Energy and Water Subcommittee bill. Therefore, we have a conflict at that time.

The reason I mention it is it will be my hope the Senate will grant unanimous consent that the Committee on Energy and Natural Resources may meet until 12:30 tomorrow, in which event then we could delay the beginning of that meeting and therefore accommodate the needs of Members on both sides of the aisle on those two committees.

Mr. BAKER. Mr. President, I thank the Senator. I assure him that I will start a unanimous-consent request through the clearance process to do that. I support that request, and I hope we can make it shortly.

Mr. President, we have a number of routine matters to be dealt with, and I think we can do them fairly promptly as soon as the minority leader is on the floor and has his material before him. In the meantime, Mr. President, since I see no other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. STEVENS. Mr. President, I inquire of my good friend, the Democratic leader, if it is now possible to proceed to the consideration of Calendar Nos. 133, 163, 165, 166, 167, 207, 208, 209, 211, 212, and 239.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. STEVENS. I thank the Senator.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MARINE FISHERIES PROGRAM AUTHORIZATION ACT

The Senate proceeded to consider the bill (S. 1099) to consolidate and authorize certain marine fishery programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce.

Mr. PACKWOOD. Mr. President, I am pleased that the Senate will consider this bill and three others that will, for the first time, provide active and comprehensive authorization of the activities of the National Oceanic and Atmospheric Administration (NOAA).

These four new authorization bills, S. 1097, S. 1098, S. 1099, and S. 1100 cover programs within all four of the NOAA budget areas. The four bills are:

S. 1097—A bill to consolidate and authorize certain atmospheric and satellite programs and functions;

S. 1098—A bill to consolidate and authorize certain ocean and coastal programs and functions;

S. 1099—A bill to consolidate and authorize certain marine fishery programs and functions;

S. 1100—A bill to consolidate and authorize program support and certain ocean and coastal programs and functions.

These bills, combined with the other NOAA authorization legislation already on the books, brings 100 percent of the NOAA budget within the annual reauthorization and oversight process. This is a step which is long overdue since NOAA has now existed for over 13 years without a comprehensive system for congressional review of its activities.

NOAA was originally established by Executive order in 1970 to consolidate Federal ocean and atmospheric activities. At that time these activities were scattered throughout a variety of Federal agencies. The need for a unified approach to the exploration and development of the oceans and atmosphere was recognized then, as it is now, as being essential to the maintenance and enhancement of the quality of our lives.

The scope of NOAA's responsibilities has also increased considerably since its formation in 1970. Since its establishment, NOAA has developed into a worldwide leader in ocean and atmospheric research and services. The functions of NOAA are critical for the efficient short-term and long-term forecasting of weather and the sound and productive management of the Nation's ocean and coastal resources. Not only does NOAA serve our national interests, but it provides essential data and services to other nations which assist in the protection of lives and property.

The status of NOAA as a worldwide leader in ocean and atmospheric research must be maintained to insure the continued safety and productivity of our Nation. Thus, it is in the national interest to take whatever steps are necessary to reinforce both NOAA's mission and its ability to carry out that mission.

However, maintaining the leadership status of NOAA has been more difficult in recent years. Budgetary pressure, as well as the proposed termination of certain programs, have confronted the agency during the past 3 years. This situation has threatened the viability of NOAA as an agency.

The reaction of Congress to these threats to NOAA has been to strongly support at least level funding for most NOAA programs. This support is a natural outgrowth of the national concern about the ever-increasing demands on our valuable oceanic and atmospheric resources. Congress feels that NOAA must be given the means to actively respond to this national concern.

The four bills that we are considering today recognize the importance of maintaining a strong national ocean and atmospheric program and provide the necessary authorization of funds for its administration. The Commerce Committee demonstrated its firm support for this comprehensive authorization plan when it unanimously voted to report these four bills on April 21, 1983.

There is another important point which I should make at this time. It is my feeling that a comprehensive authorization for NOAA lays a foundation for the establishment of NOAA as as independent agency within the Federal branch. Such a move has already been endorsed by the Reagan administration as part of a June 1, 1983, announcement. There is also widespread support for such an action within Congress and the ocean and atmospheric communities. By consolidating the legislative and appropriation authority for NOAA we are taking the first step toward the ultimate goal of transferring NOAA from the Commerce Department to a new, much deserved status as an independent organization. Such a transfer will, in my view, serve to bolster the mission and the effectiveness of NOAA.

For all these reasons, I urge Senators to join me in demonstrating Senate support for NOAA by voting in favor of S. 1097, S. 1098, S. 1099, and S. 1100.

Mr. HOLLINGS. Mr. President, this is the first time ever that the full Senate will consider legislation authorizing programs throughout the National Oceanic and Atmospheric Administration. The customary approach has been to enact authorization bills for specific programs covering only a fraction of the agency's activities. I am pleased that we have succeeded in taking a more comprehensive approach, because NOAA is involved in a vast variety of pursuits important to the Nation's present and future. One of the advantages we have seen flow from this tack is a heightened appreciation of NOAA among Commerce Committee members. I hope that comprehensive legislation will become traditional in authorizing the agency's programs in the future.

S. 1097 through S. 1100 provide for authorizations of appropriations for ocean and coastal programs, marine fisheries activities, environmental data and information services, satellite programs, and atmospheric research and services.

The Commerce Committee's hearings in February and March reviewed the administration's proposal to chop NOAA by more than $100 million and some 1,600 personnel. The authorization bills we have before us now reflect the extensive testimony against any effort to carve more flesh and bone from the agency's programs. As a result of many years of looking after NOAA from my vantage point on the Commerce Committee and State-Justice-Commerce Appropriations Subcommittee, I know how conservatively we have nursed its budget. The last several years of cutbacks, inflation, and salary increases have eroded NOAA's fundamental research and services. The bills we consider today do not call for major budget increases, but they do contemplate enabling the agency's activities to proceed without further reduction in fiscal year 1984.

NOAA makes a great contribution to the Nation—in terms of marine resource conservation, coastal zone management, weather services, and oceanic and atmospheric research. In addition, through such programs as sea grant, NOAA is a key factor in the education of scientists, engineers, and other highly skilled technical personnel. Nevertheless, the administration has continued to seek major reductions, including the elimination of the highly successful coastal zone and sea grant programs and a 40-percent decrease in fisheries activities. The bulk of the agency's work constitutes a part of our human and environmental infrastructure, and the administration budget cuts thus attack our future well-being. I hope we will soon see an end to this kind of shortsightedness. These authorization bills take a step in the right direction.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act".

FISHERIES INFORMATION COLLECTION AND ANALYSIS

SEC. 2. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries Information Collection and Analysis duties under law, $26,500,000 for fiscal year 1984. These moneys shall be used to fund those duties relating to fisheries information collection and analysis specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, collection analysis and dissemination of scientific data necessary to manage: marine fishery resources, marine mammals, endangered species, and their habitats.

(b) This authorization shall be in addition to any Fisheries Information Collection Analysis moneys authorized under the Magnuson Fishery Conservation and Manage-

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ment Act of 1975 (16 U.S.C. 1801 et seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

FISHERIES CONSERVATION AND MANAGEMENT OPERATIONS

SEC. 3. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries Conservation and Management Operations duties under law, $35,000,000 for fiscal year 1984. These moneys shall be used to fund those duties relating to fisheries conservation and management operations specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), and the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources; including hatchery operations, fishery management plan activities, habitat conservation, and protected species management.

(b) This authorization shall be in addition to any Fisheries Conservation and Management moneys authorized under the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Salmon and Steelhead Conservation Act of 1980 (16 U.S.C. 3301 et seq.), and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

FISHERIES STATE AND INDUSTRY ASSISTANCE PROGRAMS

SEC. 4. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries State and Industry Assistance program duties under law, $10,000,000 for fiscal year 1984. These moneys shall be used to fund those duties specified by the Fish and Wildlife Act of 1956 (16 U.S.C 742a et seq.) and any other law affecting State and industry fisheries assistance. These duties include, but are not limited to, financial assistance for fishing boats and fish processing plants, market development for fishery products, product quality and grants to States for improving management of interstate fisheries and stimulating fishery development.

(b) This authorization shall be in addition to any Fisheries State and Industry Assistance program moneys authorized under the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C 779 et seq.), the Act entitled "An Act to authorize the Secretary of the Interior to initiate with several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish, and for other purposes", approved October 30, 1965 (16 U.S.C 757a et seq.), the Central, Western, and South Pacific Fishery Development Act (16 U.S.C. 758e), and the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

PAY INCREASE AUTHORIZATIONS

SEC. 5. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROGRAM SUPPORT AUTHORIZATION ACT

The bill (S. 1100) to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Program Support Authorization Act".

TITLE I—PROGRAM SUPPORT

EXECUTIVE DIRECTION AND ADMINISTRATION

SEC. 101. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its executive direction and administration duties under law, $55,400,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to executive direction and administration specified by the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970, as amended (33 U.S.C. 857-1), and any other law involving such duties. Such duties include, but are not limited to, management, administrative support, retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development.

MARINE SERVICES

SEC. 102. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its marine services duties under law, $62,400,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to marine services specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, ship operations, maintenance, and support.

AIRCRAFT SERVICES

SEC. 103. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its aircraft services duties under law, $5,000,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to aircraft services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890, as amended (15 U.S.C. 311-329), and any other law involving such duties. Such duties include, but are not limited to, aircraft operations, maintenance, and support.

TITLE II—SELECTED OCEAN AND COASTAL PROGRAMS

OCEAN DUMPING RESEARCH

SEC. 201. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401), there are authorized to be appropriated to the Department of Commerce $12,000,000 for the fiscal year 1984, and $12,000,000 for fiscal year 1985.

NATIONAL OCEAN POLLUTION PLANNING ACT OF 1978

SEC. 202. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Ocean Pollution Planning Act of 1978, as amended (33 U.S.C. 1701), there are authorized to be appropriated to the Department of Commerce $3,000,000 for fiscal year 1984, and $3,000,000 for fiscal year 1985.

OCEAN RESEARCH

SEC. 203. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its ocean research duties under law, $34,000,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to ocean research specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, undersea marine resources, air-sea interaction, and ocean and Great Lakes environmental research.

(b) The authorization provided for under subsection (a) shall be in addition to ocean research moneys authorized under the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401), and the National Ocean Pollution Planning Act of 1978, as amended (33 U.S.C. 1701), for the purpose of carrying out such duties relating to ocean research.

OCEAN SERVICES

SEC. 204. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its ocean service duties under law, $16,200,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to ocean services specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, coordination of interagency research in ocean dumping and marine pollution, provision of tide and current data for the safe and efficient use of

the oceans and Great Lakes by government, commerce, and the private sector.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized under the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451), and the National Ocean Pollution Planning Act of 1978, as amended (33 U.S.C. 1701), for the purpose of carrying out such duties relating to ocean services.

MAPPING, CHARTING, AND GEODESY

SEC. 205. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its mapping, charting, and geodesy duties under law, $72,500,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to mapping, charting, and geodesy specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, aeronautical and nautical mapping and charting activities, and geodetic data collection and analysis.

TITLE III—PAY INCREASE AUTHORIZATION

MISCELLANEOUS

SEC. 301. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEAN AND COASTAL PROGRAM AUTHORIZATION ACT

The Senate proceeded to consider the bill (S. 1098) to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment:

On page 3, strike line 11, through and including line 17, and insert the following:

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by adding immediately after paragraph (3) the following:

"(4) For fiscal years 1984 and 1985, not to exceed $1,000,000 in each fiscal year appropriated pursuant to section 212 of the National Sea Grant College Program Act may be available to carry out this section.".

So as to make the bill read:

S. 1098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act".

TITLE I—NONLIVING MARINE RESOURCES

AUTHORIZATION

SEC. 101. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its nonliving marine resource duties under law, $1,300,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to nonliving marine resources specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, research, development, and licensing responsibilities pertaining to ocean thermal energy conversion and the seabed mining of manganese nodules, and polymetallic sulfide analyses and research.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized under the Deep Seabed Hard Minerals Resources Act (30 U.S.C. 1401), and the Ocean Thermal Energy Conversion Act of 1980, as amended (42 U.S.C. 9101), for the purpose of carrying out such duties relating to nonliving marine resources.

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM ACT

AUTHORIZATION

SEC. 201. (a) For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Sea Grant College Program Act, as amended (33 U.S.C. 1131), there are authorized to be appropriated to the Department of Commerce $42,000,000 for the fiscal year 1984, and $46,000,000, for fiscal year 1985.

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by adding immediately after paragraph (3) the following:

"(4) For fiscal years 1984 and 1985, not to exceed $1,000,000 in each fiscal year appropriated pursuant to section 212 of the National Sea Grant College Program Act may be available to carry out this section.".

TITLE III—OCEAN THERMAL ENERGY CONVERSION ACT

AUTHORIZATION

SEC. 301. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the Ocean Thermal Energy Conversion Act of 1980, as amended (42 U.S.C. 9101), there are authorized to be appropriated to the Department of Commerce $620,000 for fiscal year 1984, and $620,000 for fiscal year 1985.

TITLE IV—NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE ACT OF 1977

AUTHORIZATION

SEC. 401. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Advisory Committee on Oceans and Atmosphere Act of 1977, as amended (33 U.S.C. 857-13), there are authorized to be appropriated to the Department of Commerce $630,000 for each of the fiscal years 1984 and 1985.

TITLE V—PAY INCREASE AUTHORIZATION

MISCELLANEOUS

SEC. 501. There are authorized to be appropriated to the Department of Commerce to evaluate the National Oceanic and Atmospheric Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL AERONAUTICS AND SPACE AUTHORIZATION ACT, 1984

The Senate proceeded to consider the bill (S. 1096) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with amendments, as follows:

On page 2, line 14, strike "$548,600,00", and insert "$558,600,000";

On page 7, line 14, strike "per centum", and insert "percent";

On page 7, line 21, strike "per centum", and insert "percent";

On page 8, line 23, strike "thirty", and insert "30";

On page 10, line 4, strike "thirty", and insert "30";

So as to make the bill read:

S. 1096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1984".

TITLE I

SEC. 101. There is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1983:

(a) For "Research and development", for the following programs:

(1) Space transportation capability development, $2,022,400,000;

(2) Space transportation operations, $1,535,600,000;

(3) Physics and astronomy, $558,600,000;

(4) Planetary exploration, $215,400,000;

(5) Life sciences, $59,000,000;

(6) Space applications, $321,000,000;

(7) Technology utilization, $10,000,000;

(8) Aeronautical research and technology, $328,300,000;

(9) Space research and technology, $138,000,000; and

(10) Tracking and data systems, $700,200,000.

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(b) For "Construction of facilities", including land acquisition, as follows:

(1) Space Shuttle facilities at various locations as follows:

(A) Modifications for additional chillers for mission control center, Lyndon B. Johnson Space Center, $2,300,000;

(B) Modifications to mobile launch platform, John F. Kennedy Space Center, $27,300,000; and

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $11,700,000;

(2) Space Shuttle payload facilities at various locations as follows:

(A) Construction of cargo hazardous servicing facility, John F. Kennedy Space Center, $9,000,000; and

(B) Modifications to spacecraft assembly and encapsulation facility for cargo processing, John F. Kennedy Space Center, $3,000,000;

(3) Construction of frequency standards laboratory, Jet Propulsion Laboratory, $2,700,000;

(4) Modifications to space flight operations facility, Jet Propulsion Laboratory, $1,600,000;

(5) Construction of fluid mechanics laboratory, Ames Research Center, $3,900,000;

(6) Construction of aeronautical tracking facility, Hugh L. Dryden Flight Research Facility, $800,000;

(7) Modifications and addition for composite materials laboratory, Langley Research Center, $5,100,000;

(8) Modifications to 30- by 60-foot wind tunnel, Langley Research Center, $4,400,000;

(9) Modifications for small engine component testing facility, Lewis Research Center, $7,000,000;

(10) Modifications to icing research tunnel, Lewis Research Center, $3,600,000;

(11) Relocation of 26-meter STDN antenna, Spain, $1,700,000;

(12) Repair of facilities at various locations, not in excess of $500,000 per project, $19,500,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $24,500,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,800,000; and

(15) Facility planning and design not otherwise provided for, $9,200,000.

(c) For "Research and program management", $1,247,500,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection (g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this title may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection (c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections (a) and (c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection (a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) Notwithstanding any other provision of law, there shall be transferred to the National Aeronautical and Space Administration three Government-owned tracts of land used by the Administration and improvements thereon (totaling approximately 33.5 acres) at Ellington Air Force Base, Texas, without any transfer of funds therefor.

Sec. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of section 101(b)—

(1) in the descretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 103. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 101(a) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to section 101(b) hereof (other than funds appropriated pursuant to paragraph (15) of such section) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in section 101(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof, including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 104. Notwithstanding any other provision of this title—

(1) no amount appropriated pursuant to this title may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this title may be used for any program in excess of the amount actually authorized for that particular program by sections 101(a) and 101(c), and

(3) no amount appropriated pursuant to this title may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore

ways and means of distributing its research and development funds whenever feasible.

Sec. 106. The authorization for Space Transportation Capability Development in section 101(a)(1) provides for the production activities necessary to provide for the fleet of Space Shuttle orbiters, including the production of spares necessary to ensure confident and cost-effective operation of the orbiter fleet. This authorization also initiates in fiscal year 1984 the procurement of a fifth orbiter.

Sec. 107. Any decision and proposed policy by the President or the National Aeronautics and Space Administration to commercialize some or all of the existing expendable launch vehicle technologies and associated facilities and equipment shall be presented to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review and approval. No such decision or policy shall be implemented until such committees have notified the President or the Administration, as appropriate, of their review and approval.

Sec. 108. Title III of the National Aeronautics and Space Act of 1958 (Public Law 85-568; 72 Stat. 426) is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME AND INITIALS

Sec. 310. (a) No person (as defined by section 305) may (1) knowingly use the words 'National Aeronautics and Space Administration' or the letters 'NASA', or any combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters, as a firm or business name in a manner reasonably calculated to convey the impression that such firm or business has some connection with, endorsement of, or authorization from, the National Aeronautics and Space Administration which does not in fact exist; or (2) knowingly use those words or letters or any combination, variation, or colorable imitation thereof either alone or in combination with other words or letters in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that such product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of, the National Aeronautics and Space Administration which does not in fact exist.

"(b) Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.".

TITLE II

Sec. 201. There is authorized to be appropriated $29,336,000 for fiscal year 1984 for the purpose of operating the land remote sensing satellite system, including provision for storage of a backup satellite.

Sec. 202. Notwithstanding title II of the National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324; 96 Stat. 1597), the Secretary of Commerce shall not transfer the ownership or management of any civil land, meteorological, or ocean remote sensing space satellite system and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as the Congress deems appropriate for any such transfer.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ATMOSPHERIC AND SATELLITE PROGRAM AUTHORIZATION ACT

The Senate proceeded to consider the bill (S. 1097) to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, which had been reported from the Committee on Commerce, Science, and Transportation with amendments, as follows:

On page 2, line 14, strike "1890, as amended", and insert "1890";

On page 2, line 14, strike "311),", and insert "311 et seq.),";

On page 2, line 17, strike "1947, as amended", and insert "1947";

On page 2, line 17, strike "883a),", and insert "883a et seq.)";

On page 2, line 18, strike "1958, as amended", and insert "1958";

On page 2, line 19, strike "1301),", and insert "1301 et seq.)";

On page 3, line 14, strike "1890, as amended", and insert "1890";

On page 3, line 14, strike "311),", and insert "311 et seq.)";

On page 3, line 20, strike "Weather", through and including "330)," on line 22, and insert the following:

On page 3, line 25, strike "Act", through "2901)," and insert "Act (15 U.S.C. 2901 et seq.)";

On page 4, line 14, strike "1890, as amended", and insert "1890";

On page 4, line 15, strike "311),", and insert "311 et seq.)";

On page 4, line 17, strike "(96", and insert "(Public Law 97-324; 96";

On page 4, line 7, strike "1890, as amended", and insert "1890";

On page 4, line 8, strike "311),", and insert "311 et seq.)";

On page 5, line 10, strike "(96", and insert "(Public Law 97-324; 96";

On page 6, line 2, strike "1890, as amended", and insert "1890";

On page 6, line 3, strike "311),", and insert "311, et seq.)";

On page 6, line 12, after "1983,", insert "approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597)";

On page 8, line 16, strike "paragraphs:", and insert "paragraph:";

On page 9, line 12, strike "relate", and insert "relates";

On page 10, line 9, strike "data.';", and insert "data;';";

On page 10, line 18, strike "Such", through and including line 19, and insert "Subsection (e) of such section is amended to read as follows:";

On page 11, line 25, strike "of", and insert "thereof";

On page 12, line 5, strike "is", and insert "are";

On page 12, line 14, strike "VI,", and insert "VI".

So as to make the bill read:

S. 1097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act".

TITLE I—PUBLIC WARNING AND FORECAST SERVICE

AUTHORIZATION

Sec. 101. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast service duties under law, $270,900,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to public warning and forecast specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.), and any other law involving such duties. Such duties include, but are not limited to, meteorological, hydrological, and oceanographic public warnings and forecasting.

TITLE II—ATMOSPHERIC AND HYDROLOGICAL RESEARCH

AUTHORIZATION

Sec. 201. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric and hydrological research duties under law, $55,500,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric and hydrological research specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et

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seq.), and any other law involving such duties. Such duties include, but are not limited to, research for developing improved prediction capabilities for atmospheric and hydrological processes.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized under the Act of December 18, 1971, entitled "An Act to provide for the reporting of weather modification activities to the Federal Government (15 U.S.C. 330 et seq.), and the National Climate Program Act (15 U.S.C. 2901 et seq.), for the purpose of carrying out such duties relating to atmospheric and hydrological research.

TITLE III—SATELLITE SERVICE

AUTHORIZATION

Sec. 301. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite services duties under law, $75,000,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to satellite services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), title II of the National Aeronautics and Space Administration Authorization Act, 1983, approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597), and any other law involving such duties. Such duties include, but are not limited to, satellite maintenance and operations and satellite data analysis.

TITLE IV—SATELLITE SYSTEMS

AUTHORIZATION

Sec. 401. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite systems duties under law, $137,600,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to satellite systems specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), title II of the National Aeronautics and Space Administration Authorization Act, 1983, approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597), and any other law involving such duties. Such duties include, but are not limited to, spacecraft procurement, launch, and associated ground station system changes involving polar orbiting and geostationary meteorological satellites and land remote sensing satellites.

TITLE V—DATA AND INFORMATION SERVICES

AUTHORIZATION

Sec. 501. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, $27,800,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and any other law involving such duties. Such duties include, but are not limited to, environmental data and information products and services in the atmospheric, marine, solid earth, and solar-terrestrial sciences.

TITLE VI—MISCELLANEOUS

LIMITATION ON TRANSFER AUTHORITY

Sec. 601. Notwithstanding title II of the National Aeronautics and Space Administration Authorization Act, 1983, approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597), the Secretary of Commerce shall not transfer the ownership or management of any civil land, meteorological, or ocean remote sensing space satellite system and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as the Congress deems appropriate for any such transfer.

WEATHER SERVICE OFFICES

Sec. 602. No weather service station or weather service forecast office of the National Weather Service shall be closed or consolidated until the Secretary establishes appropriate standards, principles, and procedures (including formal hearings, comment periods, public notice, and other appropriate means of presenting evidence, views, and opinions) relating to any proposed closure or consolidation of a weather service facility.

WEATHER MODIFICATION REPORTING ACT

Sec. 603. Section 6 of the Act of December 18, 1971, entitled "An Act to provide for the reporting of weather modification activities to the Federal Government" (15 U.S.C. 330e) is amended—

(1) by striking out "and"; and

(2) by inserting immediately after "1981," the following: "and $100,000 for the fiscal year ending September 30, 1984,".

NATIONAL CLIMATE PROGRAM

Sec. 604. (a) Section 4 of the National Climate Program Act (15 U.S.C. 2904) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) The term 'Board' means the Climate Program Policy Board.".

(b) Subsection (c) of section 5 of the National Climate Program Act (15 U.S.C. 2904(c)) is amended—

(1) by inserting "(1)" "The Secretary",

(2) by designating the third sentence as paragraph, (3), and

(3) by striking out the second sentence and inserting in lieu thereof the following new paragraph:

"(2) The Office shall—

"(A) serve as the lead entity responsible for administering the program,

"(B) be headed by a Director who shall represent the Climate Program Board and shall be the spokesman for the program.

"(C) serve as the staff for the Board and its supporting committees and working groups,

"(D) review each agency budget request transmitted under subsection (h)(1) and submit an analysis of the requests to the Board for its review,

"(E) be responsible for coordinating interagency participation in international climate-related activities, and

"(F) work with the Academy of Sciences and other private, academic, State, and local groups in preparing and implementing the climate plan (described in subsection (d)(9)) and the program.

The analysis described in subparagraph (D) shall include an analysis of how each agency's budget request relates to the priorities and goals of the program established pursuant to this Act.".

(c) Subsection (d) of each section is amended—

(1) by striking out the semicolon at the end of paragraph (7) and inserting in lieu thereof a period and the following: "Such mechanisms may provide, among others, for the following State and regional services and functions:

"(A) studies relating to and analyses of climatic effects on agricultural production, water resources, energy needs, and other critical sectors of the economy,

"(B) atmospheric data collection and monitoring on a statewide and regional basis,

"(C) advice to regional, State, and local government agencies regarding climate-related issues,

"(D) information to users within the State regarding climate and climatic effects, and

"(E) information to the Secretary regarding the needs of persons within the State for climate-related services, information, and data.";

(2) by striking out "biennually" in paragraph (9) and inserting in lieu thereof "at a frequency (not more often than biennially or less often than quadrennially) determined by the Board", and

(3) by striking out "the intergovernmental program under section 6" in paragraph (9) and inserting in lieu thereof "the intergovernmental program described in paragraph (7)".

Subsection (e) of such section is amended to read as follows:

"(e) Climate Program Policy Board.—The Secretary shall establish and maintain an interagency Climate Program Policy Board, consisting of representatives of the Federal agencies specified in subsection (b)(2) and any other agency which the Secretary believes should participate in the program.

"(2) The Board shall—

"(A) be responsible for coordinating planning and progress review for the program;

"(B) review all agency and departmental budget requests related to climate transmitted under subsection (h)(1) and submit a report to the Office of Management and Budget concerning such budget requests;

"(C) establish and maintain such interagency groups as the Board determines to be necessary to carry out its activities; and

"(D) consult with users and producers of climate data, information, and services regarding the conduct of the program.

"(3) The Board biennially shall select a Chair from among its members. A Board member who is a representative of an

agency may not serve as Chair of the Board for a term if an individual who represented that same agency on the Board served as the Board's Chair for the previous term.".

(e) Subsection (f)(2) of such section is amended by inserting "with the Office" after "shall cooperate".

(f) The first sentence of subsection (g)(1) of such section is amended by inserting before the period at the end thereof the following: "and shall transmit a copy of such request to the National Climate Program Office".

(g) Section 6 of the National Climate Program Act (15 U.S.C. 2905) is repealed.

(h) There are authorized to be appropriated for purposes of carrying out the provisions of the amendments made by this section $1,189,000 for fiscal year 1984, and such sums as may be necessary for fiscal years 1985 and 1986.

TITLE VII—PAY INCREASE

AUTHORIZATION

Sec. 701. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under titles I through VI such additional sums for each title as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE REPLACEMENT OF PUMP CASING IN THE ROBERT B. GRIFFITH WATER PROJECT

The bill (S. 818) to authorize the replacement of existing pump casings in the Robert B. Griffith water project pumping plants 1A and 2A (formerly the Southern Nevada water project), and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to procure, and provide for the installation of, twelve new stainless steel casings and minor appurtenant parts to replace twelve existing cast steel pump casings in pumping plants 1A and 2A of the Robert B. Griffith water project, first stage.

Sec. 2. The Secretary is hereby authorized to negotiate with qualified manufacturers for the procurement of the new stainless replacement casings.

Sec. 3. Costs incurred in the procurement of the twelve pump casings and minor appurtenant parts shall be borne by the United States and shall be nonreimbursable and nonreturnable. The State of Nevada shall bear 100 per centum of the costs of installing the twelve stainless steel casings and minor appurtenant parts, all in a manner satisfactory to the Secretary.

Sec. 4. There is hereby authorized to be appropriated beginning October 1, 1983, for procurement of twelve stainless steel pump casings and minor appurtenant parts for the Robert B. Griffith water project pumping plants 1A and 2A the sum of $1,500,000 (July 1980 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in procurement costs as indicated by engineering cost indexes applicable to the type of procurement involved: *Provided,* That except as otherwise may be required by existing contracts, the United States shall incur no further liability with respect to the twelve pumps in pumping plants 1A and 2A of the Robert B. Griffith water project, first stage and no further expenditures or actions by the United States with respect to those pumps are either expressly or impliedly authorized by this Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GLADYS NOON SPELLMAN PARKWAY

The Senate proceeded to consider the bill (S. 680) entitled the "Gladys Noon Spellman Parkway," which had been reported from the Committee on Energy and Natural Resources with an amendment:

On page 2, strike line 5, through and including page 3, line 3, and insert the following:

Sec. 2. The parkway, under the jurisdiction of the Secretary of the Interior, in the State of Maryland known as the Baltimore-Washington Parkway, is hereby dedicated to Gladys Noon Spellman in recognition of her efforts to upgrade a most important transportation corridor in the Capital region and more broadly, to recognize her service to people of Maryland and the Nation as a Member of the House of Representatives of the Congress of the United States.

Sec. 3. In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to existing signs, materials, maps, markers, interpretive programs, or other means as will appropriately inform the public of the contributions of Gladys Noon Spellman.

Sec. 4. The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, at a suitable location adjacent to the Baltimore-Washington Parkway, an appropriate marker commemorating the contributions of Gladys Noon Spellman.

Sec. 5. Effective October 1, 1983, there are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Mr. SARBANES. Mr. President, I rise in support of passing S. 680, a bill to honor Maryland's Congresswoman Gladys Noon Spellman. This bill was introduced by me and cosponsored by my distinguished colleague from Maryland, Senator Charles McC. Mathias, Jr.

Representative Gladys Spellman spent a lifetime dedicated to public service and is one of the most remarkable people ever to hold public office in the State of Maryland. Her entire career was marked by an extraordinary understanding of and respect for the democratic process. Typical of the letters I received in support of this legislation is one from a resident in the district Gladys represented who wrote, "I am writing to you to ask your support and prompt action on the bill to rename the Baltimore-Washington Parkway in Gladys Spellman's honor. She was a great lady and right there to help the older people. . . ." This woman was speaking for thousands who admire Gladys' record of achievement and her dedicated representation of her constituents.

Mr. President, the bill we have before us today is considerably different from the legislation I originally introduced. It does not rename the Baltimore-Washington Parkway for Representative Spellman; it simply dedicates the parkway to her. I want to make clear that I prefer the language of the original bill; however, I support passage of the amended bill simply because I feel so strongly that the Congress should honor one of its finest members.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill entitled the "Gladys Noon Spellman Dedication."

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ALBEN BARKLEY HISTORIC SITE

The Senate proceeded to consider the bill (S. 886) to designate the Alben Barkley National Historic Site, which had been reported from the Committee on Energy and Natural Resources with an amendment:

On page 2, line 15, strike "1982", and insert "1983",

So as to make the bill read:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. (a) That in order to preserve for the benefit, education, and inspiration of present and future generations certain historically significant properties associated with the life of Alben Barkley, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the lands and buildings thereon known as "Angles," comprising approximately thirteen acres located near Paducah, Kentucky.

(b) It is the express intent of the Congress that the Secretary should substantially

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complete the acquisition program authorized by this Act within one year after the date of enactment of this Act.

(c) Upon the acquisition of the aforesaid property, the Secretary shall establish the same as the Alben Barkley National Historic Site by publication of a notice and boundary map in the Federal Register. The Secretary shall administer the site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

SEC. 2. Effective October 1, 1983, there are authorized to be appropriated from the Land and Water Conservation Fund not to exceed $700,000 for the acquisition of lands and interests therein.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REHABILITATION OF BELLE FOURCHE PROJECT

The Senate proceeded to consider the bill (S. 448) to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

On page 3, line 22, after "as", insert "of";

On page 4, beginning on line 5, strike "Water and Power Resources Service", and insert "Bureau of Reclamation".

So as to make the bill read:

S. 448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general plan for the Belle Fourche project, South Dakota, heretofore authorized for construction by the Secretary of the Interior, May 10, 1904, pursuant to the Reclamation Act of 1902 (32 Stat. 388), is modified to include construction, betterment of works, water conservation, recreation, and fish and wildlife conservation and development. As so modified, the general plan is reauthorized under the designation "Belle Fourche unit" of the Pick-Sloan Missouri Basin program.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary"), is authorized to negotiate and execute an amendatory repayment contract with the Belle Fourche irrigation district covering all lands of the existing Belle Fourche project. This contract shall replace all existing contracts between the Belle Fourche irrigation district and the United States.

(b) The period of repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be not more than forty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to complete the rehabilitation and betterment program and other water conservation works, the rates of charge to land class in the unit shall continue to be as established in the November 29, 1949, repayment contract with the district, as subsequently amended and supplemented; thereafter, such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as then determined by the Secretary.

SEC. 3. (a) All miscellaneous net revenues of the Belle Fourche unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(b) Construction and rehabilitation and betterment costs of the Belle Fourche unit allocated to irrigation and not assigned to be repaid by the irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Pick-Sloan Missouri Basin program within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. (a) The provision of lands, facilities, and project modifications which furnish recreation and fish and wildlife benefits in connection with the Belle Fourche unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 5. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and costs provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 6. The Secretary is authorized to amend existing contracts and enter into additional contracts as may be necessary to implement and facilitate any future agreement between the Belle Fourche Irrigation District and non-Federal entities involving the sale of Belle Fourche project water for use by such non-Federal interest for other than irrigation purposes: *Provided,* That the net proceeds from such transactions between the Secretary, the Belle Fourche Irrigation District, and such non-Federal interest shall be paid to the United States as reimbursement of the cost of the works authorized by this Act, that such transactions are not in violation of applicable State laws, and that such transactions shall be subject to the consent and conditions of the State of South Dakota to such water use by such non-Federal interest in accordance with the laws of South Dakota and the provisions of the Belle Fourche River Compact between the States of Wyoming and South Dakota to which the consent of Congress was given in the Act of February 26, 1944 (ch. 64, 58 Stat. 94).

SEC. 7. There is hereby authorized to be appropriated beginning October 1, 1983, for the rehabilitation and betterment of the irrigation facilities of the Belle Fourche unit and recreation and fish and wildlife measues as authorized by this Act, the sum of $42,000,000 (based on January 1981 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SANTA MARGARITA PROJECT, CALIFORNIA

The Senate proceeded to consider the bill (S. 805) to amend the Act of July 28, 1954 (68 Stat. 575), to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita Project, California, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 2, line 9, after "including", insert "the concurrent development of fish and wildlife mitigation measures";

On page 2, line 18, strike "environmental acceptability" and insert "compliance with applicable environmental laws";

On page 3, line 6, strike ' contrary.", and insert the following: "contrary: *Provided,* That the period of repayment for reimbursable construction costs shall be in accordance with the Federal reclamation law."

On page 4, strike line 8, through and including line 16, and insert the following:

"SEC. 4. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Santa Margarita project shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

"SEC. 5. There is hereby authorized to be appropriated beginning October 1, 1983, for construction of the Santa Margarita project the sum of $190,250,000 (January 1982 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, such sums as may be required for operation and maintenance of the works of said project.".

So as to make the bill read:

S. 805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 28, 1954 (68 Stat. 575), is amended by striking all after the enacting clause and inserting the following:

"SECTION 1. (a) The Secretary of the Interior is authorized to construct, operate, and maintain the Santa Margarita project, California, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and in accordance with the plan set out in the report of the Secretary on the project, including the concurrent development of fish and wildlife mitigation measures and any changes that may be required by studies in progress. The principal features of the project shall consist of Fallbrook and DeLuz Dams and Reservoirs, pipelines, regulation facilities, or other facilities required to provide water to the Fallbrook Public Utility District and the Marine Corps base at Camp Pendleton.

"(b) Appropriation of construction funds is contingent upon a secretarial determination of economic justification and compliance with applicable environmental laws based on such studies. Such determination shall include an estimate of the construction costs of the Santa Margarita project. Any modifications of, omissions from, or additions to the plan for the purpose of furnishing a supplemental municipal and industrial water supply, supplemental irrigation water supply, flood control, regulation of imported water, recreation, for fish and wildlife enhancement shall be implemented only with the concurrence of the Secretary of the Navy. Repayment of reimbursable construction costs by the Fallbrook Public Utility District or other qualified entity or entities shall be on such terms and conditions as the Secretary of the Interior may determine, notwithstanding any other provision of law to the contrary: *Provided,* That the period of repayment for reimbursable construction costs shall be in accordance with the Federal reclamation law. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the unit is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

"SEC. 2. The Secretary, prior to commencement of construction, shall enter into contracts with the Department of the Navy, the Fallbrook Public Utility District, or any other qualified entity or entities for delivery of water and for repayment of the reimbursable construction costs. Construction, operation, maintenance, and replacement costs of facilities and portions of facilities allocated to flood control and to the furnishing of a water supply to the Marine Corps base at Camp Pendleton shall be borne by the Department of the Navy.

"SEC. 3. In accordance with section 2481 of title 10, United States Code, proceeds from the sale of any surplus project water entitled to the Department of the Navy shall be credited to the Department of the Navy appropriation currently available for the supply of such water.

"SEC. 4. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Santa Margarita project shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

"SEC. 5. There is hereby authorized to be appropriated beginning October 1, 1983, for construction of the Santa Margarita project the sum of $190,250,000 (January 1982 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, such sums as may be required for operation and maintenance of the works of said project.".

Mr. WILSON. Mr. President, the legislation that the Senate is considering today, S. 805, will provide badly needed water supplies for southern California. This project will provide flood control and local water supplies for one of our most important defense installations, Camp Pendleton, and for the community of Fallbrook immediately adjoining the base. In addition, the Santa Margarita project will provide water to an increasingly important agriculture region, recreational opportunities and fish and wildlife benefits to the community of Fallbrook.

This project has had a long and complex history. First developed in the late 1940's as a single dam project, Congress authorized its construction in 1954. The principal features of the project shall consist of Fallbrook and DeLuz Dams and Reservoirs, pipelines, recreational facilities, and other facilities required to provide water to the Fallbrook Public Utility District and the Marine Corps Base at Camp Pendleton.

Support for this project is broad based and includes the Governor of California, the administration and many groups in the Fallbrook region. Governor Deukmejian of California believes, as I do, that this proposal will provide adequate water supplies for southern California while preserving our natural resources. The administration, speaking through the Departments of the Interior and the Navy, together with the Fallbrook Public Utility District are urging its approval.

The project is under the direction of the Department of Interior and is for the mutual benefit of the Marine Corps Base at Camp Pendleton and the Fallbrook Public Utility District.

Specific objectives are:

First. To conserve floodflows of the Santa Margarita River system in accordance with existing water rights and permits held for the benefit of Fallbrook Public Utility District and Camp Pendleton by the Bureau of Reclamation.

Second. To provide adequate storage capacity for the purchase, importation, and regulation of supplemental and emergency water supplies.

Three. To provide an adequate water supply to serve existing and projected development, closely coordinated with county and local land use plans.

Four. To provide flood protection in such a way as to conserve a maximum amount of water for use, rather than discharging it into the ocean.

Five. To strengthen the national defense by insuring that an adequate supply of water can be made available to Camp Pendleton at all times.

Six. To encourage and protect the production of high value, permanent specialty crops.

Seven. To promote the retention of lands proposed for long-term agricultural use in agricultural production and minimize urban sprawl and scattered urban development.

Eight. To encourage low-density residential development in rough terrain, and offer a range of choice of alternatives to high-density urban dwellings.

Nine. To provide recreational facilities, to help alleviate the present and projected deficiencies of such facilities in relation to the demand, and to diversify and strengthen the local economy in the Fallbrook area.

Ten. To preserve and enhance the fish, wildlife, natural vegetation, and open space of the project area, and to facilitate their use and enjoyment by people.

The Fallbrook Public Utility District and Camp Pendleton would utilize the water from the Santa Margarita project. The district serves over 16,000 residents and more than 9,000 acres of irrigated agriculture mostly avocado and citrus groves. As imported water deliveries in the future shift more to northern California from the Colorado, lack of storage capacity in the State system increases the risk of shortages in dry years. A serious disruption in the aqueducts serving the district could have a disastrous effect on these permanent crops, not to mention the hardships on the residents.

While the community of Fallbrook has no ground water basins and has had to rely entirely on imported water supplies, Camp Pendleton through a very sound water conservation program utilizing reclaimed wastewater for recharging of ground water acquifers, has been self sufficient. The administration's program to enhance use of the base to develop its mobilization capability and increase training activities must look for new resources. The Santa Margarita River project facilities will provide an alternative source of water supply for the Marine Corps base at Camp Pendleton, the U.S. Naval Hospital, and the Naval Weapons Station, Fallbrook Annex.

This project will provide benefits to an important military installation, Camp Pendleton, to the community of Fallbrook and to a valuable agricultural region.

Mr. President, I urge my colleagues to support this legislation.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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NATIONAL CHILDREN'S LIVER DISEASE AWARENESS WEEK

The Senate proceeded to consider the joint resolution (H.J. Res. 234) designating the week beginning June 19, 1983, as "National Children's Liver Disease Awareness Week."

Mr. D'AMATO. Mr. President, I rise today to urge adoption of House Joint Resolution 234, designating the week of June 19 as "National Children's Liver Disease Awareness Week." House Joint Resolution 234 is identical to Senate Joint Resolution 109, which now has 32 cosponsors. I ask for quick passage of this resolution so it may be signed by the President by June 19.

I want to thank those cosponsors who realized the importance of this legislation. I also want to thank my good friend, Congressman GUY MOLINARI, who secured passage of this resolution in the House. Hopefully, through passage of this legislation, liver disease in children will be recognized as a national problem.

The joint resolution was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR FILING REPORT ON S. 1230

Mr. STEVENS. Mr. President, I ask unanimous consent that under the unanimous-consent agreement regarding S. 1230, the Armed Services Committee have until June 30, 1983, to report that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEBANON EMERGENCY ASSISTANCE ACT OF 1983

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 639.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 639) entitled "An Act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes", do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Lebanon Emergency Assistance Act of 1983".

ECONOMIC SUPPORT FUND

SEC. 2. (a) It is hereby determined that the national interests of the United States would be served by the authorization and appropriation of additional funds for economic assistance for Lebanon in order to promote the economic and political stability of that country and to support the international effort to strengthen a sovereign and independent Lebanon.

(b) Accordingly, in addition to amounts otherwise authorized to be appropriated for the fiscal year 1983 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, there are authorized to be appropriated $150,000,000 to carry out such provisions with respect to Lebanon.

(c) Amounts authorized by this section may be appropriated in an appropriation Act for any fiscal year (including a continuing resolution) and shall continue to be available beyond that fiscal year notwithstanding any provision of that appropriation Act to the contrary.

MILITARY SALES AND RELATED PROGRAMS

SEC. 3. (a) In order to support the rebuilding of the armed forces of Lebanon, the Congress finds that the national security interests of the United States would be served by the authorization and appropriation of additional funds to provide training for the Lebanese armed forces and by the authorization of additional foreign military sales guaranties to finance procurements by Lebanon of defense articles and defense services for its security requirements.

(b) In addition to amounts otherwise made available for the fiscal year 1983 to carry out the provisions of chapter 5 of part II of the Foreign Assistance Act of 1961, there are authorized to be appropriated for the fiscal year 1983 $1,000,000 to carry out such provisions with respect to Lebanon.

(c) In addition to amounts otherwise made available for the fiscal year 1983 for loan guaranties under section 24(a) of the Arms Export Control Act, $100,000,000 of loan principal are authorized to be so guaranteed during such fiscal year for Lebanon.

UNITED STATES ARMED FORCES IN LEBANON

SEC. 4. (a) The President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role in Lebanon of United States Armed Forces, including any introduction of United States Armed Forces into Lebanon in conjunction with agreements providing for the withdrawal of all foreign troops from Lebanon and for the creation of a new multinational peace-keeping force in Lebanon.

(b) Nothing in this section is intended to modify, limit, or suspend any of the standards and procedures prescribed by the War Powers Resolution of 1973.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR H.R. 1746 TO BE PLACED ON THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of H.R. 1746, a bill dealing with the Navajo and Hopi Indian Relocation Commission, and that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS ADMINISTRATION ADJUDICATION PROCEDURE AND JUDICIAL REVIEW ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 196, S. 636.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. No objection.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 636) to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with amendments as follows:

On page 5, line 8, strike "subsection", and insert "subsections";

On page 5, after line 8, insert the following:

"(c)(1) When there are sixty-five members of the Board, the Chairman may from time to time appoint from the professional staff of the Board, or reappoint one time within the three-year period following the expiration of the term of the initial appointment, individuals to serve as temporary members of the Board for terms not to exceed one year. Not more than one such member may be appointed to a section of the Board.

"(2) If, as a result of the temporary absence of a member, a section is composed of less than three members, the Chairman may assign an individual from the professional staff of the Board to serve as an acting member of the Board on such section for not to exceed thirty days. An individual so appointed may serve a total of sixty days as an acting member during any fiscal year. Not more than one such member may be assigned to a section of the Board.

"(3) In each annual report to the Congress required by section 214 of this title, the Administrator shall provide detailed descriptions of the activities undertaken and plans made in the fiscal year for which such report is made with respect to the authority provided by paragraph (1) of this subsection. In each such annual report, the Administrator shall indicate, in terms of full-time employee equivalents, the number of Board members appointed pursuant to paragraph (2) of this subsection.".

On page 6, line 10, strike "(c)", and insert "(d)";

On page 6, line 12, strike "October 1, 1983", and insert "December 31, 1984";

On page 7, strike line 17, through and including line 21, and insert the following:

(2) in subsection (b)—

(A) by striking out "When" and inserting in lieu thereof "(1) Except as provided in paragraph (2), when";

(B) by inserting a comma and "after notice of such additional information is furnished to the claimant and the claimant is provided an opportunity to be heard in connection with such information," after "concerned"; and

(C) by adding at the end thereof the following new paragraph:

"(2) When, without the vote of a member appointed under section 4001(c) (1) or (2) of this title a section would be evenly divided, such member shall not vote.".

On page 10, line 1, strike "fact, law, and", and insert "fact and law and on";

On page 11, line 23, strike "at a", through and including "proceeding," on line 24;

On page 18, after line 16, insert the following:

SEC. 111. Section 3010(i) is amended—

(1) by inserting "(1)" after "(i)"; and

(2) by adding at the end the following new paragraph:

"(2) Whenever any disallowed claim is reopened and thereafter allowed on the basis of new and material evidence in the form of official reports from the proper service department, the effective date of commencement of the benefits so awarded shall be the date on which an award of benefits under the disallowed claim would have been effective had the claim been allowed on the date it was disallowed.".

On page 19, line 10, after "Administrator,", insert "other than rules or regulations pertaining to agency management or personnel or to public property or contracts";

On page 21, line 18, strike "The Administrator shall file, together with", and insert "No later than thirty days after filing";

On page 21, line 20, after "section,", insert "the Administrator shall file";

On page 22, strike line 11, through and including line 17, and insert the following:

"(f)(1) No action may be brought under this section unless (A) the initial claim for benefits is filed pursuant to section 3001 of this title on or before the last day of the fifth fiscal year beginning after the effective date of this section, and (B) the complaint initiating such action is filed not more than one hundred and eighty days after notice of the first final decision of the Administrator rendered after the last day of such fiscal year is mailed to the claimant pursuant to section 4004(d) of this title. If the case is reopened pursuant to section 4004(b)(2)(A) of this title within one hundred and eighty days after such notice is mailed, the next final decision shall, for purposes of this subsection, be considered the first final decision of the Administrator.

"(2) No action may be brought under this section with respect to matters arising under chapters 19 and 37 of this title.".

On page 28, line 9, strike "claimant,", and insert "claimant";

On page 28, line 10, strike "recognized under this section,";

On page 28, line 23, strike "per centum", and insert "percent";

On page 30, line 2, strike "per centum", and insert "percent";

On page 31, line 11, strike "where", through and including "just" on line 14, and insert the following: "in accordance with the provisions of section 2412(d) of title 28, notwithstanding the provisions of section 204(c) of the Equal Access to Justice Act, Public Law 96-481.".

So as to make the bill read:

S. 636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Administration Adjudication Procedure and Judicial Review Act".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ADJUDICATION PROCEDURES

SEC. 101. (a) Chapter 51 is amended by adding at the end of subchapter 1 the following new section:

"§ 3007. Burden of proof; benefit of the doubt

"(a) Except when otherwise provided by the Administrator in accordance with the provisions of this title, a claimant for benefits under laws administered by the Veterans' Administration shall have the burden of submitting evidence sufficient to justify a belief by a fair and impartial individual that the claim is well grounded. The Administrator shall assist a claimant in developing the facts pertinent to his or her claim.

"(b) When, after consideration of all evidence and material of record in any proceeding before the Veterans' Administration involving a claim for benefits under laws administered by the Veterans' Administration, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of such claim, the benefit of the doubt in resolving each such issue will be given to the claimant, but nothing in this section shall be construed as shifting from a claimant to the Administrator the burden described in subsection (a) of this section.".

(b)(1) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part IV of such title are each amended by striking out in the item relating to chapter 51 "Applications" and inserting in lieu thereof "Claims".

(2) The heading of such chapter is amended to read as follows:

"CHAPTER 51—CLAIMS, EFFECTIVE DATES, AND PAYMENTS".

(c)(1) The table of sections at the beginning of such chapter is amended by striking out in the item relating to subchapter I "APPLICATIONS" and inserting in lieu thereof "CLAIMS".

(2) The heading of subchapter I of such chapter is amended to read as follows:

"SUBCHAPTER I—CLAIMS".

(d) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3006 the following new item:

"3007. Burden of proof; benefit of the doubt.".

SEC. 102. Section 3311 is amended by adding at the end the following new sentences: "Subpenas authorized under this section shall be served by any individual authorized by the Administrator by (1) delivering a copy thereof to the individual named therein, or (2) mailing by registered or certified mail addressed to such individual at such individual's last known dwelling place or principal place of business. A verified return by the individual so serving the subpena setting forth the manner of service, or, in the case of service by registered or certified mail, the return post office receipt therefor signed by the individual so served shall be proof of service.".

SEC. 103. Section 4001 is amended—

(1) by amending the second sentence of subsection (a)—

(A) by striking out "(not more than fifty)" and inserting in lieu thereof "(not more than sixty-five)";

(B) by striking out "associate"; and

(C) by inserting before the period at the end of such sentence "in a timely manner"; and

(2) by adding at the end thereof the following new subsections:

"(c)(1) When there are sixty-five members of the Board, the Chairman may from time to time appoint from the professional staff of the Board, or reappoint one time within the three-year period following the expiration of the term of the initial appointment, individuals to serve as temporary members of the Board for terms not to exceed one year. Not more than one such member may be appointed to a section of the Board.

"(2) If, as a result of the temporary absence of a member, a section is composed of less than three members, the Chariman may assign an individual from the professional staff of the Board to serve as an acting member of the Board on such section for not to exceed thirty days. An individual so appointed may serve a total of sixty days as an acting member during any fiscal year. Not more than one such member may be assigned to a section of the Board.

"(3) In each annual report to the Congress required by section 214 of this title, the Administrator shall provide detailed descriptions of the activities undertaken and plans made in the fiscal year for which such report is made with respect to the authority provided by paragraph (1) of this subsection. In each such annual report, the Administrator shall indicate, in terms of full-time employee equivalents, the number of Board members appointed pursuant to paragraph (2) of this subsection.".

"(d) The Chairman of the Board shall submit a report to the appropriate committees of the Congress, not later than December 31, 1984, and annually thereafter, on the experience of the Board during the prior fiscal year together with projection for the fiscal year in which the report is submitted and the subsequent fiscal year. Such report shall contain, as a minimum, information specifying the number of cases appealed to the Board during the prior fiscal year, the number of cases pending before the Board at the beginning and end of such fiscal year, the number of such cases which were filed during each of the twenty-four months preceding the prior fiscal year and the then current fiscal year, respectively, the average length of time a case was before the Board between the time of the filing of an appeal and the disposition during the prior fiscal year, and the number of members of, and the professional, administrative, clerical, stenographic, and other personnel employed by, the Board at the end of the prior fiscal year. The projections for the current fiscal year and subsequent fiscal year shall in-

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clude, for each such year, estimates of the number of cases to be appealed to the Board and an evaluation of the Board's ability, based on existing and projected personnel levels, to ensure timely disposition of such appeals as provided for by subsection (a) of this section.".

Sec. 104. Section 4002 is amended by striking out "associate" wherever it appears.

Sec. 105. Section 4003 is amended—

(1) in subsection (a), by inserting a comma and "after notice of such additional information is furnished to the claimant and the claimant is provided an opportunity to be heard in connection with such information," after "concerned"; and

(2) in subsection (b)—

(A) by striking out "When" and inserting in lieu thereof "(1) Except as provided in paragraph (2), when";

(B) by inserting a comma and "after notice of such additional information is furnished to the claimant and the claimant is provided an opportunity to be heard in connection with such information," after "concerned"; and

(C) by adding at the end thereof the following new paragraph:

"(2) When, without the vote of a member appointed under section 4001(c) (1) or (2) of this title a section would be evenly divided, such member shall not vote.".

Sec. 106. Section 4004 is amended—

(1) in subsection (a)—

(A) by striking out "involving" in the first sentence and inserting in lieu thereof "for"; and

(B) by inserting before the period at the end of the second sentence "after affording the claimant an opportunity for a hearing and shall be based exclusively on evidence and material of record in the proceeding and on applicable provisions of law";

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) Except as provided in paragraph (2) of this subsection, when a claim is disallowed by the Board, it may not thereafter be reopened and allowed and no claim based upon the same factual basis shall be considered.

"(2) Following such a disallowance, the Board (directly or through the agency of original jurisdiction, as described in section 4005(b)(1) of this title)—

"(A) when new and material evidence is secured, shall, and

"(B) for good cause shown, may

authorize the reopening of a claim and a review of the Board's former decision.

"(3) A judicial decision under subchapter II of chapter 71 of this title, upholding, in whole or in part, the disallowance of a claim shall not diminish the Board's authority set forth in paragraph (2) of this subsection to authorize the reopening of a claim and a review of the former decision."; and

(3) by amending subsection (d) to read as follows:

"(d) After reaching a decision in a case, the Board shall promptly mail notice of its decision to the claimant and the claimant's authorized representative, if any, at the last known address of the claimant and at the last known address of the claimant's authorized representative, if any. Each decision of the Board shall include—

"(1) a written statement of the Board's findings and conclusions, and reasons or bases therefor, on all material issues of fact, law, and fact and law and on matters of discretion presented on the record; and

"(2) an order granting appropriate relief or denying relief.".

Sec. 107. Section 4005(d)(5) is amended by striking out "will base its decision on the entire record and".

Sec. 108. Section 4009 is amended by adding after subsection (b) the following new subsection:

"(c) Whenever there exists in the evidence of record in an appeal case a substantial disagreement between the substantiated findings or opinions of two physicians with respect to an issue material to the outcome of the case, the Board shall, upon the request of the claimant and after taking appropriate action to attempt to resolve the disagreement, arrange for an advisory medical opinion in accordance with the procedure prescribed in subsection (b) of this section. If the Board denies the request of such claimant for such an opinion, the Board shall prepare and provide to the claimant and the claimant's authorized representative, if any, a statement setting forth the basis for its determination. Actions of the Board under this subsection, including any such denial, shall be final and conclusive, and no other official or any court of the United States shall have the power or jurisdiction to review any aspect of any such decision by an action in the nature of mandamus or otherwise, the provisions of subchapter II of chapter 71 of this title to the contrary notwithstanding.".

Sec. 109. (a) Chapter 71 is further amended by adding at the end thereof the following new sections:

"§ 4010. Adjudication procedures

"(a) For purposes of conducting any hearing, investigation, or other proceeding in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration, the Administrator may administer oaths and affirmations, examine witnesses, and receive evidence.

"(b) Any oral, documentary, or other evidence, even though inadmissible under the rules of evidence applicable to judicial proceedings, may be admitted in a hearing, investigation, or other proceeding in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration, but the Administrator, under regulations which the Administrator shall prescribe, may provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence.

"(c)(1) In the course of any proceeding before the Board any party to such proceeding or such party's authorized representative shall be afforded opportunity—

"(A) to examine and, on payment of a fee prescribed pursuant to section 3302(b) of this title (not to exceed the direct cost of duplication), obtain copies of the contents of the case files and all documents and records to be used by the Veterans' Administration at such proceeding;

"(B) to present witnesses and evidence, subject only to such restrictions as may be set forth in regulations which the Administrator shall prescribe, pursuant to subsection (b) of this section, as to materiality, relevance, and undue repetition;

"(C) to make oral argument and submit written contentions, in the form of a brief or similar document, on substantive and procedural issues;

"(D) to submit rebuttal evidence;

"(E) to present medical opinions and request an independent advisory medical opinion pursuant to section 4009(c) of this title; and

"(F) to serve written interrogatories on any person, including any employee of the Veterans' Administration, which interrogatories shall be answered separately and fully in writing and under oath unless written objection thereto, in whole or in part, is filed with the Administrator by the person to whom the interrogatories are directed or such person's representative.

"(2) The fee provided for in paragraph (1)(A) of this subsection may be waived by the Administrator, pursuant to regulations which the Administrator shall prescribe, on the basis of the party's inability to pay or for other good cause shown.

"(3) In the event of any objection filed under paragraph (1)(F) of this subsection, the Administrator shall, pursuant to regulations which the Administrator shall prescribe establishing standards consistent with standards for protective orders applicable in the United States District Courts, evaluate such objection and issue an order (A) directing that, within such period as the Administrator shall specify, the interrogatory or interrogatories objected to be answered as served or answered after modification, or (B) indicating that the interrogatory or interrogatories are no longer required to be answered.

"(4) If any person upon whom interrogatories are served under paragraph (1)(F) of this subsection fails to answer or fails to provide responsive answers to any such interrogatories within thirty days after service or such additional time as the Administrator may allow, the Administrator shall, upon a statement or showing by the party who served such interrogatories of general relevance and reasonable scope of the evidence sought, issue a subpena under section 3311 of this title (with enforcement of such subpena to be available under section 3313 of this title) for such person's appearance and testimony on such interrogatories at a deposition on written questions, at a location within one hundred miles of where such person resides, is employed, or transacts business.

"(d) In the course of any hearing, investigation, or other proceeding in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration, an employee of the Veterans' Administration may at any time disqualify himself or herself, on the basis of personal bias or other cause, from adjudicating the claim. On the filing by a party in good faith of a timely and sufficient affidavit averring personal bias or other cause for disqualification on the part of such an employee, the Administrator shall determine the matter as a part of the record and decision in the case.

"(e) The transcript or recording of testimony and the exhibits, together with all papers and requests filed in the proceeding, and the decision of the Board (1) shall constitute the exclusive record for decision in accordance with section 4004(a) of this title, (2) shall be available for inspection by any party to such proceeding, or such party's authorized representative, at reasonable times and places, and (3) on the payment of a fee prescribed under section 3302(b) of this title (not to exceed the direct cost of duplication), shall be copied for the claimant or such claimant's authorized representative within a reasonable time. Such fee may be waived by the Administrator, pursuant to regulations which the Administrator shall prescribe, on the basis of the party's inability to pay or for other good cause shown.

"(f) Notwithstanding section 4004(a) of this title, section 554(a) of title 5, or any other provision of law, adjudication and hearing procedures prescribed in this title

and in regulations prescribed by the Administrator under this title for the purpose of administering veterans' benefits shall be exclusive with respect to hearings, investigations, and other proceedings in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration.

"§ 4011. Notice of procedural rights

"In the case of any disallowance, in whole or in part, of a claim for benefits under laws administered by the Veterans' Administration, the Administrator shall, at each procedural stage relating to the disposition of such a claim, beginning with disallowance after an initial review or determination, and including the furnishing of a statement of the case and the making of a final determination by the Board, provide to the claimant and such claimant's authorized representative, if any, written notice of the procedural rights of the claimant. Such notice shall be on such forms as the Administrator shall prescribe by regulation and shall include, in easily understandable language, with respect to proceedings before the Veterans' Administration, (1) descriptions of all subsequent procedural stages provided for by statute, regulation, or Veterans' Administration policy, (2) descriptions of all rights of the claimant expressly provided for in or pursuant to this chapter, of the claimant's rights to a hearing, to reconsideration, to appeal, and to representation, and of any specific procedures necessary to obtain the various forms of review available for consideration of the claim, and (3) such other information as the Administrator, as a matter of discretion, determines would be useful and practical to assist the claimant in obtaining full consideration of the claim.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 4009 the following new items:

"4010. Adjudication procedures.
"4011. Notice of procedural rights.".

Sec. 110. (a) In order to evaluate the feasibility and desirability of alternative methods of (1) assuring the resolution of claims before the Administrator of Veterans' Affairs for benefits under laws administered by the Veterans' Administration as promptly and efficiently as feasible following the filing of a notice of disagreement pursuant to section 4005 (as amended by section 107 of this Act) or 4005A of title 38, United States Code, and (2) affording claimants the opportunity for a hearing before or review by a disinterested authority at a location as convenient and on as timely basis as possible for each claimant, the Administrator is authorized to conduct a study, commencing not more than one year after the date of the enactment of this Act, for a period of twenty-four months, involving either or both of the alternative methods described in subsection (b) of this section for resolution of claims.

(b)(1) In not more than three geographic areas, the Administrator is authorized to provide an intermediate-level adjudication process whereby each claimant may, within the time afforded such claimant under paragraph (3) of section 4005(d) or 4005A(b) of title 38, United States Code, to file an appeal, request a de novo hearing at the agency of original jurisdiction (as described in section 4005(b)(1) of such title) before a panel of three Veterans' Administration employees, each of whose primary responsibilities include adjudicative functions but none of whom shall have previously considered the merits of the claim at issue. Following such hearing, such panel shall render a decision and prepare a new statement of the case in accordance with the requirements of paragraphs (1) and (2) of section 4005(d) of such title. Such new statement of the case shall, for all purposes relating to appeals under chapter 71 of such title, be considered to be a statement of the case as required by paragraph (1) of such section 4005(d).

(2) In not more than three other geographic areas, the Administrator is authorized to provide for an enhanced schedule of visits, on at least a quarterly basis each year, by a panel or panels of the Board of Veterans' Appeals to conduct formal recorded hearings pursuant to section 4002 of such title in such areas.

(c) Not later than six months after the completion of such study, the Administrator shall report to the Congress on the results thereof, including an evaluation of the cost factors associated with each alternative studied and with any appropriate further implementation thereof, the impact on the workload of each regional office involved in such study, and the impact on the annual caseload of the Board of Veterans' Appeals resulting from each alternative studied, together with any recommendations for administrative or legislative action, or both, as may be indicated by such results.

Sec. 111. Section 3010(i) is amended—

(1) by inserting "(1)" after "(i)"; and

(2) by adding at the end the following new paragraph:

"(2) Whenever any disallowed claim is reopened and thereafter allowed on the basis of new and material evidence in the form of official reports from the proper service department, the effective date of commencement of the benefits so awarded shall be the date on which an award of benefits under the disallowed claim would have been effective had the claim been allowed on the date it was disallowed.".

TITLE II—VETERANS' ADMINISTRATION RULE MAKING

Sec. 201. (a) Subchapter II of chapter 3 is amended by adding at the end the following new section:

"§ 222. Rule making

"Notwithstanding the provisions of subsection (a)(2) of section 553 of title 5, the promulgation of rules and regulations by the Administrator, other than rules or regulations pertaining to agency management or personnel or to public property or contracts, shall be subject to the requirements of section 553 of title 5.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 221 the following new item:

"222. Rule making.".

TITLE III—JUDICIAL REVIEW

Sec. 301. Section 211(a) is amended by striking out "sections 775, 784" and inserting in lieu thereof "sections 775 and 784 and subchapter II of chapter 71 of this title".

Sec. 302. (a) Chapter 71 is further amended—

(1) by inserting after the table of sections the following new heading:

"SUBCHAPTER I—GENERAL"; and

(2) by adding at the end thereof the following new subchapter:

"SUBCHAPTER II—JUDICIAL REVIEW

"§ 4025. Right of review; commencement of action

"(a) For the purposes of this chapter—

"(1) 'final decision of the Administrator' means—

"(A) a final determination of the Board of Veterans' Appeals pursuant to section 4004 (a) or (b) of this title; or

"(B) a dismissal of an appeal by the board of Veterans' Appeals pursuant to section 4005 or 4008 of this title; and

"(2) 'claim for benefits' means—

"(A) an initial claim filed under section 3001 of this title;

"(B) a challenge to a decision of the Administrator reducing, suspending, or terminating benefits; or

"(C) any request by or on behalf of the claimant for reopening, reconsideration, or further consideration in a matter described in clause (A) or (B) of this paragraph.

"(b) Except as provided in subsection (f) of this section, after any final decision of the Administrator adverse to a claimant in a matter involving a claim for benefits under any law administered by the Veterans' Administration, such claimant may obtain a review of such decision in a civil action commenced within one hundred eighty days after notice of such decision is mailed to such claimant pursuant to section 4004(d) of this title. Such action shall be brought against the Administrator in the district court of the United States for the judicial district in which the plaintiff resides or the plaintiff's principal place of business is located, or in the district court of the United States for the judicial district where the principal offices of the Board of Veterans' Appeals (established under section 4001 of this title) are located.

"(c) The complaint initiating an action under subsection (a) of this section shall contain sufficient information to permit the Administrator to identify and locate the plaintiff's records in the custody or control of the Veterans' Administration.

"(d) Not later than thirty days after filing the answer to a complaint filed pursuant to subsection (a) of this section, the Administrator shall file a certified copy of the records upon which the decision complained of is based or, if the Administrator determines that the cost of filing copies of all such records is unduly expensive, the Administrator shall file a complete index of all documents, transcripts, or other materials comprising such records. After such index is filed and after considering requests from all parties, the court shall require the Administrator to file certified copies of such indexed items as the court considers relevant to its consideration of the case.

"(e) In an action brought pursuant to subsection (b) of this section, the court shall have the power, upon the pleadings and the records specified in subsection (d) of this section, to enter judgment in accordance with section 4026 of this title or remand the cause in accordance with such section or section 4027 of this title.

"(f)(1) No action may be brought under this section unless (A) the initial claim for benefits is filed pursuant to section 3001 of this title on or before the last day of the fifth fiscal year beginning after the effective date of this section, and (B) the complaint initiating such action is filed not more than one hundred and eighty days after notice of the first final decision of the Administrator rendered after the last day of such fiscal year is mailed to the claimant pursuant to section 4004(d) of this title. If the case is reopened pursuant to section 4004(b)(2)(A) of this title within one hundred and eighty days after such notice is mailed, the next final decision shall, for purposes of this subsection, be considered the first final decision of the Administrator.

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"(2) No action may be brought under this section with respect to matters arising under chapters 19 and 37 of this title.".

"§ 4026. Scope of review

"(a)(1) In any action brought under section 4025 of this title, the court, to the extent necessary to its decision and when presented, shall—

"(A) decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning of applicability of the terms of an action of the Administrator;

"(B) compel action of the Administrator unlawfully withheld;

"(C) hold unlawful and set aside decisions, findings (other than those described in clause (D) of this paragraph), and conclusions of the Administrator found to be—

"(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(ii) contrary to constitutional right, power, privilege, or immunity;

"(iii) in excess of statutory jurisdiction, authority, or limitations, or in violation of a statutory right; or

"(iv) without observance of procedure required by law; and

"(D) in the case of a finding of material fact made in reaching a decision on a claim for benefits under laws administered by the Veterans' Administration, hold unlawful and set aside such finding when it is so utterly lacking in a rational basis in the evidence that a manifest and grievous injustice would result if such finding were not set aside.

"(2) Before setting aside any finding of fact under paragraph (1)(D) of this subsection, the court shall specify the deficiencies in the record upon which the court would set aside such finding and shall remand the case one time to the Administrator for further action not inconsistent with the order of the court in remanding the case. In remanding a case under the first sentence of this paragraph, the court shall specify a reasonable period of time within which the Administrator shall complete the ordered action. If the Administrator does not complete action on the case within the specified period of time, the case shall be returned to the court for its further action.

"(b) In making the determinations under subsection (a) of this section, the whole record before the court pursuant to section 4025(d) of this title shall be subject to review, and the court shall review those parts of such record cited by a party, and due account shall be taken of the rule of prejudicial error.

"(c) In no event shall findings of fact made by the Administrator be subject to trial de novo by the court.

"(d) When a final decision of the Administrator is adverse to a party and the sole stated basis for such decision is the failure of such party to comply with any applicable regulation of the Veterans' Administration, the court shall review only questions raised as to compliance with and the validity of the regulation.

"§ 4027. Remands

"(a)(1) In any action brought under section 4025 of this title, the court shall, on motion of the Administrator made before the expiration of the time specified for the filing of an answer to a complaint filed pursuant to subsection (b) of such section, allow a single remand of a case to the Administrator for further review by the Administrator. If such review is not completed within ninety days after the date of such remand, the matter shall be returned to the court for its action.

"(2)(A) At any time after the Administrator files an answer, the court may, in the exercise of its discretion, remand the case to the Administrator for further action by the Administrator.

"(B) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there is good cause for granting such leave, the court shall remand the case to the Administrator and order such additional evidence to be taken by the Administrator.

"(C) In the case of a remand under subparagraph (A) or (B) of this paragraph, the court may specify a reasonable period of time within which the Administrator shall complete the required action.

"(b) After a case is remanded to the Administrator under subsection (a) of this section, and after further action by the Administrator, including consideration of any additional evidence, the Administrator shall modify, supplement, affirm, or reverse the findings of fact or decision, or both, and shall file with the court any such modification, supplementation, affirmation, or reversal of the findings of fact or decision or both, as the case may be, and certified copies of any additional records and evidence upon which such modification, supplementation, affirmation, or reversal was based. Any such modification, supplementation, affirmation, or reversal of the findings of fact or decision shall be reviewable by the court only to the extent provided in section 4026 of this title.

"§ 4028. Survival of actions

"Any action brought under section 4025 of this title shall survive notwithstanding any change in the person occupying the office of Administrator or any vacancy in such office.

"§ 4029. Appellate review

"The decisions of a district court pursuant to this chapter shall be subject to appellate review by the courts of appeals and the Supreme Court of the United States in the same manner as judgments in other civil actions.".

(b) The table of sections at the beginning of such chapter is amended—

(1) by inserting before the item relating to section 4001 the following new item:

"SUBCHAPTER I—GENERAL";

and

(2) by adding after the item (added by section 109(b) of this Act) relating to section 4011 the following new items:

"SUBCHAPTER II—JUDICIAL REVIEW

"Sec.
"4025. Right of review; commencement of action.
"4026. Scope of review.
"4027. Remands.
"4028. Survival of actions.
"4029. Appellate review.".

SEC. 303. Section 1346(d) of title 28, United States Code, is amended by inserting before the period at the end thereof "except as provided in subchapter II of chapter 71 of title 38".

TITLE IV—ATTORNEYS' FEES

SEC. 401. Section 3404 is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The Administrator shall approve reasonable attorneys' fees to be paid by the claimant to attorneys for representation before the Veterans' Administration in connection with a claim for benefits under laws administered by the Veterans' Administration, but in no event shall such attorneys' fees exceed—

"(1) for any claim resolved prior to or at the time that a final decision of the Administrator is first rendered, $10; or

"(2) for any claim resolved after such time, an amount in excess of—

"(A) if the claimant and an attorney have entered into an agreement under which no fee is payable to such attorney unless the claim is resolved in a manner favorable to the claimant, 25 percent of the total amount of any past-due benefits awarded on the basis of the claim; or

"(B) if the claimant and an attorney have not entered into such an agreement, the lesser of—

"(i) the fee agreed upon by the claimant and the attorney; or

"(ii) $500, or such greater amount as may be specified from time to time in regulations which the Administrator shall prescribe based on changed national economic conditions subsequent to the date of enactment of this subsection, except that the Administrator may, in the Administrator's discretion, determine and approve a fee in excess of $500, or such greater amount if so specified, in an individual case involving extraordinary circumstances warranting a higher fee.

"(d)(1) If, in an action brought under section 4025 of this title, the matter is resolved in a manner favorable to a claimant who was represented, by an attorney, the court shall determine and allow a reasonable fee for such representation to be paid to the attorney by the claimant. When the claimant and an attorney have entered into an agreement under which the amount of the fee payable to such attorney is to be paid from any past-due benefits awarded on the basis of the claim and the amount of the fee is contingent on whether or not the matter is resolved in a manner favorable to the claimant, the fee so determined and allowed shall not exceed 25 percent of the total amount of any past-due benefits awarded on the basis of the claim.

"(2) If, in an action brought under section 4025 of this title, the matter is not resolved in a manner favorable to the claimant, the court, taking into consideration the likelihood at the time such action was filed that the claimant would prevail, may determine and allow a reasonable fee not in excess of $750 to be paid to the attorney by the claimant for the representation of such claimant.

"(e) To the extent that past-due benefits are awarded in proceedings before the Administrator or a court, the Administrator shall direct that payment of any attorneys' fee that has been determined and allowed under this section be made out of such past-due benefits, but in no event shall the Administrator withhold for the purpose of such payment any portion of benefits payable for a period subsequent to the date of the final decision of the Administrator or court making such award.

"(f) The provisions of this section shall apply only to cases involving claims for benefits under the laws administered by the Veterans' Administration, and such provisions shall not apply in cases in which the Veterans' Administration is the plaintiff or in which other attorneys' fee statutes are applicable.

"(g) For the purposes of this section—

"(1) the terms 'final decision of the Administrator' and 'claim for benefits' shall have the same meaning provided for such terms, respectively, in section 4025(a) of this title; and

"(2) claims shall be considered as resolved in a manner favorable to the claimant when all or any part of the relief sought is granted.

"(h) In an action brought under section 4025 of this title, the court may award to a prevailing party, other than the Administrator, reasonable attorneys' fees and costs in accordance with the provisions of section 2412(d) of title 28, notwithstanding the provisions of section 204(c) of the Equal Access to Justice Act, Public Law 96-481.".

SEC. 402. Section 3405 is amended—

(1) by striking out "or" after "title."; and

(2) by striking out "him" and inserting in lieu thereof "such claimant or beneficiary, or (3) with intent to defraud, in any manner willfully and knowingly deceives, misleads, or threatens a claimant or beneficiary or prospective claimant or beneficiary under this title with reference to any matter covered by this title".

TITLE V—EFFECTIVE DATES

SEC. 501. This Act and the amendments made by this Act shall take effect on the first day of the first month beginning not less than one hundred and eighty days after the date of enactment of this Act.

SEC. 502. A civil action authorized in subchapter II of chapter 71 of title 38, United States Code (as added by section 302(a) of this Act) may be instituted to review decisions of the Board of the Veterans' Appeals rendered on or after April 1, 1983.

Mr. SIMPSON. Mr. President, as chairman of the Committee on Veterans' Affairs, it is my pleasure to present to the Senate for its approval S. 636, the proposed Veterans' Administration Adjudication Procedure and Judicial Review Act. This legislation is designed to improve the adjudicative rights of individuals pursuing claims for Veterans' Administration benefits in order to make them more nearly comparable to the rights of claimants for virtually all other Federal benefits.

Mr. President, legislation similar to S. 636 has passed the Senate by voice vote in each of the last two Congresses. In the 96th Congress, S. 330 was favorably reported by the Veterans' Affairs Committee on May 3, 1979, and was passed by the Senate on September 17, 1979. Again, in the 97th Congress, similar legislation—S. 349—was unanimously reported by the committee on April 28, 1982, and was passed by the Senate on September 14, 1982.

S. 636 as it is before the Senate today is identical in most respects to S. 349 in the 97th Congress. The committee held a hearing to consider S. 636 on March 23, 1983, and reported the bill out, with a number of relatively minor committee amendments, on April 12, 1983.

This year's committee amendments would make the following substantive changes: First, authorize the appointment of "temporary" and "acting" members of the Board of Veterans' Appeals under certain circumstances—this provision is derived from language proposed by the VA—second, clarify that, although the rulemaking requirements of the Administrative Procedure Act would apply to matters such as individual benefits determinations by the VA, they need not apply to matters of agency management or personnel or to public property or contracts; third, revise the bill's sunset provision, keeping it at 5 years, but imposing certain time limitations on the filing of Federal court appeals of cases initially filed with the VA within the 5-year limit; and fourth, clarify the circumstances under which an award of attorneys' fees and costs may be made against the Government.

The central components of the bill have not been changed. Judicial review would be permitted—including a limited review of factual issues—where none is permitted under current law. Veterans claimants would be permitted to pay attorneys reasonable fees, within certain limitations, for representation before the VA and in the Federal courts, instead of the flat $10 fee limitation presently in effect. As an adjunct to these two central provisions, the bill would establish and codify certain adjudication procedures, and would, as I have already alluded to, impose certain formal rulemaking requirements on the VA. In order that the Senate might have the benefit of a more thorough description of the provisions of S. 636, I ask unanimous consent that the committee's summary of provisions be printed in the RECORD at the conclusion of my remarks.

Mr. President, I wish to express my deep appreciation for the continuing efforts of my good friend from California (Mr. CRANSTON), the ranking minority member of the Veterans' Affairs Committee, and of the Senator from Colorado (Mr. HART), the distinguished original sponsor of this legislation. Both of these gentlemen have been instrumental in seeing that this legislation moves forward with all possible speed, and future claimants for VA benefits will, I think, owe them a profound debt of gratitude for their good work in this area. I would also like to extend my thanks to the committee staff members who have labored over this legislation—particularly Scott Wallace, Tom Harvey, and Harold Carter of the majority staff, ably supported by Beckey Hucks and Laurie Altemose, and Bill Brew and Jon Steinberg of the minority staff.

Mr. President, the changes made by this bill are very long overdue. I strongly urge that my colleagues join me in supporting this important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROVISIONS

The Committee bill has five titles: Adjudication procedures; Veterans' Administration rule making; Judicial review; Attorneys' fees; and Effective dates, as follows:

Title I: *Adjudication procedures.*—This title would codify and establish various internal procedures of the VA applicable in adjudications of claims for benefits under laws administered by the VA. Included in title I of the Committee bill are provisions that would:

1. Codify the burden of proof and reasonable doubt standards in VA claims adjudication proceedings, currently provided for by regulation (38 CFR 3.102 and 3.103), in order to assure that the VA's present practices of providing claimants all reasonable assistance in the development of claims and construing the evidence liberally in favor of the claimant are not lost in reaction to the provision, in title III of the Committee bill, authorizing judicial review of final decisions denying claims.

2. Specify procedures for the service of subpenas authorized under section 3311 of title 38, United States Code, including procedures for personal service or service by mail.

3. Increase the statutory limitation on the size of the BVA from 50 to 65 in order both to ease existing strains on the BVA's docket and to enhance the Board's ability to deal with workload increases that may be generated by judicial review of VA decisions.

4. Encourage the BVA to dispose of appeals before it in a timely manner.

5. Authorize the appointment of temporary BVA members for a term of not more than 1 year each when all 65 BVA positions are filled, and of acting members, for a period of not more than 30 days, or 60 days total in any single fiscal year, to serve in the temporary absence of regular members.

6. Preclude a temporary or acting member from casting a vote in any case where the votes of the two regular members are split.

7. Require the Administrator to report annually to Congress on the implementation of the provisions authorizing the appointment of temporary and acting BVA members.

8. Require the Chairman to report to the appropriate committees of the Congress annually on the Board's current and future workload and its ability, based on then current and projected staffing, to dispose of appeals in a timely manner.

9. Require the BVA to provide a claimant with notice and an opportunity for a hearing before making a decision based on additional offical information received after the BVA had previously decided the case.

10. Codify a claimant's right to an opportunity for a hearing before the BVA.

11. Require expressly that BVA decisions must be based exclusively on evidence and material of record and on applicable provisions of law.

12. Make a technical correction in the description of the BVA's authority to reopen a claim by deleting (as inconsistent with present practice) the present requirement that new and material evidence sufficient to reopen a claim be in the form of official reports from the proper service department.

13. Specify that a court decision upholding denial of a claim under title III of the Committee bill, shall not diminish the Board's discretionary authority to reopen a claim.

14. Require the BVA to mail a detailed statement of its decision to the claimant and the claimant's authorized representative, if any, at the last known address of the claimant and such representative.

15. Expand the present requirement that BVA decisions be in writing and contain findings of fact and conclusions of law sepa-

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rately stated, to require that such decisions include findings and conclusions and reasons and bases therefor, on all material issues of fact, law, and matters of discretion, as well as an order granting or denying relief.

16. Expressly provide a claimant before the BVA, with the right, upon request, to have the Board acquire an independent medical opinion when there is a substantial disagreement between the substantiated findings or opinions of two physicians on an issue material to the outcome of the case. Any Board decision to deny such a request, and the basis for such denial, would have to be provided to the claimant but such decision would not be subject to judicial review.

17. Authorize the Administrator to administer oaths and affirmations, examine witnesses and receive evidence in VA claims adjudication proceedings.

18. Provide for the admission, even if inadmissible under the rules of evidence applicable in court, of all evidence submitted in VA claims adjudication proceedings subject only to such provisions as the Administrator may impose through regulations for the exclusion of irrelevant, immaterial, or unduly repetitious evidence.

19. Provide that, in the course of hearings on a claim for VA benefits following initial denial of the claim, the claimant (or other party) shall have the right to review and, on the payment of a fee (waivable, pursuant to regulations that the Administrator must prescribe, on the basis of inability to pay or for other good cause shown) limited to the costs of duplication, to obtain copies of the case files and all materials to be used by the VA at the hearing, to present witnesses and evidence including medical opinions and rebuttal evidence, to make argument and to submit written contentions, and to submit to any person written interrogatories which must be answered unless written objections thereto are filed. If the person served with interrogatories files an objection thereto, the Administrator must, pursuant to regulations that the Administrator must prescribe, evaluate the objection and issue an order directing that answers be given or stating that they need not be given. If the person served with interrogatories fails to comply with such an order or, in the absence of an objection, to answer the interrogatories, the party who served the interrogatories would have the right, upon a statement or showing of good cause, to have the Administrator issue a subpena (enforceable in Federal district court) for the witness' attendance at a deposition at which the unanswered interrogatories would be asked.

20. Allow, in the course of any claims proceeding, any VA employee to disqualify himself or herself on the basis of personal bias or other cause and a party to challenge such an employee on such basis.

21. Specify the materials that must be included in the record of VA claims adjudication proceedings and provide that the record shall be available for the claimant's inspection and shall be copied for the claimant upon the payment of a fee (waivable, pursuant to regulations that the Administrator must prescribe, on the basis of claimant's inability to pay or for other good cause shown) limited to the costs of duplication.

22. Specify that the adjudication rights contained in title 38 and prescribed thereunder by the Administrator are exclusive.

23. Require the Administrator, at each stage of claims adjudication proceedings before the VA, to provide the claimant with detailed notice, in easily understandable language, of the claimant's procedural rights.

24. Authorize a VA study of alternative methods of ensuring the prompt and efficient resolution of claims and affording claimants the opportunity for a timely and convenient hearing or review by a disinterested authority. Under this provision, the Administrator could study the following two alternative methods of speeding claims resolution at locations convenient to claimants: (A) intermediate review panels which would conduct *de novo* reviews at VA regional offices prior to appeal to the BVA, and (B) an enhanced schedule of BVA traveling board visits (at least four per year). The report on the study, including the Administrator's recommendations for administrative or legislative actions, or both, would be due to be submitted to the Congress within 6 months after completion of the study.

25. Permit retroactive awards for claims reopened and allowed on the basis of new and material evidence in the form of service records.

Title II: *Veterans' Administration rule making.*—This title would require application of the rule making provisions of the Administrative Procedure Act (APA) to all matters other than those involving agency management, personnel, public property or contracts. Matters such as those involving VA benefits and loans would thus be made subject to certain APA requirements, including requirements of notice to the public of proposed regulations and opportunities for comment on such proposed regulations, notwithstanding the exclusion from such provisions in section 553(a)(2) of title 5, United States Code, of matters involving loans, grants, benefits, or contracts.

Title III: *Judicial review.*—This title would permit access to the United States Federal court system for review of decisions of the Administrator on claims for benefits. Included in title III of the Committee bill are provisions that would:

1. Expand the present category of exceptions to the general preclusion of judicial review contained in present section 211(a) of title 38, United States Code.

2. Authorize review of a final decision of the Administrator adverse to a VA benefits claimant in Federal district court (in either the plaintiff's home district or the judicial district where the Board of Veterans' Appeals is located, presently the District of Columbia) instituted by a civil action brought within 180 days of the mailing by the VA of notice of such decision.

3. Define a "final decision of the Administrator", which may be appealed to Federal court, to include a Board of Veterans' Appeals (BVA) final decision on the merits, refusal to reopen a claim, and dismissal of an appeal.

4. Define "claim for benefits" to include not just initial claims, but also subsequent action taken on a claim such as reduction or termination of benefits.

5. Require that a complaint instituting a civil action for court review of a decision relating to a claim for benefits include sufficient information to permit the VA to identify and locate the plaintiff's VA records.

6. Require the VA to file, together with its answer to a complaint, a certified copy of all of the materials that constitute the record or, if the cost of filing all such materials would be unduly expensive, a complete index of all of the materials. In the latter case, the court would, after considering the requests of the parties, order the Administrator to file certified copies of such indexed items as it deemed relevant to its consideration of the case.

7. Authorize a court, in an action for review of a VA denial of a claim for benefits, to enter a judgment on the pleadings and the records.

8. Preclude judicial review, under the provisions added by this title of the Committee bill, unless the initial claim is filed with the Administrator on or before the last day of the fifth fiscal year beginning after the effective date of such provisions and the appeal to Federal district court is filed within 180 days of the first BVA decision adverse to the claimant, as well as with respect to matters arising under chapters 19 (insurance) and 37 (home, condominium, and mobile home loans) of title 38, United State Code.

9. Authorize the reviewing court to decide all relevant questions of law; to interpret constitutional, and statutory provisions as well as other actions of the Administrator, compel action of the Administrator unlawfully withheld; and to hold unlawful and set aside decisions, findings, and conclusions of the Administrator found to be (A) arbitrary, capricious, and abuse of discretion, or not in accordance with law, (B) contrary to constitutional right, power, privilege, or immunity, (C) in excess of statutory jurisdiction, authority, or limitation, or in violation of a statutory right, or (D) without observance of procedure required by law, or (E) in the case of a finding of material fact, so utterly lacking in a rational evidentiary basis that a manifest and grievous injustice would result if the finding were not set aside.

10. Require a reviewing court, before reversing an Administrator's decision on the basis of the court's finding that a factual determination of the Administrator is utterly lacking in a rational evidentiary basis, to specify where it finds the record deficient and remand the matter a single time to the Administrator for further action within a reasonable, specified period of time.

11. Require a court, in making determinations, to review those parts of the administrative record cited by a party and to take due account of the rule of prejudicial error.

12. Preclude a reviewing court from conducting a trial *de novo* on the Administrator's findings of fact.

13. Provide that, in a matter resolved by the VA solely on the basis of a party's failure to comply with a VA regulation, the reviewing court may consider only issues raised as to the validity of or a party's compliance with the regulation.

14. Authorize three different types of remands from the reviewing court to the Administrator: First, a single remand for not more than 90 days, at the Administrator's request before the Administrator files an answer, for the Administrator to reconsider the case; second, a remand in the court's discretion after the administrator has filed an answer; and third, a remand if either party applies for leave to adduce further evidence and the moving party shows "good cause" for the requested remand.

15. Provide that any actions brought under the judicial review provisions added by this title of the Committee bill will survive the tenure of any individual as Administrator.

16. Provide that decisions of the district court pursuant to the judicial review provisions added by this title shall be subject to review in higher Federal courts in the same manner as judgments in other civil actions.

17. Specify that the current-law limitation on the jurisdiction of Federal district courts

in matters involving pensions shall not apply to VA pension matters.

Title IV: Attorneys' fees.—This title would revise the present title 38 limitation of $10 for claimants' attorneys' fees by authorizing reasonable attorneys' fees, within certain limits, for representation of individuals before the VA and for representation in a case appealed to court under the judicial review provisions added to title 38 by this title of the Committee bill, with a specified limitation in cases in which the matter is resolved in a manner unfavorable to the claimant. Included in title IV are provisions that would:

1. Retain the $10 limitation on the amount an attorney may receive for services rendered prior to a final BVA decision, while removing an ambiguity with respect to whether that limitation applies under current law to attorneys "recognized" for practice before the VA.

2. Permit the Administrator to approve a reasonable attorneys' fee for representation within the VA after a final BVA decision (where, for example, a case remains before the VA for reconsideration or for reopening on the basis of "new and material evidence" offered under section 4004(b) of title 38, United States Code, as amended by title I of the Committee bill), up to a maximum of $500 or, if the claimant and attorney have entered into a contingency-fee agreement, no more than 25 percent of any past-due benefits awarded the claimant.

3. Authorize the Administrator to increase the $500 maximum limitation in future years to reflect changed economic conditions.

4. Authorize the Administrator to disregard the $500 limitation in an individual case involving extraordinary circumstances warranting a higher fee.

5. Allow a reviewing court, in a case appealed from the VA, to approve a reasonable attorneys' fee. For cases not resolved in a manner favorable to a claimant, the maximum a court could approve would be $750. For cases resolved in a manner favorable to a claimant, the only limitation on the amount of the fee that a court could approve would be that it must be reasonable, or that, if a claimant and an attorney had entered into a contingent-fee agreement, the fee approved by the court could not exceed 25 percent of the total amount of past-due benefits.

6. Authorize the VA to make payment to an attorney from past-due benefits, but preclude the VA from making payments from benefits received subsequent to the date of the decision entitling the veteran to benefits.

7. Limit the applicability of the attorneys' fee provisions to cases involving claims for benefits.

8. Define, for the purpose of attorneys' fees provisions, a claim as being "resolved in a manner favorable to the claimant" when any or all of the relief sought is granted.

9. Authorize a court to award to a prevailing party, other than the Administrator, reasonable attorneys' fees and costs in accordance with the provisions of the Equal Access to Justice Act, under which such an award may be made unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

10. Provide criminal penalties for willfully and intentionally defrauding a VA claimant.

Title V: Effective dates.—This title provides for an effective date and authorizes the institution of civil actions, under the judicial review provisions added by title III of the Committee bill, for the review of certain Board of Veterans' Appeals (BVA) decisions prior to such effective date. Included in this title are provisions that would:

1. Provide that the provisions added by the Committee bill would become effective 180 days after the date of enactment.

2. Allow for court review of a BVA decision rendered on or after April 1, 1983.

Mr. CRANSTON. Mr. President, as the ranking minority member on the Veterans' Affairs Committee, I am delighted to join with my good friend from Wyoming, the committee chairman (Mr. SIMPSON), in urging our colleagues to give their wholehearted, unanimous approval to S. 636, the proposed Veterans' Administration Adjudication Procedure and Judicial Review Act, as reported by the committee on May 18. If the Senate acts as we urge, this will be the third time that the Senate has gone on record in support of legislation to eliminate provisions in current law that accord veterans second-class citizenship in the very fundamental area of their relationship with the Federal Government with respect to statutory benefits and services. The first time was during the 96th Congress, on September 17, 1979, when the Senate passed a predecessor measure, S. 330; the second was during the last Congress when the immediate predecessor to the current legislation, S. 349, was passed on September 14, 1982. On each of these two prior occasions, the measure died in the House with the close of that Congress.

I am convinced that the Senate's position on this issue is correct, and I hope that our colleagues in the other body will take notice of our actions and, once this measure reaches that body, give it the full and favorable consideration it deserves. In this regard, I am very pleased to note that the House Committee on Veterans' Affairs has scheduled hearings on this issue for July 20 and 21 of this year.

Mr. President, the basic purpose of S. 636 as reported is to insure that veterans and other claimants before the VA receive all benefits to which they are entitled under law by—

Providing veterans and other claimants with the opportunity for judicial review of final VA decisions denying claims for benefits,

Improving and codifying certain internal procedures of the VA relating to the adjudication of benefit claims,

Requiring that VA rulemaking processes comply with provisions of the Administrative Procedure Act relating to notice and comment, and allowing claimants to pay attorneys reasonable fees for representation before the VA after a decision by the Board of Veterans' Appeals as well as for representation in judicial proceedings.

BACKGROUND

Mr. President, in March of this year, at the time Senators HART and I, joined by Chairman SIMPSON, along with 25 other original cosponsors, introduced S. 636—which was identical to S. 349 as passed by the Senate during the 97th Congress—I made an extended statement in which I discussed the history of consideration of judicial review legislation in the Senate and the reasons supporting the bill we were then introducing. I refer my colleagues and others with an interest in this background to my remarks at the time of introduction which begin on page S1895 of the RECORD for March 1, 1983. In addition, my statements on the predecessor measure in the last Congress, S. 349—which can be found on page S812 of the RECORD for January 30, 1981, at the time of introduction and on page S11421 of the RECORD for September 14, 1982, at the time of Senate passage—provide further background information on this legislation.

The measure as it comes before the Senate today has been through an extended period of development which began in the 94th Congress. During this period, the Committee on Veterans' Affairs has held nine hearings on judicial review legislation, and the Judiciary Committee has held one such hearing. Judicial review legislation has been before both the Veterans' Affairs Committee and the Judiciary Committee, with the Veterans' Affairs Committee three times voting to report the legislation and the Judiciary Committee twice, after referral of the reported bill to it for a limited period of time, allowing the reported measure to go to the full Senate unamended.

Finally, as I just noted, the Senate during the last two Congresses passed legislation quite similar to the pending measure.

In short, it is clear that the Senate has given a great deal of consideration to the issue of providing for judicial review of VA decisions and has indicated its support for providing an opportunity for a veteran aggrieved by a VA decision on a claim for benefits to obtain a carefully limited review of such a decision. I have every expectation that the Senate will go on record again today in support of such a result, and I strongly urge that action.

Mr. President, because, as I noted earlier, I have previously described in some detail the background of this legislation and the general reasons for my support for it, I will limit my remarks today to a brief discussion of the changes made by the Veterans' Affairs Committee to the measure as introduced. In addition, I will briefly discuss my responses to points made by the VA in testimony on S. 636 before the committee earlier this year.

COMMITTEE AMENDMENTS

Mr. President, the committee made two changes of some significance to S. 636 as introduced—one relating to temporary and acting members of the

Board of Veterans' Appeals and one relating to the effective date of awards on certain reopened claims—as well as a number of clarifying amendments to various provisions in the bill.

Mr. President, with reference to the issue of temporary and acting members of the Board of Veterans' Appeals—BVA—S. 636 includes a provision, derived, with modifications I proposed, from S. 887, legislation introduced by the committee chairman (Mr. SIMPSON) at the request of the administration. The provision in the committee bill would provide the BVA Chairman with new authority relating to the membership of the Board. Pursuant to this authority, the Chairman would be authorized to appoint individuals from the Board's professional staff to serve temporarily on the Board in two situations. First, the bill would authorize the Chairman to appoint a "temporary member" to serve for up to a year on a Board section during a period, such as exists at present, when the Board has a full complement of members—at present the statutorily-authorized maximum is 50 but would be increased to 65 under the bill—and is facing a backlog of cases. Second, the Chairman would be authorized to appoint, for periods up to 30 days and no more than 60 days in 1 year, a BVA professional staff member to serve as an "acting" member to take the place of a duly-appointed Board member who is temporarily absent from the three-member section to which he or she is regularly assigned.

Because the committee does not believe that these new appointment authorities should be allowed to alter the fundamental nature of the Board as an independent entity made of individuals appointed by the Adminstrator with the approval of the President, the role of "temporary" and "acting" members would be limited in one significant respect.

Under present section 4003 of title 38, United States Code, unanimous decisions of a BVA section constitute final determinations. When the members of a BVA section are not unanimous, the decision can become a final determination if the Chairman concurs with the majority. Under the provision in S. 636 as reported in any case in which the decision of a section of the Board is not unanimous and the vote of a "temporary" or "acting" member would otherwise form the basis for a "majority of members" of a section with which the Chairman could concur and dispose of the case, the temporary or acting member would not be permitted to vote. That being the case, there would then be an evenly divided panel and the Chairman would expand the section by adding another three-member panel.

Also, as a reflection of the committee's strong intention that these authorities be used only as needed and not result in any deviation from the normal process for appointing members of the Board with the approval of the President, S. 636 would require the Administrator to provide annually detailed information on the use of both authorities, which in turn will enable the committee to monitor their use closely.

Mr. President, with reference to the second change in the legislation as introduced, S. 636 as reported would permit the Board to make retroactive awards for claims reopened and allowed on the basis of new and material evidence, when such evidence takes the form of official reports from the proper service department. This amendment is intended to preserve existing VA practice in light of technical advice from VA staff which indicated that other provisions in S. 636 relating to reopening claims on the basis of any new and material evidence might, contrary to the committee's intention, have negated retroactive awards in cases involving such evidence from the various service departments.

AGENCY POSITION

Mr. President, although the impetus for S. 636 and its predecessor measures has been from the Senate and not from the VA, the agency's involvement with this legislation in prior years has generally been constructive. For example, the VA's testimony and report in 1979 on S. 330 was a thorough and scholarly review of the issues related to judicial review and, indeed, was, in some respects, supportive of that bill. Unfortunately, although the VA staff has continued to provide valuable technical assistance on judicial review legislation, the agency's official testimony at the March 23 hearing was not very helpful—being largely negative on S. 636 and, most regrettably, based in a number of respects on misleading arguments and distortions of the legislation.

I appreciate the fact that the Administration's viewpoint on a particular legislative measure can change over time and were that the only basis for the difference between the VA's testimony on earlier measures and on S. 636, I would not be as concerned as I am about the most recent testimony and its potential for creating confusion about S. 636.

Mr. President, through questions I asked at the committee's March 23, 1983, hearing and in followup to that hearing, I attempted to clarify some of the points relating to S. 636 as to which I believed the VA's testimony had created unnecessary confusion. Rather than repeat all of that material at this time, since it is a matter of public record and will be widely available in the near future when the record of the committee's hearing is published, I will instead touch briefly on just a few points about the legislation that I believe are particularly important and as to which the VA's testimony was particularly confusing.

Mr. President, before addressing these specific points, I want to make one general point in response to the VA testimony. In the agency's testimony, the point was made that "[t]he principal issue raised by [S. 636] is whether judicial review of individual VA benefit decisions is warranted." I believe that the issue should be cast in the obverse—that is, is there any basis for the continued preclusion of judicial review of VA benefit decisions, particularly in light of the availability of judicial review of virtually all other Federal agency decisions on claims for statutory benefits? I do not believe that there is any such basis.

Mr. President, a matter of principle is involved. Denial of judicial review has been justified on the argument that veterans' benefits are gratuities that Congress can give or take away at will. But veterans' benefits, in my judgment, are not mere gratuities. They are important rights and should be so regarded. The availability of these benefits should not be wholly dependent upon the perceptions, judgment, and legal interpretations of executive branch officials. Veterans, too, deserve the protection of the independent judicial branch of our Government. S. 636 would provide such protection.

Mr. President, the first specific point in the VA's testimony that I believe unnecessarily confused matters relates to what type of court review would be available if S. 636 were enacted. In the VA testimony, the point was made that the current adjudication system, which ends with a final, unappealable decision by the Board of Veterans' Appeals, is preferable "to a system involving judicial readjudication of individual benefit decisions." Clearly, S. 636—which expressly precludes a court from conducting a de novo review of a claim for VA benefits, restricts a court's role to a review of the administrative record, and provides a very limited scope of review for factual issues—cannot fairly be said to provide for "judicial readjudication" of VA claims. I do not believe it furthers the debate on this issue to mischaracterize the bill and hope the VA will refrain from doing so in the future.

Mr. President, the second point from the VA's testimony relates to the independence of the Board from the Administrator and the VA in general. In its testimony, the VA noted that "[t]he review provided by the Board is independent and the VA has scrupulously maintained this independence." Putting to one side the question of how independent an entity really is when the entity from which it is supposed to be independent has the power either to maintain or not to maintain

that independence, I believe the reality in the case of the Board—both by virtue of statute and practice—is that it is much less than fully independent of the VA.

During the committee's hearing on S. 636, I posed a number of questions on the issue of the Board's independence. The responses from the VA witnesses make it clear, I believe, that in many key respects the Board is not independent. For example, the VA acknowledged that, unlike a court, the Board cannot look behind an agency regulation to determine its validity but instead must simply apply the regulation to the facts in the claim before it. In a like matter, the Board is bound as a matter of law by instructions of the Administrator and precedent opinions of the VA's General Counsel. The VA witness conceded that these features reduce the Board to the role of being a factfinder, not a true independent entity such as a Federal court.

Answers from the VA witness to other questions demonstrated that Board members, including the Chairman, are not independent in other key respects. Instead of having life tenure or, at a minimum, some specific restrictions on the way in which their employment can be terminated, all Board members are appointed by the Administrator and enjoy no more job security than other permanent VA employees. In a myriad of other respects—including such matters as the BVA budget, the professional and other staff available to BVA, the location and size of its office space, and incentive awards—the Board is dependent upon the Administrator and thus cannot be viewed as having the degree of independence that would truly make it free to make decisions that conflict with important VA policies. It is not inconceivable that this lack of job security and dependence on the agency in other areas could affect the extent to which an individual Board member might be willing to render decisions that are not in accord with general agency policy on an issue at a given time.

Mr. President, another point of confusion about the legislation as a result of the VA's testimony concerns the scope of review that a court would apply in its review of a decision by the Board on a factual issue. The scope of review in S. 636 for such matters is a unique and very restrictive standard. A court would be able to set aside a Board finding of fact only when the court determines that the Board's finding is "so utterly lacking in a rational basis in the evidence that a manifest and grievous injustice would result" if the decision were not overturned. Nevertheless, the VA at numerous points in its testimony referred to this standard as a "rational basis" standard and then suggested that a court could find the standard in S. 636 to be the equivalent of the "arbitrary and capricious" standard under the Administrative Procedure Act. I am unable to believe that such a result could occur, particularly in light of the very clear statements by the committee in the reports accompanying S. 349 in the last Congress—S. Rept. No. 97-466, pp. 45-46—and S. 636 in this Congress—S. Rept. No. 98-130, p. 46—regarding this scope of review provision, and I am confident that the confusion reflected in the VA's testimony would not be shared by reviewing courts.

Mr. President, with further reference to the scope-of-review issue, I note the point made in the VA's testimony that the standard incorporated in S. 636 will not result in fewer VA cases being appealed than would be appealed under a less restrictive standard. The VA attempted to buttress this view with the statement that "attorneys will simply draft their pleadings in conformance with whatever standard is provided" in judicial review legislation. However, it was also stated by the VA witness at the committee's hearing and implicit in the VA's testimony that restricting courts to review of questions of law only would somehow limit the number of VA cases appealed to court. These two statements appear to me to be contradictory. If attorneys would be able to draft pleadings to conform to any scope-of-review provision relating to factual issues, they would be able to a like extent to draft pleadings so as to raise matters of law if the scope of review were to be so limited.

In any event, I do not believe that the question of what scope-of-review standard is appropriate to resolve factual issues should be decided ultimately on the basis of how many cases may be appealed under one standard or another; rather, the scope of review incorporated in the legislation should seek to strike an appropriate balance between permitting a reviewing court to correct egregious decisions on factual issues and maintaining the primacy of the BVA as the expert arbiter of factual issues. I believe the standard in S. 636 meets this goal.

CONCLUSION

Mr. President, approval of S. 636 by the Senate today will, I believe, hold out substantial hope to all our Nation's veterans. This legislation promises to those who served their country the same right of independent review of the fairness with which their Government treats them through the Veterans' Administration that is available to virtually all other citizens.

In closing, I want to express my gratitude to my good friend from Wyoming (Mr. SIMPSON) for moving forward on this legislation of such fundamental importance. He and his staff—especially associate counsel H. Scott Wallace, chief counsel Tom Harvey, and legislative director Julie Susman—have been fair, thorough, and most constructive in approaching S. 636. The chairman is owed a great vote of thanks by all veterans for his leadership on the legislation before the Senate today.

Mr. President, I also congratulate my good friend from Colorado, Senator GARY HART, for his long commitment to the cause of judicial review. He has been well and ably assisted on this issue by Bill Holen, a member of his staff who has maintained a strong interest in this legislation. I also want to express my gratitude to my many colleagues who are cosponsors of the measure. The broad, bipartisan support for this measure is demonstrated by the list of 29 sponsors. Action by the Senate today to ratify this support will send a strong signal that Members of the Senate are strongly committed to removing the archaic bar to judicial review and modifying the nonsensical $10 limit on the amount an attorney can be paid and, in so doing, opening the inner working of the VA to the light of day.

I also note the very hard work on this legislation by members of the minority staff on the committee, including Bill Brew, Ed Scott, Jon Steinberg, Ingrid Post, and Charlotte Hughes.

Mr. President, S. 636 as it comes before the Senate today is a measure worthy of my colleagues' support, and I urge that they give it their unanimous backing.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 2936, the House companion bill, which is held at the desk.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. No objection.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2936) to amend title 38, United States Code, to increase the authorized number of members of the Board of Veterans' Appeals in the Veterans' Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I move that the Senate strike all after the enacting clause of H.R. 2936 and insert in lieu thereof the text of S. 636 as amended.

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The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

The **PRESIDING OFFICER.** The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2936) was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TITLE AMENDMENT TO H.R. 2936

Mr. STEVENS. Mr. President, I send to the desk an amendment to the title of H.R. 2936 and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

Amend the title so as to read:

A bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration: and for other purposes.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment to the title.

The amendment to the title was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 196, S. 636, be indefinitely postponed.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

VETERANS' EMERGENCY JOB TRAINING ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate Calendar Order No. 200, S. 1033.

The **PRESIDING OFFICER.** The bill be stated by title.

The legislative clerk read as follows:

A bill (S. 1033) to amend title 38, United States Code, to establish an emergency job training program for wartime veterans.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Veterans' Emergency Job Training Act".

SEC. 2. (a) Title 38, United States Code, is amended by inserting after chapter 43 the following new chapter:

"CHAPTER 44—VETERANS' EMERGENCY JOB TRAINING PROGRAM

"Sec.
"2101. Purpose.
"2102. Establishment of program; administration.
"2103. Eligibility; application; certification.
"2104. Employer job training programs.
"2105. Approval of programs.
"2106. Training establishments.
"2107. Nonqualifying programs of training.
"2108. Payments to employers.
"2109. Discontinuance of approval of employer programs; overpayments; penalties.
"2110. Coordination; information and outreach.
"2111. Inspection of records; investigations.
"2112. Termination of program.
"2113. Authorization of appropriations.

"§ 2101. Purpose

"The purpose of this chapter is to address the problem of severe and continuing unemployment among veterans by providing incentives to employers, in the form of payments to defray the costs of training or retraining, to hire wartime veterans who have been unemployed for long periods of time or have job skills that have been rendered obsolete by advances in technology or other industrial changes, for employment in stable, permanent positions that involve significant training or retraining.

"§ 2102. Establishment of program; administration

"(a) The Administrator and the Secretary of Labor (hereinafter in this chapter referred to as 'the Secretary') shall jointly carry out a program in accordance with the provisions of this chapter to assist eligible veterans in obtaining employment in stable, permanent positions that involve significant training or retraining. Assistance under the program shall be in the form of payments made to employers to assist them in defraying the costs of training or retraining eligible veterans employed in such positions.

"(b) Not later than sixty days after the date of the enactment of this chapter but in no event later than October 1, 1983, the Administrator and the Secretary shall enter into an agreement specifying their respective responsibilities for the adminstration of the provisions of this chapter. The agreement shall include specifications that the Administrator shall be responsible for the determination of whether a veteran meets the service requirements under section 2103 of this title and for payments to employers under section 2108 of this title, and that the Secretary shall be responsible for the determination of whether a veteran meets the unemployment requirements under section 2103 of this title and for job development activities under section 2110 of this title. The term 'administering agency' as used hereinafter in this chapter refers to the Veterans' Administration or the Department of Labor or both as specified in such agreement.

"(c) the Secretary shall carry out responsibilities under this chapter through the Assistant Secretary of Labor for Veterans' Employment established under section 2002A of this title.

"§ 2103. Eligibility; application; certification

"(a) For the purposes of this chapter, an eligible veteran is a veteran who—

"(1) acquired entitlement to educational assistance benefits from the Veterans' Administration under a program enacted by the Servicemen's Readjustment Act of 1944, the Veterans' Readjustment Assistance Act of 1952, or the Veterans' Readjustment Benefits Act of 1966 and who served during a period of war; and

"(2)(A) is unemployed and has been unemployed for at least fifteen of the twenty weeks immediately preceding the date of application for participation in a program under this chapter; or

"(B)(i) is unemployed and has been terminated or laid off from employment and is eligible for or has exhausted entitlement to unemployment compensation, and (ii) has no realistic opportunity to return to employment in the same or a similar occupation in the geographical area where the veteran previously held employment.

For the purposes of clause (2) of this subsection, a veteran shall be considered unemployed when the veteran is without a job and wants and is available for work.

"(b) A veteran who desires to undertake a program of job training under this chapter shall submit to the administering agency an application which shall specify the training objective to be pursued and shall be in such form and contain such information as the administering agency shall prescribe. The administering agency shall approve such application unless the administering agency finds that the veteran is (1) not eligible to participate in a program under this chapter, or (2) already qualified for the specified training objective.

"(c) A veteran who has been determined to be eligible under this section shall be certified as such by the administering agency, and the administering agency shall furnish such veteran with a copy of a certification of eligibility for presentation to an employer offering a program of job training under this chapter.

"§ 2104. Employer job training programs

"(a)(1) Except as provided in paragraph (2) of this subsection, in order to qualify as a program of job training under this chapter, a program of job training of an employer must provide training approved under this chapter for a period of not less than six months in an occupation in a growth industry, an occupation requiring the use of new technological skills, or an occupation for which demand exceeds supply.

"(2) A period of training of between three and six months may be approved where the administering agency determines, in accordance with standards which the administering agency shall prescribe, that the purpose of this chapter would be met.

The maximum period of training for which assistance may be paid on behalf of an eligible veteran under this chapter is twelve months, except that such period may be extended by the administering agency for a period of up to six additional months in the case of a veteran with a service-connected disability rated at (1) 30 percent or more, or (2) 10 or 20 percent if such veteran has been determined under section 1506 of this title to have a serious employment handicap.

"(c) Subject to the provisions of this chapter, an eligible veteran approved for participation in a program under this chapter may accept an approved program of job training offered to the veteran by any employer.

"§ 2105. Approval of programs

"(a) An employer may be paid assistance under section 2106 of this title on behalf of an eligible veteran employed by such employer and participating in a program of job training offered by such employer only if such program is approved in accordance with such procedures as the administering agency may by regulation prescribe and if the program meets the other requirements established under this chapter.

"(b) An employer offering a program of job training that the employer desires to have approved for the purposes of this chapter shall submit a written application for such approval. Such application shall be in such form and contain such information as the administering agency shall prescribe and shall contain a certification by the employer—

"(1) that the employer has planned for the employment of the eligible veteran in a position for which such veteran is to be trained and that the employer has no reason to expect that such position will not be available on a stable, permanent basis to such veteran at the end of the training period;

"(2) that the wages and benefits to be paid to an eligible veteran participating in the employer's program of job training will be not less than the wages and benefits normally paid to other employees participating in a comparable program of job training;

"(3) indicating the total number of hours of training to be offered for each eligible veteran, and describing the training content of the program and the objective of the training;

"(4) that the employment of an eligible veteran under this chapter—

"(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); and

"(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring a veteran in such job under this chapter;

"(5) that the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and comparable training opportunities in such occupation, to accomplish the training objective certified under clause (3) of this subsection;

"(6) that the occupation or job for which training is to be provided customarily requires training of not less than an average of thirty hours per week for a period of not less than six months or such other period as may be approved under section 2104(a)(2) of this title;

"(7) that the length of the training period under the proposed program is not longer than the length of programs that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided;

"(8) that there is in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as are needed to accomplish the training objective certified under clause (3) of this subsection;

"(9) that the employer will keep records adequate to show the progress made by each veteran participating in the program, and otherwise to demonstrate compliance with the requirements of this chapter; and

"(10) that the program meets such other criteria as may be established by the administering agency.

"(c)(1) Except as provided in paragraph (2) of this subsection, the administering agency shall approve the proposed program of job training unless the administering agency finds that the application does not contain a certification amd other information meeting the requirements of subsection (b) of this section.

"(2) The administering agency may withhold approval pending the outcome of an investigation of any matter under section 2111(c) of this title, and, based on such outcome, may disapprove such program, in accordance with regulations which the administering agency shall prescribe.

"(d) For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 1787 of this title shall be considered to meet all requirements for approval of a program of job training under this chapter.

"§ 2106. Training establishments

"Any employer may enter into an arrangement or agreement with an educational institution that has been approved for the enrollment of veterans under chapter 34 of this title in order that such institution may provide a program of job training (or a portion thereof) under this chapter. When such an arrangement or agreement has been entered into, the application of the employer shall so state and set forth a description of the training to be so provided.

"§ 2107. Nonqualifying programs of training

"No assistance under this chapter may be paid on behalf of an eligible veteran participating in a program of job training—

"(1) for employment in a seasonal, intermittent, or temporary job;

"(2) for employment under which commissions are the primary source of income;

"(3) for employment which involves political or religious activities;

"(4) for employment with any department, agency, instrumentality or branch of the Federal Government (including the United States Postal Service and Postal Rate Commission); or

"(5) if the training program will not be carried out in the United States.

"§ 2108. Payments to employers

"(a) Except as provided in subsection (b) and (c) of this section, the administering agency shall make quarterly payments to an employer of an eligible veteran participating in an approved program of job training under this chapter. The amount paid to an employer on behalf of an eligible veteran may not exceed the lesser of—

"(1) 50 percent of the wages paid to the veteran by the employer during the period for which payments are made; or

"(2) an amount for such period calculated on the basis of an annual rate of (A) $9,000 in the case of an eligible veteran with a service-connected disability rated at (i) 30 percent or more, or (ii) 10 or 20 percent if such veteran has been determined to have a serious employment handicap under section 1506 of this title, or (B) $6,000 in the case of any other eligible veteran.

"(b) If an employer to whom payments are made under this chapter is a private, for-profit enterprise employing five hundred or fewer employees, the administering agency may make such payments on a monthly basis.

"(c) Payment may not be made to an employer for a period of training under this chapter on behalf of a veteran until the administering agency has received—

"(1) from the veteran, a certification as to the veteran's actual employment and training with the employer during such period; and

"(2) from the employer, a certification—

"(A) that the veteran was employed, and that the veteran's performance and progress were satisfactory during such period; and

"(B) with respect to the first such certification, indicating the date on which the employment of such veteran began.

"(d) No assistance may be paid on behalf of an eligible veteran under this chapter—

"(1) and to such veteran under chapter 31, 34, and 36 of this title for the same period;

"(2) if the employer is receiving any other form of assistance on account of the training or employment of such veteran, including assistance under the Job Training Partnership Act (96 Stat. 3122; 29 U.S.C. 1501 et seq.); or

"(3) if such veteran has completed a program of job training under this chapter.

"§ 2109. Discontinuance of approval of employer programs; overpayments; penalties

"(a) If the administering agency finds at any time that a program of job training previously approved by the administering agency for the purposes of this chapter thereafter fails to meet any of the requirements established under this chapter, the administering agency may immediately disapprove further participation by eligible veterans under that program. The administering agency shall provide to an employer whose program is disapproved under this section, and to each eligible veteran participating in such program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. Such employer and such veteran shall be notified of such disapproval, such reasons, and such opportunity by a certified or registered letter, and a return receipt shall be secured.

"(b)(1) Whenever the administering agency finds that an overpayment of assistance under this chapter has been made to an employer on behalf of an eligible veteran as a result of a certification or information contained in an application submitted by an employer which was false or clearly unsupportable in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

"(2) Whenever the administering agency finds that an overpayment of assistance under this chapter has been made to an employer on behalf of an eligible veteran as a result of a certification or information contained in an application submitted by a veteran which was false or clearly unsupportable in any material respect, the amount of such overpayment shall constitute a liability of the veteran to the United States.

"(3) Any overpayment referred to in paragraph (1) or (2) of this subsection may be recovered in the same manner as any other debt due the United States.

"(c) Whenever the administering agency finds that an employer, willfully or with reckless disregard of the facts, has made a false certification under section 2105 or 2108(c)(2) of this title, or any regulation issued thereunder, or has caused the administering agency to make a certification or give approval contrary to such sections, or such regulation, such employer shall be subject to a civil penalty, imposed by the ad-

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ministering agency after an adjudication determined on the record after opportunity for a hearing before such agency, of not to exceed $1,000 for each such violation. Such violation shall constitute a separate violation with respect to each individual employed by reason of such wrongful certification or approval. Actions by the administering agency to impose a civil penalty under this subsection shall be reviewable in the district courts of the United States.

"§ 2110. Coordination: information and outreach

"(a) The administering agencies shall provide for an outreach and public information program to inform private industry and business concerns (including small business concerns), educational institutions, trade associations, and labor unions of opportunities under this chapter, and to promote job development by encouraging employers and unions to make training programs available for eligible veterans. The administering agencies shall coordinate such program with those job counseling, placement, job development, and other services provided for under chapters 41 and 42 of this title and with other similar services offered by other public agencies and organizations.

"(b) The administering agencies shall request and obtain from the Administrator of the Small Business Administration a listing of small business concerns, and, on a regular basis, update such listings. Such listings shall be used to identify and promote possible training and employment opportunities for eligible veterans.

"(c) The administering agencies, in consultation and cooperation with the Secretary of Education, shall take appropriate actions to advise educational institutions of the opportunities made available to veterans under this chapter and the opportunity for such institutions to enter into arrangements or agreements with employers pursuant to section 2106 of this title.

"(d) The administering agencies shall assist veterans and employers desiring to participate under this chapter in making application and completing necessary certifications.

"(e) In carrying out responsibilities under this chapter, the Secretary shall make maximum use of the services of State and Assistant State Directors for Veterans' Employment, disabled veterans' outreach program specialists, and employees of local offices appointed pursuant to sections 2003, 2003A, and 2004 of this title. The Secretary shall also use such resources as are available under title IV-C of the Job Training Partnership Act (96 Stat. 1322; 29 U.S.C. 1501 et seq.).

"(f) In carrying out the provisions of this section, the administering agencies shall endeavor to achieve an equitable regional distribution of training opportunities, based on a comparison of regional data concerning the rate of unemployment among veterans of a period of war, and taking into consideration the regional distribution of eligible veterans and approved programs of job training.

"§ 2111. Inspection of records; investigations

"(a) The records and accounts of employers pertaining to veterans on behalf of whom assistance has been paid under this chapter, as well as other records which the administering agencies determine are necessary to ascertain compliance with the requirements established under this chapter, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

"(b) The administering agencies may monitor all participants under this chapter to determine whether they are complying with the requirements established under this chapter.

"(c) The administering agencies may investigate any matter they deem necessary to determine compliance with the requirements established under this chapter. The investigations authorized by this subsection may include examining records (including making certified copies thereof), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this chapter, or where any of the records of the employer offering or providing such program are kept.

"§ 2112. Termination of program

"Assistance may not be paid to an employer under this chapter—

"(1) on behalf of a veteran who applies for a program of job training under this chapter after September 30, 1984; or

"(2) for any such program which commences after December 31, 1984.

"§ 2113. Authorization of appropriations

"There is authorized to be appropriated to the Administrator $150,000,000 for the purpose of making payments to employers under this chapter.".

(b) The table of chapters at the beginning of such title and at the beginning of part III of such title are each amended by inserting after the item relating to chapter 43 the following new item:

"44. Veterans' Emergency Job Training Program .... 2101.".

(c)(1) Notwithstanding the provisions of section 2112 of title 38, United States Code (as added by subsection (a)), in the event that funds are not both appropriated under section 2113 of such title (as added by subsection (a)) and made available by the Director of the Office of Management and Budget to the Veterans' Administration on or before October 1, 1983, for the purpose of making payments to employers under chapter 44 of such title (as added by subsection (a)), assistance may be paid to an employer under such chapter on behalf of any eligible veteran if such veteran—

(A) applies for a program of job training under such chapter within one year after the date on which funds so appropriated are made available to the Veterans' Administration by the Director, and

(B) commences participation in such program within fifteen months after such date.

(2) For the purposes of this subsection, the term "eligible veteran" shall have the meaning provided in section 2103(a) of such title (as added by subsection (a)).

SEC. 3. The amendments made by this Act shall take effect on October 1, 1983.

Mr. SIMPSON. Mr. President, I am pleased to present to the Senate for its consideration S. 1033, the Veterans' Emergency Job Training Act. This bill would establish a 1-year program of payments to employers to cover the costs of training unemployed veterans in jobs that are likely to evolve into stable, permanent positions.

S. 1033 was introduced by me on April 12, 1983, and the version that is before the Senate today is a painstakingly worked out combination of the best features of S. 1033 and of S. 992, the Veterans' Emergency Retraining Act of 1983, which was introduced by the distinguished ranking minority member of the Veterans' Affairs Committee (Mr. CRANSTON) on April 6, 1983.

Mr. President, the unemployment rate among wartime veterans rose in February of this year to the highest level since World War II. Unemployment among Vietnam-era veterans remains at levels significantly higher than among nonveterans of the same age. Although recent figures from the Bureau of Labor Statistics in the Department of Labor suggest that the situation is improving, they also show that the problem persists, and that the disparity between veterans and nonveterans remains significant.

In May, some 700,000 veterans were unemployed and looking for work. This bill is designed not only to get veterans working again, but to narrow the unemployment gap between veterans and their civilian counterparts whose education and employment were not interrupted by military service—and to do so on a short-term, emergency basis, in order to ride out the worst of the present economic recession which has contributed so heavily to unemployment nationwide.

Eligibility under this bill would be extended to all wartime veterans of World War II, the Korean war and the Vietnam era who fall into the category of what might be described as "hard-core unemployed," that is, veterans who have either been unemployed for at least 15 out of the last 20 weeks, or who are unemployed and have no realistic opportunity to get another job in the same line of work and in the same geographic area. This no realistic opportunity group would encompass workers whose job skills have been rendered obsolete by advances in technology or other industrial changes, such as steelworkers in a steel-working ghost town. Clearly, there is little point in requiring such a person to collect unemployment compensation for 15 weeks before he can be considered sufficiently unemployed to qualify for training under this program.

An eligible veteran could join up with a job training program offered by any qualified employer for a period of up to 12 months, and certain service-connected disabled veterans could participate for up to 18 months. The rate of payment—which might be referred to as the training subsidy to the employer on behalf of the veteran—would be 50 percent of the wages paid by the employer to the veteran during the period of training, up to a limit of $6,000 a year, or $9,000 in the case of certain service-connected disabled veterans.

The program that would be established under this legislation would be jointly administered by the VA and the Department of Labor, according to their respective experience and abili-

ties. Upon passage of the bill, they would be required to enter promptly into an interagency agreement setting forth the responsibilities of each. In some areas, the bill specifies which agency should get what responsibilities; these are areas where our hearings and other inquiries indicated that a particular function was clearly more appropriate for one agency than the other. But in other areas, where the optimum division of responsibilities was not so clear, the bill would leave it up to the agencies to determine between themselves the issue of which agency is best suited to perform a particular task. The areas which the bill would specifically mandate to one agency or the other include the following: For the VA, the determination of whether the veteran meets all the appropriate wartime service requirements under the bill, and the responsibility for making payments to employers—that is, the actual issuing of the job training payments on a quarterly basis. The Department of Labor's mandated responsibilities include determinations as to whether a veteran meets the various unemployment requirements for eligibility, as well as job development activities. The bill would also mandate that, no matter which agency ends up with primary responsibility for information and outreach efforts, the program should be coordinated with all job counseling, placement, job development, and other services provided for under chapters 41 and 42 of title 38, and that the Department of Labor should make maximum use, in carrying out all of its responsibilities under the program, of the services of State and assistant State directors for veterans' employment, DVOP specialists, and employees of local offices appointed pursuant to sections 2003, 2003(a), and 2004 of title 38. The bill also provides that the Secretary of Labor should take advantage of such resources as may be available under the veterans' training portion—title IV-C—of the Job Training Partnership Act.

Under the program proposed in S. 1033, an interested veteran would be required to submit an application, meeting such requirements as may be specified by the agency in charge of such applications, and a veteran who is determined to be eligible and whose application is approved would then be furnished with a certificate of approval by the agency for presentation to a participating employer offering the program of job training.

An employer offering a program of job training would be required to submit a similar application, but the information furnished in connection with such an application would be considerably more thorough. The application would have to be accompanied by a certification by the employer that the proposed program of training meets 10 separate criteria specified in the bill. The employer would be required to certify, for example, that the employer has made plans for the continuing employment of the veteran after the period of training and that the employer has no reason to expect that an appropriate position will not be available on a stable, permanent basis; that the veteran's wages will be no less than is customary in the business; that the employment of the veteran will not contribute to the unemployment of another employee of that employer; that the training content of the offered program is adequate to achieve the desired effect; that the occupation for which training is to be provided customarily requires full-time training for neither more nor less than the period of training proposed by the employer; and that the employer has all the necessary training facilities and will keep all the appropriate records to carry out the offered training program.

When an application containing all the appropriate certifications is submitted by an employer, the bill requires, in general, that it must be approved. The administering agency would not be required to look behind the application or to conduct any investigation, although it would be authorized to conduct preapproval investigations for either of two reasons: First, where the application appears adequate on its face, but there are surrounding circumstances which suggest a reasonable doubt about a particular employer's ability to comply with all the necessary requirements; and second, where the administering agency chooses to institute a program of random, spot checks, designed in a nondiscriminatory manner to insure compliance with the requirements of the program. One alternative to this approval procedure would be that a training program which has already been approved by the VA for purposes of apprenticeship or on-job-training would be deemed to satisfy all the approval requirements of the bill. The thrust of all these provisions is to minimize the administrative approval time, in order to bring employers and veterans into the program as quickly as possible, while still permitting a reasonable amount of administrative control over the application and approval process.

The bill also contemplates that both employers and veterans would be assisted in making their applications and certifications by the appropriate agency personnel. Again, the emphasis here is on expediting the implementation of the program, but also on making it as attractive as possible to all qualified employers and veterans.

Some other provisions of the bill are aimed primarily at discouraging the possibility of employer abuses of the program. For example, a false certification or application would result in an overpayment, which would be collectable through the normal Federal debt collection machinery, and when an application or certification was intentionally or recklessly false, the employer would be subject to a civil penalty of up to $1,000 for each veteran wrongfully employed. In addition, the records of the employer would be subject to inspection, individual programs could be monitored to verify compliance, and the administering agencies could conduct investigations into any matter they deem necessary to determine compliance, including examining records, questioning employees and entering into the place of training. These last two provisions are essentially similar to provisions contained in the JTPA.

The program that would be established under this bill is authorized at a level of $150 million, and I would emphasize that it is intended to run for a full year—that is, if, for some reason, the money is not appropriated or made available by the start of fiscal year 1984, the program would be open for a full year from the date that funding actually becomes available.

The bill authorizes payments to small businesses on a monthly, rather than quarterly basis. I should stress my expectation that this option be exercised by small businesses, rather than by the VA. I would expect that the VA would approve monthly payments to all qualifying small business employers who choose to exercise that option.

I would also note that S. 1033 speaks in terms of the "training objective" rather than focusing on the completion of a program of training. The purpose of this distinction is to recognize that some programs of training may take longer than the maximum periods of eligibility under the bill—that is, 12 months in the case of any veteran other than a service-connected veteran. Where, for example, a particular occupation requires 2 years of full-time training, our intention is not to discourage participation in such a program, but to encourage veterans to sign up for such training programs and to complete as much as they can of the necessary training under the auspices of this legislation. The expectation is that the full training program will be completed, even though a portion of it is not subject to assistance under the bill. In such a case, the training objective to be certified would be that level of training achievable by the 1-year mark in a 2-year program of training.

Mr. President, the vote on S. 1033 in the Veterans' Affairs Committee was unanimous. There was, however, one particular issue to which the committee devoted considerable attention during the committee markup—that is,

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the issue of whether the program should be funded as an entitlement or through an authorization of appropriations. Ultimately, the committee chose the authorization-of-appropriations route, and I believe this was a wise choice for a number of reasons. This is a short-term, emergency program, to be administered in significant part by the Department of Labor—an agency through which we have never before funded an entitlement program for veterans. Moreover, with the prospect of record high deficits continuing indefinitely, and the intense competition for scarce Federal dollars, I strongly believe that we should be extremely reluctant to embark upon new entitlement programs, or to expand old ones, and thus to forsake meaningful congressional control over the level of such spending. I would emphasize that the budget for veterans' benefits and services which is contained in the first concurrent budget resolution for fiscal year 1984 and which is now making its way through the congressional appropriations process, in H.R. 3133, the HUD-independent agencies appropriations bill for fiscal year 1984, is a very substantial one, and represents an increase of approximately $1.3 billion over last year's budget. It is a budget that all of the major veterans' organizations joined in praising before the Veterans' Affairs Committee. Seen in this light, I believe that the $150 million program authorized by this bill, and subject to appropriations, is an excellent program, and represents a very substantial commitment of money to the problem of unemployment among veterans. It is worth remembering that last year, in approving the Job Training Partnership Act, considerable satisfaction and pride was expressed at the earmarking of $9.4 million to address specifically the employment problems of certain Vietnam-era and disabled veterans.

Appropriations for existing VA entitlement programs will total more than $15 billion in fiscal year 1984. It would not be well to add another entitlement fiscal burden at this time.

I would note that the House of Representatives has already passed a similar bill, H.R. 2355, the Emergency Vietnam Veterans' Jobs Training Act of 1983, which is framed as an authorization of appropriations. And I would further note that the Appropriations Committee, in marking up H.R. 3133 2 days ago, adopted an amendment to provide the necessary $150 million funding for this legislation.

Mr. President, I wish to thank the distinguished ranking minority member of the Veterans' Affairs Committee (Mr. CRANSTON) for the excellent spirit of cooperation with which he worked with me on putting together the provisions of this legislation. I would also like to thank the committee staff members that labored so diligently over the formulating and drafting of this legislation—principally Scott Wallace, Tom Harvey, Julie Susman, Harold Carter, Laurie Altemose, Becky Hucks, and Kay Eckhardt of the majority staff, and Babette Polzer and Jon Steinberg of the minority staff. Their efforts have contributed mightily to the very thorough and well-thought-out measure that I present before the Senate today.

Mr. President, I believe that this legislation is timely, necessary, and well drafted to accomplish its intended goals. I strongly urge my colleagues to lend their wholehearted support to it.

Mr. President, I ask that there be inserted in the RECORD at the conclusion of my remarks the committee summary of provisions on S. 1033, as well as a copy of a letter from Senators HATFIELD, GARN, and STENNIS to myself and the Senator from California on the entitlement issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROVISIONS

S. 1033 as reported would amend part III of title 38, United States Code, Readjustment and Related Benefits, to add a new chapter 44, entitled "Veterans' Emergency Job Training Act". This new chapter would establish an emergency job training program for wartime veterans.

Included in the new chapter are provisions that would:

1. Address the problem of severe and continuing unemployment among veterans by establishing a job training program under which employers would be provided incentives (in the form of payments to defray the costs of training or retraining) to employ in stable, permanent positions that involve significant training or retraining certain wartime veterans who have been unemployed for long periods of time or whose job skills have been rendered obsolete by advances in technology or other industrial changes.

2. Require the Administrator of Veterans' Affairs and the Secretary of Labor jointly to carry out the new job training program established by the new chapter and to enter into an agreement specifying the responsibilities of the Veterans' Administration and the Department of Labor for the administration of the program.

3. Provide eligibility for the new program to wartime veterans who at any time acquired entitlement to an education assistance benefit (either the so-called World War II, Korean conflict, or Vietnam-era GI Bills) and who are unemployed under specified circumstances.

4. Provide that, in order to be approved as a program of job training for the purposes of new chapter 44, a training program offered by an employer must provide training for a period of not less than six months in an occupation in a growth industry, an occupation requiring the use of new technological skills, or an occupation for which demand exceeds supply, but would permit such programs of between three and six months duration to be approved in certain cases.

5. Limit the maximum period of training during which assistance may be paid to an employer on behalf of an eligible veteran to twelve months, but permit the twelve-month period to be extended for an additional six months in the cases of seriously disabled service-connected veterans.

6. Permit employers to enter into agreements with certain educational institutions for those institutions to provide programs of job training.

7. Provide that payments of assistance on behalf of an eligible veteran shall be made generally on a quarterly basis, upon receipt of certain required certifications from the employer and the veteran, and that such payments shall equal the lesser of 50 percent of the wages paid by the employer to the veteran or an amount based on a $6,000 annual rate (or $9,000 annual rate in the case of seriously disabled service-connected veterans).

8. Permit the payment of assistance to be made on a monthly basis in the case of certain small businesses.

9. Require the conduct of an outreach and public information program, utilizing the services of certain Department of Labor personnel, to maximize training opportunities.

10. Require coordination and consultation with the Secretary of Education and the Administrator of the Small Business Administration to promote maximum job training and employment opportunities under the new program.

11. Prohibit duplication of benefit payments and establish mechanisms to investigate and penalize employers and veterans making false applications or certifications.

12. Prohibit the payment of assistance to an employer on behalf of an eligible veteran if such veteran did not apply for the new chapter 44 program prior to October 1, 1984, and initiate training prior to January 1, 1985.

13. Authorize the appropriation to the Administrator of the VA of $150,000,000 for the purpose of making payments to employers under the new chapter 44 program.

The Committee bill also would provide that, in the event that funds are not made available to the VA for the new program on or before October 1, 1983, assistance may be paid to an employer if an eligible veteran applies for a program of job training within one year after the date on which funds are made available and commences participation in a program within fifteen months after that date.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., May 10, 1983.

Hon. ALAN K. SIMPSON,
Hon. ALAN CRANSTON,
Veterans' Affairs Committee, Washington, D.C.

DEAR AL AND ALAN: We understand that the Veterans' Affairs Committee is currently considering the enactment of additional entitlement legislation in order to provide a new job training program for unemployed veterans. While we endorse the concept of providing training opportunities for unemployed veterans, we do not feel the Congress can afford to establish new entitlement programs which are beyond the spending review of the Congress and which raise the very serious possibility of having to make further cuts in nonentitlement programs.

As you are well aware, the proliferation of entitlement programs have put pressure on the discretionary programs, making it more and more difficult for the Congress to provide appropriate levels of funding for many worthwhile programs. For example, in fiscal year 1980, 24.4 percent of total Federal outlays were associated with nondefense discretionary programs. In fiscal year 1983, this

decreased to 18.1 percent and it is now projected to be reduced to 16.4 percent by fiscal year 1988. As a result of increases in the entitlement programs, worthwhile activities such as the VA's Medical Care, Major Construction, and the Medical and Prosthetic Research will have to compete for a smaller and smaller portion of the Federal budget.

We would also oppose the notion of a "limited entitlement" i.e., one that is limited both in time (by a sunset provision) and in amount (by a dollar cap). We would have to conclude that such a program resembles an appropriated account far more than an entitlement, and bears the label of entitlement primarily to circumvent the appropriations process. Clearly, such a program would set a very questionable precedent in terms of this Committee's responsibility to oversee and coordinate Federal spending.

We would hope that your committee would authorize the program in the traditional manner so that the Congress can weigh the relative priority of this program through the regular appropriation process.

Sincerely,

JOHN C. STENNIS.
MARK O. HATFIELD.
JAKE GARN.

Mr. CRANSTON. Mr. President, as the ranking minority member on the Committee on Veterans' Affairs, I am delighted to join with the distinguished chairman of the Committee (Mr. SIMPSON) in urging the Senate to approve the pending measure—S. 1033, the proposed Veterans' Emergency Job Training Act. This legislation is an excellent measure and well deserves the Senate's support. If enacted, it would provide a carefully designed framework for responding to the very serious, extensive unemployment problems of our Nation's wartime veterans.

The committee, both majority and minority, worked closely together in blending the provisions of the two measures that were pending before it: S. 932, the proposed Veterans Emergency Retraining Act of 1983, which I introduced on April 6, and S. 1033 as it was introduced by the chairman of the committee on April 12. The end result is an example of bipartisanship that serves as a demonstration of the committee's continuing concern for and commitment to our Nation's veterans.

The development of this measure is a direct result of actions taken at the Veterans' Affairs Committee's meeting on March 1 to consider recommendations to the Senate Budget Committee on the fiscal year 1984 budget. At that time, the committee unanimously approved my motion to add $150 million to our recommendations for fiscal year 1984 in order to permit us the latitude to consider either a 15-percent GI bill rate increase, as proposed in S. 9, which I introduced on January 26, or a veterans' employment and retraining initiative, such as that which I had under development at that time and subsequently introduced as S. 992, or a combination of those two items. The Senate Budget Committee approved our committee's recommendation in this area and, consistent with my motion, included in its recommended first concurrent budget resolution for fiscal year 1984 budget authority and outlays for fiscal years 1984, 1985, and 1986 sufficient to accommodate such legislation. The Senate passed a budget resolution on May 19 with those amounts included.

Mr. President, when I introduced S. 992 and at the time of the committee's hearing on jobs legislation on April 20, I set forth three basic elements which I believed were vital for inclusion in any program the committee developed and which I urged that the committee use as the basis for its consideration of legislation in this area.

First, such a program needs to be competitive with other job training and retraining programs conducted by the Federal Government—particularly those conducted under the Job Training Partnership Act. I believe that S. 1033 as reported and presented to the Senate today meets that test.

Second, the program should avoid costly and time-consuming administrative requirements and rigidities so as not to discourage potential employers from participating in it and to keep redtape, delays, and paperwork to a minimum. Again, the committee bill does this.

Indeed, I am pleased that the basic provisions of my measure, S. 992, regarding the level and duration of assistance payments, administrative flexibility for employers and the administering agencies, and joint administration by the VA and the Labor Department—provisions designed to fulfill both the first and second objectives outlined above—were approved by the committee. Likewise, Mr. President, I am pleased that the provisions derived from my measure to provide a special incentive for employers to hire and train seriously disabled, service-connected veterans—by increasing the maximum amount of assistance that may be paid and by permitting an extension of the training period—and to establish a simplified approval process based on employer certifications, rather than investigations, have been incorporated into the committee bill.

The third basic element that I set forth was not met—that is, that the program needed to be established as a temporary, limited entitlement not requiring an appropriation before it could begin, rather than as an authorization of appropriations.

At the time that the committee considered this measure on May 11, I felt strongly that reliance on an authorization of appropriations ran a substantial risk of the program never being funded, or of being funded at a level substantially less than the level approved by the committee. At best, I was concerned that an authorization approach could serve to delay substantially—and perhaps for a protracted period—the implementation of the program authorized by the committee bill.

Despite my efforts in proposing two amendments that incorporated an entitlement approach—amendments which failed on 6-to-6 votes—the measure was reported as an authorization.

However, I am very pleased to report to my colleagues that my concerns have been substantially allayed by action taken just yesterday morning in the Committee on Appropriations in connection with its consideration of H.R. 3133, the proposed HUD-Independent Agencies Appropriations Act, 1984.

On June 8, the distinguished chairman of the Veterans' Affairs Committee joined me in a letter to the chairman and ranking minority member of the Appropriations Subcommittee on HUD-Independent Agencies urging that the full $150 million for the new veterans job program be included in H.R. 3133 contingent on the enactment of the authorizing legislation. Pursuant to our recommendation, the committee approved, by a 15-to-7 vote, a motion made by the distinguished Senator from Arizona (Mr. DECONCINI), who serves on both the Committees on Appropriations and on Veterans' Affairs, to add $150 million to the VA's readjustment benefits account for the purposes of funding this new job training proposal, contingent on the enactment of the legislation we are considering today.

I am delighted by this result, and I congratulate the Appropriations Committee on its sound judgment. It means that, when enacted, the measure before us today will—if the $150 million is retained in conference on H.R. 3133, as seems likely since the House passed the companion bill, H.R. 2355, by a vote of 407 to 10, on June 7—be able to be implemented expeditiously and in a timely fashion. It means that veterans will not be forced to wait out another appropriations cycle before training opportunities are made available.

Mr. President, the need for the pending measure is virtually indisputable. The seriousness of unemployment among veterans is well documented. Indeed, in testimony before the committee in April, the Department of Labor stated that—

> There is a significant employment problem for veterans, particularly for Vietnam-era and disabled veterans and * * * new and effective job training approaches for these veterans must be developed.

The VA agreed with that assessment.

Although official Bureau of Labor Statistics data for veterans generally or disabled veterans are not published, data are available for Vietnam-era veterans. In May, the rates of unemployment among Vietnam-era veterans ex-

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ceeded the rates of unemployment among non-Vietnam-era veterans in every age category for which statistics are available, and, with only one exception, the rates in each category were higher in May than they were in April. This is particularly significant since national unemployment dropped by one-tenth of 1 percent in May.

Mr. President, before concluding my remarks, I want to take this opportunity to extend my thanks to the chairman and those members of the committee's majority staff who worked so diligently on this measure as well as my appreciation for the cooperation and courtesy that was extended to the members of the committee's minority staff. In particular, I want to note the efforts of Tom Harvey, Julie Susman, and Scott Wallace of the majority staff and Jon Steinberg, Ed Scott, and Babette Polzer of the minority staff.

Mr. President, this measure is as I noted at the outset, an excellent one, and, by virtue of the fact that it appears likely that appropriations to get the program underway will be made available promptly, enactment of the bill would enable the Federal Government to begin in October of this year to offer much-needed help to veterans who are out of work and lack the skills necessary to compete in today's changing labor market.

I urge the Senate to give this legislation its overwhelming approval.

Mr. President, I ask unanimous consent that a copy of our June 8 letter to which I referred earlier be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., June 8, 1983.

Hon. JAKE GARN,
Chairman,
Hon. WALTER D. HUDDLESTON,
Ranking Minority Member, Subcommittee on HUD-Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR JAKE AND DEE: We are writing to urge you to include in the HUD-Independent Agencies fiscal year 1984 appropriations measure (H.R. 3133) $150 million to fund an emergency jobs training measure for veterans.

As you may know, on May 11, this Committee ordered favorably reported S. 1033, the proposed "Veterans' Emergency Job Training Act of 1983". That measure, which was reported on May 19, would establish a program to combat high umemployment among certain wartime veterans by providing incentives to employers to hire and train wartime veterans for stable, permanent employment. The legislation would authorize the appropriation of $150 million for incentive payments to employers under the program. On June 7, the House of Representatives passed H.R. 2355, the proposed "Emergency Vietnam Veterans' Jobs Training Act of 1983", by a vote of 407 to 10. That measure, which would establish an emergency program of job training assistance for disabled veterans and veterans of the Vietnam era, authorizes the appropriation of $150 million in each of fiscal years 1984 and 1985 as well as $25 million in fiscal year 1983. Thus, it appears almost certain that legislation authorizing the appropriation of $150 million to the Veterans' Administration for a new veterans job training program will be considered and approved by the Congress this year.

In addition, in H. Con. Res. 91, the First Concurrent Resolution on the Budget for FY 1984 as passed by the Senate, provision was made, at our Committee's request, for the funding of such an emergency employment measure.

The seriousness of unemployment among veterans is well-documented. Indeed, in testimony before this Committee, the Department of Labor stated that "there is a significant employment problem for veterans, particularly for Vietnam-era and disabled veterans and . . . new and effective job training approaches for these veterans must be developed." The VA agreed with that assessment. We believe that the $150 million authorization contained in S. 1033 is fully justified in light of the severity of the problem.

We further stress that the strong and clear intention of the authorizing Committees that whatever measure is enacted be considered an emergency measure and be implemented as quickly as possible. To this end, we believe the program should be funded and ready to begin no later than October 1, 1983. In this connection, we note that in a letter dated May 10, 1983, Senators Hatfield, Stennis, and Garn endorsed the concept of providing training opportunities for unemployed veterans but recommended that the Veterans' Affairs Committee report a measure with an authorization of appropriations that would subject the new program to the appropriations process. Both S. 1033 and H.R. 2355 contain such an authorization.

Thus, we strongly urge that, during your Subcommittee's consideration of H.R. 3133, you include $150 million for the new program, to remain available until expended. However, because the authorizing legislation will not be enacted by the time of Subcommittee mark-up, we suggest that the funding be made subject to the enactment of S. 1033/H.R. 2355. Enclosed is a copy of suggested language to accomplish this end.

Thank you for your cooperation in this matter.

With warm regards,
Cordially,
ALAN K. SIMPSON,
Chairman.
ALAN CRANSTON,
Ranking Minority Member.

Mr. PRESSLER. Mr. President, it is with great pleasure that I rise to speak in support of this measure today. An employment program for veterans is a concept that I have promoted for many years. I am glad to see that the time has come for a program of this sort.

The first piece of legislation I introduced in the 97th Congress was S. 26, the Vietnam Veterans' Readjustment, Recruitment, and Retention Assistance Act. This committee held hearings on the bill in July and August of 1981. There are great similarities between the ideas embodied in my bill and those in the bill now before the Senate, and this is very gratifying to note.

As a Vietnam veteran, I have long been concerned about the employment problems of my fellow veterans. At the end of May of this year, the unemployment rate for male Vietnam veterans between 25 and 39 years of age was 10.2 percent. For nonveterans in this same age group, the rate was 9.3 percent. Considering the preferences supposedly given to veterans in hiring, this rate is clearly unacceptable.

One of the big problems with today's unemployment situation is that a large part—50 percent—consists of what is known as structural unemployment. People who fall into this category are out of work because their jobs are being phased out of the national economy. As a result, they have very little chance of getting another job without some retraining. Unless these people are able to find an employer who can afford to train them on the job or they can finance their own retraining, they will have difficulty in finding a job. For this reason, I believe that a large part of our effort to reduce unemployment should focus on retraining. The training opportunities that will be provided to veterans through this legislation will do a great deal in helping our veterans to take their rightful place in the work force.

In the testimony I gave before the Veterans' Affairs Committee with regard to this legislation, I made several suggestions as to changes that might be made in the bill. I am pleased to note that some of these alterations have been made. The version of the bill which we consider today, for instance, provides that the Veterans' Administration has a major role in the administration of the job training program. The original version placed much more authority in the hands of the Department of Labor, which is ill equipped to handle some of the necessary functions of this legislation. This change, which I advocated, will make the program easier to implement and will, consequently, get assistance to our out-of-work veterans sooner.

I offer my thanks to my distinguished colleague from Wyoming, the chairman of the committee, as well as the other members of the committee, for the fine work they have done on this bill. It is an important and timely piece of legislation, and its only fault may be that it is too little, too late. It is sadly evident to me that we owe our veterans much more than we have given them so far. It is my hope that my colleagues will support this measure and that we will soon have an effective jobs program for veterans. It is an idea whose time has come.

AMENDMENT NO. 1407

Purpose: To authorize the administrative reorganization of certain Veterans' Administration offices

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator SIMPSON and Senator CRANSTON.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Senator SIMPSON and Senator CRANSTON, proposes an amendment numbered 1407.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, between lines 14 and 15 insert "TITLE I—VETERANS' EMERGENCY JOB TRAINING PROGRAM".

On page 15, line 15, strike out "SEC. 2" and insert in lieu thereof "SEC. 101".

On page 32, line 20, strike out "SEC. 3" and "Act" and insert in lieu thereof "SEC. 102" and "title", respectively.

Add at the end of the bill the following new title:

TITLE II—VETERANS' ADMINISTRATION REORGANIZATION

SEC. 201. The requirements of section 210(b)(2)(A) of title 38, United States Code, shall not apply to the planned administrative reorganization at the Veterans' Administration Rehabilitation Engineering Center (hereinafter in this section referred to as "VAREC") at 252 Seventh Avenue, New York, New York, involving—

(1) the transfer to the Veterans' Administration Medical Center, New York, of 24 full-time equivalent employees from the VAREC Special Clinic team, 5 full-time equivalent employees from the VAREC Restoration Laboratory, and 4 full-time equivalent employees from the VAREC Research and Development Service;

(2) the administrative reassignment from the VAREC of 8 employees (in addition to those described in clause (1)) who are orthotists or prosthetists and whose work stations are at nearby Veterans' Administration medical centers to those medical centers; and

(3) the reorganization of elements of the VAREC not providing direct patient services so as to continue them at 252 Seventh Avenue as the "Veterans' Administration Prosthetic Technology and Information Center", under the direct supervision of the Director, Prosthetic and Sensory Aids Service, Department of Medicine and Surgery, Veterans' Administration Central Office.

Mr. SIMPSON. Mr. President, I am pleased to join with my good friend, the ranking minority member of the Veterans' Affairs Committee, Mr. CRANSTON, in submitting a noncontroversial amendment to S. 1033. The substance of this amendment—relating to a staffing reorganization in the Veterans' Administration—is not related to the subject matter of S. 1033. Rather, we are proposing to add it to S. 1033 because of the need to insure early enactment of the provisions of our amendment.

Mr. President, I will ask that a May 12, 1983, letter to me from the VA Chief Medical Director, Donald M. Custis, M.D., be printed in the RECORD at the conclusion of my remarks. In that letter, Dr. Custis explains in some detail the specific organizational and administrative situation that prompts this amendment. Stated very briefly, the VA is seeking to accomplish an interagency transfer of 41 employees between two VA offices in connection with the agency's plans to improve the Department of Medicine and Surgery's efforts to more rapidly meet the challenge of new technology in prosthetics and sensory aids while continuing to provide direct health care services to veterans in this important area.

As Dr. Custis noted in his letter, the reorganization plans for the VA Rehabilitation Engineering Center (VAREC) at 252 Seventh Avenue, New York, N.Y., which would require the personnel administrative reassignments, are based on results from the report of a task force appointed to review and make recommendations for the future mission and organization alinements of VAREC. The personnel transfers would place direct patient care services in VA medical centers and will group nondirect patient care programs into a VA Prosthetic Technology and Information Center under the VA Central Office Director of Prosthetic and Sensory Aids. Under current law—section 210(b)(2) of title 38, United States Code—the VA is generally prohibited from reducing the staff at any of its offices by more than 10 percent in any fiscal year without an advance notice to the Congress submitted not later than the day on which the President submits to the Congress the budget for that fiscal year. The VA notified this committee on January 11, 1983, that this transfer was planned.

The assignment of the VAREC special clinic team to a medical center is especially noteworthy. VAREC was established to provide a national program through which eligible veterans could request directly specialized services and devices without going through the normal slow-moving agency channels. My understanding is that the special clinic team would be charged with facilitating such results. Therefore, it would seem desirable that plans be considered to expand the reach of this important service, perhaps by locating such a team in each medical region in order to enhance the abilities of all medical centers in addressing this particular aspect of direct patient care. This action would also go a long way toward the elimination of past concerns that VAREC's service was directed more toward veterans in the New York metropolitan area rather than veterans throughout the country. I believe that the decision to place the first special clinic team in the Manhattan VA Medical Center was based on statistics which have shown the overwhelming majority of special requests which would be handled by such a team originate in the greater New York metropolitan area.

I would encourage the VA to insure that this move accomplish the purpose for which it has been designed. To accomplish that end, it is important that adequate space for personnel and equipment be provided and that a core number of personnel expert in this area be preserved so that this first team may serve as a training resource to the future special clinic teams which we believe should be established in the various medical districts.

Mr. President, the proposed transfer would promote better organization and delivery of health-care services to our Nation's veterans, and would not require additional appropriations. In order to enable these actions to take place before October 1, enactment of this amendment is necessary. Nothing would be gained by waiting for the clock to run in this case, since the VA has clearly justified the need for and reasons behind the planned reorganization. I know of no opposition to the proposed transfer.

Mr. President, I ask unanimous consent that the letter mentioned earlier from the VA Chief Medical Director, dated May 12, 1983, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
Washington, D.C., May 12, 1983.

Hon. ALAN K. SIMPSON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to a telephone request of March 21, 1983, by Ms. Julie Susman of your office concerning our Department of Medicine and Surgery's plan for the VA Rehabilitation Engineering Center (VAREC).

The Veterans Administration is determined to regain and expand the leadership role assigned by Congress at the end of World War II in the area of prosthetics and sensory aids. In keeping with that dedication, I have initiated several important actions over the past three years. A new director of the Prosthetic and Sensory Aids Service in VA Central Office was appointed two and one-half years ago. The staff of the Prosthetic and Sensory Aids Service within the Office of Professional Services has been increased by five new positions. Two years ago, I appointed a task force to review and make recommendations for the future missions and organizational alignments of the various program elements of VAREC at 252 Seventh Avenue, New York, New York. I have accepted and approved all of the task force's recommendations with a few caveats or minor modifications. This letter refers to the implementation of those recommendations.

Those program elements that provided direct patient care will be administratively reassigned and physically transferred to appropriate nearby VA medical centers. The

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purpose is to place these services in the mainstream of patient care activities. The Special Clinic Team (five employees), those orthotists and prosthetists physically located at 252 Seventh Avenue (24 employees), and the Restoration Laboratory (five employees) will be administratively reassigned to the VA Medical Center, New York, New York, approximately one mile from the location of VAREC. Ward 14 South at the medical center will be renovated to accommodate the move. The anticipated completion date of that project is February 1985. Until that project is completed, these programs would physically remain at 252 Seventh Avenue. They will be administratively reassigned to the VA Medical Center, New York, as soon as possible in compliance with 38 U.S.C. 210(b)(2); i.e., October 1, 1983.

These elements will continue to perform their traditional service functions, whether at 252 Seventh Avenue or after the move to the medical center, providing care for any patients referred to them from any part of the United States. In addition, the Special Clinic Team will serve as the nucleus for development of a special amputee service which will be directed by a physician.

The necessary funds for personal services, equipment and supplies, etc., will be allocated to the VA Medical Center, New York, from the VAREC allocation.

Additionally, the four employees that constitute the research section of the Research and Development Service of VAREC will be administratively reassigned to the Engineering Service at the VA Medical Center, New York. This reassignment is independent of the reassignment of the Special Clinic Team, orthotists/prosthetists and restoration technicians, so it is not dependent upon the renovation project. Consequently, it can be accomplished on October 1, 1983.

Those orthotists and prosthetists administratively assigned to VAREC but whose work station has been at nearby VA medical centers will be administratively reassigned to those medical centers. Those employees are not included in the 24 prosthetist/orthotist employees listed in the Prosthetist/Orthotist Service being moved to VA Medical Center, New York. This is an administrative change and will not involve a move by the personnel since their permanent work stations are at those medical centers. The St. Albans Division of the VA Medical Center, Brooklyn, New York, will receive one employee; the East Orange, New Jersey, Medical Center will receive two employees; the Bronx, New York, Medical Center will receive two employees, and the Castle Point, New York, Medical Center will receive three employees. The necessary funds for personal services costs will be allocated to the respective VA medical centers from the VAREC allocation.

Those elements at VAREC which do not provide direct patient services include the Research Service, the Technology and Performance Evaluation Service (TAPES), the Information and Education Service, the Orthopedic Shoe Service, and the Office of the Director.

These programs will remain at 252 Seventh Avenue but be reorganized as the "VA Prosthetic Technology and Information Center" under the responsibility of the Director, Prosthetic and Sensory Aids Service, VA Central Office. The Prosthetic Technology and Information Center will consist of: Office of the Chief and supporting staff (17 employees); the Technology and Product Evaluation Service (18 employees); the Testing and Standards Service (10 employees); the Footwear Service (34 employees); and the Technical Information Service (18 employees).

The Development Section and the Model Making Lab (tool and die shop) of the Research Service of VAREC have been internally reassigned to Testing and Standards Service in support of their mission. The six TAPES positions detailed to the VA Medical Center, Castle Point, will be physically transferred back to 252 Seventh Avenue as part of the Technology and Product Evaluation Service. (These six positions are included in the above totals.)

The 1984 assigned recurring FTE at VAREC is 139 and the assigned recurring dollars are $9,521,577. The planned changes will result in the following redistribution:

Thirty-eight FTE and funds to support those FTE will be transferred to VA Medical Center, New York; 8 FTE and funds to support those FTE will be reassigned to other nearby VA medical centers as detailed above in paragraph six; 93 FTE and appropriate funds to support the VA Prosthetic Technology and Information Center will be assigned to the Director, Prosthetic and Sensory Aids Service, VA Central Office. The allocation of these funds for individual missions of evaluation, development, testing and information dissemination, as well as continuing the orthopedic shoe service, will be formulated and planned by the Department of Medicine and Surgery in Central Office.

The Office of Personnel Management has concluded that many positions at VAREC are overgraded and that a significant number of downgrades must take place. They have agreed, however, to defer any action until the VA had completed the recommended reorganization. The new organizational and functional charts for the elements moving to VA Medical Center, New York, and the elements being changed to the Prosthetic Technology and Information Center involve basically the same individuals who are already on duty at VAREC. Consequently, there will be a need for only two positions to be eliminated.

Once the Prosthetic Technology and Information Center is established, VA personnel will perform desk audits of each position. Any downgrades initiated by the VA would be based upon these desk audits. The Office of Personnel Management will want to review the VA's actions and take any further action they feel is necessary. Once final decisions are made on personnel changes and downgrades, the appropriate congressional committees will be informed.

The space for the Prosthetic Technology and Information Center at Seventh Avenue will be evaluated by our Construction Office and GSA. A new floor plan will be drawn up after an analysis has been conducted so as to consolidate the Service into the most effective space usage.

The goal of this plan is to continue to make available the direct services to veterans that VAREC has provided. In addition, the reorganization will improve The Department of Medicine and Surgery's efforts to more rapidly meet the challenge of new technology in Prosthetic and Sensory Aids.

Sincerely,

DONALD L. CUSTIS, M.D.,
Chief Medical Director.

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I join with the chairman of the Veterans' Affairs Committee (Mr. SIMPSON) in urging our colleagues to support our noncontroversial amendment that would authorize the VA to proceed with an administrative reorganization of the VA's Rehabilitation Engineering Center (VAREC) in New York City prior to October 1, 1983. This proposed reorganization is the final action in an extended VA review of the mission and effectiveness of the VAREC and will carry out the recommendation of a VA task force appointed by the VA's Chief Medical Director. However, under a provision of current law applicable specifically to the VA—section 210(b)(2) of title 38, United States Code—the VA is generally prohibited from reducing its staff at any of its offices by more than 10 percent in any fiscal year without advance notice to the Committee on Veterans' Affairs approximately 8 months prior to the beginning of that fiscal year. The Administrator provided such advance notice on January 11, 1983. Thus, because the implementation of the reorganization would involve reducing the staff level at VAREC beyond the degree specified in the law, the VA would not be able to carry out the reorganization until October 1, 1983, the start of fiscal year 1984. The amendment we are proposing would, in effect, upon enactment waive the application of the limitation on reductions of VA personnel at any particular covered facility to the personnel transfers involved in this reorganization, thereby allowing the VA to proceed in a more timely fashion.

Mr. President, I know of no opposition to the overall proposed reorganization. There have been concerns expressed within the veterans' community about some aspects of the reorganization as it affects the VAREC special clinic team. The two principal issues relate to the special clinic team—specifically, the need to provide sufficient space for the team at the Manhattan Veterans' Administration Medical Center prior to the team's being moved and the fulfillment of a previous commitment from officials at VA central office to establish and train within 1 year five additional special clinic teams, similar to the one being transferred from the VAREC, so as to establish such a team in each of the six VA regions, thereby creating a national network of such teams. It is my understanding that these two issues have been sympathetically addressed by appropriate officials in VA central office and that those who have raised the concerns have been reassured. Nevertheless, it is my intention—lest there be any misunderstanding—to secure from the VA written assurances with respect to each of these concerns prior to enactment of this provision.

Mr. President, in light of the fact that the concerns seem to have been addressed at this point, my intention to seek written assurances and the fact

that the VA is ready to proceed with the planned reorganization, I believe the agency should be permitted by the Congress to do so before October 1. I, therefore, urge my colleagues to support the pending amendment that the distinguished committee chairman and I are proposing.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 1407) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STEVENS. Mr. President, I now ask the Chair to lay before the Senate Calendar No. 236, H.R. 2355, the House companion bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2355) to establish an emergency program of job training assistance for disabled veterans and veterans of the Vietnam era.

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I move to strike all after the enacting clause and insert the text of S. 1033, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2355) was read the third time and passed.

The title was amended so as to read:

A bill to amend title 38, United States Code, to establish an emergency job training program for wartime veterans.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent to indefinitely postpone Calendar Order No. 200, S. 1033.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 2477 REFERRED TO THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 2477, entitled the "Sipsey Wilderness Additions Act of 1983", be referred to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BYRD. Mr. President, I am advised there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 9 REFERRED TO THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 9, a bill to designate components of the National Wilderness Preservations System in the State of Florida, be referred to the Energy and Natural Resources Committee.

Mr. BYRD. Mr. President, I am advised there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, is there an order for convening tomorrow?

The PRESIDING OFFICER. The Senate is scheduled to convene at 9:30 a.m. tomorrow morning.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess in accordance with that previous order.

There being no objection, the Senate, at 7:37 p.m., recessed until Thursday, June 16, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 15, 1983:

ENVIRONMENTAL PROTECTION AGENCY

Howard M. Messner, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency, vice John P. Horton, resigned.

FEDERAL ELECTION COMMISSION

Joan D. Aikens, of Pennsylvania, to be a Member of the Federal Election Commission for a term expiring April 30, 1989 (reappointment).

John Warren McGarry, of Massachusetts, to be a member of the Federal Election Commission for a term expiring April 30, 1989 (reappointment).

EXTENSIONS OF REMARKS

FLAG DAY

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. McGRATH. Mr. Speaker, yesterday all Americans celebrated Flag Day, a day set aside by this Congress as a national commemoration of the symbol of our country. It is unfortunate that this day is often overlooked by the Nation, for while its celebration is not marked by a 3-day weekend or parades down Main Street, it is vital for citizens to seize the significance of this day.

On Flag Day we do not honor a historical personality or the importance of our ethnic heritage, but the one symbol which unites all citizens regardless of political or philosophical differences; the one symbol that all Americans stand under, sing about, and salute—The American Flag.

Throughout history, the flag has represented the hopes and aspirations of our Nation. When British ships bombarded Baltimore's Fort McHenry, the courage of our soldiers was symbolized by the continuous flying of this flag. The scene so moved Francis Scott Key that he composed what became our national anthem as a tribute to the heroism displayed under that flag. During the Second World War on the Island of Iwo Jima, the raising of the American Flag on Mount Suribachi by six Marines inspired our Nation and the world. Finally, it is impossible to forget our 1980 Olympic hockey team's triumph over the Soviet Union and the patriotic pride we felt upon hearing our national anthem as our flag was raised in victory.

Mr. Speaker, there are numerous anecdotes and accolades with which we here could salute those 50 stars, and 13 stripes. But our finest tribute would be for all Americans to take time out to salute our national symbol which flies "O'er the land of the free and the home of the brave."●

UNITED STATES-FRENCH RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HAMILTON. Mr. Speaker, I wish to bring to the attention of my colleagues remarks made by Dr. Jacques E. Soustelle before the annual meeting of the Association of Former Members of Congress on May 24, 1983.

A member of the organization of former French deputies (Group des Anciens Deputes), Dr. Soustelle is a prominent scholar who was one of the major architects of the constitution of the Fifth Republic and a Governor General of Algeria. During the Second World War, he was decorated by Supreme Allied Commander Gen. Dwight D. Eisenhower for his important role in the liberation of France.

Dr. Soustelle's remarks are an effective reminder of the democratic heritage the United States and France share. Both Nations' Governments were born through the act of revolution, and both cherish the values of constitutional government. His remarks also refer to the common struggle against tyranny which the United States and France have waged in this century. Although the United States and France have policy differences, the Franco-American relationship, Dr. Soustelle explains, appears stronger today.

His remarks follow:

REMARKS BY DR. JACQUES SOUSTELLE, FORMER MEMBER OF THE FRENCH NATIONAL ASSEMBLY, MAY 24, 1983

Mr. Chairman, Ladies and Gentlemen: First of all I wish to express to you all my heartfeit thanks for the most friendly welcome which has been given me since I came here as your guest in representation of the "Anciens Membres de l'Assemblée Nationale" By the way, "Anciens" in French simply means "Former" and does not carry the meaning of the English word "ancient". Although I am an archaeologist by profession, neither I nor my colleagues should be considered as "antiquities"!

Out of roughly 1,200 former members of the French National Assembly, 700 are members of our Association, which was founded in October, 1979 and merged with a former Association of ex-members of Parliament under the Third Republic. As you know, France, since the great Revolution of 1789, has had thirteen Constitutions, some of which lasted only a few years (one, even, that of 1793, remained on paper). The regime with the longest life was the Third Republic (65 years); and now the Fifth Republic, which ranks second with 25 years, is still going strong. Its constitution was drafted in 1958 by the Cabinet of which I had the honor of being a member, under the chairmanship of Gen. De Gaulle, and was signed by 25 "founding fathers" including myself, and submitted to the people's vote. Out of 36 million voters, 5 millions voted against the proposal, and 31 million in favor.

Napoleon Bonaparte, when he drafted "his" Constitution, said that it should be "short and obscure". Ours is not very short, since it has 92 articles, 18 of which are getting obsolete; but it is not obscure and seems to fulfill the desires to both Right and Left. Our democratic system compares both with the Westminster system of the British and with the American presidential Constitution; it is more presidential than the British and more parliamentary than yours.

However that may be, the French Republic today is a democracy, which means that my country is a member of an honorable minority in the world, but of a minority nevertheless, while totalitarian, one-party, dictatorial, militarist regimes are supreme in many countries, as well as in the UN, the UNESCO and other international bodies.

We belong, therefore, to that part of the world whose ideals we share with the Western democracies, and with the United States.

While you have here two parties, we in the French Parliament have five parties, but as a matter of fact two main blocks, one of the Right and one of the Left. But the common ideal of all French democrats is twofold: freedom and peace.

Freedom, "Liberté, liberté chérie" in the words of our national anthem, La Marseillaise, is the treasure we have fought for, together with you, during the war against Nazi tyranny. Even when differences of opinion may sometimes appear between us and our friends, we know that we are and must remain united to keep this treasure of freedom which our ancestors have bequeathed to us.

Peace. In a world torn by terrorism, local wars, and protracted conflicts, we are conscious of the fact that the free nations have the duty of uniting their efforts. We acknowledge the leading role of America in the defense of world peace, and we are convinced that the democracies of Western Europe must work together for peace in close cooperation with the United States. An important fact concerning France is that, in spite of the internal debates between government and opposition, an overall consensus for the Atlantic Treaty and the NATO appears stronger than ever today.

We former members of the National Assembly intend to do our part by strengthening our links with our European colleagues in Germany, Italy, Britain, and with our American counterparts.

Thank you, Mr. Chairman.

JACQUES SOUSTELLE.●

HOME CARE FOR THE ELDERLY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mrs. SNOWE. Mr. Speaker, I would like to offer my support for H.R. 2094, legislation which would encourage home care for the elderly. As our elderly population continues to increase, the need for alternatives to institutionalization becomes increasingly imperative. Many individuals are prematurely institutionalized when acute care is not actually needed because of the lack of funding alternatives to families.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

H.R. 2094 is drafted to provide one alternative by offering tax credits to certain families who wish to care for elderly relatives in their home. Elderly individuals have the option, too, of living independently or in the family's home. If passed, this legislation will provide tax credits for a portion of the expenses incurred for support services such as home health aid services, adult day care, respite care, nursing care and medical or health-related equipment and supplies.

H.R. 2094 specifies that families with incomes of $10,000 or less can claim a tax credit for 30 percent of the expenses incurred in the care of an elderly relative, up to a maximum credit of $1,050. Low-income families who do not pay enough taxes to get the full benefit of the credit will have the credit refunded directly to them. Families with adjusted gross incomes in excess of $50,000 will be ineligible for the credit. If the elderly relative's adjusted gross income exceeds $15,000, the caretaker family will not receive a tax credit. This sliding scale tax credit arrangement is to provide an alternative to expensive nursing homes or hospital care to families with lower incomes and who are willing to provide caretaking tasks for their aged relations in nonlife threatening situations.

Moreover, this bill also focuses on a related but equally difficult problem—the care of patients suffering from Alzheimer's disease. These victims are not even nursing home candidates although heartbreakingly disabled. Families of the over 1.4 million Alzheimer's disease victims must bear the burden of long and costly home care for their loved ones because nursing homes often will not accept Alzheimer's disease patients. Unfortunately, there is no known cause or cure of this illness. Victims suffer forgetfulness and severe personality changes over a 3 to 10 year period before losing all bodily functions which finally qualifies them for nursing home care—if the nursing home will have them. Providing 3 to 10 years of home services is emotionally devastating to the sufferer's family, as well as very expensive. This legislation could provide at least some measure of financial relief.

Mr. Speaker, H.R. 2094 would provide older Americans in this country the option of remaining with their families as long as possible. A recent Congressional Budget Office study estimates that 40 percent of the approximately 1.3 million elderly in nursing homes could be cared for at home if they or their families had some financial assistance. Obviously, it is important that we seriously consider alternatives that best serve the health care needs of our senior population as well as alternatives that are cost effective. I recommend passage of this measure with that objective in mind.●

NO, LET US PRAISE FREE TRADE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. SUNDQUIST. Mr. Speaker, the Washington Post, on June 13, 1983, recently published an article written by the U.S. Trade Representative, Mr. William E. Brock.

Because Mr. Brock is a leading authority regarding our country's trade policies, I urge my colleagues to read the following commentary advocating free trade.

[From the Washington Post, June 13, 1983]

NO, LET US PRAISE FREE TRADE

(By William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politically expedient statement made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, management competence and creativity, worker training and productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest our diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for a lack of productivity. Modern technology is making possible incredible improvements, and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to compete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services originating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing countries than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries' exports to the industrial world would be even more absurd right now in light of the significant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing-country exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumably only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of textile quotas, agricultural subsidies and steel arrangements. But to acknowledge that we are all sinners does not justify economic sui-

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cide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?●

MARYLAND JAYCEES AND JAYCEE WOMEN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. DYSON. Mr. Speaker, I am pleased to have this opportunity to bring to the attention of my colleagues the activities of the Maryland Jaycees and Jaycee Women.

These organizations, devoted to the community, individual, and management development, have served a worthwhile purpose for many years. They are always cognizant of the needs of the various communities they serve and take an active role in fostering goodwill and fellowship.

Recently, at their annual convention in Ocean City, Md., the organizations honored those members who excelled during the past year in meeting their own goals and the goals of the group. I am pleased to say that my congressional district is privileged to have the outstanding region, district, and local chapter members in the State of Maryland.

I would like to note some of those chapters that have received special recognition. Region V, composed of the chapters from the Eastern Shore, was named the Outstanding Region in the State of Maryland. District 12, which includes the chapters from the Lower Eastern Shore, was the Outstanding District. The Waldorf Chapter, located in southern Maryland, was the Outstanding Chapter. The Easton Chapter, in Talbot County, was the Outstanding Chapter in Programing, that is, project work. The Federalsburg Chapter, in Caroline County, was the Outstanding First-Year Chapter. The Outstanding Chapter of the Jaycee Women was the Salisbury Chapter, in Wicomico County.

It would be impossible here for me to cite all of the deserving individuals and other chapters which could fairly be commended for the important roles they play in their communities. However, I am happy to recognize these very deserving organizations. I, therefore, urge my fellow Members to be conscious always of the major contributions of Jaycees and Jaycee Women.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. CORCORAN. Mr. Speaker, due to previous commitments, I was unable to be present and voting on several issues debated on the House floor yesterday. Had I been present, I would have voted in the following way:

On agreeing to the approval of the House Journal of Monday, June 13, "yea."

On suspending the rules and passing H.R. 1076, Jones Act Exemption, "yea," (passed by a recorded vote of 373 to 44).

On suspending the rules and passing H.R. 2062, National Marine Sanctuaries, "yea," (passed by a recorded vote of 379 to 38).

On an amendment to the DOD authorization bill (H.R. 2969) that sought to delete $19.4 million in Air Force procurement funds for antisatellite systems, "paired no."

On an amendment to H.R. 2969 that sought to prohibit multiyear procurement of the B-1B bomber, "no."

On an amendment to H.R. 2969 that sought to defer procurement funds for the Bradley fighting vehicle until adequate testing is complete, "no."●

CONGRESSIONAL HONORARIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 14, 1983 into the CONGRESSIONAL RECORD.

CONGRESSIONAL HONORARIA

Much has been said about the perception that political action committees are corrupting the legislative process. However, there is a feeling among observers of Capitol Hill that the less publicized issue of honoraria—payments to Senators and Congressmen for speeches to private groups—also creates the appearance that legislative influence is being bought.

Congress put strict limits on honoraria in 1977. That measure capped legislators' outside earned income—most of it traditionally taking the form of honoraria—at 15 percent of the official salary, and it restricted the payment per speech to $1,000 for a Senator and $750 for a Congressman. The limits were put in place for three reasons: to eliminate the appearance that members of Congress were "cashing in" on their positions, to prevent legislators from spending too much time on outside activities, and to minimize the potential for conflict of interest. Although the measure passed by wide margins in both the Senate and the House of Representatives, there have been several attempts—some of them successful—to dilute it over the years. In 1981, the House ceiling was doubled to 30 percent of official salary and the limit per speech was raised to $2,000 without debate in a skillful parliamentary maneuver. In the Senate, the ceiling never went into effect. The effective date was postponed, and the ceiling eventually was repealed. Last year, the Senate decided that it preferred unlimited outside earned income to a $9,000 per year pay raise. Since then, Senators have earned all they wished outside the Senate, though they have not received more than $2,000 per speech.

Why is there so much concern when members of Congress are paid to give speeches? On its face, the enterprise is quite legitimate. Public education is an integral part of a legislator's job, and the possibility of pay encourages a member of Congress to meet a wider variety of people than he would meet otherwise. No one argues that it is bad for a legislator to receive a few hundred dollars when he speaks to a college audience, a ladies' group, or a public forum.

Unfortunately, that is not the way it has worked out. The first problem is the increasing value of the honoraria received by members of Congress. It has doubled in the past two years, from $2,200,000 to $4,500,000. In the Senate alone, 85 members made some $2,400,000 in honoraria last year, an average of more than $28,000 for each of the 85. A major reform was made last week when the Senate agreed to limit Senators' outside earned income to 30 percent of official salary, the same as in the House. This reform was long overdue.

However, a second problem remains. It is the perception that the honorarium has become just another way for special interests to try to buy favor with influential legislators. Some disturbing patterns are developing. Members of Congress receiving the most honoraria are not generally those who deal with national security, education, or the Constitution, but rather are those who head up the tax- and budget-writing committees. Most honoraria come from business interests, with universities and sponsors of seminars providing only a tiny fraction. Several Senators have income paid by special interests in excess of their official salary. Legislators moving into positions of authority see their outside earned income climb sharply. With 15 of the top 17 recipients of Senate honoraria in the majority party last year, it is evident that much of the money flows to the party in power.

In short, honoraria have lost the look of lecture fees and have taken on the appearance of special interest bounty for the powerful. With this in mind, one of my colleagues aptly dubbed them "dishonoraria." The concerns expressed in 1977 were well-founded: if it is not checked, the practice of paying honoraria could degenerate to the point that virtually everyone would regard it as something little better than bribery. When a small segment of the population is able to secure what seems to be a special relationship with key Senators and Congressmen, the integrity of the legislative process is called into question and the public's confidence in Congress is undermined. We would not want to see a policeman or a judge earning fees larger than his official salary for speeches to groups with special interests in matters handled by his precinct or court. We should expect no less of a member of Congress.

It is clear to me that firm steps must be taken to control abuse of the honorarium. Mere public disclosure of the payments, with ultimate control in the hands of the voter, will not suffice. An election is seldom a referendum on a legislator's outside earned income even if that income is excessive. A voter can show disapproval of his Senators and Congressman alone even though the actions of all members of Congress affect him. We need better safeguards on the books so that key legislators will not have the appearance of selling influence to special interests.

Putting stricter limits on honoraria, or even banning them entirely, is one approach curently under consideration. Another approach would place stricter limits on honoraria with the most potential for abuse. Generally speaking, those are the honoraria paid to a member of Congress by groups with special interests in legislation before his committee. An alternative would leave a legislator free to earn a generous amount of outside income overall, but only a small portion of it could come from sources interested in his committee business. While a member of Congress would be allowed enough compensation to encourage him to speak widely to the public, he would not "get rich" or become financially beholden to special interest groups. Acting voluntarily on their own initiative, several legislators have decided to accept smaller and fewer honoraria from groups with special interests in matters handled by their committees. These ideas are worth considering as a general policy.

Tightening up on congressional honoraria will not be easy, but the evidence of abuse coming in shows that it must be done soon.●

REMEMBERING THE "TERRIBLE JUNE DAYS" IN LITHUANIA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. YOUNG of Florida. Mr. Speaker, we join today with Lithuanians throughout the world in solemn remembrance of the tragic June days in 1940 and 1941 when the Soviet Union invaded this small Baltic nation, depriving the Lithuanian people of their treasured freedom and individual liberty.

It was on this day 43 years ago that the Soviets marched on Lithuania, Estonia, and Latvia and seized the independence of these nations. One year later, in June 1941, the Soviets compounded this tragedy by beginning a 5-day genocide during which they exiled almost 35,000 Lithuanian men, women, and children to the outer reaches of Siberia.

In remembering these sad days for the Baltic people, which have come to be known as the Terrible Days of June, we pay tribute to the indomitable spirit of these special people. Despite over four decades of repression at the hands of the Soviet Government, they continue to hope and pray for the day when their freedom will be returned.

This tragic chapter in world history, which has been repeated by the Soviets many times since June 1940, reminds us of the means to which Soviet leaders will resort in pursuing their ultimate goal of world domination. The story in nations such as Afghanistan, Hungary, Poland, and Czecholoslovakia is much the same as that of the Baltic nations. In all of these nations, the Soviets have not hesitated to use aggression to impose their form of Communist government on these peace loving people. Such examples of Soviet aggression can only leave us wondering which country will be their next target and when?

Despite the imposition of Communist rule in all of these nations, a spirit of determination remains among the native people who continue to wait for their freedom to be returned. As with the Lithuanian people, who we honor today, the Soviets have stripped them of their land, their businesses, their religion, and their form of government. The Soviets have been unsuccessful, however, in dowsing their desire for independence and freedom which continues to burn brightly within all of these people.●

FREE THE FAMILY OF ILYA KATZ

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. DAUB. Mr. Speaker, for so many people in this world the United States holds the ultimate treasures of life—freedom of speech, freedom of religion, and freedom of travel. The Soviet Union has never embraced these basic doctrines taken for granted by many people in this country.

Today, I would like to bring to your attention the fact that Soviet Jewish emigration has declined precipitously in the last few years. Figures from the Union of Councils for Soviet Jews state that in 1979, a peak year, 51,320 Jews were allowed to leave, while last year only 2,688 were freed; and still this year emigration has amounted to a trickle of about 100 persons a month.

In particular, and in light of this fact, I would like to bring to the special attention of my colleagues the plight of Ilya Katz, who lives with his family of four in Kiev. Mr. Katz, a former attorney, has been denied the right to practice his profession, as have the others in his family, because in 1979, he requested and was denied, permission to leave the Soviet Union, on the grounds of insufficient kinship outside the country.

I therefore have taken it upon myself to begin corresponding with the Katz family and I have adopted, as a personal cause, the plight of Ilya Katz and his family, in the hope of speeding their release and furthering the hope that the Katz family may one day reach freedom.

We in Congress, and those in a position to influence the situation of thousands like Ilya Katz, must not allow these pleas for freedom to fall upon deaf ears. As we in the United States approach our 207th year of freedom, we must renew the fight for freedom commenced by our forefathers.●

TURN ON THE COAL FAUCET

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. OWENS. Mr. Speaker, there has been a great deal of discussion about the use of slurry pipelines. The following editorial from the New York Times of June 14, 1983, reviews the issues which concern us all as we seek a balanced way to utilize resources in this country.

TURN ON THE COAL FAUCET

Transport coal in a pipeline? The idea seems bizarre, but it has long been possible. The coal is pulverized, mixed with water or oil and pumped as a "slurry" hundreds of miles from mine to customer.

It's not clear yet whether slurry lines will be able to compete economically with railroads. But the rails fear that they can, and have thus far managed to block Federal legislation to facilitate construction across state lines. Congress is now taking a fresh look; happily, this time it seems likely to choose free enterprise.

The obstacle to building a slurry pipeline is obtaining the right of way. Opposition from railroads, compounded by indifference on the part of states that would not directly benefit, has made that almost impossible. Only two long coal slurry pipelines have been built. Only one, the Black Mesa line in Arizona, is in operation—and it is owned by the Southern Pacific Railroad. If the ambitious interstate slurry line network now on the drawing boards is ever to be built, the Department of Interior needs the power of eminent domain, the power to condemn and buy property for public purposes.

The railroads oppose that, arguing that slurries would cut rail employment and that such use of Federal eminent domain would violate states' rights. The employment argument is antique. It could as easily have been advanced against the railroads when they displaced wagon drivers and steamboat deck hands. Besides, the demand for coal is expected to grow enough to protect the railroads against any loss of tonnage.

The states' rights argument at first caught the fancy of "new federalists" in the Reagan Administration. But even the White House now quietly acknowledges that the Founding Fathers intended to give the Feds power to regulate interstate commerce.

A more important political debate has arisen over water rights. Much coal comes from arid Western states. And the railroads enlisted support from farmers who didn't want to compete against slurry operators for scarce water. But the current bill, ready

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for a Senate vote, generally satisfies farmers by affirming state control over water rights.

Thus the slurry issue has been stripped to the essential question: Does Congress believe in competition or not?●

RELIGIOUS FREEDOM

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HARTNETT. Mr. Speaker, I would like to share with my colleagues an essay entitled, "Religious Freedom" by Miss Kristin Wohlleben of Charleston, S.C. Each year, the Knights of Columbus in South Carolina sponsor a patriotic essay contest for eighth grade students throughout our State. Miss Wohlleben's winning essay conveys words of truth through the eyes of the innocent. Miss Wohlleben should be commended for her efforts and interest in this regard.

The essay follows:

RELIGIOUS FREEDOM

Religious freedom is an issue which dates far back into time, as far back as the creation of man. This issue has been debated for many centuries, but was somewhat clarified upon the authorization of the United States Constitution. The first amendment of the Constitution states that "all United States citizens have the right of freedom of worship, speech, press, and assembly." Although this implies in one way that all citizens may choose their own religions, many religious groups still feel superior to others. The Jewish religion is definitely one group which has been ridiculed in the past and even during the present. During the Second World War, those of Jewish descent were treated as though they were not worthy to live among those of other religions. I, myself, am a Roman Catholic and feel that discrimination against any religious group is very cruel; most of us do not realize how seriously wrong it really is.

During the settling of the Thirteen Colonies of the United States, many citizens of England were attracted to the "New" Nation of Freedom. Roger Williams, a man of English background, came to the rapidly flourishing United States to establish the State of Rhode Island—one of religious freedom. In those times, it seemed that religious types were much simpler than those of the present.

All religious groups should have their freedom to worship in a way in which they see fit. Placing boundaries on types of religious worship is almost stifling our feelings, hopes and dreams dealing with God, himself. God created us all to be different from one another; this also includes our religious beliefs. Many of us have had to live quite rocky lives due to our beliefs dealing with our religious convictions. Our religious backgrounds are what make the world interesting; there should be no restrictions on religion, for with restrictions, we are not able to reach to goals we have set in life, or live up to our full potential.

I am thankful for the amount of religious freedom we are allowed in the United States. However, in some places throughout the world, people are running most of their lives, not daring to open their mouths for fear of revealing to what religion they belong. These are the unlucky ones—the ones who are only safe talking to God and no one else.●

FEDERAL AUDIOVISUAL POLICY ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. ROYBAL. Mr. Speaker, today I am introducing, as I have for the last two Congresses, a bill establishing an Office of Federal Audiovisual Policy within the Office of Management and Budget, and requiring Federal audiovisual productions to be contracted out to qualified, private-sector producers, subject to certain restrictions.

I have supported this legislation basically because I do not believe the Federal Government should be in direct competition with the private sector. And, when it comes to producing and distributing films, that is exactly what is happening. Our tax dollars, to the tune of several hundred million dollars, are being used to produce in-house films in spite of the wealth of talent and technical skills already underutilized by the private sector. It is difficult to ascertain a definite figure, because although almost every independent regulatory agency, almost every Cabinet agency, and almost every military subdivision is making movies and videotapes, there are no line items in the budget for audiovisual expenses.

When we consider that the unemployment rate, excluding actors, in the theater and motion picture industry ranges between 40 to 65 percent across the country, it becomes clear that the Federal Government has no business in the movie business. We are violating the fundamental concept that the Government should utilize the competitive incentives of the private enterprise system to provide the products and services which are necessary to support Government functions.

In 1978, OMB tried to rectify the situation a bit by issuing Circular A-114, containing policies and procedures for improving the management of Federal audiovisual activities. This circular encouraged the contracting out of certain audio visual activities, and did achieve some positive results, such as using professional actors in Government productions and prohibiting the in-house processing of motion picture film.

However, other objectives contained in the circular and its supplemental bulletins were not achieved. For example, Policy Letter 78-5 included regulations to "establish a uniform government-wide system for contracting for motion picture production", and a later letter, 79-4, included regulations for video tape productions. None of this has been accomplished.

In 1980, GAO stepped in to review the situation in response to complaints from several private sector producers who had applied for production contracts with the Government. The investigation determined that certain sections of the OMB documents relating to audiovisual activities were illegal. The small progress that had been made up to this point now ground to a halt with the release of the GAO report.

Obviously, we cannot just let the matter drop. I have substantially revised my Federal Audiovisual Policy Act in order to conform to the GAO findings and still provide for the economical, efficient and effective procurement, production, and distribution of audiovisual material by the Federal Government. I believe my bill would not only accomplish these objectives but would also, if enacted, upgrade the quality of audiovisual products prepared for Government use in adherence to the high standards that have been established by the professional artists, craftsmen, and technicians in the private sector. I urge you all to join with me in support of this worthy effort.●

SOUTHERN ILLINOIS STUDENTS PASS NUCLEAR RESOLUTIONS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. SIMON. Mr. Speaker, students met recently at Southern Illinois University to have a mock U.N. session, and among the resolutions adopted were two on nuclear arms control.

My colleagues will be interested in what those resolutions say simply because they are a reflection of where public opinion in the United States is heading and where it must head in other countries also.

The resolutions follows:

UNITED NATIONS SIMULATION COMMITTEE ON NUCLEAR DISARMAMENT

NUCLEAR DISARMAMENT—RESOLUTION I

Realizing the potential and actual threat to mankind by nuclear weapons, their further build-up must be halted.

In recognition of the national sovereignty and integrity of all member-states, arms control needs to be initiated by the peace-supporting members of this assembly.

This resolution calls for:

The immediate implementation of a unilateral freeze on the development, production and deployment of all nuclear weapons by all member-states of the U.N. who choose to participate. This freeze does not include any non-nuclear arms systems or delivery systems. All member-states must publicly declare before the General Assembly whether or not it choose to participate in the unilateral freeze. This declaration shall be

made within one year after the adoption of this resolution.

If, one year following the adoption of this unilateral freeze, all participating member-states have complied, any member-states who have chosen to participate may begin nuclear arms reductions at any time.

NUCLEAR DISARMAMENT—RESOLUTION II

Immediate implementation of a unilateral, verifiable freeze on the development, production, and deployment of all nuclear weapons by member states who choose to participate. This freeze does not include any non-nuclear arms systems or delivery systems.

It is stipulated that each member state must publicly declare before the General Assembly whether or not it shall unilaterally freeze it's nuclear arms. All declarations must be completed within one year of the adoption of this resolution.

When, upon the adoption of this unilateral freeze, all states possessing nuclear weapon capabilities have complied with the unilateral freeze, the following reductions shall take place:

(A) Dismantling of all delivery systems with a range of less than one thousand miles. This includes all air launched cruise missiles with a range that exceeds twenty-five nautical miles.

(B) Dismantling of all delivery systems with a range of between one thousand and five thousand nautical miles.

(C) Dismantling of all delivery systems with a range in excess of five thousand nautical miles.

(D) Each of the above steps (A, B, and C) shall be completed in a period not to exceed one year.

These preceding steps may be initiated by any member state at any time as long as it is within the alloted time provided above.

The verification teams to inspect the United States shall consist of at least two representatives from the Soviet Union, at least one of whom must be an expert on nuclear technology. The team shall further consist of at least one representative from each of the other states possessing nuclear weapons, as well as at least one representative from each of at least three of the group of seventy. The verification teams to inspect the Soviet Union shall consist of at least two representatives from the United States, at least one of whom must be an expert on nuclear technology; at least one representative from each of the other nuclear powers, plus at least one representative from each of the group of seventy. The verification teams to inspect each of the remaining nuclear powers shall be established in a similar manner to those listed above; at least one representative from the United States and Soviet Union, at least two representatives from any nation that wishes to inspect the facilities; and at least one representative from each of the group of seventy. On each of these teams there shall be at least one expert on nuclear technology. Each team, for any state, shall consist of at least ten members. For the United States and the Soviet Union there shall be at least six verification teams; and for other powers at least two teams. Verification teams for the United States and the Soviet Union will be required to conduct at least five inspections per year. These teams are in no way limited to five inspections; they may conduct as many inspections as they feel necessary, and on whatever time-table they wish. Verification teams for the other states must conduct at least three inspections per year, but they too may conduct as many inspections as they feel necessary, and on whatever time-table they wish. Inspection procedures for each team shall be established by that team's nuclear expert. Time-tables for each team shall be established by each team. Neither the inspection procedures or the time-tables may be modified by anyone outside the teams without prior consent by both the United Nations and that team's leader.

The Inspectors of the United Nations Inspection Service shall have complete freedom of entry into, movement within and egress from the territory of every nation. They shall have the right to use all communication and transportation facilities available within each nation to the extent necessary for the effective exercise of their function. Their United Nations laissez-passer shall be accepted as valid travel documents by the authorities of all nations, and, with respect to them, such authorities shall either dispense with visas or issue long-term visas without charge.

During the preparatory stage and the actual disarmament stage and until the establishment of the licensing system provided, all installations, plants, laboratories and other facilities and places of every description which have been reported in the arms census shall be completely open to inspection by United Nations Inspectors who shall be entitled to enter them without hindrance at any time upon presentation of their credentials, in order to verify the accuracy and completeness of the information furnished by the respective nations.

After the establishment of the licensing system provided, all facilities, establishments and places in which activities licensed are conducted, shall be completely open to inspection by United Nations Inspectors who shall be entitled to enter them without hindrance at any time upon presentation of their credentials. In order to ascertain whether the state of complete disarmament provided is being fully maintained.

In exceptional circumstances, when the Inspection Service deems an aerial survey advisable in addition to the periodic surveys permitted or believes that the purpose of a survey would be defeated if advance notice were given, the Inspection Service may conduct a survey without notice provided that it has first obtained a special authorization from the United Nations regional court within the jurisdiction of which is located the area to be surveyed. Such authorization shall, however, be granted only upon a showing to the court that there is reasonable cause to believe or suspect that there exists within the area to be surveyed an activity prohibited by any law or regulation adopted thereunder.

The General Assembly may, after receiving proposals on the subject from the Inspection Commission and from the Nuclear Energy Commission and the recommendations of the Executive Council as to such proposals, prescribe such special safeguards as it may deem necessary for:

(a) The extracting or processing of raw materials which contain, besides other raw materials, any substantial amount of raw materials which might enter into the production of special nuclear materials; of any special nuclear materials.

(b) The production, storage, transfer, transportation, import or export; of the light arms, ammunition and equipment; of any raw materials which might enter into the production of special nuclear materials; of any special nuclear materials; and of any materials made artificially radioactive.

Appropriate measures shall be taken if a nation shall try to prevent the conduct of an inspection or aerial survey especially authorized by a United Nations regional court or shall in any other manner place any serious obstacle in the way of the United Nations Inspectors.

It will be required of any participating state currently possessing nuclear technology for peaceful purposes, but not currently possessing nuclear weapons, to admit the verification teams as well. Such teams shall be established according to the guidelines established above. Any state which does not possess nuclear technology in the future, will also be subject to these procedures. This action is to insure that no state will acquire any nuclear weapons in the future.●

1983 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MINISH. Mr. Speaker, I rise today to participate in the 1983 Congressional Call to Conscience Vigil for Soviet Jews. This is, of course, an important concern not only for us in Congress, but for all people who value personal freedom and liberty. I would like to thank my colleague, the gentleman from Colorado (Mr. WIRTH) for coordinating this worthwhile effort.

Our attention today is on the cases of two men, Aleksandr Magidovich and Grigory Geishis, who have applied, and still await, exit visas from the Soviet Union. These men are former prisoners of conscience who have completed their sentences in Soviet labor camps in late 1982. However, both Magidovich and Geishis remain in our hearts and thoughts as Jews who are still attempting, unsuccessfully, to emigrate to Israel.

Magidovich has been a refusenik since 1973. On May 21, 1980, he was arrested and forcibly admitted to a Moscow psychiatric hospital where he was held for 4 months. When he was tried in a closed courtroom, he was charged with the circulation of fabrication known to be false which defame the Soviet State and social system. For those "crimes," he was sentenced to 2½ years in a labor camp.

Geishis was arrested on July 14, 1980, on the charge of draft evasion. He was subsequently sentenced to 2 years in a labor camp. His problems followed his application for emigration on December 4, 1978—the same day he was expelled from the Leningrad Electrotechnical Institute for Communications, where he was a second year student.

Mr. Speaker, I am pleased that these men have at least survived their ordeals in the Soviet labor camps to be able to return home to their family and friends, but as we ponder their situations today, let us continue to keep their stories and dreams alive—dreams of living as Jews in Israel, where they can rightfully practice their religious faith freely.●

TOM STEED

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. STOKES. Mr. Speaker, I would like to take this opportunity to thank my distinguished colleague, the gentleman from Oklahoma (Mr. McCURDY) for reserving this time for Members to memorialize my good friend and former colleague—Tom Steed. As most of my colleagues know, Tom Steed died on June 7, 1983, at the age of 79.

At the outset of my remarks, I extend my condolences to Tom's wife, Hazel, the Oklahoma congressional delegation and the people of that great State. All of the Members who had the opportunity to serve in this body with Tom feel a profound loss on the death of this great American. He made an indelible mark not only on the work of the House of Representatives but also on the lives of all of us who knew him.

Mr. Speaker, many people will remember that Tom Steed had the distinction of serving longer in Congress than any other Oklahoman. At the time of his retirement in 1981, Tom had served a total of 32 years in the House of Representatives. While that was a significant distinction, in my estimation, that was not his greatest honor.

Mr. Speaker, Tom Steed's great honor was his sincerity, unswerving dedication and impeccable honesty. These characteristics earned him the respect and admiration of Members on both sides of the aisle.

During his tenure in the House, Tom Steed won many legislative victories. He was instrumental in the passage of legislation creating our interstate highway system, water development in Oklahoma, school legislation, and military installations in Oklahoma. He was also credited with legislative victories involving postal workers and postal rates.

Additionally, Mr. Speaker, Tom Steed was one of the most well-known and respected chairmen in the House of Representatives.

I had the distinct pleasure of working with Tom during my initial assignment on the House Appropriations Treasury, Postal Service and Government Operations Subcommittee which Tom chaired. Tom proved to be of invaluable assistance to me as a new member of the subcommittee. Through working with him I came to regard him as a man who took his chairmanship very seriously. He was, in all honesty, the driving force behind the accomplishments of that particular subcommittee.

Mr. Speaker, Tom Steed was particularly concerned about the funding for the Office of the President to the degree that this subcommittee had jurisdiction. He worked diligently to insure that the President's office had the necessary funding from Congress to conduct its work effectively.

Mr. Speaker, I also remember Tom as a friendly and sincere human being. There was not a day that went by on the floor that Tom Steed did not have a humorous story to share. If we were in session longer than usual, each time Tom saw you, he had a different story to tell you. This did a lot for the morale of the Members and often helped to make difficult days in Congress more bearable.

I am sure that some of my other colleagues also have fond remembrances of Tom Steed. The one thread that links these varied experiences with Tom Steed was that he was a man dedicated to the well-being of the American people. We shall miss greatly his guidance and commitment.●

TRIBUTE TO TOM STEED

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MAZZOLI. Mr. Speaker, I would like to add my tribute to a great and former colleague, Tom Steed, who served diligently in the House of Representatives for many years.

Tom was well known for his colorful personality and his storytelling abilities, but he was a dedicated and devoted public servant who rose to an influential position in the Congress.

Tom will be remembered not only for his stories, but the contributions he made to his constituency, his home State of Oklahoma, and his country. He will be missed.●

SUPPLY-SIDE OFFENSIVE CONTINUES

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. WEBER. Mr. Speaker, there has been much criticism of supply-side economics these past months. Most, if not all, has been unfounded. The following article by George Gilder, which appeared in the Wall Street Journal on June 13, 1983, indicates that supply-siders are back on the ideological offensive. The Gilder article further points to specific examples of supply-side economic policies which are working to create a more prosperous America.

I would commend this article to my colleagues:

[From the Wall Street Journal, June 13, 1983]

THE NUMBERS TELL A SUPPLY-SIDE STORY

(By George Gilder)

To close observers of American entrepreneurship and technology, it has been clear at least since the capital-gains tax cut of 1978 that the economy has been moving toward a dramatic and prolonged revival—rushing into the Roaring Eighties. Tax rates at last were dropping on personal income and savings. Venture funds were booming at unprecedented levels. Energy prices were on a long-term descent, as energy efficiencies spread through the system and supplies surged after decontrol. Business starts—at an annual rate of nearly 600,000—maintained a record pace over the last two years.

Although its perceived impact was sharpened by the pangs of economic change and the rise of competition from Japan, the recent recession was in fact the mildest of the postwar era. Employment remained near historic highs, with nearly 58 percent of adults holding jobs compared with 49 percent in the boom years of the 1960s.

New products, mainly based on semi-conductor-industry breakthroughs, emerged in an ever-accelerating flow at ever-declining prices. Immigrants thronged our shores, giving a crucial new stimulus to growth, productivity and cost reduction.

Despite the high interest rates caused by bizarre taxes on savers and a vast system of subsidies for favored borrowing, investment spending dropped less than the cyclical norm. New manufacturing technologies, thanks to the microchip, enhanced the efficiency of capital, relieved the strain of growing federal deficits, and allowed the U.S. alone among the world's major economies, to increase manufacturing jobs over the last decade. Entrepreneurial creativity impelled the U.S. into world leadership in making the heralded transition to the computer age. With the government still baffled at how to tax knowledge, knowledge-intensive industries—from software to consulting—thrived. The U.S. balance of trade in technical goods sharply improved.

MOST PROMISING OF OUR TIME

Yet to leading economists—from Lester Thurow on the left to Alan Greenspan on the right, and Henry Kaufman on Wall Street—all this growth and ferment signaled only the beginnings of a new Great Depression. They found signs of doom in federal deficits (caused by excessive tax rates), in productivity trends (that leave out product innovation), in low capacity-utilization rates (for mostly obsolescent capacity), in bankruptcy statistics (ignoring that business failures are usually highest in rapidly growing economies, from Japan's to Houston's). Thus the economists entirely missed the most massive and promising economic transformation of our time.

Moving on from this intellectual triumph, they are now campaigning to rescind the Reagan revolution in tax policy, which has played such a key role in falsifying their prophecies. Deriding the "charlatans" of supply-side economics who predicted a vigorous recovery, they now urge deferring the tax cuts to reduce the bloated deficit caused by deferring cuts in the past. In particular, the pundits denounce the "extremists" of Reaganomics who believe that tax-rate reductions can bring large increases in revenue.

"*Eppure . . . si muove,*" to quote Galileo's muttered retort to the incumbent experts denying the earth's revolution around the sun: "Still . . . it moves." Yes, the Laffer curve lives. From Japan, Hong Kong and Singapore through much of the 1970s, to Austria after its 30 percent cut in the mid-'70s, to Britain under Margaret Thatcher, to the U.S. in 1982, rate cuts bring revenue growth and rate increases yield disappointing gains for surprising losses.

The most striking recent result came in the U.S. in fiscal 1982, ending in September. Following the drop in the top rate from 70 percent to 50 percent in 1981 and the huge rise in Social Security tax rates the same year, established economists predicted a substantial decline in revenues from the top brackets and a whopping rise in revenues from Social Security. As it happened, the recession lasted longer than forecast, interest rates were lower and unemployment was more severe. Moreover, inflation was a full 20 percent less than expected, thus reducing tax hikes from bracket creep. Within the usual models, all these developments would mean still lower revenues from the top brackets.

Indeed, the prolonged recession and higher rates did cause disappointing revenues from Social Security and other withheld receipts, which came in $15.6 billion less than projected in the president's budget message in early 1982. Nonetheless, nonwithheld receipts, mostly quarterly estimated tax payments from the rich, lurched up from $76 billion in fiscal 1981 to $85 billion in fiscal 1982 (ending Sept. 30) and continued near that level during the first two quarters of fiscal 1983. As funds poured out of tax shelters into taxable forms of activity, the 29 percent tax cut in the top bracket brought nearly an 11 percent increase in revenues from the rich in the midst of an economic downturn. This rise exceeded even the predictions of Michael Evans, a supply-sider who alone among the econometricians foresaw a substantial revenue gain in this category and who now urges a flat-rate tax to eliminate the deficit. In addition, reduced tax rates on gifts and estates brought an 18 percent rise in revenues from this source, increasing total payments from upper income taxpayers by $1.2 billion. The Reagan administration thus administered, contrary to all claims from the media and the academy, a substantial shift of the income tax burden from the lower brackets to the rich.

The supply-side critique of Social Security taxes, moreover, was strongly confirmed in countries around the world, with employers deterred from creating jobs and employees from taking them.

As huge hikes were applied in Germany's payroll taxes, joblessness rose to double digit levels for the first time since the early postwar era and net employment actually dropped by 2 percent over the decade. In Britain a 50 percent rise in national insurance tax rates—to 21 percent from 14 percent in five years—brought an actual decline in real revenues as some favored workers chose to opt out of the system, as allowed in Britain, and joblessness soared. (On the other hand, after Mrs. Thatcher reduced Labor's confiscatory top rates on income tax, revenues went up in real terms for the first time in five years.)

All this evidence refutes the usual view that we now face a choice between higher tax rates and higher government borrowing. Higher tax rates will reliably result in higher deficits and more borrowing as a share of national savings, while tax cuts, if appropriately designed, will expand government revenues and reduce government borrowing.

Supply-siders further charge that interest rates are artificailly raised by America's almost uniquely masochistic tax on interest. This levy has reduced savings and channeled them to tax-exempt institutions, as depositors have learned through a decade of inflation to demand a real return on their money.

Nonetheless, interest rates did drop through most of 1982, as supply-siders predicted and expert economists denied could happen in the face of steadily growning anticipated structural deficits. The economists erred by ignoring the tax-rate change and by supposing that interest rates are set in the financial markets alone rather than in the real economy. Monetary phenomena are always less important than entrepreneurial incentives and technological advances. When rising profits are accompanied by lower taxes on savings and by rising real producitivity and rapidly declining prices, interest rates can drop even in a boom.

It should not be supposed that all economists were confounded by recent events. The current recovery came exactly when David Ransom of H. C. Wainwright Economics and Arthur Laffer predicted: after the 1983 July tax cut took effect on Jan. 1, creating at least a real across-the-board reduction in marginal rates. Tax cuts, as Mr. Laffer has long explained, take place at the beginning of the year, not at their nominal effective date, and they increase work and savings, not initially consumption. Mr. Wainwright actually forecast declining real GNP in 1982 and predicted a near 6 percent leap in 1983.

WORLD OF THE ENTREPRENEURS

Similarly, Arthur Laffer and his colleague Charles Kadlec were among the very few economists who saw that the changes in depreciation and leasing rules in 1981, termed a drastic supply-side tax cut, in fact consisted chiefly of a series of transfer payments to unprofitable or capital-intensive companies. Like most other transfer payments, they led to the shuffling of assets among categories and penalized all relatively unfavored activity.

Eminent economists continue to treat tax cuts in terms of redistributing income rather than in terms of changing the structure of incentives and relative prices. They fail to see that government is not the immovable center of the economic universe, but an economic agent, in a highly competitive arena, governed by the same laws of pricing and performance which apply to individual companies. Just as a company cannot solve a profit problem by raising the prices of its unpopular merchandise, a government which raises taxes in overtaxed welfare states now usually reduces its market, driving taxpayers into tax shelters, the underground economy, leisure pursuits and lower-taxed countries.

Strategic business consultants such as Bain & Co. know that price cuts by both businesses and governments can generate returns far greater than an accountant would predict. Businesses which lower their prices often find their markets expand and their volume increases far more than expected, leading to new economies of scale, advances in learning, breakthroughs in competition and reductions in cost which allow still deeper price cuts in the future. Governments can benefit from a similar spiral of growth if they learn the lessons of supply-side theory and open their eyes to the world of the entrepreneur.●

THE SOCIETY AND ITS PROPERTIES

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. DONNELLY. Mr. Speaker, Dorchester, Mass, was settled 353 years ago. For its first 240 years, it remained an independent community. In 1870, it was annexed by the city of Boston.

Even today, 113 years after it was absorbed by Boston, after witnessing many waves of immigrants since the first settlers, after many changes in its cultural and ethnic makeup, Dorchester maintains its distinctive identity and sense of its history.

Dorchester's pride in its history and sense of community has been due in substantial measure to the efforts of the Dorchester Historical Society, which has chronicled the many passages of the neighborhood and has preserved many significant relics of its past.

This proud native son of Dorchester would like to share with his colleagues a brief history of the society and of its contributions to our community.

The brief history follows:

THE SOCIETY AND ITS PROPERTIES

The Dorchester Historical and Antiquarian Society, founded in 1843, was organized to promote, collect and publish the history of the Town of Dorchester. After Dorchester's Bicentennial Celebration in 1830, Ebenezer Clapp, leading a group of townspeople, declared that only through dedication and action would the early history of Dorchester be preserved for future generations.

On January 27, 1843, concerned Dorchester residents met at the Ebenezer Clapp mansion (c. 1770) and founded what was to be known as the "Dorchester Historical and Antiquarian Society." The success of the Society was insured through incorporation by the General Court of Massachusetts in 1855. The primary activity of the organization concerned lectures on local history, but of lasting importance was the accomplishment of a vast amount of primary publishing. The Society published the following: Memoirs of Roger Clapp (1844), James Blake's Annals (1846), Richard Mother's Journal, and as a major capstone, The History of Dorchester (1859). However, following the Civil War, interest in the Society declined. The group disbanded in the late 1880's with its substantial collections being deposited by William Blake Trask in the care of the New England Historical and Genealogical Society, and the Massachusetts Historical Society.

In 1891, with a reawakened interest in local affairs by many of the old families, in conjunction with new "streetcar suburb" residents, the Society was reorganized. The innovative ways of the Society were evident in a By-Law proposal that "women should be admitted upon equal terms with men," a move which not only lent a liberal and humanistic aspect toward historic preservation, but doubled the organization's membership.

In 1893, the Society was again chartered, with a membership dedicated to promoting, collecting and publishing the history of Dorchester, not only as a town, but as a part of Boston. Dorchester had progressively taken on the aspects of a "streetcar suburb," culminating with its annexation to the city of Boston on January 3, 1870.

Without official headquarters since 1843, the Society was offered the James Blake House (c. 1648) by the City of Boston in 1895. This structures stood on property which had recently been acquired by the City of Boston for eventual use as a vast greenhouse complex. The Society, assisted by the Blake family, raised $1,000 to match the donation of the City of Boston, to move the Blake House to Richardson Park, just east of Edward Everett Square.

The relocation of the house marked one of the first preservation efforts in America on the basis of architectural merit of the house, rather than simply for its historical association. The structure, though not at the time of its moving, is now the oldest in Boston and more importantly the only representative example of West country framing in America. After the house was moved, the Society began its restoration under the direction of the noted architect Charles Hodgdon. Hodgdon restored the Blake House employing concepts architects of the late nineteenth century held as to how a seventeenth century house would have appeared. Though not an absolutely precise historic or architecturally accurate restoration, the house continues to be a widespread source of interest, generating community pride in the early merits and customs of Dorchester.

In 1904, the Society incorporated "Dorcheser Day" which commenorated the settlement of Dorchester in 1630. An annual event, Dorchester Day is a tableau of community events, highlighted by such activities as the Landing Day observance, the great Dorchester Day Parade, and as a grand finale, the Community Banquet.

After many years of meeting in the Blake House, and later in the Dorchester Court House which provided additional meeting and exhibit space, the Soviety was in need of a larger house or building in which to exhibit the vast Dorchester collections.

In 1945, the Society acquired the William Clapp House, the home of a member Frank L. Clapp, great-grandson of William Clapp. Built in 1806, the house is a fine example of a country neo-classical mansion. Mr. Clapp remained in the house as caretaker of the forty odd acre estate until his death in 1953. The purchase of the Clapp Estate, comprised of the mansion, the Lemuel Clapp House (c. 1710, 1765), a carriage house and two barns (one now demolished) was made possible through the generous trust fund of the late Emma M. E. Reed, wife of the late Judge George M. Reed of the Dorchester District Court. Since acquiring the two Clapp Houses, the Society's efforts to catalog and interpret Dorchester history and architecture have been greatly facilitated through the substantial collections in the Robinson-Lehane Library.

Today the Society draws members from every section of Dorchester and beyond, forming a group dedicated to preserving the town's history and insuring that, for future generations, that sense and awareness of the past will be secure. Through the many years of its existence the Dorchester Historical Society has remained committed to these ideals and encourages and welcomes your interest and participation.●

PERSONAL EXPLANATION

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MAVROULES. Mr. Speaker, I was not present for one vote today.

Had I been there, I would have voted: Rollcall 193: "Nay."●

H.R. 1398

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MARKEY. Mr. Speaker, the Energy and Commerce Committee of which I am a member, has carefully considered extending daylight saving time. After reviewing the benefits and disadvantages of daylight saving the committee voted to extend daylight saving and reported favorably to H.R. 1398 to the House for consideration. I supported this measure in committee and urge my colleagues to vote for the bill.

Presently we are faced with urgent need to conserve energy. The economical effects of the expansion of daylight saving helps us meet this need. By allowing natural light into the evening hours the American people consume less fuel needed for energy sources.

For too long the people of our Nation have been living by an artificial clock, forcing them to reform to unnatural schedules. Driving in the dark during wintertime jeopardizes lives of pedestrians as well as motorists. Early nightfall presents an even greater danger to motorists during peak hours of traffic. Expanded daylight would eliminate the risk of danger driving home from work.

In addition, expanded daylight could act as a deterrent to crime. Why should the American people fear violent criminal acts on their way home, since crime appears to occur mainly during nighttime hours. Longer daylight could lessen the occurrence of crime.

Finally, the youth of our Nation and those of us who should play with the same riggor our children do, should be able to have an extended amount of recreation time upon their return from school or work. Longer daylight will also allow more time for utilization of national parks and recreational areas.

The General Court of Massachusetts, the State Legislature of the Commonwealth, seeks to encourage Congress to amend the Uniform Time Act of 1966. To advance this goal, the general court recently passed a resolution calling for Congress to amend the Uniform Time Act of 1966 and therefore extend daylight saving time. I share the general court's view that extending daylight saving time would produce immediate conservation and safety gains. I encourage my colleagues to read the Massachusetts General Court's resolution and to follow their recommendation and pass H.R. 1398, extending daylight saving time.

The resolution follows:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT APPROPRIATE LEGISLATION FOR THE UNIFORM AND COORDINATED OBSERVANCE BY THE SEVERAL STATES OF AN EXTENSION OF DAYLIGHT SAVING TIME

Whereas, A uniform system of reckoning time throughout the several states is convenient and necessary for the proper and efficient carrying on of interstate commerce; and

Whereas, By the Uniform Time Act of 1966 (P.L. 89-387; U.S.C. 15 Section 260 et seq.), Congress provided for such a uniform and coordinated system, including the observance of Daylight Saving Time (except in those states which by law omit such observance) during the summer months, from 2:00 A.M. on the last Sunday of April unitl 2:00 A.M. on the last Sunday of October of each year; and

Whereas, The benefits of Daylight Saving Time, in providing an extension of natural light into the evening hours, have been almost universally acknowledged, not only in the United States, but also in many foreign nations; and

Whereas, The return each fall to Standard Time, whereby winter sunset causes an undesirable encroachment of darkness upon the latter part of the active day, requiring an unnecessary and undesirable drain upon valuable and increasingly scarce power resources to supply artificial light, creating conditions hazardous to vehicular and pedestrian traffic during a peak travel period, and offering unduly propitious conditions for violent and predatory criminal acts upon the streets and thoroughfares of many urban areas; and

Whereas, The value of Daylight Saving Time as a conservation measure, reducing the consumption of fuel for power generation (and the concomitant effusion of pollutants), was recognized by the Congress in providing for year-round observance of this time reckoning during the war emergency period from February, 1942 to October, 1945; and in providing for extension of Daylight Saving Time during the energy shortage from 1974 to 1975; and

Whereas, Urgent current needs for conservation of energy sources, control pollution, deterrence of street crime and reduction of the human suffering and property damage due to accidents combine to support the advisability of a permanent extension of Daylight Saving Time; therefore be it

Resolved, That the Massachusetts General Court calls upon the Congress to amend the Uniform Time Act of 1966 (P.L. 89-387; U.S.C. 15 Section 260 et seq.) to provide for observance of Daylight Saving Time from 2:00 A.M. on the last Sunday of February until 2:00 A.M. on the second Sunday of November each year; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of the Congess, and to each member thereof from this Commonwealth, and to the presiding officers of the legislative bodies of the several States in the Eastern Time Zone.●

OUR FAILURE TO FOLLOW FOREIGN R&D

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. SIMON. Mr. Speaker, I confess that I do not read the magazine Mechanical Engineering. If I did read it I probably would not understand most of it.

But someone called to my attention an article in the April 1983, edition written by Eugene I. Rivin, professor of mechanical engineering at Wayne State University in Michigan.

In the article entitled "Soviet R&D—the Benefits for U.S. Industry," is an appeal for us to pay more attention to the research and development that is published by other countries.

It is a point I tried to make on the floor of the House when we were considering the math and science bill.

He says for example:

> One of the resources grossly underused in this country is foreign technology.

He also states that:

> New Russian engineering books are not abstracted or even listed in American publications; in fact, most books are not available from the Library of Congress.

The United States has roughly 200 million people in a world of 4 billion people. That means that we have about 5 percent of the world's population and while it is true that we probably have more than 5 percent of the world's technical expertise and knowledge we are a long way from having all of it and we should be paying much more attention to what is developed in the rest of the world. To continue to ignore the technology developed in other countries is to invite slow growth in the development of our own economy.●

HOW TO REDUCE THE DEFICITS BY $125 BILLION OVER 4 YEARS

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. CAMPBELL. Mr. Speaker, I recently delivered a speech before the House regarding a proposal that I believe deserves careful consideration by my colleagues. In light of the threatening deficits, I suggested that annual adjustments for both entitlement programs and tax indexing be tied to a 3-percent trigger and only that amount over the 3-percent increase in the Consumer Price Index be indexed. In other words, if the inflation rate is 8 percent, entitlement COLA's would be adjusted by 5 percent. This would have minimal impact on most people, but the savings from this adjustment in the COLA's and tax indexing is phenomenal.

Over a 4-year period, from fiscal year 1985 through fiscal year 1988, the savings resulting from the 3-percent trigger applied to tax indexing alone would be $57 billion. The savings over the same period of time for the 3-percent trigger applied to entitlement programs would be $68.5 billion. The total savings from the 3-percent triggers on the revenue and spending sides would be $125.5 billion over a 4-year period. This is the kind of deficit reducer that our Government needs. We need to show the American people that this body is willing and capable of taking definitive and responsible action by reducing these unacceptable deficits, and very frankly, I believe Americans would be willing to accept the impact on them, knowing it is across the board and fairly shared by both recipient and taxpayer.

This proposal recognizes that citizens and taxpayers need to be protected from the ravages of inflation. Inflation has been and may continue to be, a problem confronting our Nation—unless we implement a sound fiscal policy that incorporates lower deficits. Inflation is currently at its lowest level in many years, but based on the inflation projections of the Congressional Budget Office through fiscal year 1988, we can still save $125 billion with this minor adjustment—even with inflation rates averaging in the low 4-percent range.

Without objection, I wish to insert a chart in the RECORD showing the projected savings from this proposal, as estimated by the Congressional Budget Office and the Joint Tax Committee.

Savings when 3-percent adjustment is added to tax indexing (Joint Tax Committee projections)

Fiscal year:	*Savings (billions)*
1985	$3.6
1986	10.0
1987	17.4
1988	26.0
Savings over 4 years	57.0

Savings from entitlement programs, including social security, when 3-percent adjustment is added to entitlement programs (CBO projections)[1]

Fiscal year:	*Savings (billions)*
1985	$5.1
1986	13.0
1987	21.1
1988	29.3
Savings over 4 years	68.5

[1] These figures do not include the 6-month delay in the COLA that was recently enacted. If this is factored in these projections, the savings are greater.

Note: Total savings for plan incorporating social security to $125.5 billion (4 years).

Savings from entitlement programs, not including social security, when 3-percent adjustment is added to entitlement programs.

Fiscal year:	*Savings (billions)*
1985	$1.2
1986	3.8
1987	6.2
1988	8.8
Savings over 4 years	20.0

Note: Total savings for plan not incorporating social security is $77 billion (4 years).

I am sure that every Member of this body would agree with me that the projected budget deficits are excessive, to say the least. It is obvious to me that we must reduce the deficits if we are to have a sustained economic recovery.

There are many examples of how the deficit is damaging our economy. As we all know, the FHA rate for home mortgages was recently raised to 12 percent from 11½ percent because of looming large deficits, and although interest rates have dropped considerably in the last 2 years, consumer loans and home mortgage rates remain at unacceptably high levels because of the projected deficits.

Many concerned citizens, businessmen, associations, and Members of this body have called for a reduction in the projected $200 billion deficits. There has also been an overwhelming amount of debate and literature on the best way to reduce the deficits. In fact, some groups that have traditionally supported large Federal programs and increased Federal spending are reevaluating their policies because of the lopsided Federal balance sheet.

We have made changes in the social security system and other areas that have resulted in budget savings. And while I certainly support a major increase in defense spending, I also believe that we have taken a necessary step by reducing that increase to a real growth rate of 5 or 6 percent. The mistake that was made, I believe, was not applying the savings from this reduction toward the deficit, instead of increasing domestic spending.

Mr. Speaker, it is clear that Congress must reduce the deficits. However, there has been a considerable amount of objection to new taxes, elimination of recent tax reforms, and cuts in Federal spending. In part, I agree with this objection—new taxes through elimination of existing reforms could abort the economic recovery.

I believe that one of the causes of these enormous deficits is the indexing of entitlements which often causes increases that are greater than the wage increases of working Americans. Indexing entitlements has also left little flexibility for Congress to provide adequate funding for important discretionary programs such as rehabilitation, education, and job training—programs which, in my opinion, actually need funding increases. As Congress instituted more and more entitlement programs, we abdicated our control over a vast portion of Federal spending. Adding automatic COLA's exacerbated the problem dramatically. As a former member of the Appropriations Committee, I was continually frustrated by our committee's lack of control over three-fourths of the Federal budget. These so-called uncontrollables must be brought under control for two reasons: One is to reduce the huge deficits, and two, we need to regain control over the Federal budget. If this does not transpire in the near future, Congress will be under even greater pressure to reduce already underfunded discretionary programs.

If entitlement programs were taken off of automatic pilot, then we could target resources better. For instance it might be better to fund a program to help people help themselves instead of merely maintaining them with an entitlement for subsistence as many of our programs do. Programs such as job training, vocational rehabilitation, handicapped programs; these are upward mobility programs that help people become self-sustaining.

Some of my distinguished colleagues would prefer to raise taxes to cover the costs of these programs, while others favor reduced spending. I do not believe we can continue to raise taxes on the already overburdened taxpayer. I strongly support the third-year 10-percent reduction in individual income taxes and tax indexing, and I recognize that it will be difficult to significantly pare spending for programs more than we already have done. However, the budget adopted by the House proposes large tax increases, large domestic spending increases, and large deficits, which in my opinion is not only misguided, but detrimental to the economy.

I am sure that all of my colleagues are aware that tax indexing is scheduled to be implemented in 1985. As a proponent of this concept, I believe that taxpayers need to be protected from inflation just as entitlement beneficiaries are by COLA's. Indexing would provide this same protection by adjusting the tax tables to reflect increases in the inflation rate.

However, I believe that we can reduce the deficits by billions of dollars without cutting 1 cent from Federal programs and without imposing new taxes on the American taxpayer. Presently, all entitlement programs contain a 3-percent threshold on cost-of-living adjustments. In other word, if the inflation rate is 2.9 percent, a COLA is not awarded. However, if the inflation rate is 3.1 percent, the full 3.1-percent increase in benefits is given, since this is over the 3-percent trigger.

Tax indexing does not work in this manner. Under indexing, the tax tables will be adjusted to reflect any increase in the inflation rate.

I believe my suggestion is viable, since it is equitable and it does not raise taxes or cut spending. We need to reassert control over Federal spending and reduce the deficits. This concept of controlling the adjustments for entitlement programs and indexing would accomplish these goals. Mr. Speaker, I ask my colleagues to carefully consider this proposal, and I challenge this body to take definitive action to reduce these excessive deficits by either a reduction in spending or a balanced approach.●

EVELYN NAYLOR

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, I would like to direct my colleagues' attention to an extraordinary individual who has not only touched the hearts of those with whom she came into contact, but also has left behind a practical legacy for those who, though never knowing her, will benefit from her generosity.

The life of Evelyn Naylor of Medford, N.J., may have seemed ordinary, but her deeds reveal extraordinary humanity. Having suffered misfortune, she found it necessary to apply for public assistance. Within a few years her fortunes were dramatically reversed; but rather than remain complacent she repaid every cent of the assistance she had received. And what is more, she left her entire estate to establish a foundation to provide assistance to those who, as did she, require assistance during times of adversity.

Mr. Speaker, this is just one more example of the boundless philanthropy which stems from individual generosity. Government could never provide the kind of caring assistance which comes from the free will of individuals, nor should it every attempt.

Mr. Speaker, I urge my colleagues to join in paying tribute to the Burlington County Welfare Board, who on June 23 will dedicate the Evelyn Naylor Foundation in memory of this remarkable individual.

Mr. Speaker, I request at this point that an article from the Trenton Times, entitled "Dignity and Honor" be included in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered printed.

[From the Trenton (N.J.) Times, June 9, 1983]

DIGNITY AND HONOR

They say in Burlington County that Evelyn Naylor was a very private lady.

Very independent, they say. You could look up to her.

They say that if you traveled the Medford-Mount Holly Road you would see her, an elderly lady working in her garden. Or may be using the old push-type lawn mower. Because she had arthritis she walked with the help of two sticks.

That's how she did her own housework and how she mowed the lawn.

They say that when she was in her sixties she painted her entire house and wouldn't let anybody help her.

And, although she had only two or three years of schooling, she spent her days reading and studying many subjects. And doing needlework.

Jacqui Johnson, a social services worker from the Burlington County Welfare Board, remembers Evelyn Naylor.

"I knew her for about five years before her death," Jacqui Johnson says. "The social security people were always on her, because she'd save part of her check and you can't have savings of more than $1,500 or you'll lose your Medicaid. They'd tell her to spend it, but she never wanted to spend any money."

They're all remembering Evelyn Naylor at the Welfare Board down in Burlington County these days.

On June 23rd, they're having ceremonies at the board on Route 38 and Eayrestown Road, Mount Holly at 4 p.m., for the dedication of the Evelyn Naylor Foundation.

Evelyn Naylor died in April of 1982 at the age of 84.

She left her entire estate to the Welfare Board, more than paying back the benefits she'd received.

Her house was worth $50,000 alone.

She'd only been on welfare for a couple of years before her husband died in 1958. In 1960, when she inherited a small property she completely re-paid welfare and willed all her property to them.

"The welfare director at the time was executor of her estate," Johnson says, "and she requested that each month he give her only the money she would have gotten from welfare payments."

She was Evelyn Johnson when she came to this country as an infant from England. Her mother, Sarah, died shortly afterwards and her father, George Johnson, re-married. At age 10 she was sent out in the Medford area to work as a domestic.

She met and married Frank Naylor but the couple remained childless.

They say, down at the Burlington County Welfare Board, that although she was entitled to receive many benefits and services while on welfare, she refused all but Medicaid.

While she lived out her life in the little house on the Medford-Mount Holly road, her groceries and supplies were delivered by a local store for at least 20 years. She told the delivery lady, Jean Hinchman, where her burial clothes were.

She had made them herself.

The money in the Evelyn Naylor Foundation will be available, they say, to people who come in on emergency situations, who aren't eligible for public assistance, the people who would otherwise fall through the cracks in the system.

Displayed within the premises of the Burlington County Welfare Board are a few items from the life of Evelyn Naylor. One is a framed certificate saying that her husband, Edward, was honorably discharged from his Civil War regiment.

That means he would have been about 30 years older than she, at least. Which is probably why they were childless. It doesn't sound like a very happy life, but she made it a dignified and significant one.

She was proud and independent and self-educated and hard-working. "She was the last of her family," Jacqui Johnson said. Let's hope she's not the last of a breed.●

CONGRATULATIONS TO ST. JOHN HIGH HERALDS

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. ECKART. Mr. Speaker, there was no joy in Miller City last week as the Ashtabula St. John High Heralds blew out the Wildcats in a stunning 10 to 2 victory. For the first time in the team's 10-year history, it lays claim to the highly sought-after State class A championship title.

The game was a true celebration of our national pastime. It was the greatest day of Coach Bill Schmidt's career. And it was a real testimony to the talents of junior righthander Mike Hayes, who went the distance, striking out five and allowing only four hits. In the words of baseball great Willie Keeler, who helped make this sport in the 19th century, the Heralds "hit 'em where they ain't," averaging .355 as a team.

The Heralds did it all last week—they hit, they fielded, they hustled, and fought hard for the title. We in northeast Ohio commend you and congratulate you. And we hope your enthusiasm for a winning record is contagious.

Congratulations on a great game and a terrific season.●

SAKHAROV—HEROIC SYMBOL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. PORTER. Mr. Speaker, every so often a shining beacon of hope emanates from the dark abyss known as the Soviet Union. Andrei Sakharov, Nobel laureate, human rights spokesman, and internal exile, once provided such a light.

But the total darkness of totalitarian tyranny has finally overtaken this noble prisoner of conscience. Isolated and in failing health, Sakharov is trying to emigrate from his land of imprisonment.

As cochairman of the House Human Rights Caucus I commend my colleagues for their joint House resolution requesting the President to proclaim Sakharov's May 21 birthday "National Sakharov Day," and to demand that the Soviet authorities allow this brave man to freely leave in peace.

The truth is found when men are free to pursue it. It is the duty of free men everywhere to allow the Sakharovs amongst us to be able to speak that truth.

As the following letter in the Chicago Sun-Times shows, Pamela Cohen and Marillyn Tallman of Chicago Action for Soviet Jewry have eloquently undertaken that duty.

SAKHAROV—HEROIC SYMBOL

May 21st marked the 70th birthday of Andrei Sakharov, Nobel laureate in physics and an international symbol in the struggle for human rights, who remains in exile within his own country, the Soviet Union.

The oppressors of the world will fade into history, but the spirit of Sakharov and his defense of human rights will remain an inspiration for others. It is unthinkable that the free world would not come to his aid and demand his freedom now. Pamela B. Cohen, Marillyn Tallman Co-chair, Chicago Action for Soviet Jewry.●

MILITARY HONOR STEVEN W. SMITH

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday morning, June 12, 1983, Steven W. Smith, an outstanding young man from northeastern Pennsylvania, was honored by serving as the primary wreath presenter at the U.S. Army wreath ceremony at the Tomb of the Unknowns, Arlington National Cemetery, Arlington, Va.

Steven, at the age of 17, has achieved the rank of cadet warrant officer with the Black Forest Composite Squadron 1203-37256 of the Civil Air Patrol. In July 1981, while a trainee at Fort Indiantown Gap, Annville, Pa., he was named Pennsylvania Wing Encampment East Honor Cadet. More than 200 cadets were considered for this designation.

He is a qualified CAP cadet medic and has earned the PAWG search and rescue rank of ranger, first class, and has participated in more than 12 U.S. Air Force authorized emergency search and rescue missions as a cadet team member, medic, and commander. He has completed all the requirements for the Civil Air Patrol/USAF Billy Mitchell Award and has been recommended for it by his squadron commander.

He has served in the capacity of support team member during two U.S. Army wreath ceremonies and during one U.S. Army honor ceremony at the Tomb of the Unknowns.

Recently he joined the U.S. Army Reserve under the "split training program." He joined the 300th Army Field Hospital located in Hanover Industrial Park, Hanover Township, Pa.

It is an honor, Mr. Speaker, for me to commend this outstanding young man for his patriotism and his citizenship, and extend to him my best wishes for his continued success in future years.●

"NATIONAL ATOMIC VETERANS DAY"

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. EDGAR. Mr. Speaker, between 1945 and 1963 235 atmospheric nuclear tests were conducted in the American Southwest and South Pacific. The effects of these tests on the quarter of a million servicemen who witnessed them have recently been the subject of national attention.

In an effort to acknowledge those who may be suffering adverse health effects as a result of their participation in nuclear detonations we are currently seeking 218 cosponsors to House Joint Resolution 210. The bill designates July 16, 1983, a day marking the 38th anniversary of the detonation of the world's first atomic bomb, as "National Atomic Veterans Day." The present list of cosponsors stands at 187. The Senate has already approved an identical resolution.

To further explain the peril of the veterans whose lives have been forever scarred by the fear of atomic radiation poisoning, I respectfully submit into the RECORD the article entitled "Atomic-Test Witness Losing Two Battles," which appears in the Atlanta Constitution on May 26, 1983.

Mr. Speaker, in reading this article I would hope that those of my colleagues who have not yet cosponsored House Joint Resolution 210 would join us in support of this legislation. To cosponsor contact Mark Stevenson at 52011.

[From the Atlanta Constitution, May 23, 1983]

ATOMIC-TEST WITNESS LOSING TWO BATTLES

MULBERRY, Tenn.—The wheelchair that is John Smitherman's anchor to reality purred into gear as he rolled across the living room searching for a copy of an oath he once held sacred.

"We signed an oath before we went there that we wouldn't discuss this," he said as he searched the shelves for a book about the

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atomic bomb. "Being from the country, you're brung up that your word is your bond. I wouldn't say anything about it for love or money—never did say anything about it."

He is that sort of man, this coal miner's son who grew up poor in Appalachia and left those mountains to join the Navy at war. He was tall and rock hard at 17, his sailor cap pulled to a jaunty tilt over blue eyes that locked steady to their mark.

Those unflinching eyes and a solid handshake are about all that remains of the man John Smitherman was when he left the mountains to go to war.

He came home again this month to find that a wet spring had arrived in the foothills of rural Tennessee while he lay in the hospital. Hospitals come more often than the spring in his life these days, and with each visit there is less of him to carry home.

First they cut off his left leg, then his right leg: in April the surgeon carved a chunk of flesh from his back. They have offered to take his left hand, swollen to the size of a cantaloupe, whenever he is ready to part with it.

John Smitherman says his government did this to him. His government says it did not.

At 18, he twice saw an expanse of the South Pacific turned into a ball of fire by 20-kiloton atomic bombs. At 54, he has a lymph system somehow gone haywire, and he firmly believes the rain of nuclear waste that peppered his naked chest as he stood on the fantail of a Navy destroyer almost 37 years ago is to blame for his failing health.

There are those who share his belief.

"There is little doubt that the damage to Mr. Smitherman . . . resulted primarily from a large exposure to high-energy beta radiation," wrote Dr. Karl Morgan, an internationally recognized expert in the effects of nuclear radiation who served as a safety officer at the tests in which Smitherman participated.

"Radiation exposure . . . sustained by Mr. John D. Smitherman during his participation in the atomic bomb blasts initiated and caused damage to the lymphatic system," wrote Dr. Thomas Mancuso, another expert in the field of radiation exposure.

But the Veterans Administration and two independent consultants who each received $200 to study his case see things differently.

Five times since 1977, when his failing body rendered him unfit to work, Smitherman has asked the VA to award him disability pay. Five times the VA has rejected his claim, and a decision on his sixth appeal is expected any day.

"I think they're gonna turn me down again," he said last week.

It was a broiling summer day off Bikini Atoll in the South Pacific when a farm boy from Big Stone Gap, Va., saw the most amazing sight that he would ever see.

"They said they were going to drop a bomb and there really wasn't anything to it," John Smitherman remembered. "They told us to make sure that we didn't look directly at the bomb when it exploded."

But the curiosity of youth was overwhelming.

"It was just a huge ball of fire—just looked like a whole section of the ocean was actually on fire—big rolling balls of fire started going up in the air."

The sea welled up and surged forth from ground zero, tossing about the destroyer Allen M. Sumner beneath Smitherman's feet. Hours later, he recalls, the Sumner—one of more than 100 ships taking part in an exercise called Operation Crossroads in 1946—steamed into the lagoon where unmanned target ships had been anchored to test how they would weather the blast and to determine if they could later be rid of nuclear contamination.

"They called me to go help fight a fire on the aircraft carrier Independence, which was one of the target ships. We went up there three times."

Fighting the fire was hot work.

"Right after that, we all went swimming in the lagoon there," Smitherman said. "There were dead fish around there, lots of them, but they said, 'Nothing to worry about, no harmful effects,' and there were no restrictions to us whatsoever."

Later he witnessed a second, and more powerful, blast, from the fantail of the Sumner.

"We got peppered with those little debris," he said, "We were sittin' there—I didn't have a T-shirt on, just shorts and tennis shoes."

John Smitherman is president of the National Association of Atomic Veterans, a group of about 8,000 veterans who participated in the 235 atomic tests staged by the military between 1945 and 1963.

For many of those veterans, it was years before medical problems they blame on that exposure began to surface. For Smitherman, the inklings came early.

"We were still out there when I began to get some burns on my feet and legs, about the size of silver dollars." he recalled.

Doctors on board the Sumner dabbed a little salve on them, but that was not enough. Seven months later he was hospitalized in Hawaii, and seven months after that he received a medical discharge from the Navy. They told Simtherman that kidney problems were causing his legs to swell.

For years—according to Smitherman, his family and acquaintances—the periodic swelling continued. Now the doctors say his lymph system has turned against him.

He traveled to Japan, where doctors in a Hiroshima hospital that specializes in treatment of radiation victims said there was no doubt that the exposure triggered his ills.

But the VA has continued to reject his disability claim. He figures if they granted his disability claim, dating back to 1977, it would mean a single lump-sum payment of about $30,000 and monthly checks slightly in excess of $1,000. More important, it would mean a small pension for his wife of 22 years once he is gone.

"My wife has stood by me in everything," he said, "and she's suffered far more than me from watching me waste away."

Three decades and counting since the country boy went off to war, he retains a boyish faith in his country.

"If they called me tomorrow to help defend my country, I would. I love my country and I love my government. But I don't think there's any compassion at the VA."●

THE 43D ANNUAL COMMEMORATION OF THE INCORPORATION OF THE REPUBLIC OF LITHUANIA INTO THE SOVIET UNION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. FISH. Mr. Speaker, today commemorates the 43d anniversary of the Lithuanian's loss of independence. Lithuanians throughout the world remember the tragic June days of June 15, 1940, and June 14-18, 1941, as the dates when the Soviet Union invaded the Baltic States of Estonia, Latvia and Lithuania, a criminal act that has yet to be redressed.

On these dates, the Soviet Union rounded up 34,260 men, women, and children and herded them into boxcars and had them deported to Siberia. Nearly 10 percent of the Lithuanian population was either murdered or deported and their country was destroyed in what has proven to be one of the worst acts of genocide in this century. This day of sadness and moral indignation should have been a lesson for us all. Unfortunately, it was not. Genocide against various ethnic groups and cultures had ugly precedents before the Lithuanian tragedy, has reoccured since this infamous event.

Just recently we met in this same Chamber to honor the survivors of the Holocaust. We said the heinous acts committed then would never be forgotten. Indeed, they have not. We have seen so many deeds of mass violence against a particular race, religion, or culture in our recent history, that the horrors of genocide may seem to some as being commonplace. We must never become calloused to genocide. We cannot justify it by claiming it could never happen here to us. Anywhere prejudice exists, potential violence exists. We have only to look at the racial strife of the 1960's for proof.

Although most of those guilty of these abominable acts against the Lithuanians are now dead, their deeds cannot be forgotten. The memory of such acts must live on and constantly remind us of man's capacity for doing evil. Future generations must learn from the mistakes mankind has made, and, unfortunately, can still make.

We must act now in our condemnation of genocide. One important step we can take is the ratification of the Genocide Convention. I have remarked on the necessity of this treaty before. Our country, which believes in human rights so strongly, must be committed to such a valuable piece of legislation.

We must stand together against violations of human rights. The Lithuanian struggle is an example for all of the

denial of basic human rights. The United States has never, and never will, recognize such a denial of personal liberties. The forced Soviet annexation of the Lithuanian nation 43 years ago must still be protested, and the Lithuanians' courage must still be commended.●

KENDALL SCHOOL OF DESIGN IN GRAND RAPIDS, MICH.

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. SAWYER. Mr. Speaker, I want to congratulate the Kendall School of Design in Grand Rapids, Mich., for having recently been accredited by the National Association of Schools of Art and Design. It is my pleasure to join them in celebrating this honor.

Kendall School of Design was founded in 1928 and began as a school of furniture and interior design and gradually included other programs until it developed a broad, comprehensive, liberal arts program.

Recognition is deserved not only for its acceptance on the national level, but for its growing contributions to the local needs of the community. While many young adults hesitate to commit themselves to the standard 4-year academic institutions, Kendall School of Design provides the vocational skills necessary for today's youth concerned with future job opportunities. The Fifth District is fortunate to include a versatile industrial base, an area not dependent on one or two particular industries. Thus, with its broadly based programing, Kendall is able to supply local businesses with competent, skilled and eager employees.

I congratulate them Mr. Speaker. They have received a great honor and are worthy of public notice.●

TO HONOR MRS. MABEL JONES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LEWIS of California. Mr. Speaker, on June 21, the community service department's community action board will be honoring a very special lady, Mrs. Mabel Jones. Unable to attend this gathering, I would like to take this opportunity to ask the Congress to join me along with her many friends and admirers in expressing our deep appreciation and gratitude to this outstanding human being for her years of dedicated service.

No one could estimate the thousands of hours Mabel has contributed to the elderly and underprivileged in our community. I could go on for sometime describing the tireless efforts of Mrs. Mabel Jones, however, I think they were best summarized in a newspaper article which appeared in the San Bernardino Sun on Janury 11, 1983, and I would like to insert this article for the RECORD.

The article follows:

[From the San Bernardino (Calif.) Sun., Jan. 11, 1983]

A VOLUNTEER WHO GETS THE JOB DONE

For a 72-year-old Yucaipa resident, the highlight of the year just past was being selected "Volunteer of the Year" from among all other volunteers working with the California-Nevada Community Action Association.

And, already in 1983, Mabel M. Jones has again been honored by her appointment by the San Bernardino County Board of Supervisors to serve as a member of the Community Action Board of the Community Services Department.

Her first meeting with other CAB members will be on Jan. 18 at the CSD headquarters, 688 E. Mill St., where she will lend her experience, know-how and seemingly unlimited energy to the group which has for its mutual objective, "the elimination of poverty in San Bernardino County."

Working with the elderly and needy is not new to Mabel Jones. She's been at it for a lot of years and has no intention of quitting or minimizing her efforts during the new year, although she is seven years past the customary retirement age.

In his recommendation for the "Volunteer of the Year" award, Rodolfo H. Castro, executive director of the San Bernardino Community Services, described Jones as "one of the most energetic, enthusiastic, dedicated and hard working of all volunteers in the CSD program network.";

Her priority has always been to improve the condition of the elderly, especially in the area of nutritional needs.

Even before the CSD started the countywide Nutrition for Seniors program in 1974, establishing nutritional sites throughout the county, Jones was already actively working in behalf of the needy elderly in her own community. Then, through her untiring efforts, a senior nutrition site was finally established in Yucaipa.

In his letter of recommendation, the executive director cited that in 1979, Jones was with a group of other seniors who appeared before the Board of Supervisors and convinced them to purchase 15 vans for use by CSD in its transportation network, for providing rides to the elderly who could not otherwise get to the nutrition sites and also to help deliver meals to shut-ins.

In his recommendation, Castro also pointed out that, during her years of volunteering, advocacy has been only one of her many services.

Jones served as president of the Nutrition Project Council for San Bernardino County for three years. During that time, she traveled from one end of the county to the other, visiting each of the 21 nutrition sites numerous times. She estimates she "wore out three cars and drove almost 150,000 miles."

According to Castro, an analysis of the 12,000-plus participants in the nutrition program for which the CSD is responsible, shows that more than 26 percent are ethnic minorities and 85 per cent are poor. Of the 350 homebound elderly served every day, the average is 80 and all are severely handicapped. "All of Mrs. Jones' efforts directly benefit these low income and ethnic minorities, the handicapped and the frail elderly," Castro pointed out.

For these groups, he added, "Jones has pitched in on every possible task that has needed a pair of willing hands. She has peeled potatoes, cooked and served at the sites on Sundays and holidays, hauled hundreds of pounds of food to emergency cold storage when freezers have broken down and has driven the vans when regular drivers were sick.

"We could not begin to estimate the number of hours she has put in, meetings attended, letters written, telephone calls and personal visits she has made on behalf of the seniors and the poor and frail of San Bernardino County as a CDS volunteer," Castro concluded.

As much time as she devotes to the CDS, Jones still finds time to carry on her duties as president of the Yucaipa American Association of Retired Persons, chapter 156. She is also a member of the Yucaipa Woman's Club, Chamber of Commerce, the Grange and the Retired Persons of Yucaipa, an independent senior club.

Jones, a resident of Yucaipa for 10 years, retired from a career of merchandising and real estate. A widow, she is a mother and grandmother and does her own housework and yardwork, she said.

When her schedule gets too busy, she often drives to her mobile home near Parker Dam where she spends time fishing, boating and relaxing.

Then, it's "back in the harness" again, volunteering her time and energy for others less fortunate.●

COMMEMORATING THE SERVICE OF HENRY J. GONNER TO THE CITY OF RICHMOND

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BLILEY. Mr. Speaker, it is my extreme honor and pleasure as a former mayor of the city of Richmond and now the Member of Congress representing that great city to bring to the attention of my colleagues the noteworthy achievements of my friend, Mr. Henry J. Gonner.

Henry will be presented the highly coveted Citizenship Award by the Civitan Club of Richmond on Monday, June 20, 1983, in our city.

Henry's list of accomplishments over 25 years of active service to the city, and as executive director of the Central Richmond Association is matched only by his list of friends. Those of us who have the pleasure of knowing Henry and have had the pleasure of working with him hold him and his work in high regard.

The city of Richmond has been served well by this man, and his efforts on her behalf on numerous projects have always been met with praise and thanks. I want to add my best wishes to those.

The Central Richmond Association will no doubt miss Henry sorely, and the city will be sorry to see him retire from his post. Yet, we can all think with pride on Henry Gonner's accomplishments. We know that, even in retirement, Henry will remain an active and esteemed civic leader.●

THE ABE PLOUGH STORY

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. FORD of Tennessee. Mr. Speaker, it is indeed a pleasure and an honor for me to bring to the attention of my colleagues in Congress the outstanding contributions to the betterment of mankind by a distinguished citizen from my home district of Memphis, Tenn. This remarkable person is Abe Plough, one of Memphis' most distinguished leaders, humanitarians, and entrepreneurs.

Abe Plough had embodied, over his 91 years, the pioneering spirit and enthusiasm of creative genius which has been the backbone of our country's business and industrial growth. In 1908, he spawned his world-famous business enterprise in the cradle of the most colorful pages of Memphis' history. This remarkable concern grew from a business located in one small room that manufactured just one product in its first days, to an enterprise with distribution and manufacturering centers which maintain a product list of over 300 different items in 12 cities across the Nation. As one of the world's most respected manufacturers of over-the-counter drugs, the names Plough, Inc., and Schering-Plough Corp., have become synonymous with quality, innovative products, and industrial procedures.

In April of this year, Abe Plough became the first individual to be honored by the U.S. Consumer Product Safety Commission. He received this prestigious award for his farsighted concern for the safety of consumers, and especially for children, when he set early standards for packaging. Memphians from across the entire city gathered at the awards ceremony with national leaders of Government and industry to share in Abe Plough's receipt of this honor, which he so greatly deserved.

The expansion of Plough, Inc., is a reflection of the growth and change of Memphis over the past 65 years, from a country town to an industrial center. It is not just a passive reflection, however. Abe Plough and his organization have played an integral role in this transformation of Memphis. Abe Plough has not only been a positive influence on the business community; but he has also been a generous supporter and contributor to the growth and development of our entire city. His love of nature and respect for all mankind have made him one of Memphis' best loved citizens.

I would like to share a history of the growth of this phenomenal organization and pay tribute to the man who created it, Abe Plough.

THE PLOUGH STORY

The Plough Story began in 1908. It was in mid-March, with the disastrous panic of 1907 slowly loosening its strangle hold on the economic life of the nation. The times seemed to offer small encouragement for the start of a new enterprise. Theodore Roosevelt was in the White House, and the United States had a population of 88 million. Memphis, on the Mississippi, where Abe Plough first started the business now known as Plough, Inc., was an overgrown country town of 100 thousand people, with its economy built on cotton.

In March of 1908, when Abe Plough was 16 years old, he borrowed $125 from his father, Mr. M. Plough, and set himself up in business under the name of Plough Chemical Company. The struggling business occupied one small room on the second floor above the elder Plough's furniture store. Abe Plough did all the work himself. Using a horse and buggy, he sold during the day. At night, he mixed the ingredients and packaged his first product, Plough's Antiseptic Healing Oil. Production totaled 25 packages a day. Significantly, he started his company's unbroken record for continuous advertising by ordering a small newspaper advertisement on this product to appear regularly in The Memphis Commercial Appeal.

In the short space of eight years, the business was on firm ground. Plough Chemical Company now occupied 6,000 square feet in a larger building, and production reached 500 packages a day. By 1917, larger quarters were needed. An entire three-story building was occupied, and production reached 2,500 packages a day. In 1921 Plough began making St. Joseph Aspirin. By 1923 the business was expanding rapidly and, for the first time, required outside capital. Stock was sold to the public. Abe Plough began gathering a group of capable men around him. The product line was expanded. In 1924 the Company entered the foreign market with a sales outlet in Mexico. The name Plough Chemical Company was changed to Plough, Inc., in 1929. Additional stock was sold to the public, and the Company's shares were listed on the New York Curb Exchange in 1936. In order to further diversify, the Company entered the broadcasting field in 1944 with the purchase of Radio Station WMPS, Memphis. In December 1945, Plough shares were listed on the New York Stock Exchange.

The year 1947 was especially significant in the growth of the Company. For several years research work had been conducted to develop and perfect a specialized aspirin tablet for children. The goal was achieved in 1947, and St. Joseph Aspirin For Children won instant acclaim both from the medical profession and the public. It quickly became the leader in its field, and one of America's most popular drug products.

Some years had passed since Plough had become a nation-wide and world-wide organization, with sales outlets in many foreign countries. Operations had expanded into eight different buildings in Memphis. It was clear that great economies would be effected by consolidating operations under one roof. This was accomplished in 1951 when Plough, Inc., moved into its new multi-million dollar plant at 3022 Jackson Avenue, in Memphis. The new building, containing a quarter of a million square feet of floor space, with its automatic equipment, was widely hailed as one of the finest and most modern drug manufacturing plants in the United States. Both in productive capacity and financial resources, Plough was now prepared to undertake a sustained program of sound and rapid expansion.

In 1953, Plough, Inc. purchased its second radio station, WJJD, Chicago.

In 1954 Nujol and Mistol, two drug products long established in this country and overseas were purchased. In 1956 the Company acquired Musterole and Zemo, two of the country's best known drug products. Later the same year, Dr. Edwards' Olive Tablets, another well established drug product, was obtained. Two more radio stations were added to the Plough family, WCAO, Baltimore, and WCOP, Boston. Early in 1957 Plough acquired Coppertone, a recognized leader in the field of suntan products.

Creolin, a household and hospital disinfectant, and SOLARCAINE were purchased in 1958. On July 1, 1959, management acquired three companies: The PAAS Co., in Newark, N.J., Southern Shellac in Memphis, and radio station WPLO, Atlanta.

The Webb Products Companies of San Bernadino, California, and Norcross, Georgia were acquired January 4, 1960. Their nationally famous do-it-yourself household products sold under the Duratite label. Later in 1960, Plough, Inc. acquired Dicks-Armstrong-Pontius, Inc., a Dayton, Ohio manufacturer of household products sold nationally under the brand name DAP. This company along with Webb Products and Southern Shellac were combined to establish the Household Products Division of Plough, Inc. QT by Coppertone developed by Plough, Inc. was introduced in 1960. "Softees" a cotton tipped swab became a Plough product in January 1962.

In 1963 two new proprietary items developed by the Company were introduced: St. Joseph Vitamins For Children, and Royal Blend, a luxury body and suntan lotion.

1964 saw the introduction of Di-Gel which is now one of the leading selling single items in the drug line. The Main Plant was expanded and a new garage and offices for the Transportation Dept. were completed. St. Joseph Baby Powder made its debut in 1965. Again, Packaging and Compounding areas at the Main Plant were enlarged. In 1966, DAP Inc., our Home Products Subsidiary, purchased the John Sunshine Chemical Company adding a line of plumbing products.

The largest transaction in our company history took place in 1967 when Plough, Inc. obtained the Maybelline Company. The following year Plough, Inc. bought the Memphis plant property of Mechanics Universal Joint Division of Borg-Warner Corp. of Chicago. The larger of the two buildings on the 14 acre tract northwest of our Jackson Avenue facility was completely renovated and now houses our Printing Division which is one of the three largest captive Printing Plants in the United States.

Groundbreaking and construction for our Administrative & Research Center began in mid-1969. Master Bronze, a line of specialty paints was added to the DAP list of products in 1970.

On June 23, 1970, W. H. Conzen, president of Schering Corporation, Bloomfield, New

Jersey, and Abe Plough, president of Plough, Inc., Memphis, Tenn., announced that the management of both companies had agreed in principle to a consolidation of the two companies. Under the agreement, Schering Corporation, an international pharmaceutical manufacturer, and Plough, Inc., a producer of proprietary drugs, toiletries, cosmetics and household products, would retain their independent identities as operating subsidiaries of a newly created company, Schering-Plough Corporation.

On January 16, 1971, Plough, Inc., and Schering Corporation reported completion of the consolidation which had been approved by Boards of Directors and shareholders of both companies.

Abe Plough, Chairman of the Board, Plough, Inc. was named Chairman of the Board, and W. H. Conzen, Chairman of the Board, Schering Corporation, was named president and chief executive officer of Schering-Plough Corporation.

Sixty five years have passed since an ambitious young man with an idea mixed and packaged the first drug product which was the beginning of Plough, Inc. In that time, the city of Memphis has grown from a leisurely cotton town to a dynamic industrial, commercial and transportation center of the Mid-South.

Today the various organizations that make up the Plough enterprise manufacture or license over 300 products that are sold nationwide. Its main strengths are in the merchandising and advertising of quality consumer products to mass markets. It is among the top 50 advertisers in the United States. Included in its sales and merchandising program is the St. Joseph Family Almanac Calendar, now in its 51st year. Plough Printing Division prints approximately eight million calendars annually which are sold to retailers who in turn give them to their customers in appreciation of their patronage.

The company's ability to develop new products in its own laboratories has contributed significantly to its success. Recent new products include QT Foam, Solarcaine Foam, Coppertone Tanning Butter, Deep Strength by Musterole—a boom to arthritis sufferers, and Sudden Tan by Coppertone.

The main manufacturing facility (Lab I) has been expanded to 400,000 sq. ft. with the addition of new offices and a new cafeteria. There are now approximately one million square feet under roof in the Memphis complex. Domestic manufacturing and distribution centers are located in Alexandria, Virginia; Carteret, New Jersey; Chicago, Illinois; Dallas, Texas; Dayton, Ohio; Decatur, Georgia; Los Angeles, California; Melrose, Mass.; Miami, Fla.; Milford, Ohio; San Jose, Calif.; Memphis, Tenn., (home office) and a 100,000 sq. ft. DAP manufacturing/shipping facility in Baltimore County, Maryland that is nearing completion and scheduled for operation in early summer, 1983.

This, in brief, is the story of the first 65 years of Plough, Inc., a story that does not end here, but continues into the years ahead.

Mr. Speaker, I am sure you will agree that Abe Plough is truly a remarkable person and a great American. In all of my years of service to this great body, I have never marveled more at accomplishments of anyone more than the successes of Abe Plough. It is my pleasure to be his Congressman and to share his story with the American people.●

JUNETEENTH CELEBRATION

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. WHEAT. Mr. Speaker, this weekend in Kansas City, the Black Archives of Mid-America will hold its second "Juneteenth Day" celebration, a 3-day festival that marks the freeing of the slaves under the Emancipation Proclamation.

"Juneteenth Day" celebrations originated in Texas more than a century ago and occur mainly in Southern States. President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, freeing "all slaves in States still in rebellion."

The proclamation helped slaves in several Confederate States gain their freedom, but it changed little in the lives of Texas slaves. The slaves in Texas were finally freed on June 19, 1865, 2½ years after Lincoln signed the Emancipation Proclamation.

On that day, Union Maj. Gen. Gordon Grander, bolstered by 1,800 troops, arrived in the coastal town of Galveston, and immediately proclaimed Texas under U.S. authority. He then issued a general order declaring that "in accordance with a proclamation from the executive of the United States, all slaves are free." That day, blacks in Galveston held the first "Juneteenth Day" celebrations.

Tales explaining the 2½ year delay in granting Texas slaves their freedom abound. According to legend, the slaveowners were afraid of the disruption to the crops that might occur if they announced to the slaves that emancipation was to take place January 1. Instead they withheld the news until June 19, 1865. By this time, the slaves had broken the ground, planted the seeds, chopped the weeds from the crops and prepared the field for harvest.

Another tale says that a black man riding a mule left Washington on January 1 to carry the news of freedom to Texas, and the traveler did not arrive until June 19.

In Missouri, Emancipation Day has been historically celebrated on August 4. Legend has it that the date was chosen because that was about the time when the slaves stopped working in the cotton fields, a logical cause for celebration.

Traditionally, the holiday has been celebrated by barbeques and baseball games, by festivals and rodeos and by picnics, pageants, and parades. In Kansas City this weekend, "An Evening of Awareness" is being held to honor persons who have made significant contributions to the community in politics, business, education, and other fields. A parade will be held Saturday and the festival will conclude Sunday with a jazz concert.

"Juneteenth Day" festivals are a time for genuine celebration among blacks across our Nation. When blacks from Africa were brought to America as slaves, we not only shackled their bodies, we also shackled their potential. We are fortunate, however, that blacks would not let their souls and ambitions be bound. Although we cannot compensate for past injustices, we must continue to strive for total equality. "Juneteenth" celebrations are a tribute to those black Americans who fought so long and worked so hard to make the dream of equality a reality.●

1984 LOUISIANA WORLD EXPOSITION

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LIVINGSTON. Mr. Speaker, the city of New Orleans is honored to host the 1984 Louisiana World Exposition. The exposition is scheduled to open May 1984, on the banks of the Mississippi River and the site should provide a dramatic backdrop for its theme, "The World of Rivers—Fresh Water as a Source of Life."

To commemorate this international exposition, I have today introduced legislation which authorizes a national medal to be struck by the U.S. Mint, and I am joined in cosponsorship of this bill by my colleagues from Louisiana, BOGGS, BREAUX, HUCKABY, MOORE, ROEMER, LONG, and TAUZIN.

The official national medal authorized in this legislation will be designed by the mint in cooperation with officials of the Louisiana World Exposition, Inc., a nonprofit corporation.

This bill merely provides the authority through 1984 for the U.S. Mint to strike the medals. It will result in no net cost to the Federal Government. It stipulates that satisfactory security must be furnished by the Louisiana World Exposition to the Director of the Mint, in order to indemnify the United States for full payment of all costs incurred in manufacturing these national medals.

The exposition intends to market the medals on site and through other avenues. These official U.S. medals should be sought by both medallion collectors and exposition visitors, and I urge my colleagues to join in cosponsorship of this legislation which seeks to commemorate a historic national event.●

CYPRESS COMMUNITY COUNTRY FESTIVAL: TRULY A COMMUNITY AFFAIR

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. PATTERSON. Mr. Speaker, the 27th anniversary of the city of Cypress is the occasion for the Third Annual Cypress Community Country Festival. The festival is set for July 23, 1983, at the Cypress Cultural Arts Center, formerly Oxford Junior High School. The day promises to be enjoyable for all those who participate.

Cypress is a growing community of over 40,000 residents. The expansion of the city's business and professional community in recent years has occurred while maintaining a balanced development. The city's residents do indeed have a community of which they can be proud.

The heritage of the city began back during its days as a pastoral dairy town. At that time, Cypress was inhabited by a few ranchers, landowners, and plenty of livestock. One of the area's earliest historical figures was Manuel Nieto, a corporal in the Spanish military, who in 1769 was one of the original European explorers in the area.

Incorporated in 1956, the city of Cypress has had 15 majors: Jacob van Dyke, Thomas Baroldy, Frank Noe, Robert Harvey, Richard Bowen, Delnoe Kanode, John Kanel, Robert Harvey, Otto Lacayo, Henry Roberts, Jr., Alice MacLain, Donald Hudson, Howard Rowan, Vickie Evans, Gerald Mullen, and currently Mayor Otto Lacayo.

Cypress is a charter city, administered under the council-manager system. The city manager, Darrel Essex, has been in that capacity for over 20 years. He has managed the city from its early rural roots to its contemporary urban atmosphere. In addition to Mayor Lacayo, those currently serving on the city council are: Mayor Pro-Tempore Richard Partin, and council members Chuck Coronado, John Kanel, and Gerald Mullen.

Landmarks in the city include Cypress Community College, Forest Lawn Memorial Park, and the Los Alamitos Race Course. Recent industrial development has brought both national and international corporations to Cypress. Notable among these are: Yamaha International Motor Division, Fiat Motor Division, Mitsubishi USA, Panasonic, and McDonnell Douglas. The future and economic viability of Cypress is indeed bright.

Mr. Speaker, let me give special recognition to the organizing committees, without whom this festival would not be an annual success, and to the many dedicated volunteers, whose hard work and careful planning can never adequately be thanked. As the city of Cypress progresses into its second quarter century, I know my colleagues in the House join with me in sending best wishes to the citizens of this fine community.●

LET'S PUT NICARAGUA IN THE PROPER PERSPECTIVE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to share an interesting and revealing article about Nicaragua with all of my colleagues here in the House. The article recently appeared in the Christian Science Monitor. Since this body will soon debate the question of covert activities in Nicaragua, I believe it is important for all of us to hear out someone with a different and more personalized perspective on the Nicaraguan Government and the failings of that revolution.

I believe that the message which the anti-Sandinista groups are sending us here in Washington today exposes the sad reality of Nicaragua. We are witnessing the flailings about of a failed revolution. The totalitariansim of the Somoza regime has been replaced by an equally repressive Sandinista brand of repression. The freedoms denied the masses during the Somoza period are still being denied by the present government. The past critics of the Somoza regime who languished in grim prisons have been replaced by critics of the Nicaraguan Government who dared to speak out against what is transpiring in that country today.

Let us talk about the unfilled promises of the Sandinistas. Where are the free elections and the real participatory government? What about freedom of religion in that conservative Catholic country? Where are the real and effective social and economic reforms that the poor masses were promised? Why are the shelves in downtown Managua bare and basic consumer items so hard to find?

The Sandinistas have radicalized and betrayed the revolution and, in the process, are trying to convince all Nicaraguans that communism is the answer and the panacea which will cure the nation's ills. Well, it has not. The Nicaraguan masses have been sold a bill of goods. Have the leaders of the so-called revolution stopped and asked: "Do the Nicaraguan people really want communism and all that it entails?" Instead of focusing on their own failings, the Nicaraguan regime is exporting its shabby revolution to its neighbors as a smokescreen to draw attention away from its own failings. By focusing on an external enemy, the Nicaraguan Government is hoping the poor in their country will forget about their own desperate situation replete with serious problems.

It seems to me that men everywhere yearn to be free. We all want to enjoy some basic freedoms as electing our own leaders, worshipping God as we please, and having things which we can call our own.

I believe that the present Nicaraguan regime is feeding communism to the poor and unsuspecting peasants in that country. I now understand why the men described in the following article, who formerly served in the Sandinista Government, are now dedicating their lives to bringing down that regime.

With these ideas in mind, I strongly recommend this article to my friends and trust that all of you will agree with the message which Commander Roger and Edén Pastora Gómez are sending to us.

The Christian Science Monitor, June 8, 1983, article entitled "Under Siege, Sandinistas Grapple with Rebels, U.S." follows:

UNDER SIEGE, SANDINISTAS GRAPPLE WITH REBELS, UNITED STATES

WITH THE REBELS IN THE JUNGLE—A BATTLE TO WIN ELECTIONS

(By Steve Fishman)

INSIDE SOUTHERN NICARAGUA.—Roger carries a Soviet-made AK-47 rifle. A United States-made hand grenade is clipped to a strap on his chest. He is a mechanical engineer by profession, educated in part in the United States and for the second time in four years he has taken up arms in the jungle of southern Nicaragua in what he likes to call "liberated territory."

Roger first fought here with the Sandinista rebels against Nicaraguan dictator Anastasio Somoza Debayle, who was overthrown in 1979. This time Roger is fighting to overthrow the Sandinistas.

"On the 19th of July, 1979 [when the Sandinistas took over Nicaragua], I thought I could never again hold a gun in my hands against anybody because I thought we were free, free forever," Roger says.

His only political ambition, he says, is to vote. "I have never voted in my life, really. With Somoza they were never free elections. I came back to Nicaragua with the nine [Sandinista] commanders believing I could vote. I couldn't."

The Sandinistas have promised elections in 1985.

Since May 1, when the Democratic Revolutionary Alliance (ARDE) declared war on the Sandinistas, Roger has directed several hundred men, including his son. Roger is one of six commanders on the southern front inside Nicaragua.

His men, who like Roger will give only their first names, travel along a dirt road on the border with Costa Rica and a jungle trail to an outpost about half a mile inside Nicaragua. The rebels live in makeshift tents—sheets of black plastic draped as canopies over white nylon hammocks. Open cans of sardines, corned beef, and insect repellent litter the ground. Soup with rice is being warmed over a fire.

About a dozen guerrillas take turns keeping watch from a nearby cliff about 30 feet

high. They wait in ambush for Sandinistan traveling to a camp about three miles away.

Most of the guerrillas are in military uniform. Their canteens, spoons, and shoulder straps bear U.S. markings. They wear the red and black kerchief that symbolized the first Sandinista revolution—and the blue and white ARDE armband that stands for what they hope will be the second revolution.

Most of the fighters are Nicaraguan, though Roger says some of his soldiers come from Panama, Venezuela, El Salvador, and Costa Rica. There have been suggestions that the Sandinistas are supported by the peasants, while the middle class has deserted them. Most of the guerrillas say they are campesinos—peasant farmers.

"The last war was a city war. This is strictly a campesino war. It surprises me, but I know exactly why—the repression. They want to make the campesinos communists by force," Roger says.

"A campesino is a free person. They are religious people. They want their own land. They want to be a little capitalistic. They want to have money to buy things. That's why they are here," he says.

Indeed, most of the soldiers talk about Sandinista pressure on them to change their life style. They say the Sandinistas are communists. Many say they have been threatened, and others jailed. Some talk of economic hardships caused by shortages and rationing. In each case, they blame the nine members of the ruling Sandinista junta.

Johnny said his father was held in jail for refusing to join a Sandinista organization. When he was released, his father sent Johnny to join the rebels. "We want to live in a free country," he said. After one month, Johnny sent word to his father, who joined him.

Doni, a farmer and father of 10, is the oldest and newest of the group. He has been with them only one month, just long enough to learn how to fire an automatic weapon. "The hunger among the people, they can't stand it anymore," he says. "We are peasants working the land, but it doesn't serve for anything. There is no sugar, soap, or oil. It all goes for exports. That is why we are fighting."

The Sandinista government, he says, obligates the farmer to sell to the state at a fixed price. Though that price may be higher than four years ago, the money earned buys less today than it used to. For instance, he said, a shirt today costs 10 times as much as it did four years ago. "Things are worse now than under Somoza," Doni said.

Roger said his force would be considerably larger if he had more arms to give the peasants who want them.

The Nicaraguan Democratic Front (FDN)—which is fighting the Sandinistas in the north with 7,000 men and reportedly receives support from the CIA—has offered weapons to ARDE. But ARDE military leader Edén Pastora Gómez, known as Commander Zero during the Sandinista revolution, has publicly refused the offer because of the FDN's association with the late dictator Somoza's followers.

Both Pastora and Alfonso Robelo Callejas, a businessman and ARDE's political leader, served in the Sandinista government after the revolution, and both turned against it after deciding the Sandinista government had betrayed the goals of the revolution.

In an interview, Robelo said that although he hoped ARDE could coordinate some activities with the FDN, the northern group had not supplied any arms to his group. He said ARDE's arms are purchased on the black market.

The guerrillas accompanying Roger are some of about 50 now based at a camp just inside Nicaraguan territory. Their daily routine includes physical and military training, though their arms are not fired for fear of attracting the enemy. Most of the guerrillas have a minimum of training, though those with the movement longer have received infantry training in the Nicaraguan mountains or in hidden and now abandoned camps in Costa Rica.

Since May 1, Roger's men have conducted seven guerrilla missions, including attacks on a Nicaraguan border post and a Sandinista fort, and the ambush of a Sandinista boat on the San Juan River.

"The Sandinistas don't go out. We must obligate them to," said Roger, who surmises that the Sandinistas are conceding a portion of the jungle to the rebels. According to his count, ARDE guerrillas have killed 60 Sandinistas and lost three. ARDE claims to control almost an entire corner of southeastern Nicaragua and part of the San Juan River east of El Castillo, Robelo says. Their immediate goal is to secure a territory from which they can safely operate.

"We're just starting. It's going to take a long time," Roger says.

Roger may seem an unlikely leader for this group composed mainly of peasant farmers. A city dweller from Managua, he speaks excellent English, having studied business at Tulane University in New Orleans. After the Sandinista victory, he was appointed to head the national sugar directorate, which runs Nicaragua's sugar industry. "I was working 24 hours a day if I could. We had so much work to do, the industry was completely down," he says. Then about 50 Cubans were brought in, undermining his authority. "I accepted them as advisers, but they were trying to run the place."

After Pastora left Nicaragua in July 1981, abandoning the post of deputy minister of the interior, Roger was jailed with about 150 others who had fought with Pastora. He was suspected of formenting a movement against the Sandinistas.

The charge is untrue, Roger says, although he admits he was unsatisfied with the direction the government was going. He fled to Costa Rica, where he joined other dissidents, including Pastora.

"We were just a few, less than 10," he said. In October 1982, ARDE was formed. Three months ago he moved into the field.●

PRESIDENTIAL SCHOLARS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LONG of Maryland. Mr. Speaker, I am honored to recognize two of my constituents, Wendy Leng of Timonium, Md., and Ronald G. Dove, Jr., of Bel Air, Md., who have been selected along with 139 other outstanding high school seniors for distinction as Presidential Scholars.

Wendy Leng, valedictorian of her Dulaney High School class, and a National Merit Scholar, received the award for leadership and academic excellence. A leader in her community and school, she was captain of the Dulaney High "It's Academic" team, Baltimore champions for the 1982-83 school year. She also served as coeditor of the high school's honor society newsletter. In the community, Wendy was active as a volunteer at Johns Hopkins Hospital and served as a tutor for Dulaney students. Her aspirations include becoming a physician and pursuing her interest in piano. Wendy will attend Harvard University in the fall as a biology student.

Ronald G. Dove, Jr., serves as president of the Harford County Regional Association of Student Councils, providing leadership as a moderator among local students, faculty, and administrators. Representing the collective voice of the students of Harford County, he won concessions on several important issues and kept students aware of local and regional educational issues. A talented debater, he has won several awards at the school and district levels in the national "Voice of Democracy" annual speech contests, including third place in the State competition, his senior year at Bel Air High School. A 4-year veteran of the tennis team and school band, Ronald managed to keep his extracurricular activities well balanced. He was also an active member of the Christ Our King Presbyterian Church, serving as a youth deacon, and organizing youth functions. In the fall, he plans to attend Milligan College in Tennessee and major in political science. He is interested in a career in law and politics.

I am sure my colleagues join the President and me in congratulating Wendy and Ron for their accomplishments, and in wishing them all the best in their future endeavors.●

BALTIC FREEDOM DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BIAGGI. Mr. Speaker, earlier this year I cosponsored a resolution, which became Public Law 98-39, designating June 14, 1983, as "Baltic Freedom Day."

Although its name might suggest otherwise, "Baltic Freedom Day" commemorates one of the darkest occasions in world history; 42 years ago, on June 14, 1941, the Soviet Union began its invasion and takeover of the Baltic States—Estonia, Latvia, and Lithuania.

In one of the great atrocities of modern civilization, the Soviet Union proceeded to execute countless thousands of the Baltic people, in addition to deporting over 1 million others to slave labor camps in Siberia and other parts of the Soviet Union.

Just as significant, however, is that Baltic Freedom Day reminds us that this tragedy has continued now for over 40 years. Each of the Baltic States is, in fact, a captive nation. The Soviet Union has deprived the courageous Baltic people of all basic human rights, including religious and cultural freedoms, as well as the right to self-determination.

Further, Baltic Freedom Day reminds us that as leaders of the free world, we have a responsibility to do everything in our power to thwart the Soviet Union's oppressive policies in the Baltic States and in other captive nations around the world.

Simply put, the Soviet Union's blatant disregard for basic human rights has no bounds. The people of Poland and Afghanistan are some of their most recent victims, along with some 3 million Soviet Jews who have been treated especially harsh, to the point where they have become virtual prisoners in their own homeland.

Clearly, the Soviet Union's oppressive policies will not change without our intervention. We must make the issue of human rights a primary focal point of any future communications between the United States and the Soviet Union, whether it be during trade negotiations, nuclear arms control talks, or even when arranging for athletic competition between the two countries. The brave freedom fighters in the Baltic States and in other captive nations are depending on us.●

KEEPING PHONE RATES DOWN

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. WYDEN. Mr. Speaker, yesterday Mr. Swift and I introduced a resolution that I believe is an important first step to insure that all Americans continue to have access to affordable phone service.

As many of my colleagues are aware, experts have predicted that the restructuring of AT&T and recent FCC decisions may lead to a doubling or even tripling of local telephone rates.

Our constituents are concerned about these potential developments, and rightly so. All Americans, especially the elderly, the handicapped, those in rural areas, and the urban poor rely on the telephone as a basic necessity. Fifty years ago, Congress decided that it should be the policy of this country to guarantee universal telephone service at an affordable price to all Americans—and we must not now turn our backs on that commitment.

If telephone rates increase by two or three times, the continued implementation of this policy will be in jeopardy. Some Americans may even be forced to make a painful decision: whether to buy needed food and clothes or keep their telephone.

Given the possible disastrous outcome, one might assume that the Federal Communications Commission had carefully studied the matter and compiled relevant data before issuing its recents rulings. Unfortunately, that is not the case.

No one knows exactly what the impact of these rate increases will be—exactly how many people will be faced with giving up their phones because of the recent judicial and regulatory actions.

Mr. Swift and I do not believe Congress should tolerate this situation any longer. That is why our resolution expresses the sense of the House that the FCC should initiate a formal investigation to determine the impact on telephone rates of the restructuring of AT&T and FCC decisions. Once the investigation is complete, the resolution further directs the Commission to provide the House with estimates of how many Americans would suffer economic hardship or would be forced to disconnect their phone as a result of these changes to phone service.

The resolution also requests that the House Subcommittee on Telecommunications, Consumer Protection, and Finance begin consideration of legislation that will assure that basic universal telephone service remains affordable to all Americans.

Finally, recognizing that current exorbitant rate hike requests pending before State regulatory bodies cannot be attributed to the AT&T divestiture or the FCC rulings which will not even go into effect until next year, the resolution goes on to direct the State regulatory commissions to carefully review those rate increase requests.

Mr. Speaker, this resolution will not in itself guarantee affordable and high quality phone service to all Americans. But I believe it is an important first step in that direction—one that will assure Americans that the House of Representatives is committed to universal service and is willing to take the steps necessary to insure it.

I urge my colleagues to join me in cosponsoring the following sense-of-the-House resolution.

H. Res. 231

Expressing the sense of the House of Representatives that the Federal Communications Commission should institute an inquiry to ascertain the impact on telephone rates of regulatory changes and judicial decisions affecting the telephone system, and that the Subcommittee on Telecommunications, Consumer Protection, and Finance of the Committee on Energy and Commerce should begin consideration of legislation that will assure that basic telephone service is affordable to all the people of the United States.

Whereas the people of the United States, especially the elderly, the handicapped, those in rural areas, and the urban poor, rely on the telephone as a basic necessity;

Whereas universal telephone service is essential to the common good;

Whereas the restructuring of the American Telephone and Telegraph Company and its affiliates, and Federal Communications Commission decisions, could cause the rates for basic telephone service and access to the telephone network to double or triple;

Whereas requests for rate increases currently pending before State regulatory commissions cannot be attributed to regulatory changes and judicial decisions that have not yet gone into effect; and

Whereas the goals of affordable, basic telephone service is consistent with a competitive telecommunications industry: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the State regulatory commissions should carefully review the requests for telephone rate increases currently before them;

(2) the Federal Communications Commission should institute an inquiry to ascertain the impact on telephone rates of regulatory changes and judicial decisions affecting the telephone system and should furnish the House of Representatives with an estimate of the number of people of the United States who would suffer an economic hardship or would be forced to disconnect their telephone service as a result of such changes and decisions; and

(3) the Subcommittee on Telecommunications, Consumer Protection, and Finance of the Committee on Energy and Commerce of the House of Representatives should begin consideration of legislation that will assure that basic telephone service is affordable to all the people of the United States.●

FREEDOM FOR THE BALTIC PEOPLES

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mrs. HOLT. Mr. Speaker, this week we commemorate with sadness the 43d anniversary of the Soviet invasion of the three Baltic Republics, Estonia, Latvia, and Lithuania, an event followed by all the usual atrocities of Communist rule, including the deportations and killings of political opponents and the harsh repression that endures to this very day.

The Baltic States have not even been allowed to keep the vestiges of sovereignty which have been permitted for the other Soviet-controlled countries of Eastern Europe. The Baltic nations have been annexed into the Soviet Union.

Mr. Speaker, the character of the Soviet Union has not changed. It remains an aggressive, imperialist power with ambitions far beyond its borders. It supports terrorism, revolution, and surrogate armies on a global basis to serve its imperial ambitions.

But today we remember those Baltic peoples who have suffered so long under Soviet rule. They still long for freedom. Their countries still live in

their hearts and minds. They resist as they can and work to preserve their cultures.

Let us pray for the ultimate freedom of the Baltic peoples and all peoples who endure life in the military-police states of the Soviet empire.●

VOODOO EDUCATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. RICHARDSON. Mr. Speaker, the President's barnstorming tour to get out in front of the education parade is reminiscent of the leader who plaintively cries, "Tell me where my people are going, in order that I may lead them."

He had better hope the American public will pay attention to only what he says, and not what he does.

In Albuquerque, he may renew his calls to improve our public schools, but when he returns to Washington he will resume his actions of weaken the national commitment to education.

In every single budget the President has submitted, he has called for deep cuts in education. And it has been the Congress that has held the line against deeper cuts.

In 1982 he sought a 15-percent cut—over $2 billion eliminated. In 1983, he slashed funds for education by 29 percent—over $4 billion cut. And in his most recent budget he seeks a 13-percent cut of over $2 billion.

Yet astoundingly the President insists that he has not cut the education budget claiming to be committed to a policy of improving American education. Some commitment. Some policy.

The facts are plain for all to see—President Reagan has called for cuts in education of almost $9 billion—almost 20 percent of the Federal education budget since he was inaugurated.

As a direct result of the President's policies, 300,000 students have lost Pell grants and other aid, 350,000 fewer students are receiving guaranteed student loans, and 250,000 have been denied social security student survivor benefits.

A member of the President's own party put it quite succinctly recently—Republican Senator Lowell Weicker said, "It galls me to now hear the President say we are spending more on education, when the fact is that he was forced by the Senate to restore funding on virtually every program under the jurisdiction of the Labor and Human Resources Committee," the Senate Committee responsible for education programs.

Education aid to the disadvantaged and the handicapped have been slashed. Bilingual education has been slashed. College aid has been slashed. Incredibly, with unemployment at double-digit figures, he has tried to cut back aid for adult and vocational education by an astounding 30 percent.

These are the facts: Students, teachers, and schools have no friend in the White House. This administration has deservedly earned its reputation as the most antieducation administration in modern history. I say that not to strike a solemn note, but to state the simple truth.

If the President persists in cutting Federal aid to education, misrepresenting the facts, and unfairly blaming the teachers and the Federal Government for all that is wrong with our educational system, he is soon going to have a massive credibility gap on his hands.

It is self-evident that spending more does not always improve education. But what is even more certain is that spending less definitely will not improve it. The American people understand that.

Financing education is still not primarily a Federal responsibility. But we do need a strong Federal role in education—even using more Federal dollars to improve the Nation's education system in the same way it has beefed up the military. Education is one of those domestic crises that the American people want their National Government to deal with forcibly.

Ronald Reagan's frail responses and irrelevant homilies on tuition tax credits, prayer in the schools are simplistic answers to a complicated national situation.

The President's policies and propositions are a prescription for "voodoo education" and they should be viewed with the same skepticism as his earlier plan to balance the budget.●

TRIBUTE TO LOU NIGRELLO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BIAGGI. Mr. Speaker, on Friday night June 17 the Congress of Italian American Organizations (CIAO) of Yonkers, N.Y., will hold a very special testimonial dinner honoring a great man, Louis Nigrello. As both a longtime friend of Lou's as well as the Representative in Congress from a large part of Yonkers, I am pleased to pay tribute and extol the many virtues of Lou Nigrello.

Lou has been a mainstay in the Yonkers community for many years. He has lent his considerable talents and energies to a variety of areas ranging from business to government to local civic activities. Lou is the former district manager of the metro region of A&P and in that capacity distinguished himself as an able administrator and leader. Being accessible to the general public on a daily basis afforded Lou the opportunity to make many friends during his years at A&P.

Presently Lou serves as the operations manager of Electra Snacks and has once again proven himself to be most capable and effective in an ofttimes highly competitive environment.

Lou has been active in the governmental affairs of the city of Yonkers serving as a member of its Civil Service Commission. He has earned the respect of many for his work on the commission as has emerged as a champion for the rights of civil servants in this city.

Yet in many respects Lou Nigrello is being honored for his outstanding record of community service in Yonkers. It is especially appropriate that CIAO honor Lou Nigrello for he served with special distinction as their chairman. Lou has been an active member of the Sons of Italy. He is especially involved as a trustee of the Enrico Fermi Scholarship Fund, a most worthwhile organization that I am proud to be affiliated with. Lou has also been a vital contributor to the ecumenical breakfast committee involving Agudath Achim and Our Lady of Mount Carmel Church.

Lou Nigrello is also a member of the Frank A. Rea American Legion Post and the Park Hill Residents Association.

Lou Nigrello was a proud graduate of St. Paul of the Cross High School as well as the Syracuse University executive training program and the American Management Association program.

Despite all of his many and time consuming duties, Lou prides himself as a family man. He together with his wife, Francis, their three children, and three grandchildren all share the joy of Lou being honored by his friends and associates.

It is fitting that the Congress of Italian American Organizations honor Lou Nigrello for he is a selfless man giving of himself to organizations and to people to make them better. It is also more of an honor to be saluted by one's friends as will be the case on Friday night in Yonkers. A testimonial is being held for a man whose name is synonomous with service and integrity. I have known Lou for many years and can attest to the many qualities he has as a man and friend. I join with all the participants on Friday night as well as all of those whose lives have been made better through knowing Lou Nigrello in congratulating Lou and wishing him all the best in the future.●

TERRIBLE JUNE DAYS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LENT. Mr. Speaker, I rise today to join my colleagues and the Lithuanians throughout the world in the solemn observance of the forced, illegal incorporation of the Republic of Lithuania into the Soviet Union and the subsequent mass deportation of hundreds of thousands of Lithuanians to Siberian concentration camps.

June 15, 1940 and June 14–18, 1941, are called the terrible June days by Lithuanians throughout the world. June 15, 1940, marks the day the Soviet Union invaded and occupied the Baltic States of Estonia, Latvia, and Lithuania. June 14–18, 1941, were those tragic days when the Soviets commenced their attempt to eliminate the Lithuanian nation. During these 4 days, 34,260 men, women, and children were rounded up by the Communist authorities and deported in stifling cattle cars to the deepest recesses of Siberia. From 1941 to 1951, the Soviets were responsible for the deportation or liquidation of 700,000 Lithuanians.

Mr. Speaker, recent history has shown the Soviets are still intent on eliminating the Lithuanian people's fiercly independent spirit. But they should know that just as it is impossible to stop the sun from rising, it is impossible to break the spirit of so proud and brave a people as the Lithuanians.

Those who know this best are the members of the Lithuanian American Community of the U.S.A., Inc. This organization has furnished great leadership in insuring that the many Lithuanians who live in the United States know and maintain pride in their great heritage. And, Mr. Speaker, I hope and pray that in the future they will some day see the return of freedom and independence to their homeland of Lithuania.●

REAGAN'S NEW-FOUND EDUCATION "POLICY"

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Ms. OAKAR. Mr. Speaker, 2 months ago, the American public was informed about the rising tide of mediocrity threatening our Nation's public schools. In the course of the last several weeks, we have been subjected to the rising tide of Reagan rhetoric, as the President attempts to convince the American people that he does indeed have an education policy. Those of us who have been involved in the struggle to prevent this administration from drastically reducing the Federal commitment to education know only too well what this policy has been.

The Commission on Excellence in Education appointed by the President noted in its final report that "the Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest." Unfortunately, Mr. Reagan chooses to read the Commission's report selectively. He filters the report through his ideology, an ideology which maintains that everything the Federal Government does is harmful and really unnecessary. On more then one occasion, he has stated that our educational system began to deteriorate when the Federal Government started interfering in education. The fact is that numerous studies have repeatedly found that Federal educational programs have been highly successful. They have improved student performance and expanded educational opportunities for all.

White House Assistant for Communications, David Gergen, informed us in a recent interview that the Commission's report had "captured the President's imagination in 1981 and 1982 when he proposed a 38 percent cut in outlays for education by fiscal year 1985? Did he imagine that by gutting some of the Federal Government's most successful programs—such as title I, impact aid, and vocational education—he could improve the quality of the Nation's educational services?

The Reagan vision—that if the Federal Government does less, students and schools will do much better—is a simple and appealing one. But halting the rising tide of mediocrity will require more than empty works and simplistic solutions. It will require strong leadership and the concerted effort of Government, the private section, educational institutions, teachers, parents, and students.●

PUBLIC EDUCATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. ACKERMAN. Mr. Speaker, as I am sure you are aware, the condition of our public education system has come under severe criticism by a number of published reports. It is also quite obvious that a society that is poorly educated suffers a serious handicap. The complexities of our democracy make it necessary that our citizenry be well educated in order to participate in the workings of our Government. Unfortunately, there is no panacea for the sad situation with which we are faced.

This administration is committed to the complete divestiture of the Federal Government's role in public education. If the President would succeed in his crusade to dismantle the Department of Education and slash this Nation's "instructional" budget, the children would not be the only casualties. Our national interest would be irrevocably compromised.

The solution for the inadequacy of education does not rest solely with the local governments, as the President believes. It rests with us, and this Government's ability to address the compelling need for a nationwide plan to improve and enrich the quality of education for our young citizens.

It is extremely interesting to note that one of the most successful education programs has been the Federal title I grants. Those 9-year-olds who were targeted with title I funds showed a marked improvement in their reading scores. In fact, this group's scores reflected a better improvement than the total 9-year-old population. This administration, however, would like to cut the funds to this program. Title I is not at all unique as an object of this administration's budgetary axe. Public and college library programs, financial aid assistance, and other worthy and necessary programs would not be spared.

As a former schoolteacher and as a parent, I implore President Reagan to save his budget axe for other less critical items, and to realize that the enhancement of the Federal role in educating our Nation's youth is this country's national interest.●

PRESIDENTIAL SCHOLAR TO PRESENT NUCLEAR FREEZE PETITION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MARKEY. Mr. Speaker, I would like to compliment the courageous perseverance of Ms. Ariela Gross in her effort to present a petition in support of a nuclear freeze to President Reagan. Ms. Gross is a 17-year-old from Princeton, N.J. and is one of 141 high school seniors chosen as Presidential Scholars in 1983. For the last several weeks, despite criticism and heavy-handed opposition from the Department of Education, she has pursued her goal of presenting a nuclear freeze petition to the President. I urge all Members of Congress to read the petition and a New York Times article that describes Ariela Gross' struggle to present her views to the President of the United States.

I believe Ms. Gross deserves recognition because she represents the best values and principles of young people

in this country. She deserves to be congratulated.

NUCLEAR FREEZE PROPOSAL

JUNE 16, 1983.

DEAR MR. PRESIDENT: As Presidential Scholars, we feel honored to represent American youth and gratified by your confidence that we will play a part in shaping the future of this country. We cannot, however, accept this high honor without voicing our most profound fears for the future itself. We therefore call upon you, Mr. President, to make every effort to halt the nuclear arms race that endangers the tomorrows in which we hope to fulfill our dreams of today. We, the undersigned, endorse, and urge you to endorse, the nuclear freeze proposal outlined below. Such a proposal, with various amendments and revisions, has already been passed by the United States House of Representatives as Joint Resolution 13, on May 4, 1983.

The Freeze Proposal: To improve national and international security, the United States and the Soviet Union should stop the nuclear arms race. Specifically, they should adopt a mutual freeze on the testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons. This is an essential, verifiable first step toward lessening the risk of nuclear war and reducing the nuclear arsenals.

[From the New York Times, June 13, 1983]

FOR SCHOLAR AND PROTESTER, HARD ROAD TO WHITE HOUSE

(By Douglas C. McGill)

Later this week, Ariela Gross is to meet President Reagan. The President will give her a medallion. In return, Miss Gross plans to give the President a petition urging that he support a proposed Congressional resolution calling for a nuclear freeze.

Miss Gross, a 17-year-old from Princeton, N.J., is one of 141 high school seniors chosen this year as Presidential Scholars, a group of young people honored for high academic and artistic achievement, as well as proven interest in community social issues.

Yesterday, the entire group of scholars met in Washington to begin five days of informal educational meetings with Representatives and Senators, breakfasts and luncheons with high-level political officials and other activities.

If the President accepts Miss Gross's petition Thursday at the White House meeting that culminates the week of activities, it will also be the end of a difficult journey for her.

OUR MOST PROFOUND FEARS

The journey began shortly after Miss Gross received a telegram from President Reagan at the end of April, congratulating her for winning a Presidential Scholarship, which provides a $1,000 cash award. About a month later, she wrote a letter to her fellow winners, asking them to join her in encouraging the President to endorse the proposed freeze on nuclear weapons by both the United States and the Soviet Union.

"We feel honored to represent American youth," the statement said in part, "and gratified by your confidence that we will play a part in shaping the future of this country. We cannot, however, accept this high honor without voicing our most profound fears for the future itself."

Shortly after she sent out the letters, however, her mother, Shula, received a telephone call from Gary Stember, executive director of the Commission on Presidential Scholars, the Education Department panel responsible for the scholarship program.

"'Do you know what your daughter is doing?'" Mrs. Gross recalled Mr. Stember asking. Mr. Stember, she said, told her that several scholarship winners had complained to him about Miss Gross's letter, that the commission could "rescind her scholarship" and that "very likely the White House could react strongly and cancel the ceremonies."

DIDN'T PROMISE ANYTHING

The call upset her and her daughter. "We took his word for it that my scholarship would be revoked," Miss Gross said. "I agreed that it should be revoked if that's what it came to."

The next morning, Mr. Stember called to speak with Miss Gross. "He was much cooler" than in his earlier conversation with her mother, she said. "He wanted me to comment that I would not do anything at the ceremony. I didn't promise anything."

That afternoon, she called Mr. Stember back, and he said that "he had reported it to the Education Department and the White House, and that they would probably revoke the scholarship, or cancel the ceremonies, or discontinue the entire program," Miss Gross said.

Later that day, however, Miss Gross received a reassuring phone call from Thomas C. Anderson, counsel to the Secretary of Education, T. H. Bell. A supervisor of Mr. Stember had told Mr. Anderson about the earlier call. Mr. Anderson, Miss Gross said, told her that her scholarship was not in jeopardy, that Mr. Stember's remarks were unauthorized and that "winning the scholarship didn't mean that we didn't retain our freedom to express our views and share them with others."

Mr. Anderson also told her he had sent Mr. Stember a memo reminding him of the scholarship winners' rights.

"We cannot allow the students and their parents to be intimidated because of their political views," the memo read in part. "By virtue of being designated as Presidential Scholars and accepting the honor, these students obviously retain all of their rights to express their views and seek out others who may share those views."

EDITORIALS ON FREEZE

In a telephone interview, Mr. Stember declined to comment on his telephone conversations with Miss Gross. Mr. Anderson, in another interview, confirmed the substance of Miss Gross's recollection of their telephone call, as well as the text of the memo.

Miss Gross will go to Harvard University in the fall. At Princeton High School, she was in the top 1 percent of her class, ran on the varsity track team for three years and had been captain of the cross-country team. As editor of the school newspaper, The Tower, in her senior year, she wrote many editorials on the nuclear freeze, the situation in El Salvador, budget cuts and education.

At present, Miss Gross said, she has received 50 letters from her 140 fellow Presidential Scholars. Of these, she said, 24 students signed a statement saying, "I believe in the nuclear freeze and will sign the statement." Eight signed a statement saying, "I am interested but need to know more," and 11 said, "I am opposed to the concept of freezing the nuclear arms race."

The other students did not sign because they felt that it would be improper to disrupt the ceremony, Miss Gross said.

"VERY CREDIBLE GROUP"

Miss Gross said she had written the statement because, "if this is going to be looked at as 'Here are the young people who made it through and will lead us to a great future,' I couldn't do that unless I said, 'We'll do that if we have a future.'"

"I think we're a very credible group of people, and according to the President, we're the best and the brightest," she added. "We're not Communists, we're not misguided, and we care. I thought it would be a good time to say that."

Some letters from her fellow scholarship winners gave detailed reasons for their opposition to the nuclear-freeze proposal.

"The Soviet philosophy is one of expediency," one student wrote. "If it is convenient and advantageous to make a treaty on arms or otherwise, it will be done. Later, if it seems advisable to break it, that too will be done."

The student added: "If, in a race, one competitor quits in the middle, he does not win. He loses. Can we afford to lose?"●

EDUCATION: AN EDITOR SPEAKS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BEREUTER. Mr. Speaker, as more and more people acknowledge their responsibility as citizens to assure the maintenance and continued development of a quality educational system, we may begin the road toward improving and reforming State and local high school educational programs.

I would like to share with my congressional colleagues an editorial appearing in the Norfolk (Nebr.) Daily News. The editor comments upon the need to amend existing requirements for a high school diploma by seriously considering the advice of the National Commission on Excellence in Education. Because national debate is now focusing on the recommendations of this commission, I encourage my colleagues to note this insightful commentary.

[From the Norfolk (Nebr.) Daily News, June 7, 1983]

LOCAL REMEDIES

It will take no national-level debate for local school districts to adopt one of the key recommendations of the National Commission on Excellence in Education. That is the one which declares that state and local high school graduation requirements be strengthened; that, at a minimum, "all students seeking a diploma be required to lay the foundations in the five new basics by taking the following cirriculum during their four years of high school: (A) four years of English; (B) three years of mathematics; (C) three years of science; (D) three years of social studies; and (E) one-half year of computer science."

For the college-bound student, two years of foregin language in high school, in addition to such training taken earlier, was "strongly recommended."

In those schools not now providing or requiring such attention to basics, there may be cost implications. The availability of teachers could be a problem, too, and currently is so far as math and science are concerned. Determination to meet those problems at the local level, however, and a willingness to change priorities and even reduce other present course offerings and extracurricular activities to alter the cost implications must be present. But these are decisions which ought not await some national debate or consideration by state authorities.

The former Norfolkan who served as Nebraska's education commissioner and was one of the members of the national commisson, Anne Campbell, reminded an Omaha audience recently about where educational "reforms" must begin. "The state has a compelling interest in education, but the movement for change must spring from grassroots activism," she said.

Nowhere does that seem more apparent in dealing with the report's recommendations than in the matter of strengthening curricula. Some schools already have such requirements in place; they are clearly within the capabilities of all. As important as this matter is, for the recommendation to become somehow an enforced national requirement is not a satisfactory answer. It is a tempting one because, as Joe Higgins, president of the Nebraska State Education Association, said, a mere 1 cent increase in the amount of money spent on education per-federal-dollar would fund all the reforms included in the commission's report. That might provide the money, but the local commitment that is the key to success would still not follow.

It is important that the lobbying for changes begin not in a statehouse or Washington, but at local school board meetings.●

COMMENDING THE NEW IRELAND FORUM

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MRAZEK. Mr. Speaker, recent events in Northern Ireland have made clear that if those seeking a peaceful reconciliation of the two traditions should stumble, those who see violence as the only answer are ready to step in to take their place.

On May 30 the New Ireland Forum met for the first time in Dublin Castle. Its stated purpose is to "contribute to the achievement of lasting peace and stability in a New Ireland."

While it is far too early to tell whether these unprecedented discussions will lead to any practical recommendations, the fact that these parties are talking is a positive sign.

I believe that those of us in this body, share my reluctance to counsel other countries on their domestic affairs. Nevertheless, I think that we in the Congress can play a constructive role in helping to solve the problems in Northern Ireland by lending our support and encouragement to the New Ireland Forum. Certainly no event in recent memory holds out as much promise for finding a nonviolent solution within the established political structure as the forum does. Those participating are to be commended. If their efforts fail more violence is a certainty. As one Member I stand ready to help in any way to see that this does not happen.●

EDUCATION PROGRAMS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, only through a well educated public will we be able to achieve a more productive society. A greater commitment must be dedicated toward educating our youth during the upcoming decade. Unfortunately, the current administration has not demonstrated a true concern for improving our educational system and has recently sought to politicize this issue.

As a former teacher myself, I am able to recognize the need for augmenting expenditures for education programs and increasing teachers' salaries. Since President Reagan entered office, there have been continual cutbacks in federally financed education programs. Compared with the $14.5 billion spent for education in fiscal year 1980, President Reagan requested $13.5 billion in fiscal year 1981, $12.4 billion in fiscal 1982, $9.95 billion in fiscal 1983, and $13.2 billion in fiscal 1984. Yet the President's recomendation for defense spending in fiscal year 1984, $245 billion, is more than double the total expenditures made by all levels of Government last year on education, $106 billion. Where are the priorities of the administration when they can justify spending twice as much money on defense than on educating our children.

The funding for various programs such as the Pell grant program for low-income students, the national direct student loan program, the federally supported school lunch program, and the Federal share of excess costs associated with educating handicapped children have all drastically dropped in support from the Federal Government.

President Reagan has repeatedly stated that the prime responsibility for financing education rests not with the Federal Government, but instead, with State and local governments. Primary responsibility will remain with the States and local communities, yet in view of the crisis we face in our country today regarding education, it is essential that the National Government provide the necessary funding to assist the State and local governments with this endeavor. No longer can President Reagan ignore the great need for providing high quality education for our young people.

By making available an education for all citizens, we are enabling ourselves to live in a democratic society. Without education, we would no longer be free. As Lord Brougham once stated, "Education makes a people easy to lead, but difficult to drive, easy to govern but impossible to enslave."●

TRIBUTE TO THE LATE FRED J. KROLL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. RODINO. Mr. Speaker, on May 19, I had the honor of attending a tribute to a great American, the Late Fred J. Kroll. This truly remarkable man left an indelible mark on this country. His strong leadership of the Brotherhood of Railway & Airline Clerks and his membership on the AFL-CIO's Executive Council earned him a well-deserved place as a giant of American labor. And he will certainly be remembered by all of those who knew him, for the contributions he made to the union and the workers he fought for.

But perhaps more significant is the way Fred Kroll will be commemorated by the establishment of a clinical center in his name at Hahnemann University in Philadelphia. For it was there, under the care of Drs. Isadore Brodsky and William Carter, that Fred agreed to become a test case for an experimental treatment for leukemia. After being told that he had 90 days to live in 1976, with the treatment and his incredible strength, Fred lived for 5 more productive years.

Mr. Speaker, there is a great deal more that I can say about Fred Kroll, but instead I will insert into the RECORD some of the remarks which were presented at the 19th luncheon, by Senator EDWARD KENNEDY and by AFL-CIO President Lane Kirkland. Their eloquent thoughts about Fred are a tribute to the man himself. The event was made even more memorable by the lovely remembrance of Fred that his wife gave that day, and I am certain that no one in that audience went away untouched by her unforgettable words.

REMARKS OF SENATOR EDWARD M. KENNEDY AT FRED KROLL MEMORIAL

We gather here today, as a family, to remember one of us. We pay tribute to an extraordinary life, to an extraordinary man. It has been almost two years since Fred Kroll was taken from us. I remember him as a brave friend and a loving spirit.

He was very close to me, and these two years have not diminished my sense of loss. When I needed him, he was there—and I will always be proud of that. His family, his friends, his union, his country, have all suffered from his death. Fred gave us strength; he steeled our commitment and resolve; sometimes he even made us feel that we could accomplish miracles.

There is a quotation from Franklin Roosevelt which describes Fred so well. In 1938, President Roosevelt said: "Remember, always remember, that you and I are descended from immigrants and revolutionists."

Fred didn't have to be reminded—he was always the immigrant, always the revolutionary. His name was German, but three-quarters of his blood was Irish. From his Irish stock, he got more than just his powerful appearance. He got his determination and his incredible stubbornness. He was the proud descendant of immigrants, the proud son of Our Lady of Mercy Parish. He was quintessential Philadelphia. He was born, raised and died in that great city. Without pretension, without haughtiness, no matter how high he went, he was a worker, a father, a husband, and a fighter.

And Fred Kroll truly was a revolutionary. Tough, questioning, he never accepted "no" as an answer when he thought "yes" was within the realm of possibility. My brother Bob is often remembered as saying "some men see things as they are and ask why; others dream things that never were, and ask why not?"

Fred Kroll always asked "why." He asked union officials. He asked union presidents. He asked Presidents of the United States. He didn't hesitate to tell them when he thought they were wrong. And to skeptics and doubters he always said: "why not?".

Fred Kroll, a young and tough local labor official, had the audacity to challenge an incumbent president of an international labor union. I took his example to heart. The difference is that when Fred challenged an incumbent president, he won.

Fred Kroll also had the toughness to challenge a virulent form of leukemia that was supposed to kill him within 90 days. With Isadore Brodsky and the staff of the Orlowitz Institute at Hahnemann Hospital, Fred waged an epoch struggle which may permanently alter the protocol and treatment of leukemia.

Chemotherapy, various forms of experimental interferon—Fred turned to whatever treatment the brilliant creative minds of Dr. Brodsky and his colleagues at Hahnemann could devise—and his treatment had a remarkable success.

Fred Kroll did not live for 90 days. Fred Kroll lived for five years. And what a five years they were.

As he was being racked by disease and by radical, exhausting treatment, almost always in pain, knowing the prognosis, Fred continued to work 18-hour days. Few people knew the ordeal he was suffering. Fred Kroll was too busy being a great leader in a great union to let cancer get in the way. He had too much to do to take time out to rest or ever to pity himself.

Fred Kroll sought the leadership of his union—and despite seemingly insurmountable odds, he won.

Fred Kroll took on the railroads of America. And he not only won a great battle, but the resolution of that conflict became a strikeless model of labor-management relations that has reshaped the entire rail industry of the United States.

Fred Kroll had a dreaded form of cancer—and defying all the odds, he lived far longer than he was expected to.

He is an inspiration, and his presence surrounds us today.

To Frankie, and to Karin, Anita and Michele. I can only say how proud I am to call him my friend, and how better all of us are that we had a place and a part in his life that was all too brief.

Fred and I shared many things. We shared a common Irish heritage. We shared a commitment to the dreams of the working families of America.

We also shared, from time to time, language and rhetoric. On April 29, 1981, Fred delivered his valedictory speech on the steps of the United States Capitol. I was more honored than I can ever say by the words he chose for the message that he left:

"Let us go forward knowing that our work goes on, our cause endures, our hopes still live and our dreams never die."●

HONORING RAYMOND HERTEL

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. AUCOIN. Mr. Speaker, I want to take a few moments to praise a fellow Oregonian who personifies Oregon's pioneer tradition of people helping people, one on one.

Raymond Hertel has been helping others a long time, Mr. Speaker. He will be 71 years old on August 11 of this year. Ray and his wife, Agnes, reside in Hillsboro, the hub city and county seat of my own home, Washington County. Having raised 12 children and farmed prosperously for over 40 years, Ray never considered himself too busy or too preoccupied to help families less fortunate than his own.

Ray began his service to the Washington County community by participating in the founding of the Hillsboro St. Vincent de Paul Conference. Upon retiring from farming in 1972, he became a full-time volunteer for St. Vincent de Paul and Oregon's adult and family services volunteer program.

Using his own pickup truck, Ray has logged thousands of miles throughout Washington County, delivering donated food, furniture, and appliances to low-income families in need.

Ray often spends 50 or more hours a week delivering food to a least 200 families per month and furniture to another 30 families.

He has been instrumental as well in the formation of the Tualatin Valley Food Center, a countywide food bank, and has served two terms as its vice president. During the Christmas season, Ray was active in the Washington County Christmas basket project, which delivered food and toys to more than 2,000 needy families.

On behalf of the people of Washington County, who look to Ray for leadership in meeting the needs of the economically disadvantaged, I want to commend him for his generosity and tireless dedication to the fight against poverty and hunger in my community.

I think it is only fitting that we in the House take this time to honor this outstanding but quiet American, Raymond Hertel, who has done so much to help his countrymen and to inspire his community.●

PATRICK J. O'MALLEY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Ms. OAKAR. Mr. Speaker, one of Cleveland's finest and most compassionate labor leaders has passed away. Patrick J. O'Malley has been a special leader to so many people and a special friend to me. We will all miss him so very much.

The following is an article about Pat and his many interests:

PATRICK J. O'MALLEY, WAS CITY LABOR LEADER

Patrick J. O'Malley, retired president of the Cleveland AFL-CIO Federation of Labor, at one time was the most powerful labor leader in the city.

He rose through the ranks to become regional director of the United Auto Workers, a post he held for 19 years until his retirement in 1968.

Mr. O'Malley of Fairview Park was admitted to Lakewood Hospital Sunday with congestive heart failure and died there yesterday. He was 80.

He was a farm boy, born in County Mayo, Ireland, who first saw trade unionism at work when he was a coal miner in England at the age of 17.

Four years later he emigrated to Cleveland where his three sisters had preceded him.

Mr. O'Malley brought with him a brogue and a feisty temperament. Both diminished somewhat through the years.

His style as a labor leader was marked by fairness and a give and take. If his temper flared, he was quick to make amends, a longtime colleague said.

He became a naturalized citizen Jan. 22, 1932.

He had been a member of the Irish Republican Army fighting the English but did not like to talk about those early days.

His first job here was in the mailing room of The Plain Dealer. He told a reporter about being fired from that job, and three other jobs soon thereafter because of his quick temper.

In 1928 he got a job with White Motor Co. as an inventory clerk and timekeeper. When the old CIO union organized there five years later, he was one of the first to sign up. That was the start of his long career in labor.

The union at White became Local 32 of the UAW and Mr. O'Malley eventually held every office.

He was Cleveland Federation of Labor president from 1958 to 1968 on a part-time basis. At his retirement as regional director of the UAW in 1968, he became the federation's full-time president.

Ironically, 1968 was the year the UAW withdrew from the national AFL-CIO and Mr. O'Malley became a member of the International Association of Machinists to

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keep his eligibility for the top job which he held through the early 1970s.

He had also been vice president of the Ohio AFL-CIO.

In his early days in Cleveland he played soccer for the Celtics and marched in the back of St. Patrick's Day parades, playing the bagpipes in a marching band.

In 1959 he was grand marshal of the parade.

In 1964 he received the Civic Award from the Greater Cleveland Knights of Columbus and in 1968 was named Irish Good Fellow by the Irish Good Fellowship Club.

He had been on the boards of many civic and welfare groups and in 1970 was appointed foreman of the September term of the county grand jury.

In 1967 he received the distinguished service award from the United Appeal of Greater Cleveland.

After his retirement he served five years on the Fairview Park board of zoning appeals.

His wife of 53 years, Mary E., died in 1981.

He is survived by daughters Patricia Rattsy and Nancy McNamara; 10 grandchildren; three great-grandchildren and three sisters.

Services will be at 10 a.m. Friday at St. Angela Merici Catholic Church, 20970 Lorain Rd., Fairview Park.●

FIRST MAN-MADE SPACECRAFT TO LEAVE THE BOUNDARIES OF THE SOLAR SYSTEM

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MINETA. Mr. Speaker, at approximately 15 hours Greenwich time—8:30 a.m. EDST—on June 13, 1983, the U.S. unmanned but operating spacecraft, Pioneer 10 will cross the orbit of Neptune. This first flight by a spacecraft beyond the planets is an event which will occur only once in human history. Since its launch in 1972, the Pioneer 10 spacecraft's original design life was 21 months but it has performed almost perfectly for more than 11 years. Pioneer 10, which was the first spacecraft to Jupiter, has traversed the asteroid belt, survived Jupiter's punishing radiation belts and operated almost without flaw.

By June 13, 1983, Pioneer 10 will have traveled 3.59 billion miles on its flight path, will have received over 98,900 commands from Earth, and transmitted more than 126 billion bits of scientific data. At Neptune-orbit-crossing, 2.8 billion miles out, rate of travel for Pioneer 10 will be 30,558 miles per hour.

Pioneer 10's accomplishments have exceeded the expectations of NASA management and scientific investigators—a mission that was expected to last just under 2 years, is still sending back a wealth of scientific data about unknown regions of our solar system 11 years later.

This day marks achievement in the course of human events.

It is notable that NASA had planned to turn off this spacecraft on January 1, 1983, to save a few dollars in the fiscal year 1983 NASA budget. Fortunately, the planned shutoff was averted by the public outcry of the scientific community and the actions of the U.S. Congress.

The planned shutoff of the functional spacecraft is an example of the penny-wise but pound-foolish budget decisionmaking of this administration. Do we wonder why the United States is losing its lead in space science and exploration? NASA celebrates its 25th anniversary this year and it has an impressive history of scientific achievement—a history that Americans can be proud of. However, this Nation's future in space research is less optimistic. There is evidence of uncertainty of commitment to space science and exploration by the United States in the face of continued dedication by Europe, Japan, and the U.S.S.R.

As we celebrate NASA's 25th anniversary, it may be appropriate for this great Nation to recommit its resources to scientific research and exploration in space to maintain leadership and excellence. To quote an editorial that appeared in Aviation Week & Space Technology—"Space science should be recognized as a cutting edge in the total technology effort and not left as an orphan to wither away with neglect." I ask that the text of the editorial be entered in the RECORD.

SPACE SCIENCE IN THE DOLDRUMS

After a decade of abundance in the 1960's in the wake of the Sputnik challenge, U.S. space science has gradually eroded from the weathering of difficult economic times and straitened federal budgets. Planetary science, triumphant in unmanned flybys of Mercury, Venus, Mars, Jupiter and Saturn, unmanned landings on Mars, and piggyback trips on six manned lunar landings, is almost moribund. A Voyager 2 flyby of Uranus and Neptune is yet to come, but is the result of a Pioneer/Voyager program begun a decade ago. Some hope lives for a Galileo mission to Jupiter actually to fly. A campaign is under way to sell a Venus mapper for inclusion in the Fiscal 1984 budget, although the Office of Management and Budget zeroed out all new starts in its first cut at the NASA submission. A comet flyby is being salvaged with an ingenius diversion of an existing spacecraft in orbit.

Several Earth orbit missions are in development, or are in the running as new starts, including a gamma ray observatory to push out further into one of the frontiers of astronomy. Much of the science effort, though, is wrapped around the space telescope in assembly for a 1985 launch on the space shuttle. The space telescope is an exciting mission that, by leaping beyond the interference of the Earth's atmosphere and what astronomers call light pollution, could inject new life into optical astronomy. Spacelab 1 and 2 are the homes of various astrophysics and life sciences experiments, which do offset the losses in science-dedicated spacecraft.

DISTURBING WASTE

Space science obviously gets shoved, perhaps unwisely, into the class of a luxury in a country that is as broke as the United States is after a decade and a half of fiscal irresponsbility. There is a disturbing waste even so, a tapestry of unutilized laboratories, of working with data in the bank from past missions, of a failure to infuse new talent into this branch of technology.

More disturbing is the parallel in space science to what is going on in U.S. research and techology. Basic research in universities have been hit hard by the burgeoning of uncapped entitlement programs that have forced cuts in what still is cuttable in the federal budget. Corporations find it hard to justify the kind of research in their laboratories that is intellectually fascinating but has little discernible application. This is the province of the university laboratories, where the frequent misses are part of the process of learning and where the long-term payoffs eventually stem from.

Universities are rich with a generation of scientists that is hitting the retirement bracket and poor in younger talent as replacement. As is true with space science, there are too few jobs in many research areas to attract the generation now maturing in college. This kind of underemployment gets little attention in the economic statistics, but is potentially lethal to U.S. technological health.

Defense research funds are in somewhat more robust condition, but Congress has taken a dim view of what the Pentagon can do in supporting basic research that has no military mission application. Furthermore, there is inherent in any government research effort like that of the National Science Foundation or the Defense Dept. the danger that any increased funds will be passed out only to ever more entrenched constituencies rather than go to independent, unconventional research of the kind that can produce the umpredictable breakthroughs.

IMPORTANT SYMPTOM

When space science was vigorous and innovative in the 1960s, U.S. technology was vigorous and innovative. Its industrial products, particularly in higher technologies, were preeminent in the global marketplace. In the 1980s, space science is subdued and U.S. technology and U.S. industry are puffing and wheezing to match the pace being set by the Germans and the Japanese. The decline in space science effort is important in itself, and more important as a symptom that U.S. technology in general needs a shot of vitamin B1.

Europe has as many economic troubles as Washington, but it is maintaining a modest—but stable—space science program. Europeans tend to look with admiration at the U.S. powerhouse in space technology, but the U.S. could also look at Europe's steady plugging away in the European Space Agency with respect also.

Economic pressure on space science is not all bad. More ingenious, cost-effective ways to do space science in the fashion of the revivified comet mission must be found in the kind of economic climate that is going to prevail over the next decade. There may be new avenues to explore, as piggybacking on commercial payloads as spacecraft grow bigger and heavier to take advantage of the freight hauling capability of the space shuttle.

Policymakers at the same time cannot escape the necessity for fostering U.S. technology as they are charged with fostering commerce and industry. The three are inseparable. Space science should be recognized as a cutting edge in the total technology effort and not left as an orphan to wither away with neglect. If space science is neglected, so will other technologies.●

TRIBUTE TO RICHARD HESTER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to congratulate Richard Hester, the outgoing president of the San Fernando Chamber of Commerce, on his outstanding service to our community. His volunteer work with the chamber, as well as his support of worthwhile community groups, have had a tremendous positive impact on the San Fernando area.

As a leader among leaders, and the spokesman for the San Fernando business community, Richard Hester patiently orchestrated the transition process between business and a new era of city government. The spirit of cooperation between public and private sector which he helped to foster will benefit the local economy for years to come. His projects include an annual customer exhibition which will revitalize the downtown mall and its merchant's association, the opening of a regional county medical complex, and an ingenious plan for a mass transportation center in San Fernando.

Richard Hester has spent countless hours personally cultivating relationships between the chamber of commerce, elected officials, and community leaders in the area. In addition, during his tenure as president, he directed the day-to-day activities of over a dozen volunteer committees, working on such beneficial projects as the annual combo-auction, the golf tournament, the 1983 Miss San Fernando Contest, the 10-kilometer run, and the 49th annual fiesta parade.

The San Fernando Chamber of Commerce will pay tribute to Richard Hester at their annual installation ceremony on June 22, 1983. It is my pleasure to be able to join with the members of the chamber in commending Richard Hester on completing an outstanding year of service as president, and to wish him the best of luck in the future.●

LEGISLATION TO ASSIST THE NOAA CORPS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BIAGGI. Mr. Speaker, at a time when our country faces an educational crisis, we should be anxiously seeking ways to assist young people in furthering their education. Such incentives are critical to our future security and intellectual as well as military strength as a Nation.

The Higher Education Act of 1965 stands as the central monument to the Federal Government's commitment to higher education and opportunity for all citizens, regardless of background. Specifically, the guaranteed student loan program has been critical to providing a college education as well as educational choice to students from all income levels and all backgrounds.

Under the guaranteed student loan program, active-duty members of the uniformed services are eligible for deferments on their repayments of their student loans of up to 3 years. Under current law, those personnel eligible for this deferment include members of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Public Health Service Corps. There is another uniformed service—the National Oceanic and Atmospheric Corps—that is not eligible for this deferment.

This small but vital component of our national defense consists of 372 commissioned personnel. As a senior member of the House Education and Labor Committee and one of the key authors of the guaranteed student loan program, I have recognized that the NOAA Corps was indeed overlooked in the drafting of this landmark legislation.

Today I am introducing legislation that will grant the same deferment provisions to the members of the NOAA Corps that are now provided to all commissioned officers of the other six branches of the uniformed service. This bill will include the NOAA Corps as part of this provision in the Higher Education Act in order to correct this oversight in the law.

In my dual capacity as a member of both the House Education and Labor Committee and the Merchant Marine and Fisheries Committee, which has responsibility for the National Oceanic and Atmospheric Administration, I will actively work to insure that the same rights that are now enjoyed by borrowers from the six uniformed services are also enjoyed by the NOAA Corps.

These hard-working and dedicated individuals serve with their talents to merge the aspects of naval service life with the scientific mission of the NOAA. More importantly, these individuals are primarily composed of scientists and engineers who have refined their educational talents so that they can be used as technical managers and supervisors in the field.

My bill will provide a small, but significant opportunity for those motivated individuals who wish to further their education and donate their scientific and mathematical talents in service to our Nation. It is my sincere hope that we can enact this legislation at the earliest possible date.●

BAY CITIES SYNAGOGUE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LEVINE of California. Mr. Speaker, an article appears in today's Los Angeles Times about a unique synagogue in my district which I very much wanted to share with my colleagues.

The community of Venice is very special. Although it is small, it reflects an amazing cross section of racial, religious, and socioeconomic groups. In addition, the large number of senior citizens and young people living in Venice adds to its special atmosphere. While it would be an exaggeration to say that these disparate groups are never in conflict, the presence of institutions like the Bay Cities Synagogue and people like Michael Medved, Rabbi Daniel Lapin, and Maury Rosen help bring these widely differing groups together and moderate any tensions which might exist.

The article which follows illustrates some of the remarkable accomplishments of these community leaders and provides an example of what make Venice, Calif., a special place to represent here in Washington:

[From the Los Angeles Times]

ORTHODOX SYNAGOGUE SURVIVES IN VENICE

(By Joel Engel)

A typical Saturday morning on the Venice boardwalk: bicyclists, skaters, joggers, musicians and tourists mix in a passing parade.

A few feet away, inside the Bay Cities Synagogue, 200 predominantly young members of the Pacific Jewish Center participate in a traditional Sabbath service that probably looks very much the way services looked thousands of years ago. Only the blare of rock music filtering through the open doors from passing portable stereos reminds a visitor that it is 1983.

That the synagogue seems an anomaly is a perception of which congregant Michael Medved is very proud. The co-author of such books as "What Really Happened to the Class of '65" and "The Golden Turkey Awards," Medved helped to found the Pacific Jewish Center five years ago and is its undeclared president.

TERM A MISNOMER

Although the congregation is generally considered to be Orthodox, the term is a slight misnomer. For one thing, nearly a third of the members do not follow the strict Jewish dietary laws. "Not only that, but the word orthodox literally means conventional," said Medved. "And what could possibly be more unconventional in this day and age? Especially where we are."

To illustrate his point, Medved explained that a baseball bat is kept by the door for protection against the unwanted. Often der-

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elicts will wander in and disrupt the services, demanding either money or liquor. Recently, he said, one man stormed in, grabbed a woman and threatened to choke her unless he was given the alcohol that is kept on hand for celebrations. "Max, who's a body builder, threw him out onto the boardwalk."

At least once a weekend there is some sort of incident, Medved said.

A former radical Yale graduate, Medved, 36, moved from New England back to Los Angeles, where he had been raised. By taking up residence in the Ocean Park area of Santa Monica with his wife, Nancy, he intended to fulfill his uncle's dream of reinvigorating that once vibrant Jewish community. At the time, he said, they were the only two Jews on the block.

But the Medveds grew frustrated at being unable to find a nearby (on the Sabbath, Orthodox Jews are not permitted to drive) synagogue that they agreed with philosophically. Then Medved was introduced to South African-born Rabbi Daniel Lapin, who had been working as an investment analyst.

THEIR NUMBERS SWELLED

From a few close friends and acquaintances meeting once a week to pray in the Medveds' living room, their numbers swelled.

About the same time, the Bay Cities Synagogue was in danger of being sold. With only seven or eight elderly members remaining, it was a constant struggle to attract the weekly *minyan* (prayer quorum consisting of at least 10 men). A decaying, leaky building, Bay Cities lacked both a rabbi and the physical divider required by ancient Jewish law to separate male and female worshipers.

Medved and Lapin offered to erect a divider in exchange for assuring the remaining members a *minyan.*

FRIGHTENED AT FIRST

"The old people were frightened at first that their temple would be taken from them and they'd be left out," said Maury Rosen, longtime director of the Israel Levin Center, the senior citizens center a few hundred yards down the boardwalk where the congregants passed their time.

It was Rosen who, concerned about the old people's future and fearing the newcomers to be a band of "young Turks," angrily ripped out the canvas and steel barrier and told Medved and Lapin to stay away. But, realizing that without them the synagogue would undoubtedly be sold, a compromise agreement was struck: The elderly would have priority in attending High Holiday services and were not to be charged more than they could afford; they would be actively involved in running synagogue activities; and the rabbi would come to the center once a week to teach a class.

With the members' voluntary labor, the building was subsequently repaired, although it still appears modest by today's standards. And soon it began to fill with new people, most of whom were well under 40 and successful.

The majority had not come from Orthodox backgrounds. In fact, several have had no religious training whatsoever. A few are even converts to the faith, such as an ex-nun.

Because there are no official membership dues or rolls, it is difficult to accurately determine the exact size of the congregation. Medved estimates the number to be in excess of 300 "and growing all the time."

One is deemed a member by not only attending Sabbath and holiday services, but by devotion to the study of the Torah, the ancient Jewish scriptures.

Rabbi Lapin, 35, a serious but charismatic man, maintains his office in a modest apartment he shares with his wife and two young children. He receives visitors until midnight six days a week and accepts no salary for his work at the Pacific Jewish Center, relying instead on investment counseling for his income.

"In America, the rabbi is usually the employee of the congregation," he said. "Here, I count the members as my friends, which is much more valuable."

He also rarely leads the religious services, leaving that task to alternating members in order to assist their spiritual growth. "A rabbi's role should be that of a teacher," he said. "That is, after all, what the word means." And, unlike other rabbis, Lapin declines to speak of politics during his weekly sermons, preferring to concentrate his words on "how to conduct one's life in a right way."

As a model for the community they hoped to develop, Medved and Lapin looked to the Jewish community that flourished in Frankfurt on the Main, Germany, beginning in the mid-19th Century. From 1842, when oppressive rules that had for hundreds of years governed Jewish life were relaxed, until its ultimate decimation by the Nazis, this closely knit community of 20,000 played a major role in establishing city hospitals, libraries, museums and a university, in addition to building several uniquely Jewish organizations and schools.

"They took care of one another while also sharing the fruits of their labor with the rest of the city," Lapin said. "For us, we are interested in character development, not personality-development."

One of the first programs launched by the Pacific Jewish Center was JOLT—Jewish Outdoor Leadership Training—in which the community's teen-agers experience a variety of outdoor activities, such as camping, river rafting and cycling.

However, these excursions are far from luxurious. A trek to Catalina, for example, is a rugged backpacking adventure with fully loaded packs. Visits to the desert become survival training, and a ride to San Diego for the day means the naval base obstacle course.

The rabbi contended that American young people are overprotected and overindulged—they have it too easy. The outings are meant to encourage the kids to make their own decisions in tough situations; to think for themselves outside the home environment.

For adults, there are classes covering a broad range of topics, from beginning Hebrew to the role of women in Judaism. Medved said that the great majority of the synagogue members take advantage of this continuing education opportunity as an adjunct to their obligation to study Torah.

Partly as a response to busing, in 1979 the center began the Emanuel Streisand School, an accredited day school. Named in memory of Barbra Streisand's father, who died when she was young, the school currently has an enrollment of 40.

An infrequent congregant whose son's bar mitzvah was held at the synagogue three years ago, Streisand donated several thousand dollars to the school's development fund and was asked how she could possibly be repaid for her generosity. The naming was her request.

Scheduled to open in September is Pacific's preschool.

It is a community in the truest sense of the word, said attorney Charlie Kaufman, who met his wife at the synagogue. "In the outside world, people are always looking for reasons to be together because they're lonely. . . . Here, we have a very real, fundamental reason to be together. Our values and beliefs are the same. Where else can you have 250 people going absolutely crazy because of a simple wedding announcement?"

Within walking distance of the synagogue, there are six wholly owned community apartment buildings, including the four-unit one in which the rabbi lives and works. And according to Medved, more than 160 families or individuals have bought or rented homes in the area, specifically to be residents of the community. Some, he said, even relocated from other cities after visiting services at Pacific.

Those who do not live within walking distance pack a bag Friday afternoons and drive to a member's home who does. One man who lives several miles away said he has stayed on the floor, a couch, or in a spare bedroom at a different home each of the last 20 consecutive weekends.

Yet, this fervent, community-oriented atmosphere is not for everyone. Many have grown disenchanted with what they feel is a cliquish, elitist attitude. "We do not bend over backwards to make people feel welcome here," conceded the rabbi. "They either do, and stay. Or they do not, and leave."

Some have done just that, creating what Medved admits is a relatively high turnover rate. One loosely structured group, which includes several ex-Pacific members, meets on Sabbath mornings and holidays in a meeting room of Venice's Antioch University. Although they do not have a rabbi, they are affiliated with Young Israel of America.

"Measured against objective standards, we are certainly not utopia," said Lapin. "But measured against the rest of the world, it's wonderful what we're doing here."●

CONGRESSIONAL SALUTE TO THE HONORABLE BEATRICE P. NIELSEN OF NEW JERSEY, DISTINGUISHED CITIZEN, ESTEEMED EDUCATOR, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. ROE. Mr. Speaker, on Tuesday, June 21, the residents of my congressional district and State of New Jersey will join together in a testimonial dinner honoring a distinguished citizen, esteemed educator, and good friend, the Honorable Beatrice P. Nielsen, who has announced her retirement from her professional career as an outstanding teacher of high school students in the city of Paterson.

As Mrs. Nielsen retires from this highly respected office of public trust, I am pleased to participate with her many, many friends and colleagues in expressing our deep appreciation for all of her good works and share great pride in the success of her achievements with her husband Eric.

Mr. Speaker, the cultural, historical, and economic achievements—even the basic health, well being, and longevity of a State and Nation—depend in a large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions. Beatrice Nielsen has indeed earned the greatest respect and esteem of all of us for her leadership and personal commitment in seeking to improve the quality of education for our young people. Her exemplary record of performance as an educator over the past 48 years has endeared her to all of us.

Beatrice received her B.A. degree from the College of St. Elizabeth and her M.A. degree from Montclair State College. For close to a half century Mrs. Nielsen's highly capable expertise as an educator in many disciplines including mathematics, German, botany, and medieval and ancient history has been utilized to teach the young people of Paterson, N.J.

In 1935 she joined the faculty of Eastside High School teaching mathematics. She was promoted to vice principal and transferred to Central High School in February 1964. When the faculty of Central High School was relocated to John F. Kennedy High School she accompanied them as scheduler for the school in 1967. She was transferred to Eastside High School in September 1982.

Her teaching career was interrupted for 4 years to serve the people of our country with the United States as a member of the highly prestigious WAVES.

Mr. Speaker, in civic and charitable endeavors, Beatrice has extended the richness of her wisdom and versatile talents—always giving willingly and unselfishly of her time—in helping others. She has been the organist and director of choral music at St. Brendan's Church for 17 years.

Mrs. Nielsen has served our people and our country with honor and distinction. She is an outstanding administrator, educator, and good friend whose standards of excellence in her daily pursuits have touched the lives of many, many people in my congressional district. I appreciate the opportunity to publicly acclaim all of her good works and share the pride of her family in her accomplishments and lifetime of dedicated public service which have truly enriched our community, State, and Nation. We do indeed salute a distinguished citizen and great American—Hon. Beatrice P. Nielsen of New Jersey.●

LITHUANIA'S "TERRIBLE JUNE DAYS"

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HOWARD. Mr. Speaker, today Lithuanians throughout the free world will join in the mournful observance of the forced and illegal incorporation of the Republic of Lithuania into the Soviet Union and the subsequent mass deportation of hundreds of thousands of Lithuanians to Siberian concentration camps.

June 15, 1940, and June 14–18, 1941, are known to Lithuanians as the "Terrible June Days." For on June 15, 1940, the Soviet Union criminally invaded and occupied Lithuania and on June 14–18, 1941, in a most despicable act, the Soviets deported 34,260 Lithuanians to concentration camps in the depths of Russia and Siberia.

The terror and brutality continued throughout the decade as the Soviets continued to practice mass deportation and murder in an effort to dominate Lithuania. Yet Lithuanians are an extraordinarily strong and proud people who will never forget the "Terrible June Days" and the decades of terror.

Today, the Soviet Union employs Russification policies in an effort to absorb Lithuania into its imperialistic empire. However, no matter what techniques it may use, it will never eliminate the Lithuanian peoples' yearning for freedom and self-determination.

Mr. Speaker, let us all pay tribute to the great country of Lithuania and never forget the "Terrible June Days." The strength of the Lithuanian people and the misguided policies of the Soviet system insure that we will one day see an end to Lithuania's totalitarian nightmare.●

TRIBUTE TO LUDWIG "LUD" SHAHBAZIAN, SPORTS EDITOR EMERITUS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. GUARINI. Mr. Speaker, on Monday, June 20, a group of leaders in the sports field in New Jersey will gather at Stevens Institute of Technology, Hoboken, to pay tribute to Ludwig "Lud" Shahbazian, sports editor emeritus, of the Hudson Dispatch, which is located in Union City, N.J.

"Lud" as he is affectionately called, retired as a sports editor on July 2, 1976, but still writes a Saturday column accompanied by one of his cartoons. Without question he is the dean of that profession and loved by all.

The tribute which is being held on June 20 coincides with the 137th anniversary of the 1st organized game of baseball in America, which was played at Elysian Field on June 19, 1846. Elysian Field is now a city park immediately adjacent to the famous Stevens Institute of Technology where the luncheon is being held.

History tells us that at that first game, the New York Nine Baseball team beat the Knickerbocker Baseball Club by the score of 23 to 1.

On June 19, 1946, baseball Commissioner Happy Chandler dedicated a plaque to mark the anniversary.

At this luncheon Lud will be presented with a blowup of the new Babe Ruth stamp, which was unveiled last February 6, the anniversary of Babe Ruth's birthdate in 1895, at the Babe Ruth's birthplace foundation in Baltimore, Md.

Community leaders will join with me, accompanied by invited sports figures, who include Jersey Joe Walcott, former heavyweight champion; Ed Pranco, All American football great from Fordham University; Jersey City's Charles Mays, member of the U.S. Olympic team; Augie Lio, of the New Jersey Sports' Writers Association; and Carmine Bilotti; and Jerry Malloy, longtime coach at St. Peter's College, in Jersey City, who will be joined by Joseph Coviello, coach of Memorial High School, which has produced outstanding students and athletes in New Jersey's sports history for more than 20 years. Former New York Yankee great Joe Pepitone has been invited through Yankee owner George Steinbrenner.

At the luncheon, Father Gabriel Costa, of Seton Hall University, a friend of Babe Ruth's sister, who lives in Baltimore, will deliver the invocation, after Hoboken Mayor Steve Cappiello extends greetings.

Lud's friends will be breaking bread with him Monday within the shadow of Elysian Field, and within the spirit of Babe Ruth—perhaps America's most loved sports hero.

In my estimation Lud possesses many of the great attributes of Babe Ruth. Both men have been generous with their time for charitable causes, especially when they concern children and youth. Both men have provided inspiration and hope, both men have helped build sound minds and healthy bodies, developing good character for the people of our land. Both men built and maintained firm foundations in friendship, showing love and concern for friends before themselves. Both men have been great patriots in our beloved America, making our great land even greater.

Lud was born in Pawtucket, R.I., on February 2, 1902. On June 20, 1925 he married his beloved Josephine, who was born in Egypt. They have one son, Haddon Lud "Bob" Shahbazian, who is a vice president for public relations with the American Stock Exchange. He is a former reporter for the Newark Evening News.

Lud's newspaper career started in 1920. While he was preparing to enter Georgetown Law School, he received a job offer from his benefactor Judge Francis McCauley. He began working for the Hudson Dispatch under sports editor Jackie Farrell, the great longtime publicist for the New York Yankees.

On November 11, 1922, at the age of 20, Lud became sports editor succeeding Jackie Farrell as the sports editor. That year he attended the first World Series game, and saw the great Babe Ruth in action.

An excellent tennis player and golfer, Lud also was adventuresome. Soon after Charles A. Lindbergh made his historic journey, in 1923 Lud flew with the famous Clarence Chamberlain, who several years later flew to Europe with one of America's earliest aircraft.

It was in 1923 when the Yankee Stadium opened that he saw Babe Ruth, who accommodated the crowd that day by hitting a home run. In 1927, with the "Babe" hitting 60 home runs, Lud interviewed him at the Hudson Theater in Union City. Lud saw the great and the near greats. It was in 1929 when he followed the career of James J. Braddock of North Bergen, who fought his way to the world's heavyweight championship. Lud's book, "Relief to Royalty," published in 1936, about Jim Braddock, has a forward by Damon Runyon, perhaps our Nation's best known sports writer.

Lud, in addition to being a sports follower and writer, is an excellent cartoonist, founding the North Hudson Art League. He is now a life member of the Art Students League of New York. He is a founder of the New Jersey Boxing Writers' Association, whose leader is Augie Lud, former sports editor of the Herald News of Passaic County.

Lud is an excellent story teller. His description of the Jack Dempsey era is spellbinding. He loves to tell of going to Boyle's 30 Acres in Jersey City to watch the stadium for Dempsey's famous fight. In order to pass through the gate he and other special guests received instructions from Tex Rickard, the promoter: "bite an apple."

Lud rates the greatest athletes in his memory as Babe Ruth, Jack Dempsey, football's Red Grange, and Alex Webster of more recent vintage. He said, "In addition to their prowess on the sports field they gave inspiration to America's youth which is so important."

On the local level, he rated Al Barabas of Columbia University, Al Blozis of football college fame, who was killed in action during World War II, All American Ed Franco, and Guido Baritelli, as some of the best talent produced in Hudson County. He indicates, of course, that the record of Memorial High School coach Joseph Coviello is unsurpassed.

He still talks boxing with his dear friend Al Certo of Secaucus.

I recall many discussions with Lud and my friend, the late Tootie Giordano, when I negotiated to begin the Meadowlands Sports Complex while I was serving as a State senator in Trenton. We all worked to bring the old New York Giants baseball team—now in San Francisco—to the Jersey side of the Hudson River. While we were not completely successful, Lud and I are pleased with the sports complex and look forward now more than ever to having a big league baseball team carrying the banner of New Jersey.

Lud also speaks with fond memory of Bob Edgren, New York World cartoonist, who was his inspiration, encouraging him to develop his love for art and cartooning, which he enjoys to this day, along with playing golf and photography.

Joining me in the unveiling of the Babe Ruth stamp, which will be presented to Lud, will be Bill Dillon, recreation supervisor for west New York and coordinator of perhaps New Jersey's best Babe Ruth League for the past 20 years. A member of the Babe Ruth League team will also be present. He will join in the U.S. postal stamp unveiling by removing a New York Yankees baseball jersey with Babe Ruth's legendary No. 3 on it. It is being provided through the graciousness of Ray Cerrito, owner of Stan's Sport Center in Hoboken, N.J.

Union City Postmaster Anthony George will join us at this ceremony.

There is no doubt that Lud's first love is sports. His second is his love of nature, believing:

> Beauty is God's handwriting, welcome it in every fair face, every fair sky, every fair flower.

Lud has earned many accolades in his lifetime but the one I believe to be most fulfilling to me is from his son, Bob, who said:

> Often I think of a phase that I have heard my father say many times: "Nothing is for nothing in life. You get out what you put into it." He put everything he had into sports, first as an athlete, then in writing, drawing cartoons, and taking photographs. It was and still is his life. I do not know too many men at the age of 81 still actively enjoying his life's work.●

BALTIC FREEDOM DAY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. DWYER of New Jersey. Mr. Speaker, one again, on this 43d anniversary of the Soviet invasion of the Baltic States, Members of Congress are raising their voices in support of our compatriots in Estonia, Lithuania, and Latvia who continue their courageous struggle to be free.

The Congress has recently passed a Baltic Freedom Day resolution which I was proud to cosponsor as a signal of our Nation's continuing commitment to the self-determination rights of these countries.

For their unrelenting efforts to assert their fundamental human and civil rights, Baltic citizens face extreme Soviet persecution. And still they fight for the total freedom and independence which they so richly deserve and have earned over and over again.

We receive evidence continually of stepped-up Soviet repression and attempts to deny the people of Estonia, Latvia, and Lithuania their cultural identity, ethnic heritage, and religious freedom. The terror of the Stalinist era of genocide and forced exiles has been replaced with a new totalitarian regime which continues to punish dissent and arrest innocents for their resistance to Sovietization.

We must continue in our strong support of these Baltic freedom-fighters, and our staunch refusal to recognize the forced incorporation of these states into the Soviet Union more than four decades ago.

That occupation was illegal and must continue to be considered as such, imposing upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom.

That these brave people still fight this tyranny is an inspiration to those of us who cherish our freedom, just as our support for their struggle, provides vital encouragement and hope to the Baltic Republics that someday they will be free.●

FORTY-THIRD ANNIVERSARY OF SOVIET UNION'S FORCED INCORPORATION OF LITHUANIA

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. DURBIN. Mr. Speaker, more than 60 years ago, my mother came to this country from Lithuania. She left behind a nation of fertile farms, worked by peace-loving, deeply religious people.

World War II shattered this pastoral land and when the shooting stopped, Lithuania found itself under the unrelenting oppression of the Soviet Union.

This June 15 marks the 43d anniversary of the Soviet Union's forced and blatantly illegal incorporation of Lithuania. Not only was the freedom of the state lost, but hundreds of thousands of citizens of the Republic of Lithuania were deported. Nearly two-thirds of these victims are believed to have died in Siberia and other Soviet provinces far from their native land.

For the past 43 years, the history of Lithuania has been one of bloodshed, repression and a never-ending effort to throttle the free expression of religion. To speak out against this system is to literally put one's life at risk. It is not unusual for dissidents to meet with mysterious accidents in the streets or merely to disappear from sight.

Still the people of Lithuania cling to their religion and the hope that someday their land will once again be their own. During my visit to Lithuania a few years ago, I observed people solemnly and faithfully worshipping in the faith of their fathers and forefathers, resistant to Soviet attempts to blot out their religion.

I was moved and inspired by these noble people, by their love of liberty, by their commitment to their faith, by their never-ending belief in liberty. As one who enjoys the benefits of freedom, I feel an obligation to support those in less fortunate circumstances who aspire to the same liberty that we enjoy in this Nation.

To that end, I believe there are some steps that we, in Congress, can take to ease the plight of Lithuania. We must call upon the Soviets to lower high tariffs that are levied on parcels sent to Lithuania from friends and relatives in other countries. Unreasonable travel restrictions on tourists visiting Lithuania should be lifted and the current 5-day tourist visa should be increased. And at the least, by the standard of common humanity, the Soviet Union should make provisions for Lithuanians to be reunited with their families in other nations. This is provided for under the United Nations Charter, a document signed by the Soviets, but one they have chosen to ignore.

While these steps are small ones, they will provide a measure of improvement in the lives of the people of Lithuania. And, perhaps more importantly, these measures will serve to nourish the fire of freedom that burns in the hearts of these fine people.●

SALUTE TO LITHUANIAN PEOPLE ON THE OBSERVANCE OF THE 43D ANNIVERSARY OF THE SOVIET TAKEOVER OF LITHUANIA

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. ROE. Mr. Speaker, I rise today to join with Lithuanian Americans and all freedom loving peoples around the world to observe the tragic 43d anniversary of the illegal incorporation of the Republic of Lithuania into the Soviet Union.

On this sad day, we are reminded of the history of the brave Lithuanian people. February 16, 1918 is a day that will always be warmly embraced by the Lithuanian people. It was on that date that the Lithuanian nation became free of Soviet rule with a formal declaration of independence. That independence was widely recognized by many nations of the free world, including the United States. At that time, to the surprise of many, the Soviet Union signed a peace treaty with Lithuania formally acknowledging its right to be a free and independent nation.

The proud people of the new nation soon established a strong economic base through the initiation of a series of wide-ranging agricultural and industrial programs.

But the dream was short lived. The advent of World War II found Lithuania in the middle of the Russian and German armies. Despite the strong protests on the part of the Lithuanians, the Russians forced their way onto Lithuanian soil and utilized the new nation as a base for its troops who were preparing attacks against the Germans.

It was on June 15, 1940, that the birth of freedom in the fledgling nation of Lithuania was crushed by the savage Russian boot. Soon after, the Russians set up a rigged election that culminated in Lithuania being illegally incorporated as a part of the Soviet Union.

It was during that sad period that thousands of brave Lithuanians died at the hands of the brutal Russian occupation forces while others were illegally imprisoned or deported.

In spite of that occupation of Lithuanian soil, the Russians were never able to conquer the minds of the Lithuanian people. Strong in their devotion to the religion, language, and traditions of their people, the Lithuanians resisted attempts by the Russians to force them to accept their language and way of life. That resistance and devotion to their homeland still holds true for the Lithuanian people today.

Mr. Speaker, our great Nation stands as a beacon of freedom to the imprisoned peoples of the Baltic States. We must continue our calls and apply economic pressure on the Russians to release their hold on the brave people of those troubled lands.

As a member of the House Ad Hoc Committee on the Baltic States and the Ukraine, I ask all Members of Congress to join with me in reaffirming the resolution sanctioned by the Lithuanian World Congress in 1958 that Lithuanians "have not and will never accept slavery."●

DR. EDMUND ORDON

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HERTEL of Michigan. Mr. Speaker, today I would like to honor Dr. Edmund Ordon who is retiring after 35 years of teaching at Wayne State University. Dr. Ordon, the former chairman of the department of Slavic languages and literature, and professor of Polish, was instrumental in establishing the Polish language department at Wayne, in 1949. Today, between 50 and 100 students are taking courses in the department. These students have the opportunity to take a range of courses in Polish literature, culture, and folklore. In addition to organizing the Polish language department, Dr. Ordon has assisted many committees in assessing methods of teaching foreign languages to secondary and university level students. His service to education has been invaluable.

As an educator and translator of Polish literature, Dr. Ordon has earned an international reputation. He has published two books, "The Forgotten Battlefield," which gives a series of accounts of the September 1939 Nazi invasion of Poland, and "10 Contemporary Short Stories." He will publish his third book, titled, "The Man in the Window and Other Polish Short Stories," sometime next year. He has also published over 18 articles that have appeared in many publications, specifically, the Literary Review, the Polish Review, American Illustrated, and the Slavic and East European Journal.

Not only has Dr. Ordon been involved in teaching and writing, but he has also been involved in serving his community. For three terms he has served on the Members Council of the International Institute. The institute, a nonprofit organization, helps immigrants adjust to the new way of life in this country. Through the organization of festivals and bazaars, the institute seeks to promote interaction by encouraging ethnic and cultural affairs. The institute also offers English language courses as well as counseling.

From 1958-64, Dr. Ordon was the executive secretary-treasurer of American Association of Teachers of Slavic and East European Languages.

A native of Detroit, Mich., Dr. Ordon received his B.A. from Wayne State University in 1940, his M.A. in English from Wayne in 1941, and his Ph. D. in Slavic studies from the University of Ottawa in 1953.

Dr. Ordon joined the Wayne faculty in 1941 as an English instructor, in 1947 he started teaching Polish. An assistant professor of Polish in 1953, he advanced to associate professor in 1959, and a full professor in 1969.

Dr. Ordon will be honored by his former students and colleagues on Thursday, June 24, 1983, at 7:30 p.m., at the Northfield Hilton Inn.

Mr. Speaker, I rise today to salute this man's career. His outstanding achievements, in and out of the classroom, are a tribute to the work he has done.●

A PRACTICAL STEP TO AVOID ACCIDENTAL NUCLEAR DESTRUCTION

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. WYDEN. Mr. Speaker, I rise today to introduce a resolution to help insure our very survival.

Bernard J. O'Keefe, chairman of EG&G, Inc., a Fortune 500 company, and chairman of the National Association of Manufacturers, posits in his recent book "Nuclear Hostages," a situation in which freelance terrorists secretly introduce a nuclear device into Washington, D.C., or some other strategic area in the United States, and destroy or threaten the machinery of the U.S. Government. He also suggests that a similar act could take place in the Soviet Union.

Mr. O'Keefe correctly points out that in such an event, nuclear terrorists could hold one superpower hostage or could lead one of the superpowers into believing that the other had initiated a first strike. The result could be nuclear retaliation—and, eventually, destruction of our world as we know it.

Mr. O'Keefe's scenario is all too real. Designs for nuclear weaponry and the fissionable materials to develop them are all too easy to come by. The design for a nuclear device can be obtained by reading a popular science publication. As for the materials to build it, Mr. O'Keefe says in his book, "I have heard it said that fissionable material sells on the international black market for about the same price per kilogram as cocaine."

This is also not the first time this danger has been discussed. The lead article in the Saturday Evening Post of June 3, 1961, written by my father, Peter Wyden, was entitled "Could Nuclear War Begin By Accident?" His conclusion—which he discussed with me many times in the 20-plus years since—was that it could.

The possibility of accidental nuclear holocaust by terrorist freelancers is too real—and too horrifying—to ignore. That's why I am introducing this resolution directing the President of the United States to begin taking the necessary steps to negotiate a treaty between the United States and the Soviet Union providing for mutual cooperation to deal with the threat of terrorist caused accidental nuclear war.

I can think of nothing more important that we can do today than to take this practical step to avoid accidental nuclear destruction.

H. Res. 233

Whereas acts of international terrorism can be committed by small and intensively secret groups with parochial grievances, which are not linked to any particular government and do not have the visible or traceable support of the government of any country;

Whereas one of the fears of the nuclear age has been that a terrorist group would obtain or fabricate a nuclear weapon, and either blackmail the government of a country or detonate such a weapon if the government involved did not capitulate;

Whereas a recent study posits a situation in which such terrorists secretly introduce a bomb into the Washington, D.C., area or locations of strategic installations in the United States and destroy or threaten the machinery of the United States Government, and also suggests the possibility of an act of nuclear terrorism taking place within the Soviet Union, resulting in the destruction of the government of that country;

Whereas the destabilizing impact on United States-Soviet relations of either such situation would be grave, especially in light of the probability that the surviving authorities and the people of either country would hold the other country, rather than a small terrorist group, responsible for such an act of nuclear terrorism and might advocate nuclear retaliation; and

Whereas since a nuclear detonation by terrorists, occurring in either the United States or the Soviet Union, could result in accidental nuclear war between the two countries, it is in the best interests of both countries to prevent such an occurrence: Now, therefore, be it

Resolved, That the President should take the necessary steps to negotiate a treaty between the United States and the Soviet Union, either in conjunction with current arms control negotiations or through separate negotiations, providing for mutual cooperation to deal with the threat of accidental nuclear war caused by acts of terrorism.●

REMEMBERING LITHUANIA

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. CORCORAN. Mr. Speaker, I was very pleased that President Reagan signed into law on Monday, June 13, legislation which commemorates June 14 as Baltic Freedom Day. As a cosponsor of this bill, I believe it critical that we in Congress make clear our ongoing commitment to the oppressed people of the Baltic region—Estonia, Latvia, and Lithuania.

On this same Monday, I had the privilege of addressing a rally in Solidarity Square—a site along Lake Michigan in Chicago. This event commemorated the year and a half anniversary of imposition of martial law in Poland. Many Polish-Americans were joined in Solidarity Square by Americans formerly of other captive nations, all gathering to protest their homeland's domination by Communist totalitarianism; 43 years have passed since the Soviets invaded the Baltic countries, killing and relocating thousands, putting an end to their independent governments; 7 years later, in 1947 Poland fell to Communist domination. Poland, Estonia, Latvia, Lithuania—each unique yet fused under the Communist yoke. This rally, and others across the Nation, illustrate the American resolve against Sovietization anywhere.

It is tragic that countless anniversaries exist, all year long, whereby we remember similar Soviet invasions and violations of human freedoms. Today, June 15, marks the date when Lithuanian-Americans observe the Soviet occupation of Lithuania in 1940 and the subsequent deportation of thousands to Siberian concentration camps. I join these Americans and all who treasure freedom throughout our country and around the world in remembering this event and the people who remain captive to the Soviets. We must rally in support of the struggle against Soviet domination and intervention anywhere in the world; those captive need to know we remember, and so do the Soviets.●

JOHN CAFFARO SAVES YOUTH

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. FLORIO. Mr. Speaker, today I am pleased to pay tribute to Mr. John Caffaro of Pennsauken, N.J., for his heroic efforts to save the life of a drowning 12-year-old boy.

An employee of a Mount Laurel hotel, Mr. Caffaro was summoned from his post when the child fell into the deep end of the hotel pool. Seeing that the boy was in convulsions, he immediately leaped into the water and assisted a lifeguard in the rescue. Slipping a backboard under the boy, Mr. Caffaro removed him from the water, checked his pulse, and waited until the first aid squad arrived.

I am very impressed with the courage that Mr. Caffaro exhibited during this brave rescue. Because of his heroic deed, John Caffaro, a 33-year-old Vietnam veteran, prevented what could have been a tragic accident. I am certain that my colleagues will join me in commending John Caffaro for this truly admirable act.●

REMARKS ON THE PASSING OF PAUL REIFSNYDER EYERLY, JR.

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HARRISON. Mr. Speaker, the people of Columbia County, Pa., and the cause of honest and fair journalism everywhere, suffered a great loss last week. Paul Reifsnyder Eyerly, Jr., the president and chairman of the board of Press Enterprise, Inc., died at the age of 71.

Mr. Eyerly was a veteran newsman whose career spanned more than 50 years. He began working at his family owned Morning Press upon his graduation from Wesleyan University in 1932. He was not content merely to own the newspaper. He was determined to work at it. He became publisher and finally president of the board of the Press Enterprise, which published the Morning Press, the Berwick Enterprise, and the Saturday/Sunday newspapers.

Mr. Eyerly relinquished active control of the newspapers to his son, Paul III, in 1979. He nonetheless remained committed to and active life in his beloved Columbia County. This past March, in recognition of his many activities, he was named Citizen of the Year by the Bloomsburg Chamber of Commerce.

Paul R. Eyerly, Jr., was a man of many causes. He served as chairman of the United Way Campaign and of the Bloomsburg chapter of the American Red Cross blood donor program. He served on the board of the Bloomsburg Public Library, the Bloomsburg Chamber of Commerce, the Columbia-Montour Council of the Boy Scouts of America and was a member of various Masonic groups as well as the Bloomsburg Moose and Elk Lodges. He was a longtime member of St. Paul's Episcopal Church in Bloomsburg.

Mr. Eyerly leaves to the public a career spent in the highest traditions of American journalism and community service. To his family, he leaves a legacy of love and devotion which will, I hope, sustain them in this time of their loss.

I take this time, Mr. Speaker, to extend my sympathy to his widow, Elizabeth Butler Eyerly, and to his children, Paul R. Eyerly III, Paula Gilbert, Elizabeth Pruden, and Hope Morgan as well as to his seven grandchildren.●

ILLEGAL ANNEXATION OF LITHUANIA, LATVIA, AND ESTONIA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LIPINSKI. Mr. Speaker, today we commemorate not only the 43d year since the Soviet Union illegally annexed the free states of Estonia, Latvia, and Lithuania, but the ongoing struggle of all oppressed peoples to maintain their ethnic and national identities in the face of domination by an outside power. On June 15, 1940, Lithuania, Latvia, and Estonia were annexed by the Soviet Union, and between June 14 and June 18, 1941, over 32,000 men, women, and children were deported to the depths of Russia and Siberia.

Today, these proud people keep up their struggle for national identity and freedom. The Baltic States enjoyed two decades of freedom and liberty between the two world wars, and their love of justice runs deep. It is a tribute to these strong-willed people that the Soviet Union must keep them shackled in oppressive tyranny.

History has shown that an authoritarian regime cannot keep the free instincts of a people at bay. With their fight for Solidarity, the Polish people have led the struggle for freedom in Eastern Europe. The Czechoslovakian people have shown that their will cannot be subjugated. And, in spite of tremendous odds, the valiant people of Afghanistan have managed to hold off the military might of the Soviet Union.

So, as we commemorate the day when 43 years ago, freedom last lived in the Baltic States, let us remember that its spirit has never died. The people of Lithuania, Latvia, and Estonia still look to the United States as an example for freedom and justice the world over. We must not only do all that we can to see that freedom once again lives in Eastern Europe, but also guard our own liberties so that we may be a beacon of hope to oppressed peoples around the world.●

CONTINUED SOVIET OCCUPATION OF LITHUANIA

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. GUARINI. Mr. Speaker, today I am joining the American Lithuanian community and Lithuanians throughout the world in remembering the 43d anniversary of the Soviet military occupation of Lithuania. With the Soviet military occupation came the forcible incorporation of Lithuania into the Soviet Union and a 5-year reign of terror that left hundreds of thousands of Lithuanians dead or deported.

At the same time in June 1940 that the Soviet Union was invading Lithuania, Stalin's troops were also seizing the independent nations of Latvia and Estonia. The Soviet occupation forces were succeeded by the Nazis in World War II. Unfortunately, the violations against human life and dignity continued. From 1940 to 1945, it is estimated that almost 1 million people from the Baltic countries were killed, deported, or forced to emigrate.

The end of World War II did not bring an end to the suffering of the Baltic people. The Soviets reoccupied Lithuania in 1944. For the next 8 years, Lithuanian freedom fighters struggled gallantly againt the Soviet military at a cost of 50,000 Lithuanian lives.

For the past 43 years, the people of Lithuania and the other Baltic countries of Latvia and Estonia have been deprived of their freedom by the Soviet Union. The separate cultural, social, and religious practices of these previously independent and prosperous nations have survived four decades of a Soviet campaign aimed to destroy them.

It is important for us in the United States to realize that there are people in this world who are fighting for their freedom from Soviet oppression. While the world focuses on Soviet misdeeds in Afghanistan, we must also remember the people of the Baltic nations and the Ukraine who long for independence. In this light I was pleased to be a cosponsor of the legislation proclaiming June 14 as Baltic Freedom Day.

Baltic Freedom Day commemorates the continued hope for once again establishing Lithuania, Latvia, and Estonia as independent countries. It also continues to focus attention on the Soviet Union's blatant disregard of human rights and fundamental freedoms. We must continue to do all that we can to make the Soviets accountable to international law.●

TRAGIC JUNE DAYS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. YATRON. Mr. Speaker, it is a privilege to acknowledge the commemoration of the "Tragic June Days" in the Baltic States. Although Lithuanians today are subject to the yoke of unlawful Soviet rule, their brave struggle to regain the independence declared in 1918 merits both our applause and our support.

Their valiant dedication to the cause of freedom is an example to our own country and an inspiration to our efforts to promote human rights and the cause of independence. Freedom of opinion and religion, freedom to enjoy one's own culture, and above all freedom to choose one's own destiny are all basic human rights we take for granted in the United States. Yet precisely these rights have been denied to Lithuanians. Equally fundamental are the rights of national peoples to territorial integrity and self-determination. Soviet domination has deprived the Baltic peoples of these rights as well.

Forcible annexation, history shows, affords no lasting alternative to determined nationalism. Unlawful occupation, as in Afghanistan, can persist only through a policy of oppression; similarly, Soviet attempts at the cultural and political assimilation of the Baltic States rest on coercion.

Hence the great importance of commemorating the Tragic June Days. In June 1940 the Soviet Union invaded the Baltic States, violating both the Peace Treaty of 1920 and the Non-Aggression Pact of 1926. The following year, again in June, the world witnessed the Baltic genocide, mass arrests, deportations to concentration camps, and executions. In the nearly threescore years of occupation which have ensued, Lithuanians throughout the world have courageously resisted the forced, brutal incorporation of their homeland into the Soviet Union.

The United States recognizes Lithuania as a free and independent nation. Today, I welcome this occasion to honor those Lithuanians who risked and gave their lives in defense of this ideal. I am also proud to be the representative to the U.S. Congress of Lithuanian Americans who continue to cherish Lithuania's freedom. These same individuals have earnestly contributed to the improvement of American society.●

PIONEER 10 LEAVES THE SOLAR SYSTEM

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LEVINE of California. Mr. Speaker, June 13 marks a milestone in the history of space exploration. On that day, Pioneer 10 became the first man-made object ever to pass all of the known planets in our solar system.

Pioneer 10 was designed and built by TRW in Redondo Beach and originally intended to last 5 years. Eleven years after its launching in 1972, however, it is still going strong and is predicted to continue its travel through space for billions of years.

In its 11 years and more than 3.5 billion miles of travel, Pioneer 10 has provided new and invaluable information about our solar system, and scientists look forward to additional contributions as Pioneer 10's flight continues.

The commitment and technical expertise of TRW's Pioneer 10 team has made this milestone in the history of space exploration possible. Through TRW's outstanding work, our country has made another first in space history, and I would like to express my gratitude for all that TRW has accomplished.●

LITHUANIAN STRUGGLE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. STOKES. Mr. Speaker, I am happy to take this opportunity to speak on behalf of American support for the Lithuanian people in their continuing struggle against Soviet oppression.

Over the past 40 years, the United States has continually expressed its outrage against Soviet occupation of the sovereign nation of Lithuania. Just in the last 3 years American concern has been raised at both national and international forums. During the 1980 Madrid Conference the deputy chairman of the U.S. delegation singled out Lithuania as a special case of contravention of international law concerning the territorial integrity of states. In July 1982, 100 Members of Congress sent a letter to Soviet leader Brezhnev demanding the restoration of all Baltic States to their proper place in the international community. Congress, in an effort to give national recognition to the Lithuanian people, established February 16, 1983, as Lithuanian Independence Day.

Mr. Speaker, the world community cannot overlook the harsh attacks made by the Soviet Government on the Lithuanian dissident movement, part of the long tradition of commitment to human freedom in that nation. Dissidents in Lithuania have joined the United States in condemning the Soviet occupation of Afghanistan and in expressing solidarity with striking workers in Poland. A group of 45 brave Lithuanians signed the Baltic Declaration, published in August 1979 and sent to leaders in the Soviet Union, in East and West Germany, and to the United Nations. The declaration denounced the 1939 Molotov-Ribbentrop Pact, calling it "a conspiracy of two of the greatest tyrants of history." Within 10 weeks of the appearance of the declaration, the KGB had arrested and incarcerated many of the signers. In addition, the Lithuanian Helsinki Group, established in 1976 to watchdog Soviet compliance with the Helsinki Accords, documented over 30 cases of human rights violations, but by 1981 all of its leadership had been eliminated.

Mr. Speaker, Soviet oppression of the Lithuanian people extends to the over 1 million Americans of Lithuanian descent through a set of policies restricting interaction between families and friends separated by the Iron Curtain. The Soviet Union imposes a 5-day limit on tourist visas to Lithuania while placing heavy tariffs on parcels sent from the United States. Furthermore, the Soviets have failed to provide sufficient provisions for the reunification of Lithuanians with family in other countries, even though such provisions are called for by the United Nations charter signed by the Soviet Union.

The American people's dedication to the freedom of all people and contempt for all acts of tyranny are mirrored in the hearts of the Lithuanian people. Mr. Speaker, during this commemoration of the tragic June days we must reaffirm our commitment to establishing liberty in all corners on the Earth. As long as the United States remains firm in its support, the hope of all struggling peoples will never die.●

FREEDOM FOR LITHUANIA

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. McGRATH. Mr. Speaker, today I join Lithuanian Americans in the tragic observance of the forced incorporation of the Republic of Lithuania into the Soviet Union. The freedom and independence the Soviet regime snatched away 43 years ago has not died. Instead, the desire for the reestablishment of an independent Lithuanian state which guarantees these

basic human rights, burns deeper each day in the hearts of those who suffered under four generations of Soviet oppression.

The mournful events of that June 15 included the mass deportation of thousands of Lithuanians to Siberian work camps. Over time, the brutal Stalinist tactics have changed to more sophisticated forms of "Russification," but the result remains the same. Dissent against the Soviet Union is punished with terror and physical exploitation.

Therefore, from this floor, a bastion of free speech, it is our obligation to speak for those whose voices have been quelled. I urge my colleagues to join in support of the Lithuanian struggle. I pray that today is the final anniversary of this occasion that we will ever mark. Let us hope that next year we may celebrate the restoration of an independent Lithuania.●

DR. JONATHAN HARRIS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MRAZEK. Mr. Speaker, I would like to take this opportunity to extend my congratulations to Dr. Jonathan Harris, who is retiring after an exemplary 21-year teaching career at Paul D. Schreiber High School in Port Washington, N.Y.

Dr. Harris, a social studies teacher, has devoted over two decades to the pursuit of academic excellence on the high school level. At a time when our Nation's quality of education is wanting, Dr. Harris has been a leader and innovator in his chosen profession.

Ten years ago, he created a course entitled "The Holocaust: Focus on Intolerance." Only recently have other educational institutions begun to address this important issue in their curriculum. I have always believed that children must be taught about the horrors of the Holocaust so that it is never forgotten. It is a credit to Dr. Harris that he was able to develop a course which was so clearly ahead of its time. In fact, other Long Island schools now model their own Holocaust courses after the one originated by Dr. Harris.

In the early 1960's, Dr. Harris introduced a course on black history, which was also ahead of its time. Equally as significant was his production of a play entitled "In White America," which brought the black and white communities of Port Washington together during the turmoil of the 1960's.

Dr. Harris is the author of three books, which not only address historical questions but larger, more philosophical questions as well. His most recent work, "The New Terrorism: Politics of Violence," was published in March 1983. It is a worthy successor to an earlier publication, "Hiroshima: A Study in Science, Politics, and the Ethics of War." He has also written a third book entitled "Scientists in the Shaping of America."

I am sure that Dr. Harris will be greatly missed by students, fellow teachers, and parents alike. Though he is retiring, his work and dedication will always remain a part of Schreiber High School and the Port Washington community. I wish Dr. Harris all the best of luck in his future endeavors.●

CHANGES IN THE BUSINESS OF INSURANCE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. FLORIO. Mr. Speaker, there have been enormous changes in the business of insurance recently. We have seen new financial institutions, such as banks, become involved in insurance, both by attracting funds once used to purchase life insurance and by selling insurance. We have seen changes in State regulation of insurance, and have had some experience with no-fault plans.

The role of insurance is an enormous one in our society. American consumers pay over $261 billion annually in insurance premiums; 12 percent of disposal income or $4,300 for the average family is spent annually on insurance. The average American worker works over 31 days to pay for insurance.

The dramatic change in the nature of our financial institutions has had an affect on insurance. While the insurance industry has had a history of extraordinary profitability, the explosion in the number of financial options available to consumers has affected insurance practices. Insurance companies have objected to the intrusion of banks into the business of selling insurance.

Not only is the business of insurance changing, but the role of regulating insurance has changed. More and more States have moved toward deregulation, toward what is called open competition. This reduction in regulation is not always accompanied by an actual increase in competition. More and more we see increased competition for a small segment of the market, and avoidance of a large part of the market.

In automobile insurance, despite the reforms of the last 15 years, problems abound. In New Jersey, premiums have jumped dramatically almost every year, to the point where many are unable to afford insurance. A substantial segment of the State is unable to get insurance in the voluntary market and must resort to the assigned risk or joint underwriting plan.

A series of hearings, to begin shortly after the July 4 recess, will look at all facets of the insurance industry.

The first hearing will examine the nature of the insurance industry and the affects of competition from other financial institutions, both for savings dollars and for the business of insurance.

Further hearings will look at State regulation of the insurance industry and the affects of deregulation at the State level on consumers, insurance rates, and competition.

Further hearings will look specifically at auto insurance, and the affects of the reforms of the last several years. Particular attention will be paid to no-fault auto insurance, the experiences of the several States with different no-fault plans, and suggestions for improvements in no-fault auto insurance.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 16, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 17

8:30 a.m.
  Finance
  Energy and Agricultural Taxation Subcommittee
  Taxation and Debt Management Subcommittee
    To hold joint hearings on S. 654, to repeal certain IRS Code provisions requiring the apportionment of research and development expenditures made in the United States.
SD-215

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10:00 a.m.

Armed Services

Sea Power and Force Projection Subcommittee

Closed business meeting, to further consider those provisions which fall within the subcommittee's jurisdiction of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.

SR-222

Finance

Energy and Agricultural Taxation Subcommittee

To hold hearings on S. 1396, to extend the availability of energy tax credits for solar, wind, geothermal, and biomass renewable energy resources.

SD-215

*Governmental Affairs

Energy, Nuclear Proliferation and Government Processes Subcommittee

To hold hearings to review those programs administered by the Office of the Secretary of Energy.

SD-342

11:30 a.m.

Armed Services

Military Construction Subcommittee

Closed business meeting, to consider those provisions which fall within the subcommittee's jurisdiction of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.

SR-232A

JUNE 20

9:30 a.m.

Finance

To hold hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.

SD-215

10:00 a.m.

Energy and Natural Resources

To resume oversight hearings on the geopolitics of strategic and critical minerals.

SD-366

Judiciary

Immigration and Refugee Policy Subcommittee

To hold hearings on proposed legislation authorizing funds for refugee assistance.

SD-226

2:00 p.m.

Armed Services

Strategic and Theater Nuclear Forces Subcommittee

Closed business meeting, to further consider those provisions which fall within the subcommittee's jurisdiction of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.

SR-222

JUNE 21

8:30 a.m.

Small Business

To hold oversight hearings on the Small Business Administration's small business development center program.

SR-428A

9:30 a.m.

Banking, Housing, and Urban Affairs

To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.

SD-538

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.

SR-253

Finance

To continue hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.

SD-215

Judiciary

Juvenile Justice Subcommittee

To hold hearings on S. 520, to remove all noncriminal juveniles from secure detention facilities within the United States.

SD-226

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on Army modernization programs.

SD-192

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Water Resources Subcommittee

To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.

SD-406

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 1256, proposed Emergency School Aid Extension Act.

SD-430

11:00 a.m.

Joint Economic

To hold hearings on Gross National Product estimates and the economic outlook.

2247 Rayburn Building

2:00 p.m.

Joint Economic

To continue hearings on Gross National Product estimates and the economic outlook.

2247 Rayburn Building

JUNE 22

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on S. 1120, to authorize printing of the back side of $1 bills by a method other than the intaglio process.

SD-538

Commerce, Science, and Transportation

To hold hearings on Title IV, to provide for increased coordination between Federal, State and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act.

SR-253

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on 1306, to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

SD-226

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

Joint Economic

To resume hearings to review the Administration's perspective on future farm policy.

SD-124

10:00 a.m.

Appropriations

District of Columbia Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.

SD-192

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Toxic Substances and Environmental Oversight Subcommittee

To resume hearings on environmental research and development programs.

SD-406

Finance

To resume hearings on the Administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.

SD-215

Veterans' Affairs

To hold hearings on S. 374, S. 786, and S. 991, bills to establish a presumption of service connection for certain diseases in veterans caused by exposure to agent orange, herbicides and chemicals during the Vietnam War.

SR-418

2:00 p.m.

Environment and Public Works

Environmental Pollution Subcommittee

Business meeting, to resume markup of S. 431, authorizing funds for fiscal year ending September 30, 1983, and through fiscal year 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.

SD-406

Governmental Affairs

To hold hearings on the nomination of Robert H. Morris, of Maryland, to be Deputy Director of the Federal Emergency Management Agency.

SD-342

Judiciary

To hold hearings on pending nominations.

SD-226

JUNE 23

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.

SR-253

9:30 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to consider pending calendar business.

SD-538

Governmental Affairs

To hold hearings on operational testing procedures in the Department of Defense.

SD-342

Labor and Human Resources

To hold hearings on the effects of anticancer drugs in the treatment of cancer patients.

SD-430

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Environmental Pollution Subcommittee

Business meeting, to mark up S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.

SD-406

Finance

To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.

SD-215

Judiciary

Business meeting, on pending calendar business.

SD-226

Joint Economic

To continue hearings to review the administration's perspective on future farm policy.

SD-124

10:30 a.m.

Judiciary

Separation of Powers Subcommittee

To hold hearings to examine the legal and constitutional ratification process of the Panama Canal Treaty.

SD-562

JUNE 24

9:30 a.m.

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To hold oversight hearings on the budget request for the Energy Information Administration, Department of Energy.

SD-366

Finance

Oversight of the Internal Revenue Service Subcommittee

To hold hearings to review legislative proposals to combat abusive tax shelters, focusing on charitable contribution tax shelters and the ability of the Internal Revenue Service and courts to process large volumes of tax shelter returns.

SD-215

Judiciary

Courts Subcommittee

To hold hearings to discuss the current bankruptcy situation of the Manville Corp. in Denver, Colo.

SD-562

Judiciary

Juvenile Justice Subcommittee

To hold hearings to discuss proposed Federal assistance to State and local law enforcement agencies in handling child serial murders.

SD-226

10:00 a.m.

Environment and Public Works

Environmental Pollution Subcommittee

Business meeting, to continue markup of S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.

SD-406

Joint Economic

To hold hearings on industrial policy, economic growth, and competitiveness of U.S. industry.

2255 Rayburn Building

JUNE 27

9:00 a.m.

Finance

Estate and Gift Taxation Subcommittee

To hold hearings on proposals providing for transitional rules for estates and gift tax treatment, including S. 953, S. 1180, S. 1210, S. 1250, S. 1251, S. 1252, S. 309, and S. 310, and Senate Resolution 126, expressing the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.

SD-215

9:30 a.m.

Banking, Housing, and Urban Affairs

To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.

SD-538

*Commerce, Science, and Transportation

Aviation Subcommittee

To hold oversight hearings on airline deregulation.

SR-253

Judiciary

Constitution Subcommittee

To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.

SD-226

10:00 a.m.

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on miscellaneous public lands bills, including S. 482, S. 508, S. 620, S. 600, S. 598, S. 807, S. 864, and S. 1160.

SD-366

Environment and Public Works

Water Resources Subcommittee

To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.

SD-406

Judiciary

Immigration and Refugee Policy Subcommittee

To resume hearings on proposed legislation authorizing funds for refugee assistance.

SD-226

JUNE 28

9:30 a.m.

Banking, Housing, and Urban Affairs

To resume oversight hearings on the International Monetary Fund's gold reserves.

SD-538

*Commerce, Science, and Transportation

Aviation Subcommittee

To continue oversight hearings on airline deregulation.

SR-253

Labor and Human Resources

Labor Subcommittee

To hold hearings on S. 1173, proposed Federal Mine Safety and Health Amendments.

SD-430

Special on Aging

To hold hearings to review a growing concern of older Americans use and misuse of over the counter prescription drugs.

SD-628

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Water Resources Subcommittee

To continue hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.

SD-406

Finance

To resume hearings on the Administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.

SD-215

Labor and Human Resources

Aging Subcommittee

To hold hearings on the impact of crime on the elderly, focusing on victim compensation.

SR-485

2:00 p.m.

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold hearings on S. 1090, to establish the Outdoor Recreation Resources Review Commission.

SD-342

JUNE 29

9:30 a.m.

Judiciary

To hold hearings on S. 737, proposed Joint Research and Development Ventures Act.

SD-226

Labor and Human Resources

To hold oversight hearings on the Department of Labor's law enforcement activities, focusing on the Organized Crime and Racketeering Section of the Department of Labor's Office of Inspector General investigation of allegations involving the International Brotherhood of Boilermakers.

SD-430

10:00 a.m.

Appropriations

Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.

S-407, Capitol

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

To hold hearings on pending legislation.

SD-406

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Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans, and related measures, and proposed legislation to provide educational assistance for veterans and persons entering the Armed Forces.
SR-418

1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on the proposed Uniform Single Audit Act of 1983.
SD-342

2:00 p.m.
Appropriations
Defense Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the administration's equal employment opportunity policy.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
Business meeting, to mark up proposed legislation to extend the revenue sharing program for local governments.
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges.
SD-562

JULY 11

10:00 a.m.
Labor and Human Resources
•Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 12

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Legal Services Corporation.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

JULY 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19, to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on future directions in nursing home health care.
SD-430

JULY 19

9:30 a.m.
•Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

JULY 20

9:00 a.m.
•Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to explore problems affecting the quality of education.
SD-430

JULY 21

10:00 a.m.
•Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

JULY 26

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

JUNE 17

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 314, proposed In-Flight Medical Emergencies Act.
SR-253

HOUSE OF REPRESENTATIVES—*Thursday, June 16, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O Holy God, that You speak to us in the depths of our hearts and that we can confess our faults and place before You our innermost feelings. As You have invited us to pray, so may we place before You our hopes and aspirations, our disappointments and fears, knowing that You will bless that which is noble and forgive that which is selfish or unkind. In the full confidence that Your presence is with us, even to the end of the age, we offer this our prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CORCORAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CORCORAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 364, nays 22, answered "present" 7, not voting 39, as follows:

[Roll No. 198]

YEAS—364

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Annunzio
Archer
Aspin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Bellenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CO)
Broyhill
Burton
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Collins
Conable
Conte
Corcoran
Coughlin
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dixon
Donnelly
Dowdy
Downey
Dreier
Duncan
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Hansen (UT)
Harrison
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Markey
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—22

Clay
Dickinson
Dorgan
Durbin
Emerson
Evans (IA)
Fields
Forsythe
Franklin
Gejdenson
Goodling
Hawkins
Holt
Lipinski
Miller (OH)
Roemer
Sabo
Schroeder
Solomon
Stump
Vento
Walker

ANSWERED "PRESENT"—7

Andrews (NC)
AuCoin
Hammerschmidt
Jacobs
Marlenee
Ottinger
St Germain

NOT VOTING—39

Andrews (TX)
Anthony
Applegate
Boxer
Brown (CA)
Bryant
Coleman (TX)
Conyers
Cooper
Courter
Dingell
Edgar
Frank
Gingrich
Hansen (ID)
Harkin
Heftel
Ireland
Jenkins
Kolter
Madigan
Martinez
McDade
McDonald
McKinney
Miller (CA)
Mitchell
Nielson
Oberstar
Owens
Patterson
Rose
Russo
Slattery
Stangeland
Stark
Williams (MT)
Yates
Young (AK)

□ 1015

Mr. RODINO and Mr. TAUKE changed their votes from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 234. Joint resolution designating the week beginning June 19, 1983, as "Na-

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tional Children's Liver Disease Awareness Week."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 639. An act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 66. An act to amend the Communications Act of 1934.

The message also announced that the Vice President, pursuant to the provisions of sections 276(d)–276(g), as amended, appointed Mr. Dodd as a member, on the part of the Senate, of the Canada-United States Interparliamentary Group, to be held in Kenora, Canada, on June 16–20, 1983.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO MEET TODAY DURING 5-MINUTE RULE

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to meet while the House is proceeding under the 5-minute rule on today, Thursday, June 16, 1983.

I have been advised that this matter has been cleared with the minority, and I avow that I have spoken directly myself to my friend, the honest gentleman from Kentucky, Mr. Snyder, about this matter and received his approval.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON CRIME OF COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Subcommittee on Crime of the Committee on the Judiciary be permitted to sit today during the 5-minute rule.

Mr. Speaker, I have cleared this request with the ranking minority member.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HONORING THE LATE HONORABLE LEO J. RYAN, FORMER CONGRESSMAN

(Mr. LANTOS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, it is almost 5 years since the tragic death of my distinguished predecessor, Congressman Leo J. Ryan.

He was a brave and compassionate public servant, who died in Guyana trying to obtain information about the People's Temple for his anguished constituents who were afraid their loved ones had been taken there and detained against their will.

He is the only Member of Congress to give his life in the performance of his duties in the Congress. It is only fitting that Leo's sacrifice be commemorated with the highest honor we can bestow—the Congressional Gold Medal. Today, I am introducing legislation that will award that medal to the Ryan family in Leo's memory.

This medal is the oldest of our Republic. It was first given to George Washington by the Continental Congress in 1776, and later to such outstanding individuals as Thomas Edison and Winston Churchill. We should do no less for Leo Ryan.

His life exemplifies the highest ideals of public service. His legacy is a model for all Americans.

I am privileged, Mr. Speaker, to introduce this legislation, with the guidance and encouragement of the distinguished majority leader, the gentleman from Texas, Mr. Wright, and all the members of the California delegation. This award is long overdue, and I know all my colleagues will join us in honoring a courageous public servant, Leo J. Ryan.

EXPRESSING CONCERN ABOUT BAILOUT OF POLAND'S MILITARY REGIME

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, a year and a half ago millions of American families joined with millions of families in Poland protesting the harsh imposition of martial law. As the heavy hand of Communist repression again encompassed the tough Polish people and extinguished the flickering light of democracy, candles of protest were lit in windows from Warsaw to Columbia Heights, Minn.

While those days seem far away in time and human events, two events today should give us pause to remember. American banking and Government officials are today negotiating with oppressive Polish leaders to reschedule $14 billion in loans and thereby prop up that military regime. They expect us to give them interest-free loans and export credits.

The Polish people oppose this bailout. They say that if the regime wants special consideration, Russia should give it to them. The Reagan administration should heed this call.

Also, Mr. Speaker, today Pope John Paul returns home. We hope that, as he did before, he rekindles the flame of freedom and, in the words of a contemporary poet, "Not walk softly into that dark night but rage, rage against the dying of the light."

CONGRATULATIONS TO COACH CLIFF GUSTAFSON AND UNIVERSITY OF TEXAS BASEBALL TEAM

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, if you had arrived in Austin, Tex., late last Saturday night, you would have been struck by the gleaming orange University of Texas tower as a beautiful beacon in the night. The whole tower was lit up with UT's color to celebrate a gleaming victory. The UT Longhorn baseball team won the college world series in Omaha in a 4–3 come-from-behind heartstopper over Alabama.

The statistics are impressive. UT compiled a 66–14 record this year, the winningest team in school history. Texas seems to visit Omaha quite regularly for the world series—this year marked the 22d trip, and Saturday's feat marks the fourth national baseball championship in the team's colorful history.

Texas was ranked No. 1 in the country for 84 of the 112 days this year, and the polls proved accurate. At Omaha, Texas swept five straight games and emerged from the series undefeated, only the 10th team in 37 years to do so.

To Coach Cliff Gustafson, the taste of victory was especially sweet. It is his second NCAA championship in 16 years of coaching, and he said he did it with a team whose members used teamwork and a burning desire to reach the top.

This year, 1983, is the University of Texas' centennial year. It is a special time to exclaim, "Hook 'em Horns!" and to sing "The Eyes of Texas." Winning a national baseball championship is another reason for students and alumni to celebrate our university's significance in American education. We all congratulate Coach Gustafson and his special team.

☐ 1030

MERIT PAY TASK FORCE

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I am announcing today the appointment of

the members of the task force which will study and report on merit pay for teachers.

I myself am in favor of a system of merit pay for teachers, since we must encourage the best and brightest teachers to enter and remain in education, in greater numbers than presently.

I also believe that we must increase teachers' salaries in general since the average teacher today makes the least of any profession for which a baccalaureate degree is required.

Of course, the Federal Government has no role in establishing teachers' salaries. These are purely State and local decisions. However, the Federal Government can currently serve in a technical capacity by studying the issue and making recommendations on the best ways to implement merit pay.

That will be the precise role for the task force I am appointing today. This task force will be headed by our distinguished colleague, Congressman Paul Simon of Illinois. Its members will be:

Merit Pay Task Force

Congressmen: Paul Simon, Chairman, Democrat, Illinois; William Goodling, Vice Chairman, Republican, Pennsylvania; E. Thomas Coleman, Republican, Missouri; Ron Wyden, Democrat, Oregon.

Classroom Teachers: LeRoy Hay—1983 National Teacher of the Year, High School English Teacher, Manchester Public Schools, Connecticut; Jaime Escalante—High School Mathematics Teacher, Los Angeles Unified School District.

High School Principal: Frank Tracy—High Point High School, Beltsville, Md.

Private Schools: Robert L. Smith—Executive Director, Council for American Private Education.

Parent: Elaine Stienkemeyer—President, National PTA.

Teacher Organizations: Albert Shanker—President, American Federation of Teachers; Mary Hatwood Futrell—Secretary-Treasurer, National Education Association.

School Boards: James Sanders—President, Illinois School Boards Association.

Administrators: Floretta McKenzie—Superintendent, D.C. Public Schools; Paul Salmon—Executive Director, American Association of School Administrators; Leslie R. Fisher—Superintendent of Public Instruction, Oklahoma State Department of Education; Wilson Riles—Former California State Superintendent of Public Institutions.

Public Officials: Hon. Albert Quie—Former Republican Governor of Minnesota and former Member, House Education and Labor Committee; Senator Bob Martin—State Senator, 22d District, Kentucky.

Higher Education: Dr. Anne Flowers—President, American Association of Colleges of Teacher Education; Dr. Ernest Boyer—President, Carnegie Foundation for the Advancement of Teaching.

This bipartisan, expert panel will conduct hearings during July and issue a final report by September 30. I know that the work of this task force will be of immense assistance to States and local school districts, which have to make the real decisions regarding teachers' pay.

Let us keep one thing in mind when we talk about merit—we are not talking just about money; we are talking about minds; and the future survival of our Nation.

AMAZING NATIONAL DEBATE ON EDUCATIONAL POLICY AND SPENDING

(Mr. SIMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMON. Mr. Speaker, I am pleased to serve as chairman of the task force that Chairman Carl Perkins has just announced.

I think all of us, however, have to recognize that to do the job in education, and merit pay is just one small part of that, will take resources. Money alone is not going to solve our problems, but speeches and slogans alone will not solve our problems, either.

I welcome the attention the President is giving to education, but it should be pointed out that in the last 2½ years the request from that President has been for an $11.25 billion cut in educational resources for the Nation. In higher education alone, a $5 billion cut has been requested in the last 2½ years, that if this Congress had approved, and I am pleased to say that Members of both parties rejected this request, would have meant more than 2 million students would have been denied assistance.

Mr. Speaker, I rise to call to the attention of the Members of this House the amazing national debate on educational policy and spending that is taking place today. The President, who for the first 2½ years of his term did nothing but recommend reductions in Federal education programs, is now attempting to convince the people of this country that he cares about education. In the last 2½ years, President Reagan has:

Recommended a total of $11.25 billion in cuts for education programs, including $5 billion in postsecondary education, which would have deprived more than 2 million students of the opportunity to get a college education;

Supported tax-exempt status for schools with racially discriminatory admissions or other policies;

Submitted legislation abolishing the Department of Education.

At the same time that drastic budget cuts have been proposed and other antieducation policies adopted or recommended, the President and others within the administration seek to clothe themselves in the aura of respectability when it comes to educating America's next generation of leaders. This administration offers no vision to improve the quality of education—it simply criticizes teachers and suggest that merit pay or master teacher programs will resolve all of the problems facing education in our Nation's schools. Blaming the shortcomings of our educational system on teachers, on school desegregation or bilingual education, or on educational opportunity programs which have expanded educational horizons for minorities, the disadvantaged and the handicapped is scapegoating.

My colleagues in the House of Representatives, if this Nation does not move forward in education at all levels—providing more opportunities, demanding more in performance from both students and teachers, and encouraging more in terms of quality and excellence—we will most certainly move backward. There is no status quo in a world which presents us with daily challenges to maintain the peace, expand international economic and cultural relationships, and build understanding by promoting the general welfare and providing justice for all here at home.

It is essential that we set a course for progress and that we not settle for the status quo. One of our goals must be the revitalization of American education—public and private, elementary, secondary and postsecondary.

I am pleased that Congress, with leadership from Members of both parties and with the firm direction given by Chairman Perkins has turned back many of the recommendations and the drastic cuts proposed by the President. I am also pleased to chair the Task Force on Merit Pay, announced this morning by Chairman Perkins, in order to continue the important leadership role of Congress. The bipartisan group includes representatives who deal daily with the problems in our schools.

I do not see the future as bleak and hopeless. I do see a need for substantial work, commitment, and cooperation to reverse the trends in education which can handicap a generation of young people and handicap economic recovery and social growth.

My colleagues in the House should keep in mind the admonition of President Eisenhower in his special education message to Congress on January 27, 1958:

> If the United States is to maintain its position of leadership and if we are further to enhance the quality of our society, we must see to it that today's young people are prepared to contribute the maximum to our future progress and strength and that we achieve the highest possible excellence in our education.

USER FEE FEVER

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, in yesterday's Washington

Post, there is an article describing a proposal under consideration by the National Park Service to install 1,114 parking meters in the Mall area between the Jefferson memorial and the Smithsonian Institution. As chairman of the House Travel and Tourism Caucus, I can only say that this proposal is an example of "user fee fever."

Our Nation's monuments here in Washington draw many millions of visitors from all 50 States and nearly every country. For many families, the trip and visit to Washington is a once-in-a-lifetime experience. Instead of imposing additional hardships on these families when they visit their monuments, the National Park Service should be looking for ways to enhance their visit.

Installing parking meters, when combined with the already long waits to see monuments and exhibits, will turn any holiday into a chore. I cannot imagine the traffic officer, as he fills out the parking violation, being sympathetic to a visitor's story that he and his family spent an hour in line for an exhibit or monument that took 30 minutes of walking to reach from their car. Yet, this is what the National Park Service will be asking the traffic officer to do. In addition, I would anticipate that, if we allow this proposal to be implemented, we will hear reports from the National Park Service of the many thousands of dollars of parking violations that went unpaid. I do not believe we want to make the holiday visitor a criminal.

Mr. Speaker, the National Park Service is adopting the administration's user fee mentality uncritically. Like too many administration officials, they have forgotten to take into account the adverse effect their proposal will have on the quality of the tourist's visit to Washington.

I encourage my colleagues to join me in suggesting to the National Park Service that they drop their proposal to install parking meters on the Mall and, instead, focus their attention on ways to make their fellow citizen's visit to the Nation's Capital a most enjoyable one.

OMINOUS DATE OF JULY 1 LOOMING EVER CLOSER

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the ominous date of July 1 is looming ever closer. On that day the 10-percent withholding tax on interest and dividend income will take effect to the economic detriment of millions of Americans.

I have received numerous calls from my constitutents in the past week advising me that they have been receiving notices regarding the impending withholding tax. These same people inquire—we thought Congress voted to repeal the tax. As we all know they are correct in the sense that the House and Senate separately have passed bills proposing either outright repeal or a delay in the effective date of the new tax. But as we all painfully know—we have not emerged with a final bill for passage.

As one who joined as an original cosponsor of the repeal legislation which passed this House, I am disturbed over the lack of a final bill so close to the effective date of the new tax. Would not it be a tremendous waste of our tax dollars to have millions of notices sent out announcing the new tax only to have a repeal bill supersede this and cause a second notice to be issued. The paperwork costs alone would be staggering.

I implore the leadership in both this body and the other body to take final steps to keep this onerous tax from ever taking effect. To do otherwise would thwart the will of a majority of this body not to mention the millions of our citizens who justifiably take offense at this new tax.

GOOD NEWS ON STRATEGIC PETROLEUM RESERVE

(Mr. SYNAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYNAR. Mr. Speaker, I rise today to bring good news to the floor of the House. I rise today to discuss the oversight responsibilities of this body and how, in a spirit of cooperation, necessary changes can be made in the operation of an executive agency. The Subcommittee on Environment, Energy, and Natural Resources, which I have the privilege to chair, recently conducted an indepth hearing on the management of the strategic petroleum reserve. As the Members know, the reserve will serve as an emergency supply of oil in the event of a future oil embargo. Based on the testimony of the General Accounting Office, the DOE Inspector General and the Defense Contract Audit Agency, it is clear that the reserve has been plagued by serious financial management problems. This problem is particularly important since the administration has proposed a drastically reduced fill rate for the reserve because of budgetary restraints. As I have said repeatedly, every dollar wasted is a dollar that can buy a barrel of oil.

After the hearing the subcommittee presented to Secretary of Energy Hodel a 10-point remedial plan designed to alleviate many of the problems discussed during the hearing. Within a matter of days, Secretary Hodel approved the plan for implementation, revised the management structure of the reserve and appointed a high-level investigative review to determine the extent of existing problems.

I want to commend Secretary Hodel for his cooperation and leadership in this matter. It is an excellent example of the legislative and executive branches working together in a spirit of bipartisanship to solve a pressing problem.

TEACHERS, EDUCATION, AND EUPHEMISMS

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, as a former science teacher for about 11 years and one that is serving in Congress, I am very concerned about the raging debate that is going on in terms of national education. Who wants their kids to be taught by someone that is incompetent and who wants to be labeled as an incompetent in terms of the work that they do.

I would suggest that none of us want these negative accusations to dominate the debate.

There is an assumption, I guess, that is to say that if a teacher is educated and certified and experienced in terms of what that teacher is doing and has advanced degrees and is subject to continuing education, as most educators and teachers are today, my colleagues, that in fact then that all these particular achievements will have a positive effect upon the kids that we teach and upon those that we work with and upon our society. In fact, I suggest that they very much do.

Now Ronald Reagan says, "Let's abandon this means of compensation" for something euphemistically called merit pay.

In fact, that is what teachers and educators think they are receiving, merit pay based upon objective criteria. What Reagan means by merit pay is any one's guess, unfortunately he is using this as a club to criticize educators.

Clearly it is another grab by Ronald Reagan for an emotional issue without offering any substantial assistance. These recommendations match the Ronald Reagan record, one of continual cuts in education from kindergarten through graduate school.

The answer that Ronald Reagan proposes is that less is more in education funding.

Ronald Reagan proposes to act like the advocate for education, but the basic tenet of an education advocate is to contribute something more than political rhetoric if you want to be part of solving the serious problems and challenges of education in the 1980's.

Parents, teachers and our kids need our support not the conversion of this important subject and issue into a political issue for the 1984 campaign season.

LIVE TV FLOOR COVERAGE BEGUN BY WNVC

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, the House of Representatives is considered the House of the people, and in that regard, I am pleased that the people of the Washington, D.C., metropolitan area are now able to view the proceedings of the House on live television.

Cable television has provided floor coverage for a number of years, but until this month, live, over the air television of the House of Representatives was not available anywhere. This month WNVC, channel 56, in Falls Church, Va., began daily House broadcasts. These broadcasts can be seen in northern Virginia, Washington, D.C., and in the Maryland suburbs. This wide coverage has been brought about by a 689-foot tower built adjacent to the Capital Beltway. The tower is taller than the Washington Monument or the Eiffel Tower.

Channel 56's sister station, WNVT, channel 53, has been broadcasting the House proceedings on a delayed basis for more than a year, but since that station had a smaller transmitter, the House coverage was not available in a large area.

It takes a great deal of courage on the part of Central Virginia Educational Television Corp. to undertake the live House broadcasts. The company has invested a large amount of money in the new transmitter, and has pledged to provide the Washington area with the finest in governmental and public affairs programs.

I salute the president of the company, B. W. Spiller, vice president and general manager, Dan Ward, and operations program manager, Bruce Miller, for their commitment to this project.

Thanks to WNVC, the House of Representatives is now, even more, the House of the people in Washington.

THE PRESIDENT IS DEFICIENT IN HIS BASIC SKILLS

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Speaker, indeed, the President does hit the nail on the head when he says we have to get back to basics in education. Would that there had been some remedial reading available to people on the other end of Pennsylvania Avenue 50 or 60 years ago.

If one listens to the pronouncements emanating from the White House now, it is very clear that when they read the report of the Commission on Excellence in Education, they had a little trouble with the second part of reading, that is comprehensive.

Indeed, in the old days we used to teach children to read by rote, so that they could sound out all the vowels and make all the noises and it sounded very good. The problem was that after they had read a paragraph, they did not understand it.

Somebody down there read but did not comprehend the Commission report, because no one in the country agrees that that Commission said what they are saying it says. What the Commission said was that education is in trouble in this country in terms of its ability to prepare us for the future. It needs more resources, not fewer.

The President's response, shockingly enough, has been to reduce the help from the Federal Government for education. Earlier this year, for example, in his budget message the President pointed with pride to having reduced outlays for education by more than $1 billion from 1981 to 1982. So, on the one hand, the President expects the schools to do a bigger and better job with less resources. On the other hand, the President has now taken to lecturing the States and local governments on how they should spend their money to improve education. In other words, we in Washington will usurp the traditional role of local school boards and State departments of education and tell them how to devise better curriculum and select better teachers, but we will give them no money to help them improve the quality of their schools. His philosophy of education seems to be, pay less but have more dictation from Big Brother in Washington.

In my opinion, the proper role of the Federal Government is to supplement the efforts of the State and local governments with increased Federal resources to enable them to use their creativity and imagination to improve our educational system. Contrary to the President, Washington does not know best but Washington must help meet the challenge.

REPRESENTATIVE ROUKEMA INTRODUCES CHILD SUPPORT ENFORCEMENT LEGISLATION

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I am introducing legislation today, which addresses a shameful problem, one which is reaching epidemic proportions. The problem is that of child support enforcement.

There are approximately 7.1 million women who have custody of minor children. Of these women, 59 percent have been awarded child support. But only 35 percent actually receive any support at all. These statistics are astonishing.

I believe it is now time for the Federal Government to intervene and correct this problem. My legislation seeks to do this through a system of mandatory wage withholding. Once a support order is given through either a court order or an administrative process, the parent assigned to pay support would automatically have such amount withheld by their employer.

My colleagues, Fathers Day will be celebrated this Sunday. This legislation appropriately draws our attention to the plight of these children who are the innocent victims of a system that does not work. I must stress, this legislation in no way effects the State divorce laws, alimony payments, or the judge's determination in the child support decree. But it will help the millions of children who are the victims of parental disregard.

DO NOT CAP THE THIRD YEAR TAX CUT

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, the third-year tax cut is the only one that will help middle America, the group that needs it most. If the third-year tax cut were to be limited to $700, those mainly affected would be taxpayers with incomes from $35,000 to $50,000. That sounds like a rather affluent group—since, for many of us, the value of the dollar was formed at a time when everything cost about half of what it does today.

To put this income group in perspective, however, we should remember that, in 1970 dollars, the equivalent salary range would be from $15,000 to $32,000.

Inflation has already hurt this group by placing them in a much higher tax bracket than they had to deal with in 1970.

They will need the entire benefit of the third-year tax cut to just barely get back to where they were, over 10 years ago.

HONORARY U.S. CITIZENSHIP FOR LECH WALESA

(Mr. CORCORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORCORAN. Mr. Speaker, as you can well remember, 4 years ago Pope John Paul II traveled to his native Poland as a champion of the

Catholic Church and as a champion of Polish people everywhere.

Today, somewhat in response to that, but particularly in response to the movement which was generated as a result of the Pope's visit to Poland known as Solidarity and the symbolic leadership which Lech Walesa has provided freedom-loving people all over the world, and particularly Polish people, I am introducing a House concurrent resolution which would give to Lech Walesa honorary U.S. citizenship. Since Pope John Paul II is returning to Poland today I think now is the time to consider my resolution.

Mr. Speaker, I realize that this is a high honor and in fact in our history we have only done it twice before, first to Winston Churchill, the dynamic Prime Minister of Great Britain during World War II, and second to Raoul Wallenberg, the great Swedish humanitarian who helped the Jewish people during their difficulties in World War II.

But I think it is clear that Lech Walesa represents something that strikes a respondent chord in the people of America and freedom-loving people all over the world. He is a champion of freedom. He is an ideal in the democratic process, and I would hope, Mr. Speaker, that the chairman of the House Judiciary Committee, the gentleman from New Jersey (Mr. Rodino) would work with me so that either today or when we convene the House of Representatives next week that we could show the support of the United States for the oppressed people in Poland by making Lech Walesa the third honorary U.S. citizen in our history.

EDUCATIONAL REFORM IS THE ANSWER TO QUALITY EDUCATION

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. WEBER. Mr. Speaker, President Reagan has initiated an historic debate on education but many of his Democratic rivals seem intent on turning that into a narrow debate over Federal spending for education.

I raise for my colleagues' attention today the recommendations of the Task Force on Education for Economic Growth chaired by Gov. James Hunt, a Democrat of North Carolina.

Consider the task force's recommendations which include the following: developing and putting into effect as promptly as possible State plans—State plans—for improving education.

Creating broader and more effective partnerships with the business community.

Drastically overhauling and improving methods for recruiting, training, and compensating teachers by moving toward merit pay.

Increasing both the duration and the intensity of the academic learning time in our schools.

Improving the management of instruction in the schools, and insuring that existing resources are used more effectively, and providing quality assurance in education by establishing systems for measuring the effectiveness of teachers and administrators.

Nowhere in the Hunt commission report, Mr. Speaker, is there a call for increased Federal aid to education. Those who focus solely on that issue are ignoring the major issues that confront us today in the debate over education.

Task Force on Education for Economic Growth—Hunt Report (Public Schools)

1. *Develop—and put into effect as promptly as possible—state plans for improving education in the public schools from kindergarten through grade twelve.* Each plan should acknowledge the central role of education in the state's future economic growth and in preparing people for jobs. It should specify how technology shall be used to improve education. Each plan should set specific goals for educational improvement, timetables for achieving those goals—and methods for measuring the results.

2. *Create broader and more effective partnerships with business which are essential to improve education.* Corporate and business leaders should help define the skills needed in the workplace and thus the standards that should be met by the schools. (team teaching using teachers and industry specialists and business recognition of outstanding teachers and principals)

3. *Express a new and higher regard for teachers and the teaching profession.* Drastically overhaul and improve methods for recruiting, training, and compensating teachers.

4. *Make the academic experience more intense and more productive.* Increase both the duration and the intensity of academic learning time in schools. Strengthen the curriculum. Establish firm, explicit and demanding requirements concerning discipline, attendance, homework, grades and other essentials of effective schooling.

5. *Improve the management of instruction in the schools, and ensure that existing resources are used more effectively and efficiently.* Pay for principals should be related to effectiveness. Higher standards for recruiting, training, and evaluating principals.

6. *Provide quality assurance in education.* Establish systems for measuring effectiveness of teachers and administrators be established and outstanding performance rewarded. Examine lifetime tenure. Periodic testing to monitor student progress. Institutions of higher learning should upgrade entrance requirements.

7. *Better serve those students who are at present unserved and underserved.* Identify academically gifted early and provide a challenging curriculum. Energetic program to reduce absenteeism should be launched.

8. *Marshall the resources which are essential if we are to improve the public schools.* Better use of existing resources must be the first priority in improving the public schools.

Rewards of success are improved productivity, sustained economic growth, job and career opportunities for our people, the economic wherewithal to provide sufficiently adequate social programs, and a secure defense.

PROPOSAL FOR $700 CAP ON TAX CUT IS ECONOMICALLY UNSOUND

(Mr. MACK asked and was given permission to address the House of 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, the House leadership, by proposing a $700 cap, on the third year of the tax cut, is considering an option that is not economically sound nor is it fair.

Individuals in the top tax bracket have already received their tax cut, yet revenues collected by the Government from those individuals have increased. A taxpayer earning $50,000 of gross income in 1983 would have experienced a cumulative tax increase of around $7,500, solely due to bracket creep of the previous decade. The third stage of the tax cut will offset less than 10 percent of that hidden tax hike, and if the tax cut is capped, the full burden will remain.

The Treasury Department estimates that half of the taxpayers affected by a $700 cap would have incomes below $50,000 and the marginal tax rate for those earning $35,200 in taxable income would jump from 28 to 37 percent.

The whole tax cap idea is destructive to capital formation. The Treasury Department estimates that 14 million small businesses would be hit by this tax cap. Small business investment would be sharply reduced since about three-fourths of all businesses pay taxes according to the personal income tax schedule. The result, then, of the effort to have the so-called rich pay their share of the burden would hurt everyone by discouraging incentive investment, and saving.

PRESIDENT SHOULD REAPPOINT PAUL VOLCKER

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, it is ironic that the Communist Manifesto proclaims "Workers of the world, unite; you have nothing to lose but your chains." The workers of Poland united and that is what they got from their Communist masters, chains.

On another matter, though my opinion has not been asked, I do hope the President will reappoint Paul Volcker as Chairman of the Federal Reserve Board. In one of the most heat-sensitive jobs in the world, he has performed brilliantly. He has helped wring inflation out of our economy, no small task.

He has the confidence of Wall Street and the rest of the financial community, and that he was not appointed by this President is an asset. It adds to his independence and hence his credibility.

Last, anybody who likes a cigar as much as Paul Volcker cannot be all bad.

SUPREME COURT DECISION IN ROE AGAINST WADE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, yesterday the Supreme Court, proved again that education does not equal wisdom when they not only reaffirmed their 1973 decision of Roe against Wade, but they decided to expand it.

I think it is ironic that the dissent was written by the only woman to serve on the U.S. Supreme Court, Sandra Day O'Connor, who pointed out the selective judgment and use of evidence by the majority on the Supreme Court. On the one hand, they buttress their expansion of Roe against Wade, and further take away any ability of the States to make decisions, by taking into account medical science and certain new procedures that have been developed for the performance of abortions, but, on the other hand, they refused to realize that medical science has brought us to a point where the viability of the fetus is coming closer and closer to conception.

The problem is that we have nothing to do now except seek a constitutional amendment, not because we want to do so but because it is the only avenue left for those who believe in the tradition of this society that we recognize more and more the protection of those who cannot protect themselves.

It took many years to upset the Dred Scott decision. It is going to take many more years for us to upset Roe against Wade.

WATCH OUT MIDDLE CLASS: THE TAX RATE EQUITY ACT OF 1983 IS SIMPLY A TAX INCREASE

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, I just want to warn the American people of what is coming next week as I just received the legislative schedule.

Next Thursday at 10 o'clock, when the House meets, we are going to take up something called the Tax Rate Equity Act. What could that be, I wondered. It turns out to be the rather Orwellian name for Tip O'Neill's plan to tax the middle class by capping their equal share of the tax cut. People with high incomes got their tax cut last year. People with lower incomes will get theirs on schedule. But this so-called Equity Act in reality is a tax increase, pure and simple, on the middle class. It is a surtax on middle income Americans, especially on working married couples, on people who want to work and save. It also hits 2½ million small business and 350,000 family farms.

I remember in 1982, Mr. Speaker, we had something called the Tax Equity and Fiscal Responsibility Act, a $220-billion tax increase over 5 years. It was also a fancy name for a huge tax increase.

Half of all the taxpayers hit by the Democratic tax increase earn less than $50,000 a year. It would partly equal the marriage penalty relief for working couples—your average policeman and registered nurse.

Single people earning as little as $30,000 a year would have their taxes raised by the Democrats. Do not forget that tax rates were cut as of January 1, 1983, and only the withholding tables change in July. In effect this is going to be a retroactive surtax on those men and women who are working, those people who want to save, and those people who want to invest.

Do not be taken in by that fairness stuff. The only fair tax measure is the equal-percentage tax-rate reduction for all taxpayers enacted in 1981. This is a surtax targeted on middle income people and I think the vast majority of the American people are or hope to be middle income earners in this country.

It is a redistribution of income and it has nothing to do with fairness. Tip O'Neill's surtax on the middle class is as unfair as you can get.

REPRESENTATIVE BONKER INTRODUCES THE HIGH TECHNOLOGY MORRILL ACT

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, today I am introducing a bill that I believe can serve as the centerpiece of the educational and economic renewal of the United States.

The need to improve our Nation's educational system is clear. The recent report by the National Commission on Excellence in Education warned of a "rising tide of mediocrity."

We are denying today's children of their right to a quality education and depriving American industry of the qualified workforce it needs to compete in the international economy.

My bill, the High Technology Morrill Act, would create a new partnership between the Federal Government, the States, and American business to upgrade our educational system, particularly in the areas of math and science.

The mechanics of the bill are simple. Like the original Morrill Act of 1862, which established the land-grant colleges, the High Technology Morrill Act would make use of America's abundant natural resources to develop our human resources.

The bill would provide Federal grants to local school districts on a competitive basis. These grants would fund 50 percent of the programs, with the remainder to come from the States and the private sector.

Mr. Speaker, this bill is critical to both our children's future, and our Nation's economic future, and I would urge its speedy consideration.

THE $700 CAP IS FAIR

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, it was the 1981 tax bill which was sent to us by the Reagan administration, which has bankrupted the country, created a $200 billion budget deficit, and created the greatest inequities ever foisted upon the American taxpayer. We in the House of Representatives have the constititional responsibility to begin restoring our tax base and that does mean a tax increase. But we are going to do it differently than the Reagan administration would do it.

They have sent us proposals to put energy taxes on every single taxpayer in America, to put surtaxes on every single taxpayer in America, to increase the tax burden on middle income people. We are going to say no. We are not going to allow that to happen anymore.

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Our tax cap will be a tax cap that will rest primarily on people who earn over $50,000 a year. Eighty-eight percent of the tax increase rests on people over $50,000 a year. We all acknowledge that we need to raise taxes. The Reagan administration has sent us the energy tax, and the surtax. The Democratic party says, "No, let us put the tax burden back where it belongs on higher income people, let us protect middle income taxpayers."

TAX CAP WILL AFFECT MAINLY THOSE EARNING OVER $50,000 A YEAR

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, just a moment ago I heard my good friend from upstate New York trying to warn

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what he called the middle income people of America about the tax bill that we are about to take on the floor next Thurday.

Well, I would say that that means that my friend from New York is trying to be the Paul Revere of the rich, because the people he is warning are those whose income is above $50,000 a year.

It seems to me that to many in the Republican Party, the middle class are people making between $80,000 and $100,000 a year. That to me is misguided.

We are trying to close the deficit responsibly by putting some of the burden on the people who can most afford to pay. We do not tax many people at all whose income is below $50,000 a year: 88 percent of the tax increase in Thursday's bill goes to people who are making over $50,000 a year. That to me is the only fair way to do it.

If the administration wants to be fair will go along with our tax proposal.

TAX CUTS? A DIABOLICAL SCHEME

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, my colleagues, I always have a healthy respect for clever minds; even though they might be diabolically clever, I have to respect them.

We have been confronted with a diabolically clever scheme. A 3-year tax cut was rammed through this House. It was rammed through by the administration. The administration that says "get government off the backs of the people, get rid of HUD programs, get rid of job programs." The tax cut was rammed through in a diabolically clever little scheme, because the administration knew that in the third year revenues will have fallen off to the point where we would be in jeopardy in this country, and therefore the administration is perfectly capable of saying, "Well, we do not have any money for housing, we do not have any money for jobs, we do not have any money for education for children, we do not have any revenues coming in to provide for the well being of our citizens."

I think it is a very cleverly crafted scheme; diabolical, but that is not unusual for certain administrations to put forth a cleverly crafted scheme but we have to prevent that scheme from working.

If we really care about meeting the needs of people, if we really care about providing the best life possible for American citizens then we have to stop that third year of the tax cut or else put a cap on it.

I have a hearty respect for the Members of the House who recognize the necessity of capping the third year in some sort of equitable manner.

I yield back the balance of my time as I cogitate on the diabolical scheme that was behind the tax cut.

TAX CAP WOULD NOT RAISE TAXES OF FAMILIES EARNING MORE THAN $109,000 PER YEAR

(Mr. MARTIN of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of North Carolina. Mr. Speaker, while the distinguished gentleman from Maryland cogitates further on diabolical schemes, let me say in my view the increasing deficits we are experiencing this year and forecast for the next year are not because taxes are not rising fast enough. We have had taxes rising every year, after every year, after every year; taxes are going up, not going down.

The reason we have deficits is because Federal spending has been growing so fast as to outstrip the revenues that we have.

I want to commend the gentleman from New York Mr. KEMP, who spoke a little bit before about raising to our attention the proposed tax cap of 1983, because he has correctly raised the issue of fairness.

It is going to impact on those families that earn more than $35,000 a year and those individuals who earn over $31,000 a year, but not on all of them.

It will only get those who are in the range between about $31,000 or $35,000 a year and $100,000 a year, because those who make over $109,000 have already gotten their tax cut; they got theirs in the first year. They do not have to wait for the third year.

There was an amendment offered by one of our Democratic colleagues from that side of the aisle that provided that the maximum rate of 70 percent would be dropped down immediately to 50 percent in the first year. They did not wait for the third year for those high-earning individuals. No, they have got theirs; it is just those who are there in the middle that are going to be affected. It seems to me this is not fair. Now the Members ought to also be aware of one other thing—which I will have to present later because my time has now expired.

MINIMAL EFFECT OF TAX CUT ON FAMILIES EARNING $10,000 to $20,000 PER YEAR

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, the low-income, middle-income people of America are certainly glad that July 1 they are going to get that great 10-percent marginal reduction in their tax rates.

The Joint Committee on Taxation figures as put out by CBO committee staff show that the $10,000 adjusted gross income family of four will save a total of $26 a year from that 10-percent tax cut scheduled for July 1. That is $2.17 a month. That same information reveals a $20,000 adjusted gross income family of four will get back a whopping $3 a week. Is that not a wonderful thing we are doing for the lower income and middle income people of this country?

What about the $100,000 adjusted gross income family of four? They get back approximately $2,200 a year. And what if your income happens to be that of a U.S. Congressman, $69,800. They get back an average taxable income of $53,000, an average of $1,350.

I am sure glad we are concerned about $10,000 and $20,000 adjusted gross income families, so we can keep that 10-percent tax cut.

The great damage of the Reagan-Hance-Conable or if you would old Kemp-Roth tax bill is its devastating increase of the deficit. It is absurd to borrow another $30 billion to give ourselves a tax cut. Who would not like a tax cut, but it is more important to bring future deficits under control.

FURTHER CLARIFICATION OF EFFECTS OF TAX CAP

(Mr. PARRIS asked and was given permission to address the House for 1 minute.)

Mr. PARRIS. Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank my colleague from Virginia for yielding because I was talking about the unfairness of singling out one group that are between $35,000 and $100,000, pointing out that those above $100,000 income have already gotten their tax cut. They got it all in the first year. I wanted to make an additional point that I think the Members and the American public need to be aware of, because this tax cap is just the first installment.

Remember that is forecast to raise something like $6 billion if they could get it enacted, to raise about $6 billion a year.

But the majority party in the House of Representatives has already obligated itself, under the Budget Act, to raise not just $6 billion a year but $30 billion a year.

Now, how are they going to raise the other $24 billion? This tax cap is just the first $6 billion installment. And it is provided by itself because it by itself

does not affect the majority of taxpayers, it only would affect a minority—and hopefully the politics of that situation are that the majority itself will not rebell at something that affects just a few.

That is just $6 billion. Then the next installment will take another group, by repealing indexing. That is one of the things in their catalog of tax-raising measures they want to repeal indexing.

Well, that is going to get the middle-income and low-middle-income people who are depending on that. Then there will be a repeal of a limitation on capital gains. These are just installments that they can bring them out one at a time so thay can divide and conquer without any one of these proposals ever affecting the majority until the entirety is added up.

Watch their new policy: divide and conquer; tax and spend.

ELEVENTH ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations.

(For message, see proceedings of the Senate of today, Thursday, June 16, 1983.)

REPORT ON ACTIVITIES SUPPORTED UNDER REHABILITATION ACT OF 1973—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of today, Thursday, June 16, 1983.)

ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Thursday, June 16, 1983.)

EMERGENCY FOOD ASSISTANCE AND COMMODITY DISTRIBUTION ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 207 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the futher consideration of the bill, H.R. 1590.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1590) to provide emergency food assistance to low-income and unemployed persons and to improve the commodity distribution program, with Mr. BENNETT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Monday, June 13, 1983, all time for general debate on the bill had expired.

Pursuant to the rule, the substitute committee amendment recommended by the Committee on Agriculture now printed in the reported bill shall be considered as an original bill for the purpose of amendment and each section shall be considered as having been read.

The Clerk will designate section 1.

Section 1 read as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Food Assistance and Commodity Distribution Act of 1983".

The CHAIRMAN. Are there any amendments to section 1?

Mr. DE LA GARZA. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The remainder of the bill, H.R. 1590, reads as follows:

SEC. 2. Congress finds that—

(1) Due to high rates of unemployment and the persistence of poverty, there is a serious problem of hunger among many individuals and families in the United States. It is, therefore, necessary to take remedial action, supplementing and complementing current Federal, State, and local food assistance programs, to alleviate this condition.

(2) Because the agricultural abundance of the United States has led to large supplies of Government-owned surplus food commodities, it is appropriate to provide for distribution of greater quantities of these commodities to organizations that feed persons in need on an emergency basis and to other public and private nonprofit organizations that provide nutritional assistance.

(3) It is necessary to provide funding for storage, distribution, and other handling costs to assist State agencies and local emergency programs in assuring the effective distribution of such commodities.

AVAILABILITY OF CCC COMMODITIES

SEC. 3. Section 1114(a) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e) is amended to read as follows:

"SEC. 1114. (a) Notwithstanding any other provision of law—

"(1)(A) Stocks of commodities acquired under the price support programs by the Commodity Credit Corporation (hereinafter in this subsection referred to as 'the Corporation') that exceed quantities thereof likely to be required to meet the Corporation's domestic and foreign commitments shall be made available by the Secretary of Agriculture (hereinafter in this subsection referred to as 'the Secretary') without charge or credit for distribution to—

"(i) food banks, hunger centers, soup kitchens, charitable institutions, and similar public and private nonprofit organizations for the purpose of relieving situations of emergency and distress by providing food to low-income and unemployed needy persons; and

"(ii) public or private nonprofit schools and school food authorities, nonprofit child care institutions, Federal, State, and local penal institutions, disaster relief organizations, public or nonprofit summer camps, the commodity supplemental food program, the summer feeding program, the needy-family program on Indian reservations, congregate nutrition sites under the Older Americans Act of 1965 and providers of home-delivered meals under such Act, Veterans Administration hospitals, and similar organizations and programs designated by the Secretary in consultation with State agencies for purposes other than relieving situations of emergency and distress by providing food to low-income and unemployed needy persons.

"(B) Any stocks of commodities acquired under the price support programs by the Corporation may, without regard to the limitations in subparagraph (A), be made available by the Secretary without charge or credit for distribution to organizations and for the purpose described in subparagraph (A)(i).

"(C) If adequate wheat stocks acquired by the Corporation are not available for purposes of this subsection, a total of not to exceed 300,000 metric tons of wheat designated under section 302(b)(1) of the Food Security Wheat Reserve Act of 1980 may be used for the purposes of this subsection and the Temporary Emergency Food Assistance Act of 1983 (title II of Public Law 98-8). Any quantity of wheat used from the food security wheat reserve for such purposes shall be replenished by an equivalent quantity of wheat under the provisions of section 302(b)(2) of the Food Security Wheat Reserve Act of 1980 by such date as is practicable, but before December 31, 1984. Any stocks of wheat acquired by the Corporation under the price support program after quantities of wheat from the food security wheat reserve are used for such purposes shall be devoted to replenishing the reserve before becoming available for any other use.

"(D) Prior to the beginning of each fiscal year, beginning with the fiscal year ending September 30, 1984, the Secretary shall publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available under this subsection during such fiscal year. The Secretary shall also publish, along with such estimates, estimates of the types and quantities of commodities that the Secretary anticipates will be in Corporation-owned inventories during the applicable fiscal year and the anticipated disposition of such commodities during such year other than under this subsection. The Secretary may publish estimates described in this subparagraph more frequently than once for each fiscal year.

"(2) The Secretary shall, as expeditiously as possible, provide the commodities made available under paragraph (1) to State agencies designated by the Governor or other appropriate State official that shall administer the distribution program under this subsection within the States, except that the Secretary shall provide such commodities directly to eligible organizations to which State agencies are not permitted by any law enacted prior to March 1, 1983, to make distribution, and to private companies as provided in paragraph (8). The Secretary may provide such commodities directly to any organizations. The Secretary shall, in consultation with State agencies, administer any such direct distribution program.

"(3) State agencies to which commodities are provided by the Secretary under this subsection shall, as expeditiously as possible, distribute them to organizations, that, as determined by State agencies and approved by the Secretary, are organizations of the types described in subparagraphs (A)(i) and (A)(ii) of paragraph (1) that will effectively distribute such commodities to those whom they serve. In this subsection, such organizations that are of the types described in subparagraph (A)(i) of paragraph (1) are referred to as 'eligible emergency organizations', such organizations that are of the types described in subparagraph (A)(ii) of paragraph (1) are referred to as 'other eligible organizations', and such organizations collectively are referred to as 'eligible organizations'. If the quantity of commoditie provided to any State agency for distribution under this subsection is not adequate to meet all requests therefor by eligible organizations, preference shall be given to requests from eligible emergency organizations, except that the State agency shall, to the extent practicable, insure that other eligible organizations continue to receive a share of any bonus commodity made available under this subsection approximately equal to their share of such bonus commodity (if any) made available under prior law during the fiscal year ending September 30, 1983.

"(4) The Secretary shall use funds of the Corporation to pay costs of initial processing and packaging of commodities to be distributed under this subsection into forms and in quantities suitable, as determined by the Secretary, for use in individual households when such commodities are to be consumed by such households and for institutional use, as applicable. The Secretary may pay such costs in the form of Corporation-owned commodities equal in value to such costs, except that wheat from the food security wheat reserve may not be used to pay such costs. The Secretary shall insure that any such payments-in-kind, other than in the form of the byproducts of commodities that are processed under this paragraph, will not displace commercial sales of such commodities. The Secretary shall also use funds of the Corporation to pay the costs of delivering the commodities to State agencies and, in cases where the Secretary distributes commodities directly to eligible organizations, delivering the commodities to such organizations.

"(5) The Secretary shall use funds of the Corporation, but not to exceed $50,000,000 in the aggregate in any fiscal year, to—

"(A) pay or make advance payments, upon request, to each State agency, but not in excess of 5 per centum of the fair market value of the commodities provided to the State agency by the Secretary under this subsection, for use by the State agency (i) to cover actual costs it incurs in storing, transporting, handling, and distributing such commodities, and (ii) to pay or make advance payments, upon request, to eligible emergency organizations to cover actual costs incurred by them in storing, transporting, handling, and distributing commodities distributed to them by the State agency under this subsection and in completing paperwork which is necessary only because of their receiving and distributing such commodities: *Provided*, That if the amounts made available to a State agency by the Secretary are not adequate to cover all cost described in clauses (i) and (ii), preference shall be given to covering such costs incurred by eligible emergency organizations; and

"(B) pay to eligible emergency organizations amounts to cover costs described in the preceding clause (A)(ii) incurred by them with respect to commodities made available directly to them by the Secretary as provided in paragraph (2).

"The State agency may not charge eligible emergency organizations for any of the State agency's costs of storing, transporting, handling, and distributing the commodities made available to them, and the State agency may not charge other eligible organizations for any amount that is in excess of the State agency's direct costs of storing, transporting, handling, and distributing the commodities made available to them minus any amount the Secretary pays the State agency to cover such costs.

"(6) The Secretary shall obtain such assurances and take such precautions as the Secretary deems necessary to insure that eligible organizations and individuals receiving commodities provided under this subsection will not diminish their normal expenditures for food or reduce their purchases of the commodities being distributed by reason of receiving such commodities. Eligible organizations shall request and distribute commodities under this subsection only in quantities which can be consumed without waste.

"(7) In administering the program under this subsection, the Secretary shall minimize, to the greatest extent practicable, the regulatory, recordkeeping, and paperwork requirements imposed by the Secretary on eligible organizations.

"(8) The Secretary shall also encourage consumption of initially processed commodities made available under this subsection by distributing them directly to private companies for further processing into end food products for use by eligible organizations. Eligible organizations shall bear the expense of such further processing, except that the Secretary shall use funds of the Corporation, but not in excess of $10,000,000 in the aggregate in any fiscal year, to pay expenses of such further processing of commodities ordered by eligible emergency organizations. The Secretary shall administer the distribution program under this paragraph, including making determinations, in consultation with State agencies, of the companies and eligible organizations whose participation will effectively result in consumption of the end food products. Any private company that participates in the distribution program under this paragraph shall process into end food products for use by eligible organizations, either the identical initially processed commodities distributed to it by the Secretary or, to the extent approved by the Secretary, initially processed commodities at least equal in quantity, quality, and value to the initially processed commodities distributed to it by the Secretary, who shall insure that any such company fully complies with this provision. When there is substitution as permitted in this paragraph, the initially processed commodities distributed by the Secretary may be utilitzed by the private company in its own commercial product but may otherwise be sold or otherwise disposed of in commercial channels.

"(9) The Secretary shall (A) inform State agencies of the provisions of this subsection not later than August 1, 1983, and (B) commence distribution of commodities for use by eligible organizations on October 1, 1983, and issue regulations governing such distribution not later than October 1, 1983.

"(10) The distribution of commodities under this subsection shall supplement and complement assistance provided by other mandatory Federal, State, and local nutrition programs.

"(11) The provisions of section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)) shall not apply with respect to distribution of commodities under this subsection.

"(12) Commodities distributed under this subsection shall not be considered income or resources for any purpose under any Federal, State, or local law.

"(13) Except as otherwise provided in paragraph (8), none of the commodities distributed under this subsection shall be sold or otherwise disposed of in commercial channels in any form.".

EFFECTIVE DATE

SEC. 4. Except as otherwise provided in section 3 of this Act, the amendments made by this Act shall become effective on October 1, 1983.

EXPIRATION

SEC. 5. Section 1114(a) of the Agriculture and Food Act of 1981, as amended by this Act, shall expire on September 30, 1985.

PENALTIES FOR MISUSE OF COMMODITIES

SEC. 6. Section 4(c) of the Agriculture and Consumer Protection Act of 1973 is amended by striking out "or the Emergency Food Assistance Act of 1983" and inserting in lieu thereof ", the Temporary Emergency Food Assistance Act of 1983, or the Emergency Food Assistance and Commodity Distribution Act of 1983".

NUTRITION SURVEILLANCE

SEC. 7. The Secretary of Agriculture (hereinafter referred to as "the Secretary") shall continue, as elements of the scientific nutrition research performed by the Department of Agriculture (hereinafter referred to as "the Department"), (1) maintaining the nutrient data base established by the Department, and (2) at intervals between the periodic nationwide food consumption surveys made by the Department, conducting nutrition surveillance of subgroups at potential nutritional risk to measure changes over time in dietary or nutritional status, with particular attention to socio-economic factors and participation by individuals in food assistance programs. During January of each year, beginning with January 1984, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on nutrition surveillance activities planned, in progress, and completed during the preceding calendar year.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: On page 5, line 12, insert after the period the following: "If the President releases all of the wheat in the food security wheat reserve for the purposes specified in the Food Security Wheat Reserve Act of 1980, to the extent that stocks of wheat acquired by the Corporation are not adequate fully to replenish (as provided in the preceding sentence) the quantity of wheat from the reserve used for domestic food programs, the Secretary shall, notwithstanding the last sentence of section 302(b)(2) of such Act, use funds of the Corporation to acquire wheat through purchases from producers or in the market to complete such replenishment.".

Mr. DE LA GARZA. Mr. Chairman, the amendment I offer is the product of cooperation and consultation between the Committee on Agriculture and the Committee on Foreign Affairs. As I have stated, H.R. 1590 authorizes use of a limited quantity of wheat from the food security wheat reserve for the domestic food distribution program. The Foreign Affairs Committee has a jurisdictional interest in the reserve, as it was created for humanitarian food assistance abroad should shortages in domestic stocks exist. That committee has conveyed its concern that should the reserve be entirely depleted for its intended purpose, any amounts of wheat from the reserve used domestically would constitute a shortfall for foreign aid. To resolve this concern, our committees have agreed upon an amendment that provides that, in these circumstances, and if Commodity Credit Corporation stocks are not available for replenishing the reserve stocks used for domestic purposes, the Corporation's funds would be used, without prior appropriation, to purchase wheat to replenish any reserve stocks that had been used for the domestic distribution program.

I believe that the amendment constitutes an entirely reasonable and effective resolution of the concerns of the Foreign Affairs Committee. I thank Chairman ZABLOCKI for his cooperation in this matter, and I urge my colleagues to join me in adopting the amendment.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the distinguished chairman of the subcommittee who has worked this legislation to its present stage.

Mr. PANETTA. I thank the gentleman.

Mr. Chairman, we have worked with the Committee on Foreign Affairs on this amendment. It is certainly acceptable to this side of the aisle because it would provide an automatic process for replenishment of the wheat reserve if an international emergency should deplete it. We feel this is extremely important in terms of protecting that reserve, and replenishing at least a portion of that reserve that might be used in this bill.

□ 1115

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas. This amendment addresses concerns raised by the Committee on Foreign Affairs. That committee was concerned that if the food security wheat reserve needed to be used entirely for its intended purpose any amounts used for H.R. 1590 would result in a shortfall for foreign assistance. The two committees have agreed that should such a situation occur and if CCC stocks are not available for replenishing the reserve—CCC funds will be used to purchase wheat to complete the replenishment of the reserve.

This amendment is consistent with the intent of H.R. 1590—if any wheat is borrowed from the reserve for purposes of this commodity distribution program, replenishment must occur no later than December 31, 1984.

I urge Members to support this amendment.

● **Mr. ZABLOCKI.** Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, and urge its passage by the House.

Notwithstanding that the United States is the greatest agricultural producing country of the world, and among the richest on a per capita basis, we have in our midst poor and needy people who lack the means to get enough food.

H.R. 1590 seeks to take advantage of the Government-owned surplus food stocks now on hand to strengthen our emergency food assistance to low-income and unemployed Americans. I commend the authors of this bill.

It has previously been noted during debate on this measure that it would permit a drawdown of up to 300,000 tons of wheat from the food security wheat reserve. That wheat reserve was established by the Congress in 1980 as a backup for our foreign food aid program in case of acute food emergencies overseas.

The Foreign Affairs Committee has recommended an amendment that would help to protect the original purpose of the food security reserve. It provides for replenishment of the reserve through CCC funding to the extent there has been a drawdown under H.R. 1590, in the event of a global shortage situation requiring use of the full 4 million tons in the reserve.

I wish to express appreciation to the distinguished chairman of the Committee on Agriculture, Mr. DE LA GARZA, for his willingness to accept the amendment and to offer it in our behalf.

May I express appreciation also to the subcommittee chairman, Mr. PANETTA, for his cooperation in this matter, and to the ranking minority member, Mr. EMERSON, who is also a sponsor of this legislation.

H.R. 1590 is a worthy measure which I hope will win the full support of the House.●

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to associate myself with the colloquy delivered earlier this week by my distinguished colleagues, the gentleman from Texas, the chairman of the Agriculture Committee (Mr. DE LA GARZA); the gentleman from California, the chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition (Mr. PANETTA); and the gentleman from South Dakota, a member of the Agriculture Committee (Mr. DASCHLE).

As a member of the Committee on Foreign Affairs and as one of the sponsors of legislation to establish the food security reserve, I am pleased that my colleagues have reiterated that the primary purpose of the reserve is to respond to humanitarian food needs in developing countries, and that the authority to tap into the reserve is a one-time option only, and not a permanent change in policy with respect to the reserve.

Accordingly, I support the amendment, offered by the gentleman from Texas, that assures that replenishment of wheat used from the reserve for domestic purposes will be automatic in the event that emergency food needs in developing nations require full utilization of the 4 million metric tons earmarked by the Food Security Act of 1980 for such purposes.

Mr. DASCHLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by Mr. DE LA GARZA and Mr. ZABLOCKI. I am pleased this amendment is being offered because it does strengthen the replenishment provision of the bill with regard to the international wheat reserve.

As my colleagues know, I remain opposed, despite the strong replenishment provisions, to the domestic use of the international wheat reserve. I have made my views known in some detail both in the Agriculture Committee markup of the bill, in my supplemental views to the committee report on H.R. 1590, and in the debate this past Monday on the House floor. In addition, I engaged in a colloquy on behalf of myself and the gentleman from New York (Mr. Gilman) with Mr. de la Garza and Mr. Panetta about our commitment to the international wheat reserve.

So while I will certainly vote for the de la Garza amendment and for the bill, I do want the record clear regarding my position on the provision which authorizes a drawdown for domestic uses of the international wheat reserve.

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Texas.

Mr. de la GARZA. I thank the gentleman for yielding.

Mr. Chairman, I want to again express my appreciation to the gentleman from South Dakota for his understanding and his diligence in seeing that we vote to do what we have committed ourselves to do for our brethren throughout the world but that we address also the needy in our own country and that we afford, as we did with the amendment, the necessary protection so that we might achieve both ends within the means that we have available.

The gentleman from South Dakota (Mr. Daschle) has certainly been a standard bearer in this effort, and I commend and thank him for his cooperation.

Mr. DASCHLE. Mr. Chairman, it is a good amendment, and I am sure that, as a result of having offered the amendment, and as a result of our colloquy the other day on the floor, we are in a position to generate a great deal of support on both sides of the aisle. I think it merits that kind of support, and I hope the House will pass it overwhelmingly.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. de la Garza).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. de la GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. de la Garza: Page 6, line 16, after the period insert "The Secretary shall not limit the types of commodities that are made available, upon request, to State agencies under paragraph (1) on the basis of the types of eligible organizations requesting such commodities.".

Page 8, strike out line 16 and all that follows through page 9, line 15, and insert in lieu thereof the following:

"(A) pay or make advance payments, upon request, to each State agency, but not in excess of 5 per centum of the fair market value of the commodities provided to the State agency by the Secretary under this subsection, for use by the State agency (i) first, to pay or make advance payments, upon request, to eligible emergency organizations to cover actual costs incurred by them in storing, transporting, handling, and distributing commodities distributed to them by the State agency under this subsection and in completing paperwork which is necessary only because of their receiving and distributing some commodities, and (ii) then, to cover, in the most equitable and non-preferential manner, actual costs it incurs in storing, transporting, handling, and distributing commodities that are to be distributed to eligible organizations, without regard to whether they are eligible emergency organizations or other eligible organizations: *Provided*, That if the amounts made available to a State agency by the Secretary are not adequate to cover the costs described in clauses (i) and (ii), preference shall be given to covering the costs described in clause (i); and

"(B) pay to eligible emergency organizations amounts to cover costs described in the preceding clause (A)(i) incurred by them with respect to commodities made available directly to them by the Secretary as provided in paragraph (2).".

Mr. de la GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. de la GARZA. Mr. Chairman, as the Committee on Agriculture worked to fashion an effective program for emergency food assistance to the needy, it has on a continuing basis consulted with the Committee on Education and Labor on matters within its jurisdictional interest. Primarily, this involved the possible impact of H.R. 1590 on the ongoing food assistance programs such as those for children and the elderly. H.R. 1590 contains various provisions designed to meet the concerns of that committee. We have, however, jointly concluded that an additional amendment is desirable.

The first part of the amendment would make clear that commodities required to be released under the act because they exceed Commodity Credit Corporation (CCC) commitments would be made available at the request of the eligible organizations, and that the Secretary may not limit the availability of surplus commodities on the basis of the type of eligible organizations requesting them. The amendment is the result of the concern that unless specific statutory directives are given, the Secretary's decision on how much and what commodities to release may turn on his determination of which type of eligible recipient organizations request them, rather than upon how much is actually available for distribution. This concern has been generated by the Secretary's decision to limit the release of certain commodities made available under the jobs bill. In effect, the amendment would make clear that the bill contemplates that the release of surplus commodities would be based on the requests of the eligible recipient organizations, not on the type of eligible organization.

As to the balance of the amendment, while emergency organizations will continue to have priority for funds for their local distribution costs, under the amendment the balance of administrative funds made available to the States will be required to be used without preference for the States' costs of distributing commodities to the emergency and traditional types of organizations on an equitable basis. Our committees believe that this will insure that much needed administrative funding will be made available to enhance the effort of State agencies to get commodities to food banks, soup kitchens, and the like, as well as to other organizations operating ongoing programs such as those assisting children and elderly Americans.

I appreciate the collegial spirit with which Chairman Perkins and his committee have worked with our committee on these matters. I believe our joint efforts, as contained in H.R. 1590 and this amendment, merit and deserve the support of the House.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, again this is an amendment that we have worked out in cooperation with the Committee on Education and Labor. Incidentally the Education and Labor Committee has been very much involved in this issue, and in fact, reported out a commodities distribution bill of its own. Committee members have been very cooperative with this member and other members of the Committee on Agriculture in trying to develop a final product which is now before the House.

This particular amendment would provide that once operating expenses for local emergency feeding centers have been satisfied, the remaining administrative funds could be generally applied by the State to the costs of delivery commodities to emergency and nonemergency recipient organizations alike. It therefore, allows for these costs to be distributed in a broader way.

And to that extent, having worked with the cooperation of the Education and Labor Committee, this amendment is certainly acceptable to me as chairman of the subcommittee.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the gentleman from Kentucky (Mr. Perkins), the chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Chairman, I rise in support of H.R. 1590 and urge its adoption.

This legislation addresses the urgent problem of hunger among the unemployed and destitute in our society. It

would establish a 2-year program (fiscal years 1984 and 1985) for the distribution or surplus agricultural commodities to emergency food centers and other sites to assist the needy in finding sufficient food to survive. I am pleased to support the bill and commend Chairman de la Garza and Chairman Panetta of the Nutrition Subcommittee for their leadership in moving this legislation.

My own committee, the Committee in Education and Labor, has a long history of legislative action on measures requiring the use of surplus commodities to feed the hungry. In keeping with this tradition, on March 18 of this year we reported H.R. 1513, a bill introduced by Congressman Biaggi, myself, Mr. Ford of Michigan, and Mr. Miller of California, to require the Secretary of Agriculture to distribute unused surplus commodities to emergency feeding centers and other feeding sites. That bill would have also provided administrative expense funding to State and local units so that they could make immediate use of these emergency commodities.

Since H.R. 1513 had been jointly referred to both the Committee on Education and Labor and the Agriculture Committee, it was subsequently considered by the Agriculture Committee when they wrote the bill before us today. In order to expedite the legislative process, the Committee on Education and Labor did not insist on its own bill being brought to the floor. Rather, we have been working with the Agriculture Committee, and especially with Mr. de la Garza and Mr. Panetta, in trying to jointly fashion the best possible bill to deal with this problem. That bill is before us today as H.R. 1590.

Chairmen de la Garza and Panetta have described the purposes of H.R. 1590 in the debate on the bill which occurred last Monday. I will not repeat their arguments in favor of the bill since I wholeheartedly concur with them. However, I would like to make several points peculiar to programs within the jurisdiction of the Committee on Education and Labor.

First of all, while these emergency feeding outlets have been established to provide food to the unemployed and destitute, we must not lose sight of the fact that there are many ongoing programs which make use of surplus commodities to feed the needy. For instance, the national school lunch program provides meals to over 12 million needy children. The elderly feeding programs authorized under the Older Americans Act also provide food to the elderly using surplus commodities.

Therefore, we must be sensitive to the way these programs operate while we fashion this new program of assistance for emergency feeding sites; otherwise, we may find ourselves taking food from some needy to give to others, which is certainly not our intent.

To meet this concern the Agriculture Committee has adopted a provision in H.R. 1590 which assures that ongoing programs, such as the school lunch and elderly feeding programs, shall continue to receive their proportionate share of surplus commodities as measured by what they were receiving in the previous fiscal year. This provision is necessary so that there will not be a radical shift in the distribution of surplus commodities from ongoing programs to these emergency feeding sites.

Three million children, of whom over 1 million are poor, have already dropped out of the national school lunch program within the last 3 years due to the Reagan administration's achievement of a deep funding cut in that program in 1981. Many more children would have dropped out if the Department of Agriculture had not made available extra commodities to local school districts. Local school districts have used those commodities to moderate the increased meal charges which they were forced to make because of the budgetary cutbacks. These schools must continue to receive as much commodity support as possible or we will see further dropouts from the school lunch program.

The second point I would make is that the States ought to be required to use some of the new administrative money provided under this bill to pay for the costs of distributing surplus commodities to schools and other feeding sites. Again, the purpose is to strike a balance between meeting the urgent needs of the hungry through these emergency outlets while still meeting the urgent needs of ongoing programs serving the needy.

The bill before us authorizes the States to use Federal funds to pay for distribution of commodities to schools and other feeding sites after the needs of the emergency outlets have been met.

It is my understanding that Chairman de la Garza will offer clarifying amendments to these two provisions. The purpose of his amendments will be to assure that the States treat emergency feeding outlets and schools and other sites evenhandedly in using Federal funds to pay State costs of commodity distribution. The emergency feeding sites would still be entitled to direct payments for their local administrative expenses before the State can use this administrative money for paying its own costs of distributing commodities. However, when the State uses Federal money for its own costs, it must use this money in an evenhanded way for both emergency outlets and traditional outlets. This will assure that emergency feeding sites are relieved of any local costs and that the State will use Federal funds to meet the needs both of those sites and of the more traditional agencies serving the needy.

An additional clarifying amendment requires the Secretary of Agriculture to be evenhanded in distributing surplus commodities to emergency outlets and schools and other sites that request them. The Secretary would not be permitted to limit the types of commodities that are made available according to the types of agencies requesting them. Additionally, the Secretary would have to respond to the requests of the recipient agencies. He cannot limit the types of commodities he distributes as he is trying to do under this year's emergency feeding program.

I fully support Chairman de la Garza's clarifying amendments and I also support the entire legislation and urge its adoption. It makes simple logic for us to meet the needs of the destitute while eliminating some of the huge overabundance of surplus commodities.

Mr. de la GARZA. Mr. Chairman, I thank the distinguished chairman of the committee and I appreciate his cooperation in this endeavor.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas, the chairman of the committee. This amendment clarifies the committee intention to make sure that commodities that the Secretary determines to exceed foreign and domestic commitments will be made available based upon the request of eligible organizations. Additionally, further clarification is provided concerning administrative funding for State costs of transportation, storage, and handling of these surplus commodities. Priority will still be given to pay the costs of emergency organizations and the remainder of administrative funds will be available to pay State costs of storing, handling, transporting, and distributing commodities to all eligible organizations.

As the chairman has said, this amendment was designed to meet the concerns expressed by the Committee on Education and Labor. This amendment continues and strengthens the provisions of H.R. 1590 by insuring that the funds provided for State and local administrative costs will be used in an effective and efficient manner.

I urge Members to support this amendment.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to lend my support to H.R. 1590—the Emergency Food Assistance and Commodity Distribution Act—which is essential to the poor and hungry of this Nation if

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we are to continue to provide surplus Government commodities to them in future years. As the author of companion legislation which was considered and passed by the House Education and Labor Committee—H.R. 1513—I am pleased that my bill is in large part reflected in the bill before us today.

Mr. Chairman, I would like to take this opportunity to thank the chairman of the subcommittee, the gentleman from California (Mr. Panetta) for his cooperation and the chairman of the full committee, the gentleman from Texas (Mr. de la Garza) for offering this amendment and his cooperation.

We would not be in this situation today if we faced a more hospitable Department of Agriculture that was amply committed to alleviating hunger in this Nation. We face a genuine crisis in this country among our poorest citizens. There are upwards of 20 million people out of work. As testimony to this crisis, last year, 10 million people stood in line to receive a single block of Government cheese. In 1982, the Department handed out 220 millions of pounds of cheese and 20 million pounds of butter under this giveaway program. Estimates for this year's distribution are approximately 500 million pounds of cheese and 125 pounds of butter. Despite this seemingly large quantity of food which had been sitting in Government warehouses instead of in the homes of America's poor and needy prior to its release by USDA—there still remain large quantities of additional foodstuffs which are suffering the same fate. Under H.R. 1590, USDA would be required to expand its distribution of surplus commodities to include wheat, corn, soybeans, peanuts, and dairy products such as nonfat dry milk. These commodities would be provided to emergency outlets, such as the Red Cross and to food banks, as well as to schools and senior citizens centers. It is estimated that some 5 billion dollars' worth of commodities are potentially available for donation, including 2.46 billion pounds of dairy products.

In testimony before our House Education and Labor Committee as well as before the House Agriculture Committee, the key factor that deterred a number of States from participating fully in the first round of the cheese giveaway was the lack of funds to administer the program. The bulk of the organizations which work with those who need these commodities the most are the very same nonprofit or public organizations which lack added money to store, process, transport, and distribute these commodities to the people they serve.

My bill, H.R. 1513, insured that all who needed these foods, would get them by providing Federal funds to all eligible organizations to assist in all phases of distribution. Under the bill before us today, a State could use the funds under this bill to pay for the administrative expenses of emergency relief organizations but at the same time, not provide any funds to nonemergency organizations, such as schools and senior centers, which serve a disproportionate number of poor and needy through their own federally supported nutrition programs.

I am pleased that an amendment which is to be offered by the distinguished chairman of the Agriculture Committee and my good friend, Kika de la Garza, in tandem with my own chairman of the Education and Labor Committee, Carl Perkins, will address this inequity between these two groups. Both clearly serve large numbers of needy. Both need to receive the benefits of this legislation, the amendments—which I intend to strongly support—insures that nonemergency outlets will be assisted in their delivery costs. Thus, States could not use all the funds provided to them under H.R. 1590 for emergency outlets at the expense of our Nation's schoolchildren and senior citizens.

We further assist these outlets for the needy in this bill by requiring the Government to bear the burden of processing all commodities which are requests by States in forms suitable for home and institutional use. I am pleased that such a provision will be helpful in assisting the large number of Jewish New Yorkers which were excluded from the initial cheese giveaways because kosher cheese was not available for them and the State could not bear the costs associated with the initial processing of the order. Under H.R. 1590, USDA is required to demonstrate some sensitivity to ethnic and religious food preferences. Kosher commodities should be made available to States, with the processing cost borne by the Federal Government, to meet local demand. In speaking with a number of foodbanks across the country, this kosher problem was certainly not unique to New York. A number of urban centers, such as Philadelphia, Baltimore, Chicago, and Detroit had received requests for kosher commodities that they could not fill. I am pleased that the distinguished subcommittee chairman and key author of this bill, Mr. Panetta, was able to accommodate this problem. In sum, the major provisions of this bill include:

First, authorization of a commodity distribution program through fiscal year 1985;

Second, requires USDA to distribute Government owned commodities domestically after our national and international program requirements are met;

Third, protecting the international wheat reserve by requiring USDA to purchase more wheat to replenish stocks if the donation program under this bill depletes stocks; and

Fourth, provides an added $10 million for additional processing in addition to the authorized $50 million which shall be given to States to offset local distribution costs. States would be provided funds at a level of 5 percent of the value of commodities given to the State agency for distribution.

The bill also provides that USDA publish annual lists of available commodities so that States can play accordingly.

In sum, Mr. Speaker, with this bill before us today, we are taking an important step in helping those who cannot help themselves. We have put into place a small safety net which cannot eradicate hunger in America but it can certainly help stop it.

Commodities will not avert the tragic consequences of a recession that has left this country's poor and needy with little resources. However, H.R. 1590 will certainly provide small relief to the million who are asking for a handout, but need a helping hand. I urge my colleagues to join with me in support of this vital piece of legislation.

PARLIAMENTARY INQUIRY

Mr. de la GARZA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. de la GARZA. Mr. Chairman, I would like to verify that the amendment now before us includes page 6, line 16 and page 8, line 16.

☐ 1130

The CHAIRMAN. The gentleman is correct. Both portions of that amendment are before us at this time.

Mr. de la GARZA. I thank the Chair.

Mr. MADIGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the bill before us today proposes a 2-year program to expand, accelerate, and make more effective the current surplus commodity distribution program of the Department of Agriculture.

The need for such an effort is clear. The recession which began in 1979 has created an unprecedented need for temporary food assistance. Even with the economy on the rebound the permanent closing of plants and factories caused by a shifting industrial base has displaced thousands of workers who may need the commodities made available by this program. These workers can and will be retrained for other jobs but that will take time. This program will help them get by until they can again provide for themselves and their families.

Food banks, churches, and other community service groups are working tirelessly to meet the current demand

for food assistance. However, many are unable to keep up with the demand or do not have the facilities or the financial resources to transport, store, and distribute commodities such as butter and cheese.

It should be noted that President Reagan and Secretary of Agriculture Block have been sensitive to the increased need for temporary food relief and have moved to expand the Department's distribution efforts. In 1982, the first full year of the Department's current surplus commodity distribution program, 86 million pounds of cheese were given to needy families and individuals. This year the Department estimates that it will make available 291 million pounds of cheese, 60 million pounds of butter, and 11 million pounds of nonfat dry milk to States and local agencies for distribution to families and individuals. H.R. 1590 will make the current distribution program even more effective by expanding the variety of commodities available for distribution and providing much needed financial assistance for in-State transportation, handling, and storage. The Department expects to distribute rice, cornmeal, and wheat flour in addition to the butter, cheese, and nonfat dry milk which they are already distributing.

Funds made available under this bill will insure that States can get surplus commodities to every community that has a need. There have been situations under the current program where, due to a lack of funds, small rural towns and communities have not been able to obtain commodities. In addition to covering the cost of getting commodities to the local agencies, funds will be available to those agencies to cover the cost of transporting, handling, and storing commodities provided by the Department of Agriculture. However, these funds are not unlimited. An overall cap of $50 million per fiscal year is included in the bill as well as a provision limiting payments to 5 percent of the fair-market value of the commodities distributed to a particular State.

As I previously stated, this bill establishes a 2-year program. It will expire on September 30, 1985. With the economy on the upswing and unemployment rates beginning to fall I think by the time this program expires food banks and other private providers of emergency food assistance will once again be able to meet the more normal demand for such assistance. This program was designed to meet a temporary problem and should expire when that problem disappears.

This bill was conceived and drafted with the full cooperation of both Democrats and Republicans. I wish to commend the chairman of the subcommitte which handled this bill, Mr. Panetta, and the ranking member, Mr. Emerson, for their hard work on this bill. They bring before us today an excellent bill which I strongly support.

Thank you Mr. Chairman.

Mr. PEASE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief. I rise merely to commend the Committee on Agriculture for bringing this bill to the House floor and for devising this approach to expand the commodity program.

A couple of years ago the gentleman from Vermont (Mr. Jeffords) and I offered an amendment on the House floor to encourage the distribution of surplus cheese to food banks, and relatively shortly after that, I think as a result of the worsening in the economy, the Department of Agriculture not only followed that instruction but went on from there with a major program for distribution of surplus cheese, butter, and nonfat dry milk.

This bill would encourage an expansion of that program to make other commodities available as well to unemployed and needy families across the country.

I can report that in my district in Ohio, which has suffered a great deal of unemployment, an average rate of 17 percent or more over the last couple of years, the program of distribution of surplus commodities has been received very well. It has been administered with relatively few hitches and it has benefited a great many people.

I look forward to the expansion of the program, and I extend my congratulations to the Committee on Agriculture for its good work.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983.

As you know, Mr. Chairman, the Education and Labor Committee, on which I serve as the ranking minority member of the Subcommittee on Elementary, Secondary, and Vocational Education, also favorably reported a similar bill, H.R. 1513, the Emergency Commodity Distribution Act of 1983.

I believe that the legislation before us today addresses the problems encountered in insuring that excess Government-owned surplus food commodities are provided on an expedited basis to various organizations and programs which furnish food assistance to low-income and unemployed individuals and families.

Let me take this opportunity to commend my colleague from California, (Mr. Panetta), as well as the distinguished chairman of the House Agriculture Committee (Mr. de la Garza) and the gentleman from Kentucky, Chairman Perkins, for their untiring efforts to bring before this body a humanitarian measure designed to share our agricultural abundance with those in severe need.

Mr. Chairman, I strongly urge my colleagues on both sides of the aisle to join me in supporting H.R. 1590.

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to my chairman, the gentleman from Texas (Mr. de la Garza).

Mr. de la GARZA. Mr. Chairman, I want to rise at this point to thank the gentleman from Pennsylvania (Mr. Goodling) for his cooperation and his interest in this legislation and always for his understanding in the areas which we deal with, not only in this legislation, but other pieces of legislation that come from our committee. I certainly appreciate, and I am sure that the other members of our committee appreciate the gentleman's interest and always his sense of fairness but, most of all, his cooperation.

Mr. GOODLING. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. de la Garza).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. de la GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. de la Garza: On page 14, after line 2, insert the following new section:

"COMMODITY SUPPLEMENTAL FOOD PROGRAM

"Sec. 8(a). Effective on October 1, 1983, section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c, note) is amended by striking out, in subsection (a), 'amount appropriated for the provision of commodities to State agencies' and inserting in lieu thereof 'sum of (1) the total amount appropriated for the commodity supplemental food program, and (2) the value of bonus commodities, as defined by the Secretary, which are included in food packages distributed to program participants.'

"(b) The provisions of this section shall become effective on October 1, 1983.".

Mr. de la GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. de la GARZA. Mr. Chairman, this amendment would revise the authorization for funding administrative expenses for the commodity supplemental food program. Such funding is, under the 1981 farm bill, authorized at a level not to exceed 15 percent of the amount appropriated for the purchase of food for this limited but valued food assistance program. Since all food distributed under the program formerly was purchased with appropriated

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funds, this base provided an adequate amount for administrative funding for program purposes. More recently, however, the Secretary has also made more nonfat dry milk available from Commodity Credit Corporation stocks for the food packages under the program, rather than purchasing it. As a result, program administrative funds were effectively reduced, as a percentage of the value of the food made available.

Title II of the 1983 jobs bill, Public Law 98-8, addressed this problem for fiscal 1983. My amendment would likewise address the problem, beginning with fiscal 1984, by authorizing administrative expense funding equal to 15 percent of the sum of the total amount appropriated for the program plus the value of bonus commodities donated for the program.

The amendment uses the language recommended by the administration. It is technical in nature and not controversial, and I hope my colleagues will support it.

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Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, again, this is a technical amendment. Indeed, the administration requested that we correct this technical problem with regard to the commodity supplemental food program.

It is an amendment that we have developed with others concerned about this program and we are, therefore, very supportive of it and ask the House to adopt it.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the distinguished gentleman from Michigan.

Mr. CARR. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of Representative de la Garza's technical amendment to H.R. 1590. This amendment would simply permit commodity supplemental food programs (CSFP) to receive funding for the distribution of donated commodities in the same manner in which CSFP's receive purchased goods.

Focus:HOPE, a food prescription program in Michigan, is the Nation's largest supplemental food program for malnourished infants, children, and pregnant and postpartum women. It receives and distributes USDA commodities to over 50,000 low-income people monthly, on prescription from 420 cooperating clinics, hospitals, and health service agencies. As a volunteer organization, Focus:HOPE coordinates over 1,000 private-sector volunteers monthly who provide various forms of assistance to needy mothers and children.

The 1981 farm bill authorized funding for administrative expenses at a level not to exceed 15 percent of the amount appropriated for the purchase of food for this excellent food-assistance program. The Department of Agriculture has since provided for donated goods under CSFP but has not provided the necessary administrative funds to distribute these donated goods. This has threatened the ability of Focus:HOPE and other such programs in the country to provide food to our Nation's needy.

The jobs bill addressed this problem for fiscal year 1983. This amendment would provide the necessary administrative funding for fiscal year 1984. I urge my colleagues to support this amendment and the passage of H.R. 1590.

I am a cosponsor of the Emergency Food Assistance and Commodity Distribution Act, H.R. 1590. This bill will have a far-reaching effect on the hungry citizens of our Nation. I am dismayed at the administration's opposition to this bill and urge my colleagues to help those needy individuals by passing H.R. 1590.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the distinguished gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment, in support of the bill, and congratulate the chairman.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to my distinguished colleague, the gentleman from Michigan.

Mr. TRAXLER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment and the bill and congratulate the distinguished chairman, the gentleman from California, (Mr. Panetta), and also the distinguished minority member of the full committee and also the subcommittee. It is an outstanding bill.

Mr. Chairman, I rise in support of the amendment offered by the distinguished chairman of the House Agriculture Committee, (Mr. de la Garza). I want to thank the gentleman for his generosity in responding with Mr. Panetta, the chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, so promptly to my request for a legislative modification to the administrative funding formula for the commodity supplemental feeding program.

In essence, Mr. Chairman, the problem has been that the value of donated commodities has not been included in the basis for administrative funds since the farm bill was passed in 1981. This is a technical and unforeseen problem, because prior to that date all food items for CSFP were purchased. If all food items were purchased, the change made in the 1981 farm bill would be no problem.

But the way in which the legislation was drafted means that administrative funds are provided only if a commodity is purchased, and no funds are provided if the commodity is donated.

This amendment resolves this problem once and for all. Administrative support will no longer vary depending upon the source of the food. Rather, funds will be provided equal to 15 percent of the value of the food—whether it is purchased or donated.

I am happy to say that we already resolved this problem for fiscal 1983 under the terms of the jobs bill, and we are in the process of resolving the fiscal 1982 supplemental that is before the Senate. With this amendment, the situation will be resolved once and for all.

Mr. Chairman, the commodity supplemental food program has been a very successful and very important food program for its recipients. It has grown over the past several years, and it will continue to grow with the support of my colleagues in the House. It is unfortunate that changes in commodity procurement policies created an unintended problem, but since the language before us in this amendment has been drafted by the administration and represents an understanding that bonus commodities are those that are provided without charge against the appropriation for this specific feeding program, we can return to the business of serving the needy while avoiding unnecessary administrative difficulties.

Once again, I thank the gentlemen from Texas and California for their support in this effort, and I urge adoption of the amendment.

Mr. AKAKA. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to our distinguished colleague, the gentleman from Hawaii.

Mr. AKAKA. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this bill. I also want to congratulate and praise Chairman de la Garza and subcommittee Chairman Panetta for their work on this bill.

It certainly will help the people of our country and this points out that there is a need for a distribution system and the funds that have been provided here will certainly help the people of our country.

Mr. de la GARZA. I thank the gentleman from Hawaii for his contribution and always his assistance in matters such as we handle today.

Mr. Chairman, I yield back the balance of my time.

Mr. EMERSON. Mr. Chairman, I rise in support of this amendment concerning the commodity supplemental food program. This amendment continues the provision contained in the jobs bill so that administrative funding for the commodity supplemental food program will be based on both the amount appropriated for this program and the value of bonus commodities in the CSFP food package. Previously, the 15 percent administrative funding was based only on the amount appropriated.

The language of this amendment is acceptable to the administration and in fact is contained in their package of legislation recently sent up.

I urge Members to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. de la Garza).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURTON

Mr. BURTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Burton: On page 12, between lines 17 and 18, insert the following new paragraph:
>
> (14) Commodities provided under this Act shall be distributed by means of a system developed by the Secretary of Agriculture and State agencies.

Mr. BURTON. Mr. Chairman, I think we all want to help the truly needy, but we also want to make sure we do not at the same time hurt the private sector.

I think all of my colleagues received a letter which they may or may not have had an opportunity to read, so I would like to read just a little of it to you. It is from the National Cheese Institute. It says:

> We do not oppose giving away reasonable amounts of surplus cheese as a way to help the truly needy. However, we believe distributing larger quantities than the needy can consume causes retail sales to decline and at the same time Government purchases through the Commodity Credit Corporation will increase.
>
> Through 1981, commercial sales of natural and processed cheese grew at an annual rate of approximately 4 percent. That was an increase of 4 percent. In 1982, the first full year of the giveaway program, the Government distributed an average of 17 million pounds of cheese a month and commercial sales of processed cheese declined by 1.6 percent. That is a 5.6 percent drop in one year.
>
> During the first quarter of 1983, Government distribution increased sharply to an average of 52.7 million pounds per month and processed cheese sales declined by a disastrous 6.6 percent.

That is about a 10.6-percent drop since the giveaway program started, and that means that the dairy industry, the cheese industry, is losing a tremendous amount of money which is going to be made up in large part by the Federal Government, by the taxpayers of this country, through purchases of these products by the Commodity Credit Corporation. So we are in a vicious circle here.

The reason I introduced this amendment is because we have a lot of people who are not entitled to welfare assistance getting these products; cheese in particular, right now. It is my belief, my conviction, that only those who are truly needy should be getting help from the Federal Government in the form of subsidies, in the form of food stamps, in the form of cheese or any other commodity that we may be talking about.

What my amendment does is, it says that we are going to make sure that those who are truly needy are the ones who are going to get it. It does not affect the schools, it does not affect VA institutions or senior citizens centers. What it does do, however, is provide that those who are getting food stamps, those who are at the poverty level or below—130 percent of the poverty level or below—who are getting food stamps, would get coupons along with their food stamps, which would entitle them to commodities such as rice, cornmeal, honey, and cheese. Before they could get a 5-pound block of cheese, wherever the distribution center happens to be, they would have to present that coupon.

What that is going to do is cut out this fraud and it is going to save the taxpayers of this country millions of dollars, because if we do not do this, the sale of cheese commercially is going to decline, and as it declines, the Commodity Credit Corporation is going to have to continue to increase the amount of purchases that they are making. Right now, 10 to 20 percent of all cheddar cheese, which is 50 percent of the cheese produced in the country, is bought by the Commodity Credit Corporation. That means the taxpayers are buying it. That will increase the surplus, which in turn we are going to have to store or give away, and we are going to have to increase the giveaways, and as we increase the giveaways, the amount of cheese that is sold commercially is going to decline, and as it declines, we are going to have to buy it back through the Commodity Credit Corporation.

So what I am saying is, let us help those who are truly needy, and this amendment will set up a mechanism to do that. It will be administered the same way as the food stamp program. It will be a commodity coupon, and when a person goes to get honey, rice, meal, or cheese, they will have to produce this coupon and give it to the person at the distribution center, and that will eliminate people who are not entitled to Government assistance from getting it.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, as I understand the gentleman's amendment, what he would do is set up an entirely new commodity coupon system that would be tied to the food stamp program.

Mr. BURTON. Mr. Chairman, it is not a new system. I know what you are driving at: A new system would cost the taxpayers of this country a great deal of money because there would be a great deal of additional paperwork and bureaucracy.

Mr. PANETTA. Exactly.

Mr. BURTON. That is why I purposely decided to run it through the food stamp program. The only additional expense that I can see is that we would have to print the coupons, which would be a one-time expense, and it would be printed right along with the food stamps.

The reason that I wanted to do this is because it will not cost the taxpayers any additional money. We will be saving the taxpayers money because we will not have people who are not entitled to food stamps or cheese under the giveaway program getting it, as they are right now.

Mr. PANETTA. If the gentleman will yield further, the fact is that we would have to print additional commodity coupons, and there would have to be a system of accounting for those separate commodity coupons that would be involved here. I do not see how we can get away from the additional bureaucracy and the additional expense argument.

Mr. BURTON. I do not see that we would have to have a separate agency doing it. We have an agency that administers the food stamp program and is accountable as far as making sure those food stamps are used and adequately accounted for. It would be done right along with that.

Let me just explain how I envision it working. Right now a person takes a food stamp to a grocery store, they exchange that for food, and the food stamp then goes through the process and gets back, I believe, to the Department of the Treasury.

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The same thing would happen with the commodity coupon. It would go to the distribution center. They would have to accept that receipt or that coupon. That would go back to the same channels, so there would not be any additional accounting.

The CHAIRMAN. The time of the gentleman from Indiana, Mr. Burton, has expired.

(On request of Mr. Panetta, and by unanimous consent, Mr. Burton was allowed to proceed for 3 additional minutes.)

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

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Mr. BURTON. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, is the gentleman saying that only those recipients who are on food stamps would qualify for commodity distribution?

Mr. BURTON. Mr. Chairman, those who are getting the 5-pound blocks of cheese or the jars of honey or the meal or rice, whatever it happened to be—yes; they would have to be the people who qualify for food stamps.

Mr. PANETTA. Mr. Chairman, I do not know if the gentleman is aware of it but, for example, one-half of the elderly in this country who qualify for food stamps and who do not participate in the food stamp program because they do not want to participate in the food stamp program would be kept from receiving commodities if the gentleman's amendment is enacted.

Mr. BURTON. Mr. Chairman, those senior citizens who go to senior citizen centers or lunch programs and that sort of thing would not be affected because the products which are sent to those senior citizen centers would still be sent there, and they would get it in the food. Now, if they are going to obtain a block of cheese, like any other person who is getting assistance from the Federal Government, then there should be some mechanism to prove that they are entitled to it.

I do not want to sound callous, because I am very concerned about the senior citizens of this country, as much as anybody else, but I think, whether a person is 5, 10, 30, 50, or 70 years old, if they are eligible for Government assistance, they should be entitled to it, but they should go through the same procedures as any other individual. So senior citizens, if they need assistance from the Government, could go down and sign up for it, in my opinion, along with the rest of the population, and then they would be entitled to this commodity coupon and they could get the cheese or whatever commodity they wanted that was approvable under the program.

Mr. EMERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment as read by the Clerk does not conform with the amendment that was delivered to me. I wonder if the Clerk might read the amendment again so that we know what we are talking about.

The CHAIRMAN. Without objection, the Clerk will re-report the amendment.

There was no objection.

The Clerk read as follows:

> Amendment offered by Mr. Burton: On page 12, between lines 17 and 18, insert the following new paragraph.
>
> (14) Commodities provided under this Act shall be distributed by means of a system developed by the Secretary of Agriculture and State agencies.
>
> Eligible organizations must acknowledge receipt of such commodities. Eligible individual recipients shall be provided such commodities by means of commodity coupons distributed under the food stamp program pursuant to rules and regulations issued by the Secretary of Agriculture as authorized by the Food Stamp Act of 1977, as amended.

Mr. EMERSON. I thank the Chair.

Mr. de la GARZA. Mr. Chairman, will the gentleman yield to me?

Mr. EMERSON. I yield to the chairman of the committee.

Mr. de la GARZA. Mr. Chairman, I appreciate the fact the amendment has been read, but there is some confusion here. Is this a re-reporting of the amendment or just a re-reading of the amendment?

The CHAIRMAN. The Chair will state that it is a re-reporting. The Clerk did not report the entire amendment.

Mr. de la GARZA. Mr. Chairman, I make that inquiry because, as the gentleman from Texas recollects, there was no unanimous consent to dispense with further reading. Therefore, the amendment was not read in its entirety, and I would have raised a point of order at that time had the amendment been correctly read.

Mr. Chairman, I will inquire, is it proper at this point, if the amendment has been re-reported, to raise a point of order?

Mr. Chairman, since there was some confusion, I felt obligated to bring the matter before the House, but I will state now that I would not raise a point of order at this time, and we may proceed on the amendment.

Mr. Chairman, I thank the gentleman for yielding to me.

The CHAIRMAN. For what purpose does the gentleman from California, Mr. Panetta rise?

Mr. PANETTA. Mr. Chairman, I rise in opposition to the amendment.

Mr. EMERSON. Mr. Chairman, I thought that I still had the time.

The CHAIRMAN. The Chair did not realize that the gentleman wished to use the remainder of his time.

Mr. EMERSON. Yes, Mr. Chairman, I did reserve my time.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri, Mr. Emerson.

Mr. EMERSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I believe that the concerns that the gentleman from Indiana has raised are able to be addressed within H.R. 1590. First of all neither I nor, I believe any member of the committee wants to see surplus commodities go to any one who is not in need. That concern has been woven throughout this bill and all of our deliberations on it.

As to the bill itself, H.R. 1590 provides that certain commodities will be made available to organizations that serve needy people—the focus is on organizations that are already established to help the poor. These organizations are divided into two categories—organizations that serve persons in emergency situations, people who are unemployed and have low income, and organizations such as school lunch programs, disaster relief organizations, and veterans hospitals. The Secretary of Agriculture and the States are charged with the responsibility to determine which organizations may receive the surplus commodities—the organizations must meet the criteria set forth in this bill and must be able to distribute commodities in an efficient manner.

These provision continue the current practice set up by the Secretary of Agriculture. States are given the authority to set eligibility criteria and determine which organizations can participate in this program, with the approval of the Secretary. I believe that is the appropriate place at which criteria should be set for this commodity distribution program.

I am glad that the gentleman from Indiana raised this issue. I certainly intend that the surplus commodities go only to organizations that serve poor people. There is no disagreement on that issue. I believe that the Secretary—right now, under his own discretionary program and that set up by the jobs bill—can require States to pay closer attention to who receives surplus commodities. I have heard complaints about cheese and butter going to people who are not in need. While the Secretary has given States the authority to determine who receives surplus commodities, I believe that it is his responsibility to make sure that abuses do not occur. I think that practice should be going on now and should continue under a program such as that authorized by H.R. 1590.

I do not believe that another bureaucracy should be set up for this commodity distribution program. I would be concerned about the cost, the paperwork and the additional personnel required to run this 2-year program.

The concept behind H.R. 1590 is clear—take surplus commodities and provide them to organizations that serve needy people. The Secretary and States are given the responsibility and the authority to determine which organizations fall into this category. If they both exercise this authority appropriately—surplus commodities will go only to people in need.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want to heartily endorse the excellent statement by my colleague and ranking minority member of the subcommittee, the gentleman from Missouri, Mr. Emerson. I

think he has hit all of the points that are important in terms of the amendment.

First of all, we do sympathize with the concerns of the gentleman from Indiana; there is no question of that. We are interested in these commodity foods going to the needy. But in the process of doing that, we want to provide maximum flexibility to the States and the localities so that they can indeed determine who the needy are within their communities.

That is the point here: Maximum flexibility for an emergency program.

This is not a new program. This is a program that is ongoing right now. It has been implemented by the secretary. It was put into effect by the jobs bill. We are simply expending on that program at the present time, so we want to allow the communities and the localities to determine who the needy are.

We do target the needy in this bill. We state that it should flow to the low-income people and to the unemployed. Those are the basic people we are trying to target for assistance here.

Indeed the States and localities have made that determination. They are in the process of doing that. They have made distributions, and indeed the program has worked very well to try to provide those foods to people who are in need.

Let me tell the Members what I have found after having had hearings across this country with my colleague, the gentleman from Missouri, Mr. Emerson. We have gone to the food pantries, we have gone to the soup kitchens, and we have gone to the Salvation Army distribution centers. We have seen these people who receive these commodity products. These are not people who decided to just walk in off the street to get some cheese. These are people who are in need, they are people who are hungry, and overall this program is targeted toward those who are deserving.

In addition to that, there is adequate enforcement provided by the bill now. The Secretary of Agriculture is mandated to be sure that this food does go to the needy. If by chance abuses are found, the Secretary of Agriculture has the authority now to act against those abuses.

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Let me also state without question in terms of the draftsmanship of this amendment, there is just no question we are talking about an additional level of bureaucracy that would have to be imposed here. We are talking about commodity coupons. Now, commodity coupons are going to have to be printed. Somebody is going to have to pay for the printing. Somebody is going to have to pay for those who distribute the coupons. Somebody is going to have to pay for those who have to then audit the coupons.

We also are limiting this only to people who are entitled to food stamps. Believe me, there are a lot of needy people in this country who do not participate in the food stamp program.

As I said, up to one-half of the elderly in this country who qualify and could get food stamps today say, "We don't want to participate," but at the same time they are in need. If they can qualify for this commodity distribution program, as they do now, why should they not? Why should we cut them off? Why should we make them go into food stamp offices if they do not want to?

So I think for a number of reasons that have been stated—the fact that the bill is presently targeted and adequately targeted, the fact that the States and localities now make the determination of who the needy are and the fact that we do not want to impose a whole new level of bureaucracy and redtape and regulations, the kind of thing the Federal Government has done program after program and, indeed, has been condemned by many of those who say this is the wrong way to do it—for all of these reasons, this amendment should be defeated.

This is a program that says to distribute commodities to the States, distribute them to the localities, and allow them to make a determination of who the needy are.

I urge the Members to reject this amendment.

Mr. BURTON. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Indiana (Mr. Burton) is recognized for 5 minutes.

There was no objection.

Mr. BURTON. Mr. Chairman, I think the whole point that I am trying to make is that we must have accountability. We must know that the fraud that is involved in a lot of these programs, and as we expand these programs as we are doing today, ceases to exist or at least is held to a minimum.

Now, last week, as I understand it, on NBC they had a program that talked about the fraud in the cheese program, the cheese giveaway program.

I have talked to people in my district, businessmen, who have had people who were not below the poverty level coming in with a 5-pound block of cheese and trading it for another commodity or selling it because they did not need it or did not want it, but because it was given away and it was available to them, they took it. This is going on all across this country.

All I am saying is that we want to help those who are truly needy and those who are entitled to Government assistance.

The only way to police that is through some kind of a receipt mechanism. When they get the commodity, there is a receipt for it.

It is said that we are setting up a new bureaucracy. I say that is baloney. We are certainly not setting up a new bureaucracy. We have a food stamp program. All we are going to do is print a coupon that is distributed along with the food stamps, a commodity coupon, and when that coupon is distributed, the people take it in to the distribution center and if they get the cheese, they have to present a coupon.

I do not see where that is creating additional bureaucracy. The accounting will be done right along with the food stamp program, so there is not a new bureaucracy. I think that is a red herring that we are throwing into the ointment here.

Does anybody doubt that there is fraud that exists? Of course, it exists. How are we going to get a handle on that? Today we are expanding this program to include not only cheese and butter, but we are going to include rice, honey, and cornmeal. If people have a commodity coupon and they go to this distribution center and they want honey, they can get it. If they are below the poverty level or if they are eligible for assistance, all they have to do is go down and sign up for it and they can get their commodity coupon.

My concern is that if we do not have accountability, we are going to continue to see an expansion of fraud and people who are not entitled getting these things. What happens when that occurs is that we see a decline in honey sales. We see a decline in commercial cheese sales. We will see a decline in commercial cornmeal sales and rice sales. When that happens, the Commodity Credit Corporation is going to have to get involved and to buy these products, which is going to increase the stockpile and we are going to be in a vicious cycle and the taxpayer is going to bear the brunt of it.

The whole purpose of this amendment is to help the truly needy, but to make sure that we are not helping those who are just greedy and who are going to make a buck off the taxpayer.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes, I yield.

Mr. EMERSON. Well, I do not know how stringent the gentleman wants to be on enforcing the fraud provisions. I think the provisions of this act are pretty tough on fraud.

I would like to read from the committee report which sets out the penalties here:

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> The Temporary Emergency Food Assistance Act of 1983, or the Emergency Food Assistance and Commodity Distribution Act of 1983, whether received directly or indirectly from the United States Department of Agriculture, or whoever receives, conceals, or retains such commodities, products, funds, assets, or property for personal use or gain, knowing such commodities, products, funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such commodities, products funds, assets, or property are of a value of $100 or more, be fined not more than $10,000 or imprisoned not more than five years, or both, or if such commodities, products, funds, assets, or property are of value of less than $100, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

*   *   *   *   *

Now, that is a pretty tough penalty for stealing less than $100.

Mr. BURTON. Mr. Chairman, if I may reclaim my time, I am not questioning that there are severe penalties in the statute for those who commit fraud. The fact of the matter is that there is no way to police it. If there is a coupon that is necessary to get that commodity in the first place, you are going to cut down the likelihood of fraud to an absolute minimum.

How many people have been convicted of fraud, can the gentleman tell me that?

Mr. EMERSON. Well, I do not know how many people have been convicted of fraud.

Mr. BURTON. I do not think anybody has.

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes, I yield.

Mr. de la GARZA. The gentleman just does not have the facts. He has not read the bill.

Yes, people have been convicted of fraud throughout the United States and the U.S. attorneys work very diligently on that.

Mr. BURTON. How many people have been convicted?

Mr. de la GARZA. I cannot give the gentleman the number, but I can supply it for the record.

Let me tell the gentleman that the people who have worked with food stamps, the previous chairman and ranking member and this chairman and this ranking member have worked tirelessly to prevent fraud and abuse. I can categorically state to the gentleman that food stamps have become the litany of the right, that they complain about food stamps.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(At the request of Mr. de la Garza, and by unanimous consent, Mr. Burton was allowed to proceed for 1 additional minute.)

Mr. BURTON. Mr. Chairman, if the gentleman is only giving me 1 minute, I will not have time to respond. Can the gentleman give me 3, so I can respond to what the gentleman is going to say?

Mr. de la GARZA. I will help the gentleman get some more time.

Mr. BURTON. I thank the gentleman.

Mr. de la GARZA. I just want to make this one point. I can categorically state that if any person in the United States of America is receiving food stamps who is not entitled to them, either of two things happen. The person lied or someone made a mistake. Otherwise, we have tightened the program to such an extent that it is impossible for someone to receive food stamps who are not entitled to them. The gentleman keeps using the litany of fraud, fraud, fraud.

Mr. BURTON. May I regain my time?

I am not talking about fraud in the food stamp program. I did not say the food stamp program. I do not know where the gentleman got that. What I am saying is that there has been fraud in the cheese giveaway program and it was on television just last week on NBC. What I am saying, the only way to get a handle on that kind of fraud is to handle these commodities like the food stamp program.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(At the request of Mr. de la Garza, and by unanimous consent, Mr. Burton was allowed to proceed for 2 additional minutes.)

Mr. BURTON. It is like the food stamp program, that we have a commodity coupon, that people will have to produce to get that commodity. I think it will keep fraud to a minimum and really help those who are truly needy. The taxpayers of this country then will not have to bear the brunt of the fraud that takes place.

Mr. de la GARZA. I agree with the gentleman about fraud, but I just want to make my personal viewpoint that being on NBC does not make it right or factual or the truth.

Mr. BURTON. Oh, I agree with that.

Mr. de la GARZA. But I said the gentleman has not read the bill, because we are dealing with public and private nonprofit schools. We are dealing with penal institutions and relief organizations.

Mr. BURTON. May I regain my time? My amendment does not affect those. It only affects individuals who are going to get a 5-pound block of cheese or any of those other commodities and when they go to get it, they are going to have to produce a coupon.

Mr. de la GARZA. Mr. Chairman, will the gentleman yield further?

Mr. BURTON. Yes.

Mr. de la GARZA. The other commodity the gentleman is talking about, cheese, is given to the Salvation Army. It is given to the Red Cross.

Mr. BURTON. This does not affect them.

Mr. de la GARZA. Well, it is given to them and if you are in Salt Lake City, Utah, and you have a soup kitchen, the gentleman's amendment says you have to bring a coupon.

Mr. BURTON. No; it does not say that.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes, I yield.

Mr. PANETTA. I think that is a very important thing. If the gentleman says in his amendment, as I read it, that eligible individual recipients——

Mr. BURTON. Individual recipients, if the gentleman will read the first line, it says eligible organizations, such as the soup kitchens to which the gentleman alludes, must acknowledge receipt of such commodities. They sign a receipt. They do that right now.

Mr. PANETTA. Mr. Chairman, if the gentleman will yield further, the second sentence says eligible individual recipients then have to go through this commodity coupon distribution process. Now, if an organization like the Salvation Army is in turn then providing the surplus commodities to individuals, as they do in food pantries and in food kitchens, then the gentleman is saying that every one of those people has to have a coupon.

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Mr. BURTON. I do not think that is a proper interpretation of the amendment and I do not think it can be expressed that way. What we are talking about is the commodity itself.

Mr. MADIGAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this is a very temporary program. We are talking about something that is only going to last 2 years.

The gentleman from California (Mr. Panetta), has pointed out that what the gentleman from Indiana's amendment would do is to set up a requirement for the Government to retain permanent employees for what is going to be a very temporary program. What are these people going to do 2 years from now when this program has expired?

What is so magic about these coupons, anyway? Some commodities may get into the hands of the wrong people. There is nobody arguing about that. It is very possible that that can happen.

But the coupons can get into the hands of the wrong people, too. The coupons can be lost. The coupons can be stolen. The coupons can be counterfeited.

What we are talking about is a program to address the fact that the Government this year will spend $499 million just to store some of these commodities. What the members of this committee want to do is to take these commodities out of storage, save those storage costs, and give these commodities to people that are hungry, to people that are needy.

Why make that any more complicated than it has to be? Why create this coupon thing for a very temporary program that is designed ultimately to save the Government some money?

If 5 pounds of cheese gets to the wrong person the coupon can get to the wrong person just as easily, and perhaps more easily.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I will be happy to yield to the gentleman.

Mr. BURTON. What is happening is retail sales of these commodities of cheese in particular is being cut drastically; it has gone down. There was a 4-percent increase 2 years ago and now it is down 6.6 percent, which is a drop of 10.6 percent. So you are seeing the private sector lose sales because a lot of people are getting these products and they do not have to pay for them.

Mr. MADIGAN. If the gentleman will allow me to reclaim my time, the coupon is not going to change that. If your coupon idea was established, and I do not yield to the gentleman, I do not yield, if your coupon idea was established and these people get these coupons and they can take the coupons and go and get the cheese, obviously they are not going to buy the cheese.

So the impact that you are talking about can occur whether you have coupons or not.

Now I will yield to the gentleman and caution the gentleman to learn his manners here on the floor very carefully and to ask people to yield and not to interrupt people when they are talking.

I now yield to the gentleman.

Mr. BURTON. I apologize to the gentleman if I interrupted.

The commodity coupon would be for whatever commodity was under the program and they would take a commodity coupon and they would have to produce it to get that commodity. I just wanted to answer, if I may.

Mr. MADIGAN. Nevertheless, if the gentleman will allow me to reclaim my time, that does not alter the fact that that person then is not any longer a potential buyer of something that they have just been given. They are not going to go buy 5 pounds of cheese if we have just given them 5 pounds of cheese.

So the market for cheese is going to be reduced by that 5-pound gift. Your coupon is not going to change the economics of that situation.

Mr. BURTON. May I respond?

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I appreciate the gentleman yielding and I rise because I think there is something that needs to be understood about the facts that are being used here in regards to what the cheese sales in this country are and what caused the decrease in cheese sales.

The fact is that people who receive the commodity distributions are not the people in this country who are going to buy that cheese in the first place. I come from the largest cheese production district in the country but I tell you, cheese is expensive. It is not the kind of thing that you buy if you do not have any money.

Yes; there have been decreases in cheese sales in the country but for the same reasons that there have been decreases in car sales and a lot of other sales, because we have been in a recession. That is why cheese sales are down, not because people who could not afford to buy cheese in the first place are getting surplus cheese from the Government.

I think we need to understand that and I appreciate the gentleman yielding.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Missouri.

Mr. EMERSON. I do not know of anyone who can speak with greater authority on cheese than the gentleman from Wisconsin (Mr. Gunderson), and I want to thank him for his comments.

But we had very extensive hearings on this subject and we did not hear from the Cheese Institute in the course of our hearings about their problem with the declining sales in cheese related to the commodity distribution program. The Secretary already has ample authority to limit interference with the domestic market and I think that the concerns that are here and now being expressed should have been presented to the committee.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I will be happy to yield.

Mr. STANGELAND. I just want to commend the gentleman from Wisconsin and say that I come from perhaps the second largest State in production of cheese. I think the gentleman may have misstated just a little bit that cheese was expensive.

Cheese is not expensive. It is a good, cheap food.

I would like to remind the gentleman from Indiana that we have discovered that after giving people cheese and they find out the versatility of cheese and the good uses it can be put to, that those people who have not been buying cheese now become cheese buyers. So there has been that additional benefit from the program, and I thank the gentleman for yielding.

Mr. MADIGAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. Burton).

The amendment was rejected.

Mr. STANGELAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this opportunity to express my strong support for H.R. 1590, the Emergency Commodity Distribution Act.

This legislation follows and builds upon the earlier dairy distribution program implemented by the U.S. Department of Agriculture involving surplus cheese, butter, and nonfat dry milk, as well as the provisions of the recently enacted emergency jobs bill, Public Law 98-8, which expanded this distribution effort to include other Government-owned surplus commodities.

The concept involved in all of these programs is clear—the Government is currently storing surplus commodities at considerable expense to the taxpayer which can more appropriately be distributed to America's needy.

H.R. 1590 also contains a number of specific provisions which maintain and improve upon the existing food distribution program. H.R. 1590 directs the Secretary of Agriculture to use Commodity Credit Corporation funds to pay for the processing and packaging of commodities into forms which are suitable for home or institutional use.

The bill also directs the Secretary to use up to $50 million annually in CCC funds to pay the costs incurred by State agencies and emergency organizations in distributing the surplus commodities.

This particular provision addresses a concern that has been expressed by those responsible for distributing surplus foods in my State of Minnesota.

An additional $10 million per year is authorized in this bill to permit further processing into end products for use by emergency organizations.

H.R. 1590 also contains stiff criminal penalties to discourage individuals from stealing, embezzling, or obtaining by fraud any agricultural commodities under this program.

Judging from the response of those needy recipients who have already received distributed commodities, as well as from the increased demand we have seen from State agencies who have been administering these distribution efforts, there clearly is a need out there that this program should continue helping to meet.

In my mind, everyone benefits from this bill. The impoverished are able to receive direct assistance that helps meet their nutritional needs. Farmers are helped by the reduction in Gov-

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ernment-owned surplus stocks which otherwise would continue to hang over the market and depress farm prices. And the taxpayer benefits by the reduction in Government storage costs incurred by holding on to these surplus stocks.

I commend the members of the Domestic Marketing, Consumer Relations, and Nutrition Subcommittee, particularly the chairman and ranking minority member, for the hard work they have done in putting this legislative proposal together. I believe that H.R. 1590 exemplifies a fiscally responsible, commonsense approach that addresses both our current commodity surplus problem and the need to provide food for our Nation's hungry and undernourished.

H.R. 1590 provides the vehicle necessary to continue for another 2 years the food distribution effort enacted in the emergency jobs bill and I strongly urge my colleagues to support this important legislation.

Mr. BIAGGI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to pose a question to the distinguished chairman of the committee, KIKA DE LA GARZA, regarding the sanctions in the bill for those who abuse the commodities provided under this legislation.

I was most distressed to learn that in my own city of New York last week, several people were caught by Federal agents trying to resell donated commodities for a price to local dealers. Naturally, these individuals will be brought to justice for such a heinous crime. However, I would like to know to what specific provisions exist in the bill for people caught in this stype of situation?

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I will be privileged to yield.

Mr. DE LA GARZA. Mr. Chairman, as the gentleman is aware, this legislation contains several safeguards to insure that the commodities distributed under H.R. 1590 go to the low income and unemployed needy for whom they are intended. This bill specifically states that should participants embezzle, willfully misapply, steal, or obtain such commodities by fraud, appropriate penalties must be assessed. These penalties for the violations cited are a fine or not more than $10,000 or imprisonment for not more than 5 years, or both, if such commodities, products, funds, assets, or property are of a value of $100 or more. If such commodities or property are of a value of less than $100, the penalty is a fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

It is also the committee's intent that the commodities distributed are protected against misuse by private companies that participate in the private sector inventory program. Whereas we strongly support USDA's efforts to allow private companies to take surplus commodities and process them into food products for use by eligible organizations, H.R. 1590 clearly prohibits companies from selling or otherwise disposing through commercial channels the initially processed USDA commodities. State governments and eligible organizations will also be prohibited from misusing or selling such commodities.

These protections and penalties are included in H.R. 1590 to make sure that surplus commodities distributed go to only those in need and provide appropriate punishment for those who misuse such commodities.

Mr. BIAGGI. I thank the gentleman for this information and commend him for his attention to this very important matter. Clearly we do not want to accommodate profiteering in this donated program and these provisions will be an obvious deterrent.

● Mr. ERDREICH. Mr. Chairman, I would first like to commend LEON PANETTA, chairman of the House Agriculture Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, for bringing attention to the plight of so many jobless Americans who are hard pressed to feed their families, and to one solution to the problem that is already in the hands of the Federal Government if only we will grasp it. I am grateful that Mr. PANETTA allowed me the opportunity to be the leadoff witness last March when his subcommittee held a field hearing in Birmingham on the topic of hunger and malnutrition.

I would also like to thank the chairman of the House Committee on Agriculture, E DE LA GARZA, for ultimately helping to bring H.R. 1590 to the full House.

The response of this Congress to the problem of hunger in this country must be no less than the challenge that stands before us of helping to reduce it.

Back in March, when I testified before the House Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, I told subcommittee members how vital it was that we use every available resource, particularly those surplus commodities being held in storage by the U.S. Department of Agriculture, to be sure that our citizens do not go hungry. At that time, thousands of tons of surplus Government commodities, which could have been used to help fight this problem, were sitting in storage at tremendous expense to the taxpayer.

I also wrote a letter to Agriculture Secretary John Block last February, urging him to make additional commodity food supplies available to my constituents in Jefferson County, where the unemployment rate at that time stood at 16½ percent.

While the 1983 jobs bill set up an emergency food distribution program to assist the unemployed who are served by food banks and other facilities, authorization of the program is set to expire on September 30, 1983. Passage of H.R. 1590 is essential to assuring the basic necessities of life for the families of the jobless in Alabama and across the Nation.

The bill would not only assure the continuance of emergency food assistance for another year, but would also authorize the distribution of surplus commodities beyond cheese and butter.

Poor economic conditions have placed a tremendous burden on many hard-working Americans who currently find themselves without a substantial means of support. It is my sincere hope that this bill, H.R. 1590, will be approved by the House and receive swift passage in the Senate to provide a mechanism for the Department of Agriculture to move food from storage onto the tables of those in need.●

● Mr. COYNE. Mr. Chairman, I rise in strong support of H.R. 1590, the Emergency Food Assistance and Commodity Act of 1983.

Those of us who have the luxury to eat when we are not hungry or to drink when we have no thirst can easily forget that there is hunger in America.

It is not so easy for many residents of our urban areas to forget. The president of the U.S. Conference of Mayors, Mayor Coleman Young of Detroit, terms the problem of hunger "probably the most prevalent and most insidious" one cities must face.

According to officials at the Pittsburgh food bank, more than 100,000 people now go hungry daily in Allegheny County. These are people who miss more than just one meal a day on occasion. Many go 1 or 2 days without nourishment. While we see no monthly report on hunger statistics, as we do for unemployment, it is certain that the rise in unemployment in western Pennsylvania contributes to the increased number of persons going without food. The Hunger Action Coalition in Pittsburgh reports that their emergency food assistance hotline is jammed with calls. The Salvation Army has experienced an increase in the number of cases involving food needs. In October 1982, these cases numbered 458. By December, food cases totaled 705. In January 1983, the Salvation Army handled 744 food cases in 1 month.

This story is repeated all too many times in urban areas of America. The Emergency Food Assistance and Commodity Act alone will not solve the hunger problem. As the committee indicates, the measure is:

> • • • A relatively small and probably temporary supplement to the country's most basic and efficient feeding program, the food stamp program. It will partially fill some of the significant gaps left by the food stamp program, assisting those in need who either do not qualify for food stamps or those whose benefits run out before the end of the month. It will also provide some short-term assistance to various child nutrition programs.

H.R. 1590 provides emergency food assistance to those in need by passing on surplus, Government-owned commodities not otherwise needed for domestic or international commitments. According to the General Accounting Office, Government-held surpluses at the end of 1982 included dairy products, rice, oilseed products, honey, sugar, and vegetable oil.

I am pleased the measure provides limited funds to help communities distribute the commodities to emergency food centers and other outlets, such as VA hospitals, schools, and meal centers for the elderly. Some of the localities which need this assistance the most are so hard pressed for cash that relatively minimal distribution costs can be prohibitive.

I urge a yes vote on H.R. 1590. It is my hope that we can act swiftly on the measure, send the bill to the President for his signature, and begin the business of routing these commodities to people who need them.

At this point, I would like to include in the RECORD a summary of a report, "Hunger in Southwestern Pennsylvania," prepared by the Health and Welfare Planning Association of Pittsburgh.

The material follows:

HUNGER IN SOUTHWESTERN PENNSYLVANIA—EXECUTIVE SUMMARY

This report is not meant to be a definitive study of the problem of hunger in Southwestern Pennsylvania, which would take many months to complete. It is an analysis of certain indicators of need including information gathered from agencies experiencing the brunt of greatly increased emergency requests for food.

The additional data gathered since the preliminary report of January 27, 1983 confirms HWPA's original impression that many people are experiencing difficulty in obtaining adequate food for themselves and their families, and that this difficulty is likely to continue for some time. Following are some of the general conclusions:

THE PROBLEM

The number of people who face the immediate problem of how to obtain sufficent food has dramatically increased due to high unemployment, loss of benefits, and changes in eligibility for public assistance and food stamps.

INDICATORS OF NEED

Unemployment has increased by 4.6 percent in Pennsylvania, 6.7 percent in Allegheny County, and 8.2 percent in the Pittsburgh SMSA since 1980.

A 1977 study by the Hunger Action Coalition found that 3 percent of the population of Allegheny County or 112,000 persons endured hunger occasionally. At that time unemployment was 6 percent. It is now over 12 percent. Also, since that time, welfare and food stamp eligibility requirements are stricter.

Many public and private organizations and groups in our community have responded to the problem of hunger and their continuing efforts are to be commended.

The Regional Office of Unemployment Compensation, Pennsylvania Department of Labor and Industry reports that during the first two months of 1983, 16,000 persons in the Pittsburgh four-county labor market area exhausted their unemployment benefits. Thirty-eight thousand persons exhausted unemployment benefits for the calendar year 1982. There is no tracking of these people, therefore, no estimate on how many may have found employment.

Although some economic indicators show signs that a slow national recovery is beginning, unemployment is a complex problem and indications are that it will continue to be high in Southwestern Pennsylvania for some time. The $1.7 million City of Pittsburgh Jobs Program to provide 170 jobs for six months is to be applauded, but actual impact on unemployment will be minimal as far as total figures are concerned. It should also be noted a Federal multi-billion dollar jobs bill has passed both the House and Senate and will now go to committee for resolution. Pennsylvania, due to its high unemployment rate, will be one of the target areas; however, it is not known how much will trickle down to Southwestern Pennsylvania and when, or what its impact on unemployment here will actually be. It is safe to say it will be some months before it would have any impact.

In April 1983, 9,143 persons will lose their cash benefits from the Department of Public Welfare.

The Pittsburgh Community Food Bank reports dramatic increases in requests for food. It has distributed over three times more food in 1982 than in 1981 and cannot keep up with agency requests for food. Other providers of service indicate similarly large increases.

More food pantries are needed.

Agencies need funds to purchase more food, equipment, transportation, space and the hiring of more staff.

The need for food is only one of the problems being faced by those suffering the impact of unemployment and changing welfare eligibility. Others are utilities, shelter needs, and loss of health care benefits.

The network for providing food is somewhat fragmented. Agencies in the network express a desire to develop better coordination.

The evidence is strong enough to suggest that there is a hunger problem which requires the attention and financial support of the top community leadership, including corporations, labor, city and county government, utilities, banks, human service agencies and the United Way.●

● Ms. SNOWE. Mr. Chairman, I rise in strong support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. As an original cosponsor of H.R. 1590, I believe this legislation will not only serve the needs of the truly disadvantaged in our country, but will also reduce our agriculture surpluses which will enhance prices to farmers and eliminate costly Government storage expenditures.

No time in our recent history, Mr. Speaker, have we faced a paradox of an abundance of agricultural commodities amidst Americans suffering from hunger and malnutrition. The survey findings by the Center of Budget and Policy Priorities on the state of our emergency food programs in the United States were quite disturbing. Due to the high level of unemployment in our country, we have seen the number of individuals served at soup kitchens double from February 1982 to February 1983, with many food agencies forced to turn away needy individuals as a result of insufficient food supplies. The current plight of the economically disadvantaged necessitates prompt action by Congress, and I commend my colleagues on the Agriculture Committee and the Educational and Labor Committee for producing worthwhile legislation.

I particularly support the provisions for State and local assistance in H.R. 1590, which would provide up to $50 million a year to States and emergency feeding organizations to defray administrative costs incurred in the operation of the commodity distribution programs. In Maine, the special dairy distribution program has been very popular and well received. In 1982, the State received 808,030 pounds of surplus cheese and 151,488 pounds of surplus butter under the dairy program to assist more than 66,000 Maine households.

Many times as a result of the costs associated with the distribution of the cheese, however, State and county officials have had to significantly reduce the number of distribution sites. While State officials rely heavily upon the National Guard and the community action program to distribute the cheese to the needy, these voluntary efforts are not enough to sustain the successful operation and the State's continued participation in the special dairy program. Therefore, I wholeheartedly support the Federal assistance that will be provided to the States and localities under this legislation to pay for storage, warehouse facilities, and office equipment.

I also believe this legislation will serve to lessen the financial burden of the Federal Government for the storage of excess commodities. Storage of farm commodities cost the Federal Government $12 billion in fiscal year 1982, with Federal outlays for this current fiscal year expected to rise to $21 billion. The Federal Government cannot afford to continue to absorb these tremendous expenditures in the face of large deficits. An acceptable alternative to this dilemma is to provide these surplus commodities to the economically disadvantaged who are truly in need of assistance.

Mr. Chairman, we can no longer ignore the problems faced by those in need. By allowing a wide spectrum of surplus commodities to be distributed to emergency food centers, charitable institutions, schools, and child care institutions, this legislation will go far toward addressing the needs of the disadvantaged in our country. H.R. 1590 offers a sensible response to an important problem, and I urge its support.●

● Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Commodity Distribution Act now being considered by this body. The measure would direct the Commodity Credit Corporation to distribute surplus foodstuffs to eligible emergency organizations providing food to the needy and unemployed and other organizations which operate general purpose feeding programs.

Although traditionally, the CCC engaged only in dairy products, in the last few years their role has expended to include cornmeal, rice, honey, and flour. Distribution of these commodities is widely needed, and should not remain dormant if there is demand for them.

This legislation enables a wide variety of organizations to become eligible; food banks, soup kitchens, child-care centers, penal institutions, and the much-heralded Meals-on-Wheels program for senior citizens are among the many groups who will be able to distribute our Nation's surplus commodities. Mr. Chairman, this proposal is meant to complement existing nutrition programs, whether provided for by Federal, State, or local governments, and further stipulates that those receiving food under this program are exempt from these commodities being considered part of their income. Our intent here today is to insure that the suplus crops grown by our farmers are utilized to the maximum extent possible, for the benefit of the people most in need. That the measure stipulates that such commodities cannot be sold commercially highlights the committee's intent that no monetary profit be gained from such distribution. While this legislation will not solve the problem of hunger in America, it will certainly help in alleviating some of the pangs. I reiterate my support of this legislation, Mr. Chairman, and urge its adoption by my colleagues.●

● Mrs. KENNELLY. Mr. Chairman, today we consider H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, which will make very clear that Congress wants to see surplus U.S. food supplies distributed to people in need after October I, 1983, with provisions made for State and local administrative costs.

In today's summer Sun, with a few favorable trends in the economic indicators, it is easy for us to forget unprecedented numbers of Americans are going hungry. Malnutrition is on an alarming increase, yet the Federal Government holds enough food in its warehouses to give each of the 32 million people living in poverty: 13 pounds of butter, 26 pounds of cheese, 43 pounds of nonfat dry milk, and 62 pounds of rice.

Voluntary organizations are strained past their limits: in Hartford, the Salvation Army, facing a 400-percent increase in demand, has had to limit its services to families with children, and turn away single men. .

There are officials in our States who care deeply about this crisis of hunger; there are volunteers who will again make enormous efforts to find solutions. In Connecticut, particularly, we have a Feed-A-Friend program in place which can distribute additional surplus commodities whenever they are released. What this program needs is cooperation from the Federal Government. What it needs is enactment of this emergency food distribution legislation, H.R. 1590, and I urge my colleagues to support its passage.●

● Mr. FRENZEL. Mr. Chairman, I rise today to express my nervous approval of H.R. 1590 which would provide for additional commodity distribution measures when the distribution provisions in the jobs bill runs out in October of this year.

During a time of large commodity surpluses, and 10 percent unemployment it is reasonable to distribute some of these surpluses to those who need it.

However, I have always been skeptical that a large portion of the food distributed in these programs ends up somewhere else than in the hands of the needy. I note that there is consideration given to providing for safeguards. I hope they are adequate. It is further noted that nearly two-thirds of the authorized funding for this act is destined to help meet State and local administrative expenses, which is often where the shortfalls come and administrative failings begin.

Mr. Chairman, the cost of this bill is substantial. The Congressional Budget Office estimates that the program will cost $73 million and $79 million in 1984 and 1985 respectively. However, when compared to the costs of food stamp and other programs, this is an expense that looks affordable considering the specific group at which it is targeted.

Mr. Chairman, as long as the USDA takes the responsibility to oversee the distribution of these commodities, and to put some safeguards into place to insure that the emergency food goes to the targeted beneficiaries, I will vote in favor of this bill, and urge its passage.●

● Mr. RAHALL. Mr. Chairman, today I wish to express my strong support for H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. This most urgently needed legislation addresses a problem that one of this country's big city mayors termed "probably the most prevalent and most incidious" facing our Nation—hunger.

At a time when unemployment for the long-term jobless is increasing, Congress must act to feed those in our Nation who bear the brunt of this recession. While there are those in the administration who claim recovery is at hand, for too many West Virginians and Americans, recovery means an empty stomach and contemplating how to feed one's family.

Under this bill, the Secretary of Agriculture would be required to publish, once a year in the Federal Register, an advanced estimate of the type and quantities of surplus commodities the Secretary anticipates will be available under this program. The purpose of this bill is to distribute the excess commodities the Nation does not need for its foreign and domestic reserves. A 1982 report by the General Accounting Office found that the Government had surpluses in the following commodities: Dairy products, rice, oilseed products, honey, sugar, and vegetable oil.

H.R. 1590 directs that surplus commodities be given to the appropriate State agency for distribution within each State. Should there not be enough commodities to meet the needs of all organizations applying in each State, this legislation gives preference to those groups serving people that have an emergency need such as food banks, soup kitchens, or other charitable groups.

Fifty million dollars would be authorized each year to help States and emergency feeding groups defray the administrative costs they incur storing, transporting, handling, and distributing surplus commodities under this act. State and local agencies will be reimbursed for only those expenses they acquire carrying out the provisions of this legislation. Money appropriated under this bill cannot be used for normal operating costs. Nonemergency organizations such as schools, elderly feeding programs, and hospitals would not be eligible for administrative funds from H.R. 1590.

Ten million dollars is authorized each year to process the commodities into suitable forms for individual use. It is my understanding that under the current surplus food program a backlog has developed at the processing level. This authorization of money will help to correct that problem.

The provisions in this bill would become effective on October 1, 1983, and expire on September 30, 1985. As with any program, Congress must protect this one from abuses. H.R. 1590 establishes penalties and jail sentences for violations of this act.

Again, I wish to express my strong support for H.R. 1590 and I urge its adoption by the House of Representatives. Mr. Speaker, it is a shame when

this Nation, the agricultural leader of the world, cannot feed its citizens who are hungry.

I would like to commend the Committee on Agriculture, particularly the Subcommittee on Domestic Marketing, Consumer relations, and Nutrition and its chairman, Congressman LEON PANETTA, for their fine efforts in drafting this legislation to address an urgent need facing America today. This bill does not create a new bureaucracy and is simply an attempt to feed those who have suffered the most during these trying times.●

● Mr. JEFFORDS. Mr. Chairman, I rise in strong support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983.

This bill will help to ameliorate a truly tragic paradox in our country. We have more food in our warehouses than we know what to do with and more hungry people in our streets than we can feed.

There is no reason whatsoever that a country as rich as ours cannot feed its people. Unemployment remains high, and other economic maladies persist. But our difficulties in no way relieve us of the obligation to care for the needs of the least fortunate people of our society. No amount of twisted logic can explain away this obligation.

One need not be a member of the Agriculture Committee to know that our warehouses are bulging with surplus commodities. These surpluses obviously raise many questions of policy, questions currently under discussion. But regardless of one's thoughts on the origins of or proper remedy for the surpluses, there should be no question that these surpluses ought to be used to alleviate hunger in this country.

In the Great Depression, people could not understand why food was withheld and destroyed even as people went hungry. They still cannot understand it, and neither can I. I simply do not know how to explain why milk, cheese, and other staples lie idle, and soon may rot, while people go without.

My colleagues who have looked into this issue, who have talked to purchasing and distribution people in their districts, or who have looked at the testimony received by the subcommittee on nutrition, know that commodity distribution is a tremendous undertaking. Processing, storage and distribution are costly and complicated. Though States and volunteers have done an admirable job, I think it is time we gave them more than verbal support. I urge my colleagues to adopt H.R. 1590.●

● Mr. DONNELLY. Mr. Chairman, in March, Congress approved an emergency jobs bill, Public Law 98-8 that in addition to creating jobs, established an emergency food distribution program designed primarily to assist the needy and unemployed who are served by emergency relief agencies. Today, I would like to rise in support of the bill, H.R. 1590 that would, through fiscal year 1985, require the continued distribution of bonus commodities to food banks, hunger centers, and soup kitchens; in addition to other nonprofit relief organizations.

The Agriculture Department currently has potential access to nearly 5 billion dollars' worth of price-supported commodities yet has made little use of its authority to release Commodity Credit Corporation bonus commodities. Given the poor economy and number of people needing emergency food aid, we must take immediate action to stimulate the USDA to release surplus commodities to the people who need them the most.

According to a report released by our Nation's mayors at their annual conference here. There has been a dramatic increase in the number of city dwellers going hungry. The problem has been cited as "one of the most prevalent and the most insidious facing cities." They also reported that "a rapid proliferation of soup kitchens, food pantries, and emergency telephone hot lines has failed to keep up with the demand for food." It is only with Federal assistance that our States and cities stand any chance of stopping further growth of hunger in America. While commodity distribution programs alone are not enough to cope with the acute problems created by recession, they are a useful and timely method of providing food assistance to the needy.

I sincerely hope that my colleagues will support speedy passage of commodity distribution legislation for the sake of the millions in this Nation who are suffering.●

● Mr. LEVIN of Michigan. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, and urge my colleagues to vote for this bill. This vital legislation will furnish surplus commodities to emergency and nonemergency organizations in order to provide urgent relief to the needy and unemployed. I commend the diligent efforts of the volunteer and charitable organizations in this country who have worked so hard to eliminate the pains of hunger and economic hardship suffered by so many Americans. Unfortunately, their efforts are jeopardized because the problem has become so great that they do not have enough resources to feed all those in need.

The Federal Government's surplus distribution programs have moved us closer to realizing our national goal to alleviate hunger, both domestically and abroad. However, current domestic economic conditions are calling for stepped-up efforts; States and surplus food distributors are not able to meet the needs of the growing numbers of hungry Americans. Focus:HOPE, a nonprofit service organization in Michigan, operates the Nation's largest commodity supplemental food program for pregnant mothers, infants, and preschool children, and senior citizens. This organization distributes USDA commodities to over 50,000 low-income persons monthly in the Detroit area, but sadly is faced with a waiting list of 10,000 hungry senior citizens.

The critical nutritional needs of the poor and hungry in our States and cities ironically exist at a time of robust, Government surpluses of food items. We are all aware of the billions of Government dollars' spent to store excess commodities; and in addition to the existing surplus dairy products, the Government also has stockpiled amounts of wheat, honey, rice, and nonfat dry milk. This is food that has already been purchased by the Government: billions of dollars' worth of food costing billions to store.

H.R. 1590 will allow for the immediate distribution of 1 billion dollars' worth of surplus commodities, saving the Government millions in storage cost. The Emergency Food Assistance and Commodity Distribution Act effectively bridges the gap between exorbitant Government expenditures on surplus food storage and the urgent nutritional needs of the Nation's poor and unemployed. I encourage speedy passage of H.R. 1590.●

● Mr. STARK. Mr. Chairman, I rise in support of the bill H.R. 1590. The problem of hunger in this country is well-documented, yet it seems to me that most people either ignore the hunger that exists in the United States or simply cannot believe that it does exist here. This legislation addresses the hunger problem in the most direct fashion possible: It gives surplus Government food to those who need it.

The urgent need for this food and the reality of the hunger that exists has been most recently documented in a report from the U.S. Conference of Mayors. Entitled, "Hunger in American Cities," the report details the hunger problem in eight American cities. One of the cities that the report deals with is Oakland, Calif. I would like to include at the end of my remarks that portion of the report that outlines Oakland's situation.

One of the major problems with other Government food assistance programs has been the cost of distribution. In the past, most of this cost has been borne by local organizations or volunteers. The committee report on H.R. 1590 documents clearly that these organizations cannot continue to bear the burden of distribution and storage costs. The committee provides for up to $50 million annually to reimburse States and other organizations distributing food. I congratulate the

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committee in recognizing this need for funds and acting on it.

H.R. 1590 is legislation designed to last for a 2-year period. I would like to see it happen, Mr. Chairman, but I do not believe that hunger will be eliminated in 2 years. Distribution costs will become a problem again. Also, H.R. 1590 only provides money for the distribution of Government commodities. Many private firms have and are willing to donate large amounts of food. However, as with Government food giveaway programs, the cost of distribution can be and is a serious impediment to getting the food to those who need it.

I would like to take this opportunity to remind my colleagues of H.R. 1585, a bill to provide that certain contributions of transportation services will be treated as charitable deductions, introduced by Mr. ECKART, Mr. HALL, and myself. This legislation would allow a tax deduction for transportation services that are used to distribute donated food. The deduction would be equal to the cost of providing the transportation services plus one-half of the fee normally charged for providing such service.

There exists in current tax law a similar provision to encourage the donation of private food. The deduction has helped to increase food donations. I strongly believe that we need a concomitant law to get that food to the people who need it.

Mr. Chairman, I think that H.R. 1590 is a timely piece of legislation. It is one that is needed to help the hungry and help reduce surpluses that are choking our farmers. But I hope that my colleagues will examine H.R. 1585 which though not a complete solution, will provide a timely approach to the problem of distributing food to the needy and hungry.

The following material was submitted for the RECORD:

OAKLAND

Mayor: Lionel Wilson.

Population: 339,337.

Population in Poverty: 24 percent.

Minority Population: 71.4 percent.

Official Unemployment Rate: March 1983—12.7 percent; March 1982—12.1 percent.

PROBLEMS

The demand for food assistance programs in Oakland has increased substantially recently:

During 1982 the number of Oakland residents participating in emergency food programs increased by one-third from 15,000 to 20,000 people.

Since the surplus commodities program began in Oakland in September, 1982, the number of participants has increased rapidly and there are now, about 35,000 people taking advantage of it.

During 1982 the number of food stamp recipients in Oakland increased by 7.5 percent, despite more stringent eligibililty guidelines.

City officials attribute the growth in demand to a high rate of unemployment, due primarily to plant closures, lack of economic growth and a large unskilled labor force. The people in need of assistance are unemployed or low income. Eighty percent are Black, 10 percent White, and 10 percent Hispanic. The majority of the participants in the programs are young mothers and their children. City officials estimate that approximately 50,000 low income Oakland residents could use emergency food services. At present less than half of these, or 20,000, can be served.

RESPONSES

Oakland's Mayor Lionel Wilson has established a Task Force on Emergency Shelter and Hunger to coordinate efforts to address the programs of increasing hunger and homelessness. Its membership includes representatives of city and county governments, churches, and community-based organizations. To coordinate food distribution, establishment of congregate meal sites, public information, and other activities, community agencies, churches and voluntary organizations have formed the Alameda County Emergency Food Coalition.

Emergency food facilities are operated primarily with County revenue sharing funds, which constitute 98 percent of the funding, or $279,948. Private, charitable donations account for the other 2 percent. Thirty percent of the program staff are paid employees; 70 percent are volunteers. Food is purchased wholesale through a local food company and distributed at 13 sites throughout Alameda County, six of them in Oakland. The Alameda County Social Services Agency refers applicants to the emergency food programs. Applicants must be current or prospective welfare recipients. One-hundred percent of the applicants request emergency food assistance; 20 percent request shelter. The several voluntary and religious agencies which provide food services include Bay Area Community Services, the Salvation Army, St. Vincent de Paul, and the Red Cross.

Efforts are now underway in Oakland to locate additional resources or donated food, involve community based non-profit organizations in the USDA surplus commodities program, and develop a plan for a food bank. The City is working to involve churches, community based non-profit organizations and voluntary agencies in dealing with the problem and to coordinate their efforts in order to increase the resources available. To increase public awareness of the problem there have been public service announcements on television, newpaper articles, and the distribution of brochures and fliers. Fund rasing has been done by telephone and through speeches made to business organizations and social clubs.

UNMET NEEDS

Services are clearly not available to meet the current needs in Oakland. Thirty thousand people are in need of emergency food services and cannot now be served. Additional facilities and food are needed; existing facilities need to be expanded.●

● Mr. HALL of Ohio. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. I am proud to be an original cosponsor of this important legislation to relieve hunger in America.

The Emergency Food Assistance and Commodity Distribution Act requires the Department of Agriculture to distribute Government-owned surplus food to food banks and other emergency feeding centers. It also authorizes funds to assist local food relief organizations with some of the burdensome administrative costs of the program.

This measure continues and expands for 2 years to food distribution efforts created under the jobs bill passed earlier this year, which are scheduled to expire at the end of September.

Hunger is not a problem of the past. Nor is it a problem confined to isolated spots in the country. Hunger is here, today, in the United States. It is in the heart of our cities and in our towns. It is growing.

Unless Federal, State, and local governments join with private relief agencies in a united fight against hunger in America, we will witness the increase of its symptoms, malnutrition, and disease.

In my district, the Montgomery County Hunger Coalition, one of the food providers in the Dayton area, offers a 3-day emergency food ration. During the first quarter of 1982, 10,314 applicants received assistance. One year later, this number has more than doubled to 25,547.

In addition, the coalition has found it necessary to expand the program to provide additional food to recipients unable to feed themselves once the 3-day food supply has been exhausted.

Montgomery County is fortunate to have one of the most extensive systems of food relief agencies for an area its size. In addition to the Montgomery County Hunger Coalition, about 35 food pantries serve the needy. Many of these pantries as well as other nonprofit food distribution programs in the area are coordinated by the Emergency Resource Bank, on which I serve as a board member.

But even with our network, food is not easy to come by. Moreover, the cost of operating the system, even with volunteer assistance, remains high. The hunger task force in Columbus, Ohio, which distributed 185,000 pounds of cheese, has been forced to quit primarily because of the expense and staff time required.

Therefore, I am particularly pleased to note that in addition to providing food for the needy, the legislation pending before the House will also offer financial assistance for storing, transporting, and processing the food.

It is unconscionable for us to let our food storehouses grow fat when our people are hungry. I urge speedy adoption of this bill.●

● Mrs. JOHNSON. Mr. Chairman, I want to express my support for H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. We are all well aware of the enormous outpouring of concern and support displayed by many caring Americans in recent months in response to the need to address the

problem of hunger in this country. This bill will assist both States and emergency feeding organizations to continue their efforts to help the growing number of individuals who are literally flocking to these centers for help. At the same time, it will efficiently and easily dispose of surplus agricultural commodities such as cornmeal, rice, honey, flour, and wheat, which are now needlessly stored in our Nation's warehouses at great expense.

Of great importance in this bill is the provision to permit States and agencies to receive reimbursements for the cost of handling, storing, transporting, and distributing commodities. I am confident that this will accelerate and broaden the distribution of surplus commodities and make them available in many areas where they are desperately needed, but have been unavailable due to the prohibitive administrative costs of distribution.

It is my belief that H.R. 1590 could not be more timely. The recent reports of the thousands of individuals who are in need of assistance, and the dramatic increase in the number of programs for those whose budgets do not leave them enough for food for their children and families are alarming. According to one recent study, more than one-third of the existing soup kitchens and similar emergency food programs have doubled in size. Most of the cities I represent have opened soup kitchens in recent months, using volunteers, church facilities on very little money. The same survey found that three-fourths of the programs reported serving more families with children than 1 year earlier. One-fourth of the agencies reported having to turn people away over the course of the preceding year.

In this period of prolonged recession, hunger and inadequate nutrition have become a growing problem in this Nation. Hunger and poverty are inextricably linked, and although no one knows precisely how many Americans are going hungry or how many are malnourished, there is evidence that, as poverty is increasing, so is hunger. I am particularly concerned about the effect this is having on our children, and look to emergency programs such as ones addressed in H.R. 1590 to help alleviate the problem of malnutrition in children, which unfortunately has not improved over the course of the past 10 years. As recovery gains strength, such temporary help is critical for preserving our health and vitality as a nation.

I am especially pleased that this legislation will be put to good use by innovative groups like one in my district. Ron Canciani, local grocer, has written to 22 churches and social service agencies in his area, suggesting that a food bank be set up to help four neighboring towns. The bank would make the food available to unemployed people, to those on fixed incomes, and to families lacking the income needed to feed themselves properly.

I commend to my colleagues' attention the following article which appeared in the May 9 Waterbury Republican:

[From the Waterbury Republican, May 9, 1983]

FOOD BANK PLANNED FOR LITCHFIELD AREA

(By Robert Miller)

LITCHFIELD.—A local grocer is going ahead with plans to open up a food bank to help the needy from four area towns.

Ron Canciani of Harwinton, owner of the Big Value Supermarket in Bantam, wrote to about 22 churches and social service agencies in the area in March, suggesting that a food bank be set up to serve Litchfield, Morris, Washington and Warren.

Canciani's letter asked if the churches and agencies felt there was a need for the bank and if they would be willing to provide volunteers, food or money for the project.

"Any cash would be used to purchase additional food, at cost, from Allied Grocers Cooperative, of which I am a member," Canciani's letter said.

Canciani said Friday that the response to his inquiry has been positive, and that he is continuing to work with other organizers. He said he hopes to be able to discuss the project in detail by the end of the month.

"I do have something in the works on this," he said. "I won't be the person running it, but I will have some contributions I'd like to make to it. Also, being in the food business, I'll know of surpluses that distributers have."

The bank would make the food available to unemployed people, to those on fixed incomes, and to families lacking the income needed to feed themselves properly.

Currently, the unemployment rate in town is about 10 percent.

In neighboring Torrington, where the unemployment rate has been substantially higher, requests for food from a food bank run by FISH have increased drastically.

"We serve Torrington, Goshen, Harwinton and New Hartford," said Joyce Reitmann, executive director of FISH. "We've gotten requests from Winsted, and from Litchfield, but we just can't stretch that far. I would think that a food bank in that area would be used."

"In 1982, we fed just under 1,000 people," she said. "In the last six months, not counting holidays, we've fed 1,200."

"I don't have any hard and fast evidence on this," said the Rev. Janna Steed, pastor of the United Methodist Churches in Litchfield and Bantam, "but I'm sure that with the unemployment rate the way it is, there must be a need for a food bank in the area. I know that eight to 12 families in our two churches have been affected in the past year by unemployment."

"It sounds like something any community could always use," she said. "I think if you started one up, you'd find people who could use the help. There's always someone who needs food, even if it's someone passing through town who could be given some staples to take with him."

Proponents of the plan also point to the local distribution of federal surplus cheese and butter. In the year that the town has been distributing surplus cheese, it has given away 1,686 five-pound blocks, or four tons and 430 pounds of cheese. In five months of distributing butter, it has given away 2,016 pounds. About 100 people a month now receive the two staples.

Catherine Spear, chairman of the town's Social Services Commission, pointed out Friday that an agency already exists in town to help families with neither food, nor the money to buy it.

"In a real emergency," she said, "We can fall back on the Litchfield Community Services, which is a private organization. It's not bound by state law, so it can respond much more quickly to get food to a family, or to get them money to buy food."

"It's a question of terms," she said of the food bank. "I'm sure that there are many people who could use surplus food on a regular basis. For people on a low or fixed income, the bank might be like the cheese program—I don't think the people who get the cheese would starve if they didn't get it, but it's an extra that's nice for them."

"A lot of people think that a city-type food bank is good, but that in a rural setting, it's not necessary," Canciani said. "I think people are quieter about this type of thing in rural towns, but I think they could use the help. By actually setting a bank up, we'll be able to see if it's really needed."●

□ 1220

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BIAGGI) having assumed the chair, Mr. BENNETT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 1590, to provide emergency food assistance to low-income and unemployed persons and to improve the commodity distribution program, pursuant to House Resolution 207, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

BEST COPY AVAILABLE

Mr. PANETTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 18, not voting 25, as follows:

[Roll No. 199]

YEAS—389

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chapple
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Corcoran
Coughlin
Coyne
Craig
Crockett
D'Amours
Daniel
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harrison
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—18

Badham
Bartlett
Burton
Cheney
Crane, Daniel
Crane, Philip
Dannemeyer
Dreier
Gramm
Hartnett
Mack
McCain
McDonald
Paul
Ray
Shumway
Smith, Denny
Stump

NOT VOTING—25

Akaka
Andrews (TX)
Bateman
Boxer
Coats
Cooper
Courter
Edgar
Garcia
Gingrich
Hall (IN)
Harkin
Heftel
Livingston
Martinez
McDade
McKinney
Miller (CA)
Nielson
Owens
Patterson
Simon
Stark
Yates
Young (AK)

☐ 1240

Mr. DENNY SMITH changed his vote from "yea" to "nay."

Mr. MATSUI and Mr. GIBBONS changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2668, CONSUMER PRODUCT SAFETY ACT AMENDMENTS OF 1983

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 227 and ask for its immediate consideration.

H. Res. 227

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2668) to amend the Consumer Product Safety Act to extend it for five fiscal years, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. Moakley) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. Quillen), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 227 is a straightforward open rule providing for the consideration of H.R. 2668, the Consumer Product Safety Amendments of 1983. There are no waivers of points of order.

During consideration of the matter before the Committee on Rules, Representative Shelby of Alabama presented an amendment in the nature of a substitute which would provide a straight 3-year reauthorization of the Consumer Product Safety Commission at funding levels lower than the committee bill. Under this completely open rule any germane amendment including Mr. Shelby's substitute could be offered to this bill when it is considered for amendment under the 5-minute rule.

Mr. Speaker, most of us recognize the need for a strong independent regulatory agency to protect the public against potentially dangerous consumer products. However, the Committee on Rules is keenly aware of the controversy surrounding the funding levels for this agency and the scope of its regulatory authority. To guarantee Members the opportunity to voice their concerns on these issues, House Resolution 227 provides two hours of general debate.

Upon conclusion of consideration of the bill for amendment, one motion to recommit would be in order.

Mr. Speaker, in the atmosphere of budgetary constraints of the last 2 years the budget of the CPSC has been cut by 25 percent to $32 million and its staff reduced by 29 percent to 636 personnel. Recent cuts in personnel and funding have caused a dramatic decrease in product safety in the marketplace, reduced inspections by 44 percent reduced recall checks by 64 percent and reduced investigations by 14 percent.

H.R. 2668 reauthorizes the Consumer Product Safety Commission for 5 years. The fiscal year 1984 authorization is $47 million, which is equivalent to the agency's budget in fiscal year 1981. The authorization will be incrementally increased each fiscal year until it reaches $57 million in fiscal year 1988. The bill also establishes a minimum personnel level of 650 employees and amends the agency's statutory authority to make it more responsive in fulfilling its mandate to protect the public health and safety.

The bill requires the agency to treat Freedom of Information Act requests in the same manner as other health and safety agencies and permits release of the documents with a disclaimer designed to protect companies from disclosures of inaccurate or misleading information. The Consumer Product Safety Commission's recall activities have had a dramatic impact in reducing injuries and saving lives.

Mr. Speaker, I would like to commend the gentleman from California (Mr. Waxman), and the gentleman from Illinois (Mr. Madigan) for their efforts in bringing this legislation to the floor. It is important that we restore public confidence in our commitment to safeguarding the health and well-being of our citizens in the marketplace.

Mr. Speaker, I urge adoption of House Resolution 227 so that we can proceed to the consideration of this legislation which is vital to restoring the effectiveness of the Consumer Product Safety Commission.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I know of no controversy on the rule, however, there is controversy on the bill. When the bill was presented to the Rules Committee the committee granted 2 hours of general debate to accommodate those who were offering a substitute, the gentleman from Alabama (Mr. Shelby), joined by the gentleman from North Carolina (Mr. Broyhill). This will give ample time to present the opposing views during the general debate. In addition, amendments may be debated under the 5-minute rule.

The Consumer Product Safety Act amendments are important and should be thoroughly considered on the floor of the House.

Since there is no controversy on the rule, Mr. Speaker, I have no requests for time.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OXLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 390, nays 2, not voting 40, as follows:

[Roll No. 200]

YEAS—390

Ackerman
Addabbo
Albosta
Andrews (NC)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boland
Boner
Bonior
Borski
Bosco
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carper
Carr
Chandler
Chapple
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Coughlin
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Mikulski
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—2

Dannemeyer
McDonald

NOT VOTING—40

Akaka
Alexander
Anderson
Andrews (TX)
Bateman
Boggs
Bonker
Boxer
Chappell
Cheney
Clarke
Coats
Cooper
Corcoran
Courter
Coyne
Edgar
Garcia
Gingrich
Hall (IN)
Harkin
Heftel
Livingston
Lungren
Martin (IL)
Martinez
McDade

McKinney
Michel
Miller (CA)
Nelson
Nielson
Owens
Patterson
Ritter
Simon
Stark
Thomas (CA)
Yates
Young (AK)

□ 1300

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1310

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Transportation and Related Agencies and other purposes for the fiscal year ending September 30, 1984.

Mr. COUGHLIN reserved all points of order on the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ALTERATIONS IN MEMBERS' REMARKS IN TRANSCRIPTS OF COMMITTEE HEARINGS

(Mr. **BROOKS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. BROOKS. Mr. Speaker, on Tuesday of this week, I brought to the attention of the House the fact that serious alterations had been made in the printed transcript of a joint hearing held last year by a Government Operations Subcommittee, two Science and Technology Subcommittees, and two Energy and Commerce Subcommittees. I assured the Members of the House that the Committee on Government Operations appreciated the seriousness of the probelm and that we were making every effort to determine the facts. So far, we have been unable to determine how the alterations occurred and who is responsible, but we are continuing that effort. We have made available to staff representatives of our minority members everything we know about the situation at this time.

Yesterday afternoon, the committee chairmen of the three committees involved, Chairman John Dingell, Chairman Don Fuqua, and myself, agreed to ask the House Committee on Standards of Official Conduct to undertake a vigorous, full, and complete investigation of the matter and that it be given the highest priority. We believe that an investigation by the Ethics Committee is the proper mechanism in order to assure an independent, objective, and credible review of this entire matter. The Committee on Standards of Official Conduct was established by this Congress for that very purpose. Its membership is evenly divided between majority and minority; its rules provide for all the necessary investigatory procedures to conduct this kind of investigation; its procedures are carefully designed to protect the rights of members and staff; it is experienced at conducting this kind of investigation; and, above all, the committee is respected for its objective, nonpartisan approach.

The chairmen of the three committees invited the ranking minority members to join us in this request. For reasons known only to them, they have chosen not to do so at this time though we are hopeful they will eventually join in our request.

The committee chairmen have proposed a responsible course of action, and we hope that reason will prevail and that all Members of Congress, majority and minority alike, will rise above partisan politics and realize that what is ultimately at stake here is the effective functioning of the Congress as an institution.

Mr. Speaker, I ask unanimous consent to include a copy of our letter to Hon. Louis Stokes, chairman of the House Committee on Standards of Official Conduct.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The letter follows:

Congress of the United States,
House of Representatives,
Washington, D.C., June 15, 1983.

Hon. Louis Stokes,
Chairman, Committee on Standards of Official Conduct, Washington, D.C.

Dear Mr. Chairman: We are writing to request that the Committee on Standards of Official Conduct undertake an investigation into the circumstances involving the alteration of a transcript published as "EPA Oversight: One-Year Review".

Joint hearings were held on July 21 and 22, 1982, by certain subcommittees of the Committee on Government Operations, Committee on Energy and Commerce, and Committee on Science and Technology. The original transcript of the hearing was altered during the process which led to publication.

Inasmuch as the alterations resulted in substantially changing the meaning of testimony of Members of Congress, we believe that an investigation of the matter can be most appropriately carried out by your Committee. We respectfully request that a vigorous, full, and complete investigation be undertaken immediately and that it be given the highest priority and completed with all possible speed.

We pledge our total cooperation and that of the majority and minority staffs of our committees and subcommittees.

Sincerely,

Jack Brooks,
Chairman, Committee on Government Operations.
Don Fuqua,
Chairman, Committee on Science and Technology.
John D. Dingell,
Chairman, Committee on Energy and Commerce.

ALTERATIONS IN MEMBERS' REMARKS IN TRANSCRIPTS OF COMMITTEE HEARINGS

(Mr. **WALKER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, some of us who were among the parties who had our remarks changed in the document referred to by the chairman of the Government Operations Committee appreciate the remarks of the chairman just a few minutes ago and understand that there are some aspects of this case that need to go to the Ethics Committee ultimately; however, we also feel that there are broader based questions than those that can be addressed by the Ethics Committee and we think that some of those particular questions need to have a forum over and above a simple referral to the Ethics Committee.

For example, under the rules by which we operate, a referral to the Ethics Committee would mean that they could investigate so long as an officer, Member, or employee of the House was involved; however, if we got to some point where there was no longer involvement by an employee of the House because they had been fired or because they had quit, the Ethics Committee could no longer go forward with the investigation and the investigation would stop.

Now, that is a problem, because we have an issue before us which goes to the integrity of this House as a whole. Members' statements were changed. There was a conscious distortion of a public record. We had malicious intent involved, in my opinion.

I think that we have got to have the kind of a public forum that will allow us to get to some of the basic questions. One of those questions may be, Is this a singular incident or do we have involved here just one isolated incident we found out about? Has there been an overall pattern of this kind of behavior for a period of time? That cannot be dealt with by the Ethics Committee.

We also have questions about whether or not these same subcommittees that have been involved in EPA investigations up until now may have distorted other public records. That is another question which cannot be dealt with in an Ethics Committee only investigation.

So I hope that the membership would understand that this matter is something which goes far beyond what the Ethics Committee can deal

with and I would hope that we would have the cooperation of all the Members of the House in seeing to it that we have public hearings and that we have the kind of investigation which is broadly enough based to answer all the questions.

PUBLIC VISIBILITY DEMANDED ON TRANSCRIPT TAMPERING

(Mr. **GREGG** asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, just a few minutes ago a member of the Government Operations Committee, the chairman of the committee, rose to the House and suggested that on an issue that has been raised relative to the alterations of Members' statements that this issue should be referred to the Ethics Committee.

Mr. Speaker, as one of the Members who has been involved in this matter, since my language and the terms and purpose of my statements were altered, I would very much oppose at this time that decision. This is an issue which should be heard in an open forum. It is an issue which goes to the fundamental integrity of this House, it goes to the fundamental integrity of the democratic process, for when staff members unilaterally without any authorization change the language and intent and purposes of remarks made by Members, clearly Members who are participants in that action and who find themselves the victims of that action should have the right to participate in an open forum in determining what happened, when it happened, and who did it.

A transfer of this matter to the Ethics Committee at this time would essentially place the matter in a cocoon and it would mean that the matter would end up without any public visibility. This is an issue which demands public visibility if this institution is going to retain its integrity.

PROVIDING FOR CONSIDERATION OF H.R. 2972, MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1984

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 229 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 229

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER** pro tempore. The gentleman from Texas (Mr. Frost) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi (Mr. Lott), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 229 is an open rule providing for the consideration of H.R. 2972, the fiscal year 1984 military construction authorization.

The rule provides for 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and provides that the bill shall be read for amendment under the 5-minute rule by titles rather than by sections. Further, the rule provides one motion to recommit. This is a straightforward rule and only provides one waiver against consideration of the bill. That waiver is of clause 5 of rule XXI which prohibits appropriations in an authorization bill.

Mr. Speaker, H.R. 2972 authorizes $7.9 billion for military construction activities in fiscal year 1984. This funding level represents an 8.2-percent real growth rate over the fiscal year 1983 authorization level and in combination with committee cuts and committee add-ons is $578 million below the administration's request.

The reductions in the administration request were made by the Armed Services Committee in order to meet the requirements of the House-passed first budget resolution. Among the reductions was a $400.3 million reduction in the MX missile program. As originally submitted by the administration, the funding request for $449 million was based on the construction requirements of the Dense Pack basing mode. Since submission of the original request, the administration has adopted the recommendations of the Scowcroft Commission and subsequently reduced their request to $72 million. The Armed Services Committee recommends $48.7 million in fiscal year 1984 moneys and $23.3 million from prior year authorizations which total the entire amount requested by the administration in the amended budget request.

In addition, the committee reduced the administration request for facilities for the ground launched cruise missile program by $101.2 million. This represents a $34 million deferral for facilities in a fifth country because negotiations have not yet been completed with the host nation and a $67.3 million, 1-year deferral for facilities that would be associated with accompanied tours for U.S. personnel. These deferrals will in no way stop the beddown of the missile system.

In general, the cuts made by the committee will in no way affect defense readiness nor will they postpone badly needed construction projects on our military installations at home or overseas. Rather, the Committee on Armed Services has been prudent in authorizing appropriations for those projects that are necessary for the strengthening of our military capabilities and for the morale of our fighting forces.

Mr. Speaker, the Armed Services Committee has reported an authorization which meets the requirements of the House-passed budget resolution and the requirements of our military forces. The Rules Committee has reported a rule which will allow the Members of the House to work their will on the amounts contained in the bill. I recommend that my colleagues adopt this resolution so that we may proceed to the consideration of the military construction authorization.

□ 1320

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 229. This rule would make in order consideration of H.R. 2972, the military construction authorization, which would authorize construction at military installations inside and outside the United States for fiscal year 1984.

House Resolution 229 provides for an open rule with 2 hours of general debate. In addition, the rule waives all points of order against the bill for failure to comply with clause 5 of rule 21, which prohibits appropriations in a legislative bill.

After general debate, the rule provides that the bill be open to amendment under the 5-minute rule and be considered by titles instead of sections. After the committee has risen, the rule provides for no other motion except one motion to recommit. This is a fair and open rule which should allow all Members the opportunity to work their will upon this legislation.

The bill authorizes appropriations for a total of $7,970,085,000 for the construction of various projects including housing for those who serve this country in the military. Although

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JMI

there is some reduction in the levels of funding, I would like to commend the members of the Armed Services Committee for making these reductions in a fair and equitable manner. The administration supports passage of this bill as consistent with their defense objectives.

As I said before, I support this rule and urge my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. I thank the gentleman for yielding.

This bill does contain I think some money for siting funds for the MX missile. I am aware that this bill is to be up in the next couple of weeks. I am also aware that the leadership has scheduled the MX portion of the DOD authorization bill next month, in July, and I am wondering if perhaps either the gentleman from Texas (Mr. FROST) or the chairman of the subcommittee, the gentleman from California (Mr. DELLUMS) can tell us if you are going to do the same thing in this bill, which is bracket or make on a contingency basis the MX funds in this bill, pending what the House decides to do on the procurement bill later in July.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. DELLUMS. I would say to my colleague first of all the Armed Services Committee, in its markup of its 1984 authorization bill, placed all of the consideration of the MX missile in one title. Subsequently the leadership has deferred the decision on the question of the authorization of the MX missile until after the July break.

The gentleman is correct, there are funds in the military construction authorization bill that will be considered next week prior to the consideration of the authorization bill.

This gentleman, as subcommittee chairman of the subcommittee reporting the bill, will at the appropriate time offer the exact same language used in the appropriations bill to bracket those funds until such time as the House has worked its will on the authorization bill for 1984 with respect to the MX missile.

Does that answer the gentleman's question?

Mr. GLICKMAN. I thank the gentleman, and that does answer my question.

Mr. LOTT. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEISS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 35, as follows:

[Roll No. 201]

YEAS—397

Ackerman
Addabbo
Albosta
Alexander
Andrews (NC)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boland
Boner
Bonior
Bonker
Borski
Boucher
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Corcoran
Coughlin
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harrison
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NOT VOTING—35

Akaka
Anderson
Andrews (TX)
Barnard
Boggs
Bosco
Boxer
Britt
Chappell
Coats
Cooper
Courter
Ford (TN)
Gingrich
Hall (IN)
Hansen (ID)
Harkin
Heftel
Ireland
Livingston
Lungren
Markey
Martinez
McDade
McKinney
Miller (CA)
Nielson
Owens
Patterson
Seiberling
Solomon
Stark
Udall
Yates
Young (AK)

☐ 1340

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I ask for this time for the purpose of learning of the schedule for the balance of the day and the week and for next week.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the distinguished majority leader.

Mr. WRIGHT. I thank the distinguished acting minority leader for yielding.

We expect immediately to go into the Department of Defense authorization bill and continue with that debate until 4:30 today. We expect the committee would rise at 4:30 today.

There is no session tomorrow.

And at the conclusion of this colloquy, I will be asking unanimous consent that when we adjourn today we adjourn until Monday, noon.

On Monday, we will have three suspensions, and general debate on two bills.

The suspensions are the National Parks Protection Act, the Ground Water Recharge Authorizations, and H.R. 1492 the Christopher Columbus Quincentenary Jubilee Act.

We will not vote on those on Monday. There will be no votes Monday. We will put the votes over, if any are required, until next Tuesday.

We will complete general debate, however, on the Consumer Products Safety Commission amendments and on the military construction authorizations for fiscal 1984.

On Tuesday we meet at noon. We do not expect any bills on suspensions. There will be a Private Calendar. There will be recorded votes on the suspensions that we debate on Monday. We want to conclude the military construction authorizations. We want to do the military construction appropriations as well.

On Wednesday, Thursday, and Friday of next week we will meet at 10. We will do the transportation appropriations bill on Wednesday.

On Thursday, we have scheduled the Tax Rate Equity Act of 1983. That is the $700 cap on the third year income tax reduction which we expect to be reported out of the Ways and Means Committee this afternoon.

On Friday we would expect to return to the Consumer Products Safety Commission amendments and complete that bill, if we have not earlier done so.

Members ought to be advised of the possibility of a conference committee report on the budget. If we are able to achieve agreement, we will expect to bring the budget conference to the House floor whenever we can.

The House will adjourn by 3 o'clock on Friday. We will announce adjournment times for the other days from day to day as we meet. Any other program will be announced later and everything is subject to change.

Mr. LOTT. Let me ask for clarification on that. Everything just announced is subject to change; is that correct?

Mr. WRIGHT. I think that if there were ever any doubt about that, that should be removed from the gentleman's mind.

Mr. LOTT. We appreciate that specificity.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

If the majority leader would give me his attention. I realize that things are subject to change because as the gentleman was kind enough to announce yesterday we would take up two rules, that we just voted on, after we had started work on the authorization bill today, but they came up first.

Now in hearing the gentleman relate what we might expect next week, I can only infer from that that when we conclude today's action on the authorization bill that this bill will not be called up again until sometime after the Fourth of July; is that correct?

Mr. WRIGHT. I think that is a fairly reasonable assumption. However, I am not absolutely certain that would be the case. I think the gentleman can be certain that we will not take it up next week. We have no plan to return to this.

☐ 1350

Mr. DICKINSON. At the end of next week we go into recess until after the Fourth of July; do we not?

Mr. WRIGHT. There will be 1 additional week following next week. We are going to recess on the 30th.

Mr. DICKINSON. Is there any reasonable hope—and this is not just an idle inquiry—that we might return to this bill and conclude it, all but title III, before we take our work break and go to the district for the Fourth of July?

Mr. WRIGHT. There is that possibility. We have not yet planned the final week before the Fourth of July recess, and I would not want to preclude any possibility.

Mr. DICKINSON. Just let me urge on the majority leader and emphasize the problem. In talking with the Appropriations Committee, for the Defense, they are more or less in a holding pattern, and by agreement they were not to appropriate until we authorize, and if we cannot finish our authorization bill until after the Fourth of July, then it gets us up close to August before they can have their mark, unless they were to go ahead of us, which I certainly hope would not be the case.

Mr. WRIGHT. No, no; we do not expect the Appropriations Committee to get ahead of the authorizing committee on the defense appropriation. I do not think the gentleman has any fear there. The gentleman is on track, and we expect to follow the regular procedure, which is to conclude the authorization bill first.

Mr. DICKINSON. There has been speculation in the press and also discussion among some of the Members, myself included, as to title III of this bill, which deals with the so-called Scowcroft recommendations, that is, the MX missile, the small mobile and the hardening, and that this particular title could be dealt with out of order and out of sequence, at the discretion of the Chair. Has there been any time set or any agreement as to this, as far as the gentleman is aware?

Mr. WRIGHT. I think it is generally understood that we will not come to title III until after the Fourth of July recess. We would not want to preclude all other titles if there is a possibility we could complete them. But the title to which the gentleman refers, that which includes the MX missile and the other recommendations of the Scowcroft Commission, will be taken up following that recess period.

Mr. DICKINSON. We can take that as a commitment, then, as to title III?

Mr. WRIGHT. That it will be taken up——

Mr. DICKINSON. Only after the recess?

Mr. WRIGHT. I think that is exactly right.

Mr. DICKINSON. Could the gentleman perhaps give us some feeling as to how much further after the recess? Would it come up as soon as practicable after we return, so that we can conclude action on this bill?

Mr. WRIGHT. As soon as practicable is a pretty good way to put it.

Mr. DICKINSON. I hope that that means the same to the gentleman as it does to me. We would like to conclude this.

Mr. WRIGHT. There is no intention on our part to delay it.

As the gentleman knows, this bill always takes more time than most bills do, and I suppose reasonably it should; it contains more money than most bills do. It is vitally important to the Nation. So we do not try to hurry it; we do not try to rush it through. By the same token, we do not try to delay it. So, I think reasonably soon after the recess we would try to get back to it and conclude consideration of the bill. There is no reason for delaying it.

Mr. DICKINSON. I thank the gentleman. I am sure that all parties can readily appreciate there are many, many things contingent upon the happening of this bill, such as the test firing, perhaps, of the MX missile. If it is in a state of readiness now, should they delay, and delay, and delay, or would they have to go forward with the testing, and any number of things are contingent upon this, and by interminable delay we would put ourselves at a disadvantage, in the long run. I thank the gentleman for his candor.

Mr. LOTT. Mr. Speaker, I would like to ask just a couple of questions, too.

On Friday next, which would be June 24, the Members can expect the House to be in session and votes to occur on that date; is that correct?

Mr. WRIGHT. If the gentleman will yield, I think we ought to expect that there would be votes on that Friday if for no other reason than the fact that we may have another appropriations bill which we might be able to consider. There is a possibility we may have three appropriation bills available for us next week, and I surely would not want the Members to have the impression now that they can make a commitment for next Friday and safely and securely go away with the thought that we were not going to have votes. I think the reasonable expectation is that we will have a session and that there will be votes.

Mr. LOTT. That is 1 week from tomorrow, the 24th. I did want to clarify that so that the Members will plan to be here, in view of what the gentleman is saying.

I note that we will consider the transportation appropriations bill but we have not scheduled the Treasury-Postal Service, or State-Justice-Commerce appropriations bills. Do we expect those to come up in another week or so?

Mr. WRIGHT. Well, I would like to hope that the problem involving them, as the gentleman realizes, involving the rules under which they would come, could be resolved. But I am inclined to think that perhaps the gentleman from Mississippi may be better advised on that at the moment than I am. He is serving on the Rules Committee.

Mr. LOTT. I think it probably will be a while longer before State-Justice-Commerce comes up, but I did not have a feel on Treasury-Postal Service, since we did defeat that appropriation last week.

Mr. WRIGHT. I think the Treasury-Postal bill must go through the committee again, and it depends upon the action of the committee as to when we will be able to take that bill.

Mr. LOTT. One final question: Since the gentleman said everything here is subject to change, I wonder if we could get an unanimous-consent request on the bill scheduled for Thursday, June 23, to change the title to the "Middle Income Soaking and Taxing Act." Would that be in order at this point?

Mr. WRIGHT. Well, a unanimous-consent request would be in order, but so would an objection. I suppose if no other Member were constrained to object, the majority leader would be so constrained. Amendments are in order, of course, to the bill, to the title, and if the gentleman is of a mood to offer that, I am sure he would enjoy doing so.

Mr. LOTT. There would be a lot of support for it.

Mr. WRIGHT. We could enter into all sorts of sloganeering, but I think it would serve no useful purpose.

Mr. LOTT. We will do the sloganeering, I am sure, on both sides, next week.

Mr. WRIGHT. I have no doubt there will be an amplitude of it.

ADJOURNMENT TO MONDAY, JUNE 20, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule he dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969, to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

Mr. ROSTENKOWSKI. When the Committee of the Whole rose on Wednesday, June 15, 1983, title I was open to amendment.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dellums: Page 2, line 12, strike out "$2,990,900,000" and insert in lieu thereof "$2,558,100,000, none of which shall be available for the Pershing II missile system".

□ 1400

Mr. DELLUMS. Mr. Chairman, I hope that this amendment will lead to a stimulating debate. I think the question of the deployment of the Euromissile is terribly important for my colleagues on both sides of the aisle. I realize that the issue of the deployment of the Pershing missile for the most part has been an invisible issue here in this body, and for the most part around the country.

There are a number of comments that I would make with respect to the deployment of the missile.

First, this amendment specifically will strike $432.8 million in title I for the procurement of the Pershing II missile. I realize that my colleagues have a number of chores and duties and responsibilities here and they are not always able to read the reports that are the accompanying documents to the legislation, and as a beginning basis for my debate in support of my amendment, I would like to read to you that portion of the Committee on Armed Services committee report that is in support of this authorization. Pershing II surface-to-surface missile system, and I would now read from the report.

> The budget request contained $407.7 million for procurement of 95 Pershing II surface-to-surface missiles and $25.1 million for initial parts, for a total of $432.8 million. The Pershing II missile is a follow-on to the Pershing I and IA missile systems and will provide greater range, higher accuracy, and permit the use of lower-yield warheads to reduce collateral damage.
>
> The fiscal year 1984 request would support the third year of production. The Pershing II missile program would fulfill the United States commitment to our NATO Allied Decision of December 1979 to modernize and improve NATO's nuclear deterrent forces unless successful negotiations with the Soviet Union result in a treaty that substantially reduces Soviet intermediate range nuclear weapon threat. If the current intermediate range force (INF) negotiations with the Soviet Union are unsuccessful, deployment of the Pershing II system will begin in December of 1983.
>
> Because the Pershing II missile system is of paramount importance to the relationship of the United States and the NATO Alliance, and also provides the incentive for the Soviet Union to negotiate on nuclear arms limitations, the committee recommends that the amount requested be authorized.

Now, that is the basis, Mr. Chairman and Members of the Committee, for the Committee on Armed Services support of the procurement figure of $432.8 million to procure 95 Pershing II missiles.

The 1979 decision that was referred to is the so-called two-track decision that says we will deploy Pershing missiles in December 1983 if the negotiation with the Soviet Union on intermediate range nuclear force are not successful.

I would also add in my opening remarks that the Secretary of Defense and the President and a number of other officials in this administration have suggested that the Soviet Union will not negotiate until there is a deployment. There is some controversy as to the interpretation of this two-track decision. In the course of my remarks, Mr. Chairman and Members of the Committee, I will attempt to make the following points.

Mr. Chairman and Members of the Committee, I will make a number of arguments.

There is no military rationale for the Pershing II missile. Second, to deploy this missile is extremely dangerous. Third, deployment will undermine—not enhance—United States-European relations rather than enhance NATO solidarity. And finally, I would address the so-called SS-20 argument.

To the question, Mr. Chairman, of a military rationale for the Pershing II, targets can be hit by existing U.S. nuclear weapons assigned to NATO, as well as those weapons targeted by the French and the English nuclear forces. So in that sense, this is a redundant weapons system. The targets that we are focusing upon with the Pershing II can be hit with other forces.

Second, to the question of this weapon being extremely dangerous, I would like to make this point: I believe that to deploy the Pershing missile is to create a permanent Cuban missile crisis in Europe.

The CHAIRMAN. The time of the gentleman from California (Mr. Dellums) has expired.

(By unanimous consent, Mr. Dellums was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, if the Pershing II missile is deployed, it will be deployed in West Germany. I mentioned that this is a highly accurate weapon. It can travel between 1,000 and 1,200 nautical miles, and it is considered to have the most accurate warhead that we have designed, that we have done research and development upon and procured in our entire arsenal.

There is some question with respect to how much time it takes for this missile to travel from West Germany to the Soviet Union, but all the documentation that I have seen, read, or heard, indicates that the traveltime of a weapons system, the Pershing missile, from West Germany to the Soviet Union is between 6 and 8 minutes. Now, consider this: If in some insane moment a weapon would travel either from the Soviet Union to this country, or from this country to the Soviet Union, the traveltime is somewhere between 25 and 40 minutes.

There have been a number of occasions, Mr. Chairman, when our computers, the American computers, have malfunctioned indicating that the United States was under imminent attack from the Soviet Union. We at least had 10, 15, maybe 20 minutes to evaluate whether or not that computer was indeed malfunctioning or whether that computer was actually telling the truth and the United States was indeed under imminent attack from the Soviet Union.

Now, 15 or 20 minutes is an incredible amount of time when we consider the possibility of a decision affecting 100 million human beings' lives. But what would happen, Mr. Chairman and Members of the Committee, if the Soviet Union's computer malfunctioned and our missiles were not stationed 25 to 40 minutes away, but 6 to 8 minutes away?

Now, consider that. If we deploy missiles 6 to 8 minutes from the Soviet Union, there will be no time to evaluate a computer malfunction or a computer mistake. Therefore, if we deploy this weapon, I guarantee my colleagues the Soviet Union then would have to begin to move toward the concept of launch-on-warning and to place nuclear missiles in a launch-on-warning situation which is highly irrational, incredibly dangerous, and obviously destabilizing.

It is also very interesting, Mr. Chairman and Members of the Committee, that we rank the United States and Japan as the two leading nations in the computer field. But I think one can argue persuasively that if you deploy the Pershing missile 6 to 8 minutes from the Soviet Union, perhaps the world would hang on the balance of the integrity and the competency of the Soviet computer system, which is not considered one of the best computer systems in the world.

It is also interesting to note, Mr. Chairman, that our President is not interested in seeing to it that this kind of technology goes to the Soviet Union. So we are talking about inferior computer technology maybe determining the destiny of the world. Six to eight minutes is a miniscule amount of time to talk about plunging the world into a nuclear holocaust, and I believe to deploy this weapon is incredibly dangerous. We threaten their command and control silos. These Pershing missiles will be placed in what we euphemistically refer to as a vulnerable, soft-target mode, which means that this would not be a hardened silo.

Now, in the case of a crisis, we have pressure on both sides. We have pressure on the side of the Soviet Union looking at a weapons system, a land-based missile, 6 to 8 minutes away from them. They have to go after that system because it is dangerous. People on our side, understanding the principle of use them or lose them, will be under incredible pressure to press that button to use those weapons.

So I am saying to my colleagues in unequivocal terms, to deploy the Pershing missile is incredibly dangerous, and my voice cries out to you not only for myself but millions of human beings in this country and millions on this planet who do not want to plunge the world into nuclear disaster, and I believe the Pershing missile, even beyond the MX I would say to my colleagues, is more imminently dangerous and destabilizing than any weapon that we can deploy at this moment.

□ 1410

Mr. Chairman, I would now like to take a moment to quote a number of sources on the issue of the danger of the deployment of the Pershing missile. First, Herbert Scoville, formerly Deputy Director of the Central Intelligence Agency, and formerly with the Arms Control Agency. This is Herbert Scoville, and I quote:

> The Pershing II deployment provides a vulnerable target which is a direct threat to the survival of their (meaning the Soviet Union) "command and control, and it provides them with a strong incentive to launch a preemptive strike, perhaps even in advance of any large-scale conflict in Europe."

The CHAIRMAN. The time of the gentleman from California, has expired.

(By unanimous consent, Mr. Dellums was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I would now quote Paul Warnke on the issue of the danger of the deployment of the Pershing missile. Paul Warnke was with the agency negotiating the SALT Treaty.

> I am totally against developing weapons with the idea that you can fight and win a nuclear war. But it is important to have survivable weapons, weapons that cannot be readily destroyed by a first strike. It is also important that we not have weapons that threaten the survivability of the Soviet Union.

This quote was in testimony dealing directly with the issue of the deployment of the Pershing missile.

I would now like to quote Professor Emeritus Owen Chamberlain, Nobel Laureate, who was on the Manhattan project that gave rise to the atomic bombs that we dropped on Hiroshima and Nagasaki. Prof. Owen Chamberlain on the Pershing missile:

> If the Soviets suffered the same kind of computer error after our Pershing II missiles were installed, they might be forced to make a four-minute decision to launch their nuclear missiles, thus destroying, say, 20 cities, not in Europe but from San Francisco to Washington, D.C., in retaliation to an

> imagined U.S. attack. This feature alone on the Pershing II constitutes a frightening threat to our security. To protect our real national security, Congress should withhold appropriation for Pershing II.

Mr. Chairman, I would now like to go to the third argument that I would advance to my colleagues, and that is that we will not enhance NATO solidarity with the deployment of the Pershing missile in December. I believe we will undermine European relations.

First, let us go back to the so-called two-track, double decision in 1979 on the part of NATO to deploy the Pershing and cruise missiles if, indeed, the talks at Geneva broke down on the issue of the intermediate nuclear force.

I would ask my colleagues to look back to 1979 in their minds. It was not the Reagan administration at that time; it was the Carter administration, and at that time, when our European allies, primarily our German allies, pushed for the two-track decision, what was taking place in 1979? Everyone in the world thought that the United States was about to ratify the SALT II Treaty, and they thought we were prepared then to move expeditiously to the negotiation of the SALT III Treaty. They thought that there would at least be at the strategic weapons level some stability in the world.

This was the 1979 backdrop within which the two-track decision was made. But these are not ratified agreements. We do not have a ratified SALT II Treaty. We have not moved to a SALT III Treaty. We do not, indeed, have stability in our strategic forces at this moment. There is great calamity in the world. So the backdrop of the decision of 1979 has radically changed, the situation is different, and the premises of that decision have indeed changed.

Therefore, I am suggesting to my colleagues that we rethink this incredible desire to deploy this weapon.

Mr. Chairman, the decision was prompted by the Germans, who saw a growing gap between the NATO and Warsaw Pact theater nuclear weapons, and they sought in this two-track approach to try to get the United States and the Soviet Union, the Warsaw Pact and NATO forces, to come together to link the issue of intermediate range weapons with strategic weaponry.

It never was, Mr. Chairman, the desire or the intent of NATO to seek a theater nuclear weapons balance. Otherwise they would not have asked for just 572. The Soviet Union had well over 1,000 weapons. So there was never any desire for balance, and my colleagues who project this notion of balance are not really dealing with reality. That was not NATO's desire. It was clearly anticipated that the Soviets' reaction to a proposed deployment would be a reduction in their forces. NATO believed that the Soviets would move toward reduction on the threat of deployment, not on deployment itself. But this administration has decided that the only way we can bring the Soviets to the table is to deploy, but the NATO allies who asked for this decision never thought deployment itself would be the negotiating impetus, but that the threat of deployment would.

Mr. Chairman, indeed when we threatened to deploy, the Soviet Union did say to the United States, "We are prepared to reduce our SS-20's." But remember, the President at that time was clinging tenaciously to the so-called zero option. This was the holier-than-thou position, and so we turned down the first effort on the part of the Soviet Union based upon the threat of deployment to begin reduction of their SS-20's, coupled with a promise not to deploy SS-21's, SS-22's, and SS-23's if we did not deploy the Pershing or the cruise missile.

Parenthetically, Mr. Chairman, NATO has always included the United Kingdom and the French nuclear forces as part of its theater nuclear weapons count.

The CHAIRMAN. The time of the gentleman from California (Mr. Dellums) has again expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, I just wish to make an inquiry.

I wonder if the gentleman from California (Mr. Dellums) could advise the House about how long his statement will take.

Mr. DELLUMS. Mr. Chairman, I would say to my colleague, if he will yield, that it will take about 10 minutes.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman, and I withdraw my reservation of objection.

The CHAIRMAN. The Chair will inquire, does the gentleman wish to have 10 additional minutes?

Mr. DELLUMS. Yes, I do, Mr. Chairman, and I thank my colleague, the gentleman from Alabama (Mr. Dickinson) for inquiring. This is a new weapons system, and I think it is terribly important that we have time enough to debate it.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. Dellums) is recognized for 10 additional minutes.

Mr. DELLUMS. Mr. Chairman, former Minister Genscher, in June 1981, argued in his article entitled "Arguments for the NATO Double Track Decision"—as a matter of fact it is on page 72 of that report—that the United Kingdom and France must be counted in the theater nuclear weapons count because they are not counted in the SALT talks.

The Germans had held that the theater nuclear weapons ratio should be between NATO and the Warsaw Pact, not between the United States and the Soviet Union. That, I think, is a terribly important point because if the ratio is between the Warsaw Pact and NATO, then we must count the United Kingdom and French nuclear forces.

Mr. Chairman, the allies in 1979 foresaw a strategic arms control agreement would be in place at this time. As I said, it is not. They sought to create stability by reducing the theater nuclear imbalance by coupling theater and strategic forces, but it is interesting that we are not doing that. As a matter of fact, we have got two different talks going on in two different places rather than bringing these talks around the very same table. Certainly, without SALT in place, the whole question of strategic limitations and balance is indeed in doubt.

The Soviets see, in my estimation, the general United States escalation as requiring a reaction. This makes the Soviet reduction in theater nuclear weapons, in my humble opinion, very unlikely.

Mr. Chairman, we should delay deployment of the Pershing missile. The present framework of negotiation does not present an opportunity for agreement. The incentive for the U.S. reduction works only if we have not deployed the weapon.

If it were legal to bet on the floor of Congress, I would wager the following: If we deploy the Pershing missile, the Soviet's response would not be to reduce SS-20's. It will be either to increase SS-20's, or to deploy SS-21's, SS-22's, and SS-23's, which are more modern versions of this weapon.

Our allies in Western Europe are going to see the response not being reduction on the part of the Soviet Union but increase, and I guarantee that that is going to split Europe asunder and we are going to see people on both sides of that issue split very powerfully. In that context there is going to be not a solidarity of our NATO allies but a weakening that will be communicated throughout the world. So the very desire and goal that we seek to achieve by the deployment of these weapons is not going to be achieved.

I do not believe in any way that the Soviet Union is going to reduce by virtue of our deployment. The impetus of reduction is in the threat of deployment, not in the deployment.

□ 1420

Mr. Chairman, the Soviet Union has coupled their offer in the past with reduction of SS-20's and promise not to deploy these new weapons if we do not deploy ours. There is increasing opposition in Europe to these weapons. I truly believe that all our European allies would breathe a sigh of relief if we did not walk in lockstep toward deployment of this weapon in Western Europe.

Mr. Chairman, I would like to now address briefly the discussion of the SS-20's and quote a few people on the issue of the Pershing missile being a response to the Soviet deployment and buildup of the SS-20. As former National Security Adviser McGeorge Bundy has pointed out:

> The SS-20 did not and does not give the Soviet Union any nuclear capacity against Europe alone that you did not have in overflowing measure before a single SS-20 was deployed

As Raymond Garthoff, former U.S. Ambassador to Bulgaria and senior fellow at the Brookings Institute has asked, "Why should the Soviet leaders be prepared to eliminate all their weapons, new and old, in exchange for non-deployment of certain U.S. new weapons systems if no limits are on other weapons?"

If, for example, the United Kingdom and France can continue to expand their weapons without any limitations, think rationally and logically, what makes anyone believe that they are going to reduce just because we deploy when there are other forces out there that can increase?

He further stated:

> From the Soviet perspective, it is one thing to accept equal global force levels with the United States, but quite another to dismantle or even limit their European theater nuclear weapons without taking into account the whole strategic forces of the western alliance they face.

Mr. Chairman, the intermediate range force talks obviously need more time if a truly mutually satisfactory agreement is going to be achieved between the Soviet Union and the United States.

I believe that the Soviet's deployment of the SS-20 was wrong and I believe that there ought to be a significant reduction, ultimately a removal, not only of the SS-20's, but all of the insane nuclear weapons from the face of this Earth; but that is not going to be accomplished by the deployment of the Pershing missile.

I think that this rigid adherence to a deployment schedule is not what is going to bring the SS-20's down. That will come in the negotiations around the table, and I suggest that we must negotiate in good faith and negotiate powerfully and I believe we ought to fold both of these talks into one, so that there is only one table.

In summary, Mr. Chairman, this is going to be a Cuban missile crisis in reverse. This is a war-fighting weapon. It is not a deterrent weapon. If you want to talk about bargaining chips, I would ask my colleagues the rhetorical question: Once a weapons system has been deployed that started off as a bargaining chip, you name one that has been dismantled. A bargaining chip ceases to be a bargaining chip when you take it off the drawing board and you deploy it. At that point it becomes a weapons system aimed at your adversary. You then have to deal with it around the negotiating table.

In conclusion, Mr. Chairman, I make the following points: There is no military rationale for the deployment of the Pershing missile. It is extremely dangerous and crisis destabilizing and in my estimation will take the world in a quantum fashion closer to the brink of nuclear disaster. It will, indeed, undermine our relationships with our NATO allies. It will not bring us closer together. It is not a constructive response to the deployment of the SS-20. The better way to go is to negotiate.

Mr. Chairman, I believe for all the reasons that I have enunciated, and I have taken some time to present them to you because I believe this is a significant weapons systems and a significant issue before us. I know that a number of my colleagues say, "Well, Ron, we can only deal with one system at a time. Let us deal with the MX and then maybe sometime down the road we can deal with these other weapons."

We are talking about the deployment of this weapon in December and once it is deployed, we will set in motion dynamics that we will either live or perhaps die to regret.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished colleague, the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank my brother Don Quixote. The gentleman and I have been indissoluably bound together with Mr. Jack Anderson's description of us being Don Quixotes.

Mr. DELLUMS. I am proud to be a Don Quixote, I say to my friend.

Mr. GONZALEZ. A Don Quixote tilting at windmills, they have said.

I rise to ask a question and I thank the gentleman for yielding and also to adhere myself to the thread of reasoning of his presentation.

I think the gentleman is preeminently correct in his analysis. Unfortunately, it is a situation where I believe, observing, that the gentleman is cast in the role of a Don Quixote tilting at windmills; but the question I have has to do with a very important point the gentleman made, that I think has not penetrated the level of consciousness of either our leaders or our fellow Congressmen, our national leaders, and that is, the gentleman describes the fact that the deployment of the Pershing II would destabilize and would, in effect, bring about a devisive situation with respect to our "allies."

The gentleman is a member of the committee and, therefore, I assume would be knowledgeable beyond my capacity; but what is the status of the Germans, for instance, the French, and even the English? Is it not a fact that they are greatly disturbed by our intent and announced intention to deploy the Pershing II because as in the case of the cruise missile, if I understand the news reports correctly, even England wants to have the finger, so to speak, on the bomb trigger if and when a decision is ever made to use these weapons. Is this not the big issue now even in England about the so-called cruise missile? Is this not the raging issue in England?

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. Gonzalez, and by unanimous consent, Mr. Dellums was allowed to proceed for an additional 5 minutes.)

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield further?

Mr. DELLUMS. Yes.

Mr. GONZALEZ. Mr. Chairman, does the gentleman have information with respect to that?

Mr. DELLUMS. Mr. Chairman, I thank my colleague for the question and I thank him very much for his characterization of the argument that we are trying to make.

I would first say to the gentleman that I realize that my colleague and I are at times cast as the Don Quixotes of the Congress tilting at windmills. I simply believe that this is not a windmill. This is a dangerous weapon that may very well bring the end to human life on this planet, because I assert unequivocally that I think the deployment of this weapon may take us in a quantum fashion closer to nuclear war.

Now, with respect to our NATO allies, first, in West Germany, the Social Democratic Party is in opposition to this system. The Christian Democrats are now beginning to raise significant questions.

In the Netherlands and other countries, they have taken votes in opposition to the deployment of these weapons.

We are having difficulty in some countries getting negotiated agreements for the deployment of these weapons.

In England, one of the issues is, "We don't want the deployment of the cruise missile in England, in Greenham Commons, and other places."

The gentleman is indeed correct. There are a number of people in England who are saying, "Wait a minute. The United States wants to deploy nuclear weapons in England, in Europe, ostensibly to protect Europe that may end up destroying it, and you would have your finger on the button? It's going to be in our country and we don't have that right?"

So these issues are being raised.

I think the bottom line of the gentleman's question is this, that there is, indeed a serious questioning on the part of our NATO allies with respect to the deployment of not only the Pershing missile, but the cruise missile as well. I am saying that I believe our NATO allies will breathe a sigh of relief. I think once we deploy, you are going to split Western Europe asunder and you are going to see demonstrations in opposition like you have never seen before, once the Soviet Union responds, as I think they will, and that is going to be to escalate the number of SS-20's and escalate the deployment in Eastern Europe of a number of more sophisticated weapons systems, theater nuclear weapons.

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished gentleman and add additionally that his observations, in my mind, are very correct, most perceptive. It has been most courageous on the gentleman's part to be outspoken and present his case, which I think is meritorious of very serious consideration; in fact, at this point, of adoption.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman.

In conclusion, I would simply say to my colleagues that one of the frustrating problems of going out in front on these kinds of issues is that oftentimes you spend weeks and months developing your analysis and presenting arguments on the floor of the Congress that no one ever really addresses. If these arguments are incorrect, then let us have it out on the floor of the Congress. Show point for point that the arguments that the gentleman from California and the gentleman from Texas assert are not appropriate, but do not just gloss over it as if it did not exist.

☐ 1430

These are rational, intelligent, easily communicated ideas and if they are inappropriate then I will go back and reconsider my position. But at least give us the integrity and the honor of dealing with the arguments.

We are not arguing in a vacuum here. I am not only arguing for myself or for 500,000 residents in California. I am arguing on behalf of human life in this country and human life on this planet, millions of people who oppose the insanity of an ever-increasing military budget and an out-of-control arms race and efforts that are taking us closer and closer to war.

Finally, I find it interesting that the women in this body, or at least a number of women in this body, seem to understand this issue perhaps better than the men. They see this macho mentality. One of my colleagues referred to it as Andropov envy. Someone referred to it as missile envy.

They understand that this is macho. This is beyond deterrence. What we are doing now is engaging in an arrogant and egotistical thing.

I believe when you are talking about destroying life on this planet you must be extremely humble. It is a very arrogant act to assume that we know best what is necessary in deploying these weapons that have the threat of destroying human life.

I am saying let us be humble in this rather, and let us go slow in this regard, and let us not engage in a macho, arrogant activity that may destroy us and our children and our children's children.

I yield back the balance of my time.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is one of several amendments that our good friend and colleague from California, Mr. Dellums, has suggested in a "Dear Colleague" letter dated May 19.

This amendment by itself, and in conjunction with the other amendments that the gentleman is expected to offer based on his letter, would do two things:

First of all, they would amount to a unilateral disarmament on the part of the United States; and, second, these amendments would absolutely kill the INF arms control talks now going on in Geneva.

If these amendments were to pass, Ambassador Rowny and Ambassador Nitze might as well come home. There could be no reason to try to negotiate with a Soviet delegation that had been given the full support of a majority of the Members of the House of Representatives.

The gentleman from California is a very genial and persuasive Member, but these are the basic nuclear deterrent systems that this gentleman's amendment, not only the one amendment he has been expounding this afternoon, but the others included in his list that would be stricken: the Pershing II missile, the ground-launched cruise missile, the B-1 bomber, the sea-launched cruise missile, research and development for the MX missile, and civil defense. This particular amendment which we have before us now would strike all of the funds for the Pershing II missile.

I have heard the gentleman from California say on several occasions, and he indicated more or less the same this afternoon, that the Pershing II can rain down nuclear warheads on the Soviet Union within 5 minutes or 8 minutes.

As a matter of fact, the Pershing II cannot even reach Moscow from its launchers in West Germany.

But within the range of the Pershing II there are located 350 Soviet SS-20 launchers capable of landing 1,000 nuclear warheads on NATO and even have the capability to send those destructive missiles well beyond the NATO area.

While the existence and the threat of these missiles do not seem to concern some Members, the 350 or more SS-20's greatly concern Western Europe. I can say that because, like the gentleman from Wisconsin, Mr. Zablocki, I too had the privilege of being on hand for the North Atlantic Assembly meetings last week in Copenhagen. There was a great concern about these missiles at that session and there is still some considerable concern about whether the United States intends to field the Pershing missile.

But our colleague from Georgia, Mr. Levitas, took the rostrum in the closing moments of that NATO assembly session and promised our NATO allies that we were going to fund the MX missile, we were going to fund the Pershing missile, we were going to support them solidly in their concerns.

Indeed it is the threat of the SS-20 that brought about the intermediate ranged nuclear force negotiations in Geneva, and the joint NATO plans to deploy the Pershing II and the ground-launched missiles if those talks failed to produce results.

One of the important subjects that was discussed in those meetings informally as well as formally was the fact that the German electorate under Chancellor Kohl had voted overwhelmingly to support the Pershing missiles, and the German Government is determined to put them into place unless there is some agreement on different deployment at Geneva in the INF talks.

As we were meeting there in Copenhagen the results came in from Great Britain where the Thatcher government was again overwhelmingly swept into office based on its pledge to support the placement of these missiles by its firm and solid ally, the United States of America.

This amendment would prevent the United States from carrying out a solid commitment to its NATO partners. If this amendment were adopted we would destroy what remains of the credibility of the United States as a reliable ally.

If we were to accept the doctrine of the gentleman from California a successful balance of power in terms of international intermediate-range nuclear weapons would be 1,000 to zero,

1,000 warheads on the Soviet side; zero for ourselves.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. Stratton) has expired.

(On request of Mr. Dellums and by unanimous consent Mr. Stratton was allowed to proceed for 5 additional minutes.)

Mr. STRATTON. Mr. Chairman, the statements that I am making have been fully backed up by officials of the U.S. Government. I think it is important, although I am sure the gentleman from California is aware of them, but it is important that they go into the record.

The Ambassador in charge of the INF negotiations, the Hon. Paul Nitze, said on November 22 of last year that "the deployment of the Pershing II and the ground-launched cruise missiles are essential to balance the massive Soviet deployment of Soviet SS-20 missiles."

In the INF negotiations the United States has put forward a program under which we would forgo our deployment provided the Soviets forgo theirs. There is no prospect that the Soviets will seriously negotiate on the basis of our proposal if they conclude that support of the Congress for our deployment may be withdrawn or weakened.

In April it was said a delay in funding the program would have an adverse effect upon any prospects for a favorable outcome of the INF issue.

Here in the Current News, duplicated by the Pentagon, in the early bird edition on June 11, the Washington Post reports that the NATO Ministers in Paris reaffirm the plan to deploy missiles. NATO is behind this deployment, and if we were to accept the Dellums amendment we would wipe out our credibility and, in my judgment, destroy the NATO alliance for all time.

So I think a word to the wise is sufficient. We certainly cannot damage these negotiations and we have to reject the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I will be glad to yield to the gentleman from California.

Mr. DELLUMS. I thank my colleague for yielding.

As I have said on more than one occasion, I respect the fact that my colleague and I have very different perceptions in this regard. But I would like to make several quick comments.

First of all the gentleman has mistakenly quoted this gentleman as saying that our Pershing missile can reach Moscow. I have never said that and I think a correct reading of the record would indicate that that weapon can travel between 1,000 and 1,200 nautical miles and reach into the Soviet Union. I did not use the term "Moscow" and I would hope that my colleague would correct that part of the record.

Second, irrespective of what this gentleman's political views are, I believe that nuclear war is insane. The gentleman is correct, I would like to get rid of all of these weapons. But to characterize my argument as one of unilateral disarmament is to burlesque the gentleman's argument.

☐ 1440

No. 2, we are not here to challenge each other's personal political views. What we are here to do is to debate policy and whatever my views are on other weapon systems I have argued and tried to argue as persuasively as possible against this particular weapon system and I made a number of arguments against this particular weapon system. I think the debate ought to occur in that regard.

Mr. STRATTON. If I may respond to the gentleman on the time that he has graciously extended for me, the fact is that the gentleman has proposed in his letter of May 19 not just the elimination of the Pershing but also the elimination of all of these other weapons that are vital to our nuclear deterrent. And if the gentleman were to succeed in getting all of his amendments passed, that would indeed be unilateral nuclear disarmament on the part of the United States. I do not think the gentleman expects that they are going to be passed by this House. But if they were, this is actually what the gentleman's program adds up to. And I think the gentleman ought at least to face up to the consequences of his particular views.

Mr. DELLUMS. Would the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. DELLUMS. I thank the gentleman.

I appreciate the fact that the gentleman is going to make his own characterization. I do not believe it is unilateral disarmament. I think if we stopped all these nuclear weapons maybe we will start to break out in unilateral peace; that would be an important issue. Let us go to something else. The gentleman said in his remarks, he quoted on this two-track decision that we would deploy the weapons; the weapons would be deployed unless there was agreement at Geneva on the intermediate nuclear force talks. But what this administration is suggesting, and I think what the gentleman is suggesting and if I am wrong then I stand corrected; the gentleman is saying the Soviet Union would not negotiate until the deployment and that in my estimation is a radical point of departure from what the original two-track decision was.

Our European allies never said, "Deploy the weapons and then the Soviets may negotiate."

Mr. STRATTON. Let me respond to that.

Mr. DELLUMS. So, I think the gentleman has distorted that argument.

Mr. STRATTON. The fact is that the INF——

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. Stratton was allowed to proceed for 3 additional minutes.)

Mr. STRATTON [continuing]. The INF negotiations have in fact been going on in Geneva for some 1 year and 9 months, and they are still in progress, as Mr. Nitze has made clear.

The negotiations have been continuing. What has not happened is that there has been any agreement. The Armed Services Committee, during our visit to Paris, a couple of weeks ago, met with Mr. Nitze and he reaffirmed to us that there is still no agreement, but negotiations continue. The Soviets have simply not come up with any responsible, reasonable offer that we can take seriously.

The only thing that was floating around was the so-called walk in the woods agreement but the Soviet Government turned that down and then the United States Government turned it down.

No one has said that negotiations have been terminated until the Pershing missiles have been deployed. What the gentleman has referred to is a misunderstanding. What has been said has been a conviction on the part of many of our allies—and the Germans, I think, probably are much smarter about what the Russians are up to than we are—they say we are not likely to find the Soviets negotiating responsibly on the INF matter until we finally deploy those weapons in Germany. That is exactly what we found with regard to the ABM. Once Congress voted the money for the ABM then Mr. Kosygin reconsidered and proceeded to negotiate a treaty about the ABM, and such a treaty was ratified.

Mr. DELLUMS. Would the gentleman yield briefly to me?

Mr. STRATTON. I yield to the gentleman.

Mr. DELLUMS. I thank the gentleman.

First of all, I think deploying the Pershing missile is very, very different than the ABM situation. Let me ask the gentleman this question: What does the gentleman believe the Soviet Union's response would be if indeed we deploy the Pershing and the cruise missile on time in December, what would their response be?

Mr. STRATTON. Well, I do not take the Soviet threats as being gospel truth. I think the Soviets feel that

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with the sentiment of the various peace movements and the demonstrators here and in Europe and those who are trying to knock out the MX and trying to knock out the Pershing in the Congress, that the American people will somehow demand that Congress refuse to let these weapons be deployed.

And I think that when they see, that in spite of those efforts the Americans, the Germans, and the British are still behind the deployment of these weapons, they will then talk a different tune. That has been the experience of our negotiators in the past.

Mr. DELLUMS. I thank my colleague for yielding and we respectfully disagree on this issue.

Mr. STRATTON. I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment.

Mr. DELLUMS. Will my colleague yield briefly before you begin?

Mrs. SCHROEDER. I yield to the gentleman.

Mr. DELLUMS. I thank my colleague.

My colleague from New York suggested that we are talking about unilateral disarmament. Well, what about the 10,000 strategic nuclear weapons that we already have in our arensal? What about the 15,000 tactical nuclear weapons that we already have in our arsenal? We assume if you knock out these new and very exotic weapon systems that in some way the United States does not have nuclear capability.

We have 25,000 nuclear weapons, what are we talking about, disarmament? What we are saying is let us not go forward with nuclear technology that will go from deterrence to war fighting, from verifiability to nonverifiability and finally let us not deploy weapons that will take us in a quantum fashion closer to the brink of nuclear war. This is not unilateral disarmament. We have enough weapons to destroy ourselves and everybody living on the planet. I think that is a gross distortion of the position when we talk about challenging these new and more dangerous weapon systems. I thank my colleague.

Mrs. SCHROEDER. I thank the gentleman from California for making that statement because I think that is a very important part of what I would like to address as I speak for this amendment.

First, this is not the first purchase we have ever made of nuclear strategic weapons. I think it is terribly important to realize we have a phenomenal stockpile out there which many people think is too large already.

The second part is that we have had many people lately, like Adm. Stansfield Turner who used to be head of the CIA, pointing out that one of the mistakes we tend to make over and over again is that we treat strategic weapons just like we do conventional weapons. And in conventional weapons it makes a phenomenal amount of sense to say they have 10 tanks so we had better have 10 tanks or we could get caught a little short or what have you; looking at numbers on both sides is important.

Strategic weapons are of an entirely different order. And yet we take the lessons from the conventional side and apply them to the strategic side like the same thing applies on both sides. And I think that is part of what we are doing with the Pershing II missile system.

I think it is very clear to people that even though this was named after Pershing and he was a general in World War I, this is not a World War I weapon, this is a strategic weapon of today. And it is to be deployed in Europe.

There are many, many issues that I think we just have not looked at closely enough.

First, there has been some movement all over Europe by women; women have mentioned it for years: Men have been leaving home to wage war and they are now leaving home to wage peace. Whether it is in England or Italy, whether it is in any number of places, they are very worried about this phenomenal strategic build up that they are seeing in their backyard or at their front door, depending on where they happen to live. And I think that is a serious, serious action that is going on.

Many Americans women will be joining and protesting during the summer on this very same issue.

Second, as we keep talking about the Pershing missile and how important it is to Europe, let me ask you a question: If it is so important to Europe, why do the Europeans keep reducing their number of troops in the field? They are cutting back on their number of troops that they deploy and their contributions in many areas. They have never beefed up their effort in conventional weapons.

It seems to me the whole world would be much safer if they met the Soviet threat with a conventional buildup rather than falling back and letting us pick it up with the Pershing. I think that is a very serious question this body should be asking.

We should be equal partners, we should be doing everything we can to bring down the level of nuclear terrorism rather than increasing it by letting the conventional things fall short.

Mr. STRATTON. Mr. Chairman, would the gentlewomen yield?

Mrs. SCHROEDER. I will be delighted to yield.

Mr. STRATTON. I thank the gentlewoman.

The gentlewoman said a moment ago that the traditional pattern was that men go off to wage war and women sit home and hope that they will come back alive.

I would point out to the gentlewoman that it was a female Prime Minister of England who waged the Falkland Islands war and very successfully and got reelected with an overwhelming majority.

I would remind her that it was a woman in the person of Golda Meir who successfully waged the Yom Kippur war.

☐ 1450

And I would also point out that it was a woman, Mrs. Gandhi, who waged the war against Pakistan.

I think those chauvinistic, sexist statements are not supported by history.

Mrs. SCHROEDER. I am not sure whether the gentleman is saying I am a sexist or whether the gentleman is saying I could get reelected easier if I go out and wage a war somewhere. I really do not intend to start a war to make my political career easier. And I do not think we want to advocate war, even to women as much as I want to see more women in office, I certainly would not be one to go and advocate to women that they go start wars and that is how they could get reelected easily.

Nevertheless, I think that it is a little off the track and I would like to get back to what we are talking about.

We hear that this is really to catch the shortfall in the conventional buildup. And we hear how important this is to our European allies and yet if they are so worried, I keep wondering why they are not increasing their contributions to NATO in a much more significant manner.

This is not 1945. This is almost 1984, 1983 to be exact, but let us face it, it is a long, long time after the war. They have rebuilt, they are on their own feet and of course they are worried about their area. They ought to be worried.

The CHAIRMAN. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 5 additional minutes.)

Mrs. SCHROEDER. The Soviet Union is not going to be considered lightly and I would be the last to say that, but I am only saying I think our NATO partners need to do more for themselves. I think they need to do more conventionally so we do not keep relying on this nuclear tripwire in the area, which only destabilizes the entire world.

Which gets me to the next part. I am not sure as a European, that I would feel very secure with an American weapons system and American fingers on the buttons of those American weapons systems. The question to me would be: When would they be willing to push it to protect me? It is very clear that if we push the button to send off those Pershing missiles our whole continent is then in jeopardy. I think they would feel better if they had built up their own conventional forces much more. I would feel better if they had built up their own conventional forces much more and the world would be safer.

So it seems to me we would do much better to encourage them to do that rather than slipping in the Pershing which I think only makes the situation much worse.

Let me also deal with the whole bargaining chip area because we hear this over and over and over again. Unfortunately, I think too many of us have bought the argument that the road to arms control is paved with more weapons. You do not pave the road to arms control with weapons. That is the wrong way to go.

I have never seen a bargaining chip that ever got deployed then decommissioned. Once it is out, it is no longer negotiable. And it is over with.

I also spent a lot of time in college studying Chinese culture. One of the things that you learn as you get into that culture, if you are going to do face-saving, you find a way for everybody to change course together. You do not get one or the other to back down, to take down the things that they have already put out. People cannot do that in human relations and I think we have to be realistic enough to know that.

So once it is there, it is there.

So what I am saying is I wish in the worst way we could find a way for our allies to pick up more of the slack there. If I looked at NATO, the part of NATO that worries me the most is the southern flank. It is down in the southern flank where we have so many problems, we do not have as many troops, we do not have as much equipment down there as up north.

It seems to be the northern part is terribly prosperous, they are very, very competitive in the civilian areas all over and they really ought to be able to take better care of themselves. And I am not sure that putting the Pershing in that scenario does anything more than destabilize it, and cause internal trouble. It really does not add to defense in the north and I certainly do not think it adds to getting us any kind of an arms control agreement.

I think that is how we have to look at it and I think somehow we have to turn this course around. I really compliment the gentleman from California for bringing this amendment up at this time and discussing this before the cat is out of the bag.

Mr. DELLUMS. Mr. Chairman, will the gentlewoman yield to me.

Mrs. SCHROEDER. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentlewoman for yielding.

I appreciate the remarks of my distinguished colleague and I think that we have tried to raise a number of issues, present a number of arguments in opposition to the deployment of these weapons.

I would simply like to offer one, because the gentlewoman mentioned economics and it prompted me to consider this. When we held hearings on our subcommittee, one of the witnesses raised a very interesting point. He said:

> You know, this weapon can travel between 1,000 and 1,200 nautical miles. It is an ICBM that we can indeed manufacture, but if we manufacture it and leave it in the United States, it is a useless weapon; 1,000, 1,200 nautical miles, it cannot hit the Soviet Union.

Mrs. SCHROEDER. Unless you want to hit fish.

Mr. DELLUMS. Exactly. So you have an economic motivation for the deployment of this weapon. You have got to put it somewhere it can be used.

So there is a great motivation to place this weapon in Europe. To have it sitting in the United States, from some people's vantage point, is a useless thing.

So here is the technology that the United States can obviously advance, but it is a technology that it is useless to us in the continental limits of the United States. So there is greater impetus to deploy this weapon closer to the Soviet Union.

I am simply saying that by deploying this weapon in West Germany, 6 to 8 minutes from the Soviet Union, we are going down a very frightening and very dangerous road. And if that computer ever malfunctions on the Soviet side, we may very well start down the road toward thermonuclear war.

Mrs. SCHROEDER. I thank the gentleman from California for mentioning that.

I think there is one other piece of that. If we are sitting in their country with our missile and our finger on it, would we want the Europeans having their finger on our ICBM's in our country, deciding whether to fire those?

And I think that is a very interesting thing about the partnership and equal access and all that. And I do not think we would find that acceptable. And I really think we are going to find the Europeans do not find that acceptable and are not going to buy into that economic argument of well, we can make it, but we just do not have any place to put it back home, so we will put it over here, but since it is ours we have to control it. I do not like any of that. I think we have to be much more careful and much more sensitive about where we are going to be 5 years from now.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my point in rising to participate in this particular debate is to reaffirm the thesis that was propounded by the gentleman from New York (Mr. STRATTON) on the importance of the NATO alliance in this debate.

It is absolutely dangerous for our country to remove from consideration the posture taken by the NATO alliance in this whole matter. Not only because historically have those countries that make up the NATO alliance, not only historically have they stood between us and an ultimate foe in world conflict and so there is historic basis for us to give attention to those countries, but in the context of the present danger, the one now posed by the Soviet Union, where they not only have maintained economic and political ties with our Nation, but are in the forefront of interposing themselves between us and the Soviet danger by insisting that they allow the deployment of the Pershing and the other systems to go into place.

I think that it would be extremely dangerous for America's best interest to ignore them, to shunt them aside and to say, "You don't know what you are talking about, only the Congress of the United States knows the danger of the Soviets." When the West German Government, the English Government, the French Government, all of them are insisting that we need now to deploy, we need now to bolster our defense and to demonstrate to the Soviet Union that we are aimed to deterring nuclear war and we need your help. We cannot ignore that.

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Virginia.

Mr. WHITEHURST. I thank the gentleman for yielding.

I want to commend the gentleman for his comments. The gentleman from New York (Mr. STRATTON) and I were in Copenhagen this past weekend attending the midyear meeting of the North Atlantic Assembly. I am a vice chairman of the Military Committee of the Assembly, as a matter of fact. The gentleman from New York (Mr. STRATTON) made a very sincere contribution to the deliberation that we held on Friday. Much of the dialog on Friday in the committee, among the various parliamentary representatives of the very countries that the gentleman is mentioning, brought up this point and defended the placing of the Pershing II and cruise missiles in Europe. They said, "Everyone talks about the danger of placing the missiles there, but nobody is talking about the impact of the missiles from the other side coming here."

I think this point needs to be made. I just cannot imagine what the reaction would be among the principal allies in Western Europe if we adopted the amendment of the gentleman from California.

□ 1500

Now, they are asking us to hold firm. They, who are on the firing line, want us to put these missiles there because they know, as the gentleman has correctly identified it, it is an effective deterrent to the Soviets, and if we, on our part, in this House, at this point, knock those funds out and do not deploy Pershing II, believe me, I cannot think of any act that we would take that would more quickly convince them that we were a totally unreliable ally.

Mr. GEKAS. I thank the gentleman for pointing those matters out in which he was intimately involved over the weekend. I just cannot understand how we, as a body, in an action such as this, give a demonstration of a return to the very type of isolationism that has always tended to get us into world trouble. And when we have a built-in body of countries in Western Europe eager to be our buffer, how can we say no to them? We should say no to the amendment on the floor.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. DELLUMS. I thank my colleague for yielding.

Mr. Chairman, I tried to listen as intently as possible to the gentleman's argument, and I make the following observations:

First of all, the gentleman suggested that a number of our NATO allies are pleading for deployment of the weapon.

I would suggest to my colleague that we go back to the two-track decision made in the fall of 1979. It was two tracks, not one track. They said: Deploy if the negotiations on intermediate nuclear forces break down.

I would suggest to my colleague that they are not demanding deployment of the weapon. What they are suggesting is that we go forward as aggressively as possible with the negotiation. That is why every one of our NATO allies, including West Germany, challenged President Reagan's zero-zero option. They said that while we all want ultimately the zero-zero option, none of the NATO allies believe that that zero-zero option was indeed an appropriate place to start the negotiation.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Gekas) has expired.

(On request of Mr. Dellums and by unanimous consent, Mr. Gekas was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. So that if our NATO allies really wanted the deployment, then why did they ask this administration to change their negotiation position if they wanted deployment? They would have stayed with zero-zero and demanded the deployment. But instead, they demanded negotiation and a good-faith effort on our part to shift away from these zero-zero options.

How does my colleague respond to that?

Mr. GEKAS. Easily. There is not anyone on the floor of this Chamber or who eventually will vote on this amendment who does not want to proceed with negotiations and to give full vent to any effort on the part of our negotiators and the President of the United States and any Member of Congress who wants to speak up on it, on these negotiations, on every level. We are not talking about that.

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Virginia.

Mr. WHITEHURST. Mr. Chairman, the gentleman may or may not know that the dual-track decision and the zero-zero option was actually the brainchild of Helmut Schmidt, the head of the SBD Party and Chancellor of Germany at that time.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. DELLUMS. As my colleague knows, Helmut Schmidt backed off the zero-zero option and said to the President of the United States, Mr. Reagan:

> Look, we want desperately for these talks in Geneva to go forward, and we do not believe that zero-zero option is the appropriate basis. We all want to remove the weapons. But let us have a better starting point for the negotiations.

Mr. GEKAS. If I may reclaim some of my time, the fact that he backed off zero option did not imply that he was backing off negotiations.

There are negotiations and there are negotiations. There are zero options and there are zero minus X options and there are other kinds of things.

All that the NATO Alliance is saying is:

> In order to continue to negotiate and force good-faith negotiations, we are not going to at the same time jeopardize our defenses. We have to deploy.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, the point that I think that the gentleman from Virginia was making was that the gentleman from California said that there is not a single one of our NATO allies who believes in the zero-zero option. And the fact of the matter is that it was recommended by Chancellor Schmidt, it was endorsed by the German Government of which he was the head, and it was endorsed by everyone of the allies.

It was only when the allies found that the Russians would not accept it that they then began to accuse the President of being the author of the zero-zero option and tried to make a big story that this was some kind of a trap that he had set for the Soviets.

So I think we are getting some garbled history from our good friend from California.

Mr. DELLUMS. If my colleague will yield, in the usual cantankerous effort, my colleague has again distorted our perspective. But I think my colleague has made the point, and that is that our NATO allies may very well have indeed, as my distinguished colleague from Virginia pointed out, been the authors and supporters of the zero-zero option. But they did challenge this President to move beyond it.

And all I am saying is that to read that position is simply to say in my estimation that they did not want to go forward lockstep toward this rigid adherence to a deployment schedule.

I think if you want to oppose the SS–20's, then let us do it around the negotiation table.

If my colleague will yield briefly further, I will make this comment: We are all here dealing in perceptions. You know, "the great powers that be" do not speak to me personally, so I am trying to make judgments, as we are all trying to make judgments here. But I actually believe that if we deploy the Pershing missile, the Soviet Union is not going to reduce SS–20's. They may increase them. But I certainly believe that they are going to increase deployment. And If they increase deployment, our Western allies are going to see that the deployment of the Pershing missile did not reduce tension but increased tension. You talk about public opinion being split asunder in Western Europe, and it is going to make the Alliance perceived to be very weak in the international community, it is not going to achieve the results the gentleman thinks it is going to achieve. But we may disagree on that, and we may do that for time immemorial.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Gekas) has again expired.

(By unanimous consent, Mr. Gekas was allowed to proceed for 1 additional minute.)

Mr. GEKAS. Mr. Chairman, in that regard, the people of Western Europe have spoken out in a way that we ourselves foster speaking out. The people

of the United Kingdom have spoken out in the election of Margaret Thatcher; the people of West Germany have spoken out in their recent election, and so on and so forth.

Concerning that perception the gentleman is talking about, my own perception is that support of the gentleman's amendment would be a betrayal of the NATO alliance.

Mr. DELLUMS. If my colleague will yield briefly, there have been a great deal of interpretations of what the elections in Great Britain and in Germany really meant. I think as professional elected officials here, as all of us are, we all know that perception is in the eye of the beholder. And how one interprets an election is not gospel. You may interpret it the way you want to see it. A number of people think that the West German election or the British election turned on the deployment of the Pershing and the cruise missile. I believe that is a gross misreading. I may be as wrong as you are, but I certainly do not believe that these elections hinge on one issue, just as I do not believe that the present President of the United States has a mandate to rewrite history. But that is my conclusion.

Mrs. BYRON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

This amendment will have very important foreign policy and arms control implications. This amendment, if approved, will demonstrate the lack of the will of the House to do what is necessary to protect our own interests and to support our allies.

Two items in this bill that have been controversial in the past but which have a great bearing on our prospects for achieving some measure of arms control in Europe are the Pershing II missile and the ground-launched cruise missile (GLCM) systems. We should remember that the very existence of Pershing II is the result of weaknesses, failures, and omissions in previous arms control agreements, particularly SALT I and SALT II. Had those agreements been more comprehensive, there would be no need for these weapon systems.

Previous arms control agreements concentrate on long-range intercontinental ballistic missiles (ICBM's) and sea-launched ballistic missiles (SLBM's). The Soviet Union strongly resisted any effort to include intermediate-range systems such as the Backfire bomber or the SS–4, SS–5, and SS–20 missiles. They also refused to negotiate reductions in intermediate-range submarine-based missiles.

Taking advantage of this gaping hole in the arms control process, the Soviets augmented their Backfire bomber and intermediate-range SS–4 and SS–5 missiles with 351 SS–20 missiles that can deliver 1,250 nuclear warheads on targets within the NATO area. This occurred even as SALT II was being negotiated. The SS–20 is mobile and its launchers can be reloaded with a similar number of warheads. There are no intermediate-range nuclear missiles deployed within NATO to deter possible nuclear blackmail or use of this overwhelming capability of the Soviet Union.

In the face of this overwhelming threat, the Western European NATO countries became concerned, and rightly so. Arms control negotiations between the United States and the Soviet Union at that time did not deal with the intermediate-range threat. The NATO allies also became concerned that the U.S. strategic deterrent would never be used as a shield against a Soviet nuclear attack on Europe. As a result, the NATO ministers, on December 12, 1979, agreed to modernize NATO's nuclear deterrent through the deployment of 108 Pershing II missiles and 464 ground-launched cruise missiles in Europe. This decision was coupled with a commitment to arms control negotiations between the United States and the Soviet Union on theater nuclear forces.

The NATO decision to deploy an intermediate-range nuclear deterrent, while seeking an arms control agreement, is the only basis for the Intermediate-Range Nuclear Forces—or INF—negotiations that began in November 1981. It is only the determination of the United States and NATO countries that brought the Soviet Union to the bargaining table, and it is only that determination that keeps the Soviet Union at the bargaining table. If the United States unilaterally backs down from its promise to deploy the Pershing II, the NATO Alliance will become just another scrap of paper and the United States will, in fact, become an unreliable ally.

The President has asked for a treaty that would ban intermediate-range missiles worldwide. The Soviets have rejected that concept and some have said that a "zero" option is unachievable. NATO, on the other hand, has insisted on the maintenance of parity in intermediate-range nuclear weapons and has expressed a willingness to establish parity at whatever level is suitable to the Soviet Union.

In deciding whether to vote for or against this amendment, I would urge those on both sides of the aisle to remember that we cannot turn our NATO allies on and off like a lamp. In the interests of diplomacy and arms control, I urge that the committee's position on the Pershing II be supported.

● Mr. MARKEY. Mr. Chairman, I rise in support of the amendment to cut $432.8 million for procurement of the Pershing II missile.

Mr. Chairman, there will be a great debate in this Congress over what might be called the king of the destabilizing weapons systems, the MX missile. But I think the weapon that poses the most immediate threat to world stability is the Pershing II missile.

For arms control reasons alone, the Pershing II is a weapons program this country should never have gotten involved with.

As we all know, the Pershing II was part of a two-track decision the United States agreed to implement with our European allies in 1979. One track was negotiations with the Soviets on an INF agreement that dealt with their deployment of SS–20's. The other track was deployment of the Pershing II and ground-launched cruise missiles if the INF talks failed.

Also implicit in this two-track decision was the European belief that the United States and the Soviet Union would continue implementing strategic arms treaties, that the United States would approve SALT II and that we would be negotiating SALT III.

But as we all know, the two-track decision has ended up being a one-track decision. The INF talks are dead in the water. The Reagan administration has refused to push for ratification of SALT II even though it recognizes that the treaty is valuable and has pledged to abide by it. And even the latest START proposal looks like it is going nowhere.

So it looks like the United States is painting itself into a corner with the Pershing II.

If we deploy this destabilizing weapon, here is the situation we are placing this country in.

The Pershing II has a hard-target kill capability. Therefore, it can be used as a first-strike weapon.

But even more disturbing, the Pershing II deployed in Europe would be capable of reaching and destroying Soviet hard targets deep within the Soviet Union in less than 10 minutes.

How will the Soviets react to this?

Well how do you think the United States would react if the Soviets put hard-target-kill weapons in Cuba that could hit the outskirts of Washington in less than 10 minutes?

Installing Pershing II's in Europe will put a hair trigger on deterrence.

The Soviets would have only 10 minutes to decide whether the blips on their radar are incoming warheads or false alarms.

This would induce them to adopt a launch-on-warning posture, to use their missiles rather than lose them in an attack.

Launch on warning, as we all know, is a dangerous posture to take. Computers can fail. A false alarm could accidentally set off a nuclear war.

The arms control implications should be enough to sink this dangerous weapon.

But what I do not think has been too carefully considered in the Congress is the fact that deployment of the Pershing II and the ground-launched cruise missile in Europe represents a waste of our military resources.

And that is not my opinion. That is the opinion of a high-ranking Pentagon official. According to a June 2 report in the Boston Globe, none other than Richard Perle, Assistant Secretary of Defense for International Security Policy, told a group of reporters and editors that the United States made a mistake when it decided in December 1979 to deploy the Pershing II and the GLCM's.

According to the Globe, Mr. Perle told the reporters and editors that the Pershing II's and the GLCM's never have had much military utility mainly because they are vulnerable to attack. Mr. Perle went on to say that the Pershing II's and the GLCM's have caused far more political damage within the NATO Alliance than they are worth.

Now there is very little Richard Perle and I agree on. But in this case, I could not agree more with his conclusion that the Pershing II's and the ground-launched cruise missile have no political utility in Europe.

The only reason we are deploying them is to stick to a bad decision that was made 3 years ago, according to Mr. Perle, and I agree with him wholeheartedly.

That is why we need to cancel this project before we box ourselves into a situation nobody wants.

The deployment of the Pershing II's and the GLCM's in Europe has been justified to correct an asymmetry in land-based, intermediate-range ballistic missiles based in Europe. The Soviets have 600 SS-4's, SS-5's and SS-20's, while we have no comparable systems.

But what has largely gone unnoticed is the fact that the United States in the past has not only accepted this asymmetry but has intentionally created it.

For example, in the 1960's, then Secretary of Defense Robert MacNamara did not try to match Soviet superiority in intermediate land-based missiles Europe.

Far from it. MacNamara withdrew comparable U.S. systems such as the Thor and Jupiter ballistic missiles and the Mace and Matador cruise missiles from the European theater.

In other words, MacNamara intentionally expanded the asymmetry and he did so for sound military reasons.

He removed those land-based missiles in favor of less vulnerable submarine-launched Polaris missiles.

In other words, the asymmetry the administration is so worried about now was emphasized in the 1960's as part of a sound defense plan.

And as Mr. Perle has noted, trying to correct that asymmetry now with the installation of Pershing II's and GLCM's represents an unsound military decision, because it would involve putting missiles back into a vulnerable basing mode on land.

I therefore strongly urge my colleagues to support the amendment to cut $432.8 million for the Pershing II.

It is a missile that not only is dangerous to arms control, it is a missile that fails the test of sound military planning.●

☐ 1510

The CHAIRMAN pro tempore (Mr. MURTHA). The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 73, noes 319, not voting 40, as follows:

[Roll No. 202]

AYES—73

Ackerman
Addabbo
AuCoin
Bedell
Beilenson
Bonior
Bosco
Brown (CA)
Carr
Clay
Collins
Conte
Conyers
Coyne
Dellums
Dixon
Downey
Dymally
Early
Edgar
Edwards (CA)
Forsythe
Frank
Garcia
Gonzalez
Goodling
Gray
Hall (OH)
Hawkins
Kastenmeier
Kennelly
Kildee
LaFalce
Lehman (CA)
Lehman (FL)
Lowry (WA)
Lundine
Markey
Mavroules
Mitchell
Moakley
Moody
Morrison (CT)
Oberstar
Ottinger
Paul
Penny
Rangel
Rodino
Roybal
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sikorski
Stokes
Studds
Swift
Torres
Torricelli
Towns
Vento
Waxman
Weaver
Weiss
Wheat
Williams (MT)
Wirth
Wolpe
Wyden

NOES—319

Akaka
Albosta
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Archer
Aspin
Badham
Barnard
Barnes
Bartlett
Bateman
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonker
Borski
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carper
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coelho
Coleman (MO)
Conable
Corcoran
Coughlin
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dyson
Eckart
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gore
Gradison
Gramm
Green
Gregg
Guarini
Gunderson
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harrison
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kindness
Kogovsek
Kolter
Kostmayer
Lagomarsino
Lantos
Latta
Leach
Leath
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McCain
McCandless
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
O'Brien
Oakar
Obey
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Russo
Sawyer
Schaefer
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
Staggers
Stangeland
Stenholm
Stratton
Stump
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Traxler
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Weber
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wise
Wolf
Wortley
Wright
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NOT VOTING—40

Alexander
Andrews (TX)
Bates
Boxer
Coats
Coleman (TX)
Cooper
Courter
Crockett
Erlenborn
Florio
Hall (IN)
Hansen (ID)
Harkin
Heftel
Ireland
Kramer
Leland
Martinez
McCloskey
McDade

McDonald
Miller (CA)
Nielson
Nowak
Owens
Patterson
Roe
Rose
Rudd
Schneider
Simon
St Germain
Stark
Sundquist
Udall
Walgren
Watkins
Yates
Young (AK)

☐ 1520

The Clerk announced the following pairs:

On this vote:

Mrs. Boxer for, with Mr. Cooper against.

Mr. Leland for, with Mr. Patterson against.

Mr. Miller of California for, with Mr. Florio against.

Mr. Stark for, with Mr. McDonald against.

Mr. Crockett for, with Mr. Andrews of Texas against.

Messrs. MARRIOTT, RALPH M. HALL, and DONNELLY changed their votes from "aye" to "no."

Mr. WAXMAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1530

The CHAIRMAN pro tempore. The Committee will rise informally in order that the House may receive a message.

FURTHER MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore. (Mr. ADDABBO) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

A further message in writing from the President of the United States was communicated to the House by Mr. Saunder's, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: Page 7, after line 14, insert the following new subsection:

(e) No funds authorized under this title may be used in connection with the European Distribution System Aircraft unless, after preliminary selection of a contractor for production of such Aircraft but before final selection and announcement of the contractor selected, the Inspector General of the Department of Defense certifies to the Secretary of the Air Force that—

(1) the employment practices of the contractor selected meet all applicable United States laws regarding discrimination on the basis of religion or race; and

(2) the selection of that contractor was not determined by prior foreign sales of United States-produced defense equipment.

Mr. STRATTON (during the reading). Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order against the amendment.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will continue to read.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. STRATTON. Mr. Chairman, I would like to hear the explanation of the amendment.

The CHAIRMAN. The gentleman from New York will be protected.

The gentleman from Minnesota is recognized for 5 minutes to explain his amendment.

Mr. VENTO. Mr. Chairman, the amendment seeks to insure that the program, the European distribution system aircraft, that is designed for foreign manufacturers, is procured according to the basic standards we expect from U.S. manufacturers.

Although I have significant questions regarding this defense authorization as a whole, there are some programs whose concept one can wholeheartedly support. One such program is the European distribution system aircraft program, as a concept of endforce multiplication.

As a concept of endforce multiplication, this program, the EDSA program, is outstanding. For an investment of some $36 million, we can purchase off the shelf cargo aircraft from our European allies. Over a year's procurement, as well as American lives would be saved, without nuclear war in the event of massed Soviet advance do advance.

It was the hope that promoting such cost-effective concepts in the last Congress, I joined the Military Forum Caucus, this proposal is basically a proposal of the gentleman from Virginia (Mr. WHITEHURST) from that group and from the distinguished committee.

Despite its small size and quite small cost, the program has become controversial because it is centered around two aspects; one, of course, is the proposed purchase from Short, Ltd., of Northern Ireland, a firm that has come under the cloud of both religious discrimination and, of course, the purpose of this amendment, to make it very short to my colleague, the gentleman from New York who is straining to hear me, is, in fact, to have the Inspector General make a determination as to the discrimination with regard to that and also, Mr. Chairman, dealing with another issue, the issue of offsets to insure that the agreement that is entered into is not a condition of an offset agreement. In other words, that we will get the best break in terms of purchasing these off-the-shelf aircraft for this European distribution system from our NATO or from our European allies, be it as it may.

So I would be happy to yield to the gentleman from New York for further inquiry, pending his point of order.

POINT OF ORDER

Mr. STRATTON. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. STRATTON. Mr. Chairman, I make a point of order that the amendment is not germane to the subject matter of the bill.

☐ 1540

The amendment deals with the employment practices of foreign contractors not under the jurisdiction of U.S. law and as such the amendment deals with matters not within the jurisdiction of the House Armed Services Committee.

The amendment, Mr. Chairman, also requires a determination as to whether the selection of a foreign contractor was determined by prior foreign sales of U.S.-produced defense equipment.

Foreign military sales issues are also not within the jurisdiction of the Armed Services Committee.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota (Mr. VENTO) wish to be heard on the point of order?

Mr. VENTO. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, the precedents of the House indicate that this amendment is germane and should be ruled in order as a legitimate limitation on the authority of the Secretary of the Air Force to procure certain aircraft.

The amendment would require the Department to make certain certifications before selecting a final contractor for an aircraft specifically authorized by this legislation. The amendment on its face does not attempt to expand the applicability of law regarding nondiscrimination in employment to new areas, instead it conditions the use of the authorized funds upon a certification of the employment practices of the selected contractor. Precedence is found for this in Deschler's Procedure, chapter 28, section 23.6 ruling of the Chair, August 5, 1970. In that instance, the Chair ruled that, to a bill providing for an annual ceiling on subsidies for crop producers, an amendment prohibiting those payments unless the Secretary of Labor certified such producers to be in compliance with applicable health and safety laws was germane.

In addition, this amendment limits the authority granted under this legislation. General direction on this can be found in Deschler's Procedure, chapter 28, section 25.1. A ruling of the Chair on July 17, 1978, Deschler's Procedure, chapter 28, section 26.1 relates more specifically to the pending amendment.

* * * an amendment limiting the exercise of a discretionary power conferred in a bill may be germane even though it incorporates as a term of measurement a qualification or condition applicable to entities beyond the scope of the bill.

Finally, the restriction contained in the amendment relates solely to funds authorizing in this bill and does not apply to another category of funds, or funds authorized in other bills or in previous years. Generally, this is stated in Deschler's Procedure, chapter 28, section 27.1. A ruling of the Chair on July 26, 1979, Deschler's Procedure, chapter 28, section 27.8 more specifically parallels this situation.

For these reasons, Mr. Chairman, I would urge that this amendment is germane and places a legitimate condition and restriction on the use of funds authorized in this bill.

Mr. **STRATTON**. Mr. Chairman, may I be heard further on the point of order?

The **CHAIRMAN** pro tempore. The gentleman from New York is recognized.

Mr. **STRATTON**. Mr. Chairman, I would draw the attention of the Chair to the fact that the amendment deals with the purchase of foreign equipment and it requires the Department of Defense to examine employment practices of a foreign contractor and also to make certain considerations and determinations with regard to foreign sales of U.S.-produced defense equipment.

I suggest to the Chair that on a number of occasions within the last few years any such addition to the Armed Services authorization legislation which refers to foreign sales has been ruled nongermane because that is the distinct jurisdiction of the Committee on Foreign Affairs.

The **CHAIRMAN** pro tempore. Does the gentleman from Minnesota wish to be heard further?

Mr. **VENTO**. Mr. Chairman, I would like to reiterate my earlier arguments.

The fact is that the Secretary of Defense, the Air Force, does indeed make such agreements and contracts. In fact, this particular bill authorizes him to do the same and we are simply seeking a limitation on a measure that already authority is granted in the legislation that is before us.

The **CHAIRMAN** pro tempore. The Chair would suggest to the gentleman from Minnesota, the precedents that he read apply to domestic recipients who are already covered by applicable U.S. law rather than foreign recipients to whom U.S. laws are not applicable. The Chair would under the precedents be constrained to sustain the point of order by the gentleman from New York.

Mr. **STRATTON**. I thank the Chair.

The **CHAIRMAN** pro tempore. Are there further amendments to title I?

Mr. **PRICE**. Mr. Chairman, I move to strike the last word.

I would like to state regarding the schedule for the rest of the afternoon that I have made a commitment that the Committee will rise at 4:30, and numerous Members have made their plans accordingly. Therefore, I wish to state that I will make the motion to rise at 4:30, regardless of whether we have finished the pending amendment at that time.

● Mr. **FAUNTROY**. Mr. Chairman, I rise in support of the amendment in the nature of a substitute offered by my distinguished colleague from California, Congressman RONALD V. DELLUMS, the leader in the Congressional Black Caucus on issues of national defense.

Mr. Chairman, I am supportive of this amendment, not because it will carry the day, but because it embodies moral principles and correct strategic analysis. This amendment also deserves support on fiscal grounds because it would eliminate approximately $50 billion of wasteful destabilizing, dangerous, and security useless weapons systems.

This amendment would cut active duty levels by 3 percent, restore the full 4 percent pay increase, eliminate several major "new generation" weapons systems, eliminate funding for the Rapid Deployment Force, and add $5 billion for costs associated with the conversion of factories presently engaged in weapons production. Specifically, the amendment would eliminate research and development funding for the MX missile, funds for the procurement of ground launched and sea launched cruise missles, the B-1B bomber, research and development and procurement of the Pershing II missile, and would delay deployment of ground launched cruise and Pershing II missiles in Western Europe for 1 year.

This debate on H.R. 2969 and this amendment in the nature of a substitute is crucial to our Nation and I congratulate my colleague from California for inviting our participation in such a debate. It is a debate about strategic matters but it is also a debate about moral principles and national priorities. Implicit in this debate is the issue of what our defense policy should have as its objectives: The legitimate defense of the United States or the domination of the world. Also involved in this debate is the question of whether or not the escalation in the production and deployment of these new weapons systems brings humankind closer to the ultimate sin of nuclear holocaust.

I thank my colleague for bringing his amendment to the floor and for providing our Nation and we who represent it, the opportunity to debate these fundamental, strategic, and moral issues.●

● Mr. **FRENZEL**. Mr. Chairman, I rise in opposition to H.R. 2969 in its present form. I must point out that, as usual, the Armed Services Committee has done a very good job in dealing with the enormous complexities and technical details involved in constructing the authorizations bill. However, the bill calls for $187.8 billion in new defense spending, which represents a 6-percent real increase over fiscal year 1983 spending. Although the committee cut $10.2 billion from the President's original request, I feel that this bill, and overall defense spending, is still much too expensive.

In my judgment, a growth rate nearer to the 4-percent recommended by the House Budget Resolution is more appropriate, especially when we face potential deficits for fiscal year 1984 reaching $200 billion. A 4-percent growth figure, however, would require $4.86 billion in reductions in this bill.

For that reason, Mr. Chairman, I shall vote for several of the amendments offered to this bill. In general, my votes for amendments to defer or eliminate weapons are more a statement against the spending total than an informed indictment of the specific weaponry.

Thus far in the consideration of the bill, I have voted for an amendment to require complete testing of the Bradley fighting vehicle, a program with a $891 million price tag in fiscal year 1984 alone, before production of the weapon commences. I also have voted for an amendment to delete the DIVAD (division air defense gun), which will cost $671 million in fiscal year 1984, and is of dubious worth. I also voted for an amendment to delete funding for the B1-B bomber aircraft, saving $6.2 billion, and an amendment to prohibit multiyear procurement of the B1-B pending more effective cost control measures. Unfortunately, Mr. Chairman, these amendments did not pass.

I also voted for an amendment to prohibit the production of chemical weapons. Fortunately this amendment did pass. I feel that production of new chemical weapons is dangerous and unnecessary. Moreover, it would have cost American taxpayers $115 million.

Mr. Chairman, other amendments will be offered in further consideration of this bill. Among these, I intend to vote for funding of the MX missile in support of the new Arms Control and Security Policy which has been forged by the President and a bipartisan group of concerned Members

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of Congress. The President has followed through on his pledge to support the arms control initiatives commended to him by many Members, some of whom previously opposed his defense and arms control policies. I want to continue and encourage this consensus policy.

I also will oppose amendments to this bill which would prohibit or defer deployment of Pershing II and cruise missiles in Europe. In my estimation, the Soviets are playing a dangerous game in testing the political winds in Western Europe, hoping that antinuclear pressures will force unilateral cancellation of these missiles, maintaining their near monopoly on nuclear forces in Europe. I feel that there is very little chance that the Soviets will agree to dismantle their 350 SS-20 missiles now deployed, short of an agreement between the United States and the U.S.S.R. to limit these weapons. Unilateral cancellation of Pershing II or cruise missiles, I feel, would destroy the chances for such an agreement.

I am hopeful that other amendments to this bill will bring spending down to a more reasonable level. If not, the alternative is to support across-the-board spending caps to the authorization bill which reduce the available spending for defense. The result of these measures is often to produce inefficient defense programs, potentially increasing the costs of entire programs. An even less desirable alternative is to apply caps on the appropriations bills.

I recognize, Mr. Chairman, that a strong defense is essential. But we cannot rebuild our whole Defense Department at the same time. My stand on the B-1, for example, has been provisional on what is done with other defense programs. Since Congress seems committed to the MX missile program, the need to modernize our airborne nuclear deterrent ought to be defended for a while.

Mr. Chairman, I oppose the high spending this bill entails, and urge my colleagues to accept responsible amendments which restrain defense spending.●

The **CHAIRMAN** pro tempore. Are there additional amendments to title I?

If not, the Clerk will designate title II.

Title II reads as follows:

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $4,204,552,000.

For the Navy (including the Marine Corps), $7,604,385,000.

For the Air Force, $9,730,141,000.

For the Defense Agencies, $3,048,422,000, of which $50,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1984 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

LIMITATIONS ON FUNDS FOR THE ARMY

SEC. 202. (a) Of the amount authorized in section 201 for the Army—

(1) $7,650,000 is available only for 75-millimeter and 90-millimeter guns for light armored vehicles;

(2) $7,000,000 is available only for neutral particle beam research as part of the ballistic missile defense advanced technology program;

(3) $28,000,000 is available only for integration (including qualification) of the Hellfire missile on the UH-60 helicopter;

(4) $50,160,000 is available only for the Joint Tactical Missile System and for selection of either the Patriot T-16 or Lance T-22 as the delivery vehicle for such system; and

(5) $12,561,000 is available only for the Mobile Protected Gun System.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Army may be used for full-scale engineering development of the Military Computer Family System until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced microelectronic computers into weapons systems.

LIMITATIONS ON FUNDS FOR THE NAVY

SEC. 203. (a) Of the amount authorized in section 201 for the Navy (including the Marine Corps)—

(1) $24,000,000 is available only for continued development of the Rankine Cycle Energy Recovery (RACER) system for installation on the DDG-51 lead ship;

(2) $20,000,000 is available only for the antiradiation projectile program;

(3) $60,593,000 is available only for the Mark 92 fire control system;

(4) $18,000,000 is available only for a derivative of the Standard Missile II to be used for the Navy outer air battle mission; and

(5) $1,470,000 is available only for the evaluation of a wing-lift system for Navy utility craft.

(b)(1) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for full-scale engineering development of the AN/UYK-43 and AN/UYK-44 computers until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced microelectronic computers into weapons systems.

(2) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for the Navy Mid-Infrared Advanced Chemical Laser program.

LIMITATIONS ON FUNDS FOR THE AIR FORCE

SEC. 204. (a) Of the amount authorized in section 201 for the Air Force—

(1) $80,000,000 is available for the Air Force Space Command only for the development of the visible/ultraviolet short wavelength laser with the objective of demonstrating as early as practicable an antisatellite capability against low-orbit satellites;

(2) $350,000,000 is available only for a competitive advanced fighter/attack aircraft program;

(3) at least $20,000,000 is available only for development of an Advanced Joint Tactical Information Distribution Derivative System that provides interoperability among Navy, (including and Marine Corps) and Air Force aircraft; and

(4) $20,000,000 is available only for the development of terminally guided and sensor-fused submunitions for the Air Force deep strike mission.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for the airborne Laser Laboratory program or for the Low Altitude Navigation and Targeting Infrared, Night (LANTIRN) system.

LIMITATIONS ON FUNDS FOR THE DEFENSE AGENCIES

SEC. 205. (a) Of the amount authorized in section 201 for the Defense agencies—

(1) not less than $65,000,000 is available only for research, development, test, and evaluation of free-electron and other short wavelength (including blue-green) lasers;

(2) $48,100,000 is available only for the particle-beam technology program, including modifications to the advanced test accelerator required for free-electron laser research;

(3) $20,000,000 is available only for a joint Defense Advanced Research Projects Agency and Department of Energy project for research, development, test, and evaluation of third-generation defensive weapons; and

(4) $30,000,000 is available only for the Defense Nuclear Agency for research, development, test, and evaluation of third-generation defensive weapons.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Defense Agencies may be used for research, development, test, and evaluation for the program for fifth-generation artificial intelligence computers until the Secretary of Defense submits to Congress a comprehensive plan for the manner in which such program will be carried out.

The **CHAIRMAN** pro tempore. Are there amendments to title II?

If not, the Clerk will designate title IV.

Title IV reads as follows:

TITLE IV—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) ARMY.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $17,598,890,000 for expenses, not otherwise provide for, for the operation and maintenance of the Army as follows:

(1) For general purpose forces, $6,369,187,000.

(2) For intelligence and communications, $1,034,389,000.

(3) For central supply and maintenance, $5,065,237,000.

(4) For training, medical, and other general personnel activities, $3,872,421,000.

(5) For administration, $1,148,958,000.

(6) For support of other nations, $108,698,000.

(b) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1984 in

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the total amount of $22,253,888,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy and the Marine Corps as follows:

(1) For strategic forces, $1,931,861,000.

(2) For general purpose forces, $10,581,807,000.

(3) For intelligence and communications, $1,063,889,000.

(4) For central supply and maintenance, $8,011,933,000.

(5) For training, medical, and other general personnel activities, $2,008,832,000.

(6) For administration, $652,566,000.

(7) For support of other nations, $3,000,000.

(c) Marine Corps.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,555,400,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps as follows:

(1) For general purpose forces, $895,201,000.

(2) For central supply and maintenance, $353,123,000.

(3) For training, medical, and other general personnel activities, $211,073,000.

(4) For administration, $96,003,000.

(d) Air Force.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $18,364,248,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force as follows:

(1) For strategic forces, $3,093,181,000.

(2) For general purpose forces, $3,967,778,000.

(3) For intelligence and communications, $1,801,922,000.

(4) For airlift and sealift, $1,187,935,000.

(5) For central supply and maintenance, $5,750,311,000.

(6) For training, medical, and other general personnel activities, $2,019,042,000.

(7) For administration, $536,902,000.

(8) For support of other nations, $7,177,000.

(e) Defense Agencies.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $6,636,835,000 for expenses, not otherwise provided for, for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments) as follows:

(1) For general purpose forces, $279,700,000.

(2) For intelligence and communications, $2,238,359,000.

(3) For central supply and maintenance, $1,536,966,000

(4) For training, medical, and other general personnel activities, $2,164,599,000.

(5) For administration, $417,211,000.

(f) Army Reserve.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $678,400,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army Reserve as follows:

(1) For mission forces, $401,234,000.

(2) For depot maintenance, $8,810,000.

(3) For other support, $268,356,000.

(g) Navy Reserve.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $660,200,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy Reserve as follows:

(1) For mission forces, $370,648,000.

(2) For depot maintenance, $116,838,000.

(3) For other support, $172,714,000.

(h) Marine Corps Reserve.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $53,229,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps Reserve as follows:

(1) For mission forces, $27,453,000.

(2) For depot maintenance, $1,589,000.

(3) For other support, $24,187,000.

(i) Air Force Reserve.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $801,000,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force Reserve as follows:

(1) For mission forces, $540,218,000.

(2) For depot maintenance, $127,749,000.

(3) For other support, $133,033,000.

(j) Army National Guard.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,153,600,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army National Guard as follows:

(1) For training operations, $225,508,000.

(2) For logistical support, $836,162,000.

(3) For headquarters and command support, $83,228,000.

(4) For medical support, $8,702,000.

(k) Air National Guard.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,778,900,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air National Guard as follows:

(1) For mission forces, $1,335,413,000.

(2) For depot maintenance, $330,246,000.

(3) For other support, $113,241,000.

(l) National Board for the Promotion of Rifle Practice, Army.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $899,000 for the expenses of the Secretary of the Army, upon the recommendation of the National Board for the Promotion of Rifle Practice, under section 4308 of title 10, United States Code, and the expenses of the Secretary of the Army under sections 4309 and 4313 of such title.

(m) Claims, Defense.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $222,900,000 for payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions).

(n) Court of Military Appeals, Defense.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $3,372,000 for salaries and expenses for the United States Court of Military Appeals.

GENERAL AUTHORIZATION OF APPROPRIATIONS FOR PAY RAISES, FUEL COSTS, AND INFLATION ADJUSTMENTS

Sec. 402. There are authorized to be appropriated for fiscal year 1984, in addition to the amounts authorized to be appropriated in section 401, such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in section 401;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by section 401.

AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE FOR 1984 GAMES OF THE XXIII OLYMPIAD

Sec. 403. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized—

(1) to provide logistical support and personnel services to the 1984 games of the XXIII Olympiad;

(2) to lend and provide equipment in support of the 1984 games of the XXIII Olympiad; and

(3) to provide such other services in support of the 1984 games of the XXIII Olympiad as the Secretary may consider advisable.

(b) There is authorized to be appropriated to the Department of Defense for fiscal 1984 an amount not to exceed $50,000,000 for the purpose of carrying out subsection (a). Except for funds used for pay and nontravel related allowances for members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the XXIII Olympiad), no funds may be obligated for such purpose unless specifically appropriated for such purpose. The costs for pay and nontravel related allowances of members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the XXIII Olympiad) may not be charged to appropriations made pursuant to this authorization.

PROHIBITION OF USE OF VESSELS WITH FOREIGN-BUILT MAJOR COMPONENTS UNDER CERTAIN LEASES OR SERVICE CONTRACTS

Sec. 404. (a)(1) None of the funds appropriated pursuant to the authorizations of appropriations in section 401 may be obligated or expended for the lease of a vessel, or for the provision of a service through use by a contractor of a vessel, under a contract which will be for a long term or under which the United States will have a substantial termination liability and under which the vessel involved will have a main propulsion system or other major component not built in the United States.

(2) None of the funds appropriated pursuant to the authorizations of appropriations in section 401 may be obligated or expended for a contract that is an agreement to lease or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease or provision of services if the contract for the actual lease or provision of servicies is (or will be) a contract described in paragraph (1).

(b) For purposes of subsection (a)—

(1) a contract shall be considered to be for a long term if the term of the contract, including all options under the contract, is for more than five years or is for a period longer than one-half the useful life of the vessel; and

(2) the United States shall be considered to have a substantial termination liability under a contract if, as determined under regulations prescribed by the Secretary of Defense, the sum of—

(A) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract), and

(B) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel involved.

(c) Subsection (a) does not apply with respect to a contract entered into before the date of the enactment of this Act.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I am sorry, but I did not hear the last request.

The CHAIRMAN pro tempore. Are there any amendments to title IV?

Mr. DICKINSON. I did not hear as to title II. Have we passed title II?

The CHAIRMAN pro tempore. We are past title II. Title III has been put off, and we are now on title IV.

Mr. DICKINSON. Mr. Chairman, I did not hear that, and I would like to ask unanimous consent. There was an amendment that was to be offered by our colleague, Mr. Courter. I would like to reserve the right for the gentleman from New Jersey (Mr. Courter)—his mother died and he is attending the funeral—I told him I would protect his right to offer an amendment under title II. I did not understand we had passed that point.

The CHAIRMAN pro tempore. Does the gentleman from Alabama have a request?

Mr. DICKINSON. I have asked unanimous consent to reserve the right for the gentleman from New Jersey (Mr. Courter) to offer an amendment to title II at a subsequent period in the deliberations of this bill.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. DICKS. Mr. Chairman, I reserve the right to object, and I will not object.

I was just going to inquire of the distinguished chairman, are we now on title IV of the bill?

The CHAIRMAN pro tempore. Title IV has been designated and is open for amendments.

Mr. DICKS. I thank the Chairman.

Mr. DICKINSON. Parliamentary inquiry, Mr. Chairman. Did the gentleman object to my unanimous-consent request?

The CHAIRMAN pro tempore. The Chair will inquire. Does the gentleman from Washington (Mr. Dicks) object to the unanimous-consent request?

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. The gentleman does not object. The gentleman withdraws his reservation of objection.

Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN pro tempore. Title IV is now open for amendment.

Mr. BADHAM. Mr. Chairman, I would like to ask unanimous consent. I was out of the Chamber, and I am having language prepared. I would like to ask unanimous consent to return to title II. I have an amendment.

The CHAIRMAN pro tempore. There is a request to return to title II. Is that for the gentleman's amendment only?

Mr. BADHAM. That is correct, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. DICKS. Mr. Chairman, I would like to reserve the right to object. The committee told me, I was under the impression, that the gentleman from California (Mr. Dellums) had an amendment, and I missed my opportunity to offer my amendment to title I, as well, and I would like the opportunity to return to offer my amendment.

I was in the cloakroom, prepared to offer the amendment.

I ask unanimous consent that I be able to return to offer that amendment.

The CHAIRMAN pro tempore. There is one request pending.

Is there objection to the request of the gentleman from California (Mr. Badham)?

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California (Mr. Badham)?

There was no objection.

The CHAIRMAN pro tempore. Does the gentleman from Washington have a request?

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Mr. DICKS. Mr. Chairman, I ask unanimous consent to raise my amendment on dual sourcing.

Mr. DICKINSON. Will the gentleman restate his unanimous-consent request?

Mr. DICKS. Yes. Mr. Chairman, I ask unanimous consent to return to title I to offer my amendment.

Mr. DICKINSON. I object to going back to title I. We finished that, we knew where we were.

Mr. DICKS. Mr. Chairman, we just granted it to the gentleman from California (Mr. Badham).

Mr. DICKINSON. All right. I withdraw my objection.

The CHAIRMAN pro tempore. The gentleman withdraws his objection.

Is there objection to the request of the gentleman from Washington (Mr. Dicks)?

There was no objection.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Dicks: Page 8, line 22, strike out the period and insert in lieu thereof "until the Secretary of the Army certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives (1) that a second source for the production of the M-1 tank engine is affordable and is cost competitive with the existing contract for production of that engine, and (2) that the award of such a contract is in the interest of national defense to meet surge and mobilization requirements in case of a national emergency.".

Mr. DICKS. Mr. Chairman, this amendment simply allows the Army to proceed with second sourcing the M-1 tank engine if the Secretary of the Army certifies to the Congress that such an action is affordable, cost effective, and needed to meet mobilization requirements.

Unlike section 107 of the bill as reported, which flatly prohibits introducing this management tool to promote competition, my amendment does not mandate anything. It simply gives us the flexibility to take whatever action shows promise of providing the greatest reward.

Most of us in this body are all too familiar with the problems we have experienced over the years with this tank, and particularly its engine. While progress has been made we are not out of the woods yet. As the House Appropriations Committee surveys and investigations staff report of March 11, 1983 notes:

> Problems continue to persist. Foremost are those related to timely engine deliveries. Other problems such as power train durability and spare parts availability with potential for creating difficulties are also not yet fully resolved.

The report goes on to note that between July of last year and this February engine deliveries for the M-1 were 45 behind schedule. As a result, tanks coming off the production line had to be "slaved," that is have their engines pulled and put into other tanks on the assembly line to avoid production disruption.

I am not here today to argue that no progress has been made on the engine problems, indeed we are beginning to move in the right direction. But I strongly feel that we are nowhere near far enough down that road to have the confidence that section 107 displays in prohibiting introduction of competition to the engine line.

Study after study demonstrates the value of competition in defense procurement for controlling costs and improving the product we receive. The Congress has consistently urged increased competition in arms purchases. On this very issue, the report on the fiscal year 1983 Defense appropriations bill approved by the House included a statement urging the Army to examine the feasibility of second sourcing the M-1 engine on a competitive basis.

While all too often in the past the services have resisted efforts to increase competition, the Army has followed this congressional directive and is now evaluating proposals from three bidders. Their bids are now under evaluation with congressional notification expected by July 31. Based on these bids the Army is extremely optimistic that second sourcing will prove economically beneficial.

While I do not prejudge the results of the Army evaluation, I believe there are a number of persuasive arguments that suggest that second sourcing may well prove to be in the Army's and the Nation's best interest.

First, the very nature of competition increases incentives for better cost and quality performance. With the threat of competition the incumbent contractor has now come forward with a 5-year multiyear contract proposal, and is offering other terms to the Army more favorable than the present contract. In the words of Under Secretary of the Army Ambrose in hearings before the Defense Appropriations Subcommittee just last week:

> We saw no signs of such movement until the prospect of competition was raised.

Even without the advantages of competition on cost, which can only be quantified over the life of the program, second sourcing will be affordable and cost competitive based on Army testimony to date. General Ball, the program manager on the M-1 has advised me that he is convinced there will be no cost penalty over the life of the program and that there is a very good chance that second sourcing will save us $36 million or more.

The bottom line from the program manager from his testimony before the Defense Subcommittee states his position very clearly:

> There is no stronger advocate in a green suit on second sourcing the engine. . . . I have a recommendation. The Army's desire and intent to pursue second source, which I believe very strongly, is in our very long term best interest.

Finally, perhaps the most important benefit from second sourcing relates to improving the ability of our industrial base to improve the capacity to meet mobilization requirements. The current producer, a very good company by most standards, manufactures not only the M-1 engine sole source, but also makes the turbine engines for three Army helicopter programs, the CH-47D, the UH1H, and the AH1's. It is the only source of turbine engines for ground combat vehicles.

While this may not create a problem at peacetime production rates, it could present serious problems in event surge production was needed in a crisis or in the event of mobilization. This issue has been one of particular concern over the years to the Armed Services Committee.

(By unanimous consent, Mr. Dicks was allowed to proceed for 4 additional minutes.)

Mr. DICKS. As General Ball testified—

> When we look to our surge requirements of at least 150 engines per month, and beyond that to very substantial requirements in the event of mobilization, which could go all the way up to 568, we are tied to one contractor as the sole source of engines for our tank, for the Huey and the Chinook helicopters. I think a very likely course for the Army would be to need more tank engines at a time when we would also need new helicopter engines in a wartime situation.
>
> I see little potential for that contractor to go to 150 a month without opening a new production facility. So whether we go second source or stay with the same one, to meet surge requirements you would have to produce engines somewhere else than the present plant.

In conclusion, there is without question enough potential for benefit by second sourcing that we should not be prohibited from following that course. There will be further opportunities, including this year's appropriations bill, to insure that we are not blindly pursuing sourcing, and the required certification from the Army will give us the information on which to base a judgment on whether or not it is cost effective.

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Let me end with the words of Secretary Ambrose in response to my question on this issue last week before the Defense Appropriations Subcommittee:

> We have every hope that the House will see fit to rescind that provision. The results appeared quite favorable, even after giving effect to some potential future reduction of production rate on the part of the current contractor. . . . We need, if you will, a competitive hotfoot there to both improve our future prospects for further price reductions and for continued improvement of quality in that product. I don't know what is in the mind of the committee to produce such a proposition. After as many times as the same committee, and, of course, other committees in the Congress, have pressed on us to get competition and to get second sourcing, this seems a very strange act.

I must say to my good friends on the Armed Services Committee, who I have a great deal of respect for, that I think one of the fundamental things that this Congress must stand for is competition through the procurement cycle.

We have seen it time after time. When we came in with the F-101X as a potential competitor of the F-100, all of a sudden in comes Pratt-Whitney with a willingness to make warrantees and offering a new deal to the Government. Every time we have competition in the procurement phrase, this country does better.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

I have a question in light of what the gentleman just stated. Is the gentleman saying in effect that this committee, by any chance, is trying to suppress competition? Did the gentleman make that statement, by any chance?

Mr. DICKS. All I am saying is that this provision would eliminate a competition that is underway at this very moment. Three proposals have been received and the Army would like to evaluate those proposals. And it just seems to me that if they can come back and certify to the Congress that a second source would be cost effective that we should not prohibit that by putting into the law a provision that would stop——

Mr. MAVROULES. If my friend would yield further, I am not going to have a colloquy with the gentleman at this point, but when I do get my own time, I think I will try to demonstrate and I will demonstrate the reasons why the committee voted the way it did.

Mr. DICKS. Let me go on just a second further.

One of the misunderstandings here is that there are only 3,000 engines left to be produced. I have been told by the Army that they intend to procure around 10,000 engines and that there would in a sense then be 6,000 to 7,000 engines available for competition, which is a substantially greater number.

All I am saying to my good friend is, why not let the Army receive these bids and make a judgment about whether it makes any sense to have a second source. To put a provision in that stops that, looks like they are trying to keep the contract for the existing company.

Mrs. BYRON. Mr. Chairman, I ask unanimous consent that title II be open for an amendment that I have.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Maryland?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, I am sorry but things are moving so fast I cannot keep up. Would the gentlewoman restate her unanimous-consent request?

Mrs. BYRON. I asked unanimous consent to open title II for an amendment that I have.

Mr. DICKINSON. Limited to yours only?

Mrs. BYRON. Mine only.

Mr. DICKINSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Maryland (Mrs. Byron)?

There was no objection.

The CHAIRMAN pro tempore. The time of the gentleman from Washington (Mr. Dicks) has expired.

(By unanimous consent, Mr. Dicks was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, basically my amendment would allow the Army to continue to review the three bids that they have received. I think there is a very good chance that we can save

some money here for the taxpayer, that we can insure competition through the procurement phase, which I think will save us additional money, and that it will allow us to have a second source for engines that will give us both surge capacity and mobilization capacity and will squarely put Congress behind the concept of providing competition in the procurement phase. Where we have done this we have saved the taxpayers a lot of money. Where we have wound up with a sole-source situation, we find that until competition is introduced, it is almost an historic fact that we cannot get management's attention. In fact, there are things that are being offered today by the engineer manufacturer that they would not even talk about a couple of months ago, until there was the threat of some competition.

In fact, competition or even the fear of competition has already produced a substantial result.

Mr. MAVROULES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment and I want to point out that the author has created a phony issue. It is being argued that the committee is trying to suppress competition.

The fact is that second sourcing will not produce competition for the simple reason that the Army realizes that a second source cannot compete with the current contractor. The Army plan does not even call for competition. It simply provides that production will be divided evenly between the two contractors.

Let me quote to you from a memorandum to the Army Deputy Chief of Staff for Research, Development and Acquisition from the M-1 project manager, Maj. Gen. Duard Ball dated December 10, 1982:

> The determination and findings for second source engine negotiating authority is justified on the basis of enhancing the capability of the supplier base to produce engines which would be required in the event of mobilization. We have been advised by Headquarters, TACOM, that the Army's current mobilization requirement is 568 M-1 Abrams tanks per month.

That is the Army justification for second sourcing—some flaky dream world requirement to build 568 tanks per month.

There is nothing in that determination and findings about the need for competition or the potential for saving money. In fact, that memo from the M-1 project manager openly admitted that second sourcing would cost at least $109.8 million—an estimate that the Defense Department later termed "optimistic."

So, the point is that the proponents of the Dicks amendment are using this phony competition issue as a smokescreen. The Army could not justify second sourcing on the basis of competition because there is not any under their plan. They could not justify it on the grounds of cost savings because there will not be any under their plan. They just want to spend money for more unneeded capacity. And in this case, they reached the point of absurdity by arguing a requirement for 568 tanks per month.

My colleagues, if you want to waste money then vote for the Dicks amendment. If you are serious about cutting out waste in the military budget then vote to defeat the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I strongly disagree with the assertion by my good friend that this is a phony argument. We have the Army, Mr. Ambrose, and the project manager who have testified that they feel very strongly this competition is in the national interest, that we need a second manufacturer for surge requirements at or above 150, beyond that the 568, if we had a war and a mobilization requirement.

And this is a very serious amendment. And I object to the gentleman suggesting it is some kind of a phony agreement.

Mr. MAVROULES. Let me say to the gentleman, do not take it on a personal basis because I think the gentleman knows me better than that. I have the greatest respect for the gentleman.

What I am saying is when the gentleman was talking here in the well, the gentleman was talking about the savings. The same person that the gentleman referred to and the same Army people the gentleman referred to are stating it would cost an additional $110 million.

Mr. RATCHFORD. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Connecticut.

Mr. RATCHFORD. I thank the gentleman for yielding.

The gentleman is absolutely correct. This is being portrayed as an amendment that will save cost. That is inaccurate. We are not talking something on the drawing board. We are not talking something theoretical. We are not talking something in the development stage. This project is online.

Second, this issue has been totally debated by the gentleman's committee and debated extensively.

Third, as a result of a number of requests, I think the operation is a strengthened one, is a modern one and is a progressive one.

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I have been onsite. I know the facility that this particular company has in Stratford, Conn. They are highly organized. They are a group of people who are highly skilled, and they are producing a product which I think is now totally up to par.

There were difficulties. No one denies that. There were schedule problems. No one denies that. But all of that is behind us.

They have met schedule demands. In fact, they are ahead of schedule. They have met cost demands. In fact, costs are down.

The second-sourcing issue is a good one in theory, but we are beyond the theoretical point. We are at the very real point, 4 years down the line, where we have a good product, it is on schedule, it is coming in under cost, and to delay it or to deter it now will not save money. I think in the long run it will cost the taxpayer millions and millions of dollars.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. Mavroules) has expired.

(By unanimous consent, Mr. Mavroules was allowed to proceed for 5 additional minutes.)

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, let me, if I may, address this matter of competition.

There is really, Mr. Dicks, no additional competition here. The competition was held about 4 years ago and Avco won. What they are trying to do now is split a contract which has already been competed. I do not have to tell anyone here what it costs to start up a production line. I have started up one. I know what it costs.

So we really are not increasing competition. If we were, I believe we would find most Members on the gentleman's side, but this simply splits the contract. That is all it does.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. Only to respond.

Mr. DICKS. If everyone is so confident that this is not going to be cost effective, then why do they not just go along with my amendment, because all my amendment says is that there can be a second source if the Secretary of the Army, a distinguished former Member of this body, will certify that in fact it is cost effective.

Mr. MAVROULES. Let me try to respond to that.

Mr. Chairman, I think it is a hard hit. When we talk about the contractor today who at one time had certain problems, they have admitted to those problems, they took their own funds, which ran into the millions of dollars, they corrected the problem, they are on schedule. As a matter of fact, they are producing now more than before and they can gear up, if necessary, to 150 tank engines per month.

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What do we do here? Do we hurt people who invest their own funds and come up with a qualitative product? I do not think that is the intent of the Congress.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman for yielding.

Mr. Chairman, I have lived with this project since 12,500 people in my district and the district of my colleague, Mr. Morrison, make these engines, and for a long time with our former colleague, Bob Giaimo.

I totally agree with the gentleman from Virginia. Competition in this project has already taken place. What we now have is a company and a group of workers who have struggled and struggled and struggled to take every single bug out of this project, who have brought this project in, and even with all of the improvements that have been made to the tank in other areas, it is still well within the $72 price range that was originally thought of.

This company has invested millions of its own dollars. It has retooled its plant, put in automatic machine tools, all of the latest state of the art. I have known personally men and engineers in that plant that have worked 14 and 16 hours a day. I have sat down at the same table and talked to the Army people who have worked with them. They have done everything to make this project ongoing and successful, and it is now.

To turn around and to say that we are going to take Avco Lycoming's work and we are just going to let someone else have a part of it, that is going to be unfair not only to the company, but it is not going to be cost effective, because, in fact, if anyone else did get a part of this contract, then the Army has got to put in the same kind of supervisory personnel that it now has at Avco Lycoming, and this is a second overlay of expense to the Department of Defense.

I think, yes, competition is great. The guy who can make the original project the best should get it for the least amount of money. But this project has been gone over, over and over again, and I would daresay it is simply going to cost more. Not only is it going to cost more, but what the Department of Defense or the Congress would be denying is the original competition that took place for the project.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. I thank the gentleman for yielding.

Mr. Chairman, I certainly want to associate myself with the gentleman's remarks. The competition has taken place and someone has won. The point has been made that this was one area. We talked about Connecticut. We have not discussed the fact that they have gone out and opened another plant that happens to be in Greer, S.C. It is, in fact, on schedule to pick up part of the AGT-1500.

So the capacity expansion has already taken place. The competition has taken place. This is going to cost more if we go the way the gentleman's amendment has us going. It is not an issue of quality. Avco delivered 85 engines with zero defects last year. As a matter of fact, Avco offered the Army a zero defect contract, long term. It was not even asked for by the Army.

It is not a capacity issue. We have already established that. And it is not a competition issue. It is the splitting of a contract.

I just think that the gentleman's amendment would do nothing but cost the taxpayers money, slow down the possible production at a time we need to be proceeding along, and the last time I recall this taking place with the Army undertaking it, they got 2 years behind and had 400 tanks sitting outside waiting for engines.

I would point out that, quite frankly, they have the ability to produce.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. Mavroules) has again expired.

(On request of Mr. Daniel and by unanimous consent, Mr. Mavroules was allowed to proceed for 4 additional minutes.)

Mr. CAMPBELL. Mr. Chairman, if the gentleman would continue to yield for 1 more minute, they have a surge capacity of 150 engines a month. No other tank components can be produced in a greater quality. Why do we need to go out and do this if we cannot produce the other components at the same time? It just absolutely makes no sense.

Mr. MAVROULES. I thank the gentleman for a very poignant point.

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Florida.

Mr. CHAPPELL. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment and I commend the gentleman in the well for his remarks.

I want to make one point, if I might. It stands to reason that there may have been a time when second-sourcing should have been considered, but this is certainly not the time. It might have been earlier. There may be a time in the future. But at a time when we are trying to produce engines, trying to produce tanks, at the rate of 70, 80, 90, and ultimately more per month, it is only commonsense that if we divide that manufacturing schedule between two companies, we are going to drive that cost up, and that is one of the things that has been driving the cost of our equipment now. We do not buy them in cost effective buys.

All this will do is just cost the taxpayers more money. A new company would certainly have to spend at least $160 million just to get ready, and that would certainly have to be carried into the cost, too. So I hope we defeat the amendment.

Mr. MAVROULES. I thank the gentleman from Florida.

Mr. DANIEL. Mr. Chairman, will the gentleman yield to me for just 30 seconds?

Mr. MAVROULES. I yield to the gentleman from Virginia.

Mr. DANIEL. The gentleman is so right. Today I took the time to research what the percentage of overhead is to start up this type of line. Eighteen percent. Eighteen percent has to be added up front for overhead if you start up with another company, if we split it and go the way the gentleman now is advocating. Eighteen percent.

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

Mr. Chairman, I commend the committee for having looked at this issue not in some theoretical way about the value of second sources, which obviously has a value in its place. But looking at it in detail, looking at the specifics of this case, the interest that we all have is the production of an effective engine in sufficient quantity to meet the need at the lowest possible cost.

The committee, having looked at that question, has recognized that what the Army has proposed in terms of a second source has nothing in it in terms of improving the quality or in terms of production of a reasonable quantity of these engines at a reasonable cost.

We have a contract here which, when it had problems, as the gentleman from Massachusetts so ably pointed out, has gone to its own well, come up with its own funds, and corrected the problem. New facilities have been built for both production and maintenance of this engine.

I have visited this facility, and it is clear that they are now producing engines of superlative quality. Last month, they delivered 85 engines above their 60-engine quota, and zero defects with respect to those 85 engines.

If we were to adopt this amendment, we would be going down the road to increasing costs and injecting back into a program that had troubles before new troubles as new contractors

attempted to achieve what this contractor has already done.

I urge a no vote on the amendment.

□ 1620

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Connecticut, (Mr. Morrison), for his remarks.

I might say to the gentleman that they are now ready, at the request of the military, to gear up to 50 engines a month, if necessary.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. Mavroules), has expired.

(By unanimous consent, Mr. Mavroules was allowed to proceed for 3 additional minutes.)

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I would like to point out to the gentleman in the well that I agree with everything he says, and I commend him on his statement.

I would also like to compliment my colleague on the other side of the aisle, the gentleman from South Carolina, for pointing out that this should not in any way be considered a regional issue. The company that has built the engine has built it efficiently. It has built it at the proper cost. It has corrected all the malfunctions that exist at any system, and this has a surge capability superior to any other component of the tank.

But furthermore, I would challenge the proponents of this amendment to point out one single time in which they can show that a single-source, multiyear contract has not proved to be a cost saver for the Government when properly monitored, as the Army has properly monitored this one.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Texas, Mr. Wilson.

Mr.. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would also like to commend the gentleman from Massachusetts, Mr. Mavroules.

I think that what we have to take a look at here is that we are not simply not taking a contract and handing it to one contractor, because historically, when we have this limited amount of production, if we double the capital investment by forcing two companies to invest in the tooling up to build this tank, with such a limited amount of production, we are simply going to drive up the cost.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Connecticut, Mr. Gejdenson.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman form Missouri.

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am not a member of the committee, but I have listened to this debate with great interest. I rise to associate myself with the remarks of the gentleman from Massachusetts, Mr. Mavroules.

If I understand correctly, I deduce that both the Army and the Defense Department seem to agree that we are not going to save money, and that we will be injecting a schedule risk into the program if we go ahead with second sourcing on this engine. So I wonder really, if we are not going to save money, if we already have twice as much capacity as we can use, and if quality is not the problem, why in the world we want to waste $150 million to $200 million on something that is not needed?

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Missouri, Mr. Emerson.

Mr. ROBINSON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Virginia.

Mr. ROBINSON. Mr. Chairman, I thank the gentleman for yielding, and I want to congratulate him on the statement he has made and support him in what he says.

I do believe that this is a nonissue, and I support that belief with the statements we have had before our Subcommittee on Defense in terms of hearing from Secretary Marsh and Secretary Ambrose, specifically, their statements regarding the quality of equipment that is being delivered.

Further than that, visiting our troops in the field where the tank is now deployed and seeing their enthusiasm with the way the engine performs gives one real confidence in the workmanship that is going into it and in the company that is delivering it. I do not believe that additional competition at this stage of the game is going to save us a dime.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Virginia (Mr. Robinson) very much.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. Mavroules), has again expired.

(On request of Mr. Skelton, and by unanimous consent, Mr. Mavroules was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I would like to clarify a few things, if I may.

Normally a second source situation creates competition and it creates a lower cost. Now, let me ask the gentleman, Is quality a problem in this case? Is the quality of the product being produced a problem?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I understand the gentleman is asking me the question?

Mr. SKELTON. Yes.

Mr. MAVROULES. I would be glad to yield to the gentleman from Washington, Mr. Dicks, later if I have some time.

First, Mr. Chairman, in answer to the question, at one time, they had certain problems. The people in the company took it upon themselves, at their own expense, to correct the problems, and I think the gentleman heard the Members from Connecticut, the delegation from Connecticut, stating the great expense they went to, and all those problems today are behind them. They now have an end product with a quality engine.

Mr. SKELTON. Mr. Chairman, let me ask this question of the gentleman: Is cost a problem?

I heard a few minutes ago that a second-source would actually cost the Government additional dollars. Would the gentleman explain that to me?

Mr. MAVROULES. In the opinion of those who are looking into a second source or a second-source system, it is their opinion, and as stated by the gentleman who spoke here a few moments ago, that it could cost up to $109.8 million.

Mr. SKELTON. To have a second source?

Mr. MAVROULES. Exactly.

Mr. SKELTON. Mr. Chairman, I thank the gentleman.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts, Mr. Mavroules, be allowed to proceed for 5 additional minutes.

The CHAIRMAN pro tempore. The gentleman has time remaining.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I would like to read something.

Mr. PRICE. Mr. Chairman, before the gentleman from Washington, Mr. Dicks, proceeds, will the gentleman yield?

Mr. MAVROULES. I yield to the chairman of the committee.

Mr. PRICE. Mr. Chairman, I would like to make a statement at this point.

Mr. Chairman, it is now about 4:30, and I stated earlier that I would move that the Committee rise at that point. I would ask, therefore, if we are prepared to vote on this amendment. If not, I will have to make a motion to rise, in keeping with my earlier promise to members of the committee.

Mr. STRATTON. Mr. Chairman, I ask for a vote.

Mr. DICKS. I object, Mr. Chairman. We still have time.

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The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MAVROULES) still has time remaining, and then the Chair will put the question if there are no other Members who wish to speak. The gentleman from Massachusetts has the time.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I will yield, and I hope that we can bring this to a good conclusion so we can vote on the amendment. I am pleased to yield to the gentleman from Washington.

Mr. DICKS. I would like to point out one thing that was just raised that was very significant.

This is General Ball's testimony before our subcommittee:

> General BALL. Yes, sir. It was achieved in March when 88 engines were delivered. I expect it to be achieved in April.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MAVROULES) has expired.

Mr. DICKS. Mr. Chairman, I ask for 5 additional minutes by unanimous consent.

The CHAIRMAN pro tempore. The gentleman has asked unanimous consent that the gentleman from Massachusetts (Mr. MAVROULES) be allowed to proceed for 5 additional minutes.

Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKS. Then, Mr. Chairman, we come down to this:

> Mr. DICKS. The S&I Staff found that of 530 engines received from AVCO over the past ten months, 139—26 percent—required repair work before passing inspection at the tank plants. What would be considered an acceptable percentage and when is the contractor expected to get to that level?
>
> General BALL. Sir, I would think 5 percent at the plants is a realistic figure. Zero is not pragmatically obtainable. I cannot draw a trendline that says we are going to get there in the foreseeable future. We have had great intensity on the quality aspects at the engine plant, but we still——
>
> Mr. DICKS. Basically what is the problem they are having?
>
> General BALL. The easy answer is in quality control, but that is not your question. Your question is why is quality control a problem in that particular plant?
>
> Mr. DICKS. Yes. Is it a management problem? What are they trying to do?
>
> General BALL. If I had a precise answer, we wouldn't have the problem because we have put a great deal of effort into this program.

So, Mr. Chairman, they still have quality problems, and the fact that they have gotten a little bit better in the last few months is a direct result of the fact that they think there is going to be competition, and competition is now there.

Mr. MAVROULES. Mr. Chairman, if I may reclaim my time so I can answer the gentleman, I would appreciate it.

Mr. DICKS. Surely, I would be delighted to have an answer.

Mr. MAVROULES. I have a statement by Mr. Ambrose, the Under Secretary, and he gave that special attention. He said, "We think those quality problems are resolved."

Mr. DICKS. But was Mr. Ambrose talking about competition?

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. MAVROULES. I yield to my chairman.

Mr. STRATTON. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, conclude in 3 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. MICA. I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

Mr. STRATTON. Mr. Chairman, I move that all debate on this amendment, and all amendments thereto, conclude in 3 minutes.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from New York (Mr. STRATTON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I request a recorded vote, and pending that, I would suggest the absence of a quorum.

The CHAIRMAN pro tempore. The Chair will count for a quorum.

Mr. PRICE. Mr. Chairman, may I be recognized?

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SABO) having assumed the chair, Mr. MURTHA, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, had come to no resolution thereon.

□ 1630

THE UNITED STATES-NORWAY AGREEMENT ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-69)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, and ordered to be printed.

(For message, see proceedings of the Senate of today, Thrusday, June 16, 1983.)

REQUEST TO CONSIDER HOUSE RESOLUTION 234, PROVIDING FOR APPOINTMENT AND EDUCATION OF HOUSE PAGES

Mr. MINISH. Mr. Speaker, I send to the desk a resolution (H. Res. 234) providing for appointment and education of House pages, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. DINGELL. Reserving the right to object, Mr. Speaker, I did not hear that. Could the Clerk re-report that, please?

The SPEAKER pro tempore. Without objection, the Clerk will re-report the title of the resolution.

There was no objection.

The Clerk re-read the title of the resolution.

Mr. DINGELL. Continuing to reserve the right to object, Mr. Speaker, has this bill been printed?

I yield to the gentleman.

Mr. MINISH. No.

Mr. DINGELL. It has not?

Mr. MINISH. It is not a bill. It is a House resolution.

Mr. DINGELL. Has the resolution been printed?

Mr. MINISH. No. I will be happy to give the gentleman a copy.

Mr. DINGELL. I would be delighted to receive it. I never seem to receive copies of bills that relate to the appointment and education of House pages.

Continuing to reserve the right to object, Mr. Speaker, is this a successor piece of legislation to the bill previously, which was brought up the same day it was introduced and never made available to the Members, never printed, never noticed in the official processes of the House?

I yield to my good friend.

Mr. MINISH. This is a successor bill.

Mr. DINGELL. It is not noticed? Has there been any notice given to the

Members that this matter was going to be coming to the House?

I yield to the gentleman.

Mr. MINISH. This has been legislation that we have been dealing with for the last several months to try to improve the school system of the pages.

Mr. DINGELL. Was any notice given to the membership that this would be coming up today?

Mr. MINISH. Today?

Mr. DINGELL. Yes.

Mr. MINISH. No; that is why we asked to bring it up under unanimous consent. I notified the gentleman from Michigan.

Mr. DINGELL. Yes; I am delighted and I thank the gentleman for notifying me. The gentleman did not notify me when similar legislation came up on the floor before.

Mr. MINISH. I did not notify the gentleman because the gentleman was notified like everyone else of what we were doing and I did not know that the gentleman had a special interest in it.

Mr. DINGELL. Oh, I do.

Mr. MINISH. Well, now that the gentleman does, I notified the gentleman today.

Mr. DINGELL. I thank the gentleman.

I will yield further to the gentleman if the gentleman will tell us what this does.

Mr. MINISH. This resolution merely repeats the substance of H.R. 3034, previously passed by the House, except for one provision providing that the Page Board will arrange for the education of pages.

The resolution implements the decisions that the House Page Board has reached concerning new conditions for page employment and page education.

This resolution responds to the concerns raised on these issues by the Speaker's Commission on Pages.

The resolution provides that pages must be in 11th grade. Pages would be required to serve 1 full academic year.

The resolution removes the current permission for minor employees of Members or committees to attend the page school.

This legislation should improve both the service of the pages to Congress and the education these pages receive while here.

Mr. DINGELL. Further reserving the right to object, Mr. Speaker, have any of the Members who appoint pages been notified about this legislation?

Mr. MINISH. I am not aware of the Members who appoint pages.

Mr. DINGELL. Were any of the Members who appoint pages notified of the earlier action of the Page Board in bringing up the legislation which was considered here earlier?

Mr. MINISH. I assume that all the Members who have pages are aware of what we are doing.

Mr. DINGELL. Beg pardon?

Mr. MINISH. I am sure that the Members who have pages, with maybe some exceptions, are aware of what we are doing.

Mr. DINGELL. I was notified of it today just a few minutes ago.

Mr. MINISH. We have notified both personnel committees.

Mr. DINGELL. Beg pardon?

Mr. MINISH. The personnel committees have been notified.

Mr. DINGELL. I see. Does the gentleman know whether the Members have been notified of this matter?

Mr. MINISH. I think there is enough information around that the Members should make themselves available of what we are trying to do, to improve the life, the quality, and the education of the pages.

Mr. DINGELL. Well, I applaud that.

Mr. MINISH. I am sure the gentleman does.

Mr. DINGELL. I have been appointing pages for better than 20 years. Is the gentleman aware of any defects in the character of the pages that I have been appointing?

Mr. MINISH. I did not realize that anybody had all that quality to be appointing pages for 20 years. I congratulate the gentleman.

Mr. DINGELL. The pages I have been appointing have been of excellent quality.

Mr. MINISH. I am sure that they have been.

Mr. DINGELL. There has never been any question raised as to their behavior.

Mr. MINISH. Well, will the gentleman yield further?

Mr. DINGELL. Of course.

Mr. MINISH. Would the gentleman admit that we did have some problems with pages?

Mr. DINGELL. No; I never had any problems with pages.

Mr. MINISH. The gentleman may not have had any, but the Page Board Commission is aware that we have had some problems and we are trying to improve them.

Mr. DINGELL. Well, would the gentleman inform me, will I be able to continue appointing the excellent quality pages that I have been appointing for 2 months at a time?

Mr. MINISH. Positively not.

Mr. DINGELL. Can the gentleman inform me why?

Mr. MINISH. Because the Task Force on Education and the Page Board has decided that no page can get a reasonable education by only attending school 2 months at the school.

Mr. DINGELL. Well, I want to fully agree with that, but I would inform the gentleman that the pages that I appoint attend school here 2 months and continue their education before and after that back home.

Mr. MINSH. I am sure they do.

Mr. DINGELL. I am not aware of anything in that that would contribute to a deficiency in the education of the pages that I have been appointing.

Mr. MINISH. That may very well be with the gentleman's pages, but we have had other problems. There are other Members that appoint pages and some of them probably have not done as well as the pages of the gentleman from Michigan.

Mr. DINGELL. Well, I want my colleagues in the House to understand that I have the greatest respect and affection for the gentleman from New Jersey. He is a valuable Member of the body and he is a dear friend of mine. He has served here long and well. I regret that I have differences with the gentleman about this matter.

I want to observe that this action would deny five of the young people from my district that I appoint as pages each year an opportunity to serve here, without any showing that there has been any deficiency either in my appointment of those pages or that there has been any deficiency in their behavior either as pages or as students in school.

I am unaware of any need for this kind of change.

I am also unaware that there has been proper notice to the Members, either as regards consideration of this matter or as regards consideration of prior legislation that was offered by the Page Board.

I would observe that that legislation was introduced. It was never heard. There was never any notice through the whips or any other mechanism and that matter was brought immediately to the floor, was considered; there was no record vote, there was no opportunity for debate or discussion on that matter.

I just want to observe that this is an intolerably bad way for this body to proceed with regard to pages and an opportunity to afford youngsters to learn about their Government and an opportunity for those youngsters to derive the advantages they would achieve by serving here as pages.

Mr. MINISH. Mr. Speaker, will the gentleman yield further?

Mr. DINGELL. Yes, I yield.

Mr. MINISH. There was a "Dear Colleague" letter sent to every Member when this was taking place.

Let me say this. I do not know the quality of education that the pages of the gentleman from Michigan receive, but there is no doubt in my mind and in the top educators that we have brought in, that the system that we are trying to put into effect now will improve their education tremendously, the education of the pages.

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Mr. DINGELL. I have no objection to improving the educational opportunities of the pages. I just see no reason why we ought to tinker around with a system that has been successful. I have appointed something on the order of 120 pages and in those appointments there has never been a complaint about their behavior, their educational undertakings, their performance in school. Their parents have been delighted. The youngsters have grown into positions of responsibility.

This would deny me the opportunity to appoint five pages a year. It would deny five youngsters in my district each year the opportunity to come down here and to learn about the Congress and to participate in the great educational opportunities that a youngster here has.

Now, I served in this body as a page and as a Member of the House. I understand the benefits that can be derived from proper service as a page.

I also know that in 2 months a kid cannot get in very much trouble, but he can learn a great deal. If you let him serve longer than that, he is going to get in trouble.

I will just tell my good friend, the gentleman from New Jersey, if this body brings kids down here for 1 year, you are going to have much more trouble with them than you are by bringing them in for 2 months at a time, because they have time enough after that 2 months to commence learning some bad habits.

I am just going to tell my good friend that if he thinks he has had trouble with pages before this time, and I do not think the troubles have been very large. I have observed that a lot of the charges made about the pages have been made by persons who appear to be pathological or at least chronic liars and that most of the charges that have been made about pages and misbehavior about pages have been deliberate, malignant falsehoods, told by persons who were guilty of substantial wrongdoing themselves.

I will yield to the gentleman to concur in that statement.

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Mr. MINISH. There is no question about that. We found that out.

But there is no question in my mind and in that of the Page Board and the task force that something had to be done in terms of where the pages lived.

Mr. DINGELL. I applaud what was done with regard to where the pages lived and I salute the gentleman and the Page Board for what they did there. That is excellent and I would have supported that and I do support that.

But I do not know why under this procedure we are having this situation inflicted on this body.

Mr. MURTHA. Mr. Speaker, I ask for regular order.

The SPEAKER pro tempore. Regulat order is demanded.

The gentleman from Michigan has reserved the right to object. Does the gentleman object?

Mr. DINGELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

OLDER AMERICANS MONTH IN DADE COUNTY, FLA.

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on May 11, 1983, the United Way Area Agency on Aging held a senior showcase in conjunction with the commemoration of Older Americans Month in Dade County, Fla., with some 5,000 senior citizens in attendance. At this showcase a forums summary report covering 45 countywide forums attended by more than 4,000 participating seniors was issued. This summary report included some outstanding recommendations relating to things that need to be done for the service of senior citizens. It is an excellent list setting out the program that the elders recommended and I submit it for the RECORD for the information of my colleagues who I think will find it most interesting and I believe most of you will join me in supporting these recommendations:

SENIOR SHOWCASE 1983—"A CELEBRATION OF LIVING AND GIVING"

FORUMS SUMMARY REPORT

This is an overview of the results of 45 separate County-wide forums conducted by 20 agencies and/or organizations, and attended by over 4,000 participating seniors. These seniors identified the following issues (in alphabetical order) as being of major concern to them:

ISSUES THAT CROSS ALL GOVERNMENTAL LINES—LOCAL, STATE, NATIONAL

Affordable health care: (fill the gaps in Medicare-covered services; stop health care providers' abuses of Medicare; enforce Cost Containment; develop National Health Security; provide more preventive care; support Adult Day Care).

Affordable housing: (increase housing supply for low and moderate income families, especially public housing for elderly; support adequate security for residents).

Affordable transportation: (increase the availability of local public transportation; traffic and personal safety in public and private vehicles).

Food stamps: (adjust National and State eligibility requirements to serve more poor people; make management of program at local level more people-oriented).

Nutrition/meals: (not only for nutritional needs, but because the socialization enriches their lives).

Safety/crime prevention: (more visibility of and familiarity with neighborhood police officers; stricter enforcement of laws with support of whole judicial system; provide more jobs for youth).

Social services: (continued support for in-home care and social group services; support for companionship, telephone reassurance and information and referral; support sufficient professional case workers to facilitate appropriate care to families and individuals).

ISSUES THAT ARE THE PARTICULAR RESPONSIBILITY OF STATE AND/OR LOCAL GOVERNMENT

Affordable housing: (allow more adult congregate living facilities (ACLF); establish rent control; improve maintenance; provide adequate security; help to increase housing supply).

Affordable nursing homes: (increase supply; maintain stringent regulations, properly enforced and monitored to ensure good care).

Silver-haired legislature: (re-establish an adequately funded effort).

Unmet needs: (provide services to unserved and underserved areas i.e. North Shore of Miami Beach, South Dade, and . . . isolated areas).

Utilities: (closely regulate, lower rates).

ISSUES IDENTIFIED AS BEING CREATED BY THE PRESENT NATIONAL POLICIES

Disarmament.

Federal aid to oppressive regimes vs support for social services.

Defense spending vs support for social services.

Social security: (cost of living delayed while rents increased and food stamp allotments decreased or ceased).

Special concern—Being called "Seniors" or "Senior Citizens" puts older people in a group by themselves. They feel and want to consider themselves a part of the mainstream of society, and would like to be treated that way.

PARTICIPATING AGENCIES, CLUBS, AND ORGANIZATIONS

Amalgamated Clothing and Textile Workers Union Miami Beach Club and North Miami Beach Club.

Catholic Community Services Senior Center.

Community Action Agency.

Contemporaries of Temple Beth Am.

Elderly Services Division Advisory Council.

Federation Gardens—JCC South Dade.

Gray Panthers of South Dade.

HUD Elderly Housing Sites.

Jack Orr Senior Center.

JESCA.

Jewish Vocational Services Nutrition Program.

Little Havana Activities Center.

Miami Beach Jewish Community Center.

Michael-Ann Russell Jewish Community Center.

Musa Isle Senior Center.

North Miami Foundation, Inc.

North Shore Activity Center.

Senior Centers of Dade County, Inc.

PERMISSION TO REOPEN TITLE II OF DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984, FOR THE PURPOSE OF OFFERING AN AMENDMENT

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that, in connection with the bill we just considered, I be permitted to reopen title II for the purpose of one amendment

that was printed in the RECORD at page 15842.

I have consulted with the chairman of the committee and he has no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LEWIS of Florida. Mr. Speaker, reserving the right to object, I ask the gentleman: Has this been cleared with the minority?

Mr. SEIBERLING. Will the gentleman yield?

Mr. LEWIS of Florida. I yield to the gentleman.

Mr. SEIBERLING. I have not discussed this with the minority but it is an amendment that was printed in the RECORD. I discussed it with Chairman PRICE and he has no objection.

Mr. LEWIS of Florida. Mr. Speaker, I would like to ask the gentleman to withhold his request temporarily.

Mr. SEIBERLING. I will be glad to discuss it with the gentleman. I am sure there would not be any objection. It is an amendment that deals with the antisatellite system and would have an effect on the flight testing.

Mr. LEWIS of Florida. Mr. Speaker, we would like to ask that the gentleman from Ohio withhold his request.

Mr. SEIBERLING. Mr. Speaker, I withdraw my request. I will withhold the request.

The SPEAKER pro tempore. The gentleman withholds his request.

Have the gentleman from Florida (Mr. LEWIS) and the gentleman from Ohio (Mr. SEIBERLING) arrived at an agreement before we move on to special orders?

Mr. SEIBERLING. Mr. Speaker, I renew my request that I be permitted to reopen title II of the military authorization bill for the purpose of offering one amendment that is printed in the RECORD at page 15842.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EUROPEAN SECURITY AND COOPERATION MEETING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 30 minutes.

Mr. PEPPER. Mr. Speaker, I have asked for this special order so that delegates to the recent meeting of the Interparliamentary Union devoted to European security and cooperation can present their views on the activity and outcome of this important conference. This meeting that occurred 2 weeks ago in Budapest was the fifth such conference held under the auspices of the Interparliamentary Union, an organization that can take great credit for improving understanding and cooperation among European states. Since its founding in 1889, the IPU has promoted efforts toward regional conflict resolution and confidence building in Europe. It has worked actively to reestablish links of cooperation following the World Wars and has facilitated establishment of procedures for peaceful resolution of interstate conflict. Most recently in the last decade, the IPU stimulated activity that played a role in the negotiation of the 1975 Helsinki Final Act on security and cooperation in Europe, an act that has held tremendous implications for human rights and humanitarian contacts in Europe and for arms control.

Mr. Speaker, as Members are well aware, this is a particularly crucial moment for U.S. relations with countries across the North Atlantic. Because of the important security matters that U.S. negotiators are discussing in Geneva and Vienna in the arms talks, because of the pending NATO decision to deploy Pershing II and cruise missiles in Europe, because of the serious economic difficulties and responsibilities of the industrialized countries of North America and Europe, just to highlight some of the more obvious issues, it is extremely important that we deal honestly, seriously and frequently with our counterparts in Europe. Europeans look to the United States for leadership and accomplishments. They expect us to negotiate in the arms discussions in good faith and fulfill our commitments under the alliance.

And we keep asking, particularly of our adversaries in Europe, that they give evidence of performance so that we may have confidence that future agreements and undertakings will yield results. Given the sensitivity of the trans-Atlantic situation and the importance of dialog, participants at the recent IPU meeting on European security and cooperation deserve particular acknowledgement.

The United States was represented at this meeting by Representatives DAN MICA (Florida) and ELLIOTT LEVITAS (Georgia). In their respective interventions in the conference, they made very clear the overriding concern in the United States about human rights and human contacts and about arms control. Moreover, they were able to ask, particularly the Soviet Union, to turn the high-minded words of the Helsinki final act into deeds. They also provided rebuttals to statements about American positions. I would like to insert in the RECORD at the end of my remarks the entire statements made by these two distinguished Representatives of the United States.

Among the results of this meeting, the entire attendance from 28 European countries endorsed unanimously a call for a meeting between President Reagan and Secretary General Andropov in the near future in order to develop a common approach to the most pressing security problems. The IPU has requested that I transmit a letter from the IPU to President Reagan to communicate this desire directly to the President. This I have done. In like manner, a similar communication has been sent to the Soviet leader, Yuriy Andropov.

Mr. Speaker, I look forward to learning in more detail the views of the delegates who participated at the recent IPU meeting on European security and cooperation that was held in Budapest, Hungary, between May 30 and June 4.

I also include the final resolutions adopted by the special conference on European security and cooperation in the RECORD.

STATEMENT OF REPRESENTATIVE ELLIOTT LEVITAS

Mr. President, fellow delegates, traveling to the heart of Europe here in Budapest, it is difficult to avoid recalling how often conflict and bloodshed have occurred on this continent. Worse, we have already seen twice in this century how the conflicts in this region can easily expand into global war of devastating proportions. Given the sophistication of modern arms and their deployment, future battles in Europe would not be limited to one theater. Therefore, such conflicts must not be allowed to occur. Full implementation of the Helsinki Final Act is a way to help assure this result.

When we last met in Brussels, our concluding resolutions were replete with pious invocations to respect the spirit and letter of the Helsinki Final Act. We now assemble with distance and hindsight, where it is our duty to review what has been accomplished and what has not. We do this not to condemn, but to account. We do not speak harshly, but we let the facts speak for themselves. However, if we fail to review performance, our repetition of pious words will become an increasingly hypocritical irrelevancy.

Unfortunately, the record of the past three years has been one of repeated violations of and disregard for basic tenets of the Final Act. These violations have made the work of the long-protracted Madrid meeting more difficult and have significantly burdened efforts to negotiate a balanced and substantive result there. We should also not underestimate how much these violations lower confidence in other international and bilateral negotiations in other places, on other subjects.

What then is the record:

Since the Madrid meeting began two and a half years ago, over 500 human rights activists have been arrested in the Soviet Union. Fifty-two members of the various Helsinki Monitoring Groups in the Soviet Union are in prison, including Anatoly Shcharansky and Yuri Orlov and others not so prominently known but equally valued. In sad testimony to non-implementation of the Final Act, the Moscow Helsinki Monitoring Group was forced to call a formal halt to its activities in September, 1982 . . . as I was told would happen last year when I visited the Soviet Union.

Again, I urge, as my distinguished colleague from Norway urged yesterday, that the parliamentarians here from the Soviet

Union tell their government to let Dr. Sakharov go. His experience as a Nazi Death Camp survivor gives eloquent testimony to his understanding of freedom.

Moreover, despite Soviet support for the activities of peace groups in the West, eight members of two independent peace groups in the Soviet Union have been imprisoned. Emigration from the Soviet Union has been reduced to a trickle. Foreign journalists are harassed and expelled while in legitimate pursuit of their profession.

Three years ago in Brussels, we marked the 1979 Soviet invasion and occupation of Afghanistan. That aggression has escalated in the intervening years, and Soviet troops continue their massacre of civilians using more sophisticated weaponry and greater vengeance. Could it be that the injustice of the Soviet position in Afghanistan has even reached the newsroom of the radio Moscow World Service from which last week came the report on the airwaves that, and I quote, "the population of Afghanistan plays an increasing role in defending the country's territory against occupants," and certain "tribes" "have joined the struggle against the Soviet invaders"?

Frankly I had originally planned to cite this broadcast as a positive example of improvement in the Soviet Union of freedom of communication. Alas, regretfully, I cannot, having learned that the radio announcer, Vladmir Danchev, who spoke these words has been repudiated and disciplined.

The imposition of martial law in Poland and outlawing of the free trade union Solidarity cut to the heart of the Helsinki Accords. The decision of the Polish military authorities to destroy Solidarity, a symbol of the aspirations of the Polish people, was a blow to the very essence of the Final Act and in violation of several international conventions.

As we meet this week, the Madrid meeting continues its own deliberations. Despite the various diversions delivered yesterday by some of the speakers in this chamber, the United States remains committed to a substantive result of that meeting. We feel confident that a resolution will occur that will give balanced emphasis on needs for human rights observance as well as security. The result of Madrid must be substantive, not just more words that will again be ignored by some parties.

The latest drafting effort of the neutral and non-aligned countries at Madrid is a good basis for completing the Madrid meeting. My government and other western states have proposed a short list of reasonable, yet essential, improvements to this draft document necessary to bring it more in line with current realities. Of particular importance is the need to promote a meeting of experts to discuss human contacts. In view of the sorry state of implementation of the relevant Final Act provisions, a meeting on human contacts would be an important means of translating our solemn pledges into living reality.

The western effort at Madrid is not an effort to delay an agreement, but rather one to make the result of Madrid meaningful. I fully and optimistically believe there will be a favorable result in Madrid and in the near future.

Beyond Madrid, my country strongly supports the concept of a post-Madrid conference on confidence, security building and disarmament in Europe, as part of a balanced outcome. Let me turn now to the matter of nuclear weapons.

The reduction of the threat of nuclear war should be the goal of all people on this earth. Surely this can be a common ground between the people of the United States and of the Soviet Union and of all nations. No sane person can believe that a nuclear war is winnable by either side. Civilization as we now know it will certainly not survive no matter who launches the first strategic nuclear attack. To prevent that horror, which we cannot even fully imagine, we must end the nuclear arms race and sharply reduce nuclear arsenals through mutual, equitable and verifiable efforts.

In recent months, we in the United States Congress, from both our major political parties, have been working with the President to establish new arms control policies that can achieve nuclear arms reductions through the Geneva negotiations. New proposals which will be made by the United States, I believe, should provide the basis for progress in these vital talks, if the Soviet Union is really interested in seeking reduction of nuclear forces.

However, as I see recent developments in the nuclear arms buildup by the Soviet Union, I once again ask for performance, not mere words. Instead of peaceful efforts, we see the large deployment of SS-20 missiles aimed at Europe or readily deployable in that direction, the modernization of SS-18 and SS-19 forces and the retrofitting and hardening of their silos, the launching of Typhoon class submarines, the development of new missiles and bombers, all at a pace that indicates high priority. These developments intensify my doubts about Soviet intentions. At whom are the SS-20's aimed and why? What is the threat to which the recent rapid Soviet nuclear buildup responds?

And now we hear that if NATO deploys the cruise and Pershing II missiles in response to the Soviet SS-20 missiles and the other theater advantages of the Soviet Union, they will increase again their own military threat to western Europe by deploying more SS-20's in eastern European countries. This recent Soviet annoucement is especially revealing about the way the world is. The proposed deployment in eastern Europe was not even made in terms of the sham of a Warsaw Pact decision, but was simply announced unilaterally by Moscow.

I will watch to see how democratically the Soviet leadership will go about deploying more SS-20 missiles in eastern Europe. What free public discussion will be heard? What anti-nuclear demonstrations will be tolerated? What parliament, in the Soviet Union or in its allied countries, will call for a halt and freeze on their deployments? I ask my colleagues—both from eastern and western Europe—to think about these questions as they compare systems and negotiation positions.

The CSCE process and the IPU do not exist in a vacuum. Events have vividly shown that well-meaning declarations and resolutions have no value when not accompanied by the deeds which give them fulfillment. We should remember that the Helsinki Accords represent a living, continuing process which can flourish only through actions. Promises, without performance, can only result in disappointment and growing cynicism. If there is performance, movement toward peace and security will progress, and all humankind can bless us for our efforts.

In the last analysis, if we succeed we shall have moved away from the principle of power and will establish the power of principle. In that peaceful context, I have no doubt that those nations which respect human values, which respect individual rights and which respect freedom shall prevail.

STATEMENT OF REPRESENTATIVE DANIEL MICA

Mr. President, fellow delegates; as my colleague from the American Congress has said earlier, we sincerely appreciate the hospitality of the Hungarian people and are enjoying this majestic city of Budapest.

As a member of the Foreign Affairs Committee of the U.S. Congress, I am privileged to participate in my first meeting of the Inter-Parliamentary Union. I must say, it seems ironic that I have an opportunity to present what might be called the American position at this conference. I say ironic because my family came from this part of central Europe, not far from here, and from Italy. I think my heritage—which is not unlike that of many who serve in the U.S. Congress—indeed like most Americans, is just one more reason why we Americans have such a sincere interest in European peace and security.

Not only is it a matter of international security—strategic interest, but of families, of cultural and historical ties that bind and focus American concerns throughout the world and particularly Europe.

You have heard already of our concerns over Poland and the imposition of martial law there, Afghanistan and the continued refusal of the Soviet Union to respond to peace initiatives there, nuclear weapons and human rights. They are real and legitimate concerns. They have been articulated verbally, included in documents, treaties, accords and communiques. More important, they have been carried out by actions and deeds. Let me give you just one example: The American Congress, both political parties, just concluded an historic debate, lasting more than 50 hours, and passed a resolution setting forth a *goal* of a mutual and verifiable freeze on nuclear weapons. A free and open debate occurred on this. I am proud to have supported and played a part in this historic debate. But I ask you what is the fate of those who even dared to publicize dissent on such an issue in the Soviet Union?

If we are serious about the agreements upon which this organization was established, we must demand answers to this question and many more. Are peace and labor activists being imprisoned, are advocates for human rights harassed, do ethnic groups face discrimination, and are religious beliefs being persecuted? Security and confidence require more than progress in arms control, they also require progress in respecting fundamental human rights, rights we ostensibly all support as set forth in the Helsinki Final Act.

Still, arms control measures are necessary. The United States has taken the lead in this area, historically and recently, and both the major political parties in our system have made contributions to progress. Arms control talks are now underway and some have made substantive progress. U.S.-U.S.S.R. bilateral strategic talks are proceeding as are the talks on limiting long range intermediate range nuclear forces. Despite the misinformation offered by certain delegates yesterday, the United States has constructively offered two opportunities for arms reductions of these intermediate systems: either the total elimination of the systems or reductions that would lead to equal U.S. and Soviet levels of warheads on launchers at

substantially reduced levels. We encourage the Soviet Union to come up with a recommended level most acceptable to them.

In this regard, let me say that I am particularly offended by some of the intentional distortions made in statements here concerning the NATO decision to modernize the intermediate range nuclear forces. We are accustomed to the Soviet propaganda attempt either to beguile western Europe or frighten it in order to prevent the scheduled modernization of systems essential for maintenance of deterrence on this continent.

As a parliamentarian, I am particularly disappointed that a Swedish delegate in this chamber seems to have joined the Soviet chorus, particularly disappointed when he also chooses to distort facts. The NATO decision was not one taken suddenly and impulsively. It is a decision taken through deliberation as an intentional response to the large and long term deployment of Soviet forces such as the SS-20 missiles and the far superior ground forces the Warsaw Pact could direct toward west Europe. Is one-sided nuclear and conventional military advantage in Europe really preferred by the people of Europe instead of mutual force reductions?

Both the ongoing Vienna talks on mutual and balanced force reductions and the prospective conference on arms control in Europe under the CSCE have strong support and can bring the kind of threat reduction that, in my view, could be even more meaningful than the more publicized nuclear talks. The Madrid meeting needs to be completed, if for no other reason, so that the Stockholm conference can proceed.

The United States sends delegations to talks in Geneva, Vienna, Madrid and hopefully Stockholm because we understand that our own national security depends upon tangible outcomes from these negotiations. We gain nothing by the current situation with negotiations unconcluded and arms deployed with only modest limitations. The history of use of arms in Europe provides a particular incentive for us all to urge these negotiations toward conclusion.

CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

(The contribution of parliaments of states participating in the Conference on Security and Cooperation in Europe (CSCE) to the further promotion of universal détente and to genuine progress in the disarmament field, through, i.e. the continued implementation of the Helsinki Final Act, the conclusions of the subsequent followup meetings, as well as the resolutions of the previous interparliamentary conferences on European Co-operation and Security, in particular by discussing:)

(a) Questions relating to security in Europe, in particular détente and disarmament;

(b) Co-operation in the field of economics, science, technology and environment problems;

(c) Co-operation in humanitarian and other fields; and

(d) Follow-up to the Conference.

GENERAL PART

Draft resolution adopted by the working group

Rapporteur: Mr. M. Rönnholm (Finland).

The Vth Inter-Parliamentary Conference on European Co-operation and Security:

Reaffirming the principles and recommendations of the documents of the previous four Inter-Parliamentary Conferences on European Co-operation and Security,

Deeply disturbed by the steady erosion of trust and confidence between the Great Powers, the further increase in tension in Europe, the continued accumulation and deployment of weapons, the violation of a number of the principles set forth in the Final Act of Helsinki, and the stagnation of economic and other co-operation between European [1] States,

Convinced that the settlement of European problems and the strengthening of security and co-operation can only be realized by way of negotiations, and through strict and unreserved respect for and application of all the ten principles and of the provisions of the Final Act of Helsinki;

Willing to support all new efforts to make détente an effective as well as a continuing, increasingly viable and comprehensive process, universal in scope, as agreed by the CSCE signatory States in the Final Act; and convinced that such détente is the only way to preserve peace among European nations, and that it would contribute to the checking of mounting armaments to the promotion of confidence and security, and to the initiation of the process of disarmament,

Bearing in mind the intimate connection between world peace and international security on the one hand, and peace and security in Europe on the other, as well as the fact that the détente process and the disarmament process mutually complement and strengthen one another,

Emphasizing the importance of observing basic human rights and freedoms, and reaffirming the pertinent provisions of the Helsinki Final Act,

Regarding the Final Act of Helsinki as a basic document for security and co-operation in Europe and the CSCE process as a principal instrument of multilateral communication between participating States,

Expressing the conviction that CSCE meetings contribute to an improvement of relations between those States,

Stressing the significance of the on-going CSCE Follow-up Meeting in Madrid which provides an opportunity for giving new impetus to a positive development of relations between participating States through the adoption of a substantial and balanced Concluding Document,

Emphasizing that all CSCE participating States have to strive to ensure that the Madrid CSCE Meeting concludes its work with the adoption of a substantive and balanced Concluding Document aimed at continuing the process of consolidating co-operation and security in Europe,

Expressing its gratitude to the group of neutral and non-aligned States for submitting a draft concluding document (Conference Document RM. 39 rev.) to the Madrid Meeting on 15 March 1983, and noting that these proposals represent a major contribution to a successful and rapid conclusion of that Meeting,

1. Expresses its expectation that détente will be extended to the military aspects of security and that genuine efforts will be made to contain the increasing arms build-up, strengthen, confidence and security, and promote disarmament;

2. Reaffirms that Governments, institutions, organizations and persons have a relevant and positive role to play in contributing towards the achievement of the aims of co-operation between participating States;

3. Encourages Parliaments and their members to commit themselves to the furtherance of the Helsinki process through new unilateral, bilateral and multilateral efforts;

4. Urges the Parliaments and Governments of the countries participating in the CSCE:

(a) To act resolutely in order to halt the growing confusion of the international situation and to promote the policy of détente and co-operation in Europe and throughout the world;

(b) To respect fully, without exception or restriction, all the commitments undertaken in the Helsinki Final Act;

(c) To attach the utmost importance to considering and establishing effective confidence-building and disarmament measures with the participation on an equal footing of the States signatories to the Helsinki Final Act;

(d) To promote co-operation in the fields of economy, science, technology, environment, culture, education, information and human contacts, which are important elements in the process of building security and developing co-operation in Europe;

5. Supports the convening of the various meetings of experts of the CSCE participating States provided for in the document presented by the neutral and non-aligned States at the Madrid Meeting (RM. 39 rev.);

6. Appeals to the Governments of the States participating in the CSCE to work in a constructive spirit for an early, successful outcome of the Follow-up Meeting in Madrid on the basis of the draft Concluding Document submitted by the neutral and non-aligned States on 15 March 1983;

QUESTIONS RELATING TO SECURITY IN EUROPE, IN PARTICULAR DÉTENTE AND DISARMAMENT

Draft resolution adopted by committee I

Rapporteur: Mr. H. Klein (Federal Republic of Germany).

The Conference:

1. Reaffirms solemnly the absolute validity of the ten principles of the Helsinki Final Act listed below which constitute for the States participating in the CSCE a code of conduct and a basis for democratizing their mutual relations and their relations with all other States:

I. Sovereign equality, respect for the rights inherent in sovereignty;

II. Refraining from the threat or use of force;

III. Inviolability of frontiers;

IV. Territorial integrity of States;

V. Peaceful settlement of disputes;

VI. Non-intervention in internal affairs;

VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief;

VIII. Equal rights and self-determination of people;

IX. Co-operation among States;

X. Fulfilment in good faith of obligations under international law;

2. Recalls the provisions of the CSCE Final Act in which all States participating in the CSCE express an interest in exerting efforts aimed at lessening military confrontation and promoting disarmament;

3. Calls upon all Parliaments to support the convening of a Conference on Confidence- and Security-Building Measures and Disarmament in Europe, as a substantial and integral part of the multilateral process initiated by the Conference on Security and Co-operation in Europe, with the participation of all States signatories to the CSCE

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[1] The words "Europe" and "European" as used in this text imply, where appropriate, the inclusion of Canada and the United States of America as participating countries.

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Final Act, to undertake, in stages, new, effective and concrete actions designed to make progress in strengthening confidence and security and in achieving disarmament, so as to give effect and expression to the duty of States to refrain from the threat or use of force in their mutual relations;

4. Recommends to Parliaments and Governments that the first stage of the conference be held in Stockholm as soon as possible and that it be devoted to negotiations and the adoption of a set of mutually complementary confidence- and security-building measures designed to reduce the risk of military confrontation in Europe, and lead as soon as possible to the second phase, devoted to disarmament measures;

5. Recommends that the mandate for the first stage of this conference be based on document CSCE/RM. 39 rev., presented by neutral and nonaligned countries at the Madrid Meeting;

6. Calls upon the Parliaments and Governments of the participating States, in accordance with their respective competences, to take effective steps towards halting the arms race, to facilitate the adoption of concrete measures for military disengagement in Europe, and to intensify their efforts at the regional level with a view to progressing towards disarmament under international control:

7. Urges that a summit meeting of the leaders of the United States of America and the Union of Soviet Socialist Republics be held in the near future in order to develop a common approach to the most pressing security problems;

8. Calls on the two major nuclear-weapon States to make the utmost efforts in their negotiations on the limitation and reduction of nuclear weapons in a constructive manner and with a view to arriving at a positive solution as soon as possible;

9. Calls upon Parliaments and Governments of the States participating in the Vienna talks on the reduction of the armed forces and armaments in Central Europe to contribute in every way to the earliest achievement of tangible results;

10. Reaffirms the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among the participating States, as among all States;

11. Recalls the right of the individual to know his rights and duties in the field of human rights and fundamental freedoms, and to act accordingly, and urges Parliaments and Governments to work out, whenever this has not yet been done, appropriate measures so as to ensure for citizens of their countries a greater knowledge of their rights and duties in this field;

12. Underlines the importance of the commitments concerning particularly the right of the individual to freedom of conscience, religion or belief, the equal rights of men and women, the rights of persons belonging to national minorities, as well as the right of trade union freedom, referred to in document RM.39.Rev., presented by neutral and non-aligned countries at the Madrid Meeting on 15 March 1983;

13. Recommends that the States participating in the CSCE take practical measures to give effect to their commitment to strive jointly or separately, inter alia in conjunction with the United Nations, to promote the effective and universal respect for human rights and fundamental freedoms;

14. Calls upon all Parliaments and Governments, in their struggle against acts of terrorism;

To refrain from giving direct or indirect assistance to terrorist or subversive activities and other activities directed towards the violent overthrow of the regime of another participating State, as well as from financing, encouraging, fomenting or tolerating any such activities;

To do their utmost to ensure the necessary security for all official representatives and persons who participate on their territories in activities within the scope of diplomatic, consular or other official relations;

15. Recalls that, as stated in the Helsinki Final Act, security in Europe is closely linked with security in the Mediterranean region as a whole;

COOPERATION IN THE FIELDS OF ECONOMICS, SCIENCE, TECHNOLOGY AND ENVIRONMENT PROBLEMS

Draft resolution adopted by the Committee II

Rapporteur: Mr. J. Bognar (Hungary).

The Conference:

1. Bears in mind that respect for and implemenatation of all provisions of the CSCE Final Act by all participating States represent an essential basis for the development of mutual cooperation in the fields of ecomomics, science, technology and environment;

2. Is convinced that cooperation in these fields is of benefit to all CSCE participating States and that it contributes significantly to the reinforcement of peace and security in Europe and in the world as a whole;

3. Takes into account the positive experience acquired by the members of the Inter-Parliamentary Union in the development of cooperation between member countries without regard to their social and economic systems, including in the above-mentioned fields;

4. Recognizes the relevance of the provisions set forth in the Final Act of Helsinki concerning the protection and improvement of the environment as one of the tasks of major importance to the well-being of people and the economic development of all countries;

5. Is convinced of the necessity to develop a common strategy to implement the Convention on Long-Range Transboundary Air Pollution;

6. Calls upon Parliaments and Governments:

(a) To implement fully the provisions of the CSCE Final Act and to adhere in mutual contacts to the principles adopted in the CSCE Final Act, which represents an essential basis for the development of broad international co-operation among the CSCE participating States in the above-mentioned fields, irrespective of their economic and social systems;

(b) To support broad and unhindered economic and technical-scientific co-operation—from which all States in the region should profit in the spirit of the Helsinki Final Act—and the further development of co-operation in industry, agriculture, transportation, trade, environmental protection and other fields;

(c) To intensify efforts for the creation of adequate conditions in order to promote further the dynamic development of trade and industrial co-operation;

(d) To exert efforts and undertake measures at the unilateral, bilateral and multilateral levels in order to accelerate the process of progressive elimination of all kinds of political and economic obstacles to trade, and particularly to prevent the creation of new obstacles to economic co-operation;

(e) To exert efforts aimed at reducing or gradually eliminating the various existing obstacles in the way of trade development, including East-West trade, which can play an important role in stabilizing international relations and in promoting balanced economic growth;

(f) To encourage and support the substantial contribution made by the United Nations Economic Commission for Europe (ECE) and other competent international organizations to the multilateral implementation of the Final Act regarding co-operation in the fields of economics, science, technology and environment problems;

(g) To make full use of the potentialities of the ECE and other bodies, existing mechanisms and resources as an effective instrument for development of multilateral co-operation in the region;

(h) To make efforts and create conditions to enable business negotiations and activities to be carried out more efficiently and expeditiously, as well as to undertake measures for improving working conditions for representatives of foreign firms and organizations on their territory, including telecommunications facilities, as well as to promote other conditions for the successful performance of their work;

(i) To promote and further expand bilateral and multilateral industrial co-operation, on the basis of their mutual interest, and contribute to the further development and diversification of their economic relations and to a wider utilization of modern technology;

(j) To continue efforts for the development of co-operation in the field of energy, including energy saving and environmental protection;

(k) To promote co-operation in the field of science and technology, fostering in particular questions regarding the study and transfer of, as well as access to, scientific and technical achievements, as well as different contacts among scientists and specialists;

(l) To encourage the development of co-operation in the field of agriculture, bearing in mind the relevant part of the report of the "Scientific Forum";

(m) To give appropriate attention to the position of migrant workers in host countries, whose situation has been particularly affected by the world economic crisis, and to undertake necessary measures aimed at improving further the general situation of migrant workers and their families, inter alia through the protection of their human, economic, social and cultural rights, while taking particularly into account the problems of second generation migrants;

(n) To support co-operation between States, to implement, monitor and evaluate the European Strategy for Health for All by the year 2000 adopted by the Regional Committee for Europe of the World Health Organization (WHO) in order that all citizens will attain a level of health permitting them to lead a socially and economically productive life;

(o) To contribute actively to the efforts made within the framework of WHO to strengthen European collaboration in the health field, including medical and health systems research;

Cooperation in the Field of Environment

7. Calls upon Parliaments and Governments:

(a) To promote actively the implementation of:

(i) The resolutions and decisions adopted by the Session of a Special Character of the United Nations Environment Programme (Nairobi, 10 to 18 May 1982) and the resolution on the state of the world environment adopted by the 69th Inter-Parliamentary Conference (Rome, September 1982);

(ii) The provisions on environmental questions contained in the Concluding Resolutions of the IVth Inter-Parliamentary Conference on European Co-operation and Security (Brussels, May 1980);

(iii) The Findings of the Inter-Parliamentary Symposium on Environment in Europe (Geneva, October 1979) and the recommendations of that meeting on the subjects of transboundary air and water pollution;

(b) To accede to and to ratify the ECE Convention on Long-Range Transboundary Air Pollution;

(c) To adopt concrete strategies against transboundary air pollution at the inaugural session of the Executive Body of the Convention (Geneva, 7 to 10 June 1983);

(d) To base their strategies on the principle of reducing emissions of air pollutants at source, in particular those of automobiles, by applying the best available technology, and to reach this goal by concerted national actions;

(e) To intensify, in this regard, the exchange of scientific information and to develop relevant technologies on a national and international basis;

(f) To ensure that, despite the economic situation, due attention is given to the allocation of budgets for the protection of the environment and that this is not regarded as a luxury;

(g) To develop general and binding rules of conduct for States in order to avoid ecological damage to neighbouring countries at their borders by reducing emissions of air, water and soil pollutants, and to ensure the protection of soil, river and sea bed;

(h) To develop principles of international law concerning the early and timely provision of information on private and public projects close to borders which could have detrimental effects on the environment of neighboring countries, and to encourage their competent national authorities to promote and expand co-operation;

(i) To take every opportunity to promote agreements between nations in the field of public infrastructure, including traffic projects, enlargement of industrial areas and major reserves and other important public and private projects;

(j) To be guided, when planning private or public projects with major environmental effects for the territory of neighboring States, by the principle that such projects should only be undertaken after thorough environmental impact assessment studies have been carried out and should not be executed without the consent of the State concerned;

Cooperation in the Field of World Economy

8. Calls upon Parliaments and Governments:

(a) To engage in the promotion of stable and equitable economic relations in the mutual interest of all States and, in this spirit, to participate equitably in promoting and strengthening economic co-operation with the developing countries, particularly the least developed ones;

(b) To take into consideration the specific interests of the developing countries in Europe, ensuring:

(i) Their improved access to scientific gains;

(ii) The facilitation of the transfer of technology and of the sale of their products on the markets of the developed European countries;

(c) To recognize the important task which UNCTAD VI has to fulfil in overcoming the crisis in the world economy and in reducing the disparities between national economies in this critical period, and to offer active support to the formulation and implementation of concrete actions adopted by the Conference;

(d) To contribute to joint efforts towards the establishment of a new international economic order and the implementation of the International Development Strategy for the Third United Nations Development Decade, as well as to support the launching of global negotiations relating to international economic co-operation for development, thus making an increased contribution to overcoming the present economic crisis;

(e) To bear in mind that the establishment of an international political climate with a view to the recovery of the world economy and the reduction of disparities between national economies can be achieved only through halting the arms race and preventing armed conflicts;

Questions Relating to Security and Cooperation in the Mediterranean

9. Calls upon Parliaments and Governments:

(a) To take positive steps towards lessening tensions and strengthening stability, security and peace in the Mediterranean and, to this end, to intensify efforts towards finding just, viable and lasting solutions, through peaceful means, to outstanding crucial problems, without resort to force or other means incompatible with the principles of the CSCE Final Act, and by implementing the relevant UN resolutions so as to promote confidence and security and make peace prevail in the region;

(b) To take measures designed to increase confidence and security;

(c) To develop good neighborly relations with all States in the region;

(d) To support the convening of a seminar in Venice to review the initiatives already undertaken or envisaged in all the sectors outlined in the report of the Valletta Meeting.

COOPERATION IN HUMANITARIAN AND OTHER FIELDS

Draft resolution adopted by Committee III

Rapporteur: Mr. F. König (Austria).

The Conference:

1. Reaffirms the value of, and need for, the integral implementation of the provisions of the CSCE Final Act concerning co-operation in the humanitarian field and in the fields of culture, education and science;

2. Recalls document CSCE/RM.39/Revised;

3. Calls upon Parliaments and Governments:

A. Human contacts:

(a) To consider in a spirit of good will the convening of a meeting of experts on human contacts in the not too distant future;

(b) To examine appropriate measures to be taken for the promotion of contacts and regular meetings on the basis of family ties, reunification of families and marriage between citizens of different States;

To undertake the following measures in order to facilitate travel and movement of individuals or groups to other States:

(i) The gradual elimination of administrative and financial obstacles as regards the issuing of passports;

(ii) The progressive decrease, where necessary, of fees charged in connection with the issuing of visas and official travel documents, so that these fees are brought to a moderate level in relation to the average monthly income in the relevant State participating in the CSCE;

B. Information:

(a) To encourage, in order to facilitate the dissemination of printed information, contacts and negotiations between their competent firms and organizations with a view to concluding long-term agreements designed to increase the quantities and number of different newspapers and other publications imported from other participating States, and to ensure that the retail prices of foreign publications are not excessive in relation to prices in their country of origin;

(b) To contribute to the further expansion of co-operation among the mass media and their representatives, a more regular exchange of news, articles, supplements and radio and TV broadcasts as well as the exchange of editorial staff; to improve on the basis of reciprocity the material and technical facilities provided for permanently or temporarily accredited television and radio reporters; to decide without undue delay upon visa applications from journalists and to reexamine within a reasonable time-frame applications which have been refused; to ensure that journalists wishing to travel for personal reasons and not for the purpose of reporting enjoy the same treatment as other visitors from their country of origin; to grant permanent correspondents and members of their families living with them multiple entry and exit visas valid for one year; to examine the possibility of granting accreditation and related facilities to journalists from other participating States who are permanently accredited in third countries; to facilitate travel by journalists from other participating States, within their territories, to afford them opportunities to travel more extensively, with the exception of areas closed for security reasons, and to inform journalists in advance, whenever possible, if new areas are closed for security reasons, and, where necessary, to facilitate the establishment and operation, in their capitals, of press centres or institutions performing the same functions, open to the national and foreign press, with suitable working facilities for the latter; to reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them; they will further increase the possibilities and, where necessary, improve the conditions for journalists from other participating States to establish and maintain personal contacts and communication with their sources;

(c) To take fully into account that the Helsinki Final Act notes the expansion in the dissemination of information broadcast by radio and expresses the hope for the continuation of this process, so as to meet the interest of mutual understanding among peoples and the aims set forth in the Helsinki Final Act;

C. Culture, education and science:

(a) To undertake measures to make the relevant information concerning possibilities offered by bilateral cultural agreements and programmes available to interested persons, institutions and non-governmental organizations, thus facilitating their effective implementation; further to encourage wider

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dissemination of and access to books, scientific journals, films and other forms and means of cultural expression from other participating States improving, to this end, by appropriate means the conditions for international commercial and non-commercial exchange of their cultural productions, inter alia by gradually lowering customs duties on these items; to encourage their radio and television organizations to continue developing work on the presentation of the cultural and artistic achievements of other participating States, exchanges of information on productions, broadcasting of shows and programmes from other participating States, co-productions, invitations to guest conductors and directors, as well as provisions of mutual assistance to cultural film teams;

(b) To encourage the translation, publication and dissemination of works in the sphere of literature and other fields of cultural activity from other participating States, especially those produced in less widely spoken languages, by facilitating co-operation between publishing houses, in particular through the exchange of lists of books which might be translated as well as of other relevant information;

(c) To promote the establishment of governmental and nongovernmental arrangements and agreements in education and science, to be carried out with the participation of educational or other competent institutions; to contribute to the further improvement of exchanges of students, teachers and scholars and their access to educational, cultural and scientific institutions in the other participating States; to facilitate travel by scholars, teachers and students within the receiving States and the establishment by them of contacts with their colleagues, and also to encourage libraries, higher education establishments and similar institutions in their territories to make catalogues and lists of open archival material available to scholars, teachers and students from other participating States; to encourage a more regular exchange of information about scientific training programmes, courses and seminars for young scientists, and facilitities wider participation in these activities by young scientists from different participating States; to intensify exchange, among them and within competent international organizations, of teaching and scientific materials, school textbooks, maps, bibliographies and other educational material in order to promote better mutal knowledge and facilitate a fuller presentation of their respective countries;

(d) To contribute to the development of contracts, co-operation and joint projects among the participating States regarding the protection, preservation and recording of historical heritage and monuments;

(e) To widen the possibilities of teaching and studying less widely spread or less widely studied European languages, and, to this end, to stimulate, within their competence, the organization of and attendance at summer university and other courses, the granting of scholarships for translators and the reinforcement of linguistic faculties, including, in case of need, the provision of new facilities for studying these languages;

(f) To ensure the preservation of the cultural identity of individuals belonging to national minorities and ethnic groups in countries where such minorities or groups exist;

(g) To support the successful organization of the "Cultural Forum";

(h) To support the programmes of UNESCO in the various fields referred to above.

FOLLOWUP TO THE CONFERENCE

Draft resolution adopted by the Working Group

Rapporteur: Mr. M. Rönnholm (Finland).

The Conference:

Wishing national Parliaments to contribute to détente and the strengthening of security in Europe and to give a new impetus to European co-operation,

1. Recommends that the National Groups convey these Concluding Resolutions to their Parliaments and Governments, and give them maximum publicity in all the participating States, thus making a significant contribution to the propagation of the spirit of Helsinki;

2. Requests the Secretary General of the Inter-Parliamentary Union to convey these Concluding Resolutions to the Executive Secretary of the Madrid Meeting for distribution to all the delegations;

3. Invites the National Groups of the participating States to make the necessary provisions with a view to implementing the recommendations contained in these Concluding Resolutions;

4. Calls on the National Groups to continue reporting, in accordance with established practice, on progress in implementing the CSCE Final Act, the Concluding Document of the Belgrade Conference, the Concluding Resolutions of the four Inter-Parliamentary Conferences on European Co-operation and Security, and also the present Concluding Resolutions;

5. Recommends to the National Groups of the European countries, Canada and the United States of America to continue the practice of meeting on the occasion of the annual sessions of the Inter-Parliamentary Union, and to promote broad parliamentary contacts:

6. Urges the National Groups to continue to strengthen and create bilateral sections, as well as to develop bilateral contacts, with particular regard to the implementation of the provisions of the CSCE Final Act;

7. Requests the National Guards to communicate the results of this work to the Secretariat of the Inter-Parliamentary Union, which will transmit the information to the other National Groups of the European countries, Canada and the United States of America;

8. Recommends that a further Inter-Parliamentary Conference on European Co-operation and Security be organized by the Inter-Parliamentary Union on dates and in a place to be decided by consensus by the European National Groups and those of Canada and the United States of America;

9. Recommends that the National Groups of the European countries encourage, in accordance with the procedures of their respective Parliaments, contacts between parliamentary committees dealing with foreign affairs and military and defence matters;

10. Supports the organization, by the Inter-Parliamentary Union, of symposia of a regional and sub-regional nature for studying problems of common interest.

□ 1650

GENERAL LEAVE

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Now, Mr. Speaker, I have said we were ably represented at this conference by two of our distinguished colleagues. They made a fine report. They did a fine job. At this conference they were heard from by the people who participated in that conference very favorably by the clarity and strength of the presentations they made for our country.

I yield now to my distinguished colleague from Florida, the Honorable Dan Mica.

Mr. MICA. I thank my colleague and the distinguished chairman of the Rules Committee.

I would like to take a few minutes and tell this body and our colleagues about the IPU and its importance.

Mr. Chairman, I cannot thank you enough for allowing me to be the vice chairman of this delegation and to see really an opportunity for the United States, Members of this body, the Congress, to deal with our colleagues from Europe, from East bloc and West bloc nations.

That is very important. I do not think many Members realize and I must admit I did not realize what a tremendous opportunity this is when they have these IPU meetings.

Nearly 30 nations from Europe and East bloc nations joined together and colleagues from parliaments discussed problems of mutual concern.

You know, so often in this country we point the finger and yell about human rights but we do not have a chance to have an even-handed exchange and a discussion of views between people who make policy in other nations, in Europe and in the Soviet Union.

This was an opportunity for American Congressmen to sit down at the table, to met in a chamber and to discuss sincerely what we mean when we say human rights, to look the Russians in the eye.

My colleague, Mr. Levitas did a fantastic job to look the Russians in the eye and say, "What do you mean about being invited into Poland?"

Right there in the same room, "Were you invited or was it an invasion?" And have the rest of Europe, all the delegates from nearly 30 nations stand and watch for the response, listen to the Soviet response and make a judgment for themselves.

So, we raised Poland, we raised it in the appropriate forum, we raised human rights where others could make a judgment on our sincerity.

Nuclear arms, a great deal is being written in European press on what this country, what this Congress, what the citizenry really wants in the way of world peace.

Mr. Levitas and I were able to express at least we think certainly on our own behalf and Members of this

Congress that we are sincere, we really do want to see arms reductions; indeed, the Russians who were in the same room, were they as sincere? And ask other delegates, our colleagues from around the world, "What do you think of our proposals? We think we have been reasonable."

We raised the question of Afghanistan.

"Were they invited into Afghanistan or was that an invasion?" But again, the point I think that was driven home to me: The Secretary came up to me and said, "You know, you Americans every few years, a few Congressmen may or may not come and oftentimes some different ones will come, but the Soviets send the same delegates, educated, primed, and tuned to be played like a fiddle, the Soviet line before all of these delegates who represent the parliamentary bodies of Europe. And you Americans are shy about taking this trip, about being criticized for going abroad; and the Soviets literally have an agency designed to teach their people to stand before this body and to put forth the Soviet line so that all of our colleagues, all of our peers in Europe will go back hearing primarily what the Soviets have to say."

No wonder we have such a difficult time convincing our allies in Europe when so often these types of conferences are so overwhelmed in the appearances and speeches and discussions by professionals from the Soviet Union who not only give the exact Soviet line, from the best I can tell they are not allowed to deviate from the line.

This conference, the Interparliamentary Union that you chair has been in existence for 94 years. It served as a conduit and a channel for communications between nations during two world wars. Oftentimes, I was told when diplomatic channels failed, when heads of state failed, Congressmen, parliamentarians from around the world, who had become friends, were able to pick up the phone or write a letter or call one another with information that was of tremendous value during these most difficult times in our nation's history.

So, Mr. Chairman, I would say this, that any Member of Congress certainly should be honored, pleased, and privileged to attend one of these functions. But more than that, this function, the Interparliamentary Union, allows a U.S. Congressman to sit, elbow to elbow, with their peers from every parliament in Europe and indeed often the world, and exchange views in a way that is never ever available through the media, through the press and through the written communication that often have to go there, and I might add, and definitely not through the State Department channels. It is helpful, it is a way to get the message across. The message that I bring back personally from the Secretary General is, "Please, Mr. Chairman, Congressman, Senator Pepper, send a delegation, send a strong delegation, have them there every year and let us have an effective voice when we have these East-West confrontations so that others may know what we really are thinking in this Congress."

I thank the chairman.

Mr. PEPPER. I thank the able gentleman for his fine statement and excellent work in representing with distinction our House and our Congress and our country.

I yield to the distinguished gentleman from Georgia (Mr. Levitas).

Mr. LEVITAS. I thank my good friend and colleague from Florida for yielding to me and I want to express my appreciation to him for giving me the opportunity once again to serve as a delegate from the United States to the Interparliamentary Union and in particular to this extremely important conference on security and cooperation in Europe which was recently held in Budapest.

□ 1700

The Interparliamentary Union plays such a vital role in the interchange of ideas between parliamentarians around the world that it is frequently a matter of amazement to me that our Congress does not play a more vigorous role in providing the leadership and taking advantage of the opportunity of this forum to get across our views.

The parliamentarians who attend these meetings, Mr. Speaker, from various parts of the world are leaders in their respective countries. And certainly in the democratic countries of the world, their leadership is translated into public opinion. And it is a golden opportunity for the United States as a free and democratic society to be able to come there with representation and express the real views of our Nation face to face to our fellow parliamentarians.

And yet, we do not take full advantage of that and, indeed, we have permitted the Soviet Union and some of the Eastern bloc nations because of their professional longstanding staff of people who attend these meetings, to play a very strong role and the consequences of that, I do not think, are fully appreciated by our country, and indeed by the leadership of this body and the other body, in order to make it possible for strong delegations to attend these meetings and represent the people of the United States.

This particular meeting in Budapest, Mr. Speaker, as the gentleman well knows, had to do with an evaluation of the progress that has been made under the terms of the Helsinki Final Act, that instrument which has embodied in it so much of the aspirations of the entire world for human rights, for security, for confidence building measures to afford surprise attack.

And this was the fifth such meeting of review by the Interparliamentary Union. And it coincided with the discussions that are going on in Madrid at this point, which have been going on in Madrid for 2½ years, to evaluate what progress has been made and what further steps should be taken to assure that the solemn understanding, that the signatories to the Helsinki Final Act were putting into existence as compared to the words they utter what performance was occurring.

And it was a very critical time for this meeting to be held, because all indications are that the Madrid meeting is reaching a very crucial stage in its discussions. And it is hoped that within the next 3 or 4 weeks the last remaining points at issue may be resolved and an instrument come out of Madrid that will reaffirm and reassert and improve and strengthen and enhance the final act in a balanced way, giving full emphasis both to human rights and to security issues and very likely will also lead to a conference on disarmament in Europe from the Atlantic to the Urals so that we can diminish the opportunities of surprise attack and give additional security to the people, not just in Europe, but throughout the world, because no longer is there any such thing as a limited war in a theater of Europe.

Twice in this century wars starting in Europe have spread worldwide and there is no likelihood that another conflict in Europe, particularly given the types of weapons that exist today, would be confined to that area.

The consensus that came out of the Budapest meeting I think will give emphasis and impetus to the governmental positions that are being set forth at Madrid right now and hopefully will reach consummation and I am sure that if the Soviet Union will demonstrate by performance in the next few weeks their respect for human rights, that that Madrid meeting can reach a successful conclusion.

Mr. Speaker, one great fear that many people have about the Budapest meeting, given its relationship to the Madrid conference, was that if the Budapest meeting adopted positions which were greatly at variance with those which we in the United States are asserting at Madrid, it could undercut our position in Madrid. I am happy to report that that was not what occurred indeed. The position of the United States and the position taken by the Western allies at Madrid was significantly endorsed by the final resolutions which were adopted in the Madrid meeting. In fact, I think from our point of view, one of the most important outcomes of this meeting was the fact that it demonstrated unity amongst the Western nations with respect to the matters under the Helsinki Final Act.

As the gentleman knows, I was privileged to participate in the premeeting at Vienna, Austria, of what is known as the Ten-Plus Group, which are the Western nations of Europe, plus Canada and the United States. At that meeting, while we had differences, and as democratically elected parliamentarians were free and forthright in discussing our differences, what we came to realize was that we did have that common basis of shared values in respect for the individual, in respect for freedom, in respect for human dignity and because of that we were able to go from Vienna to Budapest and set forth a common position which was largely that embodied in the final decisions of the Budapest meeting.

With renewal of the START talks and the continuation of the INF in Geneva and the resumption of the mutual balance force reduction talks in Vienna, as well as the CSCE process going on in Madrid, I am absolutely convinced that the meetings we had in Budapest will enhance our position and our yearning and striving for peace.

Mr. Speaker, again I want to thank the gentleman for the opportunity he afforded me. As my colleague, the gentleman from Florida (Mr. Mica) said, we were very forthright in stating our positions. We spoke frankly about how we view the failure of the Soviet Union to perform. It is one thing to say you are going to do something, it is altogether another thing to do it.

We made the point that how should we as Americans want to enter into new agreements with the Soviet Union if they were not living up to their present agreements. We pointed out what was happening in Poland and Afghanistan and even in the Soviet Union and other Eastern bloc countries in terms of suppression of human rights in violation of the Helsinki agreement.

I was very pleased that following my intervention the Soviet delegates addressed me in their intervention by name and took exception engaging in a debate on these important issues, but the people who were there assembled, both from the East and the West, knew exactly where the truth lay.

I would hope in the future we will see more consistent representation by the United States with the support of the leadership of this body and the other body.

I would just like to read, if I may, a letter I received from the Secretary of State, George Shultz.

The Secretary of State writes me as follows, just prior to my departure. He says:

The Secretary of State,
Washington, D.C., May 31, 1983.

Hon. Elliott H. Levitas,
House of Representatives.

Dear Mr. Levitas: I want to congratulate you on your appointment by the Speaker as U.S. representative to the Inter-Parliamentary Union's special meeting in Budapest on European Cooperation and Security.

The Inter-Parliamentary Union has played an active and important part in the CSCE process. This is in keeping with the Union's principal purposes of advancing the cause of representative government and international cooperation. As I wrote to the Speaker of the House last August, I believe the democratic forces of the world should join together in a positive offensive which combines our ideals and our strengths. Parliamentarians—especially like-minded parliamentarians—have a central role to play in this process.

At Budapest, the IPU will discuss the important issues of European security and cooperation. These discussions will take place while the participating governments are meeting in Madrid. As a result, your work and the recommendations that may be made in Budapest could help to encourage progress in the Madrid talks.

I appreciate your willingness to work for a constructive outcome to the important work the Union will be doing.

Sincerely,

George P. Shultz.

Our Secretary of State recognizes the importance of our role in this meeting and in similar meetings and I hope that the leadership of this House will do no less.

□ 1710

Mr. Speaker, I want to commend the gentleman for his leadership of the IPU delegation, and on a personal note, I will tell the gentleman that many of the Members of the Parliaments from around the world came to me and asked me to express their good wishes to you. They commented fondly on your participation in the meeting at Helsinki, and the amount of good will and respect which you have brought to that meeting and inspired and engendered in the minds and hearts of your colleagues from all across the world was an inspiration to me.

I think you are at least as much beloved in the halls of the IPU as you are in these Halls and in your won congressional district, and I just wanted to convey that message to you.

Mr. PEPPER. I warmly thank my dear friend for those very generous and kind words.

On behalf of the IPU group of the United States of which I have the honor to be the head at the present time, I want to express very great gratitude to you and to the Honorable Dan Mica for going to this conference at a personal sacrifice. I know that you had to miss some votes in order to attend this conference, because unfortunately, it was being held at a time when the House was in session. Yet, had you not been there to speak up as you did for American interests, we would have lost prestige among our allies and we would have lost the position that we needed to assert in the world, a position of leadership.

So I just want the House to know that we all extend our deep gratitude to you not only for the fine job you did, because you wonderfully accredited yourself there, but also for going at a sacrifice to serve your country in this critical matter.

FATHER'S DAY AND DEADBEAT DADS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks, and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, Sunday is Father's Day, and in most of us that kindles a real feeling about how we should thank our fathers who gave so much and in return we tended mainly to give them gray hair.

But I think there is a shadow cast over Father's Day that a lot of us in this House would like to deal with and confront, and I hope others will join me in doing that. I refer to the tremendous lackadaisical approach that has been taken in this country to child support enforcement.

I have the honor of chairing the Economic Task Force on the Economic Security of Children, and I think we have all seen the horrifying statistics. I am pleased that the lead editorial today in the Washington Post deals with the subject, and I will include that at the end of my remarks.

Mr. Speaker, I would also ask many of my colleagues to join me on this child support legislation because I think its enforcement is long overdue. The Congress must move into this area, get it cleared up, and get some real momentum going.

Mr. Speaker, the editorial to which I referred is as follows:

[From the Washington Post, June 16, 1983]

Deadbeat Dads

Sunday is Father's Day, and most American children will be doing something special for dear old dad. It's a useful occasion for children to remember that the old man works hard to keep a roof over their heads and that, for all his faults, he's not such a bad fellow to have around the house. But Father's Day will be only an unhappy reminder for millions of children that their fathers no longer care enough about them even to help pay for their upbringing.

The failure of fathers to contribute to support of their children is no longer a problem confined to a substrata of American families. More than 8 million families now lack a male parent, and with 1.2 million new divorces every year, the number continues to grow. Experts estimate that one-half of American children—from all income levels—will live apart from their fathers for part of their childhood. For the great majority of them, the departure of the father will mean a steep and often permanent drop in their living standards.

Fewer than three of every 10 fatherless families receive regular child support payments from the absent father, and the payments received average less than $2,500 a year. Even when fathers are under court order, less than half pay regularly, and perhaps as many as a third never make a single payment. Contrary to popular belief, many of these delinquent fathers have substantial incomes. A California study showed, moreover, that a year after divorce, while the wife's income typically dropped by 73 percent, the husband's rose by 42 percent.

For most women, pursuing a recalcitrant ex-mate is a bleak and expensive process. Courts have huge backlogs of child-support cases, and even if a judgment is won and arrears are collected, the victory is usually temporary. It is especially easy for fathers to avoid further payments by moving to a different state or, in some cases, even a different country.

In recent years the federal government's Child Support Enforcement program has helped states crack down on absent fathers whose families have been forced onto welfare rolls. The program has already produced significant welfare savings in many states, and the Reagan administration is preparing legislation to strengthen provisions for withholding wages and tax refunds from delinquent parents and helping states coordinate collection efforts. These are sensible proposals. But they do little to help either the families involved—since collections simply offset the typically low welfare benefits—or the equally large numbers of deserted families that have avoided welfare but still scrape by on relatively meager incomes.

As more and more families have become exposed to the weakness of the child-support system, Congress has become increasingly interested in additional measures that would have broader impact. Child support is one issue that appeals—rightly—to all parts of the political spectrum. A prospective welfare saving is only one small part of that concern. A society that cares about its future will make every effort to see that its children are not raised in deprivation and that their parents recognize that the decision to have children entails lifelong responsibilities.

PEACE IN CENTRAL AMERICA

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extent his remarks and include extraneous material.)

Mr. ALEXANDER. Mr. Speaker, Ambassador Stone returned from Central America yesterday with hopeful news. He voiced strong administration support for negotiations, as proposed by the Contadora countries: Mexico, Venezuela, Colombia, and Panama. At every stop on his trip, he emphasized, he stressed, and he reiterated the administration's strong support for the Contadora initiative.

Having recently returned from meetings with three of the four Contadora foreign ministers, I am very encouraged by Ambassador Stone's comments.

□ 1045

The Contadora countries oppose military escalation, favor bilateral and regional negotiations, and support long-term economic development.

President Magana of El Salvador has arrived in Washington. I call upon President Magana and President Reagan to emphasize, stress, and reiterate their support for a negotiated end to the bloodshed in Central America.

Ambassador Stone's comments may open the door to truly bipartisan support for Latinizing a peace rather than Americanizing a war. Should the two Presidents move toward negotiations it will send a signal to all Latin Americans that the United States supports democratic institutions for all Americans and opposes a return to oligarchy and repression.

[From the Washington Post, June 15, 1983]

Weinberger Links Security of United States to the Future of El Salvador

(By Joanne Omang)

Defense Secretary Caspar W. Weinberger yesterday linked the security of the continental United States to the future of El Salvador, speaking of that country as being "on the mainland of the United States."

Defending the mainland ranks "over and above all other priorities," Weinberger told a National Press Club audience.

At the same time, special presidential envoy Richard B. Stone returned to the United States from a 12-day tour of Central America.

In Mexico City, he promised that the Reagan administration would not "impose our own agenda" on that region.

Weinberger, in response to questions, said one reason for continued U.S. aid to El Salvador is that it "is on the mainland of the United States, and we do have a responsibility for the defense of the continental United States, over and above all other priorities."

That defense, he continued, "conceivably can be made more difficult if further inroads are obtained on the mainland by forces that are demonstrably unfriendly to, and have aggressive intentions against, the United States."

Officials said the comment referred to possible increases in Nicaraguan and Cuban leverage among Central American nations.

Weinberger also denied that the United States is helping rebel forces try to overthrow the government of Nicaragua. "We are trying to interdict the flow of arms designed to overthrow the government of El Salvador," he said.

Stone, a former Florida senator, accused Salvadoran rebels of "seeking a propaganda advantage" by making public their offer last week to meet with him.

Returning to Andrews Air Force Base, Stone declined to say whether he would accept the offer, delivered to the American Embassy in Mexico City.

And he warned that further breaches of confidentiality "might well ruin" peace efforts.

The Salvadoran guerrilla group, the Farabundo Marti National Liberation Front, said in its offer to talk to Stone that it was still willing to hold unconditional talks with the Salvadoran government on ending the 3-year-old civil war. The government has agreed only to talks on conditions for participating in upcoming elections, an offer the front has rejected as insufficient.

The issue of structuring negotiations is expected to be high on the agenda when President Reagan meets with Salvadoran President Alvaro Magana in Washington on Friday.

On leaving Mexico City, Stone voiced the strongest administration support yet for a regional peace initiative by four Latin countries known as the Contadora group.

"I want to emphasize and stress that we support the efforts of the countries of the Contadora group to bring peace to Central America," he said. "We want to support their agenda rather than trying to impose our own agenda."

The Contadora group—made up of Mexico, Panama, Colombia and Venezuela, and named for the Costa Rican city where they first conferred—opposes any U.S. troop deployment in the area, has called for region-wide talks and the withdrawal of all foreign forces and has offered to mediate among warring guerrillas and governments in Nicaragua and El Salvador.

Stone said he had, reiterated his support for those proposals at every stop on his 10-nation trip. "Although we have had good and fruitful discussions—we really have—still it is for them to find the agenda and the style and the procedures that they believe can most effectively get us to a peaceful and a justifiable solution," he said.

He declined to give details of his talks until he meets with Reagan. Besides Mexico, Stone visited El Salvador, Costa Rica, Guatemala, Nicaragua, Panama, Colombia, Venezuela, Honduras and Belize

LEGISLATION PROVIDING HOMEOWNERS WITH TAX CREDIT FOR PURCHASING SECURITY DEVICES FOR HOMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Porter) is recognized for 5 minutes.

● Mr. PORTER. Mr. Speaker, today my colleague Dan Marriott and I are introducing legislation to provide homeowners with a tax credit for purchasing security devices for their homes.

Under our proposal, individuals will receive a tax credit of 15 percent, up to $400 a year, for purchasing and installing security devices such as locks for doors and windows, burglar alarms and other antitheft devices, as well as smoke and fire alarms.

Criminal activity touches all income levels and geographic areas in our country. Although the statistics are staggering, they only explain part of this serious situation, since they cannot account for the fear experienced by many Americans, particularly the elderly, on a daily basis.

During 1981 there were 70,000 household fires claiming 5,400 lives and causing over $3 billion worth of damage. Nearly 50 percent of the fatal house fires occur at night, and often in unoccupied rooms, and are thus able to blaze uncontrollably without detection. However, by installing detector systems, homeowners are able to

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greatly reduce the damage caused by fires.

The National Fire Protection Agency credits smoke alarm systems for explaining recent decreases in fire death rates. Between 1978 and 1981, there was a 37-percent decrease in deaths in residential home fires.

In 1981, almost 25 million American homes were afflicted by criminal activity including rape, robbery, assault by strangers and household burglaries. Although the crime rate has not increased in recent years, it has stayed at a very high level. Two of the most prevalent types of criminal activity are unlawful entry and burglary. The value of property stolen each year is estimated at $9 billion. Yet, by installing security alarms and safety devices, homeowners can cut back on this large loss.

Case studies show that criminals are reluctant to attack premises protected by alarm systems. A study tracking residential burglaries over several years in a New York suburb provides documentation of the success of security devices in deterring crimes. From 1976 to 1981, the police department kept track of every residential burglary. In a town of 5,000 homes, 860 burglaries were reported. Of the burglarized homes, 90 percent did not have alarm systems. Statistically, in that town, homes without alarm systems were four times more likely to suffer a burglary. In addition to deterring criminal activity by fear of detection, alarms assist law enforcement officers in apprehending thousands of criminals each year.

By encouraging the use of a variety of safety devices our legislation will aid homeowners by discouraging criminal activity and the fear it instills. Many local police and firefighting units are faced with lower available funds requiring them to cut back on the services they can provide. These security devices are capable of making a substantial contribution to fire and crime fighting programs throughout the country.

I urge my colleagues to show their concern for the safety of their constituents and join me in cosponsoring this important measure.●

HONORARY CITIZENSHIP FOR LECH WALESA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, 4 years ago Pope John Paul II's visit to his Polish homeland inspired the Solidarity movement. Today, the Pope returns to Poland, and the whole world's eyes are turned anxiously toward this European nation. Much has been written about how the Pope's visit might affect the Polish people, the Solidarity movement, and Soviet/Polish relations with the free world. Many fear that the Government will use the Pope's visit as propaganda, illustrating that things are not so bad for the Polish citizen now that martial law has been partially lifted, and that the people of Poland are free to gather throughout the country to worship with the Pope.

This freedom is not necessarily applied uniformly, however, as Lech Walesa, at last report, will not be allowed to visit with the Pope. While others have been excused from work to see the Pope, he has been denied permission to leave his job. The Government has now provided him security guards, which they claim are for his protection. It is not clear who they are protecting him from.

Today I have introduced a House Joint Resolution proclaiming Lech Walesa to be an honorary citizen of the United States. In doing so I realize that this is a great honor, one bestowed only twice before in the history of our Nation. Winston Churchill and Raoul Wallenberg were awarded this honor, and I believe Lech Walesa similarly represents democratic ideals and beliefs as well as freedom for the individual. Prime Minister Churchill lead Great Britain through the darkest hours of World War II, and was a great friend and ally of the United States. Raoul Wallenberg, at the behest of the United States, worked to save nearly 100,000 people, largely Hungarian Jews, during World War II. His heroic actions cost him his freedom and possibly his life, as the Soviet Union seized and imprisoned him in 1945 without explanation. His fate has yet to be determined.

Lech Walesa, leader of the outlawed Solidarity movement, has given hope to his fellow countrymen and women, courageously standing up to the Communist government without concern for himself. Imprisoned, harassed, regularly detained for long hours of questioning, this man's leadership has given Polish people the will to struggle against the repressive Polish Government. No speeches in Congress or actions by our Government could do more to inspire democratic ideals and anti-Communist feelings for people around the world.

Our conferring honorary citizenship on Lech Walesa will, however, not only distinguish an extremely deserving leader, but will also express to the Soviets and the Polish Government our resolve against their acts of aggression and repression. His honorary citizenship will serve as a clear message to the world that the United States stands firmly behind the efforts of Lech Walesa and all Polish people who are struggling for freedom against totalitarianism. We must let the Soviets and the Polish Government know that simply allowing the Pope to tour Poland will not assuage our deep concern and disgust for their repressive policies toward the Polish people.

The following members also support this effort on behalf of Lech Walesa: Mr. BROOMFIELD, Mr. KEMP, Mr. LIPINSKI, Mr. LOTT, and Mr. LUNGREN.●

FEDERAL, STATE AND LOCAL PARTNERSHIP WILL IMPROVE QUALITY OF EDUCATION IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PENNY) is recognized for 5 minutes.

Mr. PENNY. Mr. Speaker, the Commission on Excellence in Education recently reported that the educational foundations of our society are being eroded by a rising tide of mediocrity that threatens our very future.

President Reagan responded by calling on State legislatures, school boards, and parents to implement the Commission's recommendations. It is clear that the majority of the recommendations will require increased funding. Teacher salaries that are competitive with the private sector, a lengthened school day and school year all will mean increased costs.

The State of Illinois alone estimates that enactment of the Commission's recommendations would cost the State $1.4 billion and result in property tax increases of 33 percent. And yet, State legislatures are already plagued with revenue shortfalls, deficits, and red ink. Local property taxes across America are already too high and, as always, regressive.

The President emphasizes that increased Federal support for education is not needed. He claims that the Federal education budget has grown dramatically in the last two decades while education quality has continuously declined. His conclusions are misleading. The Federal role to promote access and equal opportunity in education has been successful.

Examine the programs which receive Federal funding. Reading achievement gains for title I participants have been dramatic. Handicapped individuals are now able to receive the education and training they need to become productive members of our society. Our Nation's young adults are able to attend institutions of higher education in numbers that would have been unimaginable 20 years ago.

To allow State and local governments to better focus their resources on quality in the classroom, the President and Congress must maintain a commitment to fund special education programs. Instead, this President has recommended, for the third year in a row, massive cuts in education funding.

This is the time to reaffirm a national commitment to provide quality education for all Americans, not to shift added responsibility onto already financially strapped State and local officials. Adequate financing for Federal initiatives will release additional State and local funds for classroom, curriculum, staff, and equipment purposes.

I submit for the record a recent article from the National Journal which gives the President an "F" for facts. I call on officials at the Federal, State, and local level to respond to the needs of American education with an "A" for action.

A Federal, State, and local partnership will improve the quality of education in America.

The article follows:

[From the National Journal, June 4, 1983]

AN "F" FOR FACTS

(Education Focus by Rochelle L. Stanfield)

It's a beguiling point of view: that the quality of our public schools began going down when federal aid to education began going up. What makes it so appealing to President Reagan is that it offers the easiest solution to today's educational problems: if the federal government does less, the schools will do better.

A recent flood of reports painting a grim picture of elementary and secondary education has given the President his opportunity. Probably the most devastating criticism came from Reagan's excellence commission, whose report, "A Nation at Risk: the Imperative for Educational Reform," concluded that "the educational foundations of our society are being eroded by a rising tide of mediocrity that threatens our very future." Critics particularly deplore the students drift away from tough science and mathematics courses.

The President has pounced on this report to support his goal of a dramatically reduced federal role in education. While the quality of education was declining over the past two decades, Reagan said in his April 30 radio broadcast, "the federal presence in education grew and grew. Parental control over local schools shrank. Bureaucracy ballooned until accountability seemed lost."

At his May 17 news conference, Reagan responded to a question about the decline by saying, "I think you can make a case that [education] began to deteriorate when the federal government started interfering in education." And on May 21, Reagan told the graduating class of Seton Hall University in New Jersey that the nation will not get its money's worth out of elementary and secondary education until "we reverse some of the dangerous trends of recent years. And that means restoring parents and local government to their rightful role in the educational process."

As political rhetoric, that might be fine. But it is not so fine as a reflection of the history of federal education policy.

The so-called federal instrusion into elementary and secondary education has been limited almost exclusively to enforcement of civil rights laws—access to equal education for minorities and the handicapped—and federal aid to help give the disadvantaged an equal educational footing. It has had nothing to do with the education of the average kid—the focus of most of the recent concern.

Most of the "intrusion" in the civil rights area resulted from court mandates that school districts provide all children with their constitutional rights. Most of the money whose growth Reagan so roundly disparages goes to the disadvantaged and handicapped—$4.5 billion of the $8.5 billion for elementary, secondary and vocational education in fiscal 1983—and the regulations that govern its use have been applied over the years after school districts failed to use the funds properly.

Not even Reagan's Education Secretary, Terrel H. Bell, denies the great success achieved by those programs. "I can testify to this committee that our Title I programs [for the disadvantaged] are successful," Bell told the House Education and Labor Committee in May 1981.

Surveys by the National Assessment of Educational Progress in 1970, 1974 and 1979 showed that minority and poor urban children were narrowing the reading and math gap with all other students. Most education experts say Title I of the 1965 Elementary and Secondary Education Act was the major reason.

Other statistics show the over-all success of the federal "intrusion." Between 1970 and 1980, while the proportion of high school dropouts rose from 8 per cent to 8.8 per cent for all 16 and 17-year-olds, it dropped for black youths from 12.8 per cent to 6.9 per cent. Between April 1960 and March 1981, the median amount of school for the 25-to-29-year-old population rose slightly from 12.3 to 12.8 years, while blacks and other non-white races nearly caught up, jumping from 10.8 to 12.7 years, according to the National Center for Education Statistics.

The President may want to do away with this federal intrusion, but the National Commission on Excellence in Education does not. It specifically called on the federal government to "help meet the needs of key groups of students such as . . . the socio-economically disadvantaged, minority and language minority students and the handicapped" and to protect "constitutional and civil rights for students and school personnel."

What about the average kids who opted for "the history of movie making" instead of chemistry? They have never been the concern of the federal government. With almost no exceptions, their schooling has been financed, governed and regulated by state and local governments. Over the years, the states let high school science and math requirements slip, for example, while the local school districts let teachers' salaries lag behind competing professions. There is plenty of blame to heap on them.

Reagan calls for a return of parent and local government power in education. It has always been there. In fact, part of the problem has been that state and local voters—including parents—mounted the property tax revolts in the 1970s that denied schools the financing they needed to keep up.

The excellence commission, along with other recent groups studying educational reform, recommend a variety of steps to reverse the slide. They are correctly addressed to state and local governments, where the responsibility lies. Among the recommendations are more stringent graduation requirements, longer school days and school years and more competitive, market-sensitive salaries for teachers. Most states have initiated educational reforms or are looking into the problem this year.

The problem is the cost. Graduation requirements can be changed with the stroke of a pen, but almost everything else requires cash. Denis P. Doyle, director of education policy studies for the American Enterprise Institute for Public Policy Research, conservatively estimates a $13.5 billion price tag just to extend the school day to seven hours and the school year to 11 months and to pay teachers enough to make the profession attractive in the market place. Do Reagan and the commission members really expect the states and localities, already drowning in red ink, to come up with that kind of money?

LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 30 minutes.

TRIBUTE TO CONGRESSIONAL PAGES

Mr. GONZALEZ. Mr. Speaker, first it has been brought to my attention and, of course, I have been aware that today is the end of the period of work for most of the regular Pages who have been in the service of the House for this term. I think there are times when we are remiss in not recognizing the achievements of these young men and young ladies.

I want to take special note of a young man, David Schaefer, who has impressed the staff that is entrusted with the opening and the closing and the conduct of the work that the House must do in pursuit of its business because, and I am quoting one of the staff members:

> David Schaefer has turned out to be one of the if not the best documentarians that they have had as a Page.

Then I would like to take special note of the fact that a young man that I am responsible for in his selection as a Page, young Reuben Carlyle, also rounds out his period of service here.

In the case of Mr. Schaefer, he will be entering soon Indiana University, and in the case of Mr. Carlyle, he will be entering a university in Massachusetts.

So this is the caliber, the capacity, the character of what I consider to be the overwhelming preponderance of our youth in America. I think that here in the House, where they are expected to perform under very special circumstances, it has not been until lately that they have even had the housing facilities that perhaps we should have had available all along. On top of that they have a rigorous discipline. They have to go to school every day beginning early in the morning, at 7:00, and then perform their chores here that can become complex and difficult of accomplishment. Unless they had a high standard of achievement, not only scholastically, intellectually, but by way of character and discipline and commitment and motivation, they would not be able to do the job.

So I want to congratulate these two young men specifically, make record of their achievements, as well as con-

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gratulating the others who will be rounding out their period of service at this time. I wish them Godspeed in all future endeavors.

Mr. Speaker, the reason for the special order is that I have today introduced a joint resolution pursuant to the War Powers Act, which I have been discussing, directing the President to withdraw U.S. Armed Forces from Lebanon.

I am taking this action because the President has never properly reported the information required by the War Powers Act concerning the need for our troops to be in Lebanon, what their mission is, what dangers they confront, or how long they are expected to remain.

When the President was asked this ever last year, he said he did not know; that it would be up to the Lebanese Government.

Further, Congress has never conducted a thorough and a thoughtful discussion on the Lebanon deployment, which is what the War Powers Act contemplates and what the Constitution itself requires that the Congress do.

□ 1720

Finally, I am taking this action because the Lebanon situation falls in a gray area of the law, an area that ought to be discussed. It ought to be understood, and it is absolutely necessary that it be clarified. The situation in Lebanon is one of neither war nor peace, but something in between. If it is peace, there is no need for our troops to be there; if it becomes war, the war powers resolution clearly applies. But it is precisely at this point in time, when there is no actual immediate crisis, when there has been no outright attack on our troops, that we should thoroughly understand the whole purpose of their deployment.

We have to ask ourselves now, before there is any crisis, what is the cause in Lebanon, and whether it is a cause that our own countrymen and constituents feel is worth American lives, and also whether this is a situation that involves our most fundamental national interests. And we should ask whether there are any alternatives to the deployment and exposure of our troops to hostile action.

After the guns have fired, which God forbid, it is too late for Congress to play any meaningful role in the question of having those troops in Lebanon. Once the trigger is pulled, we are committed.

I pointed out last week the history of the Gulf of Tonkin resolution. I was here, and this is the reason I am speaking now. This is what we should have learned, as I say and repeat, in that case and generally in the Vietnam situation, where, my colleagues will recall, our aggressive patroling in the Gulf of Tonkin resulted in what was reported to us in a crisis environment as attacks on U.S. naval vessels. This was followed at once by the resolution, which was the functional equivalent of a declaration of war, but which passed without any discussion, without any pause, and without our raising the question of what the consequences might ultimately be.

Once the crisis is at hand, thoughtful and informed discussion becomes impossible, and yet that is precisely what is required when we are about to approve a long-term commitment of troops in what amounts to civil, religious, factional or revolutionary war situations. If we put off any serious discussion about our role in Lebanon until some crisis takes place, we will have forfeited any meaningful use of the war powers resolution. We will, instead, be confronted with a request or an outright demand for a resolution of national solidarity and determination, not unlike those passed in an earlier Lebanon crisis or the Berlin crisis or indeed the Tonkin crisis itself.

And, I can tell the Members now, it would be next to impossible to have any kind of dissidence to that request for that type of resolution.

It is precisely because there is no crisis, precisely because there has been no organized attack on our troops, that this is the proper time to discuss our role, what our alternatives are, and whether we would, in calm and rational times, be willing to run the risks that are involved in this long-term commitment of our troops in one of the most troubled, bedeviled places in the world. It is now, in a time of relative calm, that we should be asking what the alternatives are.

Not every question has a military solution, but that is the first thing we seem to resort to, when times become troubled. We should be asking questions like this: If what our troops are doing is to provide police-type security, why cannot the Lebanese be assisted in creating their own police force? Or this: If what Lebanon requires is a reconstituted army, why would it not be worthwhile to request European powers, which have great experience in Lebanon on an historical basis, far more than we, to provide the security while the United States provides training assistance to the Lebanese Army? Or this: If U.S. forces are handed an expanded role—which, as I said last week, in my mind is the definite decision already made, and we will foresee an expanded role of our military in Lebanon; I hope I am wrong, but I do not think I am—now, if the United States is in fact involved in such an expansion, does this mean that the danger of hostile action against them increases?

This is a serious matter, because we know that attacks against Israeli troops in Lebanon are now a common, almost daily experience. We can assume, then, that expansion of the U.S. role in Lebanon would result in greater dangers to our forces there.

Further, we can assume that the danger is there, and this danger is enhanced the longer our Marines are there, and the more likely they are to become the targets of resentment and later of outright attack.

Is this something we are willing to risk? These are questions to be addressed now, when there is time and the opportunity for thought and foresight, when we can think things through and not merely react to the heat of the moment.

It is vital to understand that while the President has submitted reports pursuant to the war powers resolution, these reports have not been regular, full, nor responsive. They do not ask for any congressional finding. They merely in substance report that our forces are participating in a peacekeeping—that is, so-called peacekeeping—mission in Lebanon. The fact is that these peacekeepers are armed for combat. They are not on a training mission, and their deployment represents a new and an indefinite commitment of American forces in a foreign country.

Since there is not a shooting war going on now and since we know of no imminent likelihood of these forces being attacked, section 4(a)(1) of the resolution does not apply; that is, Congress is not required to make any findings or required to take any action that would explicitly approve or disapprove of the deployment.

On the other hand, the resolution gives Congress the power and the right to recall any deployment. That right is what applies to the present case, and it exists not merely because the resolution intends to eliminate so-called Presidential wars, but because it intends to have Congress understand, participate in, and control all troop deployments in all foreign countries.

That is the precise case with regard to the Lebanon deployment. There is no war going on at the moment, but neither is there peace, and the question we must resolve is whether and under what conditions and for what purposes we want our forces committed there. This is precisely the kind of discussion that would be demanded if, for example, the President suddenly dispatched 1,000 more armed American troops to Honduras, to Central America, or decided otherwise to change the mission or policy of the United States in that section of the world.

We jealously guard the number of troops that can be assigned to El Salvador. There is close scrutiny of every jot and tittle of law and policy applying there. Why do we not also give the same kind of thoughtful attention to the Middle East, where the arma-

ments are infinitely greater, the factions and enmities vastly more complex, and the ultimate stakes incalculably higher?

The President is obliged to give the Congress more information than he has concerning Lebanon, but he will not volunteer it. As a matter of fact, even the papers have reported secret agreements of about 2 weeks ago. I know of no Member of Congress who has been informed as to the nature or content of these secret agreements. I happen to believe, from reading European press accounts that they have to do with an enhanced and increased responsibility on the part of our Government and a commitment to furnish additional troops in Lebanon in order to conduct the purposes for which the secret agreement was entered into.

If we are going to be true to our constitutional duties, our responsibility is to ask for that information, understand what is taking place, and then act accordingly.

I do not believe that it is necessary or in the national interest for the United States to have committed our Armed Forces to Lebanon. I offer this resolution calling for withdrawal of these forces because of that belief. I think the risks are real, that there has not been thought or planning about this commitment, and that we will come to regret it unless the Congress rescinds it. But beyond that, I am asking that we come to grips with the issue, and that we discharge the responsibilities that we have abdicated—not just in the case of Lebanon, but in Vietnam before that, in the case of Korea before that, and with respect to the so-called secret war in Cambodia.

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Those were engagements that our people did not support and that we came later to regret in one degree or another; yet we have not learned enough from those episodes to foresee the possibility of them happening again, nor do we understand that such situations are more than not likely to happen again, unless Congress awakens to its duty.

If we want to preserve the real meaning of the war powers resolution, we have to be aggressive and resolute and consistent in our application of it. We might or might not resolve to order the withdrawal of our forces from Lebanon; but the time to discuss it, the time to understand it, and the time to discharge our responsibilites is now—before, and not after, some tragic crisis occurs. It is better, far better, to discover how much we are willing to pay, before the tocsin sounds, than after. The President might protest that we would appear to lack unity and determination, but we should have learned in Vietnam that the time to make that discovery is before the troops land and not later.

I ask you, my colleagues, to think. I ask you to consider. Most of all, I ask you to join me in carrying out our most fundamental responsibility, our heaviest burden, to decide when, where, and for what purposes we are willing to run the risk of war. Today, everyone minimizes the possibility of danger to our forces in Lebanon; that is, everyone in an official capacity; but I remind you that these marines are armed for combat. They have already been assaulted. This reveals the difference, inasmuch as their counterparts, for instance, in Central America are not. If there were no danger, there would be no need for these marines to be fully armed, to wear personal armor, or to be supported by tanks. There is danger to these men, very great and grievous danger, and I do not think that we can deny that fact.

For myself, I see no reason to expose our forces in that situation to that danger. I see no political gain to be made from their entanglement in the world's oldest, longest, and most complex political, religious, geographical, ethnic, and factional dispute.

I urge withdrawal of our forces in Lebanon.

INSANITY DEFENSE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Conyers) is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, on May 25, 1983, the Subcommittee on Criminal Justice ordered H.R. 1280, modifying the Federal insanity defense, reported favorably to the full Judiciary Committee, with an amendment in the nature of a substitute. The legislation was ordered reported in the form of a clean bill. I have the pleasure today of joining my colleagues on the subcommittee—Messrs. Edwards of California, Seiberling, and Berman—in introducing that clean bill.

Like H.R. 1280, the reported legislation changes Federal law in four major ways. First, it narrows the insanity defense by eliminating the so-called irresistible impulse test, which allows defendants to be acquitted because of an inability to control behavior they knew to be wrong. Second, it requires defendants to prove a claim of insanity. Currently, the prosecution must disprove such a claim beyond a reasonable doubt. Third, the bill limits psychiatric testimony. Finally, it establishes for the first time Federal procedures for committing to mental hospitals persons acquitted by reason of insanity, and reforms procedures for dealing with persons incompetent to stand trial.

This bill, reported by voice vote, is the product of 5 days of hearings last Congress and 5 additional days this Congress. It incorporates proposals and suggestions of the Department of Justice, the American Bar Association, the American Psychiatric Association, the American Psychological Association, the National Commission on the Insanity Defense, and others. As a bill proposing significant but responsible reform, it enjoys widespread support. I hope that this legislation will continue to move expeditiously through Congress.

A summary of the bill follows:

Summary of Insanity Legislation

Section 1 of the bill modifies the insanity defense used in Federal courts by adding new section 16 to title 18 of the United States Code.

Subsection (a) of new section 16 would establish a uniform definition of the insanity defense for Federal courts. The majority of Federal courts currently use the American Law Institute test, providing a defense of insanity when the defendant, because of "mental disease or defect," "lacked substantial capacity to appreciate" the wrongfulness of conduct or to conform the conduct to the requirements of the law. The legislation would remove the ambiguity of this language and narrow it by requiring for the defense that a defendant "did not understand" the wrongfulness of the conduct, essentially returning to the M'Naghten test. It also emphasizes that the test is legal—rather than medical—by replacing the term "mental disease or defect" with a common sense description of the serious mental disorders required to establish the defense.

Subsection (b) of new section 16 would require the defendant to prove insanity by a preponderance of the evidence. Current law requires the government to prove sanity beyond a reasonable doubt.

Subsection (c) of new section 16 would exclude voluntary intoxication from the mental disorders that may give rise to the defense.

Subsection (d) of new section 16 would prevent case law development of new definitions of legal insanity.

Subsection (e) of new section 16 would establish a new verdict for a case in which insanity has been proven as a defense: "not responsible only by reason of insanity."

Section 2 of the bill amends the Federal Rules of Evidence to preclude expert witnesses (e.g., psychiatrists) from offering opinions as to the ultimate question of whether the defendant understood the wrongfulness of the conduct or possessed a mental state required as an element of the crime, and the ultimate question of whether the defendant should be committed.

Section 3 of the bill revises Federal procedures for dealing with persons who are mentally incompetent to stand trial. Some of the provisions are necessary to comport with recent court decisions. Chapter 313 of title 18, United States Code, is amended as follows:

Section 4241 would allow the court to order a screening examination whenever any party alleges incompetence to stand trial. The court could also order a screening examination on its own motion.

Section 4242 would provide for a more complete mental examination regarding competence if the screening examination suggests that the defendant is incompetent, or if the court wishes to omit the screening examination. A defendant may demand a

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hearing on the need for a more complete examination if the court initially decides against such further examination. The examination would be conducted on an in-patient basis only if the defendant is dangerous, already in custody, or likely to flee; and in a hospital only if in-patient testing is necessary. A report on the test must be filed, and the contents of the report are specified. Statements made by the defendant during the examination are not usable against the defendant in criminal proceedings.

Section 4243 would provide for a hearing on the issue of competence. Provision is made for additional examination by a mental health examiner of the defendant's choice if so requested. If, after the hearing, the court determines that the defendant is incompetent, then there is a hearing on the likelihood of the defendant's recovery and appropriate treatment. The defendant must be ordered to be treated unless treatment has already exceeded 360 days, or there is no substantial probability of recovery. In such a case, non-serious charges are dismissed. The court is also given the discretion to dismiss charges rather than order treatment when the seriousness of the charges or the likelihood of conviction would not justify the burden of the particular treatment required. In any case where treatment is omitted or terminated, the court may make an order for commitment proceedings under section 4245.

Section 4244 would provide for treatment following an order under section 4243. The court must specify the facility for treatment, which may be inpatient only when the defendant is dangerous, likely to flee, or otherwise in custody, or when in-patient treatment is necessary. The Secretary of Health and Human Services is required to issue regulations ensuring that specified controversial treatment techniques be used only after the informed consent of the patient, the patient's guardian, or the court. The section also provides for the resolution of certain issues while the defendant remains incompetent, and for trial while the defendant is receiving medication.

Section 4245 would provide for the transfer to State authority of, or commencement of commitment proceedings under chapter 310 regarding, persons who have received the maximum treatment for incompetence to stand trial, have not recovered, and are appropriate for civil commitment. It also provides for the transfer to State authority of convicted persons whose prison terms are about to expire and who appear dangerous due to a mental disease or defect.

Section 4246 would restate current law regarding the Board of Examiners.

Section 4247 would restate current law regarding incompetence undisclosed at trial.

Section 4248 would provide for transfer of a prisoner to a mental institution upon a showing by clear and convincing evidence that the prisoner is in need of treatment.

Section 4249 provides definitions of terms used in chapter 313.

Section 4 of the bill establishes Federal commitment procedures for persons found not responsible only by reason of insanity. Current Federal law has no procedures for dealing with such persons. A new chapter 310 would be added to title 18 of the United States Code as follows:

Section 4171 would provide for the mandatory examination of persons found not responsible by reason of insanity for violent felonies and persons regarding whom orders have been made under section 4245; and discretionary examination of all persons found not responsible only by reason of insanity.

Section 4172 would provide for conducting the examination, which would be in-patient only when the defendant was dangerous, likely to flee, or otherwise in custody, or where in-patient testing was necessary. The contents of the report, and the time limitations upon the examination are specified.

Section 4173 would provide for a hearing on the defendant's dangerousness following a report under section 4172, or following a report on the defendant's treatment under section 4174. (A defendant may request an additional examination by an examiner of his or her choice.) Following the hearing, the court must order the defendant committed or recommitted for treatment if it finds that the defendant presents a likelihood of danger to any person (including the defendant) or to property sufficiently substantial to justify commitment. The finding must be clear and convincing evidence, except in the case of persons found not responsible by reason of insanity who have been treated for a period less than the statutory maximum for the offense of acquittal, in which case the finding need only be by a preponderance of the evidence. A defendant found not guilty only by reason of insanity of a violent felony is presumed dangerous for a period equal to the maximum imprisonment provided for such felony; such defendant must prove nondangerousness by a preponderance in order to avoid commitment. In addition, if the treating facility (following treatment) finds that the defendant is still a danger, then continued treatment is ordered unless the court finds nondangerousness by a preponderance of the evidence. A court may order conditional release if the degree of dangerousness justifies supervision or treatment but not commitment. A person released following treatment may only be released conditionally.

Section 4174 would provide for treatment of a person found not responsible only by reason of insanity. The court must specify the facility at which treatment is to occur and the conditions of such treatment, such as whether and when furloughs are permitted. A report on the person's condition must be made to the court each year, or whenever it appears that the person no longer presents a danger. The section also requires the Secretary of Health and Human Services to provide regulations to ensure that controversial treatment techniques be used only after informed consent.

Section 4175 would provide that a person conditionally released under section 4173 will be supervised by a probation officer. At a minimum, a person conditionally released must receive treatment (including psychotherapy), report to the probation officer, permit reasonable home and work visits and obtain approval before leaving the jurisdiction. In addition, a court may require such persons to receive medication as a further condition of release. The arrest of a conditionally released person is authorized if there is probable cause to believe that the person has violated a condition of release or again constitutes a danger to others. Once a person has been arrested, the court must order an examination and hearing in accordance with sections 4172 and 4173(a). If the court finds by a preponderance of the evidence that the person presents a sufficient likelihood of danger to any person or substantial damage to the property of another to justify commitment, the court must recommit the person for treatment under section 4174. In any other case, the court must reinstate conditional release. It may modify the conditions, if the court finds by a preponderance of the evidence that the person violated a condition ore that in the absence of such a new condition commitment would be justified.

Section 4176 would provide general provisions for chapter 310.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

● Mr. MARKEY. Mr. Speaker, on Thursday, June 16, I was unavoidably detained and failed to make the rollcall vote on agreeing to House Resolution 229, the rulemaking in order of consideration of H.R. 2972, the Military Construction Authorization Act of Fiscal Year 1984. Had I been present, I would have voted "yes."

Mr. Speaker, my explanation follows:

Yesterday, Mr. Speaker, the will of the American people was blocked.

Dilatory tactics once again stopped a House committee from moving forward on legislation important to consumers everywhere.

Mr. Speaker, I am addressing the vote taken yesterday in the Energy and Commerce Subcommittee on Fossil and Synthetic Fuels to postpone consideration of natural gas legislation until, in essence, July 12. As a member of the subcommittee, the only New England member, I want to call the attention of my colleagues to the dilatory tactics pursued by some members of the subcommittee.

The subcommittee took this delay action because some members feared a vote on the fundamental issue in the natural gas debate: the fate of old gas. Some members, representing oil and gas interests better than consumer interests, were afraid that the amendment offered by my colleague from Ohio, (Mr. LUKEN), and myself to continue controls on old gas would win. These forces were afraid of a vote on old gas control. They knew that the most important issue to consumers—control of old gas prices—had the requisite 10 votes to pass. These subcommittee members, knowing they would lose a vote on old gas price controls, chose to block the subcommittee from further consideration of any natural gas legislation until the middle of July.

I regret to report that these oil and gas forces were successful in delaying subcommittee consideration of natural gas legislation and all pending amendments. These forces were successful partly due to their new found willingness to negotiate on old gas price controls. Earlier in the year these were the same forces who, thinking they had the votes, were not willing to sit down at the table and discuss old gas control. Now that it appears old gas price control—the primary consumer

issue—had the votes to carry the day, my colleagues more inclined to represent oil and gas interests have found a desire to negotiate on old gas price control.

I am encouraged that some members on the subcommittee will now take serious our amendment on keeping old gas forever controlled. I regret, however, that consumers will have to wait until July 15 for a positive vote on old gas price control. Let me assure my colleagues, nonetheless, that the vote on old gas price controls will come. And the vote will be a resounding victory for consumers everywhere: old gas prices forever under Government control. Whether that vote comes next month, or next winter in the full Energy and Commerce Committee, the final result will be a victory for consumers. I regret that certain members of the subcommittee chose to postpone the inevitable question on natural gas: Who controls? Let me assure my colleagues, however, that although the consumer vote was postponed today, the day will come when consumer interests will not be blocked. And then this body will answer for the people in their favor the fundamental question on natural gas: Who controls?●

MOBILE TEACHERS RETIREMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, the recently released report of the National Commission on Excellence in Education, "A Nation at Risk," presents some starling conclusions about the state of education in this country. The Commission's report goes so far as to say that:

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. . . . We have, in effect, been committing an act of unthinking, unilateral educational disarmament.

Some of the Commission's most important findings concern the quality of teaching available in our public schools. The Commission reported that "not enough of the academically able students are being attracted to teaching; * * * that the professional working life of teachers is on the whole unacceptable; and that a serious shortage of teachers exists in key fields." The Commission went on to suggest several methods of making teaching "a more rewarding and respected profession."

Along these lines, I introduced legislation last week to correct a serious inequity which affects the retirement benefits of teachers throughout the country. This legislation, the Mobile Teachers Retirement Act, has been introduced several times in the past. I hope that the 98th Congress will finally act to eliminate the current system which denies hard-earned retirement benefits to many teachers who move across State lines. By addressing this problem, we can help to attract and retain qualified individuals to the teaching profession.

We have recently become aware of the critical shortage of math and science teachers, and of the inadequate qualifications of many of the teachers who are available. By its recent enactment of the Emergency Math and Science Education Act, the House showed its concern over his alarming situation and its belief that the Federal Government can play a part in reversing the trend. Nevertheless, current law in many States effectively penalizes teachers who move across State lines by denying them retirement credit for their years of service out of State. The result is to impede the free flow of teachers in math, science, and other fields to the areas where they are needed most.

In California alone, past estimates have indicated that over 100,000 elementary, secondary, and community college teachers had teaching service in other States. Nationally, the most recent evidence is that at least one in six of America's teachers have lost retirement credits by changing teaching employment across State lines. That loss of credits means reduced pensions, and cannot help but discourage teachers from going where their talents are most in demand.

Many States have attempted to alleviate this problem by providing some type of credit for out-of-State service. However, the intrastate nature of the issue clearly points to Federal involvement. In order to preserve State jurisdiction over teacher retirement policies, my legislation would simply provide Federal assistance to States whose teacher retirement systems meet certain requirements. These include allowing teachers to purchase at least 10 years of credit for out-of-State teaching service not vested in another retirement system, and providing for vesting of retirement rights after not more than 5 years of service. For States that meet these conditions, the Federal Government will help to meet the costs of crediting out-of-State service. The Federal contribution will thus provide an incentive for States to accommodate teachers who move across State lines.

At this time of crisis in our Nation's educational system, passage of this legislation can have a significant impact on the quality of teaching available to our schoolchildren. I hope my colleagues will take quick action to approve this bill.

At this point, I would like to include the text of the legislation for my colleagues' reference:

H.R. 3235

A bill to permit teachers to change employment across State lines without substantial loss of retirement benefits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Teachers' Retirement Assistance Act".

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. The Congress finds that the transfer of qualified teaching personnel between schools operated by public educational agencies in one State and schools operated by public educational agencies in another State is seriously impeded because of the possibility of forfeiture of retirement benefits in the system from which a teacher transfers and that the resulting immobility of teachers impeded the mobility of the Nation's work force by hindering the growth and development of new communities. It is therefore the purpose of this Act to protect commerce by facilitating the interchange of teaching personnel from a public educational agency in one State to a public educational agency in another State by providing Federal financial assistance in the transfer of credits from one State to another State.

REQUIREMENTS FOR PARTICIPATION

SEC. 3. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 4(c);

(2) allow covered teachers at least ten years of out-of-State credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher by the date of retirement of a portion of the cost involved and payment from public funds of the remainder;

(3) require no more than one year of in-State service for each year of out-of-State service credit granted;

(4) provide that the teacher's payment for out-of-State service credit shall not exceed 25 percent of the total cost of the out-of-State service credit;

(5) provide for vesting after not more than five years of creditable service in the State retirement system; and

(6) provide for making such reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such report.

(b) If the Secretary determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 4. (a) The Secretary shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other 12-month period designated by the system) which ended in such calendar year with credited out-of-State service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 50 percent of the total cost as determined by the retirement system at such teacher's age on date of retirement, except that if the teacher has not reached age 60, the cost shall be determined as if the teacher were age 60.

(b) The Federal contribution under this section to a State retirement system shall be limited to the reserve required to provide not more than ten years of out-of-State service credit, except that the Secretary may determine maximum reserve factors at each age, beginning at age sixty, for purposes of the Federal contribution.

(c) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

COST OF ADMINISTRATION

Sec. 5. The Secretary shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 2 per centum of the Federal contribution made under section 4.

APPROPRIATIONS AUTHORIZED

Sec. 6. For the purpose of making such Federal payments, there is hereby authorized to be appropriated for the fiscal year ending September 30, 1984, and for each succeeding fiscal year the amount necessary to effectuate the provisions of this Act.

DEFINITIONS

Sec. 7. For purposes of this Act:

(1) The term "State retirement system" means a State retirement system established under State law or local public retirement system recognized or established by State law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system, school, or institution of higher education.

(5) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which includes teachers.

(6) The term "Secretary" means the Secretary of Education.

(7) The term "out-of-State service" means public teaching service performed in another State or in elementary or secondary schools operated by the United States Department of the Interior and the United States Department of Defense and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(8) The term "vesting" means a right of a teacher who separates from covered employment after having at least the mimimun years of credited service required under the State retirement system, and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

EFFECTIVE DATE

Sec. 8. This Act shall become effective October 1, 1983, and shall apply to teachers who retire on or after such date.●

CUYAHOGA VALLEY NATIONAL RECREATION AREA

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, on Monday, June 6, on the National Public Broadcasting System, a program was aired which I believe did a great disservice to the National Park Service and to the Public Broadcasting System as well. The program, "Frontline," concerned the effect on local property owners of a unit of the national park system in Ohio, the Cuyahoga Valley National Recreation Area.

It was supposedly a documentary. However, instead of presenting a balanced and factual account of the issues relating to the park, the program dramatized—in a deliberately distorted and highly emotional way—certain allegations made by a handful of property owners. Indeed, there were so many factual errors and misstatements, that I was shocked that it would appear on public television.

As one of the original authors of the act establishing the Cuyahoga Valley National Recreation Area and as the chairman of the subcommittee with jurisdiction over the National Park Service, I would like to set the record straight for the benefit of the Members and others who may have seen the program.

To do so, I would like to provide a little background on the legislation establishing the park and the protections built in for the property owners, as well as to point out some of the more glaring errors in the program. At the end of my statement, I would like to insert an editorial which appeared in the Akron Beacon Journal on the program, entitled "Distorted Picture on the Park," which highlights a number of other specific issues.

PURPOSE OF THE PARK

Like most units of the national park system, the Cuyahoga Valley National Recreation Area was established by an act of Congress—in this case, Public Law 93-555, which was signed into law on December 27, 1974. The purpose of the park was to preserve, for public use and enjoyment, a largely undeveloped pastoral area containing great scenic, historic, archeological, natural, and recreational resources.

Prior to the establishment of the park, the Cuyahoga Valley faced increasing threats from urban and industrial development—not surprising, since this was the last large expanse of open space left between Akron and Cleveland, Ohio. It became clear that without protective legislation, the valley would soon be overrun with developments that would destroy it. Thus the goal of the legislation was twofold: first, to preserve the many natural and cultural resources of the valley, and, second, to provide for public use and enjoyment of these resources.

Lastly, it should be emphasized that, of the 32,000 acres presently within the authorized park boundary, only 18,000 are slated for possible Federal acquisition. The remainder includes many private homes and farms, as well as other public parks, such as Cleveland's Brecksville Reservation, or compatible privately owned cultural and recreational facilities such as the Blossom Music Center, Girl and Boy Scout camps, the historic Hale Homestead and Western Reserve Village, et cetera.

All of these other facilities are within the Cuyahoga Valley National Recreation Area although they are not federally owned or managed. The purpose was to link them together geographically and to give them a greater national focus, under the umbrella of the National Park Service.

PROPERTY OWNERS PROTECTED

It was never intended that every acre of the Cuyahoga Valley National Recreation Area be acquired, and the Park Service has not done so. Even privately owned residential property, it was intended, would not all be acquired in fee title, but would be protected, when necessary, through the purchase or donation of scenic easements that restrict future developments and preserve the scenic character of the area.

Of the 18,000 acres that are possibly subject to eventual Federal acquisition, over 13,000 had been acquired as of June 1, 1983, totaling 792 tracts or ownerships. Of the total tracts, 379 were residentially improved properties purchased in fee and 84 were placed under scenic easement. Only slightly more than 15 percent of the total tracts were acquired through condemnation, and many of the condemnation cases were friendly, meaning the owner was willing to sell but simply differed over the purchase price or needed to clear the title.

Important protections for private property owners were built into the Cuyahoga enabling act. For example, the act specifically provides that homeowners whose property the Park Service wishes to buy must be allowed to remain for life or up to 25 years, at their option, even after their property is purchased by the National Park Service. The only exception to this is for homes built after January 1, 1975; that is, after the legislation was enacted; the purpose of the cutoff date was to prevent speculators from profiting from the park at the expense of the taxpayers.

The implication, therefore, in the "Frontline" show that people were being forced from their homes was simply false.

Furthermore, "Frontline" neglected to point out the many other benefits that property owners receive as a result of Federal land purchases. The Uniform Relocation and Real Property Assistance Act of 1970 requires, among other things, that a Federal agency must offer an owner no less than the approved appraisal of the fair market value of the property. The agency also pays for most, if not all, of what it may cost to convey the title of the property, including recording fees, transfer taxes, penalty costs for prepayment of preexisting mortgage, and pro rata portion of real property taxes paid to cover the period after title was vested in the United States.

In addition, the Relocation Act provides both owners and renters with payment for moving expenses. In the case of residential owners, the agency will also make a payment of up to $15,000 as a differential payment resulting from higher interest rates or if the owner is unable to obtain a comparable replacement home outside of the area. In the case of qualified renters, rental assistance is provided in addition to moving expenses; included is a rental supplemental payment of up to $4,000. In the case of business owners, payments of up to $10,000 in lieu of moving expenses—or 100 percent of moving charges—may be paid. Payments are also made to business owners to assist in their search for a new business location.

All of these relocation payments are, moreover, not taxable income for the purposes of Federal taxes.

PROGRAM DISTORTS THE FACTS

As the Akron Beacon Journal editorial points out, the "Frontline" film is not only one-sided but contains many gross distortions of the facts. Let me just mention a few.

"Frontline" asserts that the cost of acquiring the land has already escalated from the 1974 estimate of $36 million to $166 million and is still growing. It charges an overrun of $130 million. In fact, the original Cuyahoga Valley National Recreation Area was expanded by subsequent acts of Congress in 1976 and 1978, which doubled the estimated cost to $70 million. To date, $81.5 million has been spent or obligated, and the eventual total cost is estimated now at under $100 million. The overrun is $30 million, not $130 million, and is mainly the result of rapid escalation in real estate prices during the period.

"Frontline" asserts that at field hearings in 1974, I promised that no more than 30 residences would have to be acquired in fee. While that was the National Park Service estimate at that time, it was based on a considerably smaller acreage inside the Cuyahoga than Congress eventually included in the 1974 act, which was further expanded by the 1976 and 1978 acts.

"Frontline" implied that 425 families have been forced by the National Park Service to leave their homes. Actually, no one was forced to leave his or her home, nor, under the law, could they be. Specifically, of the 379 homes that have been acquired in fee, 206 elected to remain for life or a fixed term of years, and 173 chose not to do so. Many, if not most, of the owners chose to sell to the National Park Service.

About 300 more residential properties remain in the park presently unacquired and it is unlikely that most of these will ever be acquired. In addition, nearly 300 will remain under retained rights or scenic easements.

"Frontline" showed a house being burned, and implied that was typical of Park Service actions. In fact, the house burning was at the request of the local fire department. The house had been slated for demolition, because it was extremely dilapidated when acquired by the Park Service.

One of the businessmen featured on the program as being a local mechanic and handyman actually operated a junkyard which had long been a controversial eyesore and was located conspicuously in the heart of the national recreation area and was clearly incompatible with the purpose of the act. Why was not the junkyard shown?

The town of Peninsula, which was used as the backdrop for discussions of how the park was destroying the community is not within the boundaries of the park and will not be acquired by the Park Service.

Despite the claims of the program, most of the farms and small communities within the boundaries remain and are still viable, and are expected to remain.

I would also like to set the record straight about my own property, which is located in the Cuyahoga Valley National Recreation Area. It was initially included in the boundaries by the National Park Service professional park planners who drafted the original boundaries. I had repeatedly told them to ignore my position as a Congressman and to treat me as any other property owner. Prior to the establishment of the recreation area and to avoid any possibility that my support for the park would appear to benefit me personally, my wife and I—at a considerable financial loss—donated a scenic easement on all our property to the Akron Metropolitan Park District.

Because of subsequent allegations concerning the donation, I asked the General Accounting Office over 3 years ago to investigate the charges. After a thorough investigation, the GAO reported in August 1980, "On the basis of our review, it does not appear to us that the Park Service has given or plans to give you preferential treatment." The creators of the "Frontline" program were aware of this report, yet chose to continue making these unfounded allegations.

The assertion of "Frontline" that the residence of a former newspaper editor got a scenic easement rather than fee acquisition as a result of my intercession in his behalf is equally false. Not only has it been publicly denied by him and by me, but if "Frontline" had bothered to examine Park Service records they would have found that none of the residences in that area had been slated for fee acquisition. Moreover, Secretary Watt's own Inspector General reported in 1982, after a thorough audit, that he found no evidence that the use of scenic easements was inconsistent with the enabling legislation, nor did he cite any instances of preferential treatment.

Some of the distortions in the "Frontline" program were simply the result of slick editing. For example, after Ms. Savitch remarked, as I recall, that my residence, unlike those of some demonstrators, was not acquired in fee, the film immediately cut to a videotape of me saying to the demonstrators, "That's democracy." This caused the Arkon Beacon Journal's TV critic to refer to this statement as showing my "flippancy when questioned about seemingly arbitrary land acquisitions." The full tape would have shown that I was speaking in support of the demonstrators' rights to voice their grievances, which I defended by saying, "That's democracy"—quite different than the twist given by "Frontline."

Another distortion: "Frontline" showed Mr. Stein-Sapir testifying before a bored looking Representative Ralph Regula, but failed to even mention the caustic criticism Representative Regula leveled at Stein-Sapir for his tactics and his distorted statements.

Similary, juxtapositions of Ms. Savitch's commentary and clips of interviews of the late Superintendent William Birdsell tended to distort the plain meaning of his straightforward responses. Unfortunately, being dead, he cannot defend himself. I will say that no more decent, warm-hearted, kindly, patient person could have been found for the difficult job of starting a new park. He wore himself out in hundreds of hours of explaining and listening to residents throughout the area, and his memorial service was an impressive outpouring of people all expressing respect and affection for a truly fine human being. If ever I met anyone dedicated to serving his fellow human beings, it was Bill Birdsell.

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PUBLIC BENEFITS FROM THE PARK

The "Frontline" program gave short shrift to the many benefits that the Cuyahoga Valley National Recreation Area has offered to the public. Yet the value of this park increases many times over every year, and it will become even more significant in the years to come.

Over 700,000 people used the national park facilities in Cuyahoga last year and nearly 1 million are expected this year. These figures do not include several million more—over 6 million in 1981—who used the other public and privately owned recreation facilities in the valley.

Historic properties are being preserved, such as an historic locktender's house along the Ohio Canal, the Stanford house and the "Jaite" complex. The hamlet of Everett is slated to be restored as funds become available. Trails are being developed and natural areas restored.

Last year, $250,000 was appropriated to study sedimentation problems in the Cuyahoga River. Funds in the 1984 appropriations are being proposed for $1 million in other new developments that would otherwise not have been available.

Special activities are also increasing. This summer, the National Folk Festival will be held in the CVNRA, moving from Washington, D.C., and the new Oakhill recreational area will be opened for picnicing and other day-use activities.

Dozens of cultural and educational activities are being conducted throughout the year, including environmental education programs and cooperative research with various educational institutions.

This is, in fact, a year round park, with winter activities such as tobogganing and cross country skiing as well as traditional summer park programs. The response from the public has been tremendous. Next year the Cuyahoga Valley National Recreational Area will celebrate its 10th anniversary. It will be a happy occasion, one that we can all look forward to with anticipation and pride. It truly is a park "for the good of all."

One of the reasons why this particular program was so distorted and one sided was because it was, I am advised, not produced by Ms. Savitch or her staff. Rather, production was financed by a former resident who has espoused the cause of the dissident property owners and was produced by two individuals who intended it to be a brief for their point of view. Of course, they have a perfect right to do that. However, "Frontline" should have clearly stated the auspices under which the film was made, instead of allowing it to be presented as though it were an objective documentary.

Ironically, "Frontline" has opened itself to the same kind of criticism leveled by another PBS program, "Inside Story," against CBS for CBS's unfair and one-sided program on General William Westmoreland's actions during the Vietnam war.

HEARINGS ON LAND ACQUISITION

Finally, I would like to point out that the Interior Committee has continued to be responsive to the legitimate problems of property owners within our national parks.

Most recently, the Subcommittee on Public lands and National Parks this spring held a series of hearings on the issue of the National Park Service's land acquisition program and the impact of acquisition delays on park lands and resources.

The hearings were initiated because the Interior Department had virtually called a halt to the Park Service's program for buying land within existing units of the national park system. Most new purchases have been limited to a few hardship and emergency cases. The authority of the Park Service to decide which properties to buy has been withdrawn; now each tract, regardless of how small, must be reviewed by the Assistant Secretary of the Interior. Acquisitions are routinely being turned down because the parks have not prepared so-called land protection plans.

What does all this mean to our parks? That has been the subject of our oversight hearings. Our purpose is to look into the effects of acquisition delays on both the private property owners who want and need to sell their land, and on the resources of the parks themselves, which face damaging activities such as mining, timber cutting, and housing construction if the lands are not purchased.

On April 21, we had testimony from representatives of national and local organizations and from private individuals, including landowners, who are knowledgeable about the Interior Department's policies and the problems caused by delays in park acquisition. Their testimony was not merely informative, it was shocking. In instance after instance, owners who want to sell their land to the Park Service have been turned down, often despite documented hardships they have faced and despite possible damage to the park resources that could result if the lands are not acquired promptly.

On April 22 and May 5, we heard from the Director of the National Park Service, who gave an overview of the Park Service's land acquisition program, and from professional land acquisition staff in Washington and the superintendents of 12 national park areas: Appalachian National Scenic Trail, Cuyahoga Valley National Recreation Area, Indiana Dunes National Lakeshore, Manassas National Battlefield Park, New River Gorge National River, Santa Monica Mountains National Recreation Area, Olympic National Park, Delaware Water Gap National Recreation Area, Antietam National Battlefield, Apostle Islands National Lakeshore, Point Reyes National Seashore, and Grand Teton National Park.

On May 19 we also heard from the deputy to the Assistant Secretary for Fish, Wildlife and Parks and from the director of the Midwest Region of the National Park Service.

I have also requested the testimony of Secretary Watt and Assistant Secretary Arnett, the date yet to be scheduled.

Meanwhile, I have recently directed the subcommittee staff to further review a number of issues relating to the Service's land acquisition program, and to prepare a report summarizing this information. This should be available later this summer.

SAVING OUR PARKS

That our subcommittee's efforts have already been successful in resolving some of the park land acquisition issues is attested to by the number of properties that have been acquired since we scheduled the first hearing in April. Many property owners who had been left in limbo for weeks and months were finally able to get approval by the Interior Department for the purchase of their land.

Unfortunately, other issues remain, such as the Department's failure to purchase certain park lands for which Congress has specifically appropriated funds. Development threats remain and many willing sellers face a hardship in trying to dispose of their property.

Of course, we must continue to protect individual property owners' rights and we must help the National Park Service in its efforts to carry out its responsibilities with sensibility.

But the fundamental issue is whether the public interest as defined in the acts of Congress creating the national parks is going to be carried out. Our national parks are important to the people of the United States. We are saving them not just for ourselves but for future generations. If we all keep this in mind, I think we can find some mutually acceptable solutions to the problems we've been addressing.

[From the Akron Beacon Journal, June 8, 1983]

Distorted Picture on Park

Jessica Savitch's Frontline on PBS television did an effective job of dramatizing the pain experienced by some people through the National Park Service's approach to acquiring the land for the Cuyahoga Valley National Recreation Area.

The show did not purport to be a balanced, overall report on what has been done in the park. And it was not.

Some of the facts omitted and mistaken impressions left uncorrected have a real bearing on the truth.

The late William Birdsell, the park's first superintendent, was depicted as a bureaucrat bent on "total destruction" of human habitation and non-park activity in the park.

In fact, there were at the outset about 1,400 privately owned tracts in the park area as now defined.

Of these, 379 parcels with residences have been sold outright to the government, in most cases at prices amicably agreed on. Some, it is true, have been bulldozed out of existence or burned, as the show indicated.

But in 208 of the 379 cases—55 percent—the owners elected to accept arrangements in which they could remain in their homes, in effect "renting" from the Park Service.

They could choose to stay on for a fixed term of years from one to 25. The prices were then scaled down by 2 percent of the agreed market values for each year of continued tenancy—a good rental bargain by comparison with the open market.

Or owners could elect life tenancy. In this case the purchase price was cut on the basis of actuarial tables on the life expectancy of the owners. (In one case, with owners over 90, the adjustment was zero; they were paid the full market price.)

In 84 cases in addition to the 379, the Park Service bought scenic easements, leaving owners in permanent possession but forbidden to make substantial changes on their property.

This has left more than 800 other tracts in the park—some with residences, some without—untouched. Their ultimate status is uncertain. Because of the cost and concern about debatable disruption of people's lives, the service is considering discontinuing purchase of developed parcels—except perhaps in cases where owners press to sell, pleading hardship.

Any yes, acquisition costs have risen far beyond the $35 million figure called for when creation of the park was authorized in 1974—both through rapid inflation of prices through the 1970s and through enlargements of the park.

But not to say "$166 million," as the show indicated. To date, the acquisition costs have come to just under $81.5 million. The ultimate cost, still estimated by park superintendent Lew Albert at under $100 million on the basis of present conditions, is of course uncertain. It depends on what additional property is acquired and when and how, and how much inflation continues.

In a mention, the show left the impression that the Szalay farm was to be put out of business. Not so. The Szalays are still there, raising and marketing their renowned sweet corn.

In an operation this large mistakes were undoubtedly made. There were more outright purchases and fewer scenic easements than originally expected. And some people undeniably remain bitter about what they feel was done to them.

But the overall picture, warts and all, is hardly the one presented by this show wryly entitled "For the good of all."

It has indeed been for the good of many. Last year there were 700,000 recreational visits to facilities on federal land in the park.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Yates (at the request of Mr. Wright), for today, on account of illness.

Mrs. Boxer (at the request of Mr. Wright), for today, on account of attending the graduation of her son.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Lewis of Florida) to revise and extend their remarks and include extraneous material:)

Mr. Porter, for 5 minutes, today.

Mr. Corcoran, for 10 minutes, today.

Mr. Walker, for 60 minutes, June 21.

Mr. Gregg, for 60 minutes, June 21.

Mr. Hiler, for 60 minutes, June 21.

Mr. Conable, for 60 minutes, June 21.

(The following Members (at the request of Mr. Penny) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 30 minutes, today.

Mr. Penny, for 5 minutes, today.

Mr. Conyers, for 5 minutes, today.

Mr. Daschle, for 5 minutes, today.

Mr. Markey, for 5 minutes, today.

Mrs. Kennelly, for 60 minutes, today.

(The following Member (at the request of Mr. Gonzalez) to revise and extend his remarks and include extraneous material:)

Mr. Panetta, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Lewis of Florida) and to include extraneous matter:)

Mr. Solomon in two instances.
Mr. Boehlert.
Mr. Lent.
Mr. Dannemeyer in two instances.
Mr. Hiler.
Mr. Sensenbrenner.
Mr. Michel in two instances.
Mr. Marriott in three instances.
Mr. Gunderson in two instances.
Mr. Erlenborn in three instances.
Mr. Lagomarsino.
Mr. Lujan.
Mr. Fields.
Mr. Green.
Mrs. Roukema in two instances.
Mr. Corcoran.
Mr. Zschau.
Mr. Goodling.
Mrs. Holt.
Mr. Smith of New Jersey.
Mr. Kemp.
Mr. Moorhead.
Mr. Campbell.
Mr. Schaefer.
Mr. Lewis of California.

(The following Members (at the request of Mr. Penny) and to include extraneous material:)

Mr. Valentine in two instances.
Mr. Richardson in two instances.
Mr. Stark.
Mr. Gejdenson.
Mr. Hoyer.
Mr. Bedell.
Mr. Dixon.
Mr. Roe.
Mr. Dyson in two instances.
Mr. AuCoin.
Mr. Florio.
Mr. Foley.
Mr. Markey in three instances.
Mr. Lantos in two instances.
Mr. Rostenkowski.
Mr. Shannon in two instances.
Mr. Mica.
Mr. Daschle in 10 instances.
Mr. Vento.
Ms. Kaptur.
Mr. Bevill.
Mr. Garcia.
Mr. Tallon.
Mr. Lehman of Florida.
Ms. Mikulski.
Mr. Eckart.
Mr. Waxman.
Mr. Bonker.
Mrs. Collins.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 66. An act to amend the Communications Act of 1934; to the Committee on Energy and Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S. 639. An act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee has examined and found truly enrolled a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.J. Res. 234. Joint resolution designating the week beginning June 19, 1983, as "National Children's Liver Disease Awareness Week."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, June 20, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1371. A letter from the Secretary of Energy, transmitting the seventh semiannual report on alternative fuels production, pursuant to title II of Public Law 96-126; to the Committee on Appropriations.

1372. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting two special reports on the proposed replenishments and capital increases for the Asian Development Bank and the Inter-American Development Bank; to the Committee on Banking, Finance and Urban Affairs.

1373. A letter from the Chairman, Board of Governors, Federal Reserve Board, transmitting the annual report on the activities of the Depository Institutions Deregulation Committee, pursuant to section 206 of Public Law 96-221; to the Committee on Banking, Finance and Urban Affairs.

1374. A communication from the President of the United States, transmitting a report on progress toward conclusion of a negotiated solutions of the Cyprus problem, pursuant to section 620(c) of the Foreign Assistance Act of 1961, as amended; [H. Doc. 98-70]; to the Committee on Foreign Affairs and ordered to be printed.

1375. A letter from the Comptroller, Department of State, transmitting the semiannual report on the activities under the international narcotics program, pursuant to section 481(b)(2) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1376. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to title I United States Code; to the Committee on Foreign Affairs.

1377. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting a report on the Department of Defense procurement from small and other business firms for October 1982 through February 1983, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

1378. A letter from the Comptroller General of the United States, transmitting a report on the Department of Agriculture's administration of its import meat and poultry inspection program (RCED-83-81, June 15, 1983); to the Committee on Government Operations and Agriculture.

1379. A letter from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to authorize the Architect of the Capitol to relocate certain greenhouse and nursery facilities presently located at Poplar Point in the District of Columbia to another location in the District of Columbia, to direct the Secretary of the Interior to permit the District of Columbia to construct, maintain, and operate certain transportation improvements on land that will revert to the Secretary at Poplar Point, and for other purposes; jointly, to the Committees on House Administration and the District of Columbia.

1380. A letter from the Acting Staff Director, U.S. Civil Rights Commission, transmitting a report on Federal civil rights enforcement in education, pursuant to section 104(c) of Public Law 85-315; jointly, to the Committee on the Judiciary and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEHMAN of Florida: Committee on Appropriations. H.R. 3329. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-246). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEHMAN of Florida:

H.R. 3329. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. ARCHER (for himself and Mr. Pickle):

H.R. 3330. A bill to amend the Tariff Act of 1930 to exempt from duties equipments and repairs to certain vessels, and for other purposes: to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. Beilenson, Ms. Fiedler, Mr. Levine of California, and Mr. Waxman):

H.R. 3331. A bill to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. APPLEGATE:

H.R. 3332. A bill to prohibit Conrail from taking actions to damage its rail facilities and equipment before final disposition or sale of the interest of the United States in the Corporation; to the Committee on Energy and Commerce.

By Mr. DAUB:

H.R. 3333. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the amount of the deduction for payments into retirement savings on the basis of the compensation of their spouses; to the Committee on Ways and Means.

By Mr. BONKER:

H.R. 3334. A bill to establish a national technology education grants program to provide matching Federal assistance to joint initiatives by private industry, educational institutions, and State government to strengthen science, engineering, and technical education, and for other purposes; jointly, to the Committees on Education and Labor, Science and Technology, and Interior and Insular Affairs.

By Mr. CAMPBELL (for himself, Mr. Derrick, Mr. Hartnett, Mr. Spence, Mr. Spratt, and Mr. Tallon):

H.R. 3335. A bill to provide Federal disaster assistance to producers of peaches and apples; to the Committee on Agriculture.

By Mr. CONYERS (for himself, Mr. Edwards of California, Mr. Seiberling, and Mr. Berman):

H.R. 3336. A bill to amend title 18 of the United States Code to modify the insanity defense in the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE:

H.R. 3337. A bill to amend title 39, United States Code, with respect to the qualifications of soil and water conservation districts for reduced postage rates; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself, Mr. Gunderson, and Mr. Nielson of Utah):

H.R. 3338. A bill to amend the Federal Mine Safety and Health Act of 1977; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself and Mr. Clay):

H.R. 3339. A bill to provide for the development of a single national policy with regard to fostering the orderly growth and maintenance of employee benefit plans, protecting effectively the interests of participants and beneficiaries in such plans, and establishing of effective mechanisms for providing adequate retirement income for greater numbers of persons, by consolidating in a single, independent agency the administration of laws relating to employee benefit plans; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. ERLENBORN (by request):

H.R. 3340. A bill to repeal the Community Economic Development Act of 1981 and the Community Services Block Grant Act; to the Committee on Education and Labor.

By Mr. EVANS of Iowa (for himself, Mr. Jones of Tennessee, Mr. Stangeland, Mr. Daub, Mr. Barnard, and Mr. Emerson):

H.R. 3341. A bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for certain soil and water conservation expenditures; to the Committee on Ways and Means.

By Mr. FLIPPO (for himself, Mr. Bevill, Mr. Shelby, Mr. Duncan, Mr. Rahall, Mr. Erdreich, Mr. Edwards of Alabama, Mr. Nichols, Mr. Murtha, Mr. Roe, Mr. Mollohan, Mr. Brown of Colorado, and Mr. Marriott):

H.R. 3342. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining reclamation and for the deduction of amounts added to such reserves; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 3343. A bill to amend the Internal Revenue Code of 1954 to provide that certain orphanges will not be treated as private foundations; to the Committee on Ways and Means.

By Mr. GRAMM:

H.R. 3344. A bill to amend the National Labor Relations Act to explicitly apply the right-to-work laws of a State to Federal enclaves within the boundaries of that State; to the Committee on Education and Labor.

By Mrs. HALL of Indiana (for herself, Mr. Udall, Mr. Ford of Michigan, Mr. Clay, Mrs. Schroeder, Mr. Garcia, Mr. Leland, Ms. Oakar, Mr. Dellums, Mr. Mitchell, Mr. Rangel, Mrs. Collins, Mr. Dixon, Mr. Gray, Mr. Owens, and Mr. Towns):

H.R. 3345. A bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H.R. 3346. A bill to amend the Prompt Payment Act to require expedited payments by the Federal Government for poultry and poultry products; to the Committee on Government Operations.

By Mr. HUGHES (for himself, Mr. Sawyer, Mr. Feighan, Mr. Smith of Florida, and Mr. Sensenbrenner):

H.R. 3347. A bill to amend title 18 of the United States Code with respect to extradition, and for other purposes to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. Wright, Mr. Edwards of California, Mr. Bosco, Mr. Chappie, Mr. Matsui, Mr. Fazio, Mrs. Boxer, Mr. Miller of California, Mr. Dellums, Mr. Stark, Mr. Zschau, Mr. Mineta, Mr. Shumway, Mr. Coelho, Mr. Panetta, Mr. Pashayan, Mr. Lehman of California, Mr. Lagomarsino, Mr. Thomas of California, Ms. Fiedler, Mr. Moorhead, Mr. Beilenson, Mr. Waxman, Mr. Roybal, Mr. Berman, Mr. Levine of California, Mr. Dixon, Mr. Hawkins, Mr. Martinez, Mr. Dymally, Mr. Anderson, Mr. Dreier, Mr. Torres, Mr. Lewis of California, Mr. Brown of California, Mr. McCandless, Mr. Patterson, Mr. Dannemeyer, Mr. Badham, Mr. Lowery of California, Mr. Lungren, Mr. Packard, Mr. Bates, and Mr. Hunter):

H.R. 3348. A bill to honor Congressman Leo J. Ryan and to award a special congressional gold medal to the family of the late honorable Leo J. Ryan; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LUKEN (for himself, Mr. Wyden, and Mr. Tauke):

H.R. 3349. A bill to amend the Communications Act of 1934 to limit the government use of frequencies for radio broadcast stations; to the Committee on Energy and Commerce.

By Mr. McNULTY:

H.R. 3350. A bill to provide compensation to States for costs incurred to confine certain Cuban nationals who were allowed to enter the United States in 1980 and who are imprisoned for violations of State law; to the Committee on the Judiciary.

By Mr. MARRIOTT:

H.R. 3351. A bill to amend the Small Business Act to reduce interest rates on disaster loans with respect to disasters occurring on or after March 31, 1983, and to increase the maximum amounts of such loans for homeowners on account of losses of real and personal property; to the Committee on Small Business.

By Mr. PORTER (for himself and Mr. Marriott):

H.R. 3352. A bill to amend the Internal Revenue code of 1954 to provide a refundable tax credit for qualifying security devices; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Duncan, Mr. Murtha, and Mr. Rahall):

H.R. 3353. A bill to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself, Mrs. Martin of Illinois, Ms. Snowe, Mrs. Johnson, Mr. Conable, Ms. Oakar, Mr. Pritchard, Mrs. Boggs, and Mr. Duncan):

H.R. 3354. A bill to amend part D of title IV of the Social Security Act to require each State to develop, implement, and enforce a system of mandatory wage withholding for the collection of child support payments; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SCHEUER (for himself, Mr. Andrews of Texas, Mr. MacKay, and Mr. Torricelli):

H.R. 3355. A bill to establish the National Oceanic and Atmospheric Administration; to provide for the management, protection, conservation, development, and study of ocean, coastal, and atmospheric resources; to provide for the delivery of ocean and atmospheric related services; and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, and Science and Technology.

By Mr. SEIBERLING (for himself and Mr. Lehman of California):

H.R. 3356. A bill to establish the Mono Basin National Forest Scenic Area in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHANNON:

H.R. 3357. A bill to amend the Internal Revenue Code of 1954 to provide that the discharge of home mortgage loans will not be treated as income; to the Committee on Ways and Means.

By Mr. SHANNON (for himself, Mr. Lewis of California, Mr. Flippo, Mr. D'Amours, Mr. Boland, Mr. Scheuer, Mr. Smith of Florida, Ms. Kaptur, Mr. Fazio, and Mr. Wolpe):

H.R. 3358. A bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain energy property for the energy tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.J. Res. 298. Joint resolution to call for the removal of U.S. Armed Forces from Lebanon; to the Committee on Foreign Affairs.

By Mr. CORCORAN:

H. Con. Res. 135. Concurrent resolution expressing the sense of the Congress that the United States and Canada should enter into formal treaty negotiations with the objective of resolving the issue of acidic deposition; to the Committee on Foreign Affairs.

By Mr. MINISH (for himself and Mr. Fazio):

H. Res. 234. Resolution providing for appointment and education of House pages; to the Committee on House Administration.

By Mr. BIAGGI:

H. Res. 235. Resolution to designate the week of June 19, 1983, through June 25, 1983, as "Multi-Housing Laundry Industry Week"; to the Committee on Post Office and Civil Service.

By Mr. FOGLIETTA:

H. Res. 236. Resolution expressing the sense of the House of Representatives that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America; to the Committee on Foreign Affairs.

By Mr. FRENZEL:

H. Res. 237. Resolution providing for preservation in the Library of Congress of video recordings of the proceedings of the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

192. By the SPEAKER: Memorial of the Senate of the State of Washington, relative to Senate Concurrent Resolution 73 which condemned the Iranian persecution of the Baha'i community; to the Committee on Foreign Affairs.

193. Also, memorial of the Assembly of the State of New York, relative to peace in North Ireland; to the Committee on Foreign Affairs.

194. Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to the coordination of activities between the Veterans' Administration and the State Vietnam Herbicides Information Commission; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of Tennessee:

H.R. 3359. A bill for the relief of Emmanuel A. H. Pangilinan, Ana Amalia L. Pangilinan, and John Alfred A. L. Pangilinan; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 3360. A bill for the relief of Althea Williams Self McQueen; to the Committee on the Judiciary.

PRIVATE RESOLUTION

By Mr. CORCORAN:

H.J. Res. 299. Joint resolution proclaiming Lech Walesa to be an honorary citizen of the United States of America; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 233: Mr. Savage.

H.R. 283: Mr. Weiss, Mr. Murphy, Mr. Markey, Mr. Smith of Iowa, Mr. Ottinger, Mr. Mitchell, Mr. Bonior of Michigan, Mr. Towns, Mr. Lowry of Washington, Mrs. Collins, Mr. Biaggi, Mr. Minish, Mr. Dixon, Mr. Smith of Florida, Mr. Edgar, Mr. Dwyer of New Jersey, Mr. Ratchford, Mr. Kogovsek, Mr. McHugh, Ms. Oakar, Mr. Dellums, Mr. Savage, Mr. Solarz, Mr. Frank, Mr. Barnes, Mr. Addabbo, Mr. Scheuer, Mr. Clay, Mr. Conyers, Mr. Ackerman, Mr. Roe, and Mr. Ford of Michigan.

H.R. 674: Mr. Marlenee.

H.R. 800: Ms. Oakar, Mr. Wirth, Mr. Luken, Mr. Rahall, Mr. Oberstar, Mr. Bonior of Michigan, and Mr. Carper.

H.R. 865: Mr. Savage.

H.R. 872: Mr. Savage.

H.R. 943: Mr. Parris.

H.R. 1083: Mr. Borski and Mr. Carr.

H.R. 1183: Mr. Simon.

H.R. 1226: Mr. Kindness.

H.R. 1405: Mr. Hammerschmidt, Mr. Goodling, and Mr. Daniel B. Crane.

H.R. 1693: Mr. Clay and Mr. Weaver.

H.R. 1955: Mr. Sensenbrenner.

H.R. 1961: Mr. Boland, Mr. Campbell, Mr. Minish, and Mr. Fuqua.

H.R. 1978: Mrs. Schneider, Mr. Bilirakis, Mr. Ridge, Mr. Hance, Mr. Lujan, Mr. Daub, Mr. Emerson, Mr. Wortley, Mr. St Germain, Mr. Murtha, Mr. Forsythe, Mr. Swift, Mr. Yatron, and Mr. Evans of Iowa.

H.R. 2053: Mr. Fuqua and Mr. Tallon.

H.R. 2168: Mr. Smith of New Jersey and Ms. Oakar.

H.R. 2263: Mr. Ackerman, Mr. Nielson of Utah, and Mr. Ritter.

H.R. 2264: Mr. Tallon.

H.R. 2288: Mr. McCain and Mr. Shelby.

H.R. 2468: Mr. Mitchell, Mr. Clinger, Mr. Hughes, and Mrs. Kennelly.

H.R. 2584: Mr. Ireland, Mr. Young of Missouri, Mr. Bedell, and Mr. Hubbard.

H.R. 2651: Mr. Ackerman, Mr. Akaka, Mr. Barnes, Mr. Beilenson, Mrs. Boxer, Mr. Crockett, Mr. Dymally, Mr. Dyson, Mr. Edgar, Mr. Fauntroy, Mr. Ford of Tennessee, Mr. Frenzel, Mr. Guarini, Mr. Lantos, Mr. Lehman of Florida, Mr. Lowry of Washington, Mr. Mavroules, Mr. Mitchell, Mr. Mollohan, Mr. Neal, Mr. Owens, Mr. Rangel, Mr. Roe, Mr. Simon, Mr. Stokes, Mr. Studds, Mr. Waxman, Mr. Weaver, Mr. Weiss, Mr. Whittaker, Mr. Wyden, and Mr. Towns.

H.R. 2652: Mr. Ackerman, Mr. Akaka, Mr. Barnes, Mr. Beilenson, Mrs. Boxer, Mr. Crockett, Mr. Dymally, Mr. Dyson, Mr. Edgar, Mr. Fauntroy, Mr. Ford of Tennessee, Mr. Frenzel, Mr. Guarini, Mr. Lantos, Mr. Lehman of Florida, Mr. Lowry of Washington, Mr. Mavroules, Mr. Mitchell, Mr. Mollohan, Mr. Neal, Mr. Owens, Mr. Rangel, Mr. Roe, Mr. Simon, Mr. Stokes, Mr. Studds, Mr. Waxman, Mr. Weiss, Mr. Whittaker, Mr. Wyden, Mr. Towns, Mr. Weaver, Ms. Snowe, and Mrs. Schneider.

H.R. 2691: Mr. Olin.

H.R. 2747: Mr. Carr and Mr. Goodling.

H.R. 2766: Mr. Goodling.

H.R. 2841: Mr. Barnard, Mr. Biaggi, Mr. Corrada, Mr. Crockett, Mr. Dwyer of New Jersey, Mr. Fauntroy, Mr. Ford of Tennessee, Mr. Horton, Mr. Lowry of Washington, Mr. Kostmayer, Mr. Owens, Mr. Rahall, Mr. Roybal, Mrs. Schroeder, Mr. Swift, Mr. Smith of Florida, Mr. Weiss, and Mr. Towns.

H.R. 2928: Mr. Stangeland and Mr. Roberts.

H.R. 2965: Mr. Dannemeyer.

H.R. 2988: Mr. Tauke.

H.R. 2991: Mr. Pepper, Mr. Levin of Michigan, Mr. Solarz, Mr. Frank, Mr. Garcia, Mr. Mineta, Mr. Seiberling, Mr. Nowak, Mr. Edgar, Mr. Murphy, Mr. Coyne, Mr. Downey of New York, Mr. Daschle, Mr. Gore, Mr. Rodino, Mr. Vento, Mr. Stark, Mr. Simon, Mr. Lowry of Washington, Mr. Fish, Mr. Kildee, Mr. Hawkins, Mr. Ford of Michigan, Mr. Schumer, Mr. AuCoin, Mr. Traxler, Mr. Pease, Mr. Crockett, Mr. Wolpe, Mr. Hertel of Michigan, Mr. Eckart, Mr. Barnes, Mr. Carr, Mr. McKinney, Mr. Howard, Mr. Kogovsek, Mr. Albosta, Mr. Dwyer of New Jersey, and Mr. Ottinger.

H.R. 3072: Mr. Hughes.

H.R. 3141: Mr. Beilenson, Mr. Richardson, Mr. Yates, Mr. Stokes, Mr. Roe, Mr. Frank, Mr. Dellums, Mr. Smith of Florida, Mr. Solarz, Mr. Sunia, Mr. Barnes, Mrs. Boxer, Mr. D'Amours, Mr. Won Pat, Mr. Fazio, Mr. Rangel, Mr. Roybal, Mr. Fauntroy, Mr. Dixon, Mr. Frost, Mr. Crockett, Mr. Ottinger, Mr. Dwyer of New Jersey, Mr. Torricelli, Mr. Hertel of Michigan, Mr. Owens, Ms. Ferraro, Mr. Edgar, Mr. Bonior of Michigan, Mr. Luken, Mr. Gejdenson, Mr. McKernan, and Mr. Minish.

H.R. 3176: Mr. Duncan and Mr. Neal.

H.R. 3193: Mr. Vander Jagt.

H.R. 3230: Mr. Leland, Mr. Sunia, Mr. Stokes, Mr. Mitchell, Mr. Ford of Tennessee, Ms. Kaptur, Mr. Lundine, Mr. Harrison, Mr. Barnes, Mr. Evans of Illinois, Mr. Mollohan, Mr. Frenzel, Mr. Moody, Mr. Bedell, Mr. Foglietta, Mr. Levine of California, Mr. McHugh, and Mr. Gray.

H.R. 3245: Mr. Perkins, Mr. Murphy, Mrs. Boggs, Mr. Obey, Mr. Barnes, Mr. Frost, Mr. Akaka, Mr. Harrison, Mr. Sunia, Mr. Ford of Michigan, Mr. Fazio, Mr. Ackerman, Mr. Won Pat, Mr. Kogovsek, Mr. Wirth, Mr. Corrada, Mr. Garcia, Mr. Lowry of Washington, Mr. Eckart, Mr. Sikorski, Mr. Alexander, Mr. Foley, Mr. Daschle, and Mr. Rangel.

H.J. Res. 29: Mr. Miller of California, Mrs. Boxer, Mr. Andrews of Texas, and Mr. Lowery of California.

H.J. Res. 101: Mr. Andrews of Texas, Mr. Anthony, Mr. Bartlett, Mr. Bedell, Mr. Bethune, Mr. Boner of Tennessee, Mr. Broomfield, Mr. Brown of Colorado, Mr. Broyhill, Mr. Bryant, Mr. Chappell, Mr. Cheney, Mr. Clinger, Mr. Coats, Mr. Coelho, Mr. Conable, Mr. Coughlin, Mr. Corcoran, Mr. Courter, Mr. Craig, Mr. Davis, Mr. Donnelly, Mr. Dowdy of Mississippi, Mr. Emerson, Mr. Feighan, Ms. Fiedler, Mr. Fields, Mr. Foley, Mr. Gilman, Mr. Gingrich, Mr. Gradison, Mr. Gramm, Mr. Green, Mr. Gregg, Mr. Gunderson, Mr. Hall of Ohio, Mr. Hiler, Mr. Hillis, Mrs. Holt, Mr. Hopkins, Mr. Hunter, Mr. Hyde, Mr. MacKay, Mrs. Johnson, Ms. Kaptur, Mr. Kindness, Mr. Kogovsek, Mr. LaFalce, Mr. Leland, Mr. Lent, Mr. Levitas, Mr. Livingston, Mrs. Lloyd, Mr. Loeffler, Mr. Lundine, Mr. Lungren, Mr. Markey, Mr. Marriott, Mr. Martin of North Carolina, Mr. McCandless, Mr. McCollum, Mr. McCurdy, Mr. McKernan, Mr. McKinney, Mr. Moakley, Mr. Moorhead, Mr. O'Brien, Mr. Ottinger, Mr. Parris, Mr. Oxley, Mr. Petri, Mr. Porter, Mr. Pritchard, Mr. Pursell, Mr. Quillen, Mr. Regula, Mr. Richardson, Mr. Rinaldo, Mr. Roberts, Mr. Roemer, Mr. Roth, Mrs. Roukema, Mr. Sharp, Mrs. Schneider, Mr. Shelby, Mr. Shumway, Mr. Shuster, Mr. Sikorski, Mr. Siljander, Mr. Skelton, Mr. Slattery, Mr. Smith of New Jersey, Mr. Smith of Iowa, Mr. Solomon, Mr. Stump, Mr. Swift, Mr. Synar, Mrs. Vucanovich, Mr. Whitehurst, Mr. Whittaker, Mr. Wolf, Mr. Wolpe, Mr. Wyden, Mr. Wylie, Mr. Zschau, Mr. Biaggi, Mrs. Boxer, Mr. Coleman of Missouri, Mr. Daschle, Mr. Dixon, Mr. Dickinson, Mr. Duncan, Mr. Dreier of California, Mr. Fazio, Mr. Frank, Mr. Hammerschmidt, Mr. Moody, Mr. Myers, Mr. Panetta, Mr. Pashayan, Mr. Patman, Mr. Rahall, Mr. Rogers, Mr. Shaw, Mr. Sisisky, Mrs. Smith of Nebraska, Mr. Spence, Mr. Sunia, Mr. Thomas of California, Mr. Towns, Mr. Weber, and Mr. Williams of Ohio.

H.J. Res. 139: Mr. Rose, Mr. AuCoin, Mr. Corcoran, Mr. Dyson, Mr. Won Pat, Mr. Smith of Iowa, Mr. Marriott, Mr. Andrews of Texas, Mr. Tauzin, Mr. Roemer, Mr. Mavroules, Mr. Donnelly, Mr. Traxler, Mr. Vander Jagt, Mr. Crockett, Mr. Stangeland, Mr. Boland, Mr. Lott, Mr. Skelton, Mr. Hutto, Mr. McCurdy, Mr. Conte, Mr. Chappell, Mr. Fuqua, Mr. Price, Mr. Lewis of Florida, Mr. Durbin, Mr. Hyde, Mr. Savage, Mr. Wolpe, Mr. Evans of Illinois, Mr. Montgomery, Mr. Waxman, Mr. Torres, Mr. Jenkins, Mr. Madigan, Mr. Bilirakis, Mr. Erdreich, Mr. Thomas of California, Mr. Ford of Tennessee, Mr. Levitas, Mr. Huckaby, Mr. Dickinson, Mr. Mineta, Mr. Addabbo, Mr. Levine of California, Mr. Wirth, Mr. Clinger, Mr. Dicks, Mr. Sabo, Mr. Bevill, Mr. Kostmayer, and Mr. Kolter.

H.J. Res. 168: Mr. Craig, Mr. Barnard, Mrs. Schneider, and Mr. Martinez.

H.J. Res. 210: Mr. Donnelly, Mr. Miller of California, Mr. Walgren, Mr. Lowery of California, Mr. D'Amours, Mr. Kildee, Mr. Harrison, Mr. Daniel B. Crane, Mr. Martin of New York, Mr. Duncan, Mr. Jacobs, Mr. Boner of Tennessee. Mr. Britt, Mr. Yates, Mr. McGrath, Mr. Slattery, Mr. Sisisky, Mr. Scheuer, Mr. Lent, Mr. Akaka, Mr. Lipinski, Mr. Perkins, Mr. Price, Mr. Craig, Mr. de. la Garza, Mr. Loeffler, Mr. Coyne, Mr. Zablocki, Mr. Albosta, Mr. Barnard, Mr. Seiberling, Mr. Ottinger, Mr. Coughlin, Mr. Heftel of Hawaii, Mr. Sabo, Mr. Berman, Mr. Jenkins, and Mr. Kolter.

H.J. Res. 240: Mr. Stokes, Mr. Dymally, Mrs. Schroeder, Mrs. Boxer, Mr. McKinney, Mr. Frank, Ms. Kaptur, Mr. Towns, and Mr. Walgren.

H.J. Res. 241: Mrs. Schroeder, Mrs. Boxer, Mr. McKinney, Mr. Frank, Ms. Kaptur, Mr. Towns, and Mr. Walgren.

H.R. Res. 273: Mr. Fauntroy, Mr. Young of Alaska, Mr. Bevill, and Mr. Horton.

H.J. Res. 283: Mr. Albosta, Mr. Berman, Mr. Bilirakis, Mr. Broyhill, Mr. Carney, Mr. Dwyer of New Jersey, Mr. Emerson, Mr. Hammerschmidt, Mr. Loeffler, Mr. Madigan, Mr. Marriott, Mr. McHugh, Mr. McKernan, Mr. Moorhead, Mr. Mrazek, Mr. Neal, Mr. Nichols, Mr. Oakar, Mr. Oberstar, Mr. Ottinger, Mr. Owens, Mr. Perkins, Mr. Roberts, Mr. Roemer, Mr. Rogers, Mr. Rowland, Mr. Sabo, Mr. Siljander, Mr. Simon, Mr. Sisisky, Mr. Skeen, Mr. Skelton, Mr. Slattery, Mr. Denny Smith, Mr. Smith of New Jersey, Mr. Snyder, Mr. Solomon, Mr. Spence, Mr. Stangeland, Mr. Thomas of Georgia, Mr. Traxler, Mr. Weaver, Mr. Wirth, Mr. Wolf, Mr. Wortley, and Mr. Young of Alaska.

H.J. Res. 293: Mr. Emerson, Mr. Volkmer, Mr. Corcoran, Mr. Lagomarsino, Mr. Gray, Mr. Corrada, Mr. Dixon, Mr. Sam B. Hall, Jr., Mr. Andrews of Texas, Mr. Vander Jagt, Mr. Montgomery, Mr. Roe, Mr. Hatcher, Mr. Waxman, Mr. Kasich, Mr. Fauntroy, Mr. Winn, Mr. Dannemeyer, Mr. Wolf, Mr. Stokes, Mr. McDonald, Mr. Frost, Mr. Seiberling, Mr. Lundine, Mr. Won Pat, Mr. McNulty, Mr. Daniel B. Crane, and Mr. Dwyer of New Jersey.

H. Con. Res. 107: Mr. Roe, Mr. Williams of Ohio, and Mr. Archer.

H. Con. Res. 112: Mr. Edgar, Mr. Frank, and Mrs. Schroeder.

H. Con. Res. 129: Mr. Mitchell.

H. Con. Res. 130: Mr. Fields, Mr. Taylor, and Mr. Williams of Ohio.

H. Res. 15: Mr. Albosta, Ms. Fiedler, Mr. Harrison, Mr. Hatcher, Mrs. Kennelly, Mr. Luken, Mr. MacKay, Mr. Mollohan, Mr. Morrison of Washington, Mr. Sabo, Mr. Sunia, Mr. Walgren, and Mr. Whitehurst.

H. Res. 17: Mr. Early and Mr. Skelton.

H. Res. 155: Mr. Anderson, Mr. Andrews of Texas, Mr. Biaggi, Mr. Boland, Mrs. Boxer, Mr. Chappell, Mr. de la Garza, Mr. Early, Mr. Evans of Illinois, Mr. Frenzel, Mr. Green, Mr. Hoyer, Mr. LaFalce, Mr. Levine of California, Mr. Lowery of California, Mr. Mollohan, Mr. Pursell, Mr. Richardson, Mr. Robinson, Mr. Rose, Mr. Scheuer, Mrs. Schneider, Mr. Shelby, Mr. Sunia, Mr. Swift, Mr. Tauke, Mr. Vandergriff, Mr. Vander Jagt, Mr. Walgren, Mr. Wirth, Mr. Wortley, and Mr. Yatron.

H. Res. 186: Mr. Minish, Mr. Dwyer of New Jersey, Mr. Mollohan, Mr. McDade, Mr. Dicks, Mr. Feighan, Mr. Gejdenson, Mr. Williams of Montana, Mr. Hertel of

Michigan, Ms. Kaptur, Mrs. Boxer, Mr. Donnelly, Mr. Lehman of California, and Mr. Berman.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2969

By Mr. BROWN of Colorado:

—Page 69, after line 18, add the following new section:

BENEFITS FOR WIDOWS OF CERTAIN RETIRED RESERVISTS

Sec. 1043. (a) The Secretary concerned shall pay an annuity to any individual who is the surviving spouse or a dependent child of a member or former member of the uniformed services who—

(1) died during the period beginning on Setpember 21, 1972, and ending on September 30, 1978; and

(2) at the time of his death would have been eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(b) An annuity under subsection (a) shall be paid under the provisions of subchapter II of chapter 73 of title 10, United States Code, in the same manner as if the member or former member had died after September 30, 1980, and had elected under section 1448(a)(2)(B) of such title to participate in the Survivor Benefit Plan established by such subchapter and had made a designation under section 1448(e) of such title to provide an annuity to become effective on the first day after his death.

(c) If an individual entitled to an annuity under this section is also entitled to an annuity under subchapter II of chapter 73 of title 10, United States Code, based upon a subsequent marriage, the individual may not receive both annuities but must elect which to receive.

(d) As used in this section:

(1) The term "uniformed services" means the Armed Forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in section 1447 of title 10, United States Code.

(3) The term "dependent child" has the meaning given such term in section 1447 of title 10, United States Code.

(4) The term "Secretary concerned" has the meaning given such term in section 101(8) of title 10, United States Code, and includes the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

(e) This section shall apply to annunity payments payable for months after September 1984. No benefit shall accure to any person by virtue of the enactment of this section for any period before October 1, 1984.

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SENATE—*Thursday, June 16, 1983*

(Legislative day of Monday, June 13, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend Dr. J. T. Bagby, Founder and Rector of St. Martin's Episcopal Church, Houston, Tex. Dr. Bagby is the pastor of the Vice President and also Jim Baker III in the White House.

PRAYER

The Reverend J. T. Bagby, D.D., offered the following prayer:

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech Thee so to guide and bless our Vice President and Senators in Congress here assembled, that they may enact such laws as please Thee, to the glory of Thy name and the welfare of this people.

Grant to all people in our country the wisdom to rely on Thy strength and to accept our responsibilities to our fellow citizens.

For Thine is the kingdom, O Lord, and Thou art exalted as head above all. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE REVEREND J. T. BAGBY, D.D.

Mr. BAKER. Mr. President, I join with other Senators, I am sure, in welcoming Dr. Bagby as our visiting chaplain today. We are delighted to have him on the recommendation of the Vice President.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today, after the expiration of the time allocated to the two leaders under the standing order, there will be a period for the transaction of routine morning business which will last until 10 a.m. At 10 a.m., the Senate will resume consideration of the supplemental appropriations bill. By an order entered last evening, no amendments can be proposed to that bill except those pertaining to pay and honoraria. That is the only issue remaining.

We must finish this bill today, Mr. President. I assume we can do so at a reasonably early hour and then go on to the bill proposing to repeal the dividend-interest withholding. On this side, we would like to finish both of those measures today and do so by a reasonable hour, say 6 p.m. If we can do that, we will not be in tomorrow. If we cannot do it by 6 p.m., we will be in tomorrow.

Mr. President, I reserve the remainder of my time under the standing order.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. D'AMATO). The minority leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I reserve the remainder of my time.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I wonder if the minority leader would be willing for us both to yield back our remaining time and to go into morning business until 10 a.m.

Mr. BYRD. That will be fine with me, yes.

Mr. BAKER. Mr. President, there is already an order for the Senate to go into a period for the transaction of routine morning business.

Mr. BYRD. I would like to reserve 5 minutes of my time for the Senator from Wisconsin and yield back any remaining time.

Mr. BAKER. Mr. President, I yield back the remainder of my time and I ask the Chair to execute the order for the period for the transaction of routine morning business.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 10 a.m., with statements therein limited to 2 minutes each.

REV. J. T. BAGBY, D.D.

Mr. TOWER. Mr. President, we are honored to have as our guest chaplain today a native Texan whose many years of ministry have been distinguished by his compassionate service, not only to his parishioners, but also to the entire community.

The Reverend Doctor James Thomas Bagby is the founder and rector of St. Martin's Episcopal Church in Houston. This church has grown to be the largest Episcopal Church in the diocese of Texas, and one of the five largest in the United States. Dr. Bagby is also the senior active priest of the Episcopal Church in the United States.

Next month, Dr. Bagby will retire after completing 48 years as an active minister in three churches in the city of Houston—St. Mary's, St. James', and St. Martin's. Dr. Bagby has served the diocese of Texas in many capacities including deputy to the general convention, president of the standing committee of the Diocese of Texas and as a member of the executive board. He has also served as trustee of the Bishop Quin Foundation, the St. Luke's Episcopal Hospital, the Episcopal Theological Seminary of the Southwest and the Episcopal Foundation of Texas.

Dr. Bagby's service to his fellow man has extended beyond the church door. He was a pioneer in the establishment of the Alcoholics Anonymous program in Houston. For many years he has been the moving force in sustaining an endowed scholarship program for college students, as well as a program for funding the extraordinary needs of patients at St. Luke's Hospital in Houston.

Dr. Bagby's service to the Seminary of the Southwest began in 1966 when he was executive trustee on the original board, and has continued to serve the seminary in an official capacity for more than 17 years. During his ministry, Dr. Bagby's example has moved 17 young men to seek ordination to the priesthood.

Dr. Bagby's Texas roots run deep. In fact, though his great-grandfather was an Alabaman, as a Senator from that State he actively supported the admission of Texas to the Union in 1846. Dr. Bagby was born in 1911 in Austin, the son of Arthur Pendelton Bagby and Daisy Shindler Bagby. He was graduated from Austin High School and the University of Texas at Austin. He took his divinity degree from the Virginia Episcopal Seminary in Alexandria, Va. He is married to the former Mary Louise Tips of San Antonio, and they have two children, James Thomas Bagby, Jr. and Mary Louise Hansen.

We are fortunate to have Dr. Bagby with us today. He is a man who has touched many lives, and who will continue to enrich all whom he meets in the years to come.

It is a pleasure, on behalf of my colleagues, to welcome him here to the Senate.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

REV. JAMES THOMAS BAGBY

Mr. BENTSEN. Mr. President, it is my pleasure to welcome the Reverend Doctor James Thomas Bagby to the U.S. Senate. Dr. Bagby is a citizen of the city of Houston, where he has ministered the faithful for 48 years. He is the founder and rector of St. Martin's Episcopal Church, which is the largest Episcopal Church in the Texas diocese, and one of the five largest in the Nation.

As a servant of God, Dr. Bagby has generously given his time and energy to the improvement of the Houston community: He pioneered the establishment of Alcoholics Anonymous, sustained scholarship programs for Houston's youth, and funded the extraordinary needs of patients at St. Luke's Hospital. The leadership posts he has held in the Texas diocese are too numerous to list here today, but suffice to say that the Texas diocese would not be as robust, vigorous, or devout without his strong, guiding hand.

The distinguished minority leader, who has done so much to enlighten the Senate about its own history, will be pleased to learn that Dr. Bagby's great-grandfather, Arthur Pendleton Bagby, was a Senator from Alabama from 1841 to 1848, during which time he actively supported the admission of Texas to the Union.

Dr. Bagby will take retirement in July. I wish him well, and pray that the blessings he has given the vulnerable and less fortunate among us will be returned to him tenfold.

SHOULD CONGRESS BE A FULL-TIME OR PART-TIME JOB?

Mr. PROXMIRE. Mr. President, I rarely disagree with my good friend the majority leader, Senator HOWARD BAKER. He is such a marvelous man and so friendly. Yesterday, I understand he put into the RECORD a statement saying that "pay puts congressional Members out of touch, BAKER warns." The distinguished majority leader is just plain wrong on this issue.

Let me say why I think he is wrong. He argues that we should not be full-time legislators, we ought to be part-time legislators and spend some time back in our State. I agree we ought to spend a lot of time in our State. As a matter of fact, last year, I spent 200 days in our State, although I did not miss a rollcall. I think our job is to go back and talk with our people, see our people, walk with our people, rub elbows with them, talk with them, not gaze at them passively, as the Senator says here, but, find out what their problems are, have meetings with them.

The distinguished majority leader implies we would be better legislators if we had other jobs, full-time jobs, of one kind or another. The kind of jobs Members of the Senate would have would be as lawyers, businessmen, corporation executives of various kinds. I could probably get a job at J. P. Morgan & Co., the company I used to work with.

But I do not think that would permit us to be as close to our people, as representative of our people, as understanding of our people as we would be if we did what so many of us do now, go back at every opportunity, as the Senator from Tennessee does, stay with our people, see them, meet with them, find out what their problems are, on occasions work with them. I have worked over the past 4 or 5 years at a different job each time, all day long.

I just want to say there is another side to this question. I think he expressed very well that we ought to be part time. But I think that should be answered and strongly answered. I hope we do not look forward to Members of the Senate who will also work part time for United States Steel or part time for J. P. Morgan or part time for a law firm and think that we represent the people better than if we are full-time representatives of the people of our country.

I ask unanimous consent that an article on Senator BAKER's position on this matter be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 15, 1983]

PAY PUTS CONGRESS MEMBERS OUT OF TOUCH, BAKER WARNS

(By David Shribman)

WASHINGTON.—Howard H. Baker Jr. of Tennessee, the Senate majority leader, warned today that members of Congress had become "elected bureaucrats" who had lost contact with the world beyond Washington.

Mr. Baker, who is not seeking re-election in 1984, said in remarks prepared for delivery on the floor Thursday that the members had abandoned their "citizen-legislator" roles. He also said Congress was in session far too long and was out of touch with the rest of the country, its interests and its desires.

"We will not in our lifetime really know what the range of those desires and demands and dissent may be if we stay on the banks of the Potomac 12 months of the year," he said.

Mr. Baker's remarks came as the Senate prepared to address once again the issue of its own pay and to decide whether to retain the lid on outside income it voted last week and whether to raise its salary.

LIMIT ON HONORARIUMS

The Senate last Thursday voted, 51 to 41, to limit members' honorarium income to 30 percent of their $60,652 salaries, or about $18,000. Members of the House of Representatives are not paid $89,800 and are permitted to accept about $21,000 in honorariums, while senators have no limit on honorarium income.

Mr. Baker proposed that Congress lower its pay, a change that would force members to earn their income outside politics. At the same time, he urged that all caps on outside income be removed and that "stern and stringent conflict-of-interest laws" be enacted that would require "absolute, full disclosure" of earned and unearned income.

The majority leader said Congress would not be able to resolve the issue of its own pay "as long as we think of ourselves as permanent full-time employees of the Federal Government instead of the elected representatives of the people of our districts and states."

He proposed a constitutional amendment to provide for the establishment of an independent pay commission to set salaries for members of Congress.

Mr. Baker said current salary rules served only to encourage legislators to consider their role in Congress as their careers. He said Congress had passed "silly rules and regulations and statutes that say we are forbidden to do anything except come up here and legislate 12 months out of the year."

He urged that members instead serve in Washington for only about half the year, then return to their families, their home communities and their careers.

"I would like to see us once more to be an aggregation of lawyers and doctors and farmers and architects," he said. "I would like to see us once again immersed in the business of our country so that we understand what it is about and what we are legislating about. I would like to see us encouraged rather than prohibited from taking an active role in our communities' affairs."

Mr. Baker, whose father was elected to the House in 1950 and served until his death in January 1964, said the change in the role of Congress had occurred in the last half of this century. He said his father never considered moving to Washington and abandoning his role in his home community.

"He was a Tennessean, temporarily in Washington to speak for the people of his Congressional district," he said.

Now Mr. Baker added, the rhythm of life of Congress is far different.

"I still go home almost every weekend for a hurried gazing pass at the people of my state, masquerading in the guise of a man trying to find out what is going on," he said. "Who in the world can find out what is going on in the people's minds on a Saturday or Sunday when people would rather not be talking to politicians to begin with?"

Mr. BAKER. Mr. President, it is not often that I get a chance to say to a good friend and colleague in the Senate that he is absolutely right, we flatly disagree. I think really, what we have here is a clear distinction between two different points of view about what our role is in Congress.

I do not think Congress was ever intended to be a full-time job. I think that we were intended to be the policy-setting agency of Government. I think we are supposed to be the voice of the people of this Nation. We are, indeed, the people's branch. I think that it was always contemplated that

Congress would be an aggregation of farmers, doctors, lawyers, businessmen, and whatever it may be.

I think, Mr. President, my dad was absolutely right when he said years ago that the downfall of the Republic would be measured from the day they air-conditioned the Capitol, because that is the time when we started staying here all day long.

I know how I feel. I am home no more than 24 hours before I start talking about those folks in Washington. I also know that after I am here for 4 or 5 days, I am so immersed in the daily activity of Congress that it is difficult for me to quickly comprehend the delicacy and the nuances of the problems that confront my constituents.

There is no substitute for living in your community, being part of your community, being part of the mainstream of its economic, social, civic, and political life.

I must say to my friend from Wisconsin, there are two sides to this question. I have a hunch that, over the next few months and years, he and I may contribute to the debate on this issue because it is not going to be decided by one speech, and it is not going to be decided today. But I can promise the Senator from Wisconsin that I am going to put my money where my mouth is. I am going to leave this place. I am going to leave the Senate after 18 years, and I am going to go back and preach this sermon to everybody I can find that what Congress needs to do is be an aggregation of citizens, a citizen Congress, who understand what in the world it is all about, who know the pain that goes with 21.5 percent prime, who know the frustration of a Federal Register that looks like the Encyclopaedia Britannica, who know what it is to have a Government that grows like topsy and know the people do not want that.

I have the highest respect for my friend from Wisconsin. I want to say right now, he is wrong in my judgment, and I intend to make that case in the months to come.

Mr. TOWER. Mr. President, will the Senator yield for just a moment?

Mr. BAKER. Yes; I yield.

Mr. TOWER. Mr. President, I want to applaud what was said by the distinguished majority leader. He is absolutely right. The Senator from Wisconsin would suggest that the Founding Fathers did not know what they were doing when they put forward the concept in the Constitution, the notion of the citizen legislator. It is impossible for us to view things through the eyes of our constituents. We can talk to them, yes, but, as the Senator from Tennessee has pointed out, we no longer really live in the community with them, work at jobs on the economy. We are up here salaried by the Federal Government. We do not see things through their eyes.

I think it is high time we returned to the concept of the Founding Fathers; that is, the concept of the citizen legislator, who is identified with the citizens and understands them.

You can demagog all you want to about working for United States Steel or J. P. Morgan. Some of us might go back to work as schoolteachers for $10,000 or $12,000 a year as well. As a matter of fact, that is what I would prefer to do if I were given the opportunity to go back to my community and live in it and work in it.

I think we miss a great deal here because we can no longer see things through the eyes of our citizens.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. Yes, Mr. President.

Mr. BYRD. I agree with the Senator from Wisconsin. I strongly disagree with my friend, the majority leader. He has a right to his opinon; he is sincere in it. I would like to see it made to work.

I have been here 30 years, going on my 31st year. I think the first year we were here, we adjourned around August 2. But with the increasing load that is put on Congress, I think it is very impractical to think in terms of whatever it was—6 months in session—and have all these other holidays, and in view of the increased workload of the Congress. I think it could lend itself to exactly what the Senator from Wisconsin has said.

I do not intend to argue this point all day, but the majority leader has expressed his opinion strongly and I express my opinion just as strongly as he does. I think he is wrong. Just as he said he thought the Senator from Wisconsin is wrong, I think the majority leader is wrong.

I think our business is a full-time job, and I think we do have to get back to our constituents. I get back to mine. The Senator from Tennessee gets back to his. I think his suggestion sounds good on paper. I do not think it will work. But if the majority leader will show me that it can work this year and next, then I shall certainly reevaluate my opinion of the idea.

Mr. BAKER. Mr. President, I shall not take long, because there are others who perhaps want to speak. Let me just flesh out the balance of my statement.

First, it is perhaps presumptuous to say, but I believe that the one major structural flaw in the Constitution that the Founding Fathers did not address was the fundamental pattern of conflict of interest that exists in Members of Congress setting their own salaries. I introduced, with the distinguished Senator from Louisiana (Mr. Long), a proposed constitutional amendment that would remedy that, that would provide for creation of constitutional pay commissions in order to set the salary of Members of Congress. I hope the Judiciary Committee will report that so we can take it up.

Second, I am convinced that Congress was never intended to be a full-time job, that indeed, we were supposed to be representatives of every shade of opinion in every endeavor of society and that the basis on which we should be compensated should be to protect us against loss, not to gain our livelihood from the Federal Treasury. I think, rather than raising our salary, in fact, we ought to reduce our salary commensurate with the time we are here.

Then, Mr. President, I think we should have the most stringent sort of conflict-of-interest standards, which we already have but which we can improve, no doubt, to make absolutely sure there is no direct dealing between Members of Congress and the Federal Government. Goodness knows, there are still some things we can do that the Federal Government is not involved in.

Finally, Mr. President, there should be full disclosure by Members of Congress, not only of earned income—on which, by the way, there should be no limitation—but on unearned income, as well, so that a political judgment can be made on whether or not that person is tainted, affected, swayed, or influenced by his or her income, whether it is earned or unearned.

Some say, "Well, it is bad to make $2,000 for making a speech to the American Bar Association." Somebody else says, "Well, it is bad to get $50,000 worth of dividends from a bank." I am not going to argue that point. All I am going to say is either one of them is legal and it ought to be a political judgment to make, rather than a legal judgment by this Congress.

Mr. President, that is sketchy, but I wanted to lay that out, because I think what we see right here today is something we do not often see in Congress. I think we see the emergence of an issue that is going to grow in importance and on which people will be sharply divided, on which there are two sides, and men and women of good will and good judgment will disagree. I wanted to state now and clearly that I think we are barking up the wrong tree.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank my good friend, the minority leader. I appreciate very much what he said. He certainly has greatly reinforced what I have said.

But, Mr. President, what I think my good friend, the majority leader, overlooks is that the world is changing.

This is not the same country that the Founding Fathers confronted in 1789 when there were 3 million people in this country. This is not the same country when it was possible for the Congress to convene for 3 months and to do the country's business, and do it very well.

This is a far more complicated, complex kind of an operation. No matter where you work, if you work full time, any kind of job that most Senators would have, there would be a clear conflict of interest. There is no question about that. No matter what kind of job you would have, that would almost always tend to be true.

It is very important that we are full-time legislators. But what I want to emphasize is that when you are a full-time representative, it is not a matter of staying in Washington. It is a matter of going home, as the Presiding Officer, the distinguished Senator from New York, does so well and so often, to see your constituents, talk to your constituents, understand your constituents full time, not work as a lawyer, not work as a teacher, not work as a banker but work full time representing your people, talking to your people, meeting with your people, having town meetings with your people, as many Senators and Congressmen do.

That is what we have to do. This is a full-time job and then some.

I can remember so well, as both Senators can, when we were in session all but about 6 days of the year back at the time of the assassination of President Kennedy because the country was in such an emergency. That could happen again this year or next year. There is no way, it seems to me, that we can assume this is going to be a part-time job where we can go home in July. If we were to try that, I predict the President would have to call us back. He would do so reluctantly, I am sure, but he would have to call us back and we would have to and should put preference on our work as Senators. It is a full-time job. It should be.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, before the Senator does that, I agree with Mr. Proxmire except as to the population number in 1789. I think it was a little over 4 million. The Founding Fathers could not possibly perceive the changes that would occur in America 194 years into the future. They had no television, no telephones, no automobiles, no airplanes, and the problems were not as great. Those were much simpler times in which they lived.

I believe the first 2 years I was in the House we adjourned early. I believe it was August 2 or some such date. But then the civil rights debates came on, and the Senate filibustered and we began to be in until September, and then it became October. Then it was December.

Now, we have all the recess breaks that our Members insist on which allow them to get back home to talk with their constituents. With 230 million people and the problems that have grown since 1789, I cannot conceive that our Founding Fathers could have possibly perceived the complexities of the late 20th century. The growing problems are so many: social security problems, problems of war and peace, health and highway programs, problems that come with legislation that has been enacted, legislation that has been demanded by the people of the United States. So the suggestion that the Founding Fathers did not mean this, or did not mean that, I do not quarrel with the person who takes that position, but it seems to me, practically speaking, that we have to be here almost all the year around. It is a full-time job.

I would like to see us get out this September. The majority leader, I believe not long ago, was saying that we obviously would not get out until December. I have been majority leader and the Senator from Tennessee is majority leader. I do not think his suggestion will work. I do not think it can be made to work. If it can, I would like to see it. I would like to be back home 6 months out of the year.

Mr. BAKER addressed the Chair.

Mr. BYRD. I know the majority leader wants the last word, and I think he is entitled to it. I will leave it to him.

Mr. BAKER. I thank the Senator. I will not prolong this debate unduly except to observe that what we see here is a debate of most fundamental importance—that is the institutional nature of the Congress itself. It is a debate that I believe—I hope—will continue for a long time.

But on the issue of whether or not the complexity of our era and the increased population of this country requires a change, let me suggest that I do not think that is so, because I do not think that was ever meant to be the role of the Congress. I think we are supposed to be the policy setting agency of Government. If we have a hundred times more population now—and I suppose we have 50 times more population—does that mean that you should have 50 Presidents or 450 Members of the Supreme Court? I do not think they have changed. The bureaucracy has changed and the number of Federal district courts has changed, but the fundamental department of Government, the President and the Court, has not changed.

There are many ways that the Congress can address the multitude of issues that are present without remaining in session constantly.

I will not belabor that. I have written on that subject, and I will again. I speak on that subject when people will listen, and I will again. But I think, Mr. President, that what you hear and see right now is the beginning of an important debate on the institutional arrangements of Government. My friend from Wisconsin and I are on opposite sides of the issue by 180 degrees. My friend, the minority leader, and I have perhaps a special insight into the problems of this place, but perhaps we have a fundamental disagreement on what the role of the Congress should be at this time. But none of the three of us are diminished in our respect and affection for each other in expressing somewhat energetically and enthusiastically our fundamental disagreement. I think it ought to change, and I am going to try to change it, but I have no illusions about being able to do it on the supplemental appropriations bill in this session of the Congress or in the remaining 18 months of my tenure as a U.S. Senator. But I am going to talk about this, Mr. President, because it is more than an academic exercise. I think it is important to the future of this country, and the question of whether or not we can effectively govern a complex society.

I think both the Senator from Wisconsin and the Senator from West Virginia in particular for engaging in this conversation with me because, as they can tell I am sure, it is something I wanted to get off my chest for a long time.

Mr. BYRD. I will perhaps have the last word after all, and that is to say to the distinguished majority leader that I will be listening with great interest to what he has to say in the future discussions.

NUCLEAR WAR CONSEQUENCE—WORLD HEALTH ORGANIZATION REPORT

Mr. PROXMIRE. Mr. President, what should we, as U.S. Senators, make our No. 1 priority? Economic prosperity? Environmental protection? A reversal in the decline of American education? An effective program to bring Federal spending under control? A Federal tax system based on fairness and ability to pay that will yield enough to reduce our monstrous deficits? A sharp improvement in America's science and technology? Most of us would rate each of these objectives high in any listing of priorities. But there is one objective that, in the judgment of this Senator, greatly surpasses all the others combined. It is: Ending the nuclear arms race. If we fail to achieve this objective, all the other priorities sink from sight and disappear. A nuclear war between the United States and the Soviet Union would destroy this country we love. Half our population would be dead or dying. Our cities would be reduced to teeming composts of radioactive rubble. Our food supply would so sharply dwindle that many surviving Americans would die of starvation. And above all, the constitutional freedom we so cherish would promptly vanish as an absolute military dictatorship would almost certainly take command as the only, desperate means of holding this battered and dying country together.

Unfortunately, few Americans have really thought about the full consequences of nuclear war—for obvious reasons. None of us likes to dwell on any unpleasant prospect, whether it is the sure certainty of our own eventual death, the possible death of our loved ones, or the grim possiblility we may suffer some day from an agonizing illness. Who wants to be morbid? But, Mr. President, because we have failed to consider what nuclear war would cost, most of us have done what people have done throughout history. We have assumed that if there is a war between the superpowers, it will be like previous massive conflicts, such as World War II, only a lot worse. We reason something like this: Russia lost 20 million dead in World War II. They would lose 100 million dead in a nuclear war. We would, too. That would make World War III five times as bad for Russia and terrible for us too. But—the scenario goes on—one side would win. One side would lose. We would rebuild our lives and civilization would go on. Well, Mr. President, any scenario is possible. But the scenario I have described, terrible as it is, would be rosily optimistic and very, very unlikely. In all likelihood, a superpower nuclear war would be nothing like human beings have ever experienced in human history. Nothing. Civilization, as we know it, would simply cease to function. Those who survived would—overnight—find themselves plunged back into the dark ages. What would be left of life would be literally a living hell on Earth.

There is literally nothing human beings cannot do in human relations if we make up our minds to do it. We can very possibly achieve peace if we have the courage and the will to make the sacrifices and take the risks that will require. But let us face it, for the American people to make those sacrifices and take those risks, they will first have to take a clear-eyed look at what a nuclear war would mean. Over the next several days, I expect to bring to the attention of the Senate a remarkable study made by the World Health Organization on just one of the terrible consequences of nuclear war: The effect on human life and health. The Director General of the United Nations earlier this year reported the findings of a committee of international experts who specialized in medical fields concerned with the kind of damage to human health that would grow out of a nuclear war. Those specialists represented many countries. That committee established a number of working groups and collected, reviewed, and summarized the most recent effects on the possible effects of nuclear weapons explosions on health and health services. Mr. President, I hope our colleagues will read and ponder the monstrous consequences of nuclear war which these experts found. The report makes no political recommendations. After all, political recommendations are our job. It did make one finding. It was this:

> The only approach to the treatment of the health effects of nuclear explosions is primary prevention of such explosions; that is, the prevention of atomic war.

The committee does find that in the event of nuclear war, our health care facilities would be virtually useless. Hospitals, clinics, doctors, nurses, would be overwhelmed in the first minutes of a nuclear exchange with the Soviet Union. The 1 billion human beings whom the committee estimates would die in such a war, would die in agonizing pain, without any significant medical assistance or relief. The additional 1 billion who would be seriously injured, likewise would suffer their agonies almost entirely without any doctors, hospitals, or nurses and without any medicines or pain-killing drugs, and that would only be the beginning of the hell on Earth a nuclear war would bring.

Mr. President, I ask unanimous consent that the summary of the report of the World Health Organization to which I have referred be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

1. "Conventional" wars are continually becoming more destructive. However, the introduction of nuclear weapons has added totally new dimensions to warfare.

2. A single thermonuclear bomb has the explosive power of millions of the largest conventional bombs and the present stockpiles of nuclear weapons have an explosive power thousands of times greater than all the explosives detonated during the Second World War. In addition to the effects of blast and heat, the radiation and nuclear fallout of a nuclear explosion can have devastating effects, both immediate and long-term.

3. The Committee has considered three possible scenarios:

(1) The detonation of a one-megaton bomb over a large city would kill more than 1½ million people and injure as many.

(2) "Limited" nuclear war with smaller tactical nuclear weapons totalling 20 megatons, aimed at military targets in a relatively densely populated area, would exact a toll of about nine million dead and seriously injured, of whom more than eight million would be civilians.

(3) An all-out nuclear war using at least half of the estimated present stockpiles of nuclear weapons (an approximate total of 10,000 megatons) would result in more than 1,000 million deaths and 1,000 million injured people.

4. It is obvious that no health service in any area of the world would be adequate to deal adequately with the hundreds of thousands of people seriously injured by blast, heat or radiation from even a single one-megaton bomb. Even the death and disability that could result from an accidental explosion of one bomb from among the enormous stockpiles of weapons could overwhelm national medical resources.

(5). It is difficult to comprehend the catastrophic consequences and the human suffering that would result from the effects of nuclear explosions in the second and third scenarios. Whatever remained of the medical services in the world could not alleviate the disaster in any significant way.

6. To the immediate catastrophe must be added the long-term effects on the environment. Famine and diseases would be widespread, and social and economic systems around the world would be totally disrupted.

7. Therefore the only approach to the treatment of the health effects of nuclear explosions is primary prevention of such explosions, that is, the prevention of atomic war.

8. It is not for the Committee to outline the political steps by which this threat can be removed and the preventive therapy implemented.

9. However, WHO can make important contributions to this process by systematically distributing information on the health consequences of atomic warfare and by continuing and expanding international cooperation in the field of health.

TRIBAL TORTURES IN INDIA

Mr. PROXMIRE. Mr. President, a recent edition of the Economist reported on two massacres in India's northeastern state of Assam—the site of riots, murder, and massacres following recent elections. Over 1,000 people have died.

This small area contains a wide variety of tribal populations, as well as a clash of two major cultures, Hindu and Moslem, and conflicts between Bengali speakers and those speaking lesser tongues, overcrowding and poverty have prevented any semblance of peaceful coexistence between these different groups.

Assamese militants are angered by the presence in the region of Bengalis, whom they consider to be outsiders. The militants are even more embittered because the Bengalis would not vote for the Assamese parties in the elections.

Moslems in Assam have also been victimized, and for the same reason—they were different from the majority.

The heinous events in Assam, while not amounting to genocide in themselves, raise the specter of genocide. Ethnic and religious groups are being senselessly murdered, solely for being different.

Mr. President, the United States, a leading advocate of human rights, must make every possible effort to prevent future instances where acts

are committed with the intent to destroy a national, ethnical, racial, or religious group. I strongly urge my colleagues to join this international effort by ratifying the Genocide Convention. While such an action will not prevent all incidents which raise the specter of genocide, it would certainly strengthen our position in the future.

REPRESENTATIVE TOM STEED

Mr. BOREN. Mr. President, last week, the Nation and, in particular, my own State of Oklahoma, lost one of its most loyal citizens. In the passing of former U.S. Representative Tom Steed, we all lost not only a friend, but an outstanding statesman. During his 32 years of service in Congress, from 1949 until his retirement in 1981, Thomas Jefferson Steed rose to hold a position of tremendous power and influence in Washington. Yet, he remained, first and foremost, an Oklahoman. He truly loved the people of Oklahoma, and they loved him in return. As he said upon announcing his intent to retire: "I intend to spend my declining years in the State I love among the people I love. When this term is over, I will assure you that I will return to Oklahoma to pick up life as a private citizen."

During his 16-year congressional career, Tom Steed grew to hold the most powerful position regarding Federal appropriations of anyone from Oklahoma to serve in the U.S. House of Representatives. He also held the record for length of service in Congress for any Oklahoman. He became chairman of the Treasury-Post Office-General Government Appropriations Committee, handling $90 billion annually. He also was a member of the Subcommittee on Transportation and Subcommittee on Military Construction, which led to approval of dozens of projects that kept Federal funds flowing to military bases in his district located at Fort Sill in Lawton, Tinker in Oklahoma City, and Altus, and the Federal Aviation Administration Center in Oklahoma City. As Tom Steed would say: "I can make things happen and I can keep them from happening. I like to be the guy who can do a good turn for the country now and then, and I go home at night and I feel good." He would candidly report how he steered money to Oklahoma military bases to make the investment sufficient that it would be uneconomical to abandon them. He said that the bases had to be built somewhere and there was no place better and more economical for the Nation than in Oklahoma.

Some of his more important legislative accomplishments were in helping to create the Nation's vast Interstate Highway System, the Federal impact aid to schools programs and the Small Watersheds Act.

Tom Steed is probably best remembered not only for his ability to get things done, but for his candor. No one ever doubted where Tom Steed stood on an issue, and all respected and admired his courage to speak out when others found it easier to remain silent. He was an outstanding example of a public servant, and he drew on his years of experience to assist me, and many other new members of the Oklahoma delegation, as we entered Congress.

He was a key figure in an Oklahoma congressional dynasty which arose after World War II. That dynasty grew to include, among others, such men as the late Senators Robert S. Kerr and Mike Monroney, and former House Speaker Carl Albert, for whom Steed served as a close friend and ally for Albert's 30 years in the House.

His congressional career was preceded by a successful 20-year career as a newspaperman in Oklahoma. Also, during the administration of President Franklin D. Roosevelt, he served as administrative assistant to three Oklahoma Congressmen, P.L. Gassaway, R.L. Hill, and Gomer Smith. He served under seven different Presidents—Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, and Carter.

Tom Steed will be greatly missed. He was a loyal friend to Oklahoma, and to his country. In reading the reactions of the countless public figures and citizens of our State who have commented on Tom Steed's loss, I was particularly struck by one tribute to him, written by a constituent, Bob Blackstock, now of Bristow, Okla. I request, at the conclusion of my remarks, that Mr. Blackstock's tribute to Tom Steed be printed in the Record.

I know that all of my colleagues in the Senate join me in offering sincere sympathy to Mrs. Hazel Steed, and to their son, Richard, during this time.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Tribute to Tom Steed

(By Robert Blackstock)

The dawn broke bright on the early morning of Wednesday, the 8th of June, 1983. It was refreshing.

The Oklahoma landscape was alive in all of its springtime glory. This is the way Tom Steed would want it. This is the land he loved, in all its beauty. This is the morning that Tom Steed died and joined his departed kinsmen: Jefferson, Washington, Lincoln, The Roosevelts and Kennedys; men who loved and served their countrymen so well, so faithfully, so courageously.

Tom Steed loved this beautiful land. But he loved his fellow Americans even more. Tom was forever loyal to his friends, but always tolerant of those who disagreed with his view.

Even though he tried to conceal it, he was keen of intellect and quick of wit. He had the courage of his convictions. He had good sense to know the right thing to do and the courage to do it.

He was considerate of those whose lot it was to toil, to weep and to sustain defeat, as he was of the most powerful of the earth.

He was loyal to the leadership when the leadership was correct, whether it be democratic or republican. However, he had the courage to say "no", even to the most powerful, when his good and well considered judgment told him that that leader was on the wrong course.

He had the abiding respect of the leadership of both parties, and the good sense to engage diplomatically in handling powerful, opposing forces.

No one could doubt Tom Steed's loyalty to his country. He forever sought the light to lead him to do right.

He possessed the courage, tenacity and devotion to his country in the finest tradition of all great American patriots, who, from the time of our country's inception have come eyeball to eyeball with her enemies in differences that only cold steel and red blood could resolve.

Unflinching, but with a heavy heart, he saw his first-born, Roger, sacrificed on the altar of freedom.

If you were a member of the party of the opposition, he tried to represent you as well as those who elected him.

He walked and talked with the greatest of our nation, but he was never over-awed by them. He served with Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Carter and Ford. His allies were the giants of the day, from Robert S. Kerr, Mr. Sam Rayburn, Carl Albert, Mike Monroney, McClellan, Fulbright and Mills. He also counted among his friends those of the opposition whom he admired and he proved that he could work well with them in spite of some differences of opinion. He was a good friend to Republican Speaker Joe Martin and the Republican Senate Leader Taft.

Although many and massive efforts were made to gerrymander Tom Steed out of the United States Congress, the people of Oklahoma continued to elect him from whatever district political fate placed him.

We are the beneficiaries of his good works. If Tom Steed could leave one last parting message to us, the people that he loved and served so loyally and so exceedingly well, he might select the words of Longfellow:

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all its hopes of future years,
Is hanging breathless on thy fate!

Yes, the dawn broke brightly upon Oklahoma this beautiful June day. We are saddened by Tom Steed's departure but we are better because he lived.

SPECIALTY STEEL

Mr. TOWER. Mr. President, it is a very healthy sign that so many of my colleagues are expressing such deep concern for the plight of the specialty steel industry in this country. This is an industry that is absolutely essential to our national defense and to our national economy.

The American specialty steel industry is currently suffering a precarious drop in market share, and the last several years have seen the withdrawal of several key firms from the industry.

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This attrition is not the result of a lack of innovation or competitiveness—the U.S. specialty steel industry has maintained its world leadership in both technology and productivity, and is the most cost efficient specialty steel industry in the world. The loss of market share for the U.S. specialty steel industry instead has largely resulted from an ever increasing flood of imports which have resulted in injury to our domestic industry.

Mr. President, I am tremendously concerned about this attrition in our specialty steel capacity. Our national economy depends heavily upon the products made by this industry. Oil and gas production, electric power generation, telecommunications, and transportation, to name but a few, are dependent upon the metals made by our specialty steel industry.

Moreover, our national defense capability depends in a very substantial way upon specialty steels and the more sophisticated alloys produced by this industry. All of our missiles and aircraft depend upon these metals for their construction. The guidance systems and other components of virtually all our weapons sytems need these metals. Navigational equipment and other critical items used by our Navy require various kinds of specialty steel.

In short, we would not have a modern defense capability without the specialty steel industry. We cannot place our aircraft makers, our shipbuilders, and missile manufacturers at the mercy of foreign suppliers whose supplies could be cut off in the event of an emergency. Mr. President, many of the things I am saying now were brought out in a report by a Subcommittee of the Senate Armed Services Committee a decade ago. That Subcommittee on General Legislation entitled its report, "Essentiality of Specialty Steels to National Security." I commend this report to my colleagues and to the executive branch. For it is just as true today as it was when it was first approved. In a word, specialty steel is essential to national defense.

In considering recommendations regarding appropriate action to be taken on this matter, I urge the President to consider the factors I have discussed, and I am confident he will do so. I look forward to hearing of his decision, and will analyze it in light of my concerns just expressed.

PARKSTON-TRIPP NATIONAL GUARD RECEIVES ITSCHNER AWARD

Mr. PRESSLER. Mr. President, the Parkston-Tripp National Guard, Company C, 153d Engineer Battalion has recently been recognized as the best Engineer Company National Guard unit in the United States. The Parkston-Tripp unit received the Itschner Award at Fort Belvoir, Va., in May for their outstanding performance. Being a former Army officer myself, I fully realize the diligent and dedicated efforts that are needed to achieve an honor such as this. Each member of this unit is to be congratulated on a job well done.

The work of National Guard personnel, such as those of the Parkston-Tripp unit, many times gets overlooked. In time of domestic turmoil or calamity, the National Guard is often called on to aid their civilian counterparts in alleviating the problem. These activities cover a wide diversity of situations such as floods, blizzards, prison unrest, riots, and tornadoes, to mention a few. The National Guard's timely work in periods of duress have saved countless lives and much property from damage.

In quieter times many National Guard units are active in community activities. It is noted that the Parkston-Tripp National Guard engaged in such projects as working at the local baseball and softball fields, cleaning the James River Ranch area, remodeling the American Legion Hall, starting a 3 to 5 year channelization and cleaning of Pony Creek, and many more that are too numerous to mention here.

Another important function of the National Guard is to serve our country in time of war. Over 40 percent of our Armed Forces now consist of national guardsmen and reservists. It is, therefore, imperative that these soldiers be well prepared in the event they are needed in time of conflict. The C-1 readiness rating that the Parkston-Tripp National Guard received—the highest possible—attests to their excellence in readying themselves for any military situation that might arise.

Mr. President, South Dakota is extremely proud of the successful endeavors of the Parkston-Tripp National Guard. The winning of the Itschner Award, after intense competition against top-notch National Guard units from across the country, is a testimonial to the high standards they have achieved. We wish them well as they work to maintain the standards that have made them the best National Guard Engineer Company in the United States.

Mr. President, I would also like to share with my colleagues an article by Randy Dockendorf and a proclamation by the mayor of Parkston that appeared in the May 18, 1983, Parkston, S. Dak. newspaper. I ask unanimous consent that they be included as part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GUARD UNIT RECEIVES COVETED ITSCHNER AWARD

(By Randy Dockendorf)

The Parkston-Tripp National Guard, Company C, 153d Engineer Battalion, has been recognized as the best Engineer Company National Guard unit in the United States and was recognized Sunday afternoon at the Armory lot by its commanding officer and the mayors of Parkston and Tripp.

The Parkston-Tripp unit is the 1982 recipient of the Itschner Award, which was named after the former chief of engineers. The award, over 25 years old, goes to the top National Guard unit in the nation, based on the criteria of 100 percent or better strength (Parkston is presently at 104 percent); a high rating (Parkston is C-1, the highest possible rating); and a superior unit award.

The unit was cited for reaching or surpassing all training goals, high test scores, a high state of training and mobilization readiness, a long list of domestic activities, no reportable motor vehicle accidents in the past year, and percentage of assigned strength in various areas.

Local projects of the unit include work at the baseball and softball fields, cleaning of the Jim River Ranch area, remodeling of the American Legion Hall, starting a three to five year channelization and clearing of Pony Creek, and work at the industrial park, public school parking lot, and Fourth Street project.

Work at neighboring communities included tree removal at Milltown; the Lake Hanson project at Alexandria; Douglas County bridge projects; American Legion Hall, tennis court, and Hutchinson County fairgrounds at Tripp; and renovating a five to six acre lake near Armour.

A large boost to the unit's credentials was its work last summer at Custer State Park in the Black Hills, where it reinforced bridges to accommodate log truck traffic, and at Camp Rapid near Rapid City.

The Parkston company sponsors the annual National Guard Ball, conducted an open house, and organized and supports a junior rifle team, Boy Scouts, as well as a blood donor program in coordination with the local hospital.

First Sergeant Hurrl Welch learned of the guard's selection three weeks ago. Parkston had advanced through several phases of stiff competition. After the initial letter of application, the local unit won at the battalion headquarters level in Huron, the group headquarters in Rapid City, confirmation from the state headquarters in Rapid City, the Readiness Region in Colorado, and the 6th Army Headquarters in San Francisco. The last level covers an area west of a line drawn from the North Dakota-Minnesota border south through Texas, about half of the United States. That brought Parkston to the final phase, where they were chosen as the top National Guard unit in America.

Representing Parkston at the awards ceremony Friday night at Fort Belvoir, Virginia, were Welch, Terry Grajkowske, Arthur Hagg, Edward June, Lawrence Thuringer, Wayne Tiede, and Dennis Ziebart. First Lieutenant Hagg, who lives in Parker, is commander of the Company C, 153rd Engineer Battalion of Parkston and Tripp.

Welch, who has been with the Parkston-Tripp unit since it began in October, 1956, said that the awards ceremony was an exciting experience in itself. "The 116th Engineer Dinner was held at Fort Belvoir because it is the engineer center. There were 450 people at the dinner, with all sorts of generals, colonels, and other officers there. The award was presented by Lt. General Bratton of the Chief of Engineers. That office is with the Pentagon and is the No. 1 engineering position in the country. I only wish all of the unit could have been there to share the honor," he said. The trip included a Saturday tour of Washington, D.C., with stops at such points of interest as the Washington Monument and the White House.

Then it was homeward bound with arrival Saturday evening. The next afternoon brought assembly on the Armory parking lot, where the 140 guardsmen gathered in formation for the welcome home and recognition by state and local officials as well as family and friends. The traveling Eisenhower state trophy which the Parkston guardsmen won almost two months ago was also on display.

First Lieutenant Hagg opened the program by reading the Itschner award citation: "Company C, 153rd Engineer Battalion (Combat), South Dakota Army National Guard, is cited for exceptionally meritorious service throughout Calendar Year 1982. During Annual Training '82, they successfully completed an ARTREP and achieved a FORSCOM IR rating of C-1. The high state of readiness of the unit was also reflected in the very high SQT scores produced by the unit. The large number and wide variety of civic action projects undertaken by Company C are indicative of the initiative and spirit of the unit. This has made Company C a highly respected member of the community. In addition to significant contributions to the surrounding community, attendance and strength—figures for the unit were at, or in excess of, 100 percent which typifies the morale and enthusiasm of the individual soldiers. The performance of this unit is a direct result of strong leadership, and effective chain of command, and an active recruiting program. The personnel of Company C, 153rd Engineer Battalion (Combat) are justly deserving recipients of The Society of American Military Engineers' Itschner Award for 1982."

Hagg went on to congratulate the men, recognizing not only the officers and commanders but also the senior NCOs and the guardsmen. "Thank you for a job well done. You earned a C-1 rating, which is seldom done in the active army. I urge you to keep it up. I would like to see you shoot for two in a row," he said.

Emcee Allan Schilling congratulated the guardsmen on behalf of the community and introduced Parkston mayor Norb Hohn. "On behalf of myself, the city council, and the citizens, we commend you on coming back from Washington, D.C., with the award. You are very deserving. There is only one award like it in the United Stats and it comes to Parkston, South Dakota," said Hohn. In recognition of the unit's achievement, Hohn proclaimed May 28, 1983, as National Guard Day.

Tripp mayor Doug Deffenbaugh said that as a member of the unit in its infancy, it brought out a deep seated feeling to see the Parkston-Tripp unit win such an award. He encouraged the men to win the traveling state trophy again, and extended his congratulations on behalf of the city of Tripp.

Schilling, also a member of the unit at its infancy, recalled some of the early days of the unit including a shortage of training manuals. He contrasted that time to the national honors of today's guardsmen. Paraphrasing a well-known commercial, he said that "You've come a long way, guardsmen." Those in attendance had an opportunity following the program to view the plaque and trophy, take pictures, and visit with the guardsmen. KDLT-TV of Mitchell wrapped up its coverage of the event.

A later meeting in the Armory allowed Welch and Hagg to reflect on the honors gathered by the Parkston-Tripp unit and the strides which the National Guard has made over the years.

Hagg said that "I can't stress enough the work of those who have been here a number of years such as Sergeants Tiede, Ziebart, and Thuringer. They have been the backbone of the unit, working with recruiting and training. But it was a whole group effort to make this all possible. It was no certain person, but the whole unit. I only wish they could all have gone to Washington."

For Welch, the award continues a process of upgrading the National Guard in general and the Parkston-Tripp unit in particular. "The equipment and facilities are so much better now than when the unit started in 1956. We were short on training manuals and equipment. The regular army always had better, but now the National Guard has improved drastically. We moved into the new Armory the first of December, 1977, which gave us a real boost. We were formerly in the Legion Hall, but now we have a place to train and store things. We can do a decent job," he said.

Welch said that since the end of the Vietnam war the equipment has gotten better for the National Guard. The guard's manpower numbers have also picked up dramatically. The figure stood at 88 percent of strength at Parkston before a recruiting drive began in the fall of 1981. That figure has shot up to as high as 108 percent and is presently at 104 percent. Welch credits that figure to hard work by a lot of people, the state of the economy, and the softening of anti-military attitudes.

The drive for excellence is a never ending affair, as Welch turns his attention to the upcoming summer training camp. They will travel to Jefferson June 4-7 for training exercises before going on work detail at Mitchell until June 17. Their performance at the summer gathering will go a long way towards deciding if they will win awards for a second year in a row. But Welch is confident.

"I always knew that we were good, but I never really thought that we had a chance (of winning the Ischner). But afterwards, I thought—why not? We're just as good as anybody else. I think that it's something which has been building up over the past four or five years." he said.

Welch pointed out the fact that "thousands of units competed for the Ischner Award. Even though a unit from Germany won the active army category, Welch said that the National Guard comprises 70 percent of the nation's engineer units.

"No one man won it. It's not 'I', 'he', or 'they,' but 'we.' And if we meet the criteria, we'll go for it again next year," he concluded.

In recognition of individual excellence, the members of the Company C, 153rd Engineer Battalion are listed:

PFC Bradley P. Andera, SP4 Alan H. Andresen, SP5 David D. Bartel, SGT Joel W. Baumiller, PFC Lee A. Behl, PFC Robert J. Berg, PFC Ernest W. Bertram, PFC Joel J. Boehmer, PFC George H. Bosma, PV1 Donald L. Busch, SGT Richard A. Dant, SSG Lowell W. DeVries, SGT Darwin D. Dubs, SGT Jerry G. Fischer, PFC Mark T. Garry, PV2 Steven D. Geidel, SSG Terry L. Grajkowske, PFC John F. Grosz, 1LT Arthur J. Hagg, SP4 Michael F. Hauck, PFC Dale L. Hayen, PFC Lynn A. Heisinger, SP5 Thomas L. Heisinger, SGT Gaylen G. Henke, SP4 William D. Hoffman, 2LT Brent K. Hohbach, SGT Lee J. Horstman, SSG Dale D. Hovaldt, SP4 Allen R. Huber.

SP5 William D. Huey, SP4 Patrick J. Janish, SP4 Wayne A. Juhnke, SFC Edward G. June, PFC Kenny L. Kayser, SGT Clarence B. Kee, PFC Roger L. Koch, SP5 Lyle, E. Kummer, SP4 Phillip K. Landreth, PFC Gary A. Lang, PFC Ronald D. Larson, SGT Kenneth R. Marquardt, SP4 James P. Massey, SGT Allen J. Mayer, SGT Darrell J. Mehlhaf, SP4 Mark A. Meidinger, Jr., PFC John W. Mimmack, PV2 Kelly J. Mogck, SP4 Kerry J. Murtha, SP4 Louis J. Murtha, SP4 Lynn E. Murtha, PV1 Kevin R. Mutchelknaus, SSG James M. Neugebauer, PFC Kevin S. Neugebauer, SGT Leonard D. Nolz, PV1 Scott D. Petersen, SGT Guy T. Peterson, PFC Jake L. Prickett, SP4 Daniel W. Roth, SSG James J. Roth, SGT Michael C. Roth, PV1 Timothy J. Roth, PFC Timothy T. Schaeffer, SSG Lorin J. Schmidt, PFC Timothy P. Schmidt.

SFC Joseph R. Schmig, SSG David A. Schoenfelder, SSG Gerald J. Schoenfelder, SGT Steven E. Schoenfelder, SP4 Trevis H. Schuh, SP4 Daniel W. Scott, PFC Terrance L. Semmler, PV1 Glen J. Sommer, 2LT Bradley R. Stewart, SSG James M. Thuringer, SFC Lawrence J. Thuringer, SGT Steven W. Thuringer, PFC Vincent J. Thuringer, PSG Wayne K. Tiede, SSG Edmond E. Trautmann, SSG Philip J. Uhrich, Jr., PFC Kevin J. Van Zee, PFC Richard P. Van Zee, PFC Douglas S. Vilhauer, PFC Walter E. Villmow, PFC Duane E. Walters, SGT Timothy L. Walz, PV1 Ronald J. Weiss, SP4 Gerald C. Welch, PFC Gregg A. Welch, 1SG Hurrl F. Welch, PFC Thomas J. Wempe, PV1 Todd D. Whitlock, PV1 Darwin K. Wilkins, PV2 Jon A. Wollmann, SP4 Michael D. Wollmann, SGT Robert L. Wuertzer, SP4 Jeffrey K. Yusten, PSG Dennis E. Ziebart, PFC Darwin J. Zirpel.

NATIONAL GUARD DAY

PROCLAMATION

Whereas Company C of the 153rd Engineer Battalion located in Parkston, South Dakota has been awarded a citation designating it as the outstanding Engineer Company in the whole nation.

Whereas Company C has been located in Parkston, South Dakota since 1956 and whereas over the years the unit has contributed to the local community in countless ways such as flood duty and construction of public facilities.

Therefore, in honor of being awarded the national honor and in appreciation of the countless tasks performed in the local community, I Norbert Hohn, Mayor of the city of Parkston, South Dakota do hereby designate May 28, 1983 as National Guard Day and ask all of our citizens to join me in expressing both our congratulations and appreciation to Company C of the 153rd Engineer Battalion.

Given under my hand and seal as Mayor of the city of Parkston, South Dakota this 15th day of May, 1983.

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RELIGIOUS REPRESSION IN CASTRO'S CUBA

Mr. PRESSLER. Mr. President, in the world today there is widespread violation of human rights. Nowhere is the absence of human rights protection more apparent than in Cuba under Fidel Castro. In fact, in the area of religious freedom, Castro's government and party have accumulated one of the worst records of abuse of this fundamental human right.

In view of this problem, Mr. President, I would like to share with my distinguished colleagues and the American people a statement prepared by the Most Rev. Agustin A. Roman, auxiliary bishop of the Roman Catholic Church in Miami, Fla. Bishop Roman's statement includes important testimony relating to extensive restrictions on religious freedom in Cuba, particularly affecting the 80 to 85 percent of the Cuban population who are Catholics.

I ask unanimous consent that this statement be included together with my remarks at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MOST REV. AGUSTIN A. ROMAN, AUXILIARY BISHOP OF MIAMI, FLA.

The House of Representatives Committee on Foreign Affairs has just published its findings on religious persecution as a violation of human rights. The report covers repression of religious believers in many parts of the world.

For me it is disappointing and disturbing that those who testified about the religious repression in Latin America failed to mention the sad condition of the churches and religious believers in Cuba. As a priest I was witness of this repression when I was in Cuba. Now as a Bishop in the United States I continue to be a witness through the testimony of thousands of Cubans arrived in this country with whom I have contact.

I would like to quote below the words of Dr. Jose I. Lasaga in his address to the members of the Interamerican Commission on Human Rights of the Organization of American States, regarding religious freedom in Cuba particularly with respect to the Catholic Church.

"In order to reach an objective judgment regarding religious freedom in Cuba, the following facts should be taken into consideration:

"(1) In accordance with the present Cuban Law, it is not possible to open Catholic schools. The only Catholic schools tolerated by the government (same as in the Soviet Union) are the two seminaries—one in Havana and the other in Santiago de Cuba.

"(2) The Church cannot have any radio or television time.

"(3) The Church cannot use the media to communicate with its faithful, with the exception of a very modest flyer, with limited circulation, which is printed by some parishes.

"(4) In theory, the law gives the priests the right to freedom of expression. However, in practice it is well known that a priest who would dare in a sermon to express a discrepancy from any point of the indoctrination given by the government would be accused of committing a crime against the revolution.

"(5) There is not an open persecution against the people who go to church; but everyone knows that when a person is publicly known as being religious, there will always be a member of the Committee for the Defense of the Revolution or a co-worker stressing to him or her the fact that such conduct is endangering his/her possibilities of improving or keeping the job he/she has in the socialist society.

"(6) People whose religious convictions are well known are accepted in some university schools such as the Veterinary School. However, their admittance to other schools such as philosophy, psychology, history or social sciences is totally blocked.

"(7) The government tolerates the presence of some Catholic teachers for certain non-conflictive subjects such as mathematics; but it is most difficult for a practicing Catholic to teach in an elementary school or to teach history in a secondary school.

"(8) The same is true with respect to jobs as with admission to the university. Sometimes exceptions are made, but very few, to the established rules in order to use them as part of the propaganda for foreign visitors.

"(9) The teaching imparted in all the schools, from the first grade of the elementary school to the last year of the university, is based on a philosophy which is explicitly materialistic and atheistic. In a variety of ways children and young adults are taught the idea that God does not exist and that the human being is nothing but a piece of matter in an advanced level of evolution. Mockery to the religious feelings of the student is an integral part of school life at all levels of education.

"(10) Although in some of the parishes the government permits Catholic associations with a strictly local and strictly religious character (that is, without any social content), it is impossible to organize larger associations with a more extensive outreach because they would immediately be labeled and condemned as counter-revolutionary.

"(11) Inside the churches and in parish halls it is possible to give lectures and talks on strictly religious themes (referring to the supernatural life). However, any discrepancy with the government or the system should be rigorously excluded.

"(12) The major traditional holidays of the Christian calendar have been abolished. Christmas has disappeared to give place to the celebrations of the anniversary of the triumph of the revolution. The week of the Bay of Pigs coincides every year with the Holy Week so that the people, who are compelled to attend several civic events, find it very difficult to participate in the Catholic liturgies.

"(13) The number of priests has considerably diminished since the present regime has been in power. At the present time there is an official assurance that there is no objection to the entry of foreign priests, or Cuban priests who have studied abroad, into the country. But the fact is that when a priest requests to be admitted he finds so many difficulties that his possibilities of being able to find work in Cuba are practically zero.

"(14) At the present time there is no priest in Cuban prisons. However, any priest who would stand out as a youth leader runs the risk of being accused of counter-revolutionary activities and attempting to compete with the leaders of official institutions, as has happened in the past.

"(15 The real political power does not reside in the people, as in the truly democratic countries, but in the Communist Party. According to principles clearly expressed by the regime, Catholics cannot be admitted to the Party."

I hope that the realities expressed above will serve to clarify the truth of the Cuban government policy with regard to freedom of religion.

FORMER SENATOR HARRY F. BYRD, JR., URGES MODERNIZATION OF OLD BATTLESHIPS

Mr. TRIBLE. Mr. President, I would like to bring to the attention of my colleagues an article written by the former Senator from Virginia, the Honorable Harry F. Byrd. In it, he argues for the completion of the program to reactivate our *Iowa* class battleships.

We have undertaken the task of building a Navy adequate to meet our global commitments, and the battleships are an integral part of this effort. These formidable fighting ships massively increase our capability at minimal cost.

My colleagues will recall that Senator Byrd was one of this body's leading authorities on maritime strategy and a thoughtful advocate of rebuilding our defenses. I commend this article to them. Mr. President, I ask that Senator Byrd's article appear immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Newport News Daily Press]

MODERNIZATION OF OLD BATTLESHIPS MAKES DOLLAR AND DEFENSIVE SENSE

(By Harry Byrd, Jr.)

WINCHESTER.—In expanding the United States Navy, would it be wise or unwise to modernize and reactivate four battleships built during the early 1940s? The battleship reactivation program has been controversial and the subject of lengthy debate in the Congress and among the general public.

When the program was proposed less than three years ago, I had grave doubts. I was persuaded, however, to go to the Philadelphia Naval Yard and take a look at the USS *Iowa* which had been in "moth balls" for 25 years. This ship was commissioned in 1943 and was one of only four battleships to be built during World War II, the others being the *New Jersey* the *Wisconsin*, and the *Missouri*, all being virtually identical.

The Iowa appeared in excellent condition, and was so judged by naval experts. Her 16-inch guns were as good as new. So I changed my position and as a member of the United States Senate I supported the modernization program for two, the *Iowa* and the *New Jersey*, the latter berthed at Long Beach, California.

My support was conditioned on a firm assurance by the Secretary of the Navy that the total cost of the renovation of the *New Jersey* would not exceed $326 million.

The modernization of the *New Jersey* was accomplished within the figure to which Secretary Lehman committed himself and was ready for active duty last month. I went to sea with her and was most impressed with the ship and her capabilities.

The *New Jersey*, along with her three sister ships, is not only one of the most powerful ships ever built, but perhaps the most survivable. With her 17-inch armour plate it is a ship that really cannot be duplicated today.

In addition to the superior survivability features in conventional warfare (obviously, no ship or airfield or anything else can survive a nuclear attack) the *New Jersey* and the other three ships of her class possess endurance and speed that allows them to be assigned to any task force, conventional or nuclear. their speed approximates that of our newest carriers.

These 58,000-ton ships can be reconditioned and put into service at a cost approximately equal to a 3,600-ton frigate, yes, a 3,600-ton frigate. And of much importance, too, is that the work can be accomplished in less than two years, as compared to four years for a new warship.

While built 40 years ago, the four battleships have an average active service age of only 12 years.

Although the hulls and the guns are of battleship quality, the purpose of the modernized ship is entirely different. It has become a missile-carrying ship and is equipped with 32 Tomahawk and 16 Harpoon cruise missiles.

In addition, this is a ship whose 16-inch guns (nine of them) are capable of providing heavy fire-power in support of forces ashore; a ship capable of maintaining a startling presence with Third World nations; a ship that can provide significant enhancement to carrier battlegroups; and a ship capable of being the central element of a surface action group.

The public naturally is skeptical about renovating 40-year-old battleships, believing that battleships are outmoded. I, too, shared that skepticism.

But the excellent condition of the ships themselves and the changed mission to a platform for our most modern and most powerful cruise missiles convinces me that the Navy is on sound ground in advocating the battleship reactivation program. It makes sense—in both dollars and time.

This program provides a near-term partial solution to our over-extended Navy. From my observations of the *New Jersey*, these ships surpass expectations in quality and capability.

ORDER FOR STAR PRINT OF H.R. 3133 AND REPORT 98-152

Mr. GARN. Mr. President, it will be necessary to have a star print of H.R. 3133 and Report 98-152, and I ask unanimous consent to have this done.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS, 1983

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of the unfinished business, H.R. 3069, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1408

(Purpose: Relating to pay and receipt of honoraria by Senators)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 1408:

At the appropriate place in the bill, insert the following new section:

SEC. . (a)(1) Notwithstanding any other provision of law, the annual rate of pay for a United States Senator shall be $100,000, and the annual rate of pay for the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall be $110,000.

(2) The provisions of this subsection shall take effect on the first day of the first calendar month which begins after the date of enactment of this section.

(b)(1) Notwithstanding any other provision of law, no United States Senator shall accept any honorarium.

(2) For purposes of this subsection, the term—

(A) "honorarium" means a payment of money or anything of value to a United States Senator for an appearance, speech, or article, by such Senator.

(3) The provisions of this subsection shall take effect upon the date of enactment of this Act.

(4) Nothing in this section shall prohibit the receipt of actual and necessary travel expenses by Members of the Senate, including transportation costs and the cost of meals and lodging while away from the metropolitan area of Washington, District of Columbia.

(c) During the period which begins on September 1, and ends with the close of September 15, of each even-numbered year, commencing with the year 1986, the Select Committee on Ethics of the Senate shall submit to the Senate a report on the matter of the annual rate of pay for United States Senators, which report shall specify the annual rate of pay for United States Senators. The annual pay rate for United States Senators so specified by such Select Committee in its report to the Senate shall take effect immediately and shall remain in effect until a different rate of pay is fixed by such Select Committee pursuant to this subsection or a different rate of pay is otherwise established by law.

(d) Notwithstanding the provisions of section 225 of the Federal Salary Act of 1967, the salaries of United States Senators, and the salaries of the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall not, after the date of enactment of this section, be subject to adjustment under the provisions of such Act.

(e) The provisions of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall not, after the date of enactment of this section, be applied to adjust the salaries of United States Senators, or the President pro tempore of the Senate, or the Majority or Minority Leaders of the Senate.

Mr. WEICKER. Mr. President, the current system for congressional pay is a pretzel of political posturing. We have two pay scales, one for the House and one for the Senate, and until last week, two outside earned income standards. Instead of a rational means for making adjustments in the salaries of Senators, each supplemental or continuing resolution has been an occasion for another session of meatball surgery on our salary scale. Now we have the salaries of the legislative branch of Government being paid in part by taxpayers' moneys and in part by special interests.

Let me explain very simply what this amendment does. I do not intend to talk at length on this amendment.

No. 1, it sets the pay at $100,000. For those who are looking for substantiation for that figure, all you have to do is take a look at what is being recommended in the House and recommended in the Senate.

In effect, what the House is recommending is almost $100,000—it is about $98,000—and the same holds true in the Senate. So both bodies agree as to the total compensation. My amendment say that the entire $100,000 comes out of the U.S. Treasury—not part of it out of the Treasury and part of it out of the corporate treasuries.

Many of my colleagues say it is a good amendment but the figure is too high. It is no higher—perhaps by a thousand dollars—than what is already being proposed and probably what will pass on the floor of the Senate. It establishes the pay at $100,000, paid for by all the citizens of this Nation.

No. 2, it eliminates completely honoraria—no more honoraria. I am not here to intimate the impropriety of accepting honoraria. I want to make that point clear. Last year, I earned about $22,000; the year before that, about $32,000. I expect to exceed both those figures this year. So nobody is saying that anything wrong has happened. It is, however, a corruption waiting to happen.

We do ourselves the greatest honor, as we try once again to regain the credibility which this body should have, to do away with honoraria. The perception is just as important as the law. No honoraria.

Point No. 3, it delegates to the Senate Ethics Committee the responsibility of reviewing salary scales and making a final recommendation on what the salary of the Senate should be, once in the biennial.

This provision would not take hold until 3 years from now. The level of salary in the amendment will go through this Congress and the next Congress. At that stage, biennially, the Senate Ethics Committee shall take final action, by vote of the committee, on what the salary should be.

This gets around the constitutional problem we presently have, whereby an outside recommendation is made. Since it is an outside recommendation, it has to be brought into the Senate and voted on, or can be an should be voted on by the Senate itself.

The Ethics Committee is an entity of the Senate. There is no reason why committee action could not be final and indeed the Senate Ethics Committee is appointed by the leadership. Therefore, it would be possible for the leadership to appoint Members to it who are not up for reelection and, therefore, it does not become a demagogic issue within the Senate Ethics Committee.

Lastly, all of these provisions would become law upon enactment of this legislation, and that means if it were enacted tomorrow anyone who has any honoraria signed up that goes down the chute and the salary becomes effective tomorrow.

I do not know how to come at it in a more clean-cut way. There is no question in my mind that probably right now the proposition will attract few votes, with some saying the salary is too much and others saying, "I do not want to go ahead and give up my honoraria," none of which are particularly good reasons and all of which lend to the image that we cannot make up our minds on this or indeed any other issue and do it in a clean-cut way.

I remember several years ago sitting right here and offering a simple amendment to the establishment of the new Ethics Code of the U.S. Senate. In essence, my proposition rather than set up an Ethics Committee and the thousands of advisory opinions that have flowed therefrom and the confusion that exists as to what can or cannot be done, I said:

> Let every Senator make his income tax return public. Every Senator will file a statement of net worth, all assets and liabilities over $1,000. And then let our constituency decide what is ethical and unethical.

It only got a few votes. I can tell you right not it was not more than a couple weeks after we passed the ethics legislation when Senator after Senator came up and said, "My God, I wish we had gone ahead and voted for your proposition," having it all out there on the table in a simple way to avert this contortion that we go through in the sense of implying ethics to this body.

And I might add as to the financial reports that have come forth, there is no way anyone can completely understand them. They are general at best. They are not full disclosure.

What is needed is simplicity of solution. That is what is being offered here today.

The men and women I serve with and have served with in this body have nothing to apologize for, or to make jokes about or deride. They have come through the filtering process of this profession and gone right to the top as indeed a chief executive officer of a corporation has or the dean of a college or a university. These men and women are the finest there is in America in this profession, and they deserve to be paid on that basis.

Oh, I know the sort of locker room talk, you know, all politicians are corrupt, all politicians are inept, and all politicians are this, that, and the other thing. It is sort of fun to talk that way, except I remind those who do talk that way that this is a representative democracy so when people say that, we demean ourselves as a nation.

All politicians are not corrupt, and all politicians are not inept, and so on. What you see in this Chamber and the one across the way and in the town halls of our Nation and in the State legislatures is the finest, and it is the finest in the sense of men and women who are willing to sacrifice greatly in terms of resources and time to do something on behalf of someone else.

Mr. President, if a Member tries, as one of our former colleagues did, to take this whole profession into the gutter and says everyone does it, then believe me, it will also reflect the humanity that is in this Chamber. Maybe we are not the most honest. Maybe we are not the most caring. Maybe we are not the most sharing. Maybe we are not the most courageous in the world. But we think we are and so every day some portion of that comes true. If you wake up every morning saying everyone is corrupt and everyone is no good some portion of that comes true.

I am not naive. I am 52 years of age. I have been through all the chairs of this business, mayor, State legislator, Member of the House of Representatives, Member of the U.S. Senate. I know whereof I talk as to the quality of persons who serve, and it is no different than anything else in this world—you get what you pay for and the $100,000 is adequate, not overly adequate. It is adequate. It is commensurate with the quality of what sits in this Chamber.

How can anyone accept any portion of these salaries being paid by special interests? Now I move to honoraria. How can you do it?

We set up an Ethics Committee on one hand, and we agree to this type of arrangement on the other. That is not leadership. It is an invitation to disaster.

Counsel gives me the statistics that the average Senator earned 30 percent of his income in 1982 from honoraria, $25,800. One-quarter of the Senate earned between 36 and 67 percent of their income from honoraria in 1982. There was a 47-percent increase in honoraria earned by Senators between 1981 and 1982; in 1981 $1.6 million, and in 1982 $2.4 million.

Where do you think this is going to end?

I have already told you of my own experience. Two years ago I earned $32,000 in honoraria. Last year I earned $22,000 because I was in the middle of an election campaign. This year I will earn more than last year or the year before.

It is wrong. And the best way to get rid of the evil is to get rid of the perception of it.

Now, everyone thought we had a politically immune system set up when we had outside commissions make recommendations. Someone figured a way to get around that and make a political issue out of it for his own election purposes when it came to the floor. I am not saying you still cannot change the law, if we pass this. That is perfectly possible. You can go ahead and change it. But I at least tried to cut down the logistical gap which permits for political demagoguery on the issue and to put a system into place which should work smoothly, fairly, and constitutionally.

I have little else to say on this subject. I am well aware that probably the votes are not here. I will tell you why they are not here. It is the fact for some reason or another we care to come at this in little bits and pieces. You know cowards die a 1,000 deaths; the brave only one. And believe me we have died a 1,000 deaths, I do not know how many times, on this floor in the past year on this issue.

Let us bite the bullet. Let us get to what needs to be done. I have no apologies for myself or my 99 colleagues. This is quality here. This is class out here. This is courage out here. There is nothing to be ashamed of. I might add the same holds true for those who serve with us in terms of our staff.

Now, do we want the U.S. Senate, a group of millionaires, or on the other side those who are being paid by honoraria. Is that what you want? That is what we are getting. Do you want to know why 25 percent of the voters is now a majority to elect a U.S. Senator, on the average; 25 percent has now become a majority in the United

States to elect a U.S. Senator? Because nobody cares, nobody can relate.

I do not think we want a Chamber of millionaires or those who are stuck at the trough of honoraria. There is a far better posture for all of us.

So I ask my colleagues to support the amendment. I am going to ask for the yeas and nays. I repeat for those who are not in this Chamber but listening on their squawk boxes, a straight $100,000 salary, no honoraria, salary levels to be reviewed biennially by the Senate Ethics Committee, that could not start until 1986, and committee action by the Senate Ethics Committee would be final, and whatever that recommendation, it would go into effect on the day of the vote by the committee.

I think if we do this we will hear no more of it. If we do not we not only will hear more of it today, we will be right back at this situation 6 months from now, 12 months from now, 12 months later.

Just because I seem to enjoy sticking my head in the cannon does not mean I expect that to happen for everybody else and, quite frankly, if I were running for election this year I would not be sticking it there. But there ought to be 33 people out here who can vote against this, but sooner or later 67 had better get together and make sense out of this pretzel of political posturing, and I think this amendment does just that.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold?

Mr. WEICKER. Yes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. RUDMAN. Mr. President, I just wish to speak very briefly on the amendment offered by the Senator from Connecticut.

I think that politically what he is doing, of course, is very difficult, very difficult for many people. But the fact is that what the Senator from Connecticut has pointed out is so true that in the long run this body will be dominated either by people of enormous personal wealth or by people of mediocre ability who will be willing to serve and subject their families to the financial deprivation that the salary now paid subjects most of us to who have no appreciable wealth.

I know that is very hard for many people to understand. But in talking to several Members of this body over the past week, it is rather interesting to note that on what seems to many of our constituents to be an adequate compensation—namely, $60,000 a year—that maintaining two homes, educating children, there are many Members of this body who have probably less than $15,000 a year of disposable income after maintaining a home in their home State, a home in this inflated real estate market here in the District, paying their fair share of Federal income taxes, and educating their children.

It seems to me, Mr. President, that if this situation is allowed to continue, it is this Nation that will suffer, because talent and drive and ability are not necessarily commensurate with one's net worth. It would be a shame if the thousands of able young people in this country, who aspire to serve in this body and in the other body, would find it in the near future impossible and still maintain any kind of a standard of life.

Mr. President, I do not think it is a question of paying Members of Congress what they are worth, because quite frankly I am intimately familiar with the personal backgrounds of a number of my colleagues and our colleagues in the other body. An enormous number of them have made enormous amounts of personal income because they are very talented in their professions, in business, and in a variety of ways. That is not the question. If you want to serve here in the U.S. Senate, it is a public service, and you ought to be able to serve and sacrifice.

All that one should ask for here is compensation that will enable that Member and his family to live a reasonably decent life. That is all anybody ought to ask. If people want to make a great deal of money, they ought not to run for the U.S. Senate. They ought to stay in private life.

The Senator from Connecticut is quite correct. Although I agree with many who say let each home State voter decide on the appropriations of honorariums, the fact of the matter is that our compensation should come from the citizens of this country, should be paid by the Treasurer of the United States.

I do not think we can pay lipservice privately in saying we are not paid what we ought to be paid, on the one hand, and then come out here and vote against this amendment. No doubt there are many people in New Hampshire that will not understand this vote. I will try to explain it to them as I understand it. If they do not understand, then I fail as a leader.

I will support the Senator from Connecticut because I think he is right.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Connecticut (Mr. Weicker). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. Armstrong) and the Senator from Maryland (Mr. Mathias) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. Armstrong) would vote "nay."

Mr. BYRD. I announce that the Senator from California (Mr. Cranston) and the Senator from Colorado (Mr. Hart) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. Sasser) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 6, nays 89, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—6

Goldwater
Murkowski
Rudman
Stafford
Stevens
Weicker

NAYS—89

Abdnor
Andrews
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Sarbanes
Simpson
Specter
Stennis
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Wilson
Zorinsky

NOT VOTING—5

Armstrong
Cranston
Hart
Mathias
Sasser

So Mr. Weicker's amendment (No. 1408) was rejected.

/OL
129
PT
12
JE
13
—
22
983
JMI

AMENDMENT NO. 1409

(Purpose: Relating to pay and receipt of honoraria by Senators)

Mr. JACKSON. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows:

The Senator from Washington (Mr. JACKSON) proposes an amendment numbered 1409.

Mr. JACKSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. .(a)(1) Notwithstanding any other provision of law, the annual rate of pay for a United States Senator shall be $80,100, and the annual rate of pay for the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall be $90,100.

(2) The provisions of this subsection shall take effect on the first day of the first calendar month which begins after the date of enactment of this section.

(b)(1) Notwithstanding any other provision of law, no United States Senator shall accept any honorarium.

(2) For purposes of this subsection, the term—

(A) "honorarium" means a payment of money or anything of value to a United States Senator for an appearance, speech, or article, by such Senator.

(3) The provisions of this subsection shall take effect upon the date of enactment of this Act.

(4) Nothing in this section shall prohibit the receipt of actual and necessary travel expenses by Members of the Senate, including transportation costs and the cost of meals and lodging while away from the metropolitan area of Washington, District of Columbia.

(c) During the period which begins on September 1, and ends with the close of September 15, of each even-numbered year, commencing with the year 1986, the Select Committee on Ethics of the Senate shall submit to the Senate a report on the matter of the annual rate of pay for United States Senators, which report shall specify the annual rate of pay for United States Senators. The annual pay rate for United States Senators so specified by such Select Committee in its report to the Senate shall take effect immediately, and shall remain in effect until a different rate of pay is fixed by such Select Committee pursuant to this subsection or a different rate of pay is otherwise established by law.

(d) Notwithstanding the provisions of section 225 of the Federal Salary Act of 1967, the salaries of United States Senators, and the salaries of the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall not, after the date of enactment of this section, be subject to adjustment under the provisions of such Act.

(e) The provisions of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall not, after the date of enactment of this section, be applied to adjust the salaries of United States Senators, or of the President pro tempore of the Senate, or the Majority or Minority Leaders of the Senate.

(f) Any honorarium paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purposes of subsection (b).

Mr. JACKSON. Mr. President, this is a very plain, simple, straightforward amendment. What it does is this: it gives to Members of the Senate and the House the same salary that is now received by Members of the Cabinet, $80,100. No honoraria would be permitted under this amendment.

My colleagues may recall that a Member of the President's Cabinet, by Executive order and regulation, is not permitted to receive any honoraria. What we are doing here is giving Members of Congress parity with the executive branch. It used to be that way some time ago.

I might say, Mr. President, should my colleagues be unaware, the salary scales currently in effect for the judiciary and for the Vice President are as follows: Federal district judges get $73,100; judges of the courts of appeals get $77,300; Associate Justices of the Supreme Court get $96,700; the Chief Justice gets $100,700 and the Vice President gets $91,000.

So I must say that, addressing this question that we now have before us on the basis of equality and laying down conditions that are similar, I believe it is the equitable and fair approach. I urge my colleagues to vote for this amendment which places the House and the Senate on a more equal basis with the judicial and executive branches both as to salary and as to the honorarium problem.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I will discuss this later, but I think there is a difference between Members of the Cabinet and elected Members of the Senate. I do not quarrel about their pay. I am not in a position to. But it does seem to me that we still have not addressed the general question, and that is whether Members of the Congress somehow are influenced because they make speeches and may receive honoraria on the one hand and the same Members of Congress may accept millions of dollars in campaign contributions from the same interest groups and not be influenced.

That is hard to reconcile. And so it would seem to this Senator that before we start casting stones on some of our colleagues who might be accepting honoraria for speaking, we ought to examine the whole campaign contribution law. If we can reform that law, then we also ought to reform everything else. What we ought to do is come back and undo what we did the other day which now puts us in a lower pay position than the House on both the pay and the honoraria that we might receive in the Senate. We ended up with the worst of both worlds. It is my hope that we might set that aside and have the leadership on both sides, plus two or three Members on each side, try to work out some reasonable program that would address not only pay but campaign contributions and submit it to the Senate for a vote in 30 to 60 days.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Washington. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EXON (when his name was called). Present.

Mr. ZORINSKY (when his name was called). Present.

Mr. BAKER. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Colorado (Mr. HART) are absent on official business.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 9, nays 84, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—9

Chiles
Goldwater
Gorton
Jackson
Kennedy
Lautenberg
Rudman
Stafford
Weicker

NAYS—84

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Ford
Garn
Glenn
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Kasten
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Sarbanes
Simpson
Specter
Stennis
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Wilson

ANSWERED "PRESENT"—2

Exon
Zorinsky

NOT VOTING—5

Cranston
Hart
Mathias
Sasser
Stevens

So Mr. JACKSON'S amendment (No. 1409) was rejected.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRESSLER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

Mr. BAKER. Mr. President, Senators who may hear these remarks in their offices should know that shortly there will be an amendment offered, I anticipate, by the distinguished Senator from Washington dealing with pay and honorariums as an amendment to the supplemental appropriations bill. I believe that I am not exceeding my authority to say that it will be offered by the Senator from Washington on behalf of the joint leadership.

Mr. JACKSON. Mr. President, the majority leader is correct.

Mr. BAKER. Now, Mr. President, let me say to Members that this is an issue that has plagued the Senate, I suspect, since the day the Republic was founded, and I have no illusions about this being the last word we are ever going to speak on this subject. Until we can make a change in the institutional arrangements for establishment of pay for Members, it will always be difficult and there will always be differences of opinion on how we should proceed. It will always be a sensitive and delicate issue for us to deal with because in the final analysis setting our own pay is an unpleasant chore and a constitutionally mandated conflict of interest of sorts, but still it is a constitutional provision and we have to do it.

Now, Mr. President, this amendment will come with the supplemental appropriations bill, and I hope that it will take care of this issue for a while. I will support the amendment that is about to be offered by the Senator from Washington. It will be made to what we have come to call Jackson 1, that is, the first amendment offered by Senator JACKSON to the supplemental appropriations bill a few days ago, and that in effect is to put the House and the Senate on the same level on pay scale and to impose an honorarium limitation of 30 percent but provide that that 30-percent limitation would take effect on January 1, 1984, instead of during this year.

That appears to be a highly desirable variation simply because many Members have already made commitments that they wish to keep, should keep and should be permitted to keep, not knowing that this limitation would be in effect during the course of this calendar year.

Now, once again, Mr. President, this is not a perfect solution. It is perhaps not even a solution that I would personally prefer, but it is my opinion that this is the best we can do. It is also my opinion that this is what we ought to do to resolve this issue at this time and get on with the country's business.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. Yes; I yield.

Mr. BYRD. Mr. President, I associate myself with the remarks of the majority leader. The unpleasant duty of enacting our own compensation was placed upon us by the Founding Fathers. The majority leader and I were talking about the Founding Fathers this morning. But in the Constitution it says "compensation to be ascertained by law." When it says "by law," that means Congress has to take the action. It is not something that I relish supporting or voting for; I have an unemployment rate in my State of 19 percent, which has come down from 20 percent, but this amendment, supported by the Republican and Democratic leadership is the only way to approach this matter. I speak from my own personal viewpoint and I do not find any fault with any Senator who disagrees, because every Senator has different circumstances and different situations to consider. Fortunately, I was able to put my two daughters through school back when the costs were not so great.

I do have five grandchildren, and I want to see them through college. So I do have an empathy with Senators who feel that a cap on the honoraria is going to put them into very difficult situations. My grandchildren will pay a very, very much higher cost for a college education than did my two daughters.

I have joined in supporting this amendment. We have canvassed the membership on my side of the aisle time and time again, and the majority leader has done the same on his side of the aisle.

It is an issue that is not going to go away. I say that in view of the fact, especially, that the press has for quite some time had a good deal to say about excessive honoraria. The honoraria that is being earned, in some cases, is in considerable excess of what the situation was just a few years back.

I do not criticize any Senator for accepting honoraria. I feel that he does what he thinks he needs to do. That is his business. But I do feel that it is vitally important that a cap be placed on the honoraria. It is for that reason, in the main, that I support this amendment.

The two Houses are not together with respect to the salaries of the Members. I have read enough of the history of the Senate to know that this is not the first time such a differential has occurred. There was a time when Senators received $3 a day and House Members $2 a day, and that was forced upon the House by the Senate; but the Senate was soon forced to back off.

I think this issue of excessive honoraria is going to continue to be criticized and the press and the people are going to continue to be concerned about it. If we attempt to put it off to another day, I believe we are simply prolonging the agony. The criticism will grow.

For these reasons and others, I support the amendment. It does have the joint support of the leadership of the two parties, and I feel it incumbent upon me to state my position for the benefit of my colleagues on my side of the aisle. If it is not done in this bill, there will be continuing efforts to adopt this type of amendment in other appropriations bills, and I think we should get on with a resolution of the matter now.

I yield the floor.

AMENDMENT NO. 1410

(Purpose: To equalize the pay for and place limitations on honoraria of Members of Congress beginning January 1, 1984)

Mr. JACKSON. Mr. President, I have an amendment at the desk which I call up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Washington (Mr. JACKSON), for himself, Mr. BAKER, and Mr. BYRD, proposes an amendment numbered 1410.

Mr. JACKSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, after line 3, insert the following new section:

SEC. . (a) For the purposes of this section—

(1) "charitable organization" means an organization described in section 170(c) of the Internal Revenue Code of 1954;

(2) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed;

(3) "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Represent-

atives, or the Resident Commissioner from Puerto Rico; and

(4) "travel expenses" means, with respect to a Member, and spouse or an aide the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(b)(1) Notwithstanding any other provision of law, except as provided in paragraph (2), on and after January 1, 1984, a Member shall not accept honoraria which are attributable to any calendar year and total more than the amount that is equal to 30 percent of the aggregate salary paid to such Member for service as a Member during such calendar year.

(2) An individual who becomes a Member on a date after the first day of a calendar year shall not accept honoraria which are attributable to the remaining portion of that calendar year on and after the date such individual becomes a Member and total more than the amount that is equal to 30 percent of the aggregate salary paid to the Member for service as a Member during such calendar year.

(3) For the purposes of this subsection, an honorarium shall be attributable to the period or calendar year in which payment is received.

(c) Any honorarium, or any part thereof, paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purposes of subsection (b).

(d) Notwithstanding any other provision of law, in the case of a Member who is serving in the office or position of Senator, President pro tempore of the Senate, Majority Leader of the Senate, or Minority Leader of the Senate during a calendar year, the annual rate of pay that is paid to such Member for such service shall not be less than the annual rate of pay payable for such position on December 17, 1982, increased by 15 percent and rounded in accordance with section 5318 of title 5, United States Code.

(e) The Commission on Executive, Legislative, and Judicial Salaries shall include in the first report required to be submitted by it after the date of the enactment of this Act a recommendation for an appropriate salary for Members, which recommendation shall assume a prohibition on the receipt of honoraria by Members.

(f) Subsection (d) of this section shall take effect with respect to service as a Member performed on or after July 1, 1983.

Mr. JACKSON. Mr. President, I express my appreciation to the joint leadership in joining in this amendment—Senator BAKER and Senator BYRD. I believe it is a sensible compromise. It is not necessarily what I would like to have.

As we try to find a solution on a problem as sensitive and as delicate and as difficult as this one, we are not going to get a simple majority by taking a rigid position. I think we have taken a sensible position.

Basically, this amendment provides two things: First, comparability with the House will occur on pay on July 1. Senate pay will be the same as the House as of that date.

Second, a 30-percent cap on honoraria will take effect on January 1, 1984. I believe this is a sensible compromise.

The amendment I offered previously stipulated that the cap on honoraria would occur on July 1. We have extended it to January 1.

I may say that not only the joint leadership supports this amendment, but also Common Cause—I have talked with them—and they support this compromise amendment.

I appeal to my colleagues on both sides of the aisle, as the leaders have demonstrated their desire to obtain a solution, to support the amendment that is now before the Senate.

I yield the floor.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, will the Senator withhold that?

Mr. BAKER. I withhold that suggestion.

Mr. STENNIS. Mr. President, this is a subject that has concerned me to some degree since I have been here. I have been more and more concerned that it has become a matter we have to go through all the time. I think the people are stirred up about it, concerned about it. They do not know just what interpretation to put on it.

When my children were in college, I regularly made some speeches to get the benefit of the honoraria I needed. I know that others coming along have the same situation. At the same time, I do not impugn any bad faith to any Member.

The matter should be settled. I have decided that we should come to something firm. I have gradually reached the conclusion that some kind of compromise was the only way to get it done, and I commend our leaders for joining in this effort.

I commend the Senator from Washington again for what he has done about it. He took the lead and worked hard and has gone to a lot of trouble. I told him 2 or 3 weeks ago that I would change my vote if he could get an equal amount for each Member of the House and the Senate and a cap on the honoraria—the same for each House. That is something people understand.

There is a matter of equality in it, a certain amount of fairness, and it meets the situation better, as I see it, than anything else. I wish it could be put just that way, as a final settlement of the matter.

I have decided that for this matter to become settled, we will have to have a commission of competent people to set up a suggested level of salary and such additional allowances, if any, that they might recommend, and then the final responsibility should come back to the membership to say yes or no.

So, in this spirit of compromise, with an effort to get this matter settled, to get it settled before the people, I have changed my position and I am going to vote for this amendment. Again, I thank those who have worked on it.

I yield the floor.

The PRESIDING OFFICER. Does the majority leader wish to persist in his quorum call?

Mr. TOWER. Mr. President, I had hoped that the Senator from Washington State would be in the Chamber during consideration of this.

Mr. BYRD. May I state to the Senator that the Senator from Washington State has been here. He stopped to tell me he had to leave the Chamber for a couple minutes and wanted me to protect him if need be and he will be right back.

Mr. TOWER. I did have some questions to ask him.

I wish to just get that Senator's impression of why honoraria should be limited. In other words, that motivates us to limit honoraria or any other type of so-called earned income because I fail to fully appreciate or understand the distinction between earned and unearned income. I wish to ask the Senator from Washington State, if I may, why he does not apply this to any kind of outside income rather than just confine it to honoraria.

Mr. JACKSON. Mr. President, I must say that I question the constitutionality of a lid on unearned income.

Suppose a Senator has some Treasury bonds. Is he to be denied getting interest on those bonds? We are supposed to be patriotic and buy defense bonds. I just cite that as an illustration.

I think we get ourselves into a real, real problem. What we are trying to do is to make the rules equitable and fair, and I believe this is a sensible compromise. We have worked long and hard on it. The limitations on outside income which apply to the House, the judicial branch and the executive branch recognize the distinction between earned income and unearned or investment income. We are merely seeking to apply the same rules to the Senate.

Mr. TOWER. Again, I fail to see the constitutionality distinction between earned and unearned income.

Mr. JACKSON. What would the Senator do? What would a person be required to do with his unearned income? If he rents his house out, he would have to include the rental income in the ceiling. He would have to give up his property.

Now if you want to provide that a Member of the Senate cannot serve if he has certain assets—it would not affect me—but I wish to ask the Senator how would he handle it? You are going to say that you are ineligible to serve in the Senate if you own certain property?

Mr. TOWER. I still do not quite understand the stigma that attaches to honoraria.

Mr. JACKSON. Pardon me?

Mr. TOWER. Would the Senator explain the stigma that attaches to honoraria that does not attach to unearned income?

Mr. JACKSON. I think there is a serious problem when one accepts for himself or herself a payment that comes from people who have interests in legislation before this body, to be very blunt.

Mr. TOWER. What that suggests to me is that if the Senator collects, say, $2,000 for addressing the American Bankers Association he is more likely to be corrupted than if he owns bank stock that yields him a dividend of, say, $50,000 a year. Would we not be somewhat better in the public eye if we applied this to all income because there are Senators here who derive a great deal of income from sources that are either partially or wholly federally funded or partially or wholly federally regulated?

Mr. JACKSON. Let me say to the Senator, as chairman of the Armed Services Committee, he knows that we require persons serving in the Defense Department to dispose of the income producing property, where there is a conflict of interest, do we not?

Mr. TOWER. That is true, but we do not require it of members of the Armed Services Committee.

Mr. JACKSON. I agree. If the Senator wants, I will support him in a conflict of interest amendment applying these conflict of interest rules to Member of Congress. If the Senator is willing, I will join him. That has never been done and, as the Senator knows. A member of the President's Cabinet cannot get any honoraria——

Mr. TOWER. I understand that.

Mr. JACKSON [continuing]. Because there are provisions in Executive orders, regulations and even the criminal code that are really rough on the executive branch. It would be a violation of Federal law if honoraria were received from someone who they do business with.

Now, we do business in Congress with everyone. If the Senator wants to apply the conflict of interest statute that now applies to members of the Cabinet and all Presidential appointees by Executive order to the Congress we can, but we have not gone that far.

Mr. TOWER. What if we required all Members of the Senate to put all of their assets that yield income in a blind trust?

Mr. JACKSON. I think the blind trust is a great fiction. It gives the impression that somehow you divorce yourself from reality.

Would you require that those who have a blind trust give the income from the trust away in order not to have outside income in excess of 30 percent of the Senate salary. How would the Senator handle it?

Mr. TOWER. How about another approach? How about applying this limitation to all income that is derived from any source that is either partially or fully federally subsidized or funded or any source that is federally regulated? Would that not then make us purer than pure and like Caesar's wife? Why is it that a Senator who collects a small honoraria from a trade or professional association is more suspect than a Senator who derives a great deal of income from an organization that belongs to that trade or professional association? I do not quite see the distinction.

Mr. JACKSON. Let me say to the Senator if I had my way the salaries would be up at a proper level like we tried to do in the other branches of Government and no honoraria would be permitted.

I made a decision 30 years ago not to accept honoraria for personal use. I have never talked about it in this Chamber. I made that personal decision.

I do not dispute the right of others in conscience to go another way. That is why I am supporting this compromise.

But I do think there is a fundamental problem when the income from honoraria exceeds the official salary of a Senator. That is not consistent with the job we hold.

That is all I am saying.

Mr. TOWER. What if the income from, say, stock in a corporation that is regulated by acts of Congress exceeds that of the Senator's salary?

Mr. JACKSON. I think you raise the fundamental question of applying the conflict of interest statute that you do and I do on the Armed Service Committee to all the appointees of the Department of Defense.

I am willing, and I would be delighted to support an amendment to the conflict of interest statute making it applicable directly to Members of the Senate.

Mr. TOWER. I had thought about offering one.

Mr. JACKSON. I will join the Senator in that if he wishes.

Mr. TOWER. I thought about offering an amendment to the amendment of the Senator from Washington. I think I will consider the prospect of offering a freestanding amendment. I will not try to clutter up the amendment of the Senator from Washington because I know are a number of Members who want a straight vote on the proposition advanced by the Senator from Washington.

Mr. JACKSON. I appreciate it.

Mr. TOWER. The Senator from Washington is one of the most honorable men in this body, and may I add in this colloquy that I do not question any motives of Senator JACKSON who has been my longtime friend and colleague and a great patriot.

Mr. JACKSON. I thank the Senator from Texas.

Mr. TOWER. I get, I must confess, a little tired of what I conceive as a double standard of morality around here and that is if you are wealthy, if you have had time to accumulate something in this world before you came to the Senate, if you came from the business community, you can derive as much income as you want from sources that are for the most part federally regulated and sources whose financial fortunes are influenced by what the Senate does.

Yet, somehow, some kind of stigma is attached to a small fee for speaking to a trade or professional association.

I, personally, do not understand the distinction. I still do not and will not regardless of what the action of the Senate is here today.

Mr. BAKER. Mr. President, have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. The Chair is informed they have not been ordered.

Mr. BAKER. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Washington.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I think that perhaps one thing we should do is require more meticulous reporting of unearned income.

I will say that honoraria income is meticulously reported and the precise amounts are reported, but income that comes from other sources is only reported in a very general way without specific amounts, and I think that if we are going to impose this limit, to be entirely consistent, we ought to provide for much more detailed reporting requirements from Members of unearned income so that there will be a more precise indication, just as there is now precise indication on honoraria income, for all other forms of income.

Mr. GARN. Mr. President, I suggest that absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

/OL
129
PT
12
JE
13
—
22
983
JMI

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WEICKER. Mr. President, earlier today——

The PRESIDING OFFICER. The Senator from Connecticut has the floor, and he cannot be heard. Let us have order in the Senate, please.

Mr. WEICKER. Mr. President, earlier today, I suggested that the body face up to the decision that has to be made and do it today. Obviously, it was not a very popular suggestion, only getting some six votes.

Now, just so we have it written in stone as far as the future is concerned, I notice in this "compromise" that the cap on honoraria does not go into effect until January 1984, if I am correct.

I will wager anything with anybody inside or outside this Chamber that come January 1, 1984, there will not be any cap and we are just postponing the problem once again.

The reason I rise to make this statement is, I will vote against the compromise for that reason. I repeat that I think in terms of principle and dollars the decision ought to be made now, adequate pay given for the duties performed, and no perception and no possibility of impropriety through the honoraria route is concerned. I would far rather we had done our duty out here today and have this matter behind us. As it is now, it still sits out there in front, and I will repeat my prediction: The cap on honoraria will be nonexistent next year.

Mr. GARN. Mr. President, will the Senator yield for a question?

Mr. WEICKER. Yes; I will yield for a question.

Mr. GARN. I only ask the question out of consideration for some of our colleagues on both sides of the aisle.

The reason for putting that particular delay is, this is the third year the honorarium cap has been off. In 1981, 1982, and 1983, despite the press which many times says we did it quietly, there were four record votes on the issue over those 2 years, and this came as a surprise. People thought the issue had been settled on four different occasions.

There are some people who have made commitments—not this Senator as far as this year, but there are some great difficulties on both sides of people who have made commitments—one Senator has just purchased a home on the basis of a certain amount of income.

I hope the Senator will realize that the delay until January 1 might let people go on the assumption they started this year to give a little planning time for some of them, and that is the reason for that particular request.

Mr. WEICKER. In response to the point the Senator raises, which is a valid one, that is why the amendment I proposed this morning, both the increase in pay to $100,000 and the prohibition on honoraria, came into play immediately upon enactment of that law. Therefore, whatever they lost in terms of honoraria commitments they could not make, they would have picked up on the salary side, at least to some degree.

What bothers me is, I know that come January 1984, everybody is going to be agonizing all over this floor again. I was just hoping today we could put the matter to rest, and I think if we put it to rest in that fashion, this would result in there not being any criticism. As it is, believe me, the point I brought to the attention of my colleagues is not going to be missed out there with the public.

Mr. GARN. The Senator is correct. All he needed were 47 more votes.

Mr. WEICKER. I admit it, from the time I proposed it to the time I suffered my defeat, the votes were not there. But sometimes the numbers of the votes really have very little to do with the rectitude of legislation.

WITHHOLDING TAX ON INTEREST AND DIVIDENDS

Mr. DOLE. Mr. President, while we are waiting, I am willing to speak without any charge about another matter that is going to be coming up later this afternoon, and that is the action on withholding.

I guess we could probably dispose of that rather quickly. As far as I know, there will be a vote on the committee amendment and then, hopefully, there will not be any amendments offered if that is accepted, and then a vote on final passage.

I know a number of Members who have longtime commitments, some even out of the country. So I would say that, as soon as we can dispose of this, we will move on very quickly to repeal withholding. I even have a letter from the American Bankers Association supporting our compromise position.

I have thought about hiring their PR firm to handle this honoraria problem. I think they could probably take care of it.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1410 of the Senator from Washington. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER (Mr. WARNER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—49

Andrews
Baker
Bentsen
Bingaman
Burdick
Byrd
Chafee
Chiles
D'Amato
DeConcini
Denton
Dole
Durenberger
Eagleton
Garn
Glenn
Goldwater
Gorton
Hatch
Hatfield
Hawkins
Jackson
Kassebaum
Kennedy
Lautenberg
Laxalt
Long
Lugar
Mathias
Matsunaga
Melcher
Metzenbaum
Moynihan
Murkowski
Packwood
Percy
Quayle
Randolph
Roth
Rudman
Sarbanes
Stafford
Stennis
Stevens
Thurmond
Tower
Trible
Tsongas
Wallop

NAYS—47

Abdnor
Armstrong
Baucus
Biden
Boren
Boschwitz
Bradley
Bumpers
Cochran
Cohen
Danforth
Dixon
Dodd
Domenici
East
Exon
Ford
Grassley
Hecht
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Jepsen
Johnston
Kasten
Leahy
Levin
Mattingly
McClure
Mitchell
Nickles
Nunn
Pell
Pressler
Proxmire
Pryor
Riegle
Simpson
Specter
Symms
Warner
Weicker
Wilson
Zorinsky

NOT VOTING—4

Cranston
Hart
Inouye
Sasser

So Mr. JACKSON's amendment (No. 1410) was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER and Mr. JACKSON addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, there are no amendments in order now—I am sorry. There is another step to be taken. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I move to recommit H.R. 3069 with instructions to report back forthwith containing all amendments thus far adopted with the exception of amendment No. 1330.

Amendment No. 1330 was the amendment that was adopted which put a 30-percent ceiling on all honoraria. There is no need for the amendment, and it should not be included in the bill lest there be confusion in the conference. I was the author of that amendment. The amendment is included in effect in the amendment that was just adopted. It is the 30-percent provision.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Now, Mr. President, I report the bill back to the Senate.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HATFIELD. Third reading.

The PRESIDING OFFICER. There are no amendments after third reading.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 1411

(Purpose: To clarify treatment of honoraria paid on behalf of a Member to a charitable organization)

Mr. DOLE. Mr. President, I have a technical amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 1411.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, immediately before line 4, insert the following:

(a) Subsection (b) of Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i(b)) is amended to read as follows:

(b) Any honorarium, or any part thereof, paid by or on behalf of an elected or appointed officer or employee of any branch of the Federal Government to a charitable organization shall be deemed not to be accepted for the purposes of this section.

Mr. DOLE. Mr. President, the amendment of the Senator from Washington provides, very properly, that honorarium paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purpose of the honoraria cap. A little history and clarification may be in order on this.

The Senator from Kansas was concerned about this area a few years ago, and offered an amendment which was adopted by the Congress that if an honorarium paid to a person is paid instead at his request to a charitable organization, it is not honoraria for purposes of the pay cap—but only if the Member provided a list of five or more charitable organizations to the payor, and the payor was allowed to select from among those five organizations.

Experience has shown that there is really no good reason why we have to go through the facade of selecting five charities. Furthermore, since we would be entitled to take a charitable contribution for this up to the limits found in section 170 of the Internal Revenue Code—we also have to declare it as income—problems in substantiation would arise if the sponsoring organization did not make clear the designee. The Senator from Washington has addressed this by simply leaving out reference to the "pick five charities" scenario.

By amending section 323 of the Federal Election Campaign Act of 1971 so that it tracks with the language used by the Senator from Washington, it will be clear that the "five charity" scheme is no longer required, either for Members, or for all those covered by the campaign act.

Mr. JACKSON. Mr. President, may I say that I support the amendment. It is purely a technical amendment and what is required at the present time is not at all necessary. This amendment relates to the question of making a charitable donation of an honorarium without having to go through a list of five designees from which the charity would have to be selected.

Mr. HATFIELD. Mr. President, the committee supports the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

Mr. HATFIELD. The amendment has been discussed and described. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1411) was agreed to.

Mr. BAKER. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, I intended to offer an amendment concerning unearned income, and solely at the request of the majority leader and my respect for him I will not. But I want this Chamber to know that it will be offered another day on another bill. We have never seen the Senate at its worst than we have in the last week. Senators so concerned about their own individual positions in their own States that they are not willing to let us be judged by our own colleagues. The whole procedure is incredibly offensive to me and brings discredit on this body for the way we have acted. There is a great double standard.

I repeat, I only voted for this compromise for one reason only—because the majority leader asked me to. It is not proper, and it is out of personal friendship and respect for his leadership that I do not offer this amendment. But we will discuss unearned income another day, and the rich boys will have an opportunity to see if they want to limit their income as they have imposed on us who were not fortunate enough to either inherit great wealth or have businesses before we came here.

Mr. TOWER. Will the Senator yield?

Mr. GARN. I would be happy to yield.

Mr. TOWER. I had intended to offer an amendment, and at the behest of the leadership I will not, but I join my distinguished friend from Utah in saying that this matter of unearned income will come up again. We have established a double standard, one that holds, I guess, that wealthy men are incorruptible but those of modest means are very corruptible, indeed.

Now, that is precisely what we said in the way we have legislated. I believe the Senator from Utah has in mind perhaps limiting the income of all Senators in excess of 30 percent of their salary. That seems eminently fair. What is going to happen is that inflation is going to overtake what the Congress is institutionally capable of doing to keep their income at a rate that will prevent serious attrition on their income to sustain themselves. I hope that we will at some point have the nerve to deal with this matter honestly. I do not suspect that will be in the near future, but in fact what we must remember is that Members of this body have lost purchasing power over the years, not gained it but lost it. We actually had more purchasing power when we were making $27,500 than now.

We are fast becoming a body in which only the very affluent can serve. Is that what the American people want? I say we should have affluent people in the Congress of the United States, but we should have those that come out of professions like teaching or the clerical profession or any other, where the remuneration is not great and there has been no opportunity to accumulate wealth if we are to have a balanced body. We are going in the direction of a Congress of wealthy men.

Mr. JACKSON. Mr. President, several Senators have asked me questions personally involving matters of interpretation concerning my amendment on pay and honoraria. In an effort to clarify the intended purpose and effect of my amendment I would like to made a few additional remarks.

First let me say that my amendment, if it becomes law, will exist side by side with provisions of the Federal Election Act relating to honoraria. As I understand it, the principal remaining provision of the Federal Election Campaign Act relating to honoraria is the $2,000 per appearance limitation. That limitation and exceptions for honoraria donated in whole or in part to qualified charitable organizations would continue to exist. I would point out that for the purposes of my amendment there is a separate section which provides that honoraria donated by or in behalf of a Member to a qualified charitable organization do not count toward the overall cap on the aggregate amount of honoraria established by my amendment. Under my amendment honoraria donated by or on behalf of a Member to a qualified charity pursuant to the terms of my amendment would not count toward the cap regardless of whether they may be deemed accepted by the Member for purposes of the Federal Election Campaign Act because the Member did not follow the procedure described in 2 U.S.C. 441i(b) of providing the donor with a list of five charities from which the donee charity may be selected. An honoraria might be "accepted" for purposes of the Federal election law because the list of five procedure was not followed but it would not count toward the aggregate cap on honoraria in my amendment because of the specific language of subsection (c) of my amendment which states that honoraria donated by or on behalf of a Member to a qualified charity are not "accepted" for purposes of the aggregate cap. The definition of "accepted" in the Federal election law simply does not apply to my amendment but it would continue to exist and apply to the Federal election law provisions.

I would note that if the Conference Committee accepts Senator DOLE's technical amendment, the procedure described in 2 U.S.C. 441i(b) would be modified so that honoraria would be deemed not accepted if they ultimately were donated to a qualified charity. There would no longer be the requirement that the recipient provide the donor with a list of five charities from which the ultimate donee may be selected by the payor of the honorarium.

Second, let me say that because my amendment does not incorporate any penalty provisions I think that the issue of enforcement of the limitation on honoraria by an executive branch agency is moot. It is my intent that each body—the Senate and the House—would each enforce the provisions of my amendment through their own internal mechanisms.

I understand that Senate Resolution 338, 88th Congress provides at section 2 certain duties to the Select Committee on Ethics, including at subsection (a)(3) the duty to recommend to the Senate by report or resolution such additional rules or regulations as the select committee shall determine shall be necessary or desirable to assure proper standards of conduct by Members of the Senate and by officers or employees of the Senate in the performance of their duties and the discharge of their responsibilities. Senate Resolution 110, 95th Congress, which amended Senate Resolution 338 provided at section 206 that the select committee is authorized to issue interpretive rulings explaining and clarifying the application of any law, the code of official conduct, or any rule or regulation of the Senate within its jurisdiction.

I believe that these provisions would operate to give the Select Committee on Ethics authority to interpret and enforce the provisions of my amendment and to adopt any rules or regulations necessary to do so.

While I cannot say just how the Ethics Committee may interpret this amendment in any specific instance, I do want to make it clear that it is not my intent in proposing this amendment that there is any need to change the present honoraria regulations in any substantive way. They were promulgated by the Federal Election Commission in accordance with its understanding of the intent of Congress and that interpretation was upheld by Congress when it reviewed and approved those regulations. All of those subject to the current law have become familiar with the interpretations set forth in the present regulations and have become used to working within those guidelines. In view of these circumstances. I would expect that any regulations proposed by the Ethics Committee would be substantially the same as those in effect under current law.

Mr. HATFIELD. Third reading.

FEDERAL COAL EXCHANGES

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I have an explanation and colloquy I want to engage in. It will take about 3 or 4 minutes.

Mr. President, I am very concerned about several proposed Federal coal exchanges currently under review between the railroads and the United States through the Department of the Interior. These are land-grant railroads in the West, and the exchange of coal lands are to block up the alternate sections of coal lands owned by the railroads and the Federal Government. One of the exchanges is the so-called Meridian exchange which is in McCone County, Mont.

The question of Federal coal exchanges becomes a controversial issue that raises a number of legal questions as to whether such exchanges comply with existing Federal policies.

The crux of my concern is whether the Government should carry out exchanges of coal between railroads and the Department of the Interior. Section 2(c) of the Mineral Lands Leasing Act expressly prohibits railroads from acquiring Federal coal leases. While I realize that this section does not explicitly prohibit coal land exchanges with railroads, I believe that the intent of the section is very clear. As a matter of public policy, the Congress decided under 2(c) of the Minerals Lands Leasing Act that railroads would not be able to mine Federal coal.

The obvious reason is that it is public policy that the railroads be prohibited from both mining and selling coal and also transporting coal, because it makes for a monopoly that is contrary to the public interest and violates sound antitrust policies.

Mr. Coldiron, Solicitor of the Department of the Interior, has ruled that under section 206 of the Federal Land Policy and Management Act of 1976, the Secretary is authorized to dispose of coal, and title to the lands containing it, through exchange.

Mr. Coldiron tells me that the Department of the Interior will not move or make a decision on the Meridian Coal Exchange in Montana for several weeks. The reason is that they want to establish their own thinking on whether or not there should be restraints on whether, once the land is traded, the railroad could actually mine and sell the coal, in competition to coal companies. Under current law acquiring Federal coal leases is prevented by section 2(c). The swapping of coal lands can be seen as a way to get around that prohibition. The Union Pacific and Santa Fe railroads have similar swaps pending.

I believe it behooves Congress to take note of this action that is developing and to review what we think should be public policy on coal that is swapped to railroads.

I ask the chairman of the Committee on Energy and Natural Resources whether he feels that hearings might be in order for possible consideration of legislation that might develop at those hearings to establish policy to prevent railroads from gaining control of Federal coal in this way to mine and sell coal and transport it forming a monopoly harmful to competition.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. MELCHER. I am delighted to yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, the Senator from Montana has a justifiable concern with respect to the land and natural resources management decision that affects lands within his State.

The Senator correctly states that section 2(c) of the Mineral Leasing Act prohibits railroad companies or their wholly owned subsidiaries from bidding on Federal coal on either Federal lands or where they have a mineral interest. That question has been the subject of hearings and some preliminary deliberations by the Committee on Energy and Natural Resources last year, but we have not conducted any such hearings this year.

The issue of the exchange is not exactly the same, because FLPMA does permit, under its terms, the exchange of lands and mineral rights. Under current law, if that exchange were completed and the ownership of coal thus consolidated in the hands of a single owner, as the exchange would do, that coal could be mined, even though it was mined or owned by a railroad company or its wholly owned subsidiary.

So from my perspective, at least, I think the Department is certainly on sound ground so far as the legality is concerned. I believe that, from my standpoint at least, they are correct on the policy question. Section 2(c) does not directly affect it. So we do have a policy consideration which is wholly appropriate for Congress to address.

I think that if we can arrange the opportunity in a timely manner, the Senator is fully justified in bringing that to the attention of the Senate and to the attention of the Committee on Energy and Natural Resources. I will work with him in order to try to get that opportunity in a timely manner.

Mr. MELCHER. I thank my friend from Idaho, the chairman of the Committee on Energy and Natural Resources.

Mr. President, Congress does need to clarify its policy on Federal coal land exchanges. The Secretary of the Interior should impose conditions on patents which would prohibit railroad companies from mining the coal themselves. Instead, railroad companies could lease or sell coal to nonrailroad coal companies. The whole issue should be reviewed by Congress.

The granting of a large number of exchanges promotes a situation whereby western railroads are allowed to use their monopoly over transportation and their vast coal holdings to compete unfairly with other coal producers.

I believe having a series of committee oversight hearings on the land exchange issue would be beneficial at this time, prior to any action by the Secretary of the Interior on the pending coal land exchanges.

SUPPLEMENTAL APPROPRIATIONS, 1983

The Senate continued with the consideration of H.R. 3069.

Mr. DOMENICI. Mr. President, I commended the distinguished chairman of the Appropriations Committee (Mr. HATFIELD) when this fiscal year 1983 appropriations bill was reported by the committee.

As reported by the Senate Appropriations Committee, this bill provided $15.7 billion in new budget authority for fiscal year 1983. Outlays associated with the new budget authority in the bill were estimated to be $4.7 billion. Together with spending actions already taken for fiscal year 1983, this placed us $1.6 billion in budget authority and $0.1 billion in outlays above the total fiscal year 1983 spending ceilings, assuming enactment of the fiscal year 1984 first budget resolution passed by the Senate. I viewed this as an acceptable overage, due to the fact that the House-passed resolution contains higher fiscal year 1983 ceilings than that passed by the Senate. It was one that could be accommodated in the budget conference.

In the past days, however, a number of amendments have been approved by the Senate that would further increase total spending in fiscal year 1983 above the Senate-reported bill levels.

Mr. President, I will vote in favor of final pasage of this fiscal year 1983 appropriations measure today, but with reservations. It is my hope that in striking a conference agreement with the House on this measure, the Senate conferees will pay heed to the need to apply fiscal restraint and that the conference agreement will be more in line with the spending levels contained in the Senate-reported bill.

Mr. President, I ask unanimous consent that two tables showing the relationship of the Senate-reported bill, to House Concurrent Resolution 91, as passed by the Senate, and the President's budget request be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

H.R. 3069, FISCAL YEAR 1983 SUPPLEMENTAL AS REPORTED IN THE SENATE COMPARED TO H. CON. RES. 91, AS PASSED BY THE SENATE

[Spending totals in billions of dollars]

	Budget authority	Outlays
H. Con. Res. 91 as passed by the Senate	875.9	807.3
Current level consistent with assumptions and estimates in H. Con. Res. 91 as passed by the Senate	865.2	806.2
Amount remaining	10.8	1.1
H.R. 3069 as reported in the Senate	15.7	4.7
Less offsetting receipts affected by appropriation action	−2.3	−2.3
Less items already in current level	−1.2	−1.4
Plus entitlements not fully funded in reported bill	+0.2	+0.2
Total bill with adjustments	12.4	1.2
Amount over resolution assuming enactment of H.R. 3069 as reported in Senate	+1.6	+0.1
Amount remaining assuming enactment of H.R. 3069 as passed by the House	−7.9	−0.1
Senate-reported bill over (+) under (−) House-passed bill	+9.5	+0.2

Note.—Details may not add to totals due to rounding

H.R. 3069, FISCAL YEAR 1983 SUPPLEMENTAL AS REPORTED IN THE SENATE COMPARED TO H. CON. RES. 91, AS PASSED BY THE SENATE

[Credit totals in billions of dollars]

	New direct loan obligations	New loan guarantee commitments
H. Con. Res. 91 as passed by the Senate	55.4	94.5
Current level consistent with assumptions and estimate in H. Con. Res. 91 as passed by the Senate	54.1	94.6
Amount current level over (+) under (−) H. Con. Res. 91	−1.3	+0.1
H.R. 3069 as reported in the Senate	0.9	5.1
Amount over (+) under (−) resolution assuming enactment of H.R. 3069 as reported in the Senate	−0.4	+5.2
Amount over (+) under (−) resolution assuming enactment of H.R. 3069 as passed by the House	−1.0	+0.2
Senate-reported bill over (+) under (−) House-passed bill	+0.6	+5.0

Note.—Details may not add to totals due to rounding

ROCKY MOUNTAIN LAB

Mr. BAUCUS. Mr. President, the committee report for this supplemental appropriations bill includes language that directs the National Institutes of Health to continue funding research at the Rocky Mountain Laboratory in Hamilton, Mont. I asked the committee to include this language because the President's private-sector survey on cost control, also known as the Grace Commission, has made a preliminary recommendation that the lab should be closed.

I completely disagree with that recommendation.

The Rocky Mountain Lab has been an important biomedical research facility for many years. The cause of Rocky Mountain spotted fever was discovered there after years of research, for instance. However, the lab is not resting on its laurels. Important research breakthroughs have been made recently in diseases like lyme disease, an inflammatory arthritis that afflicts many Americans, especially during the summer months.

In addition, the National Institute of Allergy and Infectious Diseases

(NIAID) has recently announced that the new push to research acquired immune deficiency syndrome, or AIDS, will be centered at the Rocky Mountain Laboratory. This move clearly contradicts the conclusion reached by the Grace Commission evaluators that NIAID considers the lab an inferior facility.

Mr. President, one thing about the Grace Commission's report particularly bothered me: the assumption that quality scientific research can only be done in large urban areas. The record of the Rocky Mountain Lab during this century contradicts that assumption. And with recent developments in computers and communication technologies, it is clear that remote scientific laboratories are more practical every day.

I have discussed this situation with Dr. Richard Krause, the director of NIAID. He has assured me that he fully supports the continued operation of the Rocky Mountain Laboratory, and he has provided evidence that contradicts both the negative evaluation of the lab and the estimated savings to the Government of closing it.

My staff also met with staff of the Grace Commission to discuss their recommendations. I do believe that the commission is acting in good faith to help the administration find ways to improve Federal operations and save money. But I also believe that in this case the commission's evaluation and recommendation is wrong, and I have urged commission members to reconsider this recommendation.

Mr. President, I ask unanimous consent that the letter sent by me and my distinguished colleague Representative PAT WILLIAMS be printed in the RECORD.

I have received letters from distinguished scientists and researchers from around the country in support of the important work being done now at the Rocky Mountain Lab. I ask unanimous consent that the following letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 6, 1983.

Mr. J. PETER GRACE,
Chairman, Executive Committee, President's Private Sector Survey on Cost Control in the Federal Government, Washington, D.C.

DEAR MR. GRACE: We disagree with the recommendation made by the HCFA and PHS Task Force of the President's Private Sector Survey to close the Rocky Mountain Laboratory in Hamilton, Montana.

We are particularly offended by the assumption made by the Task Force that scientific research should be restricted to large urban areas, or "centers of excellence operating in close concert with academia or like private sector endeavors." In fact, current trends nationwide indicate that facilities like the Rocky Mountain Lab are becoming more practical and more feasible all the time. With the development of nationwide computer networks, researchers at research centers and universities can communicate with each other almost instantaneously. Scientists at opposite ends of the country can collaborate on projects and papers without leaving their offices.

In the past five years, the federal government has made significant investments in the Rocky Mountain Laboratory to upgrade the facilities and personnel. Research efforts are expanding and continuing. This investment would be lost if the Laboratory were closed.

When doing a cost survey, we think you must also consider the costs of achieving savings from closing a facility. The economic impact on the Hamilton area from closing the Lab would be catastrophic. It would affect far more people than just the scientists who would lose their jobs or be relocated. While this may not be a factor considered by the Commission, it is certainly one that will be considered by Congress.

We ask that the Subcommittee reconsider the recommendation contained in the draft report. This center, "remote" though it may seem to analysts on the East Coast, is an important research center which produces and inspires important scientific research.

We will do everything in our power to keep funding intact for the Rocky Mountain Lab, because we believe that it is a worthwhile operation. If the Commission wants to suggest ways to improve the Lab and operate it more efficiently, we would welcome those recommendations. We hope we can work together on this matter.

Sincerely,
Congressman PAT WILLIAMS.
Senator MAX BAUCUS.

THE NATIONAL FOUNDATION FOR INFECTIOUS DISEASES,
Washington, D.C., May 19, 1983.

Hon. MAX BAUCUS
Hart Senate Office Building, Washington, D.C.

DEAR SENATOR BAUCUS: The National Foundation for Infectious diseases has received word of the recommendation of the Private Sector Task Force on Cost Control regarding the Rocky Mountain Laboratory (RML) in Hamilton, Montana. We take strong issue with a number of the Task Force findings on the following grounds:

1. The RML is well known in the scientific community for its contributions to infectious disease research including, of course, Rocky Mountain Spotted Fever. The Laboratory, because of its location—not in spite of its location—is an attractive place for many scientists who prefer it as a place to live and work.

2. Because of lower cost-of-living in Montana, it should be less costly for NIAID to attract personnel and promote research at RML.

3. Over recent years, the median age of scientists at the RML through retirements and new appointments has been lowered. An opportunity has been appropriately utilized for adding new talent and vigor to the scientific staff.

4. Isolation (quarantine) has always been a sensible precautionary measure in dealing with pathogenic agents. Since Fort Detrick has been converted to a cancer research center, the RML becomes proportionately more valuable as a national resource for infectious disease research.

We hope that the Task Force recommendation that RML be closed can be reconsidered. The Foundation stands ready to provide expert testimony through infectious disease experts from across the nation. We want to be constructive and hope that you will call on us.

Sincerely,
ROBERT F. ACKER,
Executive Director.

THE UNIVERSITY OF UTAH, COLLEGE OF MEDICINE, DEPARTMENT OF CELLULAR VIRAL AND MOLECULAR BIOLOGY,
Salt Lake City, Utah, May 11, 1983.

Senator MAX BAUCUS,
Federal Building, Helena, Mont.

DEAR SENATOR BAUCUS: I have recently learned that a subgroup of the President's Private Sector Survey on Cost Control had occasion to briefly visit the Rocky Mountain Lab (RML) of the National Institutes of Health, and as a result of that brief visit by two members of the survey group it was proposed the lab be closed. I have not read the original report of the subgroup, but I have read the NIH comments on the in report which were largely drafted by Dr. Kenneth Sell of NIAID. I find the conclusions of the Task Force members inaccurate, uninformed and unrealistic, (HHS-PHS8-2) I am in complete agreement with the NIH summary.

First, the RML has been reviewed in depth twice in the last four years. These reviews were conducted by knowledgeable biomedical scientists of international stature from Yale, Harvard, Cornell, Rockefeller Univ., Texas, Walter Reed, etc. Their conclusions and recommendation overlapped very little with those of the Task Force, and their perception of the research achievements of the senior staff (Drs. Chesebro, Swanson, Philip and Garon) and the reorganization of RML under Drs. Krause and Seil, was that RML should be commended and sustained.

The Task Force commented that RML would have difficulty in attracting and holding prominent scientists. This is clearly not true. The staff of well-established junior and senior scientists speaks for itself. We here at the University of Utah Medical School interact frequently and productively with the RML staff. The community of scholars interested in infectious diseases was well aware of the stellar work of a junior staff member at RML in solving the cause and epidemiology of Lyme arthritis.

The Task Force statement that there has been no substantial increase in the number of scientists at RML over the past five years is indeed sadly accurate. Over the past several years funding for biomedical research has suffered severe set backs. These restraints have affected RML and the entire biomedical community. This is despite major advances, or more accurately explosions, in the areas of biomedicine, bioengineering, genetics, etc. The United States has been without question the leader in these advances, but that advantage will quickly dwindle if we fail to recognize and support our important national strengths.

During my formative years I spent three years at NIH which was then a facility unique in the world. The staff of dedicated scientists was truly outstanding. Because of the recent withdrawal of solid consistent support, the staff at NIH is being severly eroded and in parallel the number of MD's seeking careers in research is down by 95 percent!

I urge you to take a strong rational approach to correct what I perceive as a disastrous government policy to diminish support for biomedical research a policy reflected in this recent proposal to close RML. This area of research has always been within the public sector and has, because of adequate support, maintained a position as world-leader. I would hate to see this position eroded and our unique fund of bright creative young scientists turned away.

Thank you very much for your attention.

Sincerely,
DONALD F. SUMMERS,
Professor and Chairman.

DEPARTMENT OF MEDICAL MICROBIOLOGY, STANFORD UNIVERSITY SCHOOL OF MEDICINE,
Stanford, Calif., June 7, 1983.

Senator MAX BAUCUS,
SH-706, Hart Office Building,
Washington, D.C.

DEAR SENATOR BAUCUS: I am writing you with regard to the President's Private Sector Survey on Cost Control; reference recommendation HHS-PHS 8-1, which suggests closure of the Rocky Mountain Laboratories (RML), a component of the National Institute of Allergy and Infectious Diseases, NIH. I believe that implementation of this recommendation would not be in the best interest of the nation. The RML has provided a nucleus of strong research effort for a variety of important health problems. There is no question that the RML is the major national health resource for research on tick-borne diseases. This was shown once again recently by the discovery of the Lyme arthritis agent by RML scientists. Moreover, during the past few years the scientific staff of the RML has grown considerably in its interest and international stature. The RML now conducts very strong research programs dealing with sexually-transmitted diseases, the slow viruses and their relation to neurological disorders, autoimmune diseases, and basic mechanisms of vital and bacterial infections of man and livestock.

It is important, I think, in considering the viabililty of the RML to consider the consequences of its closure on our national research efforts towards conquering infectious diseases. Modern medical research requires a multi-disciplinary approach towards unravelling a problem. One requires the concerted cooperation among bacterologists, virologists, physicians, epidemiologists, immunologists, biochemists and geneticists. The RML has this mixture of expertise and they can effectively approach a number of research problems on several fronts simultaneously. If you disband this group of investigators, it cannot be easily duplicated. It seems unlikely to me that the Bethesda campus can accommodate so large a group of scientists at this time. Transfer of the Universities would be costly and I doubt very much if any single institution could accommodate the large number of experts that would be displaced by closing the RML. In essence then, years of investment would be lost. The research problems would remain. No suitable effective alternative would be provided.

I perceive the recommended closure of the RML as a highly disruptive action that would seriously hinder our national research effort towards understanding better the nature of infectious diseases, immunological disorders and the prevention of disease. I hope you will study this issue and come to believe, as I do, that the recommendation to close the RML is not in the best interest of the nation.

With every best wish,

Sincerly,
STANLEY FALKOW,
Professor and Chairman.

Mr. BAUCUS. I am grateful to my colleagues on the Senate Appropriations Committee for including the report language I requested. The Grace Commission recommendation is, of course, only a recommendation. The administration has not proposed any change in the status of the lab or its funding. However, this preliminary recommendation has had a profound effect on morale among scientists and other employees of the Rocky Mountain Lab, and has also caused much consternation in the community.

And, this preliminary recommendation threatens the ability of NAIAD to recruit top scientists to work at RML. One top professional from a major university had intended to come to RML next year but in light of what he perceives as RML's uncertain status, he has at least temporarily withdrawn.

I realize that this appears to be a small matter which only affects my State. But I think the basic assumption made by the commission, that a remote scientific facility is not viable, is of great national import. I think we in Congress should be more attentive to the pervasiveness of this assumption when funding national programs. The States that lie between the two coasts have a great deal to offer. We need not limit our pursuit of academic or scientific excellence to concentrated urban centers.

Again, Mr. President, I thank my colleagues on the committee for their assistance in this matter.

Mr. GRASSLEY. Mr. President, as with most appropriations bills, and specifically supplementals, there are some desirable elements and some not desirable, from the standpoints of necessity and fiscal restraint.

In the case of this supplemental, it is once again a budget-busting measure. Though it only modestly transgresses the Senate-passed budget ceiling for fiscal year 1983, it transgresses a ceiling which was already much too high and which I did not support. Furthermore, the manner in which that ceiling was established was hardly equitable.

Since the beginning of this year's budget process, and carried over from last year's process, I have argued for an across-the-board freeze of Federal spending. There are two compelling reasons why a spending freeze is desirable. First, only dramatic action by Congress will have the kind of impact on the budget that is necessary to correct its critical state. And second, such dramatic action can be achieved only if the Congress is willing to display the moral leadership necessary to win the support of the American people. And that moral leadership can only come from Congress demonstrated willingness to deal fairly with all elements of the budget.

Absent an across-the-board budget freeze, it is my belief that meaningful spending restraint cannot be accomplished, and that a budget resolution is more difficult to achieve. In such an event, Congress would continue to display timidity and lack of resolve.

Beyond the fiscal impact of this bill, Mr. President, there is a more fundamental reason to oppose it. It is the same reason why I have generally opposed supplemental bills throughout my political career. And that is the question of discipline.

As a member of the Budget Committee, my responsibility includes more than setting budget guidelines and seeking confinement to those parameters. It includes attempts to institute structural changes in the process of budgetmaking. My efforts on the Budget Committee have been to heighten the awareness of the importance of long-term consequences resulting from present-day decisions. The Budget Committee and the Congress must make better use of historical spending data which would give us better insight into what might be a more realistic estimate of the costs of Government programs. With more realistic estimates, a more disciplined yet flexible budget could be constructed, and there would be less of a need for supplemental bills, except in cases of true emergencies.

Finally, supplemental bills are a disincentive to budgetary discipline. As long as supplementals are the rule rather than the exception, the decisions we make during the budget process become meaningless.

The Congress needs to establish institutional disincentives to ignoring budget decisions and passing supplementals. For instance, recissions of equal dollar amounts could accompany emergency supplementals. It is a well-known fact in this town that bureaucratic pressure to spend money rather than save it is enormous. There is no reason why recissions cannot accompany supplementals.

Structural changes to the spending process can accomplish only so much of its desired goal. The real driving force behind disciplining the process is the will to do it. Without will, the best of intentions and reforms rarely bear fruit. My opposition to this bill and other supplementals is in the spirit of establishing a common will to invoke discipline in the budget process.

● Mrs. KASSEBAUM. Mr. President, a comparison of the Senate and House appropriations committee reports on H.R. 3069 shows that the House recommended a prohibition against any security assistance to Guatemala due to that Government's human rights violations. The Senate Appropriations Committee, on the other hand, while

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agreeing to the zero level recommended by the House for Guatemala, did not recommend prohibiting any of the ESF funds in the bill for that country. The Senate, therefore, would allow possible reprograming of these funds for Guatemala. As a member of the Foreign Relations Committee, I would like to speak to the decision of the Appropriations Committee.

I have not been supportive of military assistance to Guatemala. It has not been clear to what uses such aid would be put by repressive elements in the Government there. Indeed, I continue to have these concerns. Although the levels of violence in Guatemala have decreased dramatically, compared to last year, nevertheless killings, disappearances, torture, and other abuses continue, and the human rights situation cannot be considered to be acceptable.

At the same time, the Rios Montt government has taken important steps that may help to stimulate a political process in Guatemala and open avenues for orderly change. Among the most relevant are the following:

The creation of an independent and autonomous Electoral Tribunal, whose members have been chosen by the Supreme Court of Justice from a list of candidates provided by a nomination committee. The members of the new Electoral Tribunal are highly respected citizens and distinguished attorneys. Their selection lends credibility to the electoral tribunal.

The renewal of the system of registration of voters. New identity cards will be issued to every Guatemalan citizen. Records of the previous system were destroyed in many rural villages by terrorist attacks. Also, the thousands of false identity cards that made frauds possible in the past will now be useless.

The lifting of the state of seige, effective since March 23, 1983.

The new regulations which have been enacted for the organization of political parties. The new regulations have eased the requirements for the organization of political parties. This move is designed to stimulate the emergence of new political organizations. The Government has declared, furthermore, that Socialists and Communists are welcome to participate in the political process.

The announcement that elections of a Constituent Assembly will be called for next March 23, 1984.

Although Guatemala is far from reaching a political climate that we in the United States would consider to be free and open, the above efforts are impressive and should be encouraged. I would like to commend those in Guatemala whose dedication has made possible this progress toward a political climate which would make national reconciliation possible. In addition, I hope that other Members will speak out to convey strong support for these efforts now when it matters. Soon, it may be too late to prevent escalation of today's violence into full-scale civil war such as we are seeing in El Salvador.

Among future developments which I would welcome are the following three:

First, strong efforts to improve human rights, with special attention to violations by the civil patrols. In recent weeks, distressing violence has occurred. There have been unconfirmed reports of a massacre in El Quiche last May, where reportedly close to 100 persons were killed. In addition, a Christian Democratic leader, Mr. Benito Morales Mul—former mayor of Cantel, Quetzaltenango—was kidnapped on May 19, with his brother and son. The three were found dead on the following day. These and other deplorable incidents may develop into a new wave of violence unless strong measures are taken now.

Second, although March 23, 1984, has been named as the date for elections of a Constituent Assembly, no date has been discussed for Presidential elections. The date for Presidential elections should be announced soon in order to dissipate the present uncertainty and confusion and permit political parties to make their plans.

Third, as advocated by many responsible lawyers and leaders from other sectors in Guatemala, the special tribunals should be ended. The existence of the special courts has been opposed by the Guatemalan Bar Association, by political parties, and by popular organizations. The practice of having secret judges conduct secret proceedings is abhorrent and uncivilized. Other ways, that can guarantee due process of law, should be devised to deal with the problem of the security of judges.

Such steps as the Guatemalan Government might take in these three areas should certainly be considered in connection with future requests for reprograming of ESF funds. In conclusion, let me say again that I commend the Guatemalan Government for its recent attempts to move toward a nonviolent reconciliation of disputes there. Additionally, I believe that the recommendation of the Senate Appropriations Committee not to prohibit aid to Guatemala is an appropriate acknowledgment of these good faith efforts by the Rios Montt government.●

Mr. GORTON. Mr. President, it is with extreme reluctance that I register my opposition to this bill, both because of the important social and physical needs which it addresses and because of the Appropriations Committee in crafting it and managing it on the floor. The distinguished senior Senator from Oregon has also fought skillfully against floor additions to the bill, sometimes successfully and sometimes not. I also appreciate the commitment of the distinguished chairman of the committee to attempt to reduce, or hold to its present levels, the spending allowed by this bill as he leads the Senate conferees in negotiating with the House of Representatives.

Nevertheless I am constrained to vote against the entire bill by reason of its impact on the budget.

The question before us is fundamentally one of fiscal self-discipline.

Let us review the facts. If this measure passes, budget authority for fiscal year 1983 will exceed the level to which the Congress agreed in last year's second budget resolution by some $60 billion. Even before consideration of this bill, we had exceeded the target of that resolution by some $46 billion, to which this bill adds approximately 30 percent.

I recognize, obviously, that much of this increase in budget authority is justified. The social security reform measure, the Surface Transportation Act, and the emergency jobs bill were all measures for which I voted, however reluctantly in the last case. Even so, there comes a time at which we must decline to spend money which we do not have.

Perhaps more alarming is the proposition that this bill adds some $2 billion in budget authority for fiscal year 1983 to the level to which the Senate agreed only a few weeks ago in Senate Concurrent Resolution 27, the current budget resolution.

The problem faced by every Member of Congress is not that the items addressed by this bill are unworthy of the attention of Congress and of Federal spending. With relatively few exceptions, they all have highly worthy social or physical goals. Nevertheless, they can be financed only by borrowing and by adding to an already huge and almost uncontrolled Federal deficit. That borrowing, in turn, places heavy pressures on interest rates, rates which ceased to decline several months ago, and now are beginning to inch upward again.

Increased Federal spending, however, worthy the object, can thus contribute directly to cutting off what is now a welcome and relatively strong economic recovery. The growth, health and length of that recovery is, I must say, more important to the United States as a whole than are any of the spending programs contained in this bill. Because I fear that we are not paying enough attention to the steps which are necessary to encourage economic, growth and the creation of jobs in the private sector, and because I am afraid that this bill will be distinctly unhelpful to those goals, I must oppose it.

● Mr. RIEGLE. Mr. President, I rise to commend members of the Appropriations Committee for their foresight in providing additional essential funds for the commodity supplemental food program administered by the Food and Nutrition Service of the Department of Agriculture.

I am pleased that this supplemental appropriations bill provides for a $585,000 transfer of funds from the Commodity Credit Corporation to the commodity supplemental feeding program to repay fiscal year 1982 administrative expenses incurred because for the first time donated commodities were used in the CSFP. Because of a change in the USDA's method of obtaining food items in fiscal year 1983, an unintended loss in administrative funding was incurred by several CSFP's nationwide. Detroit's exemplary program, Focus:HOPE, the largest CSFP in the Nation, incurred a staggering $431,536 operating deficit in fiscal year 1982—a deficit incurred through no mismanagement on their part and one they are finding increasingly difficult to carry. Fortunately, as a result of the effort and cooperation of Senators DOLE, HELMS, HATFIELD, and LEVIN, Congress adopted language in the emergency jobs bill (Public Law 98-8) to resolve the problem in fiscal year 1983 by changing the method used to calculate administrative funding. Senators DOLE, HELMS, and others are working in the authorizing committee to find a permanent solution to this problem—a solution I am confident we will all be able to agree upon. The $585,000 transfer provided in this bill will wipe out the fiscal year 1982 deficits for these worthwhile programs.

Also contained in this supplemental appropriations bill is $750,000 in new funds to permit Focus:HOPE to expand into Oakland and Macomb Counties, two counties which contain some of the most depressed communities in Michigan. Study after study has shown that the commodity supplemental feeding program is effective in meeting the essential nutritional needs of its participants at the least possible cost to the Government. I am gratified that Congress is providing the funds necessary to allow Focus:HOPE to expand and meet the nutritional needs of 15,000 more low-income pregnant and post-partum women, infants, and preschool children in counties where there at least 36,000 eligible recipients.

Congress has a long and impressive record of support for the CSFP and I commend the members of the Appropriations Committee and all my colleagues for voting to continue this essential support.●

● Mr. LEVIN. Mr. President, I intend to vote in favor of final passage of the supplemental appropriations bill for fiscal year 1983. I am doing this in spite of the fact that it includes an increase in the pay for Members of the Senate. I voted against such a pay increase during the debate on the bill every time an amendment to increase the pay was offered. I do not think it is responsible to give ourselves a pay increase while so many millions of our fellow citizens are still unemployed.

However, I do not think it is responsible to ignore the many essential programs which this bill finances and which are in need of funds if they are to continue. Included in this bill is money for unemployment compensation, food stamps, food for the elderly, education for the handicapped, and assistance for rebuilding Lebanon. It also includes a provision which places a moratorium for 6 months on the continuing disability reviews for all persons in the Federal disability program with mental impairment. I think that the suspension of the reviews of these persons is necessary in order for there to be time to develop reasonable and workable standards of review.

On balance, then, I support this package, even though it contains some provisions, such as the pay raise, which I oppose.●

Mr. WARNER. Mr. President, as I have done since first coming to the U.S. Senate, I will return to the U.S. Treasury every dollar over and above the salary I received when I entered the Senate in 1979. It is my intent that these funds be used to retire the national debt.

Mr. PERCY. Mr. President, I voted for the Jackson-Baker-Byrd amendment, but I did so reluctantly. By passing this amendment the Senate brings its pay scale into line with that which currently exists in the House of Representatives. Both Senators and Representatives will now be paid the same amount. In addition, a cap on outside earnings will also be reimposed on the Senate, bringing it again in line with the cap which exists in the House of Representatives.

This was a difficult decision for me because I have voted consistently since this issue was raised once again against a pay increase for Senators. I realize, however, that my colleagues here in the Senate have not had a pay raise in over 4 years. In fact, if Senate salaries were indexed for inflation, Senators salaries would be well over $100,000, by now. I know for a fact that without some pay adjustment this body would lose some of its most respected and hardest working Members out of economic necessity. The Nation would end up being the loser if this were to happen. On the other hand, I also realize that in these economic times it is extraordinarily difficult for many Americans to understand why present salaries are not sufficient for Members of the Congress to live on.

Last year the Senate decided not to take the pay raise the House voted and instead capped salaries, but lifted the cap on outside earnings. We then saw what happened. A number of our colleagues made as much, if not more, making speeches than they did as a Senator. I do not believe this practice brought much credit to this body. But, I understood fully why certain Senators felt it necessary to earn this extra money. They have families to feed, children to send through college, and two homes to maintain. I, myself, earned some honoraria last year. But, my charitable contributions have always exceeded anything I have earned making speeches.

So, Mr. President, I voted for this amendment. I did so only because I feel my colleagues deserve to be paid at this level and also because it will reimpose the reasonable limit of 30 percent on additional outside income.

For myself, however, I intend to donate the additional increase in my own salary to charities and educational institutions in Illinois. I am fortunate to have had a business career before entering public service which has provided for me and my family an adequate living without my Senate salary. I do not need this pay increase therefor. But, I also realize that other Senators do, some urgently.

The Constitution gave the Congress the responsibility for setting its own compensation. We have not handled the issue very well in the past several years. I have heard a number of plans discussed for transferring this responsibility to some other entity. I believe this is an idea worth pursuing. Our institutional gridlock on this issue I suppose reflects the uneasy economic times we find ourselves in. Perhaps, with an improved economy this function will become less difficult. I hope so. We do ourselves and this institution a great disservice by failing to face up to this issue squarely and responsibly.

Mr. STENNIS. Mr. President, before we vote, I highly commend the chairman of our Appropriations Committee. This bill and others he has handled have become almost too much of a physical burden. But he has the physical and mental ability and the willpower to deal with this subject matter, and it makes the world of difference. I thank him on behalf of all the other Members of the Senate.

Mr. HATFIELD. I thank the Senator from Mississippi for his kind remarks. He has been an able comanager of this bill and has been very helpful.

Mr. President, this bill is a prime target for a veto at this point. We are $1 billion over. We came to the floor with a bill that was $635 million over, and we have added that much to make it more than $1 billion in excess.

We will have to work diligently in conference to remove the veto threat over this bill.

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As of this moment, we have spent almost 31 hours on this bill—6 days—in consideration.

I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **BYRD**. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The **PRESIDING OFFICER** (Mrs. KASSEBAUM). Are there any Senators in the Chamber wishing to vote who have not done so?

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—64

Abdnor
Andrews
Baker
Bentsen
Bingaman
Boschwitz
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Eagleton
Exon
Glenn
Goldwater
Hart
Hatfield
Hawkins
Heinz
Huddleston
Jackson
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Moynihan
Murkowski
Packwood
Pell
Percy
Quayle
Randolph
Riegle
Rudman
Sarbanes
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Weicker
Wilson

NAYS—33

Armstrong
Baucus
Biden
Boren
Bradley
Cohen
Denton
Dodd
East
Ford
Garn
Gorton
Grassley
Hatch
Hecht
Heflin
Helms
Hollings
Humphrey
Jepsen
Leahy
Mitchell
Nickles
Nunn
Pressler
Proxmire
Pryor
Roth
Simpson
Specter
Trible
Warner
Zorinsky

NOT VOTING—3

Cranston
Inouye
Sasser

So the bill (H.R. 3069), as amended, was passed.

Mr. **HATFIELD**. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. **EXON**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **HATFIELD**. Madam President, I move that the Senate insist on its amendments to H.R. 3069 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The **PRESIDING OFFICER**. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

Mr. **BAKER**. Madam President, I will not take but a moment. I want to express my deep appreciation to the chairman and the ranking minority member for the management of this supplemental appropriations bill.

When we first called it up I thought it was going to take a day or two, maybe 3 days at the most. Once more I was proven wrong. It took 6 days to take care of this matter; and as of 3 p.m. this afternoon we have spent 31 hours on deliberations on the supplemental appropriations bill.

During that time there were 21 rollcall votes, 75 amendments were considered, of which 52 were agreed to, 9 were rejected, and 9 were withdrawn.

Madam President, I think once again the Senate owes a debt of gratitude to the distinguished chairman of the Appropriations Committee and the ranking member for their excellent handling of a difficult matter.

Mr. **BAKER**. Madam President, may I inquire of the Chair is there an order for the Senate to proceed to the next item of business?

The **PRESIDING OFFICER**. There is such an order.

REPEAL OF WITHHOLDING TAX ON INTEREST AND DIVIDENDS

The **PRESIDING OFFICER**. The clerk will state the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 2973) to repeal the withholding of tax from interest and dividends.

The Senate proceeded to consider the bill.

Mr. **BAKER**. Madam President, it is my hope that we can finish this bill in a fairly brief time this afternoon. It is now 10 after 3. I suggest, in order to facilitate that, that the Senate consider a unanimous-consent agreement, which I do not now make and which I would like to put Senators on notice of so they can consider, a unanimous-consent agreement that no amendment to this bill be in order except a committee amendment.

Let me explain what I think is in prospect here. Everybody knows pretty much where they stand on the dividend and interest withholding issue. This is the bill passed by the House of Representatives repealing that. To that, I expect a committee amendment will be offered by the distinguished chairman of the committee, Senator DOLE. I fully anticipate that the distinguished ranking minority member, Senator LONG, will make an effort to table that committee amendment. I do not know what the result of that effort will be. It may well be that Senator LONG will succeed in tabling the committee amendment, in which event the matter would be over.

If he does not succeed in tabling it, I hope the Senate would go immediately to the consideration of the committee amendment. But, one way or the other, I would like to see the Senate handle this matter with dispatch.

Madam President, I will not put that request at this time. I will confer further with the managers and the minority leader. But, once again, I hope the Senate would agree to the unanimous-consent request that no amendments would be in order except the committee amendment.

Mr. **LONG**. Will the Senator yield?

Mr. **BAKER**. Yes.

Mr. **LONG**. Mr. President, I have discussed this matter with the majority leader, and I have discussed it with the distinguished manager of the bill.

Let me make it clear that as far as this Senator is concerned, and anyone who is supporting his position, we want to vote on just one thing. We want to vote to repeal withholding on interest by voting to approve the House bill, period. Our purpose would be achieved if we could table the committee amendment.

Now if the committee amendment is not tabled, it could be subject to hundreds of amendments that could drag on for days, because it involves several different subjects, some of which contain controversial language and various provisions people might want to change. In view of the fact that there are several different provisions wrapped up in one in the committee amendment, none of which is germane to the House bill, it invites the opportunity for people to make a Christmas tree out of this bill, and that could lead to a very long discussion.

I hope that Senators would agree to the leader's unanimous-consent request. I hope he will include in his request that the committee amendment will not be subject to further amendment, because if it is going to be subject to further amendment, I may be compelled to offer amendments to it, and if I do, I feel others will feel compelled to offer amendments.

That being the case, as far as this Senator is concerned, we could settle my part of it with one vote, provided that other Senators are willing to agree to the same conditions.

Mr. **BAKER**. Mr. President, if the Senator would permit me, I meant

that and I did not state it very clearly. But when I said an order that no amendments would be in order except the committee amendment, I should have said no amendment except the committee amendment and no amendments to the committee amendment, so that really we have the issue sharply focused.

We spent days on this debate before. This is the opportunity to speak on this issue that I promised the Senate we would have before the 1st of July, and I do not think we need to extend it. I think we need to focus now on just that issue. I agree with the Senator from Louisiana and I hope other Senators will, also.

Madam President, I see the Senator from Wisconsin is here and on the floor. I discussed this with him previously. I hope he is in general accord with that statement of the situation.

Mr. **KASTEN**. Will the majority leader yield?

Mr. **BAKER**. Yes.

Mr. **KASTEN**. Madam President, I am hopeful that the Senate will agree to the unanimous-consent request. I think we debated this issue certainly longer than it needed to be debated already. I am hopeful we can have a relatively brief period of debate, a vote up or down on Senator LONG's motion to table, and then move to final passage immediately. Any effort we can make in terms of the unanimous-consent request that would facilitate that kind of progress I would be enthusiastically in favor of.

Mr. **BAKER**. I thank the Senator.

Madam President, I am about to yield the floor to the chairman of the committee, who I believe is prepared to proceed. But let me say it would be my intention, then, at 3:30 p.m. to propound the unanimous-consent request that I have just suggested, absent other circumstances.

Madam President, I yield the floor.

Mr. **DOLE**. Madam President, I am going to send a modified committee amendment to the desk. It will contain, as outlined, in addition to compliance provisions, provisions on the Caribbean Basin, provisions on enterprise zones, reciprocity legislation, and also removal of the sunset from the mortgage revenue bond provision.

With consideration of H.R. 2973, the Senate has an opportunity to put to rest the controversy over withholding of taxes on interest and dividends and, at the same time, advance several items in the tax legislative agenda that deserve attention. I urge my colleagues to do just that by approving the Finance Committee amendment to the pending legislation and sending the bill to the House with the Senate changes.

Madam President, we have had a lot of debate on withholding. There has been a lot of misinformation about withholding. In the view of this Senator, it is good tax policy.

But, after all the debate and after all the votes, it was obvious to this Senator that we were going to lose. I think what we attempted to do then, and I believe successfully, was to try to salvage something at least on the compliance side that did have the broad support of my colleagues, hopefully on both sides of the aisle. I wish to say, on the compliance provisions that are now in the bill, the vote in the Senate Finance Committee was 15 to 1 supporting the compliance provisions.

I also suggest that I have a letter of support from the American Bankers Association, and I will be receiving a letter from the Treasury Department soon. I am told it is in the car, but I do not know where the car is.

In any event, we have a letter from the American Bankers Association supporting the compromise position. Now, let us face it, I do not know of anybody who wants people not to pay taxes they owe. That is certainly the clear statement from Mr. Kennedy of the ABA.

I will quote a portion of the letter:

> The ABA continues to support the goal of improved taxpayer compliance and will work to achieve this goal with respect to interest and dividends without regard to the outcome of the contest between supporters of straight repeal and supporters of the committee amendment. The committee amendment imposes significant cost and operational burdens on financial institutions, but should result in increased compliance.
>
> In summary, the American Bankers Association supports the enactment of title I of the Senate Finance Committee amendment (relating to interest and dividend tax compliance) modified so as to restore the 1984 effective date for back-up withholding. Our support is materially influenced by your personal commitment and that of Senator Kasten to secure prompt administrative relief from the July first starting date for withholding in order to provide a reasonable time for resolution of the differences between the House bill and the Senate amendment.

I am also advised that the National Association of Federal Credit Unions support the compromise.

Madam President, I ask unanimous consent that the letters from the American Bankers Association and the National Association of Federal Credit Unions be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

> AMERICAN BANKERS ASSOCIATION,
> *Washington, D.C., June 15, 1983.*
>
> Senator ROBERT DOLE,
> *U.S. Senate, Hart Senate Office Building,*
> *Washington, D.C.*
>
> DEAR SENATOR DOLE: Prompt action by the Senate is necessary to avoid further public confusion over the repeal of interest and dividend withholding and to halt the unnecessary implementation of withholding procedures by corporations and financial institutions triggered by the approach of the July first starting date. The American Bankers Association is concerned that the inclusion of matters in the Senate Finance Committee amendment to H.R. 2973 that have nothing to do with taxpayer compliance or with the repeal of withholding will result in even further delay of a resolution of this issue. We take no position as to when and how the Congress addresses those other issues, except to ask that the repeal of withholding be accomplished as soon as possible. If a conference on H.R. 2973 is necessary, the Treasury must provide a blanket undue hardship exemption until the differences between the two Houses are resolved.
>
> We understand that the committee has agreed to modify its amendment to restore the original January 1, 1984, starting date for back-up withholding provided by TEFRA. This should provide the time necessary for financial institutions to obtain correct taxpayer identification numbers for accounts where the number is missing or obviously incorrect. This will thereby avoid back-up withholding on most accounts except upon specific notification from the IRS as to individuals who fail to report interest and dividends or file tax returns.
>
> The ABA continues to support the goal of improved taxpayer compliance and will work to achieve this goal with respect to interest and dividends without regard to the outcome of the contest between supporters of straight repeal and supporters of the committee amendment. The committee amendment imposes significant cost and operational burdens on financial institutions, but should result in increased compliance.
>
> In summary, the American Bankers Association supports the enactment of title I of the Senate Finance Committee amendment (relating to interest and dividend tax compliance) modified so as to restore the 1984 effective date for back-up withholding. Our support is materially influenced by your personal commitment and that of Senator Kasten to secure prompt administrative relief from the July first starting date for withholding in order to provide a reasonable time for resolution of the differences between the House bill and the Senate amendment.
>
> Sincerely,
> WILLIAM H. KENNEDY, Jr.

> NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS,
> *Washington, D.C., April 28, 1983.*
>
> Hon. ROBERT DOLE,
> *Chairman, Senate Finance Committee,*
> *Washington, D.C.*
>
> DEAR MR. CHAIRMAN: On behalf of the National Association of Federal Credit Unions, I would like to extend our appreciation to you and your staff for the fine work done on the Dole-Kasten withholding compromise.
>
> This Association has respected your position on withholding from the beginning, and although we have disagreed along the way, we can accept the compromise that has been worked out by you and your colleagues in the Senate. We feel that this compromise will go a long way toward reaching the goal of increased taxpayer compliance. We have all shared the goal of every taxpayer paying what is rightfully due and have done so confidently.
>
> Although we realize this issue is far from being resolved, it is our belief that without the Senate's first step toward a compromise, there would be little progress on this highly emotional issue.

Thank you again for your diligent work in this matter. This Association looks forward to working with you in the future on issues of concern to Federal credit unions.

Sincerely yours,

JOHN J. HUTCHINSON, *President.*

Mr. DOLE. Madam President, I wish to discuss this for about 5 or 10 minutes and then I will be happy to yield the floor to others who may want to discuss this issue.

I know of no amendments that have to be offered to this committee amendment. I know people would like to offer amendments. I know the Senator from Minnesota has an amendment he would like to offer.

But I must say about the enterprise zones legislation that we practically renamed it after the distinguished Senator from Minnesota, Senator BOSCHWITZ, because of his great effort in this area. I hope the Senator from Minnesota would not feel constrained to press his amendment, but would, instead, perhaps just discuss the amendment.

There is no reason we cannot complete action on this entire matter in the next hour or hour and 30 minutes. I say that not because we are trying to hasten consideration but because I really believe that we have had a rather adequate discussion, certainly of the withholding portion.

I am going to discuss briefly some of the other provisions, then I hope that we might get on with whatever the distinguished Senator from Louisiana may have in mind—I think a motion to table—and then we can hopefully go to final passage unless somebody feels compelled to offer additional amendments. I hope that will not be the case, because it seems to me that with so many Members having commitments we ought to move quickly to dispose of this bill.

There are compelling reasons for proceeding in this way on the withholding issue and on the associated issues I have just mentioned as contained in the Finance Committee amendment.

I would strongly suggest that Members agree to limit this package to these items and only these items. We all have preferred projects and amendments in the revenue area that we would like to see move. There will be other opportunities this year to try to do that because there are other revenue items that we will have to address. But we should resist the temptation to make H.R. 2973 carry too much of a load because that would defeat our goal of disposing of the withholding issue.

There are two major advantages to moving the committee amendment and only the committee amendment. First, adopting the compliance measures contained therein demonstrates our good faith concern with the compliance gap in interest and dividends and saves a good portion of the revenue that will be forgone as a result of repealing withholding.

I believe by 1988 we will recover about 68 percent of the revenue we would have recovered had we left withholding in place. So it is not just an idle gesture. It is a salvation, in my view, of strong compliance measures that will pick up a lot of revenue from those Americans who fail to report their interest and dividend income. So I suggest it is a meaningful amendment and it ought to be preserved. It ought to be done now. It should not be delayed or postponed until a later time.

If we want to finish the withholding issue, we ought to try to avoid a veto battle with the President who has stated his strong feelings on the withholding question. Compliance on interest and dividends coupled with several priority items on the President's legislative agenda can make this an attractive proposition from the administration's point of view.

I would just suggest that all bets are off if we try to load this bill up.

It has been suggested that this would be a good vehicle for tuition tax credits. I support tuition tax credits but not on this legislation. If we want to set off a full-scale debate, we can bring up tuition tax credits.

I assume there are other matters that Members may feel have a great deal of merit and that they would like to bring up on this legislation. But I would say in fairness to those who are on the other side of withholding, those who want it repealed, those who want it settled, I think those of us on the losing side should accept defeat and go to conference and try to work out the differences so that the banks, the S&L's, the credit unions, and the others concerned about withholding are going to know we were acting in good faith.

I just suggest that one way to demonstrate that good faith means not loading up the bill.

I would also suggest, having been around here for some time, that I am under no illusion that the House is going to accept everything in the committee amendment. I am not certain how much the House will accept. I feel quite certain they will accept the compliance. I hope they may accept more. They have already passed the Caribbean Basin provision. They have not passed the enterprise zones. They have not passed trade reciprocity. I am not certain what their attitude will be on removing the sunset on mortgage revenue bonds.

I do know that the House plans to mark up the Caribbean Basin issue next week and may take it up the following week. So there is some chance that we might be able to resolve that in the conference and hopefully some of the other legislation. But they have not moved nearly as swiftly as the Senate has on enterprise zones and on the trade reciprocity legislation introduced by Senators DANFORTH and BENTSEN and passed by this body unanimously.

It has been said that if we are going to have to go to conference, what we are really doing is trying to keep withholding. I have suggested to the chairman of the Ways and Means Committee, and he has made a commitment, that we will go to conference and try to work out any differences we have. On that basis, I hope that our word is good in that area. I feel certain the chairman of the Ways and Means Committee meant it when he told me he was willing to go to conference and try to work out something.

Let us face it: the support for total repeal is just as strong or stronger on the House side as it is on the Senate side. It would seem to me to be rather unusual if the chairman of the committee, in the face of a 382-to-41 vote, decided just to ignore the will of the House of Representatives.

I will describe the compliance provisions in detail at a later time, maybe after the motion to table is considered I would like later to discuss some of the particular provisions of the committee amendment.

Let me now read a letter from the Secretary of the Treasury, dated June 16, 1983, which says:

THE SECRETARY OF THE TREASURY,
Washington, June 16, 1983.

Hon. ROBERT DOLE,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In light of the impending effective date for withholding on interest and dividends and the repeal measure having passed the House and now under consideration in the Senate, you have asked whether the Internal Revenue Service would grant extensions for undue hardship to payors of interest and dividends so that they would not have to comply with the withholding requirement beginning July 1.

If the Senate adopts the Senate Finance Committee amendment that repeals withholding on interest and dividends and provides expanded backup withholding and other compliance measures, the Internal Revenue Service will provide a one-month extension for undue hardship to all payors of interest and dividends.

I hope that this matter can be resolved quickly in order to avoid unnecessary confusion and expense on the part of payors as well as recipients of interest and dividends.

Sincerely,

DONALD T. REGAN.

Let us face it. Some of the corporations have a very real problem. There is no doubt about it. We are going to repeal interest and dividend withholding. We should not put banks and S&L's at a further expense. I hope that this letter will demonstrate the good faith of the administration which does support withholding but does recognize the facts of life.

I am prepared, Mr. President, to first have the vote on the tabling motion and then, if the tabling motion is defeated, of course, the committee amendment would be adopted and the committee amendment would be open to amendment.

I will yield to the Senator from Minnesota for a question.

Mr. BOSCHWITZ. At an appropriate time can we talk about the amendment I would have offered but I will not offer?

Mr. DOLE. I think the orderly procedure would be for the distinguished Senator from Louisiana to make whatever statement he wants and then move to table the committee amendment.

AMENDMENT NO. 1412

(Purpose: To repeal the withholding of tax from interest and dividends, and for other purposes)

Mr. DOLE. Madam President, I do offer the committee amendment. I sent the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 1412.

Mr. DOLE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of amendment No. 1412 is printed in routine morning business under amendments submitted.)

Mr. DOLE. I would say to those who have amendments, there is nothing up there to amend yet.

If the committee amendment is adopted, then it is open to amendment. I hope there are no amendments but it will be open for amendment.

Mr. LONG. Madam President, I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Madam President, it is almost 3:30 p.m. now. I wish to report to the Senate that Senator WEICKER said he had an amendment he was going to offer. He will be here shortly.

What I would like to do is to have a moment for him to describe that amendment and not languish around a unanimous-consent request.

Mr. ARMSTRONG. Will the Senator yield?

Mr. BAKER. Yes.

Mr. ARMSTRONG. Madam President, I am familiar with the unanimous-consent request the majority leader is about to make. There are some very, very serious reservations about such a procedure, in fact, packing up three or four very important bills, precluding anybody from amending, and sort of hotrailing them through. In consideration of those requests which have already been discussed, I agreed I would not object to that unanimous-consent request. I will stand by my commitment not to do so, even though I have several amendments which I wish to offer.

I want to offer an amendment, and discuss at some length, to the IDB section. I have some reservations about, in its present form, the urban enterprise proposal, which is an interesting proposal but needs to be cleaned up a little.

Notwithstanding that, I will stick to my commitment. But if Senator WEICKER or others are going to offer amendments, then I would be constrained to also seek recognition for amendments.

Mr. BAKER. Madam President, I understand.

Mr. BOSCHWITZ. Madam President, I join the Senator from Colorado. I, too, have offered an amendment. I am willing to join in the unanimous-consent proposal and will not object, but I do not think we ought to start on the amendment again, because there are going to be people who feel the way the Senator from Colorado does and I might join them in that.

Mr. METZENBAUM. Madam President, I feel the same way as do the Senator from Colorado and the Senator from Minnesota, but I do not have any intention of not objecting. I intend to object and I intend to offer such amendments as I deem advisable. Whether they be one or seven in number, I cannot say at this moment. The facts are that I see no reason to have a unanimous-consent agreement precluding any amendments on this measure.

I advise my good friend, the majority leader, that I do object.

Mr. BAKER. Madam President, I am sorry—I think I am sorry I did not hear, but I may not be.

Mr. METZENBAUM. The Senator would probably be sorry that he heard, because I indicated that I intend to object. I have one to six or seven amendments, I am not sure, but I know that I have amendments that are substantive in nature and would not want to preclude myself from having the right to offer them. I think that I have advised the Senator from Kansas that I did intend at the appropriate time to offer amendments.

Mr. BAKER. Madam President, I think I was right, I was happier before I asked.

In view of that, Madam President, there is no need to make a unanimous-consent request at this moment. I suggest to the managers that they just get at it.

Mr. LONG. If the Senator will yield, I just want to make it clear that so far as the Senator from Louisiana is concerned and so far as those who are supporting his position are concerned, to the best of my knowledge, every one of us is willing to agree to have merely two votes, one on the motion to table and the other on passing the bill with the committee amendment if the motion fails. So if the bill begins to bog down, please understand that our hands are clean in this matter. We came here prepared to vote just twice and have it over with.

I am sorry the leader could not get his consent request. I think he did his best.

Mr. BAKER. I thank the Senator.

Mr. STENNIS. Madam President, will the Senator yield to me?

Mr. BAKER. Yes; I yield.

Mr. STENNIS. I reserve the right to object, but I do not intend to object. It just came to my attention there is something in this bill on revenue bonds. I am interested in industrial revenue bonds. My inquiry is directed just to what we call industrial revenue bonds. Is that kind of bond affected by this bill?

Mr. DOLE. It is not affected. This would affect mortgage revenue bonds.

Mr. STENNIS. Just mortgage revenue bonds. I thank the Senator. It ought to be shown in the record anyway. I have no objection.

Mr. BAKER. Madam President, I think it is clear that there would be no good purpose served now by making the request. I continue to hope that we can get that order later. I shall not make it now, and I hope the managers will go ahead with the matter.

Mr. DOLE. Madam President, while we are waiting for the distinguished Senator from Connecticut to arrive——

Mr. LONG. Madam President, will the distinguished chairman of the committee yield to me?

Mr. DOLE. Yes.

Mr. LONG. Madam President, I want to make this statement for all who are interested in the committee amendment and the withholding issue. The Senator from Lousiana intends to make a statement in favor of tabling the committee amendment. At the end of this statement, he expects to make a motion to table. I invite those who are for or against the motion to table, especially those who want to speak against it, to come take a look at my statement, because it is going to be brief. If they want to take a look at it or express opposition to it, they had better get here and look at it in advance, because the Senator from Louisiana intends to move to table. I do not want that to come as a suprise.

What I am going to say is right here in front of me. I have shown it to the chairman of the committee. Anybody who wants to see it before I make my presentation, here it is. At the completion of the presentation of the chairman, I intend to make my statement.

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Mr. DOLE. Madam President, while we are waiting for the Senator from Connecticut—I hope the Senator from Connecticut will let us proceed. He has one amendment to one provision of the bill that affects about 100 people in the Virgin Islands.

Mr. LONG. Madam President, if anyone else wants to speak in favor of the Dole amendment, I welcome them to do so, because at the close of my statement, I am going to make a motion to table. I just want to invite all of those who may want to speak to come to the floor right now, because if my motion carries, they are not going to have the opportunity to amend the Dole amendment. I want them to have an opportunity to make their statement, to make it now before I explain my position.

Hearing none, Madam President, I am going to proceed.

Madam President, I oppose the committee amendment.

The House has sent us a bill which repeals withholding on interest and dividends. This bill received the overwhelming support of the House of Representatives. I believe that if the Senate were permitted to vote on the provision the House sent us, a large majority of the Senate would also approve this measure.

The pending committee amendment contains five major provisions. Each represents a significant legislative measure in its own right. None of the five measures bears any relationship to any of the others. At an appropriate time, some of these measures will be enacted. Some should be enacted. But in my view, Madam President, none of them should be enacted on this bill.

The urgent need today is for us to repeal the interest and dividend withholding provisions before the July 1 effective date. If these provisions are not repealed by that date, savers will be confused and financial institutions will be subject to substantial penalties—for not implementing a provision which even the pending committee amendment would repeal. It will only barely be possible to dispose of the withholding issue by July 1 even if we pass the House bill without amendment. But we will have no chance of doing so if we send the bill back to the House with other matters that the House has never considered. In fact, I have ample reason to believe that these additional provisions may make it impossible for this bill even to survive conference.

I am confident that the best way to settle the withholding issue is to send the House bill to the President without amendment, to dispose of as he wishes. If he should veto the bill, I believe the votes can be found to override the veto.

Let me just make clear that the position I have taken has a great deal of support, Madam President. The Senator from Kansas, the chairman of the committee, placed in the RECORD a letter he had from a Mr. Kennedy, speaking for the Washington hierarchy of the American Bankers Association. I say the Washington hierarchy, because they do not speak for the Louisiana banks. All you have to do is contact the banks in my State, which I have done, and you will find they are strongly in support of my position that we ought to pass the House bill as is and have a straightforward, direct repeal.

Here is a letter from the Credit Union National Association. They support the position I take for a direct, straightforward repeal of withholding.

There are other letters that I have here that take the view that they are perfectly happy to support a reasonable compliance provision, but that matter should be taken up later, after we get through with the withholding issue, so we will know whether we are going to have withholding or not.

Here is a letter from the National Savings & Loan League, which I shall ask to have printed in the RECORD with the previous letter. They support my position for a direct, straightforward repeal, reserving the right to enact compliance measures later on.

Here is a letter from the Independent Bankers Association of America supporting the same position.

I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CREDIT UNION NATIONAL
ASSOCIATION, INC.,
Madison, Wis., June 9, 1983.

Hon. RUSSELL B. LONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: The Credit Union National Association Inc. (CUNA) strongly supports your efforts to enable the Senate to have the opportunity to vote on a clean bill to repeal the interest and dividend withholding provisions of TEFRA. As you are well aware, such a repeal bill (H.R. 2973) passed the House last month by an overwhelming margin. However, this bill as reported by the Senate Finance Committee contains a number of amendments that we believe unnecessarily cloud and complicate the repeal issue. This is true even of the proposals to improve reporting of interest and dividend income and to incease taxpayer compliance.

While credit unions favor stricter compliance measures aimed at making certain that all citizens pay their fair share of taxes, we believe that these compliance proposals should be examined separately from repeal. They have been put together quickly without benefit of hearings to gather testimony from the Internal Revenue Service or industry groups on whether these proposals are practical, what their revenue effects might be and what potential impact they would have on credit unions and their members. Since credit unions are member-owned financial cooperatives, the cost of any regulations are ultimately borne by our members.

Because the cost of regulatory compliance is a very real burden for credit unions, generally small and medium-sized institutions, we feel that new interest and dividend reporting proposals should be examined thoroughly before they become law. We look forward to the opportunity of working with the appropriate committees of Congress and the Treasury Department to fashion effective, efficient and equitable methods of improving taxpayer compliance, but as a practical matter we have run out of time. Less than a month remains before the withholding provisions of TEFRA are slated to go into effect. Meanwhile, public confusion and uncertainty over this issue continues to mount. The phones are ringing off the hook in CUNA offices with calls from credit union managers wanting to know whether they should withhold 10 percent of their members' dividends or whether they will have to gear up to comply with a new and unrefined set of interest and dividend reporting procedures.

The best resolution to this situation is for the Senate to consider the withholding repeal bill (H.R. 2973) as it was passed by the House. CUNA endorses your efforts to make this possible.

HAROLD T. WELSH,
Chairman.

NATIONAL SAVINGS & LOAN LEAGUE,
Washington, D.C., June 9, 1983.

Hon. RUSELL LONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: This is to inform you that the National Savings and Loan League supports legislation as passed by the House for repeal of the law requiring withholding on interest and dividends. We believe that this is the best approach given the time constraints of the July 1, 1983 implementation date of withholding and the complexities of achieving workable compromise compliance measures.

The National League recognizes the importance of achieving increased compliance for payment of taxes on interest and dividends. We will be pleased to work with you, the Finance Committee and the Treasury Department to achieve the results we all know are necessary. We do not believe the compliance measures recently reported by the Finance Committee are practical and workable as currently written. Time is needed to improve the provisions if they are to prove successful in achieving increased compliance.

July first is fast upon us. The most practical and desirable action for the Senate to take at this time is, in our opinion, the adoption of the House-passed repeal bill.

Sincerely yours,

JIM COUSINS,
Senior Vice President,
Governmental Affairs.

INDEPENDENT BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., June 10, 1983.

Hon. RUSSELL LONG,
U.S. Senate, Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR LONG: The Independent Bankers Association of America, which represents 7,000 smaller community banks throughout the nation, has opposed withholding on interest and dividends because of the tremendous operational burden it will impose on financial institutions, the difficulties it will create for our customers, and the negative impact it will have on savings and investment in this country. We are sympathetic to the need for Congress to address the problem of the small percentage of taxpayers who fail to properly report their interest and dividend income. However, the compliance procedures approved by the Senate Finance Committee for the full Senate's current consideration go far beyond the fundamental improvements in the information reporting system needed to accomplish this goal and instead seem almost punitive in effect towards the banking industry. Of even greater concern to us, the withholding provision has been enveloped into a package of controversial and unrelated provisions that appear destined to slow final Congressional consideration of the entire package, including withholding. Since both Houses have already expressed overwhelming opposition to the withholding concept, it would be senseless now for Congress to delay final action past the July 1 start-up date. Such delay would mean that tens of thousands of financial institutions must choose either to go through the meaningless expense of implementing withholding on a temporary basis or risk severe penalties for noncompliance.

Because the compliance provision approved by the Senate Finance Committee is needlessly burdensome and is linked to a legislative package that threatens to delay prompt action to resolve the withholding question, the IBAA supports Senate action which would result in a straight repeal of withholding at source prior to the July 1 deadline. After this pressing problem has been addressed, we would be glad to lend our support to a separate legislative initiative which would responsibly deal with the issue of taxpayer compliance.

Sincerely,

JAMES D. HERRINGTON,
President.

Mr. LONG. I have already submitted letters of support from the Independent Bankers Association, the credit unions, the savings and loans institutions.

This is a matter where letters were received from the people of the United States. I have visited with people all over Louisiana, I have visited with people in Texas, I have visited with people all around this country. Madam President, I am not of the opinion that people are stupid or poorly informed, as some would have us believe. I have discussed this issue with those people and they know this is not a new tax. They understand they have to pay taxes on interest and dividends.

But they do not think that the bank ought to be the policeman to collect those taxes, and the bank does not think it ought to be the policeman. They do not think the banks and the credit unions ought to have to be the tax collector or the sheriff. They are willing to pay their share of the taxes, but they do not think that the banks should be required to do the job for the Treasury.

I have answered the letters of 60,000 people by now from Louisiana and elsewhere. I told them I was going to vote against withholding. I said I was going to vote to repeal. I did not say I was going to make a deal. I did not say I was going to make a compromise. I did not say I was going to vote for backup withholding. I said I was going to vote to repeal.

Senators can, if they want, vote for this so-called compromise Mr. DOLE thinks he has made with the Washington hierarchy of the American Bankers Association. He certainly has not made any deal with the Louisiana members of the American Bankers Association. Senators ought to check and see if he has made a deal with your bankers, because he does not have a deal with the bankers in Louisiana. I do not plan to go home to 60,000 people whose letters I answered more times than once saying I was going to vote for repeal, and say to them that instead, I made the best deal that could be made. If I tell that to straightforward constituents from Louisiana, they are going to say:

> Hold on just a minute. Did you not tell us you were going to vote to repeal withholding on interest and dividends? We thought that is how you were going to vote. Now, tell us, what is this thing you voted for, this backup withholding?

Here we have 20-percent backup withholding provisions, and all sorts of compliance provisions that will cost hundreds of millions of dollars a year for people to comply with, imposing untold burdens on honest taxpayers that they should not have to contend with.

I have a mimeographed sheet here which I will ask be placed on every Senator's desk explaining just what is in this committee amendment that I hope we are going to vote to table, and the burden that it would place on taxpayers and on those who would have to do the job for the Internal Revenue Service.

Let me just read this statement because I think it makes very clear what the situation is.

The Finance Committee amendment to H.R. 2973 would establish a new system to backup withholding—this is a measure to repeal withholding, so the committee amendment would repeal the 10-percent withholding and replace it with a 20-percent backup withholding. You would not be voting for the 10-percent withholding now, you would be voting for a 20-percent withholding on interest and dividends earned by persons the IRS identified as underreporters of such income.

Backup withholding would also apply to accounts where the bank or corporation either had no taxpayer identification number for the account, or had been notified by the IRS that the number it had was incorrect. Depositors and investors opening accounts or buying stock after 1983 would have to give sworn statements that they were not subject to backup withholding; otherwise, backup withholding would apply immediately.

The committee amendment would also require banks, corporations, and stockbrokers to obtain sworn declarations of tax numbers from their new customers and investors, and to conduct mail campaigns to obtain sworn tax number statements from their old customers and investors. Failure to take these actions would result in potentially substantial penalties which could not be waived for reasonable cause.

Let me explain the reasons why I oppose the backup withholding.

First. Inactive accounts affected. There are millions of bank accounts, especially inactive accounts, with missing tax numbers. Under the committee amendment, 20-percent withholding on all these accounts would commence 45 days after enactment, without any requirement of prior notice. In order to stop this type of withholding, a depositor would have to file a sworn declaration of his taxpayer identification number with his bank. He could recover the 20 percent already withheld only through filing a tax return and claiming a credit or refund. This is sure to cause problems for elderly and low-income savers whose accounts lack tax numbers.

Second. Inefficient use of new funds. IRS implementation would require massive additional funds—in the range of $350 million per year—and 6,000 to 7,000 additional employees, representing increases of about 10 percent. If we are willing to increase IRS funds by this amount, we do not need backup withholding. The same amount for increased audits and collections under current law would be likely to increase tax compliance at least as much, without creating a cumbersome new system of selective withholding.

Third. Meaning of IRS withholding notice. Unless a taxpayer acts within 90 days of receiving an IRS notice and convinces the IRS that he should not be subject to withholding, the IRS will notify each bank and corporation paying dividends or interest to that person that withholding should begin. This notice may well be interpreted by employees of these banks and corporations as an IRS declaration that the person named in the notice is a tax cheater even though millions of persons in this category will not be cheaters.

Fourth. New tax statements. The amendment would require banks and brokers to secure two different sworn tax statements from each new customer. For old customers, as many as three mailings to request sworn tax number statements in 1983 alone would be required. One mailing a year would be required for all future years. Postage paid return envelopes would be required for one mailing in 1983 and one in 1984.

Fifth. New stockbroker procedures. The amendment creates a complex series of new requirements and penal-

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ties for brokers and publicly traded corporations. If a publicly traded corporation fails to receive a taxpayer identification number from a broker on a stock purchase, or fails to receive a sworn backup withholding statement on the purchase, the corporation must withhold 20 percent on dividends paid. Furthermore, brokers would be subject to a $50 penalty for failing to obtain a sworn declaration of a customer's tax number and a $500 penalty for failing to obtain, and transmit to the corporation, a sworn backup withholding statement from a customer.

Sixth. Unusual penalty features. The IRS would have no authority to waive the new penalties on banks and corporations for reasonable cause. A new "undue hardship" standard would apply, with the only examples of undue hardship given in the committee explanation being an earthquake, a flood, or a civil disturbance.

That is the only basis upon which they could be excused. The new hardship standard would apply, with the only example of undue hardship being an earthquake, a flood, or a civil disturbance, such as a war.

The penalties would also be "self-assessing." This means that, unlike most penalties where the IRS must detect an action and choose to penalize it, banks and corporations would have to audit their own failures to make appropriate tax filings and volunteer the penalties along with their regular income tax.

ECONOMIC ENTERPRISE ZONE

Mr. STEVENS. Mr. President, I rise to express my appreciation to the chairman and ranking member of the Finance Committee for incorporating my amendment into the enterprise zone section of the committee amendment.

The present draft of the economic enterprise zone legislation requires that a geographic area meet four requirements before being designated as an enterprise zone:

First, it must be within the jurisdiction of a local government and have a continuous boundary;

Second, it must contain a population of 1,000 people, unless located on an Indian reservation, or contain 4,000 people if located in an urban area;

Third, it must be UDAG eligible; and

Fourth, finally, it must meet special economically distressed area criteria.

In Alaska, the areas that would qualify are almost all Alaska Native villages, most of which have been recently incorporated as second class cities and which are also UDAG qualified. These UDAG cities (see A-1) would also meet requirements (a) and (d), but none exceed a population of 1,000. Therefore, since almost every one of these cities is primarily composed of Alaska Natives anyway, this amendment would create a special rule for Alaska that would qualify under the population requirement all cities that exceeded 50 percent in Native population (see A-2 and A-3). Additionally, for unincorporated Alaska Native villages that do not qualify as an Indian reservation (because there is only one Indian reservation in Alaska) language has been provided which could qualify them under the population requirement if they met the definition of an Indian tribal government pursuant to 26 U.S.C. § 7701(a)(40).

In summary, the main purpose of this amendment is to insure that Alaska UDAG areas, which are primarily Native villages, will be eligible for the program, even though they do not fit into the technical definition of being located on an Indian reservation.

I thank the chairman and ranking member for their consideration of my amendment and ask that a series of tables associated with my amendment be made a part of the RECORD.

The tables follow:

[From the Federal Register, vol. 48, No. 41, Mar. 1, 1983]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

(Docket No. N-83-1209)

URBAN DEVELOPMENT ACTION GRANTS; REVISED MINIMUM STANDARDS FOR SMALL CITIES

Agency: Department of Housing and Urban Development.

Action: Notice.

Summary: In accordance with 24 CFR 570.452(b)(1), the Department is providing Notice of the most current minimum standards of physical and economic distress for small cities for the Urban Development Action Grant.

II. The following small cities meet the current minimum standards of physical and economic distress appropriate to their class.

ALASKA

Akhiok, Akiak, Akoimiut, Akutan, Alakamuk, Allakaket, Anaktuvuk Pass, Angoon, Anvik, Atmautluak, Brevig Mission, Buckland, Chefornak, Chevak, Chuathbaluk, Clark's Point, Deering, Diomede, Eagle, and Eek.

Ekwok, Ehm, Emmonak, Fort Yukon, Fortuna Ledge, Gambell, Golovin, Goodnews Bay, Gravling, Haines, Holy Cross, Hughes, Huslia, Kaltag, Kivalina, Kobuk, Koyuk, Koyukuk, Kwethluk, and Lower Kalskag.

Mekoryuk, Napakiak, New Stuyahok, Newtok, Nightmute, Nikolai, Nondalton, Noorvik, Nulaton, Oid Harbor, Pilot Station, Port Alexander, Port Lions, Quinhagak, Russian Mission, Savoonga, Scammon Bay, Selawik, Shageluk, and Shaktoolik.

Sheldon Point, Shishmaref, St. Michael, St. Paul, Stebbins, Tanana, Teller, Tenakee Springs, Togiak, Toksook Bay, Tuluksak, Tununak, Unalakleet, Upper Kalskag, Wales, White Mountain, and Yakutat.

III. The following list contains the names of those small cities which meet the current minimum standards of physical and economic distress but which did not meet the standards as of the June 8, 1982 Notice.

ALASKA

Akutan, Atmautluak, Buckland, Clark's Point, Diomede, Egal, Haines, Hughes, Huslia, Koyuk, Koyukuk, Nulato, Port Alexander, Port Lions, Russian Mission, St. Paul, Tanana, Unalakleet, and Yakutat.

IV. The following list contains the names of those small cities which met the minimum standards of physical and economic distress as of the June 8, 1982 Notice but which do not meet the current minimum standards. The final date for submission of an application by the cities listed below is August 31, 1983.

ALASKA

Akiachak, Aleknagik, Ambler, Aniak, Hoonah, Hooper Bay, Hydaburg, Kake, Kiana, Klawock, Kotlik, Mountain Village, Nome, Ouzinkie, Pelican, Platinum, Port Heiden, Ruby, St. Mary's, and Wainwright.

TABLE 1.—SUMMARY OF GENERAL POPULATION CHARACTERISTICS: 1980—THE STATE, STANDARD METROPOLITAN STATISTICAL AREAS, BOROUGHS AND CENSUS AREAS, INCORPORATED PLACES

	Persons												Households	Persons per household	Families
	Total	Percent				Median age	Race				Spanish origin [2]	In group quarters			
		Female	Age				White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander [1]					
			Under 5 yr	18 yr and over	65 yr and over										
The State	401,851	47.0	9.7	67.5	2.9	26.1	309,728	13,643	64,103	8,054	9,507	16,260	131,463	2.93	95,564
SMSA's															
Anchorage, Alaska	174,431	48.1	9.4	68.5	2.0	26.3	148,650	9,258	8,953	4,043	5,222	4,848	60,470	2.80	43,314
BOROUGHS AND CENSUS AREAS															
Aleutian Islands	7,768	37.2	8.1	75.2	1.4	24.5	4,775	329	1,934	580	297	2,548	1,598	3.27	1,307
Anchorage	174,431	48.1	9.4	68.5	2.0	26.3	148,650	9,258	8,953	4,043	5,222	4,848	60,470	2.80	43,314

TABLE 1.—SUMMARY OF GENERAL POPULATION CHARACTERISTICS: 1980—THE STATE, STANDARD METROPOLITAN STATISTICAL AREAS, BOROUGHS AND CENSUS AREAS, INCORPORATED PLACES—Continued

	Persons												Households	Persons per household	Families
	Total	Percent				Median age	Race				Spanish origin [2]	In group quarters			
		Female	Age				White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander [1]					
			Under 5 yr	18 yr and over	65 yr and over										
Bethel	10,999	47.1	11.6	58.5	3.9	22.0	1,661	26	9,247	30	61	118	2,684	4.05	2,043
Bristol Bay	1,094	34.7	5.2	78.1	2.3	26.6	660	47	360	5	30	339	246	3.07	178
Dillingham	4,616	47.2	9.7	61.4	3.7	23.3	1,066	1	3,520	7	23		1,214	3.80	958
Fairbanks North Star	53,983	46.2	10.1	69.0	2.4	25.8	46,106	3,006	2,987	816	1,546	3,339	18,224	2.78	13,029
Haines	1,680	47.2	8.2	66.8	4.6	28.8	1,430	3	214	5	13	5	572	2.93	426
Juneau	19,528	48.7	8.6	69.7	3.9	28.1	16,459	142	2,190	504	383	273	7,035	2.74	4,796
Kenai Penninsula	25,282	47.0	9.7	65.9	3.3	26.8	23,099	41	1,738	200	358	320	8,546	2.92	6,350
Ketchikan Gateway	11,316	47.8	8.8	68.8	5.7	27.9	9,479	46	1,406	285	206	332	3,985	2.76	2,780
Kobuk	4,831	46.3	11.8	58.1	5.2	21.6	683	7	4,113	6	15	48	1,140	4.20	882
Kodiak Island	9,939	44.2	9.9	69.3	2.6	25.9	7,046	72	1,884	795	304	681	3,027	3.06	2,224
Matanuska—Susitna	17,816	48.1	10.2	64.0	4.1	26.9	16,844	90	688	61	224	378	5,699	3.06	4,495
Nome	6,537	45.6	11.2	61.1	5.2	23.4	1,278	22	5,174	32	27	88	1,741	3.70	1,310
North Slope	4,199	43.2	9.9	65.1	3.5	24.7	914	22	3,225	24	32	365	980	3.91	735
Prince of Wales—Outer Ketchikan	3,822	44.0	10.3	64.9	4.0	25.6	2,080	11	1,651	19	31	176	1,121	3.25	903
Sitka	7,803	47.3	10.2	67.0	4.6	26.4	5,768	44	1,669	235	108	367	2,440	3.05	1,849
Skagway-Yakutat—Angoon	3,478	47.2	11.0	65.2	5.5	26.6	1,941	5	1,462	21	41	92	1,087	3.11	795
Southeast Fairbanks	5,676	44.2	11.2	64.6	2.5	24.6	4,473	284	725	94	199	399	1,666	3.17	1,364
Valdez—Cordova	8,348	44.4	8.8	69.0	3.5	27.4	6,915	58	1,060	177	198	702	2,689	2.84	1,901
Wade Hampton	4,665	47.7	12.0	54.7	3.8	20.0	296	3	4,347	8	10	55	947	4.87	816
Wrangell—Petersburg	6,167	46.3	9.5	68.2	5.7	27.3	4,812	9	1,190	86	89	173	2,072	2.89	1,524
Yukon—Koyukuk	7,873	42.5	10.0	65.1	3.9	25.4	3,293	117	4,366	21	90	614	2,280	3.18	1,585
INCORPORATED PLACES															
Akhiok City	105	43.8	11.4	61.0	2.9	20.5	2		101	2			27	3.89	20
Akiochak City	438	51.1	13.7	59.1	5.5	21.9	40		398				87	5.03	77
Akiak City	198	48.0	11.1	62.1	5.1	22.7	7		191				36	5.50	30
Akolmiut City	641	51.2	12.6	54.8	5.9	20.1	18		620				129	4.97	111
Akutan City	169	32.0	4.7	87.6	5.3	27.2	68		67	31	15	100	17	4.06	15
Alakanuk City	522	49.4	13.4	49.8	2.5	17.9	30		491	1			105	4.97	95
Aleknagik City	154	44.2	9.1	59.1	5.8	25.0	16		138				38	4.05	34
Allakaket City	163	42.3	12.3	58.9	4.3	21.5	5		158				46	3.54	35
Ambler City	192	49.0	9.9	54.2	3.6	19.7	33	1	155		3		48	4.00	38
Anaktuvuk Pass City	203	50.2	16.3	58.1	2.0	21.2	10		191		6		51	3.98	47
Anchorage City	174,431	48.1	9.4	68.5	2.0	26.3	148,650	9,258	8,953	4,043	5,222	4,848	60,470	2.80	43,314
Anderson City	517	38.3	6.8	70.0	.8	27.5	481	16	16	3	1	127	118	3.31	100
Angoon City	465	51.0	11.8	59.8	6.2	23.7	45		412		10		110	4.23	96
Aniok City	341	44.0	12.6	64.8	2.6	24.1	121	2	218		3		111	3.07	71
Anvik City	114	49.1	10.5	57.9	7.0	22.8	20	3	91				36	3.17	26
Atmoutlook City	219	47.0	15.1	54.3	2.7	20.3	11		206				47	4.66	36
Barrow City	2,207	46.2	9.3	64.1	3.5	24.1	455	10	1,720	15	5	3	607	3.63	413
Bethel City	3,576	48.0	11.7	61.9	2.0	23.6	1,110	13	2,417	26	46	49	1,083	3.26	718
Brevig Mission City	138	44.2	13.0	60.9	5.8	21.0			138		1		32	4.31	27
Buckland City	177	42.9	11.9	52.5	2.8	19.1	13		161				39	4.54	32
Chefornak City	230	46.5	14.3	50.4	6.5	18.5	9		221				38	6.05	35
Chevok City	466	46.1	13.7	53.6	2.8	19.3	21		445		1		92	5.07	75
Chuathboluk City	105	44.8	13.3	56.2	4.8	20.4	12		93				26	4.04	22
Clark's Point City	79	41.8	15.2	59.5		23.5	9		70				22	3.59	17
Cordovo City	1,879	44.7	8.4	72.0	5.1	27.2	1,446	8	286	97	53	126	657	2.67	436
Craig City	527	46.1	8.3	67.9	4.9	26.6	352		170	2	6	11	176	2.93	125
Deering City	150	46.7	12.7	56.0	2.7	20.0	12		138				35	4.29	28
Delta Junction City	945	46.2	11.5	70.6	1.4	25.8	808	68	27	27	38		348	2.72	279
Dillingham City	1,563	48.4	9.7	63.5	3.3	24.9	660	1	891	4	2		467	3.35	339
Diomede City	139	42.4	12.2	54.0	2.2	20.5	3		136				30	4.63	22
Eagle City	110	45.5	2.7	71.8	8.2	32.0	103		7				48	2.29	26
Eek City	228	43.4	11.4	64.0	5.7	23.4	8		220				56	4.07	44
Ekwok City	77	42.9	5.2	64.9	6.5	23.5	5		71				20	3.85	18
Elim City	211	41.7	13.7	58.3	7.6	22.8	8		203				48	4.40	41
Emmonak City	567	47.8	11.8	54.3	3.7	20.3	43		517		1	3	127	4.44	108
Fairbanks City	22,645	46.5	10.2	71.1	4.0	25.9	18,085	1,991	1,596	424	801	1,481	8,145	2.60	5,352
Fortuna Ledge City	262	47.7	12.2	61.1	4.6	25.0	16		246				64	4.09	55
Fort Yukon City	619	43.6	12.8	65.6	5.3	25.4	167	2	442	3	1	33	187	3.13	132
Galena City	765	30.7	6.8	75.9	1.3	25.4	344	53	350	4	15	302	145	3.19	94
Gambell City	445	42.0	13.5	57.1	4.5	21.4	20		425				103	4.32	89
Golovin City	87	46.0	10.3	64.4	9.2	26.6	2		85				31	2.81	22
Goodnews Bay City	168	44.0	5.4	64.9	6.5	23.9	7		161		1		42	4.00	30
Grayling City	209	49.3	15.3	47.8	2.4	17.3	80		129		2		52	4.02	47
Haines City	993	47.1	8.3	66.7	4.8	28.6	788	3	188	4	9		336	2.96	253
Holy Cross City	241	44.8	10.4	57.3	5.8	21.3	20		221				63	3.83	44
Homer City	2,209	46.9	9.0	69.6	4.7	27.8	2,076	9	66	38	39	49	812	2.66	551
Hoonah City	680	46.6	12.5	59.0	5.3	23.7	106	1	543	1	12	5	169	3.99	147
Hooper Bay City	627	45.8	11.2	57.4	5.3	21.0	28		598	1	1		125	5.02	104
Houston City	370	46.5	10.8	64.3	3.2	27.2	347	2	15	4	12		129	2.87	97
Hughes City	73	42.5	16.4	63.0	2.7	24.4	2		71				22	3.32	14
Huslia City	188	44.1	17.6	57.4	4.8	22.8	10		178				59	3.19	43
Hydaburg City	298	44.3	11.1	61.7	8.7	26.4	45		253				97	3.07	70
Juneau City	19,528	48.7	8.6	69.7	3.9	28.1	16,459	142	2,190	504	383	273	7,035	2.74	4,796
Kochemak City	403	47.1	7.7	64.5	4.7	29.6	384		15	4	2		129	3.12	108
Kake City	555	47.6	11.2	57.5	4.7	23.0	75	2	467		3	7	146	3.75	118
Kaktovik City	165	45.5	4.8	64.8	3.6	24.5	17		148		1		38	4.34	30
Kohog City	247	43.3	13.8	56.7	3.6	20.3	10	1	236	—	—	—	58	4.26	43
Kosoon City	25	44.0	12.0	64.0	16.0	38.0	9	—	14	1	—	—	9	2.78	9
Kenai City	4,324	48.8	9.1	66.2	2.2	26.2	3,935	6	265	49	74	8	1,506	2.87	1,125
Ketchikan City	7,198	49.0	8.4	69.7	6.6	28.3	5,816	34	1,050	226	159	178	2,644	2.66	1,736
Kiono City	345	46.7	15.7	54.2	4.6	20.0	20	—	325	—	2	—	75	4.60	59
King Cove City	460	49.3	12.4	63.5	2.8	24.2	84	2	367	6	2	1	114	4.03	99
Kivalina City	241	47.3	11.6	54.8	3.3	20.1	2	—	237	—	—	—	37	6.51	34
Klawock City	318	45.9	10.4	58.2	2.5	23.0	81	—	210	—	1	—	79	4.03	65
Kobuk City	62	54.8	17.7	43.5	9.7	14.0	3	—	59	—	—	—	16	3.88	11
Kodiak City	4,756	46.0	8.7	71.4	3.4	27.4	3,337	26	666	663	196	192	1,535	2.97	1,064
Kotlik City	293	48.5	9.2	60.4	4.4	22.1	13	—	280	—	3	—	59	4.97	53
Kotzebue City	2,054	47.2	11.4	59.9	5.5	23.1	471	3	1,574	5	4	8	565	3.62	413
Koyuk City	188	45.7	11.7	56.9	6.9	20.5	7	—	180	1	—	—	48	3.92	34
Koyukuk City	98	45.9	10.2	65.3	4.1	22.6	5	—	91	—	—	—	26	3.77	19
Kupreanof City	47	40.4	2.1	85.1	—	31.3	45	—	2	—	—	—	21	2.24	9
Kwethluk City	454	47.8	12.3	55.9	5.5	21.0	11	1	441	—	1	—	88	5.16	80
Larsen Bay City	168	44.0	14.3	60.1	3.0	26.8	41	2	120	5	1	24	41	3.51	29
Lower Kalskog City	246	46.3	15.0	57.3	5.3	20.4	6	—	237	—	—	—	55	4.47	46

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TABLE 1.—SUMMARY OF GENERAL POPULATION CHARACTERISTICS: 1980—THE STATE, STANDARD METROPOLITAN STATISTICAL AREAS, BOROUGHS AND CENSUS AREAS, INCORPORATED PLACES—Continued

	Persons														
		Percent					Race						Households	Persons per household	Families
			Age												
	Total	Female	Under 5 yr	18 yr and over	65 yr and over	Median age	White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander [1]	Spanish origin [2]	In group quarters			
McGrath City	355	47.3	9.6	62.5	4.5	25.8	187	1	165	2	6	—	129	2.75	74
Manokotak City	294	49.0	11.9	51.7	2.0	18.6	20	—	273	1	—	—	57	5.16	52
Mekoryuk City	160	37.5	8.1	63.8	9.4	24.5	5	—	153	1	—	—	44	3.64	32
Mountain Village City	583	48.0	10.6	49.9	2.9	18.0	43	—	539	—	1	—	107	5.45	96
Napakiak City	262	51.5	9.9	58.8	6.9	23.5	4	—	254	—	4	—	60	4.37	55
Napaskiak City	244	45.1	11.1	52.5	4.9	18.9	5	—	239	—	—	—	49	4.98	41
Nenana City	470	45.1	10.4	66.2	5.1	27.9	250	5	214	—	1	—	163	2.88	110
Newhalen City	87	37.9	11.5	55.2	2.3	20.5	5	—	82	—	—	—	18	4.83	16
New Stuyahok City	331	48.6	10.9	56.8	5.4	20.6	20	—	311	—	—	—	65	5.09	60
Newtok City	131	51.1	17.6	52.7	3.1	21.4	4	—	124	—	—	—	28	4.68	25
Nightmute City	119	47.1	10.9	56.3	9.2	22.6	3	—	116	—	—	—	24	4.96	22
Nikolai City	91	47.3	11.0	60.4	3.3	22.9	9	—	82	—	—	—	22	4.14	21
Nome City	2,301	47.2	9.0	65.2	5.8	26.0	900	14	1,347	20	19	43	697	3.24	476
Nondalton City	173	46.8	9.2	63.0	5.8	23.0	11	—	161	—	5	—	42	4.12	33
Noorvik City	492	44.3	10.8	57.1	3.9	20.3	24	—	467	—	1	—	91	5.41	77
North Pole City	724	49.6	10.6	65.9	1.2	24.2	673	31	15	1	21	—	249	2.91	200
Nunisut City	208	48.6	12.5	59.1	3.4	23.0	26	1	181	—	—	—	50	4.16	45
Nulato City	350	50.6	11.7	57.1	3.7	20.9	18	1	329	—	1	—	71	4.93	55
Old Harbor City	340	49.1	13.8	58.5	2.1	21.1	24	—	315	—	3	—	88	3.86	70
Ouzinkie City	173	45.7	6.4	66.5	6.9	29.7	10	—	163	—	5	—	57	3.04	43
Palmer City	2,141	50.7	12.7	65.3	8.8	25.8	1,998	40	75	11	40	98	725	2.82	537
Pelican City	180	43.9	10.6	76.1	3.9	29.2	147	—	33	—	1	8	64	2.69	46
Petersburg City	2,821	46.2	10.0	69.8	6.1	27.2	2,418	3	312	57	52	38	979	2.84	718
Pilot Station City	325	49.8	15.7	52.6	3.4	19.2	14	2	306	1		5	61	5.25	57
Platinum City	55	41.8	5.5	58.2	7.3	25.8	11		44				14	3.93	10
Point Hope City	464	46.3	12.9	58.0	5.0	20.5	28	1	434		5		98	4.73	83
Port Alexander City	86	45.3	12.8	67.4	5.8	27.2	79		5		3		37	2.32	17
Port Heiden City	92	42.4	6.5	68.5	3.3	23.7	31		59				29	3.17	22
Port Lions City	215	42.8	12.1	63.7	7.0	25.6	52		158	1	3		66	3.26	55
Quinhagak City	412	47.6	13.3	56.1	3.6	20.8	10		402				82	5.02	78
Ruby City	197	43.7	14.7	60.4	6.1	24.3	25		171	1			63	3.13	41
Russian Mission City	169	49.1	17.2	49.7	1.8	17.9	7		159	3			41	4.12	31
St. Mary's City	382	49.7	7.9	60.2	4.2	21.8	44		336	1	1	28	72	4.92	62
St. Michael City	239	47.3	15.5	53.1	3.3	19.4	12		227				57	4.19	48
St. Paul City	551	42.8	11.4	61.0	3.4	22.2	61		483	3	2	24	126	4.18	113
Sand Point City	625	45.6	9.1	68.5	2.2	24.1	241		357	13	11	48	186	3.10	126
Savoonga City	491	46.4	12.0	58.2	3.7	21.8	27		463	1			109	4.50	94
Saxman City	273	44.7	8.4	61.2	7.3	23.7	67		194	3	4	15	66	3.91	55
Scammon Bay City	250	47.6	15.6	52.0	6.0	19.0	9		241		1		47	5.32	42
Selawik City	361	44.6	14.4	56.8	6.4	20.7	8		352	1			69	5.23	62
Seldovia City	479	48.0	5.6	67.4	4.8	28.4	334		117	19	8		175	2.74	102
Seward City	1,843	45.0	6.9	75.7	7.8	28.7	1,564	7	238	16	34	166	670	2.50	415
Shageluk City	131	46.6	9.2	63.4	4.6	25.8	11		120				35	3.74	29
Shaktoolik City	164	49.4	15.2	57.9	4.3	22.0	5		159				43	3.81	35
Sheldon Point City	103	41.7	8.7	45.6	1.0	16.5	4		98	1			20	5.15	17
Shishmaref City	394	45.9	13.5	54.8	2.8	19.6	25		369				86	4.58	71
Shungnak City	202	46.0	11.9	57.4	5.9	20.8	14		179				47	4.30	39
Sitka City	7,803	47.3	10.2	67.0	4.6	26.4	5,768	44	1,669	235	108	367	2,440	3.05	1,849
Skagway City	768	47.3	10.8	67.3	4.3	27.4	722		35	8	2		289	2.66	195
Soldotna City	2,320	48.4	9.4	65.8	1.7	25.9	2,216	1	72	18	25		808	2.87	600
Stebbins City	331	49.8	17.5	49.2	3.3	17.5	11	1	316				69	4.80	59
Tanana City	388	46.1	10.1	62.6	5.7	23.9	76	2	307		3	12	118	3.19	78
Teller City	212	43.4	13.2	67.5	7.1	24.6	15	1	196				65	3.26	46
Tenakee Springs City	138	47.8	3.6	79.7	22.5	33.9	127	1	7	3			70	1.97	32
Togiak City	470	48.7	8.1	60.4	3.4	22.2	26		443	1			101	4.65	86
Toksook Bay City	333	48.0	9.6	50.2	3.0	18.1	21		312				65	5.12	58
Tuluksak City	236	52.5	13.6	53.0	4.7	20.2	5		228		2		42	5.62	39
Tununak City	298	46.6	11.1	56.4	3.7	20.1	13	1	283	1			68	4.38	54
Unalakleet City	623	46.5	10.8	60.0	5.0	22.8	75		546		1		158	3.94	128
Unalaska City	1,322	35.1	3.5	86.1	.9	26.8	848	19	200	220	42	600	304	2.38	156
Upper Kalskag City	129	48.1	6.2	62.8	6.2	23.2	21		108				34	3.79	26
Valdez City	3,079	44.1	8.4	70.1	1.5	27.0	2,745	38	175	63	92	324	957	2.88	691
Wainwright City	405	44.0	14.3	58.3	4.7	21.9	33		372		1		93	4.35	82
Wales City	133	41.4	6.8	69.2	6.0	24.9	5		122	6			37	3.59	27
Wasilla City	1,559	49.3	8.8	63.3	3.9	26.9	1,466	6	74	4	22		507	3.07	394
White Mountain City	125	40.8	8.0	67.2	9.6	25.2	9		116				36	3.47	26
Whittier City	198	46.0	10.1	72.2	3.0	28.9	175	3	17	2	5	13	77	2.40	41
Wrangell City	2,184	47.6	8.2	68.0	6.7	28.2	1,737	4	390	29	15	50	758	2.82	551
Yakutat City	449	47.7	10.9	64.1	5.8	25.4	164		279	6	9		139	3.23	99

[1] Excludes "Other Asian and Pacific Islander" groups identified in sample tabulations.

[2] Persons of Spanish origin may be of any race.

ECONOMIC ENTERPRISE ZONE

Mr. ABDNOR. Mr. President, I rise in support of the pending legislation and particularly at this time in support of the Enterprise Zone Act of 1983 as it authorizes the Secretary of Housing and Urban Development to designate enterprise zones that may be nominated by Indian tribes or "an Indian governing body"—to use the language of the committee amendment.

It is most appropriate for the legislation to make provision for enterprise zones within Indian reservations since its stated purpose is "to provide for the establishment of new jobs, particularly for disadvantaged workers and long-term unemployed individuals * * *." It is indisputable, Mr. President, that many thousands of Indians fall within the category of disadvantaged workers and long-term unemployed. To quote a recent congressional report, "* * * unemployment and poverty is the norm on most Indian reservations. The overwhelming majority of Indian families exist at or below the poverty level and unemployment rates of 50 percent or more are common." Indeed, Mr. President, in my home State of South Dakota the Rosebud, Pine Ridge, and Yankton Reservations each has an unemployment rate in excess of 80 percent.

So by any measure of need and fairness Indian tribes should be included in this vital enterprise zone legislation.

As originally drawn, the measure would permit an Indian qualified enterprise zone only if the zone were entirely within the Indian reservation—as determined by the Secretary of the Interior. On first impression that would seem to be a reasonable requirement or limitation. I would point out, however, Mr. President, that it is not practicable in many situations to restrict the enterprise zone to the boundaries of a given Indian reservation. The economic conditions that exist on the reservation giving rise to persistent high rates of unemployment, abject poverty, and lack of opportunity constitute the very reason business enterprises will not enter the reservation or, having entered, cannot survive. In view of such conditions, I feel sure the incentives provided by the legislation now before us, important as they are, will not be sufficient to induce competent business people to risk their capital, know-how, and reputation in building and operating new business enterprises within the boundaries of such reservations.

I therefore commend the distinguished chairman and members of the Committee on Finance in accepting my proposal that under certain specified conditions an Indian enterprise zone may be off the reservation. While I have no specific situation in mind and none has been brought to my attention, the changes proposed might well permit Indian participation in constructing and operating a forest product manufacturing plant close by the reservation on which there is a large self-sustaining stand of timber. Or in another situation, a recreation center or complex could be successfully built and operated with Indian participation near a reservation which enterprise would have little chance of success if it were located entirely on that reservation. In each instance the members of the Indian tribe would have substantial benefits from and participation in the cooperative venture.

The proposed changes which now are contained in the amendment provide in effect that:

An Indian enterprise zone is not required to be entirely within the boundaries of the reservation, but in order to qualify the Indian reservation must meet the eligibility requirements spelled out in the act.

In order to qualify, the off-reservation enterprise zone must be nominated by the Indian tribal government in conjunction with the local government and the State in which such area is located.

The off-reservation enterprise zone must be located within a radius of 50 miles from one of the boundaries of the reservation.

The off-reservation enterprise zone may be designated only if the Secretary of Housing and Urban Development determines that a substantial portion of the benefits of such designation will accrue to the members of the Indian tribe.

So in conclusion, Mr. President, I am hopeful that this legislation as it pertains to Indian tribes will open new opportunities to the building of substantial business enterprises both on and off the reservations to the long-term benefit of all members of the Indian tribes. It can be a most important beginning in improving the distressed economic conditions that exist on our Indian reservations.

Mr. CHAFEE. Mr. President, for over 3 years I have been working on legislation to create enterprise zones for reversing economic decline in our severely distressed inner cities and rural towns. As we turn to consideration of the committee amendment, I am encouraged that we finally have the opportunity to put this badly needed program in place.

The enterprise zone language included in the committee amendment represents years of careful study and revision. With the help of Senators BOSCHWITZ, HEINZ, and DANFORTH, and the Reagan administration, virtually every provision has been debated.

The Finance Committee devoted several days of hearings to enterprise zones during which we heard the suggestions of Governors, mayors, and business leaders from across the Nation. There have been countless enterprise zone field hearings, conferences, commissions, and seminars. Needless to say, this proposal is more than ready for our approval.

The objectives of the enterprise program are to spark investment and business activity in targeted distressed areas, to create jobs, especially for disadvantaged individuals in the areas, and to revitalize the geographic zone areas themselves. This would be accomplished by providing relief from Federal, State, and local taxes and regulations, and by improving some local services.

The combination of all these elements—the municipality, the State, the Federal Government, and the private sector—will create the environment necessary to revive rundown areas. Because enterprise zones are based on removing Government burdens rather than providing Government grants, there will be no Federal appropriations.

Eligibility of an area for enterprise zone designation will be based on criteria of poverty, unemployment, and economic distress. However, this would not be an automatic entitlement. Rather, an eligible area must be nominated by the city and the State, and then officially designated by the Department of Housing and Urban Development. The Federal designation process will be competitive, with 75 zones selected over 3 years. The purpose of this is to move ahead slowly, to make sure we are on the right track before we start on a full-blown program with enterprise zones all across the Nation.

Mr. President, the enterprise zone program is not a miracle cure for all our urban and rural problems, nor is it proposed as a replacement for existing programs. This is an experimental and limited program. It is intended to be a complement to existing economic development tools, such as community development block grants, UDAG, and job training.

The local response to enterprise zones has been overwhelming. This legislation is endorsed by Republicans and Democrats, by government officials, community leaders, civil rights groups, and businessmen from all parts of the country. Eighteen States have already enacted their own enterprise zone legislation; some have even started designating areas eligible for State and local incentives. At least 14 other States have legislation pending.

Mr. President, the people who live with urban and rural blight want us to enact this program. I hope that today we can help them help themselves by passing this legislation.

● Mr. BOSCHWITZ. Mr. President, today the Senate is considering the provisions of the Enterprise Zone Employment and Development Act, legislation which I believe responsibly deals with the problems of joblessness by enlisting the help of the private sector.

Today, the Senate can take a major step on the road to enacting this bill. I am pleased to have the support of 40 of my colleagues, who have cosponsored this bill, along with the support of President Reagan. The enterprise zone concept has gathered impressive bipartisan support over the past 3 years and has the support of many State and local governments.

I first introduced the enterprise zone concept to the Senate, roughly 3 years ago. Since that time, the legislation has been refined with the help of business groups, local governments, and urban groups. In 1981, enterprise zone legislation was first discussed on the Senate floor and, as a result, some important modifications were made. Last year it was reported by the Finance Committee, but unfortunately there was not time to act on it in the lame-duck session. This year, however, we are moving faster and are ahead of the game. This year, we do have time to act.

In this time of double-digit unemployment, we need enterprise zones more than ever. As the economy turns around, more and more Americans will go back to work, but the need for enterprise zones will be increasingly evident in areas of structural unemployment—where jobs have been lost to changing industries more than to a changing economy. Areas such as Minnesota's iron range where the jobless have been stung by the ravages of structural unemployment, can use the boost the enterprise zones can provide.

In simple terms, the supporters of enterprise zones view the problem of joblessness like this: there are no jobs because there are not enough opportunities in the areas that need them the most. Enterprise zones would encourage job creation through a Federal/local package of tax breaks and other incentives for businesses which locate in a designated zone.

There are many problems faced by businesses wishing to locate in enterprise zones that cannot be corrected by the Federal Government alone. Such problems as crime, weak infrastructure support, and city taxes remain barriers to business development. These serve as a double whammy when you consider that a prospective business already faces the usual problems of tax burdens, startup capital, and technical expertise.

Enterprise zones address these problems by combining incentives provided by the Federal Government with those of local governments. That an area shows signs of high unemployment, poverty, or outmigration is not enough to qualify it for an enterprise-zone designation. The local government must also assemble a package of tax and other incentives that meet the particular problems of the area. Moreover, the award of an enterprise zone will be granted on a competitive basis to test local commitment. That could include any number of things, such as improved infrastructure support, reduction of local taxes, relaxation of local regulations, managerial assistance, and technical help.

These local contributions are then matched by Federal tax breaks, such as the elimination of capital gains taxes for business investment in the area, significant reductions in income taxes, and tax credits for wages paid to previously unemployed workers. This local/Federal package addresses the problems that all small businesses face as well as the particular problems of a business located in a depressed area.

Enterprise-zone legislation should be aimed primarily at small business because it creates the vast majority of new jobs. In the past 10 years nearly 20 percent of new private-sector employment has come from businesses with 20 or fewer employees. Eighty percent of new jobs have been created by businesses with less than 100 employees.

My faith in business goes much deeper than statistics. My experience as a businessman has shown me that small businesses offer an increased opportunity for rapid advancement when compared with larger corporations. People at the lower end of the wage scale are not so easily lost in the shuffle; the small businessman is far more involved with the lives of his employees. A worker's qualities, problems, family, and ambitions do not easily escape the boss' notice. Getting in on the ground floor of a small business is a very effective method of advancement, but most important, it stands in stark contrast from welfare.

But, to get in on the ground floor, a small business must have a foundation. This legislation provides small businesses with many advantages which will enable them to build a solid foundation. Some of these advantages are: tax credit for zone employers; investment tax credit for zone property; elimination of capital gains taxation; industrial development bonds; and tax simplification and regulatory flexibility. These and other incentives contained in the legislation, will give small business good reasons to locate in an enterprise zone.

Our Nation long ago accepted the responsibility of taking care of those who cannot take care of themselves. We have spent a lot of money doing just that. Unfortunately, we have not been as wise as we have been generous in meeting this responsibility. Today, our social welfare obligations cost the Government nearly half of the Federal budget. One economist estimates that if we would just give to the poor all the money we spend on programs for them, we would raise all Americans above the poverty level.

Clearly we need a new approach in assisting our poor and jobless. The current antipoverty programs do provide crucial services but they do not, on their own, appear to achieve any lasting good. They are for the most part stopgap policies that address the symptoms but not the causes of poverty. They have failed to provide any meaningful opportunity for advancement.

In fact, the present system has trapped many of our poor in a self-perpetuating cycle of poverty. Instead of offering the poor a chance to pull themselves and their families out of poverty, the present programs unwittingly trap recipients in a self-perpetuating quagmire of poverty from which even the most enterprising have trouble emerging.

The answer is not spending more Government money. The answer is jobs—jobs in the private sector. Although that remedy is easily prescribed, the method toward that cure is not. One means is through enterprise zones.

I do not contend that enacting the enterprise zone legislation alone will solve our present unemployment problems. But it can and should be a part of the solution.

Mr. President, I believe it is important to take note of the fact that State and local governments have already exhibited remarkable enthusiasm for the enterprise zone idea; 18 States have already enacted enterprise-zone legislation, 7 so far this year, and 14 additional States currently have legislation pending. State and local governments have already displayed considerable creativity in their freestanding enterprise zone efforts. I am submitting a list of this State activity for the RECORD.

These States have also provided a wide variety of incentives in their zone legislation:

Connecticut legislation provides venture capital loans, corporate income tax credits, sales tax exemption, employment training vouchers, and $1,000 for each manufacturing job.

Florida provides loans and grants to community development corporations in State enterprise zones.

Kentucky has a vehicle for providing residents with equity interest in a zone through neighborhood enterprise associations, and allows exemptions from certain sales and use taxes.

Within some 480 zones, Louisiana exempts purchase of plant and equipment from State income, sales, and franchise taxes for approved businesses.

Maryland offers loan guarantees from a venture capital guarantee fund and tax credits on local property taxes and wages paid to employees.

Minnesota abates 50 percent of the taxes on building expansion or new construction for the first 12 years.

Ohio provides sales tax exemptions and business income and unemployment tax credits, and allows unemployment tax credits and property tax abatement.

The Enterprise Zone Employment and Development Act encourages these efforts. It not only provides an important and necessary complement to such State and local activities, but acts as a synergistic ingredient in that mix of activities essential to making enterprise zones successful. This is an excellent opportunity to demonstrate both intergovernmental and public-private partnerships in action. This is a fresh, promising approach to dealing with problems of structural unemployment and revitalizing distressing areas in our Nation's cities and rural towns.

I am very pleased that the Senate is considering this enterprise zone legislation, and I urge my colleagues to support it as part of the Finance Committee amendment. We have had quick action on this legislation this session, and now that it is in our grasp, let us make sure we do not lose our momentum.

We in the Senate have shown how important we feel this piece of legislation is—41 Members of this body have sponsored it. Let this be a message to Members of the House. We have started the ball rolling, let us hope it does not get held up.

I urge the conferees to be strong advocates for enterprize zones in the conference with the House, so it can be sent to the President and signed into law.●

Mr. KASTEN. Mr. President, the Senator from Louisiana, Mr. LONG, has offered some interesting arguments against the Finance Committee amendment to H.R. 2973. I would like to clarify a few points.

It is true that this amendment includes various compliance measures designed to get interest and dividend tax cheaters. Specifically, it includes backup withholding at 20 percent for individuals not filing tax returns or not reporting more than $50 in interest and dividend income. The effective date for this provision has been changed to January 1, 1984. Now, it is essentially the same as the backup withholding called for in current law. In other words, even if the motion/amendment of the Senator from Louisiana passes today, backup withholding would still go into effect next January. There really is very little difference between the backup withholding in the committee amendment and what we would have if the Long motion/amendment succeeds. Both the American Bankers Association and the U.S. League of Savings Institutions recognize this fact, and support the Dole-Kasten compliance measures.

The Senator from Louisiana also argues that if the committee amendment passes, withholding will go into effect on July 1. That is simply not true. The Secretary of Treasury has written a letter pledging that if the committee amendment passes, the effective date for withholding will be delayed by 30 days. This will allow more than enough time for a House-Senate conference to work out the differences between these 2 versions of the repeal bill—H.R. 2973.

The Treasury letter pledges that the Secretary of the Treasury will use the authority in TEFRA to grant a blanket hardship exemption for all payors of interest and dividends. TEFRA states that the Secretary has the authority to do this for institutions that would have undue hardship in meeting the provisions of mandatory withholding. It is clear that Congress intends to repeal withholding. The problem is one of timing. The worst thing in the world would be that withholding go into effect on July 1, and 10 days later the President signs the repeal law. I believe—and so does the Secretary of Treasury—that this would be an undue hardship for banking institutions, and a 30-day exemption is necessary.

Mr. President, it has been almost 1 year since I first attempted to strike withholding on interest and dividend income from the law. More than anyone else in this Chamber, I would like to see this issue resolved. And I strongly believe that it will be resolved if we all join together and support the Finance Committee amendment here today.

Mr. ROTH. Mr. President, the legislation before us today presents us with an opportunity to take action to extend the mortgage revenue bond program. In January, I introduced legislation, S. 137, the Housing Finance Opportunity Act of 1983, to repeal the sunset provision for the mortgage revenue bond program. Since that time this legislation has garnered an impressive array of support, having 76 cosponsors. I ask unanimous consent that their names be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COSPONSORS OF S. 137

Senators Roth, Mitchell, Sasser, Durenberger, Danforth, Heflin, Dodd, Tsongas, Melcher, Abdnor, Packwood, D'Amato, Stafford, Cochran, Levin, Trible, Riegle, Wallop, Cranston, Murkowski, Pell, Huddleston, Specter, Ford, Zorinsky, Warner, Heinz, Tower, Exon, Leahy, Dixon, Randolph, Sarbanes, Pressler, Baucus, Mattingly, Eagleton, Nunn, Burdick, Thurmond, Hart, Stevens, Chafee, Laxalt, Jackson, Hecht, Denton, Biden, Stennis, DeConcini, Andrews, Lautenberg, Kasten, Matsunaga, Hollings, Mathias, Bingaman, Inouye, Jepsen, Bentsen, Helms, Hawkins, Boren, Simpson, Glenn, Boschwitz, Garn, Byrd, Wilson, Quayle, Pryor, Kennedy, Lugar, Rudman, Percy, Johnston, and Chiles.

Mr. ROTH. Mr. President, this list is broadly bipartisan and constitutes a majority of the members of the Finance Committee, the Banking, Housing, and Urban Affairs Committee, and the Budget Committee. In addition, this legislation has the support and endorsement of a number of public interest groups, including the National Governors' Association, the Conference of Mayors, the National Conference of State Legislatures, the Council of State Housing Agencies, the National Association of Homebuilders, and the National Association of Realtors, among others. I ask unanimous consent that a letter I have received from these groups be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 24, 1983.

Hon. WILLIAM V. ROTH,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR ROTH: The undersigned organizations support your efforts to gather support for legislation to eliminate the December 31, 1983 "sunset" on the issuance of single family mortgage revenue bonds.

State and local governments have effectively used mortgage revenue bonds to meet local and national housing needs. These bonds reduce the cost of single family homeownership for low and moderate income families by lowering mortgage interest rates and by allowing smaller downpayments than required by conventional lenders. Although interest rates have decreased somewhat we believe the availability of the mortgage revenue bond program must continue especially in light in light of the very realistic possibility that interest rates will again shoot upward.

Mortgage revenue bonds contribute to the creation of jobs in the construction industry. The Council of State Housing Agencies has estimated that the construction of new housing units *directly* financed with 1982 mortgage revenue bond proceeds have created 76,00 to 89,000 new jobs, resulting in an additional payment of $1.4 billion to $1.6 billion in wages. Further, it has been estimated that $640 million to $740 million in taxes was generated as a result of the construction of these new units, of which $550 million to $640 million was payable to the Federal Treasury.

We believe the elimination of the sunset is one of the most important issues before the Congress this year. We look forward to working with you to maintain the mortgage Revenue Bond Program, ensure the continued viability of the American housing industry, and provide decent and affordable housing for all.

Sincerely,

City of Oakland, California; National Association of Housing and Redevelopment Officials; National Governors' Association; Association of Local Housing Finance Agencies; Council of State Housing Agencies; National Association of Realtors; Public Securities Association; Council of State Community Affairs Agency; National Conference of State Legislatures; United States Conference of Mayors, American Institute of Architects; National Association of Home Builders; National Lumber and Building Materials Dealers Association.

Mr. ROTH. Mr. President, on May 13, hearings were held in the Subcommittee on taxation and debt management of the Finance Committee on S. 137. These hearings gave the critics and advocates of the program an opportunity to air their views on the mortgage revenue bond program. We had an impressive array of witnesses from all over the country who gave testimony as to the need and effectiveness of the program. These witnesses came from Delaware, Oregon, Maine, Florida, Arkansas, New York, Minnesota, and Virginia and left no doubt in this Senator's mind that we must continue the mortgage revenue bond program. This hearing record also counters the recent General Accounting Office preliminary report on "The Costs and Benefits of Single Family Mortgage Revenue Bonds." I ask unanimous consent that a detailed response to the charges of the GAO report prepared by the Council of State Housing Agencies be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNCIL OF STATE HOUSING AGENCIES RESPONSE TO THE GENERAL ACCOUNTING OFFICE STUDY "THE COSTS AND BENEFITS OF MORTGAGE REVENUE BONDS: PRELIMINARY REPORT"

HIGHLIGHTS

GAO draws conclusions about the mortgage revenue bond (MRB) programs based on a study of loans made over the first three

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quarters of 1982. Given the high rates of interest during this period, one can hardly call 1982 typical of mortgage bond program experience. Yet GAO makes no attempt to explain its findings in this context. It implies that these programs failed to serve the goal of low income housing assistance, withour acknowledging the equally important purpose served in 1982—to provide critically needed support to a devastated housing industry.

GAO presents an estimate of the cost of mortgage bond subsidies that is exaggerated not only by the time period studied, but also by the assumptions used in calculating that cost. Different assumptions result in cost estimates that range from 25 to 75 percent of GAO's figure. The report does not present these lower estimates.

Comparing the cost of the mortgage bond subsidy with the interest reduction to the homebuyer, GAO concludes that cost exceeds benefits. It bases this conclusion, however, on a significantly smaller interest rate subsidy than was actually available in 1982. Similarly, it understates the cost of possible alternatives to MRBs, which appears to increase the gap between mortgage bonds and other program costs. More realistic assumptions lead to the conclusion that MRBs are highly cost effective and less expensive than other subsidy mechanisms.

Much of the report is devoted to showing that mortgage bonds in 1982 served "middle and upper income" families. By this, GAO means families with incomes over 80 percent of median; on a national basis, this means families with incomes over $20,000. GAO also makes the extraordinary—and unsupported—claim that families with incomes over $20,000 could have bought without subsidy in 1982.

The GAO report claims that the incomes of homebuyers under revenue bond programs "were similar to those of buyers" borrowing with FHA unsubsidized mortgage insurance. In fact, the median FHA homebuyer had an income some $10,000 or 43 percent higher than the median income in state housing bond programs.

GAO found that half of the borrowers in mortgage bond programs had incomes less than $25,000 in 1982 and 85 percent had incomes less than $35,000. In a year when it took about $38,000 in income to afford the median priced used home at market interest rates, this suggests that mortgage bonds were highly successful in serving a market that otherwise could not have bought in 1982.

A recent survey of state housing finance agencies shows that, from 1978 to 1981, the median borrower income for mortgage bond programs ranged between 79 and 85 percent of national median income. During the same period, the median sales price of homes financed by these programs fell between 59 and 66 percent of the national median. In 1982, borrower income increased to 96 percent of median, while the purchase price remained at 66 percent of the national median. This result confirms common sense: that 1982 was not a typical year and that it simply took more income to afford a moderately priced home at 1982's high interest rate.

EXECUTIVE SUMMARY

This analysis was prompted by the GAO report REED-145, April 28, 1983 entitled "The Costs and Benefits of Single-Family Mortgages: Preliminary Report." This report was requested by the Chairman of the Senate Finance Committee in order to receive the preliminary findings of a study of mortgage bonds that had been self-initiated by GAO. Although we believe the objective of the study—to review the mortgage bond program in advance of the "sunset" hearings—was potentially useful, the report itself is often inaccurate, misleading and based on incomplete data. To supply a more reasoned, accurate and useful report on the issues associated with the "sunset", this report responds to GAO on an issue by issue basis.

GAO APPROACH

We have two general comments on the GAO's approach to the issues and their presentation:

GAO chose to limit its investigation to bonds issued from December 1981 through July 1982, a period of record high interest rates. This unrepresentative period distorts the analysis for budget purposes and provides a misleading picture of program beneficiaries. Despite this flaw in its approach, GAO does not attempt to balance its work with a perspective from past years, nor is the role played by State housing agencies in providing capital in 1982 to a severely depressed housing industry put into context.

GAO presents conclusions which are unsupported by the data. For example, GAO's Figure 1, which compares MRB and FHA homebuyer incomes—however obscurely—is stated to show that incomes in these groups are essentially similar. In fact, the FHA homebuyer has a median income of $10,000 above the State agency buyer and the comparison shows that MRBs have a far greater share of borrowers in the lower income levels.

NOTE ON FUTURE BUDGET PROJECTIONS

The issue of future tax expenditures for post sunset years must be clarified. GAO uses 1982 interest rate assumptions for its cost analyses. Because the estimates of the cost of bond programs are based on overall interest rates, 1982's high rates dramatically—and improperly—inflate the revenue impact of tax-exempt financing, regardless of the methodology used.

In attempting to project tax expenditures for future years, the Joint Committee on Taxation uses reasonable estimates of interest rates for those years. The following chart, based on economic assumptions used by the Joint Committee in projecting revenue losses shows estimates of the cost of tax-exempt financing programs in a more normal year. We believe this to be a more accurate portrayal of the range of costs under all methods, both on a gross and per unit basis.

MORTGAGE REVENUE BONDS: PROJECTED COSTS, 1984 [1]

Estimating method	Revenue loss per $1 billion in MRB's (millions)	Cost per mortgage per year	Total subsidy cost per mortgage
GAO	$31.5	$1,568	$8,681
Joint tax	22.7	1,057	6,255
Kormendi/Nagle	7.5	349	2,065

[1] The methodology and sources for the various tables contained in this Executive Summary are set forth in the body of this response.

I. COST/BENEFIT ANALYSIS

1. Cost of tax-exempt financing

Beyond its misleading use of 1982 data, GAO overstates the costs of tax-exempt financing:

The report estimates the cost of mortgage bond programs based on the traditional method used by the Joint Committee on Taxation. However, it fails to include, as does the Joint Committee, increased revenue resulting from lower tax deductions taken by homebuyers using this financing.

GAO assumes only 87 percent of the funds raised by bonds will be used for mortgages. Since the 1980 Mortgage Subsidy Bond Tax Act, a 13 percent setaside tends to be the maximum, not the average.

Most importantly, GAO fails to acknowledge alternative—and more realistic—explanations of how tax-exempt issues affect federal revenues, such as a University of Chicago (Kormendi/Nagle) model which bases its estimates of revenue loss on actual investor behavior patterns and produces cost estimates substantially below those GAO uses.

The following table summarizes alternatives to the GAO revenue loss estimates, based on 1982 interest rates:

REVENUE LOSS ESTIMATES (1982 BASE)

Method	Cost per $43,000 mortgage	Cost per $1 billion of bonds (millions)
GAO	$13,300	$45.0
GAO (7-percent set-aside and joint committee offset)	10,155	36.9
Kormendi/Nagle	5,699	19.3
Kormendi/Nagle (7-percent set aside and offset)	3,231	11.7

Thus, the GAO estimate exceeds other, more plausible estimates of the cost of tax-exempt financing by anywhere from 30 to 400 percent.

2. Benefits to home purchasers

As GAO overstates the cost of revenue bond financing, so does it understate the benefit to home purchasers. It does so by understating the conventional mortgage rates and overstating the tax exempt mortgage rates that existed in 1982.

The following table illustrates the costs and benefits of tax-exempt financing using more realistic assumptions:

COSTS AND BENEFITS OF TAX-EXEMPT FINANCING (1982 BASE)

Method	Cost per unit	Savings to purchaser
GAO	$13,300	$8,533
GAO (7 percent set-aside and offset)	10,155	8,533
Kormendi/Nagle	5,699	8,533
Kormendi/Nagle (7 percent set-aside and offset)	3,231	8,533

3. Cost of alternative programs—1982

GAO compares bond programs with the cost of theoretical alternative homeownership subsidy programs. As with the estimates of the cost of MRBs, more realistic interest rate assumptions greatly change the projected cost of these alternatives:

ALTERNATIVE COST ESTIMATES

[1982 base]

Program	Cost per mortgage— GAO assumptions	Cost per mortgage— Alternative assumptions
Mortgage revenue bonds	$13,300	$5,699
Taxable bonds	10,400	8,835
Mortgage grants	3,400	8,680
Tax credits	3,500	9,112

4. Credit market effect of MRB's

GAO states that MRB's drive up the cost of other municipal bond issues. To support

this claim, GAO uses figures that overstate the percentage of the market that MRB's held in 1982, which was about 10 percent, not 14 percent, of total issues, and less than 3 percent of total outstanding tax-exempt bonds. Moreover, the volume of MRB issues is capped, so that arguments based upon an expectation of unrestrained growth are no longer relevant.

The volume of tax-exempt bond issues is only one of many factors that affect municipal rates, as market experience has demonstrated. Other factors include the reduction in federal income taxes, the withdrawal of financial institutions from the market because of profitability problems, and competition from other credit users, including the federal government.

5. Policy considerations

The GAO report focuses on monetary costs and benefits of tax exempt financing. In doing so, it neglects other benefits and advantages which cannot be so easily quantified:

Local and state agencies can tailor programs to local needs.

Mortgage bond programs provide a source of mortgage funds to rural and urban areas which are traditionally capital short. They also have been particularly helpful as a tool of urban revitalization and neighborhood improvement.

Special programs such as home improvement loans are ignored by GAO.

There is no mention of the importance of these State and local programs in the face of reduced Federal support for housing and for housing program administration.

GAO ignores the role Congress and the Administration designated for MRB's in 1982 as a countercyclical support for the housing industry.

II. BENEFICIARIES OF REVENUE BOND PROGRAMS

The picture of mortgage bond beneficiaries presented by GAO is distorted, and its conclusions are unsupported by the data it presents or chooses not to present.

1. Use of 1982 data misleads

The use of 1982 data is misleading because of high interest rates. Agencies had to go beyond the predominantly lower income homebuyers that they had served in the past in order to keep programs running at a time when the housing market needed support. The following table puts the 1982 experience into historical perspective.

MRB HOME BUYER INCOMES: HISTORICAL PERSPECTIVE

	1978	1979	1980	1981	1982
MRB borrower median income (State agencies)	$14,725	$15,441	$17,794	$18,068	$23,243
National median income	$17,640	$19,587	$21,023	$22,388	$24,200
MRB borrower as percent of national median	83	79	85	81	96

2. Even in 1982, the MRB program served the lowest segment of the home purchase market

According to GAO, the incomes of the MRB homebuyers "were similar to those of buyers" under the FHA unsubsidized mortgage programs. The actual picture is quite different:

MRB and FHA homebuyer median incomes: 1982

FHA 1982 median income	**$33,166**
MRB 1982 median income (State agencies)	**$23,243**
Percent difference	**43**

What is true for medians is equally true across the board. Fully 50 percent of revenue bond program homebuyers in 1982 had incomes of less that $25,000 compared with only 23 percent of FHA buyers. Only 15 percent of MRB buyers had incomes over $35,000, compared to 41 percent of FHA buyers.

GAO states the "typical mortgage revenue bond homebuyer in 1982" had an income "between $20,00 and $40,000." In fact, the typical buyer had income of less than $25,000 and, as GAO's own data indicates, 72 percent were below $30,000.

GAO states the program serves the "more affluent half of the families in their states." What this means is that during a period of unprecedented high interest rates, nearly half the MRB buyers had incomes below the median income. In fact 23 percent had incomes at or below the eligibility level for the Section 8 "deep subsidy" program.

3. Revenue bond program beneficiaries could not have purchased homes without this assistance

GAO asserts that "three quarters of buyers had incomes above $20,000" and would have bought in the absence of revenue bond assistance. No data is given to support this conclusion and if it were accurate, the housing industry would not have been paralyzed in 1982.

At the interest rates prevailing for most of the year, it would have taken an income of $38,000 to buy a median priced existing home. Fewer than 10 percent of MRB buyers had incomes at this level. Even at 75 percent of the median priced existing home, fewer than 50 percent of MRB buyers had incomes sufficient to support a mortgage. Thus, the date supports the conclusion dictated by common sense and experience: the moderate income homebuyer served by MRBs would otherwise have been priced out of the market.

4. Further income restraints and purchase price limits are unnecessary

The experience of 1982 shows clearly that flexibility at the state and local level was essential to the value of mortgage bond programs. Arbitrary income limits would have precluded a countercylical role for MRBs. Thus, experience validated the judgment of Congress in rejecting such limits.

GAO also contends that the purchase price ceiling does not limit, indeed, actually "encourages" participation of "upper income people." This ignores the actual results seen in 1982. GAO in its own sample found the average purchase price to be $48,000—hardly luxury housing. Revenue bond programs helped finance modestly priced housing in 1982, just as they have over the past several years. It simply took more income in 1982 for homebuyers to be able to afford modestly priced housing.

MRB MEDIAN HOME SALES PRICES VS. NATIONAL MEDIAN

	1978	1979	1980	1981	1982
MRB median sales price	$35,866	$37,515	$42,438	$43,233	$43,791
National median sales price	$55,700	$62,900	$64,600	$68,900	$69,300
MRB median as percent of national	64	59	66	63	63

5. Federal policies and State agency practices effectively target revenue bond benefits

As GAO acknowledges, Congress intended revenue bonds to serve those households that could not afford to purchase homes without assistance. Despite record high interest rates and the worst housing depression since World War II, State and local bond programs served precisely this function in 1982. As economic conditions continue to improve, their ability to aid the lowest end of the spectrum of first-time homebuyers will grow and their record of achievement should improve even further.

PART I.—COST/BENEFIT ANALYSIS

The GAO report attempts to assess the cost effectiveness of mortgage revenue bonds by estimating their cost to the government in terms of lost tax revenues. It then compares that loss, first, with estimates of the financial benefit provided to borrowers and, second, with projected costs of several hypothetical alternative means of providing comparable levels of assistance to first-time homebuyers.

As the following will demonstrate, GAO (1) used an inappropriate methodology to compute the costs of tax-exempt bonds and (2) chose a number of assumptions that were inaccurate, internally inconsistent or otherwise invalid in making its estimates of the benefits of revenue bond programs and the costs of its suggested alternatives. As a result of these faulty assumptions and calculations, the cost/benefit analysis presented in the GAO report cannot withstand serious scrutiny and should not be used by the Congress as a basis for decision making.

It must be emphasized from the outset that this discussion of the cost of homeownership subsidy programs is based on the extreme high interest rates of 1982. Under more normal economic conditions, even the most exaggerated estimates of the cost of tax-exempt financing programs fall dramatically, as shown in section 4 below.

1. Costs of Tax-Exempt Financing.

GAO bases its cost estimates on the traditional tax expenditure methodology used by the Department of the Treasury and the Joint Committee on Taxation. This method of estimating Federal revenue losses assumes that an issue of tax exempt bonds "replaces" an equal volume of fully taxable instruments. The taxes lost are computed as those which otherwise would have been collected on the taxable securities.

GAO assumes a taxable security rate of approximately 15 percent [1] and a marginal tax bracket for security purchasers of 30 percent. Finally, GAO assumes that "only 87 percent of funds raised will be available to lend for home mortgages," thereby requiring $49,770 to be raised for each average mortgage of $43,300. Using these assumptions and methodology, GAO estimates a total revenue loss for the average tax-exempt mortgage in 1982 to be $13,300.

The GAO methodology and assumptions grossly overstate the actual costs of tax-exempt financing for first-time homebuyers. First, the GAO approach, while *based on* the method used by the Joint Committee on Taxation, varies from it in a critical respect: it fails to include the increased tax revenues that result from lower mortgage interest deductions taken by homebuyers using this financing. Thus, while GAO computes the reveune loss for its hypothetical 1982 mortgage as $13,300, the Joint Committee on Taxation would compute a revenue loss in the same year, for the same size mortgage, as approximately $11,013.[2]

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[1] Although the taxable instrument rate is not stated in the report, we derive 15 percent from GAO's calculations.

[2] Calculations for this and all subsequent estimates using alternative methodologies or assumptions are shown in the Appendix.

A second flaw in GAO's analysis is its assumption that no more than 87 percent of the funds raised will be used for mortgages. In fact, many issuers now use well over 90 percent of bond proceeds for home mortgages. Consequently, of GAO had assumed that 93 percent of bond proceeds went to homebuyers, costs under the GAO approach would drop to $12,397. By the Joint Committee method costs would drop further to $10,155.

Implicit in GAO's estimates of the revenue cost of mortgage bonds is the use of the 30 percent tax bracket from which to calculate tax loss. Some may argue that this is too low, given the fact that these tax-exempt securities are largely purchased by high income investors. However, the goal is to estimate the taxes that these investors otherwise would have paid. Given the availability of alternative tax sheltered investments and the presence of financial institutions in the market, it seems that 30 percent may well be overstating the potential revenue collection.

Most importantly, the proper method of estimating revenue losses associated with tax-exempt financing is a matter of substantial disagreement among analysts. University of Chicago professors Roger Kormendi and Thomas Nagle, for example, argue that the traditional Treasury/Joint Committee approach is based upon an unrealistic view of investor behavior. Kormendi and Nagle offer their own estimates, based upon actual holding patterns revealed in Federal Reserve Board data, which yield revenue loss estimates significantly below those which result from the Treasury/Joint Committee method.

By the Kormedi/Nagle method, assuming GAO's estimate of a 15 percent taxable bond rate and a 13 percent set-aside of bond proceeds, the total revenue loss from 1982's average mortgage would amount to $5,699. Correcting GAO's assumptions further to incorporate only a 7 percent set-aside (93 percent of funds loaned) and to take account of the Joint Committee offset for reduced homeowner interest deductions, the revenue loss per average mortgage is reduced further to $3,231.

The following table summarizes the more accurate alternatives to the GAO revenue loss estimates:

REVENUE LOSS ESTIMATES

[1982 base]

Methodology	Cost per mortgage of $43,300	Revenue loss per $1 billion of mortgage bonds (millions)
GAO	$13,300	$45
GAO, with offset (7 percent set-aside)	10,155	36.8
Kormendi/Nagle (7 percent set-aside; no offset)	5,699	19.35
Kormendi/Nagle (7 percent set-aside; with offset)	3,231	11.7

Thus, the GAO overstates revenue losses per mortgage by anywhere from 30 percent to 400 percent.

GAO further exaggerates the cost of tax-exempt financing by including the gratuitous assertion that the "actual cost per targeted household" could be four times the cost estimated in the report. This statement is based on GAO's assumption that since three out of four purchasers under revenue bond programs in 1982 had incomes above $20,000, they could have purchased homes without assistance. As is explored in detail later on, this assertion defies both common sense and actual experience in 1982 and is simply unworthy of serious consideration.

2. Benefits to Home Purchasers.

As GAO overstates the costs of revenue bond financing, so does it understate the benefit to home purchasers. GAO's estimate of benefits is based upon the assumption that tax-exempt financing provided homebuyers "with an average interest rate reduction of about two percentage points" in 1982. Based on the assumed 13.75 percent tax-exempt mortgage rate, we believe that GAO would compute the average benefit to a home purchaser as $4,904.

The GAO assumptions are directly contrary to experience and consequently understate the benefit to homebuyers. While GAO assumes a tax-exempt mortgage rate of 13.75 percent, state housing finance agencies actually provided mortgage funds at an average rate of 12.32 percent in 1982. Using this figure and taking into account discount points, we can estimate that the average tax-exempt mortgage cost a homebuyer 12.5 percent in 1982.

This tax-exempt mortgage rate should be contrasted with a market mortgage rate of approximately 16 percent. The 16 percent figure can be reached in a variety of ways. These include:

The substantial majority of FHA mortgages were made at rates ranging from 15 percent to 16.5 percent. Assuming 4 to 6 points on the mortgage, an average interest cost of 16 percent seems appropriate.

GAO's own estimate of a mortgage rate under taxable bonds is 16.18 percent.

While rates fluctuated widely, fixed-rate, 30-year conventional mortgages tended to cost between 15 and 17 percent for most of the year. The 16 percent estimate seems conservative for the first three quarters of 1982.

Based on a spread of 3.5 percent between taxable and tax-exempt rates, the benefit to the homebuyer receiving GAO's average mortgage in 1982 would be computed as $8,533.

Rates reported by the Federal Home Loan Bank Board support the use of a 3.5 percentage point spread between mortgage bond and market rates. For 1982, the FHLBB shows an average effective interest rate of 16.7 percent for 90 percent, conventional mortgages (16.6 percent for 80 percent loans). A 3.5 percentage point spread would put tax-exempt rates at 13.2 percent.

The following table illustrates the costs and benefits of tax-exempt financing to purchasers using the rectified numbers discussed above:

COSTS AND BENEFITS OF TAX-EXEMPT FINANCING

[1982 base]

Method	Cost/unit	Savings to purchaser
GAO	$13,300	$8,533
GAO, with offset (7 percent set-aside)	10,155	8,533
Kormendi/Nagle	5,699	8,533
Kormendi/Nagle (7 percent set-aside, with offset)	3,231	8,533

3. Cost of Alternative Programs.

GAO supplements its analysis of the costs and benefits of revenue bond programs with an exploration of possible alternative means of providing comparable benefits. Here, too, the GAO analysis suffers from a series of incorrect assumptions and inappropriate methodologies. Before considering these alternative approaches, therefore, it is necessary to review GAO's assumptions and make such corrections as are needed.

As noted above, GAO assumes a rate on mortgages financed with tax-exempt bonds as 13.75 percent. This rate should be projected at 12.5 percent.

GAO assumes that taxable mortgage funds for use in a Mortgage Grant or Tax Credit program could have been obtained at a rate of 15.18 percent (although the report also assumes that MRB loans at 13.75 percent provided an average two percentage point subsidy from market rates). Implicit in this assumption is the expectation that such funds would be raised through federally insured mortgages and federally guaranteed securities. Yet, as noted above, effective interest rates on these mortgages were closer to 16 percent in 1982.

GAO assumes that the interest rate on tax-exempt mortgage revenue bonds averaged 12.5 percent in 1982. But the weighted average of state housing finance agency single-family bond issues in 1982 was about 12 percent. (The spread between bond and mortgage rates was reduced by large state contributions).

The GAO estimates include no projection of administrative costs for the alternative programs. This omission further prejudices the analysis against tax-exempt bond programs, since these programs pay their own administrative expenses. In the following estimates, therefore, a modest projection of the administrative costs of non-bond financed programs is included.

Unchanged from GAO's assumptions are (a) an average mortgage amount of $43,300; (b) 30-year, fixed-rate loans; (c) the 12-year prepayment assumption; and (d) a 13 percent discount rate for present value computations.

a. Taxable bond option.

GAO's first alternative proposes that taxable bonds be issued by the same agencies which would otherwise issue tax-exempt bonds. The federal government would then pay an interest reduction subsidy to the issuer "so that its borrowing costs (are) equivalent to those incurred with tax-exempt securities."[1] GAO estimates the cost of such a program at $10,400 per unit. This cost is derived, according to GAO, by multiplying the bond principal amount by the difference between taxable and tax-exempt interest rates for each of the 12 years in which mortgages are outstanding.[2]

Using the corrected assumptions set forth above, we have computed the cost of the taxable bond option at $8,835 per unit. Note that this etimate assumes that 87 percent of the bond proceeds will be loaned for mortgages. If the 93 percent assumption is used, the proper subsidy cost would be $8,267 per unit.

b. Mortgage grant option.

Under GAO's second option, the federal government would pay an up-front cash discount to mortgage lenders to provide the desired reduction in homebuyers' mortgage interest rates. GAO projects the cost of this cash grant at $3,400 per average unit, based upon the amount needed to reduce the payments on a 15.18 percent loan to the level required at a 13.75 percent interest rate. If these assumptions are corrected as explained above, the cost of the mortgage grant program rises to $8.533 per unit, representing the capitalized value of reducing payments on a 16 percent mortgage to those on a 12.5 percent loan.

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[1] Such a program is authorized by Section 802(c)(2) of the Housing and Community Development Act of 1974.

[2] We have not been able to duplicate the GAO calculation for this option, and believe there may have been an error in computation.

An estimate of administrative costs must be added to projections for the mortgage grant and tax credit programs. While any such estimate must necessarily be highly conjectural, we have attempted to provide one based upon HUD's staff costs in administering the Section 235 program. HUD estimates that 100,000 units of Section 235 housing require a total of 458 staff years of personnel time in the first year that a unit receives subsidy. It further estimates that those 100,000 units require 17 staff years annually in subsequent years. Considering only the first year costs, and assuming (as HUD does) a cost of $32,000 per staff year, first year administrative costs amount to $147 per Section 235 unit. If the Mortgage Grant option has the same administrative costs as the Section 235 program, the total cost should be increased by $147 per unit to $8,680.

c. Tax credit option

GAO's last approach would use an annual tax credit to reduce the effective interest rate on the loan. Essentially similar to HUD's Section 235 program, this option would substitute a tax credit to the homebuyer for the "interest reduction payment" that would go to the lender under Section 235. GAO estimates the cost of this approach at $3,500 per unit, using the assumption of a taxable mortgage rate of 15.18 percent and a tax-exempt rate of 13.75 percent. As with the previous estimate, if we correct these assumptions on interest rates to 16 percent and 12.5 percent, the program cost amounts to $8,965. Adding an administrative cost of $147 per unit to the foregoing produces a total program cost for the Tax Credit option of at least $9,112.

The following table summarizes the comparative costs of tax-exempt bond financing and the various options posed by GAO:

ALTERNATIVE COST ESTIMATES

[1982 base]

Program	Cost per mortgage: GAO assumptions	Cost per mortgage: Alternative assumptions
Mortgage revenue bonds	$13,300	$5,699
Taxable bonds	10,400	8,835
Mortgage grants	3,400	8,680
Tax credits	3,500	9,112

4. Effect of Changed Assumptions.

As this report has demonstrated, estimates of the cost of alternative homeownership subsidy programs will vary greatly with the interest rate assumptions used. Estimates of the cost of mortgage revenue bond subsidies will depend greatly on the overall level of interest rates, while the three alternatives will depend more on the differential between subsidized and unsubsidized rates. Consequently, limiting the analysis to one high interest rate year will necessarily bias the results against tax-exempt financing programs.

In calculating the cost of mortgage bond programs, GAO has assumed a taxable bond rate of 15 percent. But in a lower interest environment—say 13 percent—the estimated cost per subsidy for MRBs drops almost $2,000, to $11,486. At 10 percent, GAO's estimate falls to $8,835.

The cost of the proposed alternatives to tax-exempt financing depends on the spread between subsidized and unsubsidized mortgages. Taking GAO's least cost alternative as an example, we have shown that the mortgage grant program carries a per mortgage subsidy cost of $8,533 (not including administrative costs) when market rates are 16 percent and MRB loan rates are 12.5 percent. Narrowing that spread to 13.25 and 16 percent, the per unit subsidy falls to $6,733. With a larger spread—say 12.5 and 16.7—the subsidy increases to $10,272.

From this comparison of estimates across interest rate assumptions, it becomes clear that this kind of analysis will have dramatically different outcomes in different years. To illustrate the table below compares cost estimates using GAO interest rate assumptions along with assumptions recently used by the Joint Committee on Taxation in projecting a cost of MRBs in 1984:

REVENUE LOSS ESTIMATES: 1982 VERSUS 1984

	Cost per mortgage—	
	MRB's	Mortgage grants
GAO method—1982 [1]	$13,300	$3,500
Joint committee method—1982 [1]	11,013	NA
GAO method—1984 [2]	9,279	8,042
Joint committee method—1984 [2]	6,686	NA

[1] GAO interest rate assumptions, includes no offset.

[2] Based on interest rate assumptions used by Joint Committee on Taxation in recent revenue loss estimates for fiscal year 1984–88: for 1984, 10.5 percent taxable bond rate, 12 percent conventional mortgage rates and MRB mortgage rate of 70 percent of taxable bond rate plus 1.125 percent (8.475).

In short, had GAO undertaken its study in 1984, the results of its cost analysis would have looked considerably different.

5. Credit market effects.

In addition to the dollar cost of a mortgage bond subsidy, GAO also claims that these financing programs impose a cost on the municipal bond market by driving up interest rates. They base this charge on the view that an increase in the volume of tax exempts will have a significant effect on interest rates relative to the taxable bond market.

Much of the concern about the credit market effects of MRBs stems from the rapid increase in the volume of these bonds experienced in the late 1970s. The proliferation of housing bonds gave rise to the fear that these issues would grow to overwhelm the market. But in fact, MRBs make up only a small portion of the total tax-exempt market. In 1982, MRBs totaled approximately $8 billion, which represents only about 10.5 percent of total long-term tax-exempt debt issued in that year—not 14 percent, as reported by GAO. The total was less than 2 percent of the total municipal bonds outstanding.

Furthermore, the Mortgage Subsidy Bond Tax Act of 1980 capped annual MRB activity on a state-by-state basis. As a result, total yearly volume cannot exceed approximately $14 billion nationwide. Whatever the effect that volume has on tax-exempt interest rates, it must be remembered that housing bonds make up only a limited portion of that market.

As evidence of credit market effects, GAO cites a 1979 study by George Peterson and Brian Cooper of the Urban Institute, "Tax Exempt Financing of Housing." The Peterson estimate rests on the assumption that increases in tax-exempt volume must be purchased by taxpayers in successively lower marginal tax brackets. Since the exemption is of less value to these taxpayers, tax-exempt rates must rise to attract the new bondholders, or so the argument goes.

University of Chicago professors Roger Kormendi and Thomas Nagle again provide an alternative view, based on a much broader perspective of capital markets. They reason that, because the bulk of new tax-exempt issues are purchased by high bracket investors, the increase in interest rates required to attract purchasers is much lower than that estimated by Mr. Peterson.

The evidence supports the claim that volume is not the controlling factor in determining tax-exempt interest rates relative to the taxable market. The table below shows how, from 1972 to 1982, the spread between tax-exempt and taxable interest rates moved up and down relatively independent of changes in volume:

RATIO OF TAX-EXEMPT TO TAXABLE INTEREST RATES (1972–82) [1]

	Long-term municipal volume (billions) [2]	AAA bonds (percent)		Ratio municipals to corporates
		Municipal	Corporate	
1972	$23.7	5.27	7.21	0.731
1973	23.8	5.18	7.44	.696
1974	23.6	6.09	8.57	.711
1975	30.7	6.89	8.83	.780
1976	35.4	6.49	8.43	.770
1977	46.7	5.56	8.02	.693
1978	48.2	5.90	8.73	.676
1979	43.3	6.39	9.63	.663
1980	48.4	8.51	11.94	.713
1981	47.7	10.43	14.17	.736
1982	77.3	10.88	13.79	.789

[1] Source: Board of Governors Federal Reserve System.

[2] Source: Public Securities Association.

Volume is only one of many factors that affects interest rates. Equally as important are changes in the demand for tax-exempt securities, such as (1) the reduction in federal income tax rates in the 1981 tax act, which narrows the market for tax-exempts; (2) the withdrawal of financial institutions from the market because of profitability problems; and (3) competition from other demanders of credit—most notably the federal government.

These factors, which affect the demand for tax-exempt securities, appear to have a greater impact on interest rates in recent years than has the volume of new issues. Thus, the implication that restricting the use of tax-exempt financing for housing—which is already limited in volume—will dramatically affect interest rates is an unfounded conclusion.

6. Policy considerations.

The General Accounting Office analysis focuses on the monetary costs and benefits of tax-exempt financing. In doing so it neglects to consider a range of benefits and advantages of this type of financing which cannot easily be quantified. Similarly it ignores, indeed refuses even to consider, the range of practical and policy objections that might be lodged against the various options that it poses.

A primary advantage of revenue bond financing is that it operates through independent, largely self-supporting state and local agencies which can develop and implement programs tailored to the particular needs of their areas. For example, the New Jersey Mortgage Finance Agency targets its homeownership program as a revitalization tool for the state's urban centers, while the Wyoming Community Development Authority uses its program to serve areas affected by energy-related development. In many states, outreach by the state agenices is the primary source of mortgage capital for areas underserved by private financial institutions, particularly rural areas.

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Similarly, housing finance agency programs can be targeted to local development objectives and to specific groups with difficulty in meeting their housing needs. As the federal presence in the delivery and support of housing diminishes, it is all the more important for independent, self-supporting state and local agencies to be able to fill the gap.

The GAO report also excludes from consideration home improvement and rehabilitation loan programs run by tax-exempt bond issuing agencies. While these activities do not directly affect the cost/benefit analysis with regard to home purchase assistance, they re-emphasize the flexibility and responsiveness of housing finance agencies.

What is most ironic about the GAO analysis is that it willfully ignores the role which the Congress expressly intended for tax-exempt home purchase finance programs in 1982—to serve as countercyclical support for a devastated housing industry. By raising home purchase price limits and easing the first-time homebuyer requirement in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Congress relied explicitly upon the capacity of the housing finance agencies to bridge an unprecedented "affordability gap" with tax-exempt financing. Further, housing bond programs provided fixed-rate, level-payment mortgage financing at a time when such mortgages were extremely hard to find.

While state and local agencies successfully served the Congrssionally-established objective of providing support to the housing industry in 1982, at the same time they maintained their focus on the moderate income, first-time homebuyer. GAO's own data on the beneficiaries of revenue bond programs in 1982 illustrates this point, as shown in Part II of this response.

PART II: BENEFICIARIES OF REVENUE BOND PROGRAMS

As with its work on cost effectiveness, GAO's analysis of the beneficiaries of revenue bond programs is both flawed and misleading. However, unlike the previous case, in which incorrect assumptions produced faulty data, GAO's conclusions with regard to homebuyers under tax-exempt programs are simply unsupported by the data which it presents or chooses not to present. Thus, GAO finds that "most subsidized home loans were not made to low and moderate income households in need of assistance, but rather to those who probably could have purchased homes without assistance." In fact, as the following analysis will demonstrate, state housing finance agencies did a remarkable job of targeting assistance to low and moderate income homebuyers who would have been priced out of the 1982 market without such help.

1. Use of 1982 Data Misleads. GAO draws its beneficiary data exclusively from 1982, a year in which tax-exempt interest rates averaged over 12 percent—a level which had not been reached even in the conventional or FHA market, prior to 1980. As a result of these high interest rates, state agencies had to reach beyond the predominantly lower income homebuyers they had served in the past. At the same time, the even higher rates in the conventional market greatly expanded the pool of borrowers in need of assistance.

In the face of these conditions, state agencies were forced to choose between serving higher income borrowers or shutting down operations. As public agencies, they chose to maintain the flow of affordable mortgage capital to homebuyers. They were encouraged to do so by both the Administration, which provided regulatory relief, and by the Congress in its TEFRA amendments to the Mortgage Subsidy Bond Tax Act of 1980.

The following table puts the 1982 experience into historical perspective. It compares the median income of borrowers under state agency programs with the national median. Note that in years prior to 1982, median borrower incomes did not exceed 85 percent of the national median. In 1982, however, borrower median incomes had to increase by nearly 30 percent and rise to 96 percent of the national median income simply in order to keep up with the unprecedented interest rates that prevailed. As interest rates return to more normal levels, state agencies will be able to shed their countercyclical role and focus once again on the lower income households which are their primary concern.

MRB HOMEBUYER INCOMES: HISTORICAL PERSPECTIVE

	Borrower median income [1]	National median income [2]	Borrower median as percent of national median income
1978	$14,725	$17,640	83
1979	15,411	19,587	79
1980	17,794	21,023	85
1981	18,068	11,388	81
1982	23,243	24,200	96

[1] Council of State Housing Agencies membership survey; 24 States reporting.
[2] Department of Housing and Urban Development (derived from Bureau of Census data).

2. Even in 1982, Revenue Bond Programs Served the Lowest Segment of the Home Purchase Market. GAO states that the incomes of homebuyers under revenue bond programs "were similar to those of buyers" under the FHA unsubsidized mortgage insurance programs. The actual data for 1982, however, presents quite a different picture.

According to HUD, the median family income of the FHA unsubsidized homebuyer in 1982 was $35,556 in new homes and $32,938 in existing homes, for a weighted average of $33,166. The median income of borrowers in state housing agency programs during the same year, based on a sample of 24 states, was $23,243. In other words, the median FHA homebuyer had an income some $10,000 or 43 percent higher than the median revenue bond homebuyer. GAO does not present its findings in this form.

What is true for the median incomes of bond program and FHA buyers, is equally true across the board. The following table, illustrates the distribution of mortgage revenue bond (MRB) program and FHA homebuyers by category.

COMPARISON OF MRB AND HFA HOMEBUYER INCOMES 1982

[In percent]

	MRB	FHA
Less than $15,000	10	2
$15,000 to $25,000	40	21
$25,000 to $35,000 ($35,999 for FHA)	35	36
$35,000 to $40,000 ($36,000 to $39,999 for FHA)	14	11
$40,000 to $44,999	14	11
$45,000 to $54,999	14	19
$55,000 to $75,000	1	19
Over $75,000	0	19
Number of loans	20,471	27,158

Source: MRB homebuyer incomes from table 5 of GAO report; FHA homebuyer incomes from annual report of FHA insurance programs for 1982.

The foregoing table illustrates that fully 50 percent of revenue bond program homebuyers—in 1982—had incomes of $25,000 or less; only 23 percent of FHA buyers had incomes below this level. Further, only 15 percent of revenue bond program buyers had incomes over $35,000, compared to 41 percent of FHA buyers. Given the dramatic drop in interest rates during the last quarter of 1982, which enabled lower income buyers to enter the FHA program, the inclusion of loans made during this period in the FHA distribution tends to understate the difference in borrower incomes.[1]

Beyond the FHA/revenue bond home purchaser comparison, GAO simply misrepresents the data with regard to incomes of bond program participants. Thus, GAO states that "the typical mortgage revenue bond homebuyer in 1982" had an income "between $20,000 and $40,000." In fact, the "typical" revenue bond homebuyer had an income below $25,000 and, as GAO's own data indicates, 72 percent of these buyers had incomes below $30,000.

A similar distortion is contained in GAO's statement that "53 percent of the subsidized borrowers were among the more affluent half of the families in their States." What this statement means, of course, is that in a period of unprecedented high interest rates, nearly half the revenue bond program homebuyers had incomes below the area median income and, as GAO points out later, 64 percent of buyers had incomes below 115 percent of median. Finally, GAO's data indicates that 23 percent of homebuyers receiving bond financed loans had incomes at or below 80 percent of the state median income, the level of eligibility for Section 8 "deep subsidy" housing assistance.

In any year, the performance of state agencies as described by GAO would be most commendable for their success in reaching the lower segment of the homebuying public. Under the conditions which prevailed in 1982, this achievement is nothing short of remarkable.

3. Revenue Bond Program Beneficiaries Could Not Have Purchased Homes Without This Assistance. GAO asserts that "three quarters of (bond program) buyers had incomes above $20,000 and could likely have purchased homes anyway," i.e. without revenue bond assistance. No data is offered in support of this novel proposition, and any reasonable analysis leads to quite a different conclusion.

According to the National Association of Home Builders, the median sales price of existing homes in 1982 was $67,800 ($69,300 for new homes). At interest rates of 15.5 percent or higher, which prevailed for most of 1982, an income of more than $38,000 would be required to purchase such a house.[2] Fewer than 10 percent of revenue bond home buyers had incomes at this level.

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[1] Two additional, perhaps offsetting, factors may be considered with regard to the FHA/MRB comparison. First, a substantial number of FHA insured loans may have been made through revenue bond programs, most likely those loans at the lower end of the FHA distribution. GAO dismisses this fact with a brief statement but no data. On the other hand, GAO asserts that the presence of previous homeowners in the FHA simple, compared to the revenue bond program's first time homebuyers, may drive up incomes for the FHA buyers. It is equally plausible, however, that because previous homeowners have accumulated equity for larger down payments, they can purchase a particular house at a lower income level than a comparable first time homebuyer who can not make an equivalent down payment.

[2] Assumes 90% mortgage, 30-year term, 25% of income allocated to principal and interest payments. While some lenders used higher payment to income ratios in 1982, these normally included taxes and insurance in the payment and a "net" rather than a "gross" measure of income.

Of course, affordability problems would be eased for families willing to buy homes priced below the median. However, 1982's high interest rates made even modestly priced homes unaffordable to the kind of buyer served by the revenue bond programs. Thus, a home priced at $50,850—75 percent of the median sales price for existing homes in 1982—would require a homebuyer income of over $28,999 at an interest rate of 15.5 percent.[3] Far fewer than 50 percent of revenue bond program homebuyers had incomes at this level.

"How much home" could the average revenue bond program homebuyer have afforded in 1982 without a bond financed mortgage? At a 15.5 percent interest rate, a household with an income of $23,243 could afford a home costing $41,200. According to the National Association of Realtors data for June 1982, only 15 percent of existing homes sold nationwide cost $40,000 or less. In the West, only 3.4 percent of homes sold in this range and in the South, the most active home building section of the country, only 13.3 percent of homes would have been affordable to the typical revenue bond homebuyer if he or she had been unable to obtain tax-exempt financing. The following table explores the relationship among affordability, revenue bond program beneficiaries, incomes and home sale prices in greater detail.

HOUSING AFFORDABILITY AND AVAILABILITY (1982)

Income	Affordable home at 15.5 percent FHA rate [1]	Percent of homes within price range [2]	Affordable home at 12.0 percent MRB rate [1]	Percent of homes within price range [2]
$15,000	$26,600	([3])	$33,700	([4])
$20,000	35,500	([5])	45,000	21
$23,246 (MRB median)	41,200	16	52,300	30
$25,000	44,300	21	56,200	33
$30,000	53,200	31	[6] 67,500	[6] 48
$38,000	[6] 67,400	[6] 48		

[1] Assumes 30 year, level payment mortgage; 25 percent ratio between principal and interest payment and gross income.
[2] NAR data for June 1982, interpolated within $10,000 price intervals.
[3] Below 6 percent.
[4] Below 11 percent.
[5] Below 12 percent.
[6] Median existing home.

In summary, analysis of the available data supports the conclusion dictated by both common sense and experience: the moderate income homebuyers served by revenue bond programs would otherwise have been priced entirely out of 1982's housing market by high interest rates and sales prices.

4. Further Income Restraints and Purchase Price Limits Are Unnecessary.

GAO asserts that Federal home purchase price ceilings and state or locally set income limits "have been ineffective" in targeting revenue bond mortgages to low and moderate income households. Thus, GAO states that "income celings allowed" and "purchase price ceilings encouraged" use of the program "by middle- and upper-income households." Here, again, GAO ignores both the substantial affordability problems faced by issuers under 1982's interest rates and the remarkable degree of targeting to below median households that was actually achieved.

With regard to income limits, GAO acknowledges that all but two state agencies and two local jurisdictions established income ceilings for home purchasers. GAO was evidently concerned, however, that the majority of the ceilings were "in the $30,000 to $40,000 range" and only "a few set income requirements below $20,000 for a portion of the bond funds."

Under the interest rate and purchase price conditions which prevailed in 1982, state and local issuers had to make their programs available to a somewhat higher income group if they were going to continue to operate. Particularly in the view of the need for a broad range of potential homebuyers and eligible homes within the scope of any bond issue, an arbitrary income limit would simply have prevented issuers from playing the countercyclical role which Congress and the Administration allotted to them in 1982.

In 1980, Congress specifically rejected rigid national income limits for the revenue bond program precisely because such limits were meaningless, even destructive, if established without regard to interest rates and to local market conditions. Thus, in 1979, with conventional interest rates around 10 percent and tax-exempt rates between 7 and 8 percent, Congress contemplated an income cap of 115 percent of median. Under those conditions, such a cap would have permitted the great majority of state programs to continue to operate. However, in 1982, with interest rates more than 50 percent higher than those in 1979, a 115 percent of median income limit would have shut down many, if not most, programs. Although, as GAO points out, only one-third of homes purchased under the revenue bond programs actually went to households above 115 percent of median, the ability to market to this group undoubtedly played a major role in enabling issuers to sell bonds and achieve satisfactory interest rate levels.

Had an income limit been set at the 80 percent of median level, which GAO appears to believe to be desirable and which has been the income limit in the deep subsidy Section 8 program, it is virtually certain that no bond programs could have functioned in 1982, at least without substantial additional federal or state subsidy.

Further, GAO's analysis of income limits ignores the actual targeting to lower income households that was achieved in 1982. As was explored above in detail, the median revenue bond program homebuyer had an income below the national median and approximately $10,000 below that of the median FHA homebuyer—the lowest income unsubsidized buyer in the housing market. It is plainly unreasonable to suggest that a higher degree of targeting could have or should have been achieved under 1982's conditions.

GAO further contends that the purchase price ceilings did not limit, indeed actually "encouraged", participation by "upper income people." As evidence it offers analysis showing that "buyers would have needed annual incomes of at least $30,000 and $25,000 respectively to purchase new and existing homes" at the average ceilings which existed in 1982. This analysis, of course, re-emphasizes the significance of 1982's interest rates. Homes selling at the average price in an area were simply beyond the reach of the media income homebuyer, even at tax-exempt interest rates. Nonetheless, in order to permit issuers to serve a countercyclical role, Congress increased purchase price ceilings in mid-1982.

As with income limits, the discussion of purchase price ceilings ignores the actual results obtained in 1982. GAO found the average purchase price of mortgage revenue bond financed houses in its sample to be $48,800, hardly luxury priced housing. National Association of Realtors data shows that only 25 percent of the existing homes sold in the United States in June 1982 would have fallen within this price range. Only 10 percent of the homes financed by state agencies in 1982 had a sales price over $60,000—a price still well below the national average.

Revenue bond programs financed modestly priced housing in 1982, they have over the past several years. The following table illustrates that fact:

MRB HOME SALES PRICES: HISTORICAL PERSPECTIVE

	MRB median sales price [1]	National median sales price [2]	MRB median as percent of national
1978	$45,866	$55,700	64
1979	37,515	62,900	59
1980	42,438	64,600	66
1981	43,233	68,900	63
1982	43,791	69,300	63

[1] Source: Council of State Housing Agencies membership survey; 24 States reporting.
[2] Source: Department of Housing and Urban Development (derived from Bureau of the Census data).

Thus, there is no evidence to support the claim that purchase price limits "encouraged" the participation of higher income households in revenue bond programs. Rather, it simply took more income in 1982 for homebuyers to be able to afford modestly priced housing.

5. Federal Policies and State Agency Practices Effectively Target Revenue Bond Benefits.

As GAO acknowledges, Congress intended the revenue bond program to serve those households that could not afford to purchase homes without assistance. GAO's misrepresentation of its data cannot disguise the fact that—despite record high interest rates and the worst housing depression since World War II—state and local bond programs served precisely this function in 1982. As economic conditions continue to improve, their ability to aid the lowest end of the spectrum of first-time homebuyers will grow and their record of achievement should improve even further.

APPENDIX

TAX-EXEMPT MORTGAGE REVENUE BONDS: COST

1. Alternative assumption: offset for lower mortgage interest tax deduction

Cost

=bond principal × taxable interest rate × marginal tax bracket of investors.

=$1 bil × 0.15 × 0.30.

=$45 mil.

Offset

=bond principal × % lendable × difference between MRB & market mortgage rates × tax bracket of homebuyer.

=$1 bil × 0.87 × %0.6 − 0.125) × 0.25.

=$7,612,500.

Net cost per $1 bil/number of loans originated = $37,387,500/20,092 = $1,861 per mortgage per year.

Subsidy cost per mortgage = $11,013.

2. Alternative assumption: 93 percent of bond proceeds originated as mortgages

Cost per $1 bil/number of loans originated = $45 mil/21,478 = $2,095 per mortgage per year.

Subsidy cost per mortgage = $12,397.

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[3] Same assumptions in the previous example.

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3. *Alternative assumptions: 93 percent lendable proceeds and offset for lower mortgage interest deductions*

Offset

=bond principal × % lendable (93%) × difference between MRB and market rates × tax bracket of homebuyer.

=$8,137,500.

Net cost per $1 bil/number of loans originated=$36,862,500/21,478=$1,716 per mortgage per year.

Subsidy cost per mortgage=$10,155.

4. *Alternative assumption: subsidy cost per mortgage based on Kormendi/Nagle revenue loss estimate*

Cost per $1 billion/number of loans originated=$19.35 mil[1]/20,092=$963 per mortgage per year.

Subsidy cost per mortgage=$5,699.

5. *Alternative assumptions: Kormendi/Nagle revenue loss estimate, 93 percent lendable proceeds, and offset for lower tax deduction*

Kormendi/Nagle estimated cost per $1 billion=$19.35 mil.

Offset per $1 billion=$7,612,500.

Net cost per $1 billion/number of loans originated=$11,737,500/21,478=$546 per mortgage per year.

Subsidy cost per mortgage=$3,231.

TAX EXEMPT MORTGAGE REVENUE BONDS: BENEFITS

1. *Alternative assumptions: 16 percent market mortgage rate and 12.5 percent tax-exempt mortgage rate*

Monthly payment on 30-year, $43,300 mortgage at 16 percent=$582.

Monthly payment on 30-year, $43,300 mortgage at 12.5 percent=$462.

Annual savings on reduced rate mortgage =$1,442.

Average subsidy value=$8,533.

TAXABLE BOND OPTION

1. *Alternative assumptions: 15 percent taxable bond rate and 12 percent tax-exempt bond rate*

Cost

=bond principal × taxable bond rate − tax-exempt bond rate.

=$1 bil × (0.15−0.12).

=$30 mil.

Cost per $1 bil/number of loans originated=$30 mil/20,092=$1,493 per mortgage per year.

Subsidy cost per mortgage=$8,835.

2. *Alternative assumptions: 15 percent taxable bond rate, 12 percent tax-exempt bond rate, and 93 percent lendable proceeds*

Cost per $1 bil/number of loans originated=$30 mil/21,478=$1,397.

Subsidy cost per mortgage=$8,267.

MORTGAGE GRANTS

1. *Alternative assumptions: 16 percent market mortgage rate and 12.5 percent tax-exempt mortgage rate*

Monthly payment on 30-year, $43,300 mortgage at 16 percent=$582.

Monthly payment of 30-year, $43,300 mortgage at 12.5 percent=$462.

Annual savings on reduced rate mortgage=$1,442.

Subsidy cost per mortgage (does not include administrative costs)=$8,533.

TAX CREDITS

1. *Alternative assumptions: 16 percent market mortgage rate and 12.5 percent tax-exempt mortgage rate*

Cost

=mortgage amount × market mortgage rate minus tax-exempt mortgage rate.

=$43,400 × (0.16 minus 0.125).

=$1,515 per mortgage per year.

Subsidy cost per mortgage (does not include administrative costs)=$8,965.

Mr. ROTH. Mr. President, essentially, the testimony presented gave evidence that notwithstanding the period of the GAO investigation, the first 6 months of 1982, which as everyone knows was one of the worst in memory for the housing industry, the average income of those utilizing the program was $23,000 a year and three-quarters of the people using the program had incomes below $30,000. By way of comparison, people using the FHA program had incomes $10,000 greater than those serviced in the MRB program and the median income of the homebuyer receiving conventional financing was $39,000. In addition, though the average price of homes during this period was in the neighborhood of $70,000, the average purchase price of a home financed by mortgage revenue bonds was $48,000. This is impressive given the testimony of the National Association of Homebuilders which indicated that only 66,000 new homes were built in 1982 for under $50,000 and only 16.4 percent of all existing homes sold for less than $40,000.

Shortly after the hearings on mortgage revenue bonds, the Finance Committee met on May 25 to consider a committee amendment which Senator DOLE intended to propose to H.R. 2973, a bill to repeal the withholding provision. I offered the language of S. 137 to the committee amendment and it was adopted by a vote of 14 to 3 in the Finance Committee. As my colleagues are aware, without action prior to December 31, the authority for State and local governments to issue mortgage revenue bonds will expire. I think it is important that we take the first opportunity to allow the program to continue.

Let me turn to why I think there has been such strong support for the mortgage revenue bond program. I think it is because it is a people program which attempts to address the problem of housing affordability and enables people to purchase their own homes—a longtime national goal. The program accomplished this objective by providing capital for mortgages at below-market rates. This differential can provide enough of a savings on a homeowner's monthly payment to make homeownership possible. It is a program which has been targeted. Bond proceeds are limited primarily to first-time homebuyers and cannot be applied to homes greater than 110 percent of the average area purchase price. Additionally, the mortgage revenue bond program gives States and localities great flexibility in responding to their own unique housing needs without cumbersome Federal intervention and control.

There still is a need for the MRB program. The past decade saw a dramatic increase in the price of homeownership. The average cost of a home jumped from $25,000 to nearly $70,000 today. Simultaneously, in the late seventies interest rates began a dramatic climb upward culminating in record heights in the first 6 months of 1982. The monthly mortgage payments required to purchase a home under these circumstances effectively made homeownership an unattainable dream for a great number of American people—especially the first-time home buyer. Interestingly enough, the mortgage revenue bond program evolved as a private market response to bridge the gap in housing affordability, and bond issues of this type became increasingly popular in the late seventies. The proliferation of issues caused some alarm in Congress and thus there was movement to restrict the program—which was done for the first time in the Omnibus Reconciliation Act of 1980 through the Mortgage Subsidy Bond Tax Act. This vehicle restricted the volume of the bonds, the interest rate which could be charged for mortgages made through bond proceeds, established purchase price limitations and targeted bond proceeds to first-time home buyers. It also provided for a sunset of the program on December 31, 1983. Last year it became apparent that these restrictions were overly severe and could not sustain a self-supporting and workable program and so some small modifications were made through the enactment of the Tax Equity and Fiscal Responsibility Act of 1982. Having thus fine tuned the program, we find that it will now be terminated without repeal of the sunset provision. While there has been a significant decline in interest rates from the record rates of a year ago, they are still high by historical standards—with a conventional mortgage rate being in the neighborhood of 13 percent. Significant progress has also been made on the inflation front which affects the cost of housing—however, we can assume that there will continue to be a rise in the price of housing even if it is more moderate than the recent past experience. This occurs during a time period when there are most first-time homebuyers entering the marketplace than at any other time in our Nation's history as a result of the maturation of the baby-boom generation. It is estimated that the demand generated by this phenomena will result in 1½ million additional first time home buyers a year in the marketplace. The mortgage revenue bond program can help meet this increased demand for affordable housing opportunities.

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[1] Based on 10 percent taxable bond rates, the Kormendi/Nagle analysis yields an estimate of $13 million per billion (43 percent of the standard estimate); at 14 percent, Kormendi/Nagle estimate a loss of $18 million (again, 43 percent of the standard estimate). For the purpose of analysis at 15 percent, we have assumed the Kormendi/Nagle estimate at 43 percent of $45 million—or $19.35 million.

As I mentioned earlier, the hearing record clearly demonstrated that the program has been effective in meeting the stated objective of providing homeownership opportunities. The operation of the program in my own State of Delaware is a typical example.

In the past 3 years the Delaware State Housing Authority has assisted more than 3,500 low and moderate income Delaware families through mortgage revenue bond financing. According to the authority their typical borrower is 28 years old, married with one child, with an income of $19,300 and is purchasing a $41,600 home. This accomplishment was made possible in spite of the worst downturn in the history of the housing industry.

As a final comment, I should like to make some mention of the cost of the mortgage revenue bond program, a detailed analysis of which is presented in the inclusion of the Council of State Housing Agencies response to the GAO. The Joint Tax Committee estimated that the revenue loss through fiscal year 1988 would be $2.1 billion. I should like to point out, however, that this figure does not include any offset for Federal revenues generated through job creation caused by mortgage bond activity. For example, in 1982, when there were $8.2 billion in bonds issued, 35,000 units financed were new housing starts. This new construction activity generating jobs would bring $320 million in Federal revenues to the Treasury in 1982 alone. In addition, questions have been raised about the methodology used to determine revenue loss for mortgage revenue bonds in that a basic assumption is that tax-exempt investment displaces investment that would be made in taxable securities. Changes in this basic assumption made by those who dispute the current cost esimates, lowers revenue loss for MRB activity by as much as 50 percent or $10 million for every $1 billion of mortgage revenue bonds. I think it is important that we review program costs in light of our budget restraints, but I think it is equally important that we allow proven and worthwhile programs to continue when they achieve a desirable public benefit.

Mr. President, what we have here is a program of proven effectiveness which is meeting a need to provide affordable homeownership opportunities for first-time home buyers. To my knowledge no other program has had such scrutiny and borne up so well. There is nothing in place which could accomplish the same objective. I urge my colleagues to support taking action now to preserve the mortgage revenue bond program.

REPEAL OF INTEREST AND DIVIDENDS

● Mr. DOMENICI. Mr. President, I am supporting the Finance Committee amendment. The compliance provisions provide a good balanced approach to the problem of unpaid taxes on interest and dividends. The problem of noncompliance is a serious and substantial one and the action that we take here today should not be interpreted otherwise.

The compliance provisions require the cooperative effort of everyone involved. It calls for better, and more efficient enforcement on the part of the IRS. The financial institutions are required to file the 1099's on magnetic tape so that it is more readily usable by the IRS. People who are caught underreporting interest and dividends or who do not report will come under the backup withholding provisions requiring 20 percent withholding from their accounts. There are stiffer penalties too. The compromise requires a little extra effort from everyone so that hopefully there will be no impact on the honest taxpayer.

ENTERPRISE ZONES

Enterprise zones is a concept that addresses joblessness and related urban problems by enlisting the help of the private sector. The success of the idea depends on creating a productive, free market environment in economically depressed areas by reducing taxes, regulation, and other government burdens on economic activity.

For an enterprise zone to be successful, cooperation among the Federal and local government as well as the business community is necessary. Each commitment is a vital component. The enterprise zone proposal requires local governments to assemble a package of tax and other incentives which address the problems of that area and meet their localities needs. State and local contributions to these zones will be critically important in the selection of the zones and probably determine whether individual zones will succeed or fail. In this respect, the program is very flexible and local officials will play a vital part in its implementation. Moreover, the award of an enterprise zone will be granted on a competitive basis by Federal tax breaks, elimination of capital gains taxes for business investment in the area, significant reductions in income taxes, and a refundable tax credit for wages paid to previously unemployed workers.

Enterprise zones offer us a fresh new idea in urban development and seeks to provide an atmosphere which will encourage inner-city residents to depend upon themselves instead of upon Government assistance.

The purpose of the enterprise zone program is twofold. One objective is to create jobs in the Nation's depressed areas, particularly jobs for disadvantaged workers. But another objective is to redevelop and revitalize the geographic zone areas themselves.

The legislation is aimed primarily at small businesses because they create the majority of new jobs. In the past 10 years, nearly 20 percent of the new private sector employment has come from businesses with 20 or fewer employees; 80 percent of new jobs have been created by businesses with less than 100 employees.

The program will remove Government as a barrier and will create a favorable environment where entrepreneurs can create jobs and economic growth and prosperity. It will tap the unused talents and abilities already in existence in our Nation's most depressed areas. The new concept deserves to be given a chance.

MORTGAGE REVENUE BONDS

Mr. President, I rise to speak in favor of mortgage revenue bonds. I would like to tell you briefly how important I think this program is and why I think the Congress should extend it. I also would like to indicate why I think we should extend the program for a limited period of time, rather than indefinitely, and to comment on a number of issues pertaining to the program.

The mortgage revenue bond program is one of the most important Federal programs that addresses the issue of housing affordability today. The program's role has been vital to the housing industry, and the home buying public. Inflation raised the price of houses and high interest rates increased the monthly payments to the point where many low- and moderate-income families could not qualify for a home mortgage.

The baby boom generation will be in the prime home buying ages of 25 to 45 during the 1980's. One and one-half million prospective first time home buyers will be entering the marketplace each year during the 1980's. The demand for mortgage originations during 1983 has been estimated at $150 billion—not including refinancing. The need for the remainder of the decade has been estimated by FNMA at approximately $1.6 trillion. I do not see how Congress would justify letting this tremendous demand go unmet.

This administration has made encouraging progress. Inflation is under control and interest rates are dropping. However, there is still a vital need for mortgage revenue bonds. Deregulation of the financial institutions has raised questions of how the mortgage credit needs, especially for low and moderate housing, will be met in the 1980's.

I like this program's approach because it is based on New Federalism principles. It allows every State to respond to its particular housing demands. I think this is an excellent way to address housing needs.

One of the virtues of the program is flexibility. Each State's program is different because each is tailored to meet the housing needs of its citizens and to respond to its capital availability and secondary market access.

In addition, the mortgage revenue bond authorization allows the States to modify their housing finance agency's charters to meet changing situations and to respond to local problems. A recent example in my State comes to mind. Many financial institutions in New Mexico have low-interest-bearing mortgages which are adversely affecting their liquidity. They wanted to sell these mortgages, but could not sell them to FNMA or Freddie Mac because they did not conform to the Federal guidelines. The financial institutions needed an intermediary to package and sell these mortgage backed securities to private investors. The flexibility of this mortgage revenue bond program allowed the legislature to meet this need. The legislature granted additional powers to the New Mexico Mortgage Finance Authority to act as a secondary market facility for these passthrough mortgage-backed securities. Once the mortgages are sold, the lending institutions can take the proceeds, make more mortgages, and serve more home buyers. This is a good example of how this Federal authorized program can be customized to meet the local housing needs.

The single-family mortgage revenue bond program has reduced the cost of homeownership for first-time home buyers. Since the passage of the Mortgage Subsidy Bond Tax Act of 1980, State and local governments have issued approximately $10 billion in mortgage revenue bonds to finance the purchase of nearly 200,000 newly constructed and existing homes at interest rates 2 to 3 percent lower than conventional mortgage rates available during that period.

In my own State of New Mexico, the program has provided mortgages for close to 12,000 home buyers at rates of 7.5 to 12.12 percent. Banks, savings and loans, and mortgage bankers throughout the State have participated by disbursing the authority's funds through their branches.

The average income for families receiving a mortgage under the New Mexico program is $23,582 and the average purchase price for existing homes is $42,391 and $48,916 for new homes. The program has provided 3,298 new jobs in my State since 52 percent of the loans have been for new construction. In addition, the program has generated $25,541,733 in tax revenues based on figures provided by the mortgage finance authority in New Mexico.

I would prefer that Congress would only temporarily, rather than permanently extend the program. I have several reasons for advocating a temporary extension. The first is simply that I believe that it is good public policy to require the Congress to review all Federal programs periodically. Keeping a sunset on mortgage revenue bonds will enable us to evaluate the program after additional experience and make changes in it if any are necessary.

The second reason for a limited extension is the fact that we do not know the outcome of the revolution now occurring in our country's mortgage finance system. I feel that because the secondary market is undergoing a major change, and because there are some questions as to the efficiency and targeting capability of this program, that we should continue to look for ways to improve its efficiency or to find more efficient alternates or supplements.

Deregulation of interest rates and the secondary market is also a consideration. As traditional intermediaries such as thrifts and banks experience higher average costs and shorter average maturities on their retail deposits because of interest rate deregulation, long-term mortgage lending may seem less and less attractive as an outlet for those funds. This factor will require secondary market investors to play an increasingly greater role in mortgage finance if affordable capital is to remain available for housing.

I hope that in the next few years the private sector will be able to attract pension funds and other investors who have not invested much money in mortgages in the past to put a much larger percentage of their assets into housing.

I support mortgage revenue bonds, however, I believe we must reevaluate their role vis-a-vis other options that may evolve as a result of deregulation and restructuring of the secondary market.

INTERNATIONAL TRADE AND INVESTMENT ACT

Mr. President, I would like to speak in specific support of the International Trade and Investment Act. This measure gives the President added authority and updates our trade laws to address the current world trading environment. It also brings high tech-, foreign direct investment and services under the trade laws and puts these three vital sectors of our economy on the same footing as manufactured goods.

We are experiencing a new industrial revolution based on information processing. The computer is the symbol of this transformation, but the semiconductor has been greatly responsible for it and its application goes much farther than just computers.

High-tech is strategically vital for communications, instrumentation, transportation, and military systems. In New Mexico, Signetics, Intel, Digital Equipment, and Honeywell are all playing key roles.

Right now our high-tech industries are the best in the world, but they need open world markets to maintain that superiority and to continue to grow. This legislation fosters economic growth and full employment. It expands competitive U.S. exports by achieving commercial opportunities in foreign markets that are substantially equivalent to the environment enjoyed by foreign firms competing in the United States.

No economic legislation will be considered during this Congress without the consideration of jobs. This legislation represents not the exception but the opportunity to talk about international trade in the context of high-tech and jobs. It has been predicted that 75 percent of all jobs by 1985 will involve computers in some way. Two trillion dollars' worth of goods and services are currently being traded internationally and the potential is unlimited.

To fully understand why we need this legislation we need to recognize that the United States is firmly linked with other nations in the global economy. We are all mutually benefited by international trade.

However, this free trade concept is being encroached upon by our trading partners. Superstringent rules on safety or health standards, or insistence that all customs documents be in one language or lengthy dockside inspections are increasingly prevalent, nontariff barriers hurting our exports. In the high-tech area direct protection of Government procurement, industrial promotion and regulation of competition are other examples. Because of the world recession we have seen a proliferation of such nontrade barriers.

There is a need for this legislation because our high-tech industries are increasingly being denied access to world markets. Governments of developed and advanced developing countries alike have recognized the importance of their high-technology industries, and are increasingly protecting them. For example, a Joint Economic Committee study concluded that the Japanese market for semiconductors has an oligopolistic structure and does not function as an open market. The Government of Japan tolerates and even encourages the formation of cartels.

The Japanese Government acts as a doorkeeper, controlling access to Japanese markets and as a promoter of Japanese industry by providing cheap capital, tax breaks to assure cash-flow liquidity, R&D support and help in promoting exports.

Through most of the 1970's Japanese Government policies limited U.S. access to the Japanese market and insured that the advantages of rapid domestic growth would accrue mostly to

Japanese firms. Growth was underwritten partly through public subsidies and through a stable access to capital market. At the same time, they have aggressively competed in our domestic market.

Until the very end of the 1970's NTT-Nippon Telephone & Telegraph's procurement was completely closed to U.S. and other foreign markets. Moreover, NTT did not allow the big four Japanese telecommunication firms to use imported semiconductors in the equipment they supplied to NTT.

Japan is not the only problem. Canada requires that all foreign banks maintain and process data within Canada. Australia forbids the screening of television commercials filmed abroad and Norway has not licensed a foreign insurance company in 40 years.

This legislation is designed to address these and countless other similar problems. It will clarify the President's authority to react to unfair trade practices.

I like this legislation because it is flexible in approach. Not all trade barriers damage U.S. industries to the same degree. This bill is written to allow discretion which should achieve an appropriate response to a wide spectrum of problems.

Trade is an increasingly important component in our economy as illustrated by the following numbers:

Two of every five acres of farmland produce food for export, one of every eight jobs in manufacturing depends on overseas markets, four out of every five new U.S. jobs in manufacturing have been created by international trade. Exports account for more than 16 of the total value of all goods produced in this country.

Despite high volume of our international trade, we still are far from matching the internationals sales efforts of our leading trading competitors. Only 10 percent of our firms export, and only 7 percent of our gross national product finds its way into foreign markets—less than half the percentage of our major trading partners.

This bill is a good tool to increase trade opportunities by guaranteeing equal access to foreign markets.

REPEAL OF WITHHOLDING

Mr. DECONCINI. Mr. President, I am fed up. And it is my reasoned estimation that most of my colleagues in the Senate are fed up with the protracted debate and parliamentary wranglings that have surrounded the withholding issue. Let us face facts, an overwhelming majority of Senators favor outright repeal of the withholding provisions of the Tax Equity and Fiscal Responsibility Act of 1982. An overwhelming majority of the Members of the House of Representatives favor repeal of withholding. And, most certainly, an overwhelming majority of the American people favor repeal. I ask my good friend, the chairman of the Senate Finance Committee, why must we continue to waste time. Let us vote. Let us vote for outright repeal. The time for delaying tactics has passed. Mr. President, here is no doubt in my mind that many of the amendments that the chairman of the Finance Committee will raise are worthwhile. However, this is the wrong time for these amendments. Time is running out on the withholding issue. The financial institutions of this country are on a collision course with July 1. What this vote will come down to, is not whether you are for or against the Caribbean Basin Intitiative, or Urban Enterprise Zones. This vote is on whether or not you truly want to repeal the withholding of taxes on interest and dividends.

Many of my colleagues have argued and will continue to argue that the Senate has every right to amend legislation which the House sends over and that we do not want the House telling us what we can and cannot do. I agree completely. However, I cannot help but notice that the very Senators propounding this argument are the same ones who have been fighting repeal since the beginning. So let us be frank. The issue is repeal of withholding. And everything else is extraneous.

Mr. President, we must repeal the withholding of interest and dividend provisions of TEFRA. The fundamental problems with withholding clearly outweigh the benefits. The goal is increased tax compliance, and this Senator certainly supports efforts to increase tax compliance so long as the efforts meet the goal at a reasonable cost. The withholding provisions do not pass this test.

I am concerned that the adverse effects of these withholding provisions on the elderly, and low- and middle-income Americans, outweigh the benefits. It is these people—the low and middle income and the elderly—that are often most unfamiliar with complicated tax laws and procedures. Certainly, exemptions are provided, but that requires filing a form for each investment. This added step may well result in the wrong people's money being withheld because of a failure to file and errors in filing. Furthermore, all these forms and requests will create yet another unnecessary administrative burden for the IRS to contend with.

At a time when we are seeking to encourage savings, this measure will discourage savings. In the past, we rewarded deferred consumption, now we are punishing investors. The withholding tax will actually affect the amount being paid because of the compounding of interest. It is the loss of cash-flow that will be a problem for the taxpayer.

It is not just the investors who will suffer, it is the sponsoring institutions as well. Peat, Marwich, Mitchell & Co. estimates the cost of compliance to the commercial banking industry alone will be $2.98 billion to $5.8 billion. This estimate excludes the costs to mutual funds, brokerage houses, and insurance companies. Ultimately, the increased costs to institutions and corporations will become costs to consumers through reduced returns on investments and higher rates for loans. The estimated $16 billion withheld from all private savings and credit sources will not be available for housing and equipment at a time when this Government already commands an enormous share of net private savings to finance its deficits.

Withholding is not the answer. I continue to be convinced that the IRS already has at its disposal adequate means to catch the tax evaders it seeks to reach through withholding.

Mr. President, I hope that shortly we will proceed to a vote. I hope that we will vote for outright repeal and against the package of committee amendments. We have spent far too much time debating and debating this issue, when in truth the matter is very clear. By my estimation, we have discussed this issue 83 times in the Senate since the first of the year. Ten bills and eight amendments have been introduced in the Senate with over 58 cosponsors. On 36 of the 76 days that this Senate has been in session, we have discussed withholding. The time for procrastination is over. Let us vote, let us vote now and let us vote for outright repeal.

Mr. BENTSEN. Mr. President, I find it hard to believe that in mid-June we are once again debating the fate of withholding on interest and dividends. Several times in recent months the people of this Nation and both bodies of Congress have expressed their will to repeal this burdensome tax provision. Now the effective date of withholding is 2 weeks away and the Senate of the United States continues to block final action on this issue.

I opposed withholding when it was proposed in 1975, and I voted against this measure when it was enacted last summer. Consequently, I support full repeal of this measure. The Finance Committee amendments offered to this repeal measure today are meritorious issues, but they do not belong on this bill. These amendments seriously jeopardize our efforts to expedite repeal and get this measure to the President before July 1.

We cannot overemphasize that time is of the essence; further delay only confuses the public and creates additional burdens for the financial institutions and corporations who have no choice but to comply with the withholding law as it now stands. This action reflects poorly on the ability of this body to act quickly and efficiently

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on legislation of importance to millions of Americans.

Let me briefly address why I have consistently opposed withholding, and support the current repeal effort. Taxpayer compliance in interest and dividend income is second only to compliance on wages. Almost 90 percent of interest and 85 percent of dividend income is now reported to the Internal Revenue Service. The remainder of that income most likely is received by individuals, such as widows, children, and the elderly, who have little or no taxable income to report in any event. The withholding law only increases the paperwork burden on these individuals and discourages them from saving.

The withholding provision makes a nod toward the low income and elderly reporting problems by providing an exemption clause. Yet this clause is scarcely workable and has already become an administrative nightmare. Last summer when I was fighting this tax bill on the floor of the Senate, I predicted that Congress would receive countless letters and complaints regarding the exemption nightmare. In 1983 alone, I have heard from over 200,000 Texans—by letter, postcard, and phone—who oppose withholding and are confused by the exemption clauses. While I support the intent of the exemption clause, I am firmly convinced that it is extremely difficult to determine which passbook interest, bond interest, stock dividend, or money market fund payment qualifies for exemption from this cumbersome withholding provision.

Supporters of withholding argue that, by clamping down on people who avoid paying taxes on interest and dividends, it will increase Federal revenues some $14 billion through 1986, without increasing taxes. The fallacy of these revenue estimates has already been proven.

Surely, though, we can improve compliance with this country's tax laws without making every brokerage house, bank, credit union, and thrift institution a tax collecting agent of the IRS. Understandably, these private institutions resent the Federal Government imposing on them the responsibility, paperwork and expense of withholding 10 percent of the interest and dividends they pay their customers. Obviously, the increased expense would finally be passed on to the customer.

In fact, the IRS has the information it needs to catch tax cheaters. Financial institutions are already required to report how much interest they pay and to whom they pay it. And starting next year, taxpayers will be required to attach the form 1099—which lists interest payments received—to their tax returns. Claims that this new withholding provision will add billions of dollars to Federal coffers are suspect for other reasons, too.

First, the prospect exists that currently unreported dividend and interest payments are not taxable anyway because they go to low income and elderly taxpayers who have little taxable income. Second, the substantial cost to financial institutions of establishing and maintaining the required elaborate police mechanism is a tax-deductible expense. The cost of developing and expanding computer capacity, and of providing exemption forms and other documents will be high. Since this expense is deductible, it will significantly offset any gain in tax receipts from withholding.

For the above reasons, I oppose withholding on interest and dividends. Mr. President, I also want to emphasize that I do not oppose the committee amendments discussed here today. In fact, I am cosponsoring the mortgage revenue bonds legislation, I am one of the principle authors of the trade bill, and I support the intent of the backup compliance provisions. Nonetheless, I strongly believe that adoption of these amendments today will kill our repeal efforts.

WITHHOLDING MUST BE REPEALED

Mr. BIDEN. Mr. President, I voted today to table the Finance Committee amendment to the House bill repealing withholding. I did so because the basic issue before the Senate today was the repeal of withholding. The Finance Committee amendment added several conditions to the repeal of withholding. In addition it added several new provisions to the Tax Code that were unrelated to withholding. I voted against the inclusion of withholding in last year's Tax Equity and Fiscal Responsibility Act. I voted for straight repeal earlier this year. I felt that I must vote today in such a way as to carry out my original intent to prevent the initiation of withholding.

My vote for tabling the committee amendment, however, does not reflect my position on one aspect of that amendment—the repeal of the sunset provision in current law for mortgage revenue bonds. I am a cosponsor of the bill introduced by Senator ROTH to repeal that sunset provision. The mortgage revenue bond program was the only thing that made it possible for thousands of families to buy homes in Delaware while interest rates have been at record highs over the past several years. The program served the people of Delaware well then, and it should be available to serve them again should interest rates rise again. For that reason I cosponsored Senator ROTH's bill, and under other circumstances would have voted for it.

But I believe that the overwhelming priority today must be the repeal of withholding. Thus I voted against adding extraneous provisions to that repealer.

Mr. THURMOND. Mr. President, I rise today in support of the Finance Committee amendment to H.R. 2973, a bill to repeal the 10-percent withholding requirement on interest and dividend earnings. After extensively studying the problems of implementing this new requirement and reviewing information not available to the Senate last year about more desirable alternative tax collection methods, I have concluded that the withhholding provision should be repealed.

The withholding requirement is simply too confusing, complicated, and burdensome for individual savers. Since the public lacks confidence in the fairness or necessity of this procedure, I am concerned that it has the potential for discouraging savings, which would undermine long-term recovery.

The withhholding requirement essentially makes tax collectors out of our financial institutions—a responsibility that properly rests with the Internal Revenue Service—and it unduly burdens honest taxpayers in order to collect taxes from those who do not comply with the law. Through improved reporting requirements on interest and dividend income, better computer-aided matching of form 1099's with tax returns, and stepped up collection procedures (as proposed in part of the Finance Committee amendment), I believe the previously substantial problem of tax cheating on interest and dividend income can be alleviated.

Mr. President, I know many individual savers and those in the financial community feel that the portions of the Finance Committee proposal unrelated to the withholding issue will unduly complicate and delay repeal of mandatory withholding prior to the scheduled July 1, 1983, implementation date. I do not feel this will be the case, and I am confident that withholding will be repealed in a timely manner. Even those who have heretofore supported withholding and who have fought to retain it, such as the distinguished chairman of the Finance Committee, Mr. DOLE, have recognized that repeal is inevitable. The only question is a matter of strategy, and that strategy realistically should include providing the President with sufficient incentives to sign the bill. Since the unrelated portions of the Finance Committee proposal are, for the most part, important components of the President's program and highly meritorious proposals in their own right, I believe this is a sound, effective way to proceed.

Mr. President, the Finance Committee amendment adds several provisions to this bill which are strongly deserving of enactment. I wish to briefly comment on the merits and need for each of these important proposals.

TRADE RECIPROCITY

A key part of the Finance Committee amendment is designed to promote a U.S. policy of trade reciprocity. The reciprocity language has as its purpose the increase of American exports and export-related jobs through stronger enforcement and expansion of domestic and international rules dealing with foreign unfair trade practices.

The legislation requires that an annual report be made to Congress regarding major foreign barriers to U.S. exports. It would encourage international negotiations to achieve fair and open trade agreements, and direct the President of the United States to take effective action to remove trade restrictions.

Mr. President, I feel that these proposals are necessary to adequately address the trade problems and substantial balance of trade deficits America faces today.

ENTERPRISE ZONES

Mr. President, this legislation also would implement an experimental new program of enterprise zones. This proposal would allow cities to designate areas of high unemployment and poverty as special enterprise zones. Within those zones, the Federal Government would provide major tax incentives for job creation and small business growth.

This incentive program is a well-thought-out concept which offers hope for revitalizing America's inner cities without huge Federal expenditures. In my opinion, it is far better to encourage business growth in these areas through tax incentives, rather than to continue massive Federal expenditures to welfare recipients unable to find employment in the inner city.

CARIBBEAN BASIN INITIATIVE

Mr. President, the legislation we debate today also promotes the administration's Caribbean Basin Initiative. This much-needed initiative will help achieve economic revitalization and facilitate expansion of economic opportunity in the Caribbean region and Central America.

Mr. President, on numerous occasions, I have stood before this body and advocated the implementation of this type of program. If we are ever to stabilize this vital region of our hemisphere, we must first help establish a sound economic base for our neighbors to the south. I am confident that, if this economic foundation had been in place, Nicaragua would not have succumbed to a Marxist-Leninist type government, El Salvador would not be confronted with Communist takeover, and the rest of Central America and the Caribbean would not be prime breeding grounds for Communist intervention.

MORTGAGE REVENUE BONDS

I also want to express my support for the section of the amendment which will repeal the "sunset" provisions for mortgage revenue bonds. I am pleased to be a cosponsor, along with many of my distinguished colleagues, of S. 137, a bill which will make permanent the mortgage revenue bond program.

Unless we act promptly, this most valuable housing assistance program, which provides lower interest loans to families who could not otherwise afford to purchase a home, will terminate on December 31, 1983. This program has proven its effectiveness and should be maintained.

Mr. President, all of these proposals encompassed in the Finance Committee amendment, along with the provisions to improve compliance on interest and dividend reporting, are urgently needed and in the public interest. I, therefore, strongly support the Finance Committee package, and I hope the House will promptly agree to these additions. There is no good reason that final congressional approval of this legislation cannot be obtained next week. Moreover, if presented with an attractive, vitally important legislative package such as this, I am optimistic that President Reagan would promptly sign the bill. That would, of course, accomplish the objective of repealing interest and dividend withholding by the July 1 deadline.

FINANCE COMMITTEE AMENDMENT TO H.R. 2973

Mr. DOLE. Mr. President, with consideration of H.R. 2973, the Senate has an opportunity to put to rest the controversy over withholding taxes due on interest and dividend income, and at the same time advance several items on the tax legislative agenda that deserve attention. I would urge my colleagues to do just that by approving the Finance Committee amendment to the pending legislation, and sending the bill to the House with the Senate changes.

The withholding controversy has consumed an inordinate amount of time in the Congress this year, and it is time to be done with it. The votes and the head counts we have had, over and over, clearly demonstrate that it is the will of the Congress to eliminate the mandatory withholding device as a means of improving tax compliance in the area of interest and dividend income. No one wants to thwart that will, nor is there any clear way to prevent repeal even if that were desired. What we do ask—and what the Finance Committee agreed to in its amendment—is that, in conjunction with repeal, we take realistic and meaningful steps that will help the IRS do better in collecting taxes due on interest and dividend income.

At the same time, we, in the Finance Committee, agreed that this is an appropriate vehicle for expediting passage of several items of longstanding interest to the administration and the Congress: Specifically, the Caribbean Basin Initiative, enterprise zones, and trade reciprocity. The Finance Committee also included in its package amendment a provision that eliminates the sunset on mortgage revenue bonds for single-family housing, which would otherwise take effect at the end of this year.

PROCEDURE

Mr. President, there are compelling reasons for proceeding in this way on the withholding issue and on the associated issues I have described as contained in the Finance Committee amendment. However, I would strongly suggest that Members agree to limit this package to these items, and only these items. We all have preferred projects and amendments in the revenue area that we would like to see move. There will be other opportunities this year to try to do that, because there are other revenue items that we will have to address. But we should resist the temptation to make H.R. 2973 carry too much of a load, because that would defeat our goal of disposing of the withholding issue.

There are two major advantages to moving the committee amendment, and only the committee amendment. First, adopting the compliance measures contained therein demonstrates our good-faith concern with the compliance gap in interest and dividends, and saves a good portion of the revenue that will be forgone as a result of repealing withholding. Second, including these compliance provisions, plus the Caribbean Basin, trade reciprocity, and enterprise zones, makes for a much more attractive package from the President's point of view. If we want to have done with the withholding issue, we ought to try to avoid a veto battle with the President, who has stated his strong feelings on the withholding question. While no one can guarantee how President Reagan will react to any particular package, there is no doubt that improving compliance on interest and dividends, coupled with several priority items on the President's legislative agenda, can make this an attractive proposition from the administration's point of view.

All bets are off, however, if we turn this bill into an omnibus package incorporating everyone's favorite amendment. We lose credibility not only with the President, but with the House leadership and the Ways and Means Committee. Now we all know that the House cannot dictate to the Senate the content of revenue legislation—our very consideration of the Finance Committee amendment proves that is not so. But we do have to deal with the House Members on an equal basis, and respect their prerogatives.

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The chairman of the Ways and Means Committee, DAN ROSTENKOWSKI, has assured me that the House will go to conference on this bill if the Senate approves the Finance Committee amendment. I would add that this is an unusual commitment from Chairman ROSTENKOWSKI in a case where the Senate is adding matter that has not been reviewed yet in the House, such as enterprise zones. There is no guarantee what the final legislative outcome will be. But if we want a chance to at least move these particular issues to the President's desk, we ought to confine ourselves to the subjects of the committee amendment. These issues have had extensive hearings in the Finance Committee, this year and last—that have been marked up before, and our Members are familiar with their content. In addition, both the Caribbean Basin Initiative and enterprise zones were approved in the Finance Committee by strong bipartisan votes, indicating a high level of Member interest and support that should be persuasive to the Ways and Means Committee. Our committee approved the Caribbean Basin proposal by a vote of 15 to 3, and approved the enterprise zone proposal by a vote of 14 to 2. We have put together a strong and balanced package, and it ought not to be weakened with further amendments that may not have this kind of support.

COMPLIANCE PROVISIONS

Mr. President, the compliance provisions of the committee amendment repeal withholding, like the House bill, also do something positive in this area by including new provisions to improve the information reporting system. These new compliance provisions will save a substantial portion of the revenues that would otherwise be lost because of tax noncompliance.

The Senator from Kansas would point out that the committee amendment takes the approach taken by the Dole-Kasten amendment approved last April in the Senate by a vote of 91 to 5. However, the provisions were refined by the committee in light of comments from the financial services industry and others. In addition, the Treasury Department strongly endorses these provisions as a realistic and meaningful approach to improving tax compliance.

LEGISLATIVE HISTORY

Mr. President, I would point out that there is some history and precedent for the approach taken by the Finance Committee: During consideration of the Revenue Act of 1962, the House of Representatives adopted a Kennedy administration proposal to require withholding on most interest, dividend, and patronage dividend payments, at a 20-percent rate. The House Ways and Means Committee report explained that withholding was expected to collect over 80 percent of an estimated $800 million annual revenue loss attributable to unreported interest and dividend income.

Instead of the House-passed withholding provisions, the Revenue Act of 1962 adopted the provisions of the Senate bill requiring expanded information reporting on dividends, interest, and patronage dividends. The report of the Senate Finance Committee explaining the Senate provisions stated:

> . . . your committee strongly endorses the concept that everyone must pay his full share of the income tax liability. Moreover, it recognizes that the underreporting of dividends and interest on tax returns is a serious problem which needs correction. However, it has concluded that an improved reporting system is preferable to a provision for withholding.

But by 1981, the annual revenue loss from unreported interest and dividends was estimated by the IRS to be in excess of $8 billion despite the existence of an improved information reporting system. Accordingly, in 1982, the administration proposed withholding on interest and dividends, at a 5-percent rate, to close this compliance gap. In addition to the administration's withholding proposal, other legislation was proposed to improve compliance without withholding, by improving the accuracy and reliability of information returns, and extending information reporting requirements to Treasury obligations and corporate bearer obligations. That was the initial approach taken by the Senator from Kansas and the Senator from Iowa in the so-called Dole-Grassley bill.

In the Tax Equity and Fiscal Responsibility Act of 1982, Congress enacted the administration's withholding proposal, at a 10-percent rate, together with provisions improving and expanding the information reporting system. These and other provisions of TEFRA were enacted in order to satisfy the requirement of the 1983 congressional budget resolution that Federal revenues be increased by $98.3 billion through fiscal year 1985.

As we know, the TEFRA withholding provisions, which were enacted to take effect on July 1, 1983, became the subject of controversy, and in April 1983, the Senate voted to delay implementation of withholding.

I would point out that the House bill would repeal withholding without enacting any improvements in information reporting beyond those provided by TEFRA. In light of the large current and projected Federal budgetary deficits, and the serious fiscal and social problems posed by tax noncompliance, many Senators believe repeal of withholding requires a careful strengthening of other compliance provisions of the Internal Revenue Code, a thorough review of Internal Revenue Service enforcement practices and increases in the level of IRS funding. The Finance Committee believes the information reporting system for interest and dividends should be made more reliable. The IRS should be required to follow up significant discrepancies disclosed by the information reporting system, and the IRS should be given adequate legal and financial resources to enforce the tax law.

COMMITTEE PROVISIONS DESCRIBED

In general, the committee amendment provides for increased penalties on payors failing to file accurate information returns and temporary "backup" withholding on taxpayers who refuse to supply their correct taxpayer identification numbers, or who refuse, after notice, fully to report interest and dividends as required by law.

In addition, the committee amendment requires the IRS to follow up expeditiously all significant discrepancies disclosed by information reporting on interest and dividends, and authorizes the appropriations necessary to satisfy this requirement.

GENERAL EXPLANATION OF COMPLIANCE PROVISIONS

According to Treasury Department and IRS estimates, in the absence of the compliance provisions enacted in TEFRA, $25 billion of interest and dividend income required to be reported on 1983 tax returns would not be reported. This figure excludes interest and dividends properly exempt from the TEFRA withholding and reporting rules, such as interest paid by individuals. This annual reporting gap has been estimated by the IRS to result in lost tax revenues in excess of $8 billion.

The TEFRA withholding provisions were controversial because of a number of concerns, including the perception that withholding might impose undue burdens on conscientious taxpayers. This concern was aggravated by uncertainty as to whether the Congress had authorized, enabled, and directed the IRS to pursue diligently alternative approaches to closing the compliance gap. In addition, it was seen that the 10-percent withholding continued to rely on the information reporting system to collect taxes on unreported income earned by taxpayers with tax rates higher than 10 percent. Accordingly, measures to improve the IRS's ability to pursue underreported income were increasingly viewed as an appropriate response to the compliance problem. The committee identified several problem areas in the current information reporting and enforcement system, and approved provisions intended to address these problems.

EXPANSION OF INFORMATION RETURNS MATCHING

Although the IRS receives information returns on most interest and dividend payments, it does not currently

match all the information returns it receives against individual tax returns. The committee understands that this problem is largely attributable to the absence of correct taxpayer identification numbers on many information returns, and the IRS's inability to process many of the information returns it receives from payers on paper, rather than in a machine-readable format.

Even where processing is feasible, the committee understands that computerized matching cannot disclose apparent discrepancies until 17 months after the end of a taxable year. Moreover, in the case of filers with underreported income, up to 9 months more time is required to process returns manually, in order to insure that apparently unreported interest or dividends have not simply been reported in the incorrect place on an individual tax return.

The committee amendment addresses these problems by requiring virtually all interest and dividend returns to be filed on machine-readable format, with strict penalties for payers who negligently fail to obtain correct taxpayer identification numbers. In addition, the committee amendment requires the IRS to complete its annual matching program within 15½ months of the end of the taxable year, in order to be able to notify by that time all taxpayers identified by the matching program as having underreported more than $50 of interest or dividends. The committee amendment authorizes the appropriations necessary to accelerate and expand the matching program, and requires the Secretary to report to the Congress on the level of annual appropriations required for this program.

The Secretary is excused from compliance with the directive to complete the matching program within 15 months, only if the Congress fails to appropriate the amount specified by the Secretary's report, and the Secretary determines that, absent the additional resources so specified, it would not be cost-effective to devote IRS resources to interest and dividend matching at the expense of other enforcement activities. An annual report to the Congress is required if the Secretary determines, on these grounds, that he will not comply with the accelerated matching requirement.

EXPANDED FOLLOWUP OF DISCREPANCIES DISCLOSED BY IRS MATCHING

Current IRS enforcement procedures collect only a small fraction of the more than $8 billion in taxes due on unreported interest and dividend income. In part, this is attributable to the IRS's failure to identify and contact all underreporters and nonfilers. It is also attributable, in part, to the absence of appropriate legal tools and financial resources to collect the taxes due from the taxpayers who are identified and contacted.

The committee amendment requires the Secretary to identify and notify all taxpayers with more than $50 of underreported interest or dividends disclosed by the matching program. After notification and a reasonable opportunity to correct or clear up the discrepancy, the committee amendment requires the Secretary to notify payers of interest and dividends to such taxpayers to begin withholding on interest and dividends at a 20-percent rate. Generally, this backup withholding will continue until the taxes, interest, and penalties due with respect to the underreported income have been paid.

As with the requirement to expand and accelerate the matching program, the committee amendment authorizes the appropriations necessary to implement backup withholding, and requires the Secretary to report to Congress on the annual appropriations needed for this program.

Present law contains a number of provisions to encourage compliance in reporting and paying tax on payments that are not subject to withholding. For certain payments that are not subject to mandatory withholding, so-called "backup withholding" is required starting on January 1, 1984. Under these rules, withholding is required at the rate of 15 percent on certain payments to taxpayers who fail to furnish the payer with a taxpayer indentification number. Thus, if the Internal Revenue Service cannot verify that income has been reported because the correct taxpayer identification number has not been provided, the law assures the collection of at least 15 percent of the payment through backup withholding.

The committee amendment imposes backup withholding, after notice, at a 20-percent rate on payments of interest, dividends, or patronage dividends to taxpayers who the Internal Revenue Service determines have either underreported interest, dividend, and patronage dividend income by an amount in excess of $50 or failed to file a Federal income tax return which was required to show any amount of interest and dividend income in excess of $50.

Before backup withholding with respect to payments of interest, dividends, and patronage dividends to nonfilers or underreporters may be imposed, the Internal Revenue Service must provide at least 90 days' written notice to the taxpayer. This notice must inform the taxpayer of the Secretary's determination and of the requirement that, if notified, the taxpayer's payers must institute backup withholding. The 90-day period enables the taxpayer to respond, under procedures prescribed by the Secretary, to the notice and correct or clear up the problem. If the taxpayer fails to establish grounds which would prevent commencement of backup withholding, notice may be sent, beginning on the 90th day after the taxpayer was notified of the determination of underreporting or failure to file, to persons known to have made interest, dividend, or patronage dividend payments to the taxpayer. Such payers will probably be identified by comparing the names and identification numbers of delinquent taxpayers against the most recently filed information returns. Subsequent payer notifications will be based on later filed information returns.

Once notice is given, the payer has a 15-day grace period to implement withholding. Thus, backup withholding on underreporters and nonfilers will not begin for at least 90 days after the taxpayer has failed to properly report interest, dividend, or patronage dividend income. Any payer required to withhold because of a taxpayer's failure to report interest, dividend, or patronage dividends, must notify the payee of such withholding at the time withholding begins.

The committee amendment provides that backup withholding will not be required if the Secretary determines that first, the failure to report income did not occur; second, the failure has been corrected, third, the imposition of backup withholding would cause an undue hardship on the payee and that it is unlikely that any such failure will occur again, or, fourth, there is a bona fide dispute as to whether that failure to report or file exists. The Secretary might relieve a payee of backup withholding under the hardship provision if, for example, the taxpayer is unable to pay the past-due tax immediately and withholding at the 20-percent rate would result in significant overwithholding of current taxes.

When the Secretary determines that backup withholding is no longer required with respect to a particular taxpayer, he is required first, to promptly notify any payers who received notice to commence backup withholding and, second, to promptly provide the taxpayer with a written certification that he or she is not subject to backup withholding.

To prevent improper use of information about which persons are subject to backup withholding, the committee amendment provides that any person receiving backup withholding information (including payers, payer's agents and independent contractors) may use that information solely for satisfying the backup withholding requirement. Use of this information for any other purpose is a misuse of confidential taxpayer information. Thus, for example, a payer would not use this information, including a payee's inability to certify that he is not subject to backup withholding, in deciding whether to extend credit to the payee or whether to surcharge an account, to close an account, or to refuse to open an account.

MAGNETIC TAPE FILING

The committee amendment also requires that taxpayers filing more than 40 information returns with the Secretary for any calendar year with respect to payments of interest, dividends, or patronage dividends must file these returns on magnetic media. This requirement applies with respect to returns filed in 1984. However, where the Secretary determines that application of the provision would cause undue hardship, he may extend the application of this provision until 1985.

The committee amendment also requires the Secretary of the Treasury, in consulation with the Secretary of Health and Human Services, to study and report to the Congress by January 1, 1984, on the feasibility of requiring wage statements (W-2's) to be filed on magnetic media.

ATTACHMENT OF INFORMATION RETURNS TO INDIVIDUAL TAX RETURNS

The committee amendment also requires that payees be furnished a duplicate of any interest, dividend, or patronage dividend information return filed with respect to them. Statements and copies must be in an official form and must be attached to the taxpayer's income tax return for the relevant taxable year.

INCREASED PENALTIES

Finally, the committee amendment imposes increases in the penalties relating to information reporting and provisions designed to accelerate the matching of information returns and income tax returns so that appropriate compliance action may be taken.

Mr. President, the amendment to H.R. 2973 approved by the Finance Committee also contains the provisions of the Enterprise Zone Tax Act of 1983, as embodied in S. 863 with some modifications made by our committee. This is an important initiative, because it demonstrates our determination to find new ways to approach the problems of economic development in distressed areas. As economic recovery proceeds, the problems of towns, cities, and rural areas that lag in development will become even more visible. Now is the time to put in place an experimental program to harness private sector initative, led by local and State efforts to reduce burdens that inhibit development and to harness the resources of local communities and their residents in a common endeavor. The enterprise zone proposal can do that.

Mr. President, most Federal Government programs directed at the unemployed and distressed local areas have emphasized financial aid for the individuals and communities. Generally, the belief has been that basic support would suffice until economic activity in these areas was revived.

Some programs to stimulate local enterprise and farming have been put into effect, and loans have been made available through the Small Business Administration and Farmers Home Administration. In addition, grants to local governments have been made so that they can initiate community development programs that would stimulate local business.

These approaches, however, have not overcome the inertia of distress, and a new approach has been developed that will place primary emphasis on the abilities of private enterprise to create employment and economic activity. The idea is to select a limited number of distressed urban and rural areas in which private enterprise could expand after being relieved of as much Government restraint as possible. These new areas are called enterprise zones, and they are designed to create jobs in depressed areas, with an emphasis on jobs for disadvantaged workers, and also to redevelop and revitalize these geographic areas themselves.

Mr. President, the intent of the program is to create a freer environment in which new businesses can start and prosper. The target is to stimulate business that would not have been started anywhere else rather than to encourage relocations of existing businesses. Instead, it is intended that the market will decide what activities should take place in the enterprise zones. Thus, the enterprise zone concept involves the commitment of Federal, State, and local governments and local private organizations to create a freer economic environment in which new private business may prosper in depressed areas.

Mr. President, under the committee amendment, up to 75 enterprise zones could be designated by the Secretary of the Department of Housing and Urban Development, beginning on July 1, 1983, over a period of 3 years. At least one-third of the designated zones would be in rural areas. Each enterprise zone would be eligible for Federal tax and regulatory relief. The duration of each zone would be 20 years, plus a 4-year phaseout period. Areas would be nominated for enterprise zone designation by one or more local governments and the State in which the area is located. Areas nominated for such a designation would have to meet certain criteria of economic distress, and designations would be made through a competitive process weighing suggested plans for developing the area through tax and regulatory relief, improved services, and involvement of neighborhood and community organizations and private entities in development efforts.

The following Federal tax incentives would be available in enterprise zones: A 3-percent or 5-percent investment tax credit for investments in personal property in the zone; a 10-percent investment credit for real property in the zone; a 10-percent credit to employers for increases in payroll to qualified zone employees and a credit for hiring disadvantaged workers for zone employment; eliminating capital gains tax with respect to property used in a zone trade or business; allowing full cost recovery deductions for facilities in zones financed by industrial development bonds under ACRS, despite the limitation of such deductions for comparably financed facilities elsewhere; and the continued availability of the small issue exemption for industrial development bonds in zones after December 31, 1986, despite its termination on that date elsewhere. These tax incentives would be effective as of January 1, 1984.

The following modifications of the Enterprise Zone Tax Act of 1983 were agreed to by the Finance Committee:

First. The definition of rural areas for purposes of the one-third rural set-aside would be changed so that a rural area would be any area outside a standard metropolitan statistical area, or any area within an SMSA with a population of 50,000 or less, or any area determined to be rural by the Secretary of HUD in consultation with the Secretary of Commerce.

Second. Another item would be added to the list of possible areas to be addressed in a course of action suggested in the legislation that a State and local government could propose. The additional item would be to provide mechanisms to increase equity ownership for zone residents and employees.

Third. HUD would be authorized to establish a procedure for allowing modification of governmental commitments made in securing zone designation. Such modifications would be subject to limitations such as replacing a commitment with one of equal value and protection for existing businesses operating under the original commitment.

Fourth. An inventory of historic properties in designated enterprise zones would be required to be completed not later than 60 days after the date of designation.

Mr. President, the enterprise zone provisions of the committee amendment make this an attractive proposition for the Senate, and hopefully for the House as well.

CARIBBEAN BASIN INITIATIVE

Title II of the committee amendment consists of S. 544, as amended, which is legislation to implement President Reagan's Caribbean Basin Initiative. This legislation reflects the extensive work of the House of Representatives and the Finance Committee on the President's original proposal in the 97th Congress, and additional work of the Finance Committee this year. The committee approved S. 544,

with amendments, on May 12. I believe it is time for this Congress to pass an important program designed to assist our southern neighbors to develop economically and to join in a new, mutually beneficial relationship with the United States.

Title II contains two subtitles. The first would extend for 12 years duty-free status to articles for eligible beneficiary countries. There are several exceptions for import-sensitive products, and imports will be subject to safeguards to protect domestic industries against injurious import surges. The exceptions are those voted by the House and Finance Committee last year, and include textiles and apparel articles subject to textile agreements; footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not currently eligible for GSP; tuna; and petroleum and petroleum products. Subtitle A also contains the eligibility requirements for the beneficiary countries; generally, the countries must be engaged in constructive self-help measures that will enable them to benefit fully from the program.

Subtitle B offers a tax incentive to boost development in the tourist and service industries of the beneficiary nations. Instead of the investment tax credit first proposed by the President, the subtitle includes the convention business expense deduction passed by the House of Representatives last year. This would allow U.S. taxpayers to deduct necessary and proper business expenses associated with attending conventions in Canada, Mexico, and Jamaica. In order for the deduction to be available, however, a beneficiary nation must agree to exchange data with U.S. officials as necessary and appropriate for the enforcement of tax laws, and the beneficiary nation's tax laws must not discriminate against conventions held in the United States. The revenue loss from this provision is expected to be negligible.

Finally, both subtitles include some of the measures the President intends to implement to promote the growth of Puerto Rico and the Virgin Islands, and to protect them from significant competitive harm arising from the duty-free trade arrangement. Puerto Rico and the Virgin Islands long have enjoyed preferential market access to the United States that has enabled them to develop economically much faster than their similarly situated Caribbean neighbors. The one-way duty-free trade area may diminish this competitive advantage. The President therefore will undertake a number of compensatory and protective measures, not all of which will require legislative action. Included in subtitle A, however, is authority to remove duty-free treatment of rum from the beneficiary countries when it threatens the revenues Puerto Rico and the Virgin Islands now derive from rebates of Federal excise taxes on rum to them. Subtitle B further provides that excise taxes on rum from other nations will be transferred over to Puerto Rico and the Virgin Islands. In addition, the President proposes to increase the maximum foreign content permissible for duty-free entry of products from the insular possessions; to treat producers there as domestic industry for purposes of import relief; and to exempt effluent discharges associated with the manufacture of Virgin Islands rum from certain provisions of the Federal Water Pollution Control Act.

THE PROFOUND U.S. INTERESTS IN THE CARIBBEAN

Mr. President, this is the time to demonstrate to our Caribbean friends the leadership that will show them the way out of their economic malaise and strengthen their democratic institutions. The beneficiary nations of the CBI are widely divergent in cultures, histories, languages, economies, and governments. But they share some common characteristics: Most are suffering severe economic hardships; they are increasingly oriented economically, politically, and socially to the United States—and together they form our southern border. Too long has this country failed adequately to comprehend our national interests in this integrated region, and to take full advantage of the mutual opportunities greater cooperation offers. These interests are profoundly important.

In a region suffering a history of conflict, the 15 recently emergent nations of the Caribbean Basin offer in their nascent states a tempting target for Soviet troublemaking. Events in Nicaragua, the announcement last year of a Soviet aid package to Granada, and recent reports of Cuban interference in Surinam provide timely examples of real concerns for our borders, our sealanes, and the Panama Canal.

The United States has great economic ties to the region. Despite their colonial past, the CBI countries import more from the United States than any other country. Last year this amounted to over $8 billion—nearly half again what we imported from them, excluding petroleum. U.S. direct investment reached nearly $10 billion in 1981. We import over 90 percent of our industrial requirements of bauxite and alumina from the Caribbean countries, and rely on them to a significant degree for nickel. It seems clear that the region offers a vast new market for American products, if only greater economic and political stability can be brought about there.

Besides the economic and security interests, the United States is bound by an increasing web of social ties with the Caribbean Basin countries. Some estimate that, excluding Mexicans, over 250,000 illegal immigrants now enter the United States yearly from the countries of the Caribbean Sea and Central America. Their desperate desire to seek political or economic emancipation in this country is perhaps matched only in magnitude by the strain on the services that our national and State governments provide them once they are here. I note that for the entire region in fiscal year 1982 the United States targeted about $475 million in developmental aid; the Federal Government and the State of Florida have spent over twice that on Cuban and Haitian refugees since the Cuban boatlift.

The ability of the United States to exploit these increasingly strong ties to the Caribbean Basin countries rests on their own stability. As the nations of Central America struggle to end armed conflict among themselves and with Communist guerrillas, as the Caribbean nations attempt to restructure their economies away from centuries of dependency on transfers from their former colonial sovereigns, a historic opportunity presents itself to the United States to aid in placing them on a firm, permanent path to growth and stability. The President's Caribbean Basin Initiative embodies a sound plan to that end.

THE CBI: AN OPPORTUNITY FOR BOLD LEADERSHIP

In a Washington Post column last year, international economist Gustav Ramis of Yale University stated well the need for a "credible, nonpaternalistic framework" for facilitating economic reform and development in developing countries. He said in part:

> Receipt of an annual aid allocation is clearly not a country's birthright to be extended automatically, just because it is poor and we are rich; at times the effective use of aid, in fact, means the courage to be passive and bankerlike vis-a-vis some developing countries for some years on end. But it also means that we must be able to respond when and if such countries do come forward with a package of policy changes that make sense and ask our help in cushioning the inevitable pain of getting from here to there.

By offering market incentives in the form of trade, tax, and other measures, and by extending aid to ease the transition to stable, competitive economies, the CBI demonstrates that this country is able to respond positively to vital needs—and opportunities.

Twenty of the CBI countries could fit within the boundaries of the King Ranch in Texas; the CBI, even if successful beyond all expectations, cannot begin to engender economic growth that will seriously threaten any of our domestic interests, and for those few industries that feel threatened, the legislation provides ample safeguards against injury. But by adopting appropriate free-market programs, and with the CBI's incentives, these small beneficiary nations are capable of significant self-improvement. None of the beneficiaries claim the benefits of the CBI as a matter of right; the success of the program is of great mutual interest.

This legislation has been introduced in the House with bipartisan leadership support. It passed the House last year in essentially the same form as contained in title II. It has been approved by the Finance Committee by a wide margin. I believe it is appropriate to take this opportunity to obtain its early passage.

INTERNATIONAL TRADE AND INVESTMENT ACT—TRADE RECIPROCITY PROVISIONS

Title IV of the committee amendment contains the substance of S. 144, as amended, the International Trade and Investment Act. This bill, principally sponsored by Senators DANFORTH and BENTSEN with 42 cosponsors, has already passed the Senate once this year, on April 21 when it was amended with the compromise bill to repeal withholding on interest and dividends. Members will recall that because S. 544 was considered to be a revenue-raising measure, the House of Representatives refused to accept it for consideration. That excuse does not apply to the bill to which the committee amendment is now directed. I believe we should take this opportunity to send S. 144 again to the House for its consideration.

Title IV (S. 144) includes a number of provisions designed to restore a greater measure of overall reciprocity to our trading relationships and to encourage the expansion of trade agreements to cover economic sectors not now subject to significant international discipline. In sum, title IV would make the following changes to the Trade Act of 1974:

First. A new section 104A would be added provided specific negotiating objectives with respect to trade in services, advanced technology products, and restrictions on foreign direct investment. The USTR will develop and coordinate U.S. policy on trade in services and the Department of Commerce will establish a service industry development program. In addition, the President would be given a 5-year authority to negotiate tariff reductions on certain advanced technology products;

Second. Section 135, which establishes a procedure through which trade negotiating advice is received from the private sector, would be amended to authorize the establishment of intergovernmental advisory committees;

Third. A new section 181 would be added requiring annual national trade estimates on significant barriers to the exportation of U.S. goods and services and restrictions on U.S. foreign direct investment and consultations with the Committees on Finance and Ways and Means regarding trade policy priorities to enhance market opportunities;

Fourth. Section 301 would be amended to authorize the President to retaliate against any goods or sector, whether or not involved in the act retaliated against and the President would specifically be authorized to retaliate against a good or service notwithstanding the authority of regulatory agencies to deal with the same matters;

Fifth. Section 301 would be amended to authorize the President to retaliate against restrictions on foreign direct investment by U.S. persons with implications for trade in goods and services, or otherwise to carry out the objectives of 301, by proposing "fast track" legislation under the authority of sections 102 and 151 of the Trade Act of 1974;

Sixth. Section 301 would be amended by statutorily defining the terms "unreasonable", "unjustifiable", and "discriminatory", which currently exist in section 301 but are not defined;

Seventh. Section 302 would be amended to provide for the self-initiation of Section 301 investigations by USTR;

Eighth. Section 303, which currently provides that international consultations must be initiated on the same date as an investigation is instituted under section 301, would be amended to provide for a delay of up to 90 days before the initiation of consultations for the purpose of verifying or improving the petition; and

Ninth. Section 305 would be amended to provide for a specific exemption from the Freedom of Information Act for information received during an investigation on the use of such information.

Since enactment of the Reciprocal Trade Agreements Act of 1934, U.S. trade policy has been founded on the twin principles of mutual, reciprocal reductions in trade barriers and vigorous efforts to protect U.S. firms and workers against unfair trade practices distorting the increased trade opportunities reciprocal trade agreements are intended to provide. The International Trade and Investment Act is designed to meet new challenges within this traditional framework. It will clarify the President's retaliatory authority against unfair trade practices, while authorizing and encouraging negotiations in the areas of services, investment-related trade restrictions, and advanced technology products. The act has previously received Senate approval, and I believe it properly should be given another chance for acceptance by the House.

MORTGAGE SUBSIDY BONDS

The committee amendment also includes a provision repealing the sunset provision of the Mortgage Subsidy Bond Tax Act of 1980. That sunset provision would have precluded issuance of tax-exempt mortgage bonds for single family mortgages after December 31, 1983. The committee's agreement to this provision indicates the very strong support in the committee for continued Federal assistance to first-time home buyers and the homebuilding industry. Extension of the mortgage bond program, together with declining market interest rates for home mortgages, should enable more Americans to afford homeownership, and should also help the recovery of the homebuilding industry.

THE MODIFIED COMMITTEE AMENDMENT

Mr. President, I would like to explain the modifications contained in the revised Finance Committee amendment to H.R. 2973.

COMPLIANCE PROVISIONS

As the Members know, the original version of the so-called Dole-Kasten compliance provisions passed the Senate by a vote of 91 to 5. Those provisions would have delayed withholding generally, but would have required payers, once the bill was enacted, to commence so-called backup withholding on accounts and investments without social security numbers or taxpayer identification numbers.

The Finance Committtee amendment, which repeals withholding, modified the backup withholding rule to permit a grace period of 45 days after enactment before that requirement would take effect. In addition, up to 90 days would have been permitted for institutions facing undue hardship complying within 45 days of enactment.

The modified committee amendment provides that the backup withholding requirement will not be effective until January 1, 1984. This is the original effective date contained in TEFRA for backup withholding on accounts without identifying numbers.

The committee is of the opinion that this change is warranted for two reasons.

First, as far as the payors are concerned, the committee was advised that a grace period of at least 90 days would probably be needed for the payors to comply.

Second, we concluded that a somewhat longer grace period would allow time for payors to send a number of mailings to depositors and investors, advising them that unless a taxpayer identification number was provided, backup withholding would commence. Allowing sufficient time for these mailings is desirable so that we can achieve our goal of obtaining correct identification numbers for all accounts and investments. If we can make progress toward this goal in the next 6 months, fewer people will be subject to backup withholding next January for having failed to provide an identification number. This change is consistent with the philosophy of the Finance Committee compliance provisions, that backup withholding is a tool intended to produce voluntary compliance, not a goal in and of itself.

I should also point out that it is the committee's expectation that payers will exercise due diligence in attempting to obtain correct numbers during this grace period, and that the backup withholding rules will take effect and be complied with on January 1, 1984, for accounts without identification numbers. As the printed report on the original committee amendment explains, if either of these conditions are not met for any reason, then payers filing information returns without taxpayer identification numbers in 1984 will incur the penalties for missing numbers provided by the committee amendment.

Finally, there is a purely technical correction to the effective date for certain broker requirements and penalties with respect to new accounts.

MODIFICATION OF COMMITTEE AMENDMENT—TITLE III

In addition, the proposed modification of the committee amendment would make the following changes in the enterprise zone portion of the amendment (title III). The changes are in regard to Indian reservations, tribal governments, and Alaska municipalities with predominantly Native American populations.

First. The modified committee amendment would provide that any area in Alaska within the jurisdiction of an Indian tribal government could be nominated for zone designation in the same way as an area that is entirely within an Indian reservation (that is, there is no independent population requirement for such areas). This is to deal with the situation that tribal governments in Alaska are not situated on reservations.

Second. The modified committee amendment would allow areas to be nominated for zone designation that are within an Alaska municipality whose population is 50 percent or more American Indian, Eskimo, or Aleut. Such areas would still have to meet all the other criteria for nomination (economic distress, and so forth) but would not have to meet the independent population requirements. This is to meet the concern that UDAG-eligible areas in Alaska are largely populated by Native Americans but do not meet the minimum population requirements (1,000 for most areas, 4,000 if the area is located in an SMSA with population 50,000 or more).

Third. The modified committee amendment would allow the nomination of an area within a 50-mile radius of an Indian reservation by a tribal government and the State and local government having jurisdiction over the nominated area, even though the area is not within the reservation. Such an area need not meet the other criteria for eligibility for zone designation provided that the Indian reservation itself does, and the Secretary of HUD would have to determine that the tribe would benefit substantially from designation of such an area as an enterprise zone. This is designed to meet the concern that while Indian tribes can benefit from economic development in enterprise zones, in some cases the reservation itself may not be a productive area for development, whereas an adjacent area could be fruitfully developed to provide jobs for tribe members.

Mr. LONG. Madam President, I move that the committee amendment be laid on the table.

I ask for the yeas and nays, Madam President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER (Mr. DURENBERGER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—46

Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chiles
DeConcini
Dixon
Dodd
Eagleton
Exon
Ford
Glenn
Goldwater
Hart
Hawkins
Heflin
Hollings
Huddleston
Jackson
Johnston
Kennedy
Lautenberg
Leahy
Levin
Long
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Stennis
Tsongas
Weicker
Zorinsky

NAYS—51

Abdnor
Andrews
Armstrong
Baker
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Denton
Dole
Domenici
Durenberger
East
Garn
Gorton
Grassley
Hatch
Hatfield
Hecht
Heinz
Helms
Humphrey
Jepsen
Kassebaum
Kasten
Laxalt
Lugar
Mathias
Mattingly
McClure
Murkowski
Nickles
Packwood
Percy
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Wilson

NOT VOTING—3

Cranston
Inouye
Sasser

So the motion to table the committee amendment (No. 1412) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 1413:
>
> At the appropriate place in the committee amendment, insert a new paragraph as follows and change subsequent subparagraph enumerations accordingly:
>
> 103(b)(3) bulk rum (as classified under item 169.14 of the Tariff Schedules of the United States (19 U.S.C. § 1202)) valued at or below $3.50 per proof gallon: *Provided*, That, notwithstanding any other provisions of law, any rebate, in whole or part, of, or other decrease in, the price actually paid or payable which is made or otherwise affected with respect to or in respect of the sale of such rum after the date of the importation of the bulk rum into the United States shall be taken into account in the determination of the value of the bulk rum.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Connecticut suspend so that we may have order? The Senate will be in order.

Mr. WEICKER. Mr. President, I wonder if I might have the attention of the Senator from Kansas.

This amendment deals with bulk packaged rum as that is a part of the CBI. At no time was either the Virgin Islands or Puerto Rico included in discussions relative to the development of the CBI. When we attempled to exercise joint jurisdiction as between the Committee on Energy and Natural Resources and the Committee on Finance that was thrown aside, and for the past week my staff has tried to go ahead and work out an agreement between the proponents of this legislation and the interests of the Virgin Islands and Puerto Rico, with no success.

It is my understanding that there is a possibility of a compromise being arrived at. I apologize to my colleagues for taking this amount of time. This should all have been done weeks, indeed months, ago and I am still not certain that we have arrived at an agreement.

What I would suggest at this juncture, in order to accommodate those to whom time is of the essence, is that my amendment, having been read, be temporarily laid aside until such time as we can determine whether or not it

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is possible to agree on this subject. If it is, then indeed I hope the proponents of the bill will accept the measure. We do not have to go to any great further explanations or a detailed vote. That is entirely dependent, however, on agreement being arrived at.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. WEICKER. Yes.

Mr. DOLE. What I understand the Senator has proposed is a compromise which was include in the House-passed bill of last year. If that is the case, and I understand that is in the process of being drafted, then I will not have any problem with that.

Mr. MOYNIHAN. Will the Senator from Connecticut yield?

Mr. WEICKER. Yes.

Mr. MOYNIHAN. I am sorry I was not here for all of the conversation. We did discuss this matter in the Finance Committee. We did not make specific provisions for the Virgin Islands with respect to the one distillery they do have. Could I ask what the Senator does propose?

Mr. METZENBAUM. Mr. President, would it be possible for the Members of the Senate to use their microphones so that we might be able to hear what this debate is all about?

Mr. WEICKER. Mr. President, in response to my distinguished colleague from New York, there are really two industries of any size, and only two, in the Virgin Islands: The Hess Refinery and rum, and that is it.

The greatest amount of rum coming from the Virgin Islands is of the bulk, unaged variety. What we are attempting to do is to set limits within this bill, in terms of price, that would indeed protect that aspect of the rum business—that is, bulk, unaged rum—and, therefore, protect the rum industry in the Virgin Islands.

This amendment, I might add, has the support, even though it is not as necessary to them, of Puerto Rico. But they care to support their brethren in the Virgin Islands. The principal purpose of their business is not in the bulk rum variety.

Mr. MOYNIHAN. Mr. President, it is my understanding that the Delegate of the Virgin Islands, Ron de Lugo, is supportive of the measure that the Senator has before us.

Mr. WEICKER. Mr. President, I have been carrying the water here not for myself—and, indeed, Connecticut has no interest in the industry and I do not individually. I have tried to go ahead and give the Virgin Islands some representation in this matter.

As I indicated to you, and it was all in my speech, I find it rather unique that we have a Caribbean Basin initiative without having consulted with our own citizenry, either in the Virgin Islands or Puerto Rico. And, as is known on the committee, when we attempted to achieve a joint jurisdiction with the Finance Committee, that was denied.

I held hearings last week which were attended by the Virgin Islands, by Ron de Lugo and by the Lieutenant Governor Julio Brady, and a representative of Puerto Rico. They explained their reservations as to the Caribbean Basin Initiative to the committee. I might say the other reservations they had that will obviously hurt the CBI is the tourism and the special tax status which now will be lost. But that is neither here nor there. They are willing to sacrifice.

But I do not think it would be fair to have one of the two industries that Virgin Islands has wiped out.

So the answer is, I am presenting this proposal, in effect, on behalf of those representatives of the Virgin Islands who have testified before our committee.

Mr. MOYNIHAN. Mr. President, might I simply say for the Record that the Senator from New York, in whose district the regional headquarters that deal with the Virgin Islands and Puerto Rico are located, was in very close contact with Governors of both Puerto Rico and the Virgin Islands. There are provisions in this law which it was our understanding that they not only approved of, but were well satisfied with.

If the Senator from Connecticut can satisfy them even more, I am happy to do that. But I wish it would be a matter of record that the Finance Committee did discuss this matter and did consult with those persons.

Although I agree with you of the fact that they are not represented in this body, I would like to say I have discussed with a number of Members the possibility of there being a forum of some kind in the Senate that would deal with this repeated question of in what way do the laws we pass here affect the lives of the persons who are citizens in the Virgin Islands and in Puerto Rico, but are not represented and cannot speak in this body as they can in the other body.

Mr. JOHNSTON. Will the Senator yield?

Mr. WEICKER. I yield.

Mr. JOHNSTON. Mr. President there is at present a protective tariff for Caribbean rum other than that which is produced in the Virgin Islands and Puerto Rico. Does the Senator's amendment preserve that protective tariff for bulk rum from the Virgin Islands? Is that the mechanism?

Mr. WEICKER. Mr. President, I wonder if the Senator would further refine his question. I am only referring to the tariff as it relates to bulk, unaged rum. Nothing else is affected.

Mr. JOHNSTON. The Senator is retaining that for bulk rum?

Mr. WEICKER. That is right.

Mr. JOHNSTON. As I understand it, that is the position of Ron de Lugo on this question.

Mr. WEICKER. There is no question about that. That is not something this Senator raised. This is in close consultation with Delegate de Lugo and officials of the Virgin Islands government.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I may be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. It is not only a good amendment but it is necessary. Really, I think it would be nonsensical to do anything other than that, because if we do not have this protection, then all the rum industries are going to move to Jamaica and other areas that do not have the minimum wage or clean water and clean air act. It is a lot cheaper to do business in those other areas.

Why we want to abolish, as I recall—is it 400 jobs or something like that?

Mr. WEICKER. Closer to 200 jobs.

Mr. JOHNSTON. Well, several hundred jobs in the Virgin Islands when they have very high unemployment. I do not know why we would intentionally do that. It is an excellent amendment and I hope it can be worked out.

Mr. WEICKER. Mr. President, I ask unanimous consent that my amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I just wish to rise today for just a couple of brief moments and pay my respects to the distinguished Senator from Wisconsin for his leadership on this issue. I think that not only does Senator Kasten deserve our commendation but I think, in this case, the American people have demonstrated quite properly that if they perceive that Congress has made a mistake, which is what the public perceived after the passage of the withholding that was contemplated to go into effect as of the 1st of July, the public perceived that they did not want this and they made their voices heard in the United States and we are now in the process of changing that.

I think it is quite appropriate that we are going to correct what was a mistake that was made in the passage of past legislation. I compliment the distinguished Senator from Wisconsin for his efforts and his persistence and his tenacity in it.

I think also that the chairman of the committee, although he opposed the original repeal of this matter, certainly has shown his statesmanship in now bringing this to us in a fashion in

which it will be passed and I believe signed into law. I believe the American people really can look at this day as a day for all those people who say it does not make any difference what you do about Washington, D.C., that it really does not matter if you send those cards and letters down to Washington, I think today really shows that it does make a difference and that people still do have the ability to exercise their sovereignty and get some response from Washington.

I am very happy that we finally have achieved this. I look forward to seeing this passed today and I look forward to seeing the President sign this bill into law—I hope that he will; I think he should—then this burdensome, unnecessary withholding will not actually go into effect and, for all practical purposes, that is what is going to happen here today.

I also think that it is important that we pass the Caribbean Basin Initiative. I am glad to see it coming forward. But I think it goes without saying that no matter what we do in terms of passing the Caribbean Basin Initiative and passing legislation which should help to enhance investment in that region of the world, that it will not be successful unless there is a perception that the Caribbean Basin and Central America is not going to be communized.

I think we should consider that also with the passage of this legislation we must recognize that our efforts with respect to our military, our diplomatic, and the entire power of the United States may be necessary to bring to bear to guarantee the freedom of those people in that region of the world, and also to assure that there will be a safe haven for people to make investments in and that no tax incentive or no trade incentive will be successful if the perception is in the future that the Communists are going to take over some region of the world or confiscate all of the private property of the citizens in those regions.

So I think this is very important legislation today. I am happy to see that the withholding issue will be laid to rest, but I think that the other legislation such as the Caribbean Basin issue is very important, and it is still part of the problem. We, as a nation, will have to make a clear-cut decision announcing the intention of the grand strategy for the United States for that region of the world and then carry it to a victory so that it will be an area of the world where people will be encouraged to invest money and provide jobs and economic opportunities for those people who live in that region.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, we are having discussions with the Senator from Connecticut to see if there is any way we can resolve those problems. I hope there will not be other amendments. I know the Senator from Minnesota wants to discuss an amendment. There are a lot of people who have commitments. The Senator from Arizona has an illness in his family that he wants to attend to. I am prepared now to work out something on the amendment which is pending, and which has been temporarily laid aside.

AMENDMENT NO. 1414

(Purpose: To eliminate the percentage method of determining additions to the bad debt reserves for bank losses)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. Metzenbaum) proposes an amendment numbered 1414.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SEC. . ELIMINATION OF THE PERCENTAGE METHOD OF DETERMINING ADDITIONS TO BAD DEBT RESERVES FOR BANK LOSSES.

(a) In General.—Subsection (B) of section 585 of the Internal Revenue Code of 1954 (relating to addition to reserves for bad debts) is amended—

(1) by striking out "1988" in paragraphs (1)(A) and (3) and inserting in lieu thereof "January 1, 1984,", and

(2) by striking out "1987" in paragraph (3) and inserting in lieu thereof "December 31, 1983,".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

Mr. METZENBAUM. Mr. President, in 1981, this country's 20 largest banks earned $1.9 billion in U.S. income and paid $53 million in taxes. That is a tax rate of 2.7 percent. Six banks having incomes ranging from $8 million to $154 million paid no taxes, and received either tax refunds or credits to reduce future tax liabilities. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order so the Senator from Ohio can be heard.

Mr. METZENBAUM. I thank the Chair.

Therefore, the Nation's second largest bank, Bank America, had income of $154 million, but they will either receive $18 million in refunds or reduce their future years' tax bills by that amount.

Here we have a bill today that has to do with the banks' responsibilities as far as sending out notices and withholding taxes in connection with interest on bank deposits.

What more appropriate vehicle is there than this particular piece of legislation to attach to it an amendment which would provide that the banks do that which all other people in business do. That is to pay their taxes based upon a bad debt reserve in accordance with reality, not in accordance with some artificial figure.

As a matter of fact, Mr. President, the proposal that is before us, in my amendment, ties in with the action the Finance Committee has heretofore taken. I commend them for doing so. Prior to 1969 there was an artificial figure of 2.4 percent of outstanding loans that could be used as a deduction on the banks' income tax returns whether or not they needed it. So nobody had any misunderstanding about it, I have no problem about the banks maintaining whatever the reserve is or should be. That is fine with me. But it is the artificiality that the banks are permitted to use in their income tax returns as compared to every other business in this country that I find objectionable.

The 1969 Tax Reform Act reduced that figure by about 25 percent through 1975 and reduced it another 25 percent from 1976 to 1981.

In all fairness, the 1981 tax bill moved into this situation and kept the rate at a specified figure for 1982, instead of permitting it to drop to the 0.6 of a percent that was provided for in the law, but then provided that it would phase out in 1988.

All my amendment does is accelerate the time period. But my amendment does something else. It would pick up $4.2 billion from the banks between now and 1988 which they rightfully should be paying and which they are certainly in a position to pay.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. METZENBAUM. Congress has enacted various provisions throughout the years for the banks: a bad debt deduction based upon an artificial figure, a foreign tax credit, net operating loss carryovers, and other provisions that at the time seemed to make sense.

But in combination with one another, these tax provisions are today operating to reduce, and in many cases eliminate, the legitimate tax liability of the Nation's largest banks. Again, I repeat that the 20 largest banks earned $1.9 billion in 1981 and paid taxes at the rate of 2.7 percent.

Since 1951, financial institutions have enjoyed this excess bad debt deduction and no other businesses have it. General Motors does not have it. General Electric does not have it. United States Steel does not have it. The smallest local business person

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does not have it. Only the banks. If other businesses have bad debts, they write them off. That is in accord with the way it ought to be. But under this special provision, banks and other financial institutions are permitted to compute and deduct amounts far in excess of their actual losses.

What does it cost the Federal Treasury? I have already mentioned that. Between now and 1988, that one bad debt item will reduce Federal revenues by $4.2 billion.

Last year's Senate Budget Committee report on tax expenditures indicated that this artificial bad debt reserve, which is scheduled to expire in 1988, is one of the most important reasons, one of the major reasons, why the banks paid such low effective tax rates. A year ago, however, the Treasury Department supported efforts to permanently keep the deduction at the 1981 level.

Is that still the administration's position? It is pretty hard to find out because the only answer I could obtain when Secretary Regan was before the Budget Committee was "maybe."

When Secretary Regan testified before the Budget Committee I asked him if the administration would favor retaining the bad debt reserve. His answer: "I do not know. We have not made up our mind on a position."

I submit, Mr. President, that it is amazing to me that the Secretary of the Treasury does not know what their position is, they have not made up their minds, when there are $4.2 billion involved, that has no rhyme nor reason nor logic to it. It is amazing. This administration had no trouble concluding that we need a 5-cent-per-gallon tax on gasoline, had no trouble concluding that we ought to double the cigarette tax, triple the telephone tax, have a standby $5 per barrel excise tax on oil, an income surcharge, and new taxes on employer-provided health care; but they cannot quite make up their minds as to whether the bank bad debt reserve, the artificial bank bad debt reserve, should remain in the law.

The bad debt reserve is only one of the special tax breaks tailored for the banking industry. In 1969, when Congress decided to phase out the bad debt reserve through 1988, the industry obtained for itself a new loophole. What we took away with one hand we gave back with the other. Let me explain how that provision works.

All companies which accumulate more tax writeoffs than they can use in a given year may apply these tax breaks against taxes paid in the 3 previous years to obtain a tax refund. That is the law. It is applicable to everybody in business. But there is a different rule for banks. There is no reason for a different rule, but there is a different rule. Banks are special. Banks have good lobbyists. Banks have friends around the Congress of the United States. So, as a consequence, they can receive funds for taxes paid during the prior, not 3 years, but during the prior 10 years.

What rationale can exist for that kind of special treatment? The only one that I can find is that they knew the right people and the right people were in the right place at the right time for them. They decided that if the banks were going to lose the artificial bad debt reserve, they should get a new loophole to take its place. That is exactly what they did.

Financial institutions enjoy even more special interest tax breaks. The Tax Code says that taxpayers may not deduct interest on obligations used to finance the purchase of tax-exempt securities. But the tax laws have a different provision for banks. Tax laws exempt banks from this requirement. So the banks can go out and borrow $100 million or $1 billion, pay the interest on that borrowing, invest the money, and then pay no tax if part of that investment is in tax-exempt securities.

The tax rules for foreign earned income also benefit banks. These rules make certain foreign loans more attractive than U.S. loans, and they operate to reduce the U.S. income tax burden on U.S. income.

I shall give another one. Banks are exempt from the rules governing straddle. Many of us in Congress are not familiar with what the term "straddle" relates to, but it has to do with the situation where you are both buying and selling the same stock. Banks have special exemptions that pertain to their straddles in the marketplace.

I am not unmindful of the financial problems which confront many of our Nation's thrift institutions. I am concerned about them, but that does not have a thing to do with the amendment pending before the Senate at this moment. Those thrift institutions that are ailing should not be saddled with additional tax burdens, and I would not be one to suggest it. There is nothing in this amendment that would do that.

The fact is that the majority of our financial institutions are thriving. They are paying few taxes or none at all. Some are even getting tax refunds. There is nothing in this amendment that will hurt those small thrift institutions, because you do not have bad debt reserves to deduct unless you have profits, and the thrift institutions have not been operating at a profit.

Mr. President, the revenues lost to these special tax breaks do little or nothing to create jobs, improve productivity, or spur economic growth. What these special tax breaks do accomplish is to further reduce the corporate taxes of banks and further shift the tax burden to individuals.

My amendment would repeal the artificial bad debt deduction that has no logic to it, that financial institutions enjoy, and require them to write off bad debts in the same manner as all other taxpayers. As previously mentioned, it would produce $4.2 billion in revenue over the next 5 years.

Mr. President, I am not going to kid the Senate. I do not believe that my amendment totally corrects the special favorable treatment accorded banks by our tax laws. I know that the Finance Committee and the Ways and Means Committee are looking at a number of tax reforms in this area.

I would like to say at this point that I publicly commend the chairman of the Senate Finance Committee, who has just recently seen fit to write an article in the Washington Post with respect to tax loopholes, with respect to more effective tax collection. He certainly has not hesitated to move into areas of this nature in order to pick up the revenue that should properly be in the U.S. Treasury. But until the committees of the Congress act, Mr. President, I believe that my amendment makes sense, that it begins to address some of the inequities, and that it should be adopted by the Senate.

Mr. President, I might say that I offer this amendment as the first of what may be a number of other amendments, but I am not certain exactly how many amendments I shall offer with respect to tax loopholes that presently exist. I hope that the Senate sees fit to look favorably upon this amendment this evening.

Mr. DOLE. Mr. President, I hope the Senator from Ohio will not press this amendment or the other amendments. Let me suggest that the Senator from Kansas has been characterized unfairly as somebody who is out to get the banks. In fact, we had hearings on March 11, in the Finance Committee on the effective tax rates of banks and we had not only banks but savings and loans and thrift institutions. We heard testimony on various provisions including the one just referred to, the amendment just offered by the Senator from Ohio, dealing with the bad debt reserve. There may be some changes warranted, but I hope we would not do it on this legislation.

As I understand it, the Budget Committee is about to report a budget resolution that is going to tell us to come up with $12 billion in 1984. That responsibility will fall to the Congress, the Senate, and the House of Representatives, and their tax writing committees. In the Finance Committee, we are having hearings on the 28th and 29th of this month—to look at tax preference or tax expenditures. I hope that this tax break discussed by the Senator from Ohio, and others that he might want to discuss can be taken up at that hearing.

Certainly, we have a responsibility to take a look at some of these loopholes. Certainly the Senator from Ohio just pointed one out. I hope we have been fulfilling our responsibility.

It seems to me, though, that what we need to do now is get this withholding issue behind us. The best way to get the issue behind us is to go ahead and have a final vote here, if we can work it out and then go to conference. We shall have other revenue bills on the floor. I can promise the Senator from Ohio that I am certainly going to be working with him in a number of these areas. I am not certain I am in full agreement on this amendment, but I am certain that it should not be a part of this package.

It seems to me that we need to sort of stand back and take a look now, after we repeal withholding on interest and dividends, let everything cool a little bit and let the Senate Finance Committee take a look at a lot of the sectors of the economy that enjoy special tax provisions. This may be in that category. It may be in the list of priorities. I hope the Senator from Ohio will let us proceed.

It is not as if we have not been working to close loopholes. We had hearings just this past week on property and casualty insurance companies. We are working now with life insurance companies, trying to tighten up some of the provisions. I just hope the Senator from Ohio will not press the amendment.

I know he is sincere, I know he is concerned. I appreciate his view of withholding. In my view, that is still good tax policy.

This is not really a Christmas tree yet; it is just a little bush. We do not want to get it into a big, big Christmas tree, because it is so early. I know the Senator from Ohio would like to press on, but I hope we might work this out together sometime.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I make no bones about it; I find myself on the horns of a dilemma. We are going to lose some money, I think about—will the Senator from Kansas yield to a question for a moment? How many billion dollars will we lose by not putting into effect the withholding as compared to the procedures that are provided for under this bill?

Mr. DOLE. We will lose about $8.5 billion over the next 5 years, but at that point I must say with the backup withholding and the other compliance provisions, by 1988 we should be picking up about 68 percent of the revenue we would have picked up with withholding.

Mr. METZENBAUM. By coincidence, my amendment picks up half of that amount, $4.2 billion, but that does not necessarily prove my case.

The dilemma I find myself in is that I feel very strongly this amendment should be adopted, but the Senator from Kansas, the chairman of the Finance Committee, has indeed indicated his concern about this loophole as well as others. I am realist enough to recognize that if I should happen to be successful with this amendment, there are those who would probably interpret it as the Senator from Kansas trying to get even with the banks, notwithstanding the fact that it is my amendment but it is still his bill. I know that is not his attitude. I know his attitude is one of trying to pick up revenue wherever it should be picked up for the Federal Treasury. Indeed, if the Budget Committee comes back with a $12 billion figure, it will require the matter, I would hope, of picking up much of it by closing loopholes rather than new taxes on the public.

I have found it possible to work with the Senator from Kansas on this subject. In fact, without his support, I would not have been successful in the last couple of days in connection with the matter of the leases and the indemnification clause in connection therewith. I appreciate that support, and so I am going to withdraw this amendment, not because I think that it does not have merit but because I think that in some ways it might serve to embarrass the chairman of the Finance Committee if I should happen to prevail, which I am frank to confess I somewhat doubt.

Since the chairman of the Finance Committee will be holding hearings on this subject June 28 and 29—and he has already invited me to testify and to speak at those hearings, and I will do so in connection with this loophole as well as a number of other—I will not press the amendment.

Mr. President, I withdraw the amendment.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Ohio.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOLE. Mr. President, I frankly believe that there are some areas on which we should focus. We may have a different view of what happens in the third year and all those other good things, but it seems to me we owe it to the taxpayers to take a look at all the loopholes—some define them as loopholes and some define them in other ways—but at least take a look at the Tax Code. There are about $296 billion lost this year from provisions that some characterize as preferences. There are about $100 billion a year in taxes that ought to be paid that are not paid due to noncompliance. So, in my view, we ought to take a look at all of it.

We are in the process of doing that. I appreciate the help of the Senator from Ohio who from time to time in the past I have referred to in a friendly way as the assistant commissioner. I know it does not increase his pay, but he has been very helpful. I appreciate him withdrawing the amendment today.

It seems to me that we can take care of the repeal, because I think there is a feeling among some people that we are going to horse around and never repeal withholding. As far as I am concerned, the withholding battle is over. There will be other battles. That may be one. So I am prepared to move on.

I think the only remaining amendment is the pending amendment of the distinguished Senator from Connecticut. I am not certain as to the status of that. Is there now a modification that has been proposed?

AMENDMENT NO. 1413, AS MODIFIED

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Connecticut.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that I might modify my amendment, and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The question is on agreeing to the amendment of the Senator from Connecticut, as modified.

The amendment (No. 1413), as modified, was agreed to.

Mr. WEICKER. I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I have been contacted by one other Senator.

Let me say to the Senator from Michigan I am not going anywhere tonight, but there are about 19 Senators trying to leave town by 5:30 p.m., so I am trying to work it out with everybody.

Mr. LEVIN. I would certainly like to work with the Senator. I note the absence of a quorum to see if we can make that possible.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I should like to have a colloquy with the chairman on two matters, one involving an amendment to the reciprocity bill.

I understand that the Record is going to be left open for colloquys after the vote on the bill itself. I am going to try to work out a colloquy with Senator Danforth on this matter so that everybody can get out of here.

Am I correct that the Record will be kept open for colloquy?

Mr. DOLE. Mr. President, in response to the first question of the Senator, we are now preparing the colloquy. We think the reciprocity amendment does what the Senator suggests. To make certain, we are going to emphasize that in an exchange between the Senator from Missouri and the Senator from Michigan, and we hope to have that prepared before final passage.

Mr. LEVIN. I understand that we will be able to insert two after final passage.

Mr. DOLE. Mr. President, I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the other amendment relates to the unemployment problem, and it is a bloody tragedy. The State with the second highest unemployment in the country, which is my State, and a number of other States with very high unemployment rates have triggered off extended benefits because of the formulas used. We have used the insured unemployment rate formulas, and they are highly discriminatory against States that have longstanding unemployment and high total unemployment rates.

My question to the Senator from Kansas is this: Would he be willing to convene a hearing on the problem which has been created by the triggering off of States such as Michigan, off the extended benefit program, which has caused such horrendous upset and uproar in States such as mine?

Mr. DOLE. The answer is an absolute yes. There is a special problem in that area. It is one we will be happy to address, and we hope we can do it in the next couple of weeks. We have a couple of hearings scheduled, but we will work it out with the Senator from Michigan and others from his State who wish to testify. I believe I can secure the cooperation of Members on each side to be there.

Mr. LEVIN. I thank the Senator.

Mr. DOLE. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, are there other amendments?

Mr. LONG. Mr. President, I have been informed that there are other amendments that will be offered by Senators on this side of the aisle. I do not know who those Senators may be, but I am compelled to suggest the absence of a quorum, in order that they might have a chance to make their way to the Chamber.

Mr. DOLE. Mr. President, I should like to place in the Record a response to the statement of the distinguished Senator from Louisiana on backup withholding. We feel a little differently, and I thought if I could include a response following Senator Long's discussion, someone reading the Record would at least see that there was a difference of opinion. I ask unanimous consent that that statement be made part of the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I should like to suggest that the Senator's statement on backup withholding not appear prior to the vote.

Mr. DOLE. All right.

Mr. LONG. I think the Record will show that the Senator from Louisiana did invite all Senators to see his statement, including the chairman of the committee. I think it would not be appropriate to have it appear before the vote, in view of the fact that the Senators were not aware of it before the vote.

Mr. DOLE. The Senator is correct. I ask that it be inserted at this point in the Record.

The PRESIDENG OFFICER. Without objection, it is so ordered.

RESPONSE TO SENATOR LONG ON BACKUP WITHHOLDING

Mr. DOLE. Mr. President, my reply to Senator Long with respect to backup withholding is as follows:

INACTIVE ACCOUNTS

These accounts have a very low compliance rate.

Backup withholding, under the modified committee amendments, will not commence until January 1, 1984.

Backup withholding, would apply to many of these accounts which lack social security numbers under present law backup withholding.

Under the committee amendment, taxpayers must furnish a social security number under penalty of perjury. Under present law, a taxpayer must already furnish an identification number. The result has been 45 million information returns that have missing or incorrect numbers and cannot be processed by the IRS.

INEFFICIENT USE OF FUNDS

Without the compliance changes of the committee amendment, it would take 30,000–40,000 agents and $1 to $2 billion. That is, five times as many agents and four to seven times as much cost.

Backup withholding is the second most efficient means to collect the unpaid taxes on interest and dividends. Withholding is the most efficient method. But if we do not have mandatory withholding, backup withholding is the best option we have.

IRS NOTICES

The committee amendment merely extends the backup withholding rules of present law. Indeed, the notice provisions have been extended.

Procedural safeguards—including personal review by an IRS agent—will prevent errors. The IRS believes few if any individuals will be misidentified as nonfilers or underreporters.

SWORN STATEMENTS

Over 45 million information returns are filed with missing or incorrect numbers.

Taxpayers are already subject to a $50 penalty if they fail to provide a number.

This provision will reduce the number of penalties paid by taxpayers.

STOCKBROKER REQUIREMENTS

This targeted provision applies only to those taxpayers who have not complied with the information reporting system.

The $500 penalty applies only to stockbrokers who intentionally violate their reporting duties.

SELF-ASSESSMENT OF PENALTIES

Our tax system is one of self-assessment. We do not wait for the IRS to send us a bill to pay the tax we owe.

This provision merely extends the general rule of self-assessment to the penalties on information reports.

Mr. METZENBAUM. Mr. President, I have sat here and waited for someone to speak up to address the other aspects of this bill that have not been debated at all.

I do not rise to do anything more than point out that this amendment has a lot of meat in it: the whole question of the enterprise zones and the extent to which those enterprise zones goes.

The point, as I understand it, is that in some instances, corporations get more than 100 cents on the dollar by tax deductions and that they might use their additional deductions for the purpose of other profits they make.

The whole impact of this enterprise zone amendment is tremendous. Everyone in the Senate is concerned about seeing that we have additional developments in poverty areas, but this amendment goes overboard.

I had assumed that I would hear some debate on that subject. I do not claim to be an authority on the issue, but I had read about it, and just reading the language convinces me that it goes too far.

The one saving grace, I am told, is that in conference, the House probably will not take it. Well, I hope that the House saves us from the error of our own wrongs, because it is pretty obvious at this moment that the Senate is about to take it.

There has been no debate whatsoever on the Caribbean Basin Initiative. That is a pretty important amendment. Originally, it was an important piece of legislation, and it was very controversial. All of a sudden, we come to the floor, and I hear no words at all spoken about it. Yet, anybody in his right mind would know that it relates very directly to the issue that the Senator from Michigan just talked about, and that is the unemployment that exists in his State and the unemployment that exists in my State and throughout this country.

Little as I know about the Caribbean Basin Initiative, I know that it will cost American jobs. I know it will mean that we will make it possible for more imports and thereby cut down the amount of production and the amount of production that Americans will have. And there is no debate.

There is another provision in this bill, as I understand it, having to do with making permanent the tax exemption as pertains to mortgage revenue bonds. There is some merit to that subject. But whether or not that amendment does everything it should do or whether it goes too far or whether it will be abused, as every other exemption we provide in the tax laws is, I do not know at this moment. But I assumed I would hear some debate on that subject as well.

We find ourselves in a situation where it is Thursday afternoon at 10 after 5 and a number of Members of this body are anxious to get away for various and sundry reasons, and I respect them for whatever those reasons may be. But I must say that it is a disappointment to this Senator to be in the Chamber and not find those who supposedly are expert in this particular area who have dealt with them in committee, understand their implications, realize what they will do to employment situations throughout the country, and recognize the negative impact that it will have on the tax revenues of this country not say one word about anything along that line.

This may be a bill that started off to get behind us the whole question of the matter of withholding on interest and dividends, but it has gone further than that.

All I can say is that I sure hope that the House of Representatives will insist upon dumping all of the Finance Committee amendments so that at some appropriate time those Finance Committee amendments may be discussed and debated in the Chamber based upon their merits.

These amendments go too far without any debate whatsoever in the Chamber of this body.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Quayle). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I understand basically we are waiting for someone to show up with amendments.

I wish to take just a minute or two to share with my colleagues a few thoughts on the experience we have lived through with the underlying bill which is included along with some very important pieces of legislation, such as mortgage revenue bond financing, the CBI, and enterprise zones.

It was about a year ago, I believe, that the members of the Finance Committee closeted themselves to try to raise $99 billion over a 3-year period of time in order to balance the budget, restore the economy, return our faith to supply-side economics, and Lord knows what else we were doing those very late evenings.

The linchpin in the final settlement became withholding, a tax principle, if you will, that Republicans abhored for centuries, literally, at least for decades in this country, and yet, after a long battle, it became law.

There were a number of Senators in this body who were not on the Finance Committee who had, we thought, temerity at the time to take on the President and to take on their colleagues and tell us that what we were doing may have raised money but it was not good legislation.

A number of us, on the other hand, who did not believe in the principal of withholding but believed in trying to bring this economy around and believed in what we were doing in tax equity and financial responsibility, took these people on over a long period of time, and here we are at the end of the road and everyone will end up patting each other on the back for the wisdom that brought us to a successful conclusion.

Mr. President, I wish at this point to put in the Record a two-page article which comes from a journal which is put out by an institution that has probably been much maligned over the course of the last several months. It is entitled "A Message From ABA," and that is not the American Bakers Association. It is the American Bankers Association. It comes from the recent issue of the American Banking Journal and happens to be written by a young man who used to be a Hill staffer on the other side of the Hill and is currently a smalltown banker in a town called Fergus Falls, Minn. Without trying to defend the Banking Association, he makes several points that I say the Senator from Wisconsin and several other people probably were more sensitive to than were some of the rest of us starting back last summer.

Just to highlight these very quickly, without reading the article, one of the first points that was made was that the majority of the people in this country do not care to be treated like cheats.

Now, I answered on my CMS letters by saying we have to get at tax cheats by the vehicle of withholding. But somehow despite the fact that I got elected as the first Republican in 30 years in a Democratic State and I saw Ronald Reagan and all of these Republicans being elected all over the country, I somehow forgot along the line that people do not like their Government telling them that they are going to be used to go after someone else.

While we were right in going after tax cheats and we were right, I believe, in the basic concept of withholding, and I will strongly support the compromise that has come up here, the fact of the matter is that many of the 235,000 Minnesotans who wrote to me did not feel like being treated as though they were tax cheats.

Maybe a couple of years from now they will not feel like that any more, but right now, given their attitude toward their government, they do not like it.

The second point this makes is that people believe income taxes are too high. In a general sense, taxes in this country are not high relative to Sweden or lots of other places, or local government or Michigan or Minnesota. The Federal tax is not too high. But my taxes are much too high because the taxes of the guy next door are much lower. Whether you are at the lower end of the scale and do not pay any taxes or the upper end and you are the beneficiary of all these tax loopholes we created in this country, you know the folks in the middle think their taxes are too high, and that was the whole theory of the Tax Equity and Financial Responsibility Act of 1982.

It is the great theory. It unfortunately has not been well understood. Hopefully we will have a TEFRA II, a TEFRA III, a TEFRA IV, and a TEFRA V, and the people in this country will come to understand that we are really on their side.

A couple of other points that were made I thought were important. We

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have talked about these a lot. One is the expectation on the part of the American people that getting ahead in this country is giving way to a constant struggle to stay even, that people have an increasingly lack of control over their present and future earnings, and that Government is constantly intervening in their lives.

The bottom line message on the whole thing was simply this in this very short article, which I commend to all of you: The message is lower taxes, which really is the message that says make them fair and equitable, I will pay my fair share if the person next door pays his. Get better performance out of Government and a more responsible Government.

So, while we all were dealing with the pros and cons of what we did in the Finance Committee in this bill, I think the people of this country were dealing in the kind of issues that were laid out in that article.

So I am here as one who opposed the Senator from Wisconsin all the way through this process to say that I have not changed my mind and I agree with him. I still think the chairman of the Finance Committee was right in everything he did and so were all the rest of us right in the technical sense. I think the Senator from Wisconsin and those people on both sides of the aisle who associated with his efforts were probably just a little bit more sensitive to what the American people were saying to us over this issue.

Mr. President, I ask unanimous consent to have printed in the RECORD this article from the ABA Journal, and for those who need reminding from time to time that our constituents are usually smarter than we are I commend it to all of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MESSAGE FROM ABA: WHY WITHHOLDING IS A "PEOPLE" ISSUE

PUBLIC'S HEAVY OPPOSITION IS ONLY A SYMPTON OF MUCH DEEPER OBJECTIONS

(By Mark W. Olson and Robert L. Sadler)

In our national life, minor events often signaled major changes. A protest over a tea tax indicated that the British Crown would soon have trouble keeping the colonies in line. Almost two centuries later, a local bus boycott forshadowed a civil rights movement that would dominate domestic politics for more than a decade.

At the time both events happened, many considered them isolated incidents, partially because they could not see the underlying forces that drove the people involved to act.

Looked at in the context of other national concerns—East-West relations, international trade policy, and nuclear disarmament come to mind—the debate over tax withholding on interest and dividends appears minor. For this reason, once the issue is resolved, there is a danger that the political establishment will interpret the public outcry on the law as merely a temporary spasm.

If the officials do so, they risk again becoming what they were throughtout the withholding debate: the target of citizens trying to send Washington a message. For withholding has been, from the very beginning, a people issue, with roots far deeper than the law that prompted it. Americans' overwhelming opposition to withholding reflected grievances gnawing away at them for years.

A RESENTED SYMBOL

Once withholding began to make its way through the legislative process in 1982, the banking community recognized that the public, when told of the law, would protest not only what it was, but also what it symbolized. Yet even bankers knew little how strong the underlying concerns were.

The battle over withholding has been frought with ideas. The rhetoric that the Administration and other supporters used to defend the plan—that the public and congressional reaction to it resulted from slick public relations—threatens to obscure why withholding repeal was a people issue in the first place. Clearly, the public was dissatisfied with something more than what for most people would be a temporary loss of the use of funds. That "something more" was government and taxation in general. The withholding law irritated nerves in the American public rubbed raw over two decades.

In 1960, public opinion polls found that about 76 percent of the nation believed the federal government could be trusted to "do what was right" at least regularly. By 1980, only about 30 percent believed so.

In 1960, polls also found about 48 percent of the public considered their income taxes "too high." Twenty years later, that group had grown to about 70 percent.

Had the withholding law been intentionally designed to bring these two frustrations together over one issue, the resulting explosion could not have been louder.

"I'M NO CHEAT"

The forerunner of tax withholding on interest and dividends—withholding on wages and salaries—won Americans' initial acceptance because they trusted the government's motives. The original withholding law was an emergency measure, designed to improve federal cash flow during World War II.

From the very beginning, withholding on interest and dividends could not be justified by the same type of overriding necessity. Its goal has been merely to increase the effectiveness of the government's tax collection system by forcing financial institutions to provide backup support to the Internal Revenue Service. Beyond this goal, the supporters of withholding could make only abstract arguments as to why the measure was needed.

Because they could not use the argument of overriding necessity, the supporters of withholding sought to justify the law as a measure to trap tax cheats. The problem: The vast majority who pay their taxes don't care to be treated like tax cheats.

In an environment where more than two-thirds of the public said the government could not be trusted, a government that acts as if it can no longer trust the vast majority of its citizens is asking for a symbolic vote of confidence.

In withholding, it received one—a vote of "no confidence."

ECONOMY'S ROLE

There is also the matter of the growing percentage of people who say they believe that federal income taxes are "too high."

Until recently, the growth in this measure suggested that while change has occurred, there did not appear to be any massive transformation of public opinion going on. In the last few years, however, there appeared what seemed to be a fundamental shift in the public's assessment—not so much in the long-term trend itself, but in how the level of taxation has affected individuals.

The trend of tax resentment continued to grow on its upward path, but the results of public opinion polls suggest that the reasons why people believe taxation is too high have changed.

America grew on the idea of progress—that living standards would rise year by year and generation by generation.

Recent public opinion data, however, indicated that more and more people find the concept of progress, of upward mobility, less and less realistic. Primarily because of the inflation and recession experienced in the last 15 years, the expectation of getting ahead is giving way to a constant struggle to stay even.

NO IMPROVEMENT?

More ominous still is the rising fear that today's listless economic environment may be the norm for the future, not a temporary aberration.

A major survey last year found that 70% of the respondents felt that they were better off than their parents—but only half thought that their children would be able to say the same thing.

Furthermore, many, perhaps most, people appear to believe that this situation arises from an increasing lack of control over their present and future earnings. Were the responsibility for this loss of control placed on an abstraction like "economics," it would have little relevance to the withholding issue.

Much of the blame, however, is placed on government for exercising too much control over the individual's financial life. Thus, the government is the target of the anxiety, disappointment, anger, and resentment that frustrated economic expectations engender.

Only if we view the public opposition to the withholding plan in this light can its political significance be judged. In their reaction to withholding, the American people have been protesting increased government intervention they perceive to have eroded both the promise of the future and the belief that the decisions made in Washington are legitimate expressions of the popular will.

However, it must be stressed that, while support of the government on the basis of its performance and competence has declined drastically, the underlying loyalty to the country and the commitment to its basic political system has declined very little.

In other words, while the vast majority of people say they believe the system is not representing their views very well, they also say they believe that it has the potential to work well.

FOCUS IS ALL

The vital difference between public opinion in polls and public opinion that affects policymaking is focus. Public opinion must be organized toward a specific goal—or it will dissipate.

The role that bankers and their counterparts at S&Ls and credit union played in the withholding drama was to provide that focus. In short, they defined the provisions of the withholding law, described its implications, and directed the public's attention to the institution responsible for the law—Congress.

The mission of communicating the withholding message was given to the ABA staff in this resolution approved by the ABA Board last October:

"Move that ABA continue to articulate banking's opposition to withholding and that support be given to any politically valid opportunities to repeal the law.

"Further move that the initial emphasis of the association be on a campaign to inform its members, and through their efforts and others, to inform the public of the withholding issue and the impact it will have on them."

How did bankers and the ABA staff accomplish this task?

Withholding was a small provision in a very large and very complex tax law. The staff and bankers had to take this distant and diffuse provision and bring it home to the American people.

Two organizational characteristics of the ABA Communications Group gave it the resources to carry out its part of the mission. The first characteristic was that all the communications functions of the ABA are concentrated in the group.

The second characteristic was that, through the foresight of past members of the ABA Communications Council, a national communications network had been developed that allowed the ABA and its members to be in constant touch, and the network had the potential to deliver the message to the public in every state and congressional district.

The response to the information was an estimated 12 million cards and letters of protest to Congress. The legislators heard that explicit message clearly.

LESSON FOR LAWMAKERS

The question for the future, however, is whether they heard the implicit message contained in the protest: that the American people want lower taxes; that they want the government to perform better than it has; and that they want it to be more responsible.

If legislators tune out the greater message, they do so at their peril, because the withholding protest also revealed that the American people are quite willing to hold their legislators personally responsible for their actions.

AMENDMENT NO. 1415

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an amendment numbered 1415.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 213(b) on substitute, add a new subsection (5), as follows:

"(5) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which TSUS column 2 rates of duty apply; and

Mr. BUMPERS. Mr. President, this is a very simple amendment. It extends an amendment the Senate agreed to last year. Last year the Senate adopted an amendment that said watches may not be funneled through the Virgin Islands to the United States through any Communist nation.

This simply extends that to the entire Caribbean region.

I discussed this with the distinguished Senator from Kansas and I believe it is acceptable to him because, as I say, it is only an extension of what we have already done.

Mr. DOLE. As I understand, this will prevent duty-free parts from coming from Communist countries.

Mr. BUMPERS. The Senator is correct.

Mr. DOLE. We have no objection.

Mr. BUMPERS. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. BUMPER's amendment (No. 1415) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1416

(Purpose: To exclude from gross income any discharge of a mortgage debt on a principal residence occurring in 1982, and for other purposes)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes an amendment numbered 1416.

Mr. DECONCINI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . EXCLUSION FROM GROSS INCOME OF CERTAIN MORTGAGE DISCHARGES MADE IN 1982

(a) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—For purposes of applying the Internal Revenue Code of 1954, gross income of an individual shall not include income from any discharge of qualified mortgage indebtedness which occurred in calendar year 1982.

(2) LIMITATION.—The amount excludible from gross income under paragraph (1) shall not exceed the adjusted basis of the taxpayer (as of the close of the taxable year in which the discharge of indebtedness occurred) in the principal residence with respect to which the qualified mortgage indebtedness was incurred.

(b) REDUCTION OF BASIS IN PRINCIPAL RESIDENCE.—For purposes of applying the Internal Revenue Code of 1954, the basis of the taxpayer in this principal residence shall be reduced (but not below zero) by the amount of any discharge of qualified mortgage indebtedness incurred with respect to such residence which is excluded from gross income by reason of subsection (a).

(c) GAIN TREATED AS ORDINARY INCOME.—Notwithstanding any provision of the Internal Revenue Code of 1954, any gain recognized from the disposition of the principal residence of the taxpayer shall be treated, for purposes of such Code, as ordinary income to the extent such gain does not exceed the amount of the reduction made to the basis of the taxpayer in such residence (or to the basis of the taxpayer in any other residence that is taken into account in determining the basis of the taxpayer in such residence) by reason of subsection (b).

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED MORTGAGE INDEBTEDNESS.—The term "qualified mortgage indebtedness" means indebtedness incurred by an individual in—

(A) acquiring the principal residence of such individual (within the meaning of section 1034), or

(B) making improvements to such principal residence (but only if the costs of such improvements are taken into account in determining the basis of the taxpayer in such principal residence).

(2) PRINCIPAL RESIDENCE.—The term "principal residence" has the meaning given to such term by section 1034.

SEC. . TEMPORARY SUSPENSION OF REVENUE RULING 82-202.

The Internal Revenue Code of 1954 shall be applied with respect to any discharge of qualified mortgage indebtedness (withing the meaning of section 1(d)(1)) which occurs in calendar year 1983 or 1984 without regard to—

(1) Revenue Ruling 82-202, or

(2) any other revenue ruling, regulation, or decision reaching the same result as, or a result similar to, the result set forth in Revenue Ruling 82-202.

SEC. . LEGISLATION CONCERNING DISCHARGE OF QUALIFIED MORTGAGE INDEBTEDNESS.

It is the sense of the Congress that legislation be enacted during the Ninety-eighth Congress which—

(1) addresses the Federal income tax consequences presented by any discharge of qualified mortgage indebtedness (within the meaning of section 1(d)(1)) that results from prepayment of a portion of such indebtedness, and

(2) applies with respect to any discharge of qualified mortgage indebtedness that occurs after December 31, 1982.

Mr. DECONCINI. Mr. President, the amendment I propose would correct an inequity in the Tax Code which unfairly captured unsuspecting taxpayers during the 1982 period. Furthermore, my amendment calls for congressional oversight on the tax treatment of mortgage forgiveness. As we all know, Mr. President, financial institutions are coming off a dangerous period, a period in which a record number of these institutions failed.

The basic reason for this was simple: A large proportion of their investments——

Mr. DOLE. As I understand, this is not repeal, it is simply a stay?

Mr. DeCONCINI. That is correct. This stays it.

Mr. DOLE. It stays it for 1983 and 1984?

Mr. DeCONCINI. Well, it repeals it for 1982 and stays it until 1984.

Mr. METZENBAUM. Mr. President, will the Senator yield for a question?

Mr. DeCONCINI. Yes.

Mr. METZENBAUM. What is the cost?

Mr. DeCONCINI. We cannot determine the cost. I asked the Treasury Department and Internal Revenue and they are unable to state it.

Mr. METZENBAUM. Are we talking about something in the area of $10 million, $100 million, $1 billion?

Mr. DeCONCINI. No; the Senator asks me a question and I cannot give him an answer. I think we are talking about a figure in the millions, but I do not want to leave the Senator with the impression that I have knowledge of what it amounts to.

As the Senator knows, what it does is if you pay off the mortgage at a discount instead of that discount being applied to your capital gains basis, which has been the case, the Internal Revenue ruling in 1982 said that it is ordinary income to you, so a lot of people who paid off low interest mortgages, because mortgage companies and banks wanted the money since interest rates were up, are now faced with this ruling of having to pay income tax on that forgiveness of mortgage.

Mr. METZENBAUM. Would they not have to pay any income tax or pay tax as capital gains?

Mr. DeCONCINI. It would go back to the way it was before it would be built into the basis of your property for capital gains purposes when you sold it.

Mr. METZENBAUM. So that you would be paying tax but it is a question of how the tax would be calculated.

Mr. DeCONCINI. That is correct.

Mr. DOLE. I might say we have been advised by the joint committee that it is not a substantial amount of money at all.

Mr. METZENBAUM. Not substantial?

Mr. DOLE. We have had hearings on the provision, and I am prepared to accept the amendment on that basis.

Mr. DeCONCINI. I thank the chairman and I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

Mr. DeConcini's amendment (No. 1416) was agreed to.

Mr. DeCONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DANFORTH. Mr. President, I commend the Senator from Arizona, (Mr. DeConcini) on his amendment dealing with the tax treatment of mortgage debt forgiveness. He has made a very clear statement of the problem. His amendment, offered as a solution to the problem, is similar to a bill introduced by Mr. Tsongas and me, S. 1147, on April 26, 1983.

Hearings on S. 1147 were held in the Finance Committee on May 27, 1983. Considerable favorable testimony was given on the bill. The Treasury Department, while expressing concerns about the retroactivity of the provisions of the bill, testified that the administration is generally in sympathy with the objectives of the bill.

Mr. President, I would like to describe briefly the differences between the amendment of the Senator from Arizona and S. 1147.

Both my bill and this amendment would allow the income from mortgage debt forgiveness to be excluded from income, and, as a tradeoff, to serve to reduce the cost basis of the taxpayer's residence. The effect of this is to defer the recognition of income, not forgive it. However, the amendment agreed to today applies only to 1982. The provisions of S. 1147 are retroactive, to take care of those situations where taxpayers unknowingly incurred this tax liability. S. 1147 also applies to mortgage discounts which occur in the future.

The amendment adopted today does not resolve the treatment of these transactions for years after 1982. It prohibits the IRS from enforcing Revenue Ruling 82-202. However, it is my belief that the ruling is an accurate interpretation of existing law. Therefore, the IRS would not technically be dependent on the use of Revenue Ruling 82-202 to require taxpayers to recognize this income.

For this reason, my bill, S. 1147, provides for the treatment of these transactions for this and later years. I do not believe we need 2 years to study this issue to determine the correct treatment of mortgage discounts. I believe the treatment we have agreed to for 1982 is appropriate and correct.

By requiring the homeowner to reduce his basis in his residence by the amount of the debt forgiveness, rather than forcing income recognition, we accord these transactions the same treatment that current law accords to similar transactions. For example, if the debt which is forgiven is business debt, the taxpayer does not recognize income; rather, he reduces his basis in his business assets. Similarly, if property, whether business or personal, is purchased with debt extended by the seller, and part of that debt is later forgiven, the taxpayer, under current law, reduces his basis in the property.

It seems to me that this is the appropriate way to deal with the mortgage debt forgiveness transactions. Therefore, it would be my hope that, if the amendment we have agreed to today clears the conference and becomes law, we will take another look at applying this principal for future, as well as past, years.

If it does not become law, I hope that we will have another opportunity to deal with this issue in the near future, and that we will be able to reach an agreement on a permanent resolution of the problem.

CARIBBEAN BASIN INITIATIVE

Mr. FORD. Mr. President, will the distinguished floor manager yield for a question?

Mr. DOLE. Yes.

Mr. FORD. In the Caribbean Basin Initiative that is part of this package of at least four major pieces of legislation, I notice there are sections that exempt certain products from the duty-free provisions of the bill. Tobacco is not included and I am concerned about the bill as it relates to tobacco.

Let me ask, Is there any kind of agricultural development assistance in the Caribbean Basin Initiative?

Mr. DOLE. What was the last——

Mr. FORD. Agricultural development assistance.

Mr. DOLE. So far as the Senator from Kansas is concerned there is nothing on that in this bill. Last year I think the administration did get Congress to approve a supplemental aid fund for that purpose.

Mr. FORD. Is there provision in the CBI that is either partly in effect or will go into effect to give agricultural development assistance to these countries?

Mr. DOLE. Not in the legislation that is before us today.

Mr. FORD. I am under the impression, and I cannot find it in the fine print that there will be agricultural development assistance, and that this could have a longer term impact on agricultural production in that area particularly tobacco production. Tobacco imports from this area have doubled in the last 10 years and I am concerned that we not give assistance to these countries so they can compete against American farmers.

Mr. DOLE. So far as I know there is no direct assistance. I understand there is a provision that the administration, whatever administration might be in office, might help these countries develop the land. But so far as any direct aid—and the Senator may have some information that can be shared with us and maybe we can nail it down even more——

Mr. FORD. If the manager tells me there is none then I accept his word that there will be no agricultural assistance particularly as it relates to the production of tobacco in these countries.

These countries have problems producing tobacco; they have inadequate irrigation and persistent severe infestation of tobacco disease-blue mold—but they lack the fertilizers and other chemical inputs to control it. I am concerned that this administration not provide the technical assistance as part of its Caribbean Basin Initiative to enable these countries to greatly increase their tobacco production capabilities in competition with American tobacco farmers. If agriculture development assistance is provided, it should be to assist these nations in feeding their own populations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have had my staff further discuss this issue with the distinguished Senator from Kentucky (Mr. Ford). I believe that there is a section, section 103(c), that requires the submission by countries designated as CBI beneficiaries of a stable food production plan. Section 103(c) and the plan it requires are intended to assist beneficiary countries in maintaining basic food production, given the climatic, geographic, and other limiting characteristics of designated Caribbean countries. The committee considers the expanded production of so-called cash crops such as sugar, beef, and tobacco, to be inconsistent with the objective of maintaining and enhancing a Caribbean country's basic food production capability. Therefore, the committee believes that the President should insure that the stable food production plan as finally approved for each Caribbean country prevents such an adverse effect.

Mr. FORD. Mr. President, I say to my distinguished colleague that I understand we have already given $350 million to those countries. I understand it is not in this legislation but that it was part of a supplemental appropriations bill last year.

Mr. DOLE. Mr. President, I know of no further amendments.

The PRESIDING OFFICER. Are there further amendments?

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I had announced earlier to a number of Members that we would be out of here by 5:30 or 6. I do not think so, but I think we ought to stay until we are finished. Therefore, I think Senators should make plans to be here a little later than that.

Mr. STEVENS. Is there any way at all to get an indication of how many votes we will miss if we do keep our appointments with our Canadian neighbors?

Mr. BAKER. Mr. President, I have no idea. I thought we were ready to go. I am sorry I cannot give a more definite answer.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE AGENDA

Mr. BAKER. Mr. President, I thought I might take this opportunity to advise Senators what the situation is and about how long it will take to finish this bill. As I said a moment ago, I do not think we will finish it tonight though I am prepared to ask the Senate to remain to do so.

Mr. President, assuming we can finish tonight, we will not be in tomorrow. If we cannot finish tonight, late, we will be in tomorrow in a continuing effort to pass the repeal. It is not my intention to be in tomorrow unless necessary, and not on Saturday, absent extraordinary circumstances. It is my plan to ask the Senate to adjourn tonight or tomorrow with the usual boilerplate language until Monday.

Let me take this opportunity to give an outline of the situation for next week as I see it.

The two housing bills, the housing authorization and the housing appropriations bill are both on the calendar and are eligible to comply with the 3-day rule. Therefore, early next week, perhaps Monday or Tuesday, it will be my hope that the Senate will turn its attention to either or both of those measures. I ordinarily do not like to go to an appropriation bill before an authorization bill, but in this case I am advised that it might be better to go ahead with the appropriation bill in advance of the authorization bill, being the less controversial of the two measures.

Also, I am determined to get as many appropriations bills out of the way and through the Senate as soon as possible before the July 4th break. Therefore, I anticipate that we will be addressing either the appropriations bill on housing or the authorization bill on Monday, going over to Tuesday.

The budget conference report, if there is a budget conference report, is highly privileged, and if it is available next week we will turn to the consideration of that matter as well. It is also possible that we can reach another appropriations bill next week. I know some Members here are very anxious to get on with some of them.

For instance, we have the Agriculture appropriations bill that may be available next week. We will almost surely have the energy and water resources appropriations bill that will be here and available next week. In addition, we have the legislative appropriations bill that may be available.

Mr. President, Members will recall that last year before we went out I promised that some time this year, before summer, we would have one more debate on abortion and particularly on the Hatch constitutional amendment dealing with abortion. I feel compelled to honor that commitment. Summer is just about here. Judging from the temperature outside, I think it is time I performed on that promise.

Therefore, I suggest to Members that beginning the following week, which is the 27th or the 28th, we will turn to the Hatch constitutional amendment on abortion.

In addition to that, Mr. President, I hope before the Fourth of July recess we can take up Radio Marti.

I had hoped to take up the Department of Defense authorization bill before we go out but I think most Members would agree that we have a full plate with this, plus one or two other matters that may or may not come over from the House of Representatives that should be dealt with. Therefore, it is my present plan to ask the Senate to turn to the consideration of the Department of Defense authorization bill after the Fourth of July break rather than before the Fourth of July break.

Mr. BUMPERS. Will the Senator yield?

Mr. BAKER. Yes.

Mr. BUMPERS. Does the Senator anticipate getting the supplemental appropriations back next week?

Mr. BAKER. The conference report on the matter just passed?

Mr. BUMPERS. Yes.

Mr. BAKER. I guess I ought to add that any conference reports on appropriations bills we receive I will be anxious to take up as we receive them.

Mr. GOLDWATER. Will the Senator yield?

Mr. BAKER. Yes.

Mr. GOLDWATER. I have been hoping all day that we could come to the end of this bill. My wife, unfortunately, is in an emergency situation in Arizona. My airplane is waiting for me and I do have to leave. I want to be recorded as in favor of the bill. I apologize.

Mr. BAKER. Mr. President, I understand, and I am sure every Member understands, the predicament of the Senator from Arizona. We wish him well.

Mr. President, I hope Senators now have an overview of the situation for the next couple of weeks. I do not know if this is a good time or bad time to do it, but I thought I would use this time.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. It is my understanding that the Ways and Means Committee in the House today reported out a bill that would put a cap on the income tax cut. I further understand, after talking to the Speaker, that the House will have a bill over here probably by the middle of next week. The majority leader and I discussed this before, and I believe I am correct in saying that he indicated to me that he would do everything he could to get that measure up soon after its arrival in this Chamber.

That naturally was not in the enumeration of measures that he has laid out, and it was not there because he probably did not realize that the House committee had reported that bill out. He certainly did not know that the Speaker had told me it would be sent over here by the middle of the week.

Mr. BAKER. I did not know that. However, in my remarks I believe I said there may be one or two other matters that the House may send us which would require attention. Indeed, that is what I had in mind. The minority leader knows that I assured him that if such a measure did reach us from the House of Representatives, while I would oppose it, vote against it and work against it, it would be my intention to try to schedule it for action.

Mr. BYRD. I thank the majority leader. I would feel obligated to do the best I could do to get it up. I understand his opposition to the bill. Of course, I would support a clean bill. But that is another measure that would have to be put into the calendar because July 1 is coming on pretty fast. After July 1 the matter would probably become moot.

I thank the majority leader for his assurance to try to work that out.

Mr. BAKER. What that may do, Mr. President, is to not make possible for us to do all of the appropriations bills that I have enumerated, but that is a matter we will address if it comes over.

Mr. BURDICK. Will the Senator yield?

Mr. BAKER. Yes.

Mr. BURDICK. Will there be record votes on Monday?

Mr. BAKER. Yes, I do anticipate record votes on Monday.

REPEAL OF WITHHOLDING TAX ON INTEREST AND DIVIDENDS

The Senate continued with the consideration of the bill (H.R. 2973).

Mr. EXON. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. EXON. I wonder if we might be able to make one more appeal and hopefully move onto the business at hand. I happen to feel that the Senate and the Congress looks a little bit silly because of the vast amount of time and indecision we have had with respect to withholding.

It is overwhelmingly supported in the House, overwhelmingly supported here. Yet, we continue to play games. I do not mind playing games if we get the game over with. I suggest to the majority leader that what we ought to do is either vote up or down on the bill. Certainly, I think it is clear, anyone can see that the amendments presently on the bill are essentially killer amendments. From what I know of what the House is likely to do, they are likely to reject all of these amendments. We are getting closer and closer to that important date of July 1. It seems to me—why can we not act?

I think we made a mistake in accepting the committee amendments, but that is the will of the Senate. Why do we not vote up or down now on the committee amendments and go ahead with the ridiculous, silly, delaying process of sending it back to the House so they can look a little silly and somehow or other, we might be able to stall this off and we will not have a chance to repeal that. Could we have an appeal once more from the majority leader for an up or down vote, as silly as we might look in taking that action?

Mr. BAKER. Mr. President, the chairman of the committee, the manager of the bill, is in a position to address this better than I can. I have used up about all the energy I have today. I think I shall yield the floor so the Senator from Kansas can respond to my friend from Nebraska.

Mr. DOLE. Mr. President, I say to the Senator from Nebraska that I am certainly willing to vote up or down on the committee amendment or on the bill. But I assure the Senator from Nebraska, as I have said many times in the past couple of weeks, the withholding battle is over. I have just read a letter from the Secretary of the Treasury saying that if, in fact, the conference does not finish action on it in time, there will be a 30-day extension. So we are not playing games in that sense.

There are a number of Members on both sides of the aisle who have been cosponsors of the Caribbean Basin Initiative, and of the enterprise zone legislation. The reciprocity legislation passed the Senate with a unanimous vote. That is one of the committee amendments. The mortgage revenue bonds provision is one I do not like, but it passed the committee by a vote of 15 to 2, removing the sunset on bonds for single-family housing.

I suggest what we are arguing about here is whether we want to do anything on the Caribbean Basin Initiative or on enterprise zones. We have already had one vote on repeal of withholding. I understand there will be another vote on repeal. How many times do we have to vote on repeal? We are repealing withholding on interest and dividends, there is no question of that.

Mr. DeCONCINI. Mr. President, my question of the chairman of the Finance Committee is these are major pieces of legislation. I could vote on them if I had a little more knowledge, particularly on Caribbean Basin Initiative. Why is it necessary, in the Senator's judgment, that these be lumped together? Why can we not have a separate bill on repeal and have a vote on it? Why can we not have a separate bill on Caribbean Basin and have a vote on it? Unless there is something hidden here, which is what some of us are fearful of.

It seems to me with the expression the Senator from Kansas has made, it ought to be possible to split these out and have a vote on them and send them over one by one rather than have a vote on all of them lumped together.

Mr. DOLE. The problem is we do not get many revenue bills from the House. They do not send much over to the Republican Senate, so we have to do the best we can with what we have. Right now, we have a revenue bill from the House. We have some measures that are very important to the administration and to many people on both sides. There are a number of sponsors of the Caribbean Basin Initiative on both sides, and a number of sponsors of enterprise zone legislation. The chief proponent of the Caribbean Basin Initiative is the distinguished Representative from Florida, SAM GIBBONS. It was passed by the House last year. We have patterned our bill after the House-passed bill.

The only other revenue bill we are going to get that we know of is one that would cap the third year of the tax cut. I assume that bill will not pass the Senate. We might be able to substitute some of these things for capping the third year.

I am very happy to discuss these separate parts of the amendmant. We are not trying to put anything over on anybody in the Senate. We have issued a committee report. It has been available, maybe not as long as it should have been, but for 8 days.

If the question is on withholding, that issue has been settled. What we are trying to do is save some compliance. This vote in our committee was 19 to 1 for compliance.

If we do not want that for those who are not going to pay their taxes on dividends that they have even any possibility of paying, then I suppose we kick out compliance. But the reciprocity legislation, which is a committee amendment that passed the Senate without a record vote, is cosponsored by the distinguished Senator from Texas (Mr. BENTSEN) and the distinguished Senator from Missouri (Mr. DANFORTH). It is pretty much the same with the others.

Mr. DeCONCINI. Mr. President, the Senator is telling me that the reason for all these matters being lumped together is that it is the only vehicle we have to date. Is that right?

Mr. DOLE. That is essentially it.

Mr. DeCONCINI. I am not familiar with the Finance Committee enough to know if there are any other bills——

Mr. DOLE. There are none.

Mr. DeCONCINI. The Senator from Kansas does agree that there is a good opportunity of another revenue bill coming over from the House next week. Why could not the Caribbean Basin Initiative and the enterprise zone be attached to that, and let us have our vote on repeal? This is the paramount thing that has been on some of our minds. This is the thing that the Senator from Wisconsin has worked so hard for. Why he has agreed to this is beyond me. It seems to me we know where the focus is and the attention of this body. That is to do something about repeal. I implore the Senator from Kansas to let that go by itself.

Mr. DOLE. I am sorry I cannot accommodate the Senator from Arizona. This is the only revenue bill we have had, and I do not expect many more to come. We had only one tariff bill last year. A lot of Members on both sides had tariff bills, and they kept saying, "Why don't we have a tariff bill?" We never had a tariff bill. There is something in the Constitution that says those matters originate in the other body.

There are a lot of Senators on each side interested in this legislation. I hope that we might just vote on it as the Senator from Nebraska suggests and if we lose, we lose. Why not just vote on them?

The Senator from Louisiana was prepared this afternoon to enter a unanimous-consent agreement to have just two votes, one to strike and one on passage. We did not do that.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. DOLE. Yes, I yield.

Mr. BUMPERS. Mr. President, I think we have an amendment ready to be offered, an amendment to strike. I think we could resolve a lot of things if we offer an amendment to strike and vote on it, and then if we lose, we lose.

Mr. PRYOR. Mr. President, in a few moments, I am going to propose an amendment which will strike all after the withholding provision. Basically what this will do, of course, is separate the Caribbean Basin Initiative and the urban enterprise zone program, trade reciprocity legislation, and the mortgage revenue bond extension from the repeal bill and postpone them either to a later time or for a separate vote.

Once again, I am not arguing withholding, I am not talking about the American Bankers Association, I am not talking about previous votes that we have had, except this body has spoken loudly and clearly that it supports the repeal of withholding. The other body has spoken very loudly and clearly on this issue. I am just speaking to a matter of principle, that I think we have included in this omnibus bill, I say to the distinguished chairman, everything except the nuclear freeze and a few other items. They have absolutely nothing to do with withholding, they do not relate to each other, and if the wrath of the country comes down upon our heads in this institution, frankly, it is justified if we legislate in a manner such as this. I think it is that simple.

I think we should accept the withholding provision, we should strike the remainder of this legislation. I am keeping compliance, I say to the distinguished chairman, in this particular striking amendment. I think it is a very proper, commonsense approach for us to pursue at this time.

I yield to my colleague.

Mr. BUMPERS. Mr. President, I just want to say the amendment has not been offered yet and I assume the Senator from Arkansas is going to offer it in just a moment. But I want to get my 2 cents' worth in and tell my colleague that I could not agree with him more.

I thank the Senator from Arkansas. He seems perfectly willing to vote on this and decide it. For me personally, if this loses or wins, I think we ought to go to final passage then because everybody wants to vote on this repealer. Everybody thinks it is going to pass overwhelmingly when we do vote. But there are three items involved, as my distinguished colleague has pointed out, that are major pieces of legislation. I assume that the President, who would like to veto a simple repealer, would be much more reluctant to do so with these three pieces of legislation on this bill, at least one of which I know he wants very badly, maybe all three. I think I favor all three of them. I think I favor urban enterprise zones. I know I favor the tax-free bond issues that my State is able to issue to provide lower interest rate housing. A lot of people in my State have been able to buy homes as a result of that who could never own a home without it, so I can tell you categorically I favor that. Now, I voted against the Caribbean Initiative issue last year. I feel so strongly that our policy is probably wrong in the Caribbean that we ought to be trying to do more than impose some sort of a military solution there, because I do not think we are ever going to be able to do that. But I think it is worthy of more debate than we have had on the Caribbean Initiative and the urban enterprise zones.

There are a lot of revenues involved in all three of those matters. They have not been debated, and they ought to be. Everybody here knows that those three measures ought not to be on this bill. We ought to be voting on a simple repealer. I had a banker call me this morning who said, "Please call me every hour on the hour and report to me what is going on because I have people busily engaged in programing our computers on the assumption that you all are going to goof around and not get that repealer passed." Well, I am still just a little bit apprehensive on whether we are going to do it or not.

But I just wanted to get in my 2 cents' worth. I would prefer to vote on a simple repealer. I am going to vote for the bill, if that is the only choice I have, but I hope that I have a better choice than that. I hope the Senate will decide that it needs a little better information than it now has on the other items that are on the bill.

So I strongly urge my colleagues to support the striking amendment of my distinguished colleague from Arkansas and let us vote just on that. If you want to bring the others up next week and have a healthy debate on each one, I will decide then how I feel about those.

Mr. FORD. On a time agreement.

Mr. BUMPERS. I am willing to enter into a time agreement—it is not my amendment. I am talking about on passage—if we can get one.

Mr. CHILES. Will the Senator from Arkansas yield to me?

Mr. PRYOR. I am glad to yield.

Mr. CHILES. To go in the direction of the amendment that the Senator is proposing to offer seems to me to make a lot of sense when I think of all of the debate that we had on the repeal of the withholding tax, all of the mail that we received on that subject, and all of the concern there was

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on both sides of the aisle when we had the repeal. I was one who had some great concern that we were giving up some income and that there should be somewhere to replace that income, and if as part of this legislation we were providing a way of making up the income or if it was just the compliance, boy, I would be all for that. I think that makes sense. But to attach these other items is hard for me to understand. I will have to say that we discussed some in our caucus a motion to table. I really thought that motion to table would carry. I guess I just did not think through this thing very much, knowing how many people were committed to repeal and how many people on both sides of the aisle, especially our Republican friends, were going to vote to repeal and had written all those letters as many of us had in answer. I did not think that they would take a chance of putting a lot in the way of this bill. I just thought it would be repealed. Then to find that that motion to strike did not carry, and here we have these major initiatives, I am kind of like the Senator from Arkansas (Mr. BUMPERS). I am a cosponsor I think of the urban initiative. I have supported the Caribbean Basin Initiative. I am certainly for extending the mortgage bonds. The Caribbean Basin Initiative is an issue that would normally take 3 or 4 days on the floor, a day of opening statements; you would talk about it. I have had a lot of concerns expressed in my State about making sure that we have some items taken care of in regard to our citrus and vegetable people. I hope those are taken care of. I cannot say that I am absolutely sure that they are going to have a chance to let us know because normally that bill would run 3 or 4 days. You would have a chance to hear from people. You would have a chance to know what the setup was.

I think the Senator from Arkansas is making a good move. If we are concerned about repealing the withholding tax provision, we should go along with this motion and then, goodness knows, I think we could enter into a time agreement on these other initiatives. I think they are important. But it seems that they ought to be taken up in an orderly way and that they should not be placed on this bill where at this hour of the day we are having to take all of this legislation at one time.

Mr. DeCONCINI. Will the Senator yield?

Mr. PRYOR. I am glad to yield.

Mr. DeCONCINI. I thank my friend from Arkansas, first of all, for putting this amendment together and express to him and my colleagues that I agree with this approach.

It seems to me that we are at the period of time of whether or not we are dedicated and interested in what we have all been talking about for a long time, and that is repeal of the interest and dividend withholding. Here is the opportunity to do it by supporting the amendment of the Senator from Arkansas. I hope that we do that. We can play the games as Senator EXON said and go ahead and vote for the whole package, and I expect I will. Because I feel so committed to repeal interest and dividend withholding, if I have to I will vote for it. But it is not what we are here to take up, and it is not the understanding that we had when we took if off the jobs bill and the social security bill. We were going to have an opportunity to vote on it up or down. The closest we are coming to a vote on it now is the amendment of the Senator from Arkansas. I urge my colleagues to support the amendment.

Mr. PRYOR. I thank the distinguished Senator from Arizona.

Mr. FORD. Will the distinguished Senator from Arkansas allow me a minute or two?

Mr. PRYOR. I am happy to yield.

Mr. FORD. I thank my distinguished colleague. I want to note my approval of what has been said up to now. The Caribbean Basin Initiative worries me. I think we need some debate on these major items. I have, as most of my colleagues have said, endorsed the major issue, but when you find that we have already given $350 million in ecomomic assistance to these countries covered under the Caribbean Basin Initiative to improve their ability to produce, and that we are now giving them the right to sell to this country at zero rates of tariff, we must begin to look at the impact this will have on the agricultural community and other areas of employment in the United States.

I am very concerned about the Caribbean Basin Initiative. I would like to have more time to debate it. I hope that the amendment to strike by the distinguished Senator from Arkansas is agreed to.

I think our Republican friends who do not want any changes in the committee amendment are making a mistake, they are making a bad mistake, because it is clear they are playing games. What we have here is a bill that will not clear conference. It will not clear conference, and as a result we will not be able to repeal 10-percent withholding.

So if you do not vote to support the Senator from Arkansas, then you are voting for interest withholding.

Mr. PRYOR. I thank my distinguished colleague from Kentucky.

In conclusion, Mr. President, I might say that if we pass this legislation this afternoon as it is written, encompassing CBI, enterprise zone, international trade, mortgage revenue bonds, plus the issue on withholding—if we do all this, what we are really doing is digging ourselves deeper into a grave of precedents that really makes this institution look very bad.

Should this legislation prevail, any legislation we have could stack up on the desk and, about once every 30 days, we could come to the Senate Chamber and say, "That looks like a pretty good stack of bills to pass this month, so we will vote up or down on that particular stack of legislation, without any really significant debate, without really knowing what is in the legislation."

We all go back home and talk about not starting any new programs. How many of us have said that? Well, we are starting some new programs here. I am not saying that they are bad programs. I am not saying that they are evil programs. But they are new and costly.

The Finance Committee, for example, heard, relative to the enterprise zone issue, the amount of money this was going to take from the Treasury of the United States, when we are facing a frightening deficit. But I do not think that this new program has been brought to this floor today, as it should be under normal debate conditions, with the rules of fairness and full debate being applied.

This is a matter, once again, of not whether you are for repeal of the 10-percent withholding, for or against CBI, and the other items in this particular legislation.

AMENDMENT NO. 1417

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Arkansas (Mr. PRYOR) proposes an amendment numbered 1417:
>
> Amendment to the Dole amendment to H.R. 2973:
>
> Beginning with page 34, line 1, strike out all through the end of the amendment.

Mr. DeCONCINI. Mr. President, will the distinguished Senator from Arkansas yield?

Mr. PRYOR. I yield.

Mr. DeCONCINI. Not having had an opportunity in the last 8 days to read the report—and I am sure it is there, so I take full guilt for slowing up the Senate for a few moments—does it say in the report how much the Caribbean Basin Initiative will cost? If we vote to strike, what kind of money are we talking about saving and adding to the national deficit, if we elect not to support the Senator's amendment?

Mr. PRYOR. I cannot answer that right now, I say to the distinguished Senator from Arizona. The Senator's question relates to the Caribbean Basin Initiative?

Mr. DeCONCINI. It does. I should like to know what the estimated cost is, if there is any.

Mr. PRYOR. I do not think we have actual testimony on that in the committee print. We are talking about a $2 billion figure.

Mr. DeCONCINI. Per year?

Mr. PRYOR. I want to apologize. I was looking at the wrong figure. For 1984, $10 million; 1985, $10 million; and $10 million, basically, into perpetuity, I guess.

The issue I had raised before in my remarks related to enterprise zones.

Mr. DeCONCINI. The next question is, What is the cost of the enterprise zone?

Mr. PRYOR. There is no real indication of cost, because the department presenting the issue before the Finance Committee did not have anything more than a concept of enterprise zones, which may be very good and very helpful, but still a costly program to the Treasury of the United States and an increase in the deficit that now exists.

I might have a figure here.

Mr. DOLE. It is $100 million.

Mr. PRYOR. It is $100 million.

Mr. DeCONCINI. It is $100 million for the enterprise zone?

Mr. PRYOR. We are getting a little mixed up here on enterprise zones and CBI.

I will be glad to supply for the RECORD the CBI figures. It is in the committee print, page 51.

On the enterprise zones, I do not think they can predict with certainty. The distinguished chairman of the Finance Committee said a moment ago that it was in the neighborhood of $100 million.

Mr. DeCONCINI. I ask the Senator from Kansas: Is that $100 million in 1984?

Mr. DOLE. That is the estimate, yes.

Then, $400 million, and $800 million the third year.

Mr. DeCONCINI. So we are talking about a $1 billion program here?

Mr. DOLE. We are talking about losing $8 billion if people do not pay their taxes on interest and dividends, which the Senator from Arizona wants to repeal.

Mr. DeCONCINI. We have debated that many times. I do not think we are talking about losing anything.

I thank the Senator.

Mr. PRYOR. I appreciate the Senator from Arizona pointing out these facts.

Page 71 of the committee print indicates:

> However, these assumptions are not mandated by the provisions of this amendment, and thus, these figures may either underestimate or overestimate the actual revenue loss by a considerable degree.

In other words, we do not know what we are doing, but we are about to pass a very major piece of legislation—in fact, several major pieces of legislation—without adequate debate. It is this Senator's opinion that this is a very poor way to run the Senate of the United States.

Mr. President, I believe the amendment has been read; it is at the desk. I have no further requests for time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. SARBANES. Mr. President, will the Senator from Kansas yield for a question?

Mr. DOLE. I yield.

Mr. SARBANES. On the Caribbean Basin Initiative, many of these countries involved are former colonies of European countries. What protections are there in the legislation that would assure that they are not used as a conduit for tariff——

Mr. DOLE. Will the Senator repeat the question? What about colonies? I do not quite follow that.

Mr. SARBANES. In the very brief report that accompanies these committee amendments—I take it that the only document from the committee explaining this legislation is contained in the small committee print that embraces all the legislation. Is that correct?

Mr. DOLE. As I understand, there is a rule of origin which is very detailed in the bill. I will be happy to read that section of the bill.

On page 41 on the document:

> Articles imported from the insular possessions, because they are outside the U.S. customs territory, are subject to MFN duty rates if they contain greater than 50 percent foreign value. A special rule increases this limit to 70 percent for watches and watch movements. If these value-added rules are not exceeded, the products enter duty-free. Puerto Rico is part of U.S. customs territory, and duties are not imposed on products arriving in the United States directly from there.

That is the first section.

And on the rule of origin, it is on page 34.

> This subsection sets forth rules to determine whether any particular article for which duty-free treatment is sought qualifies as a product sourced in the eligible countries. The rules of origin are (1) that the article must be imported directly from a beneficiary country, and (2) it must contain at least 35 percent cumulative local value-added within the eligible Basin countries (plus Puerto Rico and the Virgin Islands), 15 percent of which can be of U.S. origin. This percentage is the same percent rule as in the Generalized System of Preferences, except for the allowance for U.S. value and for cumulation. The qualifying cumulative value is the sum of the cost or value of materials produced in the beneficiary countries (defined to include Puerto Rico and the Virgin Islands) plus the direct costs of processing there. "Direct costs of processing operations" further is defined to include actual labor and equipment costs directly allocable to the specific merchandise, and to exclude indirect costs such as profits and general business expenses.

Mr. SARBANES. I ask the chairman of the committee what he is reading from. Is he reading from the amendment?

Mr. DOLE. I am reading from the Finance Committee report on page 34.

Mr. SARBANES. Is a copy of the amendment available for this legislation?

Mr. DOLE. He has that.

Mr. SARBANES. Is a copy of the Caribbean Basin Economic Recovery Act available?

Mr. DOLE. Right here. It is on the way. Right here. It is here and published in the RECORD in full.

Mr. SARBANES. It is not printed. There is not the usual printed version of legislation that we are able to work with on the floor.

Mr. DOLE. No; the printing was dispensed with but it was included in the RECORD. It is under the new rule adopted by the Senate. That rule dispenses with the printing of amendments to bills. So we did, in accordance with that new rule, publish the entire bill in the RECORD so that the text would be readily available for Members to examine.

Mr. SARBANES. Are we departing from the usual procedure of having a piece of legislation in this form that we can work with on the floor?

Mr. DOLE. It was included in the RECORD in full on June 8.

Mr. BAKER. Mr. President, does the Senator from Maryland have the floor?

Mr. SARBANES. The Senator from Maryland is trying to get a copy of the RECORD of June 8 so I can look at the legislation.

I will be happy to yield to the majority leader.

Mr. BAKER. All I was going to do is see if we can get some sort of idea about when we are going to vote.

I do not know who is going to make that decision. Could I inquire of anyone prepared to answer? Are we about ready to vote on the pending motion to strike?

Mr. SARBANES. I have no intention of taking very much time. I do want to pursue this point for a moment and then I am ready to vote as far as this Senator is concerned.

I have now the RECORD. Would the chairman indicate to me where he made reference?

Mr. DOLE. That is on page 34 of the committee report, section 213, subsection (a): rule of origin. It is the language contained in the amendment offerd by the chairman of the committee earlier.

Mr. SARBANES. Where is the language in the RECORD?

Mr. DOLE. Let me find the page.

Mr. SARBANES. Mr. President, I am prepared to vote. I just think this exchange sort of demonstrates rather clearly a very strong reason to support the amendment offered by the Senator from Arkansas.

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We have two major new pieces of legislation that have not been dealt with on the floor of this body contained in these amendments. They are not printed up in the normal and ordinary form.

I have not yet located the particular statutory provision. I see the reference in the report which talks about it but it is not the language itself.

It seems to me that it would be wise and prudent to support the motion.

Mr. DOLE. It is on page 15004 of the RECORD of June 8. It is on the second column about halfway down.

Mr. SARBANES. I thank the Chair.

Mr. DOLE. I say to the Senator from Maryland as I understood we were following the new procedure which the Senate agreed to put it in the RECORD so it is available to every Senator and every Senator's office rather than have the bill reprinted; and it is also less expensive.

Mr. SARBANES. Mr. President, I am prepared to yield the floor. I strongly support the pending motion. I think it would be wise and prudent on the part of the Members of the Senate to support the motion of the Senator from Arkansas.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Arkansas.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Alabama (Mr. DENTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Maryland (Mr. MATHIAS), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HEINZ) would vote "yea."

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER. Are there other Senators in the Chamber wishing to vote?

The result was announced—yeas 50, nays 40, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—50

Abdnor
Andrews
Armstrong
Baker
Chafee
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
East
Garn
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Helms
Humphrey
Jepsen
Kassebaum
Kasten
Laxalt
Lugar
Mattingly
McClure
Moynihan
Murkowski
Nickles
Packwood
Pell
Percy
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Weicker
Wilson

NAYS—40

Baucus
Bentsen
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chiles
DeConcini
Dixon
Dodd
Eagleton
Exon
Ford
Glenn
Hart
Heflin
Hollings
Huddleston
Jackson
Johnston
Kennedy
Lautenberg
Leahy
Levin
Long
Matsunaga
Melcher
Metzenbaum
Mitchell
Nunn
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Stennis
Tsongas
Zorinsky

NOT VOTING—10

Biden
Boschwitz
Cranston
Denton
Goldwater
Heinz
Inouye
Mathias
Sasser
Stafford

So Mr. BAKER's motion to lay on the table Mr. PRYOR's amendment (No. 1417) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. WARNER. Mr. President, I commend the Senator from Kansas (Mr. DOLE) and the Senator from Wisconsin (Mr. KASTEN) for their extraordinary efforts in bringing this issue to the Senate for, I am hopeful, final passage.

While this issue has proven to be one of the most difficult and controversial to come before Congress, the fact remains that our Nation faces a growing taxpayer compliance problem.

That compliance problem is creating a huge gap between the revenues the Federal Treasury is legally owed and the revenues it actually receives. And while in the short term that means less income to operate the myriad of Federal programs authorized by Congress, in the long term it means that every law-abiding taxpayer—the majority of taxpayers—must pay more.

When Congress passed the Tax Equity and Fiscal Responsibility Act of 1982, many Members of both Houses of Congress and, indeed, the President honestly and sincerely believed that one way to begin putting an end to this tax cheating was to require an across-the-board withholding procedure on interest and dividends.

But the bulk of the taxpayers, who are conscientious and diligent about reporting and paying all their taxes on interest and dividends rose up in consternation, saying to Congress, "We are law abiding citizens and we will not be penalized for the transgression of others."

And their consternation was justified. That is why I cosponsored Senator KASTEN's repeal bill. That is why I have supported every effort to repeal this onerous law. And that is why I am delighted that we have this bill before us today. It repeals interest and dividend withholding for citizens who perform their legal duties, and it exacts stiffer penalties from those who fail to report and pay their taxes on interests and dividends.

In 1981, one-third of the taxes owed but not paid the U.S Treasury were taxes owed on interest and dividends. These unpayed or underpayed taxes have been estimated by the Internal Revenue Service to equal $26 billion.

Clearly, underpayment or nonpayment of taxes on interest and dividends comprise the largest share of taxes owed, but not paid the Federal Government. But they do represent an area of taxpayer noncompliance which can, and—with the bill we adopt today—will be addressed in an efficient, cost effective manner.

It is the hope of many, and I share this hope, that with the implementation of the compliance procedures outlined in the bill Congress will successfully send a signal to those who put an unfair burden on law abiding taxpaying citizens by taking unfair advantage of the voluntary nature of Federal tax compliance provisions.

Our Nation faces an appalling situation. The total revenue lost by the Treasury due to taxpayer noncompliance is estimated to be as much as $120 billion a year. If one-tenth of this total uncollected tax income were paid there would not be this talk of putting a cap on the third year of the tax cut that we hear bubbling over in the House of Representatives. If we had all of this uncollected tax income, our Federal debt would be almost nonexistent this year.

Nonetheless, this bill before us is a good measure. It is a step in the right direction. It is a realistic, fair and well-reasoned approach to a very sticky problem. And it, once and for all, gets the Government out of the pockets of the 90 percent of the taxpayers who conscientiously and diligently pay their legally owed taxes on interest and dividends.

The people of Virginia and all Americans thank Congress for relieving them of the unfair and onerous burden of withholding on interest and dividends and placing the burden

where it belongs, with those who willfully break the law.●

Mr. BOSCHWITZ. Will the manager of the bill yield?

Mr. DOLE. I yield to the Senator from Minnesota.

Mr. BOSCHWITZ. I wish to inquire of the Senator's understanding and intention concerning one provision of the Enterprise Zone legislation. Specifically, my question relates to the alternative eligibility requirement that the population of the area has decreased by 20 percent or more between 1970 and 1980. Is it the Senator's intention and understanding that this requirement means that the population in the total area nominated has decreased by 20 percent?

Mr. DOLE. That is correct.

Mr. BOSCHWITZ. Is it further the Senator's understanding that in computing the population decrease, the computation can be based on only those portions of census tracts that actually lie within a nominated area? So that a nominated area could include entire census tracts, portions of census tracts, or a combination of the two, so long as the total decrease in population in the nominated area is 20 percent or more?

Mr. DOLE. That is my understanding and intention.

Mr. President, I understand the Senator from Hawaii has a technical amendment. There is no objection to that amendment.

AMENDMENT NO. 1420

(Purpose: To eliminate the consideration of the contracting out of local services from the designation of enterprise zones)

Mr. MATSUNAGA. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii (Mr. MATSUNAGA) proposes an amendment numbered 1420.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63 of the matter proposed to be inserted, strike out lines 1 through 3 and insert in lieu thereof "example, crime prevention,".

Mr. MATSUNAGA. Mr. President, the amendment which I am offering would merely strike out 10 words enclosed in parenthesis in the committee substitute. The words are "(particularly through experimentation with providing such services by nongovernmental entities)."

While the provision appears harmless, since it merely suggests an example by which the level of efficiency of services within an enterprise zone may be increased, there is the hidden danger that it may be misinterpreted by the overenthusiastic as a mandate or authority to replace civil servants with private contractors and their employees—in effect contracting out of public services—within an enterprise zone.

Our own experience with contracting out has shown that too often it results in higher costs, poorer services, and a loss of public control. When services are contracted out to private entities, governmental units must continue to bear the costs of contract administration, including preparation of the contract and monitoring of a contractor's performance. In addition, expenses of private companies for services can be greater than governmental expenses since these companies must make a profit and pay taxes in order to remain in business. As a direct consequence of this profitmaking objective, private companies are often looking to cut costs in the more unprofitable service areas, thereby causing a decline in the quality and quantity of services. Increased governmental monitoring is necessary to detect such a decline, which further increases the costs of such contracting out.

Finally, when the local government contracts out for a public service, the principle of accountability is frequently set aside. A barrier is imposed between the citizen and the service provider, since the service provider bears no responsibility to the citizenry through the electoral process. A lack of public control and poor communications between the contracting entity and the monitoring agency can often result in the misuse of a substantial amount of public funds.

The amount of objective data on contracting out of public services indicates that such a practice is not a panacea for the problems associated with Government services. In many cases contracting out has not led to cheaper and more efficient services but has had the opposite effect on such services. Local governments should not be encouraged to experiment with providing such services through the use of nongovernmental entities in enterprise zones. I respectfully urge the adoption of my amendment to remedy any misconception which may lead to unintended disastrous results.

Mr. DOLE. Mr. President, that provision has the word "example" and it strikes that out. It is a technical amendment. I am prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1420) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATSUNAGA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate is not in order. The Senate will please be in order.

Mr. LEVIN. As cosponsor of S. 144, the so-called reciprocity trade bill, I am extremely concerned that special attention be given by the USTR to foreign countries where existing trade barriers represent a substantial impediment to U.S. exports. This is particularly evident with respect to countries such as Japan where the United States has had a consistently large and growing current account deficit. Are there provisions in the reciprocity bill that would enable the USTR to address these special cases which have a particularly adverse impact on our own economy?

Mr. DANFORTH. I share the concerns expressed by the Senator from Michigan. It is for this very reason that the reciprocity bill, now known as the International Trade and Investment Act, has special provisions regarding efforts to eliminate these foreign unfair trade practices. The annual report required by the legislation includes national trade estimates that are designed to focus attention on those foreign barriers with the greatest impact on the U.S. economy. Moreover, the USTR will be required to report on action being taken by our Government to eliminate the acts, policies, or practices identified in the annual report; with additional emphasis placed on keeping the Congress informed with respect to trade policy priorities for the purposes of expanding market opportunities for U.S. exports.

Mr. LEVIN. Would these reports and consultations go so far as to allow for the enunciation of a comprehensive plan of action with respect to major problem countries to insure that we can take effective measures to rectify major trade imbalances resulting from foreign unfair trade practices. Only by taking strong and effective measures to lower foreign barriers can the United States benefit fully from its export potential, thereby increasing the number of jobs in our economy.

Mr. DANFORTH. I think that the legislation includes key provisions that can be used to address the Senator's concerns. It would certainly allow for the formulation of the kind of specific plan of action for problem countries anticipated by the Senator. In fact, one of the key purposes of the annual reporting requirement is to force this and future administrations to adopt a comprehensive, rather then ad hoc, approach to reducing foreign trade barriers and the deficits which they excerbate.

Mr. LEVIN. I thank the Senator for clarifying what this means. I appreciate his efforts to open markets for

American exports and enhance export-related employment in our country.

Mr. President, I had intended to offer an amendment to H.R. 2973 dealing with the IRS's use of the powers of lien, levy and seizure. This amendment is based on S. 1032, the Taxpayer's Bill of Rights, introduced by Senator Cohen and myself. This amendment would have taken several important steps in protecting the American taxpayer from the excesses of overzealous IRS bureaucrats. Briefly, it would have circumscribed the IRS's use of its lien, levy and seizure power by:

First, requiring the IRS to discharge property under lien that is greater than the amount of liability plus interest, penalties, and administrative costs;

Second, requiring the IRS to partially discharge, where feasible, liened property once partial payment has been made;

Third, requiring the IRS to abide by installment payment plans unless the taxpayer violates it;

Fourth, prohibits the IRS from making "no equity" seizures;

Fifth, requiring the IRS to give fair notice of impending levies; and

Sixth, creating a cause of action against the IRS for the intentional wrongful levy or lien against property.

However, I am willing to withdraw the amendment to the bill in light of the discussions that I have had with Senator Grassley from Iowa, the chair of the Senate Finance Committee's Subcommittee on the Oversight of the Internal Revenue Service. I understand that the subcommittee will continue to look at how to protect taxpayer's rights in their dealings with the IRS. In particular, I am interested as to whether the subcommittee will be holding hearings on the IRS's power to lien, levy, and seize property for tax delinquencies and on proposed changes to the current law, including S. 1032?

Mr. GRASSLEY. I thank my friend from Michigan (Senator Levin) for raising this issue at this time. I assure the Senator that I share his keen interest in the subject of the IRS's use of its lien, levy, and seizure powers. Making the IRS work for Americans rather than against them has long been a legislative goal of mine, and has also been the object of my subcommittee's hearings throughout this session.

I assure the Senator of my interest in, and my desire to pursue this issue farther. When the subcommittee convenes hearings on this topic, the Senator from Michigan can be sure that S. 1032 will be among the legislative proposals that we consider.

Mr. DOLE. Mr. President, as I understand, there are no further amendments. I am going to ask for the yeas and nays on the committee amendment. Have they been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. LONG. Mr. President, I asked for the yeas and nays on the committee amendment when it was first offered.

The PRESIDING OFFICER. The Chair is advised that the yeas and nays were ordered on the bill but not on the committee substitute.

Mr. LONG. Mr. President, I recall as though it were just an hour ago when I stood here and asked for the yeas and nays on the committee amendment. If not, I will join in asking again.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

● Mr. NICKLES. Mr. President, the interest and dividend withholding repeal bill, H.R. 2973, which is before us corrects serious problems that have been found in the law which requires withholding as of July 1, 1983. The Finance Committee amendment to that bill provides such a solution to the problem. The amendment represents considerable debate and formulation in deriving a proposal which does not penalize the honest taxpayer. Instead, it is targeted to those who intentionally avoid payment of their tax liability on interest and dividend income.

It also reassures me that the needs of the people in this country can be heard by their elected representatives as was displayed by the outpouring of communication made during the past several months. As a result of that input, Members of Congress were made aware of the adverse impact this would have on those who would be forced to comply.

In addition to targeting withholding only to those who are found not to comply, it requires the IRS to match information returns with income tax returns. This will allow the IRS to step up its matching effort, thereby avoiding any additional efforts to impose mandatory withholding assuming compliance is satisfactory.

The committee amendment would also require the IRS to give proper notice to those taxpayers who have been found not to comply and also provide allowance for those determined to be hardship cases. This provision is imperative in order to allow for those cases where the taxpayer made unknowing or unintentional errors in filing and reporting his income.

I commend my colleagues, Senators Dole and Kasten, for their hard work in fashioning a proposal that not only removes the onerous burden of withholding from millions of honest taxpayers but also provides for the collection of taxes from those who have intentionally failed to do so.●

THE CARIBBEAN BASIN INITIATIVE

● Mr. JOHNSTON. Mr. President, in February 1981 President Reagan, in an address before the Organization of American States, unveiled a creative plan to promote stability and economic growth in the Caribbean. In my view, attention to this vital part of the world is long overdue and I commend the President for placing this region at the forefront of his foreign policy concerns.

There is no doubt that many of the small nations in the Caribbean are in desperate need of special assistance to further their efforts to raise the standard of living for their citizens. Many of the island nations have been especially hard hit by rising energy costs over the last decade and their subsequent economic problems have been exacerbated as a result of the continuing world recession. With appropriate assistance to develop the necessary infrastructure and provide for health and education, these nations will be able to follow the path set by Puerto Rico and the Virgin Islands in developing stable democratic governments with rising standards of living for those who live there. It seems to me that a program such as the Caribbean Basin Initiative must be pursued aggressively for long-term stability in the region.

In consideration of this initiative, however, the Congress has a special responsibility to assess the potential impact of the proposal on the U.S. territories. The Constitution places the responsibility for the territories in the Congress, and it is a responsibility which we must not ignore. Our responsibility, however, is not limited to insulating the territories from potential harm from proposed legislation, but extends to seeking to develop their economies aggressively such that our fellow citizens residing there will be able to enjoy the full quality of life which we seek to insure for all Americans, without regard to where they reside. The territories of Puerto Rico and the Virgin Islands are centrally located within the Caribbean region. They provide an opportunity for the United States to reach out to our Latin American and Caribbean neighbors and demonstrate to them the values and ideals of our Government. Our fellow citizens in Puerto Rico share a particular Spanish heritage with their neighbors in the region and similarly the Virgin Islands shares a particular history with the English-speaking nations of the eastern Caribbean. The Caribbean Basin Initiative must actively involve both Puerto Rico and the Virgin Islands and strengthen the ties and relations which these two territories have with the neighbors in the region. In this respect, I was particularly gratified when the President prominently mentioned his support for the Eastern Caribbean Center to be located at the College of the Virgin Islands. It is precisely that type of educational and cultural interchange which will provide the basis for dialog and a forum to avoid minunderstandings in the future. I was keenly disappointed when the administration did not follow its statement of support with a budget request, but I was pleased that initial funding for the Eastern Caribbean Center was provided by the Congress in last year's appropriation to the Department of the Interior.

I am concerned, however, over the potential impact of the present legislation on the fragile economies of Puerto Rico and the Virgin Islands. The significant strides which have been made in achieving local self-reliance and self-government should not be jeopardized, but I fear they may be. Of specific concern to me is the question of rum.

The administration has noted, quite correctly, that rum is of great symbolic importance to the nations of the Caribbean. What the administration has failed to note is that rum is also of great importance both symbolically and psychologically to Puerto Rico and the Virgin Islands. Moreover rum is of enormous economic importance to Puerto Rico and the Virgin Islands because a considerable portion of each of the territories budget depends on the transfer of Federal excise taxes presently collected on the rum produced in these territories and returned to the territories for basic government operations. The administration claims that it has provided protection for the extremely price sensitive bulk rum industry of the Virgin Islands, but its assurances fail to withstand even minimal scrutiny. For example, the administration proposes to include industries in the insular possessions within the definition of industry for the purposes of relief under the Trade Act of 1974, but it is not willing to define the bulk unaged rum industry of the Virgin Islands as a separate and distinct industry entitled to relief. Furthermore the administration has indicated that it is questionable whether the Virgin Islands, even with standing under this legislation, could demonstrate injury to the rum industry since the Virgin Islands commands such a small portion of the present U.S. rum market. The adminstration has indicated that the U.S. International Trade Commission could find that the Virgin Islands industry is a distinct industry entitled to relief, but it appears unwilling to do so in legislation. The administration asserts that no one is interested in reducing the amount of the present product being produced in the Virgin Islands, but they are unwilling to protect that product either by definition of industry, by definition of injury, or by provision of mandatory fast track relief. In short, the administration admits that the bulk unaged rum produced in the Virgin Islands is extremely price sensitive, but is unwilling to protect that price sensitive product from predatory activities.

In lieu of protection of an indigenous industry which provides employment and revenues to the Virgin Islands, the administration has proposed a new Federal transfer payment relying on the excise taxes collected on foreign imported rum. The administration apparently prefers that the U.S. citizens residing in the territories become dependent on domestic consumption of foreign production rather than developing local industries. I find this very curious. Moreover, the proposed fund will not even provide the assurance of a continued revenue base to the Virgin Islands. In testimony before the House Ways and Means Committee the Assistant Secretary of the Treasury testified that the Secretary of the Treasury proposed to allocate revenues under this new fund based upon the relative market share which Puerto Rico and the Virgin Islands had in fiscal year 1982. Such a formula would result in a total transfer to the Virgin Islands over the 12-year life of the Caribbean Basin Initiative of only $14 million. However, even a 10-percent reduction in present revenues to the Virgin Islands over 12 years would exceed $40 million. In addition, in responses to questions posed by the Committee on Energy and Natural Resources, the administration indicated that the existence of this new fund would be used in lieu of any Federal assistance to meet the water and power needs of the Virgin Islands, which are estimated at $40 million over the next 4 years, or to offset the immediate revenue loss in the Virgin Islands as a result of the recent tax reduction legislation.

The proposal from the administration is mischievous in the extreme. It would provide the Secretary of the Treasury unfettered discretion of a fund which, based on conservative CBO estimates, would total $120 million over the life of the Caribbean Basin Initiative. The Secretary of the Treasury could allocate a portion or all of the funds in any given year to either Puerto Rico or the Virgin Islands based on any considerations which he finds to be appropriate at the given time. As proposed by the administration, there is neither provision for congressional oversight nor criteria for the allocation of these funds. In a given year, the Secretary of the Treasury could use the existence of the fund to coerce support from Puerto Rico on revisions to section 936, and in the next year use the fund as leverage against the Virgin Islands for revisions to the mirror system of taxation. At a time when the Federal budget deficit is reaching astronomical proportions, and the administration remains adamantly opposed to minimal assistance in providing the basic water and power infrastructure in the Virgin Islands, I find it alarming that it would propose such an unstructured slush fund.

Mr. President, there are real, immediate, and justified needs in Puerto Rico and the Virgin Islands which could and should be addressed. The administration has repeatedly noted its concern over the airport being constructed in Grenada, but seems to have great difficulty in completing the necessary airport expansion on St. Thomas and St. Croix in the Virgin Islands. The administration has noted its concern for the economic development of the region, but cannot find the wherewithal to provide basic water and power in the Virgin Islands. The administration has noted its intention to promote and strengthen relations between the United States and the nations in the Caribbean, but could not find the ability to request $150,000 last year to begin the planning for the Eastern Caribbean Center in the Virgin Islands.

As the Senator from Connecticut's amendment shows, it is not difficult to construct and enact a Caribbean Basin Economic Recovery Act which will assist the developing nations in the Caribbean and protect existing territorial industries and strengthen and enhance the local territorial economies. A simple limitation on rum as proposed by the Senator to exempt all rum valued above $3.50 a proof gallon will permit the free and unfettered access to the U.S. market which the Caribbean nations have indicated they desire and which the administration has indicated is the market which they are interested in. Such a limitation will also protect the extremely price sensitive bulk unaged rum produced in the Virgin Islands.

This amendment recognizes the important and vital role which Puerto Rico and the Virgin Islands can and should play in the peaceful, stable, and democratic growth of the Caribbean region. Puerto Rico and the Virgin Islands are perhaps this country's greatest assets in the region. It is important that as we address the real and pressing needs of the developing nations, we also commit ourselves to the full development of Puerto Rico and the Virgin Islands as a basic commitment of this Government to its citizens and as symbols of our concern for the peoples of the Caribbean regions. As this amendment demonstrates, it is possible to do both.

I have several other concerns which I hope the Congress will address as this and other pertinent legislation is considered. I hope that we will direct our foreign assistance to the provision of basic infrastructure in health and education to improve the quality of life for the residents of the region and to foster the economic growth which the trade preferences will allow. I hope that we will encourage and fully support the educational, cultural, and technical interchange which institutions like the Eastern Caribbean Center will foster. I sincerely hope that the Caribbean Basin Initiative, taken as a whole, will form an important and positive new direction in the U.S. relations in the region and that it will form a basis for stability and peaceful growth and improvement in the quality of life. I hope that this initiative will, as the President has indicated that he intends it to, also be of benefit to our fellow citizens in Puerto Rico and the Virgin Islands. I hope that the administration will work closely with the Congress to improve and refine its proposals. I support the Caribbean Basin Initiative although I may disagree on particular details. I congratulate the President on the attention which he has directed to this region and I hope that the Congress will continue to make needed changes to assure that the goals of the CBI are achieved.●

THE INTERNATIONAL TRADE AND INVESTMENT ACT

● Mr. DANFORTH. Mr. President, today we are again considering the International Trade and Investment Act, legislation introduced by Senator Bentsen and myself and cosponsored by 41 of our colleagues from both sides of the aisle. As S. 144, this legislation was approved by the U.S. Senate in April of this year.

The legislation is the product of extensive consultations within the Congress and discussions with the administration, labor, and the private sector. Although based on the original language and concepts contained in S. 2094, introduced in February of last year, the legislation contains major provisions based on bills introduced in the 97th Congress by Senators Bentsen, Roth, Chafee, Bradley, Heinz, Hart, and Inouye.

Although some of these bills employed the term and the concept of reciprocity more emphatically than others, they shared a common denominator; namely, that the United States must do more to expand its access opportunities in markets overseas. I believe the sponsors of the legislation under consideration share a conviction that the United States must seek nothing more, and nothing less, than the opportunity to compete on an equal footing in world markets. In its current form, the reciprocity trade bill was twice approved and reported out of the Finance Committee in the 97th Congress. In March of this year, the bill received the unanimous approval of the Committee on Finance.

The result is legislation that should serve to further the objectives we all share; namely, the maintenance and expansion of market opportunities abroad for U.S. exports of goods and services, and for foreign investment of the United States. The legislation builds on the broad concept of reciprocity of market access that is fundamental to U.S. trade policy. It strengthens enforcement of the legal rights of the United States under existing trade agreements and it sets the stage for the expansion of those international rights through the negotiation of agreements in the service and investment areas. Finally, the bill addresses itself to the problems encountered by high technology industries as a result of Government intervention that distorts international trade in such high growth sectors.

Overall, the bill is designed to liberalize international trade and to curb protectionist pressures in the United States by demonstrating that we will enforce our rights under international agreements. The idea is to close the credibility gap created when we consistently refuse to take protectionist action in spite of the widespread perception that we are the only country practicing what everyone else preaches; namely, free trade.

Specifically, the bill provides for:

First, a systematic procedure whereby the administration would identify and analyze key barriers to U.S. trade in products, services, and investment.

The required annual report to Congress would include major foreign barriers and distortions to U.S. exports of products—including agricultural commodities—services, and investment, including estimates of their impact on the U.S. economy and efforts to achieve their elimination.

It is my expectation, and that of others involved in the evolution of this bill, that these national trade estimates will be used by this and subsequent administrations to identify the most onerous barriers to U.S. trade and investment and thereby set comprehensive market enhancement priorities for U.S. trade policy.

In this regard, we would expect the administration to go beyond its current role as recipient of petitions under section 301 of the Trade Act and to make use of the provisions for self-initiated 301 cases, as well as the bill's negotiating authority to broaden the scope of existing international agreements.

Second, section 301 of the Trade Act of 1974 would be amended to broaden its scope and to clarify and enhance Presidential authority to retaliate against foreign unfair trade practices.

In this regard, unfair trade practices for which relief is available under U.S. law would be broadened to cover performance requirements and other trade-distorting barriers to investment, as well as violations of intellectual property rights.

Foreign barriers not removed through negotiation or enforcement of the GATT (General Agreement on Tariffs and Trade) could be offset by the United States through withdrawal of prior U.S. concessions, imposition of duties and other restrictions available under present law as clarified by this legislation. Of particular interest is the clarification of the President's authority to impose fees and restrictions on foreign services or suppliers of those services. While the role of regulatory agencies is recognized with respect to trade in services, I am firmly convinced that the Congress never intended regulatory agencies to make trade policy.

Finally, where U.S. retaliatory options are not currently available to the President, he would be given new authority to propose legislation which would enjoy accelerated consideration by the Congress.

Third, finally, the legislation provides for major negotiations to achieve international agreements that encourage fair and open trade in services, investment flows, and high technology.

Knowing that other Senators may wish to speak in some detail regarding negotiations in the services and high technology sectors, I would like to address the investment portion of the legislation. In fact, barriers to foreign direct investment have major implications for international trade in both products and services.

In developed and developing countries alike, restrictions on foreign investment are being put into place which severely distort access opportunities. The impact on international trade has never been measured and should be of immense concern in the development of U.S. trade policy. The United States has always maintained a liberal investment policy, to the benefit of our economy as well as to those of foreign investors. The administration must be prepared to move forward with all due speed to reach bilateral and multilateral agreements with our trading partners—designed to reduce, eliminate, or prevent restrictions on the flow of investment throughout the world.

Mr. President, taken as a whole, the International Trade and Investment Act is designed to increase American exports and export-related jobs through stronger enforcement and expansion of domestic and international rules dealing with foreign unfair trade practices. It is intended to move us beyond the largely rhetorical approach that now characterizes our efforts to achieve greater market access abroad—into a straightforward mechanism for sorting through and dealing with these foreign actions.

SUPPORT AND COSPONSORSHIP

Since its introduction in January, S. 144 has gained the cosponsorship of

almost half of the U.S. Senate. In addition to Senator Bentsen and myself, the following Senators are cosponsors of S. 144: Andrews, Boren, Bradley, Chafee, Chiles, Cochran, Cohen, Cranston, D'Amato, DeConcini, Dole, Domenici, Exon, Ford, Glenn, Gorton, Grassley, Hart, Heflin, Heinz, Helms, Hollings, Inouye, Kasten, Levin, Mattingly, Melcher, Mitchell, Moynihan, Percy, Pressler, Proxmire, Randolph, Riegle, Roth, Simpson, Specter, Symms, Thurmond, Tsongas, and Wilson.

The dedication and diversity of this bipartisan coalition of Senators, alone, indicates the depth of feeling in the Congress that international trade must be conducted on a fair basis.

In addition, the International Trade and Investment Act enjoys the support of the administration and of a diverse group of business and agricultural organizations. The following companies and associations have been particularly active in support of S. 144:

Aerospace Industries Association of America.
American Council of Life Insurance.
American Electronics Association (AEA).
American Express Company.
American Farm Bureau (AFB).
American Trucking Associations (ATA).
Asia-Pacific Council of American Chambers of Commerce (APCAC).
Business Round Table.
California Almond Growers.
California-Arizona Citrus League.
Chamber of Commerce.
Chemical Manufacturers Association (CMA).
Cling Peach Advisory Board.
Coalition of Service Industries.
Computer and Business Equipment Manufacturers Association (CBEMA).
Data General Corporation.
DuPont Company.
Electronics Industries Association (Communications Division).
Emergency Committee for American Trade (ECAT).
FMC Corporation.
International Anti-Counterfeiting Coalition.
International Business Machines (IBM).
Miller National Federation.
Monsanto Company.
Motion Picture Association of America.
Motorola Inc.
National Agricultural Chemical Association (NACA).
National Association of Manufacturers (NAM).
National Cattlemen's Association (NCA).
National Council of Farmer Cooperatives (NCFC).
National Foreign Trade Council (NFTC).
The National Grange.
Poultry and Egg Institute.
R. J. Reynolds.
Scientific Apparatus Makers Association (SAMA).
Semiconductor Industry Association (SIA).
Sporting Goods Manufacturers Association (SGMA).
Sun-Diamond Growers of California.
Tanners' Council of America (TCA).
TRW Inc.
United Technologies Corporation.
Warner Communications Inc.

THE NEED FOR RECIPROCITY LEGISLATION

Mr. President, the International Trade and Investment Act is a sensible, timely piece of legislation that should be enacted into law.

Since the last round of multilateral trade negotiations and the passage of the Trade Agreements Act of 1979, American policy has largely consisted of reacting to a flood of imports. I do not denigrate the importance of this effort, yet, in the process, attempts to expand market access for American-produced goods have proceeded in an ad hoc manner at best.

It is time for us to embark on a comprehensive effort to assure fair treatment for American exports in foreign markets. The International Trade and Investment Act is designed to do just that.

The U.S. balance of trade in merchandise went into deficit in 1971 for the first time in more than three-quarters of a century. Last year that deficit reached close to $40 billion, including significant bilateral deficits with a number of our major trading partners. This year we can expect a merchandise trade deficit well above $50 billion.

These deficits, in and of themselves, are not so much the problem as the extent to which they result from inequitable market access between the United States and its trading partners rather than the market forces of comparative advantage and exchange rates.

Through the GATT system, the industrialized world has benefited from over 30 years of relative peace in international trade, along with the gradual reduction of traditional tariff and nontariff barriers to imports. The two fundamental principles of the GATT—the mutual extension of national and most-favored-nation treatment—remain essential elements in the GATT's formula for success.

The United States has, since the inception of the GATT, taken the leadership role in lowering international barriers to trade. Pushing and cajoling our trading partners into accepting each new liberalizing guideline, America has taken pains to employ the GATT's dispute settlement provisions. We have been in the forefront of any negotiations aimed at the reduction of tariff and nontariff barriers.

This leadership role has prompted the United States to set domestic policies relating to trade that are in conformity with GATT and to hope for similar action from our trading partners. The result is an American market with comparatively few important barriers while foreign markets are protected by a wide variety of restrictions. This has put us in a weak position to bargain for mutual concessions by other countries, for there are few American import restrictions left to trade away for market access abroad.

Of our major developed trading partners, Japan retains the most severe barriers to competitive American exports. Protection of the Japanese market is maintained in a variety of ways—some clearly illegal, some not. But regardless of whether these impediments are formal or informal, legal or illegal, the fact is they work. Moreover, it is clear even to the casual observer of American driving, viewing, and listening habits that Japan has ample access to our market in areas where Japanese firms are competitive.

Our largest single trading partner, Canada, continues to focus its attention on the investment and service areas for its Canadianization efforts. Although not traditionally considered under the general GATT framework, these barriers are not only harmful in and of themselves, but also have a significant impact on trade in goods. Investment restrictions imposed by the Foreign Investment Review Agency (FIRA), discriminatory tax practices, and similar government policies have already begun to impede our access to their market.

Finally, the European Community gives one the impression that they are ever on the lookout for new ways of closing their markets. These efforts have been directed at Japan for some time and may well affect our exports in the future. Meanwhile, we are still groping for the means to deal with the impact of EC agricultural export subsidies on competitive U.S. exports to third market countries.

The problem we face with respect to market access abroad are equally, if not more, severe in the case of developing nations. Many of these nations continue to benefit from developed country MFN concessions in the past 30 years without being accountable in GATT for reducing their own barriers. Of particular concern are barriers to trade and investment maintained by the newly industrialized countries (NIC's) such as Mexico—not even a GATT member—and Korea and Brazil, which have no desire to graduate from their LDC status in GATT terms.

It cannot be surprising then that many believe the GATT, however essential it is, is not alone sufficient to provide the basis of truly free international trade. It has become clear that national and MFN treatment are inadequate in some circumstances to provide the benefits of the system to the United States, when our market access is so disproportionately greater than others.

Further, while the GATT may work well to combat many traditional barriers to merchandise trade, it still fails to address some of the more sophisticated impediments found in the world today.

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For example, the GATT offers no guidance whatever with regard to the free flow of investment and services—an integral part of international trade in today's world. Barriers in these sectors, such as performance requirements, continue to grow abroad in the absence of any firm international guidelines.

Therefore, while the GATT may be necessary to maintain equilibrium in the international trading system, it is by no means sufficient to achieve equitable access for U.S. trade and investment.

Mr. President, the bill under consideration today is designed to set the course for American trade policy that will accomplish our market access objectives by building upon and expanding the international trading system as we know it.

To achieve this goal, the United States must be prepared to force the issue. The International Trade and Investment Act is a clear mandate for the administration to seek equitable market access abroad for competitive American products, services, and investment, backed up by a credible threat to redress restrictions on American exports through the imposition of offsetting measures.

I will be the first to admit that this act is not a panacea for all of our economic woes. It does, however, fill a gap in our trade policy. If enacted, it will focus our Government's attention on those generic barriers to U.S. trade and investment that place limits on our full export potential. The bill strengthens the administration's hand without forcing it and offers an opportunity for us to move forward in the search for innovative solutions to expand markets for U.S. exports. Moreover, it not only reaffirms but also seeks to extend existing rules governing international trade.●

Mr. LEVIN. Mr. President, I intend to vote for H.R. 2973 because on balance I believe that it represents a step foward on a number of issues.

However, I cannot give my wholehearted support to it. With respect to the underlying issue of withholding, my preference would have been to delay the implementation of withholding until there was more time to explore how effective alternate mechanisms could be to collect the interest and dividend income which is currently being unreported. But the choice we were presented with was one of outright repeal accompanied by some increased measures to encourage compliance or one of implementation of withholding. In this case my preference was for repeal.

I also object to the manner in which the Carribean Basin Initiative was considered. I have serious concerns as to the impact that this legislation will have on jobs in this country at a time of still much too high unemployment.

In spite of these objections, however, I found much in this bill worth supporting and reason enough for final passage. The removal of the sunset provision on mortgage revenue bonds and the reciprocity provision represent measures which can improve housing opportunities for our citizens and opportunities for our exports. These are worthy objectives, and H.R. 2973 can help us to realize them.

CARIBBEAN BASIN INITIATIVE

Mr. GRASSLEY. Mr. President, I take a few moments to speak on the Caribbean Basin legislation before us here today.

My vote today on this bill does not come easy or without a great deal of study on the issue both in the Finance Committee and privately. I am aware that this legislation must deal with the critical relationship between economic development and political stability in the region. The Caribbean is an unfenced neighborhood that we share with 27 island and coastal nations and their security and economic well-being have a direct impact on our own strategic and economic interest.

Yet, knowing all this, experience has taught me that the search for economic progress, social justice, and human dignity can only succeed through collective strengths that create an agenda for cooperation.

Mr. President, I stress here that I did not offer an amendment to CBI in the committee relative to the designation of beneficiary countries when I was given assurance from the State Department that they would not designate countries a beneficiary to this legislation that had expropriated U.S. property and did not take steps to provide prompt, adequate, and effective compensation. While most expropriation cases in the region are being settled or have been settled with little difficulty, at least two have been outstanding for an inordinately long period. Both of these cases involve the Government of Panama. The State Department has assured me that should this legislation pass and the problem not be resolved by then, they will send a high level team to Panama to work on this problem. It is also my understanding that should it not be resolved by the time the President is ready to list the beneficiary countries, that they will recommend that he not list Panama eligible under this legislation until the problem no longer exists.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter from the State Department to me addressing this matter, along with a followup letter I sent to Deputy Assistant Secretary Michel, clarifying this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, D.C., May 1983.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRASSLEY: In the mark-up of the Caribbean Basin Initiative legislation, you raised the question of outstanding investment disputes and the Department of State promised to provide a letter clarifying how the CBI legislation might help us resolve outstanding disputes.

The Administration has acted strongly to encourage a settlement of US citizen claims in the Boston Panama and Citricos de Chiriqui, S.,A. cases. In the Boston-Panama case, Department of State officials obtained commitments at the highest level from the Panamanian Government that they would proceed to settle the claim. Although the Government of Panama has not yet settled the matter as promised, it has established a commission to review the case.

While awaiting the results of the review, we continue to express high-level interest in all outstanding cases and have linked these outstanding investment disputes to the bilateral investment treaty, to the designation process in the Caribbean Basin Initiative legislation and to other issues.

As soon as the CBI legislation is passed, the Department will send a high-level team to each country to discuss the designation process. First on the agenda of the team to visit Panama will be discussion of all outstanding investment disputes. We will advise the Panamanians that should it be established that the properties were nationalized, expropriated or otherwise seized, and if good faith efforts to resolve these disputes as they promised can no longer be expected, then we would not recommend to the President that he grant a waiver under 102(b).

Sincerely,

JAMES H. MICHEL,
Deputy Assistant Secretary for Inter-American Affairs.

U.S. SENATE,
Washington, D.C., May 26, 1983.

Mr. JAMES H. MICHEL,
Deputy Assistant Secretary for Inter-American Affairs, U.S. Department of State, Washington, D.C.

DEAR MR. MICHEL: This refers to your recent letter to me wherein you discussed the Department of State position regarding outstanding expropriation disputes of U.S. citizens with Panama and the circumstances under which Panama may not benefit by passage of the Caribbean Basin Initiative.

It is my understanding that there is no question over the fact that the properties of Boston Panama Company and Citricos de Chiriqui, S.A. were taken by the Government of Panama and the United States citizen owners were never compensated. Furthermore, these two claims have been outstanding for over eight years. In your letter you state that, "if good faith efforts to resolve these disputes as they (Panamanians) promised can no longer be expected," the Department would recommend against a Presidential waiver to include Panama as a beneficiary country. In view of the inordinate amount of time which has passed without Panama resolving these outstanding claims, I understand that if the Caribbean Basin Initiative legislation is passed and the two outstanding claims are not resolved, then the Department will not recommend a waiver for Panama under 102(b) and Panama will not be designated a beneficiary country. If your understanding is different

from mine, I would appreciate your letting me know immediately.

Very truly yours,

CHARLES E. GRASSLEY,
U.S. Senator.

Mr. GRASSLEY. Mr. President, I asked in the last paragraph of that letter that if his understanding is different from mine, that I would appreciate his letting me know immediately. Since 22 days have elapsed since my correspondence and I have not heard from Mr. MICHEL, I am concluding that he has agreed with my assumptions I stated in the May 26 letter. And based on that conclusion, I have decided not to offer my amendment.

Although I have singled out Panama because of the long standing problem, I would be remiss if I did not say I am as concerned with other problems of a similar nature as well. For as I said earlier, the search for economic progress, social justice, and human dignity can only succeed through collective strengths that create an agenda for cooperation. The United States, I believe must be willing to work with our friends and allies on trade and economic matters, but at the same time we must look at that relationship in the context of how it affects this country and its people either directly or indirectly.

We all know we live in a troubled world and that the United States as a great nation must face up to these troubles and do its part to resolve them. We can reinforce our individual effects by working together with our Caribbean neighbors and our example will give hope to others around the world. Our interdependence can be a source of strength and our diversity can become a source of unity.

Let us therefore measure our progress in international trade and economic matters with this legislation in the context of what it does to the economic and social stability of the region without undermining the economic and social fiber of this great Nation and its people.

This is a 12-year program. It is my ardent hope that this administration and all succeeding administrations will honor the commitment to the American people not to issue a waiver to any country for economic and security reason on political grounds, but rather make this and any future agreements a two-way mutually beneficial agreement. The CBI offers beneficiary countries a unilateral, one-way trade preference program as an incentive for their economic development. It is appropriate to seek in return good faith actions with respect to U.S. trade interest.

WITHHOLDING

Mr. President, the genesis of withholding has been torturous during the 97th and 98th Congress. The withholding provision contained within the Tax Equity and Fiscal Responsibility Act of 1982 was added during the Republican caucus on the composition of the bill. Withholding was not contained within the original Dole-Grassley compliance bill. Senator DOLE and I adopted a series of compliance measures designed to remedy the underreporting of interest and dividend income. During our drafting deliberations, both Senator DOLE and I rejected universal withholding as a viable option on both philosophical and political grounds. Both of us sought a solution which was more precisely tailored to the specific compliance problems in interest and dividend reporting.

During the Republican Caucus on TEFRA, the Finance Committee Senators had come approximately $15 billion short of their reconciliation goal. The Republican members on the committee unanimously decided to impose a 5 cent gasoline tax to be placed in the highway trust fund for road repair as the best source of revenue. After this position was adopted, we were advised that a gas tax was strongly opposed by the President and that its inclusion in TEFRA would provoke a veto. the only remaining revenue option of sufficient magnitude to comply with the budget act was the imposition of withholding on interest and dividends, unless the committee decided to repeal the third year of the tax cut or repeal indexing. Neither of these options was acceptable to the committee.

Clearly, enacting such a measure to hit reconciliation totals was a difficult and unpopular task for all of the Republicans on the Finance Committee. However, the members of the committee took their budget instructions seriously and reconciled. Finance, unlike its sister committees, did achieve its reconciliation totals.

Although withholding was not a new tax, it turned out to be an extremely unpopular revenue collection device. Many Senators responded to the justifiable concern of their constituents and urged the repeal of this measure. These Senators overlooked the immediate revenue shortfall caused by the repeal of this measure.

Budget and revenue decisions are difficult to make. As a member of both the Finance and Budget Committees, I can sympathize with my colleagues as they agonize over difficult budget choices. Yet, if the budget act is to have any meaning and if the current deficit crisis is to be remedied, political courage will be needed. Twenty years of failing to make these hard choices has put us in the spot we are trying to ignore today. All of us have a responsibility to educate our constituents that their immediate displeasure with withholding or the curtailment of the medical expense deduction or whatever the source of their complaint, should be tempered by their desire to see Congress achieve a balanced budget.

After voting for a series of revenue increase bills in the past 2 years to comply with the budget, while I watch other committees submit additional authorizing or appropriating language, I must admit I am discouraged. For my own part, I will not continue to vote for tax increases until Congress exercises some fiscal restraint. I do not intend to put myself in the position of defending unpopular tax provisions designed to achieve revenue totals while spending goes unchecked.

I support this compromise package because it incorporates many of the ideas contained within the original Dole-Grassley compliance bill. It is narrowly drawn to remedy specific areas of noncompliance. To elect to repeal withholding and ignore the compliance problem, is to sanction tax avoidance by wealthy taxpayers who have enough capital to save and invest. A 15-percent noncompliance rate for recipients of passive investment income should not be tolerated by the Congress while the wage-earners of America have achieved a 99-percent compliance rate. The backup provisions have the potential to achieve a substantial amount of the revenue which would have been generated by mandatory withholding after a number of years. It is important to the integrity of the American tax system that all taxpayers pay their fair share. To ignore the compliance problem will contribute to the demise of our revenue system and signal to our Nation's workers that a different set of rules applies to our wealthier taxpayers. I do not intend to sanction this type of different justice and will support the committee amendment.

Mr. MURKOWSKI. Mr. President, I rise today in support of that part of the Finance Committee amendment relating to withholding on interest and dividend payments. I believe that the best approach that we can take is to both repeal withholding, and adopt a package of measures to improve tax compliance with respect to interest and dividend income.

It is clear that there is a substantial problem with tax compliance in this area. As the distinguished Senator from Kansas has pointed out, 20 million taxpayers file returns that understate dividend and interest income, and another 5 to 6 million people do not file returns at all. In this time of outrageous budget deficits, we cannot afford to ignore an annual tax revenue loss of $8 billion due to unreported interest and dividend payments. Before we consider raising taxes to reduce those deficits, we should make a greater effort to insure that those who owe taxes pay them.

In the view of this Senator, the committee amendment is an eminently

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reasonable approach to the problem of underreporting and underpayment of interest and dividend payments. It repeals withholding on interest and dividend payments, thereby removing this onerous burden on honest taxpayers and the financial institutions and businesses of this country. In its place, the amendment takes a three-pronged approach to the tax compliance problem in this area. It strengthens other compliance measures; it provides for a thorough review of existing Internal Revenue Service compliance measures; and it authorizes an increase in Internal Revenue Service funding so that it can implement the new tax compliance measures. In essence, the committee amendment contains the basic elements of the Dole/Kasten compromise that I helped negotiate in April.

The closer we get to the startup date of withholding, the more money businesses and the Government spend to implement it. It is my hope that, should the Senate adopt the amendment, the House will also see the wisdom of the Senate Finance Committee approach, and accept H.R. 2973 as amended. It is time to act decisively and resolve this matter. I urge my colleagues to support the committee amendment.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on agreeing to the committee amendment in the nature of a substitute, as amended. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Alabama (Mr. DENTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. BOSCHWITZ) would vote "yea".

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER), is absent because of illness.

The VICE PRESIDENT. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 48, nays 41, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—48

Abdnor
Andrews
Armstrong
Baker
Chafee
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
East
Garn
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Humphrey
Jepsen
Kassebaum
Kasten
Laxalt
Lugar
Mattingly
McClure
Moynihan
Murkowski
Nickles
Packwood
Percy
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Weicker
Wilson

NAYS—41

Baucus
Bentsen
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chiles
DeConcini
Dixon
Dodd
Eagleton
Exon
Ford
Glenn
Hart
Heflin
Hollings
Huddleston
Jackson
Johnston
Kennedy
Lautenberg
Leahy
Levin
Long
Matsunaga
Melcher
Metzenbaum
Mitchell
Nunn
Pell
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Stennis
Tsongas
Zorinsky

NOT VOTING—11

Biden
Boschwitz
Cranston
Denton
Goldwater
Heinz
Helms
Inouye
Mathias
Sasser
Stafford

So the committee amendment in the nature of a substitute (No. 1412), as amended, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Third reading.

The VICE PRESIDENT. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. LONG. Yeas and nays, Mr. President.

The VICE PRESIDENT. The yeas and nays are requested on the bill.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. BAKER. Mr. President, there will be no more votes tonight.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. BOSCHWITZ) would vote "yea."

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER (Mrs. HAWKINS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 86, nays 4, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—86

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Denton
Dixon
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hecht
Heflin
Hollings
Huddleston
Humphrey
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
Mattingly
McClure
Melcher
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—4

Dodd
Kennedy
Lautenberg
Metzenbaum

NOT VOTING—10

Biden
Boschwitz
Cranston
Goldwater
Heinz
Helms
Inouye
Mathias
Sasser
Stafford

So the bill (H.R. 2973), as amended, was passed.

Mr. DOLE. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. KASTEN. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Madam President, I also wish to thank members of our committee and my distinguished colleague from Louisiana, Senator LONG, and the others, for helping us expedite the procedure, and I can say, as I said before the vote, that we do intend to go to conference. We do understand that a clear majority in the Senate and the House of Representatives want to repeal withholding on interest and dividends. It is my hope, though, that we can salvage a compliance provision which will preserve about half the revenue and ultimately about 68 percent of the revenue by 1988.

Having mentioned that, I certainly would not want to close this debate without thanking my distinguished colleague from Wisconsin, Senator

KASTEN, who has done an outstanding job and performed, I think, exceptionally well, and he is the winner and I am the loser. But he did it in the right way and the fair way, and I certainly extend him congratulations.

I suggest that it never was a personal matter as far as who won or who lost. It is a matter of policy. He saw it one way; I saw it another way. Many Members saw it in different ways.

But in the final analysis we found ourselves supporting efforts for compliance because I firmly believe that most Americans expect us to collect taxes that are due.

Without the strong support of the Senator from Wisconsin, we would not have had compliance. So I certainly extend the credit where credit is due.

I only finally say I wish to thank the leadership, the distinguished majority leader, and minority leader.

I believe that there are a number of good provisions in this bill, and I regret, in a sense, there was not more time for debate or discussion, but we did make every effort, and I would have had a full bill available, I assume, had it not been the fact that the bill was held at the desk and we called it up today. But we did print the entire bill on June 8 and a report has been available since that time.

This Senator is not certain what may come out of conference, but I am certain of one thing. It will repeal withholding, and I hope its compliance and some of the other provisions that we have adopted by a vote of 86 to 4 is an indication of the strong support not just for the withholding area but I hope reflects a strong bipartisan support for the other provisions in the committee substitute as modified.

Madam President, I move that the Senate insist on its amendments and ask for a conference with the House of Representatives and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. DOLE, Mr. PACKWOOD, Mr. ROTH, Mr. DANFORTH, Mr. LONG, Mr. MATSUNAGA, and Mr. BENTSEN conferees on the part of the Senate.

Mr. KASTEN. Madam President, I simply wish to respond to my friend, the Senator from Kansas, and say there are not any winners or losers in this effort. I think that we can all call ourselves winners, and certainly the Senator from Kansas is a winner. We have compliance. We have the direction that we are trying to go in, and I thank and congratulate him for his efforts in working along with all of us, and I really believe that all of us have won and the administration, hopefully, is going to adopt this compromise. We have compliance. We have a way of finding the people who are not presently complying with the law on reporting of income on interest and dividends.

I think that all of us can call ourselves winners and certainly the Senator from Kansas is a winner.

I told him earlier before it is sure more fun to be on the same side than against him, and I have enjoyed the last several days a whole lot more than I enjoyed the several days a few weeks ago.

Mr. DOLE. Madam President, if the Senator will yield, I think we omitted the important group, and that is members of our staff who have been struggling with this while we were off doing other things, not only members of Senator KASTEN's staff and my staff and the committee staff, but the joint committee staff as well as Mr. Kaplan of Treasury and Don Regan himself, and Ken Duberstein at the White House. We had a lot of people trying to work out the problems, and I really want the record to show we are very grateful to those who helped us on a daily basis.

Mr. KASTEN. Madam President, I agree with the Senator. All of our staffs working together, I think, have produced a result in which I guess not only some of us elected officials can say we are all winners but also the staffs, all of our staffs can be proud of the efforts that we put together, and I certainly thank them for their dedicated work.

Mr. BAKER. Madam President, I will not take but a moment. I wish to congratulate the distinguished chairman of the Finance Committee and the ranking minority member once again for their excellent work in handling this matter and bringing it to the Senate so the Senate may work its will on this sensitive issue.

I congratulate as well the Senator from Wisconsin who has shown competence, skill, determination, and success in an important issue, and he did it with grace and style.

Madam President, once again, I extend my appreciation to the minority leader for his unfailing cooperation and efforts to make the Senate work and without his cooperation it would not be possible to accomplish the rather prodigious amount of work that we have done in the Senate this week. I wish to express my appreciation to him.

Mr. BYRD. Madam President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. I thank him for his comments.

I express my thanks to Mr. DOLE and Mr. LONG, who were the managers of the bill, and they have demonstrated their usual skill and courtesy.

There were some parts of the package amendment that I was opposed to, but it was a matter of accepting the whole package or no package, and there were some parts of it that I supported. Of course, we made our efforts repeatedly to knock out the package. We failed and consequently our only course was to vote for or against the bill. I felt that the good outweighed the bad so I voted for the bill.

I thank the majority leader again for his kindness to me.

ROUTINE MORNING BUSINESS

Mr. BAKER. Madam President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 7:50 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following statements were delivered or submitted during the day:)

THREATENED VETOES OF FISCAL YEAR 1984 APPROPRIATIONS BILLS

Mr. HATFIELD. Mr. President, I am extremely dismayed by recent news accounts that report of a congressional willingness to sustain Presidential vetoes of fiscal year 1984 appropriation bills when those bills do not meet the President's specification. Most of these bills have not yet even been considered by our Appropriations Committee and none has been debated on the floor of this body, much less been sent to the President for his signature.

Are our colleagues going to prejudge the work of the Appropriations Committee and find it wanting before the first 1984 bill is even ordered reported in this body?

Shall the Appropriations Committee accept at face value every request made by every administration, invite no outside witnesses to testify before it, and simply rubber-stamp for Senate action whatever gets sent up here from OMB?

Shall the Appropriations Committee ignore the views of members concerning specific line items in the administration estimates and simply report the administration numbers without changing one jot or one tittle?

This Senator has held the naive view of our Federal process that—the President proposes; Congress disposes.

The President proposes a budget request that meets the priorities and objectives as perceived by that one person. The legislative branch, a separate but equal part of Government, then considers that request and, through the appropriations process, recommends to the President for his signature a series of bills that set forth the needs of this Nation as determined by the collective wisdom of 535 Members of Congress.

Mr. President, I do not denigrate or belittle the difficulties of preparing Presidential estimates of the appropri-

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ate level of Federal spending provided in annual appropriations bills.

Each of us must balance his view of the amounts necessary for each worthwhile program with the need for maintaining fiscal restraint and reducing Federal spending. But each of us would go about this in a different way.

I am quite certain that I can prepare a personal budget that substantially reduces the deficits projected in the President's request. But I am also certain that my budget would not match the President's spending priorities; and would not achieve a majority vote on the floor of this body.

While I regret that, I also understand that this body does not work that way. The framers of our Constitution did not expect us to hold, neither within Congress or between Congress and the Executive, a homogenous single view of what was best for our country. The framers demonstrated a remarkable talent, that we should strive to emulate, for resolving conflict through compromise and consensus. The appropriations bills we report to the floor embody this consensus approach.

Without doubt, Mr. President, there is no unanimity in this body about the best way to reduce the burgeoning deficits contained in the President's budget projections. Some prefer smaller increases in the growth of defense spending, limitations on the scheduled tax reductions, or entitlement changes. Few seem to support further reductions in nondefense discretionary spending. I point out to my colleagues that the fiscal year 1984 budget resolution reported by the Budget Committee and passed by the Senate provided in the aggregate for additions to, not subtractions from, the nondefense discretionary spending amounts of the President's request.

Of the three amendments agreed to on the floor of this body during consideration of the budget resolution, all were additions to the reported resolution levels for nondefense spending. Not one amendment reducing nondefense spending was accepted by this body.

This stands to reason, Mr. President, for whatever the problems may be with projected budget deficits, the problem does not lie with nondefense discretionary spending. Compared to actual fiscal year 1981 levels, the Senate-passed budget resolution anticipates an 88-percent increase in national defense spending by 1989, a 42-percent increase in spending for mandatory items, a 56-percent increase in net interest costs, and a decline in all other spending.

Mr. President, I ask unanimous consent that a table setting forth these projections of outlays by major spending category be placed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPOSITION OF THE BUDGET

[In billions of dollars]

Category	Actual			Senate-passed resolution			
	1980	1981	1982	1983	1984	1985	1986
National defense	135.9	159.8	187.4	214.3	241.6	269.6	299.8
Mandatory items	267.5	309.2	344.1	389.8	389.0	413.7	440.5
Net interest	52.5	68.7	84.7	87.6	95.9	104.2	107.0
All other spending, net [1]	120.9	119.6	112.2	115.6	123.2	123.3	118.6
Total spending	576.7	657.2	728.4	807.3	849.7	910.8	966.0
Revenues	517.1	599.3	617.8	603.3	671.1	743.1	835.9
Deficit	59.6	57.9	110.6	204.0	178.6	167.7	130.1

[1] Includes spending from prior-year budget authority.

Mr. HATFIELD. Mr. President, some might argue that budget resolution projections are just statements of political "good intentions." For them, I provide information in the above table on actual, not projected, spending. Let us look at the figures for the fiscal year 1980-82 period. Total spending increased from $576.7 billion to $728.4 billion. National defense spending increased $51.5 billion or 38 percent. Spending on mandatory items such as social security, medicare, medicaid, veterans compensation and pensions increased by $76.6 billion or 29 percent. Net interest costs rose $32.2 billion or 61 percent. All other spending, contained in annual appropriations acts, declined by $8.7 billion or 7 percent.

it is evident from these figures that it has not been the appropriations process, at least not the nondefense bills, that have caused the burgeoning Federal deficit. The $200 billion deficits we now face have been caused by an appalling increase in defense spending, excessive tax reductions, entitlement growth, and revenue losses due to a struggling economy. It is also evident from these figures that all nondefense spending in each of the fiscal years 1983 to 1985 could be totally eliminated and the projected deficit would not go away.

Threatening to veto all nondefense appropriations bills over the President's request, therefore, strikes me as more of a political exercise than prudent fiscal policy aimed at reducing deficits. A more responsible benchmark, it seems to me is the budget resolution. Here again the Appropriations Committee has shown remarkable restraint.

In the March views and estimates presented by the Appropriations Committee to the Budget Committee for its consideration during fiscal year 1984 budget deliberations 8 of the 10 appropriatons subcommittees with domestic spending jurisdiction projected "high estimates" of fiscal year 1984 budget authority spending that are below the Senate Budget Committee assumptions for those subcommittees in the Senate passed budget resolution. I ask unanimous consent that a table setting forth the Senate appropriations "low and high estimates" plus House-passed and Senate-passed budget resolutions be placed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1984 ESTIMATES

[In billions of dollars]

Subcommittee	Mar. 15 estimates				President [1]		Budget resolutions			
	Low		High				Senate passed		House passed	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agri	34.0	21.4	36.2	24.4	34.3	21.6	34.1	23.1	38.0	24.8
CJ	10.2	11.0	10.2	11.1	9.9	11.0	10.9	11.5	10.8	11.2
DE	263.5	231.2	263.5	231.2	265.3	231.2	256.0	228.3	249.7	222.4
DC	.6	.6	.6	.6	.6	.6	.6	.6	.6	.6
EW	14.5	14.4	15.1	14.8	14.4	14.7	15.2	14.9	15.3	14.9
FO	11.6	9.4	12.1	9.9	11.7	8.4	11.9	9.7	12.0	9.6
HUD	46.2	57.4	55.4	58.4	49.6	57.9	57.7	58.4	66.2	60.1
Int	6.7	8.0	8.3	9.0	6.7	8.2	8.7	9.4	8.7	9.2
LHHS	97.1	103.9	105.2	109.0	95.8	105.1	105.5	108.7	117.6	118.7
LB	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
MilCon	8.2	7.2	8.7	7.2	8.7	7.3	8.2	7.2	8.1	7.1
TR	11.0	24.8	13.2	26.5	10.9	25.0	10.9	25.4	11.5	25.6
TPO	11.6	11.5	12.0	11.9	11.6	11.5	12.3	12.3	12.5	12.7
Unassigned			4.9	4.8	.9	.9	.6	.6	1.4	1.4
Total	516.7	502.3	546.9	520.3	521.8	506.0	534.0	511.5	553.8	520.0

[1] BA from CSBA's; outlays from CBO.

Note: Detail may not add to total due to rounding.

Mr. HATFIELD. I pledge to my colleagues that the Appropriations Committee will continue to conform to the aggregate numbers of the budget resolution in reporting the 13 appropriations bills. I expect I will continue to enjoy the full cooperation of Chairman DOMENICI in that pursuit.

In closing, let me reiterate my firm belief that the President would be most ill-advised, for political and fiscal reasons, to veto appropriations bills that meet guidelines established by this body and Congress as a whole in the budget process, and I will strenuously oppose any such vetoes if they do occur.

U.S.-SOVIET RELATIONSHIP IN A NUCLEAR AGE

Mr. PERCY. Mr. President, yesterday, Secretary of State George Shultz appeared before the Foreign Relations Committee to open one of our most important series of hearings on the U.S.-Soviet relationship in a nuclear age.

The Secretary's opening statement was a comprehensive description of the Reagan administration's Soviet policy. In his introduction, Secretary Shultz said that the President had personally read the statement in its entirety, had made some suggestions, and had "signed off" on it. For this reason, and because I found it a realistic, if not hopeful, statement, I would like to share it in full with my colleagues.

Let me highlight just a few passages:

> A peaceful world order does not require that we and the Soviets agree on all the fundamentals of morals or politics. It does, require, however, that Moscow's behavior be subject to the restraint appropriate to living together on this planet in the nuclear age.

A little later on,

> . . . we must leave Moscow no opportunity to distort or misconstrue our own intentions. We will defend our interests if Soviet conduct leaves us no alternative; at the same time we will respect legitimate Soviet security interests and are ready to negotiate equitable solutions to outstanding political problems.

And finally,

> There is no certainty that our current negotiations with the Soviets will lead to acceptable agreements. What is certain is that we will not find ourselves in the position in which we found ourselves in the aftermath of detente. We have not staked so much on the prospect of a successful negotiating outcome that we have neglected to secure ourselves against the possibility of failure.

Mr. President, I ask unanimous consent that the full text of Secretary Shultz's comprehensive statement on United States-Soviet relations be inserted in the RECORD.

There being no objection, the statement is ordered to be printed in the RECORD, as follows:

UNITED STATES-SOVIET RELATIONS IN THE CONTEXT OF U.S. FOREIGN POLICY

(Statement by the Honorable George P. Shultz)

Mr. Chairman, distinguished members of this committee, I welcome the opportunity to discuss with you our approach to US-Soviet relations in the context of our broader foreign policy.

The management of our relations with the Soviet Union is of utmost importance. That relationship touches virtually every aspect of our international concerns and objectives—political, economic, and military—and every part of the world.

We must defend our interests and values against a powerful Soviet adversary that threatens both. And we must do so in a nuclear age, in which a global war would even more thoroughly threaten those interests and values. As President Reagan pointed out on March 31: "We must both defend freedom and preserve the peace. We must stand true to our principles and our friends while preventing a holocaust."

It is, as he said, "one of the most complex moral challenges ever faced by any generation."

We and the Soviets have sharply divergent goals and philosophies of political and moral order; these differences will not soon go away. Any other assumption is unrealistic. At the same time, we have a fundamental common interest in the avoidance of war. This common interest impels us to work toward a relationship between our nations that can lead to a safer world for all mankind.

But a safer world will not be realized through good will. Our hopes for the future must be grounded in a realistic assessment of the challenge we face and in a determined effort to create the conditions that will make their achievement possible. We have made a start. Every postwar American president has come sooner or later to recognize that peace must be built on strength; President Reagan has long recognized this reality. In the past two years this nation—the President in partnership with the Congress—has made a fundamental commitment to restoring its military and economic power and moral and spiritual strength. And having begun to rebuild our strength, we now seek to engage the Soviet leaders in a constructive dialogue—a dialogue through which we hope to find political solutions to outstanding issues.

This is the central goal we have pursued since the outset of this Administration. We do not want to—and need not—accept as inevitable the prospect of endless, dangerous confrontation with the Soviet Union. For if we do, then many of the great goals that the United States pursues in world affairs—peace, human rights, economic progress, national independence—will also be out of reach. We can—and must—do better.

With that introduction, let me briefly lay out for this Committee what I see as the challenge posed by the Soviet Union's international behavior in recent years and the strategy which that challenge requires of us. Then I would like to discuss steps this Administration has taken to implement that strategy. Finally, I will focus on the specific issues that make up the agenda for US-Soviet dialogue and negotiation.

Together, these elements constitute a policy that takes account of the facts of Soviet power and of Soviet conduct, mobilizes the resources needed to defend our interests, and offers an agenda for constructive dialogue to resolve concrete international problems. We believe that, if sustained, this policy will make international restraint Moscow's most realistic course, and it can lay the foundation for a more constructive relationship between our peoples.

I. THE SOVIET CHALLENGE

It is sometimes said that Americans have too simple a view of world affairs, that we start with the assumption that all problems can be solved. Certainly we have a simple view of how the world should be—free peoples choosing their own destinies, nurturing their prosperity, peaceably resolving conflicts. This is the vision that inspires America's role in the world. It does not, however, lead us to regard mutual hostility with the USSR as an immutable fact of international life.

Certainly there are many factors contributing to East-West tension. The Soviet Union's strategic Eurasian location places it in close proximity to important Western interests on two continents. Its aspirations for greater international influence lead it to challenge these interests. Its Marxist-Leninist ideology gives its leaders a perspective on history and a vision of the future fundamentally different from our own. But we are not so deterministic as to believe that geopolitics and ideological competition must ineluctably lead to permanent and dangerous confrontation. Nor is it permanently inevitable that contention between the United States and the Soviet Union must dominate and distort international politics.

A peaceful world order does not require that we and the Soviet Union agree on all the fundamentals of morals or politics. It does require, however, that Moscow's behavior be subject to the restraint appropriate to living together on this planet in the nuclear age. Not all the many external and internal factors affecting Soviet behavior can be influenced by us. But we take it as part of our obligation to peace to encourage the gradual evolution of the Soviet system toward a more pluralistic political and economic system, and above all to counter Soviet expansionism through sustained and effective political, economic, and military competition.

In the past decade, regrettably, the changes in Soviet behavior have been for the worse. Soviet actions have come into conflict with many of our objectives. They have made the task of managing the Soviet-American relationship considerably harder, and have needlessly drawn more and more international problems into the East-West rivalry.

To be specific, it is the following developments which have caused us the most concern:

First is the continuing Soviet quest for military superiority even in the face of mounting domestic economic difficulties.

In the late 1970's the allocation of resources for the Soviet military was not only at the expense of the Soviet consumer. It came even at the expense of industrial investment on which the long-term development of the economy depends. This decision to mortgage the industrial future of the country is a striking demonstration of the inordinate value the Soviets assign to maintaining the momentum of the relentless military buildup underway since the mid-1960's. This buildup consumed an estimated annual average of at least 12 percent of Soviet GNP throughout this entire period, and has recently consumed even more as a result of the sharp decline in Soviet economic growth. During much of this same period, as you know, the share of our own GNP devoted to defense spending has actually declined.

The second disturbing development is the unconstructive Soviet involvement, direct and indirect, in unstable areas of the Third World. Arms have become a larger percentage of Soviet exports than of the export trade of any other country. The Soviets have too often attempted to play a spoiling or scavenging role in areas of concern to us, most recently in the Middle East.

Beyond this, the Soviets in the 70's broke major new ground in the kinds of foreign military intervention they were willing to risk for themselves or their surrogates. This has escalated from the provision of large numbers of military advisers, to the more extensive and aggressive use of proxy forces as in Angola, Ethiopia, and Indochina, and finally to the massive employment of the Soviet Union's own ground troops in the invasion of Afghanistan. In this way, the Soviet Union has tried to block peaceful solutions and has brought East-West tensions into areas of the world that were once free of them.

Third is the unrelenting effort to impose an alien Soviet "model" on nominally independent Soviet clients and allies. One of the most important recent achievements in East-West relations was the negotiation of the Helsinki Final Act, with its pledges concerning human rights and national independence in Europe. Poland's experience in the past two years can be considered a major test of the Soviet Union's respect—or lack of it—for these commitments. Moscow clearly remains unwilling to countenance meaningful national autonomy for its satellites, let alone real independence.

Elsewhere in the world, the coming to power of Soviet-supported regimes has usually meant (as in Afghanistan) the forcible creation of Soviet-style institutions and the harsh regimentation and repression of free expression and free initiative—all at enormous human, cultural, and economic cost.

Fourth is Moscow's continuing practice of stretching a series of treaties and agreements to the brink of violation and beyond. The Soviet Union's infringement of its promises and legal obligations is not confined to isolated incidents. We have had to express our concerns about Soviet infractions on one issue after another—human rights and the Helsinki Final Act, "yellow rain" and biological warfare. We are becoming increasingly concerned about Soviet practices—including the recent testing of ICBMs—that raise questions about the validity of their claim of compliance with existing SALT agreements. Little else is so corrosive of international trust as this persistent pattern of Soviet behavior.

II. THE AMERICAN RESPONSE: BEYOND CONTAINMENT AND DÉTENTE

This assessment of Soviet international behavior both dictates the approach we must take to East-West relations, and indicates the magnitude of the task.

If we are concerned about the Soviet commitment to military power, we have to take steps to restore the military balance, preferably on the basis of verifiable agreements that reduce arms on both sides, but if necessary through our own and allied defense programs.

If we are concerned about the Soviet propensity to use force and promote instability, we have to make clear that we will resist encroachments on our vital interests and those of our allies and friends.

If we are concerned about the loss of liberty that results when Soviet clients come to power, then we have to ensure that those who have a positive alternative to the Soviet model receive our support.

Finally, if we are concerned about Moscow's observance of its international obligations, we must leave Moscow no opportunity to distort or misconstrue our own intentions. We will defend our interests if Soviet conduct leaves us no alternative; at the same time we will respect legitimate Soviet security interests and are ready to negotiate equitable solutions to outstanding political problems.

In designing a strategy to meet these goals, we have, of course, drawn in part on past strategies, from containment to detente. There is, after all, substantial continuity in US policy, a continuity that reflects the consistency of American values and American interests. However, we have not hesitated to jettison assumptions about US-Soviet relations that have been refuted by experience or overtaken by events.

Consider how the world has changed since the Truman Administration developed the doctrine of containment. Soviet ambitions and capabilities have long since reached beyond the geographic bounds that this doctrine took for granted. Today Moscow conducts a fully global foreign and military policy that places global demands on any strategy that aims to counter it. Where it was once our goal to contain the Soviet presence within the limits of its immediate postwar reach, now our goal must be to advance our own objectives, where possible foreclosing and when necessary actively countering Soviet challenges wherever they threaten our interests.

The policy of detente, of course, represented an effort to induce Soviet restraint. While in some versions it recognized the need to resist Soviet geopolitical encroachments, it also hoped that the anticipation of benefits from expanding economic relations and arms control agreements would restrain Soviet behavior.

Unfortunately, experience has proved otherwise. The economic relationship may have eased some of the domestic Soviet economic constraints that might have at least marginally inhibited Moscow's behavior. It also raised the specter of a future Western dependence on Soviet-bloc trade that would inhibit Western freedom of action towards the East more than it would dictate prudence to the USSR. Similarly, the SALT I and SALT II processes did not curb the Soviet strategic arms buildup, while encouraging many in the West to imagine that security concerns could now be placed lower on the agenda.

Given these differences from the past, we have not been able merely to tinker with earlier approaches. Unlike containment, our policy begins with the clear recognition that the Soviet Union is and will remain a global superpower. In response to the lessons of this global superpower's conduct in recent years, our policy, unlike some versions of detente, assumes that the Soviet Union is more likely to be deterred by our actions that make clear the risks their aggression entails than by a delicate web of interdependence.

Our policy is not based on trust, or on a Soviet change of heart. It is based on the expectation that, faced with demonstration of the West's renewed determination to strengthen its defenses, enhance its political and economic cohesion, and oppose adventurism, the Soviet Union will see restraint as its most attractive, or only, option.

Perhaps, over time, this restraint will become an ingrained habit; perhaps not. Either way, our responsibility to be vigilant is the same.

III. PROGRAMS TO INCREASE OUR STRENGTH

In a rapidly evolving international environment, there are many fundamental ways the democratic nations can, and must, advance their own goals in the face of the problem posed by the Soviet Union. We must build a durable political consensus at home and within the Atlantic Alliance on the nature of the Soviet challenge. We must strengthen our defenses and those of our allies. We must build a common approach within the Alliance on the strategic implications of East-West economic relations. And we must compete peacefully and even more effectively with the USSR for the political sympathies of the global electorate, especially through the promotion of economic dynamism and democracy throughout the World. Finally, we must continue rebuilding America's moral-spiritual strength. If sustained over time, these policies can foster a progressively more productive dialogue with the Soviet Union itself.

Building Consensus. From the beginning of this Administration, the President recognized how essential it was to consolidate a new consensus, here at home and among our traditional allies and friends.

After fifteen years in which foreign policy had been increasingly a divisive issue, he believed we had an opportunity to shape a new unity in America, expressing the American people's recovery of self-confidence. After the trauma of Vietnam, he sought to bolster a realistic pride in our country and to reenforce the civic courage and commitment on which the credibility of our military deterrent ultimately rests.

The President also felt that the possibility of greater cooperation with our allies depended importantly on a reaffirmation of our common moral values and interests. There were, as well, opportunities for cooperation with friendly governments of the developing world and new efforts to seek and achieve common objectives.

Redressing the Military Balance. President Reagan also began a major effort to moderize our military forces. The central goal of our national security policy is deterrence of war; restoring and maintaining the strategic balance is a necessary condition for that deterrence. But the strategic balance also shapes, to an important degree, the global environment in which the United States pursues its foreign policy objectives. Therefore, decisions on major strategic weapons systems can have profound political as well as military consequences.

As Secretary of State I am acutely conscious of the strength or weakness of American power and its effect on our influence over events. Perceptions of the strategic balance are bound to affect the judgments of not only our adversaries but also our allies and friends around the world who rely on us. As leader of the democratic nations, we have an inescapable responsibility to maintain this pillar of the military balance, which only we can maintain. Our determination to do so is an important signal of our resolve, and is essential to sustaining the confidence of allies and friends and the co-

hesion of our alliances. This is why the Congress's support of the Peacekeeper ICBM program has been such a valuable contribution to our foreign policy, as well as to our defense.

At the same time, we have begun an accelerated program to strengthen our conventional capabilities. We are pursuing major improvements of our ground, naval, and tactical air forces; we have also added a new Central Command in the Middle East that will enhance our ability to deploy forces rapidly if threats to our vital interests make this necessary. To deter or deal with any future crisis, we need to maintain both our conventional capabilities and our strategic deterrent.

We are also working closely with our allies to improve our collective defense.

As shown in the security declaration of the Williamsburg Summit and in the North Atlantic Council communique of just the other day, we and our allies are united in our approach in the INF negotiations in Geneva and remain on schedule for the deployment of Pershing II and ground-launched cruise missiles. That deployment will take place as planned unless we are able to reach a balanced and verifiable agreement at Geneva which makes deployment unnecessary.

Upgrading NATO's conventional forces is, of course, a collective Alliance responsibility. At the NATO summit in Bonn a year ago, the President and the leaders of the Atlantic Alliance reaffirmed that a credible conventional defense is essential to ensuring European security. We and our allies will continue our efforts toward this goal. At the same time, we have taken steps to ensure a more equitable sharing of the burden of that defense. As a measure of the value of such steps, we estimate that last year's agreement with the FRG on host-nation support will cost about 10 percent of what it would cost to provide the same capability with US reserves or 3 percent of what it would cost to provide that capability with active forces.

The Soviets apparently believe they can weaken or divide the Western Alliance if they can dominate outlying strategic areas and resources.

To deter threats to our vital interests outside of Europe, we are developing our ability to move forces, supported by our allies, to key areas of the world such as Southwest Asia. The allies are also working with us to contribute to stability and security in certain volatile areas, including Lebanon and the Sinai.

In Asia we are modernizing our forces and are working with our allies, especially Japan and Korea, to improve their ability to fulfill agreed roles and missions.

Reassessing the Security Implications of East-West Economic Relations. The balance of power cannot be measured simply in terms of military forces or hardware; military power rests on a foundation of economic strength. Thus, we and our allies must not only strengthen our own economies but we must also develop a common approach to our economic relations with the Soviet Union that takes into account our broad strategic and security interests. In the past, the nations of the West have sometimes helped the Soviets to avoid difficult economic choices by allowing them to acquire militarily relevant technology and subsidized credits. Possible dependence on energy imports from the Soviet Union is another cause for concern.

In the past year, we have made substantial progress toward an allied consensus on East-West trade. The Williamsburg Summit declaration stated clearly:

"East-West economic relations should be compatible with our security interests." The NATO communique two days ago made a similar statement. Our allies agree with us that trade which makes a clear and direct contribution to the military strength of the Soviet Union should be prohibited. There is also general agreement that economic relations with the USSR should be conducted on the basis of a strict balance of mutual advantages.

Studies undertaken under NATO and OECD auspices have for the first time laid the groundwork for common analyses. We expect in time to draw common policy conclusions from these studies. The communique of the OECD ministerial meeting on May 9-10 declared that "East-West trade and credit flows should be guided by the indications of the market. In the light of these indications, Governments should exercise financial prudence without granting preferential treatment." The United States seeks agreement that we not subsidize Soviet imports through the terms of government credits. Beyond this, we urge other Western governments to exercise restraint in providing or guaranteeing credit to the Soviet Union, allowing the commercial considerations of the market to govern credit.

Similarly, at the IEA ministerial meeting in Paris on May 8, it was agreed that security concerns should be considered among the full costs of imported energy, such as gas; it was agreed that countries "would seek to avoid undue dependence on any one source of gas imports and to obtain future gas supplies from secure sources, with emphasis on indigenous OECD sources."

The fruitful cooperative discussions of these issues at the OECD, IEA, Williamsburg, and NATO are only a beginning. Economic relationships are a permanent element of the strategic equation. How the West should respond economically to the Soviet challenge will and should be a subject of continuing discussion in Western forums for years to come.

Peace and Stability in the Third World. Since the 1950's, the Soviet Union has found in the developing regions of the Third World its greatest opportunities for extending its influence through subversion and exploitation of local conflicts. A satisfactory East-West military balance will not by itself close off such opportunities. We must also respond to the economic, political, and security problems that contribute to these opportunities. Our approach has four key elements:

First, in the many areas where Soviet activities have added to instability, we are pursuing peaceful diplomatic solutions to regional problems, to raise the political costs of Soviet-backed military presence and to encourage the departure of Soviet-backed forces. Our achievements in the Middle East, while far from complete, are addressed to this goal; we are actively encouraging ASEAN efforts to bring about Vietnamese withdrawal from Kampuchea; we strongly support the worldwide campaign for Soviet withdrawal from Afghanistan; and we have made considerable progress toward an internationally acceptable agreement on Namibia. In our own hemisphere, we are working with other regional states in support of a peaceful solution to the conflict and instability in Central America.

Second, we are building up the security capabilities of vulnerable governments in strategically important areas. We are helping our friends to help themselves and to help each other. For this purpose, we are asking the Congress for a larger, more flexible security assistance program for FY 84.

Third, our program recognizes that economic crisis and political instability create fertile ground for Soviet-sponsored adventurism. We are seeking almost $4 billion in economic assistance to help developing countries lay the basis for economic and social progress. We are seeking congressional approval to raise IMF quotas and broaden IMF borrowing arrangements to address critical financial needs of some of the largest Third World nations. We urge the Congress to approve the full amount requested by the Administration toward meeting the US commitment to the IDA.

Finally, there is the Democracy Initiative, an effort to assist our friends in the Third World to build a foundation for democracy. It is patronizing to assume that the peoples of the developing world do not have the same aspirations for liberty and democracy that peoples in the industrialized West are fortunate enough to enjoy. Therefore we are seeking ways to assist unions, political parties, journalists and other groups that are striving to build pluralistic societies and democratic institutions. As we pursue critical security goals in areas as close to home as Central America, we continue to encourage, indeed to insist, that democratization and respect for human rights be part of the process.

To the extent that our involvement there is constrained by Congressional action, I must say, these very objectives are harmed the most.

IV. NEGOTIATION AND DIALOGUE: THE U.S.-SOVIET AGENDA

Together these programs increase our political, military and economic strength and help create an international climate in which opportunities for Soviet adventurism are reduced. They are essential for the success of the final element of our strategy—engaging the Soviets in an active and productive dialogue on the concrete issues that concern the two sides. Strength and realism can deter war, but only direct dialogue and negotiation can open the path toward lasting peace.

In this dialogue, our agenda is as follows:

To seek improvement in Soviet performance on human rights;

To reduce the risk of war, reduce armaments through sound agreements, and ultimately ease the burdens of military spending;

To manage and resolve regional conflicts; and

To improve bilateral relations on the basis of reciprocity and mutual interest.

This is a rigorous and comprehensive agenda, and our appoach to it is principled, practical, and patient. We have pressed each issue in a variety of forums, bilateral and multilateral. We have made clear that the concerns we raise are not ours alone, but are shared by our allies and friends in every region of the globe. We have made clear that each of our concerns is serious, and the Soviets know that we do not intend to abandon any of them merely because agreement cannot be reached quickly, or because agreement has been reached on others.

Let me briefly review the state of our dialogue in each of these areas.

Human rights is a major issue on our agenda. To us it is a matter of real concern that Soviet emigration is at its lowest level since the 1960's, and that Soviet constriction

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of emigration has coincided with a general crackdown against all forms of internal dissent. The Helsinki monitoring groups have all been dispersed and their leaders have been imprisoned or expelled from the country. And the Soviet Union's first independent disarmament group has been harassed and persecuted.

We address such questions both multilaterally and bilaterally. In such forums as the UN Human Rights Commission, the International Labor Organization, and especially the Review Conference of CSCE, we have made clear that human rights cannot be relegated to the margins of international politics. Our Soviet interlocutors have a different view; they seek to dismiss human rights as a "tenth-rate issue", not worthy of high-level attention.

But our approach will not change. Americans know that national rights and individual rights cannot realistically be kept separate. We believe, for example, that the elements of the postwar European "settlement" that were adopted by the parties to the Helsinki Final Act in 1975 form an integral whole; no one part will survive alone. Guided by this conviction, we and our allies have held at the Madrid Review Conference that movement in one "basket" of this settlement—such as the convening of a European disarmanent conference—must be matched by progress in other "baskets," especially human rights.

We insist on this balance because we believe that international obligations must be taken seriously by the governments that assume them. But there is also a deeper reason that directly concerns the question of security.

In Europe, as elsewhere, governments that are not at peace with their own people are unlikely to be on good terms with their neighbors. The only significant use of military force on the continent of Europe since 1945 has been by the Soviet Union against its East European "allies." As long as this unnatural relationship continues between the USSR and its East European neighbors, it is bound to be a source of instability in Europe.

We have been just as concerned about human rights issues on a bilateral as on a multilateral basis. The need for steady improvement of Soviet performance in the most important human rights categories is as central to the Soviet-American dialogue as any other theme. Sometimes we advance this dialogue best through public expressions of our concerns, at other times through quiet diplomacy. What counts, and the Soviets know this, is whether we see results.

Arms Control. We believe the only arms control agreements that count are those that provide for real reductions, equality, verifiability, and enhanced stability in the East-West balance. Success in our negotiations will not, of course, bring East-West competition to an end. But sustainable agreements will enable us to meet the Soviet challenge in a setting of greater stability and safety.

The United States is now applying these principles in an ambitious program of arms control negotiations including INF, START, MBFR, and the on-going discussions in the UN Committee on Disarmament in Geneva. If we can reach a balanced agreement in the CSCE at Madrid, we would be prepared to participate also in a conference on disarmament in Europe.

No previous administration has put so many elements of the East-West military equation on the negotiating table. You are aware of the US position in the various talks, so I need not go into great detail. I will, however, touch on the main points.

In the Strategic Arms Reductions Talks (START), the United States has focused on the most destabilizing strategic systems—land-based ballistic missiles. Our objective is to strengthen deterrence while enhancing strategic stability through reductions. The President has proposed reductions in ballistic missile warheads by one-third. In presenting a comprehensive proposal, he has indicated that all strategic weapons are "on the table." Although our respective positions are far apart, the Soviets apparently accept the proposition that an agreement must involve significant reductions. This is progress. We have recently undertaken a full review of the US position, which included an assessment of the Scowcroft Commission's recommendations and some thoughtful suggestions from the Congress.

One week ago, the President announced that he is willing to raise the deployed-missile ceiling in accordance with the Scowcroft recommendations. He also announced that he has given our negotiators new flexibility to explore all appropriate avenues for achieving reductions. It is now up to the Soviet Union to reciprocate our flexibility.

We have also tabled a draft agreement on confidence-building measures that calls for exchange of information and advance notification of ballistic missile launches and major exercises. We want to move forward promptly to negotiate separate agreements on these very important measures, which would enhance stability in a crisis as well as symbolizing the common interest in preventing war. Yet another effort to prevent misperception of military activities on either side, and thus to lower the risk of war, is the President's recent proposal to expand and upgrade crisis communications between Washington and Moscow. Here, too, we hope for early agreement.

In the negotiations on Intermediate-Range Nuclear Forces (INF), "equal rights and limits" between the United States and the Soviet Union is one of our key principles. President Reagan's proposal of November 1981 sought to achieve the complete elimination of those systems on each side about which the other side has expressed the greatest concern—that is, longer-range, land-based INF missiles.

We still regard this as the most desirable outcome. Yet after more than a year of talks, the Soviets continue to resist this equitable and effective solution. In fact, their position has not substantially changed since it was first put forth nearly a year ago. The proposal made by Mr. Andropov last December would allow the Soviet Union to maintain its overwhelming monopoly of longer-range INF missiles while prohibiting the deployment of even one comparable US missile.

In an effort to break this stalemate, the President has proposed an interim agreement as a route to the eventual elimination of LR INF systems. Under such an agreement, we would reduce the number of missiles we plan to deploy in Europe if the Soviet Union will reduce the total number of warheads it has already deployed to an equal level. This would result in equal limits for both sides on a global basis. Reflecting the concerns of our Asian allies and friends, we have made it clear that no agreement can come at their expense. We hope that in the current round of negotiations the Soviets will move to negotiate in good faith on the President's proposal, which was unanimously supported by our partners at the Williamsburg Summit.

In the Mutual and Balanced Force Reductions (MBFR) talks in Vienna, NATO and the Warsaw Pact are discussing an agreement on conventional forces in Central Europe, the most heavily armed region of the world, where Warsaw Pact forces greatly exceed NATO's.

Last year, the President announced a new Western position in the form of a draft treaty calling for substantial reductions to equal manpower levels. Although the Soviets and their allies have agreed to the principle of parity, progress has been prevented by inability to resolve disagreement over existing Warsaw Pact force levels and by problems of verification.

In the 40-nation Committee on disarmament in Geneva, the United States has introduced a far-reaching proposal for a comprehensive ban on chemical weapons—an agreement which would eliminate these terrible weapons from world arsenals. This initiative has been vigorously supported by our allies and friends, as well as many nonaligned nations. Our emphasis on the importance of mandatory on-site inspections has been widely applauded. An independent, impartial verification system, observed by and responsive to all parties, is essential to create confidence that the ban is being respected.

In other areas, we have proposed to the Soviet Union improvements in the verification provisions of two agreements to limit undergound nuclear testing. So far the Soviet response has been negative. We have also initiated a dialogue with the Soviets in one area where our respective approaches very often coincide: nuclear non-proliferation.

We should not anticipate early agreement in any of these negotiations. The Soviets have their own positions, and they are tough, patient negotiators. But we believe that our positions are fair and even-handed and that our objectives are realistic.

Regional Issues. Important as it is, arms control has not been—and cannot be—the dominant subject of our dialogue with the Soviets. We must also address the threat to peace posed by the Soviet exploitation of regional instability and conflict. Indeed, these issues—arms control and political instability—are closely related: the increased stability that we try to build into the superpower relationship through arms control can be undone by irresponsible Soviet policies elsewhere. In our numerous discussions with the Soviet leadership, we have repeatedly expressed our strong interest in reaching understandings with the Soviets that would minimize superpower involvement in conflicts beyond their borders.

The list of problem areas is formidable, but we have insisted that regional issues are central to progress. We have made clear our commitment to relieve repression and economic distress in Poland, to achieve a settlement in Southern Africa, to restore independence to Afghanistan, to end the occupation of Kampuchea and to halt Soviet- and Cuban-supported subversion in Central America.

In each instance, we have conveyed our views forcefully to the Soviets in an attempt to remove the obstacles that Soviet conduct puts in the way of resolving these problems.

Last year, for example, Ambassador Hartman conducted a round of exploratory talks on Afghanistan between U.S. and Soviet officials in Moscow. Any solution to the Afghanistan problem must meet four requirements: complete withdrawal of Soviet forces, restoration of Afghanistan's independent and non-aligned status, formation of a government acceptable to the Afghan people, and honorable return of the refugees. This is not the view of the United States alone. These principles underlie the discussions now underway under the auspices of the UN Secretary General, which we support.

On Southern African problems, Assistant Secretary Crocker has held a number of detailed exchanges with his Soviet counterpart. Southern Africa has been a point of tension and periodic friction between the United States and the Soviet Union for many years. We want to see tensions in the area reduced. But this more peaceful future will not be achieved unless all parties interested in the region show restraint, external military forces are withdrawn, and Namibia is permitted to achieve independence.

If the Soviets are at all concerned with the interests of Africans, they should have an equal interest in achieving these objectives.

As in our arms control negotiations, we have made it absolutely clear to the Soviets in these discussions that we are not interested in cosmetic solutions. We are interested in solving problems fundamental to maintenance of the international order.

It is also our view that Soviet participation in international efforts to resolve regional conflicts—in Southern Africa or the Middle East, for example—depends on Soviet conduct. If the Soviets seek to benefit from tension and support those who promote disorder, they can hardly expect to have a role in the amelioration of those problems. Nor should we expect them to act responsibly merely because they gain a role. At the same time, we have also made it clear that we will not exploit, and in fact are prepared to respond positively to, Soviet restraint. The decision in each case is theirs.

Bilateral Relations. The final part of our agenda with the Soviets comprises economic and other bilateral relations. In our dialogue, we have spelled out our view of these matters in a candid and forthright way.

As we see it, economic transactions can confer important strategic benefits and we must be mindful of the implications for our security. Therefore, as I have already indicated, we believe economic relations with the East deserve more careful scrutiny than in the past. But our policy is not one of economic warfare against the USSR. East-West trade in non-strategic areas—in the words of the NATO communique—"conducted on the basis of commercially sound terms and mutual advantage, that avoids preferential treatment of the Soviet Union, contributes to constructive East-West relations."

Despite the strains of the past few years in our overall relationship, we have maintained the key elements in the structure for bilateral trade. We have recently agreed with the USSR to extend our bilateral fisheries agreement for one year and have begun to negotiate a new long-term U.S.-Soviet grain agreement. Our grain sales are on commercial terms and are not made with government-supported credits or guarantees of any kind.

As for contacts between people, we have cut back on largely symbolic exchanges, but maintained a framework of cooperation in scientific, technical, and humanitarian fields. A major consideration as we pursue such exchanges must be reciprocity. If the Soviet Union is to enjoy virtually unlimited opportunities for access to our free society, U.S. access to Soviet society must increase.

We have made progress toward gaining Soviet acceptance of this principle as is indicated by the airing in Moscow this past weekend of an interview with Deputy Secretay Dam.

Eight bilateral cooperative agreements are now in effect, and exchanges between the Academies of Science continue, as do exchanges of young scholars and Fulbright fellows. America Illustrated magazine continues to be distributed in the Soviet Union in return for distribution here of Soviet Life, in spite of the absence of a cultural exchanges agreement. Toward the private sector we have maintained an attitude of neither encouraging nor discouraging exchanges, and a steady flow of tourists and conference participants goes on in both directions. The number of US news bureaus in Moscow has actually increased in the last year.

V. PROSPECTS

It is sometimes said that Soviet-American relations are "worse than ever." Certainly the issues dividing our two countries are serious. But let us not be misled by "atmospherics," whether sunny or, as they now seem to be, stormy.

In the mid-50's, for example, despite the rhetoric and tension of the Cold War—and in the midst of a leadership transition—the Soviet Union chose to conclude the Austrian State Treasury. It was an important agreement, which contributed to the security of Central Europe, and it carries an important lesson for us today. The Soviet leadership did not negotiate seriously merely because Western rhetoric was firm and principled, nor should we expect rhetoric was firm and principled, nor should we expect rhetoric to suffice now or in the future. But adverse "atmospherics" did not prevent agreement; Soviet policy was instead affected by the pattern of Western actions, by our resolve and clarity of purpose. And the result was progress.

There is no certainty that our current negotiations with the Soviets will lead to acceptable agreements. What is certain is that we will not find ourselves in the position in which we found ourselves in the aftermath of detente. We have not staked so much on the prospect of a successful negotiating outcome that we have neglected to secure ourselves against the possibility of failure. Unlike the immediate post-war period, when negotiating progress was a remote prospect, we attach the highest importance to articulating the requirements for an improved relationship and to exploring every serious avenue for progress. Our parallel pursuit of strength and negotiation prepares us both to resist continued Soviet aggrandizement and to recognize and respond to positive Soviet moves.

We have spelled out our requirements—and our hope—for a more constructive relationship with the Soviet Union. The direction in which that relationship evolves will ultimately be determined by the decisions of the Soviet leadership. President Brezhnev's successors will have to weigh the increased costs and risks of relentless competition against the benefits of a less tense international environment in which they could more adequately address the rising expectations of their own citizens. While we can define their alternatives, we cannot decipher their intentions. To a degree unequaled anywhere else, Russia in this respect remains a secret.

Her history, of which this secrecy is such an integral part, provides no basis for expecting a dramatic change. And yet it also teaches that gradual change is possible. For our part, we seek to encourage change by a firm but flexible US strategy, resting on a broad consensus, that we can sustain over the long term whether the Soviet Union changes or not. If the democracies can meet this challenge, they can achieve the goals of which President Reagan spoke at Los Angeles: both defend freedom and preserve the peace.

DR. HERMAN BRUSON

Mr. DODD. Mr. President, the United States has been blessed with an abundance of natural resources. Of these by far the greatest are the talent, ingenuity, and creativity of the American people. For many years, my State of Connecticut was fortunate to number among its residents the late Herman Bruson, a brilliant chemist and inventor, who embodies those outstanding qualities.

In a lifetime that spanned most of the first eight decades of this century, Dr. Bruson was granted more than 400 patents. Dyes for polyester fiber, flame-resistent polyurathane foam, various pesticides and bacteriocides were only a few of the areas in which he did pioneering work. His peers acknowledged his achievements with a number of prestigious awards. They included the American Institute of Chemists, Chemical Pioneer Award in 1966, the American Chemical Society Gold Medal in 1971 and Eli Whitney Award of the Connecticut Patent Law Association in 1981.

Dr. Bruson's career also evidenced the fact that, in the modern era, wars are won just as much in the laboratory as on the battlefield. Allied commandos used a special fast-burning powder of his invention to destroy German coal-carrying freights. He even played a vital role in perhaps the single most decisive battle of World War II, Stalingrad. At the request of our military leaders, Dr. Bruson perfected a low viscosity oil additive capable of functioning in extremely low temperatures. It arrived in time to free the operation of Russian tanks and machine-guns when their panzer opponents remained locked in icy immobility.

Dr. Bruson's life exemplified the contributions which inventors have made to America's quality of life—contributions which while often not well-known are invaluable and deserve our lasting gratitude.

THE LATE SENATOR MILTON YOUNG

Mr. STEVENS. Mr. President, it is with the highest regard that I reflect back on the life of a man we all admired and respected, the late Senator Milton Young. Senator Young was an example to all of us, for he represents dedication and devotion not only in regard to his service as a U.S. Senator but in all aspects of his life.

I knew Milt Young on a professional as well as personal level. He befriended me when I was appointed to the Senate in 1968, and was a great inspiration in the shaping of my career in the Senate. He was always willing to assist me when I was in need of guidance.

Our friendship developed due to our close association on the Appropriations Committee. He and his wife Pat were close family friends.

It was during our work on the Appropriations Committee that, on a daily basis, I observed his honesty and genuine concern for the people of North Dakota. Milt Young did what he thought was best rather than what was politically expedient.

Having been born and raised on a farm in Berlin, N. Dak., Milt remained an avid supporter of the American farmer throughout his long career in public office which began in 1924. He continued farming until his appointment to the Senate in 1945.

Milt was a major influence in shaping virtually every major piece of farm legislation for the 35 years he served in the Senate. He was the principal contributor in establishing the farm support program. He sponsored both the Public Law 480 food-for-peace program and the Rural Telephone Act which brought a major new source of communication to all rural areas, including parts of North Dakota and Tennessee. In addition, he was a major factor in inaugurating the target price concept for the American farmer. The legislation he supported, however, was not just aimed at helping the farmer but also directed at protecting the interest of both consumers and producers.

Milt Young had the trust of the people of North Dakota. He was reelected to six full terms in the Senate. In addition, Senator Young had the respect of those who worked with him in this body. He developed a model approach to legislation which included a keen ability to advocate a position and the skill to reach resourceful compromises. This valued legislative ability was certainly missed when he retired from Senate in January 1981, however, it has not been forgotten.

Milt Young's wife, Pat, is a wonderful woman who was truly devoted to her husband. She has always had many friends in the Senate that I know join me in extending their sympathies. Our hearts are all with her at this time.

Those of us who were privileged to serve with Milt Young as a colleague can hold nothing but tremendous admiration for him and his accomplishments. We in the Senate are proud to have had such a man of conviction and principal to serve in this body.

CENTRAL AMERICAN COMMISSION

Mr. JACKSON. Mr. President, I ask unanimous consent that the resolution which is at the desk, Senate Resolution 158, sponsored by myself and Senator MATHIAS, may remain at the desk through Wednesday of next week for additional cosponsors.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

ALASKA STATEHOOD

Mr. STEVENS. Mr. President, I would like once again to remind the Senate of the excitement that gripped the entire Nation on the eve of the Alaska statehood debate in the Senate 25 years ago. Newspapers from Woonsocket, R.I., to Seattle urged the Senate to add a 49th star to the flag.

The Hearst newspapers wrote that my good friend Senator HENRY JACKSON was assuming—

> The biggest role of his Senate career . . . one that may put his name indelibly in the history books.

As floor manager of the bill.

When debate finally began on June 23, 1958, Alaska supporters were confident we had the votes for a final victory but less sure we could pass the House bill without amendments. Sending the bill back to the House meant it might end in the Rules Committee and die there.

Statehood opponents tried to block the bill with the tired arguments that Alaska's population was too small, that the land grant in the bill was a giveaway, or that the territory lacked the resources to support itself.

A number of supporters, such as Senators James Murray, Mike Mansfield, Frank Church and Tommie Kuchel spoke out forcefully in support of the simple justice of Alaska's cause.

At this time, I ask unanimous consent to have printed a number of newspapers articles on the statehood bill's progress which appeared at that time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Post Intelligencer, June 20, 1958]

JACKSON'S JOB

Senator Henry M. Jackson is visiting Seattle and his home state today but he can't stay long, not even to engage himself in the very personal problems of his campaign for reelection.

The Alaska statehood bill is coming up in the Senate probably Monday and the Senator's task is not only to cast a vote but to provide the leadership to give the country the first new state in 48 years.

Senator Jackson has worked hard to make Alaska a state to fulfill America's 90-year-old commitment to do so and to fulfill the Democratic Party's 1956 platform pledge.

Now he assumes the biggest role of his Senate career, one with significance to the whole nation and in truth to the whole world free or fettered, one that may put his name indelibly in the history books.

The Senator is to be the floor leader for the bill and thus its passage depends upon his skill, his tactics and his leadership.

It was passed in the House by an impressive vote but with such parliamentary procedure that it faces jeopardy from amendments by opponents hopeful of killing it by any means.

Senator Jackson has the experience, the courage and the conviction for his role. His associates in the Senate are confident that he can achieve passage.

The people of all 48 states will be watching him and they, too, are hopeful that he can—hopeful 12 to one, public opinion polls show.

The Hearst Papers wish you success, Senator Jackson.

[From the Seattle Post Intelligencer, June 22, 1958]

FOR STATEHOOD: WHY I FAVOR ALASKA

(By Fred A Seaton, Secretary of the Interior)

As a territory of the United States, Alaska has long had orderly and lawful government in the tradition of the American system. But one thing—a tremendously important and intrinsically valuable thing—has been missing. And it is something in which every American, wherever he may be, believes with all his heart and soul.

Yes, there is a plentitude of government in Alaska. There is government for her fisheries and her minerals, for her mountains and lakes, islands and tidal flats. There is government for her waterfowl and caribou, seals and walruses, for taxes and tax collectors and her courts and criminals. A government for transportation and communications systems and for her Aleuts, Eskimos and Indians.

As is the case everywhere, there is government enough and, perhaps, even some to spare.

What Alaska does not have outweighs all else in the scales of human justice. That is government of the people, by the people, for the people.

That omission, in essence, is why I so strongly support statehood.

God willing, we now are near the end of the long struggle to accomplish our mission.

As an incorporated territory of the United States, Alaska, this giant area of 375 million acres of land and water, has the body and the strength, and the loyalty to pull her weight and do her part as a full-fledged member state of the Republic.

All she lacks is a voice and vote in the halls of Congress and the rights of full and free suffrage. Anything else would be a travesty and a violation of simple justice.

[From the New York Times, June 22, 1958]

ALASKANS WEIGH THE BENEFITS OF STATEHOOD

ANCHORAGE, ALASKA, June 21—An undercurrent of excitement, remarkably well controlled, is gripping Alaskans as they await the Senate's decision on adding a forty-ninth star to the flag.

Every item from the States bearing on statehood for Alaska is page one news.

Down in the southeastern Alaska panhandle, which for long was lukewarm, if not downright hostile, to statehood, some newspapers are still against it. Among these, The Ketchikan Daily News asserted, just before the favorable House vote, that "most voters here know that Alaska is in no condition . . . to take on the added costs which statehood would impose at the present time."

Papers like The Fairbanks News-Miner and The Anchorage Daily Times, leaders in the pro-statehood fight, have been contending that statehood is the forerunner of new industries, of the pouring of venture capital into an area that would gain stability with its new status.

The Anchorage Times asserted also: "Minds and understanding grow as a result of the perpetual challenge of the great northland. ['Alaskans'] mental, spiritual and cultural growth of the past generation and their mastery of problems that often seemed unsurmountable are eminent qualifications for full citizenship."

The traditional man-in-the-street often reflects the attitude of the newspapers. Sometimes, as in the case of the hotel bell hop, he is like those territorial papers that are content to operate without an editorial page.

"Many people, like myself, haven't studied statehood carefully enough," he said.

The Fourth Avenue barber, however, was all for statehood.

"It will bring us in more business," he said while collecting $2.50 for a haircut.

Individually, Alaskans say statehood would raise their taxes and perhaps cost them more to live. But great numbers of them seemed willing and even eager to accept this situation because they believe, to be citizens of America's farthest north state would give them a great psychological lift.

[From the Washington Post, June 14, 1958]

ALASKA STATEHOOD DEBATED IN SENATE

(By Robert C. Albright)

The Senate late yesterday called up the House-approved Alaska statehood bill and opened a bipartisan push for passage in an atmosphere more favorable to statehood than at any time in recent years.

Acting Democratic Leader Mike Mansfield (Mont.) motioned up the bill and Sen. James E. Murray (D-Mont.) led off the debate.

Mansfield appealed for passage of the House measure without a single modifying change, in order to assure final clearance.

Mansfield said the Senate will convene early and sit late for the balance of the week in an effort to speed passage, possibly before this weekend.

Murray, chairman of the Senate Interior Committee and longtime advocate of statehood, told the Senate failure to pass the bill would break "the historic pattern under which our Nation has expanded and grown great."

Murray said statehood for Alaska would extend the American system to the very edge of the Soviet empire.

"We would end colonialism and establish freedom and equality at the very door to totalitarianism," he argued. "It would show to all of the peoples of all the world that we practice what we preach."

Sen. Thomas H. Kuchel (Calif.), GOP manager of the bill, joined Democrats in a round of optimistic statements on the bill, and in commending Murray for his leadership. Sens. Dennis Chavez (D-N. Mex.), Henry M. Jackson (D-Wash.), Frank Church (D-Idaho) and Mansfield also joined in the round robin.

Jackson, chairman of the Senate Interior Subcommittee which drafted the Senate bill, later told newsmen:

"My only concern right now is that it looks too good for the bill."

What chiefly worries Jackson, and other Democratic and Republican supporters of the legislation, is that the Senate might approve some perfectly meritorious amendment, and by so doing jeopardize statehood.

The parliamentary situation is such that any change in the House bill might place it once again at the mercy of House opponents. If the Senate on the other hand passes the legislation unchanged, it will go directly to the President for signature.

Southern opponents of the bill, teaming up with some Republican opposition, will try to kill the bill outright or amend it to death. But no all-out filibuster is planned and most Southerners concede privately that they lack the votes to block passage.

The once formidable threat of tying the Hawaii statehood bill to the Alaska measure, and thus dooming House acceptance, appeared to have dwindled since Sen. William F. Knowland (R-Calif.) opposed such a move.

The chief danger now appears to be coming from Senators who say they support statehood but seek to cut back on the amount of land and other resources that resource rich Alaska would receive from the Federal Government.

The bipartisan leadership drive to pass the bill this week is inspired at least in part by what amounts to a deadline written into the House bill. The House measure directs the President "not later than July 3" to notify the Governor of Alaska of the bill's enactment.

[From the Washington Post, June 25, 1958]

TIRED ARGUMENTS

We hope opposition in the Senate to Alaskan statehood will prove, when the roll is called, to be as deficient in numbers as it is in sound arguments.

"The population is too small," complains one Senator. But of course many states entered the Union with fewer residents. "Alaskan voters would carry more weight than the average voter," another avers. But this is true of South Dakotans, Nevadans and most Westerners because of the nature of our electoral system. "Alaskan resources have not been developed to the point where they can support adequate local government." But the territory has in fact run a budget surplus, and if resources are underdeveloped, Alaska's enforced subservience to distant bureaucrats has had something to do with it. "Alaska is so far away its population cannot become 'a homogeneous unit' of the Union." But is not the political genius and the economic and social strength of America its great diversity of customs, habits and ways of life, cemented by a common love of freedom?

"No incorporated territory ever has had any destiny other than statehood in American history," observed Senator Murray during the debate. This seems to overlook the territory status of the District of Columbia in 1871. But, in any case, statehood is Alaska's destiny and the time is now.

[From the Anchorage Daily Times, June 25, 1958]

PUSH ALASKA OVER THE STATEHOOD THRESHOLD

The House of Representatives did the right thing when it voted, 208 to 166, to admit Alaska as the 49th state. Now it remains to be seen what fate the bill will have in the august Senate.

President Eisenhower is in favor of having a 49th star on our flag. He flatly stated at a recent press conference that he was elected on a platform promising to seek acceptance of Alaska as a state and that he desires to honor that pledge.

The House accepted the President's cue and voted in favor. But a rough trip lies ahead in the Senate, especially with such an avowed opponent as Sen. Eastland of Mississippi leading the fight.

For years, both Alaska and Hawaii have been clamoring to join the Union. They have met the qualifications necessary for statehood. The old argument of remoteness is no longer valid.

Bills for statehood for Alaska have been before Congress since 1916. A Hawaiian statehood measure was introduced in 1919.

At one time or another since 1947 each chamber of Congress has approved statehood for both territories. But the two branches have failed to act concurrently for a number of reasons, mostly political. Southern congressmen have been reluctant to add votes in the Senate from areas unsympathetic to segregation.

At the moment, only Alaska is being considered for statehood. Before the lapse of many years, this nation will benefit from and be as proud of Alaska as we are of all the other Pacific Coast states.

Alaska has played and continues to play an important role in the cold war. She was of great importance to us in World War II.

It is to be hoped that Congress will get on with the admission of Alaska, and then act with equal favor toward the question of Hawaii's statehood.

[From the Washington Star, June 25, 1958]

ALASKA STATEHOOD BILL BESET BY TWIN DANGERS

(By J. A. O'Leary)

Unlimited debate and the possibility of amendments that would send it back to the House were twin dangers in the path of the Alaska statehood bill in the Senate today.

Although backers are confident they have the votes to pass it, there were no indications how soon the opposition would permit a vote.

Senator Thurmond, Democrat of South Carolina, spoke against the bill for several hours last night, and gave notice he will speak at length again before the debate is over.

On the civil rights bill last year, Senator Thurmond set a new endurance record by holding the floor for 24 hours and 18 minutes. But his office said he has no thought of trying to equal or better that record on this occasion.

ASKS SELF-RULE

As a substitute for statehood, Senator Thurmond advocated commonwealth status, which he said would give Alaska a full measure of self-government, short of voting representation in the House and Senate.

The South Carolina Senator also is understood to have an amendment to require congressional approval of the establishment by the President of military reservations in the proposed State.

Supporters will try to pass the House version of the bill by Saturday without any change, because they fear that if it must go back to the House for action of any kind it may be sidetracked again, as it has been for more than 40 years.

But if the opponents keep the debate going until next week, it may be impossible to avoid changing it, because of a deadline

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provision which the House inadvertently left in the bill.

This provision requires the President to notify the Governor of Alaska of the bill's enactment not later than July 3. There is some difference of opinion among the bill's backers as to whether this date would be a vital weakness if the bill passed in that form after July 3.

One of the first Senate decisions may come on three points of order raised yesterday by Senator Eastland, Democrat of Mississippi, chairman of the Judiciary Committee.

He notified the presiding officer he will challenge the constitutionality of provisions that would:

1. Confer on the President the right to take back land for national defense purposes.

2. Confer power on the President to evacuate the inhabitants of such areas without declaring martial law.

LENGTH OF SENATE TERMS

3. Permit the new State to elect its first two Senators for a short and a long term, instead of allowing the Senate to determine when the terms of the first Senators would expire. Senators are divided into three classes, with the terms of one-third of the membership expiring every two years.

Senator Jackson, Democrat of Washington, in charge of the bill, indicated he would counter with a point of order that the Eastland points are not in order.

Senator Jackson said that under Senate procedure constitutional questions raised against a bill must be decided by the Senate, rather than the presiding officer. In any event, an appeal from the decision of the chair by either side would enable a majority of the Senate to decide these technical issues.

SPECIALTY STEEL SECTION 201 CASE

Mr. D'AMATO. Mr. President, allow me to speak today about the technology and the competitiveness of our domestic specialty steel industry. We have heard it said that the steel industry in the United States has failed to advance and implement new technologies as rapidly as some of our foreign trading partners. However, nothing could be further from the truth. The U.S. specialty steel industry has led the world in developing new specialty steel alloys, methods of production, and the implementation of technological advances.

The President's November 16 memorandum on the section 301 specialty steel case explicitly noted the domestic industry's continuing efforts to compete and its record of technological leadership. He said, "The specialty steel industry is an efficient, technologically up-to-date and export-oriented branch of the specialty steel industry." This language is clear, and a substantial body of documentation supports the President's conclusion.

The International Trade Commission has stated that, "the U.S. industry has long been a leader in developing new processes for production of specialty steel." That report also noted specific technological changes that U.S. firms have instituted in order to increase productivity, such as process improvement and replacement of older equipment, as well as actions taken to reduce energy costs and develop new specialty alloys.

There should be no doubt in our minds that the domestic specialty steel industry is a model of a modern, efficient, technology advanced, and still advancing, industry. They continue to invest large proportions of their return into research and development and capital investment to retain their leading edge. This industry has been exemplary in reducing costs through organization changes and closer controls.

The results of these efforts are powerfully documented in the study of the U.S. steel industry issued by the Office of Technology Assessment in June 1980. This study repeatedly refers to the highly competitive nature of the specialty steel industry in comparison to other industries in general as well as other segments of the U.S. steel sector. The study emphasizes this industry's energetic approach to technological innovations. The report also states that the U.S. specialty steel industry has "a relatively strong technical base and probably a commanding advantage over foreign competitors in product development and secondary processing," and that the U.S. specialty steel industry has "modernized considerably during the past several years, but even before this period they were more technology and research oriented than the rest of the domestic steel industry."

Such actions portray an industry well aware of the needs of its customers and willing to make considerable financial investment in order to efficiently produce its goods with the best equipment and processes available. In order to continue this thrust, the domestic industry must have fair and effective relief for at least a 5-year term from the onslaught of unfair imports which have been capturing so much of the U.S. market and so severely depressing prices.

I join my colleagues in urging the President to take effective long term action as quickly as possible in order to preserve this modern, efficient industry.

FORMER SENATOR MILTON YOUNG

Mr. DURENBERGER. Mr. President. There are public servants who come to Washington ready to take on the world—every piece and every inch of it. And there are others who come with the single goal of improving life in every way for the State he or she calls home. Both are good, both are necessary.

Milton Young was the latter, preferring to take an inch and make it a mile, and he did. He once said that his public service in the Senate would be dedicated to the needs of North Dakota and that he would focus on improving life for the people of his State.

The Senate well may never see such a vigorous and successful approach to such a task again.

For 36 years, Milton Young's name was synonymous with every piece of legislation which could help farmers and North Dakotans. During that time, seven major Federal research projects found their home in North Dakota, and seven major water projects beneficial to North Dakota found funding—thanks to Milton Young.

He held public offices for 57 years—from school board member to Senator. That he never lost an election in all of those 57 years is testimony to just how good and dedicated a public servant he was.

His wife, Patricia, said he wanted to be remembered as a "good Senator, a good legislator."

Most deservedly, most memorably and with great fondness, he will.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Transmitted herewith for your consideration is the annual report on Federal Energy Conservation Programs required by Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6321(c)).

The report covers the implementing activities undertaken by Federal agencies during FY 1981 to fulfill the requirements of section 381 (a) and (b) of the act. The report describes actions within the Federal Government, implementing energy conservation and efficiency standards in procurement activities and progress toward developing a 10-year plan for improving the energy efficiency of federally-owned or leased buildings. It also describes programs for carrying out public education activities to encourage energy conservation and efficiencies and to promote carpooling and vanpooling arrangements.

Ronald Reagan.

The White House, *June 16, 1983.*

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the Federal Advisory Committee Act, I am pleased to transmit the Eleventh Annual Report on Federal Advisory Committees.

In 1982, advisory committees afforded a unique opportunity for over 19,000 private citizens of all backgrounds to provide valued and needed counsel to Federal officials in establishing policies and improving operations of the government.

In keeping with the strong commitment of this Administration to promote voluntary citizen participation in government, by year end the number of chartered advisory committees increased by 3 percent over the previous year, reaching the highest level since 1976. At the same time, government agencies utilizing these committees achieved a further overall reduction in committee operating costs. In 1982, committee operating costs totaled $74 million, 7.5 percent lower than in 1981, and 15.2 percent below comparable 1980 levels.

In 1983, the opportunity exists for additional improvements in the management and cost-effectiveness of advisory committees. New guidance and information prepared by the General Services Administration and contained in this report will provide agency management with the ability to realize this opportunity.

Consistent with my belief that the strength of this Nation flows from the talent and resourcefulness of its people, we shall foster and support the continued active use of advisory committees in the government decision-making process.

Ronald Reagan.

The White House, *June 16, 1983.*

ANNUAL REPORT ON ACTIVITIES UNDER THE REHABILITATION ACT—MESSAGE FROM THE PRESIDENT—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 13 of the Rehabilitation Act of 1973, as amended, I am pleased to transmit the enclosed report to the Congress. The report, prepared by the Department of Education, covers activities supported under the Act in fiscal year 1982.

Ronald Reagan.

The White House, *June 16, 1983.*

SOCIAL SECURITY AGREEMENT BETWEEN THE UNITED STATES AND NORWAY—MESSAGE FROM THE PRESIDENT—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act as amended by the Social Security Amendments of 1977 (P.L. 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Kingdom of Norway on Social Security, the Final Protocol to the Agreement, and the Administrative Agreement for the Implementation of the Agreement, all signed on January 13, 1983.

These United States-Norway agreements are similar in objective to the social security agreements already in force with Italy, the Federal Republic of Germany, and Switzerland. Such bilateral agreements, which are generally known as totalization agreements, provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreements and provides data on the number of persons affected by the Agreements and the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the United States-Norway Social Security Agreement and related documents.

Ronald Reagan.

The White House, *June 16, 1983.*

MESSAGE FROM THE HOUSE

At 4:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2062. An act to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker pro tempore (Mr. Wright) has signed the following enrolled bill and joint resolution:

S. 639. An act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes; and

H.J. Res. 234. Joint resolution designating the week beginning June 19, 1983, as "National Children's Liver Disease Awareness Week".

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. Thurmond).

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2062. An act to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILL PRESENTED

The Secretary reported that on today, June 16, 1983, he had presented to the President of the United States the following enrolled bill:

S. 639. An act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes.

SENATE RESOLUTION 158 FURTHER HELD AT THE DESK

The following resolution was further held at the desk until the close of business on June 22, 1983, by unanimous consent:

S. Res. 158. Resolution expressing the sense of the Senate that the President should convene a national bi-partisan commission to address the serious long-term problems of security and economic development in Central America.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and

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documents, which were referred as indicated:

EC-1283. A communication from the assistant Secretary of the Navy, Department of Defense transmitting, pursuant to law, a report on the conversion of the shelf stocking function at the Commissary Store, Naval Station, Seattle, Wash., to contractor performance; to the Committee on Armed Services.

EC-1284. A communication from the Assistant Secretary of the Navy, Department of Defense transmitting, pursuant to law, a report on the study of the conversion of the shelf stocking function at the Commissary Store, Naval Air Station, Alameda, Calif., to contractor performance; to the Committee on Armed Services.

EC-1285. A communication from the Assistant Secretary of the Navy Department of Defense transmitting, pursuant to law, a report on the study of the conversion of the custodial services function at the Naval Regional Medical Center, Newport, R.I., to contractor performance; to the Committee Armed Services.

EC-1286. A communication from the Acting Assistant Secretary of the Army, Department of Defense transmitting a draft of propose legislation relating to periods of original enlistments and reenlistments in Regular components of the Armed Forces; to the Committee on Armed Services.

EC-1287. A communication from the General Counsel of the Department of Defense transmitting a proposed draft of legislation relating to the elimination from entitlement to variable housing allowance of those members of the Reserve components serving short terms of active duty; to the Committee on Armed Services.

EC-1288. A communication from the Chairman of the National Advisory Council on International Monetary and Financial Policies, Department of the Treasury transmitting, pursuant to law, two special reports on the proposed replenishments and capital increases for the Asian Development Bank and the Inter-American Development Bank; to the Committee on Foreign Relations.

EC-1289. A communication from the Deputy Assistant Secretary of Defense, Department of Defense transmitting, pursuant to law, two copies of a report on a new record system submitted by the Defense Audiovisual Agency: "DAVA Office Personnel Locator Files"; to the Committee on Governmental Affairs.

EC-1290. A communication from the Comptroller General of the United States transmitting a report describing and assessing Federal drug interdiction efforts and recommendations on ways to improve effectiveness; to the Committee on the Judiciary.

EC-1291. A communication from the Executive Secretary of the Office of the Secretary of Defense transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for October 1982 through February 1983; to the Committee on Small Business.

EC-1292. A communication from the Assistant Secretary of the Army (Civil Works) transmitting a draft of proposed legislation to provide for the recovery of certain capital and operation and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and to authorize construction in specified circumstances; to the Committee on Environment and Public Works.

EC-1293. 'A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, a report summarizing and analyzing the reports submitted by executive agencies showing the amount of personal property furnished to non-Federal recipients; to the Committee on Governmental Affairs.

EC-1294. A communication from the Mayor of the District of Columbia transmitting a draft of proposed legislation to authorize the Architect of the Capitol to relocate certain greenhouses and nursery facilities, located at Poplar Point, and to direct the Secretary of the Interior to permit the District of Columbia to construct and operate certain transportation improvements; to the Committee on Rules and Administration.

EC-1295. A communication from the Administrator of the Veterans' Administration transmitting a draft of proposed legislation providing for the exclusion of residents and interns from coverage under the Federal labor-management relations statute; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-247. A concurrent resolution adopted by the General Assembly of the State of Iowa; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION 9

"Whereas, the Natural Gas Policy Act of 1978 calls for the gradual decontrol of natural gas prices through 1984; and

"Whereas, the president of the United States has considered the acceleration of the decontrol of natural gas prices completely; and

"Whereas, President Reagan is currently involved in negotiations with members of congress, citizens' groups and producer groups on a program for decontrol of natural gas supplies which was begun by President Carter and was designed to decontrol natural gas prices by January 1, 1985; and

"Whereas, the five-member Federal Energy Regulatory Commission is charged with administering the Natural Gas Policy Act which is the basis for the current regulation of the industry; and

"Whereas, all of the current members of the commission are from warm weather states, including several of the big energy exporters whose economies are supported by the industry, and whose citizens have not faced winter heating bills of two hundred dollars per month which are projected to rise twenty percent to fifty percent annually depending on the schedule of decontrol of natural gas; and

"Whereas, Iowans spent nine hundred million dollars on natural gas in 1982 and natural gas prices have increased almost one hundred percent over the last three years; and

"Whereas, the current natural gas contract problem between gas producers and pipeline companies is just an extension of the major problem, which is decontrol; and

"Whereas, escalating natural gas prices have resulted in declining economic activity, a less productive and profitable industrial and agricultural base, and the loss of a substantial number of jobs; and

"Whereas, the continued increase of natural gas prices will result in inflationary increases in the consumer prices for food, clothing, housing, medical care and other household necessities and in agricultural prices for fertilizers, pesticides, and herbicides: Now therefore, be it

"Resolved by the House of Representatives, the Senate concurring, That this general assembly supports national legislation that would:

"1. Eliminate unjust and onerous take-or-pay, indefinite price escalator and most favored nation clauses in pipeline company-producer contracts, and require market-out clauses.

"2. Direct the federal energy regulatory commission to investigate the reasonableness and prudence of natural gas contracts and purchase gas adjustment clauses.

"3. Prevent the federal energy regulatory commission from implementing "backdoor" decontrol actions by eliminating any commission authority to raise old gas prices; and be it further

"Resolved, That the Iowa general assembly urges the President of the United States to appoint a commission member from a northeastern or midwestern state to represent those consumers and states who are feeling the economic pinch of escalating winter fuel bills which will continue to rise; and be it further

"Resolved, That the Iowa general assembly opposes any legislation, with or without a windfall profits tax, to accelerate the decontrol of natural gas; and be it further

"Resolved, That copies of this resolution be transmitted to the members of Iowa's congressional delegation and to the President of the United States, the Speaker of the United States House of Representatives, and to the President of the United States Senate, with the request that they lay this resolution before their respective bodies; and be it further

"Resolved, That the Iowa general assembly requests a written response from those persons who receive copies of this resolution which may be sent to the Speaker of the Iowa House of Representatives and the Lieutenant Governor.

"We, Donald D. Avenson, Speaker of the House and Robert T. Anderson, President of the Senate, and Joseph O'Hern, Chief Clerk of the House and K. Marie Thayer, Secretary of the Senate, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives and the Senate of the Seventieth General Assembly."

POM-248. A resolution adopted by the House of Representatives of the State of Iowa; to the Committee on Veterans Affairs:

"HOUSE RESOLUTION 14

"Whereas, the needs of Vietnam-era veterans were recognized on January 12, 1980 when the first Iowa-based veterans center was opened in Des Moines, Iowa; and

"Whereas, The veterans centers were established to recognize the sacrifices made by these American veterans and to help those veterans having psychological and readjustment problems, in order to assist them in their efforts to become productive members of society; and

"Whereas, the veterans centers are staffed by Vietnam-era veterans who are qualified in all areas to serve the needs of fellow Vietnam-era veterans; and

"Whereas, over ten thousand Vietnam-era veterans and their family members have utilized the facilities of the veterans centers in Des Moines and Sioux City; and

"Whereas, a crucial need exists for the continuation of the veterans centers beyond the scheduled funding expiration date of September 30, 1984; Now therefore, be it

"Resolved by the House of Representatives, That the Iowa House of Representatives urges the Congress of the United States to continue the federal funding of veterans centers; and be it

"Further resolved, That copies of this resolution be sent to members of the Iowa Congressional Delegation, the President of the United States, the President of the United States Senate, and the Speaker of the United States House of Representatives.

"We, Donald D. Avenson, Speaker of the House and Joseph O'Hern, Chief Clerk of the House, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives of the Seventieth General Assembly."

POM-249. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION

"Whereas, The steel pipe and tube industry provides thousands of jobs in Texas and other states; and

"Whereas, A reliable domestic supply of specialty pipe and tube products, including oil country tubular goods is essential to U.S. energy exploration and production; and

"Whereas, Rapidly increasing imports of steel pipe and tube products are a substantial cause of serious injury to steel pipe and tube producers in Texas and other states; and

"Whereas, This injury will be compounded by the diversion of steel imports from the European Community to pipe and tube products as a result of recently negotiated restrictions on the importation of other types of European steel products; and

"Whereas, The provisions of a separate arrangement between the United States and the European Community on the importation of steel pipe and tube products cannot be adequately enforced to prevent such diversion without federal legislation; now, therefore, be it

"Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby respectfully memorialize the Congress of the United States to enact legislation to prevent the unwarranted diversion of European steel exports to the United States to pipe and tube products by empowering the Secretaries of Commerce and the Treasury to enforce the terms of the October 21, 1982, steel pipe and tube arrangement between the United States and the European Community; and, be it further

"Resolved, That a copy of this resolution shall be forwared by the Texas Secretary of State to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered into the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America."

POM-250. A resolution adopted by the American Philosophical Association supporting a mutual United States-Soviet Union nuclear weapons "freeze," and urging the United States to propose to the Government of the Soviet Union that both countries immediately agree to a mutual verifiable halt of all further testing, production, and deployment of nuclear warheads, missiles, and delivery systems as a first step toward mutual, balanced reduction of same; to the Committee on Foreign Relations.

POM-251. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources:

"SENATE JOINT MEMORIAL NO. 110

"Whereas, The Columbia River Gorge is the home of forty-one thousand residents of the states of Washington and Oregon who live in the location by choice, and as free and responsible citizens have managed their area in a prudent, conservation-minded manner; and

"Whereas, The Columbia River Gorge is a vital transportation corridor and economic link between the Northwest and the products and markets of the nation and the world; and

"Whereas, Congressional proposals have been made to place the Columbia River Gorge under centralized federal control, which proposals conflict with the sentiments expressed by the people in votes and polls in overwhelming opposition to the federal control; and

"Whereas, The Senate and House of Representatives of the State of Washington oppose imposition of any further federal control over nonfederal land in the Columbia River Gorge;

"Now, Therefore, Your Memorialists respectfully pray that Congress refrain from considering legislation imposing further federal control over nonfederal land in the Columbia River Gorge.

Be It Resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-252. A joint resolution adopted by the legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION NO. 17

"Whereas, The Wild Free-roaming Horses and Burros Act of 1971, 16 U.S.C. §§ 1331 et seq., protects wild horses and burros from destruction, capture or sale by any person or governmental entity except when authorized by the Secretary of the Interior or the Secretary of Agriculture in connection with public lands administered by the Bureau of Land Management and the Forest Service; and

"Whereas, The Wild Free-roaming Horses and Burros Act has been overly successful and has allowed once-threatened populations of wild horses and burros in Nevada to increase to the extent that approximately 40,000 wild horses and 2,000 wild burros currently inhabit public lands in this state; and

"Whereas, The populations of wild horses and burros are increasing at an annual rate between 12 and 18 percent and will, absent stronger measures to control their numbers, double in the next 5 years; and

"Whereas, The Wild Free-roaming Horses and Burros Act requires the Secretarty of the Interior and the Secretary of Agriculture to manage the wild horse and burro populations in a manner that protects the natural ecological balance of all species of wildlife inhabiting the public lands; and

"Whereas, Wild horses and burros are already so numerous that they are destroying the habitat used by other species of wildlife; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the legislature of the State of Nevada strongly urges the Congress of the United States to enact legislation which:

"1. Requires the Secretary of the Interior and the Secretary of Agriculture to control strictly the populations of wild horses and burros on public lands; and

"2. Authorizes additional or more effective methods for the capture, sale, donation, transfer or other removal of wild horses and burros from public lands in Nevada; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management, each chairman and each member of the appropriate congressional committees and each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-253. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION NO. 21

"Whereas, After many years of negotiation, the states of California and Nevada reached final agreement in 1971 on the California-Nevada Interstate Compact; and

"Whereas, In developing the Compact the Joint California-Navada Interstate Compact Commission met 62 times between 1956 and 1968, and separately the Nevada Compact Commission held 137 meetings and the California Compact Commission held 75 meetings between 1955 and 1972; and

"Whereas, Several special committees were formed to consider special problems, including the Joint Truckee River Committee, which met 22 times, the Joint Carson River Committee, which met 31 times, the Joint Walker River Committee, which met 26 times, the Joint Lake Tahoe Committee, which met 18 times, and the Joint Engineering-Legal Committee, which met 10 times; and

"Whereas, Other special committees included those on drafting, definitions and water rights, and committees to consider comments received from federal agencies and to explain the compact to interested persons; and

"Whereas, The Nevada Compact Commission expended $387,000 from the state general fund between 1956 and 1972 and the California Compact Commission was appropriated $857,000 between 1956 and 1969 and spent additional money to employ consultants; and

"Whereas, Under section 10 of Article 1 of the Constitution of the United States, and as provided in article 22 of the compact, ratification by the Congress of the United States is required before the compact may become effective; and

"Whereas, Valuable natural resources would be conserved and important agricultural interests would be benefited by congressional ratification; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the

Nevada legislature urges the Congress of the United States to ratify the California-Nevada Interstate Compact; and be it further

"*Resolved,* That copies of this resolution be immediately transmitted by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives, and to all members of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

POM-254. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"Assembly Joint Resolution No. 22

"Whereas, the Pershing County Water Conservation District entered into a 'repayment contract' on the 1st day of October, 1934, (Contract Nos. 11r-774, 14-06-400-429 and 14-06-200-919A) with the Bureau of Reclamation of the Department of the Interior to provide for the construction of Rye Patch Dam (known as the 'Humboldt Project'); and

"Whereas, 29,884 acres, more or less, were purchased to secure the water rights to provide seasonal and long-term regulation of the Humboldt River; and

"Whereas, The Pershing County Water Conservation District in 1978 repaid the United States all of the money for the 'Humboldt Project'; and

"Whereas, The 29,884 acres, more or less, are required to continue to provide seasonal and long-term regulation of the Humboldt River and as a community pasture; and

"Whereas, The enabling legislation for the 'Humboldt Project' (45 Stat. 195, et seq.), provided that title to 29,884 acres, more or less, was to remain in the name of the United States until further act of Congress; and

"Whereas, The board of directors of the Pershing County Water Conservation District and the county commissioners of Lander County, Nevada, have adoped resolutions requesting that all right, title and interest in and to the 29,884 acres, more or less, be conveyed to the Pershing County Water Conservation District; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the legislature calls upon the Congress of the United States to enact legislation directing the Secretary of the Interior to transfer all right, title and interest of the United States in and to some 29,884 acres, more or less, to the Pershing County Water Conservation District; and be it further

"*Resolved,* That copies of this resolution be transmitted forthwith to the Vice President of the United States as President of the Senate, to the Speaker of the House of Representatives, and to each member of the congressional delegation of the State of Nevada; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

POM-255. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"Assembly Joint Resolution No. 24—
Assemblymen Dini, Getto and Jeffrey

"Whereas, The United States imports many goods; and

"Whereas, The United States Congress has enacted standards to ensure that the goods produced in this country are safe to use; and

"Whereas, The same reason for enacting those domestic standards for safety equally apply when foreign goods are imported and used; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the legislature of the State of Nevada urges the Congress of the United States to enact legislation which requires that imported foreign goods meet the domestic standards for safety; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

POM-256. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Veterans Affairs:

"Assembly Joint Resolution No. 28

"Whereas, there are approximately 250,000 veterans in the United States who were exposed to atomic radiation during the occupation of Japan and in conjunction with at least 235 atmospheric tests of nuclear weapons conducted up to as recently as 1962; and

"Whereas, these veterans are now suffering myriad health problems including cancer, degenerative bone and nerve diseases, intestinal disorders, blood and respiratory diseases, emotional problems, and birth defects in children and grandchildren; and

"Whereas, recent medical evidence indicates that all of these ailments are associated with exposure to atomic radiation; and

"Whereas, these veterans have typically been hesitant to come forward for fear of prosecution under secrecy statutes, possible loss of medical benefits and diminished potential for employment; and

"Whereas, regulations published by the Veterans' Administration on December 2, 1981, pertaining to the provision of health care to veterans exposed to atomic radiation do not address health problems other than cancer; and

"Whereas, current regulations of the Veterans' Administration have been used to deny 98 percent of the claims by veterans for health care and compensation for health problems related to exposure to atomic radiation; and

"Whereas, under these regulations a veteran must prove that he was exposed to atomic radiation through his own initiative in securing records that often are incomplete or missing entirely; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the Nevada legislature respectfully memorializes the President and the Congress of the United States to direct the Administrator of Veterans' Affairs to revise the current regulations of the Veterans' Administration regarding the provision of health care to veterans exposed to atomic radiation to fully recognize the body of medical evidence associating exposure to atomic radiation with a wide range of health problems; and be it further

"*Resolved,* That the Nevada legislature respectfully requests that other appropriate agencies and resources of the United States be brought to bear in an investigation of the health and genetic complaints of veterans exposed to atomic radiation and of the apparent loss of records and documentation pertaining to exposure of persons and military units; and be it further

"*Resolved,* That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President and Vice President of the United States, the Speaker of the House of Representatives, each United States Senator and Representative in Congress from Nevada and the Administrator of Veterans' Affairs; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

POM-257. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"Senate Joint Resolution No. 14—
Committee on Natural Resources

"Whereas, grade crossings of railroads are potentially hazardous and disruptive to the development of commercial, agricultural and urban interests; and

"Whereas, the Congress of the United States has recognized this problem and funded a project to relocate railroads in Elko, Nevada, which would be beneficial if applied to other urban areas in this state; and

"Whereas, the Federal Government administers 49.1 million acres of public domain in this state of which approximately 3.5 million acres was granted by Congress to the railroads in the 19th century and remains as a 40-mile strip of land across northern Nevada in an unmanageable 'checkerboard' pattern of alternating sections of public and private land; and

"Whereas, the Bureau of Land Management has designated the public lands within this area for eventual disposal; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the legislature of the State of Nevada memorializes the Congress of the United States to sell the public lands within this area, excluding the mineral interests, to the State of Nevada for $2.50 per acre, for subsequent sale (except for those lands identified by state and local planning agencies as being desirable for parks, wildlife or recreational and other public purposes), the proceeds of which are to be used to eliminate grade crossings of railroads over highways in this state; and be it further

"*Resolved,* That copies of this resolution be immediately transmitted by the legislative counsel to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the director of the Bureau of Land Management and each member of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

POM-258. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"Senate Joint Resolution No. 15—
Committee on Natural Resources

"Whereas, the United States Government, after more than 118 years have elapsed since Nevada became a state, still retains 86.8 percent of the land in Nevada; and

"Whereas, the growth in population within this state and the resulting change in the use of the land has placed a heavy demand on the state and local governments to provide additional facilities for governmental services while abandoning existing facilities which have been rendered ineffective by changes in population; and

"Whereas, these vast federally owned areas create a major tax burden on the owners of private property in this state to meet the needs of children for public schooling and other services; and

"Whereas, intermingled ownership of land among private persons and federal governmental agencies severely restricts proper practices for the conservation of this state's natural resources and the preservation of recreational, wildlife and environmental areas which are best suited for management by the state and local governments; and

"Whereas, the federal ownership of a majority of the land in this state prohibits the orderly expansion of landlocked cities on a planned basis, without an adverse effect on the existing economy of local areas; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the Nevada legislature memorializes the Congress of the United States to review the 1970 report of the Nevada state committee of federal land laws and Bulletin No. 83-8 of the select committee on public lands and, pursuant thereto, grant to Nevada an additional 6,205,522 acres of public land for the benefit of the public schools; and be it further

"*Resolved,* That copies of this resolution and the publications referred to in this resolution be immediately transmitted by the legislative counsel to the President of the United States, the Vice President as presiding officer of the Senate, the secretary of the Interior, the Speaker of the House of Representatives and to each member of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

POM-259. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"Senate Joint Resolution No. 20

"Whereas, the Nevada legislature in 1981 responded to the desire of property owners in this state for relief from local property taxes by substantially reducing those taxes; and

"Whereas, the reduction in property taxes necessitated increasing the city-county relief tax, enacted as chapter 377 of NRS, and making its imposition mandatory, where previously this tax on retail sales was imposed at the option of each county; and

"Whereas, local sales taxes which are required by the state to be imposed have not been included as a tax imposed by local government for the purposes of calculating allocations of money to those local governments in the program of revenue sharing; and

"Whereas, the state does not specify the purposes for which a county or the local governments within its territory may spend the revenues derived from this tax; and

"Whereas, this result as between the state and the counties is closely analogous to the situation treated in 31 U.S.C. § 1228(e)(2)(B) where a county sales tax collected within the geographic area of a local government and transferred to that local government is treated as a tax of that local government and not of the county; and

"Whereas, exclusion of the city-county relief tax will significantly change federal allocations to Nevada's local governments at a time when the financial needs of these local governments and their ability to raise revenue have not changed proportionately in the current period of entitlement over prior periods; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the Nevada legislature urges the Congress of the United States to enact promptly appropriate legislation to provide that in determining the adjusted taxes for local governments in the State of Nevada for the purposes of allocating money to them under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) for the fiscal year ending June 30, 1982, and for each fiscal year thereafter, the city-county relief tax, imposed under chapter 377 of NRS, be classified and treated as a locally imposed tax and not as revenue provided by the state in aid of its local governments; and be it further

"*Resolved,* That a copy of this joint resolution be transmitted by the legislative counsel to the President of the United States, the Vice President as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

POM-260. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"Senate Joint Resolution No. 24

"Whereas, the United States Internal Revenue Service has a substantial lien for estate taxes against property owned by the Redfield estate in and near the Lake Tahoe Basin; and

"Whereas, if this property were sold for taxes it would be subject to private development which could destroy its scenic beauty, interfere with the ecology, impair recreational use and place severe demands on the resources of the Lake Tahoe Basin; and

"Whereas, it is imperative that the scenic beauty, natural resources and recreational opportunities of the Lake Tahoe Basin be preserved perpetually; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the Nevada legislature respectfully memorializes the Congress of the United States to recognize the importance of preserving the scenic beauty, ecology and recreational opportunities of the Lake Tahoe Basin by enacting appropriate legislation to accept land from the Redford estate in payment of the remaining taxes due on the estate; and be it further

"*Resolved,* That copies of this resolution be immediately transmitted by the legislative counsel to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Treasury, and each member of the Nevada congressional delegation; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

POM-261. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation:

"Senate Joint Memorial No. 118

"Whereas, the three-county area of Whatcom, Skagit, and San Juan counties has grown to nearly one hundred eighty thousand residents, a twenty-eight percent ten-year growth, making it one of the fastest growing areas in Washington State; and

"Whereas, public television is not readily available to over seventy percent of the households in this area; and

"Whereas, the State of Washington has recognized the service of public television; and

"Whereas, the residents of this area have occasionally attempted to group their personal resources in order to build their own receivers for public television; and

"Whereas, Channel 9/KCTS, in its efforts to expand its broadcast signal, has an application pending with the Federal Communications Commission to locate a transmitter on Mt. Constitution on Orcas Island; and

"Whereas, this pending application, under current procedure, cannot receive approval of a grant through the National Telecommunications and Information System, without a percentage of matching funds from state and local sources; and

"Whereas, the current economic conditions in the three-county area and in the State of Washington generally are not conducive to raising funds for any purpose;

"Now, therefore, your Memorialists respectfully pray that the administration reexamine its practice of requiring matching funds at a level which makes it impossible to complete the Mt. Constitution transmitter, commonly known as the Bellingham Project, so that the eighty thousand two hundred thirty-five households in the affected area might be enabled to receive free public television through the pending National Telecommunications and Information System grant.

"*Be it resolved,* That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-262. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Foreign Relations:

"Senate Joint Memorial No. 106

"Whereas, the unleashing of nuclear weapons would cause death, injury, and destruction on a scale unprecedented in human experience, and a major nuclear war would end civilized human existence throughout the world; and

"Whereas, both the United States and the Soviet Union now have enough nuclear weapons in their arsenals to destroy every population center in both nations and in all nations with which they are allied; and

"Whereas, the technology of nuclear weaponry is rapidly being disseminated, and more countries have or will soon gain the technical proficiency to develop nuclear weapons; and

"Whereas, the history of the nuclear arms race demonstrates that the continued and unrestrained development of new weapons

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will overtake arms control agreements before the agreements have been negotiated; and

"Whereas, the enormous cost of nuclear weapons has caused the reallocation of funds from programs that improve the quality of life for people in many countries, has contributed in our own country to continued high budget deficits and borrowing costs, and has caused the redeployment of technical resources, scientists, engineers, and the capital investment necessary for the improved productivity of our civilian economy;

"Now, therefore, your Memorialists respectfully pray that the President and Congress of the United States immediately propose to the Soviet Union a mutual and verifiable freeze on the testing, production, and further deployment of nuclear weapons and of the systems designed primarily to deliver nuclear weapons, and upon agreement, to jointly seek negotiation of a permanent, international, and multilateral nuclear weapons ban subject to rigid verification; and

"*Be it resolved*, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Honorable John Spellman, Governor of the State of Washington, and each member of Congress from the State of Washington."

POM-263. A resolution adopted by the Council of the city of Arlington, Tex., opposing Senate bill 66, the cable television legislation; to the Committee on Commerce, Science, and Transportation.

POM-264. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on the Judiciary:

"SENATE JOINT MEMORIAL No. 116

"Whereas, the Columbia Basin Project has furnished the state of Washington and its citizens with countless benefits through the irrigation of arid lands, the generation of electricity, the creation of habitat for fish and wildlife, protection from floods, and numerous positive secondary impacts on the economy of our region, all of which constitute and incalculable contribution to the general welfare of the people; and

"Whereas, These great works were the product of uncommon vision and ingenuity, implemented with extraordinary skill in reconnaissance, planning, engineering, and construction, and they stand as s special tribute to the many dedicated people, from the President of the United States to the people of the Big Bend and sagebrush country, who fought for so many years to make the dam a reality; and

"Whereas, all this has been accomplished, in cooperation with the federal government, with a long-time and continuing commitment of support from the state of Washington through legislative enactments and financial assistance; and

"Whereas, July 16, 1983, will mark the fiftieth anniversary of the official start of construction of the project's major facility, the Grand Coulee Dam; and

"Whereas, the legislature of the state of Washington, in recognition of the project's vital role in improving the quality of life in this state, hereby designates July 16, 1983, as a special day of commemoration and celebration of the initiation of construction of the Grand Coulee Dam and extends congratulations and compliments to all who have participated in the magnificent achievement of bringing the project into being;

Now, therefore, your Memorialists respectfully pray that the United States Congress take similar action by designating July 16, 1983, as a special national day of commemoration and celebration of the initiation of construction of the Grand Coulee Dam as well as providing suitable funds to the United States Department of the Interior to join with the state of Washington in commemorating and celebrating this important occasion.

"*Be it resolved*, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the Secretary of the Interior, the Secretary of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 3132. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-153).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Leonard D. Wexler, of New York, to be United States District Judge for the Eastern District of New York;

Gene Carter, of Maine, to be United States District Judge for the district of Maine;

Lois H. Herrington, of California, to be an Assistant Attorney General; and

D. Lowell Jensen, of Virginia, to be Associate Attorney General.

By Mr. DOLE, from the Committee on Finance:

Charles E. Clapp II, of Rhode Island, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD:

S. 1488. A bill for the relief of Patty Jean Tipton and her husband Ronald Tipton; to the Committee on the Judiciary.

By Mr. DOLE:

S. 1489. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment and taxation of education savings accounts; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. Dole):

S. 1490. A bill entitled the "Fraternal Lodge Tax Bill."; to the Committee on Finance.

By Mr. KASTEN:

S. 1491. A bill for the relief of Tsun-lit Poon; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. Hollings):

S. 1492. A bill to provide Federal disaster assistance to producers of peaches and apples; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PACKWOOD:

S. 1493. A bill for the relief of Chong Hui Schrein; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself and Mr. Hatfield):

S. 1494. A bill for the relief of Kok Djen Su and Grace Su, husband and wife; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Hollings, Mr. Chiles, Mr. Pell, Mr. Bradley, Mr. Matsunaga and Mr. Pryor):

S. 1495. A bill to provide for a National Summit Conference on Education; to the Committee on Labor and Human Resources.

By Mr. TSONGAS (for himself and Mr. Baucus):

S. 1496. A bill to amend the Internal Revenue Code of 1954 to encourage investment in new business ventures; to the Committee on Finance.

By Mr. HUMPHREY:

S. 1497. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to require a recorded vote in each House for annual congressional pay adjustments, to provide that appropriations of funds for congressional pay be considered separately, and for other purposes; to the Committee on Government Affairs.

By Mr. HUDDLESTON (for himself, Mr. Helms, Mr. Cochran, Mr. Leahy, Mr. Boren, Mr. Boschwitz, Mr. Dixon, Mr. Dole, Mrs. Hawkins, Mr. Heflin, Mr. Jepsen, Mr. Lugar, Mr. Pryor, Mr. Zorinsky, Mr. East, Mr. Proxmire, Mr. Bentsen, Mr. Domenici, Mr. Symms, Mr. Cohen, Mr. D'Amato, Mr. Matsunaga, Mr. Humphrey, Mr. Cranston, Mr. Nunn, Mr. Riegle, Mr. Bradley, Mr. Stennis, Mr. Tsongas, Mr. DeConcini, Mr. Randolph, Mr. Bumpers, Mr. Chafee, Mr. Baker, Mr. Mattingly, Mr. Stevens, Mr. Burdick, and Mr. McClure):

S.J. Res. 117. Joint resolution to authorize and request the President to designate July 15, 1983, as "National Ice Cream Day."; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. Heinz, Mr. Gorton, Mr. Sarbanes, Mr. Kasten, Mr. Dixon, and Mr. Jepsen):

S.J. Res. 118. Joint resolution to establish the Abraham Lincoln 175th Anniversary Commission; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. Hatch, Mr. Hollings, Mr. Baucus, Mr. Sasser, Mrs. Hawkins, Mr. Rudman, Mr. Cochran, Mr. Pressler, Mr. Danforth, Mr. Matsunaga, Mr. Lugar, Mr. Randolph, Mr. Riegle, Mr. Proxmire, Mr. Pell, Mr. Kennedy, Mr. Heflin, Mr. Stafford, Mr. Garn, Mr. Burdick, Mr. Byrd, Mr. Huddleston, Mr. DeConcini, Mr. Quayle, Mr. Gorton, Mr. Boschwitz, and Mr. Denton):

S.J. Res. 119. Joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself, Mrs. Kassebaum, Mr. Inouye, Mr. Bumpers, Mr. Cranston, Mr. Huddleston, Mr. Pressler, Mr. Andrews, Mr. Durenberger, Mr. Specter, Mr. Boren, and Mr. Mathias):

S. Res. 159. Resolution expressing the sense of the Senate that the United States should propose a mutual pause in flight tests of new MIRV'd ICBM's and seek an arms control agreement in the START talks incorporating the recommendations of the Scowcroft Commission; to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mr. Stevens, Mr. Abdnor, Mr. Armstrong, Mr. Kasten, Mr. Murkowski, Mr. Trible, and Mr. Grassley):

S. Con. Res. 46. Concurrent resolution expressing the sense of the Congress regarding negotiations for the reduction and control of nuclear arms; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 1489. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment and taxation of education savings accounts; to the Committee on Finance.

EDUCATION SAVINGS ACCOUNT ACT OF 1983

● Mr. DOLE. Mr. President, today the Senator from Kansas is pleased to introduce the administration's education savings account legislation providing tax-preferred treatment for amounts set aside to fund a child's higher education. This is a concept and policy I have favored for some time, having introduced similar legislation in each of the last three Congresses. This Senator is gratified that the President shares the view that this type of legislation is both necessary and appropriate and included this proposal as part of his 1984 budget. With the active support of the President, I am confident that the time will soon come when we will favorably consider the policy of encouraging our citizens to plan ahead for their children's higher education.

THE NEED FOR BETTER EDUCATION

The National Commission on Excellence in Education has recently focused attention on the need to provide a higher level of quality education to assure that individuals in our society will be able to compete in the world economy. Our world has become increasingly complex and the skills necessary to allow an individual to function effectively in a productive manner have become correspondingly greater. Yet, we are finding that our children are less well educated today than their counterparts were only 20 years ago.

THE ECONOMIC BARRIER

There is little question in my mind that we need to improve our children's education both for their benefit and for the benefit of our society as a whole. However, a major barrier to higher education is the substantial cost involved. According to the College Board, the total cost of attending college at a private 4-year institution in the 1982-83 school year was $7,475. The comparable cost at a public institution averaged $4,388. These costs are high, but perhaps even more disturbing, is that these costs average over 11 percent more than the costs for the prior year at private colleges and 13 percent more at public colleges. I would remind my colleagues that this increase comes at a time when inflation was less than 4 percent.

Clearly, the costs of higher education have reached such a magnitude that few families can pay these costs out of current income. Similarly, it would be unreasonable to expect that loans alone will be sufficient to breach this gap between costs and ability to pay. Finally, increasing competition for a finite amount of aid in the form of scholarships will have the inevitable result that a large number of potential students will have insufficient resources to pursue their studies.

THE ROLE OF PRIVATE SAVINGS

There is a role for student loans and a role for scholarship aid. However, they cannot be relied upon to the exclusion of private savings. The costs of higher education are primarily the responsibility of the student and his or her family. A student and his or her family can rely upon scholarship grants and loans, which can spread the costs out over years after graduation at the additional cost of interest payments. But the most cost-efficient way to fund these costs is to save in the years prior to college and earn interest on the savings.

Unfortunately, our society in recent years has placed little premium on savings. Perhaps that is a result of pervasive societal pressures favoring current consumption, ranging from product advertising to incentives for consumption in our Tax Code and high inflation rates over the last decade. It may be unfortunate that individuals do not plan far enough in advance for their children's higher education, but that does seem to be the situation which exists today.

THE PROPRIETY OF AN EDUCATION SAVINGS TAX INCENTIVE

For that reason alone it seems to this Senator that a tax incentive to encourage education savings is appropriate. We have found that incentives of this kind are effective. For instance, the expansion of the individual retirement account provisions as part of the Economic Recovery Tax Act has led to a much greater usage of IRA's than anyone expected at the time. If education savings accounts are used in the manner intended, they will encourage long-term savings similar to the long-term retirement savings encouraged by IRA's.

The policy promoted by this bill is very similar to the policy underlying IRA's—to encourage people to save ahead of time for an event, whether it be college costs or living expenses after retirement, which could be impossible to fund if a person waits too long. A similar tax incentive would seem to be appropriate.

TAX-PREFERRED EDUCATION SAVINGS ACCOUNTS

The bill I am introducing today contains several features which differ from S. 16 which I introduced in January. This proposal allows up to $1,000 per child to be set aside annually in a tax-exempt account on a nondeductible basis, contains an income limitation which limits the tax advantage to those making less than $60,000 a year, and includes a novel penalty for withdrawals of funds from the account for noneducational purposes which is intended to approximate the tax advantage of these accounts.

On the other hand, S. 16 allows a deduction for contributions of up to $750 per child annually, contains a penalty similar to the penalty that applies to premature withdrawals from an IRA, and provides that the amount used for educational purposes would be included as income to the student over a 10-year period beginning at age 25.

The variations in the two bills should provide a basis for an instructive discussion of how best to structure these accounts to combine maximum incentive with the lowest revenue impact.

However, the concept of providing a tax-preferred savings vehicle to help families give their children the opportunity of a college education is shared by both bills and is sound. Recently, there has been a lot of rhetoric about improving the education of our children. This is a proposal which will provide a constructive way to implement this rhetoric.

I ask unanimous consent that the text and a general and technical explanation of this measure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Savings Account Act of 1983".

SEC. 2. EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 132 as section 133 and by inserting after section 131 the following new section:

"SEC. 132. EDUCATION SAVINGS ACCOUNTS.

"(a) Definitions.—For purposes of this section—

"(1) Education savings account.—The term 'education savings account' means a trust created or organized in the United States for the exclusive benefit of the one individual creator of the trust, but only if the written governing instrument creating the trust meets the following requirements:

"(A) The trustee is a bank (within the meaning of section 401(d)(1)) or such other person who demonstrates to the satisfaction of the Secretary that the manner in which such other person will administer the trust will be consistent with the requirements of this section.

"(B) No part of the trust funds will be invested in life insurance contracts.

"(C) The interest of an owner in the balance of the trust is nonforfeitable.

"(D) The assets of the trust will not be commingled with other property except in a common trust fund or a common investment fund.

"(E) The books and records of the trust will be kept in accordance with this section using the taxable year of the owner, which year is specified.

"(F) The trust is created to be an education savings account with respect to a specified named child other than the creator of the account, whose date of birth is specified.

"(G) Contributions will be accepted only from the individual who created the trust.

"(H) Contributions will be accepted only in cash.

"(I) Contributions will be accepted in a taxable year of the owner in a maximum amount equal to the sum of—

"(i) $1,000, plus

"(ii) the amount of any rollover contribution (as described in subsection (e)(2)) made to the trust in such year.

"(J) A contribution will be accepted as a rollover contribution only if the owner of the trust furnishes to the trustee a written statement from a trustee of another education savings account with the same named child as the trust to which the contribution is to be made that complies with this section and the date of distribution shown on such statement is within 60 days prior to the day of the contribution.

"(2) Named child.—The term 'named child' means an individual so specified in the written governing instrument of an education savings account, as described in paragraph (1)(F).

"(3) Certified eligible education expenses.—The 'certified eligible education expenses' of a taxpayer with respect to a named child for the taxable year are the sum of—

"(A) the amount of eligible education expenses with respect to such named child that are paid by the taxpayer during such year to a qualified educational institution, as reflected in a written certification from such institution; plus

"(B) the lesser of—

"(i) the qualified off-campus housing expenses with respect to such named child for such year, or

"(ii) the amount of cash provided by the taxpayer to such named child (or, if the taxpayer is the owner of the account, the amount spent by the taxpayer on room and board) during such year.

"(4) Eligible education expenses.—The amount of 'eligible education expenses' with respect to a named child is the sum of—

"(A) amounts charged for tuition for, and room and board provided by a qualified educational institution to such named child in connection with, the full-time enrollment of such named child in one or more terms of qualified education; plus

"(B) amounts charged for tuition for the part-time enrollment of such named child in one or more terms of qualified education.

"(5) Qualified off-campus housing expenses.—The 'qualified off-campus housing expenses' with respect to a named child for the taxable year are:

"(A) If such named child is covered by section 482(d)(3) (C) or (D) of the Higher Education Act of 1965 with respect to such year, the amount referred to in such section with respect to such named child for such year, to the extent attributable to the full-time enrollment of such named child in one or more terms of qualified education during such year, as reflected in a written certification from the qualified educational institution that the child attends; otherwise,

"(B) Zero.

"(6) Qualified education.—The term 'qualified education' means a program leading to a degree or certification at a qualified educational institution.

"(7) Qualified educational institution.—The term 'qualified educational institution' means an institution—

"(A) that is—

"(i) a vocational school (within the meaning of section 435(c) of the Higher Education Act of 1965) or a proprietary institution of higher education (within the meaning of section 481(b) of such Act), or

"(ii) any other eligible institution (within the meaning of section 435(a) of such Act) or institution of higher education (within the meaning of section 481(a)(1) of such Act) that is exempt from taxation under section 501(a) as an organization described in section 501(c)(3), including church-operated schools to which subsections (a) and (b) of section 508 do not apply, and

"(B) that includes in any published bylaws, advertisements, admission application forms, and other such published materials, a statement (in such form and manner as the Secretary may by regulations prescribe) that it does not discriminate against student applicants or students on the basis of race.

"(8) Qualified dependent.—The term 'qualified dependent' means any individual—

"(A) who is a dependent of the taxpayer (other than an individual described in paragraph (4), (5), (7), or (8) of section 152(a)),

"(B) with respect to whom a deduction under section 151 is allowable to the taxpayer for the taxable year.

"(b) General Rule.—No amount shall be included in the income of a taxpayer with respect to an education savings account owned by such taxpayer except as otherwise provided in this section. Notwithstanding any other provision of this title, no deduction shall be allowed to the owner of an education savings account with respect to such account except for any deduction allowable on account of the termination of such account (other than in connection with a rollover contribution described in subsection (e)(2)).

"(c) Tax Treatment of Distributions.—

"(1) In general.—Except as otherwise provided in this subsection, a taxpayer owning an education savings account during the taxable year shall include in income an amount equal to the taxable percentage with respect to such account for such year (as determined under paragraph (3)) of the taxable distributions from such account in such year (as determined under paragraph (2)).

"(2) Taxable distributions.—The taxable distributions from an education savings account in the taxable year are the amount by which the distributions from such account to the taxpayer in such year exceed the certified eligible education expenses of the taxpayer with respect to the named child of such account for such year.

"(3) Taxable percentage.—The taxable percentage with respect to an education savings account for the taxable year is the percentage of—

"(A) the distributable total balance (as determined under subsection (h)(1)) of such account on the last business day of such year (or, if such account was closed during such year, on the day so closed), that is represented by

"(B) the distributable income balance (as determined under subsection (h)(2)) of such account on such day.

"(4) Excess contributions returned before due date of return.—In determining the distributions from an education savings account for purposes of paragraph (2), there shall be excluded any one distribution on account of a taxable year received on or before the day prescribed by law (including extensions of time) for filing the return of the taxpayer for such year of an amount equal to the sum of—

"(A) the excess of the aggregate amount of contributions made in such year to such account over the qualified contribution amount with respect to such account for such year (as determined under subsection (e)(1)), plus

"(B) the amount of gross income attributable to such amount of excess contributions, as reflected in a written statement from the trustee.

For purposes of section 61, the portion of such a distribution described in subparagraph (B) shall be included in the income of the owner of such account in the taxable year in which the contributions were made. The Secretary shall prescribe regulations for determining the amount of gross income described in subparagraph (B).

"(5) Rollover distributions.—Paragraph (1) does not apply to a distribution in connection with a rollover contribution (as described in subsection (e)(2)).

"(6) Distribution in kind.—For purposes of this title, a distribution in kind from an education savings account (other than a distribution described in paragraph (5)) shall be treated as, on the day of distribution, a sale of the distributed property by such account to the owner at the fair market value of the property on such day, followed by a distribution by such account to the owner of cash in an amount equal to such value.

"(d) Eligible Education Expenses Do Not Include Amounts for Education at Racially Discriminatory Institutions.—

"(1) Declaratory judgment entered—

"(A) In general.—Certified eligible education expenses do not include expenses with respect to the participation of a named child in a term of an educational program at an educational institution if—

"(i) prior to the enrollment of such named child in such program—

"(I) a judgment has been entered by a district court of the United States under section 7408 (regardless of whether such judgment is appealed) declaring that such educational institution follows a racially discriminatory policy, or

"(II) an order by any United States Court of Appeals has been made which, by its terms, requires the district court to enter such a judgment, and

"(ii) no order described in section 7408(f)(2) with respect to such educational institution is in effect as of the first day of such term.

"(B) Reversals of declaratory judgments or orders.—

"(i) In general.—A judgment or order described in subparagraph (A)(i) entered in an action brought with respect to an educational institution shall not be taken into account under subparagraph (A) if, after all appeals in such action have been concluded or the time for filing such appeals has expired, the declaration contained in such judgment, or required to be entered under the terms of such order, that such institution has followed a racially discriminatory policy is negated (other than by reason of an order described in section 7408(f)(2)).

"(ii) Waiver of limitations.—Notwithstanding section 6511(a) or any other period of limitation or lapse of time, a claim for credit or refund of overpayment of the tax imposed by this chapter which arises by reason of this subparagraph may be filed by any person at any time within the 1-year period beginning on the earlier of—

"(I) the date on which all appeals with respect to the judgment or order described in subparagraph (A)(i) have been concluded, or

"(II) the date on which the time for such appeals has expired.

Section 6511(b) and 6514 shall not apply to any claim for credit or refund filed under this subparagraph within such 1-year period.

"(C) Stay of declaratory judgment.—

"(i) In general.—Any judgment or order described in subparagraph (A)(i) shall not be taken into account under subparagraph (A) during any time period for which such judgment or order is stayed.

"(ii) Removal of stay.—If a stay entered against a judgment or order described in subparagraph (A)(i) is vacated—

"(I) this subparagraph shall not apply with respect to such judgment or order for any time period preceding the date on which such stay is vacated, and

"(II) notwithstanding any other provision of this title or of any other law, the statutory period for the assessment of a deficiency attributable to the inclusion in income of amounts as a result of distributions from an education savings account under this section by reason of this clause shall not expire before the date which is 3 years after the close of the calendar year in which such stay is removed.

"(D) Waiver of limitations if institution ceases to discriminate.—Notwithstanding section 6511(a) or any other period of limitation or lapse of time, a claim for credit or refund of overpayment of the tax imposed by this chapter which arises by reason of a reversal of any order denying a motion under section 7408(f)(1)(A) may be filed by any person at any time within the 1-year period beginning on the date on which such reversal is made. Sections 6511 (b) and 6514 shall not apply to any claim for credit or refund filed under this subparagraph within such 1-year period.

"(2) Enforcement responsibility.—The Attorney General shall have exclusive authority under this subsection to investigate and to determine whether an educational institution is following a racially discriminatory policy.

"(3) Racially discriminatory policy.—For purposes of this subsection—

"(A) In general.—An educational institution follows a racially discriminatory policy if such institution refuses, on the basis of race, to—

"(i) admit applicants as students;

"(ii) admit students to the rights, privileges, programs, and activities generally made available to students by the educational institution; or

"(iii) allow students to participate in its scholarship, loan, athletic, or other programs.

"(B) Quotas, etc.—The term 'racially discriminatory policy' shall not include failure of any qualified educational institution to pursue or achieve any racial quota, proportion, or representation in the student body.

"(C) Race.—The term 'race' shall include color or national origin.

"(e) Contributions to Education Savings Accounts.—

"(1) In general.—The qualified contribution amount with respect to an education savings account for the taxable year is:

"(A) If the named child of such account is not a qualified dependent of the taxpayer for such year, the amount of any rollover contribution (as described in paragraph (2)) made to such account in such year;

"(B) If such named child is over 18 years of age at the close of such year, the amount of any rollover contribution (as described in paragraph (2)) made to such account in such year; otherwise,

"(C) The sum of—

(i) the excess of $1,000 over 5 percent (10 percent in the case of a married individual who does not file a joint return) of the amount by which the adjusted gross income of the taxpayer for such year exceeds $40,000 ($20,000 in the case of such married individual), plus

(ii) the amount of any rollover contribution (as described in paragraph (2)) made to such account in such year.

"(2) Rollover contributions.—A contribution is described in this paragraph as a rollover contribution if it meets the requirements of subparagraph (A) or (B).

"(A) In general.—A contribution satisfies this subparagraph if—

"(i) the entire amount of the contribution (including money and any other property) represents the distribution to the taxpayer of an entire education savings account, as reflected in a statement from the trustee of such account furnished to the trustee of the education savings account described in clause (ii);

"(ii) the contribution (including money and any other property) is made to an education savings account that has the same named child as the account described in clause (i) on or before the earlier of the beginning of the taxable year of the taxpayer in which such named child becomes 26 years of age or the date 60 days after the day on which the distribution described in clause (i) occurs; and

"(iii) no rollover contribution described in this paragraph was made to the education savings account described in clause (i) during the one year period ending on the day on which the distribution described in clause (i) occurs.

"(B) Rollovers with respect to a deceased owner.—A contribution satisfies this subparagraph if—

"(i) the entire amount of the contribution (including money and any other property) represents the distribution to the taxpayer of an entire education savings account that was acquired as a result of the death of the owner or such account, as reflected in a statement from the trustee of such account furnished to the trustee of the education savings account described in clause (ii); and

"(ii) the contribution (including money and any other property) is made to an education savings account that has the same named child as the account described in clause (i)—

"(I) on or before the later of the date 1 year after the day of death of the owner of the education savings account described in clause (i) or the date 60 days after the day on which such account was transferred to the taxpayer,

"(II) on or before the earlier of the beginning of the taxable year of the taxpayer in which such named child becomes 26 years of age or the date 60 days after the day on which the distribution described in clause (i) occurs, and

"(III) at a time when such named child is a qualified dependent of the taxpayer.

"(3) Time when contributions deemed made.—For purposes of this section, a taxpayer shall be deemed to have made a contribution to an education savings account on the last day of a taxable year if the contribution is made on account of such year and is made not later than the time prescribed by law for filing the return for such year (including extensions thereof).

"(4) Excess contribution treated as contribution for subsequent taxable year.—In a taxable year, the amount by which—

"(A) the contributions by the taxpayer to an education savings account in the preceding taxable year (other than a rollover contribution as described in subsection (e)(2)), exceed—

"(B) the sum of—

"(i) the qualified contribution amount with respect to such account for such preceding year (as determined under paragraph (1)), plus

"(ii) the excess of the distributions from such account (determined without regard to subsection (f)) for the taxable year (other than any distribution described in subsection (c)(4)) over the taxable percentage with respect to such account for such year (as determined under subsection (c)(3)) of such distributions, plus

"(iii) the amount described in subsection (c)(4)(A) with respect to any distribution described in subsection (c)(4) on account of such preceding year,

shall be treated as a contribution to such account on the first day of the taxable year.

"(5) Form of contributions.—Contributions to an education savings account, except for rollover contributions (as described in paragraph (2)), shall be made only in cash. Any contribution to an education savings account made in violation of the preceding sentence shall result in the owner that made such contribution continuing to be treated as the owner of the contributed property (as if held other than in an education savings account) for purposes of this title.

"(f) Tax Treatment of Accounts.—

"(1) Exemption from tax.—An education savings account is exempt from taxation under this subtitle unless it has ceased to be an education savings account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, an education savings account is subject to the taxes imposed by section 511 (relating to imposition of tax on

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unrelated business income of charitable, etc., organizations).

"(2) Termination of status as education savings account.—

"(A) Named child reaches 26 years of age.—An education savings account shall cease to be an education savings account as of the first day of the taxable year of the owner of such account in which the named child of such account becomes 26 years of age.

"(B) Account transfers.—

"(i) In general.—Except as otherwise provided in this subparagraph, if, during any taxable year of the owner of an education savings account, the owner transfers (including transfers by operation of law) any ownership interest therein, such account shall cease to be an education savings account as of the first day of such year.

"(ii) Transfer to named child on death of owner.—Clause (i) shall not apply to a transfer of an education savings account, as a result of the death of the owner, to the named child of such account or to the estate of the deceased owner (in order that the estate may transfer such account to such named child pursuant to the will of the deceased owner).

"(iii) Other transfers on death.—Clause (i) shall not apply to a transfer of an education savings account, as a result of the death of the owner, to another individual or to the estate of the deceased owner (in order that the estate may transfer such account to another individual pursuant to the will of the deceased owner) if such individual makes a rollover contribution (as described in subsection (e)(2)(B)) with respect to such account.

"(iv) Transfer in divorce.—Clause (i) shall not apply to a transfer of an education savings account pursuant to the divorce of the owner of such account if the transferee is required by law to use such account for the purpose of paying the certified eligible education expenses of the named child of such account.

"(C) Prohibited transactions.—If, during any taxable year of a taxpayer who owns an education savings account, the taxpayer engages in any transaction prohibited by section 4975 with respect to such account, such account shall cease to be an education savings account as of the first day of such year.

"(D) Account treated as distributing all its assets.—In any case in which any account ceases to be an education savings account by reason of subparagraph (A), (B), or (C) on the first day of any taxable year, this section applies as if there were a distribution of all of the assets of such account on such first day.

"(3) Effect of pledging account as security.—If, during any taxable year of the owner of an education savings account, such owner uses such account or any portion thereof as security for a loan, the portion so used shall be treated as distributed to such owner on the first day of such year.

"(4) Investment in collectibles treated as distribution.—The incurrance by an education savings account of a cost to acquire any collectible (within the meaning of section 408(n)(2)) shall be treated as a distribution from such account to the owner of an amount equal to such cost on the first day of the taxable year of the owner in which such cost is incurred.

"(g) Additional Tax on Certain Distributions.—

"(1) In general.—Except as otherwise provided in this subsection, the tax liability of the taxpayer during the taxable year with respect to an education savings account owned by the taxpayer shall be increased by an amount equal to the sum of—

"(A) 5 percent of so much of the income with respect to such account subject to tax under subsection (c)(1) for such year as does not exceed 30 percent of the taxable distributions from such account in such year (as determined under subsection (c)(2)), plus

"(B) 15 percent of so much of such income as exceeds 30 percent of such distributions but does not exceed 50 percent of such distributions, plus

"(C) 30 percent of so much of such income as exceeds 50 percent of such distributions but does not exceed 65 percent of such distributions, plus

"(D) 50 percent of so much of such income as exceeds 65 percent of such distributions but does not exceed 75 percent of such distributions, plus

"(E) 75 percent of so much of such income as exceeds 75 percent of such distributions.

"(2) Distributions to pay medical expenses.—

"(A) In general.—For purposes of paragraph (1), the taxable distributions from an education savings account for the taxable year shall be reduced by the amount of qualified medical expenses of the taxpayer with respect to the named child of such account for such year (as determined under subparagraph (B)), and the income subject to tax with respect to such account shall be reduced by the taxable percentage with respect to such account for such year (as determined under subsection (c)(3)) of such amount.

"(B) Qualified medical expenses.—The qualified medical expenses of the taxpayer with respect to a named child for the taxable year are the lesser of—

"(i) the expenses paid or incurred by the taxpayer during such year with respect to such named child that are described in section 213(a), not taking into account—

"(I) the requirement that such expenses exceed 5 percent of adjusted gross income,

"(II) any amount paid or incurred for insurance, and

"(III) section 213(b); or

"(ii) the deduction under section 213 for such year that the taxpayer would have been allowed—

"(I) not taking into account any amount paid or incurred for insurance, and

"(II) assuming that the taxpayer made an election under section 63(g) to itemize deductions for such year notwithstanding any limitation on the right to make such election otherwise applicable.

In a taxable year in which the taxpayer has both income with respect to an education savings account subject to the additional tax imposed by paragraph (1) and expenses described in clause (i) with respect to the named child of such account as to more than one education savings account owned by the taxpayer, the amount of qualified medical expenses of the taxpayer with respect to all such accounts for such year under this subparagraph shall not exceed an amount determined by applying the first sentence of this subparagraph as if all the expenses for such year described in clause (i) with respect to the named children of such accounts had been paid or incurred with respect to one named child. The amount determined under the preceding sentence shall be allocated among such accounts in proportion to their respective expenses described in clause (i) for such year.

"(3) Distribution on death of named child or owner.—Paragraph (1) does not apply to a distribution of an entire education savings account made as a result of the death of the named child, or the owner, of such account.

"(4) Excess contributions.—Paragraph (1) does not apply to a distribution described in subsection (c)(4).

"(h) Special Rules.—

"(1) Distributable total balance.—The distributable total balance of an education savings account on a day is the balance of such account (determined without regard to subsections (e)(3), (e)(4), and (f)) at the close of such day plus the amount of distributions (determined without regard to subsection (f)) from such account during the taxable year of the owner that includes such day.

"(2) Distributable income balance.—The distributable income balance of an education savings account on a day is the total income earned by such account prior to the close of such day less the income carried out by distributions (determined without regard to subsection (f)) in taxable years of the owner ending prior to such day. Distributions in a taxable year carry out income equal to the taxable percentage with respect to such account for such year (as determined under subsection (c)(3)) of the distributions except that distributions described in subsection (c)(4) carry out the amount of income described in subsection (c)(4) carry out the amount of income described in subsection (c)(4)(B).

"(3) Other accounting rules.—The Secretary shall prescribe regulations for the application of this section and section 4973(d) to:

"(A) an education savings account that receives a rollover contribution (as described in subsection (e)(2));

"(B) an education savings account transferred in a transfer described in subsection (f)(2)(B)(ii), (iii), or (iv);

"(C) a taxpayer that owns more than one education savings account with respect to the same named child during the taxable year;

"(D) a taxable year in which a named child attends more than one qualified educational institution; and

"(E) the limitation of the certified eligible education expenses of all taxpayers with respect to a named child for a taxable year so that the total amount with respect to off-campus room and board used in determining the total amount of such expenses in such year does not exceed the qualified off-campus housing expenses with respect to such named child for such year.

"(4) Limitation on creation of accounts.—Any trust created with respect to a named child by a taxpayer at a time when the taxpayer owns another education savings account with respect to such named child (other than an account acquired in a transfer described in subsection (f)(2)(B)(ii), (iii), or (iv)) shall not be treated as an education savings account. Any trust created with respect to a named child by a taxpayer at a time when such named child is not a qualified dependent of the taxpayer under 18 years of age shall not be treated as an education savings account. The preceding sentence shall not apply if the first contribution made to such account is a rollover contribution (as described in subsection (e)(2)).

"(5) Limitation on basis of certain transfers.—Notwithstanding any other provision of this title, the basis of an education savings account transferred in a transfer described in subsection (f)(2)(B)(ii), (iii), or (iv) immediately after such transfer shall be the basis of such account in the hands of the transferor immediately prior to such transfer.

"(i) Community Property Laws.—This section shall be applied without regard to any community property laws.

"(j) Custodial Accounts.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (within the meaning of section 401(d)(1)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an education savings account. For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(k) Reports, Statements, and Certifications.—

"(1) Trustees.—

"(A) Reports.—

"(i) Distributions.—The trustee of an education savings account that makes distributions (determined without regard to subsection (f)) during a taxable year of the owner shall make a report to the Secretary showing the name and address of the owner of such account, the amount of such distributions, and the distributable total balance and the distributable income balance of such account (as determined under paragraphs (1) and (2) of subsection (h)) on the last business day of such year (or, if the account was closed during such year, such balances on the day so closed) within 45 days of the end of such year.

"(ii) Termination of account.—The trustee of an education savings account shall, within 45 days after the date the named child becomes 26 years of age, make a report to the Secretary showing the name and address of the owner of such account, the fact that such named child became 26 years of age and the date thereof, and the distributable total balance and the distributable income balance of such account (as determined under paragraphs (1) and (2) of subsection (h)) on the first business day of the taxable year of the owner that includes such day.

"(B) Customer statements.—The trustee of an education savings account required to make a report to the Secretary under subparagraph (A) shall furnish the owner of such education savings account, within the same time period such report is required to be made, a statement of the distributions, the distributable income balance, and the distributable total balance required to be reported to the Secretary pursuant to subparagraph (A).

"(C) Further reports and statements.—The trustee of an education savings account shall make such reports and furnish such statements (including the statements described in subsections (c)(4)(B), (e)(2)(A)(i), and (e)(2)(B)(i)) regarding such account, to the Secretary or to the owner of such account, with respect to contributions, distributions, and such other matters, as the Secretary may require under regulations.

"(D) Additional requirements.—The reports and statements required by this paragraph shall be furnished or made at such time and in such manner as may be required by the Secretary in regulations and shall contain such additional information as the Secretary may by form or regulation require.

"(2) Qualified educational institutions.—A qualified educational institution certifying eligible education expenses and qualified off-campus housing expenses shall do so in such manner as the Secretary may by regulation require and such certifications shall contain such additional information or the Secretary may by form or regulation require.

"(1) Regulations.—The Secretary shall prescribe regulations pursuant to this section after consultation with the Secretary of Education.".

(b) Tax on Excess Contributions.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds) is amended—

(1) by inserting "education savings accounts," after "accounts," in the caption of such section,

(2) by redesignating paragraphs (2) and (3) of subsection (a) as (3) and (4), and by inserting after paragraph (1) the following:

"(2) an education savings account (within the meaning of section 132(a)(1)),", and

(3) by adding to the end thereof the following new subsection:

"(d) Excess Contributions to Education Savings Accounts.—For purposes of this section, in the case of an education savings account, the term 'excess contributions' means the amount by which—

"(A) the contributions (as determined under section 132) made by the owner of such account to such account in the taxable year of the owner (other than a rollover contribution as described in section 132(e)(2)), exceed

"(B) the sum of—

"(i) the qualified contribution amount with respect to such account for such year (as determined under section 132(e)(1)), plus

"(ii) the amount described in section 132(c)(4)

"(A) with respect to any distribution described in section 132(c)(4) on account of such year.".

(c) Tax on Prohibited Transactions.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding to the end of subsection (c) the following new paragraph:

"(4) Special rule for education savings accounts.—An owner of an education savings account shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, such account ceases to be an education savings account by reason of the application of section 132(f)(2)(C) to such account.", and

(2) by inserting "or an education savings account described in section 132(a)(1)" in subsection (e)(1) after "described in section 408(a)".

(d) Disclosure of Information to Attorney General.—Section 6103 of such Code (relating to confidentiality and disclosure of returns and return information) is amended—

(1) by adding at the end of subsection (h) thereof the following new paragraph:

"(6) Certain investigations and proceedings regarding racially discriminatory policies.—Upon the request of the Attorney General or on the Secretary's own motion, the Secretary shall disclose any return or return information which is relevant to—

"(A) any investigation conducted by the Attorney General under section 132(d) with regard to whether an educational institution is following a racially discriminatory policy (within the meaning of section 132(d)(3), or

"(B) any proceeding which may be brought under section 7406, to any officer or employee of the Department of Justice who is directly and personally involved in such investigation or in preparation for such a proceeding.",

"(2) by inserting 'subsection (h)(2), (h)(6),' in lieu of 'subsection (h)(2),' in paragraph (4) of section 6103(p), and

"(3) by inserting 'subsections (h)(1), (h)(6),' in lieu of 'subsections (h)(2),' in clause (ii) of section 6103(p)(4)(F).

(e) Failure To Provide Reports on Education Savings Accounts.—Section 6693 of such Code (relating to failure to provide reports on individual retirement accounts or annuities) is amended—

(1) by inserting "or education savings accounts" after "annuities" in the caption of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 132(k) to make a report or furnish a statement regarding an education savings account at the time and in the manner required by such section shall pay a penalty of $100 for each failure to do so unless it is shown that such failure is due to reasonable cause.".

(f) Declaratory Judgment Proceeding.—Subchapter A of chapter 76 of such Code (relating to civil actions by the United States) is amended by redesignating section 7408 as section 7409 and by inserting after section 7407 the following new section:

"SEC. 7408. DECLARATORY JUDGMENT RELATING TO RACIALLY DISCRIMINATORY POLICIES OF SCHOOLS.

"(a) In General.—Upon filing of an appropriate pleading by the Attorney General under subsection (b), the district court of the United States for the district in which an educational institution is located may make a declaration with respect to whether such institution follows a racially discriminatory policy. Any such declaration shall have the force and effect of a final judgment of the district court and shall be reviewable as such.

"(b) Filing of Pleading.—

"(1) In general.—The Attorney General is authorized and directed to seek a declaratory judgment under subsection (a) against any educational institution upon—

"(A) receipt by the Attorney General within the previous 1-year period of any allegation of discrimination against such institution, and

"(B) a finding by the Attorney General of good cause.

"(2) Allegation of discrimination.—For purposes of this section, the term 'allegation of discrimination' means an allegation made in writing by any person which alleges with specificity that—

"(A) a named educational institution has committed a racially discriminatory act against a named student applicant or student within 1 year preceding the date on which such allegation is made to the Attorney general, or

"(B) the educational institution made a communication, within 1 year preceding such date, expressing that the institution follows a racially discriminatory policy.

"(3) Notice of allegations of discrimination.—Upon receipt of any allegation of discrimination made against an educational institution, the Attorney General shall

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promptly give written notice of such allegation to such institution.

"(4) OPPORTUNITY TO COMMENT.—Before any action may be filed aginst an educational institution by the Attorney General under subsection (a), the Attorney General shall give the institution a fair opportunity to comment on all allegations made against it and to show that the alleged racially discriminatory policy does not exist or has been abandoned.

"(5) AVAILABILITY OF CERTAIN INFORMATION TO COMPLAINANT.—

"(A) IN GENERAL.—If an allegation of discrimination against an educational institution is made to the Attorney General and the Attorney General—

"(i) declines to bring an action under subsection (a) against such institution, or

"(ii) enters into a settlement agreement with such institution under subsection (d) before such an action is brought,

the Attorney General shall make available to the person who made such allegation the information upon which the Attorney General based the decision not to bring such an action or to enter into such settlement agreement. The Attorney General shall promptly give written notice to such person that such information is available for his inspection.

"(B) PRIVACY LAWS.—Nothing in this paragraph shall be construed to authorize or require the Attorney General to disclose any information if such disclosure would violate any applicable State or Federal law relating to privacy (including section 6103).

"(c) REQUIREMENTS FOR A FINDING OF FOLLOWING A RACIALLY DISCRIMINATORY POLICY.—A district court may declare that an educational institution follows a racially discriminatory policy in an action brought under subsection (a) only if the Attorney General establishes such action that—

"(1) the institution has, pursuant to such policy, committed a racially discriminatory act against a student applicant or student within the 2 years preceding commencement of such action;

"(2) the institution has, within the 2 years preceding commencement of such action, made a communication expressing that it follows a racially discriminatory policy against student applicants or students; or

"(3) the institution has engaged in a pattern of conduct intended to implement a racially discriminatory policy, and that some act in furtherance of this pattern of conduct was committed within two years preceding commencement of such action.

"(d) SETTLEMENT.—

"(1) IN GENERAL.—Prior to, and in lieu of, filing an action under subsection (a), the Attorney General may, at his discretion, enter into a settlement agreement with the educational institution against which an allegation of discrimination has been made if the Attorney General finds that the institution has been acting in good faith and has abandoned its racially discriminatory policy.

"(2) VIOLATION OF SETTLEMENT AGREEMENT.—If the Attorney General has entered into a settlement agreement with an educational institution under paragraph (1) and the Attorney General finds that such institution is in violation of such agreement, the Attorney General may—

"(A) notwithstanding subsection (b)(1)(A), bring an action under subsection (a) without having received any allegation of discrimination against such institution, or

"(B) bring an action to enforce the terms of such agreement.

"(3) COPY OF SETTLEMENT AGREEMENT TO COMPLAINANT.—The Attorney General shall give a copy of any settlement agreement which is entered into with an educational institution under paragraph (1) to any person from whom the Attorney General has received an allegation of discrimination against such institution.

"(e) RETENTION OF JURISDICTION.—Any district court which makes a declaration under subsection (a) that an educational institution follows a racially discriminatory policy shall retain jurisdiction of such case.

"(f) DISCONTINUANCE OF RACIALLY DISCRIMINATORY POLICY.—

"(1) MOTION.—

"(A) IN GENERAL.—At any time after the date which is 1 year after the date on which a judgment is entered in an action brought under subsection (a) declaring that an educational institution follows a racially discriminatory policy, such institution may file with the district court a motion to modify such judgment to include a declaration that such institution no longer follows a racially discriminatory policy.

"(B) AFFIDAVITS.—Any motion filed under subparagraph (A) shall contain affidavits—

"(i) describing with specificity the ways in which the educational institution has abandoned its previous racially discriminatory policy;

"(ii) describing with specificity the ways in which such institution has taken reasonable steps to communicate its policy of nondiscrimination to students, to faculty, to school administrators, and to the public in the area it serves;

"(iii) averring that such institution has not, during the preceding year—

"(I) committed a racially discriminatory policy,

"(II) made a communication expressing that it follows a racially discriminatory policy against such applicants or students, or

"(III) engaged in a pattern of conduct intended to implement a racially discriminatory policy, and committed some act in furtherance of this pattern of conduct; and

"(iv) averring that such institution has complied with the requirements of section 132(a)(7)(B).

"(2) ORDER.—If a motion is made under paragraph (1), the district court shall issue an order modifying the judgment entered in the action to include a declaration that the educational institution no longer follows a racially discriminatory policy unless the Attorney General establishes that—

"(A) any affidavit provided by the institution under paragraph (1)(B) is false;

"(B) the institution has, during the preceding year, committed any act, made any communication, or engaged in any pattern of conduct described in paragraph (1)(B)(iii); or

"(C) the institution has not, in fact, complied with the requirements of clauses (ii) and (iv) of paragraph (1)(B).

"(3) APPEAL OF ORDERS.—Any order of the district court granting or denying a motion made under paragraph (1) shall be reviewable.

"(g) ATTORNEYS' FEES.—If an educational institution prevails in an action under this section, the court may award the institution costs and reasonable attorneys' fees in such action.

"(h) DEFINITIONS.—For purposes of this section—

"(1) RACIALLY DISCRIMINATORY POLICY.—The term 'racially discriminatory policy' has the meaning given to such term by section 132(d)(3).

"(2) RACIALLY DISCRIMINATORY ACT.—

"(A) IN GENERAL.—An educational institution commits a racially discriminatory act if such institution refuses, on the basis of race, to—

"(i) admit any applicant as a student;

"(ii) admit any student to the rights, privileges, programs, and activities generally made available to students by the educational institution; or

"(iii) allow any student to participate in its scholarship, loan, athletic, or other programs.

"(B) QUOTAS, ETC.—The term 'racially discriminatory act' shall not include the failure of such institution to pursue or achieve any racial quota, proportion, or representation in the student body.

"(C) RACE.—The term 'race' shall include color or national origin.

"(i) REPORT.—Within 90 days of the close of each calendar year, the Attorney General shall submit a report to the Congress concerning the disposition during such calendar year of—

"(1) any allegations of discrimination received by the Attorney General, and

"(3) any actions brought under this section.".

(g) CONFORMING CHANGES.—

(1) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 132 and inserting in lieu thereof the following:

"Sec. 132. Education savings accounts.
"Sec. 133. Cross references to other Acts.".

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, education savings accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds.".

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by striking out the item relating to section 6693 and inserting in lieu thereof the following:

"Sec. 6693. Failure to provide reports on individual retirement accounts or annuities or education savings accounts.".

(4) The table of sections for subchapter A of chapter 76 of such Code (relating to civil actions by the United States) is amended by striking out the item relating to section 7408 and inserting in lieu thereof the following:

"Sec. 7408. Declaratory judgment relating to racially discriminatory policies of schools.
"Sec. 7409. Cross references.".

EDUCATION SAVINGS ACCOUNTS: GENERAL EXPLANATION

CURRENT LAW

There is no exclusion from gross income and no deduction is allowed for payments by a parent of a child's education expenses.

REASONS FOR CHANGE

The costs of post-secondary education have increased substantially in recent years. Providing for the payment of education expenses often can be done most effectively if a savings program for such purpose is established when the child is young. In order to improve a child's opportunities to secure valuable learning, it is desirable to encourage parents to establish such savings programs.

PROPOSAL

Parents will be permitted to make nondeductible contributions to tax-exempt Education Savings Accounts to pay for the post-secondary education of their children. The maximum amount that may be contributed per child in any year is $1,000 reduced by 5 cents for each dollar by which the adjusted gross income of the parents exceeds $40,000, so that no contribution may be made in a year in which the parents' adjusted gross income exceeds $60,000. Contributions are permitted only when the child is under 18 years of age. An Education Savings Account may not be kept open when the child is 26 years of age.

No tax is imposed on withdrawals by an account owner in order to pay for tuition and room and board expenses of the child. Other withdrawals of earnings will be included in the parent's income. In addition, a penalty will be imposed on withdrawals for noneducational purposes except under certain circumstances. The proposal will be effective for taxable years beginning after December 31, 1983.

EFFECTS OF PROPOSAL

The effect of the proposal will be to exempt earnings on amounts contributed to an Education Savings Account from Federal income tax if the amounts in the account are spent for certain educational purposes. The tax savings resulting from exclusion of such earnings from a taxpayer's income will permit the taxpayer to accumulate additional savings for the education of a dependent. For example, if a family with two children has $25,000 to $30,000 of adjusted gross income, is subject to tax at the 26 percent marginal tax bracket, and deposits $1,000 for each child in accounts earning interest at the rate of 10 percent per annum, then $200 of income will be excluded from taxation in the first year, yielding a tax reduction of $52. These amounts will accumulate. If deposits are made for six years, about $18,700 will be in the accounts in the seventh year, or $2,000 more than could be saved in taxable accounts earning interest at the same rate.

Revenue estimate

Fiscal years	*Billions*
1984	Negligible
1985	−0.2
1986	−0.3
1987	−0.4
1988	−0.6

EDUCATION SAVINGS ACCOUNTS—TECHNICAL EXPLANATION

SUMMARY OF THE PROPOSAL

Parents will be permitted to make nondeductible contributions to tax-exempt Education Savings Accounts to pay for the post-secondary education of their children. The maximum amount that may be contributed per child in any year is $1,000 reduced by 5 cents for each dollar by which the adjusted gross income of the parents exceeds $40,000.

DETAILED DESCRIPTION

Under the proposal, an individual with a dependent under the age of 18 may set up an Education Savings Account to fund the post-secondary education costs of the dependent. Such accounts may be established with the same financial institutions with which IRAs may be established under current law. The creator of the account retains complete control over the account and may withdraw the account at any time, subject to the taxes and penalties described below. The account will be exempt from taxation.

The owner of the account may make nondeductible contributions for each year in which the dependent is under 18 years of age. The maximum annual contribution with respect to a dependent is $1,000 reduced by 5 cents for each dollar by which the adjusted gross income of the owner (including the income of any spouse) exceeds $40,000, so that no contribution may be made in a year in which the adjusted gross income of the owner (and any spouse) exceeds $60,000. Contributions for a year may be made until the time the tax return for that year is due. Only cash contributions are permitted.

Income earned by an account is not subject to tax as earned. A withdrawal from an account is treated as a withdrawal of a pro-rata share of the income and principal in the account and the income withdrawn is taxable unless used to pay eligible education expenses of the dependent for whom the account was established. Eligible education expenses generally are tuition and room and board with respect to the full-time enrollment of the dependent in a post-secondary program leading to a degree or certification (including graduate school). As to part-time students in such a program, only withdrawals for tuition qualify.

Eligible education expenses do not include amounts paid to schools that follow racially discriminatory policies.

Withdrawals will be reported to the IRS by the financial institution with which the account is kept. The amount by which the withdrawals exceed the total eligible education expenses will be treated as withdrawals that are not used to pay eligible education expenses. The educational institution the dependent attends will certify the exact amount of eligible expenses paid by the account owner to the institution and, for a full-time student that lives off campus, the institution's estimate of the cost of off-campus room and board. The total eligible education expenses is the amount paid to the institution, as certified, and the amount of money the account owner provides to the dependent up to the certified estimate of off-campus room and board.

In order for the costs of education to qualify as eligible education expenses, the school the student attends, with one exception, must be a tax-exempt organizaiton described in section 501(c)(3). The single exception to the requirement of section 501(c)(3) status is for certain vocational and similar for-profit educational institutions that generally are not tax-exempt.

The transfer of an account generally results in the owner being taxed on the retained earnings in the account and the account losing its tax-exempt status. An exemption is provided for certain transfers pursuant to the divorce or death of the owner where the account continues to be maintained as an Education Savings Account for the same child. Accounts may be rolled over tax free to a different institution.

An Education Savings account loses its tax-exempt status and the owner is taxed on all retained earnings in the year in which the dependent becomes 26 years of age. Pledging an account or engaging in a prohibited transaction with an account terminates the tax-exempt status of the account and results in the owner being taxed on the retained earnings in the account.

Education Savings Accounts are subject to many of the same restrictions as IRAs. Accounts may be invested only in the same types of assets in which IRAs may be invested. An excise tax is imposed on excess contributions and certain transactions between the account and the owner or related persons.

Taxable withdrawals and terminations are subject to a penalty in most cases. Exceptions to the penalty rule apply in the case of death of the dependent for whom the account was established, death of the account owner, or use of funds for certain medical expenses of the dependent.

EFFECTIVE DATE

The proposal would become effective for taxable years beginning after December 31, 1983.●

By Mr. GRASSLEY (for himself and Mr. DOLE):

S. 1490. A bill entitled the "Fraternal Lodge Tax Bill"; to the Committee on Finance.

FRATERNAL LODGE TAX BILL

● Mr. GRASSLEY. Mr. President, I am pleased to offer a bill today which would amend the Internal Revenue Code of 1954 to allow a tax deduction for charitable contributions for fraternal organizations for the purpose of constructing and maintaining their buildings.

The Internal Revenue Code defines a fraternal organization in section 501(c)(10), as a domestic fraternal beneficiary association which does not provide for the payment of life, sick, accident, or other benefits to its members, and devotes its net earnings exclusively to religious, charitable, scientific, literary, education, and fraternal purposes.

I feel that the solution to the majority of the problems facing our country today can be found at the local level where it is possible to detect and address the problems in a timely manner. Fraternal organizations, such as the Knights of Columbus, the Masons, and the Shriners, to name but a few, are responsible for many community services which would otherwise not be undertaken. Many of the resources needed to assist localities in addressing community needs are provided by fraternal organizations and funded by charitable contributions. Some of the services provided to the communities include: hospitals, health research laboratories, youth programs, homes for the aged, widowed, and orphans, scholarships, relief for the underprivileged, libraries, and museums. Over $1.5 million per day is contributed to community charitable enterprises by fraternal organizations.

By passing this measure, incentives will be provided for the construction and maintenance of fraternal lodges and assembly halls. This, in turn, will encourage new membership and continued support of these fine organizations' efforts on behalf of the needy in our country. It is a matter of civic and fraternal pride to have a meeting hall, lodge, or temple, in which to gather for meetings. Because deductible contributions to fraternal organizations for the purpose of constructing and maintaining their meeting halls has not been allowed under our past and present tax laws, these assembly halls have been allowed to deteriorate, or have not been constructed where they are needed. In many communities, the appearances of the meeting facilities discourages new membership. In larger cities, the population has moved away from the downtown area, to the suburbs; hence, it is often necessary for members of fraternal organizations to travel a considerable distance in order to conduct their meetings. This also discourages new membership, thus diminishing the truly community-oriented projects of fraternal organizations.

By providing an incentive to construct or maintain their meeting halls, many new buildings and restoration projects would be initiated. New jobs for skilled laborers would be created, both in rural and urban communities, where there are many unemployed workers just waiting for a chance to work again. This would increase revenues to the Treasury and reduce the number of individuals receiving unemployment benefits. My bill would also encourage charitable service projects to be undertaken.

It is important that we find the solution to the social ills plaguing our Nation today. Fraternal organizations provide many of the badly needed services to our communities, and should be encouraged to continue to do so. I urge my colleagues to join with me in this effort. This measure would provide the incentive for the construction and maintenance of fraternal meeting halls, create many needed jobs in the construction industry, and be a starting block for solving many local problems before they become problems for the entire Nation.●

● Mr. DOLE. Mr. President, the Senator from Kansas is pleased to join the distinguished Senator from Iowa in the introduction of legislation that would allow tax deductions for contributions to a section 501(c)(10) organization for the purpose of construction or maintenance of a building which is principally used to house a fraternal lodge organization. This legislation will assist these organizations in performing their noble goals.

ROLE OF FRATERNAL ORGANIZATIONS

Mr. President, a section 501(c)(10) organization is a domestic fraternal society, order or association that operates under the lodge system, the net earnings of which are devoted exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes.

These nonprofit groups are exempt from taxation in recognition of their significant contributions to community life. Although these contributions are considerable, they unfortunately are often unnoticed.

These organizations are most well-known for their support of hospitals throughout the Nation; they also raise funds for emergency and disaster relief, and for the underprivileged and disadvantaged. Indeed, the combined Masonic contributions to charities in the United States exceed $1 million a day!

Lodge members and others are firm in their financial support to such organizations. However, all of the funds donated to such organizations are used for the projects and activities of the organization that serve to enhance the community. In the meantime, the fraternal lodges cannot use donated funds for the repair or maintenance of their lodge buildings—many of which are in a deteriorating state—or for the construction of new lodge buildings in a site that would better serve the members and the community. These buildings are where the members meet to plan fundraising and other projects to better the localities that they serve. The limitations on raising funds to construct or repair the lodge buildings increase the difficulties of the members in raising funds for their worthwhile purposes.

CHARITABLE DEDUCTIONS

Mr. President, this legislation allows a charitable deduction for contributions to these organizations for the purpose of construction or maintenance of a building which houses the organization.

We, in Congress, realize that we must encourage private initiatives to provide relief for the less fortunate of our society. I believe that this legislation will encourage private donations to groups like these organizations that demonstrate such initiative, and will in turn reward our Nation with the fruits of their labor.●

By Mr. THURMOND (for himself and Mr. Hollings):

S. 1492. A bill to provide Federal disaster assistance to producers of peaches and apples; to the Committee on Agriculture, Nutrition, and Forestry.

PEACH DISASTER ASSISTANCE

Mr. THURMOND. Mr. President, I rise today to introduce the Peach and Apple Disaster Payment Act of 1983. The purpose of this legislation is to include peaches and apples in the disaster payment program administered by the Agricultural Stabilization and Conservation Service (ASCS).

Under this program, the ASCS is directed to make disaster payments to growers of certain crops who have suffered a natural disaster beyond their control, with the result that they are prevented from planting their crop or harvest an abnormally low yield.

Mr. President, for the second consecutive year, peach and other fruit-growers in South Carolina and throughout the Southeast have suffered massive losses due to unusual subfreezing spring weather. The South Carolina Peach Council estimated that, in the past year alone, crop losses reached $50,000,000 statewide. This disaster has dealt a severe blow to the economy of my State. The freeze has left 340 full-time peach farmers without their main source of income. The destroyed crop will prevent 10,300 seasonal workers, a good portion of whom are high school students, from obtaining summer employment in the peach orchards and packing sheds. South Carolina is the second largest producer of peaches nationwide, and peaches are the State's third largest cash crop.

Mr. President, this tragedy only compounds the problems that face farmers today in the Southeastern United States. Adequate assistance programs are needed to keep growers who have suffered from natural disasters beyond their control from going out of business.

Mr. President, my original home of Edgefield, S.C., is located in the heart of one of the main peach-growing regions in the State, and I have first-hand knowledge of the great damage to this industry in that area as well as the Piedmont section of South Carolina. I cannot idly stand by while this industry suffers through its most severe crisis in recent history. In that vein, I offer this legislation in an attempt to provide assistance to those peach and apple growers in my region of the country who are faced with this grim situation over which they have no control. I hope that this legislation will receive full and expeditious consideration by the Senate Agriculture Committee, and that it will be favorably acted upon by the full Senate in the near future.

By Mr. KENNEDY (for himself, Mr. Hollings, Mr. Chiles, Mr. Pell, Mr. Bradley, Mr. Matsunaga, and Mr. Pryor):

S. 1495. A bill to provide for a national summit conference on Education; to the Committee on Labor and Human Resources.

NATIONAL SUMMIT CONFERENCE ON EDUCATION

Mr. KENNEDY. Mr. President, when the Senate began consideration of the supplemental appropriations bill, I offered an amendment to convene a national summit conference on education that would develop a blueprint for restoring excellence to education. Unfortunately, that amendment was rejected on a party-line vote. However, I believe that my colleagues on the other side of the aisle will support this proposal once they fully understand it.

The bill that I am introducing today will give them a chance to change their minds. This bill incorporates the

proposal I offered last week as an amendment—with one change. The conference would not be funded through an additional appropriation. Instead, it would be funded from existing education funds controlled by the Secretary of Education.

This bill is sponsored by Senators Hollings, Chiles, Pell, Bradley, Matsunaga, and Pryor. Like my amendment of last week, this bill has received the endorsement of the National Education Association, the American Federation of Teachers, the National School Boards Association, the National Parent-Teacher Association, the American Association of School Administrators and the chief State school officers.

Rather than to repeat my previous summaries of this proposal, I would just like to cover four points in response to the concerns raised during the debate last week.

First, my bill does not call for "another study"—duplicative of past examinations regarding the conditions of American schools. Rather, this conference would develop a plan to restore excellence to this Nation's education system. The National Commission on Excellence in Education and its private counterparts eloquently identified the problems in the schools and illuminated the direction we must go to restore excellence. The conference would pick up where these reports left off. It would be the first step in implementing these recommendations.

Second, the activities of the conference are not being duplicated by the regional forums currently being held by the Department of Education. The Department claims that these forums are designed to elicit methods for implementing the National Commission's recommendations. The reality belies that claim. Rather than a search for solutions, these forums are a platform for President Reagan's public relations campaign. We do not need finger-pointing or distorted facts. We need a common, bipartisan, nationwide effort to restore excellence in education. My proposal is the first step.

Third, the conference will not lead to a nationalized education system. National leadership does not mean national domination. The conference can act as a catalyst to nationwide Federal, State, local, and private efforts to improve the schools. It would not impose national standards on local school districts—it will simply provide guidance to local school districts for addressing problems afflicting the schools. But that guidance can be enough to begin the process in cities and towns across the country. Let me also say that I would hope that the national summit conference will encourage States and communities to hold similar conferences to develop local blueprints to improve their own schools.

Fourth, and finally, the problems of our schools are urgent. The challenges to our Nation are immediate. I offered my amendment to the supplemental appropriations bill because I believe that we cannot afford to wait for the conventional legislative process. There are few situations when I believe this is justified, but I definitely believe this is one of those.

America faces a difficult future. That future will demand the best of our citizens. Only a national effort will succeed in producing a well-educated citizenry capable of meeting that challenge. This bill is the first step in that effort.

By Mr. TSONGAS (for himself and Mr. Baucus):

S. 1496. A bill to amend the Internal Revenue Code of 1954 to encourage investment in new business ventures; to the Committee on Finance.

NEW VENTURE INVESTMENT INCENTIVE ACT

● Mr. TSONGAS. Mr. President, today, I am pleased to offer on behalf of myself and Senator Baucus, the New Venture Investment Incentive Act of 1983. This legislation is designed to provide tax incentives to encourage the individual to invest in new and innovative small businesses.

This bill creates a new form of tax-favored stock, to be called opportunity stock, which may be offered by qualifying new ventures. New business ventures are the wellspring of innovation and new job opportunities for our economy. They are the major source of new products and services that generate continued economic growth. A recent estimate shows that 75 percent of new jobs are created by small emerging companies.

Yet, the high risks associated with creating new products or services makes it difficult for small new business to find affordable sources of capital. Recent changes in the tax law have fueled a major expansion in the venture capital market that provides necessary capital for enterprises with the potential for a relatively quick return.

The individual investor, however, remains the primary source of seed money for developing and refining products and services with larger lead times and high risk. It is precisely this type of activity our economy should foster. The U.S. economy currently faces great structural change created by emerging new technologies and new competition from abroad. The need to innovate and respond to these changes makes it more important than ever to encourage the availability of financing for new innovative ventures.

This legislation will make it possible for qualified new ventures to offer up 250,000 dollars' worth of special opportunity stock that will provide the individual investor significant tax advantages. The investor may deduct the full amount invested in opportunity stock during the year up to $15,000, or $30,000 for those filing a joint return. The stock must then be held by the investor for at least 3 years.

When the stock is sold, any gain up to the amount of the original deduction is taxed as ordinary income. Any income above that amount is taxed as capital gain. In effect, this bill only calls for a timing change in current tax law. Individuals already receive deductions for small business investments that fail. This bill simply gives a positive incentive by allowing the deduction up front. Those investments that succeed as a result of the additional incentive will add significant revenues to the Treasury as a consequence.

Several provisions of the bill assure that these incentives are targeted in a manner that maximizes new enterprise formation with accompanying new jobs and economic opportunity. Only those corporations which have been organized within the last 5 years to offer a new product or service are eligible to issue opportunity stock. To qualify a corporation must meet the definition of a small business corporation that subchapter s corporations face. They may engage in any active trade or business except for certain financial, brokerage, and professional services.

There are several provisions included in the bill to avoid having this stock used simply to minimize the tax exposure of individuals. Only new shareholders are allowed to claim the deduction, and no one may purchase opportunity stock if it results in their holding 50 percent of the stock of the corporation.

Reciprocal stock purchase agreements where owners of two firms agree to purchase stock in each other's firm in order to realize tax savings is not allowed.

No dividends or other distributions can be made to the opportunity stockholder during the 3 years the stockholder is required to hold the stock without transfer.

If the stock purchase plan under which opportunity stock will be issued fails to meet these requirements during the 3-year holding period, the tax benefits claimed by the investors will be recaptured by the Treasury with interest.

All of these protections insure that opportunity stock does not become a mechansim for simply sheltering income. The bill will bring in new individual investors with new capital for enterprises striving to bring innovations to market. Estimates of revenue loss under this proposal are less than $50 million for fiscal year 1984, and less than $100 million in future years. This investment in the entrepreneuri-

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al economy will surely return this investment many times over.

I urge my colleagues to join with me in sponsoring this proposal.

Mr. President, I ask unanimous consent that the bill be printed in its entirely at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Venture Investment Incentive Act".

SEC. 2. DEDUCTION FOR PURCHASES OF STOCK OF NEW VENTURE CORPORATIONS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. PURCHASES OF STOCK OF NEW VENTURE CORPORATIONS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction the amount paid or incurred during the taxable year for the purchase of opportunity stock under a qualified stock purchase plan.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—The amount allowable to the taxpayer as a deduction under subsection (a) for any taxable year shall not exceed $15,000 ($30,000 in the case of a joint return).

"(2) RECIPROCAL PURCHASE AGREEMENTS.—No deduction shall be allowed under subsection (a) with respect to any purchase by the taxpayer of stock in a corporation controlled by another person if such other person purchases stock in another corporation controlled by the taxpayer.

"(c) OPPORTUNITY STOCK.—For purposes of this section—

"(1) IN GENERAL.—The term 'opportunity stock' means any share of stock of a new venture corporation.

"(2) NEW VENTURE CORPORATION.—The term 'new venture corporation' means any corporation—

"(A) which—

"(i) was incorporated in the United States less than 5 years prior to the date on which the taxpayer purchases opportunity stock of such corporation, or

"(ii) commenced business less than 5 years prior to such date, and

"(B) which is a small business corporation (within the meaning of section 1361(b)), and

"(C) which conducts a qualifying business on such date or within 1 year of such date.

"(3) QUALIFYING BUSINESS.—The term 'qualifying business' means any trade or business other than a trade or business whose principal activities consist of—

"(A) dealing in commodities, securities, or real estate,

"(B) banking, insurance, money-lending, debt factoring, hire-purchase financing, or other financial activities,

"(C) leasing (including letting ships on charter or other assets on hire) or receiving royalties or license fees, or

"(D) providing any professional service including legal, accounting, or medical services.

"(d) QUALIFIED STOCK PURCHASE PLAN.—The term 'qualified stock purchase plan' means any plan of a corporation which meets the following requirements:

"(1) AGGREGATE VALUE OF STOCK SOLD.—The aggregate value of all stock of the corporation sold under the plan shall not exceed $250,000.

"(2) MAJORITY SHAREHOLDER INELIGIBLE.—No person may purchase stock of the corporation under the plan if, as a result of the purchase, such person would own more than 50 percent of the combined voting power of all classes of stock of the corporation.

"(3) ONLY NEW SHAREHOLDERS MAY PURCHASE STOCK.—No person may purchase stock under the plan if such person was at any time a shareholder of such corporation other than by reason of stock purchased under the plan.

"(4) PROCEEDS USED FOR A QUALIFYING TRADE OR BUSINESS.—The proceeds from the sale of the stock under the plan must be directly invested in the new venture corporation and used in conducting a qualifiying business.

"(5) CASH PURCHASES.—Stock of the corporation may be purchased under the plan only with cash.

"(6) NO DISTRIBUTIONS WITH RESPECT TO STOCK FOR 3 YEARS.—No distribution shall be made by the corporation with respect to any stock purchased under the plan for a period of three years after the date on which the stock was purchased under the plan.

"(7) LIMITATION ON TRANSFER OF STOCK FOR 3 YEARS.—Stock purchased under the plan may not be transferred (other than by reason of death) to any other shareholder of the corporation at any time during the 3-year period beginning on the date on which the stock was purchased under the plan.

"(8) NO REDUCTION OF CORPORATE INDEBTEDNESS TO OFFICERS OR SHAREHOLDERS.—Any corporate indebtedness to officers or shareholders existing on the date any stock is issued under the plan may not be reduced for three years after such date.

"(e) DISPOSITION OF OPPORTUNITY STOCK.—

"(1) GAIN TREATED AS ORDINARY INCOME.—Notwithstanding any other provision of this title, any gain from the disposition of opportunity stock shall be recognized and treated as ordinary income to the extent such gain does not exceed the amount of the reduction made to the basis of the taxpayer in such stock by reason of paragraph (2).

"(2) ADJUSTMENT OF BASIS IN STOCK.—

"(A) IN GENERAL.—For purposes of this title, the basis of the taxpayer in any opportunity stock shall be reduced by the amount of any deduction allowed the taxpayer under subsection (a) with respect to the purchase of such stock.

"(B) ALLOCATION OF BASIS ADJUSTMENT.—If the aggregate amount paid or incurred during the taxable year for the purchase of opportunity stock under qualified stock purchase plans exceeds the limitation imposed by subsection (b), the reduction in the basis of such stock required under subparagraph (A) shall be allocated among the shares of such stock in proportion to the respective costs of each share of such stock.

"(f) RECAPTURE OF TAX BENEFIT.—

"(1) IMPOSITION OF ADDITIONAL TAX.—If at any time during the taxable year in which the taxpayer is allowed a deduction under subsection (a) with respect to the purchase of opportunity stock under a qualified stock purchase plan and the three succeeding taxable years—

"(A) such plan fails to meet the requirements of subsection (d),

"(B) the corporation issuing such stock—

"(i) fails to conduct a qualifying business before the date that is 1 year after the latest date on which such opportunity stock was purchased by the taxpayer,

"(ii) ceases to be a small business corporation (within the meaning of section 1361 (b)),

"(iii) no longer conducts a qualifying business, or

"(iv) acquires property (other than cash or inventory purchased in the normal course of such corporation's business) from the taxpayer or any person related to the taxpayer,

then there is hereby imposed an additional tax on the income of the taxpayer which shall be in an amount determined with respect to such opportunity stock.

"(2) AMOUNT OF ADDITIONAL TAX.—

"(A) IN GENERAL.—The amount of the additional tax imposed by paragraph (1) with respect to any opportunity stock shall be equal to the sum of—

"(i) the excess of—

"(I) the income tax liability of the taxpayer for the taxable year in which the deduction under subsection (a) was allowed with respect to the purchase of such stock (determined without regard to the portion of such deduction attributable to such stock), over

"(II) the income tax liability of the taxpayer for such taxable year; plus

"(ii) interest on the excess described in clause (i) at the annual rate established under section 6621 for the period beginning on the date on which the return of the tax imposed by this chapter for such taxable year was required to be made and ending on the date on which payment of such additional tax is made.

"(B) INCOME TAX LIABILITY.—For purposes of this paragraph, the term 'income tax liability' means the tax imposed by this chapter reduced by any credit allowable against such tax.

"(3) ONLY 1 ADDITIONAL TAX IMPOSED ON ANY SHARE OF STOCK.—No additional tax shall be imposed by paragraph (1) with respect to any share of stock if an additional tax has previously been imposed by paragraph (1) with respect to such share of stock.

"(4) DUE DATE.—The additional tax imposed by paragraph (1) shall become due and payable on the date which is 6 months after the date such tax is imposed.

"(5) STATUTE OF LIMITATIONS.—If an additional tax is imposed under paragraph (1)—

"(A) the statutory period for the assessment of such additional tax shall not expire before the expiration of 3 years from the date the Secretary is notified (in such manner as the Secretary may by regulations prescribe) of the occurrance which gives rise to the imposition of such additional tax; and

"(B) such addtional tax may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(g) CONTROL OF CORPORATION.—

"(1) IN GENERAL.—For purposes of this section, a person has control of a corporation if such person owns more than 50 percent of the combined voting power of all classes of stock of such corporation.

"(2) INDIRECT OWNERSHIP.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Stock owned, directly or indirectly, by or for a corporation, partnership, or trust shall be treated as being owned by or for its shareholders, partners, or beneficiaries in proportion to their ownership or interest in such corporation, partnership, or trust.

"(B) MEMBERS OF FAMILY.—Stock owned directly or indirectly by the members of the family (within the meaning of section 267 (c)(4)) of a person shall be treated as being owned by such person.

"(C) SUCCESSIVE APPLICATION.—Stock treated as owned by a person by reason of the application of subparagraph (A) shall be treated as owned by such person for purposes of again applying subparagraph (A) in order to treat another person as the owner of such property.

"(D). BENEFICIARY.—For purposes of this paragraph, a person shall be treated as a beneficiary of any trust only if such person has a present interest in the trust.".

(b) DEDUCTION ALLOWED FROM GROSS INCOME.—Section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (16) the following new paragraph:

"(17) PURCHASES OF STOCK OF SMALL BUSINESS CORPORATIONS.—The deduction allowed by section 223.".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code (relating to adjustments to basis) is amended—

(A) by striking out "and" at the end of paragraph (24),

(B) by striking out the period at the end of paragraph (25) and inserting in lieu thereof ", and", and

(C) by adding at the end thereof the following new paragraph:

"(26) to the extent provided in section 223(e)(2), in the case of stock with respect to the purchase of which a deduction has been allowed under section 223.".

(2) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 223. Purchases of stock of new venture corporations.

"Sec. 224. Cross references.".

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to purchases made after the date of enactment of this Act in taxable years ending after such date.●

By Mr. HUMPHREY:

S. 1497. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to require a recorded vote in each House for annual congressional pay adjustments, to provide that appropriations of funds for congressional pay be considered separately, and for other purposes; to the Committee on Governmental Affairs.

CONGRESSIONAL PAY REFORM ACT OF 1983

● Mr. HUMPHREY. Mr. President, the dilemma of congressional salary increases is a difficult problem indeed. Despite several legislative efforts to dilute congressional hold of its Members' salaries, we still maintain ultimate control over pay increases and benefits. To a public wrestling with high interest rates, and high unemployment, how we conduct this responsibility is a subject of some attention and concern. We should approach this task with a sensitivity to the economic crises that has enveloped this country for some time now.

However, we have not. Usually, congressional pay provisions are included in major omnibus bills, buried in amongst numerous major items. We have witnessed this just this week with the supplemental appropriations bill, where we dealt with honoraria and salary increases along with multiyear procurement for the B-1B, the Bureau of Indian Affairs, foreign aid, and education for the handicapped, to name just a few.

We have dealt with such issues in this fashion before. Then we reacted with surprise to the public's and press' accusations that we have dealt with the issue in a backhanded way. Realistically, you cannot blame them. This hardly invokes trust in us among our constituents.

This is why I am introducing today the Congressional Pay Reform Act of 1983. This bill has three major provisions: First, any legislation affecting Members' salaries will be a separate piece of legislation, a concurrent resolution. Second, all votes on such legislation will be rollcall votes. Finally, any salary increases will become effective March 1 of the Congress following the Congress during which the increase became law.

I believe that the logic behind this bill is self-evident. The truth is that we are responsible for our salary increases. We must act responsibly and must each be ready to be held accountable for all salary changes despite the obvious sensitivity of the issue. This is the only way we can earn our constituents' respect and insure responsible decisions on our part.●

By Mr. HUDDLESTON (for himself, Mr. HELMS, Mr. COCHRAN, Mr. LEAHY, Mr. BOREN, Mr. BOSCHWITZ, Mr. DIXON, Mr. DOLE, Mrs. HAWKINS, Mr. HEFLIN, Mr. JEPSEN, Mr. LUGAR, Mr. PRYOR, Mr. ZORINSKY, Mr. EAST, Mr. PROXMIRE, Mr. BENTSEN, Mr. DOMENICI, Mr. SYMMS, Mr. COHEN, Mr. D'AMATO, Mr. MATSUNAGA, Mr. HUMPHREY, Mr. CRANSTON, Mr. NUNN, Mr. RIEGLE, Mr. BRADLEY, Mr. STENNIS, Mr. TSONGAS, Mr. DECONCINI, Mr. RANDOLPH, Mr. BUMPERS, Mr. CHAFEE, Mr. BAKER, Mr. MATTINGLY, Mr. STEVENS, Mr. BURDICK, and Mr. MCCLURE)

S.J. Res. 117. Joint resolution to authorize and request the President to designate July 15, 1983, as "National Ice Cream Day"; to the Committee on the Judiciary.

NATIONAL ICE CREAM DAY

● Mr. HUDDLESTON. Mr. President, I am pleased to introduce a joint resolution to designate July 15, 1983, as "National Ice Cream Day".

Ice cream is a nutritious and wholesome food that is the favorite dessert of many Americans.

The ice cream industry uses nearly 10 percent of the milk produced by U.S. dairy farmers, thereby contributing substantially to the economic wellbeing of the Nation's dairy industry. And, with annual sales of over $3 billion, the ice cream industry provides jobs for thousands throughout the Nation.

By designating July 15, 1983, as National Ice Cream Day, we will be saluting this important agricultural product and honoring the dairy farmers and others responsible for making ice cream available to us for our enjoyment.

Mr. President, a national ice cream celebration has been held for the past 5 years by our Nation's dairy farmer-owned cooperatives. The celebration this year will be held during the week of July 10 through 16. The theme of the celebration will be "America Loves Ice Cream."

Ice cream has been enjoyed by Americans throughout our Nation's history. It is said that George Washington enjoyed ice cream so much that he had ice creammaking equipment installed at Mount Vernon. Dolly Madison served ice cream at State dinners, including President Madison's second inaugural banquet and, it is reported that Thomas Jefferson had his own favorite recipe for vanilla ice cream.

In 1846, Nancy Johnson of New Jersey invented the handcranked ice cream freezer. Five years later, the first ice cream manufacturing facility was established in Baltimore. And in 1904, at the St. Louis World's Fair, the ice cream cone was introduced.

Ice cream continues to be a favorite dessert of many Americans. Last year alone, we consumed more than 3 billion quarts of it.

I believe it appropriate that Congress pay special tribute to this important agricultural product and I urge my colleagues to join me in supporting this joint resolution.●

By Mr. CHAFEE (for himself, Mr. HEINZ, Mr. GORTON, Mr. SARBANES, Mr. KASTEN, Mr. DIXON, and Mr. JEPSEN):

S.J. Res. 118. Joint resolution to establish the Abraham Lincoln One Hundred Seventy-Fifth Anniversary Commission; to the Committee on the Judiciary.

ABRAHAM LINCOLN ONE HUNDRED SEVENTY-FIFTH ANNIVERSARY ACT

● Mr. CHAFEE. Mr. President, today I am introducing a resolution establishing a Commission to commemorate the 175th anniversary of the birth of Abraham Lincoln. This anniversary will occur on February 12, 1984.

The Commission would work closely with State and local governments, his-

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toric or civic groups, and other Federal agencies to coordinate, conduct, and promote activities marking this anniversary. Commission members would be appointed by Congress and the President and would serve without pay. The Commission would sunset in August 1984.

The life and writings of Abraham Lincoln can offer much inspiration to people of all generations. While most people remember the events of his Presidency—for example, the "Gettysburg Address" and the "Emancipation Proclamation"—it is often forgotten that Lincoln also worked as a lawyer, surveyor, postmaster, storekeeper, and State legislator.

Some people say that an individual elected President grows in stature until he meets the demands of that office. In Lincoln's case, I believe that his tenure as President brought to public view the principles, values, and personal character that he had lived by throughout his life.

The Commission my resolution would establish would be a simple, yet efficient and cost-effective way of focusing public discussion on these events and on Lincoln's life and achievements. I ask that a copy of this resolution be printed in the RECORD and urge my colleagues to join me in support of it.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 118

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Abraham Lincoln One Hundred Seventy-Fifth Anniversary Act".

DECLARATION OF POLICY

SEC. 2. The Congress declares that as the Nation approaches the one hundred seventy-fifth anniversary of the birth of Abraham Lincoln, it is the policy of the United States to celebrate and commemorate the birth of Abraham Lincoln through local and national observances and activities planned, encouraged, coordinated, and conducted by a national commission.

ESTABLISHMENT; COMPOSITION

SEC. 3. (a) There is established a commission to be known as the Abraham Lincoln One Hundred Seventh-Fifth Anniversary Commission (hereinafter referred to as the "Commission"). The Commission shall plan, encourage, coordinate, and conduct activities to commemorate the birth of Abraham Lincoln.

(b) The Commission shall be composed of twenty-one members, as follows:

(1) The President pro tempore of the Senate (or the designee of the President pro tempore).

(2) The Speaker of the House of Representatives (or the designee of the Speaker).

(3) Six appointed by the President of the United States.

(4) Six appointed by the President pro tempore of the Senate upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate.

(5) Six appointed by the Speaker of the House of Representatives.

(6) The Director of the National Park Service of the Department of the Interior, or the designee of the Director.

(c) The Director of the National Park Service of the Department of the Interior shall call the first meeting of the Commission. At that meeting, the Commission shall elect a Chairman and Vice Chairman from among the members of the Commission.

(d) Eleven members of the Commission shall constitute a quorum.

(e) Appointments provided for in paragraphs (4), (5), and (6) of subsection (b) shall be made within ninety days after the date of the enactment of this joint resolution. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 4. (a) The Commission shall prepare a comprehensive program to commemorate the one hundred seventy-fifth anniversary of the birth of Abraham Lincoln, and to plan, encourage, coordinate, and conduct observances and activities commemorating events which took place during the life of Abraham Lincoln.

(b) Not later than 120 days after the date of the enactment of this joint resolution, the Commission shall submit to Congress a comprehensive program report incorporating its recommendations for appropriate activities to commemorate the one hundred seventy-fifth anniversary of the birth of Abraham Lincoln. Such activities may include the issuance of commemorative proclamations, certificates, or medals to individuals and organizations for outstanding accomplishments in commemorating the writings and ideals of Abraham Lincoln or in preserving historical locations connected with the life of Abraham Lincoln.

COORDINATION OF EFFORTS

SEC. 5. In carrying out the purposes of this joint resolution, the Commission shall consult, cooperate with, and seek advice and assistance from appropriate Federal departments and agencies, State and local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. Such Federal departments and agencies shall cooperate with the Commission in planning, encouraging, coordinating, and conducting appropriate commemorative activities.

DONATIONS

SEC. 6. (a) The Commission is authorized to accept donations of money, property, or personal services.

(b) All books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to Abraham Lincoln and donated to the Commission may be deposited for preservation in national, State, or local libraries or museums or be otherwise disposed of by the Commission after consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, and the Administrator of General Services.

ADMINISTRATION

SEC. 7. Subject to such rules and regulations as may be adopted by the Commission, the Commission is authorized to—

(1) appoint and fix the compensation of such personnel as it considers advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

(2) appoint such advisory committees as it deems necessary;

(3) procure services authorized by section 3109 of title 5, United States Code;

(4) procure supplies, services, and property, and make contracts without regard to the laws and procedures applicable to Federal agencies; and

(5) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

COMPENSATION

SEC. 8. The members of the Commission shall serve without compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

NATIONAL WEEK OF RECOGNITION

SEC. 9. (a) The week of February 12, 1984, through February 18, 1984, is designated as "National Recognition of Abraham Lincoln Week".

(b) The President is authorized and requested to issue a proclamation calling upon all Government agencies and people of the United States to observe the anniversary of the birth of Abraham Lincoln with appropriate programs, ceremonies, and activities.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated not more than $200,000 to carry out the provisions of this joint resolution. Amounts appropriated under this section shall remain available until August 1, 1984.

TERMINATION

SEC. 11. (a) The Commission shall prepare and transmit a final report to the Congress no later than August 1, 1984. The Commission shall terminate on such date.

(b) Any property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the National Park Service, or may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).●

By Mr. HUMPHREY for himself, Mr. HATCH, Mr. HOLLINGS, Mr. BAUCUS, Mr. SASSER, Mrs. HAWKINS, Mr. RUDMAN, Mr. COCHRAN, Mr. PRESSLER, Mr. DANFORTH, Mr. MATSUNAGA, Mr. LUGAR, Mr. RANDOLPH, Mr. RIEGLE, Mr. PROXMIRE, Mr. PELL, Mr. KENNEDY, Mr. HEFLIN, Mr. STAFFORD, Mr. GARN, Mr. BURDICK, Mr. BYRD, Mr. HUDDLESTON, Mr. DECONCINI, Mr. QUAYLE, Mr. GORTON, Mr. BOSCHWITZ, and Mr. DENTON):

S.J. Res. 119. Joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving

Awareness Week"; to the Committee on the Judiciary.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

● Mr. HUMPHREY. Mr. President, today I am pleased to join with 27 of my colleagues in introducing a joint resolution designating "National Drunk and Drugged Driving Awareness Week." Last year many joined me in introducing a similar joint resolution. The week, which took place right before the Christmas and New Year holiday season, proved enormously successful. According to the National Safety Council, the number of traffic fatalities over the 3-day New Year holiday last year was the lowest since 1949, with 282 deaths as compared to 338 deaths for the same period in 1981.

Although this reduction can be attributed to many things including increased enforcement, stiffer laws, and reduced driving, some credit must go to to the hundreds of volunteers who participated in the programs and activities of National Drunk and Drugged Driving Awareness Week. Activities during the week included the issuance of parallel proclamations by 44 Governors, introduction of new drunk driving legislation in various States, the appointment of task forces, increased enforcement efforts as well as candlelight vigils, a Speak Out For Safety Campaign, and voluntary efforts to provide rides from holiday parties. All of the groups involved in this effort have asked that once again we have such a week right before the holidays this year.

Traffic accidents result in more violent deaths each year than any other cause, over 44,000 in 1982. The National Highway Traffic Safety Administration estimates that over 50 percent of all drivers killed each year are legally drunk and this figure rises to over 65 percent in single-vehicle crashes. The cost to society of drunk driving is estimated to be over $24 billion a year, which does not include the needless pain and suffering caused by drinking and driving.

In addition, we are continuing to hear reports of driving after drug use and accidents involving drivers who have used marihuana or other illegal drugs. Scientists are just beginning to collect data on the concentrations of various drugs in the blood of fatally injured drivers and to conduct studies of the effects of drugs on driving ability.

Of increasing concern is the combination of drugs and alcohol and its impact on the incidence of traffic accidents. Surveys of our young people show that drinking and driving often accompany marihuana use. We have also been made aware that driving after the use of therapeutic drugs, either alone or in combination with alcohol, counter to the advice of physician, pharmacist, or manufacturer, may create safety hazards on the roads. Clearly we need more research to determine the effect of drugs, both alone and in combination with alcohol, on the incidence of traffic accidents and we must alert the public to the risks of combining alcohol and drugs with driving.

In large part due to the volunteer efforts of citizens groups such as Mothers Against Drunk Drivers (MADD) and Remove Intoxicated Drivers (RID) the public has been demanding changes in the Nation's approach to the problem of drunk driving. It is important that we press forward with current efforts to develop new and creative approaches by combining the expertise of Government, community groups, and voluntary organizations and bringing the unique talents of each to bear on this devastating national problem.

I believe we should designate 1 week annually as National Drunk and Drugged Driving Awareness Week to insure that the momentum does not slip away as society turns its attention toward other pressing problems. It is my hope that this week will each year be marked by radio and TV programs, articles in the print media, and local initiatives such as dial-a-ride or roadblocks, all aimed at raising the public awareness of the risks of drunk and drugged driving. This will provide an annual opportunity to focus attention on the problem, assess our progress, and address the question of further measures needed. It will guarantee we do not forget the enormous costs in human suffering and dollars caused by the combination of alcohol, drugs, and driving.

I urge all my colleagues to join me in sponsoring this Senate joint resolution to designate the week of December 11 through December 17. 1983, as "National Drunk and Drugged Driving Awareness Week."

Mr. President, I ask unanimous consent that the text of the legislation I have introduced today be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 119

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas traffic accidents result in more violent deaths in the United States than any other cause, over 44,000 in 1982;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas more than 65 percent of drivers killed in single vehicle collisions and over 50 percent of all drivers fatally injured have blood alcohol concentrations above the legal limit;

Whereas the Surgeon General has reported that life expectancy has risen for every age group over the past seventy-five years except for those fifteen to twenty-four years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was twenty years ago;

Whereas the total societal cost of drunk driving has been estimated at over $24,000,000,000 per year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs, either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the President has appointed a Commission on Drunk Driving to heighten public awareness and stimulate the pursuit of solutions, and this Commission has provided vital recommendations for remedies for the problem of drunk driving in an interim report in December 1982;

Whereas many States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases their recommendations are leading to enactment of new laws, along with stricter enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and greater safety belt usage would increase the number of surviviors of traffic accidents;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help to sustain current efforts to develop comprehensive solutions at the state and local levels;

Whereas the Christmas and New Year holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of the week of December 12, 1982, through December 18, 1982 as National Drunk and Drugged Driving Awareness Week stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter;

Whereas the number of traffic fatalities over the three-day New Year holiday in 1982 was the lowest since 1949, with 282 deaths as compared to 338 deaths for the same period in 1981;

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week in 1982 heightened the awareness of the American public to the danger of drunk and drugged driving and contributed to the decrease in traffic fatalities; Now, therefore, be it

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Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 11, 1983, through December 17, 1983, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.●

ADDITIONAL COSPONSORS

S. 453

At the request of Mr. WARNER, the names of the Senator from Washington (Mr. GORTON), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 453, a bill to amend the Tariff Schedules of the United States to impose a one-tenth of 1 percent duty on apple and pear juice.

S. 512

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 512, a bill to repeal the Powerplant and Industrial Fuel Use Act of 1978.

S. 764

At the request of Mr. WARNER, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 863

At the request of Mr. BOSCHWITZ, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 863, a bill entitled "The Enterprise Zone Employment and Development Act of 1983."

S. 914

At the request of Mr. MCCLURE, the names of the Senator from Indiana (Mr. QUAYLE) and the Senator from Nevada (Mr. HECHT) were added as cosponsors of S. 914, a bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

S. 1004

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1004, a bill to amend the Federal employees health benefits plan provisions of chapter 89, title 5, United States Code to assure adequate mental health benefit levels and otherwise limit benefit reductions.

S. 1080

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. DECONCINI), the Senator from Louisiana (Mr. LONG), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1133

At the request of Mr. EAGLETON, the names of the Senator from Colorado (Mr. HART), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1133, a bill to extend the authorization of appropriations for the Legal Services Corporation and to improve the provisions relating to operation of the Corporation and legal services programs.

S. 1285

At the request of Mr. HATCH, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1285, an original bill to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes.

S. 1306

At the request of Mr. MATHIAS, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1350

At the request of Mr. LUGAR, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1350, a bill to amend the Federal Election Campaign Act of 1971 to increase the role of political parties in financing campaigns under such act, and for other purposes.

S. 1359

At the request of Mr. METZENBAUM, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1359, a bill to amend the Internal Revenue Code of 1954 to increase the amount of the credit for household and dependent care services, and for other purposes.

SENATE JOINT RESOLUTION 86

At the request of Mr. TOWER, the names of the Senator from South Carolina (Mr. THURMOND), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint Resolution 86, a joint resolution to designate the week of June 12, 1983, through June 16, 1983 as "National Brick Week."

SENATE JOINT RESOLUTION 93

At the request of Mr. EAST, the name of the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 93, a joint resolution to designate the month of September each year as "National Sewing Month."

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 105

At the request of Mr. RUDMAN, the names of the Senator from Nebraska (Mr. ZORINSKY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from New York (Mr. MOYNIHAN), the Senator from Colorado (Mr. HART), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from Tennessee (Mr. SASSER), the Senator from Illinois (Mr. DIXON), the Senator from Arkansas (Mr. PRYOR), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of Senate Joint Resolution 105, a joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE RESOLUTION 130

At the request of Mr. GORTON, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of Senate Resolution 130, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

SENATE RESOLUTION 158

At the request of Mr. JACKSON, the names of the Senator from California (Mr. CRANSTON), the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. BENTSEN), the Senator from Ohio (Mr. GLENN), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Hawaii (Mr. INOUYE), the Senator from Illinois (Mr. DIXON), the Senator from Rhode Island (Mr. PELL), and the Senator from Mississippi (Mr. STENNIS) were added as cosponsors of Senate Resolution 158, a resolution expressing the sense of the Senate that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America.

AMENDMENT NO. 1400

At the request of Mr. HEINZ, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 1400 proposed to H.R. 3069, a bill making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

SENATE CONCURRENT RESOLUTION 46—RELATING TO NEGOTIATIONS FOR THE REDUCTION AND CONTROL OF NUCLEAR ARMS

Mr. DOLE (for himself, Mr. STEVENS, Mr. ABDNOR, Mr. ARMSTRONG, Mr. KASTEN, Mr. MURKOWSKI, Mr. TRIBLE, and Mr. GRASSLEY) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 46

Expressing the sense of the Congress regarding negotiations for the reduction and control of nuclear arms.

Whereas the most effective deterrent to aggression remains a strong defense on the part of the United States and its allies;

Whereas the United States must, therefore, prudently rely upon nuclear weaponry as long as such weaponry is essential to deter any potential aggressor that is similarly armed;

Whereas the deployment of intermediate-range nuclear weapons by the Government of the Union of Soviet Socialist Republics aimed towards Europe must evoke effective counter-deployment unless substantial or full reductions of such weapons are effected;

Whereas, however, all humanity stands to gain from reduced nuclear force levels that are mutual and verifiable;

Whereas, furthermore, the dangers of miscalculation or accident increase as nuclear weapons increase and proliferate;

Whereas, in consideration of the above and in consultation with allies of the United States, President Reagan has put forth innovative proposals for nuclear arms reduction in the intermediate-range nuclear forces (INF) negotiations, as well as proposals for substantial reductions in the strategic arms reduction talks (START);

Whereas such proposals, if adopted, would eliminate the need for certain planned deployments of nuclear weapons and could lead to further agreements on lower nuclear force levels, thus furthering the cause of peace; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress hereby expresses its support for the policy initiatives of the President in proposing to the Government of the Union of Soviet Socialist Republics substantial reductions in the levels of nuclear forces of the United States and the Union of Soviet Socialist Republics and urges that special attention should be given to making proposals for deep reductions in those nuclear weapons which are the most destabilizing.

(b) It is the sense of the Congress that the President should propose to the Government of the Union of Soviet Socialist Republics—

(1) a mutual and verifiable freeze of nuclear forces at such reduced levels and in such a manner that the United States is not limited to nuclear forces inferior to those provided for the Union of Soviet Socialist Republics;

(2) in formulating the freeze and successor agreements, relevant developments in nonnuclear military technology should be borne in mind;

(3) the freeze should be a long-term agreement with provisions for renewal and with provisions for periodic interim reviews looking to equal and even lower nuclear force levels.

(c) It is also the sense of the Congress that the President should propose to the Government of the Union of Soviet Socialist Republics discussions on practical measures to reduce the danger of nuclear war by accident or miscalculation, including agreed measures of crisis management, and on practical measures to deter the proliferation of nuclear weapons and their use by third parties.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. DOLE. Mr. President, I rise to state that, as has been the case with many of our colleagues, the Senator from Kansas has been greatly concerned about the linked problems of national defense and arms control. We need a strong national defense that is second to none, and at the same time we must proceed with an arms control policy that is realistic, farsighted, and suited to the needs of our country. How can these goals best be reconciled, Mr. President?

Nuclear weapons must be the servants of our national defense—we cannot afford the view that they are an end in themselves. More weapons are not the answer if they simply mark guideposts in an ever spiraling arms race. At the same time, we must take into account that for 38 years the nuclear deterrent has worked. We have in fact managed to avoid war through a strong and determined preparation. And let nobody imagine that the world would be a safer place if the United States did not maintain its credible nuclear deterrent.

However, our nuclear arms are more and more costly, eating up resources that we would like to spend for other needs, or not have to spend at all. But over the past dozen years, the Soviet Union has engaged in a huge buildup of nuclear weapons. Specially, their intermediate-range missiles now threaten our European allies in unprecedented numbers. Our nuclear weapons therefore need modernizing to match that Russian buildup, and to add further stability to our defense posture, and continued credibility to the NATO alliance.

NATIONAL SECURITY CONSIDERATIONS

Our nuclear defenses depend upon our triad of manned bombers, submarine-launched missiles, and land-based ICBM's. That triad provides both flexibility, and a measure of survivability, for no potential aggressor should ever be under the illusion that a first strike could demolish our nuclear triad. Our defense must remain secure and strong. We are therefore considering ways to update both the submarine and the manned-bomber portions of the triad.

The crucial third leg of the triad is the land-based ICBM, on which the Soviets have lavished attention in recent years. They have built and deployed system after system. We have therefore had to upgrade our own ICBM's. The MX and its proposed basing mode certainly is not a perfect solution, but it does provide a needed upgrading. The challenge to our arms control policy is to develop a proposal that is based on this triad structure.

However, I believe that there are simply too many nuclear weapons and warheads—some 9,500 on our side and at least 8,500 on the Russian side, just including strategic weapons, plus thousands of shorter range theater weapons such as the cruise missiles that we are developing, and the SS-4's, SS-5's and SS-20's that the Soviets have already deployed. When will this spiral end? Will we just keep modernizing our weapons while the nuclear stockpiles continue to mount? Or, should we just stop building weapons now, or freeze them at current deployment?

THE CURRENT ARMS CONTROL SETTING

Mr. President, taking all of these matters under consideration, I have formulated a resolution which addresses these concerns. And let me say at the outset that I support the President's efforts to negotiate realistic arms control agreements at both the intermediate-range nuclear forces (INF) talks, and the START negotiations at Geneva. At the INF talks, we seek to have the Russians remove their SS-4's, SS-5's and mobile SS-20's that now threaten Europe, the Far East and parts of the Middle East. To the extent that we cannot negotiate these drawdowns, we will have to deploy Pershing II's and ground-launched cruise missiles, with the full consent of our NATO allies. At START, we are attempting to negotiate some limits to strategic weapons, and in particular, we hope to reduce the Soviet preponderance in land-based ICBM's.

In particular, the Senator from Kansas welcomes the flexibility that forms part of our arms control efforts, as set forth by the President on June 8. With that flexibility in mind, I would pursue two notions—a nuclear freeze, and a comprehensive arms control proposal that includes all strategic and intermediate range nuclear forces, including those under development.

BEST COPY AVAILABLE

Here is my six-point program set forth in my resolution that addresses both of these points.

I believe that the President should propose to the Soviet Union a mutual and verifiable freeze of nuclear forces at level substantially reduced from those that currently exist;

The precise proposal must not limit the United States to nuclear forces inferior to those provided the Soviet Union.

The freeze will be of all types of strategic and theater nuclear weapons and warheads, along the lines of the nuclear triad itself;

If agreed to, the freeze would be a long-term agreement with provisions for reviews from time to time, looking to even lower nuclear force levels;

Special attention must be paid to weapons that are the most destabilizing, and to technological breakthroughs of all sorts;

We should also explore with the Russians nuclear nonproliferation, and the best ways to reduce the dangers of nuclear war by accident.

FREEZE OR BUILD-DOWN?

To be realistic, arms control efforts must reflect the security that our nuclear triad is designed to achieve. We have heard of the freeze and the builddown, and both are good faith attempts to get control over the nuclear genie. And yet, a freeze of current weapons would reward the Soviet buildup in ICBM's, and leave us with an unacceptable situation in Europe, given the Soviet focus on theater nuclear weapons there. As usually proposed, it would also not allow for force modernization. My freeze proposal would allow for needed modernization, while driving down overall nuclear weapons totals.

The builddown is a useful notion, and one that has received some support, in principle, from the White House. Strictly applied, since a number of our systems represent yesterday's technology, we would have to build down two weapons for every one newly deployed for the privilege of catching up to the Russians. In the areas of air-launched cruise missiles alone, our present triad defense would have to be virtually dismantled in order to deploy these missiles. And there would be no obligation on the Russian part to build down any weapons until they wanted to deploy new ones.

ARMS CONTROL AND THE REAL WORLD

It is more productive in my view to preserve our nuclear defenses while offering the Soviets something that both sides can agree to. With an eye to what these weapons are supposed to do—rather than to a rigid formula—we can best see how to limit them. Let us put arms control in the real world of nuclear defenses, and let us make it work.

To summarize, I believe that the President should propose that all strategic and intermediate range nuclear forces should be reduced below today's deployment figures for both the United States and the Soviet Union. The proposal should parallel our present nuclear triad force structure. Then nuclear force levels should be frozen at that lower, reduced level—which would then become the ceiling for a new round of negotiations. Special attention should be paid to weapons that are the most destabilizing, to verification procedures, and to nonnuclear technological breakthroughs that could affect the nuclear defense.

The negotiations would be hard and long—but I know of no subject that more deserves our full commitment and attention. I believe that the resolution that I offer today will be an important step in controlling nuclear weapons and reducing their numbers.

I urge the Senate to adopt this resolution, Mr. President.

SENATE RESOLUTION 159—RELATING TO IN-FLIGHT TESTING OF ICBM'S

Mr. LEVIN (for himself, Mrs. Kassebaum, Mr. Inouye, Mr. Bumpers, Mr. Cranston, Mr. Huddleston, Mr. Pressler, Mr. Andrews, Mr. Durenberger, Mr. Specter, Mr. Boren, and Mr. Mathias) submitted the following resolution; which was referred to the committee on Foreign Relations:

S. Res. 159

Whereas the U.S. and the U.S.S.R. should expeditiously conclude an arms control agreement designed not only to reduce the number of existing and planned nuclear weapons, but also to move toward more stable and less vulnerable systems which will decrease the likelihood of nuclear war; and

Whereas the President has agreed to the principle of mutual build-down as a means to achieve these objectives: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States of America that—

(1) the United States should announce its willingness to pause in the testing of new ICBMs with more than one warhead while strategic arms negotiations proceed if the U.S.S.R. agrees to such a pause; and

(2) the United States should propose to the U.S.S.R. in the START talks an arms control agreement which implements the President's Commission on Strategic Forces' recommendations to reduce the number of ICBMs with more than one warhead on both sides and encourage the development of small, single warhead ICBMs, with limitations and reductions on overall strategic nuclear forces formulated in terms of warheads rather than launchers.

Sec. 2. The President shall report to the appropriate committees of the Congress on the text and presentation of such proposal.

Sec. 3. As used in this resolution, the term "new ICBM" means either an ICBM flight-tested after May 1, 1979, or a variant of an ICBM flight-tested as of that date.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, 1983

WEICKER AMENDMENT NO. 1408

Mr. WEICKER proposed an amendment to the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

Sec. . (a)(1) Nothwithstanding any other provision of law, the annual rate of pay for a United States Senator shall be $100,000, and the annual rate of pay for the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall be $110,000.

(2) The provisions of this subsection shall take effect on the first day of the first calendar month which begins after the date of enactment of this section.

(b)(1) Notwithstanding any other provision of law, no United States Senator shall accept any honorarium.

(2) For purposes of this subsection, the term—

(A) "honorarium" means a payment of money or anything of value to a United States Senator for an appearance, speech, or article, by such Senator.

(3) The provisions of this subsection shall take effect upon the date of enactment of this Act.

(4) Nothing in this section shall prohibit the receipt of actual and necessary travel expenses by members of the Senate, including transportation costs and the cost of meals and lodging while away from the metropolitan area of Washington, District of Columbia.

(c) During the period which begins on September 1, and ends with the close of September 15, of each even-numbered year, commencing with the year 1986, the Select Committee on Ethics of the Senate shall submit to the Senate a report on the matter of the annual rate of pay for United States Senators, which report shall specify the annual rate of pay for United States Senators. The annual pay rate for United States Senators so specified by such Select Committee in its report to the Senate shall take effect immediately and shall remain in effect until a different rate of pay is fixed by such Select Committee pursuant to this subsection or a different rate of pay is otherwise established by law.

(d) Notwithstanding the provisions of section 225 of the Federal Salary Act of 1967, the salaries of United States Senators, and the salaries of the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall not, after the date of enactment of this section, be subject to adjustment under the provisions of such Act.

(e) The provisions of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall not, after the date of enactment of this section, be applied to adjust the salaries of the United States Senators, or of the President pro tempore of the Senate, or the Majority or Minority Leaders of the Senate.

JACKSON AMENDMENT NO. 1409

Mr. JACKSON proposed an amendment to the bill H.R. 3069, supra; as follows:

At the appropriate place in the bill, insert the following new section:

Sec. . (a)(1) Notwithstanding any other provision of law, the annual rate of pay for a United States Senator shall be $80,100, and the annual rate of pay for the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall be $90,100.

(2) The provisions of this subsection shall take effect on the first day of the first calendar month which begins after the date of enactment of this section.

(b)(1) Notwithstanding any other provision of law, no United States Senator shall accept any honorarium.

(2) For purposes of this subsection, the term—

(A) "honorarium" means a payment of money or anything of value to a United States Senator for an appearance, speech, or article, by such Senator.

(3) The provisions of this subsection shall take effect upon the date of enactment of this Act.

(4) Nothing in this section shall prohibit the receipt of actual and necessary travel expenses by members of the Senate, including transportation costs and the cost of meals and lodging while away from the metropolitan area of Washington, District of Columbia.

(c) During the period which begins on September 1, and ends with the close of September 15, of each even-numbered year, commencing with the year 1986, the Select Committee on Ethics of the Senate shall submit to the Senate a report on the matter of the annual rate of pay for United States Senators, which report shall specify the annual rate of pay for United States Senators which shall be in effect for the period commencing on the first day of October of such year. The annual rate of pay for United States Senators so specified by such Select Committee in its report to the Senate shall take effect immediately and shall remain in effect until a different rate of pay is fixed by such Select Committee pursuant to this subsection or a different rate of pay is otherwise established by law.

(d) Notwithstanding the provisions of section 225 of the Federal Salary Act of 1967, the salaries of United States Senators, and the salaries of the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall not, after the date of enactment of this section, be subject to adjustment under the provisions of such Act.

(e) The provisions of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall not, after the date of enactment of this section, be applied to adjust the salaries of United States Senators, or of the President pro tempore of the Senate, or the Majority or Minority Leaders of the Senate.

(f) Any honorarium paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purposes of subsection (b).

JACKSON (BAKER AND BYRD) AMENDMENT NO. 1410

Mr. JACKSON (for himself, Mr. Baker, and Mr. Byrd) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 82, after line 3, insert the following new section:

Sec. . (a) For the purpose of this section—

(1) "charitable organization" means an organization described in section 170(c) of the Internal Revenue Code of 1954;

(2) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses, incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed;

(3) "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner from Puerto Rico; and

(4) "travel expenses" means, with respect to a Member, and spouse or an aide, the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(b)(1) Notwithstanding any other provision of law, except as provided in paragraph (2), on and after January 1, 1984, a Member shall not accept honoraria which are attributable to any calendar year and total more than the amount that is equal to 30 percent of the aggregate salary paid to such Member for service as a Member during such calendar year.

(2) An individual who becomes a Member on a date after the first day of a calendar year shall not accept honoraria which are attributable to the remaining portion of that calendar year on and after the date such individual becomes a Member and total more than the amount that is equal to 30 percent of the aggregate salary paid to the Member for service as a Member during such calendar year.

(3) For the purposes of this subsection, an honorarium shall be attributable to the period or calendar year in which payment is received.

(c) Any honorarium, or any part thereof, paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purposes of subsection (b).

(d) Notwithstanding any other provision of law, in the case of a Member who is serving in the office or position of Senator, President pro tempore of the Senate, Majority Leader of the Senate, or Minority Leader of the Senate during a calendar year, the annual rate of pay that is paid to such Member for such service shall not be less than the annual rate of pay payable for such position on December 17, 1982, increased by 15 percent and rounded in accordance with section 5318 of title 5, United States Code.

(e) The Commission on Executive, Legislative, and Judicial Salaries shall include in the first report required to be submitted by it after the date of the enactment of this Act a recommendation for an appropriate salary for Members, which recommendation shall assume a prohibition on the receipt of honoraria by Members.

(f) Subsection (d) of this section shall take effect with respect to service as a Member performed on or after July 1, 1983.

DOLE AMENDMENT NO. 1411

Mr. DOLE proposed an amendment to the bill H.R. 3069, supra; as follows:

(a) Subsection (b) of Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i(b)) is amended to read as follows:

(b) Any honorarium, or any part thereof, paid by or on behalf of an elected or appointed officer or employee of any branch of the Federal Government to a charitable organization shall be deemed not to be accepted for the purposes of this section.

REPEAL OF WITHHOLDING ON INTEREST AND DIVIDENDS

DOLE AMENDMENT NO. 1412

Mr. DOLE proposed an amendment to the bill (H.R. 2973) to repeal the withholding of tax from interest and dividends; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—INTEREST AND DIVIDEND TAX COMPLIANCE

SEC. 101. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) Short Title.—This title may be cited as the "Interest and Dividend Compliance Act of 1983".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 102. REPEAL OF WITHHOLDING ON INTEREST AND DIVIDENDS.

(a) In General.—Subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to withholding of tax from interest and dividends) is hereby repealed.

(b) Conforming Amendment.—Except as provided in subsection (c), the Internal Revenue Code of 1954 shall be applied and administered as if such subtitle A (and the amendments made by such subtitle A) had not been enacted.

(c) Estimated Tax Payments.—

(1) In general.—For purposes of determining the amount of any addition to tax under section 6654 of such Code with respect to any installment required to be paid before July 1, 1983, the amount of the credit allowed by section 31 of such Code for any taxable year which includes any portion of the period beginning July 1, 1983, and ending December 31, 1983, shall be increased by an amount equal to 10 per centum of the aggregate amount of payments—

(A) which are received during the portion of such taxable year after June 30, 1983, and before January 1, 1984, and

(B) which (but for the repeal made by subsection (a)) would have been subject to withholding under subchapter B of chapter 24 of such Code (determined without regard to the exemption for exempt individuals).

(2) Subsection to apply only if taxpayer increases amount of next installment.—This subsection shall not apply to any taxpayer unless such taxpayer in determining the amount of the first installment required to be paid after June 30, 1983, includes the amount which the taxpayer would have

been required to include in any installment required to be paid before July 1, 1983, if subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 had not been enacted.

(d) Technical Amendments.—

(1) Subsection (a) of section 6049 (relating to returns regarding payments of interest) is amended—

(A) by inserting "or" at the end of paragraph (1),

(B) by striking out "or" at the end of paragraph (2),

(C) by striking out paragraph (3), and

(D) by striking out ", tax deducted and withheld, and the name and address of the person to whom paid or from whom withheld", and inserting in lieu thereof "and the name and address of the person to whom paid".

(2) Subsection (b) of section 6049 (defining interest) is amended—

(A) by amending subparagraph (C) of paragraph (2) to read as follows:

"(C) except to the extent otherwise provided in regulations—

"(i) any amount paid to any person described in paragraph (4), or

"(ii) any amount described in paragraph (5),", and

(B) by adding at the end thereof the following new paragraphs:

"(4) Persons described in this paragraph.—A person is described in this paragraph if such person is—

"(A) a corporation,

"(B) an organization exempt from taxation under section 501(a) or an individual retirement plan,

"(C) the United States or any wholly owned agency or instrumentality thereof,

"(D) a State, the District of Columbia, a possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing,

"(E) a foreign government, a political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

"(F) an international organization or any wholly owned agency or instrumentality thereof,

"(G) any other person specified in regulations,

"(H) a foreign central bank of issue,

"(I) a dealer in securities or commodities required to register as such under the laws of the United States or a State, the District of Columbia, or a possession of the United States,

"(J) a real estate investment trust (as defined in section 856),

"(K) an entity registered at all times during the taxable year under the Investment Company Act of 1940,

"(L) a common trust fund (as defined in section 584(a)), or

"(M) any trust which—

"(i) is exempt from tax under section 664(c), or

"(ii) is described in section 4947(a)(1).

"(5) Amounts described in this paragraph.—An amount is described in this paragraph if such amount—

"(A) is subject to withholding under subchapter A of chapter 3 (relating to withholding of tax on nonresident aliens and foreign corporations) by the person paying such amount, or

"(B) would be subject to withholding under subchapter A of chapter 3 by the person paying such amount but for the fact that—

"(i) such amount is income from sources outside the United States,

"(ii) the payor thereof is exempt from the application of section 1441(a) by reason of section 1441(c) or a tax treaty, or

"(iii) such amount is original issue discount (within the meaning of section 1232(b)(1)).".

(3) Paragraph (1) of section 6049(c) (relating to statements to be furnished to persons with respect to whom information is furnished) is amended—

(A) by inserting "and" at the end of subparagraph (A),

(B) by striking out ", and" at the end of subparagraph (B) and inserting in lieu thereof a period, and

(C) by striking out subparagraph (C).

(e) Study by Comptroller General.—

(1) In general.—The Comptroller General of the United States shall conduct a study with respect to the collection of taxes on interest, dividends, and patronage dividends, including an analysis of—

(A) existing efforts of the Internal Revenue Service with respect to such collection, and

(B) alternative methods to improve such collection, including mandatory withholding of such taxes.

(2) Determination of percentage of compliance.—In connection with the study under paragraph (1), the Comptroller General shall compute the percentage determined by dividing—

(A) the amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was shown on returns of tax imposed by subtitle A of the Internal Revenue Code of 1954—

(i) which were required to be filed by individuals for taxable years which begin in 1985, and

(ii) which were filed within the time prescribed by law (determined with regard to any extension) and before August 15, 1986, by

(B) the aggregate amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was required to be shown on returns described in subparagraph (A) (without regard to clause (ii) thereof).

(3) Report to congress.—Not later than January 1, 1988, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1) and the percentage determined under paragraph (2).

SEC. 103. APPLICATION OF BACKUP WITHHOLDING RULES TO CERTAIN PAYMENTS.

(a) In General.—Chapter 24 (relating to collection of income tax at source) is amended by inserting after section 3405 the following new section:

"SEC. 3406. SPECIAL RULES FOR BACKUP WITHHOLDING PAYMENTS.

"(a) Requirement To Deduct and Withhold.—

"(1) In general.—If, in the case of any backup withholding payment—

"(A) the payee fails to furnish his taxpayer identification number to the payor,

"(B) the Secretary notifies the payor that the number furnished by the payee is incorrect,

"(C) the Secretary notifies the payor of a failure under subsection (b)(1), or

"(D) the payee fails to provide the payor with the certification described in subsection (c),

then the payor shall deduct and withhold from such payment a tax equal to 15 percent of such payment.

"(2) Withholding at 20 percent in failure involving interest, dividends, or patronage dividends.—In the case of any withholding required under—

"(A) subparagraph (C) or (D) of paragraph (1), or

"(B) subparagraph (A) or (B) of paragraph (1) to the extent the taxpayer identification number involved relates to a return described in clause (iii), (iv), or (vi) of subsection (e)(1)(A),

paragraph (1) shall be applied by substituting '20 percent' for '15 percent'.

"(b) Special Rules for Backup Withholding on Interest, Dividends, and Patronage Dividends Not Reported on Return.—

"(1) In general.—If the Secretary determines that any payee failed—

"(A) to include in any return of tax required to be filed for any taxable year any backup withholding payment which—

"(i) is described in clause (iii), (iv), or (vi) of subsection (e)(1)(A), and

"(ii) is required to be included in such return, or

"(B) to file the return of tax in which such payment is required to be included,

the Secretary shall, subject to the provisions of paragraphs (2) and (3), notify payors of payments described in subparagraph (A)(i) with respect to such payee of the requirement to deduct and withhold under subsection (a)(1)(C) (but not the reasons therefor).

"(2) Minimum amount of failure.—Subparagraph (A) or (B) of paragraph (1) shall not apply unless the aggregate amount of failures under such subparagraph for any taxable year exceeds the lesser of—

"(A) $50, or

"(B) any amount which may be specified by the Secretary.

"(3) Notice to payee.—

"(A) Notice by secretary.—At least 90 days before the Secretary notifies the payor under paragraph (1), the Secretary shall notify the payee of—

"(i) the Secretary's determination under paragraph (1) (and the reasons therefor), and

"(ii) the fact that the payor may be required to deduct and withhold tax under this section if notified by the Secretary.

"(B) Opportunity to respond and correct.—The Secretary shall prescribe procedures which allow the payee the opportunity to provide information with respect to a determination under paragraph (5).

"(4) Notice of withholding to payee by payor.—Any payor required to withhold any tax under paragraph (1)(C) shall, at the time such withholding begins, notify the payee of such withholding.

"(5) Determination by secretary not to begin or to end withholding.—

"(A) In general.—If the Secretary determines that—

"(i) there was no failure to which this subsection applies,

"(ii) any such failure (including the payment of any tax, penalty, or interest with respect to such failure) has been corrected,

"(iii) withholding under subsection (a)(1)(C) would cause undue hardship to the payee and it is unlikely that any such failure will occur again, or

"(iv) there is a bona fide dispute as to whether there is any such failure,

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then the Secretary shall take the action described in subparagraph (B).

"(B) Actions to be taken by secretary.—For purposes of subparagraph (A), if at the time of the determination under subparagraph (A)—

"(i) no notice has been given under paragraph (1) to any payor with respect to the failure, the Secretary shall not give any such notice, or

"(ii) if such notice has been given, the Secretary shall—

"(I) provide the payee with a written certification that withholding under subsection (a)(1)(C) is to cease, and

"(II) notify the applicable payors that such withholding is to cease.

"(C) Correction permitted at any time.—For purposes of subparagraph (A)(ii), any determination as to whether a failure has been corrected shall be made without regard to whether the assessment or collection of such tax, penalty, or interest is prevented by the operation of any law.

"(6) Notice of payors from payee.—For purposes of this section, the Secretary may require any payee of backup withholding payments described in clause (iii), (iv), or (vi) of subsection (e)(1)(A) to notify the Secretary of all payors from which the payee receives payments of such type.

"(c) Payee May Certify Backup Withholding Not in Effect.—

"(1) In general.—Any payee of any backup withholding payment described in clause (iii), (iv), or (vi) of subsection (e)(1)(A) which is paid or credited on accounts, stock, instruments, memberships, or contracts described in section 6676(b)(4) established, acquired, or entered into after December 31, 1983, who is not subject to withholding under subsection (a)(1)(C) may certify under penalty of perjury to the—

"(A) payor, or

"(B) in the case of any disposition of any readily tradeable instrument involving a retail broker (who is not the payor with respect to such instrument), the retail broker,

that such payee is not subject to withholding under subsection (a)(1)(C).

"(2) Notification to payor by retail broker.—Within 15 days of the disposition of a readily tradeable instrument (or of the settlement date in the case of a sale or exchange), any retail broker to whom a certification may be provided under paragraph (1)(B) shall notify the payor of such instrument of any payee who did not provide a certificate under paragraph (1).

"(d) Period for Which Withholding Is in Effect.—

"(1) Failure to furnish number.—In the case of any failure described in subparagraph (A) of subsection (a)(1), subsection (a) shall apply to any backup withholding payment made during the period during which the taxpayer identification number has not been furnished.

"(2) Notification of incorrect number.—In any case where there is a notification described in subparagraph (B) of subsection (a)(1), subsection (a) shall apply to any backup withholding payment made—

"(A) after the close of the 15th day after the day on which the payor was so notified, and

"(B) before the payee furnishes under penalty of perjury (in the form provided in section 6676(b)(5)) another taxpayer identification number.

"(3) Failure to include certain amounts in income.—In the case of any failure described in subparagraph (C) of subsection (a)(1), subsection (a) shall apply to any backup withholding payment made—

"(A) after the close of the 15th day after the day on which the payor was so notified, and

"(B) before the earlier of the day on which—

"(i) the Secretary notifies the payor under subsection (b)(5)(B) to cease withholding, or

"(ii) the payee presents to the payor the certificate provided by the Secretary under subsection (b)(5)(B).

"(4) Failure to provide certification.—

"(A) In general.—In the case of any failure described in subparagraph (D) of subsection (a)(1), subsection (a) shall apply to any backup withholding payment made during the period during which the certification described in subsection (c)(1) has not been furnished to the payor.

"(B) Special rule for readily tradeable instruments.—In the case of any disposition of a readily tradeable instrument, the period described in subparagraph (A) shall begin with payments to the payee involved in the failure made after the close of the 15th day following the date of such disposition (or of the settlement date in the case of a sale or exchange).

"(5) 15-day grace periods.—

"(A) After correction.—Unless the payor otherwise elects, subsection (a) shall also apply to any backup withholding payment made after the close of the period described in paragraph (1), (2), (3), or (4) (as the case may be) and before the 16th day after the close of such period.

"(B) After notification.—If the payor so elects, subsection (a) shall also apply to any backup withholding payment made during the 15-day period described in paragraph (2)(A) or (3)(A).

"(e) Backup Withholding Payment Defined; Aggregation.—

"(1) Backup withholding payment.—

"(A) In general.—For purposes of this section, the term 'backup withholding payment' means any payment of a kind, and to a payee, required to be shown on a return required under—

"(i) section 6041 (a) or (b) (relating to certain information at source),

"(ii) section 6041A(a) (relating to returns regarding payments to nonemployees),

"(iii) section 6042(a) (relating to payments of dividends),

"(iv) section 6044 (relating to returns regarding patronage dividends) but only to the extent of payments of money,

"(v) section 6045 (relating to returns of brokers),

"(vi) section 6049(a) (relating to payments of interest), or

"(vii) section 6050A (relating to reporting requirements of certain fishing boat operators), but only to the extent of payments of the proceeds of the catch.

"(B) Special rule.—For purposes of this section, the determination of whether any payment is of a kind required to be shown on a return described in subparagraph (A) shall be made without regard to any minimum amount which must be paid before a return is required.

"(2) Payments must aggregate $600 before withholding required from payments described in section 6041(a) or 6041A(a).—In the case of any payment which is of a kind required to be shown on a return required under section 6041(a) or 6041A(a) and which is made during any calendar year, no amount shall be deducted and withheld with respect to such payment unless—

"(A) the aggregate amount of such payment and all previous such payments to the payee involved during such calendar year equals or exceeds $600,

"(B) the payor was required under section 6041(a) or 6041A(a) to file a return for the preceding calendar year with respect to payments to the payee involved, or

"(C) during the preceding calendar year the payor made backup withholding payments to the payee with respect to which amounts were required to be deducted and withheld under subsection (a).

"(f) Form of Notice; Confidentiality.—

"(1) Form of notice.—

"(A) In general.—The Secretary may prescribe regulations which require payors to submit to the Secretary the tax identification number or name of any payee to enable the Secretary to compare such number or name with a confidential list of taxpayer identification numbers or names maintained by the Secretary and with respect to which withholding is required under this section.

"(B) Information on list treated as notice.—If a payor submits a taxpayer identification number or name which is on the list described in subparagraph (A), the Secretary shall so notify the payor and such notice shall constitute notice for purposes of subparagraph (B) or (C) of subsection (a)(1), whichever is appropriate.

"(C) Termination of certification requirement.—If the Secretary prescribes regulations under subparagraph (A), the Secretary may terminate the requirement of any payee to provide a certificate under subsection (c).

"(2) Confidentiality of information.—

"(A) In general.—No person may use any information obtained under this section (including any failure to certify under subsection (c)) except for the purpose of meeting any requirement under this section.

"(B) Civil damages to apply.—For purposes of section 7431, any unauthorized use under subparagraph (A) shall be treated as a violation of section 6103.

"(g) Other Definitions and Special Rules.—For purposes of this section—

"(1) Obviously incorrect number.—A payee shall be treated as failing to furnish his taxpayer identification number if the number furnished does not contain the proper number of digits.

"(2) Payee furnishes 2 incorrect numbers.—If the payee furnishes a payor 2 incorrect numbers, the payor shall, after receiving notice of the second incorrect number, treat the payee as not having furnished another taxpayer identification number under subsection (d)(2)(B) until the day on which the payor receives notification from the Secretary that a correct taxpayer identification number has been furnished.

"(3) Exception for payments to certain payees.—Subsection (a) shall not apply to any payment made to—

"(A) the United States (as defined in section 6049(b)(4)(C)),

"(B) any State (as defined in section 6049(b)(4)(D)),

"(C) an organization which is exempt from taxation under section 501(a),

"(D) any foreign government (as defined in section 6049(b)(4)(E)) or international organization (as defined in section 6049(b)(4)(F)), or

"(E) any other person specified in regulations.

"(4) Taxpayer identification number.—The 'term 'taxpayer identification number' means the identifying number assigned to a person under section 6109.

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"(5) Amounts for which withholding otherwise required.—No tax shall be deducted or withheld under this section with respect to any amount for which withholding is otherwise required by this title.

"(6) Exemption while waiting for number.—The Secretary shall prescribe regulations for exemptions from the tax imposed by subsection (a) during periods during which a person is waiting for receipt of a taxpayer identification number.

"(7) Nominees.—In the case of a backup withholding payment described in clause (i) or (v) of subsection (e)(1)(A) to a nominee both the nominee and the ultimate payee shall, in the manner provided in regulations, be treated as the payee.

"(8) Requirement of notice to payee.—Whenever the Secretary notifies a payor under subsection (a)(1)(B) that the taxpayer identification number furnished by any payee is incorrect, the Secretary shall at the same time furnish a copy of such notice to the payor, and the payor shall promptly furnish such copy to the payee.

"(9) Requirement of notice to Secretary.—If the Secretary notifies a payor under subsection (a)(1)(B) that the taxpayer identification number furnished by any payee is incorrect and such payee subsequently furnishes another taxpayer identification number to the payor, the payor shall promptly notify the Secretary of the other taxpayer identification number so furnished.

"(10) Readily tradeable instrument and retail broker defined.—The terms 'readily tradeable instrument' and 'retail broker' have the same meanings as when such terms are used in section 6676.

"(11) Payor defined.—The term 'payor' means, with respect to any backup withholding payment, the person required to file a return described in subsection (e)(1)(A) with respect to such payment.

"(12) Coordination with other sections.—For purposes of section 31, this chapter (other than section 3402(n)), and so much of subtitle F (other than section 7205) as relates to this chapter, payments which are subject to withholding under this section shall be treated as if they were wages paid by an employer to an employee.

"(13) Regulations.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Additional Penalty for Failure to Implement Backup Withholding.—

(1) In general.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6705. FAILURE TO IMPLEMENT BACKUP WITHHOLDING OR PROVIDE NOTICE.

"(a) In General.—Any payor who fails to deduct and withhold a tax which is required to be deducted and withheld under section 3406(a)(1) shall pay a penalty of $100 for each such failure unless such failure is due to reasonable cause and not to willful neglect.

"(b) Failure by Retail Broker to Provide Notice or Number.—Any person who intentionally disregards the requirement to provide a payor with—

"(1) the notice described in section 3406(c)(2), or

"(2) the number described in section 6676(c)(2)(A),

shall pay a penalty of $500 for each such failure.

"(c) Penalty in Addition to Other Penalties.—Any penalty imposed by this section shall be in addition to any other penalty provided by law.".

(2) Conforming amendment.—The table of sections for subchapter B of chapter 68 is amended by adding at the end thereof the following new item:

"Sec. 6705. Failure to implement backup withholding or provide notice.".

(c) Conforming Amendments.—

(1) Section 3402 (relating to income tax collected at source) is amended by striking out subsection (s).

(2) The table of sections for chapter 24 is amended by inserting after the item relating to section 3405 the following new item:

"Sec. 3406. Special rules for backup withholding payments.".

SEC. 104. RETURNS ON MAGNETIC TAPE.

(a) Certain Returns Must Be on Magnetic Tape.—Subsection (e) of section 6011 (relating to regulations requiring returns on magnetic tape, etc.) is amended—

(1) by inserting "(1) In general.—" before the first sentence thereof, and

(2) by adding at the end thereof the following new paragraph:

"(2) Certain returns must be filed on magnetic media.—In the case of any person who is required to file more than 50 returns under section 6042(a), 6044(a), or 6049(a) for any calendar year, all returns under such sections shall be on magnetic media and shall be filed with the Secretary not later than January 31 of the following calendar year.".

(b) Study of Wage Returns on Magnetic Tape.—

(1) Study.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall conduct a study of the feasibility of requiring persons to file, on magnetic media, returns under section 6011 of the Internal Revenue Code of 1954 containing information described in section 6051(a) of such Code.

(2) Report to congress.—Not later than January 1, 1984, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1).

SEC. 105. PENALTY FOR FAILURE BY PAYORS TO MEET CERTAIN REPORTING REQUIREMENTS.

(a) Failure To Supply Taxpayer Identification Numbers.—Section 6676 (relating to failure to supply identifying numbers) is amended to read as follows:

"SEC. 6676. FAILURE TO SUPPLY IDENTIFYING NUMBERS.

"(a) In General.—If any person who is required by regulations prescribed under section 6109—

"(1) to include his taxpayer identification number in any return, statement, or other document,

"(2) to furnish his taxpayer identification number to another person, or

"(3) to include in any return, statement, or other document made with respect to another person the taxpayer identification number of such other person,

fails to comply with such requirement at the time prescribed by such regulations, such person shall, unless it is shown that such failure is due to reasonable cause and not to willful neglect, pay a penalty of $5 for each such failure described in paragraph (1) and $50 for each such failure described in paragraph (2) or (3), except that the total amount imposed on such person for all such failures during any calendar year shall not exceed $50,000. Paragraph (3) shall not apply to any failure with respect to a return or statement required to be filed under section 6042, 6044, or 6049.

"(b) Penalties Involving Failures on Interest and Dividend Returns.—

"(1) In general.—If any payor—

"(A) is required to include in any return or statement required to be filed under section 6042, 6044, or 6049 with respect to any payee the taxpayer identification number of such payee, and

"(B) fails to include such number or includes an incorrect number,

then the payor shall pay a penalty of $50 for each such failure.

"(2) Increased penalty for substantial noncompliance.—

"(A) In general.—In the case of a payor who is described in subparagraph (B) for any calendar year, paragraph (1) shall be applied with respect to returns or statements relating to such calendar year by substituting '$100' for '$50'.

"(B) Substantial noncompliers.—A payor is described in this subparagraph if, with respect to such payor, the sum of the number of failures under this subsection, section 6652(a)(3), and section 6678(b) for any calendar year exceeds the lesser of—

"(i) 10,000, or

"(ii) 5 percent of the aggregate number of returns or statements which are required to be filed under sections 6042, 6044, and 6049 by such payor with respect to such calendar year and in which is required to be included a taxpayer identification number.

"(3) No penalty in certain cases.—No penalty shall be imposed under this subsection—

"(A) if the taxpayer identification number included on the return or statement is the number provided by the payee to the payor under penalty of perjury (in the form provided in paragraph (5)), unless such number is obviously incorrect,

"(B) if, in the case of a failure described in paragraph (4), the payor establishes to the satisfaction of the Secretary that the payor exercised due diligence in seeking to obtain the correct taxpayer identification number,

"(C) if, in the case of any failure involving the taxpayer identification number of any payee of interest or dividends on a readily tradeable instrument, the payor meets the requirements of subsection (c)(2) or (c)(3), or

"(D) except as otherwise provided, and subject to any conditions, in regulations prescribed by the Secretary, for any period during which the payee is waiting for receipt of a taxpayer identification number from the Secretary.

"(4) Failure involving existing accounts.—A failure is described in this paragraph if it involves any return or statement under section 6042, 6044, or 6049 with respect to interest, dividends, or patronage dividends which are paid or accrued—

"(A) in the case of interest on obligations, deposits, accounts, certificates, shares, or other instruments described in section 6049(b)(1) which were established or acquired before the 31st day after the date of the enactment of this paragraph,

"(B) in the case of dividends, on stock or other instruments which were acquired before such 31st day, and

"(C) in the case of patronage dividends, with respect to memberships acquired, or contracts entered into, before such 31st day.

"(5) Form of perjury statement.—For purposes of this subsection, any statement

under penalty of perjury shall be in substantially the following form:

'I hereby certify or affirm under penalty of perjury that the social security number or taxpayer identification number I am providing is correct.'

"(c) Special Rules for Readily Tradeable Instruments.—

"(1) Imposition of penalty on retail brokers.—In the case of any disposition after the 30th day after the date of the enactment of this subsection of any readily tradeable instrument involving a retail broker, such retail broker shall pay a penalty of $50 if such broker fails to obtain from the purchaser of such instrument the purchaser's taxpayer identification number provided under penalty of perjury in the form described in subsection (b)(5).

"(2) Payor not subject to penalty for relying on number provided.—

"(A) Broker to provide number.—A retail broker shall provide to the payor of interest or dividends with respect to any readily tradeable instrument to which paragraph (1) applies the taxpayer identification number such broker is required to obtain under paragraph (1).

"(B) No penalty imposed if number provided included on return.—No penalty shall be imposed under subsection (b) with respect to any return or statement involving the payee of any readily tradeable instrument to which paragraph (1) applies if the payor includes in such return or statement the taxpayer identification number of such payee received—

"(i) under subparagraph (A), or

"(ii) to the extent not prohibited in regulations prescribed by the Secretary, in the case of any disposition of such an instrument (other than a disposition involving a retail broker or directly by the payor), from a party to such disposition.

"(3) Penalty on payor where no number received.—If a payor—

"(A) does not receive a taxpayer identification number from a retail broker or other person as required under paragraph (2)(B), or

"(B) receives an obviously incorrect number, a penalty shall be imposed on such payor under subsection (b) for any failure to include such number on a return or statement, unless the payor establishes to the satisfaction of the Secretary that the payor exercised due diligence in seeking to obtain such number.

"(d) Procedures Relating to Assessment of Penalty.—

"(1) Self-assessment.—

"(A) In general.—Any penalty imposed under subsection (b) or (c) on any person shall, for purposes of this title, be treated as an addition to tax on the return of tax under chapter 1 of such person for the first taxable year the due date for which (without regard to any extension) is more than 30 days after the due date (without regard to any extension) for the return or statement to which the penalty relates is required to be filed.

"(B) Exception.—Subparagraph (A) shall not apply to any failure to which subsection (b) applies which involves the inclusion of an incorrect taxpayer identification number (other than an obviously incorrect taxpayer identification number) unless, before the due date (without regard to extension) for the return or statement on which such number is required to be included, the Secretary has notified the person that such number is incorrect.

"(C) Passthrough or tax-exempt entities.—The Secretary shall provide regulations for the application of this paragraph in the case of any person which is a passthrough entity or an entity which is exempt from taxation under this title.

"(2) Deficiency procedures not to apply.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a) or (b) unless paragraph (1) applies to such penalty.

"(e) Definitions and Special Rules.—For purposes of this section—

"(1) Readily tradeable instrument.—The term 'readily tradeable instrument' means—

"(A) any instrument which is part of an issue any portion of which is traded on an established securities market (within the meaning of section 453(f)(5)), or

"(B) except as otherwise provided in regulations prescribed by the Secretary, any instrument which is regularly quoted by brokers or dealers making a market.

"(2) Retail broker.—The term 'retail broker' means, with respect to the sale or exchange of any readily tradeable instrument, any person (other than the payor with respect to such instrument) who, acting in the ordinary course of his trade or business—

"(A) receives instructions to purchase such instrument from the purchaser thereof, and

"(B) either—

"(i) participates in the purchase of such instrument as agent for the purchaser, or

"(ii) sells (in his capacity as a dealer) such instrument from his inventory.

"(3) Payor.—The term 'payor' means a person required to include another person's taxpayer identification number on a return or statement described in section 6042, 6044, or 6049.

"(4) Payee.—The term 'payee' means the person whose taxpayer identification number is required to be included on such return or statement.

"(5) Obviously incorrect number.—A number shall be treated as obviously incorrect if it does not contain the proper number of digits.

"(6) Taxpayer identification number.—The term 'taxpayer identification number' means the identifying number assigned to a person under section 6109.

"(7) Abatement authority.—The Secretary may abate any penalty under subsection (b) or (c) if the Secretary determines that the failure could not have been prevented without undue hardship.".

(b) Failure To File Statements.—

(1) Section 6652.—Subsection (a) of section 6652 (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock) is amended—

(A) in paragraph (1)(A)—

(i) by striking out clauses (ii), (iii), and (iv) and by redesignating clauses (v) and (vi) as clauses (ii) and (iii), and

(ii) by striking out "6042(e), 6044(f), 6049(e), or" in clause (iii), as so redesignated, and

(B) by adding at the end thereof the following new paragraph:

"(3) Failure to file certain statements.—

"(A) In general.—In the case of any person who fails to file 1 or more returns or statements under section 6042(a)(1), 6044(a)(1), or 6049(a) on the date prescribed therefor (determined with regard to any extension of time for filing), such person shall pay a penalty of $100 for each such failure.

"(B) Increased penalty for substantial noncompliance.—In the case of a person who is described in section 6676(b)(2)(B), subparagraph (A) shall be applied by substituting '$200' for '$100'.

"(C) Abatement authority.—The Secretary may abate any penalty under subparagraph (A) if the Secretary determines that the failure could not have been prevented without undue hardship.

"(D) Self-assessment.—Any penalty under this paragraph shall be treated as an addition to tax in the same manner as a penalty is so treated under section 6676(d)(1).".

(2) Section 6678.—Section 6678 (relating to failure to furnish certain statements) is amended—

(A) by inserting "(a) In General.—" before "In the case of",

(B) by striking out "6042(c), 6044(e), 6045(b), 6049(c)," in paragraph (1) of subsection (a) and inserting in lieu thereof "6045(b),",

(C) by striking out "6042(a)(1), 6044(a)(1), 6045(a), 6049(a)," in paragraph (1) of subsection (a) and inserting in lieu thereof "6045(a),", and

(D) by adding at the end thereof the following new subsection:

"(b) Failure To File Interest and Dividend Statements.—

"(1) In general.—In the case of any person who fails to furnish a statement under section 6042(c), 6044(e), or 6049(c) on the date prescribed therefor to a person with respect to whom a return has been made under section 6042(a)(1), 6044(a)(1), or 6049(a), respectively, such person shall pay a penalty of $100 for each such failure.

"(2) Increased penalty for substantial noncompliance.—In the case of a person who is described in section 6676(b)(2)(B), paragraph (1) shall be applied by substituting '$200' for '$100'.

"(3) Abatement authority.—The Secretary may abate any penalty under paragraph (1) if the Secretary determines that the failure could not have been prevented without undue hardship.

"(4) Self-assessment.—Any penalty under this subsection shall be treated as an addition to tax in the same manner as a penalty is so treated under section 6676(d)(1).".

SEC. 106. DUPLICATE STATEMENTS REQUIRED TO BE FURNISHED ON RETURN.

(a) Interest.—

(1) Duplicate statement required on return.—Section 6049(c) (relating to statements regarding payment of interest) is amended by adding at the end thereof the following new paragraph:

"(4) Duplicate statement to be included in return of person with respect to whom information is furnished.—A duplicate of the statement required to be furnished to a person under paragraph (1) shall—

"(A) in the case of a person whose taxable year is the calendar year, be included with the return of the person receiving such statement for the taxable year which ends with the calendar year to which the statement relates, and

"(B) in the case of a person whose taxable year is not the calendar year, with the return provided in regulations prescribed by the Secretary.".

(2) Form and method of mailing statement.—Section 6049(c)(2) (relating to time statement must be furnished) is amended to read as follows:

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"(2) Time and form of statement.—The written statement under paragraph (1) shall—

"(A) be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and

"(B) shall be in such form as the Secretary may prescribe by regulations.".

(b) Dividends.—

(1) Duplicate statement required on return.—Section 6042 (relating to returns regarding payments of dividends) is amended by adding at the end thereof the following new subsection:

"(e) Duplicate Statement To Be Included in Return of Person With Respect to Whom Information Is Furnished.—A duplicate of the statement required to be furnished to a person under subsection (c) shall—

"(1) in the case of a person whose taxable year is the calendar year, be included with the return of the person receiving such statement for the taxable year which ends with the calendar year to which the statement relates, and

"(2) in the case of a person whose taxable year is not the calendar year, with the return provided in regulations prescribed by the Secretary.".

(2) Form and method of mailing statement.—The second sentence of section 6042(c) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall be in such form as the Secretary may prescribe by regulations.".

(c) Patronage Dividends.—

(1) Duplicate statement required on return.—Section 6044 (relating to returns regarding payment of patronage dividends) is amended by adding at the end thereof the following new subsection:

"(f) Duplicate Statement To Be Included in Return of Person With Respect to Whom Information is Furnished.—A duplicate of the statement required to be furnished to a person under subsection (e) shall—

"(1) in the case of a person whose taxable year is the calendar year, be included with the return of the person receiving such statement for the taxable year which ends with the calendar year to which the statement relates, and

"(2) in the case of a person whose taxable year is not the calendar year, with the return provided in regulations prescribed by the Secretary.".

(2) Form and method of mailing statement.—The second sentence of section 6044(e) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall be in such form as the Secretary may prescribe by regulations.".

(d) Penalties for Failure To Include Statement on Return.—

(1) In general.—Section 6678 (relating to failure to furnish certain statements), as amended by this Act, is amended—

(A) by adding at the end thereof the following new subsection:

"(c) Failure To Attach Statement to a Return.—In the case of each failure to attach a statement to a return under section 6042(e), 6044(f), or 6049(c)(4), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to attach such statement $50 for each such failure.", and

(B) by inserting "OR ATTACH" after "FURNISH" in the heading thereof.

(2) Conforming amendment.—The table of sections for subchapter B of chapter 68 is amended by inserting "or attach" after "furnish" in the item relating to section 6678.

SEC. 107. PENALTIES ON PAYEES.

(a) Willful Attempts To Evade or Avoid.—

(1) In general.—Subchapter A of chapter 68 (relating to additions to the tax and additional amounts) is amended by redesignating section 6662 as section 6663 and by inserting after section 6661 the following new section:

"SEC. 6662. ADDITIONAL PENALTY ON TAXPAYERS WHO WILLFULLY ATTEMPT TO EVADE OR AVOID TAX ON INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.

"(a) Civil Penalty.—If for any taxable year—

"(1) any taxpayer fails to include on a return of tax the amount of any interest, dividends, or patronage dividends required to be included in such return, and

"(2) the Secretary establishes that the taxpayer willfully attempted to evade or avoid Federal tax on such interest, dividends, or patronage dividends,

then there is imposed on such taxpayer for such taxable year for each such failure a penalty of $1,000.

"(b) Penalty in Addition to Other Penalties.—The penalty imposed by subsection (a) shall be in addition to any other penalty imposed by law.".

(2) Conforming amendment.—The table of sections for subchapter B of chapter 68 is amended by striking out the item relating to section 6662 and inserting in lieu thereof the following new items:

"Sec. 6662. Additional penalty on taxpayers who willfully attempt to evade or avoid tax on interest, dividends, or patronage dividends.

"Sec. 6663. Applicable rules.".

(b) False Certifications.—

(1) In general.—Section 6702 (relating to frivolous income tax returns) is amended—

(A) by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) False Certification.—If any individual willfully makes—

"(1) false certification or affirmation on any statement specifically required to be in the form described in section 6676(b)(5), or

"(2) a false certification under section 3406(c),

then such individual shall pay a penalty of $1,000.",

(B) by inserting "or (b)" after "subsection (a)" in subsection (c), as so redesignated, and

(C) by inserting "; FALSE CERTIFICATIONS" after "RETURN" in the heading thereof.

(2) Conforming amendment.—The table of sections for subchapter B of chapter 68 is amended by inserting "; False Certifications" after "Return" in the item relating to section 6702.

SEC. 108. TIME FOR PROCESSING OF INFORMATION RETURNS BY THE SECRETARY OF THE TREASURY.

(a) Time for Processing of Information.—With respect to taxable years beginning after December 31, 1982, the Secretary of the Treasury or his delegate shall implement a program which provides for the processing of information received by the Secretary under section 6042(a)(1), 6044(a)(1), or 6049(a) of the Internal Revenue Code of 1954 within such period as is necessary to notify taxpayers within 15½ months of the close of the calendar year to which the information relates that such taxpayer may be subject to withholding under section 3406(a) of the Internal Revenue Code of 1954 by reason of section 3406(a)(1)(C) of such Code.

(b) Report on Availability of Resources.—Not later than June 15, 1983, the Secretary of the Treasury or his delegate shall report to the Congress on the amount of additional appropriations necessary to carry out the program described in subsection (a) and to carry out the other provisions of, and amendments made by, this Act.

(c) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out the program described in subsection (a) and to carry out the other provisions of, and amendments made by, this Act, and it is the sense of the Congress that such sums be appropriated.

(d) Failure To Provide Sufficient Appropriations.—

(1) In general.—If sufficient funds are not appropriated for such fiscal year pursuant to the authority under subsection (c) expressly to carry out the program under subsection (a) the Secretary of the Treasury shall implement such program only to the extent warranted by a managerial decision as to costs and benefits of alternative uses of resources.

(2) Report to congress.—The Secretary of the Treasury shall report to the Congress for each fiscal year to which paragraph (1) applies as to the decision described in paragraph (1) and the reasons therefor.

(e) Failure To Provide Sufficient Appropriations.—

(1) In general.—If sufficient funds are not appropriated pursuant to subsection (c) expressly to carry out the provisions (other than subsection (a) of this section) of, and amendments made by, this Act for any fiscal year, the Secretary of the Treasury shall implement such provisions and amendments in accordance with managerial decisions as to costs and benefits of alternative uses of resources.

(2) Report to congress.—The Secretary of the Treasury shall report to the Congress for each fiscal year to which paragraph (1) applies as to the allocation of resources under such paragraph and the reasons therefor.

SEC. 109. EFFECTIVE DATES.

(a) In General.—Except as provided in this section, the amendments made by this title shall apply to taxable years beginning after December 31, 1982.

(b) Special Rules.—

(1) The amendments made by section 103 shall apply to payments made after December 31, 1983, except that the provisions of section 6705(b)(2) of the Internal Revenue Code of 1954, as added by section 103(b)(1), shall apply to numbers required to be provided after the 30th day after the date of the enactment of this Act.

(2) The amendments made by section 104 shall apply to returns the due date for which (without regard to extensions) is after December 31, 1983, except that the Secretary of the Treasury or his delegate may provide that such amendments shall not apply to any person for any return the due date for which (without regard to extensions) is before January 1, 1985, in any case where application of such amendments would cause undue hardship to such person.

(3)(A) Except as provided in subparagraph (B), the amendments made by sections 105 and 106 shall apply to returns or statements the due date for which (without regard to extensions) is after December 31, 1983.

(B) The amendments made by sections 105 and 106 shall not apply to any return or statement on which there is not required to be included any payment of interest, dividends, or patronage dividends which is paid or credited after the date which is 30 days after the date of the enactment of this Act.

TITLE II—CARIBBEAN BASIN INITIATIVE

SEC. 201. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Act".

Subtitle A—Duty-Free Treatment

SEC. 211. AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment for all eligible articles from any beneficiary country in accordance with the provisions of this title.

SEC. 212. BENEFICIARY COUNTRY.

(a)(1) For purposes of this title—

(A) The term "beneficiary country" means any country listed in subsection (b) with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this title. Before the President designates any country as a beneficiary country for purposes of this title, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(B) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(C) The term "TSUS" means Tariff Schedules of the United States (19 U.S.C. 1202).

(2) If the President has designated any country as a beneficiary country for purposes of this title, he shall not terminate such designation (either by issuing a proclamation for that purpose or by issuing a proclamation which has the effect of terminating such designation) unless, at least sixty days before such termination, he has notified the House of Representatives and the Senate and has notified such country of his intention to terminate such designation, together with the considerations entering into such decision.

(b) In designating countries as "beneficiary countries" under this title the President shall consider only the following countries and territories or successor political entities:

Anguilla
Antigua and Barbuda
Bahamas, The
Barbados
Belize
Costa Rica
Dominica
Dominican Republic
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Nicaragua
Panama
Saint Lucia
Saint Vincent and the Grenadines
Surinam
Trinidad and Tobago
Cayman Islands
Montserrat
Netherlands Antilles
Saint Christopher-Nevis
Turks and Caicos Islands
Virgin Islands, British

In addition, the President shall not designate any country a beneficiary country under this title—

(1) if such country is a Communist country;

(2) if such country—

(A) has nationalized, expropriated or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify—

(i) any existing contract or agreement with, or

(ii) any patent, trademark, or other intellectual property of,

a United States citizen or a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and

promptly furnishes a copy of such determination to the Senate and House of Representatives;

(3) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership or association which is 50 per centum or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(4) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to him that such preferential treatment will be eliminated or that action will be taken to assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(5) if a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent;

(6) if such country does not take adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812)) produced, processed, or transported in such country from entering the United States unlawfully; and

(7) unless such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens.

Paragraphs (1), (2), (3), and (5) shall not prevent the designation of any country as a beneficiary country under this Act if the President determines that such designation will be in the national economic or security interest of the United States and reports such determination to the Congress with his reasons therefor.

(c) In determining whether to designate any country a beneficiary country under this title, the President shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the economic conditions in such country, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country;

(4) the degree to which such country follows the accepted rules of international trade provided for under the General Agreement on Tariffs and Trade, as well as applicable trade agreements approved under section 2(a) of the Trade Agreements Act of 1979;

(5) the degree to which such country uses export subsidies or imposes export performance requirements or local content requirements which distort international trade;

(6) the degree to which the trade policies of such country as they relate to other beneficiary countries are contributing to the revitalization of the region;

(7) the degree to which such country is undertaking self-help measures to promote its own economic development;

(8) the degree to which workers in such country are afforded reasonable workplace conditions and enjoy the right to organize and bargain collectively;

(9) the extent to which such country prohibits its nationals from engaging in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent; and

(10) the extent to which such country is prepared to cooperate with the United States in the administration of the provisions of this title.

(d) general headnote 3(a) of the TSUS (relating to products of the insular possessions) is amended by adding at the end thereof the following paragraph:

"(iv) subject to the provisions in section 213 of the Caribbean Basin Economic Recovery Act, articles which are imported from insular possessions of the United States shall receive duty treatment no less

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favorable than the treatment afforded such articles when they are imported from a beneficiary country under such Act.".

(e) The President shall, after complying with the requirements of subsection (a)(2), withdraw or suspend the designation of any country as a beneficiary country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary country under subsection (b).

SEC. 213. ELIGIBLE ARTICLES.

(a)(1) Unless otherwise excluded from eligibility by this title, the duty-free treatment provided under this title shall apply to any article which is the growth, product, or manufacture of a beneficiary country if—

(A) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(B) the sum of (i) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries, plus (ii) the direct costs of processing operations performed in a beneficiary country or countries is not less than 35 per centum of the appraised value of such article at the time it is entered.

For purposes of determining the percentage referred to in subparagraph (B), the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 per centum of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (B).

(2) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this subsection including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

(A) simple combining or packaging operations, or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(3) As used in this subsection, the phrase "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions or expenses.

(b) The duty-free treatment provided under this title shall not apply to—

(1) textile and apparel articles which are subject to textile agreements;

(2) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

(3) tuna, prepared or preserved in any manner, in airtight containers; or

(4) petroleum, or any product derived from petroleum, provided for in part 10 of schedule 4 of the TSUS.

(c)(1) As used in this subsection—

(A) The term "sugar and beef products" means—

(i) sugars, sirups, and molasses provided for in items 155.20 and 155.30 of the TSUS, and

(ii) articles of beef or veal, however provided for in subpart B of part 2 of schedule 1 of the TSUS.

(B) The term "Plan" means a stable food production plan that consists of measures and proposals designed to ensure that the present level of food production in, and the nutritional level of the population of, a beneficiary country will not be adversely affected by changes in land use and land ownership that will result if increased production of sugar and beef products is undertaken in response to the duty-free treatment extended under this title to such products. A Plan must specify such facts regarding, and such proposed actions by, a beneficiary country as the President deems necessary for purposes of carrying out this subsection, including but not limited to—

(i) the current levels of food production and nutritional health of the population;

(ii) current levels of production and export of sugar and beef products;

(iii) expected increases in production and export of sugar and beef products as a result of the duty-free access to the United States market provided under this title;

(iv) measures to be taken to ensure that the expanded production of those products because of such duty-free access will not occur at the expense of stable food production; and

(v) proposals for a system to monitor the impact of such duty-free access on stable food production and land use and land ownership patterns.

(2) Duty-free treatment extended under this title to sugar and beef products that are the product of a beneficiary country shall be suspended by the President under this subsection if—

(A) the beneficiary country, within the ninety-day period beginning on the date of its designation as such a country under section 212, does not submit a Plan to the President for evaluation;

(B) on the basis of his evaluation, the President determines that the Plan of a beneficiary country does not meet the criteria set forth in paragraph (1)(B); or

(C) as a result of the monitoring of the operation of the Plan under paragraph (5), the President determines that a beneficiary country is not making a good faith effort to implement its Plan, or that the measures and proposals in the Plan, although being implemented, are not achieving their purposes.

(3) Before the President suspends duty-free treatment by reason of paragraph (2)(A), (B), or (C) to the sugar and beef products of a beneficiary country, he must offer to enter into consultation with the beneficiary country for purposes of formulating appropriate remedial action which may be taken by that country to avoid such suspension. If the beneficiary country thereafter enters into consultation within a reasonable time and undertakes to formulate remedial action in good faith, the President shall withhold the suspension of duty-free treatment on the condition that the remedial action agreed upon be appropriately implemented by that country.

(4) The President shall monitor on a biennial basis the operation of the Plans implemented by beneficiary countries, and shall submit a written report to Congress by March 15 following the close of each biennium, that—

(A) specifies the extent to which each Plan, and remedial actions, if any, agreed upon under paragraph (4), have been implemented; and

(B) evaluates the results of such implementation.

(5) The President shall terminate any suspension of duty-free treatment imposed under this subsection if he determines that the beneficiary country has taken appropriate action to remedy the factors on which the suspension was based.

(d) For such period as there is in effect a proclamation issued by the President pursuant to the authority vested in him by section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) to protect a price-support program for sugar beets and sugarcane, the importation and duty-free treatment of sugars, syrups, and molasses classified under items 155.20 and 155.30 of the TSUS shall be governed in the following manner:

(1)(A) For all beneficiary countries, except those subject to subparagaph (B) and paragraph (2), duty-free treatment shall be provided in the same manner as it is provided pursuant to title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), at the time of the effective date of this title; except that the President upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the value limitation provided for in section 504(c)(1) of the Trade Act of 1974 on the duty-free treatment afforded to beneficiary countries under this section if he finds that such adjustment will not interfere with the price support program for sugar beets and sugarcane and is appropriate in light of market conditions.

(B) As an alternative to subparagraph (A), the President may at the request of a beneficiary country not subject to paragraph (2) and upon the recommendation of the Secretary of Agriculture, elect to permit sugar, sirups, and molasses from that country to enter duty-free during a calendar year subject to quantitative limitations to be established by the President on the quantity of sugar, sirups, and molasses entered from that country.

(2) For the following countries whose exports of sugar, sirups, and molasses in 1981 were not eligible for duty-free treatment because of the operation of section 504(c) of the Trade Act of 1974, the quantity of sugar, sirups, and molasses which may be entered in any calendar year shall be limited to no more than the quantity specified below:

Metric tons:	
Dominican Republic	780,000
Guatemala	210,000
Panama	160,000

Such sugar, sirups, and molasses shall be admitted free of duty, except as provided for in paragraph (3).

(3) The President, upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the quantitative limitations imposed under paragraph (1)(B) or (2) if he determines such action will not interfere with the price support program for sugar beets and sugar cane and is appropriate in light of market conditions. The President, upon the recommendation of the Secretary of Agriculture, may suspend the duty-free treatment for all or part of the quantity of sugar, sirups, and molasses permitted to be entered by paragraphs (1)(B) and (2) if such action is necessary to protect the price-support program for sugar beets and sugar cane.

(4) Any quantitative limitation imposed on a beneficiary country under paragraph (1)(B) or (2) shall apply only to the extent that such limitation permits a lesser quantity of sugar, sirups, and molasses to be entered from that country than the quantity that would be permitted to be entered under any other provision of law.

(e)(1) The President may by proclamation suspend the duty-free treatment provided by this title with respect to any eligible article and may proclaim a duty rate for such article if such action is proclaimed pursuant to section 203 of the Trade Act of 1974 or section 232 of the Trade Expansion Act of 1962.

(2) In any report by the International Trade Commission to the President under section 201(d)(1) of the Trade Act of 1974 regarding any article for which duty-free treatment has been proclaimed by the President pursuant to this title, the Commission shall state whether and to what extent its findings and recommendations apply to such article when imported from beneficiary countries.

(3) For purposes of subsections (a) and (c) of section 203 of the Trade Act of 1974, the suspension of the duty-free treatment provided by this title shall be treated as an increase in duty.

(4) No proclamation which provides solely for a suspension referred to in paragraph (3) of this subsection with respect to any article shall be made under subsections (a) and (c) of section 203 of the Trade Act of 1974 unless the United States International Trade Commission, in addition to making an affirmative determination with respect to such article under section 201(b) of the Trade Act of 1974, determines in the course of its investigation under section 201(b) of such Act that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the duty-free treatment provided by this title.

(5)(A) Any proclamation issued pursuant to section 203 of the Trade Act of 1974 that is in effect when duty-free treatment pursuant to section 101 of this title is proclaimed shall remain in effect until modified or terminated.

(B) If any article is subject to import relief at the time duty-free treatment is proclaimed pursuant to section 211, the President may reduce or terminate the application of such import relief to the importation of such article from beneficiary countries prior to the otherwise scheduled date on which such reduction or termination would occur pursuant to the criteria and procedures of subsections (h) and (i) of section 203 of the Trade Act of 1974.

(f)(1) If a petition is filed with the International Trade Commission pursuant to the provisions of section 201 of the Trade Act of 1974 regarding a perishable product and alleging injury from imports from beneficiary countries, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted pursuant to paragraph (3) of this subsection with respect to such article.

(2) Within fourteen days after the filing of a petition under paragraph (1) of this subsection—

(A) if the Secretary of Agriculture has reason to believe that a perishable product from a beneficiary country is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, he shall advise the President and recommend that the President take emergency action; or

(B) the Secretary of Agriculture shall publish a notice of his determination not to recommend the imposition of emergency action and so advise the petitioner.

(3) Within seven days after the President receives a recommendation from the Secretary of Agriculture to take emergency action pursuant to paragraph (2) of this subsection, he shall issue a proclamation withdrawing the duty-free treatment provided by this title or publish a notice of his determination not to take emergency action.

(4) The emergency action provided by paragraph (3) of this subsection shall cease to apply—

(A) upon the proclamation of import relief pursuant to section 202(a)(1) of the Trade Act of 1974,

(B) on the day the President makes a determination pursuant to section 203(b)(2) of such Act not to impose import relief,

(C) in the event of a report of the United States International Trade Commission containing a negative finding, on the day the Commission's report is submitted to the President, or

(D) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(5) For purposes of this subsection, the term "perishable product" means—

(A) live plants provided for in subpart A of part 6 of schedule 1 of the TSUS;

(B) fresh or chilled vegetables provided for in items 135.10 through 138.42 of the TSUS;

(C) fresh mushrooms provided for in item 144.10 of the TSUS;

(D) fresh fruit provided for in items 146.10, 146.20, 146.30, 146.50 through 146.62, 146.90, 146.91, 147.03 through 147.33, 147.50 through 149.21 and 149.50 of the TSUS;

(E) fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of the TSUS; and

(F) concentrated citrus fruit juice provided for in items 165.25 and 165.35 of the TSUS.

(g) No proclamation issued pursuant to this title shall affect fees or quantitative limitations imposed pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C 624).

SEC. 214. MEASURES FOR PUERTO RICO AND UNITED STATES INSULAR POSSESSIONS.

(a) Effective with respect to articles entered on or after the effective date of this Act, general headnote 3(a) of the TSUS is amended—

(1) by amending clause (i)—

(A) by striking out "50 percent" and inserting in lieu thereof "70 percent", and

(B) by inserting after "total value", "(or more than 50 percent of their total value with respect to articles described in section 213(b) of the Caribbean Basin Economic Recovery Act)"; and

(2) by amending clause (ii) by striking out "50 percent" and inserting in lieu thereof "70 percent".

(b) Item 813.31 of the TSUS is amended by striking out "4 liters" and inserting in lieu thereof "5 liters", and by inserting after "United States,", "and not more than 4 liters of which shall have been produced elsewhere than in such insular possessions,".

(c) If the sum of the amounts of taxes covered into the treasuries of Puerto Rico or the United States Virgin Islands pursuant to section 7652(c) of the Internal Revenue Code of 1954 is reduced below the amount that would have been covered over if the imported rum had been produced in Puerto Rico or the United States Virgin Islands, then the President shall consider compensation measures and, in this regard, may withdraw the duty-free treatment on rum provided by this title. The President shall submit a report to the Congress on the measures he takes.

(d) Section 1112 of the Trade Agreements Act of 1979 (19 U.S.C. 2582) is repealed.

(e) No action pursuant to this title may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 319 of the Tariff Act of 1930 (19 U.S.C. 1319) on coffee imported into Puerto Rico.

(f) For purposes of chapter 1 of title II of the Trade Act of 1974, the term "industry" shall include producers located in the United States insular possessions.

(g) Any discharge from a point source in the United States Virgin Islands in existence on the date of the enactment of this subsection which discharge is attributable to the manufacture of rum (as defined in paragraphs (3) of section 7652(c) of the Internal Revenue Code of 1954) shall not be subject to the requirements of section 301 (other than toxic pollutant discharges), section 306 or section 403 of the Federal Water Pollution Control Act if—

(1) such discharge occurs at least one thousand five hundred feet into the territorial sea from the line of ordinary low water from that portion of the coast which is in direct contact with the sea, and

(2) the Governor of the United States Virgin Islands determines that such discharge will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity, or teratogenicity), or synergistic propensities.

SEC. 215. INTERNATIONAL TRADE COMMISSION REPORTS ON IMPACT OF THIS ACT.

(a) The United States International Trade Commission (hereinafter in this section referred to as the "Commission") shall prepare, and submit to the Congress and to the President, a report regarding the economic impact of this Act on United States industries and consumers during—

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(1) the twenty-four-month period beginning with the date of enactment of this Act; and

(2) each calendar year occurring thereafter until duty-free treatment under this title is terminated under section 216(b).

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.

(b)(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report, of this Act on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries; and

(B) the probable future effect which this Act will have on the United States economy generally, as well as on such domestic industries, before the provisions of this Act terminate.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade and consumption of United States products affected by this Act, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this Act.

(c)(1) Each report required under subsection (a) shall be submitted to the Congress and to the President before the close of the nine-month period beginning on the day after the last day of the period covered by the report.

(2) The Commission shall provide opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

SEC. 216. EFFECTIVE DATE OF SUBTITLE AND TERMINATION OF DUTY-FREE TREATMENT.

(a) Effective Date.—This subtitle shall take effect on the date of the enactment of this Act.

(b) Termination of Duty-Free Treatment.—No duty-free treatment extended to beneficiary countries under this subtitle shall remain in effect after September 30, 1995.

Subtitle B—Tax Provisions

SEC. 221. PAYMENT OF EXCISE TAXES COLLECTED ON RUM TO PUERTO RICO AND THE UNITED STATES VIRGIN ISLANDS.

(a) In General.—Section 7652 of the Internal Revenue Code of 1954 (relating to shipments to the United States) is amended by inserting after subsection (b) the following new subsection:

"(c) Shipments of Rum to the United States.—

"(1) Excise taxes on rum covered into treasuries of Puerto Rico and Virgin Islands.—All taxes collected under section 5001(a)(1) on rum imported into the United States (less the estimated amount necessary for payment of refunds and drawbacks) shall be covered into the treasuries of Puerto Rico and the Virgin Islands.

"(2) Secretary prescribes formula.—The Secretary shall, from time to time, prescribe by regulation a formula for the division of such tax collections between Puerto Rico and the Virgin Islands and the timing and methods for transferring such tax collections.

"(3) Rum defined.—For purposes of this subsection, the term 'rum' means any article classified under item 169.13 or 169.14 of the Tariff Schedules of the United States (19 U.S.C. 1202).

"(4) Coordination with subsections (a) and (b).—Paragraph (1) shall not apply with respect to any rum subject to tax under subsection (a) or (b).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to articles imported into the United States after June 30, 1983.

SEC. 222. TREATMENT OF CARIBBEAN CONVENTIONS, ETC.

(a) General Rule.—Subsection (h) of section 274 of the Internal Revenue Code of 1954 (relating to attendance at conventions, etc.) is amended by adding at the end thereof the following new paragraph:

"(5) Treatment of conventions in certain Caribbean countries.—

"(A) In general.—For purposes of this subsection, the term 'North American area' includes, with respect to any convention, seminar, or similar meeting, any beneficiary country if (as of the time such meeting begins)—

"(i) there is in effect a bilateral or multilateral agreement described in subparagraph (C) between such country and the United States providing for the exchange of information between the United States and such country, and

"(ii) there is not in effect a finding by the Secretary that the tax laws of such country discriminate against conventions held in the United States.

"(B) Beneficiary country.—For purposes of this paragraph, the term 'beneficiary country' has the meaning given to such term by section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act; except that such term shall include Bermuda.

"(C) Authority to conclude exchange of information agreements.—

"(i) In general.—The Secretary is authorized to negotiate and conclude an agreement for the exchange of information with any beneficiary country. Except as provided in clause (ii), an exchange of information agreement shall provide for the exchange of such information (not limited to information concerning nationals or residents of the United States or the beneficiary country) as may be necessary or appropriate to carry out and enforce the tax laws of the United States and the beneficiary country (whether criminal or civil proceedings), including information which may otherwise be subject to nondisclosure provisions of the local law of the beneficiary country such as provisions respecting bank secrecy and bearer shares. The exchange of information agreement shall be terminable by either country on reasonable notice and shall provide that information received by either country will be disclosed only to persons or authorities (including courts and administrative bodies) involved in the administration or oversight of, or in the determination of appeals in respect of, taxes of the United States or the beneficiary country and will be used by such persons or authorities only for such purposes.

"(ii) Nondisclosure of qualified confidential information sought for civil tax purposes.—An exchange of information agreement need not contain a provision requiring the exchange of qualified confidential information which is sought only for civil tax purposes if—

"(I) the President determines that requiring the inclusion of such a provision in such agreement would not be in the national security interest of the United States, and

"(II) the Secretary of the Treasury determines that such agreement would, without such a provision, provide assistance in administering and enforcing the tax laws of the United States.

"(iii) Qualified confidential information defined.—For purposes of this subparagraph, the term 'qualified confidential information' means information which is subject to the nondisclosure provisions of any local law of the beneficiary country regarding bank secrecy or ownership of bearer shares.

"(D) Coordination with section 6103.—Any exchange of information agreement negotiated under subparagraph (C) shall be treated as an income tax convention for purposes of section 6103(k)(4).".

"(E) Determination and findings published in the Federal Register.—Any determination by the President under subparagraph (C)(ii) (including the reasons for such determination) and any finding by the Secretary under subparagraph (A)(ii) (and any termination thereof) shall be published in the Federal Register.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to conventions, seminars, or other meetings which begin after June 30, 1983.

Subtitle C—Sense of the Congress Regarding Sugar Imports

SEC. 231. SUGAR IMPORTS.

It is the sense of the Congress that sugar from any Communist country in the Caribbean Basin or in Central America should not be imported into the United States.

TITLE III—ENTERPRISE ZONES

SEC. 301. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) Short Title.—This title may be cited as the "Enterprise Zone Act of 1983".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 302. PURPOSES.

It is the purpose of this title to provide for the establishment of enterprise zones in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(1) tax relief at the Federal, State, and local levels;

(2) regulatory relief at the Federal, State, and local levels; and

(3) improved local services and an increase in the economic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

Subtitle A—Designation of Enterprise Zones

SEC. 311. DESIGNATION OF ZONES.

(a) General Rule.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Designation of Enterprise Zones

"Sec. 7891. Designation.

"SEC. 7891. DESIGNATION.

"(a) Designation of Zones.—

"(1) Definitions.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior, designates as an enterprise zone.

"(2) Limitations on designations.—

"(A) Publication of regulations.—Before designating any area as an enterprise zone and not later than 4 months following the date of the enactment of this section, the Secretary of Housing and Urban Development shall prescribe by regulation, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of an enterprise zone, and

"(iii) the manner in which nominated areas will be compared based on the criteria specified in subsection (d) and the other factors specified in subsection (e).

"(B) Time limitations.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 36-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) October 1, 1983.

"(C) Number of designations.—

"(i) In general.—The Secretary of Housing and Urban Development may not designate more than 75 nominated areas as enterprise zones under this section.

"(ii) Minimum designation in rural areas.—Of the areas designated under clause (i), at least one-third must be areas—

"(I) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined under the most recent census data available),

"(II) which are outside of a metropolitan statistical area (within the meaning of section 103A(l)(4)(B)), or

"(III) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(D) Procedural rules.—The Secretary of Housing and Urban Development shall not make any designation under paragraph (1) unless—

"(i) the local government and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as an enterprise zone,

"(II) to make the State and local commitments under subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe,

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate, and

"(iv) the State and local governments certify that no portion of the area nominated is already included in an enterprise zone or in an area otherwise nominated to be an enterprise zone.

"(3) Nomination process for Indian reservations.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(4) Nomination process for certain areas located outside reservations.—An Indian tribal government may nominate an area described in subsection (c)(2)(C)(iii), in conjunction with the local government and the State in which such area is located, for designation as an enterprise zone.

"(b) Period for Which Designation Is in Effect.—

"(1) In general.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments as provided for in their nomination pursuant to subsection (a)(2)(D)(ii), or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) Revocation of designation.—The Secretary of Housing and Urban Development, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or the State in which it is located is not complying substantially with the State and local commitments pursuant to subsection (d).

"(3) Designation shall not take effect unless inventory of historic properties.—Notwithstanding paragraph (1)—

"(A) within 60 days after the date of the designation of an area as an enterprise zone (determined without regard to this paragraph), the State or local government of such area shall submit to the Secretary of Housing and Urban Development an inventory of historic properties within such area, and

"(B) the date of such designation shall not be earlier than the date on which such inventory is submitted.

"(c) Area and Eligibility Requirements.—

"(1) In general.—The Secretary of Housing and Urban Development may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

"(2) Area requirements.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, of at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subclause (I) or (III) of subsection (a)(2)(C)(ii)) is located within a metropolitan statistical area (within the meaning of section 103A (1)(4)(B)) with a population of 50,000 or more, or

"(II) 1,000 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(iii) is—

"(I) nominated by the local government and State government of such area and by an Indian tribal government; and

"(II) located entirely within a radius of 50 miles from any point on the border of the reservation over which such Indian tribal government has jurisdiction;

"(iv) is located in Alaska—

"(I) within the jurisdiction of an Indian tribal government, or

"(II) within a municipality at least 50 percent of the resident population of which (as determined by the 1980 census of the United States) consists of Indians, Eskimos, or Aleuts.

"(3) Eligibility requirements.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments in which it is located certify and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification, that—

"(A) the area is one of pervasive poverty, unemployment, and general distress,

"(B) the area is located wholly within the jurisdiction of a local government which is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this section, and

"(C) one of the following criteria is met—

"(i) the unemployment rate, as determined by the appropriate available data, was at least 1½ times the national unemployment rate for that period, or

"(ii) the poverty rate (as determined by the most recent census data available) for each populous census tract, (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was at least 20 percent for the period to which such data relates, or

"(iii) at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974), or

"(iv) the population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

"(4) Special areas outside reservations.—For purposes of this section, any area described in paragraph (2)(C)(iii) which is designated by an Indian tribal gov-

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ernment shall be treated as meeting the requirements of paragraph (3) if any area within the reservation over which such tribal government has jurisdiction meets the requirements of paragraph (3).

"(d) Required State and Local Commitments.—

"(1) In general.—No nominated area shall be designated as an enterprise zone unless the local government and the State in which it is located agree in writing that, during any period during which the area is an enterprise zone, such governments will follow a specified course of action designed to reduce the various burdens borne by employers or employees in such area.

"(2) Course of action.—The course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the enterprise zone,

"(B) an increase in the level or efficiency of local services within the enterprise zone, for example, crime prevention (particularly through experimentation with providing such services by nongovernmental entities),

"(C) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial or other assistance to, employers, employees, and residents of the nominated area, and

"(E) mechanisms to increase the equity ownership of residents and employees within the enterprise zone.

"(3) Later modification of a course of action.—The Secretary of Housing and Urban Development may by regulation prescribe procedures for modifying a course of action under paragraph (1) following designation.

"(f) Priority of Designation.—In choosing nominated areas for designation, the Secretary of Housing and Urban Development shall give special preference to the areas with respect to which the strongest and highest quality contributions described in subsection (d)(2) have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief. The Secretary shall also give preference to—

"(1) the nominated areas with respect to which the strongest and highest quality contributions (other than those described in subsection (d)(2)) have been promised as part of the course of action,

"(2) the nominated areas with respect to which the nominating State and local governments have provided the most effective and enforceable guarantees that the proposed course of action under subsection (d) will actually be carried out during the period of the enterprise zone designation,

"(3) the nominated areas with high levels of poverty, unemployment, and general distress, particularly the areas—

"(A) which are near areas with concentrations of disadvantaged workers or long-term unemployed individuals, and

"(B) with respect to which there is a strong likelihood that residents of the area described in subparagraph (A) will receive jobs if the area is designated as an enterprise zone,

"(4) the nominated areas the size and location of which—

"(A) will primarily stimulate new economic activity, and

"(B) minimize unnecessary tax losses to the Federal Government,

"(5) the nominated areas with respect to which private entities have made the most substantial commitments in additional resources and contributions, including the creation of new or expanded business activities, and

"(6) the nominated areas which best exhibit such other factors determined by the Secretary of Housing and Urban Development as are—

"(A) consistent with the intent of the enterprise zone program, and

"(B) important to minimizing the unnecessary loss of tax revenues to the Federal Government.

"(f) Definitions.—For the purposes of this title—

"(1) Governments.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) State.—The term 'State' shall also include Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) Local government.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia.".

(b) Conforming Amendment.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"Subchapter D—Designation of Enterprise Zones"

SEC. 312. EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the fourth calendar year after the year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones under section 7891 of the Internal Revenue Code of 1954, and at the close of each fourth calendar year thereafter, the Secretary of Housing and Urban Development shall prepare and submit to the Congress a report on the effects of such designation in accomplishing the purposes of this Act.

SEC. 313. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) Tax Reductions.—Any reduction of taxes under any required program of State and local commitment under section 7891(d) of the Internal Revenue Code of 1954 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) Coordination With Relocation Assistance.—The designation of an enterprise zone under section 7891 of the Internal Revenue Code of 1954 shall not—

(1) constitute approval of a Federal or Federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) Coordination With Environmental Policy.—Designation of an enterprise zone under section 7891 shall not constitute a Federal action for purposes of applying the requirements of the National Environmental Policy Act (42 U.S.C. 4341) or other provisions of Federal law relating to the protection of the environment.

Subtitle B—Federal Income Tax Incentives

Part I—Credits for Employers and Employees

SEC. 321. CREDIT FOR ENTERPRISE ZONE EMPLOYERS.

(a) Credit for Increased Enterprise Zone Employment and Employment of Disadvantaged Workers.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44I. CREDIT FOR ENTERPRISE ZONE EMPLOYMENT.

"(a) In General.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year, and

"(2) the economically disadvantaged credit amount of the taxpayer for such taxable year.

"(b) Limitations Based on Amount of Tax.—

"(1) In general.—The credit allowed by subsection (a) for a taxable year shall not exceed the tax imposed by this chapter for such taxable year, reduced by the sum of the credits allowable under any section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

"(2) Carryback and carryover of unused credit.—

"(A) Allowance of credit.—If the amount of the credit determined under this section for any taxable year exceeds the limitation provided by paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an enterprise zone employment credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an enterprise zone employment credit carryover to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by this section for such years. If any portion of such excess is a carryback to a taxable year beginning before January 1, 1984, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 18 taxable years to which (by reason of clauses (i) and (ii)) such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable

year to which such unused credit may be carried.

"(B) Limitation.—The amount of the unused credit which may be added under subparagraph (A) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of

"(i) the credit allowable under this section for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(C) Special rule if period of zone extends more than 15 years.—If the number of taxable years during the period—

"(i) beginning with the taxable year after the unused credit year, and

"(ii) ending with the taxable year in which the designation of the enterprise zone to which the credit under subsection (a) relates expires under section 7891,

exceeds 15, then subparagraph (A) shall be applied by substituting such number for '15', such number plus 3 for '18', and such number plus 2 for '17'.

"(c) Qualified Increased Employment Expenditures Defined.—For purposes of this section—

"(1) In general.—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) Limitations as to qualified wages taken into account.—

"(A) Dollar amount.—The amount of any qualified wages taken into account under paragraph (1) for any taxable year with respect to any qualified employee may not exceed 2.5 times the dollar limitation in effect under section 3306 (b)(1) for the calendar year with or within which such taxable year ends.

"(B) Application with economically disadvantaged credit amount.—Qualified wages shall not be taken into account under paragraph (1) if such wages are taken into account in determining the economically disadvantaged credit amount under subsection (d).

"(3) Base period wages.—

"(A) In general.—The term 'base period wages' means, with respect to any enterprise zone, the amount of wages paid to employees during the 12-month period preceding the earlier of—

"(i) the date on which the enterprise zone was designated as such under section 7891, or

"(ii) the date on which the enterprise zone is designated under any State law enacted after January 1, 1981,

which would have been qualified wages paid to qualified employees if such designation had been in effect for such period.

"(B) Rules of special application.—For purposes of subparagraph (A)—

"(i) subsection (f)(1) shall be applied by substituting '12-month period' for 'taxable year' each place it appears, and

"(ii) the dollar limitation taken into account under paragraph (2) in computing qualified wages shall be the amount in effect for the taxable year for which the amount of the credit under subsection (a) is being computed.

"(d) Economically Disadvantaged Credit Amount.—For purposes of this section—

"(1) In general.—The term 'economically disadvantaged credit amount' means the sum of the applicable percentage of qualified wages paid to each qualified economically disadvantaged individual.

"(2) Applicable percentage.—For purposes of paragraph (1), the term 'applicable percentage' means, with respect to any qualified economically disadvantaged individual, the percentage determined in accordance with the following table:

"If the qualified wages are paid for services performed:	The applicable percentage is:
Within 36 months of starting date .	50
More than 36 months but less than 49 months after such date.	40
More than 48 months but less than 61 months after such date.	30
More than 60 months but less than 73 months after such date.	20
More than 72 months but less than 85 months after such date.	10
More than 84 months after such date.	0

"(3) Starting date; breaks in service.—For purposes of this subsection—

"(A) Starting date.—The term 'starting date' means the day which the qualified economically disadvantaged individual begins work for the employer within an enterprise zone.

"(B) Breaks in service.—The periods described in the table under paragraph (2) (other than the first such period) shall be extended by any period of time—

"(i) during which the individual is unemployed, and

"(ii) by any period of time before the designation of the area as an enterprise zone under section 7891 during which the individual is employed by a taxpayer while the area is designated as an enterprise zone under State law enacted after January 1, 1981.

"(e) Qualified Wages Defined.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) Reduction for certain federally funded payments.—For purposes of this section the wages paid or incurred by an employer for any period shall not include the amount of any federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) Special rules for agricultural and railway labor.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(f) Qualified Employee Defined.—

"(1) In general.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in an enterprise zone, and

"(B) who performs at least 50 percent of his services for the employer during the taxable year in an enterprise zone.

"(2) Exception for individuals with respect to whom credit is allowed under section 44b.—The term 'qualified employee' shall not include an individual with respect to whom any credit is allowed the employer for the taxable year under section 44B (relating to credit for employment of certain new employees).

"(g) Qualified Economically Disadvantaged Individual.—

"(1) For purposes of this section, the term 'qualified economically disadvantaged individual' means an individual—

"(A) who is a qualified employee,

"(B) who is hired by the employer during the period a designation under section 7891 is in effect for the area in which the services which qualify such individual as a qualified employee are performed, and

"(C) who is certified as—

"(i) an economically disadvantaged individual,

"(ii) an eligible work incentive employee (within the meaning of section 51(d)(9)), or

"(iii) a general assistance recipient (within the meaning of section 51(d)(6)).

"(2) Economically disadvantaged individual.—For purposes of paragraph (1)—

"(A) In general.—The term 'economically disadvantaged individual' means any individual who is certified by the designated local agency as being a member of a family that had a combined family income (including the cash value of food stamps) during the 6 months preceding the month in which such determination occurs that on an annual basis, was equal to or less than the sum of—

"(i) the highest amount which would ordinarily be paid to a family of the same size without any income or resources in the form of payments for aid to families with dependent children under the State plan approved under part A of title IV of the Social Security Act for the State in which such individual resides, plus,

"(ii) the highest cash value of the food stamps to which a family of the same size without any income or resources would be paid aid to families with dependent children under such State plan in the amount determined under clause (i).

Any such determination shall be valid for the 45-day period beginning on the date such determination is made.

"(B) Special rule for families with only one individual.—For purposes of clause (i) of subparagraph (A), in the case of a family consisting of only one individual, the 'highest amount which would ordinarily be paid' to such family under the State's plan approved under part A of title IV of the Social Security Act shall be an amount determined by the designated local agency on the basis of a reasonable relationship to the amounts payable under such plan to families consisting of two or more persons.

"(3) Certification.—Certification of an individual as an individual described in paragraph (1)(C) shall be made in the same manner as certification under section 51.

"(h) Special Rules.—For purposes of this section—

"(1) Application to certain entities, etc.—Under regulations prescribed by the Secretary, rules similar to the rules of subsections (f) and (l) of section 51, section 52, and section 44F(f)(3) shall apply.

"(2) Periods of less than a year.—If designation of an area as an enterprise zone under section 7891 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a taxable year of less than 12 months—

"(A) the limitation specified in subsection (c)(2)(A), and the base period wages deter-

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mined under subsection (c)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (e)(2) and the 90 percent and 50 percent tests set forth in subsection (f)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as an enterprise zone is in effect.

"(i) Phaseout of credit.—In determining the amount of the credit for a taxable year under subsection (a) with respect to qualified wages paid or incurred for services performed in an enterprise zone—

"(1) the following percentages shall be substituted for '10 percent' in subsection (a)(1):

"(A) 7.5 percent in the earlier of—

"(i) the taxable year which includes the date which is 21 years after the date on which such enterprise zone was designated under section 7891, or

"(ii) the taxable year which includes the date which is 4 years before the date (if any) on which such enterprise zone ceases to be a zone under section 7891(b)(1)(B),

"(B) 5 percent in the next succeeding taxable year,

"(C) 2.5 percent in the second next succeeding taxable year, and

"(D) zero thereafter, and

"(2) the amount determined under subsection (a)(2) shall be reduced by—

"(A) 25 percent in the case of the taxable year described in paragraph (1)(A),

"(B) 50 percent in the next succeeding taxable year,

"(C) 75 percent in the second next succeeding taxable year, and

"(D) 100 percent thereafter.

"(j) Early Termination of Employment by Employer in Case of Qualified Economically Disadvantaged Individuals, Etc.—

"(1) General rule.—Under regulations prescribed by the Secretary, if the employment of any qualified economically disadvantaged individual with respect to whom qualified wages are taken into account under subsection (a) is terminated by the taxpayer at any time during the 270-day period beginning on the date such individual begins work for the employer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credit allowed under subsection (a) for such taxable year and all prior taxable years attributable to qualified wages paid or incurred with respect to such employee.

"(2) Subsection not to apply in certain cases.—

"(A) In general.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the employer,

"(ii) a termination of employment of an individual who, before, the close of the period referred to in paragraph (1), becomes disabled and therefore is unable to perform the services of such employment, unless such disability is removed before the close of such period and the employer fails to offer reemployment to such individual,

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual, or

"(iv) a termination of employment of an individual due to a substantial reduction in the trade or business operations of the employer.

"(B) Change in form of business, etc.—For purposes of paragraph (1), the employment relationship between the employer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the employer retains a substantial interest in such trade or business.

"(3) Special rule.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under this subpart.".

(b) No Deduction Allowed.—Section 280C (relating to disallowance of deductions for that portion of wages for which credit is claimed under section 40 or 44B) is amended by adding at the end thereof the following new subsection:

"(d) Rule for Section 44I Credits.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable under section 44I (relating to the employment credit for enterprise zone businesses). This subsection shall be applied under a rule similar to the rule under the last sentence of subsection (b).".

(c) Technical Amendments Related to Carryover and Carryback of Credits.—

(1) Carryover of credit.—

(A) Subparagraph (B) of section 55(c)(3) (relating to carryover and carryback of certain credits) is amended—

(i) by striking out "or 44F" in clause (i) and inserting in lieu thereof "44F, or 44I", and

(ii) by inserting "44I(b)(1)," after "44F (g)(1)," in clause (ii).

(B) Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(31) Credit under section 44I.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 44I, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 44I in respect to the distributor or transferor corporation.".

(C) Section 383 (relating to special limitations on unused credits and capital losses), as in effect for taxable years to which the amendments made by the Tax Reform Act of 1976 apply, is amended—

(i) by inserting "to any unused credit of the corporation under section 44I(b)(2)," after "44G(b)(2)," and

(ii) by inserting "ENTERPRISE ZONE EMPLOYMENT CREDITS," after "EMPLOYEE STOCK OWNERSHIP CREDITS," in the section heading.

(D) Section 383 (as in effect on the day before the amendments made by the Tax Reform Act of 1976) is amended—

(i) by inserting "to any unused credit of the corporation which could otherwise be carried forward under section 44I(b)(2)," after "44G(b)(2)," and

(ii) by inserting "ENTERPRISE ZONE EMPLOYMENT CREDITS," after "EMPLOYEE STOCK OWNERSHIP CREDITS," in the section heading.

(E) The table of sections for part V of subchapter C of chapter 1 is amended by inserting "enterprise zone employment credits," after "employee stock ownership credits," in the item relating to section 383.

(2) Carryback of credit.—

(A) Subparagraph (C) of section 6511(d)(4) (defining credit carryback) is amended by striking out "and employee stock ownership credit carryback" and inserting in lieu thereof "employee stock ownership credit carryback, and enterprise zone employment credit carryback."

(B) Section 6411 (relating to quick refunds in respect to tentative carryback adjustments) is amended—

(i) by striking out "or unused employee stock ownership credit" each place it appears and inserting in lieu thereof "unused employee stock ownership credit, or unused enterprise zone employment credit carryback;"

(ii) by inserting ", by an enterprise zone employment credit carryback provided by section 44I(b)(2)," after "by an employee stock ownership credit carryback provided by section 44G(b)(2)" in the first sentence of subsection (a);

(iii) by striking out "or employee stock ownership credit carryback from" each place it appears and inserting in lieu thereof "employee stock ownership credit carryback, or enterprise zone employment credit carryback from;" and

(iv) by striking out "research and experimental credit carryback)" in the second sentence of subsection (a) and inserting in lieu thereof "research and experimental credit carryback, or in the case of an enterprise zone employment credit carryback, to an investment credit carryback, a new employee credit carryback, or an employee stock ownership credit carryback).".

(d) Other Technical and Clerical Amendments.—

(1) Subsection (b) of section 6096 (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44G" and inserting in lieu thereof "44H and 44I".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 45 the following new item:

"Sec. 44I. Credit for enterprise zone employment.".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

SEC. 322. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable), as amended by section 221, is amended by inserting immediately before section 45 the following new section:

"SEC. 44J. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) In General.—In the case of a qualified employee, there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5 percent of the qualified wages for the taxable year.

"(b) Definitions.—For purposes of this section—

"(1) Qualified employee.—The term 'qualified employee' means an individual—

"(A) who is described in section 44I(f)(1), and

"(B) who is not an employee of the Federal Government, of any State or local government, or any political subdivision of a State or local government.

"(2) Qualified wages.—

"(A) In general.—The term 'qualified wages' has the meaning given to 'wages' under subsection (b) of section 3306, attributable to services performed for an employer with respect to whom the employee is a qualified employee, in an amount which does not exceed 1½ times the dollar limitation specified in such subsection.

"(B) Exception.—The term 'qualified wages' does not include any compensation received from the Federal Government, any State or local government, or any political subdivision of a State or local government.

"(c) Phaseout of Credit.—In determining the amount of the credit for the taxable year under subsection (a) with respect to qualified wages paid to qualified employees for services performed in an enterprise zone, the following percentages shall be substituted for '5 percent' in subsection (a):

"(1) 3¾ percent in the taxable year in which the date which is—

"(A) 21 years after the date on which such enterprise zone was designated under section 7891 occurs, or

"(B) if earlier, the date 4 years before the date the zone designation is to expire;

"(2) 2½ percent in the next succeeding taxable year;

"(3) 1¼ percent in the second next succeeding taxable year; and

"(4) zero thereafter.

"(d) Application With Other Credits.—The credit allowed by subsection (a) for a taxable year shall not exceed the tax imposed by this chapter for such taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).".

(b) Reporting Requirements.—Subpart C of part III of subchapter A of chapter 61 (relating to information regarding wages paid employees) is amended by adding at the end thereof the following new section:

"SEC. 6054. REPORTING OF ENTERPRISE ZONE EMPLOYEE CREDITS.

"Every employer shall furnish to each employee who is a qualified employee of the employer (within the meaning of section 44J(b)(1)) a written statement showing the amount of qualified wages (within the meaning of section 44J(b)(2)) paid by the employer to such employee. The statement required to be furnished pursuant to this section shall be furnished at such time, shall contain such other information, and shall be in such form as the Secretary may by regulations prescribe. When required by such regulations, a duplicate of any such statement shall be filed with the Secretary.".

(c) Conforming Amendments.—

(1) Subparagraph (A) of section 6652(a)(1) (relating to failure to file information returns) is amended—

(A) by striking out "or" at the end of clause (v), and

(B) by inserting after clause (vi) the following new clause:

"(vii) section 6054 (relating to reporting of enterprise zone employee credits),".

(2) Section 6674 (relating to fraudulent statement or failure to furnish statement to employee) is amended by striking "or 6053(b)" each place it appears and inserting in lieu thereof ", 6053(b) or 6054".

(3) The table of sections for subpart C of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following:

"Sec. 6054. Reporting of enterprise zone employee credits.".

(4) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting immediately before the item relating to section 45 of the following new item:

"SEC. 44J. CREDIT FOR ENTERPRISE ZONE EMPLOYEES."

(5) Subsection (b) of section 6096, as amended by section 201, is amended by striking out "and 44I" and inserting in lieu thereof "44I, and 44J".

(d) Effective Date.—The amendments made by this section shall apply to taxable years after December 31, 1983.

PART II—CREDITS FOR INVESTMENT IN TANGIBLE PROPERTY IN ENTERPRISE ZONES

SEC. 331. INVESTMENT TAX CREDIT FOR ENTERPRISE ZONE PROPERTY.

(a) Amount of Credit.—

(1) In general.—Subparagraph (A) of section 46(a)(2) (relating to amount of investment tax credit) is amended by striking out "and" at the end of clause (iii), by striking out the period at the end of clause (iv) and inserting in lieu thereof ", and", and by adding at the end thereof the following new clause:

"(v) in the case of enterprise zone property, the enterprise zone percentage.".

(2) Enterprise zone percentage defined.—Paragraph (2) of section 46(a) is amended by adding at the end thereof the following new subparagraph:

"(G) Enterprise zone percentage.—

"(i) In general.—

"For purposes of this paragraph—

"In the case of enterprise zone expenditures with respect to:	The enterprise zone percentage is:
Zone personal property (within the meaning of section 48(r)(3))	5
New zone construction property (within the meaning of section 48(r)(4))	10

"(ii) Phaseout of credit as enterprise zone ends.—Clause (i) shall be applied by substituting the following percentages for 5 percent and 10 percent, respectively:

"(I) For the taxable year described in section 44I(i)(1)(A), 3.75 and 7.5.

"(II) For the next succeeding taxable year, 2.5 and 5.

"(III) For the second next succeeding taxable year, 1.25 and 2.5.

"(IV) For any subsequent taxable year, zero.

"(iii) Regular percentage not to apply to certain property.—For purposes of this paragraph, the regular percentage shall not apply to any enterprise zone property which, but for section 48(r)(1), would not be section 38 property.".

(3) Ordering rules.—That portion of paragraph (7) of section 46(a) (relating to special rules in the case of energy property) which precedes subparagraph (B) is amended to read as follows:

"(7) Special rules in the case of energy property or enterprise zone property.—Under regulations prescribed by the Secretary—

"(A) In general.—This subsection and subsection (b) shall be applied separately—

"(i) first with respect to so much of the credit allowed by section 38 as is not attributable to the energy percentage or the enterprise zone percentage,

"(ii) second with respect to so much of the credit allowed by section 38 as is attributable to the application of the energy percentage to energy property, and

"(iii) third with respect to so much of the credit allowed by section 38 as is attributable to the application of the enterprise zone percentage to enterprise zone property.".

(4) Conforming amendment.—Section 48(o) (defining certain credits) is amended by adding at the end thereof the following new paragraphs:

"(9) Enterprise zone credit.—The term 'enterprise zone credit' means that portion of the credit allowable by section 38 which is attributable to the enterprise zone percentage.".

(c) Definitions and Transitional Rules.—Section 48 (relating to definitions and special rules) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

"(r) Enterprise Zone Property.—For purposes of this subpart—

"(1) Treatment as section 38 property.—In the case of enterprise zone property—

"(A) such property shall be treated as meeting the requirements of subsection (a), and

"(B) paragraph (3) of subsection (a) shall not apply to such property.

"(2) The term 'enterprise zone property' means property—

"(A) which is—

"(i) zone personal property, or

"(ii) new zone construction property,

"(B) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 168(e)(4)(D)), and

"(C) acquired and first placed in service by the taxpayer in an enterprise zone during the period the designation as a zone is in effect under section 7891.

"(3) Zone personal property defined.—The term 'zone personal property' means property which is—

"(A) 3-year property;

"(B) 5-year property;

"(C) 10-year property; and

"(D) 15-year public utility property,

which is used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone. Property shall not be treated as 'zone personal property' if it is used or located outside the enterprise zone on any regular basis.

"(4) New zone construction property defined.—The term 'new zone construction property' means 15-year real property which is—

"(A) located in an enterprise zone,

"(B) used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone, and

"(C) either—

"(i) the construction, reconstruction, or erection of which is completed by the taxpayer during the period the designation as a zone is in effect under section 7891, or

"(ii) acquired during such period if the original use of such property commences with the taxpayer and commences during such period.

In applying section 46(c)(1)(A) in the case of property described in subparagraph (C)(i), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection during such period.

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"(5) REAL ESTATE RENTAL.—For purposes of this section, ownership of residential, commercial, or industrial real property within an enterprise zone for rental purposes shall be treated as the active conduct of a trade or business in an enterprise zone.

"(6) DEFINITIONS.—For purposes of this subsection, the terms '3-year property,' '5-year property,' '10-year property,' '15-year real property,' and '15-year public utility property' have the meanings given such terms by section 168(c)(2).".

(d) RECAPTURE.—Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(9) SPECIAL RULES FOR ENTERPRISE ZONE PROPERTY.—

"(A) IN GENERAL.—If, during any taxable year, property with respect to which the taxpayer claimed an enterprise zone credit—

"(i) is disposed of, or

"(ii) otherwise ceases to be section 38 property with respect to the taxpayer, or

"(iii) is removed from the enterprise zone, converted, or otherwise ceases to be enterprise zone property (other than by the expiration or revocation of the designation as an enterprise zone),

the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) AMOUNT OF INCREASE.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 46(a)(2)(A)(v) for all prior taxable years which would have resulted solely from reducing the expenditures taken into account with respect to the property by an amount which bears the same ratio to such expenditures as the number of taxable years that the property was held by the taxpayer bears to the applicable recovery period for earnings and profits under section 312(k).".

(e) BASIS ADJUSTMENT TO REFLECT INVESTMENT CREDIT.—

(1) IN GENERAL.—Paragraph (3) of section 48(q) (relating to basis adjustment to section 38 property) is amended to read as follows:

"(3) SPECIAL RULE FOR QUALIFIED REHABILITATION AND ENTERPRISE ZONE EXPENDITURES.—In the case of any credit determined under section 46(a)(2) for—

"(A) any qualified rehabilitation expenditure in connection with a qualified rehabilitated building other than a certified historic structure, or

"(B) any expenditure in connection with new zone construction property (within the meaning of section 48(r)(4)),

paragraphs (1) and (2) shall be applied without regard to the phrase '50 percent of'.".

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 196 (relating to deductions for certain unused investment credits) is amended by striking out "rehabilitated buildings" and inserting in lieu thereof "rehabilitation and enterprise zone expenditures".

(f) INVESTMENT CREDIT CARRYOVER PERIOD EXTENDED.—Paragraph (1) of section 46(b) (relating to carryover and carryback of unused credits) is amended by adding at the end thereof the following new sentence: "If the number of taxable years during the period beginning with the taxable years following the unused credit year and ending with the taxable year in which the designation of the enterprise zone to which the unused credit relates expires under section 7891 exceeds 15, then the preceding sentence shall be applied by substituting such number for '15,' such number plus 3 for '18,' and such number plus 2 for '17'.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1983, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

PART III—REDUCTION IN CAPITAL GAIN TAX RATES

SEC. 341. CORPORATIONS.

(a) GENERAL RULE.—Subsection (a) of section 1201 (relating to alternative tax for corporations) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) a tax of 28 percent of the excess (if any) of—

"(A) the net capital gain for the taxable year, over

"(B) the qualified enterprise zone net capital gain.".

(b) DEFINITION OF QUALIFIED ENTERPRISE ZONE NET CAPITAL GAIN.—Section 1201 is amended by redesignating subsections (b) and (c) as subsections (c) and (d) and by inserting after subsection (a) the following new subsection:

"(b) QUALIFIED ENTERPRISE ZONE NET CAPITAL GAIN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified enterprise zone net capital gain' means the amount of net capital gain for any taxable year determined by taking into account only gains and losses from the sale or exchange of capital assets which are gain which is—

"(A) attributable to the sale or exchange of qualified enterprise zone property, and

"(B) properly allocable only to periods during which such property is qualified enterprise zone property.

"(2) SPECIAL RULES RELATING TO INTERESTS IN BUSINESSES.—

"(A) CERTAIN GAINS AND LOSSES NOT TAKEN INTO ACCOUNT.—In determining the amount of qualified enterprise zone net capital gain for any taxable year under paragraph (1), there shall not be taken into account any gains or losses attributable to the sale or exchange of an interest in a qualified enterprise zone business to the extent such gain or losses are attributable to—

"(i) any property contributed to such qualified enterprise zone business during the 12-month period before such sale or exchange,

"(ii) any interest in any business which is not a qualified enterprise zone business, or

"(iii) any intangible property to the extent not properly attributable to the active conduct of a trade or business within an enterprise zone.

"(B) PERIODS FOR WHICH GAINS AND LOSSES ALLOCABLE.—For purposes of determining under paragraph (1)(B) gains or losses properly allocable to an interest in a qualified enterprise zone business, there shall only be taken into account the taxable years of such business during which it meets the requirements of paragraph (3)(B).

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'qualified enterprise zone property' means—

"(i) any tangible personal property used by the taxpayer predominantly in an enterprise zone in the active conduct of a trade or business within such enterprise zone,

"(ii) any real property located in an enterprise zone used by the taxpayer predominantly in the active conduct of a trade or business within such enterprise zone, and

"(iii) any interest in a corporation, partnership, or other entity if, for the two most recent taxable years of such entity—

"(I) ending before the date of disposition of such interest, and

"(II) beginning after the date of the designation as an enterprise zone of the area in which such entity is engaged in the active conduct of a trade or business,

such entity was a qualified enterprise zone business.

"(B) QUALIFIED ENTERPRISE ZONE BUSINESS.—The term 'qualified enterprise zone business' means, with respect to any taxable year, any person—

"(i) actively engaged in the conduct of a trade or business within an enterprise zone during such taxable year,

"(ii) with respect to which at least 80 percent of such person's gross receipts for such taxable year are attributable to the active conduct of a trade or business within an enterprise zone, and

"(iii) substantially all of the tangible assets of which are located within an enterprise zone during such taxable year.

"(C) REAL ESTATE RENTAL.—For purposes of this subsection, ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone.

"(D) PROPERTY REMAINS QUALIFIED AFTER ZONE DESIGNATION CEASES TO APPLY.—

"(i) IN GENERAL.—The treatment of property as qualified property under subparagraph (A) shall not terminate when the designation of the enterprise zone in which the property is located or used expires or is revoked.

"(ii) EXCEPTIONS.—Clause (i) shall not apply after the first sale or exchange of property occurring after the designation expires or is revoked.".

SEC. 342. TAXPAYERS OTHER THAN CORPORATIONS.

Subsection (a) of section 1202 (relating to deduction for capital gains) is amended to read as follows:

"(a) DEDUCTION ALLOWED.—

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(A) 100 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified enterprise zone net capital gain (as defined in section 1201(b)), plus

"(B) 60 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the net capital gain taken into account under subparagraph (A).".

SEC. 343. MINIMUM TAX.

Paragraph (9) of section 57(a) (relating to tax preference for capital gains) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of this paragraph, gain attributable to qualified enterprise zone net capital gain (within the meaning of section 1201(b)) shall not be taken into account.".

SEC. 344. EFFECTIVE DATE.

The amendments made by this part shall apply to sales or exchanges after December 31, 1983.

PART IV—RULES RELATING TO INDUSTRIAL DEVELOPMENT BONDS

SEC. 351. INDUSTRIAL DEVELOPMENT BONDS.

(a) LIMITATION ON ACCELERATED COST RECOVERY DEDUCTION NOT TO APPLY TO ENTERPRISE ZONE PROPERTY.—Subparagraph (C) of section 168(f)(12) (relating to limitations on property financed with tax-exempt bonds) is amended—

(1) by striking out "or" at the end of clause (iii),

(2) by striking out the period at the end of clause (iv) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new clause:

"(v) as enterprise zone property (within the meaning of section 48(r)).".

(b) TERMINATION OF SMALL ISSUE EXEMPTION NOT TO APPLY.—Subparagraph (N) of section 103(b)(6) (relating to termination of small issue exemption after December 31, 1986) is amended by adding at the end thereof the following new sentence: "This subparagraph shall not apply to any obligation which is part of an issue substantially all of the proceeds of which are used to finance facilities within an enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7891.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1983, in taxable years ending after such date.

PART V—SENSE OF THE CONGRESS WITH RESPECT TO TAX SIMPLIFICATION

SEC. 361. TAX SIMPLIFICATION.

It is the sense of the Congress that the Secretary of the Treasury should in every way possible simplify the administration and enforcement of any provision of the Internal Revenue Code of 1954 added to, or amended by, this Act.

SUBTITLE C—REGULATORY FLEXIBILITY

SEC. 371. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONES FOR PURPOSES OF ANALYSIS OF REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (5); and

(2) striking out paragraph (6) and inserting in lieu thereof the following: "(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction within the meaning of paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified enterprise zone business; any governments which designated and approved an area which has been designated as an enterprise zone (within the meaning of section 7891 of the Internal Revenue Code of 1954) to the extent any rule pertains to the carrying out of projects, activities, or undertakings within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified enterprise zone business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7891 of the Internal Revenue Code of 1954); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 44I(f) of such Code).".

SEC. 372. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of the governments which designated and approved an area which has been designated as an enterprise zone under section 7891 of the Internal Revenue Code of 1954, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives of the zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities or undertakings within the zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to an agency other than the Department of Housing and Urban Development, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development, or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve in furthering such underlying purposes. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) directly violate a statutory requirement (including any requirement of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.)); or

"(2) be likely to present a significant risk to the public health, including environmental health or safety, such as a rule with respect to occupational safety or health, or environmental pollution.

"(e) If a request is disapproved, the agency shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary.

"(i) No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title.".

(b) The table of sections for such chapter is amended by redesignating "Sec. 611." and "Sec. 612." and "Sec. 613.", respectively, and inserting the following new item immediately after "Sec. 610.":

"Sec. 611. Waiver or modification of agency rules in enterprise zones.".

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means".

(d) Section 613 of such title, redesignated by subsection (a) of this section, is amended by—

(1) inserting "(except section 611)" immediately after "chapter" in subsection (a); and

(2) inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence of subsection (b).

SEC. 373. COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Housing and Urban Development shall—

"(1) promote the coordination of all programs under his jurisdiction which are carried on within an enterprise zone designated pursuant to section 7891 of the Internal Revenue Code of 1954;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation or forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary.".

SUBTITLE D—ESTABLISHMENT OF FOREIGN-TRADE ZONES IN ENTERPRISE ZONES

SEC. 381. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN REVITALIZATION AREAS.—In processing applications for the establishment of foreign-trade zones pursuant to an Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of

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the United States, to expedite and encourage foreign commerce, and for other purposes," approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprize zone designated pursuant to section 7891 of the Internal Revenue Code of 1954.

(b) Application Procedure.—In processing applications for the establishment of ports of entry pursuant to an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes," approved August 1, 1914 (38 Stat. 609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone.

(c) Application Evaluation.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones, the Foreign-Trade Zone Board and the Secretary of Treasury shall approve the applications to the maximum extent practicable, consistent with their respective statutory responsibilities.

TITLE IV—TRADE ACT OF 1974 AMENDMENTS

SEC. 401. SHORT TITLE; AMENDMENT OF TRADE ACT OF 1974.

(a) Short Title.—This title may be cited as the "International Trade and Investment Act".

(b) Amendment of Trade Act of 1974.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Trade Act of 1974.

SEC. 402. STATEMENT OF PURPOSES.

The purposes of this title are—

(1) to foster the economic growth of, and full employment in, the United States by expanding competitive United States exports through the achievement of commercial opportunities in foreign markets substantially equivalent to those accorded by the United States;

(2) to improve the ability of the President—

(A) to identify and to analyze barriers to (and restrictions on) United States trade and investment, and

(B) to achieve the elimination of such barriers and restrictions;

(3) to encourage the expansion of international trade in services through the negotiation of agreements (both bilateral and multilateral) which reduce or eliminate barriers to international trade in services; and

(4) to enhance the free flow of foreign direct investment through the negotiation of agreements (both bilateral and multilateral) which reduce or eliminate the trade distortive effects of certain investment-related measures.

SEC. 403. ANALYSIS OF FOREIGN TRADE BARRIERS.

(a) In General.—Title I (19 U.S.C. 2111 et seq.) is amended by adding at the end thereof of the following new chapter:

"CHAPTER 8—BARRIERS TO MARKET ACCESS

"SEC. 181. ACTIONS CONCERNING BARRIERS TO MARKET ACCESS.

"(a) National Trade Estimates.—

"(1) In general.—Not later than the date on which the initial report is required under subsection (b)(1), the United States Trade Representative, through the interagency trade organization established pursuant to section 242(a) of the Trade Expansion Act of 1962, shall—

"(A) identify and analyze acts, policies, or practices which constitute significant barriers to, or distortions of—

"(i) United States exports of goods (including agricultural commodities) or services, and

"(ii) foreign direct investment by United States persons, especially if such investment has implications for trade in goods or services; and

"(B) make an estimate of the trade-distorting impact on United States commerce of any act, policy, or practice identified under subparagraph (A).

"(2) Certain factors taken into account in making analysis and estimate.—In making any analysis or estimate under paragraph (1), the Trade Representative shall take into account—

"(A) the relative impact of the act, policy, or practice on United States commerce;

"(B) the availability of information to document prices, market shares, and other matters necessary to demonstrate the effects of the act, policy, or practice;

"(C) the extent to which such act, policy, or practice is subject to international agreements to which the United States is a party; and

"(D) any advice given through appropriate committees established pursuant to section 135.

"(3) Annual revisions and updates.—The Trade Representative shall annually revise and update the analysis and estimate under paragraph (1).

"(b) Report to Congress.—

"(1) In general.—On or before the date which is one year after the date of the enactment of the International Trade and Investment Act, and each year thereafter, the Trade Representative shall submit the analysis and estimate under subsection (a) to the Committee on Finance of the Senate and to the Committee on Ways and Means of the House of Representatives.

"(2) Reports to include information with respect to action being taken.—The Trade Representative shall include in each report submitted under paragraph (1) information with respect to any action taken (or the reasons for no action taken) to eliminate any act, policy, or practice identified under subsection (a), including, but not limited to—

"(A) any action under section 301, or

"(B) negotiations or consultations with foreign governments.

"(3) Consultation with congress on trade policy priorities.—The Trade Representative shall keep the committees described in paragraph (1) currently informed with respect to trade policy priorities for the purposes of expanding market opportunities.

"(c) Assistance of Other Agencies.—

"(1) Furnishing of information.—The head of each department or agency of the executive branch of the Government, including any independent agency, is authorized and directed to furnish to the Trade Representative or to the appropriate agency, upon request, such data, reports, and other information as is necessary for the Trade Representative to carry out his functions under this section.

"(2) Restrictions on release or use of information.—Nothing in this subsection shall authorize the release of information to, or the use of information by, the Trade Representative in a manner inconsistent with law or any procedure established pursuant thereto.

"(3) Personnel and services.—The head of any department, agency, or instrumentality of the United States may detail such personnel and may furnish such services, with or without reimbursement, as the Trade Representative may request to assist in carrying out his functions.".

(b) Conforming Amendment.—The table of contents for title I is amended by adding at the end thereof the following:

"Chapter 8—Barriers to Market Access

"Sec. 181. Actions concerning barriers to market access.".

SEC. 404. AMENDMENTS TO TITLE III OF THE TRADE ACT OF 1974.

(a) Presidential Action in the Case of Unfair Trade Practices.—Section 301(a) (19 U.S.C. 2411(a)) is amended to read as follows:

"(a) Determinations Requiring Action.—

"(1) In general.—If the President determines that action by the United States is appropriate—

"(A) to enforce the rights of the United States under any trade agreement; or

"(B) to respond to any act, policy, or practice of a foreign country or instrumentality that—

"(i) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement, or

"(ii) is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce;

the President shall take all appropriate and feasible action within his power to enforce such rights or to obtain the elimination of such act, policy, or practice.

"(2) Scope of action.—The President may exercise his authority under this section with respect to any goods or sector—

"(A) on a nondiscriminatory basis or solely against the foreign country or instrumentality involved, and

"(B) without regard to whether or not such goods or sector were involved in the act, policy, or practice identified under paragraph (1).".

(b) Other Action by President.—Section 301(b) (19 U.S.C. 2411(b)) is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) in paragraph (2)—

(A) by inserting "notwithstanding any other provision of law," before "impose";

(B) by striking out "products" and inserting in lieu thereof "goods"; and

(C) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(3) propose legislation where necessary and appropriate to carry out the objectives of subsection (a).

Any legislation proposed under paragraph (3) shall be treated as an implementing bill pursuant to the provisions of section 151, except that, for purposes of section 151(c)(1), no trade agreement shall be required and the day on which the implementing bill is submitted shall be treated as the day on which the trade agreement is submitted. The President shall notify Congress, and publish notice in the Federal Register, of his intention to propose legislation under paragraph (3) at least 90 days before the implementing bill is submitted.".

(c) Initiation of Investigations by or on Motion of Trade Representative.—

(1) In general.—Section 302 (19 U.S.C. 2412) is amended to read as follows:

"SEC. 302. INITIATION OF INVESTIGATIONS BY UNITED STATES TRADE REPRESENTATIVE.

"(a) Filing of Petition.—

"(1) In general.—Any interested person may file a petition with the United States Trade Representative (hereinafter in this chapter referred to as the 'Trade Representative') requesting the President to take action under section 301 and setting forth the allegations in support of the request.

"(2) Review of allegations.—The Trade Representative shall review the allegations in the petition and, not later than 45 days after the date on which he received the petition, shall determine whether to initiate an investigation.

"(b) Determinations Regarding Petitions.—

"(1) Negative determination.—If the Trade Representative determines not to initiate an investigation with respect to a petition, he shall inform the petitioner of the reasons therefor and shall publish notice of the determination, together with a summary of such reasons, in the Federal Register.

"(2) Affirmative determination.—If the Trade Representative determines to initiate an investigation with respect to a petition, he shall initiate an investigation regarding the issues raised. The Trade Representative shall publish a summary of the petition in the Federal Register and shall, as soon as possible, provide opportunity for the presentation of views concerning the issues, including a public hearing—

"(A) within the 30-day period after the date of the determination (or on a date after such period if agreed to by the petitioner) if a public hearing within such period is requested in the petition; or

"(B) at such other time if a timely request therefor is made by the petitioner.

"(c) Determination To Initiate by Motion of Trade Representative.—

"(1) Determination to initiate.—If the Trade Representative determines with respect to any matter that an investigation should be initiated in order to advise the President concerning the exercise of the President's authority under section 301, the Trade Representative shall publish such determination in the Federal Register and such determination shall be treated as an affirmative determination under subsection (b)(2).

"(2) Consultation before initiation.—The Trade Representative shall, before making any determination under paragraph (1), consult with appropriate committees established pursuant to section 135.".

(2) Conforming amendments.—

(A) Section 141(d) is amended—

(i) by striking out "and" at the end of paragraph (6),

(ii) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon and "and", and

(iii) by adding at the end thereof the following new paragraph:

"(8) provide, where authorized by law, copies of documents to persons at cost, except that any funds so received shall be credited to, and be available for use from, the account from which expenditures relating thereto were made.".

(B) Section 303 (19 U.S.C. 2413) is amended—

(i) by striking out "with respect to a petition";

(ii) by inserting "or the determination of the Trade Representative under section 302(c)(1)" after "in the petition"; and

(iii) by inserting "(if any)" after "petitioner".

(C) Section 304 (19 U.S.C. 2414) is amended by striking out "issues raised in the petition" and inserting in lieu thereof "matters under investigation" in paragraph (1) of subsection (a).

(D) The item relating to section 302 in the table of contents is amended to read as follows:

"Sec. 302. Initiation of investigations by United States Trade Representative.".

(d) Extension of Time for Requests for Consultations.—Section 303 (19 U.S.C. 2413) is amended—

(1) by inserting "(a) In General.—" before "On"; and

(2) by adding at the end thereof the following new subsection:

"(b) Delay of Request for Consultations for Up to 90 Days.—

"(1) In general.—Notwithstanding the provisions of subsection (a)—

"(A) the United States Trade Representative may delay for up to 90 days any request for consultations under subsection (a) for the purpose of verifying or improving the petition to ensure an adequate basis for consultation, and

"(B) if such consultations are delayed by reason of subparagraph (A), each time limitation under section 304 shall be extended for the period of such delay.

"(2) Notice and report.—The Trade Representative shall—

"(A) publish notice of any delay under paragraph (1) in the Federal Register, and

"(B) report to Congress on the reasons for such delay in the report required by section 306.".

(e) Definitions.—

(1) Commerce defined.—Paragraph (1) of section 301(d) (19 U.S.C. 301(d)) is amended to read as follows:

"(1) Definition of commerce.—The term 'commerce' includes, but is not limited to—

"(A) services associated with international trade, whether or not such services are related to specific goods, and

"(B) foreign direct investment by United States persons with implications for trade in goods or services.".

(2) Unreasonable, unjustifiable, and discriminatory defined.—Section 301(d) (19 U.S.C. 2411(d)) is amended by adding at the end thereof the following new paragraphs:

"(3) Definition of unreasonable.—The term 'unreasonable' means any act, policy, or practice which, while not necessarily in violation of or inconsistent with the international legal rights of the United States, is otherwise deemed to be unfair and inequitable. The term includes, but is not limited to, any act, policy, or practice which denies fair and equitable—

"(A) market opportunities;

"(B) opportunities for the establishment of an enterprise; or

"(C) provision of adequate protection of intellectual property rights.

"(4) Definition of unjustifiable.—

"(A) In general.—The term 'unjustifiable' means any act, policy, or practice which is in violation of, or inconsistent with, the international legal rights of the United States.

"(B) Certain actions included.—The term 'unjustifiable' includes, but is not limited to, any act, policy, or practice described in subparagraph (A) which denies national or most-favored-nation treatment, the right of establishment, or protection of intellectual property rights.

"(5) Definition of discriminatory.—The term 'discriminatory' includes where appropriate any act, policy, or practice which denies national or most-favored-nation treatment to United States goods, services, or investment.".

(3) Conforming amendment.—Section 301(d) (19 U.S.C. 2411(d)) is amended by striking out the heading and inserting in lieu thereof:

"(d) Definitions; Special Rule for Vessel Construction Subsidies.—For purposes of this section—".

(f) Amendments to Section 305.—Section 305 of the Trade Act of 1974 (19 U.S.C. 2415) is amended by adding at the end thereof the following new subsection:

"(c) Certain Business Information Not Made Available.—

"(1) In general.—Except as provided in paragraph (2), and notwithstanding any other provision of law (including section 552 of title 5, United States Code), no information requested and received by the Trade Representative in aid of any investigation under this chapter shall be made available to any person if—

"(A) the person providing such information certifies that—

"(i) such information is business confidential,

"(ii) the disclosure of such information would endanger trade secrets or profitability, and

"(iii) such information is not generally available;

"(B) the Trade Representative determines that such certification is well-founded; and

"(C) to the extent required in regulations prescribed by the Trade Representative, the person providing such information provides an adequate nonconfidential summary of such information.

"(2) Use of information.—The Trade Representative may—

"(A) use such information, or make such information available (in his own discretion) to any employee of the Federal Government for use, in any investigation under this chapter, or

"(B) may make such information available to any other person in a form which cannot be associated with, or otherwise identify, the person providing the information.".

SEC. 405. NEGOTIATING OBJECTIVES WITH RESPECT TO INTERNATIONAL TRADE IN SERVICES AND INVESTMENT AND HIGH TECHNOLOGY INDUSTRIES.

(a) Negotiating Objectives.—

(1) In general.—Chapter 1 of title I is amended by inserting immediately after section 104 the following new section:

"SEC. 104A. NEGOTIATING OBJECTIVES WITH RESPECT TO TRADE IN SERVICES, FOREIGN DIRECT INVESTMENT, AND HIGH TECHNOLOGY PRODUCTS.

"(a) Trade in Services.—Principal United States negotiating objectives under section 102 shall be—

"(1) to reduce or to eliminate barriers to, or other distortions of, international trade in services (particularly United States serv-

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ice sector trade in foreign markets), including barriers that deny national treatment and the rights of establishment and operation in such markets; and

"(2) to develop internationally agreed rules, including dispute settlement procedures, which—

"(A) are consistent with the commercial policies of the United States, and

"(B) will reduce or eliminate such barriers or distortions and help ensure open international trade in services.

"(b) Foreign Direct Investment.—Principal United States negotiating objectives under section 102 shall be—

"(1) to reduce or to eliminate artificial or trade-distorting barriers to foreign direct investment, to expand the principle of national treatment, and to reduce unreasonable barriers to establishment; and

"(2) to develop internationally agreed rules, including dispute settlement procedures, which—

"(A) will help ensure a free flow of foreign direct investment, and

"(B) will reduce or eliminate the trade distortive effects of certain investment related measures.

"(c) High Technology Products.—Principal United States negotiating objectives shall be—

"(1) to obtain and preserve the maximum openness with respect to international trade and investment in high technology products and related services;

"(2) to obtain the elimination or reduction of, or compensation for, the significantly distorting effects of, foreign government acts, policies, or practices identified in section 181, with particular consideration given to the nature and extent of foreign government intervention affecting United States exports of high technology products or investments in high technology industries, including—

"(A) foreign industrial policies which distort international trade or investment;

"(B) measures which deny national treatment or otherwise discriminate in favor of domestic high technology industries;

"(C) measures which impair access to domestic markets for key commodity products; and

"(D) measures which facilitate or encourage anticompetitive market practices or structures;

"(3) to obtain commitments that official policy of foreign countries or instrumentalities will not discourage government or private procurement of foreign high technology products and related services;

"(4) to obtain the reduction or elimination of all tariffs on, and other barriers to, United States exports of high technology products and related services;

"(5) to obtain commitments to foster national treatment;

"(6) to obtain commitments to—

"(A) foster the pursuit of joint scientific cooperation between companies, institutions or governmental entities of the United States and those of the trading partners of the United States in areas of mutual interest through such measures as financial participation and technical and personnel exchanges, and

"(B) ensure that access by all participants to the results of any such cooperative efforts should not be impaired; and

"(7) to provide effective minimum safeguards for the acquisition and enforcement of intellectual property rights and the property value of proprietary data.

"(d) Definition of Barriers and Other Distortions.—For purposes of subsection (a), the term 'barriers to, or other distortions of, international trade in services' includes, but is not limited to—

"(1) barriers to the right of establishment in foreign markets, and

"(2) restrictions on the operation of enterprises in foreign markets, including—

"(A) direct or indirect restrictions on the transfer of information into, or out of, the country or instrumentality concerned, and

"(B) restrictions on the use of data processing facilities within or outside of such country or instrumentality.".

(2) Conforming amendment.—The table of contents for chapter 1 of title I is amended by inserting after the item relating to section 104 the following new item:

"Sec. 104A. Negotiating objectives with respect to trade in services, foreign direct investment, and high technology products.".

SEC. 406. PROVISIONS RELATING TO INTERNATIONAL TRADE IN SERVICES.

(a) Coordination of United States Policies.—

(1) In general.—The United States Trade Representative, through the interagency trade organization established pursuant to section 242(a) of the Trade Expansion Act of 1962 or any subcommittee thereof, shall, in conformance with other provisions of law, develop (and coordinate the implementation of) United States policies concerning trade in services.

(2) Federal agencies.—In order to encourage effective development and coordination of United States policies on trade in services, each department or agency of the United States responsible for the regulation of any service sector industry shall, as appropriate, advise and work with the United States Trade Representative concerning matters that have come to the department's or agency's attention with respect to—

(A) the treatment afforded United States service sector interests in foreign markets, or

(B) allegations of unfair practices by foreign governments or companies in a service sector.

(3) No alteration of existing authority.—Nothing in this section shall be construed to alter any existing authority or responsibility with respect to any specific service sector.

(b) Service Industries Development Program.—

(1) In general.—The Secretary of Commerce is authorized to establish a service industries development program. Such program shall be designed to—

(A) promote the competitiveness of United States service firms and American employees through appropriate economic policies;

(B) promote actively the use and sale of United States services abroad and develop trade opportunities for United States service firms;

(C) develop a data base for policymaking pertaining to services;

(D) collect and analyze, in consultation with appropriate agencies, information pertaining to the international operations and competitiveness of United States service industries, including information with respect to—

(i) United States regulation of service industries;

(ii) tax treatment of services, with particular emphasis on the effect of United States taxation on the international competitiveness of United States firms and exports;

(iii) antitrust policies as such policies affect the competitiveness of United States firms;

(iv) treatment of services in international agreements of the United States; and

(v) adequacy of current United States export promotion activities in the service sector. For purposes of the collection and analysis required by this subsection, and for the purpose of any reporting the Department of Commerce makes to the Congress of the United States, such collection and reporting shall distinguish between income from investment and income from noninvestment services;

(E) provide, together with other appropriate agencies, staff support for negotiations on service-related issues by the United States Trade Representative and the domestic implementation of service-related agreements;

(F) collect such statistical information on the domestic service sector as may be necessary for the development of governmental policies toward the service sector;

(G) conduct sectoral studies of domestic service industries;

(H) collect comparative international information on service industries and policies of foreign governments toward services;

(I) develop policies to strengthen the export competitiveness of domestic service industries;

(J) conduct a program of research and analysis of service-related issues and problems, including forecasts and industrial strategies; and

(K) provide statistical, analytical, and policy information to State and local governments and service industries.

(2) Availability of funds.—The Secretary of Commerce shall carry out the program under this subsection from funds otherwise made available to him which may be used for such purposes.

(c) Coordination With States.—

(1) Statement of policy.—It is the policy of Congress that the President shall, as he deems appropriate—

(A) consult with State governments on issues of trade policy affecting the regulatory authority of non-Federal governments, or their procurement of goods and services; and

(B) establish one or more intergovernmental policy advisory committees on trade which shall serve as a principal forum in which State and local governments may consult with the Federal Government with respect to the matters described in subparagraph (A).

(2) Establishment of non-federal governmental trade advisory committees.—Section 135 (19 U.S.C. 2155) is amended—

(A) by inserting "and the non-Federal governmental sector" after "private sector" in subsection (a),

(B) by adding at the end of subsection (c) the following new paragraph:

"(3) The President—

"(A) may establish policy advisory committees representing non-Federal governmental interests to provide, where the President finds it necessary, policy advice—

"(i) on matters referred to in subsection (a), and

"(ii) with respect to implementation of trade agreements, and

"(B) shall include as members of committees established under paragraph (2) representatives of non-Federal governmental interests where he finds such inclusion appropriate after consultation by the Trade Representative with such representatives.";

(C) by inserting "or non-Federal government" after "private" each place it appears in subsections (g) and (j);

(D) by inserting "government," before "labor" in subsection (j); and

(E) by adding at the end thereof the following new subsection:

"(m) Non-Federal Government Defined.—The term 'non-Federal government' means—

"(1) any State, territory, or possession of the United States, or the District of Columbia, or any political subdivision thereof, or

"(2) any agency or instrumentality of any entity described in paragraph (1)."; and

(F) by inserting "or Public" after "Private" in the heading thereof.

(3) Conforming amendments.—

(A) Section 104(c) (19 U.S.C. 2114(c)) is amended by inserting "or non-Federal governmental" after "private".

(B) Sections 303 (19 U.S.C. 2413) and 304(b)(2) (19 U.S.C. 2414(b)(2)) are each amended by striking out "private sector".

(C) The table of sections for chapter 3 of title I is amended by inserting "and public" after "private" in the item relating to section 135.

SEC. 407. NEGOTIATING AUTHORITY WITH RESPECT TO FOREIGN DIRECT INVESTMENT.

Paragraph (3) of section 102(g) (19 U.S.C. 2112(g)(3)) is amended to read as follows:

"(3) the term 'international trade' includes—

"(A) trade in both goods and services, and

"(B) foreign direct investment by United States persons, especially if such investment has implications for trade in goods and services.".

SEC. 408. NEGOTIATION OF AGREEMENTS CONCERNING HIGH TECHNOLOGY INDUSTRIES.

(a) Authorization To Enter Into Agreements.—The President may enter into such bilateral or multilateral agreements as may be necessary or appropriate to achieve the objectives of this section and the negotiating objectives under section 104A(c) of the Trade Act of 1974.

(b) Modification or Continuance of Duties.—

(1) In general.—Chapter 2 of title I is amended by inserting at the end thereof the following new section:

"SEC. 128. MODIFICATION AND CONTINUANCE OF TREATMENT WITH RESPECT TO DUTIES ON HIGH TECHNOLOGY PRODUCTS.

"(a) In order to carry out any agreement concluded as a result of the negotiating objectives under section 104A(c), the President may proclaim, subject to the provisions of chapter 3—

"(1) such modification, elimination, or continuance of any existing duty, duty-free, or excise treatment, or

"(2) such additional duties,

as he deems appropriate.

"(b) The President shall exercise his authority under subsection (a) only with respect to the following items listed in the Tariff Schedules of the United States (19 U.S.C. 1202):

"(1) Accounting, computing, and other data processing machines provided for in item 676.15.

"(2) Data processing machines provided for in item 676.30.

"(3) Transistors provided for in item 687.70.

"(4) Monolithic integrated circuits provided for in item 687.74.

"(5) Integrated circuits provided for in item 687.77.

"(6) Electronic components provided for in item 687.81.

"(c) Termination.—The President may exercise his authority under this section only during the 5-year period beginning on the date of the enactment of the International Trade and Investment Act.".

(2) Conforming amendment.—The table of contents of chapter 1 of title I is amended by adding at the end thereof the following new item:

"Sec. 128. Modification and continuance of treatment with respect to duties on high technology products.".

SEC. 409. STUDY ON HONEY IMPORTS.

(a) The Congress finds that—

(1) in 1976 the International Trade Commission found that honey imports threatened serious injury to the domestic honey industry and recommended action to control honey imports,

(2) the domestic honey industry is essential for production of many agricultural crops,

(3) a significant part of our total diet is dependent directly or indirectly on insect pollination,

(4) it is imperative that the domestic honey bee industry be maintained at a level sufficient to provide crop pollination.

(b) It is the sense of the Congress that the Secretary of Agriculture should promptly request the President to call for an International Trade Commission investigation of honey imports, under section 22 of the Agriculture Adjustment Act.

TITLE V—MORTGAGE SUBSIDY BONDS

SEC. 501. REPEAL OF TERMINATION DATE OF MORTGAGE SUBSIDY BONDS.

(a) In General.—Paragraph (1) of section 103A(c) (defining qualified mortgage bond) is amended to read as follows:

"(1) Qualified mortgage bond defined.—For purposes of this title, the term 'qualified mortgage bond' means an obligation which is issued as part of a qualified mortgage issue.".

(b) Effective Date.—The amendment made by this section shall apply to obligations issued after December 31, 1983.

WEICKER (AND JOHNSTON) AMENDMENT NO. 1413

Mr. WEICKER (for himself and Mr. Johnston) proposed an amendment to amendment No. 1412 proposed by Mr. Dole to the bill H.R. 2973, supra (which was subsequently modified); as follows:

On page 41, line 17, strike out "or".

On page 41, line 19, strike out the end period and insert ", or".

On page 41, between lines 19 and 20, insert the following:

(5) any rum imported from a foreign country the value of which is equal to or less than $3.00 per proof gallon, except that this paragraph shall not apply to the first 200,000 gallons imported from such country during any calendar year, and further provided that any amounts greater than 200,000 gallons shall be treated in the following manner:

If the President determines, with respect to calendar year 1987 or any year thereafter, that—

(A) the total quantity of rum produced in the United States Virgin Islands and exported to the United States during that year equalled at least 95 percent of the total quantity of rum that was produced in that insular possession and exported to the United States in 1982.

then for purposes of applying this paragraph during the year after the year for which such determination was made, the President may increase the quota amount in this paragraph to an amount not to exceed more than 10 percent of the quota amount that was applied under this paragraph during the year for which such determination was made.

METZENBAUM AMENDMENT NO. 1414

Mr. METZENBAUM proposed an amendment to amendment No. 1412 proposed by Mr. Dole to the bill H.R. 2973, supra; as follows:

At the appropriate place add the following:

SEC. . ELIMINATION OF THE PERCENTAGE METHOD OF DETERMINING ADDITIONS TO BAD DEBT RESERVES FOR BANK LOSSES.

(a) In General.—Subsection (b) of section 585 of the Internal Revenue Code of 1954 (relating to addition to reserves for bad debts) is amended—

(1) by striking out "1988" in paragraphs (1)(A) and (3) and inserting in lieu thereof "January 1, 1984,", and

(2) by striking out "1987" in paragraph (3) and inserting in lieu thereof "December 31, 1983,".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

BUMPERS AMENDMENT NO. 1415

Mr. BUMPERS proposed an amendment to amendment No. 1412 proposed by Mr. Dole to the bill H.R. 2973, supra; as follows:

The section 213(b), add a new subsection (5) as follows:

"(5) watches and watch parts (including cases, bracelets and strips), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which TSUS column 2 rates of duty apply; and

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DeCONCINI AMENDMENT NO. 1416

Mr. DeCONCINI proposed an amendment to amendment No. 1412 proposed by Mr. Dole to the bill H.R. 2973, supra; as follows:

At the end of the bill, add the following:

SEC. . EXCLUSION FROM GROSS INCOME OF CERTAIN MORTGAGE DISCHARGES MADE IN 1982.

(a) Exclusion From Gross Income.—

(1) In general.—For purposes of applying the Internal Revenue Code of 1954, gross income of an individual shall not include income from any discharge of qualified mortgage indebtedness which occurred in calendar year 1982.

(2) Limitation.—The amount excludible from gross income under paragraph (1) shall not exceed the adjusted basis of the taxpayer (as of the close of the taxable year in which the discharge of indebtedness oc-

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curred) in the principal residence with respect to which the qualified mortgage indebtedness was incurred.

(b) Reduction of Basis in Principal Residence.—For purposes of applying the Internal Revenue Code of 1954, the basis of the taxpayer in his principal residence shall be reduced (but not below zero) by the amount of any discharge of qualified mortgage indebtedness incurred with respect to such residence which is excluded from gross income by reason of subsection (a).

(c) Gain Treated as Ordinary Income.—Notwithstanding any provision of the Internal Revenue Code of 1954, any gain recognized from the disposition of the principal residence of the taxpayer shall be treated, for purposes of such Code, as ordinary income to the extent such gain does not exceed the amount of the reduction made to the basis of the taxpayer in such residence (or to the basis of the taxpayer in any other residence that is taken into account in determining the basis of the taxpayer in such residence) by reason of subsection (b).

(d) Definitions.—For purposes of this section—

(1) Qualified mortgage indebtedness.—The term "qualified mortgage indebtedness" means indebtedness incurred by an individual in—

(A) acquiring the principal residence of such individual (within the meaning of section 1034), or

(B) making improvements to such principal residence (but only if the costs of such improvements are taken into account in determining the basis of the taxpayer in such principal residence).

(2) Principal residence.—The term 'principal residence' has the meaning given to such term by section 1034.

SEC. . TEMPORARY SUSPENSION OF REVENUE RULING 82-202.

The Internal Revenue Code of 1954 shall be applied with respect to any discharge of qualified mortgage indebtedness (within the meaning of section 1(d)(1)) which occurs in calendar year 1983 or 1984 without regard to—

(1) Revenue Ruling 82-202, or

(2) any other revenue ruling, regulation, or decision reaching the same result as, or a result similar to, the result set forth in Revenue Ruling 82-202.

SEC. . LEGISLATION CONCERNING DISCHARGE OF QUALIFIED MORTGAGE INDEBTEDNESS.

It is the sense of the Congress that legislation be enacted during the Ninety-eighth Congress which—

(1) addresses the Federal income tax consequences presented by any discharge of qualified mortgage indebtedness (within the meaning of section 1(d)(1)) that results from prepayment of a portion of such indebtedness, and

(2) applies with respect to any discharge of qualified mortgage indebtedness that occurs after December 31, 1982.

PRYOR AMENDMENT NO. 1417

Mr. PRYOR proposed an amendment to the amendment No. 1412 proposed by Mr. Dole to the bill H.R. 2973, supra; as follows:

Beginning with page 34, line 1, strike out all through the end of the amendment.

AUTHORIZATION FOR CERTAIN HOUSING PROGRAMS

NICKLES (AND ARMSTRONG) AMENDMENT NOS. 1418 AND 1419

(Ordered to lie on the table.)

Mr. ARMSTRONG (for himself and Mr. Nickles) submitted two amendments intended to be proposed by them to the bill (S. 1338) to authorize appropriations and extend authorities for housing development and rehabilitation, community development, and mortgage insurance, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

DAVIS-BACON ACT AMENDMENTS

Sec. . (a) Subsection (a) of the first section of the Act of March 3, 1931, commonly known as the Davis-Bacon Act (40 U.S.C. 276a (a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary of Labor shall base his determination of the wages prevailing for the corresponding classes of laborers, mechanics, and helpers under paragraph (1) on—

"(A) the wage paid to 50 per centum or more of the corresponding classes of laborers, mechanics, and helpers employed on projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there; or

"(B) if the same wage is not paid to 50 per centum or more of the laborers, mechanics, and helpers in the corresponding classes, the weighted average of the wages paid to the corresponding classes of laborers, mechanics, and helpers employed on projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.".

(b) The first section of such Act is further amended by striking out "$2,000" and inserting in lieu thereof "$100,000".

(c)(1) The first section of such Act is further amended—

(A) by striking out "mechanics and/or laborers" in subsection (a)(1) and inserting in lieu thereof "laborers, mechanics, helpers, or any combination thereof";

(B) by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers";

(C) by striking out "mechanics and laborers" in subsection (a)(1) and inserting in lieu thereof "laborers, mechanics, and helpers"; and

(D) by striking out "laborer or mechanic" in subsection (b) and inserting in lieu thereof "laborer, mechanic, or helper".

(2) Section 2 of such Act (40 U.S.C. 276a-1) is amended by striking out "laborer or mechanic" and inserting in lieu thereof "laborer, mechanic, or helper".

(3) Section 3 of such Act (40 U.S.C. 276a-2) is amended by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers".

At the appropriate place in the bill, add the following new section:

"Sec. . The following sections are repealed: Section 110 of the Housing act of 1974, section 12 of the Housing Act of 1937, section 202(c)(3) of the Housing Act of 1959, section 212 of the National Housing act, and section 516(f) of the Housing Act of 1949.".

REPEAL OF WITHHOLDING ON INTEREST AND DIVIDENDS

MATSUNAGA AMENDMENT NO. 1420

Mr. MATSUNAGA proposed an amendment to the bill amendment No. 1412 proposed by Mr. Dole to the bill H.R. 2973, supra; as follows:

On page 63 of the matter proposed to be inserted, strike out lines 1 through 3 and insert in lieu thereof "example, crime prevention,".

CONSUMER PRODUCT SAFETY ACT AMENDMENTS

KASTEN AMENDMENT NO. 1421

Mr. BAKER (for Mr. Kasten) proposed an amendment to the bill (S. 861) to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes; as follows:

On page 2, strike all from line 6 through line 15 on page 3.

On page 3, line 17, strike "Sec. 4." and insert in lieu thereof "Sec. 3.".

On page 3, line 22, strike "Sec. 5." and insert in lieu thereof "Sec. 4.".

On page 4, strike all from line 8 through line 15.

On page 4, add the following immediately after line 7:

CONGRESSIONAL VETO

Sec. 5. (a) Section 36 of the Consumer Product Safety Act (15 U.S.C. 2083) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any rule transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same rule from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(b) Section 17 of the Flammable Fabrics Act (15 U.S.C. 1204) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader of their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(c) Section 21 of the Federal Hazardous Substances Act (15 U.S.C. 1276) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the

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committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

McCLURE (AND HATCH) AMENDMENT NO. 1422

Mr. BAKER (for Mr. McCLURE and Mr. HATCH) proposed an amendment to the bill (S. 38) entitled the "Longshoremen's and Harbor Workers' Compensation Act"; as follows:

S. 38, as reported, is amended as follows:

On page 38, line 21, insert "recreational operation," after "camp,"; and on page 39, line 24, insert "recreational operations," after "camps,".

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Water and Power to consider S. 752, to authorize certain additional measures to assure accomplishment of the objectives of title II of the Colorado River Basin Salinity Control Act, and for other purposes.

The hearing will be held on Tuesday, July 19, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Water and Power, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Russell Brown of the subcommittee staff at 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet until the hour of 12:30 p.m., on Thursday, June 16, to mark up the natural gas bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 16, until the hour of 12:30 p.m. to continue the markup on proposed changes in the dairy, tobacco, and target-price programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT

● Mr. DANFORTH. Mr. President, my colleague, Senator EAGLETON, and I were prepared to offer an amendment to the fiscal 1984 NASA authorization bill to add $60 million to the authorization for NASA's university research programs. This NASA amendment is part of a larger inititative we are undertaking: It is one of a package of amendments we intend to offer to increase Federal support and to revitalize the basic science research capacity and advanced education programs of our Nation's universities. Senator EAGLETON and I believe that a larger and sustained Federal investment in basic science research at our universities is needed, and the amendments we intend to offer as part of our initiative are all carefully targeted on priority needs of our Nation's research universities—needs appropriately addressed within the present missions of six agencies: NASA, NSF, NIH, DOD, DOE, and USDA.

The first focus of our efforts was intended to be an amendment to the NASA authorization that would add $60 million to the budget of this agency. This amount, which is less than 1 percent of the total budget for NASA, would be a high-leverage investment in the future of our Nation, with benefits far exceeding the costs. Of this amount, $10 million would have gone to the planetary exploration research program. This program, once vigorous in the 1960's and early 1970's, is currently languishing. This augmentation would have enhanced the university research capacity of the planetary sciences community and restore it to a viable level of activity. Among other things, it would have provided access to and analysis of the wealth of data returned from previous planetary missions.

Our amendment also would have added $20 million, on a matching basis, for, university research laboratory rehabilitation. Many of these laboratories now require modernization if they are to meet the Nation's research and technological needs in the years ahead, and we believe that this funding is necessary for NASA to undertake a special initiative addressing the requirements of the university research facilities in which their research programs are conducted.

In addition, $20 million would have been provided for updating, remodeling, and replacing university research equipment and instrumentation. We believe that such a program is necessary because NASA, unlike many other research agencies, has not addressed in a significant way the critical

problem of obsolete research equipment in university laboratories that carry out the agency's basic research programs.

Finally, our amendment would have provided $5 million for graduate fellowship awards to individuals and university departments engaged in space research activities, and $5 million for faculty development awards. We believe that these fellowships and awards are necessary incentives to assure the availability of sufficient numbers of highly trained and talented research scientists, teachers, and scholars at our universities, who are working in space science fields.

Mr. President, while Senator EAGLETON and I remain committed to the objectives of this amendment, it did not appear appropriate to go forward with this proposal at this time, when we already have gone so far in the authorization and appropriation processes for fiscal 1984. Moreover, we noted that the distinguished chairman of the Senate Commerce Committee and the Subcommittee on Science, Technology and Space have provided effective and responsible leadership in reporting to the Senate a NASA authorization that does attempt to address some of our concerns by increasing funding for research activities at NASA research centers and universities.

More needs to be done—if not this year, then in fiscal 1985. Senator GORTON has assured me that the concerns we have raised about the NASA research program and the capacity of our university research facilities will be given serious attention by his Subcommittee on Science, Technology and Space. It is my hope that Senator GORTON along with our other colleagues will join our overall effort to strengthen the basic science capacity and advanced education programs of our Nation's universities.

Mr. President, we recognize that this is a long-term project. We will seek to accomplish what we can this year and continue in the year ahead with this initiative. Senator EAGLETON and I also intend to outline soon in greater detail the other elements of this university research program and we hope to build broad bipartisan support for this effort so vital to the future of our country.●

● Mr. GORTON. Mr. President, I concur with Senator DANFORTH on the problems that exist in basic scientific research and advanced scientific education at many of our best universities and colleges. Additional support is needed to correct these problems to restore a strong, continued effort in basic research and education of scientific and technical leadership for our Nation.

I assure Senator DANFORTH that my Subcommittee on Science, Technology and Space will take up these issues, with particular attention to research laboratory rehabilitation, academic research instrumentation, graduate training, faculty development, and basic research support, in developing the fiscal year 1985 National Aeronautics and Space Administration (NASA) authorization.

In developing the fiscal year 1984 NASA authorization, a major concern of the subcommittee and the full committee was the space science portion of the NASA program. It is from this comparatively modest portion of the NASA budget that extremely ambitious undertakings in physics, astronomy, planetary exploration, and Earth and solar observations are derived. For the most part, space science projects are conceived, organized, conducted, and analyzed by or with university scientists along with, very significantly, promising students.

Some $30 million was added to the administration's request for data analysis and research and analysis. Another $50 million was added for the space telescope, which is the most ambitious scientific technical challenge yet attempted in the Nation's space program.

These additions, almost totally benefiting academic space science, were recommended and endorsed by the Space Science Working Group, an affiliate of the American Association of Universities. The membership of the Space Science Working Group is composed of the leading academic space scientists and educational institutions in the country.

I will continue to support efforts in Congress responding to this critical need in basic scientific research and advanced scientific education in our Nation's universities and colleges.●

● Mr. HEFLIN. Mr. President, the Senate yesterday passed S. 1096, the NASA Authorization Act for fiscal year 1984. The bill as reported by the Senate Committee on Commerce, Science, and Transportation is a good one, balancing opportunities in the areas of space transportation, science, applications, and aeronautics. I wish we could have done more because I believe each dollar invested in NASA provides a great return to the U.S. taxpayer. Given the budget constraints, however, we have made very prudent investments.

In particular, I wish to compliment the distinguished chairman of our Subcommittee on Science, Technology and Space, the Senator from Washington, Mr. GORTON, for his effective role. As the ranking Democrat on the subcommittee, I can say he has been deliberate, farsighted, and fair in how he has approached the NASA bill. I look forward to working with him in our conference with the House and on future science, technology, and space issues.

I have reviewed an amendment that Senators DANFORTH and EAGLETON considered introducing to S. 1096, and along with Senator GORTON support the intent of that amendment. We do face critical problems in our universities with regard to their research and education capabilities. This is a problem we need to address, and I share Senator GORTON's desire to pursue this matter actively in the next NASA authorization bill.

In the meantime, I am hopeful that NASA will begin to take steps to address the needs of universities and colleges for modern research laboratories, instruments, equipment, student fellowships, and faculty development. One prudent step NASA could take would be to provide small planning grants to various universities to begin to identify their needs and the shortfall in their capability to meet the space science and technology opportunities of the future, including the various roles of universities, industry, and Government. Then next year the committee would be in a much better position to look at targeted areas of need. I hope to work with my colleagues in this effort.●

THE NEW INTERCIRCUIT TRIBUNAL

● Mr. DECONCINI. Mr. President, the Courts Subcommittee will shortly be marking up a comprehensive court reform bill which I strongly support. However, title VI of the S. 645, has been a cause of great concern to me and other commentators on the Federal courts. I have received a number of adverse comments to title VI, which creates a new Intercircuit Tribunal interposed between the Supreme Court and the regional courts of appeal.

The bench and bar of my home State have reservations about the need for this new court and question who it is designed to help. Serious concern also exists with many judges of the ninth Circuit Court of Appeals, the circuit which stretches from Arizona to Alaska to Guam. Among the most eloquent statements setting forth the pros and cons of the proposed Intercircuit Tribunal is a set of comments prepared by Judge Sneed of the ninth circuit. I commend them to my colleagues and ask that they be placed in the RECORD.

The material follows:

COMMENTS ON H.R. 1970 AND S. 645

(By Judge Joseph T. Sneed)

My text is simple. H.R. 1970 and Title VI of S. 645 constitute improperly designed solutions to an indistinctly perceived set of problems.

Before developing my text let me acknowledge quickly that the federal judiciary confronts an enormous set of problems arising from the mounting case load. Each level of the judiciary is under enormous pressure to devise the means by which its specific problems can be solved. District courts seek more judges, more courtrooms, expanded powers for magistrates, larger staffs, and more sophisticated office equipment. Circuit courts similarly seek more judges, increased numbers of chambers, devices by which the time devoted to individual appeals may be reduced, larger staffs, etc. And, as H.R. 1970 and S. 645 indicate, the Supreme Court also seeks to design the means by which it can deal with the growing number of cases that deserve review. The instrument chosen is a body called the Intercircuit Tribunal.

Let me also acknowledge that as a circuit judge I am uncomfortable in addressing myself to a proposal that Justices of the Supreme Court believe would provide assistance to them. My plea easily could be attributed either to ignorance, officiousness, or envy. I believe that this is not the case. I write only in the public interest as I perceive it.

I. WHAT PROBLEMS MIGHT THESE BILLS SOLVE?

The problems these bills are designed to solve are indistinct. It is true that a cluster of objectives have been identified by those who support these measures, but it is also true that the structure necessary to accomplish a particular objective most effectively very often does not function nearly as well with respect to another objective. For example, a structure to relieve the Supreme Court of a portion of its burden to resolve intercircuit conflicts might not be suitable as the means to relieve the Supreme Court of its entire burden other than to decide only approximately one hundred cases a term. Or a structure designed to do the latter might not be the best way to relieve it of its burden of deciding cases involving such special areas as tax law, environmental law, administrative law, etc. And a structure designed to be an additional tier in the appellate structure of the federal judiciary would not be the most efficient means of resolving intercircuit conflicts or being a helpmate by relieving the Supreme Court of a substantial part of its burden.

II. DO THESE BILLS SOLVE ANY OF THESE PROBLEMS?

A. Specialist court or helpmate court?

The possible objectives just described, as well as others that might be imagined, constitute a spectrum ranging from a tribunal having the narrow function of a specialist court, somewhat similar to the new Federal Court of Appeals, to the broad function of serving as a general helpmate to the Supreme Cqurt. Considering these extremes for a moment, it is obvious that the Intercircuit Tribunal as designed by these bills serves neither objective well. A specialist court, properly constructed, would neither be drawn from existing circuit judges nor be staffed with judges having a tenure of only five years. However, this is what these bills provide. The same can be said of the helpmate function. To serve this end well would require a fixed body of judges having limited tenure, appointed to that court by the Chief Justice with the consent of the Supreme Court. An ad hoc body of circuit judges, selected by circuit judicial councils obviously is unsuited for this function.

B. A court of last resort?

The Intercircuit Tribunal also is not clearly designed to be a court of last resort. Its decisions are reviewable by way of a petition for certiorari by the Supreme Court. Judges with life tenure appointed by the President with the consent of the Senate would be appropriate for a court of last resort. A court of last resort, of course, would create a "three-and-a-half-tier" judiciary with a body similar to the Intercircuit Tribunal functioning as does a dead end siding for railroads.

C. Resolving unimportant circuit conflicts?

The function as Tribunal, such as H.R. 1970 and S. 645 envision, most effectively would serve as probably that of resolving such relatively unimportant intercircuit conflicts as the Supreme Court might refer to it. John Frank recognizes this and has recommended that the work of the Tribunal be limited to this function. Assuming that such assistance is needed, an issue about which many have serious doubts, the proposed tribunal is nonetheless both malformed and unnecessary. Because it is staffed by two circuit judges from each circuit, it under-represents the larger circuits, and is not necessary because circuit conflicts can be more easily resolved.

Let me expand on this last point. The solution to intercircuit conflicts that do not merit Supreme Court attention can be left to the circuits in conflict. This could be done by a statute that authorizes the Supreme Court to certify conflicts to a panel drawn from the regular active judges of the conflicting circuits in a manner that fairly, although not equally in all instances, represents the circuits involved. The certification would state the issue, or issues, in conflict and the circuits perceived to be in conflict. The resolution of the conflict by the intercircuit panel would be binding on the circuits certified by the Supreme Court as being in conflict. In this manner the lesser conflicts would be eliminated. Review by the Supreme Court of this resolution would be by certiorari. A draft of a statute authorizing this procedure appears as an appendix to this statement.

D. Choice of function is delegated to Supreme Court

Because of the east by which aid to the Supreme Court in resolving lesser conflicts between circuits can be extended, it appears likely that some additional functions are intended to be given the proposed Intercircuit Tribunal. What these are, as already pointed out, is unclear. One might suppose that these bills would carefully delineate the functions that the proposed tribunal would perform. Rather than do this, H.R. 1970 and S. 645 in effect delegate this task to the Supreme Court by vesting it with authority to refer such cases as it wishes to the Tribunal. No one, other than possibly the Justices of the Supreme Court, can describe the intended functions of this body.

HOW THE HELPMATE COURT MIGHT FUNCTION

A. Early steps

A few guesses about how a helpmate court might function, however, perhaps would be useful. It is likely one Justice or another has pondered about the utility of such a court. Rather simple statutory interpretation cases as well as conflicts of lesser importance between circuits very likely would make up the Tribunal's initial business. Should these pass muster with the Supreme Court (which they might not should the Tribunal consist of judges not jurisprudentially in sympathy with the majority of the Supreme Court) more important cases very likely would appear on the Tribunal's docket. These cases probably would be ones about which the Supreme Court is either indifferent as to the results, sufficiently uncertain about the proper result to wish to defer final action on the issue until it has received additional guidance, or sufficiently certain about how the Tribunal would decide the case to permit it to act as the Supreme Court's surrogate. In any event, the Supreme Court would not surrender to the Tribunal constitutional cases of a major magnitude.

B. The helpmate court should help, not hinder

Thus, it is fair to say that the Tribunal would function best were it in harmony with the majority of the Supreme Court and had referred to it only those cases just described. A lack of jurisprudential harmony, as well as bickering, between the Supreme Court and the Tribunal would seriously impair its usefulness.

Consider, for example, petitions for certiorari referred to the Tribunal by the Supreme Court. Many of these would not be reviewed by the Tribunal because both H.R. 1970 and S. 645 permit the Tribunal either to accept or deny a petition unless the Supreme Court directs that a decision be reached. A rebellious Tribunal might be inclined to accept those petitions that the Supreme Court thought it should reject and to reject those the Court thought it should accept. The latter possibility could be forestalled, of course, by the Court directing that a decision be reached. The substance of such direction, however, would be for the Supreme Court to grant the petition for certiorari and to assign the writing of the opinion to the Tribunal subject, of course, to the Court's final review by way of certiorari. Under these circumstances the Tribunal in fact would function as a group of highly talented, long-term law clerks to the Justices of the Supreme Court.

The importance of compatibility explains S. 645's creation of the position of Chancellor who would be appointed by the Chief Justice and would preside over the Tribunal. The interests of compatibility, on the other hand, are not served well by the process by which circuit judges are selected to serve on the Tribunal. Both the Senate and House versions, as already mentioned, provide that the judicial council of each circuit would appoint two judges to serve on the Tribunal. Compatibility in the sense here being discussed would be little better than accidental with the body selected in this manner. Aside from other defects of this method of selection (such as its under-representation of larger circuits, its failure to provide for additional circuit judges to replace those placed on the Tribunal, and the absence of a clear reason for placing the duty of selection on the councils, where district judges serve in varying proportions, rather than on the circuit courts) it is undeniable that it serves poorly the helpmate function. Selection by the Chief Justice, with the consent of the entire Court, would best serve that function.

C. The bills' compromise between helping and hindering

The failure of either version of the Tribunal structure to provide for selection by the Chief Justice and the Court reflects uncertainty about the purpose, or purposes, the Tribunal should serve. The roots of this uncertainty are not difficult to discover. They lie amidst one's views concerning the Supreme Court as it has functioned since World War II. Those quite satisfied with the work of the present Court, at least in a broad jurisprudential sense, and convinced that the Court needs help, will tend to favor a Tribunal in which its jurisdiction, its work and the selection of its personnel would be subject to strict Supreme Court control. To such proponents the issue is simple. Help is needed. The best help comes from those in

whom trust can be placed. Structure should promote this end. Those less content with the present Court, but happier with the Warren Court, or distrustful of all Courts since World War II, will not embrace a structure that maximizes the control of the Tribunal by the Supreme Court—at least not at the present time, if ever. Not only will those less content require substantial proof that the Supreme Court needs help but they also will not permit the Supreme Court to select the judges of the Tribunal and will tend to favor reduced control of the Tribunal's work by the Supreme Court. Thus, they very well might favor some combination of assigning by law specific areas of jurisdiction to the Tribunal and limiting the power of the Supreme Court to review decisions of the Tribunal in certain areas. John Frank's recommendation, referred to earlier, is instructive. An intercircuit body fashioned in this manner to some degree would leave us with two courts of last resort, one lesser, the other greater.

IV. IS A TRUE HELPMATE COURT DESIRABLE?

The structures of H.R. 1970 and S. 645, nonetheless, reflect a balance that favors Supreme Court control. Assuming that this control is necessary to serve the helpmate function and that it can be made operational over time, the question then becomes whether it would serve the public interest. A strong argument can be made that it would not. A "responsible" helpmate court, I suggest, could evolve over time to become a court that handled substantially all the non-constitutional litigation. The Supreme Court, under these assumptions, would become a true constitutional court. No one can be certain, of course, but my strong belief is that this would be an unfortunate development. Others, such as Professor Arthur Hellman, have taken this position. The authority of the Supreme Court rests in large measure on the fact that it is a court, not an unrepresentative constitutional convention in perpetual session. To be a court it must take and decide all sorts of cases. To fail to do so would imperil its authority and very few want this to occur.

Even a "true" helpmate court, therefore, would have to be employed very carefully and only to a limited extent. When this constraint is fully appreciated, and it is further realized that the creation and maintenance of such a court will be extremely difficult, the wisdom of creating a body to serve that function becomes highly questionable. The risks incurred to obtain some increased appellate capacity at the national level suggest that other means to provide assistance to the Supreme Court be found wanting or non-existent before either H.R. 1970 or S. 645 is enacted. Others, including Chief Judge Feinberg of the Second Circuit, and Milton Handler, have suggested some means that should be explored.

V. SHOULD WE EXPERIMENT?

To all of this some will say that these bills are mere "experiments" and that their enactment will permit us to learn how a helpmate court will function. This is a beguiling but essentially spurious argument. This is true because, first, the participants, aware that an "experiment" is in progress, will behave somewhat abnormally (Tribunal judges will be more docile and Supreme Court Justices will be more tolerant), and, second, the time of the "experiment" is too short to permit its thorough evaluation. At the end of the five year "experimental" period little will be known that is not already at hand. True, some decisions will have been rendered by the Tribunal, referred petitions of certiorari will have been denied, and perhaps a few decisions will have been reviewed and reversed by the Supreme Court and almost certainly there will have been a dissent by an individual Justice or two to the failure to review a Tribunal decision. Also, it is predictable that within the footnotes of a few Supreme Court decisions will be seen sniper fire directed at either a Tribunal decision, or its use by another Justice, or both. These fairly easily foreseeable developments will contribute little to our ability to determine whether an Intercircuit Tribunal functioning as a helpmate is a good idea. Therefore, analysis of H.R. 1970 and S. 645 should not be suspended pending an "experiment."

Finally, it should be noted that the Federal Judicial Center, at the request of Chief Justice Burger, undertook a study on the subject of experimentation on the law. That study was completed nearly two years ago and recommended that the decision-maker consider four questions when proposing experiments. These four questions are:

1. Do the circumstances justify the experiment?
2. What experimental design will be adequate to produce the required information?
3. What ethical problems might these experimental designs present and how can they be resolved?
4. What authority and procedures are necessary for undertaking the experiment?

These factors, particularly the second, have not been adequately addressed by the proponents of the two bills.

VI. THE NEED FOR COMMISSION STUDY

When all is said and done the crisis the federal judiciary confronts is generated by an enormous increase in federal jurisdiction, inflicted in some instances by the Supreme Court itself, and increased case filings at all levels. We need to restructure both jurisdiction and the entire federal judiciary in a comprehensive and compatible manner. This would be the task of a Commission, such as is proposed by Title V of S. 645. Ad hoc adjustments, but which, as said before, are improperly designed solutions to an indistinctly perceived set of problems, are not the answer.

APPENDIX

DRAFT INTERCIRCUIT PANEL STATUTE

I

When a petition for certiorari asserts a conflict in the interpretation of applicable law between or among the circuit courts on a particular issue or issues, the Supreme Court of the United States may certify the issue or issues to an intercircuit panel for resolution. The panel shall be composed of judges from the circuits having ruled on the disputed issue or issues, and the panel's decision shall be binding only on the circuits certified as being in conflict.

II

The intercircuit panel shall consist of two regular active judges from each of the circuits in conflict, and one additional judge from the circuits involved. The two judges serving on the panel from each circuit shall be chosen by lot from the regular active judges of their respective circuits, and the additional judge shall be chosen by lot from the regular active judges of all circuit involved.

III

In the event the panel fails to arrive at a majority decision, the holding will not be binding upon the circuit courts represented.

IV

Review of the intercircuit panel's decisions by the Supreme Court shall be by writ of certiorari.●

GARRISON: COUNTING THE COSTS

● Mr. **HUMPHREY**. Mr. President, in my RECORD entry of June I noted that some of the strongest opposition to the Garrison project comes not from Canada or Washington-based environmental organizations, but from North Dakota and some of the very dry land farmers the project is supposed to benefit. Today I would like to focus on the burden this project poses to the Nation as a whole.

The project's proponents, of course, claim that the project will prove to be a net plus for the Nation, that it will produce a net return on investment from irrigation, hydropower and municipal water sales. In reality, the project costs exceed all benefits and the project requires heavy subsidies that will not be repaid. Thus,

In 1965 when the project was first authorized, project planners optimistically assumed that the project would cost $207 million. Now, however, the project's costs exceed $1 billion and the project is only 15 percent complete.

As a result, the proponents now concede that the direct cost-benefit ratio of the project has dropped from 1:1.7 to 1:1.3.

Even this cost-benefit ratio, however, overstates the project's benefits because it assumes continued use of 1965 discount rate of 3 percent.[1]

Using the official Water Resources Council's 1982 discount rate of 7⅞ percent, which is currently in use for water projects, Garrison's costs clearly exceed benefits. Rather than a return of even $1.30 for every dollar invested, only 58 cents of benefit is returned.

The Department of Interior's current cost-benefit estimate, moreover, assumes the project's irrigation—responsible for 60 percent of the Department's estimated total project benefits—will produce $186.68 of benefits per irrigated acre each year. Yet, the latest independent estimates make it clear that this estimate is far too high, that the net profits one could expect to make annually from irrigation corn in the project areas is only $73 per acre.

According to the Department of Interior's own project data sheets, the Federal subsidy per project-irrigated acre is $3,800. Yet, repayment by the benefited farm in set at $77.

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[1] The discount rate is a measure of the return that the capital invested in a project would otherwise make if it were simply left in the bank (or some other attractive investment vehicle). Only projects with rates of return higher than their assigned discount rate will prove profitable. A high interest rate implies a high discount rate.

Proponents admit that over $3,700 of the $3,800 cost per acre will be repaid not from user fees or the sale of project benefits, but from the sale of nonproject electricity at increased prices to citizens served by the Western Area Power Administration, most of whom live outside the State of North Dakota. Although this technically is not a Federal tax; it is a massive direct subsidy solely attributable to Federal action.

Even this repayment when added with all the other user fees associated with the project, is only partial—these fees only repay principal component of the project's construction cost. All of the interest on this principal—nearly $750 million assuming annual repayments for 50 years at 9.5 percent—must be paid by Federal taxpayers.

As for the sale of water from the project for municipal use, two-thirds of the municipalities that could potentially receive water are located in the Hudson Bay drainage basin and therefore may never receive Garrison water. More important, half of the communities have already found alternative water supplies or do not need additional water. Additional communities now say they will not be able to afford Garrison water. Only one community since 1965 has contracted for Garrison water.

At most, no more than 500 to 1,200 farms will benefit from Garrison irrigation. Conservatively, this means 800,000 Federal dollars will be spent to help irrigate each benefited farm.

Meanwhile, per capita, North Dakota has the largest number of participants in the Federal payment-in-kind (PIK) program. What the Federal Government is now trying to do is give away the very surpluses it bought from these farmers to keep them from adding to the surpluses the Federal Government already has. Garrison, like subsidized Federal farm loans and Federal price supports, though, will only aggravate this problem by encouraging the production of water-dependent crops that are already in surplus.

If Canadian objections to the project continue, only phase I—the first 85,000 acres of irrigation—of the total Garrison project—250,000 acres of irrigation—according to the Department of Interior, will be built. Under these circumstances the project's cost-benefit ratio will be clearly negative only a 92-cent return using the Department's egregiously low 1965 discount rate and only 43 cents using a 7⅞-percent rate.●

FUNDING FOR THE AFRICAN AMERICAN MEETING HOUSE IN BOSTON

● Mr. TSONGAS. Mr. President, I had planned to offer an amendment to the National Park Service construction appropriation in H.R. 3069 to provide $1,580,000 for the restoration and the rehabilitation of the Boston African American Meeting House. I could not get agreement for inclusion of the Senate bill, but I hope that the Senate conferees will recede to the House on this issue. These funds are needed in order to complete badly needed structural and preservation work on the meeting house by 1988, which will be the 350th anniversary of the arrival of the first blacks in the Commonwealth of Massachusetts.

The meeting house was severely damaged by fire in 1973, and has further deteriorated since that time. Lack of a heating system further damages the historic fabric of the house with each succeeding winter, and several interior walls and a major staircase have been declared unsafe.

While the Park Service has placed this project on its projected funding list for 1990, and has no objection to the merit of project, we are very concerned that we cannot wait any longer to correct the damage and go forward with the work. If we wait for the normal funding cycle, we will risk losing the entire building, which is of great historic significance to black Americans, and is indeed an important landmark of our Nation's early history. The funds will allow us to save the oldest black church in New England and one of the oldest in the Nation, and the birthplace of the abolitionist movement in New England.●

ANNIVERSARY OF LITHUANIAN REPRESSION

● Mr. LUGAR. Mr. President, these several days in mid-June mark the anniversary of Soviet repression of Lithuania. They are a time of commemoration for Lithuanians everywhere, and a time as well of inspiration to free men who remember the example of Lithuania's enduring love of freedom.

On June 15, 43 years ago, the Soviet Union forcibly and illegally annexed the free and independent Republic of Lithuania. A year later, Soviet secret police rounded up over 30,000 Lithuanian men, women, and children in 4 terrible days, deporting them to Stalin's dreaded camps deep in the Soviet interior.

Ever since, Lithuania has endured a policy of forced russification. The Lithuanian national heritage has been systematically repressed.

Lithuania remains a captive part of the Soviet empire. But the spirit of free Lithuania lives on, kept alive by brave Lithuanians inside that sad land who resist Soviet tyranny, and by Lithuanian exiles throughout the world. To the Lithuanians among them who have found a new home in America, I would like to pay special tribute today for their many splendid contributions to our commerce and communities.●

RESPONSE TO THE PRESIDENT'S ADDRESS ON THE ENVIRONMENT

● Mr. MITCHELL. Mr. President, last Saturday, June 11, 1983, President Reagan gave a radio address on the subject of the environment. He said:

> I think it's time to clear the air and straighten the record on where my Administration stands on environmental and natural resources management matters.

The President's statement did not clear the air nor did it even discuss the record of his administration on the environment.

I held a press conference yesterday with 12 environmental groups for the purpose of responding to the President's address. We felt that it was essential to set the record straight, as this was not done by the President. I ask that the statements delivered at our press conference be inserted in the RECORD at this point, along with a list of the groups which participated in the press conference.

The material follows:

LIST OF PARTICIPATING GROUPS

Wilderness Society.
National Clean Air Coalition.
Friends of the Earth.
National Wildlife Federation.
Izaak Walton League.
Environmental Defense Fund.
Audubon Society.
Natural Resources Defense Council.
Environmental Action.
Sierra Club.
Trout Unlimited.
Environmental Policy Center.

THE REAGAN ENVIRONMENTAL RECORD

(Statement by Senator George J. Mitchell)

Last Saturday the President spoke to the American people about the environment. He praised his Administration's record on environmental matters, saying that "We have made a commitment to protect the health of our citizens and to conserve our nation's natural beauty and resources".

There is such a wide gap between the President's words and his actions that a response is necessary. Indeed, there is not just a gap, there is a Grand Canyon between what the President has said about the environment and what he has done.

Until Ronald Reagan became President, protection of our environment was not a partisan issue. Responding to the demands of the overwhelming majority of the American people, Republicans and Democrats worked together for over a decade to enact and enforce national laws to protect the very basis of healthy life: Clean air, pure water and unpoisoned land.

These laws were not the result of a passing fad or partisan politics. They respond to the intense concern of the American people about pollution that causes injury, sickness and death. They represent our commitment to leave to future generations the heritage of a clean land.

Ronald Reagan has not kept that national commitment. He has shattered the bipartisan consensus in support of a healthy environment.

Let me be specific:

1. Since taking office, the President has tried to cut the operating budget of the Environmental Protection Agency by 40%, at a time when that agency's responsibilities are rapidly increasing.

2. He has proposed amendments to weaken our basic environmental laws, the Clean Air and Clean Water Acts.

3. He reduced the Environmental Protection Agency to chaos and ineffectiveness. Since 1981, eleven top EPA officials have been fired or withdrawn, and the FBI has been asked to investigate two of them. Every person involved was chosen by President Reagan.

4. It has been estimated by some scientists that dioxin, a highly toxic man-made chemical, is much more widespread in our environment than anyone has realized. After Love Canal and Times Beach, at a time when the dangers of toxic chemicals and hazardous wastes are growing, the President proposed to cut the EPA's budget for the programs which regulate hazardous waste sites and which review new, potentially toxic chemicals. The President has also proposed to cut the EPA's budget for research and development by 55%.

5. Six months after the town of Times Beach was recognized as a dangerously contaminated community, the Administration has not even listed dioxin as a chemical whose disposal must be regulated. The Administration proposed for the first time to add it to the list this April.

6. Two and a half years into the President's term, the EPA has done nothing to improve protection against toxic substances—known poisons—entering the air that we must all breathe. Only four hazardous air pollutants are now regulated, despite the known or suspected danger of dozens of substances. And those four were regulated before Mr. Reagan took office. Not a single new toxic substance has been regulated during his term.

7. The Reagan Administration has actually relaxed pollution control standards. Since taking office this Administration has approved requests from industries to relax pollution control requirements, as a result of which one and a half million more tons of sulfur dioxide will poison our atmosphere each year, even though the level of sulfur released into our air is already dangerously high.

8. That high level of sulfur emissions—now about 24 million tons a year in the Eastern United States—is the source of acid rain, which is causing serious damage to our nation's water resources. The major obstacle to dealing with this serious problem has been the President.

9. The President cited American leadership in the international environmental field. It is a leadership we once had and could be proud of; but it is a leadership role this President has abandoned.

In his Administration, the United States has obstructed a workable acid rain agreement with Canada. The U.S., alone of all the world's nations, voted to allow countries to export substances that are banned within their borders as poisons. And the President has tried for three years to slash our contributions to the UN environmental program by two-thirds.

It is almost incredible that the President can describe this sorry record as one "we can be proud of". It is not.

Actions speak louder than words. And the actions of this Administration have been a disaster for the American environment, a disaster which no amount of rhetoric can obscure.

STATEMENT OF GAYLORD NELSON, CHAIRMAN OF THE WILDERNESS SOCIETY

The President's defense of Secretary Watt in his Saturday radio address is remarkable on two counts.

First, the President stands alone in his defense of Secretary Watt's environmental record in the sense that not a single recognized spokesman for environmental causes from any walk of life shares the President's view of Watt's record. If, indeed, there were a record to defend, surely some Republican environmental leader, in or out of Congress, some letter from the conservation movement, some respected conservationist from academic or elsewhere, would step forward to defend Watt's record. On the contrary, representatives from all of these groups have condemned his record.

Second, the President's defense was remarkable for the paucity of evidence he could cite in praise of Watt's record. That evidence consisted of two examples. In his first example of Watt's achievements, the President praised Watt for increasing the capital budget for park roads and visitor facilities. While that is a modest achievement at best, it is inconsequential when matched against Watt's all-out campaign to destroy that Land and Water Conservation Fund, prevent additions to the National Park System and stop funding the acquisition of some 65 parks, sea shores and wild rivers which have been authorized by several Congresses and signed into law by four previous presidents.

In the President's second example, his facts and his conclusion were simply wrong. In an effort to justify Watt's decision to drop 800,000 acres of wilderness study areas from any further consideration for wilderness designation, the President attempted to equate that action with the elimination of lands from consideration for wilderness which were not recommended for wilderness study because they did not qualify under the law. The President charged that when Watt dropped these 800,000 acres, the environmentalists raised a "firestorm," but they were not alarmed when 150 million acres were dropped from wilderness consideration by the Carter administration. The answer is simple. These dropped lands did not qualify for wilderness study. These lands were evaluated by career professionals who concluded they did not meet congressional criteria for wilderness consideration.

However, the 800,000 acres eliminated by Secretary Watt were of a vastly different nature. They were outstanding natural and pristine areas, many adjacent to national parks or existing wilderness areas. More important, each and every parcel summarily removed by the Secretary last December had been properly identified by resources professionals in the field as having significant wilderness values and deserving of further study. In fact, in many cases the agency had already recommended them for wilderness designation. Yet before these studies had been completed—or in some cases even begun—Secretary Watt cavalierly dropped them from the wilderness study program and released them to development. By doing so, he usurped Congress' right to ultimately decide which lands should be included in the nation's wilderness system and prevented the public from participating in this important decision. This is the first time since the Wilderness Act was passed 19 years ago that any Secretary of Interior eliminated from consideration lands recommended for wilderness study.

The President praised our 74-million-acres National Park System, our 7,000 miles of wild and scenic rivers, and our wildlife refuges, implying that his administration deserved considerable credit for it all. The facts show otherwise. Of the 334 units in our magnificent National Park System, how many were added during the Reagan administration? Twenty? Fifteen? Ten? The answer is one—the Mary McLeod Bethune house—compared to 40 units added during the Carter administration and nearly 50 added during the Nixon and Ford years.

And let's look at the wilderness issue, since the President chose to highlight this aspect of his administration's record. While Secretary Watt has repeatedly asserted that he is a champion of wilderness protection, his deeds do not square with his words. Soon after taking office, Watt issued a memorandum directing the Interior Department Solicitor to find ways to "open wilderness areas" to development. A year ago Watt proposed legislation which would have terminated protections for the Wilderness System in 17 years. He could get no support in Congress for his bill. He then asserted that under his interpretation of the law, he was required to issue leases in wilderness areas. All previous Republican and Democratic Interior Secretaries had reached the opposite conclusion. Then, finally, when Congress overwhelmingly adopted legislation prohibiting Watt from issuing leases, he stated, "I gave my best shot at it; Congress' wisdom will prevail." Hardly the words of one attempting to protect the wilderness.

It is in the context of this history with regard to wilderness that Secretary Watt's latest BLM decision must be analyzed. Slapped down by Congress from attempting to develop the nation's wilderness areas, the Secretary is now doing his utmost to assure that as little potential wilderness as possible remains. The war is the same; only the front on which it will be waged has changed.

The President claimed to be a friend of the wilderness, saying his administration had proposed 57 wilderness areas encompassing 2.7 million acres. The best way to test achievement is to look at results. Under the Carter administration, 64.9 million acres of wilderness were designated and signed into law—8.9 million acres in the lower 48 states and 56 million in Alaska. Under the Reagan administration, 83,000 acres of wilderness have been designated and signed into law.

STATEMENT OF RAFE POMERANCE, PRESIDENT, FRIENDS OF THE EARTH

Ronald Reagan told us a fairy tale on Saturday. He did not describe his environmental record.

Instead of changing his anti-conservation record, the President is trying to change American's perception of it.

There is a widening gulf between the President's words and his deeds. The President cannot back-up his environmental claims. He did not point to one major accomplishment in his Administration. Mr. Reagan now risks eroding the trust and confidence which the American people have in him—perhaps the President's greatest personal asset.

While he unleashes a barrage of rhetoric, serious environmental problems continue unabated: toxic dumps that threaten mil-

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lions will go uncleaned because of the mismanagement of Superfund, the give-away of public resources will continue to threaten our public lands, and so on.

On Saturday the President told us he was environmentalist. Yesterday he and his Administration lobbied successfully to defeat the addition of money needed to begin to restore the Environmental Protection Agency to health. Now EPA must confront the pollution challenges of 1983 with a budget that is equivalent in constant dollars to what the Agency had in 1974.

The President claims that he believes in wise stewardship of our resources. Yet has tried to destroy Agencies entrusted with these responsibilities: the Council on Environmental Quality, the Office of Coastal Zone Management, the Office of Surface Mining, the solar and conservation programs and the Land and Water Conservation Fund.

Yesterday in the Senate, the Reagan Administration vigorously and successfully defended Watt's coal leasing policies.

The President claims that his Administration is a friend of the National Parks. Yet he opposes additions to the National Parks System; he opposes the purchase of lands needed to complete the Parks; he cut the budget for trail maintenance and interpretation; and he's ignored the massive threats on the borders of crown jewels like Yellowstone and Canyonlands.

The President says that he supports wilderness. Yet he's tried to industrialize existing wilderness areas. He's endorsed proposals to end protection for wilderness study areas and to end the wilderness system in the year 2000. He's fought the addition of new wilderness areas.

Finally, while claiming to be an environmentalist, the President has ignored the worsening acid rain problem. We may be the only industrialized country in the world that has stepped backwards in its efforts to deal with acid rain over the last few years. While Ronald Reagan delivers speeches, the lakes, ponds, and rivers throughout vast portions of the country are slowly dying.

Yet, in one way the President's Saturday speech was accurate. Before the American people, the President embraced James Watt as his soulmate.

STATEMENT OF PATRICK A. PARENTEAU, VICE PRESIDENT FOR RESOURCES CONSERVATION, NATIONAL WILDLIFE FEDERATION

Several weeks ago, when word of an impending Presidential Message on the Environment first leaked out of the White House, the National Wildlife Federation developed a list of twelve priority issues and urged the President to address them in detail. Copies of this document are available here today. As you will see, the topics cover a wide spectrum of complex and pervasive environmental problems, as well as recommended changes in the Administration's current approach to them

It came as something of a disappointment, then, when the President chose his weekly 5-minute radio broadcast as the forum to defend the policies of Interior Secretary James Watt, and to downplay the very serious errors that have been made by this Administration in its approach to environmental protection and natural resource management. You have heard Senator Mitchell and the other speakers talk about some of these misguided policies—the wasting of EPA, the assault on the Wilderness System, the shirking of responsibility to abate the acid rain hazard. I intend to focus on a set of Administration policies—policies which in some cases have directly involved White House staff—that deal with the management of our public lands and the resources they contain, including some of the most unique fish and wildlife habitat found anywhere in the country.

Stated simply, this Administration is pursuing a course of action designed to reduce the size of the Federal resource estate, and in the process divest the public, both present and future, of a wide array of uses and benefits derived from public ownership of and access to these resources. Proof of this is found in three major programs initiated or expanded by this Administration: (1) the land sales program operating under the euphemism of the "Asset Management Program"; (2) the accelerated mineral leasing program under the principal direction of Secretary Watt; and, (3) the water rights transfer program being carried out by the Bureau of Land Management. Following is a brief description of each program.

ASSET MANAGEMENT PROGRAM

Created by President Reagan's Executive Order 12348, this effort is overseen by the Property Review Board housed in the White House. It sets land sale quotas based on maximizing the dollar return to the Federal Treasury regardless of resource values or public benefits from retention of the lands in question. Federal land management agencies are expected to meet these quotas. For example, the quota for fiscal year 1984 is $1 billion (the original proposal called for $13 billion over 5 years). The Forest Service, which needs Congressional authority to sell large tracts, has proposed the sale of over 6 million acres of national forests, most of it in the eastern United States, where public recreation lands are at a premium. The BLM proposes to sell an additional 4.2 million acres, some of which contains scarce wildlife habitat. For example, in Montana, BLM has proposed a 16,000 acre sale in the Dillon resource area, half of which, according to the State Department of Fish, Wildlife and Parks, has "high public values as wildlife habitat or recreation use in their present location."

The Administration's land sale program has generated a firestorm of opposition from state and local officials throughout the country. Nowhere has the opposition been stronger than in the West, where the Administration had been counting heavily on support from the so-called Sagebrush rebels. It seems the President had badly misread the mandate he thought he received from his Western constituents. Indeed, the Asset Management Program seems to have done for President Reagan what the "Water Projects Hit List" did for President Carter.

MINERAL LEASING PROGRAM

The Administration's mineral leasing program represents a more subtle but no less harmful effort to shift public resources into the hands of private speculators. Though mineral leasing covers a variety of fuel and nonfuel minerals, including oil and gas (both onshore and offshore), oil shale, phosphate, and molybdenum, perhaps the most notorious example of this Administration's approach to leasing is Secretary Watt's giveway policy on Federal coal reserves. Over the next 18 months, in a soft market, the Department of Interior has proposed to lease 20 billion tons of coal, much of it overlain by wildlife habitat, agricultural land, historic and archaeological sites and public recreation areas. To meet this industry-oriented goal, the Department must leapfrog over the land use planning and environmental analysis requirements of Federal law. Yet, there is no need for this pell-mell rush to sell all this coal at bargain basement prices. There are already over 16 billion tons of Federal coal under lease. The Office of Technology Assessment estimates that 95% of this is recoverable consistent with environmental safeguards. This means that, at existing rates of use, industry already has enough coal under lease to last us for over 100 years. The obvious question: why not wait for environmental planning to catch up with coal leasing so that sensitive areas (i.e., those that cannot be reclaimed) can be excluded or given special protection from the not-so-gentle impacts of stripmining?

The old maxim "You don't have to own it to control it," applies with special force to the effects of the Administration's expanded and accelerated leasing programs. Unless it is redirected—and soon—the real Watt legacy will be firmly in place, and present and future generations will have lost critical options for using and conserving public land resources.

WATER RIGHTS TRANSFERS

One of the least discussed aspects of the Administration's approach to public resource management is its Federal water rights policies. In the West, where water is king, over 61% of the rivers, streams and springs rise on Federal land. The semi-arid conditions make water a life or death factor for many species of fish and wildlife as well as for human populations. Historically, western state water laws did not consider wildlife to be a "beneficial use" and failed to provide any protection for instream flows. Though that is changing, it is still true that in many western watersheds, the only real protection for fish and wildlife habitat lies in the exercise of various Federal claims for water. Yet this Administration is moving in exactly the opposite direction. The Department of Interior has all but halted the effort to quantify and assert Federal Reserved Water Rights, and it has sought to exclude fish and wildlife from the protection of these rights wherever possible. It has also disavowed any authority to assert so-called "non-reserved water rights" (despite an Attorney General's Opinion that sanctions the exercise of some Federal water use prerogatives over state objections). And it has adopted a policy of transferring stockwatering rights to holders of grazing permits on BLM land. This last change in policy may pose the most serious long-term threat to public lands management since he who owns the water controls the land.

These policies are not only unfortunate from an environmental standpoint, they are unnecessary and shortsighted from an economic standpoint as well. Evidence is mounting that, just as in the energy conservation field, there are strong economic arguments to be made for making better use of existing water supplies through pricing and technology improvement and dedicating minimum streamflows for recreational, fish and wildlife, and water quality benefits. In its rush to turn over as much control over public water resources to private interests as possible, the Administration is missing a golden opportunity to provide leadership in an area of public policy that is approaching crisis proportions.

In conclusion, the Federation calls upon the President to reconsider his blanket endorsement of the misguided policies of James Watt, to take seriously the constructive criticisms and suggestions that have been made for redirecting the Administration's environmental policies, and to deliver a comprehensive Environmental Message to the American people laying out a positive program to address the public health and resource conservation issues that we have been discussing today.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., April 14, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your recently announced intention to deliver a comprehensive Environmental Message within the next few months is welcome news. In light of recent events at the Environmental Protection Agency and other controversies surrounding the actions of certain Administration officials, the public is anxious to hear your personal views on the role of government in maintaining public health, conserving natural resources, and safeguarding our natural heritage. We hope you will take the opportunity to spell out the policies and principles that guide your Administration's environmental and conservation programs.

Attached to this letter are twelve priority issues that we urge you to address in your message. These are certainly not the only environmental issues facing us, but they are a representative sample of the concerns of our over 4 million members and supporters. To date, we have heard only from your appointed officials on these topics. Our members are very anxious to learn firsthand of your position on these key issues.

We look forward to your Environmental Message and would welcome any opportunity to discuss the issues raised in the attached document with you or with members of your staff in greater details.

Sincerely,

JAY D. HAIR,
Executive Vice President.

Attachment.

TWELVE TOPICS FOR THE PRESIDENT'S 1983 ENVIRONMENTAL MESSAGE, APRIL 1983

SALE OF PUBLIC LANDS

The vast increase in public land sales proposed under this Administration's Asset Management Program is not scientifically based and threatens valuable wildlife habitat. Certainly, some federally-owned property retains little public value and should be sold. The Federal Land Policy and Management Act of 1976 (FLPMA) explicity sanctions such disposal, but only after the proper development and implementation of Resources Management Plans as provided in the Act.

Unfortunately, vast land disposals are being proposed by your Administration based on political, not resource, considerations. Insead of a "bottoms up" approach to disposal, the Real Property Review Board and OMB have decreed from the top that $1 billion must be raised from land sales in FY 1984, whether or not this means selling off some of our most productive wildlife habitat. The U.S. Forest Service presently plans to seek Congressional authorization to sell over 6 million acres of national forest based on criteria that have nothing to do with the intrinsic value of the resources.[1] The Bureau of Land Management presently plans to sell an additional 4.2 million acres, much of it outside of the Congressionally-mandated FLPMA planning process. The General Services Administration is also trying to dispose of over 60,000 acres of property without assessing the natural resource value of these holdings.

No. 1. We request that your environmental message explicitly abandon the present policy of basing public land sales on predetermined monetary targets and reinstitute a disposal program based on the contribution of public lands to multiple-use values and sound management principles.

COAL LEASING

The Department of the Interior plans to lease 20 billion tons of coal in the next eighteen months. This plan was established without due regard for the actual demand for coal or the potential adverse environmental effects. The plan threatens valuable public resources, including (1) critical wildlife habitat, (2) rangeland that is very difficult and costly to reclaim, (3) rich archaeological areas, and (4) unique fossil beds. The environmental analysis and land-use planning needed to identify such resources and develop effective measures for their protection has not been conducted. The Department has simply skipped over the planning and analysis stage to meet self-imposed lease sale deadlines. Yet, there is no need to push billions of tons of new coal onto the current soft market. More than 80 percent of existing federal coal leases remain out of production and present estimates are that more than half of these existing leases will remain out of production through 1991. Interior's coal leasing plans will simply turn over another million acres of public lands to coal speculators, decades before the coal is needed and for a fraction of its real value.

No. 2. We request that your environmental message declare an immediate suspension of all coal leasing through fiscal year 1984, and direct that future lease sales be conducted only after the Department of Interior has completed the environmental analyses and land-use planning necessary to protect wildlife habitat and other resources in prospective coal lease areas.

RENEWABLE RESOURCE MANAGEMENT

The Department of Interior has the dual responsibility to both conserve and develop our public lands. Historically, the Department has met this dual responsibility by providing almost equal funding and staff for (1) conservation and (2) commercial exploitation of public resources. Under your Administration, however, this delicate balance has been destroyed. Your proposed fiscal year 1984 budget reduces Bureau of Land Management renewable resource programs 47 percent from their Congressionally approved fiscal year 1981 levels,[2] while the commodity production programs have received substantial increases over fiscal year 1981 levels.[3] Similarly, the total U.S. Fish and Wildlife Service budget has been cut 12 percent since fiscal year 1981, although threats to refuges from development have substantially increased.[4] This imbalance makes it impossible for the Department to sustain an adequate renewable resources program in the face of accelerated public land development. With over 55 percent of our existing public rangeland and grasslands already categorized as overgrazed and overused,[5] this persistent underfunding and understaffing of resource management activities will unnecessarily destroy millions of acres of habitat.

No. 3. We request that your environmental message direct the Department of Interior to reprogram the Department's budget to assure that total resources devoted to renewable resource management programs—in full time staff and dollars—be no less than total resources devoted to the commodity production programs.

WETLANDS PROTECTION

The nation's wetlands are an enormously valuabe natural and economic resource. Wetlands improve water quality, reduce flooding, limit shoreline erosion, and provide food and shelter for many species of fish, shellfish and wildlife. The Nation's multibillion-dollar recreational and commercial fishing industry depends on the fish and shellfish produced in wetlands. Nevertheless, our wetlands are disappearing at an alarming rate. We have already lost over 50 percent of our wetlands and continue to lose them at a rate of 450,000 acres per year.[6] In the upper Midwest alone, 50 percent of the prairie potholes were lost by 1950, with losses continuing at 48,000 acres per year.[7]

Much of this destruction is federally subsidized, primarily through agricultural support programs. Although wetlands are protected by law, your Administration has failed to enforce these protections. Secretary Watt has attempted to impose a moratorium on the use of the Land and Water Conservation Fund for wetland acquisition. He has also steadfastly refused to use funds available under the Wetlands Loan Act to purchase wetlands essential to the nation's migratory waterfowl. Meanwhile, officials of the Department of the Army, under the guise of "regulatory reform," are attempting to exempt a majority of the nation's remaining wetlands from site-by-site permit requirements under the Clean Water Act, the only effective federal regulatory program to protect wetlands. While not endorsing legislative action to restrict the program, your Cabinet Council on Energy and Natural Resources has given the Department of the Army the "green light" to seek such action on its own. Secretary Watt's proposed wetland conservation legislation (called Protect Our Wetland and Duck Resources or "POWDR") exempts over 90 percent of the causes of wetland losses and provides only token financial assistance for acquisition.

No. 4. We request that your environmental message (1) support a comprehensive legislative program to protect our remaining wetlands, (2) direct your officials to request funds from Congress to purchase critically threatened wetlands, and (3) direct the Department of the Army to withdraw its regulations, issued in July 1982, emasculating the wetland permit program.

MANAGEMENT OF NATIONAL FORESTS

Federal law requires that National Forests be managed for multiple uses including outdoor recreation, rangeland, timber, watershed, wildlife and fisheries. Unfortunately, the U.S. Forest Service has adopted a "top-down" management system that keys forest management to predetermined targets for sale of timber. These targets now call for about 11 billion board feet to be sold in fiscal year 1983, rising to over 13 billion board feet in fiscal year 1985. These targets will require that areas critically important to fish and wildlife be cut to meet inflated timber sale goals set in Washington. These high timber sale targets are totally unnecessary since about 35 billion board feet remains sold, but uncut.

One class of areas now facing pressure for cutting is old growth forests, which are of unique importance to many wildlife species as well as to commercial and other fisheries.

Footnotes at end of article.

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Cutting will drastically reduce the ability of the land to sustain wildlife, and it is uncertain whether commercial timber can ever be regrown in some of these areas. These high timber sale targets will also require forest supervisors to shift resources away from forest management to timber sale preparation, further ignoring the multiple-use mandate of the U.S. Forest Service. Your fiscal year 1984 proposed budget reflects this fact, showing increased funds for timber sale preparation activities, while funds for fish, wildlife, and threatened and endangered species habitat improvement all decline.

No. 5. We request that your environmental message abandon existing plans for increasing timber sales and reduce annual cuts to less than 10 billion board feet to accommodate responsible environmental and fiscal management of our National Forests.

STRIP MINING

The federal Surface Mining Control and Reclamation Act of 1977 requires the Department of the Interior to protect the nation from the environmental impacts of the strip mining of coal. The heart of this program is a series of so-called "permanent program regulations" that set minimum environmental standards. These standards are established by the Department of Interior and implemented by state surface mining regulators through federally approved state mining programs. Until recently, these standards consisted of specific environmental design criteria requiring states to, among other things, (1) protect state-listed threatened or endangered species, (2) fence toxic waste ponds, (3) prohibit the use of most persistent pesticides, (4) protect nationally significant cultural properties, (5) assure safe construction of coal waste piles, (6) control road construction and design, and (7) restore strip-mined land to its approximate original contour. Unfortunately the Department of Interior is now seeking to replace these and other important design criteria with more vague "performance standards" that are difficult to review for effectiveness before they are implemented and difficult to police after they are implemented. In addition, both state implementation and federal supervision are being made more difficult through budget cuts. Indeed, the Department of Interior's own records indicate that the majority of major coal states are not now in full compliance with the federal Surface Mining Act.

No. 6. We request that your environmental message explicitly support the need for strong federal environmental design criteria aimed at minimizing the environmental impacts of coal production.

ACID RAIN

Over 50 million tons of sulfur dioxide and nitrogen oxide are emitted into the air we breathe in the United States each year—primarily from coal-fired power plants and automobiles—and return to earth as acid rain. Highly respected scientific panels that have studied the effect of these emissions on our environment (including the National Commission on Air Quality, the Committee on the Atmosphere and Biosphere of the National Academy of Sciences, and the United States-Canada Acid Rain Work Group) have concluded that acid deposition is responsible for the acidification of sensitive surface waters in the United States and Canada, and that reductions from present levels would reduce further damage. Evidence is also mounting that sulfur deposition is injuring crops, forests and public health. Yet the United States is unique among industrialized nations in not only ignoring the acid rain/acid deposition problem, but making it worse. Your Administration (1) wants more studies before doing anything to solve the problem, (2) has opposed control legislation, and (3) has granted relaxations in state air quality plans that will increase sulfur dioxide levels 1.5 million tons over formerly projected levels. Last year, your Administration also supported changes in the Clean Air Act that would have allowed a doubling of nitrogen oxide emissions from new cars.

No. 7. We request that your environmental message (1) support legislation introduced by Senator Stafford requiring a 10-million-ton reduction in annual sulfur dioxide emissions in the eastern 31 states by 1993, (2) declare a moratorium on State Implementation Plan (SIP) relaxations or other administrative actions or legislative initiatives that would increase sulfur dioxide and nitrogen oxide emissions over previously projected levels, and (3) support field testing of innovative pollution control technologies to control acid rain.

PUBLIC WATER RIGHTS

In our western states, he who owns the water owns the land. Until recently, the Bureau of Land Management (BLM) exercised its right to appropriate water for use on public land in the same manner and to the same extent that private landowners appropriate water for use on their own lands. BLM uses water for floodwater and sediment detention, waterfowl habitat, recreation, wildlife and livestock drinking, and other multiple-use purposes. Protection of these rights is crucial to effective multiple-use management of 341 million acres of BLM land, an area twice the size of Texas, most of which is located in the arid West.

Unfortunately, under a policy adopted by BLM under your Administration, permittees or lessees of public lands are being encouraged to file either as exclusive holders or coholders (along with BLM) of water rights for improvements on BLM lands used for stockwatering.[8] By encouraging private ownership of water rights on public land, this policy transfers effective control of public rangelands subject to such water rights to private interests. In addition, the Department of Interior has declared that the federal government has no authority to protect instream flows—flows critical to the health of fish and wildlife on public lands—on non-reserved federal lands.[9] Finally, the Department has recently announced that the federal water rights it has not given away can only be used for human and livestock consumption, not for fish and wildlife.[10] The living resources of our federal lands are being literally squeezed dry to accommodate private energy, grazing, and agricultural interests.

No. 8. We request that your environmental message repudiate this give-away of federal water, and that an aggressive program of quantification and assertion of federal water rights for multiple purposes (including fish and wildlife protection) be announced.

GROUNDWATER CONTAMINATION

Groundwater is an essential but vulnerable national resource. More than 90 percent of citizens living in rural areas, and 50 percent of all Americans, depend on groundwater for domestic use. Groundwater is very easily contaminated and, once contaminated, is very often economically or technologically impossible to clean up. Yet a recently released report of the Office of Technology Assessment found that 29 percent of the groundwater drinking water supplies of 954 U.S. cities with populations over 10,000 is contaminated.[11] EPA announced last year that organic chemicals, many of which are believed to cause cancer and other diseases in humans, have been detected in 45 percent of the public water systems that draw on groundwater and serve populations over 10,000. These chemicals have been detected in extremely high concentrations which exceed by several orders of magnitude those found in surface drinking water sources.

Despite the seriousness of the situation, the present Administration has failed to adequately implement existing laws to prevent contamination of groundwater or to develop a comprehensive policy on groundwater contamination. It has (1) failed to vigorously implement the Superfund program completing clean-up at only four of 419 EPA-identified "high priority" abandoned hazardous waste sites and conducting precleanup remedial investigation/feasibility studies at 32 more sites over the last two years, (2) failed to set uniform national standards for site clean-up, (3) allowed existing landfills to continue operating without taking remedial steps to comply with new standards designed to control groundwater pollution, (4) exempted small surface impoundments, "small" generators that produce 1,000 kilograms of waste per month, and hazardous waste burned in boilers from regulation, (5) failed, as required by law, to establish Underground Injection Control ("UIC") programs in states which do not have them, thus allowing continued direct injection of hazardous waste into aquifers, and (6) failed to test for, or regulate, organic constituents in drinking water,[12] although organics pose a much more serious threat to public health than inorganic constituents. Moreover, EPA has proposed to grant lifetime permits to many existing hazardous waste facilities, most of which are land disposal facilities, and has failed to take any enforcement action against 70 of the 109 facilities that it has found do not comply with existing regulations.[13]

No. 9. We request that your environmental message announce the adoption of a comprehensive policy on groundwater contamination that includes (1) a policy of nondegradation of existing aquifers (2) a commitment to complete, within three years, the requisite remedial investigation/feasibility studies for all 419 high-priority hazardous waste sites, plus all federal facilities that meet EPA's high priority criteria, (3) a substantial tightening of existing hazardous waste site regulations, including the elimination of land disposal where treatment is technically feasible, (4) drinking water standards for organic as well as inorganic constituents, and (5) an immediate ban on the direct injection of hazardous wastes into all aquifers that are hydrologically connected to drinking water supplies.

FEDERAL WATER RESOURCES POLICY

America is blessed with bountiful water supplies—about 675 billion gallons of usable fresh water from lakes, rivers, and streams per year. In contrast, we use only about 110 billion gallons per year, of which 82 percent is for agricultural irrigation. Domestic and commerical consumption represents only about 8 percent of our water budget. Nevertheless, water shortages exist, primarily because water is not always available when and where it is needed. Public authorities have addressed this problem by building

large physical structures to reduce the risks of droughts and floods, and to bring water and power to distant markets. However, much of our federal water investment has been demonstrated to be (1) economically inefficient, (2) inequitable in its distribution of water costs and benefits, and (3) unnecessarily destructive of the environment. Coordinated action is vitally needed to make sure our federal water investments are efficient, equitable, and compatible with environmental goals. Because most river basins overlap state boundaries federal technical, planning, and management assistance is essential.

Your Administration, to its great credit, has tackled the thorny issue of cost and benefit distribution by supporting the application of "user fees" to federally-supported projects, and by developing a draft policy that would require non-federal interests to pay a significant share of project costs. These measures should reduce political pressure in support of marginal projects that are simply a waste of taxpayers' money. However, your Administration has dismantled efforts to coordinate federal/state water planning by (1) abolishing all federally-funded River Basin Commissions, (2) eliminating the Office of Water Research and Technology in the Department of Interior, (3) stripping the U.S. Water Resources Council of its power to evaluate water projects, (4) rescinding the rules federal agencies use to plan and evaluate water projects, and (5) dropping the promotion of environmental quality as a co-equal objective of water resources planning. These actions assure that federally assisted or federally constructed water projects will continue to be ill-conceived, poorly planned, inefficient, and politically motivated.

No. 10. We request that your environmental message announce a coordinated water policy that includes (1) a commitment to environmental quality and water conservation as key elements of water policy at all levels of government, (2) reinstatement of rules to guide federal agencies in their evaluation of water projects, (3) non-federal cost-sharing of future resource development projects, and (4) user fees, pricing, and repayment schedules that will repay the costs of federal investments in water resource projects.

SOIL EROSION

Thomas Jefferson once observed that "civilization itself rests upon the soil." Since the Jeffersonian era the United States has moved from an agricultural to an industrial society, but our economic dependence on the soil remains. Our exportable surplus of grain grew from 5 million metric tons in the 1930's to 131 million metric tons in 1980, while the rest of the world (with the exception of Australia and New Zealand) became net grain importers. Yet increased soil erosion threatens the continued productivity of our cropland. Despite federal assistance, soil erosion is estimated to be 25 percent worse today than in the "dust bowl" days of the 1930's. With farm income currently at the lowest level since the depression, farmers cannot afford to implement expensive soil conservation measures themselves. To the contrary, even greater concentrations of agricultural chemicals are now applied to our cropland to produce bigger harvests in an attempt to squeeze short-term profits from a fast disappearing resource.

A principle reason for the failure of our federal soil conservation programs is the fact that most federal assistance, administered by the Soil Conservation Science (SCS), is devoted to "structural" solutions such as flood control dams, irrigation systems, and drainage projects.

These "solutions" often inflict extensive damage to wetlands and riparian habitat, natural systems that themselves help to reduce flood damage and soil erosion if protected. Other "non-structural" solutions such as shelter-belts, no-till farming, and the elimination of agricultural subsidies are ignored.

No. 11. We request that your environmental message (1) direct the Small Watershed Program of the SCS to emphasize soil erosion control and de-emphasize environmentally damaging flood control and drainage activities, and (2) direct the payment-in-kind (PIK) program to target wetlands, highly-erosive lands, and riparian flood plains as high-priority lands to be taken out of production under the program.

U.S. LEADERSHIP ON GLOBAL ENVIRONMENTAL PROBLEMS

Until 1981, the United States set the standard for the world on issues relating to the conservation and wise use of natural resources. The force of our example has inspired many other countries, developed and developing alike, to tackle their own problems of pollution and natural resources degradation. Throughout the 1970's, the United States championed efforts to convince other nations to join with us in negotiating international agreements addressing global environmental issues and, through our demonstrated interest, vastly increased global awareness of the connection between environmental and economic progress.

Unfortunately, your Administration has effectively removed the United States from any leadership role on international environmental issues. One of your very first actions in office was to rescind a farsighted Executive Order (E.O. 12264) designed to discourage the sale overseas of toxic and other hazardous substances banned from use in the United States. Instead of working with other industrial nations to address problems posed by toxic chemicals, the United States is now actively opposing (1) an initiative proposed by the Organization for Economic Cooperation and Development (OECD) to harmonize procedures among industrialized countries concerning the testing and control of toxic chemicals, (2) negotiations which seek protection of the earth's vital ozone layer, and (3) a moratorium on ocean dumping of low-level radioactive wastes, a stand inconsistent even with U.S. law.[14] The United States was also the only country in the world to vote against UN resolutions calling for (1) controls on hazardous exports, and (2) adoption of a World Charter for Nature.

Collection of data on global environmental and natural resources trends has also stagnated under your Administration and the U.S. has even pressured OECD to drop its work in this area. Important scientific research and conservation programs are being threatened with elimination because your proposed fiscal year 1984 budget zeroes out funds for (1) the Man and the Biosphere program, (2) Antarctica research, and (3) implementation of the Western Hemisphere and World Heritage Conventions. Your Administration is also trying to cut the United States' contribution to the United Nations Environmental Programme (UNEP), the environmental conscience of the UN, to $3 million, a 70-percent reduction from the 1980 level. Finally, your Administration has taken no action to carry out the recommendations of its own Strategy Conference on Biological Diversity held in 1981, or the Global 2000 Report to the President issued in 1980.

No. 12. We request that your environmental message reverse these actions and commit this Administration to restoring the United States to a position of responsible leadership on international environmental issues.

FOOTNOTES

[1] For example, one criteria for sale is whether more than 50 percent of the land within a forest is federally owned. Several national forests in the eastern part of the U.S. are not more than 50 percent federally owned because they were authorized by Congress for acquisition, not withdrawn from public land holdings, and this Administration has attempted to freeze new acquisitions. This is like selling a house solely because construction is only 40 percent complete.

[2] These programs are (1) wildlife habitat management, (2) rangeland improvement, (3) soil, water and air management, and (4) recreation management. Operational funds for these programs fell from $158.9 million in FY 1981 to a proposed $85.2 million in FY 1984.

[3] These programs are (1) energy minerals programs and (2) non-energy mineral development. The exact amount of these increases cannot be determined from available information since some activities within this classification have been transferred to the Minerals Management Service.

[4] Total U.S. Fish and Wildlife Service appropriated funds in FY 1981 were $300.1 million. The Administration's FY 1984 request was $265.4 million, including no funds for refuge acquisition.

[5] "Overgrazed" is defined as rangeland in which the quality of vegetation and soil is 20 percent or less of site potential.

[6] Status and Trends of Wetlands and Deepwater Habitats in the Coterminous United States, 1950's and 1970's, U.S. Department of Interior, Fish and Wildlife Service, Office of Biological Services (1982).

[7] Statement of Robert A. Jantzen Before the House Committee on Merchant Marine and Fisheries, Subcommittee on Fish and Wildlife Conservation and the Environment, November 20, 1981.

[8] Memorandum from Director, Bureau of Land Management, to Secretary, December 3, 1981. Subject: BLM Water Rights—Stockwatering.

[9] Solicitor Opinion of September 11, 1981. Non-reserved lands are BLM lands that have not been designated for a particular use, such as wilderness or national recreation areas.

[10] Solicitor Opinion of February 18, 1983.

[11] Technologies and Management Strategies for Hazardous Wastes, Office of Technology Assessment (March, 1983), p. 5.

[12] The one exception is the existing regulation of trihalomethanes.

[13] "EPA to OMB: Massive Noncompliance Found with Groundwater Monitoring," Inside EPA, April 1, 1983, at 1.

[14] A 1982 Amendment to the Ocean Dumping Act established such a moratorium.●

SAFE HAVEN FOR CENTRAL AMERICAN REFUGEES

● **Mr. KENNEDY.** Mr. President, for more than 2 years, I have been pressing the administration to alter its policies toward Salvadoran and other Central American refugees who are fleeing the escalating violence in the region—especially toward those who have reached the United States.

Despite strong representations from many quarters, especially the voluntary agencies, but also the U.N. High Commissioner for Refugees, the administration has closed our doors to those Salvadorans who do not want to return to their country during this time of violence and spreading conflict. The administration has turned its back on the past practice of grant-

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ing such persons extended voluntary departure and has set about upon a policy of systematically deporting and denying asylum to Salvadorans.

The evidence of this has been painfully clear for many months. Since I wrote to then-Secretary of State Haig on April 6, 1981, the administration has consistently refused to acknowledge the severity of conditions in El Salvador that would justify the granting of extended voluntary departure.

Not surprisingly, this record of indifference toward the plight of Salvadorans came to the attention of the Office of the U.N. High Commissioner for Refugees. Representatives from the Washington liaison office made an extensive tour in October 1981 throughout the Southwest, reviewing the treatment of Salvadorans by the Immigration Service.

Their report, which I inserted into the RECORD last February 11, was an extraordinarily discouraging one for those of us who have noted with pride America's uninterrupted tradition of welcoming and assisting those fleeing violence or persecution. At the time, the UNHCR staff recommended that:

> UNHCR should continue to express its concern to the U.S. Government that its apparent failure to grant asylum to any significant number of Salvadorans, coupled with continuing large-scale forcible and voluntary return to El Salvador, would appear to represent a negation of its responsibilities assumed upon its adherence to the Protocol.

Mr. President, things have not improved since that shocking conclusion was reached by representatives of the UNHCR over a year ago. Only a handful of asylum cases have received favorable action, and extended voluntary departure continues to be denied. We are deporting hundreds of Salvadorans back to an uncertain fate every month.

This continued policy of rejecting the appeals for help from Central American refugees has understandably alarmed many Americans, especially those serving in America's voluntary agencies.

Last week, the American Council of Voluntary Agencies for Foreign Service unanimously issued a statement calling for a safe haven policy toward Central American refugees—particularly those from El Salvador and Guatemala. It is an eloquent and accurate statement, Mr. President, and I ask that it, along with a recent editorial from the New York Times, be printed in the RECORD.

The material follows:

STATEMENT ON SAFE HAVEN FOR CENTRAL AMERICAN REFUGEES

We feel compelled to express our concern over current national policy towards certain Central Americans arriving in the United States.

We are particularly concerned over the expulsions of Salvadorans and Guatemalans from this country and the possible consequences which they may face upon return to their homelands. We believe that the concept for "safe haven" from persecution and warfare established in the traditional principles of this nation must be reaffirmed and immediately extended to Central Americans arriving in the United States as a country of first asylum.

Large numbers of Salvadoran and, recently, Guatemalan nationals have arrived in the United States over the last three years. Some estimates indicate that over 250,000 Salvadorans alone have entered the United States since early 1980. Many, if not most, of these nationals and others from Central America are arriving as refugees fleeing conditions of generalized civil warfare and widely acknowledged, pervasive human rights abuse in their homelands.

Since early 1980, international observers have frequently characterized the internal situation in El Salvador as one of widespread civil warfare. The acknowledged level of human rights violations has been extremely high, with most sources indicating at least 30,000 civilian deaths since the beginning of 1980. More recently, well-documented reports indicate killings throughout rural Guatemala, primarily of indigenous peasants.

Salvadorans and Guatemalans entering or seeking entry into the United States have, according to American government pronouncements and practice, been treated as "ordinary" undocumented aliens on the explicit presumptions that their motives for entry are economic. Large numbers of Salvadorans and Guatemalans continue to be apprehended and deported or encouraged to return voluntarily to their homelands each month by U.S. authorities, despite reports that some of those returned have been persecuted or even killed.

Extended voluntary departure, an existing remedy for temporary safe haven applied in other similar situations to protect nationals from being returned to countries in which their lives would be threatened, has not been made available, nor is the existing asylum determination process meeting the need for provision of protection.

Member agencies of the Migration and Refugee Affairs Committee of the American Council of Voluntary Agencies, reflecting both religious and secular perspectives and heritages, strongly reaffirm the right of these Central American refugees to remain in safe haven in the United States.

The agencies recognize the government's concern to avoid blanket consideration of groups seeking safe haven. However, the agencies firmly believe that the United States cannot depart from its long historical tradition of responding to humanitarian emergencies. It must not establish a system which precludes such responses.

In denying individual requests for asylum and in dismissing consideration of extended voluntary departure protection, the government has argued that many Salvadorans fleeing are merely innocent neutrals caught in a crossfire and that most are motivated primarily by economic considerations. As a consequence, Central American refugees are treated as undocumented aliens and simply part of the larger illegal immigration problem.

It is clear, however, that the situations of El Salvador and Guatemala, like so many others in the world, are precisely those which motivate refugee flight. That flight is a natural and predictable response by people to escape crossfire and the danger of pervasive random violence. These are situations from which refugees must be protected.

The office of the United Nations High Commissioner for Refugees has declared that all Salvadorans who have left their country since early 1980 are in a refugee-like situation and should be provided the protection from refoulment afforded refugees recognized under the United Nations Convention and Protocol Relating to the Status of Refugees. UNHCR explicitly based this determination on the internationally-recognized conditions of civil warfare and the impossibility of making individual refugee determinations on a case-by-case basis given the large numbers fleeing and the presumption of collective danger.

The other nations through which refugees travel to reach the United States—Honduras, Guatemala and Mexico—have not signed or ratified the UN Convention and Protocol Relating to the Status of Refugees. Legal protection from refoulment is not assured even in Mexico, let alone Guatemala or Honduras. Nonetheless Mexico alone currently harbors over two hundred thousand Salvadoran and Guatemalan refugees according to UNHCR estimates, despite its economic inability to meet even their most minimal needs. The current minimal levels of international refugee assistance to the region must be substantially increased if even more are not to be forced to seek refuge in the United States.

The argument that Central American refugees should stay in Mexico as their first country of asylum is based on the presumption that the refugee knows in advance where one should or should not go. However, the nature of rapid flight precludes such premeditation. It is overwhelmingly the case that those coming have family relatives here in the United States. We cannot deny the logic of people going to where their relatives are. therefore, while supporting other first asylum countries in their efforts to cope with refugees, the United States must recognize that it has also become a country of first asylum. It must thus be prepared to offer protection to those fleeing persecution and civil war as our neighbors are doing both to the south and the north.

Through the daily work done by our local affiliates directly with Salvadoran and Guatemalan nationals and in the face of countless testimonies of families and lives destroyed by violence, we have been convinced of the validity of their claim to and need for protection. We have also heard with increasing frequency reports of persecution, disappearances and deaths of individuals expelled from the United States and returned to El Salvador and Guatemala. While it may be true that some of those returned face no more danger than those who stayed, as has been argued by our government in justifying deportations, this is precisely the point. The entire populations are subject to terrorization and randome killings.

The understanding our constituencies have reached through their direct responses to the needs of those refugees has led some groups to make increasingly dramatic gestures challenging current U.S. policy towards them, namely offering "Sanctuary" to Central Americans fleeing the violence of their homelands. The voluntary agencies, because of who we are, do not like to see our own constituencies forced to question the legitimacy of government policy.

Current national policy is counterproductive. Continuing this policy will not discourage those compelled to flee their homelands from seeking safe haven in this country.

In conclusion, we ask that extended voluntary departure be granted on a comprehensive basis to Salvadoran and Guatemalan nationals seeking safe haven in the United States. We believe that this will meet the humanitarian and legally compelling need to provide protective safe haven and that for most it will be temporary. They want to go home. This status has been implemented in the past in similar circumstances and persons granted this safe haven here returned home when conditions permitted.

CONCERNED AGENCIES

American Council for Nationalities Service.

American Friends Service Committee.

American Fund for Czechoslovak Refugees.

American Jewish Joint Distribution Committee.

Buddhist Council for Refugee Rescue and Resettlement.

Church World Service of the National Council of Churches of Christ in the U.S.A.

HIAS (Hebrew Immigrant Aid Society).

International Rescue Committee.

Lutheran Immigration and Refugee Service.

Migration and Refugee Services, United States Catholic Conference.

Polish American Immigration and Relief Committee.

The Presiding Bishop's Fund for World Relief/The Espiscopal Church.

Tolstoy Foundation.

World Relief of the National Association of Evangelicals.

[From the New York Times, May 31, 1983]

WHY POLES BUT NOT SALVADORANS?

This is a story about a case of bureaucratic doubletalk, which is harmless, and a double standard, which is not. The doubletalk is "extended voluntary departure," which means giving visitors to this country a port in a sudden storm. The double standard is that the United States gives such refuge to people from most of the world, but not to people from El Salvador. Why not?

There are refugees and there are refugees. Some come here precisely to find a permanent haven from persecution—Jews fleeing Hitler in the 30's, boat people fleeing Vietnam in the 70's. But others come here as visitors and are turned into refugees, while here, by events at home. To force them to return before the turmoil ends might be a death sentence.

The Ugandans, for example, who were here during Idi Amin's bloody last days . . . or the Iranian students in colleges across the country when the Ayatollah came to power . . . or the Poles visiting in this country when martial law was declared in theirs . . . or, now, the Salvadorans.

Some societies provide for temporary safe haven by law. American law makes no such provision but this country has evolved an informal one, under the Attorney General's prosecutory discretion: extended voluntary departure. That means if you are in a class of people found to need temporary haven in an emergency, you can stay. Even if your visa expires tomorrow morning, you have an extra six months, say, to wait out the storm back home, maybe longer.

For instance, if you are a Pole who was caught here when martial law was declared in your homeland in December 1981, your extended voluntary departure deadline is about to be extended yet again, to December 1983. Over the years, the Government has granted this kind of haven to other nationalities, too—Cubans, Czechs, Chileans, Ethiopians, Nicaraguans, Ugandans and Afghans. Why does this Administration refuse to grant such safe haven to Salvadorans?

One explanation concerns danger. State Department officials contend that the violence in El Salvador is not sufficiently intense or widespread to justify extended voluntary departure. It's a puzzling argument, coming just at the time the Administration wants Congress to spend much more to help end the Salvadoran violence.

It would appear to be precisely in our foreign policy interest to affirm that conditions in El Salvador are dangerous, not to deny it. Nor would acknowledging the violence disparage the Government that the United States wishes to assist.

A second, more plausible explanation is numbers. There are only about 5,000 Poles affected by extended voluntary departure but probably 100,000 Salvadorans—or more. Not many Poles are able to sneak into this country to take advantage of the grant of temporary haven. But officials fear that a great many Salvadorans would try sneaking in if they became eligible for it, turing it into a de facto amnesty for illegals.

Perhaps so, but what does that have to do with peril? If El Salvador is dangerous, as the State Department reports in other contexts, then forcing Salvadorans to return home may subject them to danger and death. Why does the Reagan Administration err on the side of peril? Why not, temporarily, err on the side of safety? Why let Poles stay but not Salvadorans?

Fairness, not to mention humanity, calls for a better answer.●

SUPPORT FOR NASA FISCAL YEAR 1984 AUTHORIZATION BILL

● Mr. **RIEGLE**. Mr. President, yesterday the Senate approved the 1984 NASA authorization measure. The committee bill, which represents a 6.4-percent increase over fiscal year 1983 NASA authorization levels, will allow a number of key programs to continue.

We all take great pride in the success of the U.S. space shuttle program, but we must not overlook the fact that other elements of our space program have been greatly hindered by funding reductions. Last year, Congress reversed a negative trend by increasing Federal support of space science research and exploration, particularly at the university level. Although recent congressional actions are a positive sign, I believe that the funding levels are still inadequate if the United States hopes to maintain its role as a leader in space. Countries such as Japan, Germany, France, and the U.S.S.R. appear more willing to commit national resources to space science research and exploration. This issue is more than simply one of national pride. University research activities serve as the training ground for the future generations of scientists and engineers which are in such great demand by all sectors of our economy.

In many cases, the action of the Commerce Committee merely allows a number of NASA programs to keep pace with inflation. In other programs significant investments have already been made and require continued funding if project benefits are to be realized. NASA's upper atmosphere research satellite program (UARS) is a specific example of a program which would be crippled by the administration's current budget recommendation. The UARS satellite, scheduled for launch in 1988, will provide the first global measurements of stratospheric ozone, temperatures, and winds valuable for improving weather prediction as well as for assessing global environmental conditions. Research teams at the University of Michigan, who have been actively involved in the UARS program since its inception, informed me that the administration's budget recommendation will seriously jeopardize the program's success. Office of Management and Budget budget cutters often fail to consider the fact that even small budget reductions at critical project phases can result in project delays of multiple years or even cancellations. U.S. scientific teams cannot operate effectively or even survive in the on-again- off-again budgetary policies of the administration. The $4 million addition to the UARS fiscal year 1984 budget being recommended by the Commerce Committee, although below full project needs, will allow minimum project needs to be met. The true measure of the Federal commitment to the UARS program awaits fiscal year 1985 budget deliberations which will discuss required funding for spacecraft development.

I hope that the fiscal year 1985 NASA budget recognizes both the social and economic benefits which result from space research and exploration activities. I would like to commend my colleagues on the Commerce Committee for their responsible actions, and I urge all Senate Members to support this legislation.●

THE TRAVESTY OF LEGALIZED MURDER CONTINUES

● Mr. **HUMPHREY**. Mr. President, yesterday, the highest Court in the land handed down a decision which serves to facilitate the tragic process through which our Constitution is used to protect and defend the right to destroy the unborn. In essence, the Court struck down laws established in several States which sought to provide safeguards to protect the health of the mother, and which sought to insure that informed consent will accompany any abortion decision.

This Senator continues to believe to the depth of his being that abortion is simply the unjustifiable taking of innocent human life, and that the tragic 1973 Roe against Wade decision deprived an entire class of human beings of basic constitutional protections which the rest of us take so casually

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for granted. My particular sense of regret over this most recent Court decision rests in the fact that it serves to broaden the Roe decision and curtail even further limited rights that remain in the States to express the will of their citizens through elected representatives with respect to the abortion issue.

In the absence of specific constitutional language on abortion, the 1973 Court found itself in the position of having to balance apparently conflicting rights of the States and of women on the authority to terminate a pregnancy. The die was cast overwhelmingly in favor of privacy and personal liberty, the most tragic consequence of which was the fact that, in the midst of the progress of defining constitutional rights, the most fundamental right of all—that of preborn children to continue living—fell to the wayside where it has lain ever since.

Mr. President, the Senate will have the opportunity later this month to make a firm statement on this issue. Senate Joint Resolution 3, cosponsored by our distinguished colleagues Senators HATCH and EAGLETON, will at long last come to the floor for debate and a vote. If passed by the Congress and ratified by the States, this resolution would amend the Constitution to address specifically the abortion issue. By stating that the Constitution does not secure a right to abortion, the error of Roe and subsequent decisions would be reversed, and our States would once again hold the rightful authority they possessed to legislate with respect to abortion before the Supreme Court usurped that authority in 1973.

In a minority opinion to yesterday's decision, Justices O'Connor, White, and Rehnquist address the issue of the right of State legislatures to act in the matter of abortion:

> In determining whether the state imposes an "undue burden," we must keep in mind that when we are concerned with extremely sensitive issues, such as the one involved here, "the appropriate forum for their resolution in a democracy is the legislature. We should not forget that 'legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts.'" This does not mean that in determining whether a regulation imposes an "undue burden" on the Roe right that we defer to the judgments made by state legislatures. "The point is, rather, that when we face a complex problem with many hard questions and few easy answers we do well to pay careful attention to how other branches of government have addressed the same problem . . ."

Mr. President, my point, and the very essence of the Hatch-Eagleton amendment, is that we must defer to the judgments of State legislatures in deciding how we will regard the rights of preborn children. Judicial interpretations of ambiguous constitutional intent on the abortion question have led us to a state of affairs in which the real losers are the living human beings around whom the entire issue revolves.●

FEDERAL ELECTION COMMISSION REGULATIONS

● **Mr. LUGAR.** Mr. President, a number of people have contacted me to express concern about changes the Federal Election Commission plans to make to several of its regulations. These proposed changes were originally submitted to the Congress for its approval on March 1 of this year but without previous opportunity for public comment on certain key provisions. Together with the Senator from Nevada (Mr. LAXALT) and the Senator from New Hampshire (Mr. HUMPHREY), I introduced a resolution which would have prevented certain of these regulations from going into effect. The FEC subsequently voted to reconsider the entire package of regulations.

During this period of reconsideration, a great number of people have written the Commission protesting various aspects of these proposals. Much of the opposition has centered on those parts of the proposed regulations affecting voter guides. I concur with these protests, and urge my fellow Senators to join me in opposing their adoption.

Voter guides are pamphlets reporting candidates' stands on selected issues. These guides typically contain the candidates' responses to questions posed by the sponsoring organization and sometimes include specifics from an incumbent's voting record. Organizations of all kinds prepare and distribute these guides, which usually appear around election time. Their publication contributes to the kind of robust and vigorous debate on issues and candidates that is so much a part of our electoral process.

Current FEC regulations bar corporations and labor unions from preparing their own voter guides. The FEC bases its regulation on section 441(b) of the Federal Election Campaign Act. This section, which descends from the original Corrupt Practices Act of 1907, prohibits unions and corporations from spending moneys from their general treasury "in connection with" any Federal election. An exception is made, however, for certain nonpartisan activities such as voter registration and get-out-the-vote drives.

The FEC now proposes to include within this exception the issuance of voter guides. Unions and corporations will thus be free to prepare voter guides. To insure that these guides qualify under the nonpartisan exception, the proposed regulations contain a set of criteria that the FEC will use to determine whether a particular guide meets the test of "nonpartisanship."

The danger in these proposals resides in the possibility that the FEC intends to apply these guideline regulations to nonprofit corporations, as well as to businesses and unions. Many groups organized to promote debate on public policy issues have incorporated as nonprofits and publish voter guides and similar materials as a fundamental part of their activities. An FEC attempt to impose voter guide regulations on these groups could seriously interfere with their activities and would raise very substantial first amendment concerns.

Mr. President, it is not credible to assert that section 441(b), a statute first enacted 75 years ago to prevent large, for-profit corporations from corrupting elections, should be used to hamper the activities of small, nonprofit corporations. It is neither good policy nor sound constitutional law. The FEC can solve the problem by making it clear in their regulations that they do not apply to nonprofit corporations.

Generally speaking, I favor opening up the political process, and I support giving unions and for-profit corporations the freedom to prepare their own voter guides and distribute them as they see fit. But if the result is a loss of freedom for issue-oriented groups of all political persuasion to contribute to vigorous public debate on the issues, it is too great a price to pay.●

DRUG ABUSE

● **Mr. BIDEN.** Mr. President, Monday and Tuesday of this week the Washington Post carried reports about the increasing problem of drug abuse that is occurring across this country. The stories document that the availability of purer high-grade heroin on American streets has resulted in a 63-percent increase in overdose deaths and a 48-percent increase in emergency room admissions nationally, since 1980. The articles also indicate a rise in heroin use by the middle class.

I have spoken about this issue on numerous occasions on the Senate floor. The tragedy and pain that results to those who are addicted, their families, and friends, and those that become victims of crimes committed by the addict have been documented before. However, I find these recent accounts about increased use by the middle class to be another indicator that the problem is truly getting worse.

I must commend the President for his laudable efforts this year to devote more resources to drug enforcement and interdiction efforts. However, in my opinion, his administration, like those before him, will fail if there is not one central figure in the Federal Government with the authority to coordinate and direct what is currently a

fragmented and bureaucratic approach for our antidrug program.

The President must understand that as he creates more task forces and hopefully agrees to commit more resources to this problem, coordination and single direction become even more important. The General Accounting Office has documented the need for central control and stronger management of our drug interdiction and enforcement effort in their recently released report entitled "Federal Drug Interdiction Efforts Need Strong Central Oversight."

Mr. President, I ask that the following two news stories from the Washington Post, entitled "Cheaper Heroin Resulting in More Deaths" and "Deaths From Heroin Use Increasing," and a newsstory appearing in the Los Angeles Times concerning the General Accounting Office report be inserted in the RECORD.

I also ask that the executive summary of the General Accounting Office report to which I just referred be inserted in the RECORD as well.

The articles follow:

[From the Washington Post, June 13, 1983]

DEATHS FROM HEROIN USE INCREASING

MIDDLE-CLASS ADDICTION ON RISE

(By Ronald Kessler)

Deaths and emergency room admissions from heroin overdoses have increased dramatically in the past three years both nationally and in the Washington area, according to federal figures, and many experts say the increases are caused in part by a rise in heroin use by the middle-class.

Deaths from heroin overdoses since 1980 have risen 63 percent nationally and 96 percent in the Washington area, the figures show. Heroin-related emergency room admissions have risen 48 percent nationally and 16 percent locally.

In all, there were 11,538 emergency room admissions and 771 deaths nationwide related to heroin use in 1982. In the Washington area, there were 865 heroin-related emergency room admissions and 133 deaths attributed to heroin last year.

"The [heroin] problem is back to the way it was in the 1970s, when it was epidemic," said Dr. Robert L. DuPont, president of the American Council for Drug Education. "What is new is the big increase in the use by middle-class people, which had never happened before."

"There's been a dramatic increase in the past three years in deaths from heroin overdoses," said Dr. James L. Luke, the District's medical examiner until last month. Since the city first began recording the statistics in 1971, he said, there has never been such a high level of deaths.

The federal figures from the National Institute on Drug Abuse also show that since 1975, whites entering programs for treatment of newly acquired heroin habits have exceeded blacks. Although total hospital admissions and deaths from heroin overdoses are not as high nationally as they were in the peak years of 1974 through 1976, they have exceeded those years in the eastern part of the country.

The relationship between heroin usage and deaths and hospitalizations attributable to its use cannot be firmly established since overdoses can occur because of changes in the purity of the drug sold to addicts and other factors. The national heroin problem, experts also emphasize, continues to be concentrated among the urban poor.

"What is clear is that there has been an increase in middle-class heroin addicts," says Dr. William Pollin, director of the National Institute on Drug Abuse. In part, he says, that increase can be attributed to those who as teen-agers used marijuana and LSD in the 1970s and have now moved on to heroin. In addition, he said, it has become stylish for cocaine users to level-off the high they achieve from that stimulant with heroin, a depressant.

"I have consulted with a number of physicians, captains of industry and attorneys who use heroin on a very regular basis, even daily. Most got into it through their use of cocaine," says Dr. Ronald K. Siegel, a psychopharmacologist at the University of California School of Medicine. "It [heroin] appealed to them as a euphoriant."

Locally, Dr. Tom Stair, assistant director of the Georgetown University Hospital emergency room, says one to two dozen middle-class heroin users come to his center each year with overdoses.

The apparent spread of heroin use was highlighted last month by the arrest and guilty plea of Eric M. Breindel, a staff member of the Senate Select Committee on Intelligence, on charges that he bought $150 of heroin from an undercover police officer in a Holiday Inn in Northeast Washington.

A magna cum laude graduate of Harvard College with a Harvard Law School degree, the 27-year-old Breindel acknowledged to prosecutors he had been taking heroin sporadically since undergraduate days, sources familiar with the case say.

"Some argue our society is falling apart," says Dr. Donald R. Jasinski, scientific director of the Addiction Research Center in Baltimore. "Others will argue we have a youth movement and a breakdown of morality. But people have been taking narcotics in this country for 100 years. The bottom line is nobody knows why people take heroin."

Says a Washington businessman now undergoing heroin treatment at the Psychiatric Institute's Drug Rehabilitation Center in Washington: "You don't say to yourself, 'I am going to be an addict and ruin my life.' It's a gradual thing that starts with snorting, then the needle . . . . I don't know why I did it. It was something else to do."

"The critical thing is it works," says DuPont. "It makes you feel good. The question is, do you cross the threshold [to trying it]."

All heroin users do not become immediately addicted, experts say. Some may "chip" the drug for years, taking it just on weekends. Others, however, take it daily and become addicted within a matter of weeks.

Once physically addicted, a person cannot get off the drug without experiencing severe withdrawal symptoms—explosive vomiting, extreme contractions of the intestines, weakness, shaking, sweating, dilation of the pupils and abdominal pain.

What many people do not realize, DuPont says, is that addicts often continue to function in their jobs for some time before any impact becomes evident. "Once a skill is acquired, it is amazing how long it can go before the heroin has an effect, he says. "Other things—personal relationships, for example—will fall apart first. It could go on for years."

For the casual and addicted user alike, heroin is an expensive diversion. A bag, or "quarter" of heroin—named for the quarter of a teaspoon it equals—costs about $35 to $40 in Washington and $100 to $200 in Virginia. Each bag is good for one shot, and a typical drug addict takes from one to four shots a day.

Says a 31-year-old Washington area banker trying to get off a $150-a-day habit at the Psychiatric Institute, "I did it just for the kicks."——

[From the Los Angeles Times, June 14, 1983]

DRUG CRACKDOWN LARGELY INEFFECTIVE, GAO SAYS

DESPITE TRIPLED SPENDING, ONLY 10 PERCENT OF SUPPLIES ARE SEIZED

(By Ronald J. Ostrow)

WASHINGTON.—Despite a tripling between 1977 and 1982 of federal spending to cut off the flow of illicit drugs into the United States, authorities are seizing less than 10% of dangerous drugs entering the country, a highly critical report by congressional investigators concluded Monday.

The General Accounting Office study found that "program fragmentation," with three Cabinet agencies responsible for interdicting drugs, is hampering the effort, which the GAO said would cost "billions" of additional dollars to succeed. In 1982, $277.9 million was earmarked for interdiction, up from $83 million in 1977.

"The low percentage of the drug supply seized, decreasing street drug prices and increasing drug purity indicate that drug availability, the primary target of interdiction, the primary target of interdiction, has not been seriously affected," the study said.

"Although federal agencies have seized large drug quantities, a seemingly inexhaustible supply offsets that being seized."

Justice Department officials, noting that the report is based on 1977-1982 data, dismissed the criticism as outdated. They said it did not take into account the interdiction work of the Administration's South Florida task force and President Reagan's creation of 12 regional drug task forces last October that cross agency lines to attack the link between narcotics and organized crime.

"Major work on the report was done over a year ago," Stanley E. Morris, deputy associate attorney general, said. The fight against illegal drugs is the centerpiece of the Reagan Administration's war against crime.

GAO investigators said that they had not been able to obtain from the Drug Enforcement Administration an assessment it had done of the South Florida operation and thus were unable to evaluate it.

NOBODY IN CHARGE

In addition, Edward H. Stephenson, the main GAO investigator assigned to the report, said the GAO already has begun evaluating the 12 regional task forces and is finding that "nobody is really in charge, and they are being run by committee."

Instead of additional resources going to 12 task forces, they actually are being divided among 70 of the nation's 93 U.S. attorney's offices. Stephenson contended. A full report on the task forces is expected by the end of the year, he said.

The creation of the task forces and the involvement since January, 1982, of the FBI in the drug war "make it all the more important that someone have clear authority to oversee these (anti-drug) efforts," the GAO study said.

In the report, the GAO renewed its call for creating central oversight of federal

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drug enforcement. In January, Reagan vetoed a crime package that included creation of a Cabinet-level "drug czar," contending that it would add an unnecessary layer of bureaucracy and cause confusion.

As examples of the kind of problems produced by lack of central coordination, the GAO cited "double counting" of drug seizures by the agencies involved that makes it "impossible to get an accurate count of drugs seized" and lack of information on why prosecutions are declining and how courts finally dispose of cases.

In the New Orleans region, the U.S. Customs Service, the Coast Guard and the Drug Enforcement Administration each counted separately five drug seizures that totaled 200 tons of marijuana, the GAO found. As a result, there was a 400-ton overstatement of marijuana seized in fiscal 1981 in the region, according to the report.

Cheaper Heroin Resulting in More Deaths

(By Ronald Kessler)

Increasing supply, diminishing price, and greater purity have contributed to a dramatic increase in deaths and emergency room admissions for heroin overdoses in the past three years, according to Drug Enforcement Administration officials.

Paul D. Newland, chief of the strategic heroin unit of DEA's office of intelligence, said yesterday that the average price of a milligram of heroin has dropped nationally from $2.34 in 1980 to $2.22 in the first quarter of this year, despite a 19 percent rise in consumer prices overall.

At the same time, he said, the average purity of heroin sold on the street has increased from 4 percent to 5.6 percent.

"There is an increase in availability," Newland said. "We've seen a big movement towards increasing purity, which means greater supply."

Like any commodity, heroin is subject to price changes based on supply and demand. In the heroin economy, officials said, a drought in the poppy fields of Afghanistan, a drug crackdown in Mexico, or more efficient laboratory processing methods can influence the supply and therefore the price and average purity of the bitter, white, oderless powder.

Over the years, the chief sources of supply of the opium poppy needed to make the morphine base that, in turn, is made into heroin have varied. Currently, according to DEA officials, roughly 55 percent of heroin used in the United States comes from Southwest Asia, primarily Pakistan and Afghanistan.

About 85 percent of heroin bought and sold in the Washington area comes from the Southwest Asia region, officials said.

The DEA's Newland attributed those percentages to diminished availability of heroin from Mexico because of that government's program of spraying the poppy crop with poisons. Also, there has been a drought in Southeast Asia, and there was a crackdown on farming of the crop by Turkey beginning in the 1970s.

Federal Drug Interdiction Efforts Need Strong Central Oversight

SUMMARY

Despite increasing resources for drug interdiction, only a small percentage of drugs entering this country are seized. The authority and responsibility for federal drug interdiction efforts are split among three executive departments (Justice, Treasury, and Transportation), each with different programs, goals, and priorities. The current administration has emphasized joint task forces to improve coordination. Although the establishment of these groups has improved operational coordination, no one individual has the information or responsibility to evaluate Federal drug efforts and recommend corrective actions.

GAO makes recommendations to the President to strengthen central oversight of the Federal drug enforcement program. Also, interdiction efforts can be further enhanced by improving the quality and timeliness of intelligence data and through well planned and coordinated use of military assistance.

DIGEST

Drug abuse in this country is a persistent and growing problem. Interdiction of illegal drugs, one component of Federal efforts to reduce the drug supply, has had limited impact on the drug flow. Despite increasing resources for interdiction, only a small percentage of drugs entering this country are seized.

WHY THE REVIEW WAS MADE

GAO conducted this review because of the significant increases in resources devoted to drug interdiction programs and because of the continuing vast amounts of drugs smuggled into the country. GAO's objectives were to evaluate the results of interdiction programs, the extent of cooperation and coordination among the various agencies, the role of intelligence in interdiction efforts, and the ability of the military to assist in drug interdiction.

INTERDICTION—ONE PART OF THE FEDERAL DRUG STRATEGY

Federal efforts to attack the supply of illegal drugs have three major components: international programs aimed at drug-producer countries, interdiction of drugs at the border, and domestic law enforcement.

Federal interdiction efforts include inspections of international travelers and cargo by the U.S. Customs Service inspectors, air and marine interdiction efforts of Customs patrol officers, and sea interdiction by the U.S. Coast Guard. The Drug Enforcement Administration (DEA) supports interdiction through the provision of intelligence and by investigating and presenting interdiction cases to U.S. attorneys.

INTERDICTION RESULTS REMAIN LIMITED

Federal resources devoted to drug interdiction more than tripled from 1977 to 1982—from $83 million to $278 million. The Coast Guard's drug interdiction program comprises the majority of this increase. Meanwhile, funds for other facets of the Federal drug supply reduction program—international drug activities and domestic law enforcement—remained relatively constant.

Despite these increases, only 16 percent of the marijuana and less than 10 percent[1] of heroin, cocaine, and dangerous drugs that are entering this country are seized through total drug enforcement efforts. Also, 95 percent of the individuals arrested in interdiction cases are low level violators and when convicted usually spend less than a year in jail.

Joint special projects conducted by two or more agencies have proven especially effective in attacking drug smuggling. Of particular note are special DEA investigations that involve Customs and the Coast Guard resources.

PROGRAM FRAGMENTATION LIMITS EFFECTIVENESS OF INTERDICTION EFFORTS

The authority and responsibility for Federal drug interdiction efforts are split among three separate agencies in three executive departments. Each agency has different programs, goals, and priorities. And, although the level of cooperation is increasing, especially in South Florida, such fragmentation has a certain amount of inefficiency and interagency conflict built in.

Congressional oversight and executive branch resource allocation decisions relative to drug interdiction are difficult under these circumstances. The budgets of the three agencies are developed in separate departments, reviewed by different OMB branches, and funds are authorized and appropriated by separate congressional committees. Also, very little information is available, either by agency or in the aggregate that can be used as a basis for evaluating program results. Aggregate seizure statistics are sometimes overstated when there is more than one participating agency, and very little case disposition information on arrestees is maintained.

Another issue related to program fragmentation is the lack of a definitive policy regarding followup investigations of interdiction cases. Under the current division of responsibilities, DEA conducts followup investigations on the Coast Guard's or Customs' arrestees. DEA usually performs followup investigations only if the cases (less than 40 percent) will be prosecuted by a U.S. attorney. Consequently, information which could be of value to future investigations is not being obtained on the majority of the interdiction cases.

Fragmentation of Federal efforts has long been recognized as a major problem. To help remedy this situation, Congress passed legislation in 1972 and 1976 that requires the President to develop a comprehensive national drug strategy and to appoint a drug abuse policy coordinator. While various drug strategies have been prepared over the years, the most recent in October 1982, none has adequately defined the various agencies' drug interdiction roles. Furthermore, the drug abuse policy coordinator has never had the authority to exercise the necessary policy and priority-setting oversight of Federal drug efforts.

The current administration has organized or proposed several new groups to help coordinate Federal drug efforts. The South Florida Task Force, under the direction of Vice President Bush, was an excellent example of a cooperative effort by all the major Federal agencies involved in drug enforcement efforts. While these efforts have certainly improved operational coordination among the various agencies, these coordination mechanisms still do not provide a composite picture of all Federal resources devoted to drug enforcement or provide a basis for allocating these resources in terms of budgetary priorities.

BETTER, MORE TIMELY INTELLIGENCE NEEDED

The effectiveness of Federal interdiction efforts depends a great deal on intelligence support capabilities. Statistics on the use of prior intelligence to support interdiction, as well as certain special projects, indicate the value of good, timely intelligence.

Drug source and transit countries are valuable sources of intelligence that can be used to support interdiction efforts. However, Customs and Coast Guard must rely on DEA to provide this intelligence. Yet, the international programs of DEA and the Department of State do not place a high priority on supporting interdiction efforts. For example, a stronger intelligence program is needed in the Caribbean, a major transit area for drug smuggling.

DEA, Customs, and the Coast Guard all have domestic intelligence programs, and some intelligence processing and analysis has been centralized at the El Paso Intelligence Center. The Center can be more effective if better supported and utilized by the agencies involved in drug interdiction. Moreover, certain Customs and Coast Guard intelligence analysis functions should be transferred to the Center.

MILITARY ASSISTANCE INCREASING

The military departments have provided some limited assistance to drug enforcement agencies over the last several years. Changes to the Posse Comitatus Act in December 1981, which further defined the extent of allowable military involvement in support of civilian law enforcement, have resulted in a greater role for military resources in drug interdiction.

Although military assistance can be beneficial, it is also necessarily limited because major long-term commitments of military assistance can adversely impact the military's primary mission; military equipment is expensive to operate and, for the most part, reimbursement is beyond the financial capabilities of law enforcement agencies; and disclosure of classified military systems in court might be required and this could compromise national security.

RECOMMENDATIONS

GAO recommends that the President direct the development of a more definitive Federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities and make a clear delegation of responsibility to one individual to oversee Federal drug enforcement programs.

This report also contains a number of recommendations to the Director, Office of Management and Budget; the Attorney General; and the Secretaries of Treasury, Transportation, and State to accumulate drug enforcement budgeting data, develop a management information system, and strengthen drug interdiction intelligence efforts.

AGENCY COMMENTS AND GAO'S EVALUATION

The Departments of Justice, Treasury, Transportation, State, and Defense provided written comments on the draft report. The draft report was discussed with OMB officials. The White House Office of Policy Development and the Office of Drug Abuse Policy elected not to comment on the draft.

With respect to GAO's recommendations to the President, the Department of Transportation concurred with the recommendations; the Departments of Treasury, State, and Defense did not specifically comment on the recommendations; and the Department of Justice disagreed.

The Department of Justice pointed out a series of actions taken by the Administration toward achieving a coordinated national drug investigative effort. The Department stated that current efforts by the Administration, such as the South Florida Task Force and the President's creation of 12 new Drug Enforcement Task Forces, are intended to foster even closer Federal agency coordination. The Department of Justice also noted that legislation to create on "Office of the Director of National and International Drug Operations and Policy" was passed by the 97th Congress. President Reagan withheld his approval of this legislation noting that such a drug program manager would create a new bureacracy in the Executive Branch and compound the problems of coordination.

GAO believes, however, that the current arrangements do not provide a mechanism for optimizing coordination and implementing priorities for the allocation of limited Federal drug enforcement resources within and across all components of the Federal drug effort. Giving one individual the responsibility to oversee the entire Federal drug program, as GAO has recommended, would be an extension of the efforts to increase coordination already begun by the agencies. Such responsibility, however, should not extend to the day-to-day operations of the individual agencies, because each agency is best capable of managing its particular functions within the context of its overall agency mission.

Legislation to establish a drug operations and policy office, similar to that passed by the Congress last year, has been introduced in the 98th Congress (S. 406). Although GAO has not specifically analyzed this legislation, GAO's findings support the concept of central drug oversight, which is a major objective of the legislation.

The Department's of Justice and Transportation supported GAO's recommendation to develop a management information system. The Department of the Treasury did not specifically comment on this recommendation. The Department of Transportation concurred with GAO's recommendation to accumulate drug enforcement budgetary data. Other agencies and departments did not comment on this recommendation. The Departments of Treasury, Transportation, Justice, and State pointed out in their comments that development of intelligence is important to an interdiction program. However, some of these agencies disagreed on how to improve the intelligence programs.

The agencies' detailed comments on all of GAO's recommendations are included in appendixes VIII through XII and GAO's analysis is presented in relevant sections of the report and at the ends of chapters 2, 3, 4, and 5.●

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[1] These and other such estimates in the report were developed by GAO analysis of Customs, DEA, and National Narcotics Intelligence Consumers Committee data.

ALTERNATIVE FINANCING FOR CLINCH RIVER—UTILITY REGULATORS UNENTHUSIASTIC

● Mr. HUMPHREY. Mr. President, as I mentioned in my Record entry of June 13, the alternative financing proposals that proponents of the Clinch River breeder reactor project have presented are by the Department of Energy's (DOE's) own admission "simply moving money around in time." Again, as the Assistant Secretary for Nuclear Energy at DOE has emphasized, the only way to find out if industry is truly interested in supporting the Clinch River project is to have them put much more of their own money on the line in the form of contributions.

Getting the nuclear industry to do this now when they face so many financial problems and have so many more attractive ways to spend their money is a tall order. Indeed, given industry's repeated admission that it has no desire to contribute any more money than it has already pledged to the project—$257 million—increased industry contributions seem highly unlikely.

The point that has not yet been made, however, is that the future of alternative financing is not simply up to the nuclear industry, that even if the utility industry should change its mind and try to contribute more to the Clinch River project, the State regulatory utility commissions have the final say.

According to a formal reply to an inquiry of mine, the National Association of Regulatory Utility Commissioners (NARUC), though, has serious reservations about approving any sort of alternative financing for the project. Specifically, it does not see how utilities could justify increased contributions to the project when so many have increased their rates and are strapped for cash. Also, it does not believe that Federal tax benefits to those that might invest in the project is any plus for the ratepayer. As NARUC makes clear, the ratepayers already carry a heavy load through rates for utilities' deferred income taxes and investment credits.

Given these difficulties, NARUC believes that the Federal Government should assume all funding for the Clinch River breeder reactor project. As NARUC notes:

> It would appear more appropriate for the Federal government to finance the Clinch River Breeder Reactor in its entirety than to burden the electric utility industry with a portion of its cost. If the project is worthwhile, then it should receive no less Federal support than the billions spent for domestic synthetic fuels technology.

Mr. President, I will not go into the unworthiness of the Clinch River project here much less that of the synthetic fuels program. But if NARUC, the key national organization representing public utility commissions, questions the wisdom of any cost sharing plan for Clinch River, I think it is important that the Senate understand the reasons. Indeed, without the support and approval of the Nations' State utility commissions, alternative financing or any sort of utility contributions will run into serious trouble no matter what the utility industry itself decides.

Mr. President I ask that the full text of my correspondence with NARUC on this issue be printed in the Record.

[The material follows:]

Iowa State Commerce Commission,
Des Moines, Iowa, June 13, 1983.

Hon. Gordon J. Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: Your letter concerning questions public utility commissions might have to proposals to increase the util-

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ities' investment in the Clinch River Breeder Reactor sent to Paul Rodgers, General Counsel of the National Association of Regulatory Utility Commissioners, has been referred to me for consideration. As Chairman of both the NARUC Committee on Electricity and the Iowa State Commerce Commission, Andrew Varley informs me that no official position on the issues concerning Clinch River has been taken; however, I can relay to you several questions and problems that occur to me as a state regulator with the conclusions formulated by the Department of Energy and Breeder Reactor Corporation regarding alternative financing possibilities.

Many regulatory agencies, by state law or regulatory precedent, either limit or do not allow utilities under their jurisdiction to recover from current ratepayers the cost of plant held for future use or construction work in progress. Some of these same jurisdictions are facing the issue of how to cope with the current and future costs of existing excess capacity and abandonment or termination of power projects that will still be a problem at the projected in-service date of the breeder reactor. To ask the nation's utilities (and ultimately the ratepayers) to invest an additional $800 million in the project during this period of financial uncertainty seems harsh.

Other concerns that state regulatory agencies may have about the Clinch River Breeder Reactor project involve uncertainties as to proper licensing safeguards, efficient construction methods, high construction costs, specific completion date, level of capacity factor, proper level of operation and maintenance expense to be charged, and market potential for energy produced. In addition, while it has been suggested that the Federal government offer enhanced tax benefits to utilities for financing the project, the fact is that the nation's utility customers already carry a heavy load through rates for deferred income taxes and investment credits.

It would appear more appropriate for the Federal government to finance the Clinch River Breeder Reactor in its entirety than to burden the electric utility industry with a portion of its cost. If the project is worthwhile, then it should receive no less Federal support than the billions spent for domestic synthetic fuels technology.

Thank you for asking for the opinions of state regulators on this important issue. If Chairman Varley and I can be of further assistance to you on this matter, do not hesitate to ask.

Sincerely,

James E. Wilson,
Director, Public Utilities Division.

—

U.S. Senate,
Washington, D.C., April 6, 1983.

Mr. Paul Rodgers,
General Counsel, National Association of Regulatory Utility Commissioners, ICC Building, Washington, D.C.

Dear Mr. Rodgers: I know that your Association has no formal position on constructing the Clinch River Breeder Reactor but I hope you might give me guidance on the sorts of questions public utility commissions might have to proposals to increase utilities' investment in Clinch River.

As you know, the Department of Energy and the Breeder Reactor Corporation recently completed studies on how the utilities might be induced to increase their investment in the project (see the enclosed conclusions of the Breeder Reactor Project). The key idea emphasized in these studies is that the utilities should invest some $800 million more dollars now to secure the benefits of the electricity sales that will be made from the plant's operation later. To encourage such investment, the studies suggest that the U.S. government guarantee that the Clinch River Project will be completed, that it will operate at projected capacity factors, and that its electricity will sell at projected prices. In addition, the studies suggest that the government offer the utilities enhanced tax benefits for investing in the project.

Would the public utility commissions challenge the utilities if they came to ask permission to participate in such a scheme? If so, what sort of concerns might the commissions have?

If you could write to us supplying answers to these questions, it would be much appreciated. My assistant, Henry Sokolski at 224-8766 is working this issue. Please feel free to call him for additional background.

With best regards, I am

Sincerely yours,

Gordon J. Humphrey.

—

National Association of
Regulatory Utility Commissioners,
Washington, D.C., April 22, 1983.

Re Investment in the Clinch River breeder reactor.

Hon. Gordon J. Humphrey,
U.S. Senator, Hart Senate Office Building, Washington, D.C.

Dear Senator Humphrey: Thank you very much for your correspondence of April 6, 1983, inquiring as to State regulatory attitudes toward utility investment in the Clinch River Breeder Reactor.

Due to the subject, I am referring your correspondence for consideration and response by the NARUC Committee on Electricity, which is chaired by The Honorable Andrew Varley of Iowa. His address and telephone number are as follows:

Hon. Andrew Varley, Chairman, Iowa State Commerce Commission, Lucas Building, Des Moines, Iowa 50319 (515) 281-5167.

We deeply appreciate your thoughtfulness in soliciting the State viewpoint in this important issue.

With warm personal regards and best wishes I am

Sincerely yours,

Paul Rodgers,
General Counsel.●

CONGRESSIONAL VIGIL FOR SOVIET JEWERY

● Mr. RIEGLE. Mr. President, the most basic human right of family members scattered throughout the world—to live together sharing in the day-to-day joys, sorrows, and experiences of daily life—has been assured through the Helsinki Accords, signed by 35 nations.

One of those signatories, the Soviet Union, has chosen to blatantly ignore this basic right of family reunification. The fact that the basic human rights of Soviet Jews are being denied is evidenced by the declining numbers of those permitted to emigrate over the past few years. Only 125 Soviet Jews emigrated in February 1983—fewer than would have left on an average day in 1979. The implications of these denials for visas are ominous. Naum Meimann, a distinguished physicist and human rights activist, is quoted in the March 20th issue of the New York Times as saying, "The total freeze on emigration only proves that Jews are seen as a commodity."

As part of the Congressional Vigil on behalf of Soviet Jewry, I wish to call attention to the plight of the following families who are but three of the thousands who have felt the pain of the Soviet Union's inhumane emigration policies.

Mr. Semyon Livshits of Taylor, Mich., has been separated from his wife, Tamera Tretyakova, and his 5-year-old son, Mark, for nearly 6 years. Mrs. Livshits and Mark have applied for exit permission more than seven times since their initial application in February 1979, without success. Semyon has never seen his young son, has never been able to read to him, play with him, and guide him through his early developing years because the Soviet Union has refused to allow this family to be reunited. This refusal has caused them severe personal pain and tremendous hardship.

Mr. Grennady Khasin, his wife, Natasha, and their daughters, Aloyona and Judith, wish to join his elderly mother in Israel where he could exercise freely his deep religious beliefs. Grennady, once a prominent professor of mathematics, is now unemployed and nearly destitute as a result of his request to be reunited with his mother in Israel. He has been repeatedly harassed, threatened with prosecution for parasitism, and has had his personal letters, Hebrew language books, and tape recorder confiscated when his house was searched. His mother, Adela Khasin, wants very much to have the comforting presence of her son with her in Israel.

Mr. Feliks Kochubievsky, a recipient of the Soviet Order of Merit for his patriotic work, has been denied the right to live with his children in Israel. Mr. Kochubievsky and his wife, Valentina, have suffered not only this painful separation, but additionally have been harassed and arrested by the Soviet KGB. Mr. Kochubievsky's attempts to establish a Soviet-Israel friendship society were denounced by the Soviet Union as counterrevolutionary. This man and his wife wish only to be reunited with their children in Israel as assured them under the Helsinki accords.

I, along with other individuals throughout the free world, will continue this solemn vigil of prayer, public speeches, and commentary urging the Soviet Union to pursue a more humane immigration policy with respect to all of its citizens.●

BALTIC FREEDOM DAY

● Mr. DOLE. Mr. President, this year, June 14 marked the 43d anniversary of the brutal occupation by the Soviet Union of the Baltic nations of Estonia, Latvia, and Lithuania. On this day, Baltic Americans also mournfully observe the 42d anniversary of the massive deportation of tens of thousands of Estonian, Latvians, and Lithuanians to Siberian concentration camps.

There was a time when the Baltic nations flourished. The governments guaranteed to their citizens the kinds of political and religious freedoms we in the United States, and all free nations, are committed to. National pride, as well as religious and political liberty, fostered cultural and intellectual prosperity.

Unfortunately, geography and world events conspired against the hard-won independence of the Baltic nations. Caught between the Stalinist Soviet Union and the rampaging Nazi war machine, the Baltic nations were relegated to the Soviet sphere of influence by the infamous Molotov-Ribbentrop pact. Almost immediately thereafter followed the Nazi blitzkreig against Poland, and the Soviet Union imposed mutual assistance treaties upon the tiny Baltic nations, taking advantage of their strategic location on the Baltic Sea.

It was not long before the Soviet Union annexed the Baltic nations and instituted a policy of Russification. A program of terror began, in which mass deportation and imprisonment were used in an attempt to destroy the culture and freedom of the Baltic peoples. Over 48,000 Estonians, Latvians, and Lithuanians suffered the horror of being kidnapped from their homes, separated from family members, and loaded into cattle cars, without any notice of where they were being sent. Between 1944 and 1949, another half million were sent to Siberian labor camps. Eighty percent of these never returned, and those few that did had suffered greatly.

OPPRESSION CONTINUES TODAY

To this day, the Soviet Union has continued its oppression of the Baltic peoples, now relying on the more sophisticated terror of the KGB, including psychiatric and psychological intimidation. Resistance has been continuous and vigorous. We must not forget the suffering of the Baltic people, just as we must never relent in our efforts to remove the yoke of Soviet oppression from these proud nations.

As cochairman of the Commission on Security and Cooperation in Europe, I have worked to monitor the conditions in Estonia, Latvia, and Lithuania, and to enforce the provisions of the Helsinki Final Act. The Soviet Union, a signatory nation, continues to violate the Final Act by its illegal occupation of the Baltic nations, by its attempts to obliterate the rich national heritage of these proud peoples, and by its repressive actions against Baltic national, religious and human rights activists. The United States is committed to the freedom of the Baltic nations. In commemoration of the 42d anniversary of the first mass deportation of the Baltic peoples, we proclaim to the world that our efforts will not cease until the Baltic nations once again stand sovereign and free among the family of nations.●

AN URGENT MESSAGE FROM OUR CHILDREN

● Mr. BUMPERS. Mr. President, there is no more urgent task facing the world's leaders today than to find a way of reducing the prospects of nuclear war. Thousands of hours have been spent in this Chamber alone considering what policies our Government should follow in order to maintain nuclear peace. Unfortunately, most of our discussions have focused on narrow technological and diplomatic issues. We also tend to couch our arguments in the sterile jargon of strategic theory, which permits us to pretend that we are not talking about the potential destruction of hundreds of millions of human beings.

For these reasons, Mr. President, I found it both refreshing and rewarding to read an open letter from Kenneth L. Howard, Jr., to parents throughout the country, that appeared in the Arkansas Gazette on May 25, 1983. Ken has provided us with a uniquely insightful and personal reflection on how the specter of nuclear war is affecting our Nation's youth. I would like to submit this letter for the record, and I commend it to my colleagues' attention.

Ken, who has just graduated magna cum laude from St. Louis University, makes the fundamental point that unless our generation moves quickly to bring the nuclear arms race under control, there may not be a world left to save by the time our children would be ready to assume the reins of leadership. Our generation let the nuclear genie out of the lamp and, for the sake of our children and our childrens' children, it is our responsibility to put the genie back. Ken reminds us that not only is it totally unfair for us to mortgage the fate of future generations, but also that without hope our children will become apathetic and demoralized. Mr. President, such a situation would be the worst of all possible worlds. We have the power to escape this fatal trap, and if we follow the advice of Ken and other leaders of the next generation, we may yet exercise enough wisdom to save the world from nuclear destruction.

The letter follows:

An Urgent Message to the Parents of 1983

(By Kenneth Howard)

This is an open letter to the parents of 1983. This is the voice of your children:

Our crying parents tell their children,
"If you survive, don't do as we did,"
Their sons exclaim, "There'll be nothing to do to,"
Their daughters say, "We'll be dead with you."
While foreign affairs are screwing rotten
Life morale has hit rock botton
Dying embers stand forgotten
And talks of peace are being trampled . . .
Stand or Fall! State your peace tonight!

—*The Fixx.*

These words, taken from a popular hit song by a new wave rock group, The Fixx, reflect the desperation and hopelessness of my generation. They are the words of an age that has been deprived of the most precious of gifts—its future. They carry a sense of urgency that is perhaps incomprehensible to your generation—or to any other for that matter.

SAPPED OF HOPE

Without a future my generation, your children, is demoralized and apathetic. We are sapped of the greatest strength—hope. Where lies the greater weakness, in your military or your children? Which can you afford to tolerate?

There are those in your generation who recognize the foolhardiness in our current defense policy. But they are complacent and willing to submit to the Powers That Be by saying, "We realize disarmament must come some day but in the meantime, what can one person do?" and they go back to sleep.

There has never been a generation of humanity that has had to come face to face with total death! That fact makes us unique in all the world's history and it explains much in our attitude.

Is this the value of our existence?
Should we proclaim with such persistence?
Our destiny really lies unconscious.
Red or blue, what's the difference?

Some try to assuage our fears by explaining to us that other ages have faced difficult periods and survived. They believe that by making this statement they can relieve the urgency we feel as the knife of oblivion presses at our necks. They seek to justify the desolation before us by labeling the current nuclear policy a matter of strength versus weakness, when we know all along that the real choice is: Life versus death.

ISSUE IS LIFE

They cannot understand how we could insist that all ideological options are subordinate to the greatest of issues, our survival. Something more basic is involved here than even that "greatest of ideological conflicts," communism versus capitalism. That issue is life, purely and simply. Without life, there can be no tomorrow in which to resolve our conflict of ideas.

The justification for supporting the senseless and immoral buildup of nuclear weapons is that we cannot afford the weakness. This age is likened to Pearl Harbor and a thousand other days when weakness and complacency invited attack.

They mortgage our future to pay for their comfort and lack of desire to sweat against the societal inertia of present government policy. They rely on their future, our generation, to find an answer to their problems. They have confidence that we can find a solution and save the day. In effect, they ask us to manufacture our own destiny, preserve our own posterity.

We are indeed willing to earn our own future (although for every generation before us, it has been a birthright). We are learning new ways to solve old problems and, more than any other age, we are willing to take chances to accomplish something greater. We are bright and we are dedicated. But we have two counts against us.

First, we are often disheartened by the strong possibility that there may not be a world to save by the time we assume the reins of leadership in 15 or 20 years.

DEMANDS TOUGH ANSWERS

Second, we are not the leaders now, *you* are. And unfortunately, the arms race is not waiting for us to reach maturity in 1995 or 2000. It is exacting pressure upon us all now and demanding some tough answers.

That means that *you*, our parents, must seize the opportunity *now* to keep Earth from blowing apart. All we ask is that you work to keep the peace as we finish the process of growing up. Support of a nuclear freeze is a very small investment in the future but it can make all the difference in the world. Each one of you, by stating your peace, can fuel the fires of life that much more and help us to keep the deepest darkness from us.

For our sake, give us a chance.●

ORDER OF BUSINESS

Mr. BAKER. Madam President, first, it is my intention, if this unanimous-consent order is granted, to ask the Senate to adjourn today until Monday, June 20. Let me say, by the way, that this request has been consented to by the minority leader, and I will state it now for his consideration and other Members.

ORDERS FOR MONDAY, JUNE 20, 1983

ORDER OF PROCEDURE

Mr. BAKER. I ask unanimous consent that when the Senate convenes on Monday, June 20, 1983, the reading of the Journal be dispensed with, no resolutions come over under the rule, and the call of the Calendar be dispensed with.

ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE ON MONDAY

Madam President, following the recognition of the two leaders under the standing order, that the Senator from Wisconsin (Mr. Proxmire) be recognized for not to exceed 15 minutes.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Upon the expiration of the time for the recognition of Mr. Proxmire, that there be a period for the transaction of routine morning business of not to exceed 1 hour with Senators permitted to speak therein for not longer than 10 minutes each; and further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY NEXT

Mr. BAKER. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of noon on Monday, June 20, 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Madam President, I have a number of routine matters that appear to have been cleared by the minority leader which I will state now as rapidly as I can since it is late and there are other matters to be attended to this evening, I expect, by both the minority leader and myself.

ORDER AUTHORIZING THE FILING OF BUDGET CONFERENCE REPORT DURING ADJOURNMENT OF THE SENATE OVER UNTIL MONDAY NEXT

Mr. BAKER. First, on the question of the filing of the budget conference report if indeed the conferees can agree, I ask unanimous consent that during the adjournment of the Senate over until Monday, June 20, the managers on the part of the Senate on the conference committee on the first budget resolution for fiscal year 1984 may be authorized to file the conference report to accompany House Concurrent Resolution 91.

THE PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE COMMITTEE ON RULES TO HAVE AN ADDITIONAL 30 DAYS TO REPORT H.R. 3034

Mr. BAKER. Madam President, I ask unanimous consent that the Rules Committee have an additional 30 days to report H.R. 3034, a bill relating to congressional pages.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 723 JOINTLY REFERRED TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Madam President, I ask unanimous consent that S. 723, a bill to amend the Employee Retirement Income Security Act of 1974, be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 918 JOINTLY REFERRED TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Madam President, I ask unanimous consent that S. 918, a bill entitled the "Private Pension Reform Act of 1983," be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1227 JOINTLY REFERRED TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Madam President, I ask unanimous consent that S. 1227, a bill to enact the Single-Employer Pension Plan Termination Insurance Improvements Act of 1983, be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

Mr. BYRD. Madam President, reserving the right to object, and I will not, I state for the Record that on these last three requests the majority leader has made, both Mr. Long and Mr. Kennedy have jointly expressed their consent and jointly asked that this be done. I make that statement for the Record in each of the three cases.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PRODUCT SAFETY COMMISSION AUTHORIZATION ACT OF 1983

Mr. BAKER. Madam President, may I say to the minority leader that I propose to ask the Senate to turn to the consideration of S. 861 at this time, if there is no objection.

Mr. BYRD. That matter has been cleared on this side.

Mr. BAKER. I thank the Senator.

Madam President, I ask the Chair to lay before the Senate Calendar Order 86, S. 861.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 861) to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 1421

Mr. BAKER. Madam President, I send to the desk an amendment on behalf of the distinguished junior Senator from Wisconsin and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. Baker) for Mr. Kasten proposes an amendment numbered 1421.

Mr. BAKER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike all from line 6 through line 15 on page 3.

On page 3, line 17, strike "Sec. 4." and insert in lieu thereof "Sec. 3.".

On page 3, line 22, strike "Sec. 5." and insert in lieu thereof "Sec. 4.".

On page 4, strike all from line 8 through line 15.

On page 4, add the following immediately after line 7:

CONGRESSIONAL VETO

Sec. 5. (a) Section 36 of the Consumer Product Safety Act (15 U.S.C. 2083) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any rule transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same rule from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(b) Section 17 of the Flammable Fabrics Act (15 U.S.C. 1204) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(c) Section 21 of the Federal Hazardous Substances Act (15 U.S.C. 1276) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1421) was agreed to.

The **PRESIDING OFFICER**. Are there any further amendments? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time. The bill was read the third time and passed, as follows:

S. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Product Safety Commission Authorization Act of 1983".

DISCLOSURE TO CONTRACTORS

SEC. 2. Section 6(a)(8) of the Consumer Product Safety Act (15 U.S.C. 2055(a)(8)) is amended by striking "or employees" and inserting in lieu thereof ", employees or representatives of the Commission (including contractors)".

CHRONIC HAZARD ADVISORY PANEL

SEC. 4. Section 28(b)(1) of the Consumer Product Safety Act (15 U.S.C. 2077(b)(1) is amended by inserting "that may be the subject of the Panel's investigation" immediatley after "product".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(10) $35,000,000 for the fiscal year ending September 30, 1984; and

"(11) $35,000,000 for the fiscal year ending September 30, 1985.".

CONGRESSIONAL VETO

SEC. 5. (a) Section 36 of the Consumer Product Safety Act (15 U.S.C. 2083) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any rule transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made

after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same rule from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

"(b) Section 17 of the Flammable Fabrics Act (15 U.S.C. 1204) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

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"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(c) Section 21 of the Federal Hazardous Substances Act (15 U.S.C. 1276) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

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"(i) If such resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AMENDMENTS OF 1983

Mr. BAKER. Madam President, I propose, if the minority leader has no objection, to ask the Senate to proceed to the consideration of S. 38.

Mr. BYRD. I have no objection.

Mr. BAKER. Madam President, I ask the Chair to lay before the Senate Calendar Order No. 134, S. 38.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 38) entitled the "Longshoremen's and Harbor Workers' Compensation Act.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with an amendment to strike out all after the enacting clause, and insert the following:

That (a) this Act may be cited as the "Longshoremen's and Harbor Workers' Compensation Act Amendments of 1983".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Longshoremen's and Harbor Workers' Compensation Act.

DEFINITIONS

SEC. 2. (a) Section 2(3) is amended to read as follows:

"(3) The term 'employee' means any person engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harbor worker including a ship repairman, shipbuilder, and ship-breaker, but such term does not include—

"(A) any ship repairman, shipbuilder, or ship-breaker engaged by employers described in section 2(4)(B)(iii);

"(B) employees exclusively performing office clerical, secretarial, security, or data processing work;

"(C) club, camp, restaurant, museum, retail outlet, and marina personnel;

"(D) personnel of suppliers, transporters, or vendors temporarily doing business on the premises of employers described in section 2(4)(A);

"(E) aquaculture workers;

"(F) any person engaged in operating an independently or cooperatively owned grain elevator and who is not engaged in the loading or unloading of a vessel;

"(G) any person employed to build or repair any recreational vessel under sixty-five feet in length;

"(H) a master or member of a crew of any vessel; or

"(I) any person engaged by a master to load or unload or repair any small vessel under eighteen tons net;

if employees described in clauses (A) through (G) are subject to coverage under a State workers' compensation law.".

(b) Section 2(4) is amended to read as follows:

"(4)(A) The term 'employer' means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, building, or breaking a vessel).

"(B) The term employer does not include—

"(i) clubs, camps, restaurants, museums, retail outlets, or marinas;

"(ii) aquaculture farms;

"(iii) employers or operations of employers who otherwise would be described by subparagraph (A) of this paragraph—

"(I) solely and exclusively because they are in the business of building, repairing, or dismantling—

"(aa) commercial barges under nine hundred lightship displacement tons but no other vessel which is one thousand six hundred tons gross or more;

"(bb) commercial tugboats, towboats, crew boats, supply boats, or fishing vessels under one thousand six hundred tons gross but no other vessel which is one thousand six hundred tons gross or more; or

"(cc) any recreational vessel under sixty-five feet in length but no other vessel which is sixty-five feet in length or more;

while upon any pier, wharf, building way, marine railway, graving dock, shop, or any other facility or area over land customarily used in ship repairing, shipbuilding, or shipbreaking; and

"(II) if the operations of employers described in subdivision (I) do not receive Federal maritime subsidies.".

(c) Section 2(13) is amended to read as follows:

"(13) The term 'wages' means the money rate at which the service rendered by an employee is compensated by an employer under the contract of hiring in foree at the time of the injury, including the reasonable value of any advantage which is received from the employer and included for purposes of any withholding of tax under subtitle C of the Internal Revenue Code of 1954 (relating to employment taxes). The term wages does not include fringe benefits, including but not limited to employer payments for or contributions to a retirement, pension, health and welfare, life insurance, training, social security or other employee or dependent benefit fund or trust for the employee's or dependent's benefit, or any other employee's dependent entitlement.".

COVERAGE

SEC. 3. Section 3(a) is amended to read as follows:

"(a) Compensation shall be payable under this Act in respect of disability or death of an employee, but only if the disability or death results from an injury occurring upon the navigable waters of the United States (including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by the employer in loading, unloading, repairing, or building a vessel). No compensation shall be payable in respect of the disability or death of—

"(1) any employee described in section 2(3)(A) through (I) of this Act; or

"(2) an officer or employee of the United States or any agency thereof or any State or foreign government, or of any political subdivision thereof.".

(b) Section 3 is amended by adding the following new subsection:

"(c) Notwithstanding any other provision of law, any amounts paid by any employer for the same injury, disability, or death for which benefits are claimed under this Act pursuant to any other workers' compensation law or section 20 of the Act of March 4, 1915 (38 Stat. 1185, chapter 153; 46 U.S.C. 688) (relating to recovery for injury to or death of seamen) shall be credited against any liability imposed by this Act.".

EXCLUSIVENESS OF REMEDY AND THIRD PARTY LIABILITY

SEC. 4. (a) Section 5(a) is amended by inserting after the word "liability" the second time it appears the following: "including any liability imposed by or arising out of any other workers' compensation law or section 20 of the Act of March 4, 1915 (38 Stat. 1185, chapter 153; 46 U.S.C. 688)".

(b)(1) The third sentence of section 5(b) is amended to read as follows: "If such person was employed to provide ship building, repairing, or breaking services and such person's employer was the owner, owner pro hac vice, agent, operator, or charterer of the vessel, no such action shall be permitted, in whole or in part or directly or indirectly, against the injured person's employer (in any capacity, including as the vessel's owner, owner pro hac vice, agent, operator, or charterer) or against the employees of the employer.".

(2) Section 2(21) is amended by striking out "The" and inserting in lieu thereof "Unless the context requires otherwise, the".

(c) Section 5 is amended by adding at the end thereof the following new subsection:

"(c) In the event that the negligence of a third party causes injury to a person entitled to receive benefits under this chapter by virtue of section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333), then such person, or anyone otherwise entitled to recover damages by reason thereof, may bring an action against such third party in accordance with the provisions of section 33 of this Act. Nothing contained in this chapter, or in any otherwise applicable State law, shall preclude the enforcement according to its terms of any written agreement under which the employer has agreed to indemnify such third party in whole or in part with respect to such action.".

COMPENSATION

SEC. 5. (a) Section 6(b)(1) is amended to read as follows:

"(b)(1) Compensation for disability or death shall not exceed an amount equal to 200 per centum of the applicable national average weekly wage, as determined by the Secretary under subsection (b)(3).".

(b) Section 6 is amended—

(1) by striking out subsection (c) and redesignating subsection (d) (and any references thereto) as subsection (c); and

(2) by striking out "under this subsection" in subsection (c) (as redesignated) and inserting in lieu thereof "under subsection (b)(3)".

MEDICAL SERVICES AND SUPPLIES

SEC. 6. (a) The penultimate sentence of section 7(b) is amended by inserting before the period the following: "or where the charges exceed those prevailing within the community for the same or similar services".

(b) Section 7(c) is amended to read as follows:

"(c)(1)(A) The Secretary shall annually prepare a list of physicians in each compensation district who are not authorized to render medical care under this Act. The names of physicians contained on the list required under this subparagraph shall be made available to employees and employers in each compensation district through posting or in such form as the Secretary may prescribe.

"(B) The Secretary may refuse to authorize any physician who, in accordance with the provisions of subsection (j)(1) of this section, and shall refuse to authorize any physician who, in accordance with the provisions of subsection (j)(2) of this section, has been found ineligible to receive payments under this Act. A physician not authorized under this Act shall not be entitled to reimbursement for any service, appliance, or supply or to recover any amount with respect to any such service, appliance, or supply from any employee.

"(2) Whenever the employer or carrier acquires knowledge of the employee's injury, through written notice or otherwise as prescribed by the Act, the employer or carrier shall forthwith authorize medical treatment and care from a physician selected by an employee pursuant to subsection (b). An employee may not select a physician who is on the list required by paragraph (1) of this subsection. An employee may not change physicians after his initial choice unless the employer, carrier, or deputy commissioner has given prior consent for such change. Such consent shall be given in cases where an employee's initial choice was not of a specialist whose services are necessary for and appropriate to the proper care and treatment of the compensable injury or disease. In all other cases, consent may be given upon a showing of good cause for change.".

(c) Section 7(d) is amended to read as follows:

"(d) An employee shall not be entitled to recover any amount expended by him for medical or other treatment or services unless he shall have complied with subsections (b) and (c) and the applicable regulations or unless the employer shall have refused or neglected to furnish such services, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide or authorize same; nor shall any claim for medical or surgical treatment be valid and enforceable against such employer, unless within twenty-one days following the first treatment the physician giving such treatment furnishes to the employer and the deputy commissioner a report of such injury or treatment, on a form prescribed by the Secretary. The Secretary may excuse the failure to furnish such report within the twenty-one-day period whenever he finds it to be in the interest of justice to do so. The Secretary may, upon application by a party in interest, make an award for the reasonable value of such medical or surgical treatment so obtained by the employee. If at any time the employee unreasonably refuses to submit to medical or surgical treatment, or to an examination by a physician selected by the employer, the Secretary or administrative law judge may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal.".

(d) Section 7 is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding any other provisions of this Act, no liability shall arise under this Act for a service, appliance, or supply furnished by an individual or entity where the Secretary determines under this subsection that a provider—

"(A) has knowingly and willfully made, or caused to be made, a false statement or representation of a material fact in connection with any services provided under this Act;

"(B) has submitted, or caused to be submitted, a bill or request for payment under this Act containing a charge which the Secretary finds to be substantially in excess of the charge for the service, appliance, or supply prevailing within the community unless the Secretary finds there is good cause for the bill or request containing the charge; or

"(C) has furnished a service, appliance, or supply which is determined by the Secretary to be substantially in excess of the need of the recipient thereof or to be of a quality which fails to meet professionally recognized standards.

"(2) Liability shall not arise for a service, appliance, or supply furnished by a provider—

"(A) indicted or convicted under a criminal statute (without regard to pending appeal thereof) for fraudulent activities or (as determined by regulation of the Secretary) related activities, in connection with a program under which payments are made to providers for similar services, appliances, or supplies; or

"(B) otherwise excluded from participation in a program under which payments are made to providers for similar services, appliances, or supplies.

"(3) A provider of a service, appliance, or supply shall provide to the Secretary such information and certification as the Secretary may require to assure that this subsection is enforced.

"(4)(A) A determination made by the Secretary under paragraphs (1) and (2) shall be effective—

"(i) in connection with any request for payment by a provider, upon notice consistent with paragraph (5); or

"(ii) in connection with a request for payment by anyone claiming benefits under this Act, only with respect to payment of expenses incurred after receipt of notice of the determination by such person.

"(B) A determination shall remain in effect until the Secretary finds and gives notice to the public that the basis for the determination has been removed, and that there is reasonable assurance that the basis for the determination will not reoccur.

"(5) The Secretary may make rules and regulations and establish procedures which are necessary or appropriate to carry out this subsection, including notice and opportunity for a hearing to the provider of a service, appliance, or supply, subject to a determination made by the Secretary under paragraphs (1) and (2) of this subsection.".

(e) Section 7 (as amended by subsection (d)) is further amended by adding at the end thereof the following new subsection:

"(k) (1) Nothing in this Act prevents an employee whose injury or disability has been established under this Act, from relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by an accredited practitioner of such recognized church or religious denomination, and on nursing services rendered in accordance with such tenets and practice, without suffering loss or diminution of the compensation benefits under this Act. Nothing in this subsection shall be construed to except the employee from all physical examinations required by this Act.

"(2) If an employee refuses to submit to medical or surgical services solely because, in adherence to the tenets and practice of a recognized church or religious denomination, the employee relies upon prayer or spiritual means alone for healing, such employee shall not be considered to have unreasonably refused medical or surgical treatment under subsection (d) or to have unreasonably refused to undergo vocational rehabilitation under section 8(g)(3).".

COMPENSATION FOR DISABILITY

SEC. 7. (a) Section 8(a) is amended to read as follows:

"(a) Permanent total disability: In the case of total disability determined to be permanent, 66⅔ per centum of the average weekly wages of the employee shall be paid to the employee during the continuance of the disability, except that compensation

paid to the injured employee shall be subject to section 6(b)(1) and shall be reduced by 50 per centum of the amount of old-age insurance benefits to which the employee is entitled under title II of the Social Security Act. Loss of both hands, both arms, both feet, both legs, both eyes, or any combination of two such body parts, shall constitute permanent total disability in the absence of conclusive proof to the contrary. In all other cases, permanent total disability shall be determined in accordance with the facts.".

(b) Section 8(c)(13) is amended to read as follows:

"(13) Loss of hearing:

"(A) Compensation for loss of hearing in one ear, fifty-two weeks.

"(B) Compensation for loss of hearing in both ears, two hundred weeks.

"(C) An employer shall be liable to the employee only for the loss of hearing attributable to employment by the employer.

"(D) An audiogram shall be conclusive evidence of the amount of hearing loss sustained as of the date thereof, unless contrary audiograms made at that time are produced.

"(E) Within ninety days of the date of enactment of this Act, the Secretary shall promulgate regulations to define the term 'loss of hearing' in accordance with the American Medical Association Guides for the Evaluation of Permanent Impairment.".

(c) Section 8(c)(20) is amended by striking out "$3,500" and inserting in lieu thereof "$7,500".

(d) Section 8(c)(21) is amended to read as follows:

"(21) Other cases: In all other cases in this class of disability, the compensation shall be 66⅔ per centum of the difference between the average weekly wages of the employee and the employee's wage-earning capacity thereafter in the same employment or otherwise payable during the continuance of the partial disability.".

(e) Section 8(d) is amended by striking out paragraph (3) and redesignating paragraph (4) (and any references thereto) as paragraph (3).

(f) Section 8(f) is amended—

(1) by striking out "one hundred and four weeks" wherever it appears and inserting in lieu thereof "two hundred and eight weeks"; and

(2) by adding at the end thereof the following new paragraph:

"(3) Any request for second injury fund apportionment in accordance with section 8(f) must be presented to the deputy commissioner and the Conservator prior to consideration by an administrative law judge.".

(g) Subsections (g) through (i) of section 8 are amended to read as follows:

"(g) Compensation for employees undergoing vocational rehabilitation:

"(1) An employee who as a result of an injury is undergoing vocational rehabilitation for remunerative employment under the supervision of the deputy commissioner, pursuant to section 39(c), or with the approval of the employer, shall receive continued temporary total or partial compensation during the period of rehabilitation.

"(2) An award for permanent disability may not be entered before the deputy commissioner determines, or the employer and employee agree, that vocational rehabilitation is unnecessary or until after vocational rehabilitation has been completed.

"(3) If an employee unreasonably refuses to undergo vocational rehabilitation or to participate in a reasonable plan offered and financed by the employer to return the injured employee to work, the employee shall not be eligible to receive compensation payments that would otherwise be payable for the period of the refusal.

"(h) The wage-earning capacity of an injured employee in cases of disability shall be determined by his actual earnings if such actual earnings fairly and reasonably represent his wage-earning capacity: *Provided, however,* That if the employee has no actual earnings or his actual earnings do not fairly and reasonably represent his wage-earning capacity, the deputy commissioner may, in the interest of justice, fix such wage-earning capacity as shall be reasonable, having due regard to the nature of his injury, the degree of physical impairment, his usual employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition.

"(i)(1) Whenever the parties to any claim for compensation, including survivors benefits, under this Act agree to a settlement, the deputy commissioner or administrative law judge shall approve the settlement within thirty days unless it is found to be inadequate or procured by duress. No liability of any employer, carrier, or both for disability or death benefits shall be discharged unless the application for settlement is approved by the deputy commissioner or administrative law judge. If the parties to the settlement are represented by counsel, then agreements shall be deemed approved unless specifically disapproved within thirty days after submission for approval.

"(2) If the deputy commissioner disapproves an application for settlement under paragraph (1), the deputy commissioner shall issue a written statement within 30 days containing the reasons for disapproval. Any party to the settlement may request a hearing before an administrative law judge in the manner prescribed by this Act. Following such hearing, an order shall be issued approving, rejecting, or modifying the deputy commissioner's decision. If the parties to the settlement are represented by counsel, then agreements shall be deemed approved unless specifically disapproved within thirty days after submission for approval.

"(3) A settlement approved under this section shall discharge the liability of the employer, carrier, or both. Such settlement may include future medical benefits if the parties so agree and the deputy commissioner approves. Settlements may be agreed upon at any stage of the proceeding including after entry of a final compensation order.".

(h) Section 8 is amended by adding at the end thereof the following new subsection:

"(j)(1) The employer may inform a disabled employee of his obligation to report to the employer not less than semiannually any earnings from employment or self-employment, on such forms as the Secretary shall specify in regulations.

"(2) An employee who—

"(A) fails to report the employee's earnings under paragraph (1) when requested, or

"(B) knowingly and willfully omits or understates any part of such earnings,

and who is determined by the deputy commissioner to have violated clause (A) or (B) of this paragraph, forfeits his right to compensation with respect to any period during which the employee was required to file such report.

"(3) Compensation forfeited under this subsection, if already paid, shall be recovered by a deduction from the compensation payable to the employee in any amount and on such schedule as determined by the deputy commissioner.".

COMPENSATION FOR DEATH

SEC. 8. (a) The matter preceding the colon in section 9 is amended to read as follows:

"SEC. 9. If the injury causes death, the compensation therefor shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following".

(b) Section 9(a) is amended by striking out "$1,000" and inserting in lieu thereof "$3,000".

(c) Section 9(e) is amended to read as follows:

"(e) In computing death benefits, the average weekly wages of the deceased shall not be less than the national average weekly wage as prescribed in section 6(b), except that the total weekly benefits shall not exceed the lesser of the average weekly wages of the deceased or the benefit which the deceased employee would have been eligible to receive under section 6(b)(1).".

DETERMINATION OF PAY

SEC. 9. Section 10(f) is amended to read as follows:

"(f) Effective October 1 of each year following the date of enactment of this Act, the compensation or death benefits payable for permanent total disability or death arising out of injuries subject to this Act shall be increased—

"(1) by a percentage equal to the percentage (if any) by which the applicable national weekly wage for the period beginning on such October 1, as determined under section 6(b), exceeds the applicable national average weekly wage, as so determined, for the period beginning with the preceding October 1; or

"(2) by 5 per centum, whichever percentage is less.".

NOTICE OF INJURY OR DEATH

SEC. 10. (a) Section 12(a) is amended to read as follows:

"(a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within thirty days after the date of such injury or death, or thirty days after the employee or beneficiary is aware or by reason of medical advice should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury or death occurred, and (2) to the employer. Each employer shall designate those agents or other responsible officials, including first line supervisors, to receive such notice, in accordance with regulations prescribed by the Secretary and shall notify his employees of such designation in a manner prescribed by the Secretary in regulations.".

(b) Section 12(d) is amended by deleting "(or his agent in charge of the business in the place where the injury occurred)" and inserting in lieu thereof the following: "(or his agent or agents or other responsible official or officials designated by the employer as designated under subsection (a))".

PAYMENT OF COMPENSATION

SEC. 11. (a) Section 14(b) is amended by striking out "employer" and inserting in lieu thereof "employer's agent or agents as designated under section 12(a)".

(b) Section 14 is amended by striking out subsection (j) and by redesignating subsections (k) and (l) (and any references thereto) as subsections (j) and (k), respectively.

PRESUMPTIONS

SEC. 12. Section 20 is amended as follows:

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(1) by inserting before the period in subsection (b) a comma and the following: "except when the agent or agents or other responsible official or officials designated by the employer in section 12 (a) and (d) have not received actual or constructive notice", and

(2) by adding at the end of the section the following new sentence: "The mere existence of a physical impairment is insufficient to establish a claim under this Act.".

REVIEW OF COMPENSATION ORDER

SEC. 13. Section 21 is amended by adding the following new paragraph at the end of subsection (b):

"(5) Notwithstanding paragraphs (1) through (4), upon application of the Chairman of the Board, the Secretary may designate up to four Department of Labor administrative law judges to temporarily serve on the Board. Any party aggrieved by the decisions of a panel or division of the Benefits Review Board may, within thirty days after the decision, petition the entire Board (permanent plus temporary members) for a rehearing en banc. Upon affirmative vote of the majority of the Board sitting en banc, the petition shall be granted. If a petition for a rehearing en banc is granted, and the vote of the Board sitting en banc results in a tie, the decision of the panel or division of the Board shall be affirmed. The Benefits Review Board shall amend its Rules of Practice to conform with this paragraph. Temporary members shall be compensated at the same rate of compensation as they were receiving prior to such temporary designation. Except when sitting en banc, and for the purpose of carrying out its adjudicative functions under this Act, two members of the Board shall constitute a quorum of a panel or division and official adjudicative action can be taken only on the affirmative vote of at least two members of a division or panel.".

MODIFICATIONS OF AWARDS

SEC. 14. Section 22 is amended by striking all after "the deputy commissioner may" through "rejection of a claim".

FEES FOR SERVICES

SEC. 15. (a) Section 28(a) is amended to read as follows:

"(a) A claim for legal services or for any other services provided to or on account of a person with respect to a claim for or award of compensation under this Act is not valid unless approved by the deputy commissioner, an administrative law judge, the Board, or a court which is reviewing an order of an administrative law judge.".

(b) Section 28(e) is amended to read as follows:

"(e) A person who receives a fee, gratuity, or other consideration on account of services rendered as a representative of a claimant, unless the consideration is approved by the deputy commissioner, administrative law judge, Board, or court, or who makes it a business to solicit employment for a lawyer, or for himself, with respect to a claim or award for compensation under this Act, shall, upon conviction thereof, for each offense be punished by a fine of not more than $1,000 or be imprisoned for not more than one year, or both.".

REPORTS

SEC. 16. (a) Section 30(a) is amended—

(1) by inserting after the word "injury" a comma and the following: "which would cause loss of one or more shifts of work", and

(2) by adding at the end thereof the following new sentence: "Notwithstanding the requirements of this section, each employer shall keep a record of each and every injury regardless of whether such injury results in the loss of one or more shifts of work.".

(b) Section 30(e) is amended to read as follows:

"(e) Any employer, insurance carrier, or self-insured employer who willfully fails or refuses to send any report required by this section shall be subject to a civil penalty not to exceed $25,000 for each such failure or refusal.".

PENALTY FOR MISREPRESENTATION—PROSECUTION OF CLAIMS

SEC. 17. Section 31 is amended to read as follows:

"PENALTY FOR MISREPRESENTATION—PROSECUTION OF CLAIMS

"SEC. 31. (a)(1) A person who willfully makes a false statement or representation for the purpose of obtaining a benefit or payment under this Act shall be guilty of a felony, and on conviction thereof shall be punished by a fine not to exceed $25,000, by imprisonment not to exceed three years, or both.

"(2) The United States attorney for the district in which the injury is alleged to have occurred shall make every reasonable effort to promptly investigate each complaint made under this subsection.

"(b)(1) A person may not prosecute or defend a claim other than his own under this Act other than a claimant, an attorney, a representative licensed by the Secretary, or an employee designated by an employer or carrier.

"(2) A person may not prosecute or defend a claim other than his own under this Act if the person—

"(A) is convicted of or pleads guilty to a crime in a State or Federal court;

"(B) gives false or substantially inaccurate information in an application for a license to prosecute or defend a claim under this Act;

"(C) conceals or attempts to conceal material facts with respect to a claim under this Act;

"(D) solicits or procures false testimony with respect to a claim under this Act; or

"(E) misappropriates funds or documents entrusted to the person with respect to a claim under this Act.

"(3) The Secretary shall issue such rules and regulations as are necessary to carry out this subsection.

"(c) A person including, but not limited to, an employer, his duly authorized agent, or an employee of an insurance carrier who willfully makes a false statement or representation for the purpose of denying or terminating benefits to an injured employee, or his dependents pursuant to section 9 if the injury results in death, shall be punished by a fine not to exceed $25,000, by imprisonment not to exceed three years, or by both.".

SECURITY FOR COMPENSATION

SEC. 18. Section 32(a)(2) is amended by inserting "based on the employer's financial condition, the employer's previous record of payments, and other relevant factors," after "in an amount determined by the Secretary,".

COMPENSATION FOR INJURIES WHERE THIRD PERSONS ARE LIABLE

SEC. 19. (a) Section 33(b) is amended to read as follows:

"(b) Acceptance of such compensation under an award in a compensation order filed by the deputy commissioner, an administrative law judge, or Board shall operate as an assignment to the employer of all rights of the person entitled to compensation to recover damages against such third person unless such person shall commence an action against such third person within six months after such award. For the purpose of this subsection, the term 'award' with respect to a compensation order means a formal order issued by the deputy commissioner, an administrative law judge, or Board; if the employer fails to commence an action against such third person within a reasonable time after the cause of action is assigned under this section, the right to bring such action shall revert to the person entitled to compensation.".

(b) Section 33(f) is amended to read as follows:

"(f)(1) If a person entitled to compensation under the Act institutes proceedings within the period described in subsection (b), the employer shall be required to pay, as compensation under this Act, a sum equal to the excess of the amount which the deputy commissioner, an administrative law judge, or Board determines is payable on account of the injury or death above the amount recovered in the proceedings against a third person.

"(2) Any amount recovered by the person entitled to compensation on account of the proceedings by judgment or settlement, whether or not the settlement is approved by the employer in accordance with subsection (g), shall be distributed as follows:

"(A) The person entitled to compensation shall pay to the employer an amount equal to the sum of—

"(i) the cost of all benefits furnished to the person by the employer under section 7; and

"(ii) all other amounts payable as compensation or benefits under this Act.

"(B) The person entitled to compensation or the person's representative shall retain the amount remaining after the payment required by subparagraph (A).".

(c) Section 33(g) is amended to read as follows:

"(g)(1) If the person entitled to compensation (or the person's representative) enters into a settlement with a third person referred to in subsection (a) for an amount less than the compensation to which the person (or the person's representative) would be entitled under this Act, the employer shall be liable for compensation as determined under subsection (f) only if written approval of the settlement is obtained from the employer and the employer's carrier, before the settlement is executed, and by the person entitled to compensation (or the person's representative). The approval shall be made on a form provided by the Secretary and shall be filed in the office of the deputy commissioner within thirty days after the settlement is entered into.

"(2) If no written approval of the settlement is obtained and filed as required by paragraph (1), or if the employee fails to notify the employer of any settlement obtained from or judgment rendered against a third person, all rights to compensation and medical benefits under this Act shall be terminated, regardless of whether the employer or the employer's insurer has made payments or acknowledged entitlement to benefits under this Act.

"(3) Payments by the special fund established under section 44 shall be a lien upon the proceeds of any settlement obtained from or judgment rendered against a third person referred to under subsection (a). Notwithstanding any other provision of law, such lien shall be enforceable against the

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employee, regardless of whether the Conservator on behalf of the special fund has agreed to or has received actual notice of the settlement or judgment.".

ANNUAL REPORT

SEC. 20. The Act is amended by inserting the following new section after section 42:

"ANNUAL REPORT

"SEC. 43. The Secretary shall make to Congress at the beginning of each regular session a report of the administration of this Act for the preceding fiscal year, including a detailed statement of receipts of and expenditures from the funds established in sections 44 and 45, together with such recommendations as the Secretary deems advisable.".

SPECIAL FUND CONSERVATION COMMITTEE—FUND CONSERVATOR

SEC. 21. Section 45 is amended to read as follows:

"SPECIAL FUND CONSERVATION COMMITTEE—FUND CONSERVATOR

"SEC. 45. (a)(1) There is established the Special Fund Conservation Committee (hereinafter in this section referred to as the 'Conservation Committee'). The Conservation Committee shall be responsible for protecting the financial integrity of the special fund established under section 44 (hereinafter in this section referred to as the 'special fund') by insuring that all distributions from the special fund are made in accordance with this Act.

"(2)(A) The Conservation Committee shall be composed of five members appointed by the Secretary, who shall be representatives of carriers authorized under section 32, including self-insurers and representatives of employers.

"(B) The terms of office of the members of the Conservation Committee shall be three years, except that of the members first appointed, one member shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for a term of three years, as determined by the Secretary at the time of appointment.

"(C) A vacancy on the Committee shall be filled in the manner in which the original appointment was made. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of the term. A member may serve after the expiration of the member's term until the member's successor has taken office.

"(D) Members of the Conservation Committee shall serve without pay and may not be reimbursed for any travel or transportation expenses.

"(E) The Chairman shall be elected by the members of the Conservation Committee.

"(F) The Conservation Committee shall meet at the call of the Chairman or a majority of its members.

"(G) Upon request of the Conservation Committee, the Secretary shall provide such administrative services as the Committee shall require.

"(3)(A) The Conservation Committee may secure, directly from the Secretary of Labor, the Secretary of the Treasury, the Board, and a deputy commissioner, information necessary to enable it to carry out this section, including copies of all official records and reports. Upon request of the Chairman of the Conservation Committee, the appropriate Secretary, the Chairman of the Board, or the deputy commissioner shall furnish the information to the Committee.

"(B) The Conservation Committee may provide (by contract) for the auditing of the account of the special fund. The Conservation Committee may secure directly from the Comptroller General of the United States information derived from an audit conducted pursuant to section 44(g). Upon request of the Chairman of the Conservation Committee, the Comptroller General shall furnish the information to the Conservation Committee.

"(4) The Conservation Committee may establish such policies and procedures as may be necessary to carry out this section.

"(5) The Conservation Committee shall transmit to the Secretary of Labor, the Secretary of the Treasury, and to each House of Congress a report, not later than one year after the date of enactment of this Act, and each year thereafter. The report shall contain a detailed statement of the findings and conclusions of the Conservation Committee with regard to the financial integrity of the special fund, together with its recommendations for such legislative and administrative actions as it considers appropriate.

"(b)(1)(A) To carry out its responsibilities under this section, the Conservation Committee shall appoint a Fund Conservator (hereinafter in this section referred to as the 'Conservator').

"(B) The Conservation Committee may authorize the Conservator to take any action which the Conservation Committee is authorized to take under this section.

"(2)(A) The Secretary shall cause notice to be given to the Conservator whenever a payment from the special fund is ordered by the Secretary or whenever an administrative or judicial proceeding in which a party to the proceeding seeks to establish a liability of the special fund is scheduled to convene. A proceeding on an application for apportionment under section 8(f) of this Act may not be convened less than thirty days after notice of the proceeding has been given to the Conservator, unless the Conservator waives the limitation in writing to the Secretary.

"(B) Except as provided in subparagraph (C), the Conservator shall be a party in an administrative or judicial proceeding in which a party to the proceeding seeks to establish a liability of the special fund. The Conservator shall have the same rights in the proceeding as any other party, including the right to participate in a settlement of a claim brought against the fund.

"(C) The Conservator may withdraw as a party from a proceeding described in subparagraph (B), after giving written notice to the Secretary and the officer or judge presiding over the proceeding, if the Conservator determines that there is a substantial likelihood that the liability of the fund will be established in the proceeding.

"(D) The Conservator may participate as a party in a case where the liability of the special fund is already established and a proceeding is convened to establish the amount of the liability, including a proceeding to review a compensation award under section 22.

"(E) The functions and responsibilities of the Conservator established under subparagraphs (B) through (D) shall extend to all proceedings described in such subparagraphs which are pending on the date of enactment of this Act.

"(3)(A) When medical questions or questions relating to the vocational rehabilitation of a claimant are raised in a case in which the Conservator is a party pursuant to paragraph (2), the Conservator may order an examination or evaluation of the claimant in the proceeding by a physician whose services have been procured by the Conservator under paragraph (5)(B)(ii).

"(B) If a claimant refuses to comply with an order under subparagraph (A), the proceeding relating to the claimant's case shall be suspended and, in appropriate cases, the Secretary may suspend benefits, unless the physician or other individual who would be responsible for administering the examination or evaluation determines that the administration of the examination or evaluation would constitute a risk to the health of the claimant.

"(4)(A) Subject to such rules as the Conservation Committee may prescribe and to subparagraph (B), the Conservator may appoint and fix the pay of such professional and clerical personnel as the Conservator considers appropriate.

"(B) The staff of the Conservator may be appointed without regard to the provisions of title 5, United States Code (governing appointments in the competitive service), and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

"(5)(A) Subject to such rules as the Conservation Committee may prescribe, the Conservator may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(B) Subject to such rules as the Conservation Committee may prescribe, the Conservator may procure the services of—

"(i) counsel, subject to subparagraph (C), to represent the interests of the special fund in an administrative or judicial proceeding described in paragraph (2); and

"(ii) medical, vocational, and other experts and witnesses to defend a claim against the special fund.

"(C) The Conservator shall establish standards for the selection of a counsel under subparagraph (A) which will ensure the selection of individuals who are specially qualified to serve by virtue of their education, training, or experience, including experience in the field of worker's compensation law.

"(c) All administrative expenses incurred by the Conservation Committee and the Conservator under this section shall be paid from the special fund.".

APPROPRIATION

SEC. 22. Section 46 is repealed.

AVAILABILITY OF APPROPRIATIONS

SEC. 23. Section 47 is repealed.

DISCRIMINATION AGAINST EMPLOYEES WHO BRING PROCEEDINGS

SEC. 24. (a) Section 49 is amended by inserting after the first sentence the following new sentence: "The discharge or refusal to employ a person who has been adjudicated to have filed a fraudulent claim for compensation is not a violation of this section.".

(b) The second sentence of section 49 is amended—

(1) by striking out "$100" and inserting in lieu thereof "$1,000"; and

(2) by striking out "$1,000" and inserting in lieu thereof "$5,000".

EFFECTIVE DATE

SEC. 25. The provisions of this Act and the amendments made by this Act shall be effective for an injury, disability, or death which occurs or commences on or after the date of enactment of this Act, except that (1) there shall be no liability for deaths from causes other than the injury, as provided in sections 8(d)(3) and 9 of the Longshoremen's and Harbor Workers' Compensation Act, as amended by Public Law 92-576, for any such deaths occurring on or after the date of enactment of this Act, and (2) the amendments made by section 14 of this Act relating to the modification of awards shall not apply to payments of compensation under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

AMENDMENT NO. 1422

Mr. BAKER. Madam President, I send to the desk an amendment on behalf of Senators McClure and Hatch, and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Tennessee (Mr. Baker), on behalf of Mr. McClure and Mr. Hatch, proposes an amendment numbered 1422.

Mr. BAKER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> S. 38, as reported, is amended as follows:
>
> On page 38, line 21 insert "recreational operation," after "camp,"; and on page 39, line 24 insert "recreational operations," after "camps,".

Mr. McCLURE. Madam President, I rise today to offer an important amendment to S. 38, the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1983.

I would like to commend Senator Nickles and Senator Hatch for their hard work on this issue. While most of us are not directly involved with the complexities of this act, we are still aware of the problems associated with its interpretation. For the most part, in 1969, coverage was limited to employees working on navigable waters with the certainty of this coverage carrying a large price tag for the worker. The amendments of 1972 updated some of these rules of coverage by taking into account modern technology advances. It was the desire of the Congress to achieve the twin goals of equality in benefit payments and a uniform compensation system. Unfortunately, a decade of experience under the 1972 amendments shows us that a price was paid while attempting to meet these two goals.

The proposed solutions to these problems encompassed both ends of the spectrum. One side wanted to extend jurisdiction shoreward to workers well beyond navigable waters and adjacent areas. The other side wanted to return jurisdiction to its pre-1972 limits by covering only those workers situated seaward from the waters edge. The committee showed a great deal of leadership by directing their attention to specific activities which had been singled out for criticism.

By dealing with the situation on a case-specific basis it was easy to determine which activities do not merit coverage under the act, and that employees involved are more aptly covered under appropriate State compensation laws. I support this approach but I feel that the situation of one set of employees was overlooked.

As many of you know, Idaho's economy benefits a great deal from tourism. One of the most popular tourist activities is a float trip down many of our beautiful rivers and streams. Unfortunately, the Longshoremen's Act has been interpreted to apply to boatmen who are employed on navigable streams in Idaho. Because statutory benefits under the Federal act are considerably higher than those covered by the State act, the costs for this insurance under the Federal act are considerably higher.

I do not think that it was ever the intent of Congress to have the activities of these employees interpreted in that way. Instead, I think this interpretation was made because of the confusion associated with the jurisdiction of the Longshoremen's Act. The amendment I am introducing today simplifies this complex problem. It simply adds the term "recreational operations" to the list of employers who should not come under the terms of the law allowing these employees to be covered by State workman's compensation laws.

Mr. HATCH. Madam President, it is with a great deal of satisfaction that I bring this bill to the floor today for expeditious action by the Senate. S. 38, which would enact much needed reforms to the Longshoremen's and Harbor Workers' Compensation Act, passed the Senate in the last Congress on July 27, 1982 (S. 1182). Significantly, final passage here came by unanimous consent. Unfortunately, however, the Education and Labor Committee in the other body, after hearings and many, many hours of negotiations with interested parties, did not conclude action on the measure before the sine die adjournment.

I am hopeful that by repassing the reform bill today, we can pick up where we left off late last year and can work diligently with the Education and Labor Committee toward enactment within the coming months.

I take this opportunity to congratulate the distinguished chairman of the Labor Subcommittee, Mr. Nickles. It was only through his tireless and persistent leadership that this bill emerged as a truly consensus measure, enjoying wide bipartisan sponsorship. Aside from myself and Mr. Nickles, the bill's sponsors include Mr. Nunn, Mr. Kennedy, Mr. Helms, Mr. East, Mr. Symms, Mrs. Hawkins, Mr. Denton, Mr. Warner, and Mr. Mattingly. I would also acknowledge a special thanks to Mr. Nunn, whose leadership on the Permanent Subcommittee on Investigations of the Governmental Affairs Committee established a convincing record of how the current law rendered this program susceptible to waste, fraud, and abuse. He made valuable contributions in the shaping of several provisions designed to restore the integrity of the program. In addition, Mr. Kennedy deserves special recognition and thanks as ranking minority member of the Labor and Human Resources Committee. I can say quite candidly that without his help a consensus would not have achieved on this bill, now bears the endorsement of representatives of affected employers and businesses as well as the AFL-CIO. Moreover, by letters of May 17 and May 25, 1983, Secretary of Labor Donovan and OMB respectively informed the committee of the administration's support for the bill.

The Longshoremen's and Harbor Workers' Compensation Act was last amended over a decade ago, in 1972. At that time the act with the new amendments was heralded as a "model of enlightened benefit." It is no doubt true that the 1972 amendments did bring about an improvement. Prior to 1972, 20 States had surpassed the Longshore Act in terms of wage loss benefits. Moreover, a very unsatifactory state of affairs existed with respect to third-party liability suits involving covered employers. The principle that workers' compensation should be an employer's sole liability to injured employees had been seriously eroded. However, the experience of the last 10 years has demonstrated severe deficiencies with the act.

So beginning in 1977, the respective labor committees of the Senate and the House conducted a series of oversight hearings. During the 95th Congress, the House committee held 17 days of hearings, and they continued in both the House and the Senate in the 96th Congress. As might be expected, employers, insurance carriers, unions, and employee representatives presented varying views. Employers and carriers complained about the vagaries over jurisdiction and coverage, and they were highly critical of the benefits levels, the unrelated death benefits provision, and the unrestrained annual adjustments in compensation. They were also critical of the special fund's growing liability as well as the delays and backlogs encountered in the administration and adjudication of claims. On the other hand, employee representatives expressed overall support for the current law, but indicated concern over inadequate administration by the Department of Labor.

At the beginning of the 97th Congress, the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs held 6 days of hearings on waterfront corruption and the influence of organized crime in a number of east and gulf coast ports. The hearings were the culmination of an investigation commenced the previous year by Senator NUNN and the Department of Justice's operation UNIRAC.

Soon after the conclusion of the Permanent Subcommittee on Investigations hearings, Senators NICKLES and NUNN on May 14, 1981, introduced the comprehensive longshoremen's and harbor workers' compensation reform bill, S. 1182. This committee's Subcommittee on Labor held 4 days of hearings on S. 1182 and developed a hearing record of 1,241 pages. Interested parties from labor, management, and Government again presented their views.

The following criticisms emerged from these hearings:

First, jurisdiction: It was alleged that the extension to adjoining areas leave vague and unclear just what operations on land are covered. The small recreational boatyards, in particular, are in a state of uncertainty as to the status of their employees working at locations which are not geographically adjacent to navigable waters. The small boat and barge builders expressed concern about their employees who may be involved in nonmaritime construction during extensive periods of the year.

Second, unrelated death benefits: The law provides that if a claimant receives compensation benefits for either permanent partial or permanent total disability and then dies from any cause, his widow and/or survivors would be entitled to certain benefits. It is contended this has the effect of adding a life insurance policy to a workers' compensation law.

Third, annual escalation of benefits: It has been contended that the unpredictability of future, annual escalation of benefits makes insurance premium assessment equally unpredictable, resulting in higher insurance costs.

Fourth, no limitation on weekly benefits to widows and/or survivors in case of death: Since there is a maximum payable for total permanent disability, it is alleged that, in certain instances, a widow could receive higher benefits from the death of the employee than if he was receiving total permanent disability benefits.

Fifth, procedure for establishing loss of wage-earning capacity: It has been stated that in some cases a claimant receives compensation in excess of his take-home wages prior to injury.

Sixth, employers' access to an independent physical examination: It has been alleged that in certain district offices, the deputy commissioners are unwilling to order an independent medical examination of a claimant at the request of an employer.

Seventh, settlements: It has been alleged that the administrative law judges have no authority to approve settlements, which results in excessive litigation.

Eighth, waste, fraud, and abuse: During the course of the hearing before the Permanent Subcommittee on Investigations as well as the committee's consideration of the bill, testimony was received concerning the potential for abuse of this act. It has now been clearly established that, in certain instances, the provisions of the act have been abused by corrupt individuals so that corrective action to eliminate this potential is necessary.

The bill, as reported by the committee last year and again this year, goes a long way in rectifying many of these problems. I hasten to add that it does not address all the matters raised during the hearings. Nor does it solve some of the problems to everyone's complete satisfaction. But that is typically the nature of compromise legislation. I will not take time to detail all the aspects of the reported bill. An explanation is adequately set forth in the committee report. I would nevertheless like to single out several matters for discussion. In addition, I would like to comment briefly on a floor amendment which Mr. MCCLURE and I have cosponsored and which has been cleared on both sides of the aisle.

First, I note that the bill contains a jurisdictional exclusion for certain small-vessel builders and repairers. Although there are a number of limitations on the availability of the exclusion, the result nonetheless should provide needed relief to that segment of the shipbuilding industry.

Generally, the exclusion applies only to small-vessel operations in the business of building, repairing, or dismantling commercial barges, tugboats, towboats, crewboats, supply boats, or fishing vessels, or recreational vessels, all of which are subject to certain size limitations as specified in the legislation. A small-vessel operation may qualify for the exclusion by relying upon one or more of the specific exception categories contained in the bill.

One of the exception categories addresses commercial barges under 900 lightship displacement long tons. The best example of the application of this exception is the case of a shipyard facility in the business of building and repairing barges only. If the facility is in the business of building, repairing, or dismantling commercial barges under 900 lightship displacement long tons, it will qualify for exclusion from Longshore Act coverage so long as it is not engaged in building, repairing, or dismantling any other vessel which is 1,600 tons gross or more.

The second general work boat exception addresses shipyard facilities in the business of building or repairing commercial tugboats, towboats, crewboats, supply boats, or fishing vessels under 1,600 tons gross. If a shipyard operation is in the business of building, repairing, or dismantling any one or more of these vessels, it will qualify for exclusion from Longshore Act coverage so long as it is not engaged in building, repairing, or dismantling any other vessel which is 1,600 tons gross or more. An example of the application of this exception is the case of a shipyard facility in the business of building and repairing commercial towboats under 1,600 tons gross among work on other vessels, such as patrol boats, utility vessels, ferries, Corps of Engineers dredges, or pressure barges; provided, however, that none of these vessels may be 1,600 tons gross or more—except commercial barges which, under the first exception discussed, may also be up to 900 lightship displacement tons. The third exception category deals with recreational vessels under 65 feet in length.

If the shipyard operation is engaged in work on a vessel larger than the sizes specified in the bill, the exclusion from Longshore Act coverage is inapplicable and the otherwise excluded "small vessel" activity as well would be subject to Longshore Act coverage during the entire period the shipyard facility is engaged in work on the "large" vessel; for example, a motorized utility boat more than 1,600 tons gross. In the case of repair activity, this period would run from the time the "large" vessel arrives at the shipyard for repair until the repair work is completed. In the case of new construction, it would run from the time the construction first takes on the characteristics of a vessel; that is, the keel is laid—until the construction is completed.

Finally, a shipyard operation may qualify for exclusion from Longshore Act coverage under more than one of the exceptions discussed above depending upon the types and sizes of vessels involved. A shipyard facility may, for instance, be in the business of building and repairing commercial barges under 900 lightship displacement tons (long) and towboats under 1,600 tons gross and qualify for exclusion from Longshore Act coverage.

A significant additional limitation on the small vessel builder and repairer exclusion from coverage is that the exclusion applies only with respect to work on areas landward of the navigable waters. The exclusion does not apply to work conducted "over-the-water" and such work will continue to be subject to Longshore Act coverage. The legislation thus essentially returns the LHWCA jurisdictional line for these shipyards back to where it was prior to the 1972 amendments. For the purpose of resolving coverage questions about those workers who literally may walk in and out of LHWCA coverage, the pre-1972 amendments case law and rules will thus be relevant and applicable.

I now would like to call attention to some developments which have intervened since the Senate first passed this bill last July.

Section 2 of the reported bill contains a revised definition of the term "wages." The revision was prompted by the decision of the Circuit Court of Appeals for the District of Columbia in *Hilyer* v. *Morrison-Knudsen Construction Company*, 670 F. 2d 208 (D.C. Cir. 1981). The court held that employer contributions to union trust funds for health and welfare, pensions, and training were "wages" for purpose of computing compensation benefits under the Longshore Act. The committee last year and again this year expressly rejected that holding. Recently, 2 weeks following the reporting of S. 38 by the committee, the Supreme Court reversed the circuit decision in *Hilyer* (*Morrison-Knudsen Construction Company* v. *Director, OWCP*, No. 81-1891 (May 24, 1983)). The Court thus concurred with the committee's view that the Congress heretofore had not intended the term "wages" to be given such an expensive interpretation so as to include fringe benefits.

In another recent case, the Supreme Court had occasion to review another facet of the troublesome jurisdictional provisions of the act. As the committee report observes, the 1972 amendments adopted rules of coverage that have been the source of much litigation in the lower courts and before the Benefits Review Board. Over the past decade the Supreme Court itself has wrestled with divining congressional intent as to coverage. Last January, just as the 98th Congress was getting underway, the Court ruled on the question of whether a marine construction worker who was injured while performing his job upon actual navigable waters and who would have been covered by the act before 1972 was now covered by the act. It held in *Director, OWCP* v. *Perini North River Associates*, 103 S. Ct. 634 (1983) that such a person was so covered.

It will be evident from reading the committee report, which was filed on May 10, that the committee has not given any consideration to the *Perini* decision. Instead, the committee report reiterates the position adopted in the preceding Congress as to jurisdictional changes. Briefly, the committee did not attempt an overall evaluation or rationalization of the existing body of statutory and decisional law. Rather the committee singled out certain activities which is believed did not merit coverage under the act, and it identified the employees involved who more aptly should be covered under appropriate State compensation laws. Except for these limited changes, the committee decided not to endorse or reject, explicity or implicitly, a large body of decisional law relative to traditional maritime employment. I emphasize this point simply because the Supreme Court in other contexts has viewed congressional silence, in connection with amending a statute, as ratification of an administrative or judicial interpretation of the unamended portion of the statute. See, for example, *Merrill Lynch, Pierce, Fenner* v. *Smith*, 456 U.S. 353, 379-82 (1982); *United States* v. *Rutherford*, 442 U.S. 544, 544 N. 10 (1979). In my view, the committee's intentionally nondecisive stance clearly should not be construed as presumptive adoption of *Perini*.

Finally, I would like to comment briefly on the floor amendment which Senator MCCLURE and I are cosponsoring. This amendment has been cleared with the minority, and I know of no objection to it.

The amendment carves out an exemption from coverage under the act for employers engaged in recreational operations. The impetus for the amendment is the position of the Department of Labor that employees of professional river trip outfitters are deemed covered under the act if they are injured upon the navigable waters of the United States. This is plainly an unfair extension of the act.

Professional river trip outfitters enjoy an excellent safety record for both their clients and employees, and from that position of responsibility obviously need and desire adequate workers' compensation coverage. Most occupational exposures for the industry's several thousand professional boatmen/guides occur on nonnavigable rivers where such coverage is unquestionably the province of a State. In a few instances, however, river float trips of scenic or whitewater character traverse stretches of river declared "navigable" by the U.S. Coast Guard, which exercises little or no presence or responsibility on those waters, whatever its statutory authority may otherwise be. In other cases river trips on nonnavigable rivers terminate by traversing several miles of "navigable" water at the head of large reservoirs such as where the Colorado River enters the head of Lake Mead or Lake Powell. Indeed in similar circumstances—not the above-cited examples—there may, in spite of the best intentions of program administrators, insurers, and employers, be a jurisdictional lapse of coverage simply because an outfitter employer does not realize he operates on waters where the question of Federal compensation coverage, if posed at all, is unclearly resolved. In good faith an outfitter applying for State program coverage may believe he operates only on navigable waters, and in routine response to what he considers just one more bureaucratic paperwork requirement, he may file an affidavit to that effect without any intent to circumvent the law and without fully understanding the jeopardy in which he may find himself if by some remote chance a claim is someday brought against him for compensation benefits under Federal law. In all fairness it should be noted that some States like Arizona have addressed the uncertainty of this situation by providing a comprehensive Federal and State coverage which assures the river trip outfitter adequate coverage for all employees, whatever their job responsibility, wherever they float or work within that State.

But, in other States, statutory constraints may preclude such an extension of Federal coverage under the State program and an employer may be required to obtain coverage for different categories of employees from entirely different sources, or to cover the same employees under different plans according to where they work on particular days or trips, or according to their duties of the moment, that is, camp cook, truckdriver, boat repairman.

The amendment is intended to obviate such complications and uncertainties by exempting all employees of the professional river outfitting industry from LHWCA coverage. As with the other specific exemptions provided in the bill, this exemption is conditioned upon coverage being available to such employees under State workers' compensation.

Mr. DANFORTH. Madam President, I am pleased to rise in support of S. 38, the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1983. I wish to commend my distinguished colleagues, Senators HATCH, KENNEDY, and NICKLES, for engaging in the successful bipartisan effort to bring this measure before the Senate today. It is gratifying that the committee has been able to resolve the many difficult issues inherent in the consideration of this matter and to report a bill such as this by unanimous vote.

I am particularly pleased that the bill provides an exclusion from Longshoremen's Act coverage for small vessel shipbuilding and repairing operations. These operations are general fabricators as well as shipyards and they have, since 1972, found it difficult to compete with other general fabricators not subject to coverage under the Longshoremen's Act. Some of these facilities are in Missouri and I have been increasingly concerned by their declining economic activity and the consequent loss of job opportunities. In 1980, Senator EXON and I offered an amendment to a maritime bill to exclude these shipyards from Longshoremen's Act coverage. The amendment was unanimously agreed to and became a part of the underlying legislation which was sent to the other body for consideration. Largely because we were confronting adjournment and some complicating committee jurisdictional problems on the other side, that amendment was not enacted into law. I am pleased to note, however, that it obviously has served as a basis from which the Committee on Labor and Human Resources drafted and incorporated a similar exclusion from Longshoremen's Act coverage for these shipyards. Indeed, the only material respect in which S. 38 differs from the objective of the original Danforth-Exon small vessel amendment is by imposing a size limitation on barges. Beyond that, the exclusion in the bill looks the same as the original Danforth-Exon proposal in every material respect.

The exclusion provided by the bill will enable these shipbuilders to be more competitive and thereby to secure existing job opportunities in the declining shipbuilding market while opening up additional opportunities in other areas not now economically viable and attainable. Additionally, it will insure that our Nation's commerce—especially at this critical economic juncture—is able to depend upon the availability of the work boats, and other small vessels, such as utility boats, patrol boats, dredges, ferries, tugboats, barges, and other general purpose small work vessels so important to the unfettered flow of commerce.

The bill essentially excludes from Longshoremen's Act coverage those small shipyards that are in the business of building, repairing, or dismantling small vessels as specified in the legislation. The exclusion does not apply with respect to work conducted over the water, and such work will be covered by the Longshoremen's Act as it was before the 1972 amendments. It is fortunate that the agencies responsible for administering this law, as well as the courts which are called upon to resolve questions arising thereunder, will have the benefit of the experience with the pre-1972 law in order to resolve some of the difficult coverage questions that inevitably will occur with respect to employees who are engaged in employment both on land and over the water.

One of the significant limiting features to the availability of the exclusion is that all of the shipbuilding, repairing, or dismantling activity at the shipyard facility must be associated with small vessels as described by the bill. For instance, if a shipyard is engaged in building or repair work on a vessel larger than the relevant size specified by the legislation, the shipyard operation may not avail itself of the exclusion from Longshoremen's Act coverage until such time as work on the disqualified vessel is concluded. Thus, the provision essentially contains a rolling all or nothing clause which looks to current work activity at the shipyard facility in order to ascertain whether work on a large vessel is taking place which would deny this exclusion from Longshoremen's Act coverage to the facility during the period of building or repair work activity on the larger vessel.

The vessels which may qualify a shipyard for exclusion under this provision include commercial barges, tugboats, towboats, crewboats, supply boats, or fishing vessels, or recreational vessels. Under one test, commercial barge size is limited to 900 lightship displacement tons. Under another test, the work vessels are subject to a 1,600 tons gross test. The recreational vessel exception contains a length qualification. A shipyard may qualify for exclusion from coverage by meeting any one of the specific exception categories contained in the bill. This, I believe, is a desirable and necessarily flexible means of taking into account the different product mix among these shipyards that are located throughout the United States.

In conclusion, it strikes me as remarkable that the Committee on Labor and Human Resources was able unanimously to put this bill before us, and I again would like to compliment those Senators I mentioned earlier as well as all members of the committee who obviously expended considerable effort and attention to offering these improvements to a very important Federal law.

Mr. NICKLES. Madam President, once again today the Longshoremen's and Harbor Workers' Compensation Act, S. 38, is before the U.S. Senate. This bill passed the Senate unanimously in the 97th Congress as S. 1182.

Time ran out last Congress before the House Subcommittee on Labor Standards of the Committee on Education and Labor took any action on the longshore amendments. The subcommittee did hold a hearing but amendments were never proposed to the subcommittee for a markup. There were extensive negotiations on the House side and I am hopeful that the House will take prompt action this Congress.

The need for amendments to the Longshore Act has been well documented. The Labor Subcommittee of the Committee on Labor and Human Resources, which I chair, held a 4-day hearing on this legislation during the 97th Congress. Longshore originally mandated workers' compensation benefits for employees injured over navigable waters. These individuals were ruled ineligible to receive State workers' compensation benefits by the Supreme Court so the Federal program was enacted in 1927.

Amended in 1972, jurisdiction has been expanded dramatically to include many workers otherwise eligible to receive State benefits. Just how far coverage has been extended is unclear under current law. For example, small recreational boatyards are in a state of uncertainty as to the coverage status of their employees working at locations not geographically adjacent to navigable waters. The amendments clarify this by exempting from coverage any person building or repairing a recreational vessel under 65 feet in length who is covered by State workers' compensation. Other groups of employees and employers are exempted from coverage by the amendments.

Insurability has become a major longshore problem. The act mandates private employers to provide workers' compensation benefits to covered employees. These benefits normally are provided through insurance companies. Uncertainty as to coverage and benefit levels has forced many insurance companies out of the longshore market and thereby forces many employers to self insure. Several changes have been made to add certainty.

First, under current law, benefits for death or permanent total disability escalate annually with the national average weekly wage. In 1972 when the longshore amendments were enacted, the maximum benefit was $70.00. Today, that figure is $524.70, an increase of almost 750 percent. Certainty as to future benefits is a key factor in determining insurance rates. Therefore, the annual escalation of benefits is capped at a maximum of 5 percent.

Also, longshore currently provides a life insurance factor which is inconsistent with a workers' compensation system. If a claimant receives compensation benefits for either permanent partial or permanent total disability, his survivor is entitled to benefits. As the Wall Street Journal put it so aptly on May 21, 1981:

> Say a hapless worker is hugged to death by a grizzly while hiking through Yellowstone. The surviving spouse collects death benefits until age 70 or remarriage, even though the death was unrelated to work.

This feature is removed by S. 38.

At the beginning of the 97th Congress, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs held a 6-day hearing on waterfront corruption. This hearing was the culmination of an investigation commenced the previous year by Senator Nunn and the Department of Justice's Operation UNIRAC. This investigation concluded that, in certain instances, the provisions of the act have been abused by corrupt individuals. S. 38 takes several corrective steps to eliminate this potential.

Included among these steps are changes in section 7 of the act, medical services and supplies. Throughout, however, the right of a claimant to choose an attending physician has

been retained as under current law. S. 38 does require the Secretary of Labor to refuse authorization for physicians for purposes of treatment where the particular medical provider has been indicted or convicted of criminal fraud or has violated Federal regulations in connection with medical care programs such as medicaid or its equivalents. Other factors which will lead the Secretary to disallow a physician from providing longshore medical services also are provided.

There are a number of other antifraud provisions as well. For example, the present sanction for misrepresentation in order to receive compensation is increased from a misdemeanor to a felony. The Secretary is authorized to license persons representing parties claiming benefits under the act and to deny this right. A disabled employee who fails to furnish the Secretary with accurate periodic statements of earnings will forfeit compensation under the act. Additionally, the employer is authorized to discharge or refuse to hire a person who has filed a fraudulent claim.

I want to thank Senator Nunn for his efforts and dedication to reforming these provisions of the Longshore Act. His hearing provided much impetus to seek reform and his cooperation has greatly facilitated the negotiations which have led to this bill.

I want to state in closing that these provisions which I have discussed are only a portion of the areas addressed by S. 38. Even with these amendments, however, longshore still remains one of the most generous workers compensation statutes in the Nation. These amendments are not designed to and indeed do not delay prompt delivery of generous compensation benefits and medical treatment to injured employees.

Mr. NUNN. Madam President, I fully endorse and urge the Senate's approval today of S. 38, the Longshoremen's and Harbor Workers' Compensation Act. I joined Senator Nickles in introducing that legislation before the Senate on January 26, 1983, in an attempt to fairly and effectively remedy serious and proven shortcomings in our present system of workmen's compensation for waterfront workers. With minor technical changes, this bill is identical to S. 1182 which passed the Senate on July 27, 1982, but which failed to be considered by the House during the 97th Congress. I commend Senator Nickles, as chairman of the Senate Labor Subcommittee, and Senator Hatch, as chairman of the Senate Committee on Labor and Human Resources, as well as their staffs, for the many long hours they have spent working on this legislation during both the 97th and 98th Congresses.

S. 38 is a comprehensive revision of the current provisions of the Federal Longshoremen's and Harbor Workers' Act. The act has come under increasingly strong criticism in recent years for the extremely high insurance costs which the act has generated as opposed to costs under other workmen's compensation systems. In the light of those criticisms, the reforms suggested in S. 38 are undoubtedly long overdue.

My own particular interests in this bill stem from my work as ranking minority member and former chairman of the Permanent Subcommittee on Investigations. In that capacity, I had the occasion to become especially familiar with the problems of the American waterfront and, moreover, factual evidence which I believe in part demonstrates the need for the provisions of S. 38.

Under my direction, the subcommittee staff conducted an extensive investigation of corruption in American waterfront industries. Our efforts concentrated in ports on the eastern seaboard, particularly New York and Miami, and culminated in 5 days of public hearings before the subcommittee in February 1981. Those hearings included testimony which detailed the ease with which the act could be fraudulently manipulated at the expense of the honest longshoreman, his employer, as well as the American consumer. We heard of the skyrocketing costs of insurance and workmen's compensation claims under the act of the New York/New Jersey waterfront. Those costs were the direct result of a fraudulent claims racket which flourished under the statutory loopholes in the current act. During the course of the hearings, we learned that the astronomical costs of claims filed under the act had indeed driven some stevedoring companies out of business, had rendered others literally uninsurable, and posed a continuing threat to the economic survival of many more.

As a result of such testimony, Senator Rudman and I, at the close of the hearings, strongly recommended that the Longshoremen's and Harbor Workers' Act be amended to prevent future abuse and restore cost levels under the act to reasonable and fair levels. Also included were recommendations which formed the basis for S. 336, the Labor Management Racketeering Act of 1983, which I introduced in the Senate on February 1, 1983. That bill has also received approval from the Committee on Labor and Human Resources and hopefully will be before the full Senate for consideration in the very near future. Taken together, these two pieces of legislation can make great strides in helping eliminate fraud and corruption on the waterfront.

In today urging Senate approval of S. 38, I commend this legislation as one way in which Congress can effectively act to eliminate the type of abuse we saw in our waterfront hearings. Although the bill includes comprehensive revisions of the entire act, there are several sections directly responsive to problems confronted in our hearings. The need for each of those sections was specifically and amply established by the testimony and evidence produced at our hearings.

One such feature of the bill is revision in the procedures for physician selection, designation of ineligible physicians by the Secretary, examinations and reexaminations of questioned claimants and other medical evaluations designed to insure payment for valid claims only. By requiring monitoring of periodic medical reports and providing for debarment of participating physicians by the Secretary, the bill will serve to insure the integrity of the treating physician.

In another area, our hearings identified the automatic presumption of validity for any claim filed now in the act as one of the main factors contributing to the success of the fraudulent claims racket. Time and again we heard that the presumption, sometimes triggered by the mere existence of a physical injury, presented a nearly insurmountable hurdle for an employer who attempts to dispute the validity of an apparently fraudulent claim. The bill will apply that presumption on a far more selective basis, by specifically providing that the mere existence of a physical impairment alone is insufficient to establish a claim and the accompanying presumption.

The bill also raises the criminal penalty for misrepresentation in the submission of a claim from a misdemeanor to a felony punishable by up to 3 years imprisonment, a fine of $25,000, or both. Again this change was specifically and repeatedly recommended and justified during the course of our hearings.

Lastly, the bill amends the current antidiscrimination section of the act to prevent the levy of a penalty against any employer who dismisses an employee for the filing of a claim shown to have been fraudulent. As the act now stands, such an employer is subject to a penalty of up to $1,000 and reimbursement of lost wages of the employee. No distinction is currently made between the dismissal of an employee who had filed a valid claim and one who had filed an obviously fraudulent claim. The unfairness to the employer of the present provision is obvious.

In addition to sections dealing directly with the problem of fraud, S. 38 offers a number of other legislative revisions of the act which our hearings did not specifically deal with. The Senate Labor Subcommittee, as well as the Senate Committee on Labor and Human Resources, has given careful review and consideration to those pro-

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posals. Based on that careful review, the bill is now before us with appropriate and well-reasoned committee approval.

The facts are clear that significant and disturbing problems exist as a result of certain current provisions of the Longshoremen's and Harbor Workers' Act. I believe that S. 38 is a fair and well-reasoned response to those problems. Congress should act now by passage of this bill to correct those problems and to arrive at a statutory solution which will fairly serve the interests of both labor and management.

Mr. President, in closing I wish to personally thank Senator NICKLES for taking a lead in this area and for his fine and persistent efforts on this most important issue.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1422) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time, was read the third time and passed.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VITIATION OF ORDER FOR STAR PRINT ON THE REPORT TO ACCOMPANY THE HUD APPROPRIATIONS BILL, H.R. 3133

Mr. BAKER. Madam President, my final request is for the vitiation of the order for the star print on the report to accompany the HUD appropriations bill, H.R. 3133. I will say to the minority leader that I am prepared to make that request if he has no objection.

Mr. BYRD. I have no objection.

Mr. BAKER. I thank the minority leader.

Madam President, I ask unanimous consent that the order for the star print on the report to accompany the HUD appropriations bill, H.R. 3133, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Madam President, on today's executive calendar are certain items which are cleared for action by unanimous consent on this side. I refer specifically to the nominations on page 3 under Air Force and Army and the nominations on the Secretary's desk in the Army, Coast Guard, and Marine Corps on page 4. Is the minority leader in a position to consider all or any part of those nominations at this time?

Mr. BYRD. Madam President, this side of the aisle is ready to proceed to those nominations.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I ask unanimous consent that the nominations be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following-named officer under the provisions of Title 10, United States Code. Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601 and additional duty as Senior United States Air Force Member of the Military Staff Committee of the United Nations, under the provisions of Title 10, United States Code, Section 711:

To be lieutenant general

Lt. Gen. Howard W. Leaf, 353-18-3384FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Oren E. DeHaven, 363-24-3776, (Age 58), U.S. Army.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ARMY, COAST GUARD, MARINE CORPS

Army nominations beginning Armand N. Jalbert, and ending Eldra D. Carson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

Coast Guard nominations beginning John D. Flewelling, and ending Hugh D. Campbell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

Marine Corps nominations beginning David E. Adams, II, and ending Perry A. Puccetti, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

Mr. BAKER. Madam President, I move to reconsider en bloc the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Madam President, when the Senate completes its business today it will stand in adjournment to the hour of 12 noon on Monday next. After the recognition of the two leaders under the standing order, there is a special order in favor of the distinguished Senator from Wisconsin (Mr. PROXMIRE) of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 1 hour in length in which Senators may speak for not more than 10 minutes each.

Madam President, it is anticipated that on Monday the Senate will turn to the consideration of S. 336, Calendar Order No. 139, which is referred to, I believe, as the racketeering bill.

There is a unanimous-consent agreement already entered in connection with the consideration of that matter. There will be a rollcall vote, it is anticipated, on Monday on that measure. I also expect that the time for that rollcall vote will be established on Monday to suit the convenience of the greatest number of Senators. No effort will be made to do that at this time.

Madam President, if the minority leader has no objection, I would like to provide for the consideration of that measure at this time. I will now put a unanimous-consent request.

ORDER FOR THE CONSIDERATION OF S. 336 ON MONDAY

Mr. BAKER. I ask unanimous consent, Madam President, that after the period for the transaction of routine morning business, the Chair lay before the Senate S. 336, Calendar Order No. 139.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Madam President, will the distinguished majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. Madam President, I understand that there is a time limit of 1 hour on the bill. It was my earlier understanding that a vote would occur somewhere in the neighborhood of 3 or 4 p.m. The time limitation would expire prior to that.

Mr. BAKER. Madam President, the minority leader is, of course, correct. I think we better vitiate that order and establish a time perhaps by adjusting the time for debate or adjusting the time for the transaction of routine morning business on Monday after we see what the circumstances might be.

VITIATION OF ORDER TO CONSIDER S. 336 ON MONDAY

Mr. BAKER. Madam President, I will now ask unanimous consent that the order for the Chair to lay down S. 336 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I may say, however, that it is the intention of the leadership on this side to proceed to the consideration of that matter. I do anticipate a rollcall vote on Monday, the time to be set for that rollcall vote to meet the convenience of the maximum number of Senators. I would anticipate the rollcall vote will occur somewhere between 3 and 4 p.m.

ADJOURNMENT UNTIL MONDAY, JUNE 20, 1983

Mr. BAKER. Madam President, I have no further business to transact. I wonder if the minority leader has anything further?

Madam President, I gather there is no further business to be brought before the Senate. Therefore, I move, in accordance with the order previously entered, that the Senate now stand in adjournment until the hour of 12 noon on Monday next.

The motion was agreed to; and the Senate, at 7:45 p.m., adjourned until Monday, June 20, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 16, 1983:

DEPARTMENT OF STATE

Robert E. Fritts, of Maryland, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Richard K. Saxer, 287-26-1820FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Julius W. Becton, Jr., 197-14-1624, (age 56), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles W. Bagnal, 247-44-8391, U.S. Army.

IN THE NAVY

The following-named lieutenant commanders of the Staff Corps of the Navy for promotion to the permanent grade of commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Abbott, David John
Aleta, Elenita Farro
Angrabanes, Jose Cio
Arribas, Ignacio
Artnak, Edward J., Jr.
Baez, Stephen Albert
Banaag, Carolina D.
Benton, Philip C.
Boitano, Marilyn Ann
Brasted, Edward David
Brook, Itzhak
Carter, William Thomas
Chiong, Lolita Ebuenga
Cho, Michael Min Woo
Chung, In Kook
Clements, Joseph C.
Creutz, Robert E.
Crittenden, Jacob Keith
Crowley, Michael L.
Daggett, Robert B.
Detriquet, John Michel
Ebbeling, William L.
Eil, Charles
Eninger, Larry A.
Feldman, Bruce David
Feldman, Herbert O.
Flandry, Robert E., Jr.
Foerster, Robin S.
Fraley, John Everett
Freedland, Philip N.
Girton, Fred Scheerer
Goodin, Thomas Elliott
Grimsley, William A., Jr.
Gross, Gary Peter
Gueco, Vicente A., Jr.
Hall, Lee Davis
Hastay, Peter Chandler
Hastedt, Randall C.
Hedges, John Charles
Henken, Dale Preston
Hicks, James Mackey
Higgins, Michael James
Hilder, Richard J., Jr.
Hufstader, Robert D., Jr.
Hutton, Patrick Michael
Kennedy, Bobby Joe
Khandheria, Manoj Pravi
Kull, Robert Joseph
Labow, Joel C.
Lacey, Hugh Lake
Larocque, James C.
Lazarus, Angeline
Leonard, Dale F.
Leonard, Howard Ensign
Licht, Jeffrey H.
Liu, Lawrence T. K.
Lytle, Gary Scott
Manalaysay, Alvin Rene
McCamley, Gordon Dale
McDarby, James Vincent
McMahon, Merri M.
Miller, Marvin
Miller, William I.
Murphy, Robert Bernard
Navins, John Paul
Negronrivera, Luis A.
Oldfield, Edward C., III
Ollvier, Richard Marcel
Page, William Robert
Patel, Usha Thakorbhai
Ramos, Huberto I.
Robb, Geoffrey Lawrence
Rowe, John T.
Ruel, Theodore Arthur
Rutherford, Robert C.
Sarmiento, Roberto C.
Schneider, Jonathan A.
Shale, John Horace
Sisco, Kenneth Lee
Skye, Harry William
Sloas, Harold Andrew, Jr.
Snyder, David Allen
Steenbarger, John R.
St. John, Thomas A., Jr.
Sweet, John Paul
Terrell, Ernest Buford
Thompson, Tommy Clay
Tomzak, Thomas Joseph
Traquina, Alvaro Dacruz
Tuluri, Samuel Jayaraj
Vensel, Lee Howard
Weinberg, Stephen Allen
Weiss, Regis John
Wiley, Arthur Sloan
Worthman, John F.
Xanthopoulos, John T.
Yang, William N.
Young, Robert Ellsworth

SUPPLY CORPS

Achenbaugh, Dennis Allen
Anastasi, Richard
Arcuri, Louis Edward
Bassi, Felix Joseph
Beaty, Richard Moore
Benefiel, William Philip
Blood, Roger John
Bollman, Terry Lee
Brooks, Ted Edward
Burgess, Roy H.
Carney, David G.
Casey, Michael Wayne
Chandler, Brian J.
Cogswell, Peter M. L.
Conner, Terrence A.
Cook, David Michael
Cook, Glover Hardy, Jr.
Difranco, Steven Joseph
Easton, Frederick Bigelow
Engelmann, Robert Aron
Fantroy, Ward Keith
Faucher, David Paul
Felts, Warren T.
Finefrock, Carl George
Flanagan, John Edward, Jr.
Fuller, Dana Adelfered, Jr.
Gianfagna, William Louis
Gibbons, Lawrence Brady
Gibbs, David Michael
Gillespie, Daniel Doherty
Gorman, Howard Paul, Jr.
Gulliford, Steven R.
Hankins, Stanley E.
Harder, Larry D.
Hargrove, James Wiley, Jr.
Haskett, William Blair, III
Hastings, Richard G. III
Hickman, William Allen
Higgins, Thomas Patrick, Jr.
Hinson, Kenneth Earl
Hodges, James V.
Holcombe, James Othol
Howdyshell, Robert J.
Johnson, Jay Carter
Johnson, Mark Scott
Keller, David Paul
Kline, Richard W.

Lewis, Richard E.
Machado, Bruce Mervin
Madaio, Paul Frank
Malcolm, Nathaniel D., Jr.
Mansfield, David Kay
Marchetti, Ronald Andrew
McCarthy, Justin D.
McCulloch, John William
Mitchell, Colonus, Jr.
Oreilly, Patrick J.
Parham, James Luis
Pendarvis, Daniel, III
Pettersen, Alan John
Reed, Ronald Passmore
Rich, Bruce Bailey
Roach, Leonard Thomas
Rogers, Robert William
Schaedel, John Gordon
Schimpf, Barry John
Shapack, Arnold Robert
Smith, Emmett Wilson
Stokes, David V.
Tarver, James Edward
Tissier, Robert Joseph
Turpie, James Alastair G.
Vellis, John Demetrius, II
Walsh, Robert Arthur, II
Watkinson, Lyle Patrick
Wieczorek, Richard Joseph
Woodward, George Gage, Jr.
Young, Charles K.

CHAPLAIN CORPS

Bunce, Bobby Gene
Condon, Edwin Daniel, Jr.
Craycraft, John David
Ellison, Floyd C.
Flick, Richard H.
Gibson, William H.
Gilbert, Leroy
Gundlach, John F., III
Hill, Robert Selden, Jr.
Izac, Carroll Andre
Kennedy, Michael H.
Kimokeo, Samuel August
Kincl, Robert L.
Mattie, Richard Michael
Murphey, Paul Warren
Passero, Ernest Felice
Sharpe, Jack Larry
Smith, Victor Hunt
Williams, Norman C.

CIVIL ENGINEER CORPS

Allen, Charles Edward
Anderson, William John, Jr.
Bell, Kenneth Hodges
Brubeck, Gregory William
Bruckner, William Lee, Jr.
Carl, James William
Ching, Clayton Yuke Kee
Cordes, Edward Jack, Jr.
Corsanc, Arthur
Delker, James Leo
Dempsey, Richard Michael
Dillon, Terry Michael
Fehlic, Charles Jerome
Gibb, Thomas Wilson, Jr.
Hein, Gary Wayne
Horne, Dennis Eugene
Hudson, Ronald Richard
Jones, John Eugene
Kaleba, Frank
Kiesling, Robert Franklin
Knowlton, Robert Dana
Lewis, Ronald Corey
McEride, Robert Norman
McNeil, Oscar Newby, Jr.
Palomaki, Donald William
Penell, Joseph Charles
Pollard, Charles Hardin, Jr.
Puncke, Frederick Dewey, Jr.
Roussos, George James
Rushing, Ernest Charles, Jr.
Saebatini, Julian
Scarborough, William Lang
Wright, James Christopher

JUDGE ADVOCATE GENERAL'S CORPS

Abbate, Guy Robert, Jr.
Babington, William R.
Beachy, Ronald James
Beall, Bradley Stuart
Bowman, Marion Eugene
Clifford, William J.
Froman, Floyd David
Mopartlin, Paul Edward
Morrison, Thomas Allen
Newman, Richard Carson
Smith, Ronald Scott
Wright, Steven Earl

DENTAL CORPS

Arthur, James Stephen
Berude, John A.
Caron, John V.
Caruso, John Anthony
Creal, Albert Franklin
Faull, Thomas W.
Fitzharris, Timothy P.
Flatley, James Patrick
Guman, Richard Andrew
Hey, Ernest George A.
Judkins, James T.
Kilfoil, Barry Martin
Kippa, Terry Lee
Kuhel, Raymond F., Jr.
Larson, Mark Paul
Massler, Charles F., Jr.
McCall, Robert W.
Mitchell, Douglas E.
Mullen, Michael P.
Quintero, George
Ralls, Stephen Alden
Ramsey, Thomas J.
Roahen, James O.
Rogers, Peter V.
Rounsaville, George A.
Simpson, James William
Walton, Martin Luther
Watto, Terrence L.
Weeda, Lawrence Warren
Whitehouse, Michael J.

MEDICAL SERVICE CORPS

Adams, Robert Wallace
Anderson, Richard Lelan
Arnold, Anthony Ray
Auld, John Nelson
Baker, Charles Warren
Baltimore, Daniel Lewis
Bason, Robert
Bawden, Monte Paul
Beasley, William Joe
Benson, Milton Junior
Bolshazy, Robert Stephen
Bolton, Herbert Thomas
Carroll, Norman Eugene
Casper, Arthur W., Jr.
Christiansen, Richard A.
Contreras, Thomas Jose
Cooper, James Melvin
Decicco, Joseph Enrico
Delviks, Uldis Albert
Ehrhardt, Douglas Alan
Farnham, John Erett
Flor, William John
Foro, Bradley Roger
Fraser, Llewellyn M.
Gerhard, John Charles I.
Glover, Wayne Paul
Gordon, Charles Vance J.
Greenfield, Donald Euge
Grout, Edward Joseph, Jr.
Hanrahan, James Edward
Harrington, Cary Robert
Harris, William Baxter
Henderson, Charles, III
Hilderbrand, Richard L.
Irving, John
Johnson, John Lawrence
Kayler, Robert Samuel
Kelley, David Bruce
Knight, Paul Lercy
Kubal, John Lawrence
Lane, Coy B.
Lindsay, Richard John
Makris, Kenneth Anthony
McDermott, Donald S.
McKee, Roland Edmond
Meegan, James Michael
Mendenhall, Karl George
Mitchell, Michael L.
Monaghan, William Patri
Nelson, Dennis Pershing
Patee, Jerry Curtis
Peterson, Henrik Vang
Petroski, Joseph Willia
Power, Danny Edwin
Reichman, David Alan
Rittmeyer, Terry Lee
Sandall, Vernon Pat
Scaramozzino, James Ant
Schlagel, Charles John
Schoeneck, Harry Joseph
Simmons, Larry Oliver
Skurja, Michael, Jr.
Snook, Darrell Fred
Snyder, Stephen Laurie
Sparks, Buddy Tom
Vonstuck, Murlowe Leon
Wadsworth, Thomas S.
Weathersby, Paul Kirby
Welch, Richard Roy
Wilson, Don Dewayne
Wolf, Richard
Zeman, Gary H.

NURSE CORPS

Ault, Sally Barras
Benson, Teri Anne
Brake, Barbara Deck
Burns, Jesse Paul, Jr.
Carter, Eileen
Deprima, Alicia Gail
Doyle, Wanda,
Edgar, Marilyn Anne
Elliott, Iris Ann
Feris, Michael Leeroy
Fox, Patricia Michele
Goetz, Mary Elizabeth
Gump, Margaret Lungren
Hart, Elizabeth Kunc
Haskins, Carol Callan
Haynes, Janice Klaiber
Hyatt, Carol Susan
Jackson, Donna Jeane
Johnson, Joe Hormon
Labelle, Carson Verne
Laplant, Michele Ann
Leppanen, Margaret
Lewisbrown, Shirley Dea
Mahaffey, Betty Jeanne
Malone, Diane
Matula, David Louis
Moser, Suzanne Marie
Muehling, Janet Marie
Mullinix, Margaret Berg
Prather, Caren Joell
Riordan, Patricia Trump
Rowell, Margaret Elinor
Sant, Jeanne Paulette
Sessions, Patricia M.
Soppe, Wilfred Edward J.
Stirk, Lawrence Donald
Taylor, Ruth Ann
Tynan, James Francis, Jr.
Underwood, Earma Jean
Wallace, Blair Harrison
Wooldridge, Robert Thom
Zettler; Marcella Rose

LIMITED DUTY OFFICER (SUPPLY)

Frial, Ernesto Fabillon
Verbic, Alan Robert

LIMITED DUTY OFFICER (CIVIL ENGINEER CORPS)

Davis, William Leighton

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 1983:

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601 and additional duty as senior U.S. Air Force member of the Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, Section 711:

To be lieutenant general

Lt. Gen. Howard W. Leaf, 353-18-3384FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Oren E. DeHaven, 363-24-3776, (age 58), U.S. Army.

IN THE ARMY

Army nominations beginning Armand N. Jalbert, and ending Eldra D. Carson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

IN THE COAST GUARD

Coast Guard nominations beginning John D. Flewelling, and ending Hugh D. Campbell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

IN THE MARINE CORPS

Marine Corps nominations beginning David E. Adams, II, and ending Perry A. Puccetti, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

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EXTENSIONS OF REMARKS

ON PIONEER 10

HON ED ZSCHAU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ZSCHAU. Mr. Speaker, man has truly reached the stars.

Last Monday, June 13, 1983, the U.S. spacecraft Pioneer 10 (traveling at 30,600 m/h) crossed the orbit of Neptune. With that crossing, the spacecraft is now farther from the Sun than any known planet, a distance of 2.8 billion miles. Pioneer 10 is truly a pioneer. It has left our solar system and entered interstellar space.

The Pioneer 10 and 11 spacecraft, launched in 1972 and 1973 respectively, were well named. Through them, we felt our way through the asteroid belt and struck out into the uncharted ocean of the outer solar system. The excitement of the first flybys on Jupiter and Saturn were unique experiences. The spacecraft survived the fierce radiation belts of Jupiter and surveyed the spectacular rings of Saturn enabling us to replace the spectaculative images of Jupiter and Saturn with real pictures.

The Pioneers have traveled enormous distances and have operated effectively for extended periods. The engineering accomplishments have matched the scientific ones. The Pioneers truly initiated a new stage in space exploration, blazing a trail for other spacecraft yet unnamed or even imagined.

The Pioneer program began in 1957 before NASA was created. The first Pioneer was launched on October 1, 1958, traveled 72,765 miles from Earth, and returned scientific data for 48 hours. Pioneers 6-9, launched by NASA during 1965-68, explored interplanetary space in a band extending several million miles inside and outside the Earth's orbit.

A mission to Jupiter was officially approved by NASA in February 1969 and subsequently authorized by Congress. The two identical spacecraft for this mission were identical. The first, Pioneer 10, was to blaze the trail. If the asteroid belt of Jovian magnetosphere had proven hazardous for Pioneer 10, Pioneer 11 would have been used as a backup. However, Pioneer 10's mission to Jupiter was so successful that Pioneer 11 was retargeted to encounter Jupiter in a new way that provided it with the capability of reaching Saturn. This spacecraft redesignated Pioneer Saturn, reached Saturn in September 1979, after 6 years in flight.

Pioneer 10's accomplishments are impressive:

First NASA spacecraft to use all nuclear electrical power;

First crossing of the asteroid belt and finding that it presents little hazard to spacecraft;

First trip to Jupiter, arriving November 1973;

Discovery that Jupiter is a liquid planet;

First model of Jupiter's huge, pulsating magnetosphere and powerful radiation belts;

First accurate measurements of mass and densities of Jupiter's planet-sized moons;

First closeup pictures of Jupiter's great red spot and belts and zones showing details of atmospheric circulation;

Proof of origin of the gegenschein and zodiacal light—interplanetary dust.

Pioneer 10 continues to function well, and is currently engaged in defining the extent and behavior of the Sun's extended atmosphere or heliosphere. The picture now emerging seems to show that the heliosphere is enormous, far larger than had been predicted. The heliosphere—created by the million-mile-per-hour solar wind, blowing out from the Sun in all directions—appears to be a tear-shaped magnetic bubble. The bubble is streamlined by the motion of the solar system through the interstellar gas. Pioneer is traveling down the tail of the heliosphere drop. The spacecraft is seeking the skin of this heliospheric bubble, the boundary between the Sun's atmosphere and true interstellar space. Scientists think this boundary region may lie between 5 and 10 billion miles from the Sun.

Pioneer 10 data is also being used to seek a possible dark star companion to the Sun which would explain the deviation in the orbits of Neptune and Uranus.

By June 13, 1983, Pioneer had traveled 3.59 billion miles, from which the Earth would be seen as a pinpoint of light, never more than 2.2 degrees from the Sun. Throughout its mission, the capabilities of the ground-receiving systems have improved faster than the strength of the signals from the spacecraft have decreased. Pioneer can be commanded from tremendous distances and, by use of the 1,000-foot diameter radio telescope in Arecibo, Puerto Rico, data can be received from the spacecraft up to a distance of 8.2 billion miles. Pioneer has now received more than 98,900 commands from Earth and transmitted more than 126 billion bits of scientific data. NASA's Ames Research Center, in my congressional district, is the primary command center.

When Pioneer 10 flew by Jupiter, the spacecraft acquired sufficient kinetic energy to carry it completely out of the solar system. Over the next 850,000 years, Pioneer's closest approach to any star system will probably be the star Ross 248. This will take place 32,610 years from now, when Pioneer 10 will come within 3.27 light-years of the star.

Pioneer carries with a message to any intelligent life which might find the spacecraft on its interstellar wanderings. This message is a drawing and a map, engraved on an anodized aluminum plaque. The plaque on the spacecraft tells of how, where, and when the species lived, and its biological form. The plaque represents at least one intellectual cave painting, a mark of man, that might survive not only all the caves of Earth, but also the solar system itself.

Mr. Speaker, Pioneer 10 is not just an incredible scientific achievement for which NASA and all the companies and people who worked on this project are to be commended. It is also a dramatic example of man's desire and ability to learn about his universe and of how much there is to know.

We have only begun.●

CANADA MUST DO ITS FAIR SHARE ON ACID RAIN

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. CORCORAN. Mr. Speaker, I am today introducing a House concurrent resolution which would encourage the United States and Canada to enter into formal treaty negotiations with the objective of resolving the issue of acid rain. We, in the United States, have made significant progress in reducing air pollution, and we must continue those efforts. But we must take into full account the economic consequences of acid rain control legislation, especially in Midwestern States like Illinois. I also believe that we must approach this issue on a bilateral basis with Canada so that we can insure that the costs are equitably distributed between the two countries.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. Speaker, for the benefit of our colleagues, the text of my resolution follows:

H. CON. RES. —

Whereas the United States and Canada have a long and friendly relationship and the longest unfortified border in the world;

Whereas acidic deposition is an important bilateral issue between the United States and Canada;

Whereas scientific evidence on the issue of acidic deposition is inconclusive;

Whereas United States air pollution control requirements are among the most stringent in the world;

Whereas the United States has already made substantial reductions in sulfur dioxide emissions;

Whereas the United States currently has in place emissions control standards that will further reduce emissions of sulfur dioxide by new facilities;

Whereas massive reductions in sulfur dioxide emissions by existing facilities would be costly and disruptive to the citizens of the United States and Canada without guaranteeing an equal reduction in acidic deposition; and

Whereas an effective response to the issue of acidic deposition requires bilateral cooperation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States and Canada should enter into formal treaty negotiations with the objective of resolving the issue of acidic deposition.●

THE 25TH ANNIVERSARY OF THE EXECUTION OF PRIME MINISTER IMRE NAGY OF HUNGARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LANTOS. Mr. Speaker, at dawn, 25 years ago today, in a grim prison yard in Budapest, Hungary, a short, stocky man was led to the gallows together with two companions. He was former Prime Minister Imre Nagy, returned to office just 20 months before by the groundswell of popular sentiment during the 1956 revolution. At that dawn the executioner also took the life of Pal Maleter, Minister of Defense in the revolutionary government and Miklos Gimes, a close aid of Prime Minister Nagy. Another member of the Nagy cabinet, Jozsef Szilagyi, had been dead for 3 months by then, also a victim of the terror unleashed on Hungary by its Soviet captors. Minister of State Geza Losonczy had been suffocated in the prison the previous December when his torturers shoved a pipe in his lungs on the pretext of force-feeding him during a hunger strike. These were but five of the most prominent victims among the thousands killed to take a bloody revenge on the Hungarian people for its courageous attempt to gain its freedom and independence. It must strain the credulity of some of my colleagues that the events I described did not occur amidst the palace powerplays of some benighted medieval court but in civilized central Europe in the middle of the 20th century. Instead of the glorious and prosperous future promised by Marxism-Leninism, what the Red Army brought back for the unfortunate peoples of eastern Europe was indeed the barbarism of the Dark Ages.

Prime Minister Imre Nagy has been one of the most tragic figures of modern history. He was a committed Communist who joined the movement because he truly believed that it was the road leading to mankind's brightest future. His personal qualities, however, humanism, integrity, respect for national traditions and human dignity soon began to conflict with the rigid Stalinist system established in Hungary by Moscow in the late 1940's. As a result of the temporary relaxation following Stalin's death Imre Nagy was nominated Prime Minister for the first time. His short incumbency is remembered for the release of thousands of political prisoners and the liquidation of the most infamous concentration camps of the Stalinist era in Hungary. For the Soviet overlords, however, he went too far; he had to leave office in a few months and he was expelled from the Communist Party as "revisionist."

Nevertheless, the Hungarian people did not forget this modest, uncharismatic man, who first tried to seriously infuse the Communist ideas with humanism. On October 23, 1956, when hundreds of thousands took to the streets of Budapest to demand freedom, national independence, and dignity, only one name was on the lips of the demonstrators, that of Imre Nagy.

He answered the call and undertook the hopeless task. During the next 12 days, as the Prime Minister of the revolutionary government, he tried to steer a cautious course between the fervor of the revolutionary masses and the growing signs of a Soviet determination to extinguish the flickering flame of freedom in Eastern Europe. On November 4, when the tanks of the Red army began to break through the defenses of Budapest, Prime Minister Nagy went on the national radio. He reaffirmed the declaration of independence of the nation, its denounciation of the Warsaw Pact and asked the protection of the United Nations and the nations of the world. The answer was deafening silence.

With his last official act, he called for nonresistance to the invaders. His concern for the innocent blood of the nation's youth was much stronger than his inclination to take a spectacular but futile last stand. This was the only order of Premier Nagy that was disobeyed by the freedom fighters.

Mr. Speaker, the tragedy of Imre Magy lies in the hopelessness of his effort to reconcile Communists doctrine and practice with the ideas of freedom, national independence, and humanism. To the former he devoted his life, for the latter he sacrificed it. He quietly struggled with this insolvable contradiction for years. When finally, however, the collision was inevitable, he did not hesitate to side with his own people and its aspiration to rid itself of the Soviet Communist yoke.

He gave his life for his nation the way he lived, calmly and with utter serenity. He refused to request mercy from his murderers. According to fellow inmates who heard his execution he hailed the freedom and independence of Hungary with his last words. May he rest in peace.●

AMERICAN FILM INSTITUTE PROCLAIMS A DECADE OF PRESERVATION—1983-93

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. WAXMAN. Mr. Speaker, the American Film Institute is an independent, nonprofit organization founded in 1967 to increase the recognition and understanding of the moving image as an art form, preserve this art form, identify, develop, and encourage new talent, and establish the necessary financial resources to achieve these goals. At the time, it was clear that important parts of this Nation's film history were lost forever and only a devoted, intense effort could save what was left. As a result the AFI established its preservation program with the support of the National Endowment for the Arts.

The program's goals are to encourage and stimulate preservation programs at institutions with significant film archives. These institutions include the George Eastman House, the Library of Congress, the Museum of Modern Art, the UCLA Film, Television and Radio Archives, and the National Archives.

Since 1969, the AFI preservation program has rescued more than 18,000 films and has placed them in the AFI collection at the Library of Congress. Such landmark works as "Citizen Kane" and the original "Lost Horizon" are now safeguarded for posterity. The process of transferring films made on nitrate film stock, a highly unstable and combustible material, onto long-lasting acetate (safety) film stock is an expensive and time-consuming task. When one considers that, until 1951, all movies were made on nitrate, one can imagine how much more preservation work there is to be done before these nitrate films crumble to dust, melt, or burst into flames and are lost to us forever.

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New projects to plan for the preservation of impermanent early color films and videotapes are being undertaken by the American Film Institute. AFI coordinates projects and exchanges information with other archivists through the Film Archives Advisory Committee (FAAC) and its member organization, the Television Archives Advisory Committee.

To inaugurate the Decade of Preservation, I ask the Members to join with me in saluting the members and friends of the American Film Institute for their efforts and devotion to the preservation for all time of the truest record of our time—the moving images of film and television.●

THE NATIONAL CHILD SUPPORT ENFORCEMENT ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mrs. ROUKEMA. Mr. Speaker, I am today introducing the National Child Support Enforcement Act. I have developed this legislation because I believe that we need a national response to what has become a national problem. This need is best understood through the perspective of 50 years of Federal concern for the welfare of our children.

The aid to families with dependent children (AFDC) program began in 1935 to provide welfare to those families in which one parent was deceased, absent, disabled, or unemployed. The composition of the AFDC caseloads has changed dramatically since the program began. In the 1930's the majority of cases involved families where there was a deceased parent. By 1940 this had changed to 42 percent of all cases, in 1979 those children eligible for assistance due to death was only 2.2 percent, and 44.3 percent were eligible because of the parent's absence from home.

Although the problem of child support and its collection had been viewed strictly as a State and local one, the Federal Government became involved as AFDC program costs escalated. Unfortunately with Federal costs as the impetus, the gulf between help for welfare mothers and nonwelfare mothers widened. In 1975, the Congress enacted title IV-D of the Social Security Act—Public Law 93-647—to establish a program to assist in child support enforcement. The program requires States to provide services to locate absent parents, establish paternity, and assist in the establishment and collection of court ordered, administratively ordered, and voluntarily assigned child and spousal support payments. This legislation was enacted as an attempt to require absent parents to support their children, thus reducing the spending for cash welfare under Federal-State AFDC programs. Non-AFDC mothers can use these programs, after paying a fee. But in both cases the State uses a portion of support collected to defray administrative costs.

Today these programs have proven to be of minimal success in actually collecting child support payments, and with nonpayment at epidemic levels, literally millions of women in all economic situations are unable to provide for the basic needs of their children.

There are currently 1.2 million children parents divorce each year. Single parent families increased by 97 percent in the 1970's. Of these single parent families 90 percent were headed by women, and half of these families received some kind of public assistance. At the same time, while 59 percent of all women with minor children were awarded child support, only 35 percent received any.

I firmly believe that the time has come for the Federal Government to take action. My bill would require automatic withholding of wages from those individuals who owe child support. My bill would not wait for the noncustodial parent to become delinquent in his payment, rather collection of support would begin at the moment of court order or administrative order. It would not create a labyrinthine bureaucracy nor would it encourage endless repetitive court appearances with their soaring legal fees. Finally it does not differentiate between welfare and nonwelfare mothers.

I urge my colleagues to review the hundreds of cases in their own districts—every one with children as the innocent victims—and join me in cosponsoring this badly needed legislation.●

INCENTIVES FOR GOOD SOIL MANAGEMENT

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. EVANS of Iowa. Mr. Speaker, today along with Mr. JONES of Tennessee, Mr. STANGELAND, Mr. EMERSON, Mr. BARNARD, and Mr. DAUB, I am introducing the Soil and Water Conservation Incentives Act of 1983. This legislation would allow investment tax credits on those conservation expenditures which may not be deducted under current law. Soil and water conservation expenditures would be added to the definition of section 38 property. The Internal Revenue Code currently prohibits this deduction in cases where the expenditures exceed 25 percent of gross farm income or because the person incurring such expenditures has no income from farming.

We must provide more incentives at the national level to encourage farmers and landowners to take seriously their stewardship of the soil resources of this Nation. This bill, which adds that kind of incentive, is the same as the measure I introduced in the last session of Congress, that was included in an early draft of the Tax Equity and Fiscal Responsibility Act of 1982.

The problems we face with respect to the deterioration of our land resources is more than a passing one. It has tremendous long-term implications for our ability to produce record harvests and thus for the ability of this country to meet the food needs of people around the world and to contribute favorably to the U.S. balance of trade. And we are not moving fast enough to solve these problems.

Through service as a Commissioner of the soil conservation district in my home county, and as someone who operates 1,400 acres of productive farmland, I have seen firsthand the urgent need for farmer incentives to make the changes necessary to conserve our soil. Because of intensive cropping practices in Iowa, the average topsoil loss is 10 tons per acre per year due to erosion. In comparison, only 5 of those 10 tons of soil are annually replaced through natural processes. If that difference is not balanced soon, we are headed for serious problems.

The rich agricultural lands of this Nation represent one of our most valuable assets, but like our other natural resources they require careful management on our part if their quality and quantity are to be maintained. This bill will provide additional incentives for good soil management and I urge my colleagues to join me in supporting this measure in the interest of all regions of the country and in the interest of producers and consumers alike.●

AMERICAN COMPANIES DOING BUSINESS IN SOUTH AFRICA SHOULD BE COMPELLED TO OBSERVE FAIR EMPLOYMENT STANDARDS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. RANGEL. Mr. Speaker, I rise today to voice my strong disagreement and disappointment with an editorial published in the June 15 edition of the New York Times. I submit this editorial for insertion into the CONGRESSIONAL RECORD.

My colleague, STEPHEN SOLARZ, has introduced a bill which will mandate fair employment standards for nonwhites employed by American firms in South Africa. The New York Times

advocates voluntary compliance with these standards, and feels that my colleague's bill "is probably the wrong way to press our values."

This editorial is an exercise in nearsighted journalism that is at best naive, and at worst soft on the terrible system of apartheid that is indirectly strengthened by American companies.

Perhaps the editorial board is sincere in its faith that American companies will voluntarily implement fair employment standards. Unfortunately, the policy advocated by the Times is completely unrealistic. Less than one-half of the companies in South Africa now comply with voluntary guidelines already established by Rev. Leon Sullivan. The conditions which the vast majority of South Africans must endure have not abated one iota under the present voluntary system.

It is the duty of the U.S. Government to send a message of disapproval to the South Africans, and the Solarz bill is just the kind of communication that might make them come to their senses.

The racist regime is unique, and requires a unique response. Why does the Times question the precedent which will be set? Singularly brutal regimes should be condemned by the United States. I see no danger of a slippery slope precedent in this instance.

Passage of the Solarz bill is absolutely necessary if the United States wants to maintain a reasonable degree of credibility in Africa. There are many nations in Africa, and every one of them is watching us in South Africa.

[From the New York Times, June 15, 1983]

DOING BUSINESS WITH RACISTS

Uniquely among modern governments, South Africa's white regime employs all the instruments of state to subjugate a racial majority. Having chosen to be a nation apart, it invites special contempt. Americans, as well as most other peoples, want nothing to do with South Africa.

Yet South Africa is a bountiful market for American enterprise: $2.3 billion in direct investments, $1.1 billion in private bank loans, nearly $6 billion in yearly trade. Some think this economic relationship supports racism, others contend it mitigates the condition of South African blacks. Periodically, Americans ask how this market leverage might be better used against injustice.

It's a hard question, and Brooklyn's Stephen Solarz, leading a score of Congressmen, proposes a hard new answer. They would legislate fair employment standards for all American companies that operate in South Africa with more than 20 employees. Though a justifiable response to the inhumanity of South Africa's system, that would be a sizable leap onto untested terrain.

This much has been tested: About half the American concerns trading in South Africa adhere to a voluntary code drawn up by the Rev. Leon Sullivan of Philadelphia. It calls for nonsegregated work facilities, equal pay for blacks and whites doing equal work and the training of nonwhites for supervisory and technical jobs. The Sullivan code offends South Africa's custom, but not its laws or pretensions. The benefits to blacks, though uneven, seem to have been considerable. And by blunting demands for stiffer sanctions, the code also benefits white South Africans and all American traders.

But the code is voluntary. Some companies object to any interference. Some resist for bottom-line reasons. The New York Times declines to sign because even if that were consistent with objective news gathering, the code is not applicable to small operations involving only Americans.

The Solarz bill would require larger American operations to observe the Sullivan code. Desirable as that sounds, it raises troublesome questions:

Who would monitor compliance? Turning American diplomats in South Africa into plant inspectors, as the bill proposes, is unwise. If an embassy official is diligent, he becomes embroiled in domestic affairs. If not, the law goes unenforced.

Who would judge compliance? As legal cases develop, American courts would have to interpret another country's laws and weigh its citizens' petitions. And if Pretoria retaliated by limiting access to plant inspectors, the measure might be less effective than the voluntary plan.

What precedent would thus be created? Though South Africa's racism is peculiarly offensive, the proposed response would create a new American standard for economic relations. Why should Congress not then legislate similarly against injustice to, say, women in Saudi Arabia?

Americans' frustrations should be obvious. They are exacerbated by the Reagan Administration's bland, unfruitful policy of "constructive engagement" with South Africa. Even hard-boiled European traders now talk of adopting Sullivan-style restrictions on dealings there.

The Solarz bill is probably the wrong way to press our values, and it may dismiss the voluntary program too readily. But South Africans should heed the anxiety it represents. Even Mr. Sullivan, the author of the voluntary code, now supports making it legally binding. Multiracial America will not forever "engage" South Africa if doing so appears to condone and uphold its racist doctrines.●

TVA 50TH ANNIVERSARY CELEBRATION AT GUNTERSVILLE

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. BEVILL. Mr. Speaker, last Friday, June 10, I had the privilege of attending a celebration in Guntersville, Ala., marking the 50th anniversary of the creation of the Tennessee Valley Authority.

TVA is America's premier economic developer. Fifty years ago, the Tennessee Valley region faced a bleak future, but the newly created TVA harnessed the water of the area, creating low-cost power and eliminating the annual deluge of floodwaters. TVA's resource management and development have brought economic prosperity to millions of Americans living in the region. TVA has established a solid record of getting things done. That is what makes them stand out and that is why leaders from all over the world come to this country to see what TVA is doing and what it has accomplished.

I especially commend TVA for its outstanding leadership today in helping to make this Nation energy independent. In October 1980, I attended the dedication of the pilot ammonia-from-coal plant at Muscle Shoals, Ala., a project which is showing the fertilizer industry how to derive urea for nitrogen fertilizer from plentiful southeastern coal rather than from expensive natural gas. TVA has developed the fertilizer technology from which three-fourths of the Nation's fertilizer is produced and has made this technology available to all who need it in the world. Efficient fertilizer production is a most important energy savings activity.

TVA also has underway a number of national energy demonstrations, in solar energy, electric cars, wood heaters, solar water heaters, commerical and industrial biomass, solar homes, heat pump water heaters, small hydroelectric power projects, renewable energy programs, and waste heat utilization, to name a few.

It is the Nation's leader, as a utility and as a Federal agency, in promoting the conservation of energy through weatherization of homes, commercial buildings, and factories.

In another aspect of energy independence, as the Nation's largest consumer of coal—up to 30 million tons a year—TVA leads in demonstrating how to burn coal both cleanly and efficiently. It has improved the technology for scrubbers, baghouses, and coal-washing plants. And it has substantially improved the heat rates at its generating plants.

Out of this experience in the technology for burning coal cleanly and economically, TVA also developed and built, with the support of the Congress, the utility industry's pilot plant for the atmospheric fluidized-bed combustion of coal. The 20-megawatt pilot plant, now operating near Paducah, Ky., is the forerunner of a planned commerical-sized demonstration plant. This technology offers great hope for utilizing our eastern coal reserves in an environmentally sound manner, without expensive scrubbers.

As I have said at Energy and Water Development Appropriations Subcommittee hearings, I wish we had more TVA's in this country and I wish other agencies of the Government did as good a job. TVA is appropriately described, in its unofficial motto, as "Shaping Tomorrow Today."●

VOLUNTEERISM STILL LIVES

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. TALLON. Mr. Speaker, I would like to have a copy of a letter I wrote to the President inserted in the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 15, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In light of your views on volunteerism, I would like to bring to your attention a most successful volunteer effort by the people of Conway, South Carolina.

Conway, like many other cities across the country, had more than its share of potholes in its streets. However, funds were not available to repair the streets. During Student Day activities at Conway High School, a student Mary Parler, suggested getting the community involved in dealing with this problem.

City officials took Mary's idea and turned it into "Pothole Saturday" which was held on May 28, 1983. On that day, 80 volunteers worked from 8:00 a.m. to 12:30 p.m. to fill 585 potholes. Trucks, asphalt and other equipment were donated by the City and State of South Carolina and local businesses donated funds to purchase tee-shirts and provide lunch for the volunteers.

The event was a tremendous success—the condition of the streets was improved and a great deal of civic pride was generated. The City of Conway plans to make "Pothole Saturday" an annual event.

Sincerely,

ROBIN TALLON,
Member of Congress.●

SUPPORT FOR H.R. 1796

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, the bill H.R. 1796, which would give Federal retirees a 1-year opportunity to modify their survivor benefits has received support from congressional Members and the general public.

My office has received many letters from the general public which are supportive of H.R. 1796. This is a sampling of their letters:

> Due to misinformation and varied other reasons, many Civil Service retirees, failed to take advantage of the Survivor Benefits program. I am one of those retirees.
>
> I am writing you, thanking you for introducing H.R. 1796. When I retired [on] June 1, 1968, I did not think . . . it was necessary to elect my spouse for a retirement benefit in case of my death. But due to the change in the economy and increased cost of living, it would be necessary for my spouse to have this retirement benefit.
>
> I retired from Civil Service on August 12, 1978, but failed to designate my wife for survivor benefits. I have been trying to correct this mistake, without success, for the last five years.
>
> It is my hope that hearings on this important legislation will be held at the earliest possible time.

Currently the bill is pending before the Subcommittee on Compensation and Employee Benefits of the House Post Office and Civil Service Committee with no hearings scheduled.

Current law provides that a Federal employee must decide about his or her survivor benefits at the time of retirement, or if not married at the time, then within 1 year from the date of a marriage that occurs after retirement.

H.R. 1796 would give Federal retirees who did not choose to receive survivor benefits or who wish to modify their election, 1 year from the date of the bill's enactment or date of retirement to change the election. Under this legislation, Federal retirees who are no longer satisfied with their survivor benefit decision may choose to increase, but not to revoke or lower, their benefits. The bill provides that the Office of Personnel Management would have to notify all affected employees and retirees of these changes.

This legislation has widespread support among Federal retirees and I am hopeful that hearings will be held and that Congress will consider and pass H.R. 1796.●

BALTIC FREEDOM DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. GEJDENSON. Mr. Speaker, I would like to take this opportunity to thank my distinguished colleague, Mr. DONNELLY, for his sponsorship of House Joint Resolution 201, which designates June 14, 1983, as "Baltic Freedom Day."

This issue is of special concern to me because my parents were forced to flee Soviet-occupied Lithuania. This month marks the 43d anniversary of the illegal incorporation of Lithuania into the Soviet Union. It also marks the 42d anniversary of the massive deportation to Siberia of 30,000 members of the Lithuanian intelligentsia, which took place June 14–18, 1941. This was the first of many such mass deportations. It is estimated that, during the years of Stalinist occupation, between 1945 and 1951, 340,000 Lithuanians, approximately 10 percent of the present population, were arrested and deported. Since 1953, some of these have been allowed to return to Lithuania; most, however, are believed to have died in labor camps and internal exile.

The injustices inflicted on the Baltic people continue today in other forms. The Soviet Government continues a systematic attempt to undermine the national identities and cultures of the Baltic States, which they perceive as a threat to their complete control of the region. Among other invidious policies, there appears to be an ongoing resettlement of Russians into the Baltic States, restrictions on the use of native languages, and harassment and arrest of those who participate in spontaneous demonstrations of national sentiment.

The United States have never recognized the forced annexation of the Baltic States into the Soviet Union. It is my hope that the Soviet Government will realize the folly of its inhumane and illegitimate policies in this region, which run counter to humanitarian considerations and which contribute to the gulf between our two nations. In the meantime, it is important that we continually remember and reaffirm our commitment to the eventual independence of these repressed people, as we did last week in passing House Joint Resolution 201.●

THE 50TH ANNIVERSARY OF THE GLASS-STEAGALL ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MARKEY. Mr. Speaker, today we celebrate the 50th anniversary of the Glass-Steagall Act. What a 50 years it has been.

Under the act, we have seen an unprecedented level of investor and depositor confidence in our financial institutions. This has created in the United States one of the healthiest and most successful capital formation systems in the world. Though we have had our problems, and though we will continue to have our difficulties, the separation of commercial and investment banking stands as one of the great financial-legislative acomplishments of the New Deal period.

Today, many suggest repeal of the act. Some wish to see Congress do this task, others are content to let regulators step far beyond their bounds and break down the "Great Wall" that the Congress build 50 years ago. In the months ahead, the House Subcommittee on Telecommunications, Consumer Protection, and Finance, of which I am a member, will consider a variety of proposed legislative and regulatory modifications of the act. It is my hope that we in the Congress can be guided by the same wisdom that Senator Carter Glass and Representative Henry Steagall showed when they drafted and stood by their act in 1933.

No regulatory structure can ignore changes which make it obsolete. But at the same time, no policymaker can ignore lessons well learned from the past. The lesson we should have all learned from the Great Depression is this one: When investor confidence goes, so, too, does the capital formation market. Indeed, the structures—of lack thereof—that some propose today in the place of Glass-Steagall should not be acclaimed for their newness but instead should be decried for their failure to adequately learn from the dark days of the 1920's.

On its 50th birthday, the creators of the "Great Wall" have much to be proud of. I hope that our successors can say the same of us 50 years from now.●

FAILURE OF ADMINISTRATION'S POLICY TOWARD SOUTH AFRICA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FRANK. Mr. Speaker, as a member of the Arms Control and Foreign Policy Caucus, I would like to express my concern over the present human rights crisis in South Africa. The practice of apartheid in South Africa is reaching new proportions daily. Just last week, moves were made in the South African Parliament to increase the use and stringency of the homelands policy. Over the last month violent incidents in the illegally occupied country of Namibia have increased drastically. There are not signs of increasing stability, which is the purpose of the administration's "constructive engagement," but of increasing instability. The administration has failed and it is now time to consider a new course of action.

I would like to commend to the attention of my colleagues, the testimony of my esteemed colleague HOWARD WOLPE, before the House Banking Committee's Subcommittee on Financial Institutions Supervision, Regulation, and Insurance. These remarks, dated June 8, 1983, give a clear picture of the present situation in South Africa, with particular emphasis on the United States association with the South African Government's policies. The following are excerpts from that statement:

CURRENT U.S. POLICY: "CONSTRUCTIVE ENGAGEMENT"

For nearly two and a half years, the current Administration has been pursuing its policy of "constructive engagement" towards South Africa. This policy is based on the premise that quiet diplomacy and closer American association with the South African regime would encourage fundamental internal change and lead South Africa to end its illegal occupation of Namibia and develop peaceful, productive relations with its neighbors. Thus the Administration has increased the number of military attaches in our respective embassies, provided visas to high-ranking military and intelligence personnel, permitted U.S. companies to broker nuclear fuel deliveries to South Africa which refuses to sign the Nuclear Non-Proliferation Treaty, permitted the sale to a government-aided research firm of a computer that can model a nuclear explosion, loosened restrictions on U.S. exports of non-military items to the South African military and police, and vetoed, without support from any of our Western allies, a U.N. Security Council resolution condemning a South African invasion of Angola—all in the name of "constructively engaging" the South Africans to do something positive.

Unfortunately, the only tangible result of this policy has been to implicate us even more in South Africa's repressive and aggressive policies. In the first place, the South African government has moved to consolidate rather than dismantle its apartheid system. While undertaking extremely modest reforms to try and co-opt a non-white middle class (such as constitutional proposals giving Asians and coloreds, but not black Africans, a measure of autonomy within apartheid and, 99 year housing leases, freer movement, increased commercial and educational opportunities, and official recognition of trade unions for urban blacks), it has:

Established another so-called "independent homeland" and threatened to transfer other black South Africans to neighboring Swaziland,

Pursued even more vigorously its forced "resettlement" and "influx control" policies to keep black Africans in their homeland prisons,

Permitted educational expenditures for the two thirds of black African children who live in the so-called "independent homelands" to fall further behind those for urban blacks and whites,

Maintained per capita educational spending and teacher pupil ratios between black and white at levels below those of 1949 when the National Party regime took power,

Vowed never to give up "white domination" of the political structure and to exclude black Africans from any participation forever, detained hundreds of union leaders, journalists, and students,

Continued to use torture on political detainees leading to new deaths in prison, including that of the first white victim, Neil Aggett, a labor organizer for the African Food and Canning Workers Union,

Enacted new restrictions on freedom of the press, and

Proposed a constitutional reform that increases the potentiality for a Presidential dictatorship.

Secondly, South Africa continues to block a settlement of the Namibia conflict, successfully using the American insistence on linking Namibia's independence to the removal of Cuban troops from Angola as a way of prolonging its domination of that embattled territory.

Thirdly, South Africa has dangerously escalated its destabilizing military and economic aggression against its black-ruled neighbors. At this very moment, South Africa occupies Angolan soil, and gives support to dissident groups in Angloa and Mozambique. It has invaded Lesotho. It has sought to overthrow the Seychelles Government, and it has not hesitated to use economic sabotage against Zimbabwe and Mozambique as an added stick in the bargain.

In short, "constructive engagement" has been an utter failure. The South Africans either missed the signals sent by the Reagan team or cynically decided to manipulate them to their own ends. It is clear that the options this Administration has embraced, in hopes of alleviating a worsening situation in Southern Africa, have in fact merely made matters worse. Not only is there more upheaval and violence in the Southern African region today, but now—for the first time and as a direct consequence of construction engagement, the U.S. has become directly implicated in these developments. And it is critical that we Americans understand the enormous damage that "constructive engagement" has done to American interests throughout the continent. For the U.S., in African eyes, is now viewed as colluding with the South Africans in delaying Namibia's independence, in fostering regional instability, and in perserving the abhorrent system of apartheid.

ECONOMIC RESTRICTIONS ON SOUTH AFRICA FOR NATIONAL SECURITY REASONS

It is against this backdrop of the serious threat to our national security interests in Southern Africa and the Administration's persistence on a diplomatic path that exacerbates this threat that I strongly support the Solarz amendment of the Export Administration Authorization for fiscal year 1984. By enacting a government-enforced code of fair employment principles for employees of U.S.-controlled companies in South Africa, a ban on bank loans to the South African Government (except for loans for educational, health and housing facilities available on a non-discriminatory basis in areas open to all population groups), and a prohibition on the importation of krugerrands and other South African Government-minted or solid gold coins, the U.S. would demonstrate to the South African Government that the U.S. is unalterably opposed to apartheid and will never countenance policies aimed at reinforcing a beseiged apartheid regime. It will also send a clear political message to the black majority of South Africa, as well as other African and Third World nations, that our country is allied with their legitimate aspirations and disassociates itself from the South African regime. Instead of procrastinating in this difficult situation until it is too late to act effectively in behalf of U.S. national interests—as we have too frequently done in the past—we need to act now.

Actually, the Solarz amendment is mild medicine next to the restrictions the U.S. has adopted on private banking and trade relations with other countries when important foreign policy interests have been at stake. The Solarz amendment merely restricts new bank loans to the Government and the importation of new Government-minted or solid gold coins. But under the UN Participation Act, the U.S. maintained a complete embargo on economic relations with the white minority government of Rhodesia beginning in the late 1960's. This House reaffirmed that policy by separate legislation in 1980, in response to foreign policy arguments similar to the ones I have presented today.

In 1978 the Congress enacted a total trade embargo with Uganda because of the brutal human rights violations of President Idi Amin. Under the International Economic Emergency Powers Act, the U.S. maintains a complete embargo on economic relations with Cuba, Vietnam, Cambodia, and North Korea, and it implemented a similar embargo against Iran because it seized American hostages during 1979–81. Under the Export Administration Act, we maintain restrictions on exports of non-military goods and technology to numerous countries, includ-

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ing South Africa, on grounds of national security, human rights anti-terrorism, nonproliferation of nuclear weapons, and other foreign grounds.●

H.R. 1590 ADDRESSES THE HUNGER PROBLEM

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ECKART. Mr. Speaker, I rise in support of H.R. 1590, the emergency commodity distribution bill. With unemployment hovering around 20 percent in my district in northeast Ohio, hunger has become more and more of a reality for increasing numbers of people. In a field hearing in northeast Ohio earlier this year, I was appalled to learn that we do not have an adequate safety net to prevent against hunger and malnutrition.

The figure for people showing up to get surplus food and for those resorting to soup kitchens are startling. In Ashtabula, the gentleman who runs the senior citizen center said he gave away 120 5-pound packages of cheese in 20 minutes. When it was all distributed, he was forced to turn away 80 to 100 more seniors who were hoping to get a share. Across the street on the same morning, the Catholic Services Agency distributed 2,300 pounds of cheese in 1½ hours. That works out to 126 pounds a minute. Fortunately, none of the 750 people who turned out for that distribution left emptyhanded. But several of the food bank staffers and community workers have expressed alarm at the rrising emotional level as such giveaways, particularly when there is not enough food to distribute.

The more I look at hunger in northeast Ohio, the more concerned I become. Community leaders and hunger project staffers paint a picture of a band-aid approach to nutrition and relative health care. The WIC program Ashtabula is servicing 1,000 people per month. Yet the administrator said that 500 to 1,000 additional women whose health have been identified as being at risk are not being helped. This lack of adequate nutrition is already showing itself in anemia, height and weight development problems, and retardation in children. Babies suffer from what is known as failure to thrive, a bureaucratic way of saying that they do not grow as a result of poor prenatal and nutritional care.

It is important to note that the hunger problem extends beyond our traditional stereotype of the needy person. The people standing in line at the Salvation Army soup kitchen are not homeless derelicts but entire families who have been victimized by unemployment and the sagging economy. The hunger problem also extends to the "working poor," people who are making an effort to support themselves, yet who often cannot afford to eat right.

H.R. 1590 is an innovative, affordable way to address the hunger problem. It is an eminently reasonable approach because it is actually easier and less expensive for the Federal Government to distribute surplus foods than it is to store them. As a cosponsor of this proposal, I will do everything possible to urge the U.S. Department of Agriculture to carefully target this bill when it becomes law. I applaud the House's action on H.R. 1590 and hope to see the Senate soon pass a companion proposal.●

RIVERSIDE HOSPITAL CELEBRATING 100TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to Riverside Hospital in Toledo, Ohio, which is celebrating the 100th anniversary of its founding this month. This special institution has played a significant role in improving the quality of life in the Toledo-area since its founding as "The Retreat: A Home for Friendless Girls" in 1883.

For the past century, Riverside Hospital has proudly and skillfully adopted a leadership role in providing quality health care to its patients. It was the first hospital in the Toledo area to provide a coronary care unit and an outpatient clinic. It was also the first to allow fathers in the delivery room, as well as to provide continued care to high-risk newborns through its designation as a district perinatal center.

Beyond its valuable role in area health care delivery, Riverside Hospital is an integral part of the community's economy. The facility is the largest employer in north Toledo and has worked closely with business and community leaders for the betterment of its neighborhood. Through its school of nursing and recently instituted patient education programs, Riverside Hospital is a pillar of the community's health care education systems as well.

Riverside Hospital's progressive spirit, innovative leadership, community involvement, and dedicated staff and volunteers are an inspiration to all of us committed to quality health care in our Nation. I know my colleagues in the House of Representatives join me in congratulating Riverside Hospital and wishing it every success in the future.●

EMPLOYEE BENEFIT ADMINISTRATION ACT OF 1983

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. CLAY. Mr. Speaker, I am pleased today to join with the distinguished ranking minority member of the Education and Labor Committee, Mr. Erlenborn, in cosponsoring the Employee Benefit Administration Act of 1983.

Members of our committee on a bipartisan basis have long advocated the establishment of the Employee Benefit Administration, a single, independent agency whose sole focus is to safeguard the pensions of American workers and their dependents.

In the years since the passage of the Employee Retirement Income Security Act of 1974 (ERISA), the Subcommittee on Labor-Management Relations has held numerous oversight hearings documenting the confusion, duplication of efforts and needless expense borne by pension plans resulting from the patchwork quilt of ERISA administration and regulation.

The purely political jurisdictional compromise embodied in ERISA which authorized tripartite administration of the pension law by the Departments of Treasury and Labor, and the Pension Benefit Guaranty Corporation has proved over time to be unwise, unworkable, inefficient and, at times, antithetical to Congress objective in enacting ERISA: the protection of workers' pensions.

Any reasonable person could have foreseen that because Treasury and Labor have widely divergent missions and policy objectives, their approach to the pension issues would quite naturally be different. But unfortunately Congress sometimes substitutes political expediency for rationality. It should come as no surprise to anyone that since 1974, no coherent national policy concerning retirement income security has emerged.

Nor has there been any real attempt at formalizing a process to assure interagency coordination, even though everyone in the employee benefit community agrees that that would be desirable. The last attempt to bring some coherence to ERISA administration was undertaken by the Carter administration as reorganization plan No. 4. While that plan attempted to more clearly delineate the jurisdictional responsibilities of the Treasury and Labor Departments, the issue of who makes retirement income policy and how such policy ought to be developed has never been adequately addressed.

By carving out of Treasury and Labor the functions and responsibilities with respect to employee benefit

plans, and by moving the PBGC to the single agency as an independent agency within the EBA, this bill provides a framework for the orderly development of retirement income policy.

Although this proposal has been introduced in every Congress since ERISA's enactment, the need to establish an EBA is even greater today than it was in any prior Congress. Under the mantle of the need to control tax expenditures, ERISA changes have been made and are being proposed with little consideration as to their impact on the private pension system as a whole. In addition, rumors abound of administrative changes and proposed reorganizations at the Department of Labor which would have the effect of dramatically reducing the priority given to the pension program. Clearly retirement income issues need to be given the highest possible priority. A system of safeguarding workers' pensions which leaves them at the mercy of budget cutters and intradepartment rivalries is neither good public policy nor fair to our workers and retirees.

I believe the only reasonable solution is to establish a single independent agency devoted solely to assuring a decent retirement income for all Americans.●

LET'S BUILD SOME BRIDGES, NOT BURN THEM BEHIND US

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SKELTON. Mr. Speaker, recently, an editorial appeared in the Independence Examiner by Gary Edwards that very correctly points out how education should take advantage of the electronic media rather than condemning it. I commend the reading of this article to the Members of this body.

LET'S BUILD SOME BRIDGES, NOT BURN THEM BEHIND US

(By Gary Edwards)

The same week a national commission announced its highly critical report on American Education, I attended a lecture given by a prominent Kansas City area educator. During the talk he said something that left me thunderstruck.

This respected college official said the electronic media—radio and television—do not engage the intellect. I bring this up because I think there is a connection between what the local educator said and the commission's findings.

If you are expecting me to say that radio and TV are responsible for our declining educational standards, you're wrong. The bias of that college official points up what I believe is a major reason American education is suffering. The electronic media are not to blame for poor reading habits, poor math scores and poor grades. We as parents and teachers are to blame for not understanding how radio and TV are affecting our children so we can use this new media environment as a link between their electronic world and our print dominated world.

Today your child enters school with the universe stored in him. He has absorbed more information from radio, TV screens, stereos and movies than any school could ever give him. This means the role of the teacher must be changed. He should no longer cram facts into the student, but should organize the existing information in ways that encourage reading and math studies. The first step is up to us, the adults. We must shed our old print bias. I'm not suggesting we abandon print. Certainly not. I'm saying we must accept changes that are taking place and use them to our advantage.

We tend to forget that print is a fairly new form of communication. As a mass medium, it's only about 500 years old. Before then, most people communicated by the spoken word, yet it did not stop sophisticated civilizations from flourishing. Radio, television and the other electronic media are only taking us back to that simpler form of communication.

Today's teacher must not use the printed word to go inside the heads of our media children and organize the knowledge placed there by stereos, radio and TV. It has to be done with skillful audio-visual classroom techniques.

You will not find these techniques here in Independence. For that matter, you will not find them many places in this nation.

Current audio-visual education is not only technologically primitive, it's usually nothing more than an extension of print. If we want to communicate with our students, we must understand the new media grammar and begin building bridges between the two worlds.

It's easy to criticize TV and radio programming because much of it, or even most of it, deserves criticism, but there is much more going on in these media than just the programming. That's our challenge. That's what we must learn.

The challenge of using audio-visual techniques is not as impossible as it may seem. University of Missouri at Kansas City professor Dr. Shirley Hill had an interesting experience in Nicaragua during the mid-1970s. She had to teach math by radio. She said when you can't rely on print, it makes you change the way you look at teaching. As her work progressed, she found these radio math students became very good at following oral instructions, which is a lost skill, she believes, in many American classrooms. She also found that oral instructions in a subject as complex as math forced the students to become very good at mental mathematics.

Hill says this project emphasized to her that we do far too little in the oral medium in this country. I'm not suggesting we teach math by radio, but I am pointing out that Hill broke an important barrier. She shed her old print biases. That's what we have to do if we ever wish to reach our media children, and lead them to better reading and math skills. Otherwise, we will continue forcing our students and teachers to be in separate worlds—electronic media and print.●

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1983

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. GUNDERSON. Mr. Speaker, as the ranking minority member of the House Health and Safety Subcommittee, I am pleased today to join with the other minority members of the subcommittee introducing legislation to amend the Federal Mine Safety and Health Act of 1977.

As my colleagues know, the House has frequently debated whether or not to transfer jurisdiction over stone, sand, and gravel operations from the Mine Safety and Health Administration (MSHA) to the Occupational Safety and Health Administration (OSHA).

And, as in any debate, we must look to the congressional intent of legislation before we rush to amend it to insure that the amendment is consistent with that intent.

The Mine Safety and Health Act is the congressional response to the various mine disasters and resulting loss of life that have occurred through the years in the United States. Its purpose is to provide the regulatory framework necessary to prevent such disasters from happening in the future.

The legislation we introduce today is in keeping with that congressional concern. At the same time, through the use of greater industry and miner consultations and assistance, it should no longer be necessary to consider the transfer of stone, sand, and gravel operations from MSHA to OSHA.

Accordingly, I commend this innovative legislation to my colleagues and hope that they will join us in cosponsoring it.●

DR. MALCOLM C. TODD, OUTGOING PRESIDENT OF THE LONG BEACH CHAMBER OF COMMERCE AND RENOWNED BELLWETHER OF THE MEDICAL PROFESSION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ANDERSON. Mr. Speaker, many of us in the Congress lead extraordinarily busy lives but few of us could eclipse the memberships and achievements of the reigning president of the Long Beach Chamber of Commerce, Dr. Malcolm C. Todd. Malcolm will be honored during the evening of June 24 and, before he steps down, I would like to share with our colleagues some of the many notable accomplishments of this erudite man.

A professor of clinical surgery at the University of California at Irvine, Malcolm has had an ongoing private surgical practice in Long Beach since 1946. He currently serves as a member of the National Advisory Committee on Health Manpower; diplomat to the American Board of Surgery; member of the board of directors to the California division of the American Cancer Society; and as a member of the board of trustees for the Southern California Blue Cross. Remarkably, Malcolm still finds time to lend his wisdom as a fellow of the Pan Pacific Surgical Association, the American College of Surgeons, the International Medical Association, and the American College of Gastroenterology.

During his more formative years, Malcolm earned his bachelor of arts degree from the University of Illinois and later was graduated from the Northwestern University Medical School. As a distinguished surgeon, he has represented the United States as a three-time delegate to the World Health Organization in Geneva, Switzerland; and he also led an American Medical Association delegation to the People's Republic of China in 1975. The American Medical Association had the benefit of his leadership as their 129th president.

Most recently, Malcolm and I had a discussion about the state of medical care in this country. He offered some very practical insights to the causes of escalating health care costs, and pointed out some areas of critical importance with which our society inevitably will have to come to grips. Clearly, Malcolm exudes an understanding of medicine and medical care that is based upon practical knowledge gained through invaluable experience. An eminent scholar, leading surgical practitioner, and distinguished civic leader, Malcolm has contributed immensely to our city of Long Beach, and to all humankind.

Mr. Speaker, my wife, Lee, joins me in thanking and congratulating Dr. Malcolm Todd for all that he has done for the people of our community and in extending our wishes for continued happiness and success to him, his wife, Ruth, and their son, Doug.●

FIRMS BLOOM IN ENTERPRISE ZONE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. GARCIA. Mr. Speaker, in spite of the lack of any Federal enterprise zone legislation, State-designated enterprise zones are beginning to flourish, aiding the unemployed, bringing businesses and people back into depressed areas, and rebuilding our worn-out cities.

I would like to insert a recent article from the Washington Report on the success of Toledo's enterprise zone. I would like to add that although Toledo and other cities have made significant strides, Federal legislation is long overdue.

[From the Washington Report, June 6, 1983]

FIRMS BLOOM IN ENTERPRISE ZONE

(By Kathy Root)

TOLEDO, Ohio.—Despite the lack of long-promised federal legislation, an enterprise zone is blooming here this spring.

On 23 acres in the city's worst neighborhood sits a new industrial park that is home to several businesses and factories employing more than 500 residents.

Toledo's Warren-Sherman neighborhood, composed of 60 blocks of run-down warehouses and burned-out houses only 12 blocks from downtown, is the first enterprise zone certified under Ohio's recently enacted Inner Cities Tax Bill.

Companies taking advantage of the tax breaks in that law by locating in Warren-Sherman include Control Data Corp., Owens-Illinois Inc. and a number of smaller firms committed to helping the area make a comeback.

Enterprise-zone laws enacted in 15 states are aimed at encouraging the private sector to invest in economically distressed areas through tax breaks and exemptions from certain types of laws, such as zoning. Since 1979, about $55 million has been spent on the Warren-Sherman area, with another $8 million to $10 million expected to be spent this year. About $32 million of that total has come from the private sector.

Federal legislation designed to offer additional tax breaks and regulatory relief to such inner-city areas as Warren-Sherman has been in the works for nearly three years, with little prospect for passage.

Although the Senate Finance Committee approved the enterprise-zone legislation last year and again last month, the House has yet to hold a hearing on the issue, chiefly because Ways and Means Chairman Dan Rostenkowski (D-Ill.) is uninterested in the proposal. The full Senate has not yet scheduled a vote on the legislation.

But Toledo began the revitalization process, including the search for new businesses, long before an Ohio enterprise-zone law was available for Warren-Sherman.

Under the federal Urban Renewal and Model Cities programs of the 1960s, Warren-Sherman was supposed to be the first neighborhood in Toledo to be rehabilitated. But through a switching of priorities, Warren-Sherman came up 16th—and last—on the list of the city's revitalization projects when President Nixon placed a ban on those programs in early 1973.

That move, unpropitious as it seemed, actually made Warren-Sherman an ideal target for the enterprise-zone project, city leaders now say.

Wayman Palmer, executive director of the Toledo Economic Planning Council and a leader in the Warren-Sherman revitalization, attributed the tenacity of the project, from the early 1960s to the present, to the character of the neighborhood.

"This was the most disadvantaged neighborhood in the city, by any measure you'd want to use," Palmer said. "But a group of cohesive property owners hung in there, determined not to let the neighborhood go all the way down."

The city invited City Venture Inc. to look at the area to see what could be done. Formed in 1978 by 12 shareholders, including Control Data Corp., City Venture specializes in helping a city and its residents revitalize a neighborhood themselves. Toledo's Warren-Sherman neighborhood was the second revitalization project City Venture tackled, after beginning in its home city of St. Paul, Minn.

Also backing the future in Warren-Sherman was—and still is—Toledo Trust, the city's major bank. Much of the backing for the $55 million that has been spent so far has come from the bank, whose president has been committed to the Warren-Sherman project for the last five years.

The bank's involvement in the Warren-Sherman project, and its subsequent enterprise zone, Palmer added, has been crucial.

"In the process, we realized that we must have the backing of the city government, but equally important, we must have a bank or combination of banks and savings and loans that are willing to put their money at risk," Palmer said.

Although the state enterprise-zone designation came rather late in the ball game, Palmer said its advantages of complete exemption from personal and real-estate taxes for 10 years have sparked more interest in the industrial park. Two more companies are considering building factories on parcels within the Warren-Sherman industrial park. A decision from them, Palmer said, is expected within a few weeks.

If two more companies were to locate in Warren-Sherman, they would be joining a host of other firms already operating there. A brand new Owens-Illinois boxboard packaging plant employing 20 Warren-Sherman residents has been producing printed corrugated containers for about six weeks.

And Control Data's new Business & Technology Center, located in an $8 million rehabilitated factory building, houses several small companies and Magnetic Peripherals Inc., a Control Data subsidiary employing 150 Warren-Sherman residents who make wiring harnesses for computers.

"This in one of the real urban success stories in the nation," said Toledo Mayor Douglas DeGood, reflecting on the Warren-Sherman project. "It puts Toledo on the map . . . we have a track record here, so there's a reasonable likelihood that other cities can do the same thing. But federal [enterprise-zone] legislation would clearly be beneficial for us—it would increase the success of our program."●

A TRIBUTE TO FLORENCE SMALL DRURY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DYSON. Mr. Speaker, I would like to take a moment to commend the extraordinary contributions of Mrs. Florence Small Drury, a caring, dedicated community servant and leading educator, who for 42 years has taught and guided the children of Maryland.

Beginning her teaching career in Oakley, Md., Florence Small Drury

has given unselfishly of herself in her effort to blend teaching with concern, discipline, and most especially with love. She has lived as an example to her students, bringing her wisdom to all. She has utilized this combination in molding the future of Maryland's children and has earned the respect and admiration of students, parents, and associates alike.

As an administrator she was instrumental in the upgrading of current curriculum and pioneering of new programs. Under her leadership, she has cultivated the interest of students and developed their talents and produced fine quality leaders of this State.

Mrs. Drury has devoted her life to teaching. Her perspective and wisdom will be missed by those who will not be fortunate enough to be taught by her, but remembered by those who were.

This is our way of saying thank you for 42 years of dedicated community service in so ably guiding the intellectual development of our young.●

STRATEGY FOR AFRICA

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mrs. HOLT. Mr. Speaker, I am anxious to share with the House a very profound analysis of the dilemma confronting the United States and the free world in our relations with southern Africa, notably the Republic of South Africa.

I refer to an article written by Dr. Rocco M. Paone, professor emeritus of the U.S. Naval Academy, who states that our revulsion at the racial policies of the Republic of South Africa must not cause us to ignore the strategic importance of South Africa to our national security.

Dr. Paone said that—

> The two richest treasure houses of modern industry are located in the Persian Gulf and southern Africa, particularly the Republic of South Africa. The former furnishes the major source of the world's petroleum energy without which Western economies could not exist, and in the latter region are found the rich strategic nonfuel minerals without which modern industry could not survive.

The professor said, "It is reasonable to assert that what Saudi Arabia is to oil, the Republic of South Africa is to strategic minerals." The article by Dr. Paone emphasizes the grave danger to the free world if we ignore the aggressive designs of the Soviet Union to seize control of the oil riches of the Persian Gulf and mineral riches of southern Africa. "It would be a fatal error on the part of the United States to view problems in the Republic of South Africa and other areas of southern Africa as purely local rather that interpreting them from global and strategic perspectives," he said.

Professor Paone notes Soviet successes in southern African countries such as Angola, Ethiopia, and Mozambigue, where Marxist governments have been established, and the expanding Soviet effort to extend its control over other countries in the region.

I would remind the House that approximately 70,000 Cubans supported by the Soviet Union are active in 14 African countries in both military and civilian capacities.

Professor Paone stresses that southern Africa is important because of the sea route around the Cape of Good Hope, controlled by the Republic of South Africa.

He said:

> The Cape route has become the jugular aortic artery of most of the United States and Western Europe's oil and strategic mineral supply. Some 80 percent of NATO's oil, 70 percent of NATO's strategic raw materials, 30 percent of United States oil, and more than 90 percent of the most critical minerals required by U.S. industry are transported via the Cape route.

Much of the Mideast oil en route to the West passes around the Cape of Good Hope. South Africa has the only ports capable of refueling and repairing the supertankers, which are too large for the Suez Canal, he said.

Professor Paone's article was prepared for the summer issue of the American Journal of Intelligence, and I would encourage my colleagues to obtain that publication to read the article in full.●

SUSAN KNOLL, VOICE OF DEMOCRACY WINNER, EXPRESSES AMERICA'S STRENGTH

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SOLOMON. Mr. Speaker, the Voice of Democracy is an oratorical contest sponsored by the Veterans of Foreign Wars. It seeks to challenge young speakers to use their talents in the search for an eloquent expression of America's strengths and values.

Among the winners of the Voice of Democracy contest this year was Susan Knoll of Valatie, N.Y. At a time when the media is filled with gloomy news on the state of American education, I think this exemplary and moving address makes worthwhile reading, Mr. Speaker, because it gives us another perspective on the earnestness and sincerity of our young people.

[The essay follows:]

THE WINNING ESSAY

America, remember me as the cornerstone of your strength, me as the foundation of your greatness!

Who am I, America?

True, I am not the mighty grey industries, whose smokestacks reach to the heavens to belch and pump alive with the sounds of hammer and chisel . . .

Nor am I the ores and timbers, and abysmal glades and fertile valleys that sweep across the land to feed and provide for our people.

I am not the marching mass of millions who crowd your cities. Nor a farmer, worker, business man or politician or any single institution or gathering am I, for I am more powerful and far more essential to you than any of these single things could ever be!

No, America . . .

I am only a child, or a child not yet born . . . a sweet, innocent newborn being. Yet I am mightier than all of the arsenals in this country!!

For what purpose, America, are the very exhaulted fibers of our nation, our industries, the rich fruits of the land, our sacred institutions, all of these most precious things, if they are not assured of a tomorrow? What will become of them if there is no one to inherit them, to use them, to improve on them?

How plainly then the survival of all of our yesterdays, however great and enduring we think them to be, depend on a future in which to exist in.

I am that future!

I am hungry, and desperate to know everything you have learned, to have everything you have built these many years, I want to be everything you have been! I want this all! And I want . . . to give back more than you have given me and to add my mark along side of yours. Where you have been defeated and exhausted by time, I will be behind you, to pick up the torch where you have dropped it, and I will start anew.

Exalt me, America! As the very hope of your continuation!

I came out of the womb of time, empty and naked, and I place myself in your care.

Educate me to the chronicles of your history! Show me your great patriots and veterans, the heros of days dead, and perhaps I shall be inspired to become one of them.

Read to me the pride of your authors, the literature you love and I will create new ones for you.

Teach me to be alive, America! To be free and independent, and to respect the laws that have built his land, and I will carry these lessons with me someday into the houses of our government.

Dare me to question life, inspire me to explore, I beg you, ignite the very fire of my soul so that someday when you are gone, I will delve into yet un-explored territories, seek always to know and always to build anew.

My minds, and my hands . . . so small yet, will hammer the steel of tomorrow, will reap the lands, cure the sick and care and uphold the workings of your government, and above all other duties, they will take upon themselves the density to carry this country one step further.

It will not be your mighty armies of factories that will carry you to tomorrow, America, It will be I!●

BILL GREEN HONORS DR. GILBERT STORK OF COLUMBIA UNIVERSITY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. GREEN. Mr. Speaker, I would like to take this opportunity to congratulate Gilbert Stork, professor of chemistry at Columbia University, who was honored last month by President Reagan with the National Medal of Science. I was proud to witness the ceremony at the White House in which this medal, the Nation's highest award for scientific achievement, was bestowed upon the 12 individuals who, in the judgment of the President, have made outstanding contributions to the sciences.

Professor Stork was cited as "one of the world's most innovative and productive synthetic organic chemists." His discovery of new methods "has made possible the synthesis of some of the most complicated and important biologically active compounds," including organic molecules used in the treatment of heart disease and other major illnesses. He has invented various methods for molecular synthesis, including the "enamine alkylation," which has found such wide usage that it is referred to as "the Stork reaction." This great teacher has trained hundreds of organic chemists who are among the most productive and influential chemists in the world today.

Dr. Stork was born in Brussels, Belgium, in 1921. He came to America in 1939, and received a B.S. from the University of Florida and a Ph. D. from the University of Wisconsin. He was an instructor in chemistry at Harvard University for 2 years, and he began teaching at Columbia in 1953.

Dr. Stork has received honorary degrees from Lawrence University, the University Pierre et Marie Curie in Paris, and the University of Rochester. He is the recipient of the American Chemical Society's Award for Creative Work in Synthetic Organic Chemistry, and Arthur C. Cope Award, the Roussel Prize, the Edgar Fahs Smith Award, the Willard Gibbs Medal, and the National Academy of Sciences Award in Chemical Sciences. Dr. Stork is a member of the National Academy of Sciences and a fellow of the American Academy of Arts & Sciences. He has served as a visiting professor and guest lecturer at many universities both in America and abroad.

Dr. Gilbert Stork was named Eugene Higgins Professor of Chemistry in 1967, and he is the seventh member of the Columbia University faculty to receive the National Medal of Science. I ask my colleagues to join me in recognition of this man's outstanding achievements and his great contribution to science.●

ANDROPOV—PRESIDENT OR ANGEL OF DEATH?

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. GOODLING. Mr. Speaker, now that Comrade Yuriy Andropov has been made President of the Soviet Union, let us hope that he will learn to exercise the virtue of Presidential clemency. I am referring in general to the plight of Soviet Jewry, and in particular, to the plight of Anatoly Scharansky. I would like to enclose for the RECORD an article from today's New York Times which details the worsening condition of Scharansky, who is being punished for the crime of being born a Jew and wanting to go to Israel. Vladimir Bukhovsky, an exiled dissident, has referred to Mr. Andropov as "the man who has had his hands around our throats for 15 years." Bukhovsky was referring, of course, to Mr. Andropov's 15-year tenure as head of the KGB. I appeal to Mr. Andropov: show yourself as a President rather than an angel of death. Let Scharansky, Ida Nudel, and the thousands of other Soviet Jews, who long to go to Israel, go.

[From the New York Times, June 16, 1983]

IS THERE NO MERCY?

(By Anthony Lewis)

Anatoly Shcharansky, the imprisoned Soviet Jew, is suffering from what appears to be a grave heart condition. The authorities have not hospitalized him. But he has been given various medicines in prison, and now he has had a severe allergic reaction to those.

A medical picture of Mr. Shcharansky's condition has just been sketched by an authority in this country. His wife, Avital, on a visit from her home in Israel, took some of his letters to Dr. Allan M. Ross, director of cardiology at the George Washington University Medical Center in Washington, and asked him for an opinion. The letters mentioned specific kinds of chest pain and other symptoms.

"My presumptive diagnosis," Dr. Ross wrote to Mrs. Shcharansky, "must be acute and chronic coronary insufficiency resulting in angina pectoris." He said it was especially worrying that minimal exertion frequently gave her husband palpitations, and "ominous" that his letters spoke of an irregular heartbeat. He said the case "should be considered with the highest level of concern," starting with hospitalization.

I learned about all this when I met Mrs. Shcharansky in New York. The circumstances were grim. She had just completed a telephone call to Moscow in which her husband's latest letter, to his family there, had been read to her. The letter, dated May 25, reflected his new physical torment.

"It was very short," Mrs. Shcharansky said. "Anatoly says he cannot write because his hand is so swollen. He has sores all over his body, his face, his lips. They break."

Dr. Ross, when I telephoned him, said the swelling and sores indicated "a diffuse allergic systemic reaction" to the medicines. Mr. Shcharansky has been given. His letters mentioned eight kinds of pills and injections. Dr. Ross identified them by talking with Russian émigrés and checking old texts.

"None of the medicines is highly appropriate," Dr. Ross said, "and some are definitely contraindicated. I think he is getting them from fellow prisoners with medical training, and they must just be giving what they can find. It's a mess."

Dr. Ross had no connection with the Shcharansky case before he was asked for his views. His diagnosis should be of wide concern, to Soviet authorities among others. For the Shcharansky case is not just an individual tragedy. It has political consequences.

Anatoly Shcharansky was a leading figure among Soviet Jews seeking the right to emigrate. He was convicted in 1978 on grotesque charges of treason and sentenced to 13 years in prison and labor camp.

In confinement, Mr. Shcharansky has been repeatedly punished, held in solitary, deprived of the right to have his family visit him twice a year. He went on a protest hunger strike from last Sept. 27 until Jan. 14.

The savagery of the treatment inflicted on a man whose "crime" was really to want to emigrate has made him a powerful symbol to the outside world. Even the French Communist leader, Georges Marchais, wrote to Yuri Andropov about the case. He announced last Jan. 24 that Mr Andropov had replied with an assurance that Mr. Shcharansky's "state of health is satisfactory."

Why the relentless persecution of Anatoly Shcharansky? By all indications the purpose is internal—to discourage the movement for Jewish emigration. Soviet authorities have cut that emigration to a trickle: only 421 persons in the first four months of 1983. But they are still working to intimidate those who have been refused exit visas, and thus to quiet the whole issue.

Newspapers in Leningrad and Vilnius have recently carried anti-Zionist polemics of a vicious character. An official Anti-Zionist Committee was established, and it held a press conference in Moscow last week to say that Jewish emigration was down because few Jews wanted to leave. The chairman, Col. Gen. David A. Dragunsky, said, "The past year has made perfectly clear that Zionism is increasingly modeled on the ideas and methods of Hitler."

Whatever the internal effects, decent opinion in the outside world will be repelled by a campaign that looks more and more like plain old anti-Semitism. If Anatoly Shcharansky were to die in prison, even those in the West who most urgently want to improve relations with the Soviet Union would turn away from doing business with such a government.

Moving the Soviet leadership on an individual human rights case often seems a hopeless business. But if you meet Avital Shcharansky—a 32-year-old woman who has not seen her husband for nine years—you know there is no alternative to trying. She has passed Dr. Ross's advice on, and Anatoly's mother has actually gone to try to persuade prison authorities near Chistopol in the Tatar Republic, where he is held, to put him in a hospital.

What can it profit the Russians to hold Anatoly Shcharansky any more? The risk must by now exceed any benefit of intimidating example. It is time to let him go.●

JULIAN SMITH WAS A GOOD CITIZEN

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FUQUA. Mr. Speaker, Tallahassee, Fla., has lost one of its finest citizens and I have lost a dear friend. The passing of Julian Smith last Friday saddened the community, for he was a truly remarkable leader.

I first met Julian when I served in the Florida legislature, and for some reason, he, as we say, "took a likin' to me." From that day forward, he was a valued friend and adviser. Let it be said that his advice was always sound and given in a gentle manner which typified the man.

In making that statement, I know that I am just one of many who would echo those sentiments.

To his wife, Elaine, and his truly remarkable family, all of us who knew and loved Julian share their bereavement.

The Tallahassee Democrat of June 9, 1983, had a very moving editorial which I would like to share.

[From the Tallahassee Democrat, June 9, 1983]

SMITH WAS A GOOD CITIZEN

He didn't look like a banker, at least not the way our society thinks bankers should look. His appearance and his demeanor were more what we used to expect of the family doctor or a revered school teacher—that of a kindly and caring friend.

Julian Smith, who died last Friday at age 67, had a career in banking that spanned five decades. But to many people he will be remembered not as the founder of Industrial Savings Bank in 1940 and not as one of the leaders in the formation of the Capital City Bank Group but as a friend, a person who extended a helping hand in time of need.

DuBose Ausley, chairman of the board of Capital City First National Bank, said Smith "was absolutely one of the most caring and feeling people I ever knew. He had a tremendous sensitivity for people who were less fortunate than him, whether it be financially or in health."

His brother Godfrey remembered that he "always had time to stop and talk and to help someone. He had a lot of friends, many that nobody knew about but him, people whom he had helped . . . people to whom he loaned money when no one else would."

Julian Smith grew with Tallahassee. He entered banking when the town was still small enough that a person could know almost everyone. Even after Tallahassee became a city, he did not lose his personal interest in people and in knowing as many as possible.

Tallahassee has lost a good citizen.

Knowing Julian, he could have no more fitting epitaph than that last sentence.●

THE CONTINUED SOVIET OCCUPATION OF LITHUANIA, LATVIA, AND ESTONIA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LENT. Mr. Speaker, I rise today to join my colleagues in calling attention to the events which took place during this week, 43 years ago. I refer, of course, to the 43d anniversary of the tragic Soviet invasion of Estonia, Lithuania, and Latvia.

Before World War II, these three Baltic nations were free and independent countries with their own languages, traditions, and histories. As Europe was thrown into turmoil during Hitler's rise to power, the Soviets took cruel advantage of these troubled times to invade and conquer Estonia, Lithuania, and Latvia, in June 1940.

Following the collapse of Stalin's peace treaty with Hitler, these three nations were taken over by Hitler's invading armies. After the defeat of Hitler, the Soviets again took over these independent nations and have not relaxed their grip to this day.

Knowing the Russian way of life would be rejected by the people of these Baltic States, the Soviets have shipped Russians into the area to overwhelm the original population. Russians control the government, the police, and all major industries. Only by the sheer use of power and force are the Soviets able to continue their domination of these brave men and women.

Mr. Speaker, the long suffering, but courageous, people of Estonia, Lithuania, and Latvia continue to fight the efforts of Sovietization. Our words today stand forth as a symbol of hope and a signal that no amount of time will ever lessen our commitment to their struggle.●

THE REAGAN APPROACH TO AFDC

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. VENTO. Mr. Speaker, one of the saddest and most tragic ironies of the Reagan recession has been that several million Americans who receive AFDC—aid to families with dependent children—have become locked into dependence on this program because they cannot work in certain jobs for fear of losing their limited benefits.

A constituent of mine summarized this situation in a nutshell recently when she wrote, "The system is now designed to keep people dependent, with no incentives for working." This constituent's comments were also echoed in a recent conversation which I had with Ramsey County Commissioner Diane Ahrens who suggested that the Reagan administration's rules on AFDC actually create a disincentive for people to get off from public assistance and go back to work—if indeed they are fortunate enough to find a job. This situation is illustrated by the experience of my constituent.

She had a bachelor of science degree and had secretarial background. She soon learned that in today's job market she was either overqualified because of her educational level or was underqualified by virtue of the fact that she was but one more person among many seeking employment. She was anxious to work and was happy to accept a part-time bookkeeping and apartment management job. My constituent was aware of the sad irony of her predicament when she wrote, "I earned more with welfare and my afternoon part-time job and had full medical and dental benefits, too."

Under the Reagan administration's new AFDC rules, anyone working can keep $30 and up to one-third of what they make each month for only the first 4 months. If you work over 100 hours per month, regardless of how much you earn for your hours, you are subject to being summarily cut off from AFDC.

William Craig and Ira Moscovice of the University of Minnesota's Center for Urban and Regional Affairs are currently studying the impact of the Reagan administration's AFDC rules on Minnesota AFDC families. Although their study is not yet completed, their initial findings are reason for concern. Among these; with the cutbacks in AFDC, more parents began working. The Reagan cutbacks, however, eliminated work-incentive aids as well as outright payments. Under the former work-incentive programs, AFDC clients could collect some Federal assistance even though they held jobs—the amount of assistance declined as the salary increased. With work incentive eliminated, "there appears to be little incentive remaining for those on AFDC to start or continue working," according to Craig and Moscovice.

Health care is also a serious problem for AFDC recipients. Most of those eliminated from AFDC who are working have no health insurance, resulting in sizable out-of-pocket expenses for health care by AFDC recipients.

The use of daycare services by AFDC clients is also declining as those clients are moving their children out of daycare centers that provide special programs and into care with babysitters, neighbors, and relatives. In some cases, the alternative to daycare is no care at all. Food shortages and utility

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shutoffs are also serious problems for more than one-half of the low-income population.

Mr. Speaker, I want to commend my consituent, Ramsey County Commissioner Ahrens, and William Craig and Ira Moscovice for focusing attention on this peculiar situation. Something is seriously wrong in our system when a person is faced with the choice of working part time at regularly low wages and losing all of their AFDC benefits or continuing to receive full benefits while remaining unemployed and uninspired to search for employment. The "30 and a third" provision of the Reagan administration's AFDC rules works to discourage AFDC recipients from becoming self-sustaining, independent individuals who will be taxpayers rather than welfare recipients. These rules should be reconsidered and changed so that they reward initiative rather than punish it. I ask unanimous consent that the preliminary findings of the study by William J. Craig and Ira Moscovice of the University of Minnesota's Center for Urban and Regional Affairs be published at this point in the RECORD.

The article follows:

[From the CURA Reporter, University of Minnesota, May 1983]

WORKING AND ON AFDC: THE IMPACT OF RECENT FEDERAL CUTBACKS

(By William J. Craig and Ira Moscovice)[1]

One of the most important roles of a modern university is to help government create and alter programs to the benefit of society. An opportunity to evaluate the impact of a major alteration of public policy was created when the 1981 Congress revamped the formulas affecting benefits of working AFDC recipients. This change was of particular importance to Minnesota where the proportion of welfare recipients earning money at a job was among the highest in the nation.

Two University of Minnesota organizations, CURA and the Center for Health Services Research, have joined in an evaluation of this policy change.[2] The evaluation is based on a longitudinal survey of 615 families who in January 1982 were on AFDC while the head of household was working. The families were selected from five Minnesota counties where a total of 3,515 families were affected by the federal cutbacks because they were both working and on AFDC. The study focuses on the human impacts and reactions to the cutbacks in AFDC funding. A series of interviews with these families was initiated in early 1982 asking questions about their lives in January, just before the new rules were implemented. Surveys have followed at six-month intervals. This article presents preliminary results based on the July 1982 survey.

FEDERAL CUTBACKS

AFDC (Aid to Families with Dependent Children) has been in existence as long as Social Security, since 1935. It has the same purpose: to protect those who cannot fend for themselves. In this case, the beneficiaries are children who are inadequately provided for. Most often this is the result of the continued absence from the home of a parent who has the economic ability to care for the family. This absence may be due to death, separation, divorce or abandonment. In Minnesota, and in most states, households with two parents are also eligible for AFDC when the bread winner is incapacitated or has exhausted unemployment compensation.

Until all children are six years old, the AFDC program provides little pressure on the parent to work. Thereafter, work for parents was, until recently, promoted through two mechanisms: a requirement that parents register with WIN, a job placement and training program (now significantly reduced) and the benefit of financial incentives for working parents. Once the youngest child is 18 years, all benefits end. For those who do work, their earnings reduce the AFDC cash benefits. Until the new rules were implemented, however, those who worked were better off financially; there was a clear financial incentive to work.

The new rules affected two groups of AFDC recipients in different ways. For those with higher earnings, all benefits were suddenly terminated. Along with cash benefits, these people also lost their medical coverage from the medicaid program. For those with lower earnings, cash benefits were reduced, perhaps eliminating all financial incentives to continue working.

The crux of the new rules was a restructuring of the cash payment formula. For a given family size and structure, each state specifies a dollar "standard of need" which is paid to AFDC recipients. For those families where the parent is working and on AFDC, that payment is reduced by the amount of earned income after adjustments for work expenses and for a work incentive allotment. It is these adjustments which were altered by the Reagan administration in early 1982:

Size of Earnings: Any family with gross earnings exceeding 150 percent of the standard of need (based on family size and composition) was terminated regardless of the amount of work expenses. Thus, for example, a mother working full-time at the minimum wage ($3.45 per hour) with one child is no longer eligible.

Work Expenses: Formerly work expenses were reimbursed in the amounts incurred. Now there are upper limits on these expenses. The limit for child care is $160 per child each month. And for all other expenses (including union dues, uniforms, transportation, and taxes) the limit is $75 per month.

Work Incentive: The financial work incentive has been eliminated. Prior to the change, cash benefits included an incentive which disregarded $30 plus one-third of gross income when calculating recognized earnings. Now that disregard is applied only for the first four months of work and is based on net earnings rather than on gross earnings.

These rules had an immediate impact on all AFDC families where a parent was working. For the 615 families in this study, nearly two-thirds (62.3 percent) were terminated from AFDC, another one-third (34.5 percent) had their grant reduced, and a small minority (3.3 percent) benefited through a small increase in their grant.

THE PREDICTED RESPONSE

For the Reagan Administration, these changes were a cost containment strategy. The administration expected financial savings for government as people with a proven ability to hold a job are required to support themselves.

Critics of the changes countered that the mix of AFDC and work was an indispensable program for poor women confined to working in a low-wage market. They predicted that bad results would outweigh the good. They saw people quitting work and overwhelming AFDC with new expenses when their incentives were withdrawn. They hypothesized other negative impacts as well. Critics predicted negative changes in seven areas of life for those who were working and on AFDC:

Labor Force Participation: Many will cut back on the hours they work or quit work altogether and collect their sole support from AFDC. Others will work more hours or take on a second job, trying to make up for lost income.

Economic Status: Net income will decline and basic needs will consume a larger portion of that income.

Health Care: Those who leave AFDC will not be able to afford replacement health insurance and will delay seeing physicians and dentists except for acute conditions.

Day Care: Fewer day care services will be used, and the arrangements will be more informal and less satisfactory.

Household Composition: Many changes may occur including: sharing housing, moving back with parents, or remarriage.

Housing: People will move more frequently, looking for less expensive quarters, and they will be willing to accept lower quality housing and less space.

Financial Emergencies: There will be a greater incidence of repossessions, evictions, utility shut-offs, and food shortages.

This study was designed to analyze how accurate these predicted responses were. What effects have the federal cutbacks actually had on people who were both working and on AFDC in January 1982?

THE UNIVERSITY OF MINNESOTA STUDY

Telephone interviews have been held with a random sample of people affected by the new federal rules. Because of confidentiality constraints, officials in the five counties wrote to each potential participant requesting permission to give their name to the University study team. Twenty-eight percent in Hennepin County and 38 percent in the rural counties responded to this request. Analysis of county records showed little difference between those who responded and those who did not. A random 63 percent sample was drawn from Hennepin respondents, but all rural respondents were contacted in the first survey. Over ninety percent of those in the original sample have been retained on each succeeding wave of interviews. At the end of the second wave in July, 615 families remained in the study: 558 in Hennepin County and 57 in the rural counties.

The survey questions, twenty-six pages long, were formulated by the two authors and modified slightly on each wave. Designed to address the hypotheses about changes in the seven life aspects already noted, the questions were very fact oriented—for example, how many hours did you work last week? They were supplemented, however, by questions of perception. Respondents were contacted and interviewed by a professional survey research firm, Mid-Continent Surveys, Inc. Each interview took about forty minutes to complete. Respondents were paid a $10 stipend.

Preliminary results are presented here based on an analysis of the first two surveys. The third survey was completed in mid-March, but those data have not yet been analyzed.

WHO WAS WORKING AND ON AFDC?

The typical respondent in this study was a 31 year old white woman with a high school diploma and two children. Out of the total sample of 615 respondents, 98 percent were women, 87 percent were white, and 86 percent had at least a high school degree. The average family consisted of 3.1 members including 1.8 children. Three-quarters of the parents worked in clerical or service occupations. Their overall average gross earnings from work in January 1982 were $633 per month; in rural counties average earnings were much lower ($532).

SOURCES OF INCOME AFTER THE CUTBACK

By July, the people in the study were suporting themselves in one of four ways based on their AFDC and employment status. The groups, ordered by size, were: off AFDC and working (63.3 percent), on AFDC and working (16.7 percent), and on AFDC and not working (15.6 percent). A very small fourth group (4.4 percent) were off AFDC and not working. The paths to their status in July were various, as illustrated in Figure 1. People were affected by the change in a variety of ways and by July had begun to make income adjustments.

Those who were off AFDC and working attempted to make up for lost income by working more hours, taking a second job, or upgrading jobs. Still, they were able to makeup for only half the income they had before they were terminated from AFDC; they remained just above the poverty line. Partly because of the increase in work and partly because of summer vacation from school, these people were using more day care. However, by switching their day care arrangements to less expensive options, they were able to reduce their cash outlays for this service. More devastating was their loss of Medicaid. In Hennepin County a significant number had not replaced this public support: 21 percent of the parents and 37 percent of the children had no health insurance. In rural counties the figures were 31 and 29 percent respectively. As a whole, this group was paying half its medical expenses out-of-pocket and therefore delaying trips to the doctor and dentist. Yet, this group felt most able to "make it on their own."

Those still on AFDC and working remained covered by Medicaid so medical insurance was not a problem for them. In Hennepin County their average monthly net income was not a problem for them. In Hennepin County their average monthly net income (from work and public subsidies) had dropped slightly to $769 which was only $58 lower than those off AFDC and working but $131 above those on AFDC and not working. They had slightly increased the number of hours worked to 25.2 hours per week, but average pay had dropped to $4.16 per hour. In outstate counties much the same pattern existed. Though the small number of cases in these counties makes results less reliable, the fact is that the average monthly net income for outstate families, when counting earned income and public subsidies, was actually $13 higher than for outstate families off AFDC and working.

Those on AFDC and not working had the lowest net income. Their medical expenses were met and they had no need for day care. Most had lost their jobs rather than quitting them. More than those in the other two groups, they had low perceptions about their financial situation now and in the future, including job opportunities for their children. They had become totally dependent upon public subsidies for their survival.

CHANGES IN LIFESTYLE

Bearing these different situations in mind, we can now examine the seven life aspects that critics had predicted would change. Below are the preliminary findings based on an analysis of the first six months of living with the AFDC cutbacks.

Labor Force Participation: A substantial number of parents have increased their labor force participation as they strive to maintain independence from public subsidies. However, there appears to be little incentive remaining for those on AFDC to start or continue working.

Economic Status: Net income declined for all groups and basic needs consumed a larger portion of income despite lower energy costs in July. There is a large group of working recipients who were terminated from AFDC and who have maintained their independence from the program. However, half of those remaining on AFDC who were working previously are no longer working and are now totally dependent on public subsidies for their survival.

Health Care: A significant portion of those off AFDC and working, and an even larger portion of their children, had no health insurance in July. This has resulted in over half their health care bills being paid out-of-pocket and in increased delays in their seeing physicians and dentists. The ability to get health care, when necessary, has become a major problem for those no longer on AFDC.

Day Care: Those not working eliminated day care. Those working were using more hours of day care (partly because they were working more hours and partly because their children were not in school in July), but they had found less expensive sources of care. There are a growing number of respondents dissatisfied with the day care their children are getting and a growing number of children needing, but not getting, day care.

Household Composition: Contrary to expectations, no substantial changes were made in household composition. Fewer households consist solely of a parent and children, but the percentage change was well under 10 percent.

Housing: No substantial changes occurred in the area. In fact, people moved less frequently than in the six months prior to the cutbacks. For those who did move, cost savings had increased in importance as the major reason for moving.

Financial Emergencies: Food shortages continued to be a problem for nearly one-half of this low-income population. Threats of utility shutoffs or actual shutoff increased, burdening nearly one-third of the respondents.

CONCLUSIONS

These results must be viewed as preliminary. The fact that the surveys were completed in different seasons is part of the reason for viewing the results with caution. More important is the short period between the first and second surveys. Six months is too short a period for people to react to a major shift; many people will try to carry on as usual until this path becomes impossible. They will not have made the final adjustment to their new circumstances. The time period is certainly too short to measure the impact of the expiration of the four-month income disregard incentive. Finally, within six months, people will not have experienced any of life's minor crises which can add up to major problems for those of limited means.

Nevertheless, this first look at the new federal rules indicates some potential future problems. Former AFDC recipients have shown a willingness to support themselves yet they are left in the most precarious situation with regard to health care and day care. They are less willing and able to see a doctor or dentist when necessary, which could lead to debilitating problems. Children have been moved out of formal day care centers that provide programs and into situations with babysitters, neighbors, relatives, or no care at all. The long run implications of these cutbacks could be devastating both for the individual and the public social service budget.

Those still on AFDC have reduced incentives to work. As seen in Figure 1, only one-third of those who received reduced grants in February were still on AFDC and working in July. The rest had either worked their way off AFDC to independence or were totally dependent on AFDC. If there were a ladder on which one could begin working for extra money and eventually climb off AFDC altogether, the new federal rules have eliminated some key rungs. Again, long term problems have been ignored in favor of short run savings.

These preliminary conclusions will be tested, expanded, and refined based on the third wave of interviewing which collected data one year after the cutbacks. Those data are being analyzed and initial results will be available by early summer. More comprehensive analysis will be completed by fall. Results will be available in reports and summarized in a future issue of the Reporter.●

INTERNATIONAL DAY OF NUCLEAR DISARMAMENT OBSERVANCE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. RICHARDSON. Mr. Speaker, on Monday, June 20, International Day of Disarmament observances will be celebrated in the United States and throughout the world.

This international observance will not go unnoticed by the people in my Third Congressional District in New Mexico. In Santa Fe, N. Mex., businesses ranging from bookstores, clothing stores, restaurants, and automotive repair shops will temporarily close their doors to demonstrate their support for nuclear disarmament.

Mr. Speaker, one of the key organizers and national coordinators of the project is Michael Stewart. Mr. Stew-

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[1] William J. Craig is director of CURA's Research Services Office. Ira Moscovice is an associate professor with the Center for Health Services Research at the University of Minnesota.

[2] Additional funding has come from the Bush Foundation; Hennepin County; the Minneapolis Foundation; the Minnesota Department of Energy, Planning and Development; the Minnesota Department of Public Welfare; and the United Way of the Minneapolis Area.

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art is one of the operators of Project Lighthawk, a flying service based in Santa Fe that offers air tours of scenic areas throughout the West. Mr. Stewart's goal is to encourage local businesses to show their employees, their customers, and their neighbors that they are deeply concerned about nuclear war.

Twenty-three other Santa Fe businesses will join Mr. Stewart in his efforts of raising the consciousness of people in their community regarding the nuclear arms race.

Mr. Speaker, I want to commend the efforts of Michael Stewart and all the other business people of Santa Fe who will take time out of their business day to make a public statement and to share with the people in their community their sentiments and concerns on the observance of the International Day of Nuclear Disarmament.●

"SENATOR" DAVID BRODY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. HOYER. Mr. Speaker, I would like to take this opportunity to share with my colleagues an interesting profile that appeared in the New York Times about my good friend David Brody. As the article suggests, Dave is the most able Washington representative of B'nai B'rith's Anti-Defamation League. His active concern for the cause of Israel and for the civil rights of the people of this Nation is truly laudable. His work here on Capitol Hill in furthering those objectives is certainly commendable, and I am pleased to be able to present this article here today.

The article follows:

[From the New York Times, May 26, 1983]

AN "UNELECTED MEMBER" OF THE SENATE

(By Martin Tolchin)

WASHINGTON, May 25.—"Senators Only" said the sign in front of the Capitol subway, but David Brody was waved aboard by Senator Charles E. Grassley, Republican of Iowa, whom he thanked for signing a resolution opposing the sale of advanced weaponry to Jordan.

"Senators Only" said the sign above the elevators in the Capitol, but Mr. Brody was escorted onto the car by Senator Jesse Helms, Republican of North Carolina, whom he congratulated on North Carolina State's N.C.A.A. basketball championship.

"Dave Brody is the unelected member of the U.S. Senate," said Senator Charles McC. Mathias Jr., Republican of Maryland, who is an old friend.

Mr. Brody, who will be 67 years old next month, is a short, kinetic institution who seems to know just about everyone in Government. He is the Washington representative of B'nai B'rith's Anti-Defamation League, and, like those of many other lobbyists his office walls are lined with signed photographs of Presidents and other White House notables. "What would we do without friends?" wrote Vice President Bush, and James A. Baker 3d, the White House chief of staff, called Mr. Brody "oftentimes a strong ally, occassionally a worthy adversary, but always a friend."

It is the Senate, however, where Mr. Brody presses his campaigns, which focus on aid to Israel and support of civil rights legislation. Some other lobbyists for Jewish organizations consider him a loner because of his failure to coordinate his activities with them, and some Capitol Hill people regard him as overly persistent. But most consider him effective.

STRATEGY ON AID TO ISRAEL

"Dave Brody can get in and out of more senators' offices quicker than any person I have ever met in my life," said former Vice President Walter F. Mondale.

Mr. Brody's present concerns include the foreign aid authorization bill, which contains an increase in aid to Israel, and legislation that would put teeth into a fair housing bill. On aid to Israel, Mr. Brody tells senators, "You can't win over the Arabs by weakening Israel. If Israel receives the aid it needs, it's in a better position to compromise; a weakened Israel cannot." On the fair housing bill he tells them, "Without effective enforcement, the bill doesn't mean very much."

Mr. Brody is a full-service lobbyist. He introduces senators to constitutents, fundraisers, reporters and "people I think they should meet." He gives personal advice. He suggests positions on a wide range of subjects, including those in which his organization is disinterested.

"I don't come around only when I need something," Mr. Brody said. "I come around to chat on a general exchange of views. I don't have a heavyhanded, demanding style."

OF FRIENDS AND AWACS

"He's given me valuable advice," said Senator Howell Heflin, an Alabama Democrat. "He has a broad range of interests."

Mr. Brody doesn't seem to care if a senator is a Democrat or Republican, liberal or conservative. Some of his closest friends in the Senate voted for the sale of Awacs to the Saudis, which Mr. Brody lobbied hard, and unsuccessfully, to defeat. "Somebody can be against you on one issue, and with you on the next," he said.

His manner can be direct. When Senator Lloyd Bentsen, the Texas Democrat, told him that Israel needed another Golda Meir, Mr. Brody replied, "Senator, if you have the power to resurrect Golda Meir, that's fine with me, but Golda Meir also had problems with our government."

Mr. Brody does considerable entertaining at home, often bringing senators together with the Israeli Ambassador. Rolf Pauls, former German Ambassador to Washington, once quipped that he had seen more senators at Mr. Brody's home than on the Senate floor.

Mr. Brody, a native New Yorker who is a graduate of City College and Columbia Law School, came to Washington in 1940 to work for the Department of Agriculture, and joined the league in 1949. He was promoted to chief Washington representative in 1965.

His style has evolved over the decades. "Maybe I am a loner," he said. "I have my own style. You have to be able to relate to people, even when you find yourself in disagreement. You have to deal with members as individuals, and know what their concerns are. I'd have a very narrow range of friends if we had to agree on every issue."●

OREGONIAN NEW PRESIDENT OF NATIONAL IMAGE, INC.

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. AuCOIN. Mr. Speaker, I rise today to commend to the attention of my colleagues, and to my fellow Oregonians, the election of Annabelle Jaramillo, a resident of Philomath, Oreg., as president of National Image, Inc., a national organization concerned about the employment needs of Hispanic Americans.

Coming from Oregon, Mr. Speaker, a State ravaged by unemployment, Annabelle Jaramillo knows from very close range of the damage to human lives wrought by the deepest recession in half a century.

She knows, too, that the suffering of unemployment and of the hunger has been disproportionately inflicted among Americans. Though the national unemployment rate dropped to 10.1 percent in May, the rate for Hispanics was 18.4 percent.

As the new president of National Image, a volunteer organization with more than 100 chapters in 40 States, the District of Columbia, and Puerto Rico, Annabelle Jaramillo is already speaking out.

"It may appear that an economic recovery is right around the corner," she said on assuming leadership of National Image, "but for the Hispanic community this has not been a reality."

Amid encouraging signs of an upturn in the economy and renewed hope among jobless Americans of returning to work. I urge my colleagues to heed her words.

Neither a bullish mood on Wall Street nor ascending lines on money supply charts define economic recovery. Until the pain of joblessness felt by millions of Americans is substantially relieved, economic recovery will be a hollow term.

Under the leadership of Annabelle Jaramillo, I look forward to working with National Image in Congress for education, training, and unemployment policies that will, in her words, make eonomic recovery a reality for all Americans.●

A NEEDED PERSPECTIVE ON ARMENIAN TERRORISM

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SOLOMON. Mr. Speaker, I commend to the attention of the Members a recent article in the Washington Times that provides an impor-

tant perspective on the activities of Armenian terrorists. As is often the case, an American ally, in this instance, Turkey, bears the brunt of international condemnation while the active complicity of the Soviet Union in the issue goes unnoticed. I ask that the article appear at this point in the RECORD.

[From the Washington Times, May 31, 1983]

A NEEDED PERSPECTIVE ON ARMENIAN TERRORISM

(By Z. Michael Szaz)

Armenian terrorists are "one of the most dangerous and neglected" of the movements dedicated to such terrible tactics. So said Under Secretary of Defense Fred W. Ikle recently. That recognition is beginning to attract needed congressional attention.

Sens. Steven D. Symms and Jeremiah Denton, and Reps. Marjorie Holt, Mark Siljander and Charles Wilson are among those on the Hill who have begun to worry publicly about the Armenian terrorists, who have struck repeatedly against Turkish officials, both within the United States and in other parts of the world.

Symms, in a speech, analyzed the common objectives of the Armenian terrorist groups and the Soviet Union, which renders moot the question of whether the Secret Army for the Liberation of Armenia (ASALA) is under direct control of Moscow or not.

It was Denton, however, who put things into perspective by stating that the Armenian tragedy of 1915-16 is not the cause of, but the excuse for, the ASALA attempts to create a Marxist revolutionary movement among the Armenian youth of Lebanon, France, Canada and the United States, where most of the Armenians in the Free World live.

Denton pointed out that the ASALA, openly pro-Soviet and Marxist-Leninist, wants to attach the eastern provinces of Turkey to Soviet Armenia. He also added that, while ASALA has only a few hundred hard-core members, it must have thousands of sympathizers in the various Armenian communities in order to be able to perpetrate its assassinations and bombings.

Between 1973 and 1983, 26 Turkish diplomats or their family members were murdered by ASALA and the Justice Commandos of Armenian Genocide, and more than 66 bombings were carried out.

Terrorist acts have been committed in the United States (four murders and eight bombings), Canada, Australia, Denmark, France, Switzerland, Italy, Portugal, Yugoslavia and Lebanon. Denton listed the names of all the Turkish diplomats killed, including that of Galip Balkar, who on March 9 this year was gunned down in Belgrade, Yugoslavia.

The most interesting facet is not the pro-Soviet character of the ASALA or the extreme nationalist, Montoneros-type commitment of the Justice Commandos, for left and right wing often complement each other in the shadowy game of international terrorism. The number of terrorists is small enough that, given the cooperation of the Armenian communities, their murderous deeds could be stopped by law enforcement agencies.

Neither is the desire of the average Armenian to have Turkey "recognize the genocide" the unique aspect. Of course, Turkey recognizes that large-scale deaths occurred by starvation, exposure and epidemics during the deportations during World War I, and that intercommunal killings did take place. But they also complain of the large number of Turks who were killed by Armenian guerrillas. Yet, whatever the rights and wrongs of the actions of the Ottoman Empire in 1915-16, the Republic of Turkey is not persecuting the 60,000 Armenians living there today. The tragedy that befell the Armenians of the Ottoman Empire cannot justify the criminal actions of their grandchildren and great-grandchildren against Turkish diplomats some 68 years later.

The most singular element remains, rather, the silence of the Armenian community in the United States about the fate of the Armenians in the Soviet Union. More than 3 million Armenians live in the Armenian Soviet Socialist Republic and another million in other parts of the U.S.S.R. only about 1 million live in the West, 600,000 of them in the United States, the rest mostly in France and the Lebanon.

Yet I have failed to find in the moderate and conservative Armenian Observer for several years any condemnation of the Soviet Union's denial of human rights to Armenians in the Soviet Union. I understand the delicate situation of an ethnic group, 80 percent of whom live in the Soviet Union, and the nostalgic pull of the Armenian "culture" in the Armenian S.S.R., despite the double shackles of atheistic communism and toleration of Soviet rather than Armenian nationalism there. Nobody who retains cultural ties to his ethnic unit behind the Iron Curtain is immune to overcaution and nostalgia.

Still, the Armenian community is being grossly unfair to its brethren in the Soviet Union when it remains silent about abuse of human rights and the intolerance of their demand for an independent Armenia, which now is controlled by the Soviets, not the Turks.

Instead, the Armenian communinty focuses exclusively on Turkish non-recognition of the "genocide". If the Soviets had tried to create a diversion so that the problems of the Soviet Armenians would be forgotten, they could not have devised a better plan than this Turkish non-recognition.

The opinion, therefore, is sackcloth or terrrorist revenge on the Turkish government. Small wonder that even a compromise formula on the 1915-16 tragedy is impossible so long as the Turks are faced with assassination of their diplomats and bombings of their embassies and consulates.

I realize I am dealing with highly emotional issues. Often, I have tried to argue with my Armenian friends, but to no avail.

Last week, Maryland Rep. Holt published a short article, "Terrorism Against Turks," in the Washington Times. In "Letters to the Editor," a reader of Armenian descent lectured her that the ASALA and the Justice Commandos are not fighting to "Liberate" Armenia (although both groups are on record as doing so), but to force the Turks to admit the "genocide."

Does he really think killing Turkish diplomats will make the Turkish government more willing to change its historic interpretation of the 1915-16 deportations? Nonsense!

In the meantime, the U.S.S.R. remains the tertius gudens when conservative Armenian-American leaders openly condemn our friendship with our NATO ally, Turkey, which fields the largest land army in NATO and ties down 27 Soviet and six Bulgarian divisions.

Coming from Hungary, a country whose inhabitants also experienced deportation (500,000 Hungarians to Czechoslovakia in 1946) and persecution (2.5 million Hungarians in Romania) and which still chafes under the yoke of Soviet occupation, I sympathize with persecuted minorities.

But this sympathy cannot encompass Marxist-Leninist or ultranationalist terrorism and/or espousing a cause which would wreak havoc on U.S. national interests and promote Soviet designs in the eastern Mediterranean.

(Former Associate Professor of Political Science, Seton Hall and Troy State Universities, and Executive V.P., National Confederation of American Ethnic Groups, Inc. Native of Hungary.)●

CAMDEN HEALTH CARE PIONEER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FLORIO. Mr. Speaker, today I would like to pay tribute to Sister Elizabeth Corry, O.S.F. of Our Lady of Lourdes Medical Center in Camden, N.J.

A member of the order of the Franciscan Sisters of Allegheny, N.Y., Sister Elizabeth has been the driving force in providing adequate health care to the residents of southern New Jersey. I am proud to say that I have had the opportunity to work with Sister Elizabeth during her 17 years of service to the Camden community. One of her many projects that brought us together was an effort to coordinate hospital services and enhance communication lines between the city of Camden and the surrounding region.

One of many in a legacy of accomplishments, this project helped Camden to become recognized as the health care center of southern New Jersey. Sister Elizabeth's pioneering efforts in medical care have resulted in a plan to build a new $6 million nursing home within the city.

Because Sister Elizabeth is leaving Camden and being reassigned to another area, I feel it is an appropriate time to express my gratitude to her for all her fine work in south Jersey. I am certain my colleagues will join me in honoring Sister Elizabeth Corry, and wishing her the very best in the years ahead.●

A TRIBUTE TO LeROY A. BEAVERS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DIXON. Mr. Speaker, I would like to take this opportunity to pay tribute to LeRoy A. Beavers, Jr., a fellow Los Angelean and friend who on June 22, 1983, will retire from agency management with the Equitable Life Assurance Society of the United States. On June 22, family members, friends, and insurance colleagues, will join LeRoy at the Century Plaza Hotel in Los Angeles to pay homage to this pioneer in the insurance industry for his many years of hard work and selfless determination. As one who has known this exceptional gentleman for many years and admired his numerous contributions to the citizens of Los Angeles, I would like to take just a few moments to share some of his accomplishments with my distinguished colleagues.

A lifelong resident of Los Angeles, LeRoy graduated with honors from Jefferson High School. He attended the University of California at Berkeley, where he pursued studies in prelaw; served as a member of the freshman football team and, was the school's heavyweight boxing champion.

LeRoy volunteered for service with the U.S. Air Force and 2½ years later, was discharged as a staff sergeant. His climb up the ladder of success began as a part-time canvassing agent with Golden State Mutual Life Insurance Co.—the largest black-owned and operated insurance company in the West—as a full-time debit agent. He was subsequently named district manager of Golden State's eastside office.

Even though, LeRoy's career progressed with Golden State, his one desire was to see the removal of color barriers by becoming the first black agent with a leading insurance company. After enduring 25 interviews, he was finally hired as an agent with the Equitable Assurance Society of the United States in the Beverly Hills office with no beginning salary. LeRoy quickly rose through the ranks however, and in little or no time was not only justly compensated, but went on to become the Equitable's first black district manager. For his distinguished performance LeRoy earned the National Citation Award in 1965, 1966, and 1967.

In June 1968, LeRoy was named Equitable's first black agency manager and began his own agency with four integrated agents. For his outstanding service he received the Presidential Citation Award in 1969, 1970, 1971, 1974, 1976, 1977, 1978, 1979, and 1980.

The Beavers Agency emerged as the leading casualty and life producing agency in the Equitable. Under LeRoy's auspices, in 1980, the agencies best year, more than $1 million in premiums were written.

Aside from his duties as an insurance agent, LeRoy serves as a member of the National Association of Life Underwriters and General Agents and Managers Association, the Urban League, the NAACP, and the YMCA.

On June 22, 1983, LeRoy will retire from agency management, but will continue to work as an insurance agent. A man of firsts, he remains as a major force in the insurance business and an inspiration for those who wish to achieve excellence in the workplace. I extend my heartfelt congratulations to LeRoy, for his 15 years of distinguished service as an agency manager, and wish him, along with his lovely wife, Jessie Mae, the best that life has to offer.●

OPINIONS OF THE BEST OF THE CLASS OF 1983

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. BEDELL. Mr. Speaker, I wish to bring to the attention of my colleagues the results of a special opinion poll of 135 high school valedictorians from a three-State area. Iowa, Nebraska, and South Dakota are the States included in what I believe is a most interesting and informative overview of what our young leaders think on many issues.

The poll is a result of a program called salute to the best of the class of 1983. This public service project was cosponsored by KCAU-TV of Sioux City, Iowa, and General Motors. These seniors were video taped and the resulting series of 60-second public service announcements focused on the achievement of being selected valedictorian of their respective graduating classes. It is hoped that this special poll and the public service announcements will highlight the scholastic achievements of these talented students.

It is a pleasure for me to share with you some of the results of a questionnaire completed by these seniors, tomorrows leaders. The questionnaire consisted of two question types, one set concerned with the quality of their education and the other dealing with their perceptions on current domestic and world problems.

Contrary to the recent Commission on Excellence in Education report, these seniors felt they received a good education; 98 percent of these seniors rated their teachers good, excellent, or outstanding and 81 percent felt they were challenged by their schools curriculum. On a scale of 1 to 10, with 1 being lousy and 10 superior, 86 percent rated the quality of their education as an 8 or better.

In other issues of domestic and world concern, these seniors were very outspoken in their opinions; 81 percent of these seniors are in favor of a varifiable freeze on the testing and deploying of nuclear weapons between the United States and the Soviet Union; 87 percent feel that penalties for drunk driving should be made tougher; 83 percent feel that some type of control on the sale and ownership of handguns is necessary. When asked: "Should the minimum wage of $3.35 per hour be reduced?" 93 percent replied "No." Finally, it is interesting to note that while only 14 percent wear seatbelts, 56 percent are in favor of a law which requires the use of seatbelts in cars.

Mr. Speaker, I think we can all be proud of the achievements of these young Americans and I urge the Members of Congress to continue to keep the views of young constituents like these in mind.●

DON FRASER: HUMAN RIGHTS IN U.S.-U.S.S.R. RELATIONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. STARK. Mr. Speaker, it is simple to write clever editorials such as the one the Wall Street Journal published June 3 about private efforts to come to grips with the issues dividing the U.S. and the U.S.S.R., but it is difficult for individuals to do something about these issues which are central to the future of our planet. The WSJ editorial took notice of a symposium held in Minneapolis and hosted by our former colleagues and present mayor of Minneapolis, Don Fraser.

The event brought together 25 Soviet scholars and Government officials and 30 U.S. citizens including past and present Government officials.

I am sure my colleagues in this House are concerned about the human rights violations that take place in the U.S.S.R. We are also proud that dissent can be openly expressed in this country and we regret that Soviet citizens have little or no opportunity to challenge the conventional wisdom of that society. But many of us are also deeply concerned about the nuclear sword of Damocles hanging over our collective and individual heads and are determined to do what we can to alleviate the dangers we face.

That is why I am pleased to place in the RECORD Don Fraser's thoughtful paper, "Human Rights in U.S.-U.S.S.R. Relations" presented to those attending the Minneapolis meeting.

Don Fraser deserves a great deal of credit for putting on the national agenda concern for international human rights violations. During his years in Congress he provided leadership in this area as chairman of the Foreign Affairs International Organizations Subcommittee and devoted a

lot of his time as an active member of human rights organizations to thinking about and working on these sticky and important issues. I hope that those people in Minneapolis who vocally exercised their first amendment rights also took a few quiet moments to read or listen to Don Fraser's remarks. They are concisely summarized in his final paragraph:

> The Human rights practices of both the U.S. and the U.S.S.R. bear on the possibility of achieving a full range of constructive relationships between them. However, in the near term the urgency of the nuclear threat forces the arms control issue to the top of the agenda. Unless we make progress on this question all other questions may well become moot.

The complete text of Don Fraser's paper follows:

HUMAN RIGHTS IN U.S.-U.S.S.R. RELATIONS

INTRODUCTION

Writing a paper about human rights for a meeting of U.S. and USSR citizens is a challenging task. The treatment of human rights issues between the two countries in the past has left an understandable legacy of suspicion and hostility. Raising these issues in this meeting runs the risk of renewing this suspicion and hostility.

Nonetheless it is better to raise these issues in a constructive way than to ignore them because of that risk. As this paper seeks to show, when discussing the nuclear arms race the perceptions of each country about the other's human rights practices are a relevant subject.

No one will agree with all of the statements in this paper. But it is hoped that the paper can encourage a frank, open discussion of issues which make more difficult improved relations between our countries.

DEFINING HUMAN RIGHTS

For purposes of this paper human rights are defined as those rights which are set forth in the Universal Declaration of Human Rights adopted by the U.N. General Assembly in 1948, and the two implementing Covenants: The Covenant on Economic, Social and Cultural Rights, and the Covenant on Civil and Political Rights. It is recognized that the USSR has ratified both implementing covenants and the U.S. has not. Nonetheless all three documents represent international standards of human rights, especially since the implementing Covenants by 1976 had received sufficient ratifications by the nations of the world to be in force. There are many other international conventions on human rights such as those which address the rights of women and of labor and the subjects of genocide, torture and racial discrimination. However, it is not essential for purposes of this paper to trace out the full range of internationally defined human rights and their status. We will have a full plate if we stay with the primary documents.

THE STATUS OF HUMAN RIGHTS IN THE TWO COUNTRIES

At the outset it must be acknowledged that both countries fail to live up to all of the standards set forth in the three documents referred to above. In the U.S. the failures include continued discriminatory treatment of minorities and women, and significant gaps in meeting the economic needs of many of the poor people in the United States. In the USSR (from a U.S. perspective) the failures include lack of freedom of expression, the use of psychiatric hospitalization for dissenters, restrictions on emigration, and a political system which effectively limits popular choice in electing public officials.

No attempt will be made here to demonstrate all of the shortcomings of each country, nor is the accuracy of these observations important for purposes of this paper, only that such observations exist on each side about conditions in the other country.

THE EFFECT OF EXTERNAL CONDUCT BY THE TWO COUNTRIES ON HUMAN RIGHTS IN THIRD COUNTRIES

Another important element in the perceptions of each country about the other is the consequences of external policy on the fate of people in third countries. For example, some see the U.S. as a colonial power in its control over Puerto Rico. The U.S. is also seen as abetting human rights violations in many countries by its active support of governments which commit serious violations of human rights against their own citizens, such as torture, disappearances, and the lack of free elections.

Similarly, the USSR is perceived as continuing to impose governmental systems in Eastern Europe which lead to the same kind of human rights problems as exist in the USSR.

It is noted that both countries freely intervene in other countries (directly or indirectly) when in those countries regimes come to power, or threaten to come to power, which the intervening country sees as a problem for itself or its allies. This observation is relevant in that such intervention often is not only in violation of the UN Charter, but more to the point, the intervention is often made without reference to the human rights consequences of such interventions.

THE EFFECT OF HUMAN RIGHTS PERCEPTIONS IN RELATIONS BETWEEN THE TWO COUNTRIES

An assumption which is widely shared in the U.S. is that the character of another government can be determined in part by observing the way in which it treats its own people. If a government is seen to treat its people poorly it is assumed that such a government would not hesitate to treat other governments or peoples badly if it has the power to do so.

The perception that each country imposes or tolerates human rights violations against its own people thus becomes a part of the larger perception about the character and intentions of the other government.

It is probably impossible to separate perceptions about human rights practices from the larger tensions which exist between the U.S. and the USSR. From a U.S. perspective, the USSR is seen as a nation governed by a political party driven by an intense ideology, one which tolerates little internal opposition, and which is intent on extending its ideology throughout the world while maintaining ideological control over Eastern Europe through the presence of the Soviet army.

It is more difficult to appreciate the perceptions which the USSR has of the U.S., but it is safe to assume that the USSR does not have a high level of confidence in the intentions or tactics which it attributes to the U.S.

Criticism of each other's human rights record is often labeled as an inacceptable interference in the internal affairs of the other country. However, both countries freely criticize human rights practices in 3rd countries. Moreover, criticism of each other has a constructive value insofar as it helps to identify some of the obstacles to a closer relationship. However, when human rights criticisms are employed as ideological clubs with which to hit the other country then the result is simply to exacerbate tensions between them.

THE IMPACT OF HUMAN RIGHTS ISSUES ON THE ARMS RACE

Suspicions of the motives and intentions of each country tend to fuel the arms race. Observations about human rights practices contribute to those suspicions. And so long as either country is seen by the other as seeking to extend its influence or power to the detriment of the other, the resulting suspicion and concern will encourage the other to strengthen its arms.

The nuclear arms race is simply an extension of the overall arms race. There is little doubt that U.S. policy in Western Europe, for example, has relied upon the possible use of tactical nuclear weapons in the event Warsaw Pact forces moved against NATO forces. The maintenance of retaliatory strategic nuclear forces by each side is justified by the fear that without such a retaliatory capability the other country might attack with its own nuclear forces.

After the ABM treaty was signed it was no longer rational to consider the use of such forces since both countries effectively agreed to leave their populations at risk in the event of a nuclear exchange. Unfortunately, the idea that the use of strategic nuclear forces was no longer rational has not led to a slowing of the strategic arms race, much less to a reduction in the numbers of weapons or warheads. Suspicion and distrust remain strong, especially within the current U.S. administration which has refused to ratify the SALT II treaty (even though agreeing to abide by its terms for the time being).

THE PLACE OF HUMAN RIGHTS CONSIDERATION IN ARMS CONTROL TALKS

While an improvement in human rights practices by either country might improve the way in which it is perceived by the other, this alone cannot solve our difficulties. Here's why: (a) Fundamental change in human rights practices ordinarily comes gradually and mostly through change initiated from within each society; (b) gradual changes in human rights practices will not, in the short run, bring significant changes in the perceptions of the motives or intentions of each country toward the other sufficient to have an affect upon the arms race.

HUMAN RIGHTS PRACTICES ARE RESISTANT TO CHANGE

Most human rights violations come from governments which have concluded that the practices complained of are necessary in order to govern, or that the practices complained of are so rooted in tradition that they are impossible to change. Historically we have had national leaders in some countries who have been so irrational as to deprive persons of their lives or freedom capriciously. But for the most part in the world today the failure of governments to live up to international standards is claimed to be justified by circumstances.

There is little prospect of a quick fix with respect to human rights violations. There is hope for gradual improvement over time. Change may come from a new government, from changing circumstances, or by the altered tolerance or expectations of the society being governed. With the exception of

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changes of government, changes tend to come slowly.

In the U.S. today it is hard to remember that only 30 years ago it was legal to separate students by race in our schools. Yet even that change came slowly. The Supreme Court decision outlawing such segregation followed nearly a century of discussion and protest.

Occasionally modest changes are produced by outside pressures. But fundamental changes in human rights practices are resistant to external pressure. A good example is the intransigence of the government of South Africa despite the universal condemnation of apartheid. The long-term effect of external pressure is more difficult to predict, although there is reason to believe that over time such pressures may make an important difference.

GRADUAL CHANGES IN HUMAN RIGHTS PRACTICES WILL NOT QUICKLY LEAD TO SIGNIFICANT CHANGES IN U.S.-U.S.S.R. RELATIONS

The tensions between the U.S. and the USSR are grounded on far deeper concerns than those which flow from failures to observe human rights standards. As noted earlier, a current perception in the U.S. is that the USSR seeks to alter the world political environment to the detriment of the West. Presumably the USSR harbors similar concerns about the U.S. And both are clearly suspicious of the reasons for the arms build-up which each perceives taking place in the other country.

There is nothing in this dismal picture which is likely to be significantly altered by gradual improvements in human rights practices in the short run.

However, over time, changes in human rights practices which accompany progress in easing other tensions between the two countries could significantly strengthen prospects for further cooperation and arms reduction. But the nuclear arms race cannot await these hoped-for improvements in our relations.

THE GROWING RISK OF NUCLEAR WAR PRESENTS A HUMAN RIGHTS CHALLENGE OF ITS OWN

A strong argument can be made that both the use and the threat of use of strategic nuclear weapons violate human rights standards. At the heart or center of all human rights is the assumption that life continues and that the question of rights remains relevant. Without life all other rights lose meaning. So national policies which alone, or in some synergistic relationships with other nations, place the continuation of life at increasing risk are themselves violative of human rights.

The human rights questions arising out of nuclear arms are raised in at least three separate contexts:

(i) That the international rules of war effectively forbid the use of nuclear weapons through the following language:

"(1) Belligerants will leave non-combatants outside the area of operations and will refrain from attacking them deliberately.

"(2) Attacks are only legitimate when directed against military objectives, that is to say whose total or partial destruction would constitute a definite military advantage . . . (; and)

"(3) Weapons and methods of warfare likely to cause excessive suffering are prohibited."

(ii) That the international conventions and covenants speak repeatedly of the inherent dignity of the person, of the inalienable rights of all members of the human family, and that these "natural rights" make sense only if individual and collective survival is assured. Indeed, the Universal Declaration of Human Rights provides that "everyone is entitled to a social and international order in which the rights and freedoms set forth in (the) Declaration can be fully realized". Clearly this requires that government not contravene such entitlement through national policies.

(iii) That the legal formulations and judgments emerging from Nuremberg with its emphasis on personal accountability raise important questions concerning the culpability of individuals who manufacture, deploy or maintain weapons of mass destruction such as nuclear weapons. The argument made here is that persons responsible for these weapons under Nuremberg principles cannot escape liability for their actions. This formulation of the issue may offer new opportunities for concerned citizens to have the question raised or adjudicated in legislative or judicial fora before a nuclear holocaust occurs. This argument might be stronger after a holocaust and the survivors are attempting to establish culpability. But with more discussion perhaps there will emerge a new right predicated on the need for survival, a right to challenge individual conduct which makes possible the destruction of a large part of life on this planet.

CONCLUSION

Human rights remain as the fundamental protection which citizens need in order to realize the fullest potential that life has to offer. Moreover, so long as significant human rights violations continue anywhere in the world they will remain a source of tension and often of conflict which can lead to war.

The evolution of this planet into a more peaceful community of nations must ultimately be grounded upon the universal respect for and substantial adherence to the standards of human rights accepted by the international community.

The opportunity to make progress in this direction is threatened by the growing arsenal of nuclear weapons. This threat takes the form of a possible intentional or accidental nuclear exchange which may end life for most human beings on this planet.

The growth of the nuclear threat thus poses its own human rights challenge. So the first order of business must be to seek limits on the growing arms race and find ways to reduce the risk of a nuclear holocaust.

The human rights practices of both the U.S. and the USSR bear on the possibility of achieving a full range of constructive relationships between them. However, in the near-term the urgency of the nuclear threat forces the arms control issue to the top of the agenda. Unless we make progress on this question all other questions may well become moot.●

AL SWEATT

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. VALENTINE. Mr. Speaker, for three decades Al Sweatt has served as executive vice president of the Rocky Mount, N.C., Merchants Association. During that long period of time, many changes have come to Rocky Mount, not the least of which has been a twelvefold increase in annual sales, due in part to the leadership of involved citizens like Mr. Sweatt. The distinction he has shown in his community has had a substantial impact on the prosperity of the area.

Mr. Speaker, a recent editorial in the Rocky Mount Evening Telegram notes Al Sweatt's record of accomplishment, and I insert it in the RECORD.

[From the Rocky Mount Evening Telegram, June 8, 1983]

'30'—AND COUNTING

In the newspaper field, the number "30" is used to indicate the end of a story, and it also sometimes is employed to note the passing of an editor, like the Navy uses the term "slipped his cable" or getting the "deep six."

With Al Sweatt, executive vice president of the Rocky Mount Merchants Association, "30" has a different meaning.

For it was 30 years ago, on June 1, 1953, when Sweatt assumed the Rocky Mount post.

Furthermore, he's still at it after 30 years, and while nature may have seasoned him he remains as energetic as he was when he took the position.

At Sweatt also can look back upon significant milestone attained during his long tenure and one of the major sources of satisfaction for him is the fact that annual sales in Rocky Mount have soared from the $37 million figure in 1953 to an impressive $445 million last year.

Sweatt calls his experience in Rocky Mount "exhilarating" and "most rewarding" and he has no hesitation in declaring that he wouldn't have stayed at the post for such an impressive period "unless I really liked it here."

Let those job jumpers take heed. For quite a few of them a change has been for the best, but there are countless others whose job changes have meant jumping from the frying pan into the fire.

Even today we still find those who abandon job after job in order to examine the grass which seems greener on the other side of the fence.

For Al Sweatt, however, he long ago decided that it was more important to help improve life for the businessmen than concentrating upon personal gains.

And if you have any idea that he isn't wrapped up in his business as securely as any store's prize Christmas package, you would probably have little difficulty in locating him at many times other than normal working hours because Sweatt will be found in his office "sweatting" over problems he feels need to be ironed out for the benefit of those he serves.

Despite his devotion to duty, it is interesting to note also that the still youthful appearing executive finds time to participate in civic projects which mean much to Rocky Mount's progress.●

REPORT OF PRESIDENT'S COMMISSION ON EXCELLENCE IN AMERICAN EDUCATION

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mrs. BOXER. Mr. Speaker, in the aftermath of the recently released report on the President's Commission on Excellence in American Education, a rather sober document indeed, I would like to introduce a refreshingly optimistic note of hope into the CONGRESSIONAL RECORD. I have been spurred to take this step by a personal and professional interest in a very successful development in education that, although already 33 years old, has been catching fire across this land. I speak of the model United Nations, appropriately begun at Stanford University in 1951, in my home State where the United Nations Charter was signed.

Each year, teachers all over this country have a dream about a very special kind of educational experience, a dream that materializes in the spring, after months of study, research practice, and the hard work of fundraising. Students gather together on campuses where they study the history, culture, economics, politics, and political position of their country on issues and problems before the United Nations which are the agenda topics at the conference held in their geographical area.

What is the secret of the tremendous success of the model United Nations program among students everywhere, a program that involves so much dedication and serious work? Not only must the student have a thorough knowledge of the country he is representing, but also he must be familiar with the various aspects of the conference topics, develop the art of debate, caucusing, and compromise, learn to speak well publicly, write policy statements or position papers and resolutions, and learn the parliamentary procedures or rules used in conducting the sessions. Perhaps a partial answer lies in the opportunity the organization offers students to put into practice the knowledge they have researched and learned. In the process, they widen their horizons, enrich their lives, contribute in a positive and practical way to their future careers and lives, and perhaps even play a small part in history—and they do this within a framework of high ideals, humanitarian motives, and practical educational achievement.

I believe that such a worthwhile program deserves our acknowledgement and support.●

VOLUNTEER ASSISTANCE TO REFUGEES DESERVING OF COMMENDATION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DANNEMEYER. Mr. Speaker, America has traditionally been a haven for refugees fleeing political and/or military oppression and never has that been more true than it is today. Not only have we welcomed hundreds of thousands of Vietnamese, Cuban, and other refugees in recent years, but Vietnamese and others fleeing the tyranny of communism keep coming to our shores. Making them welcome and helping them get started in a new land with a different language and customs has not always been easy, but thanks to thousands of Americans who have generously given of themselves and their resources, these refugees have made truly remarkable strides. Many have started businesses, found jobs, built homes, and begun raising families in the true American tradition but with a flair distinctly their own. Still others are seeking to follow in their footsteps with the volunteer assistance of various individuals, civic groups, church congregations and charitable organizations. True, some of these refugees have benefited from governmental programs as well, but the contribution of these volunteer private sector groups cannot be underestimated. Not only is this assistance frequently more immediate and personal, but it has encouraged the self-reliance that is so essential if refugees are to successfully integrate themselves into our society.

Thanks to its climate and its location, southern California has attracted more of these refugees than most areas. But rather than view that as a burden, many of those living in that part of the country have chosen to view it as a challenge. Hundreds of individuals and groups have emerged with offers of assistance. Some have taken refugees into their homes and helped them get started. Others, less well equipped with living space, have provided food, clothes, and other supplies. In some cases, entire church congregations have taken responsibility for helping refugees get settled. For example, five congregations of the southern California District of the Lutheran Church, Missouri Synod have undertaken to sponsor Indochinese refugee families in recent years. Those congregations, from the First Luthern Church of Los Angeles, Rev. Carl Lutz; the First Luthern Church in Venice, Rev. James Johnson; Christ Lutheran Church of La Mesa, Rev. Arthur Puls; St. Marks Lutheran Church of Encinitas, Rev. Lloyd Powers, and University Lutheran Church of Los Angeles, Rev. William Bennett, have taken it upon themselves to sponsor five refugee families—13 people in all—and are looking forward to continuing their efforts in the future. Their example is not only an act of faith but it should be an inspiration to us all. For theirs is truly the gift of sharing and for that gift they deserve to be commended.

Mr. Speaker, let me just add one more thing. All of us deplore the conditions in other parts of the world that cause people to give up all that they have to come to our shores. But thanks to the perserverance of those people coupled with the unstinting assistance of volunteer sponsors and others, we are the richer for their having come. To both refugees and sponsors alike, one can only say "Thanks" and "Keep up the good work."●

PRESIDENTIAL SCHOLARS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LUJAN. Mr. Speaker, the issue of the education of our young people is fast emerging as one of, if not the priority topic of our national consciousness.

Today, the President of the United States is in my district, in Albuquerque, N. Mex., addressing the National Conference of the Parent-Teachers Association. The topic of education will be in the forefront of our national debate in the days ahead.

Mr. Speaker, my purpose today is to point with pride to examples of the positive and good results of our educational system. I was pleased to attend a lunch, here in the Capitol, honoring the 1983 Presidential scholars. Miss Paula Walker of Albuquerque, N. Mex., was honored to be in the top 20 Presidential scholars in the arts for her music and writing.

In the recent International Science and Engineering Fair, Miss Laura Trauth of Moriarity, N. Mex., won the top international competition award. Another New Mexican from Fort Sumner, Mr. Shawn Bishop was a top winner also in the International Science and Engineering Fair.

The National Spelling Bee Champion for 1983 is Mr. Blake Giddens of Alamogordo, N. Mex.

Mr. Speaker, while we so often hear of the failures of our educational system, I think that it is right and proper that we take the time and effort to recognize the successes. And some of these successes are truly remarkable achievements.

We are in an age when high technology and computer sciences are dominating our life and our future. We must indeed make certain that all of

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our citizens are adequately prepared to meet the challenges of life today and in the future. The young people that I have mentioned today, are facing that future with optimism, which is hope for us all.●

ALBUQUERQUE MUSEUM TO HIGHLIGHT SPANISH HERITAGE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. RICHARDSON. Mr. Speaker, in the year 2000 the Hispanic population is expected to make up the single largest minority in the United States. We are a diverse people ranging from recent Mexican, Cuban, and South American immigrant all the way back to early Hispanic families whose roots are tied to the colonization of the New World by 16th century Spanish explorers.

Mr. Speaker, that early history will be shared with all Americans on June 25, when the Albuquerque Museum in New Mexico opens a permament installation on the history of Albuquerque and the Middle Rio Grande Valley.

The exhibition will be unique. It will contain a collection of artifacts from this important period of American history, representing the exploration and colonization of America which took place a century before the pilgrims landed on Plymouth Rock—all the way up to Albuquerque's entry into the atomic age.

Mr. Speaker, this exhibit presents a unique opportunity for all Americans to learn the cultural background of early Hispanic settlers. I wish to draw my colleagues attention to the history of Albuquerque, as compiled by Albuquerque Museum Curator Byron A. Johnson. I hope my colleagues will take the time to read this thoughtful piece:

ALBUQUERQUE HISTORY, 1539 TO 1982

(By Byron A. Johnson and Kathryn Dysart)

In 1539 when the first group of Spanish explorers arrived in New Mexico they were greeted by several thousand Indians and some of the most dramatic landscape in the world. They came in search of gold . . . the fabled Seven Cities of Cibola. They carried with them a papal sanction giving them the responsibility of "converting the heathen peoples." As a search for mythical riches, the expedition was a terrible failure. The entradas of Fray Marcos de Niza and Francisco Vasquez de Coronado, however, marked the beginning of an Hispanic tradition that would shape the cultural and ethnic fabric of the entire Southwestern United States.

The first actual settlement in New Mexico by colonists came in 1598. The promise of land, a measure of wealth in the New World, lured the hardy into a belief that the marauding Indians and inhospitable environment could be harnessed. There was, no doubt, still a glimmer of hope that the fantastic treasures were yet to be found. Nothing could have prepared them for what they were to find. The provinces, having fallen under neglect by the Spanish government in Mexico City, were offered to protection from the raids of the Apache and Navajo. Cyclical famine and disease took their toll. None prospered. Deserters were hanged. In 1680, the Pueblo Indians had had their fill of the demanding and evangelistic colonists. The great Pueblo Revolt drove the conquerors back to the borders of Mexico; all encroachment into the land of the Tigua was stopped.

The Spaniards were not to be so easily rebuffed. Then too, there was the issue of the uncoverted souls. With urging from the once landed colonials and the church, the province of New Mexico was reconquered by the Spanish in 1692-3. This time the plan was a little different. Instead of spreading out to cover as much land as possible, the colonists grouped together. They continued to farm their "ranchos" up and down the Middle Rio Grande Valley, but they congregated around settlements with small plazas and mission churches. Farm land, wood and water were abundant. Still, the population grew slowly.. The indigenous community of Albuquerque counted only 2000 people by 1780. For two hundred years farming and weaving comprised the means of livelihood for New Mexicans. The beginning of change was marked by the opening of the Santa Fe Trail. From then on, Albuquerque would be rewarded and suffer the consequences of its location as a crossroads of America.

The Spanish had held their colonies under tight rein. Goods brought into the provinces were allowed to enter only from New Spain. In 1821, Mexico won its independence from the Spanish monarchy, and it was eager for contact with the rest of the world as were neighboring settlements of the middle Rio Grande. The trade of the Santa Fe Trail encouraged the production of goods beyond those necessary for the subsistance of the colony. New Mexico was about to catch up with the modern civilizations of the world.

In 1846 U.S. Army Dragoons marched into Albuquerque and claimed the village for the United States. The U.S. war against Mexico brought more than a change of command. A military post was built on the west side of the plaza. Albuquerque became a supply depot for the soldiers up and down the river valley. As such, it was the focus of attack by Confederate troops who wanted a solid block of slave states throughout the south. In April of 1862, victory by Union forces at the battle of Albuquerque hastened the retreat of the Confederate troops to Texas.

The goods and communications brought over the Santa Fe Trail into Albuquerque were miniscule compared to those which would be brought into the town by the iron rails. The coming of the railroad permanently linked New Mexico to the eastern and western United States. When the railroad came through, however it did not come directly to Albuquerque. It came instead to New Town, a mile and a half east of the old Spanish plaza. The railroad brought with it Victorian architecture, education and a logging industry. It brought gambling halls, saloons and women of easy virtue. Albuquerque was suddenly a frontier town, a boom town, a rough and tumble Horatio Alger town that would double in population seven and a half times in less than a century. The economy shifted from agricultural barter to wage earners, most of whom worked for the railroad. Albuquerque became the wholesale distribution point for goods headed west of Kansas City. Then came tuberculosis.

TB was the single largest health concern in the United States at the turn of the century. Although a cure for the disease would not be found until the mid-twentieth century, the treatment was rest, sunshine and dry air. Albuquerque civic leaders actively compaigned for tuberculors to move to New Mexico, and many did. The health seekers brought with them eastern ways in education and social convention. They became the city's mayor, senator and primary business leaders. In 1902 the first sanatorium for tuberculosis was built. It was to be followed by a dozen others and paved the way for Albuquerque to become a major medical center in the Western United States.

Albuquerque was truly a boom town when the Great Depression hit the rest of the world. Due to political advantage, the city received the largest number of public works projects of any city its size in America. Two of those projects, a major airport and the completion of Route 66, insured that Albuquerque would continue to be a major crossroads for the nation. The airport would assume astounding importance with the beginning of World War II. The nation's most top secret atomic research effort, the Manhattan project, would develop in Los Alamos barely one hundred miles from Albuquerque. Albuquerque was the only secure military airfield that serviced this area. As a transit point for atomic research, Albuquerque was also the obvious locale for a training base for bomber pilots, crews and mechanics. After the explosion of the first atomic bomb at Trinity Site in southern New Mexico, components of the secret base were moved to Albuquerque's Kirkland Field. Project Z, as it was called, latter became Sandia National Laboratory.

The interlaced economic factors which would sustain Albuquerque's growth were now in place. Agriculture, transportation, medical and atomic research supported by strong federal government funding pushed population expansion to record setting climbs. Currently Albuquerque is a sprawling city of 418,000 people. Its ethnic fabric is still strongly Hispanic, but new populations have brought traditions of many cultures to enliven the political, social, and economic life of the city. While Albuquerque faces many of the problems of urban sprawl associated with growing cities, it is also a dynamic cultural, research, and educational center that continues to foster a stimulating and creative environment. It is precisely this attractive ambience that holds such promise for the future.●

CONGRATULATIONS TO THE SENIOR CLASS OF THE GREENSVILLE, VA., HIGH SCHOOL

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SISISKY. Mr. Speaker, I would like to take this opportunity to offer my congratulations to the senior class of Greensville County High School in Greensville, Va. It gave me great pleasure to be with them for their commencement exercises on June 12, 1983. I wish each of the members of this outstanding class much success in

their future endeavors. It is with great pride that I submit the names of these graduates, including those receiving special recognition, for inclusion in the RECORD.

HONOR GRADUATES

Cheryl Denise Andrews, Joseph Franklin Barnes III, Rodney Clarke Bradley, Theresa Hill, Beverly Yolanda Hines, Christine Joy Scheer, Dwayne Elvis Tillar, and Joan Elisabeth Wyatt.

MEMBERS OF THE CLASS OF 1983

Jean A. R. Adams, Jovair Thomas Adams, Leonard Antonio Adams, Cheryl Denise Andrews,[1] Carolyn Jean Avent, Alex L. Bailey, Jr., Lawarna Renee Banks, Joseph Franklin Barnes III,[1] Edwin Vincent Belmonte, Vanessa P. Bennett, Adrian Lorenzo Boone, Robert K. D. Boone, Darryl Cochise Bourn, Rodney Clarke Bradley,[2] Richard A. Brown, Sylvia Brown, Timmy Byers, Randy L. Bynum.

Cameron F. Caines, Patty Jean Clark, Gregory Curley, Annette Marshell Davis, Larry Nathaniel Davis, Suzanne Diefert, John Sylvester Easter, Aronda Jurienne Edwards, Dorothy Epps, Gerald Preston Faison, Thomas Felton, Jr., Charlotte Fleming, Audrey Brendolyn Grant, Curtis Green, Sheila Delois Green, Janet Gwendolyn Greening.

April Annett Harding, Cynthia Dolores Harrell, Christopher Warren Harrison, Lisa Yvette Hawthorne, Bertha Lynn Hicks, Betty Jean Hicks, Tracy Renee Hicks, Robert Earl High, Mary Hollis Hill, Regina Ann Hill, Sharon Denise Hill, Theresa Hill.[1] Beverly Yolanda Hines,[1] Michael J. Hines, Rosiland Denise Hines, Thalis A. Hurdle.

William D. Jarratt, Eugenia Rence Jefferson, Perry Orlandus Jefferson, Alvin Jasper Johnson, Lisa Renee Johnson, Anthony W. Jones, Arthur Lee Jones, Cynthia L. Jones, Geneva B. Jones, Mitchell Randall Jones, Mozelle Jones, Charlene Denise Jordan, Sandra Alison Kei, Pamela Fay Kientz, Marlon Ann King, Yolanda Darnetta King.

Felicia Elena Lawson, Terry Denise Lee, Erma Leen Lundy, Edwin Lyneal McBeth, Terry Anita Manning, Angela Deneen Maryland, Michelle Anne Maryland, Lorenzo Mason, William Miles, Stephanie D. Mincey, Cathy Renae Moody, Adrienne Matorsha Moore, Dennis Lee Moore, Wanda Lynette Moore, Wayne Moseley.

Milton Maurice Nichols, Valerie Ann Pair, Pamela Jean Pegram, Kristie Lynn Phillips, Gertrude Delores Phipps, Jennifer Theresa Powell, Lorraine Powell, Steven Wayne Rice, Mamie Lee Ricks, Alfonza Julius Riley, Cora Jean Robinson, Jerome W. Robinson, Marcia Yvette Robinson, Christine Rose, John DeForest Ross.

Linda Gayle Sasser, Christine Joy Scheer,[2] John Herleslee Seaborne, Jr., Yvonne Seldon, Debora Sirles, Randy G. Sirles, Keith E. Spates, Robin Lynne Spraker, Nathaniel Spruill, Danny Wayne Staton, James A. Stukes, Robert K. Taylor, Andrew Cornelius Tillar, Dwayne Elvis Tillar,[2] Kenneth Rae Tonlimson, Natalie Lezon Tucker, Roderic Lionel Tuell, George Turner, Jacquelyn Turner, Quinton Lee Turner, Randall Fitzgerald Turner.

T. Scott Vincent, Lillian Edwina Watts, Carol Yvonne Webb, Billie Kay Wendell, Delphine Deloris Wilks, Josephine Deloris Wilks, James David Williams, Theresa Williams, Vernon Oliver Winstead, Jr., Catherine T. Wrenn, William Lewis Wrenn, Joan Elisabeth Wyatt.[1]

[1] Denotes students with 3.49-3.00.

[2] Denotes students with 4.00-3.50.●

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1983

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ERLENBORN. Mr. Speaker, today I am introducing (together with Mr. GUNDERSON and Mr. NIELSON of Utah) a bill to amend the Federal Mine Safety and Health Act of 1977 in an effort to further promote safety and health in our Nation's mines.

Assistant Secretary Ford B. Ford recognizes the need for this reform, as did his predecessor. Also, the Subcommittee on Health and Safety, of the Committee on Education and Labor, held numerous hearings on the Mine Safety and Health Act during the 96th and 97th Congresses. These printed hearings, if perused, will reinforce the need for the changes in the statute this bill calls for.

Because the 1977 Mine Act merged coal and metal/nonmetal mines into one statute without the benefit of previous experience, the impact of that merger on the smaller surface nonmetal mining operations could not have been foreseen. It is now our intention to rectify the situation.

Our bill is not a major overhaul of the Mine Safety and Health Act but is more analogous to—to use the automotive vernacular—a tuneup. Briefly, the bill fine tunes the provisions of the statute dealing with (1) mandatory inspections, (2) mandatory penalties, (3) mandatory training, and (4) training and education. Further, the bill exempts mine sites owned or operated by a State or political subdivision of a State.

A similar bill (S. 1173) has been introduced in the Senate.

It is hoped that this bill will alleviate many of the problems of the stone, sand, and gravel industry and be viewed by the chairman of the full Education and Labor Committee and the chairman of the Health and Safety Subcommittee "as an attempt to work out, in a substantive piece of legislation, a viable and permanent resolution to the * * * problems," to quote my colleagues.

I look forward to working with the subcommittee chairman in advancing this legislative initiative.

Accompanying these remarks is a section-by-section analysis of the bill.

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1983

SECTION-BY-SECTION ANALYSIS

SEC. 1. (SHORT TITLE; GENERAL REFERENCE).—This Act may be cited as the "Federal Mine Safety and Health Amendments of 1983."

SEC. 2. (COVERAGE).—Sections 3 and 4 are amended, where appropriate, to exempt mine sites owned or operated by a State or political subdivision of a State.

SEC. 3. (INSPECTIONS).—Section 104 is amended to require the Secretary to establish criteria to determine the number of inspections to be made at surface coal or other mines. Such criteria shall require, with respect to a particular mine, consideration of, but not limited to, the rate of injuries, the incidence of fatalities, the nature of the mining operation, and the number of miners employed at such mine.

SEC. 4. (NOTICES OF VIOLATION, CITATIONS, AND ORDERS).—(a) Section 103 is amended to allow the Secretary to issue a "notice of violation" (without a penalty) for a violation that could not significantly and substantially contribute to the cause and effect of a coal or other mine safety and health hazard.

(b) Section 3 is amended by adding at the end thereof a definition of "significant and substantial":

"(p) 'significantly and substantially contribute to the cause and effect of a coal or other mine safety or health hazard' means a violation of this Act, or any mandatory health or safety standard, rule, order, or regulation promulgated pursuant to this Act, that based on the particular surrounding facts, constitutes a condition or practice which is reasonably likely to result in an injury or illness of a reasonably serious nature.".

SEC. 5. (TRAINING). Section 115(a) is amended to provide—

(1) that each training program shall be approved by the Secretary if the program complies with established regulations, or if the Secretary determines that the manner in which the program achieves the training purposes is at least as effective as a program which complies with the regulations;

(2) that miners having no surface mining experience, or its equivalent, shall receive such training as the Secretary determines is necessary and appropriate for the particular jobs performed by the miners and the conditions existing at the particular mine;

(3) that all miners shall receive refresher training at such intervals as the Secretary determines is necessary and appropriate for the particular jobs performed by the miners and the conditions existing at the particular mine; and

(4) that on-the-job training conducted during actual production and under the close and continuous supervision of an experienced miner may be included as a part of the miner's required training time.

SEC. 6 (INDUSTRY CONSULTATION AND ASSISTANCE). Section 502 is amended by adding a new subsection which allows the Secretary to provide consultation and assistance to any coal or other mine operator in meeting the requirements of this Act. Such consultation and assistance may be conducted at the initiative of the Secretary or upon request by the operator.

The Secretary shall, within a reasonable time following such consultation, make written recommendations to the operator with respect to the elimination of any condition or practice disclosed during such visit that may constitute a violation of this Act.

These consultation visits shall not be considered an inspection or investigation, nor shall the issuance of a notice of violation or a citation result from such visit. The Secretary shall endeavor to ensure that miners or their representatives have an opportunity to

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participate in any such consultation or assistance effort.

Nothing in this subsection shall affect the responsibilities and duties of the Secretary in counteracting an imminent danger as set forth in section 107.

Advice given in the course of a consultation visit at any mine pursuant to this subsection shall not be binding on the Secretary in the event of any subsequent action at such mine.

Sec. 7 (Effective Date). The provisions of this Act, except for those of section 5, shall take effect sixty (60) days after the date of enactment.

The provisions of section 5 shall take effect 180 days after the date of enactment, and any training plan approved by the Secretary prior to the effective date of section 5 shall remain in effect until any new plan that may be submitted under the provisions of that section is approved.●

PRESIDENT REAGAN'S SOVIET POLICY IS WORKING

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MICHEL. Mr. Speaker, one of the things we learn in politics is that we often do not find out the results of a policy until years after its beginning. Nowhere is this more true than in the field of foreign affairs. A President's policy does not change things overnight. But ultimately a sound policy, based on valid principles, is going to work.

It is gradually becoming evident that President Reagan's policy toward the Soviet Union—one based on firmness but open to negotiations—is working. A recent article in the Wall Street Journal states that the President's firm stand in defense of freedom and our NATO allies' willingness to join us in the deployment of Pershing missiles have given the Soviet leaders good reason to believe it is time for them to stop posturing and start serious negotiations in many vital areas. The cliches of "cold war" and "détente" no longer apply. President Reagan—his critics to the contrary notwithstanding—has created a new workable policy for the 1980's that deals realistically with the fact—and the purpose—of Soviet power.

At this point I wish to insert into the Record an article from the Wall Street Journal, "U.S.-Russian Hostility Called Likely To Ease, Giving Reagan a Boost," Thursday, June 16, 1983.

U.S.-Russian Hostility Called Likely To Ease, Giving Reagan a Boost—Summit Talks, a Grain Deal, Arms Pact Held Possible, but Not Another Détente—Turbulence Won't Go Away

(By Karen Elliott House)

Washington.—The steady decline in U.S.-Soviet relations may be bottoming out, raising the possibility that Ronald Reagan will win his gamble that being tough, not tractable, is the surer path to peace.

Kremlin-watchers in and out of government say that while superpower relations are at their worst since the Cold War of three decades ago, some change for the better—both in tone and in substance—appears likely over the next 18 months. They see several forces at work:

With elections coming, President Reagan's political interests now nudge him toward improving relations with Moscow. More important, Soviet leaders, after a series of political mistakes and policy miscalculations, are beginning to anticipate two unhappy prospects that may encourage their eventual flexibility. First, despite heavy Soviet pressure, a surprisingly solid Western alliance will evidently begin deploying new U.S. medium-range missiles in Europe next December. Second, a politically resurgent Ronald Reagan appears increasingly likely to run for reelection and win.

"The Soviets believe President Reagan will win in '84 and therefore they must deal with him," says Seweryn Bialer, a Soviet expert at Columbia University who is just back from Moscow.

PRESSURES ON LEADERS

With surprising unanimity, U.S. policy makers and outside experts, including those who hope for improved relations and those who fear them, agree that the underlying pressures on Mr. Reagan and Yuri Andropov could move them toward compromise. At the very least, this brightens prospects for bilateral relations ranging from a new long-term grain-sale pact to a Reagan-Andropov summit. Beyond that, it could lead to genuine progress on arms control.

"We do not want to—and need not—accept as inevitable the prospect of endless, dangerous confrontation with the Soviet Union," Secretary of State George Shultz said yesterday before the Senate Foreign Relations Committee. (For an account of Mr. Shultz's testimony, see story on page 10.)

Of course, with so many uncertainties surrounding U.S.-Soviet relations, chances for improvement could be derailed by anything from a flare-up in the Middle East to leadership changes in Moscow—or in Washington. If Mr. Reagan decides this summer not to seek reelection, the experts say, the Kremlin will go into neutral and wait to see what happens in 1984. Even assuming movement toward compromise, no one is predicting a new era of detente with tensions relaxed across the board. The consensus is that relations will remain periodically turbulent, particularly if the new U.S. nuclear missiles are deployed in Western Europe late this year as scheduled.

NEW REALISM EXPECTED

Still, the experts do look for a new realism in U.S.-Soviet relations. Like two old gamblers, Mr. Reagan and Mr. Andropov have passed through a period of bluff and bluster. Neither has won a bluff nor kicked over the table in frustration. Having taken the measure of each other's hands, they now are left to play out their cards. And neither holds any aces.

The President, who opened by vowing to shun arms-reduction talks until the U.S. rebuilt its military strength, has been pushed by concerned congressmen and Western allies toward a more accommodating stance. That pressure now is being reinforced by White House political advisers, who want to portray him as a man of peace in 1984.

Moscow's plans, too, have gone awry. At first, Kremlin leaders hoped Mr. Reagan would be another Richard Nixon—tough but eager to deal. Then they feared he would test them aggressively. Neither the hope nor the fear proved true. Now they are simply "confused," says Lawrence Eagleburger, an undersecretary of state.

"Ronald Reagan appears tough, though unpredictably so," says James Schlesinger, a former secretary of defense who now is a senior adviser at Lehman Brothers Kuhn Loeb Inc. "So the Soviets treat the U.S. with a degree of respect, and that is an advantage."

KREMLIN'S PROBLEMS

Mr. Andropov's regime also continues to be plagued by internal problems, both economic and political. Although he is the general secretary of the Communist Party, he "hasn't yet consolidated his hold on power," says William Hyland, a Soviet expert at the Carnegie Endowment for International Peace. This week Mr. Andropov is engaged in important party and government meetings. The Supreme Soviet, convening today, may name a new president, a position vacant since Leonid Brezhnev died last fall. U.S. officials are intently watching these meetings for clues to Mr. Andropov's political dominance and direction.

The biggest force pushing him toward compromise, U.S. experts say, is Moscow's miscalculation in Europe. Since 1979, the overriding priority of Soviet foreign policy has been to split Western Europe from America. The reluctance of this country's European allies to increase defense spending, their desire to expand trade with the East and their nervousness about American reliability led Moscow to believe that Europe could be wooed away from the U.S., especially if Soviet-American relations worsened. "The Soviets believed that deterioration in US.-Soviet relations could, if properly managed, produce a compensating crisis in the alliance," says Arnold Horelick, senior Soviet analyst at the Rand Corporation in Los Angeles, who formerly held the comparable job at the Central Intelligence Agency.

Things haven't worked as Moscow hoped. While the alliance is far from solid, Western Europeans haven't jumped ship and the trend for now is toward cohesion. The election of Helmut Kohl in West Germany and the reelection of Margaret Thatcher in Britain make these allies firmer backers of Reagan-administration policies, although the nuclear-freeze movement remains active in both countries. Even France's Socialist president, Francois Mitterrand, supports deployment of new U.S. missiles in Europe, and so do Italy's revolving-door governments.

"European neutralism has bottomed out," says Zbigniew Brzezinski, who as President Carter's national-security adviser often gloomily predicted doom for the alliance.

Soviet mistakes are probably more responsible for the change in Europe than any thing that Mr. Reagan has done. Heavy-handed interference in West Germany's election backfired; the Russians openly endorsed Mr. Kohl's opponent. And the Soviets have alarmed all of Scandinavia by repeated submarine intrusions into neutral Sweden's waters.

Nonetheless, Mr. Reagan is given some credit for swaying the Europeans. He has shown a determination and ability to save his defense programs, even the controversial MX missile, from rejection by a critical Congress; this display of political consistency is as reassuring to West European leaders as it is disconcerting to Moscow. Also, he has pleasantly surprised Western Europe with a new flexibility in U.S. arms-control positions—favoring reduction of both medium-range missiles in Europe and intercontinental nuclear weapons. Despite this softening, however, few experts seriously expect any arms-control agreements until more military cards have been played by both sides.

The combination of Soviet blunders and American skill (some critics call it luck) for the first time has made it likely that the Western alliance will hold together and go ahead with the scheduled deployment of U.S. missiles beginning in December. Because this deployment represents a political defeat as well as a military threat to the Soviets, they almost surely will retaliate.

"COUNTERMEASURES" VOWED

Moscow has repeatedly threatened to respond by installing more medium-range nuclear missiles in European Russia, by adding new missiles in Eastern Europe and by "countermeasures having the territory of the United States itself in view."

This last threat, U.S. officials say, doesn't mean Soviet missiles will be planted in Cuba or Nicaragua, precipitating a new Cuban-missile crisis. Instead, Moscow is more likely to install SS-20s with a 3,000-mile range in northeastern Siberia, thereby threatening cities all along the northern tier of the U.S. Or the Kremlin could decide to expand and upgrade its Atlantic submarine fleet and perhaps patrol closer to the U.S. East Coast.

To blunt the political impact of these anticipated Soviet moves, Reagan-administration officials already are playing down their military significance. They point out that since Moscow now has nuclear missiles aimed at Western Europe from both the Soviet Union and its East European satellites, these additional weapons won't significantly increase the military threat. The same is true, they say, for deployments that would be aimed at the U.S.

After a dicey period of military moves and countermoves, serious talks on arms reduction may begin. Or at least Mr. Reagan would bear less blame for a failure to conclude an arms pact. From the president's point of view, the prospects thus look far better now than at any previous time in his term. A year ago he appeared in a no-win situation where neither the planned missile deployment nor serious arms-reduction negotiations seemed attainable. Now his advisers see him in a no-lose position: The beginning of deployment is a victory in itself and could force the Soviets to talk seriously about mutual arms reduction. But because the deployment of 572 Pershing II and cruise missiles is scheduled to stretch over three years, it is too early to declare total victory.

TALKS ON TROUBLE SPOTS?

Heightened confidence in the Reagan administration, as well as hopes for the 1984 election, is leading some presidential advisers to urge serious talks with the Soviets not just on arms control but also on such trouble spots as Afghanistan, the Middle East and Central America.

"We have their attention," says a top State Department official. "They know we're different from the Carter crowd. Now we need a loosening-up. I think they would be receptive to a dialogue with us on a broad range of subjects because they want to be seen as equals."

Those both in and out of government who make this argument suggest that the Kremlin may be unusually receptive now, beset as it is with various difficulties. The Soviets are bogged down in a messy war in Afghanistan and must contend with continuing political resistance in Poland. The Soviet economy remains plagued with shortages, mismanagement and other problems. And Moscow's elderly leadership is in transition.

"They're on the defensive," says Mr. Bialer of Columbia University. "In this transition period they are more in the mood to negotiate seriously than in a few years when they put their house in order and go on the offensive."

Besides, Mr. Bialer and others point out, the people now ruling in the Kremlin may be more inclined to deal with the West than their successors might be. Mr. Andropov, Foreign Minister Andrei Gromyko and Defense Minister Dimitri Ustinov all were elevated to the ruling Politburo in 1973 to bolster the late Mr. Brezhnev's plunge into detente.

How the president will handle this opening remains to be seen. But a dialogue was begun between Secretary Shultz and Soviet Ambassador Anatoly Dobrynin. Since October the two men, sometimes joined by aides to Mr. Shultz, have been meeting every few weeks. So far these talks aren't believed to have been particularly significant, though they could evolve into something more serious.

Like the president, Secretary Shultz wants any summit meeting to be well-prepared and to yield tangible results. "It's not how many glasses of vodka you can drink but how well we can advance our goals," he says.

Mr. Reagan's national-security adviser, William Clark, agrees that there is no magic in a summit meeting. "Some are getting the cart before the horse," he tells associates. "There has to be some predetermination of issues before a summit. And our sense of priorities is much broader than just arms reductions."

With or without a summit and with or without a breakthrough in arms talks, there seems to be a consensus among foreign-policy experts that both the Russians and Americans are viewing each other more realistically—and perhaps respectfully—these days. While relations may be tense at times, both sides now seem more anxious to avoid a confrontation.●

FOREIGN MINISTER D'ESCOTO ATTACKS U.S. POLICY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the increasingly anti-Jewish nature of the Nicaraguan regime has become very apparent in recent weeks as a result of reports and commentaries issued by noted authorities on the subject.

A new and very disturbing report appeared in a recent Arabic periodical containing an interview with Nicaraguan Foreign Minister Miguel d'Escoto, a Catholic priest who continues to carry out a political role in the Nicaraguan revolution. The interview with d'Escoto includes a quote in which d'Escoto says, "There is without a doubt a real danger in Latin America, and particularly in Central America, actually stemming from Zionist infiltration and intrusion."

The entire interview is worth reading for its perspective of the Sandinistas in attempting to deceive the character of their activities in Central America. I urge my colleagues to take the opportunity to review this interview.

Foreign Minister d'Escoto Attacks U.S. Policy

[Interview with Nicaraguan Foreign Minister Miguel d'Escoto Brockman by Raghidah Dirgham; in New York "during Security Council debate of Nicaragua's complaint against the United States"; date not given]

[Excerpt] Question: Obviously Nicaragua and the United States disagree over the UN role in resolving the present crisis between the two countries.

You want an effective UN role, while the United States insists on keeping the issue outside the United Nations and in the hands of the OAS. The "Contadora" Group is trying to find a compromise between the two stands, provided the United Nations has a role directly linked to the Contadora Group. Is the Contadora attempt plausible, and can it be implemented? What if this attempt fails?

Answer: There is no doubt the United States does not feel confident, and its position is shaken every time Nicaragua brings its case to the Security Council. Every time we bring our case against the U.S. invasion of our country to be condemned, the United States is aware that it cannot control the debate or the resolution that is to emanate from the council. Every time it has tried to prevent a resolution from being adopted it has had to use the veto again and again, and that is still the case. This will lead to weakening confidence in the United States and will undermine the U.S. reputation. Consequently, the Americans prefer not to use the veto, or at least to avoid using it as much as possible. On the other hand, the Americans have realized that their influence on world countries in general has receded, but they are still capable of influencing and controlling the OAS states. The roots of this organization lie deep in U.S. interests in Latin America. It is a strange regional organization since its membership does not include all the countries of the area. It is under the control of the area's enemy, that is, the United States, which exploits it in promoting its own interests.

Question: The United States believes for its part that Nicaragua's policy provides the political arguments it seeks in order to defend its own policy toward Nicaragua and El Salvador. Let us take two U.S. arguments: one is what Washington describes as the spread of Soviet influence in Central America through Nicaragua, and the other is Washington's accusation against Managua that you support the revolution in El Salvador and provide it with arms.

Answer: Let me tell you that the argument and the accusation that Nicaragua is serving as an arms channel for El Salvador is an excuse; it is an excuse and nothing else. We must recall that this is not the first time in a century that the United States has invaded Nicaragua. We were under U.S. military occupation for a long time, from 1912 to 1933. The U.S. excuse then was that Nicaragua was about to become another "Mexico" and that Washington could not allow this because it threatened U.S. national security.

Their excuse now is that they imagine that we are about to become a foothold for another big power. The fact is that they have always and historically moved against national efforts in Latin America to change the decadent sociopolitical structures that have imposed subjugation on our people. The existing tyrannical internal situations are the cause of the present distrubances in Latin America. This was also confirmed recently by the heads of two important states in the area, namely Brazil and Mexico. There is no East-West involvement or conflict. The Contadora Group has affirmed this. The Nonaligned Movement also said the same thing, namely that such a view is arbitrary and tyrannical. The United States imagines Eastern (Soviet) interference everywhere.

Question: The Americans point to actual and active aid being given to you by Cuba.

Answer: Yes Cuba, does support us, and we support Cuba. Cuba and Nicaragua are linked by friendship. Cuba is not alone in supporting us; we are supported by several world countries such as France, Sweden, and particularly Mexico more than any other country. What does this mean? It means that Nicaragua as a government is indeed trying to represent its people and to serve them.

Question: The Americans' excuse is that Cuba's support represents a Soviet danger and interference in Nicaragua through Cuba, so that it is a danger threatening the United States through its back door.

Answer: Of course they say so. It is unfortunate that they have this deep concern and these confused ideas. Indeed, they need pyschiatric help. That is what I believe. They have fallen victim to a phobia and are unable to put forward any positive suggestion. They behave with the obsession of people wanting to protect interests which they imagine are threatened by everyone who does not submit to the American will.

For our part in Nicaragua, we will not submit to the U.S. will under any circumstances. We do not want the kind of democracy which Reagan applauded in his recent speech; Reagan's democracy is rejected in Nicaragua. He speaks about the former dictator Somoza's royal guards as freedom fighters. Yes, they are freedom fighters of the Somoza type. The kind of "freedom" Reagan wants in Nicaragua is the type we knew under Somoza's domination, the kind we have disavowed and will never allow to return to our country or to be imposed on us. We want genuine freedom and democracy and not the "democracy" which the United States loved so much during Somoza's rule.

But we should not be surprised by this, for those who sympathized and agreed with Somoza's rule cannot accept a real national democratic government. Those who support Zionist agression against Lebanon and the Palestinians, who prevented the Security Council from shouldering its responsibilities toward the Zionist crimes, who support South Africa's racist regime, who loved the former shah and Somoza—what can be expected of them? Can we expect them to follow the course of real democracy?

Question: But "those" people are not necessarily the Reagan administration. You mentioned the shah and Somoza, who were in office during the Carter and not the Reagan administration. Is your problem with the Reagan administration, with the United States, or with both?

Answer: Unfortunately, we have always suffered at the hands of the U.S. Government. The situation now, with the present administration, that is Reagan's, is the worst.

Question: Did you mean what you said before about Reagan's need for a psychiatrist because of obsessive suspicion of the Soviets and everything connected with them?

Answer: He needs many things. He should come down to earth. He needs someone to make him understand that he cannot halt the march of history or the peoples, regardless of imperialist trends. We want a better world. He will never be able, whether through violence, browbeating, aggression, or invasion, to suppress the people's will in their world and their quest for a better life.

Question: During the past year and immediately following Reagan's visit to some Central American countries, the Israeli defense minister went to Guatemala to coordinate certain military matters and sell arms to Honduras . . . .

Answer: Yes, Honduras . . . .

Question: Is there a military link between Israel and some Central American states that actually influences the development of events in the area?

Answer: There is absolutely no doubt of that. What is the Zionist regime if not an embodiment of the U.S. infiltration and the domination that Washington intends to impose on the Middle East? They have previously used the Zionist government to carry out what the U.S. Government could not do directly. Under the Somoza regime it was difficult for the U.S. Administration to back him, so it relied on its client, Israel, to send arms to Somoza on its behalf. Now history is repeating itself. And for this reason that "horror," Sharon, visited Honduras. At the end of his visit he announced that he had agreed to sign a military cooperation agreement of unprecedented magnitude with the Honduran government.

Question: You mean that Israel's role in Central America is that active . . .?

Answer: There is without a doubt a real danger in Latin America, and particularly in Central America, actually stemming from Zionist infiltration and intrusion.

Question: How great is the Israeli military involvement?

Answer: I cannot pretend to know the figures or the extent of involvement at this moment, because I don't have them available. But I can affirm that military aid and cooperation with some Central American countries known for their repressive regimes have been and still are large in proportion. At this time in particular the proportion of such aid is greater than ever before.

Question: U.S. Ambassador Jeane Kirkpatrick, one of the bulwarks of the Reagan administration's policies in Central America, said 2 weeks ago that Washington can concentrate on food aid to Central America when the Soviet Union stops shipping arms on Libyan planes flown to Nicaragua by PLO pilots. What is your reaction to this?

Answer: First, nobody in the world can object to Nicaragua's desire to develop. For the first time in history Nicaragua is establishing a professional Army for legitimate self-defense. We wanted to buy U.S. arms. We need their arms, but the United States, as is well known, refused to sell us arms. If the United States thinks that by refusing to sell us arms it can curb our right to acquire arms from any place we can get them, it is wrong. We are one of the world's small countries, suffering from extreme poverty. We are now suffering from interference and military aggression against us by the United States.

Question: You mean through the U.S. training of the remnants of Somoza guards in Florida?

Answer: I am not referring only to training. I am using the term invasion, I repeat, invasion. Why do I call this invasion?

Because it is directly organized and coordinated by the United States. War is no less a fact simply because the United States has not officially declared it. You cannot say to peoples: Do not die, simply because this is not a declared war. The United States is waging war and the war is no less American because it is using mercenaries instead of its own forces, U.S. forces. Why is this war American? Because the Americans have prepared it and organized it; they arm the fighters in it and they manage it. U.S. media have themselves published such information and facts on a large scale. I am referring here to TIME magazine, which cited the existence of three command levels directing this war. The planners behind what are known as or alleged to be rebels are a U.S. intelligence (CIA) team and the U.S. Southern Command in Panama. The second level consists of Honduran officers, and the third level is Somoza's former National Guard. It is an American war. Even U.S. congressmen have classified U.S. interference an immoral action and not only a violation of the principles that the United States defends but also a direct violation of the political principles of international relations and the UN Charter. So, under the present circumstances, who in the world can deny us our rights to obtain what arms we need to defend ourselves against such a savage aggression?

Question: Do you mean to say that you will seek to secure military aid even if that may lead you to become largely dependent on the Soviet Union in confronting U.S. aggression?

Answer: We will seek aid everywhere. If your question alludes only to the Soviet Union, I must assert once again that we obtain arms not only from the Soviet Union but from several countries. Indeed, as the United States knows, we obtain arms from various countries, and I wish we could obtain larger quantities.

Question: Let me ask you an embarrassing, though practical, question: Can Nicaragua, the newly independent state that is ruled by the young Sandinista revolution, face a giant like the United States in a war such as you just mentioned?

Answer: An important question. You have put your finger on the sore point. The question is precisely: Where does the United States stand? Its excuse, or its allegations, that we supply arms to El Salvador is groundless because the United States, as is known, has the most advanced electronic equipment and yet has so far been unable to prove or to show evidence to support its allegation. What is its problem? Its problem is that little Nicaragua has been able to strike its own independent course, free of the grip of U.S. domination. So it has become a kind of alarm or incentive for other Latin American peoples that also want to be free of U.S. control and domination but are afraid to approach that dream, thinking it unattainable. But, while we are actually proving that this is possible and that the dream is not impossible, we become the incentive and the alarm, and so the Reagan administration finds this a threat to its interests. Consequently, it has decided not to allow Nicaragua to succeed in continuing in its course and its new existence. For this reason it has decided to destroy the popular Sandinist revolution so that the peoples of the area will learn a lesson of the futility of trying to free themselves from the U.S. hold.

Question: It is also said, Mr. Minister, that the opposition to the Sandinist government includes one of the principal figures who helped in the revolution's success against Somoza. They refer to the man known then as "Commander Zero," or Pastora. He was a freedom fighter. Is he a traitor or a fighter?

Answer: Without a doubt, he is a traitor. Judas was also a traitor. Jesus Christ chose 12 disciples but did not avoid choosing one who had the qualities of a traitor. We have also done the same thing, with one exception. That is the fact that Pastora was absolutely not one of the principal mainstays of the Sandinist front. He is an individual whom the American press built up and portrayed as a "great" man, probably because they had foreknowledge of the way and method in which they would use him later, that is, now. The CIA probably built up his image. In any case, he is a traitor. There is no doubt about that. We should not be surprised by it. As I have already said, a traitor was even found among Christ's 12 disciples. Treason is an ancient and unfortunate phenomenon.

Question: Will you accept UN observation forces on your borders with neighboring countries?

Answer: This is not being proposed at present. What we are demanding now is much simpler than that. With the Almighty's help our efforts will succeed and peace will prevail in our country. Let the United States abandon its plans to overthrow our government. The proof of the U.S. despair in its attempt to allege that the people in Nicaragua are against U.S. is in the fact that it has been forced to use the old guard of a former dictator whose hands are stained with the blood of genocidal massacres. They have been forced to use them because they found nobody else ready to fight against the legitimate government in Nicaragua.

Question: It appears to me that, despite your strong disagreement with the United States, you want the U.S. Government to recognize the Sandinist government with its ideology and its existing structure.

Answer: It is obliged to do so. That is its duty. It must respect us just as we respect it. We do not necessarily like Reagan, but we consider the matter to be up to the Americans, not us.

Question: Since it is unlikely at present that Washington will recognize the Sandinist government and give it credibility, what other options are open to you?

Answer: Of course the United States is big and powerful and can go on killing and annihilating my people. But I ask the Americans to think of something else—their dignity. They can kill us, but by continuing to kill us they will drown their dignity in the swamp of our blood. ●

LITHUANIAN FREEDOM

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SENSENBRENNER. Mr. Speaker, June 15, 1940, marked the beginning of the forced incorporation of the state of Lithuania into the Soviet Union. This day is remembered by all people of Lithuanian descent as well as by those familiar with the region's history. On this day 43 years ago, the Soviet Union began its well-planned, unconscionable crime against the Lithuanian people, robbing them of their human rights, culture, and heritage.

When the deportation of Lithuanians to Siberian work camps had ended, it was estimated that 1.25 million people had died from this atrocious action.

The United States still recognizes the reign of terror which the Soviet Union holds over Lithuania. As Antanas Butkus, president of the Lithuanian-American Community of the U.S.A., stated recently:

> Hypodermic needles and psychiatric terror have replaced the knout and lash of Stalin; calculated utilization of human energy has replaced the brutal chain-gang and Gulag system of the past. Yet the results are the same. The Soviet regime punishes all dissent with terror and physical exploitation.

The United States has never recognized the incorporation of Lithuania into the Soviet Union, and condemns the Soviet Union for their illegal actions.

Today we honor these brave people in their gallant struggle for freedom. I join my colleagues and all the free people of the world in my sincere hope and prayer that freedom will soon return to Lithuania.●

"NO, LET US PRAISE FREE TRADE": A RESPONSE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DANNEMEYER. Mr. Speaker, even as the Nation moves forward toward fuller economic recovery, we continue to face demands from various domestic industries for protection from foreign imports. This protectionism takes many forms, including quotas, tariffs, and domestic content requirements.

In each case, we would be responding to the symptoms of the problem rather than to the problem itself. While trade barriers are justified in response to a proven case of an unfair trade practice or after a finding of import injury by the International Trade Commission, protectionism in general is not a solid strategy for U.S. competitiveness in world markets.

Some observers have suggested that the United States has no choice but to pursue the protectionist path because we cannot compete with those countries that have lower wages without lowering our own standard of living.

Ambassador William E. Brock, the U.S. Trade Representative, responded to this proprotectionist line of thinking in an excellent guest article on the op-ed pages of the Washington Post on June 13, 1983. Brock refuted the labor differential argument by outlining the many components of productivity and our ability to increase productivity to remain competitive.

The Washington Post echoed Brock's presentation with an editorial of its own on the same day under the heading, "A Dubious Case for Protection." I wholeheartedly agree with the Post's conclusion that—

> The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930's demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy.

At the conclusion of his article, Ambassador Brock raised a number of important questions that each of us must face as we work to restore America's competitive edge. Brock asked,

> How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?

The solution to our economic competitiveness problem will come from answers to the above questions and not from the protectionist placebos embodied in domestic content legislation and similar approaches. Ambassador Brock and the editorial board of the Washington Post are to be commended for their insightful contributions to the trade debate.

Mr. Speaker, I ask permission to inset the Brock op-ed piece and the Post editorial at this point in the RECORD:

[From the Washington Post, June 13, 1983]

NO, LET US PRAISE FREE TRADE

(By William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politically expedient statements made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, management competence and creativity, worker training and productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest out diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for lack of productivity. Modern technology is making possible incredible improvements, and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to complete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services originating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing countries than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries' exports to the industrial world would be even more absurd right now in light of the significant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing-country exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumably only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of textile quotas, agricultural subsidies and steel arrangements. But to acknowledge that we are all sinners does not justify economic suicide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?

[From the Washington Post, June 13, 1983]

A DUBIOUS CASE FOR PROTECTION

Rapid economic growth is disruptive, uncomfortable and sometimes frightening. Its benefits are great, but it forces people to live differently and earn their livings differently from the way they are accustomed to doing. Nothing pushes growth faster than foreign trade, and the United States is now in the process of coming to terms with the enormous expansion of trade in the 1970s. The political reaction is expressed in the rising campaign for protection against imports.

Several weeks ago, this newspaper published a vigorous defense of protectionism by Wolfgang Hager, a visiting professor at Georgetown University. Today, on the opposite page, we offer a rebuttal by William E. Brock, the U.S trade representative.

The case for protectionism comes down to wages. It argues that there's an endless supply of low-wage labor in the world that threatens to destroy the high-wage economies. But the actual experience of the past four decades, with decreasing trade barriers and rising prosperity, suggests precisely the opposite.

The protectionist position argues that in the postwar years the Atlantic countries with their high standards of living had a sort of self-protective monopoly that has now been broken by Latin American and Asian industry. In response, it's useful to recall that in the 1950s industrial wages in West Germany and France were as far below the American level as wages in Brazil and Mexico are today. As trade expanded across the Atlantic in the 1960s, according to protectionist theory, American wages should have dropped under competitive pressure. In fact, they kept rising steadily, while European wages soared and are now—allowing for the swings in exchange rates—in the same ranges as they are here.

Japan's wages are about half the American average. But wages in Brazil are less than half as high as Japan's. Both have automobile industries. Why isn't Brazil the stronger competitor?

A long recession and a strong dollar are currently giving the protectionist cause a plausibility that it doesn't deserve. The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930s demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy. Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.●

LEGISLATION TO REPEAL THE COMMUNITY ECONOMIC DEVELOPMENT ACT AND THE COMMUNITY SERVICES BLOCK GRANT ACT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ERLENBORN. Mr. Speaker, I am today introducing, by request, legislation to repeal the Community Economic Development Act and the Community Services Block Grant Act.

The Community Services Block Grant Act was enacted 2 years ago as part of the Omnibus Budget Reconciliation Act, Public Law 97-35. At that time, it was felt that the community action programs, especially the existing network of Community Action agencies (CAA's) in the States, needed their own block grant to help them compete with other programs funded under the social services block grant (CSBG). Supporters felt that the immediate transition of the Community Action program from Federal administration under the independent Community Services Administration to State administration would result in CAA's receiving a much smaller share of social service resources.

Congress also realized in 1981 that the CAA's were playing a valuable role as local administrative agencies for several important social service programs, including Head Start, Low Income Energy Assistance, and the Department of Energy's weatherization program. Supporters of these programs feared that the possible sudden collapse of the community action agency network would have an adverse effect on their activities.

Now that most States have had 2 years of administrative experience with funding CAA's through a block grant, the administration is proposing that CAA funding be provided through the $2.5 billion social service block grant. The administration believes that the community action program should now be evaluated on its own merits and compete for social service block grant funding with other organizations and entities serving low-income people.

Placing the community action program in the social service block grant allows the States the flexibility to decide whether the CAA network is the most effective means of meeting the needs of the low-income community. I would anticipate that in most States, CAA's will continue to receive funding as under existing law. Only Federal bureaucracy and paperwork would be reduced. In some other States, I anticipate that CAA's will receive less funding and that resources will be used for other programs serving low-income communities. In these cases, I except that low-income communities will be better served than is the case under existing law.

This legislation also repeals the Community Economic Development Act of 1981. This program, like the community services block grant, succeeded the old Community Services Administration in 1981. Prior to this time, the worth of the program as an efficient means of spreading the benefits of economic development to low-income communities had been repeatedly questioned. Since 1981, nothing has occurred to indicate that the basic problems with this program have been corrected.

I also note that funding for Community Development Corporation will continue to be available through several Federal sources, most notably the Department of Commerce.

In introducing this legislation, I am aware of the concerns of many persons familiar with this history of the Nation's effort against poverty—that repeal of these two programs will "hurt" poor people. I believe that these concerns should be fully explored by the Committee on Education and Labor and the Congress before this bill is enacted. In this regard, the testimony of Governors, mayors, existing grantees, and low-income communities will be essential.

If the testimony provided by these groups confirms my belief that the CAA network is ready to stand on its own, I hope Congress will have the courage to withstand the temptation to give in to special interests and preserve unneeded programs. Continuation of these two acts in this circumstance would undermine our shared goal of eliminating wasteful bureaucracy and would ultimately result in less, rather than more, funding being available for community action agencies.

A copy of the legislation follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Community Economic Development Act of 1981 (42 U.S.C. 9801-9822) is repealed.

(b)(1) Moneys in the Rural Development Loan Fund and moneys in the Community Development Loan Fund, established in section 623 of the Community Economic Development Act of 1981, shall be covered into the general fund of the Treasury as miscellaneous receipts.

(2) Any funds received by the Secretary of Health and Human Services as a repayment made in connection with any loan made or guaranteed under part 3 of subchapter A of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812-9813) shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC. 2. The Community Services Block Grant Act (42 U.S.C. 9901-9912) is amended—

(1) by striking out sections 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, and 682, and

(2) in section 683(c)—

(A) in paragraph (1) by striking out "defined in section 673(2)" and inserting in lieu thereof "determined under section 652",

(B) by striking out paragraph (2), and

(C) by redesignating paragraph (3) as paragraph (2).

SEC. 3. This Act and the amendments made by this Act shall take effect on October 1, 1983.●

AFGHANISTAN: THE FORGOTTEN WAR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MICHEL. Mr. Speaker, "selective outrage"—this is the way a recent newspaper editorial described the manner in which some human rights activists have used their moral energies in recent months. We never see mass rallies protesting Soviet atrocities in Afghanistan; we rarely hear human rights advocates speaking out against the Soviet occupation of that land. Sometimes I get the feeling that these self-appointed guardians of international morality prefer to express their well-publicized outrage only in areas where their ideological prejudices will benefit.

At this point, I wish to insert in the RECORD, "The Forgotten War" an editorial from the Washington, D.C., Catholic Standard, May 26, 1983:

THE FORGOTTEN WAR

Afghanistan is a lesson in selective outrage.

When the Soviet Union invaded that country in December 1979, the international repercussions were widespread and prolonged. Nations throughout the world recognized the action for the blatant aggression that it was. At the United Nations the Security Council condemned the Soviets and demanded the immediate withdrawal of their troops. So did the UN General Assembly.

The Soviet Union, of course, paid not the slightest attention. Its leaders figured that this storm would pass, other crises would arise, some with their help, and that they soon would be able to continue their policy of global mischief with only sporadic and easily deflected criticism. And they figured right.

Today the Soviet Union is still at war with Afghanistan. Its troops still occupy that country. The carnage goes on. There have been reports of chemical warfare being used as part of a concerted effort to pound the Afghan people into submission. A fierce but primitive opposition is delaying the Soviet goal of conquering the nation and making its people unwilling members of a Soviet empire.

So where are the demonstrations protesting such wholesale bloody injustice? Where are the marching crowds in this country and in England, Germany, France and Holland? Where are the leaders of Third World countries? Where is the United Nations where the Soviet Union sits and lectures on morality and respect for human rights to the Free World? Where are the editorial writers and TV commentators?

The answer is that they all have other concerns now, other perceived injustices that require their attention. By ignoring Afghanistan, world opinion made it a little easier for the Soviet to clamp down on the people of Poland. The reaction to that aggression was longer and more intense, but that too has faded.

Regarding the Soviet Union's war on Afghanistan as not worth anyone's attention, much less outrage, only helps to cement a global double standard. Free World countries, especially the United States, are held strictly accountable for even the slightest transgression; the Soviet Union can wage war and pursue a policy of aggression comfortable in the knowledge that if criticism comes at all, it will be brief and half-hearted. That leaves little incentive for an aggressor-nation to mend its ways.—T.R.●

THE DILEMMA OF COLLECTIVE RATEMAKING AND ANTITRUST IMMUNITY IN OUR NATION'S TRUCKING INDUSTRY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ROE. Mr. Speaker, as Vice Chairman of the Motor Carrier Ratemaking Study Commission, I wanted to call to the attention of my colleagues here in the Congress an editorial that appeared in the Traffic World on May 9, 1983, which brings into sharp focus the nub of the problem before the Commission in making its recommendations to Congress relating to the continuation of the collective ratemaking system and motor carrier antitrust immunity particularly for the small- and medium-sized

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truckers of our Nation. This editorial reads, as follows:

[From Traffic World Magazine, May 9. 1983]

A MISUNDERSTOOD AND CONTROVERSIAL TOPIC

Dr. Grant M. Davis, the Oren Harris professor of transportation in the College of Business Administration of the University of Arkansas, Fayetteville, and recipient of the Delta Nu Alpha "Transportation Man of the Year" award in 1971, has performed a public service by writing a scholarly assessment (published elsewhere in this issue) of the report of the Motor Carrier Ratemaking Study Commission that was recently made public (T.W., Feb. 28, p. 9, and March 7, p. 49).

Dr. Davis places proper emphasis on his finding that the conclusions stated by the Study Commission in its report to Congress are not supported by the evidence put before the Study Commission in the hearings it conducted. He made the comment that collective ratemaking is "a misunderstood and controversial topic."

"The sheer weight of evidence when viewed in terms of the shipper/buyer of transportation services," Dr. Davis writes, "clearly reveals the salient conflicts existing between the agency's report and the record compiled during 1981 and 1982."

He stated that the Study Commission essentially directed its attention to the major issues of collective ratemaking as *perceived by Congress* (italics ours), including rate levels, discrimination, cross-subsidization, monopoly profits, and the need for continuing antitrust immunity in the industry. Ancillary issues, such as national policy, infrastructure development, monopsony shippers, and the validity of the common carrier concept were not directly mandated, "even though they are extrememly important to our transportation system," Dr. Davis wrote. As to each of those issues, he added, "evidence was submitted by over 1,000 witnesses supporting collective ratemaking, as opposed to 27 witnesses who appeared in opposition to continuing the collective ratemaking process." These witnesses include the uncounted membership of associations favoring collective ratemaking. In all, Dr. Davis said, 500 submissions were made and presented by 460 different entities and individuals.

American citizens have a right to assume, we believe, that investigations instituted or ordered by Congress will be premised on the principles of fairness, or giving ample opportunity to opponents and proponents of controversial issues to present pertinent evidence, without refusal by the investigators to hear or receive "pro" and "con" arguments. But those principles were apparently ignored by the Study Commission.

For the stated purpose of gaining some insight into the magnitude and the affiliations of witnesses supporting collective ratemaking in actual appearances before the Study Commission, Dr. Davis included in his assessment of the commission's report a tabulation of the number of witnesses supporting, disapproving, or assuming neutral positons regarding the collective ratemaking process.

The tabulation shows that 80 per cent of the shippers who testified favored collective ratemaking, while only 18 per cent opposed it and 2 per cent took no position; that 88 per cent of the associations heard by the Study Commission favored and only 10 per cent were against collective ratemaking, while 2 per cent were neutral; that 99 per cent of the carriers were for and only 1 per cent against collective ratemaking; that 76 per cent of the individuals who testified and 77 per cent of the traffic consultants heard by the MCRSC supported collective ratemaking (5 per cent of the individuals being neutral), and that government witnesses were 60 per cent for and 40 per cent against collective ratemaking. The record of the hearing held by the Study Commission in Cambridge, Mass., in March 1982, Dr. Davis noted, clearly revealed a continuing need for antitrust immunity by both carriers and shippers. He added that "past studies, moreover, certainly support this observation."

One of the various findings set forth in the Study Commission report to which Dr. Davis takes exception is that the ICC can continue to meet its statutory obligations in the area of motor rate regulation when antitrust immunity is eliminated. This, Dr. Davis observes, clashes dramatically with testimony presented in Cambridge before the Study Commission. There, he said, the antitrust legal experts who testified questioned seriously the wisdom of eliminating antitrust immunity and any subsequent reliance on the antitrust laws for recourse to shippers and carriers in matters involving rate litigation.

The "conclusions" stated by Professor Davis include the following:

"By accepting a highly questionable report, together with contested maneuverings in terms of commissioner votes and membership qualifications, the Study Commission has not rendered a public service to the American public in this debate. . . . By either purposefully ignoring the evidence or assigning disproportionate weights to testimony rendered, the commission has elected to ignore or minimize past studies which clearly reveal the nature of the evidence which would be presented. . . . Tests of hypotheses regarding shippers' perceptions of collective ratemaking over time certainly indicate that most shippers believe efficiency was attainable under collective ratemaking.

"It is unfortunate that a needed public commission such as the Motor Carrier Ratemaking Study Commission has issued such a tainted report which is as controversial as the various issues it addresses. Unfortunately, future reliance on commission reports as accurate indicators of issues and the intensity of feelings associated with these issues may well be seriously discounted by future students seeking the true issues and the positions of various groups associated with the collective ratemaking debate."

Mr. Speaker, the differences among members of the Commission itself had initially ended in a 5-to-5 vote rejecting a motion that antitrust immunity for single-line and joint-line ratemaking be phased out on July 1, 1984, and immunity for general rate increases be eliminated on January 1, 1986.

In a subsequent compromise vote, Members of the House, including myself, and some of the public members offered through our colleague, Congressmen JOHN F. SEIBERLING of Ohio, an amendment to the motion which would have extended collective ratemaking in single-line carrier service until July 1986 giving Congress the time to properly evaluate the entire situation. That substitute motion was defeated but the motion offered by public member, Commissioner Michael Thometz, was approved. This motion recommended complete elimination of antitrust immunity for collective ratemaking for all rates, for freight classification, and for related activities in the motor carrier industry. The Commission's report was issued on a 6 to 4 vote.

Mr. Speaker, it is important to point out that the overwhelming majority of persons expressing their views to the Motor Carrier Ratemaking Study Commission on both the hearing and nonhearing record favored continuation of collective ratemaking, including single-line and released value rates.

The record shows that, in the real world, collective ratemaking is essential to the maintenance of a coordinated national system of transportation. Our Nation's motor carrier system is a network of thousands of different carriers with different sets of routes. An individual carrier conducts operations over its own routes alongside joint routes with connecting carriers that are necessary to permit shipments to move from origin to destination regardless of the number of carriers required to complete the movement.

No carrier is able to structure operations to transport over its exclusive routes all shipments tendered to it. It must enter into joint arrangements with other carriers to be able to provide a service from origin to destination. Numerous small carriers presented evidence of interline arrangements with up to as many as 200 or more connecting carriers with larger route systems. In many of these instances the authorized routes of the larger carriers overlap the smaller carriers. Yet, the larger carriers need the interline arrangements for the efficiencies of maximum utilization and best routing of equipment, considering other demands for their service. By consolidating deliveries to isolated points the single small carrier achieves better load factors than would several large carriers providing the services without consolidation. Thus, regardless of liberalized entry guaranteeing route expansion, there will always be a need for interlining that improves service and conserves costs.

As a consequence of these interline arrangements, carriers may be competitors over their exclusive routes while, at the same time, they are partners with connecting carriers over parallel joint routes. Without antitrust immunity there is no prudent way that carriers who are competitors as well as service partners can get together to establish rates for their joint services.

Mr. Speaker, the foregoing are some of the reasons that I along with my colleagues on the Commission: Congressmen JOHN SEIBERLING of Ohio and BUD SHUSTER of Pennsylvania have joined together in introducing H.R. 3260, the "Single Line Prohibition Extension Amendment—Motor Carriers of Property," which would extend the date on which antitrust immunity is eliminated for discussion of or voting upon single-line rates by motor common carriers of property to July 1, 1986. Through this vehicle we hope to bring this critically important problem so vital to the economic vitality and survival of our small- and medium-sized truckers to the attention of Congress and provide additional time to seek an equitable resolution to this highly complex issue.●

DISASTER LOAN AMENDMENTS

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MARRIOTT. Mr. Speaker, today I am introducing a bill to amend the Small Business Act to reduce interest rates on disaster loans and to increase the maximum amounts on disaster loans for homeowners to repair or replace property damaged or destroyed by a declared disaster on or after March 31, 1983.

For homeowners who are unable to obtain a loan from other sources, my bill will provide an equal interest rate to one-half of the cost of money to the Federal Government but not to exceed 4 percent.

My bill will also increase the current $50,000 maximum ceiling on homeowner disaster loans to $100,000 on account of damage to real estate. My bill further raises the present maximum amount of $10,000 for personal property damage or loss to $25,000.

For businesses which are unable to obtain a loan from other sources, my bill will provide an interest rate not to exceed 4 percent and for businesses able to obtain loans from other sources, an interest rate which is the lowest of the following will be granted:

First, the interest rate prevailing in the private market for similar loans;

Second, the maximum rate for SBA guaranteed business loans; or

Third, 8 percent.

Mr. Speaker, this is not a Federal handout. My bill provides interest rates which are bearable to borrowers and it further authorizes loan ceilings to borrowers which will alleviate a great deal of their financial hardships.

In lieu of the catastrophic flooding and mudslides the State of Utah is currently experiencing, this is but a paltry amount the Federal Government will be authorizing.●

THE EMPLOYEE BENEFIT ADMINISTRATION ACT OF 1983

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ERLENBORN. Mr. Speaker, the bill I am introducing today with my colleague and chairman of the Subcommittee on Labor-Management Relations, Representative WILLIAM CLAY, provides for the establishment of the Employee Benefit Administration (EBA), a single independent agency to consolidate Federal regulation with respect to employee pension and welfare benefit plans. The EBA is charged to carry out a newly stated national policy under ERISA (the Employee Retirement Income Security Act of 1974) to encourage, first, the establishment and growth of employee benefit plans and, second, savings to meet the needs of employees and their families in the event of death, disability, or retirement.

The key to the successful implementation of a rational retirement income policy is the consolidation of Federal pension regulation under a single agency. If the principal objective of ERISA; namely, assuring that workers receive entitled benefits, is to be fully realized, a single agency must administer the law. Evidence shows that the unnecessary expense, confusion, and delay under ERISA's multiple administration have in the past caused an alarming number of employers to terminate existing employee benefit plans or refrain from establishing new ones. In this respect, multiple administration has thwarted the principal intent of ERISA.

During the development of ERISA, four legislative committees agreed, after considerable effort, to a complex arrangement by which agencies and departments would administer various parts of the law. Regulatory responsibilities in the areas of reporting, disclosure, vesting, funding, and plan termination insurance were divided among the Department of Labor (DOL), the Internal Revenue Service (IRS), including the Treasury Department, and the Pension Benefit Guaranty Corporation (PBGC). Although a good-faith effort was made to set forth the exact boundaries of each agency's responsibilities, many of us who were most closely involved in ERISA's development expected problems to arise.

After nearly 9 years of ERISA oversight experience, it is quite clear that this administrative design has not worked. ERISA has been repeatedly included in a list of Government programs known for excessive bureaucracy. It earned this reputation through well-documented examples of duplication and waste, confusion and delay, complexity and lack of inter- and intra-agency coordination. Each of ERISA's three administrative agencies has pursued its own individual and distinct policy, leaving ERISA without a consistent policy of its own.

The bill would correct these shortcomings by consolidating all of ERISA's functions under the Employee Benefit Administration whose charter would be to foster the orderly growth and maintenance of employee benefit plans.

The EBA would be headed by a full-time three-member Board of Directors consisting of a liaison officer from both the Labor and Treasury Departments and the Executive Director of the EBA who would serve as Chairman. The PBGC would retain its present corporate character within the EBA with the membership of the EBA and the PBGC Board of Directors being identical—to prevent any future conflict in EBA and PBGC policies or operations.

By also serving as the Executive Director, the EBA Chairman of the Board would be able to implement the policies set by the Board both efficiently and expeditiously.

The representation on the Board of the Departments of Labor and the Treasury by their liaison officers provides assurance that pertinent labor law and tax law policies will be given due consideration.

The ERISA functions of the Secretaries of Labor and the Treasury would be transferred to the EBA, as would the functions of all other agencies and departments relating to employee benefit plans, subject to the direction of the President. All regulations and rulings previously issued by the Treasury, IRS, DOL, and the PBGC would remain in effect. Any other Federal agency or department issuing regulations affecting employee benefit plans would be required to consult with the EBA to avoid duplication and inconsistency.

The functions and duties of the Secretary of the Treasury transferred are those under titles I, II, and IV of ERISA; and those under Internal Revenue Code sections 401, 406 (a) and (b), 407 (a) and (b), 410, 411, 412, 413, 414, 415, 416, 418, 418A, 418B, 418C, 418D, 418E, 4971, 4975, 6057, 6058, 6059, 6690, 6692, and 7476; and those under the provisions of the Internal Revenue Code—for example, sections 219, 220, 404, et cetera—which relate to the formulation of retirement income policy or to plan qualification and disqualification.

The enforcement functions under both title I and title II of ERISA would be transferred to the EBA. As a result, the enforcement remedies under title II—for example, plan disqualification, exercise taxes and other penalties—would be exercised solely by the EBA in a coordinated fashion with the other civil remedies under title I of ERISA. The conflicting or duplicative enforcement activities under present law would be eliminated. Importantly, in order to better protect participants, any action by the EBA leading to the disqualification of a plan would be taken as a last resort only after all other remedies authorized under ERISA or the Internal Revenue Code have been exhausted.

Such officers and employees would be transferred to the EBA as may be necessary to maintain and improve administration of the functions transferred and to assure a competent and qualified field force. In order that the present level of effort and expertise not be diminished, the President is directed to transfer officers and employees in the national and field offices of the Department of Labor and the Department of the Treasury—including the Internal Revenue Service—as may be necessary to accomplish this purpose. The President and the Board are granted the authority needed to accomplish the reorganization without causing disruption to the present level of effort or to employee's careers.

The existing Advisory Council on Employee Welfare and Benefit Plans would be transferred to advise the administration. As the terms of existing members expire, the President would appoint new members to the Council.

The Joint Board for the Enrollment of Actuaries would become the Acturary Enrollment Board, an entity under the jurisdiction of the EBA.

The EBA would be established not later than 2 years after the date of enactment, although the President could delay the transfer of any function which may be necessary to provide for a smooth transition.

The EBA will provide the necessary framework to deal, in a timely fashion, with emerging pension issues.

The creation of the EBA will finally give proper recognition to the vast significance of this Nation's 1.8 million private pension and welfare plans and their 70 million-plus participants.

In summary, our national pension system is at a crossroads. The present means of delivering retirement income will be faced with far greater demands in the future. Each of the three major components in the delivery of retirement income—employer sponsored pension plans, social security, and individual savings, and investment—will be hard pressed to meet the retirement income needs of our Nation's working men and women. If employee interests under ERISA are to be adequately protected and the private pension system is to continue to play its important role in the three-legged stool approach to providing retirement income, then the establishment of the Employee Benefit Administration is a condition necessary to the fulfillment of these goals. Only then will the EBA's charter—to encourage the establishment and growth of employee benefit plans—become a reality.●

CONGRATULATIONS TO THE SENIOR CLASS OF WINDSOR, VA., HIGH SCHOOL

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SISISKY. Mr. Speaker, it was a great honor for me to give the commencement address to the 1983 graduating class of Windsor High School, in Windsor, Va., on June 9, 1983. In honor of these outstanding graduates, I am submitting a list of their names, including those outstanding students who received special recognition for their scholastic achievements. I wish each of these graduates much success in their future endeavors.

SENIOR CLASS OFFICERS

Thomas Fitzgerald Green, President.
Teresa Lee Taylor, Vice-President.
Daisy Mae Johnson, Secretary.
Karen Ivette Ruffin, Treasurer.
Carla Lynette Duck, Reporter.

MEMBERS OF THE CLASS OF 1983

Irvin Ray Ashburn,[1] Valedictorian.
Lisa Gayle Burden,[1] Co-Salutatorian.
Ronda Michele Thacker,[1] Co-Salutatorian.

Ida Patricia Allmond, Douglas Marvin Arnette, Jr., Jack Ivan Arrington, Tawana Nichelle Ashburn, Tammy Louise Blount, Osceola Lawrence Booker, Jr., John Wesley Boothe, Shelton Basial Bradshaw, Clarence Waylon Britton, Jr., Gregory Eric Brown.

Phillip Godwyn Carr, John Fitzgerald Carter, Matthew Wade Caswell, Sylvia Denise Clary,[1] Tina Elizabeth Creasman, Robin Majel Davenport, Tamula Jean Dawson, Carla Lynette Duck, Jason Fitzterald Duck.

Michael Leon Eaton, Carol Leticia Edwards, Larry Thomas Edwards, Steven Ray Eggleston, Charles Henry Eley, Helen Carttia Ellis, Trevor Wesley Fawcett, Phylis Yvette Fentress, Eunicea Flythe, Patricia Faye Gay, Thomas Fitzgerald Green,[1] Bredna LaVerne Greene, Joseph Chistopher Griffin.

Donna Jean Harrell, George Franklin Hasty, Judy Fisk Hawkins, Russell Earl Hedgepeth, Sidney Gordon Hedgepeth, Patricia Ann Holland, Florence Annettee Horton, Deborah Leigh Hughes, Sarah Melissa Denise Ihlefield.

Daisy Mae Johnson, Raymond Warren Johnson, Tracy Allen Jones, Reginald Leonard Joyner, Lora Ann Kindred, Karen Michele Kiracofe, Linda Cheryl Lamb, Lisa Michele Lankford, Sharon Annettee Luter, Hannah Diana Melton, Lori Rena Meyers,[1] Rebecca Lynn Morgan.

Carlton Kevin Outland, Lisa Gail Parker, Roy Junious Parker, Mary Maria Perkerson, Louise Teresa Perry, Margaret Burnette Porter, Karl Blake Presson, Michael Lorenzo Randall, Carlton Pernell Rogers, Karen Ivette Ruffin, Walter Everett Rutledge, Jr.,

Rebecca Anzella Shaw, Frederick Ryland Shipp, Jr., Robert Leslie Spence, Minnie Denise Spivey, Catherine Louise Stiles, Christopher David Stowe, Sherrie Jenkins Strawhand, Teresa Lee Taylor, Deronda Chelsea Turner.

Tina Anne Wade, William Larry Weaver, Jr., Allen Cornelious Wellons, Glenda Joan Whitely, LaMonte Williams, Lynette Carol Williams, Richard Williams, Jr., Laurie Lee Willis, Shannon Kay Wunder.●

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[1] Outstanding scholastic achievers.

THE SOCIAL SECURITY "STING"

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MICA. Mr. Speaker, I offer the following article on social security by George DuBato and Irving Seitz, members of Florida's Silver-Haired Legislature, for inclusion in the Congressional Record.

THE SOCIAL SECURITY "STING"

(By George S. DuBato)

A "sting" is a clever operation planned and perpetrated by smooth con artists, whereby innocent pigeons are separated from some of their money or common sense, through an attractive appeal to their base motives of greed, or hopes of getting something for nothing, often without realizing that they have been "stung."

Many older citizens have allowed themselves to become the willing pawns of opportunists who misleadingly claim they are out to "save" the Social Security System from the mythical "enemy" who would "destroy" it.

Many older citizens have allowed their personal greed, or hopes to get something for nothing, to blind them into accepting the unsubstantiated claims and charges of some of the self-styled "saviours" of the Social Security System, by supporting them with their money and their loyalty.

Many older citizens have unwittingly permitted their selfish instincts to temporarily deprive them of their ability to exercise sound, critical judgment, common sense, clear logic, and an innate sense of equity and fair play.

You have been stung, if you believe those who say that there are "demons", or "bad guys" in Washington who are intent on "destroying" the Social Security System.

You have been stung, if you have contributed money out of your pocket to support the so-called "saviours" of the Social Security System.

You have been stung, if you have been led to believe that the only way to "save" the Social Security System is for the present Social Security recipients to give up none of their benefits, while the younger generation (including anyone still working, and not yet receiving Social Security benefits) must pay more, and more, and more in payroll taxes.

You have been stung, if you have been led to believe that the Social Security System can or will be saved without compromise, without all of us giving up a little to get a lot—the survival of the Social Security System.

You have been stung, if you have been led to believe that any changes in the Social Security System should be regarded as "tampering" or "broken promises", to be avoided

at all costs. While it is true, as in life, that some changes can be bad, it is also true, as in life, that some changes can be good. Almost all the changes in the Social Security System since its inception in 1937 have been good for the Social Security recipients, in most cases beyond original promises, hopes, or expectations. It is generally recognized by all experts that, unless there are changes in the Social Security System, it will not survive.

You have been stung, if you have been led to believe it will take you more than three years to get back every penny you may have put into the Social Security System through payroll taxes even if you had contributed to the system for a lifetime from 1937 through 1982.

You have been stung, if you have been led to believe that postponing the cost-of-living adjustments (COLA) should be avoided it will hurt ". . . most those (elderly poor) who can least afford to give up a few dollars . . ."

You have been stung, if you have been led to believe that a sharp increase in Social Security payroll taxes will not hurt severely ". . . those (young family workers) who can least afford to give up the many dollars which they will have to lose . . ."

You have been stung, if you have been led to believe that the younger generation (anyone still working and contributing to the Social Security System) will ever have faith in the Social Security System, unless it is placed on a sound financial basis, wherein everyone gives a little to get a lot.

You have been stung, if you have been led to believe that any interruption, postponement, or reductions in Social Security payments will "punish" the elderly, the frail, the sick, or the infirm.

And finally, you have been stung, if you have been led to believe that the Social Security System can ever be put on a sound financial basis for future, and present, generations, without some interruption, postponement, and reductions in payments to present and future recipients.

Honest differences of opinion exist among honorable people about what is good and bad about the Social Security System, and about what can and should be done to save the System so that it will continue to pay benefits to the end of this century and well into the next century. But there is a sharp difference between opinion and indisputable fact, which is sometimes overlooked.

The fact is, that the responsible leaders in both the Democratic and Republican Parties, including Speaker Tip O'Neill and President Reagan, have agreed on a compromise plan to salvage the Social Security System for the foreseeable future. The fact is, that the United States Congress has passed a compromise plan to save the Social Security System, even though few, if any, could be found who liked or approved every part of the plan.

The fact is, that no responsible organization in the United States is actively working to "destroy" the Social Security System, not even the National Taxpayers Union.

The fact is, that until March 1983, the Social Security System was in serious trouble. Because of the Reform Bill, passed by the 98th Congress, and soon to be signed into law by the President, it has been given a reprieve, or a new lease on life, for years to come.

The fact is, that the experts will always know what can be done to save the Social Security, even if they will not personally like any of the proposals offered by the other experts. An "expert" is anyone who has an opinion about what is "good" for the Social Security System.

The fact is, that the Social Security System is a contract between generations, between those who work and those are retired, between young and old.

That fact is, that the longer Social Security decisions are postponed, the worse the problems will become, and the more unpalatable the remedies will be to everyone.

The fact is, that the Social Security System is not, never was, and never will be, intended to provide a full or comfortable retirement pension income to anyone.

The fact is, that the money paid into the Social Security System through payroll taxes was never intended to be invested for our retirement. It is, and always has been, a pay-as-you-go system with the payroll taxes paid by the young and given immediately to the elderly, on the assumption and trust that their young will do the same for them. This is the way the Social Security System was and is designed, for better or worse.

The fact is, the Social Security System was not meant to be a welfare, charity, or giveaway program to provide benefits to anyone who has not paid into the System through payroll taxes.

The fact is, that the most anyone could have paid into the Social Security System in a lifetime, from 1937 through 1982, is $16,937.

The fact is, that while a retiree today will earn back from Social Security the equivalent of accrued contributions plus interest, in less than three years, a "Baby Boom" retiree will earn it back in fifteen years.

The fact is, that in 1949, 16.5 workers paid into Social Security for every retiree or retiring spouse; while today, in 1983, 3.2 workers are supporting each retiree; and thirty years from now, in 2013, barely 2 workers will be supporting each retiree or retiring spouse.

In conclusion, the fact is, that the Social Security System can be made permanently sound by the honest recognition that: (1) there are limits that workers can and should be expected to pay into the system through payroll taxes, and ; (2) there are limits that recipients can and should be expected to be paid in Social Security benefits, commensurate with the original intent of the Social Security Act.

The Social Security System has been "saved," for a few years, at least. The reform bill has been passed by the 98th Congress as a bipartisan effort of the Democratic and Republican parties. It will soon be signed by the President of the United States. It will soon be the law of the land. So, let's stop beating the issue to death, there's no one listening right now, anyway. Let us put aside the rhetoric, or empty words, and the petty, partisan, party politics, that serve only to pit the retirees against the workers, the old against the young. Don't let them sting you again. It's not good for you. It's not good for the country.●

MEXICO: THE ULTIMATE COMMUNIST TARGET

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FIELDS. Mr. Speaker, the recent escalation of the revolutionary struggle in South Africa prompted Houston Chronicle writer Max Lerner to make some interesting observations in his May 29, 1983, commentary. After reviewing recent Communist takeovers, Mr. Lerner explored the possibility of Mexico being the next Communist target in the West.

Time and again Marxist activities have surfaced in nations that only months earlier seemed incapable of Communist penetration. Although there are presently no signs of Communist activity in Mexico, its financial instability, and political unrest may very well lead to crises. Recent Soviet/Cuban insurgency in Central America adds credibility to this concern.

If the ultimate target of Communist design in Central America is Mexico, then Mr. Lerner's words could indeed be prophetic in nature. As Congressman for the 8th District of Texas, I express concern not only for the area I represent, but for the eventual security of our Nation and preservation of our free society.

I commend Mr. Lerner's comments to the attention of my colleagues:

[From the Houston Chronicle, May 29, 1983]

MEXICO AND SOUTH AFRICA ARE THE PRIZED TARGETS

(By Max Lerner)

The bombing in Pretoria—a major violent escalation of the revolutionary struggle in South Africa—sent me back to some history of the fateful revolutions and power takeovers of our time.

In the 1940s Eastern Europe was subjected to communist military power, and the triumph of the Chinese revolution also changed the course of world history.

In the 1950s it was the Cuban revolution, while the Soviets consolidated their hold on their European satellites.

In the 1960s it was the Vietnamese civil war, and America's fatal involvement in it.

In the 1970s it was the Iranian revolution and the consolidation of the Khomeini regime.

Will something comparable come in the 1980s?

Jimmy Carter's national security adviser, Zbigniew Brzezinski—who had the ill-fortune to wrestle with the Iranian revolution—says that the next casualty for the West may well be Mexico. It is an anxiety expressed, never very openly, in the corridors of power at Washington.

Whether in geopolitical terms or psychological influence, the ultimate target of the communist design in Central America is its true heartland—Mexico.

It is not currently in revolution and it has an able and determined new president. But it is in deep financial distress, and sensitive to the revolutionary commitment of many of its left-intellectuals. El Salvador and Nicaragua are part of an obstacle course for world communism: Mexico is the high ground.

The idea of an inevitable and irreversible revolutionary wave is being nourished not only by Marxist writers and activists in the Americas to the south but by the U.S. left as well. It moves from the universities and left-wing reviews and journals to the media pundits and the congressional staffs, in a shabby hand-me-down descent.

Historically and logically it is dangerous nonsense, but that doesn't keep it from becoming the true faith for many who have made themselves part of a self-fulfilling prophecy of revolution.

This applies even more to a second and more turbulent area. South Africa, with its fabulous mineral wealth and its technology, and its position as the southern gateway to Africa, is an even more highly prized communist target than Mexico. When Woodrow Wilson came up with the idea of national self-determination as the 20th century goal, he may have written the epitaph for the white minority in South Africa.

After years of relative non-violence, the African National Congress has taken a quantum leap into urban terrorism, which will polarize South Africa and plunge an extremist underground into a revolutionary struggle.

That the heirs of Lenin might someday become the chief beneficiaries of the vision and passion of Wilson is an ultimate absurdity of history, but it may well happen.

There are many political analysts who believe that Marxism as a doctrine has had its hour, and that the danger for the West lies primarily in Soviet military power. This needs some amending.

It is true that the military is used in the final crunch, as currently in Poland and Afghanistan. Elsewhere the Soviets use surrogates like the Cubans. But strangely the real propulsive force for communist revolution is the Western liberal doctrines, exploited by the Soviets, misunderstood and misused by Western intellectuals who have become the gravediggers of their own traditions and dreams.●

MORTGAGE DEBT FORGIVENESS ACT OF 1983

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SHANNON. Mr. Speaker, today, I am introducing the Mortgage Debt Forgiveness Act of 1983. This bill responds to a ruling of the Internal Revenue Service (Rev. Rul. 82-22), which provided that a taxpayer realizes income at the time that he or she prepays the mortgage on a personal residence at less than the outstanding principal balance. My bill would amend that ruling so that income is realized, with present exceptions in place, only when the taxpayer disposes of the principal residence in a taxable sale or exchange. In this case, any gain realized would be taxable as ordinary income to the extent of the excluded amount. Rather than complete forgiveness, the bill defers the recognition of income realized on the prepayment of a home mortgage loan at a discount until such time as that income is realized in a taxable sale or exchange.

The asset structures of thrift institutions are heavily concentrated in long-term fixed rate mortgage loans acquired over a number of years. Three-fourths of mortgages held by these institutions bear rates below 10 percent, over half below 9 percent. The recent period of high interest rates effectively squeezed the assets of these institutions to a breaking point. This legislation would go far in helping stabilize institutions which deal primarily in mortgages, and keep the market open for new mortgages.

In the absence of this legislation, prepayment of mortgages would be minimal, guaranteeing a minimal revenue effect. In addition, the increase in prepayment foreseen with this proposal would reduce the single largest individual tax deduction, mortgage interest, and hasten the day when thrift institutions will again pay taxes to the Treasury.

This bill makes sense for both consumers and for the thrift industry. It is fair to hard-working people who want to retire their mortgages early. And it will help our thrift institutions—especially if interest rates hit the roof again.●

LEGISLATION TO CORRECT A PROBLEM

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DASCHLE. Mr. Speaker, today I am introducing legislation to correct a problem that has the potential to severely hamper the vital work that conservation districts throughout the country are presently doing. These soil and water conservation districts—identified in some States as soil conservation districts, natural resource conservation districts, resource conservation districts, and conservation districts—have, during recent months been having their applications for special bulk postal rates denied. The reasons for denial have varied. However, the basic reason appears to be a finding by the postal authorities that these districts are not governmental organizations engaged primarily in agricultural activities.

While anyone who has worked with conservation districts knows that they are, in fact, primarily agricultural in nature, the confusion over this issue is working a real hardship on the effective, efficient delivery of information that these districts supply. The legislation I am introducing today will simply make it very clear that these organizations do, indeed, qualify for the bulk postal rates presently available to primarily agricultural organizations.

To further clarify the nature of this situation, I ask permission to include in the RECORD the following two letters, both directed to Postmaster General William Bolger. Both Secretary of Agriculture John Block and National Association of Conservation Districts President Bud Mekelburg make a strong case for the need for this legislation. I urge my colleagues to examine their statements, and to support this needed clarifying legislation.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 17, 1983.

MR. WILLIAM F. BOLGER,
Postmaster General, Washington, D.C.

DEAR MR. BOLGER: It has come to my attention that many soil and water conservation districts throughout the country have been unable to obtain or renew a permit for bulk mailing privileges for carrying out district activities. The reason given for the rejection is that in the opinion of postal authorities, districts do not come within the meaning of Section 623.4 of the Postal Regulations, since they are not primarily "agricultural" in character.

The National Association of Conservation Districts has asked that I advise you of the views of this Department as to the relation of the soil and water conservation districts to agriculture, and I am pleased to do so.

The National Soil and Water Conservation Program had its beginning in the Soil Conservation Act of 1935, which established the Soil Conservation Service in USDA. In the next few years, each of the States and possessions enacted enabling laws to establish conservation districts through which local people could participate in, and put into effect, this national conservation program. From that time on, USDA has considered the conservation districts to be an integral part of our service to agriculture in the United States.

Conservation districts have been called on since the 1930's to assist USDA in carrying out such programs as the Agricultural Conservation Program, the Great Plains Conservation Program, and the Small Watershed Program. In 1981, the Congress again directed the USDA to carry out some of its programs through conservation districts. Two new programs which involve participation by districts are the Special Areas Conservation Program and the Grants Program.

There appears to be abundant evidence, and there is no doubt in my mind, that conservation districts, whether they are identified as soil conservation districts, soil and water conservation districts, natural resource conservation districts, or natural resource districts, are agricultural in character. It is true that districts' activities have an important beneficial impact, both locally and nationally, on our environment. However, those broader benefits of the districts' work are incidental to their main purpose, which is protection and improvement of the Nation's agricultural base.

Sincerely,

JOHN R. BLOCK,
Secretary.

NATIONAL ASSOCIATION OF
CONSERVATION DISTRICTS,
Washington, D.C., May 11, 1983.

MR. WILLIAM F. BOLGER,
Postmaster General, Washington, D.C.

DEAR MR. BOLGER: In recent months the nearly 3,000 conservation districts of the Nation have been encountering a serious problem due to their inability to obtain or renew a permit for bulk mailing privileges for use in carrying out district activities. We are deeply concerned about this matter as it is having a serious impact on the work of the Nation's soil and water conservation effort.

Without the benefit of the bulk mailing privileges, the districts are under a serious handicap since the cost of mailing their newsletter and other informational material at regular postage rates is restrictive and, in some cases prohibitive. The interruption of the districts' communication with district cooperators is having a serious adverse effect on the districts in carrying out one of their major responsibilities, namely, educational and informational services to the agricultural community. This adverse effect is not only on those working directly in agricultural production, but will ultimately have a damaging impact on the national welfare if there is a dimunition in the effectiveness of agricultural production. For example, the employment of new developments in conservation tillage is one of the central features of the U.S. Department of Agriculture's conservation program, and the conservation districts are a basic link in disseminating new information to landusers so that they will be able to use this effective new technology.

The principal reason for rejection of these applications appears to be that in the opinion of the postal authorities the districts do not come within the meaning of Section 623.4 of the Postal Regulations, since they are not primarily "agricultural" in nature.

I think this problem arises because of a lack of familiarity with the origin and functions of conservation districts on the part of the postal authorities to whom these applications have been submitted, and, no doubt, also on the failure of the applying districts to present adequate evidence of the origin of the conservation program as being directly related to agriculture, as well as of the continuing agricultural character of district purposes and activities.

I, along with several of the NACD staff, met with Mr. Charles Smith of the Domestic Mail Classification Division on March 23, 1983. After a discussion of the matter at some length, Mr. Smith suggested that we meet with Mr. Harvey K. Altergott, General Manager, Domestic Mail Classification Division, Rates and Classification Department. We now have an appointment with Mr. Altergott set for May 19. I appreciate and look forward to the opportunity for representatives of our Association to discuss this problem with Mr. Altergott.

We will pursue this matter diligently since it is one which affects not only districts and agricultural interests, but also will ultimately affect the national welfare. We are grateful for the cooperation your Service is extending to us.

Sincerely,

MILTON E. "BUD" MEKELBURG,
President.●

MULTI-HOUSING LAUNDRY INDUSTRY WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. BIAGGI. Mr. Speaker, today I am introducing a resolution designating the week of June 19 to 25, 1983, as "Multi-Housing Laundry Industry Week." Simply put, our Nation's multihousing-laundry industry has made an important contribution to our Nation in the form of services, jobs, and a successful model for other small businesses to replicate. Clearly, the multihousing-laundry industry deserves this special recognition.

History reveals that this industry was started soon after World War II when the first fully automated washing machine was developed in the 1940's. A group of enterprising Americans saw the potential for this product and began installing coin-operated washers in the basements of apartment buildings. Since few families could afford their own washing machine, the coin-operated washer offered most persons their first exposure to such a device.

Today, the industry provides Americans with professionally designed and operated laundry facilities in all types of multifamily housing, including military housing.

Mr. Speaker, the multihousing-laundry industry provides a shining example of what the hard work and entrepreneurial spirit of small businessmen can accomplish. Those small businessmen who created and have sustained the multihousing-laundry industry should serve as an inspiration to all Americans, particularly the youth of our country. I am hopeful this resolution will help to achieve that purpose.●

MINERAL MINING RECLAMATION RESERVE ACT OF 1983

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FLIPPO. Mr. Speaker, today I am introducing with Representatives, Mr. BEVILL, Mr. SHELBY, Mr. DUNCAN of Tennessee, Mr. RAHALL, Mr. ERDREICH, Mr. EDWARDS of Alabama, Mr. NICHOLS, Mr. MURTHA, Mr. ROE, Mr. MOLLOHAN, Mr. MARRIOTT, and Mr. BROWN of Colorado, the Mineral Mining Reclamation Reserve Act of 1983.

This legislation is the same as a bill introduced in 1981, H.R. 4815. The purpose of this legislation is to clarify existing law with respect to when, under Federal and State law requirements, a taxpayer is entitled to deduct the surface mining reclamation expenses incurred to reclaim land that is disturbed by a surface mining process.

For an accrual method taxpayer, an expense may be deducted in the year in which all events have occurred which determine the fact of the liability and the amount of the expense can be determined with reasonable accuracy. This is often referred to as the all events test. The mining industry and the IRS disagree as to when reclamation expenses may be deducted under the all events test.

Surface mining operators are required by Federal and State law to reclaim land that has been disturbed by the mining process. A comprehensive reclamation plan must be approved before an operator permit is issued and the mining operator can begin mining. The operator must post a performance bond, in the amount of the estimated reclamation expenses, to guarantee that the reclamation plan will be implemented.

Our bill would permit the accrual of estimated reclamation expenses ratably over the life of the mine. Furthermore, to provide equal treatment for similarly situated taxpayers, cash basis taxpayers would be allowed to accrue reclamation expenses. Taxpayers could elect to use this new provision on a property-by-property basis, consistent with the present rules relating to development expenditures. However, once elected, the consent of the Secretary of the Treasury would be required to revoke the election.

The Internal Revenue Service has expressed concern that, since estimates of future expenses are inherently uncertain, a rule which permits current deductions for future expenses would be difficult to administer. In response to this concern, we believe that the requirements of the reclamation plan itself provide a basis for a reasonably accurate estimate. Reclamation plans include geological and engineering reports that specify the extent of future reclamation and thus a measure of the liability incurred. This does not preclude the Service, however, from challenging the accuracy of estimated expenses.

I ask unanimous consent that a technical explanation of the bill be printed in the RECORD at this point.

TECHNICAL EXPLANATION OF H.R. 3342, THE MINERAL MINING RECLAMATION RESERVE ACT OF 1983

The bill would allow a taxpayer engaged in surface mining to elect, on a property-by-property basis, to deduct in computing its taxable income a reasonable addition to reserves established for the estimated expenses of surface mining land reclamation. Estimated expenses would be allocated on the basis of the minerals extracted. Thus, the accrued reclamation expenses would be deducted ratably over the life of the mine. Under the bill, cash basis taxpayers would

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be allowed to use this reserve method for reclamation costs. The tax treatment of expenditures for the extraction of oil or gas, or for the extraction of minerals from brines or seawater, would not be affected by the bill.

Estimated expenses of surface mining land reclamation are amounts deductible by the taxpayer under the income tax rules that (1) are attributable to qualified reclamation activities (as defined in the bill) to be conducted in future taxable years, (2) are subject to estimation with reasonable accuracy, and (3) are allocable to minerals extracted before the end of the taxable year.

Qualified reclamation activities are defined as land reclamation activities conducted under a reclamation plan submitted as part of a surface mining permit application under the Surface Mining Control and Reclamation Act of 1977 or under a plan submitted pursuant to a Federal or State law imposing substantially similar surface mining land reclamation requirements. Thus, a qualifying plan would have to be submitted in order to obtain a surface mining permit and would include the items specified in section 508 of the Surface Mining Control and Reclamation Act of 1977. If the reclamation plan were to be revised, only the activities described in the revised plan would be subject to the reserve for mining reclamation expenses provision. The tax treatment of nonqualified land reclamation expenses (i.e., expenses for reclamation activities other than those described in the plan) would be prescribed by regulations.

The bill also provides that if the amount in any reserve for estimated expenses of surface mining land reclamation is determined to be excessive at the close of any taxable year, then the excess shall be taken into account in computing taxable income for that year. Thus, if at the conclusion of reclamation activities the reserves were not entirely expended, the excess would be included in the taxpayer's income for that year. However, if the excess resulted from an unreasonable addition to the reserve in a prior year, the prior year's income would be increased.

The provisions of the bill are elective on a property-by-property basis. A taxpayer may elect reserve accounting without the consent of the Secretary if the election is made not later than the time for filing the income tax return of the first taxable year ending after enactment in which the taxpayer is engaged in surface mining on the property and for which there are estimated expenses of surface mining land reclamation. Consent of the Secretary is required to elect reserve accounting beginning in any taxable year after the first post-enactment taxable year in which the taxpayer is engaged in mining on a property and has estimated reclamation expenses. The consent of the Secretary is also required to terminate the reserve accounting election.

The bill provides transition rules. Estimated expenses of surface mining and reclamation that are attributable to mining activities occurring before the first taxable year for which reserve accounting is elected and which have not been previously deducted are treated as deferred expenses and may be deducted ratably over a 60-month period beginning the first month of the first taxable year for which reserve accounting is elected. If mining of a property with respect to which there are deferred expenses will be completed in less than 60 months, then the expenses can be deducted ratably over that shorter period. If any amount deducted under this 60-month rule is determined to be excessive, then under the general rules, that amount will be taken into account in computing the taxpayer's taxable income for the year in which the excess is determined. The bill provides that if a taxpayer elects reserve accounting for the first taxable year ending after enactment and (1) has used an accrual method of accounting for a continuous period of one or more taxable years ending before enactment, which (2) resulted in a deduction for the reclamation expenses prior to the taxable year in which the expenses were paid, then the taxpayer may elect to have that method treated as a valid method of accounting for that period. This election can be made with respect to only one such continuous period.

The provisions of this bill would apply to taxable years ending after the date of enactment.●

AUTOMOTIVE CAUCUS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. HILLIS. Mr. Speaker, on June 7 Jerry Greenwald, vice chairman of the Chrysler Corp., spoke before the Congressional Automotive Caucus about several issues affecting the U.S. auto industry.

I believe Mr. Greenwald's comments represent an excellent analysis of the world auto industry and deserves our careful consideration. In order that the entire membership of the House may benefit from Mr. Greenwald's appearance, I am placing a copy of his comments in the RECORD at this point.

Along with Congressman TRAXLER, who cochairs the caucus with myself, I want to thank Mr. Greenwald for his time and comments. I am sure that the Members of the House will find Mr. Greenwald's comments of great interest and value.

The material follows:

GERALD GREENWALD, CONGRESSIONAL AUTOMOTIVE CAUCUS

I'm glad to be the first guest of the Automotive Caucus. You've taken on a very important assignment for yourselves.

Need is clear for a united front in Congress to address the severe problems that plague the auto industry.

Industry that employs, either directly or indirectly, one out of every six Americans. I'm not saying what's good for auto industry is necessarily good for America—but surely some of our remedies will help basic industries generally.

I'm happy to report that life is looking up in Detroit these days. Car sales are picking up. Some plants are working overtime.

Chrysler is making money again. (And to your relief, also paying off a third of its loan guarantees seven years ahead of schedule!)

But we shouldn't get too euphoric. Imported cars are still taking about a quarter of U.S. auto market. The economic recovery in the auto industry has been modest at best, and it is very fragile. There are still a quarter of a million autoworkers in this country on indefinite layoff. Chrysler has 36,000 of them.

And even those huge numbers understate the real pain. The base employment level of the auto industry has been eroded drastically since 1978.

More like 1.1 million jobs lost when you count workers in auto and related industries who have switched from full-time to part-time, or who have left the workforce altogether.

Put those 1.1 million people back to work, and the unemployment rate drops a point.

American consumers do appear to be ready to lead the country to a sustained recovery. The latest University of Michigan Consumer Sentiment Survey shows that 66 percent of Americans think that now is a good time to buy a new car.

And recent polls by Louis Harris, J.D. Power, and Newsweek all show that Americans are now more willing to buy American products, including American cars, than Japanese products.

But to keep this recovery going, I think we all have to address some very basic priority items. I'd like to talk briefly this morning about what I see as the priority items from the auto industry's point of view, and then see if we can reconcile those with Congress's priorities.

My three major priorities are: getting the federal budget deficit under control, establishing a national energy policy, and establishing a national trade policy. Let's look at them one at a time.

First, the deficit. I know this is a priority for all of us. The high cost of credit and the volatility of the money supply froze consumers and businesses in their tracks in this last recession, and the same thing could happen all over again if the deficit isn't brought under control.

Spread between inflation rate and consumer loan rate is still much too large. Success of recent interest-rate financing programs offered by the auto companies prove just how sensitive people are to interest costs.

Another bout of see-saw interest rates could kill off the recovery for the housing and auto industries. A realistic compromise has to be reached.

If you need a model, why not use Chrysler? You might recall that it wasn't just loan guarantees that saved us. It wasn't just our management team. It wasn't a fluke. It was a little bit of common sense coupled with the principle of equality of sacrifice.

Everybody bled about equally: the federal government, state governments, management, labor, dealers, suppliers, lenders.

At the risk of sounding presumptious, let me suggest that maybe a little bit of common sense and a little bit of equality of sacrifice is the way to attack the budget—the Republicans give a little, the Democrats give a little, the President gives a little.

Maybe some of you saw the article in the New York Times last Thursday where Deputy Secretary of Defense Paul Thayer criticized defense contractors and told them they could cut their costs 10 to 30 percent just by building the weapons and equipment right the first time.

Argue if you want about the numbers, but the fact is that unless the deficit is cut, and cut quickly, high interest rates will come roaring back, inflation will come roaring back, and this whole recovery could be thrown into a cocked hat.

Next priority: Energy Policy.

Without a concerted energy policy that keeps consumers pointed in the direction of fuel efficiency, this country will remain at

the mercy of OPEC—as we were in 1974 and 1979.

The auto industry spent an unprecedented $80 billion retooling for small fuel-efficient cars, and now, with falling gas prices, it's big cars that are selling again. GM and Ford are having to use credits from previous years to avoid paying huge fines because they can't meet CAFE standards.

And now Congress is considering easing up on the CAFE standards. I think dropping fuel economy standards at this stage in the game would be to put both Congress's and the auto industry's integrity at stake. And I think it's wrong for any of us to advocate that.

The only way out of this problem is to up the tax on gasoline and to add one on oil.

A 25-cent-a-gallon gas tax and an excise tax on imported oil would have two immediate benefits: ease our dependence on OPEC, and cut the deficit by $25 billion or so.

If you are looking for a way to raise revenues, this is how to do it. Remember, a penny tax at the pump equals a billion dollars in federal revenue.

And if you added the tax now, as gas prices are down, people wouldn't feel so much of the pinch.

Third major priority: Trade Policy. On this issue, I'm not asking for an advantage, I'm just asking for fairness. It doesn't take much to tell you that something is out of whack when you look at the Commerce Department Report and see that three-quarters of this country's trade deficit with Japan lies in just cars and trucks. That's a $13 billion hole we're in as a nation.

In effect, the Japanese are just exporting their unemployment to us.

If you're looking for an issue with industry-wide consensus, this is it. Two Saturdays ago, in the New York Times, Phil Caldwell of Ford joined the chorus in attacking Japan's methods of subsidizing its auto exports with tax rebates and currency exchange.

It's sad to contemplate, but these two items—tax differentials and the yen/dollar exchange rate—are enough to wipe out all the productivity gains Chrysler has made in the last four years. We can compete head-to-head with the Japanese in the business of manufacturing cars and trucks, but that only takes care of about a third of their $2,000 per-car cost advantage. Only our government working with their government can take care of the other two-thirds of the pie.

If the yen were to go back up to 275 and stay there, the Japanese cost advantage would jump to over $2,650.

Chrysler is neutral on local content. We are for free, non-restricted trade with the Japanese—but not until the unfair items of taxes and exchange rates are cleared up. Until that happens, I'm afraid the only answer is legislated quotas—15 percent of the market, or 1.5 million vehicles, whichever is higher. And here's why legislated quotas are needed:

I call this the "disaster scenario." On April 1, 1984 voluntary Japanese quotas come to an end. From all reports, the Japanese, with their tax and currency advantages, will be poised to grab 40 percent of the U.S. market. What does that mean to America? It would mean the loss of 1.7 million domestic car sales. It would mean the loss of another 435,000 auto-related jobs.

It would mean the loss of more than 1 million American jobs total. And it would mean a net loss to the Federal Government of more than $38 billion.

Clearly, we can't let this disaster scenario come to pass. What kind of country would we be leaving behind for the next generation of Americans? I think we should think about that.

You might ask, if the auto industry gets quotas, won't they get sloppy and inefficient again?

Well, why not tie the quotas to some specific guidelines within the industry: wage restraint, productivity increases, reinvestment in plant and products. Sound familiar? That's the Chrysler turnaround scenario.

It's time we adopted an industrial policy that promotes our basic industries the way Japan promotes theirs. The question is not will we have a policy—we already have a de facto policy today. The real question is will we have a policy that caters to the whims of the merger moguls and the fat cats, or one that guides the growth of basic industries and the creation of jobs? Frankly, I'd rather have the Congress making those kind of decisions.

And we have too many precedents out there—Chrysler's success, the success of U.S. agricultural policy—to say that such a common-sense approach wouldn't work.

This caucus can provide enormous capability and leadership, if you're willing to set out and act upon the important priorities. It won't work if each of you goes off on your own and introduces parochial legislation that does nothing to address the priorities as they are.

But it will work if this caucus leads the Congress in developing meaningful legislation along the lines of trade, energy, and the budget. Only then can we get on with everybody's number one consensus item: putting those 1.1 million Americans back to work.●

HELPING FARMERS HELP THE HUNGRY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ALEXANDER. Mr. Speaker, for millions of hungry Americans, desperately searching for their next meal, this is a time of crisis. For millions of farmers, assaulted by subsidized foreign competition, urgently looking for markets, it is a time of crisis as well.

For over 2 years we have endured a recession. Hunger has returned to America as a tragic and immediate problem. Soup lines have returned to America. At the same time, many American farmers, in Arkansas and throughout the farm States, have been suffering from depression conditions. They pay an outrageous cost to borrow. They receive low prices when they sell. Having worked for years, sometimes for generations, to build their farms, they must struggle just to survive. They are facing intense foreign competition, not just from farmers in other lands, but from foreign governments as well.

Today we can help the hungry in America and the farmers of America. We can help those who need food and those who grow it.

I urge my colleagues to join me in supporting the Emergency Food Assistance and Commodity Distribution Act. It would require the Department of Agriculture to distribute surplus stocks to food banks and other emergency programs, after meeting its commitments to domestic and foreign programs.

This legislation would authorize the program for fiscal years 1984 and 1985. It would use commodities owned by the Agriculture Department's Commodity Credit Corporation.

The program emphasizes providing food for those in need, those who have been hard hit by the recession. Organizations serving emergency needs would be given priority consideration in the receipt of surplus commodities and administrative funding.

This legislation directs the Agriculture Department to provide up to $50 million, annually, to be made available to States, to cover the costs of local emergency programs providing commodities to needy people, and to cover costs the State incurs in delivering commodities to emergency and nonemergency organizations.

The bill before us today is important to the farmers of America and the hungry among us. I strongly support its passage and urge my colleagues to join me.●

STATEMENT ON THE VISIT OF THE POPE TO POLAND

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Ms. MIKULSKI. Mr. Speaker, we, of Polish background, and all who cherish freedom, must unite behind the efforts of the Polish people to be free from martial law. We pray for the Pope's safety and the success of his journey.

Today, Pope John Paul II makes his second visit to Poland. This trip is especially important since it comes at a time when Polish hopes for real improvement in their condition are being steadily eroded by Soviet-imposed martial law. But we, in this country, must understand that any real improvement in the Polish condition must be based on more than hope.

Since the last visit of the Pope in 1979, Poland has seen the rise of Solidarity and the subsequent repression and harassment of its leaders. Lech Walesa has been jailed and placed under house arrest. Other members of the union have gone underground and continue to conduct the activities of Solidarity.

Martial law in Poland has been imposed by an outside aggressor. The Polish people alone, despite their fervent hopes, and nonviolent protests, are unable to shed its oppression. What is needed now is a renewed effort on the part of the United States and other democratic nations to end military rule in Poland. Until the Soviet Union is convinced or pressured to recognize Solidarity and to lift martial law, conditions in Poland will not change.

The visit of Pope John Paul II will once again raise the hopes and spirit of the Polish people. Let us build on those hopes and redouble our efforts to end martial law in Poland.●

U.S. CHILDREN AND THEIR FAMILIES: CURRENT CONDITIONS AND RECENT TRENDS

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MARRIOTT. Mr. Speaker, I rise to share with my colleagues my remarks with regard to the Select Committee on Children, Youth, and Families first committee print entitled, "U.S. Children and Their Families: Current Conditions and Recent Trends." I urge that my colleagues take a few moments to read these facts affecting the youth and families of our Nation.

U.S. CHILDREN AND THEIR FAMILIES: CURRENT CONDITIONS AND RECENT TRENDS

The economic and emotional status of children has clearly deteriorated for several reasons. The statistics of our report signal trends that may well be at the root of the problem.

First, the proportion of children living with one parent has nearly doubled in the last decade. Twenty-five percent of our children live in single-parent homes. Almost half of all black children, and one in five white children, live with only one parent (page 9).

Secondly, the quadrupling of out-of-wedlock births since 1950 is equally disheartening. Note also, that the number of children living with unmarried mothers increased by more than 431 percent from 1970 to 1982 (page 10). Unfortunately, additional research in this area tells us that nearly half of these births are to teenage mothers.

Because of the enormous human and public costs of these two trends alone, it must be our committee's priority to give close scrutiny to the forces behind them.

A description of the human toll of these trends, and others that lead to parental absence, is best offered by Dr. Armand Nicholi of the Harvard Medical School and former Chairman of the Massachusetts Governor's Commission on Children and the Family. Dr. Nicholi, a congressional witness at both House and Senate hearings, testified that, "If one factor influences the character development and emotional stability of a person, it is the quality of the relationship he experiences as a child with both of his parents."

Another trend noted by Dr. Nicholi that may be making it more difficult for parents to attain this important relationship with their children is the shifting of child care from parents to other agencies. There has been a dramatic change in the child care arrangements for children whose mothers are working. In 1958, 43.4 percent of those children received care outside their home and family. In 1977, that number had increased to 71.3 percent (page 4).

Much of the research on the dynamics of family attachment compels us to reflect upon the crucial role that both parents play in the healthy development of young children. Likewise, we must recognize the desire and economic need for many women to work outside their homes. We should go beyond the polarizing rhetoric that too often dominates the public debate over these often competing needs as we seek to strike a balance which fosters sound child development.

The statistics presented today do not portray the full dimension of human costs associated with teenage child bearing. Further research tells us that the consequences of children bearing children are: reduced educational attainment; high medical risks—with evidence suggesting that these risks to young mothers and their low birth weight babies cannot be entirely eliminated; subsequent early marriages with a high probability for divorce; jobs of lower prestige and earnings, and a disproportionate representation in our Federal welfare system.

We must face these complex issues and their consequences with the understanding that the Federal Government cannot reasonably duplicate the irreplaceable role of the family, either emotionally or economically. This is particularly true when we look at the extent to which these two populations are both currently and potentially dependent upon our Federal support.

The statistics of our report show that among those circumstances contributing to Aid to Families with Dependent Children (AFDC) eligibility, divorce and separation and out-of-wedlock births rank highest and are increasing. Specifically, divorce and separation represented 27.4 percent of family eligibility in 1969, increasing to 44.7 percent in 1979. For the same two years, family eligibility on the basis of out-of-wedlock births was 27.9 percent and 37.8 percent, respectively. So, in total, 82.5 percent of the AFDC population is a reflection of these two trends (page 18). The percentage of children receiving AFDC benefits has increased 310 percent since 1960 (page 18); the costs of the program in constant (1981) dollars has increased 370 percent, from $4.8 billion to $13 billion (page 51).

The six other "Selected Government Programs Affecting Children," cited in our report are non-cash programs. They too, have increased dramatically—in constant dollars, from $18 billion in 1970 to $46.5 billion in 1982—an overall increase of 390 percent.

Underscoring the point I want to make, Bruce Chapman, Director of the Bureau of the Census, testified before our committee that, ". . . poverty is increasingly a function of family composition rather than economic condition alone." And the data we are presenting here today raises the question of the future of children in our society and how their interests can best be addressed.

To do justice to the work we face on behalf of our children, youth, and families we must look beyond the negative statistics for guidance. In this area our job is far from done. Before we take further steps to formulate policies we must research and disseminate information about strong, healthy families. We will never learn enough by continuing to look only at the tragic side of family life in America. What is it that does work? The next priority of this committee should be to examine family strengths so that we can develop policies that build on the inherent abilities of all families.

I have been spending a great deal of time talking with young people. I have been visiting all the places that try to help our children, the child abuse treatment centers, juvenile detention and drug abuse treatment homes, runaway shelters and our schools. Virtually all the troubled young people I met were the products of broken homes and absent parents. Few had had a one on one with another adult. When asked who their best adult friends were none said their parents. They did not feel good about themselves or seem to have a sense of self worth. With very few exceptions all of the children could have been motivated and inspired if they had been put in a different environment. As a general rule, none of them were so called "bad kids," they were kids who had had a bad break. Our objective should be to strengthen the homes and families. We must always keep in mind these children who do suffer, often because of their family situation.

It is my challenge, not only to the Members of this committee, but to all Americans, that indeed our children and families need our personal attention. And to whatever extent I can promote federal policies to foster that attention, I am very gratified to give my service. Thank-you. I'd be most happy to answer your questions.●

LITHUANIA'S TERRIBLE JUNE DAYS ANNIVERSARY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mrs. COLLINS. Mr. Speaker, I would like to call your immediate attention to the 42d anniversary of the Terrible June Days in Lithuania. I regard the June 15, 1983, observance as a symbol of the constant struggle for liberation and religious freedom.

I share the view of the estimated 100,000 Lithuanians living in Chicago and have been an active participant in praising the courageous actions of Lithuanians and others who have resisted the invidious oppression of the Soviet Union. Our actions here in Congress must pursue the interests of those held under Russia's grasp and we must continue to be the vanguard of freedoms and self-determination entitled to all.

Accordingly, let us join other freedom-loving peoples throughout the world in support of the successful efforts of the Lithuanian people in resisting Soviet control and celebrate today in the spirit and solemnity of these proud people. The strength and perseverance of their struggle should be an inspiration to us all.●

BALTIC FREEDOM DAY

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1983

● Mr. DASCHLE. Mr. Speaker, I am pleased to join with Congressmen RITTER and DONNELLY to commemorate June 14 as Baltic Freedom Day. The brutal repression which has occurred in the Baltic States since the Soviet invasion in 1940 has not nor will be forgotten.

Despite continued Soviet occupation the Baltic people maintain their language, culture, and pride of national heritage. The United States has been fortunate in that many survivors of the original invasion and many others who have since escaped have found their way and settled throughout our Nation. I am proud to say that many have found their way to South Dakota where they have established themselves as outstanding citizens in communities throughout the State and carry on the proud traditions of their native countries.

An example of the strength and character of the Baltic people occurred recently when the Soviet press acknowledged that simultaneous to the outbreak of civil strife and protest in Poland during the emergence of the Solidarity Trade Union, similar protests occurred in Estonia. this remarkable fact, which was only recently reported, indicates that efforts to throw off the Soviet yoke continue to this day. The bravery and courage shown by the citizens in Estonia, Poland, Latvia, and Lithuania serves as an inspiration to rededicate ourselves to their struggle.●

NICHOLAS KITCHEN

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. VALENTINE. Mr. Speaker, I was proud today to attend the White House awards ceremony for Presidential scholars—proud because one of the recipients is a very talented young man from my district.

Nicholas Kitchen, a 16-year-old violinist from Durham, N.C., is one of only four young people to be named a Presidential scholar in music. His citation culminates a visit to Washington that included a performance last night at the Kennedy Center.

My colleagues may be interested to know what future plans this outstanding young musician has, and I ask that an article from the Raleigh News & Observer about Nicholas Kitchen be inserted in the RECORD.

[From the Raleigh News & Observer, June 14, 1983]

YOUNG VIOLINIST TUNES UP FOR EUROPEAN TOUR

Sixteen-year-old Nicholas Kitchen, whose skills with the violin will take him to the Kennedy Center and the White House later this week, soon will be taking his music to Europe.

The young virtuoso, a Durham resident, will tour Germany and Italy with a chamber orchestra. The June 23-Aug. 18 trip is a program of the N.C. School of the Arts in Winston-Salem.

It's another of a long line of honors for Nicholas, who a few weeks ago was named a Presidential Scholar in music, an award that went to only four young people in the United States. As a result of that award, he will perform in the Kennedy Center Wednesday night and formally receive his citation at the White House Thursday.

The week will be a busy one for him, said his father, Joseph Kitchen—but then, the entire summer will be. Nicholas currently is at Davidson College preparing for the European tour and later must prepare for his first year of study at the Curtis Institute of Music in Philadelphia. He just finished his senior year at Carolina Friends Upper School in Durham.●

MARYLAND STATE LEGISLATURE'S JOINT RESOLUTION ON REVENUE SHARING

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DYSON. Mr. Speaker, I am pleased to have this opportunity to bring to the attention of my colleagues a joint resolution recently adopted by the Maryland State Legislature.

The principles which produced the concept of fiscal federalism and revenue sharing—a program barely 10 years old—have in fact resonated throughout the history of this Republic. These are, first, that public authority has the inescapable responsibility for the performance of essential community services. Inseparable from this is the principle that citizenship requires direct participation in the deliberation and execution of these services.

Our political history has been wrung from the demanding and successful effort to harmonize national responsibilities and the prerogatives of local government.

Nowhere has this effort had greater success than in the program known as revenue sharing.

Legislation is now before the House Rules Committee that would reauthorize the revenue sharing program for 5 years. This has come to the attention of the State of Maryland, and they have passed a joint resolution expressing their conviction that revenue sharing is a vital program combining local flexibility and minimum regulation. Unless it is continued, local property and sales taxes must be increased to finance services. This in itself will serve to stifle any recovery. And as we all know, economic development inevitably brings with it the demand for additional services. Sales and property tax revenues only gradually increase enough to finance these services and without such services, development is again stymied. For these reasons the legislature recently adopted their resolution. I hope and trust my colleagues will share their resolve.

HOUSE JOINT RESOLUTION 36

A House Joint Resolution concerning Federal General Revenue Sharing for the purpose of urging the United States Congress to again reauthorize the general revenue sharing program.

Whereas, The sharing of revenue with local governments has been recognized by both the Maryland General Assembly and the United States Congress as an effective means of strengthening federalism, and as a vital program which incorporates local flexibility and minimum regulation; and

Whereas, Since its enactment by the United States Congress, the general revenue sharing program has returned more than one billion dollars of federal tax revenue to local governments in Maryland, over $82 million to Maryland counties, and over $6.5 million for Maryland municipalities in fiscal year 1982; and

Whereas, Citizen participation in local government decision making has directed general revenue sharing funds to provide many basic services which otherwise could not have been performed; and

Whereas, Given reductions in many federal aid programs for local governments, the loss of general revenue sharing funds would result in local tax increases and severe reductions in the delivery of basic services; and

Whereas, The general revenue sharing program, enacted in 1972 and reauthorized by the United States Congress in 1976 and 1980, will expire on September 30, 1983; now, therefore, be it

Resolved by the General Assembly of Maryland, That the United States Congress is urged to again reauthorize the general revenue sharing program at-current-funding-levels-or-higher; and be it further

Resolved, That a copy of this Resolution be sent to the Maryland Congressional Delegation: Senators Charles McC. Mathias, Jr. and Paul S. Sarbanes, Senate Office Building, Washington, D.C.; and Representatives Roy P. Dyson, Clarence D. Long, Barbara A. Mikulski, Marjorie S. Holt, Steny H. Hoyer, Beverly B. Byron, Parren J. Mitchell, and Michael D. Barnes, House Office Building, Washington, D.C.●

RULE ON LEGISLATION TO CAP INDIVIDUAL INCOME TAX REDUCTIONS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on

Ways and Means today favorably ordered reported H.R. 1183, the Tax Rate Equity Act of 1983. This legislation would amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Ecomonic Recovery Tax Act of 1981.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this bill by the full House of Representatives.●

ENERGY SECURITY TAX INCENTIVES ACT OF 1983

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SHANNON. Mr. Speaker, today I am introducing, along with Mr. Lewis of California, Mr. Flippo, Mr. D'Amours, Mr. Boland, Mr. Scheuer, Mr. Smith of Florida, Ms. Kaptur, Mr. Fazio, and Mr. Wolpe, the Energy Security Tax Incentives Act of 1983. This legislation would provide an affirmative commitments provision for solar, wind, and geothermal energy properties which would otherwise qualify for the existing tax credits.

The energy tax credits for qualifying solar, wind, and geothermal energy property will expire on December 31, 1985. Although the expiration date is over 2 years in the future, it is becoming a critical factor for projects which are not on the drawing board. Many of these projects require significant leadtimes and large amounts of up-front financing prior to actual construction of the project. Many project developers have spent, and plan to spend prior to the end of 1985, significant amounts of time, efforts, and funds in commercializing these renewable energy resource technologies. Although the Congress has given them initial encouragement, they cannot be built overnight.

In addition to the long leadtimes that these projects require, fluctuations in the highly volatile energy markets and the recession in the economy have not only caused delay in project planning, but also made the feasibility of these projects even more critically dependent on the availability of the energy tax credits.

The legislation that we are introducing would provide project sponsors with some breathing room. Although I personally have supported and continue to support a more comprehensive approach to encouraging renewable energy projects through the enhancement and extension of the energy tax credits, I feel that this more limited proposal must be considered immediately to assure that project planners do not cease work on meritorious projects while Congress debates the issues associated with the energy tax credits. The proposal would simply provide an affirmative commitments provision for solar, wind, and geothermal energy property which otherwise qualifies for the existing energy tax credits. The proposed affirmative commitments provision, which is similar to one made available by Congress in 1980 for certain other property eligible for energy tax credits, would provide that if the following tests are met by a project sponsor, the energy tax credits for a solar, wind, or geothermal powered energy project would be available for property placed in service on or before December 31, 1995:

1. By January 1, 1986, feasibility studies to commence construction of the project have been completed and all environmental and construction permits required by law have been applied for; and

2. By January 1, 1988, binding contracts have been signed for at least 50 percent of the reasonably estimated cost of all equipment for the project or at least 50 percent of the reasonably estimated cost of that equipment specially designed for the project.

This amendment does not extend the effective date of the existing energy tax credits—December 31, 1985—but merely allows those projects underway and for which significant work has been done before the close of 1985 to remain eligible for the tax credits beyond 1985 if good-faith efforts are made which show the existence of an ongoing project by the close of the current expiration date.

The revenue impact of this provision should be minimal. Some of these projects were already accounted for when the revenue estimates were originally made upon the enactment of the existing energy tax credits. Additional revenue impact, if any, would result from the initiation of new projects which, as a result of adopting the affirmative commitments provision, are begun after enactment of this bill but prior to the end of 1985. Because the tax credits will be taken only after significant expenditures of funds, there will be positive revenue impacts in the early years of project development as funds are expended and jobs are created to design and build the projects. In light of the substantial commitment of funds that Congress has previously provided to develop these renewable energy technologies, it would appear that any additional revenue losses will be worth the cost of encouraging additional solar, wind, and geothermal energy production projects and the jobs and tax revenues created thereby.

If projects are encouraged by this amendment, jobs will be created for U.S. workers. If technologies are commercialized because of the incentive created by this provision, not only will future projects be developed without the need for energy tax credits, but there will also be significant opportunities to export these technologies abroad. In the development of these technologies, the United States is in direct competition with foreign companies which may be receiving significant subsidies from their governments. I cannot stress enough the need for us to continue our support for these technologies through enactment of this legislation so that we can encourage jobs at home, exports abroad, and energy self sufficiency through the use of renewable resources.

Mr. Speaker, the development of renewable energy sources as an alternative to the fossil fuels upon which we have relied so heavily is essential to the future security and prosperity of our country. It would be unfortunate indeed if worthwhile projects that might help accomplish this goal were lost simply because of a problem of timing. I hope that my colleagues will join me in supporting legislation to make sure that this does not happen.●

"THE MOULDERS OF THEIR DREAMS"

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SMITH of New Jersey. Mr. Speaker, on Tuesday, June 21, the Lawrence Township Board of Education, in cooperation with the Lawrence Township Education Association, will sponsor Project Pride III. For one very special evening, the community of Lawrence Township, N.J., will join together in honoring all staff members of the Lawrence schools who have served the district for at least 25 years, and those employees who will retire at the completion of this school year.

Our teachers and school staff members are some of the most important professionals in our society. It is unfortunate, Mr. Speaker, that we rarely take such an opportunity to recognize these individuals.

I take great pride that the people of Lawrence Township have decided to sponsor Project Pride. As I stated last year on the House floor, Project Pride is a people-to-people program that recognizes the significant contributions that have been made by members of the Lawrence public schools.

By recognizing the dedication of our teachers and staff members, Project Pride attempts to bring a sense of pride, achievement, and unity to the school system and the entire community. There is little doubt, Mr. Speaker, that the Lawrence Township Board of Education has achieved this goal.

In closing, I want to share with all of my colleagues a poem written by Clark Mollenhoff, a Pulitzer Prize-winning journalist and a professor at Washington and Lee University in Lexington, Va. I believe that this poem speaks not only of teachers, but of all the staff members of our schools who have dedicated so much of their lives to our children.

(By Clark Mollenhoff)

You are the moulders of their dreams—
Heroes who build or crush their young beliefs in right or wrong.
You are the spark that sets afire a poet's hand,
Or lights the flame in some great singer's song.
You are the idols of the young—the very young.
You are their models, by profession set apart.
You are the guardians of a million dreams.
Your every smile or frown can heal or pierce a heart.
Yours are one hundred lives—one thousand lives.
Yours is the pride of loving them, the sorrow, too.
Your patient work, your touch, make them the source of hope,
That fills their souls with dreams, and make those dreams come true.

Congratulations to all those who are being honored at Lawrence High School on June 21, and best wishes for many more years of success.●

AN URGENT MESSAGE TO THE CONGRESS

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SCHAEFER. Mr. Speaker, earlier this week a joint hearing of the House Subcommittee on Energy Development and Applications and House Subcommittee on Energy Research and Production heard compelling testimony from Dr. James A. Hill, the president and chief executive officer of Denelcor, Inc., regarding our Nation's super computer industry and its future.

I am pleased to note that Denelcor, one of the few super computer companies in the United States, is located in the Sixth Congressional District of Colorado. I have the distinct pleasure of serving as the Congressman for most of the company's employees and, in addition to calling to the attention of my colleagues Dr. Hill's excellent testimony, I would also like to take this occasion to commend the fine work of the entire company and its employees and the important contribution they are making to the industry as a whole.

Mr. Speaker, Dr. Hill aptly notes the urgent need for our Nation to maintain its lead in the super computer industry. Foreign competition for dominance in the field is stiff and carries with it profound implications for our national security. I commend this testimony to the attention of my colleagues and urge your thoughtful consideration of the points that Dr. Hill makes in his presentation.

Testimony by James A. Hill, President and Chief Executive Officer, Denelcor, Inc.

Mr. Chairman, Madam Chairperson, distinguished members of the House Subcommittees on Energy Development and Applications and Energy Research and Production, ladies and gentlemen, good afternoon.

I am James A. Hill, President and Chief Executive Officer of Denelcor, Inc., a publically-held Aurora, Colorado company which designs and produces large-scale, high performance computers for scientific and technical application. On behalf of Denelcor's computer scientists, engineers and business associates, I would like to express our appreciation of your interest and foresight in conducting these timely hearings on significant Department of Energy matters. It is a pleasure to have this opportunity to testify before you on one of the most important issues facing our nation today: America's continued pre-eminence in super computer technology.

The United States has been the leader in large scale computing systems since they were first created in the post war years of the 1950's. Development accelerated during the 1960's when our nation gave high priority to scientific achievement as we set out to land a man upon the moon. During the 1970's, however, support for scientific and technological advancement declined in the U.S. Efforts intensified in other countries such as Great Britain, West Germany, France, and Japan to achieve predominence in high speed computers.

Today, as you are well aware, the Japanese have embarked on an ambitious program to surpass America in the area of supercomputers. To date, most discussion has centered on the so called "Fifth Generation" project, a joint government, business and education program, aimed at establishing an artificial intelligence industry by the mid-1990's. Less attention, however, has been focused on Japan's other supercomputer project—the one aimed at developing an ultra high speed computing system for scientific and technological application. The stated Japanese objective is to produce a supercomputer by 1989 which would be 1,000 times as fast and as powerful as any scientific computing system currently on the market.

While some observers have dismissed the Japanese super-speed computer project as unrealistic, we at Denelcor believe that development of such a system is eminently feasible, particularly since we understand that the Japanese plan envisions the creation of a parallel processing architecture, similar to the high-performance architecture we have been successfully developing for the past seven years.

As computer engineers and businessmen, we also recognize that development of an ultra high speed computer system by Japan or any other country represents a serious threat to the United States—to our national security, our economic viability and our scientific and technological leadership in the world. The prospect of U.S. dependence on foreign scientific supercomputer technology has far more serious ramifications than any previous U.S. dependency on OPEC.

This afternoon I would like to address this pressing issue and direct my brief remarks to the strategic, economic and scientific importance of maintaining American leadership in the development, manufacture and use of large scale high performance scientific computing systems, and the vital roles that government can play in assuring American supercomputer pre-eminence in the future.

Scientific supercomputers are the most advanced computing systems in the world. Our so called "Number Crunchers" are fundamentally different from the more familiar data processing computers. They have different architectures and are significantly faster than the general purpose business machines.

Scientific supercomputers are specifically designed to handle the most computationally intensive problems, such as those encountered in nuclear physics. They are problems which involve constantly changing variables, many unknowns, and often require millions of different instructions and billions of different computer calculations for solutions.

To help you gain a better understanding of the complexity and importance of scientific supercomputers, let me outline the role they play, for example, in weather forecasting, something that affects all of us on a daily basis.

To make an accurate weather forecast, a meteorologist attempts to take into account every available piece of information he can obtain on weather around the globe. He receives reports from world-wide observation stations which are constantly being revised and updated, and he reviews this information in light of his own knowledge of the dynamics and basic physical laws of atmosphere. As he becomes more sophisticated, he extends his understanding of basic fluid dynamics to include geophysical rotational effects and specific problems of turbulence later, he begins considering other physical phenomenon, such as evaporation and condensation of water, solar heating, infra-red cooling and surface friction and drag. Before too long, he's adding three-dimensional cloud physics, with variable droplet size and charge spectra, into his computations while still attempting to make the most accurate forecast he can manage by a time-critical deadline.

How can he possibly assimilate all that information? He can't—unless he has use of a scientific supercomputer, a computing system powerful enough to process billions of pieces of information and fast enough to make all those millions of calculations, timely and worth while.

Thus speed and performance become critical to a scientist's specific solutions to complex scientific problems:

Solutions to problems of national security, including ballistic missile trajectories, defense systems, preparedness, nuclear weapons development and simulation of non-atmospheric intelligence data analysis and cryptography;

Solutions to complex problems of economic and commercial importance to the United States, such as the aerodynamic design and simulation testing of a jet aircraft before it is built, the discovery of petroleum and mineral deposits from two, and possibly three-dimensional seismic data, the investigation of our oceans without disruption to the ecology, the solution to questions concerning electronic circuitry, electric power distribution systems, structural engineering models, robotics, and many other problems of com-

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mercial and economic significance to this country.

And the solution of complex problems of safety and health, including the development of safety systems to prevent nuclear reactor accidents, the creation of microbiotic organisms to contain and eliminate hazardous wastes, the development of future generations of cat scanners, to assist in medical diagnosis, and the solution of hundreds of biomedical, genetic, molecular and contagious disease problems.

In short, scientific supercomputers have become tremendously valuable in solving complex problems vital to our national security, our economic and commercial leadership in the free world and the health, safety and well-being of our citizenry. It would be distressing, to say the least, if America lost its supercomputer leadership.

At Denelcor, we have no intention of giving up our leadership position to the Japanese or anyone else. We may not be as well known as some others in the industry, but I am proud to report to this distinguished panel that recently we made what may be the most substantial "break through" in the history of supercomputer technology.

When the Japanese embarked on the so-called national super-speed computer project 18 months ago, we were already four years ahead of them in the parallel processing architecture and were in the process of manufacturing our first parallel processor computing system for the U.S. Army Ballistics Research Laboratory at Aberdeen Maryland, under the dedicated sponsorship of Dr. Eichelberger. Installed last fall, our 4-processor "HEP", system is now recognized as the world's fastest scalar computer, with a capacity to process 40 million instructions per second.

In developing the "HEP" system, Denelcor effectively overcame the traditional problem encountered in multiple unit systems, namely the loss of a linear increase in speed and performance when each processor unit is added to the system. Our successful application of parallel process architecture has enabled us to put multiple units together and achieve a direct linear increase in speed and performance. A 16-unit HEP today makes Denelcor's system significantly faster and more powerful than any existing supercomputer of its type on the market.

Recently, we completed the basic design study of Denelcor's HEP 2 system, and in that process we made a monumental breakthrough. Our new system, in its largest configurations, will be capable of processing in excess of 12 billion instructions per second. That is about 500 times faster and more powerful than any currently available supercomputer, and about half the projected level that the Japanese are striving to reach by the end of the decade. Denelcor will have its HEP 2 system on the market by early 1986, and expects to continue the natural evolution of its architecture to exceed the stated Japanese national goal.

We achieved these results largely through our own internally financed research and development activities and without government assistance or funding. We believe there is tremendous potential for the use of our supercomputer systems.

This brings me to the most important remarks I'd like to make today—comments concerning the role government can play in maintaining American pre-eminence in supercomputer technology. As a businessman and computer developer, I am less concerned about the danger of losing our leadership in the design of supercomputers than I am about the dangers of losing our leadership in supercomputer usage.

Small companies like Denelcor are in an excellent position to develop ideas—new concepts and innovative designs—through the private investment. But if our good ideas are to be of any lasting value, they must be exploited fully, and full exploitation is generally beyond the means or even the primary interests of companies such as ours.

During the 1950's and 1960's the government placed a high priority on the exploitation of scientific ideas, and we believe this commitment should be renewed in the 1980's. Let us look beyond our present interests in production computers, essential as they may be, and begin preparing for the future.

The most effective way government can fully exploit our present supercomputer pre-eminence is to put our machines to use in solving the immensely complex problems our nation and world face today. In short, I urge government to renew the national commitment to research and development.

I urge all of you in government to provide the leadership our nation needs to keep America in the forefront of scientific and technological advancement, and to encourage and train new generations of scientists and engineers who can maximize the problem-solving capabilities of our advanced scientific computing systems.

Specifically, we at Denelcor urge you to:

(1) Take the leadership role into formulating a national plan to achieve specific scientific and technological objectives over the next one or two decades, and grant the Department of Energy responsibility for directing a coordinated, yet distinctly independent, government, business and educational effort to implement our national plan. If we in business know what our national priorities are, we can achieve them.

(2) Increase funding for research and development projects, enhanced supercomputer capacity and staffing at the national laboratories of the Department of Energy, the research facilities of the Department of Defense, the National Aeronautics and Space Administration, National Science Foundation and in the intelligence community. Government support of our nation's most talented, capable and sophisticated supercomputer scientists is the most expedient and least expensive way to provide support to complex problem solution through supercomputer research.

(3) Open your doors and provide supercomputer access to other interested scientists and engineers by establishing research, development and problem solving networks reaching our from the national laboratories to regional government facilities and beyond to private research agencies and our nation's universities.

(4) Encourage the development of component and packaging technology for U.S. supercomputers of the 1980's and 1990's to alleviate our present and projected dependence on foreign suppliers of computer components.

(5) Stimulate development of software for high performance computing systems, including the design of alogrithms, numerical analysis and computational mathematics to maximize the performance potential of new generation supercomputers, and

(6) Spark the imagination of young scientists and engineers by providing opportunities for training and real-time use of supercomputers through the establishment of fellowships, loans, and special work programs between government agencies and universities.

By taking these actions today, you in government will secure American supercomputer leadership in the years ahead. We in industry can maintain America's lead in the design and manufacture of super scientific computing systems if you in government can provide the lead in putting our supercomputers to work in scientific and technological research and development. Together we can solve the complex problems of our times.

Thank you very much.●

GOSPEL LIGHT PUBLICATION'S GOLDEN ANNIVERSARY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MOORHEAD. Mr. Speaker, 1983 marks the golden anniversary of Gospel Light Publications, an organization that is well known in the Christian community, especially in California where it is located.

Dr. Cyrus N. Nelson, chairman of the board, and William T. Greig, Jr., president, are personal friends of mine. Gospel Light was in my district until recently when it moved into a new facility in Ventura, Calif.

In the past five decades, these men and their organization have played an important role in the development of fine Christian literature. It has been a leader in Bible study curriculum, family studies, religious books, and international outreach.

Gospel Light will celebrate its 50th anniversary in Washington, D.C., at the International Convention of the Christian Booksellers in mid-July.

Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues in the House of Representatives this memorable occasion for a very worthy organization.

In addition, I would like to congratulate Gospel Light for many years of effective, inspirational service and to extend my gratitude for its many and continuing gifts to the human family.●

FOR THE RELIEF OF ALTHEA WILLIAMS SELF McQUEEN

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. PANETTA. Mr. Speaker, today I am introducing a private bill for the relief of Ms. Althea Williams Self McQueen. Ms. McQueen is a constituent of my congressional district who in 1949 as an employee of a private construction firm on Guam, was hurt by an Army truck driven by an Army corporal who was off duty and alleged to have been intoxicated. As a result of this accident, medical determinations have concluded that injuries suffered as a result of this accident have left her with a disability limiting her to light activities and have caused her difficulty using and manipulating her left hand because of residuals of a cerebral concussion.

Since the occurence of the accident on Guam, Ms. McQueen has pursued legal remedies through the courts which resulted in a reversal by the Supreme Court of one decision affecting her. However, in the end, no relief was provided through the courts. In addition, the Labor Department has provided Ms. McQueen with some compensation, but much less than that which has been required to simply cover her medical treatment.

Therefore, Mr. Speaker, I am introducing this private bill to provide Ms. McQueen with compensation which can hopefully begin to repay her for some of the physical and emotional damage she has experienced since the accident on Guam in 1949. I trust that this bill will receive the support of my colleagues.

Following is the text of this bill:

H.R. 3360

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That (a) the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Althea Williams Self McQueen of Monterey, California—

(1) the sum of $100,000, plus

(2) interest on such sum computed in accordance with subsection (b),

in full settlement of all claims of Althea Williams Self McQueen against the United States arising out of the injuries suffered by Mrs. McQueen as a result of being struck by a vehicle operated by United States Army personnel in Agana, Guam, on March 3, 1949.

(b) The interest to be-paid under subsection (a)(2) shall be computed at the rate of 12 percent per annum, compounded annually, from the date of the accident described in such subsection.

SEC. 2. No amount in excess of 10 percent of the payment authorized in the first section of this Act shall be transferred or received by any agent or attorney for services rendered in connection with such payment. Any person violating this section shall be fined not more than $1,000.●

CONSTRUCTIVE DIALOG

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FRANK. Mr. Speaker, Secretary of State George Schultz made an important announcement on Wednesday before the Senate Foreign Relations Committee. He testified that the Reagan administration was seeking to engage the Soviet leadership in a constructive dialog. He further added that the United States need not accept as inevitable the prospect of endless, dangerous confrontation with the Soviet Union. I hope he is sincere in these intentions.

To all of us who have been disturbed by the combination of harsh rhetoric, arms build-up, and deteriorating relations which have marked United States-Soviet relations in the Reagan era, Secretary Shultz's policy statement is as welcome as the current Washington heat wave is not. The possible fruits of any future constructive dialog are very compelling: progress in arms control, increased cooperation and trade, greater prospects for world peace, and easing of cold war tensions, and heightened respect and sensitivity to international agreements and human rights.

On the last point, the most important item on the Secretary's agenda must be the continuing tragedy of Soviet Jewry. Mr. Shultz makes reference to the broader contours of this volatile problem which is so corrosive to our relations. He refers to Moscows continuing practice of stretching a series of treaties and agreements to the brink of violation and beyond, and later, to the Soviet infractions on one issue or another—human rights and the Helsinki Final Act.

It is my profound hope that the State Department will raise the issue of Soviet Jewry as an integral component of the constructive dialog ahead. For many of us who believe it is time to resuscitate United States-Soviet relations, there is a comparable dedication to the cause of justice and freedom for Soviet Jews.

As Anthony Lewis reminds us in his discouraging piece on Anatoly Shcharansky in Thursday's New York Times, which I urge my colleagues to read, moving the Soviet leadership on an individual case often seems a hopeless business. But we persist because we have seen the positive results of direct pressure. Secretary Shultz's latest policy statement offers further hope that the Reagan administration is prepared to go beyond rhetoric and to engage in serious negotiations. For everyone concerned with the plight of Anatoly Shcharansky and all other victims of Soviet repression, constructive dialog offers new hope to go with the old frustration. I hope Secretary Shultz capitalizes on the opportunity.

IS THERE NO MERCY?

Anatoly Shcharansky, the imprisoned Soviet Jew, is suffering from what appears to be a grave heart condition. The authorities have not hospitalized him. But he has been given various medicines in prison, and now he has had a severe allergic reaction to those.

A medical picture of Mr. Shcharansky's condition has just been sketched by an authority in this country. His wife, Avital, on a visit from her home in Israel, took some of his letters to Dr. Allan M. Ross, director of cardiology at the George Washington University Medical Center in Washington, and asked him for an opinion. The letters mentioned specific kinds of chest pain and other symptoms.

"My presumptive diagnois," Dr. Ross wrote to Mrs. Shcharansky, "must be acute and chronic coronary insufficiency resulting in angina pectoria." He said it was especially worrying that minimal exertion frequently gave her husband palpitations, and "ominous" that his letters spoke of an irregular heartbeat. He said the case "should be considered with the highest level of concern," starting with hospitalization.

I learned about all this when I met Mrs. Shcharansky in New York. The circumstances were grim. She had just completed a telephone call to Moscow in which her husband's latest letter, to his family there, had been read to her. The letter, dated May 25, reflected his new physical torment.

"It was very short," Mrs. Shcharansky said. "Anatoly says he cannot write because his hand is so swollen. He has sores all over his body, his face, his lips. They break."

Dr. Ross, when I telephoned him, said the swelling and sores indicated "a diffuse allergic systemic reaction" to the medicines Mr. Shcharansky has been given. His letters mentioned eight kinds of pills and injections. Dr. Ross identified them by talking with Russian emigres and checking old texts.

"None of the medicines is highly appropriate," Dr. Ross said, "and some are definitely contra-indicated. I think he is getting them from fellow prisoners with medical training, and they must just be giving what they can find. It's a mess."

Dr. Ross had no connection with the Shcharansky case before he was asked for his views. His diagnosis should be of wide concern, to Soviet authorities among others. For the Shcharansky case is not just an individual tragedy. It has political consequences.

Anatoly Shcharansky was a leading figure among Soviet Jews seeking the right to emigrate. He was convicted in 1978 on grotesque charges of treason and sentenced to 13 years in prison and labor camp.

In confinement, Mr. Shcharansky has been repeatedly punished, held in solitary, deprived of the right to have his family visit him twice a year. He went on a protest hunger strike from last Sept. 27 until Jan. 14.

The savagery of the treatment inflicted on a man whose "crime" was really to want to emigrate has made him a powerful symbol to the outside world. Even the French Communist leader, Georges Marchais, wrote to Yuri Andropov about the case. He announced last Jan. 24 that Mr. Andropov had replied with an assurance that Mr. Shcharansky's "state of health is satisfactory."

Why the relentless persecution of Anatoly Shcharansky? By all indications the purpose is internal—to discourage the movement for Jewish emigration. Soviet authorities have cut that emigration to a trickle: only 421 persons in the first four months of 1983. But they are still working to intimidate those who have been refused exist visas, and thus to quiet the whole issue.

Newspapers in Leningrad and Vilnius have recently carried anti-Zionist polemics of a vicious character. An official Anti-Zionist Committee was established, and it held a press conference in Moscow last week to say that Jewish emigration was down because few Jews wanted to leave. The chairman, Col. Gen. David A. Dragunsky, said, "The past year has made perfectly clear that Zionism is increasingly modeled on the ideas and methods of Hitler."

Whatever the internal effects, decent opinion in the outside world will be repelled by a campaign that looks more and more like plain old anti-Semitism. If Anatoly Shcharansky were to die in prison, even those in the West who most urgently want to improve relations with the Soviet Union would turn away from doing business with such a government.

Moving the Soviet leadership on an individual human rights case often seems a hopeless business. But if you meet Avital Shcharantky—a 32-year-old woman who has not seen her husband for nine years—you know there is no alternative to trying. She has passed Dr. Ross's advice on, and Anatoly's mother has actually gone to try to persuade prison authorities near Chistopol in the Tartar Republic, where he is held, to put him in a hospital.

What can it profit the Russians to hold Anatoly Shcharansky any more? The risk must by now exceed any benefit of intimidating example. It is time to let him go.●

NOAA'S RESPONSIBILITIES

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1982

● Mr. SCHEUER. Mr. Speaker, the National Oceanic and Atmospheric Administration is our lead civil agency for oceanic and atmospheric services and related research, conducting essential activities in a wide variety of areas from weather forecasting and tornado and hurricane warnings to fisheries management and protection of fragile ocean habitats. Yet, despite these major and ever increasing responsibilities, NOAA has operated throughout its 13-year history without a comprehensive congressional charter specifying its missions and responsibilities. I rise today to introduce legislation which would establish NOAA as an independent agency and provide that agency with a long overdue, statutory charter.

NOAA was created by Reorganization Plan No. 4 of 1970. The reorganization plan, an outgrowth of the report of the Stratton commission in 1969, combined several oceanic and atmospheric activities of the Federal Government within one agency under the Department of Commerce. The reorganization was not accompanied by detailed legislation; and the various components of the new agency, notably the National Ocean Survey (formerly the U.S. Coast and Geodetic Survey), the National Weather Service (formerly the U.S. Weather Service), and the National Marine Fisheries Service (combining elements of the former Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife in the Department of the Interior), continued to operate under existing statutory frameworks which, in some cases, dated from before the turn of the century.

Since NOAA's formation, significant evolution has occurred in the functions the agency performs, and in the organizational forms the agency has assumed to meet its responsibilities. In the years following 1970, Congress has assigned new responsibilities to NOAA under nine major pieces of environmental legislation. These are:

One. The Marine Mammal Protection Act of 1972.

Two. The Marine Protection, Research, and Sanctuaries Act of 1972.

Three. The Coastal Zone Management Act of 1972 (amended 1976).

Four. The Endangered Species Act of 1973.

Five. The Fishery Conservation Management Act of 1976.

Six. The 1976 Amendments to the National Sea Grant College and Program Act.

Seven. The National Climate Program Act of 1978.

Eight. The National Ocean Pollution Planning Act of 1978.

Nine. The National Climate Program Act (1978).

NOAA additionally has been assigned significant responsibilities under three major energy measures. These are:

One. Title VII, Energy Security Act of 1980 (acid precipitation).

Two. The Deep Seabed Hard Minerals Resources Act (1980).

Three. The Ocean Thermal Energy Conversion Act of 1980.

Finally, in 1979 President Carter assigned to NOAA full responsibility for the planning and operation of a U.S. civil Earth remote-sensing satellite system (LANDSAT). This responsibility complemented NOAA's existing operational program in civil weather satellites.

NOAA's responsibilities under these statutes and executive assignments are exceedingly diverse. Functions traditional to NOAA, such as independent research and development activities in the marine and atmospheric areas, have been built up and intensified; while new responsibilities, such as resource management, enforcement, and development of environmental assessment capabilities, have been added. These changes, together with accompanying operational budget increases—from $250 million in 1970 to over $800 million today—have called for increased coordination and more efficient allocation of resources. From a loose congregation of agencies, NOAA has evolved into an integrated line organization with the goal of achieving greater management flexibility and control.

Comprehensive legislation is needed to reflect and combine NOAA's many new functions and authorities, and status as an independent agency, as well as to allow NOAA flexibility in responding to new responsibilities as they arise. The proposed NOAA organic Act (the act) would achieve these ends by providing a comprehensive statutory basis for the functioning of an integrated oceanic and atmospheric agency, and by providing the NOAA Administrator with an appropriate degree of flexibility in managing and allocating the resources of that agency.

Title I of the act contains congressional findings, purposes and policies. These emphasize congressional awareness of the value of marine and atmospheric resources and the stress on these resources that may develop from their improper management and conservation. The title recognizes the importance of a coordinated Federal approach to oceanic and atmospheric policies, and of proper interaction between Federal, State, and local governments; and declares the congressional purpose to be the establishment of NOAA "as an independent agency and the agency principally responsible for providing civil oceanic and atmospheric services and supporting research, and for formulating, in consultation with other agencies, civil oceanic and atmospheric policy. * * *"

Title II of the act establishes NOAA as an independent agency, provides for its principal offices and sets out the functions and responsibilities of the Administrator. In addition to the Administrator, provision is made for a Deputy and an Associate Administrator—as now is the case—and from five to eight Assistant Administrators—NOAA currently has five—as well as a general counsel. The responsibilities of the Administrator, as set out in section 203 of the act, include responsibilities assigned, delegated, or transferred to him under the act, as well as those which may be assigned or delegated by the President. The functions of the Administrator, set out at section 204, describe generally the Administrator's current responsibilities under applicable statutes and directives, but also are intended to clarify the authorities for certain NOAA activities which presently are extrapolated from existing law. The balance of title II sets out specific authorities which should enhance the Administrator's ability to carry out his responsibilities.

Under title III of the act, NOAA would play a consultative role, with the Department of State, in interacting with other nations in areas with respect to which NOAA has domestic responsibilities. NOAA also would be responsible for insuring that duplicative or inconsistent regulatory requirements are not placed on regulated industries or individuals.

Title IV of the act contains provisions intended to enhance NOAA's

ability to carry out its law enforcement responsibilities, such as a comprehensive statement of the powers of enforcement officers and the role of the courts; and new provisions for the issuance of citations, for the seeking of injunctive relief, and for the disposition of seized property.

Title V of the act contains housekeeping provisions, such as providing for the transfer of authorities from the existing Administration to the Administration established by the act, the transfer of personnel, the survival of administrative proceedings and suits at law, et cetera.

Passage of this legislation would occur at an important turning point in NOAA's history and in the Nation's approach to oceanic and atmospheric policy. With the development of new technologies, such as remote-sensing satellites and deep-seabed mining facilities, the Nation is entering a period of unprecedented opportunities for understanding and utilizing the marine and atmospheric environment. The need for development of sound and coordinated policies for the provision of services and for the management and preservation of the environment has never been greater.

Mr. Speaker, organic legislation would provide an opportunity for Congress and the Administration to express their views on the functions and goals of NOAA. Further, such legislation would clarify those present authorities of NOAA that overlap or appear to overlap those of other agencies and, for the first time, provide an opportunity to establish a comprehensive authorization process by which Congress can periodically review NOAA programs and assess goals and priorities. The net result of this organic legislation would be to strengthen NOAA's role as the central civil agency for oceanic and atmospheric affairs. I am hopeful that the Committee on Merchant Marine and Fisheries and the Committee on Science and Technology will work expeditiously to bring this legislation to the floor, and I urge all my colleagues to support this important environmental bill.●

ALEX H. BEANUM "BUSINESS PERSON OF THE YEAR" BY THE CERRITOS CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ANDERSON. Mr. Speaker, Alex H. Beanum was recently proclaimed "Business Person of the Year" by the Cerritos Chamber of Commerce, in recognition of his outstanding leadership and success as an entrepreneur. Yet this distinguished honor also was conferred upon him because of his unremitting involvement in and devotion to the well-being of our community.

A registered civil engineer, Alex is president of AHB Associates, Inc., a consulting firm with special emphasis on transportation and infrastructure matters. As chairman of the House Subcommittee on Surface Transportation, I have found his counsel invaluable in addressing many issues deliberated on by the subcommittee. Alex is also a highly regarded councilman for the city of Cerritos and served as the city's mayor from 1981 until 1982. As a leader both in the private sector and in local government, he is one of a select few who has been instrumental in expanding business and employment opportunities, while also nurturing the improvement of such things as local crime prevention and educational programs. He has served as a captain in the U.S. Army Corps of Engineers, and has held positions with the State Department of Transportation.

It is sometimes noted that Alex is confined to a wheelchair. But I do not mention this here to evoke anyone's sympathy or pity; for if one is wont to expressing sympathy, then it should properly be shed in behalf of all those who, unlike Alex, when called upon by their fellow man, have found some way to say "I can't." During the years that my wife, Lee, and I have held Alex and his wife, Vicki's, friendship, I can attest to never knowing him to have deferred to someone else even the most arduous challenge. I believe his dossier puts it rather succinctly: "physically handicapped; no limitations." His indefatigable energies are recognized and felt by nearly everyone residing in Cerritos.

Mr. Speaker, Lee and I are very proud of Alex, and we are happy the Cerritos Chamber of Commerce is honoring him as "Business Person of the Year." We would also like to congratulate Alex, and wish him and his wife, Vicki, and their children, Felicia and John, the very best during their many years to come.●

NUCLEAR PROLIFERATION OR SOCIAL PROGRAMS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mrs. COLLINS. Mr. Speaker, I would like to call to your immediate attention an issue of tantamount importance—that of defense appropriations. Why, when millions of Americans have already voiced their distain and horror regarding nuclear proliferation, do we continue to fatten our defense budget with hard-earned tax dollars as exemplified in the recent approval of money for the MX missile? Are all of our people properly fed? Do all of our children go to school? Are we all employed—with clothes on our backs, heat in our homes, and proper medical treatment? The $625 million for the MX missile could go a long way in solving these problems.

The present administration cannot even get a grip on what definitions to use when addressing the nuclear weapons issue. Take the "unit" of measure used by the Defense Department when speaking of the arms race, for example. First they claim that accuracy was the key indicator in determining military might and funds were appropriated.

Second, they implored that the United States had military inferiority because of the MIRV (multiple independently targetable reentry vehicles) imbalance. Again, the funds came through.

Now, Secretary Weinberger insists that throw-weight is our "true" determinant. Is it not clear that, by now, using any measure which displays our imbalance is done solely to appropriate funds in an already financially bloated program?

We must not continue this blatant misuse of money. There are viable alternatives such as the Dellum's defense appropriations for fiscal year 1984. It is a thorough and verifiable plan which places emphasis on the preservation of an adequate defense.

Concurrently, it infuses moneys into programs which desperately need it: our education, our health, and urban development programs, to name just a few.

Mr. Speaker, I would like to introduce excerpts from statements made by various individuals at a hearing by the Chicago Peace Council on April 23, 1983. Their views reflect my consummate fear that our monies is not going where it is best used—in our social programs.

I. TESTIMONY BY RALPH SCOTT, CHAIR, METROPOLITAN TENANTS' ORGANIZATION

My name is Ralph Scott, Chair of the Metropolitan Tenants' Organization which represents tenants from many neighborhoods and cities throughout the Chicago area. The Reagan Administration has proposed cutting federal housing programs for below the already-inadequate levels of recent years. Virtually all low-income housing programs—including subsidized housing, public housing and rehab programs—may be wiped out, and several billion dollars already appropriated for low-income housing may be rescinded.

This amounts to a complete abandonment of a long-standing national policy goal: decent, affordable housing for all Americans.

Only a small amount of subsidized housing will be funded this year, and—if Reagan has his way—almost none in the following years. * * *

II. TESTIMONY FROM STEVEN PIETSCH

I am Steven Pietsch, a research engineer, member of the Board of Directors of the

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Chicago Peace Council and co-author of the "Chicago Peace Budget."

There is a common thread bringing us all together today, and I believe that thread is a common sense of crying human and social needs going unmet, and a common sense that the general welfare of our nation demands that we seriously analyze our national spending priorities. Symptomatic of the massive public sentiment in support of questioning our governments military priorities is the overwhelming victory of Nuclear Freeze Resolutions in 44 states, counties and cities in the 1982 general election, versus only four defeats of Freeze Resolutions.

Based on U.S. labor Department Statistics, $1 billion of expenditures generates:

14,000 jobs in guided missiles and ordinance.

16,000 jobs in fabricated metals.

28,000 jobs in apparel manufacture.

48,000 jobs in hospitals.

62,000 jobs in education.

65,000 jobs in retail trade.

III

I am Thelma Ford speaking for Chicago's Grey Panthers. We Gray Panthers protest the direction which our country's leadership is taking us. With its preoccupation of bombers, MX missiles, chemical weapons, Trident nuclear machines, et cetera, that leadership opts for death rather than life. That leadership subordinates promoting the general welfare to subsidizing munition makers. This is gross misuse of national resources. Even the leadership's own budget man, David Stockman, says the military budget contains, "a swamp of $10 to $30 billion worth of waste."●

PERSONAL EXPLANATION

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LIVINGSTON. Mr. Speaker, earlier today I was unavoidably detained and was not able to record my votes on rollcall 199, rollcall 200, and rollcall 201.

Had I been present I would have voted "yes" on rollcall 199, final passage of the Emergency Food Assistance and Commodity Distribution Act, H.R. 1590, and I would have voted "yes" on rollcall 200 and 201.

I ask that my indications of support on these votes appear in the RECORD directly following the recorded votes on each rollcall.●

BUFFALO EVENING NEWS: CONGRESS SHOULD REJECT $700 LIMIT ON TAX CUT BECAUSE IT WILL HURT THE WORKING MIDDLE-INCOME TAXPAYERS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. KEMP. Mr. Speaker, the evidence continues to mount that your plan to limit the third year of the tax cut to $700—which will hit middle-income Americans—is a poor idea.

In an excellent editorial today, the Buffalo Evening News observes:

> The O'Neill alternative, which radiates as much politics as economics, is an unpersuasive alternative that amounts to a tax increase of the wrong kind at the wrong time. The wrong time because tax increases are no cure for sluggish economies. Far better that the $6 billion go to taxpayers who can then spend it on goods and services—cars and refrigerators, mortgage payments and college tuitions—that would bolster the fragile economic recovery now under way and, in the process, preserve and create new jobs.

The editorial continues:

> If the O'Neill proposal is mistimed, it is also misdirected. It will only modestly affect the very rich. The big reduction for those earning more than $110,000 a year occurred in 1982, when maximum tax rates on income were sliced from 70 percent to 50 percent.
>
> Those the proposal would adversely affect most are millions of American families with taxable incomes of from around $35,000 to $110,000. This means that many two-income families (where one spouse might be an auto worker or accountant and the other a teacher or nurse, for example) with combined incomes of $35,000 to $50,000 a year would lose any tax savings above the $700 ceiling.

The editorial urges Congress to "scuttle the O'Neill alternative as misconceived, inequitable, and harmful to economic recovery." I agree, and I commend this concise article to my colleagues.

The article follows:

[From Buffalo Evening News, June 16, 1983]

CONGRESS SHOULD REJECT $700 LIMIT ON TAX CUT

Democratic opposition to the third year of President Reagan's three-year program of tax cuts has now crystallized in House Speaker Thomas "Tip" O'Neill's proposal that no taxpayer should receive more than $700 from the reduction scheduled to take effect July 1.

Speaker O'Neill claims that this cap would raise $6 billion in added revenues in the new budget year, thus helping to close a cavernous federal deficit. He adds that these cutbacks assist the rich and "it is time that the burden of Reaganomics is shared by those in the upper-income groups."

President Reagan has sensibly pledged to veto any changes in the coming 10 percent reduction in income tax rates approved by Congress in 1981 as part of an overall 25 percent reduction package.

The O'Neill alternative, which radiates as much politics as economics, is an unpersuasive alternative that amounts to a tax increase of the wrong kind at the wrong time.

The wrong time because tax increases are no cure for sluggish economies. Far better that the $6 billion go to taxpayers who can then spend it on goods and services—cars and refrigerators, mortgage payments and college tuitions—that would bolster the fragile economic recovery now under way and, in the process, preserve and create new jobs. The $200 billion deficits looming in the future are admittedly dangerous, as Speaker O'Neill says. Tax increases, and especially caps on future federal spending growth, will probably be needed to close them in the years ahead. For the moment, however, the imperative must be to keep a young recovery from deep recession on track.

If the O'Neill proposal is mistimed, it is also misdirected. It will only modestly affected the very rich. The big reduction for those earning more than $110,000 a year occurred in 1982, when maximum tax rates on income were sliced from 70 percent to 50 percent.

Those the proposal would adversely affect most are millions of American families with taxable incomes of from around $36,000 to $110,000.

This means that many two-income families (where one spouse might be an auto worker or accountant and the other a teacher or nurse, for example) with combined incomes of $35,000 to $50,000 a year would lose any tax savings above the $700 ceiling.

There is, moreover, the matter of simple equity. Congress in 1981 approved a 25 percent reduction in tax rates for everyone. Speaker O'Neill's proposal would virtually spare the rich and those generally with incomes of up to $35,000 or so, but hit countless productive families in between.

"A cap on the third year of the tax cut at $700," protests Rep. Jack Kemp, an architect of the three-year program, "would mean taxpayers earning between $35,000 and $100,000 in taxable income would get an overall tax cut of only 15 percent instead of the full 25 percent planned now."

Congress has not done its job in shaving rates of spending growth in entitlement programs, business and farm subsidies and military outlays. It is even repealing a plan to withhold 10 percent of interest and dividend income, which would combat tax cheating while bringing in new revenues. The least it could do is scuttle the O'Neill alternative as misconceived, inequitable and harmful to economic recovery.●

TRIBUTE TO STEVE POPE, PRESIDENT OF THE CERRITOS CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ANDERSON. Mr. Speaker, on June 25 Steve Pope will be stepping down as president of the Cerritos Chamber of Commerce. On this occasion, I would like to honor Steve for his contributions to the Cerritos community.

Steve has been a member of the chamber of commerce since 1980. He served as a director 1980–81 and a vice president 1981–82. He had also been a member of the California Chamber of Commerce since 1981.

Steve has also been the director of the Cerritos-Bellflower YMCA since 1981. In the past, he has served as president of the New Mexico-Colorado Circulation Managers Association in 1978 and as president of the Santa Fe, N. Mex., Jaycees in 1978.

Somehow, after all of his commitments to community organizations, Steve has found time to pursue a successful career in press circulation. He began at the bottom, joining the

Riverside Press-Enterprise as a carrier in 1962. From there, Steve quickly moved up the ladder, serving as city home delivery manager for the Escondido Times-Advocate 1971–72, county sales manager for the San Bernardino Sun-Telegram 1972–76, circulation manager for the Santa Fe New Mexican from 1976 to 1978, and as home delivery division manager for the Santa Monica Evening Outlook in 1978. Steve has worked for the Long Beach Press Telegram since 1979, and his present position is circulation director.

Steve received his associate of arts degree in 1969 from Riverside City College and his bachelor of science degree in 1972 from California State College in San Bernardino. He is presently enrolled in the M.B.A. program at California State University in Long Beach. Steve also makes time to pursue his hobbies of photography, volleyball, football, raquetball, and cabinetmaking. He and his wife Elizabeth Anne are residents of Long Beach.

My wife, Lee, joins me in commending Steve for his years of service to his community, and we wish him and his wife Elizabeth Anne the very best in all of their future endeavors.●

TEXAS STATE LEGISLATURE CALL FOR FAIR TRADE IN STEEL PIPE PRODUCTS

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SAM B. HALL, JR. Mr. Speaker, the Texas State Legislature has passed a resolution asking Congress to enact legislation to provide a more equitable arrangement with the European Community on the importation of oil country tubular goods. I have introduced such a bill with the cosponsorship of most of the Members of the Texas congressional delegation and with the endorsement of the executive committee of the Congressional Steel Caucus.

It is good to have the support of the Texas Legislature for this legislation and I would like to include their resolution as a part of my remarks as follows:

HOUSE CONCURRENT RESOLUTION 97

Whereas, The steel pipe and tube industry provides thousands of jobs in Texas and other states; and

Whereas, A reliable domestic supply of specialty pipe and tube products, including oil country tubular goods is essential to U.S. energy exploration and production; and

Whereas, Rapidly increasing imports of steel pipe and tube products are a substantial cause of serious injury to steel pipe and tube producers in Texas and other states; and

Whereas, This injury will be compounded by the diversion of steel imports from the European Community to pipe and tube products as a result of recently negotiated restrictions on the importation of other types of European steel products; and

Whereas, The provisions of a separate arrangement between the United States and the European Community on the importation of steel pipe and tube products cannot be adequately enforced to prevent such diversion without federal legislation; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby respectfully memorialize the Congress of the United States to enact legislation to prevent the unwarranted diversion of European steel exports to the United States to pipe and tube products by empowering the Secretaries of Commerce and the Treasury to enforce the terms of the October 21, 1982, steel pipe and tube arrangement between the United States and the European Community; and, be it further

Resolved, That a copy of this resolution shall be forwarded by the Texas Secretary of State to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered into the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.●

"FALLING IN LOVE AGAIN"

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to enter into the RECORD a most important column by William Safire which appeared on today's op ed page of the New York Times. Entitled "Falling in Love Again," Mr. Safire's column is one of the most astute interpretations of the state of American-Israeli relations that I have read in a very long time and exemplifed journalism at its finest.

Mr. Safire makes one point which I believe must be the crux of our Middle East policy and which bears repetition: "There is no ally like an old democratic ally." That is exactly what Israel has proven itself to be over and over again. It is about time that Mr. Reagan recognized that. Let us hope he is not fickle.

[From the New York Times, June 16, 1983]

"FALLING IN LOVE AGAIN"

(By William Safire)

WASHINGTON, June 15.—After two frustrating years of unrequited ardor for the Arabs, the Reagan Administration has suddenly fallen passionately in love with Israel.

At George Shultz's State Department, where only yesterday the West Bank was being treated as territory to be disposed of by imposition of an American fiat, the theme song is now "Lavie en Rose," a ballad about a special relationship in a fighter plane. Under Secretary Larry Eagleburger wooed the American Israel Public Affairs Committee this week with a speech that practically treated September 1 of last year as a non-day.

At Cap Weinberger's Pentagon, where not so long ago pistol-packing and obtuse-tooting Marines were hailed for badmouthing Israelis, the gentle lowings of "MOU"—for "memorandum of understanding"—can now be heard. New ways to knock out SAM-5 missiles are jointly being explored. Our Secretary of Defense writes his counterpart that our military is "very enthusiastic about the quality and importance" of intelligence information being shared. Under Secretary Fred Iklé, on the banquet circuit welcoming the new Israeli Ambassador to Washington, has just set the record for kosher meals consumed in one week by one Pentagonian.

In Ronald Regan's White House, where senators used to be spun around on Awacs votes, the red light barring a visit to Washington by Menachem Begin has just been switched to bright green. Although William Clark's Mideast man, Geoffrey Kemp, still pumps out the anti-Israel leaks, the new official White House line is to treat Israel as the strategic ally described by candidate Reagan in 1980.

What caused this re-reassessment? Certainly 1984 politics is a part of the flop-flip, but if that were all, Mr. Reagan would still have had six more months of Begin-bashing before having to fall in love for the campaign. Here are some other reasons for the second 180-degree turn in Mideast policy:

1. The overtures to the Arabs produced nothing. George Shultz was assured that King Hussein would come to the peace table if the U.S. demanded that Israel hand over the West Bank; that turned out to be dead wrong. Caspar Weinberger was certain that Awacs and F-15 enhancement would buy active Saudi cooperation; he, too, was double-crossed and made to look the fool—and continued Saudi financial support of the P.L.O. is especially galling.

2. Mr. Reagan is fearful that the Israelis may leave part of Lebanon too soon. If Israel pulls back from the Shuf mountains to reduce casualties, as both Ariel Sharon and the Labor Party now urge, we face the danger of having U.S. marines attacked or becoming witnesses to massacres. The President now realizes that only Israel's military presence is keeping Lebanon from internal chaos and Syrian-P.L.O. invasion.

3. We may soon be negotiating with the Syrians and want to reassure Israel that we have no more surprises—such as that sprung in our "Sept. 1 initiative"—in mind. Philip Habib's confidence that Syria would quickly agree to withdraw after Israel agreed was, as usual, misplaced. The Syrians could post a new price for leaving Lebanon: They want the U.S. to get them back the Golan Heights, saving them the embarrassment of dealing directly with Israel. We want the Israelis to know that we do not intend to step into that trap.

4. The Reagan men are more comfortable with the new Israeli leader they deal with most. With Mr. Sharon out of power, and with Prime Minister Begin curiously (or shrewdly) passive, our channel to Israel is the direct and trustworthy Moshe Arens, the original Begin choice for Defense Minister. He made George look good on the Lebanon agreement and made Cap look good on intelligence sharing. He is uninterested in a memorandum of understanding, preferring an ability to use U.S. aid funds to encourage Israeli industry—reducing the requirement to purchase from U.S. defense contractors. His nonabrasive style may make this possible.

5. At long last, Mr. Reagan and his advisers have reached the conclusion that the Begin Government is profoundly serious about Palestinian autonomy-without-sovereignty on the West Bank. The "comprehensive" scales have fallen from Mr. Reagan's eyes; he has stopped kidding himself about forcing Israel away from the Camp David formula of self-government for the inhabitants concurrent with Israeli claims on the land. Since that is the way it is going to be, we should be encouraging Egypt to get on with the peacemaking process.

As a result of these belated realizations, Mr. Reagan has made an about-face, placing himself in the position he was when he started. With his Mideast-midterm-midlife crisis out of his system, and with the understanding that there is no ally like an old democratic ally, perhaps he can now begin to march forward. At least until 1985.●

EDUCATION—OUR MOST PRESSING NATIONAL NEED

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. BONKER. Mr. Speaker, today I am introducing a bill that I believe can serve as the centerpiece of the educational and economic renewal of the United States.

My bill, the High Technology Morrill Act, would create a new partnership between the Federal Government, the States, and American business to upgrade our educational system, particularly in the fields of math and science.

The need to improve our Nation's educational system is clear. The recent report by the National Commission on Excellence in Education warned of a "rising tide of mediocrity." This steady erosion of our schools is denying our children their right to a quality education and depriving American industry of the qualified workforce it needs to compete in the international economy.

Like the original Morrill Act of 1862, which establishes the land grant colleges, my bill would make use of America's abundant natural resources to develop our human resources. Three percent of the annual Federal revenues derived from the lease of energy and mineral rights on Federal lands would be earmarked for a special trust fund under the direction of the National Science Foundation. This money, not to exceed $500 million annually, would be paid into the fund over a 5-year period.

Local school districts and universities would receive money from the fund on a competitive grant basis over

Mr. Speaker, this legislation would represent a substantial Federal investment in the American workforce and in America's future. But the most important feature of this bill is not the money, though money is indeed sorely needed. What sets this bill apart is its recognition that regional economic development is inextricably linked to the education of the local population and that the business community must assume a more active role in the development of academic programs insuring that the educational needs of the local economy are matched by the educational curricula of the local and regional schools.

To insure this public/private cooperation, grant applications must be made jointly by academic institutions, State agencies, and for-profit businesses.

Too often our schools ignore local job markets. This problem is most acute in technology-related curricula. While our economy has become increasingly dependent on workers who have a solid foundation in math, science, computers, and engineering, or schools have failed to improve or expand sufficiently their programs in these fields. Indeed, in many instances the quality of education in these academic areas has actually deteriorated.

Just a few satistics bear out the problems confronting our Nation in the area of technical education:

Only one-third of America's high schools require students to take more than 1 year of math or science.

Only 10 percent of the Nation's student population studies physics; fewer still study calculus.

As the demand for engineers has expanded, American universities have not increased their production of qualified engineering graduates.

Japan, a country whose population is only about half that of the United States, turns out 40 percent more electrical engineers per year than we do.

Unusually high vacancy rates exist among undergraduate and graduate faculties in the area of engineering, as teaching salaries and research opportunities offered by universities have been overshadowed by lucrative careers in the private sector.

Math, science, and other technical skills are no longer necessary only for engineers and scientists. In our highly complex and technological society, these skills are increasingly required for jobs at all levels and in all types of business activity. Any serious effort to improve American productivity and competitiveness over the long term must include a comprehensive pro-

education. The administration's fiscal year 1984 budget proposal recommends a cut in budget authority for elementary, secondary, and vocational education of over $370 million. Federal assistance to higher education would be cut by over $240 million under the plan. In addition, the administration has called for a cut in Federal funding for research and educational aids of more than $155 million. All told, the administration's fiscal year 1984 budget proposal would cut Federal assistance to education by $770 million. These budget proposals, if adopted, would foster economic and academic ruin, rather than renewal.

In the absence of sound leadership from the White House, Congress must assume the responsibility for restoring excellence to American education. The High Technology Morrill Act represents an important initiative in pursuit of this goal. It would also provide resources for retraining of current employees and teachers, to help them adjust to the rapidly changing demands of their careers.

Earlier this year, the House passed H.R. 1310, the Emergency Mathematics and Science Education Assistance Act. The High Technology Morrill Act is similar in several respects to title II of that bill.

Title II of H.R. 1310 would establish a special engineering and science personnel fund under the direction of the National Science Foundation. As in the High Technology Morrill Act, money from this fund would be disbursed on a competitive grant basis with the Federal contribution not to exceed 50 percent of a project's cost. The concept of business/government partnership is also included in H.R. 1310. By incorporating these fundamental principles, H.R. 1310 represents an important step toward educational revitalization in American schools, and I endorse it heartily.

My legislation does not represent an alternative to H.R. 1310; rather, it is the next step in an evolutionary process to improve American education. The High Technology Morrill Act goes significantly further than H.R. 1310 in assuring cooperation among State governments, academic institutions, local school boards, the Federal Government, and for-profit businesses. It also provides the National Science Foundation with greater discretion in the awarding of grants and authorizes substantially more money for this purpose.

Mr. Speaker, the High Technology

velopment that is so vital in our increasingly knowledge-based economy.●

HONORING POLISH FREEDOM FIGHTERS

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. KOLTER. Mr. Speaker, I would like to take this opportunity, on the occasion of the Pope's visit to Poland, to honor Polish freedom fighters of the past and present. The love of freedom is a strain that runs strong in the hearts of all Poles. It is an honor for me to place into the RECORD the words of Jerzy Patejak who is a scholar from my congressional district. Mr. Patejak speaks of the struggle for freedom that was fought in 1944 and which lives on in the hearts of many of us today.

REMARKS BY JERZY (GEO.) PATEJAK

I wish to set few historical facts on the Warsaw uprising straight, which the press and other media of mass communication, by design or ignorance, are reporting incorrectly. There were two uprisings in Poland during the German occupation. The one which we commemorate now was "The Jewish Warsaw Ghetto Uprising" where free men decided rather to die with dignity, than march obediently into the ovens of Treblinka or Oswiecim (Auschwitz). The second, historically known as "The Warsaw Uprising" began on August 1st, 1944, when the Red Army reached Praga, the suburb of Warsaw, located on the east side of the Vistula River. The Polish underground army, known as "The Polish Home Army (AK)", independent of Polish forces fighting in Africa, Italy and France, rose up to liberate Warsaw, the capital of Poland, to establish a government independent of the liberators Russian style. For 63 days, valiant, poorly armed Poles engaged a large segment of the German Army, with its heavy artillery, in almost hand to hand battle. Molotov cocktails against one of the crack German tank (Panzer) divisions, a division which was pulled out of front line defense against the advancing Red army. Each house was a fortress and each retreat was soaked with the blood of its defenders. Outnumbered, exhausted, with a shortage of ammunition, the Poles had to capitulate and join their colleagues in arms of the 1939 campaign as prisoners of war.

The casualties of this uprising were enormous. Germany paid with 17,000 dead and numerous wounded, which represented 25% of the total German losses during this period of the war.

Polish losses, both in men and property, were staggering. The beloved city, badly damaged, was not aware of a German decision to obliterate her completely. So great was the German fury and need for revenge that the whole population of Warsaw was driven out and a special German demolition unit was ordered to raze the whole of Warsaw.

All through this struggle, the Red Army watched from across the river and deliberately allowed the Polish patriots to die, denying the allies even landing rights on the Soviet side for refueling, absolutely necessary for a successful drop of medical and military supplies to the Warsaw Freedom Fighters. The resumption by the Red Army of the offensive after the capitulation of Warsaw saved the city from total obliteration. Only 3 cities in the history of the world ignited the hatred of the conquerors to such a degree that destruction was carried out systematically house to house: Jerusalem, Carthage and Warsaw. So great was the destruction of Warsaw that Stalin's imposed government in Poland contemplated abandoning of the city, but before it had time to make its decision known, half a million Warsaw residents returned to their beloved city and began with bare hands the reconstruction, removing the rubble and reclaiming what was reclaimable, attesting to the world that the city was not dead, forcing the government to decide to rebuild the city as a symbol of the victory of spirit over the matter. So Warsaw as the legendary Phoenix rose from the ashes.

Next year will be the 50th anniversary of the Warsaw uprising. Hopefully the media of mass communication will bring to the world's attention the heroic struggle of the Polish people which goes on even now and will continue until Poland free will join the family of free nations.●

SENATE—*Monday, June 20, 1983*

The Senate met at 12 noon, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Praise the Lord! Blessed is the man who fears the Lord, who greatly delights in His commandments.—Psalm 112: 1.

Lord God of Heaven and Earth, all powerful, all wise, knowing all things past, present, and future, we pray for Thy guidance in all Senate deliberations. Thou art acquainted with all our ways. For Thee no plans are classified. Lead us in a way that corresponds to reality. Spare us from wasted effort, from unfruitful ideas and unproductive labor. Keep us from spinning our wheels, from jousting at windmills, from shadow boxing, from following delusive dreams.

Free us dear Lord, from human pride which refuses to submit to Thee, which will not seek Thy wisdom, which stubbornly pursues futility. Gracious God, whose ways are perfect, forgive us for playing God and lead us in the way of everlasting truth and light. In the name of Him who is the Light of the World we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. TOWER. Mr. President, under the order of June 16, 1983, the reading of the Journal has been dispensed with; the call of the calendar has been dispensed with; and no resolution should come over under the rule. The morning hour has been deemed to have expired. I make that comment for the benefit of Senators.

Mr. President, I shall reserve the remainder of my time at the moment and defer to the distinguished minority leader if he has any comment to make.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair. I thank the distinguished acting Republican leader.

GEORGE WASHINGTON DREAMT HERE

Mr. BYRD. Mr. President, today is West Virginia's official birthday. On this day 120 years ago—June 20, 1863—by an act of Congress and by the approval of President Abraham Lincoln—West Virginia became the 35th State of the Union. Thus, by deliberate decision, Virginia—up until then the largest State east of the Mississippi—was torn in two, the northwestern portion staying in the Union and the eastern part becoming the essence of the confederacy.

Some thoughtful people still regret Virginia's dismemberment. But the dynamics for a new State between the Allegheny Mountains and the Ohio River were rooted in the pre-Revolutionary War era, and many authorities believe that West Virginia's birth was inevitable.

In 1770, for example, Virginia planter-warrior-scout George Washington led an expedition from Fort Pitt down a de-Frenchified Ohio River and up the Kanawha. On his return to Mount Vernon, Washington filed legal claims to about 34,000 acres of present-day West Virginia. Included in those claims was a Kanawha Valley plantation site of nearly 11,000 acres downstream from today's Charleston, the present capital. On the banks of the Kanawha River, Washington envisioned and launched a small but thriving settlement—the nucleus for a new Virginia enterprise across the mountains from the gracious Tidewater and the industrious Piedmont. Often ahead of his contemporaries, Washington saw that, with the French threat gone, Virginia's mountain wilderness encompassed a vast and promising potential.

Washington was not alone in seeing the possibilities of Virginia's mountain expanses. In the brief lull between the French and Indian War and the American Revolution, two proposals were made to establish a "Fourteenth Colony" in what is modern West Virginia. Those proposals would have called the new colony respectively "Indiana" and "Vandalia." The Vandalia proposal has even been accepted by King George III, and a Vandalia charter was in preparation when the brooding Revolution caused His Majesty's ministers to halt the new project. Subsequent to the Declaration of Independence, however, some American 14th colony proponents petitioned the Continental Congress to create a 14th State—Westsylvania—to embrace most of current West Virginia, and much of western Pennsylvania, southwestern Virginia, and eastern Kentucky. Alarmed eastern Virginians, however, defeated the Westsylvania plan, and West Virginia's birth was delayed for nearly another century.

During that interim northwestern Virginia grew in ways often at odds with its eastern neighbors toward Richmond and Fredricksburg. Since the Alleghenies were so forbidding, east-west travel in the Old Dominion was difficult. As a result, northwestern Virginia was largely settled by New Englanders, New Yorkers, and Pennsylvanians who emigrated into Virginia by way of the Ohio River tributaries. Except for West Virginia's now-eastern panhandle and southeastern counties, slavery was not widespread in the mountains, either. Budding coal, iron, and chemical industries likewise set northwestern Virginians apart from their predominantly agrarian eastern compatriots. Again, where eastern Virginia lent itself to large and sprawling plantations, the coves and crags of the Trans-Allegheny region invited mainly small farms and modest holdings. And while many James River cavaliers and belles looked to London for the latest books and music and to Paris for up-to-date fashions, northwestern Virginians looked mainly to themselves for most entertainment and to their spinning wheels for the clothes on their backs.

In spite of such cultural and economic differences, however, northwestern Virginians played an active role in Virginia's antebellum political life. Allied with like-minded reformers from the Great Valley of Virginia, the northwesterners helped force the 1829-30 Virginia Constitutional Convention. Again in 1850, the same alliance brought together the "Reform Convention" to equalize representation for the counties beyond the Blue Ridge and those of the slaveholding east. And in 1851, Joseph Johnson of Clarksburg was elected Virginia's only Governor from west of the Alleghenies.

But the Virginia Secession Convention of 1861 posed a dilemma too deep for most northwestern Virginians to ignore, and the Union and the "Old Flag" won the struggle for their allegiance. In 1863, West Virginia became an independent State, and the 1865 Appomattox cease-fire could not heal the breach.

After Lee and Grant shook hands, however, thousands of Confederate western Virginians instinctively turned homeward to start new lives. During the Reconstruction years, Unionist and Confederate West Virginians set their differences largely aside, and created de facto the West Virginia that in 1863 Congress and President Lincoln had created de jure. Out of that new understanding grew my home State.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. President, I am proud of West Virginia, her heritage, and her people. We are noted for our high mountains, spectacular scenery, rushing streams, and vast forests—for "Wild, Wonderful West Virginia," as it were. Our neighbors know us as coal miners and steelworkers. Our native music helped nourish and still fuels interest in the music known worldwide as "blue grass," the old-time music passion. West Virginians are renowned as brawny, sturdy, independent, friendly, and resourceful people. We are an exciting mixture of Anglo-Saxon, Scot, Irish, Black, German, Slavic, Jewish, Hungarian, Arab, Italian, Hispanic, Greek, and Oriental people and cultures. We are Daniel Boone, "John Henry," and "Devil Anse" Hatfield. And we are proud of that diversity and that strength.

I know that my colleague is on the floor and that he is prepared to—he has not told me so but I am sure he is going to make some reference to our State's birthday today.

I wish for West Virginia and for all West Virginians a future that will not only vindicate but outstrip George Washington's dreams for that wilderness empire across the mountains—America's first frontier where the promise began and has never faded away.

I thank the Chair for his indulgence.

The PRESIDING OFFICER (Mr. RUDMAN). Does the minority leader wish to yield some of his leadership time to the senior Senator from West Virginia?

Mr. BYRD. Yes, if I have some.

Mr. TOWER. And I will be delighted to yield some of my time to the senior Senator.

Mr. BYRD. I thank the Senator from Texas.

Mr. RANDOLPH. I am grateful to the minority leader and the acting majority leader. May I ask how much time is actually yielded to me?

The PRESIDING OFFICER. Eleven minutes remain if that is yielded by the leadership.

Mr. RANDOLPH. That will be the combination time?

The PRESIDING OFFICER. The Senator is correct.

THE 120TH ANNIVERSARY OF WEST VIRGINIA STATEHOOD MARKS THE RICH HERITAGE OF ITS PEOPLE

Mr. RANDOLPH. I am appreciative of the opportunity provided for me to join with the minority leader, Senator BYRD and discuss the State of West Virginia on our 120th anniversary.

I shall chat, rather than make a speech, as if we were sitting around the table where a group of people were talking about their States. When I speak of West Virginia, I do want to make us glad.

I begin in a rather unusual way by referring to that first time when I was a candidate in 1930 for the House of Representatives from the Second District of West Virginia. I was 28 years of age. I was successful in the primary, but I lost in the general election. I remember being in Jefferson County, W. Va., and as you would know, Jefferson County in West Virginia is in memory, of course, of Thomas Jefferson, who loved that section, the eastern panhandle, of our State, and said from what is known as Jefferson's Rock, that the view is worth crossing the Atlantic Ocean to see.

Jefferson said:

> The passage of the Potomac through the Blue Ridge is, perhaps, one of the most stupendous scenes in nature. You stand on a very high point of land.

He continued:

> On your right comes up the Shenandoah, having ranged along the foot of the mountain a hundred miles to seek a vent.
>
> On your left approaches the Potomac, in quest of a passage also.
>
> In the moment of their junction, they rush together against the mountain, rend it asunder, and pass off to the sea. The first glance of this scene hurries our senses into the opinion that this earth has been created in time, that the mountains were formed first, that the rivers began to flow afterwards, that in this place they have been dammed up by the Blue Ridge of mountains and have formed an ocean which filled the whole valley; that continuing to rise they have at length broken over this spot, and have torn the mountains down from its summit to its base.
>
> The piles of rock on the Shenandoah, the evident marks of their disruptive and avulsion from their beds by the most powerful agents of nature, corroborate the impression.
>
> For the mountain being cloven asunder, she presents to your eye, through the cleft, a small catch of smooth blue horizon, at an infinite distance in the plain country, inviting you from the riot and tumult roaring around, to pass through the breach and participate of the calm below. Here, the eye ultimately composes itself. It is a scene worth a voyage across the Atlantic.
>
> But the distant finishing which nature has given to the picture is of a very different character. It is as placid and delightful as that is wild and tremendous.

I was going through the apple orchards. West Virginia apples, you know, are even better apples than those from Virginia and from Washington and other States. I remember our dear friend, the former senior Senator Harry Flood Byrd. He had more acreage in his apple orchards in West Virginia than he did in the Commonwealth of Virginia. While he was a Member of the Senate, there also was another Senator from the Commonwealth of Virginia, A. Willis Robertson, also a native West Virginian.

I often think of that trip that I took through the countryside shaking hands with the apple pickers. I was working my way southward late in the afternoon, and I remember a gentleman who was very kind to me. He said,

> Mr. Randolph, we are very happy to have you here and to shake hands with you and to greet you, but I think I should say that you are about a quarter of a mile into the State of Virginia.

I responded:

> I know that all of you have friends and relatives in West Virginia and that hopefully you will say a good word for me to them on Election Day.

There is a gladness, there is a joy, there is a happiness that exists between these two States.

Recently, we have had many comments about the legality of the State of West Virginia. We are the only State of the Union that was signed into our statehood by the signature of a President of the United States. That, of course, was the signature of Abraham Lincoln, affixed on June 20, 1863. And so we are 120 years young as a State today. We are a State youthful, of course, in our outlook, although there are difficulties from the standpoint of unemployment, which has been mentioned by Senator BYRD during his appropriate remarks. But we must remember that in our State of West Virginia there is a youthfulness which is not because it is 120 years young but because the citizens believe in the future and we are going to live our lives in that future, not only of course to discuss the past, the problems of the present, but to know that there are good years ahead.

I felt a few days ago that I should write a letter to an interesting columnist of the Washington Post—I read the columns of Jack Eisen. He was writing on June 9 about this subject matter of whether West Virginia came into statehood in a legal or a sublegal or an extralegal or a pseudolegal way—whatever you want to call it. It was a very amusing, a rather interesting column. I decided to write him a letter over the weekend and I will send the letter today.

> Today, June 20, is West Virginia Day, the 120th anniversary of statehood. I thought that it would be appropriate to comment on your column of June 9 and the question of our legality by the process by which we became a State. I certainly am not going to comment or for a moment really concede that West Virginia's separation from Virginia was constitutionally flawed—

Using his language—

> That has been suggested over the years but has never been tested in the courts, fortunately for us, according to some authorities-

Other authorities, of course, feel differently.

The question of legality is moot after 120 years. The passage of time and events in the last century have

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given a certain, let us say, legitimacy, to whatever nit-picking questions have been raised.

Since our difference of opinion 120 years ago, the States of Virginia and West Virginia have been good neighbors. It is obvious from the comments of our two Governors, Jay Rockefeller and Chuck Robb. Chuck Robb's father was born in the State of West Virginia, in the town of Elkins, where I am a resident.

These two Governors have no problems. Because West Virginians have given not only Senators by birth but also Governors of Virginia and other officials serving in Virginia but born in West Virginia.

So there is a joy of friendship and understanding and faith between the peoples of our two States.

We are quite satisfied, both of us.

So, legality aside, West Virginians and Virginians will live together, as we have lived most of these 120 years, not only as neighbors but also as goods friends.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Jack Eisen and my letter to him, dated June 20, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 9, 1983]

SETTING THINGS STRAIGHT

(By Jack Eisen)

There is little doubt in my mind that West Virginia was created illegally—or, if one wants to draw a distinction, extralegally—during the Civil War. Whether, as the license tags claim, the state is "almost heaven," West Virginia's split from parental Virginia in 1863 was—as I read history—constitutionality flawed. And, let's admit, I'm philosophically on the Yankee side.

But West Virginia's sovereign existence has become a habit, not subject to reverse. Or is it?

Eben Barnette, president of the West Virginia Taxpayers Association, wrote Virginia Gov. Charles S. Robb in March promoting reunification. Not only that, but suggesting Staunton, a charming small Virginia city in the Shenandoah Valley, as the capital of the reunified state. Staunton Mayor Thomas E. Roberts, picking up the cue, wrote Robb and the governor of West Virginia asserting the city's cause.

The replies:

From West Virginia Gov. John D. (Jay) Rockefeller IV—West Virginians "would never give up the statehood that they have justifiably earned." (Earned? They stole it!).

From Virginia Gov. Robb—"You make a very strong case for Staunton and I share your high regard for the 'Queen City of the Shenandoah Valley.' I don't expect the Capitol to be moving, however." (The Capitol sure isn't going to be moved. But the capital, maybe?)

Robb also wrote to Barnette that reunification "does not appear to me to be a practical possibility." (Not even practicable?)

JUNE 20, 1983.

Mr. JACK EISEN,
The Washington Post,
Washington, D.C.

DEAR JACK: Today, June 20, is West Virginia Day, the 120th anniversary of statehood. I thought it appropriate to comment on your column of June 9 and the question of the legality of the process by which we became a state.

I do not concede that West Virginia's separation from Virginia was "constitutionally flawed". That ill conceived logic has been suggested over the years but has never been tested in courts. The question of legality is moot after all these years.

Since our difference of opinion 120 years ago, the States of Virginia and West Virginia have been good neighbors. It is obvious from their comments that our two governors, Rockefeller and Robb, are quite satisfied with the present arrangement and feel no need to remerge into one state.

I can understand why Virginia might want us back. The people of our mountains have made many contributions to the welfare of the Old Dominion in the past century or so. The legendary Senator Harry F. Byrd, Sr. was born in West Virginia as was Governor Robb's father. Their West Virginia roots have served them well as leaders of Virginia.

So, the status quo seems to be quite satisfactory to both states. Legality aside we will continue to live together as friends and neighbors.

I enjoy your writing on all subjects.

Truly,

JENNINGS RANDOLPH,
Ranking Minority Member.

COMMUNICATION TO THE SENATE—VETO MESSAGE ON S. 973

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read as follows:

JUNE 20, 1983

Hon. GEORGE H. W. BUSH,
President of the Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: On Saturday, June 18, 1983, the President of the United States sent by messenger a message addressed to the Senate, dated June 18, 1983, giving his reasons for not approving S. 973, an Act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts. The Senate not being in session on the last day which the President had for the return of this bill under the provisions of the Constitution of the United States, in order to protect the interests of the Senate so that it might have the opportunity to reconsider the bill, I accepted the message, and I now present to you the President's veto message, with the accompanying papers, for disposition by the Senate.

Respectfully,

WILLIAM F. HILDENBRAND,
Secretary of the Senate.

ORDER FOR VETO MESSAGE ON S. 973 TO BE HELD AT THE DESK

Mr. TOWER. Mr. President, I ask unanimous consent that the veto message on S. 973, together with the accompanying bill, be held at the desk and be called up by the majority leader after consultation with the minority leader.

Mr. BYRD. Mr. President, there is no objection on this side. If there were an objection, it would cause the message to be immediately put before the Senate and a vote to be taken.

It should be the majority leader's decision as to when to bring it up. The order is for his doing so after consultation with the minority leader, and there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The veto message is as follows:

To the Senate of the United States:

I am returning, without my approval, S. 973, "an Act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts." I have no objection to these technical amendments.

However, section 5 of the bill, added by an amendment on the Senate floor, would allow a particular school to transfer to taxable investors tax benefits attributable to a building that it refurbished with Federal funds. Without this legislation, the proposed transaction would result in the school being required to repay the Federal funds used to refurbish the building.

Recently there has been a great deal of concern about the sale of tax benefits by tax-exempt entities through leasing transactions. Leasing transactions similar to the one contemplated by this legislation present tremendous potential for abuse and could result in billions of dollars of revenue loss to the Federal Government. The transaction that this legislation would condone would permit a school that has already received tax deductible contributions and Federal grant money to sell certain tax benefits to outside investors. This case is particularly offensive in that the tax benefits being sold are attributable to property that was paid for with Federal grant money. In addition to receiving money for selling tax benefits, the school, as a tax-exempt entity, would be able to invest the proceeds of the sale and receive the income from such investment tax-free.

The propriety of leasing transactions involving the sale by tax-exempt organizations of tax benefits needs to be scrutinized very carefully. Where the tax benefits being sold are attributable to expenditures of Federal funds, the transaction becomes totally unjustifiable. We cannot condone the sale by a tax-exempt entity of tax benefits produced through the use of Federal funds.

As I have noted, the Indian-related amendments contained in this bill are not objectionable. Accordingly, I urge the Congress to reenact sections 1-4 of S. 973 without delay.

RONALD REAGAN.

THE WHITE HOUSE, *June 17, 1983.*

RECOGNITION OF SENATOR PROXMIRE

Mr. TOWER. Mr. President, it is my understanding that there is only one special order.

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. Fifteen minutes to Senator PROXMIRE.

Am I correct, Mr. President, that the period for the transaction of routine morning business has already been ordered?

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

SHOULD THE SENATE BE A PART-TIME JOB?

Mr. PROXMIRE. Mr. President, Majority Leader HOWARD BAKER has made the case for part-time U.S. Senators about as well as anyone could make it. On Thursday, June 16, we debated this issue briefly on the floor. If this proposition were coming from anyone except the majority leader of the Senate, it would be ignored. But HOWARD BAKER is not only No. 1 in this body; he is recognized for what he is: An extraordinarily wise man of good judgment. He has thought and written on this issue at length. His thoughts merit an answer.

Senator BAKER would have the Senate in session no more than 6 months per year. Senators would receive half pay, which the majority leader would set at something like $35,000 annually, down from the approximately $70,000 we have just voted. And Senators would be expected to spend those 6 months in full-time private employment in their home States.

There is a whole series of problems with this proposal. But the biggest problem is that it overlooks the most important function of a U.S. Senator or a Member of the House of Representatives. Senator BAKER sees the job from one massive but still a single perspective. It is this: We work here in Washington to draft and pass legislation, to review, criticize, and generally oversee the operations of the executive branch, to advise and consent to the President's appointments of top personnel, and to the ratification of treaties. We have a critical constitutional responsibility to check and balance the power exerted by the more than 2 million employees of the executive branch. We also appropriate the more than $700 billion a year to run the Government of the United States, and we raise the taxes or authorize the borrowing to pay for those hundreds of billions of dollars of expenditure.

This work, Senator BAKER says, we should do in 6 months every year and be paid for 6 months of work, no more. Senator BAKER argues that we do that work far better, with a much better representation of the people of this country, if we join the people in our respective States as working, private citizens 6 months every year.

What is wrong with that? Plenty. The majority leader assumes that the best way we can understand our peoples' needs and wants is to reclaim our identity as private persons with full-time immersion in the non-Federal segment of the private work force for half our time. This is certainly not the best way to represent the people of this country. No single private job—whether lawyer, or doctor, or assembly line worker, or teacher, or newspaper editor, or banker, or construction worker—can permit a representative of the people to understand the needs and problems of the people he represents. How do we win that understanding? We win it by getting out in the State on weekends and during our frequent recesses to meet with the infinite variety of persons we represent. We talk with them, literally by the thousands. We hold town hall meetings. We hold farm meetings. We speak at union meetings and to chamber of commerce meetings. We talk with women and men, students and retired people, day after day—all day.

No private sector job permits this kind of comprehensive access to the huge variety of people each of us finds in all sections of our States. For example, what Wisconsin job would pay me to spend months every year walking up and down the main street in literally hundreds of small Wisconsin towns, or talking with hundreds of workers morning after morning who are going to work at factory gates, or meeting personally with the wonderful variety of people that go to football and baseball and basketball games in our State? This kind of work makes the typical day a Senator spends in his State an opportunity to get to know and understand his State's problems as no lawyer, no doctor, no banker, no construction worker, no teacher possibly can.

Why would a Senator who could be enjoying the glamor and power of Washington do this kind of homework? Why would he do it? Is it not often gruelling, exhausting, and monotonous? Yes. But consider why we do it:

We want to represent our constituents, and we know we can do so only if we meet with them, listen to them, understand their problems.

Second, to be realistic about it, a Senator will know that even more important than money in any reelection success he may achieve will be his personal—I stress personal—association with literally hundreds of thousands of voters in his State. Anyone who wonders why incumbents of both parties win reelection between 75 and 90 percent of the time, here is your real answer.

Third, a Senator finds that his constituents are much more likely to come to him with their problems and their convictions if they feel he is accessible to them.

And nothing will make a constituent feel personally closer to a Senator than actually meeting him, shaking his hand, hearing a direct personal word from him, in this age of impersonal television.

For these reasons and others, a Senator who spends the time that he is not required to be in Washington back in his State meeting day after day with his constituents, will be a far better representative than a part-time Senator who spends 6 months in Washington and then comes home to work full time in a law office, a bank or with a construction company, as a teacher, or in any other kind of occupation that will focus day after day on a relatively few fellow workers and clients in single part of a single city in his State.

Mr. President, in preparation for this speech, I have just made a survey of 15 Senate offices—9 Republican and 6 Democratic—and I have found in every case the Senators stay in close and constant touch with their constituents. All attend many regular meetings with their constituents. One, for example, holds town meetings in every one of the cities and towns in his State every year.

I have also made a survey of the entire Wisconsin congressional delegation. The delegation includes five Democratic and four Republican Congressmen and a Democratic and Republican Senator. All systematically return to the State, some virtually every weekend. One Congressman has held more than 200 town meetings in the past 4 years. Others have regular office hours at home; one uses a mobile van for office hours.

Conceivably some of this kind of work could be done by a Senator or Congressman who spent half his time on his congressional job and the other half working full time as a lawyer or farmer or doctor or banker. But I very much doubt it. Let us face it, Mr. President, this job requires a full time, constant attention to the concerns and interests of literally thousands of people back home. No part time, business or professional or workingman would possibly do the justice that a full time representative can and should give to this critical job both of making the laws and representing the people of this democracy, and both making laws and representing the people of our State are critically important.

I do not mean to demean for a single minute the lessons we could learn in the private sector meeting payroll, paying Federal taxes, dealing with what can be a maze of Federal regulations and arbitrary bureaucratic decisions from Washington, negotiating as members of organized labor or as members of management. Many of us in Congress have learned these lessons before we came here. Many who have not had that experience have become very sympathetic with the problems of the people we represent from having consulted and worked with businessmen and farmers and workers in our home States on a myriad of problems imposed by Federal Government activity. In some ways, we learn more when we deal with these problems from both sides—helping the harassed businessmen, for instance, on the one hand, and working out a solution with the regulating Federal bureaucracy, on the other, than if we spent 6 months every year working as a doctor or as a lawyer, and 6 months on Senate business.

The majority leader's proposal of dividing our time between full-time jobs at home and in Washington is a variation on another theme many push; that is, that we should limit Senators to a maximum of two full terms, that is 12 years. In that way, the argument runs, we can constantly refresh this body with a whole new infusion of blood from those who have been living as private citizens. They can come to Washington. They can serve a couple of terms. They can then return before they have become captives of this Federal Government that rides herd on our country with its mammoth budget that is rapidly approaching $1 trillion a year in spending. Frankly, I think such a forced infusion of rookie Senators is an illusion. A Senator or Congressman does not lose touch with his district by serving here 13 or 30 years.

He does not lose touch because he serves here full time without holding a full-time job in his State. Then how does a Senator lose a sense of reality? He loses touch if he fails to do the often tough, grinding work back in the State—the time away from family and friends that he must spend to leave his wife and family weekend after weekend and recess after recess to go back to the State to talk and listen and work and help. The solution for Senators to truly represent their constituents is not a part-time Senate job shared with 6 months in a law office or a bank back in Peoria, but to return from Washington to the State 30 or 40 or 50 times a year for however many years the Senator stays in this job.

Mr. President, finally I do not blame those who overlook the intensely time consuming nature of full at-home representation by Senators. The focus, understandably, by the press and other observers has been on the Washington job. And the Washington job is, of course, critical. But if we are going to do that job as genuine representatives of our State, then, during the time we are not required to be in Washington, we should be working with our constituents, all of our constituents, as their full time representatives in this most powerful legislative body in the world.

THE WORLD HEALTH ORGANIZATION TELLS HOW NUCLEAR WEAPONS DIFFER FROM PREVIOUS WEAPONS

Mr. PROXMIRE. Unfortunately, Mr. President, many Americans, including many Members of Congress do not fully appreciate how overwhelmingly different a nuclear war would be from any war that has ever taken place on this planet. The World Health Organization recently looked into the effect of a nuclear war on human health with the help of the world's outstanding experts. In the process of this inquiry they first spelled out the deadly and I mean deadly power involved.

I am convinced there is nothing this country cannot accomplish if we first take the time and have the patience to thoroughly understand what we are up against and what options we have. I am convinced that Americans will do whatever they believe is required to maintain their freedom and protect this country we love and, of course, that includes what thousands of Americans have done throughout our history—sacrifice our lives. At the same time I am convinced that a nuclear war between the superpowers is simply not an option.

We must recognize this and act promptly and vigorously to stop a nuclear holocaust. That does not mean unilateral disarmament. It does not mean relinquishing one iota of our freedom or sovereignty. It does mean using every bit of negotiating resource at our command to stop further testing, production or deployment of nuclear weapons mutually; that is, by both sides. Both the United States and the Soviet Union say they oppose nuclear war. Both contend that a nuclear war would leave no winner, but would leave a devastated world with untold dead and dying. And yet both of our nations continue to pour precious resources into this arms race. A few weeks ago the New York Times estimated that even if the present arms control talks—the START talks—reach a successful conclusion we; that is, the United States alone will spend a mammoth $50 billion a year for each of the next 5 years, for additional nuclear weapons. And this would come on top of an arsenal of nuclear weapons that already would totally pulverize the Soviet Union with immense deadly power left over, even if they should strike us first and knock out every vulnerable nuclear weapon we have.

As the wise and experienced American diplomat George Kennan has said, this is utter madness. This country and the Soviet Union are like lemmings rushing to the sea to drown as swiftly as possible.

Mr. President, let me read at this point the introduction of the World Health Organization's report on the effect of nuclear war on the health and health services. Last Thursday I put a summary of this report into the RECORD. Today I follow up with the introduction. Here it is:

1. The introduction of nuclear weapons has added entirely new dimensions * * * to warfare. Quantitatively it has brought an enormous increase in explosive power over that of conventional weapons. Whereas atom bombs of the type used in Hiroshima and Nagasaki represented an increase from tons of TNT to the equivalent weight of thousands of tons (kilotons), hydrogen bombs, developed about a decade later, represented an increase from kilotons to millions of tons (megatons). During the last two decades nuclear weapons have been amassed to an estimated total of nearly 20,000 megatons. Such is the increase in destructive potential that a single thermonuclear bomb can have an explosive power greater than that of all the explosives used in all wars since gunpower was invented. The explosive power of the nuclear arsenals of the world is now about 5,000 times greater than that of all the explosives used in the Second World War.

2. The weight of nuclear material needed to produce a 20-megaton bomb is less than 10 tons. With present-day technology nuclear bombs can be projected to any place in the world. To produce the same blast effect with dynamite would require material weighing more than the Great Pyramid of Egypt.

3. The qualitative difference between nuclear and conventional weapons is of even greater significance than the quantitative difference. The two most lethal agents in conventional weapons are blast and heat. Both cause death and injury when nuclear weapons are used, but to an extent thousands of times greater. Nuclear weapons, however, also produce new lethal effects by radiation. Furthermore, the radioactive fallout can affect people at great distances from the explosion. The radiation from the fallout can have lethal effects long after the explosion and is also an obstacle to rescue operations and to effective medical care of the injured. And its deleterious effects may continue to be felt in future generations, long after hostilities have ended.

4. Less quantifiable effects of nuclear war include atmospheric changes detrimental to agriculture and the economy in all parts of the earth. Moreover, since mankind has never experienced a global nuclear war, other unpredictable direct and indirect effects cannot be excluded. Any assessment of the effects of thermonuclear war must therefore be attended by a measure of uncertainty and speculation. However, on the basis of the information derived from the explosions in Hiroshima and Nagasake, from nuclear weapons tests, from research in radiation physics and radiation biology, and from earthquakes and other catastrophes, it is possible to predict the main effects on populations as a whole and on their environment.

Mr. President, I expect to continue to read into the record and to provide for the Senate further observations from the World Health Organization report subsequently.

DOCUMENTING THE CAMBODIAN KILLINGS

Mr. PROXMIRE. Mr. President, when one person sets out to shape history, instead of letting history shape him, when he defies the conventional attitude that one person cannot make a difference, he commands the attention of every one of us.

Gregory Howard Stanton is such an individual.

A native of my home State of Wisconsin, Mr. Stanton has taken the initiative to single-handedly document the deaths of 2 million Kampucheans—a quarter of the Cambodian population—with the eventual hope of bringing the Communist government of Pol Pot to justice before the World Court.

Stanton thinks that Pol Pot's systematic execution of 1 million undesirables, his institution of slave labor, his forced evacuations of whole cities—including those hospitalized—and his separation of children from their parents cannot be ignored in a world we claim is civilized.

Stanton knows the argument that genocide is inevitable and unpreventable, but he remains undaunted by these voices of defeatism. Stanton is puzzled, however, as to why the United States, the world's leader is preserving human rights, will not ratify the Genocide Convention under which Stanton would press his charges.

Government, Mr. President, is supposed to both reflect and augment the best characteristics of its people. In this case, Mr. Stanton's courage, conviction, and deep sense of justice receives no encouragement, and is, in fact, stifled by this body. Gregory Stanton's story, told in an excellent article by Michael Matza in Student Lawyer magazine, is an important reminder that the American people often run ahead of their Congress. I urge my colleagues to follow Mr. Stanton's lead and give its consent to the Genocide Convention. A native of Racine, Wis., Stanton grew up as the oldest son of a father who is a pastor of the Presbyterian Church and a mother who is an English teacher.

Mr. President, I ask unanimous consent that Michael Matza's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Student Lawyer magazine, February 1983]

HIS BROTHERS' KEEPER

(By Michael Matza)

There is a compelling sense of mission about 35-year-old Gregory Howard Stanton, a 1982 graduate of Yale Law School. This past April, Stanton launched a one-man effort he calls the Kampuchean Genocide Project, through which he hopes to raise $300,000 to send researchers and scientists to Southeast Asia to gather evidence that would document—precisely and for posterity—the crimes of the Pol Pot government in Democratic Kampuchea (Cambodia) from April 1975 through the end of 1978.

Although it was thrown out of power by a Vietnamese-backed invasion in 1979, the government that was named for Khmer Rouge leader Pol Pot still represents Kampuchea as part of a united front in the United Nations. That is does so belies a past that survivors of Khmer Rouge brutalities remember with dread. In the three and a half years that it was in power, the Pol Pot regime is said to have intentionally murdered at least one million Kampucheans and to have imposed conditions of slave labor, starvation, and forced evacuation that resulted in the deaths of more than one million others. In a country of approximately eight million people, one quarter of the population was systematically exterminated through a maniacal program that seemed like the Final Solution writ small.

For Greg Stanton, such mind-boggling carnage imposes a personal obligation. "There are people who can become numb to the killing. People who see one mass grave and can't go to another," the founder and director of the Genocide Project told the New York Times in April when he announced his plan to raise private funds to finance the project. One of his aims to have the evidence—and the murderers—tried before the World Court in The Hague, Netherlands. "But part of it is that after you've gotten to know people in Kampuchea and heard their stories—and everyone has lost someone—you begin to realize how personal mass murder is. Impersonal to the murderer, but personal to the victim. You hear enough, to the point where the stories add up to a duty."

While still at Yale, Stanton began to wonder how he could bring what he was learning in law school to bear on the tragedy of Kampuchea. He discussed his thoughts with his law professors. "What we had here was a case of massive violation of international law that once again was going to go unpunished," Stanton recalls thinking. "A world government of laws—not just naked power—doesn't let mass murderers escape scot free."

Stanton knew that evidence would be the backbone of any campaign to have other countries recognize and officially deplore what happened under Pol Pot. Stanton decided the project should be an independent one so that it could be free of bureaucratic delays or political influence. He is, therefore, single-handedly contacting foundations and private donors. Stanton says talks with foundations are in the "negotiation phase," but he hopes to reach his goal of $65,000 for 1982-83, which would make it possible for fact gathering to begin in Kampuchea. The funds will pay small salaries and expenses for historians, who will interview survivors to gather stories about the events of 1975-78, and forensic pathologists and other scientists, who will examine bodies and mass graves to establish the way in which people died.

Once the evidence is gathered—he hopes by 1984—Stanton plans to make use of it in several ways: He hopes to publicize the information (after having its credibility established by distinguished international jurists) and to have a country that is a signatory to the International Genocide Convention bring the charge of genocide against the Pol Pot regime before the World Court. Hearings before the World Court would probably begin within the same year.

To be sure, there is more than the average sense of duty in Stanton, who describes himself as a committed Christian and whose every undertaking is rooted in "the belief that God is the ultimate reality and that God's love is the most powerful force if we want to use it." A native of Racine, Wisconsin, Stanton grew up as the oldest son of a father who is a pastor of the Presbyterian church and a mother who is an English teacher. From them he learned respect for the "powers of the mind" and a "commitment to racial justice." It was the kind of education that one picks up from a father who organized an Oberlin, Ohio, sit-in in 1945 to integrate a barber shop and from a mother who was dedicated to teaching family values to children who included an adopted daughter from Nicaragua and a son from the Netherlands.

Stanton's parents inspired his formal education, too. Both are 1943 graduates of Oberlin College, and their son enrolled there in 1964. He combined scholarship with activism, earning a Phi Beta Kappa key in government in his junior year and a position in the student senate, from which he denounced American involvement in the then escalating war in Vietnam. But his views were liberal, not radical. In an April 1968 article published in Oberlin Alumni Magazine, an article based on a speech Stanton gave to the Cleveland Human Rights Day Institute the previous December, he made his views plain.

"Yes, many of today's students are in revolt," he wrote. "We are rebels in a society full of injustice; rebels in a society which not only fails to locate even one public hospital in Cleveland's Hough ghetto, but also bombs a North Vietnamese leprosarium to the ground. We are rebels against a war in which bombers carrying the name of our country drop flamming napalm on men, women, and children, and sear the flesh from human bones; rebels against the arrogance of a powerful nation which has intervened in a civil war halfway around the world; rebels to change a society in which 40 percent of black families have an income of less than $3,000 a year, where 20 percent live in substandard housing; rebels against a national policy which spends $30 billion a year to burn cities and villages in Vietnam at the same time our own cities are burning with hatred and frustration. We are rebels with a cause and the name of our cause is human rights."

A few paragraphs later, Stanton moderated his rhetoric: "We students can make all the 'Support our boys; Bring them home now' posters we want, but when we demonstrate violently nobody's listening. If our aim is political realism, rather than emotional catharsis, our tactics must be aimed to convince, not alienate, the American 'Middle.' I don't believe there is going to be a violent revolution in the United States, nor do I think that if there could be one that it would bring a change for the better. Our nation does need a continuing 'revloution' in social justice—a continuing 'revolution' for racial equality; continuing progress against poverty. But this kind of 'revolution' will come about only by continuing political evolution. . . . Senator [Eugene] McCarthy has shown that the way to reform is not through alienation but through participation in the political process. Those of us who oppose the war should rally around men like Senator McCarthy, not around the cars of military recruiters."

Idealism tempered by pragmatism. In Stanton's life, the two traits combine to form something of a leitmotif. It was idealism that led him into the Peace Corps in 1969— to a post in a small village in west Africa's Ivory Coast—and pragmatism that led him to turn his experiences there into the themes for a master's thesis in anthropology from the University of Chicago in 1973, and a doctorate for which he hopes to complete a thesis this year.

"I was a B.A., a generalist, health planner, you know, one of the kind of people that the Peace Corps used to recruit. I was expected to go in and do health education with a team. One of the objectives was to introduce planning and organizational methods to the team chief and to the people on the team. But, of course, I learned a great deal more than I ever could teach them," Stanton recalls. What he learned became the subject of his doctoral dissertation: "Religion and Health Among the Ebrié of the Ivory Coast." It was in Africa that Stanton met the woman to whom he was wed in 1973, an American nurse-midwife who was working in a Biafran refugee camp.

Stanton's passion for scholarship and religion came together again at Harvard Divinity School, from which he received a master's degree in theologiy in 1974. He's the kind of a person who says, "I'll pray about that," at times when others might say, "I'll think about that," and he admits his decision to seek a career in the law had deep religious overtones. "I guess I felt for some time I should try to apply my life to working for justice. I think that's central to the biblical tradition," he says. "Of course, the prophets told us that justice does not always happen through law. But the more that I looked at my interests, the more I came to the conclusion that legal training would give me the tools I would need to take some of the faith commitments that I have toward serving God—and Loving people—and apply them in a practical way." After completing his first year at the University of Chicago Law School, Stanton transferred to Yale in 1979. His wife, Mary Ellen Stanton, took a teaching position at Yale-New Haven Hospital. The peripatetic Stantons had settled down. Or so it seemed.

Stanton—an avid student who won a Woodrow Wilson Fellowship in 1968 and a Fulbright-Hays Fellowship in 1975—blossomed in the competitive atmosphere of Yale. Among the electives in which he took great interest was international law, a subject he studies under nationally prominent professors Berk Marshall and Michael Reisman. In many ways, international law was the perfect specialty for Stanton, a well-traveled citizen of the world, whose style stresses common humanity over national distinctions. Indeed, prior to enrolling at Yale Stanton had already visited exotic parts of the globe that many of his younger classmates had only read about. There was the Ivory Coast of course, and a vacation during which he hitchhiked north across the Sahara Desert. There was the trip to Scotland and the summer of 1973 spent in Israel—at Hebrew University in Jerusalem—studing archaeology. In 1978, he began a year's study of Indian constitutional law at the Indian Law Institute in New Delhi, a field placement of the Program for Professional Studies in India for the University of California, Berkeley.

Stanton's first year at Yale was coming to an end when he received a call from New York. The Stantons, it seemed, were destined to be on the road again. On the phone was a friend who knew Greg Stanton well, knew of his trips to Africa and India, of his fluency in French, and of his deep faith in Christianity. He was recruiting Stanton in the name of a New York-based group called Church World Service, one of the first American relief organizations to be allowed into Kampuchea by the new Vietnamese-backed government that had overthrown Pol Pot only a year earlier.

"They came to me and asked me to direct their relief program," Stanton recalls. It was the first week of January 1980, and Stanton was in the middle of his second year of law school. "I said, 'Look, you know, I just got back from India three months ago, my wife's got a job as an assistant professor at Yale, she's just started that, we were hoping this year we would start a family, please let me pray about this.'" He did pray about it and, as he remembers, "I came to the strong conclusion that if they did want me to go, that I should. I don't believe in voices coming our of the heavens, or anything like that, but I had a very strong feeling that if they wanted me to go I should go." After only a few months in the States, the Stantons were packing their bags again. Greg left first; Mary Ellen followed soon after.

In Kampuchea, Stanton did comprehensive program planning in the areas of agriculture, health care, and community needs. He rushed emergency rice shipments to areas where people were starving. He made formal recommendations to the government for long-term rehabilitation of the agricultural system and reconstruction of the economy. He recruited specialists from socialist countries—because the new socialist government would more readily allow these people to work with the native population—to teach modern planting and cattle-raising techniques. He rode herd on a $12 million budget drawn from donations from Church World Service, CARE, Lutheran Relief, and Meals for Millions/Freedom from Hunger.

Stanton's relief work in Kampuchea lasted six months, but it opened his eyes to the suffering of a lifetime. As director of Church World Service relief efforts in Phnom Penh, he heard from survivors about a regime that had come to power in 1975 amidst cheers and high hopes that turned—almost overnight—into cries for mercy and nightmares of butchery.

As he learned more about the country, Stanton realized that the conditions that permitted the victory of the Khmer Rouge had not been created overnight—they had been a long time in the making. Although it is the smallest country in Southeast Asia, Cambodia has had more than its share of turmoil. There was, of course, the late 1960s, under Prince Norodom Sihanouk, when the country strived to maintain its neutrality in the escalating war in Vietnam. But U.S. military advisers at the time suspected that border areas of Cambodia were being used as sanctuaries by the National Liberation Front and its North Vietnamese allies.

The election of Richard Nixon radically altered U.S. policy in the region. Under Nixon, the United States secretly began to bomb the sanctuaries. As the bombing increased, the Viet Cong moved farther into Cambodia, bringing the war with them. What happened next was well summarized by Michael Rezendes, writing in the Boston Phoenix in December 1981: "In increasingly desperate attempts to preserve his nation's neutrality, Sihanouk continued to play the Americans against their Vietnamese adversaries (themselves, historically, enemies of Cambodia), angering United States policymakers. In a short time, the growing war destabilized his government. In 1970, a year after the American bombing of Cambodia had begun, Sihanouk was replaced by General Lon Nol, who immediately allied his government with the U.S., committing Cambodia to fight against two enemies: the North Vietnamese and the growing forces of the Khmer Rouge."

Lon Nol's troops opposed the mountain-based Khmer Rouge for five bitter years. On April 15, 1975, the Khmer Rouge rolled into Phnom Penh, declaring victory over Lon Nol and bringing what many hoped would be an end to the dying. But the people quickly learned that the horrors had just begun. Within days, Khmer Rouge troops began a forced evacuation of the city. Telling people that the Americans planned to bomb Phnom Penh (a suggestion that was not unthinkable after long years of war), armed troops marched city people into the countryside. Despite the primitive nature of the communication system, word spread quickly that no U.S. bombing of Phnom Penh was expected and that the Khmer Rouge victors were up to no good. The presence of the heavily armed, teenage soldiers—described by New York Times Cambodia correspondent Sydney Schanberg as "universally grim, robotlike, brutal," with weapons that "drip from them like fruit from trees"—heightened the tension.

As the people learned, there was much to be apprehensive about. The revolution was destined to be a bloody one; anyone who did not fit into Pol Pot's new order was quickly killed. And the new order was nothing if not bizarre. It was based on eradicating "foreign influence" and on returning Cambodia to a simple, agrarian, almost feudal economy of country rather than city people. Although they were educated in France, the Pol Pot leaders eschewed the sophistication and 20th-century innovations of the West, and were determined to remove these influences from Cambodia.

"From our small window on their revolution—the [French] embassy's front gate—we can see glimpses of their 'peasant revolution,'" wrote Sydney Schanberg. "There is no doubt that the Khmer Rouge are turning Cambodian society upside down, remaking it in the image of some earlier agrarian time, casting aside everything that belongs to the old system, which has been dominated by the consumer society of the cities and towns. Some of the Khmer Rouge soldiers we talk to speak of destroying the colonial heritage and use phrases like 'purification of the people' and 'returning the country to the peasant.'"

It quickly became clear that the revolution would not be bogged down by humanitarianism. "They took the people and they just marched them at gunpoint out into the countryside. The result, of course, was many many deaths," says Stanton, describing what he learned from the survivors. "They evacuated hospitals. They made people who had literally just had an operation get out of the hospital. Of course they died. There was one whole ward of sick children at a combat hospital. They were little. They couldn't walk. Nobody picked them up. Nobody took them out. The whole ward died. They became a mass grave."

The logic of the new order was grotestque. As Schanberg has written, "The Draconian rules of life turned Cambodia into a nationwide gulag. The Khmer Rouge imposed a revolution more radical and brutal than any other in modern history—a revolution that disturbed even the Chinese, the Cambodian Communists' closest allies. Attachment to home village and love of Buddha, Cambodian verities, were replaced by psychological reorientation, mass relocation and rigid collectivization. Families were separated, with husbands, wives and children all working on separate agricultural and construction projects. They were often many miles apart and did not see each other for seasons at a time. Sometimes children were separated completely from their parents, never to meet again. Work crews were sex-segregated. Those already married needed special permission, infrequently given, to meet and sleep together. Weddings were arranged by the Khmer Rouge, en masse; the pairings would simply be called out at a commune assembly. Waves of suicides were the result of these forced marriages."

Of course, the majority did not die at their own hands. The new order also produced unprecedented famine. "In Dam Dek," writes Schanberg, "the rice ration was eventually reduced to one spoonful per person per day. The villagers, desperate, ate snails, snakes, insects, rats, scorpions, tree bark, leaves, flower blossoms, the trunk of banana plants; sometimes they sucked the skin of a water buffalo." To the west of Dam Dek the famine was even more severe. Reportedly, some people were digging up bodies of the newly executed and cooking the flesh.

Pol Pot had effectively muzzled a free press. Not until years later—primarily through books such as Cambodia Year Zero by Francois Ponchaud and Murder of a Gentle Land by John Barron and Anthony Paul—would the horrible truth be widely known.

"There are an awful lot of unexcavated mass graves. All over the country. It is really amazing," says Stanton, who was present when one mass grave was opened at Chung Ek. "It actually has an effect on the vegetation. And people know, because a lot of the people who lived in the area are still living nearby, and they say, 'Oh, the killing ground is over there.' If you go out to a village in Kampuchea and ask, 'Where's the killing ground?' you'll find that nearly every commune had one." Who would be executed? "Anyone who could be conceived of as independent or threatening in any way. It was a systematic extermination of all former intellectuals, teachers, anybody connected with the former military—officers especially—even people who complained about short rice rations," Stanton continues. "Oh, they were ridiculous things. People were killed because they had broken a hoe. Capital punishment was invoked as a terror mechanism. They didn't use bullets, because that wasted bullets. People were mostly hit in the back of the head with hoes. They were bludgeoned to death."

It was not unusual for the killing fields to hold the bones of thousands of bodies. Often the bodies were barely covered by a layer of earth or disposed of in some other way. "In the water wells, the bodies were like soup bones in broth. And you could always tell the killing grounds because the grass grew taller and greener where the bodies were buried," Schanberg writes.

If Stanton's experiences of a once gentle land are tainted by stories of death, they are also colored by an event that he views as something of a miracle—the adoption of his daughter, Elizabeth Chantana Stanton. She is a Cambodian child, and the middle name Greg and Mary Ellen chose for her means "gift of God" in Khmer. Given the circumstances under which she came to the Stantons, it is not hard to see why her father has become obsessed with the history of her homeland. Although they are meant to be widely disseminated, the results of the Genocide Project's investigation will also be something of a legacy to a daughter who will one day want to know about the world from which she came.

The story of how Chantana came to the Stantons is a touching one. "She was abandoned at the entrance to the National Pediatric Hospital on the sixteenth of November, 1980, the date of her birth. We know it was the date of her birth because my wife is a midwife and the umbilical cord was fresh and the first stool she had was the kind of stool that a newborn baby has," Stanton recounts. "You know, you should not leave a newborn, health baby at the hospital; that's where all the kids are sick. And the doctor in charge didn't want to take the baby to the orphanage, because at the orphanage about fifty percent of the kids died who were under three months old. It's a very difficult place for a newborn baby. They can't get the kind of holding, and total devotion they need."

What the doctor in charge did was turn the baby over to the Stantons, the only married couple in the relief community. The circumstances could not have been more dramatic. It was a Sunday morning, the Stantons were at a prayer service singing the old Christian hymn "Just As I Am," and the doctor carried the baby into the room at the end of the final verse. "The doctor put her in my wife's arms and asked us to take care of her until the government decided what should be done," Stanton recalls. Almost immediately the Stantons contacted, then visited, the Foreign Ministry and asked if it would be possible to adopt her. Since no foreigner had adopted a Khmer child since 1975, the decision was deemed of such importance that it was referred to the president and his Revolutionary Council while the Stantons waited, they took care of the baby. They had six diapers, a couple of undershirts, a few bottles, and formula that was brought in a couple of times a week in the Red Cross mail pouch. Chantana weighed six pounds and slept between them at night. Five weeks later, the secretary to the president signed the papers making her adoption final.

"Despite all these barriers—nationality, ideology, race, religion, you name it, every single barrier known to man—they understood that we would love that child and that she needed us," says Stanton, his eyes filling with tears. A week later, Stanton flew to Singapore—site of the nearest American embassy—to arrange for a passport for his daugher. On Christmas Eve, Greg, Mary Ellen, and their "gift of God" flew to the United States. He returned to Yale, and after graduation this past summer worked as an intern with the Milwaukee firm of Foley and Lardner. Presently, Stanton is a law clerk to Judge Alfred P. Goodwin of the Ninth Circuit Court of Appeals in Portland, Oregon. When he finishes his clerkship in September this year, he hopes to return to Foley and Lardnet to specialize in international and commercial law.

For deeply personal and broadly humanitarian reasons, Stanton is committed to seeing that the world does not ignore the depredations of the Pol Pot years. He plans to disseminate the project's findings through several avenues: international law journals, magazines, and newspapers; through international human rights groups; and through the U.N. Commission on Human Rights, which has been soliciting information on Cambodia since 1978, when Norway initiated a formal complaint against Pol Pot.

During a visit to Kampuchea last March to do preliminary work on the project, Stanton secured permission from government officials to send several teams—including forensic pathologists, photographers, Khmer interpreters, microfilm technicians, and international-law experts (recruited mainly from academe and international human rights organizations)—into the country to gather testimony and physical evidence. Stanton has chosen the two people who will live in Kampuchea and direct the investigation: Ben Kiernan, a professor affiliated with Monash University in Melbourne, Australia, and Kiernan's wife, Chantou Bova, a Khmer economist. Stanton met and worked with them during his relief stint.

"It is urgent that the evidence be gathered now. The mass graves are turning to dust and the memories of the witnesses are fading. Documents are disintegrating. If these massive crimes are not to be forgotten or left in a limbo of conflicting propaganda charges, documentation must be undertaken immediately," Stanton said in announcing the aims of his project.

The similarities to the period after the Nazi holocaust are implicit. The importance of quick action in cases of this type was reinforced recently by Patricia Clough, writing in the Boston Globe on August 22, 1982. "Four decades after the holocaust, the life span of both persecutors and persecuted is running out. Many of the Nazi tormenters, the survivors and witnesses are already dead, others are too old or frail to stand trail or give evidence. Those who do are often unable to remember clearly what happened. Proof is increasingly difficult to establish. The Madjanek case, the last big extermination camp trial, which ended last year, was dogged by such problems. The nine accused were only a tiny fraction of the 1,300 of the camp—the others were either dead, unfit, convicted in other courts, had fled to the safety of South American countries, or were simply untraceable. The court knew perfectly well what horrors took place at Madjanek, where at least 200,000 and possibly one million Jews were slaughtered. The difficulty was finding irrefutable evidence to convict each individual accused. . . . West German justice is now paying the price for having started seriously prosecuting Nazi criminals very late and not pressing the cases fast enough."

To be sure, Kampuchea has had its "show" trials. In 1979, a trial in absentia was held for Pol Pot and his terror tactician Ieng Sary: both men were convicted of mass murder by the current Vietnamese-backed government. But Pol Pot is safe in exile, and Ieng Sary often speaks for him at the United Nations in New York.

"We haven't the resources nor the political purpose to organize a tribunal of any kind—a Nuremburg kind of a thing—that isn't our purpose. That has to be done by governments. But what we would like—and this is a long-term goal—is that if the evidence proves genocide, and I think that there's a pretty strong case, then a government that is a signatory to the Genocide Convention can, under Article Nine of that convention, which has never been invoked, never been used, take the case to the World Court and get the World Court to declare [that genocide occurred]," Stanton explains. He believes that the teams he plans to send to Kampuchea will make the case. Of course, the authority of the World Court is not absolute—Iran pointedly ignored its censure during the hostage crisis—and Stanton admits he is as unsure as anyone about the punitive value of negative world opinion.

But Stanton, the pragmatic idealist, believes he's got to start somewhere. "We are in the area of building international law, where nation states were, in the area of building national law, several centuries ago. . . . The only way that law gets built and that legal institutions become viable is by using them and by exercising them. . . . If the Genocide Convention is going to be taken seriously by anyone, it damned well ought to be applied where there is genocide."

If Gregory Howard Stanton has his way, it damned well will.

Mr. PROXMIRE. Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for a period not to exceed 1 hour, with statements therein limited to 10 minutes.

IMPRISONMENT OF FOUR CHINESE PRIESTS IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. SPECTER. Mr. President, I rise today because I am deeply troubled to learn from a May 2 article published in the New York Times that the People's Republic of China has imprisoned four aged Roman Catholic priests, for terms ranging from 2½ to 15 years. who have reportedly been charged, because of their loyalty to the Vatican, with colluding with foreign countries, collecting intelligence reports, and subversively endangering the sovereignty and safety of the Chinese state.

This human tragedy, involving devoted men of God, is reported to have stemmed from efforts of the Chinese Government to impose upon some 3,000 Chinese Catholics oppressive conformity to the authority of the state-approved Catholic Patriotic Association.

It is my understanding from the article that the Chinese Catholic Church broke with the Vatican in 1979 by direction of the Government and began ordaining its own priests and bishops. It has also been reported that the Catholic Patriotic Association has accused the Vatican publicly of interference in China's internal affairs and has criticized Pope John Paul II for his "slanderous remarks" last year that the Chinese Catholics were being persecuted like early Christians.

The Times told of the plight of these four elderly men of the cloth, Fathers Chen Baishun, 80; Zhen Yutang, 75; Zhu Hongshen, 67; and Stephen Chen, 66. According to the May 2 article, all are from Shanghai and are members of the Society of Jesus. Fathers Zhu and Zhen reportedly spent 24 years in prison, from 1955 to 1979, then were released with warnings to refrain from unsanctioned religious activities.

The report further stipulates the following: Fathers Zhu and Zhen were rearrested in 1981; Fathers Chen Baishun and Stephen Chen were also taken into custody. After 16 months in prison, the four Jesuits were convicted. Their sentences, according to the Times, were: Father Zhu, 15 years; Father Zhen, 11 years; Father Chen, 10 years; and Father Stephen Chen, 2½ years.

Mr. President, I have learned from the Country Reports on Human Rights Practices for 1982, submitted to Congress by the Department of State, that the new constitution of the People's Republic of China stipulates that all citizens enjoy freedom of religion and should not be compelled to believe or disbelieve, nor should they be discriminated against for belief or disbelieve in religion. In actual practice, religious activities have reportedly increased significantly in the past 4 years. Over 200 churches are said to be open. According to some official estimates, there are as many as 4 million Christians in China. Unofficial estimates are markedly higher. The Country Reports also stated the following:

> A Catholic seminary opened in Shanghai in 1982, joining the already established Protestant siminary in Nanjing; there are several hundred mosques for over 13 million Muslims; and in addition, Buddhist monastaries have resumed activities and have ordained small groups of novice monks and nuns on several occasions since 1979.

I am pleased to learn of this partial lifting of restrictions on religious activities in the People's Republic, but continue to be appalled by the reported outright denial of basic human rights to many strong adherents. The stated aim of the eight patriotic officially sanctioned religious organizations, according to the Country Reports, is to insure that all religious organizations accept the leadership of the Communist Party and the State. It is my understanding from the State Department reports that Chinese authorities continue to monitor and control contacts between Chinese and foreign religious organizations. Based on available information it seems clear that the four elderly Catholic priests were imprisoned because of their dedication to their church and to their faith, and because of their refusal to sever ties with the Vatican. Such action, without question, would be blatant discrimination and persecution based upon religion. Surely, these four priests can pose no threat to the sovereignty of the People's Republic of China.

I firmly believe that it is incumbent upon this Nation to speak strongly and clearly on behalf of those whose basic human rights have been, and continue to be, denied. I have therefore written to the Secretary of State, requesting that he urge the Government of the People's Republic of China to free these four priests, as well as any other individuals imprisoned on account of faith.

WHAT AMERICA CAN DO TO PROMOTE WORLD DEVELOPMENT

● Mr. PERCY. Mr. President, I was privileged recently to introduce Under Secretary of State for Economic Affairs W. Allen Wallis at a Conference on World Development, sponsored by the International Development Conference. On that occasion, Secretary Wallis presented an address on "American Policy To Promote World Development," which made a number of noteworthy points which deserve attention. He emphasized in particular the lessons from America's own development—the contributions made by individual initiative, freed from undue restriction and dogmatic preconceptions, and contributions made by individuals organized into voluntary groups with similar objectives—which became the hallmark of this country's unique success in economic development.

It has also been my privilege to observe and to support the extraordinary contributions which groups of Americans continue to make to economic development. In that spirit which has also distinguished this country, many such groups are now devoting their talents and energies to assisting those countries and groups of individuals less fortunate than we. Perhaps the Peace Corps is best known for its efforts in the developing world. But there are an extraordinary number of other American organizations which make similar contributions in such varied fields as health, population, agriculture, cooperatives, technology transfer, refugee and disaster assistance, and education, to name only the main categories.

The other special attribute of these people-to-people contributions is that they meet the most basic and urgent human needs of developing nations, with the kind of practical, experienced, personalized expertise for which Americans are noted.

So that this message of America's development lessons may receive more attention, I ask unanimous consent

that the full text of Under Secretary Wallis' address on "American Policy To Promote World Development" be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Under Secretary Wallis

Senator Percy, ladies and gentlemen, I am honored to have this opportunity to address you. Clearly the focus of this Conference—"World Development in Perspective What Can America Do? is significant and, judging from the size of this evening's group, generates considerable interest. It is also particularly timely, since the Williamsburg Economic Summit and the UNCTAD VI Conference are fast approaching.

Many people respond to the question, what can America do about world development, by talking only of the tangible things we do, especially emphasizing foreign aid. It is easy to make that mistake if one sees development only in terms of money. Others make the mistake of relating it only to compassion, and believe that aid will cause deserts to bloom, industries to spring up, commerce to flourish, and well-being to rise miraculously. Still others see the only path to rapid development in collectivism, through which they can impose social, religious, or national goals, regardless of the cost in individual liberty and cultural traditions.

The real essence of development is different from all of these things. The foundation of development lies in the meaning, aspirations, and worth of each individual. Its realization is in human fulfullment, in the opportunity for all men and women to realize freely their full potential—to make the most of their Godgiven talents. President Reagan put it this way in his October 1981 speech to the Philadelphia World Affairs Council:

"We Americans can speak from experience on this subject. When the original settlers arrived here, they faced a wilderness where poverty was their daily lot, danger and starvation their close companions. But through all the dangers, disappointments, and setbacks, they kept their faith. They never stopped believing that with the freedom to try and try again, they could make tomorrow a better day—free people build free markets that ignite dynamic development for everyone; and that's the key, but that's not all. Something else helped us create these unparalleled opportunities for growth and personal fulfillment. A strong sense of cooperation; free association among individuals, rooted in institutions of family, church, school, press, and voluntary groups of every kind. Government too played an important role. It helped eradicate slavery and other forms of discrimination. It opened up the frontier through actions like the Homestead Act and rural electrification. And it helped provide a sense of security for those who, through no fault of their own, could not support themselves."

What President Reagan was saying was that government properly does those things that open up opportunities for individuals, and that allow natural incentives to operate in freedom. That is quite different from a government that tries to compel and command people to fit into a pre-conceived mold, keeping them in submission and dependence. It is no accident that those countries that have allowed free play for personal initiative and economic rewards for success now produce more than one-half of the world's product. Furthermore, those developing countries in the Third World that have recently been growing the fastest are precisely those that have increased the economic freedom of their people.

Thus the most important contribution that the United States can make to world development is to carry to the governments and peoples of the less-developed countries the message of our experience—to explain to them its lessons. The sooner they turn their backs on the false claims and real failures of socialism, the sooner they reject the philosophy of compulsion, coercion, and command, the sooner will they open the way to accelerated, meaningful development. This message is the foundation of a program that helps other countries help themselves.

In ensuring development, possessing resources for growth is not enough. The resources must be effectively used. Unfortunately there are far too many cases in which countries have squandered precious resources in questionable investments or in subsidizing consumption. In other cases the most precious resource of all, human initiative, has not been given the freedom to make the kinds of economic decisions which can lead to dynamic and prosperous economic growth. The most critical contribution these countries can make to their development lies in pursuing appropriate domestic economic policies. This, I may add, is equally true for the United States.

Accordingly, U.S. policy to stimulate economic growth in the developing world must encourage countries to adopt market oriented policies. We focus attention on the role of the private sector, domestic as well as foreign, for mobilizing and effectively utilizing resources for development. Fortunately there appears to be increased recognition in both developed and developing nations of the role of appropriate economic policies. We are continuing to encourage movement in this direction, directly through bilateral discussions and indirectly through the international financial institutions.

Building on these basic principles, there are tangible steps the United States is taking, and can enlarge upon, to facilitate world development. No country has a better record than our own for positive measures, public and private, that contribute to the strength of the world economy and to growth in the less-developed countries.

In discussing positive U.S. measures to promote development in the third world, I begin from a basic premise: in addressing the economic difficulties and prospects of the developing world, restoring sustained non-inflationary economic growth in the United States is the single most significant contribution we can make. The reason for that can be seen from a few statistics.

In 1981 the United States purchased more than $120 billion in goods and services from developing countries. To be sure, a significant amount of this is accounted for by petroleum products. Nevertheless, U.S. purchases amounted to nearly 20 percent of all the exports to those LDC's that do not export oil, and to 35 percent of all their exports to developed nations. The growth in U.S. imports of manufactured goods from the developing countries has been impressive. During the 1970's these imports grew at an average rate of 27 percent per year; in other words, they doubled every 32 months, on the average. The United States now absorbs over half of all the manufactured exports that non-oil LDC's sell to the OECD countries, even though the U.S. market is only one third of the total OECD market. That means that we take fifty percent more than our proportionate share. When you consider the billions of dollars of imports from the developing world by the U.S. alone, not to mention the imports from the other developed countries, direct aid pales by comparison.

In the long run, it is only through trade that the developing world will be able to earn the external resources it needs for its development. In view of the magnitudes we are dealing with, and of the U.S. role as the developing world's largest customer, we have a responsibility to the rest of the world, as well as to ourselves, to ensure that there is sustained real economic growth in the United States. Correspondingly, as the world's largest trading nation, we must make every effort to ensure that the global trading system is open, so that the developing world and the developed world will benefit from, and contribute to, each other's growth.

Fortunately the United States appears to be well on the road to sustained non-inflationary growth—"SNIG", for short. For the past two decades our Government has overspent, overtaxed, and over-regulated. Our growth rate declined. Inflation began to creep, then to run, and then to gallop. Interest rates rose to almost unprecedented heights. The bold measures of the Reagan administration have now turned the tide. For a while it appeared to some Doubting Thomases that Ronald Reagan would prove to be another King Canute. But, as the President says, he knows that his policies are turning the tide because the press no longer refers to his policies as "Reaganomics." The short-term costs of turning the tide were high, but now inflation and interest rates are down, the leading economic indicators are up, and investor and consumer confidence are returning. The United States is doing its part in ensuring a long-term global economic recovery. Furthermore, despite the economic difficulties of the past few years, and the pressure for protectionist trade measures, the United States remains an essentially open market.

The United States is unique in being the world's largest free trade area, and one of the most open to world markets: a number of other countries have discovered the same ingredient of success. Like the U.S., these countries—advanced developing countries and newly-industrialized countries—also contribute through trade to the growth of less-developed countries. Their recent growth has been the fastest in the world, and their growing imports are a spur to growth in the other countries they trade with.

Closely related to trade in terms of long-term U.S. impact on development is private investment. In addition to providing additional financial resources to developing countries foreign investment promotes long term growth by providing technology, management know-how, and access to international markets. Here, too, the U.S. has an excellent record. In the 1970's U.S. investment in developing countries accounted for more than half of total investment by OECD countries in these nations. In the latter half of the past decade, U.S. direct private investment in the developing countries grew at approximately 20 percent per year. In 1981, investment abroad dropped, but still continued at around 5 percent. By the end of 1981 U.S. direct investment in developing countries had reached the impressive level of $56 billion.

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Up to now I have discussed the developing countries as if they were all alike. Clearly, however, these countries differ greatly among themselves. Any effective and realistic policy must differentiate among countries, and tailor development strategies to the needs and potentials of individual countries and regions.

While classification is always somewhat arbitrary, we have frequently found it useful in Washington to recognize several groups of developing countries. The first group consists of the oil exporting countries, which have capital surpluses. To achieve their ambitious plans for development, these countries need prosperity in the industrial economies so they can sell their oil and invest their surpluses there.

Then there are the so-called newly industrialized countries, nicknamed NIC's. These nations through their own efforts and a favorable economic climate, which has permitted great increases in exports and substantial inflows of capital, have achieved dramatic growth.

Next there is a larger group of countries, sometimes referred to as middle-income developing countries, which have achieved some progress but still have widespread poverty. These countries, which in most cases are dependent on exports of one or two commodities, have suffered as the global recession has reduced their exports in both quantity and price. More than renewed growth in the industrial countries is required, however, if these countries are to prosper. Signficant adjustments in their economies also are needed.

The fourth group contains the very poorest developing countries. These suffer widespread poverty and play only a minor role in the global economy. They lack the basic infrastructure to compete effectively in world markets, so cannot attract investment and financing. If self-sustaining growth is to be achieved within a reasonable time, they need charity. Frequently their economic and governmental policies are so bad that charity, or "aid" is simply futile. In our assistance to these countries we concentrate in three areas where over the years the United States has developed special competence, namely; food and agriculture, energy, and health and education. We try to use our aid in ways which encourage economic reforms, which in turn attract private investments.

Of course, I would mislead you if I let it seem that aid to the poorest developing countries is the most important help we can give them. On the contrary, in their case as in others, trade is more important than aid, because trade helps them to help themselves. We have a special program by which their goods come to the U.S. market duty-free, called the generalized system of preferences or GSP. Although the amount of trade affected by this program is small in terms of the U.S. market, it is a large and important spur to development in those countries that export to us with its stimulus.

Even these groupings of countries are partly misleading, however, because they mask the individuality and uniqueness of each country. We base our specific programs on careful study and consultation with the government and people of each country itself. We listen, we learn, we identify problems, and we work out solutions jointly with them.

A few comments on direct aid are in order. Despite the economic upturn that is under way in the United States and some other countries, the outlook for substantial increases in direct aid is not bright. It is unlikely that the decade of the 1980's will see increases in foreign aid comparable to those of the 1970's. Calls by some developing nations for massive gifts are completely unrealistic. Budgetary conditions in the United States and in other major donor nations simply preclude it.

This makes it all the more important that we focus our limited funds on those countries where it will do the most good. How much good our aid does depends not so much on how badly the recipients need it as on how well they use it. Aid, to be effective, must open the way to expand trade and attract investment. It cannot do that in the face of unsound governmental policies that do not support free markets, protect private property, and maintain a rule of law and political stability.

This means that the relative role of concessional aid is diminishing. In fact this aid is increasing, but trade and borrowing in private markets are increasing much faster. These latter two contributions to development deserve the emphasis that I gave them, but I would be negligent if I failed to mention the way that direct aid fits into the picture. In line with what I have just been saying, the U.S. works closely with host governments on economic policy problems important to development. We encourage sound agricultural policies on pricing, credit, and freedom of enterprise.

Furthermore, about half of our development aid goes to food and agriculture. Besides encouraging more private initiative, we contribute to the fundamental research and to the development of new applied technology, in the role that government is most qualified to fill. A major part of our aid also goes to public health and population control programs. By concentrating our aid in recent years on the activities in which government makes a unique contribution, we have made its effectiveness grow rapidly even though its amount grew relatively slowly.

The United States has also concentrated its aid increasingly where it is most needed, in the least developed countries, as I noted earlier. Our contributions to multilateral development banks in Asia, Latin America, and Africa are permitting growth rates of lending of 14 percent to 15 percent per year. The United States continues to be the largest provider of official development aid, and over two-thirds of our aid goes to the poorest countries.

No discussion of Third World development can ignore the serious debt problems which a number of developing nations now face. During the past decade borrowing on private capital markets became an increasingly important source of financing for many developing countries, particularly the middle and upper income ones. As the borrowing climate changed and the world slipped into a prolonged recession, a number of nations came face to face with serious debt problems.

Several steps must be taken if these debt problems are to be resolved in a durable way:

First, sound economic policies must be pursued in the debtor countries. These should include sound debt monitoring and management. The World Bank and the IMF provide valuable assistance in this. It is, obviously, important that neither developed nor developing nations impose new barriers to trade.

Second, financial resources must continue to be provided by the international community to support the adjustment of borrowing countries to sound policies. Here the IMF plays a major role. The increases in IMF quotas that are now being considered by Congress are essential.

Third, the governments and central banks of lending countries must be prepared to provide short-term, transitional financing to fill the gap until IMF programs are in place.

Fourth, commercial banks and export credit agencies must continue a flow of finance to debtor countries that are undertaking sound, IMF-supported adjustment programs.

Finally, sustained non-inflationary economic growth—SNIG—must take place in developing nations.

Now I would like to outline for you what the United States hopes to accomplish with regard to development at the May 28-30 economic summit in Williamsburg and during the June UNCTAD VI conference in Belgrade.

First, we hope that the summit will confirm that the west's major economies are working effectively towards a restoration of sustainable non-inflationary growth. We hope also that the participating countries will commit themselves to a roll back of restrictions on trade which they have introduced in response to the difficult world economic situation. If these developments occur it will be a major step towards achieving a healthier world economy. In turn, the developing countries will have an opportunity in Belgrade to take similar actions that will restore confidence in global recovery.

Second, we expect that Williamsburg will heighten awareness of the interrelations among trade, finance, and development. The specific relations I refer to are four:

Between an open international trading system and sustainable non-inflationary economic growth;

Between open international markets and solution of the debt problems of developing countries, and specifically the link between their ability to export and their ability to service debt;

Between short term financing needed to maintain essential imports, and the economic adjustments they must make, in many developing countries;

And, finally, between growth in developed countries and growth in developing countries.

As for UNCTAD VI, the United States, drawing on the discussions at the Williamsburg summit, will emphasize the linkages I have mentioned earlier and draw the attention of the developing world to the fact that effective north-south economic relations hinge on mutual responsibilities and benefits in sustaining and improving an open international trading and financial system. We will focus attention also on the indispensable role of free markets in mobilizing energies and resources, and more generally on the importance of sound economic policies.

The United States views UNCTAD as a significant major forum for discussions of development issues. We do not, however, generally regard UNCTAD as a suitable forum for negotiating in detail specific development measures. In our view negotiations of measures to ameliorate current economic difficulties or strengthen the existing trade or financial system are more properly handled within the specialized independent international agencies designed to address these issues; for example the IMF, the GATT and the World Bank.

Our discussions with less-developed countries and with others at UNCTAD can make significant progress toward the solutions of real problems if there is genuine dialogue and a willingness to listen to each others' points of view. Therefore, in our preliminary discussions with other governments in preparation for UNCTAD we are working hard to assure that the conference will take place in a cooperative atmosphere, rather than one of needless polarization, which would sacrifice the opportunity for agreement. We emphasize that progress lies through recognition of the principle of mutual benefit through general growth and developmental discussions will achieve the most when they have a practical orientation, aimed toward finding and correcting the real obstacles to development, case-by-case, or toward discovering unexploited opportunities. Cooperative efforts can then remove those obstacles or open up those opportunities. It is also important to recognize that as a general rule, the international specialized agencies such as the IMF and the World Bank can make important contributions in their areas of expertise.

In summary, the most important single source of growth and development is the talents of individuals, allowed to develop fully and freely by free institutions. Government provides the framework—the protection of law and the assurance of opportunity—within which individuals can reach their full potential and contribute to national development. This framework permits trade to flourish, both domestic and international. When many countries have open, free economies, they reinforce each other while sharing the benefits of growth and development. Thus, open economies with free-flowing trade and private investment, both in developed and developing countries, provide the one sure route to rapid development of the less-developed countries. Because of the difficult adjustments now necessary in the developing world, because of the heavy debts and the hangover from the binge of inflation in the past decade, open economies and free-flowing private investment are especially important to recovery and to the resumption of rapid development. Direct aid between countries also will play an important, though secondary, role.

The most important thing is to keep our economies free—both developed and less-developed—and to support and maintain the sound international institutions that play a supporting role during this period of adjustment. Keeping to this sound course will permit the recovery now firmly under way to have the maximum effect on the welfare of our people and of people in the developing world.

REMEMBRANCE OF MILTON YOUNG

Mr. HATFIELD. Mr. President, Epicurus noted that "We cannot live pleasantly without living wisely and nobly and righteously." Milton Young was pleasantly at peace with himself and his environment because of his awareness of this truth.

His passing leaves us less noble. The memory of his faithfulness to his family, this institution, his political party and constituents in over 50 years of public service continues to be an inspiration to me, as I know it is to all who knew him.

There is no greater gift than to end the earthly pilgrimage with reputation intact. Senator Young's kindliness and always honorable treatment of all those he encountered assures that gift and his family's comfort. In St. Paul's classic teaching on gifts in Romans 12 he seemed to have Milton Young in mind when he spoke of the law of love * * * "Let love be genuine; hate what is evil, hold fast to what is good; love one another with brotherly affection; outdo one another in showing honor." (Romans 12:9-10)

Milton Young's unequalled record of being elected to a leadership position for longer than any other Republican Senator is a sign of his rigorous care in living out the law of love.

My prayerful condolences to Patricia and the children are sincere. Antoinette and I are genuinely grateful to have had the pleasure of service during the Milton Young era.

TRIBUTE TO FORMER SENATOR MILTON R. YOUNG

Mr. WALLOP. Mr. President, it is with deep sadness and respect that all those who knew Milton Young note his passing. For me, this quiet, yet dedicated, man came to epitomize the essence of a U.S. Senator. Milton Young was one of those rare individuals who did not rise to meet just the standard, but set that standard which many of us in this body today still attempt to follow.

As a public servant, in its truest definition, he served for over half a century in elective offices. Beginning at the local level, Senator Young became actively involved in State government prior to coming to Washington, D.C., in 1945. And, even at the national level his allegiance remained with those in North Dakota whom he represented at all times on Capitol Hill. For nearly 36 years, Milton Young was an unparalleled champion of the farmer, his own chosen profession in private life. In this role, he served as a national leader and won the respect of all inside and outside of the agricultural community during some very difficult times for our country's farmers.

Senator Young's interests and concerns, however, were never limited to just American farmers or to the State of North Dakota. He demonstrated his concern by promoting a strong national defense for our Nation during his years as a member of the Appropriations Committee. And, in so doing, he typified that quality of dual-mindedness which enabled him to simultaneously advance both the interests of the citizens who elected him and those of our entire country.

At this time, I would like to extend my condolences to his wife and children, and assure them that the memory of this former Senator from North Dakota shall remain treasured by those of us who had the good fortune to serve with him and benefit from his guidance and wisdom. He will be sorely missed by all.

ILLNESS OF SENATE FINANCIAL CLERK, STUART F. BALDERSON

Mr. THURMOND. I was saddened to learn of the illness and hospitalization of the Senate financial clerk, Mr. Stuart F. Balderson.

I reached Mr. Balderson by telephone at his home last Friday, and he informed me that he expects to have surgery tomorrow morning to repair two ruptured disks.

Mr. Balderson has served the Senate well for some 20 years, and I am sure all Senators join me in wishing for him successful surgery and a speedy recovery.

ARMS CONTROL

Mr. STEVENS. Mr. President, the concept of arms control is one for which the United States strives. In order to achieve such a goal without unilaterally increasing our own vulnerability will take some extremely cautious steps.

During his recent trip to Alaska, the Senator from Kansas (Mr. DOLE) unveiled a very attractive proposal in the area of arms control. In his address to the World Affairs Council in Anchorage, Senator DOLE suggested that the key to arms control is in a mutual comprehensive review of the array of nuclear arms on both sides.

I was pleased to note an article in the June 19, 1983, edition of the New York Times written by the Senator from Kansas on this very subject. The idea of arms control is one which we must not abandon. I believe Mr. DOLE accurately assesses the problem and I urge the Senate to read his remarks.

I ask unanimous consent that the article referenced be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 19, 1983]

TOWARD ARMS CONTROL

(By Bob Dole)

WASHINGTON.—Is there any doubt that there are simply too many nuclear weapons and warheads in the hands of the superpowers? There are about 9,500 strategic weapons on our side and at least 8,500 on the Soviet side. Will we just keep modernizing our weapons while the nuclear stockpiles continue to mount? Or should we just stop building weapons now, or freeze them at current deployment?

Our nuclear arms are more and more costly, eating up resources that we would like to spend elsewhere, or not have to spend at all. Yet we have an obligation to mount a defense that remains second to none, and specifically to counter the numerous Soviet intermediate range missiles that now threatens our European allies.

BEST COPY AVAILABLE

In my view, the key to arms control lies in a mutual comprehensive review of the staggering array of nuclear forces on both sides.

Our nuclear defenses depend upon our triad of manned bombers, submarine-launched missiles and land-based intercontinental missiles. That three-pronged force provides both flexibility and a measure of survivability, for no potential aggressor should ever be under the illusion that a first strike could demolish our nuclear triad.

The crucial third leg of the triad is the land-based intercontinental missiles. In recent years, the Russians have lavished attention on such missiles. Their intercontinental missile warhead arsenal now is three times our own total.

The challenge to arms control then is to correct this imbalance by developing a proposal that reflects the dynamics of the triad structure so that retained forces on both sides would not longer be disproportionate to national defense needs.

The President deserves full support for his efforts to negotiate realistic arms control agreements at the talks on intermediate range missiles in Europe and on strategic arms reductions. The President has gone the extra mile in giving our Geneva negotiators the necessary "flexiblity" to meet our goals there. This will test whether the Soviet Union is serious about arms control.

And with that flexibility in mind, we should pursue two further ideas—a nuclear freeze and a comprehensive arms control proposal that includes all strategic and intermediate-range nuclear forces, among them those under development. But we must realize that there are thousands of warheads on both sides that have not been specifically addressed in detail at either set of negotiations going on in Geneva. By including them all, we can get down to comparing out relative weapons to see where reductions can best be made—that is the essence of my "triad plan."

The President should propose to the Soviet Union a mutual and verifiable freeze of nuclear forces at levels substantially reduced from those that currently exist. The plan would include all types of strategic and theater nuclear weapons and warheads, along the liens of the nuclear triad itself.

The precise proposal must not limit the United States to nuclear forces inferior to those that the Russians would have.

If agreed upon, the triad plan would be a long-term accord with provisions for reviews from time to time looking to even lower nuclear force levels.

Special attention must be paid to weapons that are the most destabilizing, and to technological breakthroughs of all sorts.

With the Russians, we should also explore nuclear nonproliferation and the best way is to reduce the dangers of nuclear war by accident.

We have heard of the freeze and the build-down—both good-faith attempts to get control over the nuclear genie. And yet a freeze of current weapons would reward the Soviet Union's buildup in land-based intercontinental missiles and leave us with an unacceptable imbalance in Europe. As usually proposed, it would also not allow for modernization of forces. A triad proposal would allow for needed modernization while driving down overall totals of nuclear weapons.

The build-down is a useful idea, but because a number of our systems represent yesterday's technology, we would have to build down two weapons for every one newly deployed for the privilege of catching up to the Russians. In the area of air-launched cruise missiles alone, our present triad defense would have to be virtually dismantled in order to deploy these missiles. And there would be no obligation on the Russians' part to build down any weapons until they wanted to deploy new ones.

It is more productive to preserve our nuclear defenses while offering the Soviet Union something that both sides can agree upon. With an eye to what these weapons are supposed to do—rather than to a rigid formula—we can best see how to limit them. Let's put arms control in the real world of nuclear defenses and let's make it work.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1590. An act to provide emergency food assistance to low-income and unemployed persons and to improve the commodity distribution program.

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1590. An act to provide emergency food assistance to low income and unemployed persons and to improve the commodity distribution program; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 34. Joint resolution designating "National Reye's Syndrome Week."

By Mr. DOLE, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 528. A bill to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition (additional views filed) (Rept. No. 98-154).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

Ex. E, 96-1. The Revised Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, done at Geneva on May 13, 1977 (Ex. Rept. No. 98-10).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. HEINZ, Mr. DODD, Mr. HUMPHREY, and Mr. MITCHELL):

S. 1498. A bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System; to the Committee on Environment and Public Works.

By Mr. WEICKER (for himself and Mr. DODD):

S. 1499. A bill to settle certain claims of the Mashantucket Pequot Indians; to the Select Committee on Indian Affairs.

By Mr. HART:

S. 1500. A bill to improve the regulation of civilian nuclear powerplants and provide economic incentives for their safe operation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MELCHER:

S. 1501. A bill to amend section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 to clarify the use and application of bidding rights issued thereunder and to clarify the use of these bidding rights with respect to certain specified lands; to the Committee on Energy and Natural Resources.

By Mr. HART:

S. 1502. A bill to amend title I of the Reclamation Project Authorization Act to 1972 (Public Law 92-514: 86 Stat. 964) as amended by Public Law 96-375 (94 Stat. 1507); to the Committee on Environment and Public Works.

By Mr. ROTH (for himself and Mr. BIDEN):

S. 1503. A bill to release the reversionary clause by the Federal Government on 6.21 acres in the deed to the land conveyed to the State of Delaware September 24, 1954; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENTSEN (for himself and Mr. TOWER):

S. 1504. A bill to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath waters of the United States; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. HEINZ, Mr. DODD, Mr. HUMPHREY, and Mr. MITCHELL)

S. 1498. A bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System; to the Committee on Environment and Public Works.

INTERSTATE SYSTEM RESURFACING, RESTORATION, REHABILITATION, AND RECONSTRUCTION AMENDMENTS OF 1983

Mr. SPECTER. Mr. President, I rise today to introduce the Interstate Resurfacing, Restoration, Rehabilitation and Reconstruction Amendments of 1983, joined by Senators HEINZ, DODD, HUMPHREY, and MITCHELL. Passage of the Surface Transportation Assistance Act of 1982 left the issue of a funding formula for the interstate 4R program unresolved. Instead, the act mandated that a study be undertaken to identify appropriate factors for the apportionment of these funds. This study, due last month, will analyze factors such as volume and mix of traffic, weight and size of vehicles, environmental, geographical, and meteorological conditions in various States.

It is generally accepted that the adverse effects of these factors contribute most to the deterioration of our highways. The relative importance of the interstate 4R account among the other programs funded through the highway trust fund has grown, and will continue to expand over time. In 1976, Congress recognized the need to preserve its investment in the Interstate Highway System and established the interstate 3R program, authorized at $175 million annually. Two years later, Congress increased this level to $275 million. At that time, the interstate construction program was redefined to address the need and desirability to complete the interstate system by 1990. Modernization work previously done out of the construction account was reassigned to the interstate 3R program; hence, a new "R" was born—Reconstruction. In 1981, reflecting the larger dimensions of the program, Congress increased the authorization substantially to $800 million. Most recently, the STAA increased the 1984 level to $1.95 billion.

The results of the Department of Transportation's study of factors will not be available until at least midsummer. The increasing commitment to the Interstate 4R program, totaling $10.3 billion over the life of the STAA, requires that discussion of the alternative formulas begin immediately. Given the factors under study, the Pennsylvania Department of Transportation has carefully reviewed the docket and, after extensive consideration, developed a formula that reflects those factors causing the greatest damage to the highway system.

The formula we introduce today consists of lane miles, diesel fuel consumption, and bridge needs on the interstate system. Interstate lanc miles is used in the current apportionment formula and is indicative of the size and extent of a State's interstate system. Since no other accurate measure exists, diesel fuel consumption serves as a surrogate for truck traffic, the single most contributor to the deterioration of the interstate system. The third factor, composed of data on deficient bridges and bridge needs on the interstate system, represents the culmination of the department's research of the formula. This new factor marks the development of the first reliable, quantifiable surrogate for terrain and severe weather. More bridges are required in rugged terrain. Furthermore, the bridge needs factor reflects the impact of weather since the use of melting agents on bridge decks adds to system deterioration and is manifested in the cost to improve deficient bridges.

The formula we proposed today has been unanimously endorsed by the Northeast Association of State Highway and Transportation Officials, and is supported by the Coalition of Northeastern Governors. It is generally agreed that the current formula is inadequate; I urge the Environment and Public Works Committee to hold hearings on this matter imminently, and to develop a more equitable formula for the distribution of Interstate 4R funds.

Mr. President, I ask unanimous consent that the resolution of the Northeast Association of State Highway and Transportation Officials and a letter of the Coalition of Northeastern Governors in support of this legislation be included in the RECORD.

I further ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate System Resurfacing, Restoration, Rehabilitation, and Reconstruction Amendments of 1983".

SEC. 2. Subparagraph (B) of section 104 (b)(5) of title 23, United States Code, is amended to read as follows:

"(B)(i) For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

"One-third in the ratio that diesel fuel used by motor vehicles on highways in each State bears to the total of diesel fuel used by motor vehicles on highways in all States; one-third in the ratio that lane miles on the interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and one-third in the ratio (not to exceed 10 per centum) that the total cost to improve deficient bridges on the Interstate System in each State bears to the total cost to improve deficient bridges on the Interstate System in all States. Notwithstanding the preceding sentence, no State shall receive less than 1 per centum of the total apportionment made by this subparagraph for any fiscal year.

"(ii) For purposes of clause (i) the total cost to improve deficient bridges shall be determined by the square footage of bridges on the Interstate System, including bridges on toll interstate highways, eligible for replacement and rehabilitation multiplied by the respective unit price on the State-by-State basis, as determined by the Secretary under section 144 of this title.".

SEC. 3. The amendment made by this Act shall apply to fiscal years beginning on or after October 1, 1983.

COALITION OF NORTHEASTERN GOVERNORS,
June 9, 1983.

A key priority for the Coalition of Northeastern Governors during last year's debate on the Surface Transportation Assistance Act was to secure changes in the formula for the interstate highway "4R" program. This program provides vitally needed support for the rehabilitation and restoration of major stretches of the aging interstate highway system. Unfortunately, the current allocation formula, which is based on a combination of "lane miles" and "vehicle miles" fails to take account of other factors such as weather and truck use which contribute to pavement deterioration.

The Northeastern Association of State Highway and Transportation Officials (NASHTO) has developed a formula change proposal which is more responsive to actual state needs for interstate repair and rehabilitation. This formula proposal was unanimously approved by the state transportation officials at the recent NASHTO conference, and has the full support of the CONEG Transportation Committee. A detailed explanation of the proposed formula is enclosed for your review and information.

Senator Arlen Specter of Pennsylvania has agreed to introduce legislation to make this formula change. We believe this formula represents a substantial improvement over the current "4R" formula, and we urge you to join with Senator Specter as an original co-sponsor of this bill.

Sincerely,
Gov. William A. O Neill, Vice-Chairman,
Gov. Dick Thornburg, Lead Governor for Transportation, Gov. Thomas H. Kean, Chairman.

NORTHEAST ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS

RESOLUTION—INTERSTATE 4R APPORTIONMENT FORMULA

Whereas NASHTO is previously on record supporting a usage-based formula to apportion Interstate 4R funds (through adoption of the NGA/AASHTO position on new Federal highway legislation);

Whereas the passage of the 1982 Surface Transportation Assistance Act left unresolved the issue of a more equitable distribution of Interstate 4R funds:

Whereas the adverse effects of truck traffic, extreme weather, and the particular geography of an area, combined with the size and extent of the system have the greatest impact on states' abilities to maintain their Interstate highways;

Whereas current apportionment factors such as vehicle miles of travel do not reflect the weight and size of vehicles (trucks);

Whereas diesel fuel usage should be considered as a reasonable surrogate for truck traffic, since no credible national data base for truck traffic exists:

Whereas bridge data, including data on deficient bridges and bridge needs, serve as a surrogate for environmental and geographical (terrain) conditions as well as for the impact of meteorological conditions;

Whereas lane miles, another current apportionment factor, is an adequate measure of the size and extent of the Interstate Highway System;

Now therefore be it resolved that: NASHTO supports the following formula for the apportionment of Interstate 4R funds: one-third Lane Miles, one-third Diesel Fuel Consumption, one-third Bridge Needs;

Be it further resolved that: the recommended formula ensures that no state, including the District of Columbia, receives less than 1.0 percent of the total apportionment.

By Mr. WEICKER (for himself and Mr. DODD):

S. 1499. A bill to settle certain claims of the Mashantucket Pequot Indians; to the Select Committee on Indian Affairs.

MASHANTUCKET PEQUOT LAND CLAIMS SETTLEMENT ACT

● Mr. WEICKER. Mr. President, I am pleased to join my colleague from Connecticut, Senator DODD, in introducing, again, the Mashantucket Pequot Land Claims Settlement Act.

This bill would settle the claim of the Mashantucket Pequot Tribe to 800 acres of land in eastern Connecticut. It would authorize the appropriation of $900,000 for purchase of the land and extend Federal recognition to the Pequots as part of the settlement. It would credit the State of Connecticut with a contribution of $450,000 based on the provision of past services to the tribe, a contribution of 20 acres of land and extensive road work on the reservation by the Connecticut Department of Transportation.

The legislation presents an agreement negotiated among the Pequot Tribe, the 14 affected property owners and the State of Connecticut. The settlement has the support of all those parties and is cosponsored by the entire Connecticut delegation.

As my colleagues may recall, the settlement passed the Senate by unanimous consent on February 23 and the House by unanimous consent on March 22. Unfortunately, it was vetoed by the President on April 5.

Since the veto, however, at the urging of the majority leader, extensive discussions have taken place between Congress and the administration over this legislation. As a result of those discussions, the State of Connecticut has agreed to increase its contribution to the settlement by pledging $200,000 worth of road construction on the reservation. This road work would have been the responsibility of the Bureau of Indian Affairs upon passage of the settlement.

The Select Committee on Indian Affairs has agreed to hold hearings on this measure to provide the administration with the opportunity to testify on several points in the bill which are of particular interest to the Bureau of Indian Affairs.

It is our understanding that this action will satisfy the concerns of the administration and that the settlement continues to meet the approval of the State, the tribe, and the Connecticut delegation.

I would like to express my gratitude to Senator BAKER and his staff for their continuing assistance in our efforts to reach a settlement for the Mashantucket Pequot Tribe and the affected property owners in Ledyard, Conn.●

● Mr. DODD. Mr. President, I join with my colleague from Connecticut (Mr. WEICKER) in reintroducing legislation to settle the first outstanding Indian land claim in the State of Connecticut. The settlement is the result of years of negotiations between the Mashantucket Pequot Tribe and private landowners in Ledyard, Conn. It provides for a Federal trust fund of $900,000 which the tribe will use to purchase 800 acres of land that the affected owners have voluntarily agreed to sell. The bill extinguishes all aboriginal title to the land and subjects the tribe to the laws of the United States. Finally, in order that the settlement will be made final, the bill makes the Pequots a federally recognized tribe.

This bill was approved by the Congress earlier this year without dissent and subsequently vetoed by the President. The veto message argued essentially that this settlement did not conform to a rigid formula that this administration intends to have applied to these matters. Such arguments were not only specious in light of the lack of prior administration involvement in the negotiations, but fail to comprehend the fact that the very history and circumstances of these claims differ and do not lend themselves to a single formula response.

Since the veto, we considered the possibility of either an override attempt or negotiations with the administration. We have chosen the latter course so as not to further politicize what is a bipartisan bill and an existing local settlement. This bill differs from the earlier proposal in that it recognizes an increase in the State contribution to the settlement in the form of roadwork in the area. With this change, I am informed that this measure will be acceptable to the administration. I want to express my deepest appreciation to Senators ANDREWS and MELCHER and the staff of the Select Committee on Indian Affairs for this support and assistance on this matter and, in particular, for their efforts in pursuing an accommodation with the administration.

In addition, I want to thank my colleagues for the many expressions of support we received for a possible override of this veto. I regret that this matter must once again take the time of the Senate, but I trust that this bill can be considered without objection and will be approved as expeditiously as possible.●

By Mr. HART:

S. 1500. A bill to improve the regulation of civilian nuclear powerplants and provide economic incentives for their safe operation, and for other purposes; to the Committee on Environment and Public Works.

CIVILIAN NUCLEAR POWER REGULATION IMPROVEMENT AND SAFETY INCENTIVES

● Mr. HART. Mr. President, today I am introducing a bill that will enhance the safety of nuclear power in this country—the Civilian Nuclear Power Regulation Improvement and Safety Incentives Act of 1983. Representative JOHN SEIBERLING is introducing an identical companion bill in the House. Our bill makes three simple, but fundamental, modifications in the so-called Price-Anderson Act:

It removes the current $560 million limitation on total liability for damages to the public caused by an accident at a nuclear powerplant;

It makes the nuclear industry strictly liable for the damages caused by all accidents, regardless of severity. Injured persons would not have to prove negligence in the design, construction, or operation of a plant in order to receive compensation for any injuries they might sustain;

And it eliminates the current 20-year statute of limitations on recovering damages caused by a nuclear accident. Instead, it would permit injured persons to recover for damages if they sue within 3 years after they discover, or reasonably could have discovered, their injuries.

This bill does not in any way alter the other provisions in the Price-Anderson Act, particularly those requiring that a nuclear utility, as a condition of its operating license, maintain either the maximum available private insurance or some other form of financial protection and contribute to a retrospective premium pool should an accident cause damages exceeding that financial protection.

LIMITATION ON LIABILITY

Mr. President, in perhaps its most important—and most controversial—provision, the Price-Anderson Act insulates the nuclear industry—utilities, designers, vendors, and contractors—from liability for any damages caused by a nuclear accident exceeding $560 million. For 25 years, this provision has served as an umbilical cord for the nuclear industry.

By relieving the nuclear industry of the cost of insuring itself against the full range of damages caused by a nuclear accident, this statutory limitation on liability offers perhaps the largest single subsidy granted any industry.

Those favoring the limitation on liability base their argument on an irreconcilable—and fatal—contradiction. On the one hand, they maintain that removal of the limitation would foreclose the nuclear power option, presumably because the risk of a serious accident is too great for the nuclear industry to bear without this protection. Yet, they also argue there is only a slight risk that a nuclear accident ever would cause damages exceeding the statutory limitation. Therefore, they say, the public likely will recover for all the unjuries it may suffer, the limitation notwithstanding.

The defenders of this limitation on liability cannot have it both ways. They cannot describe the risks of a serious accident as so slight that the public need not worry, but then suggest the risks are so great that the nuclear industry cannot survive without it.

Mr. President, the time has come for us to cut this umbilical cord and wean the nuclear industry.

First, any justifications for this limitation on liability that may have existed 25 years ago, when it was enacted, do not exist now.

Although originally intended as a temporary measure to nuture the infant nuclear industry, the liability limitation in the Price-Anderson Act has a survival record rivalling that of Rasputin.

In 1957, the Congress first enacted the Price-Anderson Act to remove what many say as the major roadblock to commercial development and use of nuclear power. Without the liability limitation, investors, vendors, engineers, and utilities refused to risk involvement in a dangerous, unproven technology. The act was to expire in 10 years when the fledgling nuclear industry presumably could survive on its own.

But apparently 10 years was not long enough. In 1965, the nuclear industry sought another 10-year extension, arguing that it has not compiled an operating record sufficient to assess the true risks of nuclear power. Congress acceded.

Another 10 years passed, and the nuclear industry again petitioned the Congress for a further 10-year extension. Congress once again agreed.

Few temporary laws have proven so permanent.

Mr. President, if the Congress accedes to the nuclear industry's latest request for an extension of the liability limitation, it will wind up nurturing a 40-year-old infant industry. One need only look at its size to realize we are not talking about a babe in arms. The nuclear industry represents billions of dollars of assets and thousands of jobs. It has 80 reactors built and operating, and has accumulated more than 700 reactor-years of operating experience. An additional 70 reactors are under construction.

In addition, the nuclear industry seems so confident in its current technology that it seeks to graduate into a new generation of reactors. It annually requests hundreds of millions of Federal dollars for developing breeder reactors, high-temperature gas-cooled reactors, and magnetic fusion. This hardly sounds like an infant industry that requires a crib of liability limitation.

Compare this industry to another risky industry. In 1957, few Americans traveled by air and space exploration was the stuff of science fiction. Today, we fly on supersonic Concordes and Boeing 767's, air transportation is a multibillion-dollar industry, our space probes have explored the far reaches of the solar system, and use of the space shuttle soon may become a commerical enterprise.

If the air transportation industry—with its risk of accidents causing potentially great damages—survives without a limitation on its liability, why cannot the nuclear industry?

Mr. President, the nuclear industry undoubtedly will argue that it would buy additional private insurance if the private insurers would sell it. But currently the private insurers will only make available for each reactor $160 million of insurance against off-site damages. The reason for this minimal amount of insurance is simple: The liability limitation in the Price-Anderson Act removed all incentive for the nuclear industry to buy additional insurance, and for private insurers to sell it.

Consider the response of the private insurers to the accident at Three Mile Island. The nuclear industry always has had to absorb the on-site property damages caused by an accident—and particularly damage to the reactor itself. Prior to the Three Mile Island accident, private insurers offered only $300 million of insurance for on-site property damages. The utility, contractor, or plant vendor had to pay for any damages in excess of $300 million.

Three Mile Island showed, however, that a nuclear accident causing little off-site damage could still cause substantial damage to the utility's powerplant and other on-site property—in this case over $1 billion.

Because the nuclear industry naturally wanted to minimize the exposure of its assets to such damages, it successfully encouraged the private insurers to increase from $300 million to $1 billion the amount of insurance they would make available for on-site property including the powerplant itself.

If the private insurers can respond with such remarkable speed to the needs of the nuclear industry, surely when the liability limitation has been removed they will respond with equally remarkable speed to the needs of the potential public victims of nuclear accidents.

This disincentive for private insurers to write coverage for injuries to the public caused by a nuclear accident underscores a second reason for removing the liability limitation: The limitation transfers the risk of nuclear power from those who profit from the technology to those who could suffer from it. If the public were given the opportunity to recover fully for injuries from an accident, the companies who design nuclear powerplants, the contractors who build them, and the utilities who operate them would have far greater incentive to protect the health and safety of the public. This is precisely the type of economic incentive for safety that the Reagan administration would like to see replace direct Federal regulation.

Indeed, the Heritage Foundation, in supporting elimination of this liability limitation, has said:

> Safety would be improved because the insuring companies would have an incentive to work with the utility to improve design and operational safety. This has been the case in numerous industries; the nuclear industry would not likely be an exception.

There is a final reason for removing the liability limitation. This hidden subsidy distorts the market that allocates our energy resources. By enabling it to enjoy below-market insurance, the Price-Anderson Act relieves the nuclear industry of a significant cost of doing business.

The Reagan administration has a penchant for applying a free market test to other energy technologies—particularly when it cuts funding for conservation, solar and renewable energy technologies. Surely, consistency demands it apply the same test to nuclear power. The liability limitation for nuclear power has caused serious inefficiency and waste in the allocation of our energy resources. If nuclear power cannot survive in a market free of hidden subsidies, then we should allocate our energy resources to other technologies that can.

STRICT LIABILITY

Mr. President, although removing the limitation on aggregate public liability may seem the most significant change this bill makes in the Price-Anderson Act, the other two provisions are equally important.

The second provision eliminates the distinction between an "extraordinary nuclear occurrence" (ENO) and a "nuclear incident"—two of the most creative euphemisms imaginable. Currently, if the Nuclear Regulatory Commission (NRC) determines, based on the amount of radiation released and the damage to persons and property off-site, that an accident is serious enough to constitute an ENO, then the nuclear industry cannot defend against a damage suit by arguing either that it was not at fault or that it enjoyed some special immunity. The nuclear industry is strictly liable for the damages caused by an ENO.

By contrast, if the NRC determines, based on its criteria, that an accident was not serious enough to constitute an ENO, then regular State laws of tort liability and immunity would apply. The nuclear industry would be strictly liable for damages caused by a nuclear incident only if the State law so provides. Since State laws generally apply strict liability to ultrahazardous activities—and presumably for many States nuclear power would fall within this category—strict liability would often apply even to an accident not deemed an extraordinary nuclear occurrence.

Why, then, should not the Price-Anderson Act mandate strict liability for all nuclear accidents regardless of the State in which they occur?

The ENO distinction implies that victims of "less serious" nuclear accidents should have to meet tougher conditions in order to recover than should victims of more serious accidents. To a person suffering substantial property damage or serious radiation injury, however, it makes no difference whether the NRC finds that an accident was an ENO. The pain, suffering, and other damage remain the same, regardless of the injury caused to the surrounding community. By removing the ENO distinction and applying strict liability to accidents of any severity, the provision redresses this inequity.

STATUTE OF LIMITATIONS

Mr. President, the third, and final, provision of this bill replaces with a so-called discovery rule the existing 20-year statute of limitations on suits to recover damages.

Currently, the 20-year statute of limitations applies only to an ENO, while State statutes of limitations apply to less severe nuclear incidents. Since the second provision in this bill eliminates altogether the ENO distinction, this third provision would apply a discovery rule to all nuclear accidents—victims could recover damages caused by an accident if they file suit within 3 years after they discovered, or reasonably could have discovered, their injuries.

Many injuries caused by a nuclear accident are latent. They may not manifest themselves for decades, and often for periods longer than 20 years. Genetic damage caused by radiation may take one or even several generations to appear. Fairness dictates that we not preclude, with an arbitrary limitation, these victims of a nuclear accident from recovering damages simply because they were unlucky enough to suffer latent injuries. This new statute of limitations enables all victims of a nuclear accident to seek recovery for their injuries regardless of whether apparent or latent.

Mr. President, the modifications of the Price-Anderson Act contained in this bill are long overdue. This bill does not pass judgment on the nuclear industry or its prospects. Indeed, conservative groups such as the National Taxpayers Coalition and the Heritage Foundation have also argued for removal of the liability limitation in the Price-Anderson Act.

We must reject arguments used in the 1950's, at the dawn of the nuclear age to justify preserving and extending the Price-Anderson Act today. Ultimately, enactment of the Civilian Nuclear Power Regulation Improvement and Safety Incentives Act should benefit the nuclear industry because it will enhance public confidence in nuclear power. If the nuclear industry can survive in the free market without the Price-Anderson subsidy and obtain sufficient private insurance to protect the public, it deserves to survive. If it cannot, then we should invest our energy dollars elsewhere.

There has been a lot of talk recently about reforming the process for licensing nuclear powerplants. I cannot imagine any reform more important than removing the liability limitation and creating a powerful economic incentive for safe design, construction and operation of nuclear powerplants.

Before we worry about reforming the process for licensing new plants that may never be ordered or built, we should reform the current rules of financial protection to insure safer operation of the plants we now have. This bill does just that. And I will seek to have it included as an important element of any licensing reform discussion.

Mr. President, I urge the Committee on Environment and Public Works promptly to consider, and the Senate to pass, this bill.

I ask unanimous consent that the text of the bill appear in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Civilian Nuclear Power Regulation Improvement and Safety Incentives Act of 1983".

LIMITATION ON LIABILITY

SEC. 2. Section 170 of the Atomic Energy Act of 1954, as amended, is amended by striking out subsection 170e., and relettering the subsequent subsections as necessary.

EXTRAORDINARY NUCLEAR OCCURRENCE

SEC. 3. (a) Section 11 of the Atomic Energy Act of 1954 is amended—

(1) by striking out subsection j.; and

(2) in subsection q. by striking out ", including an extraordinary nuclear occurrence,".

(b) Section 170n. of the Atomic Energy Act of 1954 is amended by striking out "extraordinary nuclear occurrence" and substituting "nuclear incident" in each place it appears.

STATUTE OF LIMITATIONS

SEC. 4. Section 170n.(1) of the Atomic Energy Act of 1954 is amended in the first sentence—

(a) by striking out the clause immediately following subparagraph (c) up to but not including "(i)", and inserting in lieu thereof the following: "the Commission must incorporate provisions in indemnity agreements with licensees and contractors under this section, and must require provisions to be incorporated in insurance policies or contracts furnished as proof of financial protection, which waive"; and

(b) by inserting in clause (iii) a period after "thereof" and striking out the remainder of the sentence.●

By Mr. HART:

S. 1502. A bill to amend title I of the Reclamation Project Authorization Act of 1972 (Public Law 92-514; 86 Stat. 964) as amended by Public Law 96-375 (94 Stat. 1507); to the Committee on Energy and Natural Resources.

CLOSED BASIN DIVISION WATER PROJECT

● Mr. HART. Mr. President, today I am introducing legislation to amend the authorizing statute for the Closed Basin Division water project in the southwestern corner of my State. Specifically, this legislation will authorize the establishment of the Russell Lakes Waterfowl Management Area as a replacement for the presently authorized and proposed Mishak National Wildlife Refuge.

The Closed Basin project, authorized in 1972 and presently under construction, is designed to pump groundwater from an unconfined acquifer in the Closed Basin of Colorado to the Rio Grande River to help the State of Colorado meet its obligations for water delivery to the States of New Mexico and Texas under the Rio Grande Compact of 1939 as well as to help the United States meet its water obligations to Mexico under the Rio Grande Convention of 1906. The project, developed in stages over a 10-year period, will pump groundwater presently lost to evaporation through a conveyance channel to the Rio Grande River.

As originally authorized, Closed Basin provided for certain specific features to mitigate the effects of the project on existing fish and wildlife. These included the Alamosa National Wildlife Refuge, Blanca Wildlife Habitat Area, establishment of the Russell Lakes Waterfowl Management Area, stabilization of the water level in existing lakes and development of recreation facilities at San Luis Lake. In addition, the original authorization included plans for the Mishak National Wildlife Refuge which was to be provided with 12,500 acre-feet of water annually to sustain wildlife and wetland habitat.

At the time of authorization and filing of the final environment statement, specific impacts upon wetlands due to the project were not known. Project features needed to mitigate impacts of the project on wetlands could not be determined. The 1979 final environmental statement stated that a supplement to the final ES would be prepared prior to beginning stage three of the project, and the mitigation needs would be included in the supplement.

Since the project was originally designed and authorized, annual surface water flows into the Mishak National Wildlife Refuge have been reduced to as little as 500 acre-feet through more efficient irrigation practices upstream of the project. This is considerably less than the 12,500 acre-feet needed to sustain the Mishak National Wildlife Refuge. In order to retain the Mishak Refuge, waterflows would have to be supplemented with groundwater pumping which will decrease the total amount of water delivered to the Rio Grande River.

Proposed development and management of the Russell Lakes Waterfowl Management Area as a replacement for the Mishak National Wildlife Refuge has resulted from reanalysis of the projects impacts on existing wetland habitat and actual surface waterflows necessary to sustain the originally authorized Mishak Refuge. The Bureau of Reclamation believes that, in conjunction with the revised fish and wildlife enhancement and mitigation plan, the development and management of Russell Lakes will adequately compensate for the projects effects on fish and wildlife resources in this part of our State.

The Bureau of Reclamation, Colorado Division of Wildlife, Colorado Water Conservation Board and commissioners in the local counties where Closed Basin is located all support Russell Lakes as a replacement for the Mishak Refuge and the legislation needed to amend the existing authorizing statute. In addition, Congressman KOGOVSEK, who represents Colorado's Third District where Closed Basin is located, has introduced identical legislation in the House of Representatives. This legislation is needed to bring the original authorizing statute in line with actual conditions and needs at the project site.

Mr. President, preliminary work on the next stage of the Closed Basin project is contingent on enactment of this legislation. I believe this amending legislation necessary to maintain both our water obligations to Mexico and Colorado's water obligations to the States of Texas and New Mexico, in accordance with the original authorizing statute. I look forward to working with the Senate Energy and Natural Resources Committee on this in coming months.●

By Mr. BENTSEN (for himself and Mr. TOWER):

S. 1504. A bill to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath waters of the United States; to the Committee on Energy and Natural Resources.

HISTORIC SHIPWRECKS LEGISLATION

Mr. BENTSEN. Mr. President, today I am introducing, together with Senator TOWER, a bill to protect historic shipwrecks. Just as Congress has wisely protected our physical historical heritage by enacting laws including the Antiquities Act of 1906, the Historic Sites and Buildings Act of 1935, the National Historic Preservation Act of 1966, and the Archaeological Resources Protection Act of 1979, so too I believe we should extend protection to historic shipwrecks which are a source of future understanding of our cultural heritage.

It is commonly recognized that the physical presence of the past is valuable, and that its wanton destruction should not be tolerated. It is upon that believe that the legislation I have just referred to rests. Several recent decisions by Federal courts, however, have placed historic shipwrecks under the salvage provisions of maritime law, which allows salvors to freely search, and often destroy, valuable abandoned property. Federal and State efforts to protect these historic shipwrecks from looting by organized commercial treasure hunters have thereby been thwarted. This bill seeks to address the problem by removing shipwrecks which are eligible for inclusion on the National Register of Historic Places from the salvage provisions of maritime law.

There are many historic shipwrecks, whose historical and archeological importance mandate protection. Few States have made detailed inventories, but examples from Texas and North Carolina are revealing. In Texas, over 1,700 wrecks of all periods have been discovered, 653 of which have been designated historic landmarks. In North Carolina the State Marine Archaeologist's office has recorded over 700 wrecks, of which about 500 are historic. In addition, the U.S. Bureau of Land Management estimates that there are 2,000 more historic wrecks off the east coast north of Cape Hatteras. There are an equal number in the Gulf of Mexico.

The looting of historic shipwrecks by professional firms is a significant problem. In Florida, where most of the actual Spanish treasure ships were lost, these firms destroyed whole fleets of vessels. Because specific wrecked vessels are difficult to identify, almost all older or woodenhulled wrecks have been severely damaged by treasure hunters searching for the relatively few treasure ships among them. When treasure hunters for example finished looting the San Jose, the remains of that ship were destroyed by being left exposed to the currents and creatures of the sea, from which the overlying deposits had protected them for centuries.

It is not the purpose of the bill to restrict access to submerged lands by scuba divers and other members of the public, not to punish those who may find a stray coin or artifact on the floor of the ocean. It is intended only to enable the States and the Federal Government to prohibit the looting and destruction of historic shipwrecks for the profit of a few individuals under the guise of "salvage".

A similar bill has been introduced in the House by Mr. JONES of North Carolina, chairman of the Committee on Merchant Marine and Fisheries. The legislation has the support of the Society for American Archeology, which adopted a resolution on April 29, 1983, calling for its enactment, by the Texas Antiquities Committee, and by the National Conference of State Historical Preservation Offices. I ask unanimous consent that the bill's text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) historical shipwrecks, structures, and artifacts on the seabed and in the subsoil of the lands beneath waters of the United States are cultural resources that are an irreplaceable part of the Nation's heritage;

(2) these resources are increasingly endangered because of their commerical attractiveness;

(3) existing Federal law creates a barrier to adequate protection from the loss and destruction of these resources resulting from uncontrolled salvage operations;

(4) some of the States have laws which would adequately protect these resources, but for the barrier created by existing Federal law; and

(5) the power to prescribe rules of law to be applied to such resources should rest with the respective States.

(b) The principal purpose of this Act is to protect, for the present and future benefit of the American people, historical shipwrecks, structures, and artifacts on the seabed and in the subsoil of the lands beneath navigable waters within the boundaries of the respective States.

SEC. 2. For the purposes of this Act—

(1) the term "historical shipwrecks, structures, and artifacts" includes sunken and abandoned ships and wrecks of the sea and any part of the cargo and other contents of such ships and wrecks, and sites, structures (including wharfs and bridges), objects, buildings, artifacts, and implements of historical archeological, scientific, or educational interest on the seabed or in the sub-

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soil of the lands beneath navigable waters and which are eligible for or are listed on the National Register of Historic Places;

(2) the term "salvage" means the compensation or reward allowed by maritime law to persons by whose voluntary assistance a ship or wreck at sea or her cargo have been saved or recovered in whole or in part from marine peril;

(3) the term "lands beneath navigable waters" has the meaning given such term in section 2(a) of the Submerged Lands Act (67 Stat. 29; 43 U.S.C. 1301(a)), and includes the beds and subsoil of all navigable lakes, reservoirs, rivers and streams, except those excluded by section 2(f) of such Act (43 U.S.C. 1301(f));

(4) the term "boundaries" has the meaning given that term in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)); and

(5) the term "State" means a State of the United States.

Sec. 3. Except as otherwise reserved in section 5, the United States releases and relinquishes to the respective States all right, title, and interest, if any it has, in historical shipwrecks, structures, and artifacts on the seabed or in the subsoil of the lands beneath navigable waters within the boundaries of the respective States.

Sec. 4. (a) The United States maritime law of salvage shall not apply to any historical shipwrecks, structures, and artifacts located on the seabed or in the subsoil of the lands beneath navigable waters within the boundaries of the respective States or other waters of the United States.

(b) All historical shipwrecks, structures, and artifacts located on the seabed or in the subsoil of the lands beneath navigable waters of each State shall be subject to the laws of such State.

Sec. 5. Except as provided for in this Act, nothing in this Act is to be construed as affecting or amending any of the rights reserved by the United States in—

(1) sections 3, 4, 5, 6, and 8 of the Submerged Lands Act (43 U.S.C. 1311-1315);

(2) sections 4238 through 4241 of the Revised Statutes (46 U.S.C. 721-724), the Act entitled "An Act to aid vessels wrecked or disabled in waters coterminous to the United States and the Dominion of Canada", approved June 19, 1878 (20 Stat. 175; 46 U.S.C. 725), the Act entitled "A Joint Resolution for the reporting, marking, and removal of derelicts", approved October 31, 1893 (28 Stat. 13; 46 U.S.C. 726), the Act entitled "An Act to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes", approved August 1, 1912 (37 Stat. 242; 46 U.S.C. 727-731), and the Act entitled "An Act to promote safety at sea in the neighborhood of ice and derelicts, and for other purposes", approved June 25, 1936 (49 Stat. 1922; 46 U.S.C. 738-738d); and

(3) Sections 7361-7367 of title 10, United States Code.

Sec. 6. Nothing in this Act shall be construed to preempt or modify the laws relating to the ownership and control of ground and surface waters of the States which lie wholly or in part westward of the ninety-eighth meridian.

Sec. 7. Historical shipwrecks, structures, and artifacts beneath waters of the United States not subject to State control pursuant to section 3 or 6 is subject to the supervision and control of the Department of the Interior.

Mr. TOWER. Mr. President, famed historian, Kenneth Clarke, asserts in his book "Civilization" that the true record of any group lies in its art, buildings, and artifacts. His implication is that those remaining bits of eras past should be preserved for future generations to learn from. Americans generally share this sentiment. As an expression of their will, Federal legislation has long aided the preservation of our historic resources.

Recently, however, several Federal court decisions have placed historic shipwrecks under the salvage provisions of maritime law, and have frustrated Federal and State efforts to protect these historic shipwrecks from looting by commerical treasure hunters. The legislation introduced today would remove shipwrecks that are eligible for inclusion in the National Register of Historic Places from the salvage provisions of maritime law.

In the territorial waters of the United States, there are many historic shipwrecks. In Texas, over 1,700 wrecks of all periods have been recorded; 635 are designated historic landmarks. In the Gulf of Mexico area of the United States, the Bureau of Land Management has estimated 2,000 historic shipwrecks exist. About the same number are known in the northeast region, stretching from the Bay of Fundy to Cape Hatteras.

The problem of looting these historic shipwrecks is a significant nationwide problem. For instance, in Florida, where most of the actual Spanish treasure ships were lost, organized treasure hunters have destroyed dozens of vessels. Further, looters frequently expose these artifacts by digging through the layers of sediment that have protected them for centuries; the remains are then destroyed by being left exposed to the currents and creatures of the sea.

Almost every State with navigable waters has other examples of historic wrecks destroyed or severely damaged by looters. Texas lost the *Espiritu Sancto*, which sank in 1554; Louisiana lost the *Nuevo* and the *Constante*, which sank in 1766; North Carolina lost two Civil War-era vessels, the *Modern Greece* and the *Ranger*. These are only a few of many examples of the needless destruction of these vessels.

The legislation introduced today recognizes the unique significance of these shipwrecks to our historic heritage. It places these shipwrecks under the care of the States in whose coastal waters they occurred. it will permit the States and the Federal Government to exercise their responsibility to protect these resources for the benefit of the public as a whole. It is not the purpose of the legislation to restrict access to submerged lands by scuba divers or other members of the public, nor to punish those who may find a stray coin or artifact on the ocean floor. It is intended only to enable the States and the Federal Government to prohibit the looting and destruction of historic shipwrecks for the profit of a few individuals under the guise of "salvage."

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. Kasten, the names of the Senator from Oklahoma (Mr. Boren), and the Senator from Idaho (Mr. Symms) were added as cosponsors of S. 44, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 53

At the request of Mr. Specter, the name of the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 53, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968.

S. 454

At the request of Mr. Byrd, the name of the Senator from Illinois (Mr. Dixon) was added as a cosponsor of S. 454, a bill to provide for an accelerated study of the causes and effects of acidic deposition during a 5-year period, and to provide for grants for mitigation at sites where there are harmful effects on ecosystems resulting from high acidity.

S. 873

At the request of Mr. Lugar, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 783, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 1113

At the request of Mr. D'Amato, the name of the Senator from Alaska (Mr. Murkowski) was added as a cosponsor of S. 113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1144

At the request of Mr. Heinz, the name of the Senator from Nebraska (Mr. Exon) was added as a cosponsor of S. 1144, a bill to suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process.

S. 1176

At the request of Mrs. Hawkins, the name of the Senator from Missouri

(Mr. Eagleton) was added as a cosponsor of S. 1176, a bill to authorize the appropriation of funds for preventive health service programs for tuberculosis.

S. 1245

At the request of Mr. Thurmond, the name of the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 1245, a bill to amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia.

S. 1434

At the request of Mr. D'Amato, the names of the Senator from North Carolina (Mr. Helms) and the Senator from Indiana (Mr. Lugar) were added as cosponsors of S. 1434, a bill to amend the Internal Revenue Code of 1954 to provide that a spouse having compensation shall not be disqualified from having a spousal individual retirement account.

S. 1448

At the request of Mr. Byrd, the names of the Senator from Nebraska (Mr. Exon), the Senator from Louisiana (Mr. Johnston), and the Senator from Florida (Mr. Chiles) were added as cosponsors of S. 1448, a bill to designate the square dance as the national folk dance of the United States.

S. 1469

At the request of Mr. Specter, the name of the Senator from Wisconsin (Mr. Kasten) was added as a cosponsor of S. 1469, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

SENATE JOINT RESOLUTION 9

At the request of Mr. Helms, the name of the Senator from New Hampshire (Mr. Humphrey) was added as a cosponsor of Senate Joint Resolution 9, a joint resolution to amend the Constitution of the United States to protect the right to life.

SENATE JOINT RESOLUTION 11

At the request of Mr. Roth, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of Senate Joint Resolution 11, a joint resolution entitled "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 14

At the request of Mr. Helms, the name of the Senator from New Hampshire (Mr. Humphrey) was added as a cosponsor of Senate Joint Resolution 14, a joint resolution to amend the Constitution of the United States to protect the right to life.

SENATE JOINT RESOLUTION 93

At the request of Mr. East, the names of the Senator from Louisiana (Mr. Johnston), the Senator from Pennsylvania (Mr. Heinz), and the Senator from Nevada (Mr. Hecht) were added as cosponsors of Senate Joint Resolution 93, a joint resolution to designate the month of September each year as "National Sewing Month."

SENATE JOINT RESOLUTION 102

At the request of Mr. Specter, the names of the Senator from Minnesota (Mr. Boschwitz), the Senator from Tennessee (Mr. Sasser), the Senator from Arkansas (Mr. Bumpers), the Senator from Georgia (Mr. Nunn), the Senator from Hawaii (Mr. Inouye), the Senator from Missouri (Mr. Eagleton), the Senator from Michigan (Mr. Levin), the Senator from Minnesota (Mr. Durenberger), the Senator from Nevada (Mr. Laxalt), the Senator from Florida (Mr. Chiles), the Senator from Washington (Mr. Jackson), the Senator from Michigan (Mr. Riegle), the Senator from Massachusetts (Mr. Kennedy), the Senator from Kansas (Mr. Dole), the Senator from Maine (Mr. Mitchell), the Senator from North Carolina (Mr. Helms), the Senator from West Virginia (Mr. Randolph), the Senator from Ohio (Mr. Glenn), the Senator from North Dakota (Mr. Burdick), the Senator from New York (Mr. D'Amato), the Senator from Arizona (Mr. DeConcini), the Senator from Idaho (Mr. McClure), the Senator from Mississippi (Mr. Stennis), the Senator from Idaho (Mr. Symms), the Senator from South Carolina (Mr. Thurmond), the Senator from New Hampshire (Mr. Humphrey), and the Senator from California (Mr. Cranston) were added as cosponsors of Senate Joint Resolution 102, a joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week."

AMENDMENTS SUBMITTED

HOUSING AND COMMUNITY DEVELOPMENT ACT

GARN (AND TOWER) AMENDMENT NO. 1423

(Ordered to lie on the table.)

Mr. GARN (for himself and Mr. Tower) submitted an amendment intended to be proposed by them to the bill (S. 1338) to authorize appropriations and extend authorities for housing development and rehabilitation, community development, and mortgage insurance, and for other purposes; as follows:

Amendment No. 1423

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

Section 1. This Act may be cited as the "Housing and Community Development Act of 1983".

TITLE I—RENTAL REHABILITATION

Sec. 101. Rental rehabilitation and development grants

TITLE II—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT

Sec. 201. Authorizations
Sec. 202. Objective of program and use of funds
Sec. 203. State small cities program
Sec. 204. Public services
Sec. 205. Amendments to statements of activities
Sec. 206. Lump sum drawdown
Sec. 207. Review and evaluation
Sec. 208. Guarantee program
Sec. 209. Urban development action grants
Sec. 210. Eligible activities
Sec. 211. Repealers
Sec. 212. Miscellaneous amendments
Sec. 213. Urban homesteading
Sec. 214. Neighborhood development demonstration

TITLE III—HOUSING ASSISTANCE PROGRAMS

Sec. 301. Allocation and use of assisted housing authority
Sec. 302. Modified section 8 existing housing assistance program
Sec. 303. Amendments affecting tenant rents or contributions
Sec. 304. Public housing performance standards
Sec. 305. Increased authority for management flexibility and for payments for operation of lower income housing projects
Sec. 306. Comprehensive improvement assistance
Sec. 307. Demolition and disposition of public housing
Sec. 308. Financing limitations
Sec. 309. Operating assistance for troubled multifamily housing projects
Sec. 310. Housing for the elderly and handicapped
Sec. 311. Repeal of new construction authority
Sec. 312. Housing demonstration
Sec. 313. Section 236 assistance
Sec. 314. Rent supplement program
Sec. 315. Amendment to section 214 of the 1980 Act
Sec. 316. Pets in elderly housing
Sec. 317. College housing

TITLE IV—INSURANCE PROGRAMS

Sec. 401. Crime and riot insurance
Sec. 402. Technical amendments
Sec. 403. Extension of flood insurance authorities
Sec. 404. Judicial review
Sec. 405. Study of sinkhole insurance

TITLE V—RURAL HOUSING

Sec. 501. Short title
Sec. 502. Definitions
Sec. 503. Section 502 amendments
Sec. 504. Rehabilitation loans
Sec. 505. Technical services and research
Sec. 506. Standards for adequate housing
Sec. 507. General authority of the Secretary
Sec. 508. Amendment to section 511
Sec. 509. Repeal of section 512
Sec. 510. Authorization
Sec. 511. Section 515 amendments
Sec. 512. Insured rural housing loans
Sec. 513. Rental assistance tenant contribution
Sec. 514. Rural trainees
Sec. 515. Technical and supervisory assistance
Sec. 516. Condominium housing

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Sec. 517. FHA insurance
Sec. 518. Rural housing preservation grant program
Sec. 519. Miscellaneous
TITLE VI—PROGRAM AMENDMENTS AND EXTENSIONS
Sec. 601. Extension of Federal Housing Administration mortgage insurance programs
Sec. 602. Authorization for appropriations to cover losses to the general insurance fund
Sec. 603. Research authorizations
Sec. 604. Special assistance and emergency mortgage purchase assistance functions of the Government National Mortgage Association
Sec. 605. Elimination of requirement that Federal Housing Administration interest rates be set by law
Sec. 606. Amendment to section 367(b)(2)(A) of the Multifamily Mortgage Foreclosure Act of 1981
Sec. 607. Treatment of Federal Housing Administration single family premiums
Sec. 608. Government National Mortgage Association and Federal Housing Administration limitations
Sec. 609. Repeal of requirement to publish prototype housing costs for one- to four-family dwelling units
Sec. 610. Increased loan limits for manufactured homes and lots under title I of the National Housing Act
Sec. 611. Refinancing manufactured homes under title I of the National Housing Act
Sec. 612. Change in maximum loan-to-value ratio for modestly priced single family homes
Sec. 613. Nonoccupant single family mortgagors
Sec. 614. Premium charges for insurance of alternative mortgage instruments
Sec. 615. Shell home construction
Sec. 616. Payment of claims without acquisition of title
Sec. 617. Discretionary authority to regulate rents or charges
Sec. 618. Mortgage insurance for manufactured home parks for the elderly
Sec. 619. Removal of refinancing limitations on certain multifamily projects
Sec. 620. Assignment of section 221(g)(4) mortgages to Government National Mortgage Association
Sec. 621. Termination of section 221 buy-back provision
Sec. 622. Federal Housing Administration insurance for condominium units
Sec. 623. Graduated payment mortgages for multifamily and single family housing
Sec. 624. Adjustable rate mortgages for single family housing
Sec. 625. Shared appreciation mortgages for single family housing
Sec. 626. Shared appreciation mortgages for multifamily housing
Sec. 627. Demonstration authority to insure home equity conversion mortgages for elderly homeowners
Sec. 628. Prepayment
Sec. 629. Structural defects in Veterans' Administration-approved, Federal Housing Administration-insured new homes
Sec. 630. Time of payment of mortgage insurance premiums
Sec. 631. Neighborhood Reinvestment Corporation
Sec. 632. Cooperative housing
Sec. 633. National Institute of Building Sciences
Sec. 634. Reinsurance demonstration program
Sec. 635. Cancellation of debt owed the Treasury and liquidation of new communities program
Sec. 636. National housing partnerships
TITLE VII—INDIAN HOUSING
Sec. 701. Short title
Sec. 702. Comprehensive Indian housing grants
Sec. 703. Single family mortgage insurance
Sec. 704. Community development block grant program

TITLE I—RENTAL REHABILITATION

RENTAL REHABILITATION AND DEVELOPMENT GRANTS

SEC. 101. (a) Title I of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following:

"RENTAL REHABILITATION AND DEVELOPMENT GRANTS

"SEC. 122. (a)(1) The Secretary is authorized—

"(A) to make rental rehabilitation grants to States and units of general local government to help support the moderate rehabilitation of privately owned real property to be used for primarily residential rental purposes;

"(B) to make available sufficient contract authority as provided by section 8(b)(3)(B) of the United States Housing Act of 1937 (hereinafter referred to as 'modified certificates'), in addition to that authorized by section 5(c) of that Act, to minimize the displacement of very low-income tenants and other lower income tenants of structures undergoing rehabilitation with assistance under this section, to assist very low-income tenants and other lower income tenants of these structures who are displaced by activities under this section, to assist other very low-income tenants in obtaining decent, safe, and sanitary housing in relation to the particular needs of the applicant, but no greater than the amount needed to assist the estimated number of units to be so rehabilitated; and

"(C) to make rental development grants to States and units of general local government to help support the substantial rehabilitation or new construction of privately owned real property to be used for primarily residential rental purposes.

"(2) To carry out the purposes of this section, there are authorized to be appropriated for fiscal year 1984, not to exceed $850,000,000, of which—

"(A) $30,000,000 or 4 per centum of the amount appropriated, whichever is less, shall be available to meet special needs in substantial rehabilitation or new construction projects, as determined by the Secretary;

"(B) not less than $1,000,000 shall be available for technical assistance in connection with activities assisted under this section; and

"(C) not more than $550,000,000 shall be available for annual contribution contracts for assistance under section 8(d) of the United States Housing Act of 1937;

subject to adjustments under subsection (b)(6).

"(b)(1) Of the amount available in any fiscal year for grants under subparagraphs (A) and (C) of subsection (a)(1), after deducting the amount provided for in subsection (a) (2) (A), the Secretary shall allocate amounts for grants to cities having populations of fifty thousand or more, urban counties, and States for use as provided in subsection (e), on the basis of a formula which shall be contained in a regulation proposed by the Secretary not later than sixty days after the effective date of this section. Such regulation shall be accompanied by the specific fund allocation for fiscal year 1984 for individual cities, urban counties, and States which would result from the proposed formula and any adjustments under paragraph (2)(A). The formula contained in the regulation shall take into account such factors as low income renter population, rental housing market conditions, overcrowding of rental housing, the condition of the rental housing stock, and such other objectively measurable conditions as the Secretary deems appropriate to reflect the need for assistance under this section, but excluding data relating to such factors which pertain to areas eligible for assistance under title V of the Housing Act of 1949.

"(2) Before an allocation determined under paragraph (1) for any fiscal year is made available for use, the Secretary may adjust the allocation as follows:

"(A) The Secretary is authorized to establish minimum allocation amounts for cities and urban counties, representing program levels below which, in the Secretary's determination, conduct of a rental rehabilitation or development program would not be feasible. The amount of any allocation which is below this minimum shall be added to the allocation for the State in which the city or county is located and shall be available in accordance with subsection (e).

"(B) Beginning with fiscal years after fiscal year 1984, the Secretary is authorized to adjust the allocation for a city, urban county, or State administering a rental rehabilitation or development program as provided in subsection (e)(1), by up to 15 per centum above or below the amount of such allocation, based on an annual review of performance in carrying out activities under this section in a timely manner and in achieving the result that at least 80 per centum of the rents for units rehabilitated with assistance under this section in all program years are and remain lower than the applicable payment standard for the area, as determined under section 8(d)(1) of the United States Housing Act of 1937. The last sentence of subparagraph (A) shall not apply to an allocation which is below the minimum amount described therein by reason of an adjustment under this subparagraph. The Secretary shall establish by regulation performance criteria for purposes of this subparagraph.

"(3)(A) Assistance under this section shall be made available on the basis of satisfactory information provided in a program description which shall be submitted by the grantee at such time and in such manner as the Secretary may prescribe and which shall contain—

"(i) a description of the grantee's proposed rental rehabilitation or development program, which shall consist of the activities each grantee proposes to undertake for the fiscal year (including a specification of the amount of moderate rehabilitation, of new construction and substantial rehabilitation, and of modified certificates proposed, and the grantee's anticipated schedule in

carrying out those activities) or, in case of a State distributing resources as provided in subsection (e)(1)(B), its proposed method of distributing the resources, which shall have been made available to the public;

"(ii) a certification that the grantee's program was developed after consultation with the public;

"(iii) evidence of the grantee's capacity to undertake the proposed program in a timely manner, including the accomplishments under any prior program grants;

"(iv) an analysis of the financial feasibility of the proposed program including the availability of non-Federal and private resources and including evidence that the projects selected for rehabilitation are located in neighborhoods where rents are generally affordable to lower income families and that the character of the neighborhood indicates that such rents will not materially change over an extended period;

"(v) a statement of the procedures and standards which will govern selection of proposals by the grantee, which procedures and standards shall take into account the extent to which the proposal represents the efficient use of Federal resources and the extent to which the housing units involved will be adequately maintained and operated with rents maintained at the levels proposed, and in the case of a project proposed involving substantial rehabilitation or new construction, such procedures and standards shall accord a priority to proposals in which some or all of the assistance will be recaptured by the grantee and proposals which involve projects that exceed the requirements of subsection (d)(2)(B);

"(vi) an estimate of the effect of the proposed program on neighborhood preservation;

"(vii) a certification that the applicant will comply with Public Law 88-352 and Public Law 90-284; and

"(viii) such other information as the Secretary shall prescribe.

"(B) Assistance with respect to substantial rehabilitation or new construction may be provided only pursuant to an application which shall include such information in addition to that required by subparagraph (A) as the Secretary may require. Such assistance may only be provided if the Secretary finds that—

"(i) the area is experiencing a severe shortage of rental housing;

"(ii) the area has extremely low vacancy rates or meets other requirements specified by the Secretary; and

"(iii) a program of other than moderate rehabilitation is necessary—

"(I) to improve rental opportunities; or

"(II) to advance a neighborhood preservation program.

"(C) The amount of a rental rehabilitation or development grant under this section shall be determined by the Secretary, but may not exceed 120 per centum of the allocation under paragraph (1), as adjusted pursuant to paragraph (2).

"(D) Not less than 100 per centum of the amount of assistance provided under subparagraph (A) or (C) of subsection (a)(1) shall be used by the grantee for the benefit of lower income families, except that the Secretary may reduce such 100 per centum requirement to not less than 70 per centum where the grantee determines, in accordance with standards prescribed by the Secretary, that the grantee cannot develop a proposed program which complies with such requirement, after consultation with the public regarding the inability to develop a program which complies with such requirement.

"(4)(A) The Secretary shall allocate the contract authority for modified certificates referred to in subsection (a)(1)(B) for use by each grantee in relation to its needs, but in no case does this section require the Secretary to allocate to a grantee more authority than is necessary to provide assistance with respect to the number of units to be moderately rehabilitated.

"(B) The annual contributions contract covering the contract authority referred to in subparagraph (A) shall permit the grantee to retain such authority for a period up to one year to provide assistance with respect to units in structures rehabilitated or developed with assistance under this section and shall contain such other terms and conditions as the Secretary deems appropriate to carry out the purposes of this section, including provisions to assure that the appropriate public housing agency makes such authority available to all very low-income tenants of structures rehabilitated with assistance under this section, and at the grantee's discretion, and notwithstanding any other provision of law limiting the eligibility for such certificates, to other lower income tenants of such structures.

"(5) After the allocation of rental rehabilitation and development grant amounts and contract authority for modified certificates determined pursuant to the preceding paragraphs of this subsection have been made available for use, the Secretary is authorized to reallocate such amounts and authority among grantees, on the basis of the Secretary's assessment of the progress of grantees in carrying out activities under this section. Reallocations under this paragraph shall be designed to encourage use of these resources expeditiously, consistent with the sound development and administration of the grantee's rental rehabilitation and development programs.

"(6) Each grantee at its own discretion may commit up to 20 per centum of the funds allocated to it for the purposes of subsection (a)(1)(A) (rehabilitation) or (a)(1)(C) (new construction and substantial rehabilitation) to provide modified certificates under subsection (a)(1)(B), and may expend up to 20 per centum of the budget authority allocated to it for the purpose of subsection (a)(1)(B) to carry out rehabilitation or development under subsection (a)(1)(A) or (a)(1)(C) if there is sufficient assistance available for each unit rehabilitated or developed.

"(7) Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance report concerning the use of resources made available under this section. The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

"(A) where the grantee is a unit of general local government or a State carrying out its own program as provided in subsection (e)(1)(A), whether (i) the grantee has carried out its activities in a timely manner and in accordance with the requirements of this section and of section 107(d), and has a continuing capacity to carry out those activities in a timely manner, and (ii) the modified certificates made available under this section have been administered in accordance with the requirements of the United States Housing Act of 1937 and of this section; and

"(B) where the grantee is a State distributing resources made available under this section to units of general local government as provided in subsection (e)(1)(B), whether the State (i) has distributed such resources in a timely manner and in accordance with the requirements of this section and of section 107(d) and (ii) has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the performance criteria described in subparagraph (A)(i) of this paragraph.

In addition to the adjustments based on performance authorized by subsection (b)(2)(B), the Secretary may adjust, reduce, or withdraw resources made available to States and units of general local government receiving assistance under this section, or take other action as appropriate in accordance with the findings of these reviews and audits, except that resources already expended on eligible activities shall not be recaptured or deducted from future resources made available to the grantee. Any amounts which become available as a result of actions under this paragraph or section 111 shall be reallocated in the year in which they become available to such grantee or grantees as the Secretary may determine.

"(8) Any rental rehabilitation or development grant amounts which are not obligated at the end of any fiscal year shall be added to the amount available for allocation for such grants for the succeeding fiscal year.

"(c) A rental rehabilitation or development program assisted under this section shall provide that—

"(1) grants shall only be used to rehabilitate or develop real property (A) located in neighborhoods where the median income does not exceed 80 per centum of the median income for the area, and (B) to be used for primarily residential rental purposes;

"(2) moderate rehabilitation assisted under this section shall only be that which is necessary to correct substandard conditions, to make essential improvements, and to repair major systems in danger of failure;

"(3) grant assistance provided under this section for any structure shall not exceed 50 per centum of the total costs associated with the rehabilitation or development of that structure, as determined by the Secretary, except that where the Secretary determines that refinancing costs and the special nature of the project require a greater amount of assistance, the grant amount shall be limited to not to exceed 50 per centum of the development cost including acquisition;

"(4) in the case of a project involving moderate rehabilitation, the amount of rental rehabilitation assistance provided under this section for any structure shall not exceed $5,000 per unit except as otherwise determined by the Secretary in areas of high material and labor costs where the grantee demonstrates that every appropriate step has been taken by the grantee to contain the amount of assistance within the limit set by this paragraph and that an exception is necessary to conduct a rehabilitation program while not exceeding the rehabilitation standards of subsections (c)(2);

"(5) requirements imposed by or agreements made with States and units of general local government regarding rents shall not apply to a structure which is assisted under this section, except as provided in subsection (d)(6);

"(6) an owner of a structure rehabilitated or developed with assistance under this section shall not refuse to rent a dwelling unit

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in the structure to a family solely because the family is receiving rental assistance under section 8 of the United States Housing Act of 1937;

"(7) financing for a structure assisted under this section shall, to the maximum extent practicable, require that the borrower shall be personally liable for repayment of all such financing in the event of default;

"(8) a project may be assisted under this section only if the rehabilitation of such project will not cause the displacement of very low-income families by families who are not very low-income families; and

"(9) a priority shall be given to projects containing units in substandard condition which are occupied by very low-income families.

"(d)(1) Where the application approved under this section provides for substantial rehabilitation or new construction, the amount of a grant provided under this section shall be not more than the allocation for the grantee under subsection (b)(1), as adjusted pursuant to subsection (b)(2)(B) (plus any amount provided pursuant to subsection (a)(2)(A)), and shall not be more than that amount which will provide decent rental or cooperative housing of modest design which is affordable for families and individuals without other reasonable and affordable housing alternatives in the private market, including an amount necessary to make rents for units described in paragraph (2)(B) affordable for lower income persons and families.

"(2) A grant under this subsection may be provided with respect to a project only if—

"(A) the owner of each property to be assisted has entered into such agreements with the grantee as may be necessary to assure compliance with the requirements of this subsection, to assure financial feasibility of the project, and to carry out the other provisions of this subsection;

"(B) the owner agrees that, during the ten-year period beginning on the date on which 50 per centum of the units available for occupancy in the project are occupied, at least 20 per centum of the units the development of which is provided for under the application shall be occupied by lower income persons and families;

"(C) the owner agrees—

"(i) to pass on to the tenants any reduction in the debt service payments or other costs resulting from the assistance provided under this subsection;

"(ii) not to refuse to rent to a family solely because the family is receiving rental assistance under section 8 of the United States Housing Act of 1937; and

"(iii) not to convert the units to condominium ownership (or in the case of a cooperative, to condominium ownership or to a form of cooperative ownership which does not have a membership resale structure which enables the cooperative to maintain affordability for lower income families as required under subparagraph (B));

during the ten-year period beginning on the date on which the units in the project are available for occupancy;

"(D) any mortgage secured by the property—

"(i) has a principal amount which is not more than the amount which could be insured for the project under section 207 of the National Housing Act; and

"(ii) bears a rate of interest and contains such other terms and conditions as the grantee determines are reasonable; and

"(E) the project is newly constructed or substantially rehabilitated, contains five or more dwelling units, and is to be used for primarily residential purposes.

"(3)(A) The grantee shall provide that if the owner or his or her successors in interest fail to carry out any agreement described in subparagraph (A), (B), or (C) of paragraph (2) during the applicable period, the owner or his or her successors in interest shall make a payment to the grantee in an amount which equals the total amount of a grant under this subsection with respect to such project, plus interest thereon (without compounding), for each year and any fraction thereof beginning with the year the grant was made, at a rate determined by the Secretary taking into account the average yield on outstanding marketable long-term obligations of the United States during the month preceding the date on which the grant was made available. Any amount received by a grantee under this subparagraph shall be available for use in carrying out this section.

"(B) Notwithstanding any other provision of law, any assistance provided by the grantee under this subsection to the project owner shall constitute a debt, payable in the case of any event described in subparagraph (A), secured by the security instruments given by the mortgagor to the grantee.

"(4) As used in section 11(b) of the United States Housing Act of 1937, the term 'lower income housing projects' includes housing assisted with grants under this section.

"(5) A mortgage on a project assisted under this subsection may be insured under title II of the National Housing Act.

"(6)(A) Rents charged for units described in paragraph (2)(B) in any such project shall be approved by the grantee. In approving such rents, the grantee shall provide that the rents of such units are not more than 30 per centum of the income of a family whose income equals 50 per centum of the median income for the area. Not less than thirty days prior written notice of any increase in rents shall be provided to such tenants.

"(B) Any schedule of rents submitted by an owner to the grantee for approval shall be deemed to be approved unless the grantee informs the owner, within sixty days after receiving such schedule, that such schedule is disapproved.

"(C) Except as otherwise provided in subparagraphs (A) and (B), requirements imposed by or agreements made with States and units of general local government regarding rents shall not apply to a structure which is assisted under this section.

"(e)(1) Except as provided in paragraph (2), the State shall administer resources made available under subsection (b)(2)(A) for any fiscal year. These resources shall only be used to carry out activities under this section in cities with populations of less than fifty thousand and in urban counties and cities whose allocations are less than the minimum allocation amount established under subsection (b)(2)(A), but may not be used in areas which are eligible for assistance under title V of the Housing Act of 1949. The State may use all or part of these resources (A) to carry out its own rental rehabilitation or development program, or (B) to distribute them to units of general local government. A city with a population over fifty thousand may, with the agreement of the State government, elect to contract with the State to administer the grant program under this section in any given fiscal year.

"(2) States may elect not to administer resources made available under this section. This election shall be made in such manner and before such time as the Secretary may prescribe. The Secretary shall administer the resources available to any State exercising such an election in accordance with regulations and procedures prescribed by the Secretary, including the administration of grant programs of cities with populations over fifty thousand which elect not to administer their own program. Such regulations shall, to the maximum extent practicable, be comparable to those for cities and urban counties receiving resources under subsection (b).

"(f) The Secretary shall by regulation establish such standards governing relocation payments and other related assistance as the Secretary determines to be appropriate.

"(g) States and units of general local government receiving assistance under this section shall not deduct therefrom any amounts to cover administrative expenses incurred by them in carrying out their responsibilities under this section.

"(h)(1) The Secretary shall establish procedures which support national historic preservation objectives and which assure that, if any rehabilitation or development proposed to be assisted under this section would affect property which is included on the National Register of Historic Places or which is eligible for inclusion on the National Register of Historic Places, such activity shall not be undertaken unless (A) it will reasonably meet the standards issued by the Secretary of the Interior and the appropriate State historic preservation officer is afforded the opportunity to comment on the specific rehabilitation plan, or (B) the Advisory Council on Historic Preservation is afforded an opportunity to comment on cases for which the grantee of assistance, in consultation with the State historic preservation officer, determines that the proposed activity cannot reasonably meet such standards or would adversely affect historic property as defined therein.

"(2) The Secretary's award and grantee's use of resources made available under this section shall be subject to section 104(f) of this Act.

"(i) For purposes of this section—

"(1) the term 'real property to be used primarily for residential rental purposes' includes cooperative or mutual housing which has a resale structure which enables the cooperative to maintain affordability for lower income families; and

"(2) the term 'grantee' means—

"(A) any city or urban county receiving resources under subsection (b);

"(B) any State administering a rental rehabilitation or development program as provided in subsection (e)(1); and

"(C) any unit of general local government which receives assistance from the Secretary as provided in subsection (e)(2).

The Secretary shall encourage cooperation by units of general local government in the administration of grants under this section by permitting consortia of geographically proximate units of general local government to apply for assistance on behalf of their members, including establishment of eligibility under subsection (b) for consortia whose combined populations exceed fifty thousand and which can otherwise meet the requirements of such subsection. Any amounts made available to such a consortium shall be deducted from the allocation to the State in which the units of general local government are located.

"(j) Prior to the beginning of fiscal year 1985 and each fiscal year thereafter, each grantee shall submit to the Secretary a performance report concerning the activities carried out pursuant to this section, together with an assessment by the grantee of the relationship of these activities to the objectives of this section. Such report shall contain an analysis of the program's cost effectiveness, the type and income levels of tenants who benefit from the rehabilitation program, any tenant displacement resulting from the program, and any other information the Secretary may require. To facilitate this reporting requirement, each grantee shall require owners of property rehabilitated under the section to provide verified income data and other pertinent tenant demographic information as prescribed by the Secretary (to include household size and race) or to otherwise arrange for the collection of such information on an annual basis. The Secretary shall stipulate the format for such data collection to assure that such information can be aggregated at the national level to allow congressional oversight.

"(k) Prior to the beginning of fiscal year 1985 and each fiscal year thereafter, the Secretary shall provide a report to the Congress as to the overall progress of the grantees in meeting the objectives of this section. Such report shall include an analysis of program costs, services delivered, beneficiaries, and the extent to which lower income tenants have been displaced as a result of rehabilitation assisted under this section.".

(b) Section 105(a) of such Act is amended—

(1) by striking out "and" at the end of clause (16);

(2) by striking out the period at the end of clause (17) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(18) the rehabilitation or development of housing assisted under section 122.".

(c) Section 107(d) of such Act is amended—

(1) by striking out "unless the applicant" in paragraph (1) and inserting in lieu thereof the following: "and no assistance may be made available under section 122 unless the grantee"; and

(2) by inserting "grantee or" before "applicant" in paragraph (3).

(d) Section 244 of the National Housing Act is amended by adding at the end thereof the following:

"(h) Notwithstanding any other provision of this section, in the case of a mortgage insured under section 223(f) secured by property which is to be rehabilitated or developed under section 122 of the Housing and Community Development Act of 1974, such coinsurance may include provisions that—

"(1) insurance benefits shall equal the sum of (A) 90 per centum of the mortgage on the date of institution of foreclosure proceedings (or on the date of acquisition of the property otherwise after default), and (B) 90 per centum of interest arrears on the date benefits are paid;

"(2) the mortgagee shall remit to the Secretary, for credit to the General Insurance Fund, 90 per centum of any proceeds of the property, including sale proceeds, net of the mortgagee's actual and reasonable costs related to the property and the enforcement of security;

"(3) payment of such benefits shall be made in cash unless the mortgagee submits a written request for debenture payment; and

"(4) the underwriter of coinsurance may reinsure 10 per centum of the mortgage amount with a private mortgage insurance company or with a State mortgage insurance agency.

No commitment for insurance pursuant to this subsection may be issued on or after October 1, 1985.".

(e) Section 223(f) of such Act is amended by adding at the end thereof the following:

"(5) In the case of any purchase or refinancing under this subsection involving property to be rehabilitated or developed under section 122 of the Housing and Community Development Act of 1974, the Secretary may—

"(A) include rehabilitation or development costs of not to exceed $20,000 per unit, except that the Secretary may increase such amount by not to exceed 25 per centum for specific properties where cost levels so require;

"(B) permit subordinated liens securing up to the full amount of mortgage financing provided by State or local governments or agencies thereof; and

"(C) pay such benefits in cash unless the mortgagee submits a written request for debenture payment.".

(f) Section 817 of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "and" after "1966,"; and

(2) by inserting after "and 1972" the following: ", and section 122 of the Housing and Community Development Act of 1974".

TITLE II—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT

AUTHORIZATIONS

SEC. 201. (a) The second sentence of section 103 of the Housing and Community Development Act of 1974 is amended to read as follows: "There are authorized to be appropriated for these purposes not to exceed $3,966,000,000 for each of the fiscal years 1984, 1985, and 1986.".

(b) The first sentence of section 107(a) of such Act is amended to read as follows: "Of the total amount approved in appropriation Acts under section 103 for each of the fiscal years 1984, 1985, and 1986, not more than $100,500,000 for each such year may be set aside in a special discretionary fund for grants under subsection (b), of which $50,000,000 for each such year shall be available for grants to Indian tribes under subsection (b)(3).".

(c) The second sentence of section 119(a) of such Act is amended to read as follows: "Of the total amount approved in appropriation Acts under section 103 for each of the fiscal years 1984, 1985, and 1986, not more than $440,000,000 for each such year shall be available for grants under this section.".

OBJECTIVE OF PROGRAM AND USE OF FUNDS

SEC. 202. (a) Section 101(c) of the Housing and Community Development Act of 1974 is amended by inserting "and of each grantee's program" after "The primary objective of this title".

(b) Section 104(b)(3) is amended by inserting before the semicolon at the end thereof the following: "so long as the use of funds taken as a whole, over a period specified by the grantee of not more than three years, will principally benefit persons of low and moderate income".

STATE SMALL CITIES PROGRAM

SEC. 203. (a) Section 104(b) of the Housing and Community Development Act of 1974 is amended by—

(1) redesignating clause (4) as clause (5);

(2) striking out "and" at the end of clause (3); and

(3) inserting immediately after clause (3) the following:

"(4) in the case of grants to States made under section 106(d), the grantee, with respect to units of general local government in nonentitlement areas—

"(A) engages or will engage in planning for community development activities;

"(B) provides or will provide technical assistance to units of general local government in connection with community development programs; and

"(C) has consulted with local elected officials from among units of general local government located in nonentitlement areas of that State in determining the method of distribution of funds; and".

(b)(1) Section 106(d)(2)(A)(i) of such Act is amended—

(A) by striking out "the State" and inserting in lieu thereof "a State which has elected, in such manner and at such time as the Secretary shall prescribe; and

(B) by inserting after clause (ii) the following: "Any election to distribute funds made after the close of fiscal year 1984 is permanent and final.".

(2) Section 106(d)(2)(B) of such Act is amended by striking out all after the word "where" and inserting in lieu thereof the following: "the State has not elected to distribute such amounts.

(c) Section 106(d)(2)(C) of such Act is repealed.

(d) The second and third sentences of section 106(d)(3)(A) of such Act are amended to read as follows: "The State shall pay from its own resources all administrative expenses incurred by the State in carrying out its responsibilities under this title, except that from the amounts received for distribution in nonentitlement areas, the State may deduct an amount to cover such expenses not to exceed the sum of $100,000 plus 50 per centum of any such expenses in excess of $100,000. Amounts deducted in excess of $100,000 shall not exceed 2 per centum of the amount so received.".

(e) Section 106(d)(3) of such Act is amended by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) Any amounts allocated for use in a State under paragraph (1) which are not received by the State for any fiscal year because of failure to meet the requirements of section 104 (a) or (b), or which become available as a result of actions against the State under section 104(d) or 111, shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

"(D) Any amounts allocated for use in a State under paragraph (1) which become available as a result of actions under section 104(d) or 111 against units of general local government in nonentitlement areas of the State or as a result of the closeout of a grant made by the Secretary under this section in nonentitlement areas of the State (i) shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which the amounts become so available, or (ii) if the State does not receive a grant in such year, shall be added to amount allocated to all States under paragraph (1) for the succeeding fiscal year.".

PUBLIC SERVICES

SEC. 204. Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by inserting before the semicolon at the end thereof the following: ", except that a unit of local government which, during fiscal year 1983 exceeded the limit contained in this paragraph (excluding any amount of funds made available by Public Law 98-8) may, at its discretion, allocate in any fiscal year thereafter for activities under this paragraph an amount not to exceed the greater of the dollar amount or the percentage of the grant which was so allocated in fiscal year 1983 (excluding any amount so allocated pursuant to Public Law 98-8)".

AMENDMENTS TO STATEMENTS OF ACTIVITIES

SEC. 205. Section 104(a)(2) of such Act is amended by adding at the end thereof the following: "Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required by this paragraph for the preparation of such statements.".

LUMP SUM DRAWDOWN

SEC. 206. (a) The second sentence of section 104(g)(1) of the Housing and Community Development Act of 1974 is amended by inserting "and substantial disbursements from such fund must begin within one hundred and eighty days after receipt of such payment" after the word "payment".

(b) Section 104 of such Act is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h) Units of general local government receiving assistance under this title may, at their discretion, receive funds in one payment, in an amount not to exceed the amount such units of local government determine is necessary to help finance, make feasible, or accelerate implementation of a specific project which—

"(1) is included in the current statement of activities in subsection (a);

"(2) is eligible under section 105(a)(14); and

"(3) will require actual expenditure of such funds for an eligible activity within two years and any interest earned on such funds to be expended for that eligible activity.

The Secretary shall advance any amounts determined pursuant to the preceding sentence promptly after an applicant submits a request which includes a statement describing why the payment is necessary.".

REVIEW AND EVALUATION

SEC. 207. Section 104(d) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting "and evaluation" after "performance" in the first sentence;

(2) by inserting "and to the requirements of subsection (b)(3)" after "subsection (a)" in the first sentence; and

(3) by inserting after the first sentence the following: "Such report shall also be made available to the citizens in each grantee's jurisdiction in such manner and at such times as the grantee may determine. The grantee's report shall indicate its programatic accomplishments, the nature of and reasons for changes in the grantee's program objectives, indications of how the grantee would change its programs as a result of its experiences, and an evaluation of the extent to which, its programs benefited low- and moderate-income persons, including consideration of those who were directly benefited. The Secretary shall encourage and assist national associations of grantees eligible under 106(b) or 106(d)(2)(B) and national associations of States to develop and recommend to the Secretary, within one year after the date of enactment of the Housing and Community Development Act of 1983, uniform recordkeeping, performance reporting, and evaluation reporting requirements for entitlement grantees and States, respectively. Based on the Secretary's approval of these recommendations, after consultation with program beneficiaries, the Secretary shall establish such requirements for use by grantees.".

GUARANTEE PROGRAM

SEC. 208. Section 108(a) of the Housing and Community Development Act of 1974 is amended by inserting between the first and second sentence the following new sentence: "A guarantee under this section shall be used to assist a grantee in obtaining financing under circumstances where the grantee has made efforts to obtain such financing without the use of the guarantee and cannot complete such financing consistent with the timely execution of the program plans.".

URBAN DEVELOPMENT ACTION GRANTS

SEC. 209. (a) Section 119 of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following:

"(p) Of the funds appropriated annually for this section, up to $2,000,000 may be used by the Secretary to make technical assistance grants to States or their agencies, municipal technical advisory services operated by universities, or State associations of municipalities, to assist cities of less than fifty thousand population develop, apply for assistance, and implement programs eligible for assistance under this section.".

(b) Section 119(i) of such Act is amended at the end by adding the following: "The Secretary shall encourage cooperation by geographically proximate cities of less than fifty thousand population by permitting consortia of such governments, which may also include county governments that are not urban counties, to apply for grants on behalf of their members. Any grants awarded to such consortia shall be administered in compliance with eligibility requirements applicable to individual cities.".

(c) Section 119(d)(1) of such Act is amended in the first sentence by adding after the word "criteria" where it first appears: "for a national competition".

(d) Subparagraphs (A) and (B) of section 119(b)(2) are each amended by inserting "neighborhood statistics areas," after "enumeration districts,".

(e) Section 119 of such Act is amended by adding at the end thereof the following:

"(p) An unincorporated portion of an urban county which is approved by the Secretary as an identifiable community for the purpose of this section is eligible for a grant under subsection (b)(2) if such portion meets the eligibility requirements contained in the first sentence of subsection (b)(1) and the requirements of subsection (b)(2)(B) (applied to the population of the portion of the urban county) and if it otherwise complies with the provisions of this section.".

ELIGIBLE ACTIVITIES

SEC. 210. (a) Section 105(a) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation which promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;"; and

(2) inserting after "public facilities" in paragraph (14) "(except for buildings for the general conduct of government)".

(b) Section 102(a) of such Act is amended by adding at the end thereof the following:

"(20) The term 'buildings for the general conduct of government' means city halls, county administrative buildings, State capital or office buildings or other facilities in which the legislative or general administrative affairs of the government are conducted. Such term does not include such facilities as neighborhood service centers or special purpose buildings located in low- or moderate-income areas which house various nonlegislative functions or services provided by government at decentralized locations.".

(c) Section 105 of such Act is amended by adding at the end thereof the following:

"(c) The Secretary may issue an advisory opinion that a proposed individual activity or use of funds which is innovative or prototypical and is not explicitly defined as eligible under subsection (a) is an eligible activity. The eligibiity of an activity covered by such an advisory opinion may not be challenged in review of the grantee's program unless the activity is conducted in a manner materially different than that proposed by the Secretary.".

REPEALERS

SEC. 211. (a)(1) Section 312 of the Housing Act of 1964 is hereby repealed. All sums in and assets of the revolving fund established by such section shall continue to be available for necessary expenses of servicing and liquidating loans made pursuant to section 312, including reimbursement or payment for services and facilities of the Government National Mortgage Association and of any public or private entity for the servicing or liquidation of such loans. Any sums in excess of the amount required for the purpose of the preceding sentence shall be available to carry out section 122 of the Housing and Community Development Act of 1974.

(2) Any loan which, before the effective date of this subsection, was obligated under and governed by section 312 of the Housing Act of 1964 shall continue to be governed by the provisions of section 312 as they existed immediately before such effective date.

(b)(1) Section 414 of the Housing and Urban Development Act of 1969 is hereby repealed.

(2) Notwithstanding paragraph (1) of this subsection, the Secretary of Housing and Urban Development and the Secretary of Agriculture may dispose of Federal surplus real property pursuant to the terms of section 414 of such Act if, prior to the effective date of this Act, either Secretary had requested the Administrator of General Services to transfer such property for such disposition.

(3) Notwithstanding paragraph (1) of this subsection, subsection (b) of section 414 of such Act shall continue to apply, where applicable, to all property transferred by either Secretary pursuant to section 414 of such Act, including properties transferred pursuant to paragraph (2) of this subsection.

(c)(1) Section 106(g) of the Housing Act of 1949 is hereby repealed.

(2) Section 703(d) of the Housing and Urban Development Act of 1965 is hereby repealed.

(3) Section 704 and the second sentence of section 706 of the Housing Act of 1961 are hereby repealed.

MISCELLANEOUS AMENDMENTS

SEC. 212. (a) Section 102 of the Housing and Community Development Act of 1974 is amended by striking out "Department of Commerce" each place it appears in paragraphs (3), (4), and (9) of subsection (a) and in subsection (b) and inserting in lieu thereof "Office of Management and Budget".

(b) Section 102(a)(4) of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1984".

(c) The last sentence of section 102(b) of such Act is amended—

(1) by striking out "(1)"; and

(2) by striking out all after "section 106" and inserting in lieu thereof a period and the following: "No revision to the criteria for establishing a metropolitan area or defining a central city of such an area published after January 1, 1980, and no designation or withdrawal of designation of a metropolitan area or a central city of such an area shall be taken into account for purposes of this title prior to one year after that metropolitan area or central city is notified of the revision or designation, except that any area or city which would newly qualify as a metropolitan area or central city of such an area by reason of any such revision shall be so considered.".

(d) The last sentence of section 102(d) of such Act is amended by inserting before the period the following: ", except where the population of the unit of local government falls below fifty thousand during such period".

(e) Section 104(a)(1) of such Act is amended by adding at the end thereof the following: "In all cases, beginning in fiscal year 1984, the statement required by this subsection shall include a description of the use of funds made available under section 106 in fiscal year 1982 and thereafter (or, beginning in fiscal year 1985, such use since preparation of the last statement prepared pursuant to this subsection) together with an assessment of the relationship of such use to the community development objectives identified in the statement prepared pursuant to this subsection for such previous fiscal years and to the requirements of section 104(b)(3).".

(f) Section 106(b) of such Act is amended by adding at the end thereof the following:

"(6) Where data are available, the amount determined under paragraph (1) of this subsection for a metropolitan city which has been formed by the consolidation of one or more metropolitan cities with an urban county shall be equal to the sum of the amounts which would have been determined under paragraph (1) for the metropolitan city or cities and the balance of the consolidated government, if the consolidation had not occurred. This paragraph applies only to consolidations which—

"(A) included all metropolitan cities which received grants under this section for the fiscal year preceding the consolidation and which were located within the urban county;

"(B) included the entire urban county which received a grant under this section for the fiscal year preceding the consolidation; and

"(C) took place on or after January 1, 1983.

The population growth rate of all metropolitan cities referred to in section 102(a)(12) of this Act shall be based on the population of (i) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph, and (ii) cities which were metropolitan cities before their incorporation into consolidated governments. For purposes of calculating the entitlement share for the balance of the consolidated government under this paragraph, the entire balance shall be considered to have been an urban county.".

(g) Section 106(c)(1)(B) of such Act is amended to read as follows:

"(B) in reallocating amounts resulting from an action under section 104(d) or section 111, a city or county against whom any such action was taken in a fiscal year shall be excluded from a calculation of share for purposes of reallocating, in the succeeding year, the amounts becoming available as a result of such action; and".

(h) Section 106(f) of such Act is amended to read as follows:

"(f) If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under subsection (b) and funds are not otherwise appropriated to meet the deficiency, the Secretary shall meet the deficiency through a pro rata reduction of all amounts determined under subsection (b). If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), the Secretary shall distribute the excess through a pro rata increase of all amounts determined under subsection (b).".

(i) Section 107(b)(4) of such Act is amended to read as follows:

"(4) to States, units of general local government, Indian tribes, or areawide planning organizations for the purpose of providing technical assistance in planning, developing and administering assistance under this title; to groups designated by such governmental units to assist them in carrying out assistance under this title; to qualified groups for the purpose of assisting more than one such governmental unit to carry out assistance under this title; and to States and units of general local government for implementing special projects otherwise authorized under this title. The Secretary may also provide technical assistance, directly or through contracts, to such governmental units and groups.".

(j) Section 112 of such Act is amended by adding at the end thereof the following:

"(c) Any unit of general local government may retain any program income that is realized from a grant made by the Secretary pursuant to subsection (a) or by a State if such income was realized after the initial disbursement of the grant funds by such unit of general local government and such unit has agreed to utilize the program income for eligible community development activities in accordance with the provisions of this Act.".

(k) Section 116(b) of such Act is amended by—

(1) striking out "(in that fiscal year)"; and

(2) striking out "in that year" and inserting in lieu thereof "for that year".

(l) Section 119(i) of such Act is amended by inserting before the period at the end thereof the following: ", except that after September 1, 1983, funds made available to such cities which remain unobligated after two fiscal years may be made available for grants to metropolitan cities and urban counties".

URBAN HOMESTEADING

SEC. 213. (a) The first sentence of section 810(h) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "and (g)" and inserting in lieu thereof ", (g), and (j)"; and

(2) by striking out "and not to exceed $13,467,000 for the fiscal year 1983" and inserting in lieu thereof "not to exceed $17,000,000 for the fiscal year 1984, and such sums as may be necessary for the fiscal year 1985".

(b) Section 810 of such Act is amended—

(1) in the first sentence of subsection (a), by striking out "without payment" and by inserting immediately before "any real property" the following: "for such consideration (if any) as may be mutually agreed upon";

(2) by striking out "without payment" in clause (D) in the second sentence of subsection (a) and inserting in lieu thereof the following: ", offset by any consideration to be received";

(3) by striking out "without any substantial consideration" in subsection (b)(1) and inserting in lieu thereof the following: "for such consideration, if any, as may be agreed upon by the entity and the individual or family";

(4) by striking out "and" the first time it appears in subsection (b)(2) and inserting in lieu thereof a comma;

(5) by inserting immediately before the semicolon at the end of subsection (b)(2) the following: ", and ability to pay any consideration required in connection with conveyance of the property";

(6) by striking out "and" at the end of subsection (b)(3)(C) and inserting "and" after the semicolon at the end of subsection (b)(3)(D);

(7) by adding the following new subparagraph at the end of subsection (b)(3):

"(E) pay the agreed-upon consideration for the property;";

(8) by striking out "without consideration" in subsection (b)(5); and

(9) by inserting the following before the last sentence of subsection (b): "Any unit of general local government, State, or agency designated by a State or unit of general local government, which receives consideration in connection with the conveyance of a property to an individual or family under this section in an amount exceeding any consideration paid to the Secretary in connection with the transfer of the property to any such entity, shall remit to the Secretary, in such manner and at such time or times as the Secretary may prescribe, 50 per centum of the amount of such excess, less such deductions and allowances as the Secretary may prescribe. Any amount retained by an entity pursuant to the preceding sentence shall be used by the entity in furtherance of its urban homesteading activities.".

(c) Section 810 of such Act is amended—

(1) by adding "or (h)" immediately after "subsection (b)" in subsection (c);

(2) by redesignating subsection (h) as subsection (k); and

(3) by inserting after subsection (g) the following:

"(h) Notwithstanding any other provision of law, including any other provision of this section, the Secretary shall undertake a program to demonstrate the feasibility and desirability of using a variety of homesteading and related techniques to facilitate the reuse for homeownership purposes of prop-

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erties which are owned by the Secretary and contain five or more dwelling units. The Secretary shall convey properties which the Secretary determines are suitable for the demonstration to a unit of general local government or a State, or an agency or instrumentality of a unit of general local government or a State, for such consideration (if any) as may be agreed between the Secretary and the transferee, and upon such terms and conditions as the Secretary deems appropriate, including provisions to assure that the subsequent transfer of the property to private ownership will result in a reuse which is primarily residential, with dwelling units in the project owned by individuals under a cooperative or condominium form of ownership. In carrying out this demonstration, the Secretary shall, to the maximum extent feasible, minimize the displacement of residents of properties to be used in the program. To reimburse the housing loan funds for properties transferred under this subsection, the Secretary is authorized, to the extent provided in appropriation Acts, to use amounts appropriated under subsection (k).

"(i) The Secretary shall use not more than $4,400,000 of the budget authority made available under section 8 of the United States Housing Act of 1937 for fiscal year 1983 to undertake a program to demonstrate the feasibility of providing assistance in order to assist lower income families in rehabilitating a property conveyed under this section. The amount of any assistance under this section shall be based on the payment standard under section 8(d) of such Act applicable in the area, and shall be applied to reduce the debt service payable on a rehabilitation loan. In no case may a family assisted under this subsection make a monthly payment for the assisted loan, any debt secured by the property, and such amount as the Secretary may allow for other housing costs, which is less than the minimum payment such family would make under section 8(d)(2) of such Act.

"(j) The Secretary shall use not more than $5,000,000 of the amounts appropriated under this section for fiscal year 1984 to undertake a program to demonstrate the feasibility of providing assistance to State or local governments or their agencies for the purchase of any real property which is—

"(1) improved by one- to four-family residence;

"(2) not occupied; and

"(3) designated by a State or general unit of local government for use in a single family homestead program;

and which will be conveyed in such program to a low- or moderate-income individual or family upon condition that the recipient agrees to repair all defects in the property which pose a substantial danger to health or safety within one year of the date of the initial conveyance and agrees to make repairs or improvements necessary to meet applicable local building code standards and to occupy the property as a principal residence for a period of not less than five years. The Secretary shall give a preference to demonstrations involving the acquisition of properties which become available in satisfaction of public liens such as tax liens. The Secretary shall evaluate the success of the demonstration under this subsection as a method of increasing the stock of housing available for the homesteading program, shall submit a report on the demonstration, along with his recommendations to the Congress not later than March 1, 1985.".

NEIGHBORHOOD DEVELOPMENT DEMONSTRATION

SEC. 214. (a) For the purposes of this section, the term—

(1) "Secretary" means the Secretary of Housing and Urban Development;

(2) "Council" means the Neighborhood Development Advisory Council established by this section;

(3) "eligible neighborhood development organization" means—

(A) an entity organized as a private, voluntary, nonprofit corporation under the laws of the State in which it operates;

(B) an organization that is responsible to residents of its neighborhood through a governing body not less than 51 per centum of the members of which are members of the area served;

(C) an organization that has conducted business for at least three years prior to the date of application for participation;

(D) an organization that operates within an area which meets the requirements for Federal assistance under section 119 of the Housing and Community Development Act of 1974; and

(E) an organization which conducts one or more eligible neighborhood development activities which have as their primary beneficiaries low- and moderate-income people; and

(4) "eligible neighborhood development activity" means—

(A) creating permanent jobs in the neighborhood;

(B) establishing or expanding businesses within the neighborhood;

(C) developing or rehabilitating neighborhood housing stock;

(D) developing delivery mechanisms for essential services that have lasting benefit to the neighborhood; or

(E) planning, promoting, or financing voluntary neighborhood improvement efforts.

(b)(1) The Secretary shall carry out, in accordance with this section, a three-year demonstration program to determine the feasibility of supporting eligible neighborhood development activities by providing Federal matching funds to eligible neighborhood development organizations on the basis of the monetary support such organizations have received from individuals, businesses, and religious institutions in their neighborhoods prior to receiving assistance under this section.

(2) The Secretary shall accept applications from eligible neighborhood development organizations for participation in the demonstration program. Eligible organizations may participate in more than one year of the program, but shall be required to submit a new application and to compete in the selection process for each program year. Not more than 30 per centum of the grants may be for multiyear awards.

(3) From the pool of eligible neighborhood development organizations submitting applications for participation in a given program year, the Secretary shall select participating organizations in the appropriate number through a competitive selection process which reflects the recommendations of the Neighborhood Development Advisory Council. To be selected, an applicant shall—

(A) have demonstrated measurable achievements in one or more of the activities specified in subsection (a)(4);

(B) specify a business plan for accomplishing one or more of the activities specified in subsection (a)(4); and

(C) specify a strategy for achieving greater long term private sector support.

(4) The Secretary shall establish a Neighborhood Development Advisory Council for each program year to review and rank applications and to make recommendations for selection based on objective criteria. The Secretary shall attach great weight to the recommendations of the Advisory Council. The Council shall consist of five representatives of eligible neighborhood organizations. No organization represented on the Council shall be eligible to submit an application for participation in a given program year. In selecting participating organizations, the Council and the Secretary shall also seek balanced representation based on population size, economic condition, and geographic location of neighborhoods to provide the fullest and fairest test of the new mechanism for Federal funding.

(c)(1) The Secretary shall assign each participating organization a defined program year, during which time voluntary contributions from individuals, businesses, and religious institutions in the neighborhood shall be eligible for matching.

(2) Subject to paragraph (3), at the end of each three-month period occurring during the program year, the Secretary shall pay to each participating neighborhood development organization the product of—

(A) the aggregate amount of voluntary contributions which such organization certifies to the satisfaction of the Secretary it received during such three-month period; and

(B) the matching ratio established for such test neighborhoods under paragraph (4).

(3) The Secretary shall pay not more than $50,000 under this Act to any participating neighborhood development organization during a single program year.

(4) For purposes of paragraph (2), the Secretary shall, for each participating organization, determine an appropriate ratio by which monetary contributions made to participating neighborhood development organizations will be matched by Federal funds. In determining that ratio, the Secretary shall take into account the economic conditions and the number of households and businesses in the neighborhood. The highest ratios shall be established for neighborhoods with the smallest number of households or the greatest degree of economic distress. In no case shall the ratio be set lower than one Federal dollar for every dollar of voluntary contributions, nor higher than ten Federal dollars for every dollar of voluntary contributions.

(5) The Secretary shall insure that—

(A) grants and other forms of assistance may be made available under this section only if the application contains a certification by the unit of general local government within which the neighborhood to be assisted is located that such assistance is consistent with, and supportive of the specific objectives of that unit of government including housing and community development, economic development, and neighborhood conservation or revitalization activities being carried out by such unit; and

(B) eligible neighborhood development activities comply with all applicable provisions of the Civil Rights Act of 1964.

(6) To carry out this section, the Secretary—

(A) may issue regulations as necessary;

(B) shall utilize, to the fullest extent practicable, relevant research previously conducted by Federal agencies, State and local governments, and private organizations and persons;

(C) shall disseminate information about the kinds of activities, forms of organizations, and fund-raising mechanisms associated with successful programs;

(D) shall undertake any other activity the Secretary deems necessary to carry out this section, which shall include an evaluation and report to Congress on the demonstration and may include the performance of research, planning, and administration, either directly, or when in the Secretary's judgment such activity will be carried out more effectively, more rapidly, or at less cost, by contract or grant; and

(E) may use not more than 5 per centum of the funds appropriated for administrative or other expenses in connection with the demonstration.

(d) The Secretary shall submit to the Congress—

(1) not later than three months after the end of each fiscal year in which payments are made under this section, an interim report containing a summary of the activities carried out under this section during such fiscal year and any preliminary findings or conclusions drawn from the demonstration program; and

(2) not later than March 15 of the year after the end of the last fiscal year in which such payments are made, a final report containing a summary of all activities carried out under this section, the evaluation required by subsection (c)(6)(D) and any findings, conclusions, or recommendations for legislation drawn from the demonstration program.

(e) For purposes of carrying out this section, the Secretary may utilize from the amounts available under section 107 of the Housing and Community Development Act of 1974—

(1) not to exceed $2,500,000 for fiscal year 1984;

(2) not to exceed $5,000,000 for fiscal year 1985; and

(3) not to exceed $7,500,000 for fiscal year 1986.

TITLE III—HOUSING ASSISTANCE PROGRAMS

ALLOCATION AND USE OF ASSISTED HOUSING AUTHORITY

SEC. 301. (a)(1) Section 213(a)(1) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following: "Upon receiving an application for such housing assistance, the Secretary shall assure that funds made available under this section shall be utilized to the maximum extent practicable to meet the needs and goals identified in the unit of local government's housing assistance plan.".

(2) Section 213(d) of such Act is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) The Secretary shall allocate assistance referred to in subsection (a) (other than assistance approved in appropriation Acts for use under sections 14 and 17 of the United States Housing Act of 1937) the first time it is available for reservation on the basis of a formula which is contained in a regulation prescribed by the Secretary, and which is based on the relative needs of different States, areas, and communities as reflected in data as to population, poverty, housing overcrowding, housing vacancies, amount of substandard housing, and other objectively measurable conditions specified in such regulation. Any amounts allocated to a State or areas or communities within a State which are not likely to be utilized within a fiscal year shall not be reallocated for use in another State unless the Secretary determines that other areas or communities within the same State cannot utilize the amounts within that same fiscal year.

"(2) Not later than sixty days after approval in an appropriation Act, the Secretary shall allocate authority for assistance under section 8(d) of the United States Housing Act of 1937 for use as determined by the Secretary of Agriculture in connection with section 532 of the Housing Act of 1949 during the fiscal year for which such authority is approved, except that the amount of such authority so allocated during fiscal year 1984 may not exceed the amount necessary to provide assistance with respect to two thousand dwelling units.

"(3) After making allocations pursuant to this section, the Secretary shall accommodate the desires of States and units of general local government regarding the types of housing assistance if the total contract and budget authority available to be allocated is sufficient to provide assistance with respect to the types of housing assistance desired. In any case where a State or unit of general local government determines that assistance allocated to it under this subsection would be more effectively used in connection with existing public housing, the Secretary may approve the use of all or part of such assistance in accordance with the provisions of section 14 or 17 of the United States Housing Act of 1937.".

(3) Section 213(d) of the Housing and Community Development Act of 1974 is amended by adding at the end the following:

"(5) From the amounts authorized to be set aside under paragraph (4) of this subsection, there are authorized to be appropriated not to exceed $100,000,000 for fiscal year 1984 for the Secretary to make grants to units of general local government and Indian tribes, and nonprofit organizations which will operate programs on behalf of such units of general local government and Indian tribes, for the provision of shelter and essential services for individuals who are subject to life-threatening situations because of their lack of housing. Such grants shall be awarded on the basis of the extent of the need for emergency housing in the area where the project is, or will be, located. Such grants may be used to rehabilitate existing structures in order to provide basic shelter, to maintain structures providing such shelter, to pay for utilities and the furnishing of such shelters and for any activity described in section 105(a) of the Housing and Community Development Act of 1974 that is consistent with the purposes of this subsection.".

(b) Section 5(c) of the United States Housing Act of 1937 is amended—

(1) by striking out the last sentence of paragraph (1);

(2) by striking out paragraphs (2) and (3) and redesignating the remaining paragraphs accordingly; and

(3) by adding at the end thereof the following:

"(5) During fiscal year 1984, the Secretary may make commitments to enter into contracts for annual contributions for public housing aggregating not more than $21,670,000 per annum. The aggregate amount which may be obligated over the life of such contracts may not exceed $650,000,000.

"(6) During fiscal year 1984, the Secretary may reserve authority to enter into contracts for annual contributions aggregating not to exceed $504,061,000 per annum, and not to exceed an aggregate amount of $7,651,476,000 over the duration of the contracts. For the purposes of this paragraph, the Secretary shall utilize any balances of authorities which are or become available in fiscal year 1984 and such additional amounts as may be provided by appropriation Acts. Of the aggregate authority to make such reservations during such fiscal year, the Secretary may not make reservations for annual contributions contracts aggregating more than—

"(A) $230,425,000 per annum for existing units under section 8(c), for amendments under section 236(f) of the National Housing Act, and for amendments under section 101(g) of the Housing and Urban Development Act of 1965;

"(B) $51,908,000 per annum for existing units under section 8(d) for families displaced by any activities assisted under this Act or title I of the Housing and Community Development Act of 1974 or any other Federal housing or community development program;

"(C) $120,228,000 per annum only for housing developed under section 202 of the Housing Act of 1959 to be assisted under section 8, and for commitments made prior to October 1, 1983, for newly constructed or substantially rehabilitated housing to be assisted under section 8; and

"(D) $81,500,000 per annum only for amendments to commitments made prior to October 1, 1983, for public housing, and for assistance under section 14 and section 17;

subject to such adjustments as may be made under section 213(d)(3) of the Housing and Community Development Act of 1974.".

(c) Section 6 of such Act is amended by adding at the end thereof the following:

"(h) On or after October 1, 1983, the Secretary may enter into contracts involving new construction only if—the public housing agency demonstrates to the satisfaction of the Secretary that new construction is less costly than acquisition or acquisition and rehabilitation would be.

"(i) On or after October 1, 1983, the Secretary may make commitments to enter into contracts for public housing only if the public housing agency will give a priority to occupancy by large families in housing so provided.

"(j) The Secretary may, upon application by a public housing agency, in connection with the acquisition of housing for use as public housing, establish and set aside for use for major repairs to such housing a reserve fund in an amount not to exceed 30 per centum of the acquisition cost.".

MODIFIED SECTION 8 EXISTING HOUSING ASSISTANCE PROGRAM

SEC. 302. (a) Section 8(b) of the United States Housing Act of 1937 is amended by adding at the end thereof the following:

"(3) Assistance contracts entered into under this section shall provide for either (A) assistance payments under subsection (c) of this section based upon the maximum monthly rent which the owner is entitled to receive for each dwelling unit with respect to which the payments are to be made, or (B) assistance payments under subsection (d) of this section based upon a payment standard which is used to determine the maximum monthly assistance which may be paid for any family. Assistance contracts using a payment standard shall only be en-

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tered into pursuant to annual contributions contracts which are executed after the effective date of the Housing and Community Development Amendments of 1983, and which provide for [modified certificate] assistance with respect to existing dwelling units.".

(b) Section 8(c) of such Act is amended—

(1) by striking out the first sentence of paragraph (1) and inserting in lieu thereof the following: "Assistance contracts using a maximum monthly rent shall be subject to this subsection and shall establish the maximum monthly rent, including utilities and all maintenance and management charges, which the owner is entitled to receive for each dwelling unit with respect to which such assistance payments are to be made.";

(2) by inserting after the third sentence of paragraph (1) the following: "The maximum monthly rent shall be the same as the payment standard established under subsection (d)(1).";

(3) by striking out the second sentence in paragraph (3);

(4) by striking out "under this section" in paragraph (8) and inserting in lieu thereof "for newly constructed or substantially rehabilitated units"; and

(5) by adding the following new paragraphs at the end thereof:

"(9) Contracts to make assistance payments entered into by a public housing agency with an owner of existing housing units shall be for a term of not less than one month nor more than the term of the contract with HUD and shall provide (with respect to any unit) that—

"(A) the selection of tenants for such units shall be the function of the owner, subject to the provisions of the annual contributions contract between the Secretary and the agency, except that the tenant selection criteria shall give preference to families which, at the time they are seeking assistance, occupy substandard housing, are paying more than 50 per centum of their incomes as rent, or are involuntarily displaced;

"(B) the lease between the tenant and the owner shall be for at least one year or the term of such contract, whichever is shorter, and shall contain other terms and conditions specified by the Secretary;

"(C) the owner shall not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause;

"(D) maintenance and replacement (including redecoration) shall be in accordance with the standard practice for the building concerned as established by the owner and agreed to by the agency; and

"(E) the agency and the owner shall carry out such other appropriate terms and conditions as may be mutually agreed to by them.

"(10) Notwithstanding any other provision of law, with the approval of the Secretary the public housing agency administering an assistance contract with respect to existing housing units may exercise all management and maintenance responsibilities with respect to those units pursuant to a contract between such agency and the owner of such units.

"(11) An annual contributions contract entered into under subsection (c) or (d) shall permit the public housing agency to adjust the assistance payments to an owner of existing housing by up to 20 per centum from the maximum monthly rent or payment standard for categories of families or units or, in hardship cases, for individual families. Any such adjustments may not require additional funds to be provided under the contract and shall be made only after the public housing agency certifies to the Secretary that it has consulted with the unit of general local government and the public and that the adjustments are required, after taking into account local housing costs, the need to serve the largest number of families, and the goal of expanding housing opportunities for those receiving assistance.

"(12) A contract between the Secretary and a public housing agency under this subsection shall be for a period of 60 months except where the Secretary determines a longer term is necessary. In no case may such term exceed 180 months.".

(c) Section 8(d) of such Act is amended to read as follows:

"(d)(1) Assistance contracts using a payment standard shall be subject to this subsection and shall provide that the Secretary shall establish payment standards for dwelling units of various sizes and types in the market area, excluding units which do not meet the quality standards for decent, safe, and sanitary housing established by the Secretary for the purpose of this section. The payment standard shall be used to determine the monthly assistance which may be paid for any family, as provided in paragraph (2) of this subsection. The payment standard shall be established at least annually by the Secretary for dwelling units of various sizes and types in the market area on the basis of a formula and procedure contained in a regulation prescribed by the Secretary not later than sixty days after the date of enactment of the Housing and Community Development Amendments of 1983. Such regulations shall provide that the payment standard—

"(A) is designed to assist families of various sizes in securing decent, safe, and sanitary housing;

"(B) is established on the basis of the most recently available data regarding rents in recently rented units, excluding units which do not meet the quality standards for decent, safe, and sanitary housing and excluding units in public housing;

"(C) is established at the forty-fifth percentile of units as determined under subparagraph (B) unless the Secretary finds that such level is excessive on the basis of factual information regarding the rents in standard quality units which are available for rent;

"(D) shall be adjusted by the Secretary based on factual information provided by the public housing agency including information regarding excessive time required for a significant portion of categories of families to find and rent standard quality units; and

"(E) shall include an amount reasonably necessary for normal usage of utilities.

Allowable rents for an area shall be published in the Federal Register.

"(2) The monthly assistance payment for any family shall be the amount by which the payment standard for the area exceeds 30 per centum of the family's monthly adjusted income, except that such monthly assistance payment shall not exceed the amount by which the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering) exceeds 10 per centum of the family's monthly income. In addition, if the family is receiving payments for welfare assistance from a public agency, the monthly assistance payment shall not exceed the amount by which the lower of such rent or the payment standard exceeds the portion of the welfare assistance payments (but not to exceed 30 per centum thereof) which is identified by the Secretary who shall take into account the relative cost for standard housing in the area, with such adjustments as the Secretary shall prescribe. To encourage public housing agencies to assist families in finding the lowest cost, standard quality housing, the agency may, at its option, retain up to one-half the amount by which the fair market rent for the unit exceeds the actual rent of the unit. The agency shall use any amounts retained to provide additional assistance under the subsection.

"(3) Assistance payments may be made only for (A) a family determined to be a very low income family at the time it initially receives assistance, or (B) a family previously assisted under this Act. In selecting families to be assisted, preference shall be given to families which, at the time they are seeking assistance, occupy substandard housing, are involuntarily displaced, or are paying more than 50 per centum of family income for rent.

"(4) The Secretary is authorized, without regard to the first sentence of section 213(d)(1) and section 213(d)(3) of the Housing and Community Development Act of 1974 and the preference contained in the preceding paragraph, to use all or any of the authority to enter into contracts under section 5(c) to make assistance payments under this subsection for families (A) previously assisted under this Act, (B) eligible for assistance in connection with a project subject to section 203 of the Housing and Community Development Amendments of 1978, or (C) residing in dwellings to be rehabilitated or constructed with assistance under section 122 of the Housing and Community Development Act of 1974.

"(5) If a family vacates a dwelling unit before the expiration of a lease term, no assistance payment may be made with respect to the unit after the month during which the unit was vacated.

"(6) A contract with a public housing agency for annual contributions under this subsection shall be for an initial term of sixty months. The Secretary shall require (with respect to any unit) that (A) the public housing agency inspect the unit before any assistance payment may be made to determine that it meets housing quality standards for decent, safe, and sanitary housing established by the Secretary for the purpose of this section, and (B) the public housing agency make annual or more frequent inspections during the contract term. No assistance payment may be made for a dwelling unit which fails to meet such quality standards, unless any such failure is promptly corrected by the owner and the correction verified by the public housing agency.

"(7)(A) The amount of assistance payments under this subsection may, in the discretion of the public housing agency, be adjusted as frequently as annually during any five-year period where necessary to assure continued affordability. The aggregate amount of adjustments pursuant to the preceding sentence may not exceed the amount of any excess of the annual contributions provided for in the contract over the amount of assistance payments actually paid (including amounts which otherwise become available under the contract period).

"(B) For the purpose of subparagraph (A), each contract with a public housing agency

for annual contributions under this subsection shall provide annual contributions equal to 110 per centum of the estimated aggregate amount of assistance required during the first year of the contract.

"(C) Any amounts not needed for adjustments under subparagraph (A) may be used to provide assistance payments for additional families.

"(D) Before making such adjustments the public housing agency shall consult with the public and the general local government regarding the impact of such adjustments on the number of families that can be assisted.

"(8) A public housing agency may utilize not to exceed 5 per centum of the amount of authority available under this subsection to provide assistance with respect to cooperative or mutual housing which has a resale structure which maintains affordability for lower income families where the agency determines such action will assist in maintaining the affordability of such housing for such families.".

(d) Section 8(j) of such Act is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7), the following:

"(8) Assistance contracts entered into under this subsection pursuant to annual contributions contracts executed after the effective date of the Housing and Community Development Amendments of 1983 with respect to any family which rents real property on which is located a manufactured home which is owned by such family or any family which rents an existing manufactured home and the real property on which it is located shall provide for assistance payments based upon a payment standard as referred to in subsection (b)(3)(B). Paragraphs (2) through (7) of this subsection shall not apply to assistance contracts referred to in the previous sentence. The provisions of subsection (d) shall govern payments for families renting manufactured home spaces or manufactured homes and spaces under contracts based upon a payment standard, except that (A) the Secretary shall have discretion to modify the amount of the standard as appropriate for application to the rental of manufactured home spaces and manufactured homes and spaces, (B) the term 'rent' in subsection (d)(2) shall include the monthly payment to amortize the cost of purchasing the manufactured home, where the assisted family owns the home, and (C) with respect to any family renting real property on which is located a manufactured home which is owned by the family, the monthly assistance payment under subsection (d)(2) shall in no event exceed the actual cost of renting such real property.".

(e) Section 6(c)(4)(A) of such Act is amended by inserting "or are paying more than 50 per centum of family income for rent" after "under this Act".

(f) Section 7(o)(6)(C) of the Department of Housing and Urban Development Act is amended by inserting before the period at the end thereof the following: "or the establishment of the specific amounts for fair market rentals or payment standards pursuant to section 8 of the United States Housing Act of 1937".

AMENDMENTS AFFECTING TENANT RENTS FOR CONTRIBUTIONS

SEC. 303. (a) Section 3(a) of the United States Housing Act of 1937 is amended—

(1) by inserting the following immediately after the first sentence: "Reviews of family income shall be made at least annually."; and

(2) by inserting after "under this Act" in the final sentence the following: "(other than a family assisted under section 8(d))".

(b) Section 3(b) of such Act is amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof the following: ", except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.".

(c) Section 3(b)(4) of such Act is amended by inserting after "from all sources of each member of the household" the following "excluding the value of food stamps".

(d) Section 3(b)(5) of such Act is amended by inserting after the first sentence the following: "There shall be excluded from the income of an elderly family medical expenses in excess of 3 per centum of annual family income.".

(e)(1) Section 3(a)(3) of such Act is amended to read as follows:

"(3) if the family is receiving payments for welfare assistance from a public agency, the portion of such payments (but not to exceed 30 per centum thereof) which is identified by the Secretary who shall take into account the relative cost for standard housing in the area, with such adjustments as the Secretary shall prescribe.".

(2) Clause (C) of the second sentence of section 236(f)(2) of the National Housing Act is amended to read as follows:

"(C) if the family is receiving payments for welfare assistance from a public agency, the portion of such payments (but not to exceed 30 per centum thereof) which is identified by the Secretary who shall take into account the relative cost for standard housing in the area, with such adjustments as the Secretary shall prescribe.".

(e)(1) The following provisions of this paragraph apply to determinations of the rent to be paid by or the contribution required of a tenant occupying housing assisted under the authorities amended by this section or subsections (a) through (h) of section 322 of the Housing and Community Development Amendments of 1981 (hereinafter referred to as "assisted housing") on or before the effective date of regulations implementing sections 302 and 303 of the Housing and Community Development Act of 1983:

(A) Notwithstanding sections 302 and 303 of the Housing and Community Development Act of 1983 or subsections (a) through (h) of section 322 of the Housing and Community Development Amendments of 1981, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") may provide for delayed applicability, or for staged implementation, of the procedures for determining rents or contributions, as appropriate, required by such provisions if the Secretary determines that immediate application of such procedures would be impracticable, would violate the terms of existing leases, or would result in extraordinary hardship for any class of tenants.

(B) The Secretary shall provide that the rent or contribution, as appropriate, required to be paid by a tenant shall not increase as a result of the amendments made by sections 302 and 303 of the Housing and Community Development Act of 1983 and subsections (a) through (h) of section 322 of the Housing and Community Development Amendments of 1981, and as a result of any other provision of Federal law or regulation, by more than 10 per centum during any twelve-month period, unless the increase above 10 per centum is attributable to increases in income which are unrelated to such amendments, law, or regulation.

(2) Tenants of assisted housing other than those referred to in paragraph (1) shall be subject to immediate rent payment or contribution determinations in accordance with applicable law and without regard to the provisions of paragraph (1), but the Secretary shall provide that the rent or contribution payable by any such tenant who is occupying assisted housing on the effective date of any provision of Federal law or regulation shall not increase, as a result of any such provision of Federal law or regulation, by more than 10 per centum during any twelve-month period, unless the increase above 10 per centum is attributable to increases in income which are unrelated to such law or regulation.

(3) In the case of tenants receiving rental assistance under section 521(a)(1) of the Housing Act of 1949 on the effective date of this section whose assistance is converted to assistance under section 8 of the United States Housing Act of 1937 on or after such date, the Secretary shall provide that the rent or contribution payable by any such tenant shall not increase, as a result of such conversion, by more than 10 per centum during any twelve-month period, unless the increase above 10 per centum is attributable to increases in income which are unrelated to such conversion or to any provision of Federal law or regulation.

(4) The limitations on increases in rent contained in paragraphs (1)(B), (2), and (3) shall remain in effect and may not be changed or superseded except by another provision of law which amends this subsection.

(5) As used in this subsection, the term "contribution" means an amount representing 30 per centum of a tenant's monthly adjusted income, 10 per centum of the tenant's monthly income, or the welfare assistance amount designated by the Secretary, whichever amount is used to determine the monthly assistance payment for the tenant under section 8(d)(2) of the United States Housing Act of 1937.

(6) The Secretary's actions and determinations and the procedures for making determinations pursuant to this subsection shall not be reviewable in any court. The provisions of subsections (a) through (h) of section 322 of the Housing and Community Development Amendments of 1981 shall be implemented and fully applicable to all affected tenants no later than five years following the date of enactment of such amendments, except that the Secretary may extend the time for implementation if the Secretary determines that full implementation would result in extraordinary hardship for any class of tenants.

(f) Notwithstanding any other provision of law, assistance made available under any provision of the United States Housing Act of 1937 shall not be treated as income to the tenants to whom or with respect to whom such assistance is provided for the purpose of any provision of Federal law.

(g) Section 322(i) of the Omnibus Budget Reconciliation Act of 1981 is repealed.

PUBLIC HOUSING PERFORMANCE STANDARDS

SEC. 304. (a) The United States Housing Act of 1937 is amended by adding at the end thereof the following:

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"PUBLIC HOUSING PERFORMANCE STANDARDS

"SEC. 17. (a)(1) There is established within the Department of Housing and Urban Development a Public Housing Performance Standards Advisory Commission (hereinafter referred to as the 'Commission') which shall consist of thirteen members to be appointed by the Secretary as follows:

"(A) four from a list submitted by the Council of Large Public Housing Authorities;

"(B) four from a list submitted by the National Association of Housing and Redevelopment Officials;

"(C) two from a list submitted by the Public Housing Agency Directors Association;

"(D) one from a list submitted by the National League of Cities and United States Conference of Mayors; and

"(E) two from a list submitted by the National Low Income Housing Coalition.

Each member of the Commission shall serve until the work of the Commission is completed as determined by the Secretary. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

"(2) The initial appointments under this subsection shall be made not later than sixty days after the date of enactment of this section.

"(3) Not later than thirty days after all the members of the Commission are appointed, the Commission shall hold its initial meeting and elect from among its members a chairman of the Commission.

"(b) The Commission shall establish rules of procedure, appoint such committees, and establish schedules of and procedures for calling meetings as may be required in the exercise of its functions. All meetings of the Commission shall be open to the public.

"(c) The functions of the Commission shall be—

"(1) to identify and recommend standards of performance for the efficient and professional management and operation of public housing agencies in the operation of lower income housing projects and in the administration of lower income housing assistance under section 8;

"(2) to identify and recommend procedures for the evaluation of public housing agencies in accordance with such standards;

"(3) to identify opportunities for the improved management and maintenance of the Nation's public housing stock; and

"(4) to make recommendations, from time to time, to the Secretary on specialized training of education and counseling for public housing management and policymaking officials, on the distinction between ongoing and preventive maintenance funding under section 9(a)(4)(G) and major systems replacement funding under section 9(h), and on such other topics as the Secretary may request.

"(d) In developing its recommendations regarding the standards for performance and the evaluation procedures, the Commission may distinguish among classes of public housing agencies on the basis of such criteria as past performance, receipt of operating assistance under section 9, age of public the Secretary's comments, promptly to the Congress.

"(f) The Secretary shall make available not more than $1,000,000 from the funds established under section 213(d)(5) of the Housing and Community Development Act of 1974 for use by the Commission to cover its expenses during the period in which it develops its recommendations to the Secretary. The Commission may include among such available expenses (1) the cost of obtaining the services of experts and consultants, professional or clerical staff, and evaluators as may be required in the exercise of its functions, and (2) compensation for members of the Commission at a rate not to exceed the equivalent of the daily rate for an individual occupying a position at GS-18 of the General Schedule for each day they are engaged in the business of the Commission and to reimburse them for expenses incurred in attending meetings of the Commission.".

INCREASED AUTHORITY FOR MANAGEMENT FLEXIBILITY AND FOR PAYMENTS FOR OPERATION OF LOWER INCOME HOUSING PROJECTS

SEC. 305. (a) Section 9(c) of the United States Housing Act of 1937 is amended—

(1) by striking out "and" after "October 1, 1980,"; and

(2) by inserting before the period at the end thereof the following: ", and not to exceed $1,500,000,000 on or after October 1, 1983,".

(b) Section 9(a) of such Act is amended—

(1) by striking out the last sentence of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

"(2) The Secretary is authorized to enter into contracts with appropriate organizations to provide technical assistance and associated services to public housing agencies in order to carry out the purpose of this section."; and

(4) by adding at the end thereof the following:

"(4) For the purpose of making payments under this section, the Secretary shall utilize a performance funding system which establishes standards for costs of operation and reasonable projections of income, taking into account the character and location of the project and characteristics of the families served, in accordance with a formula representing the operations of a prototype well-managed project. Such performance funding system shall be established in consultation with public housing agencies and their associations, be contained in a regulation promulgated by the Secretary prior to the start of any fiscal year to which it would apply, and remain in effect for the duration of such fiscal year without change. Under the performance funding system—

"(A) allowable expense levels shall be regularly adjusted to reflect the actual costs of operating the prototype project;

"(B) adjustments shall be made annually to reflect the difference between estimated and actual inflation rates;

"(C) public housing agencies shall share equally with the Secretary any cost changes due to the differences between projected contributions shall not be counted as income in computing the allowable subsidy nor shall prior receipt of any such funds affect the allowable expense level;

"(E) no assistance will be provided for units that are vacant or deprogramed, except that vacancies of 2 per centum of units in fiscal year 1984 and of 1 per centum of units in fiscal year 1985 shall be allowed;

"(F) payments to all agencies may only be ratably reduced if sufficient funds are not available, and, if excess funds are available, they shall be retained by the Secretary for use in the next fiscal year; and

"(G) beginning in fiscal year 1985, an agency which is approved by the Secretary will receive payments for a repair and maintenance fund equal to 15 per centum of its nonutility allowable expense level.".

(c) Section 9 of such Act is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The Secretary, in consultation with the Commission shall establish a major systems replacement fund (hereinafter referred to as the 'fund'). The fund shall be available to the Secretary for making grants to public housing agencies, based on the recommendations of the Commission under section 17(c)(4), for expenditures for major repairs to or the replacement of building systems or major management system improvements which are not covered by annual contributions contracts under this section. The Secretary shall require that all expenditures made from grants under this subsection are made in the least costly manner which assures long-term viability.".

COMPREHENSIVE IMPROVEMENT ASSISTANCE

SEC. 306. (a) Section 14 of the United States Housing Act of 1937 is amended by adding at the end thereof the following:

"(k) The Secretary shall provide the maximum amount of assistance available under this section to public housing agencies prior to October 1, 1985, in order to assure that all housing units meet habitability standards.".

(b) Effective October 1, 1985, section 14 of the United States Housing Act of 1937 is repealed, except that such section shall remain in effect for those agencies which have not completed improvements contemplated to meet standards for the physical quality of its housing projects.

DEMOLITION AND DISPOSITION OF PUBLIC HOUSING

SEC. 307. (a) The United States Housing Act of 1937 is amended by adding the following new section at the end thereof:

"DEMOLITION AND DISPOSITION OF PUBLIC HOUSING

"SEC. 18. (a) The Secretary may approve an application by a public housing agency for permission, with or without financial assistance under this Act, to demolish or dispose of public housing projects or portions of public housing projects only in accordance with the provisions of this section.

"(b) Approval of an application under this section may not be given and assistance may not be made available under this Act unless the Secretary has determined that—

"(1)(A) in the case of an application pro-

"(B) in the case of an application proposing demolition of a portion of a project, the demolition will help to assure the useful life of the remaining portion of the project; or

"(2) in the case of an application proposing disposition of real property of a public housing agency by sale or other transfer—

"(A)(i) the property's retention is not in the best interests of the tenants or the public housing agency because developmental changes in the area surrounding the project adversely affect the health or safety of the tenants or the feasible operation of the project by the public housing agency, because disposition allows the acquisition, development, or rehabilitation of other properties which will be more efficiently or effectively operated as lower income housing projects and which will preserve the total amount of lower income housing stock available in the community, or because of other factors which the Secretary determines are consistent with the best interests of the tenants and public housing agency and which are not inconsistent with other provisions of this Act; and

"(ii) for property other than dwelling units, the property is excess to the needs of a project or the disposition is incidental to, or does not interfere with, continued operation of a project; and

"(B) the net proceeds of the disposition will be used for (i) the payment of development cost for the project and for the retirement of outstanding obligations issued to finance original development or modernization of the project, and (ii) to the extent that any proceeds remain after application in accordance with clause (i), the provision of housing assistance for lower income families through such measures as modernization or operation of lower income housing, the provision of rental assistance, or the acquisition, development, or rehabilitation of other properties to operate as lower income housing.

"(c) Approval of an application under this section may not be given and assistance may not be made available under this Act unless the application from the public housing agency—

"(1) has been developed in consultation with tenants, if any, who will be affected by the demolition or disposition and with appropriate local government officials; and

"(2) provides that tenants to be displaced as a result of the demolition or disposition will be given assistance by the public housing agency to relocate to other decent, safe, sanitary, and affordable housing, which is, to the maximum extent practicable, housing of their choice, including housing assisted under section 8 of this Act.

"(d) Notwithstanding any other provision of law, the Secretary is authorized to make available financial assistance for applications approved under this section using available annual contributions authorized under section 5(c).

"(e) The provisions of this section shall not apply to the conveyance of units in a public housing project for the purpose of providing homeownership opportunities for lower income families capable of assuming the responsibilities of homeownership.".

(b) Section 6(f) and section 14(f) of such Act are repealed.

"(1) may only enter into contracts for annual contributions regarding obligations financing public housing projects authorized by section 5(c) if such obligations are exempt from taxation under section 11(b); and

"(2) may not enter into contracts for periodic payments to the Federal Financing Bank to offset the costs to the Bank of purchasing obligations (as described in the first sentence of section 16(b) of the Federal Financing Bank Act of 1973) issued by local public housing agencies for purposes of financing public housing projects authorized by section 5(c) of the United States Housing Act of 1937.".

OPERATING ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS

SEC. 309. (a) Section 201 of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out paragraph (1)(A) of subsection (c) and inserting in lieu thereof the following:

"(1)(A)(i) is covered by a mortgage insured or formerly insured under the National Housing Act and is assisted under section 236 of the National Housing Act or under section 101 of the Housing and Urban Development Act of 1965, or (ii) is assisted under the proviso of section 221(d)(5) of the National Housing Act; or"; and

(2) by striking out ", together with the mortgagee in the case of a project not insured under the National Housing Act," in subsection (d)(3).

(b) Section 236(f)(3) of the National Housing Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1985".

HOUSING FOR THE ELDERLY AND HANDICAPPED

SEC. 310. (a) Section 202 of the Housing Act of 1959 is amended by adding at the end thereof the following:

"(i)(1) In the process of selecting projects for loans under this section, the Secretary shall assure the inclusion of special design features and congregate space if necessary to meet the special needs of elderly and handicapped residents.

"(2) The Secretary shall encourage the provision of small and scattered site group homes and independent living facilities for nonelderly handicapped persons and families.

"(j) Nothing in this section authorizes the Secretary to prohibit any sponsor from voluntarily providing funds from other sources for amenities and other features of appropriate design and construction suitable for inclusion in such project if the cost of such amenities is (1) not financed with the loan, and (2) not taken into account in determining the amount of Federal subsidy or of the rent contribution of tenants.".

(b) Section 202 of such Act is amended—

(1) by striking out "and to $5,752,500,000 on October 1, 1981" in subsection (a)(4)(B)(i) and inserting in lieu thereof "to $5,752,500,000 on October 1, 1981, and to $6,420,300,000 on October 1, 1983"; and

(2) by striking out "$850,848,000 may be approved in appropriation Acts for such loans with respect to fiscal year 1982" in

(c) Section 411(a) of the Congregate Housing Services Act of 1978 is amended to read as follows:

"SEC. 411. (a) To carry out the provisions of this title, there are authorized to be appropriated—

"(1) $10,000,000 for fiscal year 1984;

"(2) $10,000,000 for fiscal year 1985; and

"(3) $10,000,000 for fiscal year 1986.".

REPEAL OF NEW CONSTRUCTION AUTHORITY

SEC. 311. (a) The United States Housing Act of 1937 is amended as follows:

(1) Section 8(a) is amended by striking out ", newly constructed, and substantially rehabilitated".

(2) Section 8(b)(2) is repealed.

(3) Section 8(e) of such Act is amended by striking out paragraphs (1), (2), and (3) and by redesignating paragraphs (4) and (5) as paragraphs (1) and (2), respectively.

(4) Section 8(i) of such Act is repealed.

(5) Section 8 of such Act is amended by striking out subsections (l) and (m).

(b) The amendments made by subsection (a) shall take effect on October 1, 1982, except that the provisions repealed shall remain in effect—

(1) in the case of obligations entered into prior to such date; and

(2) with respect to any project financed under section 202 of the Housing Act of 1959.

HOUSING DEMONSTRATION

SEC. 312. (a) This section may be cited as the "Older Americans' Housing Demonstration Act of 1983".

(b) The Congress finds that—

(1) older Americans face unique housing problems created by their often lower, fixed incomes and today's tight housing market;

(2) many older Americans live in dwellings which have more space than they need, want, or can afford, and some wish to sell their large homes and move to smaller, more manageable units, but cannot;

(3) other older Americans wish to remain living in their homes but find themselves "house rich" and "cash poor" and cannot unlock their home equity to help pay ever spiraling utility, tax, repair, and maintenance bills;

(4) housing assistance programs now available do not address the special needs of these older Americans; and

(5) programs should be designed and implemented so that those senior citizens who wish to remain in their homes can convert home equity into income through such means as deferring property taxes, and those senior citizens who wish to sell their homes can buy or rent smaller units thereby making the large homes vacated available for younger, lower income families.

(c) It is the purpose of this section to provide for a demonstration and evaluation of programs to meet the housing needs of older homeowners.

(d)(1) The Secretary of Housing and Urban Development shall promptly initiate and carry out during the fiscal year beginning on October 1, 1983, a program for the development, demonstration, and evaluation of improved methods, concepts, and techniques which will assist older homeowners spectrum of senior citizens, localities, and project types is represented.

(e)(1) The housing assistance methods, concepts, and techniques to be demonstrated under this section shall include—

(A) a demonstration of the feasibility of implementing procedures to assure the availability of large homes which are vacated by older homeowners to nonelderly, lower income families receiving assistance under section 8 of the United States Housing Act of 1937; and

(B) a study and demonstration of ways for older homeowners who do not wish to relinquish residency to convert their home equity into income.

(2) In carrying out the provisions of this section, the Secretary shall coordinate and jointly target resources with appropriate other agencies such as the Administration on Aging of the Department of Health and Human Services.

(f)(1) Not later than May 1, 1984, the Secretary shall transmit to the Congress proposed regulations to carry out the demonstration program authorized by this section. The Secretary may not enter into any contracts or other obligations pursuant to this section prior to the expiration of thirty days following the transmittal of the report required by this subsection.

(2) Not later than December 31, 1984, the Secretary shall transmit to the Congress a final report on the activities undertaken pursuant to this section.

(g) Of the authority available under section 213(d)(4) of the Housing and Community Development Act of 1974 for the fiscal year beginning on October 1, 1983, the Secretary may utilize not to exceed $10,000,000, to the extent approved in an appropriation Act, in that fiscal year to carry out the older Americans housing demonstration program authorized by this section.

SECTION 236 ASSISTANCE

SEC. 313. Section 236(f) of the National Housing Act is amended by adding at the end thereof the following:

"(4) To ensure that tenants occupying that number of units with respect to which assistance was being provided under this subsection immediately prior to the date of enactment of the Housing and Community Development Act of 1983 continue to receive the benefit of assistance contracted for under paragraph (2) the Secretary shall offer annually to amend contracts entered into under this subsection with owners of projects assisted but not subject to mortgages insured under this section to provide sufficient payments to cover necessary rent increases and changes in the incomes of those tenants, subject to the availability of authority for such purpose under section 5(c)(5)(A) of the United States Housing Act of 1937. The Secretary shall take such actions as may be necessary to ensure that payments, including payments that reflect necessary rent increases and changes in the incomes of tenants, are made on a timely basis for all units covered by contracts entered into under paragraph (2).".

RENT SUPPLEMENT PROGRAM

SEC. 314. Section 101(g) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following: "To ensure that tenants occupying that number of units with respect to which assistance was being provided under this section immediately prior to the date of enactment of the Housing and Community Development Act of 1983 continue to receive the benefit of assistance contracted for under this section, the Secretary shall offer annually to amend contracts entered into with owners of projects assisted under this section but not subject to mortgages insured under title II of the National Housing Act to provide sufficient payments to cover necessary rent increases and changes in the incomes of those tenants, subject to the availability of authority for such purpose under section 5(c)(5)(A) of the United States Housing Act of 1937. The Secretary shall take such actions as may be necessary to ensure that payments, including payments that reflect necessary rent increases and changes in the incomes of tenants, are made on a timely basis for all units covered by contracts entered into under this section.".

AMENDMENT TO SECTION 214 OF THE 1980 ACT

SEC. 315. Section 214 of the Housing and Community Development Act of 1980 is amended to read as follows:

"LIMITATION ON HOUSING ASSISTANCE

"SEC. 214. (a) Notwithstanding any other provision of law, the Secretary may not make financial assistance available for the benefit of any family unless the head of the family or a majority of its members are citizens or aliens who are residents of the United States and are—

"(1) aliens lawfully admitted for permanent residence as immigrants as defined by sections 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 8 U.S.C. 1101(a)(20)), excluding, among others, alien visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country;

"(2) aliens who entered the United States prior to June 30, 1948, or such subsequent date as is enacted by law, continuously maintained residence in the United States since then, and are not ineligible for citizenship, but who are deemed to be lawfully admitted for permanent residence or eligible for adjustment of status as a result of exercise of discretion by the Attorney General pursuant to section 249 of the Immigration and Nationality Act (8 U.S.C. 1259);

"(3) aliens who are lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or pursuant to the granting of asylum (which has not been terminated) under section 208 of such Act (8 U.S.C. 1158);

"(4) aliens who are lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); or

"(5) aliens who are lawfully present in the United States as a result of the Attorney General's withholding deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C 1253(h)).

"(b) For purposes of this section—

"(1) the term 'financial assistance' means financial assistance made available pursuant to the United States Housing Act of 1937, sections 235, 236 of the National Housing Act, section 101 of the Housing and Urban Development Act of 1965, or title V of the Housing Act of 1949; and

"(2) the term 'Secretary' means the Secretary of Housing and Urban Development or the Secretary of Agriculture, as the case may be.

"(c) The Secretary may continue to provide assistance to households for up to six months after a finding of ineligibility in order to permit adjustment of status or appropriate documentation of eligibility or, failing that, time in which to obtain suitable alternative housing.".

PETS IN ELDERLY HOUSING

SEC. 316. (a) No owner or manager of any federally assisted rental housing for the elderly or handicapped may—

(1) as a condition of tenancy or otherwise, prohibit or prevent any tenant in such housing from owning common household pets or having such pets living in the dwelling units of such tenant in such housing; or

(2) restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling accommodations of, such person.

(b) Not later than the expiration of the twelve-month period following the date of the enactment of this Act, the Secretary of Housing and Urban Development and the Secretary of Agriculture shall each issue such regulations as may be necessary to ensure compliance with the provisions of this section.

(c) Nothing in this section may be construed to prohibit any owner or manager of federally assisted rental housing for the elderly or handicapped, or any local housing authority or other appropriate authority of the community where such housing is located, from requiring the removal from any such housing of any pet whose conduct or condition is duly determined to constitute a nuisance or a threat to the health or safety of the other occupants of such housing or of other persons in the community where such housing is located.

(d) For purposes of this section, the term "federally assisted rental housing for the elderly or handicapped" means any rental housing project which is designated for occupancy by the elderly or handicapped, and

(1) is assisted under section 202 of the Housing Act of 1959; or

(2) is assisted under the United States Housing Act of 1937, the National Housing Act, or title V of the Housing Act of 1949.

COLLEGE HOUSING

SEC. 317. Section 401 of the Housing Act of 1950 is amended—

(1) by striking out "College Housing Amendments of 1955" and inserting in lieu thereof "Housing and Community Development Act of 1983" in subsection (c)(1);

(2) by striking out "lower" and inserting in lieu thereof "greater" in subsection (c)(1);

(3) by striking out "College Housing Amendments of 1955" and inserting in lieu thereof "Housing and Community Development Act of 1983" in subsection (e); and

(4) by striking out all that follows "which shall not be more than" in subsection (e) and inserting in lieu thereof "the average current yield on outstanding obligations of the United States of comparable maturities in the month preceding the month in which the contract for such loan is made.".

TITLE IV—INSURANCE PROGRAMS

CRIME AND RIOT INSURANCE

SEC. 401. (a) Section 1201(b)(1) of the National Housing Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 1201(b) of such Act is amended by adding at the end thereof the following:

"(3) The Administrator shall notify participating insurers under sections 1223 and 1231 of this Act that the powers under this

title shall terminate as of September 30, 1983.".

TECHNICAL AMENDMENTS

SEC. 402. (a) Section 1370(a)(6) of the National Flood Insurance Act of 1968 is amended to read as follows:

"(6) the term 'Director' means the Director of the Federal Emergency Management Agency.".

(b) Section 3(a)(6) of the Flood Disaster Protection Act of 1973 is amended to read as follows:

"(6) 'Director' means the Director of the Federal Emergency Management Agency.".

(c) Section 1304(a) of the National Flood Insurance Act of 1968 is amended by striking out "Secretary of Housing and Urban Development" and inserting in lieu thereof "Director of the Federal Emergency Management Agency".

(d) Except for any reference to the Secretary of a Department other than the Department of Housing and Urban Development—

(1) wherever the term "Secretary" is used in the National Flood Insurance Act of 1968 or in the Flood Disaster Protection Act of 1973, it is changed to the term "Director"; and

(2) wherever the term "Secretary's" is used in the National Flood Insurance Act of 1968 or in the Flood Disaster Protection Act of 1973, it is changed to the term "Director's".

(e) Section 15(e) of the Federal Flood Insurance Act of 1956 is amended by striking out "Secretary" the first and third places it appears and inserting in lieu thereof "Director of the Federal Emergency Management Agency".

(f) Section 1201(c) of the National Housing Act is amended by adding at the end thereof the following:

"(c) As used in this title, the term 'Director' means the Director of the Federal Emergency Management Agency.".

(g) Title XII of the National Housing Act is amended by striking out the term "Secretary" wherever it appears and inserting in lieu thereof "Director".

(h) Section 1340(a)(2) of the National Flood Insurance Act of 1968 is amended by striking out "officers and employees of the Department of Housing and Urban Development, and".

(i) Section 1232(2) of the National Housing Act is amended by striking out "officers and employees of the Department of Housing and Urban Development, and".

(j) Section 1247 of the National Housing Act is amended by inserting "of the Secretary of Housing and Urban Development" after the second parenthetical phrase.

EXTENSION OF FLOOD INSURANCE AUTHORITIES

SEC. 403. (a) The National Flood Insurance Act of 1968 is amended—

(1) by striking out "May 20, 1983" in section 1319 and inserting in lieu thereof "September 30, 1985";

(2) by adding at the end of section 1336(a) the following: "The expiration of authority under this subsection shall not affect the continued availability of insurance to communities participating in the program authorized under this subsection or to owners of property who had, immediately prior to such expiration, a contract of flood insurance in effect with respect to that property.";

(3) by adding at the end of section 1307 the following:

"(f) The Secretary shall estimate the risk premium rate for an area, where appropriate, on the basis of an assessment of the flood-risk zones as established by the flood hazard boundary map for that area."; and

(4) by adding at the end of section 1360 the following:

"(d) The Secretary shall conduct studies pursuant to section 1307 where necessary, and establish not later than August 1, 1983, the risk premium rates for the types and classes of properties insured pursuant to section 1336(a).".

JUDICIAL REVIEW

SEC. 404. (a) Section 1333 of the National Flood Insurance Act of 1968 is amended by inserting "original exclusive" before "jurisdiction".

(b) Section 1341 of the National Flood Insurance Act of 1968 is amended by inserting "original exclusive" before "jurisdiction".

STUDY OF SINKHOLE INSURANCE

SEC. 405. The Federal Emergency Management Agency is authorized to make a grant to a nonprofit organization, educational institution or affiliated agency or entity, or State or local agency to finance a study of the feasibility of expanding the national flood insurance program to cover damage or loss arising from sinkholes. There are authorized to be appropriated not to exceed $1,000,000 to carry out the provisions of this section.

TITLE V—RURAL HOUSING

SHORT TITLE

SEC. 501. This title may be cited as the "Rural Housing Amendments of 1983".

DEFINITIONS

SEC. 502. Section 501(b)(4) of the Housing Act of 1949 is amended to read as follows:

"(4) For the purpose of this title, the terms 'low income families or persons' and 'very low-income families or persons' means those families and persons whose incomes do not exceed the respective levels established for lower income families and very low-income families by the Secretary of Housing and Urban Development under the United States Housing Act of 1937.".

SECTION 502 AMENDMENTS

SEC. 503. (a) Section 502 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(d) On and after the effective date of the Rural Housing Amendments of 1983—

"(1) not less than 40 per centum of the dwelling units financed under this section shall be available only for occupancy by very low-income families or persons; and

"(2) not less than 30 per centum of the dwelling units in each State financed under this section shall be available only for occupancy by very low-income families or persons.

"(e) A loan which may be made or insured under this section with respect to housing shall be made or insured with respect to a manufactured home or with respect to a manufactured home and lot, whether such home or such home and lot is real property, personal property, or mixed real and personal property, if—

"(1) the manufactured home meets the standards prescribed pursuant to title VI of the Housing and Community Development Act of 1974; and

"(2) the manufactured home, or the manufactured home and lot, meets the installation, structural, and site requirements which would apply under title II of the National Housing Act.".

(b) Section 527 of such Act is repealed.

(c) Section 502(a) of such Act is amended by striking out all after "making of the loan with interest" and inserting in lieu thereof a period and the following: "The Secretary may accept the personal liability of any person with adequate repayment ability who will cosign the applicant's note to compensate for any deficiency in the applicant's repayment ability.".

(d) Section 502(b)(3) of such Act is amended by striking out "except for guaranteed loans,".

(e) Section 501(f) of such Act is amended by striking out ", insured, or guaranteed" and inserting in lieu thereof "or insured".

REHABILITATION LOANS

SEC. 504. The first and second sentences of section 504 (a) of the Housing Act of 1949 are amended to read as follows: "The Secretary may make a loan, grant, or combined loan and grant to an eligible very low-income applicant in order to improve or modernize a rural dwelling, to make the dwelling safer or more sanitary, or to remove hazards. The Secretary may make a loan or grant under this subsection to the applicant to cover the cost of repairs, improvements, or additions such as repairing roofs, providing sanitary waste facilities, providing a convenient and sanitary water supply, repairing or providing structural supports, or making similar repairs, additions, improvements, including all preliminary and installation costs in obtaining central water and sewer service. The maximum amount of a grant, a loan, or a loan and grant shall not exceed such limitations as the Secretary determines to be appropriate".

TECHNICAL SERVICES AND RESEARCH

SEC. 505. Section 506(b) of the Housing Act of 1949 is amended by adding at the end thereof the following: "In carrying out this subsection, the Secretary may permit demonstrations involving innovative housing units and systems which do not meet existing published standards, rules, regulations, or policies if the Secretary finds that in so doing, the health and safety of the population of the area in which the demonstration is carried out will not be adversely affected, except that the aggregate expenditures for such demonstrations may not exceed $12,000,000 in any fiscal year. The Secretary shall report to the Congress at the close of each fiscal year on the results of such demonstrations.".

STANDARDS FOR ADEQUATE HOUSING

SEC. 506. (a) Section 509(a) of the Housing Act of 1949 is amended by adding at the end thereof the following:

"The Secretary shall approve a residential building as meeting such standards if the building is constructed in accordance with (1) the minimum standards prescribed by the Secretary, (2) the minimum property standards prescribed by the Secretary of Housing and Urban Development for mortgages insured under title II of the National Housing Act, (3) the standards contained in any of the voluntary national model building codes, or (4) in the case of manufactured housing, the standards referred to in section 502(e) of this Act. Nothing in the preceding sentence precludes the Secretary from refusing to finance a building which exceeds living space, amenity, design, or other limitations which the Secretary may prescribe for the purpose of avoiding unnecessary or excessive costs. To the maximum extent feasible, the Secretary shall promote the use of energy saving techniques through standards established by such Secretary for newly constructed residential housing assisted under

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this title. Such standards shall, insofar as is practicable, be consistent with the standards established pursuant to section 526 of the National Housing Act and shall incorporate the energy performance requirements developed pursuant to such section.".

(b) Section 529 of such Act is repealed.

GENERAL AUTHORITY OF THE SECRETARY

Sec. 507. Section 510(e) of such Act is amended by adding before the semicolon at the end thereof the following: "and the authority of the Secretary under this paragraph includes the authority to transfer section 502 inventory properties for use as rental or cooperative units under section 515 with mortgages containing repayment terms with up to fifty years to private nonprofit organizations or public bodies. Where the Secretary determines the transfer will contribute to the provision of housing for very low-income persons and families, the transfer may be made at the lesser of the appraised value or the Farmers Home Adminstration's investment".

AMENDMENT TO SECTION 511

Sec. 508. The second sentence of section 511 of the Housing Act of 1949 is repealed.

REPEAL OF SECTION 512

Sec. 509. Section 512 of the Housing Act of 1949 is repealed.

AUTHORIZATION

Sec. 510. (a) Section 513 of the Housing Act of 1949 is amended to read as follows:

"PROGRAM LEVELS AND AUTHORIZATIONS

"Sec. 513. (a) To the extent approved in appropriation Acts, the Secretary may make loans and insure loans under this title during fiscal year 1984 in an aggregate amount not to exceed $3,262,000,000, of which—

"(1) not more than $2,300,000,000 shall be available for loans under section 502;

"(2) not more than $10,000,000 shall be available for loans under section 504 and section 532;

"(3) not more than $12,000,000 shall be available for loans under section 514; and

"(4) not more than $940,000,000 shall be available for loans under section 515.

"(b) There are authorized to be appropriated for fiscal year 1984—

"(1) not to exceed $105,000,000 for grants pursuant to section 504 and section 532;

"(2) not to exceed $1,000,000 for the purposes of section 509(c);

"(3) such sums as may be necessary to meet payments on notes or other obligations issued by the Secretary under section 511 equal to (A) the aggregate of the contributions made by the Secretary in the form of credits on principal due on loans made pursuant to section 503, and (B) the interest due on a similar sum represented by notes or other obligations issued by the Secretary;

"(4) not to exceed $10,000,000 for financial assistance pursuant to section 516;

"(5) not to exceed $10,000,000 for the purposes of section 523; and

"(6) such sums as may be required by the Secretary to administer the provisions of sections 235 and 236 of the National Housing Act and section 8 of the United States Housing Act of 1937.

"(c) The Secretary may enter into rental assistance contracts aggregating not more than $230,000,000, to the extent approved in appropriation Acts, under section 521(a)(2)(A) during the fiscal year ending on September 30, 1984.".

(b) Section 515(b)(5) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1984".

(c) Section 517(a)(1) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1984".

(d) Section 521(a)(2)(D) of such Act is repealed.

(e) Section 523(f) of such Act is amended—

(1) by striking out the first sentence; and

(2) by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1984".

(f) Section 523(g) of such Act is amended—

(1) by striking out "fiscal year 1982" in the second sentence and inserting in lieu thereof "fiscal year 1984"; and

(2) by striking out the first sentence.

SECTION 515 AMENDMENTS

Sec. 511. (a) Section 515 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(g) In determining the income of a person or family occupying housing financed under this section, the Secretary shall consider the value of that person's or family's assets in the same manner as the Secretary of Housing and Urban Development considers such value for the purpose of the United States Housing Act of 1937.

"(h) To increase housing opportunities for very low-income families and persons, the Secretary shall assure that newly constructed housing to be financed under this section is modest in design, and does not exceed the amount of living space necessary for the expected number of occupants.

"(i) The Secretary shall not enter into any contract with respect to a newly constructed project under this section if the sizes of the units in such project exceed the sizes specified in the applicable construction standards established by the Secretary.

"(j) The Secretary shall limit increases in contract rents for newly constructed or substantially rehabilitated projects assisted under this section to the lesser of the actual operating cost increases incurred or the amount of operating cost increases incurred with respect to comparable rental dwelling units of various sizes and types in the same market area which are suitable for occupancy by families and persons assisted under this section. Where no comparable dwelling units exist in the same market area, the Secretary shall have authority to approve such increases in accordance with the best available data regarding operating cost increases in rental dwelling units.

"(k) After selection of a proposal involving newly constructed or substantially rehabilitated units under this section, the Secretary shall limit cost increases to those approved by the Secretary. The Secretary may approve those increases only for unforeseen factors beyond the owner's control, design changes required by the Secretary or the local government, or changes in financing approved by the Secretary.

"(l) For the purpose of achieving the lowest cost in providing units in newly constructed projects assisted under this section, the Secretary shall give a preference in entering into contracts under this section for projects which are to be located on specific tracts of land provided by States, units of local government, or others if the Secretary determines that the tract of land is suitable for such housing, and that affording such preference will be cost effective.

"(m) The Secretary shall assure that management fees are not excessive when a project developed under this section is managed by the developer or an affiliate of the developer.

"(n)(1) To the extent assistance is available under section 521(a)(2), not more than 10 per centum of the dwelling units which were available for occupancy under this section prior to the effective date of the Rural Housing Amendments of 1983, and which will be leased on or after such effective date shall be available for leasing by low income persons and families other than very low-income persons and families.

"(2) To the extent assistance is available under section 521(a)(2), not more than 5 per centum of the dwelling units which become available for occupancy under this section on or after the effective date of the Rural Housing Amendments of 1983 shall be available for leasing by low income persons and families other than very low-income persons and families.

"(3) In no event may units which become available for occupancy under this section after the effective date of the Rural Housing Amendments of 1983 be occupied by persons and families other than low income persons and families.".

(b) Section 515 of such Act is amended—

(1) in subsection (b)—

(A) by striking out "and" at the end of clause (5);

(B) by striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following:

"(7) loans may be made to owners who are otherwise eligible under this section to purchase and convert single-family residences to rental units of two or more dwellings.".

(c) Section 515 of such Act is amended—

(1) by striking out subsection (a)(2);

(2) by redesignating subsections (a)(3) and (a)(4) as subsections (a)(2) and (a)(3), respectively;

(3) by striking out subsection (b)(2); and

(4) by redesignating subsections (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) as subsections (b)(2), (b)(3), (b)(4), (b)(5), and (b)(6), respectively.

(d) Section 515(c) of such Act is amended by adding at the end thereof the following: "A loan may be made or insured under subsection (a) or (b) with respect to detached units, including those on scattered sites, for cooperative housing.".

(e) Section 515(c) of such Act is amended by adding at the end thereof the following: "No loan shall be made or insured under this section unless the borrower submits to the Secretary a market survey which indicates a need for very low- and low-income rental housing in the community where the project is to be located and which meets the requirements specified by the Secretary. In the case of any applicant whose project is contingent on the allocation of rental assistance payments under section 521, the Secretary shall only require such applicant to demonstrate that a market exists for persons and families eligible for such rental assistance payments, and upon such demonstration shall allocate the amount necessary to make the project feasible, subject to the availability of authority for such rental assistance payments.".

(f) Section 515(d)(1) of such Act is amended by inserting before the first semicolon the following: ", and such term also means manufactured home rental parks where either the lots or both the lots and the homes are available for use by occupants eligible under this section".

INSURED RURAL HOUSING LOANS

Sec. 512. (a) Section 517 of the Housing Act of 1949 is amended—

(1) by striking out all after "insured" in subsection (a) and inserting in lieu thereof a period and the following: "The amount of such a loan to a low income person or family shall not exceed the amount necessary to provide adequate housing which is modest in size, design, and cost (as determined by the Secretary). No loan under this subsection shall be made or insured after September 30, 1984, except pursuant to a commitment entered into before that date.";

(2) by striking out "(b)(4)" in subsection (b) and inserting in lieu thereof "(b)(3)"; and

(3) by striking out subsection (d) and the second sentence of subsection (e).

(b) Section 517(k) of the Housing Act of 1949 is amended to read as follows:

"(k)(1) From the amounts made available to the fund, the Secretary shall establish and maintain as part of the fund a reserve against losses on loans insured by the Secretary.

"(2) Upon the submission of the Budget of the United States, the Secretary shall transmit to the Congress, with respect to the fiscal year commencing on October 1 of that year, a report setting forth—

"(A) the amount proposed to be set aside as a reserve as required by paragraph (1); and

"(B) the amount which the Secretary estimates will be required to provide interest credits during the remaining life of all outstanding loans already made from the fund and during the full life of loans proposed to be made from the fund.

"(3) Any transactions pertaining to Certificates of Beneficial Ownership issued under this title shall be treated in accordance with generally accepted budget and accounting practices for participation certificates for purposes of chapter 11 of title 31, United States Code.".

(c) Section 517(n) of such Act is repealed.

(d) Section 517(o) of such Act is repealed.

(e) Section 517 of such Act is amended by adding at the end thereof the following:

"(n) The Secretary shall promulgate rules which encourage the rehabilitation or purchase of existing buildings for the purpose of providing housing which is economical in cost and operation.

"(o) In providing assistance under this title, the Secretary shall prescribe criteria to assure that assistance is first provided to persons and families with the greatest need residing in areas which are the most rural in character.".

RENTAL ASSISTANCE TENANT CONTRIBUTION

Sec. 513. (a) Section 521(a) of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(3) In the case of loans under sections 514 and 515 approved prior to the effective date of the Rural Housing Amendments of 1983 with respect to which rental assistance is provided, the rent for tenants receiving such assistance shall not exceed 30 per centum of adjusted income. In the case of a section 515 loan approved prior to the effective date of the Rural Housing Amendments of 1983 with respect to which interest credits are provided, the tenant's rent shall not exceed the greater of 30 per centum of adjusted income or the rent level established on a basis of a 1 per centum interest rate on debt service. No rent for a unit financed under section 514 or 515 shall be increased as a result of this subsection or other provision of Federal law or Federal regulation by more than 10 per centum in any twelve-month period, unless the increase above 10 per centum is attributable to increases in income which are unrelated to this subsection or other law, or regulation.

"(4) In the case of a loan with respect to the purchase of a manufactured home with respect to which rental assistance is provided, the monthly payment for principal and interest on the manufactured home and for lot rental and utilities shall not exceed 30 per centum of income.".

(b) Section 521(a)(2)(A) of such Act is amended—

(1) by striking out "25 per centum of income." and inserting in lieu thereof "the highest of (i) 30 per centum of monthly adjusted income, (ii) 10 per centum of monthly income; or (iii) if the person or family is receiving payments for welfare assistance from a public agency, the portion of such payments identified by the Secretary of Housing and Urban Development under section 3 of the United States Housing Act of 1937. Any rent or contribution of any recipient shall not increase as a result of this section or any other provision of Federal law or regulation by more than 10 per centum during any twelve-month period, unless the increase above 10 per centum is attributable to increases in income which are unrelated to this subsection or other law or regulation."; and

(2) by striking out the last two sentences.

(c) Section 530 of such Act is amended by striking out "25" and inserting in lieu thereof "30".

(d) Section 521 of such Act is amended by adding at the end thereof the following:

"(d)(1) In entering into contracts for assistance under this section, the Secretary shall assure that expiring contracts are extended for those units occupied by low-income persons and families. Remaining funds shall be used for contracts which assist very low-income persons and families occupying projects receiving commitments under sections 514, 515, and 516 after fiscal year 1983. To the extent additional funds are available, the Secretary shall provide additional assistance to existing projects which would become occupied and affordable by very low-income persons and families.

"(2) The Secretary shall transfer rental assistance contract authority under this section from projects where such authority is unused and not needed to projects where such authority is needed.".

RURAL TRAINEES

Sec. 514. Section 522 of the Housing Act of 1949 is repealed.

TECHNICAL AND SUPERVISORY ASSISTANCE

Sec. 515. (a) The last sentence of section 525(b) of the Housing Act of 1949 is amended by striking out all after "sooner" and inserting in lieu thereof a period.

(b) Section 525(c) of such Act is repealed.

CONDOMINIUM HOUSING

Sec. 516. (a) Section 526 of the Housing Act of 1949 is amended—

(1) by striking out "in his discretion" in subsection (a); and

(2) by striking out "in his discretion" in subsection (c).

(b) Section 526 of such Act is amended by adding at the end thereof the following:

"(e) The Secretary shall not refuse to make or insure a loan under this section unless he determines that the project or units to be financed are higher in cost on a per unit basis than single family detached units in the same area, taking into account management and other condominium fees, or if the project or units do not otherwise meet the requirements of this title.

"(f) The Secretary may not provide financing under this section which would result in the displacement of low- or very low-income persons or families unless provision is made for relocation assistance for such persons or families.".

FHA INSURANCE

Sec. 517. Title V of the Housing Act of 1949 is amended by adding at the end thereof the following:

"FHA INSURANCE

"Sec. 531. (a) The Secretary is authorized to act as an agent of the Secretary of Housing and Urban Development to recommend insurance of any mortgage meeting the requirements of section 203 of the National Housing Act.

"(b) The Secretary may also utilize funds available under section 521 of this Act to assist mortgagors under this section who are low-income persons and families in reducing their required downpayments or monthly mortgage payments on loans, subject to such loan limits as the Secretary may establish for the purpose of this section. The Secretary may provide such assistance by providing a lump-sum principal payment or credit at the time of purchase rather than through periodic payments.".

RURAL HOUSING PRESERVATION GRANT PROGRAM

Sec. 518. Title V of the Housing Act of 1949 is amended by adding at the end thereof the following:

"HOUSING PRESERVATION GRANTS

"Sec. 532. (a) The purpose of this section is to authorize the Secretary to make grants to eligible grantees including private nonprofit organizations, Indian tribes, general units of local government, counties, States, and consortia of other eligible grantees, in order to—

"(1) rehabilitate single family housing in rural areas which is owned by low- and very low-income persons and families, and

"(2) rehabilitate multifamily rental properties in rural areas serving low- and very low-income occupants.

The Secretary may also provide rental assistance payments as provided by section 8(b)(3)(B) of the United States Housing Act of 1937 upon the request of grantees in order to minimize the displacement of very low-income tenants residing in units rehabilitated with assistance under this section.

"(b) Of the total amount approved in appropriations Acts under section 513(b)(1) for the fiscal years 1984, 1985, and 1986, not more than $100,000,000 shall be available for rehabilitation grants under this section. Amounts appropriated for grants under this section shall remain available through the end of the fiscal year after the fiscal year in which they were originally made available.

"(c)(1) The Secretary shall allocate rehabilitation grant funds for use in each State on the basis of a formula contained in a regulation prescribed by the Secretary using the average of the ratios between—

"(A) the population of the rural areas in that State and the population of the rural areas of all States;

"(B) the extent of poverty in the rural areas in that State and the extent of poverty in the rural areas of all States; and

"(C) the extent of substandard housing in the rural areas of that State and the extent of substandard housing in the rural areas of all States.

Any funds which are allocated to a State but uncommitted to grantees will be transferred to the State office of the Farmers Home Administration in a timely manner and be used for authorized rehabilitation activities under section 504.

"(2)(A) The Secretary shall receive statements of activities from grantees participating in the rural housing preservation grant program, and allocate the contract authority made available for housing payment certificates based on the amount of rental rehabilitation undertaken by each grantee which would cause the displacement of very low-income residents.

"(B) The annual contributions contract covering the contract authority referred to in subparagraph (A) shall contain such terms and conditions as the Secretary deems appropriate to carry out the purposes of this section, including provisions to require the appropriate grantee to make such authority available to eligible tenants residing in structures to be rehabilitated with assistance under this section.

"(d)(1) Eligible grantees may submit a statement of activity to the Secretary at the time specified by the program administrator, containing a description of its proposed rehabilitation program. The statement shall consist of the activities each entity proposes to undertake for the fiscal year, and the projected progress in carrying out those activities. The statement of activities shall be made available to the public for comment.

"(2) In preparing such statement, the grantee shall consult with and consider the views of responsible local officials.

"(3) The Secretary shall evaluate the merits of each statement on the basis of such criteria as the Secretary shall prescribe, including the extent to which the program proposed would—

"(A) serve very low-income persons and families;

"(B) leverage available funds to supplement the rural housing preservation grant program;

"(C) minimize displacement of very low-income persons and families;

"(D) alleviate overcrowding in rural residences inhabited by low- and very low-income persons and families; and

"(E) minimize the use of grant funds for administrative purposes,

and shall assess the demonstrated capacity of the grantee to carry out the program as well as the financial feasibility of the program.

"(e) Rehabilitation programs assisted under this section shall—

"(1) be used to provide loans or grants to owners of single family housing in order to cover the cost of repairs and improvements;

"(2) be used to provide loans or grants to owners of multifamily housing, except that rental rehabilitation assistance provided under this subsection for any structure shall not exceed 50 per centum of the total costs associated with the rehabilitation of that structure;

"(3) benefit low- and very low-income persons and families in rural areas, without causing the displacement of current residents;

"(4) raise health and safety conditions to meet those specified in section 509(a); and

"(5) require that the owner of a rental structure rehabilitated with assistance under this section shall not refuse to rent a dwelling unit in the structure to a family solely because the family is receiving rental assistance under section 8 of the United States Housing Act of 1937.

"(f) The Secretary shall, at least on an annual basis, make such review and audits as may be necessary or appropriate to determine whether (1) the grantee has carried out its activities in a timely manner and in accordance with the requirements of this section, and has a continuing capacity to carry out those activities in a timely manner, and (2) the housing payment certificates made available under this section have been administered in accordance with the requirements of the Secretary pursuant to the United States Housing Act of 1937 and of this section. The Secretary may adjust, reduce, or withdraw resources made available to grantees receiving assistance under this section, or take other action as appropriate in accordance with the findings of these reviews and audits, except that resources already expended on eligible activities shall not be recaptured or deducted from future resources made available to the grantee. Any amounts which became available as a result of actions under this subsection shall be reallocated in the year in which they become available to such grantee or grantees as the Secretary may determine.

"(g) The Secretary is authorized to prescribe such rules and regulations and make such delegations of authority as he deems necessary to carry out this section within ninety days after the date of enactment of this section.

"(h) The Secretary shall establish procedures which support national historic preservation objectives and which assure that, if any rehabilitation proposed to be assisted under this section would affect property that is included or is eligible for inclusion on the National Register of Historic Places, such activity shall not be undertaken unless (1) it will reasonably meet the standards for rehabilitation issued by the Secretary of the Interior and the appropriate State historic preservation officer is afforded the opportunity to comment on the specific rehabilitation plan, or (2) the Advisory Council on Historic Preservation is afforded an opportunity to comment on cases for which the recipient of assistance, in consultation with the State historic preservation officer, determines that the proposed rehabilitation activity cannot reasonably meet such standards or would adversely affect historic property as defined therein.

"(i) Not later than one hundred and eighty days after the close of each fiscal year in which assistance under this section is furnished, the Secretary shall submit to the Congress a report which shall contain—

"(1) a description of the progress made in accomplishing the objectives of this section; and

"(2) a summary of the use of such funds during the preceding year.

The Secretary is authorized to require grantees under this section to submit to him such reports, and other information as may be necessary in order for the Secretary to make the report required by this subsection.".

MISCELLANEOUS

Sec. 519. Title V of the Housing Act of 1949 is amended by adding at the end thereof the following:

"REVIEW OF RULES AND REGULATIONS

"Sec. 533. (a) Notwithstanding any other provision of law, no rule or regulation pursuant to this title may become effective unless it has first been published for public comment in the Federal Register for at least sixty calendar days.

"(b) The Secretary shall transmit to the chairman and ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House, all rules and regulations at the time they are sent to the Federal Register for purposes of subsection (a).

"(c) The provisions of this section shall not apply to a rule or regulation which the Secretary certifies is issued on an emergency basis.".

TITLE VI—PROGRAM AMENDMENTS AND EXTENSIONS

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

Sec. 601. (a) Section 2(a) of the National Housing Act is amended by striking out "May 21, 1983" in the first sentence and inserting in lieu thereof "October 1, 1985".

(b) Section 217 of such Act is amended—

(1) by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1985";

(2) by inserting "section 222," after "section 221,"; and

(3) by inserting "made on or" before "before".

(c) The fifth sentence of section 221(f) of such Act is amended—

(1) by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by inserting "made on or" before "before".

(d) Section 222 of such Act is amended by adding a new subsection at the end thereof as follows:

"(h) No mortgage may be insured under this section after May 20, 1983, except pursuant to a commitment to insure made before that date.".

(e) Section 232 of such Act is amended by adding a new subsection at the end thereof as follows:

"(j) No mortgage may be insured under this section after September 30, 1985, except pursuant to a commitment to insure made before that date.".

(f) Section 235 (m) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1984".

(g) Section 242 of such Act is amended by adding a new subsection at the end thereof as follows:

"(i) No mortgage may be insured under this section after September 30, 1985, except pursuant to a commitment to insure made before that date.".

(h) Section 242 of such Act is amended—

(1) by inserting "public facility," in subsection (b)(1)(C) after "which is a", and

(2) by inserting the following before the period at the end of subsection (f): ", and, in the case of public hospitals, to encourage programs which are undertaken to provide essential health care services to all residents of a community regardless of ability to pay".

(i) The first sentence of section 244(d) of such Act is amended—

(1) by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by inserting "on or" before "before".

(j) The second sentence of section 1002(a) of such Act is amended—

(1) by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by inserting "on or" before "before".

AUTHORIZATION FOR APPROPRIATIONS TO COVER LOSSES TO THE GENERAL INSURANCE FUND

Sec. 602. Section 519(f) of the National Housing Act is amended—

(1) by inserting "such sums as may be necessary" immediately after "appropriated"; and

(2) by striking out all that follows "Fund" and inserting in lieu thereof a period.

RESEARCH AUTHORIZATIONS

Sec. 603. The second sentence of section 501 of the Housing and Urban Development Act of 1970 is amended by striking out "and" each time it appears, and inserting immediately after "1982" the following: ", not to exceed $18,000,000 for the fiscal year 1983, not to exceed $18,000,000 for the fiscal year 1984, and not to exceed $18,000,000 for the fiscal year 1985".

SPECIAL ASSISTANCE AND EMERGENCY MORTGAGE PURCHASE ASSISTANCE FUNCTIONS OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Sec. 604. (a) Sections 305 and 313 of the Federal National Mortgage Association Charter Act and section 3(b) of the Emergency Home Purchase Assistance Act of 1974 are hereby repealed.

(b) Any purchase or commitment to purchase any mortgage pursuant to section 305 or 313 of the Federal National Mortgage Association Charter Act made before September 30, 1983, and the servicing and disposition of any such mortgage, shall continue to be governed by the provisions of such sections as they existed immediately before the effective date of this section.

ELIMINATION OF REQUIREMENT THAT FEDERAL HOUSING ADMINISTRATION INTEREST RATES BE SET BY LAW

Sec. 605. (a) Sections 3 and 4 of Public Law 90-301 are hereby repealed.

(b) The National Housing Act is amended in the following respects:

(1) Section 2(b)(5) is amended to read as follows:

"(5) No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it unless the obligation has such maturity, bears such insurance premium charges, and contains such other terms, conditions, and restrictions as the Secretary shall prescribe, in order to make credit available for the purpose of this title. Any such obligation with respect to which insurance is granted under this section shall bear interest at such rate as may be agreed upon by the borrower and the financial institution.".

(2) Section 203(b)(5) is amended to read as follows:

"(5) Bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(3) Section 203(k)(3)(B) is amended to read as follows:

"(B) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

(4) The first sentence of the first undesignated paragraph of section 207(c)(3) is amended to read as follows: "The mortgage shall provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(5) The first sentence of section 213(d) is amended to read as follows: "Any mortgage insured under this section shall provide for complete amortization by periodic payments within such term as the Secretary may prescribe but not to exceed forty years from the beginning of amortization of the mortgage, and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(6) The second sentence of section 220(d)(4) is amended to read as follows: "The mortgage shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee and contain such terms and provisions with respect to the application of the mortgagor's periodic payment to amortization of the principal of the mortgage, insurance, repairs, alterations, payment of taxes, default reserves, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Secretary may in the Secretary's discretion prescribe.".

(7) Section 220(h)(2)(iii) is amended to read as follows:

"(iii) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

(8) Section 221(d)(5) is amended by striking out "(exclusive" and all that follows through "mortgage market" and inserting in lieu thereof the following: "at such rate as may be agreed upon by the mortgagor and the mortgagee".

(9) Section 231(c)(6) is amended to read as follows:

"(6) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee; and".

(10) Section 232(d)(3)(B) of such Act is amended to read as follows:

"(B) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(11) The first sentence of section 234(f) is amended to read as follows: "Any blanket mortgage insured under subsection (d) shall provide for complete amortization by periodic payments within such terms as the Secretary may prescribe but not to exceed forty years from the beginning of amortization of the mortgage, and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(12) Section 235(i)(3) is amended—

(A) by striking out "and" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; and" and

(C) by adding the following new subparagraph at the end thereof:

"(F) bear interest at a rate not to exceed such per centum per annum on the amount of the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market, taking into consideration the yields on mortgages in the primary and secondary markets.".

(13) Section 240(c)(4) is amended to read as follows:

"(4) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

(14) Section 241(b)(3) is amended to read as follows:

"(3) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

(15) Section 242(d)(3)(B) of such Act is amended to read as follows:

"(B) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(16) Section 1002(d)(2) is amended to read as follows:

"(2) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee: *Provided*, That the Secretary may agree to a reasonable extension of the term of a mortgage, the maturity of which is limited by this paragraph to not more than ten years, if the Secretary determines that unusual or unforeseen circumstances make such extension necessary to avoid undue hardship to the mortgagor;".

AMENDMENT TO SECTION 367(b)(2)(A) OF THE MULTIFAMILY MORTGAGE FORECLOSURE ACT OF 1981

Sec. 606. Section 367(b)(2)(A) of the Multifamily Mortgage Foreclosure Act of 1981 is amended by inserting before the period at the end thereof the following: ", or the Secretary shall assist tenants in finding housing and for such purpose shall provide housing assistance under section 8(d) of the United States Housing Act of 1937 for such tenants".

TREATMENT OF FEDERAL HOUSING ADMINISTRATION SINGLE FAMILY PREMIUMS

Sec. 607. (a) Section 203 of the National Housing Act is amended by inserting the following new subsection immediately after subsection (c):

"(d) Notwithstanding any provision of this title governing maximum mortgage amounts for insuring a mortgage secured by a one- to four-family dwelling, the maximum amount of the mortgage determined under any such provision may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured.".

(b)(1) The first sentence of section 203(b)(2) of such Act is amended by striking out the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(2) Section 213(b)(2) of such Act is amended by striking out the following: ": *Provided further*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(3) Section 221(d)(2)(A) of such Act is amended by striking out the following: ": *Provided further*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(4) Clause (A) of the third sentence of section 234(c) of such Act is amended by striking out the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(5) Section 235(i) of such Act is amended—

(A) by striking out in paragraph (3)(B) the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured";

(B) by striking out in paragraph (3)(C) the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured"; and

(C) by striking out in paragraph (3)(D) the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(c) The amendments made by this section may be implemented only if the Secretary determines that the program of advance payment of insurance premiums, with specific regard to the effect of the provisions authorized by the amendments made by such sections, is actuarially sound.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOUSING ADMINISTRATION LIMITATIONS

SEC. 608. (a) Section 306(g) of the National Housing Act is amended by adding at the end thereof the following:

"(3) During fiscal year 1984, the Association may not enter into commitments to issue guarantees under this subsection in an aggregate amount in excess of $68,250,000,000.".

(b) Section 531 of the National Housing Act is amended—

(1) by inserting "(a)" after "SEC. 531."; and

(2) by adding at the end thereof the following:

"(b) During fiscal year 1984, the Secretary may not enter into commitments to insure loans and mortgages under this Act in an aggregate principal amount in excess of $46,000,000,000.".

REPEAL OF REQUIREMENT TO PUBLISH PROTOTYPE HOUSING COSTS FOR ONE- TO FOUR-FAMILY DWELLING UNITS

SEC. 609. The Housing and Community Development Act of 1977 is amended by striking out section 904.

INCREASED LOAN LIMITS FOR MANUFACTURED HOMES AND LOTS UNDER TITLE I OF THE NATIONAL HOUSING ACT

SEC. 610. (a) Section 2(b)(1) of the National Housing Act is amended—

(1) by striking out "$22,500" and all that follows through "modules)" in subparagraph (C) and inserting in lieu thereof "$40,500";

(2) by striking out "$35,000" and all that follows through "modules)" in subparagraph (D) and inserting in lieu thereof "$54,000"; and

(3) by striking out "such an amount as may be necessary, but not exceeding $12,500," in subparagraph (E) and inserting in lieu thereof "$13,500".

(b) Section 2(b)(2) of such Act is amended by striking out the second sentence and inserting in lieu thereof the following: "In other areas, the maximum dollar amounts specified in subsections (b)(1)(D) and (b)(1)(E) may be increased on an area-by-area basis to the extent the Secretary deems necessary, but not to exceed the percentage by which the maximum mortgage amount of a one-family residence in the area is increased by the Secretary under section 203(b)(2) of this Act.".

REFINANCING MANUFACTURED HOMES UNDER TITLE I OF THE NATIONAL HOUSING ACT

SEC. 611. Section 2(b)(6) of the National Housing Act is amended by adding at the end thereof the following new subparagraph:

"(C) The owner-occupant of a manufactured home or a home and lot which was purchased without assistance under this section but which otherwise meets the requirements of this section may refinance such home or home and lot under this section if the home was constructed in accordance with standards established under section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974.".

CHANGE IN MAXIMUM LOAN-TO-VALUE RATIO FOR MODESTLY PRICED SINGLE FAMILY HOMES

SEC. 612. (a) Section 203(b)(2) of the National Housing Act is amended—

(1) by striking out "(except as provided in the next to the last sentence of this paragraph)" in the first sentence and inserting in lieu thereof the following: "(except as otherwise provided in this paragraph)"; and

(2) by inserting after the first sentence the following: "If the mortgage to be insured under this section covers property on which there is located a one- to four-family residence to be occupied as the principal residence of the owner, and the appraised value of the property, as of the date the mortgage is accepted for insurance, does not exceed $50,000, the principal obligation may be in an amount not to exceed 97 per centum of such appraised value.".

(b) The amendment made by subsection (a) shall take effect only if the Secretary finds and reports to the Congress that such amendment, taking into account the higher loan-to-value ratio resulting from the advance payment of mortgage insurance premiums, will not adversely affect the actuarial soundness of the Federal Housing Administration mortgage insurance program.

NONOCCUPANT SINGLE FAMILY MORTGAGORS

SEC. 613. Section 203(b)(8) of the National Housing Act is amended by striking out all that follows "an amount equal to" through "subsection:" and inserting in lieu thereof the following: "the lesser of (A) the otherwise applicable maximum dollar amount prescribed under paragraph (2) of this subsection, or (B) 85 per centum of the appraised value of the property as of the date the mortgage is accepted for insurance:".

PREMIUM CHARGES FOR INSURANCE OF ALTERNATIVE MORTGAGE INSTRUMENTS

SEC. 614. The first proviso in section 203(c) of the National Housing Act is amended by inserting after "fixed for insurance" the following: "(1) under section 245, 247, 248, or 249, or any other financing mechanism providing alternative methods for repayment of a mortgage which is determined by the Secretary to involve additional risk, or (2)".

SHELL HOME CONSTRUCTION

SEC. 615. (a) Section 203(k)(1) of the National Housing Act is amended—

(1) by striking out "The Secretary may, in order to assist in" in the first sentence and inserting in lieu thereof the following: "In order to assist in (A)";

(2) by striking out all that follows "purposes," in the first sentence and inserting in lieu thereof the following: "or (B) the purchase, construction, and completion of one-family shell homes, the Secretary is authorized to insure and make commitments to insure rehabilitation loans and shell home mortgage loans made by financial institutions, including advances made during rehabilitation or shell home purchase, construction, and completion."; and

(3) by adding at the end thereof the following: "The number of shell home mortgages which may be so insured in any fiscal year may not exceed thirty thousand.".

(b) Section 203(k)(2) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (A)(iii);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding the following new subparagraph at the end thereof:

"(C) the term 'shell home mortgage' means a mortgage loan made for the purpose of financing the costs (including the provision of any necessary materials, appliances and specialized labor) of the purchase and development of a site; the purchase and construction on the site of a one-family shell home, as defined by the Secretary; and the completion of the shell home, which shall be owner-occupied.".

(c) Section 203(k)(3) of such Act is amended—

(1) by striking out "a rehabilitation loan shall" and inserting in lieu thereof "a loan shall";

(2) by inserting after "(A)" the following: "(i) in the case of a rehabilitation loan,"; and

(3) by inserting the following immediately after subparagraph (A):

"(ii) in the case of a shell home mortgage loan, involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) not exceeding the amount specified in subsection (b)(2), except that the Secretary shall establish as the appraised value of the property an amount not to exceed the sum of the appraised value of the site, the estimated costs of site development, and the estimated costs of purchase, construction and completion of the one-family shell home;".

(d) Section 203(k)(4) of such Act is amended by striking out "rehabilitation loan" and inserting in lieu thereof "loan or mortgage".

(e) Section 203(k) of such Act is amended by adding at the end thereof the following:

"(6) For the purpose of making one-family shell homes insured under this subsection more affordable to borrowers, the Secretary shall, to the maximum extent feasible, encourage borrowers to contribute the value of their labor as equity in the property.".

PAYMENT OF CLAIMS WITHOUT ACQUISITION OF TITLE

SEC. 616. (a) Section 204(a) of the National Housing Act is amended—

(1) by striking out "Upon such conveyance and assignment" in the second sentence and inserting in lieu thereof the following: "The Secretary is also authorized, in accordance with such regulations as the Secretary may prescribe, to make the benefit of the insurance as hereinafter provided available to the mortgagee, notwithstanding any provision of this section requiring conveyance of title to the property to the Secretary, (1) upon sale of the insured property at foreclosure, where such sale is for at least the fair market value of the property (with appropriate adjustments), as determined by the Secretary, and (2) upon the assignment to the Secretary of all claims referred to in clause (2) of the preceding sentence. The payment of benefits under the preceding sentence may be made for any mortgage insured pursuant to a commitment to insure issued on or after the effective date of the Housing and Community Development Act of 1983 and, with the approval of the mortgagee, for any mortgage insured pursuant to a commitment issued before that date. Upon the conveyance and assignment referred to in the first sentence of this section or the sale and assignment referred to in the second sentence of this subsection,"; and

(2) by striking out "and any amount" and all that follows through the colon immediately preceding the first proviso of the final sentence and inserting in lieu thereof the following: "any amount received as rent or other income from the property, less reasonable expenses incurred in handling the property, after either of such dates, and, in

the case of insurance benefits paid in accordance with the second sentence of this section, any amount received upon the foreclosure sale of the property:".

(b) Section 204(j) of such Act is amended by inserting after "under section 203" the following: "(other than a mortgagee receiving insurance benefits under the second sentence of subsection (a))".

DISCRETIONARY AUTHORITY TO REGULATE RENTS OR CHARGES

SEC. 617. (a) Section 207(b)(2) of the National Housing Act is amended—

(1) by striking out "any other mortgagor approved by the Secretary" and all that follows through "reasonable return on the investment." and inserting in lieu thereof the following: "any other mortgagor approved by the Secretary. The Secretary may, in the Secretary's discretion, require any such mortgagor to be regulated or restricted as to rents or sales, charges, capital structure, rate of return, and methods of operation so as to provide reasonable rentals to tenants and a reasonable return on the investment. Any such regulations or restrictions shall continue for such period or periods as the Secretary, in the Secretary's discretion, may require, including until the termination of all obligations of the Secretary under the insurance and during such further period of time as the Secretary shall be the owner, holder, or reinsurer of the mortgage.";

(2) by striking out "render effective the regulations or restrictions" and inserting in lieu thereof "render effective any such regulations or restrictions"; and

(3) by striking out "and directed" in the second sentence of the first undesignated paragraph.

(b) Section 234(d)(2) of such Act is amended—

(1) by striking out "shall be regulated or restricted by the Secretary" and inserting in lieu thereof "may, in the Secretary's discretion, be regulated or restricted"; and

(2) by striking out "the regulation and restriction" and inserting in lieu thereof "any such regulation or restriction".

MORTGAGE INSURANCE FOR MANUFACTURED HOME PARKS FOR THE ELDERLY

SEC. 618. The first sentence of the second undesignated paragraph of section 207(b) of the National Housing Act is amended by striking out "no mortgage shall be insured hereunder" and inserting in lieu thereof the following: "the Secretary shall not insure any mortgage under this section (except a mortgage with respect to a manufactured home park designed exclusively for occupancy by elderly persons)".

REMOVAL OF REFINANCING LIMITATIONS ON CERTAIN MULTIFAMILY PROJECTS

SEC. 619. (a) Section 220(d)(3)(B)(ii) of the National Housing Act is amended by striking out "*Provided further*,", the first time it appears, and all that follows through "property or project:".

(b) Section 221(d)(3)(iii) of such Act is amended—

(1) by striking out "*Provided*, That" and all that follows through "property or project:"; and

(2) by striking out "*further*" the first time it appears.

(c) Section 221(d)(4)(iv) of such Act is amended—

(1) by striking out "*Provided*, That" and all that follows through "property or project:"; and

(2) by striking out "*further*" the first time it appears.

ASSIGNMENT OF SECTION 221(g)(4) MORTGAGES TO GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 620. Section 221(g)(4) of the National Housing Act is amended by inserting "(A)" after the paragraph designation "(4)" and by adding the following new subparagraph at the end thereof:

"(B) In processing a claim for insurance benefits under this paragraph, the Secretary is authorized to direct the mortgagee to assign, transfer, and deliver the original credit instrument and the mortgage securing it directly to the Government National Mortgage Association in lieu of assigning, transferring, and delivering the credit instrument and the mortgage to the Secretary. Upon the assignment, transfer, and delivery of the credit instrument and the mortgage to the Association, the mortgage insurance contract shall terminate and the mortgagee shall receive insurance benefits as provided in subparagraph (A). The Association is authorized to accept such loan documents in its own name and to hold, service, and sell such loans as agent for the Secretary. The mortgagor's obligation to pay a service charge in lieu of a mortgage insurance premium shall continue as long as the mortgage is held by the Association or by the Secretary. The Secretary shall have the same authority with respect to mortgages assigned to the Secretary or the Association under this subparagraph as provided by section 223(c).".

TERMINATION OF SECTION 221 BUY-BACK PROVISION

SEC. 621. The first sentence of section 221(g)(4)(A) of the National Housing Act, as redesignated by section 620 of this Act, is amended by inserting immediately after "this section" the following: "pursuant to a commitment to insure entered into before the effective date of the Housing and Community Development Act of 1983".

FEDERAL HOUSING ADMINISTRATION INSURANCE FOR CONDOMINIUM UNITS

SEC. 622. (a) The first sentence of section 234(c) of the National Housing Act is amended by striking out "(2)" and all that follows up to the period at the end thereof and inserting in lieu thereof "and (2) at least 80 per centum of the units in the project covered by mortgages insured under this title are occupied by the mortgagors or comortgagors".

(b) The third sentence of section 234(c) of such Act is amended by striking out clause (A) and inserting in lieu thereof the following: "(A) involve a principal obligation in an amount not to exceed the maximum principal obligation of a mortgage which may be insured in the area pursuant to section 203(b)(2),".

(c) Section 234 of such Act is amended by adding at the end thereof the following:

"(k) With respect to a unit in any project which was converted from rental housing, no insurance may be provided under this section unless (1) the conversion occurred more than one year prior to the application for insurance, (2) the mortgagor or comortgagor was a tenant of that rental housing, or (3) the conversion of the property is sponsored by a bona fide tenants' organization representing a majority of the households in the project.".

GRADUATED PAYMENT MORTGAGES FOR MULTIFAMILY AND SINGLE FAMILY HOUSING

SEC. 623. Section 245 of the National Housing Act is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) The Secretary may insure under any provision of this title mortgages and loans with provisions of varying rates of amortization corresponding to anticipated variations in family or, as appropriate, project income, to the extent the Secretary determines such mortgages or loans (1) have promise for expanding housing opportunities or meet special needs, (2) can be developed to include any safeguards for mortgagors, tenants or purchasers that may be necessary to offset special risks of such mortgages, and (3) have a potential for acceptance in the private market. A mortgage or loan may not be insured pursuant to this section after September 30, 1985, except pursuant to a commitment entered into on or before that date.

"(b) Notwithstanding any other provision of this title, the principal obligation of a mortgage or loan insured pursuant to this section involving property upon which there is located a dwelling designed principally for occupancy by one to four families—

"(1) shall not initially exceed the percentage of the initial appraised value of the property specified in section 203(b) of this title as of the date the mortgage or loan is accepted for insurance; and

"(2) thereafter (including interest to be deferred and added to principal) (A) shall not at any time be scheduled to exceed 97 per centum, or, if the mortgagor is a veteran, such higher percentage as is provided under section 203(b)(2) for veterans, of the projected value of the property, and (B) shall not exceed 113 per centum of the initial appraised value of the property.

"(c) Notwithstanding any other provision of this title, the principal obligation of a mortgage or loan insured pursuant to this section involving property upon which there are located five or more dwelling units—

"(1) shall not initially exceed the percentage of value or replacement cost required by the provision under which the property is insured; and

"(2) thereafter (including all interest to be deferred and added to principal) shall not at any time be scheduled to exceed 100 per centum of the projected value of the property.

"(d) For purposes of this section, the Secretary shall calculate the projected value of the property by increasing the initial value of the property, as determined by the Secretary, at a rate not in excess of 2½ per centum per annum.".

ADJUSTABLE RATE MORTGAGES FOR SINGLE FAMILY HOUSING

SEC. 624. Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"ADJUSTABLE RATE SINGLE FAMILY MORTGAGES

"SEC. 247. (a) The Secretary may insure under any provision of this title a mortgage involving property upon which there is located a dwelling designed principally for occupancy by one to four families, where the mortgage provides for periodic adjustments by the mortgagee in the effective rate of interest charged. These interest rate adjustments may be accomplished through adjustments in the monthly payment amount, the outstanding principal balance, or the mortgage term, or a combination of these factors, except that in no case may any extension of a mortgage term result in a total term in excess of forty years. Adjustments in the effective rate of interest shall correspond to a specified national interest rate index approved in regulations by the Secre-

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tary, information on which is readily accessible to mortgagors from generally available published sources. Adjustments in the effective rate of interest shall (1) be made on an annual basis; (2) be limited, with respect to any single interest rate increase, to no more than 1 per centum on the outstanding loan balance; and (3) be limited to a maximum increase of 5 percentage points above the initial contract interest rate over the term of the mortgage. A mortgage may not be insured pursuant to this section after September 30, 1985, except pursuant to a commitment entered into on or before that date.

"(b) The Secretary shall issue regulations requiring that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of the adjustable rate mortgage, including, but not limited to, a hypothetical payment schedule which displays the maximum potential increases in monthly payments to the mortgagor over the first five years of the mortgage term.

"(c) The number of mortgages and loans insured pursuant to this section in any fiscal year may not exceed one hundred and twenty-five thousand mortgages.".

SHARED APPRECIATION MORTGAGES FOR SINGLE FAMILY HOUSING

SEC. 625. Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"SHARED APPRECIATION MORTGAGES FOR SINGLE FAMILY HOUSING

"SEC. 248. (a) Notwithstanding any provision of this title which is inconsistent with this section, the Secretary may insure, under any provision of this title providing for insurance of mortgages on properties upon which there is located a dwelling designed principally for occupancy by one to four families, a mortgage secured by a first lien on such a property or on the stock allocated to a dwelling unit in a residential cooperative housing corporation, which—

"(1) provides for the mortgagee to share in a predetermined percentage of the property's or stock's net appreciated value;

"(2) bears interest at a rate which meets criteria prescribed by the Secretary;

"(3) provides for amortization over a period of not to exceed thirty years, but the actual term of the mortgage (excluding any refinancing) may be not less than ten nor more than thirty years, and contains such provisions relating to refinancing of the principal balance of the mortgage and any contingent deferred interest as the Secretary may provide; and

"(4) meets such other conditions as the Secretary may require by regulation.

"(b) The mortgagee's share of a property's or stock's net appreciated value shall be payable upon sale or transfer (as defined by the Secretary) of the property or stock or payment in full of the mortgage, whichever occurs first. For purposes of this section, the term 'net appreciated value' means the amount by which the sales price of the property or stock (less the mortgagor's selling costs) exceeds the value of the property or stock at the time the commitment to insure is issued (with adjustments for capital improvements stipulated in the loan contract). If there has been no sale or transfer at the time the mortgagee's share of net appreciated value becomes payable, the sales price for purposes of this section shall be determined by means of an appraisal conducted in accordance with procedures approved by the Secretary and provided for in the mortgage.

"(c) In the event of a default, the mortgagee shall be entitled to receive the benefits of insurance in accordance with section 204(a) of this title, but such insurance benefits shall not include the mortgagee's share of net appreciated value. The term 'original principal obligation of the mortgage' as used in section 204 shall not include the mortgagee's share of net appreciated value.

"(d) Mortgages insured pursuant to this section which contain provisions for sharing appreciation or which otherwise require or permit increases in the outstanding loan balance which are authorized under this section or under applicable regulations shall not be subject to any State constitution, statute, court decree, common law, rule, or public policy limiting or prohibiting increases in the outstanding loan balance after execution of the mortgage.

"(e) In carrying out the provisions of this section, the Secretary shall give a priority to low and moderate income tenants who may be affected by the conversion of rental housing to condominium or cooperative ownership.

"(f) The Secretary shall prescribe adequate consumer protections and disclosure requirements with respect to mortgages insured under this section, and may prescribe such other terms and conditions as may be appropriate to carry out the provisions of this section.

"(g) The number of mortgages insured pursuant to this section in any fiscal year may not exceed fifty thousand.

"(h) A mortgage may not be insured pursuant to this section after September 30, 1985, except pursuant to a commitment entered into before that date.".

SHARED APPRECIATION MORTGAGES FOR MULTIFAMILY HOUSING

SEC. 626. (a) Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"SHARED APPRECIATION MORTGAGES FOR MULTIFAMILY HOUSING

"SEC. 249. (a) Notwithstanding any provision of this title which is inconsistent with this section, the Secretary may insure, under any provision of this title providing for insurance of mortgages on properties including five or more family units, a mortgage secured by a first lien on the property which (1) provides for the mortgagee to share in a predetermined percentage of the property's net appreciated value, and (2) meets such other conditions, including limitations on the rate of interest which may be charged, as the Secretary may require by regulation.

"(b) The mortgagee's share of a property's net appreciated value shall be payable upon maturity or upon payment in full of the loan or sale or transfer (as defined by the Secretary) of the property, whichever occurs first. The term of the mortgage shall not be less than fifteen years, and shall be repayable in equal monthly installments of principal and fixed interest during the mortgage term in an amount which would be sufficient to retire a debt with the same principal and fixed interest rate over a period not exceeding thirty years. In the case of a mortgage which will not be completely amortized during the mortgage term, the principal obligation of the mortgage may not exceed 85 per centum of the estimated value of the property or project. For purposes of this section, the term 'net appreciated value' means the amount by which the sales price of the property (less the mortgagor's selling costs) exceeds the value (or replacement cost, as appropriate) of the property at the time the commitment to insure is issued (with adjustments for capital improvements stipulated in the loan contract). If there has been no sale or transfer at the time the mortgagee's share of net appreciated value becomes payable, the sales price for purposes of this section shall be determined by means of an appraisal conducted in accordance with procedures approved by the Secretary and provided for in the mortgage.

"(c) In the event of a default, the mortgagee shall be entitled to receive the benefits of insurance in accordance with section 204 of this title, but such insurance benefits shall not include the mortgagee's share of net appreciated value. The term 'original principal obligation of the mortgage' as used in section 204(a) shall not include the mortgagee's share of net appreciated value.

"(d) The Secretary shall establish by regulation the maximum percentage of net appreciated value which may be payable to a mortgagee as the mortgagee's share. The Secretary shall also establish disclosure requirements applicable to mortgagees making mortgage loans pursuant to this section, to assure that mortgagors are informed of the characteristics of such mortgages.

"(e) Mortgages insured pursuant to this section which contain provisions for sharing appreciation or which otherwise require or permit increases in the outstanding loan balance which are authorized under this section or under applicable regulations shall not be subject to any State constitution, statute, court decree, common law, rule, or public policy limiting or prohibiting increases in the outstanding loan balance after execution of the mortgage.

"(f) The number of mortgages insured pursuant to this section in any fiscal year may not exceed fifty thousand.

"(g) A mortgage may not be insured pursuant to this section after September 30, 1984, except pursuant to a commitment entered into before that date.".

(b) The first sentence of the first undesignated paragraph of section 207(c)(3) of such Act is amended by inserting immediately after "periodic payments" the following: "(unless otherwise approved by the Secretary)".

(c) Section 220(d)(4) of such Act is amended by inserting after "periodic payments" the following: "(unless otherwise approved by the Secretary)".

(d) Section 221(d)(6) of such Act is amended by inserting after "periodic payments" the following: "(unless otherwise approved by the Secretary)".

(e) Section 231(c)(5) of such Act is amended by inserting after "periodic payments" the following: "(unless otherwise approved by the Secretary)".

DEMONSTRATION AUTHORITY TO INSURE HOME EQUITY CONVERSION MORTGAGES FOR ELDERLY HOMEOWNERS

SEC. 627. (a) Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"DEMONSTRATION AUTHORITY TO INSURE HOME EQUITY CONVERSION MORTGAGES FOR ELDERLY HOMEOWNERS

"SEC. 250. (a) The purpose of this section is to authorize a demonstration mortgage insurance program designed to—

"(1) meet the special needs of elderly homeowners by reducing the effect of economic hardship caused by the rising costs of meeting health, housing and subsistence needs at a time of reduced income, through

the insurance of home equity conversion mortgages to permit the conversion of a portion of accumulated home equity into liquid assets;

"(2) encourage and increase the involvement of mortgagees and secondary market participants (lenders and investors) in the making and servicing of home equity conversion mortgages for elderly homeowners; and

"(3) require the evaluation of data to determine—

"(A) the extent of the need and demand among elderly homeowners for insured and uninsured home equity conversion mortgages;

"(B) the types of home equity conversion mortgages which best serve the needs and interests of elderly homeowners, the Federal Government and lenders; and

"(C) the appropriate scope and nature of participation by the Secretary in connection with home equity conversion mortgages for elderly homeowners.

"(b) For purposes of this section—

"(1) The terms 'elderly homeowner' and 'homeowner' mean any homeowner (or homeowners) at least sixty-five years old or such higher age as the Secretary may prescribe.

"(2) The term 'home equity conversion mortgage' means a loan, secured by a first lien on the property, which provides for periodic and/or lump-sum payments to the homeowners based upon accumulated equity and which may provide for a fixed or variable term or for future sharing, between the lender and the homeowner, of the equity or appreciation in the value of the property. Such mortgages shall provide that—

"(A) the loan becomes due on the earlier of a specified date after disbursement of the full principal amount or when a specified event occurs, such as sale of the property or death of the homeowner;

"(B) periodic payments, if provided for in the mortgage instrument, are made directly by the lender or are made through purchase of an annuity from an insurance company authorized to engage in such business and supervised by the State in which it is incorporated; and are made monthly or upon such terms as agreed to by the parties;

"(C) lump sum payments, if provided for in the mortgage instrument, are used by the homeowner to purchase a deferred annuity or to pay for major housing or other needs as determined by the homeowner;

"(D) prepayment in whole or in part may be made without penalty at any time during the term of the loan; and

"(E) the interest rate may be fixed or adjusted periodically as may be agreed upon by the mortgagor and the mortgagee.

"(c) The Secretary is authorized, upon application by the mortgagee, to insure as hereinafter provided any home equity conversion mortgage which is eligible for insurance as hereinafter provided, and, upon such terms and conditions as the Secretary may prescribe, to make commitments for the insurance of such mortgages prior to the date of their execution or disbursement thereon to the extent that the Secretary determines such mortgages—

"(1) have promise for improving the financial situation or otherwise meeting the special needs of elderly homeowners;

"(2) can be developed to include any safeguards for mortgagors that may be necessary to offset the special risks of such mortgages; and

"(3) have a potential for acceptance in the private market.

"(d) To be eligible for insurance under this section, a mortgage shall—

"(1) have been made to, and be held by, a mortgagee approved by the Secretary as responsible and able to service the mortgage properly;

"(2) have been executed by a mortgagor who qualifies as an elderly homeowner and meets requirements prescribed by the Secretary;

"(3) be secured by a property which is designed principally as a one-family residence and which is occupied by the mortgagor;

"(4) involve a principal obligation (including such initial service charges, appraisal, inspections, and other fees as the Secretary shall approve, and all interest to be deferred and added to the principal) which does not exceed the lesser of the maximum area dollar limitation for a one-family residence set forth in section 203(b)(2) of this Act and 90 per centum of the appraised value of the property as of the date the mortgage is accepted for insurance;

"(5) permit an interest rate to be fixed or adjusted periodically as may be agreed upon by the mortgagor and the mortgagee;

"(6) contain provisions for full satisfaction of the obligation satisfactory to the Secretary; and

"(7) contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserve, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Secretary may prescribe.

"(e) The mortgagee shall be eligible to receive the benefits of insurance as provided in section 204(a) of this Act with respect to mortgages insured under this section (except that in the case of a mortgage providing for shared appreciation, the insurance benefits shall not include the mortgagee's share of net appreciated value and the term 'original principal obligation of the mortgage' as used in section 204 shall not include the mortgagee's share of net appreciated value), and the provisions of subsections (b), (c), (d), (e), (f), (g), (h), (j), and (k) of section 204 of this Act shall be applicable to such mortgages insured under this section, except that all references therein to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the General Insurance Fund and all references therein to section 203 shall be construed to this section.

"(f) The Secretary shall require that the mortgagee make available to the homeowners, at the time of loan application, a written explanation of the features of the home equity conversion mortgage. The explanation shall include, but is not limited to, its effect on tax and estate planning and homeowner eligibility for governmental benefits and other assistance.

"(g) No mortgage may be insured under this section after September 30, 1986, except pursuant to a commitment to insure issued on or before that date. The total number of mortgages insured under this section may not exceed one thousand.

"(h) The Secretary is authorized to (1) enter into such contracts and agreements with Federal, State, and local units of government, public and private entities and others as the Secretary determines to be necessary or desirable to carry out the purposes of this section, and (2) make such investigations and studies of data and publish and distribute such reports, as the Secretary determines to be appropriate.

"(i) Mortgages insured and authorized under this section and applicable regulations which contain or set forth provisions pertaining to (1) sharing appreciation, (2) increases in the outstanding balance after execution of the mortgage (including but not limited to adding deferred interest to principal), (3) disbursement of mortgage proceeds over an extended term, or (4) setting of a due date in relation to the earliest of a specified event shall not be subject to any State constitution, statute, court decree, common law, rule or public policy (1) limiting or prohibiting (A) sharing appreciation, (B) increases in the outstanding balance after execution of the mortgage, or (C) disbursement of mortgage proceeds over an extended time, or (2) requiring that the term of the mortgage be fixed.

"(j) Notwithstanding any other provisions of law, and in order to further the purposes of the demonstration program authorized by this section, the Secretary is authorized to take any action necessary to provide the mortgagor with funds to which he or she is entitled under the insured mortgage or ancillary contracts but has not received because of the default of the party responsible for payment, and to obtain repayment of such disbursements so provided from any source. Such actions may include, but are not limited to: (1) disbursing such funds to the mortgagor from the General Insurance Fund; (2) accepting an assignment of the insured mortgage notwithstanding that the mortgagor is not in default under its terms, and calculating the amount and making the payment of the insurance claim on such assigned mortgage; (3) requiring a junior mortgage from the mortgagor at any time in order to secure repayments of any funds advanced or to be advanced to the mortgagor; (4) requiring a subrogation to the Secretary of the rights of any parties to the transaction against any defaulting parties; (5) imposing premium charges; and (6) preempting any State or local law which may prohibit or limit any of the actions enumerated in items (1) through (5) of this subsection.".

(b) The Secretary of Housing and Urban Development shall evaluate the program authorized by section 250 of the National Housing Act and report thereon to the Congress not later than by March 1, 1986. Such report shall specify—

(1) the types of mortgages appropriate for inclusion in the program;

(2) any State or local law restrictions which need to be preempted by subsection (i) or (j) of section 250 of the National Housing Act in order to continue the program;

(3) any changes in Federal Housing Administration insurance or other Federal regulatory provisions deemed appropriate; and

(4) any risk to the Federal Housing Administration or mortgagors of such programs.

Such report shall specifically evaluate whether the program—

(A) has improved the financial situation or otherwise met the special needs of participating elderly homeowners;

(B) included any safeguards for mortgagors to offset the special risks of such mortgages; and

(C) has a potential for acceptance in the private market.

PREPAYMENT

SEC. 628. Title II of the National Housing Act is amended by adding at the end thereof the following:

"PREPAYMENT

"SEC. 251. (a) During any period in which an owner of a multifamily rental housing

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project is required to obtain the approval of the Secretary for prepayment of the mortgage, the Secretary shall not accept an offer to prepay the mortgage on such project unless—

"(1) the Secretary has determined that such project is no longer meeting a need for rental housing for low income people in the area or that the needs of lower income families in such project can more efficiently and effectively be met through other Federal housing assistance taking into account the remaining time the project could meet such needs;

"(2) the Secretary (A) has determined that the tenants have been notified of the owner's request for approval of a prepayment, (B) has provided the tenants with an opportunity to comment on the owner's request, and (C) has taken such comments into consideration; and

"(3) the Secretary has ensured that there is a plan for providing relocation assistance for adequate, comparable housing for any lower income tenant who will be displaced as a result of the prepayment and withdrawal of the project from the program.

"(b) In the case of a project assisted under section 236 or the proviso to section 221(d)(5) of this title, section 101 of the Housing and Urban Development Act of 1965, or section 202 of the Housing Act of 1959 where the owner has the right to prepay the mortgage covering the assisted project without the Secretary's approval, the Secretary shall give a priority for additional assistance under section 8 of the United States Housing Act of 1937 and section 201 of the Housing and Community Development Amendments of 1978 to tenants and applicants to become tenants of the project, if—

"(1) funds to provide such additional assistance are available; and

"(2) the Secretary determines that making such additional assistance available to the project is necessary to prevent the owner from prepaying the mortgage.

"(c) Any owner of a multifamily rental housing project referred to in subsection (b) who receives additional assistance under section 8 of the United States Housing Act of 1937 under the priority established by subsection (b) shall—

"(1) fully utilize the assistance which is available;

"(2) grant a priority to applicants to become tenants who have the lowest incomes; and

"(3) maintain the low-income character of the project for a period at least equal to the remaining term of the project mortgage to the extent that assistance is provided.".

STRUCTURAL DEFECTS IN VETERANS' ADMINISTRATION-APPROVED, FEDERAL HOUSING ADMINISTRATION-INSURED NEW HOMES

SEC. 629. Section 518(a) of the National Housing Act is amended by striking out "approved for mortgage insurance prior to the beginning of construction which he finds" and inserting in lieu thereof the following: "which, before the beginning of construction, was approved for mortgage insurance under this Act or for guaranty, insurance, or a direct loan under chapter 37 of title 38, United States Code, and which the Secretary finds".

TIME OF PAYMENT OF MORTGAGE INSURANCE PREMIUMS

SEC. 630. Section 530 of the National Housing Act is amended—

(1) by striking out "promptly upon their receipt from the borrower" and inserting in lieu thereof the following: (1) in the case of loans or mortgages respecting one- to four-family residences, promptly upon their receipt from the borrower, and (2) in any other case, promptly when due to the Secretary";

(2) by inserting "or due date, as appropriate," immediately after "such receipt"; and

(3) by inserting "or after the due date, as appropriate," immediately before "and ending".

NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 631. Section 608 (a) of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out "and" after "1981,"; and

(2) by inserting the following before the period at the end thereof: ", not to exceed $15,512,000 for fiscal year 1983, not to exceed $15,512,000 for fiscal year 1984, and not to exceed $15,512,000 for fiscal year 1985".

COOPERATIVE HOUSING

SEC. 632. Section 203(n) of the National Housing Act is amended—

(1) by inserting the following before the period at the end of the second sentence of paragraph (1): "or, if the Secretary has examined and does not disapprove any underlying financing, a project the construction of which was completed more than a year prior to the application for the mortgage insurance"; and

(2) by striking out "nonprofit" in paragraph (2)(A).

NATIONAL INSTITUTE OF BUILDING SCIENCES

SEC. 633. Section 521 of the National Housing Act is amended by adding at the end thereof the following new sentence: "In carrying out this section, the Secretary is authorized to contract with the National Institute of Building Sciences to adopt and implement procedures for the review and acceptance of building systems, components, products, and materials.".

REINSURANCE DEMONSTRATION PROGRAM

SEC. 634. (a) Title II of the National Housing Act is amended by adding at the end thereof the following:

"REINSURANCE CONTRACTS

"SEC. 252. (a) The purpose of this section is to authorize a demonstration mortgage reinsurance program designed to test the feasibility of entering into reinsurance contracts with private mortgage insurers in order to reduce Government risk and administrative costs, and to speed mortgage processing. The Secretary shall limit the demonstration under this section to not more than two regions of the Department of Housing and Urban Development, and shall assure that the program is in the financial interest of the Government and will not result in loss of employment by any employees of the Department of Housing and Urban Development.

"(b) Notwithstanding any other provision of this Act inconsistent with this section, the Secretary is authorized to provide mortgage insurance with respect to one- to four-family dwellings under sections 203(b), 234, and 245 through reinsurance contracts with private mortgage insurance companies which have been determined to be qualified insurers under section 302(b)(2)(C) of this Act. Such contracts shall require private mortgage insurance companies to—

"(1) assume a percentage of loss on any mortgage insured pursuant to sections 203(b), 234, or 245 of this Act covering a one- to four-family dwelling, which percentage of loss shall be set forth in the reinsurance contract; and

"(2) carry out (under appropriate delegation) such credit approval, appraisal, inspection, commitment, claims processing, property disposition, or other function as the Secretary pursuant to regulations, shall approve as consistent with the purposes of this section.

"(c) Any contract of reinsurance under this section shall contain such provisions relating to the sharing of premiums on a sound actuarial basis, establishment of insurance reserves, manner of calculating claims on such insurance, conditions with respect to foreclosure, handling and disposition of property prior to claim or settlement, right of assignees, and other similar matters as the Secretary may prescribe pursuant to regulations. Pursuant to a contract under this section, a private mortgage insurance company shall endorse loans for insurance and take such other actions on behalf of the Secretary and in the Secretary's name as the Secretary may authorize.

"(d) The Secretary shall require any private mortgage insurance company participating in the program under this section to provide reinsurance for those mortgages offered by the Secretary for inclusion in the program.".

(b) The Secretary of Housing and Urban Development shall evaluate the reinsurance program under section 252 of the National Housing Act and shall report thereon to the Congress not later than March 1, 1985. The report shall include an evaluation of the possible effect of a reinsurance program on the characteristics of the pool of mortgages remaining wholly under the General Insurance Fund and the actuarial soundness of the Fund under those conditions.

CANCELLATION OF DEBT OWED THE TREASURY AND LIQUIDATION OF NEW COMMUNITIES PROGRAM

SEC. 635. (a) In order to provide for the management and orderly liquidation of the assets, and discharge the liabilities, acquired or incurred in connection with the new communities program authorized pursuant to title IV of the Housing and Urban Development Act of 1968 and title VII of the Housing and Urban Development Act of 1970 (referred to in this section as "title IV" and "title VII", respectively), the assets and liabilities of the revolving fund authorized under section 717 of title VII are authorized to be transferred to the revolving fund (liquidating programs) established pursuant to title II of the Independent Offices Appropriations Act, 1955. The liquidation of the new communities program shall be carried out pursuant to the provisions of law applicable to the revolving fund (liquidating programs) upon enactment of this section and the approval in an appropriation Act of such transfer. The Secretary shall report to the Congress not less than sixty days prior to taking any action with respect to the disposition of real property (other than a purchase money mortgage) which involves any further potential liability of or assistance from the Department of Housing and Urban Development with respect to any property so transferred.

(b) In carrying out the purposes of subsection (a), all moneys in the revolving fund (liquidating programs) shall be available for necessary administrative and other expenses of servicing and liquidating obligations guaranteed pursuant to section 403 and section 713 of title IV and title VII, respectively, including costs of services (including legal services) performed on a contract or fee basis, and to discharge any other liability acquired or incurred in connection with the new communities program.

Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary of Housing and Urban Development shall also have power, for the protection of the interests of the revolving fund (liquidating programs), to pay out of any moneys in such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by the Secretary either prior or subsequent to the enactment of this section as a result of recoveries under security, subrogation, or other rights in connection with the new communities program.

(c) After making the transfer authorized in subsection (a), the Secretary of Housing and Urban Development may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Secretary of Housing and Urban Development to satisfy any guarantee made pursuant to section 403 or 713 of title IV or title VII, respectively, and otherwise carry out the functions authorized by this section. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations so issued, and for that purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include purchases of the obligations hereunder.

(d) Upon enactment of this section and the approval in an appropriation Act of the transfer authorized in subsection (a), each obligation issued by the Secretary of Housing and Urban Development to the Secretary of the Treasury pursuant to section 407(a) or 717(b) of title IV or title VII, respectively, together with any promise to repay the principal and unpaid interest which has accrued on each obligation, and any other term or condition specified by each such obligation, is canceled.

(e) Title IV, except for sections 408, 411, 413, 414, and 416, and part B of title VII, except for sections 724, 725, 726, and section 727 (b) through (e), are hereby repealed. Section 717 of title VII shall remain in effect until the enactment of this section and the approval in an appropriation Act of the transfer authorized in subsection (a). Any actions taken, prior to repeal, under the authority of any of the sections which are repealed by this section shall continue to be valid. Nothing in this subsection shall impair the validity of any guarantees which have been made pursuant to title IV or title VII and any such guarantees shall continue to be governed by the provisions of title IV or title VII, as applicable, as they existed immediately before the effective date of this section.

NATIONAL HOUSING PARTNERSHIPS

SEC. 636. (a) Section 906(a)(1) of the Housing and Urban Development Act of 1968 is amended—

(1) by striking out "or" after "building" and inserting in lieu thereof a comma; and

(2) by inserting after "rehabilitation" the following ", acquisition, and financing".

(b) Section 906 of such Act is amended by adding at the end thereof the following:

"(e) The corporation is also authorized to engage in the design, development, and manufacture of products and services for use in connection with housing and related facilities which it has produced or acquired. For the purpose of generating income to support the production and preservation of housing primarily for the benefit of families and individuals of low and moderate income, the corporation may also engage in the development of commercial or retail facilities which are ancillary to housing projects or which are developed in partnership with builders or developers with whom the corporation has engaged in other ventures for the construction or rehabilitation of housing. Not more than 15 per centum of the corporation's activity may occur in connection with facilities described in the preceding sentence. Notwithstanding any other provision of this subsection, the development and preservation of housing for families and individuals of low and moderate income shall be the primary activity of the corporation.".

(c) Section 907(c) of such Act is amended by adding at the end thereof the following: "The partnership is also authorized to engage in the design, development, and manufacture of products and services for use in connection with housing and related facilities which it has produced or acquired. For the purpose of generating income to support the production and preservation of housing primarily for the benefit of families and individuals of low and moderate income, the partnership may also engage in the development of commercial or retail facilities which are ancillary to housing projects or which are developed in partnership with builders or developers with whom the partnership has engaged in other ventures for the construction or rehabilitation of housing. Not more than 15 per centum of the partnership's activity may occur in connection with facilities described in the preceding sentence. Notwithstanding any other provision of this subsection, the development and preservation of housing for families and individuals of low and moderate income shall be the primary activity of the partnership.".

TITLE VII—INDIAN HOUSING

SHORT TITLE

SEC. 701. This Act may be cited as the "Indian Housing Act of 1983".

COMPREHENSIVE INDIAN HOUSING GRANTS

SEC. 702. The United States Housing Act of 1937 is amended by adding at the end thereof the following:

"COMPREHENSIVE INDIAN HOUSING GRANTS

"SEC. 20. (a) The Secretary is authorized to make grants to Indian tribes—

"(1) to assist in the development or purchase of new housing and the repair or rehabilitation of existing housing and the provision of infrastructure for the benefit of very low-income families who are members of the tribes residing on trust or otherwise restricted land, and

"(2) at the option of a tribe, to make rental units in such housing affordable by very low-income families who are members of the tribes in accordance with the provisions of section 8(d) relating to assistance with respect to existing housing units.

"(b) Dwelling units assisted under subsection (a)—

"(1) may be owned by a tribe or by an Indian housing authority, or may be privately owned, and leased to very low-income families; and

"(2) must meet an applicable tribal or national model building code.

"(c) To receive a grant under this section, an Indian tribe shall submit a statement of activities, in accordance with rules and regulations of the Secretary, describing the proposed housing program of the tribe. The Secretary shall make grants based on—

"(1) the need for grants under this section, as evidenced by such factors as the extent of substandard housing, the number of very low-income families who are members of the tribe and who are living on trust land, and the extent to which the tribe is targeting housing assistance under the proposed program to areas of concentrated populations of the very low-income families; and

"(2) the capacity of the tribe to carry out the proposed program.

An Indian tribe may amend its statement of activities from time to time in accordance with procedures prescribed by the Secretary to reflect changes in its housing program.

"(d) Assistance under this section shall be utilized in a manner which avoids displacement and which promotes community participation in the planning and execution of Indian housing programs and plans, and in a manner which will utilize grant funds provided in the most expeditious manner.

"(e) An Indian tribe or Indian housing authority designated under subsection (k) may retain any repayments, recaptures, or rents for reuse for the purposes of this section.

"(f) The Secretary may not require, or accord a priority on the basis of, the payment of a minimum rent for housing assisted under this section.

"(g) As used in this subsection—

"(1) the term 'Indian tribe' means any Indian or Alaska native tribe, band, nation, or other organized group or community of Indians or Alaska Natives which is recognized as eligible for the services provided to Indians or Alaska natives by the Secretary of the Interior because of its status as such an entity, or which is an eligible recipient under chapter 67 of title 31, United States Code;

"(2) the term 'very low-income families' means those families whose incomes do not exceed 50 per centum of the median income of all families in the United States, with adjustments for smaller and larger families as determined by the Secretary except, in the case of families in Alaska, whose incomes do not exceed 50 per centum of the median income of all families in that State; and

"(3) the term 'trust or otherwise restricted lands' means (A) that area of land, as defined by the Secretary of the Interior, over which an Indian tribe is recognized by the United States as having governmental jurisdiction, (B) land held in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation, or (C) land acquired by Alaska Natives under the Alaska Native Claims Settlement Act or any other land acquired by Alaska Natives pursuant to statute by virtue of their unique status as Alaska Natives.

"(h)(1) In order to assure that assistance under this section is made available in a timely and expeditious manner, the Secretary shall adhere to the schedule prescribed in this subsection.

"(2) Not later than December 31, 1983, the Secretary shall publish proposed regulations implementing the provisions of this section.

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"(3) Not later than February 1, 1984, the Secretary shall make appropriate technical assistance available to Indian tribes which have indicated a desire to receive assistance under this subsection in order to develop applications for assistance under this section. For the purpose of this paragraph, the Secretary may utilize, not to exceed $5,000,000 of the funds available to carry out this section during each of the fiscal years 1984, 1985, and 1986.

"(4) Not later than April 1, 1984, the Secretary shall publish final regulations implementing the provisions of this section, taking into account the comments received during the publication period.

"(5) Not later than June 1, 1984, Indian tribes shall submit final statements of activities to the Secretary. Assistance under this section shall be made available as soon as practicable after the receipt of the final applications.

"(i) Not later than 180 days after the close of each fiscal year in which assistance under this section is furnished, the Secretary shall transmit to the Congress a report containing—

"(1) a description of the progress made in accomplishing the objectives of this section; and

"(2) a summary of the use of such funds during the preceding fiscal year.

In order to carry out the purpose of this subsection, the Secretary is authorized to require applicants for assistance under this section to submit such reports and information as may be necessary, including information which the Secretary deems necessary to determine that the tribes are meeting the objectives for the program under this section, are complying with the statement of activities, and, in particular, are providing housing and related infrastructure for the benefit of very-low-income families.

"(j) The consent of the Congress is hereby given for any two or more Indian tribes to enter into agreements or compacts not in conflict with any law of the United States, and for Indian tribes to enter into agreements with States or units of local government not in conflict with any law of the United States. Any agreement or compact entered into under this subsection shall be limited to establishing cooperative efforts and mutual assistance in support of housing planning and programs carried out under this section as they pertain to interstate areas and localities within such States or units of local government, and to establish agencies, joint or otherwise, as may be appropriate for making such agreements or compacts effective.

"(k) An Indian tribe may designate an Indian housing authority as its agent for the program under this section. Where an Indian tribal government elects not to participate in the program under this section by resolution of the tribal council, the Indian housing authority may participate as if it were the Indian tribe.

"(l) There are authorized to be appropriated for grants under subsection (a) not to exceed $101,000,000 for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.".

SINGLE FAMILY MORTGAGE INSURANCE

SEC. 703. Title II of the National Housing Act is amended by adding at the end thereof the following:

"SINGLE FAMILY MORTGAGE INSURANCE ON INDIAN RESERVATIONS AND HAWAIIAN HOME LANDS

"SEC. 247. (a) The Secretary, subject to such special conditions as the Secretary may prescribe, is authorized to insure under any provision of this title which authorizes such insurance, a mortgage covering a property upon which there is located a one- to four-family residence, without regard to limitations in this Act relating to marketability of title or any other statutory restriction which the Secretary determines is contrary to promoting the availability of such insurance on Indian reservations or Hawaiian home lands if—

"(1) the mortgage (A) is executed by an Indian tribe and the property is located on trust or otherwise restricted lands; (B) is executed by a member of an Indian tribe who will use the property as a principal residence and the property is on trust lands or otherwise restricted land; or (C) is executed in connection with a property assisted under section 17 of the United States Housing Act of 1937; or

"(2) the mortgage is executed by a native Hawaiian on property located within Hawaiian home lands covered under a homestead lease issued under section 207(a) of the Hawaiian Homes Commission Act, 1920 where such property will be used as the mortgagor's principal residence and the Department of Hawaiian Home Lands of the State of Hawaii is a comortgagor or guarantees to reimburse the Secretary for any mortgage insurance claim paid in connection with a property on Hawaiian home lands or offers other security acceptable to the Secretary.

"(b) Notwithstanding any other provision of this Act, with respect to mortgages covering a property upon which there is located a one- to four-family residence—

"(1) the Secretary may insure and make commitments to insure under title II of this Act pursuant to this section advances made during construction where the Secretary determines that the proposed construction is otherwise acceptable and meets an applicable tribal or national model building code, and that no feasible financing alternative is available;

"(2) the applicable percentage limitation on the amount of the principal obligation of a mortgage based on the appraised value or replacement cost, as appropriate, of a one- to four-family owner-occupied residence contained in this title shall apply in the case of all mortgages insured pursuant to this section without regard to whether the residences are owner-occupied where the residences are owned by the tribe; and

"(3)(A) the Secretary may require an Indian tribe, only as a condition of insurance made under this title pursuant to this section, to pledge income from tribal resources or income from tribal assets or pledge grants under title I of the Housing and Community Development Act of 1974, section 17 of the United States Housing Act of 1937, or any other Federal grant program to be used to reimburse the Secretary for any mortgage insurance claims paid in connection with residences insured pursuant to this section; or

"(B) in the case of an individual Indian mortgagor, the Secretary may require a pledge of his or her share of income from tribal resources or income from tribal assets, excluding any Federal grants received by the tribe.

"(c) The Secretary may not refuse to insure a mortgage under this section to an individual home purchaser because there is no distributed tribal or trust fund income attributable to that purchaser.

"(d) Before making any commitment to insure a mortgage under this section with respect to property located on tribal or trust land, the Secretary shall require a showing by the tribe that it has adopted eviction procedures to be used in the event of a default.

"(e) A mortgage insured under this section may be assumed, subject to credit approval by the lender and the consent of the tribe to an assumption of the existing lease or the grant of a new lease, without an adjustment of the interest rate. Any other sale of a property subject to a mortgage insured under this section may be made only if a new lease is granted, except that a sale following a foreclosure may be accompanied by an assumption of the lease with the consent of the tribe.

"(f)(1) The Secretary shall make information regarding the status and payment history of loans insured under this section available to local credit bureaus and prospective creditors. Prior to accepting assignment of a mortgage, the Secretary shall require mortgagees to submit documentation that mortgagors have been counseled in a face-to-face interview, informed of the provisions of this subsection or other available assistance, and provided with the names and addresses of officials of the Department of Housing and Urban Development to whom further communications shall be addressed.

"(2) Notwithstanding the requirement for conveyance of title under section 204, a mortgagee under this section shall be entitled to receive the benefit of insurance under this section in the case of a mortgage which is more than 90 days in default upon conveyance of the lease agreement and the mortgage documents.

"(3) In the event that any default is cured, the Secretary shall seek to reinstate the loan with the mortgagee or another mortgagee. For the purpose of this paragraph, the Secretary may provide appropriate financial incentives to reinstate the loan commensurate with sound management of the insurance fund.

"(4) If the Secretary determines that a mortgagor is not making a good-faith effort to cure a default, and that trust fund or tribal income is available, the Secretary shall commence proceedings for the garnishment of the mortgagor's distributed share of tribal or trust fund income in order to collect loan payments which are past due. Proceedings under this paragraph may be instituted in a tribal court, court of competent jurisdiction designated by the tribe, or Federal district court.

"(5) If the Secretary determines such action is necessary to protect the insurance fund from undue loss, the Secretary may initiate foreclosure proceedings with respect to any mortgage acquired under this subsection. Such proceeding may take place in a tribal court, a court of competent jurisdiction, or Federal district court. Any such court shall have jurisdiction to convey to the Secretary the remaining life of a lease on the real property and to order eviction of the delinquent mortgagor.

"(g) In the administration of this section, the Secretary shall establish a premium charge for insurance which will be sufficient to cover the full costs of the mortgage insurance program under this section, except that such charge may not exceed 3 per centum per annum of the principal amount of the mortgage outstanding at any time. Not later than September 30, 1994, the Secretary shall determine and report to the Congress on the feasibility of eliminating any excess amount of the premium under this section over the premium under section 203. In the event such premiums are not sufficient to cover the full costs of the mortgage insurance program under this section, the Secretary shall make recommendations to the Congress about changes to the program.

"(h) As used in this section—

"(1) the term 'Indian tribe' means any Indian or Alaska native tribe, band, nation, or other organized group or community of Indians or Alaska natives recognized as eligible for the services provided to Indians or Alaska natives by the Secretary of the Interior because of its status as such an entity, or which is an eligible recipient under section 67 of title 31, United States Code;

"(2) the term 'trust or otherwise restricted land' means (A) that area of land, as defined by the Secretary of the Interior, over which an Indian tribe is recognized by the United States as having governmental jurisdiction, (B) land held in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation, or (C) land acquired by Alaska Natives under the Alaska Native Claims Settlement Act or any other land acquired by Alaska natives pursuant to statute by virtue of their unique status as Alaska natives;

"(3) the term 'native Hawaiian' means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778; and

"(4) the term 'Hawaiian home lands' means all lands given the status of Hawaiian home lands under the provisions of section 204 of the Hawaiian Homes Commission Act, 1920.".

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

SEC. 704. Section 105(a) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "and" at the end of clause (16);

(2) by striking out "; and" at the end of clause (17) and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following:

"(18) in the case of a grant under section 107(b)(3), the development or purchase of housing for use by an Indian tribe on trust or otherwise restricted land.".

Mr. TOWER. Mr. President, I would like to describe the substitute amendment that Senator GARN and I will offer to S. 1338. Let me initially indicate that this substitute is the same as S. 1338, as reported by the Banking Committee, except for the seven specific changes which we have concluded are necessary to attract sufficient support to get this bill on the floor for consideration. We do not lightly pursue such a procedure given the time and effort on the part of all members of our committee to arrive at a bipartisan document. Yet sometimes it becomes necessary to take extraordinary steps to achieve progress and that is the case here.

In order to have all parties, including individual Members of this body and the administration agreeable to that progress, changes were necessary. Adoption of this substitute certainly will not deny any Senator his or her right to propose amendments. But its existence has convinced the majority leader to schedule the bill on the floor now and given us reason to believe that we can pass it in the time available to us.

The seven changes are as follows:

First. Deletes title VII of S. 1338—the "Unemployed Homeowners Relief Act of 1983."

Second. Changes section 304 of S. 1338 to delete provisions creating a system of public housing agency accreditation and substituting creation of a public housing performance standards advisory commission.

Third. Makes certain changes to the rental rehabilitation and development program (title I) as follows:

Increases targeting of assistance to benefit very-low-income families to 100 percent of the assisted units with grantees able to reduce to 70 percent under standards established by the Secretary of HUD.

Requires that any unit occupied by a very-low-income family and rehabilitated under this program must be subsequently occupied by a very-low-income family.

Limits rehabilitation of units to that which is necessary to correct substandard conditions, make essential improvements, and repair major systems in danger of failure.

Limits grant funds for rehabilitation to no more than $5,000 per unit except under certain high cost circumstances.

Requires HUD to provide Congress with an evaluation of the program.

Fourth. Authorizes 5,000 units of public housing ($650 million in BA), with requirement that new construction is permitted only when city can demonstrate that new construction is cheaper than acquiring and rehabilitating existing units; establishes priority for acquiring projects to housing authority to set aside up to 30 percent of a project's cost for rehabilitation subsequent to acquisition—repairs when required approach.

Fifth. Adds compromise Indian housing program.

Sixth. Reduces authorization for public housing modernization by $400 million to $1.6 million.

Seventh. Requires that any modified section 8 existing certificates not dedicated to other purposes shall be used to assist very-low-income persons or families displaced from their housing by other HUD programs or activities.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of public hearings before the Senate Subcommittee on Public Lands and Reserved Water, on Tuesday, August 9, 1983, in Boise, Idaho, and on Thursday, August 11, 1983, in Idaho Falls, Idaho, and on Tuesday, August 16, 1983, in Coeur D'Alene, Idaho, and on Wednesday, August 17, 1983, in Lewiston, Idaho.

The subcommittee will hear testimony on the U.S. Forest Service wilderness and nonwilderness recommendations in the State of Idaho and the need for sufficiency and release legislation concerning the Forest Service recommendations made pursuant to the roadless area review and evaluation (RARE II) studies and the recommendations to Congress.

The August 9 hearing will be held at the Boise City Hall, 150 North Capitol Boulevard, Boise, Idaho, from 9 a.m. to 5 p.m. Testimony will be received on the Boise, Payette, Sawtooth, and Challis National Forests recommendations. Those wishing to testify in Boise should contact the office of Senator McCLURE, 304 North 8th Street, room 149, Boise, Idaho, phone (208) 334-1560. Those wishing to testify must sign up in advance no later than Monday, August 1, 1983.

The August 11 hearing will be held at the Eagle Rock Junior High School Auditorium, 202 Pancheri Drive, Idaho Falls, Idaho, from 9 a.m. to 5 p.m. Testimony will be received on the Caribou, Targhee, Salmon, and Challis National Forests recommendations. Those wishing to testify in Idaho Falls should contact the offices of Senator McCLURE, P.O. Box 657, Idaho Falls Idaho 83402, phone (208) 523-5541 or at room 216, Federal Building, 250 South 4th Avenue, Pocatello, Idaho 82301, phone (208) 236-6817. Those wishing to testify must sign up in advance no later than Monday, August 11, 1983.

The August 16 hearing will be held in the Seiter Hall Auditorium, North Idaho College, 1000 West Garden Avenue, Coeur D'Alene, Idaho, from 9 a.m. to 5 p.m. Testimony will be received on the Idaho Panhandle Forests recommendations. Those wishing to testify in Coeur D'Alene should contract the office of Senator McCLURE, 307 Federal Building, Coeur D'Alene, Idaho, phone (208) 664-3086. Those wishing to testify must sign up in advance no later than Monday, August 1, 1983.

The August 17 hearing will be held in the Spalding Hall, Lewis and Clark State College, Lewiston, Idaho, from 9 a.m. to 5 p.m. Testimony will be received on the Clearwater and Nez Perce National Forest recommendations. Those wishing to testify in Lewiston should contact the office of Senator McCLURE, Park Place—Lewis and Clark State College, Lewiston, Idaho 83501, phone (208) 743-3579. Those wishing to testify must sign up in advance no later than Monday, August 1, 1983.

Oral testimony will be limited to not more than 5 minutes and possibly less depending on the number of witnesses who wish to testify. Witnesses may be placed in panels. Because of the number of witnesses expected to testify, individuals are requested to select the forests in which they have an interest and testify on the appropriate day.

For further information regarding these hearings, please contact Senator MCCLURE's offices at the above listed numbers or Mr. Tony Bevinetto of the subcommittee staff at (202) 224-5161.

Witnesses are requested to bring 15 copies of their testimony with them to the hearing.

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Subcommittee on Labor will hold a hearing on July 28, 1983, at 9:30 a.m., in room SD-430 of the Dirksen Senate Office Building to discuss S. 19, the Retirement Equity Act of 1983, S. 918, the Private Pension Reform Act of 1983, and other women's issues. Persons desiring to testify should submit written requests to Hon. DON NICKLES, chairman, Subcommittee on Labor, Washington, D.C. 20510. Requests to testify must be submitted no later than July 7. If you have any questions concerning the hearing, please contact Rick Lawson at 202-224-5546.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a Senate-House Conference on S. 272, a bill to Improve Small Business Access to Federal Procurement Information, and S. 273, a bill to amend section 8(a)(1) of the Small Business Act, on June 22, 1983, at 10 a.m. in room 428A of the Senate Russell Office Building. For further information, please contact Mike Haynes of the committee staff at 224-5175.

Mr. President, I would like to announce that the hearing for the Senate Small Business Committee on Oversight of the Small Business Development Center Program scheduled for June 21, 1983, has been rescheduled for July 19, 1983, in room 428A, Senate Russell Office Building. There will be a morning session which will begin at 8:30 a.m. and an afternoon session which will begin at 2 p.m. For further information, please contact Mary Meyers of the committee staff at 224-5175.

ADDITIONAL STATEMENTS

URANIUM MILL TAILINGS STANDARDS

● Mr. HART. Mr. President, there has been quite some discussion recently about the final standards issued by the Environmental Protection Agency for inactive uranium mill tailings sites and the proposed standards for active sites.

Some of this discussion centers on modifications to the Uranium Mill Tailings Regulation and Control Act of 1978 that were contained in the Nuclear Regulatory Commission Authorization Act for fiscal years 1982 and 1983. In particular, there are questions about the extent to which the Congress intended for the EPA, in setting it standards, to consider the cost of compliance.

To shed additional light on this question, I ask that the transcript of the August 19, 1982, conference on the NRC authorization bill be inserted in the RECORD at this point, along with an April 28, 1982, letter from the EPA, referred to in the transcript.

The material follows:

JOINT HOUSE-SENATE CONFERENCE, NRC AUTHORIZATION CONFERENCE, AUGUST 19, 1982

The joint conference met at 3:10 p.m. room EF-100, the Capitol. Hon. Morris K. Udall (chairman of the joint conference) presiding.

Present: Senators Simpson, Domenici and Hart

Representatives Udall, Ottinger, Lujan, Bingham, Seiberling, Marriott and Markey.

Representative UDALL. The conference will resume its session.

I had hoped that we could have one last session today and wind this thing up, but I'm not sure that is in the cards. But it seems to me we ought not lose our momentum, to keep going and make some modest progress today. And then I hope we can set a date in September for a final meeting, what will be a final meeting and then wrap it up.

I think we ought to go first today to the Uranium Imports issue.

At our previous session Senator Simpson circulated to all members a proposal for handling this, and then I circulated a proposal for which differed in some considerable degree.

Those proposals are before the members of the conference, we can discuss them today if there is any inclination to do so.

I just indicated to Senator Domenici that I have been looking at it further to see if there are further areas for modification on my own part I could recommend to my House colleagues, but I'm not prepared to present anything very comprehensive today.

Is there any discussion on the Import question from the conferees?

Senator DOMENICI. Mr. Chairman, the only thing I would say is that with your statement, I wanted to state to you and the other members that I do intend—I agree with your general statement as to how we should proceed, and I certainly am pleased that you are going to give us additional time to try to work the matter out. I want you to know that I am going to attempt to visit with the Commerce Department and the President's Special Trade Secretary and some of the domestic counsel. I will do that immediately upon my return, which will be a day or two before we convene; if you would like to have somebody from your staff attend, I would invite them and let them know in advance. I will circulate in the meantime to the staff background papers on how we control imports under the previous law. It was basically based on a written capacity, and we were the sole ones in the world, and it was very easy for us to relate the use of uranium to enrichment in the United States.

As it turns out now, we are only one-third of the enrichment in the world, so that would not work even if we had somebody willing to find the industry in a state of conformability, which was the test.

Just by way of background, I would circulate that so that everyone would know we had that kind of policy for an awful long time. I will also circulate the best evidence we have of a Canadian policy, because I don't want to misspeak, but they have outdone us every way by ingenuity.

Their mining industry and nuclear industry are by statute in a partnership, and it has some very significant goals, one of which is a preservation of an adequate reserve capacity of domestic uranium. As I read it the way they interpret it, they make it rather clear that they have to buy a certain amount of domestic to get the best kind of credit for their reserve demand, and that's interesting.

I'm not asking this committee to write anything as good as that, because we would have to start from scratch. But they have sure taught us a lesson how they treat their mining industry and their nuclear industry in the same kind of concern and put it in the same economic boat.

With that, I appreciate your giving us additional time, and I will try to work with you and the others.

Representative UDALL. The enrichment approach has some merit, in fact I have been kicking it around, so we would be glad to explore that with your people.

Mr. Lujan?

Representative LUJAN. Just one comment on the proposal that has been circulated, and I know we won't talk about this until next month sometime. But there are a couple of comments that should be taken into consideration in considering the proposal, and that is, first, that the proposal does not acknowledge that there is a problem. That is what we have been saying, that there is a problem, but there is no knowledge in the proposal of that.

Second that it mandates a study, but even after the study finds that the International Trade Commission who will investigate whether there is a problem, even after that it mandates the President—or authorizes the Secretary to undertake additional investigation, and it is one investigation after another.

We are convinced that the investigation of course is not necessary, we are willing to concede certain investigations, but that something happened if in fact the Secretary finds there is a problem, not simply kick in another study.

Representative UDALL. Anything else on the Imports before we move on?

Senator DOMENICI. Mr. Chairman, may I correct the record? As I described the Canadian's very effective and innovative approach I used the word "statute," and that is in error. It is a policy implemented by their counterpart to a Secretary of Energy, so it is not a statute law but policy implemented through the administration that has jurisdiction in that.

Thank you.

Representative UDALL. Senator Hart?

Senator HART. What is the parliamentarian situation here, how do you intend to proceed on this?

Representative UDALL. Well, we have resolved everything in the conference with the exception of the Mill Tailings, which Mr. Ottinger reserved the right to go back. Apart from that, the only issue is the Import question.

Before you came in I had indicated that Senator Domenici and I both circulated a proposal at the last meeting. Some attempt was made to find an agreement. We didn't.

I have indicated that we probably ought to pass that for now, and Senator Domenici is going to go to the White House and talk to the Commerce Department between now and September, and try to get some changes made there in their posture, which has been pretty strong factors against reaching agreement.

I will have my staff participate in that and hope we can come back here the second week of September with a proposal.

Senator HART. So that issue will not be resolved——

Representative UDALL [continuing]. Today. I wish we could, but my best judgment is that we set it aside.

Senator SIMPSON. I agree, Mr. Chairman, and I leave it to the chairman and to—I think a date certain would be good to deal with it so that we are sure we don't stretch it out any further, and I admire both of you for pressing the conferees to a vote on each of those amendments and hope that you can reach an accord and set a date certain where we can trot off and deal with it.

Representative UDALL. Before we get blocked in, I was thinking of Thursday after we return to the House, which is a Wednesday—Thursday the 9th of September I think it is. Is that agreeable?

Senator SIMPSON. It's all right with me.

Senator DOMENICI. Fine with me.

Representative UDALL. I will make every effort in terms of preparing the groundwork, so that you will all be alerted.

Representative BINGHAM. May I ask a question. To what extent is the Secretary of Energy, the Department of Energy involved on this executive branch side? I would think many of the arguments that you make would resound in the same as the Department of Energy. Have they weighed in on that?

Senator DOMENICI. Yes, they have weighed in heavily. The problem is they weighed in with some people in the Department insisting that viability has some special meaning that they like to attach to it. Factors—a huge fight going on in the administration with reference to the experts who are looking at viability, because that is in the law now, and the Secretary's office—I think it's kind of common knowledge that those who have done the study work are not in very good graces—for that reason and others—have found it is not viable now. But I have not been able to sit down and talk with them about it.

I am willing to take another shot with proper criteria at making somebody determine that rather quickly, because I think they are going to find that it has been—since December of last year and on even a further path toward—I don't think even "viability" fits, I think it is on a path toward nonexistence.

So they are looking at it, but they are looking at it with a notion that free trade is the only concept around, and good luck, as I see it.

Representative BINGHAM. You say "they," you are referring to the Department of Energy as well as others?

Senator DOMENICI. Yes indeed.

Representative UDALL. Mr. Marriott?

Representative MARRIOTT. I would like to make one point here. On the proposal you're going to be offering, it appears it calls for a study when you have very few teeth in the proposal. In 1977 this phaseout began of import restrictions, and my understanding is that that level was 30 percent in 1980, 40 percent in 1981, and now it's going to keep going, 60 percent in 1982. We can fiddle around here with just the study type things and wind up with no restrictions at all, no import restrictions at all.

I am wondering if you considered getting into this, in putting some teeth in your bill by holding the import restrictions at the 1981 level of 40 percent until we get this study over with, so we don't keep jumping it up, but give some of us who are in-between the Senator's and your proposal a chance to go with the House proposal.

Representative UDALL. Yes, we are moving in that direction; in fact I thought it was kind of a legitimate complaint. I was originally talking about a study, and everybody knows a study is the greatest way to dodge an issue we have devised around here.

But what I will be aiming at is to use existing law, the 1974 trade law, and laws that give the International Trade to make findings and go to work; we would use that existing machinery and maybe have some kind of a trigger brought into effect here. And I'm also looking, as I said earlier, about the possibility of using the enrichment capacity factor for the control. But there is some serious differences, not only in this conference, but in the administration.

I think Senator Domenici is trying to——

Representative MARRIOTT. I would certainly urge we keep some kind of a temporary 40 percent on until we get the study done and find out where we are going.

Representative UDALL. Anything further?

Let's move now to the Mill Tailings and see if we can't finalize it for the second time.

I had submitted a Udall substitute which was laid before the conference the last time, and a number of amendments were offered and some of them adopted. And this document here dated August 19 shows the amendments that were adopted and the changes.

I have been asked by Chairman Dingell and Mr. Ottinger who were in another conference at that time trying to give us clean air, they wanted the right to be heard before we finally closed out that section of the conference, so I would ask Mr. Ottinger if he or Mr. Dingell has any——

Representative OTTINGER. Yes, Mr. Chairman, I have three amendments.

Representative UDALL. Mr. Ottinger has distributed a proposal marked No. 1, which makes changes on page 3 and page 4.

The gentleman is recognized in support of his suggestion.

Representative OTTINGER. Mr. Chairman, this is an amendment that we have reached agreement on with the Senate staff, I understand. The first part of it is designed to make clear that the Commission is not given statutorily economic responsibilities, but is concerned as its prime responsibility public health and safety, and that is underlined by the statement in paragraph 4 that "Nothing in this subsection may be construed as affecting the authority or responsibility of the Commission under section 84 to promulgate regulations to protect the public health and safety and the environment."

I don't think it ought to be a controversial amendment, and I urge its adoption.

Representative BINGHAM. Well, I think the first reference is wrong. The line reference is wrong at the beginning.

Representative OTTINGER. That is because there was a new proposal made after we made our proposal.

Ms. DRAVO. It's line 24. It should be line 24 instead of line 23.

Representative UDALL. Mr. Ottinger?

Representative OTTINGER. I am finished.

Representative UDALL. This amendment is consistent with the intent of the Udall-Simpson Mill Tailings proposal in my judgment. It does not change existing law, but clarifies the commission's regulatory support. The base proposal suspends the authority between the time the current—the NRC experts in October and the time NRC can review EPAs new proposed standards in January.

There is no intention on my part to cast doubt on the Commission's authority to promulgate regulations. Suspension is only a housekeeping action to ease the transition between regulatory changes resulting from actions beyond the Commission's control. I have no objection to the amendment.

Would anyone like to be heard?

Senator SIMPSON. Mr. Chairman, I just want to be certain of what Congressman Ottinger was saying; he presented this amendment and was discussing some of the issues of cause with regard to the NRC, and that is not part of what you are presenting at this point, is it?

Representative OTTINGER. I have another amendment which addresses that.

Representative UDALL. We will dispose of Ottinger No. 1.

Anything further?

Senator SIMPSON. If we could divide that, yes——

Representative OTTINGER. I have a separate amendment.

Senator SIMPSON. Let me address the ones you have submitted.

Representative OTTINGER. Strike out "investment" and insert in lieu thereof "action." What you are doing is telling—you know you have not set the precedence of telling the Commission that it has to consider economic factors.

Senator SIMPSON. I hear you, thank you.

Mr. Chairman, that amendment, by that insertion then is "any NRC requirement that would approve major commitment by the licensee that is necessary if EPA standards were in fact the final standards that would be suspended until April 1, 1984."

I think that is a reasonable change, and I would ask that we might make it clear in the statement of manager's language that the word "commitment" includes a financial investment, and I'm prepared to recommend that the Senate conferees would support that amendment.

Representative OTTINGER. So long as it is also made clear that public health and safety is paramount.

Senator SIMPSON. That is the principal mission.

Representative OTTINGER. Then I have no quarrel with that.

Senator SIMPSON. That is fine.

Representative UDALL. If there is no objection, Ottinger No. 1 with these amendments will be approved.

Page 9, line 9.

Senator SIMPSON. Mr. Chairman, may I put into the record a statement with regard to the change on page 4, line 19. I have no objection to that, but I want to be sure it does not alter the two-tier suspension of regulations, and that we make certain the

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record is clear there is the statement of managers clarifying the intent of that provision, and making it very clear that while it reaffirms the Commission's authority to promulgate regulations under that section 84, any authority it implements in force would be suspended in accordance with the language of Subsections F 1, 2 and 3. And with that understanding I would certainly support that amendment.

Representative Udall. Understood.

Mr. Ottinger, do you want to proceed on No. 2?

Representative Ottinger. On No. 2 we don't have agreement. It would strike out, on page 9, line 9, after the last comma, and all that follows through "appropriate" on line 12. It is really, as I see it, the same issue that we have just addressed, and I don't know why my good friends in the Senate have more trouble with it here than they would have with it where we just dealt with it.

What we don't want is to fuzz up the statutory requirements of the NRC and their prime role in protecting public health and safety in the environment, and this would add the words "the environment and economic costs of applying such standards and such other factors as the Commission determines to be appropriate." And there we got into a big hassle the last time about what those factors would be.

I think you are much better off just leaving those off, having the same report language apply as we have just agreed would apply earlier, that it is understood that the Commission in applying its public health and safety standards will in fact consider the feasibility of those standards, but not have it in statutory language that they got to weigh economic on equal basis with public health and safety and the environment. And I urge adoption of the amendment.

Representative Lujan. Mr. Chairman, this is the matter that was discussed before and we took a vote on it. The problem now is the administration has no authority to take into consideration anything but the public health and safety, and if someone raises the problem of economic impact, they are prohibited from even looking at that factor. And that's why we decided that we would put it in the last time.

Representative Ottinger. Well, I left that language in when the administrator of the EPA down below, on the next paragraph——

Representative Lujan. Well, I see——

Representative Ottinger [continuing]. Puts forward their standards. It seems it is appropriate for the EPA to consider.

But NRC's function is to protect public health and safety, and I don't think it is appropriate there, and I think it is particularly inappropriate to list the things that the NRC has responsibility over as if it was all, they were all of equal import, because they are not.

Representative Lujan. My feeling is it needs to be in both sections if it is to be effective. Right now they can't even apply reasonable economic standards to it, and that is the reason that we put it in there. There is no sense of putting it in the EPA section and not in the NRC. As a matter of fact, I don't think it makes sense not to put it in both.

Representative Ottinger. There is no statutory prohibition from the NRC considering the costs of what they are doing.

Representative Lujan. But it has been interpreted that way.

Representative Ottinger. But they are not any place in any other statute given the responsibility to consider risk to the health, safety and environment and economic cost as if all those things were equal factors, which they clearly are not. They are things that are going to cost a lot of money that are necessary for public health, and the economic factors simply cannot be put on an equal basis.

Representative Lujan. You are directing that there are no specific prohibitions against considering environmental and economic costs, but there is the interpretation on their part—we've been told often they cannot take those things into consideration because the law says you will take into consideration public health and safety, and that they interpret that to mean "and only public health and safety." This is just a reasonableness approach.

Representative Udall. Mr. Bingham?

Representative Bingham. Do they have the qualifications to judge the economic sides of it, and do they have the staff to do that?

Representative Lujan. I would think anybody does. If you're looking at 2 feet on earth to mitigate adverse impact, very, very limited amount, you don't need to be an economist to know the difference between the 2 feet and 10 feet of earth——

Senator Simpson. I understand what is being attempted here, and the language as we discussed it the last time, and how we excised that out at that point; and I'm sympathetic with the thing you asked, I hear this thing. This would be the first time that we would specifically direct the NRC to consider the "environment and economic costs" of the regulations that it promulgates.

I can only assure you that in any time as chairman of the Subcommittee on Nuclear Regulation, when I was ranking member under Senator Hart, that I have no desire, and never have had a desire to suggest that any way economics would be the sole consideration or overleaning consideration for NRC in regulating anything with regard to nuclear power. You will never find that in my background, nobody would give credence to it. I always felt the protection of the public safety is the mission of the NRC, and I believe in this area of mill tailings regulations, that that is the same.

Just quickly, three reasons why I think I would resist what you are trying to do in that amendment, and why I think what we proposed last week was necessary.

I think there's not one here that would not agree that we all agree that environment and economic costs are appropriate factors for the NRC to consider, because right now they have indeed been doing that under the Atomic Energy Act for some time. I think if we could all agree on that, and that is what is happening in this country and has happened in this country, we could eliminate some of the confusion whether in the mill tailings area here alone they consider these factors by simply putting them into the statute. I think that is an important thing.

And by directing EPA to consider these factors as we have already done, but if we remain silent on whether NRC is to consider those factors, I think we leave an unfortunate but a clear impression that EPA is to consider environment and economic costs, but NRC is not. And the only way to do that is to include a specific direction for anyone who believes there is some possibility that NRC will give an undue attention to cost, I would hope we might remedy that by including in the statement that manager's language clearly indicating that the protection of the public health and safety is to be the very paramount condition, the paramount mission, and only within that context then is the issue of cost even to be considered.

Based upon my experience with the NRC under two administrations, I think it is highly unlikely based upon the language that was originally proposed last week, that they are going to construe that any way to be an indication of any kind of congressional intent; the costs should somehow supplant the protection of the public welfare and safety as their principal concern.

In fact, in their letter to the conferees, they didn't propose deletion of the Senate language on the ground it would end up in a fundamental change. All they commented was on "all relevant factors."

So for those reasons, Mr. Chairman, I recommend we stay with the language I thought we had adopted at the last meeting which specifies those factors to be considered, and would urge the Senate conferees to support that language.

Thank you.

Representative Udall. Does anyone else have anything?

Representative Ottinger. Mr. Chairman, there is another factor you should take into consideration, and that is that the NRC already promulgated under the Mill Tailings Act and the standards established in the Act. And to add this additional factor at this time might require them to go back and reconsider their regulation. And also these regulations have been approved and considered by the court, and it might upset the court decision.

I think we would be far better to take out the language and put in report language saying that we intend feasibility should be taken into account, and the environment and economic costs are a part of those considerations, rather than trying to change the statute at this point, which could well upset not only the existing regulations, but also the court rulings with respect to them.

So I would much rather have it the other way around, that is, to get rid of the language and put what we want in terms of weighing these factors in the report than to change the statutory language, and I would hope I could persuade my colleagues to go along.

I yield to my friend from Ohio.

Representative Seiberling. I would like to ask Mr. Lujan, is it your feeling that the language without the environmental and economic costs will mean that the Commission will not consider the costs if there is any risk at all, they will impose restrictions regardless of cost? Is that your position, is that what they do now?

Representative Lujan. As a matter of fact, I have been told—and not from the NRC, but from EPA—that they could not at all under the old wording, the wording as Dick wants to have it now, they could not consider at all the economic factors; and I think what we are doing is just saying that that is one of the considerations that you must take into account.

Representative Ottinger. But it is not just one of the considerations. Public health and safety is the thing that they are primarily empowered and directed to protect, and it certainly is not on the same——

Representative Lujan. I agree with you.

Representative Ottinger [continuing]. On the same level of concern which is what is done here. And that is what disturbs me.

Representative Udall. Let's get to Mr. Seiberling.

Representative Seiberling. There is a genuine dilemma here. Obviously it makes no sense to require the NRC to mitigate any risk, however small, and regardless of the cost. At the same time, if we just add this additional language in, then I think we are somewhat on an unchartered sea in that we are not clear in fact how they are going to weigh those two elements, the risk versus the cost.

I note parenthetically that the word "environmental" is redundant, since they are already required to take risk in the environmental risk, and I assume environmental risk and environmental cost are the same thing.

But the economic question is the crucial one, and I wonder if we could not come up with some kind of language that makes it clear that economic considerations are not ruled out, but at the same time, the fact that something might be very costly does not mean that it should not be undertaken if the risk is substantial, and that is really what we are trying to achieve.

Representative Ottinger. I am willing to put that in report language just as you have said it; you have said it very well.

Representative Seiberling. But neither language in the legislation itself does that.

Representative Udall. Senator Domenici?

Senator Domenici. Mr. Chairman, I think we have done just what you are suggesting, and let me tell you why. Because the statute will now read "the Commission. . ." it talks about managing this, and in paragraph 1 of Section 84 it says: "The Commission deems appropriate to protect the public health and safety and the environment from radiological . . ." et cetera.

Now that alone is their charge. They are supposed to do that.

Now what this amendment does is exactly what you asked, and it says in doing that, since that is their responsibility to appropriately protect public health and safety; we have not changed that, that is their charge. In doing that, they take into account the risk to the public health, safety and the environment, and these other items.

I don't think we can write it any better. That is precisely what we want in it. They are charged in protecting the public health, but in doing that, they don't—they assess the risk to the public health. They may find none.

So I think it is exactly a kind of clarification we need. If you look at this statute, that is precisely the charge. The charge is not to take—not to give economics more consideration than anything else. The charge is to protect the public health, safety and environment, and in doing that, you assess risk, and risk to the public health, safety and economic costs are their charge in looking at public health.

Representative Seiberling. Well, I think you are right. When we add the language "and economic costs," we put kind of a new twist on the charge, and my only feeling is that as written, if—you would have to go to the legislative history to find out what we meant, and I would feel a lot better if you stayed with the managers were explicit that some kind of a statement along the lines that I have previously mentioned that where the risk is in any way substantial, then the costs are not material to their obligation.

Representative Lujan. I think that is what Senator Simpson said.

Senator Simpson. That is so clear, Mr. Chairman, I have no——

Representative Seiberling. My only question is how do we make that clear?

Representative Udall. We are all saying the same thing, the only question is the report language, and I'm going along with what the Senator and what you just said, and with that we would not need the amendment. I think that is about where we came out the last time.

Representative Seiberling. I think we need to see the report language before we can resolve this, but that to me would be one way to go.

Representative Bingham. Could I ask a question about the language as it appears now. It appears the term "economic costs of applying such standards." As I look at Section 84(a)1, I don't know what the reference to "such standards" is. There is a reference to standards in 81(a)2, but not reference in (a) up to that point.

Representative Seiberling. That is probably taken right in the same form from the EPA part of it.

Representative Bingham. But it does not make sense.

Representative Seiberling. May I make a suggestion as to style. I think the word "environment" is irrelevant, because you already have the requirement to take into account the risk to the environment, and I don't know what the environmental costs add to that.

Then you don't need to say "applying such standards," but just say "the environment as well as the economic costs."

Representative Ottinger. No, that would not do it. I would prefer not to see "economic costs" put in the statute, but put it in report language; and of course making their determination with respect to public health and safety, they are to consider feasibility, including economic costs of applying them.

Representative Seiberling. Dick, I agree with you in what you are trying to accomplish, but I think if you only have a public health and safety environment, they have no occasion to resort to the statement of the managers to see what we meant. Whereas, if you put it in the statute, then somebody has got to see where the weight is to be placed.

Representative Ottinger. You've got this other factor, and that is if you do change the statute, you are likely to mess with the court decisions that were put in under the act. I think it is better to explain what you mean in applying health and safety in the report than to try to put economic factors on an equal plane with the public health and safety in the statute. I think that really is going to cause a good deal of mischief.

Representative Udall. Mr. Markey.

Representative Markey. I would like to ask, what does that mean? Would that change require reopening on mill tailings that were deemed reasonable because Congress has spoken on the subject?

Representative Ottinger. That is my concern, or one of my concerns in the cases heard and decided on the basis of one set of rules, if we change the statutory rules, those cases could be subject to challenge, and it seems to me that is unwise.

Representative Udall. The manager should indicate there is no intent to change the meaning of that, and with that, Dick, I suggest you withdraw it and we get language you have a chance to look at from the statement of managers. I think that is a better ways to handle it.

Representative Ottinger. If you feel that way, I might consider changing the language to make it clear that might satisfy this, you will have to follow along with me. Starting at line 8, "taking into account," I put in "primarily the risk to public health, safety, and the environment, and also consideration of the economic cost of applying such standards."

Representative Seiberling. I think that would be much better.

Representative Ottinger. Does that satisfy the concerns?

Senator Simpson. Well Mr. Chairman, that is nothing that has been discussed in any effort with my staff, and I would prefer to stay away from those. I would rather be open and responsive to anything expressed, but I'm not aware that that has been.

Representative Ottinger. I am trying to resolve your problem. If you don't want it, I will call for a vote on the language on this side and we will see where the votes lie since this is House proposed language.

Senator Simpson. Just hang on for a second here. The reason we ended up in this is because under the preamble of the mill tailings law it says "in order to prevent or minimize radon infusion into the environment," they have taken that onto themselves to read as a very strict consideration with no reference at all to economic costs. Now that is what has happened. That is how we got to this point, and I know it is difficult for someone to realize what uranium mill tailings are and radon gas, and I know as we wander around in the wilderness in Wyoming that the uranium levels and the radon levels on the top of the ground are more than you would ever find in the mill tailings deposit. I know that is difficult to believe, and when you get into environmental costs—and I think that language that John is discussing is very important, because you might be talking about revegetation and other things that have to do with that.

As far as the continual references to the court cases, it seems to me that last week we covered that very thoroughly, that we said nothing we would do, and that is in our effort to this point, nothing we would do would affect the court proceeding.

So I just want to kind of draw the cue ball back every once in a while as to how we got to this point. I'm not interested in whether it is up or down, but I say let's have some clarity and thought, because I thought we handled this the last time, but apparently we didn't. And I say here is the chance to do it, let's do it right, because I think my proposal—so I know where we are—is that we leave the language the way it was at the last time, and have the report language that would say what John Seiberling said, what the Chairman said, and that would seem to be quite appropriate, because I have no desire to be involved in some kind of caper that says now we're going to disregard the public health and safety and go to costs. I would not have any part of that.

Thank you.

Representative Ottinger. Mr. Chairman, do you want to have a vote on my amendment, or my amended amendment?

Representative Seiberling. Might I offer a suggested substitute for your amendment, and I'm talking now about your written amendment, not the oral one; that we strike out the language after the word "environment" in line 9, and substitute with: "due consideration of the economic costs and such other factors as the Commission determines to be appropriate."

That way we are still leaving there primary charge—public health, safety and environment, but you are saying they are to give appropriate consideration to the costs.

And that way, then, you would be thrown back to the statement of the managers for further explanation, which is what we intended a long time ago. But it seems to me that would be a way out of this impasse.

Representative Bingham. Would you yield?

It seems to me that is a very good—if I might have the gentleman's attention—it seems that is a good solution, because if you look at your solution, to take out all after the word "environment" would leave the paragraph of the law as just totally redundant. It says, if I may read it: "shall ensure the management—and so forth, as one, the Commission deems appropriate to protect the public health and safety and environment." These are the words that Senator Simpson read a minute ago, "associated with processing and possession . . ." et cetera, and you would add the words "taking into account the public's health, safety and environment" that would make no sense at all, because you just said public safety and environment.

The purpose of the addition was to make some reference to the economic cost, and it seems to me that Mr. Seiberling's formulation does what you want to do. I could not support your amendment in the form it is in because I think——

Representative Ottinger. It is better to strike all the language?

Representative Bingham. Right.

Representative Udall. Is that agreeable?

Representative Ottinger. Read it again.

Representative Seiberling. I'll read it, "Taking into account the risk to the public health, safety and the environment with due consideration of the economic costs and such other factors as the Commission determines to be appropriate."

Senator Simpson. I think that would be appropriate if we might say that there will be environmental costs that might not be the same as environmental risk. In other words, we prepare the ground, that would not be an environmental risk, but it will be an environmental cost, that the managers would reflect that would be considered when we are talking about such other factors there.

Representative Seiberling. I'm sorry we don't have Senator Hayakawa here. But I see no difference, but if you do——

Senator Domenici. I will give you an example. The present requirements will require that New Mexico, just 37 square miles of surface ten foot deep to accomplishment the requirement, and that's an environment cost as he describes it, and it is impossible to do.

Therefore, we think we ought to take it into consideration.

Representative Seiberling. I think that would help get us into the statement by the managers.

Representative Udall. We will agree on that.

Representative Seiberling. Did you consider we strike out the words "of applying such standards"?

Representative Udall. The President wants us to raise taxes soon, we have a quorum call. Let's see if we can't take Ottinger No. 3.

Representative Markey. If I might just add, in the 10th Circuit decision, which causes some concern here, the court did not speak about environmental costs, it spoke of feasibility, and I was just wondering if when you put together the Conference Committee Report, that that could be reflected so that the words we used are in consert with the court's decision so that we are in no way reversing all these?

Representative Udall. Can we take Number 3 now?

Representative Ottinger. Number 3 is to strike out from page 6, line 22 through line 2 on page 8, even though it says 1 on page 8.

Representative Udall. Could we have some order here?

Where is No. 3?

Representative Ottinger. We discussed this the last time, Mr. Lujan. What we actually did was to strike this, and I take it that Mr. Lujan really only desired to strike the second paragraph.

We are informed by the parliamentarian, however, that the first paragraph beyond the scope of the conference is to subject the entire conference report to a point of order, if we give licensees a new right to have alternatives considered, if they don't have under existing law, which was not in the Senate or the House bill, and I think it is probably not a good idea at any rate.

For that reason, we have done what we thought we did in the first place, and that is strike out the entire section.

Representative Udall. This is marked number 2, but I call it number 3. It says page 6 "strike out line 22 and all that follows through page 8 line 2."

Representative Ottinger. They don't have the right, I'm told, under the regulations of the Commission as a discretionary right to establish a statutory right that is not within either the Senate bill or the House bill.

Representative Udall. Does anyone want to join in the discussion here?

Mr. Lujan?

Representative Lujan. Mr. Chairman, this is the issue that I thought was cleared up finally the last time, and the reason for not wanting to delete that first portion was because this gives an opportunity, the first portion, to a licensee who is on the ground and knows the specific problems associated with it, allows then the licensee to propose to the Commission certain alternatives, and then it goes on to say that if the Commission finds that they are proper, or that they are more stringent than those that the Commission has, then the Commission would approve them.

So that is the portion of my amendment that we left in the last time, the one we took out, and I assume you agree with that because of the dates we would have a problem as to the pre- and post-October 3rd.

Representative Ottinger. Yes.

Representative Lujan. So I won't address that because we are both agreed——

Representative Ottinger. Under Section 1, and I think it is primarily what we are talking about is a technicality here, they cannot at the present time apply, and the Commission can entertain their applications. This creates a statutory obligation upon the Commission, and I don't think the end result will be much different, but we do get ourselves into trouble according to the parliamentarian——

Representative Lujan. Before we go vote, we all agree that second second should be out?

Representative Ottinger. Yes.

Representative Lujan. Could we make that proposal and then we will agree on that?

Representative Seiberling. May I make one other suggestion. Line 14, page 7, I don't understand what the words "to the extent practicable" are doing in there. It seems that adds complete confusion in what we are doing there, and I suggest taking those out.

Representative Udall. Let's go a point at a time. It has been suggested we knock out sub 2. Is there any objection to striking that?

Hearing none, both sides agree.

Representative Seiberling. Before you go, could you tell me what the words "to the extent practicable" mean?

Senator Domenici. They are in the existing law.

Representative Seiberling. I still don't know what they mean. If it's in the existing law, I suppose we will let well enough alone, but I still don't like it. I submit it makes no sense.

Representative Udall. The pending motion would take out the whole section including the language.

Representative Seiberling. But I'm suggesting as an alternative we take out the words "to the extent practicable."

Representative Ottinger. John, that does not address the problem. "Creating an obligation that the Commission shall treat such alternatives," and so forth, eliminates the present statutory situation where the Commission has discretion and makes it mandatory. It is beyond the scope of the conference so that you would subject the whole conference to a point of order. Why do it? I don't think it's that important.

It goes beyond the scope of the conference, it is worse than being non-germane, and I don't think substantially it makes that much difference, so why not leave it as it is?

Representative Seiberling. That being the case, I guess we have no choice.

Senator Simpson. Just one thing, and you've been in it longer than I, but what we are trying to do here is to recognize this licensee and the non-agreement states should have similar authority that is already available in the agreement states. I happen to come from a non-agreement state. Pete is from an agreement state. There is a difference.

Without this provision, if one were to come out, we are essentially saying that only the agreement state licensees may meet the NRC requirements in a manner that may be less expensive or more efficient, but that the non-agreement state licensees then must meet the NRC requirements only because specified in the NRC requirements. This is intended to place the two types of licensees and two types of states on the same equal footing, and that is why one should remain there.

Representative Ottinger. I have no problem with the substance of what you say. We get ourselves into a parliamentarian pickle, but I think that is unnecessary. Why don't we put in report language saying it already is in the language and we hope the Commission will excercise it in this kind of a manner?

Representative Bingham. Do you think anybody would object to the conference——

Representative Ottinger. There are people that might not like it at all in other respects, not because of this provision, but anything else they didn't like.

Representative Seiberling. Would you yield, please.

If the word "shall" on page 8 were changed to "may" would that——

Representative Ottinger. Then you have no problem.

Representative Seiberling. How offensive would that be? Would that help the situation here, would that be satisfactory?

Representative Ottinger. My counselor tells me under the agreement states, Alan, it is the state regulatory body that has the discretion, the licensee is not given the statutory right under the agreement states, which is being given here; so we would not be equalizing, we would be giving the licensee something that is not here under the agreement state.

Representative Seiberling. It seems if you have "may" you could do that.

Senator Simpson. Mr. Chairman, either in agreement of non-agreement states, the licensee submits material to the NRC.

Representative Ottinger. It is extraordinarily unexciting, substantially. I'm just trying to see if we can avoid——

Senator Domenici. It seems to me—I'm not familiar with your rules, and I know both as to scope and germaneness that we have a different rule in both cases. We have a more generous interpretation, but there is some language in this bill that is before us that addresses non-agreement states, and it seems to me that to make it clear that we intend to both be treated the same with reference to this should be the intent of the conferees. I would think if somebody wants to raise that and you all really don't have the ability to call your parliamentarian into a room and talk to him—we do that occasionally—then it would seem to me that——

Representative Ottinger. You're in a position of greater influence with your parliamentarian than I am with ours.

Why don't we put a statement that we intend the two shall be treated the same by the Commission, and take out the language? That is perfectly acceptable by me.

Senator Simpson. But Mr. Chairman, if you take out Number 1, you have negated that thought, because Number 1—the sole purpose of it is to bring a concurrence with the agreement states and non-agreement states.

Representative Ottinger. As I understand it, the licensees may do this at the present time, and the only difference is discretion, rather than a mandate. If we say it is the intention that the Commission shall follow these guidelines in exercising its discretion, I think we have accomplished virtually the same thing.

Representative Udall. Would you be willing to accept Mr. Seiberling's change, "shall" to "may" and have the rest approved?

Representative Seiberling. I will so move.

Representative Udall. On page 7, line 8, change "shall" to "may" and otherwise approve it.

Representative Seiberling. I want to take out the words "to the extent practicable." I won't fight too arduously on that.

Representative Ottinger. I accept that. I wilil accept Mr. Seiberling's change, taking out "to the extent practicable" and taking out "shall."

Senator Simpson. No, I won't go along with that. I'm willing to accept Mr. Seiberling's line proposal to change "shall" to "may" with report language that what we are trying to do when we are seeking discretion, or whatever, that the agreement states and non-agreement states are treated the same.

Representative Seiberling. I think that is sufficient, I will withdraw "to the extent practicable."

Representative Udall. Any disagreement?

Representative Ottinger. I will go along.

Representative Udall. I think that covers all of the matters left except the Import question now, and if we can, we will close out the conference on all those issues except imports, and then come back here on Thursday, September 9th.

Senator Simpson. Mr. Chairman, did we now remove this section here?

Representative Udall. Yes, Section 2 is out, Section 1 was modified. "Shall" to "may" the only change, and everything is closed out except imports.

We will adjourn until September 9th.

(Whereupon, at 4:15 p.m. the Joint House-Senate Conference adjourned, to reconvene on Thursday, September 9, 1982.)

U.S. Environmental
Protection Agency,
Washington, D.C., April 28, 1982.

Hon. Morris K. Udall,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is to provide the views of the Environmental Protection Agency on H.R. 2330 (S. 1207), the Nuclear Regulatory Commission Authorizations. The Agency would oppose enactment of the Senate-passed version of H.R. 2330 without certain changes discussed below.

Section 206 of the bill is the primary focus of interest to the Agency. This section amends both the Atomic Energy Act of 1954, as amended, and the Uranium Mill Tailings Radiation Control Act of 1978, by changing some Federal and State responsibilities and requirements for remedial action at uranium mill tailings sites.

New deadlines would be set for EPA to promulgate standards for the protection of the public health, safety, and environment for the cleanup of by-product materials at the mill tailings sites. Promulgation and implementation of technical requirements by the Nuclear Regulatory Commission (NRC) would take place only after promulgation of EPA's final standards. EPA would be authorized to expend such funds as necessary to meet the new deadlines for promulgating standards. EPA and NRC would both be required to consider the economic costs and other impacts of applying the Federal regulatory requirements in the process of devising those requirements. Agreement States under section 274 of the Atomic Energy Act would no longer be mandated to adopt Federal requirements that they determined were not practicable for State application. Existing agreement State regulatory programs for remedial action at mill tailings sites would not be subject to automatic termination by NRC without notice and hearing.

We have several concerns about these amendments. Section 206(a)(1) of the bill would amend section 275 of the Atomic Energy Act by inserting April 1, 1982 as the new deadline for EPA standards for cleanup of inactive uranium mill tailings sites. Because this date has already passed and to insure a complete and thorough review within the Agency, we propose a change in that deadline to June 30, 1982. We would also change the bill's time limit for promulgating standards for active tailings sites, in section 206(a)(4), from six months after proposal to twelve months after proposal. We believe these are the minimum reasonable times for compliance. We support the sequential promulgation of standards and rules by EPA and NRC, required by section 206(a)(6).

Another concern of EPA is the new subsection 206(a)(5)(B), which calls for the Administrator to consider, in establishing standards, all relevent factors including the economic cost and other impacts of applying Federal requirements. We generally agree with the intent of this requirement, and are presently taking costs into consideration. We can do cost effectiveness studies that would compare the control levels obtained versus necessary expenditures. Cost affordability studies could also be done, but that would require a great deal of additional information and take up to two years to complete. We do not recommend that the cost affordability studies be done.

We are concerned, though, that the proposed language: "the Administrator shall consider . . . all relevant factors . . ." may be too broadly stated. This language could provide a specific legal basis to challenge an Agency regulation whenever a plaintiff could find for a court a "relevant factor" which we had not considered. Instead we suggest section 206(a)(5)(B) be revised to state: by inserting the following after the final sentence in paragraph (1) of subsection b: "The Administrator shall consider, in establishing the standards, the risks to the public health, safety, and the environment, the economic costs of applying applicable Federal standards or requirements, and any other factors the Administrator determines are relevant."

Finally, we object to the changes discussed above which sections 206 (f) and (g) would make in the requirements and responsibilities of agreement States. These provisions could seriously diminish and perhaps eliminate the uniformity of adherence to basic Federal standards for protection of public health, safety and the environment as applied to by-product material. This heretofore has been a primary justification of the "agreement State" concept under the Atomic Energy Act. We question the precedent-setting aspects of these changes in the "agreement States" provisions, and recommend that the bill make clear that "adequate protection of public health, safety and the environment" is defined in section 206(g) as the basic health standards established by EPA.

We appreciate the opportunity to provide EPA's views on this bill. The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the President's program.

Sincerely yours,

Anne M. Gorsuch,
Administrator.●

A "NEW BEGINNING" ON ENVIRONMENTAL MATTERS

● Mr. STAFFORD. Mr. President, it was slightly less than 1 month ago—May 18, to be exact—that President Reagan presided at the swearing-in of William Ruckelshaus and promised us a "new beginning" on environmental matters.

Last week, the Senate was presented two indications of the direction in which the "new beginning" would take the country. One was the presentation of the administration's views on the Clean Water Act; the other was the presentation of a revised budget request for the Environmental Protection Agency.

The Clean Water Act testimony is well described in an article which appeared in the New York Times, which I ask to be printed in the Record at this point.

The article follows:

BEST COPY AVAILABLE

[From the New York Times, June 15, 1983]

RUCKELSHAUS ENDORSES CLEAN WATER ACT PROPOSALS

(By Philip Shabecoff)

WASHINGTON, June 14.—William D. Ruckelshaus, in his first appearance before a Congressional committee as Administrator of the Environmental Protection Agency, today largely endorsed proposals made by his predecessor, Anne McGill Burford, for revising and extending the Clean Water Act.

Mr. Ruckelshaus, testifying before the Senate Environment and Public Works Committee's Environmental Pollution Subcommittee, said he still had an open mind about some of the Administration's proposals for changing the water law. The proposals, some of which are opposed by environmental groups, were prepared by the agency under Mrs. Burford and reaffirmed by President Reagan's Cabinet Council on the Environment in April.

HE SAYS ACT "HAS WORKED"

But his testimony tended to back the proposals, which include extending deadlines for industries that discharge pollutants to begin using "best available technology" to combat pollution, and giving the agency and the states more flexibility in setting and meeting standards for maintaining clean water.

Mr. Ruckelshaus did not call for any major overhaul of the Clean Water Act, commenting that the strategy for cleaning the nation's waters adopted when it was passed in 1972 and amended in 1977 "has worked."

The Clean Water Act, one of the landmark environmental laws passed in the 1970's, expired last year but the law is still enforced under a continuing resolution of Congress. Senator John H. Chafee, Republican of Rhode Island, chairman of the subcommittee, said the subcommittee would start to draft an extension bill Thursday. Staff officials said the bill could come to the Senate floor in July. Similar legislation has been introduced into the House.

Spokesmen for environmental groups said today that while there were some positive elements to Mr. Ruckelshaus's testimony, they were generally disappointed that he did not disavow the legislation proposed by the Administration before he arrived in Washington.

CRITICS SAY PROPOSALS WEAKEN LAW

"He is supporting a dirty water bill," said Sharon Newsome of the National Wildlife Federation, the nation's largest conservation group.

She and other environmentalists said the Administration proposal would weaken some of the protections for clean water afforded by the law as now enforced.

Mr. Ruckelshaus endorsed the Administration's proposals to impose severe criminal penalties on polluters who knowingly discharged wastes into waters in violation of the law. He also supported changes that would enable the agency to deal with pollution that came from water running off urban streets and rural fields, as opposed to pollution from specific sources. Such "nonpoint source" water pollution is not addressed in current legislation.

In response to a question by Senator Daniel Patrick Moynihan, Democrat of New York, Mr. Ruckelshaus said he expected the agency to have a report on contamination of the Hudson River by PCB's, or polychlorinated biphenyls, by August.

Mr. STAFFORD. What I would like to discuss briefly, Mr. President, is the other event of Wednesday; namely, the budget proposal.

Through the process of preparing for confirmation hearings for Mr. Ruckelshaus and additional oversight hearings, I reached the conclusion that increased funding for Environmental Protection Agency operations in fiscal year 1984 was essential. Based on a detailed review of the Agency's past budgets and present responsibilities, I concluded that returning the operating budget to the levels provided in fiscal year 1981 would provide the new Environmental Protection Agency Administrator with the minimum resources necessary to do the job.

Consequently, I joined with 18 Members from both sides of the aisle and filed, on May 11, an amendment that was to be offered to the Senate-reported budget resolution to increase the operating budget to $1.35 billion. However, the substitute budget offered by Senator GORTON for myself and others adopted by the Senate provided those very levels for EPA. I presented that information to my distinguished colleague, Senator GARN, and the other members of the HUD-Independent Agencies Appropriations Subcommittee myself during the hearings for this bill.

Before Mr. Ruckelshaus submitted this budget, I wrote to him urging that he seek to restore the Agency to its 1981 funding levels. I believe this is important, both symbolically and intrinsically. Whether or not Mr. Ruckelshaus agreed on that point, he seems to have disagreed as to the level itself. The Office of Management and Budget has cleared, and he requested, not the actual 1981 level of $1.35 billion, but a more modest level of $1.117 billion. I ask that the letter submitted to the Office of Management and Budget by Mr. Ruckelshaus and Mr. Stockman's letter to Mr. Garn be printed in the RECORD at this point.

The letters follow:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., June 13, 1983.

Hon. DAVID A. STOCKMAN,
Director, Office of Management and Budget, Old Executive Office Building, Washington, D.C.

DEAR DAVE: My review of the budget has brought me to a point where I can recommend increases that can be utilized effectively in fiscal year 1984.

We are requesting an increase of $265.5 million over the budget previously submitted, a total increase of 21 percent. Although these are substantial increases, I believe they are necessary to fund an aggressive environmental cleanup effort.

One hundred million dollars and up to 300 workyears of the increase will be directed toward fundamentally changing the pace and nature of the operation of the Superfund program. These resources will allow us to remove hazardous substances from substantially more sites in 1984, and to make rapid progress against our ultimate goal of cleaning up the most hazardous sites. The additional resources also reflect our policy of taking actions to initiate clean up immediately and to determine who pays later.

The other $165.5 million and up to 800 workyears would fund critical needs in a range of programs. We would plan to divide these funds between our appropriation accounts with $34.5 million for Salaries and Expenses, $100 million for Abatement, Control and Compliance, and $31 million for Research and Development.

As you know, I have had very little time to review the 1984 budget. Therefore, to meet critical needs effectively, it is extremely important that I receive as much flexibility in the final appropriations bill as possible. Lack of flexibility will not only hamper current operations, but will limit my ability to formulate sound programs for 1985 and subsequent years.

I believe the proposals I have recommended, coupled with flexibility, will provide me with adequate resources to do the job that the President wants done.

Sincerely yours,
WILLIAM D. RUCKELSHAUS.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 13, 1983.

Hon. JAKE GARN,
U.S. Senate,
Washington, D.C.

DEAR JAKE: Soon after his selection as EPA Administrator, Bill Ruckelshaus promised the President that he would carefully review the pending fiscal year 1984 EPA budget request to ensure that the agency had sufficient funding to carry out its statutory mandate of protecting the environment.

At your request, this review was put on a schedule that would enable the Senate to have the results available during the deliberations on the fiscal year 1984 HUD-Independent Agencies appropriations bill.

We have received and reviewed the enclosed letter from Bill Ruckelshaus recommending an increase of $265.5 million in the fiscal year 1984 budget request that was transmitted last January.

Because of the very limited time available, we are not able to transmit a formal budget amendment to the Congress prior to the Senate Appropriations Committee markup. However, I wish to assure you that the President has approved Bill Ruckleshaus' recommendations. We will accordingly transmit an amendment increasing the fiscal year 1984 request in the amounts specified in the Ruckelshaus letter within a matter of days.

With all best wishes.

Yours very truly,
DAVID A. STOCKMAN,
Director.

Mr. STAFFORD. It is a measure of the high regard in which Mr. Ruckelshaus is held by the Congress that his recommendation was quickly adopted by the Appropriations Committee even though in real terms it would provide the smallest budget for EPA since Mr. Ruckelshaus' last tenure as Administrator of the Agency.

To place this budget level in its proper perspective, I ask that a table prepared by the Library of Congress be printed in the RECORD at this point. This table compares the operating budgets for the Environmental Protection Agency since 1972 in constant, 1972 dollars.

The table follow:

THE ENVIRONMENTAL PROTECTION AGENCY'S OPERATING PROGRAM BUDGET

Fiscal year	Current dollars	Constant 1972 dollars
1972	454	454
1973	477	452
1974	528	462
1975	700	546
1976	771	568
1977	784	542
1978	999	649
1979	1,203	740
1980	1,269	701
1981	1,350	662
1982	1,086	516
1983	1,040	468
1984	949	407
	(1,117)	(478)

Note.—Prepared by the Congressional Research Service. Utilizes the implicit price deflator, nondefense sector. Fiscal years were matched against calendar years, and fiscal year 1983 and fiscal year 1984 projections used CEQ outlook figures for inflation.

Mr. STAFFORD. It is important to note, Mr. President, that since Mr. Ruckelshaus last headed the Environmental Protection Agency, a number of important environmental laws have been enacted. These include the following:

The Toxic Substances Control Act, under which the Agency has cataloged roughly 50,000 existing chemicals and reviews requests for the marketing of new ones every day;

The Resource Conservation and Recovery Act, under which the Environmental Protection Agency is to establish a program to regulate the generation, transportation, and disposal of hazardous wastes;

The 1977 amendments to the Clean Air Act, which established a statutory program to prevent degradation of air quality in areas where the air was clean, as well as to hasten progress toward achievement of healthier air in areas where it is now dirty;

The 1977 amendments to the Clean Water Act, which committed the Nation to the eventual elimination of toxic water pollution, and,

Finally, the Superfund law, which was passed in 1980 to help the millions of men, women, and children whos lives are threatened by the releases of toxic chemicals.

In addition to these five major laws, a multiplicity of little noticed, but nevertheless important statutes have been enacted as well. These include programs for environmental research and development, noise control, recycling of waste oil, assistance to the domestic steel industry, proscriptions on ocean dumping, cleanup of Outer Continental Shelf oil spills, and so on.

All of these laws, and others, have been enacted since 1976, when the budget for the Environmental Protection Agency was $568 million, in terms of 1972 dollars. The request of Mr. Ruckelshaus—and the request adopted by the Appropriations Committee—is a full $90 million less than what the Agency had in 1976, before any of these laws were placed on the books. In effect, the committee has approved a request which, when compared to the 1976 levels, leaves no room for these newer major laws—nothing for toxic substances, nothing for preventing significant deterioration, nothing for hazardous waste regulation, nothing for steel industry assistance, and nothing for any of the other laws enacted since then—and $90 million less for the laws which were then in existence.

In addition, the administration has not provided detailed information on the anticipated use of the additional funds they have requested for fiscal year 1984. They have not provided the Congress with any information on the program distribution of their new funding request. While additional personnel have been requested, we do not know if it is the agency's intent to use these individuals for increased enforcement or research.

As my letter makes clear, it is this Senator's personal belief that the appropriate funding level for the Environmental Protection Agency's operating programs is $1.35 billion for fiscal year 1984.

Despite my personal beliefs, however, it is clear that the Appropriations Committee and the Senate are of a mood to defer to Mr. Ruckelshaus. In such a climate, it serves neither the interests of the public nor the Senate for this Senator to force a vote on an amendment to increase the Agency's budget. In my view, the outcome of the vote is quite clear. Forcing it would only add to the increasingly polarized debate on the present and future state of affairs at the Environmental Protection Agency.

Therefore, what I intend to do is not to offer an amendment at this time, but to prepare to offer one before the beginning of the fiscal year on October 1. In the meantime, I have instructed the staff of the Committee on Environment and Public Works to undertake a detailed analysis of the workplan contemplated under the proposed appropriations. If it is this Senator's conclusion, based on such detailed information, that the level is too low, he will offer an amendment to increase it to whatever seems necessary. If, on the other hand, the proposed level is adequate—or if the administration has submitted a request for a supplement—then it would not be my intention to offer an amendment.

Mr. President, I ask that my letter to Mr. Ruckelshaus be reprinted in the RECORD at this point.

The letter follows:

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, D.C., June 10, 1983.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR BILL: I know that one of your first priorities as Administrator of the Environmental Protection Agency is to review the Agency's budget for fiscal year 1984 and recommend to the President and to Congress funding levels that will enable the Agency to carry out its statutory duties. Your decision on the budget is, I believe, one of the most important decisions you will make as Administrator, as it will set the tone for the remainder of your term of office and can go a long way toward restoring the public's faith in the commitment of this Administration to environmental protection.

For that reason I want to take this opportunity to share with you my views on appropriate levels for the Agency budget for operations and for Superfund—views arrived at after extensive oversight by the Environment and Public Works Committee of the Agency's performance and budgets for the past several fiscal years.

First, the operating budget for the Agency for 1984 should be at a level no less than that provided in 1981, the last year before major—and what I have come to believe were crippling—reductions began. Restoring the budget to the 1981 level, using 1984 dollars, does not, of course, bring actual Agency resources back to 1981 levels because of inflation during the intervening years. Providing $1.35 billion for the operation of the Agency would permit more expeditious inspection and regulation of hazardous waste sites, identification of and, where necessary, enforcement against polluting industrial facilities in the nonattainment areas of the country, better and earlier scientific support for regulatory decisions, and faster processing of permit applications under several statutes administered by the States and by the Agency.

With respect to the last two functions mentioned above, I want to emphasize my belief that substantial increases in resources are needed for the Agency's research and development program and for grants to States. The research and development budget for 1984 proposed by the Administration is 53 percent below the 1981 level, with substantial cuts in virtually all programs.

Support for the development of pollution control technology has been virtually eliminated, including funding to develop one of the most promising means to reduce emissions of sulfur dioxide and oxides of nitrogen. Radiation and noise research have been entirely eliminated as has basic long term research. Funds for health effects research have been sharply reduced. Funding for development of disposal technologies for hazardous waste is clearly inadequate.

While I would not presume to recommend specific funding levels for individual programs, I am convinced that very substantial increases—at least to 1981 levels—in funds and personnel are needed if the Agency is to provide a sound scientific basis for its regulatory decisions and fulfill its mission of identifying and protecting against environmental and health hazards.

State grants were reduced 33 percent in real terms between 1981 and 1983. State officials and organizations testified before our Committee this year that reductions proposed by the Administration for 1984 would reduce the ability of States to determine the amount and sources of pollution because of cut-backs in ambient monitoring and source inspections. Reductions would also impair the assessment of compliance with regulations and would delay permit reviews, thus increasing industry costs.

With respect to the Superfund program, my Committee's recent oversight hearing on the program convinced me that the Agency has the ability to accelerate the hazardous waste cleanup program. By fiscal year 1984, a total of $768 million in tax receipts will be available in the Superfund for Agency use. Clearly then, there are the resources as well as the need to accelerate cleanup. I therefore strongly urge you to recommend no less than $383 million for 1984 for funding under the Superfund program.

By all accounts you have been making good progress in restoring the morale of the Agency, especially in the Superfund program. Indeed, recent policy decisions have presented the appearance of a changed Agency and Administration. In my view, however, the first real measure of change will be the revised budget submission for fiscal year 1984.

A substantial increase in the Agency's budget above that originally requested is important not only programmatically but symbolically. President Reagan observed several months ago that this Nation's commitment to national defense could be measured by the amount of money the Congress appropriated. While I do not believe that funding alone demonstrates commitment, certainly the resources allocated provide one measure of our commitment to any goal, including that of protecting the environment.

I urge you to use every means within your authority to see that your Agency receives the substantial increase in resources it needs to carry out its critically important and extensive mission.

Sincerely yours,

ROBERT T. STAFFORD,
Chairman.●

TRUTH AND BUDGET POLITICS

● Mr. MELCHER. Mr. President, people say that politics should not be discussed with friends because it could lead to an argument or because it is confusing or causes bad feelings. By Webster's definition, politics is the "art or science of government or the art or science concerned with guiding or influencing governmental policy." I can understand why there can be arguments and might be some bad feelings concerning governmental policies, but if people at the grassroots are not going to discuss it and take a hand in guiding or influencing governmental policy, you had better believe that what is a now sad situation will become a very bad situation.

For instance, I have in mind the talk coming from the White House that "if Congress would only spend less money there would be more assurance of economic recovery, a drop in interest rates, and we could get close to a balanced budget."

Politics should be truthful, and those statements from the White House and in the President's speeches are not true and cover up the facts. The President's budget is in the same range as those of the House and Senate. In my judgment, all three of these proposed Federal budgets are too high, but the fact is that the President's budget would spend even more in the years to come. The reason: The President believes that more should be spent on military hardware and foreign aid than does Congress.

Economic recovery, with lower interest rates, would mean more jobs and better demand for agricultural and manufactured products, with more people contributing to the Treasury and social security. That has to be our No. 1 concern and would offset much of the huge Federal deficits that have been building up over the past several years but have reached over $100 billion last year and will exceed $200 billion this year. And the President's budget chief says that "deficits nearly as great will continue in the years to come, for as far as the eye can see." That is not good governmental policy. It is also bad politics.

The only logical answer is to reduce the Federal deficits, either by cutting spending or increasing taxes. Until the recession is over, most economists advise against increasing taxes, but all recommend trimming spending. That we can do. Spending has grown the most in military hardware and foreign aid. That spending is contributing to the $200 billion Federal deficit and must be examined carefully to see where money can be saved.

With inflation dropping, the spending increases for entitlement programs should come down to more manageable levels. Domestic Federal programs have been cut and further curbs of waste and fraud can assure that the expenditures are properly used. But good politics—and good governmental policy—require that the overall Federal deficits be trimmed. I do not believe any of us argue that point.●

NATIONAL ICE CREAM DAY—SENATE JOINT RESOLUTION 117

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a resolution to designate July 15, 1983, as "National Ice Cream Day." This resolution honors our dairy farmers and salutes this important and universally loved agricultural product.

The importance of the ice cream industry must not be overlooked, for it uses 10 percent of the milk produced by U.S. dairy farmers. Ice Cream contributes substantially to the profits of our Nation's dairy industry.

Ice cream is a symbol of American culture; it, along with apple pie, represents our favorite foods. Ice cream brings a smile to the face of children and adults alike. The ice cream parlor can be found in every town across our Nation.

Every since Dolly Madison served ice cream in the White House, this product has stood as a representative of Americana. Ice cream is a nutritious and wholesome food enjoyed by millions of people throughout the United States. Any American will attest that on a hot summer day there is nothing more appealing than a scoop of ice cream.

Futhermore, "National Ice Cream Day" would celebrate not only this favorite food, but it would honor all those related to its production. Mr. President, I urge the adoption of this resolution.●

SOVIET SPONSORED ANC TERRORISM IN SOUTH AFRICA

● Mr. DENTON. Mr. President, international terrorism is a societal cancer of our time. Like a tumor, the malignancy, if unchecked, feeds on and destroys healthy tissue until at last the body of society, debilitated by the ravages of the disease, collapses. Moreover, the decision to combat the disease is not without its own costs. Even as chemotherapy and treatment by radiation affect normal tissue when employed to check the spread of cancer, so reprisals by the authorities of societies whose citizens are threatened and victimized by acts of terrorism may create or exacerbate tensions already present in those societies.

That of course, is the goal of the terrorist. Having forsworn the road of moderation, reason and accommodation, he seeks to generate a sense of siege and crisis in the society on which he has set his sights. Often politically motivated, many such terrorist groups display a fanatical belief in the morality of their causes, which enables them to disregard or view as inevitable, in the interest of the revolution, the misery and tragedy they cause.

Modern history is littered with examples of callous butchery. The names and acronyms of the most frequent perpetrators—the PLO, the IRA, the Red Guard, the Black September, the Faribundo Marti group in El Salvador and SWAPO in Namibia—have become household words. Moreover, each of those groups receives large amounts of support from the Soviet Union, either directly or through Soviet surrogates such as Cuba. The pattern of their activities is distressingly familiar to those, such as I, who are familiar with what happened in Vietnam. Contact with military units is avoided or is restricted to an occasional ambush, often associated with the planting of a land mine or some other form of booby trap.

The preferred activity of the groups I mentioned is pure and simple terrorism, directed at the innocent civilian population. Terrorist activities embrace the whole spectrum: Targeted kidnapping, mutilation and other forms of "hard intimidation" of individuals; abduction of groups, often children; and wanton slaughter and destruction of the sort undertaken by the PLO, Black September, and the Provisional IRA during previous decades.

When the Subcommittee on Security and Terrorism conducted hearings in March 1982 to investigate the role of the Soviet Union, East Germany and Cuba in fomenting terrorism in Southern Africa, we found incontrovertible evidence of Soviet penetration and control of the two major terrorist organizations in the region, the African National Congress and the Southwest Africa People's Organization. A chilling tale of Soviet manipulation emerged from the testimony of former members of the organzations and the documents included in the RECORD. The subcommittee reported, however, that unlike SWAPO, which routinely engages in murder and brutal intimidation of political opponents, the ANC had ". . . not yet undertaken terrorist activity on (the same) scale, and most incidences of sabotage have been directed at installations, rather than persons." The report continued:

> Mr. Mfalapitsa (one of the witnesses—an ex-ANC member) has testified, however, about plans to assassinate President Mangope of Bophutatswana, the Tswana homeland in Southern Africa. He also testified that Joe Modise, the Chief of Umkonto We Sizwe, the terrorist wing of the ANC, proposed a second phase of sabotage in which mines would be laid on farm roads near the Botswana border, presumably with the same horrible consequences that we have seen in Namibia, and farmhouses, single vehicles and small police stations would be attacked. Umkonto We Sizwe has already claimed credit for bombing an urban shopping center and autombile showrooms and for attacks on small police stations manned by South African blacks.

Shortly after the publication of the record of those hearings, I had the painful duty of informing the Senate that one of the witnesses, Mr. Bartholomew Hlapane, and his wife were murdered in their home in Soweto on December 16, 1982, by an ANC assassin armed with an AK-47 assault rifle. Mr. Hlapane, a former member of the National Executive of the ANC and of the central committee of the South African Communist Party, had testified before the subcommittee about the clandestine role of the South African Communist Party in the ANC and in the formation and direction of Umkonto We Sizwe.

At 4:21 p.m. on Friday, May 20, 1983 Umkonto We Sizwe struck again, detonating a bomb concealed in an automobile in a busy street in downtown Pretoria, South Africa's capital city, at a time when office workers were on their way home for the weekend. The blast killed 19 persons and injured 212. In a statement issued in Dar Es Salaam on May 23, the ANC proudly took credit for its cowardly act of terrorism, claiming that it constituted an attack on the South African military machine.

What are the facts? Although some officers and administrative personnel of the South African Air Force have offices in one of the buildings damaged in the blast, and some of them were indeed among those killed and wounded, no fewer than 8 of the 19 persons killed and 54 of those seriously injured were black South Africans who were in the street, in a restaurant, and in a bank and other offices nearby. Two of the 19 dead were women, as were 71 of the injured. I have learned that three of the injured persons have suffered serious brain damage, at least one was blinded in both eyes, and another has lost a leg. One person is still in critical condition. People who are capable of planning such a heinous crime, let alone executing it, have no claim whatsoever to speak for freedom or common decency.

That the ANC should perpetrate such a deed, however, should not surprise us, although our revulsion should be no less. Soviet instigation of and support for terrorist activity in Asia, Africa and Latin America has no relationship to the liberation of peoples. Rather, Moscow's calculated strategy derives from Lenin's theory of imperialism, which holds that the advanced capitalist nations are structurally obliged to rely on the states of the third world for the provision of the raw materials and markets essential to the economic health of their industrialized societies. Given that strategy, South Africa is a particularly important and attractive target.

In September 1980, former Secretary of State Alexander Haig, at the time a private citizen, noted in testimony to the House Subcommittee on Mines and Mining that:

> Should future trends, especially in Southern Africa, result in alinement with Moscow of this critical resource area, then the U.S.S.R. will control as much as 90 percent of several key minerals for which no substitutes have been developed, and the loss of which could bring the severest consequences to the existing economic and security framework of the free world.

The Soviet goal toward South Africa itself has been expressed with admirable clarity by a prominent American Marxist-Leninist theoretician, Mr. Rod Bush, associate editor of Contemporary Marxism. Writing in a special issue of that journal (No. 6 of spring 1983) devoted to "proletarianization and class struggle in Africa," Mr. Bush said:

> Revolutionary change in South Africa will change not only the face of Southern Africa as a region, but also the balance of forces on the entire continent and among the core powers of the world system. A revolutionary government in South Africa could use the country's highly developed industrial base to provide significant material support to Angola, Mozambique, and Guinea-Bissau, as well as to revolutionary governments in Zimbabwe and Namibia. A block of such revolutionary nation states in Southern Africa would greatly maximize the possibility of Socialist construction in those states and in other parts of the world system.
>
> A revolutionary Marxist Southern Africa would reduce the penetrability of the whole area by the core powers of the world system. Even though such a victory would not remove the region from the capitalist world economy it would change the quality of its participation in the world economy and the interests on whose behalf that participation is directed. Revolutionary leadership in South Africa would end the use of that country's work force as cheap labor for transnational capital, change the terms on which transnational corporations extract the country's resources and close off the country as an outlet for direct investment.

The ANC and Umkonto We Sizwe are the Kremlin's primary instruments in its attempts to bring about a Communist revolution and a Soviet dependency in South Africa. People who support organizations, on the basis of the seductive, but wholly inaccurate, premise that they constitute a liberation movement seeking freedom for black South Africans, are contributing not only to terrorism and carnage in Southern Africa, but also to the Soviet Union's international offensive against the United States. That is a sobering thought that ought to give pause to all of us.●

DR. DONALD W. HAYNES: A PRAYER FOR LIBERTY

● Mr. HELMS. Mr. President, one of my closest friends, Jack Bailey of Rocky Mount, N.C., has sent me the text of prayer delivered on March 16 by Dr. Donald W. Haynes, pastor of Christ United Methodist Church in High Point, N.C.

As I read the message of this prayer, I felt a renewed sense of gratitude to our Creator for the blessings we enjoy in our land today—and an inspiration to do as much as I can, as long as I can, as one grateful American to preserve and restore the liberties bequeathed to us by our Founding Fathers.

We live at a time when those liberties are too often taken for granted—which is the most certain way to lose them.

Dr. Haynes' prayer was delivered on March 16 at a meeting of North Carolina Citizens for Business and Industry. I ask, Mr. President, that a transcript of this prayer be printed in the RECORD at the conclusion of my remarks.

The prayer follows:

> Prayer offered by Dr. Donald W. Haynes
>
> O Lord of hosts, be with us yet . . . lest we forget . . . lest we forget.
>
> We gather this night to celebrate, to applaud, to acknowledge, and to praise. We feel meet and right to do so. Yet we meet also to read the signs of our times. The judgment of history is that the lamp of freedom has always burned precariously, but today we fear the lamp flickers. Remind

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us anew that eternal vigilance *really* is the price of freedom.

O Lord, you gave us freedom; liberty is natural in your created order. Let us not forget its several expressions in our heritage and in our own generation.

We remember our *political* freedom and know that this was a thirsting in the hearts of our ancestors that could not be quenched until this state was born in which the government that governed best governed least. We are constantly tempted to sacrifice our political freedom on the altar of expedience, or security, or special interest pressure. Save us from such resignation; stir us on to high resolve. Give us the strength to preserve our right to work, our right to pray, our right to earn a profit, and our right to utter a dissent. Let us not squander these jewels of the ages bought at such a high price. O Lord of host, be with us yet . . . let we forget . . . lest we forget.

We remember our economic freedom and give humble thanks for that conucopia of our heritage of which this well spread board is a fitting symbol. Our hearts are heavy for those suffering job dislocations in the shifting sands of economic and social change. Inspire us anew to extend a voluntary hand of help to those in genuine distress. Many of us here were once in that lot. O Lord of hosts . . . may we not forget. Yet we know O Lord, that the road to affluence is not made of arbitrary prices, unnatural wages, and legislated jobs. Command economics is but an octopus that ultimately chokes prosperity at all levels. We know that only free markets, hard work, and ingenlused vision will diminsh the plight of the poor and justify the risks of development and investment. Show this generation anew that all that glitters isn't gold, and save us from killing the geese that laid our golden eggs. O Lord of host, be with us yet; lest we forget . . . lest we forget.

We remember our spiritual freedom and acknowledge that it did not come through the benevolence of ensconced religious bureaucracy nor state religion. We celebrate a breath of free spirit that comes from the quiet piety of the Quakers, the moral rectitude of the Presbyterians, the evangelical fervor of the Methodists, and the rugged individualism of the Baptists—all built on the older foundations of Catholicism, Lutheranism, Angelicanism, and Judaism. Let us not be deluded by false prophets who speak of the "benign" Marxian analysis or who trust a totalitarian olive branch. Remind us of the plight of those short-sighted activists who believed that Robinhood ethics led to social justice. O Lord, of host, be with us yet . . . lest we forget . . . lest we forget.

With a quickened conscience, a glance over our shoulder, and our hand to the plow; let us enjoy this food and fellowship as we pledge anew our corporate and personal investments in every dimension of freedom in our time to prevent new shackles for posterity. Inspire us to pay the price for freedom's holy light, Great God our King.

We pray in the spirits of that faith which came through Abraham, the law that came through Moses, and the saving grace which came through Jesus Christ.

Amen.●

APSA'S CONGRESSIONAL FELLOWSHIP PROGRAM

● Mr. HART. Mr. President, I want to take this opportunity to recognize the American Political Science Association's congressional fellowship program, which celebrates its 30th anniversary this year. This program place journalists, political scientists, Federal executives, and foreign professionals in congressional offices for 9 months as legislative assistants. It is an invaluable exchange: Congressional offices benefit from the expertise of these professionals while the fellows learn firsthand about the legislative process.

Since I was first elected to the Senate in 1974, I have had APSA congressional fellows in my office almost continuously. One of the first fellows to work for me was James Cheek, a Federal fellow from the State Department. He went on to become Deputy Assistant Secretary in the State Department's Bureau of Latin American Affairs. Another State Department fellow, Genta Hawkins, worked on the issue of the Panama Canal treaties for me. She went on to become Acting Director of the Agency for International Development under President Carter. Doug Wilson, a fellow from the U.S. Information Agency in the 1981–82 fellowship program, has remained on my staff and is now foreign policy adviser and national political trip director for my Presidential campaign.

These and the many other fellows that have worked in my office have made significant contributions by sharing their unique perspectives and expertise. And I trust they have left Capitol Hill with a better understanding of Congress, and taken this back to their professions and communities.

The program has grown from 6 fellows in 1953 to nearly 50 in 1983. Over those 30 years, more than 1,000 fellows have participated in the program. For many, it was their first contact with Washington; for most, it was a first experience with legislative government.

I am grateful to have had the opportunity to share in this program and I would like my colleagues to recognize the important contribution of APSA's congressional fellowship program.●

MR. RABB'S GOOD JOB

● Mr. LUGAR. Mr. President, many of our colleagues are aware of the outstanding job which our ambassador to Italy, Max Rabb, is doing. Several of us who traveled to Italy recently on a Senate delegation had the opportunity to see first-hand the fine representation which Ambassador Rabb is providing. Our relationship with Italy at the present time is as strong as it has ever been. We have every reason to be appreciative of the leadership which Italy has shown on many vexing issues of Western security, and reason to be grateful for Max Rabb's contribution to our continuing close relationship with Italy.

A recent editorial in the Daily American testifies to Ambassador Rabb's effectiveness. I commend it to my colleagues and ask that it be printed in full in the RECORD.

The editorial follows:

RABB'S CHOICE

If there's something to be said for the low profile approach—known in Washington circles as quiet diplomacy—U.S. Ambassador to Italy Maxwell Rabb fits the bill. On June 1, some three weeks before Italy's election campaign, a few words about Mr. Rabb are in order. As conserative West Germany and most of northern Europe struggle uneasily with the prospect of installing Pershing II and cruise missiles, Italy seems as prepared as ever to go ahead with the deployment of 116 cruise missiles in Comiso, Sicily. The reasons for the Italian flexibility are not as obvious as they may first appear, but no small part of the success of American policy in this part of southern Europe has been due to Mr. Rabb's keen sense of restraint. Instead of waving the American flag or flirting with the Italian political establishment, he has stood back and let that same establishment come to its own conclusions. Though the Communist Party will never embrace U.S. missiles, it has not lobbied against them forcefully, nor do the missiles stand to become an issue in the coming election. The same is true for the Socialists, who are busy honing domestic strategies and unrolling cryptic political charts.

In short, Mr. Rabb has managed not to awaken the sleeping Italian giant. And that is no small feat.

Among recent ambassadors to Italy, he has proven himself the first capable of underplaying his Italian hand. His predecessors, enchanted by the attention usually paid to the American envoy, used that spotlight to espouse statements of strategy and preference which usually did more harm than good. American ambassadors were either left or right of center, president's men or free thinkers. At a time of great delicacy, Mr. Rabb has different observers either confused, uninterested or sure. This is fine indeed, since to lack a label is a strong suit in Italy.

Though the ultimate wisdom of installing U.S. missiles in foreign soil may be open to question on political and ethical grounds, there is no denying Mr. Rabb's craftmanship and dignity in the months of maneuvering since the missile issue took center stage. And in a country that lends itself to shouting, the virtues of quiet diplomacy are all the more apparent, and effective.●

SENATE JOINT RESOLUTION 102—LUPUS AWARENESS WEEK

● Mr. D'AMATO. Mr. President, today I am pleased to cosponsor Senate Joint Resolution 102, a joint resolution introduced by my good friend, Senator SPECTER, to designate the week of October 16 through 22, 1983, as "Lupus Awareness Week." With approximately half a million people currently suffering from this relatively unfamiliar disease, it is vital to make the public more aware of its existence. Lupus Awareness Week should aid in eliminating the naivete of the medical profession as well as the general public.

Lupus is a chronic inflammatory disease which takes the lives of 5,000 people each year. Mr. President, it is because of the seriousness of this disease, that I ask my colleagues to join me in cosponoring this joint resolution.●

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. TOWER. Mr. President, there appears to be no other morning business to be transacted. Therefore, I ask unanimous consent that the period for the transaction of routine morning business be terminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR MANAGEMENT RACKETEERING ACT OF 1983

Mr. TOWER. Mr. President, under the previous order, is the Senate now to turn to the consideration of S. 336?

The PRESIDING OFFICER. No formal order exists on the calendar.

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 336.

Mr. BYRD. Mr. President, reserving the right to object.

ORDER FOR RECESS UNTIL 2 P.M. TODAY

Mr. TOWER. Mr. President, in addition to my request that we turn to the consideration of S. 336, Calendar Order No. 139, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. and, at the hour of 2 p.m., the Senate will return to the consideration of S. 336.

It is my understanding that there already is an order entered to the effect that no amendments are in order, except the committee reported amendments; debate on any debatable motion, appeal, or point of order is limited to 10 minutes, equally divided; and debate on final passage is limited to 1 hour, equally divided between Mr. HATCH and Mr. NUNN.

The PRESIDING OFFICER. The Senator is correct.

Is there objection?

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 336) to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with amendments, as follows:

On page 5, line 16, strike "and", and insert "or";

On page 6, strike line 9, through and including "plan" on line 11, and insert "in any position proscribed in clauses (1) through (3) of this subsection";

On page 9, line 9, after "capacity,", insert "other than in his capacity as a member of such labor organization";

On page 10, line 7, after "place", insert "or permit";

On page 11, beginning on line 3, strike "or employee benefit plan";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Labor Management Racketeering Act of 1983".

SEC. 2. (a) Subsection (d) of section 302 of the Labor Management Relations Act, 1947 (29 U.S.C. 186) is amended to read as follows:

"(d)(1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor-management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industrywide labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c)(4) through (c)(9) of this section, and will fully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c)(4) through (c)(9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.".

(b) Subsection (e) of such section is amended to read as follows:

"(e) The district courts of the United States and the United States courts of the territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of rule 65 of the Federal Rules of Civil Procedure (relating to notice to opposite party), over—

"(1) suits alleging a violation of this section brought by any person directly affected by the alleged violation, and

"(2) suits brought by the United States alleging that a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or a joint labor-management trust fund as provided for in clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industrywide labor-management committee violates this section,

to restrain such violations without regard to the provisions of section 6 of the Clayton Act (15 U.S.C. 17), section 20 of such Act (29 U.S.C. 52), and sections 1 through 15 of the Act entitled 'An Act to amend the Judicial Code to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (29 U.S.C. 101–115).".

SEC. 3. (a) So much of subsection (a) of section 411 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111) as follows "the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401)," is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in whole or substantial part devoted to providing goods or services to any employee benefit plan, or

"(3) in any capacity that involves decision-making authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in paragraphs (1) through (3) would not be contrary to the purposes of this title. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice to such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection. Notwithstanding the preceding provisions of this subsection, no corporation or partnership will be precluded from acting in any position proscribed in clauses (1) through (3) of this

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subsection without a notice, hearing, and determination by such Parole Commission that such service would be inconsistent with the intention of this section.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who intentionally violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in an employee benefit plan as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

Sec. 4. (a) So much of subsection (a) of section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) as follows: "or a violation of title II or III of this Act" is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes, shall serve or be permitted to serve—

"(1) as a consultant or adviser to any labor organization,

"(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce.

"(4) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization, or

"(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decisionmaking authority over, or custody of, or control of the moneys, funds, assets, or property of any labor organization,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this Act. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place or permit any other person to serve in any capacity in violation of this subsection.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgement of the trial court, regardless of whether that judgment remains under appeal.

"(2) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section 504 is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

Sec. 5. (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) Coordination With Other Agencies and Departments.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) Responsibility for Detecting and Investigating Civil and Criminal Violations of Employee Retirement Income Security Act and Related Federal Laws.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

Sec. 6. (a) The amendments made by section 3 and section 4 of this Act shall take effect with respect to any judgment of conviction entered by the trial court after the date of enactment of this Act, except that that portion of such amendments relating to the commencement of the period of disability shall apply to any judgment of conviction entered prior to the date of enactment of this Act if a right of appeal or an appeal from such judgment is pending on the date of enactment of this Act.

(b) Subject to subsection (a) the amendments made by sections 3 and 4 shall not affect any disability under section 411 of the Employee Retirement Income Security Act of 1974 or under section 504 of the Labor-Management Reporting and Disclosure Act of 1959 in effect on the date of enactment of this Act.

Mr. BYRD. Mr. President, further reserving the right to object, I do so to make an inquiry of the acting majority leader. I take it that the time consumed by the recess will not be charged against the time for the bill.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed by the recess not be charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12:55 p.m., recessed until 1:59 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Andrews).

LABOR MANAGEMENT RACKETEERING ACT OF 1983

The Senate resumed consideration of the bill (S. 336).

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. Under whose time?

Mr. STEVENS. I ask unanimous consent it be charged to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, may I ask what the pending business is?

The PRESIDING OFFICER. The pending business is S. 336.

Mr. HATCH. Mr. President, today we are considering one of the most important pieces of labor legislation that we will vote on in this Congress, S. 336, the Labor Management Racketeering Act of 1983. If nothing else, the diversity of its sponsorship demonstrates not only the importance of this legislation but also its inherent fairness. Due to the cooperation of those who have participated in the bill's evolution, S. 336 is truly a bill worthy of its purpose—to protect the rights of the thousands of honest union members and officials from organized crime and corrupt labor and management representatives.

First, I would like to give special recognition to Senators Nunn and Rudman. The comprehensive hearing record exposing union corruption as it exists on our waterfronts was compiled by the vigorous leadership of the Permanent Subcommittee on Investigations.

I believe Senator Nunn, in particular, has been the guiding force on this particular piece of legislation. He has had very vigorous and more than adequate support from Senator Rudman, as well. I think if any single person deserves credit for what has gone on up to this point, and hopefully what will go on as we pass this bill through the Congress, I would have to single out that person as Senator Sam Nunn.

I also wish to thank the chairman of the Subcommittee on Labor, Mr. Nickles, and the ranking minority member of our subcommittee, Mr. Kennedy. Their mutual concern with the Labor Management Racketeering Act has enabled the Labor and Human Resources Committee to move the bill expeditiously. Without them, we would not have had the bill on the floor today.

I might also add that they both have worked long and hard to try to make sure that this bill represents a tone and exactness needed to accomplish what all of us who are its principal sponsors would like for it to do.

Special thanks should also be given to Lane Kirkland, the president of the AFL-CIO. While Mr. Kirkland and I have not always seen eye to eye on labor and economic policy, his commitment to an honest trade union movement has been courageous and praiseworthy. It is not every elected individual who is willing to admit that those he represents are in trouble and his work on behalf of S. 336 is an important reminder that the majority of union members and officials support this bill and what it stands for.

I might also mention that I just spent a little time with Mr. Kirkland over this past weekend. He reiterated as late as last Saturday his belief in this bill, his belief in having honest union practices, and his dedication to seeing S. 336 becomes law. I have great respect for him and, of course, I appreciate the work and the courage that he has shown in supporting this piece of legislation.

There are other union leaders, as well, who deserve some credit. I cite with particularity Mr. Presser, who is the newly elected president of the Teamsters Union. As we all know, in last year's battle for this bill, his predecessor was an avowed opponent. Although Mr. Presser did express some reservations, he said, that he supports the general principles of this bill. I suspect before this bill becomes law that we will have a good chance of getting him to support the bill completely.

There are other union leaders, as well, who stand for honesty, integrity, and stand ready to combat corruption in any way, shape, or form in the union movement in America and I compliment them, as well.

Without question, corrupt union officials and management representatives pose one of the most sinister threats to the health and well-being of the trade union movement and I might add, to our industrial democracy. The existence of corruption undermines the integrity of the collective bargaining process; it taints the hard work of thousands of honest, committed union officers and members. Labor racketeers rob the American public of millions of dollars each year through bribes, kickbacks, and payoffs, sapping the economic resources we so desperately need to increase productivity and generate employment opportunities.

Some have contended that union corruption is more a cliche than fact, that unions are being unfairly categorized in the press and in Congress because of the criminal activities of only a handful of corrupt officials. It is true that the majority of union members and union officials are honest men and women, committed to the principles of collective bargaining and our economic system. Unfortunately, it is also true that there are officials who are not so committed. I am speaking of those who look upon labor management relations as a field ripe for manipulation and abuse for their own personal gain and profit. Moreover, they perceive Government enforcement as being lax at best, and the penalties if one is actually caught as being more of a minor, temporary nuisance than true punishment.

The Justice Department recently reported that a cursory review of its records show that in a 2-year period from 1981 to 1982, 136 union officials were convicted in Federal labor racketeering cases. Obviously, labor racketeering is not a cliche but a distressing, undeniable fact.

We have laid out in hearings, on the floor, and elsewhere the seriousness of the problem of labor corruption and the correlative abuse of our Federal labor statutes. The point today is not to belabor those issues once again. Instead, it should be obvious to all that to combat the corruption that plagues labor relations today, we need both strong statutes and committed enforcement.

S. 336 will provide the statutory basis for this effort by strengthening three key statutes: the Labor Management Relations Act of 1947, known as the Taft-Hartley Act; the Employee Retirement Income Security Act of 1974, known as ERISA; and, the Labor Management Reporting and Disclosure Act of 1959, known as the Landrum-Griffin Act.

First, the buying and selling of labor peace, which is prohibited in the Taft-Hartley Act, is raised from a misdemeanor to a felony, subject to imprisonment of up to 5 years and a fine of $15,000 or both. Testimony received by the committee has made it clear that existing penalties have not served as an effective deterrent.

Second, S. 336 expands the list of positions an individual is barred from holding in a union or with an employee benefit plan if he is convicted of committing a disqualifying crime. Convicted officials will no longer be able to circumvent the intent of these statutes by taking allegedly clerical positions or serving as consultants during the disqualification period, only to resume their previous positions of authority and influence once this period has ended. The bill also expands the list of disqualifying crimes contained in these two statutes.

Third, the bill extends the disqualification period from 5 to 10 years, in order that a union or benefit plan can thoroughly rid itself of the influence of convicted officials. This provision does provide for judicial discretion in application of the ban, however. As I understand, this discretion is included to accommodate the occasions where a 10-year ban might be considered too harsh.

Fourth, S. 336 redefines "date of conviction" so that once an individual is found guilty of a disqualifying crime, he is immediately barred from holding a series of specific positions with a union or employer, regardless of whether he has appealed his conviction. This provision will end the blatant abuse of our appellate procedures by union officials who are continuing to engage in the very prohibited activities which led to their conviction simply because they have appealed the trial court judgment. Members of a union or participants in a benefit plan are entitled to have their interests and rights protected from those found guilty in a court of law.

To protect the rights of an individual who has appealed his conviction, the bill provides that his salary will be paid into an escrow account which will be turned over to the official if the conviction is overturned. I believe that this procedure represents and equitable treatment of two competing interests—the interest of the convicted official on appeal and the interests of union members or participants in a pension plan in having their organizations free of criminal influence.

Fifth, S. 336 will increase the maximum term of imprisonment for intentional violations of ERISA and the Landrum-Griffin Act from 1 to 5 years. years.

Sixth, S. 336, makes it clear that the Department of Labor has not only the authority but also the responsibility for detection, investigation, and referral of civil and criminal violations of the appropriate Federal labor laws to the Department of Justice.

This is perhaps, in my opinion, the most important provision in S. 336. Unless the Department of Labor is committed to the principles of this legislation and to ridding the labor movement of organized crime and other criminal elements, our efforts today to strengthen these three statutes may prove fruitless.

S. 336 makes clear that it is the intent of Congress that the Department of Labor enforce these statutes aggressively. The Department has repeatedly testified that it needs stronger statutes and penalties if it is to accomplish the task Congress has given it. S. 336 provides the Department with many of the amendments it has requested and will give it the statutory basis and authority it needs to effectuate the purpose of this legislation—the elimination of corruption and criminal elements from the field of labor management relations. That is the goal of what we are trying to do today.

Finally, the bill would make retroactive one of its provisions—the commencement of the disqualification mechanisms of section 411 of the Employee Retirement Income Security Act and section 504 of the Labor-Management Reporting and Disclosure Act at the time of the trial court conviction.

Currently, an individual who is found guilty of an act prohibited under these two statutes is disqualified from holding certain specified positions in a union or employee benefit plan for a period of 5 years. The disqualification period begins on either the date of the trial court judgment or the date of the final sustaining of such judgment on appeal, whichever is later. S. 336 amends these two statutes to read that the commencement of the disqualification period begins on the date of the trial court judgment, regardless of whether that decision is appealed.

The bill also makes it clear that nothing in it can be construed as authority to overturn a conviction or to terminate prematurely a disqualification period in existence prior to the effective date of the legislation.

Testimony received by the Senate Labor and Human Resources Committee indicated that the present alternative standard has allowed union officials, who have been convicted of disqualifying crimes such as fraud and embezzlement, to retain their union offices or positions of control over pension plans while their convictions were being appealed, a period which can exceed 2 years. The testimony made it clear that in several instances, these officials continued to engage in the same prohibited activity during the appeals process that led to their trial court conviction. While the bill will end this abuse, it would only apply to those convicted subsequent to the effective date of the legislation unless the new commencement provision is made retroactive. Those individuals convicted prior to the passage of the bill who have appealed their decision will be able to continue to take advantage of this procedural loophole.

As a result, language has been included in S. 336 to prevent further abuse of appellate procedures from occurring. This addition will promote the overall purpose of the bill—to provide union members and participants in a pension plan immediate and effective protection from convicted officials and other criminal elements.

Whenever a bill contains a retroactivity clause, it is important that the necessary steps are taken to insure that the clause is fashioned in a manner which insures that it is not unconstitutional.

When the Labor-Management Reporting and Disclosure Act was passed by Congress in 1959, it contained a section which stated that the disqualification mechanism established in the statute applied to convictions regardless of whether the conviction occurred before or after the effective date of the statute. Moreover, this retroactivity clause applied to all of the disqualification procedures contained in the statute.

The constitutionality of this retroactive clause was raised in *Postma* v. *International Brotherhood of Teamsters*, 337 F.2d 609 (2d Cir. 1964). The appellant alleged that the application of the 1959 statute to a previous conviction violated the constitutional prohibition against bills of attainder and ex post facto laws.

The court rejected this argument summarily, citing the Supreme Court's decision in *DeVeau* v. *Braisted*, 363 U.S. 144 (1960). At issue there was a similar disqualification mechanism established under State law; namely, section 8 of the New York Waterfront Commission Act of 1953. It too applied to convictions which preceded the enactment of the statute. Addressing the constitutionality of such a retroactive provision, the Court stated:

> The Distinguishing feature of a bill of attainder is the substitution of a legislative for a Judicial determination of guilt. Clearly, § 8 embodies no further implications of appellant's guilt than are contained in his 1920 judicial conviction; and so it manifestly is not a bill of attainder. The mark of an ex post facto law is the imposition of what can fairly be designated punishment for past acts. The question in each case where unpleasant consequences are brought to bear upon an individual for prior conduct, is whether the legislative aim was to punish that individual for past activity, or whether the restriction of the individual comes about as a relevent incident to a regulation of a present situation, such as the proper qualifications for a profession. No doubt is justified regarding the legislative purpose of § 8. The proof is ovewhelming that New York sought not to punish ex-felons, but to devise what was felt to be a much-needed scheme of regulation of the waterfront, and for the effectuation of that scheme it became important whether individuals had previously been convicted of a felony (363 U.S. at 160, citations omitted).

The retroactive provision in S. 336 meets these standards. As the Supreme Court noted, the distinguishing feature of a bill of attainder is that it substitutes a legislative determination of guilt for a judicial determination. The provision in S. 336 simply applies the disqualification period to those who have already been convicted. It contains no legislative determination of guilt, nor does it deprive any individual of a constitutionally guaranteed right to a judicial procedure. It only affects those who already have been convicted of a disqualifying crime in a court of law. Thus, it is not a bill of attainder.

The Supreme Court also stated in the DeVeau decision that the mark of an ex post facto law is the imposition of what can be designated as punishment for past acts. The Court then went on to clarify this statement by establishing the following standard: Was the legislative aim to punish an

individual for past acts or does the restriction come about as an incident to the regulation of a present situation, such as the proper qualifications for a profession?

The purpose of the retroactive provision in S. 336 is not to inflict new punishment. It is intended to bring immediate relief to the union rank and file from abuse by convicted officials.

The legislative aim is to establish qualifications for certain key labor-related positions, such as benefit plan trustee or union officer; it is regulatory in nature, not punitive. Consequently, any punishment inherent in the operation of this amendment is incidental to its purpose—the need to protect the rights of union members and pension plans from abuse by convicted officials, a need well established in the numerous congressional hearings which led to the drafting of S. 336.

Mr. President, I believe that S. 336 is an important first step in our effort to eliminate corruption from unions and employee benefit plans. It may not be as strong as some would have liked, and it may be stronger than others had hoped. That is the nature of a consensus bill. Nonetheless, it is an important and I hope, encouraging signal to the working men and women of this country that the presence of organized crime and other criminal elements will not be tolerated on the waterfronts, in union halls, or in pension plans. I look forward to the day when this bill is signed into law, because it will afford unions and employee benefit plans with the means to operate free of the influence or fear of corrupt union and management officials.

It is no secret that S. 336 is the same bill that was unanimously passed by the Senate on two separate occasions last year. I only hope that this year, the other body will see fit to act upon this important piece of legislation. The working men and women of this country deserve such action. They deserve our reassurance that the law is not simply an option or a suggestion to be accepted or rejected with impunity.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, first, let me commend my friend and colleague (Mr. HATCH), chairman of the Committee on Labor and Human Resources, for his handling of this legislation, in this Congress and the last Congress, and for making it a priority item for him and his committee.

I also commend the chairman of the subcommittee (Mr. NICKLES) for his prompt, diligent, consistent, and persistent attention to this legislation, again making it a priority in his subcommittee and supporting it fully in the full committee and on the floor.

Senator HATCH and Senator NICKLES have both done everything they could do in their leadership position in the majority in pushing this legislation to the forefront and in getting it passed here. The fact that the bill did not pass in the House last Congress was not through any lack of diligence on their part. I commend Senator HATCH and Senator NICKLES for an excellent job.

Mr. President, I intend to yield in just a moment to my colleague from South Carolina (Mr. THURMOND). Before I do that, I would like to commend a few key people on my staff and on the staff of other Members as well as the committee for the excellent role they played in developing the record on which this legislation is based, including considerable testimony during a considerable number of days of hearings in the Permanent Subcommittee on Investigations. The former chief counsel of that subcommittee, Marty Steinberg, spent hundreds and hundreds of hours working on the hearings which led to this legislation. In addition, we have Eleanore Hill, who is now chief counsel, who was then with the subcommittee, who spent numerous hours and continues to work diligently on this legislation. Also, John Sopko; Terry Bostic; Ray Maria, who was assigned to the subcommittee and is now with the Federal Bureau of Investigation; Jack Key; Fred Asselin; Greg Baldwin; Glenn Fry; Kitty Dias; and Mary Robertson.

In addition to my own staff, I am also indebeted to Senator NICKLES' staff, headed by Rick Lawson, who spent hundreds and hundreds of hours working on this legislation, along with other important legislation in this general field. The same could be said of Kevin McGuiness with Senator HATCH's staff, Mike Forscey of Senator KENNEDY's staff, Phil Ward of Senator RUDMAN's staff, Rick Farrell and Pat Dunn of Senator CHILES' staff, and Cass Weiland of Senator ROTH's staff. All of these staff people have put in yeoman duty on this legislation—first, basing it on a record of considerable hearings and second, making this legislation into a consensus package that enjoys broad support on both sides of the aisle.

Mr. President, I strongly urge passage of S. 336, known as the Labor Management Racketeering Act of 1983. This bill, which I introduced in the last Congress and again on February 1, 1983, has been favorably reported out of the Senate Labor and Human Resources Committee. Senator CHILES has been a prime coauthor of this legislation and has worked hard on it as well as the considerable and lengthy hearings we had leading up to it. As I have already mentioned, Senators HATCH, NICKLES, ROTH, RUDMAN, KENNEDY, PRYOR, DECONCINI, STENNIS, JOHNSTON, HOLLINGS, and EAST joined me in introducing this legislation. This bill passed the Senate unanimously on two occasions in the last Congress.

Mr. President, this bill will revise current Federal labor laws to more effectively combat the problem of labor corruption. The bill will increase the criminal penalties for violations of the Taft-Hartley Act, prohibit immediately upon conviction of certain crimes persons from holding certain positions in unions or employee benefit plans, and clarify, as Senator HATCH has already pointed out, the Department of Labor's responsibilities to investigate and refer allegations of criminal activity.

This legislation has received enthusiastic support from a wide range of interests. It has been endorsed by the Department of Labor, the Department of Justice, Lane Kirkland of the AFL–CIO, as well as George Lehr of the Teamster Central States Pension Fund.

Of particular note was Lane Kirkland's endorsement of the bill in his testimony before the Permanent Subcommittee on Investigations in October 1981 and his written testimony submitted to the House Subcommittee on Labor-Management Relations of the Committee on Education and Labor in December 1982. We have worked very closely with Mr. Kirkland as well as Larry Gold of the AFL–CIO in ironing out possible difficulties in the bill. Their cooperation and support has undoubtedly added significantly to the merits of this legislation and greatly increased the prospects of it finally being enacted into law.

Additionally, the major provisions of this bill have recently been incorporated into two judicially monitored consent decrees entered into between the Department of Labor and the Teamsters Central States Pension and Health and Welfare Funds.

The bill attempts to remedy serious problems concerning the infiltration of some unions and some employee benefit plans by corrupt officials who have no real concern for the well-being of the honest rank-and-file union members they pretend to represent. Those problems were graphically illustrated in public hearings on waterfront corruption before the Permanent Subcommittee on Investigations in February 1981. The legislation which is now before us is a direct result of those hearings. As ranking minority member and former chairman of the subcommittee, I had the opportunity to direct an extensive staff investigation of criminal activity within both the International Longshoremen's Association, the ILA and the American shipping industry.

The hearings followed a very extensive investigation of the waterfront and the corruption on the waterfront by the U.S. Department of Justice and the FBI. They did a superb job.

In 1975 the Justice Department launched a nationwide investigation of racketeering on our waterfronts. This sweeping inquiry culminated in the criminal convictions of more than 100 high-level ILA officials and shipping company executives. These persons were charged with a variety of offenses ranging from violating the Taft-Hartley Act to extortion, payoffs, kickbacks, threats, intimidation, obstruction of justice, and income tax evasion.

Spurred by the success of the Department of Justice's UNIRAC investigation, the subcommittee staff interviewed numerous witnesses and reviewed countless other items of evidence in order to convey to the American public an accurate portrait of the American waterfront in the 1980's. That portrait, as presented in 2 weeks of hearings in February 1981, is, unfortunately, a dismal one. Witness after witness described the struggle for economic survival in some ports which are riddled with a pervasive pattern of kickbacks and illegal payoffs to union officials.

My colleagues and I heard of payoffs to insure the award of work contracts, payoffs to maintain contracts already awarded, payoffs to insure labor peace, payoffs to allow management circumvention of labor strikes, payoffs to prevent the filing of fraudulent workmen's compensation claims, payoffs to expand business activity into new ports, and payoffs to accord certain companies the freedom to circumvent ILA contract requirements with impunity.

Especially disturbing is the fact that the evidence clearly suggests that, through that system of payoffs, recognized leaders of the traditional organized crime families influence and effectively dominate the International Longshoremen's Association and large segments of the American shipping industry. Again this year and last year our subcommittee, in public hearings on the Hotel Employees and Restaurant Employees International Union, received evidence of the corrupt influence of organized crime in labor-management relations in other industries. It is a sobering event, indeed, to learn that substantial portions of our national economy have fallen prey to the influence of organized crime.

In the case of the waterfront industries, we were told that a payoff is commonly treated as a mere cost of doing business which can be, and is, routinely passed on as an added cost to the consumer. Our traditional and cherished notions of free enterprise have become nearly nonexistent in some ports of this country.

These payoffs, though illegal under current law, are punishable only as a misdemeanor.

The bill makes any such violation involving an amount of money greater than $1,000 a felony, punishable by up to 5 years imprisonment or a fine of up to $15,000, or both.

I want to emphasize, Mr. President, that this applies to not only union officials but also management officials. In almost all of these cases it usually involves not just union leaders but also management leaders.

Our proposal also attempts to rid labor organizations and employee benefit plans of the influence of persons convicted of criminal offenses. Current disbarment provisions—29 U.S.C. 504 and 29 U.S.C. 1111—are expanded in several significant ways: enlarging the categories of persons affected by the disbarment provisions; increasing the time barred from office or position from 5 to a possible maximum of 10 years, and providing for disbarment immediately upon conviction rather than after lengthy appeal.

The portion of the bill relating to the commencement of the period of disqualification shall apply to any judgment of conviction entered prior to the date of enactment of this act if a right of appeal for an appeal from such judgment is pending on the date of enactment of this act. In other words, this narrow portion of the act is retroactive. This does not affect the constitutionality of the act. I agree with the analysis set forth a few minutes ago by the Senator from Utah on that question. The act does not substitute a legislative determination of guilt for a judicial determination and therefore does not constitute a bill of attainder. Nor does the bill impose punishment for past acts in violation of the prohibition of ex post facto law. Based upon court decisions in these two areas, specifically *DeVeau* v. *Braisted*, 363 U.S. 144 (1960) and *Postma* v. *International Brotherhood of Teamsters*, 337 F.2d 609 (2d Cir. 1964), this area of the bill stands upon firm constitutional ground.

The bill does provide that any salary otherwise payable shall be placed in escrow pending final disposition of any appeal.

Our hearings strongly indicated that corruption within the leadership of the ILA, as documented by the conviction of numerous ILA officers, is depriving the average longshoreman of the full benefits of his union membership. Not only did the ILA itself fail to act to remove those officials and prevent further corruption, but ILA President Teddy Gleason himself testified, with apparent lack of concren, that the ILA "will have to * * * run a rehabilitation center." The provisions of this bill will protect the union member where corrupt officials have failed to do so.

I might add that there are numerous other convicted persons out on appeal that are still in key union positions, in unions other than the ILA, including but not limited to the Teamsters Union.

Finally, our hearings examined more than the ways and means of criminal corruption itself. We also explored the adequacy of law enforcement's response to this corruption. As for the waterfront, several things quickly became obvious: First, that the Department of Justice, through a massive assignment of resources and manpower in UNIRAC, had had great success in the short run; second, that, if we are to eliminate such corruption on a permanent basis, continuous monitoring and enforcement efforts are required; and third, that the Department of Labor had generally failed to participate in criminal law enforcement efforts in this area. To correct this problem and to maximize available law enforcement resources in this area, the bill clearly delineates the responsibility and authority of the Department of Labor to actively and effectively investigate and refer for prosecution criminal activities on the waterfront.

In sum, I want to stress again that the provisions of this bill are designed to protect the best interests of labor and management, as well as the American consumers. In working toward that goal, the bill fairly and nondiscriminately protects the rank and file from corruption, whether it be generated by union or management officials. The intent of the bill is to insure the integrity of the collective-bargaining process. In doing so, the bill treats convicted management and union officials alike, barring both from positions of influence in collective bargaining and labor-management relations. Specifically, this would bar convicted management personnel from serving as a labor relations consultant; as an officer, director, agent, or employee of any group or association of employers dealing with labor organizations; from serving in a corporation or association in an industry affecting commerce which has collective bargaining authority or labor management relations responsibility; and, in or representative of any employee benefit plan or as a consultant or adviser to any employee benefit plan.

Mr. President, the record is clear that the vast majority of union officers, employee benefit plan officials, and rank-and-file union members are honest, hard-working, law-abiding citizens. Our Nation can and should be justifiably proud of the enormous contribution our unions have made to the economic and social strength of the United States. But our hearings have shown that a small group of parasites have fastened themselves onto the body of the labor movement. These parasites are perverting the true interests of the union members they claim

to represent through a pattern of payoffs and extortion.

Most unions have labored to shed themselves of these people, but in many cases they have been unable to do so alone. I believe that union members need our help here in Congress. This bill is a major step forward in providing the extra assistance needed for the unions to finally rid themselves of those corrupt officials who are motivated not by the welfare of the American worker but by their own greed. I ask the Senate to, again, give its approval to this bill and work toward its early passage in the House.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. NUNN. I am glad to yield to the Senator from Florida (Mr. Chiles), who has been very involved in this bill from its inception, having played a key role in hearings relating to the ILA and the Teamsters Union, and who has been a prime author of this bill.

Mr. CHILES. I thank the distinguished Senator from Georgia.

Mr. President, I join the Senator from Georgia and the Senator from Utah in urging passage of this bill.

I compliment both Senators. I know how long and hard the Senator from Georgia has worked on this particular measure and how many hearings he has held as well as the lead he has played in the Permanent Committee on Investigations. I know that the Senator from Utah has also done similar yeoman work, together with Senator Nickles.

This bill has twice passed the Senate, and it is hoped that it will fare better in the House.

Twice last year the Senate passed this same legislation. In doing so the Senate acted to protect rank-and-file workers, to shield their pensions from fraud and mismanagement.

The bill was endorsed by the Department of Labor; the Department of Justice; Lane Kirkland of the AFL–CIO; and George Lehr, executive director of the Teamsters Central Pension Fund. That was the first time that a major union and the administration jointly supported such a measure.

S. 336 has the same solid backing. It evolved from a background of intensive investigations by the Permanent Subcommittee on Investigations. The subcommittee hearings in 1981 underscored the critical need for such legislation. During the course of those waterfront corruption hearings, evidence was presented which described a truly disturbing picture. Testimony repeatedly confirmed the fact that illegal payoffs and criminal corruption had become nearly a way of life in many American ports.

I was especially disturbed by the evidence of criminal extortion and illegal payoffs in the south Florida area, particularly at the Port of Miami. Apparently payoffs and illegal kickbacks were widespread and increasingly acceptable among waterfront businessmen and labor leaders. They were viewed as nothing more than the cost of doing business, an expensive cost passed on to the consumer and a grisly cost passed on to society. The steady growth of the Port of Miami brought an increasing involvement of organized crime illegally manipulating waterfront businesses in the area.

Disturbing, too, was the evidence that convictions for these crimes were no deterrent. People who had been convicted of embezzlement, bribery, and other very serious violations were still holding—and continue to hold to this day—high union offices in key waterfront industries in the State of Florida. People who were found by the judicial process to be less than trustworthy are still in a position of trust over employee benefit plans. As of January of this year, there were five officials of the International Longshoremen's Association still at union posts in Miami even though they were duly convicted in 1979 of racketeering and extortion. These five men are not unique. They are joined by at least 10 others across the country.

Recent testimony from the Labor Department also revealed similar cases. For example, one official, according to the Department, was convicted of embezzling from six labor organizations and funds. While his convictions were being appealed, he maintained positions of trust during which time he committed additional offenses unlawfully taking an estimated $1 million. The Department said that this was not an isolated case by any means. This fact alone justifies the need for Congress to act quickly. Infiltration of some unions and some employee benefit plans by corrupt officials who care nothing for the well-being of the rank-and-file worker needs to be stopped.

I believe that this legislation gives us the means we need. The bill, as amended by the Committee on Labor and Human Resources—

Increases the penalties for violating the Taft-Hartley Act, ERISA, and the Landrum-Griffin Act, the three major statutes that protect the American worker;

Provides for the immediate removal from positions of responsibility within labor unions and employee benefit plans of persons convicted of criminal offenses;

Extends to Federal district courts jurisdiction of civil suits alleging violations of the Taft-Hartley Act;

Adds grounds for disqualification to hold certain positions and extends the maximum periods of disqualification;

Expands the list of positions to which disqualification applies to include employer representatives, management as well as labor; and

Clarifies the responsibility of the Department of Labor to actively root out abuses and to follow through on referral of such cases to the Department of Justice.

I agree with the Committee on Labor and Human Relations when they declare that our "intent is to ensure that any person who feloniously aggrandizes himself or others to the detriment of those he has the obligation to serve is removed from his position." Our intent with this bill is also to assure the millions and millions of people who are depending on employee benefit plans for retirement that their funds will be wisely and legally invested, controlled, and used by the individuals entrusted with the responsibility. We must assure the workers of this country that the management of their unions is being directed by persons who have only the best interests of the workers in mind.

Mr. President, I gladly join Senator Nunn and the other cosponsors of S. 336 in urging the Senate to pass this important legislation for the American worker.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Florida for the efforts he has put forth and the excellent statement he has made, as well as for the work he has performed not only on the floor of the Senate, but during the Permanent Subcommittee on Investigation hearings on labor racketeering.

Mr. President, one of the allegations that has been made against this bill is that it discriminates against union officials. This assessment is not true, and I think it deserves and merits some response on the floor today.

The bill affects labor officials and management representatives alike. In fact, it discriminates in favor of union officials in one instance by providing that upon conviction by the trial court, a union officer is automatically barred from office, but his salary is paid into an escrow account during the appellate process. This protects the interests of the union and of the convicted official if he should choose to appeal his conviction. There is no such provision for management officials.

It is true the bill bars a convicted union official from working in any capacity for a union and that the bar against an employer official runs only to the field of collective bargaining.

This was done because:

One. Our purpose was to clean up labor relations. An employer engages in a multitude of other activities.

Two. I do not feel that it is appropriate for Congress to be dictating what profession an individual can choose in the private sector.

Three. A union is not the equivalent of a company. It gets special treatment in a variety of areas such as in taxes. A company has other functions than representing union members.

I believe that these arguments put the allegation that the bill discriminates against unions to rest.

There is much more that could be said about this allegation, but what we are interested in providing is the most fair approach to collective bargaining that we can have. We can achieve this objective, it seems to us, by refusing to allow corruption to exist in labor relations.

I also join in Senator NUNN's excellent statement and particularly his praise of various members of the staffs and various Senators who have worked on this particular matter. In particular, I will mention his own excellent staff member who did a tremendous job on this bill. Eleanore Hill has done a terrific job on this bill and many of the concepts it incorporates reflect the excellent work that she has done.

I also want to compliment my own staff members, Kevin McGuiness, Jim Stephens, and Ron Docksai, who have worked on this matter. I appreciate all their efforts as well as those of the Members of the Senate who have put their names on this bill as cosponsors.

I really believe that every Senator should vote for this bill. I also believe every Member of the House of Representatives should vote for this bill. S. 336 represents a major step in the right direction. It takes into consideration the numerous ramifications of existing labor law and the concerns and questions that have been raised by union representatives with whom we have worked.

Finally, I again would like to pay specific and special tribute to Lane Kirkland.

He has had the guts to stand up and do what is right because of his sincere belief that the union movement is one of the greatest movements this world has ever known. I am talking about the union movement in America. He is the leader of the largest coordinated group of union members and union leaders and I think his endorsement of this bill lends a great deal of significance, prestige, and impetus to this particular bill.

I am sure, speaking for all of those who are cosponsoring this bill and have worked so hard for its passage, that we owe him a debt of gratitude.

I think we also owe a debt of gratitude to those union members who have supported him in his present position because they have had the courage to support a man who has the ability to stand up when it is counted.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. NUNN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Utah has 2 minutes and 17 seconds and the Senator from Georgia has 4 minutes and 52 seconds remaining.

Mr. NUNN. Mr. President, I will take only a moment to reiterate what has just been said by the Senator from Utah on the fairness of this bill.

This bill does not in any way discriminate against organized labor. The purpose of the bill is indeed to protect rank-and-file union members from the influence and control of corrupt officials, whether they are union officials or management representatives. In providing for the immediate debarment of certain convicted officials from office, the bill includes representatives from both labor and management. Convicted management personnel would be barred from any position as a labor relations consultant or adviser. They would be barred as an officer, director, agent, or employee of any group or association of employers dealing with labor organizations. They would be barred from any position in a corporation or association in an industry affecting commerce which has collective bargaining authority or labor management relations responsibility. And they would be barred from any position in or representative of any employee benefit plan or as a consultant or adviser to any employee benefit plan.

Given the coverage of management by these provisions, I believe the bill fairly and nondiscriminately protects the rank and file from corruption whether it be generated by union or corporate officials. It is true that the bill will not bar convicted individuals from holding a corporate office which does not afford him any influence over the collective bargaining process. However, neither would the bill bar convicted officers from holding a corporate office which did not affect again the collective bargaining process.

The intent of the bill is to protect the integrity of the collective bargaining process itself. In protecting that interest, the bill treats management and union officials alike, and I believe that can be attested to by the enthusiastic and strong support of Lane Kirkland, president of the AFL-CIO.

I share the admiration for the responsibility, courage, and integrity of Lane Kirkland in coming forth at an early stage and endorsing this legislation because he sees it, in his own words, as being in the rank and file's best interest.

Mr. THURMOND. Mr. President, I sent word for the Senator to add me as a cosponsor. I do not know whether he got the message. If not, I would appreciate it if he would ask unanimous consent that I be so added.

Mr. NUNN. Mr. President, I knew the Senator sent that message. It was an oversight. The Senator should have been listed previously.

Mr. President, I ask unanimous consent that Senator THURMOND be listed as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I thank the Senator from South Carolina for his support in bringing this bill to the floor and in urging its passage.

Mr. THURMOND. Mr. President, I am pleased to join Senator NUNN and others in cosponsoring S. 336, the Labor Management Racketeering Act of 1983. S. 336 is identical to S. 1785, which Senator NUNN introduced in the 97th Congress and was twice passed by the Senate, first in July 1982, and then as an amendment to H.R. 1029 in December 1982. This measure is a sorely needed step in the direction of law and order, and fair dealing in labor management relations.

Thirty-six years ago, Congress enacted the Labor Management Relations Act, which has come to be known as Taft-Hartley. The key objective of Taft-Hartley was to promote the effective flow of commerce through a balancing of the rights and interests of organized labor and management. That act included enforcement provisions which, at that time, were thought sufficient to discourage the lawlessness that sometimes occurs during dealings between labor and management.

Mr. President, this bill is an entirely appropriate response to the kind of illicit activity which has been occurring with alarming frequency in recent years. It is now clear that the penalties originally set forth under Taft-Hartley are too lenient. They do not serve the purpose of deterring bribery, coercion, violence, and other illegal forms of influence.

Under the provisions of this bill, a violation of the Taft-Hartley Act involving bribery or similar coercion in an amount greater than $1,000 will now be a felony, punishable by a fine of up to $15,000 and/or imprisonment of up to 5 years.

The bill imposes harsher sanctions on individuals holding positions of responsibility under the Employee Retirement Income Security Act who are convicted of any of a list of crimes, and adds to the list any felony involving misuse or abuse of a position of responsibility on any ERISA plan. To prevent a convicted official from retaining his position with a pension plan during his appeal, S. 336 sets the conviction date as the date of judgment by the trial court, instead of the date the appeal is completed. This bill also further limits the positions which a person convicted under the statute may hold. The list of barred positions will be expanded to include any position having specific collective bargaining authority or direct responsibility in the area of labor-management relations.

If we are to have a viable, fair system of labor-management relations,

then we must make it absolutely clear to those who would employ illegal tactics, that such conduct will not be tolerated. By enacting these tough new penalties, we will make it unprofitable and undesirable for anyone to engage in such activity.

Mr. President, I offer my most ardent support to this measure, and I hope it can soon be enacted into law.

Mr. President, I wish to especially commend Senator NUNN for his leadership in this matter, and also Senator HATCH, the chairman of the Labor Committee, Mr. NICKLES, and many others who worked so hard on this bill. It is my hope that it will pass forthwith.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the first committee amendment.

Mr. HATCH. Mr. President, I suggest the absence of a quorum with the time to be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield such time as he needs to the distinguished Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my colleagues, Senator NUNN and also Senator HATCH, for their cooperation and assistance to me and the Labor Subcommittee staff so that we have been able to work out these agreements on the Labor Management Racketeering Act.

I also wish to thank and compliment Senator KENNEDY and his staff for their assistance in making it possible to work with management and labor and all interested parties in seeing this legislation come to enactment today.

The subject matter of this bill has been discussed by both Senator HATCH and Senator NUNN over the last couple of years. I think its enactment will be a positive influence for the working men and women of this country.

Its passage is in conjunction with another bill which we have been working on side-by-side, the Longshoreman Reform Act, which this body passed last Thursday.

Together, both of them, are very positive, very much needed reforms in the labor-management area.

So I compliment my colleagues and their staffs for their persistence, patience, and willingness to work together to make some very much needed and I think positive reform.

Today is the third time that the Labor Management Racketeering Act has come before the U.S. Senate. Twice before in the 97th Congress it passed unanimously. I am confident that today it will pass for the first time in the 98th Congress.

The need for this legislation has been well established; 2 days of hearings have been held on this bill by the Labor Subcommittee of the Committee on Labor and Human Resources, which I chair. The first hearing was conducted during the 97th Congress on February 3, 1982; and the second, during the 98th Congress on March 15, 1983.

These 2 days of hearings, however, do not mark the extent of hearings on S. 336, the Labor Management Racketeering Act of 1983. This bill is the direct outgrowth of public hearings on waterfront corruption held by the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs in February 1981. Again, I want to congratulate Senator NUNN for his efforts in introducing the initial legislation and for his diligence since then in obtaining its passage. Mr. Lane Kirkland, president of the American Federation of Labor and Congress of Industrial Organizations, deserves special recognition and thanks for his continued support for this legislation.

The hearings before the Labor Subcommittee this Congress clearly indicated that current laws are inadequate to remove immediately an individual convicted of certain crimes from positions of trust within an employee benefit plan or a labor organization. For example, under current law, an individual convicted of embezzling pension funds is allowed to stay in the same position of trust with that fund while the conviction is being appealed. This process can easily last 2 years and provide the time for more funds to be misappropriated. S. 336 would remove this individual on the day of the trial court conviction rather than the date of last appeal. Escrow provisions for salary would protect this removed person during the appeals process.

Further details of S. 336 are provided in the Senate report. This report, number 98-83, was negotiated by the offices of Senators NUNN, KENNEDY, HATCH, and myself and is a comprehensive analysis of this legislation.

Again, Mr. President, I am pleased to continue to support this vital piece of legislation. My only disappointment is that it has reached the floor of the Senate on three separate occasions and yet has never been brought to a vote before the House. This Congress there is ample time for them to consider this bill and I strongly urge them to take prompt action in enacting this bill into public law.

Thank you.

Mr. NUNN. Mr. President, let me again express, as I did before the Senator arrived in the Chamber, my deep admiration and thanks to the Senator from Oklahoma for the tremendous leadership he displayed in this legislation and for his staff, Rick Lawson, and others, who have worked very hard on this.

Without the Senator from Oklahoma both supporting this legislation but also assigning it a very high priority, in his own subcommittee, we would not be able to have made the progress we have made thus far.

So I thank my colleague and friend from Oklahoma.

Mr. HATCH. Mr. President, I associate myself with the remarks of the distinguished Senator from Georgia with regard to our friend and colleague from Oklahoma.

Mr. ROTH. Mr. President, I want to lend my strong support for S. 336, the Labor Management Racketeering Act of 1983. Passage of the legislation signifies a tremendous victory for the millions of rank and file in the American labor movement. Responsible union officials have backed this bill from the moment it was introduced—it is labor protective.

Years of probing by the Permanent Subcommittee on Investigations, which I now chair, amply document the need for a change in the law. Our investigation of the International Longshoremen's Association yield numerous instances where convicted union leaders retained positions of fiduciary responsiblity and power long after a court finding of guilt. Extortion, kickbacks, obstruction of justice, or embezzlement convictions pose little or no deterrent to continued control of union operations. Such control necessarily includes pension funds, health and welfare funds, insurance funds, and medical/dental service plans. Nor was it uncommon for a convicted official to come back to the union as a clerical employee or a consultant, drawing a large salary and controlling union operations through nominees.

In many instances management was just as corrupt. Payoffs were made to buy labor peace, to assure the award of work contracts, to expand business activity to new ports, and to afford certain companies freedom to circumvent lawful union contract requirements without penalty. Corruption spans both sides of the bargaining table. In many places these practices are so entrenched that it is regarded as a normal cost of doing business.

This corrupt attitude undermines the integrity of the collective bargaining process and blemishes the reputation of decent, hard-working union members. Hard-won retirement benefits for the average worker may never

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be realized if union officials with criminal records are permitted to associate with the pension funds in any capacity. Strong evidence also suggests the penetration and control of longshore labor by organized crime.

But such dishonesty is by no means limited to the waterfront. The Permanent Subcommittee on Investigations, in its continuing investigations of union-management problems, has focused on the Hotel and Restaurant Workers Union where we have seen numerous irregularites and have heard evidence of direct links between organized crime and union leadership. This may be a vivid instant replay of waterfront corruption. Our hearings in 1982 and 1983 further underscore the need for the Labor Management Racketeering Act of 1983.

Not withstanding our enthusiasm for the bill, its bipartisan spirit and the backing of labor, I remind my colleagues that the other body failed to act after we passed a similar bill twice during the last Congress.

We owe this legislation to labor rank and file. And in this connection I would like to mention a recent letter I received from a constituent, who is a union member. The writer revealed in simple and straightforward language that convicted union officials still controlled the union. Furthermore, those same officials were jeopardizing the pension and benefit fund for their own benefit. A criminal conviction, even for violation of labor laws, means nothing. In closing, the writer asked that I vote for S. 336. Today I am delivering on that commitment not only for my constitutents, but for all of labor rank and file, as well as responsible union officials who have worked with us in shaping this bill.

Mr. **RUDMAN**. Mr. President, the Labor Management Racketeering Act is offered in response to problems brought to light during hearings before the Permanent Subcommittee on Investigations. As vice chairman of that subcommittee, I have seen numerous examples of union officials convicted of crimes—often against their own membership—remaining in office for extended periods of time during the pendency of their appeals. This is a problem which is most definitely not of recent origin. In fact, during hearings before the Permanent Subcommittee on Investigations held in Chicago on March 4, 1983, we heard testimony regarding many of the same people who were the subject of testimony before Senator McClellan over 20 years ago.

At the outset I want to make clear that the overwhelming majority of unions in this country are actively pursuing the best interests of their membership. They are not the problem. The problem is a small number of corrupt union officials who control vast resources and affect a great many union members and businesses. The most recent example involves the conviction of the president of the International Brotherhood of Teamsters, Roy Lee Williams, whose extensive ties to organized crime were brought out during both his trial and sentencing hearing.

Through criminal means these corrupt union officials insulate themselves from the rank and file, thus permitting their engagement in a variety of illegal activities, including racketeering, extortion, and illegal bribes and payoffs. The costs of these activities are enormous and are borne by society. The result is a cancer on our economy which feeds off consumers, legitimate businesses, and union members alike.

The problem is not a case of inadequate law enforcement effort. During recent years we have witnessed extremely successful prosecution of leading union officials. However, efforts by the Departments of Labor and Justice are largely nullified because our present laws are inadequate; they fail to rid unions of corruptive influence. While their appeals are pending, convicted officials remain in office, continue their illegal activities, and groom others to take their place should their appeals fail. Furthermore, while their appeals are pending, convicted union officials sometimes have an opportunity to punish those who testified against them. During our hearings we heard testimony concerning courageous business owners who testified against union officials and then were forced to continue meeting and bargaining with the same officials they helped to convict.

The Labor Management Racketeering Act would go a long way toward freeing labor unions from the tight grip of corrupt officials. The meat of the legislation would prohibit convicted union officials from holding a union office. I think this is the best and indeed perhaps the only way of cleansing unions of corruptive influence and breaking the existing ties with organized crime.

Beyond this there are a number of other important changes proposed by the legislation. The bill would enlarge the number of union positions subject to disbarment, extend the period of disbarment from 5 to 10 years, increase the penalties for crimes involving more than $1,000, and broaden the scope of crimes which subject officials to disbarment. Also, more as a reaction to past Department of Labor policies than to the present ones, the bill would clearly delineate the responsibility and authority of the Department of Labor to actively and effectively investigate and refer for prosecution criminal activities in unions. These important changes will help tighten up existing laws and help insure that law enforcement efforts are not made in vain.

Mr. President, I believe this is an extremely appropriate time to adopted this legislation. The Nation is witnessing a major decline in the number of union members, and I suspect that a major factor behind that decline is the corrupt, crime-ridden reputation of some of our major unions. It is clearly in the interest of American labor to purge the unions of corrupt influences spread by the insidious activities of organized crime. Those who recognize the problem, such as the leaders of the AFL-CIO and the Teamsters Central States Pension Fund, are already moving to garner support for this position. They recognize that there is a need to protect the rank and file and maintain the trust of their workers. The Labor Racketeering Act will go a long way toward keeping union members safe from the illegal influence and practices of greedy individuals who would steal their hard-earned dollars and break the trust that must be the heart of any labor organization.

Mr. **KENNEDY**. Mr. President, the achievements of the American labor movement rank among the truly historic landmarks of economic progress and social justice in the history of the United States. Millions of American workers live better today because we have strong, dynamic, and free trade unions in this country.

Unfortunately, that great tradition has been marred over the years by a handful of corrupt individuals who have used union office for their own purposes rather than to promote the great and noble goals on which the movement was founded. These few have not only harmed the reputation of the vast majority, they have weakened labor's ability to achieve worthy goals and comforted the enemies of a strong American trade union movement.

In the last Congress, I joined AFL-CIO President Lane Kirkland and Senators Nunn, Nickles, and Hatch in developing the Labor Management Racketeering Act because I believed it essential to remove any suggestion that illegality and corruption is tolerated by American labor and because I was convinced steps could be taken to eliminate corrupt elements in a manner that was fair to honest, hard-working trade unionists across this country. S. 336 is the product of lengthy discussions and negotiations which, in my judgment, achieves those twin goals.

Many individuals have worked on this legislation. Senator Hatch, Senator Nickles, and particularly Senator Nunn were both tireless and fair throughout. But one individual deserves special mention. We are here today primarily because Lane Kirkland had the vision and courage to

commit the prestige of his office to this effort. I am proud to have worked with him on it and believe that S. 336 will in time, be seen as an act of singular statesmanship on his part and an important step forward for the American labor movement.

Mr. President, this legislation was passed twice by the Senate during the 97th Congress. It once again deserves the support of every Senator and I look forward to action by the House in the very near future.

Mrs. **HAWKINS**. Mr. President, I rise in support of S. 336, the Labor Management Racketeering Act. I believe this legislation is an important step in the fight against criminal infiltration of our Nation's unions.

I have noticed that the history of the American labor movement presents something of a paradox. The movement, born out of the necessity of protecting American workers, has been sometimes corrupted and used for personal gain by certain unscrupulous union officials. For instance, the Senate's Permanent Subcommittee on Investigations has detailed widespread corruption among waterfront locals. Just 2 years ago, the subcommittee revealed that, despite the efforts of the Justice Department, the powers of organized crime and other criminal elements still held sway over much of our Nation's waterfront unions.

The majority of union members and union officials are good men and women, committed to honest representation and the collective bargaining process. Unfortunately, their contributions are often overshadowed by the wholesale corruption of a minority of labor officials. I believe it is vitally important to remove these convicted criminals so that the efforts of these honest workers may triumph.

Perhaps the most disturbing aspect of this problem is the failure of Federal and union officials to remove proven criminals from union positions. Some people still scoff at claims of embedded criminal elements in American unions. To these skeptics, I present these facts:

Roby Smith, business agent of Teamsters Local 299 in Detroit, was convicted of violations of the Hobbs' Anti-Extortion Act. He spent 43 months past his date of conviction in union office.

William Soltero, Sr., secretary/treasurer and business manager of Laborers Local 383 in Phoenix, was convicted of embezzlement of union funds. He spent 26 months past his date of conviction in union office.

James Conover, secretary/treasurer of the Law Enforcement and Security Officers' Local 40B in Atlantic City, was convicted of embezzlement of union funds. He spent 15 months past his date of conviction in union office.

These are only a few examples of many similar cases.

The problems are not limited to the well-publicized troubles of the International Brotherhood of Teamsters and the International Longshoremen's Association. Convicted labor officials have continued to control such disparate unions as the Southern Nevada Culinary Workers and the International Boilermaker's Union. With this evidence, I think it is fair to say that current statutes have not been sufficiently successful in removing criminals from the collective bargaining process.

To combat the corruption in the modern labor movement, stronger statutes are required. I believe that S. 336 is such a measure. First, it increases from a misdemeanor to a felony certain crimes involved with the buying and selling of labor peace. This increased penalty will act as a greater deterrent to organized crime. Second, and I think more important, S. 336 will prohibit more convicted criminals from holding union positions while their appeals are pending. Thus, this practice, whereby racketeers, extortionists, and other kickback artists can continue to prey on unions and their pension funds, will be eliminated and the blatant abuse of our appellate process will finally cease.

Although I fear S. 336 will not eliminate corruption in our Nation's unions, I believe that the Labor Management Racketeering Act is an important step in the battle against the crime that plagues American unions. The bill is also a signal to the country; a sign to the honest working men and women of the United States that the corruption of our unions can no longer be tolerated.

Mr. President, I am pleased that this bill has reached the floor, and I urge my colleagues to join me in support of this important act.

● Mr. **QUAYLE**. Mr. President, I would like to take this time to voice my support for S. 336, the Labor-Management Racketeering Act of 1983. The Senate twice passed this bill during the last Congress, and I am pleased that we have lost no time during the 98th Congress in bringing this much needed legislation up for consideration. I know that both Senator Nickles and the distinguished Senator from Georgia, Mr. Nunn, have worked diligently and in a truly bipartisan spirit to bring this legislation before us.

This bill is important because it will afford greater protection to employee benefit plans by removing from office those individuals within labor and management who seek to corrupt or compromise the labor organizations and union funds essential to the working men and women of this country. I want to underscore what I regard to be the most important aspects of this legislation.

First, for decades, violations of the Taft-Hartley Act have been misdemeanors despite the very serious nature of some of these offenses. Hearings held by the Subcommittee on Labor and investigations conducted by the Permanent Subcommittee on Investigations have clearly demonstrated that the level of corruption in some unions continues to be serious. This bill will raise certain violations of the act from a misdemeanor to a felony. Penalties for violations will also be raised. The bill amends the Landrum-Griffin and Employee Retirement Income Security (ERISA) Acts to disqualify from serving as administrators or consultants anyone convicted of a felony involving abuse or misuse of a position with a pension or employee benefit plan. To be quite specific—any position involving collective bargaining authority or direct responsibility in the area of labor management relations with a corporation or association will be barred to a convicted felon. The bill extends the disqualification period from 5 to 10 years in order that a union or benefit plan can thoroughly rid itself of the influence of convicted officials. This provision does provide for judicial discretion in the application of the ban, however. The discretion is included to accommodate the rare occasions where a 10-year ban might be considered too harsh.

In addition, S. 336 redefines the "date of conviction" so that once an individual is found guilty of a disqualifying crime, he is immediately barred from holding a series of specific positions with a union or employer, regardless of whether he has appealed his conviction.

Members of a union or participants in a benefit plan are entitled to have their interests and rights protected from those found guilty in a court of law. To protect the rights of an individual who has appealed his conviction, the bill provides that his salary will be paid into an escrow account which will be turned over to the official if his conviction is overturned.

S. 336 further improves labor law because it will increase the maximum term of imprisonment for intentional violations of ERISA and the Landrum-Griffin Acts from 1 to 5 years.

Finally, S. 336 confers on the Secretary of Labor direct responsibility to investigate civil and criminal violations of the Federal pension laws and related statutes.

I believe that S. 336 is an important first step in the effort of the Congress to eliminate corruption from unions and employee benefit plans. I look forward to the day when this bill is signed into law and I urge my colleagues to support this most important legislation.●

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Mr. DOLE. Mr. President, I am pleased to join my colleagues today in support of S. 336, the Labor Management Racketeering Act. Corruption within union management continues to pose a sinister threat to the health and well-being of the trade union movement by undermining the integrity of the collective bargaining process and unfairly tainting the hard work of honest union members. This legislation, to strengthen penalties and bar individuals from continuing to hold office while their conviction is appealed, is a strong step toward eliminating corruption from unions and employee benefit plans.

Mr. President, this legislation is long overdue. It is a direct outgrowth of hearings held by the Permanent Subcommittee on Investigations, over 2 years ago. It has wide bipartisan support and was passed unanimously by the Senate twice last year.

Mr. President, the Senator from Kansas can sympathize with the sponsors and managers of this legislation. This Senator is all too familiar with legislation passed by the Senate which the other body refuses to consider. I recall a bankruptcy bill we passed five times last year to no avail. The record shows a strong need for this legislation. I hope the House will give it the consideration it warrants.

Mr. GRASSLEY. Mr. President, last year this Chamber not once, but twice, passed the predecessor of this bill. Today, the Senator reaffirms its conviction that individuals convicted of serious crimes will be outlawed from holding positions of power and influence in labor unions and employees benefit plans.

Essentially the legislation improves the current situtation in three crucial areas: One, it bars persons convicted of specified crimes from holding any union or benefit fund position; two, it increases the time period for which persons convicted of certain crimes are barred from office; three, it provides for disbarment from union positions immediately upon conviction rather than after appeal.

Congressional efforts to rid unions of the influences of organized crime and other criminal elements have been neither easy nor successful. This bill is in fact a direct outgrowth of hearings on waterfront corruption begun some 20 years ago. Testimony during the latest series of hearings indicated that normal union operating procedures include a variety of offenses ranging from Taft-Hartley Act violations to extortion, payoffs, kickbacks, threats, intimidation, obstruction of justice, and income tax evasion.

We are not alone in our strong support of this legislation. Certainly the vast majority of union officials, employee benefit plan officials, and rank-and-file union members are 100 percent behind this legislation. They recognize, as we recognize, that there is much to be gained from a bill that furthers both the public interest and the interests of collective bargaining. This is an important step in purging labor unions of an intolerable minority. I enthusiastically support this piece of legislation.

Mr. HATCH. Mr. President, at this time I move that the committee amendments be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agree to.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HATCH. I yield back such time as I have.

Mr. NUNN. I yield back my time.

The PRESIDING OFFICER. Is all time yielded back? The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Minnesota (Mr. Boschwitz), the Senator from Rhode Island (Mr. Chafee), the Senator from Mississippi (Mr. Cochran), the Senator from North Carolina (Mr. East), the Senator from Utah (Mr. Garn), the Senator from Georgia (Mr. Mattingly), the Senator from Illinois (Mr. Percy), the Senator from South Dakota (Mr. Pressler), the Senator from Indiana (Mr. Quayle), and the Senator from Idaho (Mr. Symms) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Chafee) and the Senator from North Carolina (Mr. East) would each vote "yea."

Mr. BYRD. I announce that the Senator from Montana (Mr. Baucus), the Senator from New Jersey (Mr. Bradley), the Senator from California (Mr. Cranston), the Senator from Ohio (Mr. Glenn), the Senator from Colorado (Mr. Hart), the Senator from Kentucky (Mr. Huddleston), the Senator from Hawaii (Mr. Inouye), the Senator from Michigan (Mr. Levin), the Senator from Louisiana (Mr. Long), the Senator from Hawaii (Mr. Matsunaga), the Senator from Maine (Mr. Mitchell), the Senator from New York (Mr. Moynihan), the Senator from Tennessee (Mr. Sasser) are necessarily absent.

I also announce that the Senator from West Virginia (Mr. Randolph) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Michigan (Mr. Levin), the Senator from Louisiana (Mr. Long), the Senator from New York (Mr. Moynihan), the Senator from West Virginia (Mr. Randolph), the Senator from Tennessee (Mr. Sasser) would each vote "yea."

The PRESIDING OFFICER (Mrs. Kassebaum). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 75, nays 0, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—75

Abdnor
Andrews
Armstrong
Bentsen
Biden
Bingaman
Boren
Bumpers
Burdick
Byrd
Chiles
Cohen
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Lugar
Mathias
McClure
Melcher
Metzenbaum
Murkowski
Nickles
Nunn
Packwood
Pell
Proxmire
Pryor
Riegle
Roth
Rudman
Sarbanes
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—0

NOT VOTING—25

Baker
Baucus
Boschwitz
Bradley
Chafee
Cochran
Cranston
East
Garn
Glenn
Hart
Huddleston
Inouye
Levin
Long
Matsunaga
Mattingly
Mitchell
Moynihan
Percy
Pressler
Quayle
Randolph
Sasser
Symms

So the bill (S. 336), as amended, was passed, as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Labor Management Racketeering Act of 1983".

Sec. 2. (a) Subsection (d) of section 302 of the Labor Management Relations Act, 1947 (29 U.S.C. 186) is amended to read as follows:

"(d)(1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor-management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industrywide labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c)(4) through (c)(9) of this section, and willfully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c)(4) through (c)(9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject

to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.".

(b) Subsection (e) of such section is amended to read as follows:

"(e) The district courts of the United States and the United States courts of the territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of rule 65 of the Federal Rules of Civil Procedure (relating to notice to opposite party), over—

"(1) suits alleging a violation of this section brought by any person directly affected by the alleged violation, and

"(2) suits brought by the United States alleging that a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or a joint labor-management trust fund as provided for in clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industrywide labor-management committee violates this section,

to restrain such violations without regard to the provisions of section 6 of the Clayton Act (15 U.S.C. 17), section 20 of such Act (29 U.S.C. 52), and sections 1 through 15 of the Act entitled 'An Act to amend the Judicial Code to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (29 U.S.C. 101-115).".

Sec. 3. (a) So much of subsection (a) of section 411 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111) as follows "the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401)," is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in whole or substantial part devoted to providing goods or services to any employee benefit plan, or

"(3) in any capacity that involves decisionmaking authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in paragraphs (1) through (3) would not be contrary to the purposes of this title. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice to such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection. Notwithstanding the preceding provisions of this subsection, no corporation or partnership will be precluded from acting in any position proscribed in clauses (1) through (3) of this subsection without a notice, hearing, and determination by such Parole Commission that such service would be inconsistent with the intention of this section.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who intentionally violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in an employee benefit plan as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

Sec. 4. (a) So much of subsection (a) of section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) as follows "or a violation of title II or III of this Act" is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes, shall serve or be permitted to serve—

"(1) as a consultant or adviser to any labor organization,

"(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce,

"(4) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization, or

"(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decisionmaking authority over, or custody of, or control of the moneys, funds, assets, or property of any labor organization,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this Act. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place or permit any other person to serve in any capacity in violation of this subsection.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section:

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"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section 504 is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 5. (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

SEC. 6. (a) The amendments made by section 3 and section 4 of this Act shall take effect with respect to any judgment of conviction entered by the trial court after the date of enactment of this Act, except that that portion of such amendments relating to the commencement of the period of disability shall apply to any judgment of conviction entered prior to the date of enactment of this Act if a right of appeal or an appeal from such judgment is pending on the date of enactment of this Act.

(b) Subject to subsection (a) the amendments made by sections 3 and 4 shall not affect any disability under section 411 of the Employee Retirement Income Security Act of 1974 or under section 504 of the Labor-Management Reporting and Disclosure Act of 1959 in effect on the date of enactment of this Act.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, there will be no further votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

ORDER FOR RECOGNITION OF SENATOR HECHT AND SENATOR MOYNIHAN TOMORROW

Mr. STEVENS. Madam President, I ask unanimous consent that on tomorrow the Senator from Nevada (Mr. HECHT) be granted a special order for not to exceed 15 minutes. I call attention of the Senate to the fact that this will be the first speech of the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I make a similar request for the Senator from New York (Mr. MOYNIHAN), for a special order, not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask that those two special orders follow the time under the standing order for the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. STEVENS. Madam President, I ask unanimous consent that following the time for the two leaders tomorrow and the two special orders, there be a period for the transaction of routine morning business, not to extend beyond 12 noon, in which Senators may speak for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TOMORROW BETWEEN 12 NOON AND 2 P.M.

Mr. STEVENS. Madam President, I ask unanimous consent that the Senate stand in recess tomorrow between the hours of 12 noon and 2 p.m. for the caucuses of the two parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME FOR FILING CONFERENCE REPORT ON FIRST BUDGET RESOLUTION

Mr. STEVENS. Madam President, I ask unanimous consent that the Budget Committee have until midnight today to file its conference report on the first budget resolution for the fiscal year 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Madam President, I say to the Senate that we are working on securing an agreement to take up either the housing authorization bill or the housing appropriations bill. There still is a possibility that we may arrange for the consideration of the Pacific island treaties in the afternoon. No agreement is possible at this time concerning the item that will be the pending business at 2 p.m. tomorrow, when the caucuses are over.

It is our hope that the majority leader will be able to confer with the minority leader and make an announcement concerning the schedule for the remainder of the day sometime prior to noon.

Mr. BYRD. Madam President, will the distinguished acting majority leader yield?

Mr. STEVENS. I am happy to yield.

Mr. BYRD. Is it also a possibility that the act making appropriations for energy and water resources could very well be a likely candidate for tomorrow?

Mr. STEVENS. Madam President, my good friend has conferred with me concerning that bill. It is one of the items that could be a likely candidate for tomorrow. I have not yet had an opportunity to confer with the distinguished chairman of the Appropriations Committee, the Senator from Oregon (Mr. HATFIELD). As soon as we are able to do so, we will be in a position to further respond to my good friend. I cannot at this time indicate that it would be taken up tomorrow. It is one of the bills to which we would give consideration for tomorrow.

Mr. BYRD. I thank the Senator.

RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Madam President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 3:57 p.m. recessed until tomorrow, Tuesday, June 21, 1983, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 20, 1983:

NORTH ATLANTIC TREATY ORGANIZATION

David M. Abshire, of Virginia, to be U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

AMBASSADOR

Millicent Fenwick, of New Jersey, for the rank of Ambassador during the tenure of her service as U.S. representative to the Food and Agriculture Organizations in Rome.

IN THE AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, sections 9333 and 9335, to be dean of the faculty, U.S. Air Force Academy:

TO BE DEAN OF THE FACULTY, U.S. AIR FORCE ACADEMY

Col. Erwin J. Rokke, 471-42-8254FR, United States Air Force.

DEPARTMENT OF STATE

Langhorne A. Motley, of Alaska, to be an Assistant Secretary of State, vice Thomas O. Enders, resigned.

THE JUDICIARY

James F. Merow, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years (reappointment).

Robert J. Yock, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years (reappointment).

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HOUSE OF REPRESENTATIVES—*Monday, June 20, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. Gephardt).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Gephardt) laid before the House the following communication from the Speaker pro tempore (Mr. Wright):

Washington, D.C.,
June 16, 1983.

I hereby designate the Honorable Richard A. Gephardt to act as Speaker pro tempore on Monday, June 20, 1983.

Jim Wright,
Speaker pro tempore,
House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We reach out to You, O God, and ask that Your blessing be upon us. By ourselves we are limited and our perspective is narrow, and we pray that Your presence will help give our lives meaning and greater purpose. Remind us, O God, that we do not walk alone along the road of life, but Your spirit is always with us—teaching and forgiving, sustaining and giving hope. Keep us in Your grace this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2355. An act to establish an emergency program of job training assistance for disabled veterans and veterans of the Vietnam era;

H.R. 2936. An act to amend title 38, United States Code, to increase the authorized number of members of the Board of Veterans' Appeals in the Veterans' Administration, and for other purposes;

H.R. 2973. An act to repeal the withholding of tax from interest and dividends;

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2973) entitled "An act to repeal the withholding of tax from interest and dividends," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Dole, Mr. Packwood, Mr. Roth, Mr. Danforth, Mr. Long, Mr. Matsunaga, and Mr. Bentsen to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 448. An act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes;

S. 680. An act entitled the "Gladys Noon Spellman Dedication";

S. 805. An act to amend the act of July 28, 1954 (68 Stat. 575), to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita project, California, and for other purposes;

S. 818. An act to authorize the replacement of existing pump casings in the Robert B. Griffith water project pumping plants 1A and 2A (formerly the southern Nevada water project), and for other purposes;

S. 886. An act to designate the Alben Barkley National Historic Site;

S. 1096. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

S. 1097. An act to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce;

S. 1098. An act to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce;

S. 1099. An act to consolidate and authorize certain marine fishery programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; and

S. 1100. An act to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce.

CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

AUTHORIZING CONVEYANCE OF CERTAIN LANDS IN OREGON

The Clerk called the bill (H.R. 1062) to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WORTLEY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR PER CAPITA PAYMENTS TO INDIANS BY TRIBAL GOVERNMENTS

The Clerk called the Senate bill (S. 419) to provide that per capita payments to Indians may be made by tribal governments, and for other purposes.

There being no objection, the Clerk read the Senate bill, as follows:

S. 419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds which are held in trust by the Secretary of the Interior (hereinafter referred to as the "Secretary") for an Indian tribe and which are to be distributed per capita to members of that tribe may be so distributed by either the Secretary or, at the request of the governing body of the tribe and subject to the approval of the Secretary, the tribe. Any funds so distributed shall be paid by the Secretary of the tribe directly to the members involved or, if such members are minors or have been legally determined not competent to handle their own affairs, to a parent or guardian of such members or to a a trust fund for such minors or legal incompetents as determined by the governing body of the tribe.

Sec. 2. (a) Funds distributed under this Act shall not be liable for the payment of previously contracted obligations except as may be provided by the governing body of the tribe and distributions of such funds shall be subject to the provisions of section 7 of the Act of October 19, 1973 (87 Stat. 466), as amended.

(b) Nothing in this Act shall affect the requirements of the Act of October 19, 1973 (87 Stat. 466), as amended, or of any plan approved thereunder, with respect to the use or distribution of funds subject to that Act: *Provided,* That per capita payments made pursuant to a plan approved under that Act may be made by an Indian tribe as provided in section 1 of this Act if all other provisions of the 1973 Act are met, including but not limited to, the protection of the interests of minors and incompetents in such funds.

(c) Nothing in this Act, except the provisions of subsection (a) of this section, shall apply to the Shoshone Tribe and the Arapahoe Tribe of the Wind River Reservation, Wyoming.

Sec. 3. (a) The Secretary shall, by regulation, establish reasonable standards for the approval of tribal payments pursuant to section 1 of this Act and, where approval is given under such regulations, the United States shall not be liable with respect to any distribution of funds by a tribe under this Act.

(b) Nothing in this Act shall otherwise absolve the United States from any other responsibility to the Indians, including those which derive from the trust relationship and from any treaties, Executive orders, or agreements between the United States and any Indian tribe.

Sec. 4. (a) The following provision of section 1 of the Act of June 10, 1896 (29 Stat. 3360), is repealed: "That any sums of money hereafter to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior.".

(b) Section 19 of the Act of June 28, 1898 (30 Stat. 502), is repealed.

With the following committee amendment:

Page 2, line 1, change "of" to "or".

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Consent Calendar.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

TRUMAN HOME MAKES THE CASE AGAINST WATT

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, the home and grounds of President Harry S. Truman have finally been declared a national historic site after a protracted battle with Secretary of Interior James Watt. In light of Mr. Watt's persistent protestations that our public lands have been expanded and improved under his care, I am compelled to point out that, in fact, the Truman home is the only new unit to be added to the national park system since this administration has been in office.

In this instance, the property was given, free of charge, to the U.S. Government in the will of Mrs. Bess Truman. Despite this gift, the Interior Department refused to assume custody of the property because it did not want to spend money on running the place. It took an act of Congress to force the Secretary to accept this gift and to provide funds for its preservation.

We are privileged, as a nation, to have an opportunity every now and then to preserve a moment of history, to set aside a pristine parcel of land, or to protect a vanishing species. I do not believe the Secretary can appreciate the legacy that has been left him, or his responsibility to provide for our descendants. If he did, he would not be making such a mockery of our public lands.

THE NEED FOR A BALANCED AIRPORTS POLICY FOR WASHINGTON

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, National Airport is by far the smallest in land area of the three Washington metropolitan area airports with its 680 acres, one-fifteenth the size of Dulles' 10,000 acres and one-fifth the size of Baltimore-Washington International's 3,200 acres. Yet National Airport last year served 13.5 million passengers, while only 2.5 million passengers moved through Dulles and 4.5 million at BWI.

Clearly, National Airport is overcrowded and congested and it is time future air traffic growth began moving to the underused Dulles and BWI airports where growth can be accommodated.

In 1981, the Department of Transportation issued rules designed to channel future growth away from National and toward Dulles and BWI. The Federal Aviation Administration is now proposing to make modest adjustments to the DOT airports policy to meet the timeframe as set in the original policy. These adjustments in the passenger ceiling are part of the ongoing administrative rulemaking process and would not cut a single flight now operating at National. But a provision in the fiscal year 1984 DOT appropriations bill circumvents that process by denying funds to DOT to implement the change.

The administrative rulemaking process is the best means to achieve a balanced airports policy for the Washington area and to give all interested parties—from the airlines to the community—a chance to comment. This is a question of balance, of air and ground congestion and most importantly—of safety. I am sure my colleagues would feel as strongly as I do about this issue if airports in your districts were a part of such a rulemaking. In fairness, I urge my colleagues to consider this issue carefully and to allow this rulemaking to go forward instead of overriding that process through legislation.

NEED TO CONTINUE FIGHT FOR LOWER NATURAL GAS PRICES

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, I yield to the gentleman from Missouri (Mr. Skelton).

Mr. SKELTON. Mr. Speaker, even though we are in the midst of summer when all of us are looking for ways to stay cool during these hot days, I cannot forget the previous winters when the price of natural gas increasingly skyrocketed out of sight. It left behind many people faced with the decision of heating their homes or putting food on their tables. I am, and we all must be, gravely concerned about where the price of natural gas is headed as we plan ahead for the upcoming cold months.

Recent action in the subcommittee handling this important issue has been hampered by continued pressure from natural gas producers and supporters of the decontrol of natural gas. The subcommittee, on the brink of striking down the decontrol of old, cheap gas, adjourned until after the 1st of July. This breakthrough against decontrol and in favor of lower prices, was believed to have the support of a majority of the subcommittee. It would have significantly hampered the administration's and the natural gas producers' planned decontrol and would have set congressional action in motion.

Mr. Chairman, the people of Missouri and the United States cannot bear the burden of trying to heat their homes with these high prices in effect another winter. I urge my fellow colleagues to join me in assuring that these roadblocks by producers and decontrol supporters are knocked down. Action to curb these prices must continue during these summer months when the thought of heating our homes this upcoming winter is in the back of our minds. We must not and cannot wait until the cold weather is upon us before we take strong action against the ever-rising price of natural gas.

WHAT DOES RED CHINA MEAN BY "NORMALIZATION OF RELATIONS"?

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, ABC News has reported that the People's Republic of China has revoked Pan Americans landing rights in Peking because of the airline's decision to fly into Taipai, on the island of Taiwan. Mr. Speaker, I think it is time for the President and the Congress to ask what Red China means when it seeks normalization of relations. Does it mean unilateral actions against American businesses who trade or do business with our longtime ally, Taiwan? Does Red China mean by normalization that it will ban Taiwan from multilateral Asian organizations, such as the Asian Development Bank, which they are now insisting on.

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If this is indeed what Red China seeks to do, then we must tell them forcefully and directly that normalization is impossible. It is a violation of our sacred ties to our Taiwanese allies. And it is a clear violation of the Taiwan Relations Act. Mr. Speaker, section 2 of the act, Public law 96-8, states clearly that we have an obligation "to maintain our capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system of the people of Taiwan." Section 3 goes on to emphasize "that the President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to such danger."

Mr. Speaker, I rise today to call upon Congress, the State Department, and the President to decide on what action we will take in the wake of Red China's threat to the economic security of our age-old ally, Taiwan.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

House of Representatives,
Committee on Public Works
and Transportation,
Washington, D.C., June 10, 1983.

Hon. Thomas P. O'Neill, *The Speaker, House of Representatives, Washington, D.C.*

Dear Mr. Speaker: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on May 25, 1983:

LEASES

A modified resolution authorizing the Communications Center of the United States Information Agency be located in their new leased headquarters building at 400 C Street, S.W., Washington, D.C.

1776 Pennsylvania Avenue, NW, Washington, D.C.

Central Business District, White Plains, New York.

Indiana Building, 633 Indiana Avenue, NW, Washington, D.C.

Aronov Building, 474 South Court Street, Montgomery, Alabama.

Pershing Point, 1365-1375 Peachtree Street, Atlanta, Georgia.

One North Wacker Drive, Internal Revenue Service, Chicago, Illinois.

Mid-Continental Plaza, 55 East Monroe Street, Chicago, Illinois.

O'Hare Lake Office Plaza, 2300 East Devon Avenue, Des Plaines, Illinois.

Washington Bicentennial Building, 300 W. Washington Street, Springfield, Illinois.

Office Building No. 1, 800 Elkridge Landing Road, Linthicum, Maryland.

100 Summer Street, Boston, Massachusetts.

150 Causeway Street, Boston, Massachusetts.

12 New England Executive Park, Burlington, Massachusetts.

One Gateway Center, Newton, Massachusetts.

Two World Trade Center, New York, New York.

Western Union Building, 60 Hudson Street, New York, New York.

One Astor Plaza, 1515 Broadway, New York, New York.

Social Security Administration, One Lafrak City Plaza, Queens, New York.

Northshore Building, 1111 Northshore Drive, Knoxville, Tennessee.

500 South Ervay, Dallas, Texas.

One Allen Center, 500 Dallas Avenue, Houston, Texas.

Matomic Building, 1717 H Street, Washington, D.C.

Pennsylvania Building, 425 13th Street, NW, Washington, D.C.

Paramount Building, 1735 Eye Street, NW, Washington, D.C.

Architect Building, 1400 Wilson Boulevard, Arlington, Virginia.

Rosslyn Plaza Building C, 1601 North Kent Street, Arlington, Virginia.

Williste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

Silver Spring Plaza, 8757 Georgia Avenue, Silver Spring, Maryland.

Rockwall Building, 11400 Rockville Pike, Rockville, Maryland.

Melpar Building, 7700 Arlington Boulevard, Falls Church, Virginia.

1919 M Street Building, 1919 M Street, NW, Washington, D.C.

Thomas Circle South, 1121 Vermont Avenue, Washington, D.C.

1201 E Street Building, 1201 E Street, NW, Washington, D.C.

719 13th Street Building, 719 13th Street, NW, Washington, D.C.

Center Building No. 1, 6505 Belcrest Road, Hyattsville, Maryland.

Woodmont Complex, 8120 Woodmont Avenue, Bethesda, Maryland.

Broyhill Building, 1000 N. Glebe Road, Arlington, Virginia.

Crystal Square No. 4, 1745 Jefferson Davis Highway, Arlington, Virginia.

Crystal Square No. 34, 2121 Jefferson Davis Highway, Arlington, Virginia.

Sills Building, 5285 Port Royal Road, Springfield, Virginia.

CONSTRUCTION

Federal Archives and Records Center, Waltham, Massachusetts.

Warehouse Demolition, Los Angeles, California.

Federal Archives and Records Center, Seattle, Washington.

DESIGN OF FISCAL YEAR 1985 REPAIR AND ALTERATION PROJECTS

Asheville, NC—Grove Arcade FB.
New Orleans, LA—Hebert FB.
Forth Worth, TX—Warehouse No. 5.
Los Angeles, CA—Ct.
Los Angeles, CA—FB, 300 N. LA.
Washington, D.C.—West Heating Plant.
Washington, D.C.—Steam Complex.
Washington, D.C.—ICC—Customs.
St. Louis, MO—CT—Customs.

The original and one copy of the authorizing resolutions are enclosed.

Every best wish.

Sincerely,

James J. Howard,
Chairman.

There was no objection.

☐ 1215

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on Tuesday, June 21.

GROUND WATER RECHARGE AUTHORIZATIONS

Mr. KAZEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 71) to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 71

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High Plains States Ground Water Demonstration Program Act of 1983".

Sec. 2. The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Reclamation (hereinafter referred to as the "Bureau"), shall, in two phases, conduct an investigation of and establish demonstration projects for ground water recharge of aquifers in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming (such States to be hereinafter referred to as the "High Plains States") and in the other States referred to in section 1 of the Reclamation Act of 1902 (hereinafter referred to as "other Reclamation Act States"), as provided by this Act. The Bureau shall consult with the United States Geological Survey and other appropriate agencies and departments of the United States and of the High Plains States and other Reclamation Act States in order to carry out this Act.

Sec. 3. (a) During phase I, the Bureau, in consultation with the High Plains States and other Reclamation Act States and other appropriate departments and agencies of the United States, including the United States Geological Survey, shall develop a detailed plan of demonstration projects the purpose of which is to determine whether various recharge technologies may be applied to diverse geologic and hydrologic conditions represented in the High Plains States and other Reclamation Act States. In the preparation and development of such plan, the Bureau shall make maximum use of data, planning studies and other technical resources and assistance available from State and local entities: *Provided,* That contributions of such technical resources and assistance may be counted as part of the inkind services or other State contribution, but shall otherwise be provided without compensation to the State or local entity. This plan shall contain the selection of not less than a total of twelve demonstration project sites in High Plains States and not less than a total of nine demonstration project sites in other Reclamation Act States. Demonstration project sites shall be confined to areas having a declining water table, an available surface water supply, and a high probability of physical, chemcial, and economic feasibility for recharge of the groundwater reservoir. The plan shall provide for demonstration of the application of recharge technology and the selection of water sources, determination of necessary physical works and the operation of water replacement systems, formulation of a monitoring program, identification of any economic, legal, intergovernmental, and environmental issues and projection of planning problems associated with such systems, and recommendation of legislative and administrative actions as may be necessary to carry out phase II.

(b) During phase I the Bureau is authorized and directed to recommend demonstration projects to be designed, constructed, and operated during phase II.

(c) Within six months, after the enactment of an appropriation Act to carry out phase I, the Secretary shall make a preliminary selection of projects to receive further planning and development and shall initiate such further planning and development for those selected projects.

(d) Within twenty-four months after the date of enactment of an appropriation Act to carry out phase I, the Secretary shall transmit a report to Congress containing the recommendations made pursuant to subsection (b) and a detailed statement of his findings and conclusions.

Sec. 4. (a) During phase II, and subject to State water laws and interstate water compacts, the Bureau is authorized and directed to design, construct, and operate demonstration projects in the High Plains States and other Reclamation Act States to recharge ground water systems as recommended in the report referred to in section 4(c).

(b) During phase II the Secretary, acting through the Bureau, shall contract with the various High Plains States and other Reclamation Act States to conduct a study to identify and evaluate alternative means by which the costs of ground water recharge projects could be allocated among the beneficiaries of the projects within the respective states and identify and evaluate the economic feasibility of and the legal authority for utilizing ground water recharge in water resource development projects.

(c)(1) Within twelve months after the initiation of phase II, and at annual intervals thereafter, the Secretary shall submit interim reports to Congress. Each report shall contain a detailed statement of his findings and progress respecting the design, construction, and operation of the demonstration projects referred to in subsection (a) and the study referred to in subsection (b).

(2) Within five years after the initiation of phase II, the Secretary shall submit a final report to Congress. The final report shall contain—

(A) a detailed evaluation of the demonstration projects referred to in subsection (a);

(B) the results of the studies referred to in subsection (b);

(C) specific recommendations regarding the location, scope, and feasibility of operational ground water recharge projects to be constructed and maintained by the Bureau; and

(D) an evaluation of the feasibility of integrating these groundwater recharge projects into existing reclamation projects.

Sec. 5. There is authorized to be appropriated $500,000 for fiscal years beginning after September 30, 1983, to carry out phase I. Amounts shall be made available pursuant to the authorization contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

Sec. 6. There is authorized to be appropriated for fiscal years beginning after September 30, 1983, $20,000,000 (October 1983 price levels) to carry out phase II. Amounts shall be made available pursuant to the authorization contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

Sec. 7. The funds authorized to be appropriated pursuant to section 6 of this Act shall match on a four-to-one basis funds made available by the States, their political subdivisions, or other non-Federal entities to meet the cost of phase II: *Provided,* That, inkind services or other contributions by the States their political subdivisions, or other non-Federal entities shall be considered in the determination of the matching non-Federal share. The Secretary is authorized to enter into memoranda of agreement with any appropriate agencies or departments of the High Plains States and other Reclamation Act States to share the costs of phase II.

Sec. 8. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act (or under any amendment made by this Act) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. Kazen) will be recognized for 20 minutes, and the gentleman from Colorado (Mr. Brown) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. Kazen).

Mr. KAZEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, many of our Midwestern and Western States are experiencing serious ground water overdraft problems.

Some of the largest urban areas in the reclamation States are totally dependent upon ground water. The cities of San Antonio, Tex., and Tucson, Ariz., are both dependent upon ground water for all of their water supplies. Although Tucson will eventually receive a share of the water delivered from the Colorado River by the central Arizona project, it will still depend to a large degree on ground water.

One of the most extensive and famous of aquifers is the Ogallala in the High Plain States. This aquifer underlies an area of 156,000 square miles which runs from the edge of South Dakota into Texas. It is the largest single example of what is called the mining of ground water; that is, removing more than is being replaced.

Unless methods are developed to augment present ground water supplies, both the urban and rural areas presently dependent upon ground water will suffer. In the rural areas, it may be necessary to remove substantial acreages of now fertile lands from crop production.

While conjunctive use, conservation, and better management of existing ground water supplies are most important, one of the tools available in areas faced with declining water tables is artificial ground water recharge.

The technical aspects of artifical recharge through such methods as injection wells, percolation ponds and spreading basins have been extensively studied, but known techniques have been actually tested only on an extremely limited basis.

We have been told by the experts, including the Commissioner of Reclamation, that, in certain favorable situations, the depletion of ground water aquifers and basins could be alleviated to a significant degree by artificial recharge.

Enactment of H.R. 71 would involve the Federal Government in a cooperative program with the States, local governments, and private entities which would move beyond the study stage into the actual testing of recharge techniques.

H.R. 71 authorizes the Secretary of the Interior to conduct an investigation and establish demonstration projects for ground water recharge in the High Plains States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming, as well as in the other reclamation States of Arizona, California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, and Washington.

During the investigation stage, the Bureau of Reclamation will develop a detailed plan of demonstration projects to determine whether various recharge techniques can be applied to diverse geologic and hydrologic conditions in the areas involved.

Twelve demonstration projects in the High Plains States and nine in the other reclamation States will be indentified during the investigation stage.

The second phase will involve the actual design, construction, and operation of demonstration projects.

The first phase of the program is to be completed within 24 months of the enactment of a law appropriating money for the investigation. The second phase is to be completed within 5 years after its initiation at the end of the investigation phase. The bill requires periodic reports to Congress and a final report with recommendations at the end of the second phase.

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The bill authorizes an appropriation of $500,000 for the first phase and $20 million for the demonstration projects. It is not anticipated that the entire amount for the second phase will be appropriated in a single year, but that the required amounts will be appropriated on an annual basis, affording both the authorizing committee and the Appropriations Committee an opportunity for continuous oversight of the program.

Mr. Speaker, this is not solely a Federal program. The bill requires the involvement of the States, local governments and, where appropriate, private organizations or individuals. The Secretary will draw on the expertise available from these sources. Additionally, the funds which are authorized to be appropriated must be matched on a 1-to-4 basis by non-Federal sources.

Mr. Speaker, this is a program which will benefit not only the West, but other parts of the Nation. Some of the States in the eastern part of the Nation are experiencing problems related to the mining of ground water. Subsidence, for example, is a major problem in some areas which may be alleviated through artifical recharge of aquifers. The techniques developed by this program will be of benefit to every area which relies in whole, or in part, upon underground water resources.

Mr. Speaker, this is a modest program which anticipates and seeks to forestall a foreseeable future crisis in water supply.

Mr. Speaker, I urge approval of H.R. 71, as amended, and I reserve the balance of my time.

Mr. BROWN of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 71. This bill authorizes a cooperative program between the Federal Government, State and local governments, and private entities for the actual testing of methods of ground water recharge.

H.R. 71 directs the Secretary of the Interior to conduct an investigation of ground water recharge technologies (phase I); and to design, construct, and operate not less than 21 demonstration projects in the 17 reclamation States, to determine if various recharge methods can be used under diverse geologic and hydrologic conditions (phase II).

The bill authorizes the appropriation of funds in two phases to carry out the investigation and demonstration projects: $500,000 for phase I planning and a total of $20 million for the fiscal years beginning after September 30, 1983, to carry out phase II design, construction, and operation.

As part of the cooperative arrangement, the bill also requires a 20-percent matching share by the States involved, their political subdivisions, or other non-Federal entities, including in-kind services or other contributions.

Many of the reclamation States, especially those in the high plains, are experiencing the depletion of their ground water supplies. The levels of water tables are dropping steadily as water is withdrawn faster than it is replaced.

For many areas in the West, underground water is the only available source of supply.

Beneath 220,000 square miles of the Great Plains is the Ogallala Aquifer, a large underground reservoir of water trapped in porous rock. Farmers in eight States obtain their irrigation water for crops from the aquifer. In 1950, less than 7 million acre-feet of water were withdrawn from the Ogallala. By 1980, more than 21 million acre-feet were being pumped out annually.

Unlike rivers and streams that are replenished annually from snowmelt and natural precipitation, the Ogallala Aquifer is essentially a closed system. It receives very little runoff. As this vital water resource is depleted, significant amounts of acreage may be removed from crop production.

A rapid decline in irrigation, unless offset by other activity, would have serious economic and social consequences for the Nation. For example, eliminating irrigation from the Ogallala Aquifer in Colorado, alone, would reduce the State's irrigated acreage by 18 percent and could cause a reduction of as much as $500 million annually in the State's economy.

The Department of the Interior believes that under certain conditions, the depletion of ground water aquifers such as the Ogallala can be significantly alleviated by ground water recharge. The technical aspects of recharge have been studied, but tested on only a very limited basis. As a result, it is not know whether or not a technique shown to be successful in one region might also be successful in another.

H.R. 71 provides a cooperative means for the Federal Government, State and local governments, and private entities to work together on the actual testing of artificial recharge methods. I urge my colleagues' support of it..

Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. Lujan).

□ 1230

Mr. LUJAN. Mr. Speaker, I rise in support of H.R. 71. I was an original cosponsor of H.R. 71, because I strongly believe that it is needed to deal with one of the most pressing water problems facing the Western States—the problem of ground water supply.

THE PROBLEM

The high plains region as a whole made ground water withdrawals of over 20 million acre-feet in 1975. More than 94 percent of the irrigation water is withdrawn from the Ogallala Aquifer. Although irrigation accounts for about 85 percent of all water pumped, the large majority of municipalities and rural households also rely on ground water as their source of supply. Ground water mining—that part of ground water withdrawals which exceed recharge—has been extensively practiced. At the present rate of use, the Ogallala Aquifer theoretically contains enough water to meet the average annual amount being mined for about 150 years. However, the water is not equally distributed and often not economically available.

WHAT H.R. 71 DOES

The purpose of H.R. 71 is to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States

The committee report on H.R. 71 found:

> According to the Commissioner of Reclamation, it is believed that, in certain favorable situations, the depletion of ground water aquifers and basins could be alleviated to a significant degree by artificial recharge of such ground water areas. Enactment of H.R. 71 is needed in order to involve the Federal Government in a cooperative program with the States, local governments, and private entities which would move beyond the study stage and into the actual testing of artificial recharge methods which will have national benefits.

Artificial recharge techniques have already been employed to add water to aquifers. A variety of methods have been developed including water spreading, recharging through pits, excavations, wells and shafts, and pumping to induce recharge from surface water bodies. For example, Nassau County on Long Island. New York has been using water recharge as a successful water conservation practice since the 1930's. Ground water recharge has the potential for supplying water to affect the ground water mining now taking place. In the southern high plains there are numerous playas, or depressions, in which storm water collects. Because of their large areas and shallow depths, as much as 98 percent of the accumulated water is lost to evaporation. It is estimated that between 2 and 6 million acre-feet annually are wasted in this way, and some part of this could be incorporated in a ground water recharge program.

The demonstration projects mandated in this legislation will provide the experience in the Western States, for the country as a whole to begin to deal on a prudent basis with the increasingly serious problem of ground water recharge. By limiting the authorization to a realistic level, and providing for local participation, the committee has established the program on a sound basis, and I believe it deserves the support of all my colleagues.

Mr. BROWN of Colorado. Mr. Speaker, I yield 8 minutes to the gentleman from Nebraska (Mr. Bereuter).

Mr. BEREUTER. Mr. Speaker, I rise in support of a resolution of which I am a cosponsor, H.R. 71, and I urge my colleagues to join me in authorizing a new and innovative approach to water management and development: ground water recharge.

I want to offer special thanks and commendation to the gentleman from Texas (Mr. Kazen), chairman of the subcommittee, who has been so forceful in his leadership in bringing this bill to the floor, and thank him for the hearing, I think a very successful hearing that the committee held in San Antonio on this issue during the previous Congress.

I also appreciate the support of the chairman of the full committee, the gentleman from Arizona (Mr. Udall), and the ranking minority member of the committee, the gentleman from New Mexico (Mr. Lujan), as well as the gentleman who spoke previously, the gentleman from Colorado (Mr. Brown), and the gentleman from Wyoming (Mr. Cheney).

I think the comments about the importance of this legislation to the States of the West have been made by all previous speakers and they are very appropriate. I think, however, I might also emphasize what the gentleman from Texas has stated, that this legislation will provide benefits for the entire United States.

Mr. Speaker, we all recognize the critical water problems which are facing the entire Nation. From contaminated water supplies and antiguated delivery systems in the East, to severe shortages of water for domestic, municipal and industrial, and agricultural uses in the West, we stand poised on the verge of a national water crisis. While we have, by necessity, made some progress in the conservation and management of our water resources, much remains to be done. This bill will provide us with a valuable new tool in our efforts to address our national water problems, and I urge its passage.

We are all familiar with the serious shortages of water in the semiarid and arid areas of the Midwest and West. It is likely that some areas of the High Plains will have totally exhausted their available ground water supplies by the turn of the century. Because of this projected depletion of ground water, it is estimated that more than 5 million acres in the high plains will revert to dryland farming practices or rangeland by the year 2020. In addition, the chronic water shortages which the State of California and other Western States have suffered, and which have become even more serious in recent years, serve to further emphasize the need for a new approach to water management and development.

In some areas of the country, abundant supplies of surface water exist which could be utilized to recharge underground aquifers which are being depleted at ever-increasing rates. While the Federal Government, the States, and other water-related agencies have studied the concept of using artificial ground water recharge to rejuvenate these declining water tables, these studies have consisted of theoretical analyses of the concept, computer modeling of the limited data which is available, and hypothetical suggestions as to its possible application. Very little concrete data exists. What is needed as the next logical step is the actual construction of a number of research and demonstration projects, so that we can actually observe and quantify the benefits of artifical ground water recharge. In the event that this concept proves workable, as I believe it would, the empirical data developed as a result of this research effort can then be applied to the construction of new types of water storage and management projects which would be much more efficient, less costly, and less environmentally damaging. Furthermore, additional ground water recharge features can also be added to existing projects, making them more efficient and cost effective.

Mr. Speaker, I believe that further research and exploration of this concept could result in a feasible and cost-effective alternative to the economic disaster which will certainly accompany the depletion of our ground water supplies. If we do nothing to reverse the trend of declining water tables, whole areas of the country will face drastically altered conditions. The impact of inadequate water supplies upon agricultural production, industrial development, and energy production will be staggering. Economic development will come to a standstill without water.

The modest program which would be authorized in this bill would target those areas of the worst declines and the best possibility for a successful recharge project for further testing of the concept. The bill would authorize a minimum of 21 artificial ground water recharge demonstration projects throughout the arid and semiarid States of the Great Plains and West.

A 24-month planning phase would be followed by a 5-year demonstration phase, with positive findings and recommendations for construction of full-scale projects if the concept proves feasible.

The bill also mandates the development of a method of assessing benefits and costs of ground water recharge to project beneficiaries. It provides for cooperation between the States and the Federal Government in developing meaningful research and demonstration projects. It contains adequate protection for the water rights and the existing water compacts of the individual States. It includes an extensive reporting and monitoring requirement which will facilitate the active oversight of these projects by the appropriate House and Senate committees.

Mr. Speaker, I believe that this bill has new significant positive long-range implications for the future of water resources management of any water legislation in many years. Perhaps since the original 1902 reclamation act, ground water recharge is a relatively new concept, but an exciting one for all of us who are concerned about a continuing supply of water in the Great Plains and Western States. It is a concept that has the potential to breath new life into various areas of the arid and semiarid West. The time has come for an expanded, conjunctive approach to water development projects. This bill offers the vehicle to further explore what I believe to be a most promising course upon which to embark, and I urge my colleagues to support this progressive and innovative approach to water management.

Mr. Speaker, I think for purposes of legislative history it might be important to clarify a couple of points. I would ask the chairman of the subcommittee, the gentleman from Texas (Mr. Kazen) as well as the gentleman from Colorado (Mr. Brown) to respond to a couple of points in a colloquy if they would.

Section 7 of H.R. 71 indicates that cost-sharing shall apply only to phase II of the study. House Report 98-167, on lines 4-5 of page 5, does not distinguish whether the 4-to-1 cost-sharing formula applies only to phase II. Is it, therefore, your understanding that no cost-sharing is contemplated for phase I activities?

I would ask the gentleman from Texas first.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Texas.

Mr. KAZEN. The gentleman is correct. It does not apply to phase I, only to phase II.

Mr. BROWN of Colorado. Will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. I certainly concur with the chairman's comments. I think very clearly the answer is yes.

Mr. BEREUTER. I thank the gentleman.

My second point, section 4(c)(2)(D) of the bill refers to "an evaluation of the feasibility of integrating these ground water recharge projects into existing reclamation projects." Is it your understanding that projects need not refer only to actual constructed infrastructure but may refer to the techniques demonstrated in such projects?

I yield first to the gentleman from Colorado in this instance.

Mr. BROWN of Colorado. The gentleman's understanding is correct.

Mr. BEREUTER. I thank the gentleman. Would the chairman have the same reply?

Mr. KAZEN. Yes, I agree with the gentleman from California.

Mr. BEREUTER. I thank the gentleman.

A final question for the chairman related to the same point: It is my understanding that the intent of the committee is to integrate ground water recharge features or techniques into existent and future reclamation projects wherever feasible and cost effective. Is my understanding correct?

Mr. KAZEN. The gentleman is correct in the interpretation of the committee's intent.

Mr. BEREUTER. I thank the chairman.

I would yield to the gentleman from Colorado (Mr. Brown) for the purposes of a response.

Mr. BROWN of Colorado. I would also concur in the chairman's observation. I believe that is correct.

Mr. BEREUTER. I thank the gentleman and I thank him in general for the assistance that he has provided on this bill and special thanks again to the chairman of the committee, the gentleman from Texas (Mr. Kazen.)

Mr. Speaker, I yield back the balance of my time.

● Mr. RICHARDSON. Mr. Speaker, I strongly support H.R. 71, the ground water recharge authorizations. This bill, which is authored by the gentleman from Nebraska, Mr. Bereuter, passed the Interior and Insular Affairs Committee by voice vote.

Mr. Speaker, H.R. 71 is an important first step toward our preservation of our Western aquifers, which have been drained to dangerously low levels during the last several decades, due to increased reliance on ground water by agricultural, industrial, and municipal water users. The bill directs the Department of the Interior to study ground water recharge technologies and to design, construct, and operate demonstration projects. The bill also requires the Department to identify at least 12 demonstration projects in the High Plains States, including my State of New Mexico, and at least 9 projects in other Western reclamation States. The legislation authorizes $20 million for the design, construction, and operation of these demonstration projects and provides $500,000 for a preliminary ground water study.

Mr. Speaker, if we are going to prevent further deterioration of our Western aquifers, we desperately need this legislation. In California, the aquifers have already collapsed as a result of excessive drainage. When that happens, the aquifer cannot be revived. Therefore, I think it is imperative that we move now to identify and demonstrate technologies designed to recharge declining aquifers before it is too late to save them.

Mr. Speaker, I fully realize that Members from other parts of the country may label this legislation as pork barrel. However, I must point out that unlike most other reclamation legislation, this bill contains an explicit requirement that States, local governments and private sources meet the cost of 20 percent of the Federal funds to be allocated for demonstration projects. Since the local users will be forced to pay in this instance, the danger of wasteful spending has been eliminated.

I urge my colleagues to vote to suspend the rules and pass this important water bill.●

Mr. BROWN of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KAZEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. Kazen) that the House suspend the rules and pass the bill, H.R. 71, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONSUMER PRODUCT SAFETY AMENDMENTS OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2668.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2668, to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes, with Mr. Skelton in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California, Mr. Waxman, will be recognized for 1 hour, and the gentleman from California, Mr. Dannemeyer, will be recognized for 1 hour.

The Chair recognizes the gentleman from California, Mr. Waxman.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2668, the Consumer Product Safety Amendments of 1983, authorizes appropriations for the Consumer Product Safety Commission (CPSC) for 5 fiscal years.

CPSC is an independent regulatory agency charged with protecting the public against dangerous consumer products. It has jurisdiction over 15,000 separate products and over 1 million manufacturers and retailers.

Although the smallest health and safety agency, CPSC is the only Government body to receive a positive rating from the public in a recent Lou Harris poll. This is not surprising. In its brief 10-year existence, the agency has recalled over 300 million dangerous products averting millions of serious injuries. CPSC safety packaging rules for dangerous household substances prevent hundreds of child deaths and thousands of poisonings each year. Its crib standard saves the lives of 50 infants each year and protects hundreds more from serious injury usually involving brain damage.

Although the life-saving accomplishments of CPSC are many, the Lou Harris poll tells us that the American people want even greater protection against dangerous products. Approximately half of those polled want CPSC to do more about dangerous products. Almost 90 percent want the agency to do more about dangerous toys.

If CPSC is to do the job the American people expect, then it must have adequate funding and resources. During CPSC's last reauthorization, the administration and the business community joined forces in an attempt to abolish the agency. When that failed, they tried to bury it in the Department of Commerce—a fate equivalent to abolition. Although that effort failed too, the administration and the business community were successful in imposing unprecedented funding and personnel cuts.

In fiscal year 1981, the agency had a budget of $42.2 million and a staff of 889. In fiscal year 1982, its budget was cut 25 percent to $32 million and its staff reduced by 29 percent to 636 positions. The cuts have cost CPSC 32 percent of its scientific and technical staff.

The effect of these cuts is a dramatic decrease in product safety in the marketplace. Agency inspections have declined by 44 percent, recall checks by 64 percent, and investigations by 14 percent. Most disturbing of all, companies are no longer reporting dangerous products to the agency for recall as required by law. Apparently, the companies recognize that CPSC's scarce resources make it unlikely they will be caught. Consequently, reports regarding such dangerously defective products have plummeted 52 percent.

H.R. 2668 responds to the public demand for greater product safety. It reauthorizes CPSC for 5 years beginning at $47 million. This level of funding is the equivalent of the agency's budget in fiscal year 1981. It is also the level of funding adopted by the House in the first budget resolution. The agency is extended for 5 years to permit it to make the most efficient use of its resources.

The bill also establishes a minimum personnel level for the agency. This is necessary to halt the war of attrition being waged by the Office of Management and Budget (OMB) on CPSC. Although GAO reports that the agency has lost 32 percent of its scientific staff, OMB has proposed still deeper cuts in the agency's personnel levels.

As recently reported by the Washington Post, OMB is exploring the use of staff reductions as a means of gaining control over independent agencies. With respect to CPSC, OMB has not been successful in changing the law to its likening so it has cut staff to prevent the law from being enforced.

H.R. 2668 also amends the agency's statute to require it to treat requests for information under the Freedom or Information Act in the same manner as they are handled at other health and safety agencies. The bill permits the agency to release information in response to an FOIA request with a disclaimer explaining that the agency has not reviewed the accuracy of the information. Disclosure or reports, studies, and tests by the agency must continue to be verified and summaries sent to manufacturers for comment. Thus, companies are still protected from disclosures by the agency of inaccurate or misleading information.

In addition, H.R. 2668 reforms the agency's rulemaking authority. The reforms permit the agency to amend rules to ease the compliance burden of industry. The revisions encourage the agency to use labeling rules when regulation is necessary. Labeling rules should be encouraged because they are the least burdensome form of regulation. However, these provisions do not expand the agency's authority to write mandatory safety standards.

The bill applies the agency's recall authority to all dangerously defective products under its jurisdiction including toys. Under current law, it is easier for the agency to recall a dangerous toaster than a hazardous toy. The bill responds to the demand for greater toy safety by correcting this anomaly.

Next, the bill clarifies the agency's authority to assess civil penalties in an administrative proceeding. In the 1981 reauthorization of the agency, the Congress amended the statute to require the agency to consider certain factors in determining the size of a civil penalty. Two courts have subsequently misinterpreted that language as denying the agency administrative authority to assess civil penalties. The bill clarifies the agency's authority.

Finally the bill restores partial jurisdiction to the agency over amusement rides located in fixed site amusement parks. This will enable the agency to collect information regarding amusement rides, investigate accidents involving such rides, and order corrective action be taken regarding defective rides which pose a risk of injury to the public.

Mr. Chairman, this is an important bill reported by the Energy and Commerce Committee with bipartisan support.

CPSC is the only Federal health and safety agency charged with reducing the 36 million injuries and 30,000 deaths involving products which occur each year in the United States.

Product safety is a form of preventive medicine—for the public and for industry. It is no less important to public health than immunization programs to protect our children from infectious diseases. It saves industry millions each year by averting expensive litigation resulting from unsafe products.

I urge all Members to support the committee's bill.

Thank you.

□ 1245

Mr. DANNEMEYER. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama (Mr. Shelby).

Mr. SHELBY. I thank the gentleman for yielding.

Mr. Chairman, I rise today in opposition to H.R. 2668, a bill to reauthorize the Consumer Product Safety Commission. I strongly believe that the Commission should be reauthorized. As the chairman of the subcommittee has affirmed, this agency serves an important purpose of government, which is, namely, to protect the public against unreasonable risks of injury associated with consumer products. Its statutory mandate to administer the Consumer Product Safety Act, the Federal Hazardous Substance Act, the Poison Prevention Packaging Act, and the Refrigerator Safety Act deserves the full support of Congress.

Yet, at the same time I support reauthorization of the CPSC, I do not think that 5-year authorization providing a 58-percent aggregate increase in funding is needed. Nor do I think the other substantive changes to existing law in H.R. 2668 are necessary or justifiable. Mr. Chairman, I intend to offer an amendment in the nature of a substitute to H.R. 2668. My amendment would reauthorize the Consumer Product Safety Commission for a period of 3 years. For the years 1984 through 1986 funding levels would be established at $35,700,000, $37,485,000, and $39,360,000, respectively. Operating from a 1983 baseline level of $34 million these figures represent year-to-year increases of 5 percent, which would take into account projected inflation rates.

I offered this amendment in committee markup of this bill where it gained the support of 19 members of the Energy and Commerce Committee, just 3 short of a majority. There is a broad, bipartisan consensus not only in this body, but the other body as well, that the changes contemplated in H.R. 2668 go beyond reasonable justified bounds. As a matter of fact, just last week the other body approved a more narrow Consumer Product Safety Commission reauthorization bill than my substitute even considers. As a 2-year reauthorization, that measure contains lower dollar levels than my substitute, at $35 million for each fiscal year, making minor, technical changes in current statutes.

I would like to briefly address some of the concerns I have about the many changes proposed in H.R. 2668.

Section 3 of the bill, which establishes minimum employment levels and doubles the number of regional field offices from 5 to 10 ill-advisedly interjects Congress into management functions which are best left to the agency working in consultation with the Office of Management and Budget.

Section 4 of the bill relating to public disclosure of information completely vitiates the U.S. Supreme Court decision of CPSC against GTE-Sylvania and the amendments adopted by Congress in 1981, both of which were intended to balance the rights of consumers to information in the possession of the CPSC and the rights of business to be protected from the disclosure of false and misleading information. As I interpret the proposed changes to section 6(b) of the Consumer Product Safety Act, this needed balance would be completely undone.

Section 5 of the bill proposed repeal of procedural safeguards now applicable to the release of inaccurate regulatory impact analysis and other procedural safeguards in connection with material amendments to consumer product safety rules and rules specifying warning labels. This action will result in regulation by fiat without cost-benefit underpinning.

Section 5 also repeals certain formal rulemaking procedures required of the CPSC when it seeks to ban a household substance as hazardous. This particular section was discreetly inserted into the bill and strips from current law adjudicatory type procedural safeguards designed to prevent errors on the part of the CPSC and thereby protect the interests of consumers and business. The safeguards to be eliminated permit opponents of the rule at least one hearing to air their side of the issue, the right to cross-examine witnesses, the application of formal rules of evidence, and the right to an automatic stay of regulation pending judicial review. In my judgment the substitution of these safeguards with informal notice and comment rulemaking as called for in the committee bill does not serve the consumer, as has been recently proven by the unanimous fifth circuit court of appeals decision vacating an ill-founded Commission ban on urea-formaldehyde. When a regulatory action is proposed, such as the absolute banning of a product from the marketplace, more formal procedures are entirely justified. They insure the integrity of the rulemaking proceeding and without them it is questionable whether due process of law is observed.

Section 6 of the bill repeals the statutory standards for cellulose insulation. This proposed change is totally contrary to the best interests of consumers and is sure to create havoc in the marketplace by inviting inconsistent State and local regulation.

Section 10 of the bill curiously allows the toxicological advisory board to remain on the books forever despite the Commission's recommendation that this is unnecessary.

Section 11 of the bill repeals as a means of compliance with the guaranty provisions of the Flammable Fabrics Act the right of a manufacturer to file a continuing guaranty with the Commission rather then having to go through the costly process of providing a guaranty on each invoice or providing a continuing guaranty to each buyer of fabric or related material. The cost to administer the continuing guaranty program is miniscule—$21,000 annually—and the benefits to manufacturers and consumers far exceed this amount.

Sections 12, 13, and 14 incorporated into the original bill in subcommittee also pose serious questions as to their necessity. I have strong reservations about section 12 which grants the agency jurisdiction over fixed site amusement rides. Lengthy debate on this amendment in subcommittee bore out the folly of extending CPSC jurisdiction over fixed site amusement rides. Questionable statistics provided Congress by the CPSC did not illustrate the need for CPSC investigation of ride accidents and only cast doubts as to the ability of the CPSC to adequately and responsibly carry out this new mandate. It is highly doubtful that the consumer will be well-served by this new use of CPSC money and manpower.

Mr. Chairman, these comments are only a few of my concerns with H.R. 2668. I would just conclude that I firmly believe the Commission should be reauthorized, but without the unjustified amendments H.R. 2668 includes.

Mr. Chairman, I yield back the balance of my time to the gentleman from California, Mr. DANNEMEYER.

□ 1300

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to speak in opposition to the bill and in favor of the amendment which will be offered by the gentleman from Alabama. I do so for two basic reasons—one, because I believe that the Consumer Product Safety Commission should be reauthorized for the time and dollars specified in the amendment, and two, because, and I feel more deeply about this reason, I believe the bill sponsored by the gentleman from California is so bad that it falls under its own weight and deserves to be defeated. In fact, in all my years serving on the Energy and Commerce Committee, I have never seen a piece of legislation with which there was so little I could agree.

I will touch on some of the problems that I have with the bill before us in just a moment, but before I do I would like to make two basic observations which are intended to enlighten my colleagues here today. First of all, I want to point out that there is no other Federal agency which has the kind of jurisdictional reach as that of the CPSC. In this regard, it should be of interest to know that over 15,000 products fall under the jurisdiction of the Commission and that over 2.5 million manufacturers—or approximately one-half of all manufacturers in the entire country make goods which are subject to CPSC jurisdiction. I mention this to underscore the importance of making sure that what we do as legislators has logical underpinning because in this lacking there is great potential to wreak havoc in the marketplace, which will serve absolutely no one and especially consumers. Quite frankly, I do not think much if any of the bill has such logical underpinning.

Second, I do want to remind all of the Members that just 2 years ago Congress made sweeping changes to the various acts the CPSC administers. All of these changes were intended to address what were perceived as regulatory excesses by the Commission. In fact, the concern about regulatory abuses by CPSC was so great that an amendment in the Health and the Environment Subcommittee to abolish the CPSC and transfer its functions to the Department of Commerce fell just one vote short of passing. Furthermore, during the 1981 budget reconciliation fight, my colleagues will recall that the Jones budget included the subcommittee-passed bill which made all of these sweeping changes. It was included I presume because the gentleman from California was in agreement with the provisions of the bill. At no time during the legislative reauthorization of CPSC in 1981 did the gentleman express his opposition to these changes. Nor did he suggest that other changes such as the ones that are proposed in his bill were necessary.

Well, what has happened in the 2 years since the 1981 amendments? For one, the Commission has not implemented the amendments that were made and in fact has openly resisted many of them. And, even worse from my point of view, the Commission has worked, along with consumer groups, to persuade the gentleman from California to make changes now which not only vitiate the 1981 reforms, but go much further.

What is really wrong with the bill before us? From my perspective, practically everything. It unwisely interjects Congress into management functions by establishing minimum employment levels and statutorily doubling the number of field offices. There are virtually no other health and safety agencies with which I am familiar that are accorded such treatment.

The bill completely guts current law protections offered manufacturers and consumers against the release of false and misleading information where FOIA requests are involved. It is true that CPSC does have certain burdens placed on it with regard to information released under FOIA that are not applicable to other agencies, but as I mentioned earlier, no other agency has as broad a jurisdictional reach and corresponding power to do irreparable harm by releasing inaccurate information. All that current law requires is that CPSC takes reasonable steps to assure that the information to be disclosed is accurate, that its release is fair in the circumstances and that its release is reasonably related to effectuating the purposes of the act. What is so possibly wrong with that? I would suggest nothing at all.

The bill, without reason, says that material amendments to consumer product safety rules and rules requiring warning labels will no longer be treated the same way as original rules in terms of procedural and substantive necessities such as regulatory impact analysis. I can think of absolutely no justification for this change. Furthermore, the bill unwisely changes the

Federal Hazardous Substances Act to permit the CPSC to take regulatory action such as banning on the basis of simple notice and comment rulemaking, which does great violence to the notion of due process of law and precludes the opportunity for the development of an adequate record to support regulatory action.

Mr. Chairman, I could go on and on, but in the interests of time, I will stop here and hope that other Members will touch on the various other shortcomings of this bill. It would be my hope that a vigorous debate might ensue for I do not think that the gentleman from California has been put squarely to the test of defending his bill. Unless he can pull a rabbit out of his hat and come with a rationale for the various provisions of the bill I am constrained to vote for the amendment offered by the gentleman from Alabama and urge my colleagues to do likewise.

Another concern I have is that this measure would extend the jurisdiction of the Consumer Product Safety Commission over fixed site amusement park rides. Back in 1981, the Congress removed these rides from the jurisdiction of the CPSC because it believed that there was little justification for CPSC oversight of these rides and because such oversight was beyond the capability of the CPSC even if it were justified. Nothing has happened since then to change the situation, yet this bill would overturn the wisdom of the 97th Congress. Indeed, the statistical case presented by the CPSC during the committee hearings and markups on this bill brings into question the competence of the CPSC generally and on this issue in particular.

One problem with the 40-percent increase in injuries alleged to have resulted from fixed site rides is that those statistics include those mechanical bulls that were popular several years back and still may be found in some places. However, those bulls are already under the jurisdiction of the CPSC. Second, the estimates of amusement park ride accidents are really guesstimates based on hospital emergency room statistics. Not only do they fail to distinguish between accidents caused by mechanical faults and those resulting from horseplay, but independent studies dispute their findings. Figures compiled by both the University of Southern California and the Wharton School at the University of Pennsylvania suggest the accident rate for fixed site amusement park rides is about 1 injury for every 5.9 million rides. Are we going to suggest that, at that level of risk, we are going to expend the resources of the CPSC on additional oversight.

It should also be mentioned, in this context, that 21 States already have ride safety laws already on the books and 9 States, including five locking ride safety laws, are considering new or additional ride safety legislation. Moreover, four States do not even have a fixed ride amusement park within their borders, so what we are really talking about is a situation which is largely covered already. Moreover, the legislation to be voted on later this week by this body would likely confuse the legal picture and result in a spate of lawsuits, just as it did before Congress removed CPSC jurisdiction over these rides back in 1981.

Mr. Chairman, I also want to mention the defect in the bill wherein it reauthorizes this legislation for the next 5 years at increasing amounts totaling over the base year of 1983 an increase of 58 percent over the 5-year span.

That is a ridiculous expansion of authorization for any commission in government today considering the deficit which exists at the Federal level.

The amendment by the gentleman from Alabama (Mr. SHELBY) I think rightly places the reauthorization for 3 additional years in increases in amounts of 5 percent for each year, which is a modest and reasonable increase.

I would also like to point out to my colleagues that we have in the private sector in our country organizations that publish periodically Consumers Digest, published six times a year, based in Chicago, Ill. Maybe some of my colleagues have seen this. It talks about different products. Just to name a few. This publication was published in March-April, 1983. "New Hope for Heart Patients," "Social Security—A Billion Dollar Bailout," "Computers in the Home," "Home Insurance," "How Much is Enough?" "Designer Dresses You Can Afford," "Europe on a Budget," and so on. It does not purport to cover everything, but it gives an indication to a consumer what the interests of the consumer are and where they will be protected. You can go to a library to get one if you cannot afford the $2 purchase price.

Another publication called Consumer Reports has been in business in New York since 1936. They publish 12 times a year. This publication lists, this one particularly for June 1983 deals with sunscreens, power lawn mowers, "How to Dig Out the Lowest Airfares," "Four Small Sporty Cars," low-priced stereo receivers, thermos bottles and picnic jugs among others.

Also Consumer Reports publishes an annual publication, "Buying Guide Issue." It covers many of the products available on the market in this country. And here again, if you cannot afford the $3.50 purchase price, you can go to the public library and read it at your leisure in that public facility.

The point is that these organizations exist to evaluate products used by consumers. Somebody may say, "What about those cases where products prove to be dangerous to people and cause injury?"

Let me suggest to my colleagues that we have in place in our system a fundamental redress of grievances for excesses on the part of manufacturers in placing negligent products into the flow of commerce in the form of a product liability lawsuit. You do not have to tell imaginative lawyers what to do or when to do it if a consumer has sustained an injury. Lawyers are prone to rush to the courthouse with a filing fee and bring the builder or the developer or entity that places products into the flow of commerce to the bar of justice and compel them to compensate a person who has been injured.

It does not take a great deal of imagination for any of us to realize that the potential of that product liability lawsuit acts as a deterrent to a manufacturer before they place a product into the flow of commerce and what is more important, perhaps, to what we see in those product liability suits is what we do not see in terms of the ability of that manufacturer to obtain product liability insurance to cover the possibility of a lawsuit being filed.

Many insurance companies require a review of products that are placed into the flow of commerce before they will write that product liability insurance and I would submit that the availability of this type of remedy to a consumer is not going to cover every risk, of course. There is nothing that we can produce in this country that is going to be absolutely safe under every circumstance, but the point is that this existing remedy to bring relief to consumers is something that all consumers should be aware of in evaluating whether we should reauthorize this Commission in future years for up to $57 million in 1988.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2668 has broad support with the public; 24 individual consumer, aging, and labor organizations have written Members urging the House support for the legislation and opposition to a substitute offered by Messrs. SHELBY and BROYHILL. These organizations include the Consumer Federation of America, Consumers Union, the International Association of Machinists and the International Ladies Garment Workers Union.

I include in the RECORD at this point a copy of a letter dated June 20, 1983, from these organizations:

CONSUMER FEDERATION OF AMERICA,
Washington, D.C., June 20, 1983.

DEAR MEMBER: As representatives of consumer, labor, health, senior citizen and cooperative organizations representing several

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million Americans, we write to urge you to support H.R. 2668 when it comes to the House floor this week. This legislation, which reauthorizes the Consumer Product Safety Commission and restores its ability to do its job, will send a clear message that Congress is committed to a genuine effort to rid the marketplace of dangerous products. In contrast, a vote for the Shelby substitute amendment endorses the idea that an underfunded, weak and demoralized product safety agency is sufficient. Accordingly, this substitute and all other weakening amendments must be defeated.

As you know, the Commission is a small agency with a huge mandate. Its jurisdiction extends to over 15,000 consumer products which are involved in 25,000 deaths and 30 million injuries each year. The CPSC faces this staggering job with a budget of only $33 million and a staff of less than 650 full-time employees.

The Commission's current funding level is a result of a one-third cut mandated by the 1981 Reauthorization. That cut has produced very damaging consequences. Thirty-two percent of the CPSC's scientific and technical personnel have left the agency. Field inspections, investigations and recall checks have been reduced dramatically. The Commission even lacks the resources to revise a thirty-year-old clothing flammability standard that, according to a recent court decision, a common newspaper could meet. The implications of these budget reductions are not lost on industry. Sensing a weakened policing function by the CPSC, businesses have cut back on voluntary reporting of possible product hazards by 52 percent.

What these facts suggest is that the Commission simply cannot do an adequate job given its current level of resources. While it is clear that a weak CPSC hurts consumers and the overall level of product safety, it should also be clear that the lack of funding damages industry as well. Lacking the contract dollars, staff time and scientific expertise to proceed with mandatory and voluntary rulemaking expeditiously, the Commission will be forced to draw out its activities over a period of several years. During that process, industry will remain uncertain of the outcome and will be unable to plan its production and marketing with any degree of precision.

H.R. 2668 will remedy these problems by restoring the CPSC budget to realistic levels and by giving the Commission a sufficient reauthorization period to plan and carry out long-term product research and investigations. The legislation will also put the CPSC's ability to disclose safety information and to fine safety violators on the same footing with other health and safety agencies. Overall, H.R. 2668 will put the Commission on firm ground for the first time since 1980.

In stark contrast, the Shelby substitute would lock the CPSC into a position of weakness for another three years, leaving it with inadequate budgetary authority, vulnerable to further OMB interference with personnel levels and unable to get important safety information to the public.

Only by opposing this amendment and voting for the strong bill sponsored by both Subcommittee Chairman Henry Waxman and Committee Chairman John Dingell will Congress give product safety the vote of confidence it sorely requires. Such a vote will mirror the public's demonstrated support for the CPSC. For the Commission was the only federal agency to receive an overwhelmingly positive response in the recent Harris Poll, "Consumerism in the 1980's". A vote for H.R. 2668 will send the same message from the House of Representatives.

Sincerely,

David Greenberg, Consumer Federation of America; Arnold Mayer, United Food, and Commercial Workers; Bill Holayter, International Association of Machinists; Jacob Clayman, National Council of Senior Citizens; Barbara Warden, National Consumers League; Janet Hathaway, Congress Watch; Ann Brown, Americans for Democratic Action; Lee Richardson, Maryland Citizens Consumer Council; Dermit Shea, Association of Massachusetts Consumers; Nell Weekly, Louisiana Consumers League; Rebecca Lightsey, Texas Consumer Association; Ken McEldowney, San Francisco Consumer Action.

Evelyn Dubrow, International Ladies Garment Workers Union; Mark Silbergeld, Consumers Union; Ellen Haas, Public Voice for Food and Health Policy; John Brown, International Union of Operating Engineers; Mel Zelenak, American Council on Consumer Interests; Joe Tuchinsky, Michigan Citizens Lobby; Jean Ann Fox, Pennsylvania Citizens Consumer Council; Al Luzi, Milwaukee Concerned Consumer League; Helen Nelson, TURN, San Francisco; Tom Ryan, Missouri Public Interest Research Group; Stanley Yarkin, Greenbelt Consumer Cooperative; Bill Wynn, North Carolina Consumers Council.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. Wyden).

Mr. WYDEN. Mr. Chairman, I rise in support of this bill, which I believe is critical if we are to protect the American public from unsafe products.

Recent polls have shown that the American public supports basic consumer protection services of Government.

A Louis Harris poll conducted for the Atlantic Richfield Co. earlier this year showed that 94 percent of the public thinks that the Government should approve new drugs before they are sold. According to that poll, some 88 percent also think that Government should examine the safety of toys—before those toys wind up seriously injuring our children—while 67 percent believe Government should decide if advertisements are misleading.

Yet despite these surveys—which clearly show that the public objects to a dismantling of basic consumer protections this administration has, since 1982, mounted a systematic attack on the budget and personnel levels of the Consumer Product Safety Commission.

These attacks have severely curtailed the CPSC's ability to protect the American public: inspections by the agency are down 44 percent, recall checks by 64 percent and investigations by 14 percent.

H.R. 2668 would modestly restore some of the CPSC's mandated abilities to protect American consumers.

Included in this bill is a provision which restores the CPSC's jurisdiction over fixed site amusement park rides. There have been a number of gross distortions by opponents to this section that I would like to clear up.

First, there is a clear and compelling need for CPSC jurisdiction over these rides. Presently, less than half the States—21—have done anything to protect the safety of our families in this area—with still fewer dealing specifically with fixed site rides.

And although additional States are considering legislation to address amusement ride hazards, there is a big difference between considering legislation and actually enacting it.

According to newspaper reports, Pennsylvania legislators recently voted down amusement ride legislation for the fifth time in 12 years. In addition, legislation dealing with this area has been killed in Colorado, Georgia, and Indiana, and pending legislation in Missouri and New Hampshire faces strong industry opposition.

In 1982, according to CPSC's estimate, some 5,000 persons were injured on fixed site amusement rides. Another 2,000 were injured on fixed site water slides.

Given injury trends on amusement rides, these figures represent a dramatic increase in the number of injuries over the past 2 years.

Opponents would also have us believe that the CPSC does not have the expertise to regulate products as complex as amusement rides.

This is simply not true. The CPSC employs competent mechanical, electrical, and structural engineers to deal with product hazards, many of which are substantially more complex than amusement rides.

The agency also has experts who have specific knowledge regarding amusement rides, including staff who have participated extensively in corrective actions on amusement rides. And to the extent that the CPSC does not have in-house expertise, it can turn for assistance to technical bodies like the National Bureau of Standards.

In conclusion, the case for denying the CPSC a modest role in overseeing fixed site amusement rides does not stand up under scrutiny. The provision contained in the committee bill will require absolutely no new paperwork or impose any new recordkeeping burdens on the industry—but it will provide a big payoff in terms of lives saved and injuries prevented.

I certainly do not contend that the CPSC, with its limited budget, can prevent all injuries on fixed site rides. However, I do believe that it can prevent a significant number of them—especially where there is no other authority to deal with amusement ride hazards.

Mr. Chairman, I urge my colleagues to vote for their constituents and for consumer safety by supporting H.R. 2668 and rejecting any crippling amendments or substitutes.

□ 1315

Mr. WAXMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing my remarks, I want to say just a few comments.

This organization is 10 years old, having been initially authorized in 1973. I want to remind my colleagues that the votes by which this measure came out of the Energy and Commerce Committee was very close, 23 to 19. That certainly does not appear to this Member from California to be a mandate and I think augurs well for the possibility for an amendment by the gentleman from Alabama (Mr. Shelby) that it would be the sense of the House to adopt that alternative in the form that it will be presented.

Mr. Chairman, in closing, I insert in the Record an article which is an excellent example of the excesses of the abuse of power of this CPSC, published in 1983 by James J. Kilpatrick, relating to the controversy that developed over urea-formaldehyde foam insulation, otherwise known as UFFI, and the action taken by the CPSC on very skimpy evidence which was found to be deficient by a circuit court of appeals, and the terrible damage that was done to this industry and the country without proper justification of what that has meant to the hundreds of businesses that were adversely affected:

An Outrageous Abuse of Power

(By James J. Kilpatrick)

Back in November 1980, you may recall, the Consumer Product Safety Commission issued a dramatic press release. The handout warned that urea-formaldehyde foam insulation (UFFI) carries a risk of causing cancer in humans. Some 500,000 homes had been so insulated, and more than a thousand small businesses were then engaged in UFFI installation.

The businessmen protested bitterly—indeed, desperately—that there was no convincing evidence to justify such a warning. The commission had acted in large part upon the basis of a study involving rats that had been exposed to massive doses of formaldehyde fumes. The installers said the study was flawed. They begged the commission to act, if at all, under the Federal Hazardous Substance Act, which would give them an opportunity in a formal hearing to challenge the evidence.

The Consumer Product Safety Commission proved adamant. Months went by. The bottom dropped out of the UFFI business. Dozens of installers went into bankruptcy. Finally, in April 1982, the commission issued a rule banning formaldehyde insulation in schools and homes. The surviving installers brought suit, and now, almost exactly a year later, the makers and installers of UFFI have been vindicated. On April 7, the Fifth U.S. Circuit Court of Appeals vacated the rule.

It is hard to tell the story calmly, for the sequence of events provides an outrageous example of the abuse of bureaucratic power. In retrospect, it is clear that there never was any justification for the actions taken by the commisison. This was zealotry, pure and simple.

As the court pointed out, formaldehyde is among the most universal of all chemical compounds. It has been in widespread commercial use for almost a century. It turns up in shampoo, toothpaste, cosmetics, paper towels, plywood, particle board and textiles. "It is present in every cell in the human body and in the atmosphere." No study ever has demonstrated that persons regularly exposed to formaldehyde—notably the workers in plants producing 7 billion pounds of the chemical every year—have any unusual incidence of cancer.

In the study chiefly relied upon by the commission, the test animals were subjected for two years to "average" levels of 14.3 parts per million formaldehyde for six hours a day, five days a week. Because rats breathe only through their noses, it could not have been surprising that 103 of the rats developed nasal carcinomas. But this "average" was deceptive. The rats in fact were exposed regularly to much higher doses. "The average daily high was a near-lethal 32.4 per million." By contrast, a University of Iowa study found an average level of 0.059 parts per million in UFFI homes.

The commission also relied upon tests of simulated wall panels, but these fabricated panels bore only a superficial resemblance to actual houses. The commission said it had investigated 350 homes whose occupants had complained of sneezing, coughing and wheezing after UFFI had been installed, but on careful examination it appeared that little cause-and-affect proof had been adduced. Some of the commission's evidence as to irritants, said the court, "is worth exactly nothing."

The commission's ban covered not only homes but also schools. But only one complaint ever was received about UFFI in a school, and that complaint was never investigated. "The ban in schools was completely unsubstantiated. . . . The record clearly demonstrated that the commission never made any real attempt to address the risk of UFFI in buildings other than homes."

The commission is expected to appeal the unanimous decision of the three-judge court, but such further litigation would smack more of vindictiveness than of hope for reversal. The palpable truth is that the commission acted from the beginning on little more than suspicion and surmise, unsupported by substantial evidence. Not a single case of UFFI cancer in humans ever was cited. About all the bureaucracy has demonstrated in this dismal case, as the bankrupted installers can attest, is that the power to regulate involves the power to destroy.

● Mr. DINGELL. Mr. Chairman, today the House is considering legislation to authorize appropriations for the Consumer Product Safety Commission. The legislation would also restore CPSC manpower levels and counteract the disastrous impact of the 33-percent cut in funding the administration forced upon the Commission in the 1981 reauthorization. This bill is a reasonable response to the public's desire for a greater commitment to remove dangerous products from the marketplace.

This is a consumer vote, perhaps the most important consumer vote facing Members this session. In February, Lou Harris released a poll in which the CPSC was the only Government agency to receive a positive rating from the public. America not only supports CPSC, it wants to strengthen it. The committee bill, H.R. 2668, responds to the public demand for a return to product safety.

The Shelby substitute was rejected by the committee because it denies CPSC adequate funding, staff, and authority.

The committee bill restores the CPSC budget. In fiscal year 1982, CPSC was cut by one-third, more than any other health and safety agency. These cuts have resulted in a dramatic reduction in consumer safety. Agency inspections are off by 44 percent, recall checks by 64 percent and investigations by 14 percent. Industry feels comfortable that available consumer protection is spread too thin. Voluntary compliance is way down. The number of reports by industry about products which may contain substantial hazards has dropped by 52 percent. H.R. 2668 assures the agency adequate funding and reverses this trend. The Shelby substitute would continue it by cutting authorized funding by over $60 million.

The committee bill stops further RIF's. CPSC has lost 32 percent of its scientific and technical staff. OMB plans further cuts. H.R. 2668 stops OMB from crippling the agency with further cuts.

A recent "Dear Colleague" letter in support of the Shelby substitute claims that our provisions for minimum employment levels and a minimum number of field offices interject Congress into what are clearly management or executive branch functions. But the administration has been legislating through the budget process for over 2 years now. The committee bill is a clear signal to the White House and OMB that this will no longer be tolerated. The Shelby substitute would continue to permit OMB to function as a surrogate legislature and abolish CPSC a little bit at a time.

The committee bill permits the agency to respond to requests for information under the Freedom of Information Act in the same manner as other health and safety agencies. Currently, CPSC may not respond to FOIA requests until the manufacturer has had 30 days to censor the agency's response. H.R. 2668 strikes this provision in order to obtain a fair balance between the public's right to informa-

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tion and business' right to be protected from the disclosure of false and misleading information. The Shelby substitute would continue to gag the CPSC and frustrate the public's right to know about dangerous products.

The committee bill makes a number of reforms in CPSC rulemaking procedures. Perhaps most important are the simplified procedures for amending a standard to reduce the compliance burden on industry. The Shelby substitute does not reform the agency's rulemaking authority in any way.

Although the CPSC is the smallest health and safety agency in the Federal Government, it is one of the most effective. In its 10-year existence, it has recalled over 300 million dangerously defective products averting millions of serious injuries to consumers and countless expensive lawsuits against industry. The committee bill assures the continuance of that proud tradition.

Therefore, I urge my colleagues to support the bill H.R. 2668 and reject the Shelby substitute.●

● Mr. CORCORAN. Mr. Chairman, I rise in opposition to H.R. 2668, the Consumer Product Safety Amendments of 1983 and in support of the amendment in the nature of a substitute which will be offered by our colleagues, the gentleman from Alabama (Mr. Shelby) and the gentleman from North Carolina (Mr. Broyhill). While I support the need for a strong Consumer Product Safety Commission, I do not believe that a 5-year extension of the Commission with an aggregate increase in funding of 58 percent is necessary and warranted to assure the health and vitality of the CPSC. I believe that the Shelby-Broyhill substitute, which extends the Commission's authorization for 3 years at a reduced funding level, will not make the substantive changes to the CPSC administered statutes—coming on the heels of the numerous changes made in the reconciliation process in 1981—that H.R. 2668 will make.

Furthermore, I believe that section 12 of the committee-passed bill unwisely reverses action taken by Congress 2 years ago denying CPSC jurisdiction over fixed site amusement parks. At that time, Congress was persuaded that the States can sufficiently regulate such parks and that the Commission is ill-equipped to so regulate. This is another example of the Federal Government meddling in affairs best managed by the several States. I am unaware of any facts that have occurred to conclude that the present law should be modified in this regard.

increases of 5 percent is much more in keeping with our efforts to reduce the growth in Federal spending and, therefore, reduce already-high Federal budget deficits.●

● Mr. BROYHILL. Mr. Chairman, I rise in opposition to the bill and in support of the amendment (H.R. 3015), which will be offered to the bill by our distinguished colleague from Alabama (Mr. Shelby). In doing so, I would like to associate myself with the remarks of both the gentleman from Alabama and the gentleman from California (Mr. Dannemeyer). I think each has done a commendable job highlighting the very real deficiencies with the legislation before us, which will lead them and me to vote for the Shelby substitute when it is offered in the Committee of the Whole later this week.

At this time, I will not belabor the Members' time by reciting my concerns with the bill, although I do intend to go through them when the bill is open for amendment. However, I would like to provide a brief bit of history about the Consumer Product Safety Commission in order to indicate part of the reason I oppose H.R. 2668. In 1972, I was the ranking minority member of the subcommittee which drafted the bill establishing the CPSC. I worked very hard with the chairman of the subcommittee at that time, John Moss, to secure passage of the legislation.

Believe me, it was a very painstaking process, which involved much compromise and the balancing of legitimate interests. At the time the original CPSC legislation was drafted we knew very well that the agency would have vast jurisdictional reach with accompanying power to seriously affect competition in the marketplace. Accordingly, we were very careful to insure that CPSC's regulatory powers were clearly defined.

Since the agency opened for business in 1974, it has done some very positive things on behalf of the consumers of this country. In this regard, the agency can take pride in the fact it has removed nearly 300 million potentially hazardous product units from the marketplace. Yet, as we all should be aware, the Commission throughout its history has come under heavy criticism from nearly everyone, including consumer groups, industry, other Government agencies, and the Congress itself.

Reflecting this criticism, in the 1981 reauthorization of the CPSC, several significant changes were made to the statutes within CPSC jurisdiction, all complaints from regulated industry over the way the Commission had performed and which originated the reform legislation that ultimately passed the Congress and was signed by the President.

In the 2 years since the 1981 amendments became law the number of horror stories about the Commission have decreased and to its credit, the Commission has made some progress in developing cooperative relationships with industry to address unsafe products in the marketplace, instead of pursuing adversarial relationships which serve no one's interest and, in particular, those of the consumer.

Mr. Chairman, against this historical background, I read the bill before us as seriously undermining both the carefully balanced CPSC enabling legislation and the 1981 reform amendments. Quite frankly, it is my judgment that if H.R. 2668 were to be enacted in its present form we would be inviting a return to the pre-1981 horror stories which prompted the changes made in the 1981 reauthorization of the Commission. So, I will vote for the Shelby substitute, which offers a reasonable pro-CPSC, proconsumer and proregulatory reform alternative to H.R. 2668, and urge my colleagues to do likewise.●

Mr. DANNEMEYER. Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Gephardt) having resumed the chair, Mr. Skelton, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 2668, to amend the Consumer Products Safety Act to extend it for 5 fiscal years, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2668.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MILITARY CONSTRUCTION

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, with Mr. Kildee in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California (Mr. Dellums) will be recognized for 1 hour, and the gentleman from Virginia (Mr. Whitehurst) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. Dellums).

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the Committee on Armed Services brings to the House H.R. 2972, the fiscal year 1984 military construction authorization bill.

In presenting this legislation, I want to express my appreciation to the distinguished gentleman from Colorado (Mr. Kramer), the ranking Republican member of the Subcommittee on Military Installations and Facilities, for his leadership and help during our consideration of the bill. Also, I want to thank the other members of the subcommittee for their diligent work on this bill, particularly at a time when we face such severe budgetary constraints.

Overall, the committee believes that H.R. 2972 is a good bill. It represents a balanced effort to meet both the fiscal constraints that face us and to respond to the most pressing military construction requirements of the military services.

While I did not vote for the bill because of certain policy issues as indicated in my additional views in the report accompanying H.R. 2972, it is my responsibility as chairman of the subcommittee to serve as floor manager of the legislation. In doing so, I want to point out that this bill does have the overwhelming support of the full Committee on Armed Services.

For the Members' benefit, I want to briefly review the development of this legislation.

The purpose of the bill is to provide new military construction authorization and related authority in support of the military departments, defense agencies, and Guard and Reserve Forces. Its enactment is necessary before appropriations can be provided

new fiscal year. This amount is $577,501,000 below the requested level.

The full committee's actions followed extensive hearings and review by the Subcommittee on Military Installations and Facilities. Because of budgetary constraints, as dictated by House action on the first concurrent budget resolution, the committee adopted certain procedures as outlined in the committee report that resulted in a number of reductions being made and some projects being deferred that may otherwise be considered valid requirements.

As a result of these actions, the committee was able to reduce the $8.5 billion request by $977.5 million. At the same time, because of their relative priority in terms of contributing to readiness, morale and operational capabilities, some $400 million in projects were added. In taking this action, the committee also took into consideration the current favorable bidding climate, lower inflation rates, and the serious unemployment conditions facing the construction industry. Thus, with the add backs the final reduction in the administration's request totals some $577.5 million.

In the interest of time, I will not detail the actions taken by the committee. The committee report fully explains those actions. Briefly, I will, however, highlight some of the major adjustments made by the committee:

One. A $400.3 million reduction in the MX construction program. This action is consistent with the administration's decision to house the MX missile in existing Minuteman silos. Also, it is consistent with Armed Services Committee action on H.R. 2969, the defense authorization bill.

At the appropriate time, I intend to offer an amendment that would preclude the obligation of any of the funds for construction of MX facilities until the procurement of the MX missile is authorized by law. This amendment is in order since the House has not taken final action on the question of procuring the MX missile. As my colleagues will recall, the House is not scheduled to consider title III of H.R. 2969, the defense authorization bill, until after the Independence Day district work period. Title III provides for authorization of appropriations for the procurement of the MX missile.

Two. A $101.2 million reduction in the ground-launched cruise missile program (GLCM). The decrease reflects the committee's decision to defer $34 million for supporting facilities in the fifth country where the

the uncertainty with the current negotiations at Geneva, the committee determined that a 1-year deferral would be appropriate. This action will not stop the beddown of the missile system and it should not cause undue hardships for Air Force personnel since their scheduled arrivals at the various bases would be at staggered intervals.

Three. A $95.9 million reduction for projects eligible for NATO funding. Included in this action is a reduction of $47.2 million for the improvement of selected airbases in Europe and for naval support facilities in Iceland. In addition, the administration had requested $66.7 million for NATO-eligible work to upgrade Turkish airbases. The committee agreed to authorize $18 million for the program and apply it to the NATO infrastructure program. This amount represents the 27.4-percent share that the United States contributes to the NATO program. The U.S. share would become available when the other NATO countries provide their share.

Also, the committee adopted language that establishes a requirement for the Secretary of Defense in consultation with his NATO counterparts to develop a precise schedule for the recoupment of U.S. funds that have been used to prefinance NATO eligible projects before any funds authorized in fiscal year 1984 could be used for such purposes. The Secretary of Defense, however, may waive this requirement for projects that are certified to be of vital national security interests to the United States.

Four. A $70.1 million reduction in projects in Greece and the Philippines where U.S. base rights issues had not been resolved at the time the committee marked up the bill.

At the same time, the committee authorized some $45 million in additional authority for the Guard and Reserve construction program. This action is consistent with the committee-approved defense authorization bill, H.R. 2969, that emphasized greater utilization of the Guard and Reserve Forces and deferred the requested increases in the end strengths of the Active Forces.

In the general provisions, the committee approved the following major items:

One. New housing assurance and leasing programs that are designed to provide needed housing in high-cost areas and meet the needs of the lower enlisted personnel ranks.

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new housing built near military installations. Any such agreements, subject to the availability of appropriations, would be submitted to the appropriate committees for review.

Three. In the case of the leasing provision, the service secretaries would be authorized to obtain new or existing housing at or near a military installation. Subject to the availability of appropriations, leases could be executed for up to 20 years in the continental United States, may not exceed the current cost limitations on annual leases and would be limited to 300 units per installation. The service secretaries would be required to submit the proposed leases, along with certified lifecycle cost analyses, to the appropriate committees for review. The analyses would have to demonstrate that it would be more cost effective to lease the housing than to build it through conventional military family housing construction.

Four. Also, the committee approved three fair and equal market value land exchanges and two land conveyances.

In conclusion, Mr. Chairman, the committee believes that it has fashioned a good product that deserves favorable consideration by the House.

□ 1330

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I would be very pleased to yield to my distinguished colleague.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, first I wish to compliment the chairman, the gentleman from California, and the other members of his subcommittee. you did a difficult job. You came in a little more than half a billion dollars under the administration's request. This was not easy to do, and I compliment you on the painstaking, tedious, hard work that this result is the product of.

Next, I also wish to thank the gentleman from California and the other members of the subcommittee for taking a good, hard look at Whiteman Air Force Base, which is within the Fourth Congressional District of Missouri which it is my privilege to represent. As the gentleman knows, for 2 years running now, the Department of Defense has overlooked Whiteman Air Force Base. This subcommittee and the Committee on Appropriations last year gave us some much needed, long overdue funding, and this year you are helping us play catch-up football for some very needed maintenance and housing facilities.

Whiteman Air Force Base has just been overlooked. When it is compared to other Air Force bases across the Nation, even though there have been those within the Air Force who have recommended and have seen fit, as the chairman knows, the Department of Defense has not come forth with the recommendations for us. But for the gentleman's committee, this would not be possible.

We all know, Mr. Chairman, and you have recognized this, that if we are going to keep good people in the military, we are going to have to have good places for them to reside, we are going to have to have good equipment, we are going to have good maintenance facilities. That is not very glamorous, but it is very important not only to our military, it is important to our Air Force, it is important to Whiteman Air Base, and I wish to thank the gentleman and his committee and give a special note of thanks to the every hard working and dedicated staffer, Alma Moore, for her diligence in this regard.

Mr. DELLUMS. On behalf of myself, members of the committee, and staff, I thank my colleague for his kind and generous remarks.

Mr. Chairman, I reserve the balance of my time.

Mr. WHITEHURST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to express my full support of the fiscal year 1984 military construction authorization bill that is before us today.

As the gentleman from California, Mr. Dellums, has explained, H.R. 2972 represents an effort by the Armed Services Committee to respond to the military services' construction needs and at the same time do it within the fiscal constraints established by this body in passing the first concurrent budget resolution. That means that some projects with valid requirements have had to be deferred. In doing this, however, the committee tried to postpone only those projects whose deferral would not impair our defense capabilities.

In this bill, we have projects that will improve or replace the inadequate working spaces of our military personnel and the substandard housing units where they live. There are also projects that are necessary for fielding some of the new weapon systems entering our three services, all of which will greatly improve our Nation's fighting capability should it ever be required.

Mr. Chairman, this is a well-balanced bill not only from a fiscal perspective but in giving our military forces the new and improved facilities they need to carry out their missions for preserving the peace. Therefore, I urge that this bill be passed by the House.

Mr. Chairman, parenthetically, I would like to salute our chairman. This was his first year in chairing this subcommittee, of which I have been a member now for over a dozen years. I believe that he discharged his responsibilities in a very effective way and I look forward to many more years of service with him.

Mr. DELLUMS. Mr. Chairman, first, just briefly, I would like to thank my distinguished colleague for his kind and generous remarks, and I look forward to serving with him for a long period of time.

Mr. Chairman, I would now yield such time as he may consume to the distinguished gentleman from Mississippi, Mr. Montgomery, the ranking majority member of the subcommittee.

Mr. MONTGOMERY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 2972, which is the Military Construction Authorization bill for fiscal year 1984.

Mr. Chairman, I did vote for the bill and say that the chairman, the gentleman from California, Mr. Dellums, was certainly fair with members of the subcommittee and I enjoyed very much working with the gentleman. I am, as he said, the ranking majority member on that subcommittee.

Mr. Chairman, the bill represents a balanced approach both in terms of meeting the most pressing military construction and family housing requirements and in being fiscally responsible.

H.R. 2972 is consistent with the action taken by the House on the First Concurrent Budget Resolution. It is some $578 million below the administration's request of $8.5 billion, at the same time, the $7.9 billion authorization contained in the bill provides 8.2 percent real growth over the $7 billion authorization enacted for fiscal year 1983. As such, this level of real growth will permit the military services and the Department of Defense to meet their most urgent needs, particularly those issues involving quality of life.

For the benefit of my colleagues, I want to highlight some of the major items contained in this bill.

First: $146.6 million for rapid deployment of U.S. Central Command Forces;

Second: $106.2 million for ground-launched cruise missile (GLCM) base support facilities for nonaccompanied personnel only. The Committee deferred for 1 year authorization for accompanied tour projects, such as schools, family housing and other family-oriented facilities because of the uncertain status of current negotiations on intermediate nuclear forces in Europe;

Third: $168 million for NATO infrastructure;

Fourth: $47 million for overseas dependent schools;

Fifth: $132 million for facilities in support of Trident submarines and the new Trident II (D-5) weapon system;

Sixth: $117 million for energy conservation projects designed to achieve compliance with the National Energy Conservation Policy Act;

Seventh: $66 million for projects required to comply with environmental laws;

Eighth: $111 million for modernization of medical facilities;

Ninth: $48.7 million for facilities in support of the MX missile. This authorization reflects the Presidential Commission's decision to house the MX in existing minuteman silos. Funds may not be obligated or expended until the Secretary of Defense has provided Congress with a precise schedule for development and deployment of a small mobile missile;

Tenth: $85 million for modernization of U.S. naval shipyards; and

Eleventh: $182 million in construction of 1,960 new units of military family housing.

Mr. Chairman, one other major point is appropriate. The committee has added $45 million for National Guard and Reserve construction. This action is consistent with committee action on H.R. 2969, the defense authorization bill for fiscal year 1984 that places greater emphasis on utilizing our Guard and Reserve Forces by deferring the requested increases in active duty personnel end strengths.

In the military family housing area, the committee has included two housing initiatives that are designed to provide additional tools for the armed services for meeting the housing needs of our military families.

Section 802 of the bill establishes a leasing program for new or existing housing on or near military installations. The program would involve the private sector and is expected to be used for meeting the housing needs of our lower enlisted ranks who, in the high cost areas, are not able to find decent, aforable housing.

The other program, section 803, authorizes a 2-year pilot program that would permit the military services to negotiate agreements with private developers that would guarantee 97 percent occupancy of new rental housing to be built near military installations. Again, the purpose of this program is to involve the private sector and to develop affordable housing for our military families.

In conclusion, Mr. Chairman, H.R. 2972 is a good bill that deserves the support of the House.

Mr. DELLUMS. Mr. Chairman, I would like to thank my colleague for his remarks.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITEHURST. Mr. Chairman, we have no further requests for time on this side, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Bennett) having assumed the chair, Mr. Kildee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 2972, to authorize certain construction at military installations for fiscal year 1984, and for other purposes, had come to no resolution thereon.

□ 1340

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 91, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. BETHUNE. Mr. Speaker, I object.

Mr. JONES of Oklahoma. Mr. Speaker, would the gentleman withhold his objection?

Mr. BETHUNE. I will withhold my objection, and reserve the right to object.

Mr. JONES of Oklahoma. Mr. Speaker, if the gentleman will yield, may I ask the gentleman why he objects? As I understand it, this request has been cleared with the minority leadership. I have personally discussed this with the gentleman from Ohio (Mr. Latta) the ranking Republican on the Committee on the Budget.

The reason we are making this request is so that Members will have 1 day more in which to view and read a conference report, assuming we reach agreement today. We will have to go to the Committee on Rules tomorrow and get a rule on this, which means that Members would have 1 less day in which to read the conference report, if the gentleman insists on his objection.

Mr. Speaker, I just wonder if there is a reason why the gentleman would have to object to this.

Mr. BETHUNE. Mr. Speaker, the gentleman from Arkansas does object.

Mr. JONES of Oklahoma. Without reason?

Mr. BETHUNE. Not without reason. The gentleman objects.

The SPEAKER pro tempore. Objection is heard.

PRISON INDUSTRIES IMPROVEMENT ACT

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, today I have introduced a bill which removes most of the remaining roadblocks to the development of both State and Federal prison industries which can provide training to inmates in gainful occupations and relieve the American taxpayers of enormous costs in operating our prisons. Chief Justice Warren Burger recently noted:

> * * * since we seem to be embarked on a massive prison construction program, we should try a new approach—convert our "warehouses" into factories with fences around them * * * creating prison industries with incentives for good performance would accomplish the dual objective of training inmates in gainful occupations and taking off the backs of the American taxpayers the enormous load of maintaining the prison system of this country.

Last year it cost $378 million to incarcerate 20,000 Federal prisoners, and it cost millions more for the State governments to house the many, many more State prisoners. The only sensible way to end the staggering growth in these costs to the taxpayers as well as provide reasonable training to inmates is to remove the obstacles to the path of the development of profit-making prison industries.

For many years there has been an archaic Federal law on the books which makes it a crime to sell and transport prison-made goods across State lines. A couple of years ago, Congress created an opportunity for a few pilot programs to be developed where State prison-made goods could be sold across State lines. Certain conditions had to be met including payment of minimum wages and specified deductions could be taken from the prison wage for room and board, taxes, reimbursement of victims of crime and the like. The bill I have introduced would make legal any sale of State prison-made goods across State lines, provided the prison industry producing the goods met these criteria.

The Federal prison industries system seems to be working well, but the taxpayer is not allowed to save any costs since none of the products made may be sold to the public and there is no provision for the deduction from prisoner wages of the cost of room and board, et cetera. My bill would specifically allow goods made in Federal prison industries to be sold on the open market to the public for a profit and would allow for the deduction from prisoner wages, reasonable costs of prisoner room and board, and the additional items exactly the same as specified for qualification of State prison industries to sell goods across State lines.

We must do everything possible to encourage the development of industries in our prisons that will give inmates reasonable training and produce goods which can be sold on the free market at profits which will allow the prisoners to pay their own way and give them a reasonable amount of wage left over to show for their efforts. There is no reason why the American taxpayer should continue to pay the room and board and overhead costs of maintaining thousands of prisoners in this country who are merely warehoused and receive no useful training to ever become of benefit to society. With the proper restrictions and guidelines set forth in this legislation, there is no reason why private industry or labor should stand in the way of the development of a free marketplace position for prisoners and prison industries. Fair competition is the hallmark of the American system.

Through Federal legislation such as my bill, we can remove the impediments to the development of prison industries which make a profit and provide a means for prisoners to pay their own costs, as well as provide inmate training, but much more will have to be done by those involved in the corrections systems of our Nation to take advantage of such new freedoms that may be allowed when this bill passes. There has been much discussion of the development of prison industries in our country in recent years, but there has been actually little done to actually make it happen. Many States have similarly prohibitive and restrictive laws that keep prisoners from being able to make a profit on goods that they might manufacture. Too many legislators look upon prisoners as "slave labor" who either should be worked on road gangs or for the public good or not worked at all. There are still too many Americans who are fearful that prison labor and prison industries provide unfair competition to private goods and labor. If prison industries are made to operate just like private businesses with minimum wage standards and other guidelines as required by my legislation, there is no reason for any of these fears to exist and, hopefully, State legislators around the country will awaken to the call to remedy this gross and unnecessary situation with our prisons in short order. Chief Justice Burger has issued a responsible challenge and it is up to legislators, both Federal and State, to take up that challenge on behalf of the American taxpayers and in the best interests of our corrections system.

RESTORING PUBLIC CONFIDENCE IN REGULATORY DECISIONMAKING

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, the public is deeply and justifiably concerned about the adequacy of regulatory programs, especially those designed to protect against the spread of highly toxic chemicals in our food and environment. Nearly all regulatory decisions reflect a review of scientific data provided to the agencies with statutory responsibilities to grant licenses, permits, or other forms of approvals for the use of potentially hazardous compounds. The bulk of this data is derived from toxicological experiments, in animals, and is done either for or by private companies manufacturing the chemicals subject to regulatory restrictions.

The Department Operations, Research, and Foreign Agriculture Subcommittee, which I chair, has conducted an extensive review of the pesticide regulatory program. One of the most disturbing findings of our hearings and investigative activities is the wholly inadeqaute attention paid to the auditing of laboratories conducting these vital experiments upon which important regulatory determinations are ultimately based. Put simply, if the data available to agency is unreliable and uninformative, it is impossible for the agency to rationally balance the risk and benefits associated with a proposed regulatory action. When solid, complete data is not available to agencies, pressures to act and make some decision often force decisionmakers to act on intuition and incomplete knowledge. The consequences of such actions have often come back to haunt agencies, and have exposed the population to unnecessary and unreasonable risks.

In our review of the pesticide program, we found that the EPA allocated only one and one-half full time personnel slots to the laboratory audit program in the last fiscal year. While EPA officials have assured the subcommittee that the program will be substantially expended, there appears to be little indication that the agency is prepared or committed to an aggressive laboratory audit program. The renewal of interest in the Industrial Bio-Test Laboratories case and its implications on the regulatory status of several dozen major pesticides underscores again the importance of assuring the highest possible quality in the scientifici research supporting regulatory actions.

I would like to share with my colleagues a recent article appearing in Industrial Chemical News (June, 1983). This article discusses in detail the current status of efforts to upgrade EPA's laboratory audit program, and explains the magnitude of the challenge facing the agency if it is to make up for several years of inadequacy in the laboratory audit program.

[From the Industrial Chemical News, June 1983]

THERE ARE NO PLAUDITS FOR EPA LABORATORY AUDITS

(By Stephen Barlas)

Like a ship crossing into the Bermuda Triangle, the Affiliated Medical Research (AMR) laboratory has disappeared. AMR, whose numerous studies for chemical product companies have been used by the Environmental Protection Agency (EPA) as part of its registration process, may have changed its name. The lab has done that before. Or it may have moved from its last known location, Princeton, N.J.

But EPA officials cannot locate the testing lab, whose studies have repeatedly proven unreliable. "AMR has had habitual problems with testing," admits one agency official.

Although well aware for years of AMR's shortcomings, partly as a result of three audits done in 1978 and 1979, the EPA has allowed the lab to continue submitting studies as if nothing were wrong. AMR may still be sending studies to the EPA, possibly in its latest incarnation. EPA officials say they cannot be sure.

These officials are sure, though, that Bio-Dynamics, another testing lab in East Millstone, N.J., remains Bio-Dynamics. And not only in name. The lab's work is said to be as shoddy as ever. In a September 1980 audit, investigators reported, "The audits (of two long-term mouse studies) revealed serious concerns about the reporting of tumors, the supervisory controls, the monitoring of environmental conditions, and the timeliness of post-mortem examinations, among others."

The EPA went back to Bio-Dynamics two months afterward for another audit, which now, over two years later, is still under review by the EPA's Office of Pesticide Programs (OPP). the EPA has sent no formal notice of dissatisfaction to Bio-Dynamics. Nor has the agency even considered withdrawing any of the pesticide registrations awarded on the basis of the lab's studies.

Reached at his office, Geoffrey Hogan, president of Bio-Dynamics, pleaded an impending appointment but promised to return a reporter's call. Hogan ignored subsequent and repeated requests for an interview.

AMR and Bio-Dynamics are two of the nearly 100 testing labs the EPA has evaluated since its laboratory audit program began in 1977. The program was established in the wake of the industrial Bio-Test Laboratories (IBT) scandal in which four company officials were indicted for falsifying test data submitted to the EPA and the Food and Drug Administration (FDA). As a result, the EPA was forced to reanalyze IBT data on 200 pesticides, whose safety was called into question. That retesting is still incomplete.

CONFIDENCE BUILDER

The EPA lab audit program was meant to restore public confidence in the hundreds of independent and corporate-owned testing facilities that prepare and analyze safety data on wide range of chemical products including pesticides, household cleaners and pet products. The program has concentrated almost exclusively on labs testing for health effects. The EPA has essentially relied on the FDA to perform the good laboratory practices (GLP) inspections—the EPA still has not finalized its own set of GLPs—as well as performing the more demanding data audits. Critics charge that once the EPA receives evidence of testing malpractices from the FDA or from its own inspectors, it often simply does . . . nothing.

The program has had some beneficial effects. It appears to have forced some previously questionable labs into the line. "In general, we believe the joint GLP/data audit program has had demonstrably beneficial effects on the quality of health effects testing by both academic and private testing facilities," says Edwin Johnson, director of the OPP.

But internal and external critics complain that those gains, which are hard to measure, were garnered early on. They complain that since the late 1970s the program has lost any punch it may have had. "The program is not designed to uncover anything," grouses one EPA toxicologist. "Top agency officials feel . . . it's not nice."

"We hope the program is . . . in the process of getting straightened out, (and that) the problems will be . . . corrected," says John McCann, who took over the program in late 1981. "But people have the right to be concerned; we're concerned."

The EPA's concern has been piqued by a December 1982 staff report from a House Agriculture Subcommittee, chaired by Rep. George Brown, (D-Ca.), on the OPP pesticide registration process (ICN, February 1983, Cover). In a section on the lab audit program, the report states, "Except for the IBT case (which predated the program), there is no solid indication . . . that any decisive regulatory or enforcement actions have been taken as a result of the laboratory audit program."

BAD LABORATORY PRACTICES

The list of 82 labs that had been audited through fiscal year 1981 (the federal fiscal year starts October 1) is strewn with examples of serious and questionable laboratory practices. (Details of the 27 audits undertaken in fiscal years 1982 and 1983 are unavailable because the EPA has not completed its reviews.) Aside from the critical evaluations of AMR and Bio-Dynamics, there are finger-waggings for labs such as Biosafety Research Laboratory (Branchville, N.J.): "These studies were invalidated by agency reviewers on the basis of unclear dose determination and lack of proper animal examinations;" Biospherics (Rockville, Md.): "Method evaluated is not adequate for regulatory purposes;" and Bio-Tox (Spencerville, Ohio): "An audit of these and other studies performed by Bio-Tox has resulted in the agency's position that studies performed by this firm are unacceptable for regulatory purposes unless audited and certified valid by the sponsor." Bio-Tox was subsequently sold and renamed.

The EPA argues that a few of these labs were forced to redo studies. But the agency, which admits audit follow-up records are mostly nonexistent, cannot identify which labs and which studies.

None of these audits caused the EPA to revoke a product registration. The agency has never even sent a formal notice to any lab informing it of an audit's findings, much less checked up to see if a lab has mended its ways.

Of more serious concern, agency toxicologists continue to review studies done by labs without first auditing those labs, as ordered by the OPP's Johnson in 1979. Included in the comments affixed to numerous pre-fiscal year 1982 audits is this warning: "(Name of the lab) studies utilized in OPP, decision making should be referred to program management for audit," Diana Horne, who was in charge of the audit program at the time these warnings were issued, says, "They were meant to be a red flag for agency toxicologists."

A random check of three of these labs turns up two which are still performing tests for companies seeking EPA approval of products. But neither Gulf South Research Institute (New Iberia, La.) nor Intermountain Laboratories (Salt Lake City, Utah) has been audited since Horne waved her red flag.

Asked whether the agency's failure to return to these labs is cause for concern, McCann says, "I might be concerned. But we haven't had the resources and maybe the inclination." But, referring to added staff he is promised, McCann concludes that, "we do now."

Believe it or not, 13 of these pre-fiscal year 1982 audits, including some going back to 1978, are still allegedly under review, according to an agency document. But Michael Wood, the civil enforcement division official in charge of finalizing these audits, says some of those 13—he is not sure which ones—may be complete. When questioned, he said he cannot explain why the review process has taken so long.

SLOW JUSTICE

The criminal enforcement wheels have also turned slowly, and may be not at all. Since the audit program began in 1977, only one lab has been referred to the U.S. Justice Department for possible indictment.

Peter Beeson, associate enforcement counsel in the Justice Department's criminal division, replied "no comment" when asked about a longstanding investigation of the FMC Corp. In 1981, EPA officials traveled to St. Louis to get affidavits from present and former officials of American Histolabs, which studied and prepared slides from FMC-provided animals. An EPA toxicologist familiar with the case, which was born of an EPA audit of American Histolabs, charges that FMC falsified data. Robert Fields, director of regulatory affairs for FMC, says American Histolabs incorrectly prepared some slides.

CHEMICAL REACTION

The EPA's somnolent surveillance of the nation's chemical testing labs worries industry. Says a chemical company lobbyist, "The industry took a black eye from IBT. Our credibility was totally undermined. We can't afford for that to happen again."

If some labs have reformed since 1976, they probably responded to the tough audit programs inaugurated by chemical companies in the aftermath of the IBT flap. Richard Verfuerth, president of American Histolabs, reports that chemical companies he works for audit his lab sometimes twice a year. "They run us through the mill," he says. "It is much more difficult to meet the standards of industry than of government."

Yet both industry and some EPA officials fear an undetermined number of chemical testing labs continue to ignore accepted testing protocols and mishandle, sometimes unwittingly, collected data. But, the EPA, aware of the identities of many of these renegade labs, refuses to even pursue them.

Lack of trust among EPA officials has added to the problems, making it difficult for the lab audit program to even identify sloppy facilities. "We're not allowed to concentrate on bad actors," says a lab audit program toxicologist. Over the past few years, the EPA Health Evaluation Division (HED), which validates chemical safety studies, has been so suspicious of audits that it has refused to refer to the audit program the names of testing labs whose work is suspect. In fact, even when McCann picks labs to audit at random, the HED declines to provide recent studies submitted by that lab. As a result, McCann (or, more accurately, the FDA), is limited to a GLP surveillance as opposed to a much more thorough data audit, which could turn up fraud and lead to regulatory or legal action.

But the EPA, after four long years of deliberations, is still incubating its unhatched GLPs. So GLP inspections are hardly menacing. "We can't take any enforcement action until the GLP's are in place," explains John Seitz, chief of the compliance monitoring branch.

The FDA lab audit program makes the EPA's appear even more perfunctory. The FDA conducted 710 inspections (vs. the EPA's 140) between December 1976 and September 1982. As a result of 31 of these audits, testing labs were sent formal "regulatory letters" demanding changes in procedures. "When we send a regulatory letter," explains Paul Lepore, FDA staff scientist, "we get swift action." That action is confirmed via mandatory surprise follow-up audits. In about 10 of those 31 cases, studies performed by the offending labs and submitted to the FDA were rejected by the agency, according to Lepore.

COOPERATION AHEAD

McCann argues that the EPA lab audit program is about to wake up from its nap. On HED referrals, for instance, he says, "I expect John Melone (HED head) to have his troops provide studies done by labs we are auditing." One reason EPA lab audits have been so cursory has been HED's failure to provide inspectors with studies for products under consideration by the EPA that were done by labs being audited.

McCann plans to become more active in the area of ecological effects, chemical fate and method trials audits, leaving health effects audits for the most part to the FDA, as in the past. Audits of microbiological efficacy testing, nonexistent in the past are also promised.

McCann, who has been assisted by a part-time secretary, has been promised additional staff. An aquatic biologist—with no lab audit experience—is expected to join the program. A chemist scheduled to sign on is also an audit neophyte. These scientists have been displaced from other jobs at the EPA and are apparently being shuffled into the audit program to add bodies rather than expertise.

McCann says some bodies are better than no bodies. But he adds, "It would be nice to have another toxicologist."

He also says it would be nice to have a bigger budget. In fiscal year 1982, the lab audit program received no travel funds until the last quarter, and then only a miserly

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$3,000. This year, the EPA has forked over $28,500. Although he emphasizes the growth of his travel budget, McCann admits, "It is not extensive."

But, despite McCann's good intentions, the lab audit program, sedated by the EPA policy makers, contineus to snooze. In a letter to Rep. Brown, the OPP's Johnson stated that all of the suspect labs identified by pre-fiscal year 1982 audits (about 25, according to McCann) were scheduled for re-audit in fiscal year 1983, which ends September 1983.

But by the end of February, five months into fiscal year 1983, the EPA had performed only seven or eight of those scheduled audits. McCann says there are a total of over 40 audits on tap for fiscal year 1983.

The EPA lab audit program continues to sleep as soundly as Rip Van Winkle. Sadly, it may take an other IBT uproar to awaken the program.

U.N. AMBASSADOR RAISES FUNDAMENTAL QUESTIONS ON CENTRAL AMERICAN DIALOG

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. LEWIS of California. Mr. Speaker, the critical problems that we face in all of Latin America certainly have led to one of the more intense dialogs that has faced the House of Representatives in the last couple of years. Unfortunately, that debate often takes the form of simplistic extreme, ofttimes is pervaded with disinformation, and too seldom reflects a thoughtful effort to develop a long-term policy that can lead to hope, to change, to economic reform and indeed, to freedom and democracy among our neighbors.

I submit for the RECORD today and for the consideration of the Members an article by the U.S. Ambassador to the United Nations which, I think, clearly raises fundamental questions relative to the level of our dialog and the kind of disinformation that has been a part of it.

The article is as follows:

[From the Washington Post, June 20, 1983]

PARDON ME, BUT AM I THAT "HARD-LINER" THE ANONYMOUS SOURCES ARE TALKING ABOUT?

(By Jeane Kirkpatrick)

Time was I believed a leak was the unauthorized disclosure of confidential information about actual events—such as, for example, conversations within the executive branch. That was before I understood that a leak is the weapon of choice in Washington's unending internal wars—ideally suited to spreading disinformation about fictive events.

Undocumented allegations and anonymous sources link private ambitions to public policy in labyrinthine webs of personal and political relations. Two or three well-placed "sources" working with two or three well-placed journalists can create an issue, shape and interpretation, build or destroy a reputation. From the perspective of political science, it is fascinating. From the perspective of public office, it is frustrating beyond belief.

How do you correct the record when the discussions are all confidential? My interest is more than academic or personal. The paper triangle that links symbiotically anonymous and interested bureaucrats and politicians with dependent journalists is as much a threat to an informed public as the "iron triangle" of bureaucrats, politicians and the "Interests" is to honest government.

During the past month or two, much of the U.S. national media have relied on undocumented leaks and unidentified sources to construct a political melodrama in which some bad guys—the "hard-liners"—are pitted against some good guys—the "moderates"—in a contest for control of U.S. policy toward El Salvador and the Central American region. According to this scenario, the good guys support political solutions, negotiations, regional dialogue, bipartisan consensus, and are deeply concerned about "underlying economic and social problems." "Hard-liners," we are told, oppose these good things; they advocate military solutions, and are dead set against negotiations, regional dialogue and bipartisan consensus-building. Hard-liners *prefer* political polarization.

In the current scenario, hard-liners are frequently named Clark and Kirkpatrick, though sometimes they are called Casey, Weinberger, Stone or, even, Reagan. Their principal activity is giving bad advice to the president. Because my name is also Kirkpatrick and I hold almost none of the views attributed to that Kirkpatrick, I desire to clarify just what kind of advice I have given in the weeks after the president asked me to visit Central America. I understand that it is not considered sporting to introduce into these Washington games verifiable facts or on-the-record statements of participants; but, then, I am not a thoroughly seasoned player and have not lost the predilections of my regular profession.

Obviously, I speak only for myself. I have not been present in most of the conversations of other participants. However, since I have often been cast by "sources" as the "hardest" and "most militant" of the hard-liners, my role seems relevant to the whole dramatic production, and the fact that my actual views and recommendations bear almost no relation to those attributed to me undermines, I should suppose, the credibility of this melodrama.

Interested persons might want to know that instead of opposing attention to economic and humanitarian dimensions of Central America's problems, bipartisan participation in policy-making, the Contadora process and the broadest possible participation in Salvador's elections, I have consistently made opposite recommendations. I have advocated greatly expanded humanitarian and economic assistance; bipartisan participation in formulating a new policy; unambiguous support for the Contadora process and regional dialogue; and maximum efforts to secure the broadest possble participation in Salvador's elections.

In my memorandum to the president on returning from Central America I took a very "hard line" on hunger, malnutrition, infant mortality, illiteracy, economic underdevelopment.

"Congress," I wrote, "has not provided the resources or support needed in part, at least, because we have not worked with them to develop a bold, imaginative program which goes beyond preventing Communist victory in the very short run, to produce for the chronically deprived people of the area the reality of present progress and the promise of more to come."

I cited Congressman Mike Barnes' proposed "one-percent solution" to the region's problems (using one percent of the requested defense budget to finance an adequate economic effort). I recommended for inclusion in the speech to the joint session a program "so beneficial to the terribly poor, malnourished people of the region that the American people will be proud to support it . . ." and also recommended the establishment of "a national bipartisan commission [which would] examine how we should apply our talent and resources to foster health, growth, security and democracy among our neighbors in Central America and the Caribbean. . . ." I further explained to the president that this was an approach I had discussed with Sen. Jackson and other Democrats.

Though current mythology suggests otherwise, new broad, bipartisan initiatives were resisted by the "good guys" themselves. So were efforts by the governments of Central America and the Contadora Four to get under way a process of negotiations for Latins only. President Herrera Campins last week described to the Venezuelan press the message he asked me to deliver to President Reagan: "Don't let your government torpedo our conference."

Reasonable people may feel the chances of success would be enhanced by our presence among the Contadora negotiators; they may think democracy would be better served by sticking with the San Jose approach. But the fact remains that Venezuela, Mexico, Panama, Colombia, et al., have desired an all-Latin conference, and our Central American friends have supported their effort. So have I. Far from believing that "The very mention of negotiations in El Salvador appeared a sign of weakness" (as charged by an anonymous source in The Post June 12), against considerable official resistance, I argued from Latin America and in Washington that the United States should pose no obstacles to the Contadora negotiations, should make no demands that we be included, and should, instead, stand aside offering support as appropriate.

On all the above issues there has been a certain amount of disagreement within our government, though the sides are not those popularly perceived. On other important issues there is a clear public record to prove there has been no disagreement at all. No one has proposed sending U.S. troops into combat in Central America, no one has proposed abandoning Central America. No government official has supported a "two-track" approach where one track leads to negotiated power sharing in El Salvador; everyone has supported conversations to ensure elections with broad participation and security for all.

I have also advocated continued military assistance at levels adequate to meet and match guerrilla arms, but then so have all other participants in the executive department's policy dialogue.

Above all, I have argued in print and in person from well before President Reagan invited me to join his government, that the people and governments of Central America, the Caribbean and, indeed, South America are important to the United States; that our security and history bind us to the Americas just as surely as they bind us to Europe; and that it makes no sense at all for us to perceive and protect vital national interests in Europe, the Middle East, the Far East and Africa (where we provide large, continuing amounts of economic and military assistance and in some cases U.S. troops and trainers) while ignoring and neglecting friends and interests on our own borders. I have, moreover, insisted that the fact that the Central American peoples have suffered under dictators in the past is not a reason to consign them to repressive new dictators sponsored by the Soviet Union; it is, instead, a reason to help them escape to freedom.

What do all these views have in common with the struggle between the "hard-liners" and the "good guys"? An interesting question.

The fact is that "hard-liner" has become an all-purpose term of political abuse. In popular political mythology the hard-liner is the missing link between political Neanderthals and modern man. It is shorthand for a mindless, heartless approach to public policy. Along with other abusive terms, "hard-liner" should be eschewed in serious political discussion in favor of more meaningful ways of categorizing political actors—such as, for example, active and passive; innovative and conventional; smart and dumb; effective and ineffective; honest and dishonest; straightforward and devious; generous and niggardly; ambitious and contented; prudent and reckless; political and bureaucratic, and so forth.

Meanwhile, it is worth noting that if the "sources" were as good at managing public affairs as they are at managing the news, the world would be better governed; and that if journalists were as suspicious of their favorite anonymous sources as they are of, say, the president, we would be better informed.

AN ALTERNATIVE BUDGET CONTAINING SIGNIFICANTLY LOWER SPENDING LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) was recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, last week I brought to the attention of the House the existence of an alternative in the budget process for 1984 that contained levels of spending significantly lower than what the House will be taking up within the next few days as a result of the work of the conference committee on the budget.

The Members will recall that when this budget resolution for 1984 passed out of the House almost 3 months ago, it had a proposed deficit for 1984 of some $177 billion. The gentleman from California in the well offered an alternative budget at that time with a deficit of $69 billion, achieved by spending cuts of $94 billion and an identification of additional revenue of $39 billion through a revised estimate of economic growth based upon a 3.7-percent gross national product in 1983, as opposed to the lower figure postulated by the Congressional Budget Office.

Today I would like to read to the Members in a very succinct way how $5.9 billion of those savings can come about in the beginning category of function 050, national defense. The baseline budget estimate totals some $242.1 billion; the alternative budget by this Member, the gentleman from California, totals some $236.2 billion, a difference of $5.9 billion.

The identification of where that savings would come from is as follows:

Function 051, Department of Defense, military. Military personnel: Incorporate President's proposed changes, including increased personnel levels and bonuses. Retired military personnel: Incorporate President's proposed changes, including half COLA's for those under age 62 and no COLA in 1984.

Operation and maintenance: Support President's objective to achieve a more combat ready and efficient military but strive for savings through increased cost effectiveness in reduced waste, allow 5-percent real growth annually.

Procurement: Support President's objective to acquire and agument necessary weapons systems but assure greater cost effectiveness in minimized waste; terminate overstatement of need for excess parts, a recommendation of the General Accounting Office; require in-house audits to justify cost overruns; initiate more competitive contracting procedures; accelerate locating and eliminating waste and fraud; and allow 10-percent real growth annually.

Research, development, test and evaluation. Incorporate President's program emphasizing strategic forces but with reduced emphasis on low priority in nonessential areas, allow 10-percent real growth annually through 1986, 5 percent thereafter.

Military construction: Authorize sufficient construction to support building up of strategic forces but restrict unnecessary and frivolous projects—simulated redwood fences, as an example. Allow 5-percent real growth annually.

Family housing: Support general buildup of personnel level, allow 5-percent real growth annually.

Special foreign currency program: Incorporate President's proposal.

Revolving and management funds: Incorporate President's proposal.

Allowances: Incorporate President's proposal to freeze civilian and military pay in 1984.

Atomic energy defense activities, function 053: Department of Energy, energy activities, atomic energy defense activities: Support President's proposal but at level commensurate with overall military buildup, allow 5-percent real growth annually.

Function 054, defense related activities, other independent agencies, intelligence community staff: Adopt President's proposal to terminate separate agency status and transfer staff support function to other agencies.

General Services Administration: Adopt President's proposal for an additional $100 million in receipts from national defense stockpile transaction fund sales in 1984.

The enumeration of these foregoing items would result in a reduction of $5.9 billion in proposed spending in 1984 in category 050, entitled Defense, from the baseline estimated by CBO of some $242.1 billion.

Over the course of the next several days and for however long it will take, this Member intends to take special orders on a daily basis and enumerate how additional cuts can be developed in the proposed budget for 1984 totaling some $94 billion in reduced spending.

□ 1350

We all hear the cry that we cannot bring this runaway spending under control, but I submit that we can if we go about it in a purposeful way.

It is with sadness that I again bring to the Members of this House my reaction to the Rules Committee, controlled by the Democratic Speaker in this House, when I asked for permission some 3 months ago to have this House consider and vote up or down on a proposal to reduce spending for the Nation by some $94 billion in spending for 1984.

It is with sadness that I say to this House that the Rules Committee, dominated by the Democrats 2 to 1, said, "We don't want to have the Members vote on that proposal. We will not even make that proposal in order," which means that this Member could not even offer that proposal on the floor of the House for consideration by the Members when we took up the first concurrent budget resolution in 1984. I was precluded from doing so. I resent that.

I think that the people of this country demand fiscal responsibility from this institution.

I would hope that that oversight, if that is what it was, will be rectified when the House under the law is compelled to take up the second and final concurrent budget resolution in September of this year, by making that alternative in order at that time.

It has been said by Members wiser than this Member from California, that more important than what Members of Congress say is how they vote.

Listen to what we say very carefully, but how we vote speaks more eloquently than anything we may say.

I would venture to say that most of the Members of this Chamber go home to their districts and repeat time after time in public forums, "I am for reduced spending. I am for bringing the budget under control. I am for balancing the budget by cutting spending," but when the leaders of this institution, led by TIP O'NEILL, our Speaker, preclude a Member from even having an alternative budget

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voted on the floor of the House, one wonders whether or not it really is maningful when people say they want to reduce spending and balance the budget of this country.

ANTITRUST IMMUNITY FOR LOCAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Fish) is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, today I am introducing legislation to limit the applicability of the Federal antitrust laws—specifically, the Sherman Act and the Clayton Act—to actions taken by local units of government.

My bill is a response to the problems presented by a recent decision of the Supreme Court in the case of *Community Communications Company, Inc.* v. *City of Boulder*, 455 U.S. 40 (1982). In that case, the Court refused to extend the full parameters of the antitrust immunity traditionally afforded to the States, under the doctrine of *Parker* v. *Brown*, 317 U.S. 341 (1943), to their political subdivisions—cities, countries, townships, villages, parishes, and special purpose districts. Instead, the Court stated that a local government action may be subject to antitrust liability unless the action is taken pursuant to a clearly articulated and affirmatively expressed State policy.

Unfortunately, the Boulder decision gives little guidance either to the localities or to the State legislatures as to exactly what has to be done to insure antitrust immunity at the local level. The Court was unpersuaded by the fact that the city of Boulder had already received a broad, general grant of home rule power under Colorado law. How active does the State supervision of a locality's regulatory actions need to be? How specifically does State policy need to be enunciated?

The net result of the Boulder case has been increased confusion as to the exact state of the law, rather than a clarification of the law. Furthermore, the decision does not it distinguish a municipality's liability under antitrust law, on the basis of whether or not is carrying out a governmental, as opposed to a proprietary, function. As a result, local units of government now find themselves open to potential treble damage liability under the Federal antitrust laws for actions taken in furtherance of their legitimate govermental functions. This would include, for example, local decisions related to licensing, zoning, land use, tax abatement, waste control and disposal, authorizing the use of rights-of-way, and even the provisions of police, fire, and ambulance services.

The Court left open the question as to whether or not municipalities may be liable for treble damages when enacting ordinances with anticompetitive effects. Without question, this decision raises serious implications for local units of government—in terms of the legitimacy of their decisionmaking and in terms of the disastrous impact that antitrust liability can have on a locality's budget.

Particularly ironic are the facts in the Boulder case. There, the city council enacted an emergency moratorium ordinance aimed at giving the locality more time (90 days) to draft a model cable television code and to allow additional time for new businesses to enter into the market to bid under the terms of that new ordinance. Following that action, the city was sued by the only existing cable television licensee in the city. The city's action, which was deemed to be restraint of trade under the Sherman Act, was in fact an attempt to encourage broader competition in the field of local cable television service. Now, I had always thought that the fundamental purpose of the antitrust laws was to foster and encourage greater competition, not to preclude it. But what happened here was exactly the reverse.

Under the terms of the legislation I introduce today, a local unit of government would not be subject to antitrust liability if: One, its conduct is within the lawful authority granted to it by its parent State; and two, the same conduct undertaken by the State would be immune. "Unit of local government" is broadly defined so as to include special purpose districts as well as cities, counties, townships, villages, parishes, et al. In addition, my bill would limit the liability of both the States and local units of government, under section 4 of the Clayton Act, to actual damages, interest, and a reasonable attorney's fees. Currently, both the States and local units of government can be subject to treble damage recoveries by private plaintiffs.

I am not arguing that subdivisions of States deserve to be treated as equivalents of the States themselves. Ours is a federal system, not a system of sovereign city-states. Nevertheless, this is a valid issue for Congress to explore and determine whether or not the Federal antitrust laws should unduly restrict legitimate decisionmaking at the municipal level. Congress has jurisdiction over the scope of the Sherman Act and the Clayton Act, and Congress can choose, for policy reasons, to limit their applicability to local units of government.

This is an important public policy issue which Congress, and specifically the Judiciary Committee, must address. I know that my good friend and colleague Henry Hyde has already introduced remedial legislation (H.R. 2981) on this subject. While our bills differ both with respect to the scope of immunity to be afforded to municipalities and in the incidentals of language, we are both seeking a legislative answer that will remove the unnecessary, ill-conceived threat to local government decisionmaking. I look forward to working with Congressman Hyde and my other colleagues on the Judiciary Committee to bring about a prompt resolution of this serious problem.●

CONFERENCE ON ORAL REHYDRATION THERAPY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Zablocki) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, this month the U.S. Agency for International Development, in cooperation with UNICEF and the World Health Organization, has sponsored the first international conference on oral rehydration therapy. Oral rehydration therapy, the administration of a solution of water, sugar, salts and water, one of the most promising medical discoveries in decades, offers the possibility of saving the lives of many of the 5 million children now estimated to die annually from diarrhea. The advantages of oral rehydration therapy over conventional means of curing diarrheal disease are obvious: it is simple, it is cheap, and it is effective.

Much of the research and testing leading to the development and implementation of oral rehydration therapy—known by the abbreviation ORT—have taken place in the context of our foreign assistance programs. In fact, oral rehydration therapy promises to be one of the major success stories of U.S. foreign assistance.

The Agency for International Development is to be congratulated for its foresight in funding the early research and pilot programs that have yielded valuable insights on how to produce, market, and promote oral rehydration salts. The AID-sponsored International Conference on Oral Rehydration Therapy brought together the world's leading experts on diarrheal disease and oral rehydration therapy. The conference included representatives from many developing countries to share their experiences in promoting oral rehydration programs and discuss means of extending this life-saving technique to millions more in the developing world.

Oral rehydration therapy is a potent means of averting deaths from dehydration, but it is a cure, not a prevention. Oral rehydration alone cannot address the underlying causes of infant and young child mortality in the developing world. These include unhealthy environments, including deficient sanitation, inadequate water supplies, crowded housing conditions,

and malnutrition. All these conditions, set in the context of gross poverty, keep millions of the poor in the developing world from taking full advantage of the limited resources available to them to improve their living conditions.

Oral rehydration therapy is one element in AID's comprehensive approach to solving the health problems that plague the developing world. Other basis health measures—immunizations, family planning, better nutrition, and elementary health care—are an integral part of a comprehensive approach to the health problems of developing countries.

These comprehensive health programs must continue to be backed by high quality research, for major scientific advances to alleviate the worst symptoms of poverty in the developing world are still possible. There is not simple magic in the health field; problems such as viral disease and malaria will continue to exact a heavy toll of death and illness around the globe. Nevertheless continuing U.S. support through our foreign assistance programs can play a major role in translating scientific advances like oral rehydration into affordable and effective programs to help some of the world's poorest people for many years to come.●

SPACE WEAPONS—A WAR GAME WE SHOULD NOT PLAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Seiberling) is recognized for 15 minutes.

Mr. SEIBERLING. Mr. Speaker, tomorrow or later this week we will again be considering the military authorization bill for procurement of weaponry and other materiel. Hopefully, we will have a debate on the deployment and testing of antisatellites, the so-called ASAT weapons.

In that connection, I am going to introduce or offer today for inclusion in the Record the testimony before the Senate Committee on Foreign Relations of Mr. Daniel Deudney, a senior researcher of Worldwatch Institute. It seems to me that he discusses some points which are of real relevance to the debate on antisatellite weapons (ASATS's).

He points out, if I may just turn to a couple of his remarks with respect to the implications of deployment of a U.S. ASAT:

> If history is any guide, the next move in this deadly game of leap-frog may well be a Soviet laser orbital battle station intended to cripple satelites. Given the Soviet tendency to deploy much earlier in the development cycle than the United States, and the immense technical problems associated with such a system, it will probably have negligible capability—except to reduce warning time. But as with Sputnik the psychological impact will probably be traumatic, leading the United States to embark upon an ambitious crash program to put battle stations into orbit. The result will be a full scale arms race in space.

I intend to offer an amendment which will not affect research and development of a U.S. ASAT, but will prohibit the flight testing of it until such time as the Congress decides otherwise by separate legislation. The reason for that is that once we flight test an antisatellite weapon, then we will have passed the point of no return as far as the ability of the Soviets to monitor the deployment of such a weapon. That will make virtually impossible an antisatellite control agreement, because there will be no feasible way that we know of to detect and monitor how many U.S. antisatellites have been produced or deployed. So unless we can block it at the testing stage, we will have lost the opportunity to negotiate a ban on ASAT's. Once we have lost that opportunity, we have started down a road with no discernible end short of total disaster.

Mr. Deudney also talks about space weapons, the kind of thing that President Reagan seems to think we ought to be working on for deployment in the next century. He makes some interesting observations on that, which are also very depressing. I will quote from part of his remarks:

> Large-scale space weapons would be an example of what I call a destruction entrusted automatic device (DEAD). Space weapons could never be commanded and controlled by humans. A space laser, for example, would have about five minutes to detect, target and engage an ICBM in the boost phase. One Department of Defense analyst put it this way. "We would have to delegate the decision-making to the weapon system itself and we have had no experience in that type of operational system." To start a nuclear war in the MAD [Mutual Assured Destruction] era would have required a major political misjudgment; with space weapons a machine malfunction would be sufficient.

Now, those of you who have seen the film "War Games" now running at theaters all over the country saw a very dramatic presentation of the implications of letting a computer make the basic decision as to whether we are going to push the button in a nuclear war.

I was somewhat gratified to read in the paper last week that President Reagan had seen the film and was quite pleased with it. But I am not sure whether he was simply pleased with the expert casting and direction and the fabulous sets or whether he was pleased with the message it gave. If he is pleased with that, then obviously he did not get the message, which was that to turn over to a computer the question of whether response to a nuclear strike is going to be initiated is a terribly dangerous thing to do.

Let me just read one other quote from Mr. Deudney:

> The accidental triggering of a "defensive" system seems at first glance to be far less ominous than the accidental launch of a nuclear missile. Yet with space weapons this distinction largely disappears. Since both sides would have hundreds of very large automatically controlled battlestations in orbit, the likely target of a malfunctioning satellite would be another such satellite (perhaps even one of its colleagues). Since any first strike would require as a first step the attack on the other side's "defensive" satellite system, the inadvertant destruction of such satellites would be indistinguishable from a first strike. Thus a space-based ABM or ballistic missile "defense" system would be far worse than a terrestrial-based one because a malfunctioning earth-based unit would not destroy a potential antagonist's critical military systems. Instead of offering an escape from the tightening nuclear noose, space weapons promise to bring humanity to the edge of cybernetically-initiated annihilation.

Now, I understand that in the armed services procurement authorization bill there is money for research on space-based X-ray laser weapons systems. I understand that this is Dr. Teller's latest brainchild. I suggest that we ought to have a very thorough debate in the House at the earliest possible time, hopefully this week, on its implications before proceeding with that approach.

☐ 1400

Once we start down that road, my colleagues, I do not think any of us will know what the ending will be, except that it is likely to be a colossal disaster which will make all other disasters pale into insignificance. It is another sowing of the seeds of destruction of the human race.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Texas.

Mr. GONZALEZ. I rise to commend the gentleman on pursuing a very important matter that should be of great concern, and I know it is in talking to people, and I wanted to commend the gentleman. I am sure that it is a followthrough on his participation in the course of some of the debate on the general authorization for defense.

Mr. SEIBERLING. The gentleman is correct.

Mr. GONZALEZ. All of the utterances that I heard during the course of the matter of the nuclear freeze, and then before that during the debates on either defense appropriations or authorization, or specific systems, whether laser or nuclear, the arguments have been predicated on our being a Russian target. In short, the adversary is considered to be Russia.

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For years now the Joint Chiefs of Staff in their discussions consider the adversary the Union of Soviet Socialist Republics.

It seems to me also that under this President we have seen incited, I think to a very dangerous degree, a war psychosis. I consider the budget for military, so-called defense that we are being asked to vote upon as a war budget. Some may think this extravagant, but I do think so. I think any budget of this magnitude is a war budget.

Mr. SEIBERLING. Mr. Deudney, whose paper I intend to put into the RECORD, starts his testimony with a quote from William Gladstone, the famous British Prime Minister of the 19th century, and here is the quote:

> We have no adequate idea of the predisposing power which an immense series of preparations for war has in actually begetting war.

Mr. GONZALEZ. The gentleman is right.

I was leading up to asking a question.

If Russia indeed and in fact is the enemy, I mean what is all of the debate about on the question of disarmament? We have a President that says that Russia and its leaders are the focus of all evil. Moscow is the empire of all evil.

I am concerned because the perspective we have of ourselves, the perspective we have of the world, Russia, China, Latin America, seems to me to be such a source of bother because it seems to be a perception that is either outdated or inaccurate as to what the real world is out there.

If Russia is the enemy and it is beyond repair that we could have any kind of trust, then what is the basis for that state of being when we had a predecessor President just a few years ago saying, and toasting cheek by jowl with the Russian leaders, and the Chinese Communists.

Mr. GONZALEZ. Can the gentleman give me a reason why half of the moneys we are going to give for so-called defense, and that is about a total of $220 billion, half of that is for the defense of Europe? Our European allies seem to be more afraid of us than they are of the Russians; they are caught in this dilemma of not understanding our leadership that just a few years ago was saying not only: Can you trust the Russians? And then said we are going to get along with them to the point that we are going to give them technological know-how.

It was American know-how that has enabled Russia to be the No. 1 petroleum producer. We are doing the same thing with China right now.

But, on the other hand, if they are the enemy, and we reach the state of mind where all we think they are waiting for is the proper time to pounce, why are we doing what we are doing? What is the source of our differences?

There are only two countries in the history of the world, modern world, of any size that have never gone to war against each other in formal war: Russia and the United States.

On top of that, if there is any history of aggression, we have done it because we, England and France in 1918 invaded them to try to put down the revolution. We did not succeed then any more than we are now in similar ventures.

My question is: Is not the real issue at the bottom of the whole thing this question of rearmament of Germany and the German question of reunification?

Where else did our quarrel start if it was not at the time in the late 1940's or early 1950's that we announced our intention to rearm Germany. The passion of Germany, there is no question about it, is reunification.

I think that is an issue that should have been confronted by the allies long ago. We should have learned after World War I that we cannot keep a virile people, a cultured people, down in perpetual whatever you want to call it, conquest. It did not happen then and it is not going to happen now.

So there is no question in my book that this is the issue.

Why can we not address this? Why is there no evidence of that issue at any time either in the Congress or in the deliberations and in the messages that we get from our recent Presidents?

Am I correct or am I way off the beam?

Mr. SEIBERLING. My own response to the gentleman's question is, of course, that the rearmament of Germany occurred because of the actions of the Soviets after World War II, such as showing great hostility and determination to throw their weight around with the occupation of Czechoslovakia, et cetera.

But let me just say that I do not think we have the luxury of rehashing whether we did the right thing in the past or did not, or whether the Soviets did.

I put in the RECORD last week the full speech of George Kennan in May of this year to the Council on East-West Accord in which he said we must quit acting as though the Soviet leaders are irresponsible monsters; they have just as much reason to avoid nuclear war as we do.

We must learn to build on that instead of using threats and counter threats as our President has been doing all too much since he occupied the White House.

We need to focus on the things that we have in common. First of all, it is the survival of our children.

Mr. GONZALEZ. The gentleman is correct.

Mr. SEIBERLING. And the Soviets are just as interested in that, obviously, as we are.

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Second, there are a broad number of other areas that George Kennan points out we and the Soviets have a mutual interest, in and that they do not respond only to military threats. He said there are a thousand reasons why the Soviets want to engage in productive arms control talks quite apart from any threats that we can mount against them militarily.

It seems to me that it is time we started talking about those things, instead of talking only in military terms. That was George Kennan's advice.

Mr. GONZALEZ. But if we are talking about additional sophisticated weaponry, in the name of security, all of the developments we have had so far have made us less secure. This is why I was complimenting the gentleman, that we are not hitting the issue.

I will take one exception to what the gentleman said, not a serious exception, but an aspect of this misperception.

We constantly see revealed an igornance of history. We have gotten mixed in the most involved situations historically with seeming obliviousness of it. If we were Russia, Mexico, or were Germany, Canada were China and we had just turned down the invasion of a Mexican tide that had cost us 20 million Americans and our allies came in and said, "We are going to rearm Mexico," what do you think would be our state of mind? This is the reason for Czechoslovakia, because Czechoslovakia is in that corridor where even today the biggest fear in the Russian mind is still Germany.

Mr. SEIBERLING. I think that is true, if we consider their long term concerns.

Mr. GONZALEZ. We talk about Poland and how it is afraid of Soviet Russia; and average Pole is in a more fearful dilemma right now with respect to Germans and their feeling toward Germany than they are about Russia, as much as they may dislike Russia.

This is what I am talking about. Therefore what the gentleman is saying about these huge exponential increases. I thank the gentleman.

Mr. SEIBERLING. Mr. Speaker, I include the entire statement at this point:

STATEMENT OF DANIEL DEUDNEY, SENIOR RESEARCHER, WORLDWATCH INSTITUTE

"We have no adequate idea of the predisposing power which an immense series of preparations for war has in actually begetting war."—William Gladstone

"The only defense against the weapons of the future is to prevent them ever being used. In other words, the problem is political and not military at all. A country's armed forces can no longer defend it; the most they can promise is the destruction of the attacker . . .

"Upon us, the heirs to all the past and the trustees of a future which our folly can slay before its birth, lies a responsibility no age has ever known. If we fail in our generation, those who come after us may be too few to rebuild the world, when the dust of the cities has descended, and the radiation of the rocks has died away."—Arthur C. Clarke

Buffeted by the MAD (mutually assured destruction) men telling him to perpetually assure our destruction and the NUTS (nuclear utilization theorists) telling him to prepare to fight nuclear wars. President Reagan looked to the heavens in hope of finding salvation from our deepening peril.

He looked in the right direction. Space technology can be the cornerstone of an alternative security system, the foundation of an international order that does not rely upon evermore massive arsenals of nuclear weapons.

If we can avoid using space as another area for conflict and instead use it as a medium for mutual benefit, we will have taken a giant step toward enduring peace.

Space technology is at the core of the present superpower standoff. The first military space technology, ballistic missiles, used space as a corridor for high speed unobstructable attack, thus enabling the Soviets to outflank American dominance or air power and directly threaten the United States. The second use of space technology for military purposes, reconnaissance satellites, enabled the United States to roll back the veil of Soviet secrecy and monitor in detail the Soviet military machine.

The ominous movement over the last decade toward fighting a nuclear war is in large part the consequence of the satellite "force multipliers'" geodetic satellites to improve the accuracy of missiles; communication satellites to coordinate strikes or retaliation; and navigation satellites (such as the NAVSTAR GPS) to make submarine launched missiles as accurate as land-based ones. The present effort to upgrade U.S. surveillance satellites by giving them "real time" data links through relay satellites will turn an arms control monitoring system into a war-fighter for targeting mobile forces and performing postattack damage assessment. (For example, the "civilian" TDRSS relay satellite launched by Challenger last week will help do this for the successor to the KH-11 reconnaissance craft, the RM-4 scheduled for 1986 launch.)

Regulating these war-fighting information services without constraining important civilian and arms control verification treaties would be difficult, if not impossible. This makes it all the more imperative that agreements limiting long-range ballistic missiles be signed in the near future.

AT A CRITICAL JUNCTURE

We are now at a major turning point in the military use of outer space—the beginning of a race to put weapons into space.

The first antisatellite weapon, ASAT, an American system, employing nuclear warheads, was tested and deployed. It was dismantled because it was too indiscriminate in its destructiveness and, with the Limited Test Ban, could no longer be tested.

The second ASAT, a Soviet orbital rendezvous system using conventional explosives, has been tested some two dozen times with about a 50 percent rate of success. This system, which cannot reach most U.S. military satellites, is launched from a large, distinctly configured Soviet rocket requiring extensive support facilities, and providing plenty of warning time.

The United States is about to begin testing an air launched direct ascent system that will destroy through high speed collision. The U.S. system will be capable of striking a high percentage of Soviet military satellites, is small and hard to distinguish from other air launched missiles, and will give little warning time.

If history is any guide, the next move in this deadly game of leap-frog may well be a Soviet laser orbital battle station intended to cripple satellites. Given the Soviet tendency to deploy much earlier in the development cycle than the United States, and the immense technical problems associated with such a system, it will probably have negligible capability—except to reduce warning time. But as with Sputnik the psychological impact will probably be traumatic, leading the United States to embark upon an ambitious crash program to put battle stations into orbit. The result will be a full scale arms race in space.

SPACE WAR: A D.E.A.D. STRATEGY

What are these weapons for and what strategic purpose will they accomplish? How will our security be affected?

The antisatellite capabilities will be important components of a first strike against early warning satellites. Far less plausible is their use in a protracted nuclear war—their official justification. ASATs will, however, increase the chance for accidental nuclear war. The eyes and central nervous system of our already far flung nuclear strike forces are in space. With weapons in space every satellite malfunction could be the harbinger of a surprise attack. The Archduke Francis Ferdinand of World War III may well be a critical U.S. or Soviet reconnaissance satellite hit by a piece of space junk in a crisis situation.

Predicting how the more speculative larger scale systems would be used hinges on many unknowables. But it seems improbable that they would be capable of stopping a full-scale pre-planned first strike. Far more plausible is their use as part of a first strike to "mop up" those missiles that escape destruction on the ground.

Large-scale space weapons would be an example of what I call a destruction entrusted automatic device (DEAD). Space weapons could never be commanded and controlled by humans. A space laser, for example, would have about five minutes to detect, target and engage an ICBM in the boost phase. One Department of Defense analyst put it this way. "We would have to delegate the decision-making to the weapon system itself and we have had no experience in that type of operational system." To start a nuclear war in the MAD era would have required a major political misjudgment; with space weapons a machine malfunction would be sufficient.

Large-scale space weapons would be but one example of our potentially fatal drift to adopt DEAD strategies. Perhaps the most widely discussed strategem involving DEAD is "launch on warning." As attacks against even the most hardened missile silos grow in probable success, there is a strong temptation to prepare to launch the vulnerable missiles before the barrage of attacking warheads arrive. With somewhere between 15 and 30 minutes warning and response time for intercontinental ballistic missiles the civilian leadership is, as they say in Pentagonese, "out of the decision loop." In simple terms, the military would have the authority as well as the ability to fire a salvo of nuclear missiles in response to radar and computer images of attack. Thus far neither the United States nor the Soviet Union has adopted—at least publicly—a launch on warning strategy, although U.S. military planners speak of such a posture to make the MX "survivable." And the Soviet leaders have said they will be forced to place its forces on such hair-trigger alert, if the NATO deploys the Pershing II missile, capable of striking hardened targets deep within the Soviet Union in 5-8 minutes. "Speed" observes U.S. Defense official Fred Ikle, "is the tightening noose around our neck."

The construction of an anti-ballistic missile (ABM) system capable of shooting down on-coming nuclear missiles would also require the delegation of control to machines. During the late 1960s when the United States, after acrimonious international debate, decided to build a limited anti-ballistic missile system, a major objection leveled by critics of the plan was that the nuclear anti-missiles would have to be fired without Presidential authorization and in the case of close-range "terminal defense" without human intervention. As George Kistakowsky observed in 1969, "The decision (to launch the ABM) has to be made automatically by a computer or by a comparatively junior military officer." Fortunately, the superpowers agreed in the ABM Treaty of 1972 not to deploy missile defenses, sparing the world another step toward self-destruction.

The accidental triggering of a "defensive" system seems at first glance to be far less ominous than the accidental launch of a nuclear missile. Yet with space weapons this distinction largely disappears. Since both sides would have hundreds of very large automatically controlled battlestations in orbit, the likely target of a malfunctioning satellite would be another such satellite (perhaps even one of its colleagues). Since any first strike would require as a first step the attack on the other side's "defensive" satellite system, the inadvertant destruction of such satellites would be indistinguishable from a first strike. Thus a space-based ABM or ballistic missile "defense" system would be far worse than a terrestrial-based one because a malfunctioning earth-based unit would not destroy a potential antagonist's critical military systems. Instead of offering an escape from the tightening nuclear noose, space weapons promise to bring humanity to the edge of cybernetically-initiated annihilation.

Space war will also largely preclude the peaceful use of outer space. We rightly think of space as infinitely vast, but in doing so we forget that the earth's orbital space is limited and subject to the same problems of crowding and resource degradation we face on earth. Already space junk—small bits of debris flying about in various odd orbits—is a growing problem. Further ASAT tests involving explosions and collisions will add greatly to this problem. Testing the X-ray laser system proposed by Dr. Teller would damage important civilian satellites with electro-magnetic pulse (EMP). By the late 1980s over 100 communication satellites in geosynchronous orbit, worth between five and ten billion dollars, will be in jeopardy. In a very real sense we face an either/or choice: science, information services, and earth monitoring from space—or weapons in space.

AN ARMS CONTROL AGENDA

The present arms control regime for space weapons—the Limited Test Ban Treaty, the ABM Treaty and the Outer Space Treaty has worked remarkably well, but contains important loopholes through which space weapons can pass. To abandon these treaties because of their loopholes would be like dynamiting a leaky dike at high flood rather than plugging the leaks.

Fortunately, we are at a stage where weapons in space can be stopped before they are ever extensively tested and deployed. Space weapon development is no further along than air war was when World War I biplane reconnaissance pilots carried hand guns. Most importantly, because so little has been tested, truly comprehensive controls are relatively easy to construct and verify.

What would a verifiable treaty banning weapons on space look like? First, a treaty banning just anti-satellite weapons and not space weapons generally is not feasible. Trying to ban ASAT's but not more ambitious anti-ballistic missile systems would be like outlawing hand guns while permitting bazookas and machine guns. Second, a treaty should contain both broad prohibitions and careful functional prohibitions. For broad language I would suggest prohibiting:

The testing, production, deployment, or use of any space-based, air-based, or ground-based weapons system that is designed to damage, destroy, or interfere with the functioning of any spacecraft of any nation; and

The stationing in orbit around the Earth, on any celestial body, or at any other location in outer space of any weapon that has been designed to inflict injury or cause any other form of damage on the Earth, in the atmosphere, or on objects placed in space.

To effectively outlaw weapons, a treaty should outlaw the following observable activities and capabilities (or Functionally Related Observable Differences "FRODs" in the language of SALT):

Forbid explosions and unmanned orbital rendevous by two satellites of the same country. (This would ban the USSR's orbital rendevous ASAT.)

Forbid collisions or close high speed passes. (This would ban U.S. direct ascent.)

Forbid close approaches in geosynchronous orbit. (This would ban space mines.)

Limit the size of laser mirrors and the number of maximum-size laser mirrors bundled together. (This would allow laser communications but forbid lasers capable of destroying satellites or missiles.)

Limit the size of atomic power sources. (This would effectively foreclose scale-up of directed energy weapons, slow the development of active radar targeting satellites, such as Cosmos 942 and 1307, and protect human health from fallout.)

Limit electro-magnetic interference. Present restrictions by the International Telecommunications Union (ITU) should be strengthened and included in an arms control agreement.

There are also two "Law of Space" issues that need attention: traffic control and the boundary between national air space and international outer space. There are now thousands of tracked objects whizzing about the earth and tens of thousands of smaller untracked ones. Unless traffic control, debris minimization and pre-notification measures are strengthened or adopted, nasty accidents are likely to occur. By reducing the chances of accidental collisions, close passes, and explosions, space traffic control will further strengthen comprehensive weapons test bans. The precedents for such a system are the agreements governing heavily used air lanes over the oceans.

The Outer Space Treaty does not define where space begins and nature provides no clear line of demarcation. As with the oceans, the edge of national territorial zones is fundamentally arbitrary—and terribly important. Thus far the absence of an agreed upon upper limit of national air space has been academic since the highest flying aircraft go only as high as 110,000 feet while the lowest satellite passes at 400,000 feet—leaving a convenient buffer zone. This "no man's land" will disappear as aerospace planes—such as the U.S. space shuttle or the proposed "space cruiser"—begin to operate in both orbital space and the atmosphere. Rather than wake up to another U-2 affair or a Soviet campaign to close the "open skies" by drastically raising the boundary of national space, the U.S. should attempt, as part of a comprehensive package, to enshrine as low a boundary as possible.

These observations on the need for a comprehensive treaty should not detract from the fundamental urgency to do something right away. Since treaty drafting will take time, the best course is for the United States and the Soviet Union to agree to an informal ban on further ASAT tests.

A NEW SPACE SECURITY AGENDA

The control of weapons in space simply clears the stage for the use of space technology to improve both arms control verification, and our relations with the Soviets. This positive space security agenda emphasizes the unique role of space technology in providing mutual assured security and mutual benefits.

First, expand the use of space for crisis monitoring. The recently proposed establishment of an orbital joint U.S.-Soviet command center should be a priority. When there are tens of thousands of nuclear weapons, many within minutes of their targets, on perpetual alert status and checked only by unmanned warning satellites and the hotline, it makes eminent sense to exploit "the high frontier" to keep a tighter lid on accident, miscalculation and false alarm.

Second, establish an International Satellite Monitoring Agency (ISMA). This idea, proposed by Giscard d'Estaing before the General Assembly in 1978, has been vetoed by U.S. and Soviet opposition. An ISMA would permit the Security Council to monitor crises and border disputes and would lay the groundwork for monitoring compliance with the treaties banning chemical and biological warfare and environmental modification. Depending on whether ISMA obtained technology from the superpowers, a basic monitoring system would cost between $1 billion and $2 billion a year—about the cost of one B-1 bomber. Such an international system would supplement, not substitute for, the national monitoring systems. It is particularly ironic that the United States with its great concern about verification of arms control treaties, has so vigorously opposed expanding access, and gaining international legitimacy for this critical peacekeeping technology.

Third, *conduct joint missions with the Soviets.*

Writing in 1976, Bruce Murray, former head of the Jet Propulsion Laboratory and President of the Planetary Society, observed, "The rate of progress in space science may well be dependent on the political fortunes of detente on earth." This greatest adventure of our time—the peaceful exploration of the cosmos—faces a bleak future, declining budgets and preemption of technology by the military both here and in the Soviet Union. Having two separate space programs doing much the same things makes less and less sense. And as costs of missions rise, the need for cooperation grows still further. A series of joint planetary and scientific probes would be a boost both to our sagging programs—and political relations.

Joint manned missions would be even more valuable. A U.S. Administration, looking for a bold, high visibility, quick pay-off way to cut through gathering clouds of suspicious and war, would find a joint U.S.-Soviet manned space mission particularly appealing. Unlike in 1976 when the Apollo-Soyuez rendevous was a meeting of two parallel systems, the space shuttle and the Salyut stations are perfect complements for each other. What better way to find out what's going on in Soviet space stations or to allay Soviet's suspicions about the shuttle than to take each other for a ride? More routine cooperation in space and the consequent co-mingling of space scientists would make much harder concealed weapons work.

In conclusion, the world is at a critical juncture. Either we move now to comprehensively ban weapons from space or we will have a major new arms race on our hands. Space technology can be the foundation of an alternative security system—if we ban weapons now.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to: Mr. ERLENBORN (at the request of Mr. MICHEL), for today and the balance of the week, on account of attending the ILO Conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHLERT) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 5 minutes, today.

Mr. JEFFORDS, for 60 minutes, June 21.

Mr. JEFFORDS, for 60 minutes, June 22.

Mr. DANNEMEYER, for 30 minutes, today.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ZABLOCKI, for 5 minutes, today.

Mr. WEAVER, for 60 minutes, today.

Mr. MINISH, for 60 minutes, on June 21.

(The following Member to revise and extend his remarks and include extraneous material:)

Mr. SEIBERLING, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BOEHLERT) and to include extraneous matter:)

Mrs. JOHNSON.

Mr. FIELDS in two instances.

Mr. BETHUNE.

Mr. MICHEL in four instances.

Mr. BEREUTER in two instances.

Mr. WEBER.

Mr. GRADISON.

Mr. BOEHLERT.

Mr. LEWIS of California.

Mr. CAMPBELL.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. FORD of Michigan.

Mr. MARKEY.

Mr. KASTENMEIER.

Mr. LANTOS in two instances.

Mr. SOLARZ.

Mr. D'AMOURS.

Mr. MCDONALD.

Mr. STARK.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 448. An act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 805. An act to amend the act of July 28, 1954 (68 Stat. 575), to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 818. An act to authorize the replacement of existing pump casings in the Robert B. Griffith water project pumping plants 1A and 2A (formerly the Southern Nevada water project), and for other purposes; to the Committee on Interior and Insular Affairs.

S. 886. An act to designate the Alben Barkley National Historic Site; to the Committee on Interior and Insular Affairs.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on June 17, 1983 present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 234. Joint resolution designating the week beginning June 19, 1983, as "National Children's Liver Disease Awareness Week."

ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (2 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 21, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1381. A letter from the Secretary of Defense, transmitting a report of a violation of section 1342 of title 31, United States Code, and Department of Defense Directive 7200.1, pursuant to title 31, United States Code 1342; to the Committee on Appropriations.

1382. A letter from the Secretary of State, transmitting a report, covering the month of May, on the manner in which the national interest of the United States has been served by the payments made by the Commodity Credit Corporation to the U.S. creditors on credits guaranteed by the CCC on which payments had not been received from the Polish People's Republic, pursuant to section 306 of Public Law 97-257; to the Committee on Appropriations.

1383. A letter from the Comptroller General of the United States, transmitting a report on the review of the proposed deferrals contained in the message from the President dated May 19, 1983, pursuant to section 1013 of the Impoundment Control Act; to the Committee on Appropriations.

1384. A letter from the President, National Institute of Building Sciences, transmitting the 1982 annual report on the activities of the Institute, pursuant to section 809(i) of Public Law 93-383; to the Committee on Banking, Finance and Urban Affairs.

1385. A letter from the Secretary of Education, transmitting proposed final regulations for intergovernmental review of Department of Education programs, pursuant to section 431(d)(1) of the General Educations Provisions Act, as amended; to the Committee on Education and Labor.

1386. A letter from the Chairman, Federal Trade Commission, transmitting the 68th annual report of the Commission, covering fiscal year 1982, pursuant to section 6(f) of the act of September 26, 1914; to the Committee on Energy and Commerce.

1387. A letter from the Chairman, National Diabetes Advisory Board, transmitting the Board's fifth annual report, pursuant to section 437(j) of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

1388. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions of Ambassador-designate Robert E. Fritts, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

1389. A letter from the Secretary of Commerce, transmitting the semiannual report of the Inspector General of the Department of Commerce for the period ended March 31, 1983, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

1390. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new records system, pursuant to title 5 United States Code 552a9(o); to the Committee on Government Operations.

1391. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to title 5 United States Code 552a(o); to the Committee on Government Operations.

1392. A letter from the Acting General Counsel, Civil Aeronautics Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1981, pursuant to title 5 United States Code 552(d); to the Committee on Government Operations.

1393. A letter from the Acting Chairman, U.S. Nuclear Regulatory Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to title 5 United States Code 552b(j); to the Committee on Government Operations.

1394. A letter from the Assistant Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment due for 1982 from the Cedar Bluff Irrigation District No. 6, Cedar Bluff unit, Pick-Sloan Missouri Basin program, Kansas, pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

1395. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the Lake Superior and Mississippi Bands of Chippewa Indians, judgment funds in dockets Nos. 18-C and 18-T, pursuant to section 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted June 17, 1983*]

Mr. RODINO: Committee on the Judiciary. H.R. 2867. A bill to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes; with amendments (Rept. No. 98-198, Pt. III). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted June 20, 1983*]

Mr. STRATTON: Committee on Armed Services. H.R. 1927. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983, and for other purposes (Rept. No. 98-247). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FISH:

H.R. 3361. A bill to amend the Clayton Act to limit the liability of States and units of local government for certain violations of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Mr. McCOLLUM:

H.R. 3362. A bill to amend title 18, United States Code, to permit the transportation of certain domestic prison-made goods, to increase the rehabilitative use of employment and training in Federal correctional institutions, and for other purposes; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

195. By the SPEAKER: A memorial of the Assembly of the State of New York, relative to the sea lamprey situation in Lake Erie; to the Committee on Merchant Marine and Fisheries.

196. Also, a memorial of the Senate of the State of New Hampshire, relative to a pilot program involving AFDC families; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 433: Mr. Frank and Mr. Oberstar.

H.R. 622: Mr. Carr, Mr. Clay, Mr. Corrada, Mr. Harrison, Mr. Leland, Mr. McCandless, Mr. McGrath, Ms. Mikulski, Mr. Richardson, Mr. Wolf, and Mr. Won Pat.

H.R. 700: Mr. Roe, Mr. Torricelli, Mr. Stokes, Mrs. Boxer, Mr. Vento, Mr. Horton, Mr. Seiberling, Mr. Frenzel, Mr. Kildee, and Mr. Mitchell.

H.R. 701: Mr. Barnard, Mr. Packard, Mr. Conte, Mr. Simon, and Mr. Bilirakis.

H.R. 702: Mr. Mineta, Mr. D'Amours, and Mr. Kildee.

H.R. 901: Mr. Torricelli, Mr. Foglietta, Mr. Conyers, Mr. Mineta, Mr. Anderson, and Mr. Tauke.

H.R. 1619: Mrs. Boxer.

H.R. 1644: Mr. Addabbo.

H.R. 1797: Mr. D'Amours, Mr. Akaka, and Mr. Pepper.

H.R. 2216: Mr. Britt.

H.R. 2468: Mr. Wheat, Mr. Glickman, Mr. Horton, Ms. Mikulski, Mr. Levin of Michigan, Mr. Howard, and Mr. Lowry of Washington.

H.R. 2961: Mr. Shaw.

H.R. 3074: Mr. Sabo, Mr. Seiberling, Mr. Lowry of Washington, Mr. Mitchell, Mr. Sikorski, and Mr. Howard.

H.R. 3150: Mr. Sam B. Hall, Jr.

H.J. Res. 71: Mr. Florio.

H.J. Res. 103: Mr. Fazio.

H.J. Res. 210: Mr. Parris and Mr. Evans of Iowa.

H.J. Res. 255: Mr. Andrews of Texas, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Hefner, Mr. Erdreich, Mr. Beilenson, and Mr. Bateman.

H. Con. Res. 9: Mr. Donnelly.

H. Con. Res. 67: Mrs. Boxer.

H. Con. Res. 107: Mr. Stokes.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

122. By the SPEAKER: Petition of the City Council, Virginia Beach, Va., relative to the proposed plans of the U.S. Navy for military construction in Virginia Beach and throughout the Tidewater area; to the Committee on Armed Services.

123. Also, petition of the Pacific Fisheries Technologists, Anchorage, Alaska, relative to funding for programs vital to the seafood industry; to the Committee on Merchant Marine and Fisheries.

124. Also, petition of the New Jersey State Federation of Women's Clubs, New Brunswick, N.J., relative to the repeal of the provision to withhold 10 percent of earnings on interest and dividends; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

TOWARD A MORE RATIONAL EAST-WEST TRADE POLICY

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BEREUTER. Mr. Speaker, the economic future and the political strength of our Nation can no longer be separated from its position in the world trading market. We must formulate a policy for the future which recognizes the state of the world's economy as it now stands and maximizes America's strengths within that context. Resolution of the dilemma we face regarding East-West trade must be one of the top priorities for this Congress.

Statutory authority for the Export Administration Act of 1979 expires later this year. As we in this body review that act and attempt to determine what proper American export control policy should be, one of the most vexing issues to face us will be that of East-West trade.

Recently, I had the opportunity to read an article by former Senator Adlai Stevenson. Writing in the Notre Dame Law School's winter 1983 Journal of Legislation, Stevenson gave an intellectually provocative assessment of American trade policy with the Soviet bloc nations and his prescriptions for change. This Member hopes that all Members of Congress interested in East-West trade issues will examine the Stevenson article which is reprinted here in part and which should stimulate a search for a new and consistent approach.

TOWARD A MORE RATIONAL EAST-WEST TRADE POLICY

(By Adlai E. Stevenson)

Each Presidential administration promises to articulate a policy on East-West trade. Each is torn between the demands of mercantilists for markets and hard liners for security. The United States ends up sacrificing both its trade and security interests, and still has no coherent policy on East-West trade.

"East-West trade" is shorthand for trade with communist countries. In the parlance of American foreign policy, communist countries are segregated and referred to as "non-market" countries. The United States views the world as bipolar, divided into two hostile camps by geography and ideology.

The rationale for the segregation of communist countries is the Marxist doctrine of world struggle and the eventual supremacy of communism. But there is little historical support for this rationale. The proletariats of the world have shown little appetite for communism as it is practiced today. "Wars of Liberation," by whatever name, are unguided by ideology. They are more likely to be motivated by aspirations for bread and freedom than by ideologies of capitalism or communism. Small communist countries, such as Bulgaria, pose little threat to the United States, even as members of the Warsaw Pact. Some non-communist nations are more hostile and more powerful than many communist nations.

Judging from the current law, the overriding objective of United States-East-West trade policy is free emigration. Access by communist countries to our markets and to official United States trade credits is conditioned upon the right of their citizens to emigrate. This objective rejects a concern for the plight of Jewry in the Soviet Union that is not reflected in policy toward non-communist countries, nor in our own immigration polices. Haitians wash up on our shores like human flotsam, but are not the stated object of official solicitude. United States policy now is reluctant to acknowledge the possibility of non-communist oppression.

The objective of East-West trade policy is not fact free emigration. The Vice Premier of the People's Republic of China made that point when he asked Mr. Carter, "how many million do you want?" The ostensible beneficiaries of our official solicitude in the Soviet Union pay a high price for it. Their emigration falls off when the Jackson-Vanik Amendment is passed by the House of Representatives. Emigration from the Soviet Union increases with the pendency of SALT II. It slumps again when SALT II is abandoned and the pipeline sanctions are imposed.

The objective of East-West trade policy is not trade. Its real objective is to punish the Soviet Union for its transgressions, most recently in Afghanistan and Poland, and retard its economic and military development. The result of East-West trade policy is to achieve neither its ostensible or its actual objectives. Trade, which is strangely absent from considerations of East-West trade policy, also suffers.

CONSIDERATIONS IN THE NORMALIZATION OF EAST-WEST TRADE

American diplomacy should reflect the realities of this world, including its new pluralism. The pluralism of the communist world is manifested by events in Poland, the internal tensions of Yugoslavia, the experiment with decentralization in Hungary, the independent foreign policy of Rumania, a grim three way conflict in Cambodia, and the overarching tension between the Soviet Union and the People's Republic of China.

The United States would, with more wisdom, normalize trade with Eastern European countries, weaning them from dependence on the Soviet Union. By denying them trade we force their dependence on the Soviet Union and a closed, inhibiting system of barter within the COMECON countries. Mutual interest in each other's welfare and profit comes with trade. If our notions about capitalism and free enterprise are right, these nations will, within limits made larger by trade, work their way toward us. No nation seeks Soviet bondage. All have a uniqueness and some pride in their national identity. Poland, which has enjoyed the closest commercial relations with the West, experiences the most visible struggle for human rights and national independence. Even compliant Bulgaria, emancipated from Turkish bondage by Soviet arms, is experimenting new methods of decentralized decision-making in its economic system.

A differentiated approach to the communists nations might produce more caution in some parts and improved relations through trade in others. The passion for trade with the People's Republic of China, even in weapons and equipment with potential military uses, betrays more confidence in the ultimate good will of a billion armed and disciplined communist Chinese than history warrants. The United States tilted toward the PRC in an attempt to taunt the Soviet Union and gave little thought to the implications. Japan and the other allied nations are less impulsive and more wary of involving themselves in the conflict between the communist super powers. They maintain an "evenhanded" policy to which the United States subscribed until Afghanistan.

With the discovery that a Soviet brigade in Cuba was organized along combat lines and the Soviet invasion of Afghanistan, the United States overreacted. With the 1980 elections looming, Congress panicked. The United States played out all the non-military options. The United States left itself with little but military force or acquiescence for the next time the Soviet Union transgressed its sensibilities. Now we are building up the military. We scrapped Salt II and imposed economic sanctions, punishing ourselves, as well as the Soviets for their transgressions. We tilted toward the PRC. We boycotted the 1980 Summer Olympics. The Reagan Administration lifted the grain embargo and inconsistently imposed the pipeline sanctions. We revived the Cold War. The Carter and Reagan Administrations put us back, more or less, where we were after the uprisings in Czechoslovakia and Hungary: powerless to help the victims of Soviet aggression and, in the eyes of the world, powerless to do anything convincingly, and in concert with our Allies, when the Soviets transgress our interests.

The Reagan administration, with its militancy and coolness to negotiations for arms limitations, made Mr. Brezhnev appear to be the peacemaker. People by the hundreds of thousands have filled the streets of Europe to protest. Friendly European governments have been shaken. Increased expenditures for defense were cut back in Europe, and never materialized in Japan. The gas pipeline sanctions increased tensions between the Allies. Now we arguably negotiate from greater weakness for the reduction of arms, the Reagan Administration's defense build up notwithstanding. The Soviets are encouraged to compromise their differences with the PRC.

Six years ago the United States subsidized Soviet wheat purchases. In one year, during the heyday of detente, the United States offered the Soviets $500 million in credits for the purchase of non-agricultural commodities. At Helsinki, the United States offered

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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the Soviets the Western imprimatur of approval for Soviet domination in Eastern Europe in exchange for lip service to human rights. No sooner were credits extended than the game of linkage began. The Soviets were denied access to official credits and United States markets upon "most favored nations" terms. When we discovered the brigade in Cuba and scrubbed SALT II, the Soviets invaded Afghanistan. They had little to lose by their aggression and perhaps something to gain. The force levels of the West were irrelevant then, as they were in Angola. We lurch from one extreme to another, from one Administration to the next, rarely basing policy on realities.

In this post-colonial world, conflicts are animated by religious fundamentalism, nationalistic movements, and the unpopularity of repressive regimes. The limits of military power were dramatized by the Americans in Vietnam, as well as by the Soviets in Afghanistan. We live in a transistorized world in which politicized masses, unperturbed by foreign force levels or economic sanctions, exercise power at the expense of government and elites. Even Cuba, ninety miles off our shores, is unimpressed by economic sanctions.

The realities of our world include Russia

Russian imperialism did not begin in Afghanistan. It began a thousand years ago. In 1917 it acquired an ideological cover. The totalitarian state was perfected. Communist Russia's march continued and it is not likely to be arrested by the granting or withholding of credits or access to our markets. The Soviet Union is animated by invasions from the Tartars to the Nazis, by its encirclement in the Cold War, by the imperialism of Peter and Catherine, by the communism of Marx and Lenin. Its history gives us some basis for caution. Without some evidence of resolve and reliability in the West or some possibility for the peaceful and mutually advantageous accommodation of differences, the Soviet Union will be tempted to press its opportunities in the world. It will be even more tempted for reasons of ideology, as well as opportunism, if the economic systems of the West come apart and the social cohesion of Western nations is strained by poverty and economic injustice. The greatest threat to our security may be from within and the conditions paradoxically created by our reliance on armaments and, to a lesser extent, economic sanctions in dealing with the Soviet Union. Those nations which produce the most efficiently and market their goods and services the most aggressively enjoy the highest levels of economic growth and employment and the lowest levels of inflation; they tend to be the nations which spend the least on armaments. They go all out to win the new world war for the world's markets and supplies, uninhibited by the constraints of United States East-West trade policy.

Soviet adventurism could be resisted by nations which are economically strong, united in purpose, and attuned to the realities of a world little impressed by MX Missiles and frozen assets. Any level of military strength which conveys an impression of irresolution or retreat is unsafe against the history of Soviet expansionism. But, perceptions of adequacy vary. Resistance can take many forms. The Soviet Union is generally influenced more by mixed prospects for trade and economic development than by prospects for warfare, undiluted by possibilities for peaceful progress on any front. That which powers may be persuaded to do by old-fashioned, and now neglected, methods of quiet diplomacy can be made more unlikely when national pride is threatened. The grain embargo hardened the Soviet position.

Actions such as the freeze of Iranian assets, once taken, are difficult to undo. Embargoes, like the freezing of assets, are economic acts of war. Recently, such acts have ended in American capitulation. President Reagan lifted the grain embargo unilaterally; the Soviet troops remained in Afghanistan. Soviet influence in Poland was undiminished. The pipeline sanctions were lifted for a European fig leaf. One mistake is compounded by another. Such inconsistencies and political expediencies dismay friends and bewilder enemies.

The cost of the grain embargo included $1.4 billion for the purchase of grain destined for the Soviet Union. Public expenditures for price supports and storage costs became necessary. Embargoes, including the extraterritorial pipeline sanctions, feed the world's impression that the United States is an impulsive and unreliable supplier of goods and services. Increasingly, nations come to the United States for the purchase of food and other goods and services only as a last resort. The Japanese are reluctant to enter long-term contracts for the purchase of coal, having previously experienced difficulty in obtaining soybeans. Eastern Europeans and other Soviet allies are pressured to avoid United States products. American companies escape the caprice of American foreign policy by locating plants overseas. The extraterritorial pipeline sanctions notwithstanding, they avoid embargoes by manufacturing with foreign source materials and foreign subsidiaries. Embargoes against exports of United States goods produce exports of United States jobs and capital. The economic consequences of such sanctions are difficult to quantify. But they include inflation, economic stagnation, and unemployment. They include national insecurity. The object of the sanctions remains unmoved and largely undisturbed.

The Soviets respond by devoting resources to the development of their own capabilities. Deny them equipment for the production of industrial diamonds and they become the world's largest producer of industrial diamonds. Deprived of gas turbines, they will build them. The Soviets generally divert resources from lower economic priorities and redouble their efforts to produce whatever is denied them. They are already the world's largest oil producer. The denial of equipment for the production of oil or transportation of gas, if successful, would increase energy prices over time. Consumers, including the United States, would suffer. The Soviet Union's oil, gas, and gold would increase in value. Dependence upon undependable Middle East sources would be extended; gas supplies in the North Sea depleted prematurely. The Soviet Union is one of the world's best credit risks. It can obtain financing and supply its requirements for energy equipment from external or internal sources. It has the financial resources, and there is virtually nothing now which cannot be bought from other sources, including energy technology. The energy production commodity in greatest demand by the Soviet Union is large-diameter pipeline which is not made in the United States. The effect of these sanctions is not so much to retard energy development or punish the U.S.S.R.—as to punish and embarrass the United States.

Embargoes are difficult to enforce. Even the COCOM System, which has the support of our allies, has not always been effective as a means of controlling exports to the Soviet Union of high technology with military potentials. Wheat, corn, and soybeans, unlike computers, are not identified by source. Trans-shipments and substitutions of shipments are possible in violation of regulations and promises. Other nations do not share our enthusiasm for depriving themselves of trade. They are hard pressed to export. They do not share the full extent of our moral indignation, or our conviction that embargoes are an effective means of bringing Soviet imperialism to heel. They often give lip service to our efforts, agree to more "studies," and go on doing business with the Soviets, picking up our business.

AN EFFECTIVE EAST-WEST TRADE POLICY

In the continuing competition between the United States and the U.S.S.R., it would be wise to act with more predictability and some respect for our economic interests. It would be best if our actions were governed by a clearer perception of Soviet interests. That strategy must maintain the economic strength of the nation, its social cohesion, and the ideals which differentiate the United States and the Soviet Union. It should include an appropriate use of all our resources for our political purposes.

The United States has potentially more control over world food supplies than Saudi Arabia has over oil, but we have never moved to use that power effectively. The Soviet Union is doomed to dependence on external sources of grain. But, irrespective of Soviet provocation, the United States should develop a food policy for an era of chronic poverty, hunger, malnutrition, and political instability, a food policy more promising than a combination of expensive price supports, intermittent embargoes and the stealthy purchase of United States grain on advantageous terms by unfriendly nations. Other nations, both producers and consumers, lacking the luxury of large surpluses and internal markets, have public agencies to manage the marketing of grain.

In lieu of embargoes, we could make the Commodity Credit Corporation (C.C.C.) the exclusive agent for the sale of United States commodities to the Soviet Union and other nations against which we feel bound to act. In this hungry and dangerous world, the United States disarms itself uniquely and unilaterally by leaving the sale of American food to multinational traders and their foreign government customers. The C.C.C. could have taken over the grain stocks destined for the Soviet Union, scaled down the sales step by step, making it clear that the ultimate result could be an embargo. The policy could have been carried out, giving both the markets and the Soviets time to adjust to the carrot, as well as the stick. Other grain exporting nations have the means and incentives to cooperate with such a policy. Profits on the sale of food might be increased on sales to the Soviet Union, even as political interests are brought into play. Such a mechanism offers a means for demonstrating the rewards to be achieved by responsible behavior at the same time the United States demonstrates that aggression has its price.

The Russians also need our technology. The United States and its allies should agree on the technologies which are critical to Soviet economic and military development and through the COCOM mechanism, agree on which to embargo. They should also agree on clear-cut terms of trade, including the credits to be extended to the

Soviet Union and its allies and the enforcement of those agreements, always leaving open the possibility of more credits and trade as relations improve. We need to construct incentives to good behavior, as well as disincentives to hostile behavior.

After World War II, United States leadership helped forge the international institutions of trade and finance which gave the world a measure of peace and prosperity. Today those institutions are in disrepair, and the United States is not in the preeminent position it occupied in the late 1940's and 1950's. Cooperation with the other industrial nations is essential now. We lack the authority for unilateral action and they resent the shocks and bumps of mercurial American policy. They fear the expediencies of American politics.

We must cooperate with our allies and pick up where Bretton Woods left off. Cooperation means sharing the economic aid burden and, in the process, enjoying the economic benefits of expanded trade and investment in the lesser developed and nonmarket countries. It means responsibility for exchange rate stabilization, payments financing, and long-term development, bilaterally and through multilateral banks and the International Monetary Fund. We can supply management for the development of Least Developed Countries' economies and help in building a scientific infrastructure for nations which at present have no means of developing technologies relevant to their needs. The United States can supply food to keep the hungry from dying and restore its image as a humane and powerful nation. We could cooperatively develop the world's fuel supplies and maintain stockpiles of industrial materials against the risk of interrupted supplies from undependable foreign sources. These are the kind of hard answers to which we once were equal and can be again. There are no short cuts to prosperity or security in east-west trade, which may be why the dilemmas remain unresolved—and the nation is left without a coherent policy.

If the world does not break out of the well-worn ruts of endless arms buildup and economic warfare, those ruts will lead again to conflict and exhaustion in times more dangerous than any before. The United States needs to pick up where it left off. Its deal are in line with the world's aspirations. Its resources are in line with the world's needs.●

EAST GERMANY'S CONTRIBUTION TO FREEDOM OF EXPRESSION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. MICHEL. Mr. Speaker, East Germany's Communists rulers, imitating the conduct and the morality of their Soviet masters, have discovered a new way of dealing with expressions of opinions with which they disagree—they recently beat up a dissident, handcuffed him and threw him aboard a train headed out of the country.

He is the 20th East German to receive such treatment in recent weeks. Needless to say, East Germany strongly supports the right of dissent of those in western Europe who oppose the nuclear policies of their government.

At this point, I wish to insert in the RECORD, "E. Germany Expels Peace Activists" from the Washington Times, June 9, 1983.

[From the Washington Times, June 9, 1983]

E. GERMANY EXPELS PEACE ACTIVIST

LUDWIGSTADT, West Germany—East Germany deported a member of the fledgling peace movement yesterday, taking him forcibly from his home and locking him in a compartment on a train leaving the country, border guards said.

West Germany protested the expulsion, calling it a human rights violation that will worsen relations between the two Germanys. Bavarian border guards said they found Roland Jahn, of Jena, East Germany, aboard a train bound for Munich, West Germany, with his hands and arms scraped by handcuffs and his clothing torn. He is the 20th member of the East German peace movement to be deported in recent weeks.●

HOW CAN WE BEAT THE UPCOMING INCREASES IN LOCAL PHONE BILLS?

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. MARKEY. Mr. Speaker, a week ago today, I offered an initial suggestion for congressional action to beat the upcoming increases in local phone bills. Today, I offer the second of my recommendations for a possible House initiative to deal with this pressing problem.

I know that many in Congress find this development frustrating. Most of the local rate increases will not be debated here, nor will they be debated in Washington at the FCC. Instead, they will be debated and decided upon by State public untility commissions (PUC's). It would seem then that the Congress is powerless to stop these increases from taking affect.

I disagree. At stake here is a Federal policy—affordable universal telephone service. Failure for the Congress to find some means of addressing this disturbing change, even though the progress of the change is happening at the State level, would be abdication of our basic responsibility to prevent the creation of an information aristocracy and an information underclass in this country.

What then can we do?

One answer which I supported in the last Congress, and intend to support in this one, is the creation of residential telecommunications consumer corporations, or as they are known in some States, citizen utility boards. These RTCC's or CUB's could be important players in the fight against rate increases.

What are they and how would they work?

RTCC's would be ratepayer-supported consumer advocacy groups. They would get their funds from the voluntary donations of telephone bill payers; the Wisconsin CUB charges annual voluntary dues of $3. Federally authorized RTCC's would have the authority to insert membership applications and information about their activities in phone bills—though they would have to reimburse phone companies for the costs associated with their mailing efforts.

RTCC's would use the moneys that they raise from contributions to hire a staff of attorneys, accountants, and other experts to plead the consumers' case before the PUC's. In many States, PUC's hear only one side of the argument in a rate case. In others, local telephone companies face only token opposition from poorly funded public counsel offices which often lack the resources or expertise to produce their own detailed responses to phone company filings.

RTCC's would not be new Government bureaucracies. They would not require the expenditure of any tax moneys. They would entail no cost to taxpayers, telephone companies, or phone company shareholders. They would simply be voluntarily funded, locally oriented organizations standing up for consumers at this critical time.

In Wisconsin, which as I mentioned earlier, a State-authorized CUB recently celebrated its third birthday. Since 1980, it has acquired 65,000 members, and beaten off over $90 million in rate increases. Its annual budget from voluntary contributions is over $400,000. In sum, the CUB concept has been proven effective and worthwhile.

A Federal law which authorized a CUB in each State, and possibly one at the Federal level to plead before the FCC, could get the drive for RTCC's or CUB's off the ground. The Congress should use its political muscle to create these organizations all across the country. Any common carrier bill the House passes should include a provision creating a system of RTCC's, and if the House does not consider a broader bill, I intend to introduce a narrower RTCC/CUB bill in the coming months.

I urge my colleagues to endorse the CUB concept, and support it in any upcoming telecommunications bill or as a separate initiative. They should feel free to contact me for more information on this issue.

Support for a system of RTCC's/CUB's, then, is the second thing we can do to beat the upcoming increases in local phone bills.●

LETTER FROM A CONSTITUENT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. AuCOIN. Mr. Speaker, Members of this House who voted for a mutual, verifiable freeze on the production and deployment of nuclear weapons, and then voted to make a half-a-billion-dollar downpayment on the MX missile, performed a remarkable feat of political acrobatics.

They will soon have the opportunity to explain to their constituents, over the July 4 recess, why they did it. My hope is that they will be encouraged by their constituents to do it again, when the House reconvenes next month, and vote for an amendment to strike $2.6 billion to start production of the MX.

I want to share with my colleagues a letter from a constituent of mine, 14-year-old Tannya Smith of Beaverton, Oreg. I believe that she speaks for millions of their constituents as well:

Dear Sirs: I am fourteen years old and I want to live for a long time. Your generation is the one that will start the wars that my generation has to fight. I know that we don't want to kill to create peace or to save a politician's pride.

I am begging you to work against war. So far every generation has had one and it is a habit that has to be broken before it breaks us and destroys all conception of human happiness. Please, if we fight one more time it could be the last time ever.

I do not want to die. Hopefully yours, Tannya Smith.●

TEACHER COMPENSATION

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. WEBER. Mr. Speaker, I would like to call to the attention of my colleagues two editorials that appeared in the Washington Post on Friday, June 17. These two editorials by Denis P. Doyle and William Raspberry deal with a very important issue, the compensation of our Nation's teachers. While I do not necessarily endorse the two editorials, they are important if only because they contribute to the discussion that has recently been generated about this critical issue. Unless the caliber of our teachers is improved, our children and our Nation, will suffer. I have asked that these two editorials be included in the Record so my colleagues will have the opportunity to read them. Hopefully, this will lead to a constructive discussion of the information that they encompass. The quality of education in this country is key to our Nation's success in the future. And the quality of our teachers is a key to the success of our educational system.

How We Got the Good Teachers . . .

(By Denis P. Doyle)

There is an old canard about professional economists: their job is to see if things that work in practice work in theory. So it is with education. What accounts for the quality of teachers? The economic and social realities of a given time and place. F. Scott Fitzgerald is reported to have said that nostalgia is being sentimental about something that never was. For those of us who graduated from high school before 1960, it is hard to distinguish between romantic memory and reality.

Were my best high school teachers—Mrs. Nesbit and Mr. Cunnea, Miss Callahan and Mr. Dean, Miss Walters and Mrs. Roberts—really as demanding, and rewarding, as they appear through the mists of time? The question answers itself: the good teachers, the ones who really challenged you, forced you to think, are the ones you remember because they changed your life. And there are individual teachers like that today.

The more difficult question has to do with teachers as a group: were the teachers of 10, 20, 30 years ago "better" teachers than those teaching today? The numbers give one pause, for they paint a dismal picture.

Gary Sykes, a researcher at the National Institute of Education and an authority on teacher quality, reports some sobering facts: "Graduate Record Exam . . . scores . . . have declined significantly since 1970, and were substantially lower than scores of majors in eight other professional fields." After analyzing data from a wide variety of sources, Sykes somberly concluded that ". . . a mass of evidence converges to show that academic ability of education majors is both low and declining. Teaching appears to attract the least academically able and to be decreasingly attractive.

The probability that yesterday's teachers were better than their successors is so plausible that various explanations are making the rounds. The most popular is that it is all the result of women's liberation.

The argument is by now familiar and goes like this: for generations, only one socially desirable job was available to women: teaching. The only other female employment options—scullery work, telephone operator, household domestic, chambermaid, and the like—acted as a negative incentive, encouraging the best and the brightest women to enter teaching, a public school bonus enjoyed at women's expense.

The most talented and ambitious women became teachers and they worked for very low wages. Indeed, for years the situation was so extreme that women teachers were actually on a separate salary schedule and paid less than male teachers.

What was true for women in general was also true for minority group members, particularly black women. It is an old story in the black community that one of the few jobs in which a black woman was secure was teaching: secure, at least, from the advances of unscrupulous employers in domestic, farm or factory service.

The halting emergence of equal employment opportunities for both women and minorities, then, has denied public schools a supply of low-cost, high-quality labor. That is only part of the story, however. Another equally important pair of events does much to explain why the overall quality of today's teaching force has declined.

The events in question are the Great Depression and the Wondrous Recovery that followed the Second World War. First, the Depression. It tipped untold thousands of highly qualified adults into teaching, a group that in more sanguine economic times would have done other things. By 1931, unemployment had reached 15.9 percent; by 1933, the absolute depth of the Depression, unemployment reached an incredible number: 24.9 percent. A teaching job was worth its weight in gold, and the competition for those that were available was intense.

There were not only no other jobs available, teaching was one of the few jobs a bright and eager person could prepare for at reasonable cost. During the Depression, for many, a two-year teaching degree from Normal U. was possible, while Harvard was financially out of reach.

All but unnoticed, an interesting scenario unfolded. The entering Depression teacher stayed in the profession because no lateral employment options were available. The interruption of the war cemented the situation firmly into place. Teachers who entered the armed forces returned to their old jobs with seniority and pension benefits intact.

Hard upon the end of the war came unparalleled recovery and real economic growth. Schools shared in this, and it was not long until the children of the baby boom swelled the schools' ranks. By the early '50s, in certain growth areas it was not uncommon for a school district to spend most of its energies building schools: adding a school building a year was not uncommon for a medium-size district in California, and even this did not prevent double shifts and overcrowding.

The effect of this for Depression teachers was quite dramatic: 20 years after entering teaching (by default) they found themselves committed by force of circumstance to their craft.

It is, indeed, an ill wind that blows no good, and the Depression produced a generation of teachers of exceptional talent and intelligence that we began to take for granted. We thought their high standards, intellectual accomplishment and dedication were the norm. But high standards for elementary and secondary school teachers have never been the norm: among the best, the pay was never sufficient to attract any but the most dedicated.

Today's good teachers—of whom there are still many—are in the classroom because they believe in teaching, not because of financial rewards. That, of course, is an old story: in the "helping" professions, "psychic" income is important. But schools cannot be run on good will and dedication alone.

It should come as no surprise to learn that as the Depression generation teachers began to retire, the slow slide in the test scores began. The young teachers who began in 1929 are now in their mid seventies; they began retiring in the 1960s. The teachers who began in the depths of the Depression retired in the 1970s.

Well, if you think that teachers used to be better—on average—they probably were—compliments of the Great Depression. And if you think that things will get better without paying teachers more, ponder this: the 22-year-old who began teaching in the last year of the Depression (1940, when unemployment stood at 14.6 percent) is 65 this year. He or she will retire this month. Goodbye Depression bonus, hello reality.

. . . How We Pay Their Successors

(By William Raspberry)

Accuse President Reagan of having done a good deal of harm to public education and you get no argument from me. His administration's reductions in student loans, vocational education and the Title 1 program, in addition to his recommendations for tuition tax credits, add up (in my view) to an assault on education.

But in the raging debate between the administration and the nation's largest teachers' organization, the National Education Association, on the question of merit pay, the administration has the better of the argument.

A recent episode of PBS's "MacNeil-Lehrer Report" makes the point. Secretary of Education Terrel Bell urged the public schools to "take a page from the higher-education book" and find ways to reward outstanding teachers without promoting them out of the classroom. He had in mind something like the current Tennessee proposal to institute senior-teacher and master-teacher ranks, so that superior teachers not only will earn more money but also be available to help younger teachers improve their competency.

NEA president Willard McGuire was having none of it. "When you name a few teachers as meritorious," he said, "you are saying that the others are not meritorious." And that, of course, would be dreadful.

"If we are going to name 15 percent of the teachers as being meritorious, for example, then parents of the majority of students will see that their children are destined to be taught by non-meritorious teachers, and I believe that the tension that will bring between parents and school administrators, as they seek to have their child[ren] placed in a class with a meritorious teacher will bring us trouble that we don't want or need at this time."

The plain fact is that parents already know who the outstanding teachers are. And those parents with the concern and the clout to do anything about it already are exerting pressure to have their children taught by these exemplary teachers. It's hard to see how paying outstanding teachers for their unusual competence would increase that parental pressure.

McGuire, naturally, had other arguments. Merit pay would usher in favoritism on the part of evaluators (which, under most proposals, would include other teachers). It would produce bitterness on the part of teachers not selected as outstanding. It would "be negative to the teamwork concept."

If the interviewers, Robert MacNeil and Charlayne Hunter Gault, were incredulous, it may have been because they found it hard to imagine a profession more demanding of teamwork than television, and harder still to imagine a system whereby television journalists would be paid solely on the basis of their college credits and their time on the job.

Secretaries, office managers, athletes and newspaper reporters routinely expect that outstanding performance on their part will lead to promotions and/or pay increases. Of course particular employees will complain that they have been underevaluated, or that they are victims of favoritism or of job assignments that didn't give them the opportunity to shine. But it wouldn't occur to them to argue against merit pay. Unless they are teachers.

And not all teachers. Albert Shanker, head of the American Federation of Teachers recently told his convention that there is a different public climate regarding public education and that teachers would be well advised to make the necessary adjustment. "They are saying: 'We're willing to help—to pour new billions into education—if you're willing to make some of the changes we want,' " said Shanker, making clear that he included the possibility of some form of merit pay.

Shanker may be doing what he can to make some distinctions between his union and the NEA, whose 1.6 million members make it a million members larger than the AFT. But he is also facing up to the reality that relatively low pay and relatively small opportunity for career progression are making teaching less attractive to the brightest young people, and that you can't make silk purses without silk.●

SUPPORT FOR H.R. 3358

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. LEWIS of California. Mr. Speaker, today, I join with my colleague from Massachusetts, Representative Shannon, in encouraging all Members, on both sides of the aisle, to join me in supporting this legislation which provides affirmative commitments to solar, wind, and geothermal energy projects which meet the requirements to qualify for existing energy tax credits. The continued research and development of alternate energy sources is essential. My district contains solar, wind, and geothermal projects which are complete and operational partly due to the energy tax credits. Of all the alternative energy prospects, solar is one of the highest priorities and if there is anywhere in the Nation where solar energy can logically be explored it is in our desert, much of which lies in my district.

The solar plant is Barstow, Solar 1, which was partly made possible by tax credits, provides a significant demonstration of industrial application of solar energy. These proposed tax credits will provide incentive for further fundamental breakthroughs. The goal is energy independence for America.●

THE FREEZE THAWS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. MICHEL. Mr. Speaker, during our long and arduous debates on the nuclear freeze, I was impressed by the sincerity, the adherence to principle, the unquestioned commitment of the freeze spokesmen. Rarely have we seen such a display of principle. But a recent article in the Chicago Tribune suggests that principled adherence to "an end to the arms race" may take second place to the good old pork barrel. So much for those ringing phrases, those heartfelt denunciations of anything having to do with the nuclear forces of the United States.

At this point, I wish to insert into the Record, "Nuclear Fleet Thaws Freeze Leaders", from the Chicago Tribune, June 17, 1983.

The article follows:

[From the Chicago Tribune, June 17, 1983]

Nuclear Fleet Thaws Freeze Leaders

(By Michael Coakley)

Boston.—In a quiet lobbying campaign faced with irony, many of the nation's leading liberal politicians are fighting to draw nearly 100 cruise missiles to their States.

The struggle involves prominent congressmen and local officials from the Northeast who are eager to attract a new Navy nuclear fleet that will carry about 7,000 jobs to the area chosen as the home port.

The Pentagon disclosed earlier this year that three East Coast ports are being considered: Boston; Newport, R.I.; and the New York-New Jersey area.

Even before the official announcement, the scramble was underway as the Reagan administration was besieged by atypical petitioners pleading an atypical case.

Perhaps the most out-of-character roles have been played by Sen. Edward Kennedy and House Speaker Thomas O'Neill, Massachusetts Democrats who take second place to none in their hostility to President Reagan and in support for a freeze on nuclear weapons.

But Kennedy and O'Neill actively have lobbied the administration to choose Boston as the port.

Pushing just as hard for their own ports are dozens of officials from Rhode Island and from New York and New Jersey. As with the Massachusetts contingent, most of those lobbying for the two other ports are liberal Democrats who have been among the antinuclear campaign's strongest backers.

The fight is over the Iowa, a World War II battleship being refitted for modern warfare, and a group of support ships that together will form what the Pentagon calls a surface action group.

Though the Navy group will carry with it civilian jobs and fortune in Navy paychecks, it also will include a complement of almost 100 Tomahawk cruise missiles capable of carrying nuclear warheads.

The liberals jockeying for the Navy group generally concede, at least privately, that there is some irony in their position. But with the tens of thousands of blue-collar jobs that have left the Northeast in recent years, they argue that they have no choice but to push hard for any venture that could reduce unemployment in their communities.

"Frankly, we don't like to advertise what we're doing, because we don't want to upset the nuclear-freeze people," said a top aide of one Massachusetts congressman engaged in the competition. "But I can tell you one thing: We're prepared to do whatever is necessary to get those jobs for Boston."

Some well-known liberals talk publicly about their effort to lure the Navy group, and they insist that their opposition to the spread of nuclear weapons creates no inconsistency.

"Any and all friendships of that sort, contacts that we have, we will press," said Sen. Claiborne Pell [D., R.I.].

Alan Sagner is a pointed example of the antinuclear, pro-fleet stance.

He is chairman of the Port Authority of New York and New Jersey, the huge umbrella agency that operates the sprawling ports in the New York City area. Sagner also is general chairman of the New Jersey Campaign for a Nuclear Weapons Freeze. He worked assiduously in behalf of a nuclear-freeze referendum in his state last year that carried by an impressive 66 percent.

But Sagner is campaigning just as hard to lure the Navy group to any of the three sites offered in the New York area. "I don't see any inconsistency at all," he said. "If there's a nuclear exchange, they're not going to go for three or four battleships in New York or Boston.

"It's very important that we build the port back up. For us, this fleet would mean a lot of badly needed jobs."

In recent weeks, there have been the first signs of public concern in all three port communities. The Northeast has been a strong base of support for a "mutual and verifiable" nuclear freeze. The cruise missile is a small, winged craft designed to carry conventional or nuclear warheads.

"Once the seagoing cruise missile is deployed, the possibility of negotiating a bilateral freeze becomes much more difficult," said Joseph Gerson, a spokesman for the American Friends Service Committee, a pacifist group.

Last week, a Boston City Council committee held a hearing during which people opposed to luring the Navy group claimed that it would make Boston a more likely target in a nuclear war.

But the city's liberal political and media establishment appears determined to keep lobbying for the Navy group despite the views of the antinuclear movement.

Kennedy and O'Neill have met privately in recent weeks with Navy Secretary John Lehman, and a Boston Globe editorial argued that "the fleet, even with cruise missiles, will not make Boston any more of a Soviet target than the presence of M.I.T. [the Massachusetts Institute of Technology] already does."

In the New York area, the pressure campaign has been surprisingly united. Gov. Mario Cuomo of New York, Gov. Thomas Kean of New Jersey, other public and financial leaders and every member of the two states' congressional delegations, except Rep. Ted Weiss, a Democrat from Manhattan's West Side, have written letters committing their support to the Navy group.

One major unanswered question is whether the ships will be armed while in port. As a matter of policy, the Navy never confirms or denies the presence of nuclear arms on ships.

Many of those who are lobbying to lure the Navy group say they assume that the ships' missiles will be armed with nuclear warheads and that the arms will come into port.

Lt. Dennis Sawyer, a Navy spokesman, said a decision on a home port is expected by late summer, with the port to be ready by 1986 or 1987.

Navy plans call for the Iowa special action group to be one of four equipped with cruise missiles.

"We're not going to the Northeast to make Ted Kennedy or Claiborne Pell happy," a Pentagon source said. "We just think it's necessary to spread our ships around; it's the Pearl Harbor syndrome. It is nice to know that we're going to be welcomed."●

ANDREW FLOSDORF: A TRUE WINNER

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BOEHLERT. Mr. Speaker, we here in Washington often become cynical. In watching day after day a system that seems to thrive on posturing, we begin to question everyone's honesty and purity of purpose.

But an event occurred in this city recently that should serve as a reminder that people still have strong values and will act on them. And the event should give us particular pleasure because it involved a 13-year-old—a portent of our future. And I take particular pride for this 13-year-old lives in Fonda, N.Y., which I represent.

The event I am referring to is Andrew Flosdorf's admission to the judges of the National Spelling Bee that he had misspelled a word that the judges thought he had spelled correctly.

Andrew was eliminated from the finals because of his honesty, but he came out a true winner. His integrity, his sense of values, should be an example to all of us.

But Andrew put it less pretentiously. He said he admitted his mistake because he "didn't want to feel like a slime."

Andrew saw nothing special in what he had done. Perhaps that is the most encouraging sign of all.

I salute him.●

MR. TALMAGE L. TURNER RECOGNIZED FOR COMMUNITY SERVICE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. CONYERS. Mr. Speaker, Mr. Talmage L. Turner recently retired after serving for 65 years in the Church of Music in Detroit and 14 years as minister of music at the Broadstreet United Presbyterian Church located in Detroit, Mich. He was born in St. Louis, Mo., on September 29, 1898, and was the oldest of five children. He excelled in his musical studies with Mr. Aldama Jackson of Juillard in New York City, Dr. Nellie Ebersole of Detroit, Mich., Dr. Federal Wittesy of Detroit, Mich., and several others.

Mr. Turner exemplifies many extraordinary traits of intellect and character. He is devoted to his teachings, the community in which he lives and works, and the city of Detroit.

For his extraordinary leadership and distinguished service in the community, I would like to present to Mr. Turner a proclamation of commendation as follows:

Whereas Talmage L. Turner who served in the Church of Music in Detroit for 65 years and for 14 years as Minister of Music at the Broadstreet United Presbyterian Church located in Detroit, Michigan, is one of our nation's foremost Presbyterian Ministers of Music, and

Whereas music has been the mainstay of his life dating back to his membership in the Summer High School Glee Club in St. Louis, Missouri, and he has brought joy to many audiences with his virtuosity on the violin, trumpet and tuba, and

Whereas Talmage L. Turner along with his devoted wife the late Rosa Brezzell Sipes Turner, during 33 years of marriage, fathered Mrs. Sylvia Winetta Turner-Saunders, Ms. Patricia Ann Turner, Mr. Paul LeVant Turner, Ms. Gloria Bressell Turner, and now has 2 grandchildren Marcellus Conrad and Khalilah Denise Saunders, and

Whereas Mr. Turner organized and directed choirs in Metropolitan Baptist, St. Cyprian Episcopal, Lomax Temple, Hartford Baptist, St. John Presbyterian, Ebenezer A.M.E., Bethel A.M.E. and Broadstreet United Presbyterian churches, and also served in the Seventh Day Adventist Church, and

Whereas he devoted his skillful contributions to the Detroit Negro Opera Company as Assistant Director, the Board of Planning Committees of Church Music Workshops at Michigan State University, the Detroit Musicians' Association, Church Music Guild—Detroit Council of Churches, the Great Lakes Choir, as Continuity Writer and Choir Director of WJBK, with the Jubal Chorale Society, as founder, The Talmage L. Turner Chorale, Director, The Elks Band, The Veterans of Foreign Wars, The Detroit Community Band, The American Legion Band, The University of Michigan Extension Symphony Orchestra and the University of Michigan Extension Concert Band, and

Whereas music fills a vital need in the human experience, Mr. Turner's contributions have been of special importance to all he touched: Therefore be it *Resolved,* That Mr. Talmage L. Turner be awarded this Proclamation of Commendation in recognition of his magnificent career in the field of music.●

HOME MORTGAGE FORECLOSURES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Ms. KAPTUR. Mr. Speaker, the uniqueness of this body lies in its closeness to the people. This special quality gives us the opportunity to understand the needs of our constituents and efficiently and knowledgeably respond to them. While the national economy continues to go through cyclical and structural contortions, hardship is still on the rise. I commend to my colleagues an article which appeared in the June 18 issue of the AFL–CIO News. It reminds us that families are still losing their homes because of the recession. The mortgage assistance legislation we passed last month as a response to the needs of the unemployed has not lost any of its urgency.

HOME FORECLOSURES MOUNT AS SENATE SITS ON RELIEF BILL

Among the human costs of the Reagan Recession has been a growing wave of home mortgage foreclosures due to unemployment.

Despite evidence that the nation's economy has begun to recover from its worst beating since the Great Depression, there has been no relief for jobless homeowners and their families.

Homes in the process of foreclosure rose from 119,000 in the last quarter of 1981 to 181,000 in the last quarter of 1982. During the first quarter of 1983, as the economy began to rebound, home foreclosures in process hit about 210,000.

In addition, well over a million families are delinquent in their mortgage payments because of job loss or other financial hardships.

Today, the rate of home foreclosures and delinquencies is the worst since the Mortgage Bankers Association began keeping records in 1953.

And the tragedy of home loss is likely to get even worse in spite of "the recovery." This is because unemployment is predicted to stay very high for a long period and because many jobless workers will exhaust their unemployment benefits in the months to come.

SHERIFF'S SALE

William Irwin Pastor of Philadelphia, who lost his home at a sheriff's sale, was among those who came to Washington to urge Congress to enact emergency mortgage foreclosure assistance. Testifying before a House Banking subcommittee, Pastor said he was laid off in 1981 after 20 years in the retail pharamaceutical business.

Pastor tried to work out a reduced payment plan with the bank and the Veterans Administration, which had guaranteed the mortgage loan. But the bank refused to accept his partial payments, returned his checks in the mail, and sold the house at a sheriff's sale. Pastor received nothing for the house.

In 1932, with the nation in the grip of depression and Herbert Hoover in the White House, over 250,000 families lost their homes through foreclosure. When Franklin D. Roosevelt took office in March 1933, foreclosures were taking place at a rate of a thousand a day. In April FDR asked Congress to act.

ACTION IN 1933

Congress responded by setting up the Home Owners' Loan Corp. (HOLC), which brought mortgages where jobless homeowners were unable to make payments. The HOLC also financed payments for taxes and repairs and rewrote the mortgages for long-term repayment at low interest rates.

In this way, tens of thousands of families were able to save their homes. One of every five urban homeowners with mortgages became an HOLC beneficiary. The real estate market was saved from collapse and banks began making mortgage loans again.

In some areas, labor's community service committees have tried to persuade banks to abate mortgage payments and hold off foreclosures.

In the depressed steel belt of western Pennsylvania, the Monongahela Valley Unemployed Committee organized a militant campaign which has put a temporary halt to sheriff's sales.

The Sheet Metal Workers union has used its special benefit fund to help its unemployed members avoid both foreclosure and eviction.

On May 11, the House passed the Emergency Assistance Act to provide loans for jobless Americans in danger of losing their homes through foreclosure. The Senate has not yet acted.

The House bill, sponsored by Reps. Henry Gonzalez (D-Tex.) and Fernand St Germain (D-R.I.) is a modest but worthy measure which would aid about 75,000 homeowners during fiscal year 1984. It would provide no relief for jobless renters as proposed by labor.●

THE FREEZE: THREE VIEWS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. MICHEL. Mr. Speaker, on occasion we come across items in the newspaper that need no commentary. I came across three such items recently in the same edition of the Washington Times. I will let our colleagues draw their own conclusions from these two news stories and one editorial concerning the freeze.

At this point, I wish to insert into the RECORD, "Soviets Ask Nuclear Nations for Freeze On Arsenal Buildup," "Baptists Back Reagan on Freeze," and an editorial, "Fritz Leaps Lefter" all from the Washington Times, June 17, 1983.

SOVIETS ASK NUCLEAR NATIONS FOR FREEZE OF ARSENAL BUILDUP

MOSCOW.—The Soviet Union yesterday urged the United States, Britain, France and China to join it in declaring a freeze on nuclear arsenals.

A resolution mandating the Soviet government to seek such a freeze was passed unanimously at the end of a foreign policy discussion in the Supreme Soviet, or parliament.

Communist Party central committee secretary Boris Ponomaryov said a five-power freeze would enhance confidence-building measures and clear the way toward reducing the number of nuclear weapons.

Previously Moscow has urged the United States to agree to a bilateral freeze on nuclear arsenals, but the idea has been rejected by the Reagan administration.

Both Britain and France have plans to modernize their nuclear deterrents by increasing the number of warheads on submarine-based missiles.

China test-launched its first submarine-based missile last year but its nuclear technology is some two decades behind that of the Soviet Union and the United States.

Ponomaryov, who is chairman of one of the Supreme Soviet's two foreign affairs committees, said Moscow hoped the other nuclear powers would take a "responsible attitude" and show "real political will" in their reactions to the plan.

The Soviet Union, while concerned primarily with halting a U.S. nuclear buildup, has been paying increasing attention to the French and British deterrents.

It argues that French and British nuclear missiles should be included in the medium-range European balance because they are targeted on the Soviet Union, but Britian and France insist they are independent deterrents.

China's nuclear forces are rarely mentioned in the Soviet press. But the Soviet Union has in the past proposed to Peking unspecified military confidence-building measures.

China has shown concern about the possibility of Soviet SS-20 missiles being withdrawn from the European theater and added to the estimated 108 SS-20s already deployed in the Soviet Far East.

BAPTISTS BACK REAGAN ON FREEZE

PITTSBURGH.—The 14.7 million member Southern Baptist Convention, the nation's largest Protestant denomination, yesterday endorsed a position in general agreement with President Reagan's stand on nuclear disarmament.

After turning down an attempt to have the United States unilaterally "risk" the move toward disarmament, the annual meeting of the conservative denomination—in backing a position compatible with that of the president—placed itself at variance with the pastoral letter on nuclear disarmament promulgated last month by the U.S. Conference of Catholic Bishops, which called upon the United States and the Soviet Union to desist from further experimentation, deploying and stockpiling of nuclear weapons.

Even the more than 13,000 delegates registered for the convention considered the resolution to be moderate and even weak in light of the momentum for the so-called peace initiative endorsed by the Catholic bishops and the mainline Protestant denominations.

The central thrust of the resolution put the SBC on record "as prayerfully desiring an eventual nuclear disarmament, provided it would in no way compromise the security of our nation by being less than fully verifiable, and that we go on record as supporting a program of mutually verifiable nuclear disarmament."

The convention also, in a resolution on religious liberty, asked the U.S. government to avoid making "unwarranted attempts . . . to define 'church,'" both as to what constitutes a church and what are the parameters of its ministries.

FRITZ LEAPS LEFTER

No one ever accused Mrs. Mondale's boy, Fritz, of being a slow learner. Expecting to romp to victory in the Wisconsin Democratic straw poll, Mondale was distraught to see his name in second place—behind Sen. Alan Cranston, whose campaign for the presidential nomination begins and ends with a passionate embrace of the nuclear freeze.

The Wisconsin chautauqua played on Saturday. By Monday, the former vice president had boldly announced that a nuclear freeze was absolutely, positively his top priority.

This means presumably that Mondale's protectionist stemwinders to unions, his assiduous courting of gay and lesbian organizations, and his protestations that no politicians ever cared so deeply for minority groups, human rights, and all things bright

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and beautiful will now have to shine in the second paragraph of his speeches.

But most wonderful in Mondale's tactical spin is that it construes the sentiment of the liberal bandmasters of a particularly liberal state as if it were an unshakable consensus among American voters.

Thus, Mondale's leap to the left to try to outflank Cranston could have the effect, even this ridiculously early, of pushing the Democratic corps of candidates in the same direction. Mondale, after all, is considered the guy to beat. Should the ever-lefter lurch continue, the Democracts might replicate the experience of Britain's Labor party: As Michael Foot steered more and more to port, the crew began abandoning ship in substantial numbers. So many Laborites finally rushed for the lifeboats that the vessel capsized.

Well, Mondale's apparent panic hasn't yet become pandemic. Colorado's Gary Hart, who ran third in Wisconsin, has not emulated Fritz. But John Glenn, who was canny enough to avoid direct competition in Wisconsin with the rest of the Democratic first-stringers, is showing symptoms.

When the senator sat down to ruminate the other day with those great lords of the earth, the editors of the OP, he hummed and whistled a nicely liberal line: No U.S. troops to Central America regardless; Reagan has "overstated" the danger of communist penetration of the region; "not all" the Salvadoran guerrillas are Marxist-Leninists; the government there has hands bloodier than the insurgents. The usual pieties.

Keep up the good work, gang.●

WATT'S LATEST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. LANTOS. Mr. Speaker, the San Francisco Chronicle recently published an editorial on the subject of Interior Secretary James Watt that was both timely and wise.

The editorial, "Watt's Latest," is timely because it deals with the purchase by the Government of Sweeney Ridge, a beautiful and historic area in my district that would make a fine addition to Golden Gate National Recreation Area and to the country's park system as a whole.

It was wise because it focused on the key issue in the current dispute—the failure of the Interior Department and Secretary Watt to carry out the will and directions of Congress. That failure could cost the Government money, rather than save money as Watt argues he wants to do.

I commend the editorial to my colleagues' attention:

[From the San Francisco Chronicle, June 6, 1983]

WATT'S LATEST

Interior Secretary James Watt, it is obvious, is determined not to carry out duties designated by acts of Congress. Dismissal or resignation from office would relieve him of that obligation for good.

The National Park Service, one of Watt's most important agencies, has, once again, balked at purchase of Sweeney Ridge, calling off a long-promised meeting to begin serious negotiations. Congress has twice voted to purchase the land in Pacifica as an addition to the Golden Gate National Recreation Area. But Watt's subordinates have obdurately refused, obviously carrying out Secretary Watt's wishes.

Sweeney Ridge, a 1063-acre area, includes the promontory whom which members of the Gaspar de Portola expedition first sighted San Francisco Bay in 1769. A bipartisan group of members of the House of Representatives and the state's two senators have repeatedly urged Watt to acquire the land because of its historical importance to the nation and because it is a logical addition to the GGNRA. Funds have long been available for the acquisition. The GGNRA, we would remind the secretary, is the most visited facility in the entire system of national parks.

Watt wants to follow his own dictates rather than the mandate of Congress. It would be much more satisfactory, perhaps for the secretary, certainly for Congress and the public, if he did this as a private citizen.●

THE NORTHWEST'S ENERGY FUTURE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BONKER. Mr. Speaker, I congratulate Energy Conservation and Power Subcommittee Chairman OTTINGER and my Northwest colleagues, Congressmen SWIFT and WYDEN for their excellent hearings on implementation of the Northwest regional power plan.

On June 13, the subcommittee conducted these important hearings in Portland and Seattle, giving the public a chance to comment on its energy future.

When Congress approved the Pacific Northwest Electric Power Planning and Conservation Act in 1980, we created a model opportunity for energy planning and intensive conservation efforts. The result is a new, 20-year power plan for the region, and a vital fish and wildlife enhancement program. The hearings will help to insure that these plans are implemented.

Congress now has an opportunity to improve public participation and rate proceedings in the Northwest. There are two bills that would accomplish this purpose, Mr. WYDEN'S H.R. 3177, to reform ratemaking by the Bonneville Power Administration; and H.R. 2098, a bill I introduced with several colleagues to make BPA's budget process more accountable to the public.

I ask that my testimony from the June 13 hearing be included in the RECORD.

TESTIMONY OF CONGRESSMAN DON BONKER ON IMPLEMENTATION OF THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. Chairman, I am pleased to have this opportunity to testify on implementation of the Regional Power Bill and the Northwest Power Planning Council's regional energy plan. I commend Chairman Ottinger for his early and consistent interest in Pacific Northwest energy matters.

My testimony emphasizes three major points:

1. The Council is to be commended for its imaginative, sound work in developing the regional plan and the fish and wildlife enhancement program. It was a difficult job. Both have been completed on time and under budget and have received broad support around the region. This support is due in substantial part to the Council's willingness to involve key groups and citizens in its decisions from the earliest moment.

2. Expeditious action is needed on H.R. 2098—my bill to provide increased public involvement in the development of the Bonneville Power Administration's budget. The bill empowers the Regional Power Council to conduct hearings on BPA's draft budget and, if appropriate, recommend changes. BPA retains authority to submit its own budget to Congress and Congress will make the final decision; but the bill would ensure that Congress will receive an independent analysis by the Council and that citizens in the region would be able to help develop the budget on which their rates are set. The region will be well served by this consensus-building opportunity.

3. I support Representative Wyden's rate process reform proposal. It will provide an added measure of objectivity in rate proceedings and will help ensure that affected parties have a thorough opportunity to participate and question the need for rate increases.

THE NORTHWEST POWER PLANNING COUNCIL

The Northwest Power Planning Council has performed a service that could probably have been provided by no one else in the region. The Council's innovative regional energy plan and its vital fish and wildlife program are milestones in regional policy making. To my knowledge, the Council represents a unique and to date successful effort to chart a new course in the region's energy future—a course that will increase substantially our commitment to conservation and alternative energy, enhance our dwindling stocks of salmon and steelhead, and reduce the likelihood that we will ever again face a situation similar to the economic meltdown of WPPSS.

Of course, the task now becomes more difficult. We must implement the plan and the program in good faith. We cannot afford to adopt good plans and then watch while they are unravelled by neglect. The value of these hearings is that they provide an early focus on implementation of the plans so that we resolve differences early and respond to new opportunities for increased conservation of energy and enhancement of our fisheries.

I am especially pleased that the Council was able to adopt its fish and wildlife program. I support that program, as do many of my colleagues including Committee Chairman Dingell who was so instrumental in securing its adoption as part of the Regional Power Bill. We will be working to ensure that BPA and the operating agencies

implement that program in a complete and expeditious fashion.

H.R. 2098

The Bonneville Power Administration Regional Accountability Act was introduced by me on March 15. I am pleased to be joined by Reps. Swift, Wyden, AuCoin, and Williams of Montana as cosponsors. Representative Weaver also supports the concept and has introduced a similar measure. H.R. 2098 is a companion to a bill introduced by Sen. Baucus of Montana. The broad support for the measure from the Pacific Northwest Congressional delegation indicates the need for earlier public involvement in the development of BPA's budget.

Under current law, BPA's budget is submitted to Congress each January as part of the President's budget. At that point, it is a final budget proposal—prepared without any real involvement by the region's citizens and affected interests. Although Congressional hearings are held on the BPA budget, they are conducted in Washington, D.C., without the benefit of careful, independent analysis by the Regional Power Council. Unless Congress specifically disapproves BPA's budget, it takes effect under the self-financing provisions of the 1974 Act. The budget then sets the boundaries of the rate proceedings which follow its adoption.

H.R. 2098 would require BPA to give its draft budget to the Regional Power Council in July. The Council—which has developed an admirable record on public involvement—would conduct hearings around the region and prepare an analysis for Congressional consideration. In addition, the Council would be empowered to propose alternative figures for all or portions of the budget. BPA, while retaining ultimate authority to submit any budget it deems appropriate given other statutory constraints, would be required to respond to the Council's alternative. The Council's analysis, hearing record, and BPA's response—not simply the BPA budget proposal—would all be available for the Congressional deliberations on the budget.

The effect of the bill is to cement a partnership between the Council and BPA in a way that would help to ensure greater public scrutiny of the regional energy budget. The procedure would provide an early warning system for deviations from the regional energy plan. Additionally, it would give the public a chance to join in the search for ways to economize BPA operations.

The bill does not prejudice any party's interest in subsequent rate proceedings. It does not reduce the Congressional power to review and decide on BPA's budget—in fact, it enhances that role by ensuring that Congress will receive more and better information on the budget. It does not duplicate existing budget procedures—in fact, it supplements them by ensuring that the public most affected by BPA will have an early opportunity to be heard. Last, the bill would require only a modest expenditure of funds to achieve all these benefits.

The bill also contains provisions designed to clarify BPA's obligation to implement the regional energy plan and the fish and wildlife program. It requires that BPA develop its budget in conformity with the plan and the program. I am aware that many interpret the current law as ensuring the plan and program must be implemented by BPA. I agree with that position, but some have disagreed. My interest in including this provision is to clarify the matter in no uncertain terms. My view is that the plan and program should be fully implemented unless Congress expressly directs otherwise.

Following the conclusion of my statement, I ask that the Chairman include in the hearing record a sample of letters I have received supporting H.R. 2098 from organizations and individuals.

H.R. 3177

Finally, Mr. Chairman, I am pleased to cosponsor and support the fair ratemaking proposal introduced by Congressman Wyden. It is an admirable effort to control the region's skyrocketing electricity rates and encourage increased objectivity in the ratemaking process. I hope that it—together with my budget accountability measure—can be enacted into law soon so as to provide increased opportunities for citizen involvement in developing the region's energy future.

Thank you for the opportunity to testify.●

WOOD ENERGY MONTH

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. D'AMOURS. Mr. Speaker, September 1983 has been declared Wood Energy Month by the Wood Heating Alliance. Along with my distinguished colleagues, Mr. ALBOSTA of Michigan, Mr. DAVIS of Michigan, Mr. FRANK of Massachusetts, Mr. GEJDENSON of Connecticut, Mr. JEFFORDS of Vermont, Mr. MCKERNAN of Maine, Mr. ST GERMAIN of Rhode Island, Mrs. SCHNEIDER of Rhode Island, Mrs. SNOWE of Maine and Mr. TALLON of South Carolina, I am pleased to endorse this declaration.

Wood is an increasingly important source of energy for our Nation. According to information provided to the Regional Foresters and Directors of the USDA Forest Service, the Forest Service firewood program has grown from a harvest of less than 200,000 cords in 1973 to close to 5 million cords in 1982. As many Members know, this firewood program is virtually free to almost all people since the Forest Service only charges $10 for a permit for harvesting and that minimal charge only occurs in areas of exceedingly high demand. This harvest of 5 million cords meant that the 860,000 people participating in this program harvested an average of almost 6 cords each, which equals a savings of 6,000 gallons of heating oil per person since one cord of wood is the equivalent of 1,000 gallons of heating oil, or a savings of $1.175 million for oil that did not have to be purchased. Although fewer people participated in the 1982 harvest, the number of cords increased substantially since one-half million more cords were harvested in 1982 versus 1981.

The Forest Service expects that this demand for fuelwood will continue throughout the 1980's. At the present time, wood energy is approximately 3 percent of our total energy usage and if the demand for fuelwood continues, this figure could rise to 5 percent, especially if a drastic price increase is seen in the imported oil and fossil fuel areas as occurred in the early 1970's.

I am alarmed, however, as are many other Members, by figures that show a substantial decrease in the number of wood stoves installed in residences. Data suggests that a decrease of almost 50 percent may have occurred in the installation of wood stoves even though almost 2.5 million wood stoves were sold or installed in the 1981–82 heating season. I sincerely hope that Americans are not forgetting the massive heating oil price shocks that occurred in the 1970's for if we do, I am afraid that we will fall back into the same vulnerable position we were in back in 1973 and 1979 when fossil fuel price increases wreaked havoc upon our economy.

We have indeed made progress and must continue the momentum in developing and maintaining alternative and renewable fuels. By using wood partially or fully to heat our homes, we can reduce our vulnerability to future oil and gas price shocks. In New Hampshire, almost 54 percent of the residences heat their homes either partially or fully with wood energy. This has translated into a tremendous savings in the number of gallons of home-heating oil that we have not had to import.

The "Wood Energy Month" campaign of 1983 focuses on continuing to promote the use of wood as an alternative heating source as well as encouraging the safe use of wood-burning heaters. The Consumer Product Safety Commission recently adopted a new regulation requiring safety labeling on all wood stoves sold in the United States and this campaign will help further the goals of that regulation so that the American public will be further protected from accidental fires.

We must use our influence to encourage the safe use of wood as an alternative energy source. I urge every Member of Congress to join with me in this campaign and to endorse and support September 1983 as "Wood Energy Month."●

FREEZING AT SCHOOL

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. MICHEL. Mr. Speaker, the effort of the National Education Association (NEA) and the Union of Concerned Scientists to brainwash American children through profreeze instructional material is a scandal. If a new right pressure group did the same

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thing, the screams and howls of dismay would be heard for miles. But when the NEA, one of the mainstays of the Democratic Party, and a bunch of self-appointed concerned scientists decide to propagandize our children, the silence is deafening.

At this point, I wish to include in the RECORD, "Freezing at School" by Cord Meyer from the Washington Times, June 17, 1983, and a letter to the editor of the Washington Post from Senator BARRY GOLDWATER, June 18, 1983.

The material follows:

FREEZING AT SCHOOL

(By Cord Meyer)

A high official in President Reagan's Department of Education, Gary Bauer, achieved instant notoriety last week when he charged the National Education Association with "Lefist indoctrination aimed at turning today's elementary students into tomorrow's campus radicals."

At a time of increasing public awareness of the need for higher teacher salaries, the NEA as a professional organization representing 1.7 million high school and elementary teachers needed this accusation like a hole in the head. Indignantly denying any propaganda purpose in it 144-page teacher's guide on nuclear war entitled "Choices," an NEA official claimed "everyone worked to keep political bias out of it."

Funded as a joint project by the Union of Concerned Scientists in cooperation with the NEA and the Massachusetts Teachers Association, "Choices" was first taught on a trial basis by 47 selected teachers last year. Consisting of 10 lessons on the danger of nuclear war and what can be done about it, the first draft was then corrected to remove the most obvious evidence of bias.

The final version of "Choices" was published in April and made available to teachers throughout the country for use in the 7th and 8th grades. Ever since there has been a rising tide of controversy.

A careful reading of the 144 pages of instructional material in an effort to answer this question is both revealing and disturbing. To an extraordinary extent, nuclear weapons themselves are portrayed in all their vast destructive power as the main threat. The action-reaction cycle of the arms race is seen to be what endangers peace. It follows that the first priority is to freeze, ban or control nuclear weaponry and to reduce suspicion by compromise, negotiation and concession.

In order to drive home this primary lesson, students are exposed to horrendous descriptions by Hiroshima survivors of what happened and asked to plot on maps of their own towns the concentric circles of destruction that would be caused by modern missiles. Combined with harrowing descriptions of the long-term effects of radiation sickness, these true horror stories are designed to impress on the adolescent mind that war is no longer a rational undertaking.

But almost completely absent from this tract is any discussion of the strategy of deterrence based on military strength through which successive American presidents have successfully sought to prevent the outbreak of nuclear war.

Throughout these pages, the Soviet union emerges as a shadowy and insubstantial presence. It is described as having suffered many more casualties than the United States in World War II and as being surrounded on its borders by "some unfriendly countries," as if the Afghans and the Poles were to be blamed for their hostility.

There is a brief mention of the Soviet takeover of Czechoslovakia but no mention of what happened to the rest of Eastern Europe. The student is given no understanding of the Soviet one-party police state and is encouraged to write both the Russian and American governments as if they were equally responsive to public opinion.

The biased and one-sidedness of this presentation comes through most clearly in the last lesson. A long list of agit-prop activities is suggested for students who have finished the course, such as "Write your representaties and senators and ask their views on SALT, START, Freeze and No First Use."

As Albert Shanker, the president of the 600,000-member American Federation of Teachers, has pointed out, "Teachers have a special responsibility to be balanced and fair." To minimize the damage, the NEA has a chance to withdraw "Choices" from the schools by vote of its annual convention this month and to replace it with an objective presentation of the policy options facing the United States.

On April 5, an editorial entitled "Political Teaching" appeared that was critical of the National Education Association's publication for junior high school students. I am more than alarmed by the numerous inaccuracies within this publication. I am outraged to read that the highly debatable question on nuclear superiority between the United States and the Soviet Union has been resolved by this publication—with the United States ahead of the Russians. Under our present state of military preparedness, I am very sorry to report, flatly, that this is just not true. Our nation currently finds itself in one of its most critical peacetime situations. While we have underfunded national defense for several years, the Soviet Union has continued an unrelenting buildup.

It is most interesting to note that a publication with the title of "Choices" heavily favors one choice, namely, a nuclear freeze as "the means" to avoid a nuclear war. Believe me, no one wants a nuclear war. Believe me, no one wants a nuclear conflict. I have carefully reviewed all of the proposals for a freeze on nuclear arms and have found them wanting for several reasons. The "bilaterial freeze" defined on page 67 of the publication sounds great on paper, but the students do not have the benefit of any background information unless they decide to read a very brief article in the appendix on the arms control debate. The impact of a freeze at current levels would leave the United States in a position of military disadvantage and prevent us from taking the necessary steps to reduce our vulnerabilities. Also, important aspects of the freeze would be virtually impossible to verify, which would leave us with considerable uncertainty about Soviet compliance.

In this publication, students are led to believe that Soviet compliance is forthcoming if an agreement is reached. Well, I believe in the premise of "knowing one's enemies." I find it disturbing that another failure of this publication is that it did not mention the numerous acts of the Soviet aggression on its own people and neighboring countries. An incomplete list of Soviet invasions is simply stated without benefit of descriptive accounts of the human suffering and bloodshed that resulted. Even a quick study of Soviet behavior leads me to question their willingness to comply.

It is hard for me to believe that the cause of peace is served by misinforming and frightening our youth. If this NEA publication was truly an educational tool, it would present both sides of the case giving equal weight to each viewpoint. As it stands, it is nothing more than a shrill, one-sided exponent of unilateral disarmament.

In closing, I cannot help repeating my strong beliefs that educating our youth in the basics and helping them to know and understand themselves is a far better use of their time and energies. Can this unit on nuclear conflict be justified in light of the facts that teen-age drinking, teen-age drug use, and teen-age pregnancies are on the rise at an awesome rate. It seems to me that these are the pressing problems facing our youth today. Teen-agers at all economic levels are turning to harmful alternatives in order to cope with their world. Do they have to cope with this educational indoctrination, too?●

THE NUCLEAR FREEZE RESOLUTION

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. GRADISON. Mr. Speaker, I take this occasion to share with the House the views on the nuclear freeze resolution of our former colleague Gordon H. Scherer, who represented the same area I now have the honor to represent. Mr. Scherer's many friends in the House will be glad to know that he is recovering from his recent illness and that he maintains a keen interest in issues of importance to this country, especially those concerned with our national security.

The article follows:

[From the Cincinnati Post, May 4, 1983]

OUT IN THE COLD

(By Gordon H. Scherer)

Dealing with the ever-increasing number of Soviet agents being expelled by governments throughout the world, and the letter by the Catholic Bishops urging that the President immediately freeze development of nuclear weapons—prompts me to speak out as forcefully as I can on this life-and-death issue.

I suffered a stroke last year and have just now been released from the hospital following a heart problem. In spite of the fact that my doctors have warned me to avoid controversy, I am impelled to warn my fellow Americans that it is "a quarter of twelve midnight" for this country.

I had the privilege of being a member of the House Committee on Un-American Activities while I was in the Congress, during the time of the cold war, when Communist infiltration and subversion were on the "front burner" in this country.

Axiom no. 1, which is accepted by almost everyone, is that "world domination" is the sole and driving objective of Communism. If not checked, only time will delay its accomplishment by the new method or weapons of warfare, namely, infiltration and subversion of every institution of American life, including, but not limited to, industry, labor, utilities, the family, our schools, and the churches.

I will explain here by just one of a thousand examples the point I make. The Marxists, in the very beginning, recognized and understood that religion was so deeply embedded in the hearts and minds of the people that, in order to gain control of the masses, it would be necessary to weaken and then destroy religion, including the Catholic religion, and replace it by the Judas coin of Communism.

Most people do not realize that there are two sides to the coin of Communism. The top side is an attractive and exciting political and economic philosophy—a new way of life for the down-trodden and poverty-stricken of the world—attractive to many intellectuals. World-wide Madison Avenue tactics have sold it to millions of people who were hungry and looking for its promised panaceas. You cannot fault the under-privileged if they were attracted to Communism.

But what about the other side of the fraudulent coin of Communism—a conspiratorial apparatus—the arm of a foreign power—operating in the United States by deceit, treachery, infiltration, subversion—to weaken and eventually destroy the institutions of our society and of other free world countries?

I was disheartened by those who would weaken or strip from us the weapons of defense, including Members of the Congress—well-meaning but who appear to have lost their reasoning abilities—using their position in an attempt to tie the hands of President Reagan—to weaken, to destroy our ability to defend ourselves and the rest of the free world from the continuing march of the Communist Bloc toward world domination.

I am not a Catholic, but during my years as a member of this committee on Un-American Activities of the Congress, fighting the Communist menace, I had the dedicated support of the Catholic Church and its clergy.

I am particularly saddened and amazed at the Catholic Bishops and their widely-publicized letter. It has given impetus to the Soviet battle to successfully subvert, dominate, and control one nation after another. I learned to my utter dismay that the liberal governing board of the National Council of Churches, at its meeting in Chicago, endorsed the Bishops' letter and praised their courage in urging a new theology of peace which views nuclear war as a sinful confrontation with God. This action I condemn.

Early the Communists recognized that the discipline of the Church and religion had to be destroyed before both sides of the Judas coin of Communism could succeed. They soon found that religion was so deeply imbedded in the hearts and minds of the majority that they eventually started a frontal assault on the churches, and initially against the Catholic Church because of the loyalty of its members to the Church. These are the people for whom the Bishops now attempt to speak. How can the Bishops now forget the imprisonment of the Catholic clergy and priests in Russia, the confiscation of Church property, the harassment and persecution of its people who made every effort and sacrifice to preserve the institution of the Church and its mission?

I don't believe the majority of my Catholic friends and supporters of yesterday—who understand the warning in this article—would agree with the philosophy and objectives set forth in the Bishops' letter.

Every individual—Catholic, Jew, Protestant, Mohammedan—understands by now that a nuclear war would be the horror of horrors. Its results would be such that no people, on either side of the Iron Curtain, could stand or perhaps survive.

Axiom no. 2 is that to prevent the aggressor from succeeding, partially or wholly, it is necessary for the President of the leading nation in the free world to have the unanimous support of his people, along with sufficient arms strength to cause a potential aggressor at least to think twice before he continues his mad course toward world domination.

If the support and weaponry strength are allowed to be weakened, our President even loses his position to negotiate with the aggressor effectively and with any hope of success. If the superiority of power and weaponry on the part of the aggressor is overwhelming, some will say—and rightly so—that the United States and its allies, realizing the horrors of nuclear war and the superiority of the aggressor would be compelled to throw in the towel and submit to the aggressor. This course might avoid a nuclear holocaust. There are those who would argue that it is better to live, even under the domination of Communism.

The people willing to follow such a course are among those who are shackling the President.

I do not believe the majority of the people of the free world—after seeing what happened to Poland and Afghanistan, and dozens of other countries of the world—would be willing to follow such a course.

Frankly, the only course—and I hope not too late—is for us to make a superhuman effort to attempt to eliminate the causes of war from the hearts of men—the lust for power, greed, envy, hatred—and establish the elements of the Golden Rule.

That may sound like "Pollyanna" thinking, but this is the basic, the fundamental mission of religion and the church leaders. To date, they have failed. However, they cannot be held totally responsible for such failure because we have never been able to eliminate the lust for power, greed, hatred, and envy in the hearts of men. There will be no end to war, nuclear or otherwise, until a majority of mankind succeeds in driving from the hearts and consciences of men the lust for power, domination, envy, greed, and hatred—the "satans" of the universe.

When, if ever, this millennium occurs, then and only then will we have the peace for which all people pray.

This should be the primary goal of all men of good will, particularly the churches and their clergy. In the meantime, we must be armed with the most effective weaponry to save the free world from Soviet Marxist domination.●

PERSONAL EXPLANATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. McDONALD. Mr. Speaker, on Thursday, June 16, 1983, I regrettably missed a recorded vote due to a commitment to deliver a commemorative speech. Although I received a live pair on the amendment, I would like to take this opportunity to indicate that if I had been present, I would have voted against the amendment to decrease the authorization for missile procurement by $432.8 million and prohibit the use of authorized funds for the Pershing II missile system. This was rollcall No. 202.●

SEVERE COSTS OF REAGANOMICS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Ms. KAPTUR. Mr. Speaker, the administration has not leveled with the American people about the severe costs of Reaganomics. The President and his spokesmen have issued pious statements attesting to the equitable distribution of the benefits of their misguided program. They suggest that low-income Americans have not borne the burden of its budget and tax policies. But we know that statistical juggling and graphical misrepresentations cannot mask the fact that one of the central consequences of the President's policies is income has been more unevenly distributed between rich and poor. The harsh social program cuts have inflicted pain and sacrifice on the poor while the wealthiest members of our society have made off like bandits.

The affluent have received income tax cuts of 10 percent last year and this year and another 5 percent in July (unless the Congress says "enough" to the latter) and inflation-indexed cuts forever. Among other benefits, the wealthiest got their tax rates cut to 50 percent from 70—and received a sizable cut in capital gains taxes. The largest corporations got exorbitant breaks from liberalized depreciation rules, tax-rate cuts, and leasing gimmicks. Yet, in his recent testimony to the congressional Joint Economic Committee, David Stockman persisted in portraying fiction as reality. He once again insisted that the Reagan program has been fair. Robert Greenstein, the director of the Center on Budget and Policy Priorities, a nonprofit, foundation-funded research and analysis organization which has published excellent studies on the impact of the Reagan budget and tax policies, has offered a coagent refutation of Mr. Stockman's statement.

The bottom line, Mr. Speaker, is that when we sift through the shibboleth put forth by Mr. Stockman and the White House public relation office, we find that Reaganomics has dismally failed the fairness test.

What follows is Mr. Greenstein's article from the June 19 Washington Post which I commend to my colleagues. It is time for Congress to reverse Reaganomics.

[From the Washington Post, June 19, 1983]

STOCKMAN IS STILL COOKING THE NUMBERS: NOW HE WANTS US TO BELIEVE REAGAN IS FAIR

(By Robert Greenstein)

David Stockman is at it again.

After he confessed to rigging the computers in 1981 to make the prospective Reagan deficits shrink, one would have thought that the budget director had had his fill of numbers juggling. But it was not to be. This time, of all things, Stockman has been fiddling with figures in the hope of demonstrating how fair the Reagan administration really is in its treatment of rich and poor.

Stockman unveiled his latest statistical wizardry before the Congressional Joint Economic Committee last month. He came fully equipped with charts, each to illustrate a remarkable assertion.

Claim 1: The poor have been affected only marginally by Reagan administration budget cuts. Indeed, if all of its proposed cuts for fiscal 1984 were enacted, Stockman contended, low-income benefit programs (food stamps, Medicaid, low income housing, child nutrition, Supplemental Security Income and Aid to Families with Dependent Children) would still be reduced only 5 percent below the levels sought by Jimmy Carter.

Claim 2: Large parts of programs for the needy weren't serving the poor anyway. Before the Reagan cuts, Stockman maintained, more than two-fifths of the benefits of low-income programs went to families with incomes exceeding 150 percent of the poverty line.

Claim 3: The wealthy really were not the big winners in the 1981 tax-cut act. In fact, he asserted, they had received less than 1 percent of the benefits.

It was an impressive performance, even if it was based on some peculiar evidence.

Start with Stockman's contention that actual spending for low-income benefit programs in fiscal 1982 and 1983—plus Reagan's proposed spending for fiscal 1984—is only 5 percent below the levels sought for these years in the last Carter budget.

Here Stockman has deftly made use of the high unemployment experienced under the Reagan administration in an effort to bolster his case. The costs of a number of these basic benefit programs vary with unemployment levels—when more people are out of work, the number of households qualifying for the programs multiplies and program costs rise. By one estimate, for example, food stamp costs rise about $600 million for every percentage-point increase in the jobless rate.

The Reagan budget numbers Stockman cited reflect the impact of 10 percent unemployment on the costs of these programs. By contrast, the Carter budget numbers used by Stockman were calculated back in 1981, based on projections that unemployment would average only about 7 percent in the 1982-84 period. The result: Stockman was able to use the additional costs in the Reagan budget stemming from higher unemployment to make Reagan's spending levels look closer to Carter's—thereby making the Reagan cuts appear smaller than they actually are.

Stockman was not content to stop his strange comparison there. Further manipulations occurred when he adjusted the Carter and Reagan budgets for inflation, converting both to "constant 1981 dollars."

To do this, Stockman adjusted downward both the actual Carter and the actual Reagan budget numbers of 1982, 1983 and 1984. He reduced the projected Carter spending levels for 1983 by 18 percent—since the Carter budget had projected that prices in 1983 would be 16 percent higher than in 1981. And he adjusted the Reagan numbers for 1983 downward by just 10 percent—the inflation level for 1981-1983 reflected in the Reagan budget. Since the Carter numbers were reduced by larger percentages than the Reagan numbers, this made Carter spending levels appear smaller in relation to Reagan's.

To be sure, such adjustments are valid in most cases—but not for two of the major programs, Medicaid and subsidized housing.

Medicaid budgets are based on projections of inflation in health care costs rather than on projections of the overall inflation rate. When you do the proper inflation adjustment—using health care costs rather than overall inflation—you discover that the Reagan Medicaid cuts are about $2 billion deeper for the 1982-1984 period—or more than double what Stockman indicated.

Equally egregious was Stockman's manipulation of the housing numbers. A substantial portion of federal outlays for subsidized housing consists of fixed costs under long-term contracts for construction or rehabilitation. These costs do not vary with inflation any more than a homeowner's fixed monthly mortgage payments do. Stockman had no business adjusting these fixed costs for inflation. However, Stockman adjusted these costs anyway, and reduced the fixed payments in the Carter housing budget by a greater percentage than he reduced the identical fixed payments in the Reagan budget.

This bit of legerdemain made it appear that Ronald Reagan—whose administration has cut billions from new appropriations for subsidized housing, raised rents for all 3.5 million families and elderly persons living in subsidized units, and reduced the number of new low-income housing units being constructed or rehabilitated by more than half—actually spent more on these programs over the past two years than Carter would have.

Finally, Stockman simply failed to mention that the last Carter budget included a number of proposals for cuts (although of a much smaller scope than Reagan's) in most of these same programs. By comparing Reagan's spending levels only to Carter's proposed levels—Stockman produced numbers that did not reflect the full dimension of the cuts enacted in the past two years.

How significant are Stockman's manipulations? A new Congressional Budget Office analysis shows that as a result of the last two years of budget reductions, fiscal 1983 expenditures for the low income benefits programs were cut $5.2 billion below what they would have been had no changes been made by Congress. Stockman's chart, however, showed a reduction of only $1.7 billion. In other words, Stockman made two-thirds of the Reagan cuts disappear.

The administration's reduction, of course, would have been far deeper had all of its proposed cuts in aid to the poor been enacted. While the Administration succeeded in 1981 in getting nearly all the cuts it sought in low income benefit programs, it did less well last year. Of $20 billion requested last year in further cuts in these programs for the 1983-1985 period, Congress agreed to less than $4 billion.

Among the reductions rejected outright were administration proposals that would have doubled rents over several years for some of the poorest families living in subsidized housing, ended or reduced food stamps for more than 90 percent of the elderly who receive them, and sliced 700,000 low-income pregnant women and children from a food supplement program that has been proved to reduce infant mortality.

So much for Stockman Claim 1.

Next, Claim 2: that large chunks of benefits have been going to persons far above the poverty line. Indeed, Stockman maintains that before Ronald Reagan came to the rescue, average workers were being taxed to bring welfare families up to virtually the same standard of living as themselves.

Specifically, he contends that in 1981, 42 percent of all benefits in these programs went to families over 150 percent of the poverty line, and that 150 percent of the poverty line for a family of four that year was $13,390—or 92 percent of the median annual income for employed workers.

The misuse of statistics is particularly striking here. First, Stockman has compared 150 percent of the poverty line for a family of four ($13,390) to the median income for an individual worker. Sorry, but you can't do that. The real numbers go like so: The median income for a family of four in 1981 exceeded $26,000—not $13,390—and 150 percent of the poverty line is about half—not 92 percent—of the median income for a comparably sized family.

Then Stockman counted as part of the income of program beneficiaries the value of health insurance coverage provided by Medicaid and the benefits from living in subsidized housing—but he did not include in his median income figures for workers either the comparable fringe benefits for employer paid health insurance or the tax subsidies for mortgage and medical payments that many middle-income families receive. This makes for a neat comparison of apples and oranges.

When you do these comparisons properly, you find that the income and benefits of those participating in the federal programs were far below the living standards of average American families—even before the Reagan budget cuts took effect.

Nor is Stockman's claim valid that 42 percent of low-income benefits went to families over 150 percent of the poverty line. While these figures are derived from Census data, Stockman misuses the evidence in ways that the Census Bureau itself warns against.

Drawing on the Census Bureau's work, Thomas C. Joe, a former Nixon administration welfare expert who now directs the Center for the Study of Social Policy, has prepared a devastating critique that shreds Stockman's claims on this issue.

A number of Stockman's "high-income" families were actually unemployed and receiving federal benefits for just a few months in 1981. Once back to work, they stopped receiving aid. But Stockman's figures reflect families' incomes for all of 1981 (rather than just for the months they actually received benefits), which enables Stockman to count many of these families as "high income" beneficiaries. The Census Bureau explicitly warns about this problem in the data, but Stockman ignored the admonition.

Simarilarly, the Stockman data distort income patterns when the composition of a household changes. The data attribute to households the income earned during the entire year by persons who were household members for only a small part of the year. Yet the absence of households members for part of the year (especially deserting fathers) may be the very reason that the remaining family members needed aid. The Census Bureau warns about this, too, stating that the data "may not always reflect the true economic status of the household during the year."

In short, the numbers Stockman uses have a major impact in exaggerating the number of high-income households receiving aid. When those distortions are removed, the picture is quite different. For example, Agriculture Department evidence that is free from these distortions shows that no more than three-tenths of 1 percent of food stamp benefits in 1981 went to families whose cash incomes exceeded 150 percent of the poverty line during the months they received food stamps.

While these manipulations are disturbing, Stockman's numbers-juggling reaches its zenith in his description of administration tax policies.

The wealthy, according to Stockman, received all of their tax cut when the top tax rate was lowered from 70 percent to 50 percent. Since this change constituted less than 1 percent of the tax benefits from the 1981 tax act, Stockman tells us, the wealthy ended up with less than 1 percent of the largesse and can hardly be described as the prime beneficiaries.

These startling conclusions contrast sharply with the findings of virtually every independent study of the 1981 tax act. The Joint Congressional Committee on Taxation, for example, found that the wealthiest 5 percent of taxpayers would gain 35 percent of the benefits from the tax act. Congressional Budget Office studies have shown that in fiscal 1982 through 1985, the tax and budget changes enacted under the Reagan administration will take more than $20 billion in benefits away from households with incomes below $10,000 a year—while increasing the after-tax incomes of those making more than $80,000 a year by $64 billion.

How did Stockman get such different results?

First, his claim that lowering the top rate represented all of the tax cuts for the wealthy is nonsense. He simply ignores the plethora of new loopholes and expanded tax breaks incorporated into the 1981 act, such as the changes in estate taxes, IRA's and Keogh's, the All Savers Certificate and dividend reinvestment.

Second, Stockman carefully limited his definition of the wealthy (without informing his audience) to the top two-tenths of 1 percent of all taxpayers, those with incomes of more than $200,000 a year. This suited his purposes admirably: With so few taxpayers defined as wealthy, their aggregate tax benefits would not look so large. The sizable tax benefits going to the much larger number of taxpayers in the $50,000-$200,000 range were simply excluded from his calculations.

Moreover, Stockman omitted the fact that the elite group he did define as wealthy received, on average, a whopping $22,000 apiece just from the changes in tax rates—before even counting the new tax shelter opportunities. Ronald Reagan himself saved $90,000 on his taxes last year because of the 1981 act. His after-tax income went up almost as much as if his salary had doubled.

The final part of Stockman's tax presentation was an attempt to discredit independent studies showing that those with high incomes received very large tax breaks. The problem with the studies, Stockman declared, was that for the wealthy, tax gains or losses stem less from rate changes (which the studies focused on) than from changes in the extent to which income is diverted into tax-free investments (which most of the studies did not treat).

Stockman's implication was that by reducing the top rates, tax shelters were being made less attractive—and that declining use of shelters would reduce the gains for the wealthy below the levels cited in the studies.

While lowering the top rate may, by itself, reduce the use of shelters, Stockman again failed to disclose all of the facts: The 1981 act created so many new shelter opportunities that use of shelters has exploded despite the reduction in the top rate.

Use of syndicated shelters grew 12.5 percent in 1982, far more than the rate of inflation. Moreover, preliminary data indicate that for the first quarter of this year, syndicated tax shelter use is up 50 percent from the comparable period last year. The burgeoning use of shelters, which confer the preponderance of their benefits on the affluent, suggests that tax benefits for the wealthy from the 1981 act are likely to be larger—not smaller—than previous studies and analyses have indicated.

Finally, there is the question of purchasing power. A favorite Stockman (and White House) theme is that the average American's purchasing power has increased sharply during the Reagan presidency because inflation has come down so much. Purchasing power, however, is not determined solely by prices—but by the interaction of prices and wages.

What the administration has failed to say is that wages have come down about as much as prices, leaving the average American with virtually no gain in real purchasing power.

What is widely regarded as the best measure of purchasing power—the Commerce Department's index of real per capita personal disposable income—shows that purchasing power under Reagan has increased at an annual rate of only four-tenths of 1 percent. This is well below the average rate of increase under every other president for the past 30 years.

The growth in purchasing power that did take place in the Reagan years occurred primarily from January 1981 until August 1981—before the Reagan economic program took effect. Since, August 1981, when the Reagan tax and budget program was enacted, real per capita personal disposal income has declined. The average American's standard of living has fallen since the Reagan administration's program was enacted.

Stockman's manipulation of the numbers makes rational debate on these spending issues more difficult. But perhaps most significant is the new dimension that Stockman has added to the much-discussed "fairness" issue.

For what can raise more basic questions about whether this administration is fair than when one of its principal officials—with access to data, staff and resources that few others in this town possess—utilizes this power to rig the terms of the debate and misrepresent the nature of his administration's policies.●

BALTIC FREEDOM DAY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. FORD of Michigan. Mr. Speaker, I can think of no better way to salute the proud people of Estonia, Latvia, and Lithuania than with the verse of their countryman, Lithuanian poet Antanas Gustaitis. Forty-three years ago the Soviets took away the sovereignty of the Baltic Republics, but the strength and spirit of these nations lives on untouched. A poem I read recently, "The Lecture," reflects that spirit. The poet, Gustaitis, advises that, "Men should carry all men in their hearts." Today we do that. Today we remember the struggle of all Estonians, Latvians, and Lithuanians and carry their courage in our hearts.

THE LECTURE

(By Antanas Gustaitis)

One unassailable truth of this world:
All that was yesterday won't be back;
With the loss of many a foe and friend,
The wallet is lean, yet ample with fat.

The table surrounded by empty chairs,
The heights of the great reduced to mounds
You, have eaten your fellow man,
Reason on such philosphical grounds.

Since we are consumed by the jaws of time
With mammon, war, and career like this,
Men should carry all men in their hearts,
Sometimes proving that they exist.●

SENATOR MATHIAS SPEAKS ON AMERICAN/EUROPEAN PARTNERSHIP

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. KASTENMEIER. Mr. Speaker, at a recent Salzburg American-German seminar in Salzburg, Austria, sponsored by the Association of Former Members of Congress, Senator CHARLES McC. MATHIAS of Maryland presented a congressional perspective on the American/European partnership.

In his address to Members of the U.S. Congress, the West German Budestag and former Members of both bodies and distinguished foreign policy experts, Senator MATHIAS assessed the strengths that bind the Atlantic Community, the divergences that threaten our common commitment, and the risks and challenges that lie in the future. His message, that we must have cooperation within the Atlantic Community for a collective defense and extensive commerce and a new improved relationship with the Soviet Union, built upon common economic interests, was enthusiastically en-

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dorsed by all those present and was, in fact, the keystone of the conference.

I recommend the remarks of Senator MATHIAS to my colleagues. They state clearly and unequivocally the importance of the relationship between the United States and our Atlantic partners and the need to move in harmony toward common objectives.

AMERICA AND EUROPE: A CONGRESSIONAL PERSPECTIVE BY SENATOR CHARLES MCC. MATHIAS, JR., AT THE SALZBURG, AUSTRIA, AMERICAN-GERMAN SEMINAR

In the midst of the Williamsburg Economic Summit, I thought it would be appropriate tonight to take a look at the health of the Atlantic Alliance and of our relations with Europe.

We must begin by acknowledging that the Atlantic Community is cemented by something more than its members' mutual pledge to aid one another in the event of attack. That promise, of course, is fundamental. It has helped us all to keep the peace in Europe. But while it is at the heart of our relationship, it is not the soul of our alliance.

The pact we concluded a generation ago is more than an arrangement for collective military security. It is defensive in the sense that it threatens no aggression, but it is also forward-looking. We came together, in the words of article two of the North Atlantic Treaty, to "contribute toward the further development of peaceful and friendly international relations." We undertook to do so, "by strengthening free institutions . . . and by promoting conditions of stability and well-being." In effect, we embraced not a narrow, static view of our responsibilities but an activist, expansive vision of our opportunities.

We not only rebuilt old nations devastated by war, we also built new institutions—the OECD, GATT, the World Bank and International Monetary Fund, the European Community—to cultivate economic growth and to strengthen the world against fresh upheaval. At the beginning of our alliance we thus forged a sound balance between the demands of defense and the promotion of prosperity. We invested in swords and in ploughshares, in deterring war and in securing peace.

For about 20 years the two complementary strategies carried us forward with considerable success. But over the last decade or more not only has our momentum slowed; our paths have also diverged, less within NATO than outside its sphere, but substantially in both areas.

There are many explanations for what has happened. The achievement of nuclear parity by the Soviets and America's long tragic involvement in Vietnam upset many calculations of military and political strength. The oil "shocks" of 1973 and 1979 overthrew just as many long-standing economic assumptions. And the prolonged international recession of the last few years has sapped much of our confidence in ourselves and each other.

Such developments—I have mentioned only the most obvious—have had a profound impact on our present condition and on our expectations. Yet our responses to them have too often been shallow, improvisational, a kind of running to stay in place. It has sometimes seemed as though we were trying to prove Hegel right in his judgment that "amid the pressure of great events, a general principle gives no help".

I do not agree. It is prescisely when events press us most strongly that we should seek help in general principles. And the rule to which I believe we must recommit ourselves is the one which makes growth our first order of business as nations and as allies.

Perhaps a closed society can succeed for a time in denying its subjects scope for their aspirations. Such a system, however, cannot both restrict choice and mobilize creative energy. Even an empire as vast and rich as the one Moscow rules can show signs of stagnation when it fortifies itself so tightly against change that it stifles curiosity, expression and experiment.

For different but equally strong reasons, democracies must constantly seek to widen citizens' horizons. The governments of the Atlantic Alliance can weather short periods of austerity but not indefinite postponement of economic and social progress. We are like cyclists on a high wire who must keep their momentum in order to retain their balance. For us, stability can only be guaranteed by forward motion.

Obviously, our expansion can no longer be territorial. Nor is it likely to be propelled by newly discovered reserves of raw materials. Ingenuity is the resource we will need most and the one ingredient of growth which, happily, exists in unlimited supply. Our task is to insure a setting which best stimulates our inventive skills—a political, social, economic universe which brings us great challenges and leaves us the greatest possible freedom of action for response.

In a physical sense that universe already exists, but it is less a single system than an arrangement of three, uneven and uneasy galaxies. The nearest to us and the brightest holds the advanced, industrialized Western democracies. The largest—at least in terms of population and unexploited potential—is over the southern horizon. And to the East, under a red star which casts a distorting light, stretches the third expanse, the Communist states of Europe and Asia.

We cannot change the geography or history that has made these three entities separate and unequal. But, we can do more to prevent them from colliding with one another. We must do a great deal to build broader, more stable and more productive connections against them so that, obliged to coexist, they also come to cooperate.

Cooperation has to begin at home. Within the Atlantic Community no single nation, not even the United States, is large enough or rich enough to prosper alone. We could, perhaps, subsist in isolation, but we could certainly not feel or be secure without both collective defense and extensive commerce.

This reality has guided our alliance for more than three decades. It should not be in dispute today. There is no escaping our reliance on one another. There is no honorable alternative to mutual support.

Yet there are powerful interests acting now in defiance of this precept. Some seek economic refuge in protectionism. Some pursue illusions of peace—peace to be gained by rejecting necessary measures of collective defense or peace to be imposed by overwhelming investments in arms.

Whether American or European, whether protectionist, pacifist or unilateralist, they are linked by a common error. They deny the stubborn, uncomfortable fact of dependence in the belief that it is feasible for one nation either to control the conduct of others or to immunize itself against that conduct. Their faith is misplaced. To follow them in it would be foolish, perhaps even suicidal.

Not to follow them, especially the strongest domestic economic pressure groups, will also be difficult. Some of these interest groups hold not only deep convictions but significant political power. They exert great influence, and, in many cases, their strength is now enlisted against change, in favor of policies which point us toward stagnation.

We must, therefore, be more persuasive in preaching the gospel of growth. The governments of the alliance must convince their citizens and the organizations which represent them that the pain of adjustment today will be offset by the rewards of expansion tomorrow.

To make that message plausible in each country, we must make it applicable in all. American industrial workers, to take one example, will not easily forgo new shields for themselves unless they see Europeans and Japanese dismantling old trade barriers of their own. Those who make concessions will expect fair treatment in return. Sacrifice by consent will have to be sacrifice in common.

And just as we must share in bearing the consequences of a free international market in goods and services, we must also coordinate the efforts we take to stimulate our internal markets. The OECD nations are each others' best customers as well as strongest competitors. In setting monetary policy and in managing demand, they must also become closer partners so that they do not rob each other of the capital needed to invest in creating new employment. We cannot put men and women back to work on one side of the Atlantic if unemployment remains so high on the other that increased output finds no buyers.

By advancing these propositions in so summary a fashion, I do not mean to suggest that there are easy answers to our economic problems. Quite to the contrary, the industralized West faces a period of wrenching structural change in the work we do and the skills and organization we need to do it. My point is simply that we cannot negotiate separate passages through this storm. Nor can we try to wait it out by seeking a quiet harbor in which to shelter. We have to sail in convoy and speed up our engines to maintain a steady course toward growth.

The expansion we want at home must be engineered to include expansion in the third world. Again, we must coordinate our actions, both the rescue operations of the international financial institutions where we have already begun well and the long-term, public and private effort to invest in building stronger foundations for sustained growth in the developing countries. It is not a matter of pouring good money after bad or of shielding unwise Western bankers from the consequences of their actions. Even if that were among the results, our purpose would still be the same—to head off disaster because our common salvation lies in a growing, not a shattered, world economy.

And what of our relations with the Communist system in a period of such significant strain on our resources and political will? With our house in disorder can we expect our adventurous rivals to do anything but gloat and move to take advantage of our distraction and distress? Much of the answer to that question depends on the speed and resolution with which we move. But what is a crisis for the West is not a pure opportunity for the East. In fact, the Communist world if off-balance as well, and from our simultaneous confrontations with new dangers, we might—I am not overly optimistic—but we might be able to fashion an improved relationship.

All we can say with assurance of the Soviet Union is that its new leaders face some fundamental choices, policy decisions long deferred by the political sclerosis of Brezhnev's last years. We cannot say what those choices will be or even how soon they will be made. But I believe we would be right to be skeptical of the lasting benefits the regime can gain from its current drive for discipline. It is hard to make a whip into a bootstrap. It may be possible to get workers to report to their jobs on time, but as the growth of the available workforce slows, as the industrial machinery ages dramatically, as raw material becomes harder to exploit and costlier to transport and as hard-currency earnings from energy exports decline along with the drop in OPEC prices, even the sloganeering economic forecasters of Moscow must be adjusting to bleak realities.

Soviet leaders must also seek growth, even if not quite to the same degree as their western counterparts. While I do not doubt their continued willingness to stir up trouble abroad, I cannot imagine that the Soviets have earned anything but economic deficits from their adventures over the years in the Caribbean, Asia and Africa. I would not like to have to pay their bills in Cuba, Vietnam or Afghanistan. Nor would I volunteer to assume their subsidies in Eastern Europe. And I would be surprised if, given a choice, Moscow would opt to foot increased bills for their clients when a more vigorous and open international economic system could decrease some of those drains on their reserves.

The question is whether or not we in the West can offer the Communists such an alternative. If we believe that their system is nearing collapse—and I do not—we might wish to hasten its self-destruction, although the accompanying explosions could bring a fallout far dealier than yellow rain on us as well. If we assume, however, that the Soviet Götterdämnery is neither imminent nor inevitable, now may be a better time than most to seek a new framework for cooperation built on common economic interests.

The United States made such an offer to the East at the launching of the Marshall Plan, in the heated atmosphere of the early cold war. Stalin rejected the proposal, and Andropov may still not be willing to pay the price—a genuine opening of economic accounts and of political intercourse—that any effective cooperation between our market system and their planned, controlled one would require. We will not know his answer, in any case, unless we seek to elicit it. We cannot know where that road would lead the East and the West until we try to travel it.

For too long we have concentrated political communication with the Communist powers on questions of arms control or restraint in the Third World or human rights. These are vital matters, but the dialogue tends to be held in an atmosphere that stimulates propaganda and paranoia more than progress. Were we to broaden our exploration of mutual interest to include the possibilities of expanded commerce, we would at the least be opening a different set of contacts, a path away from confrontation.

I do not overestimate the prospects for productive relations. I do not underestimate the difficulties in the way of coordinating a western approach to such an undertaking. And I do not believe that we can long maintain an arrangement which asks the United States to concentrate its resources on the common defense while Europeans set the pace in competing for commercial advantage in the East. As with the policies we must pursue in reviving our own economies and in stimulating sustained Third World growth, we must move in step, in harmony, in harness toward common objectives.

But move we must. To stand still is to lose ground. It was 300 years ago that Germans—34 Mennonites on board a ship called Concord—first arrived in America. They ventured into the unknown, pursuing freedom and the opportunity to grow. Those same motives—and a similar faith in our potential to make better lives and a more secure future—should drive our community today on another pioneering venture.

Then our ancestors took risks as individuals. Now we must take them as nations. In embracing that challenge, we would do well to recall another judgment of Hegel's—one with which I think we can all agree. He wrote, "life has a value only when it has something valuable as an object".

Peace security and growth in freedom are our objects. To win them let us take the necessary risks. Let us take them together.●

KIKK RADIO NAMED TOP NEWS STATION OF THE YEAR BY ASSOCIATED PRESS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. FIELDS. Mr. Speaker, it is my pleasure to announce that the Texas Associated Press Broadcasters Association has presented KIKK radio with six State news broadcasting awards, including "Station of the Year" and "Reporter of the Year." The six awards are more than won by any other Houston radio station, the third year in a row that KIKK News can make that claim.

KIKK was selected as "Station of the Year" for winning AP's highest honor, the Jordan/Flaherty Award, for the station's overall news coverage, dependability, cooperation, and contributions of news stories selected for statewide use in 1982-83.

KIKK news director Chuck Wolf was also honored as "Best Major Market Reporter in Texas," the first time this new award has been given. The judges called Wolf's entries of live, on-the-scene coverage "Incredible," noting that Wolf is "not simply graceful under pressure, but great under pressure; he is simply the best."

KIKK sportscaster Mark Berman tied for "Best Sportscast" in Texas, the third year he's won that award.

KIKK's Kathy King won "Best Documentary" for her 10-part series on Houston's traffic troubles. KIKK engineer Andy Hudack won "Best Actuality" for his live, on-the-scene recording of the Senior Road Tower collapse, and KIKK's Steve Coleman finished in a five-way tie for the "Best Feature" for his feature about the video game called "Firebug."

KIKK's selection as "Station of the Year" in the Texas news competition follows the station's selection as "Country Music Station of the Year" by the Academy of Country Music.

The awards were presented during the convention of the Texas Associated Press Broadcasters Association meeting June 3-5 in Laredo, Tex. The association is made up of more than 300 radio-TV-cable outlets in Texas.

Mr. Speaker, I am sure you will join with me in extending an enthusiastic congratulation to the general management of KIKK, and also to Chuck Wolf, Mark Berman, Kathy King, Andy Hudack, and Steve Coleman.●

MEDICARE DEFICIT CANNOT BE ERASED BY CUTTING BENEFITS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BIAGGI. Mr. Speaker, recent news reports are driving many medicare beneficiaries to believe that we must cut their benefits if we are to save the program from destruction. Clearly, the medicare program faces falling hopelessly into the red if, by 1995, we do not make some corrections in the way it is financed. However, to assume that cutting benefits or taxing ailing elderly beneficiaries is the way to put the system into the black is ill-conceived and foolhardy.

Already social security beneficiaries are being forced to wait until January 1 for their 3.5 percent cost-of-living adjustment. At the same time, their medicare bill will give them a double-whammy New Year's present when it will also increase. To many elderly, this jump in out-of-pocket expenses will cause substantial hardship to those who can least afford it. This is dramatically illustrated by the fact that 15.5 percent of the elderly have incomes below the poverty line, and one-quarter—or 7.5 million—fall 125 percent below it.

More importantly, it seems senseless to discuss cutting medicare when the program still does not cover even some of the most basic health needs for seniors, including outpatient perscription drugs, eyeglasses, hearing aids, dentures, or preventative care. When the program was first created in 1965, it was created to cover 80 percent of the total costs of health care for the elderly. Today, however, it does not even come close to 80 percent and there remain critical needs which can present long-term institutionalization that are still not provided.

What has the Government bought for its medicare dollars since 1965? Consider these facts: Nursing home revenues have jumped 3,000 percent from $500 million in 1960 to over $20 billion today. At the same time, we have witnessed a dramatic growth in our elderly population as a whole—that promises to grow even larger in the coming decade—a 300 percent increase from 7 million in 1960 to 26 million today. The percentage of our nursing home population has remained stable during this same time period at 5 percent of the total elderly population.

More than half of this increase reflects public funding through medicare and medicaid. Thus, costs of the program have skyrocketed—nursing home profits have jumped—and the services provided to the elderly still do not encourage alternatives to institutionalization. This, it appears as though we are spending money for nursing home care and the vast majority of seniors who do not require such care are still not getting any benefits for their money. Any reforms in the medicare program must first and foremost correct this inequity and refocus the emphasis of the program upon community-based preventative care instead of the more costly, and less preferrable, alternative of hospital or nursing home care.

We must take meaningful steps today to secure the future of the medicare trust fund for tommorrow. A panel established within the Department of Health and Human Services is currently examining a number of options, including raising the eligibility age from 65 to 67, such as was done in the social security program this year. This would seem to be a reasonable suggestion for the elderly who do not need catastrophic health care but one which must be phased in over a reasonable period of time.

The other suggestions of the HHS panel appear to be a less tasty menu item for seniors. One of the proposals include an increase in the taxes on alcohol and tobacco, a portion of which would be earmarked for the medicare trust fund. This tax is based on the fact that approximately $4 billion in medicare and medicaid costs each year are attributed to smoking-related diseases with alcohol-related disease costs also registering a substantial impact upon both programs. The fact that medicare and medicaid provide a negligible amount of money for preventative health care in these areas makes it unrealistic to penalize beneficiaries of medicare when their health plan does not spend any money to prevent such diseases.

Instead of increasing consumer taxes in this way, I would prefer to see an earmarking of a portion of the windfall profits tax to finance the medicare shortfall now that the tax has been upheld as legal by the Supreme Court. I have introduced legislation in previous years, H.R. 4629 last year, which would have applied the same principle to the social security trust funds. It seems logical that if medicare is indeed facing a $200 billion deficit, then the multinational corporations of this country which successfully avoid paying taxes but receive these windfall benefits, should share these benefits with seniors who can least afford increases in their medicare costs.

Another alternative provided by the HHS commission includes increasing medicare benefits but forcing the elderly to pay for them. This increase in benefits would be accomplished by increasing part B of medicare which covers doctor and hospital bills. There would also be a cap on the total amount of doctor bills that a person would have to pay—between $350 and $750 per year. Such a plan could make it unnecessary for elderly medicare beneficiaries to have to pay for "medigap" policies to buy what basic medicare does not cover.

If the part B premium were to be increased under this scenario from the present $146.40 to $350 a year—with possibly less of an increase for the low-income elderly—the projected deficit would be defrayed; the premium increase would be less than some elderly now pay for medicare and "medigap" policies.

Such a proposal must be phased in over time, otherwise the poor elderly—those who can ill afford any sort of increase in their out-of-pocket expenses—would clearly not receive the benefits of such expanded health insurance.

At the same time, we must also embark on an aggressive effort to control overall health costs. By law, medicare costs to beneficiaries are tied to hospital costs, and as hospital inflation rises, so does the cost to the medicare program, and to seniors. Since the elderly have experienced a 32 percent increase in their medicare deductible in the last 2 years, we cannot afford to require yet such another increase. Such an increase would do the most damage to the catastrophically ill and the never-ending spiral of cost-shifting will continue to move from the health care provider to the consumer. In this case, the consumer will only be hurt more, not less.

Earlier this year, Congress voted to provide for a prospective reimbursement system for hospitals in order to cut back on spiraling health care costs. In a recently released General Accounting Office report, it was revealed that this new system could result in fewer seniors receiving adequate health care by creating incentives for their early discharge from hospitals. Such incentives would automatically place a greater demand for nursing home beds, thus continuing to promote institutionalization instead of community-based care. Clearly, prospective reimbursement could promise to be a hindrance to the elderly's health bill instead of the help it was intended to be. Thus, in light of this fact, it seems premature to try and tamper any further with elderly health benefits without the benefit of some experience with prospective payment and a fair and full assessment of its impact upon the elderly.

In sum, Mr. Speaker, as an original member of the Select Committee on Aging, I will continue to actively work to find humane solutions to the real problem which the medicare trust funds face. We cannot allow medicare to be mean to the elderly. We cannot steal from the pockets of the poor elderly who have already been forced to suffer the burden of inflation, the ravages of rising health care costs, and the fear that their sole or primary source of income, social security, would be taken away from them. In the search for answers to the medicare problem, let us not look to the purses of the poor whose needs are great and whose resources are few.●

H.R. 2971—ARKANSAS WILDERNESS

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BETHUNE. Mr. Speaker, in the recent weeks of debate over my Arkansas wilderness bill, H.R. 2971, several myths about wilderness designation have circulated. I would like to present for the RECORD a factsheet entitled "Arkansas Wilderness—Myths and Reality" that summarizes these myths and explains the facts about wilderness. Additional wilderness areas is an important conservation issue facing Arkansas right now and I urge my colleagues to consider the following information:

ARKANSAS WILDERNESS—MYTHS AND REALITY

Myth: Wild lands must be pure, pristine, and virgin in order to qualify as wilderness.

Fact: Public Law 88-577, called the Wilderness Act, carefully defines wilderness, as "an area of undeveloped federal land retaining its primeval character and influence . . . and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable."

Built into this definition is the understanding that unfortunately there is no "pure" wilderness today. Since 1964, Congress has repeatedly rejected unreasonably strict purity standards offered as reasons to disqualify areas as wilderness. Wilderness designation only requires that overall an area should be primarily natural in character and the presence of humanity's work should not be dominant.

Myth: Recreational activities are prohibited in wilderness areas.

Fact: Hunting, fishing, hiking, camping, and canoeing are not restricted. Moreover, Congress has specified that wilderness areas would be off limits to road building, timber cutting, mining, or motorized vehicles.

Myth: Private property will be condemned in wilderness.

Fact: Although the U.S. government may condemn private lands for distinctly non-wilderness projects, such as reservoir or highway construction, private lands in wilderness are protected under the 1964 Wilderness Act from condemnation.

The Eastern Wilderness Act of 1975 provided one time authority to use condemnation on 16 areas which included Upper Buffalo and Caney Creek. The Bethune proposal for Arkansas wilderness is based on the authority of the 1964 Wilderness Act (sec. 5(a)) which specifically prohibits condemnation. Furthermore, none of the wilderness designation laws to date have permitted condemnation of private or State lands.

Private lands may be acquired for inclusion in the National Wilderness Preservation System only with the owner's consent. The exchange and valuation is constitutionally protected, preventing a taking without just compensation.

Myth: There will be a loss of revenue from placing the lands in wilderness that are proposed in H.R. 2917, the Arkansas Wilderness Bill introduced by Congressman Bethune.

Fact: When questioned by Chairman Seiberling during the May 26th Public Lands and National Parks Subcommittee hearing, the Assistant U.S. Forest Service Chief, Dale Robertson, answered that there was, in Arkansas national forests, the potential to grow more timber that could offset any harvest loss that might result from wilderness designation and there is an existing cushion of timber which had not been cut.

Further, a Library of Congress study on the areas in H.R. 2917 and potential revenue loss, provided data showing timber harvest on areas in the Ouachita National Forest would be a money losing proposition for the government in most cases, and that the harvest in the Ozark areas would be even less profitable. The analysis states that these proposed wilderness areas are less important for timber harvesting than surrounding forest lands. Chairman Seiberling asked Assistant Chief Robertson if he agreed that the areas proposed for wilderness in H.R. 2917 are less important for timber harvesting than surrounding forest land and he responded "As a general rule, the roadless areas are less productive than the balance of the forest."

Myth: Wilderness designations recommended by Congressman Bethune would have an adverse effect on the economies of the local school districts and local governments.

Fact: The receipts from timber sales in the National Forest are divided among the local school districts and local governments on the basis of the percentage of the National Forest land that is located within the jurisdiction. Receipts will continue to be divided in the same way, regardless of whether part of the National Forest is in wilderness. Therefore, if timber sales and timber harvest remain at the same levels and harvest losses are made up by cutting in other parts of the national forest, the local economies will continue to get the same dollar amount and same proportion of timber receipts. As timber prices increase, revenues should increase for all jurisdictions in comparison to the depressed prices of recent years.

The Chairman of the Public Lands and National Parks Subcommittee stated during a recent hearing on H.R. 2917 "there is a good case that timber sales can continue at the same levels even if we put these relatively small areas in wilderness." This is because the areas covered by H.R. 2917 do not include a great deal of harvestable timber by comparison to the amount in other parts of the forest that could be cut.

The Congressional Research Service report points out that the allowable programmed harvest is below the potential yield for both forests and that managing the lands outside the wilderness areas at a higher percentage of the potential, may be more profitable than trying to produce timber from wilderness areas. Because timber has not been harvested to much extent in the wilderness candidate areas, the costs to produce timber sales in these areas may be greater than potential revenues.

In its socio-economic analysis section of the June, 1978 EIS on the Ozark and Ouachita Highland States (p. 32), the Forest Service estimated that even if all the inventoried areas were placed in wilderness (190,000 total acres and 65,000 more than the acres included in H.R. 2917) that the changes in employment for any local area wilderness will be less than 1 percent and considered insignificant.

An Arkansas Parks and Tourism report states that additional areas in Arkansas will have a positive economic impact by enhancing tourism. Their study reveals that wilderness related activities have already made a surprisingly large contribution to the State's economy—$6.5 million for 1982 and are projected to increase $19.7 million by 1990 if these 11 areas are added to the wilderness resources of the State.

Myth: If new wilderness areas are established in Arkansas, air quality class redesignation will be required based upon the 1977 Clean Air Act and subsequent Environmental Protection Agency (EPA) regulations.

Fact: According to a letter to Congressman Bethune from EPA's Acting Assistant Administrator for Air, Noise and Radiation, Charles L. Elkins, "neither the Clean Air Act nor the corresponding EPA regulations would require any redesignation of area classification if new wilderness areas are established. Section 162 of the Act did classify certain parks and wilderness areas as Class I if in existence as of August 7, 1977, the date of enactment of the Clean Air Act Amendments of 1977. That provision has no effect on the classification of parks or wilderness areas established after August 7, 1977. thus, newly established wilderness areas would remain as Class II, unless the State opts to redesignate any of them.

Chairman Seiberling states, "new wilderness designations would have little effect on the status quo, however, as the entire State of Arkansas (including the proposed wilderness areas), is already Class II, except for two existing wilderness areas, which are Class I."

Myth: A wilderness area of 10,000 acres or more could stunt economic growth due to the possibility of a Class I redesignation, but a wilderness area of less than 10,000 acres wouldn't be threatening.

Fact: The Clean Air Act permits a state to upgrade any Class II area of any size to Class I, or to downgrade an area under 10,000 acres to Class III. Chairman Seiberling says, "for example, a state could designate the entire state Class I. This "states rights" provision was incorporated in the law in order to allow states to largely control their own destiny insofar as deterioration of air quality is concerned. However, to date, no state has every upgraded a wilderness area from Class II to Class I. Of course, Congress cannot guarantee that a state will refrain from using its authority to upgrade areas in the future, but I would be willing to suggest language for our Committee Report indicating that the Committee expects the wilderness areas of H.R. 2917. will remain Class II. Any attempts to go beyond that and legislatively limit that states discretion could provoke strong reaction from "state's righters", and from the states themselves. Even if the states have no desire to upgrade any area, they would likely resent such an intrusion on their jurisdiction.

In his letter, the Chairman of the Public Lands and National Parks Subcommittee further states that, "as a state can designate any area in the state of any size it pleases as Class I, limiting wilderness areas to less than 10,000 acres would not prevent upgrading. The only effect of designating a wilderness area of over 10,000 acres would be to prohibit he state from downgrading the area to Class III. Thus, the Poteau Mountain, Penhook, East Fork and Flatside proposals of H.R. 2917 should only be of concern to industry if industry believes a Class III designation might be necessary in the future. I also note that to date, no state has used its authority to downgrade any area to Class III."

Myth: Fires, insects, and diseases may not be controlled in wilderness areas.

Fact: The Wilderness Act does not prohibit firefighting and states that "such measures may be taken as may be necessary in the control of fires, insects, and diseases . . ."

Myth: More wilderness is not needed in Arkansas because too much land will be locked up.

Fact: The 11 areas recommended for wilderness designation in the Arkansas Wilderness bill introduced by Congressman Bethune, represents only two thirds of 1 percent of the overall land base of the State and is less than 6 percent of the national forest land in Arkansas. The remaining 93 percent of the national forests in Arkansas are already available for multiple use which includes timber cutting, road building, and use of motorized vehicles.

None of the proposed wilderness areas include huge tracts of land; all 11 sites can be walked across in a day's time.

In the future, if we see that we have too much wilderness, Congress can change the status of the areas. These 11 proposed wilderness areas are not being locked up but are, instead, being set aside as a wise investment for future generations.●

EXPLODING THE ILLUSION OF FAIRNESS IN THE REAGAN ADMINISTRATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. STARK. Mr. Speaker, when the emperor has no clothes on, the only thing to do is to create the illusion that he is clothed. This is exactly what this administration has attempted to do. This issue is fairness. In reality this President has been grossly unfair to the poor and the working poor while granting unprecedented tax breaks for the wealthiest in our society.

In its attempts to counter the claims of unfairness administration apologists have had to create the illusion that this President is fair. Fortunately, there are some who continue to shout that the emperor has no clothes on—that he is not fair and honest in his dealings with the American public.

One such article appeared in the Washington Post yesterday written by Robert Greenstein. I am inserting in the Record the full text of Mr. Greenstein's remarks so that my colleagues can see how this administration manipulates figures to suit its fancy and create the illusion of fairness.

The article follows:

Stockman Is Still Cooking the Numbers

(By Robert Greenstein)

David Stockman is at it again. After he confessed to rigging the computers in 1981 to make the prospective Reagan deficits shrink, one would have thought that the budget director had had his fill of numbers juggling. But it was not to be. This time, of all things, Stockman has been fiddling with figures in the hope of demonstrating how fair the Reagan administration really is in its treatment of rich and poor.

Stockman unveiled his latest statistical wizardry before the Congressional Joint Economic Committee last month. He came fully equipped with charts, each to illustrate a remarkable assertion.

Claim 1: The poor have been affected only marginally by Reagan administration budget cuts. Indeed, if all of its proposed cuts for fiscal 1984 were enacted, Stockman contended, low-income benefit programs (food stamps, Medicaid, low income housing, child nutrition, Supplemental Security Income and Aid to Families with Dependent Children) would still be reduced only 5 percent below the levels sought by Jimmy Carter.

Claim 2: Large parts of programs for the needy weren't serving the poor anyway. Before the Reagan cuts, Stockman maintained, more than two-fifths of the benefits of low-income programs went to families with incomes exceeding 150 percent of the poverty line.

Claim 3: The wealthy really were not the big winners in the 1981 tax-cut act. In fact, he asserted, they had received less than 1 percent of the benefits.

It was an impressive performance, even if it was based on some peculiar evidence.

Start with Stockman's contention that actual spending for low-income benefit programs in fiscal 1982 and 1983—plus Reagan's proposed spending for fiscal 1984—is only 5 percent below the levels sought for these years in the last Carter budget.

Here Stockman has deftly made use of the high unemployment experienced under the Reagan administration in an effort to bolster his case. The costs of a number of these basic benefit programs vary with unemployment levels—when more people are out of work, the number of households qualifying for the programs multiplies and program costs rise. By one estimate, for example, food stamp costs rise about $600 million for every percentage-point increase in the jobless rate.

The Reagan budget numbers Stockman cited reflect the impact of 10 percent unemployment on the costs of these programs. By contrast, the Carter budget numbers used by Stockman were calculated back in 1981, based on projections that unemployment would average only about 7 percent in the 1982-84 period. The result: Stockman was able to use the additional costs in the Reagan budget stemming from higher unemployment to make Reagan's spending levels look closer to Carter's—thereby making the Reagan cuts appear smaller than they actually are.

Stockman was not content to stop his strange comparison there. Further manipulations occurred when he adjusted the Carter and Reagan budgets for inflation, converting both to "constant 1981 dollars."

To do this, Stockman adjusted downward both the actual Carter and the actual Reagan budget numbers for 1982, 1983 and 1984. He reduced the projected Carter spending levels for 1983 by 16 percent—since the Carter budget had projected that prices in 1983 would be 16 percent higher than in 1981. And he adjusted the Reagan numbers for 1983 downward by just 10 percent—the inflation level for 1981-1983 reflected in the Reagan budget. Since the Carter numbers were reduced by larger percentages than the Reagan numbers, this made Carter spending levels appear smaller in relation to Reagan's.

To be sure, such adjustments are valid in most cases—but not for two of the major programs, Medicaid and subsidized housing.

Medicaid budgets are based on projections of inflation in health care costs rather than on projections of the overall inflation rate. When you do the proper inflation adjustment—using health care costs rather than overall inflation—you discover that the Reagan Medicaid cuts are about $2 billion deeper for the 1982-1984 period—or more than double what Stockman indicated.

Equally egregious was Stockman's manipulation of the housing numbers. A substantial portion of federal outlays for subsidized housing consists of fixed costs under long-term contracts for construction or rehabilitation. These costs do not vary with inflation any more than a homeowner's fixed monthly mortgage payments do. Stockman had no business adjusting these fixed costs for inflation. However, Stockman adjusted these costs anyway, and reduced the fixed payments in the Carter housing budget by a greater percentage than he reduced the identical fixed payments in the Reagan budget.

This bit of legerdemain made it appear that Ronald Reagan—whose administration has cut billions from new appropriations for subsidized housing, raised rents for all 3.5 million families and elderly persons living in subsidized units, and reduced the number of new low-income housing units being constructed or rehabilitated by more than half—actually spent more on these programs over the past two years than Carter would have.

How significant are Stockman's manipulations? A new Congressional Budget Office analysis shows that as a result of the last two years of budget reductions, fiscal 1983 expenditures for the low income benefits programs were cut $5.2 billion below what they would have been had no changes been made by Congress. Stockman's chart, however, showed a reduction of only $1.7 billion. In other words, Stockman made two-thirds of the Reagan cuts disappear.

The administration's reductions, of course, would have been far deeper had all of its proposed cuts in aid to the poor been enacted. Of $20 billion requested last year in further cuts in these programs for the 1983-1985 period, Congress agreed to less than $4 billion.

Among the reductions rejected outright were administration proposals that would have doubled rents over several years for some of the poorest families living in subsidized housing, ended or reduced food stamps for more than 90 percent of the elderly who receive them, and sliced 700,000 low-income pregnant women and children from a food supplement program that has been proved to reduce infant mortality.

So much for Stockman Claim 1.

Next, Claim 2: that large chunks of benefits have been going to persons far above the poverty line. Indeed, Stockman maintains that before Ronald Reagan came to the rescue, average workers were being taxed to bring welfare families up to virtually the same standard of living as themselves.

Specifically, he contends that in 1981, 42 percent of all benefits in these programs went to families over 150 percent of the poverty line, and that 150 percent of the poverty line for a family of four that year was $13,390—or 92 percent of the median annual income for employed workers.

The misuse of statistics is particularly striking here. First, Stockman has compared 150 percent of the poverty line for a *family of four* ($13,390) to the median income for an *individual* worker. Sorry, but you can't do that. The real numbers go like so: The median income for a family of four in 1981 exceeded $26,000—not $13,390—and 150 percent of the poverty line is about half—not 92 percent—of the median income for a comparably sized family.

Then Stockman counted as part of the income of program beneficiaries the value of health insurance coverage provided by Medicaid and the benefits from living in subsidized housing—but he did *not* include in his median income figures for workers either the comparable fringe benefits for employer-paid health insurance or the tax subsidies for mortgage and medical payments that many middle-income families receive. This makes for a neat comparison of apples and oranges.

When you do these comparisons properly, you find that the income and benefits of those participating in the federal programs were far below the living standards of average American families—even before the Reagan budget cuts took effect.

Nor is Stockman's claim valid that 42 percent of low-income benefits went to families over 150 percent of the poverty line. While these figures are derived from Census data, Stockman misuses the evidence in ways that the Census Bureau itself warns against.

Drawing on the Census Bureau's work, Thomas C. Joe, a former Nixon administration welfare expert who now directs the Center for the Study of Social Policy, has prepared a devastating critique that shreds Stockman's claims on this issue.

A number of Stockman's "high-income" families were actually unemployed and receiving federal benefits for just a few months in 1981. Once back to work, they stopped receiving aid. But Stockman's figures reflect families' incomes for *all* of 1981 (rather than just for the months they actually received benefits), which enables Stockman to count many of these families as "high income" beneficiaries. The Census Bureau explicitly warns about this problem in the data, but Stockman ignored the admonition.

Similarly, the Stockman data distort income patterns when the composition of a household changes. The data attribute to households the income earned during the entire year by persons who were household members for only a small part of the year. Yet the absence of households members for part of the year (especially deserting fathers) may be the very reason that the remaining family members needed aid. The Census Bureau warns about this, too, stating that the data "may not always reflect the true economic status of the household during the year."

In short, the numbers Stockman uses have a major impact in exaggerating the number of high-income households receiving aid. When those distortions are removed, the picture is quite different. For example, Agriculture Department evidence that is free from these distortions shows that no more than three-tenths of 1 percent of food stamp benefits in 1981 went to families whose cash incomes exceeded 150 percent of the poverty line during the months they received food stamps.

While these manipulations are disturbing, Stockman's numbers-juggling reaches its zenith in his description of administration tax policies.

The wealthy, according to Stockman, received all of their tax cut when the top tax rate was lowered from 70 percent to 50 percent. Since this change constituted less than 1 percent of the tax benefits from the 1981 tax act, Stockman tells us, the wealthy ended up with less than 1 percent of the largesse and can hardly be described as the prime beneficiaries.

These startling conclusions contrast sharply with the findings of virtually every independent study of the 1981 tax act. The Joint Congressional Committee on Taxation, for example, found that the wealthiest 5 percent of taxpayers would gain 35 percent of the benefits from the tax act. Congressional Budget Office studies have shown that in fiscal 1982 through 1985, the tax and budget changes enacted under the Reagan administration will take more than $20 billion in benefits away from households with incomes below $10,000 a year—while increasing the after-tax incomes of those making more than $80,000 a year by $64 billion.

How did Stockman get such different results?

First, his claim that lowering the top rate represented all of the tax cuts for the wealthy is nonsense. He simply ignores the plethora of new loopholes and expanded tax breaks incorporated into the 1981 act, such as the changes in estate taxes, IRA's and Keogh's, the All Savers Certificate and dividend reinvestment.

Second, Stockman carefully limited his definition of the wealthy (without informing his audience) to the top two-tenths of 1 percent of all taxpayers, those with incomes of more than $200,000 a year. This suited his purposes admirably: With so few taxpayers defined as wealthy, their aggregate tax benefits would not look so large. The sizable tax benefits going to the much larger number of taxpayers in the $50,000-$200,000 range were simply excluded from his calculations.

Moreover, Stockman omitted the fact that the elite group he did define as wealthy received, on average, a whopping $22,000 apiece just from the changes in tax rates—before even counting the new tax shelter opportunities. Ronald Reagan himself saved $90,000 on his taxes last year because of the 1981 act. His after-tax income went up almost as much as if his salary had doubled.

The final part of Stockman's tax presentation was an attempt to discredit independent studies showing that those with high incomes received very large tax breaks. The problem with the studies, Stockman declared, was that for the wealthy, tax gains or losses stem less from rate changes (which the studies focused on) than from changes in the extent to which income is diverted into tax-free investments (which most of the studies did not treat).

Stockman's implication was that by reducing the top rates, tax shelters were being made less attractive—and that declining use of shelters would reduce the gains for the wealthy below the levels cited in the studies.

While lowering the top rate may, by itself, reduce the use of shelters, Stockman again failed to disclose all of the facts: The 1981 act created so many new shelter opportunities that use of shelters has exploded despite the reduction in the top rate.

Use of syndicated shelters grew 12.5 percent in 1982, far more than the rate of inflation. Moreover, preliminary data indicate that for the first quarter of this year, syndicated tax shelter use is up 50 percent from the comparable period last year. The burgeoning use of shelters, which confer the preponderance of their benefits on the affluent, suggests that tax benefits for the wealthy from the 1981 act are likely to be larger—not smaller—than previous studies and analyses have indicated.

Finally, there is the question of purchasing power. A favorite Stockman (and White House) theme is that the average American's purchasing power has increased sharply during the Reagan presidency because inflation has come down so much. Purchasing power, however, is not determined solely by prices—but by the interaction of prices and wages.

What the administration has failed to say is that wages have come down about as much as prices, leaving the average American with virtually no gain in real purchasing power.

What is widely regarded as the best measure of purchasing power—the Commerce Department's index of real per capita personal disposable income—shows that purchasing power under Reagan has increased at an annual rate of only four-tenths of 1 percent. This is well below the average rate of increase under every other president for the past 30 years.

The growth in purchasing power that did take place in the Reagan years occurred primarily from January 1981 until August 1981—before the Reagan economic program took effect. Since August 1981, when the Reagan tax and budget program was enacted, real per capita personal disposal income has declined. The average American's standard of living has fallen since the Reagan administration's program was enacted.

Stockman's manipulation of the numbers makes rational debate on these spending issues more difficult. But perhaps most significant is the new dimension that Stockman has added to the much-discussed "fairness" issue.

For what can raise more basic questions about whether this administration is fair than when one of its principal officials—with access to data, staff and resources that few others in this town possess—utilizes this power to rig the terms of the debate and misrepresent the nature of his administration's policies.●

CONGRESSIONAL CLASSROOM VISITS WASHINGTON

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. CAMPBELL. Mr. Speaker, June 6 to 9 it was my happy privilege to help introduce 33 outstanding young men and women from the Fourth District of South Carolina to both the inner workings of their Federal Government and to the beauty and historical riches of the Nation's Capital.

These impressive rising seniors, one representing each high school in my district, were selected by their high schools to participate in the Fourth District congressional classroom program—an intensive 4-day dawn-to-dark schedule of meetings, briefings and tours. Among the highlights of the trip were briefings at the Organization of American States, the Archives, and the Supreme Court, tours of the FBI, the White House, the Pentagon as well as the national monuments, entertainment at the Kennedy Center, and a lunch on Capitol Hill where the students were able to meet and talk with Members of Congress.

I would like to thank my colleagues, Senator Thurmond, Congressman Michel, Congressman Kemp, Congressman Spence, Congressman Derrick, and Congressman Hartnett for taking time out of their busy schedules to meet with the classroom participants. With many difficult decisions being forced on us as a nation, it is imperative, I believe, for our young people to have the opportunity to ask questions directly and to see firsthand where and how our laws are made so that they might gain a real understanding of their Government and their American heritage.

The interest and concern of the students only served to confirm this conviction. I have no doubt that all of us involved in the program took something valuable away from their experience, whether it was a new knowledge of one's government, or, as in my own case, a greater respect for the young people of our Nation and a new hope for our country's future.

We are fortunate in the Fourth District to have civic-minded companies and businesses which share my belief in the young people, and I would like to offer a special word of appreciation to these companies who offered the support which made this program possible. These public spirited companies are: American Federal Savings and Loan; Arkwright Mills; Avco Corp.; Bell Pharmacal; Bigelow-Sanford, Inc.; Burger King Corp.; Carolina Manufacturing Co.; Community Cash Stores; Cone Mills CP Spinning Plant; Cooper Motor Line, Inc.; Cryovac Division, W.

R. Grace & Co.; Daniel International; Dayco Corp.; Duke Power Co.; Dunlop Sports Co.; Ernst & Whinney; Flowers Banking Co.; Georgia Pacific Corp.; Henderson Advertising; Hoechst Fibers Industries; Inman Mills; Intex Products, Inc.; Jackson Mills; Jeffrey Manufacturing Co.; J. P. Stevens & Co., Inc.; Kohler Co.; Liberty Corp.; M. Lowenstein & Co.; Lucas Industries, Inc.; Mascot Mobile Homes; Mayfair Mills; Menzel, Inc.; Metropolitan Life; Monsanto Textiles Co.; Multimedia Corp.; Phillips Fibers Corp.; PYA/Monarch Foodservice; Reeves Brothers, Inc.; Riegel Textile Corp.; Sloan Construction Co., Inc.; Southern Bank & Trust Co.; Southern Bell; Spartan Foods; Spartan Grain & Mill Co,; Spartan Mills; Spartanburg Herald-Journal; Steel Heddle Corporate Offices; Stone Manufacturing Co.; Texize, a division of Morton-Thiokol; Union Camp; U.S. Shelter Corp.; WSPA AM-FM-TV; Zima Corp.

I also want to congratulate each of the congressional classroom participants and their parents and to assure my colleagues that if these students are typical of the upcoming generation, then our future is in excellent hands. This year's classroom included: Harold Anderson, Boome High School, son of Mr. and Mrs. James E. Anderson; Amy Beller, Christ Church Episcopal School, daughter of Dr. and Mrs. George A. Beller; Bradley Bennett, Eastside High School, son of Mr. and Mrs. Joseph Thomas Bennett; Becky Bird, Hillcrest High School, daughter of Mr. and Mrs. Charles William Bird; Hoyt Blackmon, Woodruff High School, son of Mr. and Mrs. Jim Cathcart; Danny Brooks, Bob Jones Academy, son of Mr. and Mrs. James A. Brooks; Reed Brown, Spartanburg High School, son of Mr. and Mrs. Walter E. Brown; Andrew Clark, Chapman High School, son of Mr. and Mrs. J. Dan Clark; Kim Chester, Dorman High School, daughter of Mr. and Mrs. Tony Chester, Sr.; Maribeth Curry, Mauldin High School, daughter of Mr. and Mrs. Douglas Watson Curry; Farroll Daniels, Riverside High School, son of Mr. and Mrs. Thomas Daniels; Kris Duncan, Woodmont High School, son of Rev. and Mrs. David Duncan; Randy Hewitt, Greer High School, son of Mr. and Mrs. Jim Leigh; David Hogg, Wade Hampton High School, son of Mr. and Mrs. James D. Hogg; Beverly Howell, Landrum High School, daughter of Mr. and Mrs. Larry Howell; Tina Huskey, Chesnee High School, daughter of Mr. and Mrs. Billy Huskey; Catherine Lavery, Berea High School, daughter of Mr. and Mrs. William John Lavery; Pam McAbee, J. L. Mann High School, daughter of Mr. and Mrs. Jim McAbee; Sandra McSherry, Southside Christian School, daughter of Mr. and Mrs. Olin Ray McSherry; Allan Miller, Parker High School, son of Mrs. Margaret Miller; Martin Nubson, Greenville High School, son of Mr. and Mrs. Charles Duncan; Richy Pittman, James F. Byrnes High School, son of Mr. and Mrs. Layton Pittman; Libby Reid, Union High School, daughter of Mr. and Mrs. Richard J. Reid; Toni Roberts, Carolina High School, daughter of Mr. and Mrs. Brunson Roberts; Perry Robinson, Shannon Forest Christian School, son of Mrs. Linda Robinson; Bobby Sheridan, Travelers Rest High School, son of Mr. and Mrs. Richard B. Sheridan; Linda Smith, Jonesville High School, daughter of Mr. and Mrs. Donald Smith; Eric Swofford, Spartanburg Day School, son of Mr. and Mrs. Perry Swofford; Judy Varn, Southside High School, daughter of Mr. and Mrs. Joe Varn; Todd Walter, Boiling Springs High School, son of Mr. and Mrs. C. Todd Walter, Sr.; Craig Wilbanks, Blue Ridge High School, son of Mr. and Mrs. Rex Wilbanks; Stephen Wood, Tabernacle Christian School, son of Mr. Preston Wood; Rhonda Wood, Lockhart High School, daughter of Mr. and Mrs. Ernest Wood.●

LAW OF THE SEA TREATY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. FIELDS. Mr. Speaker, I am pleased to present for the RECORD two articles from the Houston Chronicle concerning the Law of the Sea Treaty. Jim Malone and Ed Meese both are due the sincere gratitude of the American people for their part in preserving free access to ocean minerals.

The articles follow:

[From the Houston Chronicle, June 5, 1983]

NO ONE ASSURED ACCESS TO SEA'S RICH RESOURCES

(By James L. Malone)

Fundamentally, America, an island nation whose economy is based on freedom of international trade, needs free and uninhibited access to the ocean to survive. Further, in times of both war and peace we must be assured of freedom of navigation to protect the interests of our nation, as it is currently protected under customary international law.

Protecting America's access—indeed every nation's access—to the ocean's vast resources is crucial. It depends upon international cooperation.

It is for this reason that the United States engaged in the Law of the Sea negotiations for over 10 years with over 150 nations. Unfortunately, despite the diligent efforts of all those involved, the resulting international treaty assured no one access to the ocean's critical seabed resources.

It should be clearly understood that the provisions dealing with navigation, fishing, marine pollution and research were and continue to be acceptable to the United States and reflect existing customary international law in these areas. But they do not, as some claim, compensate for the problems in the seabed-mining portions of the treaty.

The basic problem the United States has with the treaty's seabed provisions is that they would discourage U.S. companies from mining the seabed.

First, the treaty places an overall limit on the amount of minerals that can be mined. Under this ceiling, there is a limit on each country's allocation. This was done solely for the purpose of protecting countries whose economies currently depend upon land-based mining.

Second, in the United States a firm would have no guarantees that it would be allowed to mine at all. The treaty establishes an International Seabed Authority, an organization that would be able to make decisions based on political, rather than technical, considerations.

The International Seabed Authority would have the authority to require that U.S. companies sell proprietary mining technology to an international mining company—the Enterprise, a competitor that would be created by the treaty—or to sell it to Third World mining companies.

Many are claiming that through a body set up to establish rules and regulations for seabed mining, the Preparatory Commission, the treaty can be changed to meet U.S. objections, or indeed to meet the president's objectives. This is not so because the Preparatory Commission lacks the power to change the treaty.

The treaty, hiding behind the mask of superficially appealing slogans like the "new international economic order" and "the common heritage of mankind," presents a thinly-disguised world collectivism. It is intended as an instrument for the redistribution of the world's wealth from those who have acquired their prosperity by risk, sacrifice and hard work, to those who seek to promote their prosperity through organizational means.

What does the United States then propose to do as an alternative?

President Reagan's concept of organizational structure for a deep-seabed mining regime is a minimalist one, and it is open-ended in that it would welcome all those who have a sincere interest in mining the deep seabeds.

An initial goal for a workable regime for seabed mining is to bring in those nations already capable of deep-seabed mining. Such a regime will encourage, not discourage, the entry of other nations into deep-seabed mining.

It would not be an exclusive club, by any measure. We are not promoting the "common heritage," at least as it has now evolved. In effect, each nation will maintain control of its own mining program.

It is time to move on, to forge a workable regime that lets nations cooperate to improve their lot by proper utilization of the deep sea's wealth. To look to other frontiers for the vital commodities upon which our societies depend and to rely, as always, on the long-established reasonableness and legitimacy of customary international law.

LACK OF INTERNATIONAL CONSENSUS LEAVES ROOM FOR AN ALTERNATIVE

(By Edwin Meese III)

The Law of the Sea Treaty failed to achieve international consensus at the conference at Jamaica's Montego Bay. The United States and 46 other nations, together accounting for more than half the global gross domestic product, withheld their signatures. Twenty-two abstained, and 24 did not attend. Thus, the way is cleared to develop more promising arrangements.

This is as it should be. For had the treaty been universally accepted, it would have undermined the future national and economic security of the United States and many of its allies.

The treaty's main problems lie in its restrictions on deep-seabed mining. The seabed contains vast quantities of such strategic minerals as manganese and cobalt, which are necessary to manufacture steel, jet engines and other products essential to our defense and industrial base. The United States and other countries must now rely heavily on imports to meet their strategic-mineral needs. Yet many foreign suppliers are not reliable, and in other cases higher-grade ores are being depleted. The seabed's resources therefore represent an important future alternative.

At present, all nations have the right to mine the seabed under the doctrine of "freedom of the seas." According to international law, the resources of the ocean floor belong to no one. They are the legitimate property of whoever undertakes the expense and risks of bringing them to the surface. The Law of the Sea Treaty stands this principle on its head. It asserts that the seabed's minerals are "the common heritage of mankind," meaning that they belong collectively to all nations. While the concept sounds noble, in practice it implies that no nation has the right to mine without permission from the "body of the whole," effectively repealing "freedom of the seas" as it applies to ocean mining.

The treaty would do this by creating an International Seabed Authority, modeled loosely on the United Nations, to govern seabed mineral production. The authority's assembly, like its United Nations counterpart, would be dominated by the developing countries. These nations in the past have not only been hostile to the United States and Free-World interests but in the United Nations have supported the Soviet position as much as 80 percent of the time.

The structure of the authority's executive council would help them succeed. Unlike the Security Council, the executive council would have no permanent members and no great-power veto—two provisions that have protected our interests in the United Nations. Thus, had America agreed to the treaty, we would have entrusted our own and our allies' access to the seabed's minerals to the good will of nations that have, for the most part, opposed our objectives.

The authority's control over seabed mining would have been virtually complete. The authority would have its own mining company (the Enterprise), which would enjoy preferential treatment and generous subsidies, financed primarily by its would-be competitors. Private or national companies wishing to mine would first have to apply for a license, which the authority would not be obliged to approve. If it were granted a license, a firm would be required to survey two mining sites, one of which the Enterprise would appropriate for its own use. The authority could compel competing firms to hand over their mining technology to the Enterprise or the developing countries, quite possibly choking off creation of needed technology in the first place. It could also limit their quantity of minerals that could be extracted.

Even the most enthusiastic companies might well balk at accepting these terms on top of mining's inherent risk and expense. American mining firms, in particular, have already stated that they would not mine under the treaty's provisions. For this reason, the treaty poses a threat to both the industrialized countries as well as the developing nations, who will need strategic minerals as their own economies mature. For no one will benefit from the seabed's riches if the minerals remain on the ocean floor.

Nor can these problems be solved, as some have argued, by the Law of the Sea's Preparatory Commission, which only sets the detailed rules for implementing the treaty and cannot change its substance. What is needed instead is an arrangement that will reaffirm customery international law.

One of the Reagan administration's first efforts has been to review how those areas of consensus and traditional law in the treaty, such as overflight and navigation rights, can be reinforced. Second, we need to develop alternative ways, outside the limiting framework of the treaty, to preserve all nations' access to the seabed's mineral resources. The United States will continue to work with other countries toward the creation of such arrangements.●

AMBASSADOR JEANE KIRKPATRICK ON HER RECOMMENDATIONS ON EL SALVADOR AND CENTRAL AMERICA

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BEREUTER. Mr. Speaker, I commend to my colleagues' attention the following excellent article in the June 20, 1983, edition of the Washington Post by the U.S. Representative to the United Nations, Ambassador Jeane Kirkpatrick. In the article she firmly sets the record straight in contrast to the reports from the "undocumented leaks" from the "unidentified sources" who are in Washington, D.C., all too often wrongly accepted as knowledge and accurate.

PARDON ME, BUT AM I THAT "HARD-LINER" THE ANONYMOUS SOURCES ARE TALKING ABOUT?

(By Jeane Kirkpatrick)

Time was I believed a leak was the unauthorized disclosure of confidential information about actual events—such as, for example, conversations within the executive branch. That was before I understood that a leak is the weapon of choice in Washington's unending internal wars—ideally-suited to spreading disinformation about fictive events.

Undocumented allegations and anonymous sources link private ambitions to public policy in labyrinthine webs of personal and political relations. Two or three well-placed "sources" working with two or three well-placed journalists can create an issue, shape an interpretation, build or destroy a reputation. From the perspective of political science, it is fascinating. From the perspective of public office, it is frustrating beyond belief.

How do you correct the record when the discussions are all confidential? My interest is more than academic or personal. The paper triangle that links symbiotically anonymous and interested bureaucrats and politicians with dependent journalists is as much a threat to an informed public as the "iron triangle" of bureaucrats, politicians and the "Interests" is to honest government.

During the past month or two, much of the U.S. national media have relied on undocumented leaks and unidentified sources to construct a political melodrama in which some bad guys—the "hard-liners"—are pitted against some good guys—the "moderates"—in a contest for control of U.S. policy toward El Salvador and the Central American region. According to this scenario, the good guys support political solutions, negotiations, regional dialogue, bipartisan consensus, and are deeply concerned about "underlying economic and social problems." "Hard-liners," we are told, oppose these good things; they advocate military solutions, and are dead set against negotiations, regional dialogue and bipartisan consensus-building. Hard-liners prefer political polarization.

In the current scenario, hard-liners are frequently named Clark and Kirkpatrick, though sometimes they are called Casey, Weinberger, Stone or, even, Reagan. Their principal activity is giving bad advice to the president. Because my name is also Kirkpatrick and I hold almost none of the views attributed to that Kirkpatrick, I desire to clarify just what kind of advice I have given in the weeks after the president asked me to visit Central America. I understand that it is not considered sporting to introduce into these Washington games verifiable facts or on-the-record statements of participants; but, then, I am not a thoroughly seasoned player and have not lost the predilections of my regular profession.

Obviously, I speak only for myself. I have not been present in most of the conversations of other participants. However, since I have often been cast by "sources" as the "hardest" and "most militant" of the hard-liners, my role seems relevant to the whole dramatic production, and the fact that my actual views and recommendations bear almost no relation to those attributed to me undermines, I should suppose, the credibility of this melodrama.

Interested persons might want to know that instead of opposing attention to economic and humanitarian dimensions of Central America's problems, bipartisan participation in policy-making, the Contadora process and the broadest possible participation in Salvador's elections, I have consistently made opposite recommendations. I have advocated greatly expanded humanitarian and economic assistance; bipartisan participation in formulating a new policy; unambiguous support for the Contadora process and regional dialogue; and maximum efforts to secure the broadest possible participation in Salvador's elections.

In my memorandum to the president on returning from Central America I took a very "hard line" on hunger, malnutrition, infant mortality, illiteracy, economic underdevelopment.

"Congress," I wrote, "has not provided the resources or support needed in part, at least, because we have not worked with them to develop a bold, imaginative program which goes beyond preventing Communist victory in the very short run, to produce for the chronically deprived people of the area the reality of present progress and the promise of more to come."

I cited Congressman Mike Barnes' proposed "one-percent solution" to the region's problems (using one percent of the requested defense budget to finance an adequate economic effort). I recommended for inclusion in the speech to the joint session a program "so beneficial to the terribly poor, malnourished people of the region that the American people will be proud to support it . . ." and also recommended the establishment of "a national bipartisan commission [which would] examine how we should apply our talent and resources to foster health, growth, security and democracy among our neighbors in Central America and the Caribbean. . . ." I further explained to the president that this was an approach I had discussed with Sen. Jackson and other Democrats.

Though current mythology suggests otherwise, new broad, bipartisan initiatives were resisted by the "good guys" themselves. So were efforts by the governments of Central America and the Contadora Four to get under way a process of negotiations for Latins only. President Herrera Campins last week described to the Venezuelan press the message he asked me to deliver to President Reagan: "Don't let your government torpedo our conference."

Reasonable people may feel the chances of success would be enhanced by our presence among the Contadora negotiators; they may think democracy would be better served by sticking with the San Jose approach. But the fact remains that Venezuela, Mexico, Panama, Colombia, et al., have desired an all-Latin conference, and our Central American friends have supported their effort. So have I. Far from believing that "The very mention of negotiations in El Salvador appeared a sign of weakness" (as charged by an anonymous source in The Post June 12), against considerable official resistance, I argued from Latin America and in Washington that the United States should pose no obstacles to the Contadora negotiations, should make no demands that we be included, and should, instead, stand aside offering support as appropriate.

On all the above issues there has been a certain amount of disagreement within our government, though the sides are not those popularly perceived. On other important issues there is a clear public record to prove there has been no disagreement at all. No one has proposed sending U.S. troops into combat in Central America, no one has proposed abandoning Central America. No government official has supported a "two-track" approach where one track leads to negotiated power sharing in El Salvador; everyone has supported conversations to ensure elections with broad participation and security for all.

I have also advocated continued military assistance at levels adequate to meet and match guerrilla arms, but then so have all other participants in the executive department's policy dialogue.

Above all, I have argued in print and in person from well before President Reagan invited me to join his government, that the people and governments of Central America, the Caribbean and, indeed, South America are important to the United States; that our security and history bind us to the Americas just as surely as they bind us to Europe; and that it makes no sense at all for us to perceive and protect vital national interests in Europe, the Middle East, the Far East and Africa (where we provide large, continuing amounts of economic and military assistance and in some cases U.S. troops and trainers) while ignoring and neglecting friends and interests on our own borders. I have, moreover, insisted that the fact that the Central American peoples have suffered under dictators in the past is not a reason to consign them to repressive new dictators sponsored by the Soviet Union; it is, instead, a reason to help them escape to freedom.

What do all these views have in common with the struggle between the "hard-liners" and the "good guys"? An interesting question.

The fact is that "hard-liner" has become an all-purpose term of political abuse. In popular political mythology the hard-liner is the missing link between political Neanderthals and modern man. It is shorthand for a mindless, heartless approach to public policy. Along with other abusive terms, "hard-liner" should be eschewed in serious political discussion in favor of more meaningful ways of categorizing political actors—such as, for example, active and passive; innovative and conventional; smart and dumb; effective and ineffective; honest and dishonest; straightforward and devious; generous and niggardly; ambitious and contented; prudent and reckless; political and bureaucratic, and so forth.

Meanwhile, it is worth noting that if the "sources" were as good at managing public affairs as they are at managing the news, the world would be better governed; and that if journalists were as suspicious of their favorite anonymous sources as they are of, say, the president, we would be better informed.●

ARE WE FALLING BEHIND THE SOVIETS?

HON. GUS SAVAGE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. SAVAGE. Mr. Speaker, tomorrow, June 21, 1983, the U.S. House of Representatives is scheduled to consider military construction and appropriations bills for the fiscal year 1984.

When these bills come before Congress each year—as they must—we incessantly debate about our Nation's defense posture and that of our NATO allies relative to that of the Soviet Union and its Warsaw Pact allies.

Franklyn D. Holzman, an economics professor at Tufts University and a research fellow at Harvard University's Russian Research Center, has a thoughtful, well-reasoned article on this subject in the July 1983 edition of the Atlantic magazine. I heartily recommend its reading to all my colleagues, for it cuts through a lot of misconceptions that cloud sound decisionmaking in these areas.

Holzman's "Are We Falling Behind the Soviets?" is fully reproduced below.

ARE WE FALLING BEHIND THE SOVIETS?

(By Franklyn D. Holzman)

Many thoughtful observers in America believe that the military might of the Warsaw Pact nations, especially the USSR, has been increasing relative to that of the NATO nations, especially the United States, and that, as a result, the Warsaw Pact nations have achieved military parity with NATO, or have pushed ahead. This military buildup, moreover, is taken as prima facie evidence that the Warsaw Pact nations have aggressive intentions vis-à-vis their neighbors.

What explains such a momentous shift of positions in the arms race? The usual answer is that the Soviet Union has increased military spending to a greater degree than the United States has. To reverse this dangerous trend, naturally, the U.S. and its allies have been contemplating similar increases. As President Reagan put it in his State of the Union message on February 18, 1981:

"I believe my duty as President requires that I recommend increases in defense spending over the coming years. Since 1970, the Soviet Union has invested $300 billion more in its military forces than we have."

In the two and a half years since that address, the President's apprehensions about Soviet aggressiveness have been reflected in the sharp rise in U.S. military expenditures, our steadfast opposition to the Soviet-Western European gas pipeline, and a steady deterioration of relations in practically every other area in which the two nations interact.

But there is considerable evidence that U.S. estimates of Soviet and Warsaw Pact military expenditures are calculated incorrectly and are presented in a misleading way. With proper calculation and interpretation, the military spending gaps that favor the Soviet bloc largely disappear. This leads one to question the magnitude of the Soviet bloc's military buildup and to view skeptically the claims of the Administration that the buildup is necessarily offensive rather than defensive.

Several factors help to explain what may be a distorted view of Soviet-bloc military expenditures. Perhaps most important is the tendency of bureaucrats, politicians, and the press to summarize complicated computations with a few simple figures. Two such figure are the CIA annual estimates, widely quoted, that the USSR is currently outspending the U.S. on defense by 50 percent, and that over the decade 1971-1980 the USSR outspent us by $420 billion (an update of President Reagan $300 billion).

Once these figures surface, they begin to have a life of their own; rarely mentioned are the numerous qualifications attached to them by the CIA when they were first released. While the two figures presented may have validity for some purposes, even without qualifications, for other purposes they are misleading and inappropriate. For example, the CIA's 50 percent figure is based on an estimate of Soviet military spending that, when converted into rubles and expresssed as a percentage of Soviet GNP, reveals the so-called burden of defense spending providing an indication of the military drain on Soviet resources. Currently, the CIA estimates that burden at between 12 and 14 percent of GNP. Conceptually speaking, this is a valid use of the CIA's estimate.

Suppose, however, we want a figure that represents the confrontation between the United States and the USSR. President Reagan clearly used the related $300 billion figure in this way in his State of the Union address. For that purpose, the 50 percent and $420 billion gap figures are inappropriate, because a large part of Soviet military spending is irrelevant to the superpower confrontation. For example, the Soviet Union maintains an army of roughly 750,000 men on the long Sino-Soviet border. According to Harold Brown, former secretary of defense, in his 1979 annual report, the Soviets "have felt obliged to allocate up to about 20 percent of their total defense effort to the Far East and the PRC [People's Republic of China]." In various statements in the past few years, the CIA has estimated the same figure at between 12.5 and 20 percent.

Money spent by the Soviet Union to support its large army across 5,000 miles of inhospitable terrain has thus not been available to build tanks, planes, and missiles that might be used against the U.S. and its NATO Allies. If 15 percent of Soviet expenditures is subtracted from the total (the CIA estimate is $1,535 billion for the years 1971 to 1980), the current gap is reduced from 50 percent to 27.5 percent and the 1971-1980 expenditure gap is reduced by $230 billion—that is, from $420 billion to $190 billion (all in 1979 dollars).

Thus, both the current and the ten-year spending gaps are roughly halved by removing expenditures directed at China. The appropriateness of removing these expenditures is supported by the Department of Defense's practice of excluding U.S. expenditures on Vietnam when comparing NATO and Warsaw Pact total defense costs.

Finding a true estimate of the gap between Warsaw Pact and NATO "confrontation" spending requires another major adjustment. The CIA restricts its published estimates to comparisons of military spending by the U.S. and the USSR. This establishes a framework for virtually all governmental and media discussions of military spending. In effect, these discussions imply that the U.S. and the USSR confront each other without allies. If the contributions of the NATO and Warsaw Pact nations (other than the U.S. and USSR) were either inconsequential or of roughly equal magnitude, this mode of calculation would make sense. However, as Harold Brown put it in the same annual report, "We are fortunate in having prosperous and willing allies who can help counterbalance the Soviet effort. The Soviets are not so fortunate." According to the authoritative International Institute of Strategic Services, in London, America's NATO allies spent $94.9 billion in 1980, or almost six times more than the $16.7 billion spent by Warsaw Pact nations other than the Soviet Union. In fact, France, Great Britain, and Germany each spent more than all "other" Warsaw Pact nations added together.

If contributions by our allies and the Soviet Union's allies are factored in, the imbalance between NATO and Warsaw Pact military spending is sharply reversed. As of 1980, NATO was still outspending the Warsaw Pact—over the decade, by more than $250 billion, despite the huge USSR-U.S. dollar gap calculated by the CIA. The $250 billion difference in NATO's favor no correction for Soviet expenditures directed at China. If we take into account the $230 billion dollars that the Soviets are estimated to have directed at China, the total difference in military spending between NATO and the Warsaw Pact nations rises to $480 billion.

Another major distortion in comparisons of East-West military spending stems from the practice of relying on dollar valuations to compare the two defense establishments. As the CIA acknowledges:

"Dollar cost calculations tend to overstate Soviet defense activities relative to those of the United States. . . . Given different resource endowments and technologies, countries tend to use more of the resources that are relatively cheap—and less of those that are relatively expensive—for a given purpose. A comparison drawn in terms of the prices of one country thus tends to overstate the relative value of the activities of the other."

This so-called index-number effect is not difficult to understand. The Soviets pay their soldiers a very low wage and, perhaps partly for this reason, have more than twice as many men and women in uniform as we do. When we value their 4.5 million military personnel on the basis of our average annual pay, which is close to $20,000, the result is a very high estimate of Soviet spending. The reductio ad absurdum of this methodology is the recently revealed (though unofficial) CIA estimate of Chinese military spending in dollars, which purports to show that the Chinese government is currently mounting a defense effort equal to our own. This bizarre conclusion arises from a calculation of the cost of mobilizing the enormous Chinese army at U.S. pay scales.

The usual, and proper, procedure when comparing real costs in two different monetary systems is to calculate expenditures in the currencies of both nations, in this case in rubles as well as in dollars. The dollar estimate provides an upper limit of Soviet expenditures, the ruble estimate a lower limit (since it exaggerates U.S. expenditures by putting a very high ruble price on our more advanced military technology). An average of the two, usually a geometric mean, can be calculated if one wants a single figure. In most of its other U.S.-USSR comparisons, the CIA follows this procedure. For example, almost two years ago, the Joint Economic Committee of Congress released a CIA study that compared consumption expenditures in the USSR with those in the U.S. and other nations. In the "overview," on the first page of that study, was this statement:

"In 1976, real per capita consumption in the Soviet Union was 34.4 percent of that in the United States: this value is the geometric mean of comparisons in rubles (27.6 percent) and in dollars (42.8 percent)."

The CIA currently makes defense estimates in both dollars and rubles. However, the ruble comparsion, once presented, is thereafter ignored, and the geometric mean is not presented at all. The reason for this practice is not difficult to discern: until a few years ago, the Agency did not know the costs in rubles for many Soviet weapons or other defense materiel. The CIA now claims to have many more prices, and should, therefore, be able to present the geometric mean of the dollar and ruble comparisons as the official estimate. Since the dollar comparison shows the Soviets outspending us by 50 percent and the ruble comparion reduces the difference to 30 percent, the geometric mean works out to 39.6 percent. If this change in the CIA's USSR-U.S. comparison is combined with an adjustment for forces on the Chinese border, the current difference between U.S. and Soviet "confrontation" spending shrinks to below 20 percent, and the ten-year gap between U.S. and Soviet military spending is reduced to roughly $100 billion (from $420 billion). It also widens the NATO-Warsaw Pact ten-year gap to roughly $550 billion, in our favor.

Before we leave index numbers, three more points need to be clarified. First, while we know more about the costs of Soviet armaments than we did in the 1970s, ruble prices for most military products are still unavailable. What this means is that when making ruble estimates, one has to assign value to most weapons first in dollars and then in rubles, using as a basis for conversion the few available ruble prices of other weapons. But ruble comparisons are thus in large part dollar comparisons, and therefore they still exaggerate Soviet military spending. While no precise estimate of the exaggeration is possible, the CIA's estimate that the USSR outspends the U.S. by 30 percent in a ruble comparison is clearly much too high. An adjustment for this distortion would reduce still further Soviet and Warsaw Pact military spending as discussed above.

Second, American advocates of larger military appropriations for equipment procurement point out that the Soviet equipment buildup is made possible by the very low wages the USSR pays its soldiers. As William Perry, former undersecretary of defense for research and engineering, put it in a 1982 review of James Fallow's book National Defense, "they can devote half of their budget to equipment procurement while we devote less than a quarter of ours to equipment. . . ." While Dr. Perry's statement is true as far as it goes, it neglects the fact, as put by Stansfield Turner, a former director of the CIA, that "military hardware is much more expensive than manpower in the Soviet Union, while in the United States manpower is relatively more expensive than hardware. . . ." So, the Russians need to spend a greater percentage of their military budget on equipment; we need to spend a greater percentage on manpower.

Third, if Soviet military expenditures vis-à-vis the United States are exaggerated, U.S. estimates of the percentage of Soviet gross national product that is devoted to those expenditures are also likely to be exaggerated. They are—but for reasons other than those already mentioned. The proper way to measure Soviet military expenditures in relation to GNP for the year 1982 would be to value both in 1982 rubles. Unfortunately, the most recent set of ruble prices for military equipment available to our intelligence establishment is for 1970. So, for lack of a better alternative, the CIA is forced to measure Soviet military expenditures and GNP for the years since 1970 in so-called "constant 1970 ruble prices."

If trends in ruble prices of military equipment were representative of GNP as a whole, then it would not make much difference whether 1970 or 1982 prices were used in the estimate. In fact, however, because of rapid technological advances in Soviet weaponry, the price of any given weapon's capability over the 1970-1982 period must have fallen relative to Soviet prices in general. In this respect, Soviet weapons are like American computers, whose prices have dropped enormously over the past decade, in spite of inflation in the rest of the economy. The more advanced military equipment being produced for Soviet armed forces today would have cost many times more rubles to produce in 1970 than at present. So the most recent DIA estimate (12 to 14 percent) of the percentage of Soviet GNP (for 1980, but in 1970 prices) devoted to military expenditures is certainly an exaggeration, and would undoubtedly be several percentage points lower in 1982 Soviet prices.

The view of the military spending gap just outlined appears to be greatly at odds with the conventional wisdom that the USSR and its allies have been engaged in an enormous military buildup that has enabled them to reduce or eliminate NATO military superiority, and that this has been accomplished by virtue of increased defense expenditures. If the facts reveal no military

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spending gap in favor of the Warsaw Pact countries, how can this be reconciled with the Soviet bloc's alleged military buildup?

First, perhaps the military buildup, and the degree to which the Soviets have caught up with us, have been exaggerated. A military effort has many dimensions, and those who sound dire warnings tend to concentrate their attention on areas in which Soviet progress has been most rapid. Further, the emphasis is usually on numbers—quantity rather than quality. Some experts have testified that the U.S. defense effort represents, in part, a sacrifice of quantity for quality. This view was recently echoed by a CIA spokesman before the Senate Armed Services Committee. He stated that U.S. military equipment tends to be produced with "more sophistication, more quality and bettter performance . . . [more safety], more quality control . . . a more highly designed product" than Soviet equipment. Apparently General John W. Vessey, Jr., chairman of the Joint Chiefs of Staff, feels that this is a good thing. On May 11, 1982, after admitting that the Soviets had a quantitative superiority in many weapons, he testified to the Senate Armed Services Committee: "But, overall, would I trade with [Soviet Chief of Staff] Marshal Ogarkov? Not on your life."

Listening to the pessimists, one would never know that the U.S. spends almost three times as much as the Russian per soldier in training and maneuvers, or that our missiles are more accurate, or that our subs are superior to theirs, and so forth. One cannot doubt that the Soviets have been catching up, but the degree to which this is true may well have been overstated.

Second, if the Soviets have been catching up, how has this been possible if, as has been shown, the actual military-spending gap is much smaller than official estimates suggest? Military-expenditure comparisions measure cost but not effectiveness and not the wisdom of the expenditure choices. If the United States has been spending money less wisely in terms of our needs than the Soviets have in terms of theirs, then the Soviets could catch up without outspending us.

Much has been written in the past few years regarding the waste and the misdirected expenditures in our defense program. Some general categories of wasteful spending often mentioned are so-called gold-plating of weapons (for example, air-conditioning and power steering in tanks); introducing some technology that is so complex (and expensive) that it can be neither easily operated nor properly maintained by our servicemen; introducing too many competing models and changing models too often, both of which prevent reduction of costs; allowing weapons suppliers very high profits and cost overruns not caused by inflation; maintaining facilities and programs that no longer serve a miltiary function but are good for some congressman's constituency. Further evidence of inefficiency may be adduced from the fact that the balance of forces in Europe does not appear to reflect NATO's much higher levels of military spending.

What are the policy implications of the foregoing? If the view of the military-spending gap presented here is correct, the USSR is not as far ahead of the United States as the Reagan Administration and others contend. Moreover, if the USSR is catching up owing to waste and inefficiency on our part, it hardly makes sense to throw hundreds more billions of dollars into defense, at the expense of so many of this nation's major civilian priorities, without drastic revision of the military decision-making processes. Preventing the waste of $50 billion in cost overruns, misguided programs, and the like is as good a way to finance our military buildup as legislating $50 billion in new taxes or accepting a $50 billion increase in the national debt.

Finally, while many in this country view the Soviet Union and its allies as outspending us on defense, the Soviet Union probably views the spending competition in the terms just outlined—that is to say, as unfavorable to itself and its allies. If that is the Soviet view—and in fact the USSR views itself as having to take on almost single-handedly the whole Western industrial world, plus China and Japan—then the motivations behind its buildup may well be less ominous than the Administration believes.

(Franklyn D. Holzman is professor of economics at Tufts University and a research fellow at Harvard University's Russian Research Center. He is the author of Financial Checks on Soviet Defense Expenditures.)

THE SOUTH AFRICAN KRUGERRAND: BUYING INTO APARTHEID

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. SOLARZ. Mr. Speaker, because a number of my colleagues have expressed an interest in the krugerrand section of my South African legislation, I would like to explain the necessity for the proposed restrictions, and clarify these provisions.

Originally introduced as H.R. 1693, the bill has been reported by the Foreign Affairs Committee, with certain modifications, as title III of the Export Administration Act, H.R. 3231, which has been sequentially referred to the Banking Committee.

Certainly no justification is necessary for opposing South Africa's apartheid system. I know my colleagues would all agree that any system of institutionalized racism is incompatible with fundamental democratic principles and human rights. The question now facing Congress is not how to assess apartheid, but how to respond to it.

The answer I propose will make clear in deed as well as word our abhorrence of apartheid.

PROVISIONS OF THE BILL

One aspect of H.R. 1693 would bar the importation into the United States of the krugerrand or any other gold coin minted or offered for sale by South Africa. The legislation does not bar the ownership or resale within the United States of coins already imported nor the holding of coins abroad.

Violation of this section of the bill would result in a fine of up to $1,000,000 for a corporation, and not more than five times the value of the krugerrands involved for an individual. These provisions would be waived for up to 1 year if the President determined that the Government of South Africa had made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life of that country, and toward an end to discrimination based on race or ethnic origin. This waiver could be overturned by joint action of the House and Senate within 30 legislative days.

THE KRUGERRAND IN THE UNITED STATES

Since the U.S. Government removed the restriction on the purchase of gold by American citizens in 1974, the South African Government has flooded the U.S. market with krugerrands and carried on an extensive advertising campaign attempting to persuade Americans that these gold coins were somehow superior to other coins such as our own gold medallions, the Canadian maple leaf, or the Mexican onza. Americans have purchased nearly half of all the krugerrands sold by South Africa since 1978. In 1982, 1.2 million ounces of krugerrands were sold in the United States making the South African coin the largest selling gold coin in the United States. Last year alone, our citizens spent $363 million on krugerrands. Intergold, the marketing arm of the South Africa Chamber of Mines, plans to increase its U.S. advertising budget to expand its penetration of the market.

THE KRUGERRAND AND APARTHEID

Krugerrand sales provide the South Africa Government with income that it uses to help maintain its apartheid system. South African gold sales overseas provide much of the foreign exchange that South Africa needs to buy machinery, chemicals, and raw materials for industrial expansion. These sales also help to pay for the arms and oil crucial for the regime's survival. In recent years, gold sales have covered about one-third of South Africa's total imports.

The blacks of South Africa are not benefiting from krugerrand sales.

On the contrary, krugerrand sales contribute to the continued suppression of black South Africans. The gold used in the krugerrand is the product of an industry that employs blacks in appalling and dangerous conditions. These workers are paid discriminatory wages compared to white mine workers, averaging less than the South African official poverty line.

South Africa's mining industry depends on the labor of African black migrant workers. At the end of 1982, nearly 99 percent of the 400,000 blacks working in the mines were migrant laborers separated from their families for periods of up to 12 months.

Black miners are among the lowest paid workers in South Africa. Until 1972, the average real wage for black gold miners was unchanged from 1911, when the South African Chamber of

Mines began compiling statistics. During the same 60 years, average real wages for white miners nearly doubled. In 1972, the ratio of whites' wages to Africans' was 20 to 1.

Since then the situation has improved somewhat. However, the average monthly salary for black miners in 1982 was only $216, compared to $1,080 for white miners. Thus whites still earn five times more than Africans. Despite these increases, and even when the free room and board provided by the mines are included, most black miners in 1983 are earning an income very close to the poverty line.

ALTERNATIVES TO THE KRUGERRAND

If the proposed ban on krugerrand imports is enacted, American citizens wishing to invest in gold coins would still have other alternatives available to them. In addition to South Africa, three countries—Canada, Mexico, and the United States—now sell gold coins or medallions in 1-ounce or ½-ounce sizes. The Canadian maple leaf and the Mexican onza are frequently advertised in the United States, are readily available, and have had some success in competing with the krugerrand.

The United States has minted over 2.3 million ounces of gold "American Arts Medallions" since 1980, when Congress authorized their striking to capture part of the lucrative gold coin market in the United States. However, sales of medallions have been much less successful than foreign coin sales in the United States. Because of a cumbersome retailing mechanism and a limited advertising budget, the U.S. Treasury sold only 600,000 of the coins between 1980 and 1982. A new marketing approach initiated this year may lead to increased sales in 1983.

It has been argued that banning importation of the krugerrand would force the United States to buy South African gold to mint U.S. medallions, in order to meet an increased demand. However, the United States mints coins only from its gold stocks on hand, and our stocks are more than adequate to meet an expanded demand for coinage. U.S. gold stocks in reserve now amount to 264 million troy ounces, worth more than $110 billion. The Canadian Government follows the same policy as the United States in minting gold coins from its Government gold stocks.

According to Intergold, worldwide sales of the krugerrand last year amount to 2.57 million ounces of gold, of which 1.2 million ounces were sold in the United States. If all of the krugerrand purchases in the United States were to switch to American gold medallions, the mint would require only one two hundred sixty-fourths of our gold stocks to meet this new demand. Thus banning the krugerrand would not in any way require the purchase of South African gold by the U.S. Government to meet the demand of Americans for gold coins.

OPPOSITION TO KRUGERRAND SALES

Several governmental bodies and financial institutions in the United States have already taken actions to signal disapproval of the krugerrand and to discourage the sale of the coin. The House of Representatives of the State of Massachusetts, as well as the city councils of Atlanta, Austin, Oakland, Boston, Chicago, Denver, and Detroit, have passed resolutions urging their constituencies not to purchase the krugerrand.

The first National Bank of Chicago, the largest midwest retailer of krugerrands, with 1979 krugerrand sales of $35 million, suspended retail sales of the coin in February 1980, in response to a shareholders' resolution. In addition, other banks in Chicago, Princeton, Minneapolis, Milwaukee, and Providence, as well as Merrill Lynch and Dean Witter Reynolds, have agreed to stop selling krugerrands.

Since 1981, when I first introduced legislation containing a krugerrand ban, this issue has been the subject of extensive hearings in the House. It has won the support of the AFL–CIO, United Auto Workers, AFSCME, Congressional Black Caucus, Rev. Leon Sullivan, Americans for Democratic Action, National Council on Churches, and the Washington Office on Africa.

By barring the importation of the krugerrand, we would prevent South Africa from draining away precious foreign exchange from our country in a way that supports apartheid. A prohibition on krugerrand sales would symbolize to black South Africans, and to the world, that the United States is increasingly allied with the struggle for human rights, social justice, and complete political equality.

The following 70 of my colleagues have cosponsored H.R. 1693, and I would very much welcome the support of other Members for this important legislation.

Ackerman, Addabbo, Barnes, Bedell, Beilenson, Berman, Bonior of Michigan, Carr, Corrada, Clay, Collins, Conyers, Coyne, Crockett, Dellums, Dixon, Downey, Dwyer, Dymally, Eckart, Edgar, Edwards of California, Evans of Illinois, Fauntroy.

Feighan, Ferraro, Foglietta, Ford of Tennessee, Frank, Garcia, Gejdenson, Gray, Harkin, Kaptur, Kastenmeier, Kildee, Leland, Levin, Levine, Lowry of Washington, Markey, McHugh, Mikulski, Mineta, Minish, Mitchell, Morrison of Connecticut.

Oakar, Oberstar, Ottinger, Owens, Rangel, Ratchford, Reid, Richardson, Savage, Scheuer, Schroeder, Schumer, Simon, Stokes, Studds, Torricelli, Towns, Walgren, Waxman, Weaver, Weiss, Wolpe, Yatron.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 21, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on S. 1120, to authorize printing of the back side of $1 bills by a method other than the intaglio process.

SD-538

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on S. 1306, to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

SD-226

Labor and Human Resources

Business meeting, to mark up S. 772, proposed Smoking Prevention Health and Education Act, and S. 242, proposed Employment Opportunities Act.

SD-430

Veterans' Affairs

To hold hearings on S. 374, S. 786, and S. 991, bills to establish a presumption of service connection for certain diseases in veterans caused by exposure to agent orange, herbicides, and chemicals during the Vietnam war.

SR-418

Joint Economic

To resume hearings to review the administration's perspective on future farm policy.

SD-124

10:00 a.m.

Appropriations

District of Columbia Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.

SD-192

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

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Finance
To resume hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Foreign Relations
To continue hearings on nuclear arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Resolution 107, Senate Resolution 83, Senate Joint Resolution 74, Senate Joint Resolution 12, Senate Resolution 142, Senate Joint Resolution 29, Senate Resolution 159, and Senate Concurrent Resolution 46.
SD-419

Conferees
On S. 272, to provide prospective contractors minimum time periods for the solicitation and bidding process on Federal contracts, and S. 273, to extend the authority of the Small Business Administration's section 8(a) (1) pilot procurement program, authorizing the SBA to enter into procurement contracts with Federal agencies for the purpose of subcontracting to small business.
SR-428A

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to resume markup of S. 431, authorizing funds for fiscal year ending September 30, 1983, and through fiscal year 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Foreign Relations
To continue hearings on nuclear arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Resolution 107, Senate Resolution 83, Senate Joint Resolution 74, Senate Joint Resolution 12, Senate Resolution 142, Senate Joint Resolution 29, Senate Resolution 159, and Senate Concurrent Resolution 46.
SD-419

Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.
SR-253

9:30 a.m.
Governmental Affairs
To hold oversight hearings to review operational tests and evaluation procedures of the Department of Defense.
SD-342

Labor and Human Resources
To hold hearings on the effects of anticancer drugs in the treatment of cancer patients.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Foreign Relations
To continue hearings on nuclear arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Resolution 107. Senate Resolution 83, Senate Joint Resolution 74, Senate Joint Resolution 12, Senate Resolution 142, Senate Joint Resolution 29, Senate Resolution 159, and Senate Concurrent Resolution 46.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Indian Affairs
Business meeting, to mark up S. 856, to authorize funds for fiscal years 1984 through 1987 for Indian housing programs, S. 1168, to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma, S. 1224, to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation, and S. 1249, to provide for a representative of a federally recognized Indian tribal government in the membership of the Advisory Commission on Intergovernmental Relations.
SD-608

Joint Economic
To continue hearings to review the administration's perspective on future farm policy.
SD-124

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings to examine the legal and constitutional ratification process of the Panama Canal Treaty.
SD-562

2:00 p.m.
Environment and Public Works
To hold hearings on the nomination of Lee M. Thomas, of South Carolina, to be Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency.
SD-406

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1275, to establish a unified Administrative Law Judge Corps.
SD-226

JUNE 24

9:30 a.m.
*Commerce, Science, and Transportation
To hold hearings on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act.
SR-253

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on the budget request for the Energy Information Administration, Department of Energy.
SD-366

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review legislative proposals to combat abusive tax shelters, focusing on charitable contribution tax shelters and the ability of the Internal Revenue Service and courts to process large volumes of tax shelter returns.
SD-215

*Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Courts Subcommittee
To hold hearings on pending legislative matters.
SD-562

10:00 a.m.
Environmental and Public Works
Environmental Pollution Subcommittee
Business meeting, to continue markup of S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

Joint Economic
To hold hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2255 Rayburn Building

JUNE 27

9:00 a.m.
Finance
Estate and Gift Taxation Subcommittee
To hold hearings on proposals providing for transitional rules for estates and gift tax treatment, including S. 953, S. 1180, S. 1210, S. 1250, S. 1251, S. 1252, S. 309, and S. 310, and S. Res. 126, expressing the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.
SD-215

8:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253

Judiciary
To hold hearings on Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools.
SD-226

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on miscellaneous public lands bills, including S. 482, S. 508, S. 620, S. 600, S. 598, S. 807, S. 864, and S. 1160.
SD-366

Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Judiciary
*Immigration and Refugee Policy Subcommittee
To resume hearings on proposed legislation providing for a 3-year extension of the Refugee Act of 1980 (Public Law 96-212), and to review the progress of this year's refugee resettlement program.
SD-562

Labor and Human Resources
*Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1256, proposed Emergency School Aid Extension Act.
SD-430

JUNE 28

8:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the International Monetary Fund's gold reserves.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253

Judiciary
*Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal mine safety and health amendments.
SD-430

9:00 a.m.
*Special on Aging
To hold joint hearings with the House Select Committee on Aging to review a growing concern of older Americans use and misuse of over the counter prescription drugs.
SD-628

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources Subcommittee
To continue hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Finance
To resume hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings on the impact of crime on the elderly, focusing on victim compensation.
SR-485

Select on Intelligence
To resume hearings on S. 1324, to regulate public disclosure of Central Intelligence Agency information.
SD-342

Joint Economic
International Trade, Finance, and Security Economics Subcommittee
To hold closed hearings on allocation of resources in the Soviet Union and China.
SD-138

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 1090, to establish the Outdoor Recreation Resources Review Commission.
SD-342

2:30 p.m.
Select on Indian Affairs
To hold hearings on S. 1151, to compensate heirs of deceased Indians for improper payments from trust estates to States or political subdivisions thereof as reimbursements for old age assistance received by decedents during their lifetime, and House Joint Resolution 158, to make technical corrections to the Indian Land Consolidation Act (Public Law 97-459).
SD-608

JUNE 29

8:30 a.m.
* Labor and Human Resources
To hold oversight hearings on the Department of Labor's law enforcement activities, focusing on the Organized Crime and Racketeering Section of the Department of Labor's Office of Inspector General's investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430

9:30 a.m.
Judiciary
To hold hearings on S. 737, proposed Joint Research and Development Ventures Act.
SD-226

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215.

Labor and Human Resources
Business meeting, to resume consideration of S. 564, to establish the U.S. Academy of Peace.
SD-430

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on the proposed Uniform Single Audit Act of 1983.
SD-342

2:00 p.m.
Appropriations
Defense Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the administration's equal employment opportunity policy.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
Business meeting, to mark up proposed legislation to extend the revenue sharing program for local governments.
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges.
SD-562

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 12

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Legal Services Corporation.
SD-430

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2:00 p.m.
•Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

Veterans' Affairs
To hold oversight hearings on certain health issues affecting veterans, focusing on the recruitment and retention of staff of VA medical centers, and to examine the location of certain VA care centers to rural areas.
SR-418

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 14

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To holding hearings on future directions in nursing home health care.
SD-430

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 19

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 752, to provide for certain measures to reduce the salinity of the Colorado River.
SD-366

JULY 20

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to explore problems affecting the quality of education.
SD-430

JULY 21

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

•Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rate of dependency and indemnity compensation for surviving spouses and children of veterans, and related proposals, including S. 859, S. 995, S. 1187, S. 1318, S. 1371, S. 1401, S. 1402, and S. 1403, and other pending calendar business.
SR-418

JULY 22

9:30 a.m.
Labor and Human Resources
To hold hearings to receive a task force report on the vaccine for pertussis.
SD-430

10:00 a.m.
Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

JULY 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to discuss pending business matters.
Room to be announced

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 28

9:30 a.m.
Labor and Human Resources
•Labor Subcommittee
To hold hearings on S. 19, to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

AUGUST 3

9:30 a.m.
Labor and Human Resources
To resume hearings on health care cost issues.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

JUNE 22

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on environmental research and development programs.
SD-406

2:00 p.m.
Governmental Affairs
To hold hearings on the nomination of Robert H. Morris, of Maryland, to be Deputy Director of the Federal Emergency Management Agency.
SD-342

JUNE 23

8:30 a.m.
Small Business
To hold oversight hearings on the Small Business Administration's small business development center program.
SR-428A

2:00 p.m.
Small Business
To continue oversight hearings on the Small Business Administration's small business development center program.
SR-428A

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SENATE—*Tuesday, June 21, 1983*

(Legislative day of Monday, June 20, 1983)

The Senate met at 11 a.m., on the expiration of the recess and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of Truth and Light, last night 37 fine young men and women distinguished themselves by graduating from the Capitol Page School. We honor them in this milestone of their lives and they honor us by their distinctive achievement. We thank Thee for them and all the pages, for their hard work, their dedicated service to members of the Senate and House. We thank Thee for the beauty of their lives, for their infectious spirits. We thank Thee for the privilege of knowing them and serving with them. We thank Thee for their parents who loaned them to Congress. May Thy bountiful blessing rest upon these young people, their families and their futures.

Thank Thee Father for Principal Hoffman, for the administration and faculty of the Page School. May they enjoy satisfaction in the considerable investment they have made in many young lives who have come under their influence.

Gracious Father, be with Stuart Balderson as he enters surgery in this hour and with Mark Herath who will undergo surgery tomorrow. May their recovery be rapid and complete. In the name of Him who is Incarnate Love, we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, today, after the recognition of the two leaders, the distinguished Senator from Nevada (Mr. HECHT) will make his first statement to the Senate. I ask the cloakroom on our side to send out notice to that effect now to notify Senators once again of this special event.

We will then have a period, after another special order, for the transaction of routine morning business.

The Senate intends to be in recess between noon and 2 p.m. for our party caucuses.

The business to be taken up when we reconvene is still uncertain. We have several possibilities—the housing authorization bill, S. 1338; the HUD appropriations bill, H.R. 3133; and the Pacific Island Treaties.

The Senate should be on notice that rollcalls are expected today. The majority leader is in a meeting downtown, but he will have a further announcement regarding the schedule of the Senate later today.

NICHOLAS BRADY

Mr. STEVENS. Mr. President, one of the true highlights of my tenure in the U.S. Senate has been the time served with the former Senator from New Jersey, Nicholas Brady. His contribution to this body in such a short period of time continues to be evident.

At a time when the internal morale and the public image of the Senate was at an ebb, Nick Brady helped reinstate not only internal confidence in the Senate, he assisted greatly in bridging the gap between the private sector and the Senate. Thanks to his dedication, the Senate is a stronger and more effective institution.

Recently, Senator Brady delivered a speech at a meeting of the Business Council in Homestead, W. Va., on May 14, 1983. His remarks entitled, "Why Not America, Inc?" deserve the attention of the Senate. Nick has delicately assimilated his experience in Government with that of private industry. He attempts to explain the true nexus between Government and business; how both must work together in order to be effective and productive. Nick also stresses the need for clear communications between business executives and representatives in Government.

Nick Brady has been a workhorse in both private and public life. He has done his homework. Even though Nick no longer serves in the Senate, his counsel is often sought. During consideration of highly sensitive issues such as the MX basing decision, Senator Brady played a key role behind the scenes in creating a basis of understanding on all sides of the issue. Nick's insight regarding economic issues from a businessperson's perspective has literally opened the eyes of scores of those in Government.

Mr. President, I commend the remarks made by Nicholas Brady to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

WHY NOT AMERICA, INC?

It's a real honor to be able to address the Business Council and I would like to thank Bob Beck for the generous introduction.

Before I served eight and one half months in the U.S. Senate my attitude towards government was ambivalent. It wasn't quite as bad, however, as one of George Burns' famous lines about government: "It's too bad that all the people who know how to run the country are busy driving cabs and cutting hair."

First hand government experience in the Senate convinced me differently. I think many of you who have spent time in Washington and in government would agree. The majority of people in government are bright hard-working and concerned. In fact, leaders in Congress possess the energy, intelligence and determination to hold the highest jobs in industry.

Likewise, all of you in this room could be involved in government at top levels if you so chose. Why then, with so many intelligent and concerned people in both business and government, do both sectors have such a difficult time communicating with each other?

Instead of communicating, trying to understand and work with each other, business and government are like two ships passing in the night, each one on a separate course, each one, to some extent, ignoring the other, even to a point where a collision often appears imminent.

I would like to talk today about business and government and to suggest ways that we can perhaps improve communication, cooperation and real understanding between these most powerful vessels.

If what I say appears critical, then it is also criticism of myself because to a large extent it is advice that I might well have politely ignored a year ago. Even though I made frequent and regular trips to Washington in the years preceding my time in the Senate, I can now see that I had little insight into the day-to-day workings of government.

Why do business and government sail past each other like ships in the night? Perhaps the most important reason is that both sectors have traditions, customs and laws that validate their own goals, set their own agendas and sanction their actions. In effect, two cultures have evolved within our nation and our society has confirmed each of their goals, agendas and actions, again and again over the years. In turn, this has led to a firm confidence among leaders in both business and government that each has the rightful answer. If one party is sure it is fundamentally right, by definition the other party, if it disagrees, must be misguided. Is this the reason these leaders all too often don't communicate with each other? Frankly, I think so.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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In reality, the private sector and government have different jobs to do; jobs which have been given to them by the American people. For example, it is an entirely acceptable business practice for a corporation, in the name of profitability for its shareholders and the future health of the enterprise, to lay off a thousand, or two thousand, or five thousand people in times of declining sales. In fact, if executives don't act quickly enough at moments of sliding sales, their boards of directors and stockholders will surely replace them.

However, at the moment employees are laid off, we have decided in this country that it is then the government's job to do something about the unemployed, to pay furloughed workers and help them buy food. And further, a current debate in Congress concerns extending health care benefits to those out of work.

The only question we really debate is length and amount of unemployment benefits. We decided long ago that, in part, government shall pick up where business leaves off and support the unemployed in a transitionary period.

In this over-simplified example, you can see that business and government really have different tasks and charters, as well as different laws and regulations governing the separate mandates the American people have given to each.

The following statement will sound self-serving, but I certainly don't intend it to be so. During my time in the Senate, I was sometimes puzzled by a recurring comment a few of my colleagues made to me. The comment was essentially, "Nick, you have really come to understand us in a way that few other people have." At first, I couldn't understand their sentiment. I had made few speeches and sponsored only a small number of bills and amendments. I was able to give some advice and perspective about what went on in the private sector, but in no sense was it a leadership role.

But then I began to realize that many senators felt there was a deep lack of understanding among their countrymen, about the ways of the Senate and perhaps even government as a whole. But, also, the comment implied that they understood very little of the intricacies of business and they were grateful for insights as to how business really worked.

The gulf between government and the private sector would basically be of interest only to political scientists if it wasn't such a serious matter—one that affects the future of us all. I'm afraid that this lack of understanding has led both government and business to turn off their hearing aids when the other is talking. The best example I can give you of this is the two questions I was repeatedly asked when I first started in the Senate.

Some senators were convinced that a few trilateralist bankers convened weekly in the ultimate smoke-filled room to set the interest rates. I was asked: "Why won't the banks lower interest rates?" as though it was an easy thing to do. Very little understanding of the private sector process.

On the other side of the coin were friends in the business community who asked: "Why won't Congress face facts and balance the budget?" As though it was an easy thing to do. Very little understanding of the governmental process.

Because of this lack of understanding, the time businessmen and government officials spend together is characterized by a series of monologues. We talk at each other and not to each other. Unfortunately, there does not seem to be much interest in attempting to provide time for two-way conversations.

To be pointed, I would ask you to review the roster of speakers for these Business Council meetings over the past several years. How many of our friends in government stayed on after delivering their formal remarks? How many attempted to open a dialogue instead of simply speaking on an important current item of interest?

Before this becomes an indictment of government officials, I would hasten to add that businessmen's forays into Washington are seldom enduring. Fly in, deliver a speech, talk at someone, and leave town as quickly as possible. Why does this happen?

One reason is geography. America is different from most foreign countries because our seat of government is not a significant business center as well. London, Paris, Rome and Tokyo are all centers of government and business.

In our country, Washington is all government. New York has historically been the financial capital and our business centers reside in cities across America. So there is little chance for the social relationships to develop between business and government that are taken for granted in most foreign capitals. Geographic distance and diversity work against communications.

To some extent, the jet airplane is a hindrance to understanding between business and government. It allows people to fly in and fly out quickly. In days past, I would guess, when you held your meetings here at The Homestead, you had to take the train to get here, and that anyone who made the commitment of a long train ride, would come to stay awhile, during which time real talk could take place. That's no longer the case—jet in and jet out.

Just a brief comment on time. All of you in this room are scheduled out months in advance. If you can believe it, the calendars of government officials are blocked even more heavily. There is a saying: "With all thy getting, get understanding." We are all so busy with our agendas, we have very little time to try and understand others' agendas.

One could ask, why is this so serious? It is serious because leaders in business and leaders in government have one central task—to provide for the well-being and the standard of living of the American people. They expect it. Average Americans look to their leaders in both business and government to provide their families and themselves with a decent standard of living.

Twenty years ago, maybe even ten years ago, business could provide this standard of living by itself. Before the advent of the Great Society, government was a very junior partner in our life. Not so today. We are equal partners. In fact, government may even be the senior partner.

Internationally, it's a whole new ballgame as well. The United States is no longer the unchallenged economic and military force in the world. Oil doesn't sell for three dollars a barrel any more. It sells for twenty-nine. Nor do we have the economic superiority. Fifteen years ago, "Made in Japan" were code words for shoddy quality. Today, the words "Made in Japan" usually set the standard for top quality. Nor do we have the same military superiority we had twenty years ago, when during the Cuban missile crisis, we drew a line in the Caribbean, stared Khrushchev down and forced the Russians to do a U-turn and go home.

Much is made today of the term "Japan, Inc." It implies a working coalition in Japanese society among business, government, labor, and even the media to work together for the common good of the country. While I'm in no way advocating the tight structure and government predominence that the term Japan, Inc. implies, I wonder why we can't have, in our own fashion, an America, Inc.? I fear that one of the reasons is that the lack of communication and coordination between the various sectors of this country is not perceived to be a serious problem to facilitate this goal. But it will be sooner or later and probably sooner.

In this vein I am sorely afraid that if the American people see their standard of living eroding further, and if they see America's position in the world declining further, then they are going to give "pink slips" to both government and business.

The government's "pink slip" will come in the form of a continued flip-flopping of administrations, from Democrat to Republican to Democrat, from left to right and back again. Indeed, the first signs of this trend can already be detected. No president since Eisenhower has served two complete terms.

There is a good chance that we will witness the rise of third and fourth political parties as disillusionment with the two major parties deepens. I believe there could be significant potential for future splinter parties and the kind of political instability that we see in some of our European allies.

The "pink slips" will go to business as well, and the effects will be just as severe. From business's point of view, the pink slips will come in the form of increased government regulation, national economic planning and government intervention in the market place.

What can be done to avoid these scenarios—to foster communication and cooperation? Let me ask you a couple of leading questions, one directed at businessmen and one directed at politicans.

First for the businessmen, when was the last time you sat down with your Senator or Congressman without the urgency of a problem that required his immediate help? When was the last time you met over breakfast or dinner just trying to build a relationship, to establish respect and understanding; the basis for a dialogue, not a monologue?

Now a question I would ask politicians. When was the last time you called a businessman and didn't either (a) ask him for a campaign contribution or (b) state that the Acme Widget Company had absolutely no right to lay off 4,000 of your constituents?

I believe it is an absolute necessity for businessmen to look upon their relations with government in a whole new light. Actually, neither businessman nor politician should look at their relations with each other as something done in their spare time or as a schedule filler, something that irritates or interferes with the day.

At some point, probably everyone in this room will want to call into or upon the government on an important matter. And just as if you were drawing a check upon a bank, you better have some personal capital built up—some funds on deposit—or your check will be returned for insufficient funds.

Enough talk about the problem. The question is what should be done. Without arguing who should take the leadership role, I believe it would be a good idea for people in business to take the first step.

First suggestion: Why not hold one board meeting each year in Washington? All of us who serve on boards make trips to important plant locations where new products are being developed. Our government is as important a part of our business life as a new product. Why not hold one board meeting a year in Washington, finish up business promptly, then spend the rest of the day talking with government leaders? I would even suggest sitting in the Senate and House galleries for half an hour. It may be Civics 101 all over again, but frankly, it will give you a feel you couldn't get any other way.

Second suggestion: We have all made great strides by adding women and minorities to our boards of directors. In a similar vein of "affirmative action," why not add someone recently retired from the political arena. I'm not suggesting that you go out and recruit just any politician for your board. But in another eighteen months, some of you will have the chance to add a man like Howard Baker to your board and he and those like him will be a great asset to any company.

If you agree that this is a good idea, I suggest that you tell your executive search firms to add government service to the criteria they look for in candidates for your board of directors.

Third, as you pick your top officers, I would suggest that a higher degree of importance be given to those who have taken the trouble to understand government and its workings. Now I'm not advocating political scientists to head our major corporations, but over the long term, our country and your corporation will be better served if our corporate leaders have a real understanding of how both business and government work and, therefore, can work together.

Fourth, I suggest that you, as members of the Business Council, the foremost business organization in the country, engage in a counseling program. I know I'm treading on thin ice here and I am not suggesting the establishment of a lobbying effort.

To me, there is a big difference between lobbying, which projects a narrow point of view, and giving good advice, good counsel, and earning the respect of your partner. And, like it or not, government is our partner. Perhaps every member of the Business Council should endeavor to build a relationship with one or two members of Congress, not to lobby, but to counsel. Not to ask for help, but to offer help, even if the offer is one of a business perspective on the problems we all face.

The way to build this relationship is on a personal basis over breakfast or dinner at your homes, by means of a tennis game or a joint community project—the same way you build a relationship with good friends. Increasing communication cannot be a short-term program. The gap in communication, in cooperation, in understanding is too deep to be conducted on a jet in and jet out basis.

We face a special problem with our friends in the media who might see any business plan for increased cooperation with government as part of some dark and ominous conspiracy.

Therefore, I believe we should lay our cards on the table and ask the editors from the New York Times, The Washington Post, The Los Angeles Times, our great regional papers and the networks to join the effort in hopes of finding common solutions for common problems.

If we are to succeed in an attempt to forge an America, Inc., the impediments to a productive interchange between business and government, which are severly tested by this country's conflict of interest laws, must be overcome. Perhaps Congress would be well advised to enact a law defining the proper boundaries of government-business interchange for those who wish to serve.

I'm optimistic that government and business can develop a new relationship. A few days ago I was reading Lester Thurow's Economic Column in Newsweek. Thurow writes about the world leadership American agriculture has achieved.

But, as he points out, it wasn't always this way. In the early part of this century, Thurow observed that American agriculture was in disastrous shape with virtually no growth in production nor increases in productivity. In fact, Russia was the largest grain exporter in world markets.

American agriculture became the world's leader, not only because of hard-working farmers and new technology. Significantly, it was due to a partnership between agriculture and government which produced a system to feed a third of the world.

Leaders in business and government can match that success. We can build America, Inc. But it will take hard work and understanding. It's an ambitious goal, but it's a goal that Americans in business and Americans in government can achieve together.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, following the use of his time by the distinguished minority leader, I will yield the remainder of the leadership time to the distinguished Senator from Nevada should he wish to use it.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

OUR DISTINGUISHED PRESIDENT PRO TEMPORE

Mr. BYRD. Mr. President, I compliment the President pro tempore. He appeared at a hearing this morning in support of legislation to provide for deeper ports so that we might sell more of our coal, our grain, and other products overseas, and reduce the overall costs at the point of delivery. He made that appearance and is here to open the Senate.

I think I am correct in stating that the Senate President pro tempore is exceedingly faithful in his duties, one of which is to open the Senate, and I cannot say that I remember any occasions, although there may have been a few, when Mr. THURMOND, as President pro tempore, did not open the Senate.

DEEP-DRAFT NAVIGATION ACT OF 1983

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD, statements that were made by Mr. THURMOND, the President pro tempore, and by Mr. WARNER, Mr. MATTINGLY, myself, and Mr. HATFIELD, the chief sponsor of the coal ports legislation.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STROM THURMOND

Mr. Chairman, I am pleased to have this opportunity to appear before you and the other distinguished members of the Subcommittee on Water Resources to testify in support of S. 865, the Deep-Draft Navigation Act of 1983. It is especially a pleasure for me to appear with this panel of my distinguished Senate colleagues (Senators Hatfield, Byrd, Warner, and Mattingly), with whom I joined in introducing this legislation earlier this year.

Mr. Chairman, since we are testifying as a panel, I will attempt to be brief, and confine my remarks to a few particular topics. However, before addressing the specific issue of the Special Credit Account, I want to express my support for this bill in its entirety. The overall theory behind this bill is solid. It transfers a significant portion of harbor costs from the general taxpayer to those who directly use the waterways, and provides mechanisms for financing improvements and expediting sorely needed new projects. On the whole, this measure is a highly desirable approach toward a new, feasible harbor maintenance and improvement system.

Mr. Chairman, you have heard testimony supporting the concept of our bill, including the need for a user fee, the rationale for making this user charge an ad valorem fee, the establishment of a trust fund, and allocation of funding from it for operation and maintenance and port improvement projects.

I believe that we have in this bill the most workable compromise yet proposed in the area of port dredging legislation. The word "compromise" is very important in this legislation, because of the many and varied interests which will be affected by any legislation dealing with port maintenance and improvement.

One of the problem areas we have encountered is the difference of interests between low-maintenance ports and high-maintenance ports. Typically, the low-maintenance ports would prefer any tax or user fee to be port-specific, so that they could enhance their competitive advantage vis-a-vis other ports, and so that user fee revenues would inure to their own benefit. The low-maintenance ports generally object to the pooling of fees to pay for maintenance at high-maintenance ports. It should be readily apparent that under such a plan, the ports which require high-maintenance would be placed at a distinct disadvantage, because, under a port-specific system, their respective operation and maintenance costs could exceed their respective revenues.

In an effort to develop an acceptable compromise between these competing interests, S. 865 provides for a Special Credit Account. As it is presently contemplated, 40 percent of the costs of each port's operation and maintenance will be paid from revenues generated by the nationally uniform, ad valorem user fee. The remaining 60 percent will be paid from the Treasury general fund. This provision places all ports on an equal footing, regardless of the cost of operations and maintenance, and the amount of user fee revenues generated. In this manner, the high-maintenance ports are assured that there will not be a deficiency between costs and revenue.

The special account was created in order to provide the low-maintenance ports with an equivalent benefit. Since these ports may be required to expend less for operations and maintenance than is generated by the user fee, the Special Credit Account preserves some of the benefits naturally accruing to them.

Mr. Chairman, let me emphasize that national uniformity of the user fee is absolutely essential from our standpoint. A uniform fee will advance the interests of national defense and international trade by encouraging much needed harbor improvements and assuring a reliable program of maintenance. Our objective in imposing this user fee in a uniform manner is to essentially preserve the status quo among ports, discounting all other factors, so that all will continue to be an equal footing with shippers, insofar as the user charge is concerned.

Mr. Chairman, the Special Credit provision of S. 865 provides that a port whose user fee revenues exceed its operation and maintenance costs may have a percentage of that excess deposited in that port authority's sub-account of the Special Credit Account. Any money deposited into the Special Credit Account will be available for that particular port, or port authority, to be applied to the local share of any qualified port improvement projects. Under our bill, funds may remain in the Special Credit Account for a period of five years, at the end of which time, any funds not applied to the port's improvement projects will be transferred to the general Navigation Improvement account for all ports. In this way, the low-maintenance ports will obtain the kind of benefits which would be expected in the case of port-specific fees.

Mr. Chairman, I want to emphasize this special credit feature is one of the chief elements of the compromise presented by the Deep-Draft Navigation Act. As with all compromises, it is necessary for those on the extremes to recede somewhat from their preferred position, in order that a satisfactory solution may be reached to best serve the national interest.

I believe this bill presents the most workable and desirable approach to the difficult question of cost-sharing for port-dredging. If we are to have a viable port-dredging program in future years, I believe we must accept the cost-sharing concept, with the user fee being the most logical means of raising the necessary funds. Acceptance of this compromise will make it possible for our Nation to properly maintain and improve the ports which are so necessary to international commerce.

Mr. Chairman, I thank you for allowing me this opportunity to testify in support of this bill and to discuss in some detail the Special Credit Account feature of the legislation we have proposed.

Testimony of Senator John W. Warner

Mr. Chairman, I want to commend you for the leadership you have shown on ports legislation and express my appreciation for the opportunity to testify this morning.

I want to also express my gratitude to the Ranking Minority Member of this subcommittee Senator Moynihan. Although Senator Moynihan and I differ on the details of the legislation we want to see enacted, I know he shares my commitment to the absolute necessity to modernize our American port system.

Three years ago I introduced my first port bill. Subsequently, more than 30 other bills were introduced, and no consensus evolved. The deadlock centered over cost-sharing and the formula to pay for both operation and maintenance and improvements.

The panel joining me at the table this morning signals that a consensus is now evolving. Last fall I formed a partnership with Senator Robert Byrd to draft a compromise bill and shortly thereafter we combined our efforts with those of Senators Hatfield, Thurmond, and Mattingly who had the same goal.

This core working group is very significant because Senator Byrd had introduced separate legislation in the last Congress, which some referred to as the big port proposal, while Senators Hatfield, Thurmond, and Mattingly introduced legislation known as the small port proposal. Now this bipartisan panel is united behind S. 865. We have divided the explanation of the bill with the understanding that each endorses the others' testimony.

The Federal interest in a modern harbor system is two-fold: to promote America's trade potential and economic strength as well as to meet our defense commitments.

With the competitive condition of the world's shipping industry, this ports bill is for all ports at all depths and for all goods. The United States must be prepared to meet the world demand for its goods by developing a more competitive port transportation system.

Likewise, the Constitutional obligation to provide for the nation's defense demands that the Federal government continue its strong role in our national port system. It is a critical component in supplying both our Allies' and our own energy needs. It will guard against implicit and explicit energy coercion from foreign nations as well as blunt future intrusion by the Soviet Union and other countries in world energy markets, thereby reducing the possibility of deployment of American troops to protect energy sources and distribution routes.

The Federal role is further highlighted by our country's commitment to the construction of a 600-ship Navy to bolster our nation's defenses. The quick and efficient deployment and servicing of troops and equipment must be assured by modern, well-maintained harbors.

My assigned task as part of the panel this morning is to highlight the sections of S. 865 providing for navigation improvements.

The bill does not mandate specific improvements but instead sets up a mechanism which can be used to finance and expedite harbor improvements if local harbor officials and port users choose to take advantage of the bill.

The bill does not create a carte blanche for port improvement projects. Instead, the Federal government and local project sponsors will share the cost of navigation improvements. The local cost sharing will impose a market test that will ultimately decide which projects are built.

For example, in my own state, the Corps of Engineers designed an extensive $480 million 55 foot deepening project for the Norfolk Harbor. Faced with the realities of cost sharing, the Virginia Port Authority is now studying two more modest options: the first would be a 50 foot outbound channel from the coal piers to the ocean channel at a cost of $40 million, and the second would be a 55 foot outbound channel only at a cost of $210.8 million.

The local share will increase on a sliding scale as the depth of the project increases. Arbitrarily imposing a single depth as the dividing line for cost sharing percentages, as others have advocated, would not adequately reflect actual ocean shipping patterns which indicate a wide variety of depths required for all commodities.

To pay the Federal share, customs revenues will be diverted to the Navigation Improvement Account where they will be earmarked for harbor improvements only.

The National Ad Valorem Fee is to pay for operations and maintenance only. It will not be used to finance any port improvement projects.

Local authorities will be given broad flexibility to raise port specific fees to pay for the local share of navigation improvements. Among the options are bonds, state or local revenues, and user fees based on tonnage, draft of the ship, value of the cargo, or a combination of these factors.

The local share will be repaid over the life of the project, not to exceed 50 years.

The revenues diverted to pay for the Federal share of navigation improvements will not exceed 85% of the new revenues generated by the operation and maintenance ad valorum fee. Federal spending will be restricted by linking the revenues raised by the national ad valorum fee for operation and maintenance to the amount of federal funds available for new construction.

Mr. Chairman, with your permission, the Governor of Virginia and the Hampton Roads Maritime Association would like to submit a statement for the record in support of S. 865.

Thank you for your attention this morning and for your interest in ports legislation.

Statement of Senator Mack Mattingly

Mr. Chairman: Thank you for this opportunity to appear before the subcommittee today on the vital topic of insuring the future operation, maintenance and improvement of America's deep draft system. This is an issue of genuine national concern, and one which each of us should address in an atmosphere free from parochial or regional partisanship.

Our deep-water ports are the gateways through which U.S. goods flow into the world marketplace . . . grain from the midwest; coal from West Virginia, Kentucky and Pennsylvania; fruit and vegetables from Florida, Texas and California; industrial machinery and consumer products from North, East, South and West; and yes, peanuts, tobacco and poultry from the Southeast. Virtually every part of every State in the Union is dependent upon the port system to move our export products in an efficient, competitive fashion. Clearly, it is in the best interest of the U.S. economy as a whole that Congress move to adopt a funding mechanism which will keep our exports viable and to open foreign purchasers. The U.S. Maritime Administration's World Fleet forecasts point to the continuing trend toward larger, more cost efficient, ocean vessels. Most of our competitors are already in the process of adapting their facilities to handle these larger-volume ships. We, on the other hand, have not acted to improve our facilities. There have been no new projects authorized or funded in more than 7 years.

Mr. Chairman, I fear that unless this committee and this Congress move to adopt legislation such as we propose here today, we will face the very real threat of competitively disadvantaging American goods on the world market. Among other factors, the efficient functioning of our U.S. Port System is of crucial importance if we are to regain our posture in global trade and to seize upon the commercial opportunities which will present themselves as world economic recovery progresses.

There are many challenges facing our industrial, agricultural and consumer product exporters in today's marketplace. Predatory trade practices including unfair subsidies, tariff and nontariff barriers and every other artificial device are used to undercut U.S. sales abroad. But even as we work to remove these obstacles, we must also work to insure that our country's producers will not be crippled by an outmoded system of waterborne transportation.

Thank you, Mr. Chairman.

Testimony of Senator Robert C. Byrd

Mr. Chairman, I commend you for holding these hearings. As you are well aware, the issue of port improvement policy has not been resolved after almost three years of debate. My distinguished colleagues appearing here today on this panel and I are hopeful that we are finally at a point where the Senate can move forward on this important matter.

Mr. Chairman, let me briefly explain why a Senator from West Virginia, a land-locked state with no deep-water ports, is so interested in the issue of ports. The answer is 57 billion tons of high-quality bituminous coal. West Virginia is endowed with substantial resources of metallurgical coal which are among the finest in the world, and we also have high quality steam coal reserves. These endowments have helped to make West Virginia the leading coal exporting state in the nation. Almost 50 percent of the U.S. coal bound for export markets comes from West Virginia coal mines.

A healthy export market is important to the people of my state because it means jobs for thousands of coal miners. But the ability of the United States to compete in the world coal market depends to a significant extent upon improvements to our deep-draft ports. Such improvements are important if we are to accommodate the large coal supercolliers which will become increasingly important to world coal trade.

The Deep-Draft Navigation Act represents a reasonable, balanced approach to the maintenance and improvement of the nation's port system. Its enactment would be a major first step in improving the competitive position of U.S. coal in the world market. The coal industry understands this very well. In fact, the National Coal Association endorsed our bill during its annual meeting last week.

Although coal exports from the U.S. are far from the record levels of 1980, economic recovery in Europe and Japan should bring an improvement in the world coal market. In fact, the Energy Information Administration has estimated that world coal trade will reach a total of 169 million tons in 1985 compared to the 1982 level of 105 million tons. It is estimated that world coal trade could expand to about 500 million tons by the year 2000.

We are all aware of the competitive challenges from other nations to important sectors of our economy, such as steel and automobiles. In the face of that intense competition, there is widespread concern that we are in danger of losing our capability to compete in many major markets in the world economy. My concern is to ensure that we act to improve the competitive position of U.S. coal in the world market.

We are facing growing competition from other coal-producing nations. Growing international coal demand can be met by other countries, such as Australia, Poland and South Africa. In addition, a number of other nations are expected to enter the world coal market, such as China and Colombia.

Currently, the United States accounts for about 28 percent of the export coal supply. South Africa accounts for 32 percent, and Australia accounts for 25 percent. These relative shares are expected to remain fairly constant between now and the year 2000. However, it is important to point out that the United States, in terms of the delivered cost of our coal, is the high-priced supply source. As such, we are considered to be a marginal supplier to the world market. Australia is the least-cost supplier to the Far East, and South Africa is the least-cost supplier to Western Europe.

It is important to note, in this regard, that ocean transportation costs for U.S. coal bound for Europe from the East Coast accounts for at least 15 percent of the delivered price. Ocean transportation costs for Australia and South Africa, on the other hand, accounts for 47 percent and about 33 percent, respectively, of the delivered cost to Europe. However, the delivered price of Australian and South African coals to Europe is cheaper than U.S. coal.

The major component of this price differential is higher production costs in the U.S. than for our major competitors. Although some improvement might be possible in bringing U.S. coal production costs down, there is probably little latitude in the near term for achieving such cost reductions. In land transportation costs and ocean transportation costs, therefore, appear to be the principal targets of opportunity for reducing the price differential between U.S. coal and the coal of our competitors. It is not necessary to eliminate the differential altogether, for many importing nations attach a premium to security of supply and other factors which tend to favor the United States. It is important, however, to reduce the price differential, which in some cases has been estimated by EIA to be as high as $17 per ton. According to the Interagency Coal Export Task Force, the U.S. could achieve a stable share of the world coal market if U.S. delivered prices do not exceed the delivered price of our competitors' coal by more than 10 percent.

Unfortunately, the United States is in a poor position to take advantage of economics of scale available through the use of larger ships. Consider the fact that the port of Long Beach is the only port which is deeper than 50 feet. The nation's largest coal exporting port is at Hampton Roads, Virginia, through which (from 1979-82) an average of 47 percent, of all U.S. coal, including a lot of West Virginia coal, has been shipped. However, Hampton Roads cannot accommodate ships greater than 80,000 dwt. It has been estimated by the Coal Exporters Association that the cost of shipping U.S. coals to Europe could be reduced by about 40 percent if we used 120,000 ton ships. But there is no coal port in the United States which can accommodate such vessels.

This should be a matter of concern in light of the Office of Technology Assessment's observation that, as a result of expected growth in coal movements and achievable economies of scale, the number of ships exceeding 100,000 dwt. will increase substantially. It is projected that supercolliers of more than 100,000 dwt. may account for 25 percent of the ocean transport of coal by 1985, and 44 percent by 1990.

There are over 30 foreign deep-water port facilities in operation or in the planning stage, which have depths of at least 50 feet. Unfortunately, we are among the minority of the world's major industrial powers with deep-water channels that cannot accommodate coal supercolliers.

If we do not take action now to deepen our ports, we may find that the United States will remain a marginal supplier of coal to the world market. Our competitor will be taking advantage of economies of scale in ocean transportation by moving their coal in supercolliers, while we will be sending coal to overseas markets in 40,000 ton ships. Mr. Chairman, there is no reason that we cannot be the world's leading coal exporter. We should take steps as soon as possible to that end!

The legislation which we propose looks to the future and contributes to an improvement in the competitive position of the United States in the world coal market. The legislation provides for cost-sharing between the federal government and non-federal interests for navigation improvement projects. The bill establishes a framework for providing funding for navigation improvement projects. The federal share of such projects will be provided by an annual transfer of a portion of customs revenues from the general fund. This approach is not without precedents. There are several existing statutory provisions which allocate specific amounts related to customs revenues through appropriations from the general fund to specific purposes. For example, each year, an amount equal to 30 percent of the annual gross receipts from Customs revenues is used for the encouragement of exportation and domestic consumption of agricultural products. This provision, along with other similar statues, is described in a memorandum prepared by the Congressional Research Service. Mr. Chairman, I submit a copy of that memorandum for the record.

There has been much talk about international trade issue and opportunities. There have been many expressions of concern about the ability of the U.S. to remain competitive in world trade. I submit that coal exports represent an important opportunity for the U.S., and that trade policy must include a recognition of the importance of coal exports. Furthermore, the success of this nation's trade policy is dependent upon the condition of our port system, for ports play a vital role in our economy as strategic elements of our national and international waterborne commerce.

In conclusion, let me point out that a recent report by the Maritime Administration has shown that the private sector and local port authorities have been moving forward with landside and related projects to expand and upgrade coal handling capacity at various ports around the nation.

It is past time for us to do our part by acting to resolve the issue of port improvement. The bill offered by my colleagues and me represents a reasonable approach. It addresses the needs of both large and small ports, and complements private and other non-federal investments directed to enhancing the nation's competitiveness in the coal export market. I urge you to act positively on our proposal. Thank you.

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Congressional Research Service,
The Library of Congress,
Washington, D.C., March 19, 1982.
To: Subcommittee on Water Resources.
From: Vladimir N. Pregelj, specialist in international trade and finance, Economics Division.
Subject: Customs duty legislation; Customs collections and their uses.

This memorandum has been prepared in response to your request of March 12, 1982, for brief information on the background and development of U.S. customs legislation and customs collections, with particular focus on any specific uses of such collections.

Customs duty (i.e. tariff) legislation in the United States goes back to 1789. Besides being a common fiscal practice of the time, the levying of customs duties was for the newly established United States a matter of financial necessity. During the first post-Revolutionary decade, the financial condition of the national government was at best precarious. Realistically considered, the obvious prime source of national revenue was a duty on imports. As a scholar in the financial history of the United States put it: "By common expectation taxation was to be first applied to foreign trade; the country was by its political training averse to internal taxation; local taxes fell largely on property; export taxes were prohibited; and direct taxes could not be laid until an enumeration of the population had been finished."[1]

The first law that the new Congress enacted on July 4, 1789, the first day of its first session, was An Act for laying a Duty on Goods, Wares, and Merchandises imported into the United States, "necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures." Although this—the first—tariff act of the new Republic was enacted primarily for revenue purposes, it did contain an element of protectionism as well. The Tariff Act of 1789 was followed within a few weeks by An Act to regulate the Collection of the Duties, setting up the mechanism for the administration of the customs law.

The vital importance of customs collections as the primary source of U.S. revenues for more than a century is clearly illustrated by the fact that, in general, customs receipts provided the lion's share of Federal revenues until the Civil War and still over one-half of Federal revenues until the early 20th century. During this entire period, customs collections were exceeded by internal revenue receipts only in war years, the cost of which demanded extraordinary increases in Federal revenues. After the enactment of the Revenue Acts of 1913, 1916 and 1917 (and with them the income tax), however, the share of customs receipts in Federal revenues soon fell to the level of approximately 5 percent, grew again to 15 percent by 1929 and returned to 5 percent by 1939; since World War II it has been at about 1 to 1.5 percent. Despite their present small share, customs revenues are not negligible. Customs collections for fiscal years 1976 through 1981, as reported in the Treasury Combined Statement of Receipts, Expenditures and Balances of the United States Government, were (in millions of dollars): 1976—$4,208.5; 1977—$5,287.5; 1978—$6,728.6; 1979—$7,652.0; 1980—$7,481.6; and 1981—$8,523.3

The amount of customs collections depends primarily on two factors: the rates of duties applied to the individual dutiable imported articles, and the value (or, in the case of specific duties, the quantity) of such imports. The designation of dutiable articles and the setting of the applicable rates of duty is within the Constitutional power of the Congress. The Congress exercised this power directly until 1930, when the most recent tariff act was enacted.[2] Since 1934, however, the power to change duty-rates has been delegated to the President. Such changes—generally reductions—are accomplished through negotiations with U.S. trading partners in exchange for similar concessions on their part. Consequently, the rates on most U.S. dutiable imports have been reduced in a series of negotiating rounds to a relatively small fraction of their 1930 level. The latest broad tariff-cutting agreement in 1979 called for the implementation of the reductions in eight annual stages, the third of which came into force on January 1, 1982, with five yet to come. As a result, the rate of growth of customs collections, which, in general, could be expected to follow closely that of the value of imports, will be somewhat dampened until the duty reductions have been fully staged in.

Customs collections are deposited in their entirety in the general fund of the Treasury. There are, however, several statutory provisions which allocate specific amounts, quantitatively related to customs collections, through appropriations from the general fund, to specific purposes.

Under the provisions of section 32 of Public Law 74-320 as amended (7 U.S.C. 612c), an appropriation is made each fiscal year to the Secretary of Agriculture in an amount equal to 30 percent of the gross receipts from customs duties collected during the calendar year preceding the beginning of such fiscal year (for example, in fiscal year 1982, based on collections during calendar year 1980). These monies are kept in a special fund account and may be used only for the encouragement of exportation and domestic consumption of agricultural products.

The Saltonstall-Kennedy Act [section 2 of Public Law 76-393 as amended (most recently by section 210 of the American Fisheries Promotion Act; 94 Stat. 3287); 15 U.S.C. 713c-3] requires the Secretary of Agriculture to transfer to the Secretary of Commerce from the fund appropriated under section 32 an amount equal to 30 percent of the gross receipts from customs duties collected on fishery products. These monies are also maintained in a special fund account and are used for grants to fisheries research and development projects and for the implementation of a national fisheries research and development program, as provided in the Saltonstall-Kennedy Act.

Under section 705 of the National Wool Act of 1954 (Title VII of the Agricultural Act of 1954) (7 U.S.C. 1784), an appropriation is made for each fiscal year to reimburse the Commodity Credit Corporation (CCC) for any expenditures for payments to wool producers under the National Wool Act support program. The appropriation, however, may not exceed an amount equal to 70 percent of the gross receipts from customs duties collected on wool and wool manufactures, including woolen wearing apparel, during the calendar year preceding the beginning of such fiscal year.

In fiscal year 1981, section 32 allocation amounted to $2,553.3 million, $35.0 million of which was transferred to the Secretary of Commerce for the fisheries research and development program. The appropriation for reimbursing the CCC's National Wool Act program amounted to $34.5 million.

A similar although less precise allocation of funds related to customs collections appears in sec. 245 of the Trade Act of 1974 (19 U.S.C. 2317). In the context of trade adjustment assistance to workers, sec. 245 establishes an "Adjustment Assistance Trust Fund" limited in its use "only to carry out the provisions of [adjustment assistance for workers] (including administrative costs)." The Trust Fund was to consist of appropriations, "out of amounts in the general fund of the Treasury attributable to the collections of customs duties not otherwise appropriated . . . [of] such sums as may be necessary to carry out the provisions of [the program of adjustment assistance for workers]." The Trust Fund was, however, never set up since no appropriations to it were ever made or even requested. Outlays for the adjustment assistance program for workers are funded instead through direct appropriations rather than indirectly through the Trust Fund.

The rationale for bypassing the trust fund channel in practice appears to be the lack of any real need for it. The trust fund provision first appeared in the House Committee version of the trade reform legislation of 1973 (it had not been part of the Administration's 1973 trade bill), but neither the committee reports nor the floor debates on the bill provide any indication of the reason for establishing the Trust Fund in the workers' adjustment assistance program or for its connection with customs collections, nor any explanation of the fact that such a trust fund was not established also for the closely related program of adjustment assistance for firms. The funding for the latter is provided through direct appropriations, with no specific mention of customs collections.

There is in the present Congress no legislation pending that would authorize the allocation of amounts related to customs collections for any specific outlay purposes. There are, however, two legislative proposals of similar nature.

H.R. 1592, introduced by Rep. Hillis on February 3, 1981, would authorize the levying of special fees, additional to any customs duty, on imports of articles related to the causing of injury in cases where such injury from imports has resulted in adjustment assistance to workers, firms, or communities; these import fees should be used for funding the respective adjustment assistance programs. The bill would, incidentally, eliminate the connection between the Adjustment Assistance Trust Fund in the workers' program (sec. 245, discussed earlier) and customs collections, and use the fees as the primary source of monies for the Trust Fund. The legislation does not set a specific level for the fees but requires that they "be sufficient to reimburse the Federal Government for the cost . . . incurred in providing adjustment assistance benefits" under each of the three adjustment assistance programs.

House Concurrent Resolution 169, introduced by Rep. Lyle Williams on July 31, 1981, expresses the sense of the Congress that a 7-percent tax should be imposed on all imports, and its proceeds be appropriated to and deposited in the Federal Old-Age and Survivors Insurance Trust Fund.

The only legislative action on either of these two proposals thus far was a hearing on H.R. 1592 before the Trade Subcommittee of the House Ways and Means Committee on March 30, 1981.

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[1] Dewey, Davis Rich. Financial history of the United States. 12th ed. New York, Longmans Green, 1934 (reprinted: New York, Augustus M. Kelley, 1968). p. 80.

[2] The Tariff Act of 1930 represented the latest Congressional exercise of its tariff-setting power on a large scale. Changes in individual items of the tariff schedules have been frequently enacted since that time.

Testimony of Senator Mark O. Hatfield

Mr. Chairman, we appreciate the opportunity to present for the record our views on deep-draft port user fees and specifically Senate Bill 865.

There has been some controversy over consideration of a user fee for deep-draft commercial channels and harbors. Many interests would suggest that the federal government has always paid for deep-draft operations and maintenance, and since the ports are clearly a national commercial resource, this system should continue. While we agree our ports are a national resource, I must say Mr. Chairman, in an era of $200 billion budget deficits, this attitude is short-sighted, self-serving and denies reality.

We firmly believe the user that benefits from quality ports should help defray the costs. In our bill we've recognized the national interest, and provided for partial cost recovery, only 40 percent to be borne by the user. But, this is a substantial step forward to assure in the out-years, that our ports' O&M costs can be funded in full.

User fees are not new. We pay daily for our use of facilities and equipment. Good examples are, the highway tolls and the gasoline tax user fee and the Airport and Airways Development user fee. Even simpler things like state parks and parking garages all fit into this category. So why do we argue over deep-draft user fees, they would be no different?

The real controversy should surround the proper method for assessing such a fee. Congress has been embroiled in this debate for nearly five years.

Last October, we started a staff working group to break this logjam and try to put together a compromise bill. S. 865 is such a bill. After years of controversy, we decided to approach this task with a strong foundation.

We began with these ideas:

The user fee must be nationally uniform across all commodities and all ports. Port specific fees for O&M must be rejected.

The fee must not cause any dislocation, diversion or loss of cargo into or out of the United States.

There should be only partial cost recovery because of the national interest in keeping all ports open. No O&M payment cap should be considered.

The revenue from the fee must be placed in a trust fund dedicated to deep-draft O&M.

We also determined that any bill on deep-draft ports must recognize the difficulty inherent in moving forward with new water navigation projects. A solution must include both the congressional process and post-authorization permitting. This bipartisan group believes we've put together a bill that meets all of these requirements, and a few more.

I would like to briefly discuss the O&M user fee. Our approach to the fee—an ad valorem charge—is not new to the transportation sector, but for port cost recovery it is a slightly different twist. Our bill sets out a nationally uniform vessel charge for domestic, import and export traffic. The charge is based on the earning capacity of a vessel as measured by the value of its cargo, or ad valorem. A vessel carrying computer parts has a higher earning capacity than a vessel carrying sand and gravel, thus it should be charged fairly, based on that capacity.

This approach has numerous advantages over a tonnage approach. First, it can be uniformly applied to all cargos by a simple mileage rate formula, bulk and container alike. It is market sensitive, moving up or down as the value of the cargo changes.

The tonnage approach advocated by some belies the reality of commercial margins, especially bulk commodities which are the mainstay of our export market. Tonnage based fees would be arbitrary and dramatically affect our ability to trade in these goods. On the other hand, our approach understands the commercial margin, and provides for a charge that applies to all commodities that is uniform, fair and does not interfere with commerce.

A few simple examples: Assuming an ad valorem charge of $.30 per $1,000 of value, which would raise approximately 40 percent of O&M (based on 1980 commerce figures).

The charge on a ton of wheat worth $135 per ton would be about $.04.

The charge on a barrel of oil worth $30 per barrel would be nine-tenths of 1 cent.

The charge on a container of Nike athletic shoes (an Oregon company) worth $70,000 per container would be $21 or the equivalent of six-tenths of 1 cent per pair of shoes.

The charge on an imported car worth $8,000 would be $2.40.

And finally a $1,000 home computer would be charged a mere $.30.

I use these figures only to demonstrate the computation of the vessel charge.

Mr. Chairman, it is clear from these figures that American commerce should not be affected by the ad valorem approach. After consultation with the U.S. Customs Service and the Department of Treasury, we have devised a simple, easy method for making the assessment of the charge, and the subsequent collection.

A shipper will present to the master of the vessel a sworn declaration of value for the cargo being loaded. The vessel master shall be able to rely on this sworn declaration for purposes of the user charge and the Customs Service will then collect the charge based on the sworn declaration. Simple, direct and administratively cost effective.

The issue of the cost of operations and maintenance was also raised by the administration, suggesting that a cap be placed on the O&M benefit paid by the Federal Government. We firmly rejected this concept. The net effect of such a cap would eliminate the commercial viability of over 100 ports across the country. The closure of these ports would also effect the national intermodal transportation system, by reducing the number of commercial options for the skipper. It could cause desperate economic dislocation for the states and communities that rely on the commerce of such ports. Such a cap would cause smaller ports with higher O&M costs to charge port specific fees, defeating the purpose of a rationally uniform O&M user fee. I strongly urge the committee to resist the temptation of including such a cap in any user fee bill.

Mr. Chairman, I will include further information for the record, but for now I will defer to my Colleagues who will address other facets of this bill.

STUART F. BALDERSON, SENATE FINANCIAL CLERK, UNDERGOES SURGERY

Mr. BYRD. Mr. President, I have learned today that the Senate Financial Clerk, Mr. Stuart F. Balderson, underwent surgery around noon today at Suburban Hospital in Bethesda for repair of two ruptered discs.

Mr. Balderson has served the Senate for a little more than 23 years, and was promoted to his present position in August of 1980.

I am sure all Senators will join with me and his many other friends here in the Senate, in hoping that he will have a speedy and complete recovery.

Mr. BAKER. Mr. President, will the distinguished Senator yield to me?

Mr. BYRD. Mr. President, I yield my time back to the Republican leader.

Mr. BAKER. Mr. President, I thank the Senator.

A VIEW OF THE BROOKLYN BRIDGE

Mr. BAKER. Mr. President, William Meredith served at the Library of Congress as the poetry consultant from 1978 to 1980. Last month, he was scheduled to participate in ceremonies commemorating the 100th anniversary of the Brooklyn Bridge, but tragically suffered a stroke on the night before the celebration. Mr. Meredith is now recovering, I am pleased to say, at Lenox Hill Hospital in New York and on behalf of the entire Senate, I want to wish him a speedy recovery. I ask unanimous consent Mr. President, that "A View of the Brooklyn Bridge," a poem by William Meredith, be printed in the Record.

There being no objection, the poem was ordered to be printed in the Record, as follows:

A View of the Brooklyn Bridge

The growing need to be moving around it to see it,
To prevent its freezing, as with sculpture and metaphor,
Finds now skeins, now strokes of the sun in a dark
Crucifixion etching, until you end by caring
What the man's name was who made it,
The way old people care about names and are
Forever seeing resemblances to people now dead.

Of stone and two metals drawn out so
That at every time of day
They speak out of strong resemblances, as:
Wings whirring so that you see only where
Their strokes finish, or: spokes of dissynchronous wheels.
Its pictures and poems could accurately be signed
With the engineer's name, whatever he meant.
These might be called: Times inflicting a river, justly,
Or (thinking how its cables owe each something
To the horizontal and something to the vertical):

A graph of the odds against
Any one man's producing a masterpiece.

Yet far from his, the engineer's, at sunrise
And again at sunset when,
Like the likenesses the old see,
Loveliness besets it as haphazard as genes:
Fortunate accidents take the form of cities
At either end; the cities give their poor edges
To the river, the buildings there
The fair color that things have to be.
Oh the paper reeds by a brook
Or the lakes that lie on bayous like a leopard
Are not at more seeming random, or more certain
In their sheen how to stand, than these towns are.

And of the rivering vessels so and so
Where the shadow of the bridge rakes them once,
The best you can think is that, come there,
A pilot will know what he's done
When his ship is fingered

Like the Greek boy whose name I now forget
Whose youth was one long study to cut stone;
One day his mallet slipped, some goddess willing
Who only meant to take his afternoon,
So that the marble open on a girl
Seated at music and wonderfully fleshed
And sinewed under linen, riffling a harp;
At which he knew not that delight alone
The impatient muse intended, but, coupled with it, grief—
The harp-strings in particular were so light—
And put his chisel down for marveling on that stone.

GUIDE TO FORMER SENATORS' RESEARCH COLLECTIONS

Mr. BAKER. Mr. President, I wish to call the Senate's attention to an important new reference book that has just been issued by the Senate Historical Office. Within the next few days, Senators will receive copies of the 362-page Guide to Research Collections of Former United States Senators, 1789-1982. The Guide presents, for the first time, comprehensive information on the location and scope of senatorial collections in over 350 publicly accessible libraries, archives, and museums across the Nation. For a majority of this body's 1,659 former Members, the volume includes references to collections of manuscripts, diaries, oral histories, paintings, photographs, and memorabilia. These sources are fundamental to an understanding of the growth of our Nation and of the Senate's specific contributions to that process. Until now, there has been no convenient or reliable guide to these materials, and they have all too often been neglected.

The Guide is arranged alphabetically by Senator, with appendices listing collections by repository and Senators by State with information on former Members' lifespan, party membership, and other major offices held. It contains citations suggestive of the Senate's colorful past, such as the reference to an oral history interview with a one-armed grizzly bear fighter who was a close associate of a western Senator. The Guide also offers indirect warnings to Senators who neglect to plan for the proper disposition of their office files and personal papers. One son of a former Senator reported that his father's papers had been stored in a barn where they were eventually destroyed first by fire, then water, then vermin.

The Guide was among those projects that the special study group on the U.S. Senate Bicentenary strongly endorsed in its final report late last year. Appropriately, the volume has been designated "United States Senate Bicentennial Publication Number 1." It is the result of a 7-year project undertaken within the Senate Historical Office under the supervision of the Secretary of the Senate. That office and the Senate Computer Center, under the Sergeant at Arms, deserve our appreciation for producing such a comprehensive and useful publication.

As the Senate's 1989 bicentennial approaches, I hope that researchers throughout the country will use this Guide and the wealth of primary source material it describes to shed new light on the Senate's past, present, and future.

Mr. BYRD. Mr. President, I join in calling attention of Senators to a publication that has been prepared by our distinguished Secretary of the Senate. The publication is entitled "Guide to Research Collections of Former United States Senators, Running from 1789 to 1982."

The guide includes information on the locations of former Senators' manuscripts, collections, oral history, interview transcripts, photographs and portraits, memorabilia, information as recorded by 350 public accessible libraries, archives, and historical societies through out the United States, State-by-State list of all former Senators, the date of Senate service and lifespan, and a list of repositories for the Senate collections and their custody.

I compliment the Secretary of the Senate. This is important information. Those of us who are very interested in the history of the Senate should appreciate this document that has now been prepared by Mr. Hildenbrand.

[Mr. TRIBLE assumed the chair.]

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. BYRD. I yield.

Mr. THURMOND. Mr. President, I compliment the distinguished Senators for calling attention to this valuable book, and I also commend the Secretary of the Senate, Mr. Hildenbrand, for his initiative and zeal in getting this information which will constitute, I think, an important segment of history concerning the U.S. Senate.

Mr. STEVENS. Mr. President, I again reserve the remainder of the time yielded to me for the benefit of the two leaders for the remainder of the day.

I now yield the remainder of our leadership time to my good friend from Nevada.

RECOGNITION OF SENATOR HECHT

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada (Mr. HECHT) is recognized for 23 minutes.

Mr. HECHT. Mr. President, I thank the distinguished assistant majority leader for yielding his time to me.

ADDITIONAL HYDROELECTRIC DEVELOPMENT AT HOOVER DAM—AMENDMENT TO S. 268

Mr. HECHT. Mr. President, I rise today to introduce an amendment to S. 268, the Bureau of Reclamation hydro authorization bill which is now pending on the Senate calendar. Cosponsored by my colleagues from the lower Colorado River Basin States, Senators LAXALT, GOLDWATER, DECONCINI, CRANSTON, and WILSON, this amendment provides for additional hydroelectric development at Hoover Dam and serves as the legislative capstone to a negotiated settlement of the long-standing Hoover power allocation dispute between the States of Nevada, Arizona, and California.

By way of a background, the 50-year power allocation contracts for Hoover Dam are due to expire in 1987, less than 4 years from now. Competition for this resource between power customers in the three States has been fierce, and last fall, a major lawsuit was brought by Nevada and Arizona over the Department of Energy's proposed marketing criteria for post-1987 Hoover power. Until just a few months ago, all efforts to negotiate an out-of-court settlement had failed.

A final settlement attempted in December 1982 resulted in the eventual acceptance of a set of 10 "settlement principles" by most of the major Hoover power allotees. All parties are working hard to resolve the few remaining issues. The final version of the Federal marketing criteria for the Boulder Canyon project (Hoover Dam), Parker-Davis project, and the Federal share of the Navajo Generating Station in southern Arizona is substantially compatible with those settlement principles. This has to be seen as a major breakthrough in this long standing conflict.

Certain legislative steps by Congress are necessary in order to reach a final resolution of this issue. As the lower basin's only representative on the Committee on Energy and Natural Resources, I have been working hard with my committee colleagues, the administration, and the affected power users to draft the necessary legislative language. It is my hope that the Senate can move quickly, while the power allocation agreement is intact, to approve this amendment as part of S. 268.

The amendment has four fundamental objectives. First, it helps pave the way for settlement of the outstanding lawsuit over the post-1987 Hoover power allocation.

Second, my amendment authorizes the "uprating" or retooling of Hoover's 50-year-old powerplant generators. One of the major elements of both the allocation settlement and the DOE's latest marketing criteria is the assumption that roughly 500 megawatts of capacity will be made available through this uprating program.

Third, the amendment authorizes the construction of much-needed visitor facility and safety improvements at Hoover Dam, including the construction of a new highway bridge below the dam. There are now over 1 million visitors at Hoover Dam each year, and serious safety problems have developed which threaten not only the visitors but the dam itself. The amendment provides an authorization for $77 million in improvements at the dam, all of which will be repaid to the Federal Government through Hoover power revenues. The proposed bridge below Hoover Dam is badly needed to reroute heavy traffic and hazardous cargo that now uses the narrow two-lane road over the crest of the dam itself. While the amendment does not provide for the financing of bridge construction through power revenues, it is fully intended to encourage State, local, and private parties to develop a suitable cost-sharing proposal for the bridge.

Finally, this amendment proposes to dedicate a fixed amount of post-1987 Hoover power revenues to the completion of the Central Arizona project and the Lower Basin Salinity Control projects, both of which are vital to the future agricultural and economic growth of the Southwest. A 4½-mill-per-kilowatt-hour surcharge will be applied to power sold in Arizona for financing of the CAP, while a 2½-mill surcharge in Nevada and California will finance the Lower Basin Salinity Control program and will retire the cost remaining after 1987 of the Hoover power deficiency program.

Mr. President, 6 months ago, I would not have believed that the States of Nevada, Arizona, and California could agree on what direction the sun sets over Hoover Dam. This amendment represents the culmination of many months of tough, no-nonsense negotiation. I have to give great credit to all parties and to this administration, particularly the Bureau of Reclamation and the Department of Energy, for their constructive approach. Indeed, the legal fees alone that will have been saved as a result of the out-of-court settlement that I confidentially expect to result could probably go a long way toward retiring the Federal debt.

For my own part, I am proud to have played a small role in the shaping of today's amendment. Hoover Dam has had an enormous impact on the development of the American Southwest, and speaking for Nevada, the most arid State in the Nation, I cannot pay enough tribute to my predecessors in the Federal Government who had the courage and foresight to build Hoover Dam and other water development projects in the early part of this century.

It was Nevada Representative Freancis Newlands who introduced the original legislation which formed today's Bureau of Reclamation. The Newlands project in northern Nevada, authorized in 1903, was the very first Federal reclamation project.

The first major multipurpose reclamation project, Hoover Dam, was completed in 1935 at the height of the Great Depression. Electricity from Hoover was vital to America's war effort in the early 1940's, helping power the munitions plants in Henderson, Nev., and the shipyards in southern California. Today, the Boulder Canyon project confers direct benefits to over 10 million water and power users in the Southwest.

Flood control is another, often overlooked, aspect of reclamation development. At this very moment, record flows of water are being released through the Federal dam system along the Colorado River. Without the flood control benefits of these dams and the reservoirs behind them, this year's unusual weather patterns would be devastating human life and property all along the Colorado River.

As many of us know, the Congress has failed to authorize a single new comprehensive water development project since 1976. For many of us in the West, it seems that regardless of the merits of an individual proposal, Federal budget imperatives, heightened environmental sensitivity, or philosophical disagreements over cost-sharing with State and local governments have stopped western water development dead in its tracks over the past several years.

I, for one, am hopeful that this impasse can be broken in the near future. Today's amendment to S. 268 represents a step in the right direction, especially in its approach to non-Federal cost-sharing, and I urge my colleagues to support this amendment and the underlying bill when it is called up off the Senate Calendar.

Mr. President, I ask unanimous consent that the amendment, along with a section-by-section analysis, be printed in the RECORD.

I yield the floor.

There being no objection, the amendments and the analysis were ordered to be printed in the RECORD, as follows:

AMENDMENTS PROPOSED BY SENATOR HECHT TO S. 268

1. Section 1. On page 1, above line 3, insert the heading "Title I".

On page 1, line 3, delete the words "That the" and insert in lieu thereof "SEC. 101. The".

On page 1, line 9, delete the numeral "4" and insert in lieu thereof "104".

On page 2, line 2, delete the numeral "4" and insert in lieu thereof "104".

On page 2, line 8, delete the numeral "4" and insert in lieu thereof "104".

2. Section 2. On page 2, line 11, delete the numeral "2" and insert in lieu thereof "102".

On page 2, line 14, after the words "authorized in" insert "Title I of".

On page 2, line 17, after the words "pursuant to" insert "Title I of".

On page 2, line 20, after the words "authorized in" insert "Title I of".

3. Section 3. On page 2, line 21, delete the numeral "3" and insert in lieu thereof "103".

On page 2, line 22, after the words "authorized in" insert "Title I of".

4. Section 4. On page 3, line 4, delete the numeral "4" and insert in lieu thereof "104".

5. Section 5. On page 4, line 24, delete the numeral "5" and insert in lieu thereof "105".

On page 4, line 25, after the words "pursuant to" insert "Title I of".

On page 5, line 4, after the words "provisions of" insert "Title I of".

On page 5, line 23, delete the numeral "5" and insert in lieu thereof "105".

6. Section 6. On page 5, line 24, delete the numeral "6" and insert in lieu thereof "106".

On page 5, line 24, after the words "authorized in" insert "Title I of".

7. Section 7. On page 6, line 3, delete the numeral "7" and insert in lieu thereof "107".

On page 6, line 5, after the words "authorized in" insert "Title I of".

8. Section 8. On page 6, line 12, delete the numeral "8" and insert in lieu thereof "108".

On page 6, line 14, after the words "authorized in" insert "Title I of".

On page 6, line 22, delete the numeral "2" and insert in lieu thereof "102".

On page 6, line 22, after the words "authorized in" insert "Title I of".

On page 6, line 23, after the words "authorized in" insert "Title I of".

On page 7, line 13, delete the numeral "2" and insert in lieu thereof "102".

9. On page 7, line 14, insert the following:

SEC. 109. The provisions of this Title I shall not apply to any project authorized or affected by Title II of this Act.

TITLE II

SEC. 201. (a) The Secretary of the Interior is authorized to increase the capacity of existing generating equipment and appurtenances at Hoover Powerplant (hereinafter "Uprating Program"); and to improve parking, visitor facilities, and roadways and to provide additional elevators, and other facilities that will contribute to the safety and sufficiency of visitor access to Hoover Dam and Powerplant (hereinafter "Visitor Facilities Program").

(b) The Secretary of the Interior is authorized to construct a Colorado River bridge crossing, including suitable approach spans, immediately downstream from Hoover Dam for the purpose of alleviating traffic congestion and reducing safety hazards. This bridge shall not be a part of the Boulder Canyon Project and shall neither be funded nor repaid from the Colorado River Dam Fund or the Lower Colorado River Basin Development Fund.

Sec. 202. (a) Clause (1) of subsection (c) of section 403 of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1543(c); 82 Stat. 894) is revised to read as follows:

"(1) all revenues collected in connection with the operation of facilities authorized in Title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), until completion of repayment requirements of the Central Arizona Project;"

(b) Clause (2) of said subsection (c) is revised by inserting immediately preceding the existing proviso:

"*Provided, however,* That for the Boulder Canyon Project commencing June 1, 1987, and for the Parker-Davis Project commencing June 1, 2005, and until the end of the repayment period for the Central Arizona Project described in section 301(a) of this Act, the Secretary of Energy shall provide for such surplus revenues by including the equivalent of 4½ mills per kilowatt-hour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and by including the equivalent of 2½ mills per kilowatt-hour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented: *Provided, further,* That after the repayment period for said Central Arizona Project, the equivalent of 2½ mills per kilowatt-hour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California and Nevada to provide revenues for application to the purposes of said subsection (g) of this section:"

Sec. 203. The Boulder Canyon Project Act of 1928 (43 U.S.C. 617 et seq.; 45 Stat. 1057), as amended and supplemented, is further amended:

(a) In the first sentence of section 2(b), by striking out "except that the aggregate amount of such advances shall not exceed the sum of $165,000,000", and by replacing the comma after the word "Act" with a period.

(b) In section 3, by deleting "$165,000,000" and inserting in lieu thereof "$242,000,000, of which $77,000,000 (October 1983 price levels) shall be adjusted plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. Said $77,000,000 represents the additional amount required for the Uprating Program and the Visitor Facilities Program.".

Sec. 204. The Boulder Canyon Project Adjustment Act of 1940 (43 U.S.C. 618 et seq., 54 Stat. 774), as amended and supplemented, is further amended:

(a) In section 1 by deleting the phrase "during the period beginning June 1, 1937, and ending May 31, 1987" appearing in the introductory paragraph of section 1 and in section 1(a), and inserting in lieu thereof "beginning June 1, 1937".

(b) In section 1(b) by deleting the phrase "and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987" and inserting in lieu thereof "and such advances made on and after June 1, 1937, over fifty-year periods".

(c) In section 1 by deleting the word "and" at the end of subsection (c); deleting the period at the end of subsection (d) and inserting in lieu thereof "; and ", and by adding subsection (e) to read:

"(e) To provide revenues from and after June 1, 1987, for application to the purposes specified in section 403(c)(2) of the Colorado River Basin Project Act of 1968, as amended and supplemented.".

(d) In section 2:

(1) By deleting the first sentence and subsection (a) and inserting in lieu thereof:

"All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available, without further appropriation, for:

"(a) Defraying the costs of operation (including purchase of supplemental energy to meet temporary deficiencies in firm energy which the Secretary of Energy is obligated by contract to supply), maintenance and replacements of, and emergency expenditures for, all facilities of the project, within such separate limitations as may be included in annual appropriations acts;" and

(2) By deleting existing section 2(e) and inserting in lieu thereof a new section 2(e) reading:

"(e) Transfer to the Lower Colorado River Basin Development Fund established by Title IV of the Colorado River Basin Project Act of 1968, as amended and supplemented, of the revenues referred to in section 1(e) of this Act.".

(e) By deleting the final period and placing a colon at the end of section 6 and adding: "*Provided,* That on appropriated funds advanced, respectively, for the Uprating Program and for the Visitor Facilities Program as defined in section 201(a) of [S. 268], the rate of interest for advances for each shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the initial advance for the particular program involved is made, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from the date of issue.".

(f) In section 12, in the paragraph beginning with "Replacements", by deleting "during the period from June 1, 1937, to May 31, 1987, inclusive" and inserting in lieu thereof "beginning June 1, 1937".

Sec. 205. (a) Capacity resulting from the Uprating Program and associated energy shall be allocated for use in Arizona, California and Nevada in the respective amounts specified in the applicable power marketing criteria promulgated by the Secretary of Energy. Such allocated capacity and associated energy shall be disposed of only pursuant to contracts effective June 1, 1987, and expiring on September 30, 2017, between the Secretary of Energy and purchasers in Arizona, California and Nevada eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act: *Provided, however,* That in the case of Arizona and Nevada, such contracts shall be made with the agency designated by state law as the agent of such state for purchasing power from the Boulder Canyon Project.

(b) The Uprating Program authorized under section 201(a) of this Act may be undertaken with appropriated funds or with funds advanced under contracts made with the Secretary of the Interior by non-federal purchasers described in subsection (a) of this section, or a combination thereof. Any funding provided by non-federal purchasers shall be advanced to the Secretary of the Interior pursuant to the terms and conditions of such contracts.

(c) Notwithstanding any other provisions of the law, funds advanced by non-federal purchasers for use in the Uprating Program shall be deposited in the Colorado River Dam Fund and shall be available for the Uprating Program.

(d) Those amounts advanced by non-federal purchasers shall be financially integrated as capital costs with other project costs for rate setting purposes, and shall be returned to those purchasers advancing funds throughout the contract period through credits which include interest costs incurred by such purchasers for funds contributed to the Secretary of the Interior for the Uprating Program.

Sec. 206. Reimbursement of funds appropriated for construction of facilities authorized under section 201(a) of this Act, inclusive of any funds advanced by non-federal purchasers, shall be a repayment requirement of the Boulder Canyon Project beginning with the first day of the month following completion of the installation, except that the costs of the Visitor Facilities Program as defined in section 201(a) of this Act shall become a repayment requirement beginning June 1, 1987, or when substantially completed, as determined by the Secretary of the Interior, if later.

Sec. 207. This Act shall not be construed to either support or prejudice:

(a) claims concerning the existence or scope of any right to renew a contract in effect on the date of this Act for purchase of electrical energy generated at Hoover Dam, including, but not limited to, any right to increased capacity resulting from the Uprating Program, or

(b) claims concerning the existence or scope of preference in the purchase of electrical energy generated at Hoover Dam, including, but no limited to, any right to increased capacity resulting from the Uprating Program.

Section-by-Section Analysis of Amendments Proposed by Senator Hecht to S. 268

General: Paragraphs 1 to 8 of the suggested amendments recommend that the existing provisions of S. 268 be styled as "Title I" and renumbered beginning with Section 101. Additionally, to clarify that Title I does not apply to Title II which presents proposals related to the Boulder Canyon Project and related matters, a new section 109 would expressly disclaim the application of Title I to any project authorized or affected by Title II.

The following paragraphs discuss the proposed provisions of Title II:

Sec. 201: (a) Would provide authority for the Secretary of the Interior to undertake the Uprating Program and the improvement of Visitor Facilities. Prompt authorization of the Uprating Program is necessary both

to enable post-1987 marketing of an enhanced Boulder Canyon resource and to avoid potential waste that would result from failure to integrate the on-going program of replacing worn generating machinery at Hoover powerplant with the proposed Uprating Program which is designed to increase the generating capacity of these same units.

(b) Would provide authority for construction of a Colorado River bridge crossing, but excludes such crossing from the Boulder Canyon Project and expressly specifies that it shall be neither funded nor repaid from the Colorado River Dam Fund or the Lower Colorado River Basin Development Fund since such a facility is more properly funded from highway funds.

Sec. 202: (a) Clause (1) of section 403(c) of the Colorado River Basin Project Act of 1968 ("Basin Project Act") would be revised to limit its applicability to revenues collected from Title III facilities to completion of repayment of the Central Arizona Project.

(b) The proposed revision of clause (2) of section 403(c) of the Basin Project Act preserves the concept that surplus federal revenues from the Boulder Canyon and Parker-Davis projects, after repayment thereof, are to be deposited in the Lower Colorado River Basin Development Fund. The proposal would fix an amount to be included from June 1, 1987, in rates applicable to the Boulder Canyon Project and from June 1, 2005, in rates applicable to the Parker-Davis Project to create such surplus revenues. This amount would be equivalent to 4½ mills per kilowatt-hour for sales in Arizona, to be applied to the purposes stated in section 403(f) of the Basin Project Act (pertaining to repayment of the Central Arizona Project) and would be equivalent to 2½ mills per kilowatt-hour for sales in California and Nevada to be applied to the purposes of section 403(g) of the Basin Project Act (pertaining primarily to salinity control, as provided in section 205(b) of the Colorado River Basin Salinity Control Act, and to agumentation of the Colorado River as may be authorized by the Congress). After repayment of the Central Arizona Project the amounts to be included in rates from the Boulder Canyon and Parker-Davis projects would be a uniform amount equivalent to 2½ mills per kilowatt-hour for sales in all three states, to be applied to the above-described purposes of section 403(g) of the Basin Project Act.

Sec. 203: (a) Would remove the ceiling on advances under the Boulder Canyon Project Act which currently is set at $165,000,000 in order to accommodate the increase in authorized appropriations proposed in section 203(b).

(b) Would amend section 3 of the Boulder Canyon Project Act by increasing the amount authorized for appropriation for the purposes of the Boulder Canyon Project Act from $165,000,000 to $242,000,000 and identifies the $77,000,000 increase as attributable to the costs of the Uprating Program and of Visitor Facilities Program.

Sec. 204: (a) and (b) would continue the existing rate-making provisions of the Boulder Canyon Project Adjustment Act ("Adjustment Act"), including the 50-year repayment principle, beyond May 31, 1987.

(c) Would require that the amounts provided for in the revisions proposed to section 403(c)(2) of the Basin Project Act [see section 202(b) of our proposed amendments] be included in determining the power rates for the Boulder Canyon Project under the Adjustment Act.

(d)(1) Would provide an operating fund out of which costs of operation, maintenance, replacement and emergency expenditures of the Boulder Canyon Project may be met, including the cost of purchasing supplemental energy to meet temporary deficiencies in firm energy for which the Secretary of Energy has contracted.

(2) Would delete existing section 2(e) of the Adjustment Act which provided annual appropriations for fiscal years 1948 through 1951 for payments to the Boulder City School District. Would substitute a new section 2(e) to provide the necessary authority for transferring from the Colorado River Dam Fund to the Lower Colorado River Basin Development Fund of those revenues collected by reason of the amount to be included in Boulder Canyon Project rates under the revised section 403(c)(2) of the Basin Project Act.

(e) Would supplement the existing interest rate provision of the Adjustment Act to provide that on funds appropriated for the Updating Program and the Visitor Facilities Program the rate of interest shall be determined under the same formula that Congress has written into federal water and power project authorizations for many years. The formula is identical to the provisions for the establishment of an interest rate in section 7 of S. 268 as introduced and in section 7 of S. 306 as passed by the Senate in the last Congress.

(f) Would continue the definition of "Replacements" contained in the Adjustment Act beyond the current term ending May 31, 1987.

Sec. 205. (a) Would provide as follows:

(1) that capacity from the Uprating Program and the energy associated therewith shall only be disposed of by contract;

(2) that the term of the contract will be 30 years;

(3) that the contracting parties will be parties in Arizona, California and Nevada eligible to enter into the contracts under the contract provision of the Boulder Canyon Project Act;

(4) that in the case of Arizona and Nevada the contracting parties will be those agencies designated by State law as agents of the State for purchasing Boulder Canyon Project output; and

(5) that the allocation of capacity, together with the associated energy, be in the amounts specified in the Secretary of Energy's marketing plan.

(b) Would authorize the Secretary of the Interior to initiate the Uprating Program with funding either from federal or non-federal sources. As observed above in commenting on proposed section 201(a), considerable savings in costs can be achieved and unnecessary outages can be avoided by coordinating the Uprating Program with the necessary ongoing replacement of worn-out generating machinery. This provision would make such coordination possible and would expedite construction of the Uprating Program.

(c) Would provide for deposit of funds advanced by non-federal purchasers for the Uprating Program in the Colorado River Dam Fund and would further provide that such funds are available for use in the Uprating Program.

(d) Would provide that advances by non-federal purchasers used for the Uprating Program would become part of the capital costs of the Boulder Canyon Project for rate setting purposes, and that such advances would be returned, with interest, to such purchasers through credits against charges to them.

Sec. 206: Would provide that reimbursement of funds used for construction under the Uprating Program and the Visitor Facilities Program, including funds advanced by purchasers, is a repayment requirement of the Boulder Canyon Project beginning with the first day after completion of the installation, except that the costs of the Visitor Facilities Program would become a repayment requirement beginning June 1, 1987 (the beginning of the new contract period) or when substantially completed, if that is a later date.

Sec. 207: Would preserve existing rights in pending litigation in the event that this Act is adopted before the litigation is resolved.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The very distinguished Senator from Nevada (Mr. Hecht) has made his first speech in the Senate today on an amendment he is offering that reflects his long years of service in the Nevada State Legislature and his knowledge of the water resources problems not only of his State but also of the whole Colorado River area.

I am delighted to have had the opportunity to be present when he made this statement, and I commend him for the direct approach he has taken to the problems of his State.

VITIATION OF SPECIAL ORDER FOR SENATOR MOYNIHAN

Mr. STEVENS. Mr. President, I ask unanimous consent that the special order for Senator Moynihan be vitiated and that we now proceed to routine morning business.

The PRESIDING OFFICER (Mr. Hecht). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Trible). Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 noon with statements therein limited to 5 minutes each.

THE DIRECT, RAW RESULTS OF A NUCLEAR CATASTROPHE

Mr. PROXMIRE. Mr. President, many of us have talked about the horror of nuclear war without saying exactly why it would be so terrible. Rarely do we find anything written in detail spelling out precisely how a nuclear war would destroy human beings. At last we have a serious professional attempt to spell out an answer.

The World Health Organization to which I have referred in the last few days does exactly this. The experts of the World Health Organization find that in the event a single 1-megaton bomb were dropped over London, the number of dead and injured would

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depend on the bomb's altitude when it exploded. It found that a single, low-altitude bomb would kill 1,800,000 people and injure another 1,700,000. A high-altitude explosion of the 1-megaton bomb would kill 1,600,000 and injure about the same number.

How would they die? The low-altitude explosion would literally crush, that is kill by blast effect alone, 500,000 and injure another 700,000. Some of the dead dying from blast would literally disappear. Their bodies would vaporize. In such a single-bomb explosion another 400,000 would die of the intense heat generated by the bomb and 100,000 would be injured by this inferno-like heat. Many of the 400,000 dead from heat would suffer instant cremation. The injured would experience agonizing burns with the pain prolonged by an absence of hospitals or doctors or medicines or drugs, all of which would disappear rapidly in a city suffering a nuclear attack. But with this low-altitude explosion the main damage would come from radiation.

The World Health Organization estimates that 900,000 would die from radiation and another 900,000 would suffer injury. And how would radiation kill these 900,000? Here is the way these particular deaths would come:

First, a central nervous system erosion and collapse with alternating states of stupor and hyperexcitability and with unavoidable death within a few days;

Second, gastrointestinal disorder with nausea, persistent vomiting, hemorrhaging diarrhea, with death occuring within a week;

Third, a blood-forming syndrome characterized by nausea, vomiting, and anemia.

So much for a low-altitude explosion. How about a high-altitude explosion? How would the victims die or be injured? The high-altitude detonation of a 1-megaton bomb would as I have indicated kill about the same number, but not in the same way. With a high-altitude explosion, blast alone would kill and injure about twice as many as with a low-altitude explosion. The World Health Organization estimates 1 million dead and 1½ million injured by the blast effect that would literally vaporize human beings at the center of the target and crush others to death because of the lethal weight of atmospheric pressure. And with the high-altitude explosions, a much larger area would suffer heat damage. So whereas the fire and immense heat of a low-altitude explosion would kill 400,000, some 600,000 would be cremated or die of serious burns with a high-level explosion. In spite of these much higher casualties from blast and heat for high-level explosions, the total casualties would be about the same, however, because the World Health Organization finds that the high-altitude explosion would neither kill or injure any significant number by radiation.

Mr. President, what I have described so far is the World Health Organization's estimate of the result of a single—I repeat a single—1-megaton bomb dropped on a single big city—for example, London.

Now consider their findings in the two other far more likely scenarios. The first assumes that military targets—not cities, but military targets—are attacked in Central Europe with tactical nuclear weapons but also with larger 100- to 200-kiloton bombs. Assuming a total of 20 megatons—certainly a conservative and modest calculation—there would be about 9 million dead and severely injured and about the same number of people with less severe injuries. The World Health Organization finds that even if the attack were aimed at only military targets, the civilian casualties would outnumber the military by 16 to 1.

The final scenario assumes an all-out nuclear war with 10,000 megatons of nuclear bombs exploded all over the world, 90 percent of them in Europe, Asia, and North America, 10 percent in Africa, Latin America, and Oceania. It assumes that half the bombs would be surface bursts and half air bursts with the air bursts over cities with populations exceeding 60,000. The World Health Organization estimates that such a war would result in about 1,150,000,000 dead and 1,100,000,000 people injured. So about half the world's population would be the immediate victims of the war.

Mr. President, these are the raw and terrible consequences of nuclear war. At a later date I will discuss the suggestions of the World Health Organization for the pitifully inadequate means of handling the casualties.

ANATOLY SHCHARANSKY AND THE SOVIET JEWS

Mr. PROXMIRE. Mr. President, last week New York Times columnist Anthony Lewis protested the inhumane treatment of Anatoly Shcharansky. Lewis writes:

> Anatoly Shcharansky was a leading figure among Soviet Jews seeking the right to emigrate. He was convicted on grotesque charges of treason and sentenced to 13 years in prison and labor camps.
>
> In confinement, Mr. Shcharansky has been repeatedly punished, held in solitary, deprived of his right to have his family visit him twice a year. He went on a protest hunger strike last Sept. 27 until Jan. 14.

Shcharansky now appears to be suffering from a serious heart condition, which Soviet officials refuse to treat. Relying on medications provided by fellow prisoners, he developed a severe allergic reaction. His last letters to his family describe the swelling and sores which cover his body.

Shcharansky's wife, Avital, who managed to leave the U.S.S.R., has repeatedly sought to obtain his freedom. Numerous news articles and editorials have pleaded on his behalf for the right to emigrate. Throughout the world, Jews and gentiles continue to rally to Anatoly and Avital's cause, and Anatoly Shcharansky has become a living symbol for Soviet Jewry.

At last count, over 300,000 Soviet Jews have requested permission to emigrate. The Russian Government responds to such requests by removing applicants from their jobs, separating families, and, as in Shcharansky's case, sendng individuals to work camps and prison.

In addition, the Soviets set up an official anti-Zionist committee. One of the organization's first statements equated Zionism with Hitlerism. They also claimed that most Jews who wanted to leave the Soviet Union have already done so, despite all evidence to the contrary. Only 421 Jews emigrated from the U.S.S.R. so far this year.

The State Department denounced the outlandish claims of the Soviet anti-Zionists. Such blatantly oppressive treatment of a religious group runs counter to our support for human rights.

One reason our objections go unheeded by the Soviets is our failure to ratify the Genocide Convention. This basic human rights document protests the persecution of religious, ethnic, national, and racial groups. Until we ratify the Genocide Convention, the Soviets will continue to accuse us of hypocrisy and a lack of commitment to human rights.

Lewis concludes:

> Moving the Soviet leadership on an individual human rights case often seems a hopeless business. But if you meet Avital Shcharansky—a 32 year old woman who has not seen her husband for nine years—you know there is no alternative to trying.

For the Shcharansky's sake, as well as that of the nearly 2 million Jews trapped in the Soviet Union, we must ratify the Genocide Convention.

LARRY NELSON: 1983 U.S. OPEN CHAMPION

Mr. MATTINGLY. Mr. President, I wish to draw the attention of my colleagues to yesterdays brilliant victory by Larry Nelson of Marietta, Ga., in the 1983 U.S. Open Golf Championship at Oakmont Country Club, in western Pennsylvania.

In doing so, Nelson joins the late, legendary Bobby Jones as the only other Georgian to capture the prestigious event.

Larry Nelson won this coveted championship by firing a 65 and a 67 in the last 2 rounds of the tournament. His 36 hole total in the last 2 days broke the previous Open record by an incredible 4 shots.

As the tournament began, Larry was struggling with that most familiar and frustrating of golf's ailments, the lost putting touch. Larry suddenly regained his stroke on the greens in the midst of the championship and capped his effort yesterday by sinking a 62-foot birdie putt that he had to maneuver over a multitiered green and a 4-foot left-to-right break.

In adding the Open title to his 1981 Professional Golfer's Association championship, Nelson had to catch and pass two of the top players in the game, defending Open champion Tom Watson and current Masters title holder, Serveriano Ballesteros. Calvin Peete, who started the final round tied with Nelson one shot behind leaders Watson and Ballesteros, provided additional, formidable competition.

Victory went to Larry Nelson, though, because he not only bested his fellow players and what many pros called the most difficult golf course that they had ever seen, but also because he was able, as a true champion must, to perform valiantly under some of the most pressure-packed circumstances that sport has to offer.

On behalf of all his fellow Georgians, I congratulate him on his magnificent achievement.

I believe that Watson (again), Ballesteros, and Peete will all have their day in the spotlight that shines on U.S. Open winners, but that honor this year deservedly belongs to Larry Nelson.

I ask unanimous consent that articles from the Atlanta Constitution and the Washington Post describing Larry's accomplishment be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, June 21, 1983]

Nelson's Rise Unscientific, but Sensible

(By Thomas Boswell)

Oakmont, Pa., June 20.—Larry Nelson's address in Marietta, Ga., is 421 Oakmont Circle.

"Yes, it's named after this golf course," said Nelson today after he had won the U.S. Open at Oakmont Country Club. "Maybe next week they'll change the number on my house."

Nelson wouldn't mind 280—his winning score.

The story of how Nelson came to be an Open champion is one of golf's stranger tales—largely because of another unusual address.

Born in Ft. Payne, Ga., Nelson grew up, from the age of 8 to 14, with the mailing address "Ackworth-and-or-Kennesaw, Ga."

"The nearest golf course was 30 miles away and (at that age) I couldn't drive," said Nelson, whose athletic loves were baseball and basketball.

Nelson dreamed about a pitching career in the majors. "I had a great knuckle ball and a sneaky fast ball," he said today, still proudly showing off the callus on his right index finger caused by many curve balls long ago.

Scouts deemed Nelson too small to be a pitcher, so he got a college baseball scholarship at Southern Tech. After a year, he quit school to work as an illustrator at the same Lockheed plant where his father worked. "I can draw anything I can see, and to perfect scale. But I can't draw people."

Drafted in '68, Nelson did a two-year hitch in the Army, making "buck sergeant" and serving three months in Vietnam, where "I walked through the rice paddies and the jungles . . . I was very fortunate over there . . . I came back."

An army buddy, Ken Hummel, kept talking about the glories of golf and Nelson, who has thought that "golf was for sissies" when he was in high school, took up the game when he returned.

Nelson was immediately torn between golf, which he loved immediately, and his plans to become a chemical engineer. "I was already enrolled at Georgia Tech and I had all the required math for the first two years out of the way," he said, "I couldn't do a calculus problem right now but I enjoyed them then. I loved science."

Though he'd never swung a club until he was 22, Nelson was so addicted to the game, and so good at it, that he turned pro in six months. "I want to try this and just see," Nelson told his wife of 16 years, Gayle.

Only four years after he first picked up a club, Nelson had his player card and by 1974, he was earning a living on tour. In 10 seasons, he's won six tournaments—two majors—and $1.1 million.

It's been Nelson's bad luck that, in a period when pro golf has had an identity crisis, Nelson has often been singled out as the most clonelike of all the PGA Tour's clean-cut, smooth-swinging, expressionless players. It was, of course, profoundly unfair to Nelson's golf accomplishments and his strong, simple character.

"I'm unassuming. I don't think it's necessary to be anything other than yourself. I don't require any attention," and Nelson, who would be glad to plead guilty to dullness if that meant he were deeply religious, devoted to his family and determined to succeed at his work.

Nelson is now a player director of the PGA Tour Tournament Policy Board—a thankless but important role. He often skips the British Open so he can stay home with his family and go fishing. Also typical of Nelson is that he has an appointment for Tuesday morning in Memphis that is so important to him that he has told "Good Morning America" that he'll miss their nationwide show before he'll miss what he's doing in Memphis.

"I have to speak at a church," he said quietly. "No, I don't preach. It's just a talk."

Asked if he ever prayed on the golf course, perhaps a reference to his prayer of a birdie putt at the 16th hole today, Nelson showed his only trace of irritation of the day. He wanted it clear that he wasn't one of those shallow God's-on-my-team jock Christians.

"I don't pray for the ball to go in," he said. "The only thing I pray for is the inner peace to do my best."

[From the Atlanta Constitution, June 21, 1983]

Nelson Has Total Peace at the 18th

(By Tom McCollister)

Oakmont, Pa.—Larry Nelson felt total inner peace at 10:45 a.m. Monday as he stood by the scorer's tent behind the 18th green at Oakmont. As Tom Watson prepared to hit a wedge shot toward the cup, Nelson felt no anxiety, no pulling against his foe. Just hope.

A second later, Watson's ball rolled harmlessly by the hole and only then did Nelson accept the fact that he was the U.S. Open champion. A smile broke across his face. He hugged his wife, Gayle, accepted Watson's congratulations and was engulfed by well-wishers.

"Larry Nelson, U.S. Open Champion. Has a nice ring to it, doesn't it?" Nelson said. "I was thinking yesterday how nice it would be to become only the second Georgian to win this championship. And now, it's a great feeling."

With his pulsating one-stroke victory over Watson at Oakmont, Nelson joined the late, legendary Bobby Jones, as the only other Georgian to win an Open championship. Jones, an amateur throughout his golfing career, won the title four times, in 1923, 1926, 1929 and 1930.

Nelson won it in style against one of the greatest golfers in the world, finishing with 67 for a four-under-par 280. Watson had 69 and 281.

Gil Morgan finished third, closing with 68 for 283, one under par for the duration. Calvin Peete (73) and Severiano Ballesteros (74) tied for fourth at 286, one stroke ahead of Hal Sutton.

Nelson overcame early rounds of 75 and 73 by shooting a six-under 65 in the third round to close to within one. And Sunday, with Watson at his best and shooting an outgoing 31, Nelson shot 33, never losing the cool and poise that became his trademark.

He had to overcome a rain delay that caused Sunday's final round to end with the two golfers still on the course tied at four-under. He completed that round Monday, a four-under-par 67, setting a record in the process. With his final 36 holes of 132, Nelson eclipsed a record shared by six others by four strokes and became only the 13th golfer to win both the PGA and Open titles.

"I dreaded the thought of a playoff," Nelson said. "I did not want to go back out on that golf course. Standing there as Tom played the final hole, I knew I'd done my best and could accept it if he won. It was out of my hands and in Watson's hands."

When they returned to the course Monday, Watson had a putt on the 14th hole. Nelson had to tee off on the 16th hole. Watson missed his putt. Nelson drove the par-three green but was 60 feet from the hole. He made it.

"All I was thinking after that was to keep my feet on the ground," Nelson said. "I still had two holes to play, but you can't imagine the feeling it gave me."

Watson also had feelings about it. He knew he needed a birdie over one of his next four holes just to tie. He two-putted from 35 feet at the 15th, two-putted from 25 feet at 16, then came the series of shots that prevented him from winning successive Opens.

He bogeyed the 17th perhaps the easiest hole on this course, just as Nelson was bogeying the 18th. Then Watson hit over the green on the final hole and this time there were no miracles such as his chip on the 17th hole a year ago at Pebble Beach that won his first Open championship.

"I felt it was only a matter of time before I won again," said Nelson, whose last victory was the 1981 PGA at the Atlanta Athletic Club. "I went out this year (on the tour) very confident and played very poorly. I thought I was gone mentally. I was hitting the ball, but I couldn't score.

"But when I came here, I believed my game was coming back. I thought if I could putt, I would have a chance. It all came together the last two rounds. Those were the two smartest rounds of golf I've ever played, and this was the first time I've ever come from behind to win. That should help me in the future."

Nelson played the final 36 holes in 10 under, making only three bogeys, all of them due to three-putting.

"When you play that well and it comes down to the last hole, you can't worry about what happens," Nelson said. "At the 18th, while Tom was still playing, I wasn't thinking about anything. I was just happy I was through."

With his victory, Nelson won $72,000, 10 years of exemptions in Open championships, five years worth of Masters' and British Open exemptions and all the accolades that go to the winner of this championship.

"This has to be my greatest win because of the circumstances," Nelson said. "It came against some of the best players in the world and on a true championship course. The PGA will always be special because it was the first one, but to win the Open is special in so many other ways."

SUPPORT FOR UNIVERSITY OF CALIFORNIA'S INVITATION TO SOVIET SCIENTISTS

Mr. CRANSTON. Mr. President, I wish to commend the University of Southern California and Irwin C. Lieb, vice president and dean of its College of Letters, Arts and Sciences, for their initiative in extending visiting professorships to seven Soviet refusenik scientists. Irwin Lieb, who has championed the cause of Soviet Jewry, recently traveled to the Soviet Union to extend personally the invitation to these internationally renowned scientists. I am pleased to add my strong support for the efforts that are being pursued on behalf of these refusenik scientists.

The seven noted scientists—Mark Freidlin, Semion Katz, Victor Kipnis, Yuri and Olga Medvedkov, Alexander Paritsky and Valery Soyfer—have all been refused emigration visas. Since applying for emigration, they have not been permitted to conduct research, to use library facilities, to participate in scientific meetings, or to publish their works. Most of the seven have been dismissed from their positions in universities and institutes. Alexander Paritsky is now imprisoned in a Soviet labor camp.

It is a terrible waste of human talent, ability, and knowledge to prevent these scientists from contributing to the betterment of science and education in the Soviet Union. These seven people have much to offer. America stands ready to welcome them and to permit them to pursue their work in their respective fields.

Therefore, I call upon Soviet officials to issue exit visas to the scientists without delay. Granting them exit visas would be fully consistent with the emigration rights guaranteed in the Helsinki accords, of which the Soviet Union is a signatory. This action would also be perceived as a significant gesture of good will and a sign that the Soviet Union desires to improve scientific and educational relations with the United States, relations which have suffered in recent years. Further, it is my fervent hope that Moscow will reverse the horrendous downturn in the number of emigration visas it is issuing to the Jewish community. In 1979, Jewish emigration from the U.S.S.R. reached a high of 51,320. Tragically, this total plummeted drastically to 2,688 in 1982. And figures for January to April of this year are a dismal 421.

The granting of visas to the seven scientists—as well as to other refuseniks and all those who wish to emigrate—would be a constructive step that would do much to lessen the strained relations between the United States and the Soviet Union.

It is also my hope that the Reagan administration will redouble its efforts on behalf of Soviet Jewry.

PRESIDENTIAL SCHOLARS EXPRESS CONCERN OVER ARMS RACE

Mr. CRANSTON. Mr. President, I recently had the pleasure of meeting with Ariela Gross and Lawrence Lipkin, high school students who were in Washington to receive Presidential Scholar medallions at the White House. Chosen as among the most outstanding of our Nation's high school students, they are to be congratulated for this high honor.

In addition to receiving this award, a number of these young scholars made the most of their meeting with the President. Ariela Gross initiated a petition among the Presidential Scholars urging the Reagan administration to support the nuclear freeze. I commend highly the determination shown by Ariela Gross to express her convictions and to translate those convictions into action. And I regret the efforts by certain administration officials to intimidate those Presidential scholars who feel strongly about the nuclear freeze issue. The leaders of tomorrow must be actively involved in the major issues confronting mankind and must not be hesitant to speak out. Ariela Gross and her colleagues exemplify the initiative, courage, and commitment we hope to see in our Nation's future leaders.

I ask unanimous consent that the full text of the petition on the nuclear freeze be printed along with the article about Ariela Gross' efforts which appeared in the New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

June 16, 1983.

Dear Mr. President: As Presidential Scholars, we feel honored to represent American youth and gratified by your confidence that we will play a part in shaping the future of this country. We cannot, however, accept this high honor without voicing our most profound fears for the future itself. We therefore call upon you, Mr. President, to make every effort to halt the nuclear arms race that endangers the tomorrows in which we hope to fulfill our dreams of today. We, the undersigned, endorse, and urge you to endorse, the nuclear freeze proposal outlined below. Such a proposal, with various amendments and revisions, has already been passed by the United States House of Representatives as Joint Resolution 13, on May 4, 1983.

The Freeze Proposal: To improve national and international security, the United States and the Soviet Union should stop the nuclear arms race. Specifically, they should adopt a mutual freeze on the testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons. This is an essential, verifiable first step toward lessening the risk of nuclear war and reducing the nuclear arsenals.

[From the New York Times, June 13, 1983]

For Scholar and Protester, Hard Road to White House

(By Douglas C. McGill)

Later this week, Ariela Gross is to meet President Reagan. The President will give her a medallion. In return, Miss Gross plans to give the President a petition urging that he support a proposed Congressional resolution calling for a nuclear freeze.

Miss Gross, a 17-year-old from Princeton, N.J., is one of 141 high school seniors chosen this year as Presidential Scholars, a group of young people honored for high academic and artistic achievement, as well as proven interest in community social issues.

Yesterday, the entire group of scholars met in Washington to begin five days of informal educational meetings with Representatives and Senators, breakfasts and luncheons with high-level political officials and other activities.

If the President accepts Miss Gross's petition Thursday at the White House meeting that culminates the week of activities, it will also be the end of a difficult journey for her.

OUR MOST PROFOUND FEARS

The journey began shortly after Miss Gross received a telegram from President Reagan at the end of April, congratulating her for winning a Presidential Scholarship, which provides a $1,000 cash award. About a month later, she wrote a letter to her fellow winners, asking them to join her in encouraging the President to endorse the proposed freeze on nuclear weapons by both the United States and the Soviet Union.

"We feel honored to represent American youth," the statement said in part, "and gratified by your confidence that we will play a part in shaping the future of this country. We cannot, however, accept this high honor without voicing our most profound fears for the future itself."

Shortly after she sent out the letters, however, her mother, Shula, received a telephone call from Gary Stember, executive director of the Commission on Presidential Scholars, the Education Department panel responsible for the scholarship program.

"'Do you know what your daughter is doing?'" Mrs. Gross recalled Mr. Stember

asking. Mr. Stember, she said, told her that several scholarship winners had complained to him about Miss Gross's letter, that the commission could "rescind her scholarship" and that "very likely the White House could react strongly and cancel the ceremonies."

DIDN'T PROMISE ANYTHING

The call upset her and her daughter. "We took his word for it that my scholarship would be revoked," Miss Gross said. "I agreed that it should be revoked if that's what it came to."

The next morning, Mr. Stember called to speak with Miss Gross. "He was much cooler" than in his earlier conversation with her mother, she said. "He wanted me to comment that I would not do anything at the ceremony. I didn't promise anything."

That afternoon, she called Mr. Stember back, and he said that "he had reported it to the Education Department and the White House, and that they would probably revoke the scholarship, or cancel the ceremonies, or discontinue the entire program," Miss Gross said.

Later that day, however, Miss Gross received a reassuring phone call from Thomas C. Anderson, counsel to the Secretary of Education, T. H. Bell. A supervisor of Mr. Stember had told Mr. Anderson about the earlier call. Mr. Anderson, Miss Gross said, told her that her scholarship was not in jeopardy, that Mr. Stember's remarks were unauthorized and that "winning the scholarship didn't mean that we didn't retain our freedom to express our views and share them with others."

Mr. Anderson also told her he had sent Mr. Stember a memo reminding him of the scholarship winners' rights.

"We cannot allow the students and their parents to be intimidated because of their political views," the memo read in part. "By virtue of being designated as Presidential Scholars and accepting the honor, these students obviously retain all of their rights to express their views and seek out others who may share those views."

EDITORIALS ON FREEZE

In a telephone interview, Mr. Stember declined to comment on his telephone conversations with Miss Gross. Mr. Anderson, in another interview, confirmed the substance of Miss Gross's recollection of their telephone call, as well as the text of the memo.

Miss Gross will go to Harvard University in the fall. At Princeton High School, she was in the top 1 percent of her class, ran on the varsity track team for three years and had been captain of the cross-country team. As editor of the school newspaper, The Tower, in her senior year, she wrote many editorials on the nuclear freeze, the situation in El Salvador, budget cuts and education.

At present, Miss Gross said, she has received 50 letters from her 140 fellow Presidential Scholars. Of these, she said, 24 students signed a statement saying, "I believe in the nuclear freeze and will sign the statement." Eight signed a statement saying, "I am interested but need to know more," and 11 said, "I am opposed to the concept of freezing the nuclear arms race."

The other students did not sign because they felt that it would be improper to disrupt the ceremony, Miss Gross said.

"VERY CREDIBLE GROUP"

Miss Gross said she had written the statement because, "if this is going to be looked at as 'Here are the young people who made it through and will lead us to a great future,' I couldn't do that unless I said, 'We'll do that if we have a future.'"

"I think we're a very credible group of people, and according to the President, we're the best and the brightest," she added. "We're not Communists, we're not misguided, and we care. I thought it would be a good time to say that."

Some letters from her fellow scholarship winners gave detailed reasons for their opposition to the nuclear-freeze proposal.

"The Soviet philosophy is one of expediency," one student wrote. "If it is convenient and advantageous to make a treaty on arms or otherwise, it will be done. Later, if it seems advisable to break it, that too will be done."

The student added: "If, in a race, one competitor quits in the middle, he does not win. He loses. Can we afford to lose?"

COMMITTEE REPORT ON S. 1013, THE BANKRUPTCY COURT AND FEDERAL JUDGESHIP ACT OF 1983

Mr. THURMOND. Mr. President, a serious omission in the committee report on S. 1013, the Bankruptcy Court and Federal Judgeship Act, has recently been brought to my attention. A portion of the report entitled "History of Bankruptcy Laws" directly quotes, without attribution, an article entitled "Subject Matter Jurisdiction, Abstention and Removal Under the New Federal Bankruptcy Law" which appeared in the Spring 1982 issue of The American Bankruptcy Law Journal. This article was written by Michael H. Reed, a partner in the law firm of Pepper, Hamilton & Sheetz of Philadelphia, Pa.; Barbara H. Sagar, an associate of the firm; and Gail P. Granoff, also an associate of the firm.

While the omission of a footnote properly attributing much of this portion of the report to the work of Mr. Reed, Ms. Sagar, and Ms. Granoff was apparently inadvertent, I would like to offer my sincere apologies to the authors of this article for this error having been made. I would also like to acknowledge and thank them for the contribution which their article made to the report on S. 1013.

ONE-HUNDRED YEARS OF THE FEDERAL CIVIL SERVICE

Mr. STEVENS. Mr. President, I was pleased to learn recently that the U.S. Postal Service will be issuing a 20-cent commemorative stamp recognizing 100 years of the Federal civil service. The stamp will be issued later this year and will feature the words "civil service" in two lines of blue type at the top of the design on a vertical stamp. The date "1883" will appear under the words "civil service" in ornate scroll typeface popular in the late 19th century, and the year "1983" will appear below it printed in a digital typeface similar to that generated by computers. Underneath "1983" will be the letters "USA" and the cost of the stamp, "20¢".

Mr. President, the Postal Service—through the Citizens Stamp Advisory Committee—does not issue very many commemorative stamps in a year. In fact, the number is in the neighborhood of 20 out of some 8,000 requests every year. It is certainly fitting that the Postal Service would single out the 100th anniversary of the establishment of the civil service system for the first commemorative stamp honoring civil servants as a group.

The career civil service, based on merit principles, came about 100 years ago with the passage of the Pendleton Act, which provided a framework for a merit system in Federal public employment. The concept of a merit system was born and grew because of the force of public opinion. The American public then and now wanted a competent and politically neutral civil service. Starting with 13,000 jobs in 1883—10 percent of Federal employees at the time—the merit system expanded until, today, it covers 91.3 percent of the 2.7 million Federal workers. Over the past 100 years, experience has proven that the Federal Government can continue to function and move ahead even under the most difficult circumstances. This is due to a great extent to the civil service system, which has made Federal service a career for trained, dedicated, and capable persons.

Mr. President, I applaud the Postal Service and the members of the Citizens Stamp Advisory Committee for selecting this stamp and join with them in honoring the millions of past and present civil servants who have served this Nation and its people so well in this past century.

INTERNATIONAL DAY OF REMEMBRANCE FOR VINCENT CHIN

Mr. CRANSTON. Mr. President, in cities throughout America and beyond, people gathered last weekend in memory of the death of Vincent Chin.

Our Nation was formed on a commitment to the ideal of equality for all.

Whenever discrimination occurs, we break faith with that ideal.

Yet so frequently, here as elsewhere, economic hard times have surfaced underlying racism, producing violence, bloodshed, and death.

One year ago in Detroit, Vincent Chin—a 27-year-old Chinese-American engineer on the eve of marriage—was brutally and senselessly tracked down and killed.

This crime was committed by two unemployed white auto workers who, confusing him for Japanese—all of whom they blamed for their troubles—fatally beat him with a baseball bat.

His last reported words were, "It just isn't fair."

There is a deep irony in the fact that this day of remembrance for Vincent Chin must occur almost precisely at the time when a national commission is recommending and I am introducing in the Senate legislation for redress for the mass removal from the Pacific Coast and internment of Japanese Americans by our Government at the break of World War II, 40 years earlier.

These actions indicate we have made some progress in the fight for social justice for Asian-Americans and others.

But we have more work to do.

I support the pending Federal investigation into the violation of Vincent Chin's civil rights.

But seeking adequate punishment of Vincent Chin's persecutors is not enough.

We must continue to seek a just society for all Asian-Americans and, indeed, for all our people.

We will not fulfill our national commitment until all are treated equally before the law, and until each has equal opportunity, regardless of color gender, religion or handicaps, ethnic or national origin, to participate fully in our Nation's economic, social, and political processes.

LARRY HOLMES

Mr. SPECTER. Mr. President, of Tony Zale, the former middleweight boxing champion from Gary, Ind., often called the Steel City, it was said that he was a man of steel and that the steel was stainless.

For Larry Holmes, the current heavyweight champion from Easton in my State of Pennsylvania, I would like to propose a similar metaphor. As far as I know, Easton has no sobriquet, but it may truthfully be said of Holmes that he is a diamond and that the diamond is flawless.

Undefeated in 42 fights, a fearless champion who has successfully defended his title 14 times, Holmes has been a classic competitor, a boxer without peer, a gladiator possessing both grace and graciousness.

The great skills that he possesses are God-given, but enormous amounts of hard work, sacrifice, and perspiration have gone into honing them to the razor-sharp perfection that have made him a champion.

Nothing has come easy for Larry Holmes. As he once said: "I've always felt that you had to work for anything you got." And his life has attested to the truth of that comment.

The 7th of 12 children born to sharecropper parents who moved north to seek a better life, Holmes left school at the age of 13 to find work. First, there were menial jobs with long hours and small paychecks. Then, when he began boxing at the age of 19, he had to work his way up through the ranks, slowly and painstakingly.

His apprenticeship in the ring was long and difficult. He had difficulty getting fights and was forced into the unglamorous job of sparring partner where the pay is small and the punishment often great.

But Larry never lost faith in himself or sight of his goal. And he never stopped working to become the best.

When his long-awaited opportunity came on June 10, 1978, he was ready. Despite reinjuring a torn muscle in his left shoulder during the championship fight with Ken Norton, Holmes went on to take the decision, fighting virtually one handed. He had spent too many years working for this chance to allow anything to stop him from winning the crown. Since then, he has defeated all challengers.

Gentle in speech and manner, Holmes' proficiency in the hard and often brutal world of boxing belies this true nature. He has been described as a gentleman, a family man, and a person who loves his fellow man. He has the respect, the admiration, and, indeed, the affection of all who know him.

And, like the diamond to which I compared him, he is a shining example of what is worthwhile and best in mankind.

TOWARD A MORE RESPONSIBLE DEFENSE POLICY

Mr. CRANSTON. Mr. President, one of the most difficult and most crucial budget decisions still lies before us—the appropriate level for defense spending. In its actions on the budget resolution, Congress has very wisely rejected the unjustified request by the Reagan administration to increase defense spending by almost 10 percent after inflation. However, we are still grappling with the perennial question of how much is enough.

I have consistently supported a strong defense. But a strong defense does not mean we must have the most expensive defense. In fact, simply throwing money at Pentagon problems can jeopardize our national security, particularly if the priorities of an oversized defense budget do not meet our true security needs.

DEBATING DEFENSE

Before the full Senate begins its deliberation on the defense authorization legislation for fiscal year 1984, we need to consider where this budget will take us. In what direction are we heading? Can we afford the price down the road of the numerous new weapons systems to which this bill would commit us? Is this level of defense spending sustainable? Do the marginal benefits, in terms of added military security, outweigh the considerable costs of our economic vitality? Does this budget improve prospects for nuclear arms control and reductions?

Regrettably, floor debates on defense bills are too often focused on a handful of controversial weapons systems.

Before we get too far into the heat of such debates, we need to step back and take a longer range view. It is essential that we do this. It is essential because these spending authorizations are going to tie us in to a level of defense spending that is unprecented in its size during peacetime. It is essential because we are not simply talking about money. What we are going to debate has a very significant effect on the nuclear arms race and ultimately, on the survival of this planet.

Maintaining a strong defense is expensive, but less expensive than the military program President Reagan demands. Unfortunately, until we negotiate a mutual, balanced, and verifiable arms freeze and reductions with the Soviet Union, there is no way we can substantially reduce this heavy burden.

The President of the United States and the Congress have no greater responsibility than to provide for the greatest possible national security and thereby to provide Americans the opportunity for life, liberty, and the pursuit of happiness.

To accomplish this goal, we must define our real defense needs and establish clear priorities.

Our national security and strength as a nation cannot be measured in nuclear megatonnage alone. Our human and natural resources—our economy, our education system, and our environment—are essential factors as well. Defense spending which might provide marginal benefits in terms of additional military force or greater deterrance must be measured against the costs such spending imposes upon the economic system which is the generator of our national strength.

Our national security includes all those elements which keep us strong as a nation. These include skilled military personnel and sophisticated weaponry. But they also include a healthy economy with reduced deficits, growing capital investment and declining unemployment.

Above all we must recognize that our security ultimately depends not on the pursuit of force but on the control of force in the world.

DEFINING POTENTIAL THREATS

To chart a wise course on defense, we must have a clear idea of the real and potential threats to our national security. First and foremost among these is the danger of nuclear conflict with the Soviet Union. We must also consider the possibility of conventional war with some other adversary that could endanger key Western interests such as the national sovereignty of an

ally or access to such vital natural resources as Persian Gulf Oil. Another threat to our security interests could come from shows of force by our adversaries in a way intended to intimidate or blackmail other nations. Yet another danger could come from pursuit of spending policies which might cripple our economic vitality or promote severe disunity among our people.

In order to counter these threats and to devise an effective defense policy, we must have a coherent defense strategy that is part of an overall strategy for peace. Such a strategy should set our goals, order our priorities, and carefuly relate our defense policy to the defense budget.

Under the Reagan administration, we are operating without a comprehensive defense strategy. The Reagan administration has no clear set of priorities and no sound rationale for the weapons systems we are buying. Instead, key administration officials have declared that we must spend whatever sums are estimated to be needed to meet every conceivable contingency everywhere and anywhere in the world in our competition with the Soviets. This is not a sound strategy for defense; it is a strategy for disaster.

A STRATEGY FOR DEFENSE

The basic purpose of any sound defense plan is to thwart aggression while protecting our national interests. For this purpose, we maintain and deploy military forces for deterrence and defense.

Our strategic nuclear forces are our ultimate deterrent against attack. While they represent a relatively small percentage of our overall defense budget, the awesome consequences of their use require that they receive the most careful assessment.

We must continue to maintain deterrence through a land-, sea-, and air-based nuclear triad as we launch a new effort toward far lower levels of force through mutual, balanced, negotiated reductions with the Soviet Union. Until we reach a nuclear-freeze agreement with the Soviets, we need to proceed with efforts to modernize our bomber force, improve the capability of our relatively invulnerable submarines, and examine carefully whether improvements in the survivability of our land-based ICBM's are possible and cost effective.

Tactical nuclear forces can also provide a deterrent against aggression, particularly in the European theater. We need to negotiate intermediate-range-nuclear-force reductions or counter Soviet capabilities in this area. But our long-term NATO strategy must be one which places great reliance on a modernized conventional NATO deterrent to raise the nuclear threshold and to reduce the likelihood that the West would be forced to be the first to use nuclear weapons in any future conflicts. We must embark on a program of modernization and coordination which could lead us toward the declaration of a no-first-use policy for the NATO nuclear arsenal. We should ultimately seek, however, agreements with the Soviet Union to reduce our conventional forces as well as our strategic forces, for without such agreements we will be unable to make really significant and substantive reductions in the military spending which at present levels is undermining our economy.

Our general-purpose, conventional military forces remain our first line of defense. They seek to prevent escalation toward the ultimate danger to our national security and the global environment—nuclear holocaust.

Our most important and valuable resource in our Armed Forces is the men and women who serve our Nation. Therefore, we must maintain and improve pay schedules—not cut them—so that we retain a highly skilled, educated Armed Force. We also need to support reasonable research and development efforts so as to reduce costs for modernization efforts and increase reliance on nonnuclear battlefield weapons which can raise the nuclear threshold. And we need to integrate our forces and improve our rapid deployment capabilities.

As a maritime nation, the United States must maintain an effective naval fleet. But we must reject adherence to the idea that a fixed number of ships will make us more secure if we have failed to clarify what missions we seek to fill. It is unrealistic to think that we can police every part of the 75 percent of the globe that is covered with water. It is a mistake to rely on still more aircraft carriers and surface ships to keep sealanes open when advances in missile and submarine technology have made these ships so vulnerable. We need to place greater reliance on submarine forces and our deep ocean navy in general.

Our Air Forces are critical both to our strategic and tactical nuclear deterrents, as well as to our conventional war-fighting capacity. We should produce fighters at the lowest possible unit cost and insure that we have airlift capabilities that will provide credible support to threatened friends and allies. Our defense efforts will fail to deter if we lack the demonstrated airlift capabilities to get men and equipment rapidly deployed in an area of conflict.

Finally, any defense strategy which relies more on unnecessarily complex weaponry than on the readiness of numerous, well-maintained arms manned by effective well-trained forces will fail. It is essential that we not weigh our defense priorities in favor of exotic weapons systems while shortchanging the spare parts, fuel, ammunition, and salaries which provide muscle for our conventional military deterrent.

THE REAGAN PROGRAM

Unless checked, the unprecedented defense buildup by the Reagan administration will place an excessive load upon our economy. In the end, it is likely to harm our effort to provide sustained improvements in our conventional forces and, by weakening our economy, it could reduce our national security. Strengthening our conventional military capabilities reduces the possibility that military conflict would cross the nuclear threshold. But to make such improvements, our defense budget increases must be moderate enough to be sustained over the long-term.

In its anxiety to project a determined and forceful image overseas, the Reagan administration has proposed spending taxpayer dollars on such unwise programs as the deployment of the MX missile in fixed Minuteman silos and the construction of yet another large, sitting duck aircraft carrier. It has also requested funds for refurbishing World War II battleships, funds for expanded research and development for antiballistic missiles and funds for nerve gas production. These expenditures do not serve our national security interests.

The fatal flaw of the Reagan administration defense program is its confidence that more and more weapons, particularly more sophisticated weapons of mass destruction, will provide for greater national security. Missing in all of the administration's pronouncements about war-fighting strategy, limited nuclear war, and weapons deployment is any genuine appreciation of the role of arms control in improving national security.

PROGRAMS MERITING SUPPORT

The essential elements of defense spending include, first of all, adequate pay and compensation for our military personel. These are human resources vital to our national security. In recent years, Congress provided pay increases for military personnel averaging 26 percent, as well as increases in benefits and allowances in order to redress serious problems of recruitment and retention. We should maintain this program of improving military pay and benefits—a program which has been threatened by unwise Reagan administration military spending priorities. Without well-trained people, it is futile to spend enormous sums of money on sophisticated weapons systems and equipment.

We must also do more to insure that our military forces are combat ready. Without adequate maintenance, spare parts, training for our troops, flying time for our pilots, and steaming time for our ships, we reduce the credibility of our military deterrent. Maintaining

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equipment and buying spare parts is unglamorous. In the past, it has been too often neglected and too often the first target for budget cuts.

Additional examples of worthy defense spending programs can be found in selective weapons modernization. We need to maintain and improve the conventional capabilities of our Army, Navy, Air Force, and Marines.

In the area of strategic nuclear weapons, it is essential to maintain a credible deterrent. One of the legs of our nuclear triad—the manned bomber—offers a particularly stabilizing deterrent capability. If need be, bombers can be recalled once they take off; missiles cannot. Bombers are not first-strike weapons. They are easily counted, and thus pose no verification problems. Their production, therefore, is far less threatening and less potentially destabilizing to United States-Soviet relations than other nuclear weapons delivery system. The only new strategic manned bomber we could have ready in this decade is the B-1B, which can penetrate Soviet air defenses for several years after its deployment, which can serve as a cruise missile platform well into the next century, and which provides important advances over the B-52 in scramble times, blast survivability, and maintenance costs.

PROGRAMS WARRANTING CUTS

There are a number of existing defense spending programs that do not serve our national security and should be cut.

The administration proposal to reactivate vintage World War II battleships at an estimated cost of at least $325 million per overhaul is an absurd waste of defense dollars that is shortchanging other more worthy defense programs.

The funding of yet another large nuclear aircraft carrier will produce another ship that could prove to be a sitting duck in any major confrontation.

We must be careful to avoid the errors of the past that have led to support for Pentagon requests for gold-plated weapons systems which promote sophistication and gadgetry over practicality, quantity, and usability. This year we will be buying still more Bradely infantry fighting vehicles, even though their price tag has soared from $900,000 to nearly $2 million each. This kind of cost escalation makes the vehicle impractical. We should eliminate it.

In addition, we need to make certain that our spending on military research and development does not become dangerously lopsided. A flourishing research base is essential to a healthy civilian economy. And yet President Reagan has proposed a 25-percent increase—above inflation—in military R&D. This proposal would have military spending consume nearly two-thirds of our Federal research funds—an unprecedented sum—which would place our civilian sector still further behind the West Germans, the Japanese, and others.

Finally, we should not squander precious defense resources on a costly and futile competition, with the Soviets to expand civil defense efforts. No shelter scheme devised by man can protect large elements of our population against the devastating consequences of nuclear holocaust.

MX

Major expenditures proposed by the Reagan administration for strategic weapons, especially the MX program, leave many unresolved questions.

I am strongly opposed to the President's proposal to place the MX missile in Minuteman silos. The most tangible result of proceeding with the MX is to fuel the recklessly dangerous and costly arms race. The administration plans to proceed not just with the MX, but with Midgetman as well. To proceed with both will ultimately be a violation of the SALT II agreement, which we have pledged to adhere to as long as the Soviets do. It is particularly galling that this administration is proposing to justify the next round of the arms race as an arms control effort.

The MX would not add to our security, it would detract from it. MX, with its 10 warheads that are more accurate and lethal than the Minuteman III with its three warheads, would be a more inviting target to the Soviets. Deployment of the MX in fixed Minuteman silos would put us in a more destabilizing position—exactly the opposite of what we should seek.

The administration has declared that it needs the MX in order to demonstrate national will so that we will be able to negotiate an arms control agreement with the Soviets. The administration insists that to get an arms control agreement, we must build even more so that we can ultimately have less. This is logic turned on its head and every other way. It is a travesty.

The MX is a missile without a legitimate deterrence mission. It will cost more than $26 billion. It is a dangerously destabilizing weapon. We should abandon the scheme and recognize that we demonstrate real national will and strength when we can admit that MX production and deployment is a mistake.

UNITED STATES-SOVIET RELATIONS AND NUCLEAR ARMS CONTROL

As we debate the MX and other defense spending issues, we must maintain an awareness that we live in a time unlike any other. For today every person in the world's two most powerful nations is a hostage. Every man, woman, and child in the United States is targeted by Soviet nuclear weapons. And every man, woman, and child in the Soviet Union is targeted by American nuclear weapons. Civilization could end within minutes, leaving, as Jonathan Schell has described:

> A darkness in which no nation, no society, no civilization will remain, in which never again will a child be born; in which never again will humans appear on Earth—and there will be no one to remember that they ever did.

The threat that nuclear weapons will be used through accident, miscalculation, or an act of madness grows each day that the nuclear arms race is allowed to continue.

The detonation of a single nuclear weapon over an American city would be the greatest disaster which ever befell this Nation. Yet despite the fact that the whole world lives in the dark shadow of potential nuclear conflict, the two leaders of the nations which possess the largest nuclear arsenals have met only once in the past 8 years to discuss this great common danger.

The nuclear arms negotiations which United States and Soviet leaders have delegated to their subordinates have lagged far behind the pace of arms development. During the many years it has taken to negotiate even the outlines of arms limitation agreements, new generations of weapons have become ready for deployment which have made these negotiations obsolete even if they are successfully ratified. The great danger of nuclear conflict should make clear that arms control is not simply a peace issue—it is a matter of survival and a national security imperative. The nuclear threat demands imaginative efforts to improve United States-Soviet relations and achieve arms control breakthroughs. This should be the fundamental priority for our national leadership.

The nuclear threat gives us cause for grave concern, but not despair. Creative leadership can allow our country to make a creative, constructive, and all-out effort to negotiate a balanced, verifiable freeze on nuclear weapons production, testing, and deployment and to agree on deep reductions in our bloated nuclear arsenals. We must apply the great human intelligence which first mastered the splitting of the atom to our present task of taming these atomic weapons before they destroy us.

Our primary national security goal must be the prevention of nuclear war and the containment of inevitable United States-Soviet competition into peaceful spheres.

We have left arms control to the experts and the ideologues; they have failed us. The experts in previous administrations bogged down in arguments over equivalent megatons and scenarios of surgical strikes which have long been made absurd by our nuclear triad and our overkill capabilities. They lost sight of the basic goal

of achieving arms reductions through all-out dedication to successful negotiations.

The ideologues in the Reagan administration have failed us with their bellicose war talk, their loose rhetoric about limited nuclear war and winning a nuclear war and surviving a nuclear war. These men have no faith in the value of arms control as an essential component of our national security. They have no ability to achieve fair, balanced mutual compromises to reduce nuclear weapon stockpiles. And they are on record as strident opponents of even limited efforts to curb the arms race.

Our Nation is presently embarked upon a 5-year Reagan administration plan to spend $2 trillion on more nuclear and conventional weapons and military matters generally. But there is every reason to believe that more nuclear bombs will only make us less secure, and that soaring defense spending will wreak havoc upon our values and our economic health—both so vital to our overall security as a nation.

Our economic woes started with the tragic decision to escalate the Vietnam war. We refused to raise the taxes to finance that misadventure, and as the war escalated, so did inflation.

Now soaring increases in defense spending make it even more difficult to set right our economic mess.

How can we spend $2 trillion on the military and have enough left over, in public and private funds, to educate our children, to build and pay for our homes, to keep up with our medical bills, to protect our environment, to maintain and expand our transporation systems?

UNITED STATES-SOVIET RELATIONS

If we are to improve our national security, we must confront the problems of the United States-Soviet relationship as if our lives depended on it. They do. This relationship is truly the most important in human history—for never before have two global powers possessed the ability to exterminate each other virtually instantaneously.

Successful management of the United States-Soviet relationship requires sober realism. We must be realistic about the degree to which differences in our respective histories, our social values, and our political and economic systems make collisions inevitable. But it is the certainty that such collisions will occur that makes dialog and negotiation so essential.

We must urge President Reagan—and future Presidents—to hold frequent summit meetings with the Soviet leadership to air grievances, to clarify positions, and to explore possibilities for greater cooperation. The meeting of the heads of state of the two most powerful nations should not be an extraordinary event; summits should be institutionalized as a regular practice.

There need be no prearranged set of limited agreements arranged by subordinates before a summit. There should be time to explore the common problems that beset our planet and to explore possible solutions.

We can assume the worst of motives from the Soviets. But if they are rational, we have common interests in survival. If one assumes they are irrational, our nuclear deterrent, which would only check rational policymakers, is of limited use.

We must have American leaders who are tough-minded in Soviet-American affairs, but not ideologues. We must have leaders who understand the Soviets' totalitarian system, their fears, and the great costs their militaristic policies place upon their social system.

We must have leaders who reject the notion that through ever-increasing defense budgets we can outspend the Soviets in an arms race or achieve meaningful nuclear superiority. If such a strategy could possibly work, we would succeed only in placing our adversary at a point of desperate inferiority such as that which led the Soviets to take the risks that provoked the Cuban missile crisis. If, as is almost certain, it failed—for the Soviets will never again allow themselves to be markedly inferior in nuclear arms—it would merely spur a new round of the nuclear arms race.

CONCLUSION

In the years immediately ahead, defense policy decisions will be made which could either improve or virtually eliminate the prospects for meaningful nuclear arms reductions. The proposal to place MX missiles in fixed Minuteman silos—while concurrently developing yet another ICBM missile—the Midgetman, is costly, dangerous, and destabilizing. Vague and ill-considered proposals for a star wars defense system threaten to provoke an expensive and futile defensive nuclear arms race. Such actions reduce our national security and squander our defense dollars.

The dangers facing our planet today are unprecedented. Computers warning our Government against suspected Soviet nuclear attacks frequently malfunction, sending off false alarms that could lead us to launch our nuclear weapons. Soviet warning systems—which are presumably less sophisticated than ours—must have experienced similar incidents. And the specter of a dozen more nations acquiring nuclear bombs adds to the hair-trigger situation in which our nuclear arsenals exist.

Strong and alert U.S. military forces will remain essential to deter Soviet military adventures. We need to assure the readiness of our conventional forces so that we can continue to deter violation of fundamental U.S. national interests. But there is much more we can do to increase our security than simply add money to the defense budget.

Above all, we need a strategy for peace. A sound defense policy can support such a strategy. Without that strategy no system of defense can succeed.

THE LATCHKEY PROBLEM

Mr. DODD. Mr. President, today I wish to draw the Senate's attention to a serious problem facing many of our Nation's young people: The latchkey problem.

Latchkey children are those who must look after themselves when they return home from school. Many children must take care of themselves in the afternoon because their parents are still at work. Such children's playmates are also likely to have parents who work. And housing schemes for young families and senior citizens are often separate, leaving even fewer adults around to supervise children in the afternoon.

At present, we do not know how many American children have no adult supervision when they return home from school. In 1974, a sample survey of parents revealed that at least 2 million children were latchkey children. Today, child care experts estimate that as many as 15 million children between the ages of 5 and 12 may be home alone from 3 in the afternoon to 6 or 7 in the evening.

The risks for latchkey children may be serious. Some may face accidents and injuries. In Newark, N.J., for example, 1 out of 6 fires over a year's time involved children alone at home.

Some latchkey children may lose the desire to do well at school. Others may start to feel bored, lonely, and alienated. Still others may fall prey to vandalism and other delinquent activities.

The children's caucus, cochaired by Senator SPECTER and myself, convened its first policy forum on June 9 to examine the problems confronting latchkey children. We heard from two distinguished panels of witnesses.

Our first panel included children and adults who participate in after-school programs. First-grader Bryan Womick and fourth-grader Greg Womick who attend the Park Elementary latchkey program in Anne Arundel, Md., told us how happy they are that they do not have to go home and stay alone after school. High school students Robin Dorsey and Carl Crenshaw also testified about the value of this program. Former latchkey children themselves, they now volunteer to supervise youngsters like the Womick brothers after school. These young people were ably assisted by Park Elementary's program director, Marcia Fuquay, and principal, James Preston.

We were also pleased to hear from third-grader Kani Calavan, and fourth-graders Damani Goode and Brooke Cawley. These young people attend the Hearst afterschool program (HAPI) in Washington, D.C., and said they prefer HAPI to a babysitter at home. Patti Macie, founder and director of this program also testified before us and spoke of the many children she still sees alone on playgrounds in the District of Columbia after school.

The second panel of witnesses testified as to the nature and scope of the latchkey problem and possible remedies. Dr. Edward F. Zigler, director of the Bush Center in Child Development and Social Policy at Yale University, spoke about the physical and psychological troubles latchkey children may face and commented on the lack of school-age day care. Dr. Thomas Long of Catholic University summarized findings garnered from his interviews with some 850 latchkey children over the past 3 years. Michelle Seligson, director of the school-age child project at Wellesley College, spoke of her attempts to gather and dispense information about successful afterschool programs across the country. And, Evelyn Moore, director of the National Black Child Development Institute, testified about the need for afterschool care for American families in general and black American families in particular.

Mr. President, I thank all the witnesses for their eloquent testimony about this evergrowing problem. I ask unanimous consent that the remarks of Dr. Edward Zigler, Dr. Thomas Long, Michelle Seligson, and Evelyn Moore be printed in the Record in their entirety.

There being no objection, the material was ordered to be printed in the Record, as follows:

School-Age Day Care—Testimony for Senate Children's Caucus Policy Forum: "Latchkey Children: Risks and Alternatives" June 9, 1983

REMARKS OF DR. EDWARD ZIGLER

Despite the fact that 62% of the mothers of school-age children now work outside the home, surprisingly little attention has been paid to the problem of care for their children. There almost seems to be an assumption that when a child enters Kindergarten he no longer needs day care—he vanishes, or becomes an adult. Although day care facilities have tripled since the 1960s, most serve only preschool children. But the greatest need is for day care for children 5 to 13 years old, before and after school and during vacation days. An estimated 2 to 4 million young children are left alone to fend for themselves for a significant portion of each day.[1] Two-thirds of the child care needs of our nation involves school-age children.

Footnotes at end of article.

No one knows exactly how many children in this age group qualify as "latchkey children," because parents are reluctant to admit to an official, such as a census taker, that they must leave their children unattended. When allowed to remain anonymous, however, 23% of working parents surveyed by a large-circulation family magazine admitted that they regularly left their school-age children alone. Moreover, 33% of the parents were uneasy about their afterschool arrangements, even if the children were not actually left alone.[2] Lower estimates of the numbers of latchkey children fail to take into account that many of those reported to be in the care of "relatives or neighbors" are in fact being watched by other children, some as young as 7 or 8 years old.

But does this situation constitute a problem? Some of my colleagues disagree, but I think that latchkey arrangements represent a serious abdication of responsibility toward our nation's children. This conclusion is based not only on my knowledge of child development, but also on my concern about the dangers to which children are exposed daily.

Unattended children in this age group are vulnerable to many kinds of harm. Over 6,000 children aged 5-14 die from unintentional injuries each year, including over 1,000 in fires.[3] Fire departments across the country note that unsupervised children are frequently injured in fires; in fact, it was reported in 1981 that as many as one out of six calls to the Newark, New Jersey fire department involved an unattended child.[4]

Children left alone are also prime victims of sexual assault and other types of crime.[5] Urban areas and suburbs each have their own special dangers: although the crime rate is higher in the cities, the isolation of the country and the greater distance between the home and the workplace make suburban children vulnerable as well.

This disturbing picture of the physical dangers to which school-age children are exposed does not negate the need to discuss the possible psychological consequences of latchkey arrangements. Yet, one or two of my professional colleagues have seemed to suggest from time to time that leaving children alone or caring for younger children builds independence and responsibility.[6] I would like to refute strongly that notion, specifically as regards the younger age groups. Independence and responsibility are qualities that children develop in small increments as they grow and learn.

Although an 8-year-old might be developing a sense of responsibility by watching a younger brother in the back yard while the parent is in the house, the same child might be overwhelmed by the day-to-day responsibility of meeting all his brother's needs or making crucial decisions in times of danger and crisis. A 10-year-old is behaving independently when she cooks the family's dinner with only light adult supervision, but wouldn't know what to do if she cut a finger or burned herself while alone. A 9-year-old may feel perfectly confident about going to the store to purchase a loaf of bread, yet be terrified to come home to an empty house.

Psychologist James Garbarino, duscussing latchkey children, agrees that "it is the premature granting of responsibility that seems to be damaging."[7] Children should have chores and responsibilities, but these should be age-appropriate. In short, they should be allowed to have a childhood. What are the effects of being a latchkey child? Some children seem to be coping, yet others develop alienation, loneliness and fear. One-third of the school children in New York City state that they are afraid to go outside of their apartments. Although no causal relationship has as yet been determined, it is plausible to assume a relation between the growing numbers of latchkey children and the increasing incidence of juvenile delinquency and childhood depression. Even if no long-term psychological harm can be documented, the specter of more than 2 million young children wandering around the streets of our nation with no one to care for them, or locked inside their homes watching television and afraid to go out, should be enough to tell us that this is, indeed, a pressing problem.

Unlike many of our nation's problems, the latchkey problem is a problem with affordable solutions. No massive investment of public funds is needed, nor large-scale construction of new facilities. Rather, what is needed is to make the most of some ideas and facilities we already have. As my colleagues James Levine and Michelle Seligson Seltzer of the School-Age Child Care Project have pointed out so well, one logical place for before- and after-school care to take place is in the public schools.[8] Based on a partnership model, schools provide the space, but the parents pay the personnel. These school-based programs meet a number of parent and child needs at a relatively low cost. The programs also relieve the parental frustrations with babysitters who don't show up or who are otherwise unreliable. In some communities, after-school programs help deter school vandalism. Finally, school-based after-school programs can be a bargain for parents and other taxpayers. In a time of declining enrollments, after-school programs constitute a cost-effective use of empty classrooms and help make use of playground and gym facilities already purchased with tax dollars.

Largely due to the work of Levine and Seligson, after-school programs have already been adopted in over 100 public schools. But more support is needed to help make this model available to other communities, and to adapt it to meet the needs of children who are too old for a babysitter, but too young to be left alone. Public support is needed to help train the personnel to provide nurture and recreation for the school-age child.

The lack of school-age day care in this nation is a problem, but it is a problem that has reasonable solutions. The role of the federal government is merely to help facilitate the local partnerships that already are arising, on a hit-or-miss basis, in many communities. Every child deserves the adult protection that goes along with childhood; no child need be a latchkey child.

FOOTNOTES

[1] School-Age Child Care Project. School-age child care. In E. Zigler and E. W. Gordon (eds.), Day Care: Scientific and social policy issues. Boston: Auburn House, 1982.

[2] Whitbread, J. Who's taking care of the children? Family Circle, February 1982, 88.

[3] National Safety Council. Accident Facts. Chicago, 1981.

[4] U.S. News & World Report. September 14, 1981.

[5] Finkelhor, D. Sexually victimized children. New York: The Free Press, 1979.

[6] Korchin, S. quoted in Newsweek. February 16, 1981.

[7] Garbarino, J. Latchkey children. Vital Issues 30(3), 1980.

[8] Levine, J. Day care and the public schools: Profiles of five communities. Newton, MA: Education

Development Center, 1978. Baden, R. K. et al. School-age child care: An action manual. Boston: Auburn House, 1982.

Presentation at the First Meeting of the Caucus of the U.S. Senate, June 9, 1983

I am Thomas J. Long, Coordinator of the Counseling Program at The Catholic University of America, Washington, D.C. and coauthor of The Handbook for Latchkey Children and Their Parents (Arbor House, 1983).

I have been conducting research on latchkey children since 1979. My team and I have interviewed hundreds of current and former latchkey children and their parents during the past three years. Our evidence leads us to believe that self care is not a benign form of child care. Children who cared for themselves expressed more feelings of fear, loneliness and boredom to us than did children in continuous adult care. And more than half of the former latchkey children (now adults) said that they felt that their latchkey experience had various long lasting negative results including fears that continued into adulthood and a sense of social ineptitude that resulted from having fewer opportunities for social interaction as children. Most parents of elementary school age latchkey children tell their children they may not invite friends home while no adult is present and many parents forbid their children to go outside once they arrive home until either mon or dad has arrived from work.

Children in self care are in more physical danger from intruders, fires and other forms of natural disasters. They are asked to accept more responsibility for the functioning of the home, and, if an elder sibling, are often asked to accept responsibility for the welfare of younger brothers and/or sisters. We are further led to believe that the incidents of abuse and molestation of one sibling by another is at a magnitude that few families or professionals care to admit.

We know of children as young as 18 months who are routinely left home unattended or attended by a sibling only slightly older than they. We have interviewed children who are afraid to go home because they fear injury from an older sibling. We know of children in self care who are blind, or who are charged with the care of profoundly retarded siblings, or who are not even allowed access to their family's apartment and thus spend lonely hours in the vestibule of their apartment house while their parents are at work or are at school or are looking for work.

There is an explosion of children in self care at about grade three and from that point on the numbers of latchkey children mushroom. Even the most conservative estimators place the number of latchkey children, ages 5 to 13, at more than 5 million and there is a strong possibility that when the actual number of all children who routinely care for themselves during non-school hours while their parents work is known it will be in excess of 15 million.

Fortunately the latchkey phenomenon has come into the national limelight during the last few years. I congratulate you for not only the formation of the Children's Caucus cut also for making self care your first topic of interest. In the past, parents who left their children unattended were loathe to tell others of this arragnement. They rightly believed that the widespread dissemination of this information would further jeopardize their children. As a result the latchkey phenomenon has grown rapidly but quietly. Because parents did not talk about their child care arrangements they failed to develop or cause to be developed even the assistance that common cooperative action could have fostered: block mother programs, home check-in programs, telephone warm lines, better information networks. Now that the problem has been uncovered, it is second only to care by the child's parent as the most used method of child care, action is beginning to be taken.

I am happy to have been associated with Young Volunteers in ACTION as the consultant for the establishment of 16 pilot programs. The representatives from the Park Elementary School program, whom you heard today, attend one of the programs funded by ACTION. But many more programs of great diversity are needed. Each community needs to assess its needs and resources in order to determine what kind of services are needed, what existing community resources there are and what supplemental aid is needed to guarantee children, at least under age 13, a safe environment with continuous adult supervision or regular monitoring during all the hours school is not in session and parents are engaged in work and work related activities such as travel to and from their places of employment. No one universal solution will work. Many solutions are needed from which parents may choose depending on their family circumstances.

The care of our children has ceased to be only a woman's issue, even a family issue. It is a community issue and a national issue. The current state of the nation's economy is tied to women in the labor force, 65 percent of all mothers of school age children are in the labor force. And for working parents of these children adequate child care is among their most important concerns.

I hope that the latchkey problem is a temporary phenomenon, occurring at a time during which great changes in the labor force and marital arrangements have outdistanced social responses to the fall out of such changes. Perhaps the nation will return to more cottage industries, thus allowing more parents to work at home. Perhaps we will have the good sense to bring the school calendar and the work calendar into synchronization, thus allowing parents to work while their children are being educated. Such an idea is in keeping with the nation's need for better educated workers and would put us in step with other industrialized nations.

While we are waiting for large scale social changes, we could make better use of our schools by fostering extended day programs. We could teach our children how to better protect themselves through survival skills courses. We could make child care an operational part of day care centers for senior citizens, thus helping to sew the separations we have created between the generations back together. Solutions are limited only by our creativeness.

Presentation at Informal Hearing of the Children's Caucus of the United States Senate, June 9, 1983

My name is Michelle Seligson and I am the Director of the School-Age Child Care Project, located at the Wellesley College Center for Research on Women in Wellesley, Massachusetts. Our work has been supported by grants from the Carnegie Corporation, the Ford and Levi Strauss Foundations, and a 1980 research grant from the National Institute of Education.

We began our work in response to literally thousands of inquiries from parents and others seeking advice on how to organize and run school-age child care programs. We have continued to hear from and work with parents, organizations, schools, and policymakers from every state in the Union.

We have had three goals: First, to raise national awareness about the needs of young children for care before and after school and during school vacations and holidays when school is closed and parents must work. Second, to gather information about successful programs across the country and to translate that information into technical assistance and training. Third, to research and write about policy problems which affect the development of school-age child care and which can be addressed through policy changes at the federal, state, and local level.

Today I would like to present and discuss with you five main questions about school-age child care:

1. Is there a national consensus about the need for school-age child care?
2. Why is school-age child care important?
3. What are communities doing about it? What is the state of the art?
4. Do all children who need care have access to it?
5. Is there a role for the federal government?

1. IS THERE A NATIONAL CONSENSUS ABOUT SCHOOL-AGE CHILD CARE TODAY?

Until very recently there has been no national consensus about whether school-age children need child care at all. Two reasons are advanced for this belief: first, that children should learn how to be independent. The second reason is less explicit but it has been just as powerful in its effect on child care policy in general: families can and should take care of this problem themselves. It is not the role of government, schools or other institutions to be involved in what is seen as a family issue and particularly a woman's issue—if mothers want to work, then they or other family members are responsible for their children's care. Opposition of this type has stalled efforts nationally and locally to address the question of school-age child care.

I am here to report that, happily, this attitude is giving way to a change. This change shows up in the increasing interest from many sectors—public and private—in developing options for school-age children. Print and visual media often highlight the "latchkey" child story. It is hard to deny the evidence that many families are not always able to provide for child care; that relatives, friends, and neighbors may themselves be working outside the home; that in many communities there is no one home in the afternoons except for the children.

Parents are seeking help—in large numbers. They often turn to the logical place—the schools their children attend. Many adults remember their own experiences as children: the memory of how it felt to come home to an empty house may well be driving some of the inventive solutions developing in the public and private spheres.

2. WHY IS SCHOOL-AGE CHILD CARE IMPORTANT?

Children need other children and they need contact with adults who care about them. Our communities no longer function very well for some children and so we are learning to create new communities where children are safe and can learn social skills; where they can learn that play need not always involve someone being victimized; that they can make things with their hands, or write and produce their own scripts for a play; or that television is not the only answer when you're bored. Some children find that the after-school program is a place where they can find a quiet corner to do homework, talk over a problem with a staff person, or simply retreat from the world for a few moments.

3. WHAT ARE COMMUNITIES DOING ABOUT SCHOOL-AGE CHILD CARE?

Communities are acting. Most of this action is at the local level. Parents and community members come together, examine available resources, and develop action plans. Programs are organized in public and private schools, youth serving agencies—like the Y, already a pioneer in this field—institutions are examining their mandate and expanding that mandate to include school-aged child care programs. In a few instances, city and county governments have allocated funds for services. Day care centers and social service agencies are offering school-age child care. Probably the most interesting development is the expanded role of the public schools, typically as hosts or partners to a community agency which does the actual administration of the programs. This is a marvelous use of school space in communities with dwindling school populations: the program becomes, ideally, an integral part of the schools' service to the community.

Business leaders are also getting active: in Houston, Texas a group of corporate executives, school officials and policymakers have joined together under the leadership of the Texas Institute for Families to fund pilot after school programs in the Houston Public Schools; in Minneapolis, corporate sponsorship has underwritten a program which serves a number of children in that community. Increasingly, older children are benefitting from survival skills classes, and in a few cases, telephone hotlines are available for children at home alone who check in with a telephone counselor when they come home from school.

4. DO ALL CHILDREN WHO NEED CARE HAVE ACCESS TO IT?

A sobering fact which must be faced by all of these inventive planners is that there are many children whose families can't pay for services that are emerging. Most programs are put together with pieces of funding—parent tuitions, in-kind contributions of space and other resources, private donations. But the pieces of funding for poor families—government social services funding—have diminished and in some cases have disappeared entirely. There are children who may no longer attend their after school program because there is no money to help subsidize their enrollment.

5. DOES THE FEDERAL GOVERNMENT HAVE A ROLE?

There are three ways in which I see the federal government's role in the development and support of these services: First, a national clearinghouse of information, resources, and technical assistance goes a long way. Based on our experience, there is much to be learned about school-age child care and much to be taught, both at the programmatic and policy level.

Second, incentive grants offered to local community task forces would enable that community to design services for children which were age-appropriate and reflected the particular need and resources of that community. It is clear that new policy or change in policy is needed; for example, many school districts would like to participate in some way but hold back because of concerns about legal questions, such as the extent to which schools are enabled to enter into contractual arrangements with outside organizations. Ambiguous day care regulatory policy and restrictive land use covenants, prohibiting the use of family day care homes for more than a few children, are only a few examples of issues yet to be resolved.

Third, the federal government must address the fact that many children are denied access to programs because their families can't pay for them and, in many cases, government social services support has been withdrawn. It is clear that school-age programs have developed partly as a result of the new day care constituency: middle and upper income families. This great strength of school-age child care is potentially its weakness for there is a risk of it becoming a service for only those who can afford it.

CONCLUSION

We ask a lot our children today: We know that some young children are caring for each other after school and on those long days when school is closed for vacations and parents are working. Self-care, particularly for those children either too young or not ready to comprehend what is expected of them, is not a viable child care alternative. Even if a child can remember all the instructions that conscientious parent and teachers give them about their safety when they are alone for many hours, there remains in many children a sadness, loneliness, and in some, a life-long mistrust of others. There are alternatives to this state of affairs and we welcome the federal government's interest in perhaps forging what may be the ultimate public-private partnership for school-age children, their families, and their communities.

One final note: Senators Riegle and Pell have recently drafted a bill, tentatively titled "The School Facilities Child Care Act," which would make grants available to community groups to work collaboratively with public schools to increase the supply of school-age child care in many American communities. I urge you to follow the progress of this bill and to support its acceptance by Congress.

STATEMENT BEFORE THE U.S. SENATE CAUCUS ON CHILDREN: LATCHKEY CHILDREN AND AFTER-SCHOOL CARE

(By Evelyn K. Moore)

Good Morning. I am Evelyn Moore, Executive Director of the National Black Child Development Institute. I am pleased to have the opportunity to express my grave concern about the latchkey phenomenon and to make recommendations as to how the federal government might begin to address this issue.

The National Black Child Development Institute is a national membership organization dedicated to promoting the healthy development of Black children. We have 32 affiliates nationwide. The Black families we represent are, in general, urban, low-income working people trying to provide a good life for their children. Contrary to popular belief, most Black families are working families. In the communities we serve, where families have worked hard to make ends meet and have not had adequate money for child care, the need for school-age child care has always been great. Due to a variety of factors, however, the need has now become acute.

For American families, and for Black families in particular, after-school care is a must. Nationally, the sheer magnitude of the problem and its potential for growth are startling. Separation and the doubling of the divorce rate since 1963 have left many children at home alone in the afternoon while the single parent with whom they live works. It is expected that over 50 percent of American children will live in one-parent households for a significant portion of their lives. In fact, almost 20 percent of our nation's children already are living in one-parent families, and more than one half of mothers from two-parent families work. Figures from 1979 indicate that almost 30 percent of the nation's children care for themselves after school.

The work force participation of Black families illustrates how great their need for school-age child care is. Nearly 48 percent of Black families are headed by single mothers, whose earnings, we can surmise, are substantially lower than those of their white counterparts. Seventy three percent of Black two-parent families with children under the age of 18 work. Over 30 percent of Black families live below the poverty level, and 70 pecent of those families are headed by women. The low-income status of these families and of many other American families dictates that after-school care be affordable, but it must also be of quality.

It took a tragedy in the city of Atlanta to get an infusion of federal dollars which would be used for the establishment of after-school care programs. The people of Atlanta were pushing for care even prior to the killing of 28 young people because they realized what risks unsupervised children face.

Indeed, we know unattended children are at risk. Such risks include: Household accidents, exposure to drugs and alcohol, poor nutrition, fear and loneliness.

Their vulnerability, their great need for care and their numbers demand our action and support. Lest we believe that this problem will take care of itself, demographic projections indicate that there will be a 10 percent increase by 1990 in the number of children between the ages of 6 and 13, bringing the total from approximately 28 million to 30.6 million in 1990.

Some communities have responded to the needs of these children and their families quite sensitively. We know of successful after-school programs in the Boston area, Atlanta, Oakland and Austin, Texas. However, most of the after-school programs or school-age child care programs now operating have been organized by middle- and upper-income families. These families clearly can afford expensive services and assistance which will protect the health and safety of their children, but lower income families are left to "make it" however they can. For lower-income families who are just able to make ends meet, whether headed by one parent or two, after-school care for their children is beyond their means. Just like middle and upper income parents, they need programs and services to meet the needs of their children in the afternoon hours.

Due to recent discussions of huge federal deficits, high unemployment and general economic hardship, you probably have concerns about the creation of new programs—their cost, implementation and performance. I would like to take a moment to address these issues.

First, there are several approaches which can be taken to address the needs of school-age children for reasonably priced care:

Utilize existing funding sources for school-age child are by increasing the authorized funding level of the Title XX Social Services Block Grant and the Community Development Block Grant.

Create a new federal categorical grant program, such as that drafted by Senators Riegle and Pell, which would allocate funds to community-based, non-profit agencies for the provision of after-school child care services.

The National Black Child Development Institute has been working closely with staff from these Senators' offices on identifying the issues associated with the creation of an after-school care program. The legislation as drafted proposes the use of the public schools to provide after-school child care for school-aged children. Non-profit, community-based organizations would be entitled to grants which could be used for start-up costs and the expansion of existing services. Priority would be placed on addressing the unmet needs of low-income children through the adoption of a fee schedule. Another critical feature of this proposed program is a needs assessment and data collection component.

Second, the Congress must insure that funds available for existing school-age child care programs are not diverted from such programs, or depleted, in the future.

Third, federal legislation addressing the after-school child care problem must emphasize the need for mobilization and maximum use of existing community resources and networks:

Use available schools which offer the advantages of being acceptable to parents, familiar to children, and approved for health and safety standards.

Encourage partnerships between non-profit community-based groups, to insure that agencies which have access to existing resources will have the responsibility of caring for children. Appropriate groups would include Boys' and Girls' Clubs, YMCA's and YWCA's and the federal government.

Consider the use of churches, recreational centers and municipal buildings as an alternative to the school setting.

Fourth, the Congress might seek to facilitate partnerships between private industry or businesses interested in providing direct or in-kind funding for program development:

Provide job readiness workshops for teens as an after-school program

Support "adopt-a-school" initiatives for the provision of child care for school-age children.

Fifth, legislation creating any after-school care program must address the issue of quality of care. The Child Development Associate credential provides a framework by which we can evaluate the competencies of potential caretakers and based on skills rather than academic degrees.

Sixth, federal legislation addressing the latchkey children problem must encourage an economic mix of children through the use of a sliding fee schedule.

Seventh, partnerships should be established between the federal, state and local governments to ensure the success of programs and encourage clear authority for their operation.

This problem presents a golden opportunity for the creation of a new, broadly-based program. Clearly, there is a great need for after-school care. The resources needed to operate such a program are already in communities across the nation, waiting to be used, and support from all sectors of society for these efforts is inevitable. I am very pleased to have had the opportunity to be here today and to participate in the examination of a widespread and salient problem. I commend you for initiating this forum and look forward to working with you to find a solution to the problem of latchkey children.

FORMATION OF SENATE CHILDREN'S CAUCUS

Mr. CRANSTON. Mr. President, I am proud to join with 13 of my colleagues in reporting on the formation of the Senate Children's Caucus. This bipartisan caucus cochaired by the distinguished Senator from Connecticut (Mr. DODD) and the distinguished Senator from Pennsylvania (Mr. SPECTER) consists of the following Members of the Senate: The Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from North Dakota (Mr. ANDREWS), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Florida (Mrs. HAWKINS), the Senator from Vermont (Mr. STAFFORD), and myself.

I applaud the Senators from Connecticut and from Pennsylvania for their leadership in forming this caucus and for their deep commitment to the well-being of the children of this Nation. The establishment of this bipartisan organization aimed at providing a focus for children's issues in the U.S. Senate is an important and significant event.

THE CHILD AND HUMAN DEVELOPMENT SUBCOMMITTEE

Mr. President, it is particularly meaningful for me to serve as one of the founding members of the newly established children's caucus. I had the privilege to serve as the last chairman of the only standing body in the Senate focused primarily upon children's issues. As my colleagues may recall, during the 95th and 96th Congresses, I served as the chairman of the Child and Human Development Subcommittee of the Labor and Human Resources Committee. At the beginning of the 97th Congress that subcommittee was abolished and its jurisdiction combined with other subcommittees on the Labor and Human Resources Committee. Although numerous other subcommittees and full committees of the Senate had and have jurisdiction over various aspects of programs affecting the lives of children, the Child and Human Development Subcommittee, and its predecessor, the Children and Youth Subcommittee, was the only Senate entity which had the mission of focusing upon a broad range of issues affecting children. In addition to legislative jurisdiction over programs like child care, child abuse, and adoption, the subcommittee had a mandate to examine crosscutting issues affecting children. Thus, we were able to undertake hearings on a broad range of subjects, ranging from matters such as the deaths of foster children in Guyana, abuse of children in institutional settings, and the steps that the Federal Government should take to help reduce infant mortality and morbidity.

Mr. President, during the 4 years that I served as chairman of the Child and Human Development Subcommittee, I had the honor of serving as a chief Senate sponsor of many of the important measures affecting the lives of children that were enacted between 1977 and 1980. I authored the 1978 Headstart Extension, incorporated into Public Law 95-568, the 1978 extension and the 1979 revision of the Sudden Infant Death Syndrome Act, Public Laws 95-613 and 96-142. I authored the 1978 Child Abuse Prevention and Treatment and Adoption Reform Act, Public Law 95-266. Along with the distinguished Senator from New York (Mr. MOYNIHAN) and the distinguished Senator from Louisiana (Mr. LONG), I was a primary Senate author of the landmark 1980 Adoption Assistance and Child Welfare Act, Public Law 96-272. I also worked closedly with the distinguished Senator from Wyoming (Mr. WALLOP) in holding hearings on and gaining Senate and House approval of the 1980 Parental Kidnaping Prevention Act, Public Law 96-611.

Through the various investigative and oversight hearings held by the Child and Human Development Subcommittee, we were able to accomplish many other things. Our findings from hearings on abuse of children in institutional settings helped provide some of the stimulus for passage of the Civil Rights of Institutionalized Persons Act, Public Law 96-247. Testimony at our child care hearings on on-site child-care programs helped block a move by the Office of Management and Budget to curtail the development of on-site child-care programs in Federal buildings. Similarly, an attempt to divert child abuse research funds from the National Center on Child Abuse and Neglect was halted by legislation. The extensive hearings we held in 1977, 1978, and 1979, on the need for child-care services for working families led to the development of a comprehensive child-care bill, S. 4, which I first introduced in 1979 and reintroduced on January 26 of this year. This measure has been endorsed and supported by organizations across the Nation.

Mr. President, althought the Child and Human Development Subcommittee no longer exists, I have continued my advocacy on behalf of the young people of this Nation. As I indicated, I have reintroduced a revised and updated version of S. 4, a major comprehen-

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sive child-care proposal. I have also introduced legislation to provide prenatal care for low-income mothers who have been arbitrarily denied medicaid assistance necessary to give their infants the chance to be born healthy and strong. I deeply appreciate the support I have received for this initiative from many Members of the Senate when I offered an amendment—which was adopted by the Senate—to add funds for this purpose in the 1984 budget resolution. I also have introduced legislation, S. 6, to provide for major improvements in the medicaid programs for low-income children. I have also joined as an original cosponsor of S. 572, the measure introduced by the Senator from Connecticut (Mr. Dodd) to restore essential funding to a variety of programs affecting children.

I am pleased that my membership on the Senate Children's Caucus will provide me another opportunity to continue these efforts which have extended throughout my years of service in the Senate—efforts which have focused upon improving the opportunities for children of this Nation to grow and to reach their potential.

IMPORTANCE OF CHILDREN'S CAUCUS

Mr. President, the formation of this caucus comes at a point in time when the need for national leaders to be informed and concerned about the plight of many of America's young is particularly acute. In the past 2½ years, the number of children living in poverty has grown to shocking levels. Today, 20 percent of the children of this country live in poverty; the poverty rate for children is higher than that of any other age group in the American population. Since 1980, more then 2.5 million children have fallen into poverty. One in five children today lives in poverty—a rate that this country has not seen since 1965 when the war on poverty began. Children have suffered enormously under the devastating unemployment and depression that has ravaged our country. Information gathered in fragmented pieces from around the Nation documents the plight of children. From all over the country there are reports of dramatic increases in the number of children abandoned by their parents. For example, in San Francisco the rate of abandonment in September of 1982 was an unprecedented four times the norm for that city. In Philadelphia, child welfare workers reported a 50-percent increase in 1982 in abandoned babies over the prior year. Child abuse of the most serious kind is reported to be on the rise in almost every State. Many emergency food programs are reporting children and families in soup lines in significant numbers for the first time since the Great Depression. One San Francisco soup line reported serving four women and children in April of 1980 and 112 women and children in April of 1982.

As yet, Mr. President, much of the information we have on how the economic tragedy our country is suffering through under the Reagan administration has been gathered in individual communities and States. One of the tasks which I hope the new caucus can take on will be the gathering and collating of information on a national basis so that Members of the Senate can gain a better perspective on what is happening throughout America to children and their families. Although the new caucus will not have any legislative authority, it will have the ability to look at the issues, disseminate information, and serve as a clearinghouse for those within the Senate who are concerned about issues affecting children.

POLICY FORUM ON LATCHKEY CHILDREN

Mr. President, as my colleage from Connecticut has indicated, one of the ways the Senate Caucus on Children will perform those functions will be through policy forums on many of the issues relating to the welfare of children. On June 9, we held the first of these policy forums, focusing on the growing phenomenon of latchkey children—elementary-school-aged children who have no adult supervision between the hours schools close and when their parents return home from work. Witnesses included children and staff from two programs operating in the Washington, D.C., area which provide programs for these children and a number of experts in the area of child-care services for school-age children.

Mr. President, when I conducted child-care hearings in the 95th and 96th Congresses, the problems relating to the need for services for school-age children were a major focus of those hearings. At that time, the only available data from the Census Bureau indicated that at least 2 million school-age children were without any adult supervision after school. The testimony at last week's policy forum indicates that the number of these children is estimated to be much higher today, falling closer to between 6 and 7 million and may be even higher. The problems faced by these children were described by both the experts and the children themselves who spoke of the fears of being alone in empty houses and their loneliness.

I believe that forums like the one held on June 9 and other efforts to focus upon the problems faced by working parents in finding and paying for child-care services for both preschool and school-aged children will lead in the not-too-distant future to the enactment of comprehensive child-care legislation along the line I have proposed in S. 4. That legislation responds directly and forthrightly to this tremendous need. In the meantime, I intend to support and work for initiatives such as the measure being introduced by the distinguished Senator from Michigan (Mr. Riegle) and the distinguished Senator from Rhode Island (Mr. Pell). That bill deals with specific aspects of child-care—in this case school-aged child-care programs. I hope that a majority of the Senate will support these efforts and other efforts to alleviate this very serious problem.

CONCLUSION

Mr. President, as I said at the outset, I am honored to be a founder of the Senate Caucus on Children. I believe that the task before us is of vital importance to the future of this Nation. Children have little voice in the formation of public policy; they are a constituency without a vote, without powerful lobbies. We must undertake their cause and seek to meet their needs. There can be no sounder investment of our time, energy, or Federal resources than efforts to protect and promote the welfare of children.

LATCHKEY CHILDREN

Mr. CHAFEE. Mr. President, this is a first in a series of statements to be offered by members of the Senate Children's Caucus outlining problems confronting today's children.

On June 9, the Children's Caucus held its first policy forum. The topic was latchkey children—those children who remain at home unattended for at least part of every school day.

Figures compiled by the Census Bureau, the Congressional Budget Office, and studies by the Children's Defense Fund and other agencies enable us to estimate that about 2 million children can be defined as latchkey children.

How do these children cope with the fact that their after-school hours are spent with little or no supervision? Some families provide their latchkey children with survival kits which include extra keys, emergency money for phone calls, buses, taxis, or snacks. However, these survival kits do little to counteract the possible long-term effects of this form of neglect; feelings of rejection and alienation, delinquency and vandalism, poor academic and social development, accidents and sexual victimization.

Clearly the number of latchkey children is not going to decrease. Separation and divorce have doubled since 1963. It is expected that 50 percent of American children will live the majority of their young lives in single-parent households. Almost 30 percent of the Nation's children care for themselves after school. Who is minding the children? has become a crucial issue for our society.

Presently, the demand for affordable child care exceeds the supply. By 1990, it is expected that this disparity will significantly increase unless there

is a considerable expansion of child care facilities.

Parents and professionals in the field of day care have made several recommendations to meet the current and future needs of parent and child. These include:

First. A national credentialing system to help parents find home day care and to raise the quality of that which is already available.

Second. Home day care workers bolstered by in-service training through community or local school systems.

Third. Alternatives to structured child care provided by local communities. For example, supervised playground activities, block parent projects where a child may report after school, care cooperatives and exchanges.

Fourth. A means to monitor the quality of day care and to report abuses. Suggestions include a hotline or check system to report situations where health and safety standards are below par or ignored.

Fifth. Community-based evening counseling for working parents to discuss particular needs of children in care, as well as prevention of delinquency and alcohol and drug abuse.

Congress is also looking at Federal legislation to address the needs of today's families with regard to child care. In this way, we too, can contribute to solving the problem of latchkey children.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Virginia, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2 p.m. today.

The Senate, at 12 noon recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Lugar).

The PRESIDING OFFICER. The Chair in his capacity as a Senator from Indiana suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I consulted with the minority leader, previously I had consulted with the chairman of the Appropriations Committee, subcommittee chairman dealing with HUD, and I see the distinguished ranking member of the Appropriations Committee is here on the floor, and what I would propose, Mr. President, that we do next is to go to the consideration of the HUD authorization bill in preparation for the consideration and passage of the HUD appropriations bill which is here and available.

I hope we can resolve the issues involved in the HUD authorization bill. I am not certain we can. May I say that after we have made the effort, and if we resolve them and pass the authorization bill, we will next go to the appropriations bill. But if we cannot resolve the issues on the HUD authorization bill before this day is out, I would plan to ask the Senate to go instead to the HUD appropriations bill.

Mr. President, sometime today, perhaps around between 4:30 and 5 p.m. or thereabouts, I would like to gain consent for the Senate to go into executive session for the purpose of considering six treaties that are on the Executive Calendar, which have been cleared for action at this time.

I make this statement so that the minority leader and other Senators can consider that request.

Mr. BYRD. Mr. President, there is no way we can stop the majority leader from going to the treaties. I would have some problems with a vote on them today.

Mr. BAKER. Mr. President, let me say that as far as I know these treaties are not time-critical. Maybe we can work out a time certain for the vote today or tomorrow.

I will withdraw that statement and I will consult further with the minority leader.

Mr. BYRD. I thank the Senator.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1983

Mr. BAKER. With that understanding, Mr. President, I am prepared to ask unanimous consent that the Senate now proceed to the consideration of S. 1338, Calendar Order No. 216, which is the HUD authorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object, let me just advise the majority leader and other Senators, having previously indicated I would object to unanimous consent to proceed to the consideration of this bill, that upon reflection and consultation with the majority leader and the manager of the bill it is not my intention to do so.

I personally think it would be a great mistake to conclude the work on this bill in haste. I think it would be obvious after we have talked about this bill for a few hours there is much work to be done, and I personally regard it as unlikely we will achieve that objective today.

But in consideration of what the majority leader has said, I will not, as I had previously expected, object to proceeding to the consideration of it.

Mr. BAKER. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, there is no objection on this side. Mr. Baker has outlined this to me a number of times, and I outlined it to my caucus. We are ready to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1338) to authorize appropriations and extend authorities for housing development and rehabilitation, community development, and mortgage insurance, and for other purposes.

The Senate proceeded to consider the bill.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the distinguished chairman of the committee, Senator Garn, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I thank the distinguished Senator from Texas. I rise for two purposes: One, to make a statement concerning the housing bill and, second, to compliment the senior Senator from Texas.

When I first came to the Senate in 1974 Senator Tower was the ranking minority member of the Banking Committee. So he has vast, vast seniority and experience on that committee. Much of what I learned before becoming chairman of the committee I learned from his great experience not only there but in the defense area as well.

This housing bill has been a difficult process, as the present occupant of the chair (Mr. Lugar) recognizes, having also been chairman of the Housing Subcommittee.

It is a controversial bill, has been for a number of years, and with the difficulties and the great differences of opinion, I would simply like to compliment Senator Tower for taking over as chairman of that subcommittee this year and for doing an excellent job in blending together a lot of diverse interests and producing a housing authorization bill, to be able to bring it

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for floor consideration today, despite the fact that it is very controversial and we may not be able to complete it.

Nevertheless, I believe his work ought to be recognized because of the great time and expertise he has put into it in bringing it to this point, and I thank the Senator from Texas for yielding.

Mr. TOWER. Mr. President, I want to thank my distinguished colleague from Utah for his very fine remarks. I think his leadership of the committee in the 2½ years he has been chairman have been remarkable for the accomplishments of that committee, and I would like to return the compliment and commend him for all he has done. My efforts have been somewhat puny by comparison.

Mr. GARN. Mr. President, we have before us S. 1338, the Housing and Community Development Act of 1983. This is the major housing and urban development legislation that the Senate will consider this year. Each of the chairmen of the three subcommittees involved in this legislation will ably describe the specific provisions of the bill. I would not repeat that outline here.

I want to point out to my colleagues, though, the importance I personally feel in bringing this legislation before the Senate. Senate action on this bill is necessary to preserve the integrity of the authorization and appropriation process. I am in the sometimes enviable but often uncomfortable position of chairing the authorizing committee and also chairing the appropriations subcommittee responsible for housing and community development programs. With that dual role I strongly believe that authorization bills are the proper place for establishing the existence, structure, and potential cost of government programs; appropriation bills are the proper place for actually funding those programs.

This dual process insures that an authorization committee can specialize in a substantive area and carefully explore the numerous alternative program concepts and the implications of detailed policy changes. At the same time the Appropriations Committee can consider all the requests and claims for funding the whole array of Federal programs and recommend the actual commitment of taxpayer dollars to authorized programs. This dual process is, I think, crucial to maintaining an orderly process of legislating and overseeing Federal programs.

I am not talking about a dual process that is useful only in theory. S. 1338 now before us is a perfect illustration of the practical importance of maintaining the authorization process. The changes in current programs contained in this bill will accomplish significant reforms in Federal housing and urban development policy. These reforms can not be accomplished if we do not pass an authorization bill. Briefly these reforms are:

First. The community development block grant and urban development action grant programs are extended for 3 years. The congressional purpose of benefiting low- and moderate-income families is reemphasized in the CDBG program to avoid any confusion created by recent regulatory changes.

Second. A rental rehabilitation and development program is established to replace the extremely expensive and long-term subsidy commitments required with the current section 8 new construction program. One year grants of only $5,000 per housing unit are substituted for 15- to 30-year commitments of up to $6,000 per year; and

Third. Rural housing programs run by the Farmer's Home Administration are more carefully targeted for lower income families, use of manufactured housing and other forms of lower cost housing are encouraged, and the multibillion-dollar cost of these programs is brought onto the unified budget.

Finally, Mr. President, I want to commend the excellent work of Mr. Tower, chairing the Housing and Urban Affairs Subcommittee, Mr. Mattingly, chairing the Rural Housing and Development Subcommittee, and Mr. Hecht, chairing the Insurance Subcommittee. Each of them has prepared responsible, bipartisan proposals to present to the Senate. I ask all my colleagues to join me in quickly considering and passing S. 1338.

Mr. TOWER. Mr. President, I am pleased to present to the Senate for its consideration and passage S. 1338, the fiscal year 1984 housing and urban development authorization bill. This bill and the substitute which will be offered by Senator Garn and myself represent the culmination of much bipartisan effort to develop and pass an acceptable, constructive housing authorization within the budgetary constraints which continue to direct all our efforts.

Last year, no authorization bill was enacted. Important programmatic changes and reforms were not accomplished as a result. S. 1338 is a new attempt to reshape and redirect federally assisted housing programs, reauthorize the highly successful and critically important community development block grant program, and to relaunch FHA on its original mission of innovation in the field of housing finance.

Mr. President, I am especially concerned that the Senate pass the bill while we have this opportunity. Tomorrow—actually today now—the fiscal year 1984 HUD appropriations bill is scheduled. I submit that once that bill passes, it would be much more difficult for us to return to an authorization bill, especially if our agenda is crowded.

To my colleagues and I on the Senate Banking Committee as well as to States, localities, and the recipients of housing assistance, it is essential that we pass this bill because the absence of legislative enactment is a relinquishment by Congress of its right and duty to set policy regarding housing for poor Americans and the physical environment of our cities. And it is an abandonment of the important work this committee has undertaken, going back to the Reconciliation Act of 1981, to redirect an unguided array of housing assistance for many different income groups toward very poor people who are ill-housed and most in need. Let me take a moment to describe some of the reforms in this bill. First, the bill represents a shift in the assistance delivery system. Recognizing that in most parts of the country, adequate housing exists to shelter most people who need it, we now intend to deal with the more fundamental problem, that to certain groups within our society, quality housing is simply not affordable. Thus, we are proposing much greater emphasis on the so-called section 8 existing program to provide direct assistance to families who will find their own housing in the marketplace.

Second, embedded in this bill is an effort to dramatically reduce the impact on the Federal deficit of housing programs. When the committee began this effort in 1981, annual new housing assistance was adding more than $30 billion a year to the deficit. In fact, housing programs cumulatively, have now accounted for more than a quarter of the entire national debt. S. 1338 as reported, contemplates only $8.4 billion of assistance. In addition, it makes significant reductions in the length of the underlying assistance contracts.

Mr. President, I want to underscore this important policy action for my colleagues. We, like every other committee member in this body, have been faced by the need to live within budget constraints required to help reduce the deficit and to help restore a healthy economy. In relative terms, this committee has proposed more reductions in the amount of funding for housing programs than any other authorizing committee in the Senate has achieved within its jurisdiction. And with the one exception of the 202 program for the elderly and handicapped, we have proposed reductions in the "mortgage life" of most housing programs to a more manageable 5 years from existing contractual periods of anywhere from 15 to 40 years. In the case of the rental rehabilitation and development program in title I of S. 1338, grants for assistance are for 1-year periods. I do not mean to downgrade the importance of helping people who have no economic alternatives in life. What I do argue is that we simply can no longer ignore the dramatic effect our current way of doing business has on future generations of taxpayers who are not here now to influence the vital choices.

Now, Mr. President, this bill has the least cost of any HUD legislation currently before Congress, including the HUD fiscal year 1984 appropriations bill which is likely to come before us Wednesday. It is also the bill closest to the President's budget requests. With the exception of the rural housing title, our bill exceeds the President's activity requests for HUD by only $600 in budget authority for fiscal year 1984.

Finally, Mr. President, I believe S. 1338 is a compassionate bill which maintains a humane perspective despite the harsh realities of budget reductions. In this bill, we have reached a policy decision that there are still Americans among us who live without safe, decent shelter and whose economic resources are so bleak as to make such shelter unobtainable. It is this limited group of citizens whom we believe look to their Government as a last resort. I submit, Mr. President, that we are now targeting housing resources toward this group and that a majority of our colleagues believe that is the correct and humane thing to do.

Mr. President, I trust that Senators have had time to peruse the committee's report and therefore want to reserve time to discuss the details of a substitute that Senator Garn and I intend to offer which makes seven specific changes to S. 1338 necessary, in our opinion, to help move the legislation toward consideration and passage in this body.

Mr. President, before yielding the floor, I wish to thank the distinguished ranking minority member of the subcommittee, Senator Riegle, for his very splendid cooperation and dedication to the task in formulating and presenting this bill.

Mr. RIEGLE. Mr. President, first let me thank the Senator from Texas for his generous comments and to say that I think we have been able to work very well together personally and as a subcommittee on these matters.

NEED FOR ACTION ON HOUSING BILL

I echo the comments of the chairman of the full committee. The Senator from Texas, as chairman of the subcommittee, has moved ahead on these items. I commend him for bringing this important legislation to the Senate floor in a timely manner. It is my hope the Senate will act on it favorably without delay.

I might say that this legislation has been developed over many weeks on a bipartisan basis. I think the bill that we have here is a prudent one. It will let us continue to make progress in meeting the Nation's urgent housing needs.

It should be said at the outset that Congress has not enacted housing legislation for almost 2 years. Last year, the major housing bill did not even get here to the Senate floor. That failure threatens to erode congressional control over Federal housing and development policy, because the administrative bureaucracy, regardless of who is in the White House, is being left to alter national policy on its own through administrative actions in ways that are often inconsistent with the intent of Congress.

I think it is very important that a housing bill be enacted this year, and will work with my colleagues to achieve that objective.

CUTS IN HOUSING AND COMMUNITY DEVELOPMENT

Mr. President, housing and community development programs have taken more than their fair share of the budget cuts during the last 2 years. For assisted housing, the administration proposes cuts in real terms between fiscal 1980 and 1984 of 45 percent, and cuts of another 80 percent between fiscal 1984 and 1988. Under the administration's budget, elderly housing would be cut by 42 percent in real terms between fiscal 1984 and 1988. Real reductions over that period would be 32 percent for rural housing, 28 percent for community development block grants, and 43 percent for UDAG.

I think it is important to put this on the record. Not only has this function already taken one of the highest levels of cuts over the last 2 years on the spending side, but the future projections of the President call for this area to be far more substantially reduced than virtually any other area of the budget.

Funding has been lowered to levels that are hampering State and local efforts to relieve the worst problems of ill housing, blight and economic distress.

Housing and development programs have, from their beginning, faced strong criticism—I suppose that is inevitable—because they must be designed for widely different local conditions, they must affect complex economic relationships and they must bring together the work of various levels of Government and they must deliver services over very long periods of time stretching into decades.

So criticism will be leveled at these programs. I think we need to take those criticisms seriously. Certainly I take them seriously, and I think the subcommittee and the committee does, as well. I have supported efforts to tighten these programs in ways that would make more effective use of limited resources. This bill would, in fact, provide further reform to which the Senator from Texas has made a passing reference.

However, Mr. President, the loudest critics often do not really oppose the specific designs of housing and development programs. They raise a different objection. That is, many of the opponents think that the Federal Government should not have any significant role in helping to solve the Nation's most pressing housing and community development problems. On that point, I and a clear majority of my colleagues on the Banking Committee strongly disagree.

PROVISIONS OF THE BILL

I just want to briefly note two or three of the major provisions in this bill.

First, in title VII, we have the "Unemployed Homeowners' Relief Act of 1983," which would help thousands of unemployed homeowners avoid the tragic loss of their homes through foreclosure. Mortgage defaults are expected to continue at tragically high levels in many parts of the country—certainly in my State of Michigan, but in all States. This bill would provide a humane, sensible response by authorizing guarantees of default assistance loans—and I stress private sector loans—when they are justified by a homeowner's credit record and reemployment prospects.

I might say that we have worked closely with the Senator from Pennsylvania, Senator Heinz, who has given important leadership to this issue. This is a critical problem facing our unemployed workers and their families and one that we need to respond to.

Now, the Senator from Texas (Mr. Tower) and the Senator from Utah (Mr. Garn) have made it known their intent to offer a substitute amendment to strike unemployed homeowners' relief from the committee bill. I think that is unfortunate. The committee approved this particular initiative on a strong bipartisan vote of 11 to 7—despite the administration's opposition.

It is obvious that this particular initiative is vital to tens of thousands of families across the country. Many people who have worked over a lifetime are about to lose their homes because they have lost their jobs. I think, to the extent that can be avoided, the Nation will benefit.

Without going into all of the details of this program, I wish to say that for a person to qualify they have to meet very tough criteria. They have to-have prospects for reemployment. They have to make a personal financial contribution themselves. These are loan guarantees. The risks are shared, in part, by private lending institutions.

I think we have designed a response which is limited, highly targeted and highly cost-effective in meeting any sound definition of the national inter-

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est in the kind of economic conditions we find today.

Second, the committee's rental rehabilitation and construction grant program is a response to the need of local communities that have a shortage of decent rental housing, particularly for elderly persons and for large families. States and localities would be able to tailor the form of assistance to meet local requirements.

Third, the bill continues a strong Federal commitment to community development. It reaffirms that the primary national purpose of the block grant program is to benefit low- and moderate-income people. And it would strengthen the lump-sum drawdown and section 108 loan guarantees so that local communities would have the operating flexibility they need to more efficiently carry out their development programs and achieve the program's national objectives.

I would only highlight one other item at this point before yielding the floor.

That is that the bill strongly reaffirms congressional support of the urban development action grant program, (UDAG) and the system of national competition that has enabled UDAG to provide the greatest public benefit at the lowest cost. I am still hearing reports that HUD is carrying out plans to devolve UDAG underwriting responsibilities to regional administrators, the lowest level of political appointees. The committee's bill, on the other hand, would unequivocally reject such a weakening of the UDAG program. It should be enacted so that the HUD area and regional offices will be unable to interfere with a local community's right to have its UDAG proposal fairly considered in a national competition that lets every city with an application have an opportunity to be matched against the application of every other city so it truly is a national competition at the highest level. It is the committee's intention not only that experts here, offer evaluating all these proposals, shall have a chance to make those judgments, but that communities shall have a chance to win that competition based on national competition. I think that is much to be desired. We do not want to get into a situation where this turns into a pork barrel program or a program where the money is divided up by region or through some political process further down the line. I think we have managed to avoid that.

UDAG has been evaluated to the highest level. The UDAG program has been tremendously acclaimed by anyone who has looked at the job it has done to foster economic revitalization and create jobs. Most importantly, it has brought the private sector in as the driving force in local economic development.

Fifth, the bill provides a realistic level of housing assistance for participating families. It does not include administration schemes to reduce "fair market rent" standards, count food stamp subsidies as income and cap medical deductions at $300. Careful analysis indicated that those changes would force families receiving housing assistance into decaying neighborhoods and would effectively kill the housing voucher program in many communities.

I understand that an effort will be made here to dredge up those proposals once again. The committee, on a bipartisan basis, roundly rejected them. And the Senate should soundly defeat them as well.

Sixth, the bill responds to the critical housing needs of the elderly and handicapped with authorization for the construction of 14,000 new units of specially designed housing.

Seventh, the committee bill would help insure that public housing will be better managed and maintained for years to come. The Nation's 1.3 million public housing units represent a public investment of over $65 billion—an irreplaceable supply of housing for many of our lowest income citizens. Many of the units are aging, some are over 40 years old. Because of a continuing shortage of funds, many of those units have been allowed to deteriorate. This bill reaffirms the current effort to modernize those units, make them habitable and more efficiently maintained.

Eighth, the bill also authorizes levels for FHA insurance and GNMA guarantees of mortgage-backed securities that are needed to adequately support the housing recovery that appears finally to be underway.

Ninth, the bill reflects a bipartisan desire to improve the Nation's rural housing programs.

Mr. President, I suspect that no Senator can support this bill without reservation. It was developed with accommodation to widely differing viewpoints. So no one Senator's is reflected here. It was developed with a keen awareness of the need for tight budgetary constraint. As a result, many urgent and meritorious needs are given an insufficient response or not addressed at all.

It is a modest initiative. But it contains some important provisions. I urge my colleagues to pass it so that we can move to conference with the House soon.

(Mr. SYMMS assumed the chair.)

Mr. HEINZ. Mr. President, I rise today to express some relief that we take up the housing authorization bill, S. 1338, the Housing Redevelopment Act of 1983. Frankly, I am somewhat concerned and distressed that it was not scheduled before today because we are operating under the gun. The gun is that if we do not get this bill off the floor in a very short time, the bill will be pulled off the floor because of the interest in taking up the HUD appropriations bill, which is scheduled for consideration later today.

I do not happen to think, Mr. President, that that is a very salutary way of conducting the business of the Senate. Indeed, this legislation has been available to the leadership and my colleagues for some time, for nearly a month, May 23 being the date on which the report was printed and made available to Members.

I am nonetheless pleased that the Banking Committee and Senator Tower, the chairman of the Subcommittee on Housing and Urban Affairs, have brought forth the bill.

Mr. President, it is also true that there are some difficulties that have developed since the committee reported the bill by voice vote, some difficulties with the administration and some opponents of the bill on both sides of the aisle.

Let me say at the outset that, as a member of the Banking Committee as well as the subcommittee chaired by Senator Tower, I am firmly committed to seeing the full Senate pass authorizing legislation for Federal housing and community development programs. Last year, the committee reported S. 2607, a similar authorizing bill, which the leadership was not able to bring before the full Senate for a variety of reasons, including wide differences with the House bill. Fortunately for those Americans who depend on these Federal programs to provide them with decent shelter, Congress did pass legislation appropriating funds for fiscal 1983. But, again we are faced with a situation where we are about to lose the opportunity to authorize programs and are being forced to pass, instead, an appropriations bill.

The HUD-Independent Agencies appropriations bill has passed the House. It has been reported by the Senate Appropriations Committee. It does include funding for major programs that are no longer authorized, namely, the Community Development Block Grant program and the Urban Development Action Grant program, both of which this bill, S. 1338, would reauthorize.

I emphasize that if we do not pass this authorization, we will be yielding to the Appropriations Committee to write the authorizing programs.

My problem with that, Mr. President—and I do not mean to be at all critical of the Appropriations Committee when I says this—is that it seems to me that what we had in mind when we created separate authorizing and appropriations committees is that we wanted the authorizing committees to act before the appropriations committees did so.

Here we have had the opportunity to act and we have not done so. Frankly, Mr. President, it makes you wonder why we have authorizing committees if we are not going to pay attention to them.

We want the authorizing committees to use their expertise to develop reasonable, responsible legislation for the consideration of the entire Senate. That is our job on an authorizing committee. I would hope that in the future, Mr. President, we would do a better job as a Senate of meeting that responsibility. Otherwise, perhaps we should consider some far-reaching and significant reforms of the Senate, and face up to what seems to me to be some very real failures on our part.

Mr. President, let me just say a word about S. 1338.

It is a reasonable bill. It is certainly a lot more responsible than the authorizing bill before the House, H.R. 1. Our subcommittee held a number of hearings in February and March on the issues and legislation pertinent to the bill. We discussed the outlook for housing and mortgage finance, the administration's legislation, S. 644, housing programs of the Farmers Home Administration, and other legislative proposals. Secretary Pierce testified on several occasions giving us ample opportunity to assess the administration's proposals and to query the Secretary on issues important to Members of both parties.

I would like to point out, Mr. President, that I was able to take advantage of those opportunities to ask the Secretary about two proposals of particular concern to me; first, mortgage foreclosure assistance, and, second, neighborhood development.

I also asked him about administration proposals to change HUD's method of determining rent contributions of tenants in section 202 projects for the elderly and handicapped.

I list these items because, in spite of positions taken by the administration, the Senate Housing Subcommittee chose to incorporate, sitting as the full committee, my two proposals into its recommendations and to reject as well the administration's proposals, to in effect, raise the rent contributions of those elderly and handicapped tenants whose medical costs exceed 3 percent of gross income.

When we reported this bill by a voice vote on April 13, we did so favorably. Now, I would tell you that I do not necessarily agree with every provision of the bill, but I do firmly support it because it reflects the considered judgment and the diverse opinions of a group of Senators. It is a genuine bipartisan effort that deserves to be treated with seriousness of purpose.

I understand, Mr. President—and the chairman of the subcommittee has made it clear—that Senator Tower is going to offer a substitute to S. 1338. In effect, he is going to ask us to cast it aside. He is going to offer a leadership substitute that strikes some of those products of our bipartisan deliberations, most notably, of course, title VII, the mortgage default assistance section of the bill that I and Senator Riegle authored and were able to get the support of our colleagues to insert in the bill.

Now, I ask my colleagues, why is this provision being struck? I understand there may be one or two Members who have reservations about it, maybe a few more. But I think the way to handle that problem is let the Senate, if it wants to take it out of the bill, vote to take it out, not asume from the outset that the Senate wants it out. After all, it was the Banking Committee that put it in the bill.

I obviously do not like what we are about to do to S. 1338, and since I suspect that the substitute to be offered by Senator Tower will have a sufficient number of votes, it is my intention to offer an amendment to the substitute to reinstate the mortgage foreclosure assistance.

I would also note that we have had, in the hearings we have had since reporting the bill, no testimony that this Senator recollects—and I was present for those hearings on mortgage foreclosure assistance—critical of what we put into the bill. Nonetheless, in spite of the fact that we received no testimony that was damaging or critical, at least that this Senator is aware of, unless it was put into the record at the close or after the close of the official hearings, I am going to offer, together with Senator Riegle, an amendment that shortens the time of the program and tightens the provisions in it so it is even more tightly targeted and very carefully focused on the very most distressed areas of this country.

Mr. President, I want all of my colleagues to realize that these are not changes in the bill that anybody has said are absolutely necessary to make it a good proposal. It was good enough to be adopted by the Banking Committee. It was good enough that the witnesses who were called to testify, frankly had nothing critical to say about it.

Mr. President, I am aware that we have some problems with the House bill. I am aware the administration has some problems with this bill. I understand that after the Senator from Texas offers his substitute, there is apparently going to be another set of proposals that is going to be offered on behalf of the administration.

As I understand that set of proposals, it would include a proposition that we accept major cuts of 50 percent of the funds recommended for rural housing; that it would substantially decrease rent subsidies for families assisted under section 8, and if my information is correct, it would substantially raise the rent contributions of the poorest and most ill of elderly and handicapped Americans.

Now, Mr. President, if that proposal is offered, I have to tell you that I will oppose it. I really believe that such a proposal would not only be unreasonable but thoroughly irresponsible. I hope it is not offered because I think not only that will it be rejected, and I think summarily so by the Senate, but it will, because it is substantially flawed as a set of proposals, prove to be an embarrassment to the administration and the Republican Party. So I would hope, Mr. President, that it is not offered. If it is offered, I hope it will be roundly defeated.

I note that we have a letter supporting the position I have just outlined on S. 1338 signed by some 35 organizations, a bipartisan array of this Nation's housing and community development organizations. I think it bespeaks the frustrations of many in this country over the obstacle the Senate confronts in enacting a responsible bill.

I ask unanimous consent that the letter be included in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

June 20, 1983.

Dear Senator: The following organizations strongly urge you to oppose an amendment to S. 1338, the Housing and Community Development Act of 1983, expected to be offered by Senator Tower on behalf of the administration. We have written to you earlier in support of S. 1338 and have urged rapid consideration and passage of the bill prior to the July recess. We believe that the housing authorization bill, as reported by the Banking Committee, represents a modest commitment to decent housing, housing production and community development. The Tower/administration amendment would eliminate new construction from the new rental program proposed in the bill, would decimate the vital rural housing programs of the Farmers Home Administration and would make other changes in housing programs which would adversely affect tenants in assisted housing, particularly the elderly and handicapped. We believe that the adoption of this amendment would make the housing bill a hollow shell devoid of any claim to meeting this Nation's housing needs.

Sincerely,

Acorn, Ad Hoc Coalition on Housing for the Elderly, AFL–CIO.

American Association of Homes for the Aging, American Association of Retired Persons, American Friends Service Committee, American Planning Association, American for Democratic Action, Building and Construction Trades Department, AFL–CIO, Center for Community Change, Coalition on Block Grants and Human Needs, Cooperative League of the USA, Council for Rural Housing and Development, Council of Large Public Housing Authorities, Council of State Housing Agencies, Friends Committee on National Legislation, Interreligious Coali-

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tion for Housing, Jesuit Social Ministries,

Mortgage Bankers Association, National Apartment Association, National Association of Counties, National Association of Home Builders, National Association of Housing and Redevelopment Officials, National Conference of Catholic Charities, National Council of La Raza, National Housing Conference, National League of Cities, National Leased Housing Association, National Low Income Housing Coalition, National Neighborhood Coalition, National Puerto Rican Coalition, National Urban Coalition, National Urban League, Rural America, U.S. Conference of Mayors.

Mr. HEINZ. Mr. President, I hope the Congress will act wisely today and will enact an authorization bill. I hope my colleagues will join me in doing those things we need to do and reject those things that are irresponsible. I thank my friend, the Senator from Texas, for yielding for the purpose of this statement.

Mr. CRANSTON. Mr. President, it has been 2 years since Congress last passed a housing authorization bill. During that time we have witnessed the deepest slump in the housing industry since the Great Depression, record numbers of foreclosures on unemployed homeowners, and a general decline in our Nation's commitment to meeting our housing and community development needs. This legislation, S. 1338, the Housing and Community Development Act of 1983, represents a reemergence of that commitment in a manner that strikes an equitable conciliation between competing interests which last year were unable to resolve their differences.

S. 1338 rejects the administration's wishes to dilute the role of the Federal Government in promoting community development in our large and small cities. The bill provides for a 3-year authorization of $3.96 billion per year for community development block grants and $440 million per year for the urban development action grant program. In addition, this legislation reasserts the longstanding national objective that the primary benefactors of community development programs should principally be lower income persons. Unlike the administration's proposal on community development, this bill allows local governments to use lump sum drawdowns and section 108 loan guarantees which give communities more operating flexibility to carry out development programs.

Another important feature of S. 1338 is a new rental rehabilitation and construction grant program which is designed to reduce the cost of replenishing the stock of decent and affordable housing. Unlike the administration's proposal, the committee's plan allows the program to be tailored to the housing needs of particular communities by allowing for the production of new housing in markets experiencing a shortage of rental housing; $300 million would be allocated to States and localities by formula for use as grants, loans, and other means of assistance. Local governments under the proposal could combine short-term rental assistance with flexible financing tools to expand the supply of lower income rental housing in their area. Rental assistance payments will be directed to lower income tenants of the renovated units to help insure against displacement.

S. 1338 also provides an authorization for FHA insurance programs and GNMA guarantees of mortgage-backed securities at levels that will continue to support housing finance needs of low and moderate income homebuyers. One of the best ideas contained in the bill is the inclusion of the multifamily graduated payment mortgage insurance authority. This will give FHA the ability to insure more flexible mortgages now used conventionally and will create increased production of multifamily rental housing. In addition, this bill will keep pace with the growing demand for housing that meets the special needs of elderly and handicapped individuals by providing 14,000 units of section 202 new construction.

Another important objective of this legislation is to conserve and restore our supply of low-income public housing by encouraging the modernization of aging public housing units and providing local housing agencies with adequate operating subsidies. S. 1338 authorizes $2 billion and $1.5 billion respectively for these programs and rejects the administration's proposal to substitute a fair market rent approach for the performance funding system. The committee agreed that such a system does not account adequately for the cost of operating public housing and could leave local authorities without sufficient funding.

Still, this bill is not a great bill for housing. It fails to address the pressing needs of the secondary mortgage market. A substitute to this bill will also include an Indian housing title that I deem unwise and one which many Indian tribes oppose.

In fact, there are so many negatives about this bill—little things—that I do not believe that any provision is, in and of itself, essential. However, what is essential is that the Senate agree to a reasonable housing bill and once again reaffirm the Federal Government's commitment to continue to attempt to meet the needs of lower and moderate income people who need such assistance. This bill is more symbolic in nature than it is a good bill and I urge all Senators to adopt it.

MORTGAGE DEFAULT ASSISTANCE

Mr. President, the Banking Committee approved title VII of S. 1338, the Unemployment Homeowners' Relief Act of 1983, as an urgent and effective response to the thousands of unemployed homeowners who are in danger of losing their homes through foreclosure during the current severe recession. Senators TOWER and GARN, through their substitute, would delete this title. In 1982, mortgage defaults soared to the highest levels on record with over 246,000 mortgages 90-days past due and 185,000 loans in foreclosure. During the first quarter of 1983, the delinquency rate rose from 5.7 percent to a record 5.84 percent of all home mortgages. I believe it is important that we avoid a national foreclosure emergency by assisting those temporarily unemployed owners with their mortgage payments until they can get back to work. As unemployment insurance expires at an increasing rate for those families, the need for this legislation becomes more critical.

Title VII: The mortgage default amendment that we will consider in the near future, $750 million in mortgage-default assistance without requiring direct Federal outlays by partially guaranteeing private loans. Tough eligibility standards would be applied to insure the credit worthiness of applicants. The act would also require that all customary remedies be exhausted first before assistance would begin. Assistance would last for up for to 24 months plus 3 months arrears and repayment would begin at the end of that period. While receiving assistance, homeowners must contribute as much as possible toward the mortgage costs, but not less than 5 percent. Those owners receiving loans must be involuntarily unemployed and be living in the home threatened with foreclosure. In addition, if after 120 days, the Secretary determines that the State has below-average unemployment and default rates, he may shut off the program.

Mr. President, this program is not a response to an insignificant slump in our economy, nor to a meager rise in unemployment. The damage done to our economy over the last 2 years has been unprecedented since the Great Depression and the unemployment rate continues to hover near record levels. These conditions are the handiwork of an administration whose economic program was implemented at the expense of millions of jobs and now many thousands of homeowners who are facing mortgage default or foreclosure. Until it appears more likely that a solid recovery is underway, we in Congress must be willing to bridge the financial gap until these hard-working families can once again find productive employment and meet their obligations.

Title VII was developed and supported on a bipartisan baisis by the Banking Committee as a means of addressing an urgent problem. I would strongly urge my colleagues to support the program as an integral part of S. 1338.

● Mrs. HAWKINS. Mr. President, I commend the chairman of the full Banking, Housing, and Urban Affairs Committee (Mr. GARN) and the chairman of the Subcommittee on Housing and Urban Affairs (Mr. TOWER) for bringing to the floor S. 1338, the Housing and Community Development Act of 1983. This is important legislation which will shape our national housing policy for the years to come.

One important initiative in this legislation is a continued effort to "greenline" depressed areas, similar in nature to the philosophy behind creating enterprise zones. This is done by reauthorizing the community development block grant and urban development action grant programs for 3 years. The community development block grant program has been helpful in Florida and other States in aiding local communities to provide decent housing, a suitable living environment, and expanding economic opportunity for persons of low and moderate income. Similarly, the urban development action grant program is targeted to distressed urban areas that pledge to revitalize their neighborhoods or stimulate commercial and industrial development. It is a leveraged program. Federal dollars are committed to neighborhood revitalization contingent on the demonstration that local governments and private firms will make similar commitments. It is a good strategy and deserves to be retained.

Since not all areas can be "greenlined" simultaneously, it is important that provisions be made to retain the existing level of quality housing available to those of moderate means. Therefore, the bill provides a basic authorization for rental rehabilitation and new construction grants to States and local governments. It also authorizes modified section 8 certificates to assist low-income families with rent payments. These new programs are essential to provide much needed rental housing for low-income families.

The bill continues, after making modifications, a number of the subsidized housing programs administered by the Department of Housing and Urban Development. I am pleased that the bill, under an amendment I offered during committee consideration, will continue the section 235 low-income housing program through September 30, 1984, in order to assure that units in the pipeline can be insured.

When the provisions discussed so far benefit mostly urban areas, it is wrong to say that rural needs have been overlooked since the rural housing programs administered by the Farmers Home Administration are also reauthorized. The bill also promotes use of less costly housing implementing more flexibility by promoting the use of cost-effective building codes and encouraging the construction of manufactured housing in rural areas. The Farmers Home housing program has been an important one in assisting rural areas in Florida and other States to maintain an adequate housing stock. The changes adopted in committee will help insure that assistance reaches as many people as possible.

Importantly, the needs of first-time homebuyers are also advanced since the bill extends through September 30, 1985, the authority for the HUD-FHA mortgage or loan insurance programs. The authority for these programs expired on May 20, 1983, and was extended temporarily under emergency legislation. It is essential that this 2-year extension be granted to the program now that millions of additional Americans can qualify for homeownership since interest rates are declining.

Also, of considerable interest of the State of Florida is the reauthorization of the flood insurance program through September 1985. I am pleased the bill contains my amendment that authorizes a study on expanding the flood insurance program to cover damages which arises from sinkholes.

Perhaps the simplest way to put it is to state that it has been 3 years since Congress passed a comprehensive housing bill. This has left many of the housing programs in limbo. So, we owe it to the country to report this bill promptly.●

● Mr. SYMMS. Mr. President, I rise in opposition to both the substitute bill that was offered and the bill originally brought to the floor. While both pieces of legislation are attempts to control the out-of-control costs in public housing programs, both bills do not adequately address the problems the taxpayers have to face when presented with the bill for the seven new housing entitlement programs proposed in this legislation.

The history of Federal housing policy amply shows that most housing programs are ill-conceived. Time after time, a program is begun, then expanded and eventually becomes so large and the problems so manifest that Congress finally comes to its senses and scuttles the program—only to begin new programs. Yet, the bill for the previously discredited programs is left to future generations to pay.

In the mid-1970's, we enacted a program—the section 8 program—in an attempt to correct the errors in past housing programs. In 1976, spending began on section 8 housing subsides in an effort to spur private construction of new buildings and rehabilitation of existing structures for low-income tenants. The Government was not offering to pay for part of the construction, or low interest loans, or anything as modest as that. No, the Government began a whole new program and began signing contractural agreements to guarantee rent subsidies for as long as 30 years.

When the section 8 program started, expenditures were running only in the hundreds of millions per year—a sum easily lost in the massive Federal budget. However, that was only the tip of the iceberg because the unfunded liabilities in the program are over one-quarter of a trillion dollars and the figure continues to grow every time a new dwelling is covered by section 8 program. The enormous long-term liability of this program is due to a unique open-ended subsidy formula and contractual agreements with landlords that the Government cannot easily get out of, if at all. Under section 8, landlords are guaranteed a fair market value for their rental housing.

Of the $363 billion obligated, under current law, $263 billion remains to be spent. We now provide housing assistance to 5.6 million units and 13 million Americans. If Congress did not commit a single additional dollar another 300,000 units are already authorized to be provided by 1988.

It is obvious and has been obvious for some time that the section 8 program, which was intended for the poor has actually been a boondoggle for the landlords and real estate developers, and is out of control.

So, now what are we doing? We are following our historical pattern by eliminating the future growth in the section 8 program and replacing that program with seven new programs even though we really do not need the seven new programs particularly when you consider we still have not paid off the debts from the last program.

I am sure that several years down the road we will be facing the same problems we are experiencing now with the out-of-control costs of the seven new programs we are proposing to implement.

I simply do not understand that rationale for beginning new programs when experience has taught us that public housing legislation leads to uncontrollable costs, waste, abuse, and failure. We cannot afford the programs we have, let alone begin new programs. How much do you believe the taxpayers will continue to bear? This legislation mortgages their future, and their future ability to produce, save, and invest. This legislation would not help the poor. This legislation will make us poor by bankrupting the country.

Additional spending and new programs contained in this bill are apt successors to the long line of flawed Federal housing programs and I believe we should kill this bill now.●

Mr. RIEGLE. Mr. President, I had planned to offer an amendment to this

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bill but I think that may not be needed if I could come to an agreement with the subcommittee chairman and ranking minority member. I notice on page 8 of the committee report, on the table under section 8, that the committee proposes to use section 8 assistance for 5,000 "loan management" units. These units are used to provide rental assistance to tenants of federally insured rental housing projects that are having financial difficulty but that are not yet in default. I also notice that the committee proposes to use 10,000 units of section 8 for "property disposition." This would provide similar assistance to projects on which HUD has already foreclosed.

Section 8 assistance increases the occupancy and makes projects economically feasible.

This leaves one obvious gap: some projects fall between those two conditions. That is, there are a number of projects that have already gone into default but that have not been foreclosed on by HUD. They are the so-called Secretary-held mortgages.

I understand that, in the past, section 8 assistance has been used for these projects as well and, where this has been done, it has worked very well.

It has increased occupancy so that owners were able to pay interest arrearages as well as principal due. This has prevented the projects from being forced into foreclosure, with all of the disruptions that follow. It also avoids holding costs and a loss of property value that would have to be borne by the taxpayers. Providing this assistance could have the additional benefit of retaining control of projects in the hands of local owners who may often be more sensitive to local community interests.

I understand that the administration has changed past policy and no longer provides section 8 assistance to projects in this middle category. I emphasize that this is not a policy established or carefully considered by Congress.

I ask the chairman and ranking minority member, therefore, do they agree with me that this is a policy change that deserves careful evaluation by the Congress, not only by the Appropriations Committee but also by the Banking Committee?

Mr. GARN. Yes, I certainly do.

Mr. HUDDLESTON. I agree. We need to review that policy carefully.

Mr. RIEGLE. Would they join with me in asking the Secretary of HUD to carry out a thorough review of the current policy regarding loan management assistance for Secretary-held mortgages and report to Congress—say—within 4 weeks on the comparative costs and benefits of providing and withholding this assistance?

Mr. GARN. I would be glad to join in that request.

Mr. HUDDLESTON. I, too, will be glad to join in that request.

Mr. RIEGLE. Would they join me in asking the Secretary to consider delaying further action on Secretary-held mortgages, where feasible, until this review is completed and the Congress has had a reasonable opportunity to consider the matter?

Mr. GARN. Fine.

Mr. HUDDLESTON. Of course.

Would they also join me in asking for a GAO study of this issue?

Mr. GARN. Certainly.

Mr. HUDDLESTON. I will join in that request.

AMENDMENT NO. 1423

Mr. TOWER. Mr. President, I call up amendment No. 1423 on behalf of Mr. GARN and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Texas (Mr. TOWER, for himself and Mr. GARN, proposes an amendment numbered 1423.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of amendment No. 1423 is printed in yesterday's RECORD at page 16329.

Mr. TOWER. Mr. President, I would like to describe the substitute that Senators GARN and I are offering to S. 1338. Let me initially indicate that this substitute is predominantly the substance of S. 1338 as reported by the Banking Committee with seven specific changes which we have concluded are necessary to attract sufficient support to get this bill on the floor for consideration. We do not lightly pursue such a procedure given the time and effort on the part of all members of our committee to arrive at a bipartisan document. Yet sometimes it becomes necessary to take extraordinary steps to achieve progress, and that is the case here. For reasons that I have outlined in my opening statement, we must pass and enact a HUD authorization bill this year. In order to have all parties, including individual Members of this body and the administration agreeable to that progress, changes were necessary. Adoption of this substitute certainly will not deny any Senator his or her right to propose amendments. But, its existence has convinced the majority leader to schedule the bill on the floor now and given us reason to believe that we can pass it in the short time available to us.

The seven changes are as follows:

First. Deletes title VII of S. 1338—the "Unemployed Homeowners Relief Act of 1983" which has already been referred to by one of my distinguished colleagues.

Second. Changes section 304 of S. 1338 to delete provisions creating a system of public housing agency accreditation and substituting creation of a public housing performance standards advisory commission.

Third. Makes certain changes to the rental rehabilitation and development program (title I) as follows:

Increases targeting of assistance to benefit low-income families to 100 percent of the assisted units with grantees able to reduce to 70 percent under standards established by the Secretary of HUD;

Requires that any unit occupied by a very low-income family and rehabilitated under this program must be subsequently occupied by a very low-income family.

Limits rehabilitation of units to that which is necessary to correct substandard conditions, make essential improvements and repair major systems in danger of failure.

Limits grant funds for rehabilitation to no more than $5,000 per unit except under certain high cost circumstances.

Requires HUD to provide Congress with an evaluation of the program.

Fourth. Authorizes 5,000 units of public housing—$650 million in budget authority—with requirement that new construction is permitted only when city can demonstrate that new construction is cheaper than acquiring and rehabilitating existing units; establishes priority for acquiring projects to housing authority to set aside up to 30 percent of a project's cost for rehabilitation subsequent to acquisition—repairs when required approach.

Fifth. Adds compromise Indian housing program.

Sixth. Reduces authorization for public housing modernization by $400 million to $1.6 billion.

Seventh. Requires that any modified section 8 existing certificates not dedicated to other purposes shall be used to assist very low-income persons or families displaced from their housing by other HUD program or activities.

Mr. President, I ask unanimous consent that the amendment be agreed to and that it be treated as original text for the purpose of amendment.

Mr. RIEGLE. Mr. President, first of all, I will have to oppose the amendment, so I would not want there to be any indication that there was not serious opposition to it. But, from a parliamentary point of view, I inquire of the chairman: If his request were to be granted, would the bill still be open to amendment?

Mr. TOWER. Yes. As a matter of fact, in the formulation of my unanimous-consent request, I specifically requested that the amendment be treated as original text for the purpose of amendment, so that it can be amended in the second degree.

Mr. RIEGLE. I will have to oppose the Senator's amendment. So the issue is: If we cannot settle it by unanimous consent, can we settle it by voice vote and can we have the vote later. I would like to be heard on the amendment now, so maybe we can put aside the question.

Mr. TOWER. Mr. President, I withdraw my original unanimous-consent request, and I ask unanimous consent that no other amendments be in order until amendment No. 1423 has been acted on.

Mr. RIEGLE. Mr. President, a parliamentary inquiry. Reserving the right to object, I inquire of the Senator: Is it his intention by that request to reserve this, so that no other amendment can get in?

Mr. TOWER. Yes, and it would foreclose any second-degree amendment to my amendment.

In other words, the objective is to be able to act on this amendment first, up or down, and then, if it is adopted, that it be treated as original text for the purpose of amendment.

The PRESIDING OFFICER. The Chair states that it will take unanimous consent.

Mr. TOWER. I understand.

Mr. RIEGLE. Reserving the right to object, I am not trying to prevent the Senator from having the disposition of his amendment.

Mr. TOWER. I suggest to the Senator from Michigan that we just vote on it.

Mr. RIEGLE. I think those of us who are opposed to it would like to be heard on it.

Mr. TOWER. Would the Senator like a voice vote or the yeas and nays?

Mr. RIEGLE. The Senator is looking at his friends and allies on this issue.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I will withhold my unanimous-consent request. I believe that the opponents of the amendment would like to comment on it, and then I believe they will be prepared to act on it by voice vote. I will then renew my request to treat it as original text for the purpose of amendment.

Mr. RIEGLE. Mr. President, I rise in opposition to the amendment, and I do want to be heard briefly on it. Then, as the Senator from Texas has said, it is agreeable to dispose of this substitute with a voice vote.

There are two areas of substantial disagreement with the substitute that the chairman has offered.

The first is in the area of mortgage default assistance. Senator HEINZ and I offered an amendment in committee to add the Unemployed Homeowners Relief Act, to provide desperately needed assistance to tens of thousands of families who may be forced to lose their homes through no fault of their own, unless action such as this is taken. As I mentioned earlier, that amendment was adopted by the Banking Committee on a bipartisan vote of 11 to 7.

We later wrote to each of our colleagues on the committee, on the 28th of April, and I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DEAR COLLEAGUE: We want to thank you for the quality of debate on our amendment to include the Unemployed Homeowners' Relief Act of 1983 as Title VII of the Senate-reported Housing and Community Development Amendments.
>
> In the time remaining before the bill is taken up on the Senate floor, we would like to work with you and your staff to insure that the mortgage default title fully addresses the situation in your state. We can all agree that, if Congress decides to provide mortgage default assistance, the program must be well-designed so that technical flaws do not add to the frustration or disappointment of unemployed homeowners.
>
> Although we have tried hard to make sure that the program included in the Banking Committee's bill will be workable and effective, we are open to suggestions for improving it further. It is very important that any such refinements be included in a package of coherent, carefully researched amendments. We propose to develop such a package in cooperation with you in the same spirit of bipartisan accommodation that has marked the Committee's work on the housing bill.
>
> Over the next few days, staff will review the bill in detail with analysts who are most familiar with the problems of implementing a mortgage default assistance program. We invite your office to participate in that review, and we want to include your concerns and ideas in any amendment.
>
> Donald Campbell (49204) and Paul Haire (46324) will be contacting your staff soon on this matter. If you have any questions or suggestions please call them.
>
> Sincerely,
>
> JOHN HEINZ.
> DONALD W. RIEGLE, Jr.

Mr. RIEGLE. Mr. President, we asked our colleagues to work with us in perfecting the program in any way they thought best. We also contacted industry groups. We made it clear to the chairman of the committee and the chairman of the subcommittee that we were open to technical refinements that would provide the most effective program possible. We checked those provisions with our colleagues.

In short, there are literally tens of thousands of families across the country who are hoping for the kind of assistance that would be provided by this bill. I think the Senate should respond clearly that we do want to help in the economic circumstances that are affecting unemployed workers—over 10 million in our country—at this time.

Also—and I think it is important for the Senate to spend a moment on this issue so that there is a clear understanding of it—in order to provide mortgage assistance to unemployed workers and their families, we have written this as a very tightly limited bill. For a person to qualify, they have to meet the following tests—not some of the tests; all of the tests.

First, they have to be delinquent in their house payments for 3 months.

Second, all other remedies to come up with the money to make the house payments have to be exhausted.

Third, the default must be unavoidable because of involuntary unemployment or underemployment. This assistance would only be available to someone who has had a good work record, has lost their job through no fault of their own, and find themselves in the circumstance where they cannot continue to meet their house payments.

Fourth, there must be a reasonable prospect that the homeowner can resume full mortgage payments in the future.

Fifth, credit counseling must be available.

Sixth, the mortgage must be on a principal residence. In other words, it has to be the home in which the family or person is residing.

Finally, the original mortgage must have been below the present FHA limits.

In order to qualify, the person has to meet all those tests.

In addition, the loan proceeds would go into an interest-bearing escrow account from which monthly costs of mortgage, insurance, and taxes would be paid. As a matter of fact, the homeowner would be required to pay as large a share as possible out of their own resources, but no less than 5 percent of the amount due monthly. In other words, the unemployed worker has to make a contribution from whatever residual resources they have, in order to qualify for this program.

The terms would be that assistance would be made available for 24 months, at a maximum, plus a 3-month arrearage. Then HUD would require security for the guarantee. The private lender could not charge more than a HUD-established interest ceiling and would have to assume the first 10 percent of any loss of a guaranteed loan. Repayment of the guaranteed loan would have to begin within 24 months after the assistance is started and would have to be completed within 12 years.

So in every manner we are trying to make sure that we have absolutely bona fide, qualified recipients. We ask them to make a contribution to the largest extent that they can manage. These are loan guarantees. The loans have to be paid back over a period of time.

And what is the purpose? The purpose is to enable an unemployed worker and family not to have to lose their home. That is the issue. I think that it would be foolish for us in this country not to offer this assistance when we have so many other incentives to foster home ownership. We have interest deductions on mortgage interest in the tax code to try to encourage homeownership. We all support that. But here we have a situation where literally hundreds of thousands of unemployed workers and families have become homeowners, but who through no fault of their own—because of unemployment—are about to lose those homes.

This program is designed to provide a way for them to keep their homes until they can get reestablished in their jobs. That is all it does.

The financial exposure is kept at an absolute bare minimum. As a matter of fact, as the Senator from Pennsylvania has said, and I agree, we have tightened this program down even further. We have said that it should be so tightly targeted that after 120 days the Secretary of Housing and Urban Development could shut the program off in States with below-average unemployment or below-average default rates.

The program itself, in any case, would expire in October 1984, so we are only talking here about a 1-year initiative to try to deal with what is an extraordinary problem in our economy today, a condition unlike anything we have seen since the Great Depression.

We have tried here in every way we can to make this a bill that creates the maximum amount of private sector responsibility at every stage.

Clearly the need is there. So, it is essential, having made this response in the committee, that this provision stay in the bill. The substitute being offered by the Senator from Texas would take it out. So that is the first area of disagreement.

The second has to do with Indian housing. There is a part of the Senator's substitute that would make a sweeping revision of Indian housing programs by establishing a housing block grant to tribal governments to finance housing construction, rehabilitation, or assistance to individuals.

There is widespread opposition among Indian groups to this revision. The funding level is a reduction from the levels that the tribes are now receiving from HUD, and in fact it may further undermine Davis-Bacon-related protection.

There are other aspects of the Senator's substitute which I would support, but it is impossible to divide those off from the two areas that I have just spoken about.

The mortgage foreclosure assistance program in my opinion is absolutely justified, soundly drafted, and should stay in. On that basis, I will have to oppose the substitute offered by the Senator from Texas.

Mr. HEINZ. Mr. President, will the Senator from Michigan yield?

Mr. RIEGLE. I yield to the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I have already spoken about my concerns and reservations about the substitute. I simply wish to associate myself once again with the remarks of the Senator from Michigan, especially with respect to title VII of the bill, the mortgage foreclosure relief assistance title of the bill.

I think it is a mistake that we are dropping mortgage foreclosure assistance. This measure is entirely different from the measure that was in the House bill. This is a carefully crafted measure.

It does not involve direct payments from the Federal Government to the homeowners in default. It is a far different kind of provision. It is one that I would have hoped would have been retained in the substitute.

Mr. President, I also cannot accept the substitute on that basis, even though there are parts of it that I also support. Therefore, I have to oppose it.

Mr. RIEGLE. I yield the floor.

Mr. TOWER and Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, let me ask the distinguished Senator from Colorado if he wishes to speak to this amendment before we act on it.

Mr. ARMSTRONG. Mr. President, I do.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, I rise in opposition to the bill, and I do so because in my judgment it is one of the most if not the most profoundly flawed pieces of legislation that I can ever recall.

Obviously, in taking this position I array myself in opposition to my distinguished colleagues, and I wish before I explain—and I hope to explain in substantial detail why I feel as I do—to acknowledge my appreciation to the managers of the bill, especially to the Senator from Texas, the Senator from Michigan, my friend from Pennsylvania, and the others who have worked long and hard on this legislation and to simply acknowledge that we have a legitimate difference of opinion.

People who have not had the privilege of serving in the Senate or in some other comparable body find it very hard to understand how we can disagree and even vigorously disagree about policy issues and yet do so in a way that in no sense erodes, undermines, or contravenes the deep sense of personal friendship, and I just wish to say that right at the outset.

Having done so, I wish to tell you that this is a budget-busting subsidy bill which in my view should not even be on the floor.

Now I did not rise in opposition to the motion to proceed for reasons which I stated at the time, but I am convinced that it is very bad legislation and during the prolonged debate a majority of the Members of the Senate and a vast majority of Americans will agree that this is bad, bad medicine.

I wish to clear up one thing before I go any further. It is not true, as one syndicated columnist wrote, that when I first glimpsed at this bill emerging from committee I was frozen like Lot's wife who glancing back at Sodom became a pillar of salt. There is absolutely no truth to that report.

It is true that I was dumbfounded. Now, I was not actually dumbfounded at the time the bill came out of the committee. I was not dumbfounded for a couple weeks because it was about 2 weeks after the bill came out of committee that we began to realize what was actually in this bill, and I must report to you, Mr. President, that as I have gradually discussed this with Members of the Senate, and others, including members of the administration, they have had this same sense of disbelief, shock, horror, indignation, alarm, and concern that I have experienced.

So let me, with that word of background, discuss the bill itself and then perhaps a few words of discussion about the pending amendment.

First of all, I wish to say that I think housing is one of the most important needs that any family, any group of people have and for this country, to look back upon its history in the last 40 or 50 years, there are few things that our country has accomplished that are more important than the enormous amount of housing that we have provided to average Americans.

Certainly for anyone who does not have adequate housing, the desire to do so, to have decent, clean, well-lit, well-ventilated housing is terribly important. I do not think any Member of the Senate doubts this or disputes that concern.

What is at issue in a very fundamental sense in this bill is how America can best provide the large amount of good, decent, wholesome housing for

the largest number of people, and while I am going to discuss in detail each of the various provisions of this legislation, I wish to say at bottom we have a philosophical question. Are we really going to help Americans get better housing by embarking on a further expansion of a huge program of Federal subsidies to housing, or should we take those measures which are reasonably calculated to encourage the private sector, which has really done practically everything for housing in the last 100 or 200 years in this country, and would we be better to set the stage for the private sector to do its job and to do what it does so well?

(Mr. WALLOP assumed the chair.)

Mr. ARMSTRONG. I think clearly we ought to emphasize private sector solutions to this problem, and I think upon investigation it is pretty clear that this bill, if enacted and if implemented, would actually destroy more housing than it would create, and the reason is it is so costly and would engender so much additional Federal borrowing with consequent pressure on capital markets over a long period of years, that it would drive up interest rates and thereby reduce the number of private-sector housing units that would be constructed and purchased.

We already have 4 million units of public housing publicly subsidized in this country right now and if we never authorize another unit, if we never authorize even one more today or any time, another half-million units will come into existence. There are that many in the pipeline.

Even those who may think it is wise to increase the number of subsidized housing units, and I am not one of those who thinks so, could agree, I believe, that at least this is not the time to consider further large increases in programs of housing subsidy, first, because we have a lot of them in the pipeline and, second, because this country has some other priorities, and one of them is somehow straightening out this Nation's economy.

There is a lot of good economic news right now. This morning's Washington Post said personal income is rising, that was the 1.2 percent in the month of May, the highest that we have seen in more than a year. The stock market, although I have not heard what it is doing today, is going up; automobile starts are rising; significantly, new home construction is on the increase and has been for several months, a key indicator of the health of the U.S. economy.

By every measure, retail sales, the size of inventories, any economic indicator that I know anything about, this Nation's economy is on the move and starting to recover, picking up some steam, and yet there is a horrible sense of fear and concern in the minds of many people, working men and women, investors, businessmen, people in other countries. In fact many leaders of other nations have a fear that America's economy is shaky despite all this good economic news and what they are worrying about is not only we may go down but pull their countries' economies down at the same time. Why is that? Is this an irrational fear they have? I think not. The reason is very clear, it is the prospect of the massive overhanging deficits which Congress has thus far been unable or unwilling to bring under control. At the present time it appears we are looking at something like $200 billion a year in budget deficits for about as far out in the future as the eye can see. I am not going to go into a lengthy discussion of the budget at this moment but let me just note that the conference committee, which reports back to us shortly, has a budget deficit for next year in excess of $170 billion, notwithstanding changed and more favorable economic assumptions, and a $73 billion tax increase over a period of 2 or 3 years.

These deficits are real, they are gigantic, and they are very clearly, in my opinion, caused by excessive increases in Federal spending.

At this moment, as I listen to people around the country and as I follow as carefully as I can the discussion of this issue by my colleagues, it appears that this is the time, if ever there was one in our Nation's economic history, to begin to scale back on programs which are costly or of marginal value. This is a time when we ought to find ways to tighten our belts, if I may use that overused cliche. This is a time when we want to trim where we can trim, cut back the fat, and in effect slim down and get our house in order.

It is not just the Federal Government that needs to do that. The private sector has been at it for a long time. In fact, out our way in places like Pueblo, Colo., working men and women are actually doing something which would have been deemed unthinkable 2 years ago, 3 years, 5, 10, years ago, they are actually giving back wage increases and fringe benefit packages which they have been decades in the winning. They are giving them back, and the managements of companies are slimming down their overheads, they are letting vice presidents go. Some great American corporations have had their top executives become dollar-a-year men, others have voluntarily or involuntarily spun off unproductive operations, passed dividends; in short, in the private sector, this retrenchment, this slimming down, this elimination of the frills is well underway and that is part of the reason we are seeing an economic recovery right now.

Much the same thing is happening, Mr. President, in the local government sector. Counties, cities, and States like Colorado—and I think practically every other State in America—are doing something which again would have seemed unthinkable; they are actually cutting spending. When I say cutting spending, I am not using that in the sort of loose sense it is thrown around in this Chamber of meaning a lower rate of increase year to year than at some previous time. I mean actually reducing spending from one year to the next, something which we have never seriously contemplated here in the U.S. Senate, but which has become commonplace out in that area of America which Bill Simon called reality. You will remember he said Washington, D.C., was 70 square miles surrounded by reality. Out beyond the borders of the District of Columbia the reality is that people are cutting back, they are getting rid of things that are marginal, they are finding ways to tailor their spending to their income.

What has that got to do with the housing bill that is before us? Just this: At the very moment when everybody else in America's economy is slimming down existing programs, the Senate Banking Committee, for heaven's sake, brings to the floor a bill that not only does not slim down existing programs, but creates seven new housing subsidy programs.

It seems to me that is not a wise course, nor am I greatly mollified by the fact that a moment ago, the Senator from Texas has deposited on our desks a lengthy and heavy document which completely rewrites the bill from start to finish. By a recent survey of those seated around the Chamber, I have determined this bill, this amendment, weighs somewhere between 14 ounces and 2 pounds. In any case, it is just that, a complete top-to-bottom rewrite of the bill. I think the bill needs to be rewritten all right, but I think the place to do it is back in the Senate Banking Committee, not out here on the floor.

In any event, let me now proceed to the consideration of some of the new programs that are contained in this bill and where I think we ought to go.

First of all, this bill calls for housing vouchers. That is a concept which is more or less similar to food stamps in that if you have one of these pieces of paper that is called a housing voucher, and if you qualify for the program and actually get a supply of these vouchers, you take them to your landlord, hand them to him, and in his hands, they turn into money just like food stamps. Conceptually, I would think it not unusual to refer to them as housing stamps, and they have the same kind of explosive budgetary potential as food stamps.

You will remember when the food stamp program started, it was to be $100 million at the start. But the next we knew it was $10 billion, $12 billion, $13 billion, and so on. Why do I think the same potential explosiveness exists in the rent stamp or housing voucher program? For this very reason: As I understand the bill, and I am ready to be corrected, but as I understand the bill as it came from committee, the guidelines for the standards in this bill would qualify 12 million Americans for these housing vouchers.

Now, the bill only seeks to fund about 60,000 of them, but how do you say to the other 12 million who do not get them that "You are not going to get them," anymore than we could control the growth of food stamps? You know it is not an entitlement in a legal sense, but in a practical and political sense, it becomes an entitlement program because once you get this kind of a program started from a budgetary standpoint, it is impossible to control, and I must really ask in all justice, where is the justice in saying to one group of people in a certain age, income, or socioeconomic bracket that "You get this huge subsidy," while everybody else in this same bracket does not get it? How do you say to somebody who lives next door in a rental unit to someone who gets rent stamps, how do you explain why they do not get it when their neighbor who lives right next door, has the same kind of job, gets the same check, commutes in the same car or bus, says "You don't get it"? I think it is unjust, it is a flawed concept, aside from the fact that a program like this, although not very costly for the first year for the reason I have already explained, lays budgetary booby traps in the out years that really seriously prejudice even our fledgling efforts to get spending under control in the late 1980's and hopefully get this budget balanced by 1988 or 1989 or 1990.

While I am going to, at the proper moment, discuss the housing voucher program in greater detail, let me move on in a sort of overview of this bill to talk for a moment about mortgage foreclosure relief.

That, as I understand it, is a $750 loan guarantee program which essentially requires that debt-strapped homeowners take on more debt as a solution to their problem. It is really more than an economic problem. It is a human tragedy of enormous proportions when somebody is about to lose their house. When a foreclosure occurs, ordinarily that is something that makes any thoughtful, compassionate person heartsick. So I cannot really quarrel with the underlying concern which motivates the mortgage foreclosure relief program.

But I am concerned about it, nonetheless, from a legislative standpoint, for a couple of reasons. First of all, although there may have been hearings on this since the bill was reported, prior to the time it was included in the bill, there had been no hearings. If hearings have been held since then, I am not aware of what the content of them may have been. But, as I understand this provision, and I am certainly willing to be corrected, it virtually encourages lenders to force delinquent mortgage borrowers into foreclosure situations.

In other words, where a savings and loan or savings bank or mortgage company might be disposed to be lenient to delinquent borrowers, particularly somebody who is out of work or down on their luck, and would say, "Do the best you can, make payments as you can," and so on, under this provision, the way you would qualify to get the Government's aid is precisely if you are being foreclosed on.

So what would happen, it appears to me, is that would encourage lenders to push borrowers over the cliff so that they could qualify for this proposal. That does not seem to me a very good idea.

Then I understand that there is a program of rental rehabilitation grants in this bill. I did not think that was a good idea when the administration sent it over here. I do not think we ought to be in the business of giving away money, by and large, with maybe some rare exceptions, although, as someone had pointed out, if you borrow from Peter to pay Paul, you may confidently expect Paul will approve of the process. On behalf of all the Peters who will thereby be deprived of their sustenance, either through taxation or through borrowing or inflation, I must register some objection to that notion.

And besides the budgetary impact, again, I must insist this is not good social policy to give gifts. In those cases where it may be desirable to have people fix up their homes, let us have a loan program. Let us let them pay it back. Let us do something other than just have a program of grants.

I also note, even if you want to give money away, there ought to be some targeting to a greater degree than that contained in the bill at the present time.

Now, the bill also contains some demonstration projects which overlap and preempt various private sector efforts and interfere with prudent Federal, State, and local government relationships. There is a public housing policy committee which is opposed both by the administration and by the National Association of Housing Redevelopment officials, which they claim is unnecessary or ill advised or both.

Mr. President, in a few moments, I would like to turn directly to a discussion of the amendments, but before I do and before discussing in any detail any of the 65 or more amendments which I think are needed to put this bill in its proper shape for passage, I want to ask Senators to consider a broader gage view of the magnitude of Federal housing programs in the last four or five decades in this country.

One of the most knowledgeable and distinguished Members of this body, a member of the Senate Banking Committee and authority on this matter—and I am not going to identify this person because it is not my desire to put him on the spot, but he is a person who is a Senator, a leader on housing legislation, and a man of vast experience in this Chamber—once made this observation with which I agree. He said: "We have spent billions and billions and billions of dollars and there isn't one scintilla of evidence to show that we have gotten anything for our money."

Now, I think that is pretty close to the mark. I can point to a few programs which at least appear to me to be good ones where money has been wisely spent, but overall, it really seems to me that the expenditure of all of these billions of dollars and all the borrowing this has caused has really destroyed more housing than it created. It has served to put additional pressure on the credit markets that, in turn, has caused higher interest rates, and a general reduction in the economic level of activity in our country of fewer new homes being bought and fewer people being able to qualify to purchase new homes or for resale. In short, fewer housing opportunities in total rather than more.

Well, what is the magnitude of the Federal Government's commitment to subsidized housing? Since 1937, Congress has committed $363 billion to Federal housing programs. Now, this does not include amounts committed through special financial arrangements, nor tax advantages, nor does it include amounts committed through mortgage revenue bonds and similar programs. It does not include future obligations that the Government has committed to meet for which adequate financing has not been provided. Of the $363 billion, 90 percent of that has been since 1970.

Let me note parenthetically that I recall a few years ago very vividly when I was a Member of the other body. We had before us a section 8 housing bill. I was a little surprised—in fact, my hair was standing on end—as a new Member of the Congress, when I looked at the committee report and I discovered what that bill did. I rushed over to the floor and I sought recognition and I asked the managers of the bill, in effect: "Surely it is not true that we are appropriating money here that is going to be spent out after a 40-year period." I was told, "Yes, the gentleman is correct. That is what we are doing."

I said, "Well, it appears to me that if we go on this way, we will soon commit maybe $100 billion, $200 billion, $300 billion. This could happen in a very few years."

Now, this particular occasion I refer to actually occurred about 7 or 8 years ago. I was reassured, "Yes, the gentleman is correct; that could, in fact, happen."

Well, here we are 7 or 8 years later and I just want to report to you that in the section 8 housing program alone, Congress has appropriated approximately $300 billion. Now, only about $35 billion of that has actually been spent. The other $260 billion is out there fully appropriated, irrevocably committed. It will spend out. It is a part of the national debt in the same sense as if we had spent the money and borrowed it, and it does not draw interest. It is a mortgage on the future economy of this country. It is a burden that we placed on the backs of our sons and daughters who will be the future generations of taxpayers. And that is in just one of the existing programs, a program which had been criticized by the news media and by the General Accounting Office as being probably the most abused, scandalous, politicized, and corrupt program as well as possibly the most extravagant program of public housing that we have ever seen.

Well, in fact, the very failures of the section 8 housing program are, in large measure, the justification for some of the new programs that are contained in this bill.

My colleagues have told me that one reason we have to have the voucher program is that the section 8 program is terrible and we have to get that thing off the books. I would just implore my colleagues to recall how we got into the section 8 business in the first place.

Back about 8 or 10 years ago people were looking at 235 and 236 programs. They said, "This is terrible. These programs are awful. We have got to have something better than that." So they came up with section 8 as the replacement.

Well, now here we are a few years later and we are running around saying "Section 8 is a terrible program. We have to have something to replace that." So we come forward with housing vouchers and all the rest, but bear in mind we are not abolishing these other programs. They continue. The 235 and 236 programs still exist. Section 8 is still in existence. In this very bill we increase the number of authorized units for the section 8 housing program. We are only making a bad situation worse.

Let me stress once again that if we do nothing we are going to have four-and-a-half or five million units of subsidized housing.

I suggest to my colleagues that that number of subsidized housing units in the United States of America, in a prosperous, thriving economy, is a great plenty; that as those units become vacant—and several hundred thousand of them become vacant for natural reasons every year—if we take those units and target them so that they go to the needy, which many of them do not at the present time, many of them go to people who honestly do not need subsidized housing, but if we target available units to those who are truly needy and if we target the half million units that are going to come on line in the next couple of years, because they are already in the pipeline, we can solve the problem for those who are in need of public housing assistance and do so without adopting any of the drastic or extreme proposals which are contained in this bill.

Mr. President, I want to mention one other glaring aspect of the legislation. I do not want to discuss this matter in any great detail any more than I have discussed the issues I have raised already at length. I want to save that for a later time.

I want to point out that if we are really serious about doing something to build more housing for people in this country through subsidized Federal housing programs, there is a step which we could take which would cost nothing, which would enormously increase the amount of housing that we get per dollar. I refer, of course, to repealing or reforming or modifying the Davis-Bacon provisions of the law.

This obscure law is costing the Federal Government at the rate of three-quarters of a billion dollars in wasteful construction. To put it another way, we could build just as much housing as we are now getting for three-quarters of a billion dollars less or we could spend the same amount of money and get three-quarters of a billion dollars more in housing for poor people, the needy, and those not adequately housed.

According to the GAO, the Department of Labor's high wage determinations add between 5 and 15 percent to the cost of construction projects. To put that in perspective, if we had spent $300 billion thus far, though it has not all been spent out, that is $45 billion, somewhere between $15 billion and $45 billion, in costs that really were not necessary, according to the General Accounting Office. The GAO also calculates that the act imposes compliance and administrative costs of $189 million on contractors and another $12.4 million on Federal agencies.

I am not going to go into any great detail about this matter. When we get to it, it would be my purpose to offer an amendment to modify and/or to repeal the Davis-Bacon provisions. I would defer in that effort to my colleague from Oklahoma (Mr. NICKLES), who is the recognized authority on this matter. I would hope to speak at some length on Davis-Bacon and to acquaint my colleagues with a large number of examples which show how really counterproductive the Davis-Bacon provisions are.

Let me just give you a sample of the kind of abuse that comes to light when you begin to look into this issue.

A large general contractor in Maryland prepared its budget for a residential high-rise project. Prior to beginning construction the contractor learned that Federal assistance from the Department of HUD would be involved, and, therefore, the contractor was forced to recalculate his costs and obtain changes from all the subcontractors. The resulting calculation of the project cost was increased by about $500,000 or 10 percent.

In that particular case, either we could have saved $500,000 or an additional 14 apartment suites could have been built with the money.

A builder in Iowa reported that the prevailing wage under Davis-Bacon for sheetmetal workers was $12.76 per hour, which was 49 percent or $4.21 per hour higher than the rate usually paid for sheetmetal workers.

It is just a couple of examples. At the right time I would be happy to furnish my colleagues with a long list of examples which show dramatically how we could make some real savings in this program.

All in all, Mr. President, it is my view that the thoughtful and responsible thing to do is give everybody a chance to at least indicate in broad overview what their concerns are about this legislation and to then return it to committee or at least take it off the calendar so that we can reflect upon what we have learned. It is my conviction that as more and more people acquaint themselves with the details of this legislation, that they will be disposed, as I am, to modify it in considerable detail.

OBJECTIONS TO NEW HOUSING BILL

Mr. President, a few days ago the Banking Committee recommended a new housing authorization, a budget-busting subsidy bill which should not even be considered, let alone passed by the Senate.

The U.S. economy is finally staggering out of a recession caused or, at least, seriously aggravated by large Federal budget deficits. But the whole world is nervously eyeing the $1.2 trillion in deficits projected for the next 5 years with a general fear that such deficits will send our economy into a tailspin and pull other nations down with us.

Under the circumstances, it seems extraordinarily unwise for the Banking Committee to recommend a bill which creates seven new HUD programs, adds billions to projected deficits and, at the same time, fails to protect those who have the most to lose from the failure of subsidized housing programs—the poor and ill housed.

The bill recommended by the committee calls for:

Housing vouchers, similar in concept to food stamps, and with the same potential for explosive cost growth. Although funded for only 60,000 persons in this bill, approximately 12 million people meet the legislative eligibility standards.

Mortgage foreclosure relief, a $750 million loan guarantee program, on which no hearings have been held before committee markup.

Rehabilitation and development grants, a program with funding double that proposed by the administration which would permit anyone to receive Federal money to fix up their house, build new housing, and so forth, regardless of income or financial need.

Demonstration projects which overlap and may preempt private sector efforts.

A new public housing policymaking committee, not requested by the administration, nor is the administration represented on the committee.

PHA capital replacement fund, also not requested, for good reason.

No Davis-Bacon reform which could save $500 million.

A total of $40 billion in budget authority above the President's request (1984-88), according to the Office of Management and Budget.

A total of $11.9 billion in outlays above the President's request (1984-88), again, according to the Office of Management and Budget.

A total of $18 billion in higher guarantee authority for the Federal Housing Authority and Government National Mortgage Administration than was requested by the administration.

A total of $2 billion more in lending authority for rural housing programs than was requested by the administration.

Increasing subsidized rents to levels 13 percent higher than requested by the administration.

As I review these staggering proposals, I cannot help wondering whether the administration and Congress realize the magnitude of resources already committed to Federal housing. Of the $363 billion obligated to Federal housing programs, some $263 billion remains to be spent. We now provide housing assistance to 5.6 million units and 13 million Americans. If Congress did not commit a single additional dollar, another 300,000 units are already authorized to be provided by 1988. I believe Congress would be foolish to authorize additional Federal housing assistance at this time. Yet the administration over the next 5 years projects new housing authorizations of $47.9 billion over amounts already committed providing an additional 446,000 subsidized units. The Senate Banking Committee then proposes $40 billion in spending higher than what the administration requested. How can such spending levels, new housing programs, and changes in current programs proposed in the Senate authorization bill be justified in view of existing commitments and the prospect of gigantic budget deficits?

OBJECTIONS TO THE SENATE HOUSING BILL

The history of Federal housing policy amply shows that most housing programs are ill conceived. Time after time, a program is begun, then expanded, and eventually becomes so large and the problems so manifest that Congress finally comes to its senses and scuttles the program—only to begin new programs. Yet, of course, the bill for the previously discredited programs is left to future generations to pay.

From this perspective, the additional spending and new programs contained in this bill are apt successors to the long line of flawed Federal housing programs. But at a time when the Government cannot afford the housing programs already in place, both the administration and Congress are proposing new programs that, in many instances, are illogical and counterproductive. These new programs contained in this bill include:

First, rental rehabilitation and development grants;

Second, housing vouchers;

Third, mortgage foreclosure relief for the unemployed and the underemployed;

Fourth, Public Housing Accreditation Commission.

Let us consider the details of each of these new initiatives.

RENTAL REHABILITATION AND DEVELOPMENT GRANTS

This program was proposed by the administration in January. In less than 2 months, the Senate Banking Committee has—

Doubled funding for the program.

Dramatically changed the nature and scope of the program. No longer will the program only provide grants to rehabilitate existing housing, but will also provide grants to help develop new units of housing. Moreover, grants need only finance "primarily" residential real estate projects rather than "exclusively" residential property as was first proposed.

Expanded the program so that grants can be provided for acquisition of property, not just rehabilitation.

Authorized assisted units to receive Federal insurance guarantees.

Created a "Secretary's Discretionary Fund" of $30 million to finance substantially rehabilitated or newly constructed units that was not even requested by the HUD Secretary.

Authorized $1 million in technical assistance not requested by the administration.

Permitted unspent funds left after terminating the section 312 rehabilitation loan program—another failed housing development program that, ironically, the Banking Committee wants to terminate with this bill—to be transferred to the new "improved" rehabilitation program.

All at a time when the Federal Government is projecting $200 billion in annual deficits.

Perhaps this new program could be justified if it were tightly written, urgently needed, millions of Americans were demanding its enactment and offered ironclad guarantees that the money would be spent wisely and efficiently.

Of course this is just wishful thinking. Let me quote from an April 1983 analysis by the General Accounting Office which states that this could lead to subsidies which are:

First, targeted at housing units without adequate consideration for benefiting needy renter households,

Second, have costs higher than necessary to improve the housing conditions of lower income households,

Third, have the potential for significant displacement of lower income households,

Fourth, have little evaluation information available.

While it is true that some GAO concerns were addressed by provisions added to the committee bill, Congress would be foolhardy to commit to this program until each of these concerns are addressed, and GAO, HUD, and OMB verify these potential problems will not occur.

LACK OF FINANCIAL ACCOUNTABILITY

In addition, this rental rehabilitation proposal lacks financial accountability as well. For example, records on incomes of households in determining eligibility or their citizenship occupying rehabilitated housing are not explicitly required by the bill. In a study conducted by GAO of 64 communities which had implemented some previous rental rehabilitation loan programs, only 23 of the communities were able to verify incomes of households benefiting from the rehab program. In addition, these cities used various forms of calculating income limits—if they did keep records—some based on section 8 or some independent method by which income and demographic data was not efficiently kept.

Rental rehabilitation should be specifically targeted to neighborhoods of low-income housing projects. Many of the cities surveyed by GAO were found to have "pockets" of middle-income households which participated in the rehab program. In essence, much of the money was going to other than needy households.

SECRETARY'S DISCRETIONARY FUND

This bill creates a Secretary's discretionary fund of $30 million, and directs the funds are to be spent for sub-

stantial rehabilitated or newly constructed projects.

This slush fund was not requested by HUD. In my view, discretionary funds of this size are inappropriate in Government no matter who is in control. Again, history proves my point.

The section 8 new construction program became notorious for contracts given to developers who, coincidentally, contributed significant campaign sums to reigning politicians. During the previous administration, newspaper headlines screamed "Housing and Politics: The Way It Works," "A Donation to Carter Unlocks HUD Dollars," "Friends of the Governor Thrive on Housing Funds," "Politicians Steer Section 8 Profits to Allies." It is interesting to note that on the last day of the Carter administration, HUD released more than $2 billion in Section 8 contracts out of the Secretary's Discretionary Fund.

In short, providing $30 million in discretionary funds that can be spent unconditionally can only be labeled as poor public policy.

TARGETING

Federal assistance programs are generally not targeted to help the truly needy, since less than 8.3 percent of all Federal assistance is means tested.

This proposed rental rehabilitation progam is no exception and is far from being targeted to those most in need. No income limit is imposed on those who qualify to receive the grants to rehabilitate housing, and for as much as 50 percent of the funds provided there is no income limit on those living in the units once rehabilitated.

This failure to target program works directly against our successful efforts of the past 3 years to insure that future housing subsidies be made available only to the very low income. In fact, one result of this bill is to make some eligibility requirements more generous than in the entire history of the Department of Housing and Urban Development.

The new eligibility standards are at best very complicated to explain, and, incidentally, are radically different from all other HUD eligibility standards that they must now enforce. This new program has not one, but three sets of eligibility standards. First, all grants must be spent in neighborhoods whose median incomes are less than 80 percent for the area. Literally thousands of neighborhoods across this country would meet this standard. How can the Government insure that the most needy neighborhoods will receive priority funding?

The next standard of eligibility is even more faulty. This bill specifies that 70 percent—and in some cases 50 percent—of benefits must help those earning less than 80 percent of median income, or about 30 million families. But what happens to the rest of the money?

Thirty percent of this assistance could potentially go to anyone regardless of income.

For example, a wealthy individual who wants to renovate a townhouse in a blighted Washington, D.C., area could receive a grant to renovate his property, and then live in it. Although this is not likely to happen, the fact is this bill permits opening the door to such schemes.

Yet the story does not end here.

The eligibility standards take even a more tortured twist. The bill states that when a multifamily project is granted approval for assistance only 20 percent of the units need be made available to lower income families. There is no income limit for those living in the rest of the units. In the past, the General Accounting Office has repeatedly told Congress that these so-called partially essential projects are the most expensive and inefficient use of housing subsidy.

Now for the final blow. Newly built units which are part of this program and are subject to a rent control system that—incredibly—provides proportionately greater tenant subsidies to moderate-income families and less to very low-income families.

Absurd? Yes.

Illogical? Yes.

Included in the committee bill? Yes.

QUADRUPLE SUBSIDIES

It is a mistake for Congress to review any single Federal housing program in isolation. Almost all Federal housing programs are overlapping or attempt to patch past programs. Section 202 low-interest loans build units for elderly persons assisted under section 8. Farmers Home Administration low-interest loans build units assisted under several types of housing subsidies. Section 8 new construction units receive guaranteed tenant income, lower cost construction financing, and often have federally backed mortgage insurance.

This new program is no exception. In fact, this program could be coupled with at least three other forms of direct Federal subsidy. In summary it is conceivable that an owner may rehabilitate a unit of housing and not put a single penny of his own money or be exposed to any risk of default. Here is how:

This bill allows grants to supply up to 50 percent of the cost of rehabilitating a unit yet if this is not enough an owner can apply for another grant for another 50 percent of the cost from any other Federal program, including the community development block grant. Once built, a tenant living in such a unit is eligible to receive direct tenant subsidy available under a new section 8 program created under this bill (see the "housing voucher" section of these views). If the unit is newly constructed, it is also eligible for tax-exempt financing. Finally, the mortgage can be 100 percent insured by the Federal Government so that the owner faces little if any economic risk for default. How could the Government be more generous?

NEW CONSTRUCTION

Although the administration does not request such authority, the bill permits grants to help build new units of housing despite the Federal Government's past proven inability to build inexpensive, low-cost housing.

Congress terminated new starts for the section 8 program for this very reason. Even Congress—which rarely says no to extravagant uses of tax dollars—realized that the section 8 new construction program was a horrible mistake.

Now just a few months after terminating section 8, Congress is about to embark on a wholly new program.

Why does Congress so abjectly fail in its efforts to build new housing? Here are a few reasons:

First. New housing is built under the rules of Davis-Bacon, meaning that labor costs are usually far higher than labor costs for other types of housing.

Second. Congress never initially authorizes or appropriates enough to build a new unit, so the new units either run deficits—which future Congresses will be required to make up—or Congress has to fork over more money up front to get the project built.

Third. Numerous Federal rules govern construction of new housing, and compliance increases costs. For example, housing must be built according to standards written in the National Environmental Policy Act.

Fourth. These rules discourage owner-developer participation. To offset this, HUD must offer other inducements to encourage participation, and that only increases costs. For example, under section 8 new construction, developers were required to invest little, if any, of their own money in the project.

There are other factors far too numerous to mention that drive up costs for building Federal housing. Congress will live to regret a decision to use this program to provide units of new construction.

INTERFERES WITH PRUDENT FEDERAL-STATE-LOCAL GOVERNMENT RELATIONSHIPS

This bill contains a rather curious provision that if a State or local government chooses not to administer this new program—and I would think most would have every reason not to—then the Secretary of HUD must administer the program for the State. If a State or community has elected not to participate in the program, the Federal Government should have absolutely no business in initiating such a scheme in a local community.

Some of those to whom I have expressed these concerns say we need not worry since "after all, it is only $300 million."

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History mocks this contention. When section 8 began in 1974, it did so with an initial appropriation of just $42 million. In less than a decade, Congress committed $150 billion to this discredited program.

If the Senate fails to kill this new program, in all probability a future Senate will have to, but only after billions will have been spent needlessly and foolishly as we have done so many times before. Why have we never learned from these lessons of the past?

HOUSING VOUCHERS

Another new housing program included in this bill is the modified section 8 existing housing assistance program.

This program is being sold as the efficient, modest, affordable, and equitable way to replace the horrible section 8 new construction program.

That sort of sales job only increases my apprehension. After all, that is exactly the way section 8 was sold to Congress as being efficient, modest, affordable, and equitable way to replace the section 236 program, which replaced the section 221 program, all of which are in addition to the public housing program, the section 235 program, rural housing, college housing, et cetera.

The question I have is this: Will those who are in the Senate 10 years from now scratch their heads and ask what in the world were we thinking of when we created this monster?

I believe the answer is yes. Here is the way this program works. Public housing authorities will provide certificates, or vouchers, to eligible families to cover the difference between 30 percent of their adjusted income and the cost of a rental housing unit. A "payment standard" based on the rental cost of modestly priced standard quality housing of various sizes and types in a particular area would be used in combination with the family's income to determine the amount of Federal subsidy to be provided. A participating family could choose a unit with a rent above the payment standard, but the family would not receive any additional subsidy and would absorb the additional cost. A family could also choose a standard quality unit with a rent below the payment standard and would be able to retain the savings. Thus, families would be able to decide for themselves how much they are willing to pay in order to live in better housing units or neighborhoods.

This program is being sold as the best way to reduce Federal housing costs on the theory that it is cheaper than section 8. Proponents argue that under section 8, landlords have raised rents to match rent levels the Federal Government is committed to subsidize. Under the HUD proposal, the opportunity for tenants to negotiate rent levels should hold down rents and subsidy levels—in theory.

Sounds good, right?

Consider the following facts:

This program will only save money if the so-called payment standard is lower than the fair market rent standard. It is true that in proposing this program, HUD developed a payment standard that is likely to be lower than the currently used fair market rent standard.

But what did the Senate Banking Committee do less than 2 months after the proposal was sent to Congress? It liberalized the payments standard, and made the subsidy more generous? Here's how:

First, it set payments and fair market standards at levels 13 percent higher than levels initially proposed by the administration.

Second, it allows public housing authorities to set rents 20 percent higher than levels projected by the administration. Then the bill allows PHA's to retain 50 percent of the rent savings resulting from tenants finding units below the payment standard, and tenants may have less overall incentive to find cheaper housing, and projected savings may not materialize.

It is interesting that this approach by the committee funds fewer units, but at subsidies substantially greater than the administration proposes. Keep in mind this is only 2 months after the proposal was submitted. If the past is any lesson, future Congresses will enact more generous subsidies and expand the number of units provided.

Just take a look at the eligibility standards the bill provides. Although the committee used an eligibility standard that is now used for housing programs, literally millions of families will meet the proposed eligibility standard of 50 percent of median area income.

While millions are eligible, the initial administration proposal proposed funding 80,000 units of housing with this new certificate program. This is only a drop in the bucket of potential need as defined by the bill. There will soon rise a great clamor by public housing authorities and tenant organizations for more certificates, higher subsidies.

These certificates are extremely valuable. Some Americans pay more than 50 percent of their gross income for housing. But from the many eligible, the lucky few who receive assistance could pay only 30 percent of adjusted income for rent. To give such a gift to some eligible families but not others is grossly discriminatory. Congress is likely to resolve such a dilemma by agreeing to expand the program to all who qualify even though the taxpayers are already assisting some 13 million Americans. The bill, in effect, creates an ocean of demand and irresistible political pressure to fulfill that demand.

MORTGAGE FORECLOSURE RELIEF ACT

By a vote of 11 to 7, the Banking Committee, without benefit of hearings beforehand, approved the "unemployed and underemployed" mortgage default assistance program. This $750 million Federal loan guarantee program provides a second mortgage for a homeowner to make his first mortgage loan payments—in other words, a Government bailout for a homeowner unable to make monthly mortgage payments.

Like other Federal housing assistance programs, this mortgage assistance program also is not targeted to the needy. No income or asset test is required to qualify; in fact a homeowner need only have "incurred a substantial reduction in income as a result of involuntary unemployment or underemployment." The definition of "underemployment" is left to the imagination, since the bill does not define it. In addition, no limit exists for the amount of the first mortgage which homeowners can have and still be assisted. For example, a wealthy homeowner with two homes, several cars, and other assets could still qualify for this Federal loan guarantee.

While I applaud the spirit which motivates Senators to propose legislation to help those strapped by mortgage payments they are unable to make, this legislation is likely to do more harm than good for those intended to benefit from this assistance.

The program actually provides an incentive to mortgageholders to foreclose. The program requires lenders to indicate an intent to foreclose in order for homeowners to be eligible for the guarantees. Also the bill essentially encourages a debt-strapped homeowner to take on further debt only digging a deeper hole of debt. For example, a homeowner with a 13-percent mortgage for 80 percent of the average existing home price of $68,000 would be paying $604 per month. After being assisted by this program he would owe $819 per month, an increase of 35 percent in debt payments.

Moreover, the total loan value would be in excess of 100 percent of the purchase price. This greatly increases the probability of ultimate foreclosure on the home. The result—this program may actually create a Federal grant to delinquent homeowners program, not simply a loan guarantee program. By increasing the total debt on the home beyond conventional bank lending standards, the risk of a direct Federal outlay occurring is very high.

THE PUBLIC HOUSING AUTHORITY ACCREDITATION COMMISSION

The Senate bill also contains a new accreditation commission—section 304. The bill assigns to this privately appointed Commission authority to set and administer standards for accreditation of public housing agencies. The

Commission would act as an independent entity empowered to formulate standards and administer accreditation for public housing authorities and at the same time be subject to the Department of Housing and Urban Development, subject to the HUD Secretary.

This arrangement is unworkable and violates the appropriate and proper roles of the Department of Housing and Urban Development in overseeing the use of Federal funds and to assist public housing authorities in their management. Although ostensibly under HUD, the Secretary would have no role in Commission appointments, no control over use of personnel, no control over use of funds or involvement in establishing performance standards or participation in the accreditation processes. The Secretary could only approve or reject the final draft before it is published in the Federal Register. We already have an agency, HUD, with the authority, matched with responsibility and accountability to the President and Congress. Why do we want to diffuse the adminstration of public housing with little or no responsibility to HUD or Congress?

Furthermore, this proposal would at best interfere with the past progress made in developing an efficient, workable certification process currently in operation. The establishment of performance and accreditation standards is a tested, accepted procedure which has been developed by HUD and voluntary associations with the case of expert panels and individual professionals' assistance. It is difficult to predict the decisions of this Commission—but one thing is clear: it would destroy the years of cumulative work in developing the new existing structure.

In addition, from a philosophical perspective, the Commission creates bad Federal precedent. Unlike many study commissions created by Congress, this one has both operating and regulatory functions without proper accountability. A privately appointed commission would regulate and set standards for Federal assistance programs. This Commission would also accredit other units of Government and perform other Federal functions and decisionmaking. Such a delegation is poor policy.

It is not surprising the National Association of Housing and Redevelopment officals (NAHRO) have voiced strong opposition to the proposal. This organization which works closely with public housing authorities across the country decisively rejects the proposal.

EXPANSION OF EXISTING PROGRAMS

This bill also makes costly changes to current programs which will—

Result in outlays by 1988 $1.3 billion higher than the administration projects even though the same number of units will be assisted. The committee bill establishes a new fair market rent system to determine subsidy levels. The effect will be to raise fair market rents 13 percent above the administration's proposed levels.

Not count food stamps as income in determining either eligibility for housing or the amount of housing subsidy to be received.

Prohibit the inclusion of housing assistance in determining eligibility for all other domestic assistance programs, an issue not properly within the jurisdiction of the committee.

Accelerate spending in the community development block grant program by permitting local governments to draw down grant funds by demand rather than according to spending need.

These are just a few of the many undesirable changes to current programs included in this bill. But two issues deserve also close scrutiny:

First, proposed changes in income eligibility and,

Second, failure to repeal Davis-Bacon as it applies to Federal housing.

INCOME ELIGIBILITY

This bill makes a major change by adding a little noticed provision to exclude the value of housing assistance from tenants' income for the purpose of any other Federal law. Although few in words, this change has extensive impact. The provision is clearly a substantive change to all domestic assistance programs including those not within the jurisdiction of the Banking Committee. For example, this change affects the aid to families with dependent children (AFDC) program. This program is in the Finance Committee's jurisdiction, and this change is opposed by both the chairman and the ranking minority member of the Senate Finance Committee. Let me quote from their December 8, 1982, letter to the Banking Committee:

> The treatment of income is perhaps the most fundamental element of a public assistance program.
>
> Clearly, Congress made an important policy decision when it adopted the Administration proposal permitting states to count housing subsidies as income. Currently, two states (Oregon and North Carolina) have elected to utilize the offset. At least 10 additional states count housing assistance in the form of cash payments as income. Repealing the option would have a disruptive effect on these states and their AFDC programs. It would also be a violation of the principle this Committee has followed when considering changes to income maintenance programs; that in a time of scarce resources, federal benefits should be targeted to those most in need and that all resources available to the family should be considered when determining benefit amounts.

In addition to the exclusion of housing assistance as income for purposes of determining eligibility and assistance for other federal programs, the bill excludes the counting of food stamps as income in determining housing eligibility. Clearly, food stamps are in kind income that have cash value and should be included when determining housing subsidy eligibility.

DAVIS-BACON

Not only is the bill deficient for what it contains, it is also deficient for what it does not contain—namely, repeal of the Davis-Bacon Act.

Davis-Bacon sets Government dictated wage and hour guidelines and, in almost all cases, substantially increases labor costs. The Davis-Bacon Act applies to Federal construction projects, including the construction rehabilitation and maintenance of assisted housing projects.

Huge savings would occur if Davis-Bacon were repealed across the board, and particularly if Federal housing were exempted. Consider the following:

The General Accounting Office, which advocates outright repeal, estimates that for each 100,000 newly constructed or substantially rehabilitated units of housing Davis-Bacon increases costs $160 million. Since 800,000 new section 8 units have been built, cumulative savings had Davis-Bacon been repealed would be $1.28 billion—money that could have been saved, or alternatively, provide additional housing the elderly or handicapped.

GAO recently studied HUD's section 8 rental assistance program. In their report they stated, "various Federal, State and local officials and developers told us that the act significantly increased the cost of the Section 8 new construction program in particular areas." Two areas specifically noted were southern California where cost increases due to the act were estimated from 5 to 15 percent and Pennsylvania where the estimated cost increases ranged from $1,000 per housing unit to 15 to 25 percent for the entire project.

The National Homebuilders Association has estimated that at least 10 percent of the development costs of HUD programs will go toward higher construction and administrative costs because of Davis-Bacon. HUD-funded housing aid covered by Davis-Bacon is approximately $4 billion. If we repealed Davis-Bacon for all HUD programs, including section 8, new construction, rehabilitation, and public housing programs for 1982, homebuilders estimate a savings of Federal dollars of $407.5 million in the first year alone.

Many other problems exist with Davis-Bacon, and it continues to be impractical to administer. The GAO charged that the Department of Labor has failed to consistently determine permissible Davis-Bacon wages, and have not developed an effective system to plan, control, or manage the data collection, compilation and wage determination functions.

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Davis-Bacon discourages the efforts of minorities to enter the construction crafts, says GAO. Davis-Bacon discriminates against minorities for three reasons: First, the concept of a minimum rate; second, high apprentice rates; and third, discouragement of minority contractors.

If there was no minimum rate, contractors could, in many instance, give up the expertise and expense of the skilled craftsman in favor of the inexpensive unskilled laborer. The act discourages the use of minorities on Federal construction projects. Apprentice rates are often set so high as to favor use of the more skilled journeyman over the apprentice. Minorities have used categories such as helpers and trainees as a major means of entry into the construction industry when not barred by Davis-Bacon.

The Department of Labor's disposition toward union rates discourages minority contractors, a vast majority of whom are open shop, from bidding on Federal projects. This not only hurts minority employment, but also contradicts Federal procurement policies aimed at encouraging minority enterprises.

During testimony before the Senate Labor Subcommittee in late April, Chicago housing authority commissioner, Renault A. Robinson, outlined the outrageous Federal pay scales of housing authority maintenance employees.

"We did a survey last year," Robinson told subcommittee Senators, "to determine how much overtime we paid to our 216 elevator mechanics. We spent, in a 10-month period last year in overtime alone—not counting the regular 40-hour week—$3 million. The highest employee took home $80,000 in overtime. Now if you figure that out, he never slept, he just stood there in the elevator."

HISTORY OF FAILURE IN FEDERAL HOUSING PROGRAMS

Since 1937, more than $360 billion has been committed to Federal subsidized housing; 90 percent of this enormous sum was obligated in the last 8 years alone. Some 13 million Americans live in 5.6 million subsidized units. By this standard, Congress might appear to have been sensitive to the poor. On close inspection, however, the facts show Federal housing is not only insensitive to the poor, but is also intellectually and fiscally bankrupt.

From 1937 to 1969, public housing was the major Federal housing program. Construction of the units was federally financed, and local public housing authorities (PHA's) operated the units. Because of the low-cost financing, rents were reduced, and made available to the poor. No Federal operating subsidies were used, and virtually all PHA's met their costs, and even established reserves to meet replacement and emergency costs.

Yet concerns were raised that this system created instant public housing ghettos, and that tenants paid too much of their incomes for rent. Rushing to the rescue, Congress enacted requirements that tenants were to pay no more than 25 percent of their income toward rent. While assisting tenants, this reduced the operating income of PHA's, so Congress created another new program—PHA operating subsidies designed to keep PHA's solvent.

This cure proved almost worse than the disease, however. By 1975, all large PHA's had exhausted their reserves, operating deficits mounted forcing Congress to enact larger and larger operating subsidies. We are to the point now where last year there were 383,000 units located in PHA's that were financially distressed to the point of bankruptcy.

PHA's have not rented units that have become vacant because they lack the money to do so. Incredibly, PHA's have told congressional committees that they are thinking about boarding up additional units that are currently occupied.

In the sixties, Congress was not just concerned about excessive tenant contributions to rent. It also wanted to stimulate private ownership of subsidized housing—in itself a noble goal. So Congress launched a series of rental subsidy programs that directly subsidized owners and landlords renting to low-income tenants. Again, the cure proved worse than the disease. The costs and inequities of these programs—known as sections 235, 236, and 221 programs—led to critical reports by the General Accounting Office. Costs rose so high that a Presidential impoundment of the funds was ordered. Even so, today Congress still funds commitments made under these programs, and will continue to do so for the next decade.

In 1974, Congress approved a new housing program—section 8. This program rose like a phoenix out of the ashes of the previously discredited programs. It was hailed as the solution to the Nation's low-income housing problems. It was said the new program borrowed all the best features of earlier housing programs. But from the start, section 8 proved ill conceived, poorly managed, and scandalously costly. Its initial appropriation was modest—only $42 million. But in 8 short years Congress committed to section 8 more than $145 billion. Some 1 million units were built or leased, and 200,000 are awaiting occupancy. The Congressional Budget Office at one point estimated that a newly constructed section 8 unit could have a lifetime cost of more than $500,000. Eligibility was so broad that 40 million Americans—a GAO figure—were eligible for the subsidy. Abuses abound. Published reports documented that section 8 was a program for the "greedy, not the needy." Elaborate housing was built that lined the pockets of the developers at the expense of the poor. Other scandalous practices were reported:

Section 8 contracts were given to developers who, coincidentally, contributed significant campaign sums to reigning politicians.

Illegal aliens were housed in subsidized units.

Those with incomes exceeding section 8's already broad eligibility standards lived in units built for the poor.

Newspaper and magazine headlines screamed "Billion Dollar Nightmare at HUD," "Very Poor Last in Line to Receive Federal Housing Assistance," "Taj Mahal in New York: Symptoms of Rent Subsidy Headaches," "Housing and Politics: The Way It Works."

In 1982, Congress finally woke up to the horrors of section 8, slashed funding for new commitments by 40 percent, and adopted program reforms.

Even with these desirable changes, the fact remains that in future years Congress will have to spend more money to bail out this program. Poor budgeting and dismal planning plagues section 8 with a huge unfunded liability—estimated by the Congressional Budget Office to be as large as $50 billion—just to keep existing section 8 units available to the poor.

SPENDING ALREADY COMMITTED TO FEDERAL HOUSING

Before embarking on new housing adventures, this Congress must understand exactly what our situation is today after this long history of housing programs. We need to understand what we have already committed and the obligations that have already been fastened on the taxpayers, both in direct, defined commitments as well as the other unfunded obligations that have been built into our structure.

Of the $363 billion Congress has committed to Federal housing programs, less than $90 billion has been spent. That means that if Congress did not commit an additional dollar to these programs, at least $263 billion is obligated to be spent over the next 40 years—quite a legacy for future generations to pay.

Even these figures understate costs since they do not take into account the value of special tax advantages and Federal financing often associated with housing programs, nor does it include future funding that will be necessary to finance deficits in housing already provided.

This year there are 5,680,000 units of housing which are directly subsidized—either in direct tenant subsidies or low-interest loans—by the Federal Government, housing about 13 million people.

In addition, another 364,805 units are not yet occupied for which Congress has previously obligated the Government to build. Again, if Congress does not commit any additional money and only fulfills present obligations, 360,000 units of housing will be provided this decade.

Using President Reagan's 1984 housing budget assumptions, in the next 5 years, the Government will commit another $25.9 billion in new long-term spending for programs within the Department of Housing and Urban Development. This additional $25.9 billion will provide financing for another 234,000 units. But that is not all. The Department of Agriculture's Farmers Home Administration proposes to commit an additional $22 billion to its low income housing programs and that will provide an additional 212,000 units.

Even these budget figures do not tell the full story about future spending. These figures fail to reflect the overly optimistic assumptions of the President's budget in revealing the potentially large deficits in housing programs. Current housing policy makes it impossible for public housing authorities to meet their spending obligations and their only recourse is to seek assistance from the Federal Government. Also, as a result of Congress initially failing to provide adequate resources to finance the section 8 and other housing programs, Congress will be forced to appropriate more money to keep already subsidized housing projects in operation.

Contrary to the prevailing wisdom in Congress and the media, there have not been and will likely not be any actual budget cuts in housing programs during the first term of the Reagan Presidency. These are the facts:

Housing outlays have and will continue to increase each year during President Reagan's first term.

At least 1 million additional subsidized units will be occupied between 1981 and 1985.

Between 1985 and 1988, another 163,000 units will be occupied (not counting increases in units provided through rural housing programs).

It is true that the spending totals proposed by the administration and provided in the committee bill are much lower than those proposed during the 1970's. It is also true that in 1981, during the heyday of cutting taxes and spending during the so-called Reagan revolution, the Congress did reduce by $23 billion the spending commitments proposed by President Carter for new housing and community developments to be made in 1981 and 1982. But these reductions will not show up in actual outlay reductions until 1984 and 1985. That is because as much as 3 years lapse between the time Congress appropriates funds, and the time the money is actually spent. While there were other spending restraint changes—increasing tenant contributions to rent, for example—these will take as long as 5 years to become fully effective.

The botton line is this: The total savings realized from spending restraint will not reduce Federal outlays during President Reagan's first term. But even with full implementation of all budget savings, Federal outlays will still rise each year this decade.

Incredibly, the spending cuts in Federal housing programs constituted 52 percent of total budget savings in the first year of the so-called Reagan revolution that was to achieve a balanced budget by 1984.

Yet, I believe a strong case can be made that rather than reduce spending in Federal housing, Congress and the administration actually accelerated spending by authorizing additional financing subsidies for 74,000 new units of housing that otherwise would not have been built.

In sum, Congress has to date committed $363 billion to Federal housing and almost all of that since 1970. Less than $90 billion has been spent to meet these obligations leaving future generations at least $263 billion to pay, assuming no additional commitments are made and that projected deficits do not materialize. Five million units are already subsidized, and by 1988, 6.3 million units will receive subsidy. And far from cutting actual spending, the Congress has, at best, only slowed future increases in spending.

ACTUAL AND POTENTIAL UNFUNDED OBLIGATIONS IN FEDERAL HOUSING

A review of commitments to housing to date still does not tell the whole story of where we stand today on public housing. We must go further and understand HUD budgeting practices which have now created a huge unfunded liability. This has come about through three major practices: First, amendments; second, project reserves; and third, rent supplement programs. They add up to a colossal faux pas in Federal housing policy and add billions in unfunded obligations whose magnitude cannot be accurately measured.

AMENDMENTS

This innocuous sounding budget concept is the cover used to hide billions of dollars in cost overruns run up in the construction and rehabilitation of federally subsidized units. The sums involved are large. Since 1978 alone, some $20.5 billion in amendment funds have been committed by Congress. Additional billions will be needed in the future. In fact, this bill alone provides at least $3 billion in long-term spending for cost overruns. The need for amendment funds originated as follows:

In the past, Congress has told HUD that it must build a certain number of units, and theoretically Congress provides adequate authorizations to build those units. HUD then allocates the money to build the congressionally determined number of units. Yet, these authorizations in virtually every case have been insufficient to pay for the unit—but HUD has already committed the Government to build the unit. Therefore, HUD has no choice but to ask Congress to fork up more money—the so-called amendments—to pay for the previously authorized unit.

Here is an example. Suppose HUD in 1980 entered into a contract with a developer for a section 8 contract. HUD then reserves a certain amount of budget authority—that Congress mandated—for this project. For a variety of reasons, construction will not begin until 1982. In the interim, costs have increased, and the developer cannot build the project for the money initially reserved. So HUD has to reserve additional budget authority for these past projects, and the authority is reflected in requests to Congress in the form of additional amendments.

This policy is nothing more than a shell game. HUD submits and Congress approves the budget supposedly with enough funds to build a certain number of units. Often these estimates are underestimated. But it serves the political purpose of reducing, although deceptively, full program costs. Only much later will Congress pay the full bill for previously authorized units, once the commitments are made.

Second, knowing that amendment money is always available, there is little incentive for developers to reduce costs. Keep in mind that developers frequently are paid on the basis of a percentage of the costs of the total project. Thus, the more dollars, the greater the percentage, the greater the need for amendments.

According to HUD, all of the 800,000 section 8 newly constructed units have required additional amendment funds before they could be built. Therefore, repeatedly Congress has initially understated total costs and then deceptively escalated the authority allocated to these units by using future amendments to cover the actual costs.

PROJECT RESERVES

Even with the cost overrun amendments just described, total housing costs are still understated because Congress has not provided enough money to pay future costs. In fact, this bill proposes to begin the first wave of what will likely be a tidal wave of additional dollars that Congress will be asked to commit just to keep currently occupied section 8 units operational. In part, section 8 units are financed on the project reserve concept. HUD takes the first year costs of operating a project—total rents, maintenance, repair, and other expenses—and multiplies these costs times the number of years for the contract, usually 20 years.

Yet over the course of a 20-year period, costs will rise. These additional costs are paid out of the project reserve. This reserve is the income derived from tenant contributions to rent. The theory underlying this practice originated from tenant rent contributions which will rise with inflation and along with other increases in operating costs.

Like so many theories that comprise Federal housing policy, this project reserve theory is beginning to crumble. In reality funds used in some project reserves have been diverted to other than intended purposes, tenant income and their contributions to rent are not likely to rise with inflation. In addition, other economic assumptions used to determine project levels may be overly optimistic.

For the first time this year, HUD was forced to request that Congress appropriate an additional $6.7 million in 1984 for project reserve funds. The administration now projects that it will have to spend at least $75 million in each of the following 4 fiscal years to keep project reserves adequate and housing projects solvent.

Moreover, I am informed these figures also are underestimated . . . the potential for future project reserves required in each of the next 25 years may be large. HUD is now conducting an intensive review to determine the amount needed for project reserves.

The bottom line is this: Congress is foolish to begin even one, let alone seven new programs and to expand further funding for current programs when we face the prospect of spending billions just to keep the doors open for currently provided housing.

SECTION 236 RENTAL ASSISTANCE PROGRAM

Because of horrible mistakes made when the section 236 rent supplement program began in 1968, the Federal Government faces a potentially huge unfunded liability that the Federal Government is responsible for, and eventually must pay.

Rent supplement and the rental assistance programs were created without an adequate mechanism to pay for future cost increases. Because most projects are insured by the Federal Government against default, the Federal Government is responsible to pay obligations if defaults occur. The effect of this deficiency is to expose the Government to large risk in the future.

To its credit, the administration foresaw this problem, and the 1984 budget proposed a solution that would reduce the Government's risk. This solution, however, is not included in the Senate committee bill.

The administration proposed ending the rent supplement rental assistance program, and converting all insured units to the section 8 program. Specifically, the administration wants to recapture all unspent funds in the section 236 program, convert these funds in the section 8 program, and use the converted funds to pay for currently nonbudgeted rent and cost increases in the section 236 units. After these costs were properly financed, HUD proposed Congress rescind the left-over funds. This conversion would apply only to insured projects; noninsured projects—those projects financed by State housing finance agencies—would be responsible for funding future cost increases that are above amounts funded by HUD.

The Senate bill rejects this approach. Instead, the bill requires HUD to offer increased subsidies to cover future cost increases of all rent supplement units, including both insured and noninsured projects. Because it is optional, not mandatory, for the project sponsor, few conversons would result and for a number of reasons. Yet, while the committee bill creates the obligation, it does not provide enough money to meet this obligation. Depending on which economic assumptions are used, Congress in the next 30 years may need to commit $8 billion in new money to keep the rent supplement operational if conversions do not result. The committee bill authorizes $3.2 billion to meet this and—important to note—other future obligations. So under the committee bill, the unfunded obligations by the Government is at least $5.4 billion, and potentially more, depending on how much of the $3.4 billion authorized by the committee is spent on rent supplement and rental assistance amendments.

SUMMARY

Experience teaches us that public housing legislation leads to uncontrollable costs, waste, abuse, and failure. Congress should never again pass new housing legislation without careful study, extensive hearings and full debate along with an extensive review of previous programs and critical evaluation of how they are working. This legislation has not undergone anything resembling such scrutiny.

The defects in this bill are only a few that I have identified after only a cursory review of its provisions. I could discuss at length other undesirable provision, the huge increase in lending authority for rural housing, the Federal Housing Administration and the Government National Mortgage Administration, the provisions for a new, capital subsidy and replacement fund, defects in the method for computing public housing operating subsidies, the inclusion of a new rural housing preservation grant program, the liberalization of the prohibition against providing assisted housing to illegal aliens. It seems like an endless list.

But my basic point is this. The bill cannot and should not pass bearing any resemblance to its present form. Why then are proponents arguing for its passage?

Here are a few arguments I have heard for the bill. "The Senate bill is better than the House bill." That is true. The Senate bill has half to two-thirds the spending levels in the House bill. But that alone is no reason to pass this bill. In fact, the opposite is true. It is reason to defeat this bill so that no version of the House bill will pass.

I have also been told, "We have to pass this bill because the House is holding hostage the International Monetary Fund bill until successful adoption of a housing authorization legislation." If true, the Senate should reject such flagrant extortion. Committing an additional $21 billion in new spending as the price to help international governments keep their loan agreements is absurd, and a price I am not prepared to pay.

I have also heard that, "We must pass this bill. After all, we have not had an authorization bill in 2 years." So what? Then there is, "If we do not pass an authorization, the Appropriations Committee will do so anyway." Maybe, but again, no reason to pass an absurd bill now.

Finally, there is the argument that there are urgent unmet housing needs to fill. Yes; it is true. But no matter how many billions Congress spends, it will never be able to fully satisfy those needs. And it surely never will if Congress continues to blindly and unthinkingly spend money on untargeted rehabilitation grants, Davis-Bacon, and subsidies for the wealthy.

It is easy to oppose legislation, and not propose constructive alternatives. What housing policies do I endorse? Here is what I think should be done immediately:

First, full recapture of every unspent and uncommitted dollar within the Department of Housing and Urban Development and Farmers Home Administration.

Second, inventory every Federal housing project in the United States and the territories. Determine which units that we are now paying for that are either uninhabited or in need of serious repair and determine how much is needed to bring each unit to an acceptable level of habitability, using local standards as the benchmark.

Over the next 5 years, as many as 100,000 units of public housing which the Federal Government is financing will be either unihabited or should be abandoned. Why build new housing, or provide additional housing until these

units are demolished, renovated, or paid for?

Third, determine future levels of spending that will be needed to erase current or projected deficits. Right now, two-thirds of all units are located in public housing authorities that are near bankruptcy. What needs to be done to erase these deficits, replenish reserves, modernize their housing stock and make them energy efficient and less costly?

In the future, almost all long-term section 8 newly constructed units will have to have additional appropriations beyond what is already committed. Using intermediate assumptions, what are the projected deficits? Can recaptured funds be held in reserve to pay these obligations?

Fourth, immediate repeal of Davis-Bacon and other regulations responsible for increased costs, including the National Environmental Policy Act as it applies to subsidized housing, the use of Federal Building Code standards, et cetera.

Fifth, provide no additional subsidies until we know for certain we have reduced waste, targeted assistance to the needy, and are fully able to meet current and future obligations.

Sixth, of course, the best housing policy is one that would help permanently to lower interest rates. To keep interest rates down we must reduce the future deficits now projected. Rather than freeze spending levels, this bill actually increases spending and thereby does nothing to solve our country's basic economic problems and opens the door for future increases in interest rates.

In the meantime, I urge defeat of this housing authorization legislation.

Mr. President, I ask unanimous consent to have printed in the Record statistical reports which emphasize the concerns I have expressed.

There being no objection, the material was ordered to be printed in the Record, as follows:

APPENDIX.—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMPARISON OF BUDGET AUTHORITY AND OUTLAYS CARTER BUDGET, REAGAN BUDGET AND ACTUAL

[In millions of dollars]

	1981	1982
Budget authority		
Carter	$38,390.9	$38,209.0
Reagan	32,830.7	23,040.8
Actual	33,350.4	20,084.7
Outlays:		
Carter	13,304.9	15,507.4
Reagan	14,082.4	13,934.8
Actual	14,033.4	14,490.6

Outlay increases in 1981 were due primarily to interest rates increasing and remaining at substantially higher levels than projected for the balance of the year. For 1982 the Reagan Budget projected lower interest rates which did not fully materialize.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SUBSIDIZED HOUSING PROGRAMS, UNITS ELIGIBLE FOR PAYMENT/TOTAL UNIVERSE INCLUDING PIPELINE, 1980–84

	1980		1981		1982		1983		1984	
	Units eligible for payment	Total universe	Units eligible for payment	Total universe	Units eligible for payment	Total universe	Units eligible for payment	Total universe	Units eligible for payment	Total universe
Public housing	1,192,000	1,372,611	1,204,000	1,428,810	1,224,000	1,359,006	1,250,000	1,326,006	1,255,000	1,285,877
Section 8										
New/sub rehab	333,153	739,168	474,465	790,464	571,298	802,179	651,298	807,154	724,298	808,154
Existing	781,949	873,318	844,462	973,515	955,385	1,071,701	1,128,504	1,229,847	1,393,959	1,398,288
Rent supplement	164,992	164,992	157,779	157,779	153,355	153,355	80,000	80,000	15,000	15,000
Section 236	377,285	382,088	376,206	376,206	361,931	361,931	356,000	356,000	347,000	347,000
Section 235	219,452	227,652	240,539	264,739	241,927	263,173	232,000	232,000	213,000	213,000
Subtotal	3,068,831	3,759,829	3,297,451	3,991,513	3,507,896	4,011,345	3,697,802	4,031,007	3,948,257	4,067,319
Section 221 (BMIR)	88,000	88,000	88,000	88,000	88,000	88,000	88,000	88,000	88,000	88,000
GNMA tandem.										
Nonsection 8 units	NA	NA	NA	NA		10,600	8,000	14,800	14,800	14,800
Targeted tandem	5,600	49,000	18,800	57,900	39,900	74,900	53,900	78,700	73,900	78,700
Section 202 (Original program)	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Totals	3,187,431	3,921,829	3,429,251	4,162,413	3,660,796	4,209,845	3,872,702	4,237,507	4,149,957	4,273,819

Note.—Does not include 1 7 million units assisted under rural housing operated by the Farmers Home Administration, nor administration projection of 80,000 additional units in each year 1964-1988

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SUBSIDIZED HOUSING PROGRAMS, UNITS ELIGIBLE FOR PAYMENT/TOTAL UNIVERSE INCLUDING PIPELINE, 1985–88

	1985		1986		1987		1988	
	Units eligible for payment	Total universe	Units eligible for payment	Total universe	Units eligible for payment	Total universe	Units eligible for payment	Total universe
Public housing	1,238,000	1,245,877	1,206,000	1,206,000	1,171,000	1,171,000	1,161,000	1,161,000
Section 8.								
New/Sub rehab	775,298	817,154	799,298	826,154	808,298	835,154	817,298	844,154
Existing	1,491,273	1,495,602	1,578,480	1,582,809	1,654,363	1,658,692	1,711,380	1,715,709
Rent supplement	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Section 236	346,000	346,000	345,000	345,000	344,000	344,000	343,000	343,000
Section 235	206,000	206,000	199,000	199,000	192,000	192,000	187,000	187,000
Subtotal	4,071,571	4,125,633	4,142,778	4,173,963	4,184,661	4,215,846	4,234,678	4,265,863
Section 221 (BMIR)	88,000	88,000	88,000	88,000	88,000	88,000	88,000	88,000
GNMA tandem:								
Non section 8 units	14,800	14,800	14,800	14,800	14,800	14,800	14,600	14,800
Targeted tandem	78,700	78,700	78,700	78,700	78,700	78,700	78,700	78,700
Section 202 original program	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Totals	4,278,071	4,332,133	4,349,278	4,380,463	4,391,161	4,422,346	4,441,178	4,472,363

Note.—Assumes enactment of administration fiscal year 1984 budget in fiscal year 1985, fiscal year 1987.

SELECTED INDICES OF PROGRAM COSTS, HUD HOUSING ASSISTANCE PROGRAMS

[In millions of dollars]

	Cumulative Sept. 30, 1982	1983	1984	1985	1986	1987	1988
Annual contributions (utilization of budget authority)	$232,905.1	$15,616.5	$7,966.0	$5,127.6	$5,280.4	$8,907.4	$3,041.7
Section 235 (obligations	20,244.6	1,017.9					
Section 236 (obligations)	28,094.3	123.3	2.9				
Rent supplement (obligations)	12,415.8	46.0	20.4				
Subtotal, subsidized housing	293,659.8	16,803.7	7,989.3	5,127.6	5,280.4	8,907.4	3,041.7

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SELECTED INDICES OF PROGRAM COSTS, HUD HOUSING ASSISTANCE PROGRAMS—Continued

[In millions of dollars]

	Cumulative Sept. 30, 1982	1983	1984	1985	1986	1987	1988
Section 312							
Operating subsidies (obligations)	7,460.6	1,281.6	1,636.5	1,524.9	1,481.4	1,469.0	1,550.4
Section 221(d)(3) BMIR (outstanding loan balance)	1,239.0	NA	NA	NA	NA	NA	NA
GNMA tandem (discount on mortgage sales)	1,656.0	650.1	603.4	355.4	127.5		
FHA-GI/SRI (losses on sales)	3,101.8	240.0	253.0	432.9	269.4	269.4	269.4
Total, all programs	¹ 307,117.2	18,975.4	10,482.2	7,440.8	7,158.7	10,645.8	4,861.5

¹ Does not include $38 billion in low interest direct loans provided by Farmers Home Administration.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING BUDGET AUTHORITY UTILIZED FOR AMENDMENTS (1978-1988)

[In millions of dollars]

	Actuals					Estimated					
	1978	1979	1980	1981	1982	1983 ¹	1984	1985	1986	1987	1988
Public housing	274.1	437.4	956.0	935.4	372.1	1,187.0	45.0				
Section 8	2,993.2	1,873.5	3,223.1	3,007.3	4,020.0	1,406.2	391.0	99.0	87.0	75.0	75.0
Total	3,267.0	2,310.9	4,179.1	3,942.7	4,392.1	2,593.2	436.0	99.0	87.0	75.0	75.0

¹ Represents amounts appropriated for 1983; public housing total includes $405 million provided for interest rate adjustments.

Note.—1978-81 data on a net basis; 1982-88 data on a gross basis.

APPENDIX 11.—GAO REPORT, RENTAL REHABILITATION GRANTS

ISSUE

HUD plans to replace the section 8 Moderate Rehabilitation and section 312 Rehabilitation Loans programs with a new rental rehabilitation grants program.

PERSPECTIVE

The Administration is requesting $150 million for fiscal year 1984 to implement a new rental rehabilitation grants program. This program would provide grants to States and units of local governments for up to one-half of the cost of rehabilitating both single-family and multifamily rental properties. An estimated 30,000 rental units would be rehabilitated under the program in fiscal year 1984. This proposed rental rehabilitation program has the potential to be effective in upgrading a badly deteriorated rental housing stock, but without specific congressional guidance regarding program objectives and approaches, States and local governments will tend to design programs which (1) are targeted at housing units without adequate consideration for benefiting needy renter households, (2) have costs higher than necessary to improve the housing conditions of lower income household, (3) have the potential for significant displacement of lower income households, and (4) have little evaluation information available.

Based on past work, GAO believes that many communities eligible to receive rental rehabilitation grants would probably use low interest loans to rehabilitate single-family housing, although they estimate a greater need to rehabilitate and provide assistance to multifamily rental housing for lower income households. Eligible communities would have wide discretion to determine the type and level of rehabilitation assistance. Under the Community Development Block Grant (CDBG) program, which has many similarities to the proposed program, nearly half of the entitlement cities have undertaken some rental housing rehabilitation, but far fewer cities have had extensive recent experience in designing, implementing, or evaluating rental rehabilitation programs. The CDBG program has no explicit targeting criteria for rehabilitation and many communities emphasized rehabilitation of single-family housing, while reporting that renters were in greater need of assistance. Further, the most common subsidy mechanism used by CDBG communities was low interest loans, which has resulted in substantially higher average per unit rehabilitation costs than other financing methods such as grants and interest subsidy payments.

The rental rehabilitation grants program could encourage communities to allow unnecessary improvements in order for the rehabilitated units to be marketable and competitive with other non-subsidized units. The higher rehabilitation costs associated with these improvements imply higher rents, which heightens the potential that low-income families will be displaced in favor of the more affluent. Rental rehabilitation grants would be used to subsidize the cost of rehabilitating rental properties at competitive market rents rather than at rents affordable to lower income households. Under past rehabilitation programs there has been a tendency by communities to allow repairs beyond those necessary to bring substandard and deteriorating units up to code. The Administration estimates that the average cost to rehabilitate a rental unit is $10,000. Based on a recent survey of 64 CDBG communities, however, GAO found that the average rehabilitation costs per unit (excluding a few cities with very high costs) were less than $7,000 per unit. Although housing payment certificates would be provided to eligible low-income renters to help them afford the rehabilitated units, these units would not be affordable by many low-income households without housing certificates if sizable rehabilitation expenses resulted in substantial increases in rents. Early indications are that rehabilitation costs under the Administration's rental rehabilitation demonstration program are much higher than under CDBG. In the past, housing rehabilitation programs have been conditioned on the use of the housing for lower income households. Actual experience under the past programs, however, has shown that, in the absence of clear guidelines on targeting, many communities fail to assure that benefits go to lower income households.

Furthermore, program evaluation has been relegated a minor role in local rental rehabilitation programs. Our past research on the CDBG program has identified several problems relating to the reliability of data used to report program activities and beneficiaries. Unless program evaluation is made an integral component of any new rental rehabilitation program, evaluation information will be inadequate to effectively administer the program.

QUESTIONS

How would eligible communities be selected? Will housing need be the major factor?

What is the average funding level that eligible communities will receive and how many units will this enable them to rehabilitate? Are the anticipated funding levels for individual communities going to be sufficient to have a substantial impact?

What is the extent of Federal technical assistance that the Department anticipates will be needed to help communities design, implement, and evaluate programs?

Will there be any limits and/or controls established on the type and amount of rehabilitation assistance allowed on a given project to ensure that only substandard units are brought up to code at the minimum cost feasible?

Will project owners be require to pass on to the tenants any reduction in costs resulting from the rehabilitation assistance provided?

How will projects that are funded through the rental rehabilitation grants program be targeted to low-income families and what assurances are there that the rehabilitated units will remain available to low-income families for any reasonable period of time? Will low-income occupancy be a mandated requirement for a specific number of years?

Will project owners be prohibited from converting rehabilitated project to condominium ownership? Is the Department considering establishing any requirements to recapture subsidies provided to units occupied by other than low-income households or for any other reason?

What specific program performance criteria and reporting requirements will the Department impose to ensure that program objectives are met and that the program is

being administered effectively? Will project owners be required to provide verified income and demographic information to local administering agencies? Will these agencies be required to submit annual reports to the Department showing what they have accomplished?

Will the Department report to the Congress on a periodic basis as to the overall progress of the program, including consolidated verified information from all State and local governments and information on costs, services delivered, and program beneficiaries?

What sanctions or penalties does the Department anticipate imposing for non-compliance with specific performance criteria and reporting requirements?

Contact: William J. Gainer, 426-1780.

Mr. ARMSTRONG. Mr. President, I would like to now briefly address the pending amendment. As I understand it, the amendment proposed by the manager of the bill accomplishes several purposes. First of all, it deletes the Unemployed Homeowners Relief Act of 1983. That is the foreclosure issue which I discussed earlier. I certainly support that provision of the amendment for the reasons I have already stated.

It deletes some provisions creating a system of public housing agency accreditation and substitutes the creation of a public housing performance standards advisory commission. I think that is good.

It makes some changes to the rental rehabilitation and development program, also desirable changes.

It authorizes 5,000 additional units of public housing, a mistake in my opinion. What we really need to do is fix up the public housing units we already have, many of which are in dilapidated condition, many of which are boarded up, unsuitable, perhaps. It appears that if we cannot even maintain the public housing units that we have, the last thing we want to do is to build a bunch of new ones.

It adds an Indian housing program.

It reduces somewhat the authorization for public housing modernization, a mistake for the reason I have already mentioned.

It limits, to some degree, the section 8 existing certificates not dedicated to other purposes, to suggest that they be used to assist very low income persons or families displaced from their housing by other HUD programs or activities.

The leadership substitute to the housing bill is a modest step in the right direction. I do not approve of all the provisions of this amendment but on balance it certainly goes in the right direction. I compliment the manager of the bill, the Senator from Texas, for proposing this. I intend to support it. It deletes the mortgage foreclosure relief, as I pointed out.

But I also want to make this clear: Even though it makes some changes I approve of, it does not solve the budgetary problem in any significant degree. In fact, while the original bill was criticized as it came from the Banking Committee for proposing new long-term spending of from $24 billion to $41 billion above the President's budget request for 1984-88, as I understand the amendment, and I am prepared to be corrected on this and I hope I will be corrected on it, I believe this amendment actually increases 1984 spending levels by $351 million.

I am not sure that that is an accurate estimate. It is the best estimate I have to work from. It arises primarily from the 5,000 units of new public housing which were not contained in the original bill.

It is my understanding that the proposed amendment does not respond to the need for Davis-Bacon reform but since this amendment if adopted would be treated as original text for the purpose of further amendment, we would not be precluded from offering that amendment at a later time.

I understand this amendment retains the new construction program, and that included in the proposed new rental rehabilitation program authorized in the bill is a new construction program not requested by the administration and it is eligible for tenant subsidies, tax exempt financing and mortgage insurance. This amendment pertains to the new construction program, although repeatedly opposed by the administration. It also retains all the demonstration projects proposed in the bill even though many overlap and may preempt private sector efforts and interfere with prudent State-local government relationships.

All in all, Mr. President, I think the amendment, while it is useful, is a very modest step. I would not want anybody to vote for this with the idea that it cleans up the bill or that it satisfies the concerns that many of us feel. It is sort of a down payment on what needs to be done. Nor would I want there to be any misunderstanding that somehow by adopting this amendment we bring the bill into conformity with the desires of the administration. I am authorized specifically to quote the Director of the OMB as saying that unless a package of amendments far larger than this is adopted, the administration remains opposed to the bill.

The specific package of amendments which would be necessary in order to meet the objections of the administration, and which still, by the way, would not go as far as I wish to go in straightening this out, incorporates some 17 amendments which at the proper time I will present or defer to others to present.

Nonetheless, having said all of that, just under the theory of getting on with the task and beginning the job of amending this bill, I intend to support this amendment.

● Mr. ZORINSKY. Mr. President, I rise in support of the Senator from Texas' language which forbids local rent controls for any project receiving funds under the new rental rehabilitation and development grant program. I am opposed to rent control as it discourages the development of any new, unsubsidized rental housing and has proved counter-productive to the community by eroding its tax base and by deterioration of existing housing. I urge my colleagues to support the committee language on rent controls without modification.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1423) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment just adopted be treated as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I have just been informed that our distinguished colleague from the Banking Committee (Mr. HECHT) delivered his maiden speech on the floor of the Senate today. He is on the floor at this time helping to forward legislation which he played an active role in formulating.

I take this time to congratulate the junior Senator from Nevada on his maiden voyage this morning and commend him for his enormous contribution to our committee as chairman of the Insurance Subcommittee and his great help in putting together this legislation.

I might say his maiden speech was much more auspicious than mine. Mine was of 1 minute duration. It had to do with billboard advertising on interstate highways, which is not nearly as interesting a subject as the one we are dealing with today. I commend him for his effort.

Mr. BAKER. Mr. President, as I indicated earlier today, if it appeared unlikely that we could finish the HUD authorization bill within a reasonable period of time, it was the intention of the leadership on this side to ask the Senate to proceed to the consideration of the HUD appropriations bill. I am prepared to do that. The minority leader, I understand, is on his way to the floor, and I will await his arrival.

However, Senators should understand that it is the intention of the leadership to ask the Senate to proceed next to the consideration of the HUD appropriations bill.

Mr. RIEGLE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. RIEGLE. I say to the majority leader that I appreciate his scheduling this bill today. As he knows, we took up the bill about 2 p.m., and it is now 10 minutes to 4, so we have been on it about an hour and 50 minutes, and we have made some progress.

Can the majority leader indicate to me what his intentions are for the future with respect to this bill? Does he have in mind bringing it back to the floor, and when might that be?

Mr. BAKER. It is my intention to ask the Senate to complete action on this bill. I agree with the Senator that we have made good progress today, and I commend the chairman of the subcommittee and the distinguished ranking minority member for their efforts in the past 2 hours.

I cannot say at this time when we will take it up again. We have the appropriations series before us now, and I do feel committed to undertake that before we return to this measure. However, it is the intention of the leadership to ask the Senate to return to the consideration of the authorization bill at some point.

Mr. TOWER. Mr. President, in view of the remaining days before the 4th of July recess, I would not expect the bill to come up before that time. I hope the majority leader would give consideration to bringing it up as soon as possible after we return from the 4th of July recess.

Mr. BAKER. Indeed, I will. I will confer with both Senators who are managing the bill, and we will try to arrange a schedule that suits their convenience.

Once again, it is the intention of the leadership to return to this measure at some point.

Mr. RIEGLE. I thank the majority leader, and I thank the Senator from Texas.

I think we can move ahead and complete this bill if we can have sufficient time to work on it.

Mr. BAKER. Mr. President, the minority leader is in the Chamber. I have discussed this matter with him. I am prepared now to take us off this bill and to ask the Senate to proceed to the consideration of the HUD appropriations bill.

Mr. D'AMATO addressed the Chair.

Mr. BAKER. Mr. President, the distinguished junior Senator from New York had asked to be recognized briefly for the purpose of inserting a statement in connection with the authorization bill.

Mr. D'AMATO. I thank the Senator.

Mr. President, on May 23, 1983, the Banking, Housing, and Urban Affairs Committee reported the Housing and Community Development Act of 1983. That event was the product of 2 years of hard-nosed negotiation both within and across party lines. Last year we had no housing bill. At that time, the process was fraught with conflict and disagreement which finally led to the Banking Committee's abdicating of its responsibilities to the appropriations process—a pattern growing all too familiar in recent years.

This year was to be different. Senators, committee staff, and personal staff from both sides met frequently, in a conciliatory manner, to hammer out a realistic compromise. The process was slow but deliberate and prospects looked good for passage of a truly viable compromise which incorporated almost everyone's needs while retaining a basic thrust and direction so often lost to legislation as broad and complicated as this in the process of compromise.

I took particular pride in the cooperative efforts of myself, Senator GARN, Senator DODD, Senator TOWER, and Senator RIEGLE in the formulation of the title I rental rehabilitation program. The program, as reported from the Banking Committee, represented a cost-effective means of addressing our current housing needs. Its intention was to keep the Federal Government out of the expensive new construction of subsidized housing, except where it was a dire necessity, and instead to utilize our abundant stock of decaying housing by arresting that decay and thus salvaging this Nation's already extensive investment in housing. The rental rehabilitation program, as successfully utilized in HUD demonstrations, was designed to give maximum flexibility to localities in the choice of target areas to be assisted, as it is the locality that can best assess its housing needs. Most important, the program would provide a number of vehicles which would help leverage Federal investment with private funds, reducing the Federal fiscal burden and encouraging private investment. In sum, the program represented everything this administration has advocated by way of national housing policy.

Mr. President, as typical as the formulation of title I is of the overall conciliatory nature of the negotiations which led to the creation of this legislative package reported from committee so, also, its demise is all too typical of the process by which this entire package is being dismantled.

Title I was first attacked by the addition of a prohibition against local rent controls on units assisted under the title. The provision runs contrary to the overriding purpose of the rental rehabilitation program which was to provide maximum flexibility to localities more important, the provision flies in the face of principles of federalism so central to this administration. Both President Reagan and the Secretary of Housing and Urban Development, Samuel Pierce, are on the record declaring that rent control is a local matter and the Federal Government should stay out of the issue.

The result of Federal meddling in such local matters is to disrupt a delicate separation of power between Federal, State, and local governments. In New York City where rehabilitation projects are undertaken with the assistance of local real estate tax abatements and exemptions in exchange for building owners entering a rent stabilization system only for the duration of such tax benefits, the peremptory rent control language in the committee bill and in the Garn/Tower substitute would disrupt the delivery of this generous local subsidy by forcing an owner to avail himself of either the local subsidy, which requires that rent stabilization be imposed on a rehabilitated unit, or the Federal subsidy which preempts rent controls of any type from attaching to the unit. Thus, the rent control preemption in this bill, in its attempt to attack rent control, also precludes the use of the local tax subsidy in conjunction with the Federal rehabilitation grant. The preemption, thus, discourages the leveraging of the Federal funds with New York City's tax subsidy. It also discourages banks from financing a project receiving solely the Federal subsidy, which, by the way, will also be limited to $5,000 per unit under the Garn/Tower substitute.

Thus, Mr. President, the New York City Department of Housing and Preservation and Development, which would administer this program in the city, has informed me that the program as now written is unworkable in New York. This is the result, Mr. President, of the Federal Government attempting to speak in an area in which it really has no expertise or sensitivity to delicate local balances.

A subsequent committee markup of this particular provision, Senator LAUTENBERG and I proposed an amendment to grandfather existing rent control systems in effect on the date of enactment of this legislation. That amendment failed by a 9 to 9 vote at the full committee level which tells me Mr. President, that there is hardly a committee consensus on the presence of this strong preemptory rent control language now in the bill.

The amendment Senator LAUTENBERG and I will offer today is an even narrower grandfathering of only rent control systems in effect on the day of introduction of this amendment. All rent control systems enacted subsequent to this date could not apply to units assisted with title I funds. This strong statement against the further imposition of rent controls is a concession by the advocates of federalism and a precedent in Federal law which should amply satisfy any opponent of rent controls without disrupting communities with current rent control systems through retroactive penalties for past legislative actions.

Unfortunately, Mr. President, the rent control snafu is only one of a long series of substantive problems I have with the Garn/Tower substitute. The members of the Senate Banking, Housing and Urban Affairs Committee labored hard and long to put a workable package together. The amendment tears at the heart of the legislation, and I am disturbed that the committee leadership would yield so easily to the pressures of the administration and a select few members who have voiced objection to the committee bill.

So I ask, Mr. President, what does the Banking Committee say to its colleagues when it brings to this floor, in one hand, a product of long and hard coordinated compromise and negotiation, and, in the other a random potpourri of amendments that strike at the very heart of our committee bill with wreckless abandon?

May I suggest, Mr. President, that what we say to our colleagues is that we never had much to fight for in S. 1338, nothing we really believed in. I, for one, do not feel that way, and I will not stand by while this bill is emasculated. If we were to allow a bill to pass even though deformed beyond recognition for the mere sake of saying, "We passed a housing bill", I would suggest that perhaps this authorizing committee deserves to lose its jurisdictional powers over these matters of grave concern to our citizens. If it is not able to effectuate its will and shape responsible policy, the public interest would be better served if the committee lay idle rather than act irresponsibly.

RENT CONTROL PROVISION IN S. 1338

● Mr. LAUTENBERG. Mr. President, as this bill comes before the Senate, it contains a provision which states that projects assisted under the rental rehabilitation program may not receive funding if rent controls are applied to such structures by State or local governments. If no rent controls exist today, they may not be applied in the future, and if they exist today and the local or State government wishes to rehabilitate the structure to which the regulation applies, they must be removed.

Mr. President, the provision in this bill does not respect local decisions. We are saying clearly to the many communities in my State which regulate rents. "If you want to participate in this program you must cease regulating rents on the units to be assisted."

I find it unusual, Mr. President, that this Federal preemption of local regulation is included in what is essentially a block grant program. Under title I, substantial latitude is granted States and localities to devise programs which meet the needs of their local communities. But in the case of rent regulation, it is clearly stated that the Federal Government knows better—we here in Washington know what is good for you.

Mr. President, the GAO on March 9, submitted a statement to the Banking Committee indicating that in the absence of rent restraint measures at the local level there is a strong likelihood that tenants now in buildings which might be rehabilitated will be displaced. In one city cited by the GAO, 60 percent of the tenants in such buildings were displaced.

It is my view, Mr. President, that Federal preemption will result in this program being unworkable in communities in my State and other States where this program is needed most. I have in my State two of the poorest cities in the Nation—Newark, No. 1 and Paterson, No 5—both communities regulate rents. They are being told to change their local practice or lose these funds.

Mr. President, rent control has a long history in my State and a controversial one. The opponents of rent control have won some battles and lost some. In this case, rent control's opponents seek to achieve at the Federal level what they have failed to achieve before city councils and in the courts.

This is a local issue and it should remain so.●

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3133.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BYRD. There is no objection on this side.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. BAKER. Mr. President, while we await the arrival of the managers on both sides, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER RETURNING S. 1338 TO CALENDAR

Mr. BAKER. Mr. President, when we went off the authorization bill to the appropriations bill, there was some confusion about whether that was done by motion or by consent. It was the intention of the leadership on this side to go to the appropriations bill and place the authorization bill back on the calendar.

To avoid any confusion on that point, Mr. President, I ask unanimous consent that the authorization bill be returned to the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. Mr. President, reserving the right to object, and I do not object, the majority leader indicated to me earlier today his intention to put the authorization bill back on the calendar if they were not able to complete action on it. So, his request is fully in accord with our understanding.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the minority leader.

UNANIMOUS-CONSENT AGREEMENT—TREATIES

Mr. BAKER. Mr. President, on another matter, earlier today, I believe, the distinguished acting majority leader indicated at the opening that there were six treaties on the Executive Calendar that we wished to address today. I reiterated that request and have now consulted with the minority leader, and I propose a unanimous-consent request that I hope meets with the favor of the Senate, and I believe it has been cleared by the minority leader.

Mr. President, I ask unanimous consent that at 4:30 p.m., the Senate go into executive session to consider treaties on the Executive Calendar numbered 2 through 8 and that the time

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between 4:30 p.m. and 4:45 p.m. be equally divided between the chairman of the Foreign Relations Committee, Senator Percy, and the acting minority member, Senator Pell.

I further ask unanimous consent that the time between 4:45 p.m. and 5:15 p.m. today be under the control of the distinguished Senator from North Carolina (Mr. East) and that one rollcall vote will occur on treaties 4, 5, 6, and 7 at 5:15 p.m. which shall count as four votes, to be followed by a second rollcall vote on treaties 2 and 8, to count as one rollcall for two votes.

Mr. President, I ask unanimous consent that following the execution of those votes the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. Mr. President, reserving the right to object, I note the majority leader is providing, I believe, 30 minutes for Mr. East, who is in the Chamber.

Mr. BAKER. Yes.

Mr. BYRD. Is there provision for anyone on this side?

Mr. BAKER. No, however, it is my understanding that the 30 minutes requested by the Senator from North Carolina is for the purpose of making a statement and will not be for the purpose of offering a condition or any parliamentary measure in connection with the treaties.

Mr. BYRD. Very well; I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS, 1984

The Senate resumed consideration of H.R. 3133.

Mr. BAKER. Mr. President, I believe that we have still not yet obtained the presence of the Appropriations Committee managers, and I will cast dirty looks in the direction of the staff director and hope that he can produce a Senator.

Mr. GARN. I am here.

Mr. BAKER. Mr. President, I believe we are almost ready.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the Senator allow the ranking minority member over here just a few minutes?

Mr. GARN. I say to the minority leader that the distinguished Senator from Kentucky and I have worked very closely on this bill and all I was going to do was simply a brief opening statement and then suggest the absence of a quorum.

Mr. BYRD. All right.

Mr. GARN. Mr. President, the Senate version of the fiscal year 1984 HUD-Independent Agencies appropriations bill contains numerous amendments to the House bill. In total, the Senate bill contains $54,254,397,810. On a comparable, budget authority basis, this is approximately $4,700,000,000 above the adjusted request; $4,800,000,000 below the House bill; $9,100,000,000 below the House budget resolution crosswalk; and $600,000,000 below the Senate budget resolution crosswalk. When combined with previously approved or anticipated congressional action, this will result in about $58,031,000,000 in outlays. This is approximately $10,000,000 more than the adjusted request; $40,000,000 less than the House bill; $2,100,000,000 less than the House budget resolution crosswalk; and $400,000,000 below the Senate budget resolution crosswalk.

Mr. President, I have a brief description of the major actions taken by the Senate.

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The House bill provides $12,644,138,000 for annual contributions for assisted housing. The Senate bill provides for $7,954,862,810 which is $4,689,275,190 more than the request and $5,001,755,190 less than the House.

The House bill contains language recommending 116,000 incremental units of assisted housing. The Senate bill recommends funding that will result in the reservation of 112,000 incremental units.

The recommendation is based on a housing model which used data from the annual housing survey, Bureau of the Census, and the Department's policy development and research program. The 112,000 units include: 14,000 units of section 202 housing; 3,000 Indian housing units; 25,000 section 8 existing; 20,000 housing certificates; and 50,000 rental rehabilitation units.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

The House bill recommends $1,431,000,000 for the payment of operating subsidies in fiscal year 1984. The Senate bill recommends a level of $1,362,200,000 for public housing subsidies. This is $68,800,000 less than the House recommendation and $274,300,000 less than the request.

The report notes that estimated operating subsidies are funded at 100 percent of the performance funding system (PFS) formula. The report further notes that $69,000,000 is available from a fiscal year 1983 deferral as well as an additional $80,000,000 in fiscal year 1983 funds that might also be in excess of the fiscal year 1983 requirements.

GUARANTEES OF MORTGAGE-BACKED SECURITIES

The House bill recommends a loan limitation of $58,650,000,000 for the mortgage-backed securities program. The Senate bill provides an additional $9,600,000,000 for a loan limitation total of $68,250,000,000. This is also $9,600,000,000 above the request.

The Senate has adopted the fiscal year 1983 level for GNMA limitation. The committee notes that a housing recovery is underway. The percent of FHA/VA loans being pooled in mortgage-backed securities issues is at historically high levels and this does not appear to be a proper time for a reduction in the commitment level.

COMMUNITY DEVELOPMENT GRANTS

The House bill provides $3,470,000,000 for the community development block grant program. The Senate bill provides $3,463,200,000 which is $6,800,000 less than the House allowance and $36,800,000 below the request.

Of this amount, $63,700,000 is provided for the Secretary's discretionary fund. The reduction is a result of the following charges: a reduction of $44,300,000 in the Indian program (Indian housing program continues to be funded through the assisted housing account); an increase of $4,000,000 for grants for water and sewer systems in Indian housing; an increase of $2,500,000 for a neighborhood development demonstration program, and an addition of $2,000,000 increase for technical assistance related to the urban development action grants program; and a general reduction of $1,000,000 from the Secretary's discretionary fund.

RENTAL REHABILITATION GRANTS

The House bill provided no funding in this category. The Senate bill provides $300,000,000. This is $150,000,000 more than the request. The amount included is the same as contained in the Senate authorization bill (S. 1338). The availability of funds is subject to the enactment of authorization.

The report notes that the funding will support the rehabilitation of approximately 50,000 units by leveraging an additional $300,000,000 in private contributions.

POLICY DEVELOPMENT AND RESEARCH

The House bill provides $15,000,000 for research and technology. The Senate bill provides $21,000,000 which represents an increase of $6,000,000 over the House allowance and $3,000,000 more than the request.

The funds are included to provide for housing research; the American Housing Survey; community and urban research; research support and for a study on the modernization needs of the public housing stock. The latter study will identify the modernization needs to bring public housing stock to applicable property standards and to complete the job of cost-efficient energy modernization. The study will also identify how the comprehensive improvement assistance program (CIAP) funds are being used. Recent information on CIAP indicates only 3 percent of the funds approved have been expended.

The report further notes that the Committee has moved funding for the Housing Assistance Council from this account and allocated the required $950,000 as a line item in the bill under the Department's management and administration account—salaries and expenses.

TITLE II—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

The House bill provides $10,837,000 for the American Battle Monuments Commission. The Senate bill provides $10,462,000 which represents a decrease of $375,000 from both the House allowance and the request.

The report notes that the Commission realized an additional $700,000 in fiscal year 1983 as a result of a favorable foreign dollar exchange rate. This permitted the Commission to advance fund $375,000 fiscal year 1984 construction projects in fiscal year 1983.

CONSUMER PRODUCT SAFETY COMMISSION

The House bill provides $34,500,000 for the Consumer Product Safety Commission. The Senate bill provides $35,000,000 which represents an increase of $500,000 over the House allowance and $3,000,000 more than the request.

It should be noted that the report includes language earmarking no less than $1,000,000 to enhancing the activities of seven prioritized projects—exclusive of personnel costs. The seven areas are: chain saws, chlorocarbons; gas-heating equipment; indoor air quality—combustion products; particle board and paneling; poison prevention packaging; and smoldering ignition.

ENVIRONMENTAL PROTECTION AGENCY

The total amount provided EPA in its six accounts is $3,998,100,000. This amount is $83,500,000 less than the $4,081,600,000 allowance in the House bill. It is $295,509,000 above the request. The Senate bill is consistent with the amount of the Administrator's letter of June 13, 1983, except for the addition of $30,000,000 for combined sewer overflow in the construction grants account.

SALARIES AND EXPENSES

The House bill provides $612,889,000 for salaries and expenses. The Senate bill provides $574,900,000 which is $37,989,000 less than the House allowance and $34,511,000 above the request. The report language includes the following changes to the request:

Plus $1,000,000 to maintain the current overall level for the Great Lakes research program and eight positions;

Plus $2,000,000 for 40 positions for pesticide programs, including expanded pesticide monitoring, laboratory audits, and enhanced data management capabilities;

Plus $2,000,000 and 40 positions for the development of health risk assessment data;

Plus $1,000,000 for 30 positions to be allocated to the regions for increased air and water quality monitoring and enforcement;

Plus $500,000 and 10 positions for the conduct and management of toxic chemicals studies, including dioxin assessment;

Plus $250,000 and five positions for increased emphasis on advanced coal-burning technology, especially the limestone injection multistage burner; and

Plus $250,000 and five positions for the implementation of the strategies identified in the Chesapeake Bay Study.

An additional $27,511,000 on the basis of the requirements identified by the Administrator's letter of June 13, 1983.

RESEARCH AND DEVELOPMENT

The House bill provides $165,600,000 for the research and development program (R&D). The Senate bill provides $142,700,000 which is $22,900,000 less than the House allowance and $31,031,000 more than the request.

The report noted the distribution of the $31,031,000 above the request as follows:

Plus $4,000,000 for health effects research in air, drinking water, toxics and radiation, particularly research to assess the health, ground water and drinking water effects of Temik;

Plus $6,000,000 to initiate research into the human toxicity of dioxin and other chlorophenols, including comprehensive monitoring of problem areas;

Plus $5,000,000 to accelerate the development of limestone injection multistage burner technology;

Plus $1,500,000 for Great Lakes research to continue the current level of effort in research of large lakes and tributaries;

Plus $1,000,000 for lake quality maintenance and improvement research, including acid rain studies. The committee also expects EPA to complete the lake restoration procedures guidance manual;

Plus $500,000 for air and water quality monitoring technology development; and

Plus $12,031,000 to be applied to high-priority programs as determined by the Administrator.

ABATEMENT, CONTROL, AND COMPLIANCE

The House bill provides $521,511,000 for abatement, control, and compliance activities. The Senate bill provides $393,900,000 which is $127,611,000 less than the House allowance, $99,967,000 more than the request, and the same as the amount requested in the EPA Administrator's letter of June 13, 1983.

The report notes several of the increases to the request such as:

Plus $17,780,000 for air programs section 105 State grants;

Plus $30,200,000 for water quality program section 106 State grants;

Plus $6,246,000 for public water system program grants;

Plus $980,300 for underground injection control grants;

Plus $1,568,000 for hazardous waste management State grants;

Plus $1,785,000 for pesticide enforcement State grants;

Plus $1,000,000 for the Great Lakes program;

Plus $1,900,000 for the National Rural Water Association;

Plus $1,500,000 for academic training;

Plus $2,625,000 for wastewater treatment operator training; and

Plus $34,382,000 to be added to high-priority programs as determined by the Administrator.

The report notes that the House bill language was retained. The language was added on the House floor and prohibits EPA from implementing the sanctions under the Clean Air Act. The report further notes that retaining this provision will allow the administration and the Congress more time to review the need to revise the Clean Air Act.

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

The House bill provides $335,000,000 for the Hazardous Substance Response Trust Fund (Superfund). The Senate bill provides $410,000,000 which is $75,000,000 more than the House allowance, $100,000,000 more than the request and the same as the amount requested in the EPA Administrator's letter of June 13, 1983.

The report notes that 10 positions and $500,000 are added to the Inspector General's Office of Increased Superfund Audits and Investigations. An additional 100 positions and $25,000,000 are provided to support the conduct of feasibility studies prior to initiation of settlement negotiations or litigation. The report language further notes that EPA is expected to conduct these studies without requiring local matching funds. An additional 10 positions and $1,500,000 are provided for research to evaluate technologies to manage uncontrolled waste sites. The report also included an additional $73,000,000 on the basis of the requirements identified by the Administrator in his letter of June 13, 1983. It is expected that a substantial portion of these funds will be devoted to increasing the number of positions in the Superfund program.

The report suggests that EPA consider dropping the matching requirement for the initial survey and analysis phases of the site work and only require the matching funds after the problem severity and scope is determined.

CONSTRUCTION GRANTS

The House bill provides $2,400,000,000 for the construction grants program. The Senate bill provides $2,430,000,000 which is $30,000,000 more than the House allowance, the request and the EPA Administrator's letter.

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The report noted that the additional $30,000,000 to be used, as authorized in section 201(n)(2) of the Federal Water Pollution Control Act, as amended, for combined sewer overflow (CSO). The report indicates that these funds could be effectively used during fiscal year 1984 to address serious problems caused by combined sewer overflows into marine bays and estuaries.

The report further noted that there are doubts that the CSO program can be efficiently managed if the available funds are used to partially fund a large number of projects. Such an approach will lead to a stretchout of each of the projects, additional oversight requirements, and corresponding cost increases.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The House bill provides $700,000 for the salaries and expenses of the Council on Environmental Quality. The Senate bill provides $913,000 which is $213,000 more than the House allowance and the same amount as the request. The report notes that the Council is directed to report back to the committee in terms of its plans for fiscal year 1984 and how these plans relate to the statutory responsibilities of the Council.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The House bill provides $430,758,000 for the Federal Emergency Management Agency (FEMA). The Senate bill provides $467,087,000 which is $36,329,000 more than the House allowance and $55,320,000 less than the request.

SALARIES AND EXPENSES

The House bill provides $119,999,000 for salaries and expenses in fiscal year 1984. The Senate bill provides $122,263,000 which is $2,264,000 more than the House allowance and $5,328,000 less than the request. The report notes the following changes: Minus $3,500,000 and 84 positions in civil defense activities and minus $1,828,000 in mobilization preparedness, funding the program at the fiscal year 1983 level.

The report language commended FEMA on its integrated management approach to civil defense, but agreed with the House on the distinction between the attack and civil disaster portions of the program. The report also urged the Agency to develop a better definition of those activities that are of dual use in nature and those that are essentially attack or civil defense related.

STATE AND LOCAL ASSISTANCE

The House bill provides $169,176,000 for the State and local assistance activities of FEMA. The Senate bill provides $187,566,000 which is $18,390,000 more than the House allowance and $22,150,000 less than the request.

The committee report language noted the direction of the reduction of $28,400,000 to be taken in the areas of population protection and radiological defense. The report also noted the increase of $5,340,000 for the State and local emergency management program and an increase of $16,800,000 in the State and local direction, control and warning program over the fiscal year 1983 level.

The report further notes a general restoration of $6,250,000 to be applied to high-priority programs as determined by FEMA.

The Agency requested that the funding for the purchase of property program remain available until expended. The report recommends a 2-year availaility of purchase of property funds. This will permit adequate time for property contract negotiations.

EMERGENCY PLANNING AND ASSISTANCE

The House bill provides $141,583,000 for emergency planning and assistance activities. The Senate bill provides $157,258,000 which is $15,675,000 more than the House allowance and $27,842,000 less than the request.

It should be noted that it is necessary to carefully review the effects of the reductions from the request. For this reason, the report indicates the provision of a general restoration of $5,000,000 to be applied to high-priority emergency planning and assistance programs—other than the security planning program—as determined by FEMA.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

The House bill provides $1,449,000 for the Consumer Information Center. The Senate bill provides $1,349,000 which is $100,000 less than the House allowance and also the request.

The reduction is based on the establishment of a revolving fund in the proposed pay supplemental bill (H.R 3069). The fund permits the Center to offset $100,000 of its operating requirements during fiscal year 1984 through the use of charges collected from the public.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The House bill provides $7,176,500,000 for the National Aeronautics and Space Administration (NASA). The Senate bill provides $7,171,500,000 which is $5,000,000 less than the House allowance and $65,000,000 more than the request.

RESEARCH AND DEVELOPMENT

The House bill provides $5,803,500,000. The Senate bill provides $5,793,500,000 which is $10,000,000 less than the House allowance and $85,000,000 more than the request. The report notes the following differences from the request:

Plus $35,000,000 for engine spares;

Plus $45,000,000 for the Space Telescope;

Plus $20,000,000 for research and analysis in physics and astronomy and planetary programs;

Minus $3,000,000 from the $20,000,000 requested for the numerical aerodynamic simulator;

Plus $10,000,000 for advanced propulsion and composite materials (system technology program);

Minus $10,000,000 from tracking;

Minus $5,000,000 from the suborbital research program;

Minus $5,000,000 from Shuttle production and capability development;

Plus $2,000,000 for environmental observations;

Plus $5,000,000 for materials processing in space;

Plus $1,000,000 for solid state observations program;

Plus $5,000,000 for technology utilization; and

Minus $10,000,000 as a general reduction to be taken by the Agency in areas other than those augmented above.

The report also notes the capping of a number of programs within the R&D account and the dividing of the traditional R&D account into two accounts to highlight the operational nature of the Space Shuttle.

RESEARCH AND PROGRAM MANAGEMENT

The House bill provides $1,237,500,000. The Senate bill provides $1,242,500,000 which is $5,000,000 more than the House allowance and $5,000,000 less than the request.

The report notes that the reduction should be applied to object classifications other than required funds for personnel compensation and benefits, such as contractual and consultant services, travel and public affairs.

NATIONAL SCIENCE FOUNDATION

The House bill provides $1,315,300,000 for the activities of the National Science Foundation (NSF). The Senate bill provides $1,292,600,000 which is $22,700,000 less than the House allowance and $300,000 more than the request.

RESEARCH AND RELATED ACTIVITIES

The House bill provides $1,242,400,000 for the research and related activities account. The Senate bill provides $1,214,700,000 which is $27,700,000 less than the House allowance and $36,000,000 less than the request.

It should be noted that the entire reduction in this account from the request has been reallocated to the Foundation's science and engineering education activities account. It should be further noted that the report takes exception to the numerous program's specific adjustments and earmarkings made by the House. The report expresses confidence in the science advisory boards and peer review process of the Foundation to make the program level decisions and deletes the House provisions.

The report suggests that the scientific community and the National Science Foundation would be better

served if the number of grants and the size of the average grant were both increased. The report targets one-half of the funding increase over 1983 in this account for additional grants for an increase of 770 grants or a 6 percent in total grants. The report notes the provision permitting the transfer of up to $5,000,000 from the science and engineering education activities account for basic and applied research in learning and cognition.

The committee report reflects my concerns over the Foundation's reluctance to assert its leadership position as the Government's premier science agency. The Foundation's long standing lack of analytic capability and management information systems has seriously affected its ability to understand the impact that the Foundation's funding policies have had on the state of U.S. science and have hindered the development of new policy initiatives.

It should be noted that the report recognizes that the NSF portion of the U.S. Antarctic Program should not be funded at the expense of other NSF scientific programs and, therefore, establishes a new account for the Antarctic.

SCIENCE AND ENGINEERING EDUCATION ACTIVITIES

The House bill provides $70,000,000 for this account. The Senate bill provides $75,000,000 which is $5,000,000 more than the House allowance and $36,000,000 more than the request.

The report notes, in setting aside $14,700,000 for educational activities such as teacher training and awards, that the committee is interested in the Foundation pursuing a "partnership program" for education involving the Federal Government, private business, State governments, and educational institutions. The objective would be to improve the quality of science and mathematics education. A program of Presidential awards for teacher excellence in science and mathematics will be established in fiscal year 1983 and continued in fiscal year 1984.

SELECTIVE SERVICE SYSTEM

The House bill provides $24,049,000 for the salaries and expenses account of the Selective Service System. The Senate bill provides $24,649,000 which is $600,000 more than the House allocation and $850,000 less than the request.

It should be noted that the report retains the House reduction in the public awareness and travel, but restores the $600,000 House deleted in the compliance program. Both the House and Senate bills prohibit program funds from being used to induct any person into the Armed Forces.

DEPARTMENT OF TREASURY

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

The House bill provides no funds for this account. The Senate bill provides $4,566,700,000 which is the same amount as the request.

The report notes that the House deferred consideration of this item due to the lack of authorization. Senate bill S. 41 proposes to reauthorize the program at the level recommended. The report further notes that two-thirds of the Members of the Senate are cosponsors of this bill.

OFFICE OF REVENUE SHARING—SALARIES AND EXPENSES

The House bill provides $7,378,000 for this account. The Senate bill provides $7,278,000 which is $100,000 less than the House allowance and $400,000 less than the request.

The reduction from the request is based on a provision of the fiscal year 1983 supplemental (H.R. 3069) which would permit the Office to carry forward $400,000 from unobligated expenses in fiscal year 1983.

VETERANS' ADMINISTRATION

The House bill provides $24,805,761,000 for the Veterans' Administration. The Senate bill provides $24,916,929,000 which is $111,168,000 more than the House allowance and $193,732,000 less than the request.

READJUSTMENT BENEFITS

The House bill provides $1,371,000,000 in this account. The Senate bill provides $150,000,000 more than the House allowance and the request. The recommended amount is based on the inclusion of $150,000,000 for a new veterans job training program which is subject to the enactment of authorizing legislation.

MEDICAL CARE

The House bill provides $8,078,526,000 for this account. The Senate bill provides $8,065,187,000 which is $13,339,000 less than the House allowance and $6,661,000 more than the request.

The report further notes the following changes from the VA's request: A reduction of $5,539,000 in the VA's equipment—object class 31; an increase of $1,900,000 to provide for additional contract care nursing—due to the elimination of a like amount from the VA construction account for a proposed new nursing care facility. The funding provides for an increase of 2,306 FTEE above the fiscal year 1983 level.

CONSTRUCTION—MAJOR PROJECTS

The House bill provides $350,992,000 for the major construction account. The Senate bill provides $341,692,000 which is $9,300,000 less than the House allowance and $332,700,000 less than the request.

The report notes that of the amount of reduction from the request: $263,400,000 is associated with the advanced funding in fiscal year 1983 of the Minneapolis and Cleveland construction projects; $60,000,000 was from accumulated savings from completed construction projects; $4,000,000 represents a reduction of the multistory parking garage at the San Francisco nursing home—an agreement for the use of an adjacent Department of the Interior land for parking was suggested; and a reduction of $5,300,000 for the funding of the Providence, R.I., nursing home facility.

The report further notes the deletion of House language limiting advanced planning to projects selected by Congress; a provision to restrict the use of nonconstruction funds for major construction; and a provision requiring the VA to notify GAO in the event that construction funds are not obligated expeditiously.

CONSTRUCTION—MINOR PROJECTS

The House bill provides $193,378,000 for this account. The Senate bill provides $177,185,000 which is $16,193,000 less than the House allowance and also the request.

The report notes the committee's continued support for the VA's minor construction program, but further notes a fiscal year 1984 increase of 25 percent which is on top of a fiscal year 1983 increase of 38 percent.

The Senate bill includes a limitation of $45,838,000 for the expenses of the Office of Construction and the restoration of 13 staff-years deleted by the House.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, as the ranking member on the HUD-Independent Agencies Appropriations Subcommittee, I want to comment on a number of items in H.R. 3133, as reported from the Senate Appropriations Committee.

As the chairman of the Subcommittee (Mr. GARN) noted, the bill as reported, carries $54.2 billion in budget authority. This is $4.7 billion over the estimates for fiscal 1984 but $4.8 billion below the House bill. Furthermore, the bill is within the Senate budget crosswalk which was worked out pending final action on a budget resolution.

Under the assisted housing program, we have recommended 112,000 incremental units—14,000 units in section 202 housing for the elderly and handicapped, 3,000 units for Indian housing, 25,000 units of section 8 existing housing, 20,000 housing certificates or vouchers, and 50,000 rental rehabilita-

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tion units. Also included is $1.6 billion for public housing modernization.

The bill includes $1.362 billion for operating subsidies for public housing projects in addition to the $69 million previously deferred until fiscal 1984. It directs that the current performance funding system formula be used for distributing the funds.

For FHA gross mortgage and loan insurance commitments, the recommendation is $50.9 billion, and for the Government National Mortgage Association (GNMA) mortgage-backed securities (MBS) program, the recommendation is $68.250 billion. Both limitations, though higher than requested, are important to a sustained housing recovery. The Department is directed to notify the committee if it appears likely that the ceilings will be reached. Report language also urges that efforts be undertaken to overcome any delays in the processing of FHA loans.

For the Solar Energy and Energy Conservation Bank, the recommendation is $25 million.

The community development block grant (CDBG) program would be funded at $3.4 billion under the committee recommendation. Entities which were considered entitlement areas in fiscal 1983 but were scheduled to lose entitlement status in fiscal 1984 because of population loss or central city dedesignation have been protected in fiscal 1984 by bill language. Under the Secretary's discretionary fund, $2.5 million is earmarked for a neighborhood development demonstration program and $2 million for increased technical assistance to small communities in connection with urban development action grant (UDAG) program. While UDAG has worked extremely well in metropolitan areas, a much smaller proportion of small cities have applied for funds. The technical assistance funding is designed to help these smaller communities prepare applications and utilize the program more fully. Report language indicates that the committee expects HUD to continue its support of district heating/cooling.

The recommendation for the UDAG program is $440 million, the same as the fiscal 1983 appropriation. This program has been quite successful, especially in metropolitan areas, in leveraging private funds and the committee believes it should be continued at the existing level.

The section 312 rehabilitation loan program is to be continued in fiscal 1984 from repayments and other income sources. Some $71 million is expected to be available.

The committee has included $300 million for the new rental rehabilitation grants program. This should be sufficient to fund 50,000 units.

As in the past, the committee has earmarked funding for the Housing Assistance Council (HAC) which has done so much for rural areas such as eastern Kentucky. For fiscal 1984, the recommended amount is $950,000, and it is to come from the salaries and expenses account.

For fair housing and equal opportunity, the recommendation is $4.7 million.

The committee has included report language relating to personnel reductions in the area and regional HUD offices. HUD is apparently proceeding with reductions in field personnel despite reservations expressed in a General Accounting Office report, despite reported delays in proceeding FHA loans, and despite uncertainty over the type of housing programs which are likely to be operational in fiscal 1984.

For the Consumer Product Safety Commission, the recommendation is $35 million.

The recommendation for the Environmental Protection Agency is $3.998 billion. This represents a $168 million increase over the original budget request for the agency's operating programs. Within that amount is an additional $5 million in R&D funding to accelerate the development of limestone injection multistage burner technology, an additional $58.5 million to bring State grant programs to the fiscal 1983 level, $1.9 million for the National Rural Water Association, and $2.6 million for wastewater treatment operator training.

In addition, the committee retained bill language adopted on the House floor prohibiting EPA from implementing sanctions under the Clear Air Act.

The Hazardous Substance Response Trust Fund (Superfund) will receive $410 million under the recommendation—$200 million more than in fiscal 1983. This should allow EPA to move ahead on hazardous waste cleanup.

For the wastewater construction grant program, the recommendation is $2.430 billion of which $30 million would be used for combined sewer overflows.

The recommendation for the Federal Emergency Management Agency is $467 million. This includes $37.5 million for payments to the Treasury under the national flood insurance fund and $3.6 million for fire prevention and control. The committee restored funding cut by the House for earthquake studies.

For the National Aeronautics and Space Administration, the recommendation is $5.79 billion. The committee added $35 million for engine spares for the space shuttle, $5 million for technology utilization, and $1 million for the solid-state observations program in order to accelerate the development of the multispectral linear array for remote-sensing activity.

Under the committee recommendations, the National Science Foundation would be funded at $1.292 billion. This includes $1.214 billion for research and $75 million for science and engineering education. Under the important science and engineering education account, funds are earmarked for materials development, awards, and workshops, teacher training, public information, high-technology applications, and learning and cognition research.

For the Neighborhood Reinvestment Corporation, the recommendation is $15.5 million.

Revenue sharing is funded at $4.566 billion, the current level. Committee report language indicates that the committee will consider providing additional funding in the event that a higher amount is authorized.

For veterans' compensation and pensions, the recommendation is $13.8 billion. Readjustment benefits are funded at $1.5 billion including the $150 million added for the new veterans' job-training program. The medical care account stands at $8 billion under the committee recommendation, and the medical and prosthetic research account at $162.3 million which includes $6 million more than the request for geriatric research.

As in the past, I want to commend the chairman of the subcommittee. He has been most cooperative and, with one principal exception, we were able to reach agreement on most issues.

Mr. President, I yield to the distinguished floor manager of the bill.

Mr. GARN. Mr. President, I move in accordance with section 904(b) of the Congressional Budget Act to waive the provisions of section 303 of that act with respect to the consideration of the pending measure, H.R. 3133, and any amendments thereto.

I state the reason for this request is the fact that we do not have a budget resolution yet, as I think the whole Senate is aware.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

Mr. GARN. I move to reconsider the vote by which the motion was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I move that the committee amendments be considered en bloc and agreed to en bloc, and that the bill as thus amended be regarded for purposes of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

The amendments agreed to en bloc follow:

On page 2, strike line 8, through and including line 2 on page 3, and insert the following:

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in Appropriation Acts, is increased by $809,954,229: *Provided*, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in Appropriation Acts by $7,954,862,810: *Provided further*, That of the budget authority provided herein, $467,460,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,926,400,000 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), $1,600,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 14371), of which $35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such act, and $1,149,510,000 shall be available for contracts entered into under the modified section 8 existing housing assistance program, of which $479,000,000 shall be used in conjunction with units also assisted under the rental rehabilitation program: *Provided further*, That the budget authority in the foregoing proviso for the modified section 8 existing housing assistance program and the rental rehabilitation program shall be available only to the extent that legislation authorizing the modified section 8 existing housing program and the rental rehabilitation program are enacted: *Provided further*, That notwithstanding any other provision of this Act, up to the first $1,575,000,000 in budget authority recaptured and becoming available for obligation in fiscal year 1984 shall be made available for annual contribution contacts under the section 8 existing housing program (42 U.S.C. 1437f): *Provided further*, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: *Provided further*, That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): *Provided further*, That of the balance of merged amounts of budget authority provided herein, and not previously set aside, $3,080,694,060 shall be available for obligation in 1984 to convert contracts assisted under section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) and section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) to contracts assisted under section 8 of the United States Housing Act of 1937, as amended, and up to $2,292,598,750 shall be available for other contracts as authorized by section 5 of the United States Housing Act of 1937, as amended.

On page 5, strike line 11, through and including line 18;

On page 7, line 24, strike "$1,431,000,000", and insert "$1,362,200,000";

On page 8, strike line 1, through and including line 12;

On page 9, line 15, strike "$45,900,000,-000", and insert "$50,900,000,000";

On page 9, after line 23, insert the following:

Any fee charged in accordance with a contract by a contractor to recover indebtedness owed to the United States may be payable from the amount collected by such contractor, up to such amount as may be owed such contractor, in accordance with section 13(b) of the Debt Collection Act of 1982 (Public Law 97-365).

On page 10, line 25, strike "$58,650,000,-000", and insert "$68,250,000,000";

On page 11, line 16, strike "$3,470,000,-000", and insert "$3,463,200,000";

On page 11, line 21, after "Development", insert the following: "ment: *Provided further*, That any unit of general local government which was classified as a metropolitan city in fiscal year 1983 pursuant to section 102(a)(4) of the Housing and Community Development Act of 1974, as amended, shall continue to be classified as a metropolitan city for purposes of the allocation of funds provided herein for fiscal year 1984.".

On page 13, after line 8, insert the following:

RENTAL REHABILITATION GRANTS

For grants to States and units of general local government, to carry out the rehabilitation of residential rental properties, and for related expenses not otherwise provided for, $300,000,000, to remain available until September 30, 1985: *Provided*, That none of the funds appropriated in this paragraph shall be available for obligation except upon enactment into law of legislation, authorizing a rental rehabilitation grants program.

On page 14, line 11, strike "$15,000,000", and insert "$21,000,000";

On page 14, line 12, after "1985", insert the following: ": *Provided*, That $4,000,000 of the foregoing amount is to be made available solely for a study of the costs of bringing the existing public housing stock into conformance with property and energy conservation standards established by the Secretary.".

On page 15, line 6, after "including", insert the following: "$950,000 for the Housing Assistance Council and";

On page 15, line 8, strike "$571,114,000", and insert "$572,064,000";

On page 15, line 24, strike "$10,837,000", and insert "$10,462,000";

On page 16, line 21, strike "$34,500,000", and insert "$35,000,000";

On page 17, line 25, strike "$612,899,000", and insert "$574,900,000";

On page 18, line 6, strike "$165,600,000", and insert "$142,700,000";

On page 18, line 10, strike "$521,511,000", and insert "$393,900,000";

On page 18, line 11, strike "That", through and including "further," on line 13;

On page 19, line 18, strike "$335,000,000", and insert "$410,000,000";

On page 19, line 21, strike "$51,984,000", and insert "$66,514,000";

On page 19, line 24, after "510", insert ": *Provided further*, That of the funds appropriated under this head, $6,415,000 shall be made available to the Department of Health and Human Services upon enactment";

On page 20, line 7, strike "$2,400,000,000", and insert "$2,430,000,000";

On page 20, line 19, strike "$700,000", and insert "$900,000";

On page 21, line 17, strike "$119,999,000", and insert "$122,263,000";

On page 22, line 2, strike "$169,176,000", and insert "$187,566,000";

On page 22, line 24, strike "$141,583,000", and insert "$157,258,000";

On page 23, line 16, strike "$1,449,000", and insert the following: "$1,349,000, to be deposited to the Consumer Information Fund: *Provided*, That the revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,949,000: *Provided further*, That revenues and collections accruing to this fund during fiscal year 1984 in excess of $7,949,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts.".

On page 24, strike line 8, through and including line 5 on page 25, and insert the following:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $427,400,000 for space transportation capability development; (2) $14,000,000 for a space station; (3) $165,600,000 for space telescope development; (4) $17,000,000 for Numerical Aerodynamic Simulation; without the approval of the Committees on Appropriations; $2,016,900,000 to remain available until September 30, 1985.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Adminstration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,530,000,000 for space shuttle production and capability development; (2) $1,570,600,000 for space transportation operations; (3) $50,000,000 for expendable launch vehicles; and (4) not more nor less than $44,000,000 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $3,776,600,000 to remain available until expended; provided, that up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred to any other NASA appropriation with the approval of Committees on Appropriations.

On page 27, line 11, after "design", insert the following: *: Provided further*, That no amount appropriated pursuant to this or

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any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriation act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further,* That the Administrator may authorize such facility lease or construction, with the approval of the Committees on Appropriations if he determines that deferral of such action until the enactment of the next Appropriation Act would be inconsistent with the interest of the Nation in aeronautical and space activities.-

On page 28, line 15, strike "$1,237,500,000"; and insert "$1,242,500,000";

On page 29, line 21, strike "$64,500,000", and insert "$66,500,000";

On page 30, line 1, strike "$1,242,400,000", and insert "$1,112,600,000";

On page 30, line 12, strike "That", through and including "policy." on page 31, line 3, and insert the following:

That $77,350,000 shall only be used to increase the total number of grant awards over the total number awarded in fiscal year 1983.

On page 31, after line 5, insert the following:

UNITED STATES ANTARCTIC PROGRAM ACTIVITIES

For necessary expenses in carrying out the research and operational support for the U.S. Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $1,000 for official reception and representation expenses; $102,100,000, to remain available until expended: : *Provided,* That receipts for support services and materials provided to individuals for non-Federal activities may be credited to this appropriation: *Provided further,* That no funds in this account shall be used for the purchase of aircraft.

On page 32, line 2, strike "$70,000,000", and insert "$75,000,000";

On page 32, line 9, after "proportionally, insert the following: *Provided further,* That no less than $20,300,000 shall be made available for National Science Foundation Graduate and Minority Fellowships: *Provided further,* That no less than $34,000,000 shall be made available for merit based instructional materials development, evaluation and demonstration activities: *Provided further,* That up to $5,000,000 may be transferred from funds provided under this head to and merged with funds made available under "Research and related activities" for the purpose of conducting research on teaching and learning.

On page 33, line 11, strike "development", and insert "the capital";

On page 33, line 12, after "associations", insert "other than the Baltimore, Maryland, mutual housing program";

On page 33, line 21, strike "$24,049,000", and insert "$24,649,000";

On page 34, after line 4, insert the following:

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

For payments to the State and Local Government Fiscal Assistance Trust Fund, $4,566,700,000.

On page 34, line 11, strike "$7,378,000", and insert "$7,278,000";

On page 35, line 5, strike "$1,371,000,000", and insert "$1,521,000,000";

On page 35, line 6, after "expended", insert the following: of which $150,000,000 shall be available only for veterans' emergency job-training program payments: *Provided,* That such $150,000,000 shall be available for obligation for such payments only if authorizing legislation for such payments is enacted before December 31, 1983.

On page 36, line 10, strike "$8,078,526,000", and insert "$8,065,187,000";

On page 37, line 21, strike "$350,992,000", and insert "$341,692,000";

On page 37, line 22, strike "Provided", through and including line 4 on page 38, and insert the following: *Provided,* That funds provided in the appropriation "Construction, Major Projects" for fiscal year 1984, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1984 and (2) by the awarding of a construction contract by September 30, 1985: *Provided further,* That the Administration shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (Title X of Public Law 93-344): *Provided further,* That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until 1 year after final acceptance of the project by the Veterans Administration.

On page 39, line 6, strike "$193,378,000", and insert "$177,185,000";

On page 39, line 11, strike "$45,338,000", and insert "$45,838,000";

On page 40, line 1, strike "Public Law 95-476; sec. 202", and insert "38 U.S.C. 1008";

On page 41, line 7, strike "and", through and including "authorized" on line 9;

On page 44, line 7, after "linitations:", insert the following: *Provided further,* That the preceding transfer provision shall also apply to the limitations provided in fiscal year 1983 and that these provisos shall be effective upon enactment of this Act:

On page 47, line 10, after "1974", insert the following: to travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Mr. TSONGAS. Mr. Chairman, I note the following language in the HUD-Independent Agencies Committee report:

> The Committee is concerned that the nation maintain and expand the number of highly qualified engineering and computer science professionals. It is the strong desire of the Committee that the National Science Foundation particularly target, through the grant awards process, those engineering programs which have demonstrated their ability to integrate their students into high technology and engineering industries, and are in the process or plan to upgrade their facilities in order to provide for a better learning/research environment including the development of a computer science counterpart to their engineering programs.

I note that the language refers to the "grant awards process" as a vehicle for targeting programs. My understanding is that the committee did not intend by this that any particular internal process be followed by the NSF. Rather, it simply intended that grants be awarded on the basis of the merits as specified in the criteria listed in the report language in that paragraph.

Mr. GARN. The Senator's understanding is correct.

Mr. TSONGAS. I thank the Chairman for his explanation of the report.

Mr. D'AMATO. Mr. Chairman, in connection with the Senate's consideration of the fiscal year 1984 appropriations legislation, I would like to raise a matter of concern with regard to the availability of funding for troubled multifamily projects which are noninsured and financed by State housing agencies. In fiscal year 1979 the Department of Housing and Urban Development proposed a new program of operating subsidies for financially troubled subsidized multifamily projects where it can be demonstrated that projects are well managed or where management improvements will be made. The progam is available for section 236, section 221(d)(3) below market interest rate and section 221(d)(3) market rate rent supplement projects. In the past, funding to assist these troubled projects has been made available to projects insured under the National Housing Act, as well as noninsured section 236 projects financed by State housing agencies. Funding to assist both insured and noninsured projects has been provided in part through excess rental charges and collections from noninsured State financed projects.

The purpose of this program is to: First, insure the financial stability of existing rental housing projects and thus protect tenants from higher rents caused by escalating operating costs; second, preserve and improve existing projects while recognizing the impact on the neighborhoods where such projects are located; third, insure that HUD-owned projects when sold will continue to serve the income groups that they originally were intended to house; and fourth, prevent potential losses to the insurance funds resulting from project insolvency. The amount of subsidy varies in relation to project income and financial needs. The subsidies fund up to the difference between HUD/approved rents—covering both debt service and operating expenses for a particular project—and that portion of income which tenants reasonably can be expected to pay for housing.

In its deliberations on the fiscal year 1984 appropriations legislation, the HUD-Independent Agencies Subcommittee of the Committee on Banking, Housing, and Urban Affairs under the able leadership of my colleague Senator GARN provided with regard to the provision entitled "Troubled Projects Operating Subsidy" that noninsured State projects will be eligible for subsidies provided under this provision in fiscal year 1984. The full committee under the able leadership of my colleague Senator HATFIELD has sustained this provision. Although I believe the committee has properly recognized the need to continue to make available funding for troubled multifamily developments for noninsured State financed projects, I would like to focus on my concern that OMB and HUD carry out this program by making available upon the enactment of this legislation a reasonable share of such funds to noninsured State financed projects. The Department's determination of what constitutes a reasonable share of such funds for section 236 units which are uninsured and financed by State housing agencies, should be made on the basis of need. Such funding should not exceed an amount equal in proportion to the total percentage of all section 236 units which are uninsured and financed by State housing agencies in relation to the universe of all section 236 units. I believe that continued funding for these projects is both necessary and proper particularly in light of the obvious need to maintain our existing housing resources which currently meet the needs of low and moderate income persons.

Mr. LAUTENBERG. Will the Senator yield?

Mr. D'AMATO. I will yield to my colleague from New Jersey, Senator LAUTENBERG.

Mr. LAUTENBERG. I rise in support of the remarks of Senator D'AMATO and share in his concern that the Department of Housing and Urban Development and OMB continue to insure the financial and physical viability of troubled multifamily developments which are noninsured and financed by State housing agencies. While I believe that the Senate recognizes the statutory obligation on the part of the Department to insure the continued viability of projects insured under the National Housing Act so as to avoid possible foreclosure and potential losses to the FHA insurance fund, I believe we must also recognize the need to maintain the continued financial and physical viability of certain troubled multifamily developments which are noninsured and State financed, first, where it can be determined that such projects do indeed meet the criteria for assistance which is provided for under this program, and second, where it can also be determined that without benefit of such assistance, such projects and tenants who reside in them would be at risk and the continued availability of such low and moderate income units would be severely jeopardized.

Mr. GARN. Will the Senator yield?

Mr. LAUTENBERG. I will yield to the distinguished chairman, Senator GARN.

Mr. GARN. I would like to say for the record that I am in agreement with my colleagues, Senators D'AMATO and LAUTENBERG on this point. I believe that it is a wise policy to maintain the continued financial and physical viability of certain troubled multifamily developments which also happen to be noninsured and State financed. I believe that the allocation of funds under this provision of the fiscal year 1984 appropriations legislation as outlined in the comments of Senator D'AMATO is appropriate.

EPA STAFFING LEVELS

Mr. LEAHY. Because of the changes which recently occurred in the employment levels, I believe it is important to place on the record the new staffing levels.

It is my understanding that the amended request for salaries and expenses will fully fund 11,548 total work years. Of this amount, 1,007 work years are funded under the hazardous substance response trust fund.

Are these work year figures correct?

Mr. GARN. Yes; these are the latest personnel figures that are available from EPA. I further understand that EPA will have the flexibility to allocate these work years for permanent or nonpermanent positions. I would expect EPA to designate the vast majority of the additional 1,100 work years added by the Senate action as permanent full-time positions.

Mr. LEAHY. I understand that this funding level does not include the additional costs that may result from a pay increase. In 1983, the Agency was asked to absorb its pay increase. What is your understanding of the administration's position on requesting a supplemental, if a pay raise occurs?

Mr. GARN. I can assure my colleague, who has worked so diligently on this issue, that I expect the committee to provide full funding for the 1,100 positions added over the January 1983 request, just as we did with the 418 positions Congress added in fiscal year 1983.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1425

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Pennsylvania (Mr. HEINZ) proposes an amendment numbered 1425:
>
> Page 10 of the bill, between lines 4 and 5, insert the following [new undesignated paragraph]:
>
> SALES OF SECTION 202 MORTGAGES
>
> [Notwithstanding any other provision of law,] The Secretary of Housing and Urban Development may not sell any mortgage held by the Secretary as security for a loan made under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) without prior Congressional approval.

Mr. HEINZ. Mr. President, I asked that the amendment be read because it is brief and, I think, self-explanatory.

This is an amendment that I offer on behalf of Senators CRANSTON, MELCHER, SASSER, as well as myself. The purpose of the amendment, as I think is clear from its language, is to prohibit the sale of section 202 project mortgages held in HUD's loan portfolio until Congress authorizes such action.

Mr. President, the reason I offer this amendment is that last month HUD suddenly delcared a major change in departmental policy in an ad in the Wall Street Journal.

This was not a change in departmental policy that had been discussed with the Senate Banking, Housing, and Urban Affairs Committee. To my knowledge, it was not discussed with the Appropriations Committee. We found out about it because we read it in the newspapers. The advertisement announced the sale to private investors of 109 section 202 project mortgages held in HUD's loan portfolio.

Mr. President, I believe there should be, for any Secretary of Housing and Urban Development, sufficient administrative discretion to administer programs. But, frankly, I have to tell you that when a Secretary simply decides that the Government is going to sell its interest in 109 section 202 projects without any directions from Congress, that is an excessive exercise of discretion.

It may interest my colleagues to know that interested parties were given 3 weeks to make their offers by telephone on May 25, 1983.

Well, several of us called that telephone number and registered considerable distress about what HUD had proposed. And the result was that HUD did abruptly cancel its planned sale after strong bipartisan opposition from Members of Congress as well as members of those affected groups, principally the elderly. The reason that there was such an outpouring of

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opposition was that there were questions raised about the financial advisability of the sale and further concerns about the adequacy of protection for low-income tenants when section 8 housing assistance contracts expired.

HUD, having said it was going to sell these mortgages then changed its mind and declared in so many words, "OK, we are not going to sell those mortgages. You have raised some legitimate questions."

Well, Mr. President, it is my understanding, that as of today, HUD has under active consideration an alternative to the May 25 proposal which would have the Federal National Mortgage Association package these 202 mortgages, to sell on behalf of HUD.

Frankly, Mr. President, this is simply doing by another means that which the Secretary said he was not about to do. I do not know what the Secretary really hopes to achieve by these sales. Maybe this is an instance of the Office of Management and Budget wanting to be pennywise and ending up pound foolish. While it is true that short-term prepayment of these loans by discounting them in the market is going to create a short-term cash infusion for the U.S. Treasury, the fact is that the liberal terms of those sales agreements mean that HUD is going to sell these loans at a very deep discount. When I say deep, I mean up to 30 percent of the loan's face value.

I am concerned about two things. First, I think that that deep discount, may end up being a windfall for some unknown investor. Second, I understand that the fee that Fannie Mae (FNMA) is going to take may be as much as 12 percent of the market value of the loan. That 12 percent is a very high handing charge on something that really has no risk associated with it.

Now, why do I say that the purchase and the handling of these mortgages by the investor and by Fannie Mae has no risk associated with it? Are these mortgages associated with risk-free projects? No Mr. President, these are not risk-free projects. But I must point out to my colleagues that there is actually a provision in this proposed agreement that obligates the Federal Government to buy back the mortgage from the purchaser in the event of default and/or at the expiration of the section 8 contracts.

Now, Mr. President, that is a sweet deal. I would even say that is a sweetheart deal. I mean who would not like to get 12 percent for handing something with no risk and maybe even buying it for their own portfolio at a 30-percent discount, knowing that if something unexpected happens the Federal Government will bail them out 100 percent?

Mr. President, that is a terrific deal, but it is not a deal that I think that we in Congress should let go ahead.

The purpose of my amendment is to stop this deal until we can get the Secretary and HUD to think this through more carefully and come up with a reasonable plan. It is my view that the contracts they intend to enter into would result in a major contingent liability to the Federal Government. I want to see to it that that is accounted for properly and I want to be sure that we understand how that is going to affect Treasury borrowing in the future.

Mr. President, I would also state again that these proposed sales do mark a major change in departmental policy not only from the standpoint of financing but also programmatically. I want Congress to be able to take a careful look at that as well. By this action, HUD may be administratively preempting the legislative intent of the section 202 statute which establishes HUD as the originator of permanent financing to nonprofits for providing affordable housing for the elderly. My amendment will prohibit the planned sale of section 202 mortgages until Congress has had an opportunity to study the full ramifications of this policy.

For over 20 years, section 202 has provided high-quality living arrangements for senior citizens. The partnership between the nonprofit community and the Federal Government resulted in the most successful Federal housing program so far. Third party purchasers, presumably motivated by an attractive return on their investment, are not likely to share this same kind of commitment to low-income housing for elderly and handicapped families.

What happens at the expiration of the 20-year section 8 contract? Perhaps the project owners could be forced to raise rents beyond the means of the low-income residents.

The involvement of secondary market purchasers introduces a risk to the nonprofit owner that Congress sought to avoid by establishing the section 202 program as a direct loan program in the first place.

In sum, Mr. President, this amendment will reaffirm congressional intent that each project be maintained for the elderly and handicapped persons for not less than the full term of the loan involved unless we in Congress decide otherwise.

I ask my colleagues to join in supporting this amendment and the policy it embodies.

Mr. GARN. Mr. President, I offered the Senator from Pennsylvania an offer he could not refuse, but he refused me. I told him I would take this amendment if he would not offer his second one. That was such a wonderous offer that he could not turn me down, but he did. But I will take it anyway.

So, on behalf of the majority, I will accept the amendment of the Senator from Pennsylvania.

Mr. HUDDLESTON. Mr. President, we concur on this side of the aisle with the distinguished floor manager of the bill and find no objection to the amendment.

Mr. HEINZ. Mr. President, I just wish to thank the distinguished floor managers of the bill for their understanding and support of this amendment, particularly Senator GARN, who doubles not only as the chairman of the Appropriations Subcommittee but as chairman of the Banking, Housing, and Urban Affairs Committee. I appreciate his support on this.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. HEINZ).

The amendment (No. 1425) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAN FRANCISCO VETERANS' ADMINISTRATION MEDICAL CENTER PARKING PROBLEM

Mr. CRANSTON. Mr. President, as ranking minority member of the Veterans' Affairs Committee, I would like to pursue with the distinguished chairman of the Appropriations Subcommittee on HUD-Independent Agencies (Mr. GARN) an issue of particular interest to me. As we know, the pending measure does not provide funds, requested by the administration and approved by the House, for the construction of a two-level parking facility at the Veterans' Administration Medical Center in San Francisco. In this connection, I wrote the chairman and ranking minority member of the full committee (Mr. HATFIELD and Mr. STENNIS) on June 13 urging restoration of the funds—$4 million—in the VA's major construction account.

This parking facility was proposed by the administration as part of a 120-bed nursing home project. Funds for the nursing home itself have been approved by the House and by the Senate Appropriations Committee. However, the nursing home would be constructed on the site of an existing parking lot and would, of course, generate a need for additional parking spaces. Thus, proceeding with the nursing home without the parking facility would aggravate the parking situation at the medical center—and that situation is already extremely bad.

So that my colleagues can better understand the issues involved, I ask that the text of that letter be printed in the RECORD at this point.

The letter follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., June 13, 1983.

Hon. MARK O. HATFIELD,
Chairman.
Hon. JOHN C. STENNIS,
Ranking Minority Member, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MARK AND JOHN: I am writing in connection with your Committee's consideration of the proposed HUD-Independent Agencies Appropriations Act, 1984 (H.R. 3133), which I understand is scheduled for Tuesday, June 14. I urge that your Committee restore $4 million to the VA's construction, major, account for the purpose of permitting the construction of a two-level parking facility at the VA Medical Center in San Francisco. This amount was requested by the President and included in the House-passed bill, but deleted by the Appropriations Subcommittee on HUD-Independent Agencies on June 9. The parking facility would be built in conjunction with the construction of a 120-bed nursing home for which funds ($10.7 million) have been included in H.R. 3133 as approved by the Subcommittee. The full $14.7 million amount was included in the House-passed measure and approved in resolutions adopted by the House and Senate Committees on Veterans' Affairs.

The great need for this parking facility is well-documented. According to VA parking surveys, there currently exists at this medical center a deficit of 153 in available parking spaces. This creates a massive problem both on the facility's grounds and, as a result of the parking overflow onto neighboring streets already packed with parked cars, in the surrounding community. Anyone who has ever visited this facility can attest to the nightmare dimensions of the parking problem.

Construction of the new nursing home will result in the permanent loss of 84 existing parking spaces and will, in addition, generate a need for 70 new spaces to accommodate staff and visitors at that unit. Thus, the projected deficit of parking spaces would be increased to 307 after the nursing home is operational.

The construction of a two-level parking facility (over a present 86-space lot) as proposed by the VA would provide 170 new parking spaces, thereby replacing the 84 lost by the construction of the nursing home, meeting the 70-space need generated by the new unit, and realizing a small net gain of 16 spaces. Thus, the overall deficit would be reduced to 137 spaces.

Granted, this is not a complete solution to the center's total parking problem, but it is, in my opinion, an essential project at this point and the only feasible step forward that is presently available. It should be noted that the parking facility as presently planned will be constructed as an expandable one; the later addition of a third and fourth level would accommodate 170 more cars. A four-level facility would completely eliminate the existing deficit.

I understand that the theory underlying the Subcommittee's deletion is that, in lieu of the construction of this parking facility, the VA should be given access to space at the adjacent Golden Gate National Recreational Area (GGNRA) for parking. I believe this would be both unwise and inadequate to meet the needs of the facility, for a variety of reasons.

As you may know, for a period of approximately 15 years prior to 1980, the VA had a renewable lease, through the Department of the Interior, with the GGNRA. Under that lease, the VA was permitted the use of approximately 200 spaces on GGNRA land. In 1980, the VA was asked to vacate that land. Subsequently, approximately one-half of the VA's paved parking area was demolished, leaving a paved area on that GGNRA land on which 93 cars can be parked.

These 93 spaces are not made available to the VA under any lease or permanent agreement, and I am advised that, at any time, the VA could be refused permission by the Department of the Interior to use those spaces. In addition, these parking spaces, which are on an essentially abandoned parking lot, are remote from the medical center, unlighted, and in generally poor condition. Security is a continuing, serious problem. Many patients and visitors cannot cope with the steep stairs to the medical center, and night parking is virtually impossible.

In this connection, I have been advised that the Subcommittee's decision to delete the funds for the parking facility was based in part on a GAO report of May 20, 1983, entitled, "VA Is Making Efforts To Improve Its Nursing Home Construction Planning Process" (GAO/HRD-83-58). However, that report makes no recommendations relating to any specific nursing home construction project nor any recommendation that the parking facility in San Francisco should not proceed. Indeed, the discussion pertaining to the San Francisco situation is set forth in an enclosure which merely summarizes the concerns and recommendations of the VA's revalidation team. One of the recommendation of the revalidation team, as you may know, was that the "VA pursue a sharing agreement with Interior for parking space in the recreation area".

Insofar as the Department of the Interior is concerned, I now understand that it has rejected the VA's request for a long-term permit to restore the 200 pre-1980 parking spaces on its land. I've asked the VA Administrator to write you to bring you up to date on the situation with respect to the GNRA land.

However, even if the VA were to acquire the GGNRA property on a permanent, rather than lease, basis (thereby making it justifiable for the VA to make the expenditures necessary for repaving and making other needed permanent), the situation would be far less satisfactory than it would be if the two-level parking structure were built. Restoration of the additional GGNRA property would yield only 107 more spaces. This is 63 less than the Administration-proposed facility would provide and would, in conjunction with the nursing home construction, increase the current deficit by 47, for a total deficit of 200 spaces. Moreover, security problems and the steepness of the stairs would continue to render those spaces far less useful than spaces in the proposed structure would be. Further, recourse to the GGNRA property in lieu of the structure would mean foregoing the possibility of achieving a complete solution through the addition of further levels.

Finally, the use of the GGNRA land raises very serious problems in terms of its environmental impacts and is strenuously opposed by several environmental groups and some residents in the neighborhood.

I speak of this situation from the perspective of my office having been actively involved for the last three years in attempting to work out a solution to the very hotly and bitterly contested issue of how to provide the VA nursing home care beds that are badly needed to serve veterans in San Francisco in a way acceptable to the veterans' community, the neighbors, the environmental groups, and the Department of the Interior. My staff has held and participated in numerous meetings and discussions with these interested parties—both here and in San Francisco. The facility was first proposed to be constructed in 1980 and has been delayed since that time while these extremely difficult, sensitive problems were being worked out. The Subcommittee recommendation, if enacted, would break the delicate truce among these previously warring (I do not choose that word lightly) parties—a truce based on the construction of the nursing home and the parking facility at the same time. Frankly, I do not see how it makes any sense to proceed with the construction of the nursing home without the adjacent parking garage.

For these reasons, I urge your Committee to give favorable consideration to the Administration's request to restore the $4 million for the construction of the parking facility at the San Francisco VAMC.

One additional point: The San Francisco VAMC is one of the finest VA facilities in the United States. Its location and close affiliation with the University of California at San Francisco School of Medicine equip it to recruit and retain an excellent and dedicated health-care staff that renders a high quality of care. But the operation of that facility is plagued day in and day out by an absolutely intolerable parking situation. That situation should be resolved once and for all so that the first-class nature of the medical center will be able to be assured. A 4-level parking facility would provide that assurance; a two-level facility and a VA/Interior agreement providing the VA with an approximately 200-space lot would resolve the bulk of the problem. Thus, in addition to restoring the $4 million, I urge the Committee, in its report, to invite the VA to propose—in the event that such a VA/Interior agreement cannot be reached in the near future—a reprogramming of funds (between $2.7 to $3.2 million) as necessary to proceed to construct the entire 4-level parking facility. This would permit the VA to resolve the parking problem now, more cheaply, and with the least disruption to patients, employees, the environment, and the neighborhood. If the VA were to make such a proposal, it should, at the same time propose to the House and Senate Veterans' Affairs Committees that they approve such an expansion of the scope of the present construction project.

Thank you very much for your consideration of this matter of importance to the veterans and other citizens of the San Francisco area.

With warm regards,
Cordially,
ALAN CRANSTON,
Ranking Minority Member.

Mr. CRANSTON. Mr. President, I am aware of the concerns of the very able chairman of the subcommittee with respect to this matter and his belief that the VA has not fully explored alternative solutions to the severe parking problem at the San Francisco VAMC. I would like to ask him whether his concerns relate primarily to the failure of the VA and the Department of the Interior to de-

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velop a mutually acceptable arrangement for additional VA parking on Interior land adjacent to the medical center?

Mr. GARN. That is correct, Mr. President. This matter was discussed during the full committee markup of this bill, and I am not yet convinced that the VA and the Department of the Interior have exhausted the possibilities for reaching agreement on VA or joint VA-Interior use of certain Interior property for parking. Obviously, I would prefer that the San Francisco VAMC's parking problems be resolved without the VA incurring the very substantial cost involved in constructing this parking facility.

Mr. CRANSTON. Although I do not believe that a VA-Interior agreement regarding the use of Interior land for VA parking can provide a solution to the overall parking problem and I am deeply concerned about expanded use for parking of the park lands involved, I do not understand the Senator's concerns. No one likes to spend VA medical construction funds on parking. In this case, however, the parking problems are so massive and persistent that they threaten the medical center's future as a top-quality health-care facility.

Thus, it is my hope that in conference a way could be found to restore the funding for the parking facility in a manner that would address the floor manager's concerns. Perhaps, in conjunction with funds being restored, the conferees could, in the joint explanatory statement accompanying the conference report, direct actions to be taken to respond to the concerns of the distinguished subcommittee chairman.

Mr. GARN. Mr. President, the suggestion of the ranking minority member of the Veterans' Affairs Committee is well taken. I would think that, if the conferees provide funding for the facility, we could direct the VA not to proceed with working drawings before a fixed date—approximately 2 months after enactment—by which time the VA would be directed to report to the Appropriations Committees on certain matters. In such a report, the VA should provide, first, detailed information on the VA-Interior efforts to reach agreement and the specific types of arrangements they considered; second, if a long-term agreement has been reached enabling the VA to use Interior land for parking, detailed information on that agreement together with an analysis by the VA of whether a need for the two-story parking facility remains; and, third, if no such agreement has been obtained, the VA's analysis, upon reconsideration, of whether proceeding with the nursing home and two-story facility at the San Francisco medical center is the best option or whether, in light of the fact that substantial parking problems would continue, another location would be preferable for a nursing home to meet San Francisco-area veterans' needs for nursing home care.

Mr. CRANSTON. Mr. President, that seems to me to be a good, workable approach. However, I suggest that in any such report, the VA should also be directed to provide an analysis of whether the medical center's overall parking problem should be resolved by constructing a three- or four-level parking structure now—rather than the planned two-level structure, which is designed to be expendanable to a three- or four-level facility. If the VA concludes that a three- or four-level structure should be built at this time, the VA could be further directed—and I would strongly recommend this—to advise the committee as to its intention to request a reprograming of funds for that purpose.

Mr. GARN. That seems fine.

Mr. CRANSTON. I would think that this report would be directed in the context of restoring the $4 million on the condition that working drawings not be undertaken until the report we just discussed is submitted.

I very much appreciate the cooperation of the Senator and hope that this result can be obtained.

Mr. STENNIS. Mr. President, I have listened with interest to this discussion between the chairman of the HUD-Independent Agencies Subcommittee and the ranking minority member of the Veterans' Affairs Committee. I think they have outlined a most appropriate method for reconciling their views, and I will do my best to achieve that result in conference with the House.

VETERANS' ADMINISTRATION FISCAL YEAR 1984 APPROPRIATIONS

Mr. CRANSTON. Mr. President, I thank the Senators for their cooperation.

As the ranking minority member of the Committee on Veterans' Affairs, I am pleased to note my general satisfaction with the levels of funding that the pending measure, H.R. 3133, the proposed HUD-Independent Agencies Appropriations Act, 1984, would provide in the various Veterans' Administration accounts and to comment on certain specific items.

The Appropriations Committee's distinguished chairman (Mr. HATFIELD) and ranking minority member (Mr. STENNIS) and HUD-Independent Agencies Subcommittee chairman (Mr. GARN) and ranking minority member (Mr. HUDDLESTON) and the other members of the committee—especially my friend from Arizona (Mr. DECONCINI), who also serves with me on the Veterans' Affairs Committee—are to be congratulated for their fine work on this measure insofar as it relates to VA programs. This measure makes generally adequate provision for VA programs and, where there are differences between the House-passed and committee-reported versions—such as in the medical care account, where the House figure is $13.3 million higher—prospects for an excellent conference agreement clearly exist.

Before commenting further on certain specific items at this point, I want to stress the concerns I expressed in the colloquy I had with the HUD-Independent Agencies Subcommittee chairman (Mr. GARN) and the ranking minority member of the committee (Mr. STENNIS) with respect to the proposed nursing home/parking facility construction project at the San Francisco VA Medical Center. In the course of that discussion, I made clear my strong view that in conference the funding for the parking facility should be restored so that the VA can proceed with the clearly needed 120-bed nursing home project without aggravating the very severe parking problems that currently plague that outstanding medical center.

FUNDING FOR VETERANS' JOB TRAINING LEGISLATION

Mr. President, I am delighted to note that the pending measure includes $150 million in the VA's readjustment benefits account for the purposes of funding a new jobs training program for veterans.

On June 8, the distinguished chairman of the Veterans' Affairs Committee (Mr. SIMPSON) joined me in a letter to the very able chairman and ranking minority member of the Appropriations Subcommittee on HUD-Independent Agencies urging that the full $150 million for a new veterans' job program be included in H.R. 3133 contingent on the enactment of authorizing legislation. This $150 million amount is the amount authorized to be appropriated by legislation reported by the Committee on Veterans' Affairs that was at that time pending Senate approval, S. 1033, the proposed "Veterans Emergency Job Training Act". That measure, which includes major provisions from my bill, S. 992, introduced on April 6, was subsequently passed by the Senate on June 15 as H.R. 2355.

On June 14, pursuant to our recommendation, the committee approved, by a 15-to-7 vote, a motion made by the distinguished Senator from Arizona (Mr. DECONCINI) to add the $150 million.

I am delighted by this result, and I congratulate the Appropriations Committee on its sound judgment. It means that, when enacted—and if the $150 million is retained in conference

on H.R. 3133, as seems likely since the House passed its version of this legislation by a vote of 407 to 10 on June 7 and the House budget conferees have agreed to including this amount in the fiscal year 1984 congressional budget—veterans' job training legislation will be able to be implemented expeditiously. It means that veterans will not be forced to wait out another appropriations cycle before training opportunities are made available.

As I noted when the Senate considered S. 1033/H.R. 2355—page 15973 of the CONGRESSIONAL RECORD for June 15—the need for a program to address the unemployment problems of veterans is virtually indisputable. The actions taken thusfar by this body will enable the Federal Government to begin in October of this year to offer much-needed help to veterans who are out of work and lack the skills necessary to compete in today's changing labor market.

MEDICAL AND PROSTHETIC RESEARCH

Mr. President, I am also very pleased to note that both the House-passed bill and the bill as reported by the Senate Appropriations Committee provide $162.3 million—a $6 million increase over the President's request—for the VA's medical and prosthetic research account. This add-on is fully responsive to the Veterans' Affairs Committee's March 1, 1983, budget recommendations and is sufficient to maintain the fiscal year 1983 full-time equivalent employee level without reduction in fiscal year 1984.

The administration's fiscal year 1983 request for this account was only $1.5 million, or less than 1 percent, over the fiscal year 1983 appropriations level. The administration-requested amount would have been less than needed to keep pace with inflation and would have necessitated a 170-FTEE reduction in employment levels in VA health research programs.

VA research programs are vitally important both to the veterans and others who benefit from the medical advances that VA research produces and—by virtue of the contributions that VA research makes to the VA's ability to recruit and retain high-caliber health professionals—to the quality of care in VA facilities. Thus, I am delighted that adequate support for this critical program is assured for another year.

EXECUTIVE SESSION

CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (TREATY DOC. NO. 97-19)

TREATY OF FRIENDSHIP WITH TUVALU (EX. W, 96-1)

TREATY OF FRIENDSHIP WITH THE REPUBLIC OF KIRIBATI (EX. A, 96-2)

TREATY WITH THE COOK ISLANDS ON FRIENDSHIP AND DELIMITATION OF THE MARITIME BOUNDARY (EX. P, 96-2)

TREATY WITH NEW ZEALAND ON THE DELIMITATION OF THE MARITIME BOUNDARY BETWEEN THE UNITED STATES AND TOKELAU (TREATY DOC. NO. 97-5)

INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (TREATY DOC. NO. 97-23)

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider orders 2 through 8 on the Executive Calendar en bloc.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. GARN. With the time to be equally divided between the majority and the minority.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. MURKOWSKI. May I ask whose time we are on? We are on the Pacific Island Treaties, I believe.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Will the Chair say what the time agreement is?

The PRESIDING OFFICER. The time between 4:30 and 4:45 p.m. is to be controlled equally by Senator PERCY and Senator PELL, the chairman and ranking minority member of the Foreign Relations Committee. The time between 4:45 and 5:15 p.m. will be controlled by the Senator from North Carolina (Mr. EAST).

Mr. MURKOWSKI. Mr. President, I am sorry. I was interrupted. The Chair indicated the time between 4:30 and 4:45 p.m. would be controlled by whom?

The PRESIDING OFFICER. By the chairman of the Foreign Relations Committee and the ranking minority member (Mr. PELL).

Mr. MURKOWSKI. And the remainder of the time?

The PRESIDING OFFICER. Between 4:45 and 5:15 p.m., the time will be controlled by the Senator from North Carolina (Mr. EAST).

Mr. MURKOWSKI. Mr. President, I respectfully ask the Senator from North Carolina if I may, by unanimous consent, have the last 3 minutes in view of the unusual time agreement we have?

Mr. EAST. I have no objection to that.

Mr. MURKOWSKI. I thank the Senator from North Carolina.

With your permission, Mr. President, I will proceed with my initial statement with regard to the treaties before the Senate.

Mr. President, the treaties before the Senate for its consideration are four in number:

A Treaty of Friendship with the Republic of Kiribati.

A Treaty of Friendship with Tuvalu.

A Treaty with the Cook Islands on Friendship and Delimitation of the Maritime Boundary between the United States of America and the Cook Islands, and

A Treaty with New Zealand on the Delimitation of the Maritime Boundary between the United States of America and Tokelau.

The four treaties were signed in 1979 and 1980, and have been pending before the Senate for several years. Two of the entities involved—Kiribati and Tuvalu—are independent, self-governing nations. The Cook Islands are an autonomous island group in free association with New Zealand, while Tokelau is a non-self-governing dependency of New Zealand. In all, 25 islands are affected by these agreements.

My colleagues may be interested to know that both the United States and the United Nations were involved, at least in part, in the decolonization process. General Assembly Resolution 30/3426 of December 8, 1975, approved the granting of independence to the state of Kiribati (Gilbert Islands). Kiribati became independent on July 12, 1979. General Assembly Resolution 32/407 of November 28, 1977, affirmed to the people of Tuvalu the inalienable right to self-determination. Independence was granted on October 1, 1978. The United States participated in the unanimous voice vote in the General Assembly on both resolutions.

These four treaties provide the basis for normal, friendly relations with the governments and peoples of these islands. In the case of Tokelau and the Cook Islands, they also establish a maritime boundary between these entities and the U.S. Territory of American Samoa. Facilitating access to fishing grounds for boats serving the canneries in American Samoa is provided for. In addition, the treaties with Kiribati and Tuvalu provide for security consultations—a provision not necessary in the other two instances since Tokelau and the Cook Islands are covered by the Anzus arrangement.

The purpose of the treaties is to protect U.S. interests in the light of extensive political change which has taken place in the island region of the Pacific during the past two decades. Without any question, the area of the Pacific where these four nations lie is important to us. The countries involved have emerged from colonial status and are independent, self-governing nations. The process has been orderly and the prospects for the future are bright. The fundamental question before us today is how to encourage stability, economic progress, and the democratic process in the South Pacific, while at the same time safeguarding U.S. interests. Our Australian and New Zealand allies have put it another way. They have said to us: "We have a good thing going for us in the South Pacific. Lets don't mess it up."

Two methods have been suggested as to safeguarding U.S. interests:

By interferring in the sovereignty of these nations through the imposition of certain U.S. rights on the four countries, or

By cooperating with them on a basis of mutual respect. I believe the latter course—cooperation on a basis of friendship and mutual respect—holds the greatest promise for protecting U.S. interests in the years to come. This course is represented by the four treaties we have under consideration.

These newly independent nations of Kiribati, Tuvalu, the Cook Islands, and Tokelau, which have emerged from colonial status, form a reasonably cohesive and democratic community. The former colonial powers have worked hard to achieve this, as have the people of the islands and their governments. As a community, they are pro-West—and we must assist in keeping them that way. To perpetuate a question as to the legitimacy of their independence by not consenting to ratification of these treaties would only invite interference in their affairs by outside powers. The Soviets, in particular, have in recent years shown a greatly increased interest in the South Pacific. Our best bulwark against this threat is the cohesive and democratic community which we have. We must sustain and encourage that community by consenting to ratification of these four treaties.

The committee held hearings on these treaties in December 1981 under the chairmanship of my distinguished predecessor, Senator HAYAKAWA. The committee reported resolutions of ratification favorably to the floor by a vote of 13 to 2 in February 1982. The treaties were not considered by the Senate before its sine die adjournment last December and, therefore, in accordance with the rules of the Senate, were returned to the committee, along with a number of other treaties. In January this year, Senator EAST indicated in a letter to Chairman PERCY that he would like to be afforded an opportunity to provide his views on the treaties to the committee prior to its reconsideration of the resolutions of ratification. I chaired a hearing in March during which my colleague from North Carolina testified. The committee considered this and the previous testimony on the treaties and, on March 16, by a vote of 15 to 1, ordered the treaties reported favorably to the Senate for its advice and consent to ratification.

The question of U.S. claims was a major issue considered by the committee. In one case, the treaty confirms the rights of the United States to an island in the area; in the other cases, the treaties make clear that the United States maintains no claims to islands now controlled by the other governments involved. Our conclusion supported that of the Reagan and Carter administrations, that is, that the basis for U.S. claims was not substantial enough to justify the assertion of control of the islands by the United States. In effect, we would have to assert our claims over the objection of the inhabitants of these islands and of our allies in the area, New Zealand in particular. Our claims were simply not strong enough and our interests are better served by the treaties as written.

To this brief summary of the background history of the Pacific Island treaties, I would like to add that the administration is anxious to ratify the treaties as soon as possible, since they have been on the floor awaiting action for something over a year and it has been over 4 years since the first was signed. Our failure to consent to ratification is embarrasing to the administration and is causing problems with some of our closest allies—Australia and New Zealand. Finally, I would like to commend to my colleagues' attention a seven page summary of "The Pacific Island Treaties" and the issues surrounding them, prepared by the Department of State. This summary lays out in concise terms the provisions of the treaties, the political context in which the treaties were negotiated, and the legal issues involved. I believe this summary has already been provided to many Members' offices, but in the event it is not readily available, I ask unanimous consent that it be entered in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE PACIFIC ISLAND TREATIES

THE TREATIES

In 1979 and 1980 the United States signed four treaties—with Kiribati, Tuvalu, the Cook Islands and New Zealand—that settle the status of twenty-five small islands to which the U.S. has claims, provide for security consultations with Kiribati and Tuvalu, establish maritime boundaries for American Samoa, and facilitate access to fishing grounds for boats serving the canneries in American Samoa.

POLITICAL CONTEXT

The purpose of the treaties is to protect U.S. interests in the light of the extensive political change which has taken place in the island region of the Pacific during the past two decades. Until 1962, all of the islands in the region were under the control of Britain, Australia, New Zealand, France, or the United States. In 1962, however, New Zealand's grant of independence to Western Samoa started a process that has led to the creation of the nine independent countries. Besides Western Samoa, these are Nauru, Fiji, Tonga, Papua New Guinea, Solomon Islands, Tuvalu, Kiribati, and Vanuatu. In addition, two other island countries—the Cook Islands and Niue—have attained a high degree of autonomy under free association relationships established with New Zealand.

The vast ocean region occupied by the new island states is one in which the United States has important interests. Through the area pass important lines of communications to two major allies, Australia and New Zealand, and to the Indian Ocean and the Persian Gulf. Within or adjacent to the region are our own state of Hawaii, our Pacific territories of American Samoa and Guam, and the new states emerging from our Micronesian trusteeship. We have an interest in assuring the security of these areas, facilitating constructive ties between them and the new island states, and fostering their participation in regional affairs. The United States also has an important interest in non-discriminatory access to the region's marine resources—both fisheries and minerals.

Protection of these interests requires that the Pacific Island region remain stable, peaceful, and free of great-power rivalry and that the new island states look to the United States as a friend.

There are many positive elements in the relationship between the United States and the new island nations. U.S. missionary activities in the nineteenth century created a foundation of understanding and interest in America among the islanders. This was reinforced by the U.S. role in defending and liberating the islands during World War II. A large and still significant reservoir of good will toward the United States remains from this period.

In recent years the attitudes and policies of the island countries have in important respects been congenial to U.S. interests. The island nations have been cool to the Soviets; to date no Soviet aid, trade or resident diplomatic presence has been permitted in the region. Following the Afghanistan invasion, several of the island countries supported the olympic boycott and took punitive measures—such as closing their ports to Soviet ships. In both 1981 and 1982 island states rejected Soviet offers of hydrographic research cruises.

In world affairs, the island countries have made significant and positive contributions. For example, Fiji has given important support to Middle East peacekeeping. It provided a battalion to the U.N. force in Lebanon and was the first nation anywhere in the world to agree to provide troops for the Sinai multinational force organized to implement the Camp David accords.

THE ORIGIN AND CURRENT VALIDITY OF U.S. CLAIMS TO THE ISLANDS

In the context of the overall positive relationship between the U.S. and the island countries, the existence of U.S. claims to twenty-five islands included in the territory of various island states is an anomaly. U.S. claims to these islands are extremely weak and are not supported by any other nation. They were not formally asserted until 1939, after extension of British and New Zealand control over the islands.

Whatever value our claims may initially have had was derived either from mining activities pursuant to the Guano Act of 1856, or from sightings by whalers or merchantmen in the mid-19th Century. These activities could have been the basis for eventual U.S. sovereignty over some of the islands. However, over a period of nearly 50 years—until 1939—the U.S. failed to take any action to convert these claims to effective sovereignty. It did not extend citizenship to the inhabitants. It did not attempt to exercise any form of governmental jurisdiction over the islands. No Act of Congress was passed providing for incorporation of the islands.

During this period the United Kingdom, whose claims were also based on discovery and guano mining, effectively consolidated its jurisdiction over the islands. Our claims were not formally asserted unitl 1939 in the face of clearly superior British claims.

U.S. NEED FOR FUTURE USE OF THE ISLANDS

Rear Admiral Donald S. Jones, testifying on behalf of the Department of Defense during the December 1981 hearings on these treaties stated:

"The Department of Defense has no present military requirements for any of the islands covered by the four proposed treaties. Future basing needs in this remote area are unlikely. Our major installations elsewhere in the Pacific * * * meet our present security needs.

"The only military installation we have had anywhere in the immediate area of these islands since World War II was a missile test facility located on Canton Island, with some additional instrumentation on Enderbury, Birnie and Hull Islands. This facility was used for a few years in the early 1970's. We subsequently maintained it in a stand-by condition, but even that caretaker status cost several million dollars a year, which by 1979 could no longer be justified.

"In summary, Mr. Chairman, we believe these treaties are consistent with United States security interests. They preserve close and friendly relations with the island governments. The Department of Defense therefore supports the proposed treaties."

Maintenance of unsubstantiated claims to islands we do not need would deny the sovereignty of the new island states (who acceded to British claims upon independence), would invite friction with them and with equally friendly neighboring states, with the United Kingdom and our ANZUS allies, and would therefore have the potential for undermining our interests in the region.

Twenty-five islands are involved. Three of the islands constitute the Tokelau islands, which are administered by New Zealand. Four others are under the administration of the Cook Islands, which are self-governing under a free association arrangement with New Zealand. The remaining eighteen islands were formerly included in the British colony of the Gilbert and Ellice Islands. In 1978 and 1979, the British ended their colonial administration and transferred control of these islands to the newly established governments of Tuvalu (the former Ellice Islands) and Kiribati (the remainder of the Gilbert and Ellice Colony).

The accelerating movement toward political independence in the Pacific during the 1970s made settlement of the disputed U.S. claims urgent. It was clear that the assertion of weakly-founded U.S. claims would be seen not only by the island states affected but also by their neighbors as an unfriendly and overbearing act. The islands involved included that on which Tuvalu's capital is located, all of those which comprise the Tokelaus, and the largest island in Kiribati—an island that accounts for more than half of the country's total land area. With the exception of the few islands which the U.S. used pursuant to agreements with the British Government during and after World War II, the islands had been under the exclusive administration of Britain or New Zealand for many years. In the case of the islands in Tuvalu and Kiribati, a United Nations General Assembly resolution has formally recorded the world community's recognition of the two island governments' sovereignty over the islands.

The U.S. approach to resolving the claims was developed and implemented under administrations of both political parties. An inter-agency study—with participation by State, Defense, Justice, Interior, NSC, and CIA—was first undertaken in the Ford Administration. The conclusions of this study were examined and endorsed by a similar inter-agency committee which considered the matter at the start of the Carter Administration. The basic inter-agency recommendation was that the United States should negotiate the relinquishment of the claims in return for assurances that would protect U.S. economic and security interests in the region.

In preparing for the subsequent negotiations, the State Department consulted with Congress, with representatives of the U.S. fishing industry, and with the governments of Hawaii and American Samoa. These consultations enabled the U.S. delegation to develop a position fully representative of a wide range of U.S. interests. The first treaty negotiated was that with Tuvalu, which was signed on February 7, 1979. Signature dates for the others are: with Kiribati, September 20, 1979; with the Cook Islands, June 11, 1980; and with New Zealand (covering Tokelau), December 2, 1980.

FEATURES OF THE TREATIES

The key elements of the settlement provided for in the four treaties are:

1. U.S. jurisdiction

U.S. claims to twenty-five islands are relinquished.

The maritime boundaries of American Samoa with the Cook Islands and with Tokelau are delineated. This serves to define more precisely the area to which U.S. jurisdiction extends in the waters surrounding American Samoa and provides formal recognition of such jurisdiction by two of American Samoa's neighbors.

The boundary between American Samoa and Tokelau is established so as to place Swains Island on the American Samoan side of the line. This serves to confirm and recognize U.S. sovereignty over the island, which had previously been claimed by New Zealand on behalf of Tokelau.

2. Security and development

The treaties contain various provisions for consultation and cooperation between the U.S. and the individual island countries on matters relating to security and development in the South Pacific.

Tuvalu.—The U.S. and Tuvalu agree to consult on matters of mutual concern and interest and to work cooperatively to promote social and economic development, peace, and security in the South Pacific region. In addition, in times of international crisis, the two countries agree to consult on any requests which the U.S. may make for the use of Tuvaluan territory for military purposes and on requests which Tuvalu may make for assistance and support. The two countries further agree to consult regarding any proposed use of Tuvaluan territory for military purposes by third parties.

Kiribati.—The U.S. and Kiribati agree to consult on matters of mutual concern and interest in time of need and, in particular, to promote social and economic development, peace, and security in the Pacific region. It is specifically provided that there shall be such consultations regarding any military use by third parties of the islands to which the U.S. has relinquished its claims. Provision is made for possible future use of U.S.-constructed facilities on Canton, Enderbury, and Hull subject to agreement to be negotiated between the governments of the U.S. and Kiribati. Kiribati agrees that these facilities shall not be made available to third parties for military purposes except with U.S. agreement.

Cook Islands.—The U.S. and the Cook Islands agree to cooperate with a view to promoting social and economic development in the Cook Islands and working toward the advancement of the South Pacific region as a whole. The two countries specifically undertake to promote discussions between the peoples of the Cook Islands and American Samoa for this purpose. No specific security assurances are needed, since the Cook Islands fall under the ANZUS umbrella by virtue of their ties to New Zealand.

Tokelau.—The U.S. and New Zealand agree to cooperation with a view to promoting social and economic development in accordance with the desires of the peoples of Tokelau and American Samoa, and to work toward the advancement of the South Pacific region as a whole. To this end, the two countries specifically undertake to promote discussions between the peoples of Tokelau and American Samoa. Again, Tokelau's defense is the responsibility of our ally New Zealand.

3. Fisheries

The treaty provisions dealing with fisheries are intended to facilitate access to fishing grounds for boats serving the canneries of American Samoa and for U.S.-flag fishing vessels generally. They were negotiated, as the U.S. chief negotiator testified in December 1981, after extensive consultations with the U.S. fishing industry.

The U.S. and Tuvalu agree to consult on conservation, management, utilization and exploitation of fisheries resources of mutual interest, and to facilitate cooperative arrangements and fishing ventures of mutual interest and benefit. To this end the two governments agree to facilitate discussions between their nationals and in particular between the people of American Samoa and Tuvalu.

A parallel agreement to consult and to facilitate discussions on fishery matters is contained in the treaty between the U.S. and Kiribati. In addition, an agreed minute provides that applications by U.S.-flag vessels or vessels supplying the canneries in American Samoa for licenses to fish within Kiribati fishing limits will be sympathetically considered without discrimination and without regard to fishing method. Operations by such vessels would be subject to Kiribati conservation measures.

An exchange of letters with the Government of the Cook Islands confirms that vessels supplying the canneries in American Samoa and U.S. flag vessels will be granted access to the Cook Island economic zone on a non-discriminatory basis.

An exchange of letters with the Government of New Zealand notes that negotiations regarding access to the Tokelauan 200-

mile zone by vessels serving the canneries of American Samoa are underway, and conveys the Government of New Zealand's receptivity to access by other U.S. vessels.

SEABED MINING

A lot has been written about seabed and marine mineral resources, and it is a reasonable question to ask whether the treaties adequately protect U.S. access to these resources. The answer, in the view of three U.S. administrations, is yes.

Given the weakness of U.S. claims and their universal rejection by the world community, it is unrealistic to assert that the treaties relinquish having any practical value—presuming that we are unwilling to occupy the islands by force. In fact, resolution of disputed claims to sovereignty is a practical prerequisite for investment by American firms in this region.

Seabed mining, when it became economical, will require large outlays of start-up capital. It is a high-risk venture, and even with the technological advances of the past years, it more resembles the early years of oil drilling than anything else. No firm will want to make (and no bank will underwrite) the investment of large sums of money for projects in disputed territory. Profits might be taxed by both claimants. Operations might be interrupted. Protracted litigation might leave the issue of sovereignty uncertain for many years. It simply does not make sense to invite those problems by continuing to assert unsubstantiated claims.

It makes even less sense when, due to geographical proximity, to say nothing of high-technology expertise and overall pro-American attitudes, U.S. firms are the most logical investors in mining ventures in Kiribati, Tuvalu or the Cook Islands.

It is important, as well, when thinking about mineral access and extraction to separate speculation from fact. Much of what is written about seabed mining is conjecture. There simply is not enough information to permit us to say that exploitable mineral deposits exist in the island areas or not. No oil has been discovered anywhere in the disputed islands.

THE ADMINISTRATION'S VIEW

The Administration strongly supports these treaties and has been working since 1981 to obtain Senate approval. The reasons why are succinctly summarized in a letter our four ambassadors in the South Pacific sent Secretary Shultz last November.

DEAR MR. SECRETARY: We have just completed a two-day meeting of the region's Chiefs of Mission and feel that we should raise personally with you a problem that could seriously trouble our relations with the South Pacific countries.

In 1979-1980 the United States signed a series of four treaties with Kiribati, Tuvalu, the Cook Islands, and New Zealand (on behalf of Tokelau) which formally relinquished antiquated U.S. claims to a number of small islands in the central South Pacific. The treaties were submitted to the Senate for consideration promptly after their signing and in February 1982 were favorably reported by the Senate Foreign Relations Committee. But full Senate consideration of these treaties keeps getting postponed. We are aware that a few Senators have placed a hold on the treaties, but no reasons for objection have been stated.

In our view, this unexplained delay has caused the United States and President Reagan, who supports the treaties, considerable embarrassment in the South Pacific. If the impasse is not resolved quickly, the Senate's failure to act could have serious consequences for our relations not only with the Pacific Island countries involved, but also with New Zealand, which has a direct interest in the matter.

We urge you to raise the matter directly with the Senate leadership and to seek its cooperation in having the treaties brought to a prompt vote.

We are deeply concerned that further delay in consideration of these innocuous treaties will injure our relations in the region.

Should you find it useful to do so, please do not hesitate to share this letter with the Senate leadership.

Respectfully,
H. MONROE BROWNE,
Ambassador to New Zealand.
ROBERT D. NESEN,
Ambassador to Australia.
FRED J. ECKERT,
Ambassador to Fiji.
M. VIRGINIA SCHAFER,
Ambassador to Papua New Guinea.

Mr. MURKOWSKI. In conclusion, let me say that I recommend that my colleagues vote to consent to ratification of these four treaties without change and without reservation—as the surest method of safeguarding United States' interests in the Southern Pacific and of promoting the stability and economic prosperity of the area.

Mr. PERCY. Mr. President, I would like first to commend my distinguished colleague from Alaska, the chairman of the Subcommittee on East Asian and Pacific Affairs—the floor manager for the Pacific Island Treaties—who has so ably summarized the important substance of the treaties and the issues which confront the Senate today. My colleague has very clearly and succinctly pointed out that the question before us is how best to proceed in order to protect U.S. interests in this very important part of the world. I agree wholeheartedly with his analysis of the issues and support his recommendation that the Senate give its advice and consent to ratification of these treaties as soon as possible.

Secretary Shultz has emphasized to us as recently as April 20 that the administration considers it of the utmost importance that the Senate consent to these four treaties. He has pointed out also that the treaties are an important test of our relations with the South Pacific countries whether we are talking about those which are newly independent or such old friends as Australia and New Zealand. He also assures the Senate that the treaties protect and, indeed, enhance our security interests in this area.

We have had the treaties before us since early in the Reagan administration. The Committee on Foreign Relations held hearings on them in December 1981 and in March of this year. We cannot delay further a decision on whether these treaties are in the interests of the United States or not. We must vote either up or down as soon as the leadership can arrange it.

I have given some thought to how I can best contribute to our debate and consideration of these four treaties. Since the distinguished floor manager was not a member of the Committee on Foreign Relations during the early part of our deliberations on these treaties, and since I have personally discussed the treaties extensively with senior officials of our Government and of the two allied governments particularly concerned, and since I chaired a number of meetings of the committee where the treaties were discussed, I have concluded that I can most usefully contribute to our debate by providing a brief summary of the testimony and discussions in support of the treaties thus far. I will attempt to do so as briefly as possible.

The administration has testified that U.S. interests in the southern Pacific area are these:

An area stable, peaceful, and friendly to the United States and its allies.

A region developing politically, socially, and economically, free of Soviet or other adverse influence.

We seek cooperation between the newly independent nations and our own Pacific territories and Hawaii.

And we want nondiscriminatory access to the marine resources of this vast ocean region.

Two administrations have held the conviction that the best way to assure the protection of the U.S. interests is to treat the newly independent or newly self-governing nations of the area on a basis of equality, dignity, and respect for their sovereignty. As my colleague from Alaska has pointed out, treating these nations on any other basis can only undermine the preeminent position which the United States enjoys in the Southwest Pacific at this time.

In order to treat with the four nations concerned on this basis, we are compelled to deal with a series of U.S. claims to 25 of the islands included within the territory concerned. We cannot deal with these nations on a basis of equality while at the same time asserting a claim to three islands which constitute the entire Nation of Tokelau or while we claim sovereignty over the capital city of Tuvalu or while we claim more than half of the total land area of Kiribati. Maintenance of these claims would amount to denying the sovereignty of the new island states.

We have from time to time asserted claims over these islands since 1939—islands which at the same time were claimed by Great Britain and New Zealand and governed by them.

The islands in question were discovered by Western seamen between 1775 and 1860. In 1856, an act of Congress permitted U.S. nationals to obtain certificates from the Department of State giving them exclusive rights to mine

guano on these islands. Some assert that these guano claims carried with them U.S. sovereignty over the islands. It is clear, however, that both the Congress and the executive branch intended that U.S. jurisdiction be extended to the islands only so long as mining operations were taking place. The sponsor of the 1856 legislation, Senator Seward of New York stated that:

> The bill itself * * * provides that whenever the guano should be exhausted or ceased to be found on the islands, they should revert and relapse out of the jurisdiction of the United States.

The act itself contemplates that it would not serve as the basis for U.S. sovereignty in perpetuity by expressly providing that:

> Nothing contained in this (act) shall be construed as obliging the United States to retain possession of the islands after the guano shall have been removed from the same (48 USC 1419).

By the late 1880's guano mining had virtually ceased in the islands. Britain had begun to assert sovereignty over most although not all of these islands. British provided for rudimentary government functions on the inhabited islands. With respect to uninhabited islands, Britain repeated its assertion of dominion periodically and occasionally attempted to colonize. The United States did not protest any of the British or later New Zealand actions or assertions.

In 1939, stimulated by South Pacific civil air activities, the United States for the first time asserted a formal claim. In the same year, United States and Great Britain signed an agreement for joint administration of two of the islands, without prejudice to the claims of sovereignty.

In brief, this is a summary of the basis for U.S. claims to the 25 islands involved. To me it seems clear that any assertion of U.S. sovereignty is tenuous at best.

It seemed clear to the several administrations involved in the negotiations that we would have to resolve these tenuous claims in order to establish the friendly and cooperative relationships with the newly independent nations which are so necessary to the protection of U.S. interests in the area. With this in mind, an interagency committee of the executive branch composed of senior representatives of the Departments of State, Defense, Interior, Justice, the National Security Council, and the Central Intelligence Agency was formed to oversee the negotiations. This group and particularly the State Department consulted extensively with the Congress. The consultation included a wide spectrum of the Members of the Senate, particularly the member of the Committee on Foreign Relations. The consultations included, as well, other interested committees of the Senate. In addition, the negotiators consulted extensively with the distinguished Governor of American Samoa, who participated as a member of the delegation from time to time. Indeed, Governor Coleman testified before the committee in support of the treaties. Officials of the Government of Hawaii were likewise involved including the now minority leader of the Hawaii House of Representatives who also testified in favor of the treaties.

The results of these extensive consultations and negotiations are before us now for our advice and consent to ratification. The Department of Defense has testified that it "supports the treaties under consideration * * * they preserve U.S. strategic interests in the region." Further the Department has said it has no military requirements for any of the islands under consideration and that future basing needs in this area are unlikely. The Department said that "these treaties are consistent with U.S. security interests." The Secretary of Defense has personally reiterated his support of the treaties as recently as his letter to me of March 7, 1983, in which he expresses his "deep concern that delay in ratification is jeopardizing our security interests in the Pacific." I ask unanimous consent that the Secretary's letter be made a part of the record at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., March 7, 1983.
Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR CHUCK: As your Committee resumes deliberations on the four Pacific Island Treaties, I would like to share with you my deep concern that delay in ratification is jeopardizing our security interests in the Pacific.

Since the end of World War II, the island states of the South Pacific have undergone extensive political change. Instead of dealing with dependencies of former colonial powers, we must negotiate with newly independent states which are entitled to respect for their sovereignty. By renouncing our extremely tenuous claims to the islands in dispute we remove impediments to developing enduring relationships and enhance the ability to achieve our strategic objectives.

Our strategic interests in the South Pacific are focused on developing states that are stable, peaceful, free from great power rivalry, and that look on the United States as a dependable friend. Failure to approve these carefully crafted and negotiated treaties will prejudice our growing relations with those island states and will inevitably lead to resentment and distrust of the United States. Moreover, failure to ratify the treaties strains rather than strengthens our relationships with all the Pacific Island states.

From a Defense perspective, we feel that the treaties adequately protect United States strategic interests. We have made a thorough study of our requirements for the islands covered by the treaties. We do not have now, nor do we foresee, a military requirement anywhere in the immediate area of the islands covered by the treaties. Indeed, the only U.S. installations in the region since World War II (missile testing facilities on Canton, Enderbury, Birnie and Hull Islands) were closed in 1979 because they no longer met our mission requirements and were to costly to maintain.

Suspicion of our motives and intentions provides the ideal opening for political penetration of the region by the Soviet Union. Failure to ratify the treaties would also introduce unnecessary irritants in our relationships with our ANZUS allies who are deeply concerned with and committed to stability in the region. Australian and New Zealand officials at the ministerial level have raised this issue with me personally. I share their view that the security of the South Pacific and the important lines of communication that pass through it serve our mutual security interests and depend in large measure on the continued pro-Western orientation of the newly independent island states. Our security interests and those of our allies are best served if the states in the region are friendly to us, are disposed to permit access to the region by our military forces should a contingency arise, and oppose a Soviet presence—military, political, or economic.

As in the past, the Department of Defense strongly supports the treaties as being in our national interest. I urge that the Senate provide its advice and consent so that the treaties may be formally ratified.

Sincerely,
CASPAR WEINBERGER.

Mr. PERCY. As the distinguished floor manager for these treaties has pointed out earlier, our Australian and New Zealand allies have at the highest levels and to me personally pointed out that we have "a good thing going for us" in the South Pacific and we must do all in our power to encourage and promote this. In that connection, let me point out to my colleagues several of the ways in which South Pacific nations have indeed been helpful to us:

Fiji was the first nation to join us to providing troops for the multinational force of observers in the Sinai.

The island nations have taken a strong position against the Soviet invasion of Afghanistan in the United Nations and elsewhere.

They have banned Soviet tourist ships from their ports although the Soviet tourist ships carrying Australian tourists were a major foreign income earner for them.

The island nations turned down a Soviet offer to do major hydrographic and geological research in the South Pacific.

Our American tuna fishing interests have negotiated and are in the process of negotiating fisheries agreements with many of these nations and this is, of course, vital to the economy of American Samoa.

Finally, close economic relations have been established between several of the nations concerned and Hawaii and American Samoa.

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In conclusion Mr. President, let me emphasize several things:

First, Governor Coleman of American Samoa has rightly pointed out that all of the countries in the area are watching what "this big country of the United States will do in dealing with the small island area." He stated that our handling of the treaties will have a bearing without question on the continuing friendship of the people in the area.

The Honorable Frederick Rohlfing, Hawaii State Representative, has stated that rejection of the treaties in his opinion would do immeasurable damage to our foreign policy and national security interests throughout the Pacific. I agree with Mr. Rohlfing.

We cannot use methods common to the 19th century, such as the assertion of colonial claims, in an attempt to protect U.S. interests. This will provide us no practical benefits and would be a direct affront to the sovereignty of the four nations concerned.

I therefore believe strongly that ratification of the four treaties before the Senate is in the best interests of the United States because such action will:

Reinforce close and friendly relations with these island mini-states.

Foster a stable and peaceful environment in the South and Central Pacific.

Assist our own territories in the area in achieving needed economic growth.

Deny strategic areas to adverse foreign influence through the consent of the island nations.

I urge my colleagues to vote for the resolutions of ratification without reservation or amendment.

Mr. MURKOWSKI. Mr. President, I am also submitting for the RECORD a rather detailed response to a letter that was sent as a "Dear Colleague" letter by Senator EAST of North Carolina today. I ask unanimous consent that the response to Senator East's "Dear Colleague" letter be printed in the RECORD.

There being no objection, the detailed response was ordered to be printed in the RECORD, as follows:

RESPONSE TO SENATOR EAST'S "DEAR COLLEAGUE" LETTER

Mr. President, I would like to address specifically the four principal objections raised against these treaties in the "Dear Colleague" letter circulated this morning by the Senator from North Carolina.

The Senator would have us attach reservations relating to each of these objections to the resolution of ratification and thereby require the governments concerned to accept them as conditions before bringing them into force. He argues that without his proposed reservations the Senate should vote to reject these treaties altogether. Let us consider his objections and the reservations he has proposed to resolve them.

The first objection is an assertion that we are giving up U.S. property in these treaties and therefore that the Constitution requires further legislation to accomplish such a transfer.

On the one hand, Mr. President, that is not an issue even touched upon by these treaties. As our explanations earlier should have made clear, the United States does not have strong claims to any of the islands covered by these treaties. They were never incorporated as territories of the United States and were never treated as such. So it simply is not true that we are giving up property rights in these treaties. No U.S. territory is involved here, except of course in the case of Swain's Island, where U.S. sovereignty is explicitly reaffirmed in the treaty with New Zealand.

On the other hand, Mr. President, even if this were a case of renouncing property rights, the courts have recently decided the question and found that the treaty power is fully adequate, without further legislation by Congress, to deal with such matters. In the case of *Edwards* v. *Carter* four years ago, the Court of Appeals ruled against a group of Congressmen who sought to assert the role of the House of Representatives in approving the Panama Canal agreements, using the same argument about Article IV of the Constitution which is made in the proposed reservation under consideration. The court held that this argument simply was not valid. The Supreme Court declined to review the matter further and that was the end of it.

The Senate itself also debated this question during the Panama Canal Treaty discussion after the Foreign Relations Committee had heard testimony on this question, and concluded that further legislative action was constitutionally unnecessary. I fail to see why the Senate of the United States should vote to support a constitutional position which has not only been rejected by the courts, but which is a qualification upon the Senate's own unique powers and responsibility under the treaty clause. The authority of the President in combination with two-thirds of the Senate under Article II of the Constitution is accepted as an alternative means of dealing with a wide range of powers which are also granted to the Congress to deal with by legislation. The Senate certainly has no institutional interest in questioning its own authority in such matters.

The next two objections concern the issue of future military use of these islands, either by the United States or by some third government such as the Soviet Union. One set of reservations proposed by Senator East would insist upon the right of the U.S. to deny the use of these islands for military purposes without regard to the termination of the agreements themselves. They would also require in perpetuity that, should the United States ever wish to establish military facilities in these islands, the governments involved would allow us to do so without charging unreasonable fees. Such governments would include the government of the Cook Islands, which are in a relationship of free association with New Zealand. In short, they would assert such rights against New Zealand itself, a close ally of ours with whom we are in a treaty of military alliance.

Mr. President, the assertion of such rights would be a direct denial of the sovereignty of the governments involved. They would amount to an acceptance of continuing American control over the islands and therefore contradict the basic purpose of the agreements, which is to establish relations with these new island entities on a basis of mutual respect and equality.

The only way to maintain such rights would be to do so over the objection of the people of the islands and the governments of our allies, Australia and New Zealand. There is no prospect that we could get them to agree to such conditions. That does not mean, Mr. President, that we are foregoing any possibility of gaining access to these islands in a crisis if we needed them. The governments concerned are friends and allies; our best assurance of access is to keep them friends and allies, not to challenge their sovereignty and independence as these reservations would do.

Both the President and the Secretary of Defense have assured us that these treaties adequately protect the interests of the United States in this part of the world. President Reagan wrote to Senator Baker on June 10 with the following assurance:

"I am confident that the provisions in these treaties adequately protect our interests in the islands, and provide for good relations with the Pacific Island nations, as well as with Australia and New Zealand. It is important, in our view, not to delay Senate approval any longer."

On March 7, Secretary of Defense Weinberger provided a similar conclusion:

"From a Defense perspective, we feel that the treaties adequately protect United States strategic interests. We have made a thorough study of our requirements for the islands covered by the treaties. We do not have now, nor do we foresee, a military requirement anywhere in the immediate area of the islands covered by the treaties. Indeed, the only U.S. installations in the region since World War II (missile testing facilities on Canton, Enderbury, Birnie and Hull Islands) were closed in 1979 because they no longer met our mission requirements and were too costly to maintain."

The Senator's letter suggests that we should not be satisfied with consultation rights alone and quotes Admiral Hanks in his testimony before the Committee that without a U.S. right of denial for third country use, the treaties are "unacceptable." Would it be more acceptable if there were no treaties at all? What would we have accomplished if we insist upon conditions which are unacceptable to these countries and, therefore, result in a rejection of the treaties themselves?

The Senate also refers to Soviet overtures to the island states of Tonga and Samoa, which are not involved in these treaties but are located in that part of the world. What the Senator does not say is that such overtures have consistently been rejected because the people there do not trust the Soviet Union and prefer close relations with the United States. Our objective should be to ensure that this preference for the West continues into the future and that relations do not deteriorate to the point that overtures to the Soviets become attractive. Does the Senator really think that such goodwill can be "legislated" by writing it into a treaty and then imposing that treaty on another country? Nothing would be more likely to sour our relations with these new countries than to try to force them to accept provisions which they do not consider compatible with their independence and self-respect.

The Senator himself refers in his letter to these island countries as "nations" and "states." If we are prepared to accept them as sovereign states, as we do in these treaties, we cannot also seek to take back their sovereignty by insisting upon veto rights in their affairs.

The fourth objection by the Senator from North Carolina is that the economic interests of the United States in this area are not adequately protected by these treaties. He would insist upon reservations which would require these countries, including the government of New Zealand in the case of the Cook Islands, to agree to provide the United States with absolute rights to fish in their waters and mine minerals from their seabed territories, and to do so forever without regard to the possible termination of the treaties themselves.

Mr. President, no country can reasonably be expected to accept such provisions. They would amount to a rejection of the sovereignty of the governments involved, including one of our closest allies, New Zealand. They would also assert such rights without regard to the treaties themselves and would require completely new agreements providing for fishing and mining rights in perpetuity.

The United States itself issued a Presidential Proclamation in March of this year establishing its sovereign rights over all fish and mineral resources within 200 miles of its coasts and recognizing the right of all other countries to exercise similar control. Is it reasonable to expect any other country to agree to concede to us rights which we ourselves would never concede to anyone?

The best way to assure access to these resources is to remain on good terms with the governments and peoples involved. These agreements provide the basis for non-discriminatory access for American fishermen. To try to assert U.S. control over them is the surest way to guarantee difficulties and interference.

Mr. MURKOWSKI. Mr. President, at this time I wish to make a submission of a final comment to Senator EAST which, in view of the length of it, I ask unanimous consent to be printed in the RECORD.

There being no objection, the final rebuttal was ordered to be printed in the RECORD, as follows:

Mr. President, I will respond briefly to the arguments made by the Senator from North Carolina against these treaties. The Senator's objections and the reservations he has proposed to resolve them are simply not well-founded.

First, the Senator is simply wrong that the United States has strong claims to these islands that it is relinquishing in these treaties. They are not strong claims; they were disputed for years by Great Britain and they would be rejected by our close allies in that part of the world: New Zealand and Australia. The United States never sought to incorporate these islands as American territory and would not want to do so now. In other words, we are not surrendering any property because we do not have any property in this case to surrender. For that reason alone, there would be no argument that the House of Representatives should have a role in approving these agreements.

Second, the inclusion of Senator East's reservations would be even worse than simply rejecting the treaties outright. If the Senate is not prepared to accept the reality of these newly independent island states of Tuvalu and Kiribati, and of the status of the Cook Islands and Tokelau in relation to New Zealand—we should simply do so directly, although it is not clear what the alternative would be. But to insist on special rights of military and economic access in these islands amounts to a denial of their status as sovereign countries. It challenges their existence and will only serve to set us on a course of bad feelings and resentment.

Finally, in approving these treaties as they stand, we are not saying that this part of the world is strategically unimportant to us. But the fact that an area may be strategically important is not necessarily a reason to press otherwise weak claims over the resistance of the inhabitants and in the face of other more important priorities. The question is how best to assure our long-run security interests in this part of the world. It is true that Americans fought and died in this part of the world. But they fought and died also in the Philippines, in North Africa and on the beaches of Normandy. Would we be more secure if we had made claims to continued control of these areas also? Or is our best security in the maintenance of good will and friendship with the countries involved?

The Senator's proposals do not take account of the world as it is. They would lead only to the opposite of what he seeks. Resentment of the United States is what creates openings for Soviet adventurism, and such resentment and hostility would be the result of the Senator's proposals that we revise or reject these treaties.

I urge my colleagues to vote in favor of these treaties as they stand.

Mr. PELL. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I yield to Senator Pell.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I am recognized on my own time.

Mr. President, the four Pacific Island Treaties we are considering today unquestionably serve America's political, economic, and strategic interests. They contain provisions that protect and strengthen American fisherman's rights, U.S. strategic access to these areas, and our sovereignty over previously disputed claims such as Swains Island. We also build good will with the people of this important region.

The Department of State negotiated in its judgment good treaties. The Pentagon, including the JCS, examined them and agreed. The Committee on Foreign Relations did the same. We concluded that our claim to these islands was exceedingly weak or nonexistent and that the treaties more than adequately took American interests into consideration. On two occasions we voted overwhelmingly to report the treaties favorably to the full Senate.

Now the time has come to vote the Senate's advice and consent. Further delay serves no one's interests. Our Nation needs these treaties. We should act favorably on these matters now. I urge my colleagues to accept the recommendations of the Committee on Foreign Relations and vote for the approval of the Pacific Island Treaties.

Mr. President, I join with the distinguished chairman of the Committee on Foreign Relations in support of Senate ratification of the constitution of the United Nations Industrial Development Organization (UNIDO) which was signed for the United States in January 1980. Subsequently, President Reagan transmitted the UNIDO constitution, urging the Senate to provide its advice and consent, and noting that the new constitution would establish UNIDO as an independent, specialized agency within the U.N. system and which "significantly improves the position of the United States and other major donors in budget, program and assessment determinations."

As the President stressed in his letter of transmittal, and as was reiterated in testimony by the Assistant Secretary of State for International Organization Affairs before the Committee on Foreign Relations last year, the ratification of this constitution does not create yet another international agency. UNIDO already exists, as it has since 1966 when it was founded to promote industrialization in the developing countries. Nor does Senate ratification of this constitution add to the U.S. budget in the form of additional contributions to the U.N. Our contribution after ratification will remain what it is prior to ratification, 25 percent of UNIDO's annual $36 million operating budget. Ratification will provide the major donors more leverage in exercising control and influence over UNIDO's budget, staffing pattern, and programs. To date, 132 nations have signed the constitution, including the Soviet Union, and 98 have ratified. It is time that the Senate provide its advice and consent to this constitution so that UNIDO can get on with the business of establishing a more efficient and responsive framework for its programs and objectives.

KYOTO CONVENTION ON CUSTOMS PROCEDURES

Mr. PERCY. Mr. President, the Kyoto Convention is an important agreement which should help to streamline the procedure for the movement of goods in trade around the world. As the committee report makes clear, the convention is fully consistent with existing U.S. law and practices on customs procedures and, in fact, closely follows our lead in this respect. The bulk of the treaty document before the Senate contains the text of 20 technical annexes. I would ask that a letter of June 7 from Treasury Secretary Regan to Senator BAKER be included in the RECORD.

There is no known opposition to the convention, and it requires no implementing legislation or budgetary outlays. I urge my colleagues to support its ratification by the United States.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The Secretary of the Treasury,
Washington, June 7, 1983.

Hon. Howard H. Baker, Jr.,
Majority Leader, U.S. Senate,
Washington, D.C.

Dear Howard: The International Convention on the Simplification and Harmonization of Customs Procedures has been favorably reported out of the Senate Foreign Relations Committee. The Convention represents the culmination of the extensive efforts of the Customs Cooperation Council in simplifying and harmonizing the customs procedures of various nations. Over 37 countries and the European Economic Community have already adopted the Convention, which will have a beneficial effect in the overall promotion of international trade.

The Administration and I believe that it is essential for the United States to become a member of the Convention. Without U.S. membership, our efforts to persuade other countries to open their markets and streamline their customs procedures will be impeded, and overall U.S. trade will suffer as a result. For these reasons, U.S. industry strongly supports adoption of the Convention. The U.S. Customs Service, which has played an important role in developing the Convention through its membership in the Customs Cooperation Council, has made adoption of the Convention by the United States feasible by implementing the customs simplification procedures the Convention mandates.

Another consideration for prompt Senate approval is that during the week of June 13, 1983, the Customs Cooperation Council will be meeting in Brussels, Belgium. It would be highly desirable to have the United States demonstrate its commitment to free trade and support of the Council's work by announcing at that time the approval of the Convention by the United States. Accordingly, I respectfully request that the Convention receive an early calendar date for the Senate's review.

Your assistance and favorable consideration of this matter are most appreciated.

With best wishes.

Sincerely,

Donald T. Regan.

Mr. SYMMS. Mr. President, I vote against these Pacific Island treaties because I do not believe in giving away territory for which American blood was spilled. The famous World War II battles of Ellice Island, the Gilbert Islands, and in particular, Tarawa, were fought in these islands. Thousands of U.S. marines were killed or wounded to seize these islands from the Japanese. We should not give up these hard won islands without something in return.

Moreover, I support Senator East's main arguments, which are outlined in Senator East's Dear Colleague letter.

Mr. President, I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., June 21, 1983.

Dear Colleague: I am writing to urge your opposition to the unilateral giveaway of United States claims to 25 Pacific Islands together with over a million square miles of ocean. The treaties in question are (1) Treaty of Friendship with Tuvalu; (2) Treaty of Friendship with the Republic of Kiribati; (3) Treaty with the Cook Islands on Friendship and Delimitation of the Maritime Boundary; and (4) Treaty with New Zealand on the Delimitation of the Maritime Boundary between the United States and Tokelau. Those treaties would surrender important American strategic and economic interests in return for considerations that, under inspection, amount to nothing.

I have four principal objections to these treaties: (1) territory claimed by the United States is ceded without the consent of Congress, as required by Article IV, Section 3 of the Constitution; (2) there are no provisions guaranteeing the United States the right to establish military bases on the islands; (3) there are no guarantees denying Soviet military use of the islands; and (4) there is no protection for U.S. economic interests in the area.

On March 8, 1983, I testified before the Senate Committee on Foreign Relations expressing my concerns about these treaties and proposing a series of reservations that would go far to resolve the difficulties in them. Both Admiral Thomas Moorer and Rear Admiral Robert J. Hanks, U.S. Navy (Retired), also submitted testimony on March 8 and expressed their support for my reservations.

The Committee on Foreign Relations did not approve my reservations on the grounds that the governments of the Pacific Islands are strongly opposed to any changes whatsoever in the texts. I have therefore decided to withdraw my proposed reservations; but I cannot and will not vote for ratification of these four treaties in their present form.

These treaties are unpleasantly reminiscent of the Panama Canal giveaway by the Carter Administration in 1977 and 1978. As with the Panama Canal Treaties, we are now assured that by submitting to the demands of a foreign state, we can preserve stability and keep the friendship of that state. This argument was not valid in the case of Panama; I see no reason to accept its validity in the case of the Pacific Islands; and I doubt if it is ever valid.

The most alarming part of these treaties is their failure to prohibit third party use of the islands for military purposes. Although the treaties grant the right of "consultation" to the United States prior to third country military use, we do not have the right to deny their use to third countries. As Admiral Hanks stated in his testimony, "In my considered judgment, pledges to 'consult' with the United States before allowing third-nation forces in is, quite simply, unacceptable."

Admiral Hanks went on to describe overtures from the Soviets to the island states of Samoa and Tonga, and both Admiral Hanks and Admiral Moorer discussed in detail the growing projection of Soviet naval power in the southern and western Pacific. These islands are located on the strategically crucial sea routes that connect the United States to our major allies in the region, Australia and New Zealand, and which provide southern access to the Indian Ocean.

I believe that the reservations that I proposed are reasonable changes that would protect both the interests and the security of the United States as well as the interests and security of the island states themselves. All of these new nations are small in land area and population, and they all are vulnerable to aggressive or subversive pressures from the Soviets or their surrogates.

The United States Senate has the constitutional right to "advise and consent" to treaties submitted by the executive branch, and it also has the right to make changes in the texts of treaties that are submitted to it. Failing some change in these treaties that takes account of and remedies what I believe are their serious liabilities for the United States, I will vote against advising the President to ratify them, and I will ask for a rollcall vote when they are presented on the floor of the Senate.

I urge you to join me in opposing ratification of these treaties or at least to examine their provisions and their probable consequences seriously before supporting them. If you wish to join me in opposing the treaties or want more information about them, please contact my legislative assistant for national security, Dr. Samuel T. Francis, at 224-6763.

Sincerely,

John P. East.

Mr. MURKOWSKI. How much time is remaining?

The PRESIDING OFFICER. One minute, 17 seconds.

Mr. MURKOWSKI. I would respectfully call on my good friend, Senator East, from North Carolina. I yield the floor and ask that I may have a few minutes at the end of the time agreement.

Mr. EAST. Parliamentary inquiry, Mr. President. Again, as I understand it, I will have 27 minutes in which to make a statement; I originally had 30, and the remaining 3 will be accorded to the very distinguished Senator from Alaska (Mr. Murkowski)?

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. MURKOWSKI. I thank my friend from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. Mr. President, I greatly respect my colleague from Alaska (Mr. Murkowski), a man of great distinction and ability. I am also, I might add, a great admirer of the members of the Senate Foreign Relations Committee, and I hold its chairman, Senator Percy of Illinois, in the highest esteem, so I undertake my objections to these treaties with reluctance. But under the Constitution we are required to give an independent judgment of advice and consent of treaties submitted to us. I personally in good conscience could not vote for these four treaties and will not. I urge my colleagues to consider rejection.

I would like to offer some of the salient reasons why I am opposed.

First of all, these treaties were negotiated during the administration of President Carter and Secretary of State Cyrus Vance. That does not, of course, indicate a presumption that they are not good treaties, but this is the same administration that negotiated the Panama Canal Treaty, which I thought was a mistake. These treaties are of that genre, of that vintage, and

I feel that beyond those parallels there are parallels so compelling as to urge their rejection.

I had offered a series of reservations to the Senate Foreign Relations Committee in the form of amendments which I appreciated, in their good judgment, which I respect, they declined to incorporate. Rather than weary my great colleagues with a series of amendments to attempt to perfect them, I have come to the conclusion they are perhaps generally fatally flawed and ought to be rejected and returned to the Senate Foreign Relations Committee and to the administration for further consideration. In short, as one Senator exercising his independent judgment of advice and consent, I cannot consent for the following reasons:

First, what do these treaties do? In effect, they are a giving up of sovereignty; they are a quitclaim deed, in effect, for American claims to sovereignty over 25 islands in the South Pacific.

Now, at one time the United States clearly according to the record, even according to the letters of submittal by Secretary of State Vance, had claimed sovereignty. We are giving up that claim. These are really quitclaim deeds in which we renounce that sovereignty.

Now, one might say, "Well, what are we getting in return?" The answer is nothing. In contractual terms, there is no consideration here except the right to consultation in the future, which of course is no consideration at all, because the right to consult obviously does not mean the right to do anything except to consult. It is really a gratuitous statement; you can always consult. We might as well just simply say in these treaties we are relinquishing our sovereignty. These treaties provide for consultation for 10 years. Thereafter, the parties have the right to totally terminate these treaty provisions except for the provision where we give up our sovereignty.

So for the nonlawyer, I would remind you, if you strip through the legal jargon, what you have here are treaties giving up claims to 25 islands in the South Pacific involving an area of 4 million square miles. The question arises in terms of contemporary politics, do these islands in this area have any geopolitical significance to the United States in terms of the realities of world power? I submit they do. They are islands that were utilized by American forces in World War II, with very important bases. They were utilized to some extent during the Korean conflict. At one time 11 of these islands had military bases upon them.

For those who have some memory of World War II, they included islands of the so-called Gilbert chain, probably the most famous, Christmas atoll island and the Ellis Islands, and so it goes.

What significance do they have to us today? I would like to quote from Adm. Thomas Moorer, former Chief of Naval Operations, who says this about them:

> These treaties are a surrender of the rights and capabilities of the United States to this island group. They would leave the door open to the Soviets to come in as well as impacting on the U.S. fishing industry. This is another surrender like the Panama Canal treaties which will weaken our global posture and harm our ability to conduct our responsibilities.

I should like to point out to those who are following international politics with some care and attention today that the Soviet Navy is in the process of penetrating the South China Sea and the general South Pacific area. For example, they now utilize Cam Ranh Bay in Vietnam which used to be our naval base, and they are putting their tentacles out further. I submit to my colleagues that it takes little imagination to understand that once the United States has given up its claim to these 25 islands, as sure as night follows day, you will find the Soviet Union and her navy filling the vacuum.

In terms of the realities of world power today, that is a serious problem. Thomas Moorer has said so. I am going to submit for the Record, but I would like to point out a very interesting interview with Vice Adm. M. Staser Holcomb of the 7th Fleet, in U.S. News & World Report, which I shall make a permanent part of the Record, in which he documents in a very careful way what the Soviet Navy is doing in the Pacific, how it is growing and expanding, and how it is representing a challenge to American naval power in the entire Pacific area.

If we could comfortably say that the circumstances today were not such that we faced a full comparable strength as the Japanese Navy in the World War II period, one might justify the giving up of these islands, but what we have today is a new adventure. In fact, the Soviet Union carries on her adventures all over the world. There is not a part of the world where the Soviet Union is not testing new ventures through new proxies and through its own forces, and I submit it does not take much of an imagination to know what they will do with these areas. At least by retaining our claims of sovereignty, however strong or however weak they might be, we are acknowledging the right to go in if circumstances demand to defend the best interest of the United States.

Now, we are frequently told, "Yes, but the Government of Australia would like for us to do it" or "the Government of New Zealand would like for us to do it."

I understand that, and I respect those governments.

However, I also remind Senators that the Government of the United States also has self-interests and it has global responsibilities.

The mood in this country frequently is that some foreign power or group of foreign powers demands that we do something, and then we just tend to do it, on some theory that it gains us friendship and respect.

I submit that in the kind of world in which we live today, in which military power, unfortunately, in many areas is the symbol of gain, influence, and impact, that is naive and foolish. Eventually, it will cause great mischief; and I submit that eventually, it will cause the balance of power in various parts of the world to continue to tip against us. At some point, I submit that the well-being and security and freedom of the United States will stand in serious jeopardy. That is the kind of world in which we live.

Not only does this area of 4 million square miles and 25 islands have strategic value in terms of military potential, but also, it has mineral mining and fishing rights.

I am not a member of the distinguished Foreign Relations Committee. I am a member of the Armed Services Committee, and I am deeply concerned about the potential of defending this country. I am convinced that Thomas Moorer has made the case that these islands should not be given up casually, without any guarantee that we can use them, if necessary, for military usage in the future.

At least in the case of the Panama Canal Treaty, we have the DeConcini reservation, which allows us to intervene and to keep that canal open. That is not even provided in these treaties. It is simply giving up the sovereignty, with nothing in return, except in effect the right to consult.

I suggest a parallel with the Panamal Canal Treaty. I recall when the Panama Canal Treaty was ratified very narrowly in the Senate. We were told it would earn us good will in Central America; it would earn us respect; it would defer further adventurism in that area. In fact, it has not. It has invited more Soviet and Cuban adventurism, because I think it was interpreted as a sign of weakness, that the United States no longer had the will and/or capability to defend its own territory in its own hemisphere.

As we see the unraveling of events currently in Central America—Nicaragua has fallen, El Salvador is under pressure, next Guatemala, Honduras, perhaps Mexico, Costa Rica—there is a parallel. I cannot see where the giving up of sovereignty over the Panama Canal earned us respect in Central America. Can you? Can anyone? No, it was interpreted as a sign of weakness because it was.

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One of the reasons why we gave up the Panama Canal was on the theory that if we did not do so, they would take it by force.

I submit, knowing the realities of power in the world today, that the Soviet Union, as evil as that system of government is, understands the realities of power and it understands its own national self-interest and goals, and it would no more give up sovereign claims over territories of this kind than I do not know what. In fact, they move in and take them. Look at Afghanistan.

At some point, somewhere, the Government of the United States, in the terms of the realities of world power today, will have to act like a first-rate power. That means exert power, maintain power, and claim that which is your own.

These treaties, like the Panama Canal Treaty, in my humble opinion, run contrary to that. We are told that these treaties will contribute to peace and stability in this part of the world. That is the phrase used. We were told the same thing about the Panama Canal Treaty: It would contribute to peace and stability and respect and good will in Central America.

When you are faced with an implacable, determined, totalitarian aggressor, they do not respect weakness. The greatest single contribution to peace and stability and freedom in the world today would be a strong United States, with essential vision and power and commitment. I do not know of anything that would contribute more to peace and stability and freedom in our time. Where we continue to evidence a posture of weakness and relinquishment under the slightest provocation, I think we contribute to a destabilized world. We encourage Russia and her proxies to adventurism. That is going to happen here.

So, in good conscience, I cannot recommend that these treaties be ratified.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes and 20 seconds.

Mr. EAST. I thank the Chair.

Mr. President, I point out that in two of these treaties, with all due respect, one is the Republic of Kiribati and the other is the Republic of Tuvalu. If you look at the map and look at the nature of those countries, you do not really know to whom you are giving what. Has anyone here heard of the Republic of Kiribati? Has anyone here heard of the Republic of Tuvalu? They are a very loose association of islands in which, as sure as night follows day, once we have acknowledged no claim to them, some major world power will move in. I predict that it will be the Soviet Union, and the navy of the Soviet Union.

As regards the Governments of Australia and New Zealand, I respect them; but here, too, I respectfully dissent, because as an individual Senator, I am expected to exercise an independent judgment. Therefore, I once again urge my colleagues to reject these treaties.

I do not want to be crassly political about it, but I offer this thought to my colleagues: There probably is no political downside in your constituency to vote against these treaties. I doubt that any potential political opponent could say to the people of your State that you should be rejected for reelection because you voted for treaties which denied American claims of sovereignty to the Republic of Kiribati and to the Republic of Tuvalu. But I submit, as was the case with the Panama Canal Treaty, that you may well have an innovative opponent who will go to the constituents of your State and say, "Ladies and gentlemen, have you heard of these treaties? Well, no. They are very similar to the Panama Canal Treaty, and let me tell you what was done and why I think it was a bad thing, and your Senator voted for it." That could be difficult to defend, as many Senators who voted for the Panama Canal Treaty encountered.

So I caution Senators on both sides of the aisle that this is not a casual thing they are doing in terms of political repercussions at home. They are voting to give up previous claims stated by the State Department itself—25 islands, 11 of them previously used as military bases, covering 4 million square miles of the South Pacific.

What you are really doing is voting to give up all American claims to sovereignty in those islands, period.

I personally would rather go back to North Carolina to my constituents there and argue the case as I have tried to do this afternoon. I did not think that made good sense, on the basis of my understanding of the realities of world power today, not only in the South Pacific but throughout the world.

Mr. President, I ask unanimous consent that the three articles I referred to in my address be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SOUTHEAST ASIA: WHERE SOVIETS FLEX THEIR MUSCLE

SINGAPORE.—Alarmed by Russia's growing naval might off their shores, non-Communist nations of Southeast Asia are urgently strengthening their own military forces to counter the Soviet threat.

Their worries underscore the concern of President Reagan, who warned on March 23 that "for the first time in history, the Soviet Navy is a force to be reckoned with in the South Pacific."

At stake is freedom of passage through the Strait of Malacca, a waterway of vital importance to the Western world.

Virtually all Mideast oil shipped to Asia transits the strait or a few other passages through the islands of Indonesia. The strait also is the prime route for ships of the U.S. Seventh Fleet sailing to the Indian Ocean.

The presence of Soviet warships and reconnaissance planes in these waters has spurred the Association of Southeast Asian Nations—Thailand, Malaysia, Singapore, Indonesia and the Philippines—into an unprecedented arms buildup. The five nations, known as ASEAN, want to send a clear signal to Moscow that their military forces, though small, intend to take care of themselves far more than in the past.

This resolve is reflected in sharply increased defense budgets for high-technology air-defense systems, fast patrol boats and ship-killing missiles like the French-built Exocet. Last year, they spent more than 8 billion dollars on defense, triple their combined figure in 1975.

Their goal is to create military forces with enough modern weaponry to counter the missiles and electronics of the Soviet warships. Otherwise, Asian planners fear, the mere presence of Soviet warships could bring pressure on weak and isolated nations.

The Soviet Pacific Fleet now numbers about 180 blue-water warships, sailing from Siberian bases near Vladivostok. At any one time, at least 15 to 20 of these vessels use U.S.-built facilities at Cam Ranh Bay in Communist Vietnam as a forward operating base. They include cruisers, destroyers and submarines armed with cruise missiles. The base also services ships en route to the Indian Ocean and, on occasion, one of Moscow's new aircraft carriers.

The Seventh Fleet under Vice Adm. M. Staser Holcomb has 80 ships stretched thin from the South China Sea and the Indian Ocean to Japan. In an emergency, Holcomb can call upon help from an additional 100 vessels in the Pacific Fleet.

BATTLESHIP DUE

The Seventh Fleet includes two or sometimes three aircraft carriers and will be strengthened later this year with the addition of the battleship *New Jersey*, fresh out of mothballs and equipped with an array of cruise missiles and electronic gear.

ASEAN's buildup is welcomed by the Reagan administration, which backs military loans to all the nations but affluent Singapore. The U.S. also is the major arms supplier in the area, particularly to Thailand and the Philippines, which have long received American artillery, tanks and other weapons.

The Soviet presence is not the sole reason behind ASEAN's urgency to rearm. Strategic planners recognize that political and military balances in Southeast Asia also have changed sharply over the past decade.

Before the Communist victory in Vietnam in 1975, ASEAN nations had focused defense efforts on internal threats—subversion and guerrilla insurgencies supported largely by China. They sought a neutralist image and relied on U.S. forces to guarantee overall security, even though only the Philippines and Thailand had treaty ties with the United States.

The U.S. withdrawal from Vietnam altered ASEAN's perceptions about the reliability of American military forces, even though it still welcomed a U.S. presence in the region. Other ideas also changed. Among them:

Until 1975, Southeast Asian nations based their planning on the belief that China, which had supported subversion throughout Southeast Asia, was their likeliest adversary. That view shifted when newly unified Vietnam took over Laos and Cambodia and signed a military alliance with the Soviet Union.

Establishment of Soviet naval and air bases at Vietnam's Da Nang and Cam Ranh Bay, the geographic heart of Southeast Asia, moved Soviet influence next door to all the ASEAN countries. At the same time, China virtually ceased aiding resistance movements in the region and sought friendship instead.

As Vietnam became bogged down in Cambodia and Laos and in a border war with China, ASEAN nations grew less fearful of direct military aggression from Hanoi. But as Russian advisers poured into Vietnam and Soviet aid soared to about 5 million dollars daily, the Hanoi regime was seen as a virtual Moscow dependency.

Vietnam alone was considered a local problem. But the Hanoi-Moscow alliance made it a strategic worry. Prime Minister Lee Kuan Yew of Singapore said, "The main issue is: Are the Soviets to become a major power in the region because of Vietnam?"

The U.S. role also changed as America reassessed its Pacific strategy and normalized relations with China. Although committed to helping keep the peace in Southeast Asia, the U.S. is not likely to send troops, as it did in Vietnam.

Says Thailand's military commander, Gen. Saiyudh Kerdphol: "We realize that the days of American combat forces coming to our aid are gone forever. We must be able to carry the ball ourselves."

An officer in Singapore's small but capable Army agrees: "What it boils down to is that we had all better be ready. We are all just around the corner from Indo-China."

MOVING IN

Soviet bases in Vietnam are, indeed, just around the corner. Russia has moved into former U.S. bases a Da Nang and Cam Ranh Bay that can handle large jet bombers. Cam Ranh's anchorage is big enough to shelter an entire fleet. Repair and service facilities have been improved steadily since the Russians began arriving in force in 1978.

In less than 48 hours, a naval task force from Cam Ranh Bay could be within easy range of any potential target in Southeast Asia. U.S. Air Force experts say Russia could send some of the 70 missile-equipped Backfire attack bombers now based in the Soviet Far East to Cam Ranh in 8 hours.

The Soviets also base at Cam Ranh four long-range Tu-95 reconnaissance planes. They range over the South China Sea and beyond to keep electronic eyes on U.S. ships in the area. They also probe defenses of the two most vital U.S. military installations in the Pacific—Subic Bay Naval Base and Clark Air Base in the Philippines.

The U.S. ambassador to the Philippines, Michael Armacost, charged recently that there had been "hundreds of violations of Philippine air space" by Soviet aircraft.

The increased reach of the Soviet Pacific Fleet was demonstrated in early February when the new aircraft carrier *Minsk*, carrying vertical-takeoff Yak-36 jet fighters, sailed from the Indian Ocean through the narrow Strait of Malacca virtually within sight of Singapore's waterfront financial district. The *Minsk* then stopped at Cam Ranh Bay for supplies before heading back to its home port of Vladivostok.

To guard against incursions by unfriendly aircraft, Singapore is shopping for a 150-million-dollar early-warning network of radar and reconnaissance planes. Aircraft under study are American E-2C Hawkeyes with an electronic search capability of several hundred miles. They would give Singapore, which has the best-trained Air Force in the area, a warning network stretching well out from the Strait of Malacca.

JAKARTA BUYS JETS

Indonesia, which must guard other passages from Asia to the Persian Gulf in addition to the strait, already has bought three Boeing 737 jets and is equipping them with surveillance radar. Though a Moslem nation, it is turning away from close ties with the Arab world to buy rebuilt U.S.-made Skyhawks from Israel. Jakarta also is testing a 60-mile-an-hour hydrofoil as a patrol vessel.

Moscow's interest in Indonesian waters was underlined last year when an Indonesian officer was caught giving the Russians oceanographic information on the depth, density and temperature of certain seaways—data needed by Soviet submarines seeking to escape detection.

Of all the ASEAN states, Malaysia has made the greatest effort to distance itself diplomatically from superpower rivalry. But even Malaysia has boosted its military budget by 500 percent in recent years, and the country is buying modern planes, ships and arms for a military force previously designed only to fight guerrillas in the jungle. The Army is being increased to about 250,000 servicemen.

"If we are weak, an outside power will come knocking at our door," says Gen. Ghazali Mohammed Seth, chief of Malaysia's defense forces.

Thailand has spent about 400 million dollars for weapons alone over the last four years, about half from its own hard-currency reserves and half in military aid from the United States. Though much of this money is being spent for infantry weapons, Bangkok also is upgrading its air and naval forces.

Only the Philippines, which is fighting a Moslem insurrection in the south and a simmering rebellion by Marxist guerrillas elsewhere in the country, depends largely on the U.S. for protection from attack. With American bases on its soil, the Philippines feels less endangered than the other ASEAN nations.

Despite the fact that ASEAN's charter rules out formal military ties among member nations, there is clear movement in that direction. "No one wants ASEAN to be seen as a military pact or to seem confrontational toward possible enemies," says a Malaysian diplomat. "But at the same time, security is on everybody's mind."

Troops from Singapore, where there is little room for training exercises, have conducted maneuvers in the Philippines. Thai and Malaysian units have sometimes coordinated operations against Communist guerrillas near their border. Joint naval exercises were conducted last year by Singapore and Indonesia. When Prime Minister Lee casually suggested that such exercises might be expanded, the remark attracted little attention. A few years ago, it would have created a firestorm.

Some logistical ties also have been developing quietly. Thailand and Singapore jointly manufacture small arms, and even the reluctant Malaysians have suggested that ASEAN could coordinate arms purchases.

Still, a formal military alliance could be long in the making. Under the ASEAN charter, members are committed to making Southeast Asia a "zone of peace, freedom and neutrality."

Moreover, old ethnic tensions will not disappear quickly. The Chinese, who dominate Singapore, are viewed with suspicion in Indonesia and Malaysia. There is a territorial disupte between Malaysia and the Philippines over the state of Sabah in Borneo and rivalries over oil claims in the South China sea.

Even so, Southeast Asians talk privately of working together. "Closer military cooperation is reconcilable with goals of peace and neutrality," says one official. "The point is, do we help guarantee peace ourselves, or do we have to rely solely on someone else to do it?"

Yet there is realization that ASEAN has little chance of soon replacing the Seventh Fleet as the main counterweight to Soviet forces in the region.

American officials, uneasy over the ever present threat of trouble in the Persian Gulf, would welcome a lowering of U.S. responsibilities here. But they also realize that, however encouraging the strengthening of ASEAN's military forces may be, a strong U.S. military presence will be required in Southeast Asia well into the future.

U.S. NAVY VS. SOVIET FLEET—HOW THEY STACK UP

Q. Admiral Holcomb, how strong is the Soviet Union's fleet in Asian waters?

A. Of the four Soviet fleets, the one in Asian water is the largest and is fast becoming the most modern. It supports operations as far away as the Arabian and Red seas. That fleet is not getting any larger, but its quality is steadily improving.

We see no sign of their letting up. More than half the 140-odd submarines in that fleet are modern, nuclear powered. The cruisers and frigates are of a fresh, current generation. Thus the Soviet Pacific fleet is becoming more capable of open-ocean offensive operations as they go along.

Q. What is the United States doing to counter that Soviet presence?

A. If you could take a snapshot of the Seventh Fleet today, you'd observe that its principal forces are spread over the three areas in which Soviet interests and U.S. interests converge.

We have, in a fleet of 80 ships, a carrier group in the Arabian Sea, a carrier battle group in the South China Sea, and a carrier battle group in the northwest Pacific.

At another time, we might have only two carrier groups covering those three principal areas in a way which shows our friends, commercial partners and allies that we consider vital interests to be involved and that we are prepared to counter manifestations of Soviet maritime power in those regions.

Q. Has the balance of naval power in Asia shifted away from the U.S in favor of the Soviet Union?

A. It depends on where you assess the balance. No question, we have an edge in the Indian Ocean. We have a marked edge in the South China Sea. In the northwest Pacific, where the Soviets can bring the full range of land-based aviation, submarines, short- and long-range combatant forces to bear in an area they hold dear, the balance has clearly begun to shift.

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Q. Does that mean the Soviet Navy could outgun American naval forces in the northwest Pacific?

A. Could the Washington Redskins beat the Dolphins in the Superbowl? It's kind of a call. I should observe that the strengths of the Seventh Fleet include the fact that, in a relatively short period of time, the rest of the Pacific Fleet can be out here to help deal with the Soviets.

I maintain that the strengths of the Seventh Fleet, properly applied, would prevail over the Soviet Pacific fleet.

Q. How large a naval force do the Russians have at Cam Ranh Bay in Vietnam? What are they up to there?

A. The growth curve there is very steep. Three years ago, they had virtually nothing in Cam Ranh Bay. A few weeks ago, we had a high-water mark in which Soviet naval presence got above 20 ships. That's a significant presence, looking out on South China Sea lines of communications on which the whole region depends.

As I visit the leadership of Southeast Asian countries, it is clear that they have taken note that the Soviets are in Cam Ranh Bay, exercising power and influence. The small tentacles of Soviet power—the fishing fleet, research and survey vessels, merchant ships, intelligence collectors—are also already being felt in major seaports, so that Soviet presence is becoming an accepted part of the background.

Clearly, the Socialist Republic of Vietnam gets strong encouragement from the Soviets' being there as a kind of guarantor of maritime power. There's no question but that presence frees the Vietnamese maritime forces to be somewhat more adventuresome in claims to disputed islands in the South China Sea where four or five sovereign states are interested in staking out resource claims.

Q. Could the Seventh Fleet defend Persian Gulf nations against attack without help from U.S. land-based forces?

A. That's a very big question—a question of control of territory. I don't think the countries in the region want the U.S. to keep land-based forces there. Nor are we going to be expected to do something unilaterally. There are a number of sovereign states there who have centuries of experience in control of the land region.

We maintain ourselves in readiness to introduce forces if asked. The Seventh Fleet will have a role in that, because it will require movement over oceans and will require air superiority, which will have to be initially done by carrier-based aviation. By the same token, the Soviets are not going to have a free run on the sources of oil.

Q. Do ASEAN nations depend entirely on America for defense?

A. We should keep in mind that ASEAN is an economic, cultural and political organization. Only some of these countries have formal security ties to the U.S. It's generally accepted none of the navies of these five countries are in a position to deal with the Soviets at sea—the "blue water threat." The Seventh Fleet is.

But these countries are building forces to handle critical parts of the maritime-defense problem in the region—antisubmarine warfare, maritime surveillance, policing of straits, handling mine threats.

Q. What happened to the "falling dominoes" danger that was talked about after the Communist victory in Indo-China?

A. The theory was that other countries would fall in rapid order and there would be chaos and irreparable damage to Western interest. It's the thing all of Southeast Asia still appears to fear most—a move by Vietnam through Thailand down the Malayan peninsula, impelled and supported by the Soviet Union.

The domination of Kampuchea and Laos by Vietnam is evident, but that is as far as it has gone so far. It seems to me that stability of the region is far more likely to be upset by some smaller order of conflict. For example, it could easily be skirmishing in the disputed South China Sea islands.

Another State Department Giveaway—Our South Pacific "Panama Canal"

(By M. Stanton Evans)

They may be slouches otherwise, but when it comes to giving away American property, the boys at the State Department are hard to beat.

Fresh from handing over the Panama Canal to the late Omar Torrijos a few years back, our diplomatists went to work on yet another giveaway. This one has received much less attention than the Panama dispute, but could have equally serious implications. And, if anything, it rests on even shakier legal grounds.

At issue are 25 small islands in the South Pacific, presently claimed by the United States but eagerly sought by other nations in the region. The islands are part of the system that became famous during World War II, extending from French Polynesia in the southeast to the Gilberts and Marshalls in the north and west. Of the disputed islands, Christmas Atoll is the largest, and best known.

Newly arisen republics in the area would like to add the islands to their territory. To this the spirited response of the U.S. State Department is—let them. Our policymakers have devised a set of treaties relinquishing U.S. claims to sovereignty over the islands and parceling them out to the nations of Kiribati, Tuvalu, and the Cook Islands, plus a few thrown in for New Zealand, also.

A typical fighting statement by our officials is the testimony of former Deputy Secretary of State Warren Christopher, concerning the territory claimed by the Cook Islands: "The U.S. claim has virtually no legal merit and is not supported by any other nation. . . . These islands and these people have historically been part of the Cook Islands. Continued assertion of these claims is inconsistent with the U.S. interest of maintaining friendly relations with the people of the South Pacific."

Equally inspiring was the stand of former Secretary of State Alexander Haig concerning the islands to be remanded to New Zealand: ". . . the United States claim to these islands has no substantive basis under applicable principles of international law. Our claim is not supported by any other nation, including our closest allies. Continued assertion of these claims is inconsistent with the United States interest of maintaining relations with the people of the South Pacific."

(By way of brief digression, such verbiage is doubly interesting: First, because it shows the mind-set of capitulation that governs so much of our diplomacy; our State Department is arguing their position. Second, because the phrases used by Democrat Christopher and Republican Haig are so nearly identical. Obviously, the people who ran this show under Jimmy Carter are running it still.)

Our official spokesmen further contend that these islands are of no strategic value to us, and/or that whatever strategic interests we have are best protected through good relations with the receiving governments. The people of the area, say our officials, are friendly to the West and will not allow the Soviets in. Our interests are best served by packing up and clearing out.

This argument is full of holes—as pointed out in congressional testimony by Mark Seidenberg of the Society for the Protection of American Sovereignty. Seidenberg has done an impressive job of research on the history of these islands, and cites numerous facts that show American claims extending back to the early part of the 19th Century. The State Department, for instance, says our claim to the group of islands to be given to Kiribati dates only to 1939. Seidenberg shows U.S. claims to Canton and Christmas islands, both part of this group, going back to the 1820s.

As for strategic implications, it should be noted that 11 of these islands had military bases on them from the 1940s through the 1970s; that they are important as naval ports and way-stations; and that the territorial waters are rich in manganese—which we now import heavily—and quite possibly oil. They are also of key importance to our tuna fishing industry.

Should the islands be relinquished, it will not take the Soviets long to move in. They have ships prowling the area now, and would almost certainly fill the vacuum caused by our departure. The State Department's assurance that the governments to whom we would give the islands is called into question by the political history of some of the leaders there. The head of Kiribati, for example, has said: "If the Russians come we will talk to them and not send them away."

As Adm. Thomas Moorer puts it: "These treaties are a surrender of the rights and capabilities of the United States to this island group. They would leave the door open to the Soviets to come in, as well as impacting on the U.S. fishing industry. This is another surrender like the Panama Canal treaties, which will weaken our global posture and harm our ability to conduct our responsibilities."

Despite all this, the treaties have inched forward in the Senate, with scarcely a word of debate or media attention. Unless some notice is given them soon, they will very probably slip through to ratification—another monument to our weak-kneed diplomacy.

Mr. EAST. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes and 20 seconds remaining.

Mr. EAST. Seven minutes and twenty seconds?

The PRESIDING OFFICER. Yes.

Mr. EAST. Mr. President, what I wish to do, if I might, at this point is reserve the remainder of my time, and I know 3 minutes have been reserved for the Senator from Alaska. Of course, I realize he might wish to respond to my comments.

I wish to reserve a few minutes of my time for any final remarks that might seem appropriate.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Senator from North Carolina.

First of all, my colleague from Idaho has a statement.

Mr. McCLURE. Mr. Prsident, the Senate is presently considering treaties with Tuvalu, Kiribati, the Cook Islands, and New Zealand. These treaties would, among other purposes, relinquish U.S. claims of sovereignty to a variety of islands and atolls in the South Pacific. The treaties also would provide for nondiscriminatory access by U.S. fishing fleets and utilization of U.S.-constructed facilities on Canton. The treaty with Kiribati also provides that the facilities on Canton, Enderbury, and Hull may not be used for military purposes by third countries without the consent of the United States.

The Committee on Energy and Natural Resources reviewed these treaties as a part of a general oversight on territories and insular affairs, since the United States has maintained a claim of sovereignty to these islands and atolls. For the most part, these claims, founded upon early exploration and mapping and the Guano Act of 1856, range from the humorous to the embarrassing. One claim, for example, is to Funafuti, which is the capital of Tuvalu. The committee reviewed the basis for the U.S. claims and also examined the interests of the United States in the area, paying particular attention to the interests of American Samoa, over which the United States both claims and exercises sovereignty. I am satisfied that those interests are protected and enhanced by these treaties.

Mr. President, the political, social, and economic development of the islands in the Pacific has been remarkable. The emergence of stable democracies without violence and the emergence of dependent areas into independence, free association or increased self-government stands as a model for other areas in the world. These treaties, by removing arcane claims of sovereignty, will permit the United States and its territories, such as American Samoa, to develop close bonds or friendship and enter into appropriate economic arrangements which will further guarantee the peaceful development of the Pacific Basin.

Mr. MURKSOWSKI. I thank the Senator from Idaho.

I wish to briefly respond to my friend, the Senator from North Carolina, with regard to the statement that the United States has strong claims to these islands. That is certainly not the case. They are not strong claims. They were disputed for years by Great Britain, and they would be rejected by our close allies in that part of the world, New Zealand and Australia.

The United States never sought to incorporate these islands as American territory and would not want to do so now. In other words, we are not surrendering any property because we do not have any property in this case to surrender.

Second, the inclusion of Senator EAST's reservation would be even worse than simply rejecting the treaties outright. To insist on special rights of military and economic access to these island areas amounts to a denial of their status as sovereign countries.

Mr. President, I refer to the case where the Senator from North Carolina compares the Panama Canal. I suggest there is no comparison of any sort. We obviously built the Panama Canal. We did not build the islands. We had claims on the Panama Canal. We never had sovereign claims of any consequence to these particular areas to which I have referred.

Mr. President, one other statement that I wish to make and have entered into the RECORD at this time is with regard to a statement by Secretary of Defense Weinberger whom I quote:

> From a defensive perspective we feel that the treaties adequately protect the U.S. strategic interests. We made a thorough study of our requirements of the islands covered by the treaties. We do not have now nor do we foresee a military requirement anywhere in the immediate area of the islands covered by the treaties. Indeed, the only U.S. installations in the region since World War II (missile testing facilities at Canton, Enderbury, Birnie and Hull Island) were closed in 1979 because they no longer met our mission requirements and were too costly to maintain.

As a consequence, Mr. President, in the testimony given by the Secretary, there is no indication that this administration favors maintaining any type of presence, military presence, in this part of the world. We have alternate resources.

We have been repeatedly told of the administration's support for the prompt ratification of these treaties. We were most recently informed of this in a letter from Secretary Shultz, signed just before his departure for the Middle East. On April 20 he said: "It is of the utmost importance for the administration that prompt Senate floor action be taken * * *" I ask unanimous consent that the Secretary's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, April 20, 1983.

Dear SENATOR BAKER: It is of the utmost importance for the Administration that prompt Senate floor action be taken on the four treaties the U.S. signed in 1979-80 with Kiribati, Tuvalu, the Cook Islands and New Zealand and the Constitution for the United Nations Industrial Development Organization (UNIDO). The Pacific Island Treaties are an important test of our relations with the South Pacific countries, whether newly independent or old friends like Australia and New Zealand. These treaties protect and enhance our security interests in this area; they also protect our fishing industry and establish long sought maritime boundaries for American Samoa. In return the United States relinquishes its unsubstantiated claims to 25 small islands under the administration of the four island states. The treaties have been fully considered by the Senate Foreign Relations Committee since hearings were first held on them in December 1981. The Committee has twice recommended them favorably for floor consideration.

Ratification of the Constitution for UNIDO would afford the U.S. the opportunity to improve UNIDO's mangement and to increase our control over its program and budget. Under the terms of the new Constitution, should it become necessary, the United States could stop contributing to UNIDO's budget and could withdraw from the organization. Under present arrangements, the United States is unable to take either action because UNIDO is now part of the overall United Nations budget. The Senate Foreign Relations Committee has fully considered this treaty and has twice reported it unanimously to the Senate with a recommendation for favorable consideration.

Your support in obtaining prompt ratification of these important treaties is essential.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. MURKOWSKI. Mr. President, the administration's support of these treaties has been clear, unequivocal, and across the board. This is clearly demonstrated by a recent letter from Assistant Secretary Moore of the Department of State to Chairman Percy, together with its attached letter from four of our ambassadors in the South Pacific area. I ask unanimous consent that these letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, D.C.

Hon. CHARLES PERCY,
Chairman, Senate Foreign Relations Committee, U.S. Senate

DEAR MR. CHAIRMAN: I want to reiterate this Administration's strong interest in prompt and favorable Senate consideration of the four Pacific Islands Treaties that are once again before the Committee. The four treaties, the Treaty of Friendship with Kiribati, the Treaty of Friendship with Tuvalu, the Treaty with the Cook Islands on Friendship and Delimitation of the Maritime Boundary, and the Treaty with New Zealand on the Delimitation of the Maritime Boundary between the United States and Tokelau, are very important to our interests in the Pacific. Our continued failure to act on these treaties has not only weakened our credibility with the Pacific Islands states, but has strained our relations with our ANZUS allies as well.

The treaties serve several U.S. interests in the region. Important lines of communication to our Australian and New Zealand allies and onward to the Indian Ocean pass through this vast ocean area. The security of these routes depends on the continued pro-Western orientation of the newly independent Island states and on their continued cooperation with the ANZUS alliance.

The treaties will advance U.S. security interests in this vital region. After a thorough review, the Department of Defense and the Joint Chiefs of Staff determined that the U.S. has no future military requirement for facilities of any kind on any of the islands concerned. We do have an interest, however, in ensuring that this region remains free of Soviet influence. The treaties provide us assurances that the islands will not be made available for possible military use by other powers. In the treaties with Kiribati and Tuvalu, these governments undertake to consult with us on security matters and specifically on any possible future military use of their islands. The Cook Islands and Tokelau, because of their ties with New Zealand, are covered by the ANZUS alliance.

These agreements benefit the U.S. fishing industry. The treaties with both Kiribati and Tuvalu commit those governments to consult with us on matters of mutual interest relating to the conservation, development, utilization and exploitation of fisheries resources. A provision in the treaty with Tuvalu and an exchange of letters accompanying the treaties with the Cook Islands, New Zealand, and Kiribati assures non-discriminatory access for US fishing vessels and for non-US vessels supplying the canneries of American Samoa, a matter of considerable importance to the economy of that island.

The treaties are also of great value to American Samoa because they establish the maritime boundaries delineating that territory from the Cook Islands and from Tokelau. The US claim to Swains Island, annexed to American Samoa in 1925, is also formally recognized in the agreement with New Zealand on behalf of Tokelau.

The claims to the twenty-five islands in question, which we are relinquishing in these treaties, have little, if any, legal basis of practical value. They were belatedly asserted just prior to World War II, were immediately rejected by Great Britain, and are not recognized by any other state. (During World War II and in the post war period, we made special agreements with Great Britain permitting us to use some of the islands in question.) The principal basis for our claims were activities undertaken pursuant to the Guano Act of 1856. It is clear that this Act was never intended to serve as a basis for the extension of US sovereignty over islands from which Guano was taken. Certain of the islands were claimed on the basis of discovery or mapping by US vessels in the mid-19th century. However, the US made no attempt to extend its governmental jurisdiction over any of these islands. Unlike territories of the United States, they were not incorporated by act of Congress. They were never administered as part of the United States. What the treaties surrender are unsubstantiated claims, not territory of the US.

On the question of seabed minerals, because data on mineral deposits is imperfect, we cannot rule out the possibility that such deposits may exist in the vicinity of the treaty islands. It may, in fact, be many years before we know the extent of such resources and whether or not they are economically exploitable. However, as a practical matter, companies risking capital on expensive seabed mining operations would prefer to do so in areas where they can be assured that their mining rights are not open to serious legal challenges. Maintenance of our weak and disputed claims to the treaty islands is unlikely to facilitate mineral exploitation by US firms. It could, in fact, impede exploitation. Removal of our claims, the major irritant in our relations with these small islands states, will improve the business climate for US firms interested in mineral extraction. By reason of both geography and technology, the island states are likely to turn to the US for assistance in this field.

There is no region of the world where the US enjoys more friendly relations than with the Pacific Islands countries. People of this region continue to hold vivid memories of our sacrifices in ther defense during World War II, and each of these nations has worked closely with the US in a variety of regional and international organizations. Most, for instance, have asked for and have received Peace Corps volunteers. The island nations of the Pacific also have close, cooperative ties with our allies—Australia, New Zealand, and Great Britain.

All of the island countries, and not just the parties to these agreements, view these four treaties as an important indication of how the United States intends to conduct its relations with them.

Our Australian and New Zealand allies share the view that the approval of these treaties is important to the protection of our mutual security and political interest in the Pacific region. Prime Minister Muldoon of New Zealand and other representatives of his government have repeatedly urged ratification of all four treaties. The Australian Government has likewise called on us to do the same and Australian Foreign Minister Street recently restated his government's position in the strongest terms in conversations with the Vice President, Secretary Shultz and NSC Director Clark. Our four Ambassadors in the area, Monroe Browne in New Zealand, Robert Nesen in Australia, Fred Eckert in Fiji and Virginia Schafer in Papua, New Guinea, have also written to encourage prompt acceptance of the treaties. I have enclosed a copy of the Ambassadors' letter.

The four treaties in question were voted out by the Senate Foreign Relations Committee over a year ago. As you know, they have not yet been brought to the floor for a vote. The Administration is hopeful that the Committee will act promptly to return the treaties to the executive calendar to secure final consideration by the Senate.

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

Enclosure.

SUVA, FIJI, *November 19, 1982.*

Hon. GEORGE P. SHULTZ,
Secretary of State.

DEAR MR. SECRETARY: We have just completed a two-day meeting of the region's Chiefs of Mission and feel that we should raise personally with you a problem that could seriously trouble our relations with the South Pacific countries.

In 1979-80 the United States signed a series of four treaties with Kiribati, Tuvalu, the Cook Islands, and New Zealand (on behalf of Tokelau) which formally relinquished antiquated U.S. claims to a number of small islands in the central South Pacific. The treaties were submitted to the Senate for consideration promptly after their signing and in May 1982 were favorably reported by the Senate Foreign Relations Committee. But full Senate consideration of these treaties keeps getting postponed. We are aware that a few Senators have placed a hold on the treaties, but no reasons for objection have been stated.

In our view, this unexplained delay has caused the United States and President Reagan, who supports the treaties, considerable embarrassment in the South Pacific. If the impasse is not resolved quickly, the Senate's failure to act could have serious consequences for our relations not only with the Pacific island countries involved, but also with New Zealand, which has a direct interest in the matter.

We urge you to raise the matter directly with the Senate leadership and to seek its cooperation in having the treaties brought to a prompt vote.

We are deeply concerned that further delay in consideration of these innocuous treaties will injure our relations in the region.

Should you find it useful to do so, please do not hesitate to share this letter with the Senate leadership.

Respectfully,

H. MONROE BROWNE,
Ambassador to New Zealand.
FRED J. ECKERT,
Ambassador to Fiji.
ROBERT D. NESEN,
Ambassador to Australia.
M. VIRGINIA SCHAFER,
Ambassador to Papua New Guinea.

Mr. MURKOWSKI. Mr. President, Prime Minister Hawke said he strongly favored ratification of the Pacific Island Treaties. The United States could help create a much better climate for Western interests in the Pacific region if a perception prevailed that it and other Western countries fully understood the aspirations of newly independent peoples in the second half of the 20th century. This meant setting aside outdated views and clearing up residual problems of sovereignty.

It is evident from the record that the Secretary of Defense, Mr. Weinberger, personally supports the treaties and that the Joint Chiefs of Staff do likewise. We have not, however, had testimony from the senior U.S. commander on the scene in the Pacific. The admiral supports the treaties without qualification. In order to provide his views to my colleagues, I ask unanimous consent that a letter from Admiral Long, U.S. Commander in Chief, Pacific, headquartered in Honolulu, to Chairman PERCY be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CAMP H. M. SMITH, HAWAII,
March 9, 1983.

Hon. CHARLES H. PERCY,
U.S. Senate, Senate Dirksen Building, Washington, D.C.

DEAR SENATOR PERCY: I am pleased to share with you my reasons for supporting ratification of the four Pacific islands treaties that are now being considered by your committee.

As you are aware, since World War II the only military installation the U.S. had anywhere in the immediate area of those islands was a missile test facility with headquarters on Canton Islands, with some additional instrumentation on Enderbury, Birnie and Hull Islands. As for the Canton Island complex, it was used for a few years

in the early 1970's and subsequently maintained in a caretaker status at a cost of several million dollars a year. By 1979 this cost could no longer be justified and the facilities were closed. I might add that our use of these islands was for test and research and not for prospective combat operations. Our current and presently foreseen missile test requirements are and can be met by the Kwajalein Missile Range and occasional testing in broad ocean areas.

My concern with the islands, since they are currently not in use militarily, as to deny their use to unfriendly powers and to assure our re-entry if necessary. The treaties with Kiribati and Tuvalu specifically provide against military use of the islands by third countries without consultation with the U.S. while New Zealand's responsibility for the defense of the Cook Islands and Tokelau gives assurance that those islands will not be used by hostile forces. In the unlikely event that the Untied States were to develop a requirement for bases in Kiribati, the treaty provides for possible future use of the Canton complex subject to an agreement to be negotiated between the two governments. The treaty with Tuvalu provides that in times of international crisis, the two countries agree to consult on any requests we might make for use of Tuvaluan territory for military purposes.

The point of all this is that the United States has no present need for strategic bases in these islands and the treaty provisions adequately protect our interests. From my perspective, United States military interests in the area covered by these treaties have been properly addressed and ratification of them would be in our best interest.

Sincerely,

R. L. J. LONG,
Commander in Chief, Pacific.

Mr. MURKOWSKI. Mr. President, the New Zealand Government has communicated to some 30-odd among us what I consider is very persuasive views on the need to ratify these treaties promptly. The New Zealand Government's considered view is that the treaties enhance U.S. strategic interests and failure to ratify them will undermine those interests. I believe we must listen attentively to the views of our old and close allies. New Zealand points out to us that it or the United Kingdom has governed the islands. They have provided for economic development, the health, education, and welfare of the island people. We are reminded that we have never administered the islands or borne any responsibility for them and our claims have not been recognized by any other government. The New Zealand Government says that failure to ratify the treaties would bring into serious question our role as a reliable and responsible protector. I believe all Members should have the benefit of these views and therefore I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW ZEALAND EMBASSY,
Washington, D.C., March 3, 1983.

Hon. CHARLES H. PERCY,
U.S. Senate.

DEAR CHARLES: I thought it would be timely to write to a number of your colleagues concerning the ratification of the South Pacific Treaties. I am enclosing for your information a copy of a letter which I have sent to the members of the Foreign Relations Committee and a selected group of other Senators.

I know we can continue to count on your valuable assistance in getting these treaties to the floor in the near future.

Warm regards,

Yours sincerely,
Rt. Hon. L. R. ADAMS-SCHNEIDER,
Ambassador.

Enclosure.

NEW ZEALAND EMBASSY,
Washington, D.C., March 3, 1983.

MY DEAR SENATOR: I am writing to you about the four treaties that are currently before the Senate Foreign Relations Committee concerning claims by the United States to various islands in the South Pacific.

The argument is being made that the U.S. should not give up its claims to these islands because of their strategic importance. I would like to make clear at the outset the interest which New Zealand has in this matter. We belong to the Pacific region and we share U.S. concerns for peace and stability in Asia and the Pacific. As you know we are close allies of the U.S. under the ANZUS Treaty. Our forces have fought alongside the U.S. in Vietnam, Korea and the First and Second World Wars, a record that none of the NATO allies can match.

The New Zealand Government is firmly of the view that ratification of these treaties will enhance U.S. strategic interests in the Pacific region. Refusal to ratify the treaties, or an attempt to amend or further delay them (it is now more than four years since the first of these was signed) will undermine U.S. and Western strategic interests in the region. That is the considered view of the New Zealand Government and we understand that it is shared by President Reagan's Administration. Secretary of State Shultz and Secretary of Defense Weinberger firmly support ratification of these treaties.

You might find it helpful to have a little background on the islands in question. They first came under British administration over a century ago. For many years these islands were administered and governed by the UK and by New Zealand. The UK and New Zealand also provided for the economic development of the islands and for the health, education and welfare of their people. Responsible democratic self-government was introduced and now three of these countries exercise sovereignty in their own right as full self-governing or independent states. By contrast the United States has never administered any of the islands nor has it borne any of the responsibility for their upkeep, for the development of responsible government or for the welfare of the people. Moreover, the U.S. claims have not been recognized by any other country.

It has been suggested that the military facilities established in some of these islands during the Second World War are somehow relevant to the claims. The fact is that U.S. forces were only present for a brief time, with the consent of the UK and New Zealand, as part of the allied war effort. Similarly the facility established on Canton Island after the war (and now abandoned) was with the consent of the UK and pursuant to a specific agreement.

As the history of the administration of these islands clearly shows, the U.S. claims could not be sustained in law. Were they ever to be the subject of international adjudication, the only possible outcome would be their complete rejection.

I would like to draw your attention to some of the political implications of the U.S. continuing to assert against tiny island states in the South Pacific what are in effect unsustainable colonial claims. First, it would bring into serious question the perception in the Pacific region of the U.S. as a reliable and responsible protector. Second, it would provide opportunities for mischief making in the region by the Soviet Union and its friends. Third, it would be a matter of great embarrassment to the U.S. allies.

There are now nine independent island states in the South Pacific, most of them members of the United Nations, and all of them watching with interest how the U.S. handles this question. Each of these countries has a democratic government and they all share Western values. The region as a whole is favorably inclined to the U.S. and the countries in it have close political and security relations with Australia and New Zealand with whom they work together in the South Pacific Forum organization at head of government level. There is no other region in the developing world where the West in general and the U.S. in particular enjoy such friendship and influence and where Soviet penetration has been so firmly resisted. It is this friendship and influence which will be put seriously at risk if the Senate declines to ratify or seeks to amend these treaties. Heads of government meeting in the South Pacific Forum would undoubtedly view such a development with the greatest concern.

I would like to take this opportunity of urging you to support the ratification of these treaties and furthermore to indicate to your colleagues who may still have some doubts that if necessary you are prepared to speak on the floor in their support.

Yours sincerely,
Rt. Hon. L. R. ADAMS-SCHNEIDER,
Ambassador.

LIST OF ADDRESSEES

The Honorable Joseph R. Biden, Jr.
The Honorable David L. Boren.
The Honorable Rudolph Boschwitz.
The Honorable Robert C. Byrd.
The Honorable Thad Cochran.
The Honorable Alan Cranston.
The Honorable Alfonse D'Amato.
The Honorable Christopher J. Dodd.
The Honorable Robert Dole.
The Honorable Jake Garn.
The Honorable John H. Glenn, Jr.
The Honorable Barry Goldwater.
The Honorable Orrin G. Hatch.
The Honorable Mark O. Hatfield.
The Honorable Paula Hawkins.
The Honorable Paul Laxalt.
The Honorable Richard G. Lugar.
The Honorable James A. McClure.
The Honorable Charles McC. Mathias, Jr.
The Honorable Sam Nunn.
The Honorable Bob Packwood.
The Honorable Claiborne Pell.
The Honorable Larry Pressler.
The Honorable Paul S. Sarbanes.
The Honorable Arlen Specter.
The Honorable Ted Stevens.

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The Honorable Strom Thurmond.
The Honorable John G. Tower.
The Honorable Paul E. Tsongas.
The Honorable Malcolm Wallop.
The Honorable John W. Warner.
The Honorable Edward Zorinsky.

New Zealand Embassy,
Washington, D.C., March 3, 1983.

Hon. Frank H. Murkowski,
U.S. Senate.

Dear Senator Murkowski: I was pleased to learn, earlier this year, that you had assumed the Chairmanship of the Asian and Pacific Affairs Subcommittee.

As you know we have had some delays in getting the four South Pacific Treaties to the floor and I am delighted that you will be chairing the meeting next week at which they will be considered.

In this regard I thought it would be timely to write to a number of your colleagues urging their support for the treaties. I am attaching a copy of my letter for your information.

We appreciate your help in this matter to date and I know that we can count on your assistance in the future.

Yours sincerely,
Rt. Hon. L. R. Adams-Schneider,
Ambassador.

Mr. MURKOWSKI. Mr. President, we here in Washington sometimes tend to view things out of perspective and out of context, so I would like to try to put these four treaties in the Pacific context. The Hawaii Legislature, during its 11th and 12th (current) sessions has enacted resolutions supporting the treaties and conveyed these resolutions to the Committee on Foreign Relations. We should listen to the people of our closest State to the South Pacific area when they say that the treaties will reinforce close relations in the area, foster a stable and peaceful environment, assist our own Pacific territories in achieving economic viability, and deny the area to adverse foreign influence. I ask unanimous consent that Hawaii House Resolution 374 of the 11th legislature and Hawaii Senate Resolution 63 of the 12th be printed in the Record at this point, so that we may all share in this understanding of the Pacific perspective of this issue.

There being no objection, the resolutions were order to be printed in the Record, as follows:

House Resolution

Whereas, during the last several years the United States has negotiated several treaties concerning sovereignty of certain islands of the Pacific with New Zealand, the United Kingdom, and representatives of the Cook Islands, the Tokelaus, Tuvalu, the Republic of Kiribati, and the American Samoan Government; and

Whereas, these treaties are important links in a constructive United States Pacific policy because (1) they recognize the legitimate rights of the indigenous Pacific Islanders to manage their own affairs; (2) ratification will *reinforce close and friendly relations with Pacific Island States;* (3) they *foster a stable and peaceful environment* in the South and Central Pacific; (4) they *assist our own territories* in the area *in achieving needed economic viability;* (5) they would *deny access* to strategic areas *by adverse foreign influence* without joint consultation between the island nations and the United States; and (6) they facilitate future access to vital raw materials of the ocean floor; and

Whereas, the said treaties were submitted to the Senate of the United States by President Jimmy Carter, and, after hearings conducted in early December 1981, were reported favorably to the full Senate by the Foreign Relations Committee several months ago; however, action has not been taken by the full Senate for reasons not publicly made known; and

Whereas, the State of Hawaii has a very real interest, both economically and socially, in developing constructive relations with the Pacific Island states, countries and territories affected by these friendship treaties; now, therefore,

Be it *Resolved* by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, that the United States Senate is respectfully requested to advise and consent to the said treaties at its earliest opportunity in order that the goals and objectives of the United States Pacific policy be enhanced; and

Be it *Further Resolved* that certified copies of this Resolution be transmitted to Vice President George Bush, President of the Senate; Senator Howard Baker, Senate Majority Leader; Senator Ted Stevens, Assistant Majority Leader; Senator Charles Percy, Chairman of the Senate Foreign Relations Committee; Senators Daniel K. Inouye and Spark M. Matsunaga, Senators from Hawaii; and the Office of Pacific Affairs, U.S. Department of State.

Senate Concurrent Resolution No. 63

Whereas, during the last several years the United States has negotiated several treaties concerning sovereignty of certain islands of the Pacific with New Zealand, the United Kingdom, and representatives of the Cook Islands, the Tokelau Islands, Tuvalu, the Republic of Kiribati, and the American Samoan Government; and

Whereas, these treaties are important links in an enlightened United States Pacific policy because (1) they recognize the legitimate rights of the indigenous Pacific islanders to manage their own affairs; (2) they foster a stable and peaceful environment in the South and Central Pacific; (3) they assist our own territories in the area in achieving needed economic viability; (4) they deny strategic areas to adverse foreign influence through the consent of the island nations; and (5) they facilitate future access to vital raw materials of the ocean floor; and (6) ratification will reinforce close and friendly relations with Pacific island states; and

Whereas, the said treaties were initially submitted to the Senate of the United States by President Jimmy Carter, and, after hearings conducted in early December 1981 wherein they received full support of the Reagan Administraiton, were reported favorably to the full Senate by the Foreign Relations Committee in early 1982; however, action has not been taken by the full Senate reportedly due to the opposition of several very conservative senators and misinformation published by such publications as "The Washington Times" which is owned by Rev. Sun Myung Moon's New World Communications, Inc.; and

Whereas, one of these senators scheduled a hearing on the treaties on March 8, 1983 at which time opponents of the treaty testified; and

Whereas, the State of Hawaii has very real interests, both economically and socially, in developing constructive relations with the Pacific island states, countries and territories affected by these friendship treaties; and

Whereas, further delay in ratification may create understandable concern and resentment among Pacific island nations which will impact negatively upon United States interests in the Pacific, as well as the interests of the State of Hawaii; now,

Be it *Resolved* by the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, the House of Representatives concurring, that the United States Senate is respectfully requested to advise and consent to these treaties at its earliest opportunity in order that the goals and objectives of sound United States Pacific policy be enhanced; and

Be it *Further Resolved* that certified copies of this Resolution be transmitted to Vice President George Bush, President of the Senate; Senator Howard Baker, Senate Majority Leader; Senator Ted Stevens, Assistant Majority Leader; Senator Charles Percy, Chairman of the Senate Foreign Relations Committee; Senator Frank Murkowski, Chairman of the Subcommittee on Pacific Far Eastern Affairs of the Foreign Relations Committee; Senator Paul Laxalt of Nevada; Senators Daniel K. Inouye and Spark M. Matsunaga, from Hawaii; and United States Secretary of State George Shultz.

Mr. MURKOWSKI. Mr. President, my colleague the distinguished senior Senator from Washington has been detained off the floor by other pressing business but asked that I seek consent to enter his comments in support of the treaties in the Record at this point. As Senator Jackson says:

> To continue to assert a claim . . . is not just embarrassing, but counter productive. The United States should seek to assist the peoples of these islands and an important first step is to approve these Treaties of Friendship.

I ask unanimous consent that Senator Jackson's remarks be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Jackson

Mr. President, I support the Senate's consent to the ratification of these treaties with Tuvalu, Kiribati, the Cook Islands, and New Zealand. The treaties recognize and protect important U.S. interests in the fisheries resources of these areas by guaranteeing nondiscriminatory access by U.S. fishing fleets. The treaties also recognize and protect the interests of American Samoa in the area.

The treaties would also relinquish U.S. claims of sovereignty to a variety of islands and atolls in the area. These claims, for the most part, serve only as anecdotal material for a history of early Pacific exploration or of arcane legislation such as the Guano Act of 1856. The United States had never sought to exercise its claim of sovereignty to most of these areas, although we had entered into a joint use agreement with Great Britain for Canton and have developed facilities there. Our interests in Canton as well as Enderbury and Hull, are protected by the treaty with Kiribati in articles 3 and 6 which deny the use of these facilities to third countries for military purposes without the consent of the United States and which encourages continued joint use of the facilities on Canton by Kiribati and the United States.

It is far too late to suddenly decide to rediscover a forgotten empire. The political development of the Pacific Basin islands has been one which the rest of the world can only envy. Stable, democratic governments prevail among islands which have achieved independence, free association, or self-government with continuing close relations with the major metropolitan countries and among each other. The recent South Pacific Conference held in American Samoa demonstrated the mutual respect and shared interests which have made the Pacific Basin an area of peace.

These treaties do not really relinquish anything, they recognize an accomplished fact. Tuvalu is an independent country, not a part of the Gilbert and Ellice Islands colony of Great Britain. To continue to assert a claim to Funafuti, the capital of Tuvalu, is not just embarrassing, but counterproductive. The United States should seek to assist the peoples of these islands and an important first step is to approve these treaties of friendship, clearing from the books claims which are not supportable.

Mr. MURKOWSKI. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. MURKOWSKI. Mr. President, I thank my friend, the Senator from North Carolina, for yielding me time for these few remarks. It is my intention in view of the time agreement for a vote at 5:15 p.m. upon conclusion of the Senator's time to request the absence of a quorum.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I yield to the majority leader.

Mr. BAKER. Mr. President, in preparation for the vote which will occur as previously ordered beginning at 5:15 p.m., I ask unanimous consent that the treaties be considered as having advanced through their various parliamentary stages up to and including the presentation of the resolutions of ratification and that the understandings be considered as agreed to.

Mr. President, before the Chair grants the request, may I say that this procedure is standard and it has been cleared with the minority leader and is an essential requisite to the completion of the Senate's consideration of these treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAST. Mr. President, how much time do I have remaining, please?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes and 33 seconds remaining.

Mr. EAST. Mr. President, I wish to take a minute or two from that remaining time.

Regarding the comment of the distinguished Senator from Alaska that we have never claimed sovereignty, first of all, if we have never claimed it, then why are we giving it up? We state expressly in the treaty that we are giving up sovereignty.

I wish to note that in the covering letters from Cyrus Vance on the treaties, dated December 17, 1979, this letter says:

> The U.S. did nothing to contest British sovereignty until 1939. That year the United States in a diplomatic note to the United Kingdom formally asserted a claim to the 14 islands in the Phoenix and Lion groups and 11 other south Pacific islands for a total of 25.

In 1939, the State Department said we did, and I note that in the first article of the treaty, in the introduction to the treaty itself, it says:

> Acknowledging that the United States has heretofore claimed sovereignty over the islands.

And it lists them.

This is the treaty involving the treaty with the Republic of Kiribati.

As regards the Republic of Tuvalu, it says here in the covering letter:

> The United States first formally declared sovereignty over the islands in 1939.

Either it says that or it did not. Either Cyrus Vance is right or wrong. He was an honorable man, a great student of international relations, international law. I presume he knew what he was saying. And that treaty itself says in the third paragraph:

> Treaty of friendship between the United States of American and Tuvalu, acknowledging that the Government of the United States has heretofore claimed sovereignty over certain islands of Tuvalu, * * *

So on and so forth.

We acknowledge that we did have a claim.

Now, if the State Department is saying today beginning back with the Carter-Vance administration we are not as impressed with the claim today as they were in 1939, I respect their opinion. But come now. We cannot rewrite history; 1984 is not here yet. We cannot deny that which they were saying in 1939. The covering letter says so. The treaties say so.

Again I submit as a matter of elementary logic why in the world draw up treaties acknowledging and giving up your sovereignty if you say we never had it to begin with?

I would like to yield then and reserve the remainder of my time, please.

Mr. McCLURE. Mr. President, will the Senator yield at this point on his time?

Mr. EAST. I would be glad to yield—I have no objection to a unanimous-consent request whereby the distinguished Senator from Idaho might be given a brief period of time to comment.

Mr. McCLURE. Mr. President, I will not ask for that time at this point.

The PRESIDING OFFICER (Mr. Humphrey). Who yields time?

Mr. MURKOWSKI. Mr. President, is all time yielded?

The PRESIDING OFFICER. The Senator from Rhode Island has 6 minutes.

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. The Senator from North Carolina has 2 minutes 29 seconds.

Mr. MURKOWSKI. And the Senator from Alaska?

The PRESIDING OFFICER. The Senator from Alaska has no time.

Mr. MURKOWSKI. I thank the Chair and I yield to my colleague from North Carolina.

Mr. EAST. I would like then for the remainder of my time, Mr. President, to urge my colleagues to reject these treaties. We had claimed sovereignty, we are now giving it up, we are getting nothing in return. It is a quitclaim deed to whatever claims we had to these islands.

They are not casual and frivolous in terms of their significance, 4 million square miles, 25 islands, 11 previously used for military bases.

I would note, I tell my distinguished colleagues, in terms of Soviet adventurism in the South Pacific now in Cam Ranh Bay and extending outward, these islands very easily could in the foreseeable future be of strategic value to the United States.

Adm. Thomas Moorer has pointed out we would be in the very awkward and clumsy position of having renounced all sovereignty to them.

I cannot in good conscience consent to that, and I cannot in good conscience go back, at least to the people of North Carolina, and say that I think it is in the best interests of the United States in terms of the realities of power in the world today and our need to have a strong defense posture, in view of the Soviet challenge.

That completes my remarks.

Do I have any time remaining?

The PRESIDING OFFICER. The Senator has 40 seconds remaining.

Mr. EAST. I shall reserve the 40 seconds just in case.

At this point, I will show my great spirit of brevity by quite conceivably—I have not done so—yielding back my 40 seconds.

Mr. BAKER. Mr. President, will the Senator permit me to use a brief part of that time?

Mr. EAST. Well, considering the distinguished nature of the person making the inquiry, the majority leader of the U.S. Senate, a man for whom I have respect and admiration, I shall happily yield the full 40 seconds.

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The PRESIDING OFFICER. There are 10 seconds remaining.

Mr. BAKER. If there is any time remaining, Mr. President, I wish to take this opportunity to say to the distinguished Senator from North Carolina that I have listened to his presentation and I wish to commend him for it.

I rather expect his point of view will not prevail and the Senate will ratify these treaties. But the presentation made by the Senator from North Carolina was not only learned but convincing, and I wish to take this opportunity to thank him for a significant contribution to the history of the consideration of these treaties by the Senate.

I may say, Mr. President, I know these islands a little. I was in that area right after World War II and was one of those young men who was an officer in the Navy scheduled for the invasion of Japan. Happily, that event did not occur, and the war was over before I reached my duty station in the Pacific.

But in the meantime I saw some of these islands and visited them, and I know of their importance to many Americans and their strategic location.

Mr. President, I support the administration in their efforts to ratify these treaties on this basis, and I wish only to take this opportunity to commend the Senator from North Carolina for a very excellent presentation.

Mr. EAST. I wish to acknowledge my appreciation for the comments of the majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent—before I ask for the yeas and nays and which may be short of the order for the yeas and nays—that there be two succeeding votes on the treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

TREATY OF FRIENDSHIP WITH TUVALU (EX. W, 96-1)

TREATY OF FRIENDSHIP WITH THE REPUBLIC OF KIRIBATI (EX. A, 96-2)

TREATY WITH THE COOK ISLANDS ON FRIENDSHIP AND DELIMITATION OF THE MARITIME BOUNDARY (EX. P, 96-2)

TREATY WITH NEW ZEALAND ON THE DELIMITATION OF THE MARITIME BOUNDARY BETWEEN THE UNITED STATES AND TOKELAU (TREATY DOC. NO. 97-5)

The PRESIDING OFFICER. The question is on agreeing to the resolutions of ratification of treaties 4,5,6, and 7. The yeas and nays have been ordered, and the clerk will call the roll.

The acting assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. Glenn) and the Senator from South Carolina (Mr. Hollings) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The yeas and nays resulted—yeas 94, nays 4, as follows:

[Rollcall Vote No. 159—Ex. W—96-1,
160—Ex. A—96-2,
161—Ex. P—96-2, and
162—Treaty Doc. No. 97-5]

YEAS—94

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Garn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—4

East
Helms
Humphrey
Symms

NOT VOTING—2

Glenn
Hollings

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

TREATY OF FRIENDSHIP WITH TUVALU (EX. W, 96-1)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty of Friendship Between the United States of America and Tuvalu, signed at Funafuti on February 7, 1979.

TREATY OF FRIENDSHIP WITH THE REPUBLIC OF KIRIBATI (EX. A, 96-2)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty of Friendship Between the United States of America and the Republic of Kiribati, together with an agreed minute relating thereto, signed at Tarawa on September 20, 1979.

TREATY WITH THE COOK ISLANDS ON FRIENDSHIP AND DELIMITATION OF THE MARITIME BOUNDARY (EX. P, 96-2)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Cook Islands on Friendship and Delimitation of the Maritime Boundary between the United States of America and the Cook Islands, signed at Rarotonga on June 11, 1980.

TREATY WITH NEW ZEALAND ON THE DELIMITATION OF THE MARITIME BOUNDARY BETWEEN THE UNITED STATES AND TOKELAU (TREATY DOC. NO. 97-5)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the United States of America and New Zealand on the Delimitation of the Maritime Boundary between the United States of America and Tokelau, signed at Tokelau on December 2, 1980.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the resolutions of ratification were agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (TREATY DOC. NO. 97-19)

INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (TREATY DOC. NO. 97-23)

Mr. PERCY. Mr. President, the proposed treaty relating to the United Nations Industrial Development Organization (UNIDO) establishes that organization as a separate entity within the U.N. system. At the present time, it is funded under the general U.N. budget.

The issue, therefore, is a relatively simple one. Regardless of whether one supports this organization or agrees with all of its programs, we are better able to exercise American influence over its budget and its programs if it is constituted and separated from the regular budget and bureaucracy of the United Nations. By approving this treaty, we increase our options with respect to this organization, including the possible option in the future of withdrawing from it if we should decide to do so.

So that there can be no confusion about U.S. intentions, the Committee on Foreign Relations included in its proposed resolution of ratification to this treaty a series of understandings. In particular, we have made clear that ratification of the UNIDO Constitution by the United States should not be understood as an endorsement of the concept of a "new international economic order" as that phrase is frequently used.

Ratification was recommended by President Reagan in 1981 and by the Committee on Foreign Relations twice in 1982 and 1983. It was also endorsed by the President's new Ambassador to the United Nations organizations in Vienna, Richard S. Williamson, during his confirmation hearings before the Foreign Relations Committee.

I recommend that the Senate give its advice and consent to ratification of the UNIDO Constitution.

The PRESIDING OFFICER. The next question is on agreeing to the resolutions of ratification of treaties numbered 2 and 8. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. Glenn) and the Senator from South Carolina (Mr. Hollings) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The yeas and nays resulted—yeas 94, nays 4—as follows:

[Rollcall Vote No. 163—Treaty Doc. No. 97-19,
164—Treaty Doc. No. 97-23]

YEAS—94

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Garn
Goldwater
Gorton
Grassley
Hart
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—4

East
Helms
Kasten
Symms

NOT VOTING—2

Glenn
Hollings

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (TREATY DOC. NO. 97-19)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Constitution of the United Nations Industrial Development Organization (UNIDO) and the annexes relating thereto (hereafter in this resolution referred to as the "constitution"), adopted by the United Nations Conference on the Establishment of the United Nations Industrial Development Organization as a Specialized Agency on April 8, 1979, and signed on behalf of the United States of America on January 17, 1980, subject to understandings, as follows:

(1) As used in Article 1 of the Constitution, the phrase "new international economic order"—

(A) is an evolving concept with no fixed meaning;

(B) reflects the continuing goal of members of the United Nations to find new or more effective ways of handling international economic relations and is subject to interpretation by all such members; and

(C) is not legally defined by the Constitution or by any resolution of the sixth or seventh special session of the General Assembly of the United Nations or by the Lima Declaration and Plan of Action of the United Nations Industrial Development Organization.

(2) The entry into force of the Constitution with respect to the United States of America does not abrogate or rescind any reservation made by the United States of America to any resolution, declaration, or plan of action referred to in the Constitution.

INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (TREATY DOC. NO. 97-23)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on the Simplification and Harmonization of Customs Procedures ("Convention"), which entered into force on September 25, 1974, with annexes and reservations to the annexes.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the resolutions of ratification were agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, may I take just a moment to commend the distinguished Senator from Alaska (Mr. Murkowski). This is his maiden effort in managing a bill, an important matter it is, requiring six votes of the Senate. He did it with skill and dignity, and I extend to him my congratulations.

I wish to express my appreciation to the Senator from Rhode Island, the ranking minority member of the committee, and all of the staff.

Mr. MURKOWSKI. Mr. Leader, if I may briefly respond, I certainly thank the majority leader for his response. I thank the principals who have worked for over 2 years on these treaties, Senators Percy, Pell, Baker, and others, and particularly my predecessor on the Foreign Relations Committee, Senator Sam Hayakawa. I thank Senator East for his balanced and vigilant comments on this very important matter.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS, 1984

The Senate resumed consideration of the bill (H.R. 3133).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, could I have the attention of the Senate for just a moment?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. I thank the Chair.

Mr. President, we are back on the HUD appropriations bill. We are making good progress on it. The managers of the bill indicate to me that we can finish this bill yet tonight if we really buckle down and do it. I have agreed with the manager on this side to stay and try to do that. I anticipate votes tonight.

I would say we will be in until about 8 P.M. or thereabouts, depending on the progress we make. I urge Senators to cooperate in the matter of offering their amendments.

Mr. President, I hope that the Senator from Utah and the Senator from Michigan can get on with the business at hand and we can finish this bill.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, I believe there is one amendment and a colloquy that we can handle very quickly.

AMENDMENT NO. 1426

(Purpose: Earmarks funds for Chesapeake Bay study)

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Maryland (Mr. Mathias), for himself, Mr. Sarbanes, Mr. Warner, and Mr. Trible, proposes an amendment numbered 1426.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 18, line 20 before the "." insert the following: ": *Provided further,* That within the funds made available under this head $5,000,000 shall be used for the implementation of the Chesapeake Bay Study"

Mr. MATHIAS. Mr. President, I offer this amendment on behalf of my colleague, Senator Sarbanes, and on behalf of the two distinguished Senators from Virginia (Mr. Warner and Mr. Trible).

The amendment earmarks $5 million of the funds appropriated for the purpose of the Chesapeake Bay study.

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Mr. President, I am delighted that the committee included $250,000 for five new positions in the EPA appropriations bill to implement the findings of the Chesapeake Bay program. The $27 million EPA Chesapeake Bay program, which is due to be completed by September 30 of this year, is a major step in the cleanup of the bay. It is important to assure that the progress to date is reinforced through the implementation of the management strategies recommended in the program to maintain or improve water quality.

These five positions are needed for the operation of the Chesapeake Bay Liaison Office, which is the first component to the plan to implement the strategies recommended in the bay program. This office would be responsible primarily for providing administrative support and technical services to States in the implementation of management strategies. The second component of the plan is to provide funds, in the forms of grants, to assist States in their efforts to implement corrective measures. These funds would be used on a matching basis to complement ongoing and new State efforts to protect the bay from both the nonpoint and point sources of pollution and to restore its fishery resource. In that respect, I offer an amendment to the EPA appropriations bill which would earmark $5 million under the abatement and control account for these and related activities. I understand that there is $34 million in this account which is not targeted.

Approximately $1 million out of the $5 million would be used to help carry out the mission of the Chesapeake Bay Liaison Office. Included in its mission would be the following activities: Continued public participation; monitoring and estuarine resource sampling; evaluation and refinement of a bay water quality model; and the establishment of a centralized data center. The remaining funds, not less than $4 million, would be made available to the States to implement the plan.

Mr. WARNER. Mr. President, 7 years ago, in the face of ever-deteriorating water quality in the Chesapeake Bay, Congress created the Environmental Protection Agency's Chesapeake Bay program. Every year since I have had the privilege of representing Virginia in the U.S. Senate, I have joined with the distinguished Senator from Maryland in sponsoring the legislation to continue the Chesapeake Bay program. The research conducted during this program has provided important insight into the dynamics of the bay, as well as recommendations of what course of action the Federal, State, and local governments must take in order to clean up the bay.

The program's final report is due to be completed by September 30 of this year.

It is now necessary to begin the implementation process of the recommended management strategies designed to improve bay water quality. The purpose of this amendment is to provide the funds that will be required for the EPA and the States of Virginia, Maryland, and Pennsylvania to begin that process.

The EPA has already reported contamination by nitrogen and phosphorus, as well as toxic metals. It will require an extraordinary amount of cooperation between the States themselves, and also between the Federal Government and the States in order to solve these problems. To date, the bay program has been a model of interstate and Federal-State cooperation. Governor Dalton of Virginia initiated with the Governor of Maryland a bistate agreement on the Cheasapeake Bay several years ago. The Virginia-Maryland Legislatures created a joint bistate legislative commission on the bay by statute. The States have also desired Federal Government participation and counsel, as well as Federal funds. Likewise, the Federal Chesapeake Bay program has heavily involved the States through its planning and research activities.

Last summer, Senator Mathias and I surveyed the Potomac River in order to inspect the improvement of the water quality in the river. This great improvement came about as a result of interstate and intergovernmental cooperation—particularly in a reduction of phosphorus levels through the construction of the Blue Plains sewage treatment facility. The State of Pennsylvania has recently upgraded municipal sewage facilities that pump water into the Susquehanna River, the largest freshwater source for the bay. These efforts have been very helpful, however, further and more difficult steps will be necessary to deal with the nitrogen problem that is caused by soil and fertilizer runoff.

Governors Robb of Virginia, Hughes of Maryland, and Thornburgh of Pennsylvania met yesterday in order to plan a conference on the Chesapeake Bay cleanup that will be held in northern Virginia on December 7 through 9. This evidence of continued interstate cooperation underscores the fact that the States are serious about implementing the difficult controls that will be necessary to a successful bay cleanup effort.

This amendment will earmark $5 million from EPA's abatement and control account and $250,000 will support five staff positions in the Chesapeake Bay Liaison Office. It will be the responsibility of that office to coordinate each State's and Federal programs to insure that these efforts will complement and not duplicate each other. The remaining portion of the funds will be in the form of grants to States so that they can begin their programs to take corrective measures.

Mr. President, Congress has already spent $27 million on this program. The results we have already seen are evidence that this was money well spent. It is now imperative that we continue our commitment to insure that the Chesapeake Bay remains one of our most important and valuable natural resources.

As a cosponsor of the amendment, I urge my colleagues to join Senator Mathias, Senator Trible and me in supporting the cleanup of the Chesapeake Bay.

Mr. MATHIAS. Mr. President, I yield to the Senator from Virginia.

Mr. TRIBLE. I thank the distinguished Senator.

Mr. President, I rise in strong support of the amendment offered by the senior Senator from my neighboring State, Maryland. This amendment has broad bipartisan support within the delegations from our two States as well.

The $5 million provided by the amendment would go to implement the findings of the Chesapeake Bay program, which will be released in their final bay management study report in September. This study has been 7 years in the making, and has already cost us $27 million. It is clearly the most comprehensive study of pollution sources and impacts ever conducted on a body of water the size of the Chesapeake Bay.

The $5 million will go to help clean up the bay, to protect the precious wildfowl and commercial fishing industries, and to maintain a minimal Federal presence in bay management activities. All these are vitally important.

Further, in my opinion, the Chesapeake Bay program has been an exemplary model of interstate cooperation. We need to assure that the progress which has been made thus far is reinforced through the continuation of activities as outlined in the management report.

For these reasons, I urge my colleagues to join me in supporting the amendment offered by the Virginia and Maryland Senators.

Mr. SARBANES. Mr. President, I rise in very strong support of this amendment.

The health of the Chesapeake Bay is vital to east coast aquatic life, and preserving and improving the health and productivity of the bay is truly in the national interest. We are now at a critical juncture in our efforts to protect this great resource. Through the 7-year EPA Chesapeake Bay study, we have identified many of the problems and are in the midst of adopting management strategies to deal with these problems.

Implementation of the management plan is the next critical step, and it is vital that EPA continue its very important role. My distinguished colleague from Maryland and I are sponsoring this amendment because we believe it is absolutely essential that funds be earmarked for this purpose.

The amendment designates $5 million, within the unspecified amounts available for abatement and control in the bill, for implementation of the management strategies identified in the Chesapeake Bay study. It is the intent of this amendment that the funds will be used to carry out the activities of the bay liaison office, for which five positions have already been provided in the bill, as well as provide matching grant funds which are essential to reinforce aggressive participation on the part of the States in the bay region. I know the State of Maryland is committed to this task. The Chesapeake Bay is the No. 1 priority of Maryland's Gov. Harry Hughes, and I can assure my colleagues this amendment is a very sound investment.

Mr. GARN. Mr. President, this is not an addition to the HUD appropriation bill. It is an earmarking of already appropriated funds. Therefore, I have no objection to the amendment, and I am willing to accept it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 1426) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1427

(Purpose: To direct funding to the Department of Health and Human Services for the implementation of Superfund responsibilities)

Mr. STAFFORD. Mr. President, I have an amendment at the desk, and I call it up for immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Vermont (Mr. Stafford) proposes an amendment numbered 1427.

Mr. STAFFORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with,

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, strike lines 25 through line 2 on page 20 and substitute the following:

"For performance of specific activities in accordance with section 111(c)(4) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $6,415,000 is appropriated to the Department of Health and Human Services, to be derived by transfer from the Hazardous Substance Response Trust Fund.

Mr. STAFFORD. Mr. President, I am offering an amendment which I understand the Senator from Utah will accept. The amendment affects the appropriation to the Department of Health and Human Services from the Superfund. It does not affect the level of funding provided for the Department. It merely substitutes for language contained in the bill, language recommended by the General Accounting Office. It is intended to address a problem which has been encountered over the past several years in the administration of the Superfund, and which the Comptroller General has reviewed. Based on that review, the Comptroller General has recommended that this language be included in appropriation acts. I consequently urge the Senate to retain this provision in conference.

Mr. GARN. Mr. President, this is in conformity with the General Accounting Office, and I am willing to accept the amendment.

The PRESIDING OFFICER (Mr. Cochran). Is there further debate on the amendment?

Mr. STAFFORD. Mr. President, there being no further debate, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1427) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, if the manager of the bill will yield, I should like to discuss a provision of the bill which deserves specific mention. That is the provision dealing with the enforcement of the Clean Air Act sanctions.

Mr. GARN. I would be happy to hear the comments of the Senator from Vermont, especially since he chairs the Committee on Environment and Public Works, which has jurisdiction over the Clean Air Act. It is my understanding, however, that the Senator from Vermont is not opposing the bill language. Is that correct?

Mr. STAFFORD. That is correct. But I must say that I believe we are treading on dangerous ground here. From my personal point of view, the language contained in the bill is not objectionable because it merely restates what I believe to be the law. What troubles me is that some will see this as a precedent for legislating on an appropriations bill, which is not a policy I can generally support.

In this case, I can accept the language because the set of circumstances is so unusual as to be unique. Further, since we are merely restating the law, this is not legislating in the ordinary sense of that word.

Mr. GARN. I agree that the Congress should not legislate on appropriations bills, but my understanding is that the Senator from Vermont, as well as his colleague from West Virginia, Senator Randolph, have previously said that this is the correct interpretation of the Clean Air Act. Is that correct?

Mr. STAFFORD. That is indeed correct. And it is these previous statements which enable me to say that, as a matter of substance, the committee language is a correct statement of the law, and, therefore, not objectionable. I am reluctant to oppose the amendment because some people could construe opposition as a rejection of the amendment's implicit statement of the law. I think those sentiments are shared by the distinguished Ranking Minority Member, Senator Randolph, although I do not presume to speak for him.

Mr. RANDOLPH. Mr. President, I agree with what the senior Senator from Vermont (Mr. Stafford) has said. He and I have spent a great deal of time and effort on this matter, and we are in agreement. This amendment reflects our view of the Clean Air Act, which is that sanctions are not automatically and immediately imposed merely because an area was in nonattainment status after January 1, 1983.

This is not to say that sanctions cannot be imposed in a nonattainment area. They can, where implementation plans are judged inadequate or not being enforced. But they cannot be imposed automatically, immediately, and solely because of the fact of nonattainment.

Frankly, we have been placed in a very difficult position because of the policy adopted by the previous Administrator of the Environmental Protection Agency, a claim that she had no discretion whatsoever under the law with regard to imposing the sanctions.

Mr. STAFFORD. I think that is a very fair statement. One of the facts which has made this set of circumstances so unusual is that this is a rare case where the executive branch has insisted that the discretion which the Congress built into the law does not exist. Usually, the case is just the opposite.

Mr. GARN. For the sake of the other Members who may be unfamiliar with the law in this case, could the Senator from Vermont summarize it?

Mr. STAFFORD. I would be pleased to do so. But I will be brief, since Senator Randolph and I have previously

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written each Member of the Senate to share our views of the law with them. He and I wrote Mrs. Gorsuch on December 10, 1982. Five days later, we wrote each Member of the Senate on this subject, enclosing both our letter to Mrs. Gorsuch and a memorandum of law of this matter. This material was also reprinted in the RECORD of December 16, 1982, where it can be found at page S. 15250.

Nevertheless, I can summarize the law as follows:

The Clean Air Act was amended in 1977 to extend the law's deadlines for achieving the primary—health-protective—air quality standards. A new deadline of December 31, 1982, was established, although extensions to 1987 can be granted for pollutants originating from automobiles.

Congress also amended the law to establish sanctions, including a Federal funding cutoff and a construction moratorium, but these sanctions are not for failing to achieve the standards on time. Instead, they are for areas which fail to develop, implement or enforce plans for cleaning up their air.

This is an important distinction, but one which is very clear after a careful reading of the law. The Clean Air Act specifically refers to a failure of the plan to meet the law's requirements and to those cases where the Governor has not submitted an implementation plan or is not implementing any requirement. It is admittedly easy for a person unfamiliar with the law to leap to the erroneous conclusion that sanctions come into effect when a deadline is reached with an area still in nonattainment. But as a matter of fact and law, the Clean Air Act sanctions attach only to failure to submit and implement adequate plans. This is clear from a close reading of the law.

There are two important sanctions in the law. One provides for a cutoff of Federal funding for highway and air pollution programs, the other for a ban on new source permitting.

With respect to restrictions on funding for highways and air pollution control programs, the act very clearly does not contemplate immediate imposition of those sanctions in areas that are implementing approved implementation plans but that are found, after December 31, 1982, to exceed one or more of the ambient standards. The highway funding sanctions are, of course, applicable only to those areas that are nonattainment for motor vehicle related pollutants. Withholding of highway funds is to take place only where a State implementation plan did not consider those elements prescribed for such a plan by the act. If a plan was approved by EPA, it presumably did include all the required elements.

Grants for a State's air pollution control program must be withheld either under the same circumstances that require withholding of highway funds or where an area is failing to implement the requirements of an approved plan. Where an area that is implementing all the requirements of an approved plan is found to exceed an ambient standard, imposition of the funding sanction is not appropriate unless the State fails to revise its implementation plan within a reasonable time and include in the revised plan all the elements specified in the act.

With respect to new source permits, there are several provisions of the act that relate to this question. The purposes for which Congress adopted the prohibition on new source permits in 1977, together with the very clear fact that the objective of the Clean Air Act is to improve air quality, compel the conclusion that the immediate and automatic imposition of the prohibition on new source permits is contrary to the requirements of the Act.

The moratorium on new construction was adopted to insure that those areas not meeting national primary ambient air quality standards and not operating a program in accordance with an approved implementation plan, could not allow additional emissions from new major sources of the pollutant for which the area was nonattainment. Once an area began operating under an approved plan—which must require continued reductions in total emissions, taking new source growth into account—the prohibition on new sources was to be lifted.

Those areas that have been operating under plans approved by the Environmental Protection Agency, that is, plans that, among other requirements, were found at the time of approval to provide for attainment of the ambient air quality standards by the statutory deadline, have been complying with the law. If such an area is determined to exceed one or more of the ambient standards after December 31, 1982, the Administrator is charged with notifying the State that the plan is inadequate to achieve the standard or standards, and the State must, within a reasonable time, revise its using all reasonably available control measures. If a State follows this course, it is complying with the requirements of the act and is not subject to the prohibition on issuance of new source permits.

The committee amendment is consistent with and reflects our view of the meaning and effect of the Clean Air Act sanctions.

Is this explanation satisfactory to the Senator from Utah?

Mr. GARN. Yes, it is. Unless there is some other comment or observation, I have heard all that I need to.

Mr. RANDOLPH. Mr. President, there is one portion of the HUD-Independent Agencies appropriation measure on which I will comment. Specifically, I am concerned about several points relating to funding for the Environmental Protection Agency.

Both the Environment and Public Works Committee and the Appropriations Committee encouraged Administrator William D. Ruckelshaus to review the fiscal year 1984 budget request and suggest revisions that he felt were appropriate. Last week, on the evening of Monday, June 13, Mr. David Stockman, Director of the Office of Management and Budget, transmitted those recommendations to the Appropriations Committee prior to consideration of the HUD-Independent Agencies bill Tuesday morning. Despite the efforts of our colleague Senator LEAHY to restore Agency funding to fiscal year 1981 levels, the Appropriations Committee adopted the fiscal year 1984 request of the President plus the $265.5 million suggested by Mr. Ruckelshaus. This total is somewhat less than had been recommended in March by the Committee on Environment and Public Works in its report to the Budget Committee.

Two points need to be made both regarding the handling of this additional request and the adequacy of the recommendation itself.

Clearly, EPA and OMB recognized the value of having this recommendation incorporated into the reported version of the HUD-Independent Agencies Appropriation bill. However, the Environment and Public Works Committee was not notified that the recommendation was being made. As our committee has prime oversight responsibility for EPA programs, this omission is particularly significant. There was no opportunity for Members to review or comment on the proposal or otherwise evaluate the effect it would have on various programs. I would counsel both EPA and OMB to include the authorizing committees in the process on future occasions.

My second concern is whether the proposal we consider does in fact provide adequate funding for the Environmental Protection Agency. I for one am not fully confident that the Agency will have the resources to properly discharge its responsibilities.

During his confirmation hearings Mr. Ruckelshaus was asked several questions regarding budget trends and policy considerations. Understandably, he deferred comment on several matters pending an opportunity to better acquaint himself with the issues. Those questions are still largely unresolved on the basis of the budget recommendation submitted to Senator GARN, the chairman of the HUD and Independent Agencies Subcommittee.

I am encouraged by recent indications that EPA is moving toward a new stability under the leadership of Mr. Ruckelshaus. I hope that he will not

hesitate to apprise Congress of additional resource needs as he and his new staff assume responsibilities at the Agency.

This bill also includes language adopted by the House regarding the imposition of sanctions by the Environmental Protection Agency for failure of areas to attain the air quality standards of the Clean Air Act by certain deadlines.

While ordinarily I disapprove of substantive amendments attached to an appropriations measure, I will support this provision because, in the view of the Committee on Environment and Public Works, this provision in no way changes the Clean Air Act. It is, instead, a clarification of the act.

In a letter to the former Administrator of EPA, Chairman STAFFORD and I wrote on December 10, 1982, that "we do not believe the law compels immediate or automatic restrictions on permitting and funding for areas that, in spite of implementing the requirements of approved State plans, do not achieve ambient standards by the statutory deadline." According to Representative HENRY WAXMAN, who proposed the amendment on the House floor, this language simply ends a disagreement between the EPA and the Congress over an interpretation of how the sanctions provided in the Clean Air Act are to be applied; it does not change existing law.

The EPA published a notice of proposed rulemaking in February of this year setting out the conditions upon which the Administrator was to impose sanctions in areas of this country which have not shown actual attainment of the national ambient air quality standards by December 31, 1982. The EPA proposed to apply the sanction to areas which had in place a State implementation plan, which had shown reasonable further progress in implementing the plan which had been approved by EPA, and whose only failure was not to actually attain the December 31, 1982, deadline. It is my belief that this is a misinterpretation of the Clean Air Act, and that the language in this appropriations bill clearly states the correct interpretation of the Clean Air Act.

AMENDMENT NO. 1428

(Purpose: To add a mortgage relief program)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself and Mr. RIEGLE, proposes an amendment numbered 1428.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52, between lines 2 and 3, insert the following:

TITLE V—HOMEOWNERS' RELIEF

SHORT TITLE

SEC. 501. This title may be cited as the "Unemployed Homeowners' Relief Act of 1983".

AUTHORITY

SEC. 502. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary"), acting through the Government National Mortgage Association, shall guarantee and make commitments to guarantee the timely payment of the principal and interest on junior mortgage loans made under this title in order to assist homeowners in avoiding foreclosure on their mortgage loans.

(b) No guarantee shall be made under this title except pursuant to a commitment to guarantee that is entered into pursuant to this title prior to October 1, 1984.

ELIGIBILITY

SEC. 503. (a) To be eligible for a guarantee under this title, a junior mortgage shall have been executed by a mortgagor—

(1) who has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to adverse economic conditions and is financially unable to make full mortgage payments;

(2) who is in default on a mortgage secured by a single family dwelling which is his principal residence; and

(3) who, prior to becoming unemployed or underemployed, maintained good mortgage payment practices.

(b) No assistance may be made with respect to a mortgage under this title unless—

(1) the property securing such mortgage (or other security interest in the case of units in cooperative or condominium projects, or in the case of any manufactured home and the lot on which such home is situated) is a one-family residence (including one-family units in a condominium project, a membership interest and occupancy agreement in a cooperative housing project, and any manufactured home and the lot on which such home is situated) and is the principal residence of the mortgagor involved;

(2) such mortgage is not insured under the National Housing Act or assisted under title V of the Housing Act of 1949;

(3) the original principal obligation of such mortgage does not exceed the principal amount that could be insured, at the time such mortgagor applies for assistance under this title, with respect to the property of such mortgagor under section 203(b) of the National Housing Act (or under section 203(n) or 234(c) of such Act with respect to a unit in a cooperative housing project or condominium project, respectively).

(c) A guarantee may be made under this title only if the Secretary finds that—

(1) the holder of the mortgage has indicated to the mortgagor that it intends to foreclose, that all available forbearance remedies have been exhausted, and that foreclosure would result if assistance under this title were not provided; and

(2) there is a reasonable prospect that the mortgagor will be able to make the adjustments necessary for a full resumption of mortgage payments.

TARGETING

SEC. 504. (a) On or after 120 days after assistance is first made available in a State, the Secretary may cease making commitments to guarantee loans in that State if, on the basis of factual information, he determines that—

(1) the State is located in a Federal Home Loan Bank district in which the mortgage delinquency rate for two consecutive reporting periods has been less than the average mortgage delinquency rate of all districts; and

(2) the State has an unemployment rate, as determined by the Bureau of Labor Statistics, which has remained for three months below the rate for the United States or the average rate experienced in such State for the calendar years 1978, 1979, and 1980.

(b) After taking action under subsection (a), the Secretary shall submit a report to Congress within 15 days of such action, describing his decision and the factual basis for making it.

(c) For the purpose of subsection (a) the term "mortgage delinquency rate" means the amount that is derived by dividing the amount of funds represented by mortgage delinquency series maintained by the Federal Home Loan Bank Board and for which payments have been delinquent for 60 days or more by the amount of all funds represented by mortgage loans and contracts which would be accounted for in such series for that district.

MAXIMUM AMOUNT AND ESCROW PROCEDURES

SEC. 505. (a) The principal amount of a loan guaranteed under this title may not exceed the sum of the total amount of payments due under the first and any other senior mortgage for principal, interest, taxes, ground rent, hazard insurance, and mortgage insurance for any delinquent payments during the three-month period prior to the date of the loan and for payments becoming due during a period of not to exceed twenty-four months after the date of the loan, plus a premium representing an amount equal to the amount of interest which will accrue on the unpaid principal balance of the loan during the period beginning on the date of the loan and ending when the mortgagor's repayment obligation commences. Notwithstanding the preceding sentence, the Secretary shall require the mortgagor to make such payments on the first mortgage and any other senior mortgage as the mortgagor is capable of contributing under regulations of the Secretary but not less than 5 per centum of the monthly mortgage payment during the period covered by the guaranteed loan.

(b) A guarantee under this title may be made only pursuant to an agreement under which the lender will—

(1) assume the first 10 per centum of any loss on a guaranteed mortgage;

(2) deposit the loan proceeds in an escrow or trust account (that bears interest at a rate determined by the Secretary to be appropriate) which shall be available for (A) payments of principal, interest, taxes, ground rents, hazard insurance, and mortgage insurance premiums due on the first mortgage, (B) payments of interest to the lender during the period prior to the commencement of the repayment period, and (C) prepayment of principal on the loan guaranteed under this title; and

(3) pay to the mortgagor any amounts remaining in the escrow or trust account after

fulfillment of all obligations related to the loan guaranteed under this title.

(c) In the event that a loan guaranteed under this title is sold to other investors, the Secretary shall guarantee timely payment of interest during the period prior to commencement of the mortgagor's repayment obligation and of 100 per centum of principal and interest in subsequent years.

(d) The mortgagor's repayment obligation on any loan guaranteed under this title shall commence not later than the expiration of twenty-four months following execution of the second mortgage, and a loan shall be fully amortized with equal payments not later than twelve years after repayment commences.

(e) No guarantee may be made under this title with respect to a loan that the Secretary determines bears an interest rate or fee that is excessive.

(f) The Secretary may make such delegations and accept such certifications with respect to the processing of guarantees provided under this title as he deems appropriate to facilitate the prompt and efficient implementation of the assistance authorized under this title.

CERTIFICATION

Sec. 506. A guarantee under this title shall be provided by the Secretary upon certification by a lender approved by the Secretary for the purpose of any mortgage or loan insurance program under the National Housing Act that—

(1) the loan conforms to the requirements of this title and is secured by a lien on the mortgagor's principal residence;

(2) the mortgagor has met the eligibility requirements of this title; and

(3) the lender or its agent has provided appropriate credit counseling to the borrower.

AUTHORITY OF THE SECRETARY

Sec. 507. (a) The Secretary shall issue final regulations implementing this title not later than thirty days after the date of enactment of this Act.

(b) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real or other property by the United States, the Secretary shall have power, for the protection of the interest of the United States, to pay all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by the Secretary as a result of recoveries under security, subrogation, or other rights.

NOTIFICATION

Sec. 508. (a) Each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall, prior to January 1, 1984, (1) take appropriate action, not inconsistent with laws relating to the safety or soundness of such institutions and mortgagees, to waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies in order to cause or encourage forbearance in residential mortgage loan foreclosures, and (2) direct mortgagees promptly to inform mortgagors against whom foreclosure proceedings have been initiated of the assistance available under this title.

(b) For the purpose of this section, the term "Federal supervisory agency" means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration Board.

GUARANTEE TERMS

Sec. 509. (a) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

(b) The Secretary may impose a fee of not to exceed 1 per centum for any guarantee under this title.

LIMITATION

Sec. 510. The aggregate amount of guarantees outstanding under this title may not exceed $500,000,000 at any time.

Mr. HEINZ. Mr. President, I offer this amendment on behalf of Senator Riegle and myself.

Had the housing authorization bill been in force, I would have offered the amendment to that bill. It deals with mortgage foreclosure assistance. Of course, the fact that we pulled down the housing authorization bill makes it very difficult for us to legislate the way we should—first, there should be an authorization and then an appropriation.

Unfortunately, for reasons apparently beyond the control of this body, we have decided to lay the authorization bill aside, and I am forced—somewhat unwillingly, I might add—to deal with this on an appropriation bill. I reiterate for the floor managers that I am not happy about the prospect of legislating on an appropriations bill.

I say for the benefit of my friend—and he is my friend—Mr. Garn, the chairman of the Banking Committee, that I know he does not want to do it this way either. He wants to have the authorization acted upon, but neither he nor I knows when the authorization is going to come back before this body. Therefore, I offer my amendment on mortgage foreclosure relief at this time.

Let me give the Senate two pieces of information regarding this amendment. First, there is a need for a national approach to this problem. There are some 445,000 home loans that are past due as of the end of the first fiscal quarter; that is March 31, 1983. I did not make up the number. It comes to us from the Mortgage Bankers Association of America. Also, they indicate that 60,000 loans are in foreclosure. So we have a problem.

Mr. President, the second thing I want to say is that what Senator Riegle and I are proposing is a responsible solution. I have to say that because I believe there is a perception problem with the issue of mortgage foreclosure relief. That problem is that the House of Representatives wrote a very specific entitlement program which gives direct Federal loans to homeowners not to the financial institutions that normally deal with these homeowners. By doing so, the House would establish a very significant entitlement program. It did so in a way that might very well lead to more foreclosures rather than less. It is not my solution to this problem.

However, what has happened is that it is not the President's solution to this problem, either. He and the House have gotten into quite an argument—one that he won, by the way—on whether or not the House mortgage-foreclosure legislation was good or bad. The House decided that it was bad legislation, and the issue has become a political football between the President and the House of Representatives. I believe that this legislation, different as it is from what is over in the House, has been tarred and feathered a little by that political football match in the House of Representatives.

By the way, I do not say that the President was wrong in his reservations about the House bill, because we in the Senate have gone out of our way in this legislation to avoid those problems. I want to take a moment to explain just how we do avoid the problems that I understand the President had with the House bill, so that my colleagues do not think they are voting on the House bill. Instead, I want them to vote for this amendment or against a motion to table, if it is made, rather than against the bill or for the motion to table on the assumption that it is like the House bill.

I point out that these loans are only for homeowners suffering involuntary unemployment. They can only be made available, after all other reasonable financial remedies, such as the liquidation of nonessential personal and real property and the use of savings have been exhausted.

The mortgagor must be in default on a single-family dwelling that is the mortgagor's principal residence. The mortgagor has to have had a good record of mortgage payments. Assistance is limited only to non-FHA and Farmers Home mortgages with an original principal balance not greater than the FHA limits. The Secretary, that is to say, in effect, the local office of HUD, must find that forbearance remedies, all the normal ones, have been exhausted and foreclosure would result if guarantees were not provided. The Secretary must find that there is a reasonable prospect that the mortgagor will be able to repay the mortgage and the second loan that is made available through the legislation and that the size of the loan that we guarantee through this legislation must depend on reasonable expectations of the mortgagor's future resources. The mortgagor has to contribute at least 5

percent of the monthly mortgage payments. The lender, so that he is at risk and has a disincentive against irresponsible lending, must assume the first 10 percent of any loss on a guaranteed mortgage. The loans are for no more than 24 months and are to be repaid over a 12-year period or less, and the Secretary is authorized to impose an up-front-guarantee fee of not to exceed 1 percent for a reserve fund to help defray the cost of defaults.

Mr. President, even though I think those not only distinguish this legislation from the House approach, Senator Riegle and I have changed our original provisions to title VII of the authorization bill in two additional ways that I believe are significant.

First, we have reduced the program authorization period from 2 years to 1 year and cut the Federal Budget Authority from $750 million to $500 million.

Second, we have placed in the program targeting requirements that will assure that this program is operated with a maximum amount of efficiency. Specifically, we say that after 120 days of operation the Secretary will not have to make this program available in those States or in those Federal home loan bank districts where the mortgage delinquency rate is below the national average and where their unemployment rate for 3 consecutive months is below the national average or below the State average unemployment rate for the 3 years 1978 through 1980.

I say that we have made those changes not because we have received particular criticisms from our colleagues. However, we do want to emphasize again that this approach is a responsible one. We wanted to allay potential concerns that the bill is not sufficiently targeted or that the authorizations somehow would outlast the need. We have attempted to accommodate such concerns and I believe we have done so.

The only observation I would make in closing, Mr. President, is that this legislation is not going to increase the Federal deficit. We anticipate that it will be self-financing, that there will be no loss to the Federal Government through defaults that is not covered by reserves accumulated from the loan guarantee fee. We are not going to create any new bureaucracy. It will be handled by existing personnel in existing offices. It is a fair, equitable, and a responsible approach to the problems of the unemployed who have been unemployed for a very lengthy period and who can no longer meet their obligations due to that unemployment.

I believe that what Senator Riegle and I have proposed is in the best interest of this country. It will preserve in those regions of our country that have been slow to recover, that have been hard hit the longest, the continued presence in their homes of a valuable pool of skilled workers who will be available to return to the jobs in the autoplants, the mills and the factories, as the promise of economic recovery becomes a reality.

I hope, Mr. President, that our colleagues will help adopt this legislation. I believe it is the right approach. I believe the time is right, and I believe that a vote for the legislation is the right vote.

Mr. RIEGLE. Mr. President, will the Senator yield?

Mr. HEINZ. I am happy to yield to my friend from Michigan.

Mr. RIEGLE. I thank the Senator for yielding.

I, of course, joined with him as a cosponsor, and we have spoken about this earlier today during the period of time we were discussing the housing authorization bill.

This is a vital program that was supported on a bipartisan basis within the Banking Committee by a strong vote some weeks ago, and we have tightened this program down, as the Senator from Pennsylvania said. It responds in the most prudent way possible to an enormous national problem.

I ask for the yeas and nays on the Senator's amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RIEGLE. I thank the Senator for yielding.

Mr. HEINZ. I thank my friend from Michigan.

Mr. President, I wish to reinforce briefly what he is saying. This approach, even before we modified it, was accepted by a bipartisan vote in the Banking Committee and it was not just a 1-vote margin. It was a 11 to 7 vote. And in our committee that is an overwhelming vote. I think even my chairman would agree that an 11-to-7 vote is a very solid vote of support.

I hope my colleagues who are listening here in this crowded Chamber at this moment will hear these words.

Mr. GARN. Mr. President, I rise in opposition to this amendment.

The Senator from Pennsylvania and the distinguished Senator from Michigan are correct, that this amendment or a similar amendment was attached to the authorization bill in the Banking Committee. That is the proper place for it to be done. Although I was on the losing side of that amendment, I have learned how to count and they handled it properly because it is legislation. It is not an appropriation.

I find myself in the unusual situation of chairing both committees, the full Committee on Banking and the HUD Subcommittee. I try very, very hard to separate the two jobs, to legislate in the Banking Committee and appropriate in the Appropriations Committee.

So we are doing two things here that bother me. First of all, we are adding $760 million in budget authority. I have a tentative approval from the administration that they will sign this bill. We have been able to have that happen 2 years and keep it out of supplemental appropriations which are in a continuing resolution which no one likes.

I have a statement here from the administration, and I will not take the time to go through what the other problems are, but given these problems any floor add-on amendments would make it difficult to find this bill consistent with the President's request.

There have been other amendments as small as $5 million to $20 million tonight that have not been offered because they want a HUD appropriations bill. Here we have $760 million in budget authority that would add $50 million in outlays in fiscal 1983, $200 million in outlays in fiscal 1984, and continues to add money into the future, to a total of $760 million.

Mr. HEINZ. Mr. President, if the Senator will yield for a correction, because I do not think I mentioned this in my statement and I may have inadvertently misled the Senator. When we changed it from a 2-year authorization to a 1-year authorization we lowered the amount of money from $750 million to $500 million.

I do not imagine it changes the Senator's argument. But I just wanted him to be aware of what we did.

Mr. GARN. I appreciate the correction, although looking at the limitation here in the amendment, unless the Senator modified it, it says $750 million, section 518.

Mr. HEINZ. I think the one at the desk says $500 million. I apologize to your staff for inadvertently giving him the wrong one.

Mr. GARN. I wish the Senator from Pennsylvania, though, to understand that in Utah $500 million is still a lot of money.

Therefore, I am pleased that it is smaller, but it is still bigger than all of the other amendments that were proposed to be offered together.

But getting away from the additional money which I think could cause problems with this bill being signed into law, I must put on my hat as the Banking Committee chairman and say that this is seven pages of legislation on an appropriations bill, and I will attempt to deal with this in the proper manner on the authorization bill. It was true today. It was necessary to pull down the housing authorization bill, but the Senator well knows as a member of the Banking Committee that I like to do things properly, according to the rules, and I would like

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to have an authorization bill passed by the Senate this year.

So we pulled it down today. I do intend to make every effort to get it back up on the floor and have it considered and passed during July. And that is the proper place.

Then the only argument I could make against the Senator is simply the budgetary impact and there would certainly be no argument whatsoever as far as legislating on an appropriations bill. I think that is highly important. We do it but we do it far too often. And even if I were in favor of the Senator's amendment, I would still be opposing it on the grounds that the proper place to do it is in the authorization committee and not here on the HUD appropriations bill.

I have no desire to speak further, and if——

Mr. HEINZ. Before the Senator does what I think he is going to do.

Mr. GARN. I would be happy to yield, you are correct about what I am going to do.

Mr. HEINZ. Mr. President, I thank the Senator from Utah for yielding. I understand he has reservations about the $500 million loan guarantee authority. Let me just say that I find it ironic that the Senator from Utah should be saying that he objects to $500 million in loan guarantee authority when the total new budget authority in this appropriations is $54.254 billion.

If you assume that the $54 billion was all loan guarantee authority, and it is not, this would be less than 1 percent of all the loan guarantee authority that is in this bill. But in fact, of course, most of this appropriation will result in direct expenditures. So I must say there is a certain irony in the Senator from Utah saying that this $500 million loan guarantee is going to break the camel's back because, as I look at the camel, I see it is a very big camel indeed, totaling some $54.254 billion in new budget authority.

Mr. GARN. The Senator is correct, it is $54 billion in 1983 dollars but I would point out to the Senator that the HUD subcommittee budget in 1979 was $69.1 billion; in fiscal 1980 it was $67.2 billion in constant 1979 dollars; similarly in fiscal 1981, $58.2 billion; fiscal 1982, $45.4 billion; and fiscal 1983, $39.4 billion. The $54 billion in this 1984 bill represents only $38 billion in constant fiscal year 1979 dollars. So the Senator is correct, yes, we are appropriating $54 billion but that is considerably less than in prior years. As a matter of fact, if you do not even look at deflated dollars it is considerably less than the $69.1 billion in fiscal 1979. So we have made a major contribution in reducing the Federal deficit more than any other appropriations subcommittee.

Mr. HEINZ. Will the Senator yield further?

Mr. GARN. Yes, I would be happy to yield.

Mr. HEINZ. Also on page 110 of the committee report, in 1983 the limitation on guaranteed loans was roughly $114 billion. In this appropriation the limitation is $119 billion of a $5 billion increase in loan guarantee authority, as I understand the Senator's bill, and really all we are asking for here is, in effect, 10 percent of that increase in loan guarantee authority. This bill has $119 billion of loan guarantee authority in it, as I understand the report.

Mr. GARN. That is correct, and $5 billion of that increase is for FHA, Federal Housing Administration, the entire increase.

Mr. HUDDLESTON. Will the Senator yield?

Mr. GARN. Yes, I am happy to yield to the Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I am very much in sympathy with the proposal of the Senators from Michigan and Pennsylvania. I think we do have some serious foreclosure problems that we should address.

On the other hand, I also have to say that the distinguished floor manager and subcommittee chairman, the Senator from Utah, has made some valid points regarding the appropriations process and the total amount in the bill. With the assurances that he has given us, that he has accepted the situation which prevailed in the Banking Committee, and in view of the likelihood that we can address this matter in a proper way through the authorizing process, hopefully in the near future, it seems to me we should avoid putting additional baggage on this particular legislation, which might provide somebody the excuse that they are looking for to recommend that this legislation not be signed by the President. If the bill were not signed, a lot of hard work would go down the drain and a lot of worthy programs and projects would have to be reconsidered.

So despite the fact that I believe the Senator from Pennsylvania and the Senator from Michigan are on the right track, I will support the Senator from Utah in the move that I suspect he is about to make, in the hope that the amendment can be considered soon on another vehicle.

Mr. GARN. Mr. President, I do intend to move to table this amendment. The reason I use that procedure is because it is legislation on an appropriations bill. If it were not I would certainly give the Senator from Pennsylvania an up or down vote. But I do move to table, and I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Utah to lay on the table the amendment of the Senators from Pennsylvania and Michigan.

The yeas and nays were ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Indiana (Mr. QUAYLE) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—55

Abdnor
Andrews
Armstrong
Baker
Bentsen
Chafee
Chiles
Cochran
Cohen
Denton
Dole
Domenici
Durenberger
East
Exon
Garn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hecht
Heflin
Helms
Huddleston
Humphrey
Jepsen
Johnston
Kassebaum
Kasten
Laxalt
Lugar
Mattingly
McClure
Mitchell
Murkowski
Nickles
Nunn
Packwood
Percy
Proxmire
Pryor
Roth
Rudman
Simpson
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Wallop
Warner
Wilson
Zorinsky

NAYS—39

Baucus
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Cranston
D'Amato
DeConcini
Dixon
Dodd
Eagleton
Ford
Hart
Hawkins
Heinz
Inouye
Jackson
Kennedy
Lautenberg
Leahy
Levin
Mathias
Matsunaga
Melcher
Metzenbaum
Moynihan
Pell
Randolph
Riegle
Sarbanes
Sasser
Specter
Trible
Tsongas
Weicker

NOT VOTING—6

Danforth
Glenn
Hollings
Long
Pressler
Quayle

So the motion to lay on the table amendment No. 1428 was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, could I inquire of the managers how much longer they think they need before we finish this bill? It looks to me like we are sort of coming down the homestretch.

Mr. GARN. Mr. President, I know of a brief colloquy between the Senator

from Michigan and this Senator and a brief statement by the Senator from Vermont. We should be at final passage within 10 minutes.

Mr. BAKER. Mr. President, I thank the Senator. I very much hope that is the case.

It will be my intention, Mr. President, after we pass this bill, to ask the Senate to go tomorrow to the energy and water appropriations bill.

I thank the Senator.

Mr. RIEGLE. Mr. President, I would like to briefly inquire of the chairman.

Mr. GARN. Could we have order so that the Senator from Michigan can be heard?

The **PRESIDING OFFICER.** The point of order is well taken. Senators will please take their seats.

Mr. RIEGLE. As the chairman knows the committee report on the authorization bill, which we took up earlier today on page 21, discusses the importance of the central underwriting staff of the UDAG program and the importance of maintaining that staff in a strong capacity here at the Federal level so that we can maintain this national competition evaluation and helping develop the economic development proposals of cities that compete for UDAG grants.

As a matter of fact, we included, as the chairman knows, strong language in the housing authorization report on that. I notice that in the appropriations bill report, there is, on page 32, talk about reducing the central staff and relieving pressure on the staff resources in the HUD field offices. I just want to make sure that we are clear and if it would be the thought of the chairman that we do want, in the area of the UDAG program, to maintain that strong central staff. I take it that the appropriations bill does not envision in some way weakening that staff or farming out its responsibilities across the country. Am I correct in that?

Mr. GARN. It is not the intent of the committee to decimate that staff. It is a merit-based and a professional staff. I surely think that professional level should be maintained.

Mr. RIEGLE. So it would be fair for me to conclude that it is the view of the chairman and the legislative history will show that we have no intention here in this appropriations bill to take away part of the central staff of the UDAG program or in any way weaken its professional capability.

Mr. GARN. Mr. President, that is not my intent. That is why I answered as I did. It is true there could be some transfers, but I used the word "decimate" to indicate that we do not expect them to take it apart and dissolve it. We expect them to maintain a professional staff.

Mr. RIEGLE. I thank the Senator. It is very important, and I strongly stress my support for maintaining it.

The **PRESIDING OFFICER.** The Senator from Vermont.

Mr. LEAHY. Mr. President, for the last 3 years, I have concentrated my attention in the HUD-Independent Agencies Subcommittee on the effects of budget cuts at the Environmental Protection Agency and the Agency's ability to enforce our environmental laws.

I believe that oversight is one of the Congress most important constitutional responsibilities. We must do more than write laws and decide policies. It is also our responsibility to perform the oversight necessary to insure that the administration enforces those laws as Congress intended.

I decided to concentrate my oversight work on this subcommittee on the Environmental Protection Agency because, in 1981, the Agency was subjected to severe cuts in its budget. These cuts have continued this year. In fact, if we had accepted the 1984 budget originally proposed by the President, the research and pollution control budget would have been cut 46 percent compared to 1981 levels.

As the former State's attorney of Chittenden County, Vt.'s most populous county, I know it takes resources to enforce our laws. All the anticrime rhetoric means nothing, if we do not have the police to catch the criminals and the attorneys to prosecute them.

Thus, I was concerned about the impact of these severe budget cuts on Agency's ability to enforce our environmental laws. The Reagan administration's dramatic reductions in the EPA budget have put the Congress, and especially the Appropriations Committee on which I serve, in a very odd position. For years we have pushed agencies to be more efficient by cutting waste and managing more effectively.

Before our committee, this is just what EPA Administrator Burford testified she was doing. She claimed that a 40-percent cut in the EPA budget could be accommodated with no reduction in public health protection. But the claim that the agency could cut its budget 40 percent strained credibility. There is no line item for waste and fraud in the EPA budget.

In contrast to the Department of Defense budget, where the President has argued massive spending increases are necessary, the Environmental Protection Agency has been asked to do more, or at least as much, with much less.

The Reagan administration has contended that this is possible through increased efficiency, by delegating responsibilities to the States and because unnecessary tasks are no longer being done. In four reports I have issued, I addressed each of these issues.

In the course of preparing these reports, I found that Administrator Burford was just not leveling with Congress. In fact, when the budget was slashed, environmental law enforcement suffered.

Thus, when the Appropriations Committee considered the HUD-Independent Agencies bill, I offered an amendment to increase funding for the Environmental Protection Agency to 1981 levels of $1.3 billion. When I offered this amendment in the subcommittee, it lost on a tie vote. This level was $50 million less than that recommended by the authorizing committee and was within the budget resolution.

After that very close vote in the subcommittee, the administration proposed an amendment to the original 1984 request raising funding for research and pollution prevention and control by $165 million.

I welcomed this additional request as a positive step forward. However, it was a completely inadequate proposal.

The deficiency of the proposed level of funding is clear from one fact—the operating budget proposed in the markup notes is about the 1974 level of funding.

Since 1974, the Congress has given the Environmental Protection Agency and the States major new responsibilities by amendments to existing laws or new statutes. For example:

Major amendments to the Clean Water Act (Public Law 92-500): 1972.

The Safe Drinking Water Act: 1974.

The Resource Conservation and Recovery Act: 1976 (hazardous wastes).

The Toxic Substances Control Act: 1976.

Further amendments to the Clean Air Act and the Clean Water Act, each with major initiatives on toxic chemicals: 1977.

Amendments to the Federal Insecticide, Fungicide and Rodenticide Act: 1978.

These new statutes were enacted, in a large part, because the chemical revolution, so beneficial to our society in many other ways, caused pollution problems much more difficult to control than traditional pollutants. We cannot deal with the vastly more complicated environmental problems of the mid-1980's with the pollution control budget of the early 1970's.

The insufficiency of the proposed budget can also be seen in the problems this lack of funding has caused the Agency.

In the enforcement program, Edward Kurent, formerly associate enforcement counsel, recently warned that "the resource shortfall had reached crisis proportions." He noted that, while the workload of the agency was increasing, the number of lawyers had been cut by one-third.

In the water pollution control program, the Agency's own workload analysis states:

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Actual resources available to the regions—are far less than necessary to even meet the major needs of the program—for example, the workload for issuance of permits (the highest priority of this program element) not only excludes all minor permits, but includes only a portion of the majors that should be issued during fiscal year 1984.

In the drinking water program, EPA's workload analysis stated that EPA does not routinely conduct compliance visits to all (drinking water) systems with (public health standard) violations.

In the hazardous waste program, only 14 final permits out of 8,000 have been issued 5 years after the statute was enacted.

The research and development program is so inadequate that the Chemical Manufacturers Association joined with the Environmental Defense Fund in a law suit to require the Agency to do research work required by law. The President of the National Academy of Sciences has also warned:

> The research activities of the Environmental Protection Agency continue to be devastated at a time when more, not less science, is needed for regulatory decision making.

The National Governors' Association has warned that the large cut in State grants will require curtailment in a number of environmental protection activities by a level at least proportionate to the reduction in Federal support.

All of these serious shortcomings existed under the 1983 budget. Unfortunately, the new administrator's new budget request only increases the 1983 pollution control and research budget by 1 percent—hardly enough to rebuild the agency's enforcement program which has suffered a 40-percent cut in its budget.

In summary, Mr. President, I am both heartened and disappointed. I am heartened that the new administrator has moved to stop the decline in the pollution control and research budget. However, I am very disappointed that he has not moved to rebuild this agency to at least its 1981 capabilities.

I shall continue my oversight. I shall continue to work to insure that our environmental laws are enforced.

Mr. GARN. Mr. President, at our subcommittee markup on June 9, the subcommittee recommended an increase of $138.6 million above the budget request for EPA and $121.5 million over the fiscal year 1983 level.

On June 13, I received a letter from Bill Ruckelshaus stating that he intends to submit a budget amendment to the President requesting an additional $265.5 million for fiscal year 1984 resulting in a total program level of $3.968 billion or an increase of $248.4 million over the fiscal year 1983 level for an increase of 6.7 percent.

The committee action incorporated all of the Ruckelshaus recommendations by going to the highest number—either the subcommittee's recommendation or the Administrator's—for a new total of $3.998 billion. This is an increase of $295.5 million above the request. It would also add 1,100 work years over the original request.

The committee action also retained the subcommittee's specific add-ons within the amendment.

The following increases over the fiscal year 1983 level are provided: $26.3 million for S&E; $23.7 million for R&D; $24.8 million for AC&C; and $200 million for Superfund, for a total of $278.4 million over the fiscal year 1983 level.

Mr. Ruckelshaus states, in the letter, that these funds will provide him with "adequate resources to do the job" "to fund an aggressive environmental cleanup effort". He further states not only in the letter, but in conversations that this is about the maximum amount that EPA can effectively utilize.

We can always provide additional funds at a later time if necessary. But we all know that it is the Administrator's commitment to a program that he has structured that will make the program effective or ineffective.

Mr. DOMENICI. Mr. President, I would like to commend my distinguished colleagues, Senators HATFIELD and GARN, and the members of the Senate Appropriations Committee for reporting the first fiscal year 1984 appropriation bill. This action is a full 3 months earlier than the first bill was reported in the Senate last year.

I support the HUD-independent agencies appropriation bill as reported by the committee.

H.R. 3133 provides $54.3 billion in budget authority and $35 billion in outlays for fiscal year 1984 for the important activities of the Department of Housing and Urban Development, the Veterans' Administration, the Environmental Protection Agency, the National Aeronautics and Space Administration, the National Science Foundation and other independent agencies.

With outlays from prior-year budget authority and possible later requirements taken into account, the HUD-Independent Agencies Subcommittee is $3.6 billion in budget authority and $0.2 billion in outlays below its crosswalk allocation under the Senate-passed first budget resolution.

As my colleagues may be aware, the Senate and House budget conferees reached agreement on the fiscal year 1984 first budget resolution late last night.

Although the subcommittee may receive additional funds in its crosswalk allocation when the budget conference agreement is adopted, any major amendments to the bill could result in the subcommittee exceeding its outlay allocation under the Senate-passed budget resolution.

I, therefore, urge my colleagues to support the bill as reported by the Appropriations Committee. I am sure that the Appropriations Committee will address any items within the HUD Subcommittee's jurisdiction that need further consideration in a later supplemental appropriation bill.

With respect to the credit budget, the Senate-reported bill provides $2.2 billion in new direct loan obligations, $65.8 billion in new primary loan guarantee commitments, and $68.2 billion in new secondary loan guarantee commitments. The total for direct loan obligations is $0.5 billion less than the subcommittee's allocation. The total for primary loan guarantee commitments is $5.0 billion above the subcommittee's allocation. This total is consistent with the amount provided for FHA mortgage insurance in the fiscal year 1983 supplemental appropriation bill. The subcommittee allocation does not include secondary loan guarantee commitments.

Mr. President, I ask unanimous consent that two tables showing the relationship of the reported bill, together with possible later requirements, to the congressional spending and credit budget and the President's budget requests, be printed in the RECORD at the conclusion of my remarks.

The spending table includes an adjustment to the subcommittee totals to assure that entitlement programs contained in this bill are charged at the levels assumed in the first budget resolution. This permits discretionary amounts in the bill to be compared to the subcommittee allocations under the first budget resolution.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ATTACHMENT 1.—HUD-INDEPENDENT AGENCIES SUBCOMMITTEE SPENDING TOTALS

[In billion of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		[1] 23.0
H R 3133, as reported in Senate	54.3	35.0
Possible later requirement Veterans compensation COLA		+0.1
Total for HUD-Independent Agencies Subcommittee	54.3	58.2
Deduct entitlement increases above first budget resolution assumptions	+0.1	
Adjusted total	54.2	58.2
Senate first budget resolution 302(b) allocation [2]	57.7	58.4
House-passed level	[3] 59.1	58.4
President's request	[3] 49.7	58.2
Total compared to		
Senate-passed first budget resolution 302(b) allocation	−3.6	−0.2
House-passed level	−4.9	−0.2
President's request	+4.4	−0.05

[1] This figure includes the fiscal year 1984 outlays associated with Public Law 98-8, the Emergency Jobs Appropriation Act, and with the Senate-passed fiscal year 1983 supplemental appropriation bill (H.R. 3069).

[2] This allocation may be revised when the conference agreement on the first budget resolution is adopted.

[3] Includes possible later requirements.

Note: Totals may not add due to rounding

ATTACHMENT 2.—HUD-INDEPENDENT AGENCIES SUBCOMMITTEE CREDIT TOTALS

[In billions of dollars]

	Fiscal year 1984	
	New direct loan obligations	New loan guarantee commitments
H.R. 3133, as reported by Senate committee (total for HUD-Independent Agencies Subcommittee)	2.2	65.8
Senate first budget resolution section 5(b) allocation	2.7	60.8
House-passed	2.3	60.8
President's request	1.9	54.5
Subcommittee total compared to:		
Senate first budget resolution section 5(b) allocation	−0.5	+5.0
House-passed	−0.2	+5.0
President's request	+0.3	+11.3

SUPPORT FOR EPA

Mr. LAUTENBERG. Mr. President, the Senate has taken forceful action today to give new life to the Environmental Protection Agency. For the past 2 years, this vital agency has been crippled by lack of funds, decimation of its staff, and a loss of leadership and dedication to its mission. Under the Reagan administration, the heart of EPA's budget has been slashed by about one-third. The funds denied to EPA would have been used to enforce our environmental laws, to conduct health effects research, and to develop regulations and procedures to implement programs to control hazardous wastes, chemicals, and air and water pollution. This harsh denial of funds has left the public at the mercy of health-threatening pollution and poison in their daily environment. It has left the States shorn of moneys to meet their responsibilities under the law. It has resulted in slippage of compliance deadlines for all of our major environmental programs. I earnestly hope that the budget for EPA that we approve today will reverse this most dangerous trend.

In light of the dismaying record of the past 2 years, Mr. President, I take heart from the actions over the past few weeks of the new Administrator at EPA, Mr. William Ruckelshaus. In his first official action, Mr. Ruckelshaus established strict conflict-of-interest rules at EPA and "sunshine" practices for EPA staff. Next, making good on his confirmation promises, Mr. Ruckelshaus, last week, requested increases in EPA's budget for 1984 of about 21 percent over what President Reagan recommended in January. Almost one-third of this increase is for an additional $100 million during fiscal year 1984 for the Superfund program. The additional $165 million he recommended in increases over the President's budget is for additional staff, research, implementation of programs, and increased enforcement efforts.

I was especially pleased with the Administrator's request for increases in the Superfund program. This will bring that program to about double what it was during 1982 and 1983. Under this administration, the Superfund program has yet to be used effectively. In New Jersey, we have 65 of the 419 sites designated for Superfund cleanup. None of these sites has yet been cleaned up. I welcome Mr. Ruckelshaus' stated intention to take an aggressive approach of clean up first, negotiate later under the Superfund. I hope he will take the next step and endorse an extension of the fund past 1985, when it is due to expire, so that we can look forward to cleanup efforts at all of our sites. Senator BRADLEY and I have introduced legislation, S. 816, to extend the life of the fund and double its resources to achieve this goal.

The remainder of EPA's request for increased funding will go to its so-called operating budget. This portion of the budget provides funds for personnel to enforce programs, inspect hazardous waste sites, and issue permits to regulate air and water pollution and disposal of toxic wastes. It also provides moneys for research on the health effects of toxic wastes and for grants to the States for program implementation, enforcement efforts, and other activities delegated to them under the law. President Reagan has recommended cuts in funds for these activities of about one-third since assuming office. These recommendations include a 45-percent reduction in pollution control and enforcement activities and a devastating 55-percent reduction in research programs. Mr. Ruckelshaus' recommendation would reverse most of these cuts. Yet, the amount he recommends would still be below the Agency's operating budget at the time President Reagan assumed office.

Mr. President, during Senate consideration of the budget resolution for 1984, I cosponsored an amendment to bring EPA's operating budget up to 1981 levels. This amendment was supported by senior members of the Senate Environment and Public Works Committee. It was incorporated into the 1984 budget passed by the Senate. It is reflected in the 1984 appropriations bill passed by the House of Representatives. I believe it is the level at which the EPA should be funded for 1984. I hope the higher funding level adopted by the House will prevail in the conference on EPA's 1984 appropriations.

In closing, Mr. President, I want to indicate my strong support for the $6 million in funds provided in this bill to begin a research program on dioxin. This program would develop methods to cleanup sites contaminated by dioxin and support a comprehensive monitoring program in areas with dioxin problems. Unfortunately, the New Jersey Department of Environmental Protection, in conjunction with EPA, has discovered several sites in New Jersey where dioxin concentrations are marked. Further tests are underway at a number of additional sites, which were the home to facilities producing chemicals of which dioxin is a byproduct. Elevated levels of dioxin have already been confirmed in Newark and Clifton, both densely populated areas. I fear further disclosure of dioxin concentrations in other areas throughout my State.

I very much appreciate the committee including funding in this bill to begin a program to better understand the health effects of dioxin exposure and to develop effective means of cleaning up sites contaminated by this deadly chemical. I have also written to the Senator from Rhode Island (Senator CHAFEE) supporting his efforts to regulate dioxin disposal under the Resource Conservation and Recovery Act. The Environmental Pollution Subcommittee will soon report this bill to the full Senate, making improvements in this program to regulate the generation, transport, storage, and disposal of hazardous wastes. It is incomprehensible to me that, at this moment, disposal of dioxin is not controlled. Strict regulation of this dangerous substance in the future will avoid further tragedies such as the one unfolding in my State this month.

SUPPORT FOR APPROPRIATION OF $6 MILLION FOR THE EPA BUDGET FOR FISCAL YEAR 1984 FOR A NATIONAL DIOXIN STUDY

Mr. LEVIN. Mr. President, I would like to take this opportunity to express my wholehearted support for the appropriation of $6 million for the EPA budget for fiscal year 1984, for the first phase of a 2 year national dioxin study. And my thanks to Senators GARN and HUDDLESTON. I testified before the HUD-Independent Agency Appropriation Subcommittee on behalf of this funding.

This study is needed for several reasons.

Dioxin contamination is one of the most perlexing manifestations of man's growing genius for creating more and better ways of poisoning himself. For years, the dioxin isomer 2,3,7,8 TCDD has been recognized as the most toxic substance known to man. We know that it causes severe abnormalities, and in some cases death in animals, in even miniscule amounts. And the Food and Drug Administration has warned against eating fish found to have more than 50 parts per trillion concentration of dioxin.

Yet, the specific impact on humans is unclear.

We know on the one hand, that exposure to dioxin can cause liver dysfunction, deterioration of peripheral nerves, and that acute doses can cause chloracne, a severe skin rash. But, the specific correlation between the quantity of dioxin required to produce

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these affects in not clear. Moreover, these are many unanswered questions regarding the relationship between dioxin and more serious health disorders such as, cancer, reproductive dysfunction, and birth defects.

The potential for severe and extensive damage to humans is very real. Therefore, for this reason we must move with far greater urgency than has been demonstrated—to get more information about the nature and extent of dioxin contamination in our environment, and a clearer understanding of the human health affects associated with this substance.

Concern for dioxin contamination is not just limited to my State of Michigan. Although startling levels of dioxin contamination have been found in the Midland, Mich., area, we are all aware of Times Beach, Mo. Moreover, in the last 2 weeks, unacceptable levels of dioxin have been found in Newark, N.J., and some 30 other locations in Northeastern seaboard States. And in today's edition of the Washington Post, it was reported that a new site of dioxin contamination has been found in St. James, Mo., where levels of contamination have been found as high as 1,800 parts per trillion, 6 times greater than the levels found at Times Beach.

Most of these sites have been found in and around local residences, thus, there is no question that human contact with this substance is far more pervasive than we once thought. But we remain ignorant of the specific ramifications and consequences of this contact.

Thus, a dioxin study is clearly necessary.

The EPA for its part, has said that the problem has been a lack of money. The $6 million for a dioxin study included in this appropriations bill will restore the EPA's ability to deal with this very serious problem properly.

We can no longer allow ourselves and the people of this Nation to remain ignorant of this potentially life-threatening substance. I am pleased that the Appropriations Committee included this money in this bill so that we can find some answers to the questions that currently loom like a dark cloud over our environment, and the health and welfare of the people of this Nation.

Mr. WILSON. Will the Senator yield?

Mr. GARN. I yield to the gentleman from California.

Mr. WILSON. I thank my friend from Utah. Mr. President, I simply would like to take this opportunity to commend the gentleman from Utah for performing an excellent service to the Senate and to the Nation's cities by bringing an appropriate bill to the floor that includes a 1-year moratorium on the imposition of sanctions by the Environmental Protection Agency on cities which have met certain clean air standards. The gentleman from Utah and I share one important distinction—we were both big city mayors prior to entering this distinguished body and I like to think that we have a unique perspective on the ability of cities to meet Federal deadlines. In this particular situation, the sanctions policy which has been the subject of heated controversy in the past is now under intense review and a new policy is likely to emerge in the future. It is a prudent course, and indeed an assistance to the new leadership at EPA, to suspend for a 1-year period, the necessity, and the ability to impose most sanctions.

Mr. GARN. I am in agreement with my friend from the State of California.

Mr. WILSON. Will the gentleman from Utah yield for an additional point?

Mr. GARN. I would be happy to yield further.

Mr. WILSON. I thank the gentleman. Because of the complicated nature of the Clean Air Act, even a seemingly blunt and simple approach such as a 1-year moratorium will have to be subject to EPA interpretation. After all, no one would want those communities which flagrantly flaunt and willfully violate the provisions of the act to escape appropriate sanctions, such as a loss of Federal highway, sewer and air quality funds, and a construction ban on stationary sources emitting the pollutants in question. However, a substantial portion of the southern portion of the State of California needs to be assured that the possibility exists for them to be appropriately placed under the moratorium umbrella. For instance, the EPA may still choose to apply sanctions to areas which have not received approval for their air quality improvement plans. This interpretation presents a problem for the south coast basin area in my State, as for other areas in the country. EPA has proposed to reject their plan, even though it represents a good faith, indeed the best faith, effort to meet standards, employing all practicable control measures to achieve standards as quickly as possible. It is impossible by every measure for the standards to be met by 1987, but that is the basis for EPA rejection of the plan. I commend the gentlemen and the committee for leaving some flexibility for EPA administering this provision. I assume it was not the intent of the committee to preclude areas from being under the moratorium that have proposed plans incorporating all reasonably available control measures, and subsequently have had their plans rejected solely because they did not show attainment by 1987.

Mr. GARN. The gentleman from California makes a correct assumption.

Mr. WILSON. I thank the gentleman from Utah.

Mr. STAFFORD. Will the Senator yield?

Mr. GARN. I yield to the distinguished chairman of the Environment and Public Works Committee.

Mr. STAFFORD. Let me say on behalf of the Clean Air Act authorizing committee, that I find myself in general concurrence with the statements of the gentlemen from Utah and California; however, I would add that in this moratorium period, EPA must have the flexibility on a case-by-case basis to determine reasonableness of the good faith effort.

Mr. WILSON. That is appropriate in my view.

Mr. GARN. I would agree with my friends from California and Vermont with respect to that point.

● Mr. TRIBLE. Will the Senator yield?

Mr. GARN. I yield to the Senator from Virginia.

Mr. TRIBLE. It is my understanding that the Senate Appropriations Committee has included $10 million in this bill above the administration's budget request to fund various NASA aeronautics projects. Is this correct?

Mr. GARN. That is correct.

Mr. TRIBLE. There are two projects which NASA is currently developing which could be provided funding through this $10 million appropriation, Laminar Flow Control (LFC) and the Advanced Transport Operating System (ATOPS).

Laminar Flow Control has tremendous potential for improving the fuel efficiency of transport aircraft. The LFC design makes the atmosphere flowing over an aircraft less turbulent. This "cleaner" airflow allows the plane to move through the atmosphere with greater ease and efficiency, using less power and saving larger amounts of fuel.

NASA has been studying LFC for the past 6 years, primarily at Langley Research Center in Hampton, Va. NASA has developed an aircraft, the LFC jetstar, which will provide an inflight test-bed for the LFC designs. The first flight of the NASA Jetstar is planned for late this summer, and additional inflight experiments and simulations are planned for fiscal year 1984.

Likewise, ATOPS has the potential to greatly benefit our aircraft industry. The objective of this program is to identify aircraft system concepts and procedures which will permit more efficient operations in the National Airspace System (NAS).

Our aircraft industry has drawn upon ATOPS research in such areas as autopilot design, flight management computer systems design, and advanced all-weather landing systems design.

ATOPS is the latest in a long series of NASA efforts in conjunction with our commercial aircraft industry whose cost to the taxpayers has been more than repaid through technology advances, industrial applications, and increased employment opportunities for Americans.

Neither of these valuable projects are funded elsewhere in this bill. I would be grateful if the Senator from Utah would work in the Conference Committee with the House to insure that a portion of the funding for aeronautics programs be made available for these two worthy projects.

Mr. GARN. I commend the Senator from Virginia for his support of these two projects, and I agree that they are indeed worthy of funding. I will work in the conference committee to insure that funds are provided to continue these projects.●

● Mr. RIEGLE. Mr. President, I would like to commend the distinguished chairman of the subcommittee and the ranking minority member for their efforts to bring this important legislation to the floor of the Senate. This bill contains funding for many critical programs including two of direct interest to Michigan and the Great Lakes region. It allows $3.5 million for vital Great Lakes research and $6 million for a nationwide study of the toxic chemical dioxin.

The Large Lakes Research Station in Grosse Ile, Mich., is currently the only EPA laboratory conducting research on the Great Lakes. The administration has tried for 3 years in a row to eliminate funding for this lab. I am pleased that the subcommittee has recognized the importance of Great Lakes research to this country.

The Great Lakes are an important North American resource. They comprise 95 percent of all surface fresh water in the continental United States, providing water for 37 million people and supporting industries in eight Great Lakes States and Canada, including a $1 billion sport fishing industry in this country alone.

The Grosse Ile lab has contributed significantly to our understanding of pollution problems on the Great Lakes and has also played an important role in meeting our water quality obligations with Canada. We must maintain our commitment to monitoring and studying the Great Lakes by continuing to support this facility.

I am also pleased that the subcommittee has acknowledged the urgent need for dioxin research in this country. Although this chemical has been widely tested on laboratory animals, resulting in its label as the most toxic substance known to man, not enough is known about its effects on human health or the extent of its presence in our environment.

National concern about dioxin contamination is increasing with each reported finding in Missouri, New Jersey, Michigan, and other States. We cannot ignore the possibility that a very serious problem may exist throughout the country. By approving this funding, we will allow the EPA to move as quickly as possible to determine the extent and seriousness of this problem. This action is essential if we are to minimize the potential hazard to the people who live in or near contaminated areas.

I have received assurance from the EPA Headquarters and from Mr. Valdas Adamkus, the EPA regional administrator in Chicago that the EPA is in the process of developing a nationwide study of dioxin contamination. This is, I believe, an important and responsible step in responding to the dioxin problem. I intend to continue to work with the EPA and with other members of the Michigan delegation to insure that this and other important research on the health aspects of contamination is carried out quickly and efficiently so that we can begin to answer the concerns of the people of our State and Nation.●

● Mr. SARBANES. I want to thank the chairman of the HUD Appropriations Subcommittee for his interest in and support of the mutual housing demonstration project located in the Baltimore City neighborhood of Govans. The Neighborhood Reinvestment Corporation, at the direction of Congress in its 1980 Housing Act, initiated a mutual housing demonstration program as a way to bring affordable and quality housing to lower income neighborhoods.

The Govans community, which was selected as the first demonstration project, began its organizational development process in late 1981 and elected its board of the Mutual Housing Association in June 1982. After 2 years of planning and preparation, the many participants in the Govans mutual housing endeavor are now ready to begin construction, which is the next phase in the demonstration program.

I intended to offer an amendment to the Housing and Community Development Act of 1983 (S. 1338) that would have increased the authorization level of the Neighborhood Reinvestment Corporation by $1 million for fiscal year 1984. These funds would have been available to the mutual housing project in Baltimore and allowed construction to proceed. As you know, the authorization bill was considered briefly on the Senate floor but then taken off the floor and put back on the Senate Calendar. Since the HUD appropriations bill is now being considered before the completion of the authorization bill, and therefore before the authorization level can be changed, I would hope that the Senate Appropriations Committee would appropriate this additional amount at the next available opportunity, possibly the next continuing resolution should my amendment be accepted to the authorization bill.

Mr. GARN. As the Senator from Maryland knows, the HUD-Independent Appropriations Subcommittee expressed its concern that the Baltimore mutual housing demonstration proceed and that the funding package for Baltimore be in place before other capital grants are made available. I want to assure him that if his amendment to provide an additional $1 million for fiscal year 1984 to the authorization level of the Neighborhood Reinvestment Corporation is adopted to the Housing and Community Development Act of 1983, the HUD-Appropriations Subcommittee will strongly recommend that this funding be included in the next available appropriations measure.

Mr. SARBANES. I want to thank the chairman for his consideration.●

● Mr. BENTSEN. Mr. President, this bill contains language to preclude imposition of sanctions under the Clean Air Act for areas failing to attain ambient air quality standards. As a senior member of the Committee on Environment and Public Works, I believe it is unfortunate that such a step is being taken. A careful analysis of the Clean Air Act reveals that the EPA has the authority to address nonattainment problems without the threat of immediate sanctions. I questioned William Ruckelshaus about his intentions on the continued threat of sanctions when he appeared before the committee during his confirmation hearings. He assured me that he intended to be as flexible as possible with respect to interpretation of the Clean Air Act sanction requirements. I believe that such an interpretation will remove the immediate threat. However, I recognize that considerable national anxiety exists over the current EPA threats, and perhaps the only way to alleviate this anxiety is through the provision in this bill.

There are many issues related to the EPA sanction threats. One which has been of significant concern to me relates to the proposed disapproval of the State implementation plan revision for the Houston area. This proposed disapproval is based on an inspection/maintenance plan. The Committee on Environment and Public Works examined this issue during the last Congress. During that effort the distinguished Senator from Vermont, as chairman of the committee, and I worked closely on provisions to modify the act regarding problems in the nonattainment sections. Some of these related to inspection/maintenance based on the committee analysis of current law. I would like to ask my colleague, Senator STAFFORD, if he recalls the results of this analysis as it relates to

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problems such as those found in Houston?

Mr. STAFFORD. In response to my colleague from Texas, I would state that I do recall the analysis of inspection/maintenance. With regard to the results of this analysis as it would relate to an area like Houston, I believe it is best described on page 50 of the committee report that accompanied the committee reported amendments last year. It stated:

> While EPA's guidelines are clearly consistent with the requirements of the Act, they are not the sole set of criteria that comply with the Act's I/M provisions. With respect to controlling hydrocarbon emissions in order to reduce ambient levels of ozone, the Committee believes that the Agency, after taking into account circumstances in individual areas, could exercise more flexibility in accepting elements of I/M programs that deviate from its guidelines.

The reasonableness of any particular and specific program must be determined by its contribution to the principal objective of the air, which is to attain the primary standards.

Mr. BENTSEN. I appreciate the review of this issue by the distinguished Senator from Vermont. I would like to describe the relationship between current law and the inspection/maintenance program proposed by the State of Texas.

Mr. President, as a member of the Senate Committee on Environment and Public Works, I was instrumental in drafting the inspection/maintenance legislation in 1977. Much of the debate in 1977 focused on whether inspection/maintenance was a reasonable control measure. The legislation concluded that inspection/maintenance was reasonable and made the provision for such a program a requirement for deadline extension beyond 1982. However, recognizing the importance of tailoring inspection/maintenance programs to the area and type of pollutant in nonattainment, the legislation provided considerable discretion to EPA and the States. As the Senate committee report in 1977 states:

> At the discretion of the State, an inspection and maintenance program may include pre-sale inspection, inspection at resale, or inspection only in areas where standards are not being attained.

The State of Texas has acted in good faith to respond to the development of an appropriate inspection/maintenance program. The 1979 SIP approval for the Houston area required Texas to conduct a pilot program to determine the effectiveness and feasibility of various in-use vehicle emission control options. This was done. It showed several factors that led the Texas Air Control Board to develop a parameter inspection/maintenance program rather than an exhaust gas measurement program. These factors include: The higher portion of new vehicles in Harris County than many other areas, the lower proportion of hydrocarbon emissions contributed by vehicles compared to stationary sources, and that parameter inspection can be as effective as, if not more effective than, exhaust gas measurement for new vehicle hydrocarbon in-use emission controls. The first phase of this parameter inspection/maintenance program was initiated at the beginning of this year, consistent with the Texas Air Control Board's commitments to EPA.

Clearly, this effort comports with the requirements of 1977 Clean Air Act amendments. While some have argued that the 1977 Clean Air Act amendments require the exhaust gas emissions test type of inspection/maintenance program, they do not.

Moreover, I would also observe that EPA has recognized the merits of a parameter type inspection/maintenance program. It has opened a comment period in the June 10, 1983, Federal Register on "Antitampering and Anti-Fuel Switching Programs to Reduce In-Use Emissions From Motor Vehicles."

Mr. President, different areas require different solutions to pollution problems. The Clean Air Act imposes on the States the task of defining implementation plans to address unique problems. It is imperative that EPA now recognizes that it must analyze these plans with a recognition that they will differ. If a State can make the demonstrations that it must under the act and the EPA has the authority to approve the plan, EPA should approve such plans. The State of Texas plan for Houston has met the tests of the act, EPA should act accordingly.●

● Mr. D'AMATO. It is my understanding that at this point in time funds have not been allocated to the clean lakes program in the Senate bill.

Mr. GARN. Yes; your understanding is correct. Funds have not been appropriated to this program.

Mr. D'AMATO. I believe that to neglect the clean lakes program would be an injustice. I am aware that there is a sum of $5 million in the House bill, while there is no money in the Senate version. The $5 million in the House bill ought to be appropriated to the clean lakes program; every dollar spent on this program is a dollar well spent.

The clean lakes program plays a very important role in the restoration of our many polluted lakes. For instance, the quality of life at Greenwood Lake would be greatly enhanced by a continued clean lakes program. It is a vital force behind the preservation of our clean lakes as well. Furthermore, we are fortunate to have strong local support for the clean lakes program. Economically, it makes good sense to seize this opportunity to fund the clean lakes program.

Mr. GARN. Senator D'Amato, I share your opinion on this matter. The clean lakes program is a valuable and worthy one.

Mr. D'AMATO. As chairman of the upcoming conference, I urge you to recommend that there be a commitment to recede to the House position in conference.

Mr. GARN. I will certainly give your suggestion serious consideration in conference. I would, however, urge my colleagues in the authorizing committee to act expeditously to reauthorize the program and define its goals and objectives.●

Mr. RIEGLE. Mr. President, I had planned to offer an amendment to this bill but I think that may not be needed if I could come to an agreement with the subcommittee chairman and ranking minority member. I notice on page 8 of the committee report, on the table under section 8, that the committee proposes to use section 8 assistance for 5,000 loan management units. These units are used to provide rental assistance to tenants of federally insured rental housing projects that are having financial difficulty but that are not yet in default. I also notice that the committee proposes to use 10,000 units of section 8 for "property disposition. This would provide similar assistance to projects on which HUD has already foreclosed.

Section 8 assistance increases the occupancy and makes projects economically feasible.

This leaves one obvious gap: Some projects fall between those two conditions. That is, there are a number of projects that have already gone into default but that have not been foreclosed on by HUD. They are the so-called Secretary-held mortgages.

I understand that, in the past, section 8 assistance has been used for these projects as well and, where this has been done, it has worked very well.

It has increased occupancy so that owners were able to pay interest arrearages as well as principal due. This has prevented the projects from being forced into foreclosure, with all of the disruptions that follow. It also avoids holding costs and a loss of property value that would have to be borne by the taxpayers. Providing this assistance could have the additional benefit of retaining control of projects in the hands of local owners who may often be more sensitive to local community interests.

I understand that the administration has changed past policy and no longer provides section 8 assistance to projects in this middle category. I emphasize that this is not a policy established or carefully considered by Congress.

I ask the chairman and ranking minority member, therefore, do they agree with me that this is a policy change that deserves careful evaluation by the Congress, not only by the Appropriations Committee but also by the Banking Committee?

Mr. GARN. Yes; I certainly do.

Mr. HUDDLESTON. I agree. We need to review that policy carefully.

Mr. RIEGLE. Would they join with me in asking the Secretary of HUD to carry out a thorough review of the current policy regarding loan management assistance for Secretary-held mortgages and report to Congress, say, within 4 weeks on the comparative costs and benefits of providing and withholding this assistance.

Mr. GARN. I would be glad to join in that request.

Mr. HUDDLESTON. I, too, will be glad to join in that request.

Mr. RIEGLE. Would they join me in asking the Secretary to consider delaying further action on Secretary-held mortgages, where feasible, until this review is completed and the Congress has had a reasonable opportunity to consider the matter?

Mr. GARN. Fine.

Mr. HUDDLESTON. Of course.

Mr. RIEGLE. Would they also join me in asking for a GAO study of this issue?

Mr. GARN. Certainly.

Mr. HUDDLESTON. I understand that the water utilities of this country are demonstrating a new and ambitious level of activity in addressing their common R&D problems. American communities, large and small, are facing issues of water quality and expanding regulatory requirements that have considerable economic implications for the consumer. The work of a number of utilities demonstrates that the industry is undertaking a serious program of R&D that merits recognition and encouragement.

Given these developments, Mr. Chairman, I believe we should encourage EPA to support, through their research budget, appropriate cooperative R&D projects that address the practical operating needs of local water utilities. Such support should promote greater cooperation between Government and industry. It should stimulate industry self-reliance and ultimately lessen industry's dependence on Federal research dollars.

Mr. GARN. I agree with my colleague from Kentucky. I hope EPA will continue such cooperative agreements.

Mr. HUDDLESTON. Information I have received from a number of sources indicates that direct treatment of the lakes and streams affected by unnatural acidity is an accepted practice in many parts of the world. It is a relatively inexpensive means of dealing with the most evident effects of acid deposition, and it can be undertaken while comprehensive research is being carried out on the complex relationship between emissions of precursor gases such as sulfur dioxide and nitrogen oxide and acidification.

With this in mind, Mr. Chairman, I believe we should encourage EPA to undertake, with the funds available to it, an aggressive lake liming program in the upcoming fiscal year.

Mr. GARN. I agree that EPA should pursue liming as one solution to acidification.

Mr. President, I know of no further amendments to be offered. I yield back my time. I ask for third reading and ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BAKER. Mr. President, after this rollcall, there will be no more rollcall votes tonight.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. Danforth), the Senator from Oregon (Mr. Hatfield), the Senator from Indiana (Mr. Quayle), the Senator from Oklahoma (Mr. Nickles) are necessarily absent.

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Oklahoma (Mr. Nickles).

If present and voting, the Senator from Oregon would vote "yea" and the Senator from Oklahoma would vote "nay."

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. Glenn) and the Senator from South Carolina (Mr. Hollings) are necessarily absent.

The PRESIDING OFFICER (Mr. Mattingly). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 80, nays 14, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—80

Abdnor
Andrews
Baker
Baucus
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Garn
Goldwater
Gorton
Hart
Hatch
Hawkins
Hecht
Heinz
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—14

Armstrong
Boren
DeConcini
Denton
Eagleton
East
Grassley
Heflin
Helms
Humphrey
Proxmire
Roth
Symms
Trible

NOT VOTING—6

Danforth
Glenn
Hatfield
Hollings
Nickles
Quayle

So the bill (H.R. 3133), as amended, was passed.

Mr. GARN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 3133.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed Mr. Hatfield, Mr. Garn, Mr. Weicker, Mr. Laxalt, Mr. D'Amato, Mr. Abdnor, Mr. Huddleston, Mr. Stennis, Mr. Proxmire, Mr. Leahy, and Mr. Sasser conferees on the part of the Senate.

Mr. GARN. Mr. President, I ask unanimous consent that a star print of the HUD-Independent Agencies Appropriations Report 98-152 accompanying the Senate version of H.R. 3133 be ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, may I just in closing thank the distinguished Senator from Kentucky for his usual fantastic cooperation throughout the budget process this year in helping complete the first regular appropriations bill for the third year in a row.

Mr. BAKER. Mr. President, I can hardly find words adequate to express my gratitude, and I am sure that of all Members, for the excellent and expeditious way in which Senators Garn and Huddleston have handled this bill.

It is the first of the regular appropriations bills to reach the Senate and be dealt with this year. It is an enormous bill. It appropriates $54.3 billion in the form adopted by the Senate. We did that in a total of just 2 hours with only two rollcall votes.

Mr. President, that is indeed a tribute to the extraordinary committee work, the careful preparation for the presentation of this matter to the Senate, and the diligence with which the managers approached the issue.

Once again, I offer them my sincere congratulations for a job well done.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, in a moment I am going to provide a time for the transaction of routine morning business, but before I do so I wish to provide for the Senate schedule on tomorrow.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 248, H.R. 3132, the energy and water appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate resumes session on tomorrow, after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business to be measured from the expiration of the yielding back of that time until the hour of 10 a.m. and that Senators may be permitted to speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF H.R. 3132 TOMORROW

Mr. BAKER. Mr. President, I further ask unanimous consent that at the hour of 10 a.m. tomorrow the Senate resume consideration of Calendar Order No. 248, H.R. 3132.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business to extend not past 7:45 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ONE PRIVATE SECTOR INITIATIVE TO COMBAT ALCOHOL AND DRUG ABUSE

Mr. HATCH. Mr. President. It is my pleasure to bring to your attention an outstanding public service by a Utah television station, KUTV, channel 2 in Salt Lake City, Utah. This station spent substantial amounts of time and money in an effort to increase awareness of the problems associated with drug and alcohol addiction by broadcasting three special programs on the problem. In addition, they aided in the publication of an insert in the Salt Lake Tribune which detailed the rising problem among this Nation's young people. The station presented what is fast becoming a problem of epidemic proportions in a realistic and forthright manner. One program of the series was entitled "Epidemic: Why Your Kid Is On Drugs" and examined the availability of drugs that can lead to substance abuse and the pressures on our Nation's youth. The next night the series explored how Americans are beginning to fight back. It showed the anger and resentment of people who feel trapped by this rapidly growing menace. The final installment examined problems in the Salt Lake community.

A recent survey that I conducted dramatically highlighted the need for educating the public on drug and alcohol abuse. In that survey I found that 96 percent of the responding Utah high school students said such abuse is a serious problem in their schools. Eighty-six percent said the problem has become more serious since they entered high school. Perhaps most alarming was the fact that over half the students have personally known someone who has been killed or injured by a drunk driver.

These and a wealth of statistics compiled by KUTV tell only a part of the story. What they only hint at is the anguish of the families torn apart by a teenager's drinking, the wasted years and shattered dreams. Aware of the dangers of alcohol and drugs, I have endeavored to support legislation and programs, both public and private, that encourage research and treatment dealing with substance abuse.

Which brings me to the most commendable aspect of KUTV's attempt to educate its viewers—management did not sit idly by and pat itself on the back for a job well done. A few short days after the completion of the series, a new policy statement was introduced. It outlined the establishment of a new mechanism to guard against drug and alcohol problems among employees. Specifically, KUTV now has an official body to conduct company investigations of any information on employee possession, use, and/or distribution of illegal drugs.

The efforts made by KUTV serve as an example of what the private sector can do without help or interference from government. Those of us in government accept our responsibility in curbing drug and alcohol abuse among people of all ages. But if we are going to achieve anything, private interests must likewise accept their responsibility. I commend KUTV for their actions and urge other industries to follow suit.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:29 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 419. An act to provide that per capita payments to Indians may be made by tribal governments, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes; and

H.R. 1492. An act to establish the Christopher Columbus Quincentenary Jubilee Commission.

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes; to the Committee on Energy and Natural Resources.

HOUSE MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1492. An act to establish the Christopher Columbus Quincentenary Jubilee Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1296. A communication from the President of the United States, transmitting, pursuant to law, proposed reductions in the 1983 budget authority for the District of Columbia; to the Committee on Appropriations, and ordered to be printed.

EC-1297. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improved Management of Import Meat Inspection Program Needed"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1298. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a confidential listing of contract award dates for the period July 1, 1983 to August 31, 1983; to the Committee on Armed Services.

EC-1299. A communication from the chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on the activities of the Depository Institutions Deregulation Committee for the year ending March 30, 1983; to the Committee on Banking, Housing, and Urban Affairs.

EC-1300. A communication from the Deputy Secretary of the Treasury, transmitting, for the information of the Senate, the concerns of the Department of the Treasury regarding the proposed sharing of Outer Continental Shelf receipts with the States; to the Committee on Commerce, Science, and Transportation.

EC-1301. A communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, the 68th annual report of the Commission covering fiscal year 1982; to the Committee on Commerce, Science, and Transportation.

EC-1302. A communication from the chairman of the Motor Carrier Ratemaking Commission, transmitting, pursuant to law, a report on the investigation of price setting in the trucking industry; to the Committee on Commerce, Science, and Transportation.

EC-1303. A communication from the Secretary of Energy, transmitting, pursuant to law, the seventh of the semiannual reports of the activities undertaking by the Department of Energy to implement the alternative fuels production program; to the Committee on Energy and Natural Resources.

EC-1304. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the approval of a deferment of the 1982 construction repayment installation and the installment due on the 1981 deferred charges from the Kirwin Irrigation District No. 1, Kirwin Unit, Pick-Sloan Missouri Basin program, Kansas; to the Committee on Energy and Natural Resources.

EC-1305. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, approval of a deferment of the 1982 construction repayment installment and the deferment of the installment due on the 1981 deferred charges from the Cedar Bluff Unit, Pick-Sloan Missouri Basin project; to the Committee on Energy and Natural Resources.

EC-1306. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to June 9, 1983; to the Committee on Foreign Relations.

EC-1307. A communication from the acting chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission on the administration of the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-1308. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, the approval of the deferment of the 1982 construction repayment installment of the Webster Irrigation district No. 4, Pick-Sloan Missouri Basin project; to the Committee on Energy and Natural Resources.

EC-1309. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the activities of the Office of Inspector General, Department of Commerce, for the period October 1, 1982 through March 31, 1983; to the Committee on Governmental Affairs.

EC-1310. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a report on the use and distribution of the judgment funds of the Lake Superior and Mississippi Bands of Chippewa Indians; to the Select Committee on Indian Affairs.

EC-1311. A communication from the Acting General Counsel of the Civil Aeronautics Board, transmitting, pursuant to law, the annual report of the Board on the administration of the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-1312. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Intergovernmental Review of Department of Education programs; to the Committee on Labor and Human Resources.

REPORT OF THE COMMITTEE ON THE BUDGET SUBMITTED DURING THE RECESS

Under the authority of the order of the Senate of June 20, 1983, the following report of the Committee on the Budget was submitted on June 20, 1983, during the recess of the Senate:

By Mr. DOMENICI, from the Committee on the Budget:

Report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986 (Rept. No. 98-155).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment:

S. 602. A bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes (with minority views) (Rept. No. 98-156).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 160. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 602; referred to the Committee on the Budget.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1427. A bill to establish a program in the Department of Commerce to promote U.S. service industries, enhance their competitiveness, and for other purposes (Rept. No. 98-157).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1234. A bill to clear certain impediments to the licensing of the vessel Norden for employment in the coastwise trade.

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Res. 161. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 771; referred to the Committee on the Budget.

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments:

S. 771. A bill to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishement of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes (Rept. No. 98-158).

By Mr. ROTH, from the Committee on Governmental Affairs, with amendments:

S. 373. A bill to provide comprehensive national policy dealing with national needs and objectives in the Arctic (Rept. No. 98-159).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated.

By Mr. D'AMATO:

S. 1505. A bill to reduce temporarily the duty on odd-shaped or fancy watch crystals to the rate applicable to round watch crystals; to the Committee on Finance.

By Mr. TOWER (for himself and Mr. NICKLES):

S. 1506. A bill to amend the Internal Revenue Code of 1954 to restore the deduction for percentage depletion for oil and gas wells to the 1969 level, to restore intangible drilling costs for intergrated oil companies to full deductibility, and to remove the intangible drilling cost deduction for individuals from the list of tax preferences subject to the minimum tax; to the Committee on Finance.

By Mr. MATHIAS:

S. 1507. A bill to suspend for the 3-year period beginning on October 30, 1983, the duty on canned corned beef; to the Committee on Finance.

By Mr. STENNIS:

S. 1508. A bill for the relief of Josefina N. Sta Ana; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. SYMMS, and Mr. BENTSEN):

S. 1509. A bill to amend the Internal Revenue Code of 1954 to make permanent the percentage rate for computing the addition to reserves for bad debts for banks; to modify the experience method to allow a showing based on facts and circumstances and to repeal the treatment of percentage method additions as corporate tax preferences; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. SASSER, Mr. ROTH, Mr. CHILES, Mr. WILSON, Mr. DIXON, Mr. PERCY, Mr. NUNN, Mr. DANFORTH, and Mr. HATFIELD):

S. 1510. A bill to establish uniform single financial audit requirements for State and local governments and nonprofit organizations and other recipients of Federal assistance, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEPSEN:

S. 1511. A bill to amend title XVIII of the Social Security Act to provide that certain hospice programs may provide nursing care through arrangements with certified medicare providers; to the Committee on Finance.

By Mr. DURENBERGER:

S. 1512. A bill to retain the current duty on corned beef; to the Committee on Finance.

By Mr. HATFIELD (for himself, Mr. BAKER, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BYRD, Mr. CRANSTON, Mr. DIXON, Mr. EAGLETON, Mr. EXON, Mr. GLENN, Mr. GOLDWATER, Mr. GORTON, Mrs. HAWKINS, Mr. HOLLINGS, Mr. KENNEDY, Mr. LEAHY, Mr. LUGAR, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MELCHER, Mr. MOYNIHAN, Mr. PELL, Mr. PERCY, Mr. PRYOR, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. STENNIS, Mr. THURMOND, and Mr. TSONGAS):

S. 1513. A bill to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission; to the Committee on Governmental Affairs.

By Mr. LEVIN:

S. 1514. A bill for the relief of Evelyn M. Rachoza; to the Committee on the Judiciary.

By Mr. WILSON:

S. 1515. A bill entitled the "California Wilderness Act of 1983"; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERCY from the Committee on Foreign Relations:

S. Res. 160. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 602; to the Committee on the Budget.

By Mr. HATCH from the Committee on Labor and Human Resources:

S. Res. 161. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 771.

By Mr. TSONGAS (for himself, Mr. BOREN, Mr. BURDICK, Mr. CHILES, Mr. HEINZ, Mr. JEPSEN, Mr. RANDOLPH, Mr. COHEN, and Mr. DODD):

S. Res. 162. Resolution to support the report of the National Commission on Excellence in Education; to the Committee on Labor and Human Resources.

By Mr. TRIBLE:

S. Con. Res. 47. Concurrent resolution expressing the sense of Congress that the Chrysler Corp. Loan Guarantee Board should sell Chrysler stock warrants, and use the sales proceeds to reduce budget deficits; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER (for himself and Mr. NICKLES):

S. 1506. A bill to amend the Internal Revenue Code of 1954 to restore the deduction for percentage depletion for oil and gas wells to the 1969 level, to restore intangible drilling costs for integrated oil companies to full deductibility, and to remove the intangible drilling cost deduction for individuals from the list of tax preferences subject to the minimum tax; to the Committee on Finance.

OIL AND GAS EXPLORATION INCENTIVE RESTORATION ACT OF 1983

Mr. TOWER. Mr. President, I am pleased to introduce the Oil and Gas Exploration Incentive Restoration Act of 1983, on behalf of myself and Senator NICKLES. This legislation consists of three parts, each intended to restore the incentives for exploration of oil an gas to levels that previously existed under our tax law.

First, the bill restores percentage depletion for oil and gas exploration to 27½ percent, and makes percentage depletion fully available to both independent and integrated oil producers. In other words, this valuable incentive would be restored to its status under the law from 1926 until 1969, when the first of a series of limitations on percentage depletion was enacted by the Tax Reform Act of 1969.

Second, the intangible drilling cost deduction would be removed from the list of so-called tax preference items subject to the alternative minimum tax under Internal Revenue Code section 55. Intangible drilling costs first became subject to the minimum tax for individuals under the Tax Reform Act of 1976. Under the current alternative minimum tax, IDC's are potentially subject to a 20-percent tax rate.

Third, this legislation would restore full deductibility for intangible drilling costs incurred by integrated oil companies. Under the Tax Equity and Fiscal Responsibility Act of 1982, these companies are required to capitalize 15 percent of their IDC's and use the 5-year accelerated cost recovery system of depreciation to write these costs off for tax purposes.

Mr. President, the feeling of late is that America is virtually awash in oil and gas, and to many, the energy crisis is merely a bad dream. On the face of it, all seems well on the energy front.

It would be foolhardy, however, to assume that today's condition will automatically continue. In my view, the lessons of recent history should be a signal to the oil importing countries that now is the time for actions to consolidate their recent gains toward achieving energy security and price stability.

If we could be certain that the current oil glut were destined to last a long time, the oil consuming nations might well be justified in sitting back in complacency. However, the glut may well turn out to be temporary for several reasons. First, worldwide economic recovery will bring an increase in energy demand, much of which will be reflected in increased oil consumption. Second, falling oil prices have lessened the incentive for switching from oil to alternative energy sources. Third, on the supply side, falling oil prices and increased levels of taxation have led to a 58-percent decline in the number of drilling rigs active in the United States since exploration peaked in December 1981.

These factors, plus the knowledge that energy companies are nearing the practical limits of inventory drawdowns, suggest a possible recovery in demand for OPEC oil—and with it a renewed vulnerability to oil price shocks. Clearly, it is still in the best interests of the oil importing nations to maintain and even accelerate their search for reserves outside of OPEC. If anything, it is more important to do so now, while the consuming nations still enjoy the breathing space that the oil surplus has provided.

Mr. President, the core of the problem is that many in this country and in this Congress still view the energy industry as a bunch of fat cats. The industry is viewed as a bottomless pit for taxes, and we persist in taxing the oil industry at rates well above those applied to other industries. In 1981, for example, Federal and State taxation of the oil industry captured 54 percent of net pretax income versus only 26 percent for other major industrial companies. And the largest of these, the so-called windfall profits tax, is

not a tax on profitability but merely an excise tax.

The key to finding new reserves is sustaining the oil industry's after-tax cash flow, which is the primary source of investment funds for new exploration. To insure our energy self-sufficiency, the Government must immediately provide greater, not lesser, drilling incentives. Capital formation so necessary to the industry must be encouraged. Our bill is intended to do just that.

If the capital formation needs of the industry are not met now, this Nation certainly will be dealing with the OPEC-dependency issue sooner than many are thinking. And this may be when the industry could be substantially less viable and capable of reinstituting the level of drilling activity necessary to maintain energy independence—a level that our tax policy has allowed to diminish. In looking at tax revenues, sound energy requires that Congress do the same thing that the energy consuming public has done—kick the habit of excessive reliance on oil.

By Mr. ROTH (for himself, Mr. SYMMS, and Mr. BENTSEN):

S. 1509. A bill to amend the Internal Revenue Code of 1954 to make permanent the percentage rate for computing the addition to reserves for bad debts for banks; to modify the experience method to allow a showing based on facts and circumstances and to repeal the treatment of percentage method additions as corporate tax preferences; to the Committee on Finance.

COMPUTING OF BAD DEBTS BY BANKS

● Mr. ROTH. Mr. President, today I am introducing legislation to make permanent the 1-percent rate for computing bank reserves for bad debts, joined by Senators SYMMS and BENTSEN.

Prior to 1969 banks were allowed to reserve 2.4 percent of their loans pursuant to administrative rulings. The Tax Reform Act of 1969 established the statutory basis for the present system of computing bad debt reserves. The act established section 585 of the Internal Revenue Code which provides a uniform standard for establishing reasonable additions to the reserve for bad debts. Under current law, banks are able to deduct their addition to the bad debt reserve under either the experience method or the percentage method. Under the percentage method the following set of rules apply: for tax years beginning before 1976, the maximum allowable percentage reserve is 1.8 percent of eligible loans; this percentage falls to 1.2 percent for taxable years beginning after 1975 and to 0.6 percent for taxable years between 1982 and 1987. Following the transition period, 1970 through 1987, the amount deductible for tax purposes will be limited to each bank's 6-year moving average loss experience, with each year's losses weighted by total end-of-year loans.

The Economic Recovery Tax Act of 1981 delayed the phasedown for 1 year and a percentage of 1.0 percent was established for 1982. Last year the Senate Finance Committee reported legislation to make the 1 percent permanent but this legislation was not considered by the full Senate because of time constraints.

My bill would do three things: First, it would make the 1 percent permanent. Despite the fact that the recession would seem to require larger bad debt reserves, the 1 percent approximates industrywide averages of previous years and can be viewed as a safe haven standard meeting the test of reasonableness. Second, it would allow reserves to be based on a "facts and circumstances" showing. A bank needing a large reserve based on its own facts and circumstances should be allowed its day in court proving, in the face of the Internal Revenue Service's presumption of correctness, that it should prevail and avoid the structural flaws of the statutory experience formula.

Finally, my legislation would eliminate the loan loss reserve as a preference item under the corporate minimum tax. As the establishment of a 1 percent ceiling would approximate a reasonable level of reserves, the need to include a portion of the reserve as a preference item is no longer necessary.

I ask unanimous consent that this text of the fill be printed in the RECORD.

S. 1509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT 1 PERCENT AMOUNT.

(a) IN GENERAL.—Subsection (b) of section 585 of the Internal Revenue Code of 1954 (relating to addition to reserves for bad debts) is amended—

(1) by striking out "for taxable years beginning before 1988" in subparagraph (A) of paragraph (1),

(2) by striking out "1.0 percent for taxable years beginning in 1982; and 0.6 percent for taxable years beginning after 1982" and inserting in lieu thereof "and 1.0 percent for taxable years beginning after 1981" in the first sentence after subparagraph (B) of paragraph (2), and

(3) by striking out "but before 1983" and inserting in lieu thereof "but before 1982" and by striking out "after 1982, the last taxable year beginning before 1983" and inserting in lieu thereof "after 1981, the latest of the last taxable year beginning before 1982 or before each sixth taxable year thereafter" in the last sentence after subparagraph (B) of paragraph (2).

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 585(b) of such Code (relating to experience method) is amended by adding a period after the word "method" in the last sentence of paragraph (3) and striking out the balance of that sentence.

SEC. 2. MODIFIED EXPERIENCE METHOD.

(a) IN GENERAL.—Paragraph (3) of subsection (b) of section 585 of the Internal Revenue Code of 1954 (relating to addition to reserves for bad debts) is amended—

(1) by striking out "or" at the end of subparagraph "(A)"; redesignating subparagraph "(B)" as subparagraph "(C)"; and inserting between subparagraphs "(A)" and "(C)" the following:

"(B) an amount, based on a variation of the formula specified in (A) of this paragraph or otherwise, which the taxpayer shows under the facts and circumstances yields a reasonable addition for the taxable year to the reserve for losses on loans, or".

SEC. 3. REPEAL OF PREFERENCE TREATMENT.

(1) Paragraph (7) of section 57(a) of the Internal Revenue Code of 1954 is amended by striking "585 or"; and

(2) Subparagraph (A) of section 291(e)(1) of such Code is amended by striking "585 or".

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 1 and 2 shall apply with respect to taxable years beginning after December 31, 1982.●

By Mr. DURENBERGER (for himself, Mr. SASSER, Mr. ROTH, Mr. CHILES, Mr. WILSON, Mr. DIXON, Mr. PERCY, Mr. NUNN, Mr. DANFORTH, AND Mr. HATFIELD):

S. 1510. A bill to establish uniform single financial audit requirements for State and local governments and nonprofit organizations and other recipients of Federal assistance, and for other purposes; to the Committee on Governmental Affairs.

UNIFORM SINGLE FINANCIAL AUDIT ACT OF 1983

● Mr. DURENBERGER. Mr. President, I introduce today a long overdue Federal grants management reform bill to establish a uniform single financial audit requirement for State and local governments and nonprofit organizations.

The need for this bill grows out of a continuing expansion and proliferation of Federal auditing requirements. These requirements, contained in over 450 different categorical grants, block grants, and general revenue sharing programs, are neither uniform nor economical.

Prior to the issuance of Office of Management and Budget Circular A-102, attachment P, in 1979, which provided the first Federal endorsement of the single audit concept, audits of Federal grant programs and projects were done on a grant-by-grant basis. Typically, however, not all grants being executed by an entity were audited each fiscal year, and the choices of exactly which programs and projects to be audited were subjective. In June of 1981, the Advisory Commission on Intergovernmental Relations reported that only 10 percent of the federally sponsored grant programs accounted for 90 percent of the total Federal outlays to State and local governments; yet Federal auditors spent most of their time auditing the other 90 percent of those

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Federal programs that only accounted for 10 percent of total Federal outlays.

This bill counters that imbalance by requiring that an independent auditor perform a single financial audit separating from the entity's total expenditures all Federal funds, and testing for compliance with Federal laws and regulations those grants that he or she considers to have a material effect upon the entity. This type of organizationwide audit will provide the Federal Government with a more comprehensive and complete analysis of how Federal funds are being expended.

Finally, this bill will serve to standardize all present Federal financial audit requirements, and provide a sound basis for financial audit bills introduced in the future.

In the 96th Congress, the Senate passed a bill designed specifically to do what we are seeking to accomplish with this bill. However, unlike that earlier bill, this bill is the product of extensive work by the General Accounting Office, the Senate Subcommittee on Intergovernmental Relations, and a wide range of interests inside and outside the audit and accounting community.

It is my sincere hope, and that of my colleagues who have joined me today in introducing this bill, that the Senate will take action on this measure before we recess in August.

Mr. President, I ask unanimous consent that a copy of S. 1510 be printed in the RECORD, along with the section-by-section analysis of the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Uniform Single Financial Audit Act of 1983."

(b) Subtitle V of title 31, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 75—REQUIREMENTS FOR SINGLE FINANCIAL AUDITS

"Sec.
"7501. Purposes.
"7502. Definitions.
"7503. Promulgation of policies, procedures, and regulations.
"7504. Audit requirements.
"7505. Payment for performance.
"7506. Sanctions.
"7507. Small business concerns.
"7508. Relationship to other law.

"§ 7501. Purposes

"The purposes of this chapter are to—

"(1) improve the financial management of Federal assistance programs;

"(2) promote the efficient use of audit resources;

"(3) help relieve State and local governments and nonprofit organizations of the costs and paperwork burdens due to conflicting, redundant, and unreasonable audit requirements of Federal assistance programs;

"(4) provide for the establishment of consistent and uniform requirements for financial audits of Federal assistance provided to or administered by State and local governments and nonprofit organizations;

"(5) specify standard financial audit requirements for Federal assistance programs established after the date of enactment of this chapter;

"(6) to have the audit requirements of this chapter phased in and met by each entity that receives Federal assistance within three years from the enactment of this legislation; and

"(7) to have Federal agencies and departments in planning and performing any additional work, to the maximum extent feasible, rely upon and not duplicate work done pursuant to this chapter.

"§ 7502. Definitions

"As used in this chapter:

"(1) 'Federal agency and department' has the same meaning as is given to the term 'executive agency' in section 102 of this title.

"(2) The term 'entity' means a State government, a local government, or a nonprofit organization, or a recipient of Federal assistance from any of the foregoing.

"(3) 'Federal assistance' means any assistance provided by a Federal agency or department to an entity in the form of grants, loans, loan guarantees, property, cooperative agreements, or technical assistance, except that such term does not include direct Federal cash assistance to individuals, contracts for the procurement of goods and services for the United States, or insurance or assistance provided by the Tennessee Valley Authority.

"(4) 'generally accepted government auditing standards' means the auditing standards for the financial and compliance element of the 'Standards for Audit of Governmental Organizations, Programs, Activities, and Functions,' issued by the Comptroller General of the United States which incorporates the generally accepted auditing standards issued by the American Institute of Certified Public Accountants.

"(5) The term 'independent auditors' means constituted State and local government audit agencies, who meet the definition included in generally accepted government auditing standards for external government auditors, or public accountants.

"(6) The term 'public accountants' means certified public accountants, or public accountants who meet the definition included in generally accepted government auditing standards.

"(7) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any Indian tribe or tribal organization as defined in section 7502.(8).

"(8) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established under, the Alaska Native Claims Settlement Act) which—

"(A) is recognized by the United States as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or

"(B) is recognized as an Indian tribe by the State in which it resides.

"(9) 'local government' means any unit of government within a State, including a county, borough, municipality, city, town, township, parish, local public authority, special district, school district, intrastate district, council of governments, other interstate government entity, or any other instrumentality of local government.

"(10) 'nonprofit organization' means an organization described in section 501(c) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code or any nonprofit scientific or educational organization or institution qualified under a State nonprofit organization statute which exempts such organization or institution from taxation under State law.

"(11) 'recipient' means an entity receiving Federal assistance.

"(12) 'single financial audit' means an audit performed by independent auditors to determine and report whether—

"(A) the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles;

"(B) the entity has complied with laws and regulations that may have a material effect upon the financial statements; and

"(C) whether the entity has internal control systems to provide reasonable assurance it is managing Federal programs in compliance with laws and regulations.

"(13) The term 'cognizant agency' means the Federal agency or department designated by the Director of the Office of Management and Budget to coordinate for the Federal Executive branch work performed in addition to that done pursuant to this chapter.

"§ 7503. Promulgation of policies, procedures, and regulations

"(a) The President shall prescribe policies, procedures, and regulations to implement this chapter. Each Federal agency and department and each entity to which this chapter applies shall comply with such policies, procedures, and regulations. Policies, procedures, and regulations prescribed under this subsection shall not impose requirements for audits of entities in addition to the requirements for single financial audits specified by this chapter.

"(b) The President of the United States may delegate the authority to prescribe policies and procedures to the Director of the Office of Management and Budget. The President may delegate the authority to prescribe regulations to the appropriate agencies and departments. In the preparation of policies, procedures, and regulations the Director of the Office of Management and Budget and the appropriate Federal agencies and departments shall consult with the Comptroller General of the United States.

"(c) The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States and Federal, State, local and nonprofit officials, shall establish a plan of action within one year of the date of this chapter, to assure that single financial audits required under this chapter are conducted within three years from the enactment of this legislation, and thereafter.

"(d) The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, and Federal, State, local and nonprofit officials, shall establish a plan of action, to coordinate the work done pursuant to section 7504.(c). The plan shall:

(i) include the designation of the appropriate Federal cognizant agencies; and

(ii) provide that any additional work involving an entity performed by or for a Federal executive agency or department shall be coordinated, to the extent feasible, and rely upon the single financial audit performed pursuant to this chapter.

"§ 7504. Audit requirements

"(a)(1) Except as otherwise provided by this chapter, each entity that receives Federal assistance for a fiscal year which is equal to or in excess of $25,000 shall conduct at least biennially, but preferably annually, a single financial audit covering all of its funds. The audits shall be made by independent auditors and conducted in accordance with generally accepted government auditing standards.

"(2) The total amounts of Federal, State, local, and other assistance, respectively, received from all sources by the entity shall be used in a single financial audit for testing compliance with the financial requirements of Federal, State, local and other assistance programs respectively. The materiality level selected in a single financial audit for testing shall be based on the professional judgment of the independent auditor.

"(3) Each entity shall identify the internal control systems in place within the entity. The significant internal control systems shall be studied, evaluated and reported on by the independent auditor. The method of testing of internal control systems, shall be based on the independent auditor's professional judgment.

"(4) Each single financial audit carried out pursuant to this chapter shall be an audit of all funds of the entity, and shall not be an audit of funds used by the entity pursuant to an individual grant or program. However, if the entity determines that a single financial audit of the entire entity is not feasible, the entity may audit by department or agency within the entity. However, such audits shall be consistent with the provisions of this chapter. If single financial audits are conducted biennially under this chapter, each single financial audit shall cover the entire two-year period.

"(5) This chapter does not apply to an entity which receives less than $25,000 per year in Federal assistance.

"(6) Copies of completed audit reports covering the results of the single financial audit required pursuant to this chapter shall be made available to Federal officials upon request.

"(7) Unless restricted by law or regulation, copies of reports containing the results of any single financial audit performed pursuant to this chapter shall be made available for public inspection.

"(b) Each entity receiving Federal assistance from Federal agencies and departments and subsequently making a portion of the Federal assistance available to another entity, shall have the responsibility for ascertaining whether a single financial audit has been conducted of the recipient entity. This requirement does not apply if the amount made available to the recipient entity is less than the amount provided for in section 7504.(a)(5).

"(c) This chapter does not limit the authority of Federal agencies and departments to conduct, or contract for audits and evaluations of Federal assistance programs. This work includes, but is not limited to, economy and efficiency audits, program results audits, and program evaluations, and audit requirements contained in Office of Management and Budget circulars such as A-102, Attachment P. However, in planning and performing any additional work, the Federal agencies and departments, to the extent feasible, shall rely upon and not duplicate the single financial audit. Additional work performed by or for the Federal Executive agencies and departments shall be coordinated by the cognizant agency for the entity in order to coincide, to the extent feasible, with the performance of the single financial audit. The requesting Federal agency or department must arrange for funding the cost of such additional work.

"(d) This chapter does not limit the responsibility or authority of the Federal Government to enforce Federal law, regulations, procedures, or reporting requirements.

"§ 7505. Payment for performance

"(a) Subject to the provisions of this section, Federal assistance may be used to pay for or to reimburse an entity for the costs incurred to conduct a single financial audit required by this chapter.

"(b)(1) In the case of Federal assistance provided through a project grant, costs incurred to conduct the portion of a single financial audit required by this chapter with respect to such project grant shall be considered an administrative expense and shall be provided for as an indirect cost in accordance with the provisions of the grant. Any recipient of a project grant which is audited pursuant to this chapter as part of an entity which includes other agencies and departments shall transfer any funds received pursuant to this paragraph to the entity for which the single financial audit is conducted for such fiscal year in order to reimburse the entity for the costs incurred to conduct such audit with respect to the project grant.

"(2) In the case of Federal assistance provided through a formula grant, the State or local entity administering the formula grant may use the Federal assistance provided through such formula grant to pay the costs incurred to conduct the portion of a single financial audit required by this chapter with respect to such formula grant, subject to the provisions of any statute or regulation which specify the percentage or amount of the formula grant that can be used for administrative expenses.

"(3) For purposes of this subsection:

"(A) 'project grant' means a grant of Federal funds which is not a formula grant, and which is provided pursuant to an application for a specific amount of Federal assistance that includes a detailed schedule of administrative expenses to be incurred in carrying out the grant; and

"(B) 'formula grant' means a grant of Federal funds which distributes such funds to all eligible recipients based on a formula specified in law or regulation.

"(c) Notwithstanding paragraphs (1) and (2) of subsection (b), the amount of Federal assistance used to pay for or to reimburse an entity for the costs of audits taken from any grant cannot exceed, as a fraction of the overall cost of the audit, that fraction which results by dividing the amount of the total grant expenditures by the entity's total expenditures from the previous fiscal year. However, this section shall not apply if some other provision for reimbursement is provided for by agreement between the grantee, entity, and the Federal program manager of the Federal agency or department responsible for the grant.

"§ 7506. Sanctions

"(a) Upon a determination by the Director of the Office of Management and Budget under section 7503.(c) of this chapter that an entity has failed to comply with the requirement of section 7504.(a)(1) of this chapter, the Director may arrange to have conducted any audit work necessary because of the entity's failure to comply with the requirements of this chapter.

"(b) Notwithstanding any other provision of law, the costs of the audit work performed under this section shall be charged to any Federal assistance otherwise available to the entity which is designated for reimbursement of the entity's administrative costs and, if those amounts are not sufficient, then to any other available Federal assistance.

"§ 7507. Small business concerns

"(a) Small business concerns and business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts awarded to fulfill the audit requirements of this chapter. Entities receiving Federal assistance shall take the following affirmative action to further this goal:

"(1) Assure that small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals as defined in P.L. 95-507 are used to the fullest extent practicable.

"(2) Make information on forthcoming opportunities available, and arrange time frame for the audit so as to encourage and facilitate participation by small or disadvantaged audit firms.

"(3) Consider in the contract process whether firms competing for larger audits intend to subcontract with small or disadvantaged firms.

"(4) Encourage contracting with small or disadvantaged audit firms which have traditionally audited government programs, and in such cases where this is not possible, assure that these firms are given consideration for audit subcontracting opportunities.

(5) Encourage contracting with consortiums of small or disadvantaged audit firms as described in paragraph (a) above when a contract is too large for an individual small or disadvantaged audit firm.

"(6) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration in the solicitation and utilization of small or disadvantaged audit firms.

"§ 7508. Relationship to other law.

"(a) Notwithstanding any other provision of law, unless this section is expressly referred to, single financial audits conducted in accordance with the requirements of this Act shall be deemed to be in lieu of any other financial audit requirement imposed on the entity by the Federal Government. The Comptroller General shall determine the extent to which a particular audit requirement is a financial audit requirement. Nothing in this chapter nor any determination by the Comptroller General shall relieve Federal agencies of their responsibilities to perform other audits, such as economy and efficiency audits or program result audits, or affect their authority to perform audits of Federal assistance recipients and the programs administered by such recipients.

"(b) This chapter does not supersede State or local laws requiring audits of entities to which this chapter applies."

(c) The table of chapters for subtitle V of title 31, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

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"75. Requirements for Single Financial Audits .... 7501.

LEGISLATION MANDATING AUDIT REQUIREMENTS

SEC. 2. (a) Any bill or resolution reported by a committee of the Senate or the House cf Representatives containing provisions which specify requirements for financial audits of recipients of Federal assistance which are inconsistent with the requirements specified in chapter 75 of title 31, United States Code (as added by the first section of this Act), shall be referred, if reported by a committee of the Senate, to the Committee on Governmental Affairs of the Senate and, if reported by a committee of the House of Representatives, to the Committee on Government Operations of the House, for a period not to exceed 30 days. During such period, the committee to which such bill or resolution was referred shall consider and report provisions to amend such bill or resolution to conform the requirements contained in such bill or resolution for financial audits with the requirements specified in such chapter.

(b) The Comptroller General of the United States shall monitor bills and resolutions reported by committees of the Senate and the House of Representatives and shall review provisions requiring financial audits of recipients of Federal assistance, if any, which are contained in such bills and resolutions. If the Comptroller General determines that a bill or resolution reported to the Senate or the House of Representatives contains requirements for financial audits of recipients of Federal assistance which are inconsistent with the requirements specified in chapter 75 of title 31, United States Code (as added by the first section of this Act), the Comptroller General shall, at the earliest possible date, report by letter such determination to the Committee on Governmental Affairs of the Senate (in the case of a bill or resolution reported by a committee of the Senate) or the Committee on Government Operations of the House of Representatives (in the case of a bill or resolution reported by a committee of the House of Representatives).

(c) The provisions of subsection (a) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SECTION-BY-SECTION ANALYSIS—UNIFORM AUDIT ACT

SECTION 1—CHAPTER 75 REQUIREMENTS FOR SINGLE FINANCIAL AUDITS

Section 7501—Purposes

This section sets forth the goals and objectives of the Act. Specifically, the major purpose of the Act is to establish uniform single financial audit requirements for State and local governments and nonprofit organizations, that are recipients of Federal assistance.

Section 7502—Definitions

This section defines the following terms: (1) Federal agency and department; (2) entity; (3) Federal assistance; (4) generally accepted government auditing standards; (5) independent auditors; (6) public accountants; (7) State; (8) Indian tribe; (9) local government; (10) nonprofit organization; (11) recipient; (12) single financial audit; and (13) cognizant agency.

Section 7503—Promulgation of policies, procedures, and regulations

Subsection (a) provides authority to the President, or his designee(s) to issue policies, procedures and regulations.

Section (b) allows the President to delegate the authority to promulgate policies and procedures to the Director of the Office of Management and Budget, and the responsibility to promulgate regulations to all appropriate Federal agencies and departments. However, in the preparation of policies, procedures and regulations, the Director of the Office of Management and Budget and the representatives from each Federal agency and department, respectively, shall consult with the Comptroller General.

Subsection (c) provides for an oversight committee responsible for overseeing that the provisions of this Act are implemented within one year from the date of enactment, and that all entities are in compliance with this Act no later than three years from the date of enactment. The oversight committee will include the Director of the Office of Management and Budget, the Comptroller General, and officials from Federal, State, and local governments and nonprofit organizations.

Subsection (d) provides that the Director of the Office of Management and Budget, in consultation with the Comptroller General and officials from Federal, State, and local governments, and nonprofit organizations, establish a plan to coordinate any additional financial audit work requested by the Federal government pursuant to section 7504(c), of this Act.

Section 7504—Audit requirements

Subsection (a)(1) requires that all entities that are in receipt of Federal assistance equal to or greater than $25,000 for any fiscal year, shall conduct at least biennially, but preferably annually, a single financial audit covering all of its funds. The audits shall be made by independent auditors and conducted in accordance with generally accepted government auditing standards.

Subsection (a)(2) requires that the total amounts of Federal, State, local and other assistance, respectively, be used in a single financial audit for testing compliance with the financial requirements of Federal, State, local and other assistance programs respectively. The materiality level selected for testing shall be based on the independent auditor's professional judgment

Subsection (a)(3) requires that each entity identify the internal control systems in place within the entity. The independent auditor will evaluate, study and test those systems he feels necessary to render an opinion.

Subsection (a)(4) states clearly that the single financial audit conducted pursuant to this Act, shall be an audit of all funds, not individual grant or program funds. However, if the entity determines that an audit of the entire entity is not feasible, the entity may arrange to be audited by department or agency within the entity. This subsection also requires that if audits are done on a biennial basis, the audit must cover both years.

Subsection (a)(5) provides that this chapter does not apply to entities that receive less than $25,000 per year in Federal assistance.

Subsection (a)(6) allows Federal officials to examine the results of the single financial audit reports upon request.

Subsection (a)(7) requires that reports made pursuant to this chapter be made available to the public.

Subsection (b) this subsection requires that each entity receiving Federal assistance from Federal agencies and departments, and subsequently making a portion of that assistance available to another entity, shall have the responsibility for ascertaining whether a single financial audit of the recipient has been made. However, this does not apply to those entities in receipt of less than $25,000 of Federal assistance.

Subsection (c) provides the Federal departments and agencies with the opportunity to arrange for additional audit work of an entity's financial position. However, if the Federal departments and agencies request to do such additional work, the Federal department or agency making the request shall pay for the cost of such additional work. It should be noted that nothing in this subsection or pursuant to this chapter, relieves Federal departments or agencies of their responsibilities to do audits of economy and efficiency, program results audits, and others, required by Federal law.

Subsection (d) states that this chapter does not limit the responsibility or authority of the Federal government to enforce Federal law, regulations, procedures, or reporting requirements.

Section 7505—Payment for performance

Subsection (a) provides entities with the option of using Federal assistance to pay for or to reimburse the entity for the costs incurred to conduct a single financial audit required pursuant to this chapter.

Subsection (b)(1) provides for reimbursement in the case of project grants. Costs incurred to conduct the portion of the single financial audit required by this chapter, are considered an administrative expense and shall be provided for as an indirect cost in accordance with the provisions of the grant. Therefore, all entities making application to the Federal government for Federal assistance, should build in to the project grants' budget the estimated amount available to the entity for the performance of the requirements pursuant to this chapter.

Subsection (b)(2) states that Federal assistance provided through a formula grant may be used to pay the costs incurred to conduct the portion of a single financial audit required by this chapter.

Subsection (b)(3)(A) defines project grant for the purposes of this chapter.

Subsection (b)(3)(B) defines formula grant for the purposes of this chapter.

Subsection (c) sets forth the limit of Federal assistance that can be used by the entity from any grant. However, if the amount available is determined inadequate, the grantee, entity, and the Federal program manager responsible for the grant may enter into an alternative arrangement.

Section 7506—Sanctions

Subsection (a) provides that if the Director of the Office of Management and Budget determines that an entity has failed to comply with the requirements of this chapter, the Director may arrange to have any audit work necessary because of the entity's failure to comply with the requirements of this chapter.

Subsection (b) provides that if an entity fails to perform a single financial audit re-

quired by this chapter, the audit work performed under subsection (a) of this section, may be charged to any Federal assistance otherwise available to the entity which is designated for reimbursement or the entity's administrative costs and, if those amounts are not sufficient, then to any other available Federal assistance.

Section 7507—Small business concerns

Subsection (a) provides that small business concerns owned and controlled by socially and economically disadvantaged individuals, be given, to the maximum extent practicable, an opportunity to participate in the performance of contracts awarded that fulfill the audit requirements of this chapter. Also, entities shall take the following steps to further this goal:

Subsection (a)(1) assure that small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals as defined in P.L. 95-507 are used to the fullest extent practicable.

Subsection (a)(2) make information on forthcoming opportunities available.

Subsection (a)(3) consider in the contract process whether firms competing for larger audits intend to subcontract with small or disadvantaged firms.

Subsection (a)(4) encourage contracting with small or disadvantaged audit firms which have traditionally audited government programs.

Subsection (a)(5) encourage contracting with consortiums of small or disadvantaged firms.

Subsection (a)(6) use the services and assistance, as appropriate, of such organizations as the Small Business Admininstration in the solicitation and utilization of small or disadvantaged audit firms.

Section 7508—Relationship to other law

Subsection (a) provides that single financial audits performed pursuant to this chapter, shall be deemed to be in lieu of any other financial audit requirements imposed on an entity by the Federal government. However, Federal departments and agencies shall maintain their respective responsibilities pursuant to other audit requirements such as audits of economy and efficiency, and program results audits.

Subsection (b) makes clear that this chapter does not supersede State or local laws requiring audits of entities to which this chapter applies.

Subsection (c) amends subtitle V of title 31, of the United States Code, by inserting after the item relating to chapter 73 the following new item: "75. Requirements for Single Financial Audits . . . 7501."

SECTION 2—LEGISLATION MANDATING AUDIT REQUIREMENTS

Subsection (a) provides that any bill or resolution reported by a committee of either House containing provisions which specify requirements for financial audits inconsistent with the provisions of chapter 75 of title 31, United States Code (as added by the first section of this Act), shall be referred, if reported by a committee of the Senate, to the Committee on Governmental Affairs and if reported by a committee of the House of Representatives, to the Committee on Government Operations, for a period not to exceed 30 days. During such period, the committee to which the bill or resolution was referred shall consider and report provisions to amend such bill or resolution to conform with single financial audits required pursuant to chapter 75.

Subsection (b) requires that the Comptroller General monitor all reported bills of the House and Senate and review the audit provisions, if any, which they contain. Should the Comptroller General determine that the audit provisions reported to the House or Senate are inconsistent with the provisions of this Act, he shall report by letter as soon as possible to the Governmental Affairs Committee, or Government Operations Committee his findings.

Subsection (c) amends the rules of each House of Congress.●

By Mr. JEPSEN:

S. 1511. A bill to amend title XVIII of the Social Security Act to provide that certain hospice programs may provide nursing care through arrangements with certified medicare providers; to the Committee on Finance.

PROVISION OF NURSING SERVICES BY CERTAIN HOSPICE PROGRAMS

Mr. JEPSEN. Mr. President, I send a bill to the desk and ask that it be referred to the appropriate committee.

Mr. President, last year the Congress approved the new medicare hospice program. Thus, beginning in October of this year, hospice services will for the first time be reimbursable by medicare. Although hospices are nothing new, allowing medicare reimbursement for such care is a major breakthrough. As a cosponsor and strong supporter of the legislation creating the new hospice program, I was optimistic that millions of older Americans would finally be accorded the type of care they wanted during the final months of their life.

Unfortunately, it now appears that, under current law, thousands of deserving elderly medicare recipients could be denied this new benefit. This occurs, Mr. President, not because these people are ineligible for the benefit, but because there will not be any hospices in their area that can meet the rigid standards the new law establishes.

These standards, as you will recall, were put in place because of the concern over fraud and abuse of the new benefit. While I would agree with my colleagues who argue in favor of strict standards that these are needed to prevent fraud, I do believe there is a need for some flexibility which recognizes the different problems confronting hospices in different parts of the country.

The law as presently written states that a hospice must, "routinely provide directly substantially all" of four basic core services. These services are: nursing care, medical social services, physician services, and counseling.

Simply stated, this particular provision of the law prohibits the contracting out of any of these services. This, despite the fact that many, if not most, hospices have been contracting out many of these services for years.

As I mentioned, hospices are nothing new. Many, in fact, have been in existence for quite some time and have been doing an excellent job of caring for the needs of the terminally ill and their families.

In Cedar Rapids, Iowa, for instance, the local Public Health Nursing Association has been working with the local Mercy Hospital to provide hospice services to Iowans residing in the Linn County area. The Public Health Nursing Association provides the ongoing in-home nursing and home health aid services to the patients admitted to the hospice of the Mercy program. This has been a very successful and cost-effective program. In addition, it has been well supported in the community. Under the new medicare hospice program, the cooperative arrangement worked out between the two health care providers would not be appropriated and therefore ineligible for medicare reimbursement.

The situation in Cedar Rapids, Iowa, is not unlike that found in hundreds of communities throughout the United States. I have received a number of letters from hospice administrators, as well as home health agency administrators, pointing out the serious need for some flexibility in the law. In fact, Mr. President, it is my understanding that in some States, as many as 25 percent of the existing hospices would be forced to close down if there is no flexibility in the contracting-out area. I know you will agree that this was not the intent of the legislation when we passed the bill.

It is for this reason that I have introduced this bill to provide for contracting out of the nursing care service under certain specific conditions. I would like to take a moment and summarize my proposal for the benefit of my colleagues.

First. The Jepsen proposal provides a "grandfather" clause which allows contracting out of nursing services for hospices which were incorporated or licensed prior to the passage of the Tax Equity and Fiscal Responsibility Act.

Second. The Jepsen proposal allows hospices located in rural areas or areas designated as having "medical manpower shortages" to contract out nursing services.

Third. The Jepsen proposal requires that if a hospice does contract out, it must do so with an agency that is medicare-certified.

As you can see, Mr. President, my proposal is not complicated and is relatively narrow in scope. In addition, it has sufficient safeguards to insure that we do not see the establishment of "store front" hospices.

Quite simply, Mr. President, the inability to have even reasonable flexibility in the law limits the ability of many hospice providers to even exist. This is particularly true in rural States like Iowa, Kansas, Minnesota, and Nebraska. As you know, it is hard enough to encourage qualified people to come to rural areas and work, let alone requiring services which inevitably would necessitate additional medical personnel.

I intend to pursue this matter with great vigor and I look forward to having an opportunity to present my views to the Finance Committee when it begins oversight hearings on this issue. It is extremely important, Mr. President, that we allow greater flexibility in the law. In the end, it could be the difference between a successful hospice program and just another bureaucratic hodgepodge of regulation.

By Mr. DURENBERGER:

S. 1512. A bill to retain the current duty on corned beef; to the Committee on Finance.

MAINTAINING THE PRESENT DUTY ON CANNED CORNED BEEF IMPORTS

● Mr. DURENBERGER. Mr. President, I would like to introduce a bill to retain the current 3-percent duty on canned corned beef for a 3-year period.

This measure will help keep down prices for a popular consumer item that is not produced in the United States. It will not have a measurable impact on U.S. meat consumption since the total imports of this product last year equaled only one-half of 1 percent of all U.S. meat consumption. In addition, a number of packaging and transportation jobs are created by these imports.

Without action, the duty on canned corned beef is scheduled to rise to 7½ percent on October 30, 1983, which would boost the price of imports from Brazil to an uncompetitive level with those from Argentina which enjoy GSP treatment. This would create an unfair advantage which benefits Argentina, a country which has not been living up to its trade agreements with the United States.

In addition, I understand that passage of an extension of the current duty level could be helpful in resolving a trade dispute in another area between the United States and Brazil.

I urge my colleagues to support this measure which is both good trade policy and a good jobs creator.●

By Mr. HATFIELD (for himself, Mr. BAKER, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BYRD, Mr. CRANSTON, Mr. DIXON, Mr. EAGLETON, Mr. EXON, Mr. GLENN, Mr. GOLDWATER, Mr. GORTON, Mrs. HAWKINS, Mr. HOLLINGS, Mr. KENNEDY, Mr. LEAHY, Mr. LUGAR, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MELCHER, Mr. MOYNIHAN, Mr. PELL, Mr. PERCY, Mr. PRYOR, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. STENNIS, Mr. THURMOND, and Mr. TSONGAS):

S. 1513. A bill to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission; to the Committee on Governmental Affairs.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

● Mr. HATFIELD. Mr. President, it is a great pleasure for me to rise today to introduce a bill to reauthorize the functions of the National Historical Publications and Records Commission, on which I serve. It gives me equal pleasure to take note of the fact that joining me as cosponsors of this legislation are Senators BAKER, BINGAMAN, BOSCHWITZ, BYRD, CRANSTON, DIXON, EAGLETON, EXON, GLENN, GOLDWATER, GORTON, HAWKINS, HOLLINGS, KENNEDY, LEAHY, LUGAR, MATHIAS, MATSUNAGA, MELCHER, MOYNIHAN, PELL, PERCY, PRYOR, RIEGLE, SARBANES, SASSER, STENNIS, THURMOND, and TSONGAS.

Congress established the National Historical Publications and Records Commission in 1934. Its goal was to collect, edit and publish the papers of the Founding Fathers, the writings of other distinguished Americans, and the documentary histories of the First Congress, the Supreme Court, and the process of the ratification of the Constitution. In 1974, Congress expanded the Commission's responsibilities to include providing advice and assistance to public and private institutions in the development and administration of archival systems. The name of the Commission was changed at that time from the National Historical Publications Commission to the National Historical Publications and Records Commission to reflect this new and expanded mission.

The work of the Commission is a very good example of a partnership between public and private institutions. The tasks facing archival institutions, manuscript depositories, and researchers demand far more than the efforts of a single Federal commission. The Commission will provide no more than half of the funds of the projects which it supports. Thus, the program is one of challenging and helping individuals and institutions capable of preserving important aspects of our history. At present, 366 sponsored volumes have appeared, as well as 5,758 reels of microfilm, and 1,005 microfiches. There are 141 completed microform editions, and 23 completed series of books.

The Commission has vigorously endorsed and promoted those projects which it considers the most authoritative, of lasting importance, and likely to contribute most fully to an understanding of America's history and heritage. The Commission not only has supported a variety of documentary publications, but also has played a leadership role in editorial training and in setting standards for paper preservation and microform publication.

All of this work has been accomplished by the NHPRC at a very modest funding level—$4 million in fiscal year 1981. One hundred percent of the appropriations for the Commission goes entirely to the funding of projects and none to the administrative expenses of the Commission. Yet during the last 2 years, the Commission has operated without an authorization, on the basis of appropriations of $1 million contained in the fiscal year 1982 continuing resolution, $1.5 million placed in the fiscal year 1982 emergency supplemental appropriations bill, and $3 million contained within the fiscal year 1983 continuing resolution. The bill we are introducing today seeks to rectify the neglect of the NHPRC during the last 2 years by reauthorizing the Commission and restoring its initial funding level to the fiscal year 1981 level. This bill also authorizes the Commission for 4 additional years at the following rates: $4 million annually for fiscal years 1984 and 1985, and $5 million annually for fiscal years 1986, 1987, and 1988. Passage of this legislation will reassure the community of historians, librarians and archivists working closely with the NHPRC that Congress is committed to the important mission of the Commission.

On June 1, 1983, the House of Representatives passed a similar bill, H.R. 2196, which authorizes the Commission's activities for 5 years at a set level of $3 million. Thus, there is clear evidence that Congress supports the work of the NHPRC, and places a great deal of importance on the Commission's efforts to insure that the words of the men and women who did the most to shape our Nation's institutions and values are collected from fragmented and fragile source materials and put on microfilm or in books. Not only are the materials preserved for the future, but they are made accessible to everyone. The result has been a more thorough, firsthand knowledge of subjects being studied by scholars and interested readers. Not only do individuals benefit tremendously from the availability of original documents, but so too does every community that has a library.

Mr. President, this bill will allow the NHPRC to continue its valuable work for the next 5 years—work that will immeasurably benefit scholars, researchers, schools, libraries, and communities. The NHPRC is committed to reviving and preserving the yellowed documents that have survived the ravages of time and the lethargy of neglect. Their preservation serves to protect and enrich our Nation's wonderful history.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2504(b) of title 44, United States Code, is amended to read as follows:

"(b) For the purposes specified in subsection (a), there is authorized to be appropriated to the General Services Administration an amount not to exceed $4,000,000 for each of the fiscal years ending on September 30, 1984, and September 30, 1985; and an amount not to exceed $5,000,000 for each of the fiscal years ending on September 30, 1986, September 30, 1987, and September 30, 1988. Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.".●

By Mr. WILSON:

S. 1515. A bill entitled the "California Wilderness Act of 1983"; to the Committee on Energy and Natural Resources.

CALIFORNIA WILDERNESS ACT OF 1983

Mr. WILSON. Mr. President, today I am introducing a bill entitled the "California Wilderness Act of 1983." This bill is not a statement of my position on this highly controversial subject; rather it is a bill designed to help focus public discussion on what is a very complex and oftentimes confusing issue. It is my intent that interested parties will use the framework provided by this bill in structuring their comments and views during forthcoming subcommittee hearings.

Like the "Washington State Wilderness Act of 1983," S. 837, my bill contains two titles. The first title would designate as "wilderness," most of what was included in the Forest Service's RARE II recommendations. For the most part, these proposed wilderness areas are relatively noncontroversial and deserving of wilderness designation.

The second title identified those areas and issue on which there is no agreement. Thirty-three proposed wilderness areas or wilderness area additions, plus the question of release and sufficiency language, are included in this title. Congress is instructed by this title to consider the concerns that have been expressed on each of these areas in its deliberations on any legislation to designate wilderness in my home State of California.

I should like to reemphasize my point that nothing in title II is to be construed by my colleagues or constituents as a definition of position. I will shortly be meeting with interested parties in California on the wilderness question and hope to hear further on this subject during subcommittee hearings. Only then will I feel sufficiently informed to define my own position on this issue. Meanwhile, I would hope and define my own position on this issue. Meanwhile, I would hope and expect that the bill I am introducing today will aid in structuring the public input that I and the rest of my colleagues need.

Mr. President, the introduction of this bill will hopefully mark the beginning of the end for what has been a very long and somewhat painful wilderness designation process. I would strongly encourage my colleagues to give this issue the attention that it deserves and work with me in passing California wilderness legislation at the earliest possible date. I ask unanimous consent that the full text of my bill be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Wilderness Act of 1983."

TITLE I—DESIGNATION OF WILDERNESS

SEC. 101. (a) In furtherance of the purposes of the Wilderness Act, the following lands, as generally depicted on maps, appropriately referenced, dated July 1980 (except as otherwise dated) are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Lassen National Forest, California, which comprise approximately one thousand eight hundred acres, as generally depicted on a map entitled "Caribou Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall deemed to be a part of the Caribou Wilderness as designated by Public Law 88-577;

(2) certain lands in the Stanislaus and Toiyabe National Forests, California, which comprise approximately one hundred eighty-two thousand acres, as generally depicted on a map entitled "Carson-Iceberg Wilderness—Proposed, dated March 1983", and which shall be known as the Carson-Iceberg Wilderness: *Provided, however,* That the designation of the Carson-Iceberg Wilderness shall not preclude continued motorized access to those previously existing facilities which are directly related to permitted livestock grazing activities in the Wolf Creek Drainage on the Toiyabe National Forest in the same manner and degree in which such access was occurring as of the date of enactment of this Act;

(3) certain lands in the Shasta Trinity National Forest, California, which comprise approximately seven thousand three hundred acres, as generally depicted on a map entitled "Castle Crags Wilderness—Proposed", and which shall be known as the Castle Crags Wilderness;

(4) certain lands in the Lassen National Forest, California, which comprise approximately fifteen thousand five hundred acres, as generally depicted on a map entitled "Cinder Buttes Wilderness—Proposed", and which shall be known as the Cinder Buttes Wilderness;

(5) certain lands in the Angeles National Forest, California, which comprise approximately four thousand four hundred acres, as generally depicted on a map entitled "Cucamonga Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Cucamonga Wilderness as designated by Public Law 88-577;

(6) certain lands in the Inyo National Forest, California, which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Deep Wells Wilderness—Proposed", and which shall be known as the Deep Wells Wilderness;

(7) certain lands in the Los Padres National Forest, which comprise approximately sixty-seven thousand acres, as generally depicted on a map entitled "Dick Smith Wilderness—Proposed", dated October, 1979, and which shall be known as Dick Smith Wilderness: *Provided,* That the Act of March 21, 1968 (82 Stat. 51), which established the San Rafael Wilderness is hereby amended to transfer four hundred and thirty acres of the San Rafael Wilderness to the Dick Smith Wilderness and establish a line one hundred feet north of the centerline of the Buckhorn Fire Road, as the southeasterly boundary of the San Rafael Wilderness, as depicted on a map entitled "Dick Smith Wilderness—Proposed", and whenever said Buckhorn Fire Road passes between the San Rafael and Dick Smith Wildernesses and elsewhere at the discretion of the Forest Service, it shall be closed to all motorized vehicles except those used by the Forest Service for administrative purposes;

(8) certain lands in the Stanislaus National Forest, California, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Emigrant Widerness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Emigrant Wilderness as designated by Public Law 93-632;

(9) certain lands in the Inyo National Forest, California, which comprise approximately forty-six thousand four hundred acres, as generally depicted on a map entitled "Excelsior Wilderness—Proposed", and which shall be known as the Excelsior Wilderness;

(10) certain lands in the Angeles National Forest, California, which comprise approximately thirty-two thousand nine hundred acres, as generally depicted on a map entitled "Fish Canyon Wilderness—Proposed", and which shall be known as the Fish Canyon Wilderness;

(11) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand six hundred acres, as generally depicted on a map entitled "Granite Peak Wilderness—Proposed", and which shall be known as the Granite Peak Wilderness;

(12) certain lands in the Toiyabe National Forest, California, which comprise approximately forty-nine thousand two hundred acres, as generally depicted on a map entitled "Hoover Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Hoover Wilderness as designated by Public Law 88-577;

(13) certain lands in and adjacent to the Lassen National Forest, California, which comprise approximately forty-one thousand six hundred acres, as shown on a map entitled "Ishi Wilderness—Proposed", and which shall be known as the Ishi Wilderness;

(14) certain lands in the Inyo and Sierra National Forest, California, which comprise approximately one hundred twenty thousand acres, as generally depicted on a map

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entitled "John Muir Wilderness Additions, Inyo National Forest—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the John Muir Wilderness as designated by Public Law 88-577;

(15) certain lands in the Lassen National Forest, California, which comprise approximately three thousand nine hundred acres, as generally depicted on a map entitled "Lassen Volcanic Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of the Lassen Volcanic Wilderness as designated by Public Law 92-510;

(16) certain lands in the Klamath National Forest, California, which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Marble Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of the Marble Mountain Wilderness as designated by Public Law 88-577;

(17) certain lands in the Sierra and Inyo National Forest, California, which comprise approximately forty-eight thousand five hundred acres, as generally depicted on a map entitled "Minarets Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Minarets Wilderness as designated by Public Law 88-577;

(18) certain lands in the Eldorado, National Forests, California, which comprise approximately six hundred and forty acres, as generally depicted on a map entitled "Mokelumne Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in, and which shall be deemed to be a part of the Mokelumne Wilderness as designated by Public Law 88-577;

(19) certain lands in the Shasta Trinity National Forest, California, which comprise approximately twenty-six thousand two hundred acres, as generally depicted on a map entitled "Mt. Shasta Wilderness—Proposed", and which shall be known as Mt. Shasta Wilderness;

(20) certain lands in the Cleveland National Forest, California, which comprise approximately thirteen thousand one hundred acres, as generally depicted on a map entitled "Pine Creek Wilderness—Proposed", and which shall be known as the Pine Creek Wilderness;

(21) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand two hundred acres, as generally depicted on a map entitled "Pyramid Peak Wilderness—Proposed", and which shall be known as the Pyramid Peak Wilderness;

(22) certain lands in the San Bernardino National Forest, California, which comprise approximately twenty-one thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Gorgonio Wilderness as designated by Public Law 88-577;

(23) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand nine hundred acres, as generally depicted on a map entitled "San Jacinto Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Jacinto Wilderness as designated by Public Law 88-577: *Provided, however*, That the Secretary of Agriculture may pursuant to an application filed prior to January 1, 1983, grant a right-of-way for, and authorize construction of, a transmission line or lines within the area depicted as "potential powerline corridor" on the map entitled "San Jacinto Wilderness Additions—Proposed": *Provided further*, That if a power transmission line is constructed within such corridor, the corridor shall cease to be a part of the San Jacinto Wilderness and the Secretary of Agriculture shall publish notice thereof in the Federal Register;

(24) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand acres, as generally depicted on a map entitled "San Rafael Wilderness Additions—Proposed", and which hereby incorporated in, and which shall be deemed to be part of the San Rafael Wilderness as designated by Public Law 90-271;

(25) certain lands in the Angeles and San Bernardino National Forests, California, which comprise approximately thirty thousand one hundred acres, as generally depicted on a map entitled "Sheep Mountain Wilderness—Proposed", and which shall be known as Sheep Mountain Wilderness;

(26) certain lands in the Six Rivers, Klamath, and Siskiyou National Forests, California, which comprise approximately one hundred thousand acres, as generally depicted on a map entitled "Siskiyou Wilderness—Proposed", dated March 1983, and which shall be known as the Siskiyou Wilderness;

(27) certain lands in the Mendocino National Forest, California, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Snow Mountain Wilderness—Proposed", and which shall be known as Snow Mountain Wilderness;

(28) certain lands in the Modoc National Forest, California, which comprise approximately one thousand nine hundred and forty acres, as generally depicted on a map entitled "South Warner Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed as designated by Public Law 88-577;

(29) certain lands in the Lassen National Forest, California, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Thousand Lakes Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Thousand Lakes Wilderness as designated by Public Law 88-577;

(30) certain lands in and adjacent to the Lassen National Forest, California, which comprise approximately four thousands four hundred acres, as generally depicted on a map entitled "Timbered Crater Wilderness—Proposed", and which shall be known as the Timbered Crater Wilderness;

(31) certain lands in and adjacent to the Klamath, Shasta Trinity and Six Rivers National Forests, California, which comprise approximately two hundred and ninety-five thousand acres, as generally depicted on a map entitled "Trinity Alps Wilderness—Proposed", and which shall be known as the Trinity Alps Wilderness;

(32) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand seven hundred and fifty acres, as generally depicted on a map entitled "Ventana Wilderness Addition—Proposed", and which are hereby incorporated in, and which shall be deemed to be part of the Ventana Wilderness as designated by Public Laws 91-58 and 95-237; and

(33) certain lands in and adjacent to the Six Rivers National Forest, California, which comprise approximately one hundred acres, as generally depicted on a map entitled "Yolla-Bolly Middle Eel Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Yolla-Bolly Middle Eel Wilderness as designated by Public Law 88-577;

(b) The previous classifications of the High Sierra Primitive area, Emigrant Basin Primitive Area, and the Salmon-Trinity Alps Primitive Area are hereby abolished.

Sec. 102. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary concerned in accordance with the provisions of the Wilderness Act: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) Within the National Forest Wilderness areas designated by this Act—

(1) as provided in subsection 4(d)(4)(2) of the Wilderness Act, the grazing of livestock, where established prior to date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies and practices as the Secretary deems necessary, as long as such regulations, policies and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and this Act;

(2) as provided in subsection 4(d)(1) of the Wilderness Act, the Secretary concerned may take such measures as are necessary in the control of fire, insects, and diseases, subject to such conditions as he deems desirable; and

(3) as provided in section 4(b) of the Wilderness Act, the Secretary concerned shall administer such areas so as to preserve their wilderness character and to devote them to the public purposes of recreation, scenic, scientific, educational, conservation, and historical use.

(c) Within sixty days of the date of enactment of this Act, the Secretary of Agriculture shall enter into negotiations to acquire by exchange or otherwise (on a willing-buyer-willing-seller basis and at the landowner's option) all or part of any privately owned lands within the Trinity Alps, Castle Crags, and Mount Shasta Wilderness areas as designated by this Act. Such acquisition shall to the maximum extent praticable, be completed within three years after the date of enactment of this Act. Market and exchange values shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area.

ADDITIONS TO NATIONAL PARK SYSTEM

Sec. 104. (a). The Secretary of Agriculture is authorized and directed to transfer to the jurisdiction of the Secretary of the Interior for administration as a part of Yosemite National Park, two hundred and fifty-three acres of the Stanislaus National Forest at Crocker Ridge, identified as all that land lying easterly of a line beginning at the existing park boundary and running three hundred feet west of and parallel to the center line of the park road designated as State Highway 120, also known as the New Big Oak Flat Road, within section 34, township 1 south, range 19 east, and within sections 4, 9, and 10, township 2 south, range 19 east, Mount Diablo base and meridian. The boundary of Yosemite National Park and the Stanislaus National Forest shall be adjusted accordingly.

(b) The Secretary of the Interior is authorized and directed to transfer to the jurisdiction of the Secretary of Agriculture one hundred and sixty acres within the boundary of the Sierra National Forest identified as the northwest quarter of section 16, township 5 south, range 22 east, Mount Diablo base meridian, subject to the right of the Secretary of the Interior to the use of the water thereon for park purposes, including the right of access to facilities necessary for the transportation of water to the park.

FILING OF MAPS AND DESCRIPTIONS

Sec. 103. As soon as practicable after enactment of this Act, a map and a legal description on each wilderness area shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

NATIONAL PARK WILDERNESS

Sec. 105. The following lands are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(1) Yosemite National Park Wilderness, comprising approximately six hundred and seventy-seven thousand six hundred acres, and potential wilderness additions comprising approximately three thousand five hundred and fifty acres, as generally depicted on a map entitled "Wilderness Plan, Yosemite National Park, California" numbered 104-20, 003-E dated July 1980, and shall be known as the Yosemite Wilderness;

(2) Sequoia and Kings Canyon National Parks Wilderness, comprising approximately seven hundred and thirty-six thousand nine hundred and eighty acres; and potential wilderness additions comprising approximately one hundred acres, as generally depicted on a map entitled "Wilderness Plan—Sequoia-Kings Canyon National Parks—California", numbered 102-20, 003-E and dated July 1980, and shall be known as the Sequoia-Kings Canyon Wilderness.

MAP AND DESCRIPTION

Sec. 106. A map and description of the boundaries of the areas designated in section 7 of this Act shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 7. As soon as practicable after this Act takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such maps and descriptions may be made.

CESSATION OF CERTAIN USES

Sec. 107. Any lands (in section 7 of this Act) which represent potential wilderness additions upon publications in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

ADMINISTRATION

Sec. 108. (a) The areas designated by section 7 of this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(b) Notwithstanding any existing or future administrative designation or recommendation, mineral prospecting, exploration, development, or mining of cobalt and associated minerals undertaken under the United States mining laws within the North Fork Smith roadless area (RARE II, 5-707, Six Rivers National Forest, California) shall be subject to only such Federal laws and regulations as are generally applicable to national forest lands designated as nonwilderness.

SEVERABILITY

Sec. 109. If any provision of this Act or the application thereof is held invalid, the remainder of the Act and the application thereof shall not be affected thereby.

TITLE II

Sec. 201. Certain other areas in the State of California not included in the previous administration's RARE II recommendations are of concern to many citizens of California and the Nation and should be considered during congressional deliberations on any legislation to designate wilderness in the State of California. These areas include:

1. Antelope Creek.
2. Bald Rock.
3. Blue Creek/Eight-mile/Dillon Creek.
4. Boundry Peak
5. Bucks Lake.
6. Caples Creek.
7. Carson Iceberg.
8. Dinkey Lakes.
9. Domeland Addition.
10. Echo-Carson.
11. Granite Chief.
12. Hart Lake.
13. Jennie Lakes.
14. Machesna.
15. Marble Mountain Additions.
16. McCloud River.
17. Mill Creek.
18. Minarets Additions.
19. Mokelumne Additions.
20. Monache.
21. Mt. Raymond additions to the national park system.
22. Mt. Shasta.
23. North Mountain additions to the national park system.
24. Red Buttes.
25. Russian Peak.
26. San Joaquin.
27. Scodies.
28. Sheep Mountain.
29. Snow Mountain.
30. South Sierra.
31. Trinity Alps.
32. Tuolumne River Canyon.
33. Yolla Bolly-Middle Eel additions.

Sec. 202. In addition to the proposed wilderness areas listed in the previous section, issues relating to language that would exempt the California portion of the RARE II Final Environmental Impact Statement from judicial challenge (sufficiency language) and that would provide direction to the Secretary of Agriculture for management of the remaining roadless areas designated as further planning or nonwilderness (release language) should be considered during congressional deliberations on any legislation to designate wilderness in the State of California.

ADDITIONAL COSPONSORS

S. 230

At the request of Mr. HEINZ, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 230, a bill to amend the Tariff Schedules of the United States to establish equal and equitable classification and duty rates for various cordage products of virtually identical characteristics.

S. 476

At the request of Mr. LEVIN, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 572

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 572, a bill to provide emergency assistance for children.

S. 800

At the request of Mr. STEVENS, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 800, a bill to establish an ocean and coastal development impact assistance fund and to require the Secretary of Commerce to provide to States national ocean and coastal development and assistance block grants from moneys in the fund, and for other purposes.

S. 865

At the request of Mr. HATFIELD, the names of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 865, a bill to establish a nationally uniform deep-draft vessel tax for the purpose of financing operations and maintenance of deep-draft commercial channels and harbors; to fund a percentage of new channel improvements; and to provide

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an expedited procedure for the authorization and permitting of navigation improvement projects and related landside facilities in deep-draft ports, and for other purposes.

S. 873

At the request of Mr. **Lugar**, the name of the Senator from California (Mr. **Cranston**) was added as a cosponsor of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 1080

At the request of Mr. **Grassley**, the names of the Senator from Oklahoma (Mr. **Boren**), the Senator from Utah (Mr. **Hatch**), the Senator from Arkansas (Mr. **Pryor**), the Senator from Louisiana (Mr. **Johnston**), the Senator from Wisconsin (Mr. **Kasten**), the Senator from Kansas (Mr. **Dole**), the Senator from Utah (Mr. **Garn**), the Senator from Idaho (Mr. **Symms**), the Senator from Indiana (Mr. **Lugar**), the Senator from Montana (Mr. **Melcher**), the Senator from Georgia (Mr. **Nunn**), and the Senator from South Carolina (Mr. **Hollings**) were added as cosponsors of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1090

At the request of Mr. **Wallop**, the name of the Senator from Georgia (Mr. **Nunn**) was added as a cosponsor of S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for Government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

S. 1170

At the request of Mr. **Pryor**, the name of the Senator from South Dakota (Mr. **Pressler**) was added as a cosponsor of S. 1170, a bill to establish a Director of Operational Testing and Evaluation in the Department of Defense, and for other purposes.

S. 1300

At the request of Mr. **Huddleston**, the names of the Senator from Pennsylvania (Mr. **Specter**) and the Senator from Michigan (Mr. **Levin**) were added as cosponsors of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes.

S. 1302

At the request of Mr. **Heinz**, the names of the Senator from North Carolina (Mr. **Helms**) and the Senator from Vermont (Mr. **Leahy**) were added as cosponsors of S. 1302, a bill to amend title XVIII of the Social Security Act with respect to purchase and rentals of durable medical equipment.

S. 1359

At the request of Mr. **Metzenbaum**, the name of the Senator from California (Mr. **Cranston**) was added as a cosponsor of S. 1359, a bill to amend the Internal Revenue Code of 1954 to increase the amount of the credit for household and dependent care services, and for other purposes.

S. 1475

At the request of Mr. **Wallop**, the name of the Senator from Rhode Island (Mr. **Chafee**) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

SENATE JOINT RESOLUTION 50

At the request of Mr. **Levin**, the name of the Senator from Vermont (Mr. **Leahy**) was added as a cosponsor of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. **D'Amato**, his name was added as a cosponsor of Senate Joint Resolution 56, a joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month."

At the request of Mr. **Grassley**, the names of the Senator from Kentucky (Mr. **Ford**), the Senator from Kansas (Mrs. **Kassebaum**), the Senator from Indiana (Mr. **Quayle**), the Senator from Rhode Island (Mr. **Pell**), the Senator from West Virginia (Mr. **Randolph**), the Senator from California (Mr. **Wilson**), and the Senator from Minnesota (Mr. **Boschwitz**) were added as a cosponsors of Senate Joint Resolution 56, supra.

SENATE JOINT RESOLUTION 77

At the request of Mr. **Dole**, the names of the Senator from Nebraska (Mr. **Zorinsky**) and the Senator from Nebraska (Mr. **Exon**) were added as cosponsors of Senate Joint Resolution 77, a joint resolution designating "National Animal Agriculture Week."

SENATE JOINT RESOLUTION 84

At the request of Mr. **Garn**, the names of the Senator from Texas (Mr. **Tower**), the Senator from New York (Mr. **D'Amato**), and the Senator from Arkansas (Mr. **Pryor**) were added as cosponsors of Senate Joint Resolution 84, a joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week."

SENATE JOINT RESOLUTION 106

At the request of Mr. **Simpson**, the names of the Senator from South Carolina (Mr. **Thurmond**), the Senator from Arizona (Mr. **Goldwater**), the Senator from New Mexico (Mr. **Domenici**), the Senator from Minnesota (Mr. **Boschwitz**), the Senator from Alaska (Mr. **Murkowski**), the Senator from Vermont (Mr. **Stafford**), the Senator from Maryland (Mr. **Mathias**), the Senator from Utah (Mr. **Garn**), the Senator from Nevada (Mr. **Laxalt**), the Senator from California (Mr. **Wilson**), the Senator from North Carolina (Mr. **Helms**), the Senator from Delaware (Mr. **Roth**), the Senator from New Hampshire (Mr. **Humphrey**), the Senator from Oklahoma (Mr. **Nickles**), the Senator from Idaho (Mr. **Symms**), the Senator from Pennsylvania (Mr. **Specter**), the Senator from Utah (Mr. **Hatch**), the Senator from Maine (Mr. **Cohen**), the Senator from West Virginia (Mr. **Randolph**), the Senator from Rhode Island (Mr. **Pell**), the Senator from Maine (Mr. **Mitchell**), the Senator from Mississippi (Mr. **Stennis**), the Senator from Florida (Mr. **Chiles**), the Senator from Arizona (Mr. **DeConcini**), the Senator from Delaware (Mr. **Biden**), the Senator from South Carolina (Mr. **Hollings**), the Senator from Massachusetts (Mr. **Tsongas**), the Senator from Nebraska (Mr. **Exon**), the Senator from Kentucky (Mr. **Ford**), the Senator from Hawaii (Mr. **Inouye**), the Senator from North Dakota (Mr. **Burdick**), the Senator from Vermont (Mr. **Leahy**), the Senator from Tennessee (Mr. **Sasser**), the Senator from Hawaii (Mr. **Matsunaga**), and the Senator from New Jersey (Mr. **Bradley**) were added as cosponsors of Senate Joint Resolution 106, a joint resolution designating August 3, 1983, as "National Paralyzed Veterans Recognition Day."

SENATE JOINT RESOLUTION 117

At the request of Mr. **Huddleston**, the names of the Senator from North Dakota (Mr. **Andrews**), the Senator from Louisiana (Mr. **Johnston**), and the Senator from New York (Mr. **Moynihan**) were added as cosponsors of Senate Joint Resolution 117, a joint resolution to authorize and request the President to designate July 15, 1983, as "National Ice Cream Day."

SENATE JOINT RESOLUTION 118

At the request of Mr. **Chafee**, the name of the Senator from Oregon (Mr. **Hatfield**), was added as cosponsor of Senate Joint Resolution 118 a joint resolution to establish the Abraham Lincoln One Hundred Seventy-Fifth Anniversary Commission.

SENATE CONCURRENT RESOLUTION 44

At the request of Mr. **Jepsen**, the names of the Senator from South Carolina (Mr. **Hollings**), the Senator from Alabama (Mr. **Heflin**), and the Senator from Delaware (Mr. **Biden**)

were added as cosponsors of Senate Concurrent Resolution 44, a concurrent resolution expressing the sense of the Congress that the continuing possibility that the provisions of the Internal Revenue Code of 1954 relating to withholding from interest and dividends will be repealed is creating, for all payors, an undue hardship within the meaning of section 308(b) of the Tax Equity and Fiscal Responsibility Act of 1982 and that the Secretary of the Treasury should exercise his authority under such section to delay the effective date of such provisions until December 31, 1983.

SENATE RESOLUTION 126

At the request of Mr. **East**, his name was added as a cosponsor of Senate Resolution 126, a resolution to express the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.

SENATE RESOLUTION 159

At the request of Mr. **Levin**, the name of the Senator from California (Mr. **Cranston**) was withdrawn as a cosponsor of the resolution (S. Res. 159) expressing the sense of the Senate that the United States should propose a mutual pause in flight tests of new MIRV'd ICBM's and seek an arms control agreement in the START talks incorporating the recommendations of the Scowcroft Commission.

SENATE CONCURRENT RESOLUTION 47—RELATING TO THE SALE OF CHRYSLER STOCK WARRANTS

Mr. TRIBLE submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. Con. Res. 47

Whereas in 1980, the United States Government acquired 14.4 million warrants to purchase Chrysler common stock in exchange for Federal loan guarantees which have helped Chrysler to survive;

Whereas those warrants now possess considerable value, due to the increased price of Chrysler common stock;

Whereas in guaranteeing the Chrysler loans, American taxpayers accepted a huge contingent liability to insure repayment of Chrysler debt in case of Chrysler default;

Whereas it is inappropriate for the United States Government to continue to hold the Chrysler warrants, speculating on a further increase in Chrysler stock prices; and

Whereas it is also inappropriate for the United States Government to hold, directly or indirectly, a substantial ownership share in the Chrysler Corporation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Chrysler Corporation Loan Guarantee Board should sell the Chrysler warrants in an orderly fashion, and apply the sales proceeds to a reduction in the Federal budget deficit.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Chrysler Corporation Loan Guarantee Board.

Mr. TRIBLE. Mr. President, recently, the Chrysler Corp. proposed that the United States return to Chrysler millions of valuable warrants to purchase Chrysler common stock. The United States acquired these warrants in exchange for the guarantee of loans to the Chrysler Corp.

Following a public outcry, Chrysler withdrew its proposal on May 12. However, the Government must now decide the best use of the warrants.

Today, I am submitting a concurrent resolution expressing the sense of Congress that sales of Chrysler stock warrants should begin immediately.

The Chrysler warrants should be sold, and sold now. The Government can turn a handsome profit for the taxpayer by selling the warrants in an orderly way.

U.S. taxpayers accepted up to 1.2 billion dollars' worth of risk, in agreeing to guarantee loans to Chrysler. They deserve a profit. Chrysler warrants should be sold, and applied to reduce the deficit.

Sales should begin now and proceed in an orderly way to protect the Government and taxpayer interest. There are two compelling reasons for this.

First, delaying sales in the expectation that Chrysler common stock prices will unnecessarily expose the Government to speculative risks. Should Chrysler stock prices fall, it would mean smaller profits or even losses. It is unwise and undesirable for the Federal Government to speculate in corporate securities. If the Government can realize a profit it should do so.

Second, it is equally undesirable for the Government to be in a position in which it can potentially own one-tenth of one of our Nation's largest corporations.

Moreover, it is important that the Government insist on its rights to discourage companies from frivolously seeking Government aid. Potential recipients of Government aid must know that strings on Government assistance are real. Selling the warrants would send a strong signal that the United States expects commitments to be honored.

Certainly, Chrysler would expect the United States to live up to its guarantee commitments if Chrysler defaulted on its debts. Chrysler too should keep its end of the bargain.

For these reasons I believe the prompt sale of these securities would be in the best interests of the taxpayer and of Chrysler. I urge my colleagues to join me in this effort.

SENATE RESOLUTION 160—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. PERCY, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on the Budget:

S. Res. 160

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 602. Such waiver is necessary because S. 602 authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 23, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit Congressional consideration of statutory authority to the Board for International Broadcasting to proceed with the organization and implementation of Radio Broadcasting to Cuba, and to appropriate $5 million for facility compensation for U.S. broadcasters.

S. 602 establishes authority for the Board for International Broadcasting to provide for radio broadcasting to Cuba. In addition, S. 602 authorizes appropriation of $5 million for compensating U.S. radio broadcast station licensees that apply for expenses incurred or to be incurred in mitigating the effects of Cuban Government activities that result in direct interference with U.S. broadcasting. The expenses covered under the bill shall be limited to costs of equipment (replaced less depreciation) and associated technical and engineering costs.

The anticipated sums necessary to carry out radio broadcasting to Cuba in fiscal years 1983 and 1984 were included in the President's fiscal year 1983 and fiscal year 1984 budget requests. The Appropriations Committees of the Senate and the House of Representatives have therefore had adequate notice of this authorization. While the Administration did not request specific funding for facility compensation, this issue has been an integral part of discussion of radio broadcasting to Cuba legislation throughout its consideration by the Congress.

SENATE RESOLUTION 161—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. HATCH, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. Res. 161

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 771, a bill to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes. Such

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waiver is necessary to specify in the Public Health Service Act the amounts appropriated for fiscal year 1983 for activities of the Department of Health and Human Services relating to health promotion and disease prevention, and to permit the authorization of appropriation of funds for such activities for fiscal year 1984.

SENATE RESOLUTION 162—SUPPORTING THE REPORT OF THE NATIONAL COMMISSION ON EXCELLENCE IN EDUCATION

Mr. TSONGAS (for himself, Mr. Boren, Mr. Burdick, Mr. Chiles, Mr. Heinz, Mr. Jepsen, Mr. Randolph, Mr. Cohen, and Mr. Dodd) submitted the following resolution, which was referred to the Committee on Labor and Human Resources:

S. Res. 162

Whereas the National Commission on Excellence in Education was established to review and make recommendations regarding the state of education in the Nation;

Whereas the Commission has recently completed its report, "A Nation at Risk"; and

Whereas the Commission found that the Nation is dependent on a well educated population, education is a public investment in the future, and the Nation faces a crisis in education because of the decline in educational excellence: Now, therefore, be it

Resolved, That the United States Senate supports the conclusions of the National Commission on Excellence in Education and the need to reverse the decline in educational excellence in the Nation.

● Mr. TSONGAS. Mr. President, today I am introducing a resolution expressing the Senate's support for the conclusions of the report of the National Commission on Excellence in Education.

The National Commission on Excellence in Education was established to review and make recommendations regarding the state of education in the United States. "A Nation At Risk" is a startling report that focuses on the decline of education throughout our country. Its central theme is the overall deterioration of education and it details troubling statistics on rising illiteracy and high school curriculums that do not prepare graduates for college or employment. It warns that: "Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world."

We have all previously read reports on the decline in the national test scores, irrelevant curriculum, and a deterioration of competency; however, this report effectively links the decline in education with a threat to the economic security of our Nation. Clearly, we cannot expect to remain competitive in the industrial world if the students of today lack the skills and ability to develop the technology of tomorrow. The report challenges the Nation to approach this situation like the national emergency it is. It describes the mediocrity that permeates our school systems as a clear and present danger to our country that cannot be ignored.

Although many of us have different views on the role the Federal Government should play in education, we all agree that total literacy and basic skill competency is vital to the future of our Nation. We recognize that public education is a national investment and we are cognizant of the need for future generations to be fully prepared to compete in the international market. Our capacity to compete with Japan, Germany, and other industrialized nations is contingent upon the quality of the education we provide for our children.

The report refrains from placing responsibility for these problems on any specific group. We all share, to some extent, in the responsibility for this decline because we have been complacment as the national attitude toward education has undergone radical change. The time to respond is now and Congress is indeed responding. The sheer number of education bills introduced in Congress this year illustrates the urgency many Members of Congress feel about education in our Nation. This resolution embraces the cogent intentions of those legislative efforts while emphasizing the commitment of the Senate to a superior education system in this Nation. Mr. President, I urge my colleagues to join me in this resolution.●

AMENDMENTS SUBMITTED

CONSTRUCTION OF HYDROELECTRIC POWERPLANTS

HECHT AMENDMENT NO. 1424

(Ordered to lie on the table.)

Mr. HECHT submitted an amendment intended to be proposed by him to the bill (S. 268) to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes.

(The remarks of Mr. Hecht and the text of the amendment appear earlier in today's Record.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES APPROPRIATION ACT, 1984

HEINZ AMENDMENT NO. 1425

Mr. HEINZ proposed an amendment to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes; as follows:

Page 10 of the bill, between lines 4 and 5, insert the following [new undesignated paragraph]:

SALES OF SECTION 202 MORTGAGES

[Notwithstanding any other provision of law,] The Secretary of Housing and Urban Development may not sell any mortgage held by the Secretary as security for a loan made under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) without prior Congressional approval.

MATHIAS (AND OTHERS) AMENDMENT NO. 1426

Mr. MATHIAS (for himself, Mr. Sarbanes, Mr. Warner, and Mr. Trible) proposed an amendment to the bill (H.R. 3133), supra; as follows:

On page 18, line 20 before the "." insert the following: ": *Provided further*, That within the funds made available under this head $5,000,000 shall be used for the implementation of the Chesapeake Bay Study".

STAFFORD AMENDMENT NO. 1427

Mr. STAFFORD proposed an amendment to the bill H.R. 3133, supra; as follows:

On page 19, strike lines 25 through line 2 on page 20 and substitute the following:

"For performance of specific activities in accordance with section 111(c)(4) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $6,415,000 is appropriated to the Department of Health and Human Services, to be derived by transfer from the Hazardous Substance Response Trust Fund.".

HEINZ (AND RIEGLE) AMENDMENT NO. 1428

Mr. HEINZ (for himself and Mr. Riegle) proposed an amendment to the bill H.R. 3133, supra; as follows;

On page 52, between lines 2 and 3, insert the following:

TITLE V—HOMEOWNERS' RELIEF

SHORT TITLE

Sec. 501. This title may be cited as the "Unemployed Homeowners' Relief Act of 1983".

AUTHORITY

Sec. 502. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary"), acting through the Government National Mortgage Association, shall guarantee and make commitments to guarantee the timely payment of the principal and interest on junior mortgage loans made under this title in order to assist homeowners in avoiding foreclosure on their mortgage loans.

(b) No guarantee shall be made under this title except pursuant to a commitment to guarantee that is entered into pursuant to this title prior to October 1, 1984.

ELIGIBILITY

Sec. 503. (a) To be eligible for a guarantee under this title, a junior mortgage shall have been executed by a mortgagor—

(1) who has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to

adverse economic conditions and is financially unable to make full mortgage payments;

(2) who is in default on a mortgage secured by a single family dwelling which is his principal residence; and

(3) who, prior to becoming unemployed or underemployed, maintained good mortgage payment practices.

(b) No assistance may be made with respect to a mortage under this title unless—

(1) the property securing such mortgage (or other security interest in the case of units in cooperative or condominium projects, or in the case of any manufactured home and the lot on which such home is situated) is a one-family residence (including one-family units in a condominium project, a membership interest and occupancy agreement in a cooperative housing project, and any manufactured home and the lot on which such home is situated) and is the principal residence of the mortgagor involved;

(2) such mortgage is not insured under the National Housing Act or assisted under title V of the Housing Act of 1949;

(3) the original principal obligation of such mortgage does not exceed the principal amount that could be insured, at the time such mortgagor applies for assistance under this title, with respect to the property of such mortgagor under section 203(b) of the National Housing Act (or under section 203(n) or 234(c) of such Act with respect to a unit in a cooperative housing project or condominium project, respectively).

(c) A guarantee may be made under this title only if the Secretary finds that—

(1) the holder of the mortgage has indicated to the mortgagor that it intends to foreclose, that all available forebearance remedies have been exhausted, and that foreclosure would result if assistance under this title were not provided; and

(2) there is a reasonable prospect that the mortgagor will be able to make the adjustments necessary for a full resumption of mortgage payments.

TARGETING

Sec. 504. (a) On or after 120 days after assistance is first made available in a State, the Secretary may cease making commitments to guarantee loans in that State if, on the basis of factual information, he determines that—

(1) the State is located in a Federal Home Loan Bank district in which the mortgage delinquency rate for two consecutive reporting periods has been less than the average mortgage delinquency rate of all districts; and

(2) the State has an unemployment rate, as determined by the Bureau of Labor Statistics, which has remained for three months below the rate for the United States or the average rate experienced in such State for the calendar years 1978, 1979, and 1980.

(b) After taking action under subsection (a), the Secretary shall submit a report to Congress within 15 days of such action, describing his decision and the factual basis for making it.

(c) For the purpose of subsection (a) the term "mortgage delinquency rate" means the amount that is derived by dividing the amount of funds represented by mortgage delinquency series maintained by the Federal Home Loan Bank Board and for which payments have been delinquent for 60 days or more by the amount of all funds represented by mortgage loans and contracts which would be accounted for in such series for that district.

MAXIMUM AMOUNT AND ESCROW PROCEDURES

Sec. 505. (a) The principal amount of a loan guaranteed under this title may not exceed the sum of the total amount of payments due under the first and any other senior mortgage for principal, interest, taxes, ground rent, hazard insurance, and mortgage insurance for any delinquent payments during the three-month period prior to the date of the loan and for payments becoming due during a period of not to exceed twenty-four months after the date of the loan, plus a premium representing an amount equal to the amount of interest which will accrue on the unpaid principal balance of the loan during the period beginning on the date of the loan and ending when the mortgagor's repayment obligation commences. Notwithstanding the preceding sentence, the Secretary shall require the mortgagor to make such payments on the first mortgage and any other senior mortgage as the mortgagor is capable of contributing under regulations of the Secretary but not less than 5 per centum of the monthly mortgage payment during the period covered by the guaranteed loan.

(b) A guarantee under this title may be made only pursuant to an agreement under which the lender will—

(1) assume the first 10 per centum of any loss on a guaranteed mortgage;

(2) deposit the loan proceeds in an escrow or trust account (that bears interest at a rate determined by the Secretary to be appropriate) which shall be available for (A) payments of principal, interest, taxes, ground rents, hazard insurance, and mortgage insurance premiums due on the first mortgage, (B) payments of interest to the lender during the period prior to the commencement of the repayment period, and (C) prepayment of principal on the loan guaranteed under this title; and

(3) pay to the mortgagor any amounts remaining in the escrow or trust account after fulfillment of all obligations related to the loan guaranteed under this title.

(c) In the event that a loan guaranteed under this title is sold to other investors, the Secretary shall guarantee timely payment of interest during the period prior to commencement of the mortgagor's repayment obligation and of 100 per centum of principal and interest in subsequent years.

(d) The mortgagor's repayment obligation on any loan guaranteed under this title shall commence not later than the expiration of twenty-four months following execution of the second mortgage, and a loan shall be fully amortized with equal payments not later than twelve years after repayment commences.

(e) no guarantee may be made under this title with respect to a loan that the Secretary determines bears an interest rate or fee that is excessive.

(f) The Secretary may make such delegations and accept such certifications with respect to the processing of guarantees provided under this title as he deems appropriate to facilitate the prompt and efficient implementation of the assistance authorized under this title.

CERTIFICATION

Sec. 506. A guarantee under this title shall be provided by the Secretary upon certification by a lender approved by the Secretary for the purpose of any mortgage or loan insurance program under the National Housing Act that—

(1) the loan conforms to the requirements of this title and is secured by a lien on the mortgagor's principal residence;

(2) the mortgagor has met the eligibility requirements of this title; and

(3) the lender or its agent has provided appropriate credit counseling to the borrower.

AUTHORITY OF THE SECRETARY

Sec. 507. (a) The Secretary shall issue final regulations implementing this title not later than thirty days after the date of enactment of this Act.

(b) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real or other property by the United States, the Secretary shall have power, for the protection of the interest of the United States, to pay all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by the Secretary as a result of recoveries under security, subrogation, or other rights.

NOTIFICATION

Sec. 508. (a) Each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall, prior to January 1, 1984, (1) take appropriate action, not inconsistent with laws relating to the safety or soundness of such institutions and mortgagees, to waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies in order to cause or encourage forbearance in residential mortgage loan foreclosures, and (2) direct mortgagees promptly to inform mortgagors against whom foreclosure proceedings have been initiated of the assistance available under this title.

(b) For the purpose of this section, the term "Federal supervisory agency" means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration Board.

GUARANTEE TERMS

Sec. 509. (a) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

(b) The Secretary may impose a fee of not to exceed 1 per centum for any guarantee under this title.

LIMITATION

Sec. 510. The aggregate amount of guarantees outstanding under this title may not exceed $500,000,000 at any time.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a continuation of hearings on trade reorganization on Friday, June 24, at 9:30 a.m. in room SD 342 of the Dirksen Senate Office

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Building. For further information, please contact Mr. Mike Mitchell at 224-4751.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. JEPSEN. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Soil and Water Conservation, Forestry, and Environment will complete its series of hearings on the administration's proposed soil and water conservation program with a Washington hearing scheduled for next Tuesday, June 28.

Following a final field hearing this weekend, the subcommittee will have held regional hearings on this issue in Jackson, Miss., Louisville, Ky., Ames, Iowa, and Brattleboro, Vt.

The hearing will begin at 9:30 a.m., in room SR 328-A.

Anyone wishing further information should contact the Agriculture Committee staff at 224-0014.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 21, to hold a hearing on Arms Control Resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 22, to hold a hearing on Arms Control Negotiations and Resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 22, 1983, in order to receive testimony regarding the following nominations:

Pasco M. Bowman II, of Missouri, to be U.S. circuit judge for the eighth circuit;

Stephen N. Limbaugh of Missouri, to be U.S. district judge for the eastern and western districts of Missouri;

Peter C. Dorsey of Connecticut, to be U.S. district judge for the district of Connecticut; and

John P. Vukasin, Jr., of California, to be U.S. district judge for the northern district of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session on the Senate on Tuesday, June 21, at 2 p.m., to hold a hearing on S. 1324, Intelligence Information Act, 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 22, to conduct a hearing on Agent Orange.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONSTRUCTION CONTRACT PAYMENT ACT OF 1983

● Mr. SASSER. Mr. President, I am pleased to join Senator DANFORTH and others in cosponsoring S. 1181, the Construction Contract Payment Act of 1983. This legislation is the so-called retainage bill, providing that no Federal agency may withhold a portion of progress payments due a contractor on a Federal contract if performance of that contract was satisfactory.

The Government currently withholds—or retains—a percentage of the progress payments due a contractor in various stages in the performance of that contract. These retained amounts, generally are not released to the contractor for 6 to 12 months or until after final payment. As a Federal procurement regulation, it is practiced by all of the civilian agencies of the Federal Government. The Department of Defense, to its credit, has eliminated the use of retainage in most cases. No doubt at one time retainage made sense. But it does not make sense anymore.

Cash flow problems caused by retention can be devastating to many contractors—especially small contractors—who are operating at profit margins well below a retainage level of 10 percent. When work is scarce and competition is fierce, retainage may put a company in a negative cash flow situation. To combat this situation, many contractors, in particular small contractors, must borrow. The cost of borrowing at today's high interest rates can further erode or eliminate the contractors' small profit margin.

When contractors and subcontractors are forced to borrow money to cover outstanding retainage and maintain adequate cash flow, the bid price is driven up. According to a recent industry survey, contractors currently add on an average of 3.7 percent to their bids when retainage is required. These inflated construction costs of Federal projects are ultimately passed on to the American taxpayer. There is no logical reason why the American taxpayer should carry the load.

In additional to saving the taxpayers money, S. 1181 will aid in stimulating our economic recovery. By eliminating retainage, we will make more capital available to small contractors for business expansion and job creation. This legislation will also lead to a substantial increase in the number of firms bidding on Federal contracts. This increased competition will result in an overall lowering of bid prices for the Federal Government.

On May 6 of this year, the Office of Federal Procurement Policy (OFPP) made another effort to improve the Government-wide policy on retainage by issuing a second policy letter No. 83-1 on retainage. This updated policy from the executive agency adequately addresses the problem of retainage pertaining to prime contractors. But regrettably, the OFPP failed to include provisions that would pertain to the problems facing subcontractors as a result of retainage.

S. 1181 addresses this issue and strikes a good balance in determining whether or not the legislation should be extended to subcontractors. Section 4 of the bill should encourage prime contractors to deal with their subcontractors and material suppliers on the same basis as the Government will be dealing with them. It is hoped that prime contractors will routinely eliminate retainage if a subcontractor is performing on time in a satisfactory manner. The same performance-based standard must apply to both prime and subcontractors if the full benefits of the reforms are to be reaped.

This bill addresses a problem upon which all sides tend to agree: the very long delays between the date the Government accepts a construction project from a contractor and the date any retained amounts are released. The costs associated with this delay are detrimental to contractors, the Government, and the American taxpayers.

I urge my colleagues to give the Construction Contract Payment Procedures Act prompt and favorable consideration. Congress should move rapidly to accept this legislation because of the positive and dramatic impact its enactment will have on contractors and subcontractors.●

RADIO MARTI

● Mrs. HAWKINS. Mr. President, I would like to share with my colleagues an excellent article by Dr. David M. Abshire in the June 19, 1983, Miami Herald on the importance of establishing Radio Marti. Dr. Abshire, recently nominated to be U.S. Ambassador to NATO, is outgoing president of the Center for Strategic and International Studies, Georgetown University, and is former Chairman of the U.S. Board of International Broadcasting which supervises Radio Liberty and Radio Free Europe. Because David has served as Assistant Secretary of State for Congressional Relations during congres-

sional debate over Radio Liberty and Radio Free Europe, I believe that he is uniquely well qualified to contribute to the debate on Radio Marti.

The article follows:

[From the Miami Herald, June 19, 1983]

RADIO MARTI OPPONENTS MIGHT PROFIT FROM THE PAST

(By David M. Abshire)

The unusually heated debate over the proposed Radio Marti—an independent, publicly funded radio station to broadcast to the Caribbean area, and especially to Cuba—is reminiscent of an equally intense debate over the future of European-based American radio stations in the late '60s and early '70s. Those who currently oppose the Radio Marti project might profit from a review of the debate over Radio Liberty and Radio Free Europe (RL/RFE) I think some of the opposition comes from genuine misunderstanding.

Back in the late 1960s, as part of the general storm over CIA funding of various organizations, Sen. Clifford Case proposed that RL/RFE be openly funded instead of receiving clandestine monies. I came to be deeply involved in the subsequent debate, as assistant secretary of state for congressional relations and then as the first chairman of the Board for International Broadcasting (BIB).

Case was quite right. In my view our broadcast stations should have long since been separated from the intelligence community. They are properly part of the free flow of information and the competition of ideas, not arms of American policy per se.

But at the time Case made his proposal, the mood of the Congress was so hostile to anything smacking of CIA covert operations that we judged it unlikely that we could get public funding for RL/RFE. This view was reinforced by the Katzenbach Report on CIA-funded cultural activities which itself suggested that open funding would be difficult to obtain. I always disagreed with that view, because, properly understood, these were radio's "human rights."

We managed to get a one-year extension for the radio budget, and during the course of that year a genuinely bipartisan consensus emerged, albeit with continuing opposition from both political wings. Some liberals opposed the radio stations, calling them "cold war relics," mere propaganda operations, while some conservatives opposed them because they were insufficiently propagandistic and aggresive.

The bipartisan nature of this opposition suggested to me then—and events have shown the assessment to be correct—that we were on the right track, and that the radio stations were in fact independent news-reporting organizations with their own integrity.

During the year-long debate, this was finally recognized by major cultural leaders and news organizations, and the radio stations were given public funding.

The bipartisans consensus rested upon a recognition that the people of Eastern Europe would never hear the truth about world events unless free countries transmitted it to them. In an illuminating episode, RFE broadcast information about the Polish economy that suggested the country would soon face a serious internal crisis.

This information was not available within the Soviet bloc, and Polish economists and Kremlin leaders both paid close attention to the broadcasts. Leaders high up in the Soviet hierarchy had daily summaries prepared for them, in order to study the question.

How right RFE was. This incident showed that the broadcast stations rectify disinformation the Soviets put out about our activities, and they also correct distortions of their own part of the world that appear in East European media.

RF/RFE had done this even when it was funded by the CIA, since the men in charge of the radio stations had long since realized that they would only be effective if their information were accurate. Like the British Broadcasting Corp. (BBC) during World War II, RL and RFE would succeed only if they were believed, and they would only be believed if they told the turth. With the BIB Act of 1973—and the organizational changes initiated last year by Sens. Claiborne Pell and Charles Percy, and Rep. Dante Fascell—it is illegal for the stations to have any involvement with the CIA.

All these considerations apply with equal force to Radio Marti, and it is disappointing to see critics raising the same false fears as were directed against RI/RFE years ago. The real target of American criticism should be the Communist countries that have reneged on promises to respect the free flow of information.

The Helsinki Final Act—duly signed by the Soviet Union and its satellites in Eastern Europe—recognized "expansion in the dissemination of information broadcast by radio," and expressed "hope for the continuation of this processs." While not as enthusiastic as the language in the United Nations Charter, this nonetheless constituted a commitment to open broadcasting, commitment that has been more honored in the breach than in observance. All our jamming of Western broadcasts was resumed by the Warsaw Pact countries in 1980, and these same countries urged that jamming be legalized at the ITU Conference in Nairobi in 1981.

Like the Warsaw Pact countries, Cuba does not want accurate information flowing to its citizens, like those other Communist nations, Cuba wishes to control its internal "news" and to devote a large part of its budget to sending disinformation to the West. (Cuba today broadcasts regularly to the United States, Western Europe and Latin America.)

It is in our interests for the Cuban people to know what is going on, both within and outside their island. Over time, this is in the interest of peace.

Radio Marti will function under the guidance of the Board for International Broadcasting, an organization that has demonstrated its integrity and coherence for over a decade. The same high standards that have been maintained by RL/RFE will be set for Radio Marti. Such a program is consistent with our national interests, the interests of the Western world, and with the U.N. Charter and Helsinki Agreement on the free flow of information and ideas.●

HERBERT A. MERRILL NAMED "CITIZEN OF THE YEAR"

● Mr. MITCHELL. Mr. President, earlier this spring, the Chamber of Commerce of Brunswick, Maine, honored Herbert A. Merrill by naming him "Citizen of the Year." Mr. Merrill is a handicapped person who has demonstrated that physical handicaps need not limit the potential for achievement by anyone. I would like to share with my colleagues in the Senate the achievements of Herbert Merrill and add my own congratulations to him for his perseverance and initiative, not only for overcoming his own handicap, but for helping other disabled people live more independent lives.

An article in the Brunswick Times Record illustrates the contributions of Mr. Merrill to the increasing technological developments which aid the physically handicapped.

MERRILL IS CITIZEN OF THE YEAR

(By Anna Hoyt)

BRUNSWICK.—Herbert A. Merrill, a Brunswick inventor and craftsman who has given encouragement to other handicapped citizens through his own example, was named citizen of the year Saturday by the Brunswick Area Chamber of Commerce.

"It was just amazing," Merrill said of the award made at the chamber's annual banquet. "I didn't have any idea they were going to do that," he said. "It's something you don't look for. I never thought it would happen to me."

Merrill said he was surprised even though he received a personal invitation and free tickets to the event.

Merrill is the 26th citizen of the year. The award credits Merrill, 67, with being "a successful inventor who responds positively to adversity."

Merrill's life, the award said, "is an expression of the American dream, and his genius has helped the physically handicapped achieve lives of promise and greater independence."

Merrill, a glass blower and clock, camera and optical equipment repairman, is also a retired mechanical engineer and once headed an aerospace progam at a Portland Company.

Merrill lost his legs to adult diabetes and although he has used a wheelchair, he is not confined to one. Merrill said this week is the first he will be using a new pair of legs he designed and built for himself. The legs will enable him to walk.

Merrill has put his mechanical expertise to use helping other handicapped people. Because much equipment is expensive, he devises lower-cost aids that help handicapped people take care of themselves.

He crafts custom equipment and has developed limbs and other devices at a fraction of market cost. Merrill also pioneered sophisticated electronic controls for such equipment.

In addition to helping others with such equipment, Merrill is active in peer counseling with handicapped people or those soon to be.

Merrill works with several Brunswick doctors who sometimes ask him to speak with people in the hospital and help them prepare for an amputation. "They don't realize I'm an amputee," he said. By showing them how well he gets along without his natural legs, Merrill thinks he has had a impact on their attitude toward their handicap.

A new project for Merrill is opening the lines of communication between handicapped people through ham radios. Through the Handi-Ham program, he is helping others learn to use ham radios. Merrill recently talked to a blind man in England. He said, "It can open up a whole new world for the handicapped."

In February, Gov. Joseph E. Brennan appointed Merrill, who lives on Mere Point

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Road with his wife Marion, to serve on the Governor's Committee on Employment of the Handicapped. He was already a member of the Southern Maine Association of the Handicapped and the Vocational Rehabilitation Consumer Council.

Merrill received the Jefferson Award of the Maine Broadcasting System, given for outstanding public service, two years ago and took part in the White House Conference on the Disabled. Although he is no longer an active member, Merrill also helped start Maine Independent Living Cooperative.●

U.S. WORKERS' LIABILITY

● Mr. GRASSLEY. Mr. President, on May 26 of this year, the Judiciary Committee's Subcommittee on Administrative Practice and Procedure, which I chair, held a hearing on title 13 of S. 829, amending the Federal Tort Claims Act. This amendment would make the Federal Government the exclusive defendant in lawsuits alleging violations of a person's constitutional rights.

This is important legislation, but it is dry stuff, and not the sort of legislation that normally attracts much public attention. Monday's Washington Post, however, carried a story by a Mr. Pete Early about the need for this legislation, and I ask that it be printed in the RECORD.

I should like to point out several things in the article that deserve special mention. More than 12,000 Bivens-type lawsuits have been brought since 1971. Of the 10,000 of these resolved, only 16 have resulted in judgments against the government employees involved.

But these lawsuits, like any other lawsuit, cost money to defend and cause a great deal of anxiety among our civil servants. They intimidate our Federal work force and make them, literally, afraid to do their jobs.

There is, however, as was made clear in the article, a misconception of what the good faith defense retained in title 13 would do. The good faith defense would not, as a Carter administration official suggested, allow egregious violations of constitutional rights to go unpunished just because the law enforcement officer acted in good faith.

The official quoted in the article described the facts of the Bivens case as an example of activity that would go unpunished and uncompensated if the good faith defense remained in the bill. But the court in the Bivens case, itself, said that even if an official acted in good faith belief that his conduct was lawful, he would still be liable if the belief was an unreasonable one. In fact, under the case that was described the court found that the actions were unreasonable and rendered a judgment against the Government officials.

I point this out because of my colleagues and a number of interest groups that oppose the good faith defense, apparently, read "good faith" too literally. That is, they make the same mistake as the Carter administration official. One of those nuances of the law is that "good faith" does not mean "good faith"; it means "reasonableness." It is the intent of title 13 that unreasonable acts be compensated for, but that actions that were reasonable under the circumstances at the time not be subject to civil liability several years later.

The article follows:

U.S. WORKERS' LIABILITY DEBATED

(By Pete Earley)

In 1973, a U.S. Forest Service ranger in Idaho ordered a work crew to remove three collapsed bus bodies and several barrels, refrigerators and stoves from the dry creek bed where they had been abandoned.

Two years later, the ranger was sued for $148,000 by a miner who claimed his constitutional right to due process had been violated because the propertly had been destroyed without his consent.

A jury ruled in the miner's favor but reduced the claim to $1,000, which the ranger, Robert C. Lehman, was ordered to pay along with all court costs.

The Reagan administration claims that the Lehman case illustrates how vulnerable federal employes have become since the Supreme Court ruled in 1971 that they can be held personally responsible for violating an individual's constitutional rights.

Approximately 12,400 so-called "Bivens suits," named after the court's controversial decision in Bivens v. Six Unknown Agents of the Federal Bureau of Investigation, have been filed against federal employes since 1971.

Of the approximately 10,000 cases that have been resolved, 16 have resulted in initial judgments against employes.

The suits "are often prompted by reasons other than money damages," according to J. Paul McGarth, head of the Justice Department's Civil Division. He said many of them are filed to harass or intimidate employees, especially Internal Revenue Service agents.

McGrath contended that, although most "Bivens suits" are "frivolous" and never come to trial, they are expensive and time-consuming. The government usually is required to hire an outside attorney to defend the employe while it conducts an internal probe of the charges.

"Conscientious federal employes are traumatized . . . into inaction . . . by the threat or reality of a suit," McGrath testified.

Nearly everyone agrees that the Federal Tort Claims Act must be amended to protect federal workers. Although a slew of bills has been introduced since the mid-1970's, none has become law.

A major reason is that Congress has been unable to agree on a method that will free federal employes from lawsuits yet maintain some way to punish misconduct.

That dilemma can be seen in the two bills before Congress. Both would force citizens to sue the government rather than individuals.

But the House bill, whose supporters include the American Civil Liberties Union, the American Bar Association and Public Citizens, would allow jury trials and special damages of up to $100,000 for malicious violation of constitutional rights by federal employes.

Backers of the House bill claim that the threat of a $100,000 fine would make the government supervise its employes closely and would discipline those who intentionally violate the law.

The administration, whose views are embodied in the Senate bill, wants "Bivens" cases decided by federal judges and claims an extra fine is unnecessary.

The biggest disagreement, however, is over the "good-faith defense."

When it issued the "Bivens" decision, the court, said that a jury should take a federal worker's conduct into consideration before assessing damages. Thus, an employe can now claim to have acted in "good faith" even if it has been determined that the action was improper.

The Senate version would allow the government to cite the good-faith defense; the House version would not.

If Congress eliminates that defense, it will be declaring that "considerations of reasonableness are irrelevant to the conduct of government agents," McGrath said. "Taxpayers would pay damages in cases when courts determined with hindsight that technical violations had occurred even though the conduct of the employee was properly motivated and eminently reasonable."

ACLU attorney Jerry J. Berman counters that the good-faith defense was created solely to "insulate" federal employees.

"The classic example . . . is a situation where drug enforcement agents, with all the good faith in the world, break down the door to your house . . . ," said Charles F. C. Ruff, a Washington lawyer who was a member of a Carter administration team that drafted an unsuccessful "Bivens" proposal. "The agents arrest the mother and father. And their kids see them scooped off and dragged to jail. Later, the government discovers that it arrested the wrong people.

"Who is going to pay for the broken door, hospital bills or other damages that family suffered?" Ruff asked. "It all depends upon your focus. If you focus on the injuries . . . like the House bill does, then you say someone has to be responsible and pay.

"But if you focus on how to best protect the government from damages, you support the Senate bill because it would allow the government to say, 'Hey look, we're sorry, but we acted in good faith and, therefore, aren't responsible.' "

Both sides have refused to budge, raising doubts that either proposal will succeed.

Meanwhile, Lehman and other federal workers contend that they are being unfairly exposed to "personal financial ruin" even though few juries have assessed large penalties against federal workers.

In Lehman's case, the government appealed the verdict to the Supreme Court. The case was remanded to a lower court, where a new trial is pending.

Lehman said he doesn't believe he did anything wrong. "I'll tell you one thing, though," he said. "I don't order an abandoned car towed without thinking twice about it now."●

RICHARD FULTON, PRESIDENT OF U.S. CONFERENCE OF MAYORS

● Mr. SASSER. Mr. President, I rise to pay tribute to my good friend and counselor, Richard Fulton, the mayor of Metropolitan Nashville-Davidson County, Tenn. On June 15, Mayor Fulton took over as president of the

U.S. Conference of Mayors at their summer meeting in Denver, Colo.

He brings a great deal of experience with local government to this position. For the past 8 years, Mayor Fulton has been the chief executive officer of the consolidated county and city government for Tennessee's second largest metropolitan area, Nashville.

This week, the afternoon newspaper, the Nashville Banner, wrote an editorial about Mayor Fulton's accomplishments. With unanimous consent, I ask that this editorial be printed in the CONGRESSIONAL RECORD.

The editorial follows:

[From the Nashville Banner, June 14, 1983]

MAYOR FULTON BRINGS HONOR TO CITY

Nashville can be proud of Mayor Richard Fulton as he represents us in Denver, Colo., at the U.S. Conference of Mayors.

The mayor has been selected to serve as president of the national organization for the next year and is to make his acceptance speech Wednesday.

That indeed is an honor for Mayor Fulton and for his city. The presidency of the U.S. Conference of Mayors is a prestigious and responsible position—one requiring the cooperation of cities across the country—all of which are trying to unearth answers to the financial and sociological questions plaguing cities today.

"I will dedicate my year of service to working with other mayors to find solutions to the problems that face us," Mayor Fulton told reporters at the Denver convention, which attracted about 200 mayors from across the country.

On Monday, Mayor Fulton received the Michael A. diNunzio Award in recognition of his commitment to volunteerism.

In presenting the award to the Nashville mayor, Dorothy Height, president of the National Council of Negro Women, cited Nashville's "Unemployed Heads of Households" and "Adopt a House" programs as outstanding achievements of personal volunteerism.

More than 500 unemployed citizens rejoined the working ranks this summer through the Heads of Households program, and the housing program allows Metro employees and volunteers to help repair homes of Nashvillians who would otherwise be unable to do the work. Both of these programs were spearheaded by Mayor Fulton.

Mayor Fulton was also called on at the conference to help lead a workshop on ways cities can better meet the needs of the elderly. Mr. Fulton told the participants of his 30-member task force which began earlier this year to study the needs of the elderly and to keep his administration informed on public and private policies which affect the quality of life of the elderly.

Mayor Fulton should be proud of his accomplishments and the citizens of Nashville should share that pride, knowing that their mayor has helped set Nashville apart as an example oi a city struggling to deal positively and effectively with its problems on a long-range basis.●

DEDICATION OF CZECH NATIONAL CHAPEL

● Mr. SARBANES. Mr. President, on June 26 the Czech National Chapel of Our Lady of Hostyn in honor of St. John Nepomucene Neumann, the first American canonized male saint, will be dedicated at the National Shrine of the Immaculate Conception in Washington, D.C. Bishop Neumann was one of America's distinguished churchmen. Renowned as a confessor, he helped to lay the foundations for the Catholic school system and was the first religious order priest canonized in the United States. He was also very proud of his Czech heritage.

Czech culture has been an essential part of European life for over 1,000 years. The finest ideals of Christian and European thought have been promoted and preserved by the vibrant Czech people. When the Czech people began their migration to the new democracy in America, they brought with them this fine tradition, greatly enriching the spiritual and cultural life of our country. I am proud that Maryland has an established and dynamic Czech American community which reflects the values of family, religion, hard work, and education.

We in Maryland are particularly proud that the first known Czech in the New World, Augustine Hermann (c. 1605–96), settled in Cecil County. After arriving in New Amsterdam in 1633, Hermann, a trader and tobacco cultivator, came to Maryland in 1640 and was granted a large tract of land by Lord Baltimore in exchange for his services as a cartographer. In addition to making maps of an area encompassing over 20,000 acres, Augustine Hermann also founded his own estate, Bohemia Manor, and named the beautiful Bohemia River on Maryland's Eastern Shore.

Czech devotion to education, a tradition dating back to the founding in 1348 of the University of Prague, was manifested in America early by the eagerness with which Czech immigrants sought to educate their families. Wherever public schools were available, attendance by Czech children was high. In Maryland, 1745 marked the founding by the Jesuits of a school at Bohemia Manor where Charles Carroll, signer of the Declaration of Independence, and many members of his family were educated.

The desire to preserve the cherished Czech traditions and their beloved ancestral language led Czechs in America to work for the establishment of parochial schools, ones which could provide instruction in both Czech and English. In this capacity, St. John Neumann, the first diocesan priest in the United States, builder of churches and one who established several sisterhoods in this country for the purpose of providing teachers for Catholic schools, founded the American parochial school system. The State of Maryland was fortunate to have the benefit of his missionary services between 1842 and 1852 where he labored throughout the State founding parishes from Cumberland in western Maryland to Easton on the Eastern Shore.

The missionary spirit that characterized this extraordinary man whom we now honor was continued in his nephew, Father John Berger, who in 1872 founded St. Wenceslaus Church in Baltimore. Named for the Czech patron saint Vaclav, St. Wenceslaus Church is the only Bohemian National Church in Maryland. For many years, the St. Wenceslaus Church school taught its children in both Czech and English. Now 111 years old, St. Wenceslaus continues to provide spiritual and educational sustenance both to its neighborhood in east Baltimore and to Czechs throughout the State of Maryland.

Czech Americans have made a wide variety of contributions to the vitality of our country. Heavily involved in agriculture from the time of their arrival, Bohemians, it was said, could make crops grow where no one else could. Music was such an integral part of Czech culture that not only were there numerous Czech folk bands and orchestras, professional musicians and composers like Rudolf Friml, composer of the operetta "The Vagabond King,' but virtually every Czech home had some kind of musical instrument. Anton Dvorak's symphony, "From the New World," while thrilling listeners everywhere, held special meaning for Czech Americans as a symbol of the creative and harmonious relationship which had developed between their old and adopted homelands. The ability of Czech Americans to unite on behalf of both their homelands was given expression during World War I when they eagerly volunteered to serve in the American Army and bought proportionately more war bonds than any other foreign-born group and again in World War II when they were actively involved in the American Red Cross and raised several hundred thousand dollars for postwar relief efforts.

Altogether, approximately 400,000 Czechs have come to America since Augustine Hermann first arrived on that historic date in 1633. As we pay homage to the Czech National Chapel of Our Lady of Hostyn in honor of St. John Neumann, we again feel a sense of deep gratitude for the valuable contributions Americans of Czech descent have made to the richness of our Nation.●

THE VITAL ROLE OF FEDERAL EDUCATION INITIATIVES

● Mr. WEICKER. Mr. President, much has been said and written in recent weeks on the condition of public educational in our country. While I applaud the increased attention and expressed concern toward improving the educational product, I am

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distressed that the vital role of various Federal education initiatives remains unrecognized and apparently unappreciated by the present administration.

Today's Washington Post contains an article by Phyllis McClure, which I ask be printed in the RECORD following these comments. The article clearly states the value of Federal education laws in advancing the very educational goals the administration says it supports. I recommend this article to my colleagues.

Mr. President, I ask that the article from today's Washington Post be printed in the RECORD.

The article follows:

IN EDUCATION, FEDERAL DOLLARS CAN HELP

President Reagan's comments on education are a perfect example of the failure of America's schools. He commits logical fallacies, makes assertions without supporting facts and cites examples that do not support his point. Were his teachers still at their blackboards today, they would be ineligible for merit pay.

At his press conference and his graduation speech at Seton Hall University last month, the president posited this syllogism: Federal funds for education have increased. Test scores have declined. Ergo, the one must have caused the other. Twenty-five points off for this logical fallacy.

The declining test scores Reagan cites are those on the Scholastic Aptitude Test, the exam taken by college applicants. He conveniently ignores the rising scores of elementary students, notably black students, as measured by the National Assessment of Educational Progress. During the 1970s, black fourth-graders made substantial gains in reading and math, while their white classmates registered lower gains in reading and a decline in math scores. Black eighth-graders also showed a greater rate of improvement in reading and math than did their white counterparts. Overall, these achievement gains by black students had the positive effect of closing the gap between black students' scores and the national average scores.

Many observers credit these results to the $3 billion annual federal investment in compensatory education (formerly Title I, now Chapter I), to the Right-to-Read effort and to state compensatory education programs. But we should not commit the same error of logic as the president, coming to the opposite conclusion: that large federal expenditures have increased test scores. There is no solid, empirical evidence directly linking cause and effect. However, there is some strongly suggestive evidence.

The strongest gains in achievement during the 1970s were in the lowest performance quartile, precisely the students for whom Title I funds are designated.

The National Assessment shows the greatest improvements in reading, rather than math and science, a reflection perhaps of the fact that most compensatory money has gone into remedial reading.

Rising test results have been reported by inner-city schools, the very ones to which Title I funds are targeted.

Evaluations showing Title I students outperforming non-Title I students independently corroborate findings of the National Assessment.

President Reagan is most critical of high schools. He then asserts that the old solution—money—has been tried but "it failed." Twenty-five points off for an unsupported assertion.

In fact, the greatest bulk of federal education funds goes to elementary and higher education. According to the Congressional Budget Office, 34 percent of federal education expenditures in fiscal year 1979 was directed to elementary students, 12 percent to secondary students and 54 percent to post-secondary students. If high schools are the weakest link in the education system, federal money is not to blame.

The president's solutions for the deficiencies of our educational system are more local control and greater parental responsibility. As an example of the first, he cited an Austin, Texas, high school that had been reformed by its principal, with assistance from a desegregation order and an infusion of federal Emergency School Aid Act money, a program that the administration and Congress eliminated two years ago. Minus 10 points for an example that contradicts the main argument.

As for parental responsibility, federal education law has done more than local policy to give some parents genuine control over their children's education. Title I legally sanctioned parent councils to advise school officials on the educational program for disadvantaged children. The Education for All Handicapped Children Act gives parents of disabled students the right to participate in, and contest if necessary, educational decisions made about their own children. For these parents, local responsibility has been a code word for no say at all.

Reagan's response to the rising clamor for educational excellence is prayer in public schools and tax subsidies for private schools. He has yet to explain how these federal policies will assist educators, parents and businessmen in reconstructing America's public schools to meet the current challenge. We do need a national debate about how to improve education and what role the federal government might play. But let that debate be based on facts, not myths and distortions.●

MANAGEMENT OF FEDERAL ASSISTANCE PROGRAMS

● Mr. SASSER. Mr. President, the audit is the ultimate yardstick by which the effectiveness of Government programs can be measured. In the case of intergovernmental grant programs, which totaled $90 billion in 1980, accountability through audit is crucial.

Audits of grant programs are performed to see that Federal funds are spent as Congress intended, to prevent unauthorized expenditures, and to check the fraudulent use of the funds.

Unfortunately, studies by the General Accounting Office have documented inadequate audit coverage of Federal assistance to State and local governments. In their report: "Grant Auditing: A Maze of Inconsistency, Gaps, and Duplication That Needs Overhauling," the GAO demonstrated, according to then-Comptroller General Elmer Staats, that: "Methods for auditing grant programs are disorganized and do not afford grants the full protection of audits or optimize the use of audit resources."

The bill introduced today by Senator DURENBERGER, which I am cosponsoring, promotes the efficient use of audit resources to improve the financial management of Federal assistance programs. It follows the recommendation of the General Accounting Office, the joint financial management improvement program and the U.S. Treasury that the Federal agencies adopt an approach to the auditing of grant programs in which they agree to rely upon and require just one audit of a grant recipient covering all Federal grants received.

Efforts to streamline the grant audit through administrative means have not been entirely successful. Office of Management and Budget circular A-102 attachment P is the most recent of several policy statements issued over the past decade or so to require more effective audits of Federal grants. Although this is an important step toward reform, it has not resulted in full implementation of the single audit approach by the Federal agencies.

Legislation is needed to make it clear that the single audit reform is the intent of Congress.

There is strong precedent in the Senate for passage of this legislation. The Uniform Single Financial Audit Act of 1983 is similar in its objectives to the audit title of S. 878, the Comprehensive Federal Assistance Reform Act, which I shaped as chairman of the Intergovernmental Subcommittee of Governmental Affairs during the 96th Congress. That bill was passed by the Senate on December 1, 1980. I also sponsored a single audit amendment to the revenue sharing extension legislation that passed the Senate in 1980. Unfortunately, neither S. 878 nor the single audit amendment to revenue sharing was passed by the House of Representatives in the 96th Congress.

Strong support for this legislation in the Senate during this Congress is needed to demonstrate to our House colleagues our continuing commitment concept of accountability in administering grant programs.

While I have recommendations on the wording of this legislation with regard to the executive branch implementation of its provisions, I do endorse the general concept of the single audit. I urge rapid hearings by the Subcommittee on Intergovernmental Relations, of which I am a member, so that we can examine all aspects of the bill before us to send the strongest bill possible to the floor of the Senate.●

SHAUN L. LAU

● Mr. JEPSEN. Mr. President, on June 16, 1983, Fayette County, Iowa, was in mourning. On that day, in Oelwein, Iowa, funeral services were conducted for Shaun L. Lau who gave his life in service of his country.

Shaun died on June 8, 1983, in the Panama Canal Zone while on a training exercise. Pfc. Lau was a member of the 1st Battalion, 75th Infantry. He belonged to an elite corps which is known as the Black Berets.

Shaun was a caring and compassionate young man, and his loss is deeply felt by his family, friends, and community. He had always been a leader who strived for excellence, and he is remembered today for his love of family and his devotion to his God and country. It is difficult for those who knew Shaun to reconcile this tragedy. There is nothing that can be said or done which will change or right this terrible loss. But, the family and friends of Shaun Lau should know that this country also mourns the death of this fine young man.

That Shaun was devoted and loving toward this Nation and all that we hold dear was exemplified by his life. Now it is left for us, as representatives of our Nation, to pay homage to a great servant who pledged all that he had to our Nation and its preservation.

The strength of this Nation lies in the desire of its people to remain free and to strive for the excellence that enhances all of our lives. Shaun Lau was one such pillar of strength. He will be missed, but his memories and deeds live on forever.●

ADDITIONAL COSPONSORS TO SENATE JOINT RESOLUTION 84, FEDERAL CREDIT UNION WEEK

● Mr. GARN. Mr. President, this past April, Senator PROXMIRE and I introduced Senate Joint Resolution 84, legislation to designate the week beginning June 24, 1984 as "Federal Credit Union Week."

The resolution would commemorate the signing of the Federal Credit Union Act on June 26, 1934, and would pay tribute to the success and growth of Federal credit unions as member-owned and controlled, not-for-profit, financial institutions.

Mr. President, three of my colleagues have requested that they be added as cosponsors to the resolution. Accordingly, I have requested unanimous consent that Senators TOWER, D'AMATO, and PRYOR be added to Senate Joint Resolution 84 as cosponsors.●

LET US EARN OUR SALARIES

● Mr. GOLDWATER. Mr. President, in last Sunday's Washington Post, there appeared a reprint of a speech that the majority leader, HOWARD BAKER, made on the floor relative to the Senate and some suggestions he had.

Let me start by saying no one has greater admiration for the majority leader than I. I have known him all the years he has been here and I have great respect for his intelligence and integrity and I think that he is on the right track. Let me add a little suggestion or two relative to what could be done, in my opinion, to achieve Senator BAKER's desire of getting out of here at a sensible date sometime near the middle of the year with all the work done.

The Senate is now run, really, on a Tuesday to Thursday evening basis with the weekends given over to those people who feel that they must be raising money for a campaign still over a year away or who feel that they must be home every weekend in order to keep their fences mended.

Now, I do not happen to think either excuse is valid. First of all, funding has gotten to be a major problem in American politics and it has gotten to the point where it is downright scandalous. To pay the amount of money that candidates are willing to pay for each vote is ridiculous and, in my State, in the last senatorial election, it ran over $2 a vote. This is just foolishness and in opposition to everything that the very word democracy means. I am not saying as others have that the Congress is becoming a rich man's club, but, it is becoming a club of people who have to know wealthy people and well-to-do corporations in order to put the funds together to hire the Madison Avenue expertise, the television expertise, and Lord knows what else that goes into the cost of being elected.

I dare say that if everyone who has run for public office, particularly at this level, would sit down in the calmness of their office, they would admit that at least one-half of the money was thrown away, and it might even run higher than that.

Going from my opinion on the fund raising, now to the banker's hours that we keep. I would suggest to Senator BAKER and the rest of the leadership that we go to work Monday morning at the proper hour and work through Friday night and even Saturday, if need be. I would further suggest that, at the early time of the year, when committee work is in order, we devote 3 days a week for committee work and the rest for floor work. And, as committee work wound down, we could spend most of the time voting or not voting on the floor. I happen to come from the Far West and it is senseless to close up shop sometime Thursday evening, sit around Washington waiting for those who live nearby or within easy commuting distance to go home, perform their home duties, and then get back Tuesday in time to start voting round 2 in the afternoon.

Let us change that. Let us go to work Monday morning on time and work through Friday evening, at least, and Saturdays if it is necessary.

I suggest to my good friend, Senator BAKER, that if we tried this, we could very well be out of here by the end of July every year. The last time I tallied it up, we had been in session around 155 days and 50 of them had been spent at work. I can tell you, as a former businessman, my business would not have lasted 155 days if I tried to work in that manner.

These are only two suggestions I have to make. Maybe they are prompted by age but, then again, maybe they are prompted by memories of other Senates when we really worked hard. Other thoughts and suggestions will come to mind and I am going to lay them out for the Senate and my leader, HOWARD BAKER, because this Senate is not working and that is what we are paid for, and now we are even getting paid more. While I am one who does not think we are paid enough, at least let us earn our salaries.●

PROPOSED ACQUISITION OF SOTHEBY PARKE BERNET

● Mr. HEINZ. Mr. President, a recent controversy has arisen in Great Britain over the proposed acquisition of Sotheby Parke Bernet, the noted auction house, by Knoll International Holdings, Inc., an American firm. The British Government has reacted sharply to this proposed acquisition, referring it to the Monopolies and Mergers Commission, even though no anticompetitive allegations appear to have been made.

I am concerned that this action, if not quickly resolved, may have a chilling effect on free investment, and I have, therefore, written Ambassador Brock, our U.S. Trade Representative, urging him to pursue the matter with the British Government. I ask, Mr. President, that the text of that letter be printed at this point in the RECORD.

The letter follows:

U.S. SENATE,
Washington, D.C., June 10, 1983.

Hon. WILLIAM E. BROCK,
U.S. Trade Representative,
Washington, D.C.

DEAR AMBASSADOR BROCK: I am writing with respect to recent actions by the British government against an American company which I fear may have a chilling effect on free investment.

In early April, Knoll International Holdings, Inc., an affiliate of General Felt Industries, Inc. and Knoll International, Inc., offered to purchase the stock of Sotheby Parke Bernet Group for approximately $90 million. Knoll's offer was conditioned upon the British Office of Fair Trading's indication that the British Secretary of State for Trade did not intend to refer the offer to the Monopolies and Mergers Commission.

Knoll officials spent much of March and April in London presenting its case to the staff of the Office of Fair Trading. I understand staff concluded that the Office should not intervene in the proposed takeover. Although the conclusions were confidential, I assume that staff determined that the proposed takeover did not constitute an anti-competitive, monopolistic action. More than forty percent of Sotheby's shares outstanding are held by American individuals and organizations. Approximately forty-five percent of Sotheby's assets are located in the United States. In 1964, Sotheby's acquired the American auction house of Parke Bernet.

Nevertheless, on May 4, 1983, Lord Cockfield, the Secretary of State for Trade referred the matter to the Commission. The Secretary conceded that there were no anti-competitive elements to the transaction, but rather suggested that "the public interest" demanded close scrutiny of the proposed takeover.

It has long been the policy of this country to encourage free investment, and Congress has imposed only minimal requirements on foreign companies seeking to acquire American concerns. We should expect no less of our investment partners. Although I understand intervention by the British government in situations where antitrust or anti-competitive elements are present, I am most concerned by British intrusion for apparently sentimental and political reasons. It is my understanding that our government has done nothing to block the recent acquisition of four American Stock Exchange companies by British concerns. Perhaps the "public interest" demands that we more closely scrutinize future acquisitions by British companies.

In light of the gravity of the British government's actions, I urge you to pursue this matter with the British government and would suggest that you urge Lord Cockfield to expedite the review of the Monoplies and Mergers Commission and to complete his own assessment of the matter as soon as possible. If the British persist in stifling free investment by American companies, both the Adminstration and the Congress may want to pursue appropriate administrative and legislative responses.

Sincerely,

John Heinz.●

THE ADMINISTRATION'S PROPOSALS FOR SOCIAL SECURITY DISABILITY REVIEWS

● Mr. PELL. Mr. President, a surprising, welcome, and very significant headline appeared in the New York Times of Tuesday, June 7, 1983. The headline read "U.S. Plans To Ease Disability Criteria in Social Security." This announcement was welcome news for the many disabled people in our country who still receive social security disability payments. The subheadline revealed the foundation for this decision, however: "Aide Says Administration Will 'Capitulate' to Criticism of Stricter Benefit Policy."

For the past 2 years Mr. President, Members of Congress and the American people have read almost daily news stories about the termination of disability benefits for clearly disabled people. Some of these terminations resulted tragically in suicides by mentally disabled recipients who could not face the prospect of battling a hostile review process or of losing their income. Many of the terminations resulted in a needless and harmful loss of income for disabled individuals and their families.

This flood of terminations has been due to two factors. One was an act of Congress, the so-called Bellmon amendment, which mandated in 1980 that disability recipients be reviewed every 3 years to determine their continued eligibility. Those reviews, called continuing disability investigations or CDI's, were mandated to begin in January 1982.

The second factor behind the great number of terminations, Mr. President, was an administration bent on reducing Government spending. Taking the Bellmon amendment in hand, members of the administration accelerated its implementation date to March 1981, and initiated disability reviews at an alarming rate. In fiscal year 1982, some 497,000 recipients or almost 18 percent of all disability recipients found themselves subject to review.

Due to the abrupt acceleration of the reviews, many individual cases received only the most cursory examination. State disability determination offices were forced to accept a threefold increase in their workloads without an increase in funding or support. Many reviews were accomplished simply on paper, or by a 5-minute examination by a physician who had never seen the recipient before. Most reviews were targeted on a "profile" of disabled persons that were thought most likely to be able to go back to work. In the words of the Senator from Pennsylvania, Senator Heinz:

> Two days of hearings before the Senate Special Committee on Aging on April 7 and 8 documented an irrefutable pattern of unfair—and improper—denials of disability benefits to individuals suffering from severe psychiatric problems.

Nationwide, some 45 percent of the disability recipients reviewed were sent notices that their benefits would be terminated. On its face, that 45 percent would seem to indicate that a good number of recipients were no longer disabled. The records of appeals, however, tell a different story: 12 percent of the terminations that were appealed received reversals at the reconsideration stage, and over 60 percent of the terminations appealed to social security administrative law judges were reversed. The General Accounting Office found, in a study of 1,400 appealed cases, that 9 out of 10 terminations of mentally disabled persons were reversed by administrative law judges. These recipients, in other words, were still disabled.

In my own State, my staff and I have seen many examples of the degree to which clearly disabled individuals have suffered severe disruptions of their lives when benefits were terminated. In one case, a young man with a family suffered from severe arachnoiditis, a closing of the spinal cord by scar tissue and related neurological problems. According to his physician, this man's condition cannot be cured and he will be an invalid for life. His benefits were terminated, however, and two appeals to an administrative law judge were necessary to reinstate them.

A second man, this one 56 years old, had suffered through two severe heart attacks, six bypass procedures, and two open heart operations. His doctors at Massachusetts General Hospital in Boston state that he will be unable to work for the rest of his life. This individual had received disability benefits for only 6 months when he was called in for a reevaluation and his benefits were terminated.

In December 1981, the Social Security Administration terminated benefits for another young man with a family. This young man is a diabetic, has severe arteriosclerosis, and has undergone two heart catheterizations; he suffers also from seizures and a fungal infection, and is blind in one eye. His treating physicians stated that he was totally disabled, yet a consulting physician employed by social security found him able to work on the basis of a short interview. This young man appealed his notice of termination and won a favorable decision from an administrative law judge, yet social security choose to appeal that decision still further. He is still waiting for a decision from the Social Security Appeals Council.

Two other examples from my Providence office involve either severe back or heart problems. In both cases, the treating physician believes that the recipient's disability was severe, deteriorating, and rendered the recipient unable to work. Needless to say, both recipients received notices of termination.

Because of my concern about the quality of review that these disabled individuals were receiving, I attended a hearing before an administrative law judge this past January. The recipient in that case suffered from several forms of mental illness, including severe anxiety, paranoia, schizophrenia, psychosis, and depression. He had received 15 electric shock treatments, and had been treated by several hospitals in Providence. Incredibly, social security had decided to end his benefits despite the opposition of his treating physician, a consulting physician, and a vocational expert.

At this hearing, all three of the expert witnesses testified that this recipient was completely disabled and that there is no work that he is capable of performing. One of the doctors even said for the record: "I don't know why we're here." The administrative law judge immediately agreed with the experts, and issued a ruling from his bench reversing the termination of benefits. I fully supported his decision, and I was left to wonder what kind of government would choose to end its assistance to a person so clearly disabled.

This horrendous record of wrongful conduct by a government founded to help its citizens produced outraged and noble reactions on the part of many Senators and Representatives. During the spring and summer of 1982, corrections, remedies, and improvements were proposed by many of my colleagues, notably Senators Metzenbaum, Levin, Cohen, Heinz, Riegle, and Kennedy. In December 1982, Senator Dole added a significant amendment to a tax bill which continued disability benefits on appeal for recipients who chose to contest their notices of termination, and required that recipients be given the opportunity to appear and participate at their reconsideration hearings.

The furor in Congress and in the public has not abated this spring. Senators Cohen and Levin have introduced a bill requiring many procedural corrections in disability reviews. Senator Heinz has called for a moratorium on reviews of persons with severe mental disabilities until comprehensive reforms have been implemented. The administration's recent decision to propose its own reforms was apparently in response to the latest effort by Senator Heinz, who intended to propose his bill as an amendment to the repeal of withholding on interest and dividends.

The administration's proposals contain many needed reforms. Senator Heinz' proposal would be adopted so that people with "functional psychotic disorders" would be exempted from the periodic review requirements. The administration would also adopt more flexible standards for measuring disabilities and remaining work skills, and select cases for review on a more random basis.

These reforms are commendable, Mr. President, but they should have been implemented a year ago, when we already had full knowledge of the tragic consequences of this review process. The administration, if it intends to effect meaningful change rather than a political gesture, should not stop with these elements, however. The most important reform favored by many Senators for the past year is missing: Disability benefits should not be cut off unless the beneficiary's medical condition has improved. Also needed are requirements that a recipient's treating physician, the one professional who knows the recipient's disabilities better than any other person, be consulted early in the review process. The payment of benefits through the appeal stage is now scheduled to end on October 1, 1983; benefits on appeal should be made a permanent part of the system. In addition, the present use of untested advisory guidelines for disability examiners should be changed; uniform standards for determining disabilities and usable work skills should be promulgated as regulations in the Federal Register, and thus made subject to public comment.

The administration's proposed revisions of the disability review process are incomplete and very tardy. They are nonetheless an important step in the right direction, and I call on the administration to meaningfully follow through and build on the reforms that it has proposed. I also urge my colleagues to continue their own productive efforts to correct this review process; the elements of S. 476, the bill introduced this year by Senators Cohen and Levin, are still very necessary. By these means, we can hope to avoid in the future much of the harm that has been done in the recent past.●

"OUTSTANDING VIRGINIANS"

● Mr. WARNER. Mr. President, the Virginia Jaycees announced the five outstanding young men in Virginia for 1982 and the outstanding young educators, the outstanding young farmers, the outstanding young Federal civilian employees, the outstanding young firefighters, the outstanding young law officers, the outstanding young rescue squad members, and the outstanding young religious leaders in Virginia for 1982.

The outstanding young Virginians program is part of a national effort to recognize those individuals who excelled in their careers, gave unselfishly to their community and are respected by their fellow citizens. Candidates were nominated by members of their communities and were sponsored by local Jaycee chapters in the State competition. Independent judges, each outstanding in their career, ranked the candidates.

Winners of the five outstanding young men awards exemplify professional success, unselfish devotion to community service, and caring for their fellow citizens.

Mr. George N. Crabill, a 31-year-old Alexandria policeman, began his career as a police cadet in 1969. He enlisted in the Air Force in 1974, and later entered the Alexandria Police Department, serving in the patrol until 1973, when he was assigned to K-9 duty. In 1981, he rejoined the patrol, where he was instrumental in evacuating several people from a burning building. The next day, he was the first to arrive at a robbery after two fellow officers were shot. He immediately determined the extent of injuries to the officers and began administering first aid to the most seriously injured officer. During his off-duty hours, he volunteers at the Alexandria Hospital emergency room, using experience he gained while in the Air Force. He is an accredited emergency medical technician.

Leonard L. Edloe of Richmond is a pharmacist who earned his masters of science degree from the Howard University College of Pharmacy and Pharmaceutical Sciences in 1970. In 1972, he became president and pharmacist of his own pharmacy and, subsequently, has developed it into one of Virginia's larger, independent pharmacies. He became, in March 1982, the youngest member of the board of trustees of the American Pharmaceutical Association and now serves on several of its committees. Edloe has been the president, first and second vice presidents of the Richmond Urban League, president of the Church Hill Model Neighborhood Policy Board, and vice president of the Metropolitan Business Development Corp. Since 1972, he has been on the board of directors of the Richmond Community Hospital. He has been especially committed to addressing and seeking to resolve elderly, minority, and other equal employment problems.

Dennis Duane Thompson, a Warrenton pharmacist, earned a bachelor of science in pharmacy from the Medical College of Virginia in 1971 and returned to his hometown of Front Royal before moving to Warrenton in 1974. He was president and founder of the Old Town Merchants Association, a member of the board of directors of the Bank of Virginia and the Fauquier Chamber of Commerce. This man has been instrumental in helping overcome local problems such as vandalism and loitering which once hampered the revitalization of Old Town Warrenton. He has been, in the words of his nominator, the driving force behind the Warrenton-Fauquier Christmas Toy Workshop, providing nearly 1,400 persons with food, clothing, and toys. His successful fund raising has provided over $3,000 yearly to finance the project.

Nominated by the Martinsville-Henry County Jaycees, Winford Calvin Fowlkes, a secondary marketing representative with United Guaranty Insurance Co., resides in Martinsville.

After graduating from high school in 1967, he embarked on a career in data processing and entered the North Carolina School of Automation, later serving in the Air Force. In 1972 he entered Virginia Commonwealth University's real estate and urban development program.

In 1974 Winford received his bachelor of arts degree and joined the staff of Piedmont Trust Bank in Martinsville. Eight months later, he was promoted to mortgage loan supervisor responsible for daily operation of the department. In late 1976 he established a

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very profitable branch operation in northern Virginia.

He serves as vice chairman on a local government committee to determine the disposition of a large reservoir. Winford successfully lobbied for a senior citizen fishing pier and facilities for the handicapped at the reservoir. He worked diligently on a senior citizens winterization program and helped organize Special Olympics.

Lewis N. Lawrence, a Portsmouth building maintenance contractor, began his career in 1967, as an apprentice in the Norfolk Naval Shipyard. He was promoted often and has served at the top of his occupation as a pipe welding specialist.

In 1973, he started the groundwork for a new career. He began a part-time job as an inspector/supervisor for a building maintenance contractor and after 3 years, accepted a position with that company as a contracts manager.

In 1982, he was selected by the Portsmouth Jaycees as Portsmouth's outstanding young man and was given their distinguished service award. His contributions to his community are extensive. He has been the key man in the combined Federal campaign of the United Way, director of the Tidewater Soap Box Derby, a member of the Committee for Chartering Cub Scouts and Boy Scouts for Mentally Retarded Boys, a member of the City Community Relations Committee, Portsmouth Chamber of Commerce, and the Portsmouth Sports Club.

THE OUTSTANDING YOUNG EDUCATORS

Carol Blauvelt, a high school English teacher in Manassas, started her career in 1971 in Fairfax County and later that year moved to Stonewall Jackson High in Manassas. She earned her master's degree in English from the University of Nebraska in 1975 and is qualified to teach education, music, history, and speech.

Carol believes that providing for individual differences is probably the hardest task of teachers, so she offers individual tutoring and conferences to her students. She receives the most satisfaction from seeing her students grow up, change, and learn to face the challenges of life. Besides teaching, she serves on various committees for the school, has been a junior class sponsor, an advisory teacher, a forensic coach and sponsor of the National Honor Society.

Nominated by the Madison Jaycees, Rebecca E. Gore is a Rochelle, Va., high school science teacher at Madison County High School. She developed an open line of communication between herself, her students, and parents by sending a letter of course and teacher introduction to parents at the beginning of the year. Besides her teaching responsibilities for five classes, Rebecca is the science club sponsor, an eighth grade sponsor, a study hall supervisor, a gym monitor during her lunch period, a judge for science fairs, a 4-H leader and a volunteer photographer for the local newspaper. She views the classroom as a stage and herself as the performer, realizing that when she lacks the enthusiasm to perform, to motivate, to challenge, to entertain, to teach, she is no longer an effective teacher.

THE OUTSTANDING YOUNG FARMERS

George S. (Steve) Aylor, who farms 2,000 acres near Madison, derives all his income from agriculture. New production practices are much in evidence on his farm. George is active in church, civic, and educational organizations, having served as president and secretary of the Madison County Young Farmers during the 15 years he has been a member. He has also served as president of the Central Virginia Area Young Farmers and was a member of the Executive Committee of the Virginia Young Farmers.

James S. Huffard III, a Wytheville dairy and livestock farmer, operates a 600-acre farm with the most productive registered herd of Jersey cows in Virginia. His herd is the ninth top producing herd in the United States. At age 29, James was named an outstanding young Jersey dairyman in the Nation by the American Jersey Cattle Club. His farm, which he has operated for 7 years, produces nearly 16,000 bushels of corn, 200 tons of alfalfa, 2,400 bushels of oats and 300 tons of hay annually. Using these crops, his 160 registered Jerseys produce over 2 million pounds of milk yearly.

Warren A. Wittig operates a Broadway, Va., poultry and livestock farm with a total capacity of a half-million birds. Through careful management, and the help of friends and neighbors, Warren and his wife built a second poultry house and acquired vital equipment. Wittig has been a member of the Broadway-Timberville Young Farmers, the Virginia Poultry Federation and the Rockingham Cooperative Farm Bureau. Warren served as president, secretary and director of the Virginia Broiler Growers Association, and is currently president of the Rockingham Poultry Marketing Co-op.

THE OUTSTANDING YOUNG FEDERAL CIVILIAN EMPLOYEES

Gary L. Carroll of Warrenton graduated in 1971 with distinction from the University of Virginia. He entered the University of Virginia graduate school to further his education and in 1973 earned his master's degree in foreign affairs. Gary joined the CIA as a career trainee, and became an intelligence officer with temporary duty assignments that have taken him around the world and throughout the United States. Gary has served as acting branch chief and has received numerous letters of commendation. He has written classified articles for intelligence publications.

In nominating him, the president of the Warrenton-Fauquier Jaycees emphasized his concern for the community. He has held almost every office in the local Jaycee chapter, including president, Special Olympics, Christmas toy workshop, and aid to the senior citizens were just a few of the projects he was involved in making successful.

Jay D. Poole, executive director of the Russell County Agricultural Conservation and Stabilization Service is responsible for management of all Federal farm programs in his local county. His office keeps records on crop production and basic data of the county's 2,400 farmers. He is heard 4 days a week on three southwest Virginia radio stations, providing information to county farmers. Jay holds a bachelor of science degree in agriculture education from Virginia Tech. He is a member of the Russell County Agri-Business Council, the Russell County Fair Association, the town of Lebanon Parks and Recreation Board, and various other organizations.

THE OUTSTANDING YOUNG FIREFIGHTERS

Keith Bolte, who joined the Blacksburg Volunteer Fire Department in 1974, is a fully trained emergency medical technician and has over 500 hours of certified fire training. He serves as captain of the fire department, a position he has held for 2 years. He is in charge of all training for the department. Keith manages the Christiansburg Days Inn, making this inn one of the most profitable in its group. Besides his job and his duties as a volunteer firemen, he founded and operates the Montgomery Ambulance Service.

David R. Francisco, A Norfolk fireman, began his career as a volunteer firefighter in Virginia Beach in 1975 at age 19. He later joined the Virginia Beach Rescue Squad and became a member of the Virginia Beach dive team. In 1978, he entered the Norfolk, Fire Department on a full-time basis.

In May, 1982, Francisco was sent to assist a shipyard worker overcome by toxic fumes in a tank at the bottom of a ship. Donning his chemical suit and descending into the ship's hole, Francisco, working under extreme conditions, reached the victim and administered first aid and oxygen to the unconscious worker. He lifted the victim over a compartment wall, tied a rescue knot and hoisted the worker to the deck of the ship. The worker is alive today largely due to the efforts of this selfless man.

THE OUTSTANDING YOUNG LAW OFFICERS

Roger E. Broadbent, a Virginia State trooper based in Warrenton, earned an associates degree cum laude from Northern Virginia Community College in police science. He attended the Virginia State Police Training Academy and served in the U.S. Air Force.

Kenneth H. Gay, A Blacksburg law officer, attended New River Community College, majoring in police science and earning an associates degree in applied science. He is currently enrolled in a bachelor of science degree program at Radford University. One particular event prompted Kenneth's nomination. He acted with uncommon valor in approaching an armed sniper on foot. Realizing that other police officers and citizens were in danger, he behaved courageously and efficiently to bring to a conclusion a most dangerous incident. The most remarkable aspect of the encounter is that he captured the suspect without firing his weapon.

Lt. David R. Scalf began his career with the Lynchburg Police Department in 1975, being the first officer with a master's degree to be employed by the department. After completing the mandatory requirements of the Central Police Training School, he was assigned to the vice and narcotics unit operating as an undercover agent. Due to his efforts, numerous drug violators were prosecuted and a successful undercover investigation was concluded 6 months later.

David has served as a consultant to police departments in Virginia, through the Nation, and in Canada. His articles on law enforcement have appeared in various professional journals.

OUTSTANDING YOUNG RESCUE SQUAD MEMBERS

Thomas K. Armstrong, a rescue squadsman from Marshall, completed his emergency medical technician course in 1977. He has met the paramedic and coronary care technician requirements and has taken every course offered to local rescue squadsmen. Thomas has achieved the highest level of training open to a volunteer rescue squadsman, the coronary care technician. For 2 years, he has been a member of the Board of Directors of the Marshall Volunteer Rescue Squad and served as administrative vice president. During the past year, Thomas has given six CPR courses throughout Fauquier County. He is currently an area manager for the Bartlett Tree Expert Co., assisting homeowners with tree maintenance problems.

James M. Clements became a member of the Buena Vista Rescue Squad in 1971 and served as first lieutenant, president, and second lieutenant of the motor pool. As a senior squad member, he has been junior adviser for 2 years. James completed courses in life support, hazardous materials, advanced first aid, CPR and heart and lung resuscitation. He has attended light duty rescue squad school and serves as an emergency medical technician, CPR instructor, and advanced first aid instructor. He is a graduate of Dabney S. Lancaster Community College and is currently employed in sales and service by the Blue Bird East Co., one of the leading manufacturers of school buses and recreational vehicles.

Roger L. Hudson, a Wytheville rescue squadsman, is a nationally registered emergency medical technician and has completed all the training programs offered by the Virginia Association of Volunteer Rescue Squads. He started a shock-trauma course in January 1982. As a 6-year member of the Wythe County Rescue Squad, he has held the offices of sergeant, second lieutenant, first lieutenant, board of governor representative and was recently elected captain. Roger has done everything from helping accident victims to delivering babies to rescuing injured men in a cave. He is employed at Mixing Equipment as a machinist where he has participated in the "idea program" and has received five awards for his cost-cutting suggestions.

THE OUTSTANDING YOUNG RELIGIOUS LEADERS

Ronald E. Gravatt, who serves as youth pastor in the Buena Vista Baptist Church, teaches French and Spanish in the Buena Vista High School, where he is the faculty sponsor for three dramatic plays a year. He earned a masters degree from the University of Virginia in French and is currently pursuing a doctoral degree in education. At the Buena Vista Baptist Church, he works as Sunday school director, deacon and teacher of the men's Bible class. His lessons are broadcast regularly over the radio. He maintains a firm commitment to his religious beliefs. In college, Ronald worked with a Bible study group while an active member of the Metropolitan Baptist Church.

Robert L. Schmiesing, director of youth and Christian education at Peace Lutheran Church in Springfield, plans and leads all activities for the 600 youth of the congregation. He strives for a proper balance of Bible study, worship, recreation, and social activities. He reaches out beyond the congregation to involve all young people in planning activities that address needs in the Washington metropolitan area. He planned the walk-a-thon for Lutheran social services held this past spring.●

UNIVERSITY OF MICHIGAN MARCHING BAND

● Mr. LEVIN. Mr. President, earlier this year, the University of Michigan Marching Band was awarded the first Louis Sudler Award as the Nation's outstanding college marching band. Under the direction of Eric Becher, the Michigan Marching Band was chosen by a committee of more than 600 band directors, along with 100 sportswriters from all regions of the country. I would be remiss not to pause a moment to personally acknowledge the accomplishments of this talented, spirited, and devoted group of musicians and directors.

Founded by Mr. Louis Sudler, the executive director of the John Philip Sousa Society, the award establishes criteria by which to measure marching band excellence. These standards as outlined are to: Demonstrate the highest marching standards, innovative marching routines, and to make important contributions to the advancement of the performance standards of college marching bands over several years.

By combining innovative patterns and precise execution, the University of Michigan Marching Band has repeatedly set new standards of excellence. The innumerable hours of grueling and exhausting preparation has enabled the band to develop a unique style which has rendered them the "Dancing Band of America." Additionally, the lure of working with the most renowned college band has attracted many of the country's premier band directors.

Due largely to the enthusiasm of the 225 member Michigan Marching Band, the excitement of football Saturdays at the University of Michigan is unequaled. Hail to the University of Michigan Marching Band, whose talent and exuberance are a source of continuing pride for Michigan.●

PASSAGE OF H.R. 2973

● Mrs. HAWKINS. Mr. President, I am pleased that the Senate on June 16 passed a modified version of H.R. 2973 that repeals the withholding tax on interest and dividends, and included other important proposals such as urban enterprise zone and the Caribbean Basin Initiative.

This is not a new position for me. I strongly opposed withholding of interest and dividends income when it came up for a vote during consideration of the 1982 tax bill. My opposition to withholding was a principal reason I voted against the entire bill.

I did not believe then those provisions were fair when they were enacted and I do not believe now they would help advance our economic recovery. I also believe that withholding would impose costly and time-consuming paperwork requirements on both savings institutions and private citizens.

My office has received over a quarter of a million pieces of mail and an astronomical number of telephone calls from Floridians objecting to this oppressive law. There has literally been a grassroots ground swell for repeal of the withholding provisions.

When I go back to the State the first question I am asked is "When is Congress going to act on this matter?" Both taxpayers and payers of interest and dividends urgently need to have

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this matter resolved. Because of the urgency of this matter, I voted to table the Dole amendment in the nature of a substitute to pave the way to send a simple repealer straight to the President. This in no way was intended as a vote against the other measures in the bill which I fully support. I am hopeful that the House will accept these additional titles to the Senate version of H.R. 2973, particularly those relating to the Caribbean Basin Initiative, enterprise zones, and mortgage subsidy bonds.

I have been a long time supporter and cosponsor of enterprise zone legislation. Its objectives are to encourage investment and business activity in distressed areas and to create jobs for disadvantaged individuals. The legislation encourages a team effort on the part of local, State, and Federal governments, together with the private sector, to create a proper climate for revitalization.

Florida has been a pioneer in establishing a State enterprise zone program starting in 1980. There are now 120 such zones in the State. Under the Florida Enterprise Zone Act, which is administered by the Florida Department of Community Affairs, there are three enterprise zone incentives. The first is a jobs tax credit. A firm receives a credit on its corporate income tax equal to 25 percent of wages paid to each new employee in a qualified enterprise zone. Next, a corporation also receives a tax credit for developing new or expanded facilities in an enterprise zone. Finally, a business is also given a 50-percent tax credit for contributions to nonprofit institutions participating in community development projects.

The Florida enterprise zone experiment appears to be working and creating new jobs and revitalizing blighted areas. Its apparent success increases the chances that an expanded Federal program would also be successful.

I also want to express my support for the Caribbean Basin Initiative. Last year the Congress agreed to provide much-needed financial assistance to countries in the Caribbean Basin hard hit by the worldwide recession. I am pleased that we are now following through by adopting these other provisions of the CBI so that these countries can begin helping themselves.

This portion of the President's Caribbean Basin Initiative authorizes the President to proclaim, until September 30, 1995, duty-free treatment of imports from designated Caribbean Basin countries. In addition it provides protection for those industries that could be hardest hit by a surge in Caribbean and Central American imports. I believe it is a well-balance bill that will provide significant assistance to our neighbors in the Caribbean Basin.

It is, however, not just the nations of the Caribbean that will benefit from this legislation. The United States will benefit too. Everywhere we look we see signs of increasing interdependence betweeen the United States and the world. U.S. Trade Representative William Brock testified that 4 out of every 5 new manufacturing jobs has been created by international commerce, and that 1 out of every 3 acres planted by U.S. farmers yields crops that are exported. The U.S. Department of Commerce has reported that every $1 billion in exports represents, 30,800 U.S. jobs. Our Nation's deep-draft ports employ over 1 million workers in an industry that contributes over $15 billion to our GNP. Direct U.S. investment abroad reached almost $215 billion in 1980. And the list could go on and on. But the point is clear—American jobs, and American prosperity is increasingly linked to the health of foreign economic and financial markets. No one knows this better than we from Florida.

Florida's dependence on the international economy is heavy, and it is growing daily. We had a value of goods exported in 1982 totaling more than $11 billion. Last year, Florida's exports exceeded imports by 50 percent, and trade-related employment rose at a rate five times faster than that of the entire United States. Five years ago Florida had no foreign trade zones—now we are tied with New York as the leading foreign trade zone State in the country. And the Miami zone, only 3 years old, is now the busiest of all general purpose zones. Florida has over 100 institutions involved in international banking, critical to an international trade industry. In 1982, Florida also again tied New York as the State with the largest number of Edge Act Banks: 33.

What is true about the world in general is true about the Caribbean and Latin America in particular. The United States is the major trading partner with most of the Caribbean and Central American countries. We are their source of raw materials, capital, and consumer goods. If the economies of these countries improve, it does not take an economist to realize that these countries will need to import more goods from the United States. And Florida's proximity to the region is a guarantee that we will be one of the primary beneficiaries of the region's increasing prosperity.

There are other important benefits of the CBI. Increased prosperity in the region will eliminate the incentive for General Americans and Caribbean Islanders to immigrate illegally to the United States. Prosperity will bring with it improved economic and social conditions. Enhanced living standards will increase the likelihood that potential immigrants will remain in their homelands and not flee to the United States. In addition, prosperity will also eliminate the social and economic conditions that breed revolution—thereby enhancing our national security.

Mr. President, the fate of the United States and the nations of the Caribbean Basin is increasingly bound together. Consequently, the United States has both economic and humanitarian reasons for providing assistance to these nations. Since we are going to sink or swim together, it is in our interest to make sure no one drowns.

Mr. President, this was a good bill, it contained many provisions important to both our foreign and domestic policies. I hope our colleagues in the House will recognize the value of the Senate version, and allow us to send it on to the President to be signed into law.●

TRADE RELIEF FOR SMALL INDUSTRIES

● Mr. COHEN. Mr. President, our trade relief process is cumbersome for many small businesses, putting trade relief out of reach for many industries. A recent article in the Legal Times, "Commerce's Horlick Sees Need for Trade Act Repair," highlights some of the obstacles encountered by industries in pursuing trade remedies. Gary N. Horlick, former Deputy Assistant Secretary of Commerce for Import Administration, identifies some of the problems with the Trade Agreements Act of 1979 which sets out procedures for countervailing duty and antidumping petitions. At the top of the list of Mr. Horlick's problems with the act is that "the process has become so expensive that a small or even medium-sized business can't afford to benefit from the act's protection. He said that the process could be simplified and streamlined—though not necessarily shortened—to make it more accessible to these smaller companies while leaving intact the existing balance between domestic producers and foreign exporters."

According to Mr. Horlick, one of the problems with the 1979 act is the time needed for procedural demands before the initial exchange of information can take place. This data provides the factual basis for a case and often cannot be reviewed properly. Another problem with the act is that it permits interlocutory relief after a preliminary determination of dumping or subsidization. This part of the process is not worth the time or the money for the parties or the Government.

The articles state that a sampling of trade attorneys confirms that the Trade Agreements Act needs revamping and lawyers agree that there is a general need to streamline the act. "The expense has become colossal," says Patrick F. J. Macrory of Washington, D.C.'s Arnold & Porter.

Mr. President, Senator DANFORTH has graciously consented to hold hearings in the Subcommittee on International Trade to address a variety of problems faced by small industries in the trade relief process and possible solutions. The hearing will afford an opportunity to examine the provisions of my legislation, S. 50, the Small Business and Agricultural Trade Remedies Act of 1983, which is designed to make the trade relief process more accessible, particularly for small industries. In preparation for those hearings, I would like to bring to the attention of my colleagues this thoughtful article. I ask that the full text of the article appear in the RECORD.

The article follows:

[From the Legal Times, May 22, 1983]

COMMERCE'S HORLICK SEES NEED FOR TRADE ACT REPAIR

(By Irwin B. Arieff)

The 1979 Trade Agreements Act is badly in need of congressional repairs, according to Gary N. Horlick, the Commerce Department's deputy assistant secretary for import administration. Horlick, who was international trade counsel to the Senate Finance Committee before moving to the Commerce Department in May 1981, is leaving government service June 2 to begin a trade practice at the Washington, D.C., office of Los Angeles' O'Melveny & Myers.

The 1979 legislation sets out procedures for the department to determine whether foreign exporters are dumping their goods on the American market at less than their fair value or are subsidizing their manufacture in order to undercut the price of the U.S. products. The House Ways and Means Committee's trade subcommittee recently completed three months of hearings on the act, but an aide said that the panel has set no timetable for future action.

PENALIZING SMALL BUSINESS

At the top of Horlick's "laundry list" of problems with the 1979 act, he said, is that "the process has become so expensive that a small or even medium-sized business can't afford to benefit from the act's protections. This puts more pressure on Congress to seek protectionist moves." He said that the process could be simplified and streamlined—though not necessarily shortened—to make it more accessible to these smaller companies while leaving intact the existing balance between domestic producers and foreign exporters.

The complexity and the expense of the process penalize the less developed countries as well as small American companies, he said.

Another problem with the act, Horlick said, is the time consumed by procedural matters before the lawyers for both sides can exchange the confidential financial data that provides the factual basis for a complaint. The 1979 act enabled the lawyers from both sides to obtain such data from one another on a protected basis. However, Horlick said, the act makes the exchange so cumbersome that by the time the lawyers obtain the data, there is not enough time left in the proceeding to study it adequately and to draw useful conclusions.

One of the act's strong points, he said, is that it made virtually every step of every proceeding judicially reviewable. "It keeps the whole thing honest," he said. However, he strongly objected to the provision of the act that permits interlocutory relief after a preliminary determination of dumping or unfair subsidization. Because such relief typically might take about 35 days to obtain, that leaves only another 40 days until the deadline for the final determination, he said. But by that time, he added, the decision-making process probably has started all over again because the facts in the case have changed as a result of the department's continuing probe. "It's a nice thing to have, but it's not worth the time and the money, for the parties or for the government," he said. In place of the two separate determinations, he recommended a single consolidated proceeding.

A final area troubling Horlick was the act's provisions dealing with exports from communist countries, referred to as "nonmarket economies." Because prices in communist nations are set by the state rather than in the marketplace, the act requires the department to select a surrogate country that is similar to the communist nation at issue in order to determine what the cost of the product that is being examined should be. "The provisions are a joke," Horlick said. "The results are completely random and bear no relation to reality. They're an embarrassment to the United States."

In a recent proceeding involving the exportation of Polish golf carts, for example, the department selected Canada as a surrogate. In the middle of the proceeding, however, the sole Canadian manufacturer of golf carts went out of business, and the department made Spain its new surrogate. However, because Spain had no golf cart manufacturers whatsoever, the department first had to determine the cost of building a manufacturing plant there as well as the cost of actually manufacturing them in that plant.

The purpose of the act, Horlick said, is to enable domestic producers and foreign exporters to know in advance whether or not a foreign export is being dumped. But because it is impossible to know in advance which country will be selected as a surrogate, "a nonmarket economy exporter cannot figure out how to comply with our laws, and a domestic petitioner can't tell whether the exporter will be found to be dumping."

Horlick went out of his way to praise Commerce Secretary Malcolm Baldrige for having given him his "absolute backing to run this department without any politics," an attitude he said was lacking during the Carter administration. "The secretary said from the beginning to apply the law to the facts and let the chips fall where they may," Horlick said. "I know that people were unhappy with the outcome of this or that case, but I hope they perceived that the program was run according to the book."

Horlick said that his unit handled a record number of cases during his tenure, including such highly publicized—and highly charged—proceedings as last year's cases involving steel and Canadian subway cars.

PROUD OF DEDICATED STAFFERS

He said he was particularly proud of his staffers' ability to meet statutory deadlines in their investigations, for which he credited his employees' dedication as well as the department's conversion to computer analyses of all dumping cases.

A sampling of trade attorneys confirmed Horlick's view that the Trade Agreements Act needs revamping and that the import administration unit has been doing a good job of meeting deadlines. However, they did not agree unanimously on precisely what needed to be revamped, and how. In addition, one attorney complained that Horlick was wrong in his view that the Commerce unit had been immune from political considerations in its work.

The lawyers agreed that there is a general need to streamline the act and to rewrite those sections dealing with nonmarket economies and permitting interlocutory relief after a preliminary determination. "The expense has become colossal," said Patrick F.J. Macrory of Washington, D.C.'s Arnold & Porter, adding that the results of the nonmarket economy provisions "can be most absurd." John B. Rehm of Washington, D.C.'s Busby, Rehm & Leonard, P.C. commented, "There is general agreement in the international trade bar that a court should not be asked to resolve major legal questions on a partial record and a preliminary determination. That provision ought to be repealed."

However, an attorney who asked not to be named said, "We have seen Commerce unconscionably yield to the pressures of individual senators, taking stances in favor of a domestic industry and against foreign manufacturers, on both substantive and procedural matters. We have seen alarming yielding to congressional pressure in some cases." To remedy the department's vulnerability to pressure, this attorney advocated transferring all dumping and countervailing duty probes to the International Trade Commission; the ITC, the lawyer said, would be able to act more independently than can Commerce because of its status as an independent agency.●

GROUPS UNITE TO ADDRESS YOUTH DISABILITIES

● Mr. RANDOLPH. Mr. President, on May 23–24, 1983, the State Department hosted a conference in Washington, D.C., to discuss participation of youth with disabilities in planning for the U.N. International Youth Year in 1985.

Participating was an organization called Project MAY (Mainstreaming Activities for Youth), a collaborative project to assist national youth-serving agencies in planning, developing, implementing, promoting, and evaluating a collaborative program to mainstream youth with disabilities in regular programs.

Project MAY was initially funded by the Office of Special Education and Rehabilitative Services Administration of the U.S. Department of Education. The current program is under the direction of the YMCA of the USA and is maintained with YMCA support plus donations.

I ask that there be printed at this point in the RECORD a listing of the membership of Project MAY, together with their position statement and addendum thereto:

The material follows:

PROJECT MAY MEMBERSHIP

American Red Cross.
Boys' Clubs of America.
Boy Scouts of America.
Camp Fire, Inc.
Future Homemakers of America.
Girls' Clubs of America.
Girl Scouts of the U.S.A.

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Jewish Welfare Board.
National Board of YWCA.
National 4-H Council.
YMCA of the U.S.A.

Plus support from over 100 resource groups.

Position Statement

Project Mainstreaming Activities for Youth (MAY) agencies and cooperating resource groups serving persons in recreational and leisure areas accept as a goal the integration and acceptance of youth with disabilities in agency programs. Agencies further agree to educate, train, develop and implement at all levels, individually or in cooperation with other agencies, the process and goal of mainstreaming which will enable disabled persons to exercise their rights and opportunities.

Interagency Addendum to Position Statement

Let it be known that the Project MAY Collaboration and its resource agencies in partnership with the United States Council of International Year of Disabled Persons (IYDP), 1981, promotes and supports the extended goals of the IYDP Committee by studying and resolving to understand the needs and functional abilities, concerns, and interests of persons with known disabilities through the following avenues:

A. Recreation, Leisure and Club Activities.

B. A wide variety of sports activities: some modified and others not, to promote leisure and competitive choices in sports for persons with disabilities.

C. Education of professional, para-professional and volunteer staff and participants with and without disabilities in skill development as well as the understanding and process of mainstreaming.

D. Education of families who have within them persons with disabilities and those that do not of available programs, the ability side of disability and what the process of mainstreaming is and how it has positive effects on all participants.

E. Rehabilitation Programs.

F. Vocational, Career and Volunteer Opportunities.

Through commitment, understanding, openness and eagerness on the part of the MAY agencies to facilitate persons with disabilities in achieving the highest available opportunity for independent functioning and choice in leisure and work, the member agencies of the MAY Collaboration understand the following program items must take priority in meeting the goals of full and independent participation of all people:

I. TRAINING OF AGENCY ADMINISTRATORS, STAFF AND VOLUNTEERS

Awareness of ABILITIES inherent in each person regardless of disability.

Attitude and values clarification and understanding.

Activity analysis and modification.

Behavior Management/Group Dynamics Techniques.

Programming with and understanding the functions of such enabling devices as wheelchairs, braces, canes, crutches, walking sticks, hearing aids, lip reading skills, helmets, and anti-seizure and other medications.

II. INVOLVEMENT OF PERSONS WITH DISABILITIES IN LEADERSHIP ROLES AND LEADERSHIP TRAINING

Use of persons with disabilities as trainers.

Recruitment of appropriately educated persons with disabilities for various levels of employment in MAY agencies including: Executive positions, leadership positions, volunteer positions, teaching positions, maintenance positions, other.

III. ARCHITECTURAL ACCESSIBILITY

Awareness of specific standards needed for independent functioning of people with physical limitations.

Awareness and discussion with persons with disabilities in learning how best to aid or facilitate them in their movement in agency facilities.

Awareness that simple, inexpensive modification may be all that is necessary for architectural and program accessibility.

To make architectural changes where necessary to allow for maximum independent movement for persons with physical limitations in agency facilities and programs.

IV. ATTITUDINAL ACCESSIBILITY TRAINING

Provide training for administrative personnel, staff and volunteers to see abilities instead of disabilities; to understand differences, samenesses and adaptations instead of seeing disability as a deterrent to participation.

Familiarize all personnel with and answer myths and questions regarding disability.

V. PROMOTIONAL OUTREACH REGARDING AVAILABILITY AND ACCESSIBILITY OF AGENCY PROGRAMS, FACILITIES AND FACILITATING ATTITUDES OF MAY AGENCY PERSONNEL

Provide non-stereotypic publicity to relate availability and accessibility of MAY agency programs and facilities to persons with disabilities.

Offer opportunities for parents and young people with and without disabilities to understand inclusion of persons with disabilities in MAY agency programs and facilities.

To promote availability of MAY agency programs to youth with disabilities through schools and both segregated and integrated programs and environments.

The Project MAY Collaboration salutes the Proclamation of International Year of Disabled Persons for providing impetus in facilitating the promotion of extended services and training opportunities for persons with and without disabilities in order to more fully allow program and facility involvement by persons with disabilities, and to more fully create an awareness of need, interest, and sensitivity to and of all persons with disabilities in seeking challenges and programs of their choice in the least restrictive environment.

BUSINESS ACHIEVEMENT IN MAINE

● Mr. COHEN. Mr. President, I recently noted an article in the Wall Street Journal recognizing the achievements of Mark Mowatt, the 33-year-old founder and proprietor of Mowatt Enterprises Inc. of Brewer, Maine. Mr. Mowatt has enjoyed tremendous success in the past several years with the production and distribution of a prominent insect repellent.

Mr. Mowatt's story is a classic tale of business accomplishment. Originally a distributor for one insect repellent, he eventually began production and marketing of his own repellent, Ben's 100. His efforts and ability to find a niche within the industry are meritorious.

I urge my colleagues to consider the story of Mr. Mowatt's achievement as testimony to the capabilities of dynamic, entrepreneurial talent within our economic system. For this reason, I submit the following Journal article of May 26 for consideration.

The article follows:

"Deet," by Any Name, Doesn't Smell Sweet to a Pesky Mosquito—Because It Works, Repellent Attracts an Entrepreneur Hoping To Make a Killing

(By William M. Bulkeley)

Brewer, Maine.—The rain-swollen Penobscot River conjures up images of riches for Mark Mowatt, the 33-year old proprietor of Mowatt Enterprises Inc.

Soon, fishermen, canoeists and campers will venture into Maine's wilderness to meet an infestation of mosquitoes, black flies, chiggers, gnats and biting fleas, many of which are prolific water breeders. "We had the wettest April on record. It's great for bugs," Mr. Mowatt says.

Mr. Mowatt, who says "one of my bibles" is a 40-year-old book entitled "Think and Grow Rich," think bugs will make him rich. He bottles an insect repellent called Ben's 100, which is named for Mr. Mowatt's six-year old son. Ben's is fighting for a niche in the bug repellent business. The half dozen companies in the once low-key field are contending with one another for market share as avidly as they fend off insects. All claim to save the skins of the growing number of Americans who venture into the great outdoors.

Ben's is no better and no worse than a number of other products. Like almost all insect repellents, Ben's is based on the chemical compound N,N diethyl-meta-toluamide. The compound was developed by the Agriculture Department in 1954 after 15 years of work testing some 11,000 compounds to find an effective insect repellent. The chemical is called Deet, for short.

IT'S "GORGEOUS"

Entomologists aren't sure why the mild-smelling Deet works. Thomas E. Tuttle, entomology-research manager at S. C. Johnson & Son Inc., of Racine, Wis., whose Off! insect repellents dominate the market, explains that female mosquitoes chemically detect the warm-blooded hosts that provide them their blood-meals. Deet apparently either jams their receptors or causes the insects distress. One way or the other, he says, "here is a gorgeous insect repellent."

Another of Deet's appeals is that there isn't any evidence that it is harmful to people. Sellers nevertheless advise users to avoid getting it in eyes or mouth, and packages warn that in rare cases Deet might irritate skin. Deet is less kind to many plastics and to some synthetic fabrics, tending as it does to weaken them.

Deet was developed for the Army, but civilians have been able to buy it in diluted form since 1956, when S.C. Johnson, the closely held maker of Johnson Wax products, started selling Off! Sold in aerosol cans, as a lotion, and in pump-spray containers, Off! works fine for backyard barbecues and other brief encounters with the out of doors. But for campers, lumberjacks and fishermen, it requires repeated applications during the day because there isn't much Deet in it.

Enter Charles Coll, a Truro, Nova Scotia, paint chemist and outdoorsman. He read of Deet in 1959, ordered some from a chemical Company and put it in little bottles. Mr. Coll called his product Muskol and sold it himself. Because it was 100 percent Deet,

undiluted by alcohol, Muskol would keep the bugs from biting most of the day. Mr. Coll wasn't much of a marketer, but over the course of 20 years, word-of-mouth advertising finally made Muskol popular enough in Canada to attract competitors.

About five years ago, Muskol entered the U.S. market. Outdoors writers discovered that the 100 percent Deet formula worked. Consumer Reports magazine advised campers to demand pure Deet insect repellent, and Muskol's business prospered. Soon, everyone in the rapidly growing insect-repellent industry, which amounts to between $50 million and $75 million a year in sales in the U.S., depending on who is doing the estimating, wanted to get into the pure Deet business.

OFFENSIVE ODORS

All this is a far cry from the old days of battling bugs. Before Deet came along, the theory seemed to be that anything that smelled bad enough to drive people away ought to bug bugs as well. Indians used rancid bear-grease. Henry David Thoreau, annoyed by mosquitoes around Walden Pond, concocted a mess of turpentine, oil of spearment and camphor that he finally decided was itself more unpleasant than insect bits.

A turn of the century book, "Woodcraft," by an outdoors writer pen-named Nessmuk, advocated a "varnish" of pine tar, castor oil and a mint called pennyroyal. He said the preparation improved with age. "I carried soap and a towel in my knapsack through the North Woods for a seven-week tour and never used either a single time. When I had established a good glaze on the skin, it was too valuable to be sacrificed for any weak whim connected with soap and water," he wrote.

In the 1930s, Osborne Sherer, a Worcester, Mass., native who preferred fishing to tending his family's failing department store during the Depression, concocted Old Time Woodsman's Liquid Fly Dope of pine tar, camphor and citronella. He spent the rest of his life stirring up batches of the liquid in his garage and peddling it to lumberjacks and sportsmen in northern New England and in New York. During the 1960s, he began adding Deet, but many traditionalists still swear that it is the smell that makes it work.

The spread of Deet has caused a vigorous market battle today. "It's our Falklands war," says Russell S. Beede, who bought Ole Time Woodsman Inc. from Mr. Sherer's heirs three years ago. Last year he introduced a pure Deet repellent called Jungle Plus to complement the Liquid Fly Dope. "We're all beating each other to death," he says.

Producing insect repellent is easy. Deet costs about $26 a gallon from a chemical manufacturer, and a one-ounce bottle that retails for $3 to $4 and lasts the typical consumer a year contains about 20 cents worth of the chemical, one maker concedes. "The margins are quite nice," says Mr. Beede, who contracts out bottling and handles sales and financial matters from the antique-filled front room of his handsome, 150-year old house in Concord, Mass.

Marketing the stuff is what's difficult. Repellent makers battle to find and keep manufacturers' representatives of other sporting goods to handle their little items. S.C. Johnson's aerosol Off! dominates sales in grocery stores and drugstores. The company's pure Deet, Maximum Strength Deep Woods Off!, came out this year and is being promoted in four-color ads in mass-circulation outdoor-sports magazines, which is something the little companies can't afford to do. Some people fear that Johnson will make off with the market for pure-Deet repellents.

In the contest for survival, which has included threats of lawsuits, complaints to Better Business Bureaus and great animosity, Mr. Mowatt and his Ben's 100 are featured players. A research biologist at the University of Maine studying moose parasites, Mr. Mowatt became an entrepreneur because "I'd gotten tired of being so broke" as a teaching assistant. He grubstaked himself by selling insurance for a year and then started a fur-trading business, buying from local trappers and selling large lots directly to European furriers. Once that business was under control, he branched out into trapping and sporting-goods supplies. During a trip to Nova Scotia, he discovered Muskol, which the Environmental Protection Agency had approved for sale in the U.S.

Mr. Mowatt says he persuaded Muskol to make him exclusive New England distributor, although he says he had only an oral agreement. Douglas Simms, the former general manager for Muskol Ltd., says, "We took the lad under our wing. Then all of a sudden, he sort of slit our throat."

Mr. Mowatt says he spent thousands of dollars of his own money selling almost $600,000 worth of Muskol in New England in the first two years, only to find that Muskol was selling to other distributors who were free-loading on his marketing efforts. Mr. Simms says that Mowatt Enterprises failed to expand markets after the first year of selling, so Muskol took on other distributors in addition to Mr. Mowatt.

Mr. Mowatt then decided to protect his investment by bringing out his own pure-Deet insect repellent. At first, he planned to call it "Muscle," but Muskol threatened to sue him for infringing on its trademark, on the ground that the name was too similar. Then Mr. Mowatt came up with the name Ben's 100, a name signifying the 100 percent Deet solution and short enough to fit on small bottles. Ben's comes in containers colored bright orange to outshine Muskol's pale green on sporting-goods shelves and to show up in the grass should it fall from a woodsman's pocket.

Mr. Mowatt talked a number of distributors who had handled Muskol into switching to Ben's, which generally retails for 50 cents less a bottle. He got endorsements from outdoors writers and turkey callers. He runs advertisements in some 35 different regional hunting and fishing magazines. While he still is losing money, he says he sees profits ahead.

But small operators such as Mr. Mowatt and Ole Time Woodsman face a tough challenge. Muskol recently was acquired by Schering-Plough Inc., the Kenilworth, N.J.-based maker of Coppertone lotions, Dr. Scholl foot products and Maybelline cosmetics. Bayer AG's Miles Laboratories unit, the maker of SOS soap pads, recently took over Cutter insect repellents from another Bayer unit and plans to get its diluted-Deet repellent into more grocery stores. The d-Con Co. subsidiary of Sterling Drug Inc. continues to sell its 6-12 brand insect repellent, which is based on ethyl hexanediol but contains a small amount of Deet. Neither Cutter nor 6-12 has an all-Deet product.

Bigger insect-repellent makers that had stressed lower-concentration formulas have come out with pure Deet solutions because "there's a segment of consumers that desire that kind of protection," says David N. Fine, the repellents product manager for S.C. Johnson. Wisconsin Pharmacal Co. of Jackson, Wis., introduced Repel 100 two years ago to expand its Repel line. "It's a little bit of overkill," says Thomas J. Bonesho, the company's executive vice president. He advises consumers to decide by judging the price for an ounce of Deet. A one-ounce bottle of Repel 100 costs $3.49, while a two-ounce bottle of Repel lotion, which is only 52 percent Deet, costs $3.29.●

BANKRUPTCY OF AN EMPIRE

● Mr. SYMMS. Mr. President, as we know, there are significant differences between the House and the administration concerning the budget and whether to control spending or continue tax hikes. On June 14, 1983, I came across an editorial in the Wall Street Journal entitled "Bankruptcy of an Empire" that directly coincides with my views on this issue. It speaks of the intellectual bankruptcy of the political empire Congress has built for itself, year by year, since the early 1970's. The Journal's editorialist suggests that Congress habitually increases Federal spending as a means to build a political empire for incumbents even at the cost of increasing the Federal deficit. For this reason, the deficit has become a frequently debated issue and many have concluded that tax increases represent the solution to this problem. I believe that our economy, which is in the first stages of recovery, may not withstand the proposed tax increases. We as elected officials need to encourage savings and investments. Tax increases drain the economy of money that might be used either in productive investments or in savings that create capital for long-term growth. The article states that—

> Congress has become spending dependent, in need of larger and larger fixes to insure continued incumbency. Shock treatment is in order, and we hope the President has the gumption to administer it.

I urge my Senate colleagues to oppose these tax increases in an attempt to wean Congress from this spending addiction.

Mr. President, I ask that the article "Bankruptcy of an Empire" be printed in the Record for my colleagues' review.

The article follows:

Bankruptcy of an Empire

There is a good chance that over the next four weeks Congress and Ronald Reagan are going to provide a most fascinating political spectacle. Congress has begun to pitch the president a series of budget-busting appropriations bills, and Mr. Reagan is said to be limbering up his veto bat to swat them.

On one level, we'll be watching a struggle between a Congress no longer capable of controlling federal spending and a president who refuses to give Congress the additional taxes it wants. One of the recurring motifs will be that the president, crazed and blinded with ideology, is refusing to behave in a pragmatic and bipartisan spirit.

But if you'll step back a bit from this entertaining showdown, we think what you'll see is the intellectual bankruptcy of the political empire Congress has built for itself, year by year, since the early 1970s. Congress didn't win all of the spending battles during the Nixon, Ford and Carter years, but in disbursing a total of $3.6 trillion, it still managed to create a giant system of financial and political dependency that lumbers toward ever-greater excesses.

Consider a few highlights of the constituency building record. In 1971, Congress passed a 10% across-the-board hike in Social Security benefits, and expanded federal assistance for training doctors and health professions. In 1972, Congress increased pensions for 900,000 members of a nearly bankrupt railroad pension system, authorized a federal takeover of the federal-state welfare system for the aged, blind and disabled, liberalized eligibility requirements for black-lung benefits and increased Social Security benefits 20% and double indexed them to inflation.

In 1973, Social Security benefits were increased an additional 11%; Congress also increased contributions to health-insurance programs for federal employees, indexed payments for the school-lunch program to food prices and mandated twice yearly inflation adjustments for food stamps.

In the following year it created an office of juvenile justice and delinquency prevention, the National Institution for Aging, the Legal Services Corp., programs for solar and geothermal energy, a six-year and $12 billion aid-to-mass-transit bill and a $25 billion appropriation over four years for education. In 1975, unemployment compensation was extended to 65 weeks, and $1.4 billion was appropriated for family planning and community mental-health centers.

We'll skip 1976 so we can get to the year Tip O'Neill became House speaker. His 1977 Congress put out $12.5 billion for "neighborhood revitalization." Food stamps became free, with an estimated four-year cost budgeted at $24.4 billion. In 1978, Congress rested, but did expand financial assistance for students from middle-income families. In 1979, teachers got the Department of Education, and Congress expanded support for a network of regional and state health-planning agencies and raised the federal contribution to state welfare costs by $900 million a year. The 1980 session gave fitful birth to the $1.6 billion toxic-waste "superfund." In November, voters elected Ronald Reagan.

From the perspective of men and women who had to give people reason to support them every two years, it was quite a performance. Broad classes of citizens came to depend on the budgetary distributions of Washington's philanthropes. Other groups, by now fully politicized, turned to Washington for a similar share in the benevolence. Local and state governments benefited either directly or insofar as Washington diverted citizens' claims on their own budgets.

So now we're in for the great budget battle of '83, or at least we can hope so. No matter who says what about whom in the coming weeks, we suggest you keep an eye fixed on one figure—the House Democrats' $863 billion budget. With Mr. Reagan's budget at $842 billion, the Democrats are further away from anything a president has proposed in recent memory. And with no reasonable expectation of using the budget to colonize more segments of American society, the Democrats have simply got to have that money to keep their existing constituencies responsive.

And up to now, they've succeeded mightily. Amid all the wailing over Mr. Reagan's gutting of the safety net, outlays for income-transfer programs from 1980 to 1983 went from $283 billion to a whopping $408 billion.

It has become too embarrassing to try to defend this grand bean feast before the American people so no one tries. Congress has become spending dependent, in need of larger and larger fixes to ensure continued incumbency. Shock treatment is in order and we hope the president has the gumption to administer it.●

DRUNK DRIVING AMONG TEENAGERS

● Mr. DIXON. Mr. President, as a former Illinois State legislator and secretary of state, and now as U.S. Senator, I have had a longstanding interest in safe driving. Today, I am proud to recognize the National Association of Independent Insurers, which is headquartered in Des Plaines, Ill., for its efforts to address the drunk-driving problem where it hurts us most—among our Nation's teenagers.

Recently, NAII, the Nation's largest property/casualty insurance trade group, received a first-place "Gold Camera Award" from the U.S. Festivals Association for its new motion picture, "Just Along for the Ride," a widely publicized docudrama about teenage drinking and driving.

The award, given in the safety, welfare, and insurance category of the 16th annual U.S. Industrial Film Festival competition, was accepted at a banquet in Chicago by Lowell R. Beck, president of the NAII, and Charles J. Lorenz, its vice president of public affairs.

The award recognizes "outstanding creativity in the production of audio-visual communications in international competition."

"Just Along for the Ride" was among nearly 1,000 films from 22 countries entered in this year's competition and its "Gold Camera" was one of only 27 presented at the 1983 festival award ceremonies.

The motion picture also was 1 of 10 films nominated for the "Best of Festival" award.

"Just Along for the Ride" is a 33-minute, 16-mm film designed to help teens become aware of the risks they assume when they drive while intoxicated, or when they ride as a passenger with others who are intoxicated. It encourages teens to assume responsibility for their own safety, and to avoid pressure from peers to follow the crowd—going along for a ride which could lead to death or permanent injury.

The motion picture demonstrates that automobile accidents involving alcohol can happen to anyone who drinks and drives; that the odds of a tragedy occurring are the same for the nice teens as they are for the troublemakers.

The NAII released "Just Along for the Ride" in mid-January, and already it has been shown to nearly 50,000 of the Nation's high school students. The film is being distributed to high schools on a free-loan basis and is also available for purchase.

I commend it to my colleagues and to the young people of our country.●

AMERICAN INDIAN HUMAN RIGHTS

● Mr. GOLDWATER. Mr. President, time and again, day after day, hour after hour, we hear proclamations from every facet of our Government about human rights.

Spend a few million here, a few hundred million there and, if that is not enough, a billion wherever we feel it is needed to promote human rights.

What about the human rights of the American Indians? They probably live as poorly as any group of people to be found anyplace in the world and, yet, we keep worrying about people who live tens of thousands of miles from us, saying that they are not receiving the proper treatment in human rights. Who wants to stand up and argue that our American Indians receive the decent treatment on human rights. They do not. Our Members know it and I think it is downright regrettable and somewhat dishonest that our Government, President after President, ignores the fact that there are no hospitals, no schools, no jobs on Indian reservations.

This was put rather succinctly in an editorial appearing in the recent edition of U.S. News & World Report, and I ask that it appear at this point in my remarks.

The editorial follows:

[From the U.S. News & World Report, May 23, 1983]

GOLDERWATER TEES OFF

(By Marvin Stone)

The plight of many of the Indians in the U.S. is told in the story that starts on page 70 of this week's issue. It is a disheartening problem, one that very few of us find time to address. One exception is Barry Goldwater.

When Senator Goldwater talks about Indians, he speaks from personal knowledge, because about one third of this country's 1.4 million Indians live in the Republican senator's home state, Arizona. In a recent letter to President Reagan, Goldwater raised a ruckus. Here are some of the things bothering him:

"In over the 207 years that we have had a government, in well over a hundred years of our relationship with our Indians, we have never, I repeat, never, lived up to the moral obligations that we owe these people.* * *

"I think we pay far more attention to the human rights of people living in the countries of South Africa, or Central America, or you name it, then we pay to the human rights of Indians living within our states."

The senator then proceeded to cite what he called some "shameful statistics" to show how the U.S. government has mistreated Indians.

One example Senator Goldwater cited: The Papago Indian tribe, with 13,000 members and a reservation spread over 5,000 square miles, has only one hospital. "A number of years ago, this hospital burned down, and believe it or not, it took 10 years to reconstruct it," the senator told the President.

The Hopi Indians, according to Goldwater, have only one hospital, and "it's been reduced to being open only three days a week." He said that the Hopis lack adequate communications and transportation systems to reach patients with what medical aid is available. Also, he added, the Hopis have no high school, even though "there is money in the jobs bill to at least start a high school."

As for the Navajo Indians, Goldwater said: "The vast Navajo Reservation, the largest that we have, and the largest population of any Indian tribe, does not need any detailed description by me as to their lack of health and education facilities, decent roads running north and south, communications and on down the list. These people have the highest unemployment rate in the United States and suffer along with the other Indians."

Goldwater cited complaints of Indian tribal leaders about the government's "inconsistency in Indian policy," and about the federal agencies responsible for serving Indians.

Recently, the Senator said, "Our Senate Select Committee on Indian Affairs staff has been informally advised that the Department of Health and Human Services no longer intends to engage in the construction of hospitals serving Indian people. As a matter of fact, the Indian Health Service has refused to release funds appropriated by the Congress in fiscal years 1982 and 1983 for the planning and design of hospitals. * * *"

Treatment of Indians, Goldwater told Reagan, is not just a question of human rights but also of "moral obligations." The Indian tribes, he said, live under agreements made with the U.S. government that "have all the solemn obligations" of treaties with other countries.

Then, in words that should strike a responsive note in the hearts of all Americans, Senator Goldwater told President Reagan:

"I am making this personal plea to you, Mr. President * * * because as a member of the United States Senate, as an American citizen, who has lived most of his life with these Indians, I'm just plain fed up, sick and tired of the neglect of these people while at the same time you are asking us for millions, hundreds of millions, yes billions of dollars, to give to people scattered around this world to help in establishing human rights.

"Please, Mr. President, let's establish something in our own back yard that we can begin to be proud of before we wander around this earth trying to teach other people how to live and how to act toward each other. Let's act toward each other in this country like we really meant what we talk about."●

SMALL TOWN CENTENNIALS

● Mr. ABDNOR. Mr. President, for a nation where some of our communities date back some three centuries, and many are well past the 200-year mark, the cities and towns of South Dakota are comparative youngsters. Indeed, much of our State was not settled until the first decade of the 20th century.

The year 1883 brought great development to South Dakota particularly as the railroads pushed westward. Many of our communities are celebrating centennials this year. Typical of them is Wolsey, S. Dak.—a railroad town along the Chicago Northwestern route.

As a salute to all of the pioneers whose outlook and optimism paved the way to the success of all of South Dakota's small towns, I would like to commend the history of one of them to the attention of my colleagues.

The history of Wolsey, S. Dak., follows:

WOLSEY, S. DAK.

Wolsey, South Dakota, will celebrate its 100th birthday on June 24th, 25th and 26th of 1983. The three-day event will include parades, a pageant, school reunion banquet and many other activities.

Wolsey was born in 1882 when the Chicago Northwestern Railroad pushed its way westward from Huron. At this time Wolsey, which was located about 1¼ miles west of the present town site, was known as Siding #1 and consisted of a section house, half a switch and a small lumber yard owned by Henry Mosher.

In 1883 the Chicago, Milwaukee and St. Paul Railroad pushed northward crossing the Chicago Northwestern Railroad near Siding #1. It was at this time that the town was platted from a part of the West Half (W½) of Section Twenty-Four (24), Township One Hundred Eleven (111), Range Sixty-Four (64) Wolsey Township on April 7, 1883. The plat was signed by S. A. Mosher as Attorney in fact for Magdalene Mosher, the owner of the land.

While it is not generally known how the town received its name, some accounts state that this area had some association with a relative, a generation removed from Cardinal Thomas Wolsey, a statesman and Cardinal of the Roman Catholic Church in England. Thus, what records there are available, show that the town was named after Cardinal Wolsey.

The first businesses in town consisted of a 50-room hotel owned and operated by Henry Newton, a hardware store run by Peter Meyer and a land office operated by R. D. Whorton. George Kerr, the first stock buyer, also owned and operated the first butcher shop.

According to records, the town had a bank before it was platted. This bank, which was started by the Chenoweth family, began in 1882 and operated until the Depression closed it.

The post office was established on April 12, 1883, just five days after the town was platted and recorded. Today Wolsey still has a full service postal service with two rural routes serving the surrounding area.

The first school was built in 1883 on a hill that stands on a glacial deposit that extends for 20 miles to the west. The present school is located on this same site. Wolsey School has 12 grades and in the last 30 years an auditorium was added and a new grade school building.

A fire in Wolsey in the early 1920's destroyed almost an entire block in the business district.

The governing body of this town, located 15 miles west of Huron on Highways 281-14, consists of a three-member Town Council with a chairman or mayor appointed each year by the council members.

History also records that Richard Warren Sears, a depot agent for the Northwestern Railway in the 1880's, began his mail order business in this town by selling watches at wholesale prices.

Another prominent resident of early Wolsey was William Washington Howes, who practiced law in Wolsey from 1912 to 1918. He was at one time first assistant post master of the United States.

Today, Wolsey is an active little town with a population of 450 citizens, both young and old, who are proud of their community and its accomplishments.

The postal records in the National Archives show that the post office at Wolsey, Beadle County, South Dakota, was established in Dakota Territory on April 12, 1883.

Henry Mosher was the first Postmaster.

The Wessington Times of April 19, 1890, states that "Wolsey has been made a money order post office. This makes three in the county, Huron, Wessington and Wolsey."

According to the 1906 Plat Book, the post office was located on Block 9, Lot 8, which is across the street and south of the present post office buiding. At one time Cora Whitney, postmaster, would go to the railroad depots and stamp the letters. She was paid by the number of pieces of mail she stamped "Wolsey."

Harry Barnes, editor of the "Beadle County Herald" built a brick building in Block 9, which housed the post office in front and the print shop at the back.

A fire at the Northwestern depot in March of 1913, had gotten too big to save the express and freight mail. First Class mail was saved and Fourth Class mail was slightly damaged.

The post office was apparently moved to Block 4 on the west side of main street and north of its first location, before the fire of 1920, as a report in a Wolsey newspaper dated August, 1920, states that the post office, which was located on a lower floor of a building lost in the fire, was moved to the former post office room located in the Barnes Building.

The post office was moved to its present location in 1934 or early 1935.

Postmasters through the years were: Edwin S. Shannon, Maj. Carric A. Watson and Porter A. Bliss, all serving at different periods of time through September 4, 1893; Henry Newton, Myron W. Snyder, Gertie H. Whitney, Marietta D. Whitney and Cora Whitney, served from September 1893 through February 14, 1912.

Harry Barnes was appointed postmaster on June 23, 1911 and again on February 14, 1912. He apparently also served as postmaster in 1907, when he built the brick building that housed the post office and newspaper.

David C. Campbell was appointed postmaster on May 24, 1916, when the post office was still located in the Barnes Building. At this time an article from the Beadle County Herald, commented on the young people who would loaf in the post office lobby, destroying pens by writing on the desk and destroying the desk by climbing on it with their shoes and scratching the top.

Other postmasters throughout the years were: Mayme E. Hamilton; Mrs. George (Minnie) Lumbard, who served from March 4, 1922 through July 31, 1934, when the post office was located across the street north of the present location.

Frank A. Allen was acting postmaster on August 1, 1934 and was later appointed post-

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master, a position which he held until January 1, 1948.

Edward D. Siemens assumed charge of the post office on January 1, 1948 and served as postmaster until December 31, 1974 at which time Mary Ethel Houck assumed charge of the post office and was appointed postmaster on March 23, 1975. A position she currently holds.

Rural Carriers over the years included: Hiram Bond, Victor Chesley, Forrest Gordon, Verna Allison, Thomas Montgomery, A. B. Custer and Edward Hoskins. Current Rural Carriers are: Kenneth A. Sargent and Gerald L. Boe.

Substitute carriers through the years include: Elmer Getscher, George Boston, Parke Hoskins and Clinton Pownell.

Clerical help during the existence of the Wolsey Post Office includes: Virginia Babcock Jungemann, Ruth Leyhe, Elsie Jensen, Frances Johnson Chenoweth, Jennie Montgomery Allen, Lorraine Hinkle, Hazel Case, Edna Hagen Harris, Connie Carson Fuller, Mary Ethel Carson Houck; and currently, Mavis I. Price.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have two quick items. I believe this request has been cleared with the minority leader. I shall state it now for his consideration and that of other Senators.

ORDER PLACING H.R. 1492, THE CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION, ON THE CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that the bill H.R. 1492, to establish the Christopher Columbus Quincentenary Jubilee Commission which was received from the House of Representatives today be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO GRAY WEICKER

Mr. BAKER. Mr. President, I have often referred to the Senate as a family and indeed in so many ways it is. Not only are our Members drawn together in pursuit of our responsibilities as Members of the Senate, but in so many ways our families, our wives, our children, and grandchildren are also an essential part of this undertaking and in so many ways they are intimately involved in this family affair.

Occasionally, I think it does all of us good to catch a glimpse of what is going on outside among our families.

It was brought to my attention today that the son of one of our Republican Senators, Senator WEICKER, of Connecticut, passed a significant milestone in his life. He just graduated from college and today he was signed by the Hartford Whalers to play professional hockey.

That may not sound like a terribly important thing, but I bet you it is to Gray Weicker, and I know it is to LOWELL WEICKER, his father.

It caught my attention when LOWELL WEICKER, our colleague, the Senator from Connecticut, was heard to say the following about his son:

Gray has always been better looking, better tempered and a better hockey player than his father. Now he will also be better paid.

[Laughter.]

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and at 7:29 p.m. the Senate recessed until Wednesday, June 22, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 1983:

THE JUDICIARY

Marvin Katz, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania, vice Joseph S. Lord III, retired.

James McGirr Kelly, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania, vice E. Mac Troutman, retired.

Thomas N. O'Neill, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania, vice Edward R. Becker, elevated.

DEPARTMENT OF ENERGY

William Patrick Collins, of Virginia, to be Under Secretary of Energy, vice Guy W. Fiske, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, June 21, 1983*

The House met at 12 o'clock noon.

His Holiness Karekin II, Catholicos of the Armenian Apostolic Church, Antelias, Lebanon, offered the following prayer:

Almighty and ever living God, Creator of the world, Father of all men and women, we render thanks to You for all the goodness that You have granted us with Your grace and in Your fatherly care; make us worthy of Your bountiful mercy.

We beseech You, O Lord Almighty, to bless this land of America with all its people, its President, its Government, its Congress, its churches, its institutions, and all the public servants, so that they may continue to ever increasingly serve Your glory and be instruments of goodness for the well being of Your people in the United States of America and in the whole world.

We implore Your grace upon our own Armenian people here in the United States of America and in the world at large so that they may faithfully serve Your kingdom in following the example of their forefathers. Grant them Your divine wisdom and courage to serve humanity in accordance with the highest ideals and values of their Christian heritage.

May the Sun of justice and freedom shine forth upon them so that they may share in Your kingdom as a nation in faithful obedience to Your divine will.

We earnestly ask for Your blessings upon our country of Lebanon, so that peace and stability, concord and unity, may reign for the happiness of all the people.

May Your name be praised forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 38. An act entitled the "Longshoremen's and Harbor Workers' Compensation Act"; and

S. 861. An act to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes.

THE NORTH AMERICAN PONTIFICAL VISIT OF HIS HOLINESS, CATHOLICOS KAREKIN II

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, His Holiness, Karekin II, Catholicos of the Great House of Cilicia located in Antelias, Lebanon, is the spiritual leader of 40 parishes of the Armenian Church in the United States and Canada. The Great House of Cilicia is one of the two centers—Catholicosates—of the Armenian Apostolic Church. The other is the Catholicosate of Etchmiadzin, located near Erivan, the capital city of the Armenian Soviet Socialist Republic.

His Holiness arrived in the United States on June 2, and is conducting a pontifical visit to his churches in the eastern United States and Canada. At the conclusion of his pontifical visit, His Holiness will go to Vancouver, Canada, to attend the Sixth General Assembly of the World Council of Churches. His Holiness is vice moderator of the council's Central Committee.

Born on August 27, 1932, in Kessab, an Armenian village in northern Syria, Catholicos Karekin II was admitted to the Cilician Seminary in Lebanon, where he was ordained deacon in 1946.

After continuing his theological and Armenian studies for another 3 years, he was ordained monk in 1952. While serving on the staff of the seminary, where he remained after graduation, he completed his Armenian Church doctorate. In 1957 he attended Oxford University in England, where he received his B. Lit. (Oxon) in 1959. His thesis, "The Council of Chalcedon and the Armenian Church," was published in England that same year and reissued in an American edition in 1976.

He was ordained bishop on January 19, 1964, by Catholicos Khoren I, and in 1969 he was nominated chancellor of the Cilician Catholicate. He held that post for 2 years when he was elected prelate of the Julfa-Isfahan Diocese in Iran, a post he held until his election as prelate of the Eastern Diocese of the Armenian Apostolic Church of America in 1973. On April 26, 1973, he was ordained archbishop.

He served the United States and Canadian communities for nearly 4 years. In May 1977, His Holiness was elected and consecrated in Antilias, Lebanon, as Catholicos-Coadjutor of the Great House of Cilicia.

With the death of Catholicos Khoren I in February 1983, Karekin II assumed the full duties as Catholicos of the See of Cilicia.

During his many years of service to the Armenian Church, His Holiness has displayed an active interest not only in the Armenian Church and national affairs, but in the ecumenical movement as well, an interest which first began in 1955 when he participated in the Middle Eastern Christian Youth Conference in Beirut, and culminated in 1975 when at the Fifth Assembly of the World Council of Churches in Nairobi he was elected vice-moderator of the council's Central Committee for a 7-year term.

Fluent in both English and French, as well as Armenian, His Holiness has written many books, articles, and essays and has lectured in virtually every part of the world.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I yield to my colleague, the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, it gives me great pleasure to join my colleagues in welcoming to the House of Representatives a distinguished Armenian church leader, His Holiness Karekin II, who is presently visiting Armenian-American communities and ecumenical sites throughout the United States.

Subsequent to his visit to our Nation's Capital, His Holiness will be honored in my own city of Chicago at a banquet at the Palmer House on Saturday, June 25, and his visit is a source of great inspiration and profound joy for all of his parishioners.

Prior to being named a few months ago as Catholicos, or spiritual leader of the Holy See of the Great House of Cilicia in Antelias, Lebanon, His Holiness was archbishop of the church for the United States and Canada, and is presently vice president of the Central Committee of the World Council of Churches.

The Armenian Church has been instrumental in holding the Armenian people together and in preserving their national identity despite centuries of invasion by more powerful neighboring countries. In that inspired tradition, His Holiness is ably carrying out his responsibilities as a spiritual leader of the Armenian people.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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On behalf of my constituents in the 11th Congressional District of Illinois, many of whom are of Armenian descent, I want to thank His Holiness for being with us today and for delivering the invocation.

INTRODUCTORY REMARKS FOR KAREKIN II

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. COELHO. Mr. Speaker, I am honored to introduce His Holiness, Karekin II, Catholicos of the Great House of Cilicia located in Antelias, Lebanon, to the U.S. House of Representatives. The Great House of Cilicia is one of the two centers of the Armenian Apostolic Church. His Holiness, Karekin II, assumed the full duties as Armenian Catholicos in February 1983 and has, with his great personal warmth and dedication, become the dynamic spiritual leader of 40 parishes of the Armenian Church in the United States and Canada.

His Holiness has long been a friend of the United States, where he was elected prelate of the Eastern Diocese of the Armenian Apostolic Church of America in 1973. In the United States, His Holiness has made an immeasurable mark not only on the Armenian American community to whom he has been so devoted, but also to all Americans he has touched. He has also been an active and energetic leader of the ecumenical movement where he has served as vice-moderator of the World Council of Church's Central Committee since 1975.

His Holiness arrived in the United States on June 2, and is conducting a pontifical visit to his churches in the Eastern United States and Canada. The U.S. House of Representatives is blessed to receive the invocation of His Holiness today. On behalf of the U.S. Congress, I am honored to welcome back an old friend of the United States.

DEMOCRATS MUST TAKE INITIATIVE ON DEFICIT ISSUE

Mr. McCURDY. Mr. Speaker, in 1980, then candidate Ronald Reagan said, and I quote:

> Mr. Carter is acting as if he hadn't been in charge for the past 3½ years; as if someone else ran up nearly $200 billion in red ink; as if someone else was responsible for the largest deficit in American history; and as if someone else was predicting a budget deficit for this fiscal year of $30 billion or more.

Treasury Secretary Donald Regan stated in May 1983:

> I will offer a prize to anyone who can show me the connection between high rates of interest and high deficits.

Mr. Speaker, the Republicans may not think that deficits matter, but how about us? In the past 2 weeks many of us have expressed the belief that it is sound and responsible policy to match the final phase of the 25-percent tax reduction enacted 2 years ago with an accompanying limit on spending. With the Republicans defaulting on the deficit question, I believe the Democratic Party has to take the initiative and represent the best interest of all Americans.

I will be asking the Committee on Rules this week to make in order an amendment to link a proposed cap on the third year of the tax cut to a dollar-for-dollar reduction in spending. This amendment would double the deficit-cutting impact of the proposed cap. It is sound policy and our best opportunity to reduce the zooming deficits that threaten our Nation's future.

LEGISLATION TO ABOLISH THE SYNTHETIC FUELS CORPORATION

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, the gentleman from Minnesota (Mr. WEBER) and I have just introduced legislation to abolish the Synthetic Fuels Corporation. The troubled past and the outrageously costly future of this $15 billion agency clearly demonstrates that it cannot be justified in terms of fiscal policy, energy policy, or national security.

The Synfuels Corporation was created in 1980 with the goal of producing 2 million barrels per day of oil equivalent by 1992. We were assured that the original $17 billion appropriation would never be spent because it would be used in the form of loan and price guarantees to encourage the commercialization of successful technologies and competitive products.

That has not been the case. The Corporation's production goal will never be met, and unless we act now, most of the remaining $15 billion will be wasted on the premature commercialization of uneconomic technologies that pose serious threats to the environment.

Mr. Speaker, the Synthetic Fuels Corporation is part of the Nation's energy problem, not its solution. In an era of $200 billion budget deficits, we simply cannot afford to direct billions of tax dollars to a wasteful program that will delay—not expedite—energy independence.

I urge my colleagues to support our bill to abolish the Synthetic Fuels Corporation.

LOWER DEFICITS, INCREASED REVENUES SOUGHT WITH CAP ON THIRD YEAR TAX REDUCTION

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, on Thursday the House will debate capping the third year reduction in marginal tax rates at approximately $700. I supported this bill in the Ways and Means Committee, and believe this is one of the fairest ways we can raise revenues this year.

As my colleagues know, the budget conference committee approved a $12 billion revenue increase for 1984, and a $15 billion increase in 1985. According to the Joint Committee on Taxation, capping the third year will result in additional revenues of about $6 billion in 1984, and $7 billion in 1985—or about half the revenues needed to meet the budget recommendations in these 2 years.

This cap will not balance the budget, but it will help us hold down the Federal deficit in a fair and equitable manner. Those with higher incomes benefited the most from this administration's economic policies, now we are asking that they give up a little to start us on the road to lower deficits.

I urge my colleagues to support this legislation.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1984

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

INTRODUCTION OF LEGISLATION TO INSURE AFFORDABLE TELEPHONE SERVICES

(Mr. BATES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I rise to speak about a matter that should concern each and every Member of Congress. That is the real threat of increasing telephone rates in this country.

Pacific Telephone has requested an 88-percent increase in the San Diego area. If even a fraction of these similar requests are granted, it is conceivable that rates will triple or quadruple in many areas.

The result of these increases could be devastating. Countless people will be forced to give up their phones because they will not be able to afford even the most basic services. And in this day and age we can no longer consider a telephone a luxury. For many, especially for the elderly poor, those who live in rural areas and people seeking emergency services will lose this vital link to basic communication. I think all of us would find this totally unacceptable.

For this reason, Mr. Speaker, I am today introducing three companion bills that would insure basic access to telephone services at an affordable cost, encourage and develop competition in the telephone industry, and assure that equipment is available at a reasonable cost.

CONGRESSWOMEN WATCH AS FIRST AMERICAN WOMAN VENTURES INTO SPACE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, as I was growing up, my great heroine was Amelia Earhart, and I had the privilege of learning how to fly. One of the things I always wanted to do was participate in the space program. However, at that time I was told that I had the wrong chromosmal makeup. It was not qualifications that mattered; it was your sex. Being a female shut the door.

It was with great excitement that I went to Florida this weekend with many other Congresswomen and we watched the first American woman go into space.

□ 1215

Very shortly we will see the first black American go into space. I must say that this really symbolizes the way we should be moving in America. We remove equal opportunity as being a dream and make it a reality. If you are qualified, then you should be able to have the opportunity to do whatever you are qualified to do. That is still not reality in this country.

This weekend we made some progress in converting dreams to reality and I only hope we can progress much further much faster.

JUNIOR GOLF

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, today I would like to share with our colleagues some little-known information about a larger subject many of us already know and appreciate.

The larger subject, Mr. Speaker, is golf. And the lesser known area is junior golf.

All of us—indeed, most people in the country—are aware of the Professional Golf Association. Through our own participation and through telecasts we all enjoy this sport. Lately, to its credit, the PGA has recognized that there is a whole body of individuals who have acquired an interest in the game—but have little or no outlet for that interest.

And so was born the PGA Junior Golf Foundation. The purpose of the foundation is to encourage and educate the teenaged and preteens in the game of golf. PGA has developed an impressive program in this regard—but there is a problem.

That problem is the lack of golfing facilities for these beginning players. Some courses, to be sure, set aside a morning, or even a day, a week for junior golfers. But the need exceeds the resources.

The Professional Golfers Association is attempting to remedy this, by publicizing the program itself and by encouraging golf courses—public and private—to open up blocks of time exclusively for use by juniors.

On a personal note, I can speak to the need for this. I took up the game somewhat late in life, but I saw to it that my son and my grandsons began to learn the game as soon as they could hold a club. They would all have benefited enormously from teaching beyond my own ability, and I would want all other young people to benefit from professional teaching as well.

Golf teaches the player many things—sportsmanship, competitiveness, basic good manners. I hope that all in this body who share my love of the sport will join in efforts to pass this love on to rising generations.

COMMENCEMENT CEREMONY FOR CAPITOL PAGE SCHOOL

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. WRIGHT. Mr. Speaker, last night I had the privilege of attending the commencement ceremony for the Capitol Page School. Thirty-nine young people graduated and the valedictorian was Tom Highlands, who is the Speaker's page.

Tom made a valedictory address which I thought was sapient, farsighted, and insightful.

I take the pleasure of having it printed in the RECORD at this point and I commend to the reading of my colleagues.

> My name is Tom Highlands, and much to everybody's surprise I am the valedictorian of the Capitol Page School.
>
> Before I tell you about my experiences on Capitol Hill, and what they mean to me, I think you should know a little bit about me.
>
> The first question that you are asked as a page is: Where are you from? My answer to this question is always: nowhere, but everywhere. You see, I am a Navy Brat and I've lived all over the world. Although most people wouldn't like living in eighteen houses in eighteen years, I have loved it.
>
> Throughout my eighteen years I have always had a great interest in politics. When I learned about the page system, I immediately wanted to become a page. I wanted to become a page to see the real insides of politics and to see how things really operate on the hill. I also wanted to become a page to have the experience of working and living away from home and taking on these great responsibilities. No one ever pressured me into becoming a page; it was a decision that was all mine. Tom Highlands became a page . . . because Tom Highlands wanted to be a page.
>
> I've been here for sixteen months now, and a lot has happened. I think of the little things that went wrong, the hassles, the problems. I think of waking up at 5:30 every morning and laying in bed until 5:37—just enough time to get up, shower, get dressed, and still get to school by 6:14. I also think of the so called page scandal and the blown out of proportion publicity around it.
>
> Yet what really sticks out in my mind is the big picture. When I think about what I wanted to find here, what I dreamed about when I came here—I realize I found everything I ever wanted or ever could have wanted.
>
> Five days a week I talk to the second most powerful man in this country. Every day, I get within two feet of Speaker of the House "Tip" O'Neill at his daily press conference and tell him "Mr. Speaker, It's time to go to the floor!" The fact that he doesn't always listen really doesn't mean much.
>
> I think about the day that I walked into my office, where the President of the United States was waiting to address a joint session of Congress and I was introduced to him by Mr. Wright. I stood there joking with President Reagan, Mr. Wright, and Senator Baker.
>
> I also think of the great feeling of victory and relief when payday comes and there's still $3.50 left in the checking account.
>
> I also went through experiences I never expected.
>
> Holding a gummed up cigar while Speaker O'Neill talks to the press.
>
> Running into the lavatory looking for the Speaker when he needs to be on the floor in two minutes.
>
> Almost being tackled by two Secret Service agents because I was an unauthorized person at a Presidential luncheon.
>
> I learned all about Congress and its inner workings. I learned that I could live on my own and handle the responsibilities that were handed to me. But most important, I learned that I have no limits restricting me and I am capable of anything. I have a great amount of confidence in myself because I've made it through some very tough times here. That's confidence that no one can take from me.
>
> I want to say something to the parents of all of the pages.

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On television and in the newspapers you've heard the positive and negative sides of page life. If you want the real story, go to your son or daughter. They're the ones who have lived through this thing. They're the ones that know what it's all about.

This past year has been tough on some of us. We, as pages, have had to put up with endless questions: from reporters, from tourists, from friends. We've listened to worried parents. Parents, who from what they had heard, had legitimate worries.

But this is the real message that I want to leave with the parents: Many young people like myself don't confront real challenges until they leave home or go to college. Those of us who have served as pages have not only received the experience of a lifetime, the experience of seeing our government in action, our democracy at work, but we have also received a bonus: We have learned about life—real life. We have learned that life is not always a fantasy world. We have learned that life is not always what it seems. You can't always believe the television reports or the newspaper stories. You can't always trust peoples' intentions.

The fact is maybe it would have been better if we had not been pages . . . If we had been protected from all of this. Maybe it would have been better not to know that this government of real people, not just national figures that you see on television. Maybe we would have been better off if we had been protected from people who tried to blow out of proportion the value of some twisted little story.

But, then again, maybe its not the job of parents to protect their children from these challenges, but to help them face these challenges. To help them stand tough when the going gets rough. Maybe it is better that we had to face the bizarre events of the past year, to learn not only the wonder of our free life, but also the realities of the adult world—the real world.

Becoming a page wasn't supposed to be a make-believe thing, a trip to Fantasy Island or Disney World. It was supposed to be an introduction to something real. It was supposed to be a learning experience; a challenge, something that we could grow stronger from. And I'd like to tell you parents, it has been that kind of experience.

President Harry Truman once said, "The fundamental purpose of education is to instill a moral code in the rising generation and to create a citizenship which will be responsible for the welfare of the nation."

Harry Truman also said something else. "If you can't stand the heat, stay out of the kitchen!" For the past year we've all been in that kitchen and we've felt that heat.

On behalf of the whole class, I'd like to thank you for letting us prove that we could take it.

LOOSE LIPS SINK SHIPS

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, a few short weeks ago the President persuaded some of our colleagues to approve release of funds for the MX missile, with the promise that he would adopt a more flexible posture and get serious about arms control.

Things have a way of changing in this administration. Last Thursday the Secretary of State told a committee of the other body just how serious he is. He said:

> We have to be very careful that we don't somehow get ourselves in the position of feeling that it is very important to get an agreement.

And in a short month from now we are going to be asked to authorize another $4 billion to keep the MX going, all of which reminds me, Mr. Speaker, of a sign that used to be put up on the walls of defense plants in the Second World War. It read, "Loose lips sink ships."

It is not too much to say and is certainly not too much to hope that the Secretary's loose lips will sink the MX.

POPE JOHN PAUL II STIRS HEARTS OF THOSE WHO BELIEVE IN FREEDOM

(Mr. ALEXANDER asked and was given permission to address the House for one 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, Pope John Paul II is now in Poland, stirring the hearts of those who believe in freedom.

He deplores the abuses of communism and, indeed, is feared in the Kremlin.

Not long ago he was in Central America. He did not speak of military victory.

He spoke, instead, of victory against poverty and disease.

He spoke of profound social reforms and the need for social justice.

He opposed bloodshed, by any faction, for any reason.

Mr. Speaker, we should listern to his works and his prayers. In Poland, as in Central America, the great motivating ideal is Christianity, not communism.

Josef Stalin once asked how many divisions march behind the Pope.

The answer is a mulititude of countless divisions: United by values, strengthened by faith, fortified by conviction.

The Pope knows, as Stalin did not, that a grand ideal has more force than 1,000 bullets.

The impositions of force is not as great as the force of ideas.

TWO OUT OF THREE AMERICANS FAVOR CAPPING THIRD YEAR OF TAX CUT

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, last week the Harris poll revealed that two out of three Americans favor capping the third year of the tax cut due July 1. I join with those Americans and urge my colleagues to do the same.

I do so with no illusions that the modest cap which is proposed will rid us of the unprecedented, skyrocketing deficits we face, caused by Republican policies of inequality.

I do so with no illusion that the tax cap will restore fairness and justice to a tax system that has been skewed to favor the rich at the expense of most Americans.

This tax cap falls between the extremes of granting a full tax cut to everyone, regardless of income, and denying all a tax cut.

If we are to meet the challenge of holding down the soaring deficits and restoring equity and fairness to our tax structure, we should enact this tax cap.

SECRETARY WATT AGAIN SEEKING TO DRILL INTO PRECIOUS COASTAL RESOURCES

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today the Appropriations Committee is considering whether a moratorium on oil and gas leasing in the Santa Monica Bay should be included in the Department of the Interior appropriations bill.

This action is urgently needed. Secretary Watt is again seeking to drill on our Nation's most precious coastal resources. Over 76 million people each year use the beaches in the Santa Monica Bay area alone. The drilling Secretary Watt proposes could devastate the area's environment, severely disrupt the economy and increase the already serious seismic danger in the region.

The damage could be irreparable and it is not justified by the potentially available resources.

The moratorium should be passed to give Congress the opportunity to review this issue fully before Secretary Watt wreaks further havoc on our coastline.

SUPPORT FOR LOWER PASSENGER CEILING AT NATIONAL AIRPORT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I want to bring to the attention of my colleagues a letter addressed to Members of Congress signed by government representatives and community leaders from every jurisdiction in the Washington metropolitan area. The letter asks Members to delete the provision in the fiscal year 1984 Department of Transportation appropriations bill which would prevent DOT from spending funds to reduce the passenger ceiling at National Airport.

Mr. Speaker, I believe it is important to note that the Washington community is united on this issue, as stated in this letter:

> It is not everyday that all the jurisdictions in this area agree. But we believe the Airports Policy needs modification. And we hope you will allow the administrative rulemaking process to work, rather than have congressional action preclude us from participation on a matter of such importance to our communities, and to you, our neighbors.

In 1981, the first Metropolitan Washington airports policy was adopted to channel future air traffic growth toward Dulles and BWI airports. DOT is now proposing to modify the policy to assure that growth after 1985, as set forth in the original policy, would occur only at the larger airports, and not at the overcrowded and congested National Airport. This proposal would not cut a single flight at National Airport. But simply allow future growth to be accommodated at Dulles and BWI, which are now far below capacity. The comment period for the DOT administrative rulemaking does not even end until July 27, but the DOT appropriations would interfere in that process.

This is an important issue for everyone, including Members of Congress, who lives in the Washington area and I urge my colleagues to support efforts to allow DOT to proceed with its administrative rulemaking process and not to circumvent that process through legislative interference.

I would like to take this opportunity to commend Eric Bernthal, president of the Coalition on Airport Problems; Bonnie Newlon, of the Virginians for Dulles; Godfrey Barber, president of the Arlington County Civic Federation; Fred Wood, president of the Donaldson Run Civic Association; Bill Moran, chairman of the Prince Georges County Advisory Board on National Airport Operations; and Mary Kathryn Hughes and Sally Boss of the Center for Urban Education, for leading the community efforts of support for a lower passenger ceiling at National Airport.

MY DEAR FRIEND, THE SPEAKER

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I got a four-page letter from the Speaker this week. It began, "Dear Friend," and that is true. Despite our oft stated political differences, the Speaker is my friend; but the letter went on to presume pretty heavily on that friendship. It asked me to become a contributing member to the Democratic Congressional Campaign Committee.

Now, that is the committee the Speaker said is going to spend big money against me and my Republican colleagues. Let us hope that the spending is just as well managed as the collecting was, because then the Speaker may get confused enough to send me some campaign money.

Now, we both know that what we are probably dealing with here is some kind of an errant computer; but the fact remains, the Speaker asked and I feel I must answer.

Our friendship notwithstanding, Mr. Speaker, my check is not in the mail.

THE COURAGE AND CLARITY OF POPE JOHN PAUL II

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I take this time today to call attention of my colleagues and pay special tribute to the words of Pope John Paul II on his most recent pilgrimage to Poland. With courage and clarity, I think he has reaffirmed the principles of freedom and human dignity upon which our Nation has been founded.

Delivering a mass on Sunday, the Pope chose to address the most delicate and controversial issues for all Soviet bloc countries, human freedom and national sovereignty, and I quote:

> A nation is only truly free when it can shape itself as a community determined by unity of culture, language and history. The State is firmly sovereign when it governs society and allows the nation to realize its own identity. The sovereignty of the State is deeply linked to its capacity to promote the freedom of the nation and develop conditions that permit the nation to express all of its distinctive cultural and historical identities.

I could go on and on, but I think we all in America and around the world need this week to pay attention to the words of the Pope.

THE DISMAL TRACK RECORD OF THE SYNTHETIC FUELS CORPORATION

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, today our colleague from Michigan, Mr. WOLPE and I are introducing legislation which will bring to an end one of the most extragavant and wasteful Government programs ever enacted—the Synthetic Fuels Corporation.

In its 3-year history the SFC has had a dismal track record, and an outlook that promises to be no better. Despite the mandate given to it by Congress to promote "energy security" by displacing imported oil, the SFC has funded tremendously expensive, unproven technologies that will back us off only an infinitesimal quantity of imported oil over the next 10 years.

Mr. Speaker, the market has shown us that this would not be a commercially viable industry in the foreseeable future, and that multibillion dollar Federal subsidies in this direction are a poor approach to insuring a safe, secure, and affordable energy future for this country.

This assessment is shared by groups as diverse as the National Taxpayers Union, the environmental community, and the National Federation of Independent Business. Mr. Speaker, I would urge a close examination of the SFC's policies and direction and would urge my colleagues support for this bill.

PROBLEMS OF CONSTITUTIONAL CONVENTION ON BALANCED BUDGET AMENDMENT

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. HYDE. Mr. Speaker, I cannot but comment on the trenchant words of the deputy whip of the majority party, who commented so movingly on the Pope's words in Central America during his recent visit. It is too bad that people in Nicaragua could not hear the Pope during the mass, but they turned his microphones off and they were shouting with bullhorns during most of the ceremony.

Mr. Speaker, on another subject, we are facing a potential constitutional crisis, which could result in the rewriting of the document upon which this Nation was founded.

I refer to Missouri's recent call for a constitutional convention on a balanced budget amendment. This makes 32 States that have called for a convention. Only two more States are needed before the Congress is constitutionally bound to call a convention under article V.

The problem, Mr. Speaker, is that after the 34th State submits its application—then what? Who presides? Who attends? How long does the convention meet? Is the convention limited in the scope of amendments it may propose?

The steps required to convene an article V convention and the rules which would govern it are not set out in the Constitution or statutory law. Because this process for amending the Constitution has never been used, many important legal and policy questions arise concerning the convening and the scope of authority such a convention might exercise. Because of this, I have reintroduced the Federal Constitution Convention Amendment Act. Briefly, my bill establishes the rules and guidelines that States, the Congress, and the convention must follow when proposing amendments to the Constitution. These guidelines are clear and logical, and designed to pro-

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vide basic rules for the course of the convention.

Mr. Speaker, I would urge my colleagues in the House to support this bill—not only by cosponsoring it but by calling on the Subcommittee on Civil and Constitutional Rights to promptly schedule appropriate hearings.

Hearings were not held in 1979 because some thought that they would serve only to encourage the States in their calls for a convention. Clearly, with Missouri adding its name to the other States calling for a constitutional convention, we must act promptly.

Mr. Speaker, we have a unique opportunity to act rather than react to a situation that otherwise can only be dealt with under pressure and haste. We need the Federal Constitution Convention Amendment Act.

The time is now.

BALANCING THE RECORD

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, we have just heard several speakers from that side of the aisle with a litany of criticism who lay at the feet of the Republicans and of the President the high deficits and some of the economic woes.

In order to balance the record then, they are apparently prepared to give credit to the Republicans and to the President for the lower rate of unemployment, the higher rate of weekly income for our wage earners in this country, for the inventories being down, production being up, gross national product being up, and the economy generally going higher and higher, to the benefit of the American people.

Every time they criticize, they reemphasize that we are indeed, both the President of the United States through his policies, and the Republicans who support those policies seeing an improvement in the status of our people.

□ 1230

ELDERLY RIPOFF HOTLINE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, one of the real tragedies of modern society is the way our older Americans are being victimized more frequently and more severely than any other population group by unscrupulous businessmen, medical quacks, and out-and-out thieves.

A number of consumer affairs, legal, and police agencies in the Ninth Congressional District of Florida are doing yeoman's work to help the elderly, but one of the most successful helping hands is a private, nongovernmental organization.

Thanks to Howard Brubach, President of the West Pasco Allied Council (Wespac), a number of senior citizens are donating their time to help others through the "Elderly Ripoff Hotline."

This system is a clearinghouse for elderly residents who either do not know how to find out if a contractor or businessman is dependable or are afraid to do it. Hotline volunteers will call governmental offices, chambers of commerce, better business bureaus, and other agencies to gather the information.

This way elderly residents in our area can make safer and less costly decisions.

There is no way to put a value on this service, but a national network of these kinds of hotlines would make it very difficult for con men, swindlers, and others who prey on the elderly. We all should applaud the work of Wespac's "Elderly Ripoff Hotline" and the example its officers and members are setting for the community.

IMPORTANT LINKS BETWEEN EDUCATION AND DEFENSE

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, last week we debated the defense budget in this House while at the same time outside of this House and around the country the debate on the issue of quality education was escalating. Unfortunately, during the discussion of defense almost no participants made any linkages between defense readiness and the quality of our Nation's educational infrastructure. But there is a direct relationship. The cost of defense is made considerably higher by the scarcity of scientists, technicians, and trained personnel at every level.

We must also not forget that in addition to their blank check approach to defense expenditures, the Soviet Union continues to make massive investments in education at every level. An important part of the strength and power of the Soviet Union is its continually growing education machine.

In defense, as in trade and employment, education is the key. Dollars spent for education are dollars which yield the broadest possible return. The President's hostility toward Federal aid to education is a position which injures our national security as well as immediate domestic programs. Whether we are promoting peace or internal progress the American taxpayer gets the best value for his dollar when that dollar is spent for education.

VISIT OF POPE JOHN PAUL II TO POLAND

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, we are witnessing today a dramatic series of events in Poland. These are events which may prove to be historic as well as dramatic.

The Polish Government and its Soviet supporters have a bear by the tail: The thirst for freedom of millions of citizens of Poland.

The visit of Pope John Paul II has shown him once again to be a courageous advocate of political and religious freedom. His pilgrimage to his native land is clearly having a catalytic effect.

But the Pope's visit also has demonstrated that he is a reflection as well as a catalyst of forces within Poland, those seeking a more democratic society. It has demonstrated that the Solidarity movement in Poland springs from within that nation, not from without.

Millions of us living outside of Poland join millions in that country in hoping that the forces of freedom there will overcome those who continue to try to destroy it.

GOOD ECONOMIC NEWS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, oftentimes on this floor we hear the parade of horribles with respect to the economy whenever there is bad economic news. We do not often take note of good economic news.

Those of us on the Joint Economic Committee have just heard the Secretary of Commerce, Mr. Baldrige, announce the flash estimates for the second quarter of this year. Real growth in GNP is approximately 6.6 percent, which is well above the estimates the administration originally had at the beginning of this year and well above the great naysayers we have heard on this floor for many, many months.

The other point that was made is that the drop in unemployment we have seen since December of last year is the fastest drop in unemployment in any recovery since the end of World War II. We have had a drop of unemployment from 10.7 percent to approximately 10 percent, which means that seasonally adjusted we have created 800,000 new jobs in this country since December.

But, more importantly, nonseasonally adjusted, that means actual people now having jobs that did not have them in December is 1.7 million. That

is important because it is a strong indication that the recovery has begun but, even more importantly, 1.7 million Americans have jobs that did not have jobs in December, and it did not cost 1 tax dollar.

GRAVE SITUATION IN EL SALVADOR

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Speaker, having just returned from a factfinding mission in El Salvador, Nicaragua, Costa Rica, and Guatemala, I am convinced that the President is correct in his grave assessment of the situation in Central America. If we do not act now to prevent the spread of Marxism, we can indeed expect Central America to degenerate into a string of anti-American Marxist dictatorships. We can also anticipate a flood of refugees desperate to escape from tyranny. The people of Central America are hungry for peace and freedom. In Nicaragua, those who can afford shortwave radios listen to the Voice of America. In Managua, the people are willing to pay 50 percent more for a newspaper which is subject to censorship and reaches the street later than its two rivals. They believe it contains more truth than the others, which are closely alined with the Sandinista government. It is imperative that we recognize immediately the need to prevent the spread of Marxism by providing Central Americans with the wherewithal to help themselves, and to insure that democracy prevails.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE ACT

Mr. GARCIA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1492) to establish the Christopher Columbus Quincentenary Jubilee Commission, as amended.

The Clerk read as follows:

H.R. 1492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Christopher Columbus Quincentenary Jubilee Act".

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that—

(1) October 12, 1992, marks the five-hundredth anniversary of the voyages of discovery of Christopher Columbus;

(2) the governments and people of Spain and Italy should be recognized and commended for their historic role and contribution to those voyages;

(3) all persons in this country should look with pride on the achievements and contributions of their ancestors with respect to those historic voyages; and

(4) as the Nation approaches the quincentennial of the voyages of discovery of Christopher Columbus, it is appropriate to celebrate and commemorate this anniversary through local, national, and international observances and activities planned, encouraged, coordinated, and conducted by a national commission representative of appropriate individuals and public and private authorities and organizations.

ESTABLISHMENT; COMPOSITION

SEC. 3. (a) There is established a commission to be known as the Christopher Columbus Quincentenary Jubilee Commission (hereinafter in this Act referred to as the "Commission") to plan, encourage, coordinate, and conduct the commemoration of the voyages of discovery of Christopher Columbus.

(b) The Commission shall be composed of thirty members as follows:

(1) seven members appointed by the President upon the recommendation of the majority leader of the Senate in consultation with the minority leader of the Senate;

(2) seven members appointed by the President upon the recommendation of the Speaker the House of Representatives in consultation with the minority leader of the House of Representatives;

(3) ten members appointed by the President, which members shall be broadly representative of the people of the United States, and not otherwise officers or employees of the United States;

(4) the Secretary of State;

(5) the Archivist of the United States;

(6) the Librarian of Congress;

(7) the Secretary of the Smithsonian Institution;

(8) the Chairman of the Federal Council on the Arts and Humanities; and

(9) the Secretary of Commerce.

(c) The President is hereby authorized and requested to invite the governments of Spain and Italy each to appoint, before October 1, 1983, one individual to serve as a nonvoting participant in the activities of the Commission.

(d) The Secretary of State shall call the first meeting for the purpose of electing a Chairman and Vice Chairman, both of whom shall be from among the members of the Commission appointed under subsection (b)(3). The Commission may appoint honorary members, and may establish an Advisory Council to assist the Commission in its work.

(e) Appointments under subsection (b) shall be made within a reasonable time after the date of the enactment of this Act, but not later than October 1, 1983. Vacancies shall be filled in the same manner in which the original appointments were made.

DUTIES

SEC. 4. (a) It shall be the duty of the Commission to prepare a comprehensive program for commemorating the quincentennial of the voyages of discovery of Christopher Columbus, and to plan, encourage, coordinate, and conduct observances and activities commemorating the historic events associated with those voyages. In carrying out this subsection, the Commission shall particularly examine the historic role of the government and people of Spain in order to promote a greater public awareness, understanding, and appreciation of the contributions made by Spain with respect to those voyages.

(b) Not later than October 1, 1985, the Commission shall submit to Congress a comprehensive report incorporating its recommendations for the commemoration of the quincentennial of the voyages of discovery of Christopher Columbus. The report required by this subsection shall include—

(1) recommendations for appropriate activities for the commemoration, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials focusing on the history, culture, and political thought of the lands Christopher Columbus traveled from and to during the voyages of discovery;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of libraries, museums, and exhibits, including mobile exhibits;

(E) ceremonies and celebrations commemorating specific events;

(F) programs focusing on the international significance of the voyages of discovery of Christopher Columbus; and

(G) the design, inscriptions, and other specifications relating to the issuance of commemorative coins, medals, and stamps, by the United States;

(2) recommendations for the allocation of financial and administrative responsibility among the public agencies and private organizations recommended for participation by the Commission; and

(3) recommendations for such legislation and administrative actions as the Commission deems necessary to carry out the commemoration of the voyages of discovery.

The President shall transmit the Commission's report to the Congress together with such comments and additional recommendations for legislation and administrative actions as the President deems appropriate.

(c) The Commission shall prepare and submit to the Congress an annual report on the acitivities of the Commission, including an accounting of funds received and expended.

(d) In preparing its plans and programs, the Commission shall consider any related plans and programs developed by State and local, and foreign governments, and private groups including the 1992 World's Fair to be held in Chicago, Illinois, and in Seville, Spain. The Commission shall endeavor to plan and conduct its activities in such manner as to ensure that activities conducted pursuant to this Act do not duplicate activities of the 1992 World's Fair.

(e) The Commission may designate special committees and invite representatives from such public agencies and private organizations to assist the Commission in carrying out this section as the Commission deems appropriate.

ADDITIONAL FUNCTIONS

SEC. 5. In carrying out the purposes of this Act, the Commission is authorized to provide for—

(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public awareness of, and interest in, the quincentennial, except that any commemorative coins, medals, or stamps issued by the United States shall be sold only by an agency of the United States;

(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works, programs, and projects relating to the quincentennial; and

(3) a quincentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and per-

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sonalities of quincentennial historical and commemorative significance.

COORDINATION OF EFFORTS

SEC. 6. (a) In carrying out the purposes of this Act, the Commission shall consult, cooperate with, and seek advice and assistance from appropiate Federal departments and agencies, State and local public bodies, foreign governments, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. Such Federal departments and agencies are authorized and requested to cooperate with the Commission in planning, encouraging, coordinating, and conducting appropriate commemorative activities.

(b) The Secretary of State shall undertake a study of appropriate cooperative actions which might be taken with foreign governments to preserve and develop historic sites related to the voyages of discovery of Christopher Columbus, at such time and in such manner as will insure that fitting observances and exhibits may be held at each such site during the commemoration. (In particular, the Secretary may consult with the governments of the nations of the Western Hemisphere which share the Columbian heritage and with the governments of Spain and Italy with respect to joint participation in events in the United States and in such nations.) The Secretary shall submit the results of the study to the Commission, together with his recommendations, affording the Commission an opportunity to review the study, and to incorporate such of its findings and recommendations as the Commission may deem appropriate in the report required by section 4 of this Act.

(c) The Chairman of the Federal Council on the Arts and Humanities, the Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities shall cooperate with the Commission, especially in the encouragement and coordination of scholarly works and presentations focusing on the history, culture, and political thought of the period surrounding the voyages of discovery.

(d) The Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States shall cooperate with the Commission, especially in the development and display of exhibits and collections, and in the development and distribution of bibliographies, catalogs, and other materials relevant to the period.

(e) Nothing in this Act shall be construed to restrict, abridge, or otherwise limit the planning, development, conduct, operations, or activities of the 1992 World's Fair to be held in Chicago, Illinois, and in Seville, Spain, nor shall any provision of this Act be construed to vest in the Commission any right or responsibility to regulate or otherwise oversee the planning, development, conduct, operations, or activities of such Fair.

DONATIONS

SEC. 7. (a) The Commission may accept donations of money, property, or personal services, except that the Commission may not accept donations—

(1) the aggregate value of which exceeds $25,000, in the case of donations from an individual; or

(2) the aggregate of which exceeds $50,000, in the case of donations from a foreign government, a corporation, a partnership, or any other person.

(b) All books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the period and donated to the Commission may be deposited for preservation in national, State, or local libraries or museums or be otherwise disposed of by the Commission after consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, or the Administrator of General Services, as the case may be.

ADMINISTRATION

SEC. 8. (a)(1) The Chairman, with the advice of the Commission, shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Director who may be compensated at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule established under section 5315 of such title and a Deputy Director who may be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule established under section 5316 of such title. Such officers shall serve at the pleasure of the Chairman.

(2) The Commission shall delegate such powers and duties to the Director as may be necessary for the efficient operation and management of the Commission.

(b) Subject to such rules and regulations as may be adopted by the Commission, the Commission may—

(1) appoint and fix the compensation of such additional personnel, not to exceed twenty staff members, as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relative to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for grade GS-18 of the General Schedule under section 5332 of such title;

(2) appoint such advisory committees as it deems necessary;

(3) procure supplies, services, and property; make contracts; expend in futherance of this Act funds appropriated, donated, or received in pursuance of contracts hereunder;

(4) enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration; and

(5) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(c)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept the services of not to exceed twenty employees under this subsection at any time.

COMPENSATION

SEC. 9. (a) Members of the Commission appointed under section 3(b) of this Act shall serve without compensation, but may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(b) Persons appointed, designated, or invited to assist the Commission under section 3(c), the second sentence of section 3(d), section 4(e), or section 8(b)(2) of this Act shall serve without compensation, and shall not be entitled to reimbursement for travel, subsistence, or other expenses incurred by them in the performance of their duties.

PENALTY

SEC. 10. (a) The Commission shall prescribe rules and regulations regarding the use of any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the quincentennial, or any facsimile thereof. Under the rules and the regulations, the Commission may not sell, lease, or otherwise grant to any person the right to use any such logo, symbol, or mark in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.

(b) Any person who, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any such logos, symbols, or marks, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $10,000, or imprisoned not more than one year, or both. This section shall only apply in the case of such logos, symbols, and marks for which the Commission has published in the Federal Register a notification of certification

AUTHORIZATION FOR APPROPRIATIONS

SEC. 11. (a) There are authorized to be appropriated to carry out the provisions of this Act, $220,000 per fiscal year for each of the fiscal years beginning after September 30, 1983, and ending before October 1, 1992; and $20,000 for the period beginning on October 1, 1992, and ending on November 15, 1992.

(b) Amounts appropriated under this section for any fiscal year shall remain available until November 15, 1992.

(c) The total appropriations authorized under this or any other Act for the purposes of this Act shall not exceed $2,000,000.

TERMINATION

SEC. 12. (a) A final report shall be made to the Congress no later than November 15, 1992, upon which date the Commission shall terminate.

(b) Any property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the National Park Service, or may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

The SPEAKER pro tempore. Is a second demanded?

Mr. COURTER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. GARCIA) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. COURTER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House today, under suspension of the rules, H.R. 1492.

This bill provides for the establishment of a 30-member Presidential Commission to commemorate the 500th anniversary, in 1992, of the voyages of discovery of Christopher Columbus.

At the outset, I would like to express my thanks to my good friend Mr. RODINO for developing this legislation and promoting its passage so vigorously in the House.

During the final days of the 97th Congress, a similar bill passed the Senate and was referred to the Subcommittee on Census and Population, which I chaired at the time. The gentleman from New Jersey and I talked at some length about the bill and he urged me to move the bill prior to adjournment. I deferred action until this year in order to effectuate changes in the bill that would recognize the contributions of Spain and Hispanics.

Shortly after the 98th Congress convened, Mr. RODINO and myself, along with Representatives COURTER and CONTE, introduced H.R. 1492. On May 11, the Committee on Post Office and Civil Service, by voice vote, reported H.R. 1492 to the floor with several minor changes.

In the ensuing time, Mr. Speaker, we have been made aware of the concerns of the administration and representatives of the Chicago World's Fair concerning this legislation. In response to their concerns, we have amended the bill in several ways.

Generally, the amendments fall within three broad categories: appointments; duties; and funding. And in a few minutes Mr. COURTER and I will engage in a colloquy regarding these changes. Let me briefly explain each separately.

As reported by the committee, H.R. 1492 authorized the Speaker and the majority leader in the Senate to directly appoint a specific number of the members of the Commission. Inasmuch as the committee intended the Commission to initiate and conduct commemorative activities, a question was raised by the Justice Department regarding the constitutionality of direct appointment of Commission members by congressional leaders.

To avoid any questions in this regard, we have amended the bill to give the President full authority over all appointments. The Speaker and the Senate majority leader shall each recommend the appointment of seven individuals to the Commission. This will insure that the Commission is impaneled in accordance with the Constitution and will similarly remove any doubt about the Commission's ability to plan, sponsor, and conduct such activities as it desires. The only limitation will be the availability of funds.

Moving now to the second category of amendments, we have added language to insure that the Commission maintains its distance from the activities of the world's fair. The amendment virtually guarantees that the Commission will not be in head-to-head competition with the world's fair. I think we should recognize, however, that there may be some overlapping activities. After all, the business of the Commission will be to enhance our knowledge, understanding, and appreciation for the Columbus voyages. This may be done in a variety of educational and entertaining ways, but I would expect that the Commission may ultimately supplement and compliment the world's fair. I would like to add here, Mr. Speaker, that this Commission will not be in business to produce or market memorabilia bearing its official logo. The bill virtually bars the Commission from selling all but a few commemorative items that I venture to say, will have limited appeal and value.

Finally, Mr. Speaker, on the question of funding, we have reduced the authorization for the Commission to $2 million for the life of the Commission. This is a reasonable request which I do not believe will impair the Commission's functions or its ability to raise private contributions.

Mr. Speaker, almost 500 years ago, a brave group of individuals embarked on a perilous voyage across uncharted waters in search of a westward passage to the Orient. They failed to achieve their intended objective—but their failure proved over time to be a more significant discovery than they could have ever imagined. Although some may quarrel over who actually discovered America first, there is no doubt that the voyages of Columbus provided the impetus for exploration and settlement of this new land. At the very least, these voyages served to form the roots of our national existence. We are, in a word, the beneficiaries of Columbus voyages of discovery, and say what we might about the role of the Federal Government in many other aspects of American life, there can be little doubt but that the celebration of our common heritage is a national affair. The anniversary of the voyages of Columbus are thus deserving of a national celebration.

To that end, a Federal Commission proposed by this bill will go a long way toward improving our understanding and appreciation of the voyages of Columbus.

In addition, the bill will add significantly to our knowledge of the role of Spain and Spanish citizens in these voyages—a fact which history has tended to overlook.

Coincidentally, the Prime Minister of Spain, Felipe Gonzalez, is making a state visit to our country this week. I remain hopeful that if the House passes the bill today, the Senate will act expeditiously so we can get the bill to the President in time before the Prime Minister departs for Spain. Passage of H.R. 1492 would be a sign of continued American-Spanish friendship and international good will.

Mr. Speaker, I urge passage of the bill and reserve the balance of my time.

Mr. Speaker, at this point in the RECORD I would like to insert a section by section explanation of the committee's amendments:

SECTION-BY-SECTION EXPLANATION OF COMMITTEE ADMENDMENTS TO H.R. 1492

Section 1: No Changes.

Section 2: Section 2(3) is amended by deleting the reference to persons of "Hispanic or Italian heritage."

Section 3: Section 3(b) is amended by reducing the size of the Commission from 31 members to 30 members.

Section 3(b) is also amended to authorize the President to appoint 24 members of the Commission. Seven members shall be appointed upon the recommendation of the Speaker of the House in consultation with the Minority Leader of the House. Seven members shall be appointed upon the recommendation of the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

The Secretary of Commerce is appointed to the Commission.

Section 4: Section 4(d) is amended to require the Commission to consider the plans of the Chicago World's Fair when developing its agenda. The Commission should endeavor to ensure that its activities do not duplicate the plans of the World's Fair.

Section 5: No Changes.

Section 6: Section 6(b) is amended to give the Secretary of State discretionary authority to invite the participation of foreign governments in the Commission's activities.

Section 6(e) is added to make clear the Committee's intention that the Commission shall not have any authority over the planning, development, conduct or operations of the World's Fair.

Section 7: No Changes.

Section 8: Section 8(a) is amended to comply with provisions of the Congressional Budget Act with respect to discretionary spending authority.

Section 9: Section 9(a) is amended to comply with provisions of the Congressional Budget Act with respect to discretionary spending authority.

Section 9(b) is amended to prohibit the non-voting representatives of the governments of Italy and Spain on the Commission from being reimbursed for travel or related expenses.

Section 10: No Changes.

Section 11: Section 11(a) is amended by reducing the total appropriation authorized for the Commission to $2.0 million from $2.25 million. For each fiscal year beginning October 1, 1983 and ending before October 1, 1992 there is authorized $220,000. For the period beginning October 1, 1992 and ending November 15, 1992, there is authorized $20,000. Total appropriations may not exceed $2.0 million under this or any other Act.

Section 12: No Changes.

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Mr. COURTER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would like to thank my good friend, the gentleman from New York (Mr. GARCIA) for his leadership and cooperation in considering H.R. 1492. I would also like to thank the gentleman from Massachusetts (Mr. CONTE), who helped us in this regard.

H.R. 1492, Mr. Speaker, recognizes an historically significant event of our American heritage. I feel it is appropriate and fitting for our Government to engage in a national commemoration to reexamine these very famous voyages.

On balance, I feel the legislation blends public financing and private donations into a corporate venture that should produce a series of meaningful events over the next 10 years, and it is for these reasons that I support passage of H.R. 1492.

However, there remains, as the gentleman from New York knows, several amendments which the administration feels, as I feel, are necessary before they commit to the passage of H.R. 1492. It is my understanding that these amendments are included in the revised bill and meet the administration's concerns.

Mr. Speaker, a little bit later on in the debate the gentleman from New York (Mr. GARCIA) and I will engage in a colloquy regarding these amendments.

□ 1245

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the distinguished chairman of the subcommittee of the Committee on Post Office and Civil Service for yielding this time to me.

I rise, Mr. Speaker, in support of this measure. I think it is high time that we recognize that 1492 was a year that heralded for all of us here a new world, a world of opportunity. Indeed, for all of us who pride ourselves in being American, we cannot ignore the fact that had it not been for that great feat of discovery of Christopher Columbus we would not now possibly be here enjoying all of the great good of this great land.

So, it is fitting that in 1992 on the 500th anniversary, the quincentenary, that the United States of America assume a role of leadership in celebrating, in an appropriate manner, this great feat of history. As the gentleman from New York has stated, we have been and are the principal beneficiaries of this great act of courage, of this act of genius and discovery.

And I think it would behoove us to look at this date of 1992, 9 years from now, as a date when we can say as Americans, that we pay a special gratitude with appropriate ceremonies and celebrations to the man who was responsible for bringing together a diverse people from all parts of the Earth to come here and immigrate to America. To appropriately thank him with celebrations of all sorts throughout the United States as the father of immigration.

October 12, 1992, will mark the anniversary of that day 500 years ago when, at 2 a.m., one of the lookouts on the *Pinta* sighted land on Columbus' maiden voyage in search of a water route to the Orient. The landing of Columbus on the island of San Salvador was a great feat and an event that was to change the history of the world. We, along with Italy and Spain and most nations of the Western Hemisphere, take just pride in his accomplishment.

It is fitting that the American people have a truly national celebration of the discovery of our new and blessed world. We are the prime beneficiaries of Columbus' courage and vision. It is essential also that the Federal Government should play a leading role in assuring that this historic observance is carried out with dignity and distinction.

This anniversary is still 9 years away, but our experience with the Bicentennial celebration shows that sufficient leadtime is essential. It is not too soon to begin planning for this jubilee now.

The 30-member Commission authorized in this bill would be mostly made up of private citizens appointed by the President. Of the 24 Presidential appointments, 7 would be selected from recommendations by the Speaker and 7 from recommendations by the Senate majority leader, in consultation with the respective minority leaders. Other members would be the Secretary of State, the Archivist of the United States, the Librarian of Congress, the Secretary of the Smithsonian Institution, the Chairman of the Federal Council on the Arts and Humanities, and the Secretary of Commerce. All appointments are to be made by October 1, 1983, and the President is authorized to invite representatives of the Governments of Spain and Italy to serve as nonvoting participants of the Commission.

Spain, by the way, is well along in planning for its observance, and the Italians are greatly interested in this anniversary celebration of the voyage of the navigator from Genoa.

The principal duties of the Commission will be to work with public agencies, private organizations, and foreign governments to develop a comprehensive commemorative program and to report its recommendations to the Congress by October 1, 1985. the Commission is also required to consider plans of the Chicago World's Fair in developing its agenda.

To guard against commercial exploitation such as that which occurred during our 1976 Bicentennial celebration, the bill provides stiff penalties for unauthorized use of any logotype certified by the Commission.

To avoid the possibility of undue influence by any person or institution, the bill limits private and corporate donations: $25,000 for an individual and $50,000 for corporations and foreign governments.

The authorized appropriations for the Commission are most modest: $220,000 for each fiscal year beginning October 1, 1983, and ending before October 1, 1992, and a final $20,000 for the period October 1, 1992, through November 15, 1992.

Columbus Day has truly become a national celebration, with Americans of all ethnic heritages joining in the observance. The broad support for this commemoration is a symbol of the diversity of America that has been responsible for the greatness of our Nation and continues to be a major source of our strength.

It has been said of America that we have been the "half-brother of the world." That certainly has been true. But it is also true that we have been dedicated to full brotherhood, full partnership in a land where all people, regardless of origin, can achieve their full potential. This dedication to this dream can be traced to Christopher Columbus, who is rightly credited with being the father of immigration.

I urge this body to act favorably on H.R. 1492 so that we can begin to prepare for this historic jubilee. With our Latin American neighbors and our partners in Europe, we then can plan a series of events that will enhance the understanding and appreciation of our American heritage and will affirm our dedication to cooperation and mutual respect in facing future challenges.

Once we have approved this bill, it is my hope that the other body will complete action on it swiftly. Spain's Prime Minister, Felipe Gonzalez, will be making a state visit to our country tomorrow. It would be especially timely and appropriate, I think, if we were to have this legislation ready for the President's signature by that time.

I want to particularly thank the chairman of the subcommittee, my distinguished colleague, Mr. GARCIA, and distinguished colleague from New Jersey, Mr. COURTER, who has joined as cosponsor, along with Mr. CONTE in bringing this bill to the floor of the House of Representatives.

I yield back the balance of my time.

Mr. COURTER. Mr. Speaker, will the gentleman yield to me for several questions concerning the Commission?

Mr. GARCIA. I will gladly yield such time as he may consume to my good friend for that purpose.

Mr. COURTER. Mr. Speaker, I know my good friend has modified the bill in several ways to accommodate concerns raised by the administration. Last Friday we received a letter expressing the administration's support for the bill if two items were taken care of. Could the gentleman please identify those items and tell us if the revised bill meets their concerns.

Mr. GARCIA. If the gentleman would yield, I would tell my good friend that we have done what they have asked. In fact, I think we have gone beyond the administration's request in several areas. Essentially, the administration requested two amendments.

First, that the President appoint all members of the Commission. We have made that correction beginning on page 2 of the bill. As in the past, with other commissions, the Speaker and the majority leader of the Senate will each recommend seven individuals to the President for appointment.

Second, they asked for some assurance that the Commission would not interfere with the activities of the Chicago's World's Fair. This too, we have done by adding explicit language in several sections of the bill directing the Commission to take a "hands-off" position with respect to all aspects of the Chicago World's Fair. The strongest language appears on page 9 where we add a new subsection (e).

So, I would say to my friend that we have settled our differences with the administration and that they now support passage of H.R. 1492.

Mr. COURTER. Did I understand the gentleman to say that the bill requires the Commission to take a strictly "hands-off" position with respect to the activities of the world's fair. Is that correct?

Mr. GARCIA. The gentleman is absolutely correct. The Commission will in no way interfere or oversee any of the activities of the world's fair.

Mr. COURTER. Mr. Speaker, if I may go on, how does my good friend see the Commission's operations and developing?

Mr. GARCIA. If the gentleman will yield, I would respond to my good friend by saying that the Chicago World's Fair and the Commission are distinctly separate operations. Neither one will have anything to do with the other. To the extent they both promote interest and awareness of the Columbus voyages there may be overlapping activities. But for the most part, we expect the Commission will not be conducting activities which steal thunder away from the Chicago World's Fair.

There are two additional points.

First, the bill requires the Commission to consider all Columbus related activities regardless of their origin when they undertake to set the agenda. Specifically, we have, in the bill, urged the Commission to avoid duplicating the programs and activities sponsored by the world's fair, as I said before. In addition, the most that may be appropriated for the life of the Commission will only be $2 million.

Second, I would say to my good friend, that this is a big country and not everyone will want or for that matter, be able to afford to go to Chicago and experience the sights, sounds, and exhibits of the world's fair. Therefore, I think the Commission may end up serving to complement and even supplementing the world's fair activities throughout the country by enhancing our knowledge and appreciation of these voyages and their contribution to our national existence through films, lectures, and so forth. This may ultimately prove financially beneficial to the World's Fair by stirring greater interest in the voyages of Columbia which is the theme for Chicago in 1992.

Mr. COURTER. I thank my friend for that assurance. If I may, I would like to direct my colleague to that section of the bill dealing with the sale of commemorative items. What do you foresee the Commission selling?

Mr. GARCIA. Let me say to my friend that I know the World's Fair people are concerned that the Commission would be competing for the souvenir tee shirt and coffee mug market. This will absolutely not occur. We have included strict prohibitions against the commercialization of the Commission's activities by barring the use of the logo for any commercially related activity. So the Chicago people need not worry, we gladly confer to them the right and privilege to market and sell their trinkets and souvenirs. The Commission may, however, sell certain items—that would essentially have limited appeal and value for principally educators and historians.

Mr. COURTER. Mr. Speaker, I would now like to ask the gentleman about the extent of foreign government participation in the Commission's activities.

Mr. GARCIA. May I say to my good friend from New Jersey, that with the exception of the appointment of nonvoting representatives from Italy and Spain, there is no other specific role for any foreign government. The Secretary of State may at his discretion invite the participation of other nations. In extending such invitation, the Secretary may take into account diplomatic considerations as well as any existing international agreements and conventions. In addition, the bill contains language requiring each foreign government to cover the costs of their representatives' participation.

Mr. COURTER. Finally, Mr. Speaker, going back to that section dealing with appointments. Why did we not appoint any representatives of the Chicago World's Fair to the Commission.

Mr. GARCIA. Frankly, because it did not seem appropriate to reserve or designate slots on a public Commission for private commercial interests such as the Chicago World's Fair—especially when their interests may be opposite of the Commission's. This does not mean to say they will not be appointed. The President may, in his appointments, decide to include representatives of the Chicago World's Fair and for that matter, the Speaker and the Senate majority leader may also recommend to the President, representatives of the Chicago World's Fair if they so choose.

Mr. COURTER. I thank the gentleman from New York for engaging in the dialog with me. It certainly eliminates the questions that I had.

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding.

I commend my colleague, Mr. GARCIA, for his expeditious treatment of this legislation and the presentation and explanation of it which have been most satisfactory. What pleases me no end is that the administration supports the legislation. Clearly 1492 is a significant date in the history of the world and the importance of that date should not be diminished by the passage of time. Christopher Columbus and all he represented and achieved, his achievements, are something that should be memorialized. We have had many anniversaries celebrated in our country. Clearly this is one that should enjoy the attention not simply of the people of the United States but the people of the world. In memorializing the date of 1492 and the associated event, we enhance our own prestige and the greatness of our own country. I yield back the balance of my time.

□ 1300

Mr. COURTER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I rise in opposition to H.R. 1492 not because I believe that we should not have the Commission. On the contrary, I think we should have the Commission to honor the contribution of Christopher Columbus to this country and what that stands for in terms of the beginning of the development of America.

What I object to and what I rise in the well to talk about now is the preliminary, and I say preliminary expenditure of money with which this Commission is to operate. I know my colleague from New York observed, "No more than $2 million over 10 years." Very interesting.

Now let us analyze that statement for just a few moments because the legislation provides for 22 paid staff people. Now 10 years for $2 million is $200,000 a year. How many people can you hire for $200,000 when you reflect that this legislation authorizes two members, two persons, to be at the level of $67,200 and $63,800. That is $131,000. That means that the entire balance of this staff of 22, 20, are going to be paid out of $69,000. When is it possible to hire a Federal worker, or a worker anywhere in America, at less than the minimum wage? Are the sponsors of this legislation suggesting that we are going to be hiring people at the minimum wage? I do not think so.

The point is that the nose in the tent by the camel is for $2 million initially. What total it will finally come to, who can say?

I suggest the better process for us to follow this afternoon is not to let the camel get his nose in the tent.

Now it is also possible under the legislation for this Commission to borrow up to 20 employees from other Federal agencies in order for them to accomplish their duties. Forty-two people working for 10 years to work on a plan for the developing of honoring Christopher Columbus. Can we afford that?

It is interesting to note that just this year on January 14, 1983, we adopted the Tricentennial Anniversary of German Settlement in America. Now it so happens that of the identifiable ethnic groups in America, the second most populous are the people from Germany. And the Congress passed legislation in January commemorating the first German settlement in America, which happened to be in the State of Pennsylvania, and it was 300 years ago, and not 1 cent of Federal money went into this Commission which was created by this act. And I think that is an excellent example for us to follow with respect to honoring the contribution of Christopher Columbus.

I support the establishment of the Commission, but I believe and I will say it again, we should not be placing Federal funds into this coffer for the purpose of fulfilling this need. It should come from private sources.

What is an example of that? We recently dedicated in Washington a memorial to the Vietnam war. I am told that $7 million was raised by public subscription around this country for the building of that memorial. It is altogether fitting that we have it here in Washington. The point is, not 1 cent of Federal money went into the building of the Vietnam War Memorial. I would suggest that it is a good example for us to follow today.

I would like to ask the gentleman from New York (Mr. GARCIA) several questions, if I may, with respect to this legislation.

Is it true that 22 of the 42-member staff can be paid up to $63,800 each under this bill at a GS-18 level?

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

First, so that we can try and set the record straight, what we have tried to do in this legislation in terms of the maximum dollar that may be paid to any one employee in this Commission, we did not want any high-priced $100,000 or $150,000 a year person to come in. So we set the guidelines at the highest maximum Federal level.

The SPEAKER pro tempore (Mr. NATCHER). The time of the gentleman from California (Mr. DANNEMEYER) has expired.

Mr. COURTER. I yield 3 additional minutes to the gentleman from California.

Mr. GARCIA. If the gentleman will continue to yield, what we tried to do here and I think it is important, because I do not want our listening audience to be confused by this colloquy.

No. 1, we set the maximum dollar figure. There is no way that we are going to have 20 people working at $67,000 a year.

Mr. DANNEMEYER. But technically it could be possible under the legislation as it is drafted, is it not?

Mr. GARCIA. I would say to my colleague from California, financially impossible.

Mr. DANNEMEYER. But practically the legal language of the legislation permits it, does it not?

Mr. GARCIA. But as I say it is financially—we do not have the money to pay that type.

Mr. DANNEMEYER. I have another question. Is it true that the Commission can borrow 20 additional staff from Federal agencies at the agency's own expense?

Mr. GARCIA. We are hoping that within the Federal Government there are a great number of people who have expertise in certain areas, if they can contribute to making this 1992 celebration what we all want it to be, I would have no problem with that.

Let me say to my colleague, if I may, that all of this will be done on a very limited basis. I do not want anybody to think for one moment that we are going to be trotting in with the high-priced Federal help and have them on board for 8 years. They may come in and give us a hand for a month or two, but that is what we anticipate. We do not expect any full-time employees.

Mr. DANNEMEYER. Is it true that existing Federal law calls for the executive branch to submit a personnel blueprint before new executive positions are created on an ad hoc basis?

Mr. GARCIA. Yes, I believe the gentleman is absolutely correct.

Mr. DANNEMEYER. Has that blueprint been submitted?

Mr. GARCIA. I would say to my colleague from California the blueprint has not been submitted here. What we have done, as I said, when you talk about the figures of $200,000 that will be accumulated, will be spent over the course of the year, the fact of the matter is is that we hope that we can get one good staff person, one key person, to run this, and I am certain in dealing with the administration we will be able to work those details out.

Mr. DANNEMEYER. Is it planned to submit a personnel blueprint?

Mr. GARCIA. The administration has come out for this legislation wholeheartedly endorsing it. The colloquy that my colleague from New Jersey and I have had, I think, answered the basic problems that the administration had. And we worked very hard to make sure that the administration was satisfied.

Mr. DANNEMEYER. I thank my colleague.

In my closing comments, let me make this observation. I do not think it is appropriate to bring this matter up on suspension. I think it should be brought up on a regular calendar for those of us who have a serious concern about the deficit and can offer an amendment to strike out the public funding. And there is another amendment that deserves to be offered to this legislation. Under the form that is before us there is a limit on what private sources can contribute to the Commission. I think that limit should be removed. I think if you are making an appeal for funds which you are going to have the right to do, there should not be a limit on what some contributor would seek to contribute. That amendment should be offered on the floor.

Mr. GARCIA. If the gentleman will yield further, the reasons—and I am so glad the gentleman brought that point up—the reasons why we have a cap on contributors is that we do not want any corporation——

The SPEAKER pro tempore. The time of the gentleman from California (Mr. DANNEMEYER) has again expired.

Mr. GARCIA. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANNEMEYER).

What we tried to do in this Commission is to avoid any corporation in this country or any other country trying to buy this Commission with thousands upon thousands of dollars being contributed. We feel very strongly that this must be a public Commission, run by the people. If corporations want to contribute, there is a max that they can contribute. We hope that we can get the maximum.

Mr. DANNEMEYER. What is the maximum contribution in the bill that is before us? I think it is $50,000.

Mr. GARCIA. Right now it is $50,000 under this bill per corporation.

Let me give my colleague an example. During the celebration of the 200th anniversary of America in 1976, there were several corporations that every 30 seconds had these national commercials going on across the country.

Anybody would think that those commercials and this company was the prime sponsor of our entire 200 years of existence.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. DANNEMEYER) has again expired.

Mr. COURTER. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I would like to make this observation. When we are concerned with deficits of close to $200 billion in fiscal year 1984, I believe the taxpayers of this country would be more content with putting up with that intrusion, as the gentleman described, and the claim of some sponsor who contributed a large sum, than to dig into the Federal Treasury for yet another laudable purpose, the establishment of this Commission. I just do not think we should be funding this with public money.

Mr. GARCIA. If the gentleman will continue to yield, we do not want anybody to buy this Commission. This Commission belongs to the people of this country and we want to keep it that way.

Mr. DANNEMEYER. I thank my colleague.

Mr. COURTER. Mr. Speaker, the gentleman from California is concerned about the expenditure of $2 million. I would like to point out the fact that the Bicentennial Commission celebrating the 200th year of this country, was supported by $53 million of taxpayers' money.

I do not very frankly feel that there are many Americans at all who felt that that $53 million was wasted. We all felt extreme pride during that period of time knowing that our country had achieved 200 years of greatness and that we had now a history, we had something more than just ideas to be proud of, we had a heritage.

I think this Commission, with the total expenditure of only $2 million over a 10-year period, is one further thing that will make all Americans proud of our origins, of our history, and our heritage. I urge my colleagues to pass H.R. 1492.

Mr. GARCIA. Mr. Speaker, it is with a great deal of pride that I yield such time as he may consume to one of the leading citizens of the great city of Chicago, where the World's Fair is going to be held, the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I rise in total support of H.R. 1492. I compliment my good friend, the distinguished chairman of the Judiciary Committee, the gentleman from New Jersey (Mr. RODINO) for introducing this legislation.

I compliment my good friend from New York (Mr. GARCIA) for the expeditious manner in which he has brought this legislation to the floor of the House today.

Christopher Columbus is remembered as a man who fought against tremendous odds because he wanted to find truth and make it triumph. He is regarded as a great pioneer personifying the spirit of discovery, and embodying the will and the faith to overcome apparently insurmountable obstacles. It was through Columbus' voyage that a pattern was established for a nation of many nationalities, traits, and beliefs, and it was through this voyage that all humanity looks upon America as a place where all people, regardless of how humble or exalted their origin, would achieve their full potential. As we become ever more conscious of the importance of our historic roots in both understanding the founding concepts on which our country stands, and the needs and demands of the present as well as future generations, the importance of Columbus as the father of all immigrants takes on added significance.

H.R. 1492 is a strong step toward planning and coordinating local, national, and international observances, to take place in 1992, in honor of the discovery of America by Columbus 500 years ago. In 1893, the 400 anniversary of the discovery of America was celebrated in the United States with Chicago's world-renown Columbian Exposition, and Chicagoans have been planning and preparing for several years to bring a world's fair to Chicago in 1992 to coincide with the Columbus Quincentenary Jubilee. The Chicago fair's theme is the "Age of Discovery," and the fair will commemorate the historic contribution of Christopher Columbus.

This bill will go a long way toward assisting all Chicagoans in making our city, a city of immigrants, the major center of the Nation's Columbus Quincentenary Jubilee because the legislation specifies to the Commission the importance of working and consulting with local governments in planning for this great event. As stated in the committee report, H.R. 1492:

> Makes clear that the Commission, in preparing its plans and programs, must consider any related plans and programs developed by State, local and foreign governments, and private groups.

Chicagoans, with the expertise they already have gained, can be of great assistance in planning commemorative activities.

This bill does not create any new executive level positions, and in order to do its work properly, the Commission will have to depend on private and corporate contributions for most of its funding. Individuals may contribute up to $25,000, and corporations and foreign governments may contribute up to $50,000. Objections have been raised to the bill because of the minimal cost to the Federal Government of the $2.25 million authorized over a period of 10 years. I emphasize that the Columbus Quincentenary Jubilee will be an international event, of international importance, and Italy and Spain have already indicated their interest in special celebrations of this event. A stable Commission, under Federal Government auspices, is absolutely necessary to properly prepare our country for participation in the jubilee at the local, State, national, and international levels. Our Nation's American Revolution Bicentennial Commission received over $50 million in Federal funds, and the date 1492 is just as momentous a year in our country's history as was 1776.

The Christopher Columbus Quincentenary Jubilee Commission will be authorized to prepare a comprehensive commemorative program, including recommendations for films, books, and other educational materials on the significance of this event, planning for programs and ceremonies, as well as the issuance of commemorative stamps, coins, and medals.

For all of these reasons, the Commission's work will complement the work already being done in my own city of Chicago in preparation for this historic occasion, and should be of great assistance in bringing the attention of the Nation and the world to Chicago's grand world fair celebration of the "Columbus Year." I strongly urge my colleagues to support H.R. 1492 so that our country's Christopher Columbus Quincentenary Jubilee celebration can be adequately planned ahead in a thoughtful, dignified, and creative way.

Mr. Speaker, I want to say that when we talk about $2 million, we are talking about a very, very infinitesimal amount of money. And it is a tragedy that we should correlate the deficit with $2 million or $200,000 a year. It has been adequately brought out by the chairman of the subcommittee that there are private moneys that can be collected, $50,000 from a corporation, $25,000 from individuals.

We will shortly be voting on $8.1 billion for the IMF in order to save the great bankers of this Nation.

So I do not see any rhyme or reason to the argument that this centennial is going to cost the taxpayers a great deal of money. It is going to cost practically no money when you figure out the number of jobs that this will create, the number of activities that this will generate. This might even reduce the unemployment in this country, because if you do not do something, nothing will ever happen.

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Mr. Speaker, I know the gentleman from California (Mr. DANNEMEYER) is a great champion of saving money and a great champion of watching the purse of the taxpayers of this country. But this is one place, I tell the gentleman, where his arguments do not hold ground; $200,000 in this Chamber is practically nothing. It is a pimple on an elephant's carcass.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, perhaps the gentleman does not recall, but just a few days ago this House considered deleting $900,000 to provide funds for ex-Presidents to accommodate them in their incidental expenses, which passed, I might add, 244 to 169.

Now, if we can take up time to debate the expenditure of $900,000 and carry that deletion by 244 to 169, I do not think it is unreasonable for this Member from California to suggest a similar course with respect to $2 million. Does the gentleman think it is unreasonable?

Mr. ANNUNZIO. Mr. Speaker, the gentleman is bringing out $900,000. I do not think it is unreasonable to discuss money at any time in this Chamber. But let us set the record straight: We are talking about $200,000 a year. That is all. That is the authorization. And it is very possible that this $200,000 might not ever be spent because of the private contributions that can be collected.

Countries such as Spain and Italy will probably spend thousands and thousands of dollars for this celebration, which is worldwide. There is nothing in this legislation that interferes with the Chicago World's Fair, as far as I know.

Mr. GARCIA. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. I thank the chairman for yielding.

Mr. Speaker, I would like to congratulate the subcommittee and its chairman on bringing H.R. 1492 to the floor today. There can be really no greater anniversary that we are to celebrate than this anniversary of Columbus' journey to the New World. In making that voyage, Columbus set off the journey that this country and its people have been on for these five centuries.

We are a country of immigrants, and Christopher Columbus is really in many ways our first immigrant, the first person to lead the way from the old world to the new. Since that time centuries of immigration have furthered that movement—not just in geography but in spirit, in adventure, in innovation, in development, in freedom, and in ideals.

Our country traces its roots back to the Italy from which Christopher Columbus came, to the Spain which sponsored the journey, and those heritages remain very much a part of our country today.

I support this legislation. I hope that the House will vote overwhelmingly to pass it and put this Commission to work to make this the appropriate, fitting celebration that it ought to be.

Mr. GARCIA. Mr. Speaker, I yield 1 minute to the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Speaker, as a representative of a the great woman, Queen Isabella, who had faith in Columbus and in his explorations and in his discoveries, I feel that this is a very fitting piece of legislation, and I hope that it will be adopted.

Mr. GARCIA. Mr. Speaker, will the gentlewoman yield?

Mrs. BOGGS. I yield to the chairman.

Mr. GARCIA. Mr. Speaker, it is interesting that the gentlewoman should say that, because I was going to close with some words along that line.

I say to all of my Italian friends who have a great deal of pride in Christopher Columbus, as well they should, that it may have been an Italian who discovered America, but it was a Spanish woman who gave him the money to get here.

Mrs. BOGGS. I thank the gentleman.

● Mr. FRENZEL. Mr. Speaker, I rise today to express my disapproval of H.R. 1492, which would establish the Christopher Columbus Quincentenary Jubilee Commission and authorize huge outlays of public moneys for its use.

Although I would never want to stand in the way of such a celebration, I am compelled to speak out against the Federal Government footing such a huge proportion of the bill for this extravaganza.

According to Congressional Budget Office figures, the authorization levels for creating this holiday would stand at $1.2 million, and outlays are estimated to be at $1.175 million.

One of the reasons that the cost for this program are so high is that the bill caps the support from the private sector $25,000 for individuals, and $50,000 for corporations. The reason for this cap on contributions is to guard against the event becoming to commercialized.

I would like to suggest, Mr. Speaker, that a little commercialism could go a long way toward saving the Government some money.

Mr. Speaker, I realize that $1 million is not a lot of money when it is stacked up against our massive Federal budget. However, this is a perfect example of another Government excess. Congress simply must learn to discipline itself. Obviously, the lesson is as yet unlearned.●

● Mr. RICHARDSON. Mr. Speaker, I come before you and my colleagues today to show my strong support for H.R. 1492, the Christopher Columbus Quincentenary Jubilee Act. It is appropriate that we as a nation develop a program to commemorate the historic voyage of Christopher Columbus, an Italian explorer, who against all odds set sail in search of the New World. The historic voyage of Christopher Columbus should have a special place in our traditional yearly celebrations.

The documents that marked the start of the voyage of Columbus were actually signed by Queen Isabella in Santa Fe Granada, Spain, in 1492. Mr. Speaker, the largest city in my Third Congressional District and the State capital of New Mexico has special ties with Santa Fe, Granada, Spain. Santa Fe, N. Mex., became a sister city to Santa Fe, Granada, on April 15 of this year. A delegation from New Mexico traveled to Spain and participated in the start of a 10-year celebration in Spain which will culminate in 1992 with the 500-year anniversary of the voyage of Christopher Columbus and the anniversary of the signing of a pact that proclaimed Spain's independence from Moorish rule. The culture, heritage, customs, and similarity of terrain makes Santa Fe, N. Mex., a natural for the proposed 1992 celebration to be held in the United States.

Mr. Speaker, the Christopher Columbus Quincentenary Jubilee Act states that all people of Hispanic or Italian heritage should look with pride on the achievements and contributions of their ancestors. In no other State of the United States is there a city that has so preserved the cultural influences left by Hispanic explorers and missionaries as in Santa Fe, N. Mex.

Santa Fe, N. Mex., is America's oldest capital city. Spanish conquistador Don Pedro de Peralta founded Santa Fe, N. Mex., back in 1610. Santa Fe served as the northern provincial capital of the Spanish colonies in the New World, as the northern capital of the Republic of Mexico, and today as the State capital of the State of New Mexico; 63 percent of the population in Santa Fe, N. Mex., is Hispanic.

One only needs to visit the State capitol in Santa Fe and look to the inscription in the rotunda to read a quote that sums up our special historic ties to Spain: "Upon arriving in New Mexico in 1598 Don Juan de Onate and the first Hispanic colonizers brought with them something that would leave an indelible mark in the Southwest—the Hispanic Culture."

These special cultural ties are seen in Santa Fe, N. Mex., today in the arts, in the language, food, architecture; and customs. Mr. Speaker, the Christopher Columbus Quincentenary Jubilee Act will allow all Americans to begin a new voyage of discovery of the cultural ties between Spain, Italy, and the United States and to reflect within themselves in the spirit and determination that led explorer Christopher Columbus to his discovery of America.

I strongly urge my colleagues to support the Christopher Columbus Quincentenary Jubilee Act. This bill includes provisions designed to prevent the Commission from duplicating activities of the 1992 Chicago World's Fair which will also celebrate the anniversary of the voyages of Christopher Columbus. Together all Americans can start a new age of discovery of the common cultural heritage between Spain, Italy, and the United States.●

● Mr. MINISH. Mr. Speaker, as an American whose ancestors were born in Italy, I cannot pass up an opportunity to rise in support of H.R. 1492, which would insure an appropriate commemoration of the historic voyage of Columbus to this New World. If Columbus had not had the courage and persistence to launch his voyage of discovery, the world would be a very different place today, and the history of our country would have taken another direction. Italians and Americans of Italian blood take particular pride that one of their own was present at the creation of America as we know it, and that their people have played an integral role throughout the development of American society from that day to this.

In this day of the space shuttle and other spectacular achievements, it is appropriate to honor the same pioneering spirit which Columbus embodied so long ago, a spirit which has come to be identified with America. The 500th anniversary of his voyage should be marked in a significant and memorable way, and I believe that this legislation will accomplish this.●

● Mr. CONTE. Mr. Speaker, as an original sponsor, I rise in strong support of H.R. 1492, a bill establishing a National Jubilee Commission to commemorate the 500th anniversary of the Columbus voyage to America.

Every American—whether descendant from those 17th century pioneers of the *Mayflower* or present-day Vietnamese refugees—shares the benefits of this daring voyage. The discovery of a New World not only inspired the later voyages of Columbus, but this hope for a fresh start encouraged the Pilgrims to risk their lives for religious freedom, opened the door for economically oppressed Irish, advanced the hopes of Italians and Poles, and fostered the courage of Vietnamese to flee their homeland for a new life in America.

This anniversary celebration may be viewed by some as a series of Italian festivals or a Spanish Awareness decade, but they are missing the point. I am as proud as anyone of my Italian heritage—and of course Columbus was Italian—but this celebration must and will involve all Americans—black, Hispanic, Italian, Irish, Chinese, and Vietnamese to name just a few. In my mind, that is the importance of such a celebration—the reason to establish a national commission.

In another way, though, the Columbian legacy not only unites all Americans, but this common bond extends throughout the Western Hemisphere. The nations of North, Central, and South America share a common beginning with the voyage of Columbus. Almost 500 years later our interdependence as neighbors has only grown. H.R. 1492 makes special provision for the promotion of this common bond. The legislation directs the Secretary of State to consult with the nations in the Western Hemisphere "which share the Columbian heritage" about joint participation in this celebration.

To accomplish these ambitious goals, a Federal Commission is established to plan, encourage, coordinate, and conduct local, national, and international observances and activities. The Commission would also be responsible for preparing comprehensive programs to commemorate the voyages of Columbus.

In an effort to minimize "overcommercialization" prevalent in the U.S. Bicentennial celebration, this bill limits the amount of individual and corporate contributions. Also, the Commission's focus, as stipulated in the bill, should be educational, not commercial. Activities may include conferences and seminars, the production of books, films, pamphlets, and other educational materials, the development of libraries, museums, and exhibits. Of course, the Commission will also conduct ceremonies and celebrations honoring specific events and issue commemorative stamps, coins, and medals. All these activities will be conducted at a minimum expense to the taxpayer and for the benefit of all Americans.

This national celebration does not, however, preclude any other event or program sponsored by State, local, and foreign governments, and private groups. In fact, the Commission is directed to consider the plans developed by these groups when preparing for the celebration.

Mr. Speaker, even though this 500th anniversary of that famous voyage across the Atlantic is 10 years away, we must act now. Preparation for such an event will take years of planning and coordination. Passage of this bill will avoid a rushed and sloppy celebration. I urge my colleagues to support H.R. 1492.●

● Mr. DAUB. Mr. Speaker, I wish the record to be clear as to my support for appropriate designation and celebration of the anniversary of the greatest event in the history of the United States—the 500th anniversary of Christopher Columbus' sighting of the New World.

On October 12, 1992, proper attention should be given to this tremendous event, and although I had fiscal reservations over the expenditures, and limits on private contributions for the event, I nevertheless fully support the formation of a Commission to rightfully prepare for the occasion. Had opportunity been allowed for alteration and amendment of this measure, I would have seen fit to lend H.R. 1492 my unqualified support.

Americans, in the past, have shown that they are more than willing to voluntarily contribute to the success and viability of such worthy events, and I have great concern that this measure may, to the celebration's detriment, have the opposite effect of discouraging private financial participation to the event, and in turn create yet another type of Government bureaucracy at a time when we owe it to our Nation to be carefully discriminating in our expenditures of tax dollars.●

● Mr. BIAGGI. Mr. Speaker, I rise to lend my full support to H.R. 1492, a bill to establish the Christopher Columbus Quincentenary Jubilee Commission. As an Italian American, I am especially proud that the Congress is planning ahead for this major celebration of the founding of our great Nation and paying an appropriate tribute to the man who discovered our Nation, Christopher Columbus.

As the legislation indicates, the Commission would be known as the Christopher Columbus Quincentenary Jubilee Commission and will plan and execute appropriate activities marking the 500th anniversary of the voyages of discovery of Christopher Columbus.

The Commission would consist of 31 members appointed by the President, the Speaker, and the Senate majority leader. The President would be authorized to invite participation by the Governments of Italy and Spain in a nonvoting capacity.

Obviously an anniversary of this magnitude and of this historical importance must be properly planned for. This is why the Commission is being formed a full 9 years before the actual celebration. The Commission will be the focal point in the planning of the various events which will mark this occasion.

October 12, 1492, is the day in history that we are commemorating. On that day, the brave explorer, Christopher Columbus, ostensibly on his way to find a westward passage to the Orient instead discovered the New World. In his discovery of what is now America, Christopher Columbus may have in fact made the greatest discovery in modern history.

It is important for the purposes of history—and as a tribute to the individual accomplishment involved, that we plan for and conduct an appropriate celebration for the 500th anniversary of the discovery of America. Christopher Columbus has not been treated as kindly by history as his accomplishment would seem to dictate. At times there have been more attempts to discredit his achievements than anything else.

I urge my colleagues to support the establishment of this important commission and pass this legislation today.

Last July I entered into the Record a statement discussing the activities of a New York based group, the Columbus Quincentennial U.S.A. Organization. Just last Fourth of July they had arranged to have a facsimile of the original ship *Santa Maria* sail into New York City on its way to Spain. Presently construction is underway to develop facsimiles of the other two ships, the *Nina* and the *Pinta*. It is this type of private initiative together with the work of the Commission that will help to insure that this 500th anniversary is truly a celebration which will do justice to the achievements of Christopher Columbus.

Finally as an Italian American I laud the initiative being taken with this legislation. As we strive to fully identify and appreciate our ethnic heritage, we must take into proper account the contributions which individuals have made. Christopher Columbus reigns as one of the major figures in world history as well as in the great history of the Italian-American community for in many respects he was the first Italian American in history.

Of course as we contemplate and plan for the celebration of the 500th anniversary of the discovery of America, let us also remember the essential role which the Government of Spain made to the mission of Columbus. The enlightened monarch, Queen Isabella, exhibited sound judgment and courage in permitting Columbus to embark on his mission. Her faith in Columbus was rewarded, and the discovery of America was a triumph for the people of Spain and their distinguished ruler, Queen Isabella. I trust that the Commission in their deliberations will give proper recognition to the invaluable role which Spain played in the ultimate discovery of our great Nation.●

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 1492.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. Garcia) that the House suspend the rules and pass the bill, H.R. 1492, as amended.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 288, nays 123, not voting 21, as follows:

[Roll No. 203]

YEAS—288

Ackerman
Addabbo
Albosta
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bateman
Bates
Beilenson
Bennett
Berman
Bethune
Bevill
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Bryant
Carney
Carr
Chappell
Chappie
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Collins
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Crockett
Daschle
Daub
Davis
de la Garza
Dellums
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hamilton
Harkin
Harrison
Hawkins
Hefner
Hertel
Hightower
Hillis
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Hyde
Ireland
Jeffords
Jones (NC)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Long (LA)
Long (MD)
Lott
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Madigan
Markey
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Oxley
Panetta
Pashayan
Patterson
Pease
Pepper
Perkins
Pickle
Porter
Price
Pritchard
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shannon
Shaw
Shelby
Sikorski
Simon
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Snyder
Solarz
Solomon
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Synar
Tallon
Taylor
Thomas (CA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Walgren
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki

NAYS—123

Andrews (TX)
Archer
Badham
Bartlett
Bedell
Bereuter
Bilirakis
Bliley
Breaux
Brown (CO)
Broyhill
Burton
Byron
Carper
Chandler
Cheney
Coats
Conable
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Derrick
DeWine
Dorgan
Dreier
Evans (IA)
Fiedler
Fields
Franklin
Frenzel
Gingrich
Glickman
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (UT)
Hartnett
Hatcher
Hiler
Holt
Hopkins
Hubbard
Hunter
Jacobs
Jenkins
Johnson
Jones (OK)
Kramer
Latta
Leach
Levitas
Livingston
Loeffler
Lowery (CA)
Lungren
Mack
Marlenee
Marriott
Martin (NC)
McCain
McCandless
McCurdy
McDonald
McEwen
Miller (OH)
Montgomery
Moore
Moorhead
Morrison (WA)
Olin
Packard
Patman
Paul
Penny
Petri
Pursell
Quillen
Ray
Roberts
Roemer
Rogers
Roth
Rowland
Schaefer
Sensenbrenner
Sharp
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (NE)
Smith, Denny
Smith, Robert
Spence
Stangeland
Stenholm
Stump
Sundquist
Swift
Tauke
Tauzin
Thomas (GA)
Volkmer
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whittaker
Winn
Zschau

NOT VOTING—21

Akaka
Andrews (NC)
Bonker
Campbell
Coleman (TX)
D'Amours
English
Erlenborn
Frost
Hansen (ID)
Heftel
Kemp
Leland
Martinez
Nielson
Parris
Roukema
Studds
Williams (MT)
Yates
Young (AK)

□ 1330

Messrs. LEVITAS, THOMAS of Georgia, and SHARP changed their votes from "yea" to "nay."

Messrs. RAHALL and STAGGERS changed their votes from "nay" to "yea."

So (two-thirds of those having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 91, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

Mr. JONES of Oklahoma submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986:

Conference Report (H. Rept. No. 98-248)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986 having met, after full and free conference, have been unable to agree on a conference report because the conference decisions have changed certain budget figures outside the scope of conference. As set forth in the accompanying joint explanatory statement, the conferees do propose a congressional budget incorporated in a further amendment for the consideration of the two Houses.

James R. Jones,
Jim Wright,
Stephen J. Solarz,
Timothy E. Wirth,
Leon E. Panetta,
Richard Gephardt,
Bill Nelson,
Les Aspin,
Mike Lowry
William H. Gray III,
Managers on the Part of the House.

Pete V. Domenici,
Nancy Landon Kassebaum,
Rudy Boschwitz,
Slade Gorton,
Lawton Chiles,
Jim Sasser,
Howard M. Metzenbaum,
Don Riegle,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986, report that the conferees have been unable to agree. This is a technical disagreement, necessitated by the fact that in some instances the conference decisions include figures which (for purely technical reasons) would fall outside the range between the corresponding House and Senate provisions.

It is the intention of the conferees that the managers on the part of the House will offer a motion in the House to recede and concur in the Senate amendment to the House-passed resolution with an amendment (in the nature of a substitute) consisting of the language agreed to in conference. Upon the adoption of such amendment in the House, the managers on the part of the Senate will offer a motion in the Senate to concur therein.

The managers on the part of the House and the Senate submit the following joint statement in explanation of the action agreed upon by the managers:

The substitute language which is to be offered as described above (and which should be considered the language of the concurrent resolution as recommended in the conference report for purposes of section 302(a) of the Congressional Budget Act of 1974)—hereinafter in this statement referred to as the "conference substitute"—is as follows:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $604,300,000,000.
Fiscal year 1984: $679,600,000,000.
Fiscal year 1985: $750,500,000,000.
Fiscal year 1986: $835,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: +$12,000,000,000.
Fiscal year 1985: +$15,000,000,000.
Fiscal year 1986: +$46,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $44,700,000,000.
Fiscal year 1986: $51,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disabilty insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,800,000,000.
Fiscal year 1984: $167,900,000,000.
Fiscal year 1985: $187,300,000,000.
Fiscal year 1986: $203,300,000,000.

(2)(A) The appropriate levels of total new budget authority, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $883,360,000,000.
Fiscal year 1984: $928,725,000,000.
Fiscal year 1985: $996,750,000,000.
Fiscal year 1986: $1,059,300,000,000.

(B) The appropriate levels of total new budget authority, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $877,200,000,000.
Fiscal year 1984: $919,500,000,000.
Fiscal year 1985: $990,500,000,000.
Fiscal year 1986: $1,054,600,000,000.

(3)(A) The appropriate levels of total budget outlays, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $812,850,000,000.
Fiscal year 1984: $858,925,000,000.
Fiscal year 1985: $911,600,000,000.
Fiscal year 1986: $966,635,000,000.

(B) The appropriate levels of total budget outlays, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $807,400,000,000.
Fiscal year 1984: $849,500,000,000.
Fiscal year 1985: $906,750,000,000.
Fiscal year 1986: $962,950,000,000.

(4)(A) Unless subparagraph (B) applies, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $203,100,000,000.
Fiscal year 1984: $169,900,000,000.
Fiscal year 1985: $156,250,000,000.
Fiscal year 1986: $127,150,000,000.

(B) If all of the adjustments provided for in section 2 of this resolution are made, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors shall not exceed:

Fiscal year 1983: $208,550,000,000.
Fiscal year 1984: $179,325,000,000.
Fiscal year 1985: $161,100,000,000.
Fiscal year 1986: $130,835,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,000,000,000.
Fiscal year 1984: $1,614,600,000,000.
Fiscal year 1985: $1,830,100,000,000.
Fiscal year 1986: $2,022,800,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $246,100,000,000.
Fiscal year 1984: $225,600,000,000.
Fiscal year 1985: $215,500,000,000.
Fiscal year 1986: $192,700,000,000.

(6)(A) The appropriate levels of total Federal credit activity, including amounts reserved pursuant to sections 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $54,250,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $47,900,000,000.

(ii) New primary loan guarantee commitments, $101,700,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $47,800,000,000.

(ii) New primary loan guarantee commitments, $106,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

(B) The appropriate levels of total Federal credit activity, excluding amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $52,700,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $100,100,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $103,050,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):

Fiscal year 1983:

(A) New budget authority, $244,600,000,000.

(B) Outlays, $214,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $268,600,000,000.

(B) Outlays, $240,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $297,300,000,000.

(B) Outlays, $265,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $329,000,000,000.

(B) Outlays, $295,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1983:

(A) New budget authority, $24,850,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $10,650,000,000.

(D) New primary loan guarantee commitments, $9,250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $18,700,000,000.

(B) Outlays, $12,950,000,000.

(C) New direct loan obligations, $12,000,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $16,250,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $12,850,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1983:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $7,700,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $8,150,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1983:

(A) New budget authority, $3,950,000,000.

(B) Outlays, $4,450,000,000.

(C) New direct loan obligations, $11,600,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $4,200,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $12,050,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $3,900,000,000.

(B) Outlays, $3,150,000,000.

(C) New direct loan obligations, $12,500,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $3,050,000,000

(C) New direct loan obligations, $12,600,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1983:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $12,450,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $12,050,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $11,850,000,000.

(B) Outlays, $12,550,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $12,150,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6)(i) Agriculture (350), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $24,650,000,000.

(B) Outlays, $24,450,000,000.

(C) New direct loan obligations, $19,400,000,000.

(D) New primary loan guarantee commitments, $5,550,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $13,300,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $12,750,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

(6)(ii) Agriculture (350), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $24,200,000,000.

(B) Outlays, $24,000,000,000.

(C) New direct loan obligations, $18,600,000,000.

(D) New primary loan guarantee commitments, $5,550,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $12,100,000,000.

(D) New primary loan guarantee commitments, $3,750,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $11,650,000,000.

(D) New primary loan guarantee commitments, $3,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $12,200,000,000.

(D) New primary loan guarantee commitments, $3,850,000,000.

(E) New secondary loan guarantee commitments, $0.

(7)(i) Commerce and Housing Credit (370), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $6,060,000,000.

(B) Outlays, $3,550,000,000.

(C) New direct loan obligations, $7,200,000,000.

(D) New primary loan guarantee commitments, $53,700,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $2,450,000,000.

(C) New direct loan obligations, $5,900,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(A) New budget authority, $6,250,000,000.

(B) Outlays, $500,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(A) New budget authority, $6,450,000,000.

(B) Outlays, $260,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

(7)(ii) Commerce and Housing Credit (370), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $3,500,000,000.

(C) New direct loan obligations, $6,450,000,000.

(D) New primary loan guarantee commitments, $53,700,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $2,250,000,000.

(C) New direct loan obligations, $5,900,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(A) New budget authority, $6,250,000,000.

(B) Outlays, $150,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(A) New budget authority, $6,450,000,000.

(B) Outlays, $100,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

(8) Transportation (400):

Fiscal year 1983:

(A) New budget authority, $26,850,000,000.

(B) Outlays, $22,100,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $1,050,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $28,000,000,000.

(B) Outlays, $26,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $600,000,000

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $28.950,000,000.

(B) Outlays, $27,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $29,800,000,000.

(B) Outlays, $28,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(9)(i) Community and Regional Development (450), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $8,650,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $6,975,000,000.

(B) Outlays, $8,225,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $1,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $9,200,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $3,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $9,175,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $3,550,000,000.

(E) New secondary loan guarantee commitments, $0.

(9)(ii) Community and Regional Development (450), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $8,650,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $6,850,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $8,350,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $7,350,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $550,000,000.

(E) New secondary loan guarantee commitments, $0.

(10)(i) Education, Training, Employment, and Social Services (500), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $32,850,000,000.

(B) Outlays, $32,150,000,000.

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(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $37,450,000,000.

(B) Outlays, $31,850,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $30,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $31,500,000,000.

(B) Outlays, $31,050,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

(10)(ii) Education, Training, Employment, and Social Services (500) excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $28,350,000,000.

(B) Outlays, $27,650,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $33,950,000,000.

(B) Outlays, $28,350,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $30,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $31,500,000,000.

(B) Outlays, $31,050,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

(11)(i) Health (550), including amounts reserved pursuant to section 21:

Fiscal year 1983:

(A) New budget authority, $25,350,000,000.

(B) Outlays, $29,900,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $34,100,000,000.

(B) Outlays, $34,000,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $37,450,000,000.

(B) Outlays, $37,050,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $37,950,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(11)(ii) Health (550) excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,000,000,000.

(B) Outlays, $29,550,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $32,100,000,000.

(B) Outlays, $32,000,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $35,800,000,000.

(B) Outlays, $35,400,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $37,950,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(12) Medical Insurance (570):

Fiscal year 1983:

(A) New budget authority, $46,250,000,000.

(B) Outlays, $53,150,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $62,500,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $70,850,000,000.

(B) Outlays, $68,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $81,200,000,000.

(B) Outlays, $76,150,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13)(i) Income Security (600) including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $121,900,000,000.

(B) Outlays, $109,800,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,650,000,000.

(E) New secondary loan guarantee commitments $0.

Fiscal year 1984:

(A) New budget authority, $126,750,000,000.

(B) Outlays, $104,300,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $129.800,000,000.

(B) Outlays, $104,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $134,150,000,000.

(B) Outlays, $107,450,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $18,150,000,000.

(E) New secondary loan guarantee commitments, $0.

(13)(ii) Income Security (600), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $121,900,000,000.

(B) Outlays, $109,800,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $124,800,000,000.

(B) Outlays, $102,350,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $129,350,000,000.

(B) Outlays, $103,800,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $133,700,000,000.

(B) Outlays, $107,000,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $18,150,000,000.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1983:

(A) New budget authority, $184,500,000,000.

(B) Outlays, $167,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $176,000,000,000.

(B) Outlays, $176,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $196,400,000,000.

(B) Outlays, $187,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $213,000,000,000.

(B) Outlays, $199,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15)(i) Veterans Benefits and Services (700), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $24,500,000,000.

(C) New direct loan obligations, $950,000,000.

(D) New primary loan guarantee commitments, $8,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $25,700,000,000.

(B) Outlays, $25,600,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $9,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $26,600,000,000.

(B) Outlays, $26,100,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $10,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $27,000,000,000.

(B) Outlays, $26,500,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $12,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(15)(ii) Veterans Benefits and Services (700), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $24,500,000,000.

(C) New direct loan obligations, $950,000,000.

(D) New primary loan guarantee commitments, $8,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $25,550,000,000.

(B) Outlays, $25,450,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $9,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $26,450,000,000.

(B) Outlays, $25,950,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $10,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $27,000,000,000.

(B) Outlays, $26,500,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $12,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1983:

(A) New budget authority, $5,200,000,000.

(B) Outlays, $5,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $5,850,000,000.

(B) Outlays, $5,850,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $5,650,000,000.

(B) Outlays, $5,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $5,750,000,000.

(B) Outlays, $5,650,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1983:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $5,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $5,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $5,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $5,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) General Purpose Fiscal Assistance (850):

Fiscal year 1983:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,400,000,000.

(C) New direct loan obligations, $250,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $7,250,000,000.

(B) Outlays, $7,150,000,000.

(C) New direct loan obligations, $250,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $7,100,000,000.

(C) New direct loan obligations, $300,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $7,200,000,000.

(C) New direct loan obligations, $300,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19)(i) Net Interest (900), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $88,400,000,000.

(B) Outlays, $88,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $98,000,000,000.

(B) Outlays, $98,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $104,500,000,000.

(B) Outlays, $104,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $107,200,000,000.

(B) Outlays, $107,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19)(ii) Net Interest (900), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $88,300,000,000.

(B) Outlays, $88,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $97,100,000,000.

(B) Outlays, $97,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $103,100,000,000.

(B) Outlays, $103,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $105,500,000,000.

(B) Outlays, $105,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Allowances (920):

Fiscal year 1983:

(A) New budget authority, $800,000,000.

(B) Outlays, $900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0

Fiscal year 1984:

(A) New budget authority, $750,000,000.

(B) Outlays, $800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0

Fiscal year 1985:

(A) New budget authority, $2,050,000,000.

(B) Outlays, $2,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,400,000,000.

(B) Outlays, $3,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1983:

(A) New budget authority, −$19,100,000,000.

(B) Outlays −$19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, −$18,050,000,000.

(B) Outlays, −$18,050,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, −$18,900,000,000.

(B) Outlays, −$18,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, −$23,750,000,000.

(B) Outlays, −$23,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

RESERVE PROGRAMS

SEC. 2. (a) The following amounts of new budget authority and budget outlays for fiscal year 1983 and fiscal year 1984 are hereby reserved by the Congress for subsequent allocation to committees under section 302(a) of the Congressional Budget Act of 1974 for the functions and programs listed in the Statement of Managers, accompanying this resolution:

Fiscal year 1983:

(1) New budget authority, $6,060,000,000.

(2) Outlays, $5,350,000,000.

Fiscal year 1984:

(1) New budget authority, $8,325,000,000.

(2) Outlays, $8,525,000,000.

(b) In the House of Representatives:

(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, the Committee on the Budget is authorized and directed to report to the House a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations reflecting the content of such legislation; and

(2) When one or more committees, other than the Committee on Appropriations, report legislation only referred to in subsection (a) providing new spending authority defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, or when the Committee on Rules reports a resolution providing for consideration of such legislation which has not been reported by a committee, the Committee on the Budget is authorized and directed to report to the House a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is authorized and directed to report to the House a similar reduction in the appropriate allocation.

(c) In the Senate:

(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, the Committee on the Budget is directed to report to the Senate a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations or any other appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a); and

(2) When the Senate moves to proceed or proceeds to consider legislation referred to in subsection (a) providing new spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, the Committee on the Budget is directed to report to the Senate a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a) above: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is directed to report to the Senate a similar reduction in the appropriate allocation.

(d) Any revised allocation reported to the House or Senate pursuant to subsection (b) or (c) of this section shall be considered to be the allocation made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of sections 4 and 5 of this resolution and section 401(b)(2) of such Act. The adjustments made pursuant to those sections for each program shall not exceed the amounts provided for such program as set forth in the statement of managers.

(e) For purposes of section 311(a) of the Congressional Budget Act of 1974, the appropriate levels of new budget authority and budget outlays for fiscal years 1983 and 1984 shall be considered to be the following:

Fiscal Year 1983 Budget Authority $877,200,000,000.

Fiscal Year 1983 Budget Outlays $807,400,000,000.

Fiscal Year 1984 Budget Authority $919,500,000,000.

Fiscal Year 1984 Budget Outlays $849,500,000,000:

Provided, however, That if a revised allocation is made pursuant to subsection (b) or (c) then such levels shall be similarly adjusted in any report pursuant to such subsections to reflect the revised allocation.

RECONCILIATION

SEC. 3. (a) Not later than July 22, 1983, Senate committees named in subsections (b) through (e) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than July 22, 1983, the House committees named in subsections (f) through (l) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provides spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by

$400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(c) The Senate Committee on Governmental Affairs shall report changes within the jurisdiction of that committee, (1) sufficient to achieve savings in budget authority and outlays, or (2) which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $1,619,000,000 in budget authority and $1,900,000,000 in outlays in fiscal year 1984; $2,332,000,000 in budget authority and $2,841,000,000 in outlays in fiscal year 1985; and $3,235,000,000 in budget authority and $4,144,000,000 in outlays in fiscal year 1986.

(d) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(e) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(f) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $253,000,000 and outlays by $253,000,000 in fiscal year 1984; to reduce budget authority by $360,000,000 and outlays by $360,000,000 in fiscal year 1985; and to reduce budget authority by $621,000,000 and outlays by $621,000,000 in fiscal year 1986.

(g) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(h) The House Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $3,000,000 in fiscal year 1984; to reduce outlays by $4,000,000 in fiscal year 1985; and to reduce outlays by $4,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $1,619,000,000 and outlays by $1,900,000,000 in fiscal year 1984; to reduce budget authority by $2,332,000,000 and outlays by $2,841,000,000 in fiscal year 1985; and to reduce budget authority by $3,235,000,000 and outlays by $4,144,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(3) If the changes in laws reported to the House by the Committee on Ways and Means pursuant to paragraph (2) of this subsection contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

(m) Should provisions in Subtitle A of Title I of Public Law 97-253, relating to 50 cents per hundredweight assessments against milk producers, be finally adjudicated by the courts to be unconstitutional or unenforceable, the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within their jurisdiction within 30 days of that disposition which provide spending authority only as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $1,243,000,000 in fiscal year 1984; to reduce outlays by $1,332,000,000 in fiscal year 1985; and to reduce outlays by $1,327,000,000 in fiscal year 1986.

MISCELLANEOUS PROVISIONS

SEC. 4. No bill or resolution providing new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act shall be enrolled in the House of Representatives, and no bill or resolution providing new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act shall be enrolled in the Senate, until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

SEC. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdication of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority, new budget authority, or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

SEC. 6. MONETARY POLICY.—Inasmuch as—

(1) there is a need for coordination betweeen fiscal and monetary policy,

(2) actual and projected budget deficits have placed a heavy burden on monetary policy.

(3) any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy,

(4) there is a need for vigorous economic growth consistent with reasonable price stability,

(5) the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and the economic assumptions consistent with that policy, and

(6) the Budget Committees are, therefore, interested in the recommendations of the

Banking Committees of the respective Houses with respect to such information,

the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs are requested to report to their respective bodies, no later than September 30, 1983, a resolution expressing the sense of the Congress as to (A) the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution and the appropriate information regarding the economic assumptions and goals of the Federal Reserve System, (B) the appropriate information to implement this policy coordination including, but not limited to, the effects of the Federal Reserve's monetary policy on the economy, and (C) any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the above Committees deem appropriate.

SEC. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which would result in reduced spending under these programs.

SEC. 8. It is the sense of the Congress the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $38,150,000,000 in fiscal year 1983 and $31,000,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $16,100,000,000 in fiscal year 1983 and $16,900,000,000 in fiscal year 1984; new primary loan guarantee commitments to an amount not to exceed $99,600,000,000 in fiscal year 1983 and $101,700,000,000 in fiscal year 1984; and new secondary loan guarantee commitments to an amount not to exceed $68,250,000,000 in fiscal year 1983 and $68,250,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $15,000,000,000, in fiscal year 1983 and $15,500,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $12,050,000,000 in fiscal year 1983 and $13,950,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 9. It is the sense of the Congress and the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

EXPLANATION OF CONFERENCE SUBSTITUTE

The following tables show the functional allocations and budget aggregates included in the conference substitute including the amounts reserved from allocation and excluding the amounts reserved from allocation, respectively. The numbers in the fiscal year 1983 columns reflect revisions of the second budget resolution for fiscal year 1983. The fiscal year 1984 columns show the budget aggregates and functional allocations for the first budget resolution for fiscal year 1984. The columns for fiscal year 1985 and fiscal year 1986 show budget aggregates and functional allocations which the conferees consider appropriate for those years.

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1984, INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	BA	0	BA	0	BA	0	BA	0
050 National Defense	244,600	214,300	268,600	240,000	297,300	265,300	329,000	295,000
150 International Affairs	24,850	11,500	18,700	12,950	16,800	13,000	16,250	12,900
250 General Science, Space, and Technology	7,900	7,700	8,700	8,300	8,500	8,500	8,150	8,300
270 Energy	3,950	4,450	4,200	4,300	3,900	3,150	3,500	3,050
300 Natural Resources and Environment	12,400	12,450	12,050	12,500	11,850	12,550	11,700	12,150
350 Agriculture	24,650	12,450	13,600	12,100	14,500	12,400	13,200	13,100
370 Commerce and Housing Credit	6,060	3,550	6,000	2,450	6,250	500	6,450	260
400 Transportation	26,850	22,100	28,000	26,000	28,950	27,000	29,800	28,100
450 Community and Regional Development	8,650	7,800	6,975	8,225	9,900	9,200	9,900	9,175
500 Education, Training, Employment, and Social Services	32,850	32,150	37,450	31,850	31,300	30,250	31,500	31,050
550 Health	25,350	29,900	34,100	34,000	37,450	37,050	38,500	37,950
570 Medical Insurance	46,250	53,150	62,500	60,600	70,850	68,600	81,200	76,150
600 Income Security	121,900	109,800	126,750	104,300	129,800	104,250	134,150	107,450
650 Social Security	184,500	167,600	176,000	176,400	196,400	187,300	213,000	199,700
700 Veterans Benefits and Services	25,200	24,500	25,700	25,600	26,600	26,100	27,000	26,500
750 Administration of Justice	5,200	5,100	5,850	5,850	5,650	5,750	5,750	5,650
800 General Government	5,700	5,750	5,600	5,600	6,000	5,800	6,200	5,900
850 General Purpose Fiscal Assistance	6,400	6,400	7,250	7,150	7,100	7,100	7,200	7,200
900 Interest	88,400	88,400	98,000	98,000	104,500	104,500	107,200	107,200
920 Allowances	800	900	750	800	2,050	2,200	3,400	3,600
950 Undistributed Offsetting Receipts	19,100	19,100	18,050	18,050	18,900	18,900	23,750	23,750
Total Spending	883,360	812,850	928,725	858,925	996,750	911,600	1,059,300	966,635
Revenues		604,300		679,600		750,500		835,800
Deficit		208,550		179,325		161,100		130,835
Public Debt		1,389,000		1,614,600		1,830,100		2,022,800
Change in revenues		100		+12,000		+15,000		+46,000
Change in public debt limit		+246,100		+225,600		+215,500		+192,700

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1984, EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	BA	0	BA	0	BA	0	BA	0
050 National Defense	244,600	214,300	268,600	240,000	297,300	265,300	329,000	295,000
150 International Affairs	24,850	11,500	18,700	12,950	16,800	13,000	16,250	12,900
250 General Science, Space, and Technology	7,900	7,700	8,700	8,300	8,500	8,500	8,150	8,300
270 Energy	3,950	4,450	4,200	4,300	3,900	3,150	3,500	3,050
300 Natural Resources and Environment	12,400	12,450	12,050	13,500	11,850	12,550	11,700	12,150
350 Agriculture	24,200	24,000	13,000	11,500	14,500	12,400	13,200	13,100
370 Commerce and Housing Credit	5,300	3,500	6,000	2,250	6,250	150	6,450	100
400 Transportation	26,850	22,100	28,000	26,000	28,950	27,000	29,800	28,100
450 Community and Regional Development	8,650	7,800	6,850	8,100	7,300	8,350	7,350	7,800
500 Education, Training, Employment, and Social Services	28,350	27,650	33,950	28,350	31,300	30,250	31,500	31,050
550 Health	25,000	29,550	32,100	32,000	35,800	35,400	38,500	37,950
570 Medical Insurance	46,250	53,150	62,500	60,600	70,850	68,600	81,200	76,150
600 Income Security	121,900	109,800	124,800	102,350	129,350	103,800	133,700	107,000
650 Social Security	184,500	167,600	176,000	176,400	196,400	187,300	213,000	199,700
700 Veterans Benefits and Services	25,200	24,500	25,550	25,450	26,450	25,950	27,000	26,500
750 Administration of Justice	5,200	5,100	5,850	5,850	5,650	5,750	5,750	5,650
800 General Government	5,700	5,750	5,600	5,600	6,000	5,800	6,200	5,900
850 General Purpose Fiscal Assistance	6,400	6,400	7,250	7,150	7,100	7,100	7,200	7,200

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1984, EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	BA	0	BA	0	BA	0	BA	0
900: Interest	88,300	88,300	97,100	97,100	103,100	103,100	105,500	105,500
920: Allowances	800	900	750	800	2,050	2,200	3,400	3,600
950: Undistributed Offsetting Receipts	−19,100	−19,100	−18,050	−18,050	−18,900	−18,900	−23,750	−23,750
Total Spending	877,200	807,400	919,500	849,500	990,500	906,750	1,054,600	962,950
Revenues		604,300		679,600		750,500		835,800
Deficit		203,100		169,900		156,250		127,150
Public Debt		1,389,000		1,614,600		1,830,100		2,022,800
Change in revenues		−100		+12,000		+15,000		+46,000
Change in public debt limit		+246,100		+225,600		+215,500		+192,700

RESERVE FUND

The House resolution provided budget authority and outlays for several new initiatives in domestic programs.

The Senate amendment provided for some, but not all, of these new initiatives.

The conference substitute establishes a procedure whereby a reserve is set aside for identified programs to be effective only upon the enactment of the authorizing legislation.

The conferees have agreed to reserve from allocation to committees a specified amount of budget authority and outlays for fiscal years 1983 and 1984. The statement of managers describes what programs can be funded from the reserve amount and at what levels. The budget aggregates and functional categories, as listed below, are set forth including the amounts reserved from allocation and excluding the amounts reserved from allocation.

The section 302(a) allocation of the Appropriations Committee is to be increased when the authorization for a program assumed in the reserve fund is enacted. The section 302(a) allocation of a committee reporting new entitlement legislation or direct spending legislation assumed in the reserve fund is to be increased when the legislation is reported. In the Senate, this allocation would occur when the Senate "moves to proceed" or "proceeds to consideration" of the specific legislation. The spending ceiling pursuant to section 311(a) of the Budget Act will not reflect the reserve fund until the allocation has actually been made to a committee, at which point the spending ceiling would be adjusted respectively. Any adjustment to a committee's 302(a) allocation for a particular program shall not exceed the amount for that program set forth in the statement of managers. The Budget Committees will perform the ministerial task of reporting to their respective Houses any adjustment to a committee's 302(a) allocation or the spending ceiling which would be triggered under the reserve fund procedure. The identified programs which may be funded from the reserve fund are described below and the amount of budget authority and outlays reserved for such programs is set forth in the following table:

RESERVE FUND

FUNCTION 350: AGRICULTURE

(a) A program to provide loan foreclosure relief to farmers.

(b) A program to provide direct loans for farm ownership, operating, or economic emergency programs.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

A program to provide emergency mortgage foreclosure relief to aid unemployed homeowners facing foreclosure on their conventional or VA guaranteed mortgages.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

(a) A program to improve the nation's physical infrastructure.

(b) A program to provide a National Industrial Development Bank (NIDB) to provide credit guarantees for critical private sector investments.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT AND SOCIAL SCIENCES

An economic recovery program to provide jobs for the long-term unemployed.

FUNCTION 550: HEALTH

A program to provide health insurance and benefits for unemployed workers and their families.

FUNCTION 600: INCOME SECURITY

(a) An extension of Federal supplemental compensation benefits for the long-term unemployed in FY 1984.

(b) Additional funding to increase benefits or expand eligibility for the food stamp program.

FUNCTION 700: VETERANS BENEFITS AND SERVICES

A program to provide job training and retraining for veterans who have been unemployed for an extended period of time.

RESERVE FUND SUMMARY

[In millions of dollars]

Function/Program title	FY 1983		FY 1984		FY 1985		FY 1986	
	BA	0	BA	0	BA	0	BA	0
Function 350:								
Loan foreclosure relief to farmers	250	250	500	500				
Direct loans for farm ownership, operating, or economic emergency	200	200	100	100				
Function 370: Emergency mortgage foreclosure relief to aid the unemployed	760	50		200		350		160
Function 450:								
Physical infrastructure program			75	75	2,500	750	2,500	1,325
National Industrial Development Bank			50	50	100	100	50	50
Function 500: Economic recovery program	4,500	4,500	3,500	3,500				
Function 550: Health insurance and benefits for the unemployed	350	350	2,000	2,000	1,650	1,650		
Function 600:								
Extension of federal supplemental compensation benefits for the long term unemployed			1,500	1,500				
Increased benefits and expanded eligibility for food stamp program			450	450	450	450	450	450
Function 700: Veterans job training program			150	150	150	150		
Total	6,060	5,350	8,325	8,525	4,850	3,450	3,000	1,985

ECONOMIC ASSUMPTIONS

The conferees accepted the economic assumptions shown in the table below as the basis for the revenue, spending and credit estimates in the conference substitute. These economic assumptions update and revise those contained in the House resolution and the Senate amendment to the House-passed resolution. Both the House and Senate based their economic assumptions on projections prepared by the Congressional Budget Office in January 1983. Recent economic developments and economic data reported since the beginning of the year make these revisions desirable.

[In billions of dollars]

	Calendar years—			
	1983	1984	1985	1986
Gross national products:				
Current dollars	$3,292	$3,621	$3,948	$4,269
Percent change	7.6	10.0	9.0	8.1
Constant (1972) dollars	$1,518	$1,595	$1,661	$1,722
Percent change	2.8	5.1	4.1	3.7
GNP deflator (percent change, year over year)	4.7	4.6	4.7	4.3
CPI–U (percent change, year over year)	3.5	5.0	4.7	4.1
CPI–W (percent change, year over year)	3.0	4.6	4.4	4.1
Unemployment rate—Civilian (percent)	10.1	9.3	8.5	7.9
Three-month Treasury bill rate (percent)	7.8	7.4	7.2	6.6
Taxable incomes:				
Wages and salaries	$1,653	$1,803	$1,947	$2,098

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	Calendar years—			
	1983	1984	1985	1986
Nonwage personal income	$620	$674	$741	$792
Corporate profits from current production	$210	$264	$300	$338

REVENUES

The House resolution provided a revenue floor of $606.2 billion in FY 1983, $689.1 billion in FY 1984, $765.9 billion in FY 1985, and $831.5 billion in FY 1986. It provided that revenues be decreased by $0.1 billion in FY 1983 and be increased by $30.0 billion in FY 1984, $40.0 billion in FY 1985, and $50.0 billion in FY 1986. In addition, revenue increases of $5.2 billion in fiscal year 1984, $8.1 billion in FY 1985, and $8.0 billion in FY 1986 were assumed for social security legislation.

The Senate amendment to the House-passed resolution set a revenue floor of $603.325 billion in FY 1983, $671.100 billion in FY 1984, $743.075 billion in FY 1985, and $835.900 billion in FY 1986. It provided that revenues should be increased by $0.125 billion in FY 1983, $9.900 billion in FY 1984, $13.675 billion in FY 1985, and $51.000 billion in FY 1986. Revenue increases in the Senate amendment for social security legislation were built into the revenue baseline.

The conferees agreed to a number of technical and economic reestimates to the original baseline revenues, and the conference substitute provides for current law revenues and revenue changes as follows:

[In billions of dollars]

	Fiscal years—			
	1983	1984	1985	1986
Current law revenues	604.4	667.6	735.5	789.8
Revenue change	−0.1	+12.0	+15.0	+46.9
Revenue floor	604.3	679.6	750.5	835.8

BUDGET AGGREGATES AND FUNCTIONAL ALLOCATIONS

The following tables show the budget aggregates and functional allocations provided for in the House resolution and the Senate amendment. The tables show the conference substitute for the budget aggregates and functional allocations including the reserve amounts and the budget aggregates and functional allocations excluding the reserve amounts.

FUNCTION 050: NATIONAL DEFENSE

The conference substitute provides 5 percent real growth in budget authority for National Defense for each of the fiscal years 1984-86. It assumes a 4 percent civilian employee and military personnel pay raise effective January 1984 and assumes that the Department of Defense will absorb 17 percent of the cost of the fiscal 1984 civilian employee pay raise. For fiscal years 1985 and 1986 the conference substitute contains a 4-percent civilian employee and military personnel pay raise effective in January of each year, and assumes that the Department of Defense will absorb an amount of the pay raise comparable to the amount absorbed in FY 1984.

FUNCTION 250: GENERAL SCIENCE, SPACE AND TECHNOLOGY

The conferees assume that the totals for this function could accommodate continued operation of production lines for the shuttle orbiter program.

FUNCTION 570: MEDICAL INSURANCE AND FUNCTION 650: SOCIAL SECURITY

Public Law 98-21, the Social Security Amendments of 1983, required a separate display of tax receipts and spending for the social security and medicare trust funds. Pursuant to Public Law 98-21, the Senate amendment included two new functions: Function 570 (medical insurance) and function 650 (social security). In addition, the Senate amendment separated the revenues collected for hospital insurance and the revenues collected for old-age, surviviors, and disability insurance from the aggregate revenue number.

The House receded to the Senate language.

FUNCTION 850: GENERAL PURPOSE FISCAL ASSISTANCE

It is the intent of the conferees that if the reauthorization of the general revenue sharing program includes an acceleration in outlays from that assumed in current law and reflected in the conference agreement, that acceleration would be accommodated without regard to the outlay level assumed in the agreement.

FUNCTION 920. ALLOWANCES

The conference substitute assumes a 4-percent civilian employee pay raise effective January 1984, and assumes that the civilian agencies will absorb $150 million, or 17 percent, of the cost of the FY 1984 pay raise. For fiscal years 1985 and 1986 the conference substitute assumes a 4-percent pay raise effective in January in each fiscal year and assumes the civilian agencies will absorb $150 million of the costs of this pay raise in each year.

FISCAL YEAR 1983 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
Budget authority	822,390	886,200	875,925	883,360
Outlays	769,818	814,700	807,325	812,850
Revenues	665,900	606,200	603,325	604,300
Deficit	−103,918	208,500	204,000	208,550
Public debt	1,290,200	1,389,200	1,383,900	1,389,000
Change in revenues	+20,900	+100	+125	−100
Change in public debt limit	+147,100	+99,200	+93,700	+246,100
050—National defense				
Budget authority	253,566	245,500	244,100	244,600
Outlays	213,966	214,250	214,300	214,300
150—International affairs				
Budget authority	15,900	24,850	24,900	24,850
Outlays	11,500	11,500	11,500	11,500
250—General science, space, and technology				
Budget authority	7,800	7,900	7,900	7,900
Outlays	7,600	7,700	7,700	7,700
270—Energy				
Budget authority	4,800	7,050	4,000	3,950
Outlays	4,500	4,700	4,600	4,450
300—Natural resources and environment:				
Budget authority	9,500	11,550	12,500	12,400
Outlays	10,950	12,500	12,800	12,450
350—Agriculture:				
Budget authority	6,692	22,300	24,200	24,650
Outlays	9,042	22,100	24,000	24,450
370—Commerce and housing credit:				
Budget authority	7,100	5,800	5,200	6,060
Outlays	2,837	2,700	2,700	3,550
400—Transportation:				
Budget authority	21,450	26,650	26,800	26,850
Outlays	19,900	21,950	22,100	22,100
450—Community and regional development:				
Budget authority	6,900	6,750	8,300	8,650
Outlays	7,700	7,650	7,900	7,800

FISCAL YEAR 1983 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
500—Education, training, employment, and social services:				
Budget authority	26,832	32,800	28,000	32,850
Outlays	26,205	32,000	26,800	32,150
550—Health:				
Budget authority	79,569	70,150	25,325	25,350
Outlays	77,816	83,350	29,825	29,900
570—Medical insurance:				
Budget authority			46,100	46,250
Outlays			53,100	53,150
600—Income security:				
Budget authority	274,797	309,400	121,700	121,900
Outlays	270,895	278,100	110,200	109,800
650—Social security:				
Budget authority			184,100	184,500
Outlays			167,600	167,600
700—Veterans benefits and services:				
Budget authority	24,560	24,850	25,200	25,200
Outlays	23,823	24,550	24,500	24,500
750—Administration of justice:				
Budget authority	4,540	5,100	5,200	5,200
Outlays	4,650	5,100	5,100	5,100
800—General government:				
Budget authority	4,800	5,550	5,600	5,700
Outlays	4,650	5,700	5,700	5,750
850—General purpose fiscal assistance:				
Budget authority	6,500	7,550	6,400	6,400
Outlays	6,500	8,700	6,400	6,400
900—Interest:				
Budget authority	113,200	87,800	87,600	88,400
Outlays	113,200	87,800	87,600	88,400
920—Allowances:				
Budget authority	−3,016	5,700	800	800
Outlays	−2,816	2,400	900	900
950—Undistributed offsetting receipts:				
Budget authority	−43,100	−18,050	−18,000	−19,100
Outlays	−43,100	−18,050	−18,000	−19,100

FISCAL YEAR 1983 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
Budget authority	822,390	886,200	875,925	877,200
Outlays	769,818	814,700	807,325	807,400
Revenues	665,900	606,200	603,325	604,300
Deficit	−103,918	208,500	204,000	203,100
Public debt	1,290,200	1,389,200	1,383,900	1,389,000
Change in revenues	+20,900	+100	+125	−100
Change in public debt limit	+147,100	+99,200	+93,700	+246,100
050—National defense				
Budget authority	253,566	245,500	244,100	244,600
Outlays	213,966	214,250	214,300	214,300
150—International affairs				
Budget authority	15,900	24,850	24,900	24,850
Outlays	11,500	11,500	11,500	11,500
250—General science, space, and technology				
Budget authority	7,800	7,900	7,900	7,900
Outlays	7,600	7,700	7,700	7,700
270—Energy				
Budget authority	4,800	4,050	4,000	3,950
Outlays	4,500	4,700	4,600	4,450
300—Natural resources and environment:				
Budget authority	9,500	11,500	12,500	12,400
Outlays	10,950	12,500	12,800	12,450
350—Agriculture				
Budget authority	6,692	22,300	24,200	24,200
Outlays	9,042	22,100	24,000	24,000
370—Commerce and housing credit:				
Budget authority	7,100	5,800	5,200	5,300
Outlays	2,837	2,700	2,700	3,500
400—Transportation:				
Budget authority	21,450	26,650	26,800	26,850
Outlays	19,900	21,950	22,100	22,100

FISCAL YEAR 1983 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
450—Community and regional development:				
Budget authority	6,900	6,750	8,300	8,650
Outlays	7,700	7,650	7,900	7,800
500—Education, training, employment, and social services:				
Budget authority	26,832	32,800	28,000	28,350
Outlays	26,205	32,000	26,800	27,650
550—Health:				
Budget authority	79,569	70,150	25,325	25,000
Outlays	77,816	83,350	29,825	29,550
570—Medical insurance:				
Budget authority			46,100	46,250
Outlays			53,100	53,150
600—Income security:				
Budget authority	274,797	309,400	121,700	121,900
Outlays	270,895	278,100	110,200	109,800
650—Social security:				
Budget authority			184,100	184,500
Outlays			167,600	167,600
700—Veterans benefits and services:				
Budget authority	24,560	24,850	25,200	25,200
Outlays	23,823	24,550	24,500	24,500
750—Administration of justice:				
Budget authority	4,540	5,100	5,200	5,200
Outlays	4,650	5,100	5,100	5,100
800—General government:				
Budget authority	4,800	5,550	5,600	5,700
Outlays	4,650	5,700	5,700	5,750
850—General purpose fiscal assistance:				
Budget authority	6,500	7,550	6,400	6,400
Outlays	6,500	8,700	6,400	6,400
900—Interest:				
Budget authority	113,200	87,800	87,600	88,300
Outlays	113,200	87,800	87,600	88,300
920—Allowances:				
Budget authority	−3,016	5,700	800	800
Outlays	−2,816	2,400	900	900
950—Undistributed offsetting receipts:				
Budget authority	−43,100	−18,050	−18,000	−19,100
Outlays	−43,100	−18,050	−18,000	−19,100

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	936,550	914,699	928,725
Outlays	863,550	849,699	858,925
Revenues	689,100	671,100	679,600
Deficit	174,450	178,599	179,325
Public debt	1,607,450	1,606,399	1,614,600
Change in revenues	+35,200	+9,900	+12,000
Change in public debt limit	+218,250	+222,499	+225,600
050—National defense:			
Budget authority	263,850	270,650	268,600
Outlays	235,400	241,600	240,000
150—International affairs:			
Budget authority	18,850	18,200	18,700
Outlays	13,200	12,700	12,950
250—General science, space, and technology:			
Budget authority	8,850	8,500	8,700
Outlays	8,350	8,200	8,300
270—Energy:			
Budget authority	4,400	3,900	4,200
Outlays	4,300	4,100	4,300
300—Natural resources and environment:			
Budget authority	12,100	12,000	12,050
Outlays	12,500	12,500	12,500
350—Agriculture:			
Budget authority	14,850	11,600	13,600
Outlays	14,650	11,400	12,100
370—Commerce and housing credit:			
Budget authority	6,100	5,900	6,000
Outlays	2,300	1,800	2,450
400—Transportation:			
Budget authority	28,300	27,700	28,000
Outlays	26,150	25,900	26,000

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
450—Community and regional development:			
Budget authority	8,250	6,600	6,975
Outlays	8,550	8,100	8,225
500—Education, training, employment, and social services:			
Budget authority	39,150	31,800	37,450
Outlays	32,700	27,250	31,850
550—Health:			
Budget authority	96,250	32,749	34,100
Outlays	96,000	32,749	34,000
570—Medical insurance:			
Budget authority		61,400	62,500
Outlays		60,300	60,600
600—Income security:			
Budget authority	310,600	125,900	126,750
Outlays	284,700	104,000	104,300
650—Social security:			
Budget authority		174,900	176,000
Outlays		176,400	176,400
700—Veterans benefits and services:			
Budget authority	26,000	25,700	25,700
Outlays	25,550	25,600	25,600
750—Administration of justice:			
Budget authority	5,600	6,000	5,850
Outlays	5,500	6,000	5,850
800—General government:			
Budget authority	5,800	5,700	5,600
Outlays	6,050	5,700	5,600
850—General purpose fiscal assistance:			
Budget authority	7,600	7,100	7,250
Outlays	7,600	7,000	7,150
900—Interest:			
Budget authority	96,150	95,900	98,000
Outlays	96,150	95,900	98,000
920—Allowances:			
Budget authority	1,200	600	750
Outlays	1,250	600	800
950—Undistributed offsetting receipts:			
Budget authority	−17,350	−18,100	−18,050
Outlays	−17,350	−18,100	−18,050

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	936,550	914,699	919,500
Outlays	863,550	849,699	849,500
Revenues	689,100	671,100	679,600
Deficit	174,450	178,599	169,900
Public debt	1,607,450	1,606,399	1,614,600
Change in revenues	+35,200	+9,900	+12,000
Change in public debt limit	+218,250	+222,499	+225,600
050—National defense:			
Budget authority	263,850	270,650	268,600
Outlays	235,400	241,600	240,000
150—International affairs:			
Budget authority	18,850	18,200	18,700
Outlays	13,200	12,700	12,950
250—General science, space, and technology:			
Budget authority	8,850	8,500	8,700
Outlays	8,350	8,200	8,300
270—Energy:			
Budget authority	4,400	3,900	4,200
Outlays	4,300	4,100	4,300
300—Natural resources and environment:			
Budget authority	12,100	12,000	12,050
Outlays	12,500	12,500	12,500
350—Agriculture:			
Budget authority	14,850	11,600	13,000
Outlays	14,650	11,400	11,500
370—Commerce and housing credit:			
Budget authority	6,100	5,900	6,000
Outlays	2,300	1,800	2,250
400—Transportation:			
Budget authority	28,300	27,700	28,000
Outlays	26,150	25,900	26,000
450—Community and regional development:			
Budget authority	8,250	6,600	6,850
Outlays	8,550	8,100	8,100
500—Education, training, employment, and social services:			
Budget authority	39,150	31,800	33,950
Outlays	32,700	27,250	28,350

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
550—Health:			
Budget authority	96,250	32,749	32,100
Outlays	96,000	32,749	32,000
570—Medical insurance:			
Budget authority		61,400	62,500
Outlays		60,300	60,600
600—Income security:			
Budget authority	310,600	125,900	124,800
Outlays	284,700	104,000	102,350
650—Social security:			
Budget authority		174,900	176,000
Outlays		176,400	176,400
700—Veterans benefits and services:			
Budget authority	26,000	25,700	25,550
Outlays	25,550	25,600	25,450
750—Administration of justice:			
Budget authority	5,600	6,000	5,850
Outlays	5,500	6,000	5,850
800—General government:			
Budget authority	5,800	5,700	5,600
Outlays	6,050	5,700	5,600
850—General purpose fiscal assistance:			
Budget authority	7,600	7,100	7,250
Outlays	7,600	7,000	7,150
900—Interest:			
Budget authority	96,150	95,900	97,100
Outlays	96,150	95,900	97,100
920—Allowances:			
Budget authority	1,200	600	750
Outlays	1,250	600	800
950—Undistributed offsetting receipts:			
Budget authority	−17,350	−18,100	−18,050
Outlays	−17,350	−18,100	−18,050

FISCAL YEAR 1985 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	998,650	986,374	996,750
Outlays	912,600	910,774	911,600
Revenues	765,900	743,075	750,500
Deficit	146,700	167,699	161,100
Public debt	1,804,000	1,824,798	1,830,100
Change in revenues	+48,100	+13,675	+15,000
Change in public debt limit	+196,550	+218,399	+215,500
050—National defense			
Budget authority	290,350	300,950	297,300
Outlays	256,300	269,650	265,300
150—International affairs:			
Budget authority	17,100	16,500	16,800
Outlays	13,200	12,800	13,000
250—General science, space, and technology:			
Budget authority	8,800	8,500	8,500
Outlays	8,750	8,500	8,500
270—Energy:			
Budget authority	4,200	3,600	3,900
Outlays	3,400	2,900	3,150
300—Natural resources and environment:			
Budget authority	11,850	12,200	11,850
Outlays	12,550	12,600	12,550
350—Agriculture:			
Budget authority	15,100	14,000	14,500
Outlays	13,350	12,300	12,400
370—Commerce and housing credit:			
Budget authority	6,250	6,500	6,250
Outlays	400	0	500
400—Transportation:			
Budget authority	29,500	28,400	28,950
Outlays	27,100	26,900	27,000
450—Community and regional development:			
Budget authority	12,500	7,100	9,900
Outlays	10,650	8,200	9,200
500—Education, training, employment, and social services:			
Budget authority	33,050	28,500	31,300
Outlays	31,150	28,400	30,250
550—Health:			
Budget authority	104,500	35,724	37,450
Outlays	106,550	35,224	37,050
570—Medical insurance:			
Budget authority		69,400	70,850
Outlays		68,300	68,600
600—Income security:			
Budget authority	332,700	127,400	129,800
Outlays	296,800	105,400	104,250

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FISCAL YEAR 1985 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
650—Social security			
Budget authority		194,800	196,400
Outlays		187,300	187,300
700—Veterans benefits and services:			
Budget authority	26,400	26,700	26,600
Outlays	26,000	26,300	26,100
750—Administration of justice			
Budget authority	5,550	5,800	5,650
Outlays	5,500	5,900	5,750
800—General government:			
Budget authority	6,200	6,000	6,000
Outlays	6,100	5,800	5,800
850—General purpose fiscal assistance:			
Budget authority	7,450	7,200	7,100
Outlays	7,500	7,100	7,100
900—Interest:			
Budget authority	103,400	104,200	104,500
Outlays	103,400	104,200	104,500
920—Allowances:			
Budget authority	2,500	1,900	2,050
Outlays	2,650	2,000	2,200
950—Undistributed offsetting receipts:			
Budget authority	−18,750	−19,000	−18,900
Outlays	−18,750	−19,000	−18,900

FISCAL YEAR 1985 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	998,650	986,374	990,500
Outlays	912,600	910,774	906,750
Revenues	765,900	743,075	750,500
Deficit	146,700	167,699	156,250
Public debt	1,804,000	1,824,798	1,830,100
Change in revenues	+48,100	+13,675	+15,000
Change in public debt limit	+196,550	+218,399	+215,500
050—National defense:			
Budget authority	290,350	300,950	297,300
Outlays	256,300	269,650	265,300
150—International affairs:			
Budget authority	17,100	16,500	16,800
Outlays	13,200	12,800	13,000
250—General science, space, and technology:			
Budget authority	8,800	8,500	8,500
Outlays	8,750	8,500	8,500
270—Energy:			
Budget authority	4,200	3,600	3,900
Outlays	3,400	2,900	3,150
300—Natural resources and environment:			
Budget authority	11,850	12,200	11,850
Outlays	12,550	12,600	12,550
350—Agriculture:			
Budget authority	15,100	14,000	14,500
Outlays	13,350	12,300	12,400
370—Commerce and housing credit:			
Budget authority	6,250	6,500	6,250
Outlays	400	0	150
400—Transportation:			
Budget authority	29,500	28,400	28,950
Outlays	27,100	26,900	27,000
450—Community and regional development:			
Budget authority	12,500	7,100	7,300
Outlays	10,650	8,200	8,350
500—Education, training, employment, and social services:			
Budget authority	33,050	28,500	31,300
Outlays	31,150	28,400	30,250
550—Health:			
Budget authority	104,500	35,724	35,800
Outlays	106,550	35,224	35,400
570—Medical insurance:			
Budget authority		69,400	70,850
Outlays		68,300	68,600
600—Income security:			
Budget authority	332,700	127,400	129,350
Outlays	296,800	105,400	103,800
650—Social security:			
Budget authority		194,800	196,400
Outlays		187,300	187,300
700—Veterans benefits and services:			
Budget authority	26,400	26,700	26,450
Outlays	26,000	26,300	25,950
750—Administration of justice:			
Budget authority	5,550	5,800	5,650
Outlays	5,500	5,900	5,750
800—General government:			
Budget authority	6,200	6,000	6,000
Outlays	6,100	5,800	5,800
850—General purpose fiscal assistance:			
Budget authority	7,450	7,200	7,100
Outlays	7,500	7,100	7,100
900—Interest:			
Budget authority	103,400	104,200	103,100
Outlays	103,400	104,200	103,100
920—Allowances:			
Budget authority	2,500	1,900	2,050
Outlays	2,650	2,000	2,200
950—Undistributed offsetting receipts:			
Budget authority	−18,750	−19,000	−18,900
Outlays	−18,750	−19,000	−18,900

FISCAL YEAR 1986 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	1,058,400	1,050,209	1,059,300
Outlays	967,550	965,999	966,635
Revenues	831,500	835,900	835,800
Deficit	136,050	130,099	130,835
Public debt	1,993,750	2,012,497	2,022,800
Change in revenues	+58,000	+51,000	+46,000
Change in public debt limit	+189,750	+187,699	+192,700
050—National defense			
Budget authority	317,500	333,060	329,000
Outlays	284,300	299,850	295,000
150—International affairs:			
Budget authority	16,550	15,900	16,250
Outlays	13,000	12,800	12,900
250—General science, space, and technology:			
Budget authority	8,150	8,400	8,150
Outlays	8,300	8,400	8,300
270—Energy:			
Budget authority	3,750	3,200	3,500
Outlays	3,350	2,700	3,050
300—Natural resources and environment:			
Budget authority	11,700	12,500	11,700
Outlays	12,000	12,200	12,150
350—Agriculture:			
Budget authority	14,100	13,200	13,200
Outlays	14,050	13,100	13,100
370—Commerce and housing credit:			
Budget authority	6,450	6,500	6,450
Outlays	350	300	260
400—Transportation			
Budget authority	30,400	29,200	29,800
Outlays	28,400	27,800	28,100
450—Community and regional development:			
Budget authority	12,450	7,100	9,900
Outlays	11,150	7,600	9,175
500—Education, training, employment, and social services			
Budget authority	33,700	28,500	31,500
Outlays	32,800	28,400	31,050
550—Health			
Budget authority	117,300	37,849	38,500
Outlays	115,350	37,249	37,950
570—Medical insurance			
Budget authority		79,100	81,200
Outlays		75,600	76,150
600—Income security			
Budget authority	354,050	131,300	134,150
Outlays	313,200	108,500	107,450
650—Social security			
Budget authority		211,200	213,000
Outlays		199,700	199,700
700—Veterans benefits and services:			
Budget authority	27,000	27,200	27,000
Outlays	26,500	26,600	26,500
750—Administration of justice			
Budget authority	5,450	5,900	5,750
Outlays	5,450	5,800	5,650
800—General government			
Budget authority	6,300	6,200	6,200
Outlays	6,250	5,900	5,900
850—General purpose fiscal assistance:			
Budget authority	7,600	7,500	7,200
Outlays	7,600	7,500	7,200
900—Interest:			
Budget authority	105,650	107,000	107,200
Outlays	105,650	107,000	107,200
920—Allowances			
Budget authority	3,850	3,200	3,400
Outlays	4,100	3,400	3,600
950—Undistributed offsetting receipts.			
Budget authority	−23,550	−23,800	−23,750
Outlays	−23,550	−23,800	−23,750

FISCAL YEAR 1986 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollar]

	House passed	Senate passed	Conference substitute
Budget authority	1,058,400	1,050,209	1,054,600
Outlays	967,550	965,999	962,950
Revenues	831,500	835,900	835,800
Deficit	136,050	130,099	127,150
Public debt	1,993,750	2,012,497	2,022,800
Change in revenues	+58,000	+51,000	+46,000
Change in public debt limit	+189,750	+187,699	+192,700
050—National defense			
Budget authority	317,500	333,060	329,000
Outlays	284,300	299,850	295,000
150—International affairs			
Budget authority	16,550	15,900	16,250
Outlays	13,000	12,800	12,900
250—General science, space, and technology			
Budget authority	8,150	8,400	8,150
Outlays	8,300	8,400	8,300
270—Energy			
Budget authority	3,750	3,200	3,500
Outlays	3,350	2,700	3,050
300—Natural resources and environment			
Budget authority	11,700	12,500	11,700
Outlays	12,000	12,200	12,150
350—Agriculture			
Budget authority	14,100	13,200	13,200
Outlays	14,050	13,100	13,100
370—Commerce and housing credit			
Budget authority	6,450	6,500	6,450
Outlays	−350	−300	100
400—Transportation			
Budget authority	30,400	29,200	29,800
Outlays	28,400	27,800	28,100
450—Community and regional development			
Budget authority	12,450	7,100	7,350
Outlays	11,150	7,600	7,800
500—Education, training, employment, and social services			
Budget authority	33,700	28,500	31,500
Outlays	32,800	28,400	31,050
550—Health			
Budget authority	117,300	37,849	38,500
Outlays	115,350	37,249	37,950
570—Medical insurance			
Budget authority		79,100	81,200
Outlays		75,600	76,150
600—Income security			
Budget authority	354,050	131,300	133,700
Outlays	313,200	108,500	107,000
650—Social Security			
Budget authority		211,200	213,000
Outlays		199,700	199,700
700—Veterans benefits and services			
Budget authority	27,000	27,200	27,000
Outlays	26,500	26,600	26,500
750—Administration of justice			
Budget authority	5,450	5,900	5,750
Outlays	5,450	5,800	5,650
800—General government			
Budget authority	6,300	6,200	6,200
Outlays	6,250	5,900	5,900
850—General purpose fiscal assistance			
Budget authority	7,600	7,500	7,200
Outlays	7,600	7,500	7,200
900—Interest.			
Budget authority	105,650	107,000	105,500
Outlays	105,650	107,000	105,500
920—Allowances:			
Budget authority	3,850	3,200	3,400
Outlays	4,100	3,400	3,600
950—Undistributed offsetting receipts:			
Budget authority	−23,550	−23,800	−23,750
Outlays	−233,550	−23,800	−23,750

RECONCILIATION INSTRUCTIONS

The conference substitute includes reconciliation instructions to four Senate committees and seven House committees to report legislation to achieve savings in fiscal years 1984, 1985, and 1986. These savings are necessary for the committees to remain within the spending limits contemplated in the resolution.

It is the intent of the conferees that none of the savings directed to be achieved for the medicare program shall come from provisions to increase costs to beneficiaries or from reductions in services to beneficiaries. Rather, savings are to be obtained from improved control on providers of service.

The Senate Finance Committee and the House Ways and Means Committee are also instructed by the resolution to report legislation to increase revenues in the fiscal years 1984-86.

In addition, the House resolution included a provision whereby changes in laws which are reported by the House Ways and Means Committee requiring imposition of new or expanded taxes or user fees within another committee's jurisdiction should be considered for referral under House rule X. The conference substitute includes this provision.

The Senate amendment contained reconciliation instructions to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry. The House resolution contained no such provision.

Both the House resolution and the Senate amendment assumed savings under subtitle A of title I of Public Law 97-253, relating to two 50-cent per hundredweight assessments against milk producers. It is the intent of the conferees that in the event that the law is finally adjudicated to be unconstitutional or unenforceable, then the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry shall report legislation ensuring the savings contemplated by the Congress in P.L. 97-253.

CONFERENCE SUBSTITUTE RECONCILIATION INSTRUCTIONS—SENATE COMMITTEES

[In Millions of dollars]

	FY 1984		FY 1985		FY 1986		Total FY 1984-86	
	BA	O	BA	O	BA	O	AB	O
Spending reductions:								
Finance		−400		−500		−800		−1,700
Governmental Affairs	−1,619	−1,900	−2,332	−2,641	−3,235	−4,144	−7,186	−8,885
Small Business	−139	−287	−555	−466	−544	−443	−1,238	−1,196
Veterans Affairs	−228	−226	−139	−138	−141	−140	−508	−504
Total spending reductions	−1,986	−2,813	−3,026	−3,945	−3,920	−5,527	−8,932	−12,285
Revenue increases:								
Finance		+12,000		+15,000		+46,000		+73,000
Provisional spending reductions:								
Agriculture, Nutrition, and Forestry		−1,243		−1,332		−1,327		−3,902
Total reconciled deficit reduction		16,056		20,277		52,854		89,187

CONFERENCE SUBSTITUTE RECONCILIATION INSTRUCTIONS—HOUSE COMMITTEES

[In millions of dollars]

	FY 1984		FY 1985		FY 1986		Total FY 1984-85	
	BA	O	BA	O	BA	O	AB	O
Spending Reductions								
Armed Services	−253	−253	−360	−360	−621	−621	−1,234	−1,234
Energy and Commerce		−400		−500		−800		−1,700
Foreign Affairs		−3		−4		−9		−16
Post Office and Civil Service	−1,619	−1,900	−2,332	−2,841	−3,235	−4,144	−7,186	−8,885
Small Bsuiness	−139	−287	−555	−466	−544	−443	−1,238	−1,196
Veterans Affairs	−228	−226	−139	−138	−141	−140	−508	−504
Ways and Means		−400		−500		−800		−1,700
Total	−2,239	−3,469	−3,386	−4,809	−4,541	−6,957	−10,166	−15,235
Less double counting (dual Committee jurisdiction)	253	656	360	864	621	1,430	1,234	2,950
Total spending reductions	−986	−2,813	−3,026	−3,945	−3,920	−5,527	−8,932	−12,285
Revenue increases:								
Ways and Means		+12,000		+15,000		+46,000		+73,000
Provisional spending reductions:								
Agriculture		−1,243		−1,332		−1,327		−3,902

DEFERRED ENROLLMENT

The House resolution provided for the deferred enrollment of certain spending bills pursuant to section 301(b) of the Congressional Budget Act.

The House resolution provided that spending bills exceeding the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Budget Act for fiscal year 1984 could not be enrolled until the Second Budget Resolution adopted for that year or until October 1, 1983, whichever occurs first.

The Senate amendment to the House resolution did not contain this provision. The Senate conferees receded to the House, with an amendment to make the provision applicable to Senate procedure.

The conference substitute provides that spending bills exceeding the appropriate allocation under section 302 of the Budget Act shall not be enrolled until the adoption of the Second Budget Resolution. For the Senate the appropriate allocations are "new budget authority" and "new spending authority"; for the House the appropriate allocations are "new discretionary budget authority" and "new spending authority".

OPTIONAL SECOND BUDGET RESOLUTION

The House resolution contained language that converts the resolution into the Second Concurrent Resolution on the Budget on October 1, 1983, if Congress does not otherwise adopt a resolution by that date. The House version also provided that, if the automatic provision is invoked, the levels of budget authority, outlays, and revenues could be revised to reflect updated technical and economic assumptions. The House resolution also provided that the spending ceiling and revenue floors for enforcement purposes under section 311 of the Budget Act would not apply to bills or resolutions which do not exceed a committee's appropriate allocation of new discretionary budget authority and new spending authority made under the First Budget Resolution.

The Senate amendment contained no such provision. The conferees agreed to delete language allowing revisions of the resolution to reflect changes in technical and economic assumptions if the automatic provision is invoked. The Senate receded to the House with that amendment and an amendment to make the provision applicable to Senate procedures.

MONETARY POLICY

The House resolution contained a sense of the Congress provision that monetary policy and the economic assumptions in the budget resolution shall be consistent with each other. The section further provided that the Federal Reserve shall report to Congress on its economic objectives and their relationship to the economic assumptions and projections of the President, the Congressional Budget Office, and the most recent Congressional budget resolution.

The Senate amendment to the House resolution contained a sense of Congress provision that there is a need for coordination between fiscal and monetary policy and that the Banking Committees of the respective Houses should report a resolution expressing the sense of Congress as to the coordination of monetary and fiscal policy.

The conference substitute provides:

Inasmuch as—

(1) there is a need for coordination between fiscal and monetary policy,

(2) actual and projected budget deficits have placed a heavy burden on monetary policy,

(3) any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy,

(4) there is a need for vigorous economic growth consistent with reasonable price stability,

(5) the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and the economic assumptions consistent with that policy, and

(6) the Budget Committees are, therefore, interested in the recommendations of the Banking Committees of the respective Houses with respect to such information,

the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs are requested to report to their respective bodies, no later than September 30, 1983, a resolution expressing the sense of the Congress as to (a) the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution and the appropriate information regarding the economic assumptions and goals of the Federal Reserve System, (b) the appropriate information to implement this policy coordination including, but not limited to, the effects of the Federal Reserve's monetary policy on the economy, and (c) any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the above Committees deem appropriate.

The conferees intend that "fiscal policy" as used in this provision includes the effect of Federal credit assistance programs.

MILITARY RETIREMENT

The House resolution contained sense of the Congress language that the House Committee on Armed Services should initiate a review of military retirement program changes which would result in reduced spending under those programs. The Senate amendment did not contain this provision.

The Senate conferees receded to the House.

SECTION 302(b) REQUIREMENT

The Senate amendment provided that it shall not be in order to consider spending bills within the jurisdiction of a committee until that committee has filed its report as required under section 302(b) of the Budget Act. The House resolution did not contain this provision.

The Senate conferees receded to the House.

CREDIT BUDGET

The House resolution and the Senate amendment contained nonbinding credit budget targets and functional totals. The following tables show the aggregate and functional totals contained in the House resolution, the Senate amendment, and the conference substitute for each of the 4 fiscal years covered by the resolution. In addition, the first table, which reflects the revised credit budget for FY 1983, also includes the credit budget aggregate targets and functional totals contained in the Second Budget Resolution for FY 1983.

Amounts reserved pursuant to section 2 in functions 350, 370, and 450 also affect the credit budget. The accompanying tables show the credit budget aggregate and functional totals contained in the conference substitute including and excluding the credit budget impact of the amounts reserved pursuant to section 2.

The House resolution and the Senate amendment included new direct loan obligations and new primary loan guarantee commitments. The House resolution also included new secondary loan guarantee commitments; the Senate amendment did not. The conference substitute includes all three credit budget program measures.

FISCAL YEAR 1983—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
New direct loan obligations	59,700	52,550	55,400	54,250
New primary loan guarantee commitments	101,900	94,550	94,500	99,600
New secondary loan guarantee commitments	68,300	68,250		68,250
050—National defense:				
New direct loan obligations	50			
New primary loan guarantee commitments	50			
New secondary loan guarantee commitments				
150—International affairs:				
New direct loan obligations	10,200	10,650	11,700	10,650
New primary loan guarantee commitments	9,300	9,250	9,200	9,250
New secondary loan guarantee commitments				
250—General science, space and technology:				
New direct loan obligations	200	200	200	200
New primary loan guarantee commitments				
New secondary loan guarantee commitments				
270—Energy:				
New direct loan obligations	12,000	11,600	13,100	11,600
New primary loan guarantee commitments	500	150	200	150
New secondary loan guarantee commitments				
300—Natural resources and environment:				
New direct loan obligations	30	50	100	50
New primary loan guarantee commitments				
New secondary loan guarantee commitments				
350—Agriculture:				
New direct loan obligations	18,100	17,250	18,600	19,400
New primary loan guarantee commitments	2,600	5,550	5,500	5,550
New secondary loan guarantee commitments				
370—Commerce and housing credit:				
New direct loan obligations	12,100	7,400	6,500	7,200
New primary loan guarantee commitments	41,000	48,700	48,700	53,700
New secondary loan guarantee commitments	68,200	68,250		68,250
400—Transportation:				
New direct loan obligations	500	200	200	200
New primary loan guarantee commitments	800	1,050	1,100	1,050
New secondary loan guarantee commitments	3			
450—Community and regional development:				
New direct loan obligations	2,200	2,250	2,100	2,100
New primary loan guarantee commitments	600	500	500	500
New secondary loan guarantee commitments				
500—Education, training, employment, and social services:				
New direct loan obligations	800	600	600	600
New primary loan guarantee commitments	7,200	6,500	6,500	6,500
New secondary loan guarantee commitments				
550—Health:				
New direct loan obligations	100	50	47	50
New primary loan guarantee commitments	100	250	200	250
New secondary loan guarantee commitments				
600—Income security:				
New direct loan obligations	2,000	1,000	1,000	1,000
New primary loan guarantee commitments	18,700	14,650	14,600	14,650
New secondary loan guarantee commitments				
700—Veterans benefits and services:				
New direct loan obligations	1,000	950	1,000	950
New primary loan guarantee commitments	20,900	8,000	8,000	8,000
New secondary loan guarantee commitments				
850—General purpose fiscal assistance:				
New direct loan obligations	200	250	300	250
New primary loan guarantee commitments				
New secondary loan guarantee commitments				

FISCAL YEAR 1983—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
New direct loan obligations	59,700	52,550	55,400	52,700
New primary loan guarantee commitments	101,900	94,550	94,500	99,600
New secondary loan guarantee commitments	68,300	68,250		68,250
050—National defense:				
New direct loan obligations	50			
New primary loan guarantee commitments	50			
New secondary loan guarantee commitments				
150—International affairs:				
New direct loan obligations	10,200	10,650	11,700	10,650
New primary loan guarantee commitments	9,300	9,250	9,200	9,250
New secondary loan guarantee commitments				
250—General science, space and technology:				
New direct loan obligations	200	200	200	200
New primary loan guarantee commitments				
New secondary loan guarantee commitments				
270—Energy:				
New direct loan obligations	12,000	11,600	13,100	11,600
New primary loan guarantee commitments	500	150	200	150
New secondary loan guarantee commitments				
300—Natural resources and environment:				
New direct loan obligations	30	50	100	50
New primary loan guarantee commitments				
New secondary loan guarantee commitments				
350—Agriculture:				
New direct loan obligations	18,100	17,250	18,600	18,600
New primary loan guarantee commitments	2,600	5,550	5,500	5,550
New secondary loan guarantee commitments				
370—Commerce and housing credit:				
New direct loan obligations	12,100	7,400	6,500	6,450
New primary loan guarantee commitments	41,000	48,700	48,700	53,700
New secondary loan guarantee commitments	68,200	68,250		68,250
400—Transportation:				
New direct loan obligations	500	200	200	200
New primary loan guarantee commitments	800	1,050	1,100	1,050
New secondary loan guarantee commitments	3			
450—Community and regional development:				
New direct loan obligations	2,200	2,250	2,100	2,100
New primary loan guarantee commitments	600	500	500	500
New secondary loan guarantee commitments				
500—Education, training, employment, and social services:				
New direct loan obligations	800	600	600	600
New primary loan guarantee commitments	7,200	6,500	6,500	6,500
New secondary loan guarantee commitments				
550—Health:				
New direct loan obligations	100	50	47	50
New primary loan guarantee commitments	100	250	200	250
New secondary loan guarantee commitments				
600—Income security:				
New direct loan obligations	2,000	1,000	1,000	1,000
New primary loan guarantee commitments	18,700	14,650	14,600	14,650
New secondary loan guarantee commitments				
700—Veterans benefits and services:				
New direct loan obligations	1,000	950	1,000	950
New primary loan guarantee commitments	20,900	8,000	8,000	8,000
New secondary loan guarantee commitments				
850—General purpose fiscal assistance:				
New direct loan obligations	200	250	300	250
New primary loan guarantee commitments				
New secondary loan guarantee commitments				

FISCAL YEAR 1984—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	49,400	48,200	47,900
New primary loan guarantee commitments	96,850	94,500	101,700
New secondary loan guarantee commitments	68,250		68,250
150—International affairs:			
New direct loan obligations	12,100	11,200	12,000
New primary loan guarantee commitments	10,250	10,300	10,300
New secondary loan guarantee commitments			
250—General science, space, technology:			
New direct loan obligations	50	37	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
270—Energy:			
New direct loan obligations	12,050	13,900	12,050
New primary loan guarantee commitments		200	150
New secondary loan guarantee commitments			
300—National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
350—Agriculture:			
New direct loan obligations	14,650	12,100	13,300
New primary loan guarantee commitments	4,300	3,800	4,350
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	6,000	6,400	5,900
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250		68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	550	600	600
New secondary loan guarantee commitments			
450—Community and regional development.			
New direct loan obligations	1,650	1,700	1,700
New primary loan guarantee commitments	2,450	300	1,500
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	650	700	650
New primary loan guarantee commitments	6,650	6,600	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	29	50
New primary loan guarantee commitments	250	300	250
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	1,000	1,000	1,000
New primary loan guarantee commitments	14,700	14,700	14,700
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	800	800	800
New primary loan guarantee commitments	9,000	9,000	9,000
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	250	300	250
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1984—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	49,400	48,200	46,700
New primary loan guarantee commitments	96,850	94,500	100,100
New secondary loan guarantee commitments	68,250		68,250
150—International affairs.			
New direct loan obligations	12,100	11,200	12,000
New primary loan guarantee commitments	10,250	10,300	10,300
New secondary loan guarantee commitments			
250—General science, space, technology:			
New direct loan obligations	50	37	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
270—Energy			
New direct loan obligations	12,050	13,900	12,050
New primary loan guarantee commitments		200	150
New secondary loan guarantee commitments			
300—National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
350—Agriculture			
New direct loan obligations	14,650	12,100	12,100
New primary loan guarantee commitments	4,300	3,800	3,750
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	6,000	6,400	5,900
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250		68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	550	600	600
New secondary loan guarantee commitments			
450—Community and regional development.			
New direct loan obligations	1,650	1,700	1,700
New primary loan guarantee commitments	2,450	300	500
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	650	700	650
New primary loan guarantee commitments	6,650	6,600	6,650
New secondary loan guarantee commitments			
550—Health.			
New direct loan obligations	50	29	50
New primary loan guarantee commitments	250	300	250
New secondary loan guarantee commitments			
600—Income security			
New direct loan obligations	1,000	1,000	1,000
New primary loan guarantee commitments	14,700	14,700	14,700
New secondary loan guarantee commitments			
700—Veterans benefits and services			
New direct loan obligations	800	800	800
New primary loan guarantee commitments	9,000	9,000	9,000
New secondary loan guarantee commitments			
850—General purpose fiscal assistance			
New direct loan obligations	250	300	250
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1985—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	47,450	48,100	47,800
New primary loan guarantee commitments	103,950	97,400	106,600
New secondary loan guarantee commitments	68,250		68,250
150—International affairs.			
New direct loan obligations	12,400	11,500	12,300
New primary loan guarantee commitments	10,250	10,300	10,300
New secondary loan guarantee commitments			
270—Energy			
New direct loan obligations	12,550	14,300	12,500
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
National resources and environment.			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

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FISCAL YEAR 1985—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
350—Agriculture:			
New direct loan obligations	12,300	11,700	12,750
New primary loan guarantee commitments	4,350	3,800	4,350
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	5,750	6,300	5,800
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250		68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	300	400	350
New secondary loan guarantee commitments			
450—Community and regional development:			
New direct loan obligations	1,800	1,800	1,800
New primary loan guarantee commitments	6,450	300	3,500
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	750	700	750
New primary loan guarantee commitments	6,650	6,600	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	28	50
New primary loan guarantee commitments	250	300	250
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	750	800	750
New primary loan guarantee commitments	16,500	16,500	16,500
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	650	600	650
New primary loan guarantee commitments	10,500	10,500	10,500
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	300	300	300
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1985—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	47,450	48,100	46,700
New primary loan guarantee commitments	103,950	97,400	103,050
New secondary loan guarantee commitments	68,250		68,250
150—International affairs:			
New direct loan obligations	12,400	11,500	12,300
New primary loan guarantee commitments	10,250	10,300	10,300
New secondary loan guarantee commitments			
270—Energy:			
New direct loan obligations	12,550	14,300	12,500
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
300—National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1985—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
350—Agriculture:			
New direct loan obligations	12,300	11,700	11,650
New primary loan guarantee commitments	4,350	3,800	3,800
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	5,750	6,300	5,800
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250		68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	300	400	350
New secondary loan guarantee commitments			
450—Community and regional development:			
New direct loan obligations	1,800	1,800	1,800
New primary loan guarantee commitments	6,450	300	50
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	750	700	750
New primary loan guarantee commitments	6,650	6,600	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	28	50
New primary loan guarantee commitments	250	300	250
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	750	800	750
New primary loan guarantee commitments	16,500	16,500	16,500
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	650	600	650
New primary loan guarantee commitments	10,500	10,500	10,500
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	300	300	300
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1986—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	48,000	48,700	47,750
New primary loan guarantee commitments	107,650	101,000	106,800
New secondary loan guarantee commitments	68,250		68,250
150—International affairs:			
New direct loan obligations	12,950	11,600	12,850
New primary loan guarantee commitments	10,250	10,300	10,300
New secondary loan guarantee commitments			
270—Energy:			
New direct loan obligations	12,600	14,400	12,600
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
300—National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1986—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
350—Agriculture:			
New direct loan obligations	12,400	12,200	13,200
New primary loan guarantee commitments	4,350	3,800	4,350
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	5,800	6,300	5,800
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250		68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	300	300	300
New secondary loan guarantee commitments			
450—Community and regional development:			
New direct loan obligations	1,750	1,800	1,800
New primary loan guarantee commitments	6,450	400	3,550
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	800	800	800
New primary loan guarantee commitments	6,650	6,600	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	28	50
New primary loan guarantee commitments	300	300	300
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	500	500	500
New primary loan guarantee commitments	18,150	18,100	18,150
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	700	700	700
New primary loan guarantee commitments	12,500	12,500	12,500
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	300	300	300
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1986—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	48,000	48,700	47,750
New primary loan guarantee commitments	107,650	101,000	106,800
New secondary loan guarantee commitments	68,250		68,250
150—International affairs:			
New direct loan obligations	12,950	11,600	12,850
New primary loan guarantee commitments	10,250	10,300	10,300
New secondary loan guarantee commitments			
270—Energy:			
New direct loan obligations	12,600	14,400	12,600
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
300—National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1986—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
350—Agriculture:			
New direct loan obligations	12,400	12,200	12,200
New primary loan guarantee commitments	4,350	3,800	3,850
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	5,800	6,300	5,800
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250		68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	300	300	300
New secondary loan guarantee commitments			
450—Community and regional development:			
New direct loan obligations	1,750	1,800	1,800
New primary loan guarantee commitments	6,450	400	550
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	800	800	800
New primary loan guarantee commitments	6,600	6,650	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	28	50
New primary loan guarantee commitments	300	300	300
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	500	500	500
New primary loan guarantee commitments	18,150	18,100	18,150
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	700	700	700
New primary loan guarantee commitments	12,500	12,500	12,500
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	300	300	300
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

OTHER CREDIT BUDGET PROVISIONS

The Senate amendment expressed the sense of the Congress that the President and Congress, through the appropriations process, limit on-budget and off-budget new direct loan obligations and new primary loan guarantee commitments to specified amounts in fiscal years 1983 and 1984. Also, the Senate amendment expressed the sense of the Congress that Federal Financing Bank originations of loans guaranteed by and purchases of loan assets from Federal agencies be limited to specified amounts in fiscal years 1983 and 1984. Further, the Senate amendment expressed the sense of the Congress that direct borrowing transactions of Federal agencies should be restricted to the Federal Financing Bank to the maximum extent possible. The House resolution did not contain such provisions. The conference substitute contains the Senate provisions adjusted to be consistent with the aggregate credit budget targets and functional totals in the substitute.

The Senate amendment contained a provision requiring an estimated allocation of new direct loan obligations and new loan guarantee commitments in fiscal years 1983 and 1984 to the appropriate committees of the House and Senate. Further, the Senate amendment required the committees of the House and Senate receiving such allocations to subdivide those allocations among their subcommittees. The House-passed resolution contained no similar provision. The conference substitute does not contain the Senate provision.

The Senate amendment expressed the sense of the Congress that Federal agencies selling loan assets to or guaranteeing loans originated by the Federal Financing Bank should have the budget authority and outlays resulting from those transactions reflected in their agency budgets. The Senate amendment further recommended that the appropriate committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget. The House resolution contained no similar provision. The conference substitute contains the Senate provision.

ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO SENATE COMMITTEES

Pursuant to section 302 of the Congressional Budget Act, the conference substitute makes the following allocation of budget authority and outlays among the committees of the Senate:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983

[In millions of dollars]

Committees	Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	515,466	479,118		
Agriculture, Nutrition, and Forestry	4,905	22,924	17,229	143
Armed Services	19	33	16,101	16,052
Banking, Housing, and Urban Affairs	1,618	82		1
Commerce, Science, and Transportation	1,711	248	328	390
Energy and Natural Resources	1,206	1,208	57	50
Environment and Public Works	13,785	1,189	6	6
Finance	407,831	388,321	50,408	56,303
Foreign Relations	14,872	12,237		
Governmental Affairs	46,240	31,788	(1)	(1)
Judiciary	554	555	65	63
Labor and Human Resources	7,780	8,928	5,334	4,513
Rules and Administration	53	23		
Small Business				
Veterans' Affairs	1,413	1,058	15,103	15,585
Select Indian Affairs	463	404		
Not allocated to committees				
Reserve fund	6,060	5,350		
Offsetting receipts	140,615	140,615		
Total budget	883,360	812,850	104,629	93,106

[1] Less than $500,000

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984

[In millions of dollars]

Committees	Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	536,138	510,889		
Agriculture, Nutrition, and Forestry	631	10,243	9,702	157
Armed Services	20	25	16,694	16,689
Banking, Housing, and Urban Affairs	2,175	−826		
Commerce, Science, and Transportation	1,776	153	349	349

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984—Continued

[In millions of dollars]

Committees	Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays
Energy and Natural Resources	1,673	1,473	60	55
Environment and Public Works	14,881	1,214	6	6
Finance	423,837	409,763	52,863	52,929
Foreign Relations	16,132	12,572		
Governmental Affairs	48,484	33,657	(1)	(1)
Judiciary	556	538	68	68
Labor and Human Resources	13,790	10,623	4,478	4,479
Rules and Administration	54	137		
Small Business				
Veterans' Affairs	1,444	1,103	15,146	15,178
Select Indian Affairs	455	478		
Not allocated to committees				
Reserve fund	8,325	8,525		
Offsetting receipts	−141,644	−141,644		
Total budget	928,725	858,925	99,365	89,911

[1] Less than $500,000

JAMES R. JONES,
JIM WRIGHT,
STEPHEN J. SOLARZ,
TIMOTHY E. WIRTH,
LEON E. PANETTA,
RICHARD GEPHARDT,
BILL NELSON,
LES ASPIN,
MIKE LOWRY,
WILLIAM H. GRAY III,
Managers on the Part of the House.

PETE V. DOMENICI,
NANCY LANDON
KASSEBAUM,
RUDY BOSCHWITZ,
SLADE GORTON,
LAWTON CHILES,
JIM SASSER,
HOWARD M. METZENBAUM,
DON RIEGLE,
Managers on the Part of the Senate.

REPORT ON SENATE CONCURRENT RESOLUTION AUTHORIZING PRINTING OF REVISED EDITION OF "THE CAPITOL"

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-249) on the Senate concurrent resolution (S. Con. Res. 35) authorizing the printing as a Senate document of a revised edition of "The Capitol," which was referred to the House Calendar and ordered to be printed.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1984

The SPEAKER pro tempore (Mr. MILLER of California). Pursuant to House Resolution 229 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2972.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the

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Union for the further consideration of the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, with Mr. KILDEE in the chair.

☐ 1340

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on Monday, June 20, 1983, all time for general debate had expired.

Pursuant to the rule, the bill will be considered under the 5-minute rule by titles, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Construction Authorization Act, 1984".

Mr. KRAMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the fiscal year 1984 military construction authorization bill (H.R. 2972) before us today deserves the full support of this body because it meets two important tests. First, it responds to the most pressing needs of the military services. And second, it stays within the fiscal boundaries established by the first concurrent budget resolution adopted by the House.

Before commenting further on this legislation, I wish to commend the gentleman from California (Mr. DELLUMS) for his leadership in chairing the hearings on this bill. While his individual views on certain policy issues regarding H.R. 2972 differed sharply from those of some of us on the subcommittee, he always managed the hearings in a most fair and judicious manner, granting equal time to both sides of the issues.

While the gentleman from California has explained some of the major adjustments to the bill made by the committee, I would like to take a few moments to comment on some other aspects of the bill.

For the past several years, our committee has been encouraging the military departments to employ different construction techinques that may prove less costly than conventional practices. As a result of our efforts, the Army is undertaking a demonstration test of manufactured housing at the Army's National Training Center at Fort Irwin, Calif. The first of the 200 units of manufactured housing are to be ready for occupancy this October with completion of the project scheduled for next January. Our hope is that the test will demonstrate that our military services can obtain quality housing at less cost through the use of manufactured or factory-built units.

In this bill, the committee has begun another initiative. That is to direct the services to conduct a demonstration test of frame-supported architectural fabric strcutures on six projects in the fiscal year 1984 program. This demonstration effort is the result of an evaluation of fabric structure technology conducted by the Army Construction Engineering Laboratory earlier this year at the committee's request. In essence, Mr. Chairman, we are asking the services to look carefully at new construction methods that already are being widely used in the civilian, non-Federal market place because they are less costly to the Government.

Another area of major concern for many of us on the committee—perhaps the most major concern—is the crying need for better housing and working places for our service personnel. These are euphemistically called quality of life projects. This year, the Department of Defense put great emphasis on solving this problem and budgeted nearly half of the bill's total amount for this purpose. Our committee supported that request and particularly for replacing many old, substandard facilities in Germany where many of our Forces are required to work and live. During the course of our hearings, some of us had an opportunity to go to Germany to see some of these dilapidated conditions firsthand. Some of the structures we visited date back to World War I.

Mr. Chairman, although this bill represents a program less than requested by the administration, it preserves our defense readiness and in many instances improves our defense capabilities by providing the necessary facilities to support new weapon systems entering our land, sea, and air forces. It is a well-balanced bill and I urge its passage by the House. It is fiscally responsible and militarily correct.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield to me?

Mr. KRAMER. Certainly, I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I want to compliment the gentleman from Colorado (Mr. KRAMER) on his statement. I thoroughly agree with him on the merits of this bill.

I am not necessarily always a supporter of every military bill that comes through, but I would like to point out that it is rare indeed that we have a piece of legislation on which the gentleman from Colorado and the gentleman from California, the chairman of the subcommittee, enthusiastically agree, and I think that in itself is significant and warrants the close attention of the Members.

I am particularly interested in the specific items that the gentleman mentioned. I think the use of manufactured housing in the rigorous atmosphere at Fort Irwin is going to provide an excellent demonstration of how we can better take care of the needs of our military people in a desert environment. There are a number of other extremely useful initiatives in this bill which will not only benefit the armed services on a long-term basis but which will also benefit the communities, both in this country and overseas, in which we have our Military Forces.

For those reasons, Mr. Chairman, I think the gentleman has done a very commendable job and the committee has done a commendable job, and I intend to support the bill enthusiastically.

Mr. KRAMER. Mr. Chairman, I appreciate very much the remarks of the gentleman from California (Mr. BROWN).

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

(By unanimous consent, Mr. KRAMER was allowed to proceed for 2 additional minutes.)

Mr. KRAMER. Mr. Chairman, I ask for the support of the Members, and I appreciate the support of the gentleman from California (Mr. BROWN) for this legislation. I would only close by assuring the gentleman that there is not one single dollar in this bill that is being expended on construction that is outside of the atmosphere, which I am sure he appreciates very much.

Mr. BROWN of California. Mr. Chairman, I am reassured by the gentleman's comment.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would first like to thank the gentleman from Colorado (Mr. KRAMER) for his kind and generous remarks directed at me as the chairman of the subcommittee.

I would also like to compliment my colleague for his diligence and his cooperation on the bill that is before the body. His work with us on the subcommittee has made it very easy to move the bill through the subcommittee and the full committee, and I thank my colleague for that.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, I rise in support of this bill, and I would like to offer a special commendation to the chairman of the subcommittee, the gentleman from California (Mr. DELLUMS). He did an outstanding job in leading the committee through some very difficult and delicate negotiations, and I just want to offer to him my heartfelt thanks for the very special efforts he made in behalf of my district.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to join with the ranking minority member in saying that as a member of this subcommittee I think the committee has done a good job. I think that the chairman of the subcommittee has been emanately fair. While he and I do not agree philosophically quite often, as far as the conduct of the business of the subcommittee is concerned, he could not have been more fair and considerate to all members, and I certainly want to commend him for that.

I would like to give a couple of pats on the back to the committee as a whole for its diligent work in trying to cut costs. As has been pointed out, this Subcommittee on Military Construction has made good strides in cost containment. Several projects have been eliminated, and I think, whether we talk about modular housing or any one of the many other things this committee has dealt with, the subcommittee has done a good job.

☐ 1350

I would like to add one more factor. There is no part of Government that builds more housing than does the military, that owns more housing, especially in the warm temperatures in the South, in the Caribbean, in the Panama Canal Zone and in the Equatorial Zones we have around the world.

At the end of the markup session, I suggested to the chairman that we ought to have a special hearing to determine, are we doing all that we can to pursue solar energy and renewable energy in our defense procurement policies when it comes to military housing?

The chairman readily acceded to this, as did the ranking member. If I am correct in saying this, one of the first hearings we will hold when we finish this bill will be to go into the subject of solar energy and other energies that can be used that are renewable, that will cut costs, that will cut consumption of nonrenewable fuel sources, and if we can be the pacesetter in the military department and in the Department of Defense, I think it will be a pat on the back to us and certainly will be a benefit to the taxpayer.

I want to commend the committee for agreeing to go forward with these hearings and I am looking forward to it.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 101. The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $31,100,000.
Fort Campbell, Kentucky, $15,300,000.
Fort Carson, Colorado, $15,760,000.
Fort Devens, Massachusetts, $3,000,000.
Fort Douglas, Utah, $910,000.
Fort Drum, New York, $1,500,000.
Fort Hood, Texas, $76,050,000.
Fort Hunter, Liggett, California, $2,850,000.
Fort Irwin, California, $36,950,000.
Fort Lewis, Washington, $31,640,000.
Fort Meade, Maryland, $5,150,000.
Fort Ord, California, $6,150,000.
Fort Polk, Louisiana, $16,180,000.
Fort Richardson, Alaska, $940,000.
Fort Riley, Kansas, $91,300,000.
Fort Stewart, Georgia, $29,720,000.
Presidio of Monterey, California, $1,300,000.

UNITED STATES ARMY WESTERN COMMAND

Schofield Barracks, Hawaii, $31,900,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Carlisle Barracks, Pennsylvania, $3,700,000.
Fort Benning, Georgia, $21,750,000.
Fort Bliss, Texas, $34,730,000.
Fort Jackson, South Carolina, $790,000.
Fort Knox, Kentucky, $4,200,000.
Fort Leavenworth, Kansas, $27,550,000.
Fort Lee, Virginia, $5,930,000.
Fort Leonard Wood, Missouri, $12,600,000.
Fort McClellan, Alabama, $4,220,000.
Fort Rucker, Alabama, $11,600,000.
Fort Sill, Oklahoma, $25,150,000.
Fort Story, Virginia, $9,000,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $2,750,000.

UNITED STATES ARMY MATERIAL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, $39,850,000.
Detroit Arsenal, Michigan, $270,000.
Harry Diamond Laboratories, Maryland, $400,000.
Fort Monmouth, New Jersey, $14,900,000.
Kansas Army Ammunition Plant, $1,150,000.
Louisiana Army Ammunition Plant, Louisiana, $4,250,000.
Milan Army Ammunition Plant, Tennessee, $550,000.
Picatinny Arsenal, New Jersey, $460,000.
Pine Bluff Arsenal, Arkansas, $10,200,000.
Red River Army Depot, Texas, $1,250,000.
Redstone Arsenal, Alabama, $25,400,000.
Rock Island Arsenal, Illinois, $22,000,000.
Sierra Army Depot, California, $3,950,000.
Tobyhanna Army Depot, Pennsylvaina, $9,200,000.
Watervliet Arsenal, New York, $2,150,000.
White Sands Missile Range, New Mexico, $310,000.

AMMUNITION FACILITIES

Iowa Army Ammunition Plant, Iowa, $2,000,000.
Lake City Army Ammunition Plant, Missouri, $600,000.
Lone Star Army Ammunition Plant, Texas, $1,300,000.
Longhorn Army Ammunition Plant, Texas, $270,000.
Milan Army Ammunition Plant, Tennessee, $340,000.
Radford Army Ammunition Plant, Virginia, $4,620,000.
Scranton Army Ammunition Plant, Pennsylvania, $1,000,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $1,250,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $12,840,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $1,650,000.
Walter Reed Army Medical Center, Washington, District of Columbia, $4,200,000.

CLASSIFIED PROJECT

Various Locations, $1,300,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, JAPAN

Okinawa, $1,400,000.

EIGHTH UNITED STATES ARMY

Korea, $59,580,000.

BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Kwajalein, $5,620,000.

UNITED STATES ARMY FORCES COMMAND OVERSEAS

Fort Buchanan, Puerto Rico, $1,550,000.
Panama, $1,460,000.

UNITED STATES ARMY, EUROPE

Europe, $19,000,000.
Germany, $294,850,000.
Greece, $4,880,000.
Italy, $2,710,000.
Turkey, $5,250,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND OVERSEAS

Korea, $260,000.

FAMILY HOUSING

SEC. 102. (a) The Secretary of the Army may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Various locations, Alaska, six units, $1,158,000.
Aliamanu, Hawaii, community center, $9,900,000.
Fort Greely, Alaska, thirty-eight units, $5,203,000.
Fort Polk, Louisiana, two hundred units, $15,342,000.
Fort Stewart, Georgia, two hundred and forty-four units, $14,626,000.
Wildflecken, Federal Republic of Germany, one hundred and fifty-three units, $12,157,000.
Bayreuth, Federal Republic of Germany, thirteen units, $1,132,000.
Kitzingen, Federal Republic of Germany, one hundred and three units, $11,140,000.
Vicenza, Italy, two units, $354,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 103. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed $108,551,000, of which $26,623,000 is available only for energy conservation projects.

(b) Within the amount specified in subsection (a), the Secretary of the Army may, notwithstanding the maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, in the amount shown, for each installation:

Aberdeen Proving Ground, Maryland, one hundred and sixty units, $6,816,000.

Fort Hamilton, New York, one hundred and eight units, $5,280,000.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 104. The Secretary of the Army may carry out architectural and engineering services and construction design in connection with military family housing construction (including improvements) in the amount of $6,750,000.

PROJECTS USING UNOBLIGATED PRIOR YEAR AUTHORITY

SEC. 105. (a) The Secretary of the Army may carry out the following projects (for which funds are not included under section 601) as provided in subsection (b):

Purchase of Support Facilities in the amount of $16,500,000 at Rheinberg, Germany.

Unspecified Minor Construction projects in the amount of $4,600,000 at various locations.

Construction projects of $1,000,000 or less in the amount of $6,800,000 at various locations.

(b) A contract for a project listed in subsection (a) may be entered into using authorization amounts available from approved projects authorized under title I of any previous Military Construction Authorization Act.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 2, line 17, strike out the comma after "Fort Hunter".

Page 3, line 20, strike out "Material" and insert in lieu thereof "Materiel".

Page 8, line 5, strike out "funds" and insert in lieu thereof "amounts".

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, the amendment before the body at this time is a technical amendment. It simply makes grammatical and clerical and printing error corrections in the bill. It makes no changes in the substantive aspects of the bill.

I ask that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—NAVY

AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 201. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Beaufort, South Carolina, $3,530,000.

Marine Corps Base, Camp Lejeune, North Carolina, $31,760,000.

Marine Corps Base, Camp Pendleton, California, $39,070,000.

Marine Corps Air Station, Cherry Point, North Carolina, $1,805,000.

Marine Corps Air Station, El Toro, California, $14,030,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $7,900,000.

Marine Corps Air Station, New River, North Carolina, $2,730,000.

Marine Corps Camp Detachment, Camp Elmore, Norfolk, Virginia, $1,160,000.

Camp H. M. Smith, Oahu, Hawaii, $2,700,000.

Marine Corps Development and Education Command, Quantico, Virginia, $2,570,000.

Marine Corps Recruit Depot, San Diego, California, $10,690,000.

Marine Corps Air Station, Tustin, California, $465,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $25,120,000.

Marine Corps Air Station, Yuma, Arizona, $8,920,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $9,720,000.

Naval Station, Annapolis, Maryland, $405,000.

Naval Space Surveillance Field Station, Hollandale, Mississippi, $495,000.

COMMANDER IN CHIEF, UNITED STATES ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $7,800,000.

Naval Air Station, Cecil Field, Florida, $17,670,000.

Naval Station, Charleston, South Carolina, $39,250,000.

Naval Air Station, Jacksonville, Florida, $10,000,000.

Naval Air Station, Key West, Florida, $15,635,000.

Naval Amphibious Base, Little Creek, Virginia, $9,170,000.

Naval Station, Mayport, Florida, $25,520,000.

Naval Submarine Base, New London, Connecticut, $11,970,000.

Naval Station, Norfolk, Virginia, $2,560,000.

Naval Air Station, Oceana, Virginia, $415,000.

Tactical Training Group, Atlantic, Virginia Beach, Virginia, $3,750,000.

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Station, Adak, Alaska, $2,970,000.

Naval Submarine Base, Bangor, Washington, $8,040,000.

Naval Air Station, Barbers Point, Hawaii, $890,000.

Naval Amphibious Base, Coronado, California, $21,222,000.

Naval Air Station, Fallon, Nevada, $11,900,000.

Naval Air Station, Lemoore, California, $20,920,000.

Naval Air Station, Miramar, California, $2,020,000.

Naval Air Station, Moffett Field, California, $1,870,000.

Naval Air Station, North Island, California, $20,650,000.

Fleet Intelligence Center, Pacific, Pearl Harbor, Hawaii, $990,000.

Naval Station, Pearl Harbor, Hawaii, $3,350,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,590,000.

Tactical Training Group, Pacific, San Diego, California, $3,260,000.

Naval Station, San Diego, California, $980,000.

Naval Submarine Base, San Diego, California, $6,660,000.

Naval Station, Mare Island, Vallejo, California, $210,000.

Naval Support Activity, Mare Island, Vallejo, California, $1,800,000.

Naval Air Station, Whidbey Island, Washington, $3,160,000.

NAVAL EDUCATION AND TRAINING COMMAND

Naval Air Station, Chase Field, Texas, $2,625,000.

Naval Air Station, Corpus Christi, Texas, $495,000.

Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $12,190,000

Fleet Intelligence Training Center, Dam Neck, Virginia, $12,200,000.

Naval Guided Missiles School, Dam Neck, Virginia, $1,860,000.

Naval Air Station, Kingsville, Texas, $4,830,000.

Naval Air Station, Memphis, Tennessee, $11,800,000.

Naval Air Station, Meridian, Mississippi, $610,000.

Naval Submarine School, New London, Connecticut, $12,180,000.

Naval Education and Training Center, Newport, Rhode Island, $4,270,000.

Fleet Anti-Submarine Warfare Training Center, Atlantic, Norfolk, Virginia, $4,130,000.

Fleet Training Center, Norfolk, Virginia, $1,120,000.

Naval Training Center, Orlando, Florida, $19,690,000.

Naval Air Station, Pensacola, Florida, $2,200,000.

Naval Technical Training Center, Pensacola, Florida, $2,410,000.

Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, $14,200,000.

Naval Air Station, Whiting Field, Florida, $4,260,000.

BUREAU OF MEDICINE AND SURGERY

National Naval Medical Center, Bethesda, Maryland, $37,170,000.

National Regional Medical Center, Long Beach, California, $8,370,000.

Naval Submarine Medical Center, New London, Connecticut, $6,510,000.

Naval Regional Medical Clinic, Pearl Harbor, Hawaii, $8,490,000.

NAVAL MATERIAL COMMAND

Naval Air Rework Facility, Alameda, California, $21,560,000.

David W. Taylor Naval Ship Research and Development Center, Bethesda, Maryland, $5,030,000.

Naval Supply Center, Puget Sound, Bremerton, Washington, $200,000.

Naval Ordnance Test Unit, Cape Canaveral, Florida, $57,000,000.

Naval Shipyard, Charleston, South Carolina, $15,000,000.

Naval Weapons Station, Charleston, South Carolina, $1,570,000.

Naval Air Rework Facility, Cherry Point, North Carolina, $20,040,000.

Naval Weapons Center, China Lake, California, $31,100,000.

Naval Weapons Station, Concord, California, $2,720,000.

Naval Surface Weapons Center, Dahlgren, Virginia, $5,355,000.

Fleet Combat Directions Systems Support Activity, Dam Neck, Virginia, $4,000,000.

Naval Weapons Station, Earle, New Jersey, $465,000.

AEGIS Combat System Engineering Development Site, Fort Dix, New Jersey, $2,040,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $2,960,000.

Naval Ordnance Station, Indian Head, Maryland, $1,950,000.

Naval Air Rework Facility, Jacksonville, Florida, $2,875,000.

Naval Underwater Engineering Station, Keyport, Washington, $1,400,000.

Naval Submarine Base, Kings Bay, Georgia, $36,429,000. of which $400,000. may be used to provide community impact planning assistance and $5,619,000. may be used to provide community impact assistance under section 802 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 10 U.S.C. 139 note), to the communities near the submarine base.

Naval Air Engineering Center, Lakehurst, New Jersey, $4,195,000.

Naval Shipyard, Mare Island, California, $14,800,000.

Naval Ships Parts Control Center, Mechanicsburg, Pennsylvania, $15,800,000.

Naval Air Rework Facility, Norfolk, Virginia, $3,020,000.

Naval Supply Center, Norfolk, Virginia, $6,400,000.

Naval Coastal System Center, Panama City, Florida, $6,070,000.

Naval Air Test Center, Patuxent River, Maryland, $10,150,000.

Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $26,040,000.

Naval Public Works Center, Pearl Harbor, Hawaii, $13,100,000.

Pacific Missile Test Center, Point Mugu, California, $840,000.

Portsmouth Naval Shipyard, Kittery, Maine, $7,100,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $19,350,000.

Naval Transmitter Facility, Republic, Michigan, $13,000,000.

Naval Ocean Systems Center, San Diego, California, $8,000,000.

Naval Supply Center, San Diego, California, $1,110,000.

Navy Public Works Center, San Francisco, California, $220,000.

Naval Shipyard, Philadelphia, Pennsylvania, $2,600,000.

Naval Ships Systems Engineering Station, Philadelphia, Pennsylvania, $14,500,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanographic Office, Bay St. Louis, Mississippi, $6,320,000.

Fleet Numerical Oceanography Center, Monterey, California, $6,980,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Atlantic, Norfolk, Virginia, $1,690,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Surgar Grove, West Virginia, $7,400,000.

OUTSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, $750,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Bermuda, $810,000.

Naval Facility, Bermuda, $1,110,000.

Naval Station, Guantanamo Bay, Cuba, $730,000.

Naval Station, Keflavik, Iceland, $41,500,000.

Naval Station, Panama, Canal Zone, $1,490,000.

Naval Station, Roosevelt Roads, Puerto Rico, $1,330,000.

Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $1,945,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Commander, U.S. Naval Forces Korea Detachment, Chinhae, Korea, $460,000.

Navy Support Facility, Diego Garcia, $31,800,000.

COMMANDER IN CHIEF, NAVAL FORCES, EUROPE

Naval Support Activity, Holy Loch, Scotland, $9,810,000.

Navy Personnel Support Activity, Naples, Italy, $640,000.

Naval Support Activity, Naples, Italy $4,700,000.

Naval Station, Rota, Spain, $9,250,000.

Naval Air Station, Sigonella, Italy, $23,380,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command Center, Rota, Spain, $980,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $3,020,000.

Naval Communication Area Master Station Western Pacific, Guam, Mariana Islands, $980,000.

Classified Location, $1,280,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Guantanamo Bay, Cuba, $1,700,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various Locations, $2,970,000.

FAMILY HOUSING

SEC. 202. The Secretary of the Navy may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Marine Corps Air Station, El Toro, California, one hundred and thirty units, $11,666,000.

Marine Corps Base, Camp Pendleton, California, three hundred units, $23,160,000.

Naval Air Station, Sigonella, Italy, two hundred and five units, $20,000,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 203. Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $13,240,000, of which $3,953,000 is available only for energy conservation projects.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 204. The Secretary of the Navy may carry out architectural and engineering services and construction design in connection with military family housing consturction (including improvements) in the amount of $7,395,000.

MODIFICATION OF LEASING LIMITATION FOR NAVAL AIR STATION, LEMOORE, CALIFORNIA

SEC. 205. Section 2 of Public Law 92-378 (86 Stat. 530), relating to leases of lands for agricultural and grazing purposes at the Naval Air Station Lemoore, California, is amended by striking out "one hundred and sixty irrigable acres" and inserting in lieu thereof "nine hundred and sixty irrigable acres".

LAND ACQUISITION FOR FUTURE FAMILY HOUSING REQUIREMENTS, SAN DIEGO, CALIFORNIA

SEC. 206. The Secretary of the Navy may acquire up to one hundred and twenty-five acres of real property in San Diego, California (or the surrounding area), that the Secretary determines to be suitable as a site or sites for future construction of military family housing for the Department of the Navy. Such property maybe acquired by exchange or by purchase using funds derived from savings in carrying out previously authorized projects. The Secretary may acquire an option on such property as provided in section 2677(a) of title 10, United States Code, and (notwithstanding section 2677(b) of such title) may pay, from funds available for projects under section 2805 of title 10, United States Code, not more than $1,000,000 for such option.

MODIFICATION OF AUTHORITY FOR PROCUREMENT OF STEAM SUPPLY FOR THE CHARLESTON NAVAL STATION

SEC. 207. Section 205(a)(1) of the Military Construction Authorization Act, 1982 (Public Law 97-99; Stat, 1366), is amended to read as follows:

"(1) construct steam lines and any other needed facility, or pay a connection fee, to make use of energy generated by a waste heat recovery facility or a process-related, coal-fired cogeneration facility to be furnished by the Macalloy Corporation (a corporation organized under the laws of the State of Delaware) or any successor to that corporation.".

The CHAIRMAN. Are there amendments to title II?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 12, line 2, strike out "$210,000" and insert in lieu thereof "$2,010,000".

Page 12, strike out lines 3 and 4.

Page 15, line 10, strike out "Naval Shipyard, Mare Island," and insert in lieu thereof "Mare Island Naval Shipyard, Vallejo,".

Page 15, line 16, strike out "System" and insert in lieu thereof "Systems".

Page 17, line 14, strike out "$1,330,000" and insert in lieu thereof "$1,300,000".

Page 20, beginning on line 10, strike out "an option" and insert in lieu thereof "options".

Page 20, line 15, strike out "option" and insert in lieu thereof "options".

Page 21, line 2, strike out the first period and insert in lieu thereof a semicolon.

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, this, too, is an amendment that is technical in nature. It simply corrects clerical and printing errors in the bill. It makes no changes in the substantive aspect of the legislation.

I ask the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Dellums).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

Sec. 301. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

Inside the United States

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $16,155,000.

Kelly Air Force Base, Texas, $22,590,000.

McClellan Air Force Base, California, $10,200,000.

Newark Air Force Station, Ohio, $800,000.

Robins Air Force Base, Georgia, $17,330,000.

Tinker Air Force Base, Oklahoma, $9,030,000.

Wright-Patterson Air Force Base, Ohio, $5,923,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $12,170,000.

Brooks Air Force Base, Texas, $10,110,000.

Cape Canaveral Air Force Station, Florida, $9,400,000.

Eastern Launch Site, Florida, $6,000,000.

Edwards Air Force Base, California, $11,910,000.

Eglin Air Force Base, Florida, $11,990,000.

Laurence G. Hanscom Air Force Base, Massachusetts, $3,670,000.

Johnson Space Center, Texas, $700,000.

Los Angeles Air Force Station, California, $2,670,000.

Patrick Air Force Base, Florida, $2,392,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $21,910,000.

Columbus Air Force Base, Mississippi, $1,650,000.

Goodfellow Air Force Base, Texas, $2,240,000.

Gunter Air Force Station, Alabama, $6,750,000.

Keesler Air Force Base, Mississippi, $6,320,000.

Lackland Air Force Base, Texas, $7,800,000.

Mather Air Force Base, California, $4,460,000.

Reese Air Force Base, Texas, $1,550,000.

San Antonio Area, Texas, $12,000,000.

Sheppard Air Force Base, Texas, $12,900,000.

Vance Air Force Base, Oklahoma, $1,250,000.

Williams Air Force Base, Arizona, $2,700,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, $58,390,000.

Elmendorf Air Force Base, Alaska, $10,770,000.

Galena Air Force Base, Alaska, $3,950,000.

Shemya Air Force Base, Alaska, $21,400,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, $21,600,000.

Andrews Air Force Base, Maryland, $1,786,000.

Bolling Air Force Base, District of Columbia, $4,270,000.

Dover Air Force Base, Delaware, $1,300,000.

Kirtland Air Force Base, New Mexico, $2,240,000.

Little Rock Air Force Base, Arkansas, $5,970,000.

McChord Air Force Base, Washington, $12,160,000.

McGuire Air Force Base, New Jersey, $620,000.

Pope Air Force Base, North Carolina, $2,800,000.

Scott Air Force Base, Illinois, $790,000.

Travis Air Force Base, California, $53,200,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $3,150,000.

MX CONSTRUCTION

Various Locations, $46,700,000.

SPACE COMMAND

NORAD Cheyenne Mountain Complex, Colorado, $5,660,000.

Peterson Air Force Base, Colorado, $78,700,000.

SPECIAL PROJECT

Various Locations, $24,000,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $34,970,000.

Beale Air Force Base, California, $5,550,000.

Blytheville Air Force Base, Arkansas, $9,070,000.

Carswell Air Force Base, Texas, $3,400,000.

Castle Air Force Base, California, $6,500,000.

Dyess Air Force Base, Texas, $14,300,000.

Ellsworth Air Force Base, South Dakota, $6,700,000.

Fairchild Air Force Base, Washington, $28,450,000.

Forsyth Air Force Base, Montana, $4,225,000.

Grand Forks Air Force Base, North Dakota, $8,525,000.

Griffis Air Force Basc, New York, $12,400,000.

Grissom Air Force Base, Indiana, $9,830,000.

Havre Air Force Base, Montana, $4,936,000.

K. I. Sawyer Air Force Base, Michigan, $40,460,000.

Loring Air Force Base, Maine, $36,400,000.

Malmstrom Air Force Base, Montana, $630,000.

March Air Force Base, California, $3,550,000.

McConnell Air Force Base, Kansas, $9,570,000.

Minot Air Force Base, North Dakota, $13,800,000.

Offutt Air Force Base, Nebraska, $7,620,000.

Plattsburgh Air Force Base, New York, $5,955,000.

Vandenberg Air Force Base, California, $46,002,000.

Whiteman Air Force Base, Missouri, $24,500,000.

Wurtsmith Air Force Base, Michigan, $5,000,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, $6,780,000.

Cannon Air Force Base, New Mexico, $6,800,000.

Davis-Monthan Air Force Base, Arizona, $5,850,000.

England Air Force Base, Louisiana, $3,357,000.

George Air Force Base, California, $220,000.

Homestead Air Force Base, Florida, $4,060,000.

Langley Air Force Base, Virginia, $8,300,000.

Luke Air Force Base, Arizona, $9,663,000.

MacDill Air Force Base, Florida, $6,360,000.

Moody Air Force Base, Georgia, $1,300,000.

Mountain Home Air Force Base, Idaho, $6,590,000.

Myrtle Beach Air Force Base, South Carolina, $1,550,000.

Nellis Air Force Base, Nevada, $4,490,000.

Seymour-Johnson Air Force Base, North Carolina, $5,240,000.

Shaw Air Force Base, South Carolina, $9,990,000.

Tyndall Air Force Base, Florida, $6,790,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado, $10,085,000.

Outside the United States

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $1,400,000.

Rhein-Main Air Base, Germany, $1,870,000.

PACIFIC AIR FORCES

Diego Garcia Air Base, Indian Ocean, $58,200,000.

Kadena Air Base, Japan, $11,260,000.

Korea, Various Locations, $5,900,000.

Kunsan Air Base, Korea, $31,013,000.

Kwang-Ju Air Base, Korea, $210,000.

Misawa Air Base, Japan, $31,600,000.

Osan Air Base, Korea, $42,150,000.

Saechon Air Base, Korea, $210,000.

Suwon Air Base, Korea, $400,000.

Taegu Air Base, Korea, $2,750,000.

Yokota Air Base, Japan, $1,250,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $24,710,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Canal Zone, $613,000.

UNITED STATES AIR FORCES IN EUROPE

Camp New Amsterdam, The Netherlands, $2,050,000.

Germany, Various Locations, $46,464,000.

Italy, Various Locations, $39,580,000.

Morrocco, Various Locations, $28,000,000.

Oman, Various Locations, $28,600,000.

Spain, Various Locations, $6,832,000.

Turkey, Various Locations, $6,520,000.

United Kingdom, Various Locations, $55,168,000.

Various Locations, $77,920,000.

FAMILY HOUSING

Sec. 302. The Secretary of the Air Force may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Lajes Field, Portugal, one hundred fifty units, $11,812,000.

Havre Air Force Station, Montana, five units, $496,000.

Forsyth Air Force Station, Montana, fifty units, $4,000,000.

Camp New Amsterdam, The Netherlands, fifty units, $4,898,000.

RAF Upper Heyford, United Kingdom, three hundred units, $33,982,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Sec. 303. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed $65,033,000, of which $11,225,000 is available only for energy conservation projects.

(b) Within the amount specified in subsection (a), the Secretary of the Air Force may, notwithstanding the maximum amount per unit prescribed in section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Carswell Air Force Base, Texas, two hundred three units, $7,477,500.

Kadena Air Base, Japan, three hundred forty-two units, $20,586,200.

Kirtland Air Force Base, New Mexico, one hundred twenty-five units, $4,463,700.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

Sec. 304. The Secretary of the Air Force may carry out architectural and engineering services and construction design in connection with military family housing construction (including improvements) in the amount of $5,000,000.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dellums: Page 22, line 24, strike out "Air Force Base" and insert in lieu thereof "Airport".

Page 24, line 8, strike out "Base" and insert in lieu thereof "Station".

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, this as well, is a technical amendment. It is simply an effort to correct clerical and printing errors in the bill. It makes no substantive changes.

I urge the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Dellums).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dellums: Page 28, after line 19, add the following new section:

LIMITATION ON FUNDS FOR MX MISSILE CONSTRUCTION

Sec. 305. None of the funds appropriated pursuant to the authorization for MX missile construction in this title may be obligated or expended until funds for procurement of the MX missile system have been authorized by law.

Mr. DELLUMS. Mr. Chairman, this MX amendment is designed to keep the construction schedule in tandem with the procurement program.

As my colleagues will recall, Mr. Chairman, the full Armed Services Committee in reporting the authorization bill to the floor for fiscal year 1984 placed all of the consideration of the MX missile in title III of the fiscal year 1984 authorization bill. We have not completed that process as yet. As a matter of fact, the leadership decided to postpone any consideration of title III until after the 4th of July break.

Mr. Chairman, this is an effort not to allow the construction schedule to get out in front of the ability of the House to make its judgment up or down on the question of the authorization of the MX missile. So what this amendment simply does is to indicate that the funds in this bill are authorized, but they cannot be in any way obligated or expended until such time as the House has worked its will on the authorization process.

This is consistent with the decision that has been made by the leadership.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished colleague, the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, as I understand the gentleman's amendment, it is the same amendment that was added to the energy and water appropriation bill, that fenced in that part of the bill.

Mr. DELLUMS. Yes.

Mr. MONTGOMERY. This pertains to the MX?

Mr. DELLUMS. Yes.

Mr. MONTGOMERY. And under the gentleman's amendment, if title III of the authorization bill, which will come up after July 4, if that is passed in the authorization, then this unfences the gentleman's amendment and the money can be spent?

Mr. DELLUMS. Yes. The gentleman has raised two questions and the answer to both of them is yes.

First, this is the exact same language fencing in the funding of the MX missile in the appropriation bill.

On the second question, the gentleman is absolutely correct. If the House decides to go forward with the authorization of the MX missile, then these funds are available and can be obligated. If the House decides not to do so, these funds cannot be expended for that purpose.

Mr. MONTGOMERY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Dellums).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

Sec. 401. The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

Inside the United States

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Adak, Alaska, $14,200,000.

Defense Property Disposal Office, Anchorage, Alaska, $2,500,000.

Defense Fuel Support Point, Ozol, California, $1,100,000.

Defense Fuel Support Point, Long Beach, California, $42,100,000.

Defense Depot, Tracy, California, $480,000.

Defense Property Disposal Office, Vandenberg, California, $880,000.

Defense Property Disposal Office, Colorado, Springs, Colorado, $810,000.

Defense Fuel Support Point, Escanaba, Michigan, $1,000,000.

Defense Fuel Support Point, Cincinnati, Ohio, $3,200,000.

Defense Depot, Mechanicsburg, Pennsylvania, $18,000,000.

Defense Depot, Memphis, Tennessee, $750,000.

Defense Property Disposal Office, San Antonio, Texas, $500,000.

Defense Property Disposal Office, Tooele, Utah, $420,000.

Defense Property Disposal Office, Norfolk, Virginia, $940,000.

Defense Property Disposal Office, Fort Lewis, Washington, $650,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $1,830,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $31,000,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Activity, Fort Belvoir, Virginia, $3,000,000.

Defense Systems Management College, Fort Belvoir, Virginia, $4,700,000.

Presidio of Monterey, California, $29,100,000.

DEFENSE INVESTIGATIVE SERVICE

Fort Holabird, Maryland, $210,000.

DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Institute, Bethesda, Maryland, $10,900,000.

DEFENSE COMMUNICATIONS AGENCY

Pentagon Building, Virginia, $1,000,000.

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DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Hanau, Germany, $1,300,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $600,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified location, $10,000,000.

NATIONAL SECURITY AGENCY

Classified location, $21,550,000.
Classified location, $25,200,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Ansback, Germany, $4,800,000.
Baumbolder, Germany, $1,200,000.
Darmstadt, Germany, $6,000,000.
Giessen, Germany, $6,040,000.
Spangdahlem Air Base, Germany, $6,350,000.
Wildflecken, Germany, $5,200,000.
Vicenza, Italy, $2,310,000.
Lajes Field, Portugal, $4,590,000.
Zaragoza Air Force Base, Spain, $680,000.
Incirlik Air Base, Turkey, $5,800,000.
RAF Lakenheath, United Kingdom, $1,120,000.
RAF Wethersfield, United Kingdom, $2,832,000.

FAMILY HOUSING

SEC. 402. The Secretary of Defense may construct or acquire eleven family housing units (including land acquisition) at classified locations overseas in the total amount of $1,210,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 403. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve an existing military family housing unit in an amount not to exceed $35,000.

The CHAIRMAN. Are there any amendments to title IV?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows: Page 31, line 13, strike out "Ansback" and insert in lieu thereof "Ansbach."

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, this, as well, is an amendment that is technical in nature. It attempts to correct clerical and printing errors in the bill and makes no substantive changes in the legislation.

I urge that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 501. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the amount authorized to be appropriated in section 605.

SCHEDULE FOR RECOUPMENT OF PREFINANCING PAYMENTS

SEC. 502. (a) None of the funds appropriated pursuant to authorizations of appropriations in this Act may be obligated or expended for payments for prefinancing of projects to be paid for (in the whole or in part) by the North Atlantic Treaty Organization infrastructure program until a precise schedule has been established for recoupment of existing United States prepayments on such projects and satisfactory procedures have been established for the recoupment of any such prefinancing payments in the future. In discussions carried out to establish such a schedule and procedures, the Secretary of Defense shall examine the desirability of requiring the payment of interest on amounts paid by the United States for the prefinancing of such projects.

(b) The Secretary of Defense shall submit regular reports to the appropriate committees of Congress on the progress in achieving agreement for the establishment of such a schedule and procedures and shall notify those committees when such an agreement has been reached.

(c) The Secretary of Defense may waive the applicability of subsection (a) to any specific project upon certification to the appropriate committees of Congress that such waiver is in the vital national security interest of the United States.

The CHAIRMAN. Are there any amendments to title V?

The Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 601. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,645,029,000 as follows:

(1) For projects authorized by section 101 that are to be carried out inside the United States, $729,330,000.

(2) For projects authorized by section 101 that are to be carried out outside the United States, $389,760,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $27,400,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $188,000,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by title I, $186,313,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715)), $1,124,226,000, none of which may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $86,858,000 of which may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 602. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,930,060,000 as follows:

(1) For projects authorized by section 201 that are to be carried out inside the United States, $992,281,000.

(2) For projects authorized by section 201 that are to be carried out outside the United States, $140,605,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $22,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $115,600,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $1,387,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by title II, $75,461,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $582,726,000, of which not more than $149,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $18,563,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 603. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,596,269,000 as follows:

(1) For projects authorized by section 301 that are to be carried out inside the United States, $1,022,734,000.

(2) For projects authorized by section 301 that are to be carried out inside the United States, $504,130,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $19,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $147,000,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $11,850,000.

(6) For military family functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by title III, $125,221,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $766,334,000, of which not more than $492,000 may be obligated or expended for the leasing of military famiy housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $53,146,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 604. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $332,586,000 as follows:

(1) for projects authorized by section 401 that are to be carried out inside the United States, $169,270,000.

(2) For projects authorized by section 401 that are to be carried out outside the United States, $90,572,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $4,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $16,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $33,000,000.

(6) For military family functions—

(A) For construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by title IV, $1,245,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $18,499,000, of which not more than $15,231,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, NORTH ATLANTIC TREATY ORGANIZATION

SEC. 605. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization infrastructure program, as authorized by section 501, $168,000,000. Of such amount, $18,000,000 shall be available only for the United States share of the program to upgrade air bases in Turkey and may not be contributed for such program until the remaining amounts required for such program are provided by other North Atlantic Treaty Organization member nations contributing to the North Atlantic Treaty Organization infrastructure program.

TITLE TOTAL LIMITATION ON COST VARIATIONS

SEC. 606. Notwithstanding the cost variations authorized by law, the total cost of all projects carried out under each of titles I, II, III, and IV of this Act may not exceed the total amount authorized under sections 601, 602, 603, and 604, respectively, to be appropriated for the military department concerned or the Secretary of Defense, as the case may be.

EXPIRATION OF AUTHORIZATIONS; EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

SEC. 607. (a)(1) Except as provided in paragraph (2), all authorizations contained in titles, I, II, III, IV, and V for military construction projects, land acquisition, family housing projects, and contributions to the North Atlantic Treaty Organization infrastructure program (and all authorizations of appropriations therefor contained in sections 601 through 605) expire on October 1, 1985, or on the date of the enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects, and contributions to North Atlantic Treaty Organization infrastructure program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before October 1, 1985, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later, for construction contracts, land acquisition, or contributions to such program.

(b)(1) Notwithstanding the provisions of section 606(b) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1567), authorizations for the following projects authorized in sections 101, 201, and 301 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:
(A) Solid waste incinerator construction in the amount of $4,100,000 at Fort Dix, New Jersey.

(B) Rapid Deployment Force facilities for the Army in the amount of $36,000,000 at Ras Banas, Egypt.

(C) Steam distribution line in the amount of $16,000,000 at the Naval Station, Charleston, South Carolina.

(D) Rapid Deployment Force facilities for the Air Force in the amount of $70,400,000 at Ras Banas, Egypt.

(2) Notwithstanding the provisions of section 606(b) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1567), authorization for the following project authorized in section 201 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 94 Stat. 1749), and extended in section 606(d) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1549), shall remain in effect until October 1, 1984, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

Nautilus Memorial in the amount of $1,930,000 at the Naval Submarine Base, New London, Connecticut.

(3) Notwithstanding the provisions of section 606(b) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1567), authorization for the following project authorized in section 201 of the Military Construction Authorization Act, 1980 (Public Law 96-125; Stat. 928), and extended in section 705(d) of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

Municipal sewer connection construction in the amount of $2,200,000 at the Naval Submarine Base, New London, Connecticut.

ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

SEC. 608. For projects or contracts initiated during the period beginning on October 1, 1983, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1984 or October 1, 1984, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is $1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $6,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is $16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is $33,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

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EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

SEC. 609. Titles I, II, III, IV, and V shall take effect on October 1, 1983.

The CHAIRMAN. Are there any amendments to title VI?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 37, line 13, strike out "$2,596,269,000" and insert in lieu thereof "$2,594,269,000".

Page 37, line 16, strike out "$1,022,734,000" and insert in lieu thereof "$1,020,194,000".

Page 37, line 19, strike out "$504,130,000" and insert in lieu thereof "$504,670,000".

Page 38, line 24, strike out "$53,146,000" and insert in lieu thereof "$53,136,000".

Page 43, strike out lines 7 through 15 and insert in lieu thereof the following:

(B) Crane and Equipment Maintenance Shop in the amount of $13,600,000 at the Charleston Naval Shipyard, Charleston, South Carolina.

(C) Steam Plant in the amount of $150,000,000 at the Puget Sound Naval Shipyard, Bremerton, Washington.

(D) Aircraft Parking Apron in the amount of $3,200,000 at the Naval Air Station, Oceana, Virginia.

Page 44, strike out lines 14 through 16 and insert in lieu thereof the following:

(A) Industrial Waste Collection and Treatment construction in the amount of $6,500,000 at the Long Beach Naval Shipyard, Long Beach, California.

(B) Aircraft Maintenance Hangar Addition in the amount of $1,500,000 at the Naval Air Facility, Sigonella, Italy.

Page 45, line 22, strike out the dollar sign.

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, the purpose of this amendment is twofold. It likewise is an effort to correct clerical and printing errors in the bill.

It also, Mr. Chairman, addresses a substantive matter by deleting two provisions that would extend for 1 year previous authorizations totaling $136 million for the Army and $70.4 million for the Air Force for rapid deployment facilities at Ras Banas, Egypt.

□ 1400

Mr. Chairman, since our committee reported this bill we have been advised by the Department of Defense that the extensions are no longer required and I repeat for purposes of emphasis: no longer required.

The reason is that the Government of Egypt in concert with our Government has decided to carry out the improvements at Ras Banas on its own and to make the base available to our rapid deployment forces in times of emergency.

With that explanation, Mr. Chairman, I ask that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VI?

The Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 701. There are authorized to be appropriated for fiscal years beginning after September 30, 1983, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities) the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, and

(B) for the Army Reserve, $52,700,000.

(2) For the Department of the Navy, for the Naval Reserve and the Marine Corps Reserve, $28,795,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $109,620,000; and

(B) for the Air Force Reserve, $42,200,000.

MODIFICATION OF GUARD AND RESERVE MINOR CONSTRUCTION AUTHORITY

SEC. 702. (a) Section 2233a(a)(1) of title 10, United States Code, is amended by striking out "$200,000" and inserting in lieu thereof "$400,000".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: page 46, line 18, strike out "$66,103,000" and insert in lieu thereof "$66,826,000".

Mr. DELLUMS. Mr. Chairman, the committee amendment provides an additional lump sum authorization of $723,000 to permit construction of an armory at Centreville, Ala.

The amendment was offered in the full committee by the gentleman from Alabama (Mr. DICKINSON) and on behalf of our colleagues on this side of the aside by the gentleman from Alabama (Mr. BEVILL).

With that explanation, Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VII?

The Clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—GENERAL PROVISIONS

THRESHOLD FOR COMMUNITY PLANNING ASSISTANCE

SEC. 801. (a) Section 2391(b)(2) of title 10, United States Code, is amended by striking out "2,500" and inserting in lieu thereof "2,000".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

MILITARY FAMILY HOUSING RENTAL PROGRAM

SEC. 802. (a) Section 2828 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(g)(1) The Secretary concerned may enter into contracts for the lease of housing facilities on or near military installations in the United States, Puerto Rico, or Guam for assignment, without rental charge, as family housing to members of the Armed Forces (including assignment to enlisted members in the grade of E-4 and below without regard to any policy establishing priorities for the assignment of military family housing). Such contracts may apply to housing facilities in existence at the time the contract is entered into or to housing facilities to be constructed after the contract is entered into and may be made through negotiation.

"(2) A contract for the lease of housing facilities under paragraph (1) may be for any period not in excess of twenty years (excluding the period for construction of such housing facilities), except that a contract for the lease of housing facilities in Alaska may be for a period in excess of twenty years but may not be for a period in excess of thirty years. The authority of the Secretary concerned to enter into such a contract is subject to the availability of appropriations for that purpose.

"(3) Not more than three hundred family housing units may be leased at a single location at any time under paragraph (1).

"(4) Expenditures for the lease of housing facilities under a contract under paragraph (1) (including the costs of utilities, maintenance, and operation) may not exceed the amount specified by law as the maximum annual domestic family housing unit lease amount, except that such expenditures for the lease of housing facilities in Alaska may exceed such amount but may not exceed 200 per centum of such amount.

"(5) An agreement for the lease of housing facilities under paragraph (1) may not be made until (A) the Secretary concerned provides to the appropriate committees of Congress written notice of the facts concerning the proposed agreement and an economic analysis (certified by the comptroller of the military department concerned) comparing the life-cycle costs of acquiring the housing concerned under this subsection through privately financed construction or through conventional military construction, and (B) a period of twenty-one days elapses after the notice and analysis is received by those committees.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

HOUSING OCCUPANCY ASSURANCE PROGRAM

SEC. 803. (a) The Secretary of a military department, under uniform regulations prescribed by the Secretary of Defense, may enter into agreements to assure the occupancy of rental housing to be constructed by private developers or by State or local housing authorities on private land or land owned by a State or local government, if such rental housing is located near a new military installation or an existing military installation that has a shortage of housing to meet the requirements of members of the Armed Forces (with or without accompanying dependents).

(b) An agreement under subsection (a)—

(1) may not assure the occupancy of more than 97 per centum of the units constructed under the agreement;

(2) shall establish initial rental rates reasonably equivalent to rates for comparable rental dwelling units in the same general market area and shall include an escalation clause for operation and maintenance costs to be effective for the term of agreement,

(3) may not apply to existing housing,

(4) shall require that the housing units be constructed to normal industry standards,

(5) may not be for a term in excess of fifteen years;

(6) may not be renewed;

(7) may assure only the shelter rent of the facilities, determined on the basis of amortizing initial construction costs;

(8) may only be entered into if the number of vacancies of adequate existing private housing within the commuting area of the installation is less than the number of military families on the waiting list for existing military controlled housing or are projected to be less than the number on the waiting list plus any projected increase in the number of military families within that commuting area due to an increase in the number of authorized personnel or the establishment of a new installation within that commuting area;

(9) may only be entered into if existing military-controlled housing at all installations in the commuting area (except for a new installation or an installation for which there is projected a significant increase in the number of families due to an increase in the number of authorized personnel) has exceeded 97 per centum use for at least the prior eighteen-month period, excluding units temporarily inactivated for major repair or improvements;

(10) shall provide for priority of occupancy for military families; and

(11) shall include a clause rendering the agreement null and void if the owner of the housing fails to maintain a satisfactory level of operation and maintenance in keeping with normal industry standards.

(c) The Secretary concerned shall assure that housing to be constructed under an agreement under this section is modest in design.

(d) The Secretary concerned may require that disputes arising under an agreement entered into under subsection (a) be decided in accordance with the procedures provided for by the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

(e) An agreement may not be made under subsection (a) until (1) the Secretary concerned provides to the appropriate committees of Congress written notice of the facts concerning the proposed agreement and an economic analysis (certified by the comptroller of the military department concered) of the life-cycle costs of the transaction, and (2) a period of twenty-one days elapses after the notice and analysis is received by those committees.

(f)(1) The authority of the Secretary concerned to enter into an agreement under this section is subject to the availability of appropriations for that purpose.

(2) No agreement may be made under this section after September 30, 1985.

(g) This section shall take effect on October 1, 1983.

LAND EXCHANGE, ORANGE COUNTY, CALIFORNIA

SEC. 804. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the County of Orange, a political subdivision of the State of California, all right, title, and interest of the United States in and to a parcel of land consisting of approximately one hundred and thirty-seven acres located in the center of Mile Square Regional Park, Orange County, California, together with the improvements on such land. Such conveyance shall be made subject to such terms and conditions as the Secretary considers to be in the public interest.

(b) In consideration for the conveyance by the Secretary under subsection (a), the County of Orange shall convey to the United States a parcel of land consisting of approximately fifty-seven acres located at the northwest corner of Mile Square Regional Park, Orange County, California. Such parcel shall not be acceptable unless zoned for commercial use and otherwise acceptable to the Secretary. If the fair market value of the land and improvements conveyed by the Secretary under subsection (a) exceeds the fair market value of the land conveyed by the County of Orange under this subsection, the County shall pay the difference to the United States. Any such payment shall be covered into the Treasury as miscellaneous receipts.

(c) The exact acreages and legal descriptions of the lands to be conveyed under subsections (a) and (b) shall be determined by surveys which are satisfactory to the Secretary.

(d) The Secretary is authorized to accept any land conveyed under subsection (b) and to use such land to exchange for other lands as authorized to be acquired for military purposes.

LAND CONVEYANCE, VENTURA COUNTY, CALIFORNIA

SEC. 805. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") shall convey to the Oxnard Harbor District, a special district of the State of California, all right, title, and interest of the United States in and to a track of land, together with the improvements on such land, located in the city of Port Hueneme in the county of Ventura, California, consisting of the United States Navy Wharf Numbered 2 and approximately 18.546 acres and more particularly described in the official records on file in the office of the county recorder of the county of Ventura, California, at book 665, page 349.

(b) In consideration for the conveyance under subsection (a), the Oxnard Harbor District shall pay to the United States an amount equal to the appraised fair market value of the property to be conveyed (as determined by the Secretary).

(c) The exact acreage and legal description of the property to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Oxnard Harbor District.

(d) The Secretary may require such additional terms and conditions with respect to the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

LAND CONVEYANCE, ALABAMA SPACE SCIENCE EXHIBIT COMMISSION

SEC. 806. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey, without monetary consideration, to the Alabama Space Science Exhibit Commission (an agency of the State of Alabama and hereinafter in this Act referred to as the "Commission") all right, title, and interest of the United States in and to a tract of land, roughly triangular in shape, and consisting of fifty acres (more or less), located on the northwestern boundary of Redstone Arsenal, Alabama.

(b)(1) The conveyance authorized under subsection (a) shall be subject to the condition that the real property conveyed shall be used by the State of Alabama (A) as a permanent site for the Alabama space science exhibit to display suitable public exhibits of United States weaponry and allied subjects, developments of the National Aeronautics and Space Administration, and space-oriented exhibits of other departments, agencies, and instrumentalities of the United States Government, (B) for educational and recreational purposes related to the purposes described in clause (A), or (C) for the purpose described in clauses (A) and (B). The use of a portion of such real property for construction of a proposed interstate highway, and such access roads as necessary, and the use to which the land is subjected by existing easements and rights-of-way, shall not be considered a use inconsistent with the purposes described in clause (A) or (B).

(2) If the property conveyed is not used for one or more of the purposes described in paragraph (1), all right, title, and interest in and to such property shall revert to the United States which shall have the right of immediate entry thereon.

(3) The Secretary shall reserve to the United States a drainage and utility easement for use in connection with Redstone Arsenal.

(c) The exact acreage and legal description of the property to be conveyed under subsection (a) and of the easement to be reserved under subsection (b)(3) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Commission.

(d) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND EXCHANGE, COLUMBUS, OHIO

SEC. 807. (a) The Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") is authorized to acquire by exchange all right, title, and interest of the city of Columbus, Ohio (hereinafter in this section referred to as the "City"), in all or in part of certain parcels of land in the county of Franklin, Ohio, comprising approximately 112.84 acres and now leased from the City for the use of Air Force Plant Numbered 85.

(b) In consideration for the acquisition under subsection (a), the Secretary shall convey to the City all right, title, and interest of the United States in all or any part of certain parcels of land (and any improvements thereon) in the county of Franklin, Ohio, comprising approximately 231.96 acres. The Secretary may adjust the size of the parcels to be conveyed and acquired. If the fair market value (as determined by the Secretary) of the land and improvements conveyed by the Secretary exceeds the fair market value (as determined by the Secretary) of the land conveyed by the City, the City shall pay the difference to the United States. Any such payment shall be covered into the Treasury as miscellaneous receipts.

(c) The exact acreages and legal descriptions of the properties to be acquired or conveyed under this section shall be deter-

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mined by surveys which are satisfactory to the Secretary.

LAND EXCHANGE, ORLANDO, FLORIDA

SEC. 808. (a) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Greater Orlando Aviation Authority (hereinafter in this section referred to as the "Authority") all right, title, and interest of the United States in and to approximately thirty-seven acres of unimproved land comprising a portion of the Naval Training Center, Orlando, Florida. Such conveyance may be subject to a reservation restricting development of the land conveyed to commercial and light industrial uses.

(b) In consideration for the conveyance authorized by subsection (a), the Authority—

(1) shall convey to the United States all right, title, and interest of the Authority in and to a tract of land consisting of approximately twelve acres of land, together with improvements thereon; and

(2) shall convey or make available to the United States such additional interests in lands and improvements, pay such capital costs, perform such road construction, and make such additional monetary payment to the United States as specified in a memorandum of understanding between the Secretary and the Authority.

Any monetary payment to the United States shall be deposited into the Treasury as miscellaneous receipts.

(c) The total value of the consideration to the United States under subsection (b) shall be at least equal to the fair market value of the land conveyed to the Authority under subsection (a).

(d) The exact acreages and legal descriptions of the property to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Authority.

(e) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: At the end of the bill add the following new section:

LAND EXCHANGE, SANTA CLARA COUNTY TRANSIT DISTRICT, CALIFORNIA

SEC. 809. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Santa Clara County Transit District of Santa Clara County, California (hereinafter in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of land of Santa Clara County, California, consisting of approximately 2.5 acres, together with improvements thereon, comprising a portion of the United States Army Reserve Center, San Jose, California.

(b) In consideration for the conveyance authorized by subsection (a), the District shall convey to the United States all right, title, and interest in and to a parcel of land consisting of approximately 2.5 acres, together with improvements thereon, located adjacent to the United States Army Reserve Center, San Jose.

(c) If the fair market value (as determined by the Secretary) of the property to be conveyed by the United States to the District under subsection (a) exceeds the fair market value (as determined by the Secretary) of the property to be conveyed by the District to the United States under subsection (b), the District shall pay to the United States the amount of the difference.

(d) The exact acreages and legal discriptions of the parcels to be conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the District.

(e) The Secretary may require such additional terms and conditions with respect to the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. EDWARDS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EDWARDS of California. Mr. Chairman, this is an amendment that I believe has been agreed upon by both sides of the aisle.

The U.S. Army Reserve Center in San Jose, Calif., represented by myself and Mr. MINETA, has 2.5 acres adjoining the route of the Guadeloupe corridor, which is a transportation corridor being established by Santa Clara County.

Santa Clara County has 2.5 acres adjoining this parcel. So we have two 2.5-acre parcels adjoining each other.

The U.S. Army and the county have agreed to trade these two 2.5-acre parcels and if the fair market value of the property to be conveyed by the U.S. Government for the Army exceeds the value of the property it is receiving then Santa Clara County will pay the difference.

I do not believe there is any disagreement. It is a very fair trade of 2.5 acres for 2.5 acres adjoining and I hope the amendment is agreed to.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. DELLUMS. I thank the gentleman for yielding.

The majority has examined the amendment. It is very straightforward. It is an equal exchange of property. There appear to be no funds involved. As I understand it, it would have come before the committee but the submittal on the part of the Department of Defense was not submitted in time and so the gentleman's amendment is a worthy amendment and we will accept it on this side of the aisle.

Mr. EDWARDS of California. I thank the gentleman.

Mr. KRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had an opportunity to examine the amendment and it appears to be noncontroversial. Everyone is in agreement and so we certainly have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. EDWARDS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM: Page 48, line 21, insert "equal to 150 percent of the amount" after "amount".

Mr. STENHOLM. Mr. Chairman, I rise in support of the provisions in H.R. 2972 for the long-term leasing of military family housing. As the need for family housing grows and as it becomes more difficult for military personnel in the lower enlisted ranks (E-4 and below) to acquire housing, the time is ripe to provide a more innovative, flexible way to deal with these needs and to provide greater incentives for private sector involvement in this area.

Language in committee reports submitted to the House by both the Armed Services and the Appropriations Committee have supported such a concept. Long-term leasing of privately constructed housing offers us the opportunity to spur the private sector activity that we have all said is necessary for a sustained economic recovery; to promote better relations between military bases and surrounding communities; and to put into action the idea of a New Federalism. I believe most of us agree that long-term leasing of domestic military family housing is an idea whose time has come. It is not surprising, therefore, that the Armed Services Committee has included in H.R. 2972 sections 802 and 803, creating just such lease programs. I would like to express my appreciation to the Armed Services Committee and the Military Installations and Facilities Subcommittee for their farsightedness in this area.

While the agreement is widespread and bipartisan that long-term leasing is desirable and can be a cost-effective, even cost-reducing program, and while sections 802 and 803 are a very significant step in the right direction, I wanted to take this opportunity to address some language in these sections that would prove counterproductive to actually putting leasing into effect.

One problem occurs because section 802 limits the maximum lease payment allowable under a long-term lease to the current statutory maximum lease amount. This current maximum, however, was intended to apply to the 1-year domestic leases presently allowed, and would not take into account the future inflation or cost of financing that would affect a 20-year agreement. This current maximum is $500 per unit per month, an amount that is not realistic to apply to a 20-year lease agreement. In simple terms, no landlord will be willing to charge today's rent for the next 20 years. Inasmuch as this 1-year maximum lease amount would inevitably have to be increased every few years to keep up with inflation, any long-term lease agreement would have to take such factors into account.

I am today introducing an amendment that addresses this problem and helps bring the leasing program closer to being able to accomplish its intended purposes.

This amendment would allow maximum lease payments under long-term agreements to equal 150 percent of the current maximum amount allowed for 1-year leases. This would allow for very moderate inflation and financing costs over 20 years.

In proposing this amendment, I would stress that provisions in section 802 and 803 already require the military departments concerned to submit all such proposed lease agreements in advance to the appropriate congressional committees. A full economic analysis would also have to be submitted to each committee in advance. There is no blind authorization of open ended future spending envisioned here, but rather, the flexibility that is absolutely necessary, under close and appropriate congressional oversight, to allow an innovative and valuable program a realistic opportunity to achieve its purposes.

A second problem occurs because of language requiring appropriations in advance of payments committed to in a lease contract. I had hoped to also address the difficulties presented by this language, but was informed that a point of order would have been called against the proposed substitute language under the provisions of the Budget Act. While my amendment now deals only with the maximum lease payment amount allowable under long-term lease agreements, I think it is still important to call attention to the problem presented by the appropriations language in sections 802 and 803.

This problem arises because of the requirement that lease contracts shall be subject to the availability of appropriations. This would mean that a 20-year lease agreement, even if it saved the Government a substantial amount of money over the term of the contract, would have an unfairly adverse impact on a department's budget ceiling, because all 20 years of outlays would have to be included in one appropriation before the first payment was made. In the ironic world of budgetary accounting, therefore, the military department that entered into a lease agreement that would actually reduce the deficit by reducing outlays would be penalized by having to count all 20 years of payments against only one year's budget authority.

An alternative would be to allow each military department within certain limits to make lease payments out of annual appropriations, in much the same way that the average family makes mortgage payments on its own home out of annual income. This practical and realistic approach is, in fact, exactly the approach allowed in current law for leased housing overseas. It would only be fair for us to treat military families living in the United States and potential private lessors and developers providing housing in the United States the same as we now treat their counterparts in Germany and elsewhere overseas.

This is an area that I would ask the Armed Services Committee to look into very deeply in the coming months, as long-term lease proposals are generated. I am concerned that requiring up to 20 years of lease outlays to be included in one up front appropriation will actually serve as an unintended disincentive for long-term leasing.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I will be happy to yield to the gentleman from California.

Mr. DELLUMS. The majority has examined the amendment and this gentleman has consulted and has spoken with the gentleman in the well on this matter. I think the gentleman's amendment makes a positive contribution to the legislation before the body and this side of the aisle is prepared to accept the gentleman's amendment.

Mr. STENHOLM. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VIII?

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just make a very brief comment. This is this gentleman's first opportunity to bring an aspect of the military budget to the floor of Congress. As my colleagues are aware, for 12½ years this gentleman has opposed massive increases in America's military budget. I am now a subcommittee chairperson and this raises a number of very interesting dilemmas.

As I indicated in my opening remarks, when this bill was reported out of the subcommittee, although we worked very diligently on the legislation, and I appreciate the comments made by my colleagues on the subcommittee and the full committee, there were a number of matters here that led this gentleman to oppose the legislation.

I certainly would have loved to have been able to vote in favor of the first bill which I managed on the floor of Congress.

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But we brought it through the subcommittee, we voted against it, brought it to the full committee, we voted against it. While I think there are many, many good items in this legislation, I think one can separate out being a Member of Congress and being a chairperson of a subcommittee.

I think my responsibilities as a subcommittee chairperson is to protect and defend and preserve the integrity of the system itself, that is provide for an open, democratic, and free debate, an opportunity for all sides to be heard, for all aspects of an issue to be examined. We tried diligently to do that. But I also have a responsibility to represent my constituency politically.

That is to represent them on policy matters, on priority issues, on program considerations. I would not go into any detail but I would simply like to indicate to my colleagues why this particular gentleman is in opposition to the legislation before the body, even though I managed the legislation and believe there are many, many good items in the bill.

First of all, there are funds in here for the beddown of the B-1B program. As the Chairman and the Members of this body know, I am in opposition to our procurement of 100 B-1B bombers.

On the question of prepositioning bases in foreign countries, I have some grave concerns with respect to these matters and the policy issues that are raised by the prepositioning. With respect to the question of prefinancing, I have some serious questions with respect to the issue of prefinancing of NATO bases and it is this gentleman's belief that in some instances when our Department of Defense comes to us for prefinancing what they have done is gotten out in front of the NATO decisionmaking process and I also have some questions about how rapidly the funds are repaid by NATO when we indeed prefinance projects that are otherwise NATO eligible.

There are funds in here for the ground launched cruise missile, Mr. Chairman, for the beddown of the ground launched cruise missile. Our responsibility is to provide for the support facilities.

As my colleagues are aware, NATO is charged with the responsibility of the deployment; we come up with the weapons, we come up with the support facilities, they develop the protective structure. But this gentleman remains unequivocally opposed to the deployment of the ground launched cruise

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missile. I would not make that fight on this particular bill but when we come back on H.R. 2969, the authorization bill for fiscal year 1984, we will attempt to make our argument that to deploy the Pershing and the cruise missile is a very dangerous step and moves us in a quantum fashion closer to the brink of nuclear war.

Next, Mr. Chairman, I have grave concerns with respect to why we indeed need a rapid deployment force. I was not able to argue successfully in the subcommittee or in full committee on these matters.

My hope is that we have moved forward, my colleagues will begin to look at the full implication of and the need for the rapid deployment force, as to whether or not we are really talking about confrontation with the Soviet Union or talking about developing a force that will get us involved in Third World adventurism.

It is this gentleman's hope that we learned something from our involvement in Vietnam and that we are not talking of a force that can bully and push around other nations in the Third World.

Finally, with respect to the MX basing mode as you are aware, Mr. Chairman, I stand in diametric opposition to the decision to deploy the MX missile but we will have that fight when the authorization bill comes to the floor when we consider whether or not we are going to authorize and go forward with the Scowcroft Commission in that respect.

The money in this particular bill simply sits there to provide for the necessary construction, operation, maintenance, training, logistical issues with respect to the deployment of the MX missile.

We have offered an amendment that my colleagues have seen fit to support, that will bracket those funds and allow them not to be obligated or expended until such time as we make that judgment.

In conclusion, one has to struggle very diligently over one's responsibilities to chair an important subcommittee, to manage an important piece of legislation on the floor and continue to assume one's responsibility to represent one's constituency with integrity and with consistency.

There are a number of items I have outlined that this particular gentleman has problems with in this legislation. While I realized this bill will fly through this body this gentleman has to be in opposition to it.

Mr. SAVAGE. Will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. SAVAGE. I thank the gentleman for yielding.

I just want a moment, Mr. Chairman, to commend my colleague from California, who, after rising to the position of chairmanship of such an important subcommittee, that as in the past he has not let politics interfere with his principles.

He has kept principles above politics. He is as much for peace and for nuclear de-escalation now as he was before he took that position and he places it in the proper ethical context of recognizing, as history teaches us, that the way to peace is not pursuing might but by being right. I just want to congratulate him on the work that he is doing.

Mr. DELLUMS. I thank my colleague for his kind and generous remarks.

(By unanimous consent, Mr. Dellums was allowed to proceed for 3 additional minutes.)

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. KRAMER. I thank the gentleman for yielding and I will be very, very brief.

I just wanted the gentleman to note that I have been informally assured as I sit here in the Chamber listening to the gentleman speak that in the event that the gentleman were ever to leave the House of Representatives, I am sure that the administration would want to take him on as a consultant. We have a very historic moment in front of us this afternoon. I think it is probably the first time in history that the MX, the GLCM and the B-1 have all come up without controversy and without a very long debate in a heated floor session.

The gentleman is perhaps the first Member of this body in history that was able to steer those projects through this body without a recorded vote.

So, perhaps he does not want that noted for the record but I could not allow this moment in history to escape without making that comment.

Mr. DELLUMS. Mr. Chairman, I am not going to touch that with a 10-foot pole.

Mr. SAVAGE. Would the gentleman yield?

Mr. DELLUMS. I would be happy to yield to the gentleman.

Mr. SAVAGE. Just as I was noting that there seems to be a difference in the interpretation of the lessons of history, when there are those among us who believe that by increasing our might is the road to peace when it seems to me the peace comes from taking a position of strength, not exercising your might. And I think the previous remarks indicate that that difference in interpretation or understanding of history goes beyond just the remarks that I had made earlier.

Mr. DELLUMS. Mr. Chairman, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

As I said yesterday, Mr. Chairman, I would like to commend the chairman of the subcommittee for the fairness in the way he handled this bill. Serving as the ranking majority member on this subcommittee he was certainly fair to me.

But in this colloquy we have had in the last few minutes I want to say that I am going to vote for the bill. The chairman of the subcommittee was the only one that voted against the bill. So, the record will be clear that we have a workable bill, it is very commendable to family housing and to other areas as National Guard and Reserve facilities.

I might say that this bill is within the first concurrent budget resolution and it is $578 million below the administration request of $8.5 billion.

It is a balanced bill and I certainly hope the Members will support the bill.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. DELLUMS. Mr. Chairman, the gentleman makes a fair statement and I appreciate my colleague for making that statement.

It is not easy to stand in the position that this gentleman finds himself in, but we all have to find the ground that we are comfortable standing on.

For the reasons I enunciated earlier I feel disposed to be in opposition to the legislation. But the gentleman is correct; there are a number of very important and positive items in this legislation.

We worked diligently to meet our budget figure, we were able to come in below that. I think there are a number of items very good here. I certainly appreciate my colleague's efforts in that regard.

The gentleman was cooperative and diligent in pursuing the business of this subcommittee.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman. as the gentleman from California (Mr. Dellums) knows, in my hometown of Denver there is a large facility known as the Rocky Mountain Arsenal. In the past this facility has been used for the manufacture of nerve gas. While they no longer make the stuff there, the facility is far from being a park and unusable in its present form. The Army says they are retaining the Rocky Mountain Arsenal as a back-up facility in case it is needed for the production of gas weapons. I would like to address some questions to the distinguished chairman of the Subcommittee on Military Installations and Facilities. First, do you agree with me that it is

bad and dangerous policy for the military to manufacture chemical or biological weapons in the outskirts of a major metropolitan area?

Mr. DELLUMS. If the gentlewoman will yield, I entirely agree with you. The active ingredients in these weapons are so dangerous that it make no sense to work with them in areas of population concentration. My own view is that it is immoral to construct these weapons at all. But, if they are to be constructed, they ought to be built in sparsely populated areas.

Mrs. SCHROEDER. I thank the gentleman. My second question is whether the gentleman can do something to force the Army to clean up the arsenal. Even though the Army neither makes nor stores nerve gas at Rocky Mountain Arsenal any more, the place is filled with chemical wastes from the production of the gas. There are drums of poisons buried undergound. There are big pools of filthy sludge. The people of Denver have every reason to demand that the Army remove these severe health hazards from the outskirts of their city.

Mr. DELLUMS. If the gentlewoman would again yield, I am glad you brought this to my attention. I will direct my staff to investigate this issue and see whether something can be done, by pressure or by legislation, to get the Rocky Mountain Arsenal cleaned up. I think the cleanup should take place immediately without regard to ancillary issues, like what is going to be done with the land. Regardless of what the area will be used for in the future, the Army should immediately clean up the mess they left behind from the production of chemical weapons.

Mrs. SCHROEDER. I thank the gentleman for his comments and hope we can work together to resolve this issue once and and for all.

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I am delighted that the gentleman will be helping us. There were many days when I thought I would be in a nursing home still writing and trying to get some action on the Rocky Mountain Arsenal. So I hope that we can move forward on this.

I also want to join my other colleagues in complimenting the gentleman from California on the superb job he has done in handling this bill and the subcommittee throughout the whole year.

Mr. DELLUMS. I thank the gentlewoman.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if the gentleman from California (Mr. Dellums), the distinguished chairman, will recall, before the gentleman was ever chosen as a subcommittee chairman, it was the gentleman's intention to make a positive and constructive contribution and to maintain the integrity of his beliefs. If I may say to the gentleman from California, he has done that. A job well done.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to pay my respects to the gentleman from California for the work he has done on this bill as the new subcommittee chairman. It is his first bill coming to the floor on this subcommittee and I think there is no secret that the gentleman has very strong views about defense and he articulates them very well. I think it is quite obvious that many parts of this bill are not necessarily to his liking.

It is my impression, Mr. Chairman, that the gentleman from California has gone about the business of putting this bill together in as fair and as honorable a way as a man could do. I think he is a man of integrity and I just want to take my hat off to him and pay my compliments to him for the work he has done in bringing this bill to the floor.

Mr. DELLUMS. I thank the gentleman very much for his kind comments.

Mr. WON PAT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2972, the Military Construction Authorization Act of 1983.

This measure will authorize $7 billion in new authorization for the Pentagon over the coming year. This amount is $577 million less than DOD requested. As a member of the Subcommittee on Military Construction I believe that this measure represents a fair and well-balanced approach to the needs of the military over the coming year.

Our subcommittee chairman, Representative Ronald Dellums, deserves a round of applause for doing an outstanding job in his first year as head of the subcommittee. He has spent countless hours working on this measure and there is no question in my mind that Chairman Dellums has a very good grasp of the legitimate requirements of the Pentagon and is more than willing to do what is needed to help meet that need.

As the Delegate from Guam I have a special interest in H.R. 2972, since that measure authorizes $33.950 million in construction for my island. The majority of this amount, $22.3 million, will be used to build a new ammunition pier for the U.S. Navy. I have called for this project to be funded for many years and am pleased to see that the end is near for my efforts. We on Guam are very concerned that the Navy has been forced to load and unload ammunition in our civilian harbor. A new pier would remove the specter of a blast from our commercial area by relocating the activity to a lesser and safer developed region.

I am equally pleased to see the Air Force receive nearly $10 million for new enlisted personnel housing and a new upgraded power facility.

I urge my colleagues to give this measure their approval today. Thank you.

● Mr. DASCHLE. Mr. Chairman, I rise in support of both H.R. 2972, the military construction authorization bill for fiscal year 1984, as well as H.R. 3263, the military construction appropriations bill for fiscal year 1984.

Two of the most important but least glamorous items in the defense budget in my opinion are military construction and military pay. During the 1970's we learned the hard way that pay levels simply must be kept on a par with the private sector, especially for skilled positions. The exodus of highly trained, skilled military personnel was stemmed to a large extent by pay increases approved by Congress over the last 3 years. I supported these increases as I believe that our armed services are only as good as the people who serve in them and that these raises were effective in keeping many good people in the military.

An adjunct concern of mine is that proper billetting be available for military personnel. After a recent visit to Ellsworth AFB in South Dakota, I became convinced that outside the B-1 bomber, new housing construction is the No. 1 priority need at the base. Many of the housing facilities currently in use at Ellsworth were originally intended to be temporary quarters. Many were built as long ago as 1942.

H.R. 2972 and H.R. 3263 are a major step in the right direction as they assure that $6.7 million will be made available for the construction of unaccompanied enlisted personnel housing facilities at Ellsworth. Though this will help enormously, I would like to state for the record that further improvements in base housing at Ellsworth are urgently needed.

A similar housing request is scheduled for funding in fiscal year 1986. At the request of Chairman Price, I plan to consult with the Air Force, as well as the Military Construction Subcommittees in both the Armed Services and Appropriations Committees about moving this funding up to fiscal year 1985.●

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. Wright) having assumed the chair, Mr. Kildee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2972) to authorize certain construction at military instal-

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lations for fiscal year 1984, and for other purposes, pursuant to House Resolution 229, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2972

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2972, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 2972, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3329, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-250) on the resolution (H. Res. 238) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2912, DEPARTMENT OF JUSTICE AUTHORIZATION, FISCAL YEAR 1984

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-251) on the resolution (H. Res. 239) providing for the consideration of the bill (H.R. 2912) to authorize appropriations to carry out the activities of the Department of Justice for fiscal year 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight Tuesday, June 21, 1983, to file a privileged report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS, 1984

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 228 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 228

Resolved, That all points of order against the consideration of the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, for failure to comply with the provisions of section 303(a)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. During the consideration of the bill, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2, rule XXI, are hereby waived: beginning on page 2, line 1 through page 7, line 21.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. Derrick) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from Tennessee (Mr. Quillen), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 228 waives points of order against consideration of H.R. 3263, making appropriations for military construction for the Department of Defense for fiscal year 1984, for failure to comply with section 303(a)(1) of the Congressional Budget Act of 1974. It also waives points of order under clause 2, rule XXI against specified paragraphs of the bill.

Section 303(a)(1) of the Congressional Budget Act of 1974 prohibits consideration of any measure which provides new budget authority for a fiscal year prior to the adoption of the first budget resolution for that fiscal year.

As we are all aware, Congress has not yet reached agreement on a first budget resolution for fiscal year 1984. In order for the House to move ahead in fulfilling its duty to enact appropriations in a timely fashion, it is necessary to waive points of order under section 303(a)(1) and allow immediate consideration of H.R. 3263.

It is also necessary to waive points of order under clause 2, rule XXI, which prohibits unauthorized appropriations, against the appropriating paragraphs of this bill since the military construction authorization for fiscal year 1984 has not yet been enacted.

Because clause 2, rule XXI also prohibits legislation in an appropriations bill, this waiver will protect any legislative items contained in these paragraphs from a point of order.

H.R. 3263 appropriates more than $7 billion for fiscal year 1984 military construction and family housing. These funds provide for construction to increase the readiness and fighting capability of our regular forces at home and overseas and of our Reserve and National Guard units. The appropriations also provide for improvements in the quality of life and working conditions in the military which are necessary for the recruitment and retention of the skilled and dedicated personnel needed to make our modern, sophisticated Armed Forces effective.

I want to point out that the appropriations amounts contained in H.R. 3263 are within the amounts assumed pursuant to section 302 of the Budget Act in the House-passed first budget resolution for fiscal year 1984 (H. Con. Res. 91).

Also, H.R. 3263 contains only projects recommended for authorization in H.R. 2972, the military construction authorization bill for fiscal year 1984 which has been reported by the Committee on Armed Services and just now passed by the House. The amounts appropriated in H.R. 3263 are in full compliance with the recommendations contained in H.R. 2972.

Mr. Speaker, House Resolution 228 provides for timely and full consideration of H.R. 3263. I urge adoption of the rule.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the rule has been ably explained. Prior to the discussion of this rule, we witnessed the debate on the military construction authorization. There was a lot of togetherness on both sides of the aisle. Those who are normally opposed to defense spending spoke for it. I would hope that this rule would be adopted so

that we could get down to the business of discussing and passing the military construction appropriation and the other appropriation bills yet to come before the House.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to clear up for the record, there were waivers of points of order, as I recall, but, according to what the gentleman from Tennessee has said and what the gentleman from South Carolina has said, there is nothing now in this appropriation bill that has not already been authorized in the bill just passed; is that correct?

Mr. QUILLEN. As far as I know, the bill does not exceed any amounts in the authorizing legislation.

Mr. DICKINSON. I thank the gentleman.

Mr. DERRICK. It does not affect the waivers, that is right.

Mr. QUILLEN. Mr. Speaker, the bill itself is below the administration's request. I do not know how it fits into the category of the budget just recently agreed to by the conferees, but this can be fully debated when it comes to consideration on the floor.

Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HEFNER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Regula) and myself.

The SPEAKER pro tempore (Mr. Brown of California). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. Hefner).

The motion was agreed to.

The SPEAKER pro tempore. The Chair appoints the gentlewoman from New York (Ms. Ferraro) to preside over the Committee of the Whole and, pending her appearance, requests the gentleman from Michigan (Mr. Kildee) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3263, with Mr. Kildee, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from North Carolina (Mr. Hefner) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. Regula) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. Hefner).

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present to you today the fiscal year 1984 military construction appropriations bill. The Appropriations Committee has labored hard over the past months in reviewing the Department's request for military construction. As a result, I am presenting a recommended program of $7,051 million for fiscal year 1984.

Our careful review has resulted in reductions of $1.6 billion below the amount requested. Yet, the amount recommended is more than sufficient to meet our national security requirements. In fact, even with the substantial reduction proposed, the program is the largest ever brought to the House floor.

It is important for Congress to undertake a careful review of defense spending and to make reductions where necessary. The grassroots support for a strong defense can only be sustained when the people we serve know that increased defense spending is going for justified and required purposes. The bill before you today meets that requirement.

QUALITY OF LIFE PRIORITY

As chairman of the Military Construction Subcommittee, I announced that my top priority this year would be to assure that quality of life issues in the daily life of the military were given the top priority they deserve. The committee has followed through on that goal by approving over 32,000 new or modernized barracks spaces, 1,700 new family housing units, $225 million in community support facilities, as well as $2 billion in operational and training facilities. We have emphasized the need for the Department to expand its unaccompanied personnel housing program in order to reduce the large remaining housing deficiencies.

UNILATERAL CONSTRUCTION OVERSEAS

A second priority of the committee has been to examine the high costs of unilateral U.S. construction overseas.

Starting in the mid-1950's the United States began consolidating and reducing the number of our installations overseas. During the past several years, however, the trend has been reversed as more than 20 new U.S.-funded sites have been initiated overseas on a unilateral basis. The United States has gone ahead with this development despite only modest increases in defense spending on the part of its allies.

The committee is concerned because this unilateral buildup is not the product of an overall strategy but rather a series of isolated responses to separate situations. The costs of these actions go well beyond the funds spent for construction. Today 21 percent of our U.S. military force is stationed overseas, and further increases are planned. The stationing of troops and building of new bases result in a substantial direct outflow of dollars from the United States. In addition, the direct correlation between U.S. military presence and increased foreign aid to specific countries is becoming clearly evident.

The long-term cost implication of each initiative is never known at the time the construction funds are requested. These bases, once established, soon become militarily necessary and the costs grow and grow. Also, the approval of U.S. unilateral expansion initiatives discourages our allies from increasing their own defense expenditures.

The committee has approved overseas funding requests for fiscal year 1984 only for initiatives where either facilities are already underway or where some host nation participation has been obtained.

MX CONSTRUCTION PROGRAM

The committee has spent considerable time this year reviewing both design and construction issues associated with the proposed basing of the MX missile. We heard testimony from the Secretary of Defense, Air Force witnesses, and others. We were the first congressional committee to actually visit the planned deployment area in Wyoming and Nebraska. Our conclusion was to allow the Air Force to proceed in an orderly fashion with design funding for MX projects, in accordance with existing law. However, the pending construction request for MX basing for the dense pack construction program was not approved. Future construction funding should be based on firm design and planning decisions and follow congressional action on procurement policy.

CONSTRUCTION CONTRACTING

I want to call to your attention two recommendations included in the committee's report that relate to improving construction costs and U.S. business participation in military construction projects. First, we have directed the Department to pursue the use of nontraditional construction techniques as a way to reduce Federal expenditures for construction. The Department is to examine a variety of alternative construction methods, including prefab and performance specifications.

Second, we have recommended expanding the American preference program to the Pacific area. Several years ago the Congress agreed that American contractors should be given a preference in the award of construction contracts undertaken in the Persian Gulf area. It appears that this program has been successful. Because of the need to stimulate U.S. construction business in the Pacific, the preference program has been expanded to this area for fiscal year 1984 projects. This will result in both a direct and indirect stimulus to the U.S. economy.

GENERAL THRUST OF RECOMMENDATIONS

The committee's recommendations on the fiscal year 1984 program fall into an overall general thrust. The reductions to the program are based on the following categories:

First, overseas projects that either require large U.S. personnel increases or have uncertain country-to-country agreements or building plans have been deleted for savings of $325 million. Fiscal year 1984 funds for Ras Banas, Egypt, in the amount of $96 million and fiscal year 1983 funds in the amount of $91 million have been deleted because of problems on agreements on the construction of the planned staging area.

Second, overseas projects projected to cost $250 million have been denied because they can or should be funded through NATO or by host nations. Specifically, in the NATO area, the committee has deleted funds for GLCM community support projects but has fully funded operational projects at the authorized level. A reduction of $50 million was made to the NATO infrastructure request because of the availability of $500 million in unobligated funds. Overall, the committee continues to call for increased support from NATO and other allies to offset the large increase in U.S. defense spending.

Next, funds requested for the MX missile in the closely spaced basing mode have not been recommended for savings of $450 million. As I mentioned earlier, the committee has recommended releasing design funds for the President's revised program.

Fourth, the committee has carefully excluded projects that may be nice to have but which have no military requirement or are simply not justified. These projects include arts and crafts centers, a modernized golf club house, and $6 million indoor swimming pools. The estimated savings in this category are $350 million.

Also, $175 million has been saved by finding reductions to high-cost family housing construction and overhead costs.

Finally, the services have identified the availability of funds as a result of good bids. The application of these savings have resulted in a reduction of $300 million.

The committee has recommended funding several authorized projects in the United States that: First, can be under construction in fiscal year 1984; second, have a firm defense justification; and third, will offset higher costs in future years. This action responds to unemployment in the United States and takes advantage of a good bidding climate. The increase of approximately $300 million will be held essentially to the amount of available savings.

CONSTRUCTION JOBS

In addition to meeting our defense needs, the military construction appropriations have a very positive effect on the U.S. economy. The $3.5 billion in domestic construction funds will result in more than 200,000 jobs in the construction or related industries. This will be a major boost for one of the areas hardest hit by unemployment.

SUMMARY

Mr. Chairman, I urge adoption of the recommended fiscal year 1984 military construction appropriations bill. The program reflects a realistic view of our present economic situation and the need to provide for the highest priority military requirements. It is a program that will improve the quality of life for our men and women in the military services, and address requirements for improved national security.

The committee conducted a thorough and comprehensive review of this year's request, holding 27 different hearings on individual functional areas. The program recommended reflects current economic conditions by weighing the highest priority military requirements against the need for fiscal restraint. The functional areas where special emphasis occurred were the increasing unilateral role overseas, European and NATO infrastructure program, the MX missile program, the Persian Gulf/Indian Ocean program, the Caribbean Basin program, the security of nuclear weapons, the quality of life, stimulating U.S. business overseas, planning and design, alternative construction methods, and the accuracy of estimates.

ALTERNATE CONSTRUCTION METHODS

The committee held a special hearing this year to review construction alternatives that could help reduce military construction costs. As a result, the committee is taking steps to encourage further exploration and use of these new methods. The services are to explore more extensive use of turnkey—both one- and two-step—contracting, the packaging of small projects at the same site into one contract, the use of standard design for similar facilities, the use of performance type specification contracts, and use of latest techniques and materials incorporating offsite prefabrication of buildings and modular construction. The Department has also been directed to identify and recommend the legislative changes necessary to allow the greater use of nontraditional construction methods. Although some effort by the Department is underway, this action by the committee is intended to stimulate and accelerate the exploration and use of alternate construction methods. This action can reduce costs without sacrificing quality.

PERSIAN GULF/INDIAN OCEAN

Consistent with its overall policy on unilateral U.S. expansion overseas, the committee has recommended funding for facilities in the Persian Gulf only at sites where construction is underway or where some host nation participation has been obtained. Clearly the United States has assumed the leading role for maintaining the stability of this region as more than $1 billion has been provided in the last 3 years for development of facilities in Diego Garcia, Kenya, Oman, Somalia, and Portugal. The completion of facilities planned or under construction at these locations will cost an additional $400 million, of which $144 million has been provided in fiscal year 1984. This program will provide access to seven separate airfields and three ports in the immediate Persian Gulf area as well as providing air and sea support from Diego Garcia and Lajes, Portugal.

The committee has noted that the Department's estimates for the Persian Gulf program have grown from the original $700 million to $1.5 billion. The further development of an overall strategy to defend the region is to rely heavily on facilities at locations already under construction, not new locations.

The committee has denied the request of $96.4 million and rescinded $91 million appropriated in fiscal year 1983 for facilities at Ras Banas, Egypt. The Department of Defense has informed the committee that plans to build a rear staging complex and other facilities at Ras Banas have fallen through. For several years the committee has expressed its belief that a signed agreement is necessary for this project and other overseas bases in order to verify what both the United States and the host nation expect from facility development programs. Had this been done in the case of Ras Banas, millions of dollars in U.S. expenditures for design and mine clearing could have been avoided and significant time saved in selecting and developing an alternate location.

The committee recognizes the importance and need for good United States/Egyptian relations on joint interests of security in the Persian Gulf area. It is hoped that written agreements can be obtained for the use of other access facilities that meet both Egyptian and United States requirements.

CARIBBEAN BASIN

The expansion of U.S. access in the Caribbean Basin represents an important direction in defense planning.

The fiscal year 1984 military construction request included funding in three areas of the Caribbean Basin. The committee has recommended the $3.6 million requested for Panama and the $1.7 million requested at Guantanamo Bay, Cuba. The Department should explore both of these locations for further use of existing facilities.

The executive branch also requested $8 million for facility improvements at La Ceiba Airfield in Honduras. Last year the Congress approved $13 million for a similar access facility at Comayagua. The committee feels that the Comayagua facility will provide sufficient access into the region.

EUROPEAN CONSTRUCTION PROGRAM

The committee has recommended almost $2 billion in military construction and family housing improvements for Europe. This includes approximately $650 million for military construction projects at U.S. installations, $100 million for the NATO infrastructure program, and nearly $1 billion for family housing construction, improvements, operations and maintenance.

In the past there has not been enough attention paid to addressing the large backlog in necessary military construction and family housing projects in Europe. This year's program funds substantial improvements in areas from tank hard stands to major increases for the maintenace of family housing units. The program recommended is the largest ever provided for Europe.

The increases to fund facility improvements in Europe have been made this year in order not to deprive our own service members of decent living and working conditions.

GROUND-LAUNCHED CRUISE MISSILE

Even though the ground-launched cruise missile (GLCM) program is a major issue in United States/Soviet talks on theater nuclear weapons, the United States should proceed with its commitments to NATO to meet schedules for the construction of operational bases. To assure that only the most essential facilities are provided, the Department should proceed first with elements of the GLCM program that provide for the operational capabilities of the base. The committee has recommended the authorized operational support facilities and feels that dependent schools, family housing, and other community facilities relating to GLCM basing should be deferred at this time.

The Department is to continue to pursue the committee's direction to obtain more NATO infrastructure funding for base construction. The United States is already providing personnel, equipment, missiles, and all operational costs for GLCM basing.

NATO INFRASTRUCTURE

The committee has recommended $100 million for the NATO infrastructure program, which is $50 million less than the amount requested. The reduction is possible because of the large unobligated balance in this program. The committee supports the expansion of this program as the needs for additional NATO construction exceeds by far the amounts currently programed.

The committee has also included language in its report urging that appropriate steps be taken to encourage the use of U.S. contractors on NATO projects. The committee has also included language urging more attention to recouping previously prefinanced projects.

COLLOCATED OPERATING BASES

The collocated operating base program is an effective way of significantly expanding U.S. access to facilities in Europe. For several years the committee has stressed the need to accelerate the program through NATO infrastructure funding. This was done both because COB's are fully eligible for infrastructure funding and because it fulfilled the congressional call for more support from our NATO allies.

The Department this year requested that $44.1 million be prefinanced by the United States for minimum essential construction at collocated operating bases in five countries. The committee has approved $18 million of this amount to assure the completion of selected facilities in three countries and to reconfirm our commitment to the program. However, the obligation of the funds is not to be made until the Department has assured the committee that additional NATO infrastructure funds have been included in the current funding slice and additional recoupments from prior programs have been obtained.

QUALITY OF LIFE IN THE MILITARY

Improving the quality of living and working conditions in the military is an essential factor in the improvement of overall military readiness. It is important to provide the necessary facilities and amenities for individuals in the services and their families in order to create an environment that is conducive to professional and motivated work.

The committee has made a determined effort to fund quality of life projects that were requested, authorized, and fully justified. It appears that some projects of marginal value have been requested in the name of quality of life.

The committee continued this year with its special hearing concentrating on housing, working conditions, child care centers, medical services, and other programs that relate to the quality of life in the military. The committee heard testimony from the top enlisted person in each service, officer women representatives, and the Deputy Assistant Secretary of Defense for military personnel policy. Because of concern over living and working conditions in Europe, the committee asked the Deputy Chief of Staff of the U.S. Army in Europe to provide it with his concerns over conditions there.

The testimony presented indicates that military construction programs that address quality of life issues have tremendous payoff in terms of both retention and improved working performance. The backlog in housing and working facilities is staggering, but the fiscal year 1984 request represents, in most instances, a significant step forward in decreasing quality of life facility deficiencies.

MX MISSILE PROGRAM

The committee has not recommended the $449 million requested for construction related to the deployment of the MX missile system in the closely spaced basing mode. The committee has deferred MX construction funds without prejudice pending facility design, site planning, cost definition, and an environmental impact study of the new basing plan proposed by the President. The committee has released as described below $30 million in MX planning and design funds.

The MX request before the committee consists of funds originally requested for the closely spaced basing—dense pack—mode in Wyoming. Recently the President announced his decision to, instead, base 100 MX missiles in existing Minuteman silos at the same location. Following congressional approval, the Air Force will have to undertake the lengthy process of site planning, project development, facility design, and preparation of an environmental impact statement. Because of the preliminary status of planning, construction funds need not be appropriated at this time. However, the committee has agreed to release $30 million of the $50 million previously appropriated for MX planning and design.

Current law prohibits the use of planning and design funds from being used for site-specific MX design until all terms, conditions, and requirements of the National Environmental Policy Act (42 U.S.C. 4332) are met.

The committee has recommended that the general provision restricting this use be changed to allow design to proceed during the EIS process. Construction is prohibited from beginning until the EIS is completed. This has the effect of releasing design funds for operational programs associated with the site-specific facilities at F. E. Warren Air Force Base as of the effective date of this bill.

ACCURACY OF ESTIMATES

During the past 2 years, the actual costs of military construction projects have been consistently 20 to 30 percent less than budgeted amounts. This has resulted in savings totaling nearly $500 million from previously approved projects. Despite this trend, no significant changes have occurred in the budget estimating process to incorporate the improved economic climate.

The trend toward a more favorable bidding climate has been underway for at least 2 years. Yet no significant adjustment for changing regional economic conditions has occurred. The area cost factors in use in 1980 are for the most part unchanged in fiscal year 1984. A factor of 5.1 percent for inflation was used for all fiscal year 1984 estimates despite actual increases at less than that rate in 1983. The existence of a large Federal deficit makes it imperative that the Department strive to accurately project its needs rather than err on the high side for the sake of management flexibility. The committee has made reductions to account for current conditions.

MILITARY CONSTRUCTION, ARMY

The committee has approved a total of $1,214,565,000 for fiscal year 1984, which is $160,435,000 below the request and $284,845,000 above the amount provided in fiscal year 1983.

The major reductions include a host of projects failing authorization, $20 million in overscoped recreational facilities, $16 million to purchase a rug factory in Germany, $41 million for Ras Banas, Egypt, and general reductions of $56.8 million.

The committee has added several authorized projects to provide new barracks and training ranges.

MILITARY CONSTRUCTION, NAVY

The committee has approved a total of $1,181,905,000, which is $161,795,000 below the budget estimate and $101,155,000 above the amount approved in fiscal year 1983. Major reductions include a host of projects failing authorization, $35 million reduced for overpricing certain projects, $50 million from various prefinanced projects in Iceland, and $98 million in a general reduction. A number of authorized projects have been added to provide new barracks spaces, maintenance shops, classroom spaces, and utility upgrades.

MILITARY CONSTRUCTION, AIR FORCE

The committee has approved $1,374,751,000 for fiscal year 1984, which is $926,149,000 below the request and $176,663,000 below the amount provided in fiscal year 1983.

Major reductions include a host of projects failing authorization; $450 in MX construction funds related to dense pack; $56 million for Ras Banas, Egypt; $26 million from the COB's program; $13 million from Misawa, Japan; $67 million from air bases in Turkey; $75 million from GLCM basing; and a general reduction of $160 million.

The committee has added several authorized projects for additional barracks spaces, a hospital, and dining halls.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

The committee has approved a total of $259,042,000 for military construction for the Defense agencies, which is $139,358,000 below the request and $80,728,000 below the fiscal year 1983 appropriation.

Major decreases include a number of DOD school projects which failed authorization, $20 million from emergency construction, and $42 million for a fuel pier in Los Angeles. The committee deleted a provision which allowed the transfer of up to $20 million in R&D funds.

NATO INFRASTRUCTURE

The committee has recommended appropriations totaling $100,000,000 which is $50 million less than the amount requested. This reduction is possible because of the large unobligated balance in this account.

MILITARY CONSTRUCTION, RESERVE COMPONENTS

The committee has recommended $299,174,000 of military construction for the Reserve components, which is $44,274,000 above the amount requested and $13,716,000 above the amount provided last year. The committee has added several projects to accelerate replacement and modernization of needed facilities.

FAMILY HOUSING, ARMY

The committee recommends $1,250,551,000 for "Family housing, Army," which is $20,088,000 below the amount requested and $193,665,000 above the amount provided in fiscal year 1983.

The committee has made reductions to reflect more realistic costs for new construction, management and utilities. The amount of $15 million has been added to begin implementation of the new joint travel regulations overseas.

FAMILY HOUSING, NAVY

The committee has provided $616,374,000 for "Family housing, Navy," which is $87,503,000 below the amount requested and $152,724,000 below the fiscal year 1983 appropriation. The committee has made reductions to reflect more realistic costs for new construction, management and utilities and has made deletions of unauthorized construction projects.

FAMILY HOUSING, AIR FORCE

The committee has provided $849,605,000 for "Family housing, Air Force," which is $97,571,000 below the budget request and $120,756,000 below the amount provided in fiscal year 1983. The committee has made reductions to reflect more realistic cost estimates for new construction, management and utilities and has made deletions of unauthorized construction projects.

FAMILY HOUSING, DEFENSE AGENCIES

The committee recommends $16,674,000 for "Family housing, Defense agencies," which is $3,070,000 below the amount requested and $2,361,000 above the amount provided in fiscal year 1983. Reductions have been made to reflect more realistic cost estimates for construction and leasing requirements.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	House bill compared with enacted	House bill compared with estimates
Military construction, Army	$929,720,000	$1,375,000,000	$1,215,565,000	+$285,845,000	−$159,435,000
Military construction, Navy	1,080,750,000	1,343,700,000	1,181,905,000	+101,155,000	−161,795,000
Military construction, Air Force	1,551,414,000	2,300,900,000	1,374,751,000	−176,663,000	−926,149,000
Rescission			−91,000,000	−91,000,000	−91,000,000
Military construction, Defense agencies	339,770,000	398,400,000	259,042,000	−80,728,000	−139,358,000
Transfer, not to exceed	(20,000,000)	(20,000,000)		(−20,000,000)	(−20,000,000)
North Atlantic Treaty Organization infrastructure	325,000,000	150,000,000	100,000,000	−225,000,000	−50,000,000
Military construction, Army National Guard	54,958,000	55,300,000	65,127,000	+10,169,000	+9,827,000
Military construction, Air National Guard	127,900,000	79,900,000	110,352,000	−17,548,000	+30,452,000
Military construction, Army Reserve	41,800,000	52,700,000	52,700,000	+10,900,000	
Military construction, Naval Reserve	25,200,000	24,800,000	28,795,000	+3,595,000	+3,995,000
Military construction, Air Force Reserve	35,600,000	42,200,000	42,200,000	+6,600,000	
Total, military construction	4,512,112,000	5,822,900,000	4,339,437,000	−172,675,000	−1,483,463,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	House bill compared with enacted	House bill compared with estimates
Family housing, Army	1,078,874,000	1,272,639,000	1,250,551,000	+171,677,000	−22,088,000
Portion applied to debt reduction	−38,534,000	−31,700,000	−31,700,000	+6,834,000	
Subtotal, family housing, Army	1,040,340,000	1,240,939,000	1,218,851,000	+178,511,000	−22,088,000
Family housing, Navy	769,098,000	703,877,000	616,374,000	−152,724,000	−87,503,000
Portion applied to debt reduction	−28,007,000	−28,133,000	−28,133,000	−126,000	
Subtotal, family housing, Navy	741,091,000	675,744,000	588,241,000	−152,850,000	−87,503,000
Family housing, Air Force	970,361,000	947,176,000	849,605,000	−120,756,000	−97,571,000
Portion applied to debt reduction	−57,535,000	−51,376,000	−51,376,000	+6,159,000	
Subtotal, family housing, Air Force	912,826,000	895,800,000	798,229,000	−114,597,000	−97,571,000
Family housing, Defense agencies	14,313,000	19,744,000	16,674,000	+2,361,000	−3,070,000
Total family housing (budget authority)	2,832,646,000	2,943,436,000	2,733,204,000	−99,442,000	−210,232,000
Total portion applied to debt reduction	−124,076,000	−111,209,000	−111,209,000	+12,867,000	
Total, family housing	2,708,570,000	2,832,227,000	2,621,995,000	−86,575,000	−210,232,000
Homeowners assistance fund, Defense	2,000,000			−2,000,000	
Grand total, new budget (obligational) authority	7,222,682,000	8,655,127,000	6,961,432,000	−261,250,000	−1,693,695,000

□ 1450

Mr. REGULA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, first of all, this is the maiden voyage for our new chairman, the gentleman from North Carolina (Mr. HEFNER), and I want to say that he has done a superb job. He has worked hard, along with the members of the committee. He has provided leadership, and as a result of this, today we are bringing to the Members a bill that is 18 percent below the President's request in budget authority and 10 percent below the President's request in outlays. I think this reflects the consensus of not only the subcommittee chairman but also of all of the members of the committee that we should make every effort possible to hold down expenditures.

I also want to pay tribute to the staff. The members and the staff worked together in a cooperative, bipartisan fashion. Part of the success in holding down the costs in this bill results from the efforts of our staff. I think they deserve credit for that excellent work.

I would like to talk a little bit about the thrust of the bill. The subcommittee chairman has done an excellent job of giving us the details, and I would like to discuss briefly the policy thrust of this legislation.

We deal essentially here with the money for three phases, or three parts, of the military responsibility. The first is housing, the second is the workplace, and the third will be the new systems that are to be brought in over the years that require construction as a prelude to their deployment. All of these are essential.

We in the United States have decided that a Volunteer Force is the way we want to go. We responded to the people of this Nation who do not like the idea of drafting individuals to serve in the military service. Many of our ancestors came here to escape conscription. As part of that it is essential, if we are to have a high quality Volunteer Force that will be able to operate the complex systems that are part of our Nation's security, that we make the workplace attractive, that we make housing adequate, and that we put in place the necessary kind of construction that will allow deployment of new systems.

We have responded to this. One of the initiatives of the subcommittee chairman was to bring in a master chief petty officer from the Navy, a sergeant major from the Army, a sergeant major from the Marine Corps, and a first master sergeant from the Air Force. If Members would like to be in a committee hearing where people tell it like it is, they should have been there that morning. These are individuals who have collectively had something in the neighborhood of 140 years to service to this Nation. All of them had hashmarks from their wrists to their elbows, and they have been through the hard knocks of military service. They were able to tell us what is important to the GI, what is important in terms of housing, what is important in terms of the workplace, and the various conditions that cause people who enlist to tell their friends back home that the Army, the Navy, the Marines, or the Air Force is a good place to be.

What is it that causes people to reenlist? Well, one of the very pressing problems in our military force is, if we do not have reenlistments of people with skills, it takes a lot of money to train new individuals and to educate them to meet today's requirements of our military forces. By addressing the concerns as they were articulated to our subcommittee by these top enlisted personnel, we were able to express a concern that I think is very important to the individuals who are out there in the field. Our actions may very well cause them to reenlist and that will enable us to maintain a strong, well educated, well equipped Volunteer Force.

Again, I say that this committee deals with the real quality problems of the military and the responses that are important to the morale of our service people.

Also, it is important that we understand what is happening in terms of new systems. We have tried to address the requirements so that when various weapons systems are ready to be deployed, the construction will be there and there will not be a delay. If we are to be cost effective in utilizing our defense dollar, we need to effectively deploy whatever system is put in place, because they are expensive. If they are kept in the carton, if they are left at the factory and they are not out there providing for security, they are of little value, and yet the debt service cost goes on.

So, it is important that the leadtime on construction projects be recognized by this subcommittee in funding adequately what is needed, not just for tomorrow, but down the road. That is one of the reasons we find in this bill that the budget authority is quite high in relationship to the outlays, because we are talking about not necessarily next year, but the years ahead. This in turn allows for cost effectiveness in construction because we are not doing it on a crash basis.

We resisted in the subcommittee the projects that were going to be done hurriedly for the simple reason that those are the least cost effective in terms of the expenditure of tax dollars. We are trying to look ahead and get the best possible bid and the lowest possible cost and yet have construction ready when there is a need for it to deploy a weapons system.

In turn we have provided for some innovative types of construction in housing. One of the other initiatives of the subcommittee chairman—and I think it was a very worthwhile expenditure of our time—was to bring in people who have alternate forms of construction, who have new ideas and innovative ideas on ways in which we can provide housing and in which we can provide a workplace and yet do it at less cost. It was a very constructive hearing, I might add. Several new ideas were brought out. Hopefully, these will be utilized. We have encouraged them both with report language and as part of the bill.

Madam Chairman, I might also add that what this does is afford opportunities for people all across the United States such as companies producing manufactured housing or companies that produce alternative means of providing shelter for weapons systems, and so on, to bid on military construction. It provides a broader spectrum of participation in military spending. This spreads contracting out over larger areas of the United States, and in the final analysis, and most importantly, reduces the cost.

Something I would like to point out to our colleagues is the result of the past work of this committee—and many of the members are serving now who have served in the past. Over the past several years we have resisted requests for expenditures in the funding of MX construction, dense pack, Racetrack, and so forth. I totaled this up and it amounts to $747 million that would have been spent had not the committee members rejected MX funding requests in the past several sessions.

I mention this because it reflects the kind of concern that we have tried to bring to our responsibilities on the subcommittee. It certainly has paid dividends because had we put that money in our bill during past years, it would have been spent, and today those systems of basing have been rejected, as we well know. And as the subcommittee chairman very clearly pointed out, we have only put in enough in MX to do the basic research. We are not getting into MX construction because we have to settle that issue clearly as to the basing mode and as to how we want to go forward in hardening, and other construction.

Today and in the future there is going to be a lot of concern about American jobs. This committee has addressed this in the past, with American preference for the Mediterranean and the European theaters. Because it has worked reasonably well there, this time we added the Pacific theater. What we are saying in effect is that wherever possible, we should give preference to American firms, to firms that pay taxes not only to the Federal Government but also to their local communities, firms that support schools, that support local governments, and that support the States. So we are saying, let the American firms, as much as possible and within reason as far as cost is concerned, have preference when it comes to construction of military projects wherever they might occur throughout the world.

□ 1500

Likewise, we have a "buy America" clause. Again, this reflects a concern for jobs and for our people that are paying the taxes in these United States, a recognition that we have to have a concern that we who provide for much of the free worlds security should be using our own people as much as possible in supplying these systems.

Along with that, we reiterate once again our determination to get as much host nation support as possible.

If you read the section on Misawa, for example, you will recognize what the subcommittee has done by way of pushing to get support from the host nation, in this case Japan, for a proposed base.

We continue to push for host nation support, and along with that, recoupment of prefinancing that we have made in the case of NATO.

I would say to all my colleagues in this body that this subcommittee under the leadership of Chairman Hefner has worked diligently to insure that the money we expend is spent carefully. This bill does contribute to improved morale, it does improve the quality of life for our service people by giving better housing, by improving the workplace, and likewise by looking ahead and providing at the least cost possible the necessary construction facilities for the deployment of the weapons systems that will be coming on stream in the years ahead.

I certainly urge all my colleagues to support this appropriation bill.

Mr. LOEFFLER. Madam Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas, a very excellent member of our subcommittee, one who has put in a lot of effort, along with the rest of us, to make this a workable and an effective bill.

Mr. LOEFFLER. Madam Chairman, I thank my distinguished ranking member for yielding and commend him along with our chairman, the gentleman from North Carolina (Mr. Hefner).

From the standpoint of the military construction subcommittee's activities, this has been truly a bipartisan and nonpartisan effort. We used every ounce of our ability to look at all of the line items that are involved with the military construction budget requests, and thanks to the efforts of our chairman, as well as our ranking member, we have come up with a bill that shows, in fact, that the defense function is no more sacrosanct than any other function of Government in terms of reducing Federal expenditures.

In addition, while we are under the President's request, there is no question in my mind that this appropriation bill for military construction for fiscal year 1984 certainly meets all of our needs for military construction throughout the world, as well as providing that very essential and necessary ingredient—quality of life—for all men and women who are serving and who will serve.

Again, I thank my chairman and the ranking member and other members of this committee for working together to provide for the consideration on this floor of a very important and wise document. I urge my colleagues to support the military construction appropriations bill.

I thank my ranking member again for yielding.

Mr. HEFNER. Madam Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. Skelton).

Mr. SKELTON. Madam Chairman, I rise in strong support of this bill, the military construction appropriations bill.

The Appropriations Committee, particularly the subcommittee, chaired by the gentleman from North Carolina (Mr. Hefner) is certainly to be commended for the excellent job in balancing the need to cut the administration's budget request with the need to fund certain construction projects which are vital to our military readiness.

Madam Chairman, I would like to engage the distinguished chairman of the Military Construction Subcommittee in a colloquy at this time concerning a project at Westalton, Mo., the Whiteman Air Force Base, which is located within the district that I represent.

As you know, Madam Chairman, this appropriation bill funds four very vitally needed projects for Whiteman Air Force Base; however, a fifth authorized project, a project that was just authorized earlier today, which is an addition to a vehicle maintenance facility, was not funded by this subcommittee and this project would allow vehicle maintenance at Whiteman to be consolidated in one facility. Currently it is in three facilities, two of which are ill-suited and one is too small.

I wish to ask and make inquiry of the chairman for the record to commend on this particular deferral.

Mr. HEFNER. I thank the gentleman from Missouri.

First of all, let me thank the gentleman and congratulate the gentleman and his constituents for the hard work that the gentleman has done on behalf of Whiteman Air Force Base.

We are aware that the Air Force has neglected the constuction at this facility, and the need is great.

Now, we approved several projects for Whiteman, but the committee deferred this particular facility, simply because it is at zero percent design.

I would like to assure the gentleman that we have no problem whatsoever

with the justification for this facility at Whiteman AFB, as soon as it has reached 35 percent design. We suggest that the Department once again request the funding and we will certainly look on it favorably, because the need is definitely there.

We want to congratulate the gentleman and thank him for bringing this to our attention.

Mr. SKELTON. I thank the gentleman and I appreciate his comments.

Mr. HEFNER. Madam Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. Evans).

Mr. EVANS of Illinois. Madam Chairman, while I rise in support of this bill, I also wish to express my deep disappointment with certain provisions of this bill.

In particular, this bill as reported from the House Appropriations Committee does not contain sufficient funding for Project REARM at the Rock Island Arsenal in Illinois.

Earlier today, we passed a military construction authorization which provides for $22 million for a project to modernize and renovate the facilities at the arsenal. This bill appropriates only $13 million for that needed project.

This arsenal plays a crucial role in producing and maintaining the vital weapon systems needed for a modern-day army. However, the arsenal is presently using some facilities that were originally constructed around the turn of the century.

The arsenal is currently performing its vital mission with much old, obsolete equipment in buildings which are poorly laid out and unsuited for modern industrial operations. The result is increased costs for required productivity and a delay in reaching mobilization levels.

Approximately half of Rock Island's output is for foreign military sales. And this seems to be the crux of the problem here today.

The committee proposes that the arsenal provide $9 million of the $22 million REARM project from its foreign military sales.

But let us look at what this means. First of all, surcharges are already added to all foreign military sales to recover the special costs to the U.S. Government. However, this surcharge goes directly to the U.S. Treasury. The fact is that no mechanism exists by which the arsenal can recover these funds and use them for construction. Therefore, the committee's proposal that the arsenal use funds from foreign military sales leaves the arsenal up in the air with no recourse for using funds it does not receive.

The point here is that the committee is demanding an impossible task from the arsenal. To adequately modernize its facilities, the arsenal needs the other $9 million.

As we all consider the dangers and merits of nuclear arms and the threat of nuclear war, I believe that we must do all we can to strengthen our conventional forces and provide for a strong and capable military. Therefore, I feel I must, in the final analysis, vote for this bill.

However, I am hopeful that the fate of Project REARM will receive careful consideration as this measure progresses through the Congress. Full funding for Project REARM is essential and necessary for our mobilization capabilities as well as our efforts to cut costs.

Mr. HEFNER. Madam Chairman, in response to the gentleman from Illinois, this is really not a precedent. Back in 1980 at the Wright-Patterson Air Force Base, we requested that they should get some reimbursement for a portion of a military construction project because of their large amount of foreign military sales.

We certainly agree with the gentleman that this project is essential and we would be happy to look at it and see if we can work something out in the conference committee.

We thank the gentleman for his concern.

Mr. FUQUA. Madam Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Florida.

Mr. FUQUA. Madam Chairman, I rise in support of the military construction authorization bill for 1984 and commend the subcommittee for the fine job that they have done.

I would like to ask the chairman of the subcommittee, the distinguished gentleman from North Carolina, if he has had a chance to review the critical need at Camp Blanding, Fla., where National Guard training takes place, particularly the 5th Battalion area, as it relates to facilities there.

□ 1510

Mr. HEFNER. Will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from North Carolina.

Mr. HEFNER. We had the opportunity to review the situation at Camp Blanding, as the gentleman alluded to.

There are sufficient planning and design funds available to initiate the design of the battalion project for the 5th Battalion, and I believe that the Army National Guard should proceed immediately with the design and then we will go from there.

I would like to thank the gentleman for bringing this to our attention.

Mr. FUQUA. I thank the gentleman very much for his cooperative attitude and I appreciate it.

Mr. REGULA. Madam Chairman, I yield 5 minutes to one of the thoughtful, hard-working members of the subcommittee, the gentleman from Oklahoma (Mr. Edwards).

Mr. EDWARDS of Oklahoma. Madam Chairman, I rise in full support of this bill.

As the gentleman from North Carolina and the gentleman from Ohio have pointed out, this bill represents an effort by our subcommittee to respond to the construction and family housing needs of the armed services in a responsive, but responsible way. While it is difficult to adequately scrutinize the approximately 2,000 projects that were submitted to us by the Department of Defense, I can honestly say that as a result of 27 hearings, the active participation of almost all the members of the subcommittee, the leadership of the chairman and the ranking minority members, and absolutely outstanding staff work, we have in fact come up with an excellent bill.

In reviewing these requests we paid close attention both to insuring that our defense capabilities were not impaired and to improving the quality of life of our servicemen and their families in a cost-effective manner.

Madam Chairman, this is my third year on this subcommittee. At times unjustifiable requests have been submitted to us and we have not been at all reluctant to criticize the Pentagon when its requests have been unreasonable. We have done a good job of spotting these projects and either deleting or reducing the funds requested. I have been quite outspoken about the need to prioritize and economize in military construction requests because there is a great difference between modernizing bathrooms for a general's quarters and providing funds for a missile facility. This year we were able to eliminate or reduce funding for a number of projects that were not adequately justified or that were too costly and we saved $350 million through this process.

As my chairman and friend, the gentleman from North Carolina, has pointed out, we have achieved reductions of another $325 million by eliminating overseas projects requiring large U.S. personnel increases or which have uncertain country-to-country agreements or building plans. We have found areas amounting to another $250 million where overseas projects should be funded through NATO or by a host nation. We have saved $175 million in the family housing construction program by scaling down high-cost projects. The subcommittee deleted $450 million for construction and design funds originally proposed for the closely spaced "dense pack" basing mode for the MX missile. In addition, we were able to reduce the overall appropriation by $300 million as a result of good bidding climates.

While these reductions were made, this bill still increases readiness and addresses quality of life issues. These funds include projects that will enhance the working conditions of our military personnel and upgrade the substandard housing units in which many of them live. We fund projects to support major weapon systems of great importance to increasing our defense capabilities and to allow us to maintain our commitments to our allies. Funds are also included to modernize our naval shipyards; to improve our training centers; to provide for the first beddown of our new B-1B bomber; to continue to support facilities for the Trident submarines; to modernize medical facilities; to provide for overseas dependent schools, and to continue with energy conservation projects.

As you can see we have brought to the floor a well-rounded bill that does set priorities and enhances our national security interests. This is a good bill and deserves the support of the House.

Madam Chairman, I would like to take this opportunity to congratulate our chairman. This was his first year as chairman of our subcommittee. We worked very closely and in a bipartisan manner. He was fair and I enjoyed working with him very much. In addition, I would like to thank the subcommittee staff, Terry Peel and Mark Murray, for their work in assisting us in bringing such a good bill to the floor of the House.

Madam Chairman, I urge my colleagues to adopt this bill.

Mr. HEFNER. Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. Fazio).

Mr. FAZIO. I thank the chairman for yielding. I simply take the time to add to the comments of the gentleman from Oklahoma.

I think the bipartisan nature in which the chairman, Mr. Hefner, and the ranking member, Mr. Regula, have operated is really a model and a case study of the Members of this body and certainly for the Appropriations Committee.

The very, very sensitive political issues that could have impeded the progress of this bill were somehow avoided and I think we have really shown that we can find a strong bipartisan consensus around issues related to quality of life in the military and improving the productivity of our air rework facilities, our naval shipyards, and the other very important military installations that are so basic to our readiness.

We have also dealt with the environmental concerns that somehow impact many of our military facilities across this land and, indeed, overseas.

In short, the committee has done an outstanding job of working diligently together to put together a measure that has minimal opposition to it.

I would like to congratulate the gentleman from North Carolina (Mr. Hefner) for the outstanding job he has done in his first year as chairman, and indicate to him and to the gentleman from Ohio (Mr. Regula) how much I have appreciated working with them this year. I look forward to continuing in at least the near future to work for the very important projects that are so basic to the economy of my district, and I have much reason to be thankful for the help you have given in that regard. But, beyond that, for the outstanding work you have done for the military and for the Congress.

Mr. REGULA. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HEFNER. Madam Chairman, I would like to thank the Members for those very kind words.

I probably should quit while I am ahead. This is sounding like an academy awards night when everybody is thanking everybody.

I would like to just one more time thank the staff and mention that when the full committee got together to mark up this bill, some of the Members who were serving on the Military Construction Subcommittee for the first time could not believe the in-depth work that the staff had done. Everything was laid out for them. They knew where we were going. They knew what projects were up. And it was just a real pleasure. It was not a hassle to mark up a bill as we had it all laid out for us.

I want to thank the staff of the Military Construction Subcommittee.

Madam Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Leath).

Mr. LEATH of Texas. I want to thank the gentleman and I want to give the chairman one more accolade.

I rise in strong support of this bill and I, too, want to commend Chairman Hefner and the gentleman from Ohio, Mr. Regula, for the outstanding job they have done. I know for a fact that the chairman has spent a great deal of time in the field looking at these projects. He came to Fort Hood and we spent the day touring the fort where we have the National Guard and the training areas and the tank repair facilities.

So I want to commend the gentleman and the committee for an outstanding bill.

● Mr. COUGHLIN. Madam Chairman, I rise in support of H.R. 3263, the fiscal year 1984 military construction appropriations bill.

I am especially pleased that this bill includes a $14.5 million appropriation for an evaluation and test facility conversion project at the Naval Ship System Engineering Station in Philadelphia.

NAVSSES is the principal center for testing and evaluating the reliability and operation of new ship systems before they are introduced to the fleet. Existing NAVSSES facilities which I toured earlier this year consist of scattered and aging buildings. They cannot accommodate additional tasks although important new testing responsibilities have been proposed for NAVSSES. These include the evaluation of complex new propulsion systems as well as advanced deck equipment such as aircraft elevators and hydraulic pumps.

The evaluation/test facility conversion project consists of the renovation of an existing building, its conversion to a multipurpose test facility, the rehabilitation of a fuel storage system and pier, as well as the installation of utility systems to support the primary facility. When completed, the conversion will permit extensive land-based testing of not only hull and deck machinery and propulsion systems but also electrical equipment and air compressors.

The benefits of full testing and evaluation of increasingly complex ship systems are clear: Reducing the cost of and time involved in ship construction, avoiding costly midconstruction design changes, and minimizing future maintenance costs. This project is a sound investment at a time when new types of carriers, cruisers, and escorts require increased power and more advanced methods of propulsion and hardware. As many of these ships are now in the design stage, it is crucial that adequate testing and evaluation facilities be readied.

The Navy has concluded that the test facility conversion is the most economical means of providing the needed test and evaluation capabilites. I agree and urge that H.R. 3263 be approved.●

● Mr. GILMAN. Madman Chairman, I rise in support of the military construction appropriation bill for fiscal year 1984, and commend our colleague from North Carolina (Mr. Hefner) for the outstanding service that he and his committee members on the House Subcommittee on Military Construction performed in drafting this legislation.

The military construction appropriations bill, as submitted to the full House, is a model of fiscal restraint—it keeps our Federal expenditures down, while not sacrificing needed projects.

Madam Chairman, I am extremely interested in the portion of the bill related to our U.S. Military Academy at West Point, N.Y. For my first five terms in the House, I had the honor and priviledge of representing the USMA in Congress.

As a result of the recent redistricting, West Point is now represented by my good colleague, the Congressman from New York (Mr. Fish) who is rendering outstanding service to West Point, as has been his hallmark throughout his stay in Congress.

Although the Academy itself is no longer within the boundaries of my

district, I am still intimately interested in activities at the Point. My district ends only 3 miles from the main gate at West Point, and so the activities there are of special interest to me and to my constituency.

Our mid-Hudson region of New York has been hard hit by unemployment, especially in the construction trades. We have long had a sound relationship with the U.S. Military Academy—as the Academy expands and construction needs surface, our construction trades find needed employment in the expansion at West Point.

The requested appropriation for West Point for this year of $12.84 million is a reasonable proposal for the long-awaited purchase of the property of Ladycliffe College, immediately south of the Academy.

Ladycliffe was a college for women which had been forced to close its doors several years ago. Ever since its closing, the U.S. Military Academy has sought to purchase the property. The buildings are intact, in good condition and can be used as classrooms by the Academy. Most importantly, the long-planned Museum and Visitors Center can now be located on the former Ladycliffe College campus, thus negating the need for any new construction.

The outlay of $3.4 million for this purchase will give the Academy buildings and property for needed expansion at a substantial savings to the taxpayers. The cost of purchasing new lands, and having to construct these buildings from scratch would be cost prohibitive. The military is to be commended for taking advantage of this opportunity.

The remaining $9.39 million of the West Point appropriations is earmarked for long-overdue barracks modernization, weather stripping, energy monitoring and control system, and energy efficient lighting.

Madam Chairman, it has long struck me as irony that, while we in the Government have long urged our citizens to conserve energy, we have been lax in not mandating energy efficient Government facilities. I applaud the U.S. Military Academy in its efforts to provide an example of an energy-efficient facility. If we in Congress do not approve such conservation efforts, we are indeed being "penny wise and dollar foolish."

Madam Chairman, I also call to the attention of my colleagues the $29.2 million bracketed for phase II of the move of the New York Air Force National Guard to Stewart Airport in Newburgh, N.Y. This move was begun last year and is basically completed. These funds are needed for new facilities to house the National Guard.

Although Stewart Airport is no longer in my congressional district, it does benefit my adjoining area. I was instrumental in helping to convince the Guard to move to this ultra-modern facility when this proposal was first suggested some years ago. Our entire mid-Hudson Valley region looks to Stewart Airport as the hub of our industrial redevelopment.

Accordingly Mr. Chairman, I ask my colleagues to join in supporting the passage of the Military Construction Appropriations Act of 1984.●

Mr. HEFNER. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. HEFNER (during the reading). Madam Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Are there any points of order to the bill?

Are there any amendments?

Mr. HEFNER. Madam Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

□ 1520

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Fazio) having assumed the chair, Ms. Ferraro, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, had directed her to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and that I may include extraneous matter and tabulation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FURTHER CLARIFICATION OF TRANSCRIPT ALTERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Walker) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I take the time today to discuss a matter of some importance to this institution, because it is a matter which goes to the whole question of integrity of the proceedings of this institution.

For some days now it has been discussed before the press and with some limited discussion before our colleagues but I think that this is a time when we need to outline in some specific way, in some detail, precisely the kinds of problems that we have raised about a change in committee transcripts which has taken place which served to change markedly the testimony of not only—the statements of not only Members of Congress but the testimony of witnesses that appear before the committee.

The incident begins last summer when five subcommittees of this body got together for a joint hearing on the subject of the Environmental Protection Agency. As my colleagues know, some months later this kind of investigation produced some very serious charges and concerns with regard to EPA and led to a tremendous shakeup in that agency.

However, at this particular hearing there was no doubt about the partisan nature of it. It began under very, very partisan circumstances and ended with a great deal of partisan bickering.

It was a hearing that was designed for campaign purposes from the outset and a hearing which failed because the majority failed to do their homework and failed to produce the kind of documentation at that hearing which later would result in some changes at the Agency.

I give that as background simply to show that this is a hearing where the record was replete with instances of Members making charges of partisanship at the hearings, and where the hearing record was very, very substantial about the fact that these were extremely partisan proceedings.

A few weeks ago the official record of that hearing became available. The printed hearing became available to the public, that which will serve as the historical documentation of what took place at that hearing.

A member of my staff reviewing that printed report found a sentence which disturbed him because it seemed to be 180 degrees different from a statement that I had made in the course of that hearing.

At the hearing I had made a statement that said many Members of the other party know that I am willing to take part in reasonable hearings. A little later on when the hearing report

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came out that statement had been changed to say, "Many Members of the other party know that I am not willing to take part in reasonable hearings."

In other words, my statement, without any permission whatsoever, had been changed by someone to reflect a statement 180 degrees different from that which I had actually said. At that point, I was concerned about what I had found, felt that it was an isolated incident but wanted to check and wanted to find out just exactly what had gone on. I contacted the chairman of the Science and Technology Committee, the gentleman from Florida (Mr. FUQUA), and received the utmost cooperation from him.

Chairman FUQUA had his staff go through the whole report and put that report side-by-side with the transcripts that had come out of that hearing to find out whether or not other changes had been made.

☐ 1530

Much to their surprise, to mine, and I think to the surprise of most Members of this body, it was found that 100 instances of such changes had been made. Some of them were relatively minor, but many of them were major, where Members' statements where changed 180 degrees or where a Member's quote was such that he was made to say something entirely different from that which he had actually stated. Or in some instances where material was added after the hearing was over which changed the whole tenor of the proceedings.

Now it is not unusual around this body to do what we call "revise and extend" remarks. And here on the House floor there is a lot of that done, but we are never supposed to change completely the context of that which we are saying and particularly in committee hearings, there is no authorization to change completely what you have said. The hearing record is to exist as what took place before the body.

In this case, that has not been done. The integrity of this body has been compromised and those of us who were involved feel that there is a need to begin a process to make certain that such an instance never happens again. That never again shall someone consign onto themselves the ability to change the historical record, to change public documents, to make major changes in what this body did in a particular Congress.

We, therefore, have begun a process of asking that certain things be done to get us toward assuring that such things never happen again.

What we have found thus far disturbs us. We have found, for instance, that the rules of the House do not cover such joint hearings. No one is quite sure just where the jurisdictional lines are when a joint hearing is held. We find that the House does not have real procedures for dealing with that kind of matter.

Why is that disturbing? Well, here you have an instance where something of unprecedented horror has been done to the integrity of this House and yet it is almost impossible to nail it down because you had a joint hearing which took place. It is almost impossible to begin to find the culprits and to hold someone responsible because of the joint hearing that took place. The lack of rules to cover it then is indeed disturbing.

So it seems to me that we as a House and that we as a Congress need to address that particular question of should joint hearings be held, with this lack of rules? And if they are held, should we not begin to develop rules which cover who is responsible in the event of mistakes?

The other thing that we have found is that there has been a willingness by at least some of the parties affected to say that what should be done in this case is that the whole matter ought to be sent to the Ethics Committee and hereafter forgotten in the Ethics Committee.

We have had some concerns about that because once it goes to the Ethics Committee, it is held in secret, the meetings are held in secret, and there is no way of getting some of the information that we think is necessary to get before the public to the public.

Mr. SENSENBRENNER. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin, who is a former member of the Ethics Committee.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Madam Speaker, it is rare that I take the floor to talk about being an alumnus of the Ethics Committee, because that was a very long 2 years when I served on that committee during the 96th Congress. We had Abscam, we had the Diggs matter, we had the Flood matter, and several other matters that never did ripen prior to the end of the term, but I did become intimately familiar with the procedures under which the Ethics Committee operates during that 2-year period of time from 1979 through 1981.

I am very fearful that the Ethics Committee procedure is a way to cover up the whole mess of the doctoring of the transcripts so that the Congress will never know what happened and so that we will set a public example so that this never happens again.

I believe that both of those goals are goals which ought to be pursued while we look at the transcript doctoring case.

Very briefly, under the rules of the Ethics Committee, everything is held in secret during the investigatory phase of the Ethics Committee consideration. Only when the Ethics Committee decides to formally charge a Member, officer or employee of the House for misconduct does the matter become public.

Now it is also quite clear that if the person who is charged resigns from his position before the actual public proceeding before the Ethics Committee, the Ethics Committee loses its jurisdiction, has to dismiss the charges and that is the end of the entire affair.

Mr. WALKER. Let us explore that just a little bit. Now if I understand what the gentleman is saying, we could have this matter assigned to the Ethics Committee, supposedly to take care of what is a gross abuse of public office here by someone, unknown at this point. We could have it assigned to the Ethics Committee. The Ethics Committee could begin the process of investigation and begin to find someone who they have reason to believe could be involved in this matter. That person could resign from their job or be fired, in some manner leave the employment of Capitol Hill, and the whole matter would have to be dropped by the Ethics Committee, they would no longer have any jurisdiction?

Mr. SENSENBRENNER. That is quite clear from the precedent as it relates to employees of the House of Representatives. And the real problem with that is that if the person is terminated from the employment of the House of Representatives, then, of course, he never has been formally investigated or reprimanded by the Ethics Committee, so that does not even appear on that individuals' resume.

I think that without having some kind of public investigation before one or more of the three committees that conducted the joint hearing in July of 1982, we can have the quick shuffle in the Ethics Committee, a person or more leave the employ of the House of Representatives and that will be that.

Mr. WALKER. If the gentleman would just clarify this a little bit further. In order words, in that kind of a scenario the only penalty that would be exacted from someone who had grossly abused this position as a staff member would be that he would be forced to resign from his job, but even under the resignation, as the gentleman says, there would be no blot on his record. As far as anybody would know he would have resigned after honorable service on the committee. That would be the only penalty exacted. In other words, nobody would feel as though this kind of an abuse has very much of a penalty connected with it.

Mr. SENSENBRENNER. The gentleman from Pennsylvania is absolutely correct. Considering that deliberate

altering of records of the House of Representatives, in my opinion, is a gross breech of the public trust, it seems to me that the culprit or culprits involved ought to be subjected to a greater penalty than that which the gentleman from Pennsylvania just described.

Mr. WALKER. So this is the problem with the suggestion that the matter go to the Ethics Committee, that that could be the end result and nothing more would take place, insofar as we are willing to say that the Ethics Committee route is the only route we are going to pursue, we could very well end up with a scenario that results in just the kind of coverup and the kind of stonewalling which the gentleman has described.

Mr. SENSENBRENNER. The gentleman is completely correct.

It seems to me that the Ethics Committee proceedings should not be used as a crutch for each committee that is involved to get to the bottom of this matter and to reach a determination. It seems to me that if you have a termite in your own house, the first thing you should do is get your exterminator inhouse to get rid of the termite, rather than asking for the outside exterminators to do that.

Mr. WALKER. If I understand then what the gentleman is saying, it may well be that we have some matters here that are Ethics Committee jurisdictions. In other words, there may be some ethics violations here that ultimately should get to the Ethics Committee. But the question is, Whether or not that is where the whole thing ought to start or whether we ought to find out the extent of the problem that we are dealing with and then if matters are something which the Ethics Committee should deal with, make certain that they get consigned there at a later date. Is that what the gentleman is saying?

Mr. SENSENBRENNER. That is correct, but I think there is one other matter that distinguishes this case from the cases that the Ethics Committee has dealt with in the past two or three Congresses and that is that the reputation and integrity of individual Members, whose comments have been altered, are at stake.

If one of our colleagues is convicted of accepting a bribe by a jury, that is something that places a stigma upon the entire House of Representatives as a whole, but not to an individual Member specifically.

Here, however, individual Members' remarks have been altered as well as those of witnesses.

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By going to the Ethics Committee and having a secret investigation, where not even the aggrieved parties have access to the files, the right to confront the people who are being investigated and to cross-examine witnesses, there is no way that an aggrieved Member will be able to have justice done in his name or her name.

Mr. WALKER. Now, wait a minute. If this goes to the Ethics Committee, I am not even going to be able to ask any questions about the fact that my remarks were changed?

Mr. SENSENBRENNER. No.

Mr. WALKER. I would not even be able to get hold of the hearing records or the investigative records of the matter? I would be totally frozen out of the process?

Mr. SENSENBRENNER. Under the rules of the House, the only way you could get hold of those records is by a majority vote of the Ethics Committee itself.

Mr. WALKER. So, in other words, those of us who find ourselves in a position where we have had our remarks changed, where the whole documentation is at odds with what was actually done, would be left with no recourse whatsoever ourselves in this kind of a proceeding? Is that what the gentleman is saying?

Mr. SENSENBRENNER. Well, if the gentleman will yield further, there is no recourse before the Ethics Committee for the gentleman or any of the other 6 Members whose remarks have been changed to actually go to the Ethics Committee and demand that justice be done.

If the gentleman was mugged on the street, he could go to the district attorney's office and sign a criminal complaint and get the culprit changed. But that is not the case under the Ethics Committee procedure.

There is one way that the gentleman from Pennsylvania and the other five of us can get justice done, and that is by raising the question of privileges of the House from the floor and introducing a privileged resolution to correct the records.

I am certainly reserving that right for myself, depending upon how the committee investigations go.

Mr. WALKER. The gentleman from Pennsylvania is certainly going to do that, as well. But I think it is well to point out that the Ethics Committee route that is being suggested would not include that particular matter; that is something we have to do ourselves, even though the Ethics Committee route is being suggested by others.

Mr. SENSENBRENNER. If the gentleman will yield, there is an old proverb that the Lord helps those who help themselves. The Ethics Committee will not do that.

Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, I am not very clear on some of the Ethics Committee's procedures. But let me just say that this case were referred to the Ethics Committee and that that was going to be the sole place that any action or inaction would take place.

When the gentleman from Wisconsin was on the Ethics Committee, what was the normal length of time that it might take between when a situation was referred to the committee and when there might be some substantive statement out of the committee and what might have happened?

Mr. SENSENBRENNER. If the gentleman from Pennsylvania will yield, it takes literally months and, in some cases, almost a year.

When I was on the Ethics Committee, it was the busiest term that the Ethics Committee ever had, with seven Abscam cases, the Diggs case, the Flood case and the ghost voting case.

In the ghost voting case, which was something that was entirely in-house and did not involve any criminal prosecution, it was a case of 7 to 9 months between the time the original allegations of ghost voting surfaced in the press and the time the committee's final report was released and published as a House document.

Mr. HILER. If the gentleman from Pennsylvania will further yield, I appreciate the remarks of the gentleman from Wisconsin.

Let me direct a question to the gentleman from Pennsylvania: Would the gentleman be of the opinion that this is something that we could go 7 to 9 months in duration having literally no statements on it? Does the gentleman think that those subcommittees affected could have the ability, could continue to have the ability to get witnesses to come up to Capitol Hill and testify, to be able to conduct those hearings in a proper and orderly fashion while maintaining the integrity of this institution, if we have that dark cloud hanging over those proceedings for a period of 7 to 9 months to a year or more?

Mr. WALKER. Absolutely not, to answer the question directly. I think that outside witnesses,I think that we as Members would have every reason to be suspicious of proceedings within those subcommittees until the matter is resolved.

We have no way of knowing who did what in this case; so, therefore, the people who are on those subcommittees who dealt with these records are thereby suspect.

It seems to me that at the very least we would want to lift that suspicion as quickly as possible, and that cannot be done through the Ethics Committee route. What can be done is that if the individual committees themselves will begin the process of cleaning their own houses, then we do have some chance of restoring the integrity of those individual committees in a

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timely fashion. I certainly think we ought to proceed in that manner.

Mr. HILER. I thank the gentleman for those comments.

Mr. WALKER. I thank the gentleman for his contribution.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding, and I appreciate the opportunity to comment on this particular subject and to ask a question of the gentleman.

In the colloquy that was handled between the gentleman in the well and the gentleman from Wisconsin, is it not so that the gentleman concludes that the Ethics Committee is beyond the domain of this House with respect to its actions on the corrective action that the gentleman seeks? Is that what I am to gather, that the only way that the gentleman can proceed now as an individual Member of Congress is to move under a privileged motion on the floor of the House?

Mr. WALKER. What we have concluded is that there may well be some matters that relate to this incident that need to go to the Ethics Committee ultimately, but the Ethics Committee cannot address the sum total of the questions that are raised by this incident.

For example, the Ethics Committee can do something about an employee who is still on the staff, who may have engaged in this kind of behavior. There is no doubt about that. And if that is what we find, we may well want to refer the matter to the Ethics Committee for that one question.

However, there are questions of the rules of the House, there is a question about how this whole matter came about, the way in which the transcripts were handled, there are questions relating to the integrity of the processes of the committees, all of those things which go beyond the scope of the Ethics Committee which the Ethics Committee would have no jurisdiction to look into. And the troublesome aspect is that if the person being investigated or persons being investigated were all of a sudden no longer to be employees of the House at some point, or Members of the House, or whatever it is, that investigation would halt immediately and there would be nothing further done.

We think that there are many things much further that need to be done on this matter, and we would hope that we would have the kind of forum that would permit us to deal with the seriousness of the issue.

Mr. GEKAS. Then the only question that remains, if the gentleman will yield further, would be whether or not it would be appropriate for this House to entertain a change in the rules of the House to fully implement a full investigation immediately upon the happening of something that affects an individual's remarks, whether it is in subcommittee or in full committee or on the floor of the House, the rule of the House itself be formulated and implanted into the rules of the House, so that we can anticipate this happening in the future, so that there can be no question as to what would happen if indeed the remarks of any Member of the House are doctored.

Mr. WALKER. I think that we may want to look into that kind of a solution. We may also want to look into the solution that involves the institution of a special committee in this regard, or some sort of special investigator to look into the matter, to develop that kind of a process for the future, because at this point we are basically treading into areas where there is no precedent, and we have got to make certain that what we do serves the best interest of the House but also accomplishes the purpose of making certain that we never have future staff people or future Members thinking that this is the kind of thing that they can get away with.

Mr. GEKAS. If the gentleman will yield further, I would be happy to join the gentleman from Pennsylvania and others who are interested in the subject matter in cosponsoring a change of the rules and asking for immediate consideration of it out of comity and courtesy, putting partisan situations aside.

Mr. WALKER. I thank the gentleman for his cooperation, and we hope that he will be supportive of our moving ahead with a full investigation of this matter, and I thank the gentleman for his remarks.

I will be glad to yield to the gentleman from New Hampshire (Mr. Gregg).

Mr. GREGG. I thank the gentleman for yielding.

Mr. Speaker, I see the Honorable Republican whip, the gentleman from Mississippi (Mr. Lott), moving toward the microphone, and I would defer to the Republican whip prior to making my statement.

Mr. WALKER. I yield to the gentleman from Mississippi (Mr. Lott).

Mr. LOTT. I thank the gentleman for yielding.

Mr. Speaker, I think it is most appropriate that my colleagues have taken this special order to give the Members the details of what has happened. It is a very serious matter. I have never seen anything like it in the 15 years that I have been associated with this institution, both as a staff member, at which time I had occasion to work with transcripts at times, and as a Member for the past 11 years. It cannot be frivolously dismissed. We cannot allow it to be handled in such a way that if a committee that is very involved with other matters would have jurisdiction and then, for some reason—for instance, if a staff member should be removed—lose jurisdiction, the matter could not be investigated further. I refer, of course, to the Ethics Committee.

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I think, personally, that eventually this matter may be handled, at least partially, by the Ethics Committee, but I think that should only be a step in the process. It should not happen before the gentlemen here have had a full opportunity to have hearings, to get the details of what is involved and who is involved, and to make sure that all the documents that might have been tampered with have been impounded. We are talking not just about four or five or six aggrieved Members. We are talking about witnesses and we are talking about something that could happen to any Member.

It cannot be tolerated by staff directors, and certainly not by Members of Congress. I do want to say that I think the gentlemen are approaching this in a way that it should be approached and I look forward to working with them, and with the chairmen and ranking members on the committees involved, to make sure that this matter receives a full and complete hearing, whether or not one individual staff member, or more, may at some point be punished or removed for their actions.

Mr. WALKER. I thank the Republican whip for his statement, and I appreciate it.

Mr. Speaker, the thing which occurs to me is, we have had an awful lot of headlines in this country over the last decade or so about political dirty tricks. This is political dirty tricks with venom, because what they have done here is, the dirty tricks have resulted in a change in the entire public documentation of the House. I think that highlights the issue about as well as anything we can say, because if there is concern across the length and breadth of the country about the dirty tricks that have shown up in a number of political instances, then this one is particularly a problem because we have the public records of the Congress of the United States involved in it.

Mr. GREGG. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from New Hampshire.

Mr. GREGG. I thank the gentleman for yielding, and I congratulate him on taking this special order because I believe the issue he has raised goes to the substance of the integrity of the House and the manner in which the House operates.

I know there has been considerable discussion so far as to what type of form should be used to address this issue and get to the bottom of it. I think that we should stress that we are nowhere near the bottom of it. We do not know who did it; we do not know where it was done, and we do not know why it was done. None of those questions have been answered yet, and we have not been able to obtain the information necessary to answer them.

But I would like to return just briefly to the substance of the issue, and let us remember what actually happened here. This was a joint hearing called by the Science and Tech Committee with two Science and Tech subcommittees, two Government Operations subcommittees, and one Commerce and Energy Committee participating in the hearing. The hearing was chaired by Mr. Moffett from Connecticut, who is no longer in the House, and it took 2 days. It involved calling before the committee the Administrator of the EPA and other people who were involved with the EPA in the summer of 1982, July to be exact, in a manner which was, at best, circus in atmosphere.

The hearings were not directed at a substantive discussion of the problems of EPA, which we all recognized; the hearings were directed at promotional, political and philosophical positions. As a result of the hearings going forward, members on the minority side asked for certain material, which we were not supplied. We asked to know who the witnesses were early before the hearing. We were not told that. We asked for the documentation to be presented in the hearing. We were not told that.

We arrived at the hearing having been closed out from the manner in which the hearing was developed, and yet at the hearing, the atmosphere of the hearing was so blatantly charged and prejudicial that it became clear that fairness was not being delivered to many of the witnesses and to a discussion of the issue.

As a result of that, the transcripts were produced out of that hearing, and the transcripts, I would have to say, in their original form reflected rather adequately that this hearing was poorly handled, misdirected, that the majority in its management of the hearing had been prejudicial in its presentation and had been, at best, unfair.

Mr. WALKER. Mr. Speaker, if the gentleman would just let me interject at this point, I think it would be interesting maybe to go to one of the statements that was changed in the document to make the gentleman's point.

At one point, the chairman of the hearing was concerned about the fact that we were making charges about the fairness of the hearing and the fact that we had not been able to get information, and all of that. In the original transcript, he says that, "We proceed with these hearings free of any suggestion from the minority that the hearing is stacked in any way."

We, of course, at that time did not agree with him, and we felt very firmly it was stacked.

When this document came out, all of a sudden a lot of new language was added to that statement. He not only makes the statement about free of any suggestion of——

Mr. GREGG. If the gentleman will yield, you are now reading language which was added after the hearing; it was not made as a statement during the hearing, but it is now included and presented as being original statements made at the hearing, as part of the hearing? This is additional language?

Mr. WALKER. That is exactly right. In other words, what I am saying here is language that was added by someone after the hearing and was being represented in the report as what was said at the hearing. Let me read that statement.

He said:

> I would also like to note that the minority, contrary to its statement yesterday and today, was provided with all the witness letters sent out by the committee as soon as those letters were issued. the minority has, therefore, known in some cases for some weeks now most of the witnesses who were scheduled to appear before this body.

First of all, that statement is wrong, because we were demanding for weeks prior to that all of the list of witnesses. We were not able to get them. We were demanding to know certain information. We were not able to get it. In other words, had he made that statement at the hearing, he would have been called on it by every member of the minority who had attempted to get that material. He was not about to make that kind of a statement at the hearing, but added it later on to make the minority look as though we did not have a good case.

That is the kind of thing that is done throughout this hearing record, and which is some of the most appalling aspects of it.

I would be glad to yield further to the gentleman from New Hampshire.

Mr. GREGG. If I can follow up on that, the point of my statement was going to be that the basic direction of all the misquotes, misdirection, was not created out of some inaccuracy. It was not created unintentionally. There is a malevolent, intentional, malicious attempt to distort the record as it was presented at the hearing, and the intent is basically to change the records so that the majority looked as if they knew what they were doing and presented an effective hearing, and the minority looked like we were basically incompetent, ineffective, ineffectual, and without knowledge.

Mr. Speaker, maybe that may be the case on occasion, but in this hearing it did not happen to be the case. It is unfortunate, and it is an absolute travesty of the processes of this Congress, that a hearing document, simply because it did not come out the way the majority staff wanted it to come out, would be changed to reflect the way the majority staff felt it should come out.

We want to get to the bottom of it. There is no excuse that we should be denied the right to get to the bottom of it, and to get to the bottom of it, we have to have some open hearings and we have to have the ability to access the individuals who were involved in preparing this transcript.

Mr. WALKER. To further amplify the gentleman's point, I think the gentleman will recall with me that the whole thing, as he says, was put together as kind of a circus, but that the circus was also a mass media show. At the beginning of the media show, the cameras were lined up and we had a real festival kind of atmosphere. By the end of the hearing, the majority had left one person to preside and was hustling the cameras out of the room because they had done such a poor job. They recognized that they had a problem; that they had been destroyed by the minority.

Now they have taken to change the hearing document so that it does not reflect what really took place. That is the appalling thing about this.

Mr. CARNEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. CARNEY. I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman makes an important point on that issue alone, because I had asked that a statement, my opening statement, be submitted. There was general leave granted to hearing. My opening statement spoke to that very thing; in fact, it started off by saying "Actions, camera, start the committee hearing."

That was deleted. Not only was my statement deleted, but the gentleman from New Jersey (Mr. Rinaldo), who had asked me to have a statement put into the statement pertaining to the subject matter of the hearing was deleted.

Mr. WALKER. These were two minority statments that never appeared, period?

Mr. CARNEY. That is correct. That is correct, and I think as you go along those lines, you see where they deleted the parts where we were trying to project what we believed to be the climate of those hearings. They were deleted.

I think at this point, I would yield back to the gentleman to yield to my colleague from Indiana (Mr. Hiler), who addressed this and what he was trying to present was totally changed.

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Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, I thank the gentleman for yielding.

At one point in the hearing, on the second day of the hearing, there was a motion made by a Democratic Congressman from Massachusetts to open the hearing that particular day to the electronic media. As the gentleman knows, most of the time for the electronic media to cover a hearing they have to be granted special permission.

The motion was made, and at that time I made the statement that "I, too, strongly support the motion of the gentleman from Massachusetts. I find it very interesting about the great interest. For 6½ hours of hearings yesterday, the majority had about one or two people here the great majority of that time. I think it was a great disservice to the witnesses we had here, after calling a tremendous number of witnesses from all over the country here to appear before four committees of Congress and then to have very, very few people from the majority side who called this particular hearing."

And when it came out in the Record, it said, "for 6½ hours of hearings yesterday, the minority had about one or two people here" for most of the time "* * * it was a great disservice to the witnesses * * * to have very, very few people from the minority side" in attendance even though they called this particular hearing.

Now, there could not have been a clearer intent in my mind when I rose to make that statement for the motion of the gentleman from Massachusetts; and then to have it changed 180 degrees.

Mr. GREGG. Mr. Speaker, will the gentleman yield on that point?

Mr. WALKER. I am glad to yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Speaker, I would like to take one of my quotes which happened to be manipulated in this process. Here is what I said in the original record: "I look at the staff over there"—and I was referring to the majority staff, and I was talking about the fact that we had not gotten any documentation; although we had asked for a lot of material, they could not get it to us—I said, "I look at the staff over there, and I wonder how we have so many staff members on the majority side and they did not have time to get back to us."

How did it come out in the transcript that was doctored? Well, much to our surprise, but, I suspect, not to the surprise of the person who changed the transcript and who was intending to change the intent:

"I look at the staff over there, and I wonder how we have so many staff members on the minority side and they did not have time to get back to us."

My goodness. There is a clear intent here, and we had better get to the bottom of it.

Mrs. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Rhode Island.

Mrs. SCHNEIDER. I join my colleagues in today's special order called to protest alterations that were made in transcripts recording the remarks of Republican Members during last summer's hearings on the Environmental Protection Agency. Apparently, some unknown staff members took it upon themselves to make arbitrary changes in the statements and questions of Republican Members. In some cases, words were changed or added to alter the entire meaning of a sentence—in other circumstances, entire statements, or Members questions, were deleted from the transcript.

The alterations extended to the remarks of witnesses who were invited to participate in the hearing. As the gentleman from Kansas, the ranking minority member of the Science Committee has already pointed out, the effect of the transcript alterations is to make the minority members look foolish and irresponsible.

We need to make it clear that we are not pointing the finger of blame at any Member of Congress, and certainly not at the chairman of our own Science Committee, for whom all of us have the deepest respect. We do think the incident is worth protesting, however.

First, the alteration of transcripts is clearly an abuse of power by certain majority staff. Minority members already work at a considerable disadvantage, given that we are outstaffed on our committees by ratios of 3 or 4 to 1. To have our remarks and questions altered or deleted by anonymous staffers is to add insult to injury.

Second, I had prepared some questions for that EPA hearing that I thought were pretty good, and they were arbitrarily dropped from the transcript. I try to be diligent in my committee responsibilites—it certainly is discouraging to have certain staffers decide that my questions were not worth the cost of printing.

Finally, and perhaps most importantly, I think it is less than coincidence that the transcript alterations occurred after a set of hearings that I think minority members have referred to correctly as a five-ring circus. It is no secret that I have been a frequent critic of the EPA under the last Administrator, but I always tried to express my concerns in a bipartisan context. Last summer's hearings were clearly an attempt by certain Democrats to manipulate the environmental issue for partisan gain. Such partisanship on issues that Democrats and Republicans have traditionally worked in harmony on serves no good purpose. Unfortunately, it may create the kind of atmosphere that led to the malicious alteration of transcripts.

Mr. WALKER. Mr. Speaker, I thank the gentlewoman (Mrs. Schneider) for her remarks.

Am I not correct that the gentlewoman was one who asked that her opening statement be included in the Record?

Mrs. SCHNEIDER. I was.

Mr. WALKER. Mr. Speaker, is it correct that they refused to include the gentlewoman's opening statement, and as a result of that, that is another minority opening statement that the record never attained, even though she received direct permission from the chairman in the course of the hearing?

Mrs. SCHNEIDER. That is correct. I did receive permission from the chairman, and my opening statement was not included in the final transcript.

Mr. CARNEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. CARNEY. Mr. Speaker, as the gentleman in the well realizes, during the 97th Congress when all this took place, I was the ranking minority member of one of the subcommittees of the Committee on Science and Technology which was holding the hearing. I would be remiss at this time if I did not indicate for the record that certainly the chairman of the full Committee on Science and Technology has been most cooperative to this point.

We, as minority members, speaking collectively, those of us who have had our remarks changed, have approached the chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. Fuqua), and we have received his cooperation with every request that we have made to date, and I would assume, knowing that gentleman, that that type of cooperation will continue.

Mr. Speaker, I would only hope that we would receive that cooperation from other members of the majority, and I am confident, looking back on tradition in this body, that it will happen. But I am also prepared to pursue it further if they should not.

Mr. WALKER. Mr. Speaker, I thank the gentleman from New York (Mr. Carney) for his statement.

Earlier in my remarks I pointed out the fact that the gentleman from Florida (Mr. Fuqua) was the first one to whom I went when this matter was first discovered, and he did cooperate. In fact, it was his staff on his orders that put together the original documents which showed the large number of changes.

So I certainly agree with the gentleman that to this point the gentleman from Florida has been most helpful in helping us to get to the bottom of the case, and I would certainly hope we can continue to engender that kind of cooperation through mutually working together on the matter.

Mr. CARNEY. Mr. Speaker, I think the issue at hand certainly goes beyond the politics that sometimes occurs in this body, and I look forward to the cooperation from not only the chairman, but others who are involved.

Mr. WALKER. Mr. Speaker, I thank the gentleman from New York (Mr. Carney).

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Illinois.

Mr. SIMON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased at the comments of my colleague, the gentleman from New York (Mr. Carney), and the comments the gentleman in the well just made.

I think that every Member on both sides of the aisle wants to have the record accurate. We do not want to have anyone's statements distorted. I think those are the wishes of every Member of this body.

If there are people on the staffs somewhere who, out of partisan zealousness, do some things that they think will be of help to their party by twisting someone's statements, I would say in fact they are hurting the process, they are hurting the party, and they are hurting the whole thing.

Whatever needs to be done to make sure that the record is sacred—whether it is the majority, the minority, or whatever it is—let us get at it and let us do it. I think that is the overwhelming feeling of this body.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Illinois (Mr. Simon) for his comments.

That is precisely the kind of spirit in which, as we have mentioned, the chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. Fuqua) has approached this thing. And numerous other Members on the majority side who have talked to me and who have expressed real concern have indicated that is the way they wish to go.

I thank the gentleman for his statement, because really we have got something here, as the gentleman recognizes, that goes to the integrity of the operations of this process, and we want to be able to end up detailing precisely how this came about, what took place, and then make whatever changes are necessary to make certain it never takes place again, including, of course, getting rid of the people who are responsible.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleagues for yielding.

After listening to this discourse between my colleagues this afternoon, a question has come up in my mind, and it is this:

Who had the responsibility of preparing the final transcripts which contained the change in language from what was preliminarily prepared and reflected in the transcript? Who had that responsibility?

Mr. WALKER. Well, that is one of the problems. We have not gotten an answer to that particular question. We have dealt with rumors, and we have dealt with unsubstantiated kinds of data.

From what we understand, that rested with the subcommittee of the Committee on Government Operations. However, these hearings were held under the jurisdiction of the Committee on Science and Technology, so it is very unclear who did have the ultimate jurisdiction over all of this, and that is the problem with the joint hearings.

Mr. DANNEMEYER. Was it the responsibility of the majority staff of the Democratic Party or the minority staff of the Republican Party, or was it a joint effort or what?

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Mr. WALKER. There is no doubt that the majority staff was in charge of the process of getting the material over to the printer, as they always are on hearing records. The only involvement of the minority staff was that they had a chance to look at these transcripts at some point to make the grammatical changes, as is often done.

One of the problems is that the minority staff in attempting to get hold of these records in this particular instance found themselves with a great deal of difficulty having anybody to surrender the documents to them, so that they could look and find out what was going on; so we do have some of those kinds of problems that appear to be serious, but that is the reason why we need a complete, full, open, public investigation, so that we can swear witnesses in, so that those of us who do understand the facts and were present in the hearings and understand the process have a chance to raise some questions, so that people testifying under oath if there is any lying done, they can be held in contempt of Congress.

Mr. DANNEMEYER. Is the gentleman saying the primary responsibility for preparing the transcript was on the part of the Democratic staff members of the committee or committees; is that what the gentleman is saying?

Mr. WALKER. That is correct.

Mr. DANNEMEYER. And common practice in the manner of handling these cases was that the Democratic staff members would show the transcript to the Republican staff members before it was published; is that right?

Mr. WALKER. Well, at some point usually the minority staff people are given a chance to go through, and as I say, clean up the grammar and do some of the things that we typically do around here.

In this instance, however, the minority staff spent a good deal of time requesting these documents, to take a look at what the final product was going to look like, but were never given an opportunity to look at the final document before it went to the printer; so that is one of the questions that needs to be raised in the course of the investigation.

Mr. DANNEMEYER. I thank the gentleman.

Mr. WALKER. Mr. Speaker, I yield to the gentleman from New Hampshire (Mr. Gregg).

Mr. GREGG. Just to review where we stand now, we have asked as a group that the Science Committee convene a special hearing, the purpose of which hearing will be to investigate what actually happened here. At that hearing, elements of the hearing process which we have requested is that the minority be given subpena power, so that we can have people before the committee who would be involved in the matter and whose information we sought, that we have discovery power so that before the hearing we can prepare adequately; in other words, that we be able to see the documents and the work product of the majority staff of the various committees involved, and that at the hearing process itself we have the ability to examine witnesses in a manner which would give use the flexibility necessary to get to the botton of an issue within the bounds of fairness and resonableness; and in other words, that we not be limited by the 5-minute questioning rule and that each member not take 5 minutes, and thus you do not get anywhere, because you defuse the process.

Second, we have asked that the committees involved impound the records which are involved. We have asked that of the various chairmen.

Third, we are in the process of considering and asking, we have asked, that documents from prior hearings involving the subcommittees which are involved in this matter be made available to us, so that we can determine whether or not this might have happened at a prior hearing, whether or not the material may have been doctored. We all hope that it was not, but I think that this is an obvious, logical step. If they did it once, if this individual did it once, whoever that individual is, maybe they could have done it again; so we want to go back over the documentation.

In response to those requests, maybe the gentleman could update it as to where we stand in the process and where the gentleman sees things going.

Mr. WALKER. Well, the chairman of the Science Committee, as the gentleman knows, has responded that we are going to have a hearing on Thursday morning on the subject of our request, not the kind of hearing that we have requested, but that the full committee should examine the substance of our request and decide whether or not that is the direction that we want to go, so that again the chairman of that committee has responded very positively. I think that is a reasonable kind of course to take to have the full committee to discuss the details of our request.

With regard to the asking of documents of the subcommittees that were involved from previous hearings, we have that request in to the chairman of the Government Operations Committee. There is a 5-o'clock deadline today on the receiving of those documents. At this point, we have not received the documents, but, of course, the time for the deadline has not yet been met.

In addition, a similar kind of request is going to the chairman of the Science and Technology Committee for the records from that particular committee.

Hopefully, members of the Commerce and Energy Committee may also proceed with that kind of request there. We do not happen to be members of that committee and that kind of request should come from members of the committee, but we are hopeful that that will take place there as well.

Mr. HILER. Mr. Speaker, will the gentleman yield at that point?

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, I would just like to go over once again the importance of the reason why the gentleman from Pennsylvania and the gentleman from New Hampshire and myself made the request to the chairman of the Committee on Government Operations, the gentleman from Texas, Mr. JACK BROOKS. We want to repeat why we made the request to obtain hearing records, transcripts, and other information from hearings that were conducted in the Energy, Environment and Natural Resources Subcommittee, over the 97th Congress as well as here in the 98th Congress.

We feel very strongly, I think, that in order for that subcommittee and, in fact, for the entire committee to be able to undergo the normal congressional process over the next several months, figuring that this thing may not be resolved in the next several months, it is important that we ascertain whether this has happened before. If this were an isolated instance, I think all of us would rest much better knowing that somebody got out of line this once. We are going to find out who it is and get rid of that person, that this is not something that has been happening for the last several years. That is why it is important for us to have that information.

I would like to just repeat for the benefit of the gentleman the information that we have requested to be delivered by 5 o'clock today. We requested the printed record of every hearing conducted by the Subcommittee on Environment, Energy and Natural Resources, either by itself or in conjunction with other subcommittees of the Government Operations Committee or any other committee during the 97th and 98th Congresses.

We requested the transcript as prepared by the official reporters for each of the hearings, referenced in point No. 1, including the transcript of each of those hearings for which no printed record has been made.

We also requested the master transcript for each of the hearings referenced, showing all changes made by subcommittee staff or other persons to the transcript prepared by official reporters.

Let me take an aside at this point to say that one of the things we have heard, we do not know for certain if that is the case, maybe the gentleman does now, but that the original master transcript with its changes has, in fact, been destroyed.

Mr. WALKER. That is a rumor that this gentleman has heard as well, but I do not know that to be a fact at this point.

Mr. HILER. We also requested that portion of each transcript which was edited by an individual who participated in the hearing.

We also requested a list of all Members and staff members of the Environment, Energy and Natural Resources Subcommittee, during the 97th and 98th Congresses, showing for each individual the date on which he joined the subcommittee and the date on which he left it and for staff members, the individual's title.

Once again, the reason for requesting this information is to try to ascertain whether or not it was an isolated instance or whether this has happened many times. If it were an isolated instance, I think that the subcommittees are going to be able to continue with their normal course of business and not have this dark cloud hanging over their heads.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman for making that point.

I think it is also important to note in the Government Operations Committee, in which I serve and on which the gentleman from New Hampshire serves and on which the gentleman from Indiana used to serve, because of the nature of that committee, we tend to have a lot of hearings where we are subpenaing witnesses in, where we are asking witnesses to testify under oath. The integrity of the process there is particularly important and to have any committee or any subcommittee of that full committee under a cloud of suspicion will reflect adversely on the base work of the committee, which is oversight of Federal agencies.

I cannot imagine how we are going to be able to proceed very well as long as such a cloud of suspicion hangs there. So it is very important that we look in detail at these matters.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield,

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, one of the reasons a congressional committee subpenas a witness and places the witness under oath is to establish a record that could be used should the witness perjure himself or herself in giving testimony before the committee.

The committee publications in court under the Federal rules of civil and criminal procedure are prima facie evidence of what was said, so that the printed record that comes from the Government Printing Office can be introduced in court, no questions asked, should the Justice Department on the request of Congress request that a witness be prosecuted for perjury.

I think a very good question that has got to be posed is that if these records do not accurately state what witnesses did say and if in some cases the witnesses' statements were turned around 180 degrees, whether it would be possible to get anyone for perjuring himself before a congressional committee and that is why I think it is so important that we get to the bottom of this matter and clean it up in such a manner that anybody who would harbor any thought of altering transcripts again will dispose of those thoughts forthwith.

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Mr. WALKER. The gentleman makes a very important point because it may well be that we will end up with some of the EPA investigations in the courts. We could very well end up with court cases because of all of the EPA investigating that is going on.

As a result of that we could end up with a situation here, because of these older transcripts, that important documentation for those court cases will have been lost because someone doctored the documents. That is a terrible kind of thing to have had happen and so, therefore, it impinges not only on the integrity of this process, it impinges on the integrity of the whole jurisprudence process of the country.

Mr. HILER. Will the gentleman yield on that point?

Mr. WALKER. I will be glad to yield to the gentleman from Indiana.

Mr. HILER. There are two things I would like to mention.

First, it is my recollection that in this particular hearing all of the witnesses were sworn in. They did take an oath and so their statements were taken under oath and I think that is the point the gentleman from Wisconsin makes about altering statements that were made under oath, which is a tremendously serious offense.

The second point is one of the subcommittees involved just last week was subpenaing documents and this is one of the subcommittees that has this cloud over its head. I think that is why we have to get this resolved in a public and open fashion just as soon as possible.

Mr. WALKER. Again I thank the gentleman.

I think that what we have done in this special order is make it clear that we have taken certain steps up to this point. We think there are several serious steps left to be taken.

We are asking for the cooperation of our colleagues in a bipartisan way to get to the bottom of this matter, because the future proceedings of this House and its work in committees are very much involved on whether or not this matter is resolved in the best manner possible.

I yield back the balance of my time.

THE CRISIS IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HERTEL) is recognized for 60 minutes.

Mr. HERTEL of Michigan. Mr. Speaker, today many of us are gathered on the floor to discuss the crisis in education that has come to the fore in the news media of this Nation.

It is not a new crisis. It is something that Americans have known about and complained about to their governmental and educational leaders for years, for decades. In fact, the public opinion polls have consistently called for improvements in public education for the last 20 years, and that includes all regions of the country.

The National Commission report in these last months has called attention to these problems that have existed for so long.

In fact, in one of the most telling phrases, the Presidential Commission report said that if a foreign power had done to our educational institutions and process what has been done we would consider it an act of war. That is how serious it is today; that is how serious the state of education in this country has been for years. And that is how very important it is to the future of our country, because the young people of our country are the future.

We know that more than ever today because of past experiences.

One of the main things we want to talk about today is the issue of truth. I think in this last special order the gentlemen were referring again and again to getting at the truth of transcripts before different committees. That is a very important thing to do. It is important that the proceedings of every committee, every subcommittee, and this House are reported accurately.

It is just as important that the facts relating to public education are discussed truthfully, because truth is the most important value in attaining knowledge, and truth must go hand in hand with education.

The President has talked in these last few weeks around the country of what should be done about our educational institutions. Many of us find this ironic since the President's budget in 1984 and before, since he has been in office, have tried to drastically cut public education on the secondary, elementary, vocational, student loan, college, Pell grant program; every single level of education has been attacked by the President's administration. In fact, his main goal in coming to office in 1981 in the field of education was to abolish the Department of Education.

So it is ironic that we hear a total flip-flop on this issue from the President today and I think it is time we talked about certain facts.

Let us look at the President's 1984 budget proposal which the minority party in this House never sought to even offer, which was rejected by the Senate Budget Committee and the other body as a whole. Let me just tell you what would happen to Michigan schools under the President's 1984 budget proposal. I think it is very timely to talk about it today because the President this morning was still talking about his 1984 budget proposal in contrast to what has been passed by the Republican Senate and the majority House here.

Under the President's 1984 budget proposal Michigan schools would suffer a loss of nearly $31 million in 1984. Just under chapter 1 alone, local school districts would lose $125 million in Federal funds. The result would be $4.6 million fewer for Michigan schools and that is in a State that has a high unemployment rate of over 15 percent.

The largest school system, Detroit, would lose $1.4 million alone under the 1984 budget proposals.

In special education in Michigan alone the President proposed to cut $2.1 million.

Under student financial assistance in Michigan alone student aid would be cut by $152 million from the 1983 level.

The State of Michigan will lose all Federal school scholarship matching funds, $3.1 million for the current school year, which would be a 20-percent loss of total program or 3,500 scholarship awards in the State of Michigan alone under the President's budget proposal.

Vocational education in the State of Michigan, the President would cut over $10 million from vocational education funding. This is at a time when so many people need training to enter the labor force which is so severely depressed in our State.

We are talking about unemployment levels with teenagers in the State of Michigan in certain areas of as high as 65 percent.

Yet the President would say that 60 high schools and area vocational centers would not be able to replace or update equipment for 287 different programs.

The President would look at 60 new postsecondary occupational education programs that would not receive funds under his proposal to provide instructional equipment.

There are 5,605 disadvantaged, 406 students of limited English proficiency, and 2,446 handicapped students will not receive job skills leading to employment under the President's 1984 budget proposal regarding the State of Michigan.

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In Michigan alone 420 disadvantaged students in areas of high concentration of youth unemployment would not receive job skills leading to employment under the President's program; 120,100 postsecondary student programs would not receive Federal funding designated for quality improvement under the President's budget. There are 2,000 displaced homemakers currently receiving tuition assistance at community colleges would not be served; 120,100 postsecondary students in 29 community colleges throughout the State of Michigan would enroll in programs that lack updated equipment and which have reduced operational revenues and curriculum revision because of the President's budget cuts.

In Michigan alone, 2,856 disadvantaged handicapped students would not receive support services to help them succeed in regular programs because of the President's cuts; 868 disadvantaged and handicapped adults would not receive support services or instructions to help them improve their own home environments under the President's budget cuts. Under adult education, just in the State of Michigan alone the President proposes to cut

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$1.5 million from Michigan adult education programs; this would affect 21,800 adults, including 12,270 minorities who will not receive adult basic education instruction.

There would be 1,403 fewer adults removed from public assistance as a result of the reduction in adult basic education instruction, thus increasing Michigan welfare costs under the President's program by $4.2 million.

We can look at any given year since we have had President Reagan in office, 1981, 1982, 1983, and see that each year his budget proposals would have done this kind of harm that he still proposes in 1984. His 1984 budget is still out there proposed to this Congress as an alternative to that being considered before both Houses with these kinds of educational cuts that affect the State of Michigan and other States, in the same kinds of proportions throughout the Nation.

So, it is so ironic that the President talks about doing something for education. You know, I do not believe that the Federal Government should dictate to States, to local school districts how they should run their school systems. I thought that that was what President Reagan and many members of his political party believed in in the last few months when we hear the President say that local school districts should have certain things required, they should pay for certain programs, pay certain individuals more money.

Yet he offers, his administration offers, no program to accomplish these things.

We see from his economic program in the depression that faces our State of Michigan and the recession we are slowly coming out of nationwide that you cannot just wave a magic wand and call "up," "down," and "black," "white."

Money is not the total answer but it does take money to do the kinds of things the President is talking about and currently the Federal Government only funds 8 percent of local education.

So, we can see that the administration is really not talking about this subject in a truthful way, an honest way and that is why my colleagues have joined here together for this special order to talk about the crisis we face in America regarding education, to talk about what we should do, about our priorities in Federal spending and talk about what the President has actually proposed in the past and is proposing in 1984.

On that point, I yield to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. I thank my colleague from Michigan and I thank him for his leadership. Let me just take a very few minutes to underscore what he has to say.

You cannot make education a primary main objective in speeches and then have it a secondary item in budgets. All of us know that. The good Speaker here who is presiding this afternoon, from Texas, who has been here more years than I have, he has seen that.

In the last 2½ years we have had requests from the President to cut education $11.5 billion. Now, money alone as our colleague from Michigan has said is not going to do it.

But you cannot solve the kind of problems we have without investment. It cannot be done in education, it cannot be done in any other field. In higher education alone by their statistics, the President's requests of cuts of over $5 billion, would have meant more than 2 million students would not have received grants and loans.

That is by their own figures. What is happening is that schools, elementary schools, colleges, universities, all up and down the line are fighting for status quo.

In fact, there is no such thing as status quo. You are either moving ahead or you are moving back. And we as a nation have been slipping. Instead of dream and saying, "Where should we go?" "What should we do to make this a better, finer country," we are struggling to hold on in the field of education.

And that simply is not the way we ought to be going. At the elementary level, just as one example, we have cut back on school lunch money so that 3 million fewer young people are getting school lunches today than were getting school lunches 3 years ago. The President's Committee on Excellence reported; fine report, only one thing wrong, they did not say how we go about it, what we do.

I was over at the White House when they handed the President the report. The President said that is a fine report, we want State and local government to take care of it.

What does that mean? The State of Illinois Department of Education estimated that it would cost the State of Illinois $1.4 billion to implement that request.

There has to be a Federal role and there has to be Federal leadership. Just a couple of more points here on that specific thing.

In the area of foreign languages, for example, how can a local school district in Michigan or Indiana, or North Carolina or southern Illinois know there is a national need if there is no Federal leadership? I read the other day where there is not a single college or university in this country studying Albanian or Albania; now that is not the most shocking piece of news, probably. But who knows what is going to happen? That little country has a very aged leader. It could erupt into headlines. When we got involved in Vietnam, so far as I can determine, in the State Department, the Defense Department, all the great universities of this country, we had a grand total of two American-born specialists who understood the language of that area, who understood the culture of that area.

What if we had had 10 or 20 or 50? Maybe, I know you cannot rerun history, but maybe we would not have had 57,000 American lives lost, 3 million Asian lives and scars in our society today.

Math and science we have been hearing a lot about it on this floor; it takes Federal leadership. And you cannot let education deteriorate in any State without having it hurt all of us.

And the States are hurting. My State of Illinois, they are struggling with what kind of tax increases to have.

The State of Michigan, I know you have been going through the same kind of thing.

Two days ago, right here in the Capitol, I ran into the fine Governor of Mississippi, Gov. William Winter, who is leading in that State on education, and when Mississippi moves ahead that helps Illinois, that helps Michigan.

We cannot as a nation, however, say "to heck with what happens out there, we do not care what the heck is going to happen out there, this is a problem for local and State governments." The Nation has to provide leadership.

That means if we do not provide leadership there are real problems. The city of Chicago right now has major problems. They are talking about how they can get $200 million to keep their school system going.

In my area in southern Illinois, deep southern Illinois, we have eight counties with over 20 percent unemployment. They are not going to vote increased real estate taxes when you have that kind of unemployment. It is going to take Federal leadership.

So, I commend my colleague from Michigan for having this special order and I join in the hope and in the belief that the Federal Government should not dominate the field of education; let us leave curriculum and those things up to the local governments, but let us not say there is no Federal role. Obviously there has to be. I commend my colleague and my other colleagues who are joining in this special order.

Mr. HERTEL of Michigan. I thank the gentleman, a leader for education. I think he makes a very good point that all of our local school districts and all of our States are very hard hit by the President's economic programs. And the fact is that the President is still today advocating over 10 percent growth in the defense budget.

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And yet in the same budget that I indicated, the 1984 budget proposal from President Reagan, as to how it affected Michigan education, he still wants to cut Federal aid to education today, drastically, as he continues this incredible defense buildup. And I asked the President and I think many of my colleagues agree, how can we have a strong defense, how can we have people operating the weapons and designing new weapons, how can we have a strong leadership in the field, how can we have a strong industrial base, how can we provide more and more jobs and expanding in the economy, how can we have an educated citizenry to make the vital decisions that are needed for this great democracy if the President is going to continue to cut money for education?

As far as defense, the President's own chief issue for spending, he is cutting off the Nation's nose to spite the Nation's face, because we cannot have a future of a strong defense if we do not have an educated citizenry.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. I commend the gentleman from Michigan for his questions, the issues he has raised and indeed for calling this special order, and also say that it is an honor to be on the same podium today with the gentleman from Illinois. I do not think there is a stronger voice for quality education in America than the gentleman from Illinois (Mr. SIMON).

The President has just discovered that there is a crisis in education and really, as we all know, any parent could have told him that 10 years ago or less. Today 23 million American adults are functionally illiterate. Some 13 percent of all 17-year-olds are functionally illiterate. Today in the armed services area, the Department of the Navy reports that one-fourth of its recent recruits cannot read minimum safety instructions. Today, schools are spending 50 percent less for textbooks than they did 17 years ago and the average U.S. school provides only about 22 hours of instruction weekly.

There is indeed a crisis in education in the United States and as we can all see a real series of differences of opinion as to how to resolve them.

It is the duty of teachers, parents, and legislators at all levels to find solutions to this crisis. As a legislator and a parent, I do not share the administration's views as to solutions. At the same time that the President convened a National Commission on Education, he pushed through a 1981 budget resolution, that has been alluded to previously, that made deep cuts in nearly all areas of education.

Between 1980 and 1982, elementary and secondary education programs were cut 15 percent or $1.8 billion. The school lunch programs were slashed by 35 percent.

At a time of record-high unemployment, this budget cut vocational education programs, programs that train people for jobs in a depressed economy, by some 15 percent.

In terms of higher education, the administration cut the national direct student loans by 37 percent. This year the administration proposed zero funds for libraries, zero funds for Pell grants, and zero funds for international education.

I ask any person of commonsense whether this truly demonstrates a concern about excellence and even stability in education.

In recent days we are hearing a lot about merit pay. Merit pay for teachers. Merit pay is not the simple solution to that crisis. Teachers can and should be required to demonstrate competence in their disciplines and in their aptitude for teaching.

The administration must explain where the money is to come from. Is it willing to pay for the quality education it seeks. I would also say that I would hope that the President, as he discusses these issues, could do so forthrightly and positively without the tone of divisiveness and stridency that will only serve to make solutions in these areas so much more difficult.

The real solutions are more complicated and more expensive. Locally as parents and taxpayers, we must urge our school districts to strengthen graduation requirements so that our high school graduates are literate and able to solve math problems requiring several processes, have had some computer training and have had early training in a foreign language.

The proportion of the school day spent on learning must be lengthened and teachers' salaries must be competitive with other professions that require the same years and levels of higher education.

In recent weeks we have all seen reports about entire States where perhaps four to six people are graduating with degrees in science and education, the ability to train people in science. So often more than half or more of these are going off in areas like selling insurance where they say in 4 or 5 years they can make $30,000 to $50,000 a year compared to the $10,000, $15,000, or maximum of $20,000 that we see in the teaching profession these days.

A primary arena for this debate and this funding will be at the State and local levels, but ever since Congress established land grant colleges in the 1860's, it has taken a supportive role in education. If the administration's budget were to pass this year, the Federal Government would spend 29 cents of every tax dollar for defense and only 7 cents for education.

The problem is many Navy recruits cannot read the manuals.

The National Commission on Education has concluded if an unfriendly foreign power had attempted to impose on America the mediocre education performance that exists today, we might well have viewed it as an act of war. And the Congressman from Michigan has alluded to this.

But we have in effect been committing an act of unthinking unilateral education disarmament. Education is part of our heritage, part of our future, and part of our national security defense. It is the duty of Congress to consider the math, science, vocational training, writing, and the cultural needs of our young people. It is the duty of Congress to cooperate with the State and local governments to make our children's education a national priority.

Mr. HERTEL of Michigan. I concur with the gentleman from Indiana and I know in working with him on the Armed Services Committee that he feels strongly about spending our taxpayers' money properly, whether it be in the defense area or in aiding our local school districts with some greater assistance from the Federal level.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding and commend him for this special order.

As has so often happened before in this Nation's history Americans are again questioning the quality of our education system. Recent reports, most particularly the one entitled "A Nation at Risk," have focused America's attention securely on American education.

Perhaps the healthiest of criticisms in this country are those directed at our school system. Our Nation's people have long demanded and been willing to pay for the highest quality of education.

The importance of education was present at democracy's birth in the persons of Aristotle and Plato and that importance was present again at the birth of our Republic in the persons of Jefferson and Adams.

In 1647, the Colony of Massachusetts enacted a law that required towns of 50 people or more to provide a school for its citizens. One hundred and fifteen years ago, not 4 years ago, but 115 years ago the U.S. Congress enacted a bill calling for a separate Federal Office of Education.

Almost 100 years ago, in 1785, the Northwest Ordinance provided "for the endowment of institutions of higher education with public land."

Everything in our history informs us that the American people have a long historic commitment to education;

that they overwhelmingly want that commitment to continue and increase because we understand that if Americans are to fullfill their obligation to participate in the discipline of democracy, they must be adequately prepared to do so.

Now we come again to a time of public expressions of concern about the state of America's schooling and the adequate preparation and achievement of our students.

This traditional public concern is welcome and it is a precious expression of America's support for education.

Of course, education in America needs to be improved. Enhancement in quality is the ingredient of our growth as a country. It is the milestone by which our success has been measured. And through the years improve we have.

In 1870, less than 2 percent of our people graduated from high school. One hundred years later that figure had gone to 80 percent.

In 1960 the high school completion rate for black Americans was 40 percent. Today it is nearing 80 percent.

No nation in the world—none—has as high a literacy rate as does ours, 98 percent of the American people are literate. Less than 40 years ago, that figure was about 55 percent.

Our students have higher overall achievement scores than students in any other industrialized nation on the planet.

More of our students attend and complete high school than in any other country on the planet.

More of our college students complete degree programs than any other country on Earth.

America has literally wrought an education miracle in these past two centuries.

☐ 1650

However, notwithstanding any of that, Americans have a right to not only ask that we continue to improve, but they are rightly concerned about specific problems of today within our schools.

The reading, mathematics, science, and foreign language achievement scores of our junior and senior high school students are too low. Too many of our high school graduates are ill-prepared. The high school dropout rate among low-income minority students is still tragically high. The preparation of our teachers is inadequate. Salary levels of many of our teachers and professors are too low.

For all of these reasons and more, 4 months ago I called for hearings before our House Budget Committee about the state of American education. These hearings were called and arranged 2 months before the National Commission on Excellence issued its report "A Nation at Risk." They were not called because education was an issue; they were called because education should be an issue. And today, this morning, marked the first day of those hearings. I am pleased to tell my colleagues that the hearings were opened by our Speaker, TIP O'NEILL, and among the witnesses at this morning's session before the Budget Committee were Secretary of Education Bell and Senator KENNEDY.

We understand that some, both within Congress and without, will attempt to respond to the problems confronting education with various quick-fix solutions. Some want solutions that are simple, neat, and those kinds of solutions are invariably wrong.

What is needed is a prudent, reasoned, comprehensive discussion and dialog about education's problems and potential solutions. Before we rush to judgment, before we attempt to piece together diverse and disparate solutions, we need to take a comprehensive look at the problems, to understand together the exact nature of our students' achievements, to review teacher preparation and salaries, to examine the interrelationship between Federal, State and local education agencies and funding, to review education as it is, a diverse and multifaced element of this Nation's social and economic fabric.

To act hastily and without full consideration would be not only a waste of our dollars but, worse, an ill use of our intellectual resources.

These budget hearings on education which began today will, I believe, serve as a starting point for arriving at effective solutions as we strive to continually improve the quality of American education.

Again, I thank the gentleman for his good effort here this afternoon, and I thank him for yielding.

Mr. HERTEL of Michigan. I thank the gentleman from Montana for his great expertise as a member of the Education Committee, and I applaud the gentleman for calling for those hearings before the Education and Labor Committee.

I yield now to the gentleman from South Carolina (Mr. TALLON). As we see, we are moving around the country, because Members from all parts of the country, from the West, to the South, to the Midwest, and the far West, are very concerned about education.

Mr. TALLON. I thank the gentleman from Michigan for yielding, and I am glad to join with all my colleagues here who are concerned about the crisis that we face in education all over the country.

Mr. Speaker, for the past 2 weeks we have been debating defense authorization legislation. Surely we all must realize that our best investment in and for our Nation's defense is a strong, viable education system for our Nation's youth. With all the space lasers, satellite weapons, tanks and missiles, nothing can protect our democracy any better than well-educated and well-trained citizens.

We know that the President's recommendations are not on the right track. We know that we have been negligent in our duties regarding education. But now is not the time to play partisan politics with the future of our Nation. We recognize the problem. Now we must go about solving it.

None of us like being labeled "reactionaries." Yet, at this point, we should be proud to take up the banner of education. The people of this Nation and its leaders have drawn together in the past to protect ourselves from foreign enemies. Now our greatest enemy is here in our own backyard. This is the enemy of apathy, of failing to act, of indifference.

The crisis is at hand. And if we do not take affirmative, direct action, we will be doing this Nation and our children a great disservice.

From the various reports that have been issued recently regarding the crisis in education, we know what the problems are. We have lost sight of the basics. Our youth are graduating from high school without knowing how to read. Cutting programs for those who enter school and are termed "disadvantaged," such as the chapter 1 program, will only worsen the prospects for the future. Some of our Federal education programs, such as Head Start, are the most successful ideas that have come out of Congress. We should draw upon our successes, preserve and strengthen these programs, not butcher them into meaningless titles. This is the beginning of the process and we cannot expect to produce the best educated children in the world if we do not get them started off on the right track—particularly by helping those who start with a disadvantage.

Not only are we dealing with these children who need special assistance, but as well with those who are gifted. These talents should be cultivated as early as possible if they are to develop to their full capacity. Whatever any child is able to accomplish, let us help them along the way, providing whatever assistance is within our means.

During the educational process, we must set standards to be met along the way. This is for the student's benefit, to measure and judge the quality of the education he or she may be receiving. Identification of needs during the process can eliminate the problems compounding themselves. The textbooks, facilities, learning tools, instructional materials do not come cheap and some may be quickly outdated, but they are an integral part of the sphere of education. If the homework load needs to be increased, if we need longer school days or a longer school year, so be it. The system

simply is not working in its present form.

I do not think our teachers are our problem. I think our attitude toward our teachers is the problem. We need to make teaching a more rewarding and respected profession. These men and women are dedicating their working years for our children, and it is not an easy task. They are not supposed to be spending half their day disciplining and the other half worrying over regulatory paperwork. They should be solely concerned with their principle responsibility of education and teaching in their field of expertise.

I have always believed that it was the principal responsibility of the States and local governments to administer, govern and finance our school system. I still believe that those closer to home are in a better position to understand and deal with the situation.

The Federal Government has traditionally held the responsibility of meeting the needs of key groups of students. However, when we are speaking of a situation that deals with our Nation's future, we would indeed be negligent in our duties if we force new proposals upon the States and local governments without Federal supervision, support, and guidance. It is our most important duty to set the national interest and then to mandate and provide the resources necessary for implementation.

We have a long, tough road to travel. We must first overcome the mediocrity we are now facing. We will bring our standards up. Quality in our educational system will then lead to excellence. And we should expect no less of ourselves in setting the agenda.

The schools of today are not like those when we were students. But it is only reasonable that we should draw upon our strengths and work diligently to correct our weaknesses. We must go back to teaching how to learn, through effective study and work skills. This is a tool that will be used throughout life. We are not just in the business of providing activity for our Nation's youth for 12 years. We are preparing them for the rest of their lives, as our Nation's workers, our leaders and our citizens.

The task is here before us. We are already late and have a lot of ground to make up. As stated in the National Commission on Excellence in Education report, "History is not kind to idlers."

Children born today will be graduating from high school in the year 2000. It is not only the education of each individual child that we have as our responsibility, but the security and continuance of the way of life we enjoy that is before us.

As the Commission report notes:

> It is our willingness to take up the challenge, and our resolve to see it through, that America's place in the world will be either secured or forfeited. Americans have succeeded before and so we shall again.

☐ 1700

GENERAL LEAVE

Mr. HERTEL of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

Th SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Arkansas, a great leader in the field of education and a great leader in putting together this special order this afternoon.

Mr. ALEXANDER. I thank the gentleman from Michigan for his leadership and for yielding to me.

Mr. Speaker, the tragic comedy of the President's statements on education over the last 2 weeks reminds me of the Lil' Abner characters known as Shmoos. Shmoos are delightful little comic creatures whose basic purpose in life was to assume forms most pleasing to all humans.

President Reagan's current effort to convince the American people that he is concerned about excellence in education undoubtedly qualifies him as the greatest political Shmoo of all times because he has shown little interest in quality education.

The purpose of the President's current road show on education seems to be purely political. He is cleverly taking a public relations initiative on an issue on which his advisers believe he may be vulnerable in the eyes of the American voter. The President's concern, therefore, is not excellence in education. His concern is excellence at the polls.

Mr. Speaker, those of us in this body who are committed to quality in education have always been willing to work with every administration in the development of Federal education policies. It is to the credit of past Congresses and Presidents—both Democratic and Republican—that education has been so important a priority to this Nation that we have usually avoided turning reasonable bipartisan debate into partisan political bickering.

Yet with this administration we have not even had the opportunity to engage in a meaningful dialog on the President's concerns. For the most part I have found talking back to the television or newspaper a rather unproductive excercise. Last week 21 Members of the House sent a letter to the President asking him to refrain from making education a campaign issue, and offering to work with him in developing a sound and responsible Federal policy on education and I include that letter herewith.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 15, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As former teachers and school administrators, we share your concern for the integrity of public education in this country. We recognize that there are problems in education and welcome your interest in focusing public attention on them. Such attention creates the opportunity to affect a meaningful response by those of us in government.

Unfortunately, you appear to be using this opportunity to exploit the education of our children as a partisan political issue for the 1984 campaign. This is a serious mistake which can only work against the best interests of public education. Your recent misstatements and simplistic generalizations on education issues already threaten to undermine public confidence in our educational institutions and those who serve in them.

We and our colleagues in the Congress stand ready to work with your administration in maintaining the bipartisan spirit which has characterized the evolution of education policies through the years. The future of our nation lies—as it always has—in the education of our young people. Let us not jeopardize that future by foolishly inflaming opinion for our own political gain.

With kindest regards, Mary Rose Oakar, Ohio; Katie Hall, Indiana; Parren Mitchell, Maryland; Mervyn Dymally, California; Bill Boner, Tennessee; Major Owens, New York; Brian Donnelly, Massachusetts; Edward Feighan, Ohio; James McC. Clarke, No. Carolina; William Lehman, Florida; Gerry Studds, Massachusetts; Bill Richardson, New Mexico; Daniel Akaka, Hawaii; Bruce Vento, Minnesota; Timothy Wirth, Colorado; Geraldine Ferraro, New York; Pat Williams, Montana; Lindy Boggs, Louisiana; Dale Kildee, Michigan; Paul Simon, Illinois; Carl Perkins, Kentucky.

Mr. ALEXANDER. Furthermore, I extend to the President an invitation to take a day off from this campaign trail and to meet with representatives of the Congress to discuss his proposals and ways in which we can all work together toward achieving them. No one in this body opposes quality in education. No one here wants to see a decline in our commitment to education. No one here wants to reward incompetent teachers at the expense of the American people and of education to our children.

If the President truly wants to pursue his goals for education, let him work with those of us who are in a position to help him achieve those objectives through the legislative process—the process which was established for the purpose of achieving national goals—rather than exploiting the issue for his own short-term political gain in the news media.

Finally, Mr. Speaker, I feel compelled to respond to one of the primary charges President Reagan has leveled at the Congress on this issue.

That issue is resources, and the use of resources in our efforts to upgrade education in this country.

The President is entirely correct in saying that nothing will be solved by throwing money at our schools and hoping their problems will go away. However, resources properly expended do constitute at least one avenue the Federal Government must pursue to insure that those who teach in our public schools have the tools and support they need to do the kind of job they want to achieve.

In my home State of Arkansas, as in every State of the Union, the people want Congress to spend the Nation's resources on programs which will enrich the lives of their children. They want it spent wisely. They want it spent prudently. They want it spent objectively. They want it spent in a manner that is most effective. They do not want their children shortchanged.

Mr. Speaker, in the June 5 edition of the Washington Post, Anne Emery, a school administrator from Baltimore, wrote an excellent editorial entitled "We Need More Than Money," and I include that editorial at this point in my remarks.

The editorial follows:

WE NEED MORE THAN MONEY

(By Anne O. Emery)

Though I often wonder why, I am still enthusiastic about public education. Yet I am constantly disturbed by what I read from Washington. The national leadership continues to retrench in areas that are vital to the survival of public education and public institutions. What today's urban school principal needs—and I speak as one who spent 9 years as a principal in Baltimore—is a combination of money and more options for educators and their charges.

Start with money. Not money routinely buried in school bureaucracies, but earmarked and monitored for classroom instruction. We're talking salaries, too, with rewards for effort, for faculties large enough to make teachers available for extra student help during their regular working days. It takes money, too, to enhance the options in public education for the very talented and high-achieving students right on up through college.

A principal also needs the freedom to develop and provide educational programs tailored to a multi-ethnic population. To put it bluntly, principals cannot compensate for all the shortcomings in the lives of those children who are sent to them. It is not a question of begging off of responsibilities; the principal and the teachers need more freedom from social service responsibilities, and from restrictions caused by inadequate financing. For example, cuts in National Science Foundation programs have hurt opportunities for students who can see and hope to answer the increasing demand for people in science and technology.

Principals in inner-city schools need some ability to provide the kinds of cultural enrichment/humanities programs that children in better-off school neighborhoods automatically enjoy. This means everything from that extra microscope in a hurry to computers—our children downtown generally don't touch computers—to trips abroad. Why, even in my city of Baltimore, the home of lacrosse, an inner-city kid may not see a lacrosse stick until high school; the same kid may have no nearby swimming pool in which to learn a lifetime leisure sport. And what of programs to stimulate reading—not just the classics, but newspapers, magazines and other materials you see in suburban homes. That's all part of learning, too.

Teachers also need help—training to improve their ability to work with inner-city multi-ethnic children, to inspire what can be totally unmotivated children. That takes some doing.

Federal support of the total exceptional education program may sound like a frill, but it's essential to system-wide improvements in any city neighborhood. Similarly, support services are critical to any hopes for success with children with multiple handicaps.

There are other items not always included under the heading of "education," such as psychological help, transportation, and reward-for-effort incentives for students and staff.

All of this support can do wonders for the chemistry of a school, with student leaders (who need reasons for being attracted to an inner-city public school), with enthusiasm among the teachers and staff (with rewards for going that extra mile) that can spread to students and parents.

Why am I still enthusiastic about public education? I have seen programs work; I have seen children grow up and out of urban schools who have become highly successful. That may be hard to see from a federal level in Washington, but not in the trenches, where it has happened when kids can begin to feel good about themselves. That hope should never be dashed.

Mr. ALEXANDER. Mr. Speaker, I am deeply concerned about the possibility that President Reagan may turn education into a campaign issue. I know I speak for many when I express dismay at the prospect of our children's education hammered out by press releases and campaign rhetoric rather than professional guidance and rational debate. I suggest to the President that a political campaign based on education issues can only have losers, and that those losers will surely be our children and their future.

Just yesterday, Mr. Speaker, I observed Gov. William Winter of Mississippi during his appearance on the NBC "Today Show." Governor Winter was being congratulated on the rapid progress that the State of Mississippi has made in the field of education during the short tenure of his administration as Governor of that great State.

Governor Winter was asked why the State of Mississippi placed such priority on educating its children. His response was simply this: During an era when technology seems to be overtaking all of us, the children of our Nation cannot be expected to compete in the marketplace unless they have a top-quality education.

He was then asked, "How are you to provide the people of Mississippi with a top-quality education?" and he said that education cannot be provided without a commitment of resources, resources of human talent and resources of the State's wealth.

Mr. Speaker, I suggest as a response to the President's campaign initiative on education, let us respond by giving our children an education, not a campaign sideshow.

Mr. HERTEL of Michigan. I thank the gentleman very much for his remarks. He calls important attention to the fact that we must make the best of our natural resources and our human resources. It is ironic when we have so many millions paid to movie stars and rock stars and sports stars that we do not give the proper respect or recognition to many of the people who devote their lives to the most important thing, and that is the education of our young people. It is just ironic that we do not show that we consider that as important as I am sure all Americans feel that it is.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentleman for yielding.

Mr. Speaker, much has been said about the quality of education in the United States since the members of the National Commission on Excellence in Education published their report, "A Nation at Risk." Yet far too much of what has been said within this Chamber falls woefully short of that which every American knows must be done: As a nation we must revamp the shortcomings of our educational system in order that we may reclaim the pride formerly evinced for our institutions of learning, public as well as private, when they were renowned as repositories for the teaching of successive generations of young Americans, regardless of social or economic class.

We have heard the national commission's call for a national policy to foster educational quality. To achieve this, the National Commission recommends high schools require of their students the successful completion of a curriculum with far greater emphasis upon English, mathematics, science, history, foreign language, and the arts; a longer school day and school year; and increasing teachers' salaries. Mr. Speaker, the agenda has been established; it is time that we in the Congress build upon this agenda by establishing our national policy for education.

As it exists today, our system of public elementary and secondary schools is still controlled primarily by local school districts. Federal funds account for less than 10 percent of overall annual spending on our schools. This is not to say, however, that the role of the Federal Government has always been a benign one. For we know the Federal presence has at

times embroiled local school districts with regulations which have attenuated the ability of school districts and teachers to effectively do that which is expected of them: Educate our youth. Neither am I willing to entertain the premise that there is no appropriate participatory role for the Federal Government in education. The success of chapter 1 programs, Head Start, and programs benefiting the handicapped may not be denied.

In the realm of higher education, Pell grants, the national direct student loan and guaranteed student loan programs have enabled thousands upon thousands of young people to enjoy the challenges of a higher education. Without such Federal grant and loan assistance, many of those who have benefited otherwise would never have had an opportunity to further their educational and career aspirations. Still, some of these programs are criticized because they too often embrace the principle of equality of opportunity without regard to quality. The National Commission has implored the Federal Government to concern itself as much with quality as opportunity.

Without compromising equality of opportunity, Congress should endeavor to assist States, local school districts, and institutions of higher learning to engage in a vigorous pursuit of quality in educational programing. We should do that which is necessary to support the implementation by local school districts of those national commission recommendations which they deem are necessary to improve the quality of education for every student. I know that, in my State of California, the budget is in such dire straits that the Governor has asked for a year's respite from those who are advocating a stronger State commitment to education.

Mr. Speaker, the goals of educating our people well must be understood to have more far-reaching values than merely increased employability and a competitive edge. A well-rounded and rigorous education endows one with an ability to engage in a stronger pursuit of the true spirit of our democracy: Liberty, equality, and social harmony. I recall the words of our late President John F. Kennedy when he addressed the Congress on February 6, 1962:

> The education of our people is a national investment. It yields tangible returns in economic growth, an improved citizenry and higher standards of living. But even more importantly, free men and women value education as a personal experience and opportunity—as a basic benefit of a free and democratic civilization. It is our responsibility to do whatever needs to be done to make this opportunity available to all and to make it of the highest possible quality.

Mr. Speaker, we have faced this challenge before and persevered. We again are confronted by educational deficiencies. The sooner we embark upon their improvement, the sooner shall we bear the fruits of success.

□ 1710

Mr. HERTEL of Michigan. Mr. Speaker, I thank the gentleman from California (Mr. ANDERSON). He again points out that we need adequate resources to do what the Commission and other groups have recommended, and that most of this must be done on the local level. I concur in that.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Pennsylvania.

Mr. HARRISON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as a member of the Committee on Education and Labor, I had the good fortune this morning to participate in the Budget Committee task force hearings on the same subject which has brought us here this afternoon, and I think two or three points that were made there need to be repeated here.

The first is that during the testimony of the distinguished Secretary of Education, Dr. Bell, the Secretary made the point that it was the Department of Education which, of course, had commissioned this study and which had appointed the Commissioners who are now in the process of holding some 11 hearings around the country.

Then I asked the Secretary if that meant that this administration had finally determined that the Department of Education had good and worthwhile work to do, and that we will no longer be asked to disband and abolish it. Regrettably, the Secretary could not make that commitment and said that while they were not immediately pressing for the abolition of the Department of Education, they might decide to press for it in the future.

So I think we start with a rather bad background when we are talking here about restoring excellence to education, about studying what needs to be done, and yet the administration, which is conducting a road show on the subject, reserves the right to move to abolish the Department of Education as soon as the political spotlight is gone from the issue.

There is no question from the hearings which have been held by the Committee on Education and Labor and the Subcommittee on Postsecondary Education that there is a serious crisis in our education. We are almost illiterate in the areas of science, mathematics, and foreign languages, and in many cases, in computer technology.

If only as a matter of getting to know our enemies better, we must encourage the study of the Russian language and the history of Russia, as well as its culture, its traditions, and government.

None of these things are being done, and I cannot believe that we can allow this to continue in a haphazard, uncoordinated system. There has to be some guidance and some direction, and that, I think, is a Federal responsibility.

I wanted to say that and one thing more. The report of the Commission tells us that there are 23 million people in this country who are called functionally illiterate. That means they can read and write, but they cannot fill out the forms and do those things which are needed to survive in our technological society.

It seems to me, Mr. Speaker, that we have an obligation to foster adult education, ongoing education, to remedy that functional illiteracy which the defects in our system have caused.

Mr. Speaker, I thank the gentleman from Michigan (Mr. HERTEL) for sponsoring this special order and for yielding to me.

Mr. HERTEL of Michigan. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. HARRISON).

Mr. WIRTH. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to my colleague, the gentleman from Colorado, who is also a great leader in this field.

Mr. WIRTH. Mr. Speaker, the launch of Sputnik I in 1957 awakened many Americans to some very real weaknesses in our educational system. The need to strengthen math and science curriculums was a formidable challenge for our Nation then, and one which we rose to meet with remarkable vigor. The challenges that we face in education today are no less significant or pressing. However, our resources and resolve are as great today as they were in 1957, and with the proper direction, we will again successfully prevail.

There is no disputing the distressing facts which have been highlighted recently by the National Commission on Excellence in Education. While not all agree that the situation is as alarming as the Commission's report indicated, a few would question the potential threat to our Nation's strength and sucurity of facts such as these:

Some 23 million American adults are functionally illiterate, even by the most simple standards.

Scholastic aptitude test results have declined steadily from 1963 to 1980, with average verbal scores falling over 50 points, and average mathematics scores dropping nearly 40 points.

Between 1975 and 1980, remedial mathematics courses in public colleges increased by 72 percent, and they now constitute one-quarter of all math courses taught in these institutions.

The Navy recently reported that one-quarter of its recent recruits cannot read at the ninth grade level, the minimum needed simply to understand written safety instructions.

These facts become even more alarming when compared with statistics from abroad, particularly in the sciences.

The average U.S. high school student takes 1 year of geometry, compared with 10 years in the Soviet Union.

Only 16 percent of U.S. high school students take a 1-year chemistry course, whereas all students in the Soviet Union take 4 years of chemistry, including 1 year of organic chemistry.

Among 14-year-old students in 19 countries, Japanese students ranked 1st in overall science, while U.S. students ranked 15th.

Clearly, the implications of these statistics are startling.

Of particular concern is the fact that strong training in the sciences is quickly becoming an indispensable skill in the work force. For example, the National Science Foundation recently determined that between 1977 and 1980, employment of scientists, engineers, and technicians in manufacturing grew more than six times as fast as that of the overall work force.

In the face of such realities, it is important for legislators to address this situation in an innovative and responsible manner. What we certainly do not need are the massive budget cuts and assaults upon teachers that have been relentlessly put forward by the Reagan administration over the past 3 years. A sound legislative program does not, under the guise of fiscal responsibility, cut off educational opportunities for millions of students and decimate the ranks of our teachers.

Any legislative response must, of course, recognize the fact that primary responsibility for education lies at the State and local level. However, it is clear that many of the problems facing education today are of national scope and belong at the top of our national priorities. Rarely, in fact, have we seen an issue where the Congress so clearly needs to respond.

Specifically, I would like to see Federal action which will strengthen our Nation's math, science, engineering, and foreign language programs, and also enhance the application of computer technology to education. Of equal importance is the need to assure that any new resources—particularly computers—are distributed equitably. Children in less advantaged school districts must not be denied entry into the computer age, or else we will have lost a major battle in the fight for equal opportunity in America.

The costs of implementing any type of effective national educational program are bound to be considerable. But even though we must pledge to make every effort to assure efficiency and cost effectiveness in any programs that we implement, we must also ultimately remember that every dollar spent on education is a dollar invested in the future strength of America.

We, as a nation, face a challenge that we cannot walk away from. As the National Commission so eloquently concluded:

> It is by our willingness to take up the challenge, and our resolve to see it through, that America's place in the world will either be secured or forfeited. Americans have succeeded before, and so we shall again.

Mr. Speaker, I hope that we are capable of avoiding the political rhetoric that has so long characterized what is going on at this White House and address ourselves rather to the size and scope of the problem. This is not going to be resolved by prayer in the public schools, it is not going to be resolved by getting rid of the Department of Education, it is not going to be resolved by other various foolish moves such as the budget cuts the gentleman from Michigan has addressed so well. It is going to be resolved by us, collectively determining where we want to go, where the responsibility sits, and deciding the major role, the significant role that we at the Federal level will play.

Mr. Speaker, if the gentleman will yield further, just briefly, there is one other element in this matter that has generally not been addressed in any of the studies so far, and that is the impact of television and the media on our education system. We all know that today, in 1983, children spend more time in front of a television set than they do in a classroom.

The responsibility, while it sits with the States and the local communities, while it sits with the Congress, clearly also sits with those who are programing the material that is going out electronically to millions and millions of children. Let them also pick up the challenge which we are focused on here today.

Mr. Speaker, I thank the gentleman for yielding.

Mr. HERTEL of Michigan. Mr. Speaker, I thank the gentleman from Colorado (Mr. WIRTH).

We only have 5 minutes left in this special order, and I want now to switch over to this chart. This is No. 4, to my immediate right. It talks about the funding for the Federal elementary and secondary education programs for 1981 to 1983. The red in each year is the President's budget request.

☐ 1720

At the top up here we have $10 billion. In the middle we have $6 billion. The middle in black and white is the actual appropriation that was accorded by both Houses of Congress and signed by the President.

The green is what would have happened following the 1980 level of spending through inflation alone for education on the elementary and secondary level; so you can see the billions through this chart that have been cut by the Congress, but also especially by the President's budget request which was a far more drastic cut in each one of these years, 1981, 1982, and 1983. That is what many of the Members have been talking about.

That brings me to some quotes from USA Today, June 14. The President said:

> We haven't cut education budgets. What we have done is reduced the proposed increase and each budget is still bigger than the last one.

That is simply not true. The administration has consistently proposed cuts in education funds. Spending has declined from about $15 billion in the President's first year to an estimated $14.4 billion in the current fiscal year.

The President said that spending on guaranteed student loans has increased 22 percent, from $5.9 billion in 1982 to the proposed $7.2 billion in 1984.

That implies that the Government is spending 22 percent more on student loans than it really is.

The total volume has increased 22 percent, but the Federal contribution, chiefly to subsidize the interest rates, is going down.

In 1982, the Government spent about $3 billion on the program and asked only $2.04 billion for 1984. The Education Department figures show that 600,000 college students have lost some type of Federal grant alone in the last 2 years and some have lost their chance for their future.

We know that in 1979 the United States had only 53,000 engineering graduates, 17 fewer than the Department of Labor estimates says were needed just to keep pace with attrition. In Japan, 40 percent of the recent college graduates have been engineers. The engineers graduated in the United States amount to a mere 5 percent.

Moreover, the Soviet Union is producing six times as many engineers as the United States, with more than 60 percent going into defense contracting work of all different sorts.

At the same time, we need to make every single effort to reindustrialize those portions of our economy severely hurt by the recession. We must retrain millions of skilled and unskilled workers at a time when we have seen these basic education cutbacks in job training programs, college programs, secondary and elementary programs.

We have all talked a lot today about education. It is important, as all Members have said, to the future of our democracy. In a more complicated, everchanging world, education can mean the difference between democracy and enlightenment or corruption and inefficiency. It can help produce service people, technologists in the work force that we need to provide for a strong defense, meet foreign competition and produce an enlightened citizenry.

Much needs to be done to improve education, but across-the-board cuts without thought or planning prove nothing.

Perhaps the words of President Kennedy say it best:

> The education of our people is a national investment that yields tangible returns and economic growth and improves citizenry and higher standards of living; but even more importantly, free men and women value education as a personal experience and opportunity, as the basic benefit for a free and democratic civilization.

It is our responsibility to do whatever needs to be done to make this opportunity available to all and make it of the highest possible quality. That is why I am proposing today that we have an ongoing congressional commission on education to be appointed by the Speaker of the House and the majority leader in the Senate. We have seen the administration's disdain for progress in education. We have seen hypocrisy. We have seen them try to eliminate the Department of Education. That is why this Congress, members of both parties, must stand, not for rapport once in a while on a national level, but a commission appointed by the leaders of both Houses of experts in all walks of life, especially excellent educators from around this great country to on a regular, weekly, daily basis, recommend to this Congress what should be done to keep it above the level of politics, but instead talk about what we should be doing with the priorities that are at our beck and call for this great country in the most important area that we have, that is, the future of our young people, their education for the better future of all of us.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, education has suddenly become a trendy topic. The disturbing conclusions of the President's Commission on Excellence in Education has drawn much attention from both ends of the political spectrum. Walter Mondale has proposed to increase education spending by some $11 billion, and the Republical National Committee chairman recently introduced Secretary of Education Bell as the man holding the second most important job in the country. This is a far cry from the days when Ronald Reagan called for the abolishment of the Department of Education. I, for one, am glad to see that education is receiving this increased attention, because we do have a problem that requires public concern and discussion.

I do not have a structured program that would solve all our educational ills, but I would like to make a couple of observations on the debate that is emerging in this body and in the country as a whole. First, I think it is a given that the Federal Government must provide more financial assistance than that proposed by this administration. This can be easily justified on both a moral basis and a pragmatic basis, the former because quality education is the key to equal opportunity, and the latter because funds invested in education today pay off in the benefits of a better-educated society tomorrow.

The more interesting question is the degree of control the Federal Government should have over the use of the funds it provides. Considering this question leads me into a bind: On the one hand, I believe in local control of education; on the other, I think Congress has a responsibility to monitor the funds it appropriates. This conflict is a serious one which must be considered by Congress, but it is by no means insoluble.

The President has launched a crusade on the importance of education and his Secretary of Education all of a sudden holds the second most important job in the country, but they continue to deny that they have even reduced the education budget, let alone admit that it must now be increased. Although I agree that nonmonetary factors are crucial to the improvement of education, I would have a hard time convincing a student unable to attend college because his Pell grant was eliminated that Federal money is not a very important factor. We should, I think, pay attention to half of the President's message and remember that, as we appropriate needed increases in the education budget, we must recognize that money alone is not the answer. The decline in the quality of education is as much a result of declining respect in our society for disciplined learning as it is a lack of money.

Thank you, Mr. Speaker.

Mr. McNULTY. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Arizona.

Mr. McNULTY. Mr. Speaker, in discussing the report from the Commission on Excellence on Education, we need to keep in mind the reason our schools exist at all: that is the education of our children.

Our system of public schools has always had one imperative: the democratization of our citizens. Providing equal education for all means today, as always, the difference between the slavery of ignorance and the freedom of enlightenment.

We do not all agree about how to implement the sweeping reforms of our schools, the upgrading of teacher training, and compensation for teacher excellence.

But we must agree that we cannot attract creative students to the teaching profession without compensating teachers fairly and equitably.

We cannot achieve equity in selection of master teachers unless judgments are made without regard to a teacher's professional or other activities.

We cannot expect curriculum to keep pace with technology if we do not upgrade teacher training.

In our discussions of technology and curriculum, of salaries and student achievement, we must concentrate on the costs, yet never lose sight of the purpose. A complex society demands our educational system reflect that complexity. We cannot and will not ignore the need for the humanities, for vocational training, and for the social sciences to that end that our public schools survive and our children flourish.

● Mr. GEJDENSON. Mr. Speaker, for 2 years now, the Reagan administration has attempted to dismantle the programs which provide Federal moneys for education. Among other things, the President has tried to severely cut back on the amount of aid available to college students; he has repeatedly proposed legislation to eliminate nearly all funding for Trio, a group of programs that helps poor and minority students get into and graduate from college; he has tried to severely cut back on funding for chapter I, a program of compensatory elementary education for the underprivileged; he has sought to undermine the education of handicapped children by relaxing the regulations which States are required to enforce; he has proposed legislation to end all funding for public and college library services; he has tried to sharply curtail the amount of funding for vocational and adult education; he has proposed a plan of tuition tax credits for those who send their children to private school, evidently under the assumption that decreased enrollment will cause public schools to upgrade their curricula; and of course, the President has tried for 2 years to abolish the Department of Education.

One cannot criticize the President's singlemindedness and steadfastness in pursuing his goal of eliminating Federal participation in education. The President firmly believes that an increase in Federal subsidies has led to a decrease in our Nation's educational standards. He is, however, quite mistaken.

The fact is, that State and local control over educational programs has been and still is the norm. The Federal Government has interfered only when it was clear that the States were not fulfilling their obligation to correct inequities in access to quality education which had existed for decades. The Federal programs created in response to these inequities were aimed mainly at the economically disadvantaged and the physically disabled. As Secretary Bell himself has noted, the title I program of aid to disadvantaged students has been highly successful, and statistics which show marked improvement in the educational performance of blacks and other minorities bear out the Secretary's observation.

Contrary to what the President would have the public believe, remarkedly little has been done in the way of improving education for the average child, whose welfare the Federal Government has mostly ignored. It is ironic that the President now chastises the Government for having done too much when in fact it has done exactly what the President himself would have recommended: nothing.

My purpose here, Mr. Speaker, is not to berate the President's policies, but rather to bring to the attention of my colleagues that the policy of doing nothing has been simply disastrous. Now it is time, not to throw money blindly at our crumbling schools, but to assert the belief of this Chamber that education must be among the highest of our national priorities and to commit ourselves to the task of assessing the problem and doing whatever is needed to rectify it. I commend my distinguished colleague, Mr. Simon of Illinois, on his creation of an emergency task force on education, and I am sure that its work will be very useful to all of us who care about the fate of our schools.

I hope that my colleagues, in the coming months, will not abandon the cause of education, especially when the time comes to vote on legislation that will actually do something to correct the situation which we have all bemoaned in recent days.●

● Mr. PEASE. Mr. Speaker, within the past year the critical condition of our educational system has come to the fore. Much needs to be done, particularly in the areas of math and science. Today I would like to address a facet of this area which has been woefully ignored: Science education at the undergraduate level.

It is important that the process of science education be seen as continuous, beginning in the schools and concluding in graduate study. The undergraduate college years represent a crucial phase in that process, when qualified students consider and choose careers in science. As Federal legislators concerned about the scientific literacy of our population and the quality of research produced, we need to keep clearly in mind the role of undergraduate colleges. One form of support is the allocation of research moneys.

The perception on the part of many fine scientists teaching at undergraduate colleges is that there has been some prejudice in the review of their research proposals at the National Science Foundation. Most of NSF's dealings are, quite appropriately, with the major research universities. Those who review proposals do not always seem to understand that top-quality research can be and is done by faculty at colleges where the major emphasis is on teaching. Indeed, it is carried on as an extension of teaching, involving the most promising undergraduates, and this is one of the reasons that the support of research by faculty at undergraduate teaching colleges has a double value: The quality of the research itself and the contribution it makes to the education of some of our best future scientists. It is imperative that undergraduate programs not be ignored in the allocation of research funds.

The June 18 issue of the Washington Post carried an article on the Federal Government's support of funds for research. In this article, Jon W. Fuller, president of the Great Lakes Colleges Association, emphasized the importance of adequate funds for research for small liberal arts schools and made a special point of explaining that these undergraduate schools are highly regarded for the quality of their research and the scientists they produce. President Fuller said:

> If you look at PhD's in science, you will find the colleges on this list and other colleges much like them are right at the top (in science). In almost any index, Oberlin College comes out right at the top in terms of production of scientists. That is true over the last 50 or 60 years, and it is true today.

Please note that President Fuller is emphasizing undergraduate research in contrast to the opinion of Albert Teich at the American Association for the Advancement of Science, also quoted in the Post article, that the set-aside for research funds for undergraduate colleges is "in conflict with the overall goal of doing the best research" because the set-aside funds are "for research, not education. Let the small schools get money from other parts of the Federal budget." I would strongly urge Mr. Teich to review the record of the small liberal arts schools like Oberlin so that he may familiarize himself with their well-known and highly regarded track record in producing quality research.

Another necessary area of support for undergraduate colleges is in instrumentation. The decline of scientific education in our Nation's universities is not surprising when one actually observes the equipment that many schools are forced to work with. The experience of one of my summer interns illustrates the problem well. After completing his basic scientific coursework at his undergraduate institution, this young man proceeded to student teaching at one of the local high schools. After arriving at the school the student teacher found, much to his chagrin, that the high school students he was expected to instruct were using better equipment than that which was available to him at the university. Can we hope for scientific competence, much less excellence, when a situation such as this exists? I think not.

Although our undergraduate colleges and universities across the Nation are experiencing greater needs than simply research and instrumentation funds, I will not elaborate. I hope I have illustrated, though, the critical importance of undergraduate science education, not only to this generation, but also to the generations to come.●

● Mr. COYNE. Mr. Speaker, the recent report of the National Commission on Excellence in Education has stimulated an overdue discussion on what we should be doing to improve our schools.

Reasonable men and women differ on specific remedies. On one point, I believe, there is wide agreement and that is that when it comes to funding the programs we need, less is not more.

We can never be certain that spending a certain amount of money on a particular program will necessarily enhance our efforts in education. We can be fairly certain, however, that spending less in particular areas will detract from the achievements we have made.

Spending less on education while demanding more in return is precisely what the administration would have us do. In fiscal year 1981, this administration proposed education budget reductions of $1.8 billion. The Congress in fiscal year 1982 wisely rejected the administration's proposal to spend $10.2 billion for education, authorizing a more adequate $12.6 billion. In fiscal year 1984, the administration proposes a $13.2 billion education budget, a $1.9 billion, or 12.6-percent reduction from the fiscal year 1983 level.

By reducing the Federal commitment to education, the administration would, in theory, have States and local governments pick up the slack. This would have a very negative effect on those States in the Northeast and Midwest which already make a substantial local contribution, and which are now experiencing a shrinkage in State and local tax bases as a result of the recession.

States in the Northeast and Midwest now pay 94 percent of their local education costs, as compared to approximately 89 percent paid in the South. Northeastern States spend approximately $520 per capita on education costs. States in the South spend $376.

This local commitment to quality education through adequate funding has measurable results. In 1980, for example, 67 percent of the persons

over 25 in the Northeast and Midwest, a region which spent $497 per capita on education, graduated from high school. In the South, where the local commitment in dollar terms was substantially less, only 60 percent of those over 25 graduated from high school.

The commitment to excellence in education in my own city of Pittsburgh is reflected by an increase this year in the standardized test scores for students in public schools. This happy event is a sign that all is not lost at the local level when it comes to education. The rise in test scores certainly does not argue for a reduction in funding for education, from either the Federal or local government.

At this point, I would like to share with my colleagues a recent editorial of the Pittsburgh Post-Gazette which makes note of the rise in test scores. I am inserting the editorial in the Record at this point.

[From the Pittsburgh Post Gazette, June 18, 1983]

Score One for Students

It is heartening to learn that the 1983 standardized test scores for students in the Pittsburgh public schools are up dramatically from a year ago in mathematics, language and reading.

With the California Achievement Tests for pupils in grades one through eight, 71 percent scored at or above the national norm as against 61 percent in 1982 and 57 percent in 1981. In language (grammar and writing), the 1983 scores were 64 percent, 1982's were 54 percent and 1981's 48 percent. The comparable scores in reading were 58 percent this time and 50 percent each of the previous two years.

The gains largely coincide with the three-year tenure of Supt. Richard Wallace and the school board's decision to make the improvement of student achievement a top priority. Not surprisingly, these gains have followed the institution of the new computerized Monitoring Achievement in Pittsburgh (MAP) program, which established the 20 most important goals for a subject each term. Students are given computerized printouts on their progress every few weeks, printouts which are taken home so their parents will know what is going on. Thanks to the way the MAPS program "engages the home in a very important way," school board President David Engel said, parents deserve a lot of credit for the improvements.

There will be some who worry that teachers now are teaching for the tests and the test scores, rather than emphasizing overall education. That always is a cause for concern.

But, as one official pointed out, this complaint often is raised by some of the same people who point to test scores when they are down as a reason to chastise a school system. That's a fair point: If test scores are hailed as significant when they are down, they equally should be cited when they are up.

The improved test scores should be ressuring news for parents considering whether to place or leave their children in the public schools.●

● Mr. BORSKI. Mr. Speaker, today I join my colleagues during this special order to focus on the crisis in education. For years, we have seen indicators of the dimensions of our educational problems, through testimony received in congressional committees and through special reports on the state of the American educational system. The debate has once again been raised because of the recent report of the National Commission on Excellence in Education, which has released its findings after 15 months of study. Suddenly and ironically, even the President has taken on the cause of education, even though this administration has sought for years to abolish the Department of Education and abandon any Federal responsibility to the legitimate educational needs of this country by slashing billions of dollars from the education budget.

Mr. Speaker, education is the very foundation of this country, Its importance to our economy, our security, our advancement, and enlightenment as a society cannot be overstated.

One thing must be certain. We cannot achieve the quality of education that each American child needs and deserves unless we make and keep the commitment to provide our schools with the resources they must have.

We cannot attract or retain good teachers if we do not value them. We cannot expect teachers with master's degrees to start at lower salaries than sanitation workers and bus drivers. The average salary after 12 years of teaching is only $17,000, with many teachers required to supplement their income with part-time and summer employment. If we refuse to compensate teachers decently, give them no prestige, and criticize them constantly, we drive good teachers from the schools.

When we tolerate a teaching environment of overcrowded classrooms, fear of violence, and inadequate school supplies, teaching conditions become intolerable.

I know of no other working environment where we would expect so much productivity under such circumstances; yet, far too often, in the far more complex and crucial classroom situation, these are the circumstances in which teachers are expected to teach and students are expected to learn.

Quality education is not cheap. Some of our colleagues seem to assume that reliable and adequate funding is not significant for education, but no assumption could be more counterproductive and more wrong. The Federal Government must supplement State, local, and other resources to foster key national educational goals.

No administration has so savagely cut every Federal program designed to aid education as this Reagan administration. In fiscal year 1980, funding for all programs administered by the Department of Education was $14.5 billion. The Reagan administration's fiscal year 1983 request for the same programs was $9.9 billion, a decrease of 32 percent from 1980 levels. This budget also sought the abolition of the Department of Education. No administration has sought to so sharply reduce Federal funding and influence in education as the Reagan White House.

Even though the President, after the 1982 elections, sought to increase his fiscal year 1984 education budget to $13.2 billion, this total is still far below the education budget of 4 years earlier. Wisely, both Chambers this year have seen this amount as grossly inadequate, with the House approving $16.7 billion for education and the Senate approving $16.2 billion.

Mr. Speaker, I agree that State and local resources can and should be expected to produce the basic financial support for public elementary and secondary education. But not every State and not every school district has the financial means to meet the needs of particular schools or of all children attending those schools. When the educational needs cannot reasonably be met by other resources, the Federal Government must supply these deficiencies.

Another educational problem that is largely overlooked is the critical state of disrepair of the Nation's educational infrastructure. Building experts estimate that schools are deteriorating at a far faster rate than they can be repaired, and faster than most other public facilities. Earlier this year, the Committee on Public Works and Transportation heard testimony on the school infrastructure needs. A study conducted by the American Association of School Administrators, the Council of Great City Schools, and the National School Boards Association entitled "The Maintenance Gap: Deferred Repair and Renovation in the Nation's Elementary and Secondary Schools," was referred to the committee. The report concludes that the accumulated cost to repair the Nation's public schools can now be conservatively placed at roughly $25 billion. In my own city of Philadelphia, nearly $43 million of unscheduled improvements is necessary, but the school district has deferred these repairs because of budgetary problems.

The education of America's children is a national responsibility, as well as a local and personal one. The recent Commission's report correctly concludes that:

> The Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest. It must provide the national leadership to ensure that the Nation's public and private resources are marshaled to address [our educational needs].

One of the most crucial educational needs, as was so aptly pointed out by the commission, is to create a learning society. The solution to our educational problems must include a commitment to lifelong learning, because the demand for highly skilled workers in new fields is accelerating rapidly. Not only new entrants into the work force, but adults working today, will need further education and retraining if they are to remain in the work force and prosper.

As the knowledge base and educational needs of this country continue their rapid expansion, the number of traditional jobs will shrink and new jobs will demand greater sophistication and preparation. If we do not retrain and reeducate our work force, those members of our society who do not possess the levels of skill, literacy, and training essential to this new era will be effectively disenfranchised.

Mr. Speaker, there are dozens—if not hundreds—of education bills that have been introduced in this Congress. For our part, we must sort through this maze of well-intentioned legislation and pass effective, comprehensive approaches to our needs.

Reform of our educational system will require far more than this, however. The responsibility of meeting the vast challenge of our educational needs will require the time and widespread commitment of educators and administrators; parents, students, and school boards; legislators at every level of government; and industry, the media, and concerned citizens across this country.

We will not meet this educational challenge by simple Presidential rhetoric or by making scapegoats out of teachers. We need to address the serious deficiencies in this country's educational system; we need to address the fact that 25 million American adults are functionally illiterate; and we need to address our long-term educational needs in this increasingly complex society. To succeed will require the dedication, the leadership, and the commitment of every segment of our society.●

● Mr. EVANS of Illinois. Mr. Speaker, we should be thankful to President Reagan for at least one thing. It is not the high unemployment rate nor the record deficits.

But he has brought into the public forum the vitally important matter of education and our future.

The growing awareness and concern regarding the quality of education in this country is not new to many of us. My colleagues from Kentucky and Illinois have long been leading advocates for quality education and have consistently questioned the efforts of this administration to cut important educational funding.

The question they have asked and we should be asking is: Who is responsible for educating our youth? We in Federal offices must realize that, while that responsibility falls primarily on the local and State levels, there is a crucial need for Federal involvement. Only through the involvement of the Federal Government can our educational system reap the benefits of cooperation and coordination of all levels in education. We cannot afford to put education on the back burner at any level of government.

The National Commission on Excellence in Education has called for an upgrading of education at all levels. The Commission found that society's historical commitment to higher education has been eroded by misguided priorities and deteriorating standards.

This country needs a quality education system to be competitive with the demands of today's high-tech world. Once the preeminent power in commerce, industry, science, and technological innovation, the United States is in danger of losing its standing to other competitors. This Nation cannot fall behind if we wish to remain prosperous and secure.

President Reagan has consistently indicated his willingness to reduce funding for education programs. He has interpreted the Commission's report as a indictment against the Federal Government's involvement in this country's educational system. In his efforts to cut the Federal budget, the President has proposed the elimination of the Department of Education, greater use of local and State resources, and tuition tax credits.

I contend that President Reagan is looking 180 degrees in the wrong direction. I strongly oppose the administration's budget request for major cuts in funding. I believe that it would have a severe effect on our schools and on students of all ages. Instead, I supported a budget resolution which rejects proposed cuts in such programs as compensatory education for the disadvantaged, handicapped education, and student financial assistance. These are the very programs which have given millions of American students the opportunity to seek an advanced education.

In efforts to further our Nation's technological standing, we in Congress have passed a measure to provide assistance for mathematics and science education. In the area of postsecondary education, H.R. 1310 authorizes five programs to improve education in the specific fields of mathematics, science, and the foreign languages. In addition, it sets a national policy for training and maintaining an adequate supply of qualified scientific, engineering, and technical personnel. This is the first but must not be the last of our efforts to shore up our educational system.

How much is the future of American education worth? This Nation cannot afford to reduce its commitment to education, especially now that other countries have stepped up their own programs and are emphasizing the need for computer, math, and science education.

It is indeed unfair to deny the students of this country a worthwhile education. We, at the Federal level, must reassess our priorities and recognize that education is a valuable investment in our Nation's future. The budget resolution for education assumes a fiscal year 1984 level of $6.90 billion in outlays for elementary, secondary, and vocational education programs. This is $1.95 billion more than requested by the administration. One must ask how President Reagan can rationalize such slashing of educational funds.

The question to be posed is this: Is it the role of Federal Government to abdicate its responsibilities to aid education? Or is it to protect and insure the maintenance and improvement of our educational level?

I say we must choose the latter. Our Nation proud of its many past achievements, must realize the risk involved in dismantling the Department of Education and decreasing the funds available for vital educational systems.

We must continue to fulfill our commitment to our youth and our future. We must do all we can to make education a top priority.●

● Mr. LEVINE of California. Mr. Speaker, I am pleased to join with my colleagues today to reflect on the current crisis in education.

In its report analyzing declining academic achievement scores, in this country, the National Commission on Excellence in Education warned that "the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and a people."

The commission is not alone in its concern about the impact on our society of a new class of young people who cannot read and write. Academic professionals, parents, and business leaders have all expressed their concern about the need to improve the education our children are now receiving.

Our children have always been our most precious resource. Our commitment to them will determine not only their future, but the future of this Nation as a whole. Unless we invest the necessary time and energy into rearing and nurturing them, they become a wasted resource. Rather than lead and inspire future generations, they become an unproductive burden on them.

Now that we are entering an increasingly complex and constantly changing technological age, the need for improved educational standards is imperative. The Federal Government must assume a greater share of the responsibility both in funding education and in mandating minimal academic standards for our schools.

The Reagan administration, on the other hand, has set out on a policy, which has resulted in fewer Federal dollars and lower standards in our public schools. Unless action is taken to reverse these policies, the situation will only grow worst. Since 1980, funding for elementary and secondary education has been cut from $7.4 billion to $6.6 billion.

The administration's budget cuts have most seriously affected lower- and middle-income families. Funding for the Pell grant program has been reduced by $200 million between fiscal years 1981 and 1983. The national student loan program has been reduced by $107 million between 1980 and 1983. The Federal share of the costs of educating handicapped students has dropped from 12.5 percent to 8 percent. As a result, about 1 million low- and middle-income families are no longer receiving student aid benefits.

Last year, the President vetoed a bill which contained $450 million in education funds for disadvantaged students. Fortunately, his veto was overriden by Congress.

Incredibly, at a time when our schools need every tax dollar type can get, the President has proposed the adoption of tuition tax credits for parents who send their children to private schools. Adoption of this proposal could cause irreparable damage to our public school system.

At a time when State and local governments are reducing funding of education, it is imperative that the Federal Government reassert its commitment to our public schools. My own State of California has gone from being one of the leaders in education funding to 50th among the States in funding for our schools.

In an effort to reduce his unprecedented budget deficits, President Reagan has apparently decided that an appropriate and politically acceptable place to cut spending is Federal support for our schools. Fortunately, Congress has not agreed with the President, and Members of both parties have gone on record in support of higher levels of overall Federal education funding. In addition, the House has passed legislation authorizing important new programs which target Federal support for improving curriculums in such critical areas as the sciences and mathematics.

While increasing Federal support for education is necessary, money alone is not enough. We must provide our children with moral support and help them understand the importance of receiving an adequate education.

We must remind them that access to a well-balanced education is not only a basic right, but also a basic tool for survival. We must reiterate to them that in this country, rather than honoring the wealthy, and well-bred, we honor the wise.

We also have a responsibility to the teachers who bear so much of the burden of educating our children to recognize the role which they play in our society. This means that in addition to higher salaries, we must treat these remarkable men and women with the respect they deserve. Similarly, higher standards of professionalism and achievement should be expected from educators at every level.

In the economy of the 1980's and beyond, as technology begins to play an even greater role in our domestic economy and the world economy, the quality of education a nation provides to its young people will be critical. While every other industrialized nation is increasing its national commitment to education, we cannot stand alone as the one Nation which reduces education funding.

We cannot turn the clock back to the simple one room schools supported only by local taxes as the President seems to desire. Such a system worked well in simpler times; these are not the 1940's or 1950's. In the 1980's we must adapt and pursue new policies to improve the quality of education in this country.

It is my hope that this Congress and the President can work together to improve our schools. If the President does not wish to be part of the effort, and instead chooses to frustrate it, then it must be the responsibility of Congress to insure that our young people are prepared to face the world of the future.●

● Ms. KAPTUR. Mr. Speaker, as a result of the recent report by the National Commission on Excellence in Education, entitled, "A Nation at Risk," the education issue has been brought to the forefront of public and political discussion. I applaud the efforts of those nonpartisan and public-minded organizations and individuals which have sharpened our understanding of the education process—its strengths as well as its weaknesses. I believe it is high time that the education issue is finally receiving the national attention it justly deserves.

But let us not delude ourselves into believing that this issue has somehow taken on new social importance or that this issue has not been thought about anywhere else before. Throughout this Nation and for many decades, communities have labored to structure school systems that meet the needs of their young people. The problems in education that have suddenly captured the imagination of this President, for however long or genuine, have been confronted by those in the education community and public servants at all levels for many years.

Mr. Speaker, I have always believed that education is the first line of our national defense. Because education is the foundation of a strong America, our Federal Government has been and must continue to be an integral part of the support for it at all levels; primary, secondary, and higher education.

I am gratified to see that this administration has finally begun to express some positive interest in the education issue. But a few speeches extolling the virtues of one potential part of a comprehensive solution to a complex problem, does not wipe clean this administration's record of trying to extricate the Federal Government from the education process.

Prior to the elections this past November, this administration had proposed reducing Federal funding for education by one-third. Because of the message the American people sent to Washington last fall, the President revised his education budget request upward, but only to a level far below that of the previous administration. Total figures however are misleading. They do not reveal the impact of budget cuts on specific programs or children. Despite his own Secretary of Education's assertion that the elementary and secondary education assistance programs have been highly successful in raising the achievement levels of our disadvantaged students, the President has insisted on cutting their funding by $1 billion—to a level that would seriously limit their effectiveness. At the same time, he has pushed through increased military spending increases of $100 billion each year—to $245 billion this year.

Mr. Speaker, my district, Ohio's Ninth, and indeed, the entire State of Ohio know only too well the adverse effects this administration's education strategy has had. Over the past 3 years, total Federal funding for public education programs in Toledo, Ohio, has dropped by over $2 million. Those cuts have come in programs for basic skills, handicapped education, job training, child nutrition, and vocational education.

The President fails to understand that the States, which have always had total authority over their academic requirements, originally turned to the Federal Government for resources to make their systems more effective. This administration valiantly supports increased spending by the States for merit pay, while at the same time it champions an economic program which has depleted State revenues and resources. How, I ask, Mr. President, do you expect financially strapped States to pay for your set of solutions to the education problems?

Furthermore, nowhere has the President addressed the crucial issue of higher education. Because of this

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administration's massive cuts in funding for higher education and scholarships, access to it is becoming limited to a select segment of our society—the very wealthy. In doing so, we are robbing our society of a precious commodity, an educated citizenry.

Mr. Speaker, a national problem is in dire need of a solution. It is now up to all interested people, from Government on all levels to parents and teachers—for all to work together toward that end. In my own district, I will be working with all interested individuals in examining the problems confronting our local school systems.

We in the Congress for our part can begin by restoring funds to valuable and successful education programs, and by facilitating a national dialog. Knee-jerk and superficial discussions of solutions, political demogoguery, finger pointing or divisiveness will neither solve the problem nor foster the interests of our Nation's children.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of American education. I wish to commend my colleagues, Chairman Perkins, Mr. Simon, Mr. Hertel, and Mr. Alexander, for organizing this special order on education. Their leadership in the field of education, especially Chairman Perkins, is well known in the Congress.

I find it utterly distressing that President Reagan has only recently acquired an interest in education. This President is the same Ronald Reagan who was elected in 1980 on a platform calling for abolishment of the U.S. Department of Education, creation of tuition tax credits, and drastic reductions in Federal support for education.

This is the same President who, less than 6 months ago, proposed a fiscal year 1984 education budget which, if enacted by the Congress, would reduce budget authority by $0.7 billion.

This is the same President who requested education rescissions of $330 million in fiscal year 1983 budget authority for a combined reduction in excess of 7 percent below the current level of funding.

According to the Congressional Budget Office, President Reagan's "savings" in the education budget would be achieved "by sharply reducing funding for bilingual and vocational education, terminating the Indian education grant program, and eliminating certain grants to postsecondary institutions that provide education support services to low-income students." In other instances, President Reagan requested only level funding; and with inflation, this amounts to a budget reduction.

On August 26, 1981, the National Commission on Excellence in Education was created and it was directed to report on the quality of education in America by April 1983. The report, "A Nation at Risk: The Imperative for Educational Reform," was presented to the Secretary of Education on April 26, 1983. The report begins by stating:

> Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world . . . We report to the American people that while we can take justifiable pride in what our schools and colleges have historically accomplished and contributed to the United States and the well-being of its people, the educational foundations for our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. What was unimaginable a generation ago has begun to occur—others are matching and surpassing our educational attainments.

Mr. Speaker, among the Commission's recommendations was one which spoke to leadership. It suggested that the Federal Government assist State and local governments in meeting the needs of students who may be gifted and talented, handicapped, minority, language minority, or socioeconomically disadvantaged. But probably the most important statement made by the Commission proclaimed:

> The Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support the efforts to protect and promote that interest. It must provide the national leadership to ensure that the Nation's public and private resources are marshalled to address the issues discussed in this report.

Mr. Speaker, the President praised the Commission and its report, which calls for a greater Federal involvement in education. Yet, this same President has proposed drastic reductions in the Federal education budget. He further passed the buck to already fiscally strapped State and local governments.

Mr. Speaker, many of my colleagues are aware of the dramatic increase in total reading and mathematics test results in the D.C. public schools. While the test scores are not where the Superintendent and the Board of Education would like to see them, they are increasing. But right in the midst of this significant achievement, the D.C. public schools have been faced with dramatic fluctuations in Federal grants. Federal grants for the public schools have gone from a high of over $45.7 million in fiscal year 1981 to an estimated $36.9 million for fiscal year 1984. This certainly does not illustrate the kind of Federal leadership suggested by the President's National Commission.

At the postsecondary level, President Reagan has sought to reduce or limit access to higher education institutions by blacks and other minority students, especially those who are economically disadvantaged. In 1981, President Reagan proposed reductions in Federal student financial assistance totaling over $9.2 billion in 1981–86.

Let us look at the facts. The American Council on Education has pointed out that President Reagan's budget proposals would cut Pell grants from $2.4 to $1.4 billion in fiscal year 1983 and eliminate 1 million students. Some 590,000 students would no longer receive State student incentive grants, and 220,000 students would be dropped from the college work-study program. Another 255,000 students would be eliminated through termination of the national direct student loan program. TRIO programs, which provide services to disadvantaged students to encourage them to attend college, would be cut by 47 percent. Proposals for the guaranteed student loan program would increase student indebtedness by 19 percent. Funding for 1,800 graduate fellowships would be eliminated.

For fiscal year 1984, President Reagan recommended an overall freeze on spending for postsecondary education programs. His proposal would eliminate Pell grants, supplemental educational opportunity grants (SEOG), NDSL, and SSIG and replace them with a new "self-help" program. Some 400,000 students would be cut from grant programs under the President's budget proposal. Graduate fellowships for women and minorities would be eliminated and TRIO would be reduced by 77 percent.

The negative impact of recent education budget cuts has been felt most by low- and middle-income students. The Nation's historically black land grant colleges suffered a 7.4-percent decline in freshman enrollment last fall. This is clearly a result of budget reductions. What follows is a recent article from the Washington Post which outlines the plight of black colleges.

[From the Washington Post, June 20, 1983]

BLACK COLLEGES JEOPARDIZED BY SHRINKING FUNDS AND ENROLLMENTS

(By Milton Coleman)

NASHVILLE.—There are few students these hot summer days at tiny Fisk University, a 117-year-old school built on the site of a slave market. But the campus still flowers with a richness of black history and academic achievement.

Outstanding minds—W.E.B. Du Bois, James Weldon Johnson, Arna Bontemps, Alex Haley—have taught or studied in the shadows of the white clapboard Little Theater, an old Union Army barracks, and Jubilee Hall, a faded brick Victorian named for the Fisk Jubilee Singers who introduced the world to the black spiritual.

The lawns and hedges are well-trimmed, and the administration building's buffed granite floors glow beneath Gothic portals and along corridors adorned with bold African sketches.

But the sense of well-being is deceptive. Fisk is fighting for its life—as are many of the nation's 103 traditionally black colleges and universities. In 1960, they educated two-thirds of all black college students; today, they educate one-sixth.

In the past two decades, cheating death has become an increasingly common problem for historically black colleges and universities, whose obituaries were first written when historically white schools began to integrate.

Corporate donations are harder to come by and endowments are virtually nonexistent for most black institutions. Competition for foundation funds is more intense, and so is the battle to attract top black students and faculty.

In addition, federal cutbacks in financial aid, real and threatened, are cutting the lifeline for many of the institutions' poorer-than-average students.

Last year there was a 12 percent drop in freshman enrollment at the 42 predominantly black private colleges of the United Negro College Fund—three times the national average—and their overall enrollment dropped 4 percent, compared with a national average of less than 1 percent.

Fisk typifies the problem. Enrollment is down from 1,500 in 1971 to 757 last fall. Eroded by years of borrowing to finance operating deficits, its once nearly $15 million endowment now stands at $4.5 million.

Rustic brick walls, majestic stone steps and Gothic towers and even parts of historic Jubilee Hall are crumbling. Memorabilia donated by Haley to his alma mater are collecting dust in the office of university President Walter J. Leonard.

Earlier this year, a frustrated faculty assembly gave Leonard a vote of no confidence after he informed them he no longer could promise to never miss a payroll.

No payrolls were missed, and Fisk hopes to finish the year without a deficit. Moreover, Leonard's six-year recovery plan is showing some success, and a revitalized board of trustees has launched an $18 million fund drive with $100,000 from its own pockets.

Still, there is an eerie sense of the past repeating itself. Leonard said recently that Fisk has been "historically black, proud and poor"—down but not out. This appears to be another of those times.

That view is echoed by Christopher F. Edley, executive director of the United Negro College Fund.

"We're pretty much in the same shape we've been in throughout the '70s—hard pressed for money but surviving," he said. "It doesn't do us any good to have people talking about private black colleges in dire financial straits," Edley said. "We've always been in dire financial straits."

Across the street from Fisk, Meharry Medical College, alma mater of 40 percent of the nation's black doctors and dentists, was rescued last year when the federal government forgave a $29 million debt on a federally insured mortgage.

Still, the size of entering medical classes has been trimmed from 110 to 80 and many newer students must take out high-interest loans because the federal scholarship program for medical students who plan to work in underserved communities—as 75 percent of Meharry's graduates do—has been eliminated.

"I believe that all of the historically black colleges in this country are in jeopardy unless they're getting substantial federal funding," said Meharry President David Satcher. "I just don't think that we have the financial base right now to say that we're out of danger financially."

Integration has had its effect, too. Three historically black schools—Bluefield (W. Va) State College, West Virginia State College in Institute, W.Va., and Lincoln University in Jefferson City, Mo.—have became predominantly white institutions.

Here in Nashville, historically black Tennessee State University has swallowed up the former University of Tennesee-Nashville in the wake of a merger ordered by a federal judge in 1979.

In the process, TSU increased its enrollment by 60 percent, added a new dimension to its course offerings and is now using a $100,000 scholarship fund to recruit minority students—whites—to help integrate its 63 percent-black student body. Before the merger, TSU's student body was 85 percent black.

"With the merger, our mission certainly was broadened," said TSU President Frederick S. Humphries. "We are now a multiracial institution and our mission became enhanced to include an urban thrust, which we did not have before."

Despite such changes, historically black schools still produce more than 31 percent of the nation's black college graduates, and an estimated 40 percent of the blacks who teach in college are on the faculties of black institutions.

"Blacks have a lot of bad experiences in white institutions," said Kenneth S. Tollet, director of the Institute for the Study of Educational Policy at Howard University in Washington, D.C.

"There's nothing wrong with integration in principle," he said. "It's just in practice."

At Howard, another traditionally black university, the number of students transferring from other schools increased by 26 percent last year and many of the transfers appeared to come from white schools, said William H. Sherrill, Howard's dean of admissions and records.

Last year, Howard enrolled 2,155 new freshmen and 1,076 undergraduate transfers. The year before, there were 2,783 new freshmen and 855 transfers.

In the South, some first-generation black graduates of integrated high schools are setting their sights on black schools at the undergraduate level and beyond.

Biology major James Whittaker, 19, of Columbia, Tenn., attends historically black Lane College in Jackson, Tenn. He has three preferences for medical school, he says: Meharry, Howard or Morehouse in Atlanta—all traditionally black schools.

"I think I can associate with white people. I went to a white school, I was vice president of the senior class. I'm able to communicate with white society and I can deal with whites," Whittaker said. "It's not that I would be going to a 'white' school or a 'black' school. It's just where I would feel more comfortable," he said.

Ann Slaughter, 20 and a senior at Fisk who, like Whittaker, attends a United Negro College Fund-sponsored premedical summer institute at Fisk, is a graduate of a predominantly white Catholic high school in Chattanooga.

"Everywhere you looked, it was white, rich white kids. That's not reality," she said. "I knew I wanted to go to a black campus because I'd never gone to school with black people . . . . I wanted to be with other black people who are going to become the stars, the future Alex Haleys, the future doctors and all that."

Many black college officials feel put upon when asked to defend the legitimacy of schools like theirs.

"People ask you, 'Why do you need Fisk?' Why do they ask that question?" said Meharry President Satcher. "Most of the institutions in this country were founded with a narrow focus and they were expanded over the years."

"I don't think that question should be asked any more than you ask, 'Why do you need Georgetown [a Catholic university]? Why do you need Brandeis [a Jewish university]?' You only hear those questions about the historically black institutions," Satcher said.

"We'd love to have [more] white students," Fisk's President Leonard said. Fisk has about two dozen now. "But unfortunately, society has said to a white student, 'Well, that's a black school and you don't really want to go to a black school.' "

Some blame the Reagan administration for the current woes of historically black colleges. Critics contend that while it launched a highly touted initiative in 1981 to preserve black schools, it is hurting them by cutting back on student financial aid.

Last year, for instance, the administration obligated $564.5 million to black colleges in grants and contracts, an increase of $19.6 million or 3.6 percent over the previous year. This was at a time when obligations to all colleges and universities decreased by $176.9 million.

Some of the largest amounts went to a handful of colleges, including Howard ($145.2 million, or 26 percent of the total), Meharry ($29 million) and Tuskegee Institute in Tuskegee, Ala. ($9 million).

Despite the increased funding, Mary Carter-Williams, senior research fellow at Howard's educational policy institute, said black colleges still receive a disproportionately small share of grants for scientific research—2.1 percent of the $4.6 billion awarded overall.

But most harmful, she said, have been reductions in student aid, which is more critical to blacks than whites as a source of funds for higher education.

Between 1981 and 1982, appropriations for the federal Pell grant program (the old Basic Educational Opportunity Grants) decreased by 7 percent and funds for campus-based assistance declined by 4 percent. Reagan's 1983 budget threatened to reduce allocations in both areas, but Congress rejected the cuts and the 1983 funding remained the same as for 1982.

All of this has occurred, Carter-Williams said, at a time when the black college-age population is increasing, the white college-age population is in decline and pinched pocketbooks among the middle class have diverted attention from helping the poor.

"In light of the economy changing and Americans being concerned about inflation and the rising cost of living, we've had a shifting down of educational opportunity as a public value," she said.

However, Edward M. Elmendorf, assistant secretary of education for post-secondary education, said that despite any cuts, Pell grant formulas allow students at black colleges who are poorer than white counterparts to get an average of $200 more per grant.

Elmendorf said that as a result of the administration's black college initiative, obligations should surpass $600 million this fiscal year. And although the administration favors streamlining on-campus aid programs, he said, it is not reducing spending.

"I feel it's well on the way to working," he said of the administration program. "We have the dollars to show it."

Some problems of black institutions can be traced to successes of the civil rights movement. At Meharry, for instance, many patients who previously could go nowhere but to a black hospital now go to white facilities—and often are sent by black doctors.

Consequently, Meharry's recently built teaching facility, George Hubbard Hospital, was half empty for some time. That helped

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create the college's $29 million debt and also threatened the facility's accreditation because there were too few patients for proper student training.

"I think that's good that black physicians have options," Meharry President Satcher said. "I think the unfortunate thing is that integration is uni-directional. We haven't seen white physicians coming to historically black hospitals and admitting white patients in great numbers."

Satcher and Leonard also hold alumni partially responsible for not giving substantially to the schools that educated them.

"The historically black institution does not reflect the economic, social and political performance or achievement of its graduates, unlike the white institutions," Leonard said. "We have several graduates who have a net worth of a million dollars or more who don't give anything."

Leonard said part of Fisk's problems began in the late 1960s and early 1970s, when it expanded its student body and course offerings too quickly, overextended its assets and lowered its academic standards in an ill-fated effort to bolster the university athletic program.

Drastic steps toward recovery were taken in 1974, when about 40 percent of the faculty and half the staff were laid off, he said. Since 1977, when Leonard became president, the university has been struggling to keep above water.

"Financially," Leonard said, "Fisk always has been underfunded, to some extent unwanted, to a great extent feared. There has always been an attempt to make Fisk less than what it can or should be."

Just last week the Association of Minority Health Professions Schools, which is composed of eight minority health schools, released a study showing severe shortages in the supply of minority doctors, dentists, pharmacists, and veterinarians. The study pointed out that blacks comprise 11.7 percent of the Nation's population, yet are only 1.6 percent of all veterinarians, 2.3 percent of pharmacists, 2.9 percent of dentists, and 2.6 percent of doctors. The report stated that "recent changes in student financing (by the Federal Government) are increasing the already considerable economic barriers to black health professions students who tend to come from families with lower socioeconomic status than white students."

Mr. Speaker, education is still the key to advancement for black students. That advancement can only occur through Federal leadership from preschool to graduate and professional school. In higher education the over 100 historically black colleges should be preserved by substantial fiscal support and not rhetorical support. They remain national treasures.

At the elementary and secondary levels the Federal Government must once again exert strong leadership in an effort to improve education. This Nation needs an abundance of highly qualified math and science teachers who are well-paid. We need facilities, for all students, which will enable teachers to provide an excellent education.

Mr. Speaker, following the Reconstruction period in our history, one of the first institutions attacked was the public school system. Black students were systematically denied access to a proper education by those who sought to return our Nation, at that time, to a system which maintained inequality and segregation. Only with the advent of the civil rights movement did our Nation embark upon an effort to redress the moral decadence of racism in our national life generally, and specifically in our educational institutions.

The impact of President Reagan's policies is to turn the clock back to the days of separate and unequal education. The methodology for this reactionary drive is the use of fiscal and tax policy to resegregate our educational institutions and to deny equal educational opportunity to the masses of Americans.

Mr. Speaker, the black leadership family has been developing a "people's platform" designed to embody the hopes and aspirations of this Nation's black citizens. In the field of education the platform states that the Federal Government has a legitimate and essential role to play in the field of education. This role is necessary to insure equal opportunities for all Americans; to enhance the quality of education; and to provide financial assistance to State and local education agencies.

It is time for the President to halt his rhetorical excesses and to exercise constructive leadership in the field of education.●

● Mr. BROWN of California. Mr. Speaker, we are all aware of the crises we face in education today. We have all seen the declining test scores, the high functional illiteracy rates, the vast need for remedial education, and all the other indicators of severe inadequacies in our educational system. The Nation stands at a precipice. Our future depends on whether we topple over the edge of national ignorance or turn ourselves around to develop a vibrant, productive school system. A Republican President, Dwight D. Eisenhower, defined the relationship between education and the Nation's future:

> Because our schools help shape the mind and character of our youth, the strength or weakness of our educational system will go far to determine the strength or weakness of our national wisdom and our national morality tomorrow. That is why it is essential to our Nation that we have good schools. And their quality depends of all of us.

We are beginning to realize that the quality of education does depend on all of us. We cannot leave it to teachers and school boards, or to local and State governments. We all share the responsibility for high quality education—including officials at the Federal level. Schools cannot do the job without Federal money.

We know we have a crisis which we must all work to overcome. If we can determine its cause, we can propose a better solution. From my perspective as a contributor to science policy, the changing nature of our economy has created new demands on schools—demands which are largely unmet. We stand on the threshold of an economy based on technology. This new economy needs citizens who are technologically literate, who can continue learning new ideas and concepts throughout their lives. To a large extent, schools are not providing students with this kind of education. In addition, we suffer from a shortage of professionals who can teach the new technologies. In my own State of California, a recent survey found that only 10 to 15 percent of the 3,000 new math and science teachers needed statewide next year are now undergoing retraining.

The House began to address this need by passing the Emergency Mathematics and Science Education Act as its first major piece of legislation in this Congress. But many problems remain in our school system, and more Federal money will be needed before we have an effective, dependable school system. I commend the Budget Committee's Task Force on Education and Employment for holding hearings this week on education quality and Federal policy. I commend all the various legislative proposals responding to this crisis. Our schools and students need our help. We cannot survive long in the information age without inviting schools along. Thomas Jefferson spoke to our current condition:

> Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made * * * institutions must advance also to keep pace with the times.

I encourage my colleagues to heed the wisdom of our fathers, and provide for our children.●

● Mr. LEHMAN of California. Mr. Speaker, I rise today to add my voice to those of my colleagues in the Congress who have reacted with dismay at the findings presented in the report of the National Commission on Excellence in Education. The report contains a litany of startling findings detailing the failure of our educational system to teach America's citizens even the most basic of reading, writing, and mathematical skills.

It is obvious from this, and other recent reports, that America's educational system has fallen far behind those of the world's other industrialized nations. However, this rising tide of mediocrity need not be the permanent legacy of our educational system. The current decline in our ability to educate our citizens as they should be educated is not unprecedented nor is it irreversible.

Early in his administration, President John F. Kennedy faced a similar challenge when the Soviet Union launched the Sputnik satellite into orbit around the Earth. President Kennedy was wise enough to realize that the United States was woefully behind the Soviet Union in its resources of technical expertise and scientific knowledge. He also realized that the Soviet Union's technological superiority was an indicator of how far our own country had to come if it was to compete with the world's other industrialized nations both in outer space and here on Earth.

President Kennedy met this educational challenge head on with a three-pronged attack on our country's scientific illiteracy. First, he established the bold goal of putting an American on the Moon by the end of the decade of the 1960's. Second, he announced the establishment of a major Federal agency to oversee the Nation's space program, the National Aeronautics and Space Administration. Finally, and perhaps most importantly, President Kennedy moved to shore up America's educational system by expanding student loan programs, encouraging the study of science and mathematics in our schools, and establishing other Federal programs to improve our educational system.

Today the Reagan administration faces a challenge to America's educational system that is similar to the one which President Kennedy's administration dealt with over 20 years ago. The schoolchildren from many nations the world over can run academic rings around the average American child. Japan, Germany and other countries are encroaching into the high technology markets that only recently many experts thought would be the exclusive domain of American industry for decades to come. With the close relationship between jobs here in America and the technological prowess of our competitors in the world marketplace, it behooves the Congress and the President to act swiftly to solve our current educational deficiencies.

With this in mind, let us examine the program that our current President has proposed to lift America's educational system from the doldrums of the world's classroom. First, President Reagan has set a goal of increasing the college board verbal and math scores of America's students by 50 points by the end of this decade. This is a laudable goal that I can only agree with. However, I have sincere doubts as to whether the President's methods for achieving this goal will yield the desired results. Rather than increase the Federal Government's commitment to education as President Kennedy did, the President proposed to abolish the Department of Education. Rather than increase the funding for undergraduate and graduate student loans, fellowships, and other assistance, President Reagan has proposed to severely cut back on Federal programs to help needy college students. While President Kennedy moved to prop up our public schools with expanded science and math programs, President Reagan has proposed to enact tuition tax credits for private schools and prayer in the public schools.

The President has also endorsed the concept of merit pay for America's schoolteachers. Conspicuously absent from his proposal is any reference to how this proposal will be funded. In fact, funding for Federal programs to improve our Nation's educational system is conspicuously absent from all of Mr. Reagan's proposals.

This is where Mr. Reagan's solution to our educational problems differs starkly from those used 20 years ago by President Kennedy. President Reagan does not have the will to ante up the needed funds to bring our educational system on to an equal footing with those of the rest of the industrialized world.

Funding these changes in our educational programs does not require the imposition of new taxes. Rather, we must only rearrange our priorities. In Japan, where their schoolchildren receive a rigorous course of study that regularly produces scholars far superior to the average American student, the Government spends $21 billion per year on educational programs. This is two times the amount that Japan spends on national defense.

I would encourage my colleagues in Congress to follow President Kennedy's example and do all that is necessary to elevate America's educational system to its former status as a world leader. This can only be done by rearranging our priorities and by reaffirming our commitment to the education of America's citizens, no matter how difficult the task or how great the cost.●

● Mr. MATSUI. Mr. Speaker, I am pleased to join my colleagues today in this special order to discuss the critical state of the Nation's educational system.

As you know, in response to the findings and recommendations of the National Commission on Excellence in Education, President Reagan has given education issues a new priority in his administration and has gone on the road to convince the American people of his solutions. But rather than providing fresh ideas or leadership in finding ways to solve this national crisis, Mr. Reagan simply offers policies of tuition tax credits, school prayer, abolition of the Department of Education and no new Federal funds for education programs.

I believe this Nation's schools would be better served by looking to the example of California—the President's home State and mine. There, after years of seriously underfinancing education programs at all levels, Californians have reaffirmed the vital importance of education to the economic and social development of the State.

Despite a potential budget deficit of $1.5 billion, a bipartisan group of State legislators, working with the superintendent of public instruction, has developed a plan to increase education spending this year in California by more than $700 million. Funding would come from the imposition of a variety of new taxes.

The program would not simply pump money into the system, however, because it addresses many of the issues raised by the President's commission, including stricter graduation requirements, increased instructional time and improved quality control and pay for teachers.

This legislative action comes at a critical time for education in California. For decades, California's educational system served as a model for the Nation. But following passage of proposition 13 in 1978, public financial support of schools began to slip and Federal cutbacks in the past 2 years further exacerbated the problem. As a result, today California ranks 49th among the States in support of public schools in terms of ability to pay. Only one State has a higher average class size than California, and the State's schooldays and school year are among the shortest in the country.

While the effort by California's legislature is highly commendable and a major step toward dealing with the problems of education in California, such efforts at the State level do not abrogate the need for Federal leadership in education. Rather than adopting the President's policy of "let the States do it," we at the Federal level must define the educational needs of our Nation as a whole and provide the assistance necessary to insure that we and our children are well-served by the Nation's public schools.

As we address this leadership role in Congress, let us look to the positive example of California's legislators in forging a cooperative, bipartisan approach to this important problem.●

● Mr. EDWARDS of California. Mr. Speaker, I thank my colleagues for reserving this time today so that we may call attention to the current crisis in our public education system.

Clearly, the facts speak for themselves. Since 1965, mean verbal and mathematics SAT scores have steadily declined, reaching their lowest point in history in 1980. Not only SAT scores, but other nationwide test scores reflect this downward movement, with 1 to 3 percent decline per

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year since the mid-1960's. Other analyses provide additional evidence that in the areas of reading, writing, math, and science, today's students appear to be losing ground. The worst performance for recent 17-year-old samples were in reading and writing: Between 1971 and 1980, analytic reading scores declined by 10 percent, and between 1974 and 1979 persuasive writing scores dropped by 6 percent. American students' foreign language training is sorely neglected. Fewer than one-fifth of current high school students have any training in a foreign language and only 4 percent have studied another language for more than 2 years.

In contrast to this record, the Soviet Union annually graduates 2 million high school seniors who have had at least 1 year of calculus. Only 100,000 high school seniors from the United States graduate annually with such a background. A 1980 report by the National Science Foundation and the Department of Education observed that the U.S. science and mathematics programs now lag behind those of Germany, Japan, and the Soviet Union.

Now the President's own Commission on Excellence in Education has turned in its report on the sorry state of education in our country. The Commission concluded what a number of us have been saying for a long time—that American education has slipped, and we are trailing our economic and military competitors in educational achievement, and that this will have dire consequences for the Nation. Our public education system is in a state of crisis and needs help. It, therefore, behooves the Federal Government to reaffirm its commitment to the education of our Nation's youth.

The Commission was very specific on the role of the Federal Government in improving education, and in effect slapped President Reagan's wrist for his inattention to the challenge. The President, however, has used the Commission's findings as license to forge ahead with his programs to establish tuition tax credit programs, education vouchers for the disadvantaged, and prayer in public schools. These are not the solutions to the failings of our public school system.

President Reagan's budget cuts, as we have witnessed in recent years, resulting in the unemployment of 5,500 teachers and the elimination of 250,000 students from title I programs, must not continue. Higher education has not been spared the Reagan budget ax. At the hands of the President, more than 2 million students would have been denied grants and loans. I am, however, encouraged by many of the efforts being made during this Congress to provide much needed aid to the beleaguered school districts. Bills to authorize money for improvement of math and science education, vocational education, access for the handicapped, and increased overall funding have been introduced. Money for school building maintenance and hiring of new teachers has been proposed as well as money for technological classes and to equip classrooms with computers.

Much, much more needs to be done. The alarm has been sounded, and it is clear that we have a long way to go. We must unite to shape up American education, or pay the consequences of becoming a second- or third-rate power.●

● Mr. KASTENMEIER. Mr. Speaker, I ask you what can be more satisfying than a child reading his first words? Or a college student first appreciating the glory of William Shakespeare? It is these moments and many, many more which point to the value and worthiness of a strong educational system.

Many of us in Congress have been fighting the current administration's efforts to reduce funding to the various successful education programs—the very programs that have given disadvantaged young children that first crack at reading or undergraduates a chance to learn Shakespeare. Because of Mr. Reagan's budget recommendations, elementary and secondary education programs were cut 15 percent between fiscal years 1980 and 1982—denying thousands of children access to programs like chapter I. Or the Pell grant program, designed to assist low-income students in financing a college education, was cut by $200 million between fiscal years 1981 and 1983. These are only two of the many programs to the educational health of our young that have suffered under the Reagan budget ax.

Lately, Mr. Reagan has been speaking around the country as if he had always been a friend to education. After 18 months of careful scrutinization, the National Commission on the Excellence in Education published its appraisal of the health of the U.S. education system. According to the Commission's report, "A Nation at Risk," "the education foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and as a people." And while I do not hold the President entirely responsible for this verdict, it is not unfair to state that his past educational policy of slashing programs to the detriment of so many, has contributed to many of the problems identified by the Commission.

The President has ignored, in his appearances in Minnesota and Tennessee, that his own appointed Commission recognized that the Federal Government 'has the primary responsibility to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest. Fortunately, Congress has recognized this and has rejected the President's attempts to diminish education programs every new fiscal year.

A strong commitment to education by children, parents and officials at all levels is essential to the future of our society. We, as Members of Congress, must listen to the critiques of our education system, evaluate their suggestions, continually look for ways to improve it, and provide the financial support necessary to bring those changes to fruition. It is crucial to our survival as a nation to do so, and enlighten our young to the joys of learning.●

● Mr. WYDEN. Mr. Speaker, in recent weeks, several national commissions have reported that America's educational system seriously needs an overhaul.

A report by the President's Commission on Excellence in Education, for example, concluded that:

> The educational foundations of our present society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation.

This charge is not one to be taken lightly. As the Commission reported, if an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

Some of the indicators supporting this charge of unilateral educational disarmament include the fact that some 23 million American adults are functionally illiterate by the simplest tests of everyday reading, writing, and comprehension. Approximately 13 percent of all 17 year olds in the United States can be considered functionally illiterate. Functional illiteracy among minority youth may run as high as 40 percent.

Clearly, as the report title indicates, we are a "Nation at Risk." Yet the Reagan administration, in responding to this report, cited the need for prayer in schools, tuition tax credits for private schools, and elimination of the Department of Education.

This response to our faltering educational system is totally unacceptable.

Though I am convinced that one of the keys to strengthening our educational system is more local involvement and grassroots participation in education, I also strongly believe that the Federal Government has a major role to play. If our schools continue to deteriorate, our Nation as a whole will become weaker.

Solving the problems of our educational system will require a partnership between all of the parties involved in education—Federal, State and local governments, private businesses, labor organizations, students, parents, and teachers.

And let us not be fooled by the administration's new found interest in education. This administration has been responsible for repeated cuts in successful Federal education programs—programs which have helped millions of our children attend college and thousands receive remedial tutoring.

I believe we must develop a national educational policy that looks beyond our immediate fiscal constraints to our needs through the end of the century. Our current shortsighted, bargain basement approach to education in this country has left us high and dry.

Above all, we must not forget that our children are, quite literally, our future. If we do not educate them properly today, we can scarcely expect them to be the kind of leaders we need tomorrow.

Thank you.●

● Mr. WEISS. Mr. Speaker, in just 2 short weeks of a campaign road show, President Reagan has thrown down a gauntlet to our education system in a remarkable attempt not only to rewrite his administration's record on education, but the Federal Government's as well. Mr. Reagan's revisionism is without factual basis and I do not think he will get away with it. This time, his hypocrisy concerns our children and their future. I believe he has miscalculated the strength of a fundamental social drive—the yearning of parents to improve the lives and minds of their children.

Ask men and women—the parents of America—what Mr. Reagan has advocated for education throughout his Presidential career and I think most would tell you he stands for tuition tax credits, prayer in school, abolition of the Department of Education, and the reduction of Federal funds for education. In short, Mr. Reagan believes that if the Federal Government has any involvement in education it is essentially a negative involvement and that the States and local districts must fend for themselves.

If anyone doubted his views before assuming the Presidency, Mr. Reagan has made them clear. Let us look at his record: Since 1981, over 1 million students from middle- and low-income families have become ineligible for Pell grants and guaranteed student loans; 750,000 students who would have been eligible for postsecondary aid under the Social Security Act will no longer receive benefits. Aid to elementary and secondary education programs has been cut from $7.4 billion in 1980 to $6.6 billion in 1983. The school lunch programs were reduced by 35 percent between 1981 and 1982. The Federal share in the total funds spent for the education of handicapped children fell from 12.5 percent in 1979 to 8 percent in 1983.

As we know, budget cuts have sliced into almost every domestic program, forcing States and localities to increase taxes to maintain needed social services. Now the President expects States and localities to bear the increased burden of putting education back on track. Mr. Reagan's schooling in history seems to be deficient. The Federal Government has been committed to education since the founding of this Nation. The Northwest Ordinance of 1787 required every town and rural community to set land aside for educational purposes. The Federal Government has risen to meet the educational needs of this Nation through judicial decisions and legislative action, making significant contributions to the advancement of our education system. But let us not bore the President with history. Let us speak of the future, a subject with which Mr. Reagan also has some difficulty.

When the political road show is packed up, we will be left with the problems and responsibility of our children's future. Mr. Reagan has abdicated that responsibility; we must not. We must take this opportunity to join together to strengthen the education system. We should continue and increase aid to school districts with high levels of poverty. Chapter I and Head Start are programs which have been recognized for their success in educating disadvantaged children. Supplementing State and local funds to impoverished school districts through such programs is an investment in our Nation's future.

Furthermore, we should recognize the value of our teachers and the growing demands they face in meeting the educational needs of our children. We must elevate our commitment to the teaching profession to the same degree that we give education. This means increasing teachers' salaries, as well as increasing our standards for teaching excellence. A program similar to the national health service corps scholarship program could be enacted to encourage skilled teachers to work in underserved areas. Another approach would be a student loan program targeted to students seeking training as teachers of mathematics and the physical and biological sciences. The Emergency Math and Science Education Act recently passed by this House begins to address the need for more trained teachers of math and science.

Congress has been responsive to our educational needs in the past. I am encouraged by the calling of this special order and by the statements of my colleagues that Congress will rise to the challenge of revitalizing our education system. While the President engages in a distortion of history, both his and the Nation's, it is Congress which offers real hope for the future.●

● Mr. KILDEE. Mr. Speaker, during the past few weeks the national media has reported how President Reagan is demonstrating a new-found concern about the unmet needs in education and suggesting solutions, some of which are irrelevant or simplistic at best. Clearly, the President is attempting to take the offensive and at least talk about the importance of education.

However, the President's attitude and actions during the preceding months of his administration have been overwhelmingly negative toward education.

Indeed, his chief initiative in this critical area over the last 2½ years has been to propose drastic cuts to the funding of Federal education programs. For the President to suggest he has been promoting anything other than the downgrading of Federal support of education is simply untrue in light of his own past record.

Mr. Speaker, the recently released report of the National Commission on Excellence in Education, "A Nation at Risk: The Imperative for Education Reform," pointed to the importance of continuing significant Federal support for education. To quote the report regarding solutions to current serious problems in education:

> Help should come from students themselves; from parents, teachers, and school boards; from colleges and universities; from local, state, and federal officials * * *.

If the impending education crisis described in the Commission report is to be averted, no resource can be ignored. Federal education support must be strengthened, rather than diminished. Education is a local function and a State responsibility, and it should remain an important Federal concern.

Landmark Federal statutes have guaranteed equality of educational opportunity to handicapped, bilingual, and educationally deprived students, among others. Federal programs like the National Diffusion Network have made great strides in promoting the overall quality of education throughout the United States. These are the programs the President has attempted to cut with his budget proposals. These programs survive and continue to serve students because of the resistence of the public and of the Congress to the President's cutback proposals.

The President seems to believe the challenges facing our education system can be met with his political ideology, a dose of artfully phrased platitudes, and a call for improving our schools and somehow doing that without it costing any extra money. Yet when he looks at the Defense Department, he declares that extra dollars are essential.

Let us not be beguiled by the President and his speechwriters. His true negative—even destructive—attitude toward Federal support of education is clear. I urge my colleagues to continue their leadership in protecting and augmenting that Federal support.●

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● Mr. CARR. Mr. Speaker, President Reagan's comments on the recent report by the National Commission on Excellence in Education are too little, too late, and too far off target.

The President says he is committed to making education a top priority. But his actions are nothing more than buck passing.

The 1981 budget resolution, drafted and pushed through the Congress by the administration, slashed elementary and secondary education. It cut school lunch programs and chopped vocational education. Grants and loans to help low-income students decreased by more than $300 million over the last 2 years.

We have to build on our educational foundation. Inherently, education is a long-term proposition. From the view point of society, there is not much instant gratification in education. It takes a long time to see its results and it takes even longer to recognize and remedy its weaknesses. But, without education we are nothing—and without education we are respected for nothing.

Federal support for public education is essential to our future as a strong and free nation. Instead of wasting more dollars on an unwinnable military arms race, the administration should be pleading with us to fund the winnable race for education excellence.

The President states that we must stay the course in this country. If we do not provide additional funding for public education in this country, we will certainly fail the course.●

● Mr. SMITH of Florida. Mr. Speaker, Thomas Jefferson once said:

> A civilization which expects to be both ignorant and free expects that which never was and never will be.

In the midst of a growing conflict over education policy, we often overlook that basic governmental roles evolve from fundamental principles.

The Federal role in American public education has evolved over the decades through a series of specific responses. Since the beginning of our Nation, that role has been expanded and refined to insure access to education for each and every child. At every step of the way, every generation of political leaders has sought not only to improve access to but also the quality of education.

Education gives us the tools that enable each of us to take part in debating the policy which directs our Nation. It has been our Nation's schools that have instilled our basic values and taught basic educational skills to generations of immigrants who, in turn, have helped our Nation maintain a free society.

Today, this principle is being attacked by a different breed of elected officials who believe that education on any level is an experience only for those who can afford it.

Today this principle, this fundamental right, is attacked by elected officials who do not understand the necessity of Federal support for education and its historical evolution.

Education has opened the minds of so many and now this administration wants to close the door on them. Losses of funding and programs—once they are incorporated in the Federal budget—are difficult to recoup in both time and minds wasted. Each million or billion of dollars taken from education funds will mean hardships for thousands of school children. It will mean cutbacks in libraries, research, and training; it will mean a cloudier future for our Nation.

Education programs have been cut from 10 to 50 percent at the Federal level. The choices at the State level are limited—cut programs and education or increase the local tax burden.

At a time when we have created so many worthwhile and successful programs such as Head Start, the administration asks us to reduce funding. What is the message we are telling our children when we cut back on education? What message are we sending other countries when we reduce education funding?

We have made great improvement in the past 200 years. Yet this administration argues that our Federal Government is too involved with education. This ignores the alarming findings of the National Commission on Excellence in Education.

Each succeeding generation has enjoyed the options made available to them by greater access and improved quality of education. We are now being asked to ignore our history and deny succeeding generations the same opportunities. Our sense of responsibility to the future must make us realize that we cannot jeopardize the future of our children and our Nation.●

● Mr. HATCHER. Mr. Speaker, I am certainly pleased that the distinguished chairman of the Committee on Education and Labor and the chairman of the Subcommittee on Postsecondary Education requested a special order to address education and the problems recently identified by the report from the National Commission on Excellence in Education. As a former teacher and the father of school age children, I am well-acquainted with the day-to-day successes and defeats faced by educators, students, and parents. As a Member of Congress, I am pleased to have this opportunity to comment on the future of education in America and the role that we all must play in improving our schools and colleges.

No one with access to a television, newspaper, or news magazine could possibly be unaware of the recent increase in political rhetoric about education. The importance of providing a quality education for our young people cannot be overstated, so it is good that this subject has been pushed to the forefront and the front page again. However, the citizens deserve more than just statements, rebuttals, and further debate; we owe them accuracy, and most importantly, we owe them action.

We should all be aware that there is a critical need for math and science teachers on the elementary and secondary level. With the passage of H.R. 1310 in early March, this House took a significant first step in addressing this need and others related to improving the education of students in the fields of math and science. Unfortunately, the Members of the other body have not moved as quickly on their version of this emergency measure. However, I understand that they should consider S. 1285, the Education for Economic Security Act, following the July 4 recess. I am pleased to hear this, and I look forward to the implementation of these emergency measures to shore up the teaching of math and science. But, this is just the beginning of what is necessary to put education in America back on track.

Presently pending in both the Houses of Congress is a comprehensive measure entitled the American Defense Education Act (ADEA). I am pleased to be a cosponsor of this bill to provide Federal incentives to local school districts and institutions of higher education to improve instruction and research in math, science, communication skills, foreign languages, new technologies, and guidance and counseling. This measure, sponsored by the chairman of the Committee on Education and Labor, is akin to its predecessor, the National Defense Education Act of 1958. The ADEA is needed to help make our schools competitive once again with those of the major world powers.

There is a portion of the ADEA which calls for the participation of the general public, school boards, administrators, teachers, business, and industry. It is imperative that we acknowledge that combating the present crisis in education will require the concentrated efforts of all Americans. We cannot view this as a problem to be solved solely by the Federal Government; neither must the solution be found only on the State and local level. Teachers cannot be held entirely responsible, and parents cannot shoulder the whole job. All of us must recognize the needs and begin to address them quickly. I look forward to working closely with the other Members of this House in bringing out mutual desires for education to reality.●

● Mr. FRANK. Mr. Speaker, I want to thank my colleagues, Messrs. PERKINS, SIMON, HERTEL, and ALEXANDER, for arranging this special order. In the face of the President's campaign to demonstrate his commitment to education, it is important that the facts of the administration's education policy be known.

As the National Commission on Excellence has pointed out there is an increasing discrepancy between our country's need for knowledgeable and highly skilled workers and the many high school and college graduates who leave school with only minimal educational skills. The problems of low curriculum requirements, poor textbooks, and inadequate teacher pay and incentives have received wide attention in the past few weeks. These are indeed problems as is the fact that education is fast becoming an unattainable goal for the many who are not wealthy.

The President says that education is of the highest national priority. Yet his actions during the last 2 years are in sharp contrast to his words of today. The budget resolution that he pushed through in 1981, which made deep cuts in virtually every social program, resulted in a 15-percent cut in elementary and secondary education programs in the last 2 fiscal years. Three million fewer children are receiving federally supported school lunches than before the President began his education program; 350,000 fewer college students are receiving Pell grant awards and 20 percent fewer students will receive guaranteed student loans in the coming school year. These are the facts of the President's education program.

I agree that we need a new emphasis on the basics of education; that every child in this country has the opportunity to develop his or her capabilities to the fullest. We must back up our rhetoric of commitment with the commitment to restore education funding to its pre-1981 levels. There is no substitute for Federal support for education, particularly for those students who are handicapped and disadvantaged. Excellence can only be achieved when we have guaranteed that every child, regardless of income, cultural background or physical ability, the basic right to an education.

The President shows his concern for education in his speeches. His budget proposals show his true philosophy—that of reducing Federal support and funding of education programs. If the administration and Congress want to bring our educational system up to higher standards and provide education opportunities to all students, then we must pay attention to the realities of what it takes to improve our educational system. We must demonstrate our commitment by providing the necessary funding to do so.●

● Mr. GUARINI. Mr. Speaker, I join my colleagues today in addressing the educational crisis our country faces by calling for a national commitment to education and an expanded Federal role in the pursuit of excellence in this arena.

Recent reports have made clear that the quality of education our young people are receiving is inadequate to meet our future needs. There can be no question that we face a serious challenge to our role as a world leader if today's circumstances continue unchanged. In response, we must make education a national priority, and assign it the budget priority we currently reserve for defense. In many ways, improvements to our educational system are just as vital to maintaining a strong America.

Recent speeches and statements by the President have given the misleading impression that excellence in education has always been a top concern. Behind the rhetoric, however, is clear evidence of this administration's skewed priorities. Until recently, Reagan's proposals would have undermined rather than strengthened America's public education system. Most important, these proposals failed to address the need for higher standards in the classroom and more stringent requirements for teachers.

In addition, the President's proposed budget cuts in education programs and Federal student aid would act to limit access to education for some of America's most needy students. The cost of higher education is becoming increasingly difficult to attain for many low- and middle-income families. Further cuts could effectively close many doors to greater educational and employment opportunities.

Calls to return control of education to parents and State and local authorities ignore the limited involvement the Federal Government has traditionally had in setting education policy. Almost exclusively, the Federal role in education has been tied to the enforcement of civil rights laws providing access to equal education for minorities, the disadvantaged, and the handicapped.

In the last decade, the dropout rate for minorities declined dramatically. At the same time, the level of educational attainment for young minority adults increased to the point of nearly matching that of whites. This important progress testifies to the effectiveness of the traditional Federal role in education.

The National Commission on Excellence in Education made many important recommendations designed to improve the quality of education in America. These recommendations include proposals to extend the school day and the school year, in addition to offering market-sensitive salaries for teachers. Families, school boards, and State and local governments will be responsible for evaluating and adopting many of these proposals.

The ability to implement some of the recommendations requires money that most State and local governments simply do not have. Some estimates project that it will cost $13.5 billion to increase the school day to 7 hours, extend the school year to 11 months, and offer pay to teachers at an attractive rate. With State and local governments already strapped for funds and finding increasing opposition to tax increases needed to support their schools, the Federal Government must assume more of the responsibility for financing improvements in our system of education.

In order to meet the demand for quality education, we must redefine the priorities set by the Reagan administration and expand the Federal role in achieving this crucial goal. We cannot afford to neglect this challenge.●

● Mr. RUSSO. Mr. Speaker, I rise today to speak about our Nation's newest window of vulnerability. No; this window does not face the terrifying missiles of Soviet Russia. Instead, it is a window whose view reveals the vulnerability of our educational system.

The recent report by the National Commission on Excellence in Education has brought the troubles or our schools before the attention of the American people. The report demon strated the shortages of quality teaching, facilities, and curriculums that plague our children's education. And the American people have reacted—demanding solutions to these problems, demanding a quality education for their young people.

President Reagan has reacted as well. Traveling thoughout the Nation's schoolrooms, the President has delivered spirited speeches deploring the current state of American education. Like a stern father reviewing an unsat isfactory report card, he has demanded immediate improvement. His solutions to the problems include a longer school day, increased homework, merit pay for teachers. One thing that is lacking from his answers, however, is money.

Well, Mr. President, speeches do not improve education, Federal funds do. If we are to insure the future of our young people's education we must pay the price. In the 1981 budget, the President recommended cuts in education spending totaling $1.887 billion. Over the last 3 years, the administration proposals for higher education would have cut $1.805 billion from the budget. If the President would pause during one of his speeches and look around those schoolrooms, perhaps he would see what cutting almost $2 billion will do to those schools. Perhaps he would notice that increased pay for teachers and longer school days, new testing programs, and better facilities all cost money and that our States and cities simply do not have any more to spend.

The process of revitalizing our system of education will be a long and expensive one. We have no choice but to pay the costs for our children's future. But rest assured that we cannot afford to satisfy ourselves with speeches and slogans at such a critical time.

We are currently reviewing the largest proposed peacetime defense budget in the history of our Nation. We must direct some of that money to our Nation's educational system. Instead of building more missles, we must better educate our young people if we want a truly safe democracy. To close our Nation's window of vulnerability we need not build a wall of nuclear arms, we need only to build the minds of our children.●

AN ALTERNATIVE BUDGET CONTAINING SIGNIFICANTLY LOWER SPENDING LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, during the course of the last few days, this Member from California has taken time in the well of the House to talk about an alternative budget for the country for 1984. Today I would like to talk about the feature of that proposed alternative budget that relates to category 150, or International Affairs.

In order to place this matter in perspective, I think it may be somewhat of an enlightenment to the Members of the House to realize that in this year, 1983, we are spending $11.3 billion for that purpose, that is, assisting foreign nations in their economic development.

The proposal in the CBO base line for 1984 in this category is $12.4 billion. In the alternative budget that this Member from California has prepared, it is $8.7 billion, a reduction of $3.7 billion.

In talking about this alternative budget and what it proposes as a reduction in spending for international affairs, I think it is appropriate to observe that this is one category of spending that almost without exception in town hall forums in my district in southern California, people cannot believe that in this time of deficits of close to $180 billion, we are spending this quantity of money for that purpose.

Socioeconomic status, regional loyalty, political orientation, though they may influence legislative policy elsewhere, none has much bearing on public attitude toward foreign aid. It is consistently one of the least popular items in the Federal budget, regardless of who we are, what we do, or where we are from.

Our own deleterious economic situation, with its anemic business climate and high unemployment, has not endeared continued spending overseas to American taxpayers. The Roper Organization, in gaging sentiment on this subject, found that, in 1982, 75 percent felt we were spending too much on foreign aid whereas only 3 percent thought we ought to spend more. This massive margin actually grew from 1978 when the proportion was 71 percent to 4 percent.

My point is this. When we argue the relative merits of reducing outlays for foreign aid, those of us who favor such reductions are not oblivious to the plight of those countries in dire need of assistance to stave off hunger and alleviate generally miserable conditions. Nor do we dispute the fact that, at least theoretically, some of this aid goes to bolster U.S. relations with these countries. What we are saying is that, like on many domestic programs as well, we have been inclined to indiscriminately throw money away in the wayward belief that this will somehow correct all ills. Accountability has been negligible and any meaningful return on our investment has been virtually nonexistent.

A particularly sore spot is multilateral assistance where the United States provides both pot and pottage but does not retain authority equal to its investment and, more than likely, gets kicked in the shins for its efforts. The United Nations is a prime example. Here is an organization purportedly created to provide a vehicle for peace, cooperation, and understanding among all nations. To the contrary, since the end of the Second World War, there have been 112 wars or armed conflict—excluding purely civil wars in which there was no outside interference. This seldom august body has become a forum for the spewing forth of viciously anti-American propaganda and diatribes. We have but one vote but are assessed 25 percent of operating costs. Is it any wonder that more and more Americans are asking why?

Similarly, much of our foreign assistance has gone to nations which subsequently tell us, in effect, "thanks for nothing but give me more!" I would suggest that the truly down and out—those genuinely deserving of assistance—would not kick in the teeth of somebody offering to help.

It is to a considerable extent this pervasive, almost rabidly, unfriendly attitude on the part of many of these recipient nations which has fostered increasing opposition to continued funding of foreign aid programs.

The bottom line is that, especially in financially strapped times, we simply cannot afford to spend overseas what we do not have to spend here at home. And most certainly not on those who grab the money and run without so much as a thank you.

□ 1730

Sometimes Members ask where are you going to make those savings that total some $3.7 billion from what was adopted by the alternative budget considered by the House in March of this year. I would like to read through these totals so Members have an appreciation of where these savings can be made:

CATEGORY 150 INTERNATIONAL AFFAIRS

151 FOREIGN ECONOMIC AND FINANCIAL ASSISTANCE

Funds Appropriated to the President

Multilateral assistance:

Reduce overall level of funding; high-risk loans and subsidies for low-priority and questionable activities during a time of domestic economic debility is neither sustainable nor justifiable; better targeting and auditing is required.

Fund 1984 obligations and reduce outyears as follows:

International Development Association—$400 million cap, Asian Development Bank—$50 million cap, International Bank for Reconstruction and Development (World Bank)—$25 million cap, African Development Fund—delete funding, International Fund for Agricultural Development—delete funding.

Delete outyear contributions to the International Finance Corporation—delete funding for voluntary contributions to the U.N. organizations ($147 million in 1984), cap remaining outyear funding for International Organizations and Programs at $90 million.

Agency for International Development:

Fund 1984 obligations and reduce outyears as follows:

Sahel development program—$80 million cap, Functional development assistance program—$1 billion cap, Housing and other credit guarantee programs—delete funding—cap operating expenses at $350 million due to reduced level of commitment in outyears.

Peace Corps: Cap funding at $100 million.

Trade and Development Program: Fund 1984 obligations and delete funding for outyears.

Inter-American Foundation:

Incorporate President's proposal to authorize Caribbean Basin Initiative.

Overseas Private Investment Corporation:

Freeze direct and guaranteed loans at 1983 levels.

Department of Agriculture

Foreign Assistance Programs:

P.L. 480 "Food for Peace" program

Eliminate Title I and III subsidies, as they are counter-productive to the development of agricultural capacity in recipient nations, retain Title II emergency aid; fund 1984 obligations, cap outyears at $400 million.

Department of State

U.S. Emergency Refugee and Migration Assistance fund:

Incorporate President's proposal to finance program with funds from large carryover balance.

Migration and Refugee Assistance:

Delete funding for non-U.S. assistance in 1984 and cap outyears at $100 million.

152 INTERNATIONAL SECURITY ASSISTANCE

Funds Appropriated to the President

Economic support fund:

Cap funding at $2 billion.

Military assistance:

Fund 1984 obligations and cap outyears at $150 million.

International military education and training:

Reduce subsidies for training foreign troops, cap funding at $20 million.

Foreign military sales credit:

Reduce level of funding (outstanding loans have increased 56 percent in 2 years), fund 1984 obligations and cap outyears at $600 million.

Guarantee reserve fund:

Eliminate this refinancing activity (outstanding loans doubled in 2 years), fund 1984 obligations and delete outyear funding.

153 CONDUCT OF FOREIGN AFFAIRS

Department of State

Payment to the Asia Foundation:

Delete funding, transfer activities to the USIA in accordance with President's proposal.

Contributions for international peacekeeping activities:

Incorporate President's proposal to reduce level of funding, cap outyears at $50 million.

Contributions to international organizations:

Reduce U.N. funding (we are assessed 25% and have 1 vote—less than 1%, the USSR is assessed much less and has 3 votes), cap at $250 million.

U.S. bilateral science and technology agreements:

Delete funding for this program, which currently benefits only Yugoslavia.

Other Independent Agencies

Arms Control and Disarmament Agency:

Terminate separate-agency status and transfer function to State Department, fund 1984 obligations only.

154 FOREIGN INFORMATION AND EXCHANGE ACTIVITIES

Other Independent Agencies

U.S. Information Agency:

Cultural and Technical Interchange Between East and West

Delete funding

155 INTERNATIONAL FINANCIAL PROGRAMS

Funds Appropriated to the President

International Monetary Fund:

Considering the risky nature of IMF investments, the instability of recipient governments, the adverse domestic economic situation in the U.S., the amount of assets currently held by the IMF (103 million ounces of gold, $66 billion reserve), and in light of the manipulative powers which the Fund directors possess over international finances, U.S. involvement ought to be diminished rather than augmented.

Rescind proposed increase in budget authority for U.S. quota, and rescind scheduled loan.

Military sales programs:

Foreign military sales trust fund. This program continues to operate at a net loss while obligated authority increases; premiums and/or interest rates should be raised so that payments from the fund at least match receipts.

Limit authority to $12 billion and cap outlays not to exceed that amount.

Other Independent Agencies

Export-Import Bank:

Limit funding for high-risk, low-yield investments; fund 1984 obligations and cap outyears at $500 million, cap authority at $3 billion.

This is an enumeration of those suggested reductions in spending for international affairs which total some $3.7 billion in 1984. It would still leave to be expended in that category $8.7 billion.

I might add to my colleagues that this alternative budget proposal contained a budget deficit for 1984 of some $69 billion by reducing spending by $94 billion from what is proposed by the budget resolution that was adopted by the House in March, some 3 months ago.

In sadness let me say that the Rules Committee, controlled by the Democrats, refused to make this alternative budget in order so that Members would have an opportunity of voting up or down on whether or not they truly wanted to cut spending as a means of balancing the budget.

This matter, by law, will come up again in September of this year when we are required to adopt a second concurrent budget resolution. I hope at that time that the House will make in order this alternative budget or some other Member's numbers which has a substantial goal of reducing spending, leading to a balanced budget, so that Members will have a chance to have a voting record on the issue so that the constitutents at home can evaluate as to whether or not such a Member deserves to come back and serve in this institution.

Mr. Speaker, I yield back the balance of my time.

□ 1740

EDUCATION SHOULD BE A BIPARTISAN MATTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 60 minutes.

Mr. JEFFORDS. Mr. Speaker, I listened with deep interest to the Democrats who came here to make what ought to be a truly bipartisan issue a partisan issue. And yet as I listened to their remarks I recognized that they recognize as I do, and I am sure other Members do, that the problems of education are not a question of what this administration has done or how much money we have spent, but rather the priority we have placed on education in this country.

I intend to speak at more length later but in deference to those on this side of the aisle who have come here to speak, I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

I am happy that the gentleman took this special order because I became rather concerned in the last couple of weeks that some people in this country may get the impression from the rhetoric they hear from Washington that something has happened bad or something has happened recently in the last 6 weeks, the last 6 months, the last 2 years, that has brought about a decline in excellence in education.

Yet all of the reports, the Commission report and every other report that is put out, deals with what has happened over a period of years, primarily going back about 30 years. And I think it is important that we understand that this issue is not an issue that has come about in the last couple of weeks, months, or years but it is something that has happened over a period of time.

And I would be happy to say that as an educator I noticed during the time since World War II that the decline in excellence in our public schools, has been going hand-in-hand with the fall and decline of the American family.

And I think we should do what this particular study group did; the report of the 20th Century Fund Task Force and Federal Elementary and Secondary Education Policy.

This report of the 20th Century Fund is in my estimation far superior to the Commission's report because what it does, it goes in great detail in determining what has caused the problems that we now have.

It seems to me the Commission's report, as I indicated in a report that I did, was an oversimplification of what the problems are and oversimplification of how you solve those problems. That kind of oversimplification where if we just pour money at the problem the problem will go away. Does that mean more money brings more mediocrity? Is that what we are talking about? Let me point out a few things in this report by the 20th Century Fund Task Force.

> Before putting forward our proposals for a new Federal policy on elementary and secondary schooling we think it useful to identify what has gone wrong.

Then they ask the question:

"Why, despite spending more money per student than every other advanced nation," now this is a per pupil expenditure, combined expenditure, State, local government and the 9 or 10 percent we kick in on the Federal level,

> Why, despite spending more per student than every other advanced nation is there a growing gap between the goals and achievements of our schools?

They go to answer that question. I think that this is important when we are trying to decide what we on the Federal level should do, we should understand what the problem is.

So many times we try to solve problems and we do not understand the question.

They go on to say that there are many developments, economic devel-

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opments, demographic developments, social and political developments that have contributed directly and indirectly to our problem. They also say that:

> We have always demanded a great deal from our schools but never have we demanded as much as we have over the past 30 years. On the one hand we have charged them with being the melting pot, the crucible for dissolving racial divisiveness and, on the other, for sustaining and even exalting ethnic distinctiveness.

And I think this is really the crux of the matter:

> The schools moreover have had to provide a wider range of social services, acting as surrogate parent, nurse, nutritionist, sex counselor and policeman.

And of course my question would be: How did all this happen? How did we get away from the teacher primarily being responsible for teaching reading, writing and arithmetic? How did we get to a curriculum that is so filled with so many extras and so many frills that we do not have much time left any more to do the reading, writing and arithmetic which at one time was the major purpose of that teacher in the classroom?

I say we got there because that is what the public wanted. The public got pretty much what they demanded. If they wanted to emphasize sports at the expense of the academics, that is what they got. If they wanted to emphasize music at the expense of reading, writing and arithmetic, that is basically what they got.

They are pointing out in this whole study that there have been so many changes and so many demands on the part of the educational community, so different than what we had during most of our history.

In connection with that, I think it is interesting, an English teacher who was retiring after 20 years, gave a commencement address at Rockville's Richmond Montgomery High School, and among other things she said:

> A few of you will do well in a university, a few of you will do well in the enterprise of your choice, but many of you will grow up suddenly or fall flat on your faces—you will be terrible failures at anything you attempt. Not a pleasant prospect is it, for you, individually, or for the country?
>
> It will take energy, vision and strength to force the public schools to reassess their obligations and purpose. We are not in the business of babysitting. We are not in the business of entertainment. We are in the business of making literate the young human being and that is really our only business. The idea of permitting every side attraction under the sun, no matter how commendable or delightful, to interfere with the academic class is wasteful of the taxpayers' money and the students' brains as well.

As I indicated, the decline, the fall and decline of the American family plays a great role in this whole decline in excellence in education.

Excellence has to be demanded at home. Then excellence has to be demanded by those folks at home in relationship to the school, and what it is they provide.

All of you can remember perhaps the days and the nights when you sat around the kitchen table and excellence was demanded, homework was done because it was demanded at home.

I thought it was humorous, some of the statements they made in the Commission's report.

They said we have to demand more homework, we have to give more homework.

I want to know how you get them to do the homework that is presently given? The only way you get that is if the demand is made at home, as it used to be.

Another recommendation is that we have to extend the time of the day. Well, we consolidated all the school districts so that we now have youngsters walking to the bus stop at 6:30 in the morning. And if they participate in an activity, they are walking home from that bus stop 6:30 at night. Where do you expand that day?

Then as I said in that part of the day which is left, we have added many, many additional things far beyond what we normally thought were part of the responsibility of the school system.

In the study of the 20th Century Fund they also pointed their finger at us and they indicate that the Federal role has been questionable at times, all too often, that the nature of Federal intervention has been counterproductive, entailing heavy costs and undesirable consequences, the Federal Government has

> Imposed dubious and expensive procedures, and forced state and local governments to reallocate substantial portions of their scarce revenues.

Later on they say,

> Federal education policy must function, moreover, in ways that complement rather than weaken local control. This calls for a change in direction, replacing the current emphasis on regulations and mandates with a new emphasis on incentives.

So, I guess basically what I would like our colleagues to consider before we jump off the deep end as we so many times do and come up with new rules and new regulations, I think we have to study carefully the problem that education is faced with today and then act responsibly.

This morning I heard testimony in a committee. The first three pages of that testimony was a castigation of the President of the United States.

The last paragraph, the one paragraph that I agreed with in the testimony was that if we are going to do anything it has to be nonpartisan or a combination, a bipartisan effort to bring about excellence.

□ 1750

That is a good statement. The problem with the statement was it was not compatible with the other three pages of the testimony. And I hope that we would get off this business of trying to determine who is to blame, whether it is Republicans, whether it is Democrats. It is neither. It is families, it is communities, it is parents, and if we are going to correct this, we are going to have to find some way to do something to help that family get back in tact and demand the excellence that was always demanded.

One of the things that we forget to remember and it is pointed out in this task force study, we are now asked to educate the masses, something totally different than when many of us went to school.

If you got beyond eighth grade, in many instances it was because you passed an eighth grade examination. And then you were allowed to go on to a higher education. Many people did not. Now we tell young people that they will stay there until they are age 17 in some instances, 16 in others, 15, I suppose if they can get a domestic permit. And we say all students will be educated. And no matter how disruptive the student may be, no matter whether the students want to be there or not, they are there and the educators are forced to do something with them.

The whole period has changed since World War II. And I again repeat, I just hope that we will not go off half-cocked and that we will not come up with some grandiose programs that we sitting here in the Congress of the United States think are the answers to public education.

There are many of us who have been in education for many years, who have an idea what the problems are and who have some solutions, but it is going to take a concerted effort on the part of all, but primarily the demand must come from the home, the demand must come from the local community. And then I think you will see a turnaround in this whole situation.

And again I compliment the gentleman for taking this special order.

Mr. JEFFORDS. Will the gentleman answer a question for me. I am aware of the gentleman's history, but I wondered if the gentleman would share with the other Members his experiences and what he has done in the educational area.

Mr. GOODLING. Well, since World War II, I have been a coach, a counselor, a teacher, a high school principal, superintendent of schools, president of a school board, and a president of a PTA. I have viewed education from practically every angle there is and as I indicated, the one thing that concerns me now is that we look carefully

at the problems that have been thrown at the doorsteps of public education in the last 30 years so that we do not just say that all we need to do is pour out more money.

You have to encourage. There was a time when teachers primarily did that job because of the respect that they received from the community and in many instances they were—quite some time ago, primarily women on the elementary level—that whole thing has changed, because, of course now you have a union mentality thrown in there, too, where you are paid, not according to excellence, but basically you are paid across the board, which discourages those who do go the extra mile and do extra work.

We have to find some way and it is not easy to reward those who really want to do a good job teaching and want to remain in teaching. They do not only leave because of the financial situation, they leave because of the extra demands that have been placed upon, far beyond what anyone ever thought a teacher was supposed to do. They leave again because they see that they do not get rewarded because of going the extra mile. They leave for many other reasons. They leave for the responsibilities, the paperwork and bookwork, and so on that is thrust upon them, partially because of State mandates, partially because of Federal mandates.

Mr. JEFFORDS. The gentleman has been a very valuable member of the Committee on Education and Labor. Did the gentleman find it at all interesting that the person who requested the Democratic special order suggested that our answer ought to be a commission appointed by the House to oversee the education area and make comments on it?

Mr. GOODLING. That is one of our major problems we have in this body. We can spend more money appointing commissions to do what someone else has done a dozen times. As I said, here is just one report. The President's Commission did another report. There are another dozen reports out there that people have done, have taken a great deal of time. They have been educators, people in public life. The people who serve in this group, for instance, are pretty outstanding people.

We do not need another commission. We do not need another snoopervisor. What we need, in my estimation, is an opportunity for educators to do that what it is they were trained to do. I have discovered that in the last 10 years particularly that I was in education that parents and lawyers were beginning to make all of the educational decisions. Those who were trained as educators were not.

I am a parent. And I will be the first to say that when it comes to a parent making a judgment concerning his own children and being realistic about that judgment, it is a very difficult thing to do. And I think we have to get back to the business of allowing the local educators to do the kind of things they have been trained to do, to provide educational leadership. We cannot provide the educational leadership in the Congress of the United States.

Mr. JEFFORDS. I thank the gentleman, not only for his valuable contribution this evening, but for his work on the Committee on Education and Labor.

Mr. GOODLING. If I may make one other comment.

When we talk about budgets, I think it is important to point out that JIM JEFFORDS, BILL GOODLING, and many other Members were probably as influential as anybody in relationship to the share of the Federal budget in the last 2 years that education received. And I do not think that we should allow someone to indicate that somehow or other the President of the United States is doing something that should not be done.

I am always amazed at our system of government. I am surprised it works as well as it does. We say that the President is supposed to be responsible for the budget. He is supposed to manage it, but you and I know that he does not have a snowball's chance in Hades of doing very much about it.

We determine what is authorized. We determine what is budgeted. We determine what is appropriated and we do the spending, not the President of the United States. And I do not want our side of the aisle to take a backseat to anyone for our ability to hold things intact during the last 2 or 3 years that we thought were important, whether it was title I, whether it was handicapped education, whether it was vocational education. I know how the gentleman fought and we know how our side of the aisle fought for the things that we believe are important in education.

Mr. JEFFORDS. I thank the gentleman. I would point out and I am sure he would agree with me that in the 9 years that I have been here, certainly, no President has ever in one action brought to the attention of the people the problems of education to the extent that this President has done in recent weeks by this Commission's report. I think that if he did nothing else, if he did not spend another nickel in the Federal Government, that one move would have done more to bring our educational system back into the direction in which it needs to go than any other President has done in my recent memory.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I would like to compliment the gentleman for taking out this special order tonight and for the leadership that he has provided on this and so many other issues in the Congress, as well as the leadership that he has provided on the educational issue on the Committee on Education and Labor.

I share many of the concerns of the gentleman in the well, as well as the previous speaker, about the tone of the remarks coming from the other side of the aisle on this whole debate.

It seems to me that as the gentleman just pointed out, the President has done a tremendous service to the country by raising the visibility of the education issue at the national level to the point that it is really a genuinely national issue, for the first time, I might suggest, in many of our lifetimes. It has always been a primary issue at the State and local level because that is of course where most of the funding comes from, but I cannot remember in recent memory when education was a major national issue for national discussion by candidates for national office. You probably would have to go back to the Sputnik era to find any kind of a similar national focus. The President deserves, I think, great credit for that.

Instead what we find coming from the opponents on the other side of the aisle, his opponents as well as our colleagues in this body, really is strident, partisan rhetoric attacking the President for what he is doing.

The special order that just concluded a few minutes ago on the other side of the aisle, one of the speakers accused the President of waging a campaign—said that a campaign based on education can only have losers. That is how they characterize the emphasis that this President is trying to put on the education issue. He was accused of conducting a road show. He was attacked in the course of that special order for defense spending, for attacking teachers, for a whole variety of other things, and primarily though, he was attacked for politicizing the education issue.

Now it just occurs to me that that is really an example of classic politic double think, when we see the other side of the aisle engage in an hour-long political attack on the President, the gist of which is to accuse him of politicizing the education issue.

□ 1800

The real politicization of the education issue, in my judgment—and I am sad to see it—has come in the last few weeks from those people on the other side of the aisle who do not want to join a genuine national debate on the education issue, on the pluses as well as the minuses of the things the President is recommending, on the pluses as well as the minuses of the various things in the reports of the national commission, but instead want to simply attack the President, usually for the fairly narrow issue of educational spending.

Some of us probably would have disagreements with the President, as well.

The real question we should be talking about is: What is the quality of education that the kids in this country are getting? Are they being prepared for the next generation of technology in jobs?

And part of the reason we have seen this issue achieve such prominence in recent weeks is that we have seen, as the previous speaker mentioned, no less than three major national reports which say that our kids are not being properly educated to assume a place in the economy of the future that will be the kind of place in which they want to live.

I think that whether you agree with him or not, we cannot deny the fact that, in the speeches the President is making across the country, one of which he made in my home State of Minnesota, he has been discussing some real genuine reform issues. He has been talking about the length of the school year and the length of the school day; he has been talking about teacher salary structures and merit pay; he has been talking about the need for a new basic curriculum and what that curriculum might consist of.

We find no discussion of that on the other side of the aisle, whether they want to agree with it or disagree with it. We only find flailing at the President for politicizing the issue when, in reality, he is discussing some very real reforms that were raised by his own commission.

I think we should also look at some of the recommendations that have come out of the other commissions that have issued reports recently. The report of the Hunt Commission is one that I have tried to make reference to on some speeches on the floor here. They made a number of exciting and controversial recommendations that really have nothing at all to do with radical expansion of the Federal role. But just consider some of those: One of the major recommendations of the Hunt Commission was that we explore creative partnerships with the business community involving our educational institutions and the business community, find ways of involving the business community in supplying personnel and equipment, and funding where necessary, and joint partnerships which will better train our students for the jobs of the future.

They talk further about improving the management of our school systems by some rather drastic reforms in the method of recruiting and training of our high school principals, a rather significant reform. They talk about providing quality assurance in education through teacher evaluation and reward systems, which really is another way of talking about the same merit pay issue that the President has talked about, through tenure reform, a fairly controversial topic. They talk about general achievement testing of students, which I know is highly controversial in the intellectual community. They talk about improved certification processes. This is all aimed at giving the taxpayers some evidence of accountability and quality assurance in our public schools, if for no other reason than because the taxpayers are not going to come up with the dollars necessary to improve education if they do not have some enhanced feeling about the accountability of the school systems they are financing. They emphasize particularly making use of existing resources, cutting down on the bureaucracy in our schools, taking money away from some of the peripheral programs and making sure that the basic curriculum, however, we may define it, is adequately funded.

Those are all recommendations of the Hunt Commission. But unfortunately, in the special order that was just concluded by our friends on the other side of the aisle, none of those things were discussed. Instead, there were attacks on the President for the national debate that he has opened on the educational issue.

The 20th Century Fund Report that our colleague, the gentleman from Pennsylvania, referred to is, in my judgment, an outstanding report and deserves the attention of every Member. They make also a number of fairly controversial and significant suggestions, including the establishment of the master teachers program, which has been advanced by Governor Alexander in the State of Tennessee; the establishment, they suggest, of English competency as the No. 1 priority of our elementary and secondary schools.

Now, I am not going to try to settle the debate over whether that should be our No. 1 priority or whether something else should be. But it seems to me that that is the kind of debate we ought to have here. What is the No. 1 priority of our elementary and secondary public school system? The 20th Century Fund says it ought to be English. We ought to be debating that subject and not just engaging in political attacks on the President. And, furthermore, they make a proposal that is going to be very controversial in this Congress, and that is to restructure the whole manner in which we provide impact aid. The 20th Century Fund suggests that it is no longer reasonable to have impact aid go primarily to school districts that have large numbers of military personnel, and that that money should instead go to communities that are severely impacted by large numbers of refugees and immigrants coming into their districts.

Again, I am not suggesting that any of those things are the answer or that some of them, even, might be the best suggestions. But those are the things we ought to be debating here. And I suggest that we have not heard very much of that from the other side of the aisle. That is what concerns me about the debate that is going on in education right now.

Let me just conclude by bringing to the Members' attention, as we talk about responsibility and who is really responsible for this issue and where there has been negligence in the past, and reading a few sentences from the 20th Century Fund Report on the quality of leadership, and we will see where they assess some of the blame. They say:

> Because quality in education is easier to recognize than to define, some of the reluctance of Congress to face up to the issue is understandable. Educational quality cannot be legislated into existence. Still, Congress must not continue to be ostrich-like about the fallings of primary and secondary school education.

I think that is a challenge to this body and to all of us as Members, and I hope that we can get about the business of a meaningful debate on the real issues that are confronting us in education today and get away from some of the partisanship that I, frankly, have seen on the other side of the aisle.

I truly commend the gentleman in the well for calling this special order and advancing that whole debate.

Mr. JEFFORDS. I thank the gentleman for a very excellent and eloquent statement. The gentleman has raised some very fine points.

Mr. Speaker, I now yield to the gentleman from Wisconsin (Mr. GUNDERSON), and perhaps he might also want to talk about special milk.

Mr. GUNDERSON. Mr. Speaker, the gentleman from Vermont (Mr. JEFFORDS) and myself could probably have special orders on a number of issues that are of similar interest to both of us because of our mutual work on both the Agriculture Committee and the Education Committee.

I would like to join in the gentleman's special order and begin by commending him for holding this hour, because I think there are some thoughts that need to be expressed by each and every one of us. I think the whole interest in education that has evolved at the national level in the last couple of weeks, the last couple of months, has been a healthy thing. I think the country is going to benefit, I think education is going to benefit from what we are all going through right now, and I certainly join all of my colleagues in saying that I do not think this is something that ought to be partisan or political.

I suspect, as I listened to an earlier special order, that if we have any criticism of the President—and I am not sure any is justified at all—the worst they could do is to criticize the President for doing something in 1983 that they think he ought to have done in 1981, to which some could respond ought to have been done in 1979 or in some year earlier. You certainly cannot criticize either President Reagan or Secretary Bell for their lack of interest in education when they are the ones who have brought forth the National Commission on Excellence in Education. And I think the thing that this Commission did that has not happened before in this country for some time is that it has caused each and every one of us to focus on the overall big questions.

We spend so much time around here focusing on a particular bill or on a particular issue in a committee hearing, and we do not look at the big question, that greater question. I think that is what we need to do.

No. 1, what exactly are the problems in education?

No. 2, what are the solutions to those problems?

Most importantly for each and every one of us, how does the Federal Government fit into that particular solution or that particular role?

What is the role of the Federal Government in education?

I get a little frustrated, I guess, and I would suspect that probably, without speaking for him, the gentleman from Vermont would agree with me, that on the one side all we hear is the only solution to the problems in education is more dollars, and I think we have seen that more dollars, while certainly needed, clearly is not the solution to the education problems. And then there are some people on the other side of the philosophical spectrum who suggest that the answer to education's problems is no Federal role. I think we would recognize that probably that is not true, that there is clearly a need for cooperation, as I say at home, from everyone from the Federal Government to the family to have success in education in this country; but the thing that boggles my mind, I guess, at this point in time, is that I hear people criticizing the President about his particular perspectives in the role of education. And as we discuss what really ought to be that role, we should really look at what we have done in the past.

I have dug out the budget for education from the Federal level. I am not talking about dollars, because we can debate those dollar figures, and legitimate and reasonable and honest people can differ on what they ought to be. But what is the Federal role for education? There are three different subfunctions.

☐ 1810

We have the elementary, secondary, and vocational education function known as budget function 501, we have higher education, which is known as budget function 502, and we have research and general education aids which is known as budget function 503.

Under those particular programs, we have no less than 40—no less than 40 different subappropriation levels where we spend money. That is no sense of priority. Look at that. What have we done? We cannot pat ourselves on the back.

Let me just read to you, for example, 17 different programs that we have in elementary, secondary, and vocational education. We have title I. That is to help the disadvantaged, the poor, et cetera. A good program.

Migrant education. Education block grant. That is all those programs that were separate before, until we put them in a block grant.

We have the Civil Rights Act. We have Follow Through. We have territorial teacher training. We have general assistance for the Virgin Islands. We have the Ellender fellowships. We have women's educational equity. We have science and math. We have bilingual education. We have impact aid. We have education for the handicapped. We have vocational education. We have adult education. We have Indian education. We have BIA/Operation of Indian programs, the American Printing House for the Blind, et cetera.

That is just 17 of the some 40 different programs. Are we the ones who are really in a position to criticize our States, our local communities, our local school boards, our teachers and our families and our students about the mixed bag of education that is out in this country, when we are really the ones who I think are creating it?

I guess that gets to what I want to say today. As we talk about these three reports, or four reports, or all the reports and commissions that have been done, the frustration I have is that each and every one of us is a Member of Congress. All of a sudden we hear that there has been a report or a commission on education, and we immediately decide that we are going to be the experts.

I think the thing that each and every one of us in Congress ought to be doing right now is, we ought not be telling anybody what the answers are to the educational problems in this country, and we ought not be telling anybody today what the Federal role is. What we ought to be doing is silently, and through a series of hearings, and through our discussions among ourselves and with our staffs and with our educational advisory committees, et cetera, we ought to be trying to determine what that proper Federal role is.

The last thing we need are a lot of authorities at this point in time trying to come up with exactly that.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I will be happy to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Mr. Speaker, I just want to comment on that point. I am sorry for interrupting the gentleman's statement, which is a very constructive one.

Mr. GUNDERSON. It is no problem.

Mr. WEBER. I would like to add one point there.

I agree with the gentleman that our role at this point has to be listening a whole lot, and I would like to add one other source of listening that I am sure you believe in but you did not mention. I held two town meetings in my district over the Memorial Day recess where I invited the general public in to talk to me about the education issue. They were among the most personally rewarding meetings that I have had as long as I have been in Congress in terms of the quality of discussion from the people who came to the meetings, in terms of what I learned from the people who came to those meetings, from my own constituents.

I am going to schedule three more meetings like that, just to talk about the topic of education, over the Fourth of July recess, in three more towns in my district. I know the gentleman's district is like mine. He could probably hold 20 meetings like that and never come within 30 miles of doing the same town twice.

But I would really commend that to all of our colleagues on both sides of the aisle. The people who came to those meetings in my district represented students, teachers, taxpayers, administrators, school board members, and they knew what they were talking about. They knew in most cases a lot more than I knew about the problems of our educational system. I think that is where most of the Members of this body should begin to establish a dialog on the educational issue.

Mr. GUNDERSON. I appreciate the gentleman's remarks, because he actually was leading exactly into what I was going to say. I was going to suggest that every Member of this Congress do what ROD CHANDLER, one of the new Members from the State of Washington and a member of the Committee on Education and Labor is doing in his district. That is to hold seminars or forums just like the gentleman is on what is the Federal role in education. I think the 435 so-called experts in this House ought to all go out and do that, hear from the people

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on what they want in education, No. 1, but second, what do they want us to do? I think those are going to be two entirely different questions.

Obviously, I have some thoughts on what the Federal Government's role ought to be in education. I think there ought to be one, everything from access to education to financial assistance to equal opportunity, to helping the handicapped, targeted money, our vocational education program, things like that.

A number of those things we ought to be doing, but I think the real message today is, let us commend the President for bringing the big question, and let us commit ourselves as Members, not to become experts today, but to sit down and work together so that what the Federal Government does, and what the Federal role in education is, is a proper one.

I again commend the gentleman.

Mr. JEFFORDS. I want to thank the gentleman for his important contribution and say that I have worked with many Members, but certainly he is one of those who represents so very well and ably the people of his constituency. It is always a pleasure to work with the gentleman.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for reserving this time, for yielding, and for his leadership on this issue in education.

Mr. Speaker, what is important about this special order and about what the House is doing all during this week, and, in fact, has begun to do over the past several weeks, is to begin that dialog which in fact the National Government had never begun, but the public has been engaged in it for some time, that dialog on education where we can finally begin to get to the heart of how to rebuild educational excellence and learning in this country. I think it is important.

A lot of the dialog in the newly found public debate at the national level, I would comment to the gentleman, is a credit to President Reagan, who has been leading the charge and leading the effort to begin the discussion about how students learn and about how both the Federal Government, the State government, and local governments can assist the educational effort.

I would comment that this is not a time for scapegoating. This is not a time for sometimes the harsh rhetoric that we heard in an earlier special order or that I heard at a hearing this morning. This is a time for both sides of the aisle, both political parties, all political persuasions, as is happening all across this country, to begin to talk about what those solutions are, because what we are dealing with is the future of this country and not some political platform.

I think that is what the public expects of us. I would commend the Speaker of this House. I would commend the Speaker because this morning is a special budget task force on education, Speaker O'NEILL came to the task force and offered to set, I think, the right tone, a tone of discussion of the issues and the kind of tone, I think, that can lead to some meaningful improvements, as has President Reagan and as has Secretary Bell.

This is a debate that Congress has so far been left out of. The public for several years now has been debating at the school board level and in the town halls without us that Congress has been debating the issue and how we can return learning and how we can return excellence to education. Now it is important that this Congress and that the National Government begin participating in this debate that has been going on for some time.

I would point out to the gentleman and the body that, in fact, there has been much made of the recommendation made by the Commission on Excellence in Education. There has been much made of that Commission's one recommendation of a master teacher approach. I think that master teacher approach in fact has a lot of merit and is being widely debated, but the Commission made not just one, but 38 different recommendations not just on master teachers but, in fact, on the entire spectrum of how we can approach education.

They made recommendations on four basic areas, on content, standards and expectations, time, and teaching.

In the area of content, the report recommended that all students seeking a diploma be required to lay a foundation in five new basics. I remind my colleagues that this was not a congressional report, this was not a partisan or a political report; this was a report of people involved in education who know what they are doing.

In content, each student would be required to lay the foundation to emphasize academics and emphasize the basics: 4 years of English, 3 years of math, 3 years of science, 3 years of social studies, and a half year of computer science.

The Commission recommended that in the aréa of standards and expectations that schools, colleges, and universities adopt more rigorous and measurable standards, and it is those standards, and I think those higher expectations that this Congress is now looking at and the public is demanding.

The Commission recommended an increase in the amount of time to more nearly approach what the rest of the industrialized nations are doing, and the Commission recommended teaching and a commitment to excellence and to recruiting those teachers in the teaching profession by increasing salaries, by providing for master teachers that we can have the kind of teachers that will lead to excellence.

The Commission also said that the primary responsibility, and we know this, for implementing these recommendations and for leading us into the 1980's and 1990's in education is at the State and local level, but the Commission did not shirk, and I do not think this Congress should shirk. There is a Federal responsibility in education. What the debate will be about in this body and what the debate is about all over the Nation is: What is that Federal responsibility?

All over the Nation we see States and school districts and parents and teachers stand up and say to the public to make some changes in education.

□ 1820

In Tennessee, in Texas, in Dallas, and elsewhere there have been proposals for master teacher programs, and there have been proposals to turn around the quality of education. Now it is up to us to find out and identify that precise Federal role.

That Federal role is not to impose a whole new set of regulations. That Federal role is probably not even to impose or to develop new curriculums. We have developed new curriculums for the last 15 years at the Federal level. That Federal role in a lot of ways will be developed by this body and by the debate. It will be to encourage, to provide a catalyst, and to provide for some ideas and some fresh thinking.

That Federal role could well involve more Federal funding. More likely, it will involve a redirection of the existing $15 billion in Federal funding that we are spending now.

But that Federal role is one that the public expects us to define, because, as the Commission report says—and it has been repeated over and over—it is not education that is at risk, it is not the educators, and it is not the school districts that are at risk; what is at risk is the country. What is at risk is the Nation. If we lose this generation, then we will lose the Nation. So it is America that is really at risk. That is the purpose of the debate.

Mr. Speaker, I thank the gentleman from Vermont (Mr. JEFFORDS) and we all in this body commend the gentleman for beginning that debate.

Mr. JEFFORDS. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTLETT). I want to say that I have observed many Congressmen and Congresswomen come here for their first terms, but I do not think I have ever observed anyone who has so quickly grasped the importance of various issues and made such important contributions to our committee and this body in the short time the gentleman has. I want to commend him and commend the people of his district for sending him here.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman. It is such an honor for me to serve on the committee with the gentleman and to be able to observe his leadership and work with him on the committee.

Mr. JEFFORDS. Mr. Speaker, I want to conclude by saying that I think it is important for us to have this discussion. Obviously, I think it is just as important, as has been brought out, that the answer is not going to come from Federal expenditures.

What the Federal Government has done, and rightfully so, in many cases, is to treat symptoms, the symptoms of more serious problems.

The President this past year, for instance, signed the new Job Training Partnership Act (JTPA), which is, as he has said, one of the most significant improvements in this area, and one of the biggest achievements of his administration. It is an attempt to treat some of the serious problems of our education system. We have allowed too many young people to go through high school, escape the system, and we now have to retrain them and make them useful participants in our society. But I recognize, as he does and as others do, that this is merely treating a problem, a problem which is created by the failures of our local systems. No amount of money spent at the Federal level, unless we want to spend billions of dollars will correct those problems.

Mr. Speaker, the concerns that bring us the floor this evening are not the result of education policies or budget cuts enacted in the last 2 years. They are the result of a series of decisions made over the last 15 to 20 years.

The problem is that through the years the priority of education in this country with respect to other issues, whether it be within the system itself or from financing, has not been dedicated to the excellence that we need.

During the last two decades a series of assumptions was made to the effect that the education program enacted in the mid-1960's somehow addressed the problem of quality of education. Administration after administration assumed that the mere availability of Federal funds—funneled through dozens of Federal programs, each having its own unique set of requirements—somehow would result in a coherent and sound education policy that would provide the leadership this country would need in future years.

Now the general public has been made aware of something that many of us have known for some time—that our educational system is in crisis. The involvement of the public is a good development. And although some of my friends on the other side of the aisle have decided that this issue is one on which they can make political hay, the fact of the matter is that we should be joining forces rather than assessing blame.

This administration came to office on a platform that questioned the effectiveness of the numerous Federal education programs in place in 1980. In response to the concern that excellence in education was getting short shrift, this administration appointed a National Commission on Excellence in Education. The purpose of this Commission was not to point fingers at teachers, schools, the Democratic party, or unions, but to call attention to the rapid decline in education standards that has occurred over the last 15 years and to place the issue of addressing this problem high on the national agenda.

Let us take a quick look at a few of the reasons identified by the National Commission which place our Nation at "risk" because of the decline in the quality of education.

The Commission found that secondary school curriculums have been homogenized, diluted, and diffused to the point that they no longer have a central purpose. This problem was not caused by cuts in Federal funding. In fact, the availability of Federal aid with long strings attached could very well have contributed to it.

The amount of homework for high school seniors has decreased to the point where two-thirds report less than 1 hour a night.

The time spent on courses in science and mathematics by U.S. students is about one-third of the amount of time spent by students in other industrialized nations.

One-fifth of all public 4-year colleges must accept every high school graduate within the State regardless of the program followed or the grades received.

Mr. Speaker, not one of these education problems is money related. Instead, these problems reflect how the money that was available was spent.

Let me also take a close look at a few problems that are indeed money-related. Each of these problems, however, received no attention whatsoever in the numerous Federal education programs enacted in the past 20 years.

First, the average salary after a full 12 years of teaching is only $17,000 per year, which is no more than many of us spent for entry level salaries for jobs in our offices for young people just out of college.

Second, too many teachers are being drawn from the bottom quarter of graduating high school and college students.

Third and finally, the typical U.S. schoolday lasts only 6 hours and lasts only 180 days per year. In contrast, the academic year in many other industrialized nations last 220 days and typically consists of 8 hours of instruction a day.

Mr. Speaker, before we start blaming others, we should ask why the Congress did not address these problems in past years. I think the answer is obvious—we simply were not aware of the extent to which excellence in education had eluded us. Now, because of the administration's efforts to bring the education issue to the forefront of the national agenda, we will have the opportunity to address these pressing issues. My only hope is that the impulse to turn this issue into a political football will not prevent us from addressing the issues raised by the National Commission.

I think it is important to point out that this is a serious problem which must be met at the local level. One of the reasons that this problem has come about is that over the years the increasing taxes and the increasing expenditures for other Government programs and services have created a tremendous drain on the taxpayers. The only place where they have had an opportunity at the ballot box to rebel against taxes has been at the local level. They have done that by keeping expenditures and taxes for education too low. That attitude has to be changed. The State's level and the State's role in education funding has to be increased.

The National Commission on Excellence in Education called on States and localities to assume a larger share of the responsibility for quality education. I think it is important to point out that this administration has already made significant progress in enhancing the traditional role of State and local government in education by several of its major legislative initiatives.

The foremost of the achievements of this administration was the enactment of the Education Consolidation and Improvement Act of 1981, ECIA. This act reversed a trend which had shifted much of the responsibility for structuring educational programs to the Federal Government. The result of the shift of responsibility to Washington was to undermine the involvement of local government and the quality of education.

Chapter 1 of the Education Consolidation and Improvement Act extended to State and local officials the prime responsibility for administering the Nation's largest Federal education program, aid to the disadvantaged. This program, which is better known as title I, is one of our most successful Federal education programs. Increasing local involvement in the administration of this program has already resulted in improvements in the quality of education made available to chapter 1 students.

Perhaps the most significant of ECIA's achievements was the consolidation of 28 other elementary and secondary activities into a single block grant. More than 300 pages of burdensome regulations were eliminated, thus freeing up classroom teachers and school administrators to concentrate on the quality of education made available in their schools. In the process, thousands of local dollars which had been spent on submitting applications for these 28 programs, on generating reports, and on complying with periodic Federal audits, were saved.

With regard to chapter 2, I want to emphasize that the administration has saved the public more than $1 billion since taking office by reducing Federal paperwork. More than 11 million hours of time that would have been spent filling in forms were saved. I believe it is obvious, Mr. Speaker, that these savings will directly lead to more attention to the students and greater academic achievement on their part.

If one examines the reports and listens to my colleagues on the other side of the aisle, it is certainly clear that the kind of reforms advocated by myself and others that are necessary to get the educational system back on its feet are certainly not to come from the Federal level.

Do my brethren on the other side of the aisle say that the Government ought to dictate the curriculums because one of their serious criticisms in these reports is the curriculums? Do they want to dictate how much homework our students should have? Do they want to dictate how we hire our teachers? No, these are problems that must be and should be solved at the local level.

The Federal Government does have a role, as has been pointed out by the previous speakers. We do have a role in leadership and guidance and in providing for areas that have serious problems. We do have a role of assistance. But the answer will not come totally or primarily from the Federal Government.

The National Commission on Excellence in Education has given a failing grade to our educational system. All of us play a part in that system, so you would think that all of us share in the blame for that system's failures.

Not surprisingly, the blame is having a bit of trouble finding a home. Predictably, parents will blame teachers, teachers principals, principals school boards, school boards States, States the Congress, and Congress the President.

Well, we are watching that dance tonight. The tune and steps are all too familiar, the refrain even more so.

It is nothing short of silly to allege that the problems of our educational system have been created overnight or by any one person or group. The roots of today's problems run broad and deep.

Instead of attacking the administration, we should be applauding it for commissioning and publicizing this report. For the first time in years, education is receiving the attention it deserves. It is as if we knew intuitively of the "rising tide of mediocrity in the Nation's schools" and were waiting for somebody to announce it.

Admitting the failures of our public schools is not, as some have suggested, a national shame. It is a source of encouragement. It means we have not abandoned our high expectations. We are absolutely committed to the twin goals of high quality schooling and equitable treatment of a diverse population.

There are no simple solutions. Education is a dynamic process. Improving educational quality will require strong commitment from taxpayers, parents, teachers, administrators, and those who serve at all levels of Government.

Each level of government has an important role to play. The Federal Government has a duty to insure access and equity in education. I would hope that someday we could go out of business, but I do not see that day coming soon.

But anyone who suggests that the Federal Government can go beyond these roles to insuring educational achievement is not being realistic. The vast majority of funding comes from the State and local level. The vast majority of decisions are made there as well.

As a senior member of the Education and Labor Committee, I will continue active involvement in policy decisions at the Federal level. But that is a small part of the total picture. Active effort will be needed at all levels. And, among other things, improvement in education must include a reordering of spending priorities. It is true that more money will not necessarily buy better education. But it is also true that we will not get significant improvements until we agree to salary schedules for educators which are professionally competitive.

Education is responsive to the public. Ultimately, the public will receive the kind of school system it wants, demands, and is willing to pay for.

The current outcry means that we are not willing to settle for what we have now. By admitting the shortcomings, and demanding something better, we can pave the way for a new standard of excellence in education.

Meanwhile, we as a society can set a good example for young people by saying to the National Commission, "Thanks for the low grade. We'll try harder this time."

The lesson of the last 20 years is that more Federal spending will not necessarily buy us better education.

The issue today is not how to bring about more Federal support for education but how to bring about reforms in education to get the quantity and the quality of our education up so that the $215 billion we are already spending at all levels for education today is better spent. I think we can do it. The President has made that challenge very clear. He supports our efforts to find solutions, and I know that all of us on both sides of the aisle will join together so we can find those answers.

● Mrs. MARTIN of Illinois. Mr. Speaker, the issue of declining educational standards and achievement has become the latest topic of the times, and rightly so. But what troubles me about this high dosage of attention is the tendency of all to use the issue as a political tool.

It always is easiest to place blame for shortfalls on the other's political party. I, however, do not intend to either blame or defend. Quite frankly, that is wasted motion.

The bottom line in education that warrants debate is the fact that while expenditures have increased significantly over the past 15 years, test scores measuring achievement have fallen dramatically. The time is long overdue to ask why this has occurred. Moreover, Political one-upmanship does not set the stage needed for objective political discussion on our educational efforts.

A sampling of some education statistics from "A Nation at Risk," the report issued by the National Commission on Excellence in Education, reveals the critical state that is threatening our future:

Scholastic Aptitude Test scores indicate a consistent decline from 1963 to 1980 with average verbal scores falling over 50 points and average mathematic scores falling nearly 40 points;

Twenty-three million American adults are functionally illiterate according to the simplest tests of everyday reading, writing, and comprehension;

Thirteen percent of all 17-year-olds in the United States can be considered functionally illiterate;

Over half the population of gifted students do not match their tested ability with comparable achievement in school;

Average tested achievement of students graduating from college is lower; and

Colleges, the military, and businesses oftentimes must offer remedial education programs in such basic skills as reading, writing, spelling, and computation.

These disgraceful findings no longer afford us the leeway of political expediency in dealing with our educational needs. We must evaluate our current programs and determine why achievement levels have fallen. It simply is not enough to say our commitment to education is waning because a look at the facts demonstrates otherwise. Over the past 20 years: The number of Federal education programs has grown from a mere handful to more than 100; total education spending (all levels of government) has increased by over 600 percent; and Federal education spending has increased 2,000 percent. Meanwhile, during this same period, enrollment has declined by 13 percent, resulting, in part, in an increase of over 100 percent for total spending per pupil and a Federal increase of 300 percent per pupil.

It is good that education has captured our attention in much the same way as it did during the Sputnik era. But it is not good to ignore that some very real problems in our educational achievement and standards exist. Furthermore, the time-old, tried approaches of more money and more programs simply cannot make them go away. They have not yet. If we cannot learn from our mistakes, how can we expect our children to?

For the sake of our children, for the sake of our country, let us get down to business—how best to educate our children.●

● Mr. RITTER. Mr. Speaker, just yesterday I received notice of the special order that our colleagues from the other side of the aisle were to hold today regarding setting the record straight on education policy. The letter talked about the impact of the cuts on elementary, secondary, and postsecondary education. My colleagues from the other side of the aisle decried the eligibility requirement changes made in the guaranteed student loan program among other things. These eligibility requirement changes which saved the taxpayers billions of dollars required students from families with annual incomes of over $30,000 to meet a needs test in order to receive a loan. It makes me wonder why these same colleagues want to put a cap on the tax cut that most of these families would be eligible to receive on July 1, 1983. Why would they want to make it easier for these families to receive a federally subsidized student loan but harder for them to save for college because of increased taxes. In one breath the Democrats call these families with incomes over the mid-$30,000 range "rich" yet if the issue is student loans, these same families are referred to as "middle-income families."

In the past 2 weeks we have seen a slew of Democrat Presidential candidates talking about the emergency state of our schools and proposing bold new initiatives like Mr. Mondale's $11 billion emergency program. Mr. HOLLINGS decided to do Mr. Mondale one better by making his emergency education program a $14 billion program that called for an immediate $5,000 raise for all teachers. I am sure that this creative venture must have consumed many hours of Mr. HOLLINGS' and his advisers' precious time. I wonder what other bold new proposals the other candidates will come up with in the days ahead.

Rather than trying to fund the problem to death these candidates might take heed in what another member of their party, Joseph Califano, the former Secretary of Health, Education and Welfare who served under President Carter observed.

Califano wrote:

> I came to HEW enthusiastic about the opportunity to improve education in America, and determined to step up Federal funding sharply.

And then he wrote:

> I left troubled over the deterioration of public education in America and troubled by the threat to academic freedom that the Federal role, enlarged and shaped by special interest groups, poses.

This was not an appointee of Ronald Reagan talking; this was Joe Califano, a cabinet member of the Carter administration. Yet it appears that our colleagues from the other side of the aisle do not even begin to address the problem of the threat of academic freedom posed by these special interest groups. The only factor they consider to be important in the area of quality of education is the issue of Federal funding.

Quality education is not achieved by solely focusing on more money from the Federal Government. Whenever the Federal Government gives more money to our local schools it almost certainly includes with the money a whole new list of costly regulations for such schools to abide by.

Between Lyndon Johnson's term and the end of Jimmy Carter's Presidency, Federal spending on elementary and secondary education increased more than 900 percent and total per pupil spending in public schools increased by nearly 450 percent. Yet in this same period SAT scores and other measures of learning stopped rising and started falling.

I do not feel that this is conclusive evidence in support of greatly expanding the Federal role in education. What we need to do is allow local schools more flexibility. We need to encourage concepts such as merit pay which rewards excellence, not mediocrity, and encourages excellence in teaching. We need to encourage sensitivity to the marketplace. There are things that can be done at the local and State levels that do not require additional spending to improve the quality of education. Encouraging schools to have an improved curriculum concentrating on teaching children the basics will also improve the quality of education. We all have a stake in improving the quality of education in our country. However, dramatically increasing the Federal role in education will not achieve this goal.●

GENERAL LEAVE

Mr. JEFFORDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. DYSON). Is there objection to the request of the gentleman from Vermont?

There was no objection.

ORDER OF BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I understood that pursuant to a previous request made by the gentleman from Oregon (Mr. WEAVER), the gentleman from Oregon would be recognized now notwithstanding any previously entered into special orders.

The SPEAKER pro tempore. The Chair will state that it was the Chair's understanding that the special order of the gentleman from Oregon (Mr. WEAVER) was to come after all other special orders, unless the gentleman would like to make a unanimous-consent request.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that I may be permitted to proceed with my special order at this time without prejudice to the rights of the gentleman from Texas (Mr. GONZALEZ).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE TONGASS NATIONAL FOREST TIMBER INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 30 minutes.

Mr. WEAVER. Mr. Speaker, there are grave misunderstandings occurring in the Tongass National Forest, the largest national forest in our national forest system, situated in the State of Alaska.

Two years ago, in the Reid Bros. logging case, the Reid Bros. sued the two companies doing business in the Tongass National Forest under 50-year contracts on antitrust. The Reid Bros. won that suit in the Federal district court, and it was affirmed by the ninth circuit court, finding that a Louisiana-Pacific subsidiary and a company called ALP, a firm primarily owned by the Japanese, guilty of antitrust.

As chairman of the Subcommittee on Mining, Forest Management, and Bonneville Power Administration of the Committee on Interior and Insular Affairs, I have conducted an investigation into the matter and the problems of the Tongass National Forest. We have uncovered several Government documents, including a Forest Service investigation submitted to the Justice Department, that contain grave matters of illegalities and alleged illegalities, and the Justice Department has not acted on those.

These two companies operating in the Tongass National Forest under their 50-year contract have played fast and loose with the law, have made misstatements of fact, have colluded to drive small logging companies out of business, have falsified records, and have done a number of things that may have cost the Federal taxpayers and the Treasury of this country over $60 million.

□ 1830

Today we received notice, Mr. Speaker, that one of the companies, the Alaska Lumber and Pulp Co., ALP, has not paid $6 million that it owes the Forest Service and continues not to pay it. I am proud to say that because we are breathing down the necks of the Forest Service and the Justice Department on this issue, that the Forest Service took speedy action on the ALP nonpayment and has issued a letter dated yesterday, June 20, that the ALP shall cease harvesting timber and cease drafting timber in the Tongass National Forest. When we are done with this investigation, there must be and shall be further drastic remedies against these two companies. I am convinced of that, but I am glad to see that the Forest Service has taken action after 10 years of neglect of allowing this disgrace to go on in the Tongass they are finally doing something about it.

BACKGROUND ON THE TONGASS NATIONAL FOREST TIMBER INDUSTRY

INTRODUCTION

The Tongass National Forest is the largest national forest in America. It encompasses 15.9 million acres of trees, rocks, and ice in southeast Alaska, and yields over 90 percent of the timber harvested in Alaska.

In March 1981 Federal District Court Judge Barbara Rothstein, ruling in a private antitrust action, Reid Bros. against Ketchikan Pulp Co. and Alaska Lumber & Pulp Co., found two companies, Ketchikan Pulp Co. (KPC), and Alaska Lumber & Pulp (ALP), guilty of monopolizing the timber industry on the Tongass between 1959 and 1975. In March of this year, the Ninth Circuit Court of Appeals affirmed this decision.

Ketchikan Pulp Co., now known as Louisiana Pacific Ketchikan (LPK), is a subsidiary of the Louisiana Pacific Corp., the largest purchaser of Federal timber nationwide. ALP is a subsidiary of a Japanese corporation, the Alaska Pulp Co., Ltd.

In confidential documents obtained by the Subcommittee on Mining, Forest Management, and Bonneville Power Administration, the U.S. Forest Service estimates that the illegal actions of these two companies may have cost the United States between $63 and $81.5 million in lost revenues. More significantly, these documents indicate that ALP and LPK may have continued their illegal practices since the 1975 filing of Reid Bros., and may still be engaging in activities which are illegally denying the Federal Government of revenue. The documents obtained by the subcommittee also indicate that both the U.S. Forest Service and the U.S. Department of Justice have been aware of these potential continued violations of law, but have not acted to properly investigate, prosecute, or otherwise remedy the situation.

The origins of these illegal activities can be traced back to the 1950's. At that time the Forest Service entered into unique 50-year timber harvesting contracts with ALP and LPK—Forest Service timber harvest contracts generally allow purchasers of Federal timber only 3 to 5 years to harvest timber.

MONOPOLIZATION OF SOUTHEAST ALASKAN TIMBER INDUSTRY

Judge Rothstein found that the long-term contracts gave the companies a competitive advantage which they used to monopolize the industry. She determined that, supported by these 50-year contracts, ALP and LPK undertook, a premeditated effort to monopolize the timber industry in Southeast Alaska. In her preliminary oral statement, she said that ALP and LPK began with:

> * * * a natural advantage in the form of the 50-year leases with the Forest Service guaranteeing them a vast timber supply of their own, and * * * utilized this advantage as a starting point for concerted and combined efforts to control the Alaska timber market, to eliminate competition and to maintain and exercise monopoly power.

The two companies' ownership of the only two pulpmills in southeast Alaska also contributed to their ability to monopolize. Because much of the timber on the Tongass is harvested for paper pulp, the smaller, independent operators on the Tongass must sell large portions of their harvest just to these two mills for processing. Judge Rothstein found that ALP and LPK, acting in concert with each other, kept the price paid to these small firms artifically low, thereby driving many of them out of business and reducing competition for southeast Alaskan timber sales.

Judge Rothstein found that these companies had committed a number of additional violations as well. In her final decision she wrote:

> LPK and ALP acted pursuant to an agreement, understanding, and concert of action between themselves, the purposes and actual effects of which have been:
>
> To restrict and eliminate competition in all phases of the timber industry in Southeast Alaska;
>
> To refrain concertedly from competing against each other for timber or logs;
>
> To keep would be competitors out of Southeast Alaska by cutting off their timber supplies through preclusive bidding and other means;
>
> To eliminate mill competition by acquiring ownership or control of the sawmills in Southeast Alaska, while expanding their own operations;
>
> To control and manipulate the log supply to the few surviving mills;
>
> To pay artifically low prices to independent loggers for logs, and logging services;
>
> To eliminate purchase loggers from the field;
>
> And to attain and exercise monopoly power, i.e., the power to set prices and exclude competition, in the timber industry in Southeast Alaska.

ALP and LPK were overwhelmingly successful in their efforts to monopolize the timber industry, and had established firm monopoly control by the time Reid Bros. was filed in 1975. Judge Rothstein wrote in her final decision:

> The defendant's concerted efforts to exclude competition were entirely successful throughout the period 1959-1975 * * *
>
> ALP and KPC acquired ownership or control of virtually every sawmill which at one time operated as an independent manufacturing facility in Southeast Alaska * * * Over the period 1959-1975, KPC and ALP combined purchased over 90 percent of the timber that was being cut in Southeast Alaska, and manufactured at least 90 percent of the manufactured products. The 90 percent market share was divided about equally between the two defendants.

Significantly, Judge Rothstein also named the Georgia Pacific Corp., the Louisiana Pacific Corp., and the FMC Corp., previous parent companies of KPC, as coconspirators.

Despite these findings, the structure of the timber industry on the Tongass today is essentially the same as it was when the Reid Bros. Logging Co. filed suit. The Federal Government has neither fully investigated the period since the suit was filed or taken substantive action to alter the monopolistic structure. Further, the newly released documents contain evidence that anticompetitive violations may be continuing. The Forest Service has referred this evidence to the Antitrust Division of the Department of Justice, but Justice has refused to conduct a full investigation or prosecute the companies. In fact, the Forest Service first reported suspected antitrust violations to Justice in 1968, long before Reid Bros. was filed, but the Department has not prosecuted these companies.

CRIMINAL FRAUD AND BREACH OF CONTRACT

Compounding the companies' monopolistic practices are possible criminal fraud and breach of contract occurring both before and after the 1975 filing of Reid Brothers. The USDA Office of General Counsel (OGC), has charged that both ALP and LPK submitted false log sales invoices, false statements regarding bidding fronts, and false representations associated with recordkeeping. False statements concerning a material fact, knowingly made in a matter within the jurisdiction of a Federal agency, constitute criminal fraud. The OGC has held that these fraudulent statements also violated the terms of the contracts, which include provisions giving the Forest Service the right to inspect company records.

Based on Forest Service assessments, the fradulent practices resulted in lost timber revenues and caused most of the material damages to the Government.

According to the OGC, the companies denied the Federal Government revenues by illegally manipulating the complex process the Forest Service uses to set timber prices. The 50-year contracts require the companies to provide company records of processing costs and end product sale values to the Forest Service. The Forest Service uses these records to determine the price that ALP and LPK are charged for timber under the 50-year contracts. Access to accurate company records is essential in order for the Forest Service to determine fair market value for its timber. The Forest Service has found that ALP and LPK provided false information in order to keep timber prices low, thus costing the Treasury substantial revenues.

These actions may still be denying money to the Treasury. Because the Forest Service rate redetermination process uses past cost and price information to set future prices, the companies' manipulation of these figures prior to 1975 almost certainly reduced timber revenues since that time, and may still be affecting them. One estimate of the total damages prepared for the Forest Service calculated that the United States has lost between $43.2 and $48.2 million in revenues since 1975.

Despite these Forest Service calculations, and the possibility that revenues are still being denied, the Forest Service has not acted to recover lost revenues. The Forest Service continues to adhere to its 50-year contracts with ALP and LPK, and recently approved an emergency rate redetermination dramatically lowering the price of timber to the companies. LPK's emergency rate redetermination, retroactive to December 1981, reduced their average stumpage rate from $73.15 per 1,000 board feet to $3.09. ALP's redetermination lowered their average rate to $1.48 per 1,000 board feet.

LACK OF ENFORCEMENT

The OGC referred suspected fraud and breach of contract to the Department of Justice, but the Department of Justice thus far has chosen not to initiate legal action.

Instead, the Federal Government has perpetuated the current industry structure on the Tongass, and has, in fact, rewarded these two companies. Provisions of the Alaska National Interest Lands Conservation Act (ANILCA), enacted in 1980, provide subsidies to the timber industry on the Tongass. Section 705 of this act mandates that the Secretary of Treasury make available to the Secretary of Agriculture at least $40 million every year, or "as much as the Secretary of Agriculture finds is necessary to maintain the timber supply from the Tongass National Forest to dependent industry at a rate of 4.5 billion board foot measure per decade."

The act specifies that these funds "shall not be subject to annual appropriation," thus taking control over them out of Congress hands. The Forest Service projects spending $47.25 million in fiscal year 1984 to accomplish this.

Because of the extremely low stumpage rates on the Tongass, the net return to the Treasury on this investment has consistently been under $40 million. Thus, the Federal Government has been subsidizing the timber industry on the Tongass, even though that industry is still dominated by ALP and LPK, and even though both those companies have consistently operated contrary to the public's best interests.

The Federal Government's role in investigating and remedying the problems on the Tongass is further complicated by John Crowell's position as Assistant Secretary of Agriculture for Natural Resources and Environment. In this capacity, he is charged with overseeing the Forest Service.

Prior to his appointment as Assistant Secretary of Agriculture, Mr. Crowell was closely associated with companies involved in the monopolization of the timber industry on the Tongass. From 1959 to 1972, Mr. Crowell was an attorney for the Georgia Pacific Corp., which was a parent corporation of KPC. In 1973, the Louisiana Pacific Corp. was formed, and Mr. Crowell subsequently was made general counsel to it. From 1973, through 1975, when Reid Bros. was filed, Louisiana Pacific was a parent company of KPC. Both Georgia Pacific and Louisiana Pacific were named as co-conspirators in Judge Rothstein's decision. In 1976, Crowell became assistant secrtetary of Ketchikan Pulp Co., one of the companies found guilty in Reid Bros., and suspected by the Forest Service of continued violations.

Crowell has admitted that in his positions with Georgia Pacific and Louisiana Pacific, he "was the lawyer who generally dealt with questions and concerns regarding antitrust matters." He has claimed, however, that he was not aware of the violations uncovered in Reid Bros.

Some have challenged the credibility of this claim. While Mr. Crowell's confirmation was being debated, Senator KENNEDY and Senator LEAHY wrote to their colleagues: "* * * documents have become available that show that Mr. Crowell was aware of and involved in material facts which formed the basis of violations of antitrust laws recently cited by a Federal Court in Seattle." Twenty-five Senators voted against Mr. Crowell's confirmation.

The question of whether Mr. Crowell was aware of specific violations may be less important than the obvious questions about the broad implications of his present position in the administration. Section 14(e) of the National Forest Management Act requires the Secretary of Agriculture to take action to obviate collusive practices in bidding for timber products from national forest lands. Mr. Crowell has recognized that as Assistant Secretary for Natural Resources he is charged with enforcing this provision. However, he has recused himself from any matters relating to the Reid Bros. case. Concerns remain about whether this recusal will preserve the objectivity and integrity of the agency, or whether his position in the Department of Agriculture may affect the manner in which it addresses the problems on the Tongass.

Some have asked what effect Mr. Crowell's position in this administratin may have on the Department of Justice and the Forest Service's attitudes toward investigation or prosecution of those guilty of antitrust violations, breach of contract, or criminal fraud.

Following this background, I would like to submit a summary of the facts and documents the subcommittee has obtained. Complete copies of the Government documents are available in my office.

SUMMARY

These documents include:

(1) An internal report and recommendations prepared for the Forest Service by a special three-man team directed to analyze the evidence developed in the Reid Brothers civil antitrust case. This team consisted of a Forest Service accountant, attorney, and timber specialist. After evaluating trial discovery documents and Forest Service records, the team prepared specific recommendations for remedial action. To date most of these recomendations have not been implemented.

(2) A formal referral by the USDA-Office of General Counsel (OGC) to the Department of Justice, Antitrust Division. This referral, based on the three-man team's report and recommendations, requested that the

Antitrust Division review the facts and proceed with legal action against the pulp companies. The OGC referral:

(a) found that a basis for legal action existed in the companies violations of the antitrust statutes and laws prohibiting fraud against the federal government;

(b) found that civil action based on material breaches of both the ALP and LPK 50-year timber sale contracts might be warranted; and

(c) explicity requested that Justice fully investigate the pulp companies' alleged illegal actions on the Tongass, especially those illegalities suspected of occurring after the 1975 filing of the *Reid Brothers* case.

(3) A formal referral by the OGC to the Department of Justice, Civil Division. This referral requested that the Civil Division consider legal action to recover damages based on breaches of the long-term timber sale contracts held by ALP and LPK. The OGC cited potentially "huge" damages as a result of these contractual breaches, and urged the Civil Division to "proceed with all practicable speed". The OGC made this referral on November 30, 1982. On March 10, 1983, the Civil Division responded in writing, requesting additional documentation of the contractual breach claims.

(4) A formal referral by the OGC to the Department of Justice, Criminal Division. The December 17, 1982 referral requested that the Criminal Division consider legal action in response to criminal fraud apparently committed by ALP and LPK. Evidence of fraudulent conduct occurring since 1975 was included, and the referral urged that the Criminal Division determine whether this evidence merited further investigation. The Criminal Division responded on April 11, stating, ". . . we are declining to consider the matter for further criminal investigation or prosecution purposes."

(5) An official Forest Service Summary of Potential Damage Calculations, submitted to the Chief of the Forest Service by Alaska Regional Forester John Sandor on October 9, 1981. This was an initial estimate of monetary damages suffered by the United States due to the illegal practices of ALP and LPK. This summary placed total damages at at least $63,937,116 and indicated that the United States continues to be deprived of substantial revenues.

(6) A Draft Plan for Recovery of Potential Damages Resulting from Actions by the Ketchikan Pulp Company (Louisiana Pacific-Ketchikan) and Alaska Lumber and Pulp Company 1959-1982, developed by the Forest Service and OGC and submitted to the Department of Justice on December 14, 1982. This plan includes a brief history and timeline of Forest Service and other agency actions from 1968-1982. It also includes an assessment of possible administrative actions, and outlines possible roles for various agencies in further investigation. It contains an analysis of a more complete assessment of damages suffered by the United States prepared by Alfred A. Wiener, a former U.S. Forest Service Timber Management officer, under an agreement with the Forest Service. This analysis placed total damages caused by ALP and LPK's illegal practices at between $76.5 and $81.5 million. And, significantly, it specifies that the greater proportion of the total was sustained after the Reid Brothers case was filed in 1975.

(7) A January 4, 1983 letter from Deputy Assistant Attorney General for Antitrust Helmut Furth, to the OGC refusing to initiate criminal or civil antitrust action. The Antitrust Division offered the expiration of statutes of limitation as a primary reason for this decision. The letter also cited other factors contributing to the establishment and exercise of monopoly control not subject to challenge under the antitrust laws. These included:

(1) ownership and marketing affiliations with Japanese parent corporations,

(2) ALP and LPK's ownership of the only pulp mills in Southeast Alaska, and

(3) the unique 50-year timber harvest contracts owned by the pulp companies.

None of these Forest Service or OGC documents have been made public to date. Only the January 4, 1983, letter from Deputy Assistant Attorney General Furth to the OGC, was released to the press in January, when the Department of Justice Antitrust Division determined not to initiate criminal or civil action. The Subcommittee was only able to obtain the other documents after repeated requests to the Department of Justice and the Department of Agriculture, submitted as early as June, 1981. Only after a final formal request for specifically identified documents was made, and the possibility of Subcommittee subpoena raised, were they made available on a confidential basis by the OGC.

These government documents present a disturbing picture of the timber industry on the Tongass. They indicate that ALP and LPK continue to benefit by virtue of their past illegal activities, and may still be engaged in them.

Of the greatest concern is the fact that the attached documents clearly indicate that the United States Forest Service has consistently allowed the United States to suffer the loss of millions of dollars of revenue on the sale of timber in the Tongass National Forest in Alaska without taking corrective action; while, at the same time, the United States Department of Justice has repeatedly been made aware of violations and potential violations, but has consistently chosen not to investigate or prosecute.

It is the intention of this Subcommittee to continue its investigation into timber practices on the Tongass, potential violations of federal law and regulations, and the actions of those involved.

Specific areas of wrong-doing that are brought to light in these seven documents outlined above, follow:

CONTINUED ANTICOMPETITIVE PRACTICES

Federal District Court Judge Barbara Rothstein ruled in June, 1981, that LPK and ALP committed acts from 1959-1975 which constituted a combination and conspiracy in restraint of trade and commerce in violation of Section 1 of the Sherman Act, (15 U.S.C. 1). She also found that the acts of the two companies constituted a conspiracy and attempt to monopolize, and an actual monopolization of trade and commerce in violation of Section 2 of the Sherman Act, (15 U.S.C. 2). (A copy of this decision is attached). On March 1 of this year, the Ninth Circuit Court of Appeals affirmed this decision (a copy of this decision is attached). The defendants have filed for reconsideration at the circuit court level.

While these decisions clearly identified repeated antitrust violations in the period from 1959-1975, the courts did not consider events occurring since then. Thus, questions about the competitiveness of the industry since then have gone largely unanswered. These attached documents newly obtained by the Subcommittee appear to answer some of these questions.

Both the Forest Service's three-man team's report, and the OGC referral to the Department of Justice identify many instances of suspected antitrust violations occurring as recently as August, 1981. The three-man team report addresses suspected collusive bidding in the period since 1975 in Case Files B-1, p. 4; and B-6-6, p. 3. The OGC referral to the Antitrust Division includes a more concise analysis of collusive bidding on pages 5 and 6. The Wiener analysis on pages 11-15 of the Draft Plan estimates the amount of revenue that collusive bidding has denied the U.S. in the period both before, and after 1975.

The three-man team report and the OGC referral also both identified instances of suspected preclusive bidding since 1975. Preclusive bidding is discussed in the three-man team's report in Case Files B-1, p. 2-4, and B-3-5; and in the OGC referral to the Antitrust Division, p. 6.

These documents also contain evidence of additional suspected anti-competitive activities occurring since 1975. These are discussed in Case File D of the OGC report, and pp. 6-10 of the OGC referral. Damage estimates are included in the Draft Plan, pp. 11-15.

POTENTIAL CRIMINAL FRAUD

ALP and LPK may also have committed criminal fraud. False statements concerning a material fact, knowingly made in a matter within the jurisdiction of a federal agency, constitute criminal fraud. In the three-man team's report, and the OGC referrals to the Criminal and Antitrust Division, Forest Service and OGC personnel identify several apparent instances of ALP and LPK making such statements, both before Reid Brothers was filed and after. The OGC referred instances of suspected fraud to the Department of Justice in 1981 and 1982, but the Department of Justice declined to consider the matter for further investigation or prosecution. Therefore, instances of suspected criminal fraud identified by the OGC, occurring both before and after 1975, have never been fully investigated with or without the benefit of subpoena power.

The three-man team's report discussed extensively the precise details of the fraudulent practices, and how these practices affected timber prices. These are discussed in Case File A-1, Questionable End Product Values; Case File A-3, Fraudulent Cedar Log Pricing Arrangements; Case File A-4, Artificial Log Prices; and Case File A-6, Management Fees and Chemical Prices.

The OGC referral to the Antitrust Division also contained extensive discussion of fraud and false statements, and identified three different types of fraud:

(1) false cedar log invoices,

(2) false statements associated with the use of bidding fronts, and

(3) false representations associated with record keeping, (pp. 10-12).

This referral was followed up over a year later with a formal referral, and request for action to the Criminal Division, which has jurisdiction over criminal fraud. This letter documented evidence of fraudulent behavior occurring since 1975, (see attached letter). Both the Sandor and the Wiener damage assessments attributed over $30 million in damages to criminal fraud by ALP and LPK, and urged that the companies be investigated further. The OGC referrals to both the Antitrust and Criminal Divisions also called for further investigation.

The Criminal Division responded to the formal OGC referral with a one paragraph letter on April 11, 1983. It is quoted in full:

"Reference is made to your letter of December 17, 1982 to the Criminal Division and our meeting in February on the captioned matter. In light of the extensive civil litigation, the date of the alleged transaction (pre-March 1975), and the declination by the Antitrust Division after an extensive review, we are declining to consider the matter for further criminal investigation or prosecution purposes. We appreciate your bringing the matter to our attention."

POTENTIAL MATERIAL BREACHES OF ALP AND LPK LONG-TERM CONTRACTS

ALP and LPK entered into 50-year timber harvest contracts with the Forest Service in the 1950's. These contracts give them the right to harvest approximately about two-thirds of the timber taken from the Tongass National Forest each year. These long-term contracts are unique among Forest Service contracts, which generally have a life of three to five years. They each have roughly 25 years left to run.

The Forest Service three-man team report, the OGC referral to the Antitrust Division, and the Wiener and Sandor calculations of monetary damages all contain explanations of the breaches of the contracts, and the effect of these breaches. These documents explain that the companies violated provisions in the contracts which require them to provide company records to the Forest Service. The Forest Service uses company records to determine the price that ALP and LPK are charged for timber under the 50-year contracts. According to the documents, the companies successfully manipulated the information they provided to the Forest Service in order to keep timber low. Because these manipulations resulted in revenue losses, the OGC concludes in their referral to the Antitrust Division, page 12, that the contractural breaches were material thus justifying legal actions by the government.

Four case files assembled by the three-man team explain how ALP and LPK supplied the Forest Service with inaccurate information for its appraisals. Case File A-1, Questionable End Product Values, Case File A-3, Fraudulent Cedar Log Pricing Arrangements, and Case File A-4, Artificial Log Prices, demonstrate how end product values were fraudulently established and recorded. Case File A-6, Management Fees and Chemical Prices, shows how manufacturing costs were artificially increased and were reflected in company records. These case files contain Forest Service recommendations that actions be initiated to determine the extent of damages owed the government as a result of the breaches.

The two damage summaries (Sandor and Wiener) calculate the costs of the breaches, and show how the appraisal method was manipulated to keep returns to the United States for timber low.

50-YEAR CONTRACTS IDENTIFIED AS A MAJOR SOURCE OF MONOPOLY POWER

These documents also suggest that government policies, particularly the establishment and maintainence of ALP and LPK's long-term timber harvest contracts, may have contributed to the development of the monopoly.

United States District Court Judge Rothstein found in her decision that the two companies used their long-term contracts to establish and exercise their monopoly. In her oral presentation she concluded, "The Court believes that the two mills began with a natural advantage in the form of the 50-year leases with the Forest Service guaranteeing them a vast timber supply of their own, and I believe that the proof has shown that the mills utilized this advantage as a starting point for concerted and combined efforts to control the Alaska timber market, to eliminate competition and to maintain and exercise monopoly power." (Rothstein statement, April 3, 1981, p. 4)

The Forest Service three-man team also identified these contracts as a course of monopoly control. Case File D (p.1) states categorically, "The defendants and their affiliates have utilized National Forest timber sales, both long-term and ordinary, to attain monopoly power."

OGC's November 1981 referral to the Antitrust Division identified several Forest Service policies that contributed to the anti-competitive behavior, and singled out the long term contracts:

"By far the most important single Forest Service policy which has made possible the monopolistic situation in Alaska was the grant of the long-term timber sales to the pulp companies, at what in retrospect seems a bargain price, in the first place. The contracts give the companies a large, secure, supply of local timber with which to fill the needs of their plants, compared to competing operators. This timber comes to the mills at a rate, fixed each five years, that has historically been a lower price than that bid for independent sales. The large companies can, therefore, afford to bid to higher levels than can competitors on independent sales, offsetting any losses with profits realized on timber cut on the long-term sale allotments," (p. 17).

The January 1983 letter from Deputy Assistant Attorney General Furth to the OGC further underscores the 50-year contracts as a source of monopoly power. Furth writes, "Another major source of economic power, and a marketing advantage that these two companies hold over all rivals in the area, is the fact that they each have assured long-term supplies of timber from national forest lands in the vicinity of their respective pulp mills under 50-year contracts with the Forest Service," (p. 5). Furth goes on to say that the pulp companies "can obtain timber from designated tracts at an accounting cost generally below the cost" other loggers must pay for Forest Service timber.

FOREST SERVICE DAMAGE CALCULATIONS

The Forest Service has released to the Subcommittee two separate assessments of the damages caused the United States by these violations. The attached "Summary of Potential Damage Calculations" was confidentially submitted to the Chief of the Forest Service by Regional Forestor John Sandor in October, 1981. This summary placed total damages as of that date at $63,937,116. Significantly, this summary also indicated that some of these damages were caused by events that have taken place after Reid Brothers was filed in 1975. This summary also explained that illegal events occurring prior to 1975 continue to deprive the United States of revenues, because current timber prices are determined largely by value and cost data from previous timber sales.

The second damage summary was prepared by Alfred A. Wiener through an agreement with the Forest Service in the spring of 1982. It is analyzed in the attached Draft Plan. Wiener delineated his estimate into those damages occurring before 1975, and those occurring after 1975. He estimated that the companies' actions denied the United States $33.3 million before 1975, and from $43.2-48.2 in the period since then.

POSSIBLE GOVERNMENT RESPONSES

Several of these documents refer to possible agency responses to these violations, and request assistance in responding. The Forest Service three-man team made 31 specific recommendations for administrative actions, listed in a summary at the conclusion of their report. The Draft Plan for Recovery of Potential Damages includes a listing of agency authority and limitations, and possible administrative actions.

Both of these documents also call for further investigation, as does the OGC referral to the Antitrust Division. This letter notes that, "The lack of evidence of illegal acts since 1975 is most directly a reflection of the fact that the record in Reid Brothers was limited to events prior to the date Reid Brothers Logging Company went out of business. The need for further investigation of company records and other discovery pertaining to more recent years is obvious, and is discussed further below", (p. 13). This document examines the need for further investigation, and concludes, "It is, therefore, our opinion that the participation of the Department of Justice and the use of its investigative powers and resources is essential to a full consideration of the merits of any potential legal action associated with this matter by the United States", (p. 18). To date, the Department of Justice has not conducted a complete investigation of the period since 1975, and the Department of Agriculture has not implemented most of the substantive administrative responses.

Mr. Speaker, I include a letter from Michael A. Barton, Deputy Regional Forester, dated June 20, 1983:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Juneau, Alaska, June 20, 1983.

Hon. BILL SHEFFIELD,
Governor of Alaska,
Juneau, Alaska.

DEAR GOVERNOR SHEFFIELD: As you are aware Alaska Lumber and Pulp Co. (ALP) is the purchaser of a timber sale contract (No. 12-11-010-1543) on the Tongass National Forest. The term of this contract is 50 years. All contracts for National Forest timber of over seven years duration contain provisions for redetermining the stumpage rate paid the Government for National Forest timber. These redeterminations are of two types; a) scheduled in the contract and b) upon application by the purchaser provided certain criteria are met.

Section 2e of ALP's contract provides for a rate redetermination upon written application of the purchaser provided that it is shown that there have been changes in market or other economic conditions since the last scheduled rate redetermination sufficient to warrant the establishment of new rates. The last scheduled rate redetermination was January 1, 1981. On June 22, 1982 ALP applied for a rate redetermination in accordance with SEC. 2e. After evaluation of the information presented by ALP and analysis of relevant data the rates previously established January 1, 1981 were lowered. These new lower rates were established on May 6, 1983 and applied retroactively to logs placed in rafts completed after July 1, 1982.

As a result of the rate redetermination the stumpage payment due the Government was lowered. Further, the amount of credit for purchaser road construction that can be used instead of cash to pay for timber harvested was similarly lowered.

BEST COPY AVAILABLE

ALP continued to harvest timber in accordance with the contract while their request was being reviewed and new rates determined. As a result, adjustments are now necessary in their cash position to ensure that purchaser credit is not permitted to replace cash payments to a greater extent than permitted by the contract and applicable regulations and law.

On May 6, 1983 ALP was issued a bill for $6,021,274.00 as a partial adjustment necessary to protect the Government's interest. As a result of the continued analysis of ALP's position with respect to the Government this bill was reduced to $5,131,283 on June 2. ALP responded to the billing initially by stating that only $2,150,000 was owed. ALP has since stated that no money is due the Government. To date, there has been no payment of any of the amount due.

Continuing analysis and ALP's continued failure to pay the initial bill indicates that billing for an additional $1,404,336.89 is required. I have this date issued such a bill.

As a result of ALP's continued failure to pay, I have notified the company that in order to protect the Government's interest I am suspending, in accordance with Sec. 4a6b of the contract, any further timber felling. Further, the company is not to place any more logs in the water except those needed to complete the rafts that are presently under construction. These actions become effective 5 p.m. June 23, 1983 and will remain in effect until ALP remedies this situation.

If ALP continues to refuse to meet their financial commitments, additional steps will be taken to protect the Government's interest.

If you have any questions, I would be pleased to respond by phone (907-586-7263) or in writing.

Sincerely,

MICHAEL A. BARTON,
Deputy Regional Forester.

□ 1830

IMPEACHMENT OF PAUL VOLCKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise because the Sunday news brought out the fact that the President had at long last made the formal announcement that he was reappointing Paul Volcker as the Chairman of the Federal Reserve Board.

Though this was no great surprise certainly to some of us, what it did do was cause me to get up now and thank the President because otherwise my impeachment resolution of Paul Volcker would have become moot, so now it is very much in order.

I had been withholding the continuation of the effort in the last Congress and even the Congress before that to bring about congressional priority on the absolute and urgent need to restructure so as to bring about accountability on the part of this gigantic, massive, runaway, powerful agency, the most powerful in the world because it is not subject to the control of the President, it is not subject to the control of the Congress which created it.

The reappointment of Paul Volcker is very significant of the tremendous wall that we have to climb and jump over in order to bring about some kind of action in the long overdue, in fact I think it is probably too late by now, overdue restructuring to bring about the accountability.

For the first time in our Nation's history, as I have pointed out before, we have given those forces that have always sought that power of the control of the credit allocation which means the fiscal and monetary powers of a country. This was something that was fought off successfully at the very beginning of the origins of our Government as a national entity.

In the very beginning, the initial stages, what formed out to be the national entity known as the United States, even in the beginning, with the Continental Congresses, that was the issue. The issue was who was going to control the allocation of credit, resources, financial resources. Would it be the people themselves through their Representatives and their elected officials or would it be bankers?

□ 1850

Thomas Jefferson was the most outspoken. As a matter of fact, after the Nation was formed he was the one that singlehandedly defeated the first attempt by the first Secretary of the Treasury, Alexander Hamilton, in the formation of a bank because of that reason and those men who were men of tremendous integrity prevented the taking over of the young, struggling country's efforts to become fiscally sound, to go into the hands of these interests that have, through recorded history of mankind acted only one way and always will.

Then again the issue all through our history, after the Civil War this was the issue that was agitating President Lincoln's mind at the end. In fact, it was one of the last utterances that he made and subject matter that he dealt on. And his untimely death brought about the realization of some of the fears that he had entertained and spoken about.

Then later after the panic of 1908, with the 1913 enactment by the Congress of the Federal Reserve Act which gave birth to the Federal Reserve Board, President Wilson became very apprehensive for the same reason. Those forces are always present, and they move in. And they did. In fact, they were present right in the Congress during the deliberations that the Congress entertained before the enactment of the Federal Reserve Board Act.

But all of this adds at this time to a very sad and tragic revelation.

You know, our people are suffering, even despite the fact that the President has continued what I call this giant brainwash effort to try to convince the American people that recovery is here and well on its way.

I know, because I pride myself in being in intimate contact with my constituency, that there is not anybody in that constituency that reports to me that he or she is paying less when he goes to the grocery store; the rents are not going down. Rents are going up.

Businesses are going out in record numbers even now. Even such entities as the Kodak manufacturing plant in Rochester, N.Y., that has boasted that all during the recessions we have had in the postwar period they never once have even had to cut back. Well, they have this year and they are continuing to.

As of this point since the beginning of this year and the so-called recovery, Kodak has discharged 2,000 employees.

Businesses are going out. And the statistics that are offered by the administration which have become altered to base their interpretation of recovery on, are so fraudulent that they are a matter of scandal among the responsible, integral economists, and statisticians who are, in fact, beginning to complain about the Reagan administration's actions resulting not only in incomplete and rather dishonest statistical reporting, but the unavailability now of even the minimal resources of statistical gathering that we have had up until this year.

Now, what has that got to do with the reappointment of Mr. Volcker? It has everything to do with it. The President has said in the past, when he had to blame an account and blame somebody for such things as high interest rates, he blamed it, and the favorite scapegoat has been Jimmy Carter until the last few months when obviously he cannot convince the American people any longer that what we are confronting now is all the fault of Jimmy Carter; so they have to have somebody else.

Just a few months ago right here in this well you had all of the so-called people, supply siders and others who have been advocating tax cuts, no tax increases, and have been ranting and raving about deficits, if the deficits occurred during Democratic administrations, as if economics is either Republican or Democrat, the truth is that the economic laws and the very basic nature of economic activity, particularly in a complex economy such as ours in this country, are obedient not to partisan doings. But Mr. Volcker's reappointment was based on that kind of consideration.

Just 2 weeks ago the President let out a little trial balloon, because everybody was saying, "Oh, Mr. President are you or aren't you going to reappoint Mr. Volcker?" The truth is that I am sure that decision had been made a long time ago because the President in his position under the circumstances could hardly do otherwise. Mr. Volcker has his marching orders.

Mr. Volcker was putting out the story that he was performing this service at great sacrifice, which is a lot of baloney. Mr. Volcker, as with Mr. Kissinger before, when they finish their stint here, which they say they do at great sacrifice, they go back on the payroll of David Rockefeller and Chase Manhattan and those banks.

Mr. Kissinger right now is back on that payroll as a consultant.

Now, can they during the time they have these tremendous powers disassociate themselves from these interests to whom they are beholden? The reason I have introduced my impeachment resolution is precisely because they do not. And Mr. Volcker, in particular, has been in conflict of interest. He has been in complete abdication of the trust placed in him and the Federal Reserve Board. Why? Because the legal definition of the Federal Reserve Board and therefore its Chairman is that it is the fiscal agent of the U.S. Treasury.

This is what the issue was, I repeat, back in 1978, it was again during Jackson in the 1820's and it certainly was right at the terminal point of the Civil War. It was, again, after the financial panic of 1895 and it certainly was after the panic of 1980 for the same reasons that we are now confronting the kind of recession or, really, depression that we are having, except that this time, this time it is for real and the issue has to be confronted for real.

The Congress has tried to abdicate its responsibility for years, since 1923, in the formation of the Open Market Committee which I believe, as some of those who instituted a recent lawsuit, private citizens, believe, that it is acting ultra vires, acting beyond the scope of its proper jurisdictional authority to act in the capacity it is. I believe it is acting unconstitutionally and it has.

There have been violations of that trust on the part of the so-called Open Market Committee which is everything but open.

It is a secret group. Five private bankers are suddenly brought in and become the Open Market Committee of the Federal Reserve Board to work with the 7 board members, so that the Open Market Committee consists of those 12. But you are asking to bring in the fox to take care of the chickenhouse. I cannot conceive of five private bankers coming in to make decisions where they would have to decide between their own interests of their vast enterprises and the genuine interest of the American people.

□ 1900

It never has happened in recorded human history even going back to the Code of Hammerabi. That is thousands of years before Christ. They had to have legal restrictions on what we used to call usury. Mr. Volcker legalized usury. I had many Americans and many businessmen ask me, "We thought it was illegal to charge above 10 percent interest." And I had to remind them that there has not been an antiusury law on the national statute books since 1865, that was when it was done away on the national level. In fact, it is working the other way. It is us on the Federal level that have caused the State antiusury laws to become vitiated and canceled. It is the State antiusury laws that have been, up to now, prevailing against these extortionate highway robbery interest charges which Americans are now having to pay with Mr. Volcker and Mr. Reagan. Mr. Reagan cannot have it both ways any more than the Congress. When the issue of high interest rates was brought up, Congressmen would say, "Oh, well, we don't have any control of the Federal Reserve Board. That is Federal Reserve." The President would say the same thing. "Well, I don't have any control over that. Federal Reserve might."

The Federal Reserve, as I have brought out in previous statements I have made since I have been a member of the Banking Committee since I first came up here about 22 years ago, I have had Mr. Volcker and his two predecessors chairmen before. They would all come up and they said, "It is an act of God. Interest rates are an act of God. There is nothing we can do about it."

Now Mr. Reagan says, "Well, Mr. Volcker promises to be a good boy." And Mr. Volcker says, "Well, interest rates should be lower. It is those bankers. I don't understand why the bankers don't reduce the rates."

On the other hand he says we have got to admit that our tight money policy had to be relaxed. So what is the picture today?

Despite the fact that the Federal Reserve Board in complying with Mr. Reagan's pressure and the supply siders, incidentally, has raised the money supply and at this point that I am speaking, the money supply is raised at a rate that is three times the increase in 1981. Now this is what Mr. Reagan has attacked all along as paper money, printing press money, but in order to bring about what they call recovery, they had to abandon their so-called monetarists. All this jargon is a lot of baloney. It is just what all thieves do. They always find some words to masquerade the theft and the milking of the people, but I say this, Mr. President, when the American people finally wake up and realize what has been done to them, there is going to be anger in this land. And I say, "Beware of the patient who loses his or her patience."

Interest rates are not moving down. Money supply is three times at the rate it was 2 years ago and yet, interest rates have not really gone down. As a matter of fact, mortgage money, which usually is predicated on long-term, even by the FHA, has been jacked up back to 12 percent, but is it 12 percent what you and I will pay if we go try to arrange—if we can find a fixed term, long-term mortgage, which you do not anymore. They are dead.

This is what the Congress ought to be addressing. This is what the President and the administration, if they really cared for the American people and the so-called American family that I just heard discussed here ad nauseam a awhile ago, because that is what is destroying America. It is destroying our businesses and it is destroying our homes because such things as homeownership is now a lost dream and has been for a few years.

Why do I say that? Because no where in history has there been a people under any form of government, I do not care whether it is totalitarian, democratic or what have you, there is no society that can conduct any kind of economic viable activity where you have usurious interest rates, extortionate interest rates. And there never will be. And this is what ought to be confronted honestly and forthrightly, and is not.

Interest rates are at the heart of the matter. Why? Because interest rates is that mechanism by virtue of which the wealth of a nation is transferred. And what we have had is this massive bloodletting of our average American folk for the benefit of those already privileged.

Talk of recovery, simply talk that really means, as I interpret these statistics, of having an economy that is no longer going downhill at the same rate as it has been lately, but not that you have recovery in the sense that you and I understand the word recovery. The growth is only a third of what it was in 1981. Every depression has a recovery of some kind. When you hit the bottom you are bound to have something up sooner or later, but is that recovery?

Well, according to President Reagan, yes. In homebuilding we may be at the best with all of these statistics they are putting out, maybe get at the 1981 rate, but that was in the depression.

Business failures continue on the rise, not decline. And the rate of failure is not declining. If that should not disturb us, I do not know what should. What we have is an economy being defined as recovering because it is not getting sicker as fast as it has been.

The question is, how well will we in the Congress allow it to get better in

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reality. The President is not about to do it. He is in the hands of powerful interests. I have always said and I do not see why I should not say it here, that I consider Mr. Reagan to be true to his charge, he is acting the role of the President. The problem is that he is an actor that has to have a script and his scriptwriters are the ones that are determining, and the scriptwriters are actually themselves from the same stable as Mr. Volcker. And Mr. Volcker is obedient as Chairman of the Federal Reserve Board, not to the 14,000 commercial banks that form the backbone of that system, but to no more than about 6 or at best 7 of the most powerful interests that have sold out America's interest. It is they that at the bottom are responsible for our workingman to be pitted, to compete with every coolie and every peon in the world.

They talk about the fact that you do not want to go into any kind of protective effort to our industry and our working people because that would be against free trade and you have free trade, which is ridiculous in view of the barriers that the countries have, even our so-called allies, against our products. They want America to continue to be the consumer, the customer of last resort.

And what I am saying is that what we are being flagellated down into, beaten down into the earth, is to where we will not be able to consume, because we will not have what with to pay for that consumption.

So the whole world has a stake in this and it is going to tumble. In fact, at the Williamsburg conference recently, the main theme was our so-called allies saying, "Hey, you have got to reduce interest rates." That should have been done for the sake of American businessmen, American heads of households, and wives, trying to maintain a stable household and keep just the minimal in the way of food, nutrition, shelter, and clothing.

□ 1910

So I think Paul Volcker's reappointment, for one, is one more clear evidence that this policy of abdication, of willfully going into a policy of frozen indifference to this tremendous dilemma and this horrible pain and outcry. It certainly reaches me when a businessman tells me now that he cannot go to the biggest local bank in my district and obtain a loan of less than $3,000 for what, to try to keep some kind of meager inventory on his floor, and has to pay 20 percent? In America at this time? And anybody is going to convince me that that is going to enable our economy to stay?

I think it is one of the most pathetic demonstrations I have seen of gross indifference on the part of not only our elected leaders, the President, the Vice President, but Congress as well. I will say: How long will it continue? Well, I do not know. The President apparently continues successfully in politics. I say yes, he has good politics so far because of his ability to maintain an image, but I say that those good politics is terribly bad economics for our people.

I will further remind the President that ill fares a land where wealth accumulates and men decay. Even officially, even their phony baloney statistics show that there are more than 11.1 million Americans still unemployed. Actually, that figure is closer to 16 million because these phony baloney statistics do not take into account those who have just given up looking for a job. They do not figure in the statistical charts. Or those who have exhausted their unemployment compensation.

Are we going to say to them that they are expendable, as we did during Vietnam until we finally had an outburst where it was easy? You know, the Irish have a saying that it is easy to sleep on somebody else's wounds. The President says, "Oh, you are just stressing the bad news. For every one of those unemployed, we have 8 who are working." This is what they said during Vietnam. "What are you worried about those kids who are dying over there? My kid isn't. The majority of our kids are not." I even had one Congressman at a White House conference say, "What are you worried about, Mr. President. We have had more traffic fatalities this week than we had fatalities or casualties coming in from Vietnam."

Are we going to continue to indulge in that kind of oblivious humanity to a good segment of our fellow Americans? I say no. I say never. I say that we do not want to wait around when the people do come to the realization of what has been, what is continuing to be done to them, and they wake up in wrathful indignation.

As I say, Mr. President, beware of the patient man losing his patience.

FRED BURKE: A REMARKABLE MAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virgin Islands (Mr. de Lugo) is recognized for 15 minutes.

● Mr. de LUGO. Mr. Speaker, for the last 20 years the transportation policies of our Nation have been guided in large part by one man, and now to our sadness we have lost him. Fred Burke, large in physical stature, seemed larger than life when you considered his influence on public transportation. He was the one everyone looked to for the legislative formula that could work politically. He was the one everyone depended on to pull hundreds of competing interests together to first rescue and later rebuild our transit systems.

All of us who called Fred our friend have our favorite stories about him. I am pleased that so many of our colleagues have joined with me today to share some of them. To those I have selected five others—his eulogy delivered by one of his closest friends, Clark Tyler; a prayer of an anonymous friend; a resolution adopted by the Conference of Mayors; a Washington Post article by another close friend, Douglas Feaver; and finally his obituary, also from the Washington Post—that I ask be included here to complete the portrait of a truly remarkable man.

Eulogy Delivered by Clark Tyler

I have been asked to say a few words on behalf of the friends of Fred Burke.

I would like to present to you all an amalgamation of some of the comments that I have heard from the friends of Fred Burke in this most difficult week for those of us who count ourselves among the friends of Fred and the Burke family.

It seems a little silly to talk of memories, perhaps even inappropriate, because memories to me imply something that fades or even evaporates over time.

Fred's life, his humor and his accomplishments and standards have given us memories that I can only describe as indelible. I believe that his ways, his beliefs, his expressions certainly were vivid. He was, as I am sure you all know, unique. We can talk of his values, his kindness and generosity, but the talk of Fred very often devolves upon his methods of expression, and those are things we remember the most vividly. The expressions like "junky-jolly", the "flamdoodle", "blah blah blah", "truth and justice", the "good fellas" (as well as their opposite numbers). I even remember Susan Burke recalling that Fred's idea of roughing it was staying in a Holiday Inn.

But along side that—the Burke talk, the escapades—is his strong belief that in all of life, there really were two absolutes—two things that could bear no compromise or could not be retreated from—and that was his strong belief in civil liberties and human rights; these were the things that Fred lived by. They were far more than a political position. I would characterized them more as a living guidepost that gave him the kind of integrity that most of us only yearn for.

I recall that for years and years, Fred had only two pictures in his office. These seemed to me to characterize much of what Fred believed and how he operated. One of them was the picture of the so-called Battle of the Overpass of the United Auto Workers in the 30's . . . a very vivid picture of a struggle for justice. The other picture was a sport's photograph of Joe Schmidt's famous tackle in the goal line stand in the Lion's championship game. I think these two pictures characterized much of Fred's sense of truth and justice and what he stood for.

So, of course, we all are going to miss Fred but we have so much to remember about him and about how he lived and the things he believed in. We will miss him maybe not in the way that Santana or Johnnie Walker or Scandia or Mel Brooks or the London Chop House or Verner's Ginger Ale or Larimers will miss Fred as a consumer or devotee, but we will miss Fred as a constant and effective advocate of the governmental

process in which he believed deeply . . . and his advocacy of mass transit . . . I dare to say that it is not an overstatement to say that without Fred there would be far less of it in this country today. And even his belief in the liberal precepts that many feel is not chic anymore, in which Fred deeply believed.

So I can sum up by saying that maybe medically Fred had a heart problem, but in human loving and giving terms, we should all have such a heart problem.

I think that maybe the best comment was made by his friend Jerry Premo who said "How unusual it is that so many, many people said of Fred Burke, 'he was my best friend.' " What a wonderful measure of this most remarkable man.

A Prayer for Fred Burke by an Anonymous Friend

Great God, Good God. On Monday, Fred Burke died. We are a few of his friends. Harken to our cause. Help us not to lose the riches he brought to us. Return to each of us a share of his wit and style. Divide his spirit and judgment among us so it is not lost. Give each of us back a piece of his intelligence and skill. Help of us each to appraise his purpose. Fred Burke was a large man. Do not take from us the warmth he leaves in our hearts for ourselves and each other.

A Resolution Concerning the Life of Fred Burke, Adopted by the U.S. Conference of Mayors

Whereas, Fred B. Burke, dedicated his life to the public good; and

Whereas, Fred B. Burke served the nation for more than three decades, in the military, at the state level, in the Congress and executive branches, and on behalf of the nation's cities; and

Whereas, Fred B. Burke, provided incomparable leadership and energy to the nation's cities since 1969 as a consultant to the U.S. Conference of Mayors; and

Whereas, throughout this time Fred B. Burke was principally responsible for the design, legislative direction, and implementation of national urban transportation policy; and

Whereas, Fred B. Burke was a devoted champion of civil liberties, human rights, education, and the dignity of the individual; and

Whereas, the wit, style, grace, and commitment to excellence of Fred B. Burke was an unequaled example to all of those he touched and who sought to touch him: Now, therefore, be it

Resolved that the U.S. Conference of Mayors mourns the passing, but celebrates the memories and lessons of the extraordinary life of Fred B. Burke; and be it further

Resolved that the U.S. Conference of Mayors extends its affection to the family of Fred B. Burke, his wife Alinda Burke, and his children Susan, Patrick, Megan, Maureen, and Alson Burke; and be it further

Resolved that the U.S. Conference of Mayors expresses its gratitude for the pleasure and privilege of sharing in the life of Fred B. Burke, and urges support by all of the Fred B. Burke Memorial Scholarship Fund.

Transit's Fred Burke, Ultimate Civil Servant

(By Douglas B. Feaver)

It became obvious at Fred B. Burke's funeral Friday night why he had been so successful at what he did, which was to put together the government programs that saved mass transit.

Everyone who counts was there: the key staff members from the key committees on Capitol Hill, some big wheels from the U.S. Confrence of Mayors, close friends from the Urban Mass Transportation Administration and the American Public Transit Association, and representatives from big systems like New York's Metropolitan Transit Authority and Washington's Metro.

Even Walter Bierwagen, a gentle intellectual who rose from representing bus drivers in the old D.C. Transit System Inc. to become an international vice president in the Amalgamated Transit Union, showed up in a wheelchair while still recovering from a severe stroke.

The remarkable thing about Burke was that he understood all of those competing interests—authorizing committees and appropriating committees, labor and management, big city pools and their sometimes politically difficult transit authorities—and could talk to them all without losing the trust of any.

Burke invented legislative formulas that would work politically. Federal transit money over the years has been limited, with many cities competing for grants from the same pot. All of them were clients of Fred B. Burke Inc.

The transit community is no different from many other interests in Washington: its members share the love of federal money. They have conflicting goals, ranging from labor protections (which unions want and managements don't) to allocation formulas that favor little cities over big, or vice versa. Somebody has to bring it together, and that somebody isn't always officially in the government. Fred Burke was one of those somebodies, a former federal official turned consultant, but the ultimate civil servant.

The heart ailment that claimed Burke at 53 had been a major problem in recent months. When he should have been taking it easy, he worked furiously on Capitol Hill during last December's lame-duck session to protect transit interests in the legislation that increased the federal gasoline tax.

He helped write the deal that created, for the first time, a federal trust fund for transit programs similar to the one "the highway guys," as he called them, have had since 1956.

Then, when part of that deal began to come unglued after former Transportation Secretary Drew Lewis left town and the Office of Management and Budget began to rewrite history in the new Reagan budget, Burke went back to the Hill to sort it out.

He was at least moderately successful. A newcomer to transit matters at OMB was asked recently how the program was going and he replied, "Well, there's this Fred Burke problem." He meant that, from the OMB's point of view, it wasn't going very well at all.

As Friday evening wore on, as condolences were expressed to family members, as the mood lightened a bit, labor began to talk to management; appropriations had a few words with authorization, reporters trolled. Government works that way in Washington, and Fred Burke understood that better than anyone.

Obituary From the Washington Post

Fred B. Burke, 53, the president of the government relations consulting firm, Fred B. Burke Inc., which he founded in 1969 and a former government official, died June 6 in his office at 1620 I St. NW. He had a heart ailment.

Mr. Burke moved to the Washington area in 1959 when he joined the staff of former Sen. Philip A. Hart (D-Mich.). Over the next six years he served as Sen. invesigator with the Senate Antitrust and Monopoly subcommittee.

In June 1965, he was named special assistant to the federal cochairman of the Appalachian Regional Commission, in which job he directed the commission's congressional relations. From 1967 to 1968, he was alternate federal cochairman of the commission. He then spent a year as deputy assistant Secretary of Transportation for public affairs before founding his consulting organization.

Mr. Burke, who lived in Washington, was a native of Michigan. He was a graduate of Syracuse University, attended the University of Michigan law school, and earned a master's degree in economics at Yale University. Before moving here, he was an administrative assistant to the commissioner of highways in the Michigan State Highway Department.

He was a member of Blessed Sacrament Catholic Church in Washington. His marriage to Jane Burke ended in divorce.

Survivors include his wife, Alinda, of Washington; four children by his first marriage, Susan, Patrick, Meghan and Maureen Burke, all of Potomac, and one child by his second marriage, Alson, of Washington.●

● Mr. HOWARD. Mr. Speaker, there are many in this Congress, and many, many more in public and private office around the Nation who share with me today a sense of grief and loss over the passing of Fred Burke, who died on June 6, unexpectedly and far too soon.

There are some here who have known Fred since he first came to Washington almost a quarter century ago as an aid to Michigan's Senator Phillip A. Hart; others who were so privileged during his years of public service with the Department of Transportation and the Appalachian Regional Commission.

Since 1969, when he founded his own Government relations firm as a transporation consultant, the depth of this man's expertise and the force of his character have earned for him a national reputation as adviser, trusted confidant, and friend of literally thousands of congressional, civic, and industry leaders in the field of public transit.

I count myself as one of those legions who had come to cherish his friendship and value his professional advice in dealing with the many and complex issues involved in the development of national transportation policies and programs. His influence on those policies and programs will be felt far into the future, and the people of this country will be the better for it.

One remembrance of Fred Burke stands out in my mind above all others, Mr. Speaker: this was a man of absolute trust.

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Our hearts go out to his family and to all who were warmed by his friendship. He will be long remembered.●

● Mr. ANDERSON. Mr. Speaker, those interested in public transit in this country, and so those concerned with the well-being of cities and towns throughout the Nation, lost a good friend 2 weeks ago when Fred Burke passed away.

I do not know of another industry whose interests have been covered so completely as Fred covered the transit industry. If there were a dozen people in a room talking transit, and 1 mentioned "Fred," it could be with the absolute certainty that the other 11 would know who was meant. That was because everyone knew Fred. And everyone respected him.

Fred was an ideas man, but he was also a number-cruncher. When surveying the forest, he never lost sight of the trees. In addition to being substantively attractive, proposals offered by Fred were invariably politically practical as well. That is why he was so valuable not only to those clients he represented, but also to the Congress and, I am sure, to the executive branch as well.

The Surface Transportation Subcommittee is, right now, considering amendments to last year's Surface Transportation Assistance Act. Fred played quite a role in that legislation. And as we consider this year's bill, there is already the sense that something is missing. Fred is not there, pulling scraps of paper out of his pocket with numbers illustrating how a particular proposal balances everyone's interests.

I read somewhere recently that Fred was the ultimate civil servant. If by that it is meant that his first priority was always the public good, and he strove and worked hard to see that that priority was met, then yes, Fred was the ultimate civil servant. And for that, we would certainly mourn his loss.

But those of us who worked with Fred recognized and appreciated him, not just for his intellect and integrity, but for the manner in which he conducted himself. A raconteur, Fred possessed a wonderful sense of humor he was always willing to share, and a smile and glint in his eyes that seemed everpresent.

And for this, Fred Burke will not only be mourned, he will be missed.

Lee and I want to extend our most heartfelt condolences to Alinda and the Burke family, and to let them know how much Fred meant to all of us.●

● Mr. LEHMAN of Florida. Mr. Speaker, I join with my colleagues today in remembering a remarkable man whose name has become synonymous with mass transit legislation in this country: Fred B. Burke.

I came to know Fred through my work on the Appropriations Transportation Subcommittee. He consistently impressed me with his judgment, knowledge, and creativeness. I quickly found out that he was intimately familiar with virtually every detail of Federal transit legislation—a familiarity due in no small part to the fact that he had a hand in writing most of it.

Fred was a man of broad experience both in and out of Government, and he brought a unique perspective to Washington. He knew the needs of local communities and the competing interests which sought to serve them. He understood the different facets of government and the confusing hodgepodge of decisions that eventually becomes public policy. Few people in or out of Government possess such qualities, and fewer still apply them as successfully as Fred did. He had a knack for getting things done.

Above all, Fred was a strong and decent man who was liked and respected by everyone who knew him—regardless of whether they agreed with him or not.

Fred Burke leaves behind him a legacy of accomplishment that will affect the lives of millions of Americans for many years to come. He set a high standard for us, and I hope we can live up to it.

Mr. Speaker, I join with my colleagues in extending my condolences to Fred's wife, Alinda, and his family.●

● Mr. FOWLER. Mr. Speaker, I join my colleagues today in expressing my condolences to the family of my friend Fred Burke, yet I wish to celebrate his memory. I first met Fred about 5 years ago and I believe the story of how we became friends is illustrative of his influence in forming our Nation's transportation policies.

In the summer of 1978, my primary legislative concern was finding some solution to the dilemma faced by cities and States that had purchased rights-of-way for segments of interstate highways and were later withdrawn from construction. Over 20 urban areas, including Atlanta, had large tracts of land laying idle due to a then existing law that required the repayment of highway trust fund moneys used for the purchase of the rights-of-way. Each of these communities wished to use this valuable property for parks, recreation, conservation, and other public purposes but none had the financial resources to repay the trust fund.

I argued that since these rights-of-way were originally purchased for a public purpose, no repayment should be required if they were applied to another public purpose. After introducing legislation to accomplish that policy objective, I set out to persuade all 435 of my colleagues that it was the right thing to do. To my good fortune, one of my colleagues who had listened patiently to my sales pitch took me aside and shared his secret of legislative success in transportation matters with me. He said, "Wyche, you can continue to run around here pushing your bill until you drop or you can make one telephone call that will make it succeed."

That one telephone call happened to be to Fred Burke, who liked my idea, and from then on it sailed through to become law. This is but one story of Fred's impact in making our cities more livable and easier to move around in. His work and life can be seen all over our country; a living testament to a man who lobbied for the public interest.●

● Mr. EDGAR. Mr. Speaker, on June 6, Fred B. Burke passed away while working in his Washington office. I have lost a friend. The Congress has lost the services of a remarkable talent, a mind that consistently showed us how to solve problems that seemed unsolvable, how to reconcile interests that seemed unreconcilable.

Fred Burke was a lobbyist, a lobbyist not for private interests seeking a profit, but for public interests seeking an improved quality of life for our citizens. For many years, Fred represented the U.S. Conference of Mayors and the American Public Transit Association. He was the champion of the public transportation industry, and by extension the champion of millions of Americans, many of them poor, who depend on buses and trains that were quickly vanishing from the urban scene before Fred got to work.

Urban mass transportation in the United States today is a public service, publicly funded, as it is throughout the world. It is essential to our cities and to the businesses found there. The Congress of the United States failed to recognize this need until a scant 20 years ago and the industry was at death's door. Several times during the past two decades, the Congress has enacted legislation to rebuild our transit systems, and each time it was Fred Burke, more than any single person who kept us on track and fashioned compromises despite the conflicting demands of different interests and different locales.

Fred's ability to shape legislation was so profound, I sometimes wondered aloud what my role was as an elected legislator long involved in this field. But I was always glad that he was there, representing our cities, showing us creative ways to resolve problems through legislation.

In the final analysis, I believe Fred's work confirms the importance of the Federal legislative process and all that we in this House do, because the legislation he helped write has made a visable different to our cities and the people who live in them. And he also has shown us how one person can, in

fact, make our country a better place in which to live.●

● Mr. MINETA. Mr. Speaker, today I would like to join those honoring Fred Burke, who died last week. Fred died when only 53 years old, and the tragedy of his premature death was intensified by the fact that he was such a warm man and such a truly outstanding public servant.

Americans do indeed owe Fred an immense debt of gratitude. With almost limitless energy and extraordinarily comprehensive knowledge, Fred completely devoted himself to a huge array of important legislative initiatives, and the Washington Post did not exaggerate when it described Fred as having helped "put together the Government programs that saved mass transit."

Fred seemed to know everybody, and his friendly, frank manner endeared him to all whom he knew. Even more importantly, Fred brought convictions as well as connections to his politics.

Working on the Committee on Public Works and Transportation and on that sommittee's Subcommittee on Aviation, I frequently enjoyed the opportunity to work with Fred, and I repeatedly saw Fred prove himself as a skillful, terrifically effective proponent of mass transit in America.

As anyone familiar with transit issues knows, Fred could work with the competing interest groups within the transit community to develop the intricate formulas and agreements necessary to implement protransit public policies. Then, after building support in the transit community, Fred would consistently prompt Members of Congress to consider the significant role that mass transit should play in any reasonable and unified plan for surface transportation in America.

Among his many successes, Fred could count the establishment of a Federal trust fund devoted to transit programs and the recent enactment of legislation allocating 1 cent of the recent 5-cent increase in the gas tax for spending on America's mass transit systems.

Fred also worked to insure that funds devoted to mass transit were efficiently spent. Working with Fred on the Committee on Public Works and Transportation Subcommittee on Investigation and Oversight, I saw Fred scrupulously review procurement spending for mass transit in order to help prevent waste.

I recall all of these achievements when I think of Fred, but just as prominently, I recall Fred's engaging manner. Now, Mr. Speaker, I thank Fred for his contributions, and I extend my deep sorrow over the fact that Fred Burke, an extraordinary and gifted man, has left us far too soon.

Thank you.●

NEWLY HIRED FEDERAL EMPLOYEES TO RECEIVE TAX CREDIT FOR AMOUNT CONTRIBUTED TO CSRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Ford) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, I am introducing today a bill to provide temporary relief to Federal employees hired after December 31 of this year. Because of the passage of the Social Security Act Amendments of 1983, these newly hired Federal employees will be required to contribute 7 percent of salary to social security and 7 percent to the civil service retirement system (CSRS). Under my bill, these employees will receive a tax credit for the amount they contribute to the CSRS.

My bill would work like this. An employee hired next year would contribute to both the civil service retirement fund and social security. At the end of the year, however, the employee could claim as a credit against his 1984 taxes the entire amount of his contributions to the CSRS. When in the future the retirement contribution is returned to the employee as a refund or as a retirement benefit, it will be subject to Federal income tax at that time.

The bill applies to newly hired employees under other Federal retirement systems—for example, the Foreign Service and Central Intelligence Agency retirement systems—who will become subject to social security and who also will be required to pay into two systems. Under the bill, these individuals are treated the same as newly hired employees under the CSRS.

Members, executive level appointees, top White House staff, and other political appointees brought under social security will not be eligible for the tax credit.

The bill is a temporary measure. It is in effect only until supplemental retirement legislation can be developed and enacted, or until December 31, 1985, whichever occurs first. The Committee on Post Office and Civil Service has begun the process of determining the best way to proceed to develop a supplemental system. The more we study the problem, the more complex it becomes. There seem to be an infinite number of thorny issues involved in designing a supplemental plan which will best serve the interests of the taxpayers, the Government, and Federal employees.

It is clear that development of a sound supplemental plan cannot be completed by January 1984. Hence, some temporary solution to the double contribution problem is necessary. The bill I am introducing, I believe, is an appropriate solution. It relieves newly hired employees of the double contribution burden, and it protects the integrity of the civil service retirement fund by insuring employee contributions will continue to flow into the fund.

I am pleased to announce the bill has already been cosponsored by the ranking minority member of the committee, as well as other members of the committee and of the House. I invite my colleagues on both sides of the aisle to join me in sponsoring this needed legislation.●

CHINESE FREEDOM-SEEKERS SHOULD BE GIVEN LENIENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Corcoran) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, on May 5 six freedom-seekers commandeered a Red Chinese airliner in an attempt to gain political asylum in South Korea. The six have been detained in South Korea, despite mainland China's request to have them returned for trial, and it now appears they will be tried in South Korea.

While I am pleased that the South Koreans have refused to extradite these individuals to Red China and certain death, I am still concerned that the six be given leniency under strict Korean law. It is my understanding that sentences could include life imprisonment or even death, yet I believe news reports show that this was not a criminally motivated action on the part of these people. Clearly their intent was to seek freedom in a non-Communist country, and the Republic of China on Taiwan was quick to offer refuge to the six. I agree with those who think these freedom-seekers should be treated not as hijackers, but as individuals seeking political asylum. For humanitarian reasons, it is my strong hope that the South Korean Government will allow these six Chinese the opportunity for freedom from communism as well as freedom from imprisonment.●

THE POSTAL SERVICE IN THE BLACK—AND HIDING IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. English) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker the Postmaster General has appeared with increasing frequency in recent weeks in the printed media and on TV to warn of coming increases in postal rates; perhaps as early as next spring.

It may be that the Postal Service really does need yet another major across-the-board rate increase, but I am never quite sure when it comes to Postal Service financial needs. As chairman of the Government Information, Justice, and Agriculture Subcommittee, I have been examining the financial underpinnings of major Postal Service initiatives such as the 9-digit ZIP code plan and E-COM. It appears to me that the Postal Service tends to employ creative accounting. That is one of the reasons I found the article in today's Washington Post by A. Lee Fritschler so interesting.

Mr. Fritschler, a former Chairman of the Postal Rate Commission is currently the director of the advanced study program at Brookings. His article raises a number of interesting questions on Postal Service accounting and accountability.

I commend the article to my colleagues:

THE POSTAL SERVICE: IN THE BLACK—AND HIDING IT

(A. Lee Fritschler)

The postmaster general has stated that the Postal Service needs a rate increase by the late spring of 1984. In the light of that announcement, the recently released annual report of the Postal Service for fiscal 1982 makes very interesting reading. It reveals a 1982 surplus of $1.2 billion. A later Postal Service report shows that for the first six months of fiscal 1983 there was an additional surplus of over $500 million. These are huge profits—particularly for a government corporation mandated, by law, to operate on a break-even basis.

This surplus flows mostly from sales of billions of 20-cent first-class stamps. In February 1981, the Postal Rate Commission, an independent agency, recommended an 18-cent first-class stamp. The commissions job is to develop fair rates to protect us from the abuses of the Postal Service letter-mail monopoly. The commission calculated that raising the rate from 15 cents to 18 cents, along with some increases in other mail classes, would allow the Postal Service to meet its statutory break-even requirements.

Following a lengthy interagency battle, the Postal Service Governors—a parttime body then receiving no staff advice other than that provided by the Postal Service itself—turned down the commission's recommended rates and went for 20 cents a stamp. This action raised first-class revenues by $1.2 billion per year, lowered second-class (magazines and newspapers) revenues by nearly $50 million, raised third-class (advertising mail) by over $200 million, and lowered revenues from all nonprofit mail by over $100 million compared with commission recommendations.

While ensuing court cases have for the most part upheld the service's right to modify the commission's decisions, the courts have not yet approved the specific rates set by the service. Nonetheless, the consequences of the Postal Service Governor's 1981 modification are striking. For almost one-and-one-half years, first-class mailers—those of us who use the mails for correspondence, greeting cards and paying our bills—have been footing part of the bill for the other classes of mail. An unfair burden has been placed on the first-class mailer.

Furthermore, the service competes unfairly with alternate, private delivery systems. It is also violating the law. The possibility of this happening was envisioned by Congress when it established both the Postal Service and the Postal Rate Commission in 1970. The Senate Report on the Postal Reorganization Act states:

"The temptation to resolve the financial problems of the Post Office by charging the lion's share of all operational costs to first class is strong; that's where the big money is. The necessity for preventing that imposition upon the only class of mail which the general public uses is one of the reasons why the Postal Rate Commission should be independent of operating management."

The Senate's fears have been realized. The Postal Rate Commission's protection is inadequate because the Postal Service Governors can, by unanimous vote, change a Postal Rate Commission decision. Examine the unilateral action of the Postal Service Governors and make what you will of their motives: they raised first-class rates by 33 percent, yet raised second-class by 2 percent, raised third-class by 17 percent and actually lowered nonprofit rates.

In so deciding, the governors, explained that they would not be able to break even at the commission's recommended 18-cent rate. They were required, by law, to make this finding in order to modify the commission's recommendation. One year later, the Postal Service had $1.2 billion in profits. Embarrassed by their obviously faulty projection, the governors arbitrarily reduced the profit figure in their 1982 annual report by $400 million. They did this over the objection of their auditors, who proceeded to give the Postal Service only a qualified certification. One of the big eight accounting firms has refused, for good reason, to give a clear and unqualified certification that the Postal Service followed generally acceptable accounting principles when it swept $400 million of its surplus under the rug. It is extraordinarily rare for a major corporation to earn a qualified certification.

What kind of confidence can the public have in our largest government corporation if it does not keep its books according to generally accepted accounting principles? How is the public to know the truth about postal finances? The Congress is so far removed from postal affairs that they have not even held hearings on the subject.

Postal management is not sufficiently accountable. It is not accountable to the Postal Service Governors, which repeatedly rubber-stamps management decisions. It is not accountable to the Postal Rate Commission, because its decisions may be changed by the board whenever it suits them. It is not accountable to its auditors who can only decline to certify its finances. It is not accountable to Congress, which has shown sublime indifference. It is not accountable to the President, who is similarly indifferent and who has no hand in selecting postal management and who would not have the opportunity in a single term to appoint a majority of the Board of Governors. Finally, it is not accountable to the public, which simply has to pay whatever management wants.

There is obviously something wrong when a $25 billion government corporation with a statutory monopoly can be so free-wheeling. It has the freedom to gouge the first-class mailer, bury the ensuing surplus and continue as if nothing has happened. Either change the law to make management accountable, or abolish the monopoly so that first-class mailers can go elsewhere to avoid being overcharged by more than $1 billion per year.●

ALLOCATIONS OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES, PURSUANT TO CONGRESSIONAL BUDGET ACT

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, I hereby submit for printing in the RECORD the allocations to the House committees made pursuant to section 302(a) of the Congressional Budget Act to accompany the conference report on House Concurrent Resolution 91:

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National defense	244,863	214,975	0
150 International affairs	22,393	12,002	0
250 General science, space, and technology	7,903	7,703	0
270 Energy	5,001	5,331	0
300 Natural resources and environment	14,259	14,401	0
350 Agriculture	20,087	2,083	0
370 Commerce and housing credit	4,394	2,852	0
400 Transportation	12,396	22,521	0
450 Community and regional development	7,876	6,981	0
500 Education, training, employment, and social services	27,569	27,664	0
550 Health	25,022	29,821	0
570 Medical insurance	15,459	16,389	0
600 Income security	57,602	63,465	0
650 Social security	2,260	5,662	0
700 Veterans benefits and services	24,205	24,314	0
750 Administration of justice	5,217	5,126	0
800 General government	9,654	9,735	0
850 General purpose fiscal assistance	5,203	5,206	0
900 Net interest	8	8	0
920 Allowances	800	900	0
950 Undistributed offsetting receipts	30	30	0
Subtotal	512,202	477,168	0
Discretionary appropriations action (assumed legislation)			
050 National defense	451	25	0
150 International affairs	785	261	0
270 Energy	80	150	0
300 Natural resources and environment	225	218	0
370 Commerce and housing credit	303	301	0
400 Transportation	46	46	0
500 Education, training, employment, and social services	5	0	0
550 Health	5	1	0
600 Income security	1,189	1,036	0
700 Veterans benefits and services	266	2	0
800 General government	35	35	0
Subtotal	3,390	2,075	0
Committee total	515,592	479,243	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	251	237	0
350 Agriculture	4,201	22,005	4,117
450 Community and regional development	412	648	0
850 General purpose fiscal assistance	145	145	145
Committee total	5,008	23,034	4,262
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National defense	19	33	16,101
Committee total	19	33	16,101
HOUSE BANKING, FINANCE COMMITTEE			
Current level (enacted law):			
150 International affairs	0	−148	0
370 Commerce and housing credit	589	319	0
450 Community and regional development	207	71	0
500 Education, training, employment, and social services	0	11	0
550 Health	0	−1	0
600 Income security	25	0	0
700 Veterans benefits and services	0	−16	0
800 General government	5	5	33
900 Net interest	11	11	0
Committee total	836	253	33
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	9	9	9
850 General purpose fiscal assistance	150	150	0
Committee total	159	159	9
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	15	14	4,163
600 Income security	39	37	5,391
Committee total	54	51	9,553
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	30	30	0
400 Transportation	91	91	87
550 Health	8	8	14,902
600 Income security	7,587	8,771	7,678
850 General purpose fiscal assistance	6	6	6
Subtotals	7,722	8,906	22,674
Discretionary action (assumed legislation):			
600 Income security	0	−32	−32
Subtotal	0	−32	−32
Committee total	7,722	8,874	22,642
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	14,317	12,030	0
370 Commerce and housing credit	8	8	0
600 Income security	548	200	200
Committee total	14,872	12,238	200
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law).			
800 General government	6	6	0
850 General purpose fiscal assistance	4,567	4,567	4,567
Committee total	4,573	4,573	4,567
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	8	8	0
800 General government	45	15	50
Committee total	53	23	50
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	206	219	0
300 Natural resources and environment	98	56	11
450 Community and regional development	462	403	435
800 General government	1	1	0
850 General purpose fiscal assistance	726	729	726
Committee total	1,493	1,408	1,173
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	36	54	0
600 Income security	11	4	4
750 Administration of justice	0	−9	100
800 General government	506	506	506
Committee total	554	555	610
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	329	297	0
370 Commerce and housing credit	31	28	0
400 Transportation	452	−34	318
850 General purpose fiscal assistance	7	6	0
Committee total	819	297	318
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	11	11	0
550 Health	0	−244	1,098
600 Income security	34,460	20,253	20,253
800 General government	11,604	11,604	0
Committee total	46,074	31,623	21,352
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (enacted law):			
270 Energy	860	925	0
300 Natural resources and environment	79	82	0
400 Transportation	14,387	−2	48
450 Community and regional development	5	9	0
Committee total	15,331	1,014	48
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law):			
250 General science, space, and technology	5	5	0
270 Energy	0	22	0
Committee total	5	27	0
HOUSE VETERAN'S AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans benefits and services	1,413	884	15,954
Committee total	1,413	884	15,954
HOUSE WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	802	0	2,850
550 Health	0	0	101
570 Medical insurance	50,513	56,483	56,483
600 Income security	35,544	31,172	48,239
650 Social security	186,718	166,416	166,416
800 General government	10	10	0
850 General purpose fiscal assistance	342	337	342
900 Net interest	129,408	129,408	129,408
Committee total	403,336	383,826	403,840
UNASSIGNED TO COMMITTEES			
Current level (enacted law)			
050 National defense	−733	−733	0
150 International affairs	−12,645	−12,645	0
250 General science, space, and technology	−9	−9	0
270 Energy	−2,197	−2,197	0
300 Natural resources and environment	−2,841	−2,841	0
350 Agriculture	−88	−88	0
370 Commerce and housing credit	−101	101	0
400 Transportation	−522	−522	0
450 Community and regional development	−311	−311	0
500 Education, training, employment, and social services	−47	−47	0
550 Health	−35	−35	0
570 Medical insurance	−19,722	−19,722	0
600 Income security	−15,105	−15,105	0
650 Social security	−4,478	−4,478	0
700 Veterans benefits and services	−685	−685	0
750 Administration of justice	−26	−26	0
800 General government	−16,167	−16,167	0
850 General purpose fiscal assistance	−4,746	−4,746	0
900 Net interest	−41,027	−41,927	−16,540
950 Undistributed offsetting receipts	−19,130	−19,130	0
Committee total	−140,615	−140,615	−16,540
Total allocation to House committees	877,300	807,500	484,173
UNASSIGNED—RESERVE INCLUDING ECONOMIC RECOVERY FUNDS IN FUNCTION 500			
Discretionary action (assumed legislation):			
350 Agriculture	450	450	0
370 Commerce and housing credit	760	50	0
500 Education, training, employment, and social services	4,500	4,500	0
550 Health	350	350	0
Committee total	6,060	5,350	0
Grand total including funds reserved by Congress for subsequent allocation to committees	883,360	812,850	484,173

Note: Totals may not add because of rounding.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984

(In millions of dollars)

	Budget authority	Outlays	Entitlement authority
Current level (enacted law):			
050 National defense	17,100	101,465	0
150 International affairs	143	5,940	0
250 General science, space, and technology	0	2,217	0
270 Energy	0	3,596	0
300 Natural resources and environment	12	6,556	0
350 Agriculture	7	392	0
370 Commerce and housing credit	0	329	0
400 Transportation	385	16,471	0
450 Community and regional development	63	6,154	0
500 Education, training, employment, and social services	5,484	17,266	0
550 Health	22,850	26,108	0
570 Medical insurance	17,345	17,345	0
600 Income security	29,269	39,480	0
650 Social security	449	449	0
700 Veterans benefits and services	14,970	16,716	0
750 Administration of justice	105	806	0
800 General government	5,139	5,566	0
850 General purpose fiscal assistance	0	26	0
920 Allowances	0	24	0
Subtotal	113,321	266,905	0
Discretionary appropriations action (assumed legislaiton)			
050 National defense	250,434	137,519	0
150 International affairs	16,022	7,842	0
250 General science, space, and technology	8,704	6,087	0
270 Energy	5,306	1,815	0
300 Natural resources and environment	14,560	8,538	0
350 Agriculture	12,807	1,823	0
370 Commerce and housing credit	5,183	2,529	0
400 Transportation	11,452	10,074	0
450 Community and regional development	6,538	1,127	0
500 Education, training, employment, and social services	25,670	9,956	0
550 Health	9,077	5,853	0
570 Medical insurance	−4	912	0
600 Income security	26,423	18,581	0
650 Social security	−50	3,544	0
700 Veterans benefits and services	9,649	8,215	0
750 Administration of justice	5,611	4,968	0
800 General government	5,126	4,618	0
850 General purpose fiscal assistance	679	663	0
900 Net interest	30	30	0
920 Allowances	−83	−87	0
950 Undistributed offsetting receipts	−10	−10	0
Subtotal	413,235	234,709	0
Discretionary action by other committees (assumed entitlement legislation).			
050 National defense	1,622	1,567	0
150 International affairs	−48	−48	0
400 Transportation	−5	−5	0
500 Education, training, employment, and social services	1,452	1,256	0
550 Health	199	199	0
600 Income security	256	249	0
700 Veterans benefits and services	176	145	0
750 Administration of justice	149	100	0
850 General purpose fiscal assistance	5,017	5,017	0
920 Allowances	904	934	0

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ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984—Continued

(In millions of dollars)

	Budget authority	Outlays	Entitlement authority
Subtotal	9,582	9,275	0
Committee totals	536,138	510,889	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	280	240	0
350 Agriculture	174	10,515	95
450 Community and regional development	1	553	0
850 General purpose fiscal assistance	186	186	186
Subtotal	640	10,251	280
Discretionary action (assumed legislation):			
350 Agriculture	100	100	0
Subtotal	100	100	0
Committee totals	740	10,351	280
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National defense	20	25	16,946
Subtotal	20	25	16,946
Discretionary action (assumed legislation):			
050 National defense	0	0	1,622
Subtotal	0	0	1,622
Committee total	20	25	18,568
HOUSE BANKING, FINANCE COMMITTEE			
Current level (enacted law):			
150 International affairs	0	−167	0
370 Commerce and housing credit	767	−656	0
450 Community and regional development	114	104	0
500 Education, training, employment, and social services	0	−86	0
550 Health	0	−1	0
600 Income security	24	0	0
700 Veterans benefits and services	0	−16	0
800 General government	6	6	35
900 Net interest	11	11	0
Committee total	922	−803	35
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	11	11	11
850 General purpose fiscal assistance	150	150	0
Committee total	161	161	11
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	15	13	2,409
600 Income security	46	42	5,528
Subtotal	61	55	7,937
Discretionary action (assumed legislation):			
500 Education, training, employment, and social services	0	0	1,054
600 Income security	0	−132	−18
Subtotal	0	−132	1,036
Committee total	61	−77	8,973
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	32	32	0
400 Transporation	39	39	39
550 Health	8	8	21,307
600 Income security	10,080	10,279	7,974
850 General purpose fiscal assistance	6	6	6
Subtotal	10,166	10,365	29,326
Discretionary action (assumed legislation):			
550 Health	0	0	200
600 Income security	3,636	276	276
Subtotal	3,636	276	476
Committee total	13,802	10,641	29,802
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	15,558	12,358	0
370 Commerce and housing credit	7	7	0
600 Income security	567	211	211
Subtotal	16,132	12,576	211
Discretionary action (assumed legislation):			
600 Income security	0	−3	−3
Subtotal	0	−3	−3
Committee total	16,132	12,573	208
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General Government	31	30	0
850 General purpose fiscal assistance		1,142	
Subtotal	31	1,172	0
Discretionary action (assumed legislation):			
850 General purpose fiscal assistance	5,017	3,763	3,763
Subtotal	5,017	3,763	3,763
Committee total	5,048	4,935	4,905
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	7	8	0
800 General government	46	129	51
Committee total	54	137	51
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	315	134	0
300 Natural resources and environment	113	82	12
450 Community and regional development	454	477	507
800 General government	1	1	0
850 General purpose fiscal assistance	1,035	1,040	132
Committee total	1,919	1,734	651
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	38	36	0
600 Income security	12	4	4
750 Administration of justice	0	−9	105
800 General government	506	506	506
Committee total	556	538	616
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	228	229	0
370 Commerce and housing credit	32	30	0
400 Transportation	473	−33	334
850 General purpose fiscal assistance	7	7	0
Committee total	739	233	334
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	11	11	0
550 Health	0	−133	1,373
600 Income security	36,330	21,911	21,911
800 General government	11,951	11,951	0
Subtotal	48,292	33,740	23,284
Discretionary action (assumed legislation):			
400 Transportation	0	0	−5
550 Health	0	0	−1
600 Income security	0	−273	−273
920 Allowances	0	0	905
Subtotal	0	−273	626
Committee total	48,292	33,467	23,910
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (enacted law):			
270 Energy	808	975	0
300 Natural resources and environment	82	80	0
400 Transportation	16,201	−2	51
450 Community and regional development	0	6	0
Committee total	17,091	1,059	51
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law):			
250 general science, space, and technology	5	5	0
270 Energy	24	34	0
Committee total	29	39	0
HOUSE VETERANS' AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans' benefits and services	1,444	1,078	16,317
Subtotal	1,444	1,078	16,317
Discretionary action (assumed legislation):			
700 Veterans' benefits and services	0	0	187
Subtotal	0	0	187
Committee total	1,444	1,078	16,504
Current level (enacted law):			
500 Education, training, employment, and social services	1,386	0	2,945
550 Health	0	0	35
570 Medical insurance	67,418	64,602	64,602
600 Income security	30,778	24,346	40,479
650 Social security	178,563	175,369	175,369
800 General government	11	11	0
850 General purpose fiscal assistance	359	357	359
900 Net interest	140,380	140,380	140,380
Subtotal	418,896	405,066	424,170
Discretionary action (assumed legislation):			
500 education, training, employment, and social services	0	0	300
550 Health	0	0	−400
600 Income security	0	0	142
Subtotal	0	0	42
Committee total	418,896	405,066	424,212
UNASSIGNED TO COMMITTEES			
Current level (enacted law):			
050 National defense	−548	−548	0
150 International affairs	−13,024	−13,024	0
250 General science, space, and technology	−9	−9	0
270 Energy	−2,254	−2,254	0
300 Natural resources and environment	−3,226	−3,226	0
350 Agriculture	−88	−88	0
370 Commerce and housing credit	−69	−69	0
400 Transportation	−545	−545	0
450 Community and regional development	−320	−320	0
500 Education, training, employment, and social services	−63	−63	0
550 Health	−34	−34	0
570 Medical insurance	−22,259	−22,259	0
600 Income security	−12,622	−12,622	0
650 Social security	−2,962	−2,962	0
700 Veterans benefits and services	−689	−689	0
750 Administration of justice	−26	−26	0
800 General government	−17,218	−17,218	0
850 General purpose fiscal assistance	−189	−189	0
900 Net interest	−42,421	−42,421	−16,976
920 Allowances	−71	−71	0
950 Undistributed offsetting receipts	−18,040	−18,040	0
Subtotal	−136,676	−136,676	−16,978
Discretionary action (assumed legislation):			
150 International affairs	48	48	0
850 General purpose fiscal assistance	−5,017	−5,017	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984—Continued

(In millions of dollars)

	Budget authority	Outlays	Entitlement authority
Subtotal	−4,969	−4,969	0
Committee total	−141,644	−141,644	−16,978
Total allocation to House committees:			
Current level	493,891	607,831	504,383
Discretionary action	426,509	242,569	7,749
Total	920,400	850,400	512,132
UNASSIGNED—RESERVE INCLUDING ECONOMIC RECOVERY FUNDS IN FUNCTION 500			
Discretionary action (assumed legislation):			
350 Agriculture	600	600	0
370 Commerce and housing credit	0	200	0
450 Community and regional development	125	125	0
500 Education, training, employment, and social services	3,500	3,500	0
550 Health	2,000	2,000	0
600 Income security	1,950	1,950	1,500
700 Veterans benefits and services	150	150	0
Committee total	8,325	8,525	1,500
Total, current level	493,799	607,653	504,383
Total, discretionary action	434,926	251,272	9,249
Grand total [1]	928,725	858,925	513,632

[1] Including funds reserved by Congress for subsequent allocation to committees.

Note: Totals may not add because of rounding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McCandless) to revise and extend their remarks and include extraneous material:)

Mr. Sensenbrenner, for 60 minutes, on July 26.

Mr. Siljander, for 60 minutes, on July 26.

(The following Members (at the request of Ms. Ferraro) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 30 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. de Lugo, for 15 minutes, today.

Mr. Ford of Michigan, for 5 minutes, today.

Mr. Minish, for 60 minutes, on June 22.

Mr. Wise, for 60 minutes, on June 28.

Ms. Kaptur, for 60 minutes, on June 28.

Mr. Rahall, for 60 minutes, on June 28.

Mr. Staggers, for 60 minutes, on June 28.

Mr. Mollohan, for 60 minutes, on June 28.

(The following Members (at the request of Mr. Walker) to revise and extend his remarks and include extraneous material:)

Mr. Corcoran, for 10 minutes, today.

Mr. Weaver, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. McCandless) and to include extraneous matter:)

Mr. Morrison of Washington.

Mr. Forsythe.

Mr. Weber.

Mr. Lagomarsino in seven instances.

Mr. Wolf in two instances.

Mr. Gunderson.

Mr. Hyde in three instances.

Mr. Bethune.

Mr. Shumway.

Mr. McCollum.

Mr. Whitehurst.

Mr. Martin of North Carolina in two instances.

Mr. Goodling.

Mr. Daub in two instances.

Mr. Broomfield.

Mr. Jeffords.

Mr. Gilman.

Mr. Porter.

Mr. Dreier of California.

Mr. Dannemeyer.

Mr. Ritter.

Mr. Molinari in two instances.

Mr. Corcoran.

(The following Members (at the request of Ms. Ferraro) and to include extraneous matter:)

Mr. Dyson.

Mr. Ackerman in two instances.

Mr. Kastenmeier.

Mr. Mazzoli in five instances.

Mr. Rodino in two instances.

Mr. Mavroules.

Mr. Tauzin in two instances.

Mr. MacKay.

Mr. Edgar.

Mr. Leland.

Mr. Skelton in two instances.

Mr. Garcia.

Mr. Stark in two instances.

Mr. Won Pat.

Mr. Downey of New York.

Mr. Matsui in two instances.

Mr. Rahall.

Mr. McDonald.

Mr. Lipinski in two instances.

Mr. Hoyer.

Mr. Hawkins in two instances.

Mr. Moakley.

Mr. Long of Maryland.

Mr. Minish.

Mrs. Boxer.

Ms. Kaptur.

Mr. Gonzalez.

Mr. Markey in two instances.

Mr. Nowak.

Mr. Swift.

Mr. Gejdenson.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 38. An act entitled the "Longshoremen's and Harbor Workers' Compensation Act; to the Committee on Education and Labor.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 22, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1396. A communication from the President of the United States, transmitting proposed reductions in 1983 budget authority for the District of Columbia (H. Doc. No. 98-72); to the Committee on Appropriations and ordered to be printed.

1397. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1983 and amendments to the request for appropriations for fiscal year 1984 (H. Doc. No. 98-73); to the Committee on Appropriations and ordered to be printed.

1398. A letter from the Comptroller of the Currency, transmitting the annual report on the activities of the Depository Institutions Deregulation Committee since March 31, 1982, pursuant to section 206 of Public Law 96-221; to the Committee on Banking, Finance and Urban Affairs.

1399. A letter from the Secretary to the Council of the District of Columbia, transmitting Council Resolution 5-156, entitled, "Transfer of Jurisdiction Over Portions of Land Owned by the Government Printing Office to the District of Columbia for Highway Purposes Resolution of 1983"; to the Committee on the District of Columbia.

1400. A letter from the Acting Secretary of the Interior, transmitting the annual report on the Youth Conservation Corps for 1982, pursuant to section 5 of Public Law 93-408; to the Committee on Education and Labor.

1401. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1402. A letter from the Director, Administrative Officer of the United States Courts, transmitting reports on the financial condition of the judicial retirement system and the judicial survivors' annuities system for 1982, pursuant to section 121(a) of Public Law 95-595; to the Committee on Government Operations.

1403. A letter from the Assistant Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment due for 1982 from the Kirwin Irrigation District No. 1, Pick-Sloan Missouri basin program, Kansas, pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

1404. A letter from the Assistant Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment due for 1982 from the Webster Irrigation District No. 4, Pick-Sloan Missouri basin program, Kansas, pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

1405. A letter from the Attorney General, Department of Justice, transmitting a report on the needs, feasibility, and effectiveness of the U.S. trustee system, pursuant to section 408(a) and section 408(b) of Public Law 95-598; to the Committee on the Judiciary.

1406. A letter from the Deputy Secretary of the Treasury, transmitting the Department's concern over H.R. 5, "Ocean and Coastal Resource Management and Development Block Grant Act; to the Committee on Merchant Marine and Fisheries.

1407. A letter from the Clerk, U.S. House of Representatives, transmitting the annual compilation of personal financial disclosure statements filed with the Clerk of the House of Representatives pursuant to the Ethics in Government Act of 1978 (H. Doc. No. 98-71); to the Committee on Standards of Official Conduct and ordered to be printed.

1408. A letter from the Comptroller General of the United States, transmitting a report entitled "Examination of the Export-Import Bank's Financial Statement for the Fiscal Years Ended September 30, 1982 and 1983; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1409. A letter from the Secretary of Transportation, transmitting the annual report on the administration of the offshore oil pollution compensation fund, for fiscal year 1982, pursuant to section 314 of Public Law 95-372; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

1410. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to obtain certain services and facilities and incur certain administrative expenditures, and for other purposes; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

1411. A letter from the Comptroller General of the United States, transmitting a report entitled "Federal Drug Interdiction Efforts Need Strong Central Oversight" (GAO/GGD-83-52, June 13, 1983); jointly, to the Committees on Government Operations, the Judiciary, Ways and Means, Merchant Marine and Fisheries, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of Oklahoma: Committee of Conference. Conference report on House Concurrent Resolution 91 (Rept. No. 98-248). Ordered to be printed.

Mr. GAYDOS: Committee on House Administration. Senate Concurrent Resolution 35. Concurrent resolution authorizing the printing as a Senate document of a revised edition of "The Capitol" (Rept. No. 98-249). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 238. Resolution waiving certain points of order against H.R. 3329, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-250). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 239. Resolution providing for the consideration of H.R. 2912, a bill to authorize appropriations to carry out the activities of the Department of Justice for fiscal year 1984, and for other purposes (Rept. No. 98-251). Referred to the House Calendar.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1183. A bill to amend the Internal-Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981; with amendments (Rept. 98-252). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee on Appropriations. H.R. 3363. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-253). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 241. Resolution amending rule XLIX of the Rules of the House of Representatives to reflect the changes recently made in the method of establishing the statutory limit on the public debt (Rept. No. 98-254). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

Referral of H.R. 1510 to the Committee on Education and Labor extended for an additional period ending not later than June 28, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YATES:

H.R. 3363. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. BATES:

H.R. 3364. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States; to the Committee on Energy and Commerce.

H.R. 3365. A bill to amend the Communications Act of 1934 to provide for telephone regulation reform; to the Committee on Energy and Commerce.

H.R. 3366. A bill to amend the Communications Act of 1934 to assure competitive procurement by telephone companies; to the Committee on Energy and Commerce.

By Mr. BONER of Tennessee:

H.R. 3367. A bill to amend title XVI of the Social Security Act to provide that benefits due a deceased SSI recipient may be paid to his or her ineligible spouse, or (if the recipient was a disabled child) to his or her parent, where such spouse or parent was living with the recipient at the time of his or her death; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 3368. A bill requesting a determination of the advisability of modifying the Taylors Bayou project; to the Committee on Public Works and Transportation.

By Mr. DYMALLY (for himself, Mr. Crockett, and Mr. Fauntroy):

H.R. 3369. A bill to give to the Board of Parole for the District of Columbia exclusive power and authority to release on parole, to terminate the parole of, and to modify the terms and conditions of the parole of, prisoners convicted of violating any law of the District of Columbia, or any law of the United States applicable exclusively to the District; to the Committee on the District of Columbia.

By Mr. FLORIO (for himself and Mr. Biaggi):

H.R. 3370. A bill to provide compensation for the disability and death of Federal law enforcement officers resulting from injuries sustained while making arrests for certain violations of State criminal laws, and for other purposes; jointly, to the Committees on Education and Labor, the Judiciary and Ways and Means.

By Mr. FORD of Michigan (for himself, Mr. Udall, Mr. Clay, Mrs. Schroeder, Mr. Garcia, Mr. Leland, Ms. Oakar, Mrs. Hall of Indiana, Mr. Sikorski, Mr. Daschle, Mr. de Lugo, Mr. Taylor, Mr. Corcoran, Mr. Daniel B. Crane, Mr. Hoyer, Mr. Barnes, Mr. Dwyer of New Jersey, Mr. Roe, Mr. Wirth, Mr. Howard, Mr. Fazio, Mr. Dymally, Mr. Dyson, Mr. Won Pat, Mr. Foglietta, Mr. Corrada, Mrs. Boxer, and Ms. Mikulski):

H.R. 3371. A bill to amend the Internal Revenue Code of 1954 to allow a temporary refundable income tax credit to Federal employees covered under the social security system for the amount of their contributions under a Federal retirement system; to the Committee on Ways and Means.

By Mr. HUGHES:

H.R. 3372. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to permit States to impose measures for the prevention of criminal infiltration of unions in casino hotels; to the Committee on Education and Labor.

By Mr. HYDE:

H.R. 3373. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 3374. A bill to prohibit U.S. foreign assistance to any country which is not a party to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water; to the Committee on Foreign Affairs.

H.R. 3375. A bill to provide that the U.S. Executive Director of the International Monetary Fund shall vote against providing any financial assistance from the Fund to any country which is not a party to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SWIFT:

H.R. 3376. A bill to declare that the United States holds certain lands in trust for the Makah Indian Tribe, Washington; to the Committee on Interior and Insular Affairs.

By Mr. THOMAS of Georgia:

H.R. 3377. A bill to amend the boundaries of the Cumberland Island National Seashore; to the Committee on Interior and Insular Affairs.

H.R. 3378. A bill to provide for a plan to reimburse the Okefenoke Rural Electric Membership Corp. for the costs incurred in installing electrical service to the Cumberland Island National Seashore; to the Committee on Interior and Insular Affairs.

By Mr. WALKER:

H.R. 3379. A bill to name a U.S. post office in the vicinity of Lancaster, Pa., the "Edwin D. Eshleman Post Office"; to the Committee on Public Works and Transportation.

By Mr. WEBER (for himself, Mr. Wolpe, Mr. Mack, Mr. Beilenson, Mr. Hiler, Mr. Lott, Mr. Kemp, Mr. Frenzel, Mr. Gregg, and Mr. Rinaldo):

H.R. 3380. A bill to abolish the Synthetic Fuels Corporation; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. FORSYTHE (for himself, Mr. Jones of North Carolina, Mr. Breaux, Mr. D'Amours, and Mr. Pritchard):

H.R. 3381. A bill to establish the National Oceanic and Atmospheric Administration; to provide for the management, protection, conservation, development, and study of ocean, coastal and atmospheric resources; to provide for the delivery of ocean and atmospheric related services; and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

By Mr. FAUNTROY (for himself, Mr. Hoyer, Mr. Wolf, and Mr. Bliley):

H.J. Res. 300. Joint resolution designating July 4, 1983, as "July 4th Family Celebration Day"; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL:

H.J. Res. 301. Joint resolution to designate May 18, 1984, as "National Tenants Day"; to the Committee on Post Office and Civil Service.

By Mr. BARNES (for himself, Mr. Kemp, and Mr. Bereuter):

H. Res. 240. Resolution expressing the sense of the House of Representatives that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

197. The SPEAKER presented a memorial of the General Assembly of the State of Illinois, relative to the steel industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FORD of Tennessee introduced a bill (H.R. 3382) for the relief of Dennis L. Dalton; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 408: Mr. Broomfield and Mr. Barnard.

H.R. 507: Mr. Hertel of Michigan, Mr. Dwyer of New Jersey, and Mr. Tauke.

H.R. 674: Mr. Philip M. Crane.

H.R. 677: Mr. Brown of California and Mr. Synar.

H.R. 695: Mr. Goodling.

H.R. 953: Mr. Ratchford.

H.R. 1016: Mr. Dymally, Mr. Dowdy of Mississippi, Mr. Mrazek, Mr. Owens, and Mr. Sunia.

H.R. 1083: Mr. Martinez.

H.R. 1144: Mr. Towns.

H.R. 1176: Mr. Miller of California, Mr. Gray, Mr. Derrick, Mr. Panetta, Mr. Savage, Mr. Evans of Illinois, Mr. Minish, Mr. Mineta, Mr. Schaefer, and Mr. Hutto.

H.R. 1178: Mr. Neal.

H.R. 1183: Mr. Markey.

H.R. 1249: Mr. Clarke, Mr. Mrazek, Mr. Anderson, and Mr. Martinez.

H.R. 1285: Mr. Skeen, Mr. Gray, Mr. Beilenson, Mr. Whitehurst, Mr. Scheuer, Mr. Kostmayer, Mr. Won Pat, and Mr. Clay.

H.R. 1373: Mr. Solarz.

H.R. 1376: Mr. Hoyer, Mr. Long of Maryland, Mr. Mitchell, Mrs. Schroeder, and Mr. McCurdy.

H.R. 1595: Mr. Long of Maryland, Mr. Morrison of Connecticut, and Mr. Brown of California.

H.R. 1607: Mr. Philip M. Crane.

H.R. 1644: Mr. Goodling, Mr. Studds, and Mr. Fazio.

H.R. 1672: Mr. Kindness and Mr. Quillen.

H.R. 1673: Mr. Pease.

H.R. 1677: Mr. Sunia, Mr. Stangeland, Mr. Horton, Mr. Boehlert, Mr. Patman, Mr. Roe, Ms. Snowe, Mr. Wilson, and Mr. Weber.

H.R. 1693: Mr. Bates and Mr. Martinez.

H.R. 1706: Mr. McCurdy, Mr. Miller of California, Mr. Gregg, Mr. Fuqua, Mr. Bilirakis, Mr. Marriott, Mrs. Boxer, Mr. Brown of Colorado, Mr. Erdreich, Mr. Vander Jagt, Mr. Hubbard, Mr. Broyhill, Mr. Young of Florida, Mr. Nelson of Florida, Mr. Heftel of Hawaii, Mr. Chappell, Mr. Akaka, Mr. Chappie, Mr. Hiler, Mr. Jacobs, Mr. Fascell, Mr. Moorhead, Mr. Dowdy of Mississippi, Mr. Hunter, and Mr. Hyde.

H.R. 1918: Mr. Donnelly.

H.R. 1952: Mr. Lundine, Mr. Chandler, Mr. Walgren, Mr. Glickman, Mr. Shannon, Mr. Oberstar, Mr. Frenzel, Mr. Long of Louisiana, Mr. Tauke, Mr. McCain, Mr. Forsythe, Mr. Frank, Mr. Frost, Mr. LaFalce, Mr. Durbin, Mr. Stark, Mr. Hyde, Mr. Smith of Florida, Mr. Lowery of California, Mr. Ritter, Mr. Gunderson, Mr. McNulty, Mr. Fazio, Mr. Vento, and Mr. Lowry of Washington.

H.R. 2053: Mr. Andrews of Texas, Mr. Feighan, Mr. Frost, Mr. Kolter, Mr. Loeffler, Mr. Robert F. Smith, and Mr. Watkins.

H.R. 2183: Mr. Biaggi, Mr. McKinney, Mr. Wyden, Mr. Florio, and Mr. Boner of Tennessee.

H.R. 2271: Mr. Berman.

H.R. 2364: Mr. Ottinger.

H.R. 2382: Mr. Whitehurst, Mr. Hillis, Mr. Pashayan, Mr. Williams of Ohio, Mr. Huckaby, Mr. McDonald, Mr. Martin of North Carolina, Mr. Gekas, Mr. Ray, Mr. Jacobs, Mr. Boehlert, and Mr. Rinaldo.

H.R. 2480: Mr. Quillen.

H.R. 2568: Mr. Morrison of Washington, Mr. Edwards of California, Mr. McKinney, Mr. Hertel of Michigan, Ms. Kaptur, Mr. Leland, Mr. Boner of Tennessee, and Mr. Kildee.

H.R. 2589: Mr. Coleman of Texas.

H.R. 2711: Mr. Albosta, Mr. Applegate, Mr. Brown of Colorado, Mr. Broyhill, Mr. Daniel, Mr. Gunderson, Mr. Harrison, Mr. Jenkins, Mr. Kildee, Mr. McDade, Mr. Valentine, Mr. Whitehurst, Mr. Bliley, Mr. Carr, and Mr. Sisisky.

H.R. 2715: Mr. Parris and Mr. Wolf.

H.R. 2748: Mr. Solarz.

H.R. 2750: Mr. Boland, Mrs. Boxer, Mr. Towns, Mr. Fauntroy, Mr. Frank, Mr. Gekas, Mr. Roe, and Mr. Hughes.

H.R. 2759: Mr. Lewis of California.

H.R. 2762: Mr. Rangel, Mr. McKinney, Mr. Roe, Mr. Schumer, Mr. Leach of Iowa, Mr. Carr, and Mr. Martinez.

H.R. 2763: Mr. Rangel, Mr. McKinney, Mr. Roe, Mr. Schumer, Mr. Leach of Iowa, Mr. Carr, and Mr. Martinez.

H.R. 2852: Mr. Petri and Mr. Smith of Florida.

H.R. 2872: Mr. Moody, Ms. Kaptur, and Mr. Savage.

H.R. 2911: Mr. Moody, Mr. Sunia, Mr. Kostmayer, Mr. Bennett, Mr. Lowry of Washington, Mr. Pritchard, and Mr. Lehman of Florida.

H.R. 2951: Mr. Young of Missouri and Mr. Price.

H.R. 2960: Mr. Levine of California, Mr. Goodling, and Mr. Ottinger.

H.R. 2961: Mr. Lowry of Washington.

H.R. 3024: Mr. Kasich, Mr. Bliley, and Mr. Hammerschmidt.

H.R. 3025: Mr. Clinger.

H.R. 3035: Mr. Hammerschmidt.

H.R. 3050: Mr. Edgar, Mr. Gekas, Mr. Ralph M. Hall, and Mr. Olin.

H.R. 3072: Mr. Wilson, Mr. Edgar, Mr. Mavroules, Mr. Studds, Mr. Rangel, Mr. Daschle, Mr. Hoyer, Mr. Beilenson, Mr. Bates, Mr. Dyson, Mr. Seiberling, and Mr. Albosta.

H.R. 3106: Mr. Gekas, Mr. Smith of Florida, and Mr. Lantos.

H.R. 3170: Mr. Lowry of Washington and Mr. Dwyer of New Jersey.

H.R. 3198: Mr. Boner of Tennessee, Mr. Boucher, Mr. Britt, Mr. Broyhill, Mr. Cooper, Mr. Ford of Tennessee, Mr. Hefner, Mr. Hopkins, Mr. Jones of Tennessee, Mrs. Lloyd, Mr. Martin of North Carolina, Mr. Perkins, Mr. Snyder, Mr. Sundquist, and Mr. Whitley.

H.R. 3264: Mr. Towns, Mr. Mavroules, Mr. Roe, Mr. Kindness, Mr. Gekas, Mr. Fascell, Mr. Smith of Florida, Mr. Boner of Tennessee, Mrs. Schroeder, and Mr. Frost.

H.J. Res. 29: Mr. Addabbo, Mr. Bateman, Mr. Conte, Mr. de la Garza, Mr. Porter, Mr. Tallon, and Mr. Stenholm.

H.J. Res. 49: Mr. Addabbo, Mr. Akaka, Mr. Anderson, Mr. Andrews of Texas, Mr. Annunzio, Mr. Barnes, Mr. Bateman, Mr. Bates, Mr. Bedell, Mr. Berman, Mr. Bevill, Mr. Boner of Tennessee, Mr. Breaux, Mr. Britt, Mr. Broomfield, Mr. Brown of California, Mr. Broyhill, Mr. Burton, Mr. Campbell, Mr. Chappell, Mr. Chappie, Mr. Clinger, Mr. Coats, Mr. Coelho, Mr. Conte, Mr. Conyers, Mr. Corcoran, Mr. Coughlin, Mr. Daniel B. Crane, Mr. Philip M. Crane, Mr. Crockett, Mr. Dannemeyer, Mr. Daschle, Mr. de la Garza, Mr. Dellums, Mr. DeWine, Mr. Dixon, Mr. Duncan, Mr. Durbin, Mr. Dymally, Mr. Edgar, Mr. Emerson, Mr. Erdreich, Mr. Fauntroy, Ms. Ferraro, Mr. Fields, Mr. Florio, Mr. Foley, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Frank, Mr. Frost, Mr. Fuqua, Mr. Gejdenson, Mr. Gekas, Mr. Gephardt, Mr. Gilman, Mr. Gradison, Mr. Gramm, Mr. Sam B. Hall, Jr., Mr. Hamilton, Mr. Hammerschmidt, Mr. Hansen of Utah, Mr. Heftel of Hawaii, Mrs. Holt, Mr. Hoyer, Mr. Hutto, Mr. Jacobs, Mr. Jenkins, Mr. Jones of Tennessee, Ms. Kaptur, Mr. Kastenmeier, Mr. Kazen, Mr. Kemp, Mrs. Kennelly, Mr. Kindness, Mr. Kogovsek, Mr. Kolter, Mr. LaFalce, Mr. Lantos, Mr. Latta, Mr. Leach of Iowa, Mr. Lent, Mr. Livingston, Mr. McCain, Mr. McCandless, Mr. McCloskey, Mr. McDade, Mr. McGrath, Mr. McHugh, Mr. McNulty, Mr. Marriott, Mr. Martin of North Carolina, Mr. Matsui, Mr. Mavroules, Mr. Michel, Mr. Mineta, Mr. Minish, Mr. Moakley, Mr. Montgomery, Mr. Moore, Mr. Morrison of Connecticut, Mr. Morrison of Washington, Mr. Murphy, Mr. Myers, Mr. Neal, Mr. Oberstar, Mr. Ortiz, Mr. Oxley, Mr. Packard, Mr. Patterson, Mr. Pepper, Mr. Perkins, Mr. Porter, Mr. Price, Mr. Pritchard, Mr. Quillen, Mr. Rahall, Mr. Rangel, Mr. Ray, Mr. Richardson, Mr. Rinaldo, Mr. Ritter, Mr. Roberts, Mr. Rodino, Mr. Roemer, Mr. Rogers, Mrs. Roukema, Mr. Rowland, Mr. Russo, Mr. Savage, Mr. Sawyer, Mrs. Schneider, Mr. Sharp, Mr. Siljander, Mr. Skeen, Mr. Denny Smith, Mr. Smith of Iowa, Mr. Snyder, Mr. Solarz, Mr. Solomon, Mr. Stangeland, Mr. Stark, Mr. Stenholm, Mr. Stratton, Mr. Stump, Mr. Sunia, Mr. Swift, Mr. Tallon, Mr. Tauke, Mr. Tauzin, Mr. Torricelli, Mr. Towns, Mr. Traxler, Mr. Udall, Mr. Vandergriff, Mr. Walgren, Mr. Waxman, Mr. Weaver, Mr. Weiss, Mr. Wheat, Mr. Whittaker, Mr. Williams of Ohio, Mr. Wilson, Mr. Wise, Mr. Wolf, Mr. Wolpe, Mr. Won Pat, Mr. Wortley, Mr. Yatron, Mr. Young of Florida, Mr. Young of Missouri, and Mr. Ackerman.

H.J. Res. 74: Mr. Bedell, Mr. Barnard, Mr. Akaka, Mr. Richardson, and Mr. Wise.

H.J. Res 101: Mr. Won Pat, Mr. Martinez, Mr. Levin of Michigan, Mr. Barnes, Mr. Britt, Ms. Ferraro, Mr. Dyson, Mr. Lantos, and Mr. Schaefer.

H.J. Res. 174: Mr. Panetta, Mr. Boucher, Mr. Mitchell, Mr. Ottinger, Mr. Jeffords, Mr. Edgar, and Mr. Spratt.

H.J. Res. 218: Mr. Fish, Mr. Akaka, Mr. Bonior of Michigan, Mr. Barnes, Mr. Conyers, Mr. Cooper, Mr. Daniel B. Crane, Mr. Crockett, Mr. Evans of Iowa, Mr. Florio, Mr. Fuqua, Mr. Hammerschmidt, Mr. Jones of North Carolina, Mr. Marriott, Mr. Richardson, Mr. Rodino, Mr. Roemer, Mr. Snyder, Mr. Tallon, Mr. Towns and Mr. Walgren.

H.J. Res. 240: Mr. Feighan, Mr. Smith of Florida, Mr. Sunia, Mr. Ottinger, Mr. Bonior of Michigan, Mr. Edgar, Mr. Levine of California, and Mr. Conyers.

H.J. Res. 241: Mr. Feighan, Mr. Smith of Florida, Mr. Sunia, Mr. Ottinger, Mr. Bonior of Michigan, Mr. Edgar, and Mr. Levine of California.

H.J. Res. 257: Mr. Chandler, Mr. Brown of California, Mrs. Holt, and Mr. Lowery of California.

H.J. Res. 267: Mr. Beilenson, Mr. Berman, Mrs. Collins, Mr. Dixon, Mr. Eckart, Mr. Feighan, Mr. Ford of Tennessee, Mr. Frank, Mr. Frenzel, Mr. Green, Mr. Jeffords, Mr. Kastenmeier, Mr. Lowry of Washington, Mr. McGrath, Mr. Madigan, Mr. Markey, Mrs. Martin of Illinois, Mr. Mineta, Mr. Mitchell, Mr. Molinari, Mr. Morrison of Connecticut, Mr. Neal, Mr. Ottinger, Mr. Roe, Mrs. Schroeder, Mr. Simon, Mr. Weber, Mr. Wortley, Mr. Ackerman, Mr. Barnes, and Mr. Mitchell.

H.J. Res. 273: Mr. Carr, Mr. Kildee, Mr. Gekas, Mr. Durbin, Mrs. Boxer, Mr. McCain, Mr. Roe, Mr. Reid, and Mr. Bereuter.

H.J. Res. 291: Mr. Berman, Mr. Borski, Mr. Conte, Mr. Feighan, Mr. Florio, Mr. Gekas, Mr. Hall of Ohio, Mr. Hughes, Mrs. Johnson, Ms. Kaptur, Mrs. Kennelly, Mr. Levine of California, Mr. Lungren, Mr. Patterson, Mr. Sabo, and Mr. Weaver.

H. Con. Res. 115: Mr. Lewis of Florida, Mr. Quillen, Mr. Gekas, and Mr. Pashayan.

H. Con. Res. 132: Mr. Bateman, Mr. Dannemeyer, and Mr. Moorhead.

H. Res. 135: Mr. Waxman, Mr. Hubbard, Mr. Stokes, Mr. Kogovsek, Mr. Ratchford, Mr. AuCoin, Mr. Torricelli, Mr. Berman, Mr. Dyson, and Mr. Martinez.

H. Res. 191: Mr. Berman, Mr. McGrath, Mr. Donnelly, Mr. Brown of California, and Ms. Ferraro.

H. Res. 215: Mr. Bateman.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[*Omitted from the Record of June 1, 1983*]

H.R. 1242: Mr. Stangeland.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

125. By the SPEAKER: Petition of the City Council of New York, N.Y., relative to a visa to Alexander Kuznetsov and his family; to the Committee on Foreign Affairs.

126. Also, petition of the City Council of New York, N.Y., relative to a visa to Vladamir Alterman; to the Committee on Foreign Affairs.

127. Also, petition of the City Council of New York, N.Y., relative to a visa to Iosel Berenstein; to the Committee on Foreign Affairs.

128. Also, petition of the City Council of New York, N.Y., relative to a visa to David Kroitor; to the Committee on Foreign Affairs.

129. Also, petition of the City Council of New York, N.Y., relative to a visa to Leonid Bialy; to the Committee on Foreign Affairs.

130. Also, petition of the City Council of New York, N.Y., relative to a visa to Vladimir Dragunsky; to the Committee on Foreign Affairs.

131. Also, petition of the City Council of New York, N.Y., relative to a visa to Aleksandr Gershfield; to the Committee on Foreign Affairs.

132. Also, petition of the City Council of New York, N.Y., relative to a visa to Leonid Zeliger; to the Committee on Foreign Affairs.

133. Also, petition of the City Council of New York, N.Y., relative to a visa to Yakov Mesh and his family; to the Committee on Foreign Affairs.

134. Also, petition of the City Council of New York, N.Y., relative to a visa to Vladimir Kislik; to the Committee on Foreign Affairs.

135. Also, petition of the City Council of New York, N.Y., relative to a visa to Levi Elbert; to the Committee on Foreign Affairs.

136. Also, petition of the City Council of New York, N.Y., relative to a visa to Isaak Tsitverblit; to the Committee on Foreign Affairs.

137. Also, petition of the City Council of New York, N.Y., relative to a visa to Semyon Shifrin; to the Committee on Foreign Affairs.

138. Also, petition of the City Council of New York, N.Y., relative to a visa to Moisey Tennenbaum; to the Committee on Foreign Affairs.

139. Also, petition of the City Council of New York, N.Y., relative to a visa to Abe Stolar; to the Committee on Foreign Affairs.

140. Also, petition of the City Council of New York, N.Y., relative to a visa to Mark Napomniashchy; to the Committee on Foreign Affairs.

141. Also, petition of the City Council of New York, N.Y., relative to a visa to Aleksandr Shuster; to the Committee on Foreign Affairs.

142. Also, petition of the City Council of New York, N.Y., relative to a visa to Ilya Essas; to the Committee on Foreign Affairs.

143. Also, petition of the City Council of New York, N.Y., relative to a visa to Yusif Zulfugarov; to the Committee on Foreign Affairs.

144. Also, petition of the City Council of New York, N.Y., relative to a visa to Aleksandr Kuznetsov; to the Committee on Foreign Affairs.

145. Also, petition of the New England Public Health Association, Providence, R.I., relative to a mandate to maintain, protect, and improve the health and well-being of the people; jointly, to the Committees on Armed Services and Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3329

By Mr. GLICKMAN:

—On page 41, strike all beginning with "Sec. 314" on line 1 through the end of line 9 and renumber subsequent sections accordingly.

By Mr. MRAZEK:

—Insert the following on page 36, line 24, ending with the phrase ". . . prior to November 26, 1974, . . .": "*Provided*, That said applicant adopts and implements within a reasonable time appropriate standards of eligibility which includes those citizens who reside in the district served by the mass transit system . . .".

By Mrs. VUCANOVICH:

—Page 9, line 9, ": *Provided further*, That none of the funds in this Act shall be available to close more than five flights service stations" before the period.".

EXTENSIONS OF REMARKS

REPRESENTATIVE JACK KEMP'S REMARKS TO THE FEDERAL RESERVE BOARD

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WEBER. Mr. Speaker, the current debate over fiscal and monetary policy is one which is critically affecting our country's economic future. It is essential that each member of Congress become aware of the pertinent facts. My friend and our distinguished colleague Representative Jack Kemp of New York addressed these vital matters in a speech to the Federal Reserve Board of Governors and its Chairman Paul Volcker. I must share this with my colleagues. There is no doubt that Representative Kemp has clearly recognized the present pitfalls in both monetary and fiscal policy. The Federal Reserve and Congress would do well to heed his message.

The speech follows:

Speech by Representative Jack Kemp

You cannot imagine how much I appreciate Chairman Volcker's invitation to speak to this elite assemblage—the chairman and deputy chairman of the Federal Reserve Banks and the Federal Reserve Board governors and staff. It was not an easy thing for the chairman to do, in view of my frequent criticism of the Fed in the past. But seeing that he is such a frequent visitor before the House Budget Committee upon which I serve, and is helping Congress balance the budget, it's only fair that I get this opportunity to help lower long-term interest rates.

I want you to know that I recently returned from Geneva and Naples, and the issue everyone wants to discuss is money. I am not talking, by the way, about Geneva, Switzerland, or Naples, Italy, but about Geneva, New York, and Naples, New York, in my Congressional District, which also includes the steel and auto workers of suburban Buffalo.

In fact, I believe that the debate over monetary policy is rightly emerging as the cardinal economic and political issue of our day. The general public is right to believe there is something wrong with economic policy in this country, when we alternate between severe inflation, high interest rates, and severe recessions. And they are right to put Congressmen and Federal Reserve policymakers on the spot.

It's from this perspective that I speak tonight.

For several years now, Americans have endured conventional macroeconomic policy, which is little more than an attempt to predict and regulate the spending decisions of millions of people. There are two simple tools of aggregate demand management—budget deficits and money supplies. I submit that neither simplistic approach works.

According to one theory of demand management, the decision to buy a car today is based on how much money a person had in his wallet or checking account a year ago. This is called monetarism with one-year lag. It is even supposed to work for business. If a corporate treasurer accidentally discovers an extra million dollars in the company checking account, then the company will supposedly buy more inventory or hire more workers a year later.

In its purest form, this rather implausible theory would ask monetary authorities literally to ignore prices, interest rates or exchange rates, and instead focus exclusively on the quantity of some arbitrary measure of money. There was a spurt of M1 in January to April of 1981, for example, and another from October 1981 to January 1982. In both cases, prominent monetarist economists urged the Fed to tighten—and later criticized the Fed for following that adivce.

Until recently, respectable economists agreed that experts could and should decide how much of which kinds of money was too much or too little. The only debate was whether the decision had to be revised every three months, or whether it should be settled forever and put into the Constitution. It seems that monetarists and fiscalists are always trying to get their theories enshrined in the Constitution, to make it illegal to practice supply-side economics.

The debate over rules versus authority was a sideshow. Of course, a quantity rule for money would make the quantity more predictable (ignoring technical difficulties)—but not the effects. We all agree that inflation is caused by too much money. But it is very difficult to claim that anybody knows, better than the markets, how much is too much.

The historical record is not entirely relevant to the performance of a quantity rule, because the nation was on an entirely different monetary system before 1971. Also, M1 and M2 have only recently contained accounts that pay competitive interest rates. Insured accounts that pay market rates of interest are an attractive place for savings during uncertain times. Yet the same Treasury Department authorities who want people to save more are also frightened if those savings wind up in a Super NOW or bank money market account.

We read that Treasury officials lately have decided that the "correct" increase for M1 for the rest of this year is 7 or 8 percent. The inference is that the Fed should hike the interest rate on bank reserves—the federal funds and discount rates. But M1 might well slow down without doing that. It is natural for people to want to hold more money in relation to their incomes as the outlook for inflation and interest rates improve. But after this one-time adjustment, a lower interest rate may mean that savings in M1 and M2 would not accumulate as rapidly. If velocity keeps falling at 5 percent a year, of course, a 5 percent increase in M1 means a zero increase in real GNP. We're told that velocity should turn up any day now; but should we bet the recovery on past trends?

The narrow, domestic monetarist model has simply broken down; but its adherents retain a mystical attachment to it. On February 3, 1983, Lawrence Roos, then President of the St. Louis Fed, put a table in the Wall Street Journal which proved that, because of M1 growth, nominal GNP must rise by 13 percent between the fourth quarters of 1981 and 1982. But GNP rose by only 3.5 percent. A year later, one might think that Mr. Roos at least owed the world an explanation. But instead he wrote another article called, "We'd Better Pay Attention to M1."

The monetarists are again saying that there is too much M1, as they did in May 1981 and February 1982. If so, they must know something the markets do not know. The dollar keeps rising against sound currencies, and the market for hedges against inflation, like gold or commodity futures, remains soft. The price of gold is falling toward $400, depressing the aggregate value of international reserves. Industrial commodity prices have been soft since mid-April, and are barely back to the recession levels of a year ago. Producer prices fell in both March and April.

The fact that people are holding more of their wealth in M1 rather than M3 is not a sign of inflation, but the opposite—people are beginning to trust the dollar enough to hold cash. Allowing the federal funds rate to drift again above 9 percent, as it did yesterday, might drive funds out of M1 into M3, but it would also drive investors out of stocks and bonds back into short-term investments that cannot finance mortgages and business capital.

In my judgment, it is now permissible and quite prudent to drop the discount rate to 8 percent. I would respectfully urge that this be done immediately, in order to help stabilize the value of the dollar against gold and other commodities, and against the stronger currencies of our major trading partners.

Some propose that since nobody can accurately predict the money supply or velocity, the Fed should regulate the sum of those two apparently random items—namely, nominal GNP. Frankly, I don't see how it can be done. By the time we learn that nominal GNP was too slow in the preceding quarter, money may actually be too loose in the current quarter. Besides, this central goal of demand management is chimerical. To keep the growth of nominal GNP at, say, 8 percent, prices would have to rise in recessions and might have to fall during recoveries. Firms would have to be raising prices while unloading surplus inventories, then advertise sales, rebates and discounts once business picked up.

It is no secret that I strongly believe that the dollar must again be defined and convertible into gold, in order to restore long-term credibility in the bond and mortgage markets. A gold guarantee hedges dollar assets and liabilities against sustained inflation or the default risk of deflation. It provides the world with an anchor, a reasonably predictable unit of account for making contracts across borders and between generations. A gold standard provides the issuers of currency with a prompt error signal

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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for adjusting policy—something we sorely need.

As Phillip Cagan of Columbia University recently put it, "If one is looking for some kind of long-lasting commitment (to price stability) of a constitutional nature, a convertible monetary system seems to be the only practical possibility." The distinguished chairman of the UCLA economics department, Axel Leijonhufvud, has come to the same conclusion. This reform can't be accomplished overnight. And since we live in a global economy, not a closed national economy, co-operation is vital.

Unfortunately, we abandoned our commitment to price stability a dozen years ago in an explicit attempt to use monetary policy as another tool of economic expansion. The Bretton Woods system, based on a fixed gold dollar, broke down in large part because of the attempt to apply this Phillips Curve idea. If we are to achieve price stability again over a long period of time, we will have to start by stabilizing the dollar value of our gold reserves. This proposal was put forward in September 1981 by the Chairman of the Bank for International Settlements at the annual meeting of the International Monetary Fund here in Washington. Had his proposal been acted upon, the global deflation and recession of 1982 could have been avoided, I believe, or at least dramatically diminished.

As Professor Robert Mundell of Columbia University has observed, stabilization of the price of gold is not an end in itself, but rather it is a means toward achieving a better monetary policy. It would also reduce the damaging fluctuations in the level of international reserves that have created global economic instability.

Until we restore a dollar that is as good as gold, and a stable international monetary system to match it, there is only one second-best option. As long as money is still managed by continuous manipulation, the Fed should signal its respect for market feedback information. As the central bank for the dominant world invoice and reserve currency, the Fed cannot prudently ignore the effect of dollar exchange rates on the rest of the world—or for that matter, on the United States—nor the magnified chain reaction of other central banks on commodity prices.

Since almost everyone now realizes that foreign exchange rates affect domestic prices, we should also recognize that the idea that the dollar should simply float in any direction without limit implies that price stability doesn't matter. Some people understand that a falling dollar is inflationary and that a rising dollar is deflationary; and yet they argue that the dollar should not be stabilized. Apparently they think the dollar should neither rise, fall, nor remain stable. Fortunately, the Williamsburg summit at least began the process of rebuilding a viable international monetary system, by acknowledging the need for international cooperation and perhaps for a new and better Bretton Woods agreement.

Interest rate stability is also important, for its effects on exchange rates and on domestic uncertainly, which can paralyze production plans. But interest rates cannot be frozen at too high a level, without causing massive liquidation of commodities, assets and inventories. If rates are kept too low, on the other hand, that invites speculation in commodities and foreign currencies.

I would suggest that one way to tell if money is too tight or too loose, then, is to monitor sensitive commodity prices. The broader price indexes move too slowly, largely because of list prices set by contract or regulation. There is, of course, a need for some cyclical recovery in commodity prices that are still below cost. That would not have been necessary if the same rule had been applied between May of 1981 and July 1982, when commodity liquidation was telling us that the world demand for dollar liquidity exceeded the supply. In the recovery, the parallel task is to moderate the rate of increase in an index of commodity prices, and ultimately to put a ceiling on further increases. Gold should at least be included, since it is a forward-looking indicator of anticipated inflation which gives early warning of emerging tendencies toward inflation or deflation.

I was particularly pleased to receive Chairman Volcker's letter of March 17, in which he states, "I for one would recognize the relevance of such factors as sensitive commodity price indicators (not excluding prices of precious metals as a barometer of expectational considerations) and exchange rates."

So much for monetary demand management. The other theory of demand-side economics is fiscal—the idea that spending can be regulated by raising or lowering the budget deficit. The problem is that nobody seems quite sure which direction does what. According to some, budget deficits apparently both stimulate spending and crowd it out; they are expansionary and contractionary at the same time.

The Chairman of the Council of Economic Advisers, Martin Feldstein, has argued that budget deficits are inflationary, and that deficits also keep the dollar too strong. By reducing the deficits, he argues, we can sink the value of the dollar abroad and keep it stable at home.

This is the sort of confusion that comes from artificially separating domestic monetary theory from the global dollar market. Another example is the strange idea that intervention in foreign exchange markets is "price fixing," while intervention in domestic markets for Treasury bills is supposedly a "free-market" policy of quantity-fixing. Why would anyone want to fix the quantity of money except to stabilize some price? And don't exchange rates affect prices?

Fiscal theory is in as much disarray as these floating theories about floating money. Interest rates and inflation recently feel as the current budget deficit grew; at that point, fiscalists switched to worrying about estimate "structural" deficits in the distant future.

I submit that budget balance would be restored with full employment. The U.S. budget deficit was 1.3 percent of GNP in 1980, 1.0 percent in 1981, and 3.7 percent in 1982, and in none of those years was the U.S. economy at full employment. As a fiscal conservative, I'm usually found voting against large increases in federal spending. But I'm persuaded that Irving Kristol was right on target when he wrote in the Wall Street Journal recently that the best way to reduce government spending is to remove the need for government spending.

As recently as January of this year, I was greeted with disbelief for arguing in the Washington Post that the economic recovery would be far stronger than the official predictions, and that as a result, the official deficit projections would be far too high. As I recall, the Post ran an editorial alongside my article, pooh-poohing it as wide-eyed optimism.

My argument was that two events had made a strong recovery likely. The first was the shift in Federal Reserve policy away from M1-targeting; as a result of actual monetary policy since July of 1982, the low-growth Administration and Congressional numbers just didn't add up. The second factor was the implementation, in 1983, of the first net tax reduction for the American people as a result of the Reagan tax cuts. In 1981 and 1982, the small, "back-loaded" individual tax cuts were swamped by increases in tax rates due to bracket creep and Social Security tax increases.

In the Post article, I predicted that the OMB strategy would lead to a Congressional stalemate on the budget. OMB had apparently reasoned that a pessimistic economic forecast would re-establish the Administration's budget credibility, and that a huge deficit in the out-years would scare Congress into action. My argument, on the contrary, was that credibility comes from accuracy, not from making a huge error in one direction to offset an equally huge error the previous year in the other direction. Also, that an enormous deficit forecast would tend to numb the Congress into inactivity, not galvanize it into action. The reason is that no one will cut a billion-dollar program just to reduce a number on a piece of paper from $300 billion to $299 billion—especially not when the deficit is accompanied by a forecast of 9 or 10 percent unemployment as far as the eye can see. I think I was right about this. But when you consider the alternatives—such as a huge tax hike that would abort the recovery—a Congressional stalemate is not such a bad thing, if it delays action until more accurate information is available to the Congress. I think President Reagan is right in his confidence that the recovery will do more to reduce the deficit than Congressional attempts to raise taxes.

Consider what has happened since January. The Administration's economic forecast was disowned as too pessimistic the same week it was published. The April forecast was revised upward for 1983. Even the upward revision is now seen as too low.

The fiscal year 1984 Budget came up with some incredible figures that nobody has been able to explain or duplicate. Even if the economy were operating at full capacity, said the OMB, the deficit would be $181 billion in 1984, rising to $306 billion in 1988, when unemployment would supposedly be at 6.5 percent. This was the so-called "structural" deficit that still rationalizes various schemes to squeeze more tax revenues out of the beleaguered economy. The trouble is that it simply is not true.

The Commerce Department's Bureau of Economic Analysis has estimated that the structural deficit will decline to only $21.5 billion by the end of fiscal 1984. The OECD estimate includes state and local budgets, and estimates that the total structural deficit is now about eight-tenths of one percent of total output—less than in 1975, and less than half of Japan's structural deficit. Britain and France have large structural surpluses, according to the OECD, but they don't seem to be doing better than Japan.

After Larry Kudlow resigned as chief economist for OMB, he predicted that deficits are likely to be $85 billion in 1986, and acknowledged that a tax surcharge would be a "serious mistake." "The deficit problem," said Mr. Kudlow, "has been overrated."

What about those infamous "out-years," when deficits are alleged to do things that they have not done up to now? If the structural deficit is considered fixed as a share of GNP, and is overestimated by about $146 billion for 1984, the error for later years will

get even bigger with inflation. The resulting deficit for 1988 becomes entirely structural only because OMB assumes that productivity rises by less than 1 percent a year. That allows unemployment to come down to 6½ percent—Dr. Feldstein's definition of full employment—with slow growth in output. If productivity rises by merely 2 percent a year, the premise of a weak recovery would instead leave unemployment above 9 percent in 1988, in which case the deficit could hardly be called "structural." In any event, the record is clear that nobody can forecast budget deficits with any accuracy beyond one year.

It makes a big difference, because a structural deficit of about $20 billion to $30 billion, as the Commerce Department estimates, or even one twice as large, could be closed with modest spending cuts. Acceptance of the myth of huge structural deficits could only stampede Congress into raising taxes, which would raise cyclical deficits by slowing or stopping economic growth.

Since the current deficit is overwhelmingly cyclical—the consequence of high interest rates and high unemployment—it cannot be the cause of these problems. Recessions obviously do cause deficits, but it scarcely follows that those deficits will "abort" the recovery. I can find no example of a recovery having been aborted by government borrowing of 5 to 6 percent of GNP. If that were true, Japan and Germany would have been in a recession throughout most of the past decade. But a recovery can be aborted by escalating tax rates. It happened in 1937, 1954, 1969 and 1974.

In a recent interview with columnists Evans and Novak, Professor Feldstein argued that "unless there is very rapid growth . . . it's going to be necessary to have an additional tax increase beginning for Fiscal Year 1986." However, he added, "it would be a mistake to have a tax increase . . . in 1986 if the economy has drifted back into recession." In other words, we should not raise taxes if the economy is either strong or weak, but only if it is expanding at the sluggish pace that Mr. Feldstein predicts. The appropriate time to raise taxes, on this theory, is when economic growth is faster than, say, 3 percent, but slower than 5 percent. Does this make any sense? Can we really base future tax policy on "assumed" economic growth, as though growth had nothing to do with tax policy?

Congress has been supplied with disingenuous estimates of revenue from various tax increases—estimates that assume that tax rates have no effect at all on economic behavior or economic growth. The government's income is somehow supposed to improve without having any negative effects on the budgets of private workers or employers. I call that "voodoo economics."

Anyone proposing a tax increase has also to explain and estimate its effects on the economy before we can guess how much revenue it might yield or what its effect on the deficit might be. When President Hoover imposed a tax surcharge and added excise taxes in June of 1932, the static estimates were that it would balance the 1933 budget. Instead, the deficit surpassed total receipts. That was the same sort of estimate we are working with today. Even if the 1933 tax increase did yield a dollar or two, it did so at a tremendous cost.

At a minimum, Congress must demand two economic forecasts—one with and one without the tax increases. That would show that the revenues gained would be small and the cost in lost jobs and added spending would be high. The Administration estimates that real after-tax personal and corporate income will rise by about $60 billion in 1985. Some of the proposed tax increases would confiscate most of that, regardless of whether they are imposed on what people earn or on what they buy with their earnings. How can real output rise if real income does not? Can people be expected to produce more simply to help Congress pay its bills?

Clearly, the economy is in poor shape to handle any tax increase, and we cannot impose taxes on the 1985 or 1986 economy in the hope that nothing will be affected. We dare not jeopardize the hopes of sustained prosperity that gave us a bull market in stocks and bonds. Otherwise, the recovery would turn into a contraction, and the cyclical budget deficit would grow larger.

It is a popular caricature to say that supply-siders think deficits "don't matter." Nonsense. Clearly, the real debt of the government cannot persistently grow faster than the real economy. But the contribution of the supply-siders is to point out that there are two sides to that relationship—a growing economy can more easily handle all debts, public and private. It makes sense for governments to borrow in hard times, and also to build schools and roads. A healthy future economy, with larger profits and payrolls, can generate much more revenue with low tax rates than can an economy that is kept small by overtaxing the few remaining employed workers and profitable firms.

If the government pays its debts with honest money, that will make it possible to roll over the debt at lower interest rates, strengthening the economy and cutting the deficit. By adopting incentive-oriented tax, trade and regulatory policies—policies that encourage people to earn more by producing more—the relative burden of government debt and spending will decline as the private sector outpaces the government. Government debt and spending is up as a percentage of GNP, after all, largely because everything else is down.

We cannot tax ourselves into prosperity. We cannot inflate ourselves out of our obligations. The world does not need a weaker dollar, but a predictable dollar, an anchor that countries like Mexico and France can once again rely upon as an objective standard of value.

In a way, there is nothing more important that a government and its central bank can do for its people than to provide us with a reliable standard of value, a predictable unit of account. Without it, all our plans, our savings, the measure of our wealth and production, are thrown into constant turmoil. For most of our history, our government provided us with such a constant—a more reliable standard than any other on earth—and with it we attained new heights in the wealth of nations.

Under this government, this President, I think we're finding our way back to the correct path, the supply-side path of sound money and high incentives. Only such a policy can help secure the future of our economy and our country, and provide the full employment and price stability so necessary to the American dream.●

A TRIBUTE TO ELIZABETH BLANCHARD

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to take this opportunity to pay tribute to Elizabeth Blanchard, an outstanding lady dedicated to serving the people of Santa Paula and Ventura County in my congressional district.

This week Elizabeth Blanchard is being recognized by the Santa Paula Chamber of Commerce as Citizen of the Year. There is no doubt this recognition is well deserved.

She recently retired after 22 years of service on the County Juvenile Justice and Delinquency Commission. Additionally, she has served 9 years on the Santa Paula Elementary School Board and 8 years on the Santa Paula Union High School Board. Elizabeth also recently retired from many years of service on the Santa Paula Housing Authority Board of Directors.

In her community work, Elizabeth Blanchard is deeply involved in the needs of youth—developing a self-evaluation survey for the Santa Paula Boys and Girls Club, working for the Boy Scouts and Girl Scouts, assisting the local youth employment service, and providing ongoing work as a member of the board of the Santa Paula Union High School Education Foundation.

Recognized for her many long hours of hard work for the Blanchard Community Library, she also has contributed substantially to the comprehensive historical and architectural building survey and for service to the Santa Paula Memorial Hospital.

Elizabeth Blanchard has not been one to seek the limelight and public attention, but rather is one who, without acclaim, gets the job done. She is a fine lady and a dedicated citizen contributing her talents to the benefit of a multitude of agencies, organizations, and individuals. Her leadership and hard work serves as a catalyst in our community, making it a better place for us all.●

YELLOW RAIN AND REFUGEES

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. McCOLLUM. Mr. Speaker, over the past couple of weeks we have seen numerous articles on the matter of yellow rain discussing the various theories of how the toxins are transmitted. On June 13, the New York

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Times ran a letter to the editor which I think merits reprinting because it goes to the heart of the matter. Chemical warfare is occurring; people are being forced from their homes, fleeing for their lives and finding refuge in camps along the Thai border. Whereas some of these people seek to be resettled in other countries as refugees because there is no hope for a life in their homeland, others will wait for an indeterminable amount of time in temporary camps until it is safe for them to return. At a time when Congress is considering the reauthorization of the Refugee Act, we must pay close attention to all contributing factors that force these people to leave their countries. Chemical warfare—yellow rain—is such a factor.

The editorial follows:

"YELLOW RAIN" IS A WEAPON

To the Editor:

We represent a diverse group of scientists, independent researchers, physicians, political scientists and members of other professions who have followed the issue of the use of chemical weapons in Southeast Asia and Afghanistan for several years.

Individually we have examined much, if not all, of the publicly available evidence; some of us have conducted research used by the U.S. Government or others in publicly released findings; some of us have conducted other independent research or investigated the issue by personally visiting Southeast Asia and Pakistan, interviewing and examining refugees and visiting areas where use of chemical weapons has been reported.

On the basis of our review of the evidence, the analyses that have been done and the absence of any credible alternative explanation, we conclude that lethal chemical weapons have been and are being used in Southeast Asia and Afghanistan.

Although a number of questions remain to be answered about all the actual agents being used as well as some details and ambiguities needing clarification, we do not believe that the basic, most important conclusion remains a question; namely, that chemical warfare is indeed being waged.

Furthermore, we wish to underscore that there has been no alternative hypothesis—including either the Russians' "elephant grass" theory or the recently expounded bee feces theory—which provides an adequate explanation for the clear-cut evidence of chemical warfare; nor do we believe the pursuit of fanciful theories adds greatly to our knowledge of the tragedy.

The propounders of the bee-excrement theory themselves have noted that it does not explain a number of kinds of evidence, including the presence of trichothecene mycotoxins in environmental samples (including water), in samples of blood, urine and tissue of victims and on the surface of a Soviet gas mask; nor the numerous reports of illness and death, nor the great number of reports by refugees and others.

Their theory also does not address other kinds of evidence such as photographs, reports of defectors and the conclusions of physicians who have examined victims in refugee camps. Nor does it take into account the fact that not all samples which have shown the presence of toxins have contained pollen, and that polyethyleneglycol is certainly not found in nature.

A conclusion that chemical warfare has been and is being waged in Southeast Asia and Afghanistan is fully justified.●

WHAT IS "INDUSTRIAL POLICY?"

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SHUMWAY. Mr. Speaker, as the 1984 elections grow closer, there appears to be developing an irresistable urge to jump aboard the industrial policy bandwagon before all the seats are taken.

Everyone seems to have or want an industrial policy. For some, it simply means more efficient and coordinated Federal tax, trade, antitrust, and regulatory policy, or perhaps the creation of a more congenial business climate. Others, fearing that American industry has somehow lost the ability to compete in the global marketplace—a proposition, by the way, which should not be automatically accepted—look to cooperative entities, perhaps made up of business, labor, and Government representatives, for the answers. Many Democrats simply see a catchy and popular concept which can be presented as an alternative to "Reaganomics," yet which is broad and vague enough that no interest group or sector need be offended.

All of this is relatively harmless and, in fact, may be beneficial if the debate serves to stimulate some real thinking about the ways in which Government policy is often intended to achieve conflicting results, business practices are shortsighted and reactive, and labor proceeds in a self-centered and adversarial fashion. Certainly, fundamental questions such as the transformation of the U.S. economy, changing international trading relationships, productivity growth rates, and capital formation are important to closely examine.

The danger, however, is that in our rush to rationalize the economy through the application of industrial policy, we risk a further undermining of that much maligned engine of our unparalleled economic success: the free market. When industrial policy means, as it does for many, the subsidization, the protection, the bailing out of industrial sectors or specific companies, we inevitably get into an area where economic judgments become subservient to political influence; where economic decisions are made for political reasons. If this is industrial policy, we can best do without it. If anyone has any doubts in this regard, the experience of Great Britain over the last 35 years is instructive.

In this regard, I commend to the attention of my colleagues a perceptive editorial which appeared in yesterday's Washington Post.

WHAT IS 'INDUSTRIAL POLICY?'

Five of the Democratic Party's six presidential candidates (Reubin Askew is the exception) advocate some form of "industrial policy." But what is it? The candidates talk of things from trade policy to tax reform, but the distinctive proposals can be put into two groups: collaborative decision-making by different segments of society (business, labor, government) and investment or direction of the flow of investment by government.

Collaborative decision-making has become more attractive since nations like Japan and France applied it and attained higher growth rates than the United States in the 1970s. Candidates Gary Hart, Ernest Hollings and Walter Mondale all call for action. Sen. Hart wants "long-term agreements to help industries become more competitive"; Sen. Hollings wants government "to act as a catalyst" to "make our industrial base competitive again"; Mr. Mondale wants "cooperative agreements" to "restructure and revitalize ailing industries."

It is interesting that these Democrats seem to be calling for an end to what has been Democratic (and national) policy since 1935: the conduct of relations between management and labor on an adversary basis with government acting, if at all, as referee. Many people agree that such adversary relations don't always serve the public interest. But few have grappled with the difficult question of how to convince managers and labor leaders, not to mention public officials, to discard the habits of a lifetime.

Regarding government direction of investment, some proposals here are sensible: John Glenn's and Gary Hart's call for increased public and private funding for research and development. Others are more dubious, like Walter Mondale's proposal to steer capital away from mergers and toward R&D. The history of government attempts to control private capital flows is not a happy one.

Alan Cranston has called for a new Reconstruction Finance Corp. and Sen. Hollings and Mr. Mondale advocate, vaguely, government investment in key industries. Sen. Cranston gives first priority to "sunset industries"—older industries in trouble. Candidates give lip service to the need to invest in "sunrise industries"—new industries that might grow. But it is sunset industries with their existing work forces, unions and managers that have the political clout. Nearly half the members of Congress are members of the Steel Caucus. Only a handful indentify with the microchip industry.

This country already has a variety of policies in place that you could call industrial policies, from the interstate highway system to agricultural subsidies to the Chrysler loan guarantee. The successes of some of them should not obscure their cautionary lessons. If the Democrats center their presidential campaign on industrial policy and then win, there will be terrific incentive for ailing industries to seek public money. Scandals like those that tarred the RFC in the 1940s are the least of the problem. There is a danger that what is called an industrial policy will mainly prop up inefficient industries and retard economic growth.●

TRIBUTE TO W. CARL RODGERS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ANDERSON. Mr. Speaker, it is with great sadness that I rise to pay tribute to W. Carl Rodgers, former councilman and two-term mayor of Hawaiian Gardens who passed away on Sunday, May 29, at the age of 80.

Born in Indiana, Carl moved to California 65 years ago where he and his wife Evelyn raised their 4 children: Lorraine, William, Johan, and Mary Jane. Carl was the owner of the Quality Meats Market until his retirement in 1974 as well as a founder of the former Garden State Bank, now the Commercial Bank in Hawaiian Gardens. He was a member of the Knights of Columbus, the Holy Name Society, the Aloha Senior Citizens Club, the Lions Club—president 1961-62—and the Chamber of Commerce—president 1965.

Carl Rodgers service to his community was indeed exemplary. He was elected to the Hawaiian Gardens City Council in April 1966, 2 years after the city's founding, where he served two terms until 1974. He served as mayor from 1968 to 1969 and again from 1971 to 1972, following his reelection to the council in 1970 and mayor pro tem during 1967-68 and 1970-71.

He was honored in 1970 by being named "Hawaiian Gardens Citizen of the Year" by the Elks Lodge 1570, and in 1971 was named "Los Angeles County's Outstanding Senior Citizen" by the county board of supervisors for his tireless work on behalf of senior citizens.

Because of Carl's dedication to both his family and community, he will be missed by many people. Mr. Speaker, I know you and my colleagues join my wife Lee and I in sending our deepest sympathies to Carl's wife Evelyn and the rest of his family.●

PROTEST OF PAPAL VISIT PART OF ANTICHURCH PLAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the outrageous display of disrespect exhibited by the Sandinista followers during the Pope's visit to Nicaragua dismayed all of us who read the commentaries and saw the news reports about it. Now we learn, what we had already suspected, that the Sandinistas has orchestrated the demonstrations in an attempt to discredit the church. The comments of a defector from the Nicaraguan Intelligence Service merit careful consideration as we approach the debate on legislation affecting U.S. policy in Nicaragua.

[From the Washington Post, June 19, 1983]

PROTEST OF PAPAL VISIT PART OF ANTICHURCH PLAN

Demonstrations against Pope John Paul II in Nicaragua last March were carefully orchestrated as part of a wider effort to discredit the church among the Nicaraguan people and neutralize its resistance to the Sandinista regime, according to a recent defector from the Nicaraguan intelligence service.

Miguel Bolanos Hunter, 24, said the plan was to associate priests and the existing church hierarchy with "the two enemies of the Nicaraguan people: the United States and the wealthy class, the bourgeoisie."

A "mob" of handpicked activists kept devout Catholics trapped in a church and away from the pope, who was then insulted and heckled as he tried to pray, Bolanos said, in order to make him appear isolated from the people during his visit to Managua.

The overall Sandinista effort against the church, according to Bolanos, has included close surveillance of Archbishop Miguel Obando y Bravo and a faked sex scandal last year involving one of his priests, the Rev. Bismarck Carballo.

Bolanos said the intelligence unit called F7, which had responsibility for mobilizing citizens for demonstrations, was ordered to pick 200 block leaders who each brought five or six trusted residents to the public square where the pope was to speak in March. Anyone trying to attend independently was turned away, Bolanos said.

Catholics who did not want to heckle the pope went to the churches the night before his visit in order to pray all night, Bolanos said, intending to march together to the square the next day. Instead, he said, F7 agents organized crowds to heckle the people in the churches and to keep them inside until the pope finished speaking.

Bolanos said he was in a command post, just off the square, that coordinated the various groups, putting in the forefront groups of women carrying pictures of sons who had died during the Sandinista overthrow of dictator Gen. Anastasio Somoza in 1979. The women were urged to ask the pope to pray for their son's souls, which in the Sandinistas' eyes would have allied him with their struggle.

"He didn't want to do it because if he had, it would have meant he was in solidarity with the communist army," Bolanos said. As the pope began praying on another subject, one of the women gained control of the microphone system and begged him to pray for her son the martyr. Her act was "practically a sacrilege, an act of total disrespect," he continued.

The pope left the square without finishing the prayer, Bolanos said. The disruption "was a success, because many people thought the lack of respect was spontaneous, and that the pope was simply against the revolution."

The church in Nicaragua originally backed the Sandinista government but in 1980 Archbishop Obando y Bravo began complaining of growing censorship and repression of dissent. He became a major target of surveillance after the pope's visit, Bolanos continued. When the archbishop tried to remove a priest favorable to the Sandinistas, mobs were organized to pose as parishioners, take over the church and beat up the new priest, according to Bolanos.

Lenin Cerna, head of the Interior Ministry's department of state security, issued written orders that all existing information and all new material on the bishop was to be sent to an analysis center, and the order was posted on intelligence office walls, Bolanos said. "They are collecting all the information to design a plan to destroy him."

An earlier part of that effort involved the archbishop's spokesman, the Rev. Carballo, who initially came under Bolanos' jurisdiction because of Carballo's friendship with many Americans in Nicaragua. Bolanos said he was told that the F4 section of the security operation—assigned to keep track of the churches, unions and political parties—was planning to use a prostitute "known and used by all the Sandinista high command" to disgrace Carballo.

The prostitute, named Marixas, posed in 1982 as a penitent asking Carballos' counsel on personal problems. She tried to win Carballos' confidence, hoping eventually to seduce him, Bolanos said.

Finally, while the two were talking over lunch one day last August, an F4 agent burst into the room, pretenting to be the woman's husband. He attacked the priest, ripping his clothes off, and pushed him into the street where people organized by the F7 unit were waiting with cameras. Also waiting outside was a van with dark windows, in which Cerna and Interior Minister Tomas Borge had front-row seats from which to laugh at the naked priest, Bolanos said

Government media played up the event, claiming Carballo had been caught in a love triangle. The archbishop—correctly, Bolanos indicated—said the whole incident had been "a show to slander the church."●

SOVIET OPPRESSION OF LATVIA, LITHUANIA, AND ESTONIA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ACKERMAN. Mr. Speaker, I rise to pay homage to the spirit of freedom as exemplified by the continuing struggle of the Baltic peoples in their resistance to Soviet repression.

I believe a bit of history is appropriate when speaking of the Baltics. It was mid-June 1940 that the most recent wave of oppression against the brave peoples of Latvia, Lithuania, and Estonia began. From 1940 to 1945 these three States on the eastern shores of the Baltic Sea suffered mass deportations, repression, and death at the hands of first the Soviets, then the Germans, and again—and still—the Soviets.

While World War II left a legacy of numbers—we will never forget the number 6 million—there were significant numbers from the Baltic States also. The first year of Soviet occupation saw mass deportations and executions. Estonia lost more than 60,000; Latvia about 35,000 and Lithuania about 45,000. Most of these persons

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were considered class enemies of the Soviet Union.

After the German occupation of these countries in June 1941, the area's Jews suffered particularly. The Nazis wiped out 190,000 Jews in Lithuania, about 90,000 in Latvia, and about 4,500 in Estonia.

The sacrifices did not end there, however. In the fall of 1944 the Soviets returned to the area and another quarter of a million compatriots fled before the advancing Soviet Army. Those that did not flee have been under the thumb of the Soviet Union ever since. It is a thumb that has been especially repressive as it has attempted to strip the Latvians, Lithuanians, and Estonians of centuries of grass roots nationalism.

Yet, as it was reported in the September 25, 1978, U.S. News & World Report:

> Spontaneous anti-Russian outbursts repeatedly emphasize how peoples of the three states oppose any and all attempts to erase their national identities in the campaign to create a single "Soviet man."
>
> Not even harsh Moscow-imposed measures and an effort to turn the Baltic region into the Soviet Union's most economically advanced area have been successful in pruning Estonia, Latvia, and Lithuania from their ancient roots. Instead there has been a resurgence of anti-Russian feelings and a very stubborn burgeoning of Baltic nationalism.

It is this spirit that I applaud. And it is the continued refusal of the United States and other NATO nations to legally accept Russian authority over the Baltics that I rise to affirm.

By such resolutions as House Joint Resolution 201, which has resulted in Public Law 98-39 and the proclamation of Baltic Freedom Day, we export hope to the peoples of the Baltics and to other freedom fighters around the world that their struggles are not forgotten.●

THE DECISIONMAKERS' VIEWPOINT OF NUCLEAR POWER

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MORRISON of Washington. Mr. Speaker, despite the controversy which surrounds nuclear energy, the vast majority of decisionmakers favor continued commercial expansion of this energy resource. The one exception consists of those antinuclear spokesmen from activist and environmental organizations. These few dissenters of nuclear energy have successfully overcome the industry, regulatory, congressional, and expert decisionmakers and now seem to dominate the policy discussion on the future role of nuclear power.

This is the conclusion of a new survey conducted by Robert L. Cohen, a project director at the Research Institute on International Change at Columbia University, and S. Robert Lichter, an assistant professor of political science at George Washington University. Their conclusions were printed in the March/April edition of the American Enterprise Institute Journal on Government and Society, "Regulation."

I have become increasingly concerned, Mr. Speaker, that the nuclear power debate is being governed by appeals to emotionalism and single-issue politics, not by technical, scientific, and economic factors. The Cohen and Lichter study illustrate this point and I urge other Members to review their conclusions and the implications it has for the future of nuclear energy development.

Condensed excerpts of the Cohen and Lichter article follow:

Since the 1979 accident at Three Mile Island, there have been no new orders for nuclear plants and many well-publicized cancellations. Of all the reasons for this, one looms large. In the past decade, nuclear power has been transformed from an area in which professionals and policy makers had considerable leeway for making decisions to one in which the "nonexperts" call the shots. Increasingly, activist groups, concerned citizens and, especially, the mass media have played an instrumental role.

Here we look at another aspect of the nuclear energy debate. As public opinion on nuclear power has soured, the regulatory environment in which policy is implemented has toughened. With the increased public concern has come far closer governmental oversight. Initiatives from the nuclear industry meet with suspicious scrutiny at the Nuclear Regulatory Commission and related agencies. Congressional and regulatory hearings have multiplied, and their critical tone has grown sharper. It would be easy to conclude that the decision makers in the nuclear field are now as wary of nuclear power plants as the man in the street.

But appearances can be deceiving. As a result of our survey of scientific experts, for example, we discovered them to be far more supportive of nuclear development than many had thought. The only way to find out their true opinions was to ask them. Taking the same approach with decision makers in the nuclear field, we found equally surprising results—which are reported here for the first time. It turns out that most regulators, congressional leaders, outside experts, and financiers are as united in their support of nuclear energy development as are industry executives. The antinuclear perspective is represented almost entirely by the heads of activist groups and a few scattered allies in Congress, the Environmental Protection Agency (EPA), and the Energy Department. They diverged from the majority not only in their assessment of the costs and benefits of nuclear power but also in their overall perspective on the energy issue.

Clearly, a relatively few dissenters have played a major role in blocking nuclear development. Precisely what they think, how they differ from other decision makers, and what this implies for the regulatory process is our subject here.

TABLE 1.—POLICY PREFERENCES ON NUCLEAR ENERGY DEVELOPMENT

[In percent]

	Activists (N=12)	Industry (N=127)	Financiers (N=18)	NRC (N=31)	Other regulators (N=24)	Congress (N=20)	Experts (N=42)
Proceed rapidly	0	93	94	65	54	40	69
Proceed slowly	0	5	6	35	25	40	26
Halt development	33	2	0	0	8	20	5
Dismantle plants	67	0	0	0	13	0	0

TABLE 2.—GENERAL ATTITUDES TOWARD NUCLEAR ENERGY

[In percent]

	Activists (N=12)	Industry (N=127)	Financiers (N=18)	NRC (N=31)	Other Regulators (N=24)	Congress (N=20)	Experts (N=42)
Risks unacceptable	100	2	0	4	37	25	12
Very confident we can solve problems	0	94	61	72	60	43	74
Plants unsafe	100	2	0	7	28	28	5
Would live near reactors	0	97	83	94	60	53	88
Energy crisis is extremely serious	75	61	39	42	35	71	48
U.S. energy needs will not increase	50	0	6	0	13	10	7

So the pattern is clear. Majorities of all decision-making sectors save the antis want to move ahead rapidly with nuclear development, would accept the risks involved, and pronounce nuclear power plants safe enough for their own "backyards." The leaders of the activist groups are unanimously opposed to all these propositions.

Every other category believes that nuclear development should be guided primarily by technical and economic considerations, and all but one (the other regulators) find moral issues least important. But the antis look first to environmental, social, and moral factors, and last to science and technology. So most decision makers approach nuclear policy from an instrumental perspective, balancing costs and benefits. For the antis, it is a moral issue to be assessed in terms of broader social values. Small wonder that these activists have little in common with other players in the regulatory game. They disagree on the very rules by which the game should be played.

IMPLICATIONS

What might these results tell us about policy making in the nuclear arena? On particular issues, the anti-nuclear and environmental group leaders find some allies in Congress and government regulatory agencies, which may go far toward explaining their success in getting their viewpoint across. Nevertheless, they differ dramatically from all other decision makers in their assessment of virtually every aspect of nuclear power. Yet their outlook need not reflect irrational or malignant distrust of the "experts," as some industry sources have charged, but simply the view that scientific, technical, and economic considerations must take a back seat to broader questions of morality and social philosophy. The implication, however, is that "cost-benefit" analyses and empirical findings on nuclear power issues will not convince the activists and their followers. Their internally coherent perspective renders such argumentation irrelevant.

All other sectors take the basically pragmatic position that the benefits of nuclear technology should be weighed against its risks and other costs, and all agree that in practice the risks are worth it. They see some problems, but in general do not find them insurmountable. Not only is this rosy view held by top nuclear industry executives, but it is shared in substantial part by the financial community, the NRC, and outside energy experts. The NRC in particular emerges as a bastion of support for nuclear power. This may represent an instance of regulatory capture—where the agency becomes the protector and booster of the industry it regulates. Yet many of the NRC's views are affirmed by the outside experts and, we should add, also by the wider scientific community. Moreover, there is considerable acquiescence, probably broader now as a result of personnel changes following the 1980 elections, from Congress and from EPA and Energy Department officials as well.

In spite of this impressive pro-nuclear consensus among key decision makers, both public opinions and the nuclear regulatory process have moved in recent years toward the preferences of the activists. This suggests that the anti-nuclear and environmental group leaders have acquired a kind of veto power over nuclear development. How they have managed it is quite another question. The explanation, discussed in the Public Opinion article, is the strength they have drawn from two circumstances—the fact that anti-nuclear scientists are much more "political" than pronuclear scientists and the willingness of sympathetic national media to convey anti-nuclear arguments to the general public.

Considering their isolation, the antis have done a remarkable job of combating the combined forces of a powerful industry, sympathetic regulators, and even outside experts who overwhelmingly favor nuclear development. What has helped them is their skill at practicing the increasingly familiar art of single-issue politics. They have stymied the traditional players on the regulatory field by not playing a traditional game. It seems increasingly clear that, in the contest for nuclear energy's future, they have won to their side the one ally that counts—the American public.●

NICARAGUA CHARGES "ZIONISM" IN CENTRAL AMERICA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HYDE. Mr. Speaker, in a recent interview in New York City with Righidah Dirgham of Al-Hawadith, Miguel d'Escoto, foreign minister of Nicaragua, had some interesting things to say about U.S. foreign policy with respect to his country. He had some trenchant comments about "Zionism," as well. Here are some excerpts from the interview as reported by the Foreign Broadcast Information Service on June 3, 1983:

> Foreign Minister D'Escoto: . . . those who sympathized and agreed with Somoza's rule cannot accept a real national democratic government. Those who support Zionist aggression against Lebanon and the Palestinians, who prevented the Security Council from shouldering its responsibilities toward the Zionist crimes, who support South Africa's racist regime, who loved the former shah and Somoza—what can be expected of them? Can we expect them to follow the course of real democracy?
>
> Question: Is there a military link between Israel and some Central American states that actually influences the development of events in the area?
>
> Answer: There is absolutely no doubt of that. What is the Zionist regime if not an embodiment of the U.S. infiltration and the domination that Washington intends to impose on the Middle East? They have previously used the Zionist government to carry out what the U.S. Government could not do directly. Under the Somoza regime it was difficult for the U.S. Administration to back him, so it relied on its client, Israel, to send arms to Somoza on its behalf. Now history is repeating itself. And for this reason that "horror," Sharon, visited Honduras. At the end of his visit he announced that he had agreed to sign a military cooperation agreement of unprecedented magnitude with the Honduran government.
>
> Question: You mean that Israel's role in Central America is that active . . .?
>
> Answer: There is without a doubt a real danger in Latin America, and particularly in Central America, actually stemming from Zionist infiltration and intrusion.
>
> Question: How great is the Israeli military involvement?
>
> Answer: I cannot pretend to know the figures or the extent of involvement at this moment, because I don't have them available. But I can affirm that military aid and cooperation with some Central American countries known for their repressive regimes have been and still are large in proportion. At this time in particular the proportion of such aid is greater than ever before.

There is more but the reader has probably by now got the idea.

It is plain to me that the Nicaraguan Government is becoming very defensive of late with regard to information seeping out on the activities of Libya and the Palestine Liberation Organization (PLO) in Nicaragua and other parts of Central America.●

A TRIBUTE TO POPE JOHN PAUL II

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GUNDERSON. Mr. Speaker, today I would like to pay special tribute to the words of Pope John Paul II of this most recent pilgrimage to Poland. With courage and clarity he has reaffirmed the principles of freedom and human dignity upon which our own Nation has been founded.

Delivering a mass on Sunday the Pope chose to address the most delicate and controversial issues for all Soviet bloc countries: human freedom and national sovereignty.

The pontiff declared that:

> A nation is only truly free when it can shape itself as a community determined by unity of culture, language and history. The state is firmly sovereign when it governs society and allows the nation to realize its own identity.
>
> The sovereignty of the state is deeply linked to its capacity to promote the freedom of the nation and develop conditions that commit the nation to express all of its distinctive historical and cultural identity.

The Pope demonstrated his willingness to speak out on sensitive political and moral issues and make clear his support for the ideals of the banned Solidarity trade union.

In Katowice, Poland's industrial heartland, the pontiff proclaimed that God, not the state, gave workers the right to form free trade unions.

About the people's right to free association, he said:

> This is not given to us by the state. The state has the obligation only to protect and guard it so that it is not violated. This right is given by the Creator, who made man as a social being.

Among the fundamental human rights identified by the Pope were "the right to freedom of conscience and religion to sovereignty, and the right to human work."

In bold endorsement of the efforts of Lech Walesa and the Solidarity

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movement, he proclaimed: "The Christian doctrine of work postulates both the solidarity of workers among themselves and the need for honest solidarity with workers."

As Americans we so often take this most fundamental right for granted. Yet, nations throughout the Soviet bloc risk their own lives and the safety of their families to bring this to bear.

The pontiff called on all Poles to take pride in their heritage and their nation's traditional struggle for such freedom.

"Perhaps at times we envy the French, the Germans, or the Americans because their name is not tied to such a historical price and because they are much more easily free, while our Polish freedom costs so much. We do not want a Poland that costs us nothing," he said.

In his statements throughout the week the Pope continually commended the work of Lech Walesa as a man who "stood up for himself with the Gospel in his hand and a prayer on his lips."

We must all similarly commend Pope John for standing up for himself, Christians throughout the world, and the Polish nation still striving for freedom. He delivered his message with conviction and courage.

Speaking of the solidarity which has drawn the Polish nation together in one voice against an oppressive government, the Pope said: "May this good thing which appeared in so many places and in many ways never cease on Polish soil."

May the words of the pontiff's bold proclamations for freedom and national sovereignty be heeded around the world as solace for nations still struggling for freedom and thanksgiving for those already having achieved it.●

BULLETS OR BALLOTS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to call to the attention of my colleagues a commentary by William Randolph Hearst, Jr., which strongly endorses President Reagan's program of assistance to El Salvador. Mr. Hearst views land reform and free elections, which the United States has continually advocated, as the first step toward much-needed reform in that country. Mr. Hearst's comments are timely and should be given serious consideration.

BULLETS OR BALLOTS

(By William Randolph Hearst, Jr.)

NEW YORK.—The war over Central American policy has been heating up in Congress as rebel and regime armies battle it out with mortal gunfire in the scarred, strategic regions on our doorstep. In the escalating arguments in Washington, the essential issue being debated seems to me: Should the administration be more concerned with defeating leftist guerrillas in El Salvador and their supporters in Nicaragua or try crash programs to correct economic ills?

I don't see how you can even attempt meaningful reforms unless outside threats are removed. In this respect, I wholeheartedly endorse President Reagan's program in which he told the country of the need to restructure the Salvadoran army where we have sent less than 100 specialists. The neighboring Marxist-led Sandinista junta, which has Cuban "advisers" and Soviet-run technicians, keeps infiltrating El Salvador with weapons with the goal of overthrowing its elected government.

It's a weird situation, namely, 1) let's not be overly nasty to the Communists but 2) hold off substantial assistance to beleaguered Salvadorans. So I think that it's time to take a hard look and try to understand what gives in this raindance fancy our legislators perform for the public.

There are many things wrong down in those little Central American republics which we traditionally ignored. Land reform should be a "must," giving farmers the will to fight for their own property. Then, free elections. A little over a year ago El Salvador held free elections under guerrilla guns and threats.

What happened? The people at great risk voted resoundingly, "No," to the guerrillas. The leftists, having refused to participate in the elections, bided their time. In the last few months their roaming bands have slaughtered peasants, burned villages and the other day tortured captured government soldiers before killing them savagely. Hardly a way to capture minds and hearts, I'd say.

This is the desperado outfit which the Sandinista junta supplies with so many tangled trails out of Nicaragua. Reneging on elections is nothing new to the Marxist-Leninist ideologues who run the Nicaraguan regime. After loftily promising twice free and unfettered elections for Nicaragua since taking power in 1979, masterminds down there just decided "No" again.

One of the glib reasons offered for no elections was the presence of two anti-Sandinista forces, one driving from the northwest down and the other up from the southern jungles. The regime says a national alert is, therefore, essential, so elections are out.

It also tried to strike a super-nationalist pose by charging that three American diplomats conspired to poison or incapacitate the Nicaraguan foreign minister, a self-made mediocrity until the junta gave him notoriety. The Americans were expelled. But the next day, the U.S. responded vigorously by ordering the expulsion of 21 Nicaraguan consular officials and closing all six consulates in this country. The Nicaraguan consul in New Orleans, ironically, has applied for political asylum.

The action is certain to spark partisan debate on the part of some Democrats who already are mumbling about "reckless" reaction by the administration. One of the leading double-domers I have in mind is U.S. Sen. Alan Cranston, D-Calif. He also happens to be what I call a rhetorical room-clearer, using innuendo but never saying what he means.

Long ago a declared candidate for the Democratic presidential nomination, I have a hunch that Sen. Cranston is really trying to build himself up to run for a third six-year term as senator in 1984. His party's own polls show him consistently with 1-to-2 percent national popularity rating. Conversely, straight-from-the shoulder criticism of administration policies is cause for concern. It comes from Sen. Nancy Kassebaum, R-Kan. She usually supports the president but sincerely believes that in El Salvador there are similarities with mistakes committed in Vietnam.

Now Mrs. Kassebaum was bred into politics. Her father, Alf Landon, was the Republican presidential nominee in 1936 and had been governor of Kansas. After her election to the Senate, Sen Kassebaum led a congressional delegation last year to observe the vote in El Salvador. She also helped shape a recent partisan compromise to continue economic aid with reduced military assistance. Sen. Kassebaum is a thoughtful and thorough legislator. She doesn't try to score cheap shots but warned: "Salvadorans must learn to fight their own war."

More in sadness than in a vein of I-told-you-so, she observed: "It's hard to understand why a guerrilla force of some 5,000 troops should be gaining the initiative against more than 20,000 government troops."

Drew Middleton, respected military affairs writer for the New York Times and an old friend of mine, supplies part of the answer when he was in El Salvador some time ago. Drew wrote that the officers were "9-to-5 soldiers," and had to be hauled away from boarding planes for weekends in the capital, San Salvador. Obviously, that must be changed and that's why we have Salvadoran officers and troops being trained in nearby Honduras and some up here in the States.●

WNVC OPEN HOUSE MEDIA DAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WOLF. Mr. Speaker, today is a day for celebration in Fairfax County in the 10th Congressional District of Virginia. WNVC, channel 56, the Nation's latest public television station, is having an Open House Media Day in recognition of its new broadcast capabilities which became available this month.

This Virginia station, Mr. Speaker, is an independent public television station not affiliated with the Public Broadcasting System. Operating from Fairfax County, WNVC carries live proceedings of the U.S. House of Representatives over the open air waves throughout northern Virginia and with a strong enough signal to reach the National Capital area.

Covering legislative and executive events on the Federal, State, and local level, WNVC is truly a teleivsion station operating in the public interest. Because of channel 56, my constituents and other northern Virginia residents have available to them extensive daily news and public affairs programming, a concept rarely available in any other area of the country.

On behalf of the residents of the 10th Congressional District of Virginia, I extend to the WNVC advisory committee, its management and staff, a "thank you" for beginning broadcast this month. I also congratulate the officers and directors of Central Virginia ETV Corp. for their determination to bring to northern Virginia its own public television station.●

ARCHBISHOP HICKEY COMMENTS ON SUPREME COURT'S ABORTION DECISION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HYDE. Mr. Speaker, one of the strongest voices in protest at the United States Supreme Court's tragic re-affirmation of Roe against Wade last week is that of James A. Hickey, the Roman Catholic Archbishop of Washington. In a letter dated June 17, 1983, which was read in its entirety at all masses on Saturday and Sunday this past weekend, Archbishop Hickey expressed the feeling of millions of his fellow citizens at the abomination of abortion. His letter deserves my colleagues' thoughtful study:

ARCHDIOCESE OF WASHINGTON,
Washington, D.C., June 17, 1983.

My brother and sisters in Christ, the June 15, 1983 decisions of the Supreme Court of the United States concerning abortion are a tragic mistake. The Court had the opportunity to invoke the honored principles of human life and dignity which are at the very foundation of this country and to defend the rights of all persons born and unborn, to life, liberty and the pursuit of happiness. The dignity of everyone is dishonored by decisions which promote less expensive or easier ways to dispose of persons created in the image and likeness of God. The common good is harmed by this increased facility to destroy human life.

Out of reverence for all human life, my brother bishops and I recently issued a strong warning with regard to the possible destruction of millions through nuclear warfare. We have deplored the senseless killings of so many in the conflicts which disfigure Central America. And as Americans and Christians, we have repudiated the dreadful slaughter of millions of Jewish and Christian victims in Hitler's concentration camps.

With even greater horror I see this new decision, reinforcing Roe vs. Wade, as granting continued legal sanction to a genocide larger and more insidious than the death camps of Europe or the nuclear bomb. To take the life of an innocent human being, to deny that child the elementary right to be born, raised and educated is an affront to every one who treasures human dignity and believes in God as the Author of Life. These decisions permit an expanded exploitation of racial minorities, of teenagers and of others who are susceptible to the economic and other social pressures of our day.

As Archbishop of Washington, I call upon each and everyone of you to unite in defense of human persons still unborn. We must defend them by those means which are ours as citizens. I pray also that all will come to see abortion for what it is: an abominable crime against God and humanity.

In the meantime, we must continue to translate our concern into an even wider range of supportive and caring services for those who choose life over death for an unborn child. May God give us all the strength to pursue the moral principled choice for life.

Sincerely in Christ,
JAMES A. HICKEY,
Archbishop of Washington.●

THE IMF BILL: IN OUR OWN INTEREST

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. NEAL. Mr. Speaker, the House soon will be considering important legislation to strengthen the International Monetary Fund. The purposes of this bill are widely misunderstood. Some Members mistakenly view it as a bailout of big banks; others consider it a foreign aid giveaway.

The truth is, the IMF bill could be called a jobs bill for U.S. workers. A stronger IMF is essential to the functioning of a world trading system in which our country has an enormous stake. Our reports of goods and services account for more than 10 percent of our gross national product; these sales support thousands of American jobs.

Consider what happened last year when Mexico, our third largest foreign customer, reduced its purchases from the United States by $6 billion because of its debt problems and the recession. That cutback cost us, by conservative estimates, at least 120,000 jobs, helping to push our unemployment rate well above 10 percent.

We are not likely to generate a full economic recovery in this country until we sell more goods and services on the world market. And we are not going to sell more unless we help our customers and trading partners, through the IMF, to weather the recession and regain their ability to buy from us.

There are many good reasons for strengthening the IMF in these times, but we can vote for H.R. 2957, if for no other reason, because it is clearly in our own interest to do so.

In a recent article in the Journal of Commerce, Robert Solomon, a guest scholar at the Brookings Institution, explained with exceptional clarity the importance of the IMF bill to the United States. Without objection, I am inserting Mr. Solomon's article in the RECORD at this point. I commend it to anyone who wants a better understanding of this issue, or who has yet to be convinced to vote for the IMF bill.

The article follows:

[From the Journal of Commerce, June 8, 1983]

WHY CONGRESS SHOULD PASS IMF QUOTA HIKE

(By Robert Solomon)

It is reported that the legislation authorizing an enlarged U.S. quota in the International Monetary Fund is in trouble in the House of Representatives.

It seems hard to believe, at a time when the fact of international economic interdependence is so widely perceived, that some members of the House do not see the importance to the United States of an actively functioning IMF.

American exports of goods and services have increased, as a proportion of our gross national product, from 5 percent 30 years ago to more than 11 percent now. For many industries and for agriculture, export sales are a mainstay. Our economy and our financial system are inextricably bound up with what happens in the rest of the world.

These linkages have been dramatically demonstrated in the past year when one developing country after another encountered difficulty in servicing its debts. Mexico and Brazil, among other countries, sharply curtailed their imports, even before they approached the IMF. One result was a further decline in U.S. exports, which were already falling because of recession in the other industrial countries and the high value of the dollar.

The debt problem became critical for the world economy when the commercial banks around the world, which had been providing credit on a large scale to the advanced developing countries since the early 1970s, abruptly reduced their lending in mid-1982.

Yet countries with current account deficits cannot be expected to eliminated such deficits overnight. These countries need a continuing inflow of capital, just as the United States depended on borrowing from abroad, especially from England, in the 19th century.

The IMF proved its usefulness by requiring, as a condition for its own loans to the debtor countries, that the commercial banks increase their lending. This was a function that no individual government could have performed.

The Fund's unique role as an international monetary institution gave it the power and influence to see to it that funds continued to flow to the debtor countries. If this had not happened, enormous economic and financial disorder would have occurred in the world economy.

How does one demonstrate to recalcitrant members of the House that the functions of the IMF are so important? The very success of the Fund in preventing chaos also deprives us of the evidence to show how crucial the Fund is. If a system of health care prevents disease, doubting Thomases can always point to the absence of disease if they wish to disparage the importance of the health-care system.

While the debt problem is being handled—albeit with uncertainties—it will be with us for a number of years. Economic recovery in the industrial world, not only in the United States but also in Europe and Japan, is a necessary condition for the developing countries to increase their exports and therefore re-establish their ability to finance their vital import needs and also meet interest payments to their outstanding debts.

Worldwide recovery is far from assured, even though the United States is solidly on an upward growth path. Moreover, interest

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rates remain high in the industrial countries and this too burdens the balance of payments positions of the developing nations.

Thus there will be a continuing need for the IMF to lend and to use the leverage that its lending potential gives it.

How does one demonstrate to the recalcitrant congressman that the meeting of this need is in the vital interest of the United States?

One points out that American exports and therefore American jobs are at stake. But, we may be told, Brazil and Mexico have reduced their imports and this is hurting the United States. True, but in the absence of the activities of the IMF described above, Brazil and Mexcio would have had to slash their imports much more severely.

We may be told that what the IMF is doing is bailing out the banks, which are alleged to have loaned recklessly to the developing countries. This notion has a certain appeal to some American congressmen. But it can be shown to be incorrect.

First of all, the economic performance of the major developing-country borrowers was highly impressive until the last two years when recession and high interest rates in the industrial world hit them hard. The Brazils and Mexicos grew fast and exported successfully throughout the 1970s. They must have been putting the borrowed funds to good use.

Second, the commercial banks are not being bailed out. As has so often been said, they are being bailed in, since the Fund is requiring the banks to increase their exposure to the debtor countries. Not a cent of the money loaned by the IMF is going to repay debt to banks.

What does one say to a congressman who has seen cuts in non-defense federal spending in his district and is therefore reluctant to vote for an increase in funding for the IMF?

One answer is that the Fund quota increase is not in the budget and is therefore not competing with budget dollars that might be spent in his district. A related answer is that whether or not the enlarged IMF quota is authorized, there will continue to be pressure to reduce "out year" budget deficits.

The more basic answer is that an increased U.S. quota in the Fund is not some form of giveaway by the United States. We are joining with the other 150 members of the IMF in assuring that it can continue to perform its vital functions on which all countries are dependent.

The congressman's constituents will be worse off if the Fund is not able to carry out these functions because American exports will be lower, because instability in other countries will harm us, and because a healthy world economy benefits Americans in countless ways.

Write to your congressman!●

DEFECTOR SAYS SALVADORAN REBELS CLOSELY TIED TO SANDINISTAS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, Nicaraguan support for the Salvadoran rebels can no longer be questioned. A wide variety of sources have provided evidence of the Sandinista role in backing the leftist guerrillas in El Salvador. Most recently, a defector from the Nicaraguan counterintelligence agency provided extensive descriptions of Nicaraguan aid for the Salvadoran guerrillas. I urge my colleagues to consider the evidence he offers.

DEFECTOR: SALVADORAN REBELS CLOSELY TIED TO SANDINISTAS

Top commanders of the leftist rebels fighting the U.S.-backed government of El Salvador are frequently in Managua, Nicaragua, where they are in constant touch with Sandinista officials about questions of arms supply, strategy and tactics, according to a defector from the Nicaraguan counterintelligence agency.

Miguel Bolanos Hunter, echoing charges long made by the Reagan administration, said Nicaragua has been providing guns, advice, coordination and training to the guerrillas in El Salvador since they began trying to overthrow the government there in 1979.

However, "a river" of arms shipments from Cuba and the Soviet Union through Nicaragua to El Salvador has all but stopped, Bolanos said, because "they now have five times more than what we had against [ousted dictator Gen. Anastasio] Somoza."

Bolanos claimed that Nicaragua has become "a new Cuba" in training guerrilla forces from throughout Latin America. As a Sandinista official charged with working against the U.S. Embassy, Bolanos said, he met visiting guerrilla leaders from Colombia, Argentina, Chile, Guatemala, Costa Rica and El Salvador, all of which have centers of operation in Managua.

The Salvadorans have two houses in Managua's residential Las Colinas district, one a communications center and the other a "safe house" for visiting Salvadoran guerrillas and for meetings with Nicaraguan officials, Bolanos said.

Visiting Salvadorans also use houses belonging to Nicaraguan officials, and some of the guerrilla chiefs are in Managua more than they are in El Salvador, he continued. "They fly over to the mountains for a day to boost the morale of the troops and fly out again at night sometimes," he said.

Nicaragua is better than Cuba as a training base for guerrillas because it has regular commercial air transport and permeable borders, while Cuba's island status makes it hard for guerrillas to come and go without being spotted, he said.

Bolanos said he had fought during the 1979 Sandinista takeover of Managua with a Salvadoran known as "Memo," who then returned to El Salvador and became second in command of the guerrilla units fighting in Morazan province in northeastern El Salvador. Bolanos said he encountered Memo in Managua last October, "and he said they were using the same methods to get arms as we used in Nicaragua."

These methods, Bolanos continued, included twice-daily airplane flights to barricaded sections of highway in guerrilla-controlled areas. Each plane carried 30 to 40 guns, he said, and medicine and ammunition often were dropped by parachute, while other arms came concealed in trucks or overland on mules.

His cousin, Miguel Guzman Bolanos, is in charge of arms distribution in Nicaragua, Bolanos said, and told him that Luis Carrion, a member of the Sandinista directorate, had been promised in a 1980 trip to the Soviet Union that the Soviets would provide the Nicaraguans two AK47 machine guns for every weapon they gave the Salvadoran guerrillas. Those included U.S.-made guns the Sandinistas obtained from Cuba, which in turn got the guns from Vietnam, Bolanos said.

Managing the arms flow to El Salvador could be annoying, Bolanos continued. A friend of his, Richard Lugo, a navy chief, was upset one evening at being called and told to go to an Atlantic coast port at midnight to meet a Cuban boat loaded with guns for El Salvador.

"He had an arrangement with a woman friend that night and he didn't want to go," Bolanos said. "He said it was too bad that somebody always had to be standing behind these Salvadorans and taking care of them."

Bolanos described the aftermath of the murder in Managua last April 6 of Salvadoran guerrilla leader Melida Anaya Montes, which he said occurred across from the house from which Bolanos' agents were watching the nearby residence of a U.S. Embassy political officer. Bolanos' superior, Lenin Cerna, director of the Interior Ministry's department of state security, accused the Sandinista party's foreign affairs head, Julio Lopez, of having failed to guarantee the guerrilla leader's security and of failing to let Cerna know about the arrangements.

Montes was betrayed to her killers by her cook and one of her security guards, Bolanos said, and was killed for "political reasons—she was just back from Cuba and wanted to have more dialogue between the guerrillas and the Salvadoran government."●

SUPREME COURT'S ABORTION RULING

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MAZZOLI. Mr. Speaker, I join all of those who support full protections for the unborn in expressing my disappointment over the Supreme Court's June 15 abortion ruling.

President Reagan is right on target when he suggests that abortion now more clearly than ever is a legislative issue for the Congress to handle. And, I intend to do everything possible to see that Congress adopts corrective legislation.

Respect for the sanctity of human life must be consistent, whether one is considering a freeze on nuclear weapons; a halt to funding for nuclear weapons systems; or jobs, health care, housing, and other forms of humanitarian assistance; equal protection under the law; or, of course, abortion.

I urge my colleagues with whom I have consistently joined in supporting measures to upgrade the quality of life for the born to join me in supporting the extension of full legal protections and safeguards to those most innocent of persons, the unborn.

Specifically, I hope we can quickly gain the necessary signatures on discharge petition 3 and bring the Respect Human Life Act of 1983 to the floor for a vote. And, I continue to work for the day when we can gain the passage of a human life constitutional amendment.●

SOCIAL SECURITY DISABILITY CLAIMS PROBLEM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SKELTON. Mr. Speaker, the Springfield Daily News recently had an editorial concerning the social security disability claims problem. You will recall that, Mr. Speaker, the hearing that was held on this issue last year and the legislation that we passed to correct part of this problem. I was pleased to have been in the forefront of that issue along with the gentleman from Florida (Mr. PEPPER) and the gentleman from Texas (Mr. PICKLE).

The regulations recently promulgated by the Secretary of Health and Human Services will help the situation considerably. However, it does not undo the heartbreak and suffering previously caused.

I commend the article from the Springfield newspaper to the Members of this body:

DISABILITY REFORMS COMFORTING

It's too late to prevent the heartbreak and the suffering.

Yet it's comforting news that the Reagan administration has decided to exempt some 335,000 people with functional psychotic disorders and other diseases from Social Security reviews.

The question is whether this reform goes far enough in correcting the problem. Congress may have to pass laws to spell out exactly how disability claims are to be decided.

The past harsh policy, as chronicled by columnist Jack Anderson and others, led to numerous suicides. It also led to heartbreak for innocent people and sentenced others who are unable to function in society to their deaths.

Does the new policy prove the administration has a heart, after all, or is it trying to head off stronger reform that it might find distasteful?

Health and Human Services Secretary Margaret M. Heckler, who voted when she was a member of Congress for the bill that ordered periodic reviews, says steps will be taken to avoid tossing "innocent and worthy" people off the rolls.

Since March 1981, some 355,000 disability beneficiaries have lost their checks. This is 46 percent of all people given reviews. On appeal, 89,000 have been reinstated.

But those dumped earlier will not be reinstated because, according to Mrs. Heckler, they did get a fair hearing through appeals. Those with mental impairments will be rechecked—once new standards are devised.

Others will be exempted from review: people with IQs between 60 and 69 and one additional impairment; and disabled workers 55 or older with such impairments as severe arthritis, chronic brain syndrome, loss of a limb or cerebral palsy.

Even more reassuring is a new approach that randomly selects cases for review. The former policy—believe it or not—targeted cases for review that were considered most likely to lead to cutoffs of aid.

The mentally ill among the 2.6 million receiving checks comprise 11 percent of the total. But, Congress says, they have been involved in 28 percent of the cutoffs. Is it any wonder so many protests have been heard?

The savings under the new, more humane rules will be some $200 to $300 million in the next two years—nothing to sneeze at, of course.

But isn't there a voice in each of us that exclaims: The price is well worth it.●

FREEDOMS FOUNDATION AWARD

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, I take great pleasure in announcing in the CONGRESSIONAL RECORD that Richard E. Knie, lieutenant colonel USAF (Ret.) from Charlotte, N.C., has been selected by the National Awards Jury of the Freedoms Foundation at Valley Forge to receive a Freedoms Foundation Award in June 1983. This award is being given as a result of his address entitled "The Greatness of America."●

INTRODUCTION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ORGANIC ACT

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. FORSYTHE. Mr. Speaker, together with several of my colleagues on the Merchant Marine and Fisheries Committee, I am introducing today legislation which establishes the National Oceanic and Atmospheric Administration (NOAA) as the lead, independent, civilian oceans and atmosphere agency within the Federal Government. The legislation also sets forth a national policy for the oceans, coastal environment, and atmosphere, and creates a NOAA charter with the objective of codifying existing agency responsibilities. A critical impetus for this legislation is the recent Presidential announcement of a proposal to abolish the Department of Commerce and create a new Department of International Trade and Industry. The trade initiative, which I support, was accompanied by an administration endorsement of the creation of NOAA as an independent agency. Legislation similar to the bill we are introducting today was introduced late last week by members of the Committee on Science and Technology which shares jurisdiction over many of the NOAA programs.

On several occasions in the past weeks, I have expressed the optimism with which I look at the coming age—the new decade—in oceans policy. A primary challenge of the 1980's and 1990's will be to sustain the United States continued leadership in the oceans. In order to attain that goal, we must be prepared to reassess and examine a range of critical international and domestic oceans policy issues facing the United States, with the objective of developing and articulating a comprehensive oceans policy. Such a comprehensive, long-range national oceans policy is central to realizing the potential of the world ocean and the benefits to be derived from oceanic and coastal development. I believe the need for a comprehensive ocean policy demands the establishment of an independent oceans and atmospheric agency and it is to that end that I am introducing this legislation today.

There is a clear need for a NOAA Organic Act and for the creation of an independent oceans, coastal, and atmosphere agency. The National Oceanic and Atmospheric Administration was established within the U.S. Department of Commerce by Reorganization Plan No. 4 of 1970. NOAA now operates under or is affected by over 100 Federal statutes. NOAA accounts for roughly 60 percent of the budget and 40 percent of the employees of the Department of Commerce. Its responsibilities are set forth in terms of a variety of functions transferred from other Departments and agencies in the 1970 Reorganization Plan and through a number of new programs assigned to NOAA since 1970 through legislation and administration directives. The statutory authorities for NOAA are scattered throughout many different legislative acts. Enactment of these many authorities assigned to NOAA cover a long period of the Nation's history, beginning with the act of February 10, 1807 (2 Stat. 413), establishing a U.S. Coast Survey.

The 1970 organization of NOAA brought together the following agencies and programs from various Federal departments and agencies, administered under a myriad of laws and regulations:

The Environmental Science Services Administration from the Department of Commerce;

The Bureau of Commercial Fisheries, Marine Game Fish Research program, and Marine Minerals Technology Center from the Department of the Interior;

Elements of the Lake Survey from the U.S. Army Corps of Engineers;

The national sea grant program from the National Science Foundation;

The national data buoy development project from the Coast Guard; and

The National Oceanographic Data Center and the National Oceanographic Instrumentation Center from the U.S. Navy.

Since 1970, other responsibilities have been assigned to the agency by new legislation and administration directives. Major acts relating to oceans and atmosphere, passed during the last decade, assigning such functions to NOAA include:

The Marine Mammal Protection Act of 1972;

The Marine Protection, Research, and Sanctuaries Act of 1972;

The Coastal Zone Management Act of 1972;

The Endangered Species Act of 1973;

The Fishery Conservation and Management Act of 1976;

1976 Amendments to the National Sea Grant College and Program Act;

The National Climate Program Act of 1978;

The National Ocean Pollution Research and Development and Monitoring Planning Act of 1978;

The Deep Seabed Hard Mineral Resources Act of 1980; and

The Ocean Thermal Energy Conversion Act of 1980.

The creation of an independent agency accompanied by organic legislation is an affirmative effort to formulate a cohesive and coordinated policy and framework for the study, management, protection, and development of the oceans, coasts, and atmosphere.

Title I of the bill sets forth congressional findings, purposes, and policies of the act. The three explicit purposes of the legislation are to establish the National Oceanic and Atmospheric Administration as an independent agency, to enumerate the functions, powers, and responsibilities of the administration, and to encourage the development of programs within the administration necessary for a sound national oceanic, coastal, and atmospheric policy.

Title II formally establishes NOAA as an independent agency and sets forth the internal administrative framework of the agency. It designates the principal officers of the agency and enumerates the functions and responsibilities of the Administrator. The responsibilities of the Administrator include those assigned, delegated, or transferred to him under the act or any other statute as well as those assigned or delegated by the President. Section 204 lists the functions of the Administrator. The enumerated functions describe his current responsibilities under applicable statutes and directives and also clarify the authorities for certain NOAA activities currently extrapolated from existing law. Title II also sets forth certain powers of the Administrator aimed at enhancing his ability to carry out his responsibilities and perform the functions assigned to him.

Title III. addresses certain domestic and international coordination concerns of the new agency. It directs NOAA to insure that duplicative or inconsistent regulatory requirements are not placed on regulated industries or individuals. It also provides for international cooperation, including a meaningful role for NOAA in all international meetings and conferences relating to U.S. oceanic, coastal, and atmospheric interests.

Title IV rationalizes the many existing enforcement authorities of NOAA. The purpose of this section is to insure that NOAA can effectively enforce the laws which it administers.

Title V contains a series of miscellaneous provisions, including formal transfer of existing powers, functions, and responsibilities assigned to the current administration and pursuant to statutory authority or administrative or executive action to the administration established under the act. Title V also addresses transfer of personnel and interim appointments as well as the survival of administrative proceedings and suits at law. Finally, title V provides for the establishment of a more comprehensive and coordinated biennial authorization process.

Hearings are tentatively scheduled by the Merchant Marine and Fisheries Committee for later this summer on the creation of NOAA as an independent agency and accompanying organic legislation. During the committee's examination of this proposal, perhaps it is necessary to look beyond NOAA as presently constituted. It may be necessary to look at where other marine components are located throughout the Federal Government. Components of EPA and the Departments of the Interior and Transportation should be assessed to determine if they should be folded into an independent oceans agency.

Mr. Speaker, I look forward to the continuing dialog on the number of critical issues surrounding the establishment of NOAA as an independent agency and the enactment of organic legislation. I solicit the insights, views, and comments of my colleagues and others on this measure and urge the expeditious enactment of this very important legislation.●

MR. T—STEPIN FETCHIT REVISITED

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LELAND. Mr. Speaker, I would like to inform my colleagues about an article in the June 5 edition of the Washington Post written by Michael Wilbon entitled "Another 'Whitey' Stereotype."

The media has constantly bombarded its viewers with benighted images of black characters. The most recent example of this has been Mr. T. This article is a very enlightening analysis of televison's negative image of blacks. The parts that blacks are allowed to play on network televison are consistently limited to the comic or the thug. Mr. Wilbon examines the restrictions put upon black actors and actresses on televison and the adverse effects such restrictions have on America's viewing audience, especially children.

The article follows:

ANOTHER "WHITEY" STEREOTYPE—MR. T GIVES MEDIALAND ANOTHER PHONY IMAGE OF BLACKS

(By Michael Wilbon)

It shouldn't be too much just once every 30 years or so to ask for an enlightened black image. You keep hoping one day to switch on the tube and find a black professor, lawyer or somebody who presents himself intelligently—just anything other than fat, wisecracking maids and bonehead hucksters.

But apparently, Americans still are comfortable only with blacks who make them laugh. So we continue to embrace only unintelligent, comedic black images; the latest and most popular being Mr. T, the mohawked, monosyllabic savage who embodies all the stereotypes many blacks hate to see portrayed.

This minute, Mr. T is the most visible black man in America. After his role in "Rocky III" and a few months as a star of "The A Team," he has become hot enough to appear on the cover of People magazine.

Bulging muscles, gaudy gold chains, next to no clothes and short bursts of semi-speech. T is half-man, half-animal who looks like a slave and operates on intimidation. The man with the biggest muscles makes the rules. Some bad nigger, this Mr. T. The role doesn't allow him to challenge whitey with intellect, so he'll be just as happy kicking ass.

It would be nice to think that Americans are sophisticated enough to look at Mr. T as an implausible cartoon; to think that he's just a rags-to-riches ex-bouncer who makes a living with this stupid gimmick. The danger is, however, that too many people think Mr. T is somewhat reflective of black America.

There is little if any balance in television characters to show the difference. There's Fred Sanford, the junk dealer, bluffing his way through life. There's Florence, the maid, threatening anyone within reach. There's Benson, no matter how smart, still basically a butler. And now, there's Mr. T. telling People Magazine, "It takes a smart man to play dumb." Americans must not be ready to accept a black economist, wearing bifocals, coat and tie, walking down Wall Street and speaking intelligently. Maybe having a black editor on Lou Grant would have been too threatening.

It was particularly disturbing the other day that a youngster on 14th Street would express his admiration for Mr. T. then denounce Michael Warren, a talented black actor who plays a role too small in "Hill Street Blues."

Talk to a class of 6th graders at Burnside Elementary School in Chicago (where T grew up) and 29 of 31 will say they watch "A Team," because he's tough, he can beat anybody, he doesn't take any stuff, he talks cool, he wears a lot of gold.

It's an act that shouldn't be bought. Mr. T tells kids to stay away from drugs and in school and other things that are healthy and meaningful. Unfortunately, while the voice is saying one thing, the image is saying another. At some point in the near future, I hope, I'll be able to sit down and watch Mr. T, laugh and not be concerned that people will look at this man and think one image somehow reflects so many people. But as long as T's image is basically the only one blacks are allowed to project, I won't watch; just sit back and pity the poor fool.●

FORT TOTTEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ACKERMAN. Mr. Speaker, I rise today to announce the introduction of a bill, H.R. 3305, which, if passed, will finally put an end to 20 years of debate over what should be done with surplus Federal property at Fort Totten in Queens County, N.Y.

My colleagues from New York, Mr. SCHEUER and Mr. OWENS, and I have introduced this bill in recognition of the many hours of long and hard work by a dedicated group of community volunteers in Queens.

The story of Fort Totten involves 20 years of vacillation by the Army as to whether it wants to keep the land or claim it as surplus property. In 1977, the entire parcel, 46.4 acres, was declared surplus to the needs of the U.S. Government. It is evident that the Army and the General Services Administration (GSA) do not want to maintain the land. Under these two agencies, the historic Fort Totten structures have been allowed to deteriorate.

When I was a New York State senator, I helped to form a coalition of community groups, the Fort Totten Preservation Council, Inc., headed by Mr. Nicholas Garaufis, to gain citywide support for the establishment of a park on the property. In reference to the Federal Property and Administrative Services Act of 1949, as amended by Public Law 91-245, we called for the free transfer of this property to the city of New York for constructive, multifaceted public use.

After reviewing the May 7 application submitted by the Fort Totten Preservation Council, Inc., the city, and the Eastern Paralyzed Veterans Association (EPVA), the GSA Administrator Gerald P. Carmen, announced that only 11.4 acres of the land, the historic tract, would be donated to the city. Instead of turning the entire parcel over to the city, the agency decided that 32 prime acres would be auctioned, while supposedly giving New York City the "opportunity" to purchase the additional land.

The GSA's decision was a slap in the face to the people of Queens County. After such a long battle, the citizens of New York finally produced a jewel of a plan, only to have it thrown out by the Reagan administration. Under our proposal, the land would serve many factions of the community: the elderly will have senior programs; the young will have ballfields and playgrounds; the disabled will have a unique rehabilitation center; and everyone will be able to enjoy the wonders of a well-preserved natural environment.

Since the GSA has thus far ignored this unusual coalition—this sincere well-planned grassroots effort—my colleagues and I have decided that the time has come to take stronger action.

I am proud to say that the community members have spent many, many hours of their time ironing out the wrinkles and molding a proposal that I doubt any agency or company with paid workers could ever beat. This bill would require that the GSA abide by the law and convey the surplus land at Fort Totten to the city for worthwhile use in the public interest.

Mr. Speaker, for the record, I have included a letter from the Secretary of the Interior, James Watt, who reviewed the May 7 application submitted to GSA by the Fort Totten Preservation Council, Inc., the city of New York, and the EPVA. He found the project of "considerable merit" and stated that the land is eligible for conveyance to the city without monetary consideration for public park and recreation purposes.

I urge my colleagues to join Mr. SCHEUER, Mr. OWENS, and me in support of the citizens of Queens in their efforts to acquire the property at Fort Totten.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 8, 1983.

Hon. GERALD P. CARMEN,
Administrator, General Services Administration, Washington, D.C.

DEAR GERRY: This Department has received an amended application from the City of New York to acquire some 37 acres of federal surplus real property known as Fort Totten, New York, New York, for public park and recreation purposes under Public Law 91-485. This new application is the result of negotiations between the City of New York and the Eastern Paralyzed Veterans Association. We understand the Association has submitted an amended application through the Department of Health and Human Services.

Our review indicates the project has considerable merit, and we find it eligible for conveyance to the City of New York for public park and recreation purposes at a public benefit allowance of 100 percent in accordance with Section 203(k)(2) of the provisions of the Federal Property and Administrative Services Act of 1949, as amended by P.L. 91-845.

I understand from conversations between our staffs that you may have already made a decision to sell a portion of the property. We feel that the recreation value is significant to the people of New York and ask that you reconsider your decision in light of the amended application and assign the property to the Department of the Interior.

The utilization program for the property provides for park and recreation use as set forth in the City's original application dated December 1, 1981. Enclosed are the amended application and attachments that detail the changes in the original application.

Should you desire additional information in support of this request for assignment, we would be pleased to furnish it.

Sincerely,

JAMES WATT,
Secretary.●

ON THE STATE OF EAST-WEST RELATIONS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GOODLING. Mr. Speaker, I would like to submit for the RECORD an editorial from today's Washington Post entitled "Worlds Apart" by Joseph Kraft. Mr. Kraft pretty well sums up the state of East-West relations, and lays the blame for the strained nature thereof squarely on the shoulders of our comrades to the East.

[From the Washington Post, Tuesday, June 21, 1983]

WORLDS APART

(By Joseph Kraft)

The latest political developments in Russia underline a fundamental truth of international politics. The East-West relation is not a naked struggle, a zero-sum game where what hurts Moscow helps Washington, and vice versa.

At times, on the contrary, bad news for the East equals bad news for the West. Events have now come to just such a pass, and sensible people have to hope that the troubles burdening Yuri Andropov will not block the move toward "constructive dialogue" initiated last week by the Reagan administration.

The administration's gambit came in testimony by Secretary of State George Shultz to the Senate Foreign Relations Committee last Wednesday. Shultz brought together all the familiar charges lodged by the Reagan administration against Russia—the massive military buildup; the penetration in Central America, Africa, the Middle East, Central Asia and Southeast Asia; the brutal violation of human rights in Russia and other communist states, notably Poland.

But the Shultz statement marked a watershed because it moved past confrontation. Shultz said the administration had devised a strategy that went beyond "containment" and "detente" to active global deterrence—the building of a capacity to deal devastating blows against Russian expansion all over the world. He said that policy found expression in steps toward more robust defense.

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which commanded a consensus in the United States and among the allies. Accordingly, he found the time ripe for "constructive dialogue" between the superpowers.

An occasion for dialogue not set in the win-lose calculus was delicately indicated by Shultz. In his statement he referred to the Austrian State Treaty of 1955, a deal concluded by Moscow and Washington after the death of Stalin. The clear message was that the death of Brezhnev and the accession of Andropov provide a similar moment.

But just as the Reagan administration was opening avenues, Andropov was battening down hatches. Though he has now added the job of president to his party post as general secretary, Andropov emerged from a series of high-level meetings in Moscow last week on the defensive.

His health, all recent appearances indicate, is not robust. Perhaps for that reason, he has lost political momentum. Though the ruling Politburo is now at a low of 11 members, no new additions were made at the Central Committee plenum last week. The inference is that Andropov does not command the majority in the Central Committee necessary for full personal primacy.

The attack on poor economic performance, foreshadowed after his accession, has also not materialized. Ideological conformity, not economic dynamism, was the theme of the main speech to the Central Committee plenum—a speech delivered by Andropov's formal rival for the leadership, Konstantin Chernenko. The major personnel move—the designation of Grigory Romanov, the Leningrad party boss, to a post on the party Secretariat in Moscow—also suggested sticky going in improving the economy. For Romanov has been noted for feathering his own nest, and for emphasis on the outmoded iron and steel complex.

Neither have matters gone well in foreign policy. The Soviet effort to split the allies on nuclear defense has been turned back by the rise of new leaders in West Germany (Helmut Kohl) and Japan (Yasuhiro Nakasone), and by Margaret Thatcher's electoral victory in Britain. Soviet moves toward rapprochement with China have been spoiled by a third communist country, Vietnam. The pope's visit to Poland shows that disaffection in Russia's East European back yard is acute.

Andrei Gromyko, in a speech that wound up the week's political doings in Moscow, cast a bleak eye on the international scene. He asserted that Poland "has been and remains an inalienable part of the Socialist community." He charged the United States and Israel were trying to "impose anti-Arab deals" in the Middle East. He reiterated the threadbare propaganda charge that the Reagan administration was subject to "militarist intoxication." He labeled President Reagan's most recent arms control proposals an "unacceptable" invitation to Russia for "unilateral disarmament."

A slight chink was left in the Gromyko speech. The Soviet foreign minister said that "parity" defined the present level of the superpowers in nuclear weapons. He called for negotiations on that basis, and warned against "letting slip by the truly historic opportunity."

Those of us who do not want confrontation for the sake of confrontation have to hope the opportunity will not be missed. But the clouds over Moscow make it hard for Andropov to show the kind of give the United States, not wrongly, seeks. So the odds are that the ships of the superpowers will pass in the night.●

JUNE AND KENNETH BROWN, OF BEVERLY, MASS., CELEBRATE 25TH ANNIVERSARY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MAVROULES. Mr. Speaker, I rise today in recognition of two of my constituents and friends on the occasion of their 25th anniversary.

June and Kenneth Brown of Beverly, Mass., celebrated their milestone earlier this month, on June 7, 1983. This couple, through their enthusiasm, has been a great asset to the whole community. Ken, vice president of Salem Paper Co., in Salem, Mass., has been instrumental in moving that company from a small family business to a prosperous and growing corporation. It now serves the paper needs of thousands on the North Shore, consumers and businesses alike.

Ken can be equally commended for his family life. He values his children more than anything, constantly making grave sacrifices for their benefit.

June, currently a travel agent at Travel World in Salem, is equally active in her community. She has devoted her energy to numerous projects, ranging from helping needy children to fulfilling civic responsibilities. June, a natural with people, has taught both nursery school students, and less privileged ones with learning disabilities.

Through all of this, the two have managed to raise three beautiful children, Douglas, Todd, and Kimberly.

My sincerest congratulations to them, and may their next 25 years be as productive as their last.●

NICARAGUAN BARES PLAN TO DISCREDIT FOES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the Congress will soon be considering legislation to terminate covert aid to anti-Sandinista rebels in Nicaragua as a means of curbing the flow of weapons to El Salvador. A lengthy article in the Washington Post, June 19, describes the experience of a Sandinista state security official who recently defected from Nicaragua. His comments about the extensive program of the Sandinistas to subvert the Government of El Salvador and discredit all those opposing the Sandinista regime are extremely enlightening and should be read carefully by every Member of Congress.

NICARAGUAN BARES PLAN TO DISCREDIT FOES

(By Don Oberdorfer and Joanne Omang)

The recent expulsion of three U.S. diplomats from Nicaragua was the product of a two-year plan, authorized at high levels of the leftist Sandinista government in Managua, to discredit democratic opposition forces there through a web of false accusations, according to a former official of Nicaraguan state security.

The former official, Miguel Bolanos Hunter, said he was in charge of surreptitiously filming American diplomats as part of the plan and participated in meetings on the operation that were presided over by Lenin Cerna, director of the Direccion General de Seguridad del Estado (DGSE), the Nicaraguan Interior Ministry's department of state security.

Bolanos, 24, who led a 60-man guerrilla unit in the final battles that brought the Sandinistas to power in 1979, defected from Nicaragua six weeks ago by hijacking a light plane to Costa Rica. He has provided an unexpected intelligence bonanza for the very U.S. agencies he worked against for the last three years.

Bolanos had served briefly after the Nicaraguan revolution as special assistant to the Sandinista army chief of staff, Joaquin Cuadra.

From January 1980 until his defection May 7 he was an official of state security, nearly all of that time a counterintelligence case officer with special responsibility for surveillance of U.S. Embassy and CIA activities in Nicaragua.

Since leaving Costa Rica about three weeks ago as part of an arrangement with the U.S. Embassy there, Bolanos has been debriefed extensively by State Department and CIA officials.

Access to him was offered to reporters for The Washington Post by State Department officials, who arranged for meetings with Bolanos at the Heritage Foundation, a conservative think tank. Washington Post reporters interviewed him there for 13 hours late last week, with no questions barred.

Various independent sources here and in Central America confirmed Bolanos' identity, though it was impossible to obtain confirmation of the details he provided of the secretive and influential internal security apparatus in Nicaragua.

Bolanos' account includes detailed information about the presence and role of Soviet, Cuban, Bulgarian and East German advisers and assistance in the Nicaraguan security apparatus.

The defector said their presence is extensive, with two high-ranking Soviet officers and a Cuban officer assigned as advisers to the 35 Nicaraguans in the counterintelligence section where Bolanos worked.

He said many more such advisers worked with other Nicaraguan military and security forces.

Among other things, Bolanos said:

Nicaraguan intelligence has deeply penetrated the anti-Sandinista guerrilla groups that have been fighting a U.S.-supported "secret war" against the Nicaraguan regime. The locations, armaments, personnel and many other details of insurgent activity have been passed along for many months by Nicaraguan agents who, according to Bolanos, include a close adviser to Eden Pastora, leader of one of three major insurgent groups.

The assassination of exiled Nicaraguan leader Gen. Anastasio Somoza in Paraguay in September, 1980, was planned in Managua with Cuban assistance. Bolanos said he knew Hugo Alfredo Yrurzun, the assassin who wielded the bazooka that blasted Somoza's automobile, as an interrogator in Nicaraguan state security in March, 1980. Yrurzun was gunned down by Paraguayan police after the assassination.

Public demonstrations and heckling during the visit of Pope John Paul II to Managua last March were orchestrated by Nicaraguan state security, which placed thousands of pro-Sandinista Catholics in prominent positions for the papal mass and kept thousands of anti-Sandinista Catholics away. Bolanos said he helped control the event from an operation center near the public square in Managua, and that the pro-Sandinista slogans that interrupted the pontiff's homily had been chosen in advance by the security apparatus.

Planning and training for the spectacular and damaging raid by leftist guerrillas in nearby El Salvador on the Salvadoran government military air base at Ilopango in January, 1982, was centered eight miles from Managua in a Nicaraguan facility under the supervision of a Cuban adviser. This account, which Bolanos said he learned from the Cuban adviser, illustrates the extensive support Bolanos said Nicaragua gives to the rebels fighting against the U.S.-backed government in El Salvador.

About 80 Soviet-built MiG warplanes presently in Cuba have been designated for Nicaragua. Bolanos said he was told this by the head of the Nicaraguan Air Force, whom he identified as Raul Venerio. Because of U.S. warnings against bringing MIGs onto the land mass of Central America, the current plan, according to Bolanos, is for the MiGs to be based in Nicaragua only after the expected Sandinista victory in elections there in 1985. Nicaraguan pilots who have been undergoing training in eastern Europe will be ready to fly the jets starting next year, Bolanos said, and the planes would be flown on Nicaragua's behalf by an "international" group of communist pilots if they were needed before 1985.

Orlando Jose Tardencillas, 19-year-old "Nicaraguan guerrilla" who embarrassed the Reagan administration by suddenly recanting his previous story before the Washington press in March, 1982, was put up to this by Sandinista officials. Bolanos quoted Cerna, chief of Nicaraguan state security, as saying that Tardencillas had passed word from a prison cell in El Salvador that U.S. officials wanted to use his participation in the Salvadoran war for propaganda purposes. According to this account, an order was secretly sent back to Tardencillas in prison to cooperate until he was brought before the American press and then to "turn around" to embarrass the U.S. government. Tardencillas, who was permitted to return home after the famous press conference, is now a national hero and a Sandinista youth leader in Nicaragua, according to Bolanos.

The man telling this story is the Managua-born son of an American, Gloria Hunter, and a Nicaraguan, Dr. Rodolfo Bolanos, an eye, ear, nose and throat surgeon. Young Miguel briefly attended several colleges in the United States before joining the Sandinista revolution against Somoza. His parents left Nicaragua for Miami, where they now live, after the revolutionaries took power.

Because of his upper-middle-class background and American connections, Bolanos said, Cuban advisers opposed his application to join the highly sensitive state security apparatus. But they were overruled by high-ranking Sandinistas who known Bolanos as a comrade-in-arms.

Bolanos said he wanted to join the internal security service after being mistakenly detained by the secret police shortly after the revolution and realizing his captors had more power than anyone else in Nicaragua.

But, as Bolanos told it, this experience also played a part in his growing disillusionment with the revolution over the years. In addition, he cited the distinct minority status of his revolutionary faction, the *terceristas,* within the predominantly more radical security apparatus, his growing conviction that Nicaragua is heading down a totalitarian path and, finally and apparently most deeply felt, a sense of outrage at the luxurious living and special privileges of Sandinista leaders compared to the privations suffered by most of their followers.

Bolanos himself benefited from those privileges as a "militant," or full member of the Sandinista Party, a status he said is enjoyed by only 600 to 800 people. Other accounts have put party membership as high as 4,000.

Party members are permitted to shop at special stores which offer items that are unavailable or strictly rationed elsewhere, Bolanos said, and this spring party members were permitted to buy Cuban-made television sets, stoves and refrigerators at one-fourth or less of their open market prices.

Bolanos said the birth of a son last October was the beginning of the end. He determined then, he said, that "I'm not going to allow my son to become a slave or be in a slave system." After that, "my observations became more critical," and eventually he began to plan an escape.

Despite many privileges and impressive powers, internal security officers are not permitted to have passports or to travel abroad. But Bolanos was able to obtain a passport and exit permit for his wife and infant son to "visit relatives" in Costa Rica. They left Managua on a commercial airliner the morning of May 7.

As soon as he confirmed their departure, Bolanos boarded a light plane he had chartered the previous day to take him to a city near the Nicaraguan-Costa Rican border. As the aircraft approached its destination, he said, he drew his gun and ordered the pilot to continue across the border and land at an airport in Liberia, Costa Rica.

Bolanos said, and Costa Rican authorities confirmed, that he was taken into custody and charged with air piracy. Just what happened next is murky and reportedly was the subject of high-level discussions between Costa Rican and U.S. authorities. The result was that Bolanos was released from custody and left Costa Rica under U.S. auspices.

Bolanos said there were "no conditions" on his entry to the United States, pointing out that he has a claim through his mother to American citizenship, for which he has now applied. When he crossed the Costa Rican border, he was carrying an expired U.S. passport, which he had obtained during his student days as the son of an American woman.

He denied that he agreed to make public what he knew as a condition of coming here. He said the idea of telling his story to journalists was his from the beginning.

He is not being paid by the U.S. government, Bolanos said, nor has he been promised any protection. In order to remain unnoticed in the midst of the American people, he declined to have photographs published in which he could be recognized, although his picture is on file in Managua.

A spokesman at the Nicaraguan Embassy here, Angela Saballos, said yesterday that the embassy is aware of Bolanos' defection but added, "He was not in a decisionmaking position, so he did not have any inside information."

Eventually, Bolanos said, he hopes to fight for a new, non-communist, democratic revolution in Nicaragua, "maybe from some place closer to Nicaragua" than the United States. He declined to be more specific.

Bolanos described the atmosphere in Nicaragua's security apparatus as full of intrigue, aided and in some respects complicated by the presence of the experienced outsiders from communist countries. About 2,800 to 3,000 Nicaraguans in the department of state security are aided by about 70 Soviets, 400 Cubans, 40 to 50 East Germans and 20 to 25 Bulgarians, according to Bolanos. He estimated that there are about 2,000 Cuban military personnel in the country, most of them posing as teachers.

He said the Soviets, who used Cuban-adapted manuals of the KGB, the Soviet secret police, have provided Makarov automatic pistols as a comradely gesture to Nicaraguan security officers. He described the Russians as high-ranking—with one of the two Soviet officers assigned to his F2 section a colonel in the KGB—but as relatively restrained in their intervention compared with the Cubans.

Last year, for the first time according to Bolanos, the Soviets supplied sophisticated bugging devices to the Nicaraguans. Next year, he said, high-level Nicaraguan security agents are scheduled to attend a special KGB school in Moscow rather than be trained entirely in Cuba.

The other Europeans have less importance, according to Bolanos, who said that the East Germans are mainly advisers on hidden microphones and technical operations. They also direct advisers and participants in the sub-section of F2 that operates against the West Germans and other European embassies, he said. The Bulgarians have "a small center" to process information and supply occasional advice.

As Bolanos told it, the Cubans are in on just about everything and make their presence felt with a constant stream of advice bordering on directions. Bolanos said that, shortly before his defection, an argument broke out in the F2 section, with the Cuban adviser taking sides in a divisive way. As a result, he said, Cerna and other officials had the adviser sent back to Cuba.

Bolanos said that, like many Nicaraguan security officials, he was schooled in Cuba. He spent four months in mid-1980 at a school in a special security base south of the Havana airport where, he said, many teachers held class for Nicaraguans in the mornings and for Angolans in the afternoons.

The chief Cuban adviser to Cerna, whose working pseudonym is "Mayan," and several other Cubans were among those who worked on the plan to discredit the democratic opposition in Nicaragua by concocting a false conspiracy linking them to U.S. diplomats, according to Bolanos. "This is an element of the big strategic plan," he said, to eliminate all effective opposition to Sandinista rule by 1985, when national elections are to be held to resoundingly endorse the Sandinista regime.

Agents were used to lead American diplomats into suspicious situations, he said. He added that his unit of the F2 section was assigned to provide films of U.S. diplomats meeting Nicaraguans from democratic opposition parties and factions, the Catholic

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church, labor units, the press and the private sector.

For six months, Bolanos said, he was in charge of shadowing Linda Pfeifel, political affairs officer of the U.S. Embassy. Bolanos said he supervised the bugging of Pfeifel's house and, on one occasion, personally searched her belongings.

"I knew everything about her," he said. "I knew where she went and what she did. I even knew what kind of deodorant she uses."

A great deal of film was shot over many months with Americans and their Nicaraguan contacts unwittingly in the starring roles, according to Bolanos, who said the idea was to produce a motion picture that would dramatically "expose" the supposed conspiracy.

He said the whole plan, which recently was given the name of "Operation Spiderweb," originally had been scheduled to be unveiled at the end of April with the expulsion of some American diplomats. It was postponed, Bolanos said, because of the desire to obtain more "incriminating" documentation.

It was after he left Nicaragua, Bolanos continued, that the security services added a final detail: the charge that Pfeifel supplied a bottle of poisoned liqueur to a double agent intended to be given to Nicaraguan Foreign Minister Miguel D'Escoto.

This was the high point of a June 6 press conference in Managua, in which Cerna participated and where videotapes were shown with James Bond-style sound track, announcing the expulsion of Pfeifel and two other U.S. diplomats on espionage charges.

The Reagan administration, which by then had been forewarned by Bolanos, responded June 7 by closing all six Nicaraguan consulates in the United States and expelling their 21 diplomatic personnel.●

DO WE NEED A TRADE DEPARTMENT?

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. NEAL. Mr. Speaker, the Reagan administration has proposed the creation of a Department of Trade to consolidate the numerous trade-related functions now lodged in various Government departments and agencies.

The question of whether we should have such a department has been debated for years in Congress and within previous administrations. I once introduced a bill to create a Department of Trade, in the hope that I could generate some interest in improving our support for exporters. At the same time, though, I think we should be careful about creating new Government entities.

In a recent column in the Washington Post, Philip H. Trezise, a senior fellow at the Brookings Institution and a former official of the Nixon administration, made a provocative argument in opposition to the establishment of a Department of Trade.

I do not necessarily agree with all of Mr. Trezise's comments, but I do think that my colleagues should take account of the points he has raised before we decide whether to allow creation of a new department. At the least, we should heed his reminder that there is no magic bureaucratic formula for solving our trade problems.

Without objection, I would like to have Mr. Trezise's article, "A New Department We Don't Need," from the June 7, 1983, Washington Post, printed in the Record so that our colleagues may consider his arguments.

The article follows:

[From the Washington Post, June 7, 1983]

A New Department We Don't Need

(By Philip H. Trezise)

(The writer, a senior fellow at the Brookings Institution, was an assistant secretary of state for economic affairs in the Nixon administration)

It is news that an administration which came to office vowing to kill the departments of Education and Energy should now be proposing to create a new Department of Trade. This is at least as bad an idea as the Department of Education and probably worse than the Department of Energy.

Why a Department of Trade?

One answer is that trade responsibilities are now diffused among a number of agencies. Another, which is not necessarily connected with the first, is that our international trade in goods is chronically in deficit. A third, which seems too frivolous to be accepted, is that Ed Meese wishes to reduce the size of the Executive Office by transferring out the special trade representative and staff.

Trade is the most pervasive aspect of our foreign relations. Can one imagine a secretary of state so self-effacing as to foreswear a role in making trade policy? As the foreign debt crisis has brought sharply into focus, the link between trade and finance means the Treasury has a basic interest in trade policy. The Department of Commerce, representative of the nation's business sector, cannot be excluded.

Other Cabinet departments are involved. Labor, of course, Justice (antitrust), Defense (East-West trade, the mobilization base), Interior (fisheries and minerals) and Energy all have good claims to have their views represented.

Among the non-Cabinet agencies are the Export-Import Bank, facilitator of big-ticket exports, the Federal Trade Commission, sharing an antitrust interest with Justice, the Overseas Private Investment Corporation, and the International Trade Commission. It would be unfortunate if the Council of Economic Advisers, a reliable voice for good sense, were not to be consulted on trade issues. In the past at least, it was not unthinkable to have a member of the Federal Reserve Board at interagency meetings on trade.

Then there is Agriculture. The essential hollowness of the idea of a Trade Department is that no one expects that Agriculture will be asked to give up any part of its trade responsibilities. And agricultural goods normally make up 20 percent of our exports. Some centralizing of responsibilities.

With or without Agriculture, there unquestionably is a coordination problem. Where should the coordinating responsibility be lodged?

For about 20 years it has been in the Executive Office, where in our government differences among the departments usually are referred and resolved. To put it in a renamed Commerce Department is not going to prevent intra-Cabinet differences from being taken to the White House. No form of organization can deny a Cabinet secretary the right to make his case to the president.

So what is to be gained? The president says that a Department of Trade will have us "speak with one voice on trade." Does he really mean that we now speak with more than one voice after his administration has made a decision? And surely he does not mean that he wishes to silence the interagency debate that precedes a decision?

Whether a Department of Trade would tilt policy toward more protectionism is arguable, I suppose. The Commerce Department has never been the steadiest or staunchest defender of free trade, which follows from the fact that the department's business constituency includes important groups with a stake in obtaining or perpetuating import restrictions. At any rate, there is a more than hypothetical risk that to try to centralize the trade responsibility in a slightly altered Commerce Department would tend, case by case, to weaken resistance to pressures for protection.

It takes a large act of faith to believe that a Department of Trade could do much for the nation's deficit in merchandise trade. None of the departments or agencies concerned with foreign trade can have been entirely happy with high interest rates and the consequent strong dollar that has hampered exports and encouraged imports. None had the power to change things. Would a new department be able to bring the deficit under control, or persuade the Federal Reserve to adopt another monetary policy?

Microeconomic influences on the trade account are likely also to be beyond the reach of any department, new or old. Like it or not, policies toward human rights, bribery, trade with the East and the Arab boycott do have a negative impact on exports. Congress and the executive are aware of this and have accepted the consequences. To assume that a Department of Trade could persuade them to the contrary requires a suspension of disbelief.

It would be interesting to question those members of Congress who cheerfully rejected President Ford's 1975 proposal to allow oil prices to rise to the world level. If they had been told by a secretary of trade that this decision infallibly would inflate the import bill, as it did for the next six years, would they have acted differently?

A persistent notion has it that we lag all other nations, especially Japan, in managing trade policy. No so. Everyone has a coordination problem, for the same reasons that we have one. In Japan seven major ministries and a number of non-Cabinet agencies are in the act. The Ministry of International Trade and Industry, or MITI, despite its awesome press notices, is one among many. It does not even have charge of trade negotiations, that being for the Ministry of Foreign Affairs.

The bottom line is that a Department of Trade could perform no feats of magic. It could not eliminate the need for tedious interagency conferences and clearances. It could not free the president from having to decide the difficult ones. It could not do what all present departments of government wish could be done quickly and painlessly: make our giant, sprawling economy more productive, competitive and prosperous. To expect it to remove even minor impediments to exports is the merest hope.●

LOUISVILLE PRESIDENTIAL SCHOLAR

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MAZZOLI. Mr. Speaker, I would like to join the rest of the Louisville and Jefferson County community in congratulating one of its native sons, Mr. Brian C. Jones, on being named a 1983 Presidential Scholar.

Our entire community is exceedingly proud of Brian for his accomplishment and for representing us so well. We wish him all the best that life has to offer and hope that he finds success and happiness in all of his future endeavors.●

PROSPECTS FOR SECURITY IN EUROPE—THE FALSE ILLUSIONS THREAT

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WHITEHURST. Mr. Speaker, on Monday, June 13, at the plenary session of the North Atlantic Assembly in Copenhagen, our colleague Elliott Levitas spoke on the subject of "Prospects for Security in Europe—The False Illusions Threat." Congressman Levitas presented what I felt was the most thoughtful statement of the day.

His theme was the danger of false illusions, and I am pleased to share his remarks with this body, because his views merit serious consideration. Elliott Levitas has once again shown his mettle in an international forum, and his statement reflects a careful and perceptive analysis of what is at stake for us and our European allies in the debate now going on within the alliance.

PROSPECTS FOR SECURITY IN EUROPE—THE FALSE ILLUSIONS THREAT

The prospects for security in Europe are good. The shared values and democratic principles of the Alliance as well as its military capability give us this prospect and are the source of our strength. Furthermore, our strength of will exists. We are resolutely committed to the dual track decision. The Cruise and Pershing II missile will be deployed on time and on schedule unless agreement is reached in Geneva. Of that there should be no doubt nor illusion.

We reaffirm that the principle of credible deterrence has served the cause of peace well and remains valid for our defense Alliance. However, there is still a threat to peace and security. That threat today is the threat of false illusions.

Whether on our part or the part of others, it is the existence of these false illusions about the world, that poses a real threat. We should thank Mr. Palme, the prime Minister of Sweden, for reminding us here today by his own example of the prevalence of some of these false illusions.

There should be no false illusions about our strengths or weaknesses or that of our adversaries. The dangers of miscalculation, or overreaction, must be avoided in assessing the strengths and weaknesses of ourselves and our adversaries.

There should be no false illusions about the differences between the United States and the Soviet Union, our principles and our intentions—differences on the part of NATO and of the U.S.—and those of the Warsaw Pact and of the Soviet Union.

Our commitment to defense of freedom and the value of individual dignity is clear. The actions of the Soviet Union are equally clear—whether in its continuous egregious violations of human rights in contravention of the Helsinki Final Act or the aggression and increasing violence in Afghanistan.

There should be no illusion about our commitment to *both* paths of the dual track. There has been much public discussion of the deployment track but not enough of the negotiation track.

In recent months, we in the United States Congress, from both our major political parties, have been working with the President to establish new arms control policies that can achieve nuclear arms reductions through the Geneva negotiations. These proposals which will be made by the United States, I believe, should provide the basis for progress in these vital talks—if the Soviet Union is really interested in seeking reduction of nuclear forces.

However, as I see recent developments in the nuclear arms buildup by the Soviet Union, I ask for performance, not mere words. Instead of peaceful efforts, we see the large deployment of SS-20 missiles aimed at Europe, the modernization of SS-18 and SS-19 forces and the retrofitting and hardening of their silos, the expansion of a blue water Navy, the launching of Typhoon class submarines, the development of new missiles and bombers, all at a pace that indicates some urgency. These developments intensify my doubts about Soviet intentions. At whom are the SS-20's aimed and why? What is the threat to which the recent rapid Soviet nuclear buildup responds?

And now we hear that if NATO deploys the Cruise and Pershing II missiles in response to the Soviet SS-20 missiles and the other theater advantages of the Soviet Union, they will increase again their own military threat to western Europe by deploying more SS-20's in eastern European countries. This recent Soviet announcement is especially revealing about the way the world is. The proposed deployment in eastern Europe was not even made in terms of the sham of a Warsaw Pact decision, but was simply announced unilaterally by Moscow.

I will watch to see how democratically the Soviet leadership will go about deploying more SS-20 missiles in eastern Europe. What free public discussion will be heard? What anti-nuclear demonstrations will be tolerated? What parliament, in the Soviet Union or in its allied countries, will call for a halt and freeze on their deployment? I ask some of our own citizens, who have false illusions, to think about these questions as they compare systems and negotiation positions.

Some people in western nations, both within and without the Alliance, have the false illusion that the Soviet threat is not real and that it can be avoided by means other than demonstrating resolute strength. My colleagues, the threat is as real as the SS-20's and their pre-determined targets. And the people of Afghanistan can attest to the effectiveness of "no deterrence" as a means of avoiding Soviet aggression. And the repressed human beings in the Soviet Union are witnesses to the type of system they would impose if they prevail one way or the other.

Some western leaders and some citizens have false illusions about the Soviet Union. Submarines with nuclear warheads enter their territorial waters and yet there is no change in Swedish policy towards the Soviet Union. What will it take for people like Mr. Palme to lose their illusions? Will it take a Soviet Submarine crawling into the Grand Platz? Probably not. They would simply view it as a novel Intourist visit. It is a dangerous illusion not to see the differences between the Soviet Union and the United States and to act accordingly.

Likewise, Mr. Palme's concept of a Nordic Nuclear-Free Zone is at least consistent with his other false illusions. In a country which has been the target of aggressive and extensive Soviet espionage activities and whose territorial waters have been violated in peace time, how can we believe the Soviets to respect a nuclear free zone in war?

Mr. Palme and his government are not the only one's who have illusions. Regrettably many people and some parties in NATO countries have these illusions as well.

Now let us look at the illusion of making treaties and observing treaties.

My colleagues, there is a link between Geneva and Vienna arms negotiations on the one hand and the Madrid Helsinki Act negotiations on the other. If the Soviet Union does not perform its obligations under existing agreements to respect human rights why should we expect them to observe arms control agreements?

We seek the establishment of more confidence building measures in Europe. A Conference on Disarmament in Europe, from the Atlantic Shore to the Urals as well as the ongoing MBFR talks in Vienna are paths to that result to reduce the opportunity for surprise attack. We seek reductions in both conventional and nuclear forces to produce stability and to promote peace and security.

But we must achieve this in a context of the Soviet observance of its existing undertakings. Then we will see success in Madrid. We will see a conference on disarmament in Europe and progress in Geneva and Vienna. Without such performance by the Soviet Union, the prospects are dim. It is simply an illusion.

As long as the Soviet Union has the illusion that it can achieve its goals without quid-pro-quo negotiation, there will be no progress in the Geneva talks. And the "quids" and "quo's" must be real—not illusory—on both sides.

The ultimate success of the Alliance is the attainment of lasting peace and security in Europe and the world. When the Soviet Union loses its false illusions about NATO and becomes convinced that they cannot defeat us and that they cannot divide us, then will we achieve meaningful arms control and lasting peace.

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In that context of peace, the power of our principles shall demonstrate even greater force than the principle of power. And in that peaceful context the competition between the communistic and democratic systems can be peacefully waged. I believe, under those circumstances the nations which observe respect for human rights and which value individual dignity and which uphold and cherish freedom—those nations shall prevail.●

FEDERAL CONSTITUTION CONVENTION AMENDMENT ACT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HYDE. Mr. Speaker, today I am reintroducing the Federal Constitution Convention Amendment Act. This legislation is identical to H.R. 353 which I sponsored in the 97th Congress and is substantially the same as the Ervin bill that passed the Senate unanimously in October 1971 and again by a voice vote in July 1973.

There are two methods of proposing and ratifying amendments to the U.S. Constitution as set forth in article V:

> The Congress, whenever two-thirds of both Houses shall deem it necessary shall propose Amendments to this Constitution, or on the Application of the legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which in either case shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States or by Conventions in three-fourths thereof, as one or the other Mode of Ratification may be proposed by the Congress * * *

In the past, when attempts have been made to amend the Constitution, the proposed amendment has always originated in the House or the Senate. Today, we are faced with a dilemma. Missouri has become the 32d State to call for a Constitutional Convention that deals with a balanced budget. Should two additional States submit applications for a Convention, the Congress would be bound by its constitutional obligation as set forth in article V to convene a Convention for the purpose of proposing an amendment to the Constitution.

It should be noted that as of this date, seven States—California, Vermont, Kentucky, Michigan, Montana, Washington, and West Virginia—will shortly begin consideration of legislation that would call for a Constitutional Convention. In addition, the legislatures of California, Illinois, Kentucky, and Montana have adopted resolutions requesting that Congress propose a deficit spending amendment, but not asking for a Constitutional Convention.

The dilemma, Mr. Speaker, is that if Congress is forced to call a Constitutional Convention—then what? Who presides? Who attends? How long does the Convention meet? How is the Convention limited in the scope of amendments it may propose?

The steps required to convene an article V convention and the rules which would govern it are not set out in the Constitution or statutory law. Because this process for amending the Constitution has never been used, many unresolved legal and policy questions arise governing the convening and the authority of such a convention.

My bill accomplishes four things:

First, it establishes guidelines for the Congress and the State legislatures to follow when applying for a Constitutional Convention.

Second, it creates rules by which the Convention would be bound to follow during the course of the Convention.

Third, it sets forth procedures for Congress and the States to follow when ratifying the proposed constitutional amendments.

Fourth, it limits the subject of the Convention to that contained in the call.

Mr. Speaker, the need for legislation to implement article V is ever present. In the period since 1789, State legislatures have submitted more than 400 applications for a Convention to consider amendments relating to a wide variety of subjects. In recent years, legislatures have applied to Congress for a Convention more often than in the past. During the 174-year period from 1789 to 1963, Congress received approximately 250 applications requesting a Convention. In the period since 1963, more than 150 such applications have been received. Because the number of applications calling for a Constitutional Convention has proliferated so rapidly in recent years, we now face a situation where Congress could be asked to call a Convention and we would not be in a position to comply with our obligation as set forth in article V.

Mr. Speaker, we must realize that we are in a unique situation. The Congress has an excellent opportunity to act rather than, as we so often do, react. There are many unanswered questions regarding this issue and we have an obligation as elected representatives of the people to be able to answer these questions. We should take action now, while we have the opportunity to examine the situation in an objective, and unhurried manner rather than having to deal with the stress and confusion should we be suddenly confronted with a Convention call. With the addition of Missouri to the list of States calling for a Constitutional Convention, the need for this legislation has become intensified.

There is a clear need for orderly procedures to avoid the threat of a runaway Convention and thus a constitutional crisis. I urge my colleagues to cosponsor this timely legislation in addition to joining me in a call for expeditious hearings.

Following are the main points of my bill:

1. States use the same procedure for adopting convention application as they use for the passage of statutes, but without the approval of the Governor.

2. Receipt of an application by Congress is to be announced on the Floor of both Houses, and copies sent to each Member of Congress and state legislature.

3. Each application is to remain in effect for 7 years, unless rescinded by the State legislature.

4. Applications may be rescinded by state legislatures until two-thirds of the states have submitted application, then all applications remain in effect.

5. After Congress determines the validity of the applications, it shall pass a concurrent resolution calling for a convention.

6. The convention must be convened within 1 year after adoption of the concurrent resolution by Congress.

7. Delegates to the convention shall be popularly elected, one delegate from each congressional district and two additional at large delegates from each state.

8. The convention shall elect its own officers.

9. Each delegate may cast one vote.

10. Each delegate's vote must be recorded and a verbatim record kept.

11. Amendments shall be proposed by majority vote of the delegates.

12. The convention shall be limited to subjects named in the concurrent resolution and that delegates subscribe to an oath to refrain from proposing or voting in favor of any proposed amendment not so named.

13. The convention shall be terminated 1 year after date of its first meeting, unless Congress extends its life.

14. Questions arising as to convention procedures shall be determined solely by Congress.

15. Congress may disapprove a proposed amendment on the ground that substantial procedural irregularities occurred at the convention or that the amendment pertains to a subject different from that described in the resolution calling the convention.

16. Congress may not disapprove a proposed amendment on the ground that it disagrees with the substance of the amendment.

17. Congress must transmit the proposed amendment to the states for ratification.

18. The proposed amendment must be ratified by three-fourths of the states.

19. Each state shall adopt its own rules of procedure for ratifying proposed amendments, except that any state ratifying action shall be valid without the assent of the Governor.

20. State ratifications may be rescinded by the same process by which the amendment was ratified, except that a ratification may not be rescinded when there are valid ratifications by three-fourths of the states within the requisite time.●

COMMUNITY SEEKS CREATIVE WAYS TO HELP UNEMPLOYED

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MATSUI. Mr. Speaker, I am pleased to draw to the attention of the House the effort now underway in my hometown of Sacramento, Calif., to help the thousands of unemployed in that area.

The California Job Journal and radio station FM-102 have joined hands and, with the involvement of many others, have put together a special event to demonstrate concern and support for jobless citizens. In this event, food and entertainment will be provided for a needed spiritual lift to those now seeking jobs. Also, local merchants are providing gift certificates for food, clothing, and other items for the unemployed.

Mr. Speaker, we often speak of the need for selfless involvement and cooperation between private and public sectors in meeting the challenges of our society. We often hear that more people need to do more things. Mr. Speaker, people in Sacramento are trying to find solutions and remedies to those problems. I wish to use this opportunity to congratulate them on their service.●

MX VOTE SIGNAL TO SOVIETS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, a recent editorial in the Oxnard Press-Courier, in my district, describes the importance of the MX missile program for the arms-control talks with the Soviets. It views the recent House and Senate votes on the MX to be a useful signal to the Soviets to stop dragging their feet on arms negotiations in Geneva. I urge my colleagues to consider the views expressed in the Press-Courier editorial.

[From the Press-Courier, Friday, June 3, 1983]

MX VOTE SIGNAL TO SOVIETS

The House and Senate victories for the MX missile program averted a devastating defeat for President Reagan's defense and arms control strategies. Had these two crucial votes gone the other way, U.S. arms negotiators sitting across from their Soviet counterparts in Geneva would have been undercut. Worse yet, Congress would have been opting for something akin to unilateral disarmament.

Avoiding these blows to the nation's security was the plus side of the MX votes. But there was a minus side, too. Congress was giving a tentative stamp of approval to an MX basing scheme that most experts acknowledge will be vulnerable to Soviet attack.

The whole purpose of the MX program is to restore the survivability of land-based missiles, still the most critical leg of America's nuclear deterrent triad—manned bombers, submarine-launched ballistic missiles, and land-based intercontinental ballistic missiles.

At present, only land-based missiles have the size and accuracy to threaten the hundreds of Soviet ICBMs that would be held in reserve in hardened underground launching silos to deter U.S. retaliation following a Russian first strike. The best way to protect the MXs from being destroyed in a first strike would be to make the missiles mobile.

But every effort to design a mobile basing system for the MX has fallen victim to one sort of objection or another.

Consequently, a commission appointed by President Reagan ended up recommending that 100 MXs be built and deployed in existing, fixed missile silos.

That would leave the MX no less vulnerable than the current Minuteman missile force. But without any of the highly accurate, 10-warhead MXs at all, the United States would have far too few land-based missiles capable of assured kills against super-hardened Soviet missile silos.

The administration and Congress could still bail the country out of this strategic bind later and put the MX on wheels, or build an anti-ballistic missile defense at acceptable cost using existing technology. That would preserve a credible land-based deterrent through the 1980s while the Pentagon pursued research on a space-based ABM defense that might effectively end the Soviet nuclear threat by the 1990s.

The one certainty in all this is that the Soviets would never agree to such a treaty if Congress denies Reagan the weapons—MX among them—needed to guarantee U.S. security in the absence of a verifiable arms reduction treaty requiring the Soviets to dismantle their first-strike force.

The House and Senate votes on the MX just might cause the Russians to doubt their current strategy of stonewalling in Geneva while waiting for Congress and the nuclear freeze movement to stop the Reagan defense buildup.●

BILL TO INCORPORATE ISLANDS INTO THE MAKAH RESERVATION

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SWIFT. Mr. Speaker, I am introducing today a bill which provides that two small, uninhabited, federally owned islands lying just off the coast of the present Makah Indian Reservation in Washington State are to be held in trust by the United States for the Makah Indian Tribe, and thereby incorporated into the Makah Reservation.

This legislation would right a longstanding wrong, to the satisfaction of the 1,200 Makah Indians of the Makah Reservation and to the honor of the United States. It is not intended to, nor would it have the effect, of enlarging or otherwise altering the fishing rights of the members of the Makah Tribe. The islands in question—Tatoosh and Waadah—comprise approximately 80 acres. They are of no significant commercial value to the United States. They are, however, of great cultural, historical, and religious importance to the Makah people.

The only current use made of these islands by the Federal Government is the placement on Tatoosh Island of two unmanned navigational aids. The Coast Guard, in correspondence with the tribe, has indicated that it has no opposition to the change in status of the islands, provided that its ability to maintain and service these facilities is protected. The tribe is agreeable to this provision, and I have incorporated the Coast Guard's proposed language into the bill.

There is ample precedent for this legislation. In 1970, Congress enacted Public Law 91-489, by which the 719-acre Ozette tract was restored to the Makah Indian Reservation. In that case, as in this, the lands were federally owned, unused, and of little monetary value, but were of great symbolic importance to the tribe. I urge my colleagues to support this bill.●

NAVY'S F-404 ENGINE "OUTSTANDING"

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MAVROULES. Mr. Speaker, I would like to share with my colleagues in the House some encouraging news in the world of military procurement. As some know, the Department of Defense administers a program of incentives to defense contractors for outstanding performance well beyond the requirement of their contract.

Department of Defense targets for these incentive awards, specify milestones which, when achieved, result in significant advantages in the performance of the equipment being developed. I am extremely pleased to report that a company in my district in Massachusetts has been awarded three of these incentives. The company is the General Electric Co.'s aircraft engine group in Lynn, Mass. The incentive awards were the result of their exceeding performance goals in the development of the F-404 engine which powers the Navy's multimillion-dollar F-18 aircraft.

As part of the F-404 development program, the U.S. Navy set demanding reliability and maintainability goals as priority requirements. These requirements outranked the usual objectives of getting maximum power out of the machine regardless of the cost or consequences to do so. Consistent with

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that, the Navy devised a series of tests that this engine would be subjected to, and signed development contracts with General Electric for the accomplishment of these goals. The testing included challenging reliability and maintainability goals; goals which in being met have resulted in significant cost savings, not only in dollars, but in man-hours required to keep the engine in operational readiness. These goals, surpassed any that current generation engines were capable of meeting. General Electric was offered incentives to meet or exceed those goals.

The first test was a simulated mission endurance test of 750-engine hours on one engine. The test was run at General Electric's facility at Lynn, Mass., that simulated both sea level and altitude flight conditions with throttle movements and power requirements made to a schedule which simulated the spectrum of missions flown in U.S. Navy and U.S. Marine Corp operational units. The simulated mission schedule was generated based upon extensive detailed flight profiles flown in McDonnell Douglas' flight simulators by both U.S. Navy and U.S. Marine Corp pilots. The goal established for this test was a mean time between failure of any engine part of at least 72 hours. Upon completion of the test and evaluation of the results by the U.S. Navy, it was demonstrated the engine had a mean time between failure of 250 hours—three and one half times better than requirement. For this truly outstanding achievement, General Electric was presented by the Navy with an incentive award for which it can be most proud.

The second test to be completed was one run by U.S. Navy and involved detailed analysis by the Navy of the results of the operational use of the F/A-18 aircraft over a 10,000 flight-hour period using production engines. The goal was to have a mean time between failure of at least 264 hours. At the end of this particular test, U.S. Navy records indicated the engine reliability exceeded the goal of 264 hours with an actual 281-hour mean time between failure record. For this achievement, General Electric was awarded its second incentive fee.

The third and final reliability and maintainability test has just been successfully completed. This demonstration was a 500 aircraft hour accelerated service test evaluation on one F/A-18 and the same two F-404 engines, flown and maintained by U.S. Navy personnel. Again, the unprecedented performance of this new aircraft engine, has earned General Electric the maximum incentive award from the Navy. To quote, in part, from a letter sent to General Electric Co. by Comdr. J. C. Weaver, F/A-18 Program Manager, Naval Air Systems Command,

> The fee earned was determined from the results of the Accelerated Service Test reliability and maintainability data analysis which verified all (6) goals were substantially exceeded.

The established goals for the award were judged tougher than any current fighter engine has to date attained and included a maintainability goal of 2½ maintenance man-hours for each flight hour. Less than one-half a maintenance man-hour was required, which is six times better than the goal. The goal for the maximum time for any engine repair at base level was bettered by 3 to 1. The goal for the value of replacement parts cost was bettered by 2 to 1 and the total test engine support costs was also bettered by over 2 to 1—very significant and cost effective results.

I agree with Commodore Weaver's closing remarks in his letter,

> It is a distinct pleasure that such a determination can be made to close out the F-404 reliability and maintainability evaluation phase. GE's performance in earning these awards for all three performance periods established (in the contract) is testimony to the emphasis and discipline dedicated to F-404 engine reliability and maintainability. Such performance is a credit to the G.E. company and is greatly appreciated by this Command.

I feel performance of this kind is worthy of note. I commend General Electric's workers whose dedication and efforts made this possible.●

FLAG DAY—THE STORY BEHIND THE STAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SKELTON. Mr. Speaker, Independence. Freedom. Justice. Three of the many ideals for which our flag stands. Each June 14, we take this time to remember what Old Glory has stood for, and also to call attention to the America of the future.

Our flag consists of red and white stripes, representing the 13 original Colonies, and on a field of blue 50 white stars.

Fifty stars * * *.

Have we ever really thought about the story that is behind each star? Every star represents a State, and the 24th star tells Missouri's story.

The name "Missouri" comes from an Indian word meaning the town of the large canoes. In 1673, two French explorers, Jacques Marquette and Louis Jolliet, became the first white men to see the mouth of the Missouri River. Eleven years later, Robert Cavelier claimed the Mississippi Valley, including Missouri, for France. He named the region Louisiana—after King Louis XIV. In 1803, the United States, under President Jefferson, purchased the Louisiana region from the French, securing Missouri for our young Nation. A year later, in 1804, Lewis and Clark started their famous journey from St. Louis to the Pacific Northwest. The Missouri Compromise of 1820, paved the way for Missouri's entrance into the Union on August 10, 1821.

Throughout the early 19th century, Missouri was referred to as the mother of the West because it lay at the edge of the western frontier. Missourians also supplied many of the pioneers who were settling the West. In 1884, Lamar became the birthplace of our Nation's 33d President, Harry S. Truman.

The origin of Missouri's nickname, the "Show Me State" is also very interesting. The phrase has been traced to a speech by Missouri Congressman Willard Duncan Vandiver in 1899. He said

> * * * frothy eloquence neither convinces nor satisfies me. I am from Missouri. You have got to show me.

As Missourians we have earned the right to be proud of our place on the flag and of our country. We have shown, and continue to show, the energy, devotion, love, and dignity that has made this great Nation.

We salute our flag not only each June 14, but on every day in between.●

OVER THE MOUNTAIN ATHLETIC CLUB

HON. W. J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. TAUZIN. Mr. Speaker, it is with great pleasure that I bring to your attention the fact that the Over the Mountain Athletic Club of New Orleans will celebrate its 10th anniversary on July 8, 1983.

The Over the Mountain Athletic Club was formed for the purpose of encouraging physical fitness, promoting comradery among men in sports and the furtherance of athletic perfection. The club is composed of 175 men from all walks of life who live in Orleans and Jefferson Parishes.

Over the past 10 years the club, whose members' average age is 35.4 years, has promoted and organized senior athletic competitions, and has entered recordbreaking teams in numerous athletic events. One of the club's members placed first in the 220 yard dash at the 1981 International Senior Olympics in Mexico.

The club has also contributed substantially to charitable activities. Members have donated both funds and manpower to provide assistance with hurricane relief. The club members help to maintain any park or playground they use for their athletic

competitions. They have donated grandstands, resurfaced fields, and mowed grass. The club has also raised thousands of dollars for charitable organizations through such events as the March of Dimes Pledge Walk.

I am pleased and proud to add my hearty congratulations to the Over the Mountain Athletic Club upon its 10th anniversary. I hope this fine organization will flourish for many years in the future.●

PROHIBIT ASSISTANCE TO COUNTRIES WHO ARE NOT A PARTY TO THE 1963 LIMITED TEST BAN TREATY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. STARK. Mr. Speaker, today I am introducing two bills that would prohibit U.S. foreign assistance and American IMF funding approval to any country that is not a party to the 1963 Limited Test Ban Treaty. I have included the text of both bills.

A couple of weeks ago, this body voted in favor of a freeze on nuclear weapons. This bilateral freeze with the Soviet Union, on the production and deployment of nuclear weapons, is an attempt to eliminate arms that could prove catastrophic if ever used. However, we are ignoring the catastrophe of nuclear weapons that are being tested right now in our atmosphere, under water, and in space, that are injuring the Earth and its future life, right now.

It only makes sense that we stop foreign aid and IMF loans to nations that feel that they have enough national resources to develop nuclear weapons stockpiles in lieu of economic, social, and antihunger programs for their own people. Could there be anything sillier than for America—with our many internal problems—providing forms of financial help to nations which are using their resources for enormously expensive weapons of doom?

Our own atomic veterans can attest to the constant health problems experienced by those exposed to atomic weapons and nuclear fallout. We are no longer unsure of its affects; we know how harmful exposure can be. Yet, every year we support countries that, if they do have atomic weapons, continue to ignore the Limited Test Ban Treaty, and if they don't have weapons, have no intention of abiding by the treaty once they get them. Why? Radiation and nuclear fallout travel. If present in the atmosphere anywhere, we will all eventually feel at least some of its effects. We share our great oceans, and any third grader can tell you that the water in one area makes its way, with pollutants and all, to other areas of the world. Where radiation is concerned, it is truly a very small world in which we live.

My bills do not ban the testing of nuclear weapons, so we need not argue about upgrading weapons stockpiles, and maintaining safety features. We abide by this treaty now, and only test nuclear weapons underground. Why should we expect less from others? And, more importantly, why should we support others who ignore the health and environment of their neighbors, not to mention the needs of their people, and the general well-being of the world? The answer is, we should not!

The bills follow:

H.R. 3374

A bill to prohibit United States foreign assistance to any country which is not a party to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) United States foreign assistance may not be provided to any country which is not a party to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (done at Moscow, August 5, 1963).

(b) As used in this section, the term "United States foreign assistance" means assistance under the Foreign Assistance Act of 1961, foreign military sales financing under the Arms Export Control Act, sales and donation programs under the Agricultural Trade Development and Assistance Act of 1954, and programs under the Peace Corps Act.

H.R. 3375

A bill to provide that the United States Executive Director of the International Monetary Fund shall vote against providing any financial assistance from the Fund to any country which is not a party to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"Sec. 40. The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to vote against providing any financial assistance to any country which is not a party to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (done at Moscow, August 5, 1963).".●

TRIBUTE TO JOHNNY MONROE

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DOWDY of Mississippi. Mr. Speaker, the board of supervisors of Franklin County, Miss., have declared June 30, 1983, as Johnny Monroe Day. Mr. Monroe has served as county agent and assistant county agent in Franklin County for the past 30 years. Throughout his long and distinguished career, Mr. Monroe has ably served his community, his State, and his country.

In addition to his invaluable work as county agent, Mr. Monroe has influenced and guided several generations of 4-H Club boys and girls. The benefit received from these young people's association with Mr. Monroe cannot be adequately measured. It can be said, however, that society as a whole is better off as a result of the high standards of honesty and integrity instilled in these young people by Johnny Monroe.

It is a privilege for me to join with the people of Franklin County in saluting Mr. Monroe and the high principles for which he stands.●

THE 1984 QUESTION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the Lompoc Record, a newspaper in my district, recognizes the political significance of the decisions being taken in the Congress and specifically in the Foreign Affairs Committee regarding U.S. policy in Central America. The principal question is this: "Who will resist subversion from Castro's Cuba if the United States does not aid its friends in Central America?" The question is a legitimate one, and if the decision is made not to help our friends, then the responsibility will have to fall on those who make that decision.

I urge my colleagues to consider the views expressed in the Lompoc Record editorial which follows:

[From Lompoc (Calif.) Record, June 15, 1983]

THE 1984 QUESTION

There was potent political symbolism in the contrasting approaches of the Reagan administration and congressional liberals to the problem of Nicaragua.

While the administration was playing diplomatic hardball with Nicaragua's junior league Castros, liberals on the House Foreign Affairs Committee were voting to cut off covert U.S. aid to anti-communist Nicaraguan guerrillas.

Ideally, foreign policy choices ought to be weighted on their merits with only secondary consideration given to domestic political consequences. Put another way, questions of war and peace are too important to be decided on the basis of momentary political advantage at home.

But in a democracy, domestic politics can never be wholly ignored, if for no other reason than that no foreign policy can be sustained for long unless it enjoys public support.

That being the case, those on the House committee who recently voted to bail out the Sandinsta regime in Nicaragua by denying sustenance to its opposition ought to be thinking about how this action will "play in Peoria."

More to the point, they ought to be thinking about how their votes will look when compared to the Reagan administration's "don't-tread-on-us" response to the expulsion of three U.S. diplomats from Nicaragua.

The administration answered those expulsions and the Nicaraguan government's absurd charge that U.S. diplomats were plotting to poison its foreign minister, by closing six Nicaraguan consulates in the United States and expelling 21 Nicaraguan diplomats. Presumably, the Sandinistas will think twice in the future before engaging in such shabby disinformation.

Contrast that response with the House committee's 20-14 vote in favor of denying aid to Nicaraguan guerrillas willing to die to prevent their country from being turned into a clone of Castro's Cuba.

Among other things, congressional liberals must hope that the American people never ask themselves this question: If the United States dooms its friends in Central America by denying them the aid they need, who will be left to resist the Castroite tide?

The House Foreign Affairs Committee's shameful vote, and the stark contrast with the administration's justifiably tough stand, make it even more likely that the American public will be asking just this sort of question.

The answers should be right in time for the 1984 elections.●

OF SOUP LINES AND NATIONAL DEBT

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, I would like to insert this editorial from the June 10, 1983, issue of the Charlotte News into the CONGRESSIONAL RECORD, with special attention given to the last sentence.

[From the Charlotte News, June 10, 1983]

OF SOUP LINES AND THE NATIONAL DEBT

The U.S. Conference of Mayors says the cities are running over with hungry people—and running out of money to feed them. A study to be released next week will only underscore the need in some of the nation's larger cities.

"Extraordinary efforts have been made by government, religious and voluntary agencies to respond to the need for emergency assistance," according to the conference. "But the need is outstripping the public and private resources that are available."

With transients on the increase, and the number of jobless families at a high level, the cities' soup kitchens and emergency food banks are stretched thin. Food donations last year as compared to 1981 have doubled in some cities, and have increased five-fold in others, according to the conference's eight-city survey.

Even with its relatively low unemployment rate, Charlotte's soup kitchens have been busy this past winter. Crisis Assistance Ministry, the focal point for much of the community's voluntary emergency aid, has been under increased financial strain.

The national economic recovery now under way is weak. The headlines this week alone highlighted continuing employee layoffs locally as businesses adjust to new conditions. While the local housing market continues robust, the job market has not rebounded, particularly for the low-skilled jobs that many of the unemployed seek.

A slow economic recovery will prolong the stress on a deficit-plagued federal budget, precisely because of legitimate aid requests like the one being made by the mayors. Yet one of the factors slowing recovery is investors' doubt that Congress and the president can resolve the current budget impasse, including offsetting the gargantuan debt. While the soup kitchens cannot be allowed to close, Congress can best serve those standing in soup lines by facing its budget dilemma.●

AFFIRMATIVE ACTION WORKS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GARCIA. Mr. Speaker, for 2 years the Reagan administration has been preaching the evils of affirmative action and proposing Federal spending cutbacks for those programs designed to afford minorities equal opportunity. Now, an unpublished Labor Department study confirms what many of us in Congress have been saying since President Kennedy issued affirmative action requirements for Federal contractors some 20 years ago. As indicated in the following New York Times article, the Federal contract compliance program has substantially improved employment opportunities for minorities and women. These advancements in equality were directly attributable to compliance with the contractual obligations of affirmative action. I urge my colleagues and the President to consider the significance of this study, especially in light of the President's recent effort to stack the U.S. Civil Rights Commission.

[From the New York Times, June 19, 1983]

STUDY SAYS AFFIRMATIVE RULE EXPANDS HIRING OF MINORITIES

(By Robert Pear)

WASHINGTON, June 18—A new study by the Labor Department has concluded that affirmative action of the type criticized by President Reagan has been highly effective in promoting the employment of blacks, women and Hispanic people.

The study said companies doing business with the Federal Government, which are subject to special affirmative action requirements, "have posted significantly greater gains in the employment and advancement of minorities and women" than other companies. The study said the gains were "attributable to the good-faith efforts of Federal contractors to comply with their contractual obligations of affirmative action."

Federal law forbids employment discrimination on the basis of race, sex or national origin. The law applies to all companies. But only businesses with Government contracts are required to take affirmative steps to hire qualified women and members of minority groups in proportion to their numbers in the work force.

EARLY INVESTIGATION EFFORT

The unpublished Labor Department study, one of the first systematic effects to investigate the efforts of the Federal contract compliance program, analyzed employment practices at 77,000 factories, offices and work sites with a total of more than 20 million employees.

It found that from 1974 to 1980 the rate of minority employment grew 20 percent among these doing business with the Federal Government but only 12 percent among the companies not covered by affirmative action requirements.

"The difference in performance between Federal contractors and noncontractors in employment of women during the period studied is even greater than that for minorities," the study said. "Women's participation in the contractors' work forces grew by 15.2 percent, as opposed to 2.2 percent in noncontractors' work forces."

In 1980 the Government contractors had a total of 14.1 million employees, of whom five million were women and 2.6 million were members of racial or ethnic minority groups, the study said.

The study also said women and members of minority groups experienced significantly greater upward mobility at the companies where the Government enforced affirmative action. At these companies, it said, large numbers of blacks, women and Hispanic people who had been service workers or low-skilled blue-collar workers moved up to skilled production, craft and white-collar jobs.

Labor Department officials said 20,000 to 30,000 companies, including nearly all the biggest corporations in the country, were subject to the affirmative action requirements because they did business with the Government. The department, in keeping with Reagan Administration policy, plans to issue new rules soon that relax those requirements the officials said.

NEW RULES CRITICIZED

Civil rights advocates and officials of another Federal agency, the Equal Employment Opportunity Commission, have criticized some of the changes, but business organizations have generally welcomed them.

President Reagan and William Bradford Reynolds, the Assistant Attorney General for civil rights, have opposed the use of numerical hiring goals such as those set by Labor Department rules for more than a decade. Both men contend that the Supreme Court was wrong to uphold a voluntary affirmative action program that reserved a certain number of places for blacks.

Mr. Reynolds said "preferential treatment based on race" was intolerable regardless of whether it was meant to help or to harm a particular minority group. He said "race-conscious affirmative action" could itself be a form of discrimination.

Barry L. Goldstein, a lawyer with the NAACP Legal Defense and Educational Fund Inc., said, "It certainly seems that the Labor Department has wanted to keep this study from being made public because of possible embarrassment to the President and the Justice Department, which have strongly opposed affirmative action."

Labor Department officials said they had not released the study because they wanted to verify its conclusions and check its statistical methods. Robert S. Follett of Welch

Associates in Santa Monica, Calif., an economic consulting concern hired by the Labor Department to review the study, said "the methodology was appropriate" and the conclusions were valid.

The first affirmative action requirements for Federal contractors were established in 1961 under an executive order issued by President Kennedy. But over the next 20 years, according to the Labor Department study, there was little "factual documentation" of whether such rules actually increased job opportunities for women and members of minority groups.

STUDY ORDERED IN 1981

In September 1981, Ellen Shong Bergman, director of the Office of Federal Contract Compliance Programs, assigned her special assistant, J. Griffin Crump, to study the question. The office is part of the Labor Department.

Mr. Crump's study said the "superior performance" of Federal contractors in hiring and promoting blacks, women and Hispanic workers was remarkable because total employment at those companies grew only 3 percent from 1974 to 1980. In the same period there was an increase of 8.2 percent in total employment at the companies not doing business with the Government.

Another unpublished study, done for the Labor Department by Jonathan S. Leonard of the University of California at Berkeley, reached a similar conclusion. "The Federal contract compliance program has substantially improved employment opportunities for black males," he wrote. He added that affirmative action had increased the demand for black male labor and that this helped explain "a significant part of the increase in the relative earnings of black males."

Mr. Crump reported that Government contractors, under the stimulus of affirmative action, had a smaller proportion of their black and Hispanic employees in low-paying jobs. Twenty-two percent of the contractors' minority employees were service workers or unskilled laborers. For companies without Government contractors, the corresponding figure was 39 percent.●

VOICE OF DEMOCRACY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GONZALEZ. Mr. Speaker, for 35 years the Veterans of Foreign Wars has sponsored competition in the Voice of Democracy scholarship program, a contest whereby students from every State in the Union are given the chance to express their thoughts on their country and government.

Students must record their speeches and then are judged for content and delivery. This year almost one quarter of a million young people competed for five national scholarships. The theme of this competition was "Youth—America's Strength."

I am very pleased to be able to present to you and my worthy colleagues the text of the winning speech for the international students category, which was written and delivered by one of my constituents from the 20th Congressional District of Texas, Miss Ruth Carson Hobaugh.

I would also like to share with you a short statement by Miss Hobaugh:

I think we youths recognize our potential. Newly turned eighteen, I'm excited about getting the chance to vote, my input into my country's affairs, and the possibilities and responsibilities that lie before me in college and in life. We do recognize our potential, but we must also be aware that there is another generation which will depend on us. We must insure that the same opportunities that were so important to us are available to our children. This is what contributes to our nation's strength. The youth of America make up the future foundation of our country. People make up our nation, not money, weaponry, or factories; people—like our student in Mission Control, succeeding for himself, and for us.

This young San Antonian is currently living in Germany where her father is stationed as a dentist with the U.S. Army. She recently completed her studies at the Heidelberg American High School, and plans a career in medicine or another science/people-related occupation.

Miss Hobaugh's speech is, as follows:

1982-83 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM OVERSEAS WINNER (HEIDELBERG, GERMANY)—RUTH C. HOBAUGH

The other night as I watched the news, there was a story about an 18-year-old student who had designed an experiment to be performed in the weightless environment of the Columbia Space Shuttle in orbit. As I watched him smiling jubilantly from his place in Mission Control, I felt a special enthusiasm. Whether he realized it or not, he was there not only for himself. In that brief moment, he was representing the young people of the United States, and doing it very well. He was poised, well dressed for the occasion, vibrant and dynamic, and he was showing his creativity, intelligence and motivation through his endeavor.

I could identify with this fellow 18-year-old, and I was proud of him. I think all of America should be proud and very happy with what his accomplishment represents, for it actually says a great deal about America's most valuable resource for the future—her youth. Now, obviously, not all of us have the same talents as this young man, and that is why his efforts led him to a solo appearance at Mission Control. But he is not alone; the same America which produced him gave rise to an entire generation of young people who will contribute significantly to society in the coming decades.

The youth of this generation are a strength, and there are several reasons for this. We have grown up in a society that advances technologically so quickly that we are accustomed to rapid change, and expect to participate, even initiate, more progressive developments. We are not stymied by thoughts of the impossible, for in many cases we have seen the so-called impossible take place. In America, we have been encourage to freely examine moral and philosophical issues such as marriage, the right to life, good and evil, religion, differing political philosophies, man's ability to destroy the earth, and the duty to preserve and protect it. Most importantly, our generation has been presented more choices and opportunities than ever before. We can guide almost every facet of our lives, which leads us to responsibility. Although this independence can be frightening and overwhelming at times, it is also challenging, even exhilarating. There are often criticisms of the many mistakes we young people make, and truly we do make many wrong decisions. But we can learn from our mistakes and how to avoid them. I've learned to follow my parents' usually correct advice, even when it's unsolicited. We learn to take risks and, through this, feel a sense of satisfaction when we witness our successes. This highly technological and free-thinking society is conducive to the shaping of the moral, personal, and intellectual character of America's youth.●

COMMENDABLE DROPOUT PREVENTION PROGRAM

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. RAHALL. Mr. Speaker, I would like to take this opportunity to recognize the highly commendable and successful dropout prevention program of the Cabell County public school system. Under the direction of Mr. Dewey J. Parr, former principal of Harveytown Elementary, the program has succeeded in reducing the dropout rate for Huntington High School alone by 7 percentage points. The program's chief goal is to keep as many students in school as is conceivably possible and to give them more reasons to be happy and successful there.

School officials were extremely alarmed at the high dropout rate in Cabell County, which was 21 percent of the county's nearly 18,000 students in 1981. In view of the current high unemployment rate in this country, opportunities in today's job market are few and far between. There already exists keen competition among college graduates for the few available jobs. It is even more difficult for those who do not complete high school. Employers are hiring skilled and educated people. By not graduating, high school dropouts forfeit the most minimal requirement for most jobs, the high school diploma.

The students who are likely to drop out must be recognized and helped early in their school careers. This is exactly what the Cabell County dropout prevention program hopes to do. The program was developed by school administrators and was fundamentally designed to identify the characteristics of potential dropouts and establish a better relationship with the parents of those students. The program seeks to identify the teachers who can best work with these students, teachers who can best help these students, and establish a stronger bond between the school and their parents.

The funding for the dropout prevention program comes from less than

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half of the county's $123,000 share of a Federal block grant program. These title 2 funds allow Cabell County to implement this necessary and noteworthy program.

Already I have noted some effective changes in the Cabell County school system for the 1982-83 school year. Beginning with the youngest of the community, the program works to encourage elementary schoolchildren to learn skills so that they may overcome language difficulties early. It is designed to teach these children to communicate effectively from the start. It is hoped that these children will be less likely to drop out of school if their communications skills are honed early.

Among high school students, the dropout prevention program has achieved some dramatic results. In this first year Mr. Parr has concentrated his efforts on Huntington High School where the program is based. According to statistics, this high school had a dropout rate of 100 students from an 800 enrollment, the highest in the county for the 1981-82 school year. In 1983 the dropout rate of Huntington High has dropped from 30 percent in 1982 to approximately 23 percent. Furthermore, the Cabell County school system had 111 less dropouts in 1983 than in 1982.

I must commend the dedication and hard work given to this program by the parents, teachers, and principals of Cabell County. I find that their sincere effort and devotion to this program has sparked students' interest and is keeping them in school. I hope that this program will continue to progress and proves to be even more successful in the future against the threat of illiteracy.●

NATIONAL TENANTS DAY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MITCHELL. Mr. Speaker, early in his distinguished political career, President John F. Kennedy stated that, "the Government must take a stand in helping alleviate the housing shortage." Unfortunately, under the Reagan administration, public and assisted housing programs have been the targets of significant budget reductions. Today, I am introducing legislation to bring attention to the victimization of public housing tenants. This measure designates May 18, 1984, as "National Tenants Day."

President Reagan's emasculation of public housing programs has been mendaciously implemented. Under the illusion of establishing a social safety net, the Reagan administration requested that $5.2 billion be rescinded from public housing and section 8 authorization funds in 1981. As a result, once Congress acquiesced to this request, the number of additional units authorized to be constructed in 1981 fell from 255,000 to 210,000 units.

In addition, the Reagan administration's fiscal year 1982 budget recommended that only 175,000 additional units of section 8 housing be constructed. Later, this figure was lowered to 152,000 units.

Tragically, this administration has continued its unrelenting assault on public housing programs. In the fiscal year 1984 budget, President Reagan recommended that the public housing modernization program be merged with the public operating subsidies program. According to the budget proposal, modernization funds would decline from $1.4 billion to $350 million by 1987, the last year of the program.

The dehumanization of innocent people is the primary result of President Reagan's sordid attacks on public housing programs. Earlier this year, I held a hearing concerning homelessness in Baltimore City. During this hearing, I learned that there exists between 3,500 to 12,000 homeless individuals in Baltimore City. Undoubtedly, if the Federal Government would increase its allocation of funds for the construction of new public housing units, the number of homeless people in Baltimore would decrease.

Baltimore City, however, is not the only city whose residents lack adequate public housing facilities. The New York Times reported that as many as 17,000 families are illegally doubling up in apartments in New York City's public projects because of the shortage of housing for the poor. In Dallas, Tex., the city's housing authority estimates that thousands of families are on waiting lists for vacant public housing units.

I believe that the establishment of a National Tenants Day will generate nationwide attention to the inadequate supply of public housing units. In addition, it will publicize the human suffering which results from overcrowded housing, and the rapid deterioration of existing public housing units. Finally, this bill will send a message to the Reagan administration that the Congress will oppose future legislative attempts to reduce funding for public housing programs.●

CELEBRATION OF NATIONAL FLAG DAY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MAZZOLI. Mr. Speaker, on June 14, 1983, our country celebrated National Flag Day, a day set aside to show our pride and respect for the symbol of our Nation.

Yet, our flag is more than a symbol. It is not simply the Stars and Stripes which are displayed across this country—in schools, homes, and workplaces—which give meaning to the 14th of June.

Our flag is an outward tangible sign of the inward commitment of generations of American people to uphold the freedom of the individual. Designating a day to stop and reflect on the importance of that pursuit gives each of us an opportunity to renew our individual commitment to the spirit of democracy.

The flag represents the work of our Founding Fathers and the Union of these 50 sovereign States. But the true meaning of our Naton's flag is the celebration of the hearts, minds, and hands of all American people.●

RAOUL WALLENBERG—A REPORT FROM ISRAEL

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. McDONALD. Mr. Speaker, the case of Raoul Wallenberg has continued to disturb relations between the West, especially Sweden, and the Soviet Union. The Soviet seizure of this man in Hungary during the final months of World War II, when he was carrying on a one-man crusade to save as many Jews as possible, has captured the imagination of many people. In the years following World War II, many inmates of the Soviet Gulag have either heard that Raoul Wallenberg was still alive and in one of the camps or claim to have seen him. The Soviets, for their part finally admitted in 1958 that he was captured by the NKVD and assert he died in prison in 1947. Subsequently, further information has contradicted that assertion, and the evidence indicates that he is still alive. One person to make a very thorough investigation of the case is Avraham Shifrin, himself a victim of 10 years in the Gulag. Upon settling in Israel, Mr. Shifrin established a Research Center for Prisons, Psychprisons, and Forced-Labor Concentration Camps of the U.S.S.R. In compiling data on Soviet forced-labor camps, Mr. Shifrin came across information on Raoul Wallenberg, which he compiled into a report at the request of the Swedish Embassy in Israel. The report is dated January 1980 and is reproduced below for the edification of my colleagues:

FACTS CONCERNING THE FATE OF THE SWEDISH DIPLOMAT RAUL WALLENBERG KIDNAPPED BY THE SOVIETS FROM BUDAPEST IN 1945 (COMPILED AT THE REQUEST OF THE SWEDISH EMBASSY IN ISRAEL)

1. In April, 1963, when I was a political prisoner in camp no. 07 (Dubrovlag, Mordo-

via, USSR), I personally had a chance to talk with some five or six criminals who had arrived in our camp shortly before that.

These criminals told me that during the previous three or four years they had been kept in a camp on Wrangel' island above the Arctic Circle, where they were used in the service unit (for bringing food products into the camp and the work outside the camp).

I was greatly surprised and did not believe that there really existed a camp on Wrangel' island none of us prisoners had ever heard of before. Still, I thoroughly questioned those criminals who insisted that on Wrangel' island there was a complex of three camps located one next to the other, and that the only prisoners kept in those camps were foreigners, "exclusively generals" as the criminals remembered it. According to their evidence, there were several thousand prisoners in those three camps: in the dwelling zone, in the working zone and in the big hospital zone. These three zones were strictly separated from each other and there were no contacts (except for separate cases) among the prisoners of different zones. The prisoners of the service unit were not allowed to communicate with the prisoners of the three camps, yet, when bringing food into the camps they had occasional contacts with the prisoners there and were sure therefore that there were only foreigners there.

During my ten years in the camps and the consequent four years in the exile, I never heard of the camps on Wrangel' island again. The only conclusion which can be made from this fact is that the very existence of those camps was kept top secret. The appearance of the above mentioned criminals from Wrangel' island camps in the regular camps can be explained by the resentment of the authorities at the inevitable contacts among the Soviet citizens from the service unit and the foreigners in the camps.

2. In 1972, already in Israel, I met a Mr. Efim Moshinsky who told me that until 1962 he had been kept in the camps on Wrangel' island. His evidence, both in general and in some details, matched the one given to me in 1963 by the criminals. (See appendix 1—the testimony of Efim Moshinsky certified by the notary of the American embassy in Israel). As follows from Mr. Moshinsky's testimony, he knows for sure that until 1962 the Swedish diplomat Raul Wallenberg was kept in the dwelling zone of the camps on Wrangel' island because he (Moshinsky) even corresponded with Mr. Wallenberg sending messages to him to the closed barracks where he was kept and receiving answers.

Besides, Efim Moshinsky said that in the same camp he personally saw and talked with Mr. R. Trushnovich, a leader of the Russian anti-communist organization NTS who was kidnapped from Berlin by the Soviet KGB in 1953. In order to verify the evidence of Mr. Moshinsky, I asked the son of R. Trushnovich, Mr. Yaroslav Trushnovich presently residing in Frankfurt-on-Main, to send me a picture of his father. Upon receiving the picture I offered it to Mr. Moshinsky along with about 15 other male pictures, without telling him there was a picture of R. Trushnovich among them. (See appendix 2 for a detailed description of the identification procedure).

Besides, Mr. Moshinsky handed over to me a list of names and ranks of a number of foreign prisoners (all of them army officers of their countries) who were kept in the camps on Wrangel' island in 1962. Most of the people on the list were either German or Italian.

3. Being in Rome in 1972, I happened to mention in one of the interviews to the newsmen that there were camps for foreigners on Wrangel' island. (In those days I had to present all this information from my own name because Mr. Moshinsky's family was remaining in the USSR for which reason he did not want to publicize his name.) The news hit the head of one of the news agencies of Italy, Mr. Giuisseappe Delangoro who got very interested in this matter and asked me for the list of foreign prisoners from the Wrangel' island camps made by E. Moshinsky. I transfered the list to Mr. Delangoro.

4. A few months later in the same year, Mr. Delangoro called me from Rome and asked for an appointment. Upon his arrival in Israel I put him in touch with Efin Moshinsky. During our conversation with Mr. Delangoro and Efim Moshinsky, Mr. Delangoro informed us that (a) he had transmitted the list of prisoners from Wrangel' island to the Committee on Relatives of Officers Missing after World War II; the list was checked in the Committee and Mr. Delangoro was informed that all the people from the list were listed among the missing Italian officers; (b) in the same Committee Mr. Delangoro was told that about a year before (i.e. in 1971) a hunter in the South of Italy winged a goose on whose pad was attached a rubber tube with a piece of paper in it. The paper was badly damaged by water (who knows for how long it had been travelling with the goose back and forth . . .), therefore it was hardly possible to read the message. What was clearly seen on the paper was the word "SOS" in the very beginning and then separate words like "Italian officers" and "island behind the Polar Circle". According to Mr. Delangoro, the message is being carefully kept in the Committee on Relatives of Missing Officers.

5. In 1973, a TV-team from Sweden arrived in Israel to take an interview with me concerning the fact connected, in one way or another, with the search of Raul Wallenberg. The program they made was shown on Swedish TV. Following this show a letter came to the Swedish TV-centre from a former political prisoner of Soviet camps, a Hungarian by birth, who wrote that in 1967 he was for a while kept together with Raul Wallenberg in a camp East of Irkutsk, in Zabaykal, and that that was a large secret camp for foreigners; the Hungarian wrote also that according to his knowledge, R. Wallenberg had been brought to that camp from Wrangel' island.

6. In 1976, I received information from Rumania concerning three former Rumanian army officers who arrived in Rumania from the USSR via China. According to my correspondent, the three officers had served 25-year terms in the camps of the USSR and were released in 1970 from a special camp for foreigners in Zabarkal, further than Irkutsk. Upon their release from the camp, they were told by the Soviet authorities that Rumania no longer existed as an independent state but was rather a part of the USSR and that they would not be permitted to go there. Then they escaped to China where they learned that Rumania did exist as a sovereign country; from China they were permitted to leave for Rumania. Till now I have been trying to establish contacts with these Rumanians in order to find out from them whether Raoul Wallenberg was still in that camp near Irkutsk in 1970; because the information contained in the above mentioned letter of the Hungarian describing that camp matches exactly what the three Rumanian officers told about it.

7. In 1977, I was visited in Israel by Mr. Mark Seidenberg of the USA, who told me the following: he learned about the Wrangel island and the concentration camps for foreigners located there from my Hearing on Soviet Forced-Labour Camps before the Committee on Internal Security of the US Senate in 1973; he got interested in the subject and started looking for and finally found a man who possessed all official legal documents proving that he owned some lands on Wrangel' island. As it turned out, Wrangel' island was discovered in the 18th century by the Americans and legally belongs to the American State of Alaska. Mr. Seidenberg found out that the Soviets occupied the island after the October revolution of 1917; they arrived there in 1926, arrested the entire American colony there and raised the Soviet flag. Having gotten all this information, Mr. Siedenberg bought the lands on Wrangel' island from their previous owners.

From the American CIA Mr. Seidenberg got a map of Wrangel' island made from a satellite. The map had been sanitized: the marks indicating Soviet camps on the island had been removed. I showed this map to Efim Moshinsky who immediately and without any hesitation pointed to Budhta Rodzjersa as to the place of location of the camps on Wrangel' island.

It is interesting to remind the reader that in 1945 the Soviets simply denied the very fact of Raoul Wallenberg's kidnapping by the KGB. Later, in 1958, former Soviet leader Nikita Khrushchev admitted the fact and informed the Swedish authorities of Raoul Wallenberg's death in a Moscow prison in 1947. Some time later Swedish media published information released by a Soviet psychiatrist to a Swedish psychiatrist at a scientific congress. The Soviet psychiatrist said that Wallenberg had been in his psychiatric hospital as a prisoner, and the date mentioned by the Soviet doctor was much later than the date offered by Khrushchev as the date of Wallenberg's alleged death . . . while later the press informed the Swedish audience that the Soviet psychiatrist had died "of heart attack" in the USSR right after his information had been published in Sweden.

10. At the disposal of the Swedish government, as far as we know, there is a number of testimonies by former German POW's who returned from the USSR in 1956 and who had met R. Wallenberg after 1947 in various Soviet camps and prisons. One of these witnesses named the Vladimir prison as the place of his meeting with R. Wallenberg in 1959.

In 1979, continuing the search for additional information about the fate of R. Wallenberg, we came across former prisoner of Soviet camps and prisons A. Kalinskii who gave detailed testimony concerning his meeting with R. Wallenberg during their transportation from Verkhneuralsk prison to the prison of Vladimir in 1958 and concerning their consequent meetings in the Vladimir prison where they were simultaneously kept in 1959. A. Kalinskii's evidence coincides with that of the above mentioned German POW down to the smallest details, such as the number of Wallenberg's cell. Furthermore, in support of his evidence A. Kalinskii has presented absolutely authentic postcards of the International Red Cross mailed by him to his sister in Israel from the Vladimir prison; in one of these postcards it is written quite clearly that alongside him is kept "Swede who saved Jews".

11. In 1978, in Israel arrived a new witness whose name cannot be revealed at the moment because his family is still remaining in the USSR. The evidence given by this witness is kept in the Swedish embassy in Israel. It says that in 1977 the witness was present at a dinner-party at the place of a high-positioned KGB officer in Moscow, with whose son the witness was friendly. When everybody was drunk, the witness and his friend the son of the KGB officer started to discuss outloud the possibilities of an illegal escape from the USSR to which the KGB officer answered that if they only try to escape they will find themselves in the same place where a Swedish diplomat has been kept for over 30 years "by him". When the witness arrived in Israel and saw newspaper articles about R. Wallenberg's fate, he recalled the expression of the KGB officer and notified the Swedish embassy in Israel.

12. In early 1979, Dr. Anna Bilder residing in Israel was telephoned from Moscow by her father, Mr. Yan Kaplan. Shortly before that Mr. Kaplan had finished his three-year imprisonment and answering his daughter's question concerning his state of health he said that three years is a relatively small term and that he had seen, in the hospital of the Butyrskaya prison in Moscow, "a Swede who had already served over 30 years" and who felt quite well in spite of the long term. Following this conversation Mr. Kaplan tried to transfer to Israel a detailed letter describing his meeting with Raoul Wallenberg in 1975, but the letter was intercepted by the KGB and Yan Kaplan was immediately arrested again. A few months later his wife found a way to send a letter to her daughter wherein she is asking to save Yan Kaplan and says that his arrest is directly linked with his attempt to send a letter to the West describing his meeting with R. Wallenberg in 1975 in the hospital of the Butyrskaya prison.

Thus, the fact that the Soviet authorities have been lying about the death of Raoul Wallenberg has been proved. Now, the only way of pressure upon the USSR in order to obtain the release of Wallenberg can be an energetic campaign demanding that representatives of the Swedish government, the UN and international "Wallenberg rescue" committees be given an opportunity to talk with Yan Kaplan without Soviet representatives and get direct evidence from him. If such a demand (not a request) is initiated simultaneously by various sources and is supported by the international press, it may eventually result in the release of both Yan Kaplan and Raoul Wallenberg.

Requests have no influence upon the Soviet killers . . . January, 1980.●

PARTICIPANTS IN NATIONAL HISTORY DAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SKELTON. Mr. Speaker, this week I was pleased to learn that a group of sixth grade students from Belle, Mo., won prizes and nationwide recognition as participants in National History Day. I take this opportunity to congratulate them for this distinct honor and well-deserved award.

Five girls attending Maries County R-2 Primary School won third place in the junior divison of group performance. Their accomplishment was particularly impressive, since they were the youngest students from the smallest school district to win. They competed against sixth, seventh, and eighth grade students. Awards were given to the top three finalists, with $1,000 for first place, $500 for second place, and $200 for third place.

Thirty-nine States and the District of Columbia entered participants. To qualify at the national level, the Maries County team accomplished the best of several hundred performances from students across Missouri. Nationally, each State had two teams advance in each category for both junior and senior divisions, 1,425 students in all. Of the 61 entries in group performance judged on Thursday, June 16, 1983, only 8 survived for the runoffs on Friday evening, June 17, 1983.

The theme for National History Day was Turning Points in History. The contestants acted out scenes which they felt best exemplified the topic. The girls from Maries County chose to play the roles of the suffragettes who convened at Akron, Ohio, during their fight to secure the right to vote for women. These events directly led to the passage of the 19th amendment to the Constitution.

The participants were Tara Cope, who played Jane Gray Swisshelm; Lyzbeth Taylor, who was Sojurner Truth; Julie Sassman, whose role was Emma Coe; Jeannie Spurling, who served as the narrator; and Jeannie Roher, who played the roles of Frances Gage and Susan B. Anthony. Maries County sixth grade teacher, Ann Edwards, coached the girls during the competition. For their efforts, the girls received a bronze medal and $40 each. One contestant concluded that the money "would just about bring her savings account back up to where it was before the trip to Washington, D.C."●

A TRIBUTE TO DR. KARL PLATH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. PORTER. Mr. Speaker, on June 30, 1983, Dr. Karl Plath will resign after 17 years as superintendent of Deerfield and Highland Park High Schools.

Throughout his distinguished career, Dr. Plath has devoted considerable time and energy to bettering the high schools of School District 113 by developing programs which have given students, staff, and other community members a greater opportunity to participate in the different phases of the educational process.

These accomplishments include initiating summer workshops for teachers and administrators to improve existing courses and develop new ones, formulating a staff development program, and adding student and teacher representatives to the board of education. Dr. Plath has also overseen additions to and remodeling of both high schools, encouraged community involvement in the schools through volunteers, advisory councils, and adult attendence of high school classes, as well as establishing the Lake County Area Vocational Center and developing the Northern Suburban Special Education District.

More than these accomplishments, the tenor of excellence and the obvious personal commitment to it that has characterized all that Dr. Plath has done in education in an area of our country known for quality public education is the real legacy he leaves to his profession. I first knew Dr. Plath at the beginning of his career when he was coaching football and teaching Evanston Township High School.

Throughout his exemplary career, I know of no person more highly respected for his dedication to making things better. No better inheritance to those who follow him could possibly be left. I commend to my colleagues in the Congress the record of outstanding accomplishment in public education of Dr. Karl Plath and honor and pay tribute to him on a job well done.●

SACRAMENTO JOB CORPS A SUCCESS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MATSUI. Mr. Speaker, I would like to draw to the House's attention the fact that few Federal job programs have had the record of success that the Job Corps has had since its inception in 1964.

This fact was reaffirmed for me recently as the Sacramento Job Corps Center is now celebrating its fifth year of service to the people of the Sacramento area. Since 1979, more than 4,000 students have enrolled at this facility.

This program has been cost effective and has provided involvement in a range of community projects for the center's students. The Sacramento Job Corps Center set a national record in 1982 by graduating 300 individuals with high school equivalency degrees.

Mr. Speaker, this program operates at a minimum expense to the taxpayers. It provides realistic and useful training and opportunities for thousands across the Nation every year and, ultimately, benefits our society far more than the dollar line in the Federal budget might suggest.

I wish to conclude my statement by congratulating the Sacramento Job Corps Center on their past service and extending to them best wishes for the future.●

U.S. CONFERENCE OF MAYORS BACKS VITAL ARTS LEGISLATION

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DOWNEY of New York. Mr. Speaker, last week the U.S. Conference of Mayors unanimously adopted a resolution which supports my legislation, the National Heritage Resource Act (H.R. 1285). The resolution was passed at the mayors' annual meeting in Denver, Colo., on June 15, 1983.

I am pleased that the U.S. Conference of Mayors has joined me in supporting this vital legislation which assists museums, libraries, and research institutions in acquiring manuscripts, personal papers, photographs, and works of art.

The text of the resolution is as follows:

Resolution Passed by the U.S. Conference of Mayors

Whereas, prior to 1969. federal tax law made it possible for writers, artists, and scientists to make donations of their works to charitable organizations and to take deductions for those contributions that were equal to their fair market value; and

Whereas, in 1969, tax legislation was passed which limited those tax deductions for writers, artists, and scientists who were making donations of their works to charitable organizations to the cost of the materials used to produce the artistic property contributed to charity; and

Whereas, these reductions have sharply curtailed the amount of research materials available for scholarly activity; and

Whereas, our libraries and museums nationwide are experiencing a dramatic decline in acquisitions from the creators of art, literature, musical compositions, photography, and other works; and

Whereas, in these times of scarce economic resources, institutions of all types are unable to compete with other private purchasers, and institutional acquisitions budgets have been slashed; and

Whereas, the National Heritage Resource Act of 1983, introduced by Representative Thomas Downey, provides full fair market charitable contributions deductions for the creators of original works of arts, literary materials, musical manuscripts, photographs, and other materials; and

Whereas, this legislation has been recommended by the Presidential Task Force on the Arts and Humanities, appointed by President Ronald Reagan and passed the Senate Finance Committee in the 97th Congress, and is supported by a distinguished number of groups and individuals, including the Council of Creative Artists, Libraries and Museums; Dr. Daniel Boorstin, the Librarian of Congress; the American Library Association; the American Council on Education; the National Association of Independent Colleges and Universities; the American Arts Alliance; the American Association of Museums; the Research Library Association; and the Committee on Art Law of the Association of the Bar of the City of New York,

Now, therefore, be it resolved that the U.S. Conference of Mayors fully supports the passage of the National Heritage Resource Act; and

Be it further resolved that the U.S. Conference of Mayors stands ready to assist national associations, universities, museums, scholars, and artists in their efforts to secure implementation of this legislation.●

WHO WILL STOP THE SLAUGHTER OF THE INNOCENT? THE IRANIAN GOVERNMENT IGNORES WORLD PLEAS TO DESIST FROM RELIGIOUS PERSECUTION OF THE BAHA'IS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LANTOS. Mr. Speaker, once again, this past weekend, the horror and inhumanity of religious persecution was perpetrated by the Government of Iran in the execution of 16 members of the Baha'i faith; 6 men and 10 women, some of them teenage girls, were hanged for the crime of refusing to recant their faith and convert to Islam. The executions occurred despite an appeal from President Reagan 1 month ago for clemancy for these falsely charged prisoners.

Most of the women who were hanged on Saturday were wives, mothers, or daughters of men executed Thursday. Included were both the wife and daughter of a businessman, the 54-year-old mother of a young male student who was hanged on June 16, the 18-year-old daughter of a man executed on March 12, and six young women in their teens or early twenties. All were hanged for no crime except that of adhering to a religion which practices peace and nonviolence, which accepts all religions as shared truth, and which does not permit political activity except for loyalty to one's government. The Baha'is look to world opinion for protection. Guided by the precepts of their religion, they cannot take up arms and resist these acts of persecution.

The Islamic regime has conducted an official campaign of religious persecution against the Baha'i community since coming to power 4 years ago. Baha'is have been singled out with a special vengeance. More than 150 Baha'is have been executed in Iran in this brief period, hundreds more injured. Thousands have been made homeless and unemployed because of their faith. Baha'i holy places and cemeteries have been desecrated and destroyed. Baha'i women have been subjected to unbelievable humiliation and degradation because their religion awards them equality. Equality for women is, of course, antithetical to Islamic belief.

Many voices have been raised in protest against this ongoing wave of religious persecution. The U.S. Congress, the European Parliament, the Parliaments of Canada, Great Britain, and Australia, as well as the U.N. Human Rights Commission and Amnesty International all have protested the atrocities against the Iranian Baha'i community. Iran's response to world opinion is to persecute and execute.

All nations must join in protest and joint efforts to prevent further slaughter of blameless Baha'i who are even now being held in Iranian prisons. All nations must hold Iran accountable to honor the commitment it made in the U.N. General Assembly in 1981 condemning religious intolerance.

We, too, are accountable. We have known in advance of the danger to these martyred lives. We must act now to save others, and not wait to react with words of outrage when it is too late.●

CONSUMER ATTITUDES TOWARD BUYING AN AMERICAN AUTOMOBILE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DANNEMEYER. Mr. Speaker, the Congress is correctly concerned about the state of our domestic automobile industry, which employs one out of every five American workers. When analyzing policy options and the reasons for a decline in domestic sales, we must necessarily include the attitudes, perceptions, and the experiences of auto consumers.

Unfortunately, the consumer end of the transaction is not always taken into consideration. This has been brought to light during the ongoing debate over the pending domestic content legislation for automobiles, H.R. 1234. You can lead a horse to water, but you cannot make it drink. Similarly, we can provide incentives for consumers to purchase cars by lowering interest rates and restraining inflation, but ultimately it takes a willing buyer to complete a sale.

The Outlook section of the Washington Post for Sunday, June 19, 1983, contained a revealing personal account of a prospective auto purchaser by Joel Garreau, the editor of the Outlook section. Garreau traces his own

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attempt to purchase an American vehicle and the troubles he encountered.

The article points out that it is not possible to "buy American" simply by following the nameplate of the vehicle. This is the case because many vehicles are being designed overseas and only assembled, in whole or in part, in the United States. In addition, many American-designed and assembled vehicles contain substantial quantities of foreign-sourced components.

During the markup of H.R. 1234 in the Committee on Energy and Commerce, I offered an amendment in the nature of a substitute that would have mandated a program of domestic content disclosure to assist those who wish to intelligently "buy American." Specifically, the substitute would have required a label on each vehicle to disclose actual content percentages as well as an annual report on each manufacturer's fleet content ratio. This alternative to the domestic content performance requirements of H.R. 1234 would help consumers such as Mr. Garreau. Unfortunately, it was not adopted by the committee.

The article also highlighted the perceptions of consumers on the relative merits of foreign and domestic automobiles. At least by the writer's experience, he found the imported automobile and the import dealer to be more responsive to his preferences for service and vehicle performance, even though he started out in search of a domestic model. Whether Mr. Garreau's account is representative or not is immaterial. What is important is that his is not an isolated instance of a consumer's reaction to the choices, or lack thereof, facing potential car buyers today.

Next to real estate, a car is the most expensive purchase an individual makes in the marketplace. Therefore, the interests of consumers should be paramount in the formulation of an auto recovery policy. We could try to legislate the competition away, as H.R. 1234 attempts to do, or we can help make our own industry more competitive. The latter course is best for consumers.

Mr. Speaker, I would like to insert the Garreau article entitled "Would You Buy an American Car From These Salesmen?" at this point in the RECORD.

[From the Washington Post, June 19, 1983]

WOULD YOU BUY AN AMERICAN CAR FROM THESE SALESMEN?

(By Joel Garreau)

I tried, America. I worked at it for more than a year. I'd bought American cars for the last decade and a half, and I had no intention of stopping now, when the economy really needed my money. I figured it was going to be taken out of my pocket one way or another. If I didn't spend it on an American car, I'd just pay for it in food stamps to former UAW members. But nobody could quite bring themselves to sell me an American car.

A recent windfall allowed me the luxury of looking for something a trifle sexy.

The first thing I tried to buy was the Chrysler convertible, shortly after they came out. The first thing the salesman would not let me do is drive it. Not around the block, not around the parking lot, not at all. I guess they didn't want me to experience wind in my hair and admiring glances from passersby. I might have whipped out my checkbook right then and done something crazy. No, instead they stuffed me into a family sedan that they claimed was comparable.

In the confines of this mom-and-pop-mobile, without the distractions of being able to see the sky, a few flaws in the K car started looming large. Such as the thing cornering like a four-poster bed. I wanted a little excitement in my life, but not the kind caused by feeling I was taking my life in my hands around a 30-mile-an-hour corner.

Then I noticed that the undercoating that I didn't want anyway had been so liberally applied to the cars in the showroom that there was black tar splashed all around the rocker panels. The screws holding down the top were rusted. The convertible functionally had no back seat. The engine was a Mitsubishi. An additional $4,000 worth of profit had cheerfully been added to the car, bringing it over $15,000, take it or leave it, no deals.

I didn't need this. Several months later Chrysler was up to its keister in unsold convertibles. The price came down to $11,000. I was not surprised. I was also not tempted. This is not the only car in America. I decided to take Lee Iaccoca's advice—find a better car and buy it: a Chevy.

I went and looked at Camaros. I started asking technical questions, but I did not get technical answers. In fact, I had tremendous trouble getting a salesman to talk to me. The distinct impression I got was that people asking questions were automatically labeled tirekickers—people who have nothing better to do than waste the time of salesmen who did not have a single other customer.

Such grunts as I was able to elicit indicated that the salesman had not had enough initiative to learn as much about the car as he could have with a casual glance at Car and Driver or Road & Track. He seemed bored.

And again, they wouldn't let me drive the car. I liked the car. I pressed. Okay, they said, make an appointment for next Tuesday night. We'll probably be able to find a car to let you drive.

I came back. They handed me the keys. I asked where the nearest winding road was. They said, "Oh! We're not going to let you take it out of the parking lot. What do you think this is?" I'm leaving, I said. Good-bye, they calmly said, walking back into the showroom devoid of customers.

At this point, I was getting a little steamed. I wasn't crazy about the lack of amenities in the 114,000-mile 1978 Mustang that I was driving, but it had been a decent car. There had been public announcements that the Mustang convertible was about to be introduced. I'll stick with Ford, damn it, I said.

Went to the Ford dealerships. Yup, coming out within weeks they said. this was last June. It was also last September, last November, last December and last February. But I'm no fair-weather patriot. I was willing to wait to get the opportunity to buy American. In March I got the call from one of the many Ford salesmen with whom I had left my card. Convertibles are in. Be right over, I said.

Looked good. After debate with two salesmen and the senior manager, it was agreed that I could drive the car—a little. All right, I said. Let's get the top down. You see what's coming: the tonneau cover that would not stay on, the clamps that wouldn't lock, the glass rear window that weighs so much and requires such a contorted position to install that it is almost physically impossible to deal with.

This thing did have a back seat that would hold one person, not comfortably. It didn't have much trunk. Yet the wind felt good. Pretty girls smiled at me. I reached for my checkbook. Okay, how much? Over $16,000, I was told, and you certainly can't have this one. Somebody ordered this one months ago. We can put you on the waiting list.

I was not deterred. As long as I'm on a waiting list, I said, special order it so I can pay for only the options I want. We sat down. It took a crowd to figure out what options were available on the convertible. But we worked something out. Okay, I said, I'm finally going to get a car, and in only two to three months!

I went home and told my wife the good news. She said, let me see if I've got this straight. You're going to pay $14,400 for an $8,000 car that doesn't include an air-conditioner or a radio?

What do women know about cars? I went into work Monday and told my fellow car-enthusiast on the financial staff the good news. He said, you're going to pay $14,400 for an $8,000 car that doesn't include an air-conditioner or a radio?

Guys who write financial news are really smart, I thought to myself. I called Ford back. Sorry, I said, but that's just too much money. I'm going to buy a Pontiac.

I liked the Firebird a lot. It was 1,000 pounds overweight compared to other cars in its class, which meant a four-cyclinder engine was out of the question. But I could live with a six. It probably couldn't get any worse than 22 miles a gallon, and what the heck, gas is only a buck and a quarter. It didn't have any head room, but the special suspension will keep my head from hitting too hard on the roof. To get the sunroof open, you can't just hit a button. You stop the car, get out, lift two heavy panels off the roof and store them in the not-too-spacious trunk. But with the T-bar open, at least you have room for your head.

And I really, really liked the optional Lear seats. Lots of lateral support. Six different adjustments from lumbar to thigh areas. Very functional and comfortable, given that I spend a lot of time in the car.

They wouldn't let me drive the Firebird out of the parking lot, either, but I now understood that that was an unreasonable request on my part. I at least got to like first gear driving from the showroom to the fence. Besides, I was getting desperate. I was running out of Detroit brands.

Went home. Studied the information packet. Waited for a Saturday that wasn't pouring rain to go back and buy the Firebird. That took until weekend before last. This time I was so determined to buy I brought my wife. We walked in the door of the dealership and took out our checkbook. The salesman was not supercilious. He just said they didn't have anything with the good seats in stock. We were again willing to wait for a special order. The salesman wrote it up, took it to the manager for a price, and I got out my pen.

By this time I should have known things were going too smoothly. The manager and the salesman come back with long faces. We can't sell you the car, they told me. Special orders were shut off May 23. We won't know what the prices will be on an 1984 until late in the summer. Even if we did, you wouldn't get it until late September. There's nothing like what you want anywhere for 300 miles. There is simply no car to sell you.

Stunned and dejected, I trailed my wife back to the old car, kicking the pavement. My eyes were so studiously downcast I didn't realize I had followed her all the way across the parking lot. That's where the Honda place was that is part of the very same car dealership. She was staring at a new Prelude.

It wasn't American. I wasn't interested. I turned to go and bumped into a salesman, whose very first words, before introducing himself, were, "Want to drive it?"

Did I hear right? Was this car salesman asking me if I wanted to drive a car?

I didn't have time to collect my thoughts. A ring of shiny black objects were acing toward my chest. I caught them reflexively. They were car keys.

In a daze, I turned around and looked at the Prelude for the first time. Nah, I said, I don't want it. Automatic transmission.

The salesman handed me a different set of keys. "The five-speed's over there."

My wife was trying to wipe the pleading look off her face. "It's going to be your car," she said, resolutely.

I looked at the Prelude. I tried to clear my mind of everything terrific I'd read about it. Well, I rationalized, after a year of shopping, I could at least treat myself to one ride in somebody's new car. "For the best winding roads, take a right and head straight," said the salesman, unprompted.

The Prelude smoked out of the dealership. "Oooh," I tried to prevent myself from saying out loud. Through some S-curves, the car squatted, pointing itself exactly where it should go, clutching me in its standard-equipment high-support seats, so much like the ones I longed for in my Pontiac.

I won't dwell on the power sunroof and the four-speaker digital-readout stereo and the owner's manual that recommends against taking the Prelude over 80 miles per hour in third with two more gears to go. Nor will I dwell on the fact that with all these goodies and a hefty, unconcealed dealer profit, it's the same roughly $11,000 as the less-fancy Firebird nobody would sell me.

I will draw three meager pieces of solace: I'm buying from a kind-of American company. Honda has started building Accords in Ohio. I know. This is a Prelude. I'm reaching for comfort where I can.

I discovered to my relief that there are cars that America is building with which I could have fallen in love, had someone given me half a chance.

There is still at least one American in the Washington area who knew how to actively sell me a car. He may have learned his attitude from Japanese management. But he learned it.

There may be hope for us yet.●

MARY AND JOSEPH EVANS WINNERS OF THE STANLEY PIEKARZ MINUTEMAN OF THE YEAR AWARD

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LIPINSKI. Mr. Speaker, on Friday, June 24, Mary and Joseph Evans will be awarded the Stanley Piekarz Minuteman of the Year Award. The Piekarz Minuteman Award goes to the person or persons whose performance and dedication to a cause demonstrate the honored traits and qualities that best serve the needs of the country, State, and community.

The hard work and leadership that brings this award to Mary and Joseph has been crucial in their efforts to make the West Elsdon community on Chicago's Southwest side a clean and safe place to live. The Evans were instrumental in mounting a fight against the Meyer Steel Drum Co. Meyer manufactures steel drums, and since December 1980, the noise and pollution of steel drum manufacture have angered the Evans and other residents in the neighborhood.

Along with 23d Ward Alderman William F. Krystyniak, the Evans led a neighborhood group in a fight against Meyer. The group's actions led to the issuance of 13 pollution citations by Chicago's environmental protection agency. The Evans will be going to court throughout July and August for each of the citations, working to see that Meyer is eventually moved and peace is restored to their community.

The tireless efforts and willingness of the Evans to be active participants in the community is an inspiration to all who know them. I will be proud to award the Stanley Piekarz Minuteman of the Year Award this Friday to Mary and Joseph Evans.●

A SHOT HEARD 'ROUND THE WORLD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HOYER. Mr. Speaker, some months ago I brought to the attention of my colleagues the outstanding work of Robert and John Gianetti. These two men are architectural sculptors and have been responsible for the restoration of some of the most historic mansions in the Washington metropolitan area. Most recently they have also found themselves responsible for providing the fodder for one of the most humorous gags of this administration; perpetrated on our Secretary of the Interior James Watt.

I refer, of course, to the now famous (infamous?) plaster foot, fully complete with bullet hole, that President Reagan presented to Secretary Watt after his gaff about the Beach Boys.

I would like to share with my colleagues an article that appeared recently in the Washington Post about these two fine arts craftsmen.

SCULPTOR GETS PLASTER FOOT IN THE DOOR

(By Michael Kernan)

It was James Watt's foot that made the Giannettis famous.

Here they'd been architectural sculptors in Washington for decades, and their father before them, doing fancy plaster work on the Capitol, the White House and all over. For more than a year they've been renovating the Renwick Gallery, a five-year project that they say will cost $15 million to $20 million.

And then the White House staff orders a plaster foot with a hole in it for a gag on President Reagan. But Reagan turns it over to Watt, and the whole country laughs, and Giannetti's Studios is suddenly on the map.

"It's funny how things work out," says John Giannetti, 42. Last year, when he ran for the Maryland legislature, he thought about getting some incidental publicity on the Renwick job but decided not to. Now, as he finishes the very last plaster mold on the facade, the press shows up. The Renwick's sandstone exterior features are melting away, and Giannetti is making molds of every lintel, corbel, molding, medallion, pilaster, keystone and cornerstone on the entire building: everything but the bricks.

The stonework will all be restored to mint condition and reproduced exactly in precast architectural concrete by a Pennsylvania firm. It may be another three years before all the pieces are replaced.

"Those corbels [the little stone ends that stick out under the eaves] go all the way through to the inside wall," Giannetti said. "It's an enormous job. But the pollution was really destroying this sandstone. You can crumble it with your finger." He gazed up at the venerable landmark. "You know, sometimes, working up there, we'd feel a presence. Someone watching us. Those early stonecutters."

The studio in Brentwood, Md., just over the District line, is cluttered with plaster models of all these pieces, including two 18-foot freestanding fluted columns in sections. The last bit, the large medallion keystone over the Pennsylvania Avenue entrance, was cast in rubber and plaster by Michael Pathlak, a Russian-Jewish emigre who learned his trade in Kiev.

"We've seen a lot of action on this corner," Giannetti says. "ERA demonstrations, ambassadors at Blair House next door, the president going by. Sometimes we'd have to get down from the scaffolding. The Secret Service would come by and call us: They already knew all our names."

The sculptor and his brother Robert grew up in the plaster business here with their father, the late George Giannetti, who came over from Italy in 1910 at the age of 14. They worked on the Capitol's east facade and interiors, Mount Vernon, Ford's Theatre, the Kenmore House ceiling ("one of the most beautiful in America") and the press office moldings in the Nixon White House, not to mention fancy ceilings in Potomac, McLean and so on. Their father sculpted many of the executive seals around town,

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including a 16-footer on the Federal Deposit Insurance Corp. building.

As for the foot: No, it wasn't anybody's foot in particular. "They ordered it six weeks ago—with the hole. We did it in Fiberglas. My brother sculpted it in clay in a couple hours. We couldn't talk about it because it was a big secret at the time."

He smiles with the amused tolerance one would expect of a man who has spent 18 months working across from the White House.●

COMMENTS ON PROPOSED MEDICARE CUTS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MARKEY. Mr. Speaker, I rise today to address an issue which this Congress must face before the end of the decade: Medicare funding and reforms. Policy analysts inside and out of Government predict that by the end of this decade the medicare fund will be broke. I hope that we do not wait until the last minute to address the serious problems which we know exist today. The political process is not well served by last-minute legislating; it is my hope that we begin discussing the issue in order to prepare for legislative action that will insure adequate medical protection for our elderly citizens.

As we begin to consider reforms in medicare to insure its solvency, let us not forget the origin of the program. Medicare was enacted in 1965 to provide health services to elderly and disabled Americans. Today, the medicare program serves nearly 30 million people. Despite the millions of dollars spent on health costs by medicare, the program only covers about 40 percent of the elderly's health costs. In addition, medicare does not cover outpatient prescription drugs, eyeglasses, hearing aids, dentures, and preventive care.

Mr. Speaker, it is clear to me that the elderly of our country need this program as much today as they needed it when the program was first instituted 18 years ago. Today, over 15 percent of the elderly of our country have incomes below the poverty level, and over 25 percent are living on just 125 percent of the poverty income level. Nevertheless, the President has cut billions of dollars from medicare in his 2 years in office. And the administration has proposed an additional $1.9 billion cut in fiscal year 1984.

In addition, the administration plans dramatic changes in the medicare regulations which will push medicare coverage out of reach of the average elderly person. These changes corrupt the original purpose of the medicare program, to provide medical coverage to elderly Americans. Clearly, medicare needs some reform. We should not, however, abandon the very Americans the program was intended to benefit.

Mr. Speaker, and my colleagues, I think we should not lose sight of an important feature of medicare: Medicare benefits are as much social security as the monthly pension benefit. If medicare deductibles and copayments as well as premiums charges are increased by 153 percent by 1988, as the administration plans, this will have the same effect as cutting benefit checks by the same amount. This Congress would not stand for cutting benefit checks. But if we sit back and allow the administration to have its way by rewriting the copayment and medicare deductible regulations, we will be taking the money right out of the monthly benefit checks just as a thief would steal it out of a mailbox.

In conclusion, I want to remind my colleagues that medicare is title XVIII of the Social Security Act. This Congress took courageous and bipartisan steps to insure the solvency of the old age survivors trust fund without breaking our promise to the retired citizens of our country. I urge my colleagues to examine closely the medicare system and to take the same courageous action in solving the oncoming medicare problem—without breaking our promise to the elderly of our country needing health care.●

BANKRUPTCY OF AN EMPIRE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DREIER of California. Mr. Speaker, last week, the American people witnessed the failure of Congress to exhibit the will to make the hard decisions necessary to halt the hemorrhaging of the Federal budget. My colleagues will send to the President a series of spending bills which will "buy" particular constituencies across the country at the expense of the common good.

Frustrated, some of us, plod along hopeful that the executive check on the Congress actions will lessen the blow of these spending decisions. In this regard, Mr. Speaker, I join the editorial staff of the Wall Street Journal in expressing hope that the President will make the hard decisions that this Congress could not. I submit the following editorial to my colleagues because I believe, unless changed, the current dismal practice of irresponsible spending with total disregard for the source of financing will be devastating:

BANKRUPTCY OF AN EMPIRE

There is a good chance that over the next four weeks Congress and Ronald Reagan are going to provide a most fascinating political spectacle. Congress has begun to pitch the president a series of budget-busting appropriations bills, and Mr. Reagan is said to be limbering up his veto bat to swat them.

On one level, we'll be watching a struggle between a Congress no longer capable of controlling federal spending and a president who refuses to give Congress the additional taxes it wants. One of the recurring motifs will be that the president, crazed and blinded with ideology, is refusing to behave in a pragmatic and bipartisan spirit.

But if you'll step back a bit from this entertaining showdown, we think what you'll see is the intellectual bankruptcy of the political empire Congress has built for itself, year by year, since the early 1970s. Congress didn't win all of the spending battles during the Nixon, Ford and Carter years, but in disbursing a total of $3.6 trillion, it still managed to create a giant system of financial and political dependency that lumbers toward ever-greater excesses.

Consider a few highlights of the constituency building record. In 1971, Congress passed a 10% across-the-board hike in Social Security benefits, and expanded federal assistance for training doctors and health professionals. In 1972, Congress increased pensions for 900,000 members of a nearly bankrupt railroad pension system, authorized a federal takeover of the federal-state welfare system for the aged, blind and disabled, liberalized eligibility requirements for black-lung benefits and increased Social Security benefits 20% and double indexed them to inflation.

In 1973, Social Security benefits were increased an additional 11%; Congress also increased contributions to health-insurance programs for federal employees, indexed payments for the school-lunch program to food prices and mandated twice yearly inflation adjustments for food stamps.

In the following year it created an office of juvenile justice and delinquency prevention, the National Institute for Aging, the Legal Services Corp., programs for solar and geothermal energy, a six-year and $12 billion aid-to-mass-transit bill and a $25 billion appropriation over four years for education. In 1975, unemployment compensation was extended to 65 weeks, and $1.4 billion was appropriated for family planning and community mental-health centers.

We'll skip 1976 so we can get to the year Tip O'Neill became House speaker. His 1977 Congress put out $12.5 billion for "neighborhood revitalization." Food stamps became free, with an estimated four-year cost budgeted at $24.4 billion. In 1978, Congress rested, but did expand financial assistance for students from middle-income families. In 1979, teachers got the Department of Education, and Congress expanded support for a network of regional and state health-planning agencies and raised the federal contribution to state welfare costs by $900 million a year. The 1980 session gave fitful birth to the $1.6 billion toxic-waste "superfund." In November, voters elected Ronald Reagan.

From the perspective of men and women who had to give people reason to support them every two years, it was quite a performance. Broad classes of citizens came to depend on the budgetary distributions of Washington's philanthropes. Other groups, by now fully politicized, turned to Washington for a similar share in the benevolence. Local and state governments benefited either directly or insofar as Washington diverted citizens' claims on their own budgets.

So now we're in for the great budget battle of '83, or at least we can hope so. No matter who says what about whom in the coming weeks, we suggest you keep an eye fixed on one figure—the House Democrats' $863 billion budget. With Mr. Reagan's budget at $842 billion, the Democrats are further away from anything a president has proposed in recent memory. And with no reasonable expectation of using the budget to colonize more segments of American society, the Democrats have simply got to have that money to keep their existing constituencies responsive.

And up to now, they've succeeded mightily. Amid all the wailing over Mr. Reagan's gutting of the safety net, outlays for income-transfer programs from 1980 to 1983 went from $283 billion to a whopping $408 billion.

It has become too embarrassing to try to defend this grand bean feast before the American people so no one tries. Congress has become spending dependent, in need of larger and larger fixes to ensure continued incumbency. Shock treament is in order and we hope the president has the gumption to administer it.●

FIRST NATIONAL THEATER WEEK

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mrs. BOXER. Mr. Speaker, last year during this month the first National Theater Week was proclaimed by the Senate and House of Representatives. National Theater Week recognized the strength and vitality of the theaters in America, and urged our citizens to assist the efforts of the theaters throughout our country.

It is now, on this first anniversary of that historic bill, that I ask my fellow colleagues to support our theatrical institutions. They are a crucial part of our American heritage, and it is in our Nation's interest to support their efforts.

As the late Congressman Phillip Burton said:

> This is our National Theater Week . . . let us feel privileged to celebrate it.●

THE PASSENGER CAP AT NATIONAL AIRPORT IS NOT EQUITABLE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WHITEHURST. Mr. Speaker, this week the House is scheduled to consider H.R. 3329 transportation appropriations for fiscal year 1984. At that time, I understand, an amendment will be offered to delete the language which would prohibit the use of funds for either lowering the existing passenger cap or reducing the number of air carrier flights. In other words, the bill as reported to the floor would stop the FAA from implementing its proposal; the amendment to be offered would allow the FAA to go forward with its plan. I intend to oppose such an amendment, although I would prefer that the prohibition of any change in the existing policy be in some other form than that of a spending prohibition in an appropriations bill.

Let me say at the outset that I fully support the development of a rational and balanced airports policy for our region. To that end, I applaud the efforts of all parties to enlarge the scope of Dulles Airport; it would please me immensely if a large portion of passenger traffic at National were redirected to Dulles or BWI. Unfortunately, I see little hope of achieving an equitable redistribution in the FAA's proposal to reduce the passenger cap from 16 million to 14.8 million persons. I say equitable, because I cannot support administrative or legislative efforts to redefine air service in the Washington metropolitan area which would have the effect of eliminating short-haul jet service between the Hampton Roads, Va., area and Washington, D.C. I would point out that a substantial number of my constituents utilize National Airport for 1-day business trips to Washington, but I am certain that they would opt for ground transportation, albeit less convenient, were they unable to utilize National. It is inconceivable to me that frequent users of the Washington/Norfolk corridor would elect a 2-hour, round-trip ride from downtown Washington to Dulles when the driving time to Norfolk is approximately 3½ hours.

Permit me to quote from a recent letter from Kenneth R. Scott, executive director of the Norfolk Port and Industrial Authority, Norfolk International Airport:

> Our primary concern regarding operational restrictions at Washington National Airport relate to the adverse impact such controls would have on air service in short-haul markets such as Norfolk-Washington. We remain extremely puzzled as to how proponents of the "passenger cap" at Washington National Airport will, in fact, achieve what we understand is the ultimate goal of transferring passenger activity to Dulles International Airport. It remains our assessment that the passenger cap and other unrealistic operating controls at Washington National Airport that do not take into account distance will not achieve the goal of transferring passenger activity to Dulles. A restriction on the number of flights and/or passengers that can be handled at Washington National Airport will, in our opinion, only force the carriers to drop the short-haul markets and emphasize the more lucrative long-haul markets into Washington National Airport. The original intent of Dulles and the current objective for that airport is to attract long-haul markets. But with the FAA's continued encouragement of long-haul flights to Washington National, we remain confused as to the ultimate objective in regard to Washington National Airport.
>
> It remains our thinking that the Federal Aviation Administration, as Operator of Washington National Airport and Dulles, needs to develop and implement an innovative plan that would control the activity at Washington National and "force" the long-haul service and increased activity to Dulles. We feel that this can best be done by somehow "forcing" Washington National Airport into a restricted short-haul market. While we certainly do not consider ourselves experts in all the details and ramifications of how such a plan can be developed and implemented, we do feel that efforts to restrict Washington National Airport to the short-haul markets is the most feasible approach. For example, we feel further consideration should be given to restricting nonstop air service to/from Washington National to approximately 500 miles. Another thought, the implementation of which is difficult to perceive, relates to somehow prohibiting or discouraging "connecting flights" via Washington National Airport. In other words, if there was some way of restricting the use of Washington National to origination and destination passengers only it would help maintain the "passenger cap" which the FAA is suggesting as a solution to Washington National's problem. Norfolk's passengers, for example, frequently use Washington National as a connecting hub and thus add to the passenger cap for Washington National Airport when, in fact, that passenger is not going to Washington but rather is using Washington to get to their final destination.

I believe that Mr. Scott's concerns and suggestions are cogent, reasonable, and of considerable merit, and accordingly I have brought them to the attention of Secretary Dole in the hope they will be considered during ongoing FAA deliberations.

In the meantime, however, I feel constrained to oppose any attempt to lower the existing gap. I believe that the reservations expressed by Mr. Scott are shared not only by me but by a number of my colleagues, particularly those in the East whose districts are served by short-haul flights to Washington National, and I feel certain that they will join those of us who oppose the anticipated amendment.

Thank you, Mr. Speaker, for allowing me the opportunity to share my views, and those of Mr. Scott, with my colleagues in this way.●

A DISTINGUISHED CITIZEN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GARCIA. Mr. Speaker, on Sunday, June 12, 1983, the 25th annual Puerto Rican Day Parade took place on New York City. One of the parade committee officials was the Honorable Felipe N. Torres, a retired New York City judge. Judge Torres was born and educated in Puerto Rico, and attended City College and Fordham University Law School. He was a member of the New York State Assembly from 1953 to 1962, and a family court judge from 1963 to 1968. As the patriarch of the "Exemplary Family of the Year," Judge Torres deserves special recognition as a distinguished citizen of his community, as indicated in the following article from the New York Daily News.

TODAY, IT'S NUEVA YORK

The Puerto Rican Day Parade, a New York City tradition that celebrates its 25th anniversary this year, steps up Fifth Ave. to a salsa beat at noon today under the promise of a blue San Juan sky and a golden Caribbean sun.

Many thousands of marchers are scheduled to parade past many hundreds of thousands of spectators lining the avenue from 44th St. to 86th St., where the line of march turns east toward its terminus at Third Ave.

Along the way, if past years are any guide, there will be acres of Puerto Rican flags, galaxies of "Kiss Me I'm Puerto Rican" buttons and an assortment of homemade island-style snacks for sale by street vendors.

And, of course, there will be the other ingredient without which no New York City parade would be complete—gaggles of city, state and federal elected officials making themselves visible to the potential voters along the way, and politely elbowing each other out of the way when the news cameras come around.

There will be plenty of parade committee officials, but the No. 1 dignitary of the day should be the Honorable Felipe N. Torres, 86, a retired judge and patriarch of the "Exemplary Family of the Year."

Torres, who was born in Puerto Rico and attended schools in Ponce, P.R., earned a B.S. degree from City College and a law degree from Fordham University Law School. He want on to become a member of the State Assembly (1953-62) and a Family Court judge (1963-68).

THE DEUBLIN CO. OF NORTHBROOK, ILL., COMPETING SUCCESSFULLY IN JAPANESE MARKET

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. PORTER. Mr. Speaker, many have reacted in panic lately, to the claim that "Made in Japan" has supplanted "Made in America" as the symbol of quality and durability. Many look to the Federal Government for relief, calling for legislation to protect failing domestic industries from foreign competitors. Others, however, know that America has not lost its capability to recapture international markets. They remember that the Japanese have learned their most valuable lessons from America, and concentrate on rediscovering our own means of success.

A firm in my district, the Deublin Co. of Northbrook, Ill., can show many ailing firms in our country that they still possess the means to succeed on their own without looking in vain to the same Federal Government which has stifled so much of our productive power in recent years.

An article describing their success which appeared in the New York Times follows:

[From the New York Times, May 30, 1983]

SELLING TO JAPANESE INDUSTRY; A STEEL GIANT PREFERS PARTS MADE IN UNITED STATES

(By Steve Lohr)

FUKUYAMA, JAPAN.— Certain types of foreign products fare much better in Japan than others. Those most likely to win out are well-known brands that give a consumer the cachet of membership in the international community.

Manufactured items sold to large industrial corporations, on the other hand, have a more difficult time in Japan. To succeed, such products must pass through a labyrinth of distributors who have decades-old personal ties with domestic suppliers. A further obstacle is that the competing Japanese supplier is frequently a member of the purchaser's Keiretsu, or business group, with one company having a direct stake in the health of the other.

It often seems, therefore, that Japan's message to foreign businesses is: Give us your McDonald's, your Mercedes-Benz, your Johnnie Walker, but we'll make our own widgets, thank you.

A MAMMOTH STEEL FACILITY

Nonetheless, some overseas companies do manage to sell to Japanese industrial customers, and some even occasionally displace a domestic rival to do so.

One such success story is found here, 370 miles southwest of Tokyo, at the Fukuyama works of Nippon Kokan K.K., Japan's second-largest steelmaker. The mammoth Fukuyama plant, with a production capacity of 16 million tons a year, is said to be the biggest integrated steel mill in the world.

In the last few years the Deublin Company, a small concern with headquarters in Northbrook, Ill., has unseated domestic suppliers to sell its specialized parts to Nippon Kokan.

Deublin, a privately owned company with yearly revenues of about $15 million, makes rotating unions. These are essentially stubby, hollow axles. Air, water or hydraulic fluids pass through them, aiding heating and cooling in a variety of industrial processes.

The key part of a rotating union is a seal of two disk-like surfaces, machined so flat that there is no air between them and held together by atmospheric pressure. This lets one side of the union rotate, while the other remains stationary, with little friction at very high temperatures and under extreme pressure.

Deublin, founded in 1945, makes rotating unions and nothing else. It says it is the world's largest producer as well as the leader in quality.

"We're the Rolls-Royce of the industry," said Del Reisner, Deublin's chief engineer, who was in Fukuyama to call on Nippon Kokan.

The product, Mr. Reisner explained, is actually relatively simple to make. But the edge Deublin has over competitors, in his view, is superior design and quality that is the result of "a lot of little things that you learn only with years and years of experience."

At Deublin, that experience has stayed in Northbrook, Ill. "We've got a lot of lifers," Mr. Reisner said, "so we haven't lost our know-how to other companies." Mr. Reisner himself is 42 years old and has been at Deublin for 24 years.

Deublin gets about one-third of its sales in overseas markets. Since the mid-1960's, it has had a representative in Japan. But by the late 1970's, the company decided that, as Mr. Reisner put it, "We didn't have anywhere near as much of the Japanese market as we should have."

SUBSIDIARY FORMED IN JAPAN

So in 1978 Deublin hired Katashi Uemura, a former trading company official familiar with Deublin's product, and established a Japanese subsidiary, the Nippon-Deublin Company, in Osaka. Having a full-time Japanese staff, born and bred in the nation's business culture, is "absolutely indispensable" if a foreign company is to do well here, Mr. Reisner said.

Since 1978, Deublin's sales in Japan have multiplied 25 times, to an expected $1.3 million in 1983 at present exchange rates. Though it sells to other Japanese companies, too, Deublin's success at Nippon Kokan accounts for a big share of the increase.

The advantages of Deublin's product over those made by Japanese suppliers seem clear-cut. The American company's rotating unions cost about twice as much (up to $362 apiece), but they last three or for our times as long.

COSTLY ROLLERS LAST LONGER

That extra endurance is particularly valuable to steelmakers since the rollers to which the unions are attached cost from $4,260 to $6,380 each.

But winning acceptance for Deublin's products took time. "All Japanese steel companies have special relations with their suppliers," said Mr. Uemura, managing director of Nippon Deublin. "It's very difficult to overcome that."

Mr. Uemura made his approach directly to the engineers in Nippon Kokan's maintenance department rather than trying to go through the steel company's distributors. He figured correctly that the engineers would become advocates for Deublin's rotating unions if they could see how they worked.

In 1979 Nippon Kokan agreed to test four of the Deublin devices for a month, and they outperformed Japanese-made parts. Today Nippon Kokan has more than 1,000 Deublin rotating unions in use.●

STOP THE SPACE ARMS RACE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. KASTENMEIER. Mr. Speaker, I wish to call to the attention of my colleagues a June 20, 1983, article in the New York Times by Flora Lewis on the increasingly dangerous space arms race.

It is absolutely essential that the United States and the Soviet Union resume negotiations to stop the arms race in space before it escalates out of control.

COMING: SPACE WAR?

(By Flora Lewis)

PARIS, June 19.—A little noticed passage in the generally tough speech by Soviet Foreign Minister Andrei Gromyko last week contains what may be a crucial new arms control offer.

He said the Soviet Union was willing not only to ban weapons in space but to agree on banning the use of force in or from space. The initial White House response—affirming of U.S. interest in discussing the implications of space-based defense against nuclear ballistic missiles—seems to have missed this vital distinction. A ban on the use of force in or from space would head off the imminent leap in the arms race to deployment of antisatellite weapons.

It is a minute to midnight in this contest, not, as with laser weapons, a generation away. The Soviets have already tested a satellite killer. The U.S. plans a test this fall.

A panel of U.S. scientists with extensive experience in defense judged the Soviet weapon "a cumbersome and inflexible system in comparison to the mobile, F-15-based U.S. system."

Sponsored by the Union of Concerned Scientists, the panel proposed to the Senate Foreign Relations Committee on May 18 a draft treaty to block both sides from this dangerous plunge into the first phase of star wars.

It deserves urgent attention. Moscow has already tabled a treaty at the U.N. but it is quite inadequate from the American view, prohibiting only "weapons in orbit." A series of U.S.-Soviet talks was launched during the Carter Administration. But they broke down after the invasion of Afghanistan, just as the negotiations were getting to the core issues.

Since then, both sides have pushed ahead with development. As Thomas Karas points out in a lucid, extremely informative book called "The New High Ground," space has been militarized for 25 years. So far, however, it contains only electronic eyes and ears to serve ground-based weapons. Antisatellite systems (ASAT's) are certain to be the first arms in space if they are not forestalled by mutual agreement.

An argument has been raging in the Pentagon, the Congress, and among scientists for years on whether these would be good or bad for the U.S. Those who think they would be good talk of the need to "share the military competition" with the Soviets. They argue that nuclear weapons inhibit the use of American force on earth causing a "creeping paralysis of will . . . to defend ourselves or our interests." They consider space safer for war.

The quote is from a 1981 study by Lieut. Col. Barry Watts and Maj. Lance Lord, now officers of the Air Force Space Command. It is reported in the Karas book. The book also cities Brig. Gen. Ralph Jacobson telling a House subcommittee in 1981 that "the U.S. has a legitimate need for an ASAT capacity to remove the current sanctuary status the Soviets enjoy in space."

Those who think this is a mindless risk, which could be as irreversible as nucleasr weapons themselves, point out that the U.S. also enjoys such "sanctuary status." It is a great deal more dependent on its satellites for defense than the Russians with their vast continental communications.

In military pariance, satellites are very "soft," vulnerable to attack in all kinds of ways that would be relatively cheap to mount. U.S. atomic tests in the 1950's showed, unexpectedly, that they could practically all be disabled by a big nuclear burst in space. But that would ruin both "friendly" and "hostile" sky monitors. So the focus is on selective weapons.

Successful ASAT's could paralyze the strategic defense of either country without ever touching a missile. Therefore, once they are available, there would be a terrible temptation to suspect deliberate attack and retaliate on earth if important satellites went dead without explanation. That increases the danger of nuclear war by accident.

The U.S. is confident that it is now ahead in the relevant technology. But the scientists opposed to ASAT's are convinced the Russians could catch up.

There are measures which could be taken to strengthen the defense of key satellites. But they would be costly, uncertain, and risk being leap-frogged by fairly simple new offensive measures. The only way to stop a new spiral would be to agree on banning ASAT's now.

If the U.S. tests successfully now, the Russians undoubtedly would not rest until they improved their weapon, and then it would be too late for a really verifiable treaty.

The central provision in the American scientists' draft is: "No weapon that can destroy, damage, render inoperable, or change the flight trajectory of space objects can be tested in space, or against space objects." Mr. Gromyko's speech appeared to signal readiness to accept this prohibition.

If President Reagan is serious about arms control, which the Scowcroft commission said the U.S. must be, he should offer a test moratorium and offer immediate talks, not just on antimissile defense technologies, but on ASAT's as well. The draft treaty is an excellent start. As Mr. Karas says, "We can't hope to make the earth safe from warfare by moving combat into space. Military systems in space are designed to produce military advantages on the ground."●

TRIBUTE TO WALTER M. SNYDER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LONG of Maryland. Mr. Speaker, I would like to honor an outstanding citizen from my district, Dr. Walter M. Snyder. Dr. Synder will be retiring as director of personnel for the Baltimore County Schools on June 30, 1983, after 25 years of service. His commitment to education dates back to 1950 when he began teaching at Dundalk Senior High School. He is a highly respected member of the Maryland educational community, and affectionately referred to as the dean of personnel directors.

His commitment to serving the community extends far beyond education. Dr. Synder served with the U.S. Field Artillery during World War II and was held as a prisoner of war. Also he recently received a citation from Mayor William Schaefer of Baltimore for his activity and contributions as a patron of the arts.

I am sure my colleagues join me in warmly thanking Dr. Walter Snyder for his service to the students and staff of the Baltimore County Public Schools.●

GARRISON PROJECT CHANGE NEEDED

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. JEFFORDS. Mr. Speaker, opposition to the Garrison Diversion Unit, a controversial water project in North Dakota, is increasing.

On the national level, the House of Representatives overwhelmingly supported an amendment to delete funding for Garrison on December 14, 1982, by a vote of 252 to 152.

Funding for Garrison is opposed by major environmental groups and the National Taxpayers Union.

In North Dakota, the Bismarck Tribune, a major North Dakota newspaper, recently reversed its editorial position from support of Garrison to opposition. The reversal in editorial position along with other recent occurrences raises some serious doubts about the extent of support for Garrison in North Dakota. I am inserting a copy of that editorial for the record.

Others in North Dakota continue to either oppose the Garrison project or to call for alternative projects more suitable to North Dakota's needs. And these voices are growing in influence. In the November elections, for the first time in history, three individuals—all highly critical of the project—were elected to the Garrison Conservancy District Board. Several citizens were elected to the North Dakota Legislature running on anti-Garrison planks.

Canadians—the national and provincial governments, individual citizens, farm groups, small businesses—continue to oppose the project. And no wonder, since the potential harm to Canadian waters and fisheries is so great.

South Dakota landowners continue their legal battle to force the Interior Department to analyze the project's impacts on South Dakota and the James River before further construction takes place.

I could go on, but these few examples adequately illustrate the breadth of concern about the Garrison project. Garrison has become a national symbol of waste in Government. It is time to look at less costly alternatives to Garrison. I urge my colleagues in the Congress to oppose additional funding and construction of this project until we have been presented with some responsible alternative projects:

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GARRISON PROJECT CHANGE NEEDED

It's time to take a good, hard look at Garrison Diversion.

It almost doesn't matter that Garrison survived a recent House-Senate conference committee test.

Clearly, Garrison has lost political support in the House, which, only five days before the conference committee met, voted to cut funds 252-152.

The project is not likely to recoup much House support in the foreseeable future.

At the very best, Garrison's promoters will be able to work lose crumbs for funds. At the worst, Garrison won't be so lucky next time.

But Congress isn't Garrison's only problem.

Aside from Congress, Garrison still finds:

Stronger Canadian opposition than ever, based on fears of harm to Manitoba's fishing industry.

Opposition from environmental groups, who aren't likely to ease their stands on water development in North Dakota unless they perceive a better shake for wildlife and wetlands.

Renewed opposition by North Dakota farmers to a wildlife mitigation plan. Many landowners see Garrison as a project that takes from one set of farmers and gives to another, and many believe there is too much land in public ownership now.

The point is, as constituted, the Garrison plan continues to meet objections at every turn.

It has been nearly 30 years since Garrison Dam was completed, and this state still has no water project. At that rate, no living North Dakotan will see a completed project.

Garrison's supporters have stuck to their guns long past the time they should have tried to compromise and get a project moving forward, and it is time we faced political realities.

We should also realize that, more important than a specific water project outlining a certain number and location of acres, Garrison Diversion is an idea.

The idea is this: North Dakota has all this water in one place, doing itself little good. The best thing to do is to move that water and put it to better use.

The idea always has been and still is sound, and the idea should be implemented.

Furthermore, North Dakota has a right to a water project for agreeing to flood out more than half a million acres to create Lake Sakakawea and prevent flooding of downstream states.

But, that doesn't mean the state has a right to this particular project. It means the state has a right to compensation by whatever project or projects are acceptable to a wide array of interests.

For years, this newspaper has supported the authorized project in its editorials, believing that the 250,000-acre project was good and merely the first phase of a much bigger water plan.

Thus, it is no small step for us to urge that the current project be de-authorized and a project more palatable to the political powers that be, as well as to our own farmers, be authorized instead.

The reason we've come to this conclusion is that it's time to make measurable progress on a water project for North Dakota, rather than continue to get very little.

What is an acceptable alternative?

We can't say for sure. That's something to be planned out by our State Water Commission and the Bureau of Reclamation.

But here are some ideas:

If we agree to deauthorize Garrison, perhaps the feds would finance a municipal and industrial water pipeline project not only for the southwest area of the state, but for the eastern part as well.

Even that project would not fully compensate for flooding the Missouri River bottomlands.

The state should push, then, for federal financing of some of the items in the huge 1983 State Water Plan the Water Commission is presenting to the Legislature.

Let's come up with something everyone can agree on and do it. Having some water project is a whole lot better than sticking to a principle and having none.

Our politicians should show the leadership required and admit that big changes are needed for this state to get the uses it deserves out of its water.●

SISTER MUNA HONORED FOR TEACHING EXCELLENCE

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WON PAT. Mr. Speaker, I am pleased to call to the attention of our colleagues the outstanding career of public service of Sister Evelyn Muna of Guam.

Sister Muna is currently superintendent of 16 Catholic schools on Guam. For nearly 32 years, she has devoted her life to the education of the island's young people and she is known far and wide as a teacher and administrator of outstanding talents.

In these days of concern over the quality of the public schools in America it would be wise to take a close look at the career of Sister Muna. Through her unswerving drive for better education, she leads the way for all school systems who want to give their students the best of educational opportunities.

We on Guam are indeed fortunate to have a woman of such talents and dedication in our midst. Sister Muna has shown that she possesses the qualities needed to spark a never-ending interest in education in her students and her staff.

On July 29, Sister Muna will take a much deserved sabbatical to study off-island for a year. I am certain that she can teach those who teach as much as they can bring to her new classroom. I wish Sister Muna well in her classroom work and thank her for reminding all of us that quality education is a challenge not only for the students but for those who teach.

I ask now that a story which appeared in the June 13 Pacific Daily News now be inserted in the RECORD. Thank you.

NUN DEVOTES LIFE TO EDUCATION

(By Azelle San Nicolas)

The main focus of her life has been education.

For the past 31 years, Sister Evelyn Muna has devoted her life to teaching and administration in the public and Catholic school systems.

In 1980, she was appointed by Bishop Felixberto Flores to serve as the superintendent of the 16 Catholic schools on Guam and on Saipan.

And, since then, she has been overseeing the education of the island's 5,000 Catholic school students.

Sister Evelyn, who will be leaving next month for a year of study, will be relieved of her duties as superintendent by Sister Cecile Marie Crisostomo, a School Sister of Notre Dame.

"My work has been very challenging. I enjoyed every bit of it," said Sister Evelyn, a Religious Sister of Mercy.

"I can't put a claim on any accomplishment or take credit for anything. I am involved in the service ministry and my greatest accomplishment was the fact that I served with love," she said.

The bulk of her work now is in the revision of the mathematics curriculum.

"The Diocesan Mathematics Council is working to assess the needs of the mathematics program in the schools," said Sister Evelyn.

By the 1983-84 school year, the council hopes to come out with a standardized mastery skill check list for each mathematics teacher.

"My major concern is remediation. I want to try to raise student achievement in mathematics and language arts," said Sister Evelyn.

Another area of concern for Sister Evelyn is the increase in service to the schools from the gifted and talented program.

"I never want to see the discipline watered down. I'm not talking about extraneous discipline, but internal and mental discipline," said Sister Evelyn.

She plans to leave the island on July 29.

CHILD SUICIDE VICTIMS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WOLF. Mr. Speaker, as a member of the Select Committee on Children, Youth and Families, I am today submitting for the RECORD two articles from U.S. News & World Report related to the committee's work.

According to one of these reports, the suicide rate for people 15 to 24 years old has risen 300 percent in the past 20 years. Psychologists are linking the tragic incidents of youth suicides to feelings of "low self-esteem," a "sense of loss or failure," and "the pressures of growing up too soon."

This deadly trend concerns me greatly and I commend the reading of these shocking reports to my colleagues.

BEHIND A SURGE IN SUICIDES OF YOUNG PEOPLE

WHY CHOOSE DEATH AT SUCH A TENDER AGE? THAT'S THE QUESTION ASKED BY PARENTS AND MEDICAL EXPERTS

On June 5, a 17-year-old high-school student in North Salem, N.Y., hanged himself with his own belt in the bathroom of his home.

It was just three weeks after his girlfriend, last year's school homecoming queen, took her life in a similar manner following a quarrel between the two.

Their deaths so shocked the community of 4,500 that police put up barricades to keep outsiders away from the school grounds and counselors kept close watch to spot other troubled youngsters.

Disturbing as the New York tragedy may be, it is by no means an isolated incident. The suicide rate for people 15 to 24 years old has risen 300 percent in the past two decades.

One expert, Los Angeles psychologist Michael Peck, estimates that a million children a year think at one time or another about suicide.

"What we are seeing now is an epidemic of suicidal communication among young people," says Peck. "It is a way of saying: 'Someone help me.' Youth are desperate, unhappy, confused and compulsive. They can't think of any other way out."

CROSS SECTION

Youngsters who attempt suicide come from all classes of society and even include preschoolers. Among the shocking examples are a 6-year-old who tried to hang himself because he thought he was a burden to his financially strapped family and a 14-year-old girl who knelt in front of a train after learning she was pregnant.

Although official figures are difficult to obtain, estimates are that at least 7,000 teenagers kill themselves annually. As many as 400,000 attempt suicide.

Some analysts believe that the suicide rate may be even higher. For instance, many suicides are listed as accidents to protect insurance benefits or to shield the family from the stigma of such deaths. Some homicides, too, are thought to be invited by the victim—a suicidal person who puts himself or herself in a position to be killed. Says psychiatrist Mary Giffin of Northfield, Ill.: "It could be a fall down the stairs, a child who rode a bicycle into oncoming traffic. We've gotten to the point where we question every accident."

As a result, the medical profession is taking a much closer look at childhood depression and stress. Pamela Cantor, a Massachusetts psychologist, says suicide in the young can almost always be tied to a sense of loss or failure.

The loss can be that of a friend, a member of a family through divorce or death, a pet, job, or even a sense of control over their own lives. Failure can be imagined in one's physical appearance, in being too slow or too smart in school or in domestic problems children believe they caused. Abused children often attempt suicide.

Other contributing factors, according to experts, run the gamut from violence on TV and in the movies to low self-esteem, racial bigotry and the pressures of growing up too fast.

Parents who provide little personal attention also are blamed. Says Washington, D.C., psychiatrist Willie Hamlin: "Parents sometimes are so busy working hard to provide the material things that they've neglected what the child really needs and wants—time, attention, love and affection. The child acts out with suicide attempts to get attention."

Still another researcher, sociologist Steven Stack of Pennsylvania State University, sees a relationship between the rising suicide rate among youths and their lagging church attendance. In his view, religious beliefs tend to support people through life's trials and lend meaning to suffering.

Whatever the reasons for the wave of suicides, many government and private groups are taking new steps to tackle the problem. In operation around the country are more than 550 suicide-prevention centers and special hot lines. One Chicago suicide hot line rings every 20 seconds.

ALERTING PHYSICIANS

Dr. Susan Blumenthal, director of a new federal suicide-prevention units, says more pediatricians and medical students are being trained to diagnose and treat depression and suicidal behavior in children.

States and localities also are getting involved. A bill has been introduced in California to provide suicide-prevention programs in schools. Near Dayton, Ohio, a suicide-prevention center has developed a puppet show to reach out to very young children. A Northfield, Ill., medical group shows teachers and school administrator how to spot the telltale signs of suicidal youngsters.

Authorities insist the increased public information is the most important weapon in combating young suicides. This includes being able to recognize when a child is disturbed and knowing that when the child says, "I wish I was dead," he or she may mean it. Some of the trouble sings: Lethargy, loss of appetite, sleeplessness and reluctance to go to school or play with friends.

Julie Perlman, executive director of the American Association of Suicidology in Denver, notes that progress is being made because more people are becoming aware of the problem. "It has been a hard subject to deal with because people would rather ignore it," she says.

With so many families suffering the heartache of such deaths, the issue is getting harder to ignore.

HOW DEATH HAUNTS THE LIVING

Contact with a suicide, even for those with no family connections, can be so traumatic that the memory never fades away.

Such is the case with Alice Dransfield, 57, of Tiburon, Calif., who not long ago saw a young woman leap to her death from San Francisco's Golden Gate Bridge. Having worked as a volunteer at a suicide-prevention center, she explores her feelings of helplessness at witnessing that tragedy.

I remember that a bright sky framed the giant orange towers of the Golden Gate Bridge that autumn morning. My 21-year-old son and I were making small talk as we headed across the bridge to San Francisco.

At midspan, traffic began to slow, and then suddenly stopped altogether in the west lane nearest the ocean. As we braked, a trim, neatly dressed young woman stepped from her car into our lane. In her leather coat and checked pants, she looked like Ann, I thought, although I knew my daughter was away at school in the East.

Then, in one continuous movement, the woman ran around the front of her car toward the 4-foot bridge railing. "Oh, no." I gasped. I rolled down my window and screamed, "No! No! No!" Car horns and traffic noise muffled my voice. As I watched in disbelief, the woman lifted her long legs onto the railing, one hand clinging briefly to the edge. Before we could stop our car and get out, I saw her soar into the air, the ocean breeze blowing her shoulder-length hair.

For a moment she looked like a bird—high above the vast ocean 250 feet below. Then she was gone, one of more than 750 people known to have taken their lives from the bridge.

All I can remember is that I felt devastated, an empty sinking feeling like I had once when coming out of anesthesia after surgery. My body shook and I felt anguish. In seconds I had witnessed life, death, and the finality of suicide. My son and I wept as we continued across the bridge.

But along with the sadness, there was anger. I was certain a barrier above the bridge rail would have stopped her. It was too easy.

All day long I kept thinking about what I would have told the young woman if I only had the chance. I wished I could have told her that I cared. I wanted an opportunity to ask what was hurting and to assure her I would listen. We could have talked about the special people in her life and how they loved her. We could have looked at all the beauty around us.

I thought about the time many years before when there was a rash of suicides within a 10-mile radius of my home. Neighborhood children were asking whose daddy would be next. Since the word suicide was as remote to me as Shakespeare's "Othello," I hardly knew what to tell them. That's what led me to take a college course in suicide prevention and to volunteer as a telephone counselor at a crisis center.

THE HOT LINE

I remember how my pulse raced the first time I picked up the hot line. There were so many things to listen for—clues to the depth of a caller's distress. Are you thinking about suicide? Do you have a plan? What is happening in your life now making you feel suicidal? I listened intently and began to recognize a life-threatening situation caused by a drug overdose. A neighbor and rescue team were sent in as I kept the person talking on the phone.

Like the woman who jumped from the bridge, many of the people calling crisis centers are young people. Among those 15 to 24 years of age, only accidents claim more victims each year than suicide.

The tragedy goes far beyond the suicide victim himself. I have seen parents unable to overcome grief and heard the agony in the voice of a mother whose 19-year-old daughter jumped to her death from a ledge on college campus. She asks why? What happened? She searches for answers, struggling to hold her now empty life together.

Now I find myself asking those same questions. Since that day on the bridge, thoughts of that girl and her death keep popping to the surface. I think about how much life she still had to live and about the many joys that she will never know. I grieve to think that the burdens of life can so darken the human spirit.

I've also been talking about what I saw but am finding that no one really wants to listen. It's too morbid a subject. Suicide is the other person's problem until it strikes someone we know or until we see it happen. Maybe in our survival quest, we have stopped listening and stopped caring. Or could we pay more attention when a friend, family member or coworker seems despondent and somehow not themselves?

I know from my training that it is all right to ask: "Are you feeling suicidal?" Talking doesn't make it happen, but it can help dispel a temporary crisis. It can provide the necessary time to seek help and bring hope back into the lives of those who walk among us in despair.

I saw how the blackness of despair overpowered a fellow human that sunny morning. It happened in one of the most beautiful places in the country, maybe the whole world. Our home overlooks San Francisco Bay, with its ever changing scene of cargo ships, sailboats and the backdrop of an elegant city skyline.

But I'm glad that a huge stand of trees blocks our view of the bridge. In time, I will again wish the trees weren't there, but for now the sight of the bridge would only bring back the memories of a tragic day and a lost life.●

A SALUTE TO TOM

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. JONES of Tennessee. Mr. Speaker, it is with deep sorrow and regret that I share with my colleagues today the news of the recent death of Mr. Tom McCutchen, who most recently served for 20 years as the superintendent of the University of Tennessee Agricultural Experiment Station at Milan, Tenn. Tom McCutchen's untimely death leaves a big void in the lives of all who knew him and a large vacancy in the agricultural community of this Nation.

Tom was a leader in his community, devoting many hours to civic organizations and causes and being a very active member of his church. In all of his endeavors, Tom McCutchen sought to help others.

He brought that same attitude to his work helping develop agricultural research at the Milan Experiment Station for the advancement of all farmers. He was also a noted conservationist and it was that keen interest that helped develop the "No-Till Day," an annual field day to which farmers throughout the mid-South came to learn the latest in no-till farming techniques.

Maybe most importantly, Tom McCutchen undertook all of his endeavors because of the deep commitment he felt to helping others. He always sought to return a little something to the society that had given him so much, and so he took leadership roles in his community, in his church, and in his profession. His work in all of those areas will be remembered and his untiring energy will be sorely missed by all of us who knew him well.

Mr. Speaker, I want to include in the Record a recent poem published in the Milan Mirror-Exchange newspaper. It was submitted by the employees at the Milan Experiment Station and truly reflects the life of Tom McCutchen.

A Salute to Tom

The only time I ever saw him still
Was in his casket that sad day
For Tom was a man of action
And he proved it in every way
He got up every morning and found work to do
He didn't care to lay in bed
He set good examples for other men
And they followed where he led
Tom was a man with a vision
He had interests in so many things
And tho his final bell has sounded
For years the echoes will ring
I felt I ought to write these words
In honor of our Boss
Along with Family and other Friends
We suffer in their loss
Tom has left for a mansion bright
And even tho he's gone
His memory lingers here with us
His work lives on and on
He would ride the fields each day
To see how things were going
He watched them thru floods and droughts
And with the cold winds blowing
He gave so much of all he knew
To the farmers of the land
To help them turn a profit
And make farming pay again
Sometimes things went wrong as things will do
But he never would give up
He'd just say we'll try it another way
Maybe we didn't work it enough
Yes, Tom, we're going to miss you here
but for now we'll say good-bye
We hope some day to meet again
At the big farm in the sky.

From the employees of Milan Experiment Station.●

ROSWELL PARK HEAD EXCITED BY CANCER FINDINGS

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. NOWAK. Mr. Speaker, in the field of medicine one of the most challenging and puzzling areas of research is the study of cancer. The American Cancer Society estimates that in 1983, 885,000 people will be diagnosed with cancer, of whom 440,000 will die. Cancer strikes randomly, adults and children alike, and causes pain and stress not only for the patient but for family and friends as well.

Because of continuous medical research and developments, there is now more hope for cancer patients. About 46 percent of patients diagnosed with cancer will be alive in 5 years. Mr. Speaker, I am proud to say that Roswell Park Memorial Institute, one of our Nation's major cancer research centers, is located in my congressional district in Buffalo, N.Y. I would like to share with my colleagues an article which appeared May 29 in the Buffalo News which discusses the optimism which the director of Roswell Park, Dr. Gerald P. Murphy, has because of the progress to date and the future potential found in the cancer research effort.

The article follows:

[From the Buffalo News, May 29, 1983]

ROSWELL PARK HEAD EXCITED BY CANCER FINDINGS

If you'd like to begin to appreciate the magnitude of the challenge that cancer presents to medical researchers, picture in your mind a jigsaw puzzle of a seemingly infinite number of pieces.

To solve the problem of cancer, researchers have to complete the puzzle.

To state it that way, however, is to oversimplify, to suggest it is a straightforward task, something that can be accomplished with an adequate investment of time and patience.

Anyone who's been on Earth during recent years knows that's not been the case, even when the time and patience have been bolstered by the investment of millions of dollars in research funds.

The reason is that cancer is no ordinary jigsaw puzzle. Those working to solve it do not even know the total number of pieces in the puzzle and the pieces that fit together often do not appear to do so until after extensive research. And when one part of the puzzle is solved, there always appear to be hundreds, if not thousands, of pieces to go.

Recent media reports, however, would indicate that significant progress is being made toward the final solution.

Admitting that "there can always be too much hype" when it comes to the media's coverage of cancer, Dr. Gerald P. Murphy says it is his impression that the optimism is warranted because "a lot of pieces are coming together."

"I'm very excited," he adds. Progress that is being reported on several fronts, he notes, "gives hope to the cancer researcher as well as giving cancer patients and their families hope."

Dr. Murphy, a urologist, has a unique perspective. Not only is he the director of Roswell Park Memorial Institute, but immediate past president and chairman of the executive council of the Society of Surgical Oncology and president-elect of the American Cancer Society.

"If these were findings of just one laboratory, you might call it hype," he adds. "But that's not the case. Progress is being seen in program after program, with sometimes each week bringing a new development."

He cautions, however, that "no one is saying the end is near" in terms of final solution of the puzzle.

Just as solution of one section of a jigsaw puzzle invariably leads to completion of another, today's optimism in the field of cancer is based on work that's been conducted in the past.

Dr. Murphy says an example of that is the research focusing on oncogenes, or genes that some believe to be responsible for the development of cancer.

"All of this work has gone on for years, and some of the work in viral oncology and molecular biology has been disappointing," explains Dr. Murphy. "But that same work and the development of new techniques have made it possible in a number of laboratories to get to the same cellular level and pose the same questions.

"With these techniques," he adds, "we are able to do things that we were unable to do just five years ago."

Dr. Murphy stresses that "while the theory is there, a lot of work remains to be done" when it comes to the topic of oncogenes. Only when that is accomplished, he notes, can the next step toward solution be taken in that area of the cancer puzzle.

Dr. Murphy says a good deal of work also remains to be done before there can be further scientific evaluation of monoclonal antibodies, disease-fighting agents produced with new bio-engineering techniques. Scientists are postulating that such antibodies not only may find a valuable role in transporting drugs to cancer cells, but in early diagnosis of cancer.

There special antibodies, produced by fusing cells, have caused quite a stir in the lay and medical communities. Dr. Murphy notes, however, that wider experience with them that could give a better picture of their role in solving the cancer puzzle has to wait until they can be produced more abundantly.

"The method is time consuming," he adds. "It takes nine to 10 months to get one or two monoclonal antibodies with the type of specificity that you want."

That limitation, he predicts, eventually will be overcome.

Scientific evaluation, while it can produce exciting results, has to follow an orderly process which is not likely to produce headline-grabbing stories, Dr. Murphy notes.

He cites the example of studies involving interferon, a protein produced by the body to fight viruses that only a few years ago was being hailed in the media as a breakthrough in the fight against cancer.

Rosewell Park has provided the American Cancer Society with more than $1 million in human fibroblast interferon to be used in studies that is produced by a process that has tripled and quadrupled recovery rate of the protein.

Dr. Murphy notes that evaluation of interferon is being done in studies designed more to meet specifications of the U.S. Food & Drug Administration than to be the most dramatic measure of its cancer-fighting potential.

Studies are producing promising results in a number of cancers, including those involving the breast, kidneys, prostate, larynx and brain and in lymphomas, he adds.

"But we have yet to get an evaluation of what the full potential is," Dr. Murphy adds. "If this works out, it definitely is going to be something, but it's going to take us another year or two."●

JUST THE FACTS, SIR, JUST THE FACTS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HAWKINS. Mr. Speaker, in a hearing before the Joint Economic Committee today, Under Secretary of Commerce Dedrick said, and I quote, that we are experiencing "an average recovery from an average recession." Unfortunately for Mr. Dedrick and the Nation, he is wrong on both counts.

By almost any measure one wishes to use, the recent recession was extraordinary in its severity. Unemployment hit record highs as did the average duration of unemployment. Capacity utilization hit record lows. Farm income was only half that of just a few years ago. Corporate profits dropped sharply. New investment in plant and equipment fell for 2 consecutive years. Real average hourly earnings fell steadily as did average real weekly earnings. Home and house mortgage foreclosures climbed to record numbers and auto and home construction fell sharply. The trade deficit and budget deficit both climbed to unheard of levels. Mr. Speaker, no one who studies the facts can deny that the Reagan recession was and is the most severe economic downturn since the Great Depression. To state otherwise is clearly fallacious.

Similarly, to claim that we are now enjoying an average recovery is a similar misstatement of fact. The average increase in real Gross National Product for the two quarters following the end of all postwar recoveries has been 8.1 percent. With the end of the recession now being pegged as December 1982, we have seen sluggish growth at best. The first quarter of 1983 saw GNP rising at a 2.6-percent rate and the second quarter improved at a 6.6-percent rate. These figures are clearly far below the average recovery. The administration has heralded the 0.7-percent drop in the unemployment rate as being extraordinarily strong. However, even with this much needed improvement, the unemployment rate is still higher than under any postwar President. The number of people out of work today is higher right now than it has been under any other President. The number of business bankruptcies and home mortgage foreclosures is higher under this President than it has been under any other. No, Mr. Dedrick, this is not an average recovery. The weak economic growth of today is significant only in comparison to the severity of the downturn. With no hope of reaching prerecession levels of unemployment until many years down the road under this administration's policies, it is a cruel hoax on the millions of innocent victims of the Reagan recession to proclaim this a strong recovery.

INDUSTRIAL POLICY: ANOTHER VIEW

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MARKEY. Mr. Speaker, last week, I submitted for the Record an excerpt from a working paper by the United Auto Workers on an industrial policy for America. Today, I wish to add to this debate a viewpoint that approaches many of these questions from a slightly different perspective, but with many of the same concerns.

Dr. Robert Reich, a professor at Harvard, has added richly to this important debate. His works are numerous and respected. What follows this introduction is an excerpt from his widely acclaimed book, the Next American Frontier, which appeared in AmeriTrust's monthly review, Mid-American Outlook. While I do not agree with Dr. Reich on every point, I find his opinions intriguing and most worthwhile.

Particularly, Dr. Reich and I agree on two key questions that motivate this discussion. First, this Nation needs an indutrial policy—indeed, this Nation has one by choice or by default—and the question is one of how well coordinated and how efficiently managed that policy will be. Second, we agree on the fact that what works in Japan or Germany will not work in the United States. Above all else, an American industrial policy must be just that—American. It must be open, democratic, and responsive.

I commend Dr. Reich's comments to my colleagues for their education and reference.

DEAL WITH PROBLEMS OPENLY

(By Robert Reich)

As the United States economy has slowed down, all participants in American enterprise—corporate executives, lawyers and financial brokers, lower-level employees, government bureaucrats—have taken advantage of opportunities to increase their own economic security at the expense of others.

Every group is reluctant to risk change in its economic status for fear that the burden of change in the economy as a whole will fall disproportionately upon it. But the collective unwillingness of all participants to risk economic change is dooming everyone. America's impasse is rooted in the incapacity of its political institutions to ensure that the burdens and benefits of adjustment will be allocated fairly.

Fundamentally, the United States needs a political forum capable of generating large-scale compromise and adaption—a national bargaining arena for allocating the burdens and benefits of major adjustment strategies. Such an arena would enable the nation to achieve a broad-based consensus about adjustment. It would enable government, business and labor to fashion explicit agreements to restructure American industry. Protectionist measures and bailouts to preserve the status quo for particular industries would be difficult to elicit from government if they were demanded and debated in full view of industrial purchasers, emerging segments, consumers and other groups on whom their costs would fall.

Companies seeking financial support or import protection would have to ensure that the measures would be temporary and would serve to benefit the overall economy.

Perhaps most important, the single arena could provide a focus for an ongoing national debate about human-capital investment.

To a limited extent, this idea lay behind the establishment of a U.S. trade representative's office in the White House. But its jurisdiction is far too constrained, its powers too circumscribed and advisory, and the bargaining over which it presides too covert for this office to become a forum for building a consensus about structural change in America.

We have only to compare it with the comprehensive bargaining arena in which West German structural policy is formulated—where industry, labor, finance and government leaders thrash out workable agreements on wage rates, selective credit policies and adjustment—or with the structure and influence of Japan's Ministry of International Trade and Industry, to comprehend the scale and effort that is needed.

This is not to suggest that either West Germany or Japan provides the United States with an appropriate model. The relative ease with which a consensus about structural policy has been achieved in both countries may have more to do with their recently feudal (and more recently totalitarian) histories than with institutional design.

America is blessed with a highly contentious political system in which disorder, opportunism and ad hoc arrangements abound and in which hierarchical mass organizations have never found much support. But this by no means rules out the possibility of a more open, more public debate about economic change, in which bargains can be struck "wholesale" in place of the covert "retailing" that now dominates the cloakrooms of Congress, the boardrooms of America's giant corporations and the courtrooms of every judicial district.

The answer is not "national planning," if we take that term to mean the centralized drafting of detailed blueprints for future economic management. We already have that sort of planning.

We have had managerial planning for decades—within our giant corporations and government agencies. Managerial planning depends on stability, predictability and control. It seeks to be apolitical—a legacy of the management era in America. It is becoming dangerously obsolete as America is caught up in the unpredictable dynamic of international competition.

Instead, we need a political forum as versatile as flexible-system enterprises—less concerned with making "correct" decisions than with making correctable ones; less obsessed with avoiding error than with detecting and correcting for error; more devoted to responding to changing conditions and encouraging new enterprises than to stabilizing the environment for old enterprises.

This is not to suggest that America should seek to politicize every major economic issue. The point is that any important economic choice is by nature political, but the political dimension is often systematically obscured. This submergence of politics results in economic policies whose burdens and benefits are allocated in ways that many people ultimately consider unfair.

Americans, like most people, reject or resist painful decisions that they have had no part in making. Efforts to submerge politics serve only to prevent it.

America's accelerating slide into industrial preservation is the most obvious but by no means the only illustration of this fact. Only when political considerations are dealt with openly can we avoid the dilemma of inefficient special-interest policies or institutional paralysis. Adjustment cannot proceed without mechanisms for explicit bargaining among economic groups and without institutions with the authority to monitor and guarantee the consensus.

The biggest barrier to active adjustment is not technical but ideological. For 50 years Americans have been embroiled in an endless debate over the relative merits of two highly artificial concepts: the "free market" and "national planning".

The real choice facing America is rather between evading the new global context and engaging it—between protecting the American economy from the international market while generating paper profits, and adapting it to meet international competition. Either way, government will be actively involved. And though the form of government involvement may be different, the fact of it will be nothing new.

Many Americans feel that government should—and, but for regrettable lapses, does—refrain from interfering with the market. We may even acknowledge that the market itself is a product of public institutions that establish property rights and liability rules and determine how contracts are to be enforced. But we see these as neutral "rules of the game" that do not selectively affect specific industries or groups.

The enduring myth of the unmanaged market illustrates the power of ideology over political reality. The broad array of tariffs, quotas, voluntary export agreements and bailouts for declining businesses that now pervades our economic system is somehow considered an isolated exception to the government's normal role of benign neglect, while our defense-related contracts, targeted tax breaks and assorted subsidies for particular industries are seen as separate issues, unrelated to industrial development or to the dynamics of the market.

Many Americans object to the subsidies foreign governments offer their emerging industries but then fail to acknowledge the seminal role defense and aerospace projects play in the development of our own emerging industries.

We demand that foreign governments reduce the procurement preferences they give certain of their domestic industries but then demand that our own large, regulated manufacturers buy only from American producers. In short, our mythic assumptions lag behind our economic reality: every industry in America is deeply involved with and dependent of government.

The competitive position of every American firm is affected by government policy. No sharp distinction can validly be drawn between private and public sectors within this or any other advanced industrialized country; the economic effects of public policies and corporate decisions are completely intertwined. But so long as this pattern of government involvement is hidden from public view, the result will continue to be historic perservation of an outmoded industrial base.

These disjunctures between ideology and reality make it doubly difficult for policymakers to choose adjustment over protection. So long as all government assistance to businesses and to individual citizens is seen as somehow illegitimate, the government is forced to respond to each industry's plea for assistance with special emergency interventions, as if it were an exceptional case.

Industry participates in this charade, disguising its long-term strategies to obtain government supports through targeted benefits embedded within particular tax laws, appropriations, agency regulations, court rulings and executive orders. Because neither government nor business can admit to the intimacy of the relationship, both sides treat it as an illicit affair, hiding it from public view and thereby undermining the chances for those aspects of the relationship that promote positive adjustment to earn cultural legitimacy.

Above all, this false choice—the free market versus central planning, business culture versus civic culture—has prevented us from understanding the importance of human capital to America's future.

In high-volume production, most of a firm's value is represented by physical assets, while the principal stores of value in flexible-system enterprises are human assets. Specialized machines and unskilled workers cannot adapt easily to new situations. Flexible machines and teams of skilled workers can. Only people can recognize and solve novel problems; machines can merely repeat solutions already programmed within them.

The future prosperity of America and all the other industrialized countries will depend on their citizens' ability to recognize and solve new problems, for the simple reason that processes that make routine the solution to older problems are coming to be the special province of developing nations. Industries of the future will depend not on physical "hardware," which can be duplicated anywhere, but on human "software", which can retain a technological edge.

Financial-capital formation is becoming a less important determinant of a nation's well-being than human-capital formation. Financial capital is highly mobile. It crosses international borders with the speed of an electronic impulse. International savings are flowing around the globe to wherever they can be put to use. But a nation's store of human capital is relatively immobile internationally. The skills, knowledge and capacity to work together within America's labor force will determine our collective standard of living.

(Professor Reich, author of The Next American Frontier, teaches business and public policy at Harvard.)

This article was excerpted from an article in the April, 1983, issue of Atlantic Monthly and was reprinted with permission of the author and publisher.●

THE 75TH ANNIVERSARY OF CEDAR GROVE, N.J.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MINISH. Mr. Speaker, an important occasion will be marked in my district this weekend—the township of Cedar Grove, N.J. will celebrate their 75th anniversary.

A very industrious anniversary committee has devoted much time and energy on this project for the past year. The fruits of their labors will now be enjoyed by many. Beginning this weekend there will be special events running for a period of 10 days until July 4. The spectacular events are befitting this important anniversary.

I will be pleased to attend a parade this Saturday, June 25. This parade promises to be a great one—with a large number of marching bands, fire and rescue squads, and decorative floats.

Other plans to commemorate this historic event will include an interesting community interfaith service, a concert given by the New Jersey Pops Symphony Orchestra, an anniversary dinner-dance, a pool party, an arts and crafts show, a fireworks display, 10-kilometer run, theater programs, and a performance by the U.S. Air Force Eastern Express Band.

The township of Cedar Grove is a lovely suburban community in north Jersey which covers 4 square miles and has grown to a population of approximately 12,600 residents.

Mr. Speaker, I am proud to represent the people of Cedar Grove here in Washington—something I have had the honor to do since 1972. I would like to commend everyone involved with this worthwhile project for planning so many interesting events and I send the entire township my best wishes for another 75 years of growth and success.●

FLEXIBILITY SHOWN IN BILINGUAL EDUCATION INSTRUCTION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HAWKINS. Mr. Speaker, currently, in this Nation there is great controversy over the question of bilingual education instruction in our public schools. Much of this controversy stems from a basic misunderstanding of the purpose of bilingual education, which is to provide instruction in English and in the native language of the limited English proficiency student. Native language instruction takes place when in the opinion of local school educators, this is deemed to be a necessary part of the limited English proficiency child's individualized academic plan.

A school district by school district examination, to determine how much flexibility there is in their bilingual education methodologies, techniques, and practices will demonstrate that their methodologies are many and varied. A recent article in the May 3, 1983, of the Education Daily discusses the kind of flexibility creative school districts are using in helping limited English proficiency students achieve academic success.

The article follows:

TWO DISTRICTS CHOOSE MIDDLE GROUND IN BILINGUAL EDUCATION

As the controversy swirls over whether to provide bilingual or English-only instruction to children of limited English-speaking ability, at least two school districts have chosen a middle path that seems to satisfy those on both sides of the debate.

In the rush to comply with federal and state regulations and spend the extra money that often accompanies the rules, school districts have often overlooked more efficient programs to teach children who do not understand much English, said Jack Fields, coordinator of bilingual education in the Danville, Ill.' school district.

Students in the Danville district who need special instruction in English are taught alongside children who speak only English, Fields last week told the National School Boards Association meeting in San Francisco.

GRADUATED APPROACH

Kindergarten students begin reading in their native language in a segregated room, and then first-graders move on so a regular classroom with English-speaking peers and a teacher who is bilingual, said Fields. "All children work in reading in their first language, with other subjects taught in English and/or the appropriate language," he said.

After children learn to read in their native language, usually during first grade, students then begin to learn to read English. From grade three on, children are generally taught only in English, but teachers are available who can provide help in the native language when needed, he said.

"Our students and parents like this type of program because children receive services when they need them, and there is no stigma of being in a 'special class.' You should like it because it is cost-effective," he told the school board members. "The emphasis should be placed on elementary teachers who are bilingual rather than on bilingual teachers."

The program saves money, Fields said, because fewer teachers are needed than in a traditional bilingual education progam.

TRAINING CENTERS

In Minneapolis, which has 1,750 students with native language other than English, students are taught English and given bilingual instruction in math, science, health and social studies, according to Marily Borea, a Minneapolis school board member.

Minneapolis has established 17 of its 50 schools as Limited English Proficient (LEP) Centers, which are staffed with one bilingual teacher and one English as a second-language teacher for every 60 students.

According to Borea, students may be able to speak English well after two years, but they often do not become proficient in reading comprehension until much later. Math, she said, is usually the first subject in which students with a limited English proficiency succeed.

Each school is required to have a Limited English Proficiency team that meets on a regular basis and consists of the principal, social worker or counselor, English and bilingual staff, as well as the regular classroom teacher, Borea said.

Students with limited English proficiency participate from their first day at school in art, music, physical education, home economics, industrial education and typing, Borea said. "As their English language skills increase and they have demonstrated mastery of basic concepts in their native language, the LEP team is responsible for determining the extent to which each student may benefit from increased mainstream instruction."●

NEWARK UNIT OF AMERICAN CANCER SOCIETY RECEIVES OFFICIAL CHARTER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. RODINO. Mr. Speaker, on June 26 the Newark unit of the American Cancer Society will officially receive its charter. This is a very special occasion for the dedicated volunteers involved in the Newark unit, and I take a great deal of pride in recognizing them today.

It is sad to say, but the State of New Jersey, and my home city of Newark in particular, have an alarmingly high rate of cancer. The need for public education about the warning signals and importance of early detection of the disease led to the creation of the Newark unit, the first chapter of the New Jersey Division of the American Cancer Society to be organized on a citywide basis. It was established in 1981, and already has become tremendously effective in providing public and professional education, as well as patient services, to the residents of Newark.

In addition to formally receiving its charter on Sunday, the unit will hold its first annual awards dinner. Among those being honored will be Mrs. Muriel Gibson, first lady of the city of Newark; the Reverend Oliver Brown, pastor of the Roseville United Presbyterian Church in Newark; Mrs. Shirley Owens, wife of the Reverend Owens who is the pastor of Wells Cathedral in Newark; Dennis Cherot, director of health and welfare in Newark; Miles Berger, owner of the Lincoln Hotel who was a leading fundraiser in the unit's Easter flower drive; Dr. Frank Lapeyrolerie, dean of the New Jersey Dental School who served as chair of the steering committee that set up the units; and the late Sam Terry, who was a security guard, and is being honored posthumously.

I am extremely proud of the volunteers in this unit who give so much of themselves, and who reach far into the community to increase awareness of the occurrence, treatment, and possible conquest of the disease. There are a great number of people who must be recognized for their involvement with the unit, beginning with Gary Nevis who first worked with the American Cancer Society to set up the unit. I also wish to honor the executives of the Newark unit: Louise Epperson, president; Lawrence Schneider, executive committee chairman; Lucye Lee, vice president; Theodore Bolen, vice president, delegate to division; James D. Foster, vice president, delegate to division; Lottie Bow, secretary; Veronica Tasker, treasurer; Rose-mary Horner, chairperson, public education committee; Bernadette Jamieson, chairperson, service and rehabilitation committee; James Brown, chairman, professional education committee; Terry Blue, chairman, crusade committee; Barbara Ann Delaney, chairperson, public information; and board members Bobbie Cottle, Arthur B. Cohen, Rev. Ralph Grant, Dr. Frank Lapeyrolerie, Talib Najjar, Janice Newman, Donald Paulussen, Kenneth Peterson, Ramon Rivera, Roberto Ruiz, R. David Seldin, Louise Bates Tyrus, Edward W. Verner, Thomas R. Walters, Bernice Williams, and Pat Williams, as well as coordinator David Rensky.

Mr. Speaker, I commend these people as they dedicate themselves to the fight against cancer.●

A DOLLAR LOANED IS A DOLLAR LOST—IS THIS THE REAL STORY OF THE EXPORT-IMPORT BANK?

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. STARK. Mr. Speaker, the Export-Import Bank was commissioned to provide low-interest loans to foreigners so they are able to purchase U.S.-made products. The justification for this program of making goods available to foreigners cheaper than they are available to U.S. small- and medium-sized businesses is that it increases U.S. jobs through more exports.

U.S. taxpayers are expected to support this program, which provides foreigners with loans at substantially lower interest rates than are available to Americans seeking home mortgages, on the grounds that the profits from the exports will result in a return to the Treasury in higher corporate and employee taxes.

This is all good and well in a perfect world where equity and fairness are the cornerstones of business. But these justifications for the Export-Import Bank are thrown in a cocked hat when the Bank makes its loans through a tax-haven country and through dummy corporations set up to insure not equity and fairness, but that no tax is paid to the United States on the profits from the sale of subsidized exports. A most glaring example can be drawn from the Export-Import Bank's fiscal year 1981 report. That report lists a loan of $3,590,589 to Intairdril, Ltd. of the Cayman Islands, which has long been a mecca for those who wish to escape legitimate taxes and one of the most financially uncooperative countries.

On the surface this loan appears to conform with Exim Bank goals. However, a closer look reveals that Intairdril, Ltd. used the money to buy a drilling rig constructed by the Pool Co. of San Angelo, Tex., which just happens to be the parent company of Intairdril, and both are owned by the huge U.S. company, Enserch Corp. of Dallas, Tex. The rub here is that the profits—generated by low-interest, taxpayer-subsidized loans—would not be subject to taxation when earned by Pool's Cayman Island subsidiary, Intairdril. Moreover, Moody's Public Utility Manual, vol. 1, 1982, in reporting on the multimillion-dollar Enserch Corp. wrote:

> Undistributed earnings on foreign subsidiaries are intended to be reinvested in operations of the foreign subsidiaries; therefore, the corporation has not provided deferred income taxes on such earnings. It is expected that income taxes payable upon any future distribution will be less than the Federal statutory rate because of the availability of foreign tax credits.

What is more, undistributed earnings of the Enserch foreign subsidiaries for which the corporation has not provided deferred Federal income taxes amounted to, according to Moody's, approximately $34,268,000, $18,010,000, and $7,977,000 at December 31, 1981, 1980, and 1979 respectively.

I would be shocked if a penny of the profits on the Intairdril deal will ever be subject to U.S. taxation, and I find it very disturbing that the Export-Import Bank would be using taxpayer-supported funds to underwrite these sort of transactions.

I wish I could report this was one very isolated case, but it is not. In 1982, the Export-Import Bank came back and loaned Intairdril $8.8 million for yet another oil rig to be supplied by Enserch.

There are other less suspicious examples of the Export-Import Bank making loans in tax-haven, tax-avoidance countries. Take for instance, Batsco Ltd., in the country of Liechtenstein. Batsco was loaned $8,414,605 in fiscal year 1981 to purchase a drilling rig from Ingersoll, Inc., of the United States. I am not sure what they are drilling for beneath the Liechtenstein surface, but I am convinced it is not legitimate taxes owed the American Treasury.

What these abuses amount to is the misuse of taxpayers' dollars—a misuse that cheats the public treasury of legitimate tax revenues. If this Congress is prepared to extend the authority of the Export-Import Bank it should be prepared to tighten the financial reins of the bank to assure that every dollar the public spends is being used to help this country, not hurt it.●

THE ALCOHOL ENFORCEMENT AND EDUCATION PROJECT OF THE TRAFFIC IMPROVEMENT ASSOCIATION OF OAKLAND COUNTY, MICH.

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. BROOMFIELD. Mr. Speaker, in the past few years through the efforts of such organizations as MADD, Mothers Against Drunk Driving, both public attitudes and State laws relating to drunk driving have shifted considerably.

However, even before the problem of drunk driving came into the national spotlight, many organizations were working very hard on ways to reduce the human and economic losses caused by drunk driving.

The Oakland County alcohol project, which is administered by the Traffic Improvement Association of Oakland County (TIA), is considered by many as one of the most innovative and successful of this type of program aimed at getting the drunk driver off the road.

Mr. Speaker, I wish to commend the TIA for its fine record, and to apprise my colleagues and others of this excellent project, I wish to include the remarks of Mr. Bruce B. Madsen before the Presidential Commission on Drunk Driving. Mr. Madsen is the managing director of the Traffic Improvement Association of Oakland County, in Oakland County, Mich.

The remarks follow:

REMARKS OF BRUCE B. MADSEN BEFORE THE PRESIDENTIAL COMMISSION ON DRUNK DRIVING, DETROIT, MICH., NOVEMBER 5, 1982

I'd like to begin my presentation of the Oakland County Alcohol Project by quoting a few brief paragraphs from an Oakland Press editorial:

"Our world is filled to overflowing with 'programs' that do not work. Some are public, some private, some a little of both, but they share one distinguishing characteristic. Their grand aims are seldom achieved."

"So brace yourself. We have a progam here in Oakland County that seems to be working."

The editorial then goes on to describe Oakland County's current drunk driving project; the fact that it's a four-year, 1.2 million dollar project administered jointly by the Traffic Improvement Association of Oakland County and the Oakland County Sheriff's Department. The editorial explains how the project works and what it has accomplished. Then it ends this way:

"If further research bears out the early data, this program will have been the most important public undertaking in Oakland County this year."

"No doubt about it."

Neil Munro wrote that editorial in November, 1980, about six months after our program had become operational.

The "further research" he referred to is now available for two years of project operations. I'm pleased to report that the project is an outstanding success—exceeding our most optimistic expectations.

I'm going to depart from the usual format presentation and give you the "bottom line" results before briefly describing the project.

The following is a summary of the basic findings of two years of operation.

DUIL arrests on a countywide basis were increased by 30 percent.

DUIL arrests within the Oakland County Sheriff's Department increased by 130 percent.

The special alcohol enforcement teams—which includes six to seven officers who work four nights a week—issued over 1,700 DUIL citations.

There were over 11,000 DUIL arrests made throughout the county during this two-year period.

Alcohol-related traffic accidents were reduced by 21 percent. This meant that there were 2,500 fewer accidents as compared to the preceding base years—about half of which would have been in the fatal or serious injury categories.

During the two years immediately preceding the launching of our program, alcohol was a factor in 55 percent of fatal accidents. That has been reduced to approximately 48 percent.

Approximately $550,000 was spent on this project during the two-year period, during which time there was an estimated $14 million reduction in the costs of alcohol-related accidents.

The program is working very well.

The reasons why the Oakland County project is working so well can, I believe, be understood through even a brief summary of the major elements of the project. But, before summarizing the activities, I would like to pass along some basic demographics so that you might better understand the environment within which this project operates.

Oakland County borders the city of Detroit to the north.

It is nearly as large as Rhode Island—approximately 900 square miles.

Our population is approximately one million, making it larger in this respect than 13 of our States.

We have 63 local units of government.

We have 15 courts with traffic authority.

We have 42 police departments.

The annual average number of traffic fatalities for the past three years stands at 155.

Personal injuries average about 18,000 per year.

It's a big county with big problems. Certainly one of the largest is in the human and economic losses caused by the drunk driver. In the five years preceding our project, alcohol-related accidents took 450 lives, injured over 20,000 people and cost about $168 million.

To combat this problem, we launched our project with great media fanfare in April of 1980. The project incorporates two major thrusts; emphasis is placed on selective enforcement and on public information and education.

Here's how the enforcement operations work:

Through TIA's unique, sophisticated traffic data system, we identified the days of the week and times of the day when the greatest number of alcohol-related accidents occur. We also pinpointed the locations where these accidents were occurring with the greatest frequency.

We established 10 specific locations, each about 15 miles in length, which became the target areas for special AE teams. They work Wednesday nights through Saturday nights from 11 p.m. to 4 a.m. Although these hours represent only 12 percent of the total time in a week, 65 to 70 percent of all alcohol-related accidents occurred during these hours.

The AE teams are comprised of six sheriff's deputies, two Michigan State Police officers and two to three officers from the local communities within which they operate. The cars are equipped with reflectorized signs bearing our special black and red AE logo.

I'm sure you've all seen van type vehicles which are equipped with breath testing devices. Gambling a bit on whether or not it would work, we equipped three of our patrol cars with breathalyzers, thinking that every team officer would have full enforcement capability and that we could save a lot of money on equipment. It is working exceptionally well. We've been able to reduce the officers' total time in DUIL processing from about three hours to about 45 minutes.

Each of the officers who work on the AE teams attended a one-week course in drunk driving detection, apprehension, arrest and adjudication conducted at Michigan State University. Many of those who attended reported that this was the best course in which they have ever participated. And, at this moment, we are providing this training to an additional 100 officers in three locations within the county.

As we all recognize, one cannot expect improvement in enforcement if only one link in the total enforcement chain is strengthened. Considering this, our total project has included a series of seminars, breathalyzer demonstrations and conferences specifically directed to the needs of prosecutors and judges. A preliminary project evaluation suggests a marked improvement throughout the area of DUIL adjudication. Reports indicate that our judges are taking a tougher and tougher stand on this offense.

Now to the second major part of our total project: We have included an intensive public information and education program which has addressed two major objectives; (1) to create a greater public awareness of the magnitude and cost of the drinking driver problem, and (2) to develop a perception of a high probability of arrest for this offense in Oakland County. As most of you know, Larry Ross of New York University has reported, through his survey of international drunk driving programs, that this perception of high risk is the single greatest deterrent to the drinking driver offense—more so than even severe penalties.

Our total PI&E activities includes a special saturation mass media campaign conducted during the months of November, December, and January. This campaign has received an exceptional level of support by local media and has included news releases, feature stories, drinking driver profiles, editorials, full page display ads, billboards, and television and radio spots—all provided as a public service. The campaign theme and all media materials were developed by D'arcy-Mac Manus & Masius, one of the Nation's largest advertisers. The theme is; "drunk drivers, the party's over."

During the remaining nine months of the year, special attention is directed to speakers bureau activities, special training for high school driver educators in alcohol and the drinking driver problem, involvement of professional and service organizations and feature articles for magazines, newsletters and trade journals.

As the statistics which I reported earlier indicate, the Oakland County project is working very well and, quite surprisingly, we are seeing continuing improvement in all areas of the total project—from enforcement to the reduction in traffic losses.

There are now many, many believers who agree—to paraphrase editor Neil Munro—that this program is the most important public undertaking in Oakland County.

That concludes my description of the Oakland County drunk driving project.

There are just a few observations which I would like to pass along for your consideration.

In the several drunk driving conferences in which I've participated or attended, a significant portion of the deliberation has focused on problems, needs and countermeasures at the State level or on a statewide basis. In shaping policy recommendations, I would strongly urge that major focus and emphasis be placed upon ways and means of meeting this problem at the local level.

For as long as I can remember, experts in highway traffic safety administration have been saying that traffic accidents are a local problem—and that the solution to this problem must come from the local level.

I believe this to be particularly so with respect to drunk driving countermeasures for certainly enforcement, prosecution and adjudication is notably autonomous and local in nature. In this sense dealing with the drunk driving problem is conspicuously different than many other functional areas of traffic safety—such as establishing traffic engineering design standards which must be initiated at the Federal and State levels.

Certainly local authorities need good State legislation as a basis for operations. In that respect, we know that our Oakland County project will benefit substantially from the recently enacted Michigan law providing for the use of preliminary breath testers and also the illegal, per se features.

But, these valuable additions to our legal framework will have precious little impact on the drunk driving problem in areas where no management systems exist for upgrading the level of official performance or creating the necessary climate of public awareness, concern and support.

And, in particular, I would urge that emphasis also be placed on means for providing for financial support to local programs—such as that now in effect in the State of New York. While local revenues raised through drunk driving fines may be used for enforcement, certainly consideration should be given to providing funding for soundly based programs of public information and education such as we have had the pleasure of introducing in Oakland County.●

THOMAS BALIGA RECEIVES PATRIOT OF THE YEAR AWARD IN SOUTHWEST CHICAGO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LIPINSKI. Mr. Speaker, this Friday, June 24, Thomas Baliga will be awarded the Patriot of the Year Award in the Fifth District of Illinois. The Patriot of the Year Award goes to the individual or individuals whose sense of Americanism and patriotism have been shown in years of dedication and service to the community.

Mr. Baliga has been a dominant figure in the growth and development of the Archer Heights community in southwest Chicago since 1971.

Tom has fought hard to improve the quality of life in the Archer Heights area. He has brought business into the area, eliminated a community nuisance in the form of the Midway Metals Junkyard, and fought for a rapid transit system for the southwest side.

Mr. Baliga has won many awards before the Patriot of the Year Award, including the Ray McDonald Community Achievement Award and the Archer Heights Community Achievement Award.

I proudly offer Tom my congratulations and insert into today's Record excerpts of an article describing more of Tom's achievements, printed in the Midway Sentinel.

Thomas Baliga Honored for Community Labors

In 1968, Tom along with his parents Stanley and Florence, moved into the Archer Heights Community. He worked part-time at Marshall Field & Company while attending Northeastern Illinois State University. He graduated on the deans list in 1971 with a bachelor of arts degree in Political Science. His major emphasis in college was on urban government. Tom is proud of the fact that he was able to pay for a majority of his college expenses.

His full time employment started with International Harvester Credit Corporation as a cash operations clerk. He is currently a supervisor for the Internal Financial Reporting Company.

Baliga's community involvement began in 1971 when he served as president of his block club, a position which he held until 1976. In 1976, he joined the Archer Heights Civic Association. In 1977, he was elected Vice President and the following year obtained the presidency. Tom served in this capacity for five years and is presently the executive director of the association.

As president of the civic association, Tom waged a community crusade to improve the quality of life in the Archer Heights area. Some of his major battle victories include preventing the establishment of a postal facility at 47th and Kilbourn. One of his major objections to a post office at this location was that a 24 hour, 7 day a week operation of this magnitude was not conducive to a residential area, however, instead of leaving the building a vacant eyesore, he was successful in relocating the Selfix Company at this location. He also played an integral role in the closing of the Midway Metals Junkyard which was located at Archer and Knox. This particular business was an eyesore to the community due to the number of junk cars which caused mud, grease and oil to be spread over the sidewalks in the community. Tom attended numerous court hearings in which he testified in regard to this matter. He was again successful in eliminating a community nuisance.

He has also played an active role in fighting for a rapid transit system for the Southwest side. For the last 5 years, Baliga has attended various public hearings and contacted our federal, state and local officials in an attempt to acquire the best possible transit system for our area.

Tom has received numerous awards for his dedication and leadership which have included the Archer Heights Community Service Award and Presidents Service Award.

Besides his involvement in the Archer Heights Association, Baliga is also an active member in the 8th District Police Beat Representative Program and the Metropolitan Area Transportation Council.

In evaluating his years of community involvement, Baliga said: "We are one of the very few privileged people of the ward who have the freedom to determine our own destiny since we live in a democracy. This democracy is not something which materialized overnight, but came about as a result of the dedication and great personal sacrifice of our forefathers over 200 years ago. So great was our forefathers dedication to the principles of freedom and democracy that the sacrifice they had to make was their lives in a great many cases. In more recent times, 1918 and again in 1941, many of our own family or relatives were called on to make this same sacrifice. For these reasons, I believe freedom exacts the price of involvement from all of us in our community."

The Midway Sentinel takes great pleasure in honoring Tom Baliga for his many years of dedicated service to our community.●

THE TWO HISTORIES OF THE UNITED STATES AND IRELAND

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. McNULTY. Mr. Speaker, it is especially important for Irish Catholic America to recognize its substantial role in bringing peace and justice to Ireland. Too often romantic visions have gotten in the way of hard considerations for commonsense and justice. The initiative in Ireland must still be reclaimed from the hands of the unjust.

For many Americans, it is unbelievable that peace flourished in Northern Ireland; it is unbelievable that religious groups lived in peace and justice with one another. That view has got to be contrasted with some facts. The following is taken from the "Holy War in Belfast" by Andrew Boyd.

In 1784 when Hugh O'Donnell, an Irish Catholic priest educated in exile in Salamanca, built Belfast's first Catholic church, St. Mary's in Chapel Lane, the Catholics numbered a mere 1,300 in a total population of about 15,000 citizens. But the Protestants overwhelmed O'Donnell with generous subscriptions to his building fund. William Bristow, Episcopalian Vicar of Belfast, paid for the pulpit of St. Mary's out of his own pocket.

The day when St. Mary's was opened, Sunday 30 May 1784, was long remembered in Belfast. Captain Waddell Cunningham, an officer of the Irish Volunteers, arranged a parade of his men in full uniform and, when Fr. O'Donnell arrived to say Mass, formed them into a guard of honour for his reception. At least half the congregation in the church that morning, it was said, were Protestants.

A few days later Fr. O'Donnell thanked his many Protestant and Presbyterian friends in a letter to Tisdall's Mercury, one of the local newspapers:

The Roman Catholic congregation of Belfast return their grateful acknowledgments to the Belfast First Volunteers, to the Belfast Volunteer Company, and to the inhabitants at large for their so generously enabling them to erect a handsome edifice for their celebration of divine worship. They know not in what adequate terms to express their feelings excited by the attendance of so respectable a Protestant audience on Sunday last at the opening of the house, the impression of which mark of regard is never to be effaced . . ."

I join my friends and colleagues in hailing a new initiative for a new forum in Ireland and I assert that peace and care and sharing can become hallmarks of the society of that land as clearly once they were.●

RECIPIENTS OF LOS ANGELES HARBOR COLLEGE'S 1983 POLITICAL SCIENCE AWARDS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ANDERSON. Mr. Speaker, two students from Los Angeles Harbor College, Celia Anne Reynolds and John Thomas Gilmore, are this year's recipients of the college's political science awards. These awards have been presented to the winners of an essay contest in which participants were asked to respond to the statement "What citizenship means to me." I insert these essays into the Congressional Record and hope that our colleagues will find them as insightful as I have.

My Idea for Citizen Involvement

(By John Thomas Gilmore)

In 1981, the Education Testing Service (ETS) conducted a national survey among 3,000 United States college students and concluded that most U.S. college students have "a limited parochial view of the world". The ETS, also, noted that "the lack of knowledge of international affairs—appears related to a general lack of interest in other nations and world issues among these students". Unfortunately, since my arrival in the U.S. two years ago—I am an Irish citizen—I haven't found any reason to disagree with the ETS findings. At Harbor College, for instance, there seems to be little interest among students in the study of world affairs, a fact which is exemplified by the handful of students attending classes related to the subject. As a result, I have decided to launch a political club aimed at promoting an interest in both domestic and international political affairs. Here I will discuss some reasons for wanting to start the club; how I hope the club can operate and what I anticipate the club to achieve.

Three basic reasons inspired me towards forming the club. One, the need to promote a greater understanding among students of different political, social and economic systems around the world such as the nature of a rightwing government in Chile; the existence of apartheid in South Africa and the distinctiveness of the economic system in communist Yugoslavia.

Two, because there is a growing tension between the forces of communism and democracy all over the globe, which conceivably could lead to a nuclear war if the nuclear arms buildup is continued in the U.S., western Europe and the Soviet Union. Therefore, faced with such a catastrophic possibility, we should try to understand what motivates exponents of these different ideologies, such as the communist Soviet Union and the democratic U.S. This can, also, explain reasons for the respective involvement of the Soviet Union and the U.S. in Afghanistan and El Salvador.

Three, there are two major events scheduled to take place in the U.S. in 1984. One, the Olympics here in Los Angeles, and two, the presidential election. As Olympic hosts, it is our responsibility to learn about different nations, so that we can communicate intelligently with the various nationalities attending the games. Also, at a time when the U.S. is still recovering from the effects of economic recession, such as over 10% national unemployment, U.S. students should be given every opportunity to educate themselves about their political system so that we can have a more informed electorate in 1984.

While I appreciate the difficulties associated with starting a club, I hope it can operate in the following ways. One, it can act as a platform for discussion where ideas are exchanged such as arguments for Left, Right and Centre in different political systems. As such, the club will not promote any one political ideology or party.

Two, it can attract students on campus who hail from areas all over the world, such as Mexicans, Puerto Ricans, Samoans, Asians and Europeans. In turn, these students may be urged to share information about their respective countries, such as culture, geography, history, religion, foreign investments and energy issues.

Three, the club can serve as a source of political information for all students on campus. For instance, it can produce a newsletter listing political material available at the library ranging from the U.S. News to the Progressive. The newsletter could, also, stress the availability of political literature by authors ranging from Herbert Marcuse on the left to William F. Buckley, Jr. on the right. Information regarding political programs on television such as "This Week" or "Face the Nation" could also be listed.

Four, the club could help organize political events both on and off campus. For instance, guest speakers with views varying from the right-wing John Birch Society, to the left-wing Revolutionary Marxist party, could be invited to address the students. Off campus events, such as attending political movies, like "Reds" or "Gandhi," could also be arranged.

If this club is started, it can have three major beneficial results. One, it can lead to a greater understanding among students of international affairs including U.S. politics, which can minimize over-simplicity and prejudice, such as one adopting the idea that capitalism is good and communism is bad, without attempting to understand arguments for and against each system.

Two, it can result in increased political participation on campus. For instance, students may become motivated to get involved with student government, an institution that is virtually nonexistent at Harbor College—approximately, only fifty students voted recently to elect a new executive for Harbor's student government.

Three, students may engage in political discussion and keep informed about politics once they leave college. Also, the more knowledgeable they become about politics, the greater the likelihood that they will become active in politics, such as voting; writing letters to legislators; attending political meetings; joining a political party and maybe even running for political office.

Finally, it is regrettable that in an age when the U.S. is becoming increasingly involved in areas around the world, from Central America to the Middle East, so many U.S. college students are indifferent to international affairs and issues. Nevertheless, that is the reality and as a student faced with the choice of becoming a passive watchdog or an activist, my choice is for action. By starting a political club I want to create a high psychological involvement in politics among students, in the hope that this may lead them to a greater interest in and understanding of political affairs both at home and abroad. The raw material available is ample; an internationally-flavored student body and an abundance of political literature. Results, such as the rebirth of student government, can be achieved. It is time to get involved—it is time to begin.

What Citizenship Means to Me

(By Celia Anne Reynolds)

Time provides opportunity for wisdom. Wisdom enables us to set value. In America, value is determined by demand. As individuals, we are free to choose what is valuable to us. We have this freedom to pursue happiness, pleasure, and comfort as long as we have the right of citizenship. The privileges of citizenship are rewarding, but may be revoked. This valuable status must be maintained with consistent personal effort. Citizen involvement means claiming ownership of one's citizenship.

Citizenship must not be taken for granted, but preserved as a valuable possession. The right to vote is often disregarded because the reason supporting this right is forgotten. Increased sales tax makes us snarl and we gripe at the extension of rent control, but we tend to ignore how these decisions were reached. They were the result of the voting poles. The younger generation needs to see the attention given the voter pamphlet when it comes in the mail and the effort their parents make to get out and vote. Children need to learn their rights can be revoked by not participating as a citizen. The secured right to join with people in the decision-making process is a fundamental basic of our democracy. We, as citizens, must teach our children its value through our actions.

Another example of values is pride of ownership. Our status as United States citizens is worthy of respect, the same respect we would give a valuable possession. We should want to learn more about what we value; this gives our treasure meaning. Active interest in daily news, both local and nation-wide, provides an awareness of the economic tempo. Teenagers wince when their favorite rock station is switched for a continuous news radio station. Nevertheless, I believe their awareness has increased when my teenage daughter said, "Why did the President do that?" She was listening! They have become exposed to names, places, and events. It is the slow penetrating beginning of them claiming their citizenship. Conversations between adults regarding the nation's dilemma over high unemployment and the state's fight to balance the budget should be a part of the "dinner table" discussion. I was highly impressed when my daughter wanted to know the difference between stocks and bonds. Satisfied with my reply, she offered to finance twelve percent of a much-wanted Himalayan kitten at the corner pet shop.

Children respond to economic scarcity and survival of the fittest. When the peanut butter jar is getting low, they try to convince their younger brother to eat plain jelly sandwiches. Economic and political activity is in their daily lives and they are learning to expand on the knowledge of their parents and teachers.

The evolution of our awareness as citizens brings a responsibility of accurately conveying information. The source for news information must be credible. Our youth depends on their parents and teachers for guidance toward becoming well-informed citizens. Tainted information is nothing more than biased or prejudiced opinions. The daily exposure of news broadcasts increases their chances for accurate data. It's a pleasure when my son draws my attention to the news headline on the daily paper he delivers as different from the one that comes in the morning. His mind is working, his eyes are reading, the community in which he lives is not a far distant place.

Children begin to believe they are citizens without realizing it. They sense the same values as their parents. There is no room for fads or fashion among treasures. We, as citizens of the United States, must treasure and claim ownership of our citizenship.●

NATIONAL CHILDREN'S LIVER DISEASE AWARENESS WEEK

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MOLINARI. Mr. Speaker, this week marks the commencement of the "National Children's Liver Disease Awareness Week." Also during this week, a consensus development conference on liver transplantation will convene at the National Institutes of Health in Bethesda.

The major topic of discussion at the conference will be the question of liver transplantation as a therapeutic medical service versus an experimental procedure. An exceptional panel of acclaimed medical experts in the field of organ transplants will present their findings and recommendations.

In recent years, the Presbyterian University Hospital in Pittsburgh has developed a liver transplant operation that is hailed by many medical authorities as a stunning breakthrough in the fight against diseases of the liver. The discovery of the immunosuppressant Cyclosporin A has been responsible for more than doubling

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the success rate of liver transplants to 75 percent. Thus, the thrust of the conference will be to attempt to assess the state of the liver transplant science and to determine whether it merits a new definition.

Reimbursement through medicaid for low-income individuals needing transplants is based upon the State's definition of the operation. Unfortunately, the operation costs a minimum of $50,000 and in most States is not covered by medicaid. In my own State of New York, after reexamining the progress made in the liver transplant science, the New York State Health Department certified liver transplant procedures as therapeutic, and thereby rendered it qualified for medicaid reimbursement. Yet, at present, most States still define the operation as experimental, and thus preclude many low-income children from Federal assistance.

On top of the obstacle posed by the extravagant expense, securing donors can also present an extremely difficult task. Time is an enemy of those afflicted with this fatal disease. Educating the American public to the urgent need for donors is crucial to saving lives.

It is my hope that this week, the "National Children's Liver Disease Awareness Week," will foster greater understanding throughout the country. My colleagues can contribute a great deal to this cause by using this week to promote educational activities in their respective districts. It is our responsibility on the national level to lead communities across America into a cooperative effort in seeking donors and raising funds for liver disease victims. Too many lives depend on it.●

SALUTE TO TONY INOCENTES, OUTGOING PRESIDENT, CHAMBER OF COMMERCE, LAKEWOOD, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ANDERSON. Mr. Speaker, on June 24, 1983, the Greater Lakewood Chamber of Commerce will hold its annual installation and awards luncheon at the Lakewood Country Club. Among those to be honored is Mr. Tony Inocentes, who is outgoing president of the chamber.

A 1972 graduate of Wilmington's Banning High School, Tony joined the American Retrieval Corp. the following year. He soon was appointed to the position of manager and, since 1976, he has been its president and major stockholder.

As a director of Greater Lakewood Chamber of Commerce since 1980, Tony has served as chairman of the education committee and chairman of the legislative and bylaws committee. He has also made the time to become active in the California Association of Directors as a member of their legislative executive council and first vice president of the Los Angeles unit.

Under Tony's direction, the chamber has continued its tradition of being responsive to needs of the citizens of Lakewood and has sought to expand the local economic base for the benefit of the entire community. Tony was especially effective in coordinating the actions of the chamber with Lakewood City officials. He can certainly reflect with pride and satisfaction upon his many accomplishments and helping to make the city of Lakewood a better place to live and work.

My wife, Lee, joins me in congratulating Tony for his successful term as president of the Greater Lakewood Chamber of Commerce. His accomplishments will be long remembered and appreciated by those who follow as future presidents of this fine organization. And, we are confident that he will continue as an inspiring figure in business and civic affairs. We would like to wish Tony and his wife, Loretta, and their son, Tony, Jr., continued success and happiness in the years to come.●

TIT-FOR-TAT TREATMENT GIVEN TO FOREIGN DIPLOMATS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Ms. KAPTUR. Mr. Speaker, I was shocked by a recent article in the Toledo Blade revealing the rationale for the creation of the Office of Foreign Mission, under the U.S. State Department. The new office has been created solely to retaliate against foreign diplomats from countries which discriminate against American foreign service personnel.

The United States has continuously made efforts to improve our diplomatic relationships with our overseas neighbors. This new State Department policy is unwise and counterproductive.

Mr. Speaker, surely other, more effective and direct means exist to improve the relationship between these countries and the U.S. envoys they host. This type of retaliation undermines our foreign policy efforts and in turn seriously impedes our goal of promoting freedom and democracy abroad. Our stature as a nation suffers when we take the low road in responding to undiplomatic actions taken against us.

The article from the Toledo Blade follows:

TIT-FOR-TAT TREATMENT GIVEN TO FOREIGN DIPLOMATS

WASHINGTON.—The U.S. State Department is starting something that one official calls "Operation Tit for Tat."

All Soviet embassy personnel will have to make their travel arrangements for hotels, trains, and airplanes through a newly established bureau on the department's second floor, the Office of Foreign Missions.

The speed with which airline tickets are provided probably will depend less on the flying weather than on the climate of Soviet-American relations, officials indicate.

As a result of the Foreign Missions Act of 1982, the State Department is supposed to take steps to make life just as hard for foreign diplomats in Washington as it is for American diplomats in their countries.

The State Department had expected to assign one of its own to direct the operation. But the White House decided that the new office required someone meaner than the usual diplomat, someone who was not afraid of being unpleasant if need be.

It assigned James Nolan, a former senior intelligence official of the FBI, as director of the office. He says firmly that if American diplomats are discriminated against overseas, his office will try to make sure that diplomats from offending countries are reminded that the United States can reciprocate.

All resident diplomats in the Soviet Union have to deal with an ubiquitous agency known as Upravleniye po Obsluzhivaniyu Diplomaticheskogo Korpusa (the Administration for Servicing the Diplomatic Corps).

Known in Moscow by the initials "UPDK" (pronounced "On-Pay-Day-Ka" in Russian), it makes travel arrangements, leases apartments to foreigners, provides plumbers, telephone repairmen, maids, translators, piano teachers, and even gives driving lessons.

It is also assumed by westerners that, while UPDK is officially a part of the Soviet foreign ministry, it is in reality an adjunct of the Soviet secret police, the KGB, and keeps track of what foreigners are doing.

Facetiously the Office of Foreign Missions is being called "UPDK-West."

Besides telling the Soviet Embassy of the new travel requirement (the same rules hold for the Soviet consulate in San Francisco, but Soviets at the United Nations are exempt for the time being), the new bureau has sent a circular note to all foreign missions informing them that the new law requires them to tell the State Department whenever they want to buy, sell, or rent property in the United States. The department then has 60 days to approve or disapprove.

This note was sent around because in a number of countries the United States has found it difficult to buy property for embassies or residences and was forced to lease at considerable expense.

The embassies of those countries, on the other hand, have been able to buy properties freely on the open market here. Now, it is hoped, Mr. Nolan says, that the affected countries will be more sensitive to American needs.

The decision to require USSR personnel to use the State Department to make travel arrangements was taken, he says, for both national-security reasons and to put pressure on the Soviets to be more forthcoming in Moscow.

At present, diplomats in Moscow and Washington have to get permission to travel outside the respective capitals. But in

Moscow, U.S. diplomats have found that even after approval is granted by the foreign ministry, UPDK reports that it is unable to get plane tickets or that hotels are booked in the city to which a diplomat wanted to travel.

Mr. Nolan says the State Department has subcontracted the travel agency aspects of the job to a company in McLean, Va., that will make reservations when told to do so by his office.

If UPDK tells Americans that there are no tickets available for travel somewhere, he says, his office might have to report the same news to the Soviet Embassy here.

By issuing the tickets, the State Department and the FBI, which is charged with surveillance of Soviet-bloc diplomats, have a much more detailed idea of a Soviet diplomat's itinerary than in the past, when, after permission to travel was granted, the embassy could book a flight on any plane it wanted on the given day.

U.S. diplomats have assumed that when the Soviet agency books them into a USSR hotel they are placed in a room with built-in eavesdropping devices.

The new system would allow the State Department the possibility of control over which hotels the Soviets can stay in, but no one is saying whether the rooms will be bugged.

Experienced Moscow hands have mixed feelings about UPDK. On the one hand, it often has served as a harassment or charged sky-high fees for painting apartments. "Why are you complaining?" a U.S. diplomat once was asked by UPDK after he protested the fee charged for repair work. "Do you know what our people have to pay in Washington?"

However, the UPDK was able to provide services that ordinary Russians could not secure, or secure with difficulty, such as bartending, printing of calling cards, and appliance repair.

There are no plans for the State Department to provide the Soviet Embassy with English teachers, plumbers, or telephone repairmen, Mr. Nolan says.●

CONGRESSIONAL SALUTE TO THE REVEREND MARK JOSEPH GIORDANI UPON THE TENTH ANNIVERSARY OF HIS PASTORATE AT ST. GERARD R.C. CHURCH, PATERSON, NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ROE. Mr. Speaker, on Saturday, June 25 the residents of the city of Paterson, my congressional district and State of New Jersey will join together at St. Joseph's Community Center with Rev. Robert Carroll, copastor and other members of the clergy and congregation of St. Gerard's Roman Catholic Church of Paterson, N.J., in honor of Rev. Mark Joseph Giordani, copastor of St. Gerard's, to celebrate the 10th anniversary of Father Mark's appointment to St. Gerard's parish in total dedication and devotion to the service of God and the cause of brotherhood, goodwill, and understanding among all mankind.

Mr. Speaker, I know that you and our colleagues will want to join with me in extending our warmest greetings and felicitations to Father Mark on this most joyous occasion and join with his parishioners in great pride of his outstanding achievements in promulgating, enhancing and preserving the richness of his religious and cultural heritage.

Father Mark, the son of Felicita and Louis Giordani, was born on June 9, 1942 in Pessola, Parma, Italy. He attained his elementary and secondary education in Italy and on January 13, 1958, emigrated with his family to the United States. He studied at St. Mary's College in Kentucky and at St. Bonaventure University in Olean, N.Y., majoring in philosophy and minoring in history.

In 1965 after receiving his B.A. degree in philosophy, Mark Giordani entered Christ the King Seminary, N.Y. During his seminary years he was assigned to work in a ghetto in Paterson, establishing a Catholic Community Center to help the underprivileged. There his love for the poor sparked his tremendous dedication to God's people in the innercity.

On May 31, 1969, Father Mark Joseph Giordani was ordained to the Holy Order of the Priesthood by His Excellency, the late Most Illustrious and Most Reverend Bishop Lawrence B. Casey in St. John's Cathedral in Paterson and received his masters degree of divinity in theology.

In response to his request for an inner-city parish, Father Mark's first assignment as a curate was with Our Lady of Lourdes Church in Paterson. He will long be remembered for his devout and faithful service to the parishioners of Our Lady of Lourdes Church. Among his many accomplishments there, he organized the Senior Citizens Club, CYO, Choir, Altar Boys, the Christian Riders Motorcycle Club and the school physical education program.

Father Mark's assignment to St. Gerard's Parish commenced in 1973 and in the following year he was appointed to his present ministry as copastor with Father Bob Carroll of St. Gerard's 1,150 families and 310 school children.

Over the past decade there has been much growth and development at St. Gerard's under the leadership endeavors of the joint pastorate of Father Mark and Father Bob. We join with the members of St. Gerard's Parish in applauding their richness of wisdom and high standards of excellence which have truly enriched our community, State, and Nation.

As an expression of gratitude for his years of unselfish dedication, on Saturday, June 25 his parishioners will honor Father Mark. In addition to his devout and dedicated responsibility for the spiritual well being of his church members, they particularly wish to commend his reactivating St. Gerard's Senior Citizens Club, creating a folk group, expanding the choir and altar boys, and organizing the Christian Riders. With Father Bob he revamped the parish council, setting up four committees: family life, spiritual life, education, and fundraising committees.

Under Father Mark's dynamic drive and unwillingness to give up the St. Joseph Community Center has been built and its $600,000 cost will be paid, with the burning of the mortgage hopefully to take place in November 1983. It is also important to point out that Father Mark has initiated the following organizations at St. Gerard's: The Divorced-Separated, the St. Vincent De Paul Society, St. Gerard's Day Care Center for working mothers. He is adviser and spiritual director of the Holy Name Society and with Father Bob of the Knights of Columbus. He has served three terms as a representative to the Priests Senate, as a U.S. Army Reserve chaplain in Lodi, N.J. (1977-80), as chaplain to the Paterson Police Department since 1977, as chaplain to the fire and police departments in Haledon, N.J., as chaplain to the Constables Association in West Paterson, N.J., as chaplain to the Italian Circle in Paterson, and as a member of the CETA program advisory board in Paterson in 1978.

Mr. Speaker, our Nation was founded on the cornerstone of our people's faith in God which is truly the spirit, conscience and very being of our society. I appreciate the opportunity to call your attention to the good works of Father Mark and seek this national recognition of his dedication, devotion, and untiring efforts toward the spiritual and cultural enrichment of others. For his service to our people with the greatest of devotion epitomizing all the treasured qualities of a man of God, we do indeed salute Rev. Mark Joseph Giordani of St. Gerard's R. C. Church, Paterson, N.J.●

HONORING THE NATIONAL HISPANIC UNIVERSITY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. TORRES. Mr. Speaker, it is with great pride that I bring to your attention an important milestone in the evolution of public education in America: The National Hispanic University known as NHU.

The Hispanic University grew out of the highly successful Bay Area Bilingual Education League (BABEL) which was converted into the National

Hispanic Center for Advanced Studies and Policy Analysis. As such, it is an authorized degree-granting university. The policy center gives the Hispanic community a viable and quality vehicle by which to impact on national policies that affect their education, employment, economic development, and social well-being.

Later this year, NHU will initiate its engineering careers program for Hispanics in Los Angeles. This is a joint venture between the National Hispanic University and Northrop University.

In July, NHU and La Universidad Autonoma de Guadalajara will train 65 special education personnel to work with Chicano and non-English-speaking children. Moreover, NHU currently has 51 students in premedical and educational coursework.

Mr. Speaker, the ethnic diversity of NHU is laudible. While its initial thrust has been to enhance and implement crucial programs for Hispanics, its principles call for equal education for all Americans. Indeed its cosmopolitan student body numbering more than 200 and projected to grow at a rate of 100 percent each year nationwide for the next decade is drawn from many diverse geographical and ethnic backgrounds (Anglo, Asian, Black, and Hispanics). The NHU does not discriminate on the basis of race, color, sex, religion, national or ethnic origin, age or physical handicap. Reflective of its diversity is its board of trustees and its advisory board. It is, Mr. Speaker, a commentary on representative America providing leadership in their quest for goals, objectives, and values for meeting the special needs of minority students while at the same time taking the lead in meeting the general and overwhelming need for educational quality.

Mr. Speaker, I wish to single out two outstanding pioneers in this colossal undertaking. Without the vision and commitment of its president, Dr. Roberto Cruz, the dream of a National Hispanic University would not have materialized. Indeed, his dedication and beliefs that education is critical to the enhancement of society and democratic ideals has paved the way to make NHU a living reality; Dr. Edward Aguirre, the former U.S. Commissioner of Education and the current deputy superintendent of education in California has shown extraordinary leadership in promoting excellence.

His integrity and intellectual capacity has gained him the esteem of Americans everywhere and NHU is fortunate to have him in the important responsibility as its chairman of the board of trustees.

Mr. Speaker, I wish that my colleagues here in the House of Representatives would take note of this outstanding institution and its need to perpetuate career success for thousands of young people. In so doing, I would like to share with my colleagues the following excerpt from NHU's annual report:

Message From the President

(B. Robert Cruz, Ph. D.)

This annual report of the National Hispanic University marks the second year of operations of the only state authorized degree-granting, national Hispanic university in the United States.

The National Hispanic University was built on eleven years of experience as the Bay Area Bilingual Education League. When the Bay Area Bilingual Education League was founded in 1971, the Board of Directors was concerned with equality of educational opportunity for students from other cultures who spoke limited English. As time passed, the needs and the scope of work kept expanding, both in terms of geographic territory and community needs.

A new structure was needed that could encompass a broader vision. The National Hispanic University and the National Hispanic Center for Policy Analysis were created by the Board of Directors on August 20, 1980. The Bay Area Bilingual Education League programs continue under the direction of the National Hispanic University.

The National Hispanic University is a quality, post-secondary institution that admits all qualified students while heavily emphasizing minority recruitment. It is the intent of The National Hispanic University not only to recruit minority students, but also to provide them with a learning support system that leads to their graduation.

The University's current departments include programs leading to careers in Engineering, Business, Medicine, Education and Communications. Additionally, there is a Center for Professional Development which addresses the particular needs of adults seeking a career change or growth within their professional or technical fields.

The National Hispanic Center for Policy Analysis is a research institute under the University which brings together outstanding scholars from various fields to seek solutions and recommend policies to improve the condition of Hispanics in the United States.

The tremendous amount of national support from community-based organizations, corporations, and individuals during our first academic year is a strong endorsement for the continuing need and quality of the programs offered by the National Hispanic University.●

TRIBUTE TO JOHN WELLS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ANDERSON. Mr. Speaker, Washington has more lobbyists, both the registered professionals and the individual citizens fighting for their clause, than any other city in the United States. Thus, losing a lobbyist would normally be no cause for concern, and in fact might make some people happy. But, this is not so in the case of John Wells, who has in recent years so ably represented the Port of Long Beach and the city of Long Beach, in addition to some other clients, on Capitol Hill.

I have known John for almost the entire time that I have been in Congress. During these 14 plus years, I have grown to know and respect the position he takes on a wide variety of issues.

John Wells is not the type of lobbyist who rushes in breathless and confronts you with a crisis in which he has not developed all of the details and the pros and cons—in other words, has not done his homework. To the contrary, I have learned that I can always count on John to have looked at all of the angles on whatever position he is presenting, and to honestly and completely inform me of the points of those who are against the position he is supporting as well as those points supporting his position. In order words, he presents a complete case, and does do his homework.

John has not limited his activities solely to lobbying in the office. He, and his wife Dee, have been strong supporters of the California State Society and during the period of time a few years ago when membership was dropping off and the society needed strenthening, the two of them provided the necessary leadership for the revitalization of the society. As a result, membership is now well up and participation in all events is at the highest level in the society's history. Dee, incidentally, volunteered to serve as the society historian in addition to her other work.

As Dee and John Wells prepare to leave the hectic environment of our Nation's Capital, which they have known for so long, and relocate to Sun City, Ariz., I can honestly say they will be deeply missed by all who knew them here in Washington and relied upon them in the years past. The loss to our Nation's Capital is certainly the gain of Sun City, for I know as soon as they get settled in their new location, these two will not be content to sit back and let the world pass them by. Rather, they will be kicking it to make it move faster.

My wife Lee joins me in wishing Dee and John Wells the very best of the years ahead as they enjoy their well earned retirement. We will miss, them, both here and in Long Beach.●

THE STUDENT FREEZE CAMPAIGN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. FRANK. Mr. Speaker, yesterday and today, the Student Freeze Campaign has been in Washington. This campaign is the work of a group of intelligent and concerned high school students who are dedicated to fighting the escalation of the arms race. They are here today specifically to urge Members of the other body to support the freeze resolution sponsored by Senators KENNEDY and HATFIELD. I am very proud, Mr. Speaker, that one of the major groups that make up the student freeze campaign is the Students/Teacher Organization of Prevent Nuclear War of Newton, Mass. Several months ago, I had the privilege of meeting with several of the young people who are active in this organization and I want to congratulate them for the sensible and effective campaign they have organized in such a short period of time. The work these students is doing is important not only for those of us who share their belief in the importance of changing American policy so that we can bring about an end to the arms race. Their work is also an important example to young people throughout the country who have concerns with public policy.

The effort these young people—most of whom are not yet themselves of voting age—have put into this campaign is a model of how concerned citizens should function in our democratic society.

I wish to share with the Members here their explanation of their position.

Student Freeze Campaign

The Student Freeze Campaign formed so that we, as high school students, can have a voice in legislator's decisions that will profoundly affect our lives and the lives of our children. Present nuclear weapons policy, which permits the arms race to escalate out of reasonable control, jeopardizes our futures. Therefore, we call on our senators to support the Kennedy-Hatfield Joint Resolution (S.J. Res. 2) as the first step towards bilateral disarmament.

We support this resolution, which calls for a mutual and verifiable freeze on the production, testing and deployment of nuclear weapons to be followed by reductions, for three basic reasons.

First, to permit real, stabilizing reductions in nuclear arms; not just cuts in some types that will be more than offset by increases in other types. Only by stopping nuclear weapons systems across the board can we then begin to reduce the stockpiles.

Second, it is now a good time to freeze; the United States and the Soviet Union have reached rough parity (the U.S. with 30,000 and the U.S.S.R. with 20,000 warheads). A freeze could also prevent the increase in the risk of nuclear war that will occur if new first-strike, counter-force weapons are produced.

Third, we feel that a freeze on the production, testing and further deployment of nuclear warheads, missiles and other delivery systems can be verified. A comprehensive freeze would be violated if activity in any category is detected.

Not only do we have the right to demand that our senators support the Kennedy-Hatfield Resolution, but we have the responsibility to do so. We owe our kids the right to learn, live and dream just as we have.

Signed by: Student/Teacher Organization to Prevent Nuclear War, Newton, Mass. chapters; Children's Campaign for Nuclear Disarmament, Wilmington, Del., Students for Peace, New York, N.Y.●

CONSUMER PRODUCT SAFETY ACT AMENDMENTS OF 1983

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SHELBY. Mr. Speaker, as many of my colleagues know, I have introduced a bill to reauthorize the Consumer Product Safety Commission which is in essence a simple and rational alternative to the wrongheaded approach taken in H.R. 2668, the Consumer Product Safety Act Amendments of 1983. I intend to offer my bill as an amendment in the nature of a substitute when House consideration of the Consumer Product Safety Act Amendments continues later this week. My substitute presents an alternative which is fiscally sound and substantively fair. It is supported by a broad coalition of business and industry across the Nation, and many of my colleagues will no doubt recognize among the signers of the following letter, several businesses whose interests are represented in their own districts. I submit this letter for the RECORD and my colleagues' review:

JUNE 20, 1983.

We the undersigned businesses and associations strongly support the Shelby-Broyhill substitute bill, (H.R. 3015) to the Consumer Product Safety Commission Reauthorization bill, (H.R. 2668) introduced by Rep. Waxman. We are opposed to H.R. 2668 because the Waxman bill contains numerous amendments to the underlying Consumer Product Safety Act without adequate justification.

There were substantive reform amendments to the Consumer Product Safety Act during the 1981 reauthorization that represented positive changes in the Commission's regulatory process. We believe the 1981 amendments need time to be fully implemented, to be evaluated, and to function, prior to making new or additional changes in the Act.

Additionally, the Shelby-Broyhill substitute reauthorizes the Commission to continue its important work at inflation adjusted funding levels, which are in line with recent Appropriations' Committee action rather than the 40% increase envisioned by Rep. Waxman's bill.

The Shelby-Broyhill substitute enables the Consumer Product Safety Commission to fulfill its responsibilities in a cost-effective manner. We urge you to cosponsor and support H.R. 3015 when it reaches the House floor shortly.

Sincerely,

American Retail Federation, Armstrong World Industries, Association of Home Appliance Manufacturers, Ball Corporation, B. F. Goodrich Company, Bicycle Manufacturers Association.

Carpet and Rug Institute, Chainsaw Manufacturers Association, Chamber of Commerce of the United States, Chemical Specialties Manufacturers Association, Closure Manufacturers Association, Ebco Manufacturing Company, Federated Department Stores, Formaldehyde Institute, Gas Appliance Manufacturers Association, Inc., General Electric Company, Glass Packaging Institute, Hamilton Beach Division, Scovill Incorporated, Hardwood Plywood Manufacturers Association, In-Sink-Erator, Industrial Heating Equipment Association, International Association of Amusement Parks and Attractions, International Snowmobile Industry Association, Johnson Controls Incorporated, Juvenile Products Manufacturers of America, KitchenAid Division of Hobart Corporation, Magic Chef, Martin Industries, Maytag Company, Metal Ware Corporation, National Association of Furniture Manufacturers, National Association of Manufacturers.

National Electrical Manufacturers Association, National Forest Products Association, National Kitchen Cabinet Association, National Lumber & Building Material Dealers Association, National Paint & Coatings Association, Inc., National Particleboard Association, National Presto Industries, Incorporated, National Retail Merchants Association, National Swimming Pool Institute, Outdoor Power Equipment Institute, Owens-Illinois, Incorporated, Procter & Gamble Manufacturing Company, Resilient Floor Covering Institute, Sears, Roebuck & Company, Society of American Wood Preservers, Southern Furniture Manufacturers Association, Sun Company Incorporated, Sunbeam Corporation, Teledyne Still-Man, Toastmaster Inc., Toy Manufacturers Association, Waring Products Division, Dynamics Corporation of America, Westbend Company, Whirlpool Corporation, White Consolidated Industries.●

NEW JERSEY FEATURED IN FESTIVAL OF AMERICAN FOLKLIFE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. RODINO. Mr. Speaker, I join with Congressman ROBERT ROE in saluting the 17th annual Festival of American Folklife, sponsored by the Smithsonian Institution and the National Park Service, which begins Thursday on the National Mall. Our home State, New Jersey, is honored to be featured in this year's event. We share in this participation with America's great friend and ally, France.

We are pleased to show thousands and thousands of Americans that we are rightly called the Garden State and are grateful for this chance to put on display the customs and mores and traditions that are the product of our State's diverse ethnic heritage.

The festival runs from June 23 to June 27 and from June 30 to July 4. I hope that many of my colleagues and their families will have the opportuni-

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ty to visit the mall and to share in the heritage of which the residents of our States are justly proud.

More than 100 of my fellow citizens will take part in this festival, re-creating ethnic celebrations with their music, crafts, folklore, and foods. A list of the participants follows. I thank them for their contributions that will surely make the festival an outstanding success.

List of Participants

MARITIME TRADITIONS

Beryl Whittington, Port Norris—oyster shucker/gospel singer.

Donald Cisrow, Port Norris—oyster shucker/gospel singer.

Evelyn Cisrow, Port Norris—oyster shucker/gospel singer.

Sarah Cisrow, Port Norris—oyster shucker/gospel singer.

Joseph Gibbs, Port Norris—oyster shucker/gospel singer.

Harry Shourds, Seaville, decoy carver.

Anthony Hillman, Seaville—boatbuilder, decoy carver.

Charles E. Hankins, Lavallette—boatbuilder.

Bernie Borrelli, Lavallette—boatbuilder.

Sam Hunt, Waretown—boatbuilder.

William R. Richardson, Keyport—lobster trap maker.

Mrs. William Richardson, Keyport—assists lobster trap maker.

Henry Weldon, Millville—rush-seat weaver.

Owen J. Carney, Port Norris—salt-hay-rope maker.

Gary Giberson, Port Republic—decoy carver.

AFRO-AMERICAN ALABAMA DAY

Thurma Britt, Newark—cook.

Glennie Davis Franklin, Hillside—shape-note singer.

Mary Alice Phillips, Elizabeth—shape-note singer.

Mabel Jackson, East Orange—shape-note singer.

Mabel Upshaw, East Orange—shape-note singer.

GALICIAN QUEIMADA RITUAL

Arturo Lopez-Dominguez, Newark—celebration coordinator.

Carlos Corbacho, Newark—director, Andurina, a group of Galician bagpipers.

Francisco Lara, Newark—drummer; bagpiper with Andurina.

Jose Noguerol (father), Newark—bagpiper with Andurina.

Jose Noguerol (son), Newark—bagpiper with Andurina.

Alvaro Castro, Bayonne—bagpiper with Andurina.

Jorge Fernandez Jr., Newark—bagpiper with Andurina.

Amador Lopez, Irvington—bagpiper with Andurina.

Julia Lara, Newark—cook.

Manuel Garcia, Califon—choral director.

Francisco Platas, Linden—choral member.

Alezandro Cobelo, Newark—choral member.

Manuel Alonso, Kearny—choral member.

Juan Alvarez, Roselle Park—choral member.

JAPANESE BON FESTIVAL

(Mrs.) Iddy Asada, Bridgeton—cook.

(Mrs.) Harumi Taniguchi, Seabrook—cook.

(Miss) Fusaye Kazaoka, Bridgeton—embroidery.

(Mrs.) Suzi Takata, Bridgeton—crafts.

(Mrs.) Shigeko, Kazaoka, Bridgeton—crafts.

(Mrs.) Hisano Tazumi, Bridgeton—crafts.

(Mrs.) Sunke Oye, Vineland—dance.

(Mrs.) Kazuyo Nakao, Seabrook—dance.

(Mrs.) Ellen Nakamura, Elmer—Obon dance coordinator and kimono demonstrator.

(Mr.) Kiyomi Nakamura, Elmer—technical director for Obon dance.

Drummers for Seabrook community celebrations (from New York): Theodora Yoshikami, Sandy Ikeda, Dr. Peter Wong, Jenny Wada, Wendy Takahisa and Audee Williams.

GERMAN OKTOBERFEST

Bernie Bunger, Piscataway—bandleader.

Betty Bunger, Piscataway—cook.

Bernie Bunger, Sr., Scotch Plains—dancer.

Elfriede Bunger, Scotch Plains—dancer.

Karl Pfeifer, Franklin Lake—singer and brass-instrument player.

Bill Mueller, Union—singer and drummer.

Dana Sylvander, Englewood—brass-instrument player.

John Van Decker, Avenel—brass-instrument player.

ITALIAN FEAST OF OUR LADY OF CASADRINO

The Joseph Colletti Marching Band:

John Peraino, Trenton—director.

Russ Jenkins, Trenton—trumpet.

John Bonfante, Trenton—trumpet.

Sarah Peraino, Trenton—assistant.

Carmine DeLorento, Trenton—trumpet.

Louis Cordas, Trenton—clarinet.

James Peraino, Cranbury—saxophone.

James Penkala, Trenton—baritone.

Ron Hansen, Morrisville, Pa.—trombone.

Andrew Wierzbowski, Trenton—clarinet.

Frank Miller, Hamilton Square—saxophone.

Al Procassini, West Chester, Pa.—trombone.

Bill Felter, Bordentown—drums.

Joseph D'Ambrosio, Trenton—drums.

Nate Pratico, Trenton—tuba.

Aldo Stagi, Yardley, Pa.—baritone.

Paul Farinella, Trenton—drums.

Franz Mayer, Trenton—drums.

Roy Hasty, Trenton—tuba.

Nick Sciarrotta, Trenton—trumpet.

AGRICULTURE

Mary Sorbello, Mullica Hill—produce sales.

Susan Sorbello, Mullica Hill—produce sales.

Julie Sorbello, Mullica Hill—produce sales.

Joan Sorbello Adams, Mullica Hill—produce sales.

Anthony Catalano, Salem—produce sales.

Joseph Catalano, Salem—produce sales.

Terry Wikoff, Englishtown—farmer.

Charles Wikoff III, Englishtown—farmer.

MUSIC

Bishop Jeff Banks, Rev. Charles Banks and the Revival Temple Mass Choir, Newark—gospel choir.

Saul Betesh, Deal—Sephardic oud player.

Tex Logan, Madison—fiddle (and his band).

"Doc" McKenzie and the Gospel Hi-Lites:

Milbert "Doc" McKenzie, Paterson—vocals.

David McKenzie, Paterson—vocals.

Abraham McKenzie, Paterson—vocals.

William Wribbee, Paterson—vocals.

Greg Herbert, Paterson—organ.

Darryl Henley, Paterson—guitar.

Marvin Bradshaw, Paterson—bass.

Henry Redmond, Paterson—drums.

"Purewater":

Johnny Shipley, Newark—leader.

Charles Banks Jr., Newark—vocals.

Wayne Johnson, Irvington—vocals.

Terrance Forward, Newark—vocals.

Joe Briscoe, Newark—vocals.

Walter Rhodes, Paterson—blues singer, guitar.

SILK

Joseph Grauso, Elmwood Park—Paterson silk weaver.

Roy Harris, Bensalem, Pa.—Paterson silk weaver.

Prince Hatley, Philadelphia, Pa.—Paterson silk weaver.

TRADITIONAL MEDICINE AND PHARMACOLOGY

Dr. Alvin B. Segelman, Piscataway—pharmacognosist.

Efrain Osorio, Newark—herbalist.

Evidio Espinosa, West New York—herbalist.

Louis Molinari and Fred Anderson, of Ciba-Geigy Corp., Summit, N.J.—glassblowers.

Dr. Graham M. Smith, Scotch Plains—molecular systems chemist (of Merck, Sharp & Dohme Research Labs, Rahway).

Dr. Robert B. Nachbar, Scotch Plains—molecular systems chemist (of Merck, Sharp & Dohme Research Labs, Rahway).

Herbert Schuster, East Hanover—bench chemist (of Sandoz Inc., East Hanover).

Dr. Nathan Steinberg, Rahway—bench chemist (of Merck, Sharp & Dohme Research Labs, Rahway).●

TRIBUTE TO SILVIO CONTE

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MOLINARI. Mr. Speaker, earlier this afternoon an uncommon event took place on Capitol Hill. A Member of Congress was honored by his peers for his personal commitment to this body and for his excellence as a legislator.

Special orders for retiring Members of this body are common occurrences; 1 minute speeches can be heard for days after a Member of Congress dies. This Member, however, is not recently deceased or retired. He is a hardworking and powerful Member of this House—a man known for his strong personal conviction and his ability to colorfully convey those beliefs in this Chamber. This afternoon, I had the honor of hosting "A Salute to a Great Salutor"—the ranking member of the Appropriations Committee, Sil Conte.

Sil Conte's leadership on the Appropriations Committee is respected by all Members of this House. His 25 years of experience is a valuable resource. When he speaks on transportation and health issues, we listen. When he defends an attack on the environment, we recognize his expertise. When he fights for additional education funding, we respect his position, and when he salutes a colleague Italian style, we quickly head for the cloakroom—everyone hopes it is not meant for them.

Mr. Speaker, I am sure that every Member—regardless of his or her political philosophy—appreciates the contribution of Silvio Conte. Not only does he add substance to House debates, but his colorful style is a unique and unpredictable element in our proceedings. The people of the First District in Massachusetts are lucky to have a Congressman like Sil Conte, and we are fortunate to have him as a colleague and friend.

INTERNATIONAL FIRE STUDY SHOULD BE APPROACHED WITH CAUTION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MOAKLEY. Mr. Speaker, on March 21, 1983, hearings were held by the Subcommittee on Health and the Environment on H.R. 1880, the Cigarette Safety Act. At those March hearings, Philip S. Schaeman, a former Associate Administrator of the U.S. Fire Administration in charge of the National Fire Data Center, testified on behalf of the Tobacco Institute in opposition to fire-safe cigarette legislation. Mr. Schaeman based his remarks on a recent study which he authored and which was financed by the Tobacco Institute, pertaining to international fire protection concepts.

The validity of Mr. Schaeman's remarks, based on his study, "International Concepts in Fire Protection: Ideas From Europe That Could Improve U.S. Fire Safety," have recently come under public criticism from the National Association for Public Health Policy. What follows is a letter from NAPHP which concludes:

> This report should be read as a descriptive review of fire safety practices currently used in Europe. It should not be permitted to deflect attention from specific ignition sources, such as the cigarette. It is not a document to guide policy decisions by Fire Service officers and legislators responsible for the prevention of deaths in fires in the United States.

National Association for
Public Health Policy,
South Burlington, Vt., May 18, 1983.

Hon. John Joseph Moakley,
Cannon House Office Building,
Washington, D.C.

The Tobacco Institute has recently funded a study entitled "International Concepts in Fire Protection: Ideas from Europe that Could Improve U.S. Fire Safety." [1] The expressed intent of the study has merit. The United States and Canada have fire death rates at least double those of European countries. The author, Philip S. Schaenman, states that he undertook the study: "to better understand the reasons for the success of European fire protection and to identify practices we might adopt in the United States."

The report includes a graph presenting rates of fire deaths per million population for seventeen countries, reproduced from "Selected International Comparisons of Fire Loss." [2] Rates (1977-78) for the USA and the five countries featured in the Schaenman report are listed below:

References at end of article.

Deaths per million population

Country:	
United States	29.4
Sweden	16.2
United Kingdom	14.6
France	14.5
Germany	8.6
Switzerland	7.0

While it is clear that the United Kingdom and France have a fire death rate only half that of the United States, it is also true that Germany has a death rate approximately half that of Sweden, and Switzerland only half that of the United Kingdom and France. What is it that explains these differences in fire death rates?

The report fails to address in any systematic way the fundamental issue of the causes of fires and fire deaths in either the United States or the five European countries. There is no examination of distribution of ignition sources, consumer product ignition or structural involvement across countries. Despite this, the implication of the report is that the fire safety practices which differ in kind or intensity from those in the United States might explain Europe's better record. Before Mr. Schaenman or any researcher can advocate that the United States adopt European fire prevention techniques, he or she must demonstrate that those techniques, not already in place in the USA, are effective for the type of fires prevalent in the United States. Had documentation of fire cause been supplied, a reader could correlate fire safety practices with fewer deaths due to specific ignition sources. This might permit informed decisions about which practices would have the greater likelihood of success in fire prevention in the United States. It is true that information on cause of fatal fires has not been gathered centrally at any university or agency, and must therefore be sought singly from national fire reports. However, the absence of this data nullifies the attempt by Mr. Schaenman to associate fire safety practices with lower fire death rates.

Although reliable information on ignition sources is missing from data bases accumulated for international comparisons, the role of the cigarette as the ignition source in fatal fires is well documented for the United States. Data analyzed by the Federal Emergency Management Agency's National Fire Data Center, of which Mr. Schaenman was director, indicates that fires started by smoking materials accounted for 22% of all fire deaths in the United States in 1978.[3] Heating apparatus accounted for 13% of the deaths, while fires caused by cooking, incendiary actions and children playing with fire each contributed an additional 6% to the total. When the "unknown cause" category is distributed proportionately among the known causes, 32% of all fatal fires are caused by smoking materials. Of these smoking materials, 79% are known to be cigarettes, while only 1.1% are known to be pipes or cigars.

Evaluation of strategies to reduce fire deaths in the USA must consider what is known about the behavioral and environmental factors associated with specific types of fires. The primary ignition source in fatal fires in the United States and the United Kingdom is the cigarette. The population most at risk from starting, and dying in, cigarette-ignited fires are those who smoke and drink alcohol before going to sleep. It is the deadly combination of alcohol and cigarettes, and the habitual behaviors of those who mix them, which militates against public education to increase awareness and carefulness as an effective strategy to prevent fire deaths. A more effective strategy would be to modify the cigarette to reduce its propensity to ignite smoldering furniture and bedding fires. Similar analyses should be done for fires ignited by cooking appliances, heaters, arsonists and children. While it is true that smoke detectors have lifesaving potential after a fire starts and should be installed in every dwelling, it is irrational not to try to prevent the fire from starting.

Knowledge of the role of the cigarette in fatal fires in the USA suggested that there might be an association between cigarette consumption and the fire death rate. Below are listed the six countries featured in the study, their fire death rates (1972-1974) and the number of cigarettes consumed per adult per year (1973).[4]

Country	Deaths per million population	Cigarettes per adult per year
United States	31	3,850
United Kingdom	17	3,230
France	15	1,920
Sweden	14	1,580
Germany	9	2,610
Switzerland	6	[1] 2,360

[1] Consumption figures for Switzerland have been adjusted to accommodate note in report about high rates of purchase of cigarettes by borderers, toursts and seasonal workers.

A simple linear regression on these points produces a correlation coefficient of .67, and an r^2 of .45, which means that 45% of the variability in overall fire death rates can be explained by the variability of cigarette consumption. If cigarette consumption had nothing to do with fire deaths, one would expect a correlation coefficient close to zero. Further analysis is required before one can rule whether this association is coincidental, confounded or real. However, the association is maintained when one plots fire deaths against cigarette consumption for the sixteen countries presented on the graph in the report: 39% of the variability in death rates can be explained by the variability in cigarette consumption (see Figure 1). One wonders what the correlation coefficient would be if rates of death resulting from cigarette-ignited fires were plotted against cigarette consumption. If one could show that the volume of cigarettes smoked rather than the behavior of the smoker determined national rates of fire deaths, the conclusion about effective preventive strategies would be to alter the ignition propensity of the cigarette rather than the behavior of the smoker.

Nevertheless, approximately 60% of the variability in overall fire death rates is unexplained by these analyses. One must consider fire safety practices, as well as such other societal facors as "income distribution, education, degree of government regulation, family life, and attitudes toward the law," as Mr. Schaenman acknowledges.

This report should be read as a descriptive review of fire safety practices currently used in Europe. It should not be permitted to deflect attention from specific ignition sources, such as the cigarette. It is not a document to guide policy decisions by Fire Service officers and legislators responsible for the prevention of deaths in fires in the United States.

Sincerely,

ELIZABETH MCLOUGHLIN.

REFERENCES

1. Philip S. Schaenman, "International Concepts in Fire Protection: Ideas from Europe that Could Improve U.S. Fire Safety." Arlington, Virginia: Tri-Data, (December, 1982).

2. Jerry Banks, "Selected International Comparisons of Fire Loss 1979-1980." Atlanta, Georgia: Georgia Institute of Technology, (September, 1982).

3. Federal Emergency Management Agency, "Fire in the United States: Deaths, Injuries, Dollar Loss and Incidents at the National, State and Local Levels in 1978," U.S. Government Printing Office (July, 1982).

4. P. N. Lee, "Tobacco Consumption in Various Countries," London: Tobacco Research Council (1975).●

DEMILITARIZATION OF BZ

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. BETHUNE. Mr. Speaker, today the House is considering the military construction authorization and appropriations bills. Both of these bills contain $10.2 million for the Pine Bluff Arsenal to demilitarize BZ, which is an incapacitating chemical agent that was developed for use in bombs in the 1950's.

I think the demilitarization of BZ is a good idea and I strongly support the funding included in these bills for that purpose. The Army informed me last year that the Secretary of Defense had directed that all BZ be destroyed that is currently in the U.S. stockpile because the effects of BZ cannot accurately be predicted, and the agent was therefore not classified for standard use by the Army. It is a shame that we spent so much money to produce a weapon that does not work. I hope we can prevent those same mistakes in the binary program, should we ever decide to produce them.

As I said earlier, I support the demilitarization of BZ, just as I support the demilitarization of all chemical weapons that are leaking or have deteriorated to the point that there is no way they are usable. However, it does concern me that a 1977 GAO report entitled, "Stockpile of Lethal Chemical Munitions and Agents—Better Management Needed," cited the fact that the Department of Defense had demilitarized and disposed of large quantities of usable lethal chemical agents and munitions. While we were not able to prevent those from being destroyed, I hope that that will not occur in the future. I was pleased to hear, however, that the latest GAO report makes note of improvements made in the upkeep of the chemical weapons stockpile, which resulted in an actual increase in the size of our stockpile of usable, unitary chemical weapons. Incidentally, that further proves my point that we do not need binary chemical weapons because we already have an adequate stockpile of unitaries that seems to have the potential to increase even further with better management and upkeep of our stockpile.

Another concern that I have is about the use of the facility for the demilitarization of BZ. I know full well that studies and plans were discussed to use this facility for the demilitarization of other agents and munitions—specifically nerve agents and munitions. I will be carefully watching the BZ demilitarization operations and will strongly object to any move to demilitarize other agents without prior approval of Congress. While the Pine Bluff Arsenal does possess a stockpile of nerve agents, I do not believe the arsenal should be made into a regional demilitarization facility for all the nerve agents stockpiled in various locations around the country. I know there are leakers that need to be destroyed—and they should be destroyed—but the drill and transfer system (DATS) should be employed to the extent possible before any plans are made to haul the weapons to any regional demil facility.

In short, we need to be sure that the agents that are being demilitarized are only those that are leaking or hopelessly unusable, such as BZ, and that the facility at the Pine Bluff Arsenal is used only for the purpose stated by the Army and that is the demilitarization of BZ.●

THE CATHOLIC CHURCH AND: THE UNNOTICED HOLOCAUST

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. McDONALD. Mr. Speaker, it is indeed a threat to the security of this Nation when members of our Armed Forces are getting mixed signals on the matter of resistance to totalitarian socialism, which is in fact—communism.

Back in 1947, the Reverend John P. Noonan, S.J., authored the text, "General and Special Ethics." It had the imprimatur or approval in the matter of faith and morals of Samuel Cardinal Stritch of Chicago. I quote a couple of passages from that text on the matter of communism, which appropriately is carried under the heading of socialism. Concerning the abuse of private property Father Noonan states:

> The difference is that socialists assert that these evils are inherent in the system of private property, while the Popes insist that they are an abuse of it and could be corrected. And of course the Popes teach that the remedy of socialism is far worse than the disease of capitalism.

On the ethical and religious bases of socialism, Father Noonan states:

> The philosophy of socialism is purely materialistic. Ordinary religious terms such as God, the soul, and the moral law have an interpretation taken from materialistic pantheism. Everything, says socialism, is constantly in a state of flux, evolving towards a higher goal. There is no fixed of immutable morality or truth . . . Religion is the opiate of the people and similar slogans have been used too frequently to be explained away; and any—if such there are—who still doubt their intentions are too naive to stand in need of deception.

Pius XI in his encyclical on atheistic communism—Divini Redemptoris delivered in 1937 stated:

> Communism is intrinsically wrong and no one who would save Christian Civilization may collaborate with it in any undertaking whatsoever.

To that could be added nothing except to question the present day situation ethics of the bishops of America who preach that there is no room for nuclear defense, and in fact, call for a unilateral freeze of American weaponry to defend this Nation and its citizens. I do not remember who said it but I do remember the quote that stated: "How do you sit down and negotiate with anyone who refuses even the right of our society to exist on the face of the earth?"

Now columnist John Snyder of Washington Dateline, in an article titled, "The Unnoticed Holocaust," calls attention to yet another genocidal atrocity being committed with poison gas against peoples of Afghanistan and Southeast Asia. It is genocide no matter which way the pie is cut, yet the bishops remain silent. The Hmong or Meo tribesmen of northern Laos are fierce defenders of the right to live on their own land and will die down to the last child rather than surrender to atheistic communism. The communists know that and that is why the Meos have to be exterminated—totally—and that is genocide or as John Snyder suggests: Holocaust.

If there is any further doubt with regard to the naive or perhaps sufferers of the disease of surrenderitis, let it be noted with regard to the Catholic Church, that even the Washington Post in its June 19, 1983, edition documents what really happened when Pope John Paul II went to Nicaragua. Do the American bishops want that to happen here?

For the benefit of my colleagues and the American Catholic military personnel I submit both John Snyder's timely article of June 6, 1983, and the Washington Post article, titled, "Protest of Papal Visit Part of Anti-Church Plan, Nicaraguan Says." Articles follow:

[From the Washington Dateline, June 6, 1983]

THE UNNOTICED HOLOCAUST

(By John Snyder)

By an overwhelming vote, the Catholic Bishops of the United States recently endorsed a freeze of nuclear weapons, which may or may not ever be used.

On the other hand, chemical weapons, with their agonizing effects, have been and are being used by the Soviets and their militaristic stoolies in different parts of the world. Yet, the Bishops as a group have not condemned this barbarity.

Why not? Why this apparent hypocrisy?

Why condemn the possible use of nuclear weapons for the defense of the United States and ignore the actual use of chemical weapons in aggressive war by the Union of Soviet Socialist Republics?

Before we bring charges against the Bishops, let's review some of the facts.

On February 5, 1982, James A. Phillips of The Heritage Foundation reported that the Soviets and their proxies "are waging a clandestine war of chemical terror against the political and ethnic groups that have refused to be subdued by conventional arms" in Afghanistan, Kampuchea and Laos.

In his report, Phillips wrote that as early as 1976, "terror-stricken refugees began streaming out of Laos carrying news of a gruesome new addition to the arsenal of the Soviet bloc. They told of a poisonous yellow cloud that they called 'Yellow Rain' because small particles in the cloud made sounds like raindrops as they settled on the roof of their huts and on the surrounding fields. The mysterious yellow poison, delivered by aerial bombing and artillery attacks inflicted bizarre and grievous injuries on the victims, often resulting in quick, painful death. Direct exposure to the clouds caused breathing difficulties, extreme irritation of the eyes, skin, nose, throat and lungs. Small, hard blisters formed over exposed body surfaces. This was accompanied by coughing of blood-tinged material, choking, dizziness, multiple hemorrhaging of mucous membranes, vomiting massive quantities of blood, the seeping of blood from eyes, ears and nose, convulsions and death. All this happened within hours, sometimes, minutes. Shortly after death, the skin turned black."

Similar symptoms have been documented in Afghanistan and Kampuchea.

On March 22, 1982, then-Secretary of State Alexander M. Haig, Jr., in a report to the Congress on "Chemical Warfare in Southeast Asia and Afghanistan," stated that the evidence "has led the U.S. Government to conclude that Lao and Vietnamese forces, operating under Soviet supervision, have since 1975, employed lethal chemical and toxin weapons in Laos; that Vietnamese forces have, since 1978, used lethal chemical and toxin agents in Kampuchea; and that Soviet forces have used a variety of lethal chemical warfare agents, including nerve gases, in Afghanistan since the Soviet invasion of that country in 1979."

The question remains: What in the world or out of it is wrong with the Bishops?

If they're impelled to condemn warfare, why not condemn actual aggressive chemical warfare by the Soviet Union rather than possible defensive warfare by the United States?

In the opinion of this commentator, these men are not acting as spiritual shepherds should.

However, the buck does not stop there. It must stop with the Vatican officials who promoted these men in the first place and, specifically, with the Prefect of the Sacred Congregation for Bishops, Sebastiano Cardinal Baggio, 10 Piazza Pio XII, Rome, Italy.

There are two courses of action which may be taken. One is to write to Cardinal Baggio and let him know that you think he has contributed to an intolerable situation. Another very effective action is to stop giving to Sunday church collections until the Bishops stop acting like ill-informed military strategists.

[From the Washington Post, June 19, 1983]

PROTEST OF PAPAL VISIT PART OF ANTI-CHURCH PLAN, NICARAGUAN SAYS

(By Joanne Omang and Don Oberdorfer)

Demonstrations against Pope John Paul II in Nicaragua last March were carefully orchestrated as a part of a wider effort to discredit the church among the Nicaraguan people and neutralize its resistance to the Sandinista regime, according to a recent defector from the Nicaraguan intelligence service.

Miguel Bolanos Hunter, 24, said the plan was to associate priests and the existing church hierarchy with "the two enemies of the Nicaraguan people: the United States and the wealthy class, the bourgeoisie."

A "mob" of handpicked activists kept devout Catholics trapped in a church and away from the pope, who was then insulted and heckled as he tried to pray, Bolanos said, in order to make him appear isolated from the people during his visit to Managua.

The overall Sandinista effort against the church, according to Bolanos, has included close surveillance of Archbishop Miguel Obando y Bravo and a faked sex scandal last year involving one of his priests, the Rev. Bismarck Carballo.

Bolanos said the intelligence unit called F7, which had responsibility for mobilizing citizens for demonstrations, was ordered to pick 200 block leaders who each brought five or six trusted residence to the public square where the pope was to speak in March. Anyone trying to attend independently was turned away, Bolanos said.

Catholics who did not want to heckle the pope went to the churches the night before his visit in order to pray all night, Bolanos said, intending to march together to the square the next day. Instead, he said, F7 agents organized crowds to heckle the people in the churches and to keep them in there until the pope finished speaking.

Bolanos said he was in a command post, just off the square, that coordinated the various groups, putting in the forefront groups of women carrying pictures of sons who had died during the Sandinista overthrow of dictator Gen. Anastasio Somoza in 1979. The women were urged to ask the pope to pray for their sons' souls, which in the Sandinistas' eyes would have allied him with their struggle.

"He didn't want to do it because if he had, it would have meant he was in solidarity with the communist army," Bolanos said. As the pope began praying on another subject, one of the women gained control of the microphone system and begged him to pray for her son the martyr. Her act was "practically a sacrilege, an act of total disrespect," he continued.

The pope left the square without finishing the prayer, Bolanos said. "It was a success, because many people thought the lack of respect was spontaneous, and that the pope was simply against the revolution."

The church in Nicaragua originally backed the Sandinista government but in 1980 Archbishop Obando y Bravo began complaining of growing censorship and repression of dissent. He became a major target of surveillance after the pope's visit, Bolanos continued. When the archbishop tried to remove a priest favorable to the Sandinistas, mobs were organized to pose as parishioners, take over the church and beat up the new priest, according to Bolanos.

Lenin Cerna, head of the Interior Ministry's department of state security, issued written orders that all existing information and all new material on the bishop was to be sent to an analysis center, and the order was posted on intelligence office walls, Bolanos said. "They are collecting all the information to design a plan to destroy him."

An earlier part of that effort involved the archbishop's spokesman, the Rev. Carballo, who initially came under Bolanos' jurisdiction because of Carballo's friendship with many Americans in Nicaragua. Bolanos said he was told that the F4 section of the security operation—assigned to keep track of the churches, unions and political parties—was planning to use a prostitute "known and used by all the Sandinista high command" to disgrace Carballo.

The prostitute, named Marixsa, posed in 1982 as a penitent asking Carballo's counsel on personal problems. She tried to win Carballo's confidence, hoping eventually to seduce him, Bolanos said.

Finally, while the two were talking over lunch one day last August, an F4 agent burst into the room, pretending to be the woman's husband. He attacked the priest, ripping his clothes off, and pushed him into the street where people organized by the F7 unit were waiting with cameras. Also waiting outside was a van with dark windows, in which Cerna and Interior Minister Tomas Borge had front-row seats from which to laugh at the naked priest, Bolanos, said.

Government media played up the event, claiming Carballo had been caught in a love triangle. The archbishop—correctly, Bolanos indicated—said the whole incident had been "a show to slander the church."●

INNOCENT VICTIMS OF U.S. POLICY TOWARD CUBA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. FRANK. Mr. Speaker, the State Department, in conjunction with the Attorney General, has recently reprimanded Cuba for their refusal to take back certain undesirable Cuban nationals who entered the United States during the Mariel boatlift of 1980. On May 25, Assistant Secretary Thomas O. Enders announced that the United States would discontinue the issuance of immigrant visas in Cuba indefinitely. While immigrant visas to immediate relatives—spouses, minor children, and parents—and nonimmigrant visas will still be issued, immigrant visas in all the preference categories—married and unmarried brothers and sisters, et cetera—will not, except to Cuban applicants in third countries.

The recent action by the State Department is consistent with the provisions of section 243(g) of the Immigration and Nationality Act; however, it nonetheless raises serious questions. First, since no visas have been issued to otherwise qualified preference category applicants since 1980, on what grounds have they been previously withheld and what new hardship does the new ruling inflict? Second, is this action designed to legitimate and formalize what has been previously a de facto policy? Third, whom do we intend to punish for the sins of the Castro government? Does not this action penalize U.S. citizens seeking to be reunited with their relatives in Cuba?

These and other questions were recently addressed by the former chief of the U.S. Interests Section in Havana in a letter he wrote to the editor of the New York Times critical of our immigration policy toward Cuba. He suggests that political considerations may have supplanted the law in our policy toward Cuba.

There is a disturbing irony in this affair. Thousands of Cuban nationals have been placed in limbo since 1980, even though they had fully complied with our immigration laws and had qualified for immigrant visas under the preference categories. Yet while there is general agreement that the Castro government is a repressive dictatorship, the United States has simultaneously closed the door on those wishing to leave. I would hope that we can resolve this inconsistency.

The article follows:

[From the New York Times, June 15, 1983]

FROM LETTERS TO THE EDITOR: INNOCENT VICTIMS OF U.S. POLICY TOWARD CUBA

(By Wayne S. Smith)

To the Editor: On May 26, you reported that the Reagan Administration had just asked the Castro regime to take back criminals and other excludables dumped on us during the Mariel exodus. According to the report, the Administration threatened to suspend the issuance of preference immigrant visas in Havana if they were not taken back.

This is another instance of flimflam on the Administration's part. In belatedly making this public demand on the Cuban Government, it is simply trying to give some legal basis to what it has in fact been doing without any authority under law for over two years.

The Administration has refused to authorize visas for these divided Cuban families ever since it took office, turning a deaf ear to the pleas of the Interests Section in Havana that the only ones hurt by the refusal were the innocent applicants themselves, who had all their documentation and were eligible to receive visas to join their immediate families in the United States.

No explanation was given to the Interests Section, but in a memorandum dated Oct. 31, 1981, the State Department suggested that the purpose was to emphasize how cool were our relations with Cuba (though how refusing to unite divided families was to do that was never explained). The memo recognized that refusal to begin processing these visas might lead to serious legal problems. Ways were therefore suggested to finesse the matter with the public and the Congress.

When Congressional inquiries mounted, however, the department was hard-pressed for a legal explanation. In late 1982, it finally cited Section 243(g) of the Immigration Act which gives the President authority to suspend issuance of visas in countries whose governments will not accept the return of excludables.

The applicability of 243(g), however, was most doubtful. For one thing, the Reagan Administration had never asked the Cuban Government to take back the excludables. For another, it had ignored Cuban offers to resume negotiations on the matter—negotiations that had begun under Carter but had not, as of January 1981, produced agreement. After the inauguration, the Cubans indicated there was more flexibility in their position and suggested new rounds of talks. The Reagan Administration did not even bother to respond.

Castro will probably respond to the Administration's latest démarche by suggesting that the discussions be resuscitated. The Administration will say there is nothing to discuss, and there the matter will stand. After over two years of mishandling the issue, the Administration will now at least have half a legal leg to stand on. The divided families, however, will remain divided. One really must ask, To what purpose?

The case of some 1,500 former political prisoners is a separate issue but one in which U.S. motives are even more difficult to fathom. The Government has a clear commitment to process these people for entry into the U.S. I know. I transmitted that commitment to them on May 2, 1980.

On that day, some 800 of them had gathered at the Interests Section to ask when processing might begin. Many had been waiting for months. I told them that we had just received authorization. Numbers had been requested for them under the Refugee Act, and processing could begin.

Unfortunately, because of the consequences of the violence that broke out that day between the ex-prisoners and Cuban Government sympathizers, the Interests Section had to close its doors to the public for several months. We always assumed, however, that when we reopened, our first priority would be to these former prisoners, who were the victims of the violence, not its instigators.

We reckoned without the Reagan Administration, which turned its back on them, and, in so doing, dishonored the word of the U.S. Government. The President often speaks of his sympathy for the Cubans living under the Castro regime. He has a strange way of showing it.

MOUNT CARMEL TOWNSHIP ALUMNI ASSOCIATION FIRST ANNUAL BANQUET

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday, July 3, the Mount Carmel Township Alumni Association will be conducting its first annual banquet.

The association was formed in 1982 and is comprised of alumni of the Mount Carmel Township's school district, which was disbanded in 1951 with the creation of the new jointure school board.

The price that was paid for progress in this case, Mr. Speaker, was the dissolution of a school with a long and proud history. Mount Carmel Township High School began in 1919. Its colors were green and gold and the nickname of its teams was the "Golden Bears." It was located in Locust Gap and over the years produced a series of championship teams. In 1934-35 the Mount Carmel boys basketball team were the champions of the Susquehanna League. In 1942-43, they were the champions of Keystone League. In 1931-32 and 1934-35, their girls basketball team were the champions of the Susquehanna League.

Over the years, the Mount Carmel football team achieved many records. They were frequently on the list of All American and All Opponent teams. They had many significant players, some of whom went on to college and professional ball.

All of this, Mr. Speaker, the Mount Carmel Township Alumni Association will celebrate on July 3. Today it has a membership of over 1,000 and is still growing. Its president is Reno Benidetti, its treasurer is Lorraine Waters Tuefel, and its recording secretary and historian is Ann Coyne.

It is my pleasure, Mr. Speaker, to join with all of the alumni of the Mount Carmel Township High School and, indeed, with the entire Northumberland County community, in congratulating the alumni association on its first annual banquet, in thanking its officers and active members for much hard work and in wishing all of them many, many more happy and successful years together.●

REGIONAL IMPACT OF MILITARY CONSTRUCTION

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. EDGAR. Mr. Speaker, important votes will be cast today on the military construction appropriations and authorization bills for fiscal 1984. While spending for military construction comprises only a small portion of the DOD budget, these dollars can have a significant impact on the region in which they are spent.

Research done by the Northeast-Midwest Congressional Coalition has pointed out some alarming trends in the spending of military construction dollars. In 1983, the proportion of total military construction dollars distributed to the Northeast-Midwest region stood at the same low level as it did in 1980.

In fact, even though the military construction budget increased by 43.4 percent between fiscal 1981 and 1983, the Northeast-Midwest's share of the national total actually declined from 20 to 15.3 percent. The Midwest's share dropped from 7.7 to 3.5 percent.

A representative example of the inequity in the distribution of military construction dollars is the case of California. California has one-third as many military installations as does the Northeast-Midwest region but will receive $81 million more in fiscal 1983 funds for military construction.

Not only do construction dollars translate into jobs, but the lack of funding for military construction in the region can only result in one thing; the breakdown of existing bases and equipment. As dollars are funneled out of the region, the long-term effect is to cause existing facilities to fall into disrepair. These facilities were closed. In fact, between 1969 and 1979, 208 facilities were closed in the Northeast-Midwest region. The closings of bases in the region means the security of half our Nation is jeopardized.

Congress should understand the implications of these spending trends. As a member from the Northeast-Midwest region, it is difficult to vote for a military construction bill which fails to adequately protect all parts of the Nation.

I hope that in future years, these patterns of spending are corrected to reflect the needs of the entire Nation.●

SIMPSON CELEBRATES 10TH YEAR AT JANES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. TOWNS. Mr. Speaker, I want to recognize the achievements of Rev. Robert O. Simpson on the occasion of his 10th anniversary at Janes United Methodist Church in Brooklyn, N.Y. Reverend Simpson is a native of Brooklyn who has returned his time and his talents to the community through his leadership at Janes. He serves as an active member of the health committee for community planning board No. 3. The committee has oversight responsibility for community health and hospital services in the Bedford-Stuyvesant area of Brooklyn. As president of the Janes Housing Development Corp., Reverend Simpson has promoted the rehabilitation and the acquisition of local properties for low-cost housing. His efforts, in the housing area, demonstrate a commitment to integrate the work of the church with the needs of the community.

Throughout his career, Robert O. Simpson has evidenced a concern for the needs of his community. He served as both a teacher and as a member of the school board in Brooklyn. In addition, Robert directed the "college bound program" for the United Interfaith Action Council. The council's program provided enrichment services for disadvantaged high school students with strong academic potential. From 1971 to 1973, Reverend Simpson helped countless youngsters to gain important academic skills prior to their freshman year in college. In addition to his community activities and a full-time pastorate at Janes, Reverend Simpson is also involved in several denominational organizations of the United Methodist Church.

Reverend Simpson's 10 years of service, to the Janes congregation and the Brooklyn community, has definitely improved the quality of life in my congressional district for many people. I want to offer my heartiest congratulations to Reverend Robert O. Simpson on his upcoming 10th anniversary on Sunday, June 26.●

HON. TOM STEED

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. UDALL. Mr. Speaker, Tom Steed was a close and valued friend. His courage and commonsense served the people of his beloved Oklahoma for 32 years in the House of Representatives—longer than any other Oklahoman has served in the Congress.

Tom had a fine sense of humor as well, and he was likely to share a new story with his friends behind the rail, or in the cloakroom. He could always find the time to use a chuckle to take the edge off of a particularly trying day.

Tom Steed represented the people of Oklahoma with integrity and diligence. He brought good, sound, compassionate qualities to this House, and we are all the better for his having been here.

I am sorry that Tom is gone.●

NEED FOR HOUSING LEGISLATION STILL EXISTS

HON. RICHARD A. GEPHARDT

OF MISSOURI

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GEPHARDT. Mr. Speaker, we rise today to commend the Federal Home Loan Mortgage Corporation on their recent offering of the new collateralized mortgage obligations. On June 7, Freddie Mac offered $1 billion of these new bonds, making it the single largest real estate offering ever. This offering is important for a number of reasons: First, all of the mortgages included in these CMO's represent new mortgages, not the repackaging of existing mortgages; second, and possibly more important, it appears that Freddie Mac may have found a way to tap into the large pool of assets currently controlled by our Nation's pension funds.

As many of our colleagues know, we have been working diligently for some time to reduce the restrictions placed on the path of pension fund investments in the residential mortgage market. Last year we introduced H.R. 6781, which garnered the support of 265 Members of the House. This session in H.R. 1418 we have exerted a similar effort. The recent offering of these CMO's represents a significant step forward in tapping into the vast pool of assets controlled by pension funds, currently estimated to amount to more than $700 billion.

Of the $1 billion recently offered by Freddie Mac, approximately $430 million was purchased by pension funds. This represents more than 40 percent of the entire offering, a figure far in excess of any offerings by any of the public or private issuers of similar securities. This is indeed a significant step forward, however, it does not eliminate the need for legislation such as H.R. 1418.

By removing the impediments to pension fund investment in the residential mortgage market, while still retaining the traditional conservative principles of pension fund investment, this legislation is designed to address two very important problems; the need to insure present and future employee benefit plan beneficiaries that their plan assets are safe; and the need to aid the housing industry through capital infusion into the residential mortgage market.

Under current law, unless an employee benefit plan invests solely in the securities issued by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation or the Government National

Mortgage Association (mortgage-backed securities) a plan must meet the conditions set forth in the Department of Labor class exemptions for residential mortgage transactions (82-7) or mortgage pool investment trust transactions (81-87).

Both sets of conditions set forth in these class exemptions are restrictive in that they impose higher standards for mortgage investments than for other types of investments. In addition, if a plan does not follow the conditions or is uncertain if a particular mortgage transaction is covered by the exemptions, the plan must request an opinion or seek an individual exemption from the Department of Labor. This procedure in itself is costly and burdensome, and it is unlikely that a Labor Department response could be expected in less than 90 days.

The most important factor lending support to H.R. 1418, however, is the attractiveness of investment in mortgage instruments. A recent survey conducted by Salomon Brothers which examined the returns of alternative investment opportunities, including mortgage securities, highlighted the attractiveness of mortgages as an investment medium. The survey concluded: "Results show that mortgages outperformed the three alternative investments: Corporate bonds by 15.3 percent; long Treasuries by 21.7 percent; and 10-year Treasuries by 2.4 percent." With the higher return that a pension fund might be able to receive on investment in mortgages it might be able to reduce contributions required of plan participants or increase the benefits to present and future beneficiaries.

In testimony last year before the House Banking Committee, Phillip Brinkerhoff, then president of Freddie Mac, indicated that Fannie Mae and Freddie Mac together will not be able to service the entire secondary market.

> If the Mortgage Corporation and other federally related agencies purchased their historic (1976–1980) shares of total conventional originations, they could supply only $215 billion of the net conventional secondary market need. The shortfall of secondary market capacity would be $486 billion or $48.6 billion per year . . . As they are currently structured, the Mortgage Corporation and the Federal National Mortgage Association could not begin to make up the credit shortfall anticipated.

H.R. 1418 will allow for this necessary expansion of the secondary market by allowing pension funds to invest in a wide range of mortgage instruments while protecting the plan participants. Action such as that taken by Freddie Mac recently will certainly help. But, legislation such as H.R. 1418 is still needed.●

HONORING JOHN BERRIER

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. RITTER. Mr. Speaker, this Friday, June 24, 1983, the Lehigh Valley of Pennsylvania will be honoring a man who has devoted his life to the education of his fellowman. His career has spanned nearly four decades, a career dedicated to a standard of excellence which few men attain. The man I speak of is Dr. John Berrier, the retiring president of Lehigh County Community College.

Beginning as an assistant registrar and coordinator of veteran's education at Temple University in Philadelphia, Dr. Berrier later moved on to become the school's admissions director. As Pennsylvania began to formulate plans for a community college system, it was Dr. Berrier who was called upon to help in establishing the community college at Harrisburg. Serving as consultant to the board from 1964 to 1966, he served as chief designer and was responsible for faculty recruitment, leasing of buildings, the admitting of students, organization of schedules, and the assigning of rooms and offices.

This experience served Dr. Berrier and the Lehigh Valley well as he was again called upon to establish Lehigh County Community College. This he did and the community has been the beneficary. Since the school began in 1966, it has known no other president. In its 17 years of operation, LCCC has welcomed thousands of Lehigh Valley students. Its reputation has grown through the quality of its teaching staff, its leadership, and curriculum. Dr. Berrier and his staff understand how important education is in the direction of our country. The students today are tomorrow's molders and shapers of a new and better society, a society which learns from the past and which seeks a positive future. We in the Lehigh Valley are indebted to Dr. Berrier for all that he has done in helping to raise the quality of life in our community and for instilling in our youth a better understanding of the world around them.

There is another side to the life of Dr. Berrier, one that is sometimes not seen publicly because of his many achievements in the education field. That side is the person John Berrier. His many friends and associates in and out of the field of education can attest to his being a good human being and a friend of the highest quality. One hears John described as an "activist," as a "doer." He is not one to take a back seat when work needs to be done. As an active member of the Redeemer Lutheran Church in Allentown, he served twice as a vice president and also on the church council. He is a veteran of this Nation's Armed Forces and a devoted father and husband. Yet, "Jack" Berrier goes about his work in a quiet, caring way seeking no higher reward or special thanks. He has returned to the community much of himself and has succeeded in making the Lehigh Valley a much nicer place in which to live.

Mr. Speaker, it is a high honor to add my words of sincere congratulations to Dr. Berrier on this important event in his life. And to you personally, Jack, I hope that you and your family will enjoy health and happiness in the years ahead.●

FIFTIETH WEDDING ANNIVERSARY, ALLAN AND HARRIET ROTHROCK

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday evening, July 9, their family and friends will pay tribute to two very special people.

This will be the golden wedding anniversary of Allan and Harriet Rothrock. They were united in marriage by the Reverend Lotshaw on July 1, 1933, at the Methodist Church in Mauch Chunk, Pa., which has since, of course, been renamed in honor of the famous athlete, Jim Thorpe.

Two daughters were born of the marriage. Martha Ann later married Harry H. Warner and has presented the Rothrocks two grandchildren, Todd Allan, now married to the former Diane Andrasi, and Wendy Ann. Mary Louise married Wayne W. Reabold and, from that marriage, have come three grandchildren: Tammy Lynn, Melanie Ann, and Beth Susan.

Mr. and Mrs. Rothrock now reside at 54 Kline Street in Weatherly.

Fifty years is a long time, Mr. Speaker, and the duration of this marriage would, in itself, be a cause for celebration. But it is not only the years that have gone by but the good that has been done and the wonderful family that has come from these two people. These are the things that, really, we will all be celebrating on the evening of July 9. It will be my pleasure to be there, Mr. Speaker, and I am glad to have had this opportunity to share this occasion with my friends and colleagues and the House.●

A TRIBUTE TO THE FINE YOUNG ARTISTS OF MARYLAND'S FIRST CONGRESSIONAL DISTRICT

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DYSON. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues and the American public the selection of a drawing entitled "Garbo," by Arthur Welch of North East, Md., as the representative artwork for the First District in the 1983 Congressional Art Competition. Mr. Welch's artwork is an example of the high-caliber talent that this competition meant to secure.

The Congressional Art Competition, sponsored by the Congressional Art Caucus, is an excellent opportunity for Members of Congress to contribute to the education and progress of talented young artists, as well as present a forum at the U.S. Capitol for the general public to come and observe our youth's great artistic aptitude.

In addition to Mr. Welch's artwork, Sara Lewis of Lexington Park, Md., Steven Allen of Havre de Grace, Md., Scott Larson of La Plata, Md., and Dorothy Whealton of Preston, Md., all submitted winning entries, and deserve our congratulations for the talent they have displayed.

All the entries, in the course of the First District competition exhibited extraordinary sophistication, and it is my regret that only one piece of art can represent our district. The other meritorious entries included artwork by: Jonathan Hutt, Janie Racine, Mary Bloodsworth, Susan Jane Russell, Jennifer VanGinhoven, Andy Sigler, Jackie Dowdell, Timothy Cotton, Carol Adams, Bill Green, Laura McClister, Cheryl James, Bryan Collier, Jennifer Dowdell, Tony Lewis, Valerie Bratten, Mark Norman, Steve Bush, Kathy Stubbs, Cindy Clark, Browyn Phillips, Tony Scarborough, Brooke Wesley, Richard Norman, Sara Mason, Tim Morris, Donna Parks, Kim Latham, Sarah Hayne, Dean Brasure, Barbara Essaf, Howard Taylor, Mike Bartemy, Mark Realini, Susan Maddox, Allen Carter, Nancy Phillips, Mark Martin, Stanley Mibourne, Dwight Beckett, Scott Reeling, Cindy DeColigny, Heather Timmons, Brooke Roger, Jack Owens, Patty Cannon, Elizaeth Richards, Ken Siarath, John Noto, Lynn Gagnon, Tim Fisher, Mark Frostrum, Barry VanDenHeavel, David Hentosh, Barbara A. Hammer, Bryan McDilda, Lee Wolfe, Lisa Twining, Alfred Dukes, Bill Cumberland, Ken Sarahath, Donna Bonner, Sonya Burnette, David Macrae, Helen Salzman, Debbie Kidwell, Joe Barbour, Beth Bradford, Pamela Martin, Laurie Fortner, Kelly Shaide, and Jennine Auerback.

The Congressional Art Competition is a more than worthwhile project for Members of Congress; this year over 200 participated. I encourage every Member, in the future, to take advantage of this wonderful opportunity to showcase the talent of America's youth.●

TRIBUTE TO DR. SALLY RIDE

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DAUB. Mr. Speaker, though cutting through the media hype is a challenge in itself, Dr. Sally Ride's journey into space—the first by an American woman—is a significant moment in American history that illustrates the continued progress of women in American society.

Dr. Ride serves as a pioneer in a traditionally male field—a field where more women will quickly follow. She was chosen, as one of five women, by NASA in 1978 to begin training as a mission specialist. Dr. Ride's excellent credentials enabled her to withstand the stringent selection process required for astronautical training. She earned her doctorate in astrophysics from Stanford University; served as capsule communicator relaying instructions to the flight crew during missions; and is a qualified jet pilot.

As our first female astronaut, Dr. Ride personifies the great advances that American women have made in the fields of science and technology. She will serve as an inspirational role model for generations yet to come.

One of those generations includes that of my 12-year-old daughter, Natalie, who often expressed her desire to be the first female astronaut. Though this first is no longer available to Natalie, Sally Ride has proven to her that the only obstacles in life are those that we set for ourselves in our own minds.

Sally Ride has responded to the extraterrestrial challenges of space, as well as the terrestrial challenges of the media, with a cool sense of professionalism, a warm sense of humor, and a dignity that does justice to the role she has earned. I appreciate this opportunity to thank her for her significant contribution and to commend her for her outstanding achievement.●

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SENATE—*Wednesday, June 22, 1983*

(Legislative day of Monday, June 20, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. Thurmond).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Our Father, we join in lifting up to Thee in prayer the Pope. We pray for his protection, that You will gird him about and bless him as he blesses not only Poland but the World.

We pray for our beloved brother, Peter Mills, M.P., who has requested prayer as he opens Parliament with a speech at this very hour.

"Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is in heaven."

Father of all wisdom, in Thy will is the way of order. Outside Thy will is disorder and chaos. In Thy will is the way of wisdom. Outside Thy will is the way of folly. To obey Thy will is the way of reason. To reject Thy will is irrational. In Thy will is the way of meaning. Outside Thy will is meaninglessness. To be in Thy will is to be directed. To refuse Thy will is to drift or be driven and obsessive. In Thy will is fulfillment. Outside Thy will is frustration and futility.

Thy will be done Father, in our hearts and homes and jobs, as it is in Heaven. In the name of Him whose perfect life was the perfect model of Thy will. Amen.

RECOGNITION OF THE MAJORITY LEADER

The **PRESIDENT** pro tempore. The majority leader is recognized.

Mr. **BAKER**. I thank the Chair.

SENATE SCHEDULE

Mr. **BAKER**. Mr. President, today, after the two leaders are recognized under the standing order, the Senate will have a period for the transaction of routine morning business until 10 a.m. Under the order entered last evening, Senators may speak for 2 minutes each during that period.

At 10 a.m., Mr. President, the Senate will resume consideration of the second of the regular appropriation bills which we have addressed this year; that is, the energy and water appropriations bill, which is H.R. 3132.

May I again express my delight at having these regular appropriation bills before us from the House of Representatives in a timely way so that we may act on them in a similarly prompt manner.

Yesterday we did the HUD appropriations bill in record time. Once again I commend the distinguished managers of that bill on both sides for their excellent performance. I hope we do as well with energy and water today. I hope we can finish that bill today. Indeed, I think we can, but it will require, once again, good and diligent leadership by the managers of the bill and a spirit of cooperation by all Senators.

After the energy and water appropriations bill, Mr. President, I expect that the Senate will be asked to address a variety of other matters until we receive more appropriations bills. But may I say at this time that I am advised that the Appropriations Committee is just about ready to report two more appropriations bills, the legislative appropriations bill and the agricultural· appropriations bill. I hope that that committee might consider advancing their markup and even getting those bills out today, if they are prepared to do so, to put me in a position to speak with my friend, the minority leader, about the possibility of taking up one of them or both of them this week. It would be little short of phenomeaal if we could do three and little short of miraculous if we could do four appropriations bills in 1 week, but we can if we really put our minds to it.

So, Mr. President, if we can finish energy and water today, I hope, one way or the other, we could find our way clear to take up one of the other two appropriations bills which appear near ready for action.

TWO AMERICAN JOURNALISTS KILLED IN CENTRAL AMERICA

Mr. **BAKER**. Mr. President, I am sure that every Member of the Senate joins with me in expressing our sadness this morning concerning the death of two American journalists in Central America late yesterday. As best I can ascertain from television accounts and wire service copy, it appears that the American journalists were riding in a car, perhaps near the border of Honduras and Nicaragua, and their car was hit by a mortar, probably a rifle-fired mortar.

Mr. President, this is a tragedy, and another in a series of assaults against American news people, all in the cause of press freedom and an enlightened American public. It is also emblematic of the terror and tension and violence that exists in that neighboring region of this hemisphere.

I hope we find out what happened, Mr. President; we may never, but I hope we do. I hope that the Government of this country will insist on a thorough and extensive investigation of the circumstances so that the American people may be informed of what the details were.

All too often we watch and listen to reports from all over the world of correspondents threatened, endangered, injured, and killed. And all too infrequently we reflect upon the fact that in this modern world and in this age of information, correspondents—representatives of the constitutionally protected free press—are our eyes and ears in the world, and they take risks beyond that comprehended by the average citizen. Something like the occasion on yesterday brings that to mind forcefully.

Mr. President, I remember so vividly some years ago when another correspondent was killed by a terrorist's bomb in the lobby of the King David Hotel in Jerusalem. As it turned out, that correspondent, on assignment for one of the major TV networks, was the father of one of my daughter's closest friends. I then began to realize what a dangerous enterprise American journalists engage in, in bringing us a view of the world so that we may protect our interests and understand the complexities of this age.

So from that vantage point, Mr. President, I wish to express my deepest sympathy to the families and friends of the slain Americans and pledge my support in finding out who is responsible for this action.

Mr. President, I have no further need for my time under the standing order and I am prepared to yield it to the minority leader if he wishes.

RECOGNITION OF THE MINORITY LEADER

The **PRESIDING OFFICER** (Mr. Gorton). Under the previous order, the minority leader is recognized.

THE APPROPRIATIONS BILLS

Mr. **BYRD**. Mr. President, I share the hope and optimism of the majority leader in his having said that the appropriation bills are moving along and should be coming along in a way that we may be able to finish action on them in the Senate by the end of this week.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

I think Mr. Hatfield should be complimented and Mr. Stennis, the ranking Member, should be complimented on the way they are working together to expedite the process of appropriations.

There will probably be—and this is really not for me to decide but for Mr. Hatfield to decide—some conferences with the House going on fairly soon on the appropriations bills which might create a little problem here in our Chamber in that otherwise a bill which might be ready to be called up might be delayed slightly because of the conferences with the House.

Then, too, I am sure the majority leader will be prepared for that. I will cooperate with him in trying to find legislation to fill in the holes so that the conferences with the House may proceed.

Mr. President, I understand that the Senator from Mississippi (Mr. Stennis) is prepared to manage on our side the water resources bill until such time as the subcommittee manager would arrive in the Chamber.

Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER**. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m. with statements therein limited to 2 minutes each.

Mr. **BAKER**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. **BAKER**. Mr. President, I would like to say to the minority leader that I have on this side of the aisle certain nominations which are cleared on our Executive Calendar for action, specifically under the Judiciary Calendar No. 205, a U.S. District Judge for the Eastern District of New York; Calendar No. 206, a U.S. District Judge for the District of Maine; Calendar No. 207, under Department of Justice, an Assistant Attorney General, and Calendar No. 209, a judge for the U.S. Tax Court.

Could I inquire of the minority leader if he is prepared to approve for action by unanimous consent those nominations to which I have referred?

Mr. **BYRD**. Yes, Mr. President. The nominees whose names and offices have been identified by the majority leader have been cleared on this side.

Mr. **BAKER**. I thank the minority leader.

EXECUTIVE SESSION

Mr. **BAKER**. Mr. President, while we have a moment before we go to the energy and water appropriations bill, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations just identified.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE JUDICIARY

The **PRESIDING OFFICER**. The clerk will state the first nomination.

The legislative clerk read the nomination of Leonard D. Wexler, of New York, to be U.S. District Judge for the Eastern District of New York.

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Gene Carter, of Maine, to be U.S. District Judge for the District of Maine.

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Charles E. Clapp II, of Rhode Island, to be a judge of the U.S. Tax Court.

STATEMENT ON THE NOMINATION OF CHARLES E. CLAPP II, TO BE A JUDGE OF THE UNITED STATES TAX COURT

● Mr. **DOLE**. Mr. President, I am pleased that the Committee on Finance has recommended that the Senate give its advice and consent to the nomination of Charles E. Clapp, II, to be a judge of the United States Tax Court.

Charles Clapp is eminently well qualified to serve in the position of judge of the U.S. Tax Court. Since 1959 he has been a partner in the Providence, R.I. law firm of Edwards & Angell. Prior to that time he was an associate of the same firm, and served as law clerk to Judge Edgar J. Murdoch of the Tax Court. Mr. Clapp also has had a distinguished academic career—he holds an LL.B. from Harvard Law School and a B.A. from Williams College.

Mr. President, I Know that the Senate is called upon to consider many nominations in the course of the year, and it is difficult for Members to give detailed attention to each one of them. In this particular instance, however, I think it is worthwhile to point out for the record the importance of the U.S. Tax Court and the significance of having individuals as well qualified as Charles Clapp available to serve on that court. The Tax Court is indeed a specialized branch of the Judiciary, but it is an important one. That is because the decisions of the Tax Court affect the way our tax laws impact on individual citizens and businesses. This means that Tax Court decisions make a big difference in the way citizens view their relationship with the Government. Careful and judicious interpretation of the tax laws, assuming that Congress has taken adequate care in promulgating those laws, enhances everyone's perception that the laws are reasonably drafted and evenhanded: That no one, including the Government, has the upper hand when it comes to the application of tax laws. Admittedly, Congress does not always do a perfect job, nor do the administrative authorities—but that just makes it more important that the Tax Court be fair and impartial, and that the public perceive it to be fair and impartial.

In this connection, I would note that Charles Clapp is particularly well suited to fulfilling the job of Tax Court judge. Mr. Clapp has had extensive experience with our tax laws in private practice, and he has in fact clerked for a judge of the Tax Court. He has not, however, worked in the employ of the U.S. Government in connection with the administration of the tax laws. While such experience is also valuable, it is worth observing that Charles Clapp brings essentially a private-sector perspective to the Tax Court. That is a valuable asset to have when we need to do our upmost to remind the public that our goal is to have a tax court that adjudicates taxpayer disputes in an objective manner. The court is not an arm of the Congress or of the IRS. It is mediator between the Government and the citizen, and so it should remain.

Mr. President, Charles Clapp II is an outstanding tax lawyer and an outstanding citizen. We should be proud to have him serve on the Tax Court, and I urge my colleagues to promptly give their advice and consent to this nomination.●

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Lois H. Herrington, of California, to be an Assistant Attorney General.

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominees were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, once again I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I see the distinguished Senator from Wisconsin on the floor. He will not think of it as any disparagement of his reputation if I surmise that 2 minutes might not be long enough for him. Could I inquire how much time he would like to have?

Mr. PROXMIRE. Five minutes will be fine.

Mr. BAKER. Mr. President, I ask unanimous consent that the order with respect to the Senator from Wisconsin be extended to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHO IS AHEAD IN NUCLEAR ARMS—RIGHT NOW?

Mr. PROXMIRE. Mr. President, there is one issue that most sharply divides those Americans who believe in pushing ahead right now with negotiations with the Soviet Union to control the nuclear arms race from those who argue that we should not. Those who want to move to a comprehensive negotiation now with the U.S.S.R. argue that the two super nuclear power have a rough over all parity in nuclear power.

Others, led by President Reagan, insist that the Soviet Union is ahead of us in nuclear capability. They say any comprehensive agreement now would put us at a permanent disadvantage. Mr. President, no American can speak with more authority or influence than the President of the United States when he speaks of our military capability. But, Mr. President, the President of the United States is a human being and, like all human beings, he is fallible. Sometimes he is wrong. At this time, on this issue, President Reagan is flatly wrong. Witness after witness has come before the Defense Appropriations Subcommittee, including top Defense Department and Central Intelligence Agency witnesses, and have agreed that the United States and the Soviet Union have a roughly equal nuclear capability.

Now, Mr. President, within the last few days, the Center for Defense Information has come forward with a very useful force level calculator that answers the question: Who is ahead? First it compares the United States with the Soviet Union. Then it compares NATO with the Warsaw Pact and provides data for China outside of either group. It provides this information in the form of an instant calculator. You pull the calculator to any 1 of 10 measures of nuclear power between the United States and the Soviet and either of 2 other measures, population and GNP, that provide underlying potential power.

For anyone who has listened to President Reagan's televised addresses on nuclear weapons, the calculator will be a real eye opener. With respect to the 10 nuclear weapons comparisons, it finds the Russians lead in only 3. They do have more intercontinental ballistic missiles, more nuclear weapons on their ICBM's, and more strategic submarines. On the other hand, the United States leads in each of the following seven categories: We have more total nuclear weapons, more strategic nuclear weapons, more nuclear weapons capable of reaching the Soviet than they have nuclear weapons capable of reaching the United States. We have had more nuclear weapons test explosions. We have more strategic bombers, more nuclear weapons on strategic bombers, and more nuclear weapons on submarines.

Even this contrast overlooks a far more important U.S. advantage: Our nuclear arsenal is overwhelmingly mobile—75 percent of our nuclear deterrent power is under the oceans or in the air and, hence, less vulnerable. The Soviet nuclear arsenal is sitting on land; stationary, fixed, and highly vulnerable. In the two nonnuclear comparisons, the Soviet Union has about 14 percent more people than we have, but we have a gross national product more than 100 percent bigger than theirs. And certainly GNP is a far better measure of military potential than population.

Some will argue that if there is a war involving the United States and the Soviet Union, it will also almost certainly involve the NATO countries allied with the United States and the Warsaw Pact nations allied with the Soviet Union. So the Center for Defense Information provides a military comparison of NATO and the Warsaw Pact. Conceivably such a war, at least at the beginning, could be a conventional war using conventional weapons. Hence, comparisons are provided on conventional as well as some strategic weapons.

So how do the United States and its allies stack up against the Soviet Union and its allies? In resources that indicate military potential, NATO leads decisively. NATO has an overall population advantage of almost 2 to 1: 626 million to 380 million. In gross national product, the NATO advantage is even more overwhelming: $6 trillion for NATO, only $2 trillion for the Warsaw Pact.

In conventional weapons, NATO has a clear advantage in four critical categories. This may surprise those who have accepted the "cry wolf" fantasies of the military-industrial complex, but NATO actually spends more annually on its military forces than the Warsaw Pact by a $288 billion to $220 billion margin. And which side has the most troops? Another surprise: NATO, by a 5.9 million to 4.8 million margin.

NATO also has more helicopters and the comparison is overwhelming: 12,500 for NATO to 4,500 for the Warsaw Pact. And in major surface ships? Again a smashing advantage for NATO: 490 to 295 for Russia and her Warsaw Pact allies.

The Warsaw Pact group has a clear advantage in only two categories: Tanks, where the Warsaw Pact has 63,000 to NATO's 29,000; and diesel attack submarines, where the Warsaw Pact has 174 to NATO's 139. In one other conventional category, the two sides match precisely. Both have 12,000 combat aircraft.

Now, compare strategic power. In total nuclear weapons, NATO has 31,000, the Warsaw Pact 20,000, a clear advantage for NATO. In nuclear attack submarines, there is an almost dead-even draw, with the Warsaw Pact having 105, NATO 103. But even here, NATO has an actual very sharp advantage. NATO submarines are at sea three or four times as much as Warsaw Pact submarines. And Warsaw Pact submarines tend to be bottled up in the Baltic Sea, where they are far more vulnerable than the NATO submarines, which have far more open and easy access to the oceans. Also, NATO submarines carry far more nuclear power than the Warsaw Pact.

Mr. President, in my judgment, no fairminded observer who considers potential or conventional or nuclear power on any basis—either United States versus the Soviet or NATO versus Warsaw Pact—can come to any conclusion except that this country, both by itself and with its allies, is right now at no disadvantage with respect to the Soviet Union on any overall military comparison. And notice

that I have left the massive People's Republic of China out of this equation. If we include the People's Republic of China as an opponent of the U.S.S.R., and the stationing of a large proportion of the Russian troops and equipment on their Chinese border would indicate exactly that, the Soviets would suffer a further disadvantage.

What does all this mean? It means there is absolutely no basis for resisting prompt and comprehensive nuclear arms limitation negotiations on the grounds that this country is now behind the Soviet Union and we have to catch up. Considering everything, there is no way we can be deemed behind the Soviet Union. Frankly, I think we are ahead and well ahead. The time to press for a comprehensive limit on nuclear arms testing, production, and deployment is now.

It is absolutely unconscionable that, as the New York Times has pointed out, even in the event of a successful START agreement in the present nuclear arms negotiations, if we carry out the present Reagan administration military spending program, we will still spend more than $50 billion per year, in every one of the next 5 years, on nuclear arms alone. Such an expenditure is an appallingly wasteful overkill.

Mr. President, I ask unanimous consent that a recapitulation of the findings of the Center for Defense Information comparing our military strength with the Soviet Union and NATO, Warsaw Pact and China be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CENTER FOR DEFENSE INFORMATION, FORCE LEVEL CALCULATOR—WHO'S AHEAD

GNP (Sources of information for all items in the Force Level Calculator: NATO, DOD, CIA, IISS, CDI):	
United States (trillion)	$2.9
Soviet Union (trillion)	$1.4
Population (Data from CIA, the World Factbook 1982):	
United States (millions)	232
Soviet Union (millions)	270
Total nuclear weapons (United States/Soviet comparisons emphasize nuclear weapons because any United States-Soviet war will be a nuclear war):	
United States	30,000
Soviet Union	20,000
Strategic nuclear weapons (Weapons carried on ICBM's, strategic submarines, and intercontinental bombers):	
United States	9,775
Soviet Union	7,226
Weapons on opponent's homeland (Includes strategic nuclear weapons plus other systems that can deliver nucs to opponent's territory):	
United States (on U.S.S.R.)	12,000
Soviet Union (on United States)	8,000
Nuclear weapons test explosions (United States plans to build 17,000 new nuclear weapons in next 10 yrs.; Soviets will follow suit):	
United States	740
Soviet Union	491
Strategic bombers (100 U.S.S.R.'s are propeller; all United States are jets; excludes 100 Soviet Backfire bombers):	
United States	359
Soviet Union	145
Nuclear weapons on strategic bombers (United States beginning to deploy 3,780 cruise missiles on bombers):	
United States	2,668
Soviet Union	290
ICBM's (Intercontinental ballistic missiles—95 percent of United States are modern solid-fueled; 96 percent of Soviet are liquid-fueled):	
United States	1,047
Soviet Union	1,398
Nuclear weapons on ICBM's (United States has 22 percent of strategic weapons on potentially vulnerable ICBM's versus 71 percent of Soviet weapons on ICBM's):	
United States	2,147
Soviet Union	5,238
Strategic submarines (United States keeps much higher percentage of strategic subs on station):	
United States	33
Soviet Union	62
Nuclear weapons on subs (Nearly 3,000 United States nuclear weapons are always at sea on strategic subs; Soviets have only about 300 always at sea):	
United States	4,960
Soviet Union	1,698

WHO'S AHEAD—FORCE LEVEL CALCULATOR, THE CENTER FOR DEFENSE INFORMATION

GNP (NATO: United States, Canada, Britain, France, West Germany, Luxembourg, Netherlands, Belgium, Norway, Denmark, Greece, Spain, Italy, Turkey, Portugal, Iceland):	
NATO (trillions)	$6
Warsaw Pact (trillions)	$2
China (trillions)	$½
Population (Warsaw Pact: Bulgaria, East Germany, Hungary, Poland, Romania, U.S.S.R., Czechoslovakia):	
NATO (millions)	626
Warsaw Pact (millions)	380
China (billions)	1
Annual military spending (Warsaw Pact and China figures are estimates because reliable data not available):	
NATO (billions)	$288
Warsaw Pact (billions)	$220
China (billions)	$50
Troops (Excludes Reserves in all countries and some 560,000 Soviet internal security, railroad, construction, and border guard personnel):	
NATO (millions)	5.9
Warsaw Pact (millions)	4.8
China (millions)	4.0
Total nuclear weapons (United States, France, and Britain have nuclear weapons on NATO side; only U.S.S.R. has them on the side of the Warsaw Pact):	
NATO	31,000
Warsaw Pact	20,000
China	500
Antitank weapons (Data not available Warsaw Pact and China have large numbers of generally less advanced antitank weapons):	
NATO	400,000+
Warsaw Pact	NA
China	NA
Tanks (NATO has stressed building antitank defenses):	
NATO	29,000
Warsaw Pact	63,000
China	11,000
Combat aircraft (NATO planes have qualitative advantages):	
NATO	12,000
Warsaw Pact	12,000
China	6,100
Helicopters (Major NATO advantage):	
NATO	12,400
Warsaw Pact	4,500
China	350
Diesel attack submarines (Includes cruise missile subs, NATO and Pact have been reducing obsolete diesel-powered subs):	
NATO	139
Warsaw Pact	174
China	101
Nuclear attack submarines (Nuclear-powered attack subs include cruise missile subs; NATO subs qualitatively superior):	
NATO	103
Warsaw Pact	105
China	2
Major surface warships (Includes aircraft carriers, cruisers, destroyers, and frigates):	
NATO	490
Warsaw Pact	295
China	34

RESTORING U.S. CREDIBILITY

Mr. PROXMIRE. Mr. President, in this week's U.S. News & World Report, Marvin Stone relates some of the atrocities that the Soviet military forces in Afghanistan inflict on the Afghan people.

Mr. Stone writes:

> In Afghanistan, the invading armies of the Soviet Union are committing one of the most massive campaigns of savagery in recent history. Towns are bombed into rubble. Civilians are massacred by the thousands. Women and children, as well as men, are summarily shot. Homes are looted, females raped. People suspected of sympathizing with the Afghan resistance fighters are tortured.

Mr. Stone concludes that by any standard, the Soviet behavior in Afghanistan is intolerable.

Yet in the face of the outrageous brutalities now committed in Afghanistan, Mr. Stone questions whether the U.S. response has been adequate.

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"Where are the mass demonstrations?" he asks. "Where are the screaming headlines or the angry editorials * * *?"

Indeed, the American response has been disappointing. The United States, although a strong supporter of human rights, has failed to vehemently and consistently voice its disapproval, failed to register its disgust over the Soviet involvement in Afghanistan.

We must ask ourselves if we have done all that we can to help the people of Afghanistan. Have we used all the tools at our disposal to protest the actions of the Soviet Union?

The United States needs to assume a more prominent and active role, not only in protesting Afghanistan, but in protesting all severe human rights violations. And we must start our efforts by ratifying the International Genocide Treaty, which over 90 nations have already ratified.

While Soviet activities in Afghanistan hardly constitute genocide, U.S. approval of this treaty may still make a difference in helping the Afghan people.

According to friends of mine in the State Department, our failure to ratify this genocide document has been a major stumbling block when dealing with the Soviet Union. When U.S. diplomats try to raise objections to Soviet human rights violations, the Soviets are quick to point to the apparent hypocrisy of the U.S. position. They disregard our words of protest because we have failed to ratify this fundamental human rights document—a document the Soviets have ratified.

Our image and credibility as a defender of human rights are damaged in the eyes of the Soviets.

Furthermore, we need to ratify this treaty because genocide is still a reality. As the United States stands silently by, people in many parts of the world—in Uganda, in Ethiopia, and in Cambodia—are the victims of this abdominable crime. The United States must become a leader in the fight to eliminate the crime of genocide. Ratification is a small but important step in this direction.

I urge my colleagues to act on this basic human rights document now, without any further delay.

IN CELEBRATION OF THE FEAST DAY OF ST. THOMAS MORE

Mr. DURENBERGER. Mr. President, I am pleased today to call the attention of the Senate to the annual feast day of one of the great men of history, St. Thomas More, celebrated by the Roman Catholic Church and other churches on June 22 together with the memory of another English martyr, Bishop John Fisher.

It is especially fitting this year, the 48th anniversary of the canonization of Thomas More, to note that on this day the Church of St. Joseph's on Capitol Hill, at Second and C Streets NE., directly across from our new Hart Senate Office Building, is today dedicating a statue and small shrine to St. Thomas More. For those of us who are Catholic and work in the Senate, and for many others who are our neighbors on Capitol Hill, St. Joseph's Church is truly an old friend, a place of refuge and worship, and a source of strength and guidance in times of doubt and travail.

Established in 1868, St. Joseph's current pastor is the Reverend Monsignor John J. Murphy, S.T.L. It has been through the efforts of Monsignor Murphy, aided by contributions from members of the Thomas More Society of America, that renovation work could be undertaken to erect the statue of Thomas More, and to create a small shrine just inside the church for the benefit of visitors with a particular interest or devotion to St. Thomas More.

It seems to me entirely appropriate that a statue of Thomas More be located so near to the halls and Chambers of the Congress and within the precinct of our Nation's Capital. Thomas More was surely an outstanding example of intellectual excellence, of moral courage, discipline and a principled life. He really was a man for all seasons as popularized by the playwright Robert Bolt.

For those of us who serve or work in the Senate, it is useful perhaps to recall the high public offices held by Thomas More in his years of service to the law, to the courts, to the Parliament, and to the King of England. Born in 1478, Thomas More was educated and trained at Oxford and the Inns of Court. He was called to the bar in 1501 and became a member of Parliament in 1504. He was undersheriff of London, a prominent envoy, and diplomat, and he became a skilled negotiator on behalf of English interest in dealing with Continental officals and businesses.

Thomas More became a member of the King's Council in 1517 and was knighted in 1521. He was elected Speaker of the House of Commons in 1523. Other honors and offices quickly followed: high steward of Oxford University in 1524; high steward of Cambridge University and Chancellor of the Duchy of Lancaster, in 1525; Embassies to Flanders, Bruges, and Calais, to France, and to Cambrai; and, finally in 1529, Lord Chancellor of England.

Yet throughout his demanding and extensive public life, Thomas More was eminently successful also in maintaining a warm and loving family, a genuine interest and concern for the education of his children and grandchildren. He was perhaps the preeminent lawyer, scholar, author, humanist, and learned wit of his age. He was known and beloved throughout England and continental Europe for his high standards of personal and public life. Deeply religious, Thomas More was also a theologian of high standing in church and court circles, and he was at the same time a humble man of prayer who sought constantly the guidance of God. It is important to note this, I believe, because in telling of the great public service, offices, and honors of Thomas More, we can easily overlook this fact, that is, that he was also a true holy man who persisted in leading a saintly life in the midst of his busy and successful career in law and diplomacy and despite the intense and constant pressures of family concerns, genuine political hazards, and economic necessities.

Thomas More resigned as Lord Chancellor in 1532; 2 years later he was committed to the Tower of London and, in 1535, he was indicted, tried, condemned, and beheaded for a violation of the Act of Succession passed by Parliament in 1534. Twice Thomas More refused to take the oath by which he would have denied the right of papal authority over spiritual matters and the church in England. Under the Act of Treason, after February 1535, this was declared to be high treason and Sir Thomas More was led to the executioner's ax on July 6, 1535.

Thomas More died because he was true to his conscience at a perilous time in public affairs. He believed that by remaining faithful to his informed conscience he was displaying a true faith in God. By not perjuring himself, and refraining from swearing to the oath then required by both King and Parliament, Thomas More believed he was in fact saving himself and his soul from eternal damnation.

Thomas More's decision was an act of supreme moral courage, seldom to be encountered in today's world yet relevant to us all. His example, to be true to your conscience in a serious matter no matter what the price, is one we can all hope to follow. This very subject, in fact, over 25 years ago was the basis for then Senator John F. Kennedy's book, "Profiles in Courage," first published in 1955. In the foreword to this book, the historian Allan Nevins notes that:

> Moral courage is great and admirable in itself; but it must be pointed out that it almost never appears except as part of that greater entity called character * * * In short, moral courage is allied with the other traits which make up character: Honesty, deep seriousness, a firm sense of principle, candor, resolution.

Certainly this was true of St. Thomas More.

Toward the end of his book, John Kennedy wrote of the meaning of courage which, he said, is frequently misunderstood. In his closing lines, in defining his view of moral courage as it has been demonstrated through the years in the U.S. Senate, the young Senator and later our President, of beloved memory, said the following which I believe is well reflected also in the life of St. Thomas More:

> A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and this is the basis of all human morality.
>
> To be courageous, these stories make clear, requires no exceptional qualifications, no magic formula, no special combination of tie, place and circumstance. It is an opportunity that sooner or later is presented to us all. Politics merely furnishes one arena which imposes special tests of courage.
>
> In whatever arena of life one may meet the challenge of courage, whatever may be the sacrifices he faces if he follows his conscience—the loss of his friends, his fortune, his contentment, even the esteem of his fellow men—each man must decide for himself the course he will follow. The stories of past courage can define that ingredient—they can teach, they can offer hope, they can provide inspiration. But they cannot supply courage itself. For this each man must look into his own soul.

Mr. President, I ask unanimous consent that the foreword and an excerpt from "Profiles in Courage" be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Foreword

(By Allan Nevins)

As John Bright once said, men are not great statesmen merely because they happen to have held great offices. They must present better title deeds to eminence, of which courage is one. Senator Kennedy treats of a special kind of courage: the moral courage of a parliamentary leader who in behalf of principle confronts the passion of colleagues, constituents and a majority of the general public. His examples, chosen from the history of the American Congress and mainly the Senate, are striking, varied and memorable; he puts into his narration a fine mastery of the psychology of the different periods described, as well as of the facts in each drama; and he makes his whole book so absorbing that most readers will race through it, fully comprehending only at the end the lesson in civic virtue which it enforces. Indeed, this volume teaches so much in history, in practical politics and in sound morals, all bound together, that it constitutes a real public service.

Courage, as Senator Kennedy explains in his first chapter, is a diamond with many facets, and it owes much to its setting. It is not always a simple trait, for motivations are often complex; and in the rough and tumble of political life, with its heavy pressures, its demands for honest compromise, and its constant presentation of second-best choices, courage can seldom be manifested in simple ways. The right course is not always clear. "These are days of special perplexity and depression," wrote Grover Cleveland in 1894, "and the path of public duty is unusually rugged." Perplexity!—that is a word which many a true statesman would echo. Even Washington, even Lincoln, were not always sure in just what direction their courage should be directed. Greeley wished Lincoln to be courageous about emancipation, for example, at a time when such intrepidity would have been decidedly premature. So much depends, in measuring courage, as well as other political virtues, upon the point of view! When Richard Bland of free-silver fame once exploded in the House, apropos of opposition measures of uncommon hardihood and nerve, "This is downright filibustering," the Republican leader Thomas B. Reed retorted: "Downright? You mean upright."

One great merit of this volume is that its instances of courage are all true, clear, and in the last analysis constructive; its heroes—John Quincy Adams, Webster, Houston, Ross of Kansas, George Norris—all exercised their courage in a noble way for large ends. A considerable ingredient of courage is necessarily bound up in the nature of fanatics, like the Northern Abolitionists and the Southern fire-eaters in days before the Civil War; but this is not a type of courage we can greatly admire. The distinction between true courage and fanatic courage was well implied in George Frisbie Hoar's characterization of Charles Sumner, who professed to subject every measure to the test of moral law: "Where duty seemed to Sumner to utter its high commands, he could see no obstacle in hostile majorities and no restraint in the limitations of a hostile Constitution."

* * * * *

Moral courage is great and admirable in itself; but it must be pointed out that it almost never appears except as part of that greater entity called character. A man without character may give fitful exhibitions of courage, as even Aaron Burr did when in the disputed election of 1800 he refused to bargain with the willing Federalists for the Presidency. But no man without character is consistently courageous, just as no man of real character is lacking in consistent courage. In short, moral courage is allied with the other traits which make up character: honesty, deep seriousness, a firm sense of principle, candor, resolution.

It is an indisputable fact that in governmental affairs the American people value character more than they do intellect: that they are indeed a little distrustful of intellectual subtlety or cleverness unless assured that character underlies it. In this wise attitude they are like other English-speaking peoples. Perhaps the most shining example of courage in a legislative capacity to be found in all history is that of John Hampden, so much admired by Theodore Roosevelt. He had an efficient intelligence and a great talent for dispatching business. But it was to his moral rather than his intellectual qualities that he owed his vast influence. He was above all, as Macaulay says, a man of character. As the historian Clarendon, writing of the Long Parliament, puts it: "I am persuaded that his power and interest at that time were greater to do good or hurt than any man's in the kingdom . . . ; for his reputation of honesty was universal, and his affections seemed so publicly guided, that no corrupt or private ends could bias them." In the same way, it was Washington's supreme gifts of character rather than of mind, which carried us through the Revolution; and it was the very different gifts of character in Lincoln which maintained the nation's unity in the Civil War. In any Senator or Representative, courage will spring not as an independent trait but from the nurture of moral breadth and poise.

We may add that before there can be much character and courage in Congress, there must be a great deal of it in the American people. We shall look in vain for these treasures in Washington if they are not scattered widely everywhere from Boston to San Diego. Wrote Lord Bryce: "America is all of a piece; its institutions are the product of its economic and social conditions, and the expression of its character." That is, democracy—sound democracy—is not a cause, but an effect. Our national character will determine whether our legislators will be courageous or cowardly, and our politics good or bad. This is a fact which we may read between the lines of Senator Kennedy's admirable book. At times, as he notes, the bad has gotten the upper hand in Congress and in much of the country—notably just after the Civil War; but these lapses have been transient. We may hope that Americans will continue to exhibit principle, moderation, orderliness and justice as abiding traits, with the courage to defend them when attacked; if they do, the national Legislature will also exhibit them.

Profiles in Courage—Excerpt

The meaning of courage, like political motivations, is frequently misunderstood. Some enjoy the excitement of its battles, but fail to note the implications of its consequences. Some admire its virtues in other men and other times, but fail to comprehend its current potentialities. Perhaps, to make clearer the significance of these stories of political courage, it would be well to say what this book is not.

It is not intended to justify independence for the sake of independence, obstinacy to all compromise or excessively proud and stubborn adherence to one's own personal convictions. It is not intended to suggest that there is, on every issue, one right side and one wrong side, and that all Senators except those who are knaves or fools will find the right side and stick to it. On the contrary, I share the feelings expressed by Prime Minister Melbourne, who, when irritated by the criticism of the then youthful historian T. B. Macaulay, remarked that he would like to be as sure of anything as Macaulay seemed to be of everything. And nine years in Congress have taught me the wisdom of Lincoln's words: "There are few things wholly evil or wholly good. Almost everything, especially of Government policy, is an inseparable compound of the two, so that our best judgment of the preponderance between them is continually demanded."

This book is not intended to suggest that party regularity and party responsibility are necessary evils which should at no time influence our decisions. It is not intended to suggest that the local interests of one's state or region have no legitimate right to consideration at any time. On the contrary, the loyalties of every Senator are distributed among his party, his state and section, his country and his conscience. On party issues, his party loyalties are normally controlling. In regional disputes, his regional responsibilities will likely guide his course. It is on national issues, on matters of conscience which challenge party and regional loyalties, that the test of courage is presented.

It may take courage to battle one's President, one's party or the overwhelming sentiment of one's nation; but these do not compare, it seems to me, to the courage required of the Senator defying the angry power of the very constituents who control his future. It is for this reason that I have not included in this work the stories of this nation's most famous "insurgents"—John Randolph, Thaddeus Stevens, Robert La Follette and all the rest—men of courage and integrity, but men whose battles were fought with the knowledge that they enjoyed the support of the voters back home.

Finally, this book is not intended to disparage democratic government and popular rule. The examples of constituent passions unfairly condemning a man of principle are not unanswerable arguments against permitting the widest participation in the electoral process. The stories of men who accomplished good in the face of cruel calumnies from the public are not final proof that we should at all times ignore the feelings of the voters on national issues. For, as Winston Churchill has said, "Democracy is the worst form of government—except all those other forms that have been tried from time to time." We can improve our democratic process, we can enlighten our understanding of its problems, and we can increase our respect for those men of integrity who find it necessary, from time to time, to act contrary to public opinion. But we cannot solve the problems of legislative independence and responsibility by abolishing or curtailing democracy.

For democracy means much more than popular government and majority rule, much more than a system of political techniques to flatter or deceive powerful blocs of voters. A democracy that has no George Norris to point to—no monument of individual conscience in a sea of popular rule—is not worthy to bear the name. The true democracy, living and growing and inspiring, puts its faith in the people—faith that the people will not simply elect men who will represent their views ably and faithfully, but also elect men who will exercise their conscientious judgment—faith that the people will not condemn those whose devotion to principle leads them to unpopular courses, but will reward courage, respect honor and ultimately recognize right.

These stories are the stories of such a democracy. Indeed, there would be no such stories had this nation not maintained its heritage of free speech and dissent, had it not fostered honest conflicts of opinion, had it not encouraged tolerance for unpopular views. Cynics may point to our inability to provide a happy ending for each chapter. But I am certain that these stories will not be looked upon as warnings to beware of being courageous. For the continued political success of many of those who withstood the pressures of public opinion, and the ultimate vindication of the rest, enables us to maintain our faith in the long-run judgment of the people.

And thus neither the demonstrations of past courage nor the need for future courage are confined to the Senate alone. Not only do the problems of courage and conscience concern every officeholder in our land, however humble or mighty, and to whomever he may be responsible—voters, a legislature, a political machine or a party organization. They concern as well every voter in our land—and they concern those who do not vote, those who take no interest in Government, those who have only disdain for the politician and his profession. They concern everyone who has ever complained about corruption in high places, and everyone who has ever insisted that his representative abide by his wishes. For, in a democracy, every citizen, regardless of his interest in politics, "holds office"; every one of us is in a position of responsibility; and, in the final analysis, the kind of government we get depends upon how we fulfill those responsibilities. We, the people, are the boss, and we will get the kind of political leadership, be it good or bad, that we demand and deserve.

These problems do not even concern politics alone—for the same basic choice of courage or compliance continually faces us all, whether we fear the anger of constituents, friends, a board of directors or our union, whenever we stand against the flow of opinion on strongly contested issues. For without belittling the courage with which men have died, we should not forget those acts of courage with which men—such as the subjects of this book—have lived. The courage of life is often a less dramatic spectacle than the courage of a final moment; but it is no less a magnificent mixture of triumph and tragedy.

THE RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

Mr. HEFLIN. Mr. President, I rise today in support of the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983. This legislation is crucial in that it is needed to insure that the Nation's rural electric and telephone systems will be able to continue to provide high quality, affordable electric and telephone service to consumers in rural America.

As far back as 1936, with the passage of the Rural Electrification Act, the Federal Government undertook the responsibility of assuring farmers, ranchers, and other residents of our rural areas that they would enjoy the benefits of reliable electric service at rates comparable to those available in urban areas.

So that this worthwhile, and necessary, program could be implemented, the Rural Electrification Administration extended loans to nonprofit cooperatives which built and operated the generating stations and the transmission and distribution lines. By the time Congress completely rewrote the Rural Electrification Act in 1973, REA had approved about $8 billion in direct loans. Rural electrification was well on its way toward the fulfillment of its commitment to rural America.

In 1973, as part of the major revision of the earlier law, Congress established the rural electric and telephone revolving fund. The fund is administered by REA, and its lending and borrowing activity is excluded, by law, from the Federal budget. Although it receives no legislatively appropriated moneys, the fund serves as a major source of financing for rural and electric telephone systems.

Being a revolving fund there was designed to be a continual rolling over of old loan payments into new loan advances. By 1976, however, the initial cash stock of the fund was depleted, and the inflow of payments on outstanding loans was not sufficient to provide the cash needed to fund all of that year's new loan advances.

This shortfall forced the fund to borrow to make ends meet, and, as we are all only too aware, interest rates reached extremely high and burdensome levels. Since the rate of return that REA receives on their loans is fixed, high interest rates have only served to tighten the fiscal crunch in which the fund finds itself.

Mr. President, provisions still exist in the Rural Electrification Act for REA to request the appropriation of Federal funds to augment the revolving fund. To this date, however, the record shows that none have been sought.

In fact, I would like to point out that the title of this legislation includes the very important words "self-sufficiency." We are not here to take part in some sort of bailout operation. Our action is needed to keep the revolving fund self-sustaining.

The people concerned with continued supplies of rural electricity are aware that, under present conditions, the long-term viability of the revolving fund is, at best, questionable. These people have an excellent track record for responsible behavior—one only need look at their failure to request Federal funding to see that.

This legislation is needed to keep the operation of the revolving fund self-sustaining. Providing electric and telephone service to rural areas is an important task, and, in today's technological age, a crucial and necessary one.

This bill is good, solid legislation, Mr. President, and I urge my colleagues to join in support of it.

A TRIBUTE TO MAJ. GEN. JOHN BARCLAY

Mr. HEFLIN. Mr. President, on Saturday, May 28, 1983, Alabama lost an outstanding citizen when retired Maj. Gen. John A. Barclay passed away at the age of 73. General Barclay was an outstanding individual as well as a leader in development of the Army's missile programs after World War II.

General Barclay is probably most well known for his work as commander of the Ballistic Missile Agency at Redstone Arsenal. He was in command at the arsenal in 1958 when Explorer 1 was launched. During his administration, the Mercury-Redstone rockets, the Saturn series rockets, and the Pershing ballistic missile were developed.

General Barclay was in charge at the beginning of what has been called the "space race," and he helped launch our progress toward world leadership in this field. The late Wernher von Braun, who worked closely with the general, said of him, "Without him, there would have been * * * no American astronaut in space."

Graduated from West Point in 1931, General Barclay went on to receive a masters degree from Massachusetts Institute of Technology. During World War II, he served in China with the Army Ordnance Corps. After the war, General Barclay served as executive officer of the Ballistic Research Laboratories at Aberdeen Proving Ground. After serving 2 years as commander of the Picatinny Arsenal in New Jersey, he was named deputy commander of the Redstone Arsenal. In 1958, he was promoted to commander.

John Barclay's military record, together with the respect in which he was held by his peers, is evidence of the fact that Alabama has lost an outstanding citizen, and America has lost a true leader. I have lost a close personal friend.

Mr. President, I ask unanimous consent that two newspaper articles concerning Major General Barclay be printed in full in the RECORD.

Thank you, Mr. President.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Huntsville (Ala.) Times, May 31, 1983]

JOHN A. BARCLAY

John A. Barclay will long be remembered around Huntsville for quiet efficiency of his leadership and the intense impact of its results. Major General Barclay, U.S. Army, retired, died Saturday.

In recent year, enjoying retirement, he has been a respected presence in civic and business affairs, with the aura of elder statesman attached to him. He was always good company, courtly, well-informed and interesting.

But in the mid-50s, in the heady days of the United States' entry into the space race, Gen. Barclay stood at the pivot of activity.

In 1958, when Explorer 1 was launched in the wake of the Soviet Union's Sputnik, Gen. Barclay was commander of the Army Ballistic Missile Agency at Redstone Arsenal. In that position, his "creative" administration had enabled the Von Braun group to salvage and assemble the components of missiles to meet challenges the political leadership of the nation hardly perceived.

So crucial was his role in those early days of the space odyssey that Dr. Wernher von Braun said of him, shortly before Barclay's retirement in 1961:

"Without him there would have been no Redstone missile, no Mercury-Redstone rocket and no American astronaut in space."

Redstone orbited Explorer and lifted the first American into space.

His courage and foresight had historic consequences, as his personal commitment had immense local impact. For in addition to the economic impetus such daring decisions carried for Huntsville and Alabama, General Barclay eventually returned to Huntsville to live out his retirement in the service of community organizations such as the Boy Scouts, the Boys' Club and the Orchid Society.

It was characteristic of John Barclay that, having played so vital a role in the cosmic adventure, he should also urge us by quiet, personal example to savor and advance the quality of life in our own backyards.

[From the Huntsville (Ala.) Times, May 3, 1983]

EX-ARMY MISSILE CHIEF MAJOR GENERAL BARCLAY DIES

Maj. Gen. John A. Barclay (Ret.), a leading figure in the Army's missile programs after World War II and one-time commander of the Ballistic Missile Agency at Redstone Arsenal, died Saturday in a local hospital.

Barclay, 73, of 6814 Garth Road, commanded the missile agency here during the years that the Army launched Earth satellites, probes to the moon and suborbital space flights that paved the way for manned flights.

He retired from the Army in 1961.

The funeral will be Wednesday at 2 p.m. in the Bicentennial Chapel at Redstone Arsenal, with the Rev. Jim Clark and the Rev. Bruce Medaris officiating. Laughlin Service Funeral Home is in charge of arrangements.

The family requests that donations be made to the Boys Club or to St. Charles Anglican Church in Huntsville.

A native of Colorado, Barclay graduated from the U.S. Military Academy at West Point in 1931. He received an M.S. degree from the Massachusetts Institute of Technology in 1936. Affiliated with the Army Ordnance Corps, he served in China during World War II.

After the war, Barclay was named executive officer of the Ballistic Research Laboratories at Aberdeen Proving Ground in Maryland. He commanded Picatinny Arsenal at Dover, N.J., from 1954 through 1956.

He came to Redstone Arsenal in 1956 as deputy commander of the Army Ballistic Missile Agency and was named commander two years later. In 1960, he became deputy commanding general of the U.S. Army Ordnance Command, which was based at Redstone, and served in that capacity until his retirement.

Barclay received his Army aviator wings in 1958 and earned a doctor of science degree at Auburn University in 1960.

During the years that Barclay commanded the agency here, the Mercury-Redstone rockets, the Saturn series of rockets and the Pershing ballistic missile were developed.

Shortly before Barclay's retirement, the late Dr. Wernher von Braun said of him, "Without him, there would have been no Redstone missile, no Mercury-Redstone rocket and no American astronaut in space."

His military awards included the Distinguished Service Medal and the Legion of Merit. He was active in Scouting and was a member of Rotary and the Elks.

Survivors include his wife, Gwendolyn Barclay of Huntsville; two sons, John A. Barclay III of Las Cruces, N.M., and Douglas Barclay of Stuttgart, Germany; and two sisters, Mrs. William McCrea of Santa Rosa, Calif., and Mrs. S. E. Larson of Salt Lake City, Utah.

ROBERT F. HENRY LOCK AND DAM

Mr. HEFLIN. Mr. President, on the afternoon of May 28, I was accorded the honor of delivering the principal address at the ceremonies in Lowndes County, Ala., renaming the Jones Bluff lock and dam on the Alabama River in honor of the long-time president of the Coosa-Alabama River Improvement Association, the late Dr. Robert F. Henry. Dr. Henry was an outstanding American. He served the people of Alabama and our Nation in so many ways. Although his efforts and accomplishments in behalf of his fellowman are legion, Dr. Henry's particular charge was bringing about the full and comprehensive development of the Coosa-Alabama River system. For more than 25 years, Dr. Henry labored in the vineyard in behalf of projects for the Coosa-Alabama River system. He knew that development of this mighty river basin would return rich dividends to the citizens of Alabama in the way of better jobs, better pay, and a better and higher standard of living.

Yes, Mr. President, Dr. Bob Henry wrought mightily for his people, his State, and his country. He was in truth one of God's noblemen.

I ask unanimous consent that the text of my speech at the Robert F. Henry lock and dam ceremony be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD as follows:

SPEECH OF SENATOR HOWELL T. HEFLIN OF ALABAMA AT THE DEDICATION OF THE ROBERT F. HENRY LOCK AND DAM

It is a solemn occasion when men and women meet to honor a friend who is no longer among us.

For some of us it is a time of remembrance. For others it is a lonely time. But for all of us it is a time of recognition.

We meet today to recognize and honor the long and fruitful life of a great son of Alabama. To those of us who knew Dr. Robert F. Henry, this day revives our love for him. We drew strength from his determination, gained wisdom from his knowledge, and learned compassion from his wonderful works.

The story of Bob Henry's life and his contributions to his native state and to his fellow-man is known to all of us. Their range is broad, for his interests spread wide and far. Although he was a successful businessman here in Alabama, I think it can be safely said that Dr. Henry could have gone into the great centers of business and high finance elsewhere in this nation and amassed great wealth for himself. Instead, he cast his lot among his own people in his native state. Bob Henry was obliged to work in behalf of his fellow man. He wanted a better life for the people of Alabama and he worked unselfishly and untiringly to achieve a better day for them.

Dr. Henry's achievements were many and varied. I will not attempt to recite all of his honors and achievements. But, I would be remiss if I did not mention just a few—President of Birmingham-Southern College, Honorary Consul of Thailand, President of the Montgomery Chamber of Commerce, recipient of the Patriotic Civilian Service Award from the Department of the Army, member, Board of Directors of Union Bank and Trust Company and Alabama Gas Corporation and, of course, President of the Coosa-Alabama River Improvement Association.

High on the list of Dr. Bob Henry's achievements stands the development of the Coosa-Alabama River System. Since the Coosa-Alabama River Improvement System was organized in 1890, the men and women of this organization have devoted themselves to the task of development of this mighty river basin. They recognized that full development of this river system would serve to create a vast economic growth which is not only necessary to the greater prosperity of Alabama, but to the economic strength of our nation as well.

Congressional sanction to develop the Coosa-Alabama River System was given in 1945 and again in 1954 under the so-called "partnership" doctrine contained in the River and Harbors Act adopted by the 79th Congress, whereby the Federal Government would develop the Alabama River in its entirety and improve the Coosa River for navigation from Montgomery to Gadsden, thence to Rome, Georgia.

Yet, when Bob Henry assumed the Presidency of the Coosa-Alabama River Improvement Association in 1956, no funds had been appropriated for the project. It was a titanic job he undertook. To those who will continue on the trail he blazed, this is a truth to remember. Bob Henry never asked what was feasible. He asked what was right. He never asked how long and hard the road ahead would be. He saw a goal and knew he had to start without delay.

For twenty-five long years he labored. Again and again he traveled to Washington to present the case in behalf of the river system. He made his points over and over, always operating in the realm of statesmanship. Bob Henry was no stranger to disappointment in those years, but his determination never faltered.

Little by little the support for his proposals began to widen. In 1961 the logjam—which for seven costly years had delayed the program of development—was broken with the appropriation of planning funds for the Miller's Ferry Lock and Dam. In the following years planning and construction funds were approved for the Miller's Ferry, Claiborne and Jones Bluff Locks and Dams, providing the three links necessary to fully open the river system to navigation between Montgomery and the Port of Mobile. Through it all was the guiding hand, the persistence and the inspiration of Bob Henry.

And today we are renaming this majestic lock and dam in his honor. This dedication represents far more to the people of Alabama than can be revealed by the imposing structure we see. It is a tribute to the living spirit of Dr. Robert F. Henry. Few men have ever shown greater devotion, greater determination, and greater energy in the face of prolonged discouragement than Bob Henry. The Coosa-Alabama River system would have never reached the stages of development it has to date if it were not for Bob Henry.

The Robert F. Henry Lock and Dam is, of course, part of a larger transportation system which has great importance to the State of Alabama and to the whole Nation's economic well-being. There is a great deal of discussion these days about whether the Federal Government should continue in its historic role of maintaining and improving the Nation's inland waterways. I believe that the answer is an emphatic "Yes".

Waterways do not just serve private businesses. They are vital to several broad public policy objectives which are Federal concerns. Thus, Federal waterway expenditures amount to investments in the "Public Good." Yes, private businesses do locate along waterways and do operate at a profit, and, yes, private bargelines do move the cargoes generated by these businesses, and also at a profit. At least, that is the way it is supposed to work. During the current economic crisis, I am not sure that bargelines are showing much of a profit.

But, even when they do, there is also a larger public interest, and a larger public benefit, which flows from this private sector activity on our waterways. This "public good" takes several distinct forms in my opinion; such as an enhanced national defense, regional economic growth and employment, and expanded world trade.

The roughly two million tons of cargo which travels by barge up and down the Coosa-Alabama waterway each year feeds into a 25,000-mile network of navigable inland rivers and sheltered intracoastal waterways which are the lifeblood of America's industrial base and agricultural economy.

The soybeans, petroleum and fuels, building materials, wood products, fertilizer and other commodities traversing the Robert F. Henry Lock form a microcosm of the busy inland waterway system which serve truly national—and even international—purposes.

Waterway transportation is unsurpassed as an efficient, low-cost, environmentally sound, energy-saving means of moving large quantities of bulk commodities. Coal and petroleum comprise approximately 60 percent of all commerce moving by inland waterway—and the total exceeds 650 million tons of cargo annually. The importance of waterway transportation to our energy independence should, therefore, be quite apparent, Also, export coal is an important Alabama product for which there is worldwide demand. Consequently, waterways are vital to expanded world trade, and to the health of the U.S. dollar.

Alabamians should be especially cognizant of this fact. The new McDuffie Terminals bulk coal loading facility at Mobile handles over 25 million tons of export coal a year. Once the Tennessee-Tombigbee Waterway is open to through traffic, the volume of Appalachian coal moving out of the Port of Mobile can be expected to dramatically increase.

To the Nation's farm belt, including portions of our state's farm economy, barge transportation is equally vital. More than half of all U.S. grain moving to world markets travels from the farm-producing region to coastal export terminals by inland river barge. There is no more cost-efficient system for moving grain. I should like to emphasize that even the most minor fluctuation in transportation costs is of crucial importance to export grain producers. Grain traders speak of huge sales being won or lost in world grain-trading markets by a fluctuation in production costs—or in transportation rates—of as little as one-fourth cent per bushel.

The sensitivity of grain and other commodities to minor increases in transportation and production costs was a key issue when we took up Administration proposals in 1981 and 1982 to sharply increase the waterway user tax. Legislation was offered to impose new taxes on waterborne commerce equal to a six or seven-fold increase in the current 6 cents per gallon fuel tax which bargelines pay for their towboat diesel fuel. Congress summarily rejected these proposals. In fact, they were not even reported out of committee in either the Senate or the House.

Our nation must be concerned about the short-term economic consequences of such a tax on those currently depressed basic industries which depend on waterways. Equally important, in my mind, is the proven long-term importance of waterway transportation in promoting regional economic growth and employment, a healthy and stable international trade, a strong national defense, and many other important public policy objectives.

The short-term importance is seen in the current recessionary climate in "smokestack" industries and farm regions which rely on waterway transportation. The American steel industry is crippled, portions of it perhaps permanently. The barge movement of steel is hurting. The automobile industry and most manufactured consumer goods are terribly depressed. The barge movement of these commodities as well as chemicals, industrial feedstocks and other goods is also hurting. Domestic coal and energy movements by barge are flagging because industrial demand for electric power has slackened. The examples go on and on. The point is that, with so much of our basic economy hanging by a thread, this is the least prudent time to impose new costs—in the form of inordinately high user tax increases—on these ailing basic industries, or on the barge transportation industry which serves them.

Equally important is what happens over the long term. Not only must we be careful to see these basic sectors of our economy through current hard times, we must also provide an adequately maintained, up-to-date, inland navigation system—free of excessively severe user taxes—to insure the continued economic growth of our Nation.

The crucial importance of our waterways to the national defense has been apparent since World War II. Multi-purpose river basin programs, such as the TVA, provided valuable hydropower for aluminum production and other wartime needs. Scores of Navy minesweepers, landing craft, and other vessels were built at inland shipyards. And when German U-boats began preying on tankers moving oil from the Gulf Coast to the Northeast, barges were employed to haul petroleum products along the intracoastal canals and up the river system to the Upper Ohio Valley and beyond. Today, inland waterways continue to be important to the American defense effort. The industries on which our defense effort depends—steel, chemicals, petroleum, aluminum, cement, etc.—are all industries which rely, in large measure, on waterway transportation of raw materials, fuels and bulk commodities.

And, these industries are equally as important to our long-term peacetime prosperity as they are to the defense effort. We must not succumb to Federal budgetary pressures to such an extent that we permanently injure the infrastructure supporting many regions and the national economy as a whole. The waterway user charge dilemma can be resolved, the important navigation work can be carried forward, and these basic industries can and must be restored to health.

I believe the solutions lie in our carefully setting priorities for navigation maintenance and improvement, and in making sure that our cost-accounting methods do not unduly charge commercial navigation for waterway features—such as regional development, recreational boating, public safety, environmental mitigation, and the like—which are not properly attributable to it. Once a fair and workable cost allocation system is developed, we must then take into account such important considerations as equity between the various modes of transportation and public value. In my view,

these factors add up to the most careful and cautious approach in setting user charges policy for the future. Our waterways are too important to our long-range economic development, in Alabama and elsewhere, to sacrifice them for the sake of short-term user tax revenues accruing to the Federal Treasury.

Many of you here today joined forces with Bob Henry in the quest to develop this mighty river system. To each of you I extend my warmest congratulations on your accomplishments to date. But the job is not yet finished.

We all, of course, regret the temporary suspension of funds to improve the Coosa River for navigation. But the legacy of Bob Henry commands that we secure this last link needed to make the river system complete.

Bob Henry has left with us a challenge we cannot afford to ignore. If we fail to fully develop the Coosa-Alabama basin, we shall be guilty of sinfully wasting a major part of this state's future. We shall be guilty of violating the injunction of Bob Henry.

But, when we reach the final development of this magnificent river system—and we will—we shall then become a living part of Bob Henry's great and good work. And in our efforts may we know his same virtues of heart and spirit, the same strength of character, and the same elements of leadership that he possessed.

Thank you.

JOE BRUNO: A REAL SUCCESS STORY

Mr. HEFLIN. Mr. President, I rise today to recognize one of Alabama's most respected business and civic leaders, Joe Bruno of Birmingham.

Earlier this month, Joe was honored at a dinner held at the Birmingham-Jefferson County Civic Center, as part of a celebration of 50 years in retailing.

After opening his first business, a grocery, during the years of the Great Depression, Joe has written himself into a tremendous success story. Now, at the age of 70, he guides a corporation that includes 64 grocery stores and 83 drug stores.

Despite this success, or perhaps because of it, Joe Bruno has dedicated himself to returning more to his community than he has drawn from it. As a partial illustration of this community involvement, he is currently serving as the president of the Kiwanis Club of Birmingham. He is working extensively with a food bank designed to channel recently outdated food from manufacturers to the needy. At various times, for various deeds, he has been honored by the United Way, the Red Cross, Goodwill Industries, and many other service groups.

Joe Bruno is as well thought of and admired as he is successful. Witness the testimonial dinner held earlier this month. Also, witness the establishment of the Bruno Chair of Retailing in the Free Enterprise System at Birmingham-Southern College, my alma mater. The chair, which will provide for a senior-level faculty member in business, was established with contributions from Joe Bruno's friends and admirers all over the country.

From a $600 grocery store during the depression, Joe has certainly come a long way. In recognition of that, I ask unanimous consent that an article from the Birmingham Post-Herald be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham Post-Herald, May 2, 1983]

JOE BRUNO STARTED CAREER AS A LIVE-IN IN GROCERY STORE

(By Carolyn Stern)

Award plaques from the United Way, Red Cross, Goodwill Industries, and other service organizations line the walls of the lobby of corporate headquarters of Bruno's, Inc. in Ensley.

They share the space with awards for retail grocery expertise. All confirm Joe Bruno's philosophy of hard work and community involvement.

Bruno, 70, guides the corporation that includes 64 grocery stores, 83 drugstores and two B-Mart stores. He is president of Kiwanis Club of Birmingham this year and has been working with the food bank that channels recently outdated food from manufacturers to the needy.

"We owe a lot to this community," he says. "We've received so much, and I don't think you can ever give back enough.

Bruno began his first grocery business during the Depression with $600 and celebrates his 50th year in retailing this spring.

He will be honored at a dinner at the Civic Center tomorrow night.

As part of the anniversary celebration, the Bruno Chair of Retailing in the Free Enterprise System is being established at Birmingham-Southern College.

The chair will provide for a senior-level faculty member in business, says college president Dr. Neal Berte. "Contributions have come in from persons all over the country who want to honor Joe. The feeling is that he has not only been so successful in business, but has been a leader in civic organizations as well."

Bruno says he hopes the example of his business will help students appreciate the free enterprise system.

"We want to instill in college students that there are still great opportunities in this country of ours," Bruno says. "Someone may say, 'But I don't even have a job or a prospect of a job.'

"We have to look at the other side to things that are working. Computer and space technology has opened a new field. Opportunities are different from what I fell into, but they're still there."

Bruno is also concerned that college students learn how business supports the community.

"There have been times when students were against business, profit-making organizations. When you stop making a profit, the company goes bankrupt. When a business expands and improves, it helps the community."

Bruno's has 5,000 employees in the food section and about 1,500 in the drugstore part, Bruno says. "Our greatest asset is our employees. You have to have good employees to entice the customers. Our employees are people-oriented."

Bruno says he contributes a great deal of time to charitable causes because he is also people-oriented. "I love people. I enjoy working with them, and I appreciate them. Volunteers always do a better job of administering these agencies than paid staff. There are 150 volunteers in Red Cross for every one paid employee. What kind of a budget would you need if it wasn't for them?"

Winner of the Horatio Alger award in 1980, Bruno meets each year with other recipients to impress on others the "rags-to-riches" theme of Alger's books.

"My parents came from Italy looking for a better life. They were tenant farmers. They found not only a better life, but more."

The beginning for the Bruno family was rough, though. His father worked in a steel mill, and Bruno left home at 12 to help the family survive by working as a live-in in a grocery store.

"We were a very close-knit family, and they were wonderful examples for us. That's the reason for the success of this business."

Taking risks and making plans were also important to his success, he says.

"You have to plan and you have to make decisions. Someone else will make them for you if you don't. If you want to stay in our business you have to plan for the future, and you can't make too many mistakes."

His only advice to his 10 grandchildren is to find something they are happy doing, work hard and do their best. "I have one grandson who's a banker, one who will be studying law, and another interested in computers." He and his wife, Theresa, have two daughters.

A TRIBUTE TO ALBERT COPELAND

Mr. HEFLIN. Mr. President, earlier this year, Alabama lost one of its most outstanding citizens when Albert W. Copeland, a long-time friend, passed away. As one of the finest trial lawyers in Alabama, I know I join his many colleagues, and his many friends, in extending sympathy to his wife, Ann, his daughter, and his three sons.

Mr. Copeland served his profession, his community, and his State for more than 30 years, as a well-respected, intelligent and fair attorney. After receiving his law degree from the University of Alabama, he returned to his home town of Montgomery, to join the firm of Godbold & Hobbs in 1952. Copeland built a fine reputation with this firm and remained with it and its successors until the time of his death. His reputation was established by his extraordinary abilities as a trial advocate. As his friend and former partner, Judge Truman Hobbs, explains: "Few lawyers could match his skill and ingenuity in devising a theory of recovery for his client, or match his powers of persuasion before court or jury." However, Albert is best rememberd as the "Happy Warrior," a nickname that recalls his fairness in the courtroom. He never took an unfair advantage in a courtroom situation, nor did he ever enter a trial unprepared. It was these manners and practices that won him lasting respect and friendship from adversaries and colleagues, as well as his clients.

Albert returned this respect and love to his profession and its members. He was always willing to listen and give constructive advice to other lawyers who came to him with novel and difficult problems. A past president of the Montgomery Bar Association, he was serving, at the time of his death, as a bar commissioner of the Alabama Bar Association, undertaking with enthusiasm and skill the work that this responsibility entailed.

Indeed, the Alabama Bar has lost one of its most accomplished lawyers. It would be hard to match Albert's ease of handling the most complicated products liability case, real estate closing, or bankruptcy matter. His thoroughness of preparation and his great knowledge of the law was complemented by his outgoing, yet kindly, conduct.

Mr. President, I know of no one more deserving of this tribute than my friend and colleague, Mr. Albert W. Copeland.

Mr. President, I ask unanimous consent that an article from the Alabama Journal about Al Copeland be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Alabama Journal, Feb. 21, 1983]

Albert W. Copeland

Albert W. Copeland, a Montgomery lawyer for more than 30 years, died Sunday of cancer.

He was 55.

The funeral will be 3 p.m. Tuesday at the Church of the Ascension. Burial will follow at Greenwood Cemetary with Leak-Memory Chapel officiating.

Copeland was a former president of the Montgomery County Bar Association and the Alabama Trial Lawyers Association.

He was bar commissioner for the 15th Judicial Circuit and a fellow in the International Society of Barristers, according to Richard Gill, a law partner.

A native of Montgomery, he graduated from Sidney Laneir High School. He received bachelor of science and law degrees from the University of Alabama.

His law partners have included three former judges, the late Richard Rives, a federal circuit judge; John Godbold, 11th U.S. Circuit Court of Appeals; and Truman Hobbs, a U.S. district judge.

"Albert Copeland was the happy warrior," said Hobbs.

"There was no more able trial advocate in Alabama," he added. "He was respected and loved by his adversaries, as well as his clients and colleagues. He leaves a void that cannot be filled."

Copeland was a partner with the firm of Copeland, Franco, Screws and Gill.

His partners in that firm included Richard Gill; Euel Screws Jr., current president of the Montgomery County Bar Association, and Herman B. Franco, Robert D. Segall, Clifford Lanier Branch, John Henig, E. Terry Brown, James Edwards and Dexter Hobbs.

Survivors include his wife, Ann H. Copeland; a daughter, Anna Darden; and three sons, Albert Harrell Copeland, Paul Whiting Copeland and Lee Hall Copeland, all of Montgomery.

He is also survived by two brothers, Theodore D. Copeland Jr. and R. Frank Copeland of Montgomery, and two grandsons.

DOUGLAS HESTER: A LAWYER FOR LAWMAKERS

Mr. HEFLIN. Mr. President, when I came to Washington to begin my Senate service in 1979, I was frankly a little bit surprised to find so many native Alabamians spread throughout the Halls of the Federal Government. Today, I would like to brag a little bit about one particular Alabamian, one that we all know and respect.

The person I rise to speak of, Mr. President, is the legislative counsel for the U.S. Senate, Douglas Hester. It is with a good measure of pride that I note that Doug is indeed a native Alabamian, and, in fact, is a graduate of the same law school that I graduated from, the University of Alabama.

In fact, it was right after graduation that he came to Washington to work for the Senate. Now, more than three decades later, Doug Hester has worked his way up from the basement, so to speak, up the ranks of the legislative counsel's office, until the day in 1980 that he was named to the office he now holds.

Each of us owes sincere thanks to Doug and his staff. With Doug as their leader, the people in the legislative counsel's office serve an important and useful purpose in drafting and refining legislation, so effectively, in fact, that they sometimes make us appear brighter than some of our constituents may think.

Douglas Hester may have been away from Alabama for some 31 years, but I know that his parents who still live in Mobile, are very proud of him, and that his Alabama upbringing has been a major contributing factor in the success he has enjoyed.

Mr. President, I ask unanimous consent that an article from the Birmingham Post-Herald, about Douglas Hester, be printed in the Record.

Thank you, Mr. President.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Birmingham Post-Herald, May 9, 1983]

Alabama Lawyer Turns Sows Ears Into Brilliant Bills

(By Gayle McCracken)

Washington.—Douglas Hester was a law student in Tuscaloosa when he first noticed the almost-magical transformation of backwoods politicians into skillful legislators as soon as they crossed the Potomac.

One day they were on the stump in rural Alabama, and the next they were delivering eloquent speeches before Congress and introducing bills tailored to meet every constitutional requirement.

"I thought 'how the hell did old senator so-and-so get so smart'," Hester said. "He sure didn't know that the last time I saw him."

Later, he realized that the legislators he was watching some 30 years ago probably knew little more about turning their ideas into national policy once they reached Washington than when they left their home-towns. But someone did—and since 1980, that someone has been Hester.

He is the legislative counsel for the United States Senate—the 11th lawyer for lawmakers to be appointed since the office was created by Congress in 1919.

His job—overseeing the drafting of legislation—is obscure and, for the most part, thankless. When a bill or amendment is considered brilliant, it's the sponsoring senator who gets a pat on the back, not the lawyer who wrote it.

Hester, a husky-voiced man with a gray pencil-thin moustache, unwittingly chose his career of anonymous power while a student at the University of Alabama.

"It was just a complete happenstance," he said.

He was thinking about opening a private law practice in Mobile, where his parents still live, when he saw a notice on a college bulletin board soliciting one applicant from Alabama for an opening in the legislative counsel's office.

Hester was selected by the law school dean, and after an interview in Washington, he was hired as an assistant attorney. That was 31 years ago, when bills were still being written on manual typewriters and copies were made with carbon paper.

Since then, six attorneys have been added to the staff and the workload has more than doubled. And Hester, 55, has moved from the bottom rung to the top of the ladder as supervisor of a highly technical computerized operation.

He likens his work to that of an architect. But instead of houses, he builds laws.

His clients are senators who come to him in the way a person with land and money would approach a designer. The senators have ideas and the power to translate their thoughts into national policy. Hester gives them a blueprint from which to work.

"It's not our role to formulate policy, but we have to point out reasons why things won't work," he said.

We often suggest possible solutions to problems.

"I think that's a major contribution we make, making known to sponsors the various alternatives available."

Bills that eventually reach the Senate floor often start as phone calls to Hester's office. A senator, or one of his aides, will explain to the attorneys what they want to accomplish with the legislation.

From there, it's up to Hester and his staff to determine how that can be done and to put it in a technical form that can be enacted as law. Often, Hester and his assistants are placed in the position of working for senators on both sides of politically sensitive issues.

"At first blush, one would think that would be a problem," he said. "But it involves the same sort of confidentiality lawyers have to respect in private practice."

There's no requirement that bills must pass through the legislative counsel's office before they are introduced. In fact, the counsel's first responsibility is to the Senate committees. So, in many cases, badly written bills with good ideas are shuffled back to Hester's staff for rewriting.

And when bills reach conference committees, where differences between Senate and House versions are ironed out, the counsels for the two legislative bodies work together.

Since his promotion three years ago, Hester has limited his actual writing work to bills that would affect the structure of the Senate, most referred from the Rules Committee.

Still, he double-checks the work of the lawyers on his staff and helps with particularly tricky bills.

Hester lived in several south Alabama towns—McKenzie, Greenville, Mobile—while growing up. And when he first came to Washington, he would, from time to time, think about returning to open a private practice.

But be married, had two children and settled into a home one block from his office and into a lifestyle with a considerably faster pace than the one he remembers in Alabama.

"I think one always feels whatever fork in the road he takes, there might have been interesting things if he had taken the other fork," he said. "I sort of had in my mind that I would go back someday, but that time has passed."

Through years of researching the federal code and the Constitution, Hester has gained a more thorough knowledge of U.S. law than most members of Congress. But he has experienced only a vague, passing desire to trade jobs with the senators.

"Maybe, if I could be appointed to an unexpired term, with no thoughts of running again—just to do the things I think are right."

MORTGAGE RETIREMENT ACCOUNTS

Mr. HEFLIN. Mr. President, there has been considerable discussion among my colleagues of a proposal which if adopted, would have a profound positive impact on our economy, via increased savings, employment, and homeownership.

The proposal to which I am referring is commonly known as a mortgage retirement account, or MRA. Patterned after the popular and progressive individual retirement account program, the MRA would allow individuals to establish a tax-deferred account to save for a downpayment on a home as well as allow for prepayment of the mortgage principle during the term of the loan. Those who now own their homes could establish a MRA to prepay principle on their mortgages. Regulations and limitations on the MRA would be almost identical to those now covering the traditional IRA's.

Mr. President, the establishment of such a program would, naturally, serve as a stimulus to increase personal savings. Young families who may not wish to think in terms of saving for their retirement would have a significant incentive to combine the tax advantages of an IRA with the opportunity to set aside money for a home. Renters will have a way, under the existing IRA mechanism, to own a home of their own while providing equity for financial security when they retire. Current and future homeowners who choose to pay off their mortgages at a faster-than-scheduled rate will also be saving, since they will be reducing their debt and thereby increasing the amount of money available to other borrowers.

Mr. President, this additional saving generated by the MRA's would benefit not only those individuals endeavoring to fulfill the American dream of homeownership, but also would stimulate the vital housing industry, as well as other related industries, and hence the national economy. The housing industry would be directly stimulated without drawing from the Federal budget. Over the long term, the impact on tax revenues from the enactment of this plan is expected to be very positive due to the increasing employment and reduced mortgage interest deductions. The real beauty of this proposal lies in the fact that it will not be a budget buster, drawing a great deal of money from the Federal budget. To the contrary, over the long term, the impact on tax revenues from enactment of this plan could very well be positive, given increased employment and reduced mortgage interest tax deductions.

Mr. President, the MRA would have the added advantage of increasing the interest/sensitivity of the mortgage loan industry at a time when it is demanded more than ever. Under this plan, financial institutions would be able to provide additional resources for the housing industry. Because of the early payment, some of their assets would be freed earlier than scheduled. This would also allow financial institutions to respond more quickly to fluctuations in the money markets.

Mr. President, in my home State of Alabama over a quarter of a million people are out of work representing over 16 percent of the work force. Many families are losing their homes because they can no longer afford to pay their mortgages. I believe that the mortgage retirement account can help make a real difference, in both economic and human terms. It is an innovative and creative mechanism by which to address the problems associated with America's low savings rate and the dwindling hope and pride of homeownership. Mr. President, I urge my colleagues to embrace this concept and put it on the fast track so that together we can move forward to increase employment, decrease interest rates, and give a badly needed stimulus to the economy.

PERCEPTIONS OF THE PRESS

Mr. HEFLIN. Mr. President, in my reading I recently came upon a very intriguing and thought-provoking column written by the editor of the Birmingham Post-Herald, David Brown.

I am sure that we all realize that the press does not have an easy job to do. They are charged by the public with the maintenance of responsible, fair, accurate, interesting, and thorough research and reporting of the news. Taken as a whole, this is not an easy responsibility to fulfill.

I found Mr. Brown's comments particularly interesting because they convey some perceptions of the press from the viewpoint of the press. I recommend these comments to all of my colleagues.

Mr. President, I ask unanimous consent that the article from the Birmingham Post-Herald be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Birmingham (Ala.) Post-Herald, May 20, 1983]

Press Worries About Its Soft Underbelly

(By David W. Brown)

An actor turned inquisitor and 800 editors and their guests acted unsure and nervous.

After all, the zoom lens was focused on their soft underbelly.

"Maybe I am putting you in an awkward position," Warren Beatty said. "Well, I don't want to . . . actually, I guess I would like to put you on the spot."

Beatty was speaking at a Denver convention of America's newspaper editors. He was breaking a self-imposed eight-year silence in the press, having been challenged to explain, "Why have you shunned us?" He had just asked for a show of hands.

"I would be interested in knowing what percentage of what you read in publications like the National Enquirer or the Star or the Globe do you feel to be true?" The actor and filmmaker started at 100 per cent. No hands went up. He moved to 90, 85, 70, finally skipping down to 40 per cent. In the vast room a few arms pumped, thumbs down. Someone shouted "Twenty." Another speaker: "That's high."

Some laughter, nervous sounding.

Beneath the humor aimed at supermarket tabloids flowed an undercurrent of concern. The kind of concern one often finds at a convention when a group of people in the same line of work take a close look at themselves and their craft. All week what linked the workshops and panel discussions and meetings was a general awareness of newspapers' problems with credibility.

Another film celebrity spoke to the editors that particular day. Robert Redford's message was he fears news is becoming too trivial and irrelevant. He agreed with Beatty's conclusion that the press must regulate itself.

Editors talked about that later. Their consensus seemed to be that newspapers can't regulate themselves industrywide, but each publication must earn the respect of its readers through its deeds.

A growing number of libel lawsuits, narrowing definitions by courts of public figures and the fact that nine of 10 juries award damages in those libel cases (four of five are reversed on appeal) have helped nudge newspapers into self analysis.

Eugene Patterson is editor and president of the St. Petersburg Times. In a lecture at

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the University of California, Riverside, he began this way:

"A lot of us have taken to worrying lately about the durability of a free press in an American society that seems to be growing impatient with us." He said he wasn't about to mourn the decline of legal shields for journalism. "Nor will this be one more bugle call against clear and present threats to the First Amendment, though they are clear and very present.

"Rather, I bring an encouraging word of a relatively new and very healthy phenomenon: The press is taking a hard look inward and actually examining itself. The argument isn't bringing much agreement, thank heaven. The strength of a free press is its diversity, and the language of its diversity is the snarl."

The debate rages, its participants at times snarling like pit bulldogs. And most of the time the public is unaware. After all, the press doesn't write about itself very often.

The debate often results in worthy deeds.

More newspapers are adopting written ethical standards. Some have hired ombudsmen to handle complaints and to investigate their newspaper's actions. Polls are conducted to determine how much anonymous-source material appears in news, and the survey results are closely studied.

All this isn't so much new, as it is accelerated. I suspect good editors constantly remind themselves that the most important factor in the newspaper equation is the reader.

The reader isn't satisfied with getting perhaps the biggest bargain in the free market system—a 25-cent newspaper delivered at his doorstep. But he wants improvement, discovery, responsible reporting, fairness and accuracy, and much, much more.

So the nervous laughter when Beatty asked for that show of hands probably came in the realization that even the best newspapers too often come up short of the reader's expectation.

Only consistent exercise of muscles called responsibility and relevance will harden that soft underbelly of superficial reporting, gossip and trivia.

BIRMINGHAM: WINNING THE FIGHT AGAINST CRIME

Mr. HEFLIN. Mr. President, it has been a disturbing trend in recent years that the American people have been continually subjected to reports of ever-increasing crime rates. It was very relieving, therefore, to learn recently that the crime rate dropped about 4 percent nationally last year.

The residents of Birmingham, Ala., were treated to even more welcome and more encouraging news. In the last year, the crime rate in that city fell some 10 percent. This decline appears even more remarkable when you consider that, for cities the size of Birmingham, the average decrease was only some 3 percent.

For too long, people have had to adjust their lifestyles to the frightening thoughts of crime running rampant in the streets. We are all too well aware that it is long past the time to put criminals, and not everyday citizens, behind bars.

Police Chief Arthur Deutsch, and all the members of Birmingham's police force, are due hearty commendations for their work in preventing crime. All of Birmingham will profit from their achievements.

Mr. President, I ask unanimous consent that an editorial from the Birmingham News be printed in the RECORD in recognition of Birmingham's achievement.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, June 4, 1983]

CITY CRIME DIPS AGAIN

A number of reasons may be given for the precipitate fall in the crime rate in Birmingham. Regardless of the factors which may have contributed to the 10 percent decline, however, the Birmingham Police Department must be given the lion's share of the credit.

Nationally, crime dropped about 4 percent last year. In cities with populations between 250,000 and 500,000, which includes Birmingham, the crime rate fell an average of 3 percent. It decreased in the South by only 1 percent.

Conditions in Birmingham are not all that different from conditions in the nation or different from the South as a whole. So in looking for some explanation, one must conclude that the major difference in Birmingham and the rest of the nation was provided by Birmingham police officers quietly going about the business of preventing crime.

Only in one category—auto thefts—did Birmingham fare worse than the rest of the nation. The city had a 13 percent increase, while the nation had a 3 percent decrease. But Chief Arthur Deutsch recognizes this problem and the department is working hard to bring the rate down. Citizens can help by taking common-sense precautions.

The best news, of course, is that the city had a whopping 12 percent reduction in violent crimes—homicides, assaults, rapes and robberies—compared to a 3 percent decrease nationwide. Even greater progress was reported in another violent crime category. Rape was reduced by 14 percent.

In crimes against property, burglaries were down 18 percent and larcenies fell 10 percent.

The prevention of crime is important from a personal standpoint, of course, but it is also important from a psychological perspective. Perceptions of crime often carry more weight than facts justify. And citizens frequently restrict their activities on the basis of perceptions rather than on the facts. So it is important that we are aware that the city is making progress in the war on crime and that the men and women in blue are doing a good job.

JIM STEWART: BROADCASTER OF THE YEAR

Mr. HEFLIN. Mr. President, I take this opportunity to pay tribute to James E. Stewart, a man truly dedicated to the field of broadcasting. Jim's commitment to service to the community, and his professional approach to broadcasting are certainly a credit to the entire communications industry. His many contributions were rewarded on June 4 of this year when he was recognized as "Alabama Broadcaster of the Year" by the Alabama Broadcasting Association.

Broadcasting is a vital service to the public, maintaining effective communication between various sectors of our society and the public, keeping the public generally informed. The tremendous public service rendered by the broadcasting field is frequently taken for granted, but Jim Stewart's outstanding concern and professionalism could not go unnoticed.

In addition to his broadcasting duties, Jim serves his community in many other ways. Displaying both a natural leadership ability and a sense of civic duty, he has served as president of the Foley Rotary Club, the Foley Kiwanis Club, the South Baldwin County Chamber of Commerce, and the Foley Planning Board. He is currently serving as chairman of the board of South Baldwin Hospital, which is now engaged in a $5 million expansion program.

Jim Stewart attended the University of Alabama, and became the first graduate of the radio department to serve as president of the State broadcasting association. In 1967, Jim received the distinguished alumnus award from the film and broadcast communications department at the university.

Even more importantly, Jim has achieved his success in both broadcasting and life while earning the respect of his colleagues. In introducing Jim Stewart to the ABA Convention as "Broadcaster of the Year," Dick Biddle quoted from many of the letters of recommendation written on behalf of Jim. In one of these many letters, it was written:

> I have always been impressed by the honoree's integrity and willingness to serve the community personally and through the broadcast facility.

This ability to excel in both the broadcast field and in community service has earned Jim Stewart of Foley, Ala., recognition as Alabama's "Broadcaster of the Year." For his fine work and his service to our State, I commend him.

CONGRESS RESTORED

Mr. MOYNIHAN. Mr. President, under the title "Congress Gone Astray," the New York Times has published remarks made on the Senate floor by our distinguished and cherished majority leader, HOWARD H. BAKER, JR. His concern is that we have become elected bureaucrats spending almost the whole of the year in Washington, returning to our homes for hurried weekends and occasional holidays. He continues:

> For the life of me, I cannot see any place in the Constitution or the early documents of the Republic where it says Congress was supposed to compete with bureaucracy in the detailed daily nitty-gritty of governing.

With the great respect that we all owe to and show the leader, may I ask the indulgence of the Senate not so much to dispute this view as to extend it.

The thought comes not least as a consequence of the Times' somewhat curious decision to illustrate Senator BAKER's article with a scene from the British House of Commons. All the essentials are there: The Speaker in his wig, a minister pounding at the Despatch Box, backbenchers in varying degrees of sprawled inattention, and above all—for my purposes—the Royal Mace.

Now this was the system the framers of the Constitution were intent upon changing. I dare to think it is a system not any longer much understood in America. The Royal Mace is the gist of it. That is the Crown-in-Parliament. It represents the Queen, and in effect declares that the Queen's powers are present in the chamber. These powers are near to absolute; never mind that they are rarely if ever abused. They are no longer exercised by the Queen, but by the Cabinet. However, that Cabinet is as absolute as any monarch ever dreamed of being. It makes decisions, and the Parliament endorses them. Period.

In truth, there is a sense in which Britain does not have a legislature. Every 5 years or so a general election is held that picks a nominating convention that chooses an executive, with the rarest expectations, which rules until the next election. The role of the individual member of Parliament is merely to be counted as he passes into the lobbies at division time. On important issues, the vote never changes. As for debate, it is mostly take it or leave it. An individual member is not allowed even to propose an increase in a budget item. (Churchill got his famous defense debate going in the 1930's by proposing to cut outlays). Moreover, such proposals when they do occur, are solely for purposes of producing a debate—thus an M.P. may suggest a cut of £5 in agricultural subsidies and get a debate on the general subject. He does not, however, get either an increase or decrease in such subsidies. The Government's proposal invariably passes.

Our framers wanted a different arrangement; one that reflected what Hamilton called the new science of politics.

Central to this new arrangement was an independent legislature, separate from the executive. There is no mace in the Senate Chamber. (There is one in the House, but it is used for procedural purposes.)

Through two centuries the Constitution has assured that all power has not settled in the executive.

As an example, each of us is aware that the President has declared war on our budget process and means to see it fail this year. His reasons are at least twofold: He does not wish to see the increase in defense spending limited somewhat, as Congress wishes, and he does not wish us to forecast a $179 billion deficit, which the conferees have done. Now the President may succeed in destroying the budget process, but he cannot command that this be done. And that is the change the framers of the Constitution made. And that is also the reason we are around here all year. In a word, to keep an eye on the President. We do not trust power.

Even so, we would do well to try to use Hamilton's new science of politics to see if this process cannot be made a little easier for everyone. Thus there is a rule: organizations in conflict become like one another. Think of hockey teams, TV news, hamburger stands. Unlike all other constitutions of which I am aware, the U.S. Constitution is unique in providing for conflict between the three branches of Government. This has meant, especially in this century as Government has grown, an enormous increase in the activities of the Congress as it matches each new conflict technique of the executive.

Consider office buildings. In 1902, Theodore Roosevelt built the West Wing of the White House. (Until then Presidents used to work in their living rooms; we at our desks.) T. R. picked up the idea from captains of industry of the time; important people had offices of their own. Very well, the House built the Cannon Building in 1908, while the year after that we built the Russell Building. F. D. R., East Wing; Senate, Dirksen; House, Longworth. J. F. K., Jackson Place; Senate, Hart; House, Rayburn. (Come to think, since 1920, for each additional Member of Congress we have added one additional Congressional Office Building.) There used to be a simple trolley to take Members from their first buildings to the Capitol. The trains now resemble Amtrak, and work about as well.

In the meantime, the Supreme Court, in 1935, moved out of its cozy Chambers on the first floor of the Capitol to a Greek temple across the way. It has not been seen since, save by its bulging number of clerks who spy on the justices and leak to the press. Just so, Presidential and congressional staffs have taken over filling our schedules to the gunwhales, and even getting themselves written into law. (On June 26, 1981, the House passed H.R. 3982, containing the following passage: "Source: CBO, Rita Seymour, June 5, 1981, 225-4844.") In the process they have all but cut off the elected President from the elected Members of Congress. (The President, too, of course, spends his time being presided over by staff.)

We have not become bureaucrats, so much as the wards of bureaucrats, and have only to blame our inattention to the way people behave which so absorbed the founders.

I have a proposal. Disarmament. We should propose to tear down one of our buildings for every one the President tears down, the meanwhile leasing the Supreme Court to the Greek Embassy (in return for a naval base) and welcoming justices back where they belong. (Which is to say where, every once in a while, we can have lunch with them.) Propose to merge the Office of Management and Budget with the Congressional Budget Office, and trade both the Office of Technology Assessment (congressional) and the Science Adviser (Presidential) to the Smithsonian.

Go to it, Leader. We will put you up for a Nobel.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of H.R. 3132, which will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

Mr. HATFIELD. Mr. President, I am pleased to bring before the Senate today, H.R. 3132, the annual energy and water development appropriation bill for the fiscal year ending on September 30, 1984. The bill as recommended by the committee provides $14,170,853,000 in new budget authority for energy and water development through the activities of the Department of Energy, Corps of Engineers, Bureau of Reclamation, and several independent agencies. The amount of the reported bill is about $440 million lower than the President's budget estimate, and approximately $9 million below the House-passed version. This proposal is within the preliminary budget allocation, and, I believe, it represents a responsible, fair, and balanced appropriations measure.

Before proceeding further, Mr. President, I want to commend all the members of the subcommittee and full committee, but particularly the Senator from Louisiana (Mr. JOHNSTON) the ranking minority member. As the former chairman of the Energy and Water Subcommittee and in his leadership role on the Senate Energy Committee, Senator JOHNSTON has developed a mastery of these programs which is unparalleled in the Senate. I extend my appreciation to him for his counsel and assistance in developing this legislation. As in previous years, Mr. President, this has been a nonpartisan and harmonious working relationship which has produced a balanced proposal that should gain overwhelming support in the Senate.

The committee recommendation is the result of long hours of testimony from agency officials and private citizens during 21 sessions of hearings and two markup sessions.

No other committee or subcommittee has more public participation. In fiscal year 1984, we heard from numerous State and local government officials, conservation organizations, professional groups, industry representatives, and hundreds of citizens from throughout the United States.

Among Members of Congress, this subcommittee also ranks high in interest. We have received over 200 individual requests from Senators and Congressmen.

While we cannot support all these items within the limited funds available, I believe that priority requests have been adequately addressed as well as all the urgent national priorities of energy and water development.

Mr. President, the recommendation before us today provides $3.6 billion for Federal water resource development programs. This includes projects and related activities of the U.S. Army Corps of Engineers, the Bureau of Reclamation, and the Tennessee Valley Authority. This water development program provides capital investment funding—capital investments with lasting benefits to the Nation in the area of flood control, municipal and industrial water supply, irrigation, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

Despite the impressive benefits of these projects, the process through which these capital investments are authorized and made eligible for funding has been delayed to the point of creating a slow death to the water resource development program. For example, the last major construction bill for the Corps of Engineers was enacted in 1970. This type of delay in the authorization process has now and will continue to have serious impact in the 1980's. The Appropriations Committee is under increasing pressure to fill this void created by the lack of authorizing legislation—in those committees that are chaired by the Presiding Officer at this time, the Senator from South Dakota (Mr. ABDNOR)—and to provide project authorizations for some of these critical projects. I repeat, we have not had one in 13 years. The committee wants to underline the importance of timely authorizations for these priority capital investment projects that contribute to the strength and vitality of this Nation.

I might also say, Mr. President, that these are repaid to the Federal Government. There are projects that generate an economic return by creating new jobs, new wealth, as well as in dollar return to the Treasury.

In the energy area the committee recommends approximately $10 billion for the Department of Energy. While most of the activities of the Department have been reduced or maintained at level funding, there is an overall increase over fiscal year 1983 levels due to the amount provided for atomic energy defense activities. In the energy defense area there is an increase of nearly $800 million above last year's level, which included a $1 billion increase over the previous year.

As most of my colleagues are probably aware, the production of nuclear bombs and warheads has been under civilian control since development of the atomic bomb during the Truman administration. Currently the Department of Energy has the responsibility for the testing, development, and production of nuclear bombs and warheads, for the production of nuclear weapons materials, including plutonium, and for the management of defense nuclear waste. The DOE coordinates these defense functions closely with the Department of Defense through a special military liaison committee comprised of DOD and DOE personnel.

I might add, Mr. President, that this committee, the Subcommittee on Energy and Water Development of the Appropriations Committee, has used all of the current documents available from the Senate Armed Services Committee to try to parallel or anticipate the authorization action and the required appropriations to implement those authorizations.

I personally would like to excise all of these moneys from this particular budget. That is merely a personal opinion that is not shared by the majority of my colleagues.

Under the Reagan administration, funding for the energy defense activities at DOE has increased nearly 80 percent since fiscal year 1981, and the funding for production of nuclear warheads and nuclear bombs more than doubled from fiscal year 1981 to fiscal year 1983. These increases go far beyond our efforts to modernize, safeguard, and maintain the current nuclear weapons stockpile.

Obviously, again, this certainly has happened over my personal objections.

Frankly, I believe our priorities in the energy area are misplaced. The weapons program now consumes over 65 percent of the amount provided in the bill for energy activities. This is three times the total amount of funding provided for all energy technologies in the energy supply, research, and development account. I submit that energy security and independence is every bit as important to our national strength and security as is our nuclear arsenal and nuclear stockpile, which has a multiplicity of overkill today. It is not an either/or proposition, of course, but we must move away from our tendency to think of our national security only in terms of hardware and sophisticated weaponry. In view of these concerns, I would support further reductions in the energy defense area. But the committee felt that substantial increases were justified. The committee recommendation reflects a large increase for energy defense activities to about $6.5 billion in fiscal year 1984, which proves once again that we run this institution on a democratic basis where the chairman of the committee has only one vote.

As outlined in the report, the committee recommendation provides full funding for all nine nuclear weapons systems which are in production and full funding for every important element of the materials production program. Moreover, there is full support and even some increases over the budget request in the often neglected areas of weapons research and development and defense nuclear waste management.

Mr. President, it is with great ambivalence that I present this bill today. I am not proud of it from the standpoint of the imbalance between nuclear weapons and other energy requirements. I am not proud of it at all in that area.

But I believe that in the general representation of the committee and in the representation of the general temperament of the Senate and certainly in relationship to the administration this is a responsible bill within that context.

We urge today the expeditious action by the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD following these remarks a summary of the bill, the bill highlights, and the comparative table of budget authority.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF ESTIMATES AND RECOMMENDATIONS

The President's fiscal year 1984 budget estimates for this bill totals $14,610,671,000 in new budget (obligational) authority. The recommendation of the Committee totals $14,170,853,000. This is a decrease of $439,818,000 below the budget estimates and $9,150,000 below the House bill.

BILL HIGHLIGHTS

ATOMIC ENERGY DEFENSE ACTIVITIES

The amount recommended in the bill includes $6,500,875,000 for atomic energy defense activities. Major programs and activities include:

Testing	$546,100,000
Research and development	823,580,000
Weapons activities	3,730,825,000
Nuclear materials production	1,525,400,000
Defense waste management	608,500,000

ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT

The bill recommended by the Committee provides a total of $1,943,709,000 for energy supply, research, development and demonstration programs including:

Solar energy	$176,000,000
Geothermal energy	29,459,000
Hydropower	750,000
Nuclear fission	617,147,000
Magnetic fusion	471,500,000
Environmental	222,575,000
Basic energy sciences	337,270,000

GENERAL SCIENCE AND RESEARCH

The Committee recommendation also provides $635,250,000 for general science and research activities in life sciences, high energy physics and nuclear physics including:

High energy physics research	$490,000,000
Nuclear physics	153,000,000

REGULATORY AND OTHER INDEPENDENT AGENCIES

Also recommended in the bill is $670,678,000 for various regulatory and independent agencies of the Federal Government. Major programs and activities include:

Appalachian regional development programs	$125,000,000
Federal Energy Regulatory Commission	94,582,000
Nuclear Regulatory Commission	468,800,000
Tennessee Valley Authority	75,229,000

WATER RESOURCES DEVELOPMENT

The Committee has also recommended appropriations totaling approximately $3,583,784,000 for Federal water resource development programs. This includes projects and related activities of the U.S. Army Corps of Engineers—Civil, the Bureau of Reclamation, and the Tennessee Valley Authority. The Federal water resource development program provides lasting benefits to the Nation in the areas of flood control, municipal and industrial water supply, irrigation of agricultural lands, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

Major programs related to water resources development include:

Corps of Engineers—Civil:	
General investigations	$121,435,000
Construction activities	1,111,629,000
Operations and maintenance activities	1,265,965,000
Bureau of Reclamation:	
General investigations	31,981,000
Construction activities	724,318,000
Operations and maintenance activities	134,291,000
Tennessee Valley Authority:	
Construction activities	24,015,000
Operating expenses	22,410,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1983 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1984

[Amounts in dollars]

Item	1983 appropriation	Budget estimate	House allowance	Committee recommendation	Senate committee recommendation compared with (+ or −)		
					1983 appropriation	Budget estimate	House allowance
TITLE I—DEPARTMENT OF DEFENSE—CIVIL							
Department of the Army							
Corps of Engineers—Civil							
General investigations	129,042,000	110,400,000	148,733,000	118,435,000	−10,607,000	+8,035,000	−30,298,000
Construction general	1,506,405,000	820,700,000	892,829,000	885,779,000	−620,626,000	+65,079,000	−7,050,000
Flood control and coastal emergencies	29,877,000	10,000,000	10,000,000	10,000,000	−19,877,000		
Revolving Fund			9,500,000				−9,500,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Montana, and Tennessee	403,052,000	290,000,000	310,330,000	297,960,000	−105,092,000	+7,960,000	−12,370,000
Operation and maintenance, general	1,187,667,000	1,161,300,000	1,215,032,000	1,170,620,000	−17,047,000	+9,320,000	−44,412,000
General expenses	96,000,000	103,000,000	103,000,000	103,000,000	+7,000,000		
Special recreation use fees	4,942,000	6,000,000	6,000,000	6,000,000	+1,058,000		
Total, title I, new budget (obligational) authority, Department of Defense—Civil	3,356,985,000	2,501,400,000	2,695,424,000	2,591,794,000	−765,191,000	+90,394,000	−103,630,000
TITLE II—DEPARTMENT OF THE INTERIOR							
Bureau of Reclamation							
General investigations	32,474,000	31,831,000	34,431,000	31,981,000	−493,000	+150,000	−2,450,000
Construction program	640,570,000	699,388,000	711,538,000	683,818,000	+43,248,000	−15,570,000	−27,720,000
Operation and maintenance	140,866,000	134,091,000	134,291,000	134,291,000	−6,575,000	+200,000	
Loan program	55,106,000	41,500,000	52,970,000	40,500,000	−14,606,000	−1,000,000	−12,470,000
(Limitation on direct loans)	(26,922,000)	(40,332,000)	(51,802,000)	(43,332,000)	(+16,410,000)	(+3,000,000)	(−8,470,000)
General administrative expenses	39,928,000	53,400,000	53,750,000	53,400,000	+13,472,000		−350,000
Emergency Fund	1,919,000	1,000,000	1,000,000	1,000,000	−919,000		
Total, Bureau of Reclamation	910,863,000	961,210,000	987,980,000	944,990,000	+34,127,000	−16,220,000	−42,990,000
Total, title II, new budget (obligational) authority, Department of the Interior	910,863,000	961,210,000	987,980,000	944,990,000	+34,127,000	−16,220,000	−42,990,000
TITLE III—DEPARTMENT OF ENERGY							
Energy supply, research and development activities:							
Operating expenses	1,897,096,000	1,855,960,000	1,713,112,000	1,720,444,000	−176,652,000	−135,516,000	+7,332,000
Plant and capital equipment	352,976,000	243,665,000	251,097,000	233,265,000	−119,711,000	−10,400,000	−17,832,000
General reduction				−10,000,000	−10,000,000	−10,000,000	−10,000,000
Subtotal	2,250,072,000	2,099,625,000	1,964,209,000	1,943,709,000	−306,363,000	−155,916,000	−20,500,000
Uranium enrichment activities:							
Operating expenses	1,232,036,000	1,570,600,000	1,576,600,000	1,616,600,000	+384,564,000	+46,000,000	+40,000,000
Plant and capital equipment	710,100,000	669,400,000	658,400,000	638,400,000	−71,700,000	−31,000,000	−20,000,000
General reduction				−20,000,000	−20,000,000	−20,000,000	−20,000,000
Subtotal	1,942,136,000	2,240,000,000	2,235,000,000	2,235,000,000	+292,864,000	−5,000,000	
Gross revenues	−1,968,319,000	−2,240,000,000	−2,235,000,000	−2,235,000,000	−266,681,000	+5,000,000	
Net appropriation	−26,183,000				+26,183,000		
General science and research activities:							
Operating expenses	411,853,000	479,750,000	481,750,000	472,750,000	+60,897,000	−7,000,000	−9,000,000
Plant and capital equipment	123,316,000	165,500,000	161,500,000	172,500,000	+49,184,000	+7,000,000	+11,000,000
General reduction				−10,000,000	−10,000,000	−10,000,000	−10,000,000
Subtotal	535,169,000	645,250,000	643,250,000	635,250,000	+100,081,000	−10,000,000	−8,000,000
Nuclear waste disposal fund	217,325,000	306,675,000	306,675,000	306,675,000	+89,350,000		
Atomic energy defense activities:							
Operating expenses	4,375,700,000	5,215,125,000	5,084,325,000	5,098,925,000	+723,225,000	−116,200,000	+14,600,000
Pland and capital equipment	1,328,000,000	1,610,450,000	1,474,050,000	1,401,950,000	+73,950,000	−208,500,000	−72,100,000
Subtotal	5,703,700,000	6,825,575,000	6,558,375,000	6,500,875,000	+797,175,000	−324,700,000	−57,500,000
Departmental administration:							
Operating expenses	381,482,000	346,510,000	366,075,000	356,075,000	−25,407,000	+9,565,000	−10,000,000
Plant and capital equipment	15,593,000	4,981,000	4,981,000	4,981,000	−10,612,000		
Subtotal	397,075,000	351,491,000	371,056,000	361,056,000	−36,019,000	+9,565,000	−10,000,000

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1983 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1984—Continued

[Amounts in dollars]

Item	1983 appropriation	Budget estimate	House allowance	Committee recommendation	Senate committee recommendation compared with (+ or −)		
					1983 appropriation	Budget estimate	House allowance
Miscellaneous revenue	−175,541,000	−209,619,000	−209,619,000	−209,619,000	−34,078,000		
Net appropriation	221,534,000	141,872,000	161,437,000	151,437,000	−70,097,000	+9,565,000	−10,000,000
POWER MARKETING ADMINISTRATIONS							
Alaska Power Administration operation and maintenance	3,945,000	3,210,000	3,410,000	3,410,000	−535,000	+200,000	
Bonneville Power Administration fund borrowing authority	249,500,000	203,500,000	123,400,000	123,400,000	−126,100,000	−80,100,000	
(Limitation on direct loans)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)			
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)		
Southeastern Power Administration: operation and maintenance	3,964,000	20,594,000	20,594,000	20,594,000	+16,630,000		
Southwestern Power Administration: operation and maintenance	20,756,000	36,229,000	36,229,000	36,229,000	+15,473,000		
Western Area Power Administration: construction, rehabilitation, operation and maintenance	149,750,000	219,630,000	184,630,000	204,630,000	+54,880,000	−15,000,000	+20,000,000
Western Area Power Administration: emergency fund	337,000	500,000	500,000	500,000	+163,000		
Subtotal	428,252,000	483,663,000	368,763,000	388,763,000	−39,489,000	−94,900,000	+20,000,000
FEDERAL ENERGY REGULATORY COMMISSION							
Salaries and expenses	86,139,000	94,582,000	89,582,000	94,582,000	+8,443,000		+5,000,000
Revenues applied		−60,000,000	−60,000,000	−60,000,000	−60,000,000		
Subtotal	86,139,000	34,582,000	29,582,000	34,582,000	−51,557,000		+5,000,000
GEOTHERMAL RESOURCES DEVELOPMENT FUND							
Geothermal loan guarantee and interest assistance program		2,100,000	2,100,000	2,100,000	+2,100,000		
Total, title III, new budget (obligational) authority, Department of Energy	9,416,008,000			9,963,391,000	+547,383,000	−575,951,000	−71,000,000
Department expenses	(6,886,023,000)			(7,512,295,000)	(+626,272,000)	(−333,051,000)	(+27,932,000)
Plant and capital equipment	(2,529,985,000)			(2,451,096,000)	(−78,889,000)	(−242,900,000)	(−98,932,000)
TITLE IV—INDEPENDENT AGENCIES							
Appalachian Regional Commission: Salaries and expenses	2,900,000			2,700,000	−200,000	+2,700,000	+200,000
Funds appropriated to the President: Appalachian regional development programs [1]	165,123,000			125,000,000	−40,133,000	+45,000,000	−25,000,000
Delaware River Basin Commission:							
Salaries and expenses	241,000	191,000	191,000	191,000	−50,000		
Contribution to Delaware River Basin Commission	269,000	269,000	269,000	269,000			
Total, Delaware River Basin Commission	510,000	460,000	460,000	460,000	−50,000		
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	55,000		68,000	68,000	+13,000	+68,000	
Nuclear Regulatory Commission: Salaries and expenses	462,504,000	466,800,000	465,800,000	466,800,000	+4,296,000		+1,000,000
Susquehanna River Basin Commission:							
Salaries and expenses			191,000	191,000	+191,000	+191,000	
Contribution to Susquehanna River Basin Commission	217,000	230,000	230,000	230,000	+13,000		
Total, Susquehanna River Basin Commission	217,000	230,000	421,000	421,000	+204,000	+191,000	
Tennessee Valley Authority: Payment to Tennessee Valley Authority fund	216,433,000	61,229,000	78,679,000	75,229,000	−141,204,000	+14,000,000	−3,450,000
Water Resources Council: Water resources planning	4,083,000				−4,083,000		
Total, title IV, new budget (obligational) authority, independent agencies	851,835,000	608,719,000	697,928,000	670,678,000	−181,157,000	+61,959,000	−27,250,000
TITLE V—GENERAL PROVISIONS							
Sec. 507 general reduction			−235,720,000				+235,720,000
Grand total:							
New budget (obligational) authority	14,535,691,000	14,610,671,000	14,180,003,000	14,170,853,000	−364,838,000	−439,818,000	−9,150,000
(Limitation on direct loans)	(66,922,000)	(80,332,000)	(91,802,000)	(83,332,000)	(+16,410,000)	(+3,000,000)	(−8,470,000)
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)		

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[1] Fiscal year 1984 estimate proposed in the budget for later transmittal.

Mr. HATFIELD. Mr. President, I take notice of the fact that Senator JOHNSTON is detained at this time in a meeting in the Energy Committee on an important issue of deregulation of natural gas, and there is sort of a reunion of the original partnership that I embarked upon in my career in the Senate on the Appropriations Committee for it was Senator JOHN STENNIS of Mississippi who was a subcommittee chairman at that time and, as I frequently stated, was my tutor and has remained my tutor throughout my tenure on this subcommittee. It is really a delightful experience to have him filling in today for Senator JOHNSTON as a comanager of the bill.

He is a great asset to not only the committee but, of course, to the entire Senate and the Nation, and it is with great pleasure that I rise today to comanage this bill in his company.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I certainly thank the Senator from Oregon for his very generous and fine words. It makes me very happy always to be teamed up with him because there is a presumption of rightness and soundness that goes with what he recommends, and then there is this personal pleasure in addition to what I have already mentioned.

Mr. President, I am sitting in for the Senator from Louisiana (Mr. JOHNSTON) who held the hearings on these matters and who expects to be here in the course of the morning, he being detained now on an emergency basis with other parts of the energy program.

Mr. President, he has remarks that he has prepared, but I would just keep them here on the desk, though, and he can put them in the RECORD at such place and time as he may wish.

Mr. PROXMIRE. Mr. President, will the Senator from Oregon, the manager of the bill, yield for a question?

Mr. HATFIELD. I am happy to yield.

Mr. PROXMIRE. In the first place, I commend him on his emphasis in his opening statement on the fact that this is really not an energy and water bill, that it is almost half defense activities, with nuclear weapons and nuclear bombs. As the Senator pointed out in the energy part of it there is 65 percent nuclear weapons.

Is it correct, may I ask the Senator from Oregon, that there is an increase over last year of $800 million in nuclear weapons?

Mr. HATFIELD. That is correct, $800 million.

Mr. PROXMIRE. Why is this not in the defense appropriations budget? Why is this not part of that budget? Certainly these are weapons.

Mr. HATFIELD. That is correct.

Let me say that in fiscal year 1983 it was $1 billion over the fiscal year 1982 increase.

Mr. PROXMIRE. So it was an increase over 1982.

Mr. HATFIELD. Over 1982.

Mr. PROXMIRE. If we come to 1984 compared to 1982 it is $1.8 billion increase; is that right?

Mr. HATFIELD. And I might also add if you want to go back to fiscal year 1982 it is $1 billion over fiscal year 1981, and we held that remarkable reduction, to sort of a K-Mart bargain, this time of $800 million over last year.

Now, the basic reason, I will say to the Senator from Wisconsin, is that there was a policy decision made in the Truman administration that the development and use of atomic energy technology and weaponry should be under civilian control, and we started out with the AEC, if the Senator will recall, the Atomic Energy Commission, that had its then subsequent progeny which finally evolved into the Department of Energy. So that has been translated down to the period of time, through different structures, to the current Agency on the basis that this should be not under military control. They get all the money they want anyway. So they keep it under a civilian-oriented agency.

Mr. PROXMIRE. But is this not totally unrealistic? The fact is when we appropriate money for the military it seems to me they should have to pay off their priorities and decide whether or not they want to put their funds into conventional weapons and strategic weapons, or strategic weapons, and so forth. I realize that the armed services authorizing committee has jurisdiction here, I am sure. But I cannot understand why on our committee or the Appropriations Committee we simply do not put it in defense. This is clearly defense and has nothing to do really with water or energy resources.

Mr. HATFIELD. That is why I say further to the Senator from Wisconsin that I have on each of the times that I have presented this appropriations measure tried to draw a sharp focus on this particular fact.

I find in audiences throughout my constituency when we were talking about military spending and the nonmilitary spending and priorities out of any audience that I talk to, I would say as much as nine-tenths of that audience is totally unaware that the nuclear weapons program is not part of the military budget but rather a part of the energy budget.

Now, historically, this is the reason as I have indicated. There is also a joint effort that is made to coordinate this between the Department of Energy and the Department of Defense. There is a joint committee that functions in the coordination effort between the two agencies.

But basically the Senate Armed Services Committee handles these authorizations and then they filter through the Department of Energy and the Appropriations Committee and then to the Department of Energy for implementation.

Mr. PROXMIRE. Mr. President, I find it a supreme irony that "Mr. Peace"—and that is certainly what the Senator from Oregon is; nobody in the Senate has a clearer record and I think a more constructive or intelligent record in opposing the nuclear arms race and fighting for a sensible approach to defending our country than the Senator from Oregon. So it is very ironic that he has to champion on his subcommittee this colossal increase in nuclear weapons at a time when the Committee on Defense Information has just issued a calculator showing how far ahead we are of the Soviet Union—not in all respects, not by any means, but overall we are ahead of the Soviet Union in nuclear weapons.

There is no question about it. I challenge any Senator to show that this is not the case. They have instance after instance after instance where this is true.

Now, we have the Senator from Oregon, who, more than any other Senator in this body, has championed a logical, sensible, prudent policy in this regard, having to come forward with a bill which would appropriate an additional $800 million above what we had last year and, as he has pointed out, almost $2 billion over what it was a couple of years ago for more nuclear weapons when we have too many as it is.

Mr. STENNIS. Will the Senator yield to me?

Mr. HATFIELD. Yes, I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I think the record, to be complete, ought to have a little further comment here. I remember when this policy question was decided. The old Atomic Energy Commission insisted on the products being outside the military, not be a part of military control, and not be a part of the military budget. They finally prevailed on that very policy. The warheads now, the missiles themselves, are a part of the military program and they are charged to it. Appropriations are made for that purpose, for the missiles. But the warhead that goes in the missile, that is where you get your nuclear product. That is the one that is in this bill here now.

You can argue about this. There is a pretty good reason for it. There was good reason back then of separating these projects, as I saw it and still see it that way, although it does look like there is an inconsistency.

Mr. PROXMIRE. Mr. President, if the Senator will yield on that point, let me read from the committee report on page 157:

> The Committee recommends substantial increases in spending for the research, development, testing, production, and surveillance of nuclear weapons in order to meet defense requirements. The budget includes funds for the production of nine nuclear weapons systems—the B61-3 and -4 bombs, the W70-3 warhead for the Lance missile, the W76 warhead for the Trident, the W78 warhead for the Minuteman II, the W79 warhead for the artillery fired atomic projectile, the W80-0 warhead for the sea launched cruise missile . . .

And so on.

These are all weapons. I can understand why we should have civilian control of nuclear activities where we possibly can, but I think where we have specific weapons systems, as we have here, it just does not make any sense.

Mr. HATFIELD. Mr. President, I say further to the Senator that the committee did see fit to reduce the request by 5 percent. If you count then 5 percent inflation, we still are looking at basically 10 percent real growth this year over the previous year. So the pattern has been definitely a trend upward in this expenditure for this purpose.

At the same time, we recognize, as the Senator has frequently stated on this floor, that probably the most fragile geopolitical area in the world today is the Middle East. It could blow up at any moment. Yet we still have this horrible dependence on the oil imported out of the Middle East. Every year we are cutting those resources in this very budget that could help us develop energy independence which I suggest is more to our national security than it is to the convenience of our lifestyle. We could walk, as the Senator from Wisconsin does, or jog, as the Senator from Wisconsin does, or ride a bicycle.

But, believe me, as far as our military and national security is concerned, we have to have this oil for much more than just producing gasoline for our automobiles and for the convenience of riding on four wheels.

So I suggest the problem we are really confronted with today, as we have been for some time, is we do not really define our national security. We have fallen victim to it. And I have frequently said that there has only been one President in my lifetime who understood national security and that was a five-star general by the name of

Dwight Eisenhower. Every other President that I have read about or known about or served with has defined it exclusively in military hardware. And the Shah of Iran should have proven to us the fallacy of depending purely upon your arsenal for your security, because there are political and economic and social factors as fundamental to our national security as our hardware. I am not saying it is either/or, I am saying it is a balance.

Today we are cutting in areas where we should be accelerating to develop energy independence and get out of that kind of dependence in the Middle East for the sake of our national security. But, no, we are so mesmerized by these exotic weapons that can create greater destruction, more efficient killing in the world, that we put our emphasis and money there. It is a frustrating battle.

I can assure you I am not championing this bill at all. I am merely carrying this bill as the chairman of the committee.

Mr. STENNIS. If the Senator will yield to me just 1 minute, we have just had the great debate on the MX. The burden of it was carried by the military. They were the ones that were called on to justify the need of such a weapon. We got into the Scowcroft Commission and other groups there, and that helped, but they carried the primary load.

When it comes to buying warheads, I think it is a pretty good idea to have the Senator from Oregon be the money man for all these warheads, because he is careful and he does not lean just one way with the military or such groups. So I think it has its good side, and that ought to be brought out. I am glad to compliment him in that way.

Mr. HATFIELD. I thank the Senator from Mississippi. It is purely a matter of being outvoted, I say to the Senator from Wisconsin.

Mr. President, I move, in accordance with section 904 of the Budget Act, to waive section 303 of that act with respect to the pending measure, H.R. 3132, as reported by the Committee on Appropriations and any amendments thereto. This has been cleared by both sides.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I am pleased to join in presenting the pending measure, H.R. 3132, an act making energy and water development appropriations for fiscal year 1984, and for other related purposes. The purpose of this bill is to provide appropriations for water resources development programs and activities of the Department of Army, U.S. Corps of Engineers, civil works program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy programs except for fossil fuels and certain conservation programs in title III, and for related independent agencies and commissions, including the Appalachian regional development programs; the Nuclear Regulatory Commission and the Tennessee Valley Authority in title IV.

First, Mr. President, I want to express my special appreciation to our chairman, the distinguished senior Senator from Oregon, and other members of our subcommittee who have worked long and hard to bring this legislation to the floor. As in years past, the Senator from Oregon and I have worked together within the subcommittee without a trace of partisanship to fashion a bill that meets the present and future needs of our entire Nation.

Mr. President, the fiscal year 1984 budget estimates for this bill total $14,610,671,000 in new budget obligational authority. The recommendation of the committee would provide $14,170,853,000, a decrease of $439.8 million below the budget estimates of the President, and $9.1 million below the House-passed bill. This year's amount is about $365 million less than was provided in last year's appropriations. The decrease over fiscal year 1983 is principally due to reductions in the Corps of Engineers programs. In fact, the Corps of Engineers program in title I is almost $765 million less than in fiscal year 1983.

I point this out, Mr. President, because I wish this were not so. Indeed, I believe we should be putting more funds in the development of our water resources especially our ports and harbors, for flood control and for water supply. I believe that we are shortchanging future generations by not making these sound capital investments now. At the same time, I recognize the budget realities and the need for fiscal restraint. However, I do deplore the continued decline in what I consider to be extremely important programs and urge my colleagues to help us find a way to get new authorizations, new starts, and new work—all of which are missing from this bill—underway as quickly as possible. The wise and prudent development of our water resources for present and future needs must continue if we are to prosper in economic development in providing for the social well-being of our population.

In title I for the Corps of Engineers, we recommend $118.4 million for the general investigations program, $10.6 million less than fiscal year 1983, and $30 million less than the House-passed bill. The study and planning program has been severely reduced and it is in danger of losing a large number of personnel—experts, engineers, and planners at these budget levels. I hope the committee's recommendation will be agreed to. For construction, general, the recommendation is for $885.8 million, a reduction of over $600 million from fiscal year 1983 levels. This reduction reflects the completion of work that has been underway for the last few years on several projects and, at the same time, the lack of new starts to take the place of work being completed and also the lack of major new authorizations.

In fact, Mr. President, the last major omnibus construction authorization bill was passed in 1970. For operation and maintenance, general, the committee recommends $1,170.6 million, a reduction of $44 million under the House-passed bill, and $17 million less than the fiscal year 1983 appropriation. I note also, Mr. President, that this is the first time that O&M appropriations are greater than the construction appropriation. The committee also recommends $298 million for flood control, Mississippi River and tributaries and Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee. In all, for title I, we recommend $2,591 million, about $104 million less than the House-passed bill, $765 million less than fiscal year 1983 appropriations, and $90 million more than the budget estimates.

Title II includes $945 million for the Bureau of Reclamation, of which $683.8 million is recommended for the construction program in the 17 Western States. This amount is $43 million less than the House bill and $16 million under the budget estimates. We provide for continuation of all ongoing construction projects and operation and maintenance programs of the Bureau.

Mr. President, for both titles I and II, the committee recommendation reflects our attempt to accommodate the most critical needs identified through the extensive hearings conducted with administration witnesses, the public, and State and local officials and Members of Congress. I urge the Senate to accept our recommendations as approved by the committee and as shown in the accompanying report.

Mr. President, title III of the bill contains appropriations for the Department of Energy. We recommend a total of $9,963,391,000. This is $547 million more than fiscal year 1983, but $71 million less than the House bill. Of this amount, $6.5 billion is for atomic energy defense activities, principally the nuclear weapons program and materials production therefor. This amount, of course, is almost one-

half of the entire bill and is almost $800 million more than was provided for fiscal year 1983. We are also recommending for energy supply, research, and development activities a total of $1,943,709,000. The amount recommended for energy programs includes funds for research, development, and demonstration activities in solar energy, geothermal energy, for electric energy systems and storage, wind energy programs, ocean thermal energy conversion, nuclear fission including nuclear waste activities, and for magnetic fusion. In the areas of support research and technical analysis, funds are included under basic energy sciences, for nuclear sciences, material sciences, chemical sciences, biological energy research and for environmental and biological research, and overview and assessment under the environmental program.

For general science and research activities, the committee recommends $635 million, of which $486 million is for the high energy physics program; $155 million is for the nuclear physics program.

For the Power Marketing Administration of the Department of Energy, the committee recommendation provides $388.7 million, $40 million below fiscal year 1983 appropriation, $95 million under the budget estimates, but about $20 million more than the House-passed bill, principally for the intertie in the Western Area Power Administration area.

The committee recommendation for the Federal Energy Regulatory Commission would provide the full budget estimate of $94,582,000. The budget projects $60 million of this amount would be covered from increased revenues. The amounts I have mentioned represent just a few of the highlights of the principal Department programs funded in this appropriation bill. For a detailed breakout for the specific programs, items, and subitems, I would ask the Members to see the detailed accompanying report.

Mr. President, title IV of the bill includes $670.7 million for six independent agencies. This is $181 million less than last year's level. The committee has provided $125 million for the Appalachian regional development programs, $466.8 million for the Nuclear Regulatory Commission, $75.2 million for the Tennessee Valley Authority, and $949,000 for three river basin commissions.

Title V of the bill contains the general provisions which are customary and have been provided in prior years to permit agencies funded in this bill certain flexibility and to limit other activities. The committee has stricken the House-proposed general provision contained in the bill which would reduce the overall budget by 3 percent, except for atomic energy defense activities. This provision has been stricken by the committee as it is no longer necessary. This is so because the committee has reduced the bill below the House-approved levels even when the 3-percent general reduction—which equals approximately $235 million—is taken into account.

Mr. President, as I mentioned earlier, the report accompanying the bill includes an explanation of the various changes and recommendations reflected in the bill and I suggest that the membership read or at least look through it. This is a good bill and report, Mr. President. I emphasize that it is under the President's budget, under the House bill, under last year's level, and I urge the Senate to adopt the bill as recommended.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill, as thus amended, be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to this request. This matter has been cleared by both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 15, strike "$148,733,000", and insert "$118,435,000";

On page 2, line 25, strike "$882,829,000", and insert "$885,779,000";

On page 3, line 1, strike ", of", through and including line 8;

On page 3, after line 8, insert the following: No funds under this heading shall be used for further study or construction or in any fashion for a federally funded waterway which extends the Tennessee-Tombigbee project south from the city of Demopolis, Alabama.

On page 3, strike line 19, through and including line 22;

On page 4, line 7, strike "$310,330,000", and insert "$297,960,000";

On page 5, line 12, strike "$1,215,032,000", and insert "$1,170,620,000";

On page 5, line 13, strike ", of", through and including line 14;

On page 8, line 18, strike "$34,431,000", and insert "$31,981,000";

On page 8, line 19, strike "$33,761,000", and insert "$31,361,000";

On page 8, after line 22, insert the following: Any costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with allocation of construction costs upon authorization of construction of such project.

On page 9, line 8, strike "$696,538,000", and insert "$683,818,000";

On page 9, line 8, strike "and,", through and including "aqueduct,", line 14;

On page 9, line 17, strike "$179,000,000", and insert "$155,600,000";

On page 10, after line 12, insert the following: *Provided further*, That no appropriation, fund, or authority under this heading shall be used for construction of features of the Garrison Diversion Unit in North Dakota affecting waters flowing into Canada: *Provided further*, That of the amount herein appropriated not to exceed $20,000 shall be available to initiate a rehabilitation and betterment program with the Twin Falls Canal Company, Twin Falls County, Idaho, to rehabilitate facilities under the Act of October 7, 1919 (63 Stat. 724), as amended, to be repaid in full by the lands served and under conditions satisfactory to the Secretary of the Interior.

On page 12, line 9, strike "$52,970,000", and insert "$40,500,000";

On page 12, line 14, strike "$51,802,000", and insert "$43,332,000";

On page 12, line 25, strike "$53,750,000", and insert "$53,400,000";

On page 18, line 8, strike "$1,964,209,000", and insert "$1,943,709,000";

On page 18, after line 9, insert the following: *Provided*, That $3,000,000 of the proposed deferral No. 83-72 shall be made available for the Second Small Community Experiment project and shall remain available until expended.

On page 19, line 21, strike "$643,250,000", and insert "$635,250,000";

On page 20, line 19, strike "$6,558,375,000", and insert "$6,500,875,000";

On page 20, line 20, strike "*Provided*,", through and including line 24, and insert the following:

Provided, That none of the funds appropriated by this Act, or by any other Act, or by any other provision of law, shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)c of the National Environmental Policy Act of 1969. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would load fuel into the reactor core, achieve criticality, generate fission products within the reactor, or discharge cooling water from either testing or operations into Steel Creek.

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials in South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in this paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that the public comment period shall not be reduced to less than forty-five days and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner that December 1, 1983, and not later than January 1, 1984.

On page 22, line 5, strike "$371,056,000", and insert "$361,056,000";

On page 22, line 21, strike "such that the", and insert "so as to result in a";

On page 22, line 22, strike "not be greater", and insert "estimated at not more";

On page 22, line 23, strike "$161,437,000", and insert "$151,437,000";

On page 23, line 20, strike ", subject to enactment of authorizing legislation";

On page 25, line 10, strike "$184,630,000", and insert "$204,630,000";

On page 26, line 11, strike "$89,582,000", and insert "$94,582,000";

On page 26, line 23, strike "$29,582,000", and insert "$34,582,000";

On page 29, strike line 5, through and including line 21;

On page 30, line 9, strike "$2,500,000", and insert "$2,700,000";

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On page 30, line 17, strike "$150,000,000", and insert "$125,000,000";

On page 30, line 18, strike "$100,000,000", and insert "$80,000,000";

On page 32, line 3, strike "$465,800,000", and insert "$466,800,000";

On page 33, line 7, strike "$125,950,000", and insert "$122,500,000";

On page 34, strike line 19, through and including line 25;

So as to make the bill read:

H.R. 3132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984, for energy and water development, and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

General Investigations

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $118,435,000, to remain available until expended.

Construction, General

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $885,779,000, to remain available until expended.

No funds under this heading shall be used for further study or construction or in any fashion for a federally funded waterway which extends the Tennessee-Tombigbee project south from the city of Demopolis, Alabama.

Flood Control and Coastal Emergencies

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $10,000,000, to remain available until expended.

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississipi, Missouri, and Tennessee

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $297,960,000, to remain available until expended: *Provided,* That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further,* That the unexpended balances of prior appropriations provided for activities covered in this appropriation may be transferred to appropriation accounts for such activities established pursuant to this appropriation. Balances so transferred may be merged with funds in the applicable established account and thereafter may be accounted for as one fund for the same time period as originally enacted.

Operation and Maintenance, General

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,170,620,000, to remain available until expended.

General Expenses

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations, $103,000,000, to remain available until expended.

Special Recreation Use Fees

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, $6,000,000, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601).

Administrative Provisions

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 185 for replacement only) and hire of passenger motor vehicles: *Provided,* That the total accrued expenditures of the capital investment program of the revolving fund shall not exceed $78,000,000 in fiscal year 1984.

General Provisions, Corps of Engineers

Sec. 101. None of the funds appropriated in this title, except as specifically contained herein, shall be used to alter, modify, dismantle, or otherwise change any project which is partially constructed but not funded for construction in this title.

Sec. 102. The Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse local and State interests those sums of moneys expended by them subsequent to July 1, 1969, in construction of the Flat River Channel improvement feature of the Bayou Bodcau and Tributaries project in Louisiana to the extent that such work is authorized by Public Law 89-298, approved October 27, 1965, and which the Chief of Engineers determines is compatible with, and constitutes, an integral part of his recommended plan. The total amount of reimbursement is not to exceed $3,500,000.

Sec. 103. Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to enter into a purchase contract for the acquisition of new buildings and appurtenant facilities for the United States Army Engineer District, New Orleans, Louisiana. Such buildings and facilities shall be constructed on a site presently occupied by the Engineer District under a long-term right of use donated by the Board of Commissioners for the Port of New Orleans. The contract shall provide for the payment of the purchase price, which shall not exceed $38,000,000, and reasonable interest thereon, by lease or installment payments over a period not to exceed 25 years. The contract shall further provide that title to the buildings and facilities shall vest in the United States at or before the expiration of the contract term upon fulfillment of the terms and conditions of the contract.

TITLE II—DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

General Investigations

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $31,981,000, of which $31,361,000 shall be derived from the reclamation fund and of which $470,000 shall be available for the termination of activities conducted pursuant to the Act of October 17, 1978, as amended (42 U.S.C. 7801, et seq.). Any costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with allocation of construction costs upon authorization of construction of such project.

Construction Program

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $683,818,000, of which $161,104,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $155,600,000 shall

be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543): *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further,* That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to this heading: *Provided further,* That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further,* That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further,* That no appropriation, fund, or authority under this heading shall be used for construction of features of the Garrison Diversion Unit in North Dakota affecting waters flowing into Canada: *Provided further,* That of the amount herein appropriated not to exceed $20,000 shall be available to initiate a rehabilitation and betterment program with the Twin Falls Canal Company, Twin Falls County, Idaho, to rehabilitate facilities under the Act of October 7, 1919 (63 Stat. 724), as amended, to be repaid in full by the lands served and under conditions satisfactory to the Secretary of the Interior.

Operation and Maintenance

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $134,291,000: *Provided,* That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund and such amounts as may be required for the Boulder Canyon Project shall be derived from the Colorado River Dam fund: *Provided further,* That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further,* That nonreimbursable funds will be available from revenues for performing examination of existing structures on participating projects of the Colorado River Storage Project: *Provided further,* That such amounts as may be required for replacements on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund under Section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), are to be considered as though readvanced under said section.

Loan Program

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956, as amended (43 U.S.C. 422a-422k), including expenses necessary for carrying out the program, $40,500,000, to be derived from the reclamation fund and to remain available until expended: *Provided,* That during fiscal year 1984 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $43,332,000: *Provided further,* That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

General Administrative Expenses

For necessary expenses of general administration and related functions in the offices of the Commissioner of the Bureau of Reclamation and in the regional offices of the Bureau of Reclamation $53,400,000, of which $10,500,000, shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

Emergency Fund

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

Special Funds

Sums herein referred to as being derived from the reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), and the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

Administrative Provisions

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 17 motor vehicles of which 16 shall be for replacement only; purchase of one aircraft; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by 5 U.S.C. 3109, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461-467): *Provided,* That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for appraisal and special investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided,* That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

General Provisions, Department of the Interior

Sec. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Sec. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Sec. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided,* That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 205. The cost of foundation treatment, drainage, and instrumentation work planned or under way at Twin Buttes Dam, Texas, shall be nonreimbursable under Federal reclamation laws.

TITLE III—DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 19 of which 18 are for replacement only), $1,943,709,000, to remain available until expended: *Provided*, That $3,000,000 of the proposed deferral No. 83-72 shall be made available for the Second Small Community Experiment project and shall remain available until expended.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 49 of which 48 are for replacement only); $2,235,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $2,240,000,000 in fiscal year 1984, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484): *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1984 so as to result in a final fiscal year 1984 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy, activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only); $635,250,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, including the acquisition of real property or facility construction or expansion, $306,675,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in this account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 333 of which 323 are for replacement only) including 7 police-type vehicles; purchase of one helicopter, $6,500,875,000, to remain available until expended: *Provided*, That none of the funds appropriated by this Act, or by any other Act, or by any other provision of law, shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)c of the National Environmental Policy Act of 1969. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would load fuel into the reactor core, achieve criticality, generate fission products within the reactor, or discharge cooling water from either testing or operations into Steel Creek.

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials in South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in this paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that the public comment period shall not be reduced to less than forty-five days and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000); $361,056,000, all of which is available for fiscal year 1984 and shall remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $209,619,000 in fiscal year 1984 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1984 so as to result in a final fiscal year 1984 estimated appropriation estimated at not more than $151,437,000.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For engineering and economic investigations to promote the development and utilization of the water, power, and related resources of Alaska, and for necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,410,000, to remain available until expended, of which not to exceed $200,000 to be available only upon a determination by the Secretary that such amounts are required to ensure continuity of service in the case of an emergency.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed $2,500; and for continuity of financing the construction program, as well as financing new programs, an additional $1,250,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (Public Law 93-454) to remain outstanding at any given time: *Provided*, That the obligation of such additional borrowing authority shall not exceed $123,400,000 in fiscal year 1984.

During fiscal year 1984 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $40,000,000; during fiscal year 1984, commitments to guarantee loans may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed $20,000,000.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $20,594,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $36,229,000, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including the purchase of passenger motor vehicles (not to exceed nine for replacement only), purchase, maintenance, and operation of one aircraft, $204,630,000, to remain available until expended, of which $163,430,000 shall be derived from the Department of the Interior Reclamation fund and $1,004,000, shall be derived from the Colorado River Dam fund for power marketing and transmission expenses of the Boulder Canyon Project.

EMERGENCY FUND, WESTERN AREA POWER ADMINISTRATION

For the "Emergency Fund", as authorized by the Act of June 16, 1948 (43 U.S.C. 502), to remain available until expended for the purposes specified in that Act, $500,000, on a continuing basis to be recovered from the Reclamation Fund against receipts for the transmission and sale of electric power and energy which are deposited into the Treasury through Western Area Power Administration which shall be available for transfer to the Western Emergency Fund: *Provided*, That expenditures from the Western Emergency Fund shall be replenished from project power revenues for which funds were expended on an emergency basis.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $1,500); $94,582,000, of which $4,000,000 shall remain available until expended and be available only for contractual activities: *Provided*, That notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), revenues from licensing fees, inspection services, and other services and collections estimated at $60,000,000 in fiscal year 1984 may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1984, so as to result in a final fiscal year 1984 appropriation estimated at not more than $34,582,000.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $2,100,000, to remain available until expended: *Provided*, That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

SEC. 302. Not to exceed 5 per centum of any appropriations made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 303. The unexpended balances of prior appropriations provided for activities covered in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. None of the funds in the Department of Energy shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in the Department of Energy.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $2,700,000.

FUNDS APPROPRIATED TO THE PRESIDENT, APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, to remain available until expended, $125,000,000 of which $80,000,000 shall be available for the Appalachian Development Highway System.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $191,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States' share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $269,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $68,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $3,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $466,800,000, to remain available until expended: *Provided*, That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That moneys received by the Commission for the cooperative nuclear safety research program and the material access authorization program may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of 31 U.S.C. 484, and shall remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), $191,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $230,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $122,500,000, to remain available until expended, of which

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$47,271,000 shall be derived from unobligated balances in the Tennessee Valley Authority Fund provided in fiscal year 1983.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. None of the funds in this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other non-cost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

This Act may be cited as the "Energy and Water Development Appropriation Act, 1984".

Mr. HATFIELD. Mr. President, I yield the floor at this time to the Senator from Wyoming.

AMENDMENT NO. 1429

(Purpose: To earmark $4,000,000 for the modification of the Buffalo Bill Dam project)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. WALLOP), for himself and Mr. SIMPSON, proposes an amendment numbered 1429.

Mr. WALLOP. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 22, before the period insert a colon and the following: "*Provided further*, That of the funds appropriated under this heading, $4,000,000 shall be available for road relocation and the modification of the existing powerplant in connection with the Buffalo Bill Dam Project authorized by Title I of the Act of October 12, 1982 (Public Law 97-293)".

On page 9, line 8, strike out "683,818,000" and insert in lieu thereof "687,818,000".

Mr. WALLOP. Mr. President, on behalf of Senator SIMPSON and myself I send to the desk an amendment to H.R. 3132 and ask for its immediate consideration. This amendment would provide $4 million for the modification of the Buffalo Bill Dam in Cody, Wyo., a project which Congress authorized last year as an innovative example of Federal-State cost sharing. The State of Wyoming has appropriated its share to begin the modification work. This amendment would provide initial funding from the Federal side so that construction can begin.

By way of background, the Buffalo Bill Dam was initiated in 1899 as a private venture by William S. (Buffalo Bill) Cody. In 1903 the Wyoming State Board of Land Commissioners requested the then Reclamation Service to complete the project. It was subsequently authorized by Congress in 1904. Major project features include the Buffalo Bill Dam and Reservoir, Shoshone Powerplant, Heart Mountain Powerplant, and related irrigation facilities. In 1969, Congress passed a feasibility study that examined the potential for enlarging the Buffalo Bill Dam. That report was completed in 1969. Its findings served as the basis for S. 1409, the authorizing bill for the present modification project which Congress passed last year and subsequently became Public Law 97-293.

The principle modifications in this phase of the project will include raising the dam by 25 feet to provide increased storage water for power production, irrigation, municipal and industrial water supplies, water quality, and fish and wildlife benefits; construction of a new powerplant providing for a net increase in generating capacity of 15 megawatts at the Shoshone Powerplant site, and additional energy production at the downstream Heart Mountain Powerplant; construction of dikes and impoundments; and construction of a visitor center to accommodate the numerous visitors who visit this historic and spectacular area just outside Yellowstone National Park.

Modification of the Buffalo Bill Dam is strongly supported by the administration. This support is evident in the letter from Bureau of Reclamation Commissioner Robert Broadbent, which I now would like to submit for the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C. June 21, 1983.

In reply refer to: 320.
Hon. MALCOLM WALLOP,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WALLOP: This letter has been prepared in response to a request from your office concerning the status of the cost sharing agreement with the State of Wyoming and additional funding capability of the Bureau for fiscal years 1983 and 1984.

The Department of the Interior, Bureau of Reclamation, continues to support the modification of Buffalo Bill Dam, authorized by Public Law 97-293 dated October 12, 1982, and has entered into negotiations with the State of Wyoming to develop a proposed cost sharing agreement for funding, power revenue sharing, and repayment arrangements. The negotiations for this agreement essentially have been completed at the field level, and a short contract processing period is required at the Washington level.

A power marketing agreement is currently being negotiated among the State of Wyoming, the Bureau of Reclamation, and the Western Area Power Administration. The lack of Federal construction funds is certainly a factor delaying execution of the proposed agreement. At the request of the State, the agreement, as drafted, prohibits the expenditure of State funds until initial Federal construction funds are appropriated.

Advance Planning funds presently available are adequate to allow the Bureau to accomplish Advance Planning activities during fiscal year 1983. Construction funds of $1.1 million had been requested earlier in a fiscal year 1983 budget amendment; however, at this point, the Bureau can only utilize additional fiscal year 1983 funds in the amount of $300,000 if the funds were authorized to be expended for construction purposes and were made available early in the last quarter of the fiscal year.

Besides the $5,400,000 programmed for construction in the President's fiscal year 1984 budget, which includes a contribution of $2,400,000 from the State of Wyoming, the Bureau has the capability to use an additional $1,850,000. These additional funds which include $1,035,000 Federal funds and $815,000 State funds, would be used to complete designs and prepare the bid package for the prime contract.

Currently the Bureau is conducting the advance planning activities preparatory to the beginning of construction. Bureau staff in Cody, Billings, and Denver are working on the derivation of inflow design floods, tailwater studies, analysis of feature alternatives, surveys, geology, foundation exploration, and acquiring other data necessary for final design. In fiscal year 1983, we estimate that a total of $700,000 will be expended by the Bureau for Advance Planning. This work will put the Bureau in a position to begin final design work in the first quarter of the fiscal year 1984, which will result in the award of a contract for raising the dam and construction of the powerplant in the spring of 1985. However, if funds are unavailable to proceed with design and other activities in fiscal year 1984, initiation of construction will slip 1-year (as will project completion). This slippage would result in escalation of the total project cost. If no construction funds are made available for fiscal year 1984, we have capability to utilize up to $3,600,000 in Advance Planning funds

in 1984 to continue preliminary activities in order to minimize a delay in the initiation of construction.

The Bureau looks forward to resuming the development of the Nation's water resources as proposed by the President's plan to begin the modification of Buffalo Bill Dam.

Sincerely yours,
JED D. CHRISTENSEN
(For Robert N. Broadbent,
Commissioner).

Mr. WALLOP. Even though this project has received strong verbal support from all corners, since it was authorized, only $300,000 has been appropriated by Congress for it. This money has either been spent, or is presently committed to be spent in the near future.

The money I am requesting today will be used to expand the powerplant and relocate the highway near the damsite. This relocation is necessary because, when the project is completed, water will cover the existing roads.

If this funding is approved now, it will result in cost savings over the duration of the project, and construction of these projects can proceed on schedule.

I have been informed by the Bureau of Reclamation that the powerplant and highway relocation portions of the project are ready to go to bid. Delay in these bids will only ultimately increase the total cost of the whole project—a cost which will be borne by the Federal Government. The Bureau of Reclamation now estimates that Buffalo Bill will now cost $119.3 million. This is $13 million over what it was authorized at just last year. Therefore time is of the essence.

What makes the Buffalo Bill project truly unique in the world of water projects at this point in time, and why it truly deserves to be funded, is that it stands as an example of Federal-State cost sharing. The State of Wyoming and the Federal Government have agreed to share in the cost of this project. Under this arrangement, the State of Wyoming will provide 44 percent of the project funding, and the Federal Government will provide the rest. The State of Wyoming remains an eager partner in this agreement. As soon as the authorization for the project was signed into law, the State legislature set aside its share, or $47 million, to fund Buffalo Bill. In addition, various State officials have been working very closely with representatives of the Bureau of Reclamation and local people to design, plan, and negotiate all phases of the project. In short, everyone has been working hard to get this project underway and completed, with one exception. Congress has not met its obligation by appropriating the funding necessary to build the project.

Why, when the Congress has authorized this project, the administration has requested funding, and the State of Wyoming has appropriated $47 million for its share, has Congress not fulfilled its obligation? I am told that funding for Buffalo Bill modification cannot go forward until a national cost-sharing policy is developed. While I agree that we probably do need to develop such a policy, I think it is patently unfair and a cruel joke to hold this project, which already contains cost sharing, hostage to a national cost-sharing policy. The authorizing language for Buffalo Bill contains non-Federal participation levels which exceed every cost-sharing policy criteria which I have heard proposed, including Senator STAFFORD's bill, S. 1031, which has been the focus of the Senate's cost-sharing debate. In hearings last week on that bill, William Gianelli, chief of the U.S. Army Corps of Engineers, offered the following two alternatives on the cost-sharing issue:

> First we can continue as we have for the last few years with very limited new authorizations or new construction starts. The political process might continue to allow some projects to proceed on some basis other than the soundness of the project. This, in my judgement, will not meet the nation's water needs and will result in eroded public confidence in the government's ability to identify and act on the most vital water projects. The other alternative is to plot a new course—one which takes the limited federal dollars and stretches them over a larger number of projects by capitalizing on the capabilities of the project beneficiaries to assemble financing packages and at the same time weeding out the less feasible projects.

It was less than a year ago that Congress passed S. 1409, the authorizing legislation for this project. At that time, we recognized S. 1409 as the bold initiative that would break the logjam that for the past 7 years had prevented the passage of any major water development projects. The bill's language itself best serves to demonstrate congressional endorsement of a cost-sharing policy.

Mr. President, if Congress does not keep the Federal side of the bargain, if we do not appropriate funds to proceed with this project, then not only my State but every other State will be discouraged from entering into future cost-sharing agreements with the Federal Government. By our inaction today we will discourage any future cooperation which Wyoming has courageously shown. States everywhere will be less willing to shoulder their share of the burden in the development of our water resources at a time when water shortages everywhere are becoming more acute. Rather than halting this project, Congress should be holding it up as a model for future Federal-State partnerships. As it is, the State of Wyoming is exceedingly frustrated, as evidenced in a letter which Wyoming Governor Herschler recently wrote to Senator SIMPSON, and which I ask be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WALLOP. Adoption of this amendment would, on the other hand, encourage States to provide money for worthwhile water projects. Its passage would demonstrate that Congress is trustworthy and willing to work with the States in building projects which are cost effective and which will benefit everyone.

The State of Wyoming has taken a unique approach to a unique project. Clearly no two projects are alike, nor are any two States' abilities to fund them. Secretary Watt recognized this in a letter he sent to Senator ABDNOR, the distinguished chairman of the Senate Water Resources Subcommittee, dated June 17. In that letter defining the administration's position on cost sharing he noted that "cost sharing arrangements will be established on a case-by-case basis." He went on to say that all prior commitments made by the United States should be honored. I could not agree with him more. Buffalo Bill is a prior commitment which should be funded. That is why I am prepared to urge my colleagues to support this amendment which Senator SIMPSON and I are offering today.

EXHIBIT 1

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, May 27, 1983.

DEAR SENATOR SIMPSON: It has come to my attention that the House of Representatives has depleted FY-1984 funding for the Buffalo Bill Dam enlargement. I hope that this is incorrect.

As you know, I am committed to seeing Buffalo Bill Dam enlarged. I am also committed to a joint venture with the Department of the Interior on funding this project. But, it is darn difficult to cost-share when the federal government doesn't ante-up. Further, the state and the Bureau of Reclamation are near a successful conclusion to a cost-sharing agreement, and I would hate to see those efforts wasted because Congress won't fund this project.

I would hope you can restore funding of the Buffalo Bill Dam in the Senate version of the FY-1984 Interior Budget.

If there is anything I can do, please let me know.

Yours sincerely,
ED HERSCHLER.

Mr. HATFIELD. If the Senator would permit me to comment, I think that I may be able to suggest an alternate solution other than this amendment, at this point in time, which I think would address his concerns and those of the State of Wyoming.

Mr. WALLOP. Of course.

Mr. HATFIELD. I know that funding for the Buffalo Bill project is of critical importance to both of my distinguished colleages from Wyoming as they have spoken to me about it on a number of occasions and their offices have been working with mine on this

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at both a subcommittee level and during the full Appropriations Committee markup of this measure. The Senators from Wyoming make a convincing case that the Buffalo Bill project is meritorious and deserves funding as soon as possible. As he recognizes, Congress does need to resolve the broader issues of cost sharing on a national policy level, and for that reason neither the House nor the Senate have provided any funding for new construction projects as is the case here.

I would like to suggest a solution which I think will address Wyoming's concerns. As many people know, the reason for the delay is that the House and Senate authorizing committees have asked the Appropriations Committees to defer action on new start appropriations until they could report out an authorization bill. The House Appropriations Committee has been trying to honor that commitment as are we. However, pressure is building to move some legislation through. Wyoming is not alone in its eagerness to begin work on a home State water development project. I, too, am eager to get funding for the replacement lock at Bonneville Dam. So, too, many other Members of Congress are pressing hard for authorization and funding for a number of water development projects important to their States. This tide will not be held back forever. However, the House Appropriations Committee must act first. By law all appropriation measures must be initiated in the House. The House Appropriations Committee is awaiting authorization action by the House committees. The House authorizing committees also committed to producing legislation this year. It is my understanding that the House Appropriations Committee would like to do new starts in a separate bill. However, this might not be possible. If not, new-start funding might come as part of a supplemental appropriations bill, or a continuing resolution bill. In any event, the House Appropriations Committee does hope to report some kind of new-start package within this year.

For my part, as chairman of the Senate Energy and Water Appropriations Subcommittee and of the full Appropriations Committee, I can also give my distinguished colleague from Wyoming the assurance that I will do my part to insure that funding for the Buffalo Bill Dam project is included in any new-start measure which is considered in the Senate Appropriations Committee. Certainly the Wyoming Legislature has proven their good faith by appropriating funds to help accomplish the modifications for this dam and reservoir.

Mr. WALLOP. Can the Senator from Oregon provide a likely timetable when action on such a package might occur, as well as his commitment to enacting such a measure in the near future?

Mr. HATFIELD. Certainly. It is my understanding that the House Appropriations Committee intends to meet at the end of this month to decide whether or not to go forward with a separate omnibus new-start water project bill. Naturally, that decision will affect the timing of action in the House, and action by my committee on such a measure. However, I do know that the Appropriations Committee is intent on early action this year. As soon as a new-start bill, or some other appropriations vehicle containing new project starts is sent over by the House, I will immediately begin considering it and intend to move it to the floor for passage and prompt enactment as soon as possible. It is conceivable that we could accomplish this goal by the end of this year. Let me add that I do not intend to wait an inordinate amount of time for the Senate Environment and Public Works Committee to pass new cost-sharing legislation. If that committee chooses not to act promptly and meet this timetable, I intend to move in the Appropriations Committee anyway.

Mr. WALLOP. Does the chairman see any problem with approval of the full $4 million figure which we are seeking, and which represents the total of the $1 million the administration requested in the fiscal year 1983 supplemental appropriations bill plus the $3 million which it requested in the fiscal year 1984 energy and water appropriations bill? As he knows, the House cut both requests from its bills.

Mr. HATFIELD. I see no problem with this funding level, and would be prepared to support it.

Mr. WALLOP. On behalf of Senator SIMPSON and myself I thank the distinguished chairman of the Appropriations Committee for these offers. He is one of the leaders of the Senate and an honorable colleague whose word I trust, with one of the hardest jobs in this body in his responsibility for funding every Government program in existence. In view of his assurances, Senator SIMPSON and I now feel confident that funding for the Buffalo Bill Dam modification project will be forthcoming this year.

Mr. President, in view of these assurances it is my intention to withdraw the amendment because I understand the problem that it places on him and the commitment that he has both to a process that is underway and to his resistance to other Senators, including projects in his own State of a similar nature, and I would not presume so much as to enter into that.

But the program is supported especially in that it is the first Federal-State cost-sharing agreement that has been arrived at.

Mr. HATFIELD. Mr. President, the Senator from Wyoming (Mr. WALLOP) and his staff have indeed spent a great amount of consultation with me, our office and our staff on this project.

Our own staff analysis confirms his statement. This is a worthy project, highly meritorious, one that should be developed. There is no question as to the empathy and the support this committee feels toward this project. The basic question that we had to confront was no new start and that was also related to the question of cost sharing and financing policy. I am very hopeful that we can get that particular issue behind us so that we can then make faster disposition of some of these projects which have been waiting. Also, the chairman of the Senate authorizing committee, the Presiding Officer (Mr. ABDNOR), assured me that they are moving with great celerity to achieve that remarkable feat of getting an authorization bill on a number of these projects that have been held in abeyance or have been in limbo for so long.

With those factors in mind, I want to assure the Senator that we will fully cooperate and support his efforts when these various policy decisions have been made and have been established, the no new start question, the cost-sharing question.

Certainly, on its own merits, this is a very outstanding project.

Mr. WALLOP. Mr. President, I thank the Senator from Oregon for his understanding and Mr. President, I withdraw the amendment with my thanks to the Senator from Oregon for his cooperation.

Mr. HATFIELD. I hope the record will be very clear on the reasons why we have asked him to withdraw the amendment and why he has graciously complied, the decision on new starts has no connection whatsoever with the merits of the Buffalo Bill project.

Mr. WALLOP. I thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. SIMPSON. Mr. President, I would wish to express my appreciation to my fine colleague from Oregon and his willingness to work with my friend Senator WALLOP and myself to assure funding for this very worthy project. I do know and understand the project so very well since the Buffalo Bill Dam is located near my home town of Cody, Wyo. It is a project that is badly needed for that area of the State and when completed it will provide an extraordinary array of increased power and water resources. Unfortunately, this is a project that has been needlessly delayed while we in the Congress have been deliberating and debating over the many facets of cost sharing for new construction starts. But this should not be the issue. This has been particularly distressing since the cost-sharing formula for this project has already been agreed to. Not only that, my fine State of Wyoming has appropriated $47 million for the project. Our State is far ahead of the Federal Government in actually putting up the bucks—the actual dollars for this project. It is time then that we in Congress show our commitment and appropriate the necessary funding for the modification.

Mr. President, I am especially pleased that my colleague in the Senate has made certain assurances that the omnibus new start construction bill will be moved along as rapidly as is possible in this year. The Buffalo Bill Dam project as well as many other worthy projects must be acted upon regardless of whether we now adopt a uniform cost sharing formula between the Federal Government and other local forms of funding. I have always supported a sensible cost sharing policy—and will continue to do so—but worthwhile projects where a State has provided an extraordinary amount of the funding should not be held up any longer.

Again, I am grateful for the willingness and cooperation that my friend, Senator HATFIELD, has shown in this area. I will be pleased to join with the senior Senator from Wyoming in withdrawing our amendment with the commitment and assurance that the Buffalo Bill Dam modification will be first funded in any current new starts appropriations bill.

Mr. HUMPHREY. Mr. President, I wonder if I might engage the chairman of the Appropriations Committee in a colloquy relative to the committee language in this bill on the Clinch River project.

Mr. HATFIELD. I will be very happy to respond to the Senator.

Mr. HUMPHREY. I thank the Senator. I know the chairman is aware of my concern and that of other Senators regarding Clinch River. We have made an effort over the years to terminate this project.

Mr. President, the appropriations bill before us contains no funding for the fiscal year 1984 for the Clinch River breeder reactor demonstration project. It is my wish to further clarify language for the information of the Department of Energy. Let me ask a few questions of the chairman at this point, if I might.

As the chairman knows, the continuing resolution for fiscal year 1983 prohibited any construction. Because the committee report of this bill continues this program for fiscal year 1984, I ask the chairman of the Appropriations Committee, is it correct that no money is available for construction of the project, the Clinch River project, in fiscal 1984?

Mr. HATFIELD. The Senator is correct. There is, in fact, a specific prohibition in the language that indicates the committee's feeling and view about the matter, to prohibit that.

Let me be very frank with the Senator. We have both been in the political business long enough to know that bureaucrats are determined to circumvent the will of the Senate, the House, or the Congress. They go into definitions of what is construction, for instance. Some may view construction as merely new construction, whereas others may say it is replacement and does not constitute new construction, in a sense.

Let me just say that my understanding is that the prohibition includes not only the reactor building itself but also any support facilities and all support facilities. I would just like to make that record further with the Senator from New Hampshire. As he knows, he and I stand shoulder to shoulder on this issue, on the same side of it. But I believe that is the legislative record, and I am happy to reiterate it today.

Mr. HUMPHREY. I thank the chairman. He is absolutely correct, that we should make absolutely clear that the legislative intent of the language is to prevent some executive department from going around the legislative intent. I might say that my understanding of the word "construction" includes not only the reactor building but any support facilities, as the chairman has verified.

Let me ask the chairman further if any new activities would be permitted by the language in this appropriation bill? Would leveling and mud mats, vertical backfill concrete, and construction of waterproof membrane be permitted by this language?

Mr. HATFIELD. It is the intent of the committee to bar the initiation of any such construction activities in fiscal year 1984 unless an alternative financing plan is approved.

Mr. HUMPHREY. The answer to my question, then, is no, they would not be permitted?

Mr. HATFIELD. They would not be permitted.

Mr. HUMPHREY. Or construction for a barge facility?

Mr. HATFIELD. No, that would not be permitted.

Mr. HUMPHREY. Construction of a railroad?

Mr. HATFIELD. That would not be permitted.

Mr. HUMPHREY. An onsite office building?

Mr. HATFIELD. That would not be permitted.

Mr. HUMPHREY. An onsite warehouse?

Mr. HATFIELD. That would not be permitted.

Mr. HUMPHREY. To start construction of nuclear island mat, including cell liners?

Mr. HATFIELD. That would not be permitted.

Mr. HUMPHREY. Work on sewage treatment plant or plants?

Mr. HATFIELD. That, again, would be outside the understanding of the committee to prohibit all construction.

Mr. HUMPHREY. Or erection of the containment vessel?

Mr. HATFIELD. Again, that would be outside the permitted activity. In other words, that would not qualify.

Mr. HUMPHREY. I thank the chairman for his responses. It is the intent of the committee, I take it, to stop construction completely in any sense of the word.

Mr. HATFIELD. The Senator is correct.

Mr. HUMPHREY. I thank the chairman.

Could the Department of Energy be free to obligate itself to new contracts for work on any aspect of the project before a cost-sharing bill was enacted?

Mr. HATFIELD. No. It is our intent that DOE would not obligate on these contracts.

Mr. HUMPHREY. And, finally, does the committee's language "If an alternative financing arrangement can be worked out among the interested parties," mean if an authorizing bill is enacted by Congress?

Mr. HATFIELD. Let me state to the Senator that on that type of situation, we in the Appropriations Committee do not seek to take on problems that we do not already have. Therefore, we would prefer to have that type of thing go to the authorizing committee and for them to have hearings and make that determination.

I must also say for the total record, that, as the Senator knows, when you get into a CR situation, a continuing resolution situation, which, unfortunately, we may have to face again this year at some point on the bills which have not been acted upon, anything can happen on a CR and usually does. But I would resist it, as chairman of the committee.

I just want to make sure that the Senator understands that there are all kinds of loopholes, and I would join him any time he finds one that I do not find.

Mr. HUMPHREY. The purpose of my question was to determine whether or not the committee expects the Department of Energy to come before some committee of Congress to obtain approval of an alternative plan.

Mr. HATFIELD. That is correct. Again, I must say that we have authorized these sometimes in terms of CR's.

Mr. HUMPHREY. I understand that, Mr. President. In any case, under the committee report language, the Department of Energy must come before the Congress to obtain approval of alternative financing schemes. Is that correct?

Mr. HATFIELD. That is correct.

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Mr. HUMPHREY. The Department of Energy must obtain the approval of Congress.

Mr. HATFIELD. That is correct. That would have to have approval. The form it would take, in my preference, would include the authorizing committee. If they come at us from another angle, that is another thing I have no way to prevent. I just want to say that as far as this committee is concerned, that is the procedure we are going to require through the normal committee activities.

Mr. HUMPHREY. I just want it understood that we do not want the Department on its own to determine an alternative financing scheme that the committee does not approve.

Mr. HATFIELD. I agree with the Senator.

Mr. HUMPHREY. I thank the chairman of the committee for his assistance.

AMENDMENT NO. 1430

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from New Hampshire (Mr. Humphrey), for himself and Mr. Proxmire, proposes and amendment numbered 1430.

Mr. HUMPHREY. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 9, line 8, strike $683,818,000 and insert in lieu thereof "$661,518,000".
>
> On page 10, line 14, strike "features of".
>
> On page 10, line 15, strike "affecting waters flowing into Canada".

Mr. HUMPHREY. Mr. President, this amendment is relative to the appropriation for the Garrison diversion unit which happens to reside in North Dakota. I hope to speak at some length about this project, not to delay the matter of either the amendment or the bill, but wishing, instead, to use this opportunity to focus public attention on this particular project and what I regard as its deficiencies. Senators know, as a practical matter, that is is very difficult, given the extraordinarily busy schedule that Senators have, to get their attention and that of their staff long enough on each and every question so that both sides of the question are fully understood and arguments fully appreciated on both sides. So I hope to use this opportunity this morning to further the education process.

I am hoping that some Senators are listening on their audio monitors or that, in any case, staff members are able to impart information to Senators on this subject. My colleague, Senator Proxmire of Wisconsin, joins me in this amendment and wishes to speak on it. I shall speak only briefly, generally outlining my prinicipal objections to the bill and then allowing the Senator from Wisconsin and others to speak on it. Then I want to return to my part of the discussion and go into it in some detail.

Mr. President, I do not relish, in the least, opposing either of the Senators from North Dakota. They are both men of clear minds and powerful oratory. Furthermore, they both sit on the Appropriations Committee. As Senators know, it is not—let us say it does not help one's personal projects to block in any way members of the Appropriations Committee. Nevertheless, there has to be more to your role in the Nation's affairs than deferring to our colleagues, however much we enjoy them personally. There is nothing personal in my objection to this project and its appropriation, nothing personal with regard to the Senators from North Dakota. I admire and like them both. But if we are to defer on the basis of each and every project which happens to be represented by a Senator, then obviously, we never, ever, have the opportunity to question on the floor the wisdom and sense of particular appropriations or authorizations, for. that matter. So I begin by assuring my colleagues that there is nothing whatever personal in this.

It goes without saying, Mr. President, that in this era of deficits, measured not by the tens of millions of dollars but by the hundreds of billions, this era which threatens to last for a number of years, driving the total national debt well over $2 trillion, we should do all in our power to eliminate and to scale back programs and projects where it is possible to eliminate and scale them back. So it is in that context that I offer this amendment this morning.

I do not, frankly, expect to succeed any more than I and the opponents of the Clinch River breeder reactor demonstration project hoped to succeed the first time an amendment was offered on the floor. As a matter of fact, we cannot do that until enough public attention has been focused. So my effort here is to focus public attention and try to widen the knowledge of Members and their staffs about this particular project.

The Garrison Diversion Unit is fundamentally an irrigation project, a water reclamation project, providing the benefits, of course, of irrigation but also of municipal, at least potentially, and industrial water supply.

This water reclamation project is unique in a number of aspects, but one aspect that is particularly interesting is the geological aspect, for the project involves pumping water from the Missouri River—that is, from the Missouri River basin—through a series of canals and reservoirs into areas of irrigation, some of which lie in another watershed, lie in another drainage basin, which happens to flow not south into the United States, but north into Canada, our neighboring country. That is how international aspect of this arises.

That is the fundamental explanation of the concern of our Canadian neighbors and their opposition to this project as it is now designed. For the waters which would be pumped from the Missouri River, along with the aquatic life—fish, all manner of biota—some of that will flow into the Red River basin, thence into Manitoba and the Hudson Bay basin itself.

There are four basic reasons, Mr. President, why I offer this amendment, why I oppose this project as it now stands. I emphasize that. In my view, there are some salutary elements of this proposal. One is it lends itself to redesign and I would more than likely support the project were it redesigned as has been encouraged by a number of responsible parties. There are four basic reasons to oppose this appropriation and to oppose this project as it now stands, Mr. President.

The first reason is that, at a time when the taxpayers of our country are bearing an enormous expense to store surplus farm commodities, and, indeed, to pay farmers not to grow more crops, it makes no sense to spend $1.1 billion, as is anticipated in this project, to create and enhance more farm land by way of irrigation.

Imagine—here we are awash with surplus farm commodities. We do not know what to do with them. It costs us an enormous expense to store them, to refrigerate them and so on. And here we are, paying farmers billions of dollars not to grow more crops on the one hand when, on the other, we are proposing to increase our amount of irrigable land by the construction of yet another irrigation project.

Secretary Block, just the other day, made a statement—not with respect to Garrison, but with respect to this problem of the irony and the contradictory policies we have on the one hand of trying to discourage farm surpluses and, on the other hand, encourage them. I read a part from a New York Times article of June 16, 1983, an article which quotes Mr. Block as follows:

> A $21 billion farm commodity support cost this year is indefensible, Mr. Block said in an interview. We have to find ways to cut those costs next year. Either the farm state Congressmen get together and agree on this or the other groups in Congress will force through legislation that will make it even worse for the farmers.

And continuing later in the article, Mr. President, Secretary Block again speaks:

> It's becoming even more apparent that the planned loan and subsidy rates are encouraging American farmers to produce more than they can sell. On the one hand, we have a payment-in-kind program this year that is going to cut the surpluses somewhat. On the other hand, we have an escalating support program that's encouraging more production. That is the height of insanity.

Mr. President, Secretary Block might also have said it is also the height of insanity to be encouraging further planting by the passage of the funding of yet more irrigation projects.

So the basic, fundamental reason for opposing this project is that it will create more tillable farmland, enhance farmland and add more to the surplus of farm commodities, which makes no sense at all.

Mr. President, I ask unanimous consent that I might place into the Record the New York Times article to which I just referred.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, June 16, 1983]

Block Proposes an Extension of Wheat Payment Program

(By Seth S. King)

Washington, June 15.—Agriculture Secretary John R. Block, hoping to make further reductions next year in the price-depressing wheat surplus, today disclosed the outlines of a plan to extend the payment-in-kind program to the 1984 wheat crop.

In a letter to Senator Jesse Helms, the North Carolina Republican who heads the Senate Agriculture Committee, Mr. Block said he was considering requiring wheat growers who want Federal price support loans and subsidies next year to leave idle 20 to 30 percent of the land they normally plant.

Farmers who signed up for this initial set-aside requirement then could idle an additional 20 to 25 percent of their remaining wheat acreage, and in return the Government would pay them with wheat from its reserves.

Price support loans and subsidies on last year's grain and cotton crops, plus spending for acreage reduction programs this year and for subsidized interest on grain export loans, will cost taxpayers a record $21 billion in the fiscal year 1983, Mr. Block said.

"A $21 billion farm commodity support cost this year is indefensible," Mr. Block said in an interview. "We have to find ways to cut those costs next year. Either the farm state Congressmen get together and agree on this or the other groups in Congress will force through legislation that will make it even worse for the farmers."

The 1981 Farm Act includes automatic subsidy increases for 1984 through 1986. Mr. Block contends that by skipping those increases, about $337 million could be saved next year, $1.3 billion the following year, and $2.1 billion in 1986.

HEIGHT OF INSANITY

"It's becoming even more apparent that the planned loan and subsidy rates are encouraging American farmers to produce more than they can sell," he said. "On the one hand we have a payment-in-kind program this year that's going to cut the surpluses somewhat. On the other hand, we have an escalating support program that's encouraging more production. That's the height of insanity."

Mr. Block has told the agriculture committees that unless they report out a bill freezing next year's subsidies on grains and cotton, the Administration will oppose a compromise dairy plan that would lower milk price supports but provide direct cash payments to farmers who reduce production.

Members of Congress from tobacco states are also seeking a price-support freeze combined with protections for tobacco growers who rent acreage allotments from other farmers.

The Administration is trying to link bills that would freeze next year's grain and cotton subsidy levels with other bills cutting tobacco and dairy price supports. The officials hope this will improve the chances of passing this politically explosive legislation this summer.

Mr. HUMPHREY. The second basic reason for opposing this project, Mr. President, is that it is not cost effective. The proponents claim a cost-benefit ratio of 1 to 1:13. That is, for each taxpayer dollar invested there would be a return according to the standard methods of calculating these things of $1.13, but—and this is a mighty big but, in fact, a gargantuan but, Mr. President—this calculation is based on a most unrealistic discount rate of 3.125 percent.

Where did that discount rate come from? That was the discount rate in effect in 1965 when this project was first authorized by Congress. So the proponents are still using the interest rates prevalent 18 years ago. We all know full well, Mr. President, that the cost to the Government of borrowing money is far, far above the 3.125 percent which might have been realistic in 1965, but that is hard to believe. Nevertheless, it most certainly is not realistic today at all. Using the current discount rate of 7.62 percent—that is the discount rate being applied to water projects presently under consideration—the Garrison project's cost-benefit ratio drops to 1 to .58. That is, only 58 cents on the dollar invested by the taxpayers will be returned.

The third basic reason is that the Garrison Diversion Unit as presently designed will inflict unacceptable damage on our wildlife habitat, and for this reason the Garrison Unit as now designed is opposed by all major environmental groups. These include the Environmental Policy Center, the National Wildlife Federation, the Wildlife Management Institute, the National Audubon Society, the Sierra Club, Friends of the Earth, and Defenders of Wildlife. The reason is that 60,000 acres of prairie wetlands will be destroyed and some 13,000 acres degraded. At least 12 national wildlife refuges created by Congress will be destroyed or damaged by this project resulting in the loss of an estimated 175,000 to 200,000 ducks and geese each year.

It is not just the national headquarters of these organizations, Mr. President, that oppose Garrison. I have a telegram received by my office yesterday from those environmental groups which have State chapters in North Dakota—I am told this is inclusive—and the purpose of the telegram is to impart to me the information that the State chapters of these organizations as well as the national headquarters oppose the Garrison Diversion Unit as it now stands.

Mr. President, unfortunately, the first few sentences of this telegram are rather personal and biting with respect to certain of the supporters and so I am not going to read that into the record or place it in the Record. It is certainly available to any one who wants to look at it. I wish it had been phrased differently, frankly. Nevertheless, I will read the part that is relevant to the question of what State environmental groups in North Dakota support or oppose the Garrison Diversion Unit. The telegram addresses the contention that only outside groups oppose Garrison, and so I read it as follows:

> We wish to inform you that this is an absolute false statement. In fact, the public opinion poll conducted by the University of North Dakota showed that less than one-third of the people in North Dakota and only one-fifth of the farmers favor completion of the project. In addition, three major newspapers in the State, the Grand Forks Herald, the Jamestown Sun, and the Bismarck Tribune have published editorials calling for deauthorization of the project. We know of no water project in the State that has engendered as much opposition from environmental groups as has the Garrison Diversion Unit.

The telegram, which is dated June 21, is signed by Steve Lian, North Prairie Sierra Club Group; Dr. Clayton Jensen, Sheyenne Audubon Society; Dr. Oscar Johnson, Audubon Society of Fargo-Moorehead and Dr. Gary Pearson, North Dakota Chapter of the Wildlife Society.

So we are now up to reason 4 for objecting to this project as it is designed. Reason 1 is that we have a huge surplus of tillable farmland. Reason 2 is that the cost-benefit ratio is such that taxpayers would enjoy only 58 cents of benefit for each dollar expended. Reason No. 3 is the adverse effect upon wildlife habitat from the draining and flooding of various areas as called for under this project. Reason No. 4 is that to go forward in the way we are will heighten resentment of us by our Canadian neighbors. As I pointed our earlier, the Canadian Government, both in the Province of Manitoba and the national government in Ottawa, have through their representatives, including their Ambassador to this country, registered their objections. This is nothing new; they have objected right from the start for the reason that marine biota will be transferred across a geological barrier, the high plains, I presume, from the Mis-

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souri River basin into the Hudson Bay basin, introducing for the first time as far as we know—I am not a geologist, but introducing for the first time in thousands of years, I would think, marine life and biota from one basin into another. This will have a devastating effect upon the fishing industry of Manitoba, destroying an estimated 50 to 75 percent of Manitoba's sport and commercial fisheries.

Mr. President, I will yield the floor in just a moment so that my colleague from Wisconsin can present his remarks. A little later in my remarks I will go into some detail about the findings of the International Joint Commission, which is an official body constituted of both Americans and Canadians, that the Garrison Diversion Unit as now designed would have effects that constitute a violation of the treaty of 1909 that deals with boundary waters between our two nations.

So I hope that arouses a little curiosity about the other side of the argument. There is alway another side, we find. I hope that I have at least whetted the appetites of those listening and that they will stay tuned for further developments.

I yield the floor.

Mr. PROXMIRE. Mr. President, I rise in support of the Humphrey amendment that would delete funding for the Garrison Diversion Unit from the energy and water appropriations bill for fiscal 1984.

This project was originally conceived in the 1940's. It was designed to take water from the Missouri River to irrigate 250,000 acres in central and eastern North Dakota. How much is 250,000 acres? It is a grand total of six-tenths of 1 percent of the farmland in North Dakota. The cost of the project, once $200 million, is now $1.1 billion—in other words, five times as much. It has gone from $200 million to $1.1 billion.

The costs have escalated so fast and so far that, if Garrison is ever built, the taxpayer will be making an investment of $3,753 per acre served. I do not know of any agricultural acreage that is worth anything like $3,753, whether it is in North Dakota, South Dakota, Georgia, Wisconsin, or anywhere else. That would amount to $800,000 sunk into the average farm in the project area.

What are the benefits of this project? In 1965, the Bureau of Reclamation claimed that Garrison would produce $2 of benefit for every dollar spent. Now the Bureau's own cost-benefit ratio has slipped to 1.3 to 1. And that assumes just a 3-percent interest rate.

Mr. President, we know interest rates are not at 3 percent. We are almost positive that interest rates will not go to 3 percent during the life of this project, certainly not in the next 10 or 15 years. They are more likely to go up rather than down, in view of the enormous size of our deficits. If we take a more realistic and more honest and more accurate estimate and use the Bureau's current interest rate of 7.625 percent, we will get 58 cents of benefit for every dollar we shell out. And the figures get even worse when you start talking about building the project in phases.

The only purpose of having a cost-benefit ratio is to say, "No," when we have a project with a negative benefit. There is always an exaggeration on the size of the benefits. The Bureau can find benefits. They are pushed by Members of Congress who favor the particular project in States of the Senators or Representatives. They are always looking for recreation benefits and other benefits they can use to pad out the figures. But even when they do that, the fact is that when you use any kind of realistic comparison, you will get back far less than the project cost.

In its new 1983 State water plan, North Dakota sets as its highest priority providing water to 27 towns in the Missouri Basin, towns that Garrison will never serve. The State is actively considering a system of pipelines to transport water to these and other parts of the State. They believe they can do it at much lower cost than Garrison. A water engineering firm in Colorado has suggested an alternative to Garrison, one which would provide comparable irrigation at far less cost and with reduced mitigation requirements.

In the State legislature and in newspaper editorials, people in North Dakota are beginning to take up the cry;

> Let's develop alternatives to Garrison now that are capable of spreading the benefits to substantially more people throughout the entire state at much lower cost.

Let me read from just two letters I have received from North Dakotans. One retired schoolteacher from Jamestown, N. Dak., wrote:

> Twenty years ago I thought Garrison was the greatest thing ever. During most of those years I lived within easy driving distance of Devils Lake. At the time the lake level was low and the water so saline that fish could not live in it. One of the main pitches for Garrison was to restore the level of Devils Lake and freshen its water.
>
> But in its own way, nature stepped in and restored Devils Lake and for the past several years it has been one of the best fishing spots in North Dakota.
>
> Now the problem is too high a level. The problem of excess water in most of the impoundments in Central and Eastern North Dakota is a growing concern. We do not need nor want more water from Garrison. But it is as if our political incumbents in our statehouse and in Washington have a fixation about continuing this worthless and potentially hazardous project. Increasing numbers of North Dakotans are opposed to further construction, but we are lied down or shouted down or labelled "environmentalists."

A North Dakota farmer who not only opposes further construction, but also serves as a member of the Garrison Conservancy District Board, writes:

> North Dakota has the highest rate of participation in the Payment-in-Kind Program of any state in the nation. The PIK program, as you know, is designed to reduce farm production and crop surpluses in order to increase commodity prices for all farmers. The Garrison Diversion Unit, on the other hand, would increase production for a few farmers who would receive the massive federal irrigation subsidy. Ironically, many private irrigators in North Dakota have enrolled their irrigated lands in the PIK program.
>
> With increased energy and operating costs, interest in irrigation is declining among farmers in North Dakota. Here in Stutsman County, only four of the 20 or so landowners who would receive Garrison water are interested in irrigating. On the other hand, some 600 county residents are in need of improved rural water supplies. But there is no provision for meeting these needs under the Garrison project.

In the international arena, Garrison is earning us a black eye with our Canadian neighbors. In 1977, the United States-Canadian International Joint Commission determined that Garrison will destroy 50 to 75 percent of the Province of Manitoba's sport and commercial fisheries as it transfers foreign fish species and fish diseases from the Missouri basin to the Hudson Bay basin. These basins have been separate since they were created in the Ice Age 2 million years ago.

For its part, the administration has tried to assure the Canadians that no part of Garrison will be built that adversely affects water quality in Canada. The sponsors of Garrison here in the Senate tell us this bill will not affect Canada in any way. But the Canadians, and I, simply do not believe those assurances. And here is why.

The Bureau of Reclamation has announced that it will probably build Garrison in two phases. Phase I, which the Bureau intends to build now, would irrigate only 85,000 acres. It was designed, in theory at least, so that it would not hurt Canada. Later, after all the problems have been settled, a second phase would complete the entire 250,000-acre project.

Now this sounds like the project has been scaled back, right? Well, it really has not been. When you look closely, you see that phase I proceeds on the assumption that the entire project will be built. It includes money to build all the reservoirs, all the pumping stations, and two-thirds of the canals in the project. One of the reservoirs to be built in phase I is the central one in the system, Lonetree Reservoir. That reservoir naturally drains, not in North Dakota, but north into the Hudson's Bay basin and into rivers that lead to Canada. If Lonetree Reservoir is ever used, it will threaten Canadian water quality.

The Canadians simply cannot believe that the Bureau of Reclamation would go out and build 60 percent of the project under phase I without actually intending to use it. And I do not, either.

What do the Senators from North Dakota want? In 1981, Senator Andrews said this to a reporter from the Jamestown Sun:

> I could care less about the 250,000 acres of irrigation. They can irrigate from aquifers or a host of other sources. What concerns me is the adequate water supply for cities such as Fargo and Grand Forks.

Well, guess what? You can not get water to the cities of Fargo and Grand Forks unless you build phase II and complete the entire Garrison project.

As recently as last week, the Canadian Ambassador wrote again to the Senate with his concerns. He said he was alarmed to see the sudden jump in project funding at a time when the International Joint Commission's investigation is still in progress. The fiscal year 1983 appropriation contained only $4 million for Garrison. But by reprograming other moneys to the project, the Department of the Interior has now earmarked another $10 million for Garrison. That is, get this, two and one-half times the amount of money Congress appropriated in conference last December. So Garrison gets $4 million we appropriated, plus $10 million we were never asked about.

Now, for fiscal year 1984, we have before us a request for $22.3 million, proof enough to Canada that this project will proceed without final resolution of the issues still outstanding. The Garrison project, whether or not you build it in phases, still amounts to a violation of the 1909 Boundary Waters Treaty. Because 86 percent of the acres to be irrigated lie in the Hudson Bay watershed, 75 percent of the return flows from Garrison will ultimately drain into Canada. That is the way nature works, and there is nothing Congress can do to change it.

Mr. President, the Canadians are afraid that someday, after all this money has been spent on Garrison, some cost-conscious individual is going to insist that the project actually be used. And knowing how momentum can fuel these kinds of projects, their fears are probably justified.

Along the way, Garrison will also do immeasurable damage to North Dakota and its environment. Garrison will destroy 70,000 acres of prime waterfowl marshes in North Dakota, and with them hunters and naturalists will lose between 175,000 and 350,000 ducks each year. If we build Garrison, we will have succeeded in destroying 12 Federal and State wildlife refuges, all located along critical portions of the central flyway for the migration of North American birds.

All these problems—the damage to the environment, our relationship with Canada, the outrageous economics of this project—have created a broad coalition of groups who support this amendment to stop Garrison. They include the National Taxpayer's Union, the Environmental Policy Center, the National Wildlife Federation, the National Audubon Society, the Canadian Nature Federation, and the Wildlife Society, including its North Dakota chapter.

The House of Representatives has already solidly repudiated Garrison. Last year, it defeated this project by a 100-vote margin. Anytime you get this kind of a pork barrel project defeated by 100 votes in the House of Representative you know where the merits lie. In fact, when this appropriations bill came up, supporters of Garrison got so worried about another vote in the House that they decided not to bring it up there at all.

Mr. President, I urge the Senate to approve this amendment, end the Garrison project, and get on with the task of helping the people of North Dakota find real solutions to their water needs.

Mr. President, I thank my good friend from New Hampshire and yield the floor.

(Mr. MATTINGLY assumed the chair.)

Mr. HUMPHREY. Mr. President, I thank the Senator from Wisconsin for his remarks and for his support of this amendment. Given his national reputation as one who ferrets out and fights against waste in Government spending, I find it a special honor and help to have him working with me on this amendment.

Mr. President, the legislative history which Senator Proxmire has just addressed is very interesting.

For fiscal year 1983, the House of Representatives chose to strike all funding for the Garrison diversion unit and did so by a vote margin of 100 votes.

The motion on the floor to strike funds for Garrison for fiscal year 1983 prevailed by a margin of 100 votes, and it was not a partisan issue. The tally of votes showed that supporters and opponents crossed party lines regularly. And then for fiscal year 1984 the subcommittee of the House Appropriations Committee chose not to include any funds at all in the committee's bill.

So there will be no need for the matter to be addressed on the floor since there are no funds and there will be no need to strike funds at least on the floor because there are no funds in the bill.

That says something. Surely it has to be more than the simple fact that the House of Representatives is controlled by the other party. As I said the recorded vote of a year ago crossed party lines substantially. So I do not think it is a partisan issue.

Mr. PROXMIRE. Mr. President, will the Senator from New Hampshire yield on that?

Mr. HUMPHREY. I yield.

Mr. PROXMIRE. As a matter of fact, the leading opponent, the man who led the fight against the diversion, was the ranking Republican on the Appropriations Committee, Silvio Conte of Massachusetts. He did his usual devastating job of exposing pork when he found it, and it was the Republican initiative led by a Republican and the leading Republican on the Appropriations Committee that, in fact, killed the project in the House of Representatives.

Mr. HUMPHREY. The Senator is quite correct.

Mr. PROXMIRE. It survived, but it killed the project in the House of Representatives.

Mr. HUMPHREY. The Senator is absolutely correct.

This is an effort principally of Congressman Conte, Republican of Massachusetts, in the effort a year ago when the amendment to strike funding for Garrison succeeded by a margin of 100 votes. It was Congressman Conte who led that fight.

Mr. President, when I get to it, in fact, I am going to read that debate into the Record for the benefit of those listening.

I know full well that the Senators from North Dakota have their point of view that they wish to express, and I certainly do not want to delay them in any way. I am willing to yield the floor at any time for their convenience. But, as I said at the outset, I wish to use this opportunity to focus public attention and hopefully to educate Senators and staff to the other side of the question, the other point of view.

So I wish to do that with as much thoroughness as I can without overly imposing upon the legislative agenda or the patience of my colleagues.

In that vein, Mr. President, I wish to read into the Record a number of letters sent to my office about Garrison. The Senator from Wisconsin correctly pointed out that this project is opposed for economic reasons by the National Taxpayers Union and likewise the Council for Competitive Economy, and I shall read into the Record at this point a letter to me dated June 21 from the National Taxpayers Union outlining the position of that organization and its rationale for opposing the Garrison diversion unit.

> Dear Senator: Very shortly, the Senate Energy and Water Appropriations bill for fiscal year 1984, H.R. 3132, will be brought to the floor for your consideration. We urge you to support efforts to delete funding for the Garrison Diversion Unit, a $1.16 billion Bureau of Reclamation project in North Dakota. While there may be a legitimate obligation of the federal government to pro-

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> vide North Dakota with reimbursable irrigation benefits in return for its contributions to the Pick-Sloan program, the Congress is not bound to approve any project desired by a state regardless of its merit. Unfortunately, the highly emotional regional aspects of the Garrison debate undermine any objective examination of the claimed multiple benefits from this project. Such regionalism can only damage the perceived credibility of water projects eleswhere in the country. Our opposition to funding for the Garrison project stems from two major concerns:
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> 1. The economic basis for the project is unsound.
>
> 2. Its lack of an adequate repayment policy will unduly burden the taxpayer and aggravate the annual budget deficit, an increasingly serious national problem.
>
> At today's discount rate of 7.625 percent, the Garrison Diversion's direct benefit-cost ratio reveals only 58¢ returned for every dollar invested. The benefit-cost ratio for building the first phase (Phase I) of Garrison is even worse, showing only 45¢ returned for every dollar invested. This is because Phase I includes virtually all of Garrison's supply works and canals but irrigates only one third of the proposed crop area. This summer the Bureau fully intends to move ahead with Phase I's costly construction even though the rest of the project and hence Garrison's benefits may never be realized due to current treaty commitments with Canada.
>
> As poor as they are, the benefit-cost ratios will be even lower, particularly for Phase I, unless all five of the following criteria are met:
>
> Assumption 1: All Canadian objections must be overcome before releasing Garrison's municipal water supplies into the Hudson Bay drainage.
>
> Fact: Seventy-five percent of the population in the stated communities reside in the Hudson Bay drainage. Rather than overcome Canadian objections, the vast majority of communities have already opted for less expensive sources of municipal water other than Garrison.
>
> Assumption 2: The 20 communities in Phase I all will use Garrison water as a major water supply source.
>
> Fact: The Bureau has repeatedly stated that Garrison is to serve as a supplemental municipal supply source. Only 6 of the 20 communities have a stated need for Garrison as a future supply source and feasible alternatives are available.
>
> Assumption 3: The costs of Phase I modifications to meet Canada's concerns won't exceed the rough estimates for these items.
>
> Fact: Already, $63.3 million of additional costs for Phase I modifications have been projected with only preliminary estimates. Judging from the 560 percent escalation in project costs and the lack of a cost estimate for the Devils Lake restoration plan, we have every reason to believe that costs will exceed initial estimates.
>
> Assumption 4: 1.33 million visitor days of use will take place for the nine planned recreation areas.
>
> Fact: Such use would require the equivalent of every North Dakotan spending at least 2 days every year in 1 of the 9 proposed areas. Yet currently the Devils Lake facilities, which include half the acreage, are highly speculative, no fishing will be allowed in Lonetree Reservoir to meet Canadian concerns, and ample public wildlife-recreation lands already exist throughout the project area.
>
> Assumption 5: An agriculture benefit of $182.68 per acre yearly profit is realized for Phase I.
>
> Fact: Dampened grain crop prices stemming from overproduction have devastated the midwest's grain market in recent years. Bureau documents fail to give a clear breakdown of what crops would be grown from Garrison. They imply however that composition would be the same as before (mostly grain crops) with a gradual shift towards some speciality crops. Economic Research Service (USDA) records for 1981 show significant losses for irrigated corn throughout the plains states. Farmers in northeastern Colorado lost $7/acre/year, southeastern Colorado lost $103/acre/year, and eastern Nebraska lost $41/acre/year. Yet dryland farmers which now farm in the Garrison area lost only $12/acre/year in eastern Nebraska for corn. They also lost $35/acre/year in western Kansas for winter wheat while irrigated winter wheat lost $47/acre/year. Even positive year figures from Doanes Agriculture Report for North Dakota showed only a net gain of $43/acre/year when switching from dryland wheat to irrigated corn. The presumed gain from speciality crops must take into account the highly unstable markets for these items, the large proportion of Garrison land needed for these crops, (not typical of other major plains states irrigation projects), and a required low subsidy price for use of irrigation water.
>
> We have been accused by Garrison proponents of falsely claiming that the Garrison Diversion Unit will require a heavy expenditure of federal taxpayer dollars. They state, "The fact is: nearly 90 percent of the project will be paid by hydroelectric sales and water user fees."
>
> This logic fails to take into account that all repayment costs allocated to irrigation, whether paid back by irrigators or power users, is completely interest free. The Bureau admits that of the $947 million in irrigation costs (an investment of $3,787/acre) only a token $19.3 million will be repayed by irrigators (a little over $77 per irrigated acre) over some 50 years beyond Garrison's completion. Power users in the entire Pick-Sloan six-state area will then reimburse the remaining $927 million over another typical period of 50 years at an annual payment of $18.9 million. Due to the Treasury's obligation to pay interest on the bonds issued to finance Garrison's construction, the annual dollar amount necessary to amortize $947 million over 50 years will actually be $90.9 million (figured with an annual interest of 9.5 percent). Therefore, taxpayers will pay $72 million in interest per year for 50 years or a total of $3.6 billion having a net present value of $750 million. This includes only irrigation costs. Adding the nonreimbursable costs for wildlife mitigation, recreation, flood control, highway modification, and cultural resource recovery brings the federal taxpayers' share for Garrison to roughly 78 percent of total project costs.
>
> The faulty economic assumptions and the lack of a meaningful repayment plan for the Garrison Diversion Unit constitutes more than adequate reason for the federal government to terminate funding for this project. Garrison has met fierce resistance from a broad array of interests since it was authorized nearly two decades ago. As a result only 15 percent of the project's costs have been expended and much of that is recoverable. While there may be more feasible irrigation plans than Garrison, adequate cost reimbursement policies should be a prerequisite for embarking upon any such alternatives. In our view, if irrigation developments are sound long-term economic investments, then irrigators must be expected to pay back their full obligations over a realistic time period. The taxpayers, who certainly did not ask for Garrison, should not be expected to pay for it.
>
> Sincerely,
>
> JILL LANCELOT,
> *Congressional Affairs Director.*

Mr. President, this letter, like the others that I will read, is available to staff and Members in a packet sent each office just a few days ago. If, for some reason, it cannot be found, my office will be happy to supply additional copies.

Mr. President, some have expressed concern that I might unduly prolong this and delay the Senate. I am not aware of any other amendments to this bill nor am I aware of any other matters pressing on the agenda. So, unless I am informed otherwise, I wish to continue in the vein that I began, and that is to use this time as a time of education and focusing attention on this. I repeat, as I have said, that I am willing to yield the floor at any time to the Senators from North Dakota or to any Senator and to resume my remarks later.

Mr. President, I wish to read into the RECORD a number of letters from various national groups, conservation groups, and environmental groups. This is a letter from the National Audubon Society, dated June 6, 1983.

> Dear Senator: The Energy and Water Appropriations bill will be on the Senate floor in the very near future. Senators Humphrey and Proxmire will offer an amendment to that bill to delete FY 84 funding for the Garrison Diversion project, a Bureau of Reclamation irrigation project in North Dakota. On behalf of the nearly one-half million members of the National Audubon Society, I urge you to support this effort to cut funding for the Garrison project.
>
> Since Congress authorized the Garrison project in 1965, a number of major problems—international, environmental and economic—have become known and better understood. Because of these very grave unresolved problems, it seems to us that the most prudent and economically responsible course of action for Congress is to delay any further funding of the project until a comprehensive review of alternatives has been undertaken and until Congress has had an opportunity to determine what alternative, if any, should be built. Garrison is only 15 percent complete. Now is the time—before more money is spent, before we commit ourselves to an irreversible course of construction and before any more damage is done—to address the problems created by this project.
>
> There are many reasons to oppose the Garrison project; let me cite just a few.
>
> The environmental impacts of the Garrison project are substantial: The project will damage or destroy a dozen National Wildlife Refuges. It will destroy 60,000 acres of prairie wetlands—prime waterfowl habitat—and 43,000 acres of native prairie and rangeland; it will damage thousands of additional acres of wetlands and prairies. The alteration of the wetlands habitat alone will result in the

> average annual loss of 178,000 ducks. These amount to substantial losses in one of the richest, most productive areas in the country for migratory birds and waterfowl production. Conservation groups across the country oppose the project.
>
> The project is an insult to one of this nation's threatened species—the taxpayer: The cost of the project has quintupled since its authorization in 1965 to $1.162 billion. Costs include a subsidy to irrigators of nearly $3,800 per benefitted acre. The cost-benefit ratio—calculated at the artificially low discount rate of 3.125 percent—is only 1 to 1.3. Using the somewhat more realistic rate of 7.625 percent, the cost-benefit ratio falls to 1 to 0.58—or a return of 58¢ for every dollar spent. At a time when taxpayers are being asked to help the American farmer out of his serious plight by paying to keep crops out of production, it makes little sense to spend $1 billion to shift substantial acres in North Dakota from dry-land to irrigation farming. Taxpayer groups oppose the project.
>
> The project will cause irreparable harm to Canada and will violate an international treaty: The government of Canada strongly objects to the project. It is concerned that irrigation return flows from the project will pollute rivers flowing into Canada and that it will result in the introduction of foreign biota into the Hudson Bay watershed. The transbasin flow of water from the Missouri River to the Hudson Bay watershed has the potential of destroying much of Canada's multimillion dollar commercial fishing industry. The Garrison controversy was referred to the International Joint Commission which concluded in 1977 that the project would cause significant harm to Canada and would be a violation of the Boundary Waters Treaty.
>
> The Bureau of Reclamation has sought—unsuccessfully—to assure Canada that it will not build portions of the project which have the potential of affecting Canada's waters. Since nearly 80 percent of the features of the authorized project affect water flowing into Canada, I am somewhat puzzled how the Bureau can make such a claim; the Bureau is proceeding with construction of project features designed and sized to serve irrigation units in the Hudson Bay drainage.
>
> Bureau statements notwithstanding, the Canadians remain steadfastly opposed.
>
> For the reasons listed above, I urge you to support the Humphrey-Proxmire effort to delete FY 84 funding for the Garrison project. I also urge that the appropriate committees reexamine the project while substantial changes in the project are still possible and before further irreversible damage is done.
>
> Thank you for considering our views. More information about Garrison can be obtained by contacting Charlene Dougherty or Fran Lipscomb in our Washington, D.C. office at 547-9009.
>
> Sincerely,
>
> Russell Peterson,
> *President.*

Before I get much further, Mr. President, I want to read letters from Canadian officials on this matter, and then I will go back to reading letters from various national groups which oppose this project as it is now designed.

Mr. President, I read a letter dated June 17, 1983, from the Canadian Ambassador to the United States, Ambassador Gotlieb, to the State Department.

> The Embassy of Canada presents its compliments to the Department of State and has the honour to refer to the information on Garrison Diversion Unit funding provided by the Department on June 15, 1983, in response to the Embassy's Note No. 79 of February 10, 1983.
>
> The Embassy wishes to inform the Department that the Canadian authorities view with considerable concern the sharply increased level of funding for the project that has finally emerged for fiscal year 1983. In particular, the Canadian authorities note that the Department of the Interior has reprogrammed to the Garrison project $9.97 million, which is very nearly two and one half times the sum appropriated by Congress for the same year. The Canadian authorities also note with concern the very significantly increased level of funding proposed for fiscal year 1984. The $22.3 million requested is more than five times the sum appropriated for 1983.
>
> These dramatically increased levels of funding for the Garrison Diversion Unit are the source of apprehension for Canada and Manitoba because they are occurring during a period when outstanding bilateral issues related to the project remain unresolved. Specifically, the Canadian government does not consider that consultations on the 1977 report of the International Joint Commission have been concluded nor on the phased approach to construction as set out in the Department's Note No. 330 of October 22, 1982.
>
> The Embassy requests that the Department of State transmit the views set out above to all members of the United States Senate, which the Embassy understands will shortly be considering the 1984 appropriation for the Garrison project. The Embassy similarly requests that these views be presented to the Members of the House of Representatives and to the Department of the Interior.
>
> The Embassy of Canada avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Again, Mr. President, this is a letter from the Canadian Ambassador to the United States, Mr. Gotlieb.

Mr. President, I ask unanimous consent that another letter on the same subject, dated June 14, 1983, from the Ambassador to the United States, Mr. Gotlieb, printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> CANADIAN EMBASSY,
> AMBASSADE DU CANADA,
> *Washington, D.C., June 14, 1983.*
>
> Hon. GORDON J. HUMPHREY,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR HUMPHREY: The Premier of the Province of Manitoba, the Honourable Howard Pawley, has asked me to bring to your attention the attached which sets out the Province's concern about funds being appropriated for the Garrison water diversion project in fiscal year 1984.
>
> The Government of Canada fully supports Manitoba's concern. We continue to have grave apprehensions about the project's potentially adverse transboundary effects as identified by the International Joint Commission. The Commission concluded that the project as now designed would have seriously damaging effects on Manitoba waters, in violation of the Boundary Waters Treaty between Canada and the United States, by transferring water from one basin in the United States to another basin altogether, largely in Canada, where aquatic conditions are altogether different, and where they would be inalterably damaged by the transfer with great loss to Canada.
>
> We are aware that Congress last year stipulated that funds appropriated for Garrison should be spent only on portions of the project not affecting Canada. This, however, does not alleviate our concern. We see distinct danger in the rapidly increasing rate of funding for the project in the absence of a resolution of the outstanding bilateral issues. It is for this reason that I ask you to bear in mind Canadian and Manitoba concerns during your forthcoming deliberation on appropriations for Garrison.
>
> Yours sincerely,
>
> ALLAN GOTLIEB,
> *Ambassador.*

Mr. HUMPHREY. Mr. President, I have a number of times referred to the Boundary Water Treaty of 1909 which governs the matter of boundary waters between the United States and Canada. The International Joint Commission, which is a Commission composed of equal members of the United States and Canada, appointed by the President and the Prime Minister respectively, with the consent of each Government, found, after deliberating on Canadian assertions, that indeed this would violate the treaty. I will read from page 3 of the report in which this finding is made:

> The Commission in its deliberations considered testimony given at the public hearings, the Board's report and written submissions. On the basis of this evidence the Commission has concluded that the construction and operation of the Garrison Diversion Unit as envisaged would cause injury to health and property in Canada as a result of adverse impacts on the water quality and biological resources in Manitoba.

That is a report signed by all six members, three from the United States and three from Canada, finding that the Garrison project as now designed constitutes a violation of the treaty governing boundary waters between the United States and Canada.

Mr. President, I ask unanimous consent that excerpts from the report be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

APPENDIX A

(Excerpts from "Transboundary Implications of the Garrison Diversion Unit" (1977) Prepared for the United States-Canada International Joint Commission.)[1]

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[1] The IJC is composed of equal numbers of United States and Canadian members, appointed by the President and Prime Minister, respectively, with the consent of each Government. It was established to respond to Government requests for information and study of activities in either country which impact on the other.

SUMMARY

This report of the International Joint Commission: is in response to a Reference from the Governments of Canada and the United States. It briefly describes the Garrison Diversion Unit, the area in Canada affected by it, the adverse effects on Canadian waters and their uses, and measures to avoid or relieve these adverse effects. The report describes the technical investigation carried out for the Commission by its International Garrison Diversion Study Board during 1976 and summarizes the testimony given at the public hearings conducted by the Commission. Finally, the report outlines the substance of the Commission's deliberation based on the investigation and hearings and presents its conclusions and recommendations.

Construction of the Garrison Diversion Unit was authorized by the United States Congress in 1965. The purpose of the Project was to irrigate some 250,000 acres to provide municipal and industrial water supply to 14 communities, and to furnish recreational, fish and wildlife opportunities in North Dakota using water diverted from the Missouri River. Since many of the features of the Garrison Diversion Unit (GDU) are in the Hudson Bay Drainage Basin, most of the drainage and wastewaters from the irrigated areas would flow into transboundary streams and could have an adverse impact on Canada.

Article IV of the Boundary Waters Treaty of 1909 reads in part as follows:

"It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other."

Manitoba officially expressed its alarm that leaching of the irrigated soils of GDU would degrade the water quality of the Souris, Assiniboine and Red Rivers as well as Lakes Manitoba and Winnipeg, and that the return flows would increase the amount and frequency of flooding. There was also concern that the water conveyance systems of the Garrison Diversion Unit would provide a direct connection between the Missouri River and the Hudson Bay Drainage Basin thereby enabling the possible introduction of foreign fish, fish eggs, fish parasites, fish diseases and other biota into Manitoba waters. This could have an irreversible adverse impact on existing aquatic systems and on commercial and recreational fishing in Manitoba.

The Canadian concerns, crystallized in an aide-mémoire, prompted discussion between the Governments of Canada and the United States in 1970. Five years later the two Governments referred the matter of the transboundary implications of the Garrison Diversion Unit to the International Joint Commission. The Commission was requested to report on the existing conditions of water quality, water quantity, biological resources, and present and anticipated water uses; the impact of GDU as envisaged at the time of the Reference on them; to make recommendations as to such measures as might be taken to assist Governments in ensuring that the provisions of Article IV of the Boundary Waters Treaty of 1909 are honoured, and to estimate the costs of such measures. All this was to be completed within the severe time constraint of one year.

The Commission immediately established the International Garrison Diversion Study Board to undertake the technical investigation. The limited time frame precluded field studies to obtain new data. Therefore, existing data were used to assess the impact of GDU on Canadian waters. The Board during their intensive year-long investigation adhered to a rigorous schedule so as to concurrently determined existing conditions in Manitoba and estimate the quantity, quality and impact of return flows resulting from the Garrison Diversion Unit. It also examined proposals to minimize the adverse effects of GDU and to mitigate the remaining impacts.

The eight public hearings conducted by the International Joint Commission were an integral part of the inquiry into the transboundary implications of the Garrison Diversion Unit. Three initial hearings were held in November 1975 to obtain opinions on the possible effects of GDU and guidance in planning the investigation. Two months after the Board's report was distributed, five public hearings were held, in March 1977, to receive comments on the report and further views of concerned individuals, citizen groups, elected representatives and governmental officials. At each public hearing all those interested were given the opportunity to express their views orally or present documentary evidence. In addition to these formal public hearings, the Board, pursuant to a Commission Directive, held open meetings to answer questions on its investigation.

The Commission in its deliberations considered testimony given at the public hearings, the Board's report and written submissions. On the basis of this evidence the Commission has concluded that the construction and operation of the Garrison Diversion Unit as envisaged would cause injury to health and property in Canada as a result of adverse impacts on the water quality and biological resources in Manitoba. Modifications to GDU as envisaged such as the elimination of direct connections between the Missouri River and the Hudson Bay Drainage Basin, replacement of highly-saline soils with a similar acreage of soils less saline, lining the Velva Canal, and wetland habitat restoration, would reduce, but not eliminate, all of the adverse impacts in Canada. Most of the remaining impacts, other than those from possible biota transfers, can be mitigated to a significant extent.

The Commission has concluded that it would be prudent to verify the predicted quantity and quality of return flows from GDU. Research to determine the ultimate fate of nitrogen in the Souris River is essential before there is development of irrigation in that area.

The International Joint Commission recommends that the portion of the Garrison Diversion Unit which affects waters flowing into Canada not be built at this time. However, the Commission has outlined in its recommendations the conditions under which it believes that that portion of GDU might later proceed.

CHAPTER IX—RECOMMENDATIONS

The International Joint Commission, in the light of its conclusions on this inquiry, recommends:

1. That because the "closed system" and the McClusky Canal fish screen cannot with any certainty prevent biota and disease transfers which would cause severe and irreversible damage to the ecosystem and, in particular, to the commercial and sport fisheries in Canada, those portions of the Garrison Diversion Unit which could affect waters flowing into Canada not be built at this time. This is not intended to preclude construction of Lonetree Reservoir, subject to the conditions set forth in Chapter VIII.

2. That, if and when the Governments of Canada and the United States agree that methods have been proven that will eliminate the risk of biota transfer, or if the question of biota transfer is agreed to be no longer a matter of concern, then the construction of that portion of the Garrison Diversion Unit which would affect waters flowing into canada may be undertaken provided the following conditions are met:

(a) Any agreed modifications or other measures required to resolve the interbasin biota transfer issue are incorporated into the Project.

(b) Modifications to the Garrison Diversion Unit for the reduction of highly-saline soils, wetland habitat restoration and lining the Velva Canal as required, all described in chapter VI of this Report, are incorporated in the Project.

(c) A program to verify the quality and quantity of return flows from the Project has been carried out and it has subsequently been agreed that concerns on these questions have been resolved.

(d) Research to determine the nature and extent of the complex nitrogen transformations in ultimate fate of nitrogen in the Souris River with the addition of return flows from the Garrison Diversion Unit has been completed and it has been agreed that concerns about nitrogen have been resolved.

(e) An agreement has been concluded for payment by the United States of the capital and operating costs of the mitigating measures in Canada made necessary by the Garrison Diversion Unit, and

(f) Appropriate agreement has been reached on the efficacy of existing or new regulations or laws ensuring the employment of best management practices.

3. That the two Governments negotiate appropriate water quality agreements for the Souris and Red Rivers.

Signed this 12th day of August 1977 as the International Joint Commission's report to the Governments of the United States and Canada on the Transboundary Implications of the Garrison Diversion Unit.

MAXWELL COHEN.
HENRY P. SMITH III.
CHARLES R. ROSS.
BERNARD BEAUPRÉ.
KEITH A. HENRY.
VICTOR L. SMITH.

TEXT OF REFERENCE TO THE INTERNATIONAL JOINT COMMISSION

On October 22, 1975, the Secretary of State for External Affairs for the Government of Canada, and the Secretary of State for the Government of the United States sent the following Reference to the International Joint Commission, through identical letters addressed respectively to the Canadian and United States Sections of the Commission:

I have the honour to inform you that the Governments of Canada and the United States of America recognize that the proposed Garrison Diversion Unit of the Pick-Sloan Missouri Basin Program in the State of North Dakota has a potential for causing pollution of waters flowing across the international boundary into Canada.

The Government of Canada has concluded, on the basis of studies conducted by the United States and Canada, including certain studies conducted by the United States in response to questions raised by Canadian officials, that the Garrison Diversion Unit, as

currently envisaged, would have adverse effects on the Canadian portions of the Souris, Assiniboine and Red Rivers, and on Lake Winnipeg, which would cause injury to health and property in Canada in contravention of Article IV of the Boundary Waters Treaty of 1909.

The Government of the United States has reached no final conclusion as to whether the Garrison Diversion Unit, as presently envisaged, would be consistent with the rights of the United States and of Canada to the equitable use of waters crossing the boundary, and with Article IV of the Boundary Waters Treaty. The Government of the United States notes that, at present, waters crossing the boundary have wide natural fluctuations in quality and quantity, and that the Garrison Diversion Unit, as presently envisaged, could have both beneficial and adverse impacts on the quality and quantity of these waters. The Government of the United States has assured the Government of Canada that in any development of features of the Garrison Diversion Unit that will affect Canada, specifically works in the Red River Basin and the Souris Loop, the United States will comply with its obligation to Canada not to pollute water crossing the boundary to the injury of health or property within Canada. The Government of the United States has similarly assured the Government of Canada that no construction potentially affecting waters flowing into Canada will be undertaken unless it is clear that this obligation will be met.

In light of the views of governments as expressed above, the Governments of Canada and the United States of America have agreed, pursuant to Article IX of the Boundary Waters Treaty of 1909 to request the International Joint Commission to examine into and to report upon the transboundary implications of the proposed completion and operation of the Garrison Diversion Unit in the State of North Dakota; and to make recommendations as to such measures, including modifications, alterations or adjustments to the Garrison Diversion Unit, as might be taken to assist governments in ensuring that the provisions of Article IV of the Boundary Waters Treaty are honoured.

In doing so, the Commission should examine into and report upon the following and such other matters as the IJC may deem relevant:

(a) the present state of water quality in the Souris and Red Rivers, their tributaries and other downstream waters, with particular reference to the Canadian portions thereof, which may be affected by the proposed completion and operation of the Garrison Diversion Unit. The examination should include the following:

(1) total dissolved solids,

(2) sulfate, sodium, chloride, magnesium, calcium and compounds thereof,

(3) bicarbonates,

(4) nutrients, including nitrogen, phosphorus and their compounds,

(5) pesticides and herbicides,

(6) dissolved oxygen, temperature, sediment and other related parameters affecting aquatic life,

(7) trace elements, including boron, selenium, lead and other heavy metals;

(b) the present uses of these waters and those uses which may reasonably be anticipated in the future;

(c) the effects of present water quality on these uses;

(d) the nature, extent and location of impacts on the quality and quantity of these waters to be anticipated as a result of the proposed completion and operation of the Garrison Diversion Unit;

(e) the nature, extent and economic cost of such impacts to be anticipated from the proposed completion and operation of the Garrison Diversion Unit on the present and anticipated future uses of these waters; and

(f) the nature and extent of the impact on commercial and recreational fisheries in Manitoba, particularly Lake Winnipeg, of the possible introduction from the Missouri River system through the Garrison Diversion Unit of Foreign species of fish, fish diseases, and fish parasites.

Should the Commission make any recommendations concerning measures which could be taken to avoid or relieve adverse effects on uses in Canada, what would be the approximate cost of such measures?

In the conduct of its investigation and in the preparation of its report, the Commission should make use of Information and technical data heretofore available, or which may become available during the course of the investigation. In addition, the Commission should seek the assistance, as required, of specially qualified personnel from both countries.

Both the United States and Canada ascribe particular importance to the views of the Commission on this matter. Accordingly, the Commission is requested to complete its investigation and submit its report in the minimum possible time, consistent with a thorough examination of the subject, but in any case, not later than October 31, 1976.

The Governments shall make available, or as necessary, seek the appropriation of, the funds requirement to provide the Commission promptly with the resources needed to discharge its obligations fully within the period specified.

Mr. HUMPHREY. So that is why the Canadians object. It has been officially found by an official body, an official commission, that this project violates the treaty between the United States and Canada. Why should they not be upset? Why should they not object? They have every reason to do so.

Mr. President, I will have other things to say about this project, but I feel I have used as much time as I should at this point. I am anxious to listen to the other point of view, which I am sure will be ably presented by the Senators from North Dakota.

Mr. BURDICK addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, I rise in support of H.R. 3132 as reported by the Senate Appropriations Committee. I also want to express my personal appreciation to Chairman HATFIELD and Senator JOHNSTON and their staffs for their leadership in producing this bill.

As many of my colleagues are aware, H.R. 3132 includes $22,330,000 for the Garrison Diversion project in North Dakota, and reaffirms the Senate's longstanding support for establishment of the Garrison Diversion Unit as it was authorized by the Congress in 1965. The bill also includes language which protects Canadian interests by prohibiting the expenditure of funds on any of the project's features affecting water flowing into Canada.

Since it has been several years since the Senate has debated the merits of the Garrison project, I would like to share with my colleagues the reasons I have supported Garrison diversion all of my public life, and why all of North Dakota's Governors and congressional delegation have been united behind this project since its inception.

North Dakota's water resources are very limited. The climate varies from subhumid to semiarid and although 80 percent of our people depend on surface water to meet their water needs, the annual average rainfall is only 16 inches. In the 1930's, the average annual rainfall fell to 6 inches and the drought created a statewide disaster. Hundreds of farmers lost their farms, bankruptcies became commonplace, and the population declined as people were forced to seek a better life elsewhere.

The people of North Dakota turned to Congress in an attempt to solve the problems of drought in the Upper Missouri River Basin States. In response to drought in the upper basin States and floods in downstream States, Congress, in 1944, approved a multipurpose plan known as the Pick-Sloan Missouri River basin plan. Significantly, it was the first attempt on the part of our Government to bring about comprehensive development and use of land and water resources of a major river basin.

The passage of the Flood Control Act of 1944 brought the people of North Dakota and the Federal Government into contractual agreement. Even though this contract was weighted for the benefit of other States and regions beyond our own borders, we entered into the contract.

Briefly, here is how the agreement has worked out so far:

The people of North Dakota have performed their part of the contract—566,000 acres of our land now lies under the mainstem Garrison and Oahe Reservoirs. In addition, the State of North Dakota has been very active in contributing irrigation research and the planning and development of recreational and fish and wildlife resources which are a part of Garrison Diversion.

Benefits realized by the downstream States have been massive. Flood damages amounting to $1.489 billion have been prevented, and $450 million of that savings was realized in 1977 alone. Since construction of the mainstem dam, there has been no major flooding on the Mississippi or Missouri Rivers. It is noteworthy to compare the nearly $1.5 billion savings with the total Federal investment of $1.15 billion in the Pick-Sloan plan. Other downstream benefits include improved navigation allowing an average of 1.28 billion ton miles of freight on the lower Missouri River, streamflow stabilization has maintained the minimum flows necessary for municipal and industrial usage and has allowed for increased commercial and industrial developments in the flood plain area, and the generators in Garrison Dam are producing power that flows in greater quantities to our sister States than to our own. Minnesota, for example, receives more than half the power generated by this project.

In return for the sacrifice of land made by North Dakotans, and in consideration for the benefits to our neighboring States, North Dakota was given assurance that it would receive economic development benefits of irrigation, development of municipal and industrial water supplies, fish and wildlife development, and development of recreational facilities. These benefits have been a long time in coming. The Garrison Diversion project, promised in 1944 and authorized in 1965, is now but 15-percent complete. The benefits from sound water development are as necessary today as they were in 1944 and 1965, and the people of North Dakota have earned them.

Unlike most of those who are critical of the project, we are North Dakotans and are particularly concerned about the preservation of our State. Those who oppose the Garrison project cite the environmental impacts as substantial. We share their concern about the need to preserve our wildlife refuges, wetlands, and prairies, and we have gone to great lengths to enhance wildlife habitat and protect waterfowl. The affected wildlife refuges so often referred to will either be replaced or modified, and in several cases actually improved by the Garrison project. Working together, the Fish and Wildlife Service, the Department of the Interior, the Bureau of Reclamation, the Garrison Conservancy District, and the State of North Dakota have developed a plan to mitigate acreage to be used on the project. Phase I of the projects calls for the acquisition of 42,000 acres over the next 10 years, 10,293 acres of which have already been acquired. Property owners have offered about 60,000 acres for sale. In addition to the 42,000 acres, 16,000 acres of wetlands in West Bay of Devils Lake have already been transferred to the Federal Government and an additional 5.2 million wetland and upland acres have been acquired by the Federal Government by easement. Preservation of waterfowl is also of the utmost importance to North Dakotans, and studies have shown that phase I of the project has the potential not only to enhance waterfowl, but to increase its population through the improvement of habitat.

North Dakota is known as the Peace Garden State because of the beautiful gardens which stand as a symbol of friendship between North Dakota and its neighbor to the north, Canada. Supporters of the Garrison project are extremely concerned about any adverse impacts that the project might hold for Canada, and consultations between the two Governments have been ongoing for the past several years. In an effort to resolve these differences, project supporters agreed to proceed with the project on a phased basis, working first on those features of the project not affecting waters flowing into Canada. Funding provided in this bill will be restricted to those features, and a provision in the bill clarifies this prohibition. This approach is another example of the willingness of project advocates to seek and accept alternatives in order to address the concerns of our northern neighbor.

One of the specific concerns addressed by the Canadians is the possibility of transfer of species and aquatic organisms from one drainage system to another. This biota transfer was the subject of a recently completed study by scientists at the Tri-College University Center for Environmental Studies in Fargo, N. Dak. I am pleased to report that the study indicated that while birds have been demonstrated to transport certain aquatic organisms, such as algae, aquatic plants, and small invertebrates, the scientists did not find documentation of such movement with fish. In addition, the report said that movement of fish through the Garrison Diversion Unit to Canadian waters, rather than being a simple, certain process, would entail a complex series of events. Such events were addressed, and the evidence indicated that the likelihood of fish transfer is low. Moreover, the study points out that fish transfers between watersheds have been taking place for the last 70 years without any appreciable problems. The fish stocking operations of the Fish and Wildlife Service and the State of North Dakota have not discriminated between watersheds and there has been no data to indicate that disease, parasites, and other problems have occurred as a result of these transfers. In related research, the Bureau of Reclamation recently completed a comprehensive laboratory study on the use of fish screens. The conclusion was that fish screens will effectively remove all fish, eggs, and larvae of concern to Canada. The relevance of this data lies with later phases of the project since the funds in this bill will be directed only to features not affecting Canadian waters.

Inflation has taken its toll on all Federal projects, and unfortunately the Garrison project is no exception. In the case of Garrison, however, the impact of inflation tells only half the story. The inflationary factor is a direct result of legal delays which halted the project for years. After several years of litigation over a stipulation between the National Audubon Society and former Secretary of Interior Andrus, the U.S. Court of Appeals for the District of Columbia finally terminated that stipulation in May 1982, and the district court dismissed the lawsuit on October 15, 1982. The only remaining litigation is an appeal by opponents which is now pending before the U.S. court of appeals from the Federal District Court of South Dakota.

Another important factor which is often forgotten in analyzing the cost of the project is the payback provision. Nearly 90 percent of the total cost of the project will be repaid through hydroelectric sales and water user fees. The only costs to be fully absorbed by the Federal Government will be those expenses for wildlife enhancement, public recreation, and flood control.

In spite of rumors to the contrary, public support in North Dakota for the Garrison Diversion project continues to be strong. Private polls indicate about a 70-percent favorable rating and just a few months ago, the North Dakota State Legislature defeated—by a 4 to 1 margin—a proposal to study alternatives to the authorized plan. One reason for the widespread support for the project is its multipurpose features. In addition to its irrigation benefits, more than 30 communities, including three in South Dakota, one in Minnesota, and one rural water district, are interested in its water for municipal purposes. Most North Dakotans recognize the overall importance of the project and the benefits it will bring to them. But of equal importance they also recognize that the Federal Government has made a commitment, and on this principle they remain firm.

Mr. President, I hope that in considering this bill today, my colleagues will be mindful of the commitment made to North Dakota and of the numerous attempts we have made to allay the fears of our neighbors to the north and the many concessions we have already made. We are proceeding in good faith with the Canadians, but we cannot in the process cast aside promises made to our own citizens.

Mr. President, we have heard some interesting comments about this project. I will take one segment first. That has to do with the pollution of the streams of Canada.

Mr. President, I have before me a comment by a Mr. Peter Warren, from Deloraine, Manitoba, Canada. He is a Canadian. Let me read a part of it.

> Whether we like it or not, the Manitoba all-party committee converging on Washington in what I believe to be a futile attempt to halt any further construction on the Garrison Diversion . . . is a group running on emotionalism, not facts.
>
> This report refutes the main arguments that the Province of Manitoba has been putting up for years:

> Namely that the so-called "dirty fish" (Utah Chubb and Gizzard Shed) from the Missouri River basin would get into our waterways and destroy our plentiful freshwater fish industry, namely Manitoba pickerel and the rest of our good fish.
>
> We have also claimed that, whatever precautions are taken, rough fish, larvae, eggs and many other unsavory elements would enter our solid, cold, clean Canadian waters.
>
> This report debunks both claims. They are myths.
>
> In fact, it is incredible but in four years of study and research leading to publication of this report, Not One Single Fish of the Utah Chubb or Gizzard Shad variety has been found in the entire basin. Not one.
>
> Furthermore, the worst they could find in North Dakota were what they call macro-invertibrates.
>
> Let us tell you what those little guys are:
>
> Water boatmen, diving beetles, water-scorpions, giant waterbugs, rattailed maggots, horsehair worms, leeches, midges and mosquito larvae.
>
> As any Manitoban who has been anywhere near any Manitoba lake will tell you:
>
> We've got them all; thank you.

What is this idea of our polluting the streams? It is a myth, as this gentleman speaks of.

Now, to get at some other matters in a hurry, we have heard the Senator from Wisconsin talk about deficits—the cost of this to the taxpayers. I wonder if my colleagues realize that 90 percent of this project is repaid to the U.S. Government. The only part that we do not pay for in that manner is flood control, wildlife, and recreation, because that is for national benefit. Ninety percent of this is not paid by the taxpayers at all; it is paid by the users.

That is not all. It is a part of the Pick-Sloan plan and the power generation is part of it. I wonder if my colleagues know that we are getting $85.9 million per year just from power revenues alone. And of course, it is the power revenues that will pay the most of this 90 percent. So when we talk about deficits, let us talk about what the income is.

I do not like the increase in the cost of this program any more than other Senators do. Why has it increased? For 10 years, we have been fighting lawsuits that have no merit. We have been fighting lawsuits that, under any court, did not stand up. There is not one of those lawsuits brought in North Dakota the last 10 years that has not been dismissed today. They are vexatious, delaying, and for 10 years, we have had to fight them.

As my colleagues know, some of the people they have mentioned in speeches today are some of the people who have caused all this difficulty in the last 10 years. Now the board is clear. There are no more lawsuits, because they have been found to be without merit. When we talk about cost, I say to those people, take some of that blame yourself, because they have brought all these vexatious lawsuits and all these delaying lawsuits for the last 10 years. This project could have been built if we had not had that. I agree with my colleagues on the cost increase. I feel as bad as they do. But we have a valid project here.

How many States would give away 560,000 acres of land for the benefit of the country? On flood control alone, of that 560,000 acres—there is a reservoir, and there are others on the main stem of the Missouri—since they have been constructed, there has not been a flood in the lower Mississippi River for 30 years. That is what we have done for the rest of this country. Missourians and all the rest of them, have reaped the benefits of this program. So do not call it all North Dakota. It has national benefits.

Mr. President, there is some talk about the Canadian Government. I thought governments acted independently of other governments. I did not think we ran off to every country in the world to tell them how to run their country. But we have been meeting with these people. We have tried to solve this in a peaceable way. What is the situation on Canadian consultations? They have been going on through representatives of the State Department, the Bureau of Reclamation, and North Dakota representatives for some time. There have been three official meetings, with another round planned for this summer. The Canadians have reviewed this phase 1 plan but have refused to respond.

Finally, 1½ years ago, talking about the phase 1 plan, we provided the Canadians with a phased proposal; and the Department of State in 1982 sent a diplomatic note to Canada, informing them of the U.S. intention to proceed with phase 1. They had all the opportunity in the world to have a discussion. They refused and they have made no comment on phase 1, which we are ready to receive at any time.

So I say this is a project which has great benefits for our area, not only for North Dakota but for the entire area. It has had the solid support of Congress. Now to come in at this late hour and talk about costs, talk about expenses, makes little sense, when much of this cost has resulted from the opposition themselves. We are earning $89.5 million a year in power revenues to help pay for this project under the Pick-Sloan plan. I say to my colleagues in the Senate, let us defeat this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Peter Warren, of Manitoba.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Times & Star, Deloraine,
Manitoba, Apr. 20, 1983]

PETER WARREN SPEAKS

GARRISON: THE REPORT

Whether we like it or not, the Manitoba all-party committee converging on Washington in what I believe to be a futile attempt to halt any further construction on the Garrison Diversion . . . is a group running on emotionalism, not facts.

It has taken four weeks for me to get it, but I have finally obtained a copy of a document from the United States Bureau of Reclamation, entitled "McClusky Canal Fish Screen Development and Verification."

This report refutes the main arguments that the Province of Manitoba has been putting up for years:

Namely that the so-called "dirty fish" (Utah Chubb and Gizzard Shad) from the Missouri River basin would get into our waterways and destroy our plentiful freshwater fish industry, namely Manitoba pickerel and the rest of our good fish.

We have also claimed that, whatever precautions are taken, rough fish, larvae, eggs and many other unsavory elements would enter our solid, cold, clean Canadian waters.

This report debunks both claims. They are myths.

In fact, it is incredible but in four years of study and research leading to publication of this report, Not One Single Fish of the Utah Chubb or Gizzard Shad variety has been found in the entire basin. Not one.

Furthermore, the worst they could find in North Dakota were what they call macro-invertibrates.

Let us tell you what those little guys are:

Water boatmen, diving beetles, water scorpions, giant water bugs, rattailed maggots, horsehair worms, leeches, midges and mosquito larvae.

As any Manitoban who has been anywhere near any Manitoba lake will tell you:

We've got them all, thank you.

M'CLUSKY REPORT HIDDEN AWAY

It seems strange that this McClusky Report was hidden away and has received very little publicity in Manitoba. Because, as well as proving that the "dirty fish" do not exist in the Missouri basin and the other studies which Manitoba claims would harm our waterways, the report also shows that a simple fish screen (70 per cent mesh) would "stop passage of fish, fish eggs and larvae of the fish species found in the Missouri River that the Canadian government has determined to be objectionable."

Because the report is so exhaustive (it took me three nights to read and digest the thing), they take you back to 1979 when they did a complete study of All Fish collected in a screen on the McClusky Canal near Turtle Lake before the waters flow into the Lonetree Reservoir.

The collection of these fish worked out:

Fathead minnows 77 per cent; brook stickleback 20 per cent; the remainder (black bullhead, freshwater drum, black crappie, carp, bigmouth buffalo, orange spotted sunfish.)

Let's get it straight—all these species are alive and well and living in Manitoba right now.

OTHER POINTS TO REMEMBER

There are also a few other points to take into account before our politicians charge headlong to Washington:

There is no way the United States or North Dakota and South Dakota governments are going to back down after spending so many millions so far.

And, when the Manitoba group tries telling you that the International Joint Commission is against the Garrison Diversion, you might ask the self-same Manitoba group what the IJC said about the

> McClusky Report which I have just told you about.
>
> In case Al Mackling and Lloyd Axworthy don't know I'll tell you:
>
> The Canadian-American International Joint Commission has recommended the McClusky fish-screen idea put forward in this report.
>
> Frankly, the Manitoba politicians would do well to save their breath (and our money).

Mr. ANDREWS. Mr. President, it is customary in an attack on a water project, such as we have with the attack on the Garrison Diversion Unit, to rise in defense of the project. I have done that before, many times, in fact, when I served in the House of Representatives for nearly 18 years.

But this time, Mr. President, since I have heard all these same arguments time and time again, I do not feel defensive. I feel offended in behalf of my State of North Dakota, and because of that, I am going to be offensive in explaining to my colleagues what is good about this project.

We think we know our State. We have been born and raised in that State. We have lived in it through drought, we have lived in it through flood, we know the State, and we know its needs.

I think we know our environment, those of us who live in North Dakota, far better than these carpetbaggers from outside, who claim to be the great and fantastic experts on what the needs of North Dakota and its people might be.

First, let me tell Senators that the support for Garrison Diversion remains very strong in the State, as it does in our neighboring South Dakota. Once, there were some problems with this project in South Dakota. Those are gone now, and in fact, we are delighted to have received the expressed support of the water management people in South Dakota, from the Governor, and from my two colleagues from South Dakota. We cherish that change in attitude.

Mr. President, it bears repeating that every North Dakota Governor, every Member of the U.S. House, of the U.S. Senate, every North Dakota Legislature—all irrespective of party alinement—have supported Garrison Diversion since statehood. There is no change now, and that is important for the Senate to know.

I think it is important for our colleagues to know that; that speaks for the need of this project for our environment, because we live there.

Let me add, Mr. President, for the benefit of my colleagues in the Senate, that when I served in the House, the two Representatives from the State of Minnesota, the only other State affected by flowage of the Red River—also supported Garrison. One of them was Bob Bergland, who later went on to become a Cabinet member in the last administration—he totally supported this project. Bob Bergland worked side by side with me for it, because his people in western Minnesota know the quality of the water involved and know the great need for this project. Today, Arlan Stangeland sits in that western Minnesota seat and he knows and strongly supports this project.

Additionally, I have at my desk copies of resolutions adopted by every responsible organization I can think of in North Dakota. They remain unanimous in their support of Garrison.

They know North Dakota and they support this project. They have not been put together at the last minute to get a name and a title to oppose a project.

Sure, we have detractors. We have had detractors in our State, as I imagine, Mr. President, my colleagues have had in their States, to the location of a State highway system, to airports, to urban expansion, to a host of other public works projects. We all know that, Mr. President, that in our 50 States, we always have detractors. There are those in Garrison. But the overwhelming mass of North Dakota people support this project.

As a farmer myself, I know how I feel when any of my land is threatened by anything. That is offensive, too. But I also know how important it is to modify the environment in which we live to make it sustain the people who are there.

Let me identify some of these resolutions, Mr. President, because our friend from New Hampshire has put in a number of resolutions from organizations purporting to know North Dakota and the project. These are resolutions from our legislature up there, composed of members from the rural parts of our State and from our cities, Democrats and Republicans. It completed its biennial session just 2 months ago and overwhelmingly passed a resolution urging swift completion of the project.

We have resolutions from the State Irrigation Association and from county and multicounty irrigation associations. There is one from the North Dakota Association of Soil Conservation Districts. And I say to my good friend, the senior Senator from Mississippi, he knows about State associations of soil conservation districts. These are the people who know the land best and they do not go down the trail for a project that is going to be damaging to that land or its water resources.

There is one from the North Dakota Newspaper Association. There is one from the locally owned, consumer-controlled rural electric co-ops, one from the National Association of RECs, another from the State group known as the Statewide, and one from the eight-State generating co-op known as Basin Electric. There is also one from the North Dakota Water Users Association and the North Dakota Water Management Districts Association. I have resolutions from chapters of the North Dakota Wildlife Federation and other outdoor sporting and recreational organizations. Our Greater North Dakota Association, the State chamber of commerce, which is the voice of business, has from day one been in the forefront of leadership of this project.

Significant to many of my colleagues also, Mr. President, is that Jim Gerl, the president of the North Dakota AFL-CIO, and a Democratic member of our State legislature, has been in town lobbying for this project for the last 2 days. So has our Governor, the Honorable Allen Olson, a Republican. So have our two immediate past Governors, Art Link and Bill Guy, both Democrats of great stature been here for that purpose, to say this is a needed project, this makes sense, and we have to have it in our State to move forward.

Without going down a much longer list, Mr. President, I have at my desk copies of resolutions from two of our biggest farm organizations, our Farmers Union and our Farm Bureau, both of which are very influential and highly responsible organizations representing agriculture, by far our biggest industry. They want it completed.

Talking about environmental needs—and we have heard that on this floor just now—let me tell you that our cities as well as two Air Force SAC bases have on aquifers. They have to depend on surface water. There is no other supply of water in North Dakota, an arid State. That is why the people who were out there in territorial days, when they had the drought of the 1880's, memorialized the U.S. Congress at that time to divert Missouri River water eastward to provide a dependable streamflow on the three major river systems in the eastern part of our State. The towns grews up around those rivers because it was the only supply of water.

During the 1930's Mr. President, our major cities, which were one-third their present size, ended up re-refining their own sewage and rationing water because those streams simply stopped flowing. They know the only alternative to water rationing and the re-refining of their own sewage for water is diverting water from the Missouri River to provide a dependable streamflow in other parts of our State. We have no other source of water.

I might remind you, Mr. President, and my colleagues, that sometimes on the prairies it forgets to rain. All of this talk about alternatives sounds great. We have examined them all. This project has been authorized for 20 years, but it was under study for 80 years before that. Different diversion projects have been suggested, different ways of getting the water there have been suggested, but this is the authorized project and this is the project we have to have.

Mr. President, there has never been a question of our State's solid support for Garrison. I am offended that some of my colleagues may have been led to believe that support for Garrison is dissipating at home. I think it is increasing. And I stake my reputation as a pretty fair listener on that assertion.

It is a sound project. The numbers are impressive, unless you want to believe the Bureau of Reclamation is somehow hoodwinking this administration and the public.

Might I point out I think their figures are accurate. I also want to remind my colleagues that the project was authorized in 1965. I happened to be the author of the bill that was signed by then President Lyndon Johnson.

At that time Stu Udall was Secretary of the Interior. I tell my friends in the press gallery, Mr. President, that no one has ever claimed that Stu Udall did not have his environmental hat put on straight. He is known as one of the leading environmentalist of all times. He said it is one of the best environmental projects in the West, and he still says that. It is desperately needed, Mr. President.

Many of my colleagues, I think, would be offended at any suggestion there was something wrong with Stu Udall's thinking on a water project.

We in North Dakota have compromised, Mr. President, until we are sick and tired of compromising. We have spent millions, as has the Federal Government, on environmental studies, examination of all alternatives, the placement of fish screens, reductions in the size and scope of the project. We have substantially altered the fish and wildlife mitigation plan to a point where I am convinced it will not only not be destructive of the environment so precious to wildlife of all forms, but it will add to and enhance the acres now classified as wildlife habitats.

It is pure bunk, Mr. President, what our opponents are spreading about destroying fish and wildlife habitat, pure bunk. Those of us who live in North Dakota are familiar with what our Indians say: "If you want to know how it is, Mr. White Man, walk in our moccasins for a while." Those of us who have lived in North Dakota know that after the drought of the thirties you could not find a duck or a goose, much less anything else to hunt. I know. I love to hunt. I love to get out on a cool fall day and watch the ducks and the geese come in. But we could not do that during the forties because we had lost the waterholes so necessary to the breeding population of the central flyways waterfowl. That is why Garrison Diversion provides for 146,000 acres of wildlife mitigation lands to be acquired only from willing sellers. We are trying to make sure that the kind of natural disaster of the thirties does not happen again.

Let me point out, Mr. President, to my environmental friends who say this habitat, this artificial habitat, is not as good as natural habitat, of course it is not when it remembers to rain. But, Mr. President, it often forgets to rain and then some habitat, artificial though it may be, is a whale of a lot better than no habitat at all.

I have taken far too much time talking about this amendment, and I do not want to impose on my friends, but I think it is important to ask, since the questions have been raised about the quality of this water, just where does this water come from? This is the purest and cleanest water in the North American continent except for some that our friends from Canada have. It flows off the Rocky Mountain slopes, goes through the State of Montana and is impounded in the western part of North Dakota.

Mr. President, if there is anything in that water that is bad, somebody has repealed the law of gravity while we have not been looking, because the only way the crud that ends up in the river systems down south could get upstream is by repealing the law of gravity, and that has not happened yet.

Mr. President, for 18 years I have been a member of the Canada-U.S. Interparliamentary Conference, and I have said time after time to our Canadian friends: "Send your top biologists down, get out on this reservoir, take water samples, check the fish, find out what is there, and if there is anything there that is bad, we are the first that want to know it because that water is going to go by our towns, it is going to be used by our people long before it gets to Canada."

Let me point out also, Mr. President, that when this whole matter first came up about a decade ago we had complaints about the quality of water. We put an extra $1 million in the bill because we did not exactly say that the Bureau of Reclamation should be the last word, and with that million dollars we hired a very prominent engineering company to study it. That study, completed several years ago, points out that the quality of the return flows from Garrison will be far better—far better, Mr. President—than the quality of the water that is now in these rivers at low stream times.

Let me conclude by just saying one other thing, Mr. President. There is something else that is pretty offensive to me, and I would think to many of my colleagues, and that is connected with the lobbying that has been done by some of our northern neighbors. We have seen, as my colleague, the senior Senator from North Dakota, pointed out, a very balanced editorial from a Manitoba, Canada, paper saying that a lot of this is just bunk; that this is in fact pretty clean water. Who then is leading the protest down here? It is interesting to note that the Minister of Natural Resources up there in Manitoba who is down here leading the fight is also one who is identified in the Canadian press as a participant in a demonstration in front of our consulate when an American flag was burned, criticizing our foreign policy in Central America. I guess we as politicians, Mr. President, have to realize that that kind of grabbing for headlines occurs occasionally. But it certainly does not say that these are people of substance who look at facts before they come down and present their criticisms.

Let me conclude, Mr. President, by saying that we need this water desperately. We want to tell our great neighbors to the north, our responsible friends in Canada, that we are going to work this out in a way that is going to be beneficial, not harmful, to them. But I suggest that we do work this out in a sensible way.

I also point out that the IJC report says just this: That if there is biota in the Missouri and if we do transfer through this project, that biota might show up in the Red River. That is totally true. I totally agree with that statement by the IJC. The only thing they have not done is pointed out whether or not there was biota in the Garrison Reservoir.

The point I should like to make is that we have not found any. We have the healthiest, finest fish you can imagine out there. I hope our colleagues will join us in supporting this long overdue and much needed project.

Mr. President, some remarks about this project appeared in the Congressional Record of June 16. While I respect the opinion of all my colleagues, I regret that this package of propaganda begs a rebuttal.

Mr. President, the Garrison Division Unit has been under construction since 1968 and is 14-percent complete with $157.4 million obligated through fiscal year 1982. The Snake Creek pumping plant, the 74-mile McClusky Canal, and the Wintering Dam of the Lonetree Reservoir complex are all completed. Construction is underway on the Oakes pumping plant and the Oakes drains as part of the Oakes test area, and bids are scheduled for December 14, 1983, on New Rockford Canal, Reach 1B.

Largely because of inflationary impacts, project costs have increased from about $600 million to $1.16 billion since 1977 when the project was halted by the lawsuit brought by the National Audubon Society.

Mr. President, over the 100-year period of analysis, the project will provide direct annual benefits to North Dakota of $58,523,000—October 1982 price level—and total annual benefits of $98,547,000. While most of the benefits are irrigation benefits, there also are benefits to municipal and industrial water supplies, fish and wildlife, recreation and flood control. Also, about 80 percent of the project costs will be reimbursed by power revenues, municipal and industrial water users, and irrigators. The only costs nonreimbursable are those associated primarily with fish and wildlife, mitigation and enhancement, recreation, and flood control functions.

The benefit-cost ratio for this project is 1.3 to 1 based on direct benefits and 2.1 to 1 based on total benefits.

Much is made of the discount rate—interest rate—applied to this project. I would point out, Mr. President, that the rate we are using, 3.25 percent, was established by Congress pursuant to guidelines established by the Kennedy administration. Our opponents urge we use the current discount rate which is much higher. I ask, how could anybody plan any type of facility it if could not use a set interest rate? How could a school district undertake a building program if it did not know the level of interest to be charged on its indebtedness?

We also calculate benefits with 20-year-ago dollars.

Much is made of the so-called Federal subsidy to irrigators. The irrigators will repay $77 of the estimated $3,787 per irrigated acre under the law enacted by Congress in 1944 and reenacted in 1965. The difference is paid for from power revenues on power generated at the mainstem dams. This repayment is already calculated into the power rates being charged. I point out, Mr. President, that these rates would be higher if the Garrison Diversion Unit did not exist and power users had to repay the total costs of the Pick-Sloan plan.

Benefits associated with the proposed phase I of the project would still occur for all authorized project purposes. Irrigation water for approximately 85,460 acres, plus benefits to municipal and industrial water supplies, fish and wildlife, recreation and flood control would contribute annual direct benefits of $24,149,000. As currently perceived, the associated costs for this phase of the project, on an annualized basis, would be $23,856,000.

In response to a statement that municipalities were not interested in water from this project, I say that is demonstratably untrue. I have reams of newspaper clippings from many of our principal cities who continue to beg for water. In addition to these cities which have for years expressed strong interest in obtaining water from Garrison Diversion, one very large rural water district has already stated its desire to obtain a long-term water supply from the project.

While perhaps only one municipality has thus far contracted for water, I point out to my colleagues that until last year, this project was under a Cecil Andrus-sponsored court order which had precluded any substantial construction since 1977. Therefore, neither the Bureau nor the Garrison Conservancy District have been in a position to contract with such interests.

Mr. President, with respect to the relationship between the PIK program, aimed at reducing agricultural surpluses, and this water project, again I fear some people have demonstrated their total misunderstanding of agriculture and farm programs. The PIK program has no merit as an argument against Garrison Diversion.

First, if Garrision Diversion construction continues at its present snail's pace, it will be 10 years before phase 1 is completed. Who knows what the agricultural surplus situation will be then? However, aside from surpluses, the whole thrust of Garrison Diversion is to get our farmers into production of nonprice supported commodities.

For example, North Dakota presently ships approximately 90 percent of its feeder calves out of the State for finishing. Garrison Diversion will provide a stable feed base, thus enabling North Dakota farmers to finish these calves. Irrigators would also turn to the production of crops such as potatoes, alfalfa, and many speciality crops which require a more certain supply of water than we now have.

Also, Mr. President, who among us is naive enough to believe we will have a PIK program more than possibly 1 more year?

Finally, opponents have erronously charged that the benefit-cost ratio for phase 1is unfavorable. In fact, Mr. President, the Bureau of Reclamation—the Government's engineer—states that phase I has a favorable benefit-cost ratio of at least 1.08 to 1. I choose to believe the Bureau.

Mr. President, I am glad to yield to my colleague from the great State of Louisiana, the ranking Democrat on this subcommittee.

Mr. JOHNSTON. Mr. President, I will be very brief, because my two distinguished colleagues from North Dakota have done a complete and very forceful job of presenting the case for the Garrison Diversion.

In my 8 years on the Appropriations Committee, this seems to be an annual fight. In my judgment, after studying it over that period of years, I think it is very clear, first, that this part of the Garrison Diversion project will not hurt Canada. It cannot hurt Canada, by its definition. The water will not flow or affect Canada in the slightest.

Second—and this to me is the most compelling argument of all—this is part of a legislative contract made with North Dakota in 1944. In the Flood Control Act of 1944, a vast plan was confected and put into the law by Congress. It involved a series of dams which would produce hydroelectric power for the downstream States, and that hydroelectric power and those dams are now in place. The downstream States are enjoying that benefit.

Also, it provided flood protection for all the downstream States. That flood protection is in place and is doing its part. North Dakota had to pay a tremendous price in order to provide that downstream protection. North Dakota gave up 550,000 acres of its land, which is now impounded and in effect being used for the benefit of the downstream States, those benefits being flood protection, hydroelectric power, and navigation. So that North Dakota has done its part, has paid it price of 550,000 acres.

Now, all these years later, with all the delays that have ensued, North Dakota wants at least a part of the benefit which was included in that Pick-Sloan plan in the Flood Control Act of 1944. In my judgment, by a contract with Congress, they are entitled to it. They are morally entitled to those benefits.

As the distinguished junior Senator from North Dakota has aptly pointed out, this is not only not environmentally insulting; it is an environmental plus for the area. it will provide the necessary water for the breeding grounds for ducks and for other waterfowl. It will be a positive plus from the environmental standpoint.

Mr. President, as I have done since I have been in Congress this last decade, I again want to endorse this project, as our subcommittee and our full committee have done each year, having studied it in depth. It is a good project, and it should be built.

I yield to the distinguished Senator from Oregon.

Mr. HATFIELD. Mr. President, I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Just 2 minutes.

Mr. President, I have been familiar with this project for many years. I went out there when the dam was dedicated. All my other experience with things in the West is that they cost a lot of money; but when you stop spending some money to make this water available for constructive uses, you stop making progress in that highly important field. If this is stopped, it will be felt severely by the people who live there and it will cut off developments of the future.

I do not know where we would be if it had not been for these fine projects we find in that tremendous area of our

country. It took a number of these things to make me a believer, but I have been amply repaid many times over for a trip I made through a great part of the West.

I remember, as a young man, a small reclamation project at Carlsbad, N. Mex., where they were growing cotton with irrigation, growing two bales of cotton to the acre. That was back in the 1920's. It is still producing.

These are investments. If there is anything in these bills that are investments, it is the projects out there that utilize rainfall.

I heartily support this matter, and I hope it will be approved by a sizable vote.

Mr. HATFIELD. Mr. President, this project, as the Senators from North Dakota have indicated, has been under study for almost 40 years. It was originally authorized in 1944, and it has been under construction since 1965. This is not a new project. It is not one that has just come upon the scene. We have debated it every year I have been on the Appropriations Committee, ad nauseam.

I think it is like some other projects, in that there may be mileage in terms of making speeches about them, for or against.

Frankly, in view of the pressing business of the Senate, I think we should get about the business we are here to do. Most of us here today have had little to do with the original initiation or authorization, and we are carrying out the responsibilities as well as the contractual obligations that have been established for many years on this project.

Therefore, Mr. President, I move to table the amendment at this time, and I ask for the yeas and nays.

Mr. HUMPHREY. Mr. President, will the Senator withhold that? I had expressed in my earlier remarks——

The PRESIDING OFFICER. Does the Senator withhold the motion to table?

Mr. HATFIELD. I withhold the motion to table for a moment, to yield for a question.

(Mr. BOSCHWITZ assumed the chair.)

Mr. HUMPHREY. Mr. President, if I must raise it in the form of a question, then I shall. Is it not a bit discourteous to cut off a Senator who has indicated only a few minutes earlier that he wished to hear the other side of the debate before he himself summarized his own debate?

Mr. HATFIELD. Mr. President, I seek not to cut off debate. The Senator from New Hampshire has been on this subject for the better part of an hour. Not many Senators have been here to hear it. The Senator has read letters that we have heard over and over in the past, which is his right to do and I defend that right. Other Senators have spoken on the subject. I know of no other Senators who have indicated at least to me their interest in speaking on this subject. Therefore, in order to expedite the business of the Senate it seems to me appropriate after the Senator had at least an hour, and I believe this is not the first time he has spoken on the subject anyway, to express a view. But if the Senator wishes to ask for a unanimous-consent agreement for a certain period of time I would certainly consider that in withholding my motion to table at this moment.

I wish to assure the Senator we are trying to get four appropriations measures through the Senate before the July recess. I am weary, frankly, of having been pushed by the Members of the Senate up to the midnight hour to take care of the appropriations business of the Senate. That is not a good way to do the business of the Senate. Therefore, we have attracted every fly in the political world on our appropriations bills, from abortion to busing to school prayer, and on and on. We have submitted ourselves to torture, delays, quorum calls, filibusters and minifilibusters, and very frankly I wish to say not to the Senator from New Hampshire, but I wish to say to all my colleagues that the Appropriations Committee is getting very, very impatient of taking the brunt of all of these legislative tactics that can be conceived by the mind of humankind in delay and all other such things and irrelevant, nongermane delaying subjects that are attached to the appropriations process.

So, I suppose I am supersensitive, but I can smell a minifilibuster and if the Senator wishes a certain amount of time I would be very happy to yield my position on the floor and to withhold my motion for tabling this amendment.

But I will not do so unless the Senator from New Hampshire is willing to give us a time agreement on how much more time he wishes to subject the Senate to on this subject.

Mr. HUMPHREY. Mr. President, will the Senator yield for a reply?

Mr. HATFIELD. I yield for a question.

Mr. HUMPHREY. I ask, in that case, if it must be a question, when the Senator has heard the Senator from New Hampshire address this issue on the floor? He has never addressed this issue on the floor. This is the first time. I ask was not the Senator from New Hampshire present when the bill was called up this morning to expedite its consideration and to present his amendment? Did not the Senator from New Hampshire state explicitly that it was not his desire to delay a vote on this amendment or even on this bill?

I simply wish to have the opportunity which is due me under the rules to discuss this at a reasonable length of time.

Mr. HATFIELD. What is the time the Senator wishes?

Mr. HUMPHREY. I believe that without any doubt from my point I could conclude my remarks within 30 minutes. But I ask is it fair to force me into a unanimous-consent agreement in order for me to secure what I am due as a Senator under the rules?

Mr. HATFIELD. I have indicated to the Senator I would be very happy to work out some reasonable amount of time in addition to what he has already taken on this amendment to listen further or to at least permit the Senator to read into the RECORD further material, or whatever he wishes to do, but I do feel that we have given sufficient time to this amendment. Again, as I indicated, this amendment has been before us several times. I think everyone who has been here within any period of time has heard every argument that could be developed, conceived, or dreamed up. We have heard it not once, but we have heard it many times, and I am going to expedite the appropriations process and at the same time I am not going in any way to cut off any Senator at any time, and I am not going to do that now, but I wish to receive from the Senator some assurance that we would get a time when he would be completed with his testimony or his statement. What would the Senator wish?

Mr. HUMPHREY. I would wish not to be forced into a unanimous-consent agreement to obtain something that I believe is due me by courtesy and right. I have stated from the outset that I do not wish to delay this amendment, only to have it well aired because it in my view has not been well aired. Senators do not fully understand both sides of the question. I realize that.

Mr. HATFIELD. Would the Senator need 5 minutes, 10 minutes, 15 minutes, 20 minutes?

Mr. HUMPHREY. The Senator said a moment ago he believed he could finish for his part within 30 minutes.

Mr. HATFIELD. All right.

Mr. President, I ask unanimous consent at this time that under the time agreement——

Mr. HUMPHREY. Will the Senator withhold that request for a moment?

Mr. HATFIELD. Pardon?

Mr. HUMPHREY. Will the Senator withhold that request for a moment?

Mr. HATFIELD. Yes.

Mr. HUMPHREY. I do wish the chairman of the Appropriations Committee would simply permit me to continue in good faith that I will do as I said that I will not unduly delay this, that I believe I can finish within 30 minutes. I do wish the Senator would not assign me the sins of others, the sins that he listed a moment ago all over the frustration that the chairman has felt. They are not my fault and I wish he would not take them out on me.

Mr. HATFIELD. Mr. President, the Senator is the target at the moment only, because the Senator is the one delaying action on the bill. There are no other amendments that we know of that are pending that any Senator is interested in offering.

Senators have asked us about the possibility of going to third reading.

The leadership has asked that we set up two markups for the appropriations bills on Agriculture and Legislative for 2 p.m. this afternoon.

With the leadership pushing us on that front, we have to get some paperwork done in order to go to a full committee markup at 2 p.m., and that is what we want to do.

So, consequently I am between a rock and a hard place, to coin a phrase, of trying to comply with the full committee markup schedule and to handle this bill as the subcommittee chairman and as the full committee chairman, and I am only asking for the understanding of the Senator from New Hampshire, and I am trying to understand his needs and trying to comply with his request. But I wish reciprocity.

Mr. HUMPHREY. Yes. The Senator has it and it has been my intention from the start that the Senator would have it.

I understand the difficulties of his responsibilities, but it is not my wish to conduct a minifilibuster or even a microfilibuster. I simply want an opportunity.

Mr. HATFIELD. I had no problem with the Senator's integrity or good faith he has operated on. If the Senator feels he can comply with his requirements within the next 30 minutes I will ask for a unanimous-consent agreement, and I will withdraw my tabling motion.

Mr. HUMPHREY. I thank the Senator for his great courtesy and fairness.

Mr. HUMPHREY and **Mr. EXON** addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, I guess I will have to sum up here, much as I wish to speak at greater length than I am permitted by the agenda of the Senate.

Let me say, first of all, that I am sorry that the junior Senator from North Dakota has taken offense at my introduction of this amendment. It should not be necessary. But I am more than happy to humbly apologize to the Senator from North Dakota, but let me do so by saying in the same breath that if we are to defer to each and every Senator with respect to projects in his or her State then we will obviously never have the opportunity to examine them on the floor, and so that line of reasoning is simply invalid in my opinion, but I, nevertheless, apologize to the Senator if he was offended. It was not my intent to offend, and I apologize.

For instance, the distinguished Senator from Tennessee (Mr. BAKER) was not personally offended when I over a number of years have brought up amendments relating to Clinch River which happens to be a project in his State. I am sure that he was not offended, and I am sure that all Senators understand that inasmuch as it is not North Dakota State tax funds paying for this project but rather dollars impressed from the taxpayers of the United States, and every Member of the Senate has the right and responsibility to examine these projects on the floor and where indicated to offer amendments to delete or reduce funding.

Mr. President, I repeat again, that there is some significance in the fact that the House of Representatives for 2 years running has stricken funds completely for this project. Is that a bias against North Dakota? Is this meant to offend the Representatives of North Dakota? Of course not. Of course not, especially inasmuch as the vote was bipartisan. It indicates that there is something wrong and inadequate with the merits of this proposal, and that is the point that I have tried to make in my remarks and my arguments here today.

Yes, of course, there is a division of opinion in North Dakota. There are people who favor the proposal and those who oppose it.

The Senators from North Dakota, the junior Senator and the senior Senator, have referred to that skillfully, but let me just for a moment, not that I want to interject myself into North Dakota politics or controversy, read very quickly a couple of counter editorials, if you will, indications of public sentiment within that State.

First, Mr. President, from an editorial from the Jamestown Sun of January 21 of this year, entitled "Use for Garrison Water."

> Compared with other ways Missouri River water is being used, the Southwest Pipeline stands as a shining example of possible technology doing the best for people.
>
> Southwestern North Dakota residents testified on behalf of the project in Bismarck Thursday. The groups were met with bipartisan support. The project proponents are asking the legislature to approve over $100 million in funding for the pipeline.
>
> The uncertain water quality and limited supply of it in southwestern North Dakota remains the best argument for the $110 million project. Granted, it is not inexpensive but consider, if you will, the tax fortune spent on Garrison Diversion. Like Garrison, the pipeline is affordable with some federal help.
>
> Considering what the state and federal government has spent on Garrison Diversion, the Southwest Pipeline is a bargain. Garrison will take as nearly as much land out of production as it irrigates. The Southwest Pipeline will move water without claiming huge tracts of land. It will enhance the life of rural and municipal water users rather than disrupt it.

I might interject here, Mr. President, the editorial writer is talking about two different projects, the Garrison project and another project to supply municipal water, which is the southwest pipeline, a very sensible project, apparently, in contrast to one that is not sensible, namely Garrison.

Continuing with the editorial:

> Nearly half of the water Garrison Diversion proposes to move into irrigation plots will evaporate before it gets to the crops. The proposed pipeline will feed water to farms and communities in need of the supply efficiently and cheaply compared with the billions spent on Garrison.
>
> And there is a strong indication the pipeline can be completed without creating an international incident. The same cannot be said of Garrison Diversion.
>
> This is not a complete list of Garrison Diversion's flaws but the project does demonstrate how sound the Southwest Pipeline Project concept really is in comparison. The pipeline responds to a desperate need rather than greed. The pipeline does not make wild promises about what it can deliver. Promoters are promising pure water, that's all.
>
> So far the Southwest Pipeline has not been a subject of much argument. Those who know the need in southwestern North Dakota agree the pipeline is needed.

Mr. President, the Senators from North Dakota are quite correct. Drought is a real problem for North Dakota and it probably makes sense to take water from the Missouri River on the western boundary of North Dakota and move it by some means over to the eastern part of the State where droughts are from time to time a problem.

But what does Garrison do and how does it do it? How does it address this problem of municipal water supply? It takes water from the Missouri River and transfers it by canal and reservoir, half of which will evaporate, according to the editorial I just read, and then it channels this water into a number of rivers that flow into the Red River. From there, these municipalities will draw their water.

Is that not a strange way to transfer water from the Missouri River to the cities that need a municipal water supply, to pump it overland through a canal from which the water will evaporate and then to transfer it into a river from which the cities will draw their water?

How much more sensible to pump the water through a pipeline from the Missouri River directly into the water mains of those cities. No evaporation, no problems with fish and other biota being transferred from the Missouri River into the Red River which then flows into Canada, and no problems with the Canadian Government. That is much more sensible. That is what we are urging here.

The Garrison project is a very clumsy and expensive way of dealing with the municipal water supply problem.

I will read another editorial. And this will be my last excursion into the State politics of North Dakota and attendance controversies. This one is from the Bismarck Tribune of December 26 of last year, entitled "Garrison Project Change Needed."

> It's time to take a good, hard look at Garrison Diversion.
>
> It almost doesn't matter that Garrison survived a recent House-Senate conference committee test.
>
> Clearly, Garrison has lost political support in the House, which, only five days before the conference committee met, voted to cut funds 252-152.
>
> The project is not likely to recoup much House support in the foreseeable future.
>
> At the very best, Garrison's promoters will be able to work lose crumbs for funds. At the worst, Garrison won't be so lucky next time.
>
> But Congress isn't Garrison's only problem.
>
> Aside from Congress, Garrison still finds:
>
> Stronger Canadian opposition than ever, based on fears of harm to Manitoba's fishing industry.
>
> Opposition from environmental groups, who aren't likely to ease their stands on water development in North Dakota unless they perceive a better shake for wildlife and wetlands.
>
> Renewed opposition by North Dakota farmers to a wildlife mitigation plan. Many landowners see Garrison as a project that takes from one set of farmers and gives to another, and many believe there is too much land in public ownership now.
>
> The point is, as constituted, the Garrison plan continues to meet objections at every turn.
>
> It has been nearly 30 years since Garrison Dam was completed, and this state still has no water project. At that rate, no living North Dakotan will see a completed project.
>
> Garrison's supporters have stuck to their guns long past the time they should have tried to compromise and get a project moving forward, and it is time we faced political realities.
>
> We should also realize that, more important than a specific water project outlining a certain number and location of acres, Garrison Diversion is an idea.
>
> The idea is this: North Dakota has all this water in one place, doing itself little good. The best thing to do is to move that water and put it to better use.
>
> The idea always has been and still is sound, and the idea should be implemented.
>
> Furthermore, North Dakota has a right to a water project for agreeing to flood out more than half a million acres to create Lake Sakakawea and prevent flooding of downstream states.
>
> But, that doesn't mean the state has a right to this particular project. It means the state has a right to compensation by whatever project or projects are acceptable to a wide array of interest.
>
> For years, this newspaper has supported the authorized project in its editorials, believing that the 250,000-acre project was good and merely the first phase of a much bigger water plan.
>
> Thus, it is no small step for us to urge that the current project be de-authorized and a project more palatable to the political powers that be, as will as to our own farmers, be authorized instead.
>
> The reason we've come to this conclusion is that it's time to make measureable progress on a water project for North Dakota, rather than continue to get very little.
>
> What is an acceptable alternative?
>
> We can't say for sure. That's something to be planned out by our State Water Commission and the Bureau of Reclamation.
>
> But here are some ideas:
>
> If we agree to deauthorize Garrison, perhaps the feds would finance a municipal and industrial water pipeline project not only for the southwest area of the state, but for the eastern part as well.
>
> Even that project would not fully compensate for flooding the Missouri River bottomlands.
>
> The state should push, then, for federal financing of some of the items in the huge 1983 State Water Plan the Water Commission is presenting to the Legislature.
>
> Let's come up with something everyone can agree on and do it. Having some water project is a whole lot better than sticking to a principle and having none.
>
> Our politicians should show the leadership required and admit that big changes are needed for this state to get the uses it deserves out of its water.

So that editorial makes the point that I myself made a moment ago, Mr. President. There is a more sensible way, if municipal and industrial water needs are the problem, to address those needs and to solve that problem. That better way presumably is a pipeline and not a canal. In any case, it overlooks the whole thing of transferring fish, such as carp and others, that would harm the Canadian fishing industry by a very substantial degree. That is the case under the present proposal which transfers water from the Missouri River, through canals, into various rivers that flow into the Red River from which municipalities such as Fargo will draw their water. It would be much more sensible to pipe that water over land. We would not then have the problem of carp, of flowing into Canadian fisheries; we would not have the problem of other matter being transferred.

Mr. ANDREWS. Will the Senator yield?

Mr. HUMPHREY. I yield, briefly.

Mr. ANDREWS. I will be brief, because the chairman of our committee has urged me to be brief.

I want to point out that I am sure concern was shown about the carp that might go from the Missouri system into the Red River. Is that what you said?

In fact, we celebrated the 100th anniversary of my farm last weekend. We are on the Maple River, which is a little creek that goes down into the Red. Every spring when I was a kid we caught all kinds of carp. Let me assure the Senator from New Hampshire, they are already there. If any carp comes into Canada, you will have to count them and ear tag them to find out whether they are Missouri River carp or Red River carp because they have been there since the beginning of time.

I thank the Senator for yielding.

Mr. HUMPHREY. The Senator is certainly a greater expert on carp and other rough fish, I guess, than the Senator from New Hampshire.

In any case, there has to be some legitimate reason for the objection of our neighbors in Canada. It is not just a few kooks who burn flags, as the Senator from North Dakota has implied. We are talking about the Canadian Ambassador to the United States. We are talking about the Premier of Manitoba. We are talking about responsible, elected officials who have represented to us and pointed out to us that the Joint International Commission, made up of both American and Canadian official representatives, have found that indeed Canada will be damaged by this project; that Canada's environment and resources will be damaged by this project; that it is a violation. The Commission has found that the project will violate the treaty between our two nations signed in 1909 to govern matters of this type.

So it is not flag burners but solid, respectable men and women of high position in Canada who have urged us to modify this project before further funding.

The Senator from North Dakota in his remarks a moment ago suggested that it is only outside groups who oppose, or outside environmental groups who oppose, this project. Earlier I read a telegram from what I believe to be a comprehensive list, a joint telegram from a comprehensive list, of State environmental groups, all of whom were opposed to this.

With respect to the mitigation plan, the North Dakota Chapter of the Wildlife Society has provided me with a resolution. I will read the resolved and put the whereases in the RECORD.

> Now, therefore, be it resolved that the North Dakota Chapter of The Wildlife Society finds the new mitigation plan for Phase I of the Garrison Diversion Unit to be inadequate to offset the wildlife habitat losses caused by Phase I of the project; and
>
> Be it further resolved that the North Dakota Chapter of The Wildlife Society petitions the Congress of the United States to investigate and to implement an alternative to the authorized Garrison Diversion Unit which will be less costly, will not adversely affect Canada, and will have less severe adverse environmental impacts in this country, thereby requiring less mitigation; and
>
> Be it further resolved that such an alternative consider irrigation development along the McClusky Canal and the Missouri River, and the use of pipelines to deliver municipal, rural and industrial water throughout the State, including the southwestern and eastern portions; and
>
> Be it further resolved that copies of this resolution shall be sent to the members of the North Dakota Congressional Delegation, to Congressman Conte of Massachusetts and Congressman Dingell of Michigan,

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and to other Members of the House and Senate as deemed appropriate.

Mr. President, I ask unanimous consent to insert this entire resolution from the North Dakota Chapter of the Wildlife Society into the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON THE WILDLIFE MITIGATION PLAN FOR PHASE I OF THE GARRISON DIVERSION UNIT

Whereas the Garrison Diversion Unit will drain or adversely affect 73,000 acres of prairie wetlands, destroy 66,000 acres of native prairie and grasslands and 4,000 acres of woodlands, require channelization of 142 miles of streams, and impair management of twelve National Wildlife Refuges; and

Whereas the original wildlife mitigation plan of 146,530 acres featuring acquisition and development of existing wetlands would have resulted in net losses for wildlife; and

Whereas the updated wildlife mitigation based upon restoration of drained wetlands developed in the late 1970's to replace project losses would have required 198,000 acres featuring wetland restoration to offset the known habitat losses from the project; and

Whereas the proposed Phase I of the Garrison Diversion Unit would result in approximately one-third of the habitat losses of the full 250,000 acre project, but includes a wildlife mitigation plan of only 41,800 acres; and

Whereas the joint Federal-State-Conservancy District Mitigation Committee which developed the new mitigation plan for the Phase I project has recommended that the McClusky Canal and the Lonetree Reservoir, and Bureau of Land Management lands currently managed for multiple uses including wildlife, be credited toward project mitigation; and

Whereas many of the lands recommended for this new Phase I mitigation plan by the joint Federal-State-Conservancy District Mitigation Committee have not been identified and include lands totally different in location, mitigation suitability, and value for wildlife, especially waterfowl, from those envisioned by the Congress in the authorizing act of August 5, 1965; and

Whereas the same Federal-State-Conservancy District Mitigation Committee has postulated the benefits of the new mitigation plan on undescribed and untested concepts of intensive management of mitigation lands, and has identified for implementation only two intensive management techniques, fencing and establishment of dense nesting cover, which fail to include the normal array of management techniques employed by wildlife agencies in managing wildlife areas; and

Whereas this latest attempt to change the mitigation plan for the controversial Garrison Diversion Unit fails to recognize that the serious problems of the project are the result of its ever-escalating costs of now over $1.2 billion, its potential for severe adverse impact to Canada, and its dwindling support among the people of North Dakota;

Now, therefore, be it resolved that the North Dakota Chapter of The Wildlife Society finds the new mitigation plan for Phase I of the Garrison Diversion Unit to be inadequate to offset the wildlife habitat losses caused by Phase I of the project; and

Be it further resolved that the North Dakota Chapter of the Wildlife Society petitions the Congress of the United States to investigate and to implement an alternative to the authorized Garrison Diversion Unit which will be less costly, will not adversely affect Canada, and will have less severe adverse environmental impacts in this country, thereby requiring less mitigation; and

Be it further resolved that such an alternative consider irrigation development along the McClusky Canal and the Missouri River, and the use of pipelines to deliver municipal, rural and industrial water throughout the State, including the southwestern and eastern portions; and

Be it further resolved that copies of this resolution shall be sent to the members of the North Dakota Congressional Delegation, to Congressman Conte of Massachusetts and Congressman Dingell of Michigan, and to other Members of the House and Senate as deemed appropriate.

Mr. HUMPHREY. I will truly try to sum up briefly at this point, Mr. President.

It is not only a North Dakota project. It involves Federal funds. If North Dakota citizens wanted to cover the entire State of North Dakota with canals using their own money, that would be their own business. More power to them.

But this is financed by Federal funds and each and every one of us has a responsibility to review such programs and offer proposed changes. That is what I am trying to do here today. Nothing more and nothing less.

There are four basic reasons this appropriation should be stricken in order to bring about a redesign of the Garrison diversion project.

First, that it makes absolutely no sense to be spending over $1 billion to create more farmland and more farm commodity surpluses. It is costing our citizens a fortune to store this stuff. It is costing us a fortune to pay farmers not to plant more. Farm programs in 1984 will cost us $21 billion, all designed to, ironically on the one hand, discourage excessive planting, and, on the other, to encourage.

One of the encouragements are these water projects that bring into being more tillable farmland. So we are being asked to spend $1.1 billion and more to create more farmland at a time when our bins and warehouses are overflowing. We are having to give away cheese. We do not know what to do with the stuff. And dried milk. Fibers. Name it. We do not know what to do with the stuff. Now we are proposing to make it possible to encourage the production of more of these commodities. It does not make sense on the face of it.

That is why the National Taxpayers Union and the Council for a Competitive Environment oppose this project and have so stated by letter which I inserted into the RECORD.

Second, the project is not cost-effective. If it were, that would be one thing. But it is not. It is not.

If you use a realistic discount rate, that current rate presently applied in figuring the cost-benefit ratio for current water projects, the discount rate is in the neighborhood of 7 or 8 percent, which is far more reasonable than the 3-percent discount rate used in the calculation by the proponents. That is the discount rate that was in effect in 1965 when this project was authorized. Can we borrow money for 3 percent today? Of course not. We are lucky if we can borrow it for eight. Applying a realistic and current discount rate to this project yields a cost-benefit ratio of 1:58. That is, 58 cents for each dollar invested will be returned to the taxpayers.

Third, the Garrison diversion unit as now designed will inflict very great damage upon wildlife habitat.

I read just a moment ago a letter from the North Dakota chapter of the Wildlife Federation, I believe it was, which denounced the mitigation plan as inadequate. There is local opposition as well as massive national opposition which I have referred to earlier, outlined in letters which these organizations have sent to every Senator in this body.

Fourth, this project will have the effect of violating the treaty between the United States and Canada that governs such matters. It is not my opinion that this project violates the treaty. It is not my opinion. It is the opinion of the International Joint Commission, an official body made up of United States and Canadian members appointed by the President and the Premier. That Commission has found that this project violates a treaty between the United States and Canada.

Small wonder that Canadians are upset and resentful. It is small wonder that tensions are growing, which could be easily avoided if this project were redesigned. That is what I am urging.

I am not saying that the State of North Dakota does not have a problem. I am not saying it is not smart to move water from the Missouri River to the drier part of the State. I am saying that it is unwise and not economically sound. Analysis bears out my opinion. This is boondoggle, as some press writers have called it. This is a project proceeding not on logic but on momentum.

While I do not hope to stop it with this one debate, I hope we have brought about some enlightenment on both sides of the question and that we will make further progress in modifying this project as events unfold, just as we succeeded in another sense in bringing, apparently, to a halt the Clinch River breeder reactor, another wasteful project that was not well designed or well executed.

I thank the chairman of the Appropriations Committee for allowing me to present these remarks. I urge Senators who support the amendment to strike $22 million as the House has.

Mr. CHAFEE. Mr. President, I am deeply concerned about the construction of the Garrison diversion project because it raises serious economic, environmental, and international problems.

First, the cost of the project has escalated fivefold—from $207 million in 1965 when the project was first authorized to over $1 billion. This works out to a subsidy of approximately $800,000 per project farm and a Federal investment of $3,753 per acre served.

Although the cost-benefit ratio is 1.3-to-1 in direct benefits, it is computed on an unrealistic discount rate of 3.1 percent. Using a more realistic discount rate of 7.6 percent, the cost-benefit ratio drops to 1-to-.58—only 58 cents returned on every dollar spent. It is not difficult to conclude from these figures that the project is economically unsound and an affront to taxpayers everywhere.

Second, the project will wreak serious environmental damage to prairie marshes and other habitat as well as units of the National Wildlife Refuge System. It has been estimated that the Garrison project would destroy or adversely affect 70,000 acres of wetlands resulting in an estimated average loss of 175,000 to 300,000 waterfowl.

Projects of this type are required to have mitigation plans to offset the loss of habitat and wildlife, but a final plan has yet to be agreed upon. I understand the plan does not consider the loss of migration habitat and provides no reliable provisions for the long-term management necessary to offset wildlife and habitat losses. Instead, it moves away from the wetlands restoration and replacement concept to one of intensive management. This means that there will be fewer acres to compensate for the loss of waterfowl.

Intensive management requires a strong personnel and financial commitment over time and there is not assurance, given the budget cutbacks at the Interior Department, that such long-term commitments can be made and kept. Without an adequate mitigatin plan in place, and the firm commitment of the Department to implement such a plan, no further construction should be allowed to proceed.

The Canadian Government and the Province of Manitoba have expressed great concern that the Garrison project would degrade Canadian waters. The Canadian fear that irrigation return flows would pollute rivers flowing from North Dakota to Canada and that project waterways would introduce rough fish and other undesirable foreign biota into the Hudson Bay watershed, a prime commercial and sport fishing resource. The United States-Canadian International Joint Commission found that the Garrison project would cause significant injury to the health and property in Canada as a result of adverse impacts on the water quality and to some of the more important biological resources in Manitoba. This would violate the 1909 Boundary Water Treaty between Canada and the United States.

For these reasons, Mr. President, I support the amendment to halt funding of the Garrison diversion project until an accelerated study can be conducted to examine alternatives that will meet North Dakota's water resource needs and that will resolve the international and environmental problems I have outlined.

Mr. STAFFORD. Mr. President, I wish to express my support for the amendment that would delete money for the Garrison diversion project in North Dakota.

Every Member of this body is aware of the intense opposition to this project among our neighbors in Canada. Because of that opposition, it seems prudent to me that the United States should examine every alternative to provide the necessary benefits to the people of North Dakota and South Dakota before building portions of the project that will have an adverse impact on Canada.

The issue is a simple one. The Canadian sports and commerical fisheries will be damaged severely by the introduction of fish from the Missouri River drainage.

This amendment puts the project on hold while the Bureau of Reclamation studies alternatives to irrigate vast areas of North Dakota, without threatening the resources of our neighbors in Canada by moving Missouri River water northward into the Hudson Bay drainage.

I am aware of the strong feelings on this issue among my friends in North Dakota. I want to emphasize that I, in no way, oppose sound water resources development in North Dakota. But I believe we must go forward in a manner that protects our Canadian neighbors and our wildlife resources.

I believe this is a wise amendment. I support it.

Mr. PRESSLER. Mr. President, my home State of South Dakota is in a very unusual and difficult situation in regard to the Garrison diversion project in North Dakota.

South Dakota like North Dakota, made major sacrifices for the construction of the mainstem dams on the Missouri River to provide flood control, navigation, hydroelectric power, and other benefits to the Midwest. In return for the sacrifices which the Dakotas made, we were promised water development—including irrigation. To date, neither North Dakota nor South Dakota have benefited from the water development promised. The Garrison project is part of the water development promised North Dakota, and it is well-deserved compensation.

However, South Dakota, especially the farmers and communities along the James River, are concerned about the impact of the Garrison project on the James River. Will the return flows from that project cause additional James River flooding, and will they be of good quality so they can be utilized in South Dakota? There is a great deal of optimism in South Dakota that the return flows can be used for the benefit of South Dakotans. Last year Congress authorized the study of the possible extension of the Garrison project to South Dakota and this bill includes funding for that study. I am very hopeful the study will show that South Dakota can also benefit from the Garrison project. But there is still a great deal of concern that South Dakota could be adversley affected by the project and that the impact on the James River has not been adequately studied. To illustrate these concerns, I ask unanimous consent that statements from James N. Dornbush, a professor of civil engineering at South Dakota State University, on the possible effect of the Garrison diversion project in South Dakota, be printed in the RECORD following my remarks.

Fortunately, the States of North Dakota and South Dakota, along with the Bureau of Reclamation, have established a committee to work out the concerns of South Dakota. The committee has made good progress and an agreement on the concerns is expected to be reached in the near future.

In conclusion, I would like to express my continued concern about the potential adverse impact of the Garrison project on the James River in South Dakota, but do not want to deny North Dakota residents the water development promised them years ago. I am confident that the current negotiations on South Dakota's concerns will be resolved and urge the Bureau of Reclamation and our friends in North Dakota to continue to work with South Dakota to resolve these concerns.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

COMMENTS ON GARRISON DIVERSION UNIT, DRAFT SUPPLEMENTAL ENVIRONMENTAL STATEMENT, STATEMENT NUMBER: DES 83-14

(Submitted by James N. Dornbush, D. Sc., P.E.)

My name is James N. Dornbush, and I am a Professor of Civil Engineering, South Dakota State University, Brookings, South Dakota. I have been asked to review and prepare comments on the "Garrison Diversion Unit Draft Supplemental Environmental Statement (DES 83-14)" dated March 16, 1983. This request for review was made by Roger A. Schuller of Claremont, South Dakota for the James River Engineering and Management Board in South Dakota apparently because of my past involvement in court cases dealing with flooding of the James River valley in South Dakota and the impact on South Dakota of the Garrison Diversion Unit changes that have been made in recent years. My comments will be limited to impacts on South Dakota and my comments are offered as an individual entirely separate from South Dakota State University involvements.

After reviewing the draft environmental statement, several deficiencies with regard to South Dakota are almost immediately apparent regarding management of river flows, the impacts in and on Sand Lake and resulting water quality impacts to downstream users.

Initially it is recognized that the water quality impacts on the James River to the ND–SD border were based on "historic" river flow records from 1953–1973. During the later part of this period after the filling of the Jamestown Reservoir in 1965, controlled releases from this reservoir were a major factor contributing to extended periods of high flows in the James River in the summer with the uncontrolled storage in Sand Lake compounding the high water problem for downstream flood-plain farmers in South Dakota. Also, flood control releases from the Pipestem reservoir near Jamestown constructed in 1972–73, increased the late spring flooding regime in South Dakota after 1973. That period from 1974–1981 is handled separately in a preliminary manner for river flow analyses (Appendix 5.9 pgs V–51 through V–55). Studies incorporating these two separate flow periods make it difficult to assess the impacts on South Dakota although both studies leave numerous questions unanswered regarding downstream flows and water quality to Sand Lake and beyond in South Dakota.

First regarding water quality, the projections downstream from Sand Lake seem to be made as if Sand Lake did not exist. Thus, the Figures 5–4 through 5–9 and Tables 5–6 and 5–7, are in gross error because "all effects of storage, reregulation, evaporation, and other gains and losses in this reach of the river were not considered for the purpose of this analysis" (III–14). Furthermore, incremental changes as determined at the ND–SD state line were carried directly downstream and superimposed at the Columbia and Huron gaging stations with the explanation that this maximizes the effects of the project on these lower stations. To make the assumptions of open-channel flow through Sand Lake and then to minimize the impacts of storage and evaporation as well as to ignore the major effects of evapotranspiration and ice formation on water quality leaving Sand Lake is completely contrary to known hydrological principles, and misleading with respect to future uses of the impact statement. Instead, these assumption would appear to minimize adverse environmental impacts at lower downstream stations in South Dakota.

Drainage and return flows from the project to the James River in South Dakota, will contain increased concentrations of salinity, hardness, sulfates, TDS, etc. Also, flows to South Dakota will be regulated although minimum flows of 20 cfs are to be maintained. During the late summer, fall and winter, virtually all of the inflow to Sand lake will be irrigation return or drainage flows with greatly increased salinity. In Sand Lake and Mud Lake evapotranspiration from the huge area (11,000 acres total), much of it covered with emergent vegetation, would tend to greatly concentrate the salinity in the lake water and, consequently, the future water flowing from Sand Lake. This late summer concentration effect of evapotranspiration in the lake has been completely neglected.

When ice starts to freeze in the fall, the water salinity will become further concentrated as ice forms on Mud Lake and Sand Lake. Considering only Sand Lake (capacity of 18,000 acre-feet and area of 6,050 acres (pg. III–17)), with the formation of only one foot of ice, the salinity of the underflow leaving Sand Lake would be 50 percent greater. With water of increased salinity entering Mud Lake and Sand Lake during the late summer and fall, the resulting water at Columbia would be substantially more saline and degraded. Furthermore, these conservative pollutants would probably continue to increase in concentrations as the water travels downstream to Huron. This quality degradation effect of water freezing in Mud and Sand Lakes has also been completely neglected in the draft environmental impact statement.

The effects of evapotranspiration and ice formation at Sand Lake can at least be approximated with existing data. For example, some water quality data has been collected during periods of flow in and out of Sand Lake. The interpretations of these data should certainly be considered prior to assessing water quality impacts in South Dakota.

In 1973, Young[1] evaluated the seasonal variations of streamflow and water quality in the James River in South Dakota. Streamflow, water quality and climatological data were evaluated for three South Dakota stream gaging stations (Columbia, Huron and Scotland). Records from 1949 through part of 1971 were available at that time. Among the conclusions of that thesis were:

"2. The flows at all three stations were found to follow a pattern which could be divided into three distinct periods or seasons. The first period was the March–May season, during which streamflows tended to be increasing toward their maximum annual levels. The second period was the June-October season, during which streamflows tended to be decreasing from their spring flood levels. The third period was the November–February season, during which streamflows tended to decrease slightly from their autumn levels to their minimum annual winter levels." * * *

"6. For eight of the nine cases analysed, a statistically significant, inverse, linear relationship was found to exist between specific conductance and the logarithm of streamflow. This result indicated that an inverse relationship between water quality and streamflow apparently existed for the entire year at the Huron and Columbia stations and for all except the November–February season at the Scotland stations. However, the data available for the November–February season at the Scotland station were too restricted to allow a statistically reliable relationship to be derived for that season.

"7. During all three seasons, the dissolved solids concentration (specific conductance) of the James River tended to increase in the downstream direction from the Columbia station to the Scotland station.

"8. The dissolved solids concentration (specific conductance) was observed to follow the same annual pattern at each of the three stations. For a given stream flow, the dissolved solids concentration at each station generally tended to be greatest during the November-February season, while the concentration tended to be least during the June-October season. The annual minimum dissolved solids concentration tended to occur during the spring flood flows at each station."

Of particular importance from these conclusions is that dissolved solids tended to increase in the downstream direction from Sand Lake and that dissolved solids was highest during the November to February season.

The water quality at the Columbia station on the James River would be representative of the quality leaving Sand Lake and evaluation of past data at Columbia can illustrate quality changes as a result of that lake. For example, the following 1957-58 data from USGS records is some of the data appended to Young's thesis report (pgs 101 and 104) for the Columbia gaging station on the James River.

Date	Streamflow (cfs)	Dissolved solids concentration (mg/l)	Specific conductance (micro-mhos/cm at 25°C
July 25, 1957	2.2	564	870
Sept. 4, 1957	18.6	1,010	1,500
Oct. 14, 1957	19	743	1,140
Nov. 13, 1957	47		1,130
Dec. 3, 1957	58	820	1,250
Jan. 5, 1958	43	1,070	1,570
Feb. 3, 1958	30	1,100	1,620

During the above period, the mean monthly flows at Lamoure, ND ranged from 16 to 37 cfs, approximately the range proposed for project flows to South Dakota but without the added salts from project drainage. The above data clearly demonstrates the evapotranspiration and ice formation on Sand Lake from November through February have major impacts on water quality in Sand Lake (TDS above 1000 mg/l) and must be accounted for prior to assessing impacts on downstream water quality.

Considering the above information it appears that the water quality data and streamflow data presented in the draft EIS for the James River at Columbia and Huron, SD (Tables 5-6 and 5-7 and Figures 5-4 through 5-9) are completely misleading. Also, because the assumption of open channel flow through Sand Lake are known to be in substantial error, the above Figures and Tables as well as statements and conclusions drawn from them should probably be omitted from the final environmental impact statement to be submitted to the Council of Environmental Quality.

The importance of being able to accurately assess the impacts of Sand Lake retention on TDS or salinity, hardness, sulfates etc. prior to construction of the Garrison project can not be overemphasized. If these concentrations exceed water quality standards for downstream users such as irrigators in South Dakota, they can not be practically removed by treatment. Instead, the concentrations can only be reduced by dilution with good quality water. And sources of good quality dilution water are available only in North Dakota, in the Jamestown and Pipestem Reservoirs or through the supply works.

The second major concern with respect to the draft EIS deals with management and

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[1] Young, Jeffery B., "Analysis of the Seasonal Variations of Streamflow and Water Quality of the James River in South Dakota," Master of Science Thesis, Civil Engineering Department, 1973; Briggs Library, South Dakota State University, Brookings, S. Dak., 57007.

timing of flows into and through Sand Lake to downstream areas in South Dakota. With the storage of flood flows in the Jamestown and Pipestem Reservoirs and subsequent releases of this water to Sand Lake where storage and outflow is poorly controlled, the hydrology of the James River has definitely been altered. During high flow years, releases from the reservoirs at rates in excess of James River channel capacity (as low as 250 cfs at some points in South Dakota) has extended the period of flood flows affecting James River flood plain areas far into the summer. These aspects have been particularly severe since Pipestem Reservoir has been operating. During years with low flows and perhaps median or slightly higher flows, the project plans to utilize the stored water in the reservoirs for irrigation in North Dakota, with irrigation drainage and return flows containing increased salinity reaching South Dakota. During many years with near median flows, the flows during the irrigation season are to be depleted to the minimum of 20 cfs. Why only 20 cfs? These impacts of depletion have not been addressed in the draft environmental statement in a manner that will allow evaluation of the revised project effects in South Dakota.

The analyses of flows and water quality for the James River at the ND–SD border have been provided in much greater detail in the 1979 impact statement. For example, flow and quality data were provided at the ND–SD state line for maximum, minimum, mean, 10th percentile, 50th percentile, and 90th percentile flows for three periods (historic, study and equilibrium) in the FES 79-7. By contrast, only mean, high and low flow conditions are described in this draft environment statement. Mean flows which are presented are greatly influenced by occasional high or flood flows and do not accurately represent the usual operating conditions. For example, historic (1953–1973) mean flows at the ND–SD border were 7,060 acre feet in July compared to the median or 50th percentile flows of 2,570 acre feet. Furthermore, these median flows in July were to be further reduced to 1,230 acre feet (the minimum 20 cfs) by the previous project plans. The net effect of presenting only mean, high and low flows to represent project impacts in South Dakota is that depletion of water to Sand Lake and South Dakota during the irrigation season is hidden. The impact of these reduced flows to South Dakota should be fully addressed in the environmental statement.

This review and these comments do not address aspects related to management of the Sand Lake Wildlife Refuge and effects on biological conditions. Operations to restrict flows to Mud Lake periodically to control carp and prevent botulism would also impact seasonal flows downstream from the lakes but these impacts on downstream flows could not be interpreted at this time.

A preliminary analysis of flows of the James River in North Dakota for the period 1974–1981 is presented in Table 5–9 in the Appendix. This preliminary analysis recognizes the changes in flow that have resulted from flow regulation at the Jamestown and Pipestem Reservoirs. Also this preliminary study utilized the storage capacity in the reservoirs to maximize flood control downstream in North Dakota, basically ignoring the recreation use in the Jamestown Reservoir. The tabular results of this preliminary study were not presented for South Dakota but statements suggest that spring flood flows could be substantially reduced. If this concept of greater control of spring flood flows in upstream reservoirs is incorporated into the plan, the changes may be highly beneficial to control South Dakota flooding. From the preliminary information presented, it was not possible to determine if this mode of operation is to be part of the project.

In summary, from review of the draft environmental statement, certain questions have not been answered for South Dakota. These questions include:

1. What seasonal changes in James River water quality will occur in Sand Lake?
2. What impact will the project have on water quality of the James River in South Dakota downstream from Sand Lake?
3. Why was 20 cfs selected as the minimum flow to South Dakota during July and August?
4. What provisions have been or will be made to supply additional water to South Dakota in the event that water quality standards are not met?
5. What effects will the project have on the median flows and similar flows downstream from Sand Lake? Will these flows be depleted during median years to the extent that downstream irrigation in South Dakota will be threatened?
6. Will the Jamestown and Pipestem Reservoirs be operated for greater flood control downstream in South Dakota?

It is recognized by this reviewer that the impacts of the Garrison Diversion project on the James River in South Dakota are complicated by changes in Sand Lake and that all the desirable data are not available. Nevertheless, Sand Lake is there. Its influence on the impacts to the James River in South Dakota must be assessed. If the future impacts are critically negative, alternatives will need to be incorporated into the project. Alternatives may be necessary such as provisions for a bypass around Mud and Sand Lakes, improved structures to control inflows to and releases from the lakes, increased flows to South Dakota for quality control, greater summer flows to South Dakota for irrigation, channel restoration in South Dakota to handle the flows, and operation of the reservoirs to minimize downstream spring and summer flooding in South Dakota. If alternatives are necessary, the coordinated planning to accommodate environmental and other needs in South Dakota must start soon.

Important Aspects of Flood Control in the James River in Northern South Dakota

(By James N. Dornbush, May 1982)

The following comments were extracted directly from the report James River Basin Subregional Analysis—North Dakota, South Dakota, March 1980[1] prepared by the Missouri River Basin Commission, an agency for the coordination of plans, of all other governmental agencies for the development of water and related land resources in the Missouri River Basin and its tributaries. The comments related to key points established in the litigation between the James River Flood Control Association in South Dakota versus the U.S. Bureau of Reclamation regarding developments of Garrison Diversion Unit in the upper James River Basin in North Dakota in the spring of 1982.

The James River Basin Subregional Analysis report (page 3) in the Summary of Conclusions of Recommendations section states:

"(5) * * * Interstate water issues that have surfaced during the study and need to be examined include: effects of water use in North Dakota on South Dakota water appropriators; the quality, quantity and timing of Garrison Unit return flows to the James River and their impacts; and the effects of operation of Jamestown, Pipestem, and Sand Lake reservoirs, especially on flooding problems in northern South Dakota. * * *"

And further states:

"(6) * * * Rural flooding problems are serious and recurrent in many portions of the study area, especially in the lake plain area of northern South Dakota where the 10-year flood event inundates nearly as much land as the 100-year event."

In this same report, the flooding problem is amply described (page 57) as being related to the gradient or slope of the James River.

"The gradient of the James River varies from 4.5 feet per mile to 1.5 feet per mile from the headwaters to Jamestown, North Dakota. Downstream from Jamestown through Stutsman County and the northern half of LaMoure County, the gradient is 1.5 feet per mile. The gradient rapidly decreases to 0.05 feet per mile. Across the remainder of South Dakota, the gradient averages about 0.3 of a foot per mile."

Further stated in the report concerning flooding in the James River Basin:

"Records show that major floods in the James River Basin have occurred on the average 1 in every 15 years. Considering both minor and major floods, flood damages have occurred about 1 out of every 4 years. Historic accounts indicate that major floods occurred in 1881, 1920, 1922, 1942, 1950, and 1969. At least 16 lesser floods are known to have taken place since 1881. These floods occurred in 1888, 1897, 1943, 1944, 1947, 1948, 1949, 1951, 1952, 1953, 1962, 1966, 1972, 1975, 1978, and 1979. According to the Water Resources Division of the Federal Geological Survey, the 1969 flood resulted in flood damages estimated at $16 million. In the 1969 flood, urban flood damges consisted of $1.5 million in Jamestown from Pipestem Creek, $150,000 damages in Aberdeen, $31,000 in Tacoma Park, $15,000 in Westport, and $3,300 damages in Frederick. Rural flood damage to cropland, fences, agricultural levees, roads, and bridges in the James River Basin amounted to $14.3 million".

It should be noted that flood frequencies have been much more prevalent since 1965 after the Jamestown Reservoir discharges have occurred.

The report describes the James River in South Dakota from Sand Lake to Turtle Creek, the lake plain region of the river in northern South Dakota. The effects of the Elm River which enters the James River downstream from Sand Lake Wildlife Refuge are described (page 61) as follows:

"Flood discharges from the Elm River may flow in both the upstream and downstream direction after entering the main channel. In years of extreme flooding, flows in the upstream direction in the James River spill into the Sand Lake Wildlife Refuge. A large peak discharge also enters the refuge from tributaries downstream of Jamestown and Pipestem Reservoirs and north of the refuge. As the rate of inflow from the Elm River is reduced, flows in the main channel reverse to the downstream direction. The temporary storage provided in Sand Lake and the upstream flows in the main channel reduce peak discharges entering the lake plain. Because of the obstructed condition and minimal slope of the channel, flood peaks are further reduced through the lake plain. This reduces flooding downstream of the lake plain, but results in flooding over a long period of time within the lake plain".

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[1] The report lists the following address and phone numbers for further information concerning these papers and the James River regional plans. Missouri River Basin Commission, 10050 Regency Circle, Suite 403, Omaha, Nebraska 68114. Phone: (402) 397-5714, FTS 864-9351.

And also states:

"Approximately 30,000 acres are subject to flooding along the main stem in this reach. The 2-year, 5-year, and 10-year spring discharges flood 5,400 acres, 14,000 acres, and 23,600 acres, respectively".

The future flood problems on the flood plain, and specifically related to the Garrison Diversion Unit, are introduced (page 63) as follows:

"Existing land use in the James River flood plain is primarily agricultural and is expected to remain primarily agricultural. Flood damage to agriculture is expected to continue at current levels in the absence of flood damage reduction measures. However, flooding may increase if the existing channel capacity is not maintained or if return flows from the proposed Garrison Diversion Unit are substantial."

After discussing the various channel capacities in the James River and reductions in channel capacity from 1944 through 1979 this same report concerning the future states:

"The impact of the return flows from the authorized Garrison Diversion Unit on flooding cannot be determined until the magnitude and timing of the return flows are established". (Italics provided for emphasis.)

In explanation of the need for evaluation of the hydrology of Sand Lake Refuge, the report states (page 86):

"The James River is almost like two rivers—one upstream of Sand Lake and another downstream" * * *

"The study and the plan are needed to relate the operation of the Jamestown and Pipestem Reservoirs to the flooding problems in the lake plain area of South Dakota. The data would also be helpful in order to more accurately predict the timing, quantity, and quality of return flows from any irrigation which might take place along the James River. If any cities in South Dakota attempt to use augmented flows in the James River for domestic water supply, this information will also be needed".

The entire report from which these comments are taken was compiled in an attempt to provide guidance in solving the problems related to water and land resources of the James River in both South Dakota and North Dakota. A cooperative venture including local agencies, the two states and federal agencies appears to be needed.

Mr. HATFIELD. I thank the Senator from New Hampshire for his assistance in helping us expedite this matter of the bill before us.

Mr. President, I move to table his amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. HART), would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 62, nays 35—as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—62

Abdnor
Andrews
Armstrong
Baker
Bentsen
Boren
Burdick
Byrd
Chiles
Cochran
D'Amato
Danforth
DeConcini
Denton
Dodd
Dole
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Hatch
Hatfield
Hawkins
Hecht
Heflin
Helms
Huddleston
Inouye
Jackson
Johnston
Kassebaum
Laxalt
Long
Mathias
Matsunaga
Mattingly
McClure
Melcher
Mitchell
Murkowski
Packwood
Pressler
Randolph
Riegle
Sarbanes
Sasser
Simpson
Specter
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—35

Baucus
Biden
Bingaman
Boschwitz
Bradley
Bumpers
Chafee
Cohen
Cranston
Dixon
Domenici
Durenberger
Eagleton
Grassley
Heinz
Humphrey
Jepsen
Kasten
Lautenberg
Leahy
Levin
Lugar
Metzenbaum
Moynihan
Nickles
Nunn
Pell
Percy
Proxmire
Pryor
Quayle
Roth
Rudman
Stafford
Tsongas

NOT VOTING—3

Hart
Hollings
Kennedy

So the motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. Mr. President, I believe now we have one brief amendment that the committee will accept, which is to be offered by the Senator from New Mexico. At that point, so far as the managers of the bill are concerned, we will have no other amendments and will go to third reading, and I will ask for a rollcall vote.

AMENDMENT NO. 1431

Mr. DOMENICI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an amendment numbered 1431.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 22 insert the following before the period: ": *Provided further*, That of the amount herein appropriated $6,000,000 shall be available to enable the Secretary of the Interior to begin work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways, arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be non-reimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance."

Mr. DOMENICI. Mr. President, the amendment I offer today will enable the Secretary of the Interior to undertake the repair and rehabilitation of the Rio Grande water diversion system between Velarde South and San Juan Pueblo, N. Mex. Initial funding for this project has been recommended by the committee in this bill out of the total $683.8 million provided for the Bureau of Reclamation's construction work.

This is a small project but vitally important to small farm families in northern New Mexico. Farmers in the Velarde community area irrigate with ancient water diversion systems called acequias. Acequias are actually political subdivisions under the laws of New Mexico and many of them date back to the 18th century.

The acequias system surrounding the community of Velarde, N. Mex. is comprised of ditches receiving water from the Rio Grande in the reach from Velarde South to San Juan Pueblo which irrigate approximately 2,800 acres of land and are served by 9 diversion barriers. Both the dams and ditches are in need of rehabilitation. The costs and hours of labor required to irrigate the land and maintain the water system have grown more acute over time. The diversion structures consist of rock and brush barriers and are in frequent need of repair or complete replacement. The ditches themselves are unlined, causing the loss of

the diverted water and constant erosion. The poor state of the system and the interruptions in water supply have placed a substantial burden on the farmers in the area.

Several years ago, the Bureau of Reclamation undertook a study of this water diversion system at my request. That study encompasses a plan for the successful rehabilitation of the diversion dams and ditches comprising this acequias system. This is an important flood control/irrigation project for New Mexico. The modest cost of the system's rehabilitation would insure water delivery to the area, curtail water losses, and reduce future operation and maintenance costs.

Mr. President, this amendment adds no money to the bill.

Mr. HATFIELD. Mr. President, the committee accepts the amendment. It has been cleared with the minority side.

Mr. DOMENICI. I thank the distinguished chairman and the ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1431) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I commend my distinguished colleagues, Senators HATFIELD and JOHNSTON, and the members of the Senate Appropriations Committee for reporting the energy and water development appropriations bill 5 months earlier than it was reported last year.

I support the energy and water development appropriation bill as reported by the committee.

H.R. 3132 provides $14.3 billion in budget authority, and $14.6 billion in outlays for fiscal year 1984 for the activities of the Department of Energy, the Department of the Interior—water programs, the Department of Defense—Army Corps of Engineers, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and other agencies.

With outlays from prior year budget authority and possible later requirements taken into account, the Energy and Water Development Subcommittee is $0.9 billion in budget authority and $0.3 billion in outlays below its crosswalk allocation assumed under the Senate-passed first budget resolution.

I therefore urge my colleagues to support the bill as reported by the Appropriations Committee.

With respect to the credit budget, the Senate-reported bill provides $0.1 billion in new direct loan obligations, and $0.2 billion in new loan guarantee commitments. This is equal to the subcommittee's assumed allocation.

Mr. President, I ask unanimous consent that two tables showing the relationship of the reported bill, together with possible later requirements, to the congressional spending and credit budget and the President's budget requests be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ENERGY AND WATER DEVELOPMENT SUBCOMMITTEE—SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	BA	0
Outlays for prior year budget authority and other actions completed		[1] 6.8
H.R. 3132, as reported in the Senate	14.3	7.8
Total for Energy and Water Development Subcommittee	14.3	14.6
Senate-passed first budget resolution 302(a) assumption	15.2	14.9
Senate Energy and Water Development Subcommittee	14.3	14.6
House-passed level	14.3	14.6
President's request	14.7	14.7
Total compared to:		
Senate-passed first budget resolution 302(a) assumption	−.9	−.3
House-passed level	+(*)	*(*)
President's request	−.4	−.1

[1] This figure includes the fiscal year 1984 outlays associated with Public Law 98-8, the Jobs Appropriations Act and with the Senate-reported fiscal year 1983 supplemental appropriation bill (H.R. 3069).

* Less than $50 million.

ENERGY AND WATER DEVELOPMENT SUBCOMMITTEE—CREDIT TOTALS

[In billions of dollars]

	Fiscal year 1984	
	New direct loan obligations	New loan guarantee commitments
H.R. 3132, as reported by the Senate committee (total for Energy and Water Development Subcommittee)	0.1	0.2
Senate first budget resolution section 5(b) allocation	.1	.2
House-passed	.1	(*)
President's request	.1	.2
Subcommittee compared to:		
Senate first budget resolution section 5(b) allocation		
House-passed	−(*)	+.2
President's request	+(*)	−.02

* Less than $50 million.

Mr. HATFIELD. I thank the Senator from New Mexico.

WEB WATER PROJECT

Mr. PRESSLER. Mr. President, I commend the Senate Appropriations Committee for including $4 million in this bill to continue work on the WEB rural water system in north-central South Dakota. The committee increased the funding level for the WEB project by $2 million from the House recommendation, and I would hope this higher level will be included in the final bill.

The WEB project was initially authorized in 1980 and reauthorized last year. Work has begun on the project, with funds from the WEB Water Development Association, the Oahe Conservancy Subdistrict, the State of South Dakota, and the Federal Government. The project, when completed, will serve approximately 30,000 people, including 17,400 municipal residents in 51 towns, and 12,400 rural residents. The domestic water to be supplied by the project is badly needed as the well water in the area is of very poor quality and often very hard to find.

The funds provided in this bill will allow the project to move forward and start to bring much-needed water to rural residents of South Dakota. I commend the committee for the action it has taken and urge the Senate to also provide these funds for the WEB project.

Mr. D'AMATO. I would like to thank the chairman for affording me this opportunity to clarify some of the actions taken by the full Appropriations Committee during its consideration of the energy and water development appropriations bill.

Mr. HATFIELD. It is my pleasure to be of assistance to my distinguished colleague from New York.

Mr. D'AMATO. During our deliberations, an amendment offered by Senator JOHNSTON for myself and Senator BRADLEY was adopted by the committee. It has come to my attention that there could possibly exist some misunderstanding as to the intent of the amendment. I would appreciate it if the Senator from Oregon could lend me the benefit of his expertise so that we may clarify any discrepancy that might exist.

Mr. HATFIELD. I would be glad to do so.

Mr. D'AMATO. I thank the Senator. The amendment offered by Senator JOHNSTON was designed to assure funding under the formerly utilized remedial action program (FUSRAP) for two sites in New Jersey and one in New York. The language of the amendment, however, did not specify which funds would be directed to which site and the precise intent of the committee. My understanding of the committee's action is that it directed the Department of Energy to undertake a decontamination research and development project and cleanup involving the following three sites and their vicinity properties, and has added funds to initiate the work: $2,000,000 for the site and vicinity properties in Wayne/Pequanak, N.J.; $2,000,000 for the site and vicinity properties in Maywood, N.J.; and $1,000,000 for the site and vicinity properties near Albany, N.Y. Is that understanding correct?

Mr. HATFIELD. That is correct, Senator.

Mr. D'AMATO. I thank the distinguished chairman.

● Mr. GLENN. Mr. President, as we consider the fiscal year 1984 energy and water appropriations bill, I think

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it important to set the record straight on how this administration has sought to emasculate our support for energy research and development programs. My staff on the Senate Subcommittee on Energy, Nuclear Proliferation, and Government Processes has prepared a chart which shows the effects of the Reagan administration's budget cuts on energy research and development. While it is obvious, and certainly commendable, that this body will substantially increase the funding amounts requested by the President, I think that it is important to note the original fiscal year 1984 amounts sought by the President. For instance, if the President had his way, the fiscal year 1984 budget in conservation R&D would be slashed 77 percent, solar and renewable R&D chopped by 87 percent, and fossil fuel R&D sliced by 92 percent over the levels then appropriated when the President took office. If we include the nuclear waste disposal fund in the nuclear fission R&D function, spending in that activity would actually increase.

Despite the present glut of world oil, there is still a necessity for the United States to maintain its staunch commitment to developing alternative energy sources and enhancing conservation techniques. In recent years, significant achievements have been made to improve energy efficiency and reduce overall fuel consumption. However, we can ill afford to be complacent. Any economic recovery will increase energy usage even if efficiency savings continue. Furthermore, if we take into account the depressed state of our domestic oil and gas production along with the drawdown of stock inventories, it is clear that we are not immune to future supply disruptions.

Increased funding for energy R&D is vital not only for national security but for economic growth as well. Programs such as DOE's efficient buildings program and the industrial energy conservation program helped to produce innovations to cut the amount businesses and manufacturers must spend on energy consumption, thus freeing up vast amounts of investment capital. Concommitantly, coal research and development is essential not only in improving coal use efficiency but in perfecting new technologies, like fluidized-bed combusters, which can burn coal cleanly.

Finally, a good example of the impacts on foreign trade associated with President Reagan's energy R&D budget cuts is in the field of photovoltaic research and development. We invented this process and as late as 1980 held 85 percent of the world's market share in this burgeoning industry. Today, our share has fallen to just 55 percent and I dare say, if present policies continue, by 1990 we will be the ones who are catching up.

I am thankful that the work done by the Senate Appropriations Committee has preserved most of these energy R&D programs from the President's scalpel. I can only hope that the President gets the message that only by establishing a balanced and diversified energy base today will our children be able to enjoy a brighter and more secure energy future tomorrow.

Thank you, Mr. President. I ask that the tables I have referred to be printed in the RECORD as part of this statement.

The tables follow:

ADDENDUM TO CHART, HOUSE AND SENATE APPROPRIATIONS COMMITTEE REQUESTS FOR ENERGY R&D FOR FISCAL YEAR 1984

[In millions of dollars]

	House	Senate
Solar and renewables	208.3	206.3
Nuclear fission	943.2	933.9
Magnetic fusion	473.0	471.5
Energy storage	25.7	25.7
Electric energy systems	18.5	18.5
Solar and energy conservation bank [1]	25.0	25.0

[1] Included in the HUD-Independent Agencies appropriations.

ENERGY RESEARCH AND DEVELOPMENT—FISCAL YEAR BUDGET AUTHORITY

[In millions of dollars (current)]

	Base (appropriations in effect when Reagan took office)	Fiscal year 1982			Fiscal year 1983		Fiscal year 1984		
		Proposed by Carter	Proposed by Reagan	Appropriated by Congress	Proposed by Reagan	Appropriated by Congress	Proposed by Reagan	Change from base	
								Amount	Percent
Conservation [1]	302	336	88	143	18	137	71	−231	−77
Solar and renewables [2]	797	684	241	326	83	262	102	−695	−87
Subtotal	1,099	1,020	329	469	101	399	173	−926	−84
Fossil [3]	1,111	1,572	441	416	107	*218 †311	94 †138	−1,017 −973	−92 −88
Subtotal	2,210	2,592	770	885	208	*617 †710	267 †311	−1,943 −1,899	−88 −86
Nuclear fission [4]	1,094	959	1,247	1,178	1,051	1,126	1,228	+134	+12
Magnetic fusion	394	506	460	451	444	466	467	+73	+19
Energy storage	72	60	39	39	0	26	14	−58	−81
Electric energy systems	40	39	10	21	0	17	13	−27	−68
Total	3,810	4,156	2,526	2,574	1,703	*2,252 †2,345	1,989 †2,033	−1,821 −1,777	−48 −47
Energy conservation grants [5]	515	586	107	240	4	*146 †234	3	−512	−99
Solar and energy conservation bank	121	50	0	23	0	20	0	−121	−100

*New budget authority.

†Total, includes use of unobligated prior year funds, deferrals, and transfers.

[1] Conservation includes: Buildings and community systems, industrial energy conservation, transportation, residential/commercial retrofit, and multisector.

[2] Solar and renewables include: Active and passive solar heating and cooling, photovoltaic energy systems, solar thermal energy systems, biomass energy systems, wind energy systems, ocean energy systems, Solar Energy Research Institute, solar technology transfer, other solar, solar program direction, alcohol fuels, hydropower, geothermal energy, and geothermal resources development fund.

[3] Fossil includes: Coal—mining research and development, coal liquefaction, surface coal gasification, underground coal gasification, advanced research and technology development, control technology and coal preparation, heat engines and heat recovery, combustion systems, fuel cells, magnetohyrodynamics, coal ETC program direction, and coal program direction; Petroleum—enhanced oil recovery, oil shale, drilling and offshore technology, advanced process technology, petroleum ETC program direction, and petroleum program direction; Gas—unconventional gas recovery, and enhanced gas recovery.

[4] Nuclear fission includes: Commercial nuclear waste, nuclear waste disposal fund, spent nuclear fuel, advanced nuclear systems, converter reactor systems, breeder reactor systems, nuclear fuel cycle, advanced isotope separation, uranium resource assessment, and remedial action.

[5] Energy conservation grants include: State and local programs (such as energy conservation retrofit for school and hospital buildings and low-income weatherization), and energy impact assistance (designed to assist communities adversely impacted by rapid increases in employment resulting from the development of energy resources).

Sources: DOE annual budget requests and congressional appropriations.●

● Mr. SASSER. Mr. President, I would like to discuss the issue of the gas centrifuge enrichment plant with the distinguished chairman of the Committee on Appropriations to clarify the committee's report language with regard to the rate of procurement of the baseline centrifuge machines. In its report, the committee directs the Department of Energy to make certain that any proposed reductions in GCEP project activities should not adversely delay plans to install machines at the earliest possible date so as to reduce enrichment service costs and to help prevent further erosion to the U.S. market position. Is this correct?

Mr. HATFIELD. Mr. President, the Senator from Tennessee is correct.

Mr. SASSER. Mr. President, may I also ask the Senator if I am correct in my understanding that it is the committee's intent that no funds are available without prior approval of the Committee on Appropriations for centrifuge procurement that would require a commitment of a substantial increase in the rate of purchase of baseline centrifuge machines above the phase 1 rate?

Mr. HATFIELD. Mr. President, yes, that is our intention.

Mr. SASSER. Mr. President, I thank the chairman of the Appropriations Committee for his clarification of these issues for me.

Mr. President, I would like to clarify the language in the Senate report. As I understand it, of the $5 million added by the Senate, $2 million is to be used for the Wayne/Pequannock site and $2 million is to be used for the Maywood site, as indicated in the House report. Is that the understanding of the chairman?

Mr. HATFIELD. That is correct.

Mr. SASSER. And these are very important items on the remedial action program agenda.

Mr. HATFIELD. Yes.

Mr. SASSER. Mr. President, I again want to thank the chairman for his cooperation and assistance in this effort.●

Mr. BRADLEY. Mr. President, I am very pleased that the Appropriations Committee was able to include funds in this bill to clean up two radioactive waste sites in New Jersey. I am grateful for the assistance and support from the chairman, Senator MCCLURE and the ranking minority member Senator JOHNSTON, together with their able staffs. This action, combined with similar language in the House bill, insures that the residents of Maywood, Rochelle Park, Wayne, and Pequannock will be able to begin to clean up two radioactive dump sites that now threaten their communities.

Mr. President, the Senate may be interested in the Maywood case. Although this site has been designated a priority for cleanup by the Superfund, we are all too aware of how slowly the EPA has proceeded on these projects. As a result, an agreement was negotiated by Congressman BOB TORRECELLI which will clean up the site with Federal and private funds. The chemical company that now occupies the plant has agreed to donate land worth approximately $1 million, to fully fund the necessary engineering studies and to provide up to $3 million of additional cleanup funding to the extent that further funds are not available from the Federal Government. Even though the firm, Stepan Chemical Co., had no part in the production of these wastes, they recognize the urgent need to resolve the problem and have agreed to share the cost of the cleanup. With today's Senate action, we come up with the Government's share. Our action today insures that the cleanup is not delayed by bureaucratic action.

The history of this site is curious. During World War II the Maywood Chemical Works were taken over by the Government and worked on behalf of the war effort. Thorium and rare earths were produced for the Navy and later for the Atomic Energy Commission. During the 1950's the plant changed hands. Stepan Chemical Co. bought the plant together with the thorium wastes that were stored onsite. In the 1960's the wastes were buried with the approval of the AEC. The wastes have now been discovered leaking into the waters of a stream in Maywood where children play. This radioactive waste must be cleaned up.

The second site in New Jersey which is provided for in this bill is in Wayne and Pequannock. Again, the problem is thorium. It arose from the thorium and rare earth operations of the W. R. Grace Co. under a license from the Federal Government starting the late 1940's. In 1981 a regular NRC check of the site showed that the radiation levels were higher than they should be. This was followed by studies that have concluded cleanup action must be taken. With the efforts of Congressman ROBERT ROE in the House the $2 million contained in the energy and water bill will help begin the removal of the contaminated soil in Wayne and Pequannock.

Mr. RANDOLPH. Mr. President, I support the energy and water development appropriation bill (H.R. 3132) as reported by the Committee on Appropriations. While I may have questions about a detail or two, it is a reasonable and balanced measure providing funds for a wide variety of activities in fiscal 1984. It should be adopted by the Senate.

I am gratified that the committee has approved funds to continue operations of the Appalachian Regional Commission in 1984. While the $125 million provided in this bill is less than the $145 million approved by the House of Representatives, it is a recognition by the committee that the vital work of the Commission must be extended. I am hopeful that when this measure reaches conference, the Senate conferees will agree to the amount in the House bill.

For the past 2 years, the Appalachian Regional Commission has carried out its work with substantially reduced resources. Total appropriations for both the highway and nonhighway programs in 1979 of $380,920,000 were made available to the 13 States of the region. This amount was the highest since the Commission was established in 1965. In 1981 appropriations totaled $302,492,000 even after a Presidentially requested recision. For the past 2 years, the Commission has operated on approximately $150 million annually.

At this level it is difficult to maintain a program that adequately responds to the needs of one of our Nation's most disadvantaged areas. The recent recession has had an even more severe impact on Appalachia than the rest of the Nation, making it necessary to extend every possible form of assistance to meet human needs and to create a sound and stable economy.

Appropriated funds for next year, therefore, should not be reduced.

Mr. President, 18 months ago the Governors of the 13 Appalachian States proposed to the Congress a plan to phase down the programs of the Appalachian Regional Commission in both the highway and nonhighway areas. This plan was carefully developed by the Governors in recognition of the reduced level of Federal financial support. For this reason it focused on the most pressing unmet needs of the region and on the most severely distressed counties of Appalachia.

Earlier this year the Governors unanimously adopted a bipartisan resolution reaffirming their support for the phase-down program. It is encouraging that in its report on this legislation the Committee on Appropriations endorses the concept of the Governors' program. It is my hope that the Congress this year will adopt legislation authorizing this program for the duration of the period recommended by the Governors. Such authorization is proposed in S. 65, which I introduced early this year. That measure has the cosponsorship of 21 of the region's 26 Senators, representing both parties. It has at least 1 sponsor from each of the region's 13 States except North Carolina.

It is important that multiyear authorizations be enacted for the ARC phasedown program for several reasons. It has become apparent in the past 2 years that the Congress does not agree with the President's recommendation to end the Appalachian program immediately and it has been continued through the appropriations process. Authorizing legislation, therefore, should be adopted to provide a basis for appropriations and to redirect the ARC programs in accordance with the recommendations of the Governors and the wishes of the authorizing committees which have guided this program since its inception 18 years ago. In addition, a multiyear authorization would permit the Commission and its States to make necessary long-range plans, particularly with respect to the highway program.

Mr. President, I recognize that in the absence of congressionally approved authorizations in the past 2 years it was necessary for the Appropriations Committees to take certain initiatives. I am deeply appreciative of their actions in maintaining this program, which continues to have significant impact on the lives of the 20 million people of Appalachia.

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I must call attention, however, to a section of the committee report on the pending legislation. On page 206 of that report the committee indicates its approval of the expenditure of funds to rehabilitate industrial plants and buildings in the region. Such use is contrary to the provisions of section 224(B)(2) of the Appalachian Regional Development Act, which prohibits the expenditure of Commission funds on privately owned property. Not only are these expenditures contrary to the basic Appalachian Act, such authority has been denied on several occasions by the Committee on Environment and Public Works when it considered amendments to the act. I hope that the Committee on Appropriations will reexamine its position on this point, particularly in light of the program's reduced financial resources.

The restriction of authority in some areas should not be accompanied by new spending for purposes that have never been part of the Appalachian program.

Mr. President, again I commend the Committee on Appropriations for its actions with respect to the Appalachian Regional Commission. Such action represents an understanding of the priorities in my State and region and will be appreciated by the many citizens who benefit from these programs.

THE NATIONAL ENDOWMENT FOR SOIL AND WATER CONSERVATION

Mr. DOLE. Mr. President, I would like to take this opportunity to recognize and commend the National Endowment for Soil and Water Conservation on the occasion of its first anniversary. Organized in June 1982, the Endowment represents an important initiative of the private sector to plan and fund projects which serve to preserve and expand our natural resource base. I am confident that, with the encouragement of those of us in Congress and the administration who support the goals of national conservation, the Endowment will continue to grow and increase its activities during its second year.

FUNDING FOR CONSERVATION IN KANSAS

I am particularly pleased and honored, Mr. President, to announce that the National Endowment for Soil and Water Conservation has selected a rangeland improvement project in the Flint Hills area of eastern Kansas for its first conservation initiative. Through a contribution of the Chicago Board of Trade, the Endowment will finance the purchase of a grass drill to be used in reclaiming marginal cropland and erosion-prone rangeland in Chase County. The Flint Hills region is primarily tall-grass prairie, which has proved to be highly subject to erosion when broken up for crop production. There are currently up to 25,000 acres in Chase County which could be returned to natural vegetation. The grass drill provided by the Endowment will be rented out to private landowners at a nominal charge, and the Chase County Conservation District has volunteered to pay back the $8,000 cost of the drill over the first 10 to 13 years. The Endowment will be able to make the repayments available for new projects.

Mr. President, this project for restoring the beauty and utility of this region of my State is an outstanding example of how limited funds can be targeted to achieve the greatest possible benefit. It is also an excellent demonstration of how the private sector can play a key role in our national conservation policies. I would hope that other concerned industries will also take the lead in identifying and supporting similar local and state projects that are cost-effective.

Mr. President, I would like to commend Kansas State Conservationist John Tippie and the district conservationist for Chase County, Lyle Kohlmeier, for their leadership in developing this project. Their interest and dedication reflects our best hope to preserve the unsurpassed resources which we enjoy today, and to pass them on to sustain our children and future generations.

Mr. EXON. Mr. President, I am pleased that the Senate has passed H.R. 3132, the energy and water development appropriations bill for fiscal year 1984, which includes several water development projects vitally important to the State of Nebraska which I have long supported and encouraged here in the Senate.

I am delighted that the Senate Appropriations Committee included, with the full Senate's concurrence, funding to continue the progress now underway for the North Loup project. The funds provided in this bill will support further work on the Calamus Dam, nearly 40 percent complete, and also work on the Mirdan Canal. Construction is proceeding on schedule on this project, and the Nebraska Natural Resources Commission anticipates water delivery within 3 years.

Another important project funded in this legislation is the Prairie Bend feasibility study. This central Nebraska area is experiencing ground water depletion that will eventually result in severe decline in the agricultural economy in addition to future water quality problems. The feasibility study will assist the State of Nebraska in reviewing future options for the area and develop a plan to integrate both irrigation needs and wildlife habitat needs along the Big Bend area of the Platte River. Project sponsors are confident that a water development plan which meets the needs of all parties concerned about the Platte River can be devised. In its 1979 prefeasibility study of the Prairie Bend project, the U.S. Bureau of Reclamation indicated that a "conjunctive use" project was viewed as possibly the most workable alternative for the needs of the area, meeting both development needs and environmental concerns. Language is in the pending supplemental appropriations bill for fiscal year 1983 which will move the study process forward on this important project.

Other provisions in the bill include funding for continued work on the Papillion Creek flood control project, continuing work on damsites 18 and 20. In addition, further support is provided for the continuation of the restudy of the comprehensive plan for flood control in the Papio area. Minor construction funds are allowed for the Farwell unit in Nebraska, and for some rehabilitation work on the Frenchman-Cambridge unit in the southwest part of the State. Finally, the bill has provided continued loan assistance to the Central Nebraska Public Power and Irrigation District for further work on that district's reclamation program.

Mr. President, this investment of nearly $40 million in the State of Nebraska's agricultural future will be dollars well spent. Future international and domestic food demands will be met by the productive capacity provided by these projects.

One project not included in this measure was a request for $200,000 in operation and maintenance funds for the Missouri national recreation river project. Authorized in 1978, this project provides for bank stabilization along a 59-mile stretch of the Missouri River between Gavins Point Dam near Yankton, S. Dak., and Ponca State Park, Ponca, Nebr. Nearly $6 million have been invested in bank stabilization and conservation work along this area. I am hopeful that the U.S. Army Corps of Engineers will seriously consider the need to protect this investment which the recreation river project offers.

To conclude, I commend the Senate Appropriations Committee for their work and tremendous effort on this legislation, and I look forward to the approval of this bill by both Houses of the Congress.

Mr. PROXMIRE. Mr. President, I will vote against this bill, not because of the Garrison project, but because this contains $6.5 billion for nuclear weapons, an enormous increase over last year and an even greater increase over 2 years ago. I think it goes too far in that respect.

Mr. HATFIELD. Mr. President, I ask for third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. Mathias) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. Hart) and the Senator from South Carolina (Mr. Hollings) are necessarily absent.

The PRESIDING OFFICER (Mr. Humphrey). Are there any Senators in the Chamber wishing to vote?

The result was announced—yeas 91, nays 6, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—91

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Murkowski
Nickles
Nunn
Packwood
Percy
Pressler
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—6

Eagleton
Humphrey
Moynihan
Pell
Proxmire
Tower

NOT VOTING—3

Hart
Hollings
Mathias

So the bill (H.R. 3132), as amended, was passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BRADLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 3132.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Senators Hatfield, McClure, Garn, Cochran, Abdnor, Kasten, Mattingly, Domenici, Johnston, Stennis, Byrd, Hollings, Huddleston, Burdick, and Sasser conferees on the part of the Senate.

EXPLANATION OF VOTE ON MOTION TO TABLE HUMPHREY AMENDMENT NO. 1430

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, on rollcall vote No. 167 I voted "nay." I intended to vote "aye." My vote would not have changed the outcome or the conclusion of the vote. I will not ask unanimous consent that the vote be changed, but I did, Mr. President, want the Record to indicate my intention, which had gone astray.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, may I take this opportunity for the second time in 2 days to congratulate the distinguished chairman of the Appropriations Committee, Senator Hatfield, and the distinguished ranking minority member, Senator Stennis, for their excellent, expeditious, and little short of astonishing performance on the passage of the second of the regular appropriations bills. We are rapidly establishing a record with appropriations bills in the Senate that I have not seen equaled often in my Senate career, and I wish to express my deep appreciation to both managers for their excellent service to the Senate.

As of 1:44 p.m. this afternoon, Mr. President, we had considered this measure for 3½ hours, and it is an important and large appropriations bill. That is very swift handling.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I will confer with the minority leader on how we proceed next. It gives me great pause to say what I am about to say next. I cannot clearly recall that I have ever said it before in my career in the Senate and certainly not in my career in the leadership. We are ahead of schedule. In this case, we are 2 or 3 days ahead of schedule.

As unfamiliar as we are with handling a situation of that sort, I am a little perplexed about what we are going to do next.

There are no more appropriations bills that are available. Since I had announced earlier that our focus and principal energy would be devoted to passing the regular appropriations bills, we cannot do that. However, I would hope that the Appropriations Committee could meet yet this afternoon and consider two other appropriations bills which are now before them and available: The legislative appropriations bill, H.R. 3135, and the agriculture appropriations bill, H.R. 3223.

I am going to ask the Senate to have a period for the transaction of routine morning business in a few moments, which will give us all an opportunity to get our bearings and grow accustomed to this heady feeling of success, and also to give the Appropriations Committee a chance to meet, to gain a quorum, and perhaps even to report out those two appropriations bills today.

Could I inquire of the minority leader, if the Appropriations Committee is successful in reporting either or both of those bills out today, what are the prospects for waiving the 3-day rule on the reports, because I am told there will be reports in both cases, and perhaps the 1-day rule if anyone insists on it, in order to address those, one or the other or both of those today and tomorrow?

Mr. BYRD. Mr. President, I say this, and I know my friend the majority leader will not take umbrage, I have never liked the 3-day rule. When I was in the majority I had a great deal of trouble with it. Though I am sure the then minority leader would have been willing, it was not very often that the minority okayed the waiver of the 3-day rule.

I will certainly check with my friends on this side of the aisle. I personally have no problem with it. Unless there is good reason why the 3-day rule should not be waived, I think we ought to waive it, unless there is good reason. Certainly, any Senator has the right to object to the waiving of that rule. We will make every effort to do this. I want to cooperate with the majority leader. He always has cooperated with me and has shown a great deal of deference to the needs and desires of the minority. He will certainly have my cooperation. I have no objection. I will get back to him.

Will he allow me to change the subject?

Mr. BAKER. Yes, Mr. President.

Mr. BYRD. Mr. President, I would like for the majority leader, if he would, to outline the schedule for the rest of the week and as far into the coming week as he can foresee, in particular if he expects votes on Friday. How soon does he expect to get to the budget conference report? Will he be in a position to handle conference reports as rapidly as possible after they are received in the Chamber?

Mr. BAKER. I thank the minority leader. Yes, indeed, we will handle those conference reports if, as and when they are received. I imagine the first conference report will be the HUD conference report or the supplemental conference report. We will take them up and try to dispose of them as quickly as possible.

Let me give this outline as I see it between now and the beginning of July, which is the beginning of our break for the Independence Day period.

First of all, Mr. President, there is a veto message at the desk. I will say to the minority leader that it is not presently my intention to turn to the consideration of that veto message.

Second, Mr. President, I would hope, before the Fourth of July recess, to go to the Radio Marti bill.

I might ask the minority leader what position he might be in with respect to that since it will require both the budget waiver, I believe, and a waiver of the 3-day rule.

Mr. BYRD. On Radio Marti I would not be quite as sanguine as I am on some of the other measures that the majority leader has referred to.

Mr. BAKER. Mr. President, I thank the minority leader.

As is often the case, we had discussed this privately before I put the question. I had been made aware of the fact that it was unlikely that we could clear that bill. But I thank him for his reply.

In addition to the two appropriations bills we have already discussed, Mr. President, there is the budget conference report. I am advised now that the other body intends to take up both the budget conference report and the proposed cap on the third year of the tax cut on Thursday, tomorrow. It may be that we will have both of those measures over here by the close of business on Thursday. In that event it would be my hope that we could take up the budget conference report on Friday.

There is a 10-hour time limitation under the statute on the conference report. I do not believe there are any items in disagreement.

Given that, I think it is not likely that we would have any votes on the budget conference report itself on Friday unless there were procedural votes. I do not predict it.

Instead, I would imagine that we can get to the vote on the budget conference report some time on Monday. In order to do that, it might be necessary to be in on Saturday, or perhaps we can negotiate some way to claim credit for a fixed number of hours on Saturday charged against the 10 in lieu of being in on Saturday. But I would hope that on Friday we would be on the budget conference report and one way or another we should be in a position to finish that matter on Monday at a fairly early time.

Mr. President, I indicated last fall that by sometime this summer, I would schedule the Hatch constitutional amendment on abortion. As I look out the window, I see that summer has arrived and I feel an obligation to perform on that commitment. So, on Monday, it is my hope, after we finish the budget report, to go to the Hatch constitutional amendment on abortion. I have talked to Senator HATCH and Senator HELMS, who are principally involved, I believe, in this debate. There are many others—Senator JEPSEN and other Senators. I am emboldened to think, Mr. President, that we may not have any amendments to that. If that is the case, we may be able to get a vote on that amendment pretty promptly—maybe as early as Tuesday. I hope so, because we shall still have other matters that we must deal with.

We have, in addition to the HUD conference report, the energy and water conference report on the measure we just finished. I hope to take that up as soon as it is available.

I also have a commitment outstanding to the minority leader that if the House sends us a bill to cap the third year of the tax cut, I will see that we have an opportunity to address it here, in the Senate. The minority leader knows, as I have indicated it to him, that I am opposed to that and will do my best to defeat it. That is also on the agenda that might be considered next week.

To sum up, we have a big, busy agenda. I am convinced we can do these things, if we do them with the same rapidity and skill that we have done these other two measures and, with the cooperation of the minority leader, I am even tempted to predict that we can get out on the 30th instead of the 1st.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, Mr. President.

Mr. BYRD. I hope the majority leader's predictions come true. I think it could very well be that all of these things could be done. I wonder if the majority leader would consider, in the event the House sends over the tax cap bill, scheduling it ahead of the constitutional amendment. The reason I ask this is that, of course, the calendar is running and I would hope to have that bill up. As far as I am concerned, we could enter into some agreement as to time on it. I shall surely work on my side to get a time agreement.

I wonder whether or not there is a possibility that it could be brought up first provided it gets over here in time.

Mr. BAKER. Mr. President, I thank the minority leader. I have a dilemma that I find I often have. That is that I would like to do that; on the other hand, I am already committed on this side to try to take up the abortion amendment, if the Senate will permit me to do so, on Monday. I really feel obligated to do that.

I assure the minority leader that I do not intend to let that or anything else block the fulfillment of my commitment to him to bring up the tax cap bill if it reaches us from the House.

I would speculate that we can finish the budget conference report, the debate and vote on the abortion amendment, and get on the tax cut cap, do all of that before the end of the day on Tuesday. We cannot finish the tax cut cap, I expect, but as I foresee it now, we are not going to have any trouble devoting the better part of 2 days to that if that is the desire of the minority leader.

Mr. BYRD. I thank the majority leader.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, in keeping with what I just indicated, I do not have any other major item of business to ask the Senate to address this afternoon. Therefore, I now ask unanimous consent that there be a period for the transaction of routine morning business to extend not past the hour of 4:30 p.m., in which Senators may speak for not more than 15 minutes each, with the exception of the minority leader, for whom there will be no time limit during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 12:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BOLAND, Mr. TRAXLER, Mr. STOKES, Mrs. BOGGS, Mr. SABO, Mr. BONER of Tennessee, Mr. WHITTEN, Mr. GREEN, Mr. COUGHLIN, Mr. LEWIS of California, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3263. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

HOUSE BILLS REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3263. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1313. An executive communication from the Comptroller of the United States, transmitting a review of the President's eighth special message for fiscal year 1983; jointly, pursuant to the order of January 30, 1975, to the Committee on the Budget, the Committee on Appropriations, the Committee on Energy and Natural Resources, the Committee on the Judiciary, and the Committee on Finance.

EC-1314. An executive communication from the Secretary of Defense, transmitting, pursuant to law, a report of a violation occurring during the period August-October 1980; to the Committee on Appropriations.

EC-1315. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the Federal Deposit Corporation annual report for calendar year 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-1316. A communication from the Comptroller of the Currency, transmitting, pursuant to law, the annual report on the activities of the Depository Institutions Deregulation Committee and the viability of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-1317. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the Export-Import Bank's financial statements for the fiscal years ending September 30, 1982, and 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-1318. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report from the Department of Commerce on the implementation and administration of title IV of the Outer Continental Shelf Lands Act Amendments of 1978; to the Committee on Commerce, Science, and Transportation.

EC-1319. An executive communication from the Acting Secretary of the Department of the Interior, transmitting, pursuant to law, a notice on leasing systems for the South Atlantic oil and gas lease offering scheduled to be held on July 20, 1983; to the Committee on Energy and Natural Resources.

EC-1320. An executive communication from the Under Secretary of the Department of the Interior, transmitting, pursuant to law, a report that the Commissioner of Reclamation has approved deferment of the 1981 and 1982 construction repayment installments totaling $74,974 due the United States from the H&RW Irrigation District, Pick-Sloan Missouri Basin program, Nebr.; to the Committee on Energy and Natural Resources.

EC-1321. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the 14th report of the Federal Trade Commission concerning the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the international energy program; to the Committee on Energy and Natural Resources.

EC-1322. A communication from the Secretary of the Department of Transportation transmitting, pursuant to law, the fourth annual report on administration of the offshore oil pollution compensation fund; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations, with amendments:

H.R. 3223. An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-160).

By Mr. D'AMATO, from the Committee on Appropriations, with amendments:

H.R. 3135. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-161).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 1516. A bill for the relief of Mrs. Selva Gladys Orr; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 1517. A bill to prohibit all U.S. assistance (except food and medicine) to, and all imports from, any country whose government has failed to take adequate measures to prevent opium and its illicit derivatives from being produced or refined for export to the United States; to the Committee on Finance.

S. 1518. A bill to amend the Tariff Schedules of the United States to impose a duty on tubeless tire values; to the Committee on Finance.

S. 1519. A bill for the relief of Frank L. Hulsey; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. KENNEDY):

S. 1520. A bill to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the United States during World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 1521. A bill to authorize the Secretary of the Interior to contract with non-Federal entities for the development of hydroelectric generating facilities at existing reclamation projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 1522. A bill to amend the Internal Revenue Code of 1954 to allow a temporary refundable income tax credit to Federal employees covered under the social security system for the amount of their contributions under a Federal retirement system; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN:

S. Res. 163. A resolution expressing the sense of the Senate that the President, using the resources of the Trade Advisory System created under section 135 of the Trade Act of 1974, should study whether and under what conditions the antitrust laws of the United States impair or impede the international trade of the United States, and should be suspended; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. Res. 164. A resolution to refer S. 1519, entitled, "A bill for the relief of Frank L. Hulsey," to the Chief Commissioner of the U.S. Court of Claims for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 1517. A bill to prohibit all U.S. assistance (except food and medicine) to, and all imports from, any country whose government has failed to take adequate measures to prevent opium and its illicit derivatives from being produced or refined for export to the United States; to the Committee on Finance.

IMPORTATION OF HEROIN INTO THE UNITED STATES

Mr. HEFLIN. Mr. President, I am today introducing legislation designed to strike a blow against the continuing importation of heroin into the United States.

This is certainly not the first time that I have stood before this forum to stress the urgency of finding a solution to the crucial problem of drug abuse, nor, I am afraid, will it be the last, for I have dedicated a good portion of my time and effort here in the Senate to making a fight against all vestiges of crime a major legislative priority.

We all know of the need for action. We are familiar with the street crime that results from addicts seeking a means for supporting a $300-a-day heroin habit. We have all seen studies and statistics indicating the unbelievably high percentages of prison inmates who have stated that they were under the influence of illegal drugs when they committed their crime.

Clearly, this dual problem of drug addiction and drug-related crime is a serious problem, a problem with which we must come to grips. Finding a solution to this problem should be at or near the very top of our listing of legislative priorities. We owe it to ourselves, we owe it to our Nation, and we owe it to future generations.

Mr. President, realistically, we may not be able to completely wipe out the flow of drugs in this country in the next few years, but we must make a real effort.

What we can do now is to focus our efforts and our resources in areas where we can make a difference. What I propose today is to take steps in one particular area where we can make a difference, and prohibit all U.S. assistance, except food and medicine, to, and all imports from, any country whose government has failed to take adequate measures to prevent opium and its illicit derivatives from being produced or refined for export to the United States.

Mr. President, a despicable type of war is being waged on the young people of our country, a war using the insidious weapons of illicit drugs. We must approach this situation as it were a war, and answer attack with attack, offensive with offensive.

As a beacon of democracy in the world, we are constantly spending countless dollars on programs providing economic or security aid to foreign countries. At the same time, these are some countries, perhaps only a very few, but there are countries who are accepting our aid with one hand while they are using the other hand to cover their eyes in an imitation of the classic pose, "See No Evil."

Mr. President, I find such a two-faced situation unconscionable. For that reason, I am today introducing legislation that would deny any American assistance, with the exceptions of food and medicine, to any country failing to take adequate steps to assist us in our war against heroin and other opium derivatives.

I hope that I will be joined in sponsoring this legislation by any of my colleagues who wish to support this initiative.

Mr. President, I ask that the full text of the legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, the President is authorized and directed to—

(1) suspend all United States assistance to or for, and

(2) prohibit the importation into the United States of any article which is grown or manufactured in,

any foreign country whose government has failed to take adequate measures to prevent opium or any of its illicit derivatives from being produced or refined for illegal export to the United States. Such prohibition shall continue in force until the President determines, and so reports to Congress, that the government of such country has taken adequate measures to prevent opium or its illicit derivatives from being produced or refined for illegal export to the United States.

(b) Subsection (a) does not apply with respect to opium or its derivatives which is produced for import into the United States solely for licensed pharmaceutical purposes.

(c) As used in this section—

(1) the term "United States assistance" includes any assistance of any kind (other than assistance involving only the provision of food or medicine) which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to or for the benefit of any foreign country, including—

(A) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 8 of part I, relating to international narcotic control assistance);

(B) sales, credits, and guaranties under the Arms Export Control Act;

(C) sales under title I (including title III) and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(E) financing under the Export-Import Bank Act of 1945;

(F) assistance under the Migration and Refugee Assistance Act of 1962;

(G) programs under the Peace Corps Act;

(H) assistance under the Inter-American Foundation Act;

(I) assistance under the African Development Foundation Act;

(J) financial assistance for foreign persons or groups under the Mutual Educational and Cultural Exchange Act of 1961; and

(K) assistance of any kind under any other Act; and

(2) the term "illicit derivative" includes opium, morphine, heroin, or any other opiate derivative which is a controlled substance (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970).

(d) The President shall determine, based on the annual narcotics intelligence estimate published by the National Narcotics Intelligence Consumers Committee, which foreign countries have failed to take adequate measures under the terms of this section and shall prepare and transmit to the Congress beginning one year after the date of enactment of this Act, and at intervals of one-year thereafter, a report setting forth his determination.

By Mr. HEFLIN:

S. 1518. A bill to amend the tariff schedules of the United States to impose a duty on tubeless tire valves; to the Committee on Finance.

DUTY ON TUBELESS TIRE VALVES

Mr. HEFLIN. Mr. President, today, I am introducing S. 1518, a bill to amend the tariff schedules of the United States to raise the duty on imported tubeless tire valves so that an American industry can be saved from the increasing unfair trade practices of certain foreign countries.

Over a period of years, imports of tubeless tire values have entered the United States at consistently lowering prices—despite rampant inflation worldwide. This has forced U.S. manufacturers of tire valves to either meet foreign competition or lose business. There are only seven remaining companies in the United States that make tubeless tire valves: Nylo-Flex Manufacturing Co. of Mobile, Ala.; Schrader Automotive Division of Scovill, Nashville, Tenn.; Eaton Corp. of Cleveland, Ohio; Bridgeport Brass of Bridgeport, Conn.; Milton Industries of Chicago, Ill.; "31" Inc., of Ravenna, Ohio; and the Cupples Co. of St. Louis, Mo.

My bill seeks to keep these companies in business and assure them that imports will not unfairly take their markets away. Today, these U.S. companies can only experience losses by having chosen to stay in business to meet foreign competition, rather than to give up and to leave the United States without a tubeless tire valve industry.

It may not seem necessary that the United States have a tubeless tire valve industry, but I hasten to point out that tires and replacement tires all need tubeless tire valves. In case of a national emergency or even war, this could become a critical issue and an issue of national security. I do not want to become overly dramatic on this subject, but I do suggest that it is important that small industries such as the tubeless tire valve industry be protected in the United States from creeping unfair trade practices which threaten the very heart of our industrial base and even our national security.

Foreign countries have established unreasonably low tubeless tire valve prices in the U.S. market. This has been accomplished by actual sales and tricky quotations given on a daily basis. Companies in various countries which I will mention later have established the overall low pricing in our domestic market. Large volume purchasers in the U.S. market obtain consistenly low price quotations from foreign manufacturers of tubeless tire valves and then leave the U.S. industry with an either-or proposition. Either they accept the foreign competition's low price or lose the business. If the U.S. company manufacturing tubeless tire valves wants to stay in business, it will either meet the foreign price or all of the future U.S. tubeless tire valve purchases will be from foreign sources. At the present time, these seven U.S. companies are holding on for dear life, but how much longer this can go on is a good question. My bill tries to address, in a fair manner, this situation. My bill does not attempt to set a quota or to keep out foreign tubeless tire valves from our market. It merely seeks to put things on a fair trade basis by raising the duty to create a more realistic pricing practice and to protect an endangered U.S. industry.

One of the companies producing tubeless tire valves is my constituent, the Nylo-Flex Manufacturing Co., of Mobile. Nylo-Flex is typical of a small business in the United States. It is a company that is hard working and has tried to be a good citizen of Alabama and the United States. In fact, Nylo-Flex has not sat on old equipment and manufactured its product in an antiquated manner over the past few years. Despite competition—from abroad as well as in the United States—Nylo-Flex has constantly upgraded its machinery and invoked the most modern techniques in producing tubeless tire valves. While Nylo-Flex can meet U.S. competition, it cannot meet foreign competition at consistently lowering prices—prices which cannot, technically under existing law, be legally proven as having been dumped.

Nylo-Flex recently brought an action before the International Trade Commission, but did not have large enough resources to find actual proof of dumping. It is difficult for a small company to spend hundreds of thousands of dollars to scour foreign countries with detectives to obtain evidence of dumping or other unfair trade practices. However, in a recent unsuccessful ITC action, the International Trade Commission did state in September of last year the following:

> The financial data for U.S. producer of TTVs shows a steady decline for the entire period of this investigation. Operating income dropped from a profit of $1.4 million in 1977 to a loss of $.7 million in 1981.
>
> Operating income as a percent of net sales dropped from 7.1 percent in 1977 to a loss of 3.3 percent in 1981. The 1982 data show a further deterioration.
>
> The five firms aggregate tubeless-tire valve operation was profitable in each of the years during the 1977-79 period and unprofitable in each of the other reporting periods. Operating profit, however, declined substantially during 1977-79, ranging from $1.4 million, or 7.1 percent, of net sales in 1977, down to $382,000, or 1.8 percent, of net sales in 1979. The five firms sustained aggregate operating losses of $311,000 (1.8 percent of net sales), in 1980 and 1981. The five firms reported an aggregate operating loss of $733,000, or 11.1 percent of net sales during January-April 1982, compared to an operating loss at $79,000 or 1.3 percent of net sales during the corresponding period of 1981. In 1980 and 1981, four of the five firms reported losses on their tubeless tire valve operation and during January-April 1982, all five firms reported losses.
>
> Cash flow generated from U.S. producers tubeless-tire-valve operations declined yearly during 1977-81, from $1.7 million in 1977 to $59,000 in 1981 (table 18). The five firms reported a negative cash flow of $495,000 for January-April 1982, compared with a positive cash flow of $146,000 for the corresponding period of 1981.

Despite large losses, the domestic industry has decided to try to meet importer-rigged prices. In so doing, it has made a commitment to modernize plants and make them more efficient. A great deal of borrowed capital has been spent with the intent of meeting these foreign prices. The ITC ruling, in fact, stated the following:

> Investment in productive facilities.—Five firms supplied data relative to their investment in productive facilities used in the manufacture of tubeless-tire-valves during 1977-81. The five firms' investment in such facilities, valued at cost, increased by $998,000 during 1977-81. The book value and the replacement value of such assets increased $497,000 and $2.9 million, respectively, during 1977-81 (table 22).

TABLE 22.—INVESTMENT IN PRODUCTIVE FACILITIES BY FIVE U.S. PRODUCERS OF TUBELESS-TIRE VALVES, AS OF THE END OF THE ACCOUNTING YEARS 1977–81

[Dollars in thousands]

Item	[1] 1977	1978	1979	1980	1981
Original cost	$11,852	$11,806	$12,022	$12,873	$12,850
Book value	7,351	7,722	8,926	9,234	7,848
Replacement	21,636	21,710	21,145	24,945	24,572
Ratio of operating profit or (loss) in percent:					
Net sales	7.1	6.1	1.8	(1.8)	(3.3)
Original cost	11.4	10.5	3.2	(2.4)	(5.3)
Book value	18.4	16.0	4.3	(3.4)	(8.7)
Replacement value	6.2	5.7	1.8	(1.2)	(2.8)

There are six types of tubeless tire valves involved in this market; the 413, 414, 415, 418, 423, and 425 are identifying trade numbers for these valves depending on length and circumference. Briefly, the 413 is 1½ inches long while the 418 is 1 inch longer. Currently Nylo-Flex is selling the 413 at between 12½ cents to 13 cents each. A year ago, when the International Trade Commission investigated this case, Nylo-Flex's price was 15 cents per valve. The imported price has dropped to below Nylo-Flex's price, which is consistent with past import pricing practices of an unfair nature, to now be between 11 cents to 12 cents per valve. Nylo-Flex's current cost of these valves, because of modernization and efficiency techniques, is sadly 14.2 cents per valve. The 418 valves sold a year ago for 16 cents each, but now Nylo-Flex sells these valves at between 14.2 cents and 14.5 cents apiece. The import valves of course, of this same size, has now dropped to 12½ to 13 cents, again undercutting the Nylo-Flex and other U.S. manufacturers' prices. Nylo-Flex's cost for the 418 valve is 15.2 cents per valve. Comparable price disparities occur as well for the other four valve sizes. It is a no-win situation with the U.S. industry hanging on for dear life, hoping that in some manner the U.S. Government will insure that only fair trade takes place. We do not want ill-advised protectionism—only fair trade.

It is simply not fair that a U.S. company or industry is forced to sell its products at a loss simply because foreign competition can always undercut it—price wise—on a daily basis. West Germany is by far the largest exporter of these valves to the U.S. market and the biggest culprit in this unfair pricing policy that I have spelled out today. Other countries such as Japan, Taiwan, Romania, and Turkey are getting in on the act.

My bill, as stated, does not seek a quota or an exclusion from the U.S. market for imported tire valves. It merely adjusts the customs duty upward to 15 percent ad valorem (column 1 rate) to make the competition more fair. Furthermore, my bill provides a specific classification for tubeless tire valves under the tariff schedules of the United States where it belongs—under parts for tires. Currently these valves are classified under the TSUS under item 692.32 as other parts of automobiles with a low 3.6-percent ad valorem rate of duty. Item 692.32 is not a proper place in the tariff schedules for these imports as it is a catch-all basket provision for hundreds of articles, none of which are articles or parts of tires.

In order to save this U.S. industry, which is important to our country today and may be absolutely essential in time of an emergency, I ask the U.S. Senate to move very expeditiously on this bill.

By Mr. CRANSTON (for himself and Mr. KENNEDY):

S. 1520. A bill to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the United States during World War II, and for other purposes; to the Committee on the Judiciary.

WORLD WAR II CIVIL LIBERTIES VIOLATIONS REDRESS ACT

Mr. CRANSTON. Mr. President, my involvement in opposing the relocation of Japanese Americans dates back to the very beginning.

I have always believed that our Government's action in this case was a terrible affront to the ideals for which our Nation stands.

Shortly after Pearl Harbor, I was assigned to the Office of War Information. There I worked closely with Eleanor Roosevelt and Archibald MacLeish trying to dissuade President Roosevelt from forcefully evacuating Japanese Americans from the west coast and interning them in so-called relocation camps.

Unfortunately for 120,000 Japanese Americans—and for the good name of our Nation—military authorities prevailed, and the orders for internment were issued.

More than two-thirds of the internees were American citizens. The rest were legal U.S. residents.

After the internment process began, I visited two of the camps, Tule Lake in California and Heart Mountain, Wyo.

For 4 days in the cold, snow-covered camp at Heart Mountain, I spent my time round-the-clock inside the

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barbed-wire camp, talking to internees and visiting with a number of my boyhood friends from Los Altos.

We ate meals together, talked over old times, walked around in the bitingly cold weather, played poker—in wanton violation of camp rules—and cheered at a football rally.

My friends and former classmates justifiably felt themselves robbed of their citizenship. They were distressed at the racial prejudice behind their internment. They were anxious for their Government to prove its own adherence to democracy and to the very ideals for which we were then at war.

President Roosevelt himself proclaimed:

> In vindication of the very ideals for which we are fighting this war it is important to us to maintain a high standard of fair, considerate, and equal treatment for the people of this minority as for all other minorities.

But this standard was not upheld.

The mere presence of Japanese blood in loyal American citizens was believed to be enough to warrant removal and exclusion from places they otherwise had a right to go.

The argument that they were removed for their own good, because of possible vigilante attacks, was not persuasive. Most, if not all, Japanese Americans would rather have faced the risk of being killed by individuals than deprived of their liberties by their own American Government. And given the choice to remain interned or fight in the war, most enlisted and served.

One of my most poignant memories is of an intelligent and progressive-minded mother who was still managing—with much difficulty—to conceal from her 4-year-old that they were prisoners in what most inmates considered a racial internment camp.

It was ironic to see American Nisei soldiers, home on furlough and clad in uniform, wandering around inside a fenced-in camp. These Nisei soldiers returned from the battlefields of Europe as the most distinguished and decorated combat unit of the war, and from the Pacific theater as loyal soldiers and as officers in military intelligence. I have never forgotten these impressions.

In 1980, I was cosponsor of the legislation establishing the Relocation Commission. The Commission report issued this year amounted to our Government's official apology—41 years overdue—to the internees and their families.

It confirms what a great many conscientious Americans have long believed: These Americans of Japanese descent were clearly mistreated, and their basic civil liberties violated.

The ACLU singled out the internment and related abuses at the time as "the worst single wholesale violation of civil rights of American citizens in our history."

As one commentator on the period said,

> Japanese Americans were the immediate victims of the evacuation. But larger consequences are carried by the American people as a whole. Their legacy is the lasting one of precedent and constitutional sanctity for a policy of mass incarceration under military auspices. This is a result of the process by which the evacuation was made. That process betrayed all Americans.

Since those tragic events took place, a number of the participants have had changed hearts and minds. Henry L. Stimson, who was Secretary of War, realized that "to loyal citizens this forced evacuation was a personal injustice." Former Attorney General Francis Biddle reiterated his belief that "the program was ill-advised, unnecessary, and unnecessarily cruel." Justice William O. Douglas, one of the Supreme Court majority in the Korematsu decision holding the evacuation constitutionally permissible, later said the case "was ever on my conscience." And Chief Justice Earl Warren, who as California's attorney general had urged evacuation, afterwards said, "I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens."

On February 17, 1942, Attorney General Francis Biddle wrote to Secretary Stimson opposing the proposed exclusion order, stating that the War Department and the FBI had found no danger of imminent attack or evidence of planned sabotage. Biddle especially objected to removal from their homes of 60,000 American citizens who happened to be of Japanese descent. He refused to let the Justice Department participate in any way with the exclusion policy.

Not a single documented act of espionage, sabotage, or fifth column activity was committed by the Nisei or by resident Japanese aliens on the west coast. Yet their lives were disrupted, fortunes were lost, and loyal citizens and legal residents incarcerated.

The victims of this policy were held collectively guilty, and collectively punished.

Moreover, the Government's attitude toward these innocent people fostered suspicions that often led to violence against them. Many were attacked when they attempted to return to their homes 3 years later.

Today I am introducing in the Senate legislation to redress this mass violation of civil liberties and to compensate internees for their suffering. MIKE LOWRY of Seattle, Wash., will be offering a very similar companion bill in the House.

While the loss of liberty and the personal stigma attached to internment can never be erased, Federal reparations are a justifiable response to the legitimate financial losses incurred. An independent study done for the Commission found the economic losses alone to evacuees between $2.5 and $6.2 billion in today's dollar values, including interest for the past 40 years. Many consider this a conservative estimate of the real economic losses of homes and other property, stores and businesses. And these estimates do not begin to measure the personal hardships suffered.

The Commission found the cause of the exclusion and internment policies to be "race prejudice, war hysteria, and a failure of political leadership."

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066. Shortly afterward, all American citizens of Japanese descent were barred from living, working, or traveling on the west coast. The same exclusion applied to a whole generation of Japanese immigrants residing at that time in the United States who, because of Federal law, were not permitted to become U.S. citizens.

After the initial plan for voluntary exclusion failed, these American citizens or legal residents were forcibly removed by the Army, first to assembly centers—makeshift quarters in fairgrounds and racetracks—and then to relocation centers. These latter camps, located in desolate Western areas, were surrounded by barbed wire and guarded by military police.

The U.S. Government carried out its policy without reviewing individual cases or providing due process of law, and continued its policy virtually without regard for individuals who demonstrated loyalty to the United States.

Congress made it a crime to violate Executive Order 9066. The U.S. Supreme Court—in one of its most agonizing decisions—held the removal constitutionally permissible because of the war. Interestingly, since that decision a number of Justices from the majority—enough to have reversed the 5 to 4 decision—have written that on hindsight, they would have voted differently. The Supreme Court in a related case struck down imprisonment of these admittedly loyal American citizens. But long after the fact.

The Commission found that the main impetus leading to the exclusion order was the mistaken notion that individuals of Japanese descent would be loyal to Japan, not to the United States, and groundless fears of fifth column activity even though no evidence of such activities could be uncovered. The Commission stated that:

> The record does not permit the conclusion that military necessity warranted the exclusion of the ethnic Japanese from the west coast.

After exclusion became official policy, the War Relocation Authority (WRA)—the civilian agency charged with supervising the relocation—assumed that the vast majority of evacuees were loyal and should be allowed

to resettle outside of the west coast. But because of harsh objections from certain Mountain State politicians, a consensus plan for detention of the evacuees emerged. The WRA gave up on its idea of resettlement, and accepted a program of confinement. Despite WRA's belief that evacuees should be returned to normal productive life, it had, in effect, become their jailer. Since there was no military justification for detention, the WRA instead contended that the program was for the evacuees' own safety.

The history of life during the evacuation and in the relocation camps is one of suffering and deprivation. On the average, families received only 1 or 2 weeks notice of evacuation to an unknown destination. They could take with them only what could be carried. All else was lost or sold for cutrate prices. Life in the relocation camps was spartan, with shoddy and crowded buildings, defective facilities, faulty heating, inadequate health care, and limited education programs. Privacy was impossible. Families and individuals alike lost their identities and became known only by identification numbers.

Because the western defense command opposed individual loyalty reviews—for fear of weakening the blanket exclusion—no opportunity for individual review was created in the assembly centers. The War Department favored conducting loyalty reviews, but did not act on this until the end of 1942. Although these reviews eventually permitted some to leave relocation centers, it did not end the exclusion from the west coast. Moreover, even this belated process was offensive, since it treated Japanese Americans as guilty until proven innocent.

In the spring of 1943, Secretary of War Henry L. Stimson, Assistant Secretary of War John McCloy, and Gen. George C. Marshall reached the conclusion that the loyalty reviews eliminated any justification for exclusion from the west coast. They kept their views private, however, and General DeWitt repeatedly opposed ending exclusion until he left the western defense command in late 1943, as did west coast anti-Japanese factions. Secretary Stimson finally put the recommendation before the Cabinet in May 1944. But no action was taken until December 17, 1944, while confinement continued for the great majority of Japanese Americans.

The exclusion and removal of Japanese Americans resulted from a long history of anti-Japanese American agitation and legislation on the west coast. By contrast, in Hawaii, where the military commander restrained plans for radical measures and treated the ethnic Japanese as loyal residents—absent evidence to the contrary—only 2,000 ethnic Japanese were taken into custody. The policy developed was in sharp contrast to Government actions against enemy aliens or citizens of non-Japanese descent. For example, the United States never ordered a mass exclusion or detention against American citizens of German or Italian descent.

I am delighted to be joined today by two distinguished House Members, MIKE LOWRY and HAMILTON FISH. Congressman LOWRY has been involved with this issue for a number of years, and our offices have worked closely together in developing this legislation.

A number of organizations support congressional enactment of redress legislation, including the American Civil Liberties Union, the Japanese American Citizens League, the National Coalition for Redress and Relocation, and the Washington Coalition for Redress. The Anti-Defamation League of B'nai Brith supports just compensation for the internees.

This episode in American history should never have happened. It is the Government's responsibility to set the record straight and to try, at least, to recognize and partially compensate for past injustices, although the tarnish on our Constitution can never be completely removed.

The bill I am introducing today has been carefully prepared in close consultation with Congressman MIKE LOWRY, with the national and local organizations representing the Japanese American community, with the Commission staff, and after a review of the Commission's recent recommendations.

Our purpose is to recognize and redress the injustices and violations of civil liberties against U.S. citizens and residents of Japanese and Aleut ancestry by the United States and to discourage similar injustices and violations of civil liberties in the future.

Those eligible are people of Japanese or Alaskan Aleut ancestry excluded from the west coast between December 7, 1941, and December 17, 1944, or deprived of liberty or property as a result of a series of Executive orders, proclamations, laws, Armed Forces directives, or other Federal actions resulting in exclusion, relocation, and/or detention of individuals on the basis of race.

The Attorney General must locate each eligible individual, and pay to each the sum determined by the appropriate committees, after reviewing the Commission's recommendations for redress. While the Commission has recommended $20,000, the Japanese-American community has endorsed a $25,000 figure. My view is that these recommendations need to be weighed carefully.

In order to insure prompt payment to internees, especially to those of advanced age, payments must be made within 3 years after this bill is enacted.

If any eligible individual is deceased, cannot be located within a reasonable amount of time, or refuses or is unable to accept payment, the money is to be deposited into a trust fund in the Treasury. This fund is to be distributed for the benefit of U.S. communities in which eligible individuals or their descendants reside, for community services including education, health, housing, cultural, and related services.

A board of trustees appointed by the President, subject to Senate confirmation, will administer the fund, under rules spelled out by the Attorney General. At least half of the trustees will either be eligible individuals or their descendants.

My bill is intended as a vehicle for the Commission's recommendations, but it also takes into account well-considered views of the community to whom redress is due. One minor technical difference is that, while the Commission would first establish a trust fund out of which to make individual reparations, my bill first provides direct payment to individuals, many of whom are of advanced age. The Japanese-American community is very concerned—and justly so—that individual payments be made as promptly as possible, especially to the older internees and evacuees, without the delays inherent in setting up a trust fund and developing rules for its operation.

This act is a just and fair redress to those individuals who were excluded and/or interned without justification, in gross violation of their civil liberties as American citizens and residents.

Mr. President, former Assistant Secretary of War John McCloy has recently made comments equating the Americans of Japanese descent who were interned and for whom my bill will provide redress with imperial Japanese soldiers with whom this Nation fought a war.

That is the same essential confusion that led to this tremendous unjustice in the first place.

Two readers of the Washington Post, on whose pages Mr. McCloy's remarks appeared, responded eloquently and completely to Mr. McCloy in letters to the editor of the Post.

I ask that those letters be printed as part of the RECORD at this point:

The letters follow:

APOLOGIZING TO THE JAPANESE AMERICANS

> Former assistant secretary of war John McCloy equates Japanese Americans with imperial Japanese soldiers—logic as faulty as it is unfair.
>
> Whereas most of us are Americans by chance—we happen to have been born here—many of the interned Japanese Americans were (and amazingly still are) Americans by choice.
>
> Despite the thousands of miles separating them from their parents and grandparents,

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despite the difficulties of our language, despite the resentment or active discrimination by other ethnic groups even after internment, they have stayed to see their children and grandchildren succeed here. It is high time for us to thank these Americans for tolerating a thousand days of unfair treatment in wartime, to apologize formally and to make amends for the years lost.

ANNE CLEVELAND.

ALEXANDRIA.

I appreciate the front-page coverage of Japanese-American redress. My parents instilled in their children a love of country so deep that I questioned why they would work for redress. Now I know it was only the patriotic thing to do. It was unconstitutional to deprive Americans of life, liberty and the pursuit of happiness on the basis of race. Not one of the interned Japanese demonstrated a threat to fellow Americans. As Americans themselves, they want to ensure it won't happen again.

My parents rarely spoke of World War II, but I remember the tears that trickled down my father's face when he told of being rejected from the service for medical reasons. He would have proudly given his life for his country. Now almost 70, he has spent a lifetime extolling the virtues of America. Ironic, isn't it? Apology is due; and it is an important step for America, not just Japanese Americans.

MARY ISHIMOTO MORRIS.

SILVER SPRING.

Mr. CRANSTON. Mr. President, I ask unanimous consent that this bill be printed in full as part of the RECORD at this point:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "World War II Civil Liberties Violations Redress Act."

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to recognize and redress the injustices and violations of civil liberties during World War II against United States residents of Japanese, Aleut, and other ancestry by the United States;

(2) to discourage similar injustices and violations of civil liberties in the future; and

(3) to make more credible and sincere any declarations of concern by the United States over violations of human rights committed by other nations.

DEFINITION OF ELIGIBLE INDIVIDUALS

SEC. 3. For purposes of this Act, the term "eligible individual" means—

(1) an individual of Japanese or Alaskan Aleut ancestry enrolled on the records of the United States Government during the period beginning on December 7, 1941, and ending on December 17, 1944, as being in a prohibited military zone; or

(2) who was confined, held in custody, or otherwise deprived of liberty or property during the period as a result of Executive Order No. 9066, issued February 19, 1942; Public Law 503, enacted March 21, 1942; or as a result of any other executive order, Presidential proclamation, law, directive of the Armed Forces of the United States, or other action made by or on behalf of the United States or its agents, representatives, officers, or employees respecting the exclusion, relocation and/or detention of individuals on the basis of race.

PAYMENTS

SEC. 4. (a) The Attorney General shall locate each eligible individual and shall pay to each such individual an appropriate sum the amount of which will be decided by the committees of appropriate jurisdiction upon review of the recommendations for redress of the Commission on Wartime Relocation and Internment of Civilians. All payments to eligible individuals shall be made within three years after the date of enactment of this Act.

(b) in locating eligible individuals residing outside the United States, the Attorney General may use available facilities and resources of the International Committee of the Red Cross and other organizations.

(c) Payment shall be made under this section without regard to the present residence or citizenship of any eligible individual or other person.

(d) Any payment made under this section shall not be considered income or receipts for purposes of any Federal taxes or for purposes of determining the eligibility for or the amount of any benefits or assistance provided under any Federal program or under any state or local program financed in whole or part with Federal funds.

(e) If an eligible individual is deceased, cannot be located within a reasonable period of time, or refuses or is unable to accept such payment, then the sum for which said individual was eligible shall be paid to a trust fund established by the Attorney General in accordance with subsection (f).

(f)(1) There is established in the Treasury of the United States a trust fund to be known as the "World War II Civil Liberties Redress Trust Fund" (hereinafter in this Act referred to as the "Fund") which shall be the depository of funds paid pursuant to subsection (e). The Fund shall be distributed for the benefit of communities within the United States populated by eligible individuals or their descendants for the purpose of providing or assisting community services including education, health, housing, cultural, and related services.

(2) The Attorney General shall promulgate regulations establishing a board of trustees for the Fund. The board of trustees shall have the responsibility of administering and distributing the Fund. The trustees shall be appointed by the President, by and with the advice and consent of the Senate. At least half of the trustees shall be eligible individuals or their descendants.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated for the fiscal years 1984, 1985, and 1986 such sums as may be necessary to carry out this Act.

● Mr. KENNEDY. Mr. President, I am pleased to join the Senator from California as a sponsor of this long overdue effort to redress a sorry chapter in American history.

Congress should now take the final step to make amends to those Americans whose lives were shattered and who have borne the bitter memories of injustice for decades.

This legislation will constitute a formal recognition that, whatever the circumstances that gave rise to the detention of Japanese Americans, it was wrong, and that those who suffered unjustifiably as a result should be compensated.

It has been said that "he who cannot remember the past is condemned to repeat it." American at its best is an America that can confront our past and learn from our mistakes.

All Americans should be reminded of the rush to judgment four decades ago, when thousands of loyal Japanese Americans were relocated from their homes and detained under armed guards at desolate locations during World War II.

That exclusion and detention was unfair and unjustified. It remains a shameful blot on the proud record of our Nation's stand for liberty around the globe during those difficult years. We must firmly learn the lesson of this sad chapter in our history, when the commitment to individual rights and human dignity was abandoned in a stampede of fear and prejudice, cloaked in the mantle of "national security."

The Commission on Wartime Relocation and Internment of Civilians, established by the Congress in 1980, has finished its review of the relocation and internment of 120,000 Japanese American citizens and resident aliens during World War II. The Commission has issued its report and will soon present its recommendations for national action. The Commission determined that the decision to relocate Japanese Americans away from the west coast, and the delay in the decision to end detention, were not justified on military grounds.

The Commission report emphasizes that "a grave injustice was done to American citizens and resident aliens of Japanese ancestry, who without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II." Even the Supreme Court of the United States, the final guardian or our basic liberties, acquiesced in the detention, on the untenable theory that the Bill of Rights had gone to war. Justice William O. Douglas, who joined the majority opinion in Korematsu which held the evacuation constitutionally permissible, found that the evacuation "was ever on my conscience."

The role played by racial prejudice in these decisions by our Government is revealed by the fact that Italian Americans and German Americans were not subjected to such indecent treatment.

According to the Commission, there was not a single documented act of espionage or sabotage committed by Japanese American citizens or resident aliens. On the contrary, the bittersweet irony is that thousands of Japanese Americans served in our Armed Forces with exceptional gallantry.

Many, including two of our colleagues, served in the legendary 442d Regimental Combat Team, one of the most decorated American units in the entire war.

It is now clear beyond argument that, as the Commission concluded, the decisions regarding relocation and detention were largely shaped by "race prejudice, war hysteria, and a failure of political leadership."

The proceedings of the Commission, and the accompanying publicized reminiscences have reminded us of the heavy toll those policies took on the lives of the victims.

For the evacuees, the costs were crushing. Conditions in relocation centers and internment camps were deplorable. American families were forced to live in shabby facilities, in the shadow of armed sentries and watchtowers, and to give up almost all personal privacy in the crowded camps. They felt the personal pain of evacuation from the neighborhoods and the stigma of having their loyalty questioned. Parents suffered the anguish of trying to explain such discrimination to their children.

Nor did the damage end when these families finally were allowed to leave the camps. Businesses had been hastily abandoned. Careers and schooling were interrupted. Dreams were shattered. As a result, the victims endured the financial and psychological costs for many years. To their credit, they have borne their scarring experience with restrained anger and quiet dignity.

We cannot now erase the stain of this tragic mistake. But we can learn from it.

We can reaffirm our commitment to reject future pressures to abandon our commonsense, and our sense of decency.

And we can make amends, to the limited extent possible to those thousands of loyal Americans who were treated so shabbily by their own Government.

Neither national apology nor material compensation can fully rectify the terrible experience that they were forced to undergo. But America must do right by those it has wronged.●

By Mr. NICKLES:

S. 1521. A bill to authorize the Secretary of the Interior to contract with non-Federal entities for the development of hydroelectric generating facilities at existing reclamation projects, and for other purposes; to the Committee on Energy and Natural Resources.

RECLAMATION HYDROELECTRIC ACT OF 1983

● Mr. NICKLES. Mr. President, I strongly believe that the Federal Government should encourage the prudent development of our Nation's hydroelectric resources by non-Federal entities. The bill that I am introducing today is patterned after S. 2814, from the last Congress, which would have authorized the Secretary of the Interior to contract with non-Federal entities for the development of hydroelectric generating facilities at existing Bureau of Reclamation water projects and would have created a hydroelectric development fund. Although S. 2814 never reached the hearing stage, the measure was extensively circulated for comment and many of the constructive suggestions received are embodied in the bill that I am introducing today.

There is no doubt that there exist many opportunities for additional development of hydroelectric generating facilities at existing Bureau of Reclamation dams in the Western United States. In 1977, the Bureau published a report entitled "Western Energy Expansion Study." The report, as part of the Bureau's general investigation program, examined the potential for the development of hydroelectric power, including pumped storage, at both existing and new Bureau projects. A total of 127 proposals were examined of which 61 proposals were recommended for further study. Of the sites identified for further study, several are in advanced stages of planning or under construction—but, I must point out, that for those sites where there is measureable progress, the progress is being made by non-Federal entities. It would appear that for many of the smaller sites identified by the Western Energy Expansion Study, non-Federal development is not only more appropriate, but in fact, the only way these resources will be developed. I think that the Congress should take responsible action to encourage this type of development.

The bill that I introduce today would allow powerplant developers to bypass the present requirement for non-Federal entities to obtain a license from the Federal Energy Regulatory Commission. Presently, all non-Federal developers must comply with FERC procedures to develop hydroelectric resources. These procedures can be time consuming and compliance with all requirements can be difficult and expensive. The sites that I envision which would be designated by the Secretary of the Interior as being appropriate for non-Federal development, would be those where such development would not pose problems of dam safety or that would interfere with existing project uses and water rights. In fact, the bill specifically requires that any powerplant developed pursuant to the measure be designed, constructed, and operated in such a manner as to be compatible with valid existing water rights or water delivery to the holder of any valid water services contract.

As a resident of Oklahoma, I fully appreciate and understand the importance of water to the well-being of all of our western citizens—and I can categorically state that there will be nothing in this legislation that will threaten in any way the rights of the citizens of the Western States to develop and pursue their individual water rights subject to the appropriate water law of the respective States. This legislation does not seek to interfere with water rights, but rather to pursue the laudible goal of water resource development.

As a nation, we need to diligently strive to insure that we will never again be subject to the whims of foreign powers for our domestic energy needs. The development of our hydro resources can help to achieve this goal. We must continue to pursue the development of this energy resource which is free and not subject to foreign embargo. The bill that I am introducing would result, not only in the development of the resources, but additional revenues to the Federal Treasury as well. It would encourage the investment of non-Federal dollars, rather than relying on the hard-earned dollars of the taxpayer as has been so often the case in the past.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reclamation Hydroelectric Act of 1983".

SEC. 2. Notwithstanding any other provision of law, the Secretary of the Interior, acting pursuant to the Federal Reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto, except as provided in section 3 of this Act), is authorized to contract with non-Federal entities for the development, including but not limited to development costs, financing, construction, and ownership of hydroelectric powerplants and appurtenant facilities at locations and in the approximate capacity as determined by the Secretary of the Interior as being justified for the purpose of providing additional hydroelectric power for delivery to the appropriate Federal power marketing administrations.

SEC. 3. Where the Secretary of the Interior determines that existing reclamation projects may advantageously be used for the purpose of providing additional hydroelectric power for distribution and sale to preference customers by the appropriate Federal power marketing administration, he shall designate such existing reclamation projects within six months of the date of enactment of this Act and announce such designations in the Federal Register.

SEC. 4. The Secretary of the Interior shall also designate a pilot project for the purpose of testing and implementing the objective of this Act on a noncompetitive basis pursuant to either 41 CFR 1-3, 210 (Impracticable to Secure Competition by Formal Advertising); 1-3, 211 (Experimental, Developmental or Research Work) or 1-3, 213 (Technical Equipment Requiring Standardization and Interchangeability of Parts).

Sec. 5. All contracts entered into by the Secretary of the Interior and a non-Federal entity for developing a designated hydroelectric project pursuant to this Act shall be granted on a competitive negotiations basis and no preference in the development process shall be given to preference customers as defined under the various reclamation laws). Such contracts shall be in accordance with the provisions of this section, as hereinafter set forth.

(a) The non-Federal entity shall be granted an easement to the dam, transmission facilities, lands and other improvements owned by the United States, and further shall be granted license of the falling water privileges for a period of not to exceed thirty years. Costs incurred by the non-Federal entity shall be considered to be an element of the cost of developing the project.

(b) The non-Federal development entity, for consideration of a negotiated development and contingency fee to be included in the total project cost, shall assume all risk inherent in the development process, including, but not limited to the financing and construction of the project facilities. Title to all lands, dams, and existing appurtenances and equipment presently in United States ownership shall so remain and title to all project improvements shall be retained by the non-Federal entity for a term not to exceed thirty years; whereupon ownership shall be transferred to the Secretary of the Interior at a cost to the United States of one dollar. The non-Federal entity shall be entitled to any and all benefits resulting from ownership of the project improvement including but not limited to, all benefits provided by the Internal Revenue Code of 1954, as amended.

(c) Hydroelectric power generated by facilities developed pursuant to such contract shall be delivered to a Federal power marketing administration for distribution and marketing as provided by existing law and policy and consistent with the provisions of this Act. Hydroelectric power so delivered shall be purchased by the power marketing administration for a term of not to exceed thirty years at rates and conditions established through the negotiations with the non-Federal development entity, and such rates shall be sufficient to amortize all costs of development, return on investment, operation, maintenance and replacement.

(d) Operation and maintenance of the powerplant and appurtenant facilities shall be the responsibility of the Secretary of the Interior; operation and maintenance of the transmission and appurtenant facilities shall be the responsibility of the Secretary of Energy and all cost related thereto shall be included in an annually adjusted budget agreed to jointly by the Secretary of Interior, Secretary of Energy, and the non-Federal development entity pursuant to subsection (c) of this section.

(e) Review and approval of construction designs and specifications of the powerplant and appurtenant facilities shall be the responsibility of the Secretary of the Interior. Review and approval of construction designs and specifications of the transmission and appurtenant facilities shall be the responsibility of the Secretary of Energy. The Secretary of the Interior and the Secretary of Energy shall be authorized to grant to the non-Federal entities the right of access to the designated sites for the purpose of preconstruction activities.

(f) The Secretary of the Interior is also authorized to establish rules, regulations, and criteria for proposal evaluation as he deems necessary to implement the intent of this Act. Such rules, regulations, and criteria shall be promulgated and published in the Federal Register within six months of the date of enactment of this Act.

Sec. 6. The Secretary of Energy is authorized to purchase replacement capacity, energy, or both in order to maintain deliveries to customers during unit outages which result from non-Federal construction of the powerplant and transmission facilities constructed pursuant to this Act, and such cost will be added to the cost of the project and amortized over the life of the project.

Sec. 7. Powerplants developed pursuant to this Act shall be designed, constructed, and operated in such a manner as to be compatible with valid existing water rights or water delivery to the holder of any valid water services contract.

Sec. 8. (a) The Secretary of Energy is hereby authorized to borrow from the Federal Treasury by establishing an annual revolving fund on behalf of the various power marketing agencies, exclusively for the purpose of implementing the provision of this Act, and all borrowings shall be limited to those funds necessary to make annual payments to the non-Federal developer pursuant to subsection 5(c). All moneys. borrowed from the Treasury will be at the same interest rate as that is available to other government corporations and be repaid entirely from power sales revenues of the designated power marketing agency.

(b) All obligations of the Secretary of Energy entered into pursuant to this Act shall be secured solely by the revenues of power sales and other services and the full faith and credit of the designated power marketing agency and are not deemed general obligations of the United States.●

By Mr. STEVENS:

S. 1522. A bill to amend the Internal Revenue Code of 1954 to allow a temporary refundable income tax credit to Federal employees covered under the social security system for the amount of their contributions under a Federal retirement system; to the Committee on Finance.

TAX CREDIT FOR CONTRIBUTIONS TO FEDERAL RETIREMENT SYSTEM

Mr. STEVENS. Mr. President, I am introducing today a bill which provides relief to Federal employees who will be required to contribute to both civil service retirement and social security beginning next year. The Social Security Act included a provision which covered all newly hired Federal employees as well as certain current employees. The act, however, failed to grant any relief from the current obligation of Federal employees to contribute toward the civil service retirement system. Therefore, without any additional measures, these Federal employees will be required to contribute 14 percent of pay toward both social security and civil service retirement.

This bill will provide a tax credit for civil service contributions made by these affected employees during calendar years 1984 and 1985. This approach has numerous advantages over simply exempting Federal employees from contributing to civil service retirement during this interim period while we are attempting to design a new system.

First. Employees will continue to contribute to both systems. Therefore, the argument that funds will be cut off to civil service retirement no longer have merit.

Second. When the employee contribution is returned to the employee, either as a refund if the employee leaves Federal service or as an annuity payment, the contribution will be taxed. Therefore, the temporary revenue loss due to this provision is not permanent. The revenue loss will be recovered through later tax measures.

Third. The tax credit will apply only until a supplemental program is enacted or until the end of taxable year 1985. This feature gives us adequate time to enact a supplemental plan but at the same time puts pressure on interested parties to support enactment of such a plan.

Fourth. Employees of all Federal retirement plans who are doubly covered under both systems will be eligible to receive the tax credit.

Fifth. The only employees who will be contributing to both systems and yet cannot receive the tax credit will be the President. Vice President, and Members of Congress.

An informal Congressional Budget Office staff estimate places the 2-year cost of this provision at about $400 million. The cost of this provision is substantially the same as the cost of the amendment that I offered to the Social Security Act exempting new Federal employees from contributing to civil service retirement. I strongly urge my colleagues to support this measure. Without some form of relief, the Government is going to experience great difficulty in recruiting employees for the next couple of years.

ADDITIONAL COSPONSORS

S. 591

At the request of Mr. Inouye, the names of the Senator from Nebraska (Mr. Exon), the Senator from New Mexico (Mr. Bingaman), and the Senator from Utah (Mr. Garn) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 995

At the request of Mr. Exon, the names of the Senator from Massachusetts (Mr. Tsongas), the Senator from Georgia (Mr. Mattingly), and the

Senator from West Virginia (Mr. Byrd) were added as cosponsors of S. 995, a bill to amend title 38, United States Code, to modify the rule for the commencement of the period of payment of certain adjustments in compensation in the case of hospitalized veterans.

S. 1146

At the request of Mr. Bentsen, the names of the Senator from Mississippi (Mr. Cochran), and the Senator from Illinois (Mr. Dixon) were added as cosponsors of S. 1146, a bill to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

S. 1210

At the request of Mr. Sasser, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 1210, a bill to amend the Internal Revenue Code of 1954 to provide that the election to use the alternate valuation date for purposes of the estate tax may not be made under certain circumstances and to permit an election to be made on a return that is filed late.

S. 1262

At the request of Mr. Grassley, the name of the Senator from North Carolina (Mr. East) was added as a cosponsor of S. 1262, a bill to amend the Internal Revenue Code of 1954 to improve Internal Revenue Service procedures concerning investigations and audits of churches, and for other purposes.

S. 1285

At the request of Mr. Hatch, the names of the Senator from Rhode Island (Mr. Pell), the Senator from Vermont (Mr. Stafford), the Senator from Massachusetts (Mr. Kennedy), the Senator from Indiana (Mr. Quayle), the Senator from West Virginia (Mr. Randolph), the Senator from Florida (Mrs. Hawkins), the Senator from Missouri (Mr. Eagleton), the Senator from Michigan (Mr. Riegle), the Senator from Kansas (Mr. Dole), the Senator from Ohio (Mr. Metzenbaum), the Senator from Mississippi (Mr. Cochran), the Senator from California (Mr. Cranston), the Senator from Connecticut (Mr. Dodd), the Senator from Kentucky (Mr. Ford), the Senator from South Carolina (Mr. Hollings), the Senator from Maine (Mr. Mitchell), the Senator from Arizona (Mr. DeConcini), the Senator from Hawaii (Mr. Inouye), the Senator from New Jersey (Mr. Bradley), the Senator from North Dakota (Mr. Burdick), the Senator from Kentucky (Mr. Huddleston), the Senator from Maryland (Mr. Sarbanes), the Senator from Arkansas (Mr. Pryor), the Senator from Michigan (Mr. Levin), the Senator from Tennessee (Mr. Sasser), the Senator from New York (Mr. Moynihan), the Senator from Massachusetts (Mr. Tsongas), the Senator from Arkansas (Mr. Bumpers), and the Senator from Montana (Mr. Melcher) were added as cosponsors of S. 1285, an original bill to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes.

SENATE JOINT RESOLUTION 3

At the request of Mr. Hatch, the name of the Senator from Minnesota (Mr. Durenberger) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 54

At the request of Mr. Nickles, the names of the Senator from Oklahoma (Mr. Boren), the Senator from North Carolina (Mr. Helms), and the Senator from Kansas (Mrs. Kassebaum) were added as cosponsors of Senate Joint Resolution 54, a joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month."

SENATE JOINT RESOLUTION 77

At the request of Mr. Dole, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of Senate Joint Resolution 77, a joint resolution designating "National Animal Agriculture Week."

SENATE JOINT RESOLUTION 93

At the request of Mr. East, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of Senate Joint Resolution 93, a joint resolution to designate the month of September each year as "National Sewing Month."

SENATE JOINT RESOLUTION 97

At the request of Mr. Boschwitz, the name of the Senator from Montana (Mr. Melcher) was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 111

At the request of Mr. Pell, the names of the Senator from Maryland (Mr. Sarbanes), the Senator from Maryland (Mr. Mathias), the Senator from Hawaii (Mr. Matsunaga), the Senator from New York (Mr. Moynihan), the Senator from Ohio (Mr. Glenn), the Senator from Vermont (Mr. Leahy), the Senator from South Carolina (Mr. Hollings), and the Senator from North Dakota (Mr. Andrews) were added as cosponsors of Senate Joint Resolution 111, a joint resolution expressing the sense of the Congress with respect to international efforts to further a revolution in child health.

SENATE RESOLUTION 158

At the request of Mr. Jackson, the names of the Senator from Georgia (Mr. Nunn), the Senator from New Mexico (Mr. Bingaman), the Senator from Colorado (Mr. Hart), the Senator from Pennsylvania (Mr. Heinz), the Senator from Kansas (Mr. Dole), the Senator from Washington (Mr. Gorton), the Senator from Delaware (Mr. Roth), the Senator from New Hampshire (Mr. Rudman), the Senator from Missouri (Mr. Danforth), the Senator from North Dakota (Mr. Andrews), the Senator from Alabama (Mr. Denton), the Senator from Wyoming (Mr. Simpson), the Senator from Michigan (Mr. Riegle), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Utah (Mr. Hatch) were added as cosponsors of Senate Resolution 158, a resolution expressing the sense of the Senate that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America.

SENATE RESOLUTION 158 REFERRED TO COMMITTEE

The following resolution, which was submitted on June 15, 1983, and ordered held at the desk, was referred to the Committee on Foreign Relations:

By Mr. JACKSON (for himself, Mr. Mathias, Mr. Cranston, Mr. Baucus, Mr. Bentsen, Mr. Glenn, Mr. Ford, Mr. Matsunaga, Mr. Inouye, Mr. Dixon, Mr. Pell, Mr. Stennis, Mr. Nunn, Mr. Bingaman, Mr. Hart, Mr. Heinz, Mr. Dole, Mr. Gorton, Mr. Roth, Mr. Rudman, Mr. Danforth, Mr. Andrews, Mr. Denton, Mr. Simpson, Mr. Riegle, Mr. Kennedy, and Mr. Hatch):

S. Res. 158

Whereas Central America is of vital importance to the interests and long-term security of the United States;

Whereas the social and economic crises facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

Whereas military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

Whereas respected leadership from all sectors of American society and from all regions should be drawn on in the making of United States policy towards Central America; and

Whereas an effective United States policy for Central America requires the understanding and support of the American people: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

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(1) the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region; and

(2) Such Commission should—

(A) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(B) consult with governmental and other leaders of Central America, invite their views and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(C) report its findings and recommendations to the President and the Congress 180 days after the date of adoption of this resolution.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 163—RELATING TO ANTITRUST AND INTERNATIONAL TRADE

Mr. BENTSEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 163

Whereas national security and employment stability require that the United States maintain a broad, varied and healthy industrial base of internationally competitive basic industries;

Whereas the maintenance of that base is jeopardized by the increasing worldwide mobility of capital, the ready availability of technology across international boundaries and the ability and willingness of low wage workers abroad to accept and retain training in the most demanding industrial skills;

Whereas domestic basic industries are increasingly producing and selling products at home in direct competition with state trading firms and other international competitors enjoying government assistance and subsidies;

Whereas foreign industrial policies targeted at segments of the domestic market pose substantial risks for both basic industries and growing industries where products are subject to rapid obsolescence due to changing technology;

Whereas remedies and relief for undue competitive pressure from imports do not include the capacity to readily streamline and consolidate domestic productive capacity to improve the affected industry's competitiveness;

Whereas the voluntary consolidation of basic manufacturing capacity may enhance the ability of domestic industries to survive, prosper, conduct research, develop new products and improve price and product quality in domestic markets subject to substantial import competition, or respond to foreign industrial policies;

Whereas consolidation of basic manufacturing capacity by an industry may raise antitrust issues even when that industry is subject to vigorous and enduring price and quality competition from abroad;

Whereas antitrust law exception exist in current law and practice for regulated industries, for exporters, for newspapers seeking to consolidate printing facilities, and for failing firms seeking to combine production facilities, and,

Whereas extending such exceptions to include joint production arrangements by domestic industries facing substantial and unjust international competition may permit such industries to reduce overhead costs, avoid layoffs, and regain markets threatened by or lost to imports: Now therefore, be it

Resolved, That it is the sense of the Senate that—

(1) The President should conduct an analysis of the extent to which the antitrust laws of the United States hinder the capability of American industry facing vigorous import competition to marshall its most efficient resources, to maintain needed levels of capital investments in new, more productive manufacturing techniques and products, and to conduct appropriate levels of research and development;

(2) In the conduct of this analysis, the President should consider and evaluate the impact on American competition in domestic markets of modifications to antitrust laws designed to enhance the ability of American industries to consolidate basic production facilities and to take such other steps as are necessary for them to compete more effectively with imported goods;

(3) The President and the Special Trade Representative should make full use of the resources of the Trade Advisory Committees, established under section 135 of the Trade Act of 1974, in the preparation and conduct of the analysis called by this Resolution.

SEC. 2. The Secretary of the Senate should transmit a copy of the Resolution to the President with the request that he complete the analysis called for by this Resolution within six (6) months of the date of enactment.

● Mr. **BENTSEN**. Mr. President, as we move more vigorously into a recovery this spring and summer, interest in our foreign trade problems may be pushed off the front page. The long overdue and welcomed news of rising employment and incomes will take front and center position while arcane information on balance-of-trade deficits and lagging steel or aircraft sales will be buried on page 37 next to the want ads.

We must not let that shift in topical focus create the illusion that our foreign trade problems have resolved themselves. Nothing could be further from the truth and, indeed, nothing could be more misleading for either the administration or Congress to accept as reality. For the reality is that our foreign balance of trade is in a near state of collapse, in its most precarious state of weakness in well over half a century if not our entire history.

FOREIGN INDUSTRIAL TARGETING

The truth can most easily be found in statistics. Our balance-of-trade deficit last year approached $43 billion and resulted in a balance-of-payments deficit of about $8 billion. This year, the administration is projecting far deeper deficits. The payments deficit could soar to $25 billion or more and the trade deficit could top $70 billion. A deficit of that magnitude is scarcely imaginable and portrays in stark terms the inability of our industries to compete effectively with imports or to sell abroad with their historic gusto. The reasons for the decline in our industrial prowess are varied—an overvalued dollar, sagging productivity, international capital and technology mobility, and the growing practice of foreign governments to directly and indirectly promote goods being sent here and being sold in competition with U.S. goods in foreign markets. This practice, which goes under the term of foreign industrial policy is a direct effrontery to free trade and is an explicit and aggressive effort to cheat the United States out of jobs in import competing and export industries.

The targeting of U.S. industries by foreign governments is becoming widely documented. The Labor-Industry Coalition for International Trade recently released an analysis, for example, of targeting practices by Japan, some European countries, South Korea, Taiwan, and Brazil, against U.S. industries as varied as steel, semiconductors, and computers, civilian jet aircraft, and advanced electronics. The Japanese targeting strategy against U.S. electronics firms was analyzed in depth by the domestic Semiconductor Industries Association, as well. And, the International Trade Admininstration at the Department of Commerce in a study entitled, "U.S. Competitiveness in High Technology Industries," cited specific targeting programs against 12 major U.S. industries by France, Japan, and West Germany.

These foreign programs vary in scope and size, but all involve overt Government programs designed to insure that they can carve out growing shares of our domestic market.

The cost in terms of lost jobs of the resulting trade deficits are enormous. According to a recent Department of Labor analysis, each $1 billion in U.S. exports adds 25,000 jobs to our economy. Using that as a rule of thumb for jobs lost in domestic import competing industries, our projected $70 billion trade deficit this year will keep as many as 1.75 million Americans on the unemployment and welfare rolls and out of work in industries like steel which face unjust competition from abroad. The real tragedy is that these jobs are likely being lost forever. The Bureau of Labor Statistics recently found, for example, that employment in our domestic auto and steel industries, hard hit by imports, will likely never recover to our prerecession levels.

A U.S. RESPONSE

We have an elaborate mechanism in place for evaluating claims by domestic industries of unjust competition from imports—of foreign goods being sold here, for example, below costs or prices at home. Yet, neither the Department of Commerce nor the Spe-

cial Trade Representative can provide relief or investigate claims involving these widely acknowledged foreign government targeting practices because they are beyond the pale of practices considered actionable under the GATT and related international trade agreements.

Foreign government exploitation of this blind spot in trade rules tilts the international field of trade sharply against virtually every U.S. firm—from high-tech exporters to smokestack import-competing entities. They are increasingly being forced to pay one on one with foreign governments—and having the ball repeatedly stuffed in their face as foreign competitors buy growing market shares with what amounts to Government subsidies.

I wish I could report that the revelations regarding these foreign practices had caused our Government to fight back on behalf of U.S. firms. But it has not. The administration is talking with Japan, for example, about its unfair targeting and import control practices. But progress is slow or nonexistant because these practices are deeply ingrained now in the political and economic structure of our international competitors. Japan or France is no more willing to shut down its industrial subsidies than we are to shut down our soil conservation or other programs which have proven their worth over the years. Yet, we are far from helpless.

We should strive vigorously to bring these foreign industrial policies within the purview of GATT. We should force our international competitors to acknowledge that a government vision for steel imported to the United States is no different than dumping—a practice now actionable under the terms of GATT. That calls for a vigorous negotiating position by our Special Trade Representative. Yet, the pervasive use of such policies abroad offers little real hope for progress in their reduction, much less in their removal, I fear. Consequently, it is time to consider options for helping those domestic industries targeted for attack by foreign governments. The industrial policy debate swirling about our think tanks and universities has framed a variety of those options. And one option is worthy of particularly intensive analysis, I believe.

ANTITRUST EXEMPTION

Other nations, most notably Japan, have already addressed the issue of renovating domestic industries which are under heavy import pressure. A variety of steps have been taken including worker retraining and subsidies to increase R&D and investment in the industries under pressure. One step, and perhaps the most important one, common to all such programs has been consolidation of basic manufacturing capacity. And I believe that concept should be studied in the context of aiding our own industries under heavy import pressure. The concept is straightforward: Provide industries confronting heavy foreign competition due to foreign industrial policies with an antitrust exemption under which basic production facilities can be consolidated and upgraded to improve the industry's productivity and ability to compete internationally.

The objective of such an exemption would be to permit such industries to reorganize themselves without Government direction or aid under an antitrust exemption in which they can pool, consolidate, and upgrade production, but not distribution or market facilities. The Government need not provide subsidies or other overt assistance. It could even provide an antitrust exemption in lieu of tariffs or other subsidies. In so doing, the Government would be acting to accommodate the process of industrial evolution. It would be placing maximum reliance on the market in permitting investors, including stockholders and banks, to ultimately decide what management teams and facilities survive and prosper in such industries.

This concept creates an alternative to the hodgepodge process of bailouts, trade protection, and bankruptcy rulings which constitute current U.S. industrial policy for such industries. This process tends either to (a) freeze inefficient management and facilities in place if trade controls and subsidies exist, or (b) to grind down and bleed an entire industry nearly to death before capacity contraction and reorganization can occur. The latter case is exemplified by shrinking industry profits, a weakened ability or incentive to invest in modern facilities needed to boost productivity and a weakened ability to conduct R&D, especially long-term basic R&D. The Government stands idly by as the agony of industrial reorganization is needlessly drawn out over far too long a time.

What the Government could do as an alternative is accommodate the transition of such industries to more efficient ones—better able to compete with foreign competitors through new investment and robust R&D. A limited antitrust exemption could accommodate this evolution in a permissive fashion which complements the normal market operation in which investors and consumers select winners and losers. It would avoid the situation where Government planners substitute their own decisions for that of the market by selecting favored firms and granting subsidies and loans to restructure an industry.

ANTITRUST EXEMPTION PRECEDENTS

In addition to exemptions for firms in regulated industries, such as communications, there are four notable domestic precedents for granting antitrust exemptions to firms. The first one involves the so-called failing company doctrine. Existing decisions covering half a century under the failing company doctrine recognize that an exemption exists from the antitrust laws for firms near bankruptcy. Under this doctrine, the usual criteria of market share, used to assess merger proposals between competitors, can be waived—by the Federal Trade Commission and the Justice Department—when (a) a firm cannot survive even if reorganized, and (b) no buyer other than a competitor can be found. This judicially created defense against section 7 of the Clayton Act stretches back to 1930 or earlier, and is not legislatively mandated. It was legislatively affirmed, however, by the 1950 Cellar-Kefauver amendments to the Clayton Act.

This antitrust exemption was judicially broadened in 1974 when a weak but not failing company called United Electric Coal Co. was permitted to merge with General Dynamics. United Electric was not on death's doorstep and had a sizable market share—factors which would normally have precluded approval of its purchase by its coal-producing competitor, General Dynamics. In permitting this merger, the courts went beyond just market share and financial weakness data to assess whether competition would be hindered by the merger. Factors such as United Electric losses, whether a firm's product is about to be overtaken by new techology or poor product quality were recognized as facts which can bear on decisions involving a merger request by a firm which is in a weak but not fatal financial situation. In effect, the General Dynamics case said that financial weakness is not by itself sufficient to warrant an exemption from the Clayton Act; but when combined with other factors indicative of further weakness, it is possible for a weak but not terminally ill company to merge with a competitor despite each holding sizable market shares.

A second precedent exists in antitrust exemptions being granted by the Justice Department under authority of the Export Trading Company Act to associations formed to engage in export. U.S. firms seeking to establish an export association or cartel can apply to the Department of Commerce for a certificate exempting them from antitrust prosecution if they adhere rigidly to the terms of their certificate, assuming one is granted. This provision clarifies the heretofore uncertain antitrust status of such cartels under the old Webb-Pomerene Act, under which some 20 or so export associations have been formed.

A third precedent is the antitrust exemption currently available to competing newspapers in the same geographical area, which permits them to jointly own and operate a newspaper production facility. This exemption was

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created by the Newspaper Preservation Act of 1970 and permits the Attorney General to give a binding written consent to such arrangements if each newspaper maintains separate editorial offices. Such consent can be given only when one of the two newspapers is unlikely to remain a financially sound publication.

The fourth and most current precedent involves the recent Justice Department decision to permit 12 of the largest U.S. computer/semiconductor firms to establish an R&D joint venture—the Microelectronics & Computer Technology Corp., or MCC. This Justice decision is noteworthy because it involves the introduction of international market shares as a factor determining whether domestic U.S. firms will be permitted to collude. In discussing the R&D joint venture proposal by MCC, the Justice Department's antitrust chief has decided that:

> Joint R&D ventures would be presumed to be lawful under the antitrust laws if the participants do not have a preponderate share of the world market; and,
>
> The combined size of the participants should be not more than one-quarter the size of all the other firms in that industry world-wide, that is, the participants cannot control more than 20 percent of the world market.

EXPLANATION OF RESOLUTION

While these precedents exist and the consolidation of capacity is commonly done abroad, it raises many new questions regarding its operation in this country. Therefore, my resolution withholds judgment on the concept while urging the President to make an exhaustive study of its pros and cons. To insure that effective private-sector help is available for this study, the resolution urges him to utilize the resources of the Trade Advisory Committees. These committees have been established with representatives from labor, industry, and agriculture. The industry committee has been divided into 40 or more sectorial committees and would be very fertile sources of information and analysis. The concept to be evaluated is whether consolidation of basic production capacity by domestic industries facing stiff and illegal competition from imports will enable them to compete more effectively against their foreign competitors. An ancillary question to be evaluated is whether our antitrust laws currently prevent such consolidation.

The resolution gives the President a quick fuse for this study. I am not looking for a 1-year or 2-year analysis by the executive branch. Rather, I want a good, but quick study with the results available within 6 months.

I urge my colleagues to support this sense of the Senate resolution.●

SENATE RESOLUTION 164—TO REFER THE BILL S. 1519 TO THE COURT OF CLAIMS

Mr. HEFLIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 164

Resolved, That S. 1519 entitled "A bill for the relief of Frank L. Hulsey", now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims. The Chief Commissioner shall proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such findings of fact and conclusions that are sufficient to inform the Congress of the nature and character of the demand as a legal or equitable claim against the United States or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimants.

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

WALLOP (AND SIMPSON) AMENDMENT NO. 1429

Mr. WALLOP (for himself and Mr. SIMPSON) proposed an amendment to the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 10, line 22, before the period insert a colon and the following: "*Provided further,* That of the funds appropriated under this heading, $4,000,000 shall be available for road relocation and the modification of the existing powerplant in connection with the Buffalo Bill Dam Project authorized by Title I of the Act of October 12, 1982 (Public Law 97-293)".

On page 9, line 8, strike out "683,818,000" and insert in lieu thereof "687,818,000".

HUMPHREY (AND PROXMIRE) AMENDMENT NO. 1430

Mr. HUMPHREY (for himself and Mr. PROXMIRE) proposed an amendment to the bill H.R. 3122, supra; as follows:

On page 9, line 8, strike $683,818,000 and insert in lieu thereof "$661,518,000".

On page 10, line 14, strike "features of".

On page 10, line 15, strike "affecting waters flowing into Canada".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 22, to mark up fiscal year 1984 Department of Defense military authorization, S. 675.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Pollution of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 22, to mark up clean water amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, June 23, at 9:30 a.m., to hold a hearing on the oversight of operational tests and evaluation and Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 23, at 2 p.m., to hold a hearing on Lee Thomas to be Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PERSONAL EXPLANATION OF VOTES

● Mr. SASSER. Mr. President, I rise today to state that I was necessarily absent, due to illness, during the June 16, 1983, session of the Senate, and that if I had been present I would have voted: "Nay" on rollcall vote No. 150, Senator WEICKER's amendment to H.R. 3069, which provided for an annual rate of pay for a Senator of $100,000; "nay" on rollcall vote No. 151, Senator JACKSON's amendment to H.R. 3069, which provided for an annual rate of pay for U.S. Senator of $80,100; "nay" on rollcall vote No. 152, Senator JACKSON's amendment to H.R. 3069, which provided for an annual rate of pay for a Senator at the same level as that of a U.S. Representative; "nay" on rollcall vote No. 153, final passage of H.R. 3069, the bill making supplemental appropriations for fiscal year 1983; "yea" on rollcall vote No. 154, a motion to table the amendment, in the nature of a substitute to H.R. 2973, by Senator DOLE; "yea" on rollcall vote No. 155, and amendment to the Dole amendment by Senator PRYOR which would have stricken all

sections of the Dole amendment except the repeal of withholding of interest of savings and dividends; "nay" on rollcall vote No. 156, the Dole amendment in the nature of a substitute to H.R. 2973; and "yea" on rollcall vote No. 157, final passage of H.R. 2973.●

COSPONSORSHIP OF SENATE JOINT RESOLUTION 84

● Mr. D'AMATO. Mr. President, I am pleased to join as a cosponsor of Senate Joint Resolution 84 which would declare the week of June 24, 1984, National Federal Credit Union Week. Since the passage of the First General State Credit Union Act in 1904, credit unions have grown steadily to the point where they are now an integral segment of our financial community. By 1935, 39 States had credit union enabling legislation and 3,372 credit unions served 641,000 members. Today, there are over 21,000 credit unions in the United States serving over 47 million members.

While the credit union movement has expanded drastically, those responsile for this movement have not lost sight of their basic values and goals: To allow decisions regarding the financial destinies of their credit unions' to be made democratically by those most affected by such decisions. Credit unions, despite their tremendous growth, have continued to emphasize the needs and concerns of their individual members. The average credit union is a small institution, serving only 2,000 members.

The credit union concept has its origins in the basic principles that have made this country great: Individualism, cooperation, and democracy. Their existence has provided this country's profit-motivated financial services industry a standard by which their service may be judged. Thus the benefit of credit unions extends far beyond their membership role.

Mr. President, I feel it is only fitting that this Congress finally recognize the importance of both the functional and symbolic benefits of credit unions to this country's citizens. I thus urge my colleagues to support this resolution.●

S. 1501—AMENDMENT OF RATTLESNAKE NATIONAL RECREATION AREA AND WILDERNESS ACT OF 1980

● Mr. MELCHER. Mr. President, on June 20, 1983, I introduced a bill to amend section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 to clarify the use and application of bidding rights issued thereunder and to clarify the use of these bidding rights with respect to certain specified lands.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The text of the bill follows:

S. 1501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b)(3) of section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 is amended to read as follows:

"(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Region as defined in the Federal Register of November 9, 1979 (44 F.R. 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this Act have not been exercised within two years from the date of enactment of this Act, the bidding rights may be used as a monetary credit, which shall be considered 'money' within the meaning of section 35 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 191), against that portion of bonus payments, rental or royalty payments paid into the Treasury of the United States and retained by the Federal Government on any Federal coal lease won or otherwise held by the applicant, its successors or assigns. The holder of the bidding rights shall pay the balance due on such bonus payments, rental or royalty payments in cash for transmittal to the States in the same manner and in the same amounts as though the entire payment were made in cash under the provisions of the Mineral Leasing Act of 1920 as amended. The bidding rights may be transferred or sold at any time by the owner to any other party with all the rights of the owner to the credit, and after such transfer, the owner shall notify the Secretary.".

(b) Section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 is further amended by adding a new subsection to read as follows:

"(e) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall consummate the exchange of the lands owned by the Montana Power Company within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness by issuing bidding rights to the Montana Power Company which shall equal the negotiated cash equivalent of the fair market value of such Montana Power Company lands, as provided in the agreement of April 4, 1983, signed by the authorized representatives of the Secretary of Agriculture, the Secretary of the Interior and the Montana Power Company, except that adjustments in the 'Cash Equivalency Rate' referred to in said agreement shall not exceed a rate determined by the Secretary of the Interior taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the remaining period during which the bidding rights may be used."●

RON CALERY DAY

● Mr. LEVIN. Mr. President, too often in life we fail to recognize the outstanding efforts individuals perform for their neighbors until it is too late. The citizens of Sault Ste. Marie, Michigan, have not made that mistake in the case of Ron Calery, a leader who has spent the past 20 years contributing to his community.

Today is Ron Calery Day in the Sault and I would like to enter the mayoral proclamation presented in his honor into the RECORD:

Whereas, Ronald J. Calery has been concerned and active in promoting the welfare of senior citizens, families in need and the overall betterment of the Tri-County area, through the Community Action Agency since its inception in 1964, serving as the first chairman of the board, then as executive director since 1972, and

Whereas, the legion of Ron's accomplishments for the betterment of the said Tri-County area include obtaining a Mobile Medical Screening Unit, Dial-A-Ride Service, and the Outreach Program. He was also the leading proponent in the establishment of the Senior Citizens Nutrition Program; and

Whereas, in recognition of his ability, Ron Calery's peers did elect him as the only person to serve three terms as president of the Michigan Community Action Agencies Association; and

Whereas, Ron Calery viewed the vacant former Wards building and its blighting influence on Sault Ste. Marie's downtown area, as a challenge and an opportunity to provide a center for senior citizens, and

Whereas, in culmination of his current illustrous achievements, Ron has been responsible for raising the over one million dollars needed to make the Sewell Avery Center a reality for the Tri-County area senior citizens, preschool children, and all those of an age in between who have a need for the services provided by the programs administered through Ron and the Community Action Agency.

Therefore be it known, that in appreciation of the outstanding contributions made by Ronald J. Calery in improving the quality of life for the citizens of our community and the Tri-County area, I, Jerald A. Peters, mayor, hereby and herein by the authority in me vested, proclaim Wednesday, June 22, 1983 as Ronald J. Calery Day, in Sault Ste. Marie, Michigan, and I urge all the citizens of the community to join in expressing their appreciation to Ron Calery on that particular day.●

REFERRAL TO COMMITTEE—S. 724

Mr. BAKER. Mr. President, I have a request with respect to referral that also appears to be cleared on the other side. I ask unanimous consent that Calendar No. 247, S. 724, a bill to authorize the U.S. Army Corps of Engineers to undertake activities to provide new public works investment, grants to the several States to encourage and foster the construction of necessary public capital investment projects, and to assist in creating new and productive jobs, be referred to the Committee on Energy and Natural Resources for a period not to extend beyond August 1, 1983, or the date of adjournment of the Senate for the August recess, whichever occurs earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BYRD. Mr. President, before the majority leader makes the next request, will he yield?

Mr. BAKER. Yes, I yield.

CONFERENCE REPORT ON BUDGET RESOLUTION

Mr. BYRD. I understand that the House may get the conference report on the budget over to the Senate by Thursday night. I hope that we can dispose of that conference report on Friday and not have to carry it over. I have some reason to believe that, on my side of the aisle—I have talked with Senator Chiles about this—perhaps we can get an agreement to that effect that would cut down that time and thus allow us to complete action on that measure on Friday.

Mr. BAKER. Mr. President, I thank the Senator. I would be most happy to try to arrange a schedule that will permit us to dispose of the conference report on the budget resolution on Friday.

I urge Senators who may be listening in their offices or their staffs to take note of this, because some Senators—a few—have been told privately what I repeated on the floor. That is that I thought it unlikely that we could dispose of the budget conference report on Friday and it would perhaps be Monday. I wish to cancel and rescind that now and say that, in view of the statement of the minority leader, it will be my purpose then to explore this possibility with the minority leader.

If we can work something out, it is entirely possible, then, that we can arrange to finish the conference report on the budget resolution on Friday. Members should take account of that possibility.

I thank the minority leader for this colloquy, Mr. President. I think it has given us a road map, or I hope it has, for the next several days. It has helped me arrange in my mind how we may be able to accomplish the work of the Senate.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. Mr. President, before I yield the floor, I have been handed a note by the distinguished chairman of the Committee on Appropriations (Mr. Hatfield). I requested Senator Hatfield to meet this afternoon to try to report the two appropriation bills that I indicated earlier, legislative appropriations and agriculture appropriations. Senator Hatfield, I am sure, will be patient, but his patience will grow weary and thin if we do not give him a quorum. So I hope that Members who are on the Appropriations Committee will go downstairs to the Appropriations Committee room and help the chairman make a quorum so they can transact that business in keeping with the leadership's request and in order to enable us to consider those two appropriation bills this week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPACT OF BUILDDOWN

Mr. COHEN. Mr. President, yesterday, Senator Nunn and I had the opportunity to testify before the Foreign Relations Committee on the subject of a mutual builddown resolution which Senator Nunn and I and 43 other Members of the Senate had cosponsored. The purpose of our testimony was to try to call to the attention of our colleagues the general parameters of the builddown concept; to try and define some of the areas to which it would apply; to also try to identify some of the potential inequities that might be perceived if, in fact, the builddown concepts were applied to our current negotiating positions.

I would like for the benefit of my colleagues to include a copy of a statement that I presented to the committee yesterday, along with a series of questions and answers. These questions and answers really are preliminary in nature. They were designed to try once again to raise some of the issues that we have heard raised against the builddown concept by both sides, by those who support a nuclear freeze and by those who are opposed to any restrictions to the modernization program of the administration.

These questions and answers are not designed to be all inclusive. In fact, as a result of raising these questions and proposing certain answers we hope to stimulate further questions. Hopefully, we might refine our answers to those questions.

One of the problems that Senator Nunn and I have encountered with the builddown concept is a lack of incentive, it seems to me, on the part of a number of officials pursuing it with any sort of enthusiasm. Namely, they have raised questions or problems of certain inequities that might come about as a result of the builddown concept, yet there has been very little in the way of positive, constructive commenting coming from these very same officials to see if we can make it work.

This is somewhat in contradiction to President Reagan, who has expressed support for the concept of builddown. Yet, without a concurrent support from the administration itself; namely, through the Department of Defense, the National Security Council, and the Department of State, and other departments, without a similar commitment to making the builddown work, of course, it will not. This exercise that we have been engaged in since January when the concept was first raised will be all for naught. It is with that in mind, Mr. President, that I offer my comments that were delivered yesterday to the Senate Committee on Foreign Relations for the record, along with the copy of the questions and answers that we believe initially, at least, preliminarily, at least, deal with the challenges that have been raised against the concept. I ask unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR WILLIAM S. COHEN

Early this year, Senator Nunn and I introduced a resolution in the Senate aimed at permitting some modernization of U.S. and Soviet forces while forcing significant overall reductions. By exacting a high price for deployment of new warheads, the mutual guaranteed build-down concept encourages movement toward nuclear forces with characteristics, such as survivability, that will enhance stability while achieving meaningful arms reductions. This is consonant with President Reagan's stated objectives.

Senator Nunn and I discussed the concept at length with our colleagues. After careful study, and over the course of several months, 43 Senators joined us in co-sponsoring the build-down resolution. The list includes long-standing proponents of military force modernization and strong supporters of the nuclear freeze resolution. The Senators united around a common goal of enhancing strategic stability through reductions in the nuclear arsenals of the Soviet Union and the United States to equal and lower levels.

The build-down concept is not intended to defeat the freeze. Indeed, it is the freeze movement which has raised the nation's consciousness to the point where proposals for significant arms reductions can have a real impact on U.S. policy-makers. The build-down is an early but meaningful step toward the ultimate aim of eliminating the threat of nuclear war. While longer-term objectives are pursued, we believe the build-down repesents an interim measure which can have a real impact on international stability.

Today, I would like to outline what the build-down is and what it is not, and describe my views on how the concept is being addressed within the Administration.

The build-down is intended to be a means of achieving meaningful and rapid reductions in U.S. and Soviet forces and allowing some modernization to proceed while seeking the broader objectives of arms control. The build-down concept is characterized by what I would call "bounded flexibility." Senator Nunn and I did not seek to define all the parameters of the build-down. We believe that the Administration must have sufficient flexibility in formulating and negotiating the build-down to facilitate positive movement. Any build-down proposal, however, must contain certain essential elements and meet certain requirements in order to achieve its objectives.

The build-down concept calls for the U.S. and Soviet Union to agree that each will

eliminate from its operational forces two nuclear warheads for each newly deployed nuclear warhead. This formula is not chiseled in stone. Variable ratios could enhance achievement of a more stable nuclear environment, but must be applied carefully. For example, one might consider establishing a three-for-one ratio for newly deployed warheads on MIRVed ICBMs to discourage their deploment, and a one-and-a-half-for-one ratio for newly deployed warheads on single-warhead ICBMs to encourage their deployment. I would caution that exceptions to the two-for-one ratio would have to be consistent with the objectives of the build-down concept, which requires negotiability to be successful. I would consider unacceptable, for example, a formula which was crafted to require a radical restructuring of Soviet forces but which had little real effect on U.S. forces. To achieve true stability, each side must be satisfied that its forces are, and will remain, secure.

To be workable and negotiable, the build-down concept must be applied comprehensively. In personal discussions with Administration officials, I have been assured directly that the build-down would be proposed in this comprehensive form.

Freedom to mix must be permitted in applying the build-down principle. To assure negotiability of the principle, each side should be free to deploy its new warheads on launchers of its own choosing and to retire older warheads on launchers of its own choosing, subject to previously negotiated strategic arms restraints.

Each side would build down under agreed ratios until it reached a negotiated floor or "plateau" at which it would hold. When the other side reached the same plateau, the build-down formula would again take effect. Because the United States begins the process with substantially more strategic warheads, at no time would its forces have to drop below Soviet levels.

Verification procedures required for SALT would apply to reductions under the build-down concept, with primary reliance on national technical means. The sides would utilize counting rules previously negotiated for missiles, supplemented by appropriate rules for bombers, which associate a set number of warheads with each strategic delivery vehicle. The build-down proposal would include associated measures to facilitate verification, such as the prohibition on interference with national technical means. The build-down would proceed from an agreed data base, which would be an updated version of the one agreed upon in SALT II.

Applied in the manner in which it was intended, the build-down would place a cap on the strategic nuclear forces of the two sides. Under present trends, and in the absence of a strategic arms control agreement, the strategic arsenals of the two sides could reach well over 15,000 nuclear warheads by the early 1990s. The build-down mechanism would halt and reverse the present buildup in nuclear warheads, resulting in forces with thousands fewer warheads than the sides might otherwise deploy. By reversing those trends, the build-down would demonstrate that the two sides are genuinely prepared to reduce their forces and would create a context conducive to further negotiated arrangements to ensure stability at lower levels. Military planners would gain a crucial advantage in being able to scale their own forces against a declining rather than expanding threat.

The build-down is not intended to be a substitute for START. While framed in the context of present arms control talks, the build-down would be negotiated and implemented before final agreement is reached on a broader and more complex START accord. The build-down would complement the START negotiations by requiring immediate reductions and enhancing incentives to move toward more stable systems. It is not, however, intended to force restructuring of a side's forces by requiring, for example, prior agreement to reduce heavy ICBMs. It must not be weighted with sublimits aimed at achieving the broader objectives of ongoing negotiations.

The build-down would not undermine the U.S. START position. Indeed, it would be wholly consistent with reduction ceilings presently in that position. President Reagan has already proposed a cut in ICBM and SLBM warheads to 5,000 on each side. The build-down floor might include that number plus a suitable allowance for warheads ascribed to other strategic launchers, remembering that within the overall total, and subject to the counting rules and ratios, each side would be free to allocate its warheads to ballistic missiles or air-breathing systems, as it deemed best.

The build-down would not offer the Soviets a plausible opportunity to gain an advantage by foregoing modernization. If the Soviets chose to stand still, they would then not add the thousands of new warheads which unclassified estimates project in their forces over the next decade. They would remain in a posture increasingly vulnerable to U.S. force improvements.

It is most improbable that the Soviet leaders would direct their military to suspend development and deployment of the Typhoon submarines and the SLBMs it carries, the new Blackjack bomber, and the two new ICBMs reportedly already being tested. To do so would be to accept a unilateral freeze, while the United States continues to modernize.

Nevertheless, to hedge against this unlikely scenario, we have incorporated in the build-down proposal the suggestion of a series of progressively lower "plateaus" at which either side's build-down could hold until reached by the other side.

Because the Soviets have a great number of single-warhead SLBMs and a relatively small bomber force, their ongoing modernization programs would have to induce substantial reductions in their existing ICBM forces. For example, each Typhoon submarine added to their fleet would require elimination of 360 warheads—more than the total number of warheads on all existing Yankee I-class submarines. After the first 1000 or so new warheads added by the Soviets, each additional warhead would require reductions in their existing MIRVed ICBMs—the forces of greatest concern for stability.

One of the earliest supporters of the build-down concept was the President of the United States. After reading the description of the concept in a newspaper article I wrote last January, President Reagan called me to express his very sincere and serious interest in pursuing the build-down idea, because he recognized that it was compatible with his own START position.

He reaffirmed this view in a letter to Senator Percy, Senator Nunn, and me on May 12. Two weeks ago, in a meeting with a number of Senators at the White House, President Reagan again expressed his commitment to implementing the build-down concept.

In all candor, I must say that a number of the people the President has charged with developing a build-down proposal do not appear to share his positive commitment to the concept. (One notable exception is Bud McFarlane, Deputy Assistant to the President for National Security Affairs, who has been most helpful in working with Senator Nunn, myself, and others.)

Senator Nunn and I have consistently made clear that we welcome serious study of all aspects of the build-down concept and that we are prepared to work toward resolving any difficulties that might arise. During the past few months, some Administration officials have raised a number of concerns regarding the application of the build-down. Senator Nunn and I carefully studied these points and adjusted the elements of the build-down accordingly. For example, we suggested variable ratios which could promote achievement of stabilizing reductions and deployments, and we devised the idea of "plateaus" to ensure continued equality as the sides build down. We have also suggested counting rules for bombers and bomber weapons to ensure comprehensiveness in the application of the build-down concept.

Nonetheless, we continue to hear the same matters raised in a manner which indicates either lack of understanding or a lack of desire to support the President's commitment to the build-down concept.

I find this situation puzzling and disappointing: Puzzling because of what appears to be an insufficient understanding of the requirement to help the President to honor his commitment; disappointing because I fear that an opportunity to achieve a real consensus on critical matters may be slipping away.

Senator Nunn and I, as well as experts such as Lt. General Kelly Burke, General David Jones, Dr. Richard DeLauer and Dr. William Perry, believe the build-down concept offers a real means of enhancing stability through arms reductions and weapons modernization. What is needed now is will. We must move beyond simply raising problems and seeking limited solutions to a positive approach aimed at overcoming difficulties and achieving the idea's objectives. There are quite straightforward solutions to every problem which has been raised. I am troubled that, within the Administration, there may be those who do not, in fact, support the President's commitment to reducing nuclear forces. Indeed, efforts to shelter large numbers of weapons from an equitable application of the build-down rule would not only undermine the integrity and negotiability of the concept, but would directly contravene the President's repeated personal pledge to seek stability at equal and lower levels of strategic forces.

To recapitulate, the mutual guaranteed build-down principle is an equitable, negotiable, and verifiable approach to reducing nuclear weapons on both sides. It is intended to apply comprehensively to warheads on strategic missiles and bombers, allowing freedom to mix and using counting rules largely worked out already in SALT. It should employ ratios aimed at encouraging stabilizing deployments such as small, single-warhead ICBM's and discouraging destabilizing modernization such as MIRVed ICBMs. It should aim at reductions to a level based on the present U.S. START proposal of 5000 warheads for strategic ballistic missiles and an allowance for necessary warhead deployments on strategic bombers. The precise figure should, of course, be consistent with the President's commitment to mutual reductions to equal and lower levels. Defining a build-down proposal in these

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terms would, I am convinced, hold great promise of moving the two sides toward important reductions sooner than the more complex and far-reaching negotiations required for START.

Because of my conviction that there is a desperate need for a framework combining arms reductions and weapons modernization, I linked my prospective votes on the MX missile to a number of measures, including implementation of the build-down concept. Recently, in a very thoughtful and constructive statement on the Senate floor, my colleague, Senator Leahy, said that "it would be unfortunate if the build-down became inextricably linked with a strategy intended merely to gain support for President Reagan's plan to deploy 100 MXs in vulnerable Minuteman silos." He correctly noted that this was not the intent of the sponsors.

I do not intend to permit the build-down to become a meaningless link in the process of procuring the MX missile. In this regard, without a clear and constructive formulation of a build-down proposal by the Administration, I do not intend to continue supporting the MX program. I will continue insisting that the build-down retain its intended effect of moving us toward a more stable nuclear environment. I hope to have the support of the Foreign Relations Committee in this endeavor.

Questions and Answers on the Guaranteed Mutual Build-Down Concept

IMPACT OF BUILD-DOWN

Potential inequities

1. What if the Soviets decide not to modernize under a build-down, knowing that the United States will have to reduce forces as it modernizes?

A. If so, the Soviets would then not add the thousands of new warheads which unclassified estimates project in their forces over the next decade. They would remain in a posture increasingly vulnerable to U.S. force improvements.

It is implausible that the Soviet leaders would direct their military to suspend development and deployment of—

The new Blackjack bomber.

The Typhoon submarines and SLBMs it carries.

The two new ICBMs already being tested.

To do so would be to accept a unilateral Soviet deployment freeze, while the United States continues to modernize.

Nevertheless, to hedge against this unlikely scenario, we have incorporated in the build-down proposal the suggestion of a series of progressively lower "plateaus" at which either side's build-down could hold until reached by the other side.

2. Would the build-down in fact have significant impact on Soviet forces?

A. Yes. Because the Soviets have fewer than 2,000 warheads on single-warhead missiles and only a small bomber force, their ongoing modernization programs would have to induce substantial reductions in their existing ICBM forces. For example, each Typhoon submarine added to their fleet would require elimination of 360 warheads—more than the total number of warheads on all existing Yankee-I class submarines. After the first 1,000 or so new warheads are added to the Soviet forces, they would have to begin trading off new weapons against their existing MIRVed ICBM forces.

3. Does the build-down permit the Soviets to retain a disproportionate counter force capability?

A. By permitting modernization, a build-down would enable the U.S. to diminish the Soviet counter-force advantage by moving the U.S. toward more dispersed, lower value targets—e.g. single-warhead ICBMs. Such deployments could change force exchange ratios drastically, causing the Soviets to expend two warheads for every one they attacked. Furthermore, as noted above, after the Soviets add the first 1,000 or so new warheads to their forces, they would have to begin trading off new weapons against their existing MIRVed ICBM forces.

4. Wouldn't the build-down have a major, disproportionate impact on U.S. strategic bomber programs?

A. Exactly how to deal with bomber weapons requires careful consideration. A modernization effort of the magnitude now planned for the U.S. air-launched cruise missile program could require major reductions, depending on how the build-down was applied. Reductions, however, could be accommodated under a build-down—and the Soviets would face difficult decisions as well as they deploy the ALCM-capable Blackjack bomber.

For example, assuming the Blackjack carries 20 ALCMs, under a 2 for 1 build-down ratio, deployment of only 10 Blackjacks would require retirement of the entire existing Bear and Bison force, if they chose to take the required reductions from their present bomber force. To build a significant bomber force the Soviets would have to reduce ICBM warheads by a considerable number. The United States, by contrast, has credit for 500 bombers under SALT counting rules and plans to build only about 100 new bombers in the next decade.

5. The build-down would lead to substantial reductions in U.S. SLBM and bomber levels, but it would not constrain Soviet air defenses and ASW capabilities. Isn't this destabilizing?

A. Our build-down proposal envisions a "floor" below which reductions would not continue. This floor can be set low enough to achieve significant reductions but high enough to ensure that each leg of the Triad remains viable vis-a-vis Soviet defenses. We would also note that the U.S. START proposal includes no constraints on Soviet air defense or ASW capabilities—and that it contemplates cuts in ICBM and SLBM warheads by one-third to 5,000 on each side. Since the United States would begin the process with many more strategic weapons than the Soviet Union, at no time would the U.S. be obliged to reduce its inventory below the level of the Soviets.

6. Couldn't inequities occur from utilization of SALT counting rules?

A. Each side presently has the capability to deploy greater numbers of warheads than are actually carried on its missiles. Conceivably, in the near-term, a side could get credit for destroying warheads which do not, in fact, exist. Real missiles, however, would have to be destroyed, regardless of the number of warheads they carry. And in the long run, the dynamic nature of the build-down formula would exact its full toll on the nuclear arsenals of the sides.

Overall force levels

7. What difference would a build-down make in strategic force levels?

A. Under SALT II, each side could exceed 15,000 warheads by the early 1990s. That massive expansion in permitted warhead levels was a major flaw in SALT II.

The build-down directly cures that flaw. With both the Soviet and American modernization programs expected to add several thousand warheads in the next few years, reductions required under a build-down rule would reverse that growth trend. Depending on which floor is agreed upon, the build-down could cut total warheads on both sides significantly below the levels currently anticipated or permitted under SALT II. By constraining the scale of the threat in this manner, the build-down would facilitate the task of planning a more stable military relationship. Each side can get by with fewer weapons if it is faced with fewer weapons on the other side. Only by containing the growth of forces in the near-term will it be possible to achieve the President's long-term goal of major reductions to achieve stability at equal and lower levels of forces.

8. What would be the overall impact of the build-down on the strategic nuclear arsenals of the two sides?

A. Applied in the manner in which it was intended, the build-down would place a cap on the strategic nuclear forces of the two sides. Under present trends, and in the absence of a strategic arms control agreement, the strategic arsenals of the two sides could reach well over 15,000 nuclear warheads by the early 1990s. The build-down mechanism would halt and reverse the present buildup in nuclear warheads, resulting in forces with thousands fewer warheads than the sides might otherwise deploy.

Stability

9. Doesn't the build-down permit each side to deploy modern destabilizing systems while only giving up obsolete and less effective systems?

A. It is correct that the build-down permits modernization, but only at a heavy price. If a side decides not to modernize because the toll is too high, it will, in effect, have accepted a freeze.

If a side decides to modernize, it seems evident that, with declining force levels enforced by a build-down rule, it would act in its own self interest to deploy more survivable forces and to phase out vulnerable ones. A shrinking force intrinsically enhances the premium on survivability.

For example, under a build-down agreement, the Soviets might choose to reduce the potential vulnerability of their ICBM force by deploying a new mobile ICBM. Say each mobile system had five warheads, thus requiring the dismantling of ten existing warheads. Wouldn't the Soviets almost certainly choose to meet this requirement by phasing out one SS-18 rather than two SS-19s? Similarly, for the United States' part, a build-down agreement would advance the argument for a new ICBM with one warhead in place of the MX. In short, on both sides, a build-down defined in terms of warheads would encourage the proliferation of potential aimpoints, causing each nation in its own interest to prefer deploying larger numbers of missiles with fewer warheads each.

10. What is to say that the sides would opt for more stabilizing systems under a build-down?

A. The build-down is a mechanism for reaching lowered ceilings on nuclear warheads. As newer, more survivable systems are deployed, older more vulnerable systems would be destroyed.

Ultimately, the older weapons force would be eliminated. The result would be a smaller, more survivable force, which would enhance international stability.

If a side decides to pay the price for modernization, it will have to accept an imperative to optimize its smaller force by deploying weapons in a survivable mode.

In either case, a lowered agreed ceiling resulting from ongoing arms control negotiations would tend to force both sides to opt for fewer numbers of warheads on more survivable weapon systems.

11. The build-down seems to be based on an assumption that new weapons are more stabilizing than old ones and that fewer weapons are always more stabilizing. How would the build-down ensure the enhancement of stability?

A. With a requirement to eliminate two warheads for each one added, military planners will be forced to emphasize elements which enhance stability.

Threats to survivability will encourage decision-makers to opt for more survivable systems.

Requiring a two-for-one reduction in warheads would ultimately discourage deployment of systems with large numbers of reentry vehicles. It would required, at the same time, elimination of older, more vulnerable systems.

We believe that the requirements of the build-down concept would lead the sides to modernize in ways that would enhance stability.

The build-down concept does not assume that "fewer weapons are always more stabilizing." It assumes that fewer systems with characteristics that enhance stability are better.

We would emphasize that the build-down concept deals with warheads. Focusing on warheads ensures real reductions while encouraging deployment of survivable systems.

Qualitative impact

12. Does the build-down exclude other types of qualitative restraints on each side's strategic modernization options?

A. Not at all: The build-down concept should include continued observance of such SALT II provisions as (a) the ban on deployment of new heavy ICBMs, (b) a ban on increasing ICBM and SLBM warhead fractionation beyond those levels specified in the treaty, and (c) the sub-limits on total numbers of MIRVed ballistic missiles.

BUILD-DOWN AND START

13. What is the relationship between build-down and START?

A. The build-down concept should be looked upon as a complement to, but not a substitute for START. The build-down aims solely at achieving meaningful and rapid reductions in U.S. and Soviet forces while permitting those types of weapons modernization programs which enhance stability. It should not be structured to attempt to achieve the more complicated, longer-term objectives of START.

Build-down is compatible with—and, indeed complementary to—the START objectives of achieving reductions and enhancing incentives to move toward stablizing systems. However, it is not intended to achieve the broader and more complex objectives of START and should not be woven into the START negotiations.

The build-down could be negotiated in much the way the Administration is handling confidence building measures. Discussion of build-down could be conducted by a U.S.-Soviet working group in Geneva, reporting to START delegations and governments. These would not interfere with START deliberations.

When work is completed, the build-down agreement would be reviewed and passed on to governments for ratification. It would then serve as an interim measure while negotiations proceeded on the broader, more complex START agreement.

14. Would't the build-down be inconsistent with U.S. efforts to get limits on the most destabilizing systems first?

A. While not legislating a restructuring of either side's forces, the build-down would encourage force structure decisions which would enhance stability. For example, improved U.S. counterforce capabilities at lower warhead levels should encourage the Soviet Union to move away from its reliance on large MIRVed ICBMs.

15. Is the build-down compatible with reduction ceilings presently in the U.S. START position?

A. President Reagan has already proposed a cut in ICBM and SLBM warheads to 5,000 on each side. The build-down floor might include that number plus a suitable allowance for warheads ascribed to other strategic launchers, remembering that within the overall total, and subject to counting rules and ratios, each side would be free to allocate its warheads to ballistic missiles or air-breathing systems, as it deemed best.

16. Could a build-down agreement be implemented before a START accord was reached?

A. Yes. We believe that the U.S. and USSR should establish a START working group to negotiate a build-down agreement. In effect, the two sides would be deciding rules to govern each side's modernization during the period in which START is negotiated. We have already proposed a similar approach in START with respect to Confidence Building Measures (CBMs). The U.S. has proposed that the two sides establish a CBM working group and indicated that any accord on CBM could be put into force as soon as it was agreed, even if no agreement had been reached on an overall START treaty.

17. Why should the U.S. propose that modernization be subject to limitations while START is conducted? Aren't we in a stronger position if we can threaten the Soviets with an unrestricted buildup?

A. The U.S. and USSR have already agreed, informally, to a modernization rule while START proceeds: each side has pledged not to take actions that would undercut SALT as long as the other shows the same restraint. The Administration has testified repeatedly that this policy of "interim restraint" enhances the prospects for success in START. The build-down would carry the interim restraint understanding one step further and—unlike SALT II—provide for real reductions now, which may be essential if public support for U.S. modernization programs is to be sustained.

18. Wouldn't the build-down take as long as START to negotiate and thus get in the way of START or set it back for years?

A. No. The build-down incorporates much of what was laboriously negotiated in SALT and could thus be negotiated much quicker than START. Moreover, the build-down does not presume to take on as ambitious an agenda as START. At the same time, though, the build-down would complement START by moving us in the direction that we already know we want to arrive at if START succeeds. The build-down and START are entirely complementary. Negotiating the build-down via a START working group would further ensure that the two discussions did not get at cross purposes.

Negotiability

19. Why should the build-down be negotiable?

A. Both sides have a stake in curtailing growth in the other side's forces and in maintaining reasonable flexibility to shape their own force postures. The build-down serves both interests and also enables each side to plan its forces against a shrinking force level by the other side instead of anticipating a larger threat.

By contrast, with elaborate and comprehensive START negotiations to define most features of the two sides' strategic posture, the relative simplicity of the build-down concept is illustrated in President Reagan's letter to build-down sponsors in the Senate.

In order to negotiate a build-down, the two governments need only determine:

(1) What is the force base to which the rule applies? (The SALT II data base would need only slight updating.)

(2) What ratio(s) are acceptable in establishing the relationship between newly deployed warheads and those to be eliminated from operational inventories, e.g. 1 new warhead for 2 existing ones, perhaps varied to 1:1.5 for single-warhead ICBMs and 1:3 for new MIRVed ICBMs.

(3) What counting rules apply to specific delivery systems? (SALT II provides appropriate counting rules for ICBMs and SLBMs, and a suggested basis for a strategic bomber counting rule of perhaps 20 for new ALCM-capable heavy bombers.)

(4) To what equal and lower level of warheads should the build-down rule apply? (President Reagan has already proposed a cut in ICBM and SLBM warheads to 5,000 on each side. The build-down floor might include that number plus a suitable allowance for warheads ascribed to strategic launchers, remembering that within the overall total each side would be free to allocate its warheads to ballistic missiles or air-breathing systems, as it deemed best.)

VERIFICATION

20. How would you verify a build-down?

A. Essentially in the same way as previous and prospective agreements:

(a) Primary reliance on national technical means;

(b) Counting rules previously negotiated for missiles, supplemented by appropriate rules for bombers, which associate a set number of warheads with each strategic launcher;

(c) Associated measures to facilitate verification e.g. prohibition on interference with national technical means;

(d) An agreed data base.

21. But how do you know that a warhead has been removed?

A. Each side will get credit for removing a specified number of warheads only when it has dismantled the launcher with which those warheads are associated. Detailed procedures which permit verification of dismantling have been negotiated in the SCC.

22. Could warheads be stored covertly?

A. Yes. The agreement pertains only to operational warheads. But stored warheads are not any good without their launchers. And a build-down agreement, like the SALT and START agreements, could have provisions to protect against rapid reloads of existing launchers. Also, procedures have been proposed by Admiral Noel Gaylor and others which would make possible the verification of warhead destruction. Such procedures could be negotiated along with a build-down agreement, or as a follow-up

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accord to strengthen confidence in the process.

23. What kinds of warhead deployment would "trigger" the build-down rule? In other words, what is a "new" warhead?

A. Under the build-down, existing types of ICBMs and SLBMs are assumed to have the number of warheads assigned them in the SALT II Treaty. For example, a Soviet SS-18 has ten warheads, a U.S. Poseidon SLBM has fourteen. If either side replaces an existing type of missile which has been configured with fewer warheads than that assigned by the SALT II counting rule (e.g., an SS-18 with one RV) with the same type missile containing a higher number of warheads (e.g., an SS-18 with 10 RVs), then the build-down would not be triggered since both sides are already assuming that all missiles of that type have the maximum number of warheads permitted under SALT II. The build-down also assumes that the SALT II fractionation limits would continue to be observed. Thus, neither side could exceed the maximum RV loadings specified for each missile type in SALT II.

If either side deploys a "new type" ICBM (such as the MX or the SS-X-24), then it is assumed to carry the maximum number of warheads assigned it by SALT II and twice as many warheads must be dismantled from existing weapons under the build-down. For example, the MX and SS-X-24 are assumed under SALT II to carry 10 RVs and twenty RVs would have to be dismantled for each missile deployed.

If additional, permitted launchers of an existing type of missile are deployed, the build-down mechanism would be triggered.

24. What would happen if the Soviets claimed that a particular missile was not a "new type" but rather a variant of an existing type that fell within the modification limits spelled out in SALT II? Specifically, how would the build-down handle the Soviets' PL-5, which U.S. intelligence suspects is a "new type" though the Soviets insist it is a permissible variant of the SS-13?

A. The U.S. must decide whether the PL-5 is or is not a "new type" ICBM whether or not we have the build-down since both sides are committed to observing SALT II. If the PL-5 is, in our opinion, a "new type" then the Soviets have violated the SALT II provision permitting only one such missile (they have indicated that the SS-X-24 is their one "new type" ICBM). If the build-down were in place and the U.S. decided that the PL-5 was a "new type" ICBM, then the Soviets would have to dismantle two RVs for each PL5 deployed. If they refused, then the build-down agreement could be abrogated by the U.S.

CONSTRUCTING A BUILD-DOWN PROPOSAL

25. Would the build-down count deployed warheads or would it utilize a concept of accountable warheads?

A. The build-down would count warheads in much the same way as in the SALT II Treaty. SALT II provides appropriate counting rules for ICBMs and SLBMs, which associate a set number of warheads with each strategic ballistic missile launcher. It also provides a suggested basis for a strategic bomber counting rule of perhaps 20 for new ALCM-capable heavy bombers.

26. How would the sides establish the base from which the build-down would begin?

A. The build-down would proceed from an agreed data base. The SALT II data base would need only slight updating to be applicable to a build-down.

27. Must a two-for-one formula be used?

A. If applied in the spirit in which the build-down concept was developed, variable ratios could enhance achievement of a more stable nuclear environment. For example, one might consider establishing a 3-for-1 ratio for newly deployed warheads on MIRVed ICBMs to discourage their deployment, and a 1½-for-1 ratio for newly deployed warheads on single-warhead ICBMs to encourage their deployment. We would caution that deviation from the 2-for-1 ratio would have to be formulated to be consistent with the objectives of the build-down concept, which requires negotiability to be successful and real reductions to be meaningful. We would consider inconsistent, for example, a formula which was crafted to require a radical restructuring of Soviet forces but which had little real effect on U.S. forces. To achieve true stability, each side must be satisfied that its force are, and will remain secure.

28. What systems would be covered under a build-down?

A. To be workable and negotiable, the build-down concept must be applied comprehensively. We have been assured by Administration officials that the build-down would be proposed in this comprehensive form.

29. Must the formula be applied only within categories of weapon systems?

A. No. Freedom to mix must be permitted in applying the build-down principle. To assure negotiability of the build-down principle, each side should be free to deploy its new warheads on launchers of its own choosing and to retire older warheads on launchers of its own choosing, subject to such previously negotiated strategic arms restraints as the overall ceiling on strategic delivery vehicles and relevant sub-limits on MIRVed missiles.

BUILD-DOWN AND SALT II

30. How does the build-down relate to SALT II?

A. The mutual build-down would preserve and extend the positive features of SALT II while correcting a number of its weaknesses. While many SALT II proponents have come to favor the more ambitious goals of a nuclear freeze, they should recognize that the build-down is a substantial improvement over the unratified treaty. It assumes retention of the SALT II launcher limits, verification provisions, fractionation and cruise missile limits, counting rules and related provisions. Thus, the build-down is fairly compared not to the far-reaching, albeit differing proposals advanced by freeze advocates or the Administration's START proposals, but to the more modest achievements of SALT II. In that comparison it is clear that the build-down would impose far more stringent constraints than SALT II:

(1) regulating modernization by setting a high price for it in terms of reductions,

(2) preventing the anticipated growth of warhead inventories under that accord,

(3) creating pressures to move ahead from continued reliance on MIRVed ICBMs.

Both those who favored SALT II and those who opposed it as inadequate should welcome these improvements.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I am advised that the Committee on Appropriations has orderd to be reported two more appropriation bills, the legislative appropriations bill and the agriculture appropriations bill. I congratulate the committee for their prompt action this afternoon. I think that action vindicates the efforts of the Senate to refrain from any other activity on the floor so that they would have an opportunity to do that. I thank the chairman and the ranking minority member and all members of the committee for offering us these opportunities.

Mr. President, it is clear, however, that Members have not yet had an opportunity to see the work product of the committee. There will be reports. I expect that Members of the Senate will want to read those reports before they proceed to consideration of either or both of those bills. Therefore, I shall make no effort tonight to seek wavier of the 3-day rule or to make a formal provision for the consideration of either bill. I do say, however, that the leadership on this side hopes that we shall be in a position to go to the first of these two bills, the legislative appropriations bill, at a fairly early hour tomorrow. I shall see, to the extent that I am able to do so, that the Appropriations Committee supplies typed or Xeroxed copies of their report to Senators so they may acquaint themselves with the contents of the bill before any such request is made tomorrow.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. I ask unanimous consent, Mr. President, that tomorrow, after the recognition of the two leaders under the standing order, any time remaining before the hour of 10:30 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, tomorrow, at 10:30 a.m. or thereabouts, it is my hope that we shall be able to go to the legislative appropriations bill. I dare even to hope that we may be able to go to the agriculture appropriations bill tomorrow and even to finish both of them. If the Senate continues to work in the efficient and prompt manner which they have on the energy and water appropriations bill and the HUD appropriations bill, we may, in fact, do that. But, Mr. President, we have another important matter that is hurtling down on us.

I also hope that if the House sends us the conference report on the budget tomorrow, we may be able to lay down the budget conference report on Thursday as well.

Mr. President, it will be the hope of the leadership that we can finish both those appropriation bills and the conference report by Friday. I would even dare to hope that we could arrange matters so we could finish the budget conference report fairly early on Friday. I know there are many Members who have pressing commitments away from the city and they would like to get away. I would like to arrange that. So I renew my inquiry of the minority leader of earlier today, if there is some possibility that we might either get a time certain for the consideration and passage of the budget conference report or some sort of reduction of the time allowed by the statute on that conference report.

Mr. BYRD. If the House would get the budget conference report over here on Thursday—and I have not talked with the House leadership—it is conceivable that we could dispose of that matter Thursday evening by staying in relatively late. All Senators are aware that the majority leader always has left open the possibility or probability of a lengthy Thursday.

Mr. BAKER. Yes.

Mr. BYRD. And they might prefer that to a vote on Friday.

Mr. BAKER. Mr. President, I am sure open to a deal. I say in all seriousness to the minority leader that if we get that on Thursday and if there is any reasonable prospect of doing it Thursday and Thursday evening, I would be very happy, indeed, to ask the Senate to remain in and attempt to do that.

Mr. BYRD. We will certainly do what we can. We may run into some problems as to Friday votes on that item in particular. So I make no promises now except that I will do the best I can and keep the majority leader informed.

Mr. BAKER. Good. Very well.

Mr. President, I think we have a good agenda laid out. I join the minority leader in hoping that we can finish Thursday evening. I think that would be better than on Friday—if the House gets it to us in time. But I am advised on our side that the likelihood exists the conference report will be here late afternoon on Thursday so we may be able to do it.

Mr. President, to review briefly then, 'when the Senate convenes tomorrow, we will make an effort to reach the legislative appropriation bill around 10 a.m. This has not been cleared and has not been ordered. But it we can arrange for Members to examine the bill as reported and the report to accompany it, I would hope that Senators would agree that we could go to that appropriation bill tomorrow morning.

I would hope as well that we could get to the agriculture appropriations bill tomorrow and still have time remaining to take up and perhaps finish the conference report on the budget.

Mr. BYRD. The majority leader knows how important it is to waive the 3-day rule, and it may be that while he is majority leader we could do away with that rule because there will come a time when the control would again shift to this side and I would like to see that rule perhaps waived. Maybe not.

Mr. BAKER. I used to always oppose any diminution of our rights under the 3-day rule, but the longer I stand in this place and occupy the position of responsibility as majority leader the nearer I get to the opinion so long held by the minority leader on that subject.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I do not have anything else. I do not see any other Senator seeking recognition. Therefore, I now move, in accordance with the order previously entered, the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 4:03 p.m., the Senate recessed until Thursday, June 23, 1983, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22, 1983:

DEPARTMENT OF JUSTICE

Lois H. Herrington, of California, to be an assistant attorney general.

THE JUDICIARY

Leonard D. Wexler, of New York, to be U.S. district judge for the eastern district of New York.

Charles E. Clapp II, of Rhode Island, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

Gene Carter, of Maine, to be U.S. district judge for the district of Maine.

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HOUSE OF REPRESENTATIVES—*Wednesday, June 22, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, June 22, 1983.
>
> THOMAS P. O'NEILL, Jr.,
> *Speaker of the House of Representatives.*

PRAYER

The Reverend Lacy South, North End Baptist Church, Beaumont, Tex., offered the following prayer:

Our most gracious Heavenly Father, it is by the blood of Jesus and on the grounds of Calvary that we come to You today.

We thank You, Father, for this great Nation of choice and freedom—America. We pray that as a nation we would always continue to turn to You. You have blessed us so richly—and for that we are most grateful.

We pray for the time when all the world will know You and know peace with You and with each other.

Today, Oh Lord, we call upon You to give Your wisdom and guidance to the leaders of our Nation. Give them counsel and may they seek Your will and Your way for all of those they represent.

In the name of our Savior, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 3133. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3133) entitled "An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes," disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATFIELD, Mr. GARN, Mr. WEICKER, Mr. LAXALT, Mr. D'AMATO, Mr. ABDNOR, Mr. HUDDLESTON, Mr. STENNIS, Mr. PROXMIRE, Mr. LEAHY, and Mr. SASSER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 336. An act to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor.

REV. LACY SOUTH, GUEST CHAPLAIN

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, it is a distinct privilege and a very great honor to introduce to the Members of this Chamber, Rev. Lacy South, one of the outstanding young ministers of the Ninth Congressional District of Texas.

The very moving words and thoughtful message of Reverend South's opening prayer will serve as an inspiration to all of us as we deal with the difficult issues and problems confronting us today.

I also want to extend a welcome to Reverend South's lovely wife, Judy, and his two fine children, Angie and Brent, who are with us today.

Reverend South was raised and ordained a Baptist minister in Big Spring, Tex. He received his theological training at the Southwestern Baptist Theological Seminary in Fort Worth, Tex.

Before coming to Beaumont, Tex., Reverend South had already established an outstanding record of service to Baptist congregations in Pensacola, Fla., and Athens, Tex. He is currently minister of education and administration at Beaumont's North End Baptist Church. As such, he presides over one of the fastest growing Sunday school programs in our State.

He is a man who has my greatest respect and the support and love of everyone with whom he works. In ministering to the spiritual needs of the people of Beaumont, his calling is blessed and his congregation depends upon his wisdom and understanding for guidance in their daily lives.

His work each day adds immeasurably to the spiritual fabric of the city of Beaumont and all of us are proud of him.

SMALL BUSINESS AND THE EXIMBANK

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, as you know, I have recently been trying to make some changes in how the Export-Import Bank treats the concerns of our Nation's small businesses. In that regard, I have attempted to review some performance information about the Bank. When trying to obtain a copy of the Bank's 1982 annual report, my staff was told that it was "still in the works."

The Eximbank's 1982 year ended last September 30 and here it is June 22, 1983, and their annual report is "still in the works." I have to wonder what they have been doing all this time.

Let me be very candid. I am concerned that the Eximbank's activities are not in keeping with its mandate. For a Bank that has been created and enjoined to reach the entire American business community, I cannot see that it is doing so.

And furthermore, for a Bank that has a budget of $40 billion, I am amazed that 8½ months after the end of their 1982 year, their annual report is "still in the works."

Mr. Speaker, I think it is our duty in the Congress to see that our Federal mandates are adhered to. And I intend to see to it that the Export-Import Bank adheres to theirs. I welcome the support of any of my colleagues who care to join me in the battle.

A CAP ON THE TAX CUT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. ALEXANDER. Mr. Speaker, the President has argued recently that the bill to be considered tomorrow by the House to cap the tax cut will create chaos in the economy when we are trying to build stability.

Mr. Speaker, this is nonsense. It is only the classic economic theology of Reaganomics which suggests that runaway deficits bring about economic stability. Beginning in August, the Treasury will be required to borrow about $2.5 billion each month to finance the third year of the President's tax cut. We just cannot afford this raid on the Treasury. Most Americans would rather see us hold down the monstrous deficits than finance a tax giveaway for the wealthy this Nation can ill afford.

Mr. Speaker, tomorrow, the House will have an opportunity to take a stand on deficit spending. I hope the Members will vote to cap this tax cut and impose some measure of spending discipline on this administration.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF THE COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TODAY DURING 5-MINUTE RULE

Mrs. BOXER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit today while the House is operating under the 5-minute rule.

This request, Mr. Speaker, has been cleared through the minority leadership of the committee.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Mr. McCANDLESS. Mr. Speaker, reserving the right to object, I wonder if this has been cleared with the minority?

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentlewoman from California.

Mrs. BOXER. As I stated, Mr. Speaker; yes, the minority has agreed to this request.

Mr. McCANDLESS. Mr. Speaker, I thank the gentlewoman from California, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

ADMINISTRATION'S MEDICARE REFORM PROPOSAL HITS THE ELDERLY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, here we go again. Another administration-appointed Commission wants to accomplish reform of a major program on the backs of senior citizens.

This time it is the medicare program. According to this morning's Washington Post, the Social Security Advisory Council will recommend a major medicare reform proposal which will have as its centerpiece a tremendous increase in the monthly premiums which the elderly must pay.

Specifically, the part B premium could skyrocket from the current $146.40 a year to $420.90. The Council says this will lead to expanded benefit coverage and an end to "medigap" policies. However, almost 35 percent of seniors do not have medigap policies, yet all seniors, regardless of income, would be required to pay these premium increases.

This trial balloon, if it is that, should be shot down before it leaves the ground. If we are honest about medicare reform, then let us go after the health care providers, the true culprits behind medicare's dangerous deficits. If the administration can only accomplish medicare reform by increasing economic suffering among the elderly, then let Congress take the lead and accomplish medicare reform through protecting, not pulverizing our Nation's elderly.

APPOINTMENT OF CONFEREES ON H.R. 3133, HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION, 1984

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and, without objection, appoints the following conferees: Messrs. BOLAND, TRAXLER, and STOKES, Mrs. BOGGS, and Messrs. SABO, BONER of Tennessee, WHITTEN, GREEN, COUGHLIN, LEWIS of California, and CONTE.

There was no objection.

THE GROWING GAP BETWEEN RICH AND POOR

(Mr. WATKINS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, there is a great debate concerning what the economy is doing to this country, and there is a great debate about the divisions that are occurring.

Mr. Speaker, I think that the women of this country have a legitimate concern about the gender gap, but let me mention that there is a bold-faced fact of ever a greater gap, and that is the gap that has been created between the rich and the poor of this country. All the economic facts point to the reality that between the wealthy and the less fortunate the gap has increased.

It seems that the attitude of this administration has been that we cannot afford to do for the least or less fortunate of these brothers, my brethren, but we can afford anything for those who are wealthy.

The fairness issue is something that deeply bothers me. It deeply concerns me that we can afford to borrow the money to give a tax cut to the wealthy, but this administration says, "we cannot afford adequate health care and nutrition programs for our elderly and children." Something is wrong and not fair when the administration says, "we cannot afford the funds for education but, we can take from the Treasury by granting a tuition tax cut to the wealthy."

This concerns all Americans, and it widens that gap that affects all Americans. I think this is a concern that is prevalent on the minds of the people across this Nation. They are concerned that we try to provide fairness and equity to the people that we serve.

Mr. Speaker, I would like to state that I hope this administration will try to address this problem. If not, I hope the people of America become alarmed to the extent that they insist that this division be narrowed not widened. It is a must if we are going to survive with a strong democracy in America.

☐ 1015

THE FEDERAL DEFICIT

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, whenever I am at home the one question I hear most often is, "When are you going to do something about the Federal deficit?" Some people refer to it as "Reagan's deficit."

Realistically we know that to bring down the deficit we have to do two

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things: First, reduce spending; and second, postpone or cancel tax cuts.

For this reason I strongly support H.R. 1183, which puts a cap on the tax cut scheduled for July 1. The cap is $720 for joint returns and $637 for single returns. Approval of this bill will result in a deficit reduction of $6 billion a year.

The cap will affect only 10 percent of all taxpayers; 89 percent of the additional revenue resulting from it will come from taxpayers making over $50,000 a year—the group that benefited most handsomely from the 1981 tax act.

Under H.R. 1183 a married couple with two children would have no cap unless their adjusted gross income was above $46,500. A single person would have no cap unless the individual's gross income was above $35,700.

When my constituents ask me, "When are you going to do something about the Federal deficit," I want to be able to say, "We made a start—a $6 billion reduction—by passing H.R. 1183.

TAX CAP DESIGNED FOR FAIRNESS

(Mrs. HALL of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Mrs. HALL of Indiana. Mr. Speaker, the $700 tax cap is designed for fairness. For too long the tax breaks have been for the highly affluent. For too long have they received the advantage through loopholes and omissions. For too long have these advantages been lost to the middle- and lower-income families, which make up the backbone of this Nation.

The time has come for our progressive tax system to exhibit the fairness that has been its purpose since its inception. Now, we can take a bold step and say that the Reagan administration's tax cuts are going to be to everyone's advantage, instead of a select few. The $700 tax cap will limit tax receipts and generate for the Nation an impressive sum that, with time, will benefit us all.

Support of this bill will show many in this country where we stand when we speak of fairness.

SALA BURTON WINS SPECIAL ELECTION

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, I take this time to announce to the House the results of yesterday's special election in California called to fill the vacancy created by the untimely death of our late colleague, Phil Burton. In that election Mr. Burton's widow, Sala Burton, a friend of most of us, known to all of us, was elected overwhelmingly in a large field of candidates of both political parties. She received 55 percent of the total vote.

I know that all of us look forward to welcoming Mrs. Burton as a Member of this body.

CAPPING THE THIRD YEAR TAX CUT

(Mr. GUARINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUARINI. Mr. Speaker, tomorrow, the House will consider H.R. 1183, my bill to cap the third year of the tax cut at $700.

It is extremely important that we make an effort to reduce the enormous deficits which are now confronting the Congress and the country, a view which is shared by leading financial institutions.

Just last week, the Bank for International Settlements, in Basel, Switzerland "the central bank of central banks," if you will, in its annual report, called upon the United States to set its house in order to avoid a worldwide economic collapse. In language which is direct and unambiguous, the BIS called high U.S. interest rates "damaging" to the world economic situation and stated that responsibility for lowering these rates "clearly falls on the U.S. authorities and squarely on the shoulders of those in charge of fiscal policy."

The emphasis of the BIS report is not on a solution 2 years down the road as advocated by the administration. The BIS has called for action now, before the fragile U.S. economic recovery falters and before there is a second wave of crises among Third World debtor nations.

I therefore urge my colleagues to support H.R. 1183 which will reduce the Federal deficit by $38 billion over the next 5 years.

NEW 5-CENT STAMP HONORING LATE PEARL BUCK

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, this week the U.S. Postal Service will issue a 5-cent stamp in the Great American Series as a memorial to the life and works of the late Pearl Buck. This stamp will honor a distinguished woman who made a remarkable contribution to life in America and the world.

Pearl Buck was a native daughter of West Virginia born in Hillsboro, and we are proud of this legendary author and humanitarian. She authored over 100 books which included 65 bestsellers. She is the only American woman to receive both the Nobel Prize for Literature and the Pulitzer Prize. Her writings have won universal approval, for her books have been printed in 59 foreign languages.

Her humanitarian efforts in America have a very close connection with her writings. Her books involve the readers in the vital problems of our century. She gave her time and efforts to the causes of race relations, women's rights, handicapped and neglected children, and treatment of orphans. She also helped to bring about a greater understanding among the various nations and cultures of the world, and helped to promote the brotherhood of mankind.

Dr. Paul A. Doyle, a literary critic and author of a book length study of Ms. Buck and her writings, sums up her contributions to literature:

> Judged by her standards—to please and amuse, to relate a captivating story, and to deal with significant problems—Ms. Buck must be granted considerable success.

Mr. Speaker, we are proud of this distinguished West Virginian.

THE LATE DIAL TORGERSEN, DISTINGUISHED JOURNALIST

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, within the past hour I have learned of perhaps the most recent of the tragic deaths in the conflict that rages through Central America. I have just with great sorrow learned of the death of a very distinguished journalist for the Los Angeles Times, Dial Torgersen.

I wanted to take 1 moment to address the House simply to pay tribute to this courageous and talented journalist.

My wife, Jan, and I had the privilege of meeting with Dial Torgersen when he was on duty for the Los Angeles Times in Jerusalem. We found him to be one of the more sensitive and thoughtful people with whom we have had the privilege of discussing difficult issues.

We have regularly read his newspaper reports and have always found them insightful and educational.

Mr. Torgersen's death will be a great loss for those who read the Los Angeles Times and for all Americans who care about receiving a thoughtful, accurate, and penetrating analysis of the news.

It is with great sadness that I offer this tribute to Dial Torgersen—unfortunately posthumously.

TERMINAL ACNE: 1984 BUDGET

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, June 21 is a day of infamy for the American people and the Federal budget process. On that date, the conference report to the 1984 Federal budget was filed. If a $170 billion deficit is not bad enough, our friends in the majority have waiting in the wings some $9 billion worth of additional pet projects. Perhaps, the majority has not heard that a recovery is underway.

This is a budget of infamy for Federal workers. Some 67 percent of the 1984 reconciliation savings come from Federal pay and retirement. One would think that the majority would not turn its back on that constituency. One would hope that across-the-board cuts would be adopted as the fairest way to reduce spending.

Yesterday, this House was told that a $2 million authorization was only a pimple on an elephant's carcass. If that is so, then the 1984 Federal budget has a case of terminal acne.

BALANCING THE RECORD—CREDIT TO REAGANOMICS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I, too, want to begin by saying, "Here we go again." We saw a parade of legislators take the podium here today and decry what they considered the bad effect of Reaganomics. If they are to blame Reaganomics for high deficits, then to balance the sheet, to balance the record, they must give credit to Reaganomics for cutting taxes, for reducing spending, for bringing down interest rates, which in fact have come down in the last 2½ years, for a gross national product that is going steadily upward, for working wages that have gone up in the last 6 months, for unemployment having gone down and for a litany of good economic news, that when one begins to blame Reaganomics for deficits, in order to be fair about it, to bring about a fairness doctrine in this debate, to be fair again, I say you must give credit to Reaganomics for the good economic news that is read almost every day in the headlines in every major newspaper in the country.

DEFICIT REDUCTION

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, as I entered the Chamber this morning, I thought it was rather a strange coincidence that most of the Members on the other side of the aisle, the far left looking forward, were talking about one thing: Deficit reduction.

I think that is amazing, because every appropriation bill that will come to this floor is going to be above the President's budget, with the possible exception of our national defense. Then, it came to my attention that there was a letter written to all "my dear Democratic colleagues" by the gentleman from Arkansas, the chief deputy majority whip. The letter stated:

> All Democrats are invited to join me in a series of 1 minute speeches on Tuesday, Wednesday, and Thursday of this week on this question. The thrust of these remarks should focus generally on the issues of fairness and deficit reduction.

So it is easy to see this was carefully orchestrated. Some dance to a different drummer; others jerk to a different string that is pulled.

BAHA'I HOLOCAUST MUST BE STOPPED

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the members of the Congressional Human Rights Caucus and all who believe in basic human rights are sickened by Iran's recent execution of 16 members of the Baha'i faith, including 10 women. We praise President Reagan's plea for clemency to the Ayatollah Khomeini last month yet are saddened that not even an appeal from the President could prevent this inhumane slaughter.

A crime of such unrestrained ferocity must evoke the indignation of the world. How ironic it is that a creed such as the Baha'is, which abhors violence, promotes the equality of men and women, and favors universal peace has witnessed at least 150 of its leaders hanged and shot by the Khomeini government.

In his statement upon sentencing these latest 16 to death, the Iranian judge declared, "Before it is too late, the Baha'is should recant Baha'ism." We say that before it is too late, the Iranian Government should be condemned for these acts of barbarism, and all nations which cherish humanitarian principles should apply the strongest pressures to end this latest holocaust.

THE $700 TAX CAP FAIR TO MIDDLE-INCOME AMERICANS

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, Martin Feldstein, Chairman of the President's Council of Economic Advisers, recently said that—

> There is an agreement between the Administration and most Members of Congress about the "fundamentals": projected future budget deficits must be reduced, clear assurances of declining deficits must be provided now, and additional tax revenue must be part of the solution.

This week, House and Senate conferees agreed on a compromise budget resolution designed to reduce future budget deficits, in part, by modestly increasing taxes next year.

I know the President has demanded that we wait until after the 1984 elections to impose new income and energy taxes; however, faced with $200 billion deficits now, I do not believe we have the luxury of waiting that long.

The $700 tax cap proposal is not a perfect one, but neither are any of the other revenue raising measures that we will consider this year and next. Despite its imperfections, the cap will not stifle the budding economic recovery. It is imminently more fair to middle-income Americans than canceling the third year of the tax cut or pursuing policies that keep real interest rates at their current record levels. Finally, it is more achievable at this time than the major overhaul of our tax structure that some of us would prefer, and I urge its adoption as one component of a broad fiscal strategy, which must include spending restraint, if we are to begin reducing America's deficits.

☐ 1030

CAPPING THIRD YEAR OF THE TAX CUT

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, tomorrow we will have a debate on whether we should scale down the projected tax cut for the richest Americans as a way of controlling the deficit. As Members begin to consider this issue, I think there are several basic questions they ought to consider.

The first is whether deficits matter at all. If they do, then we have a shared responsibility to try to pare them in any way possible. We have passed a budget that cuts expenditures. There was not even an alternative budget offered here with lower spending levels suggested. Any budget we finally pass will call for revenue increases.

The second question is where this revenue should come from. Some cynics will say that we are supporting the tax cap because it only limits tax cuts for the rich and that is where the money is. There is some truth to that.

But the real reason for this focus is a realization that people whose income exceeds $50,000 have gotten a big tax cut in the past 2 years while those whose income is below $30,000 have been hit with tax increases, largely because of social security tax increases and inflation.

Does it make more sense to tax those who have seen their burden drop over the past 2 years instead of those who have been paying a steadily rising tax bill? I think it does and that is why I strongly support the $700 cap as one part of the revenue factor in the 1984 budget.

If my colleagues believe that deficits do matter and that the additional burden should be concentrated on those who have gotten the biggest break, then it appears to me there is no other choice.

THIRD YEAR TAX CUT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, let us be perfectly clear about what is going on. While many people have chastised the Democrats for a spend-spend/tax-tax policy, let us confront what this administration's policy is, spend-spend/borrow-borrow.

We are spending and borrowing, and that certainly is worse than spending and taxing. No one likes either one. No one in the country ever feels they make enough money. No one ever likes having a tax cut capped, including myself, and including all of us around here.

But let us take our thoughts off the sand in our shoe; that is, capping the tax cut and look ahead at the horizon. What is on the horizon but incredible deficits. If we cannot see them we are terribly nearsighted.

Those deficits are going to crush all of us, small businessmen and the middle class in particular in the years ahead if we do not start to do something about it. Capping the tax cut, as unpleasant as it is, is a way to begin.

So while the temptation is to say no, we will not tolerate capping our tax cut, we must not yield to that short-term strategy because long term we will be harmed. If we do not keep our eye on the horizon where the huge crushing deficits are looming, we will put this whole country, its recovery, and the economy in great jeopardy.

CONGRATULATIONS TO SALA BURTON AS NEWLY ELECTED DEMOCRATIC MEMBER OF THE HOUSE

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, all of us on our side of the aisle are very pleased with yesterday's election and the addition to the House of Mrs. Sala Burton. She had a tremendous victory and we are all pleased about it.

She will now become a new Member next week and, in addition, a new member of the Women's Caucus, and I know that they are particularly pleased as well.

For the membership of the House, I think that they would also like to join me in expressing to Sala not only our congratulations but also our condolences for the death of her father this past Saturday. Sala has had a tremendous amount of sorrow over the last few months and I know she appreciates our support in both her moments of sorrow and joy.

WAIVING POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3329, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 238 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 238

Resolved, That all points of order against the consideration of the bill (H.R. 3329) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes, for failure to comply with the provisions of section 303(a)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. During the consideration of the bill, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived: beginning on page 4, lines 14 through 17; beginning on page 5, lines 1 through 5; beginning on page 7, line 17 through page 8, line 15; beginning on page 10, lines 1 through 20; beginning on page 12, lines 9 through 24; beginning on page 14, line 13 through page 17, line 3; beginning on page 19, line 13 through page 21, line 22; beginning on page 22, line 19 through page 24, line 10; beginning on page 27, lines 3 through 18; beginning on page 30, lines 2 through 18; and beginning on page 32, line 10 through page 34, line 14; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6, rule XXI are hereby waived: beginning on page 7, line 17 through page 8, line 15; beginning on page 19, line 13 through page 20, line 24; beginning on page 21, lines 1 through 22; beginning on page 25, line 21 through page 26, line 2; and beginning on page 34, lines 4 through 14.

The SPEAKER pro tempore (Mr McHugh). The gentleman from Massachusetts (Mr. Moakley) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. Quillen), and pending that I yield myself such time as I may use.

Mr. Speaker, the resolution waives certain points of order against the consideration of the bill (H.R. 3329), the transportation appropriation.

The rule waives points of order under section 303(a)(1) of the Budget Act which prohibits action on appropriation matters pending adoption of the first concurrent resolution on the budget for the fiscal year.

Under the terms of the act, the concurrent resolution is supposed to be reported from the Budget Committees by April 15 and action on a conference report completed by May 15. The House Committee actually beat its deadline by 3 weeks.

The Senate, however, was unable to pass a resolution until 4 days after the date by which a conference report is supposed to be acted on.

A conference report on the resolution is now pending floor action. However, the Committee on Appropriations faces a schedule which requires final action on their bills within a period in which Congress will meet for only 6 weeks.

There is no hope of meeting that schedule if action is deferred on appropriation bills until a conference agreement on the budget is in place. The Budget Committee supports this schedule and recommended that this waiver be granted.

The Committee on Appropriations, therefore, has asked the Rules Committee to provide a method by which action can begin on the appropriations cycle. The committee has selected for earliest action those appropriations bills which present the least controversy with respect to issues in the budget conference.

Mr. Speaker, under the terms of the Budget Act, points of order under section 303(a)(1) lie against both the bill and any amendments which would add new budget authority. In some cases, consideration of appropriation bills prior to adoption of the budget resolution would cause that point of order to operate somewhat like a modified closed rule.

In the present case, however, that presents no controversy. The committee has been generous in trying to protect Members who indicated that they would have problems under that rule and no requests were made for waivers of section 303(a)(1).

Any germane limitation or any amendment to reduce funding is in order, in the customary manner, without any special provision in the rule.

The rule also provides waivers of points of order, under clause 2 of rule 21 for certain unauthorized appropriations and provisions of a legislative character. The authorizations for several programs funded by this bill are at various stages of the legislative process and have not been enacted into law.

The specific paragraphs include the appropriations for the Coast Guard alteration of bridges and reserve training programs; National Railroad Passenger Corporation; salaries and expenses for the Architectural and Transportation Barriers Compliance Board and the National Transportation Safety Board; operating expenses and capital outlay for the Panama Canal Commission; and administrative expenses of the U.S. Railway Association.

In addition the paragraphs that could technically be subject to a point of order under the prohibition against legislation include: The limitation on general operating expenses of the Federal Highway Administration; the limitation on obligations for discretionary grants of the Urban Mass Transportation Administration; and a rescission involving the Federal Aviation Administration grants in aid for airports.

Mr. Speaker, the House Resolution 238 also waives clause 6 of rule XXI which prohibits reappropriations or transfers of funds. This waiver is necessary because the appropriation for operations of the Federal Aviation Administration, the U.S. Railway Association, the Federal Railroad Administration appropriation for rail service assistance, the Conrail Labor Protection appropriation, and the Illinois Feeder Line Assistance appropriation contain a transfer of unexpended balances or transfers of funds outside the scope of this bill.

The Rules Committee recommends these waivers so that consideration of the appropriations bills could proceed in an orderly manner. Mr. Whitten's letter to the Committee on Rules explaining the need for these waivers is included herewith for the record.

Mr. Speaker, H.R. 3329 provides $11,000,298,000 for transportation programs under such agencies as the Coast Guard, the Federal Aviation Administration, the Federal Railroad Administration, the Urban Mass Transit Administration, and the Federal Highway Administration. Although this appropriation exceeds the administration's budget request by $385 million, the appropriation provided by H.R. 3329 is $507 million less than the amount provided in the fiscal year 1983 appropriations already enacted for transportation programs. It is hoped that the appropriations provided by this bill and the additional financial support of the State and local governments will help prevent further deterioration of the Nation's transportation infrastructure.

Mr. Speaker, there was absolutely no controversy when this bill was considered by the Rules Committee and I know of no controversy concerning the waivers provided by this rule. I urge adoption of House Resolution 238 so that the House may proceed to the consideration of H.R. 3329.

Mr. Speaker, I reserve the balance of my time.

The letter referred to follows:

Committee on Appropriations,
Washington, D.C., June 17, 1983.

Hon. Claude Pepper,
Chairman, Committee on Rules, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: As you are aware, at the request of the Speaker we are moving ahead with appropriation bills, though the Budget Committees have reached no agreement on a budget resolution and in most cases the authorizing Committees have not yet completed authorization bills. Because of this situation, we must ask the Rules Committee to waive certain points of order so that the appropriation bills can be considered in an orderly manner and the work of the House can progress.

Yesterday, the Committee on Appropriations reported the Department of Transportation and Related Agencies Appropriation Bill for the fiscal year ending September 30, 1984. It is scheduled to be considered by the House next week. The bill includes appropriations for a number of programs for which authorizing legislation has not yet been enacted or which otherwise might be technically subject to a point or order. The principal items in this category involve the activities of the following agencies:

TITLE I—DEPARTMENT OF TRANSPORTATION

Some or all of the Coast Guard appropriations under the paragraphs alteration of bridges and reserve training are not authorized. Authorization for reserve training is contained in H.R. 2969, which was considered by the House of Representatives this past week.

The appropriation for operations, Federal Aviation Administration may technically be subject to a point of order since it contains a transfer of unexpended balances.

The appropriation for grants-in-aid for airports, Federal Aviation Administration may technically be subject to a point of order since it contains a rescission.

The limitation on general operating expenses, Federal Highway Administration may technically be subject to a point of order since it contains a waiver of repayment of Federal funds. The appropriation for Federal-aid-highways, Federal Highway Administration may also be subject to a point of order since it contains a formula for distributing the funds under the limitation. The language is virtually identical to the language contained in the Surface Transportation Assistance Act of 1982.

The Federal Railroad Administration appropriation for rail service assistance, Conrail labor protection and Illinois feeder line assistance may technically be subject to a point of order since they contain transfers of funds outside the scope of the bill.

The appropriation for grants to the national Railroad Passenger Corporation is not authorized. Although no authorizing legislation has been reported to the House of Representatives for this appropriation, a bill, S. 1117, has been reported in the other body.

The limitation on obligations for discretionary grants, Urban Mass Transportation Administration may technically be subject to a point of order since it contains technical language clarifying the availability of certain discretionary grant funds.

TITLE II—RELATED AGENCIES

The appropriation for salaries and expenses, Architectural and Transportation Barriers Compliance Board is not authorized.

The appropriation for salaries and expenses, National Transportation Safety Board is not authorized. The authorization for this item is contained in S. 967 which passed the House on May 24, 1983.

The appropriations for operating expenses and capital outlay, Panama Canal Commission, are not authorized. Authorization for these items is contained in H.R. 2689, which was reported by the Committee on Merchant Marine and Fisheries on May 16, 1983.

The appropriation for administrative expenses, United States Railway Association is not authorized.

Accordingly, in the interest of orderly legislative procedure, we respectfully request a hearing before your Committee to seek a rule waiving points of order under clauses 2 and 6 of Rule XXI against the items specified above.

In addition, a technical waiver of Section 303(a) of the Budget Act is needed since no agreement has been reached yet on the first budget resolution.

Your cooperation is greatly appreciated.

Sincerely,

Jamie Whitten,
Chairman.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, it would be redundant for me to explain the provisions of the rule since it has been so ably handled by the gentleman from Massachusetts (Mr. Moakley).

But I would like to remind the Members of the House that this rule makes in order one of the 13 appropriations bills which this House must pass. Five have been passed and one has been defeated. We are near the half-way mark and we are behind.

I would urge the House to get down to the business of passing the appropriation bills, and sending them to the other body so that they can act and we can do away with the continuing resolution process.

The funds requested for the Department of Transportation and other related agencies are some $550 million more than the administration's request. But it only expends a little over $11 billion total and we know how important the Department of Transportation and related agencies are.

The road system of this Nation and our mass transit systems are so important to the progress and the fulfillment of the dreams of all of the people of America. We must go forward with this appropriation bill.

Mr. Speaker, I urge the adoption of the rule.

□ 1045

I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCANDLESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 41, not voting 18, as follows:

[Roll No. 204]

YEAS—373

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
AuCoin
Badham
Barnard
Barnes
Bartlett
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Bryant
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Crockett
D'Amours
Daniel
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frost
Fuqua
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Luken
Lundine
MacKay
Markey
Marlenee
Marriott
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Oxley
Panetta
Parris
Pashayan
Patman
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Seiberling
Shannon
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki

NAYS—41

Bateman
Brown (CO)
Broyhill
Burton
Cheney
Conable
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
DeWine
Dreier
Edgar
Edwards (OK)
Frenzel
Gramm
Gregg
Hansen (UT)
Hartnett
Hiler
Kasich
LaFalce
Lowery (CA)
Lungren
Mack
Martin (NC)
McDonald
McGrath
McKernan
Nielson
Packard
Paul
Sensenbrenner
Shumway
Smith, Denny
Solomon
Thomas (CA)
Vander Jagt
Walker
Weber
Zschau

NOT VOTING—18

Aspin
Erlenborn
Garcia
Hansen (ID)
Heftel
Livingston
Lujan
Madigan
Martinez
Ortiz
Patterson
Richardson
Rostenkowski
Schumer
Smith, Robert
Studds
Wilson
Yates

□ 1100

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 3329) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and that I may be permitted to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. LEHMAN of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3329) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. COUGHLIN) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. LEHMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3329, with Mr. SHARP in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Florida (Mr. LEHMAN) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. COUGHLIN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we submit for your consideration and for the consideration of the Committee of the Whole the bill, H.R. 3329, making appropriations for the Department of Transportation and related agencies for fiscal year 1984.

As chairman of the Subcommittee on Transportation Appropriations, I first want to express my appreciation to the members of the subcommittee for the diligence, skill, and cooperation they have exhibited in helping to

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draft this bill. On the majority side, the gentleman from Minnesota (Mr. SABO), the gentleman from Pennsylvania (Mr. GRAY), the gentleman from Connecticut (Mr. RATCHFORD), the gentleman from Michigan (Mr. CARR), and the gentleman from New York (Mr. MRAZEK) all provided special insight and special concerns during the 3-month indepth review we gave of Federal transportation programs and policies during our hearing process. It is a real pleasure to serve with them. The subcommittee minority members have been equally as diligent. The gentleman from Massachusetts (Mr. CONTE), the gentleman from Alabama (Mr. EDWARDS), and the gentleman from Michigan (Mr. PURSELL), all are to be commended for the spirit of cooperation they have displayed and the commitment they have shown to develop a safe and effective transportation system for this Nation. I want to make special mention of the ranking members from Pennsylvania (Mr. COUGHLIN), who has spent long hours in committee hearings and has displayed a broad knowledge of our transportation programs and policies. I pay tribute to his knowledge and dedication, and I want him to know of my great appreciation for his wisdom, his cooperation, and his very personal support, especially during the early parts of the hearings this year.

Mr. Chairman, I would be remiss if I did not at this time recognize the benefit of the staff to this particular subcommittee. Tom Kingfield, Greg Dahlberg, Jeni Leasor, and Delia Gerace, who have also spent many long hours working on this bill for us. Jeni would be here today except for the fact that she is now the mother of a new baby and I wish her all the luck in the world for her, her husband, and her new daughter.

Mr. Chairman, in preparation for this bill the committee developed a hearing record contained in seven volumes amounting to 6,100 pages. Testimony was received from more than 200 witnesses, including 26 Members of Congress.

The committee, I believe, has carefully reviewed the programs of the Department of Transportation and related agencies, and is recommending what we consider to be sufficient funds to enable these agencies to help meet the requirements of our Nation's transportation system. The well being of our country depends directly on the soundness of our transportation system.

Mr. Chairman, the bill before you totals $24,023,398,769—of which approximately $11.3 billion is new budget authority and $12.7 billion in liquidating cash.

In addition, the bill places limitations on contract authority obligations for various programs totaling over $15 billion.

The bill provides for 111,667 permanent positions, including 39,289 military positions for the Coast Guard, 48,968 positions for the FAA, and 6,167 civilian positions for the Coast Guard. The number of total positions funded in this bill is 1,101 fewer than the fiscal year 1983 level.

As many Members know, we are moving ahead with all appropriation bills at the request of the Speaker even though there has been no final agreement on a budget resolution. We therefore have no official section 302 budget allocation against which to compare this bill. The committee has, however, established a tentative section 302 allocation based on the House-passed budget resolution. In order to maintain an orderly budget process, we intend to comply with this allocation. The bill before you is $1,602,775 under that tentative section 302 allocation. The committee will not support any amendment which breeches this ceiling.

With respect to the major funding recommendations in this bill, I would call the attention of the Members to pages 2 and 3 of the report. The major bill highlights are as follows:

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First. The appropriation of $2,488,592,200 for urban mass transportation formula grants;

Second. A provision providing for obligations of not to exceed $12,600,000,000 for Federal aid to highways;

Third. The appropriation of $2,593,300,000 for operations of FAA;

Fourth. A total of $1,687,839,000 including funds derived by transfer, for operating expenses of the Coast Guard;

Fifth. The appropriation of $720,000,000 for grants to the National Railroad Passenger Corporation (Amtrak);

Sixth. A provision providing for obligations of not to exceed $1,250,000,000 for the discretionary grant program of the Urban Mass Transit Administration;

Seventh. The appropriation of $985,500,000 for facilities and equipment of the FAA;

Eighth. An increase of $35,000,000 for the Rock Island Railroad labor protection payments;

Ninth. A provision providing for obligations of not to exceed $900,000,000 for airport development and planning grants;

Tenth. The appropriation of $369,000,000 for the capital acquisition, construction and improvement programs of the Coast Guard;

Eleventh. Approval of the budget request of $100,000,000 for the Northeast corridor improvement project;

Twelfth. The appropriation of $278,000,000 for the research, engineering and development activities of the Federal Aviation Administration;

Thirteenth. An increase of $35,700,000 over the budget for certain railroad-highway crossings demonstration projects; and

Fourteenth. The appropriation of $335,000,000 for transit projects substituted for interstate highway segments.

OFFICE OF THE SECRETARY OF TRANSPORTATION

Mr. Chairman, for the Office of the Secretary of Transportation, the bill provides appropriations of $43,775,000—a decrease of $1,125,000 from the current level and $8,018,000 from the budget request. The bulk of the reductions in this appropriation are attributable to the transportation, planning, research, and development program. The committee believes this program is weakly justified. In our view, many of the studies emanating from this program should either be funded by the modal administrations or not be performed at all.

COAST GUARD

With respect to the Coast Guard, the committee recommends a total program level of $2,481,794,000—which is $64,691,000 above the fiscal year 1983 program level. This level provides for a balanced program with emphasis on maritime law enforcement; national defense commitments; dependability and safety of Coast Guard ships, boats, aircraft, and shore facilities; and the welfare and safety needs of Coast Guard personnel. We believe that this level will support a reasonable level of Coast Guard requirements for fiscal year 1984.

For Coast Guard operating expenses, the committee recommends an appropriation of $1.687 billion, including $12.55 million derived by transfer, for fiscal year 1984. This represents an increase of $96,436,000 from the enacted fiscal year 1983 level. According to the Coast Guard, a $74 million increase in operating expenses is required to fund the increased cost of doing business at the current level and to operate new facilities that are now coming on line. The remaining $22.4 milion reflects the cost of operating other facilities not included in the budget such as the New Orleans and San Francisco vessel traffic services, and for increased training.

For acquisition, construction, and improvements, we are recommending $369 million. This includes $91,314,000 for new vessels, $138,438,000 for new aircraft, $114,575,000 for shore facilities and aids to navigation, and $24,674,000 for administration. The major multiyear procurement programs funded under this account include 13 new medium endurance cutters, 41 medium range surveillance aircraft, and 90 new short range recovery helicopters. Funding for the 41 MRS aircraft will be completed in fiscal year 1984.

The bill also includes $7.4 million to complete the funding of a bridge that is an unreasonable obstruction to waterborne commerce, and $22 million for research, development, test, and evaluation.

The sum of $341,300,000 is provided for the pay of retired military personnel of the Coast Guard and Coast Guard Reserve. This is based on an average of 24,191 personnel on the retired rolls.

For reserve training, the full budget request of $54,805,000 is recommended. This will provide for a ready reserve of 18,500 including a selected reserve of 12,000.

For the State recreational boating safety assistance program, we recommend a contract authority obligation limitation of $10 million. This is $5 million below the budget request.

The bill also contains appropriations of $1 million each for the deepwater port liability fund and the offshore oil pollution compensation fund.

FEDERAL AVIATION ADMINISTRATION

For the Federal Aviation Administration, we are recommending a total program level of $4,716,507,000 for fiscal year 1984. This is an increase of $660,860,000, or 16 percent, over the fiscal year 1983 program level. This level will provide sufficient funds to continue the restoration of the air traffic control system, continue modernization of the national airspace system, improve our airports, and continue important safety regulatory and research initiatives.

For FAA operations, the committee recommends appropriations of $2,650,200,000, including $56,900,000 for headquarters administration. This represents an increase of $133,843,000 over the fiscal year 1983 level of $2,516,357,000. This would provide for 46,422 positions including the full budget request of 20,514 controllers, supervisors, and support personnel for centers and towers; and 4,500 flight service station specialists. According to FAA testimony, the air traffic control system is now capable of handling 100 percent of prestrike national system traffic levels. The FAA plans to reduce or eliminate all existing restrictions to air traffic by December 1983.

Of the $2,650,200,000 provided for FAA operations in fiscal year 1984, the bill specifies that only $310,000,000, or 11.7 percent of the total, be derived from the airport and airway trust fund. This relatively small share of user-financed operating costs is required by the so-called penalty clause contained in the authorizing act. This provision requires reductions in the user-financed share of FAA operating expenses if the facilities and equipment program is not funded at the authorized level. Under this so-called penalty clause the general taxpayers, many of whom never fly, must pay for a vast majority of the FAA's operating costs when FAA cannot legitimately or efficiently spend F&E funds at a rate set somewhat arbitrarily by authorizing legislation. The only ones who are penalized from such an arrangement are the nonflying general taxpayers, and I for one do not think that is fair. No one can make a rational case that aviation users should pay for only 11.7 percent of the FAA's operating costs.

I would also remind those who support this penalty approach that it has not—and will not—have an effect on the dollar levels this committee recommends for facilities and equipment. We intend to fulfill our mandate and examine the FAA's budget requests from the bottom up each and every year. We will recommend spending levels based only on what the FAA justifies that it can efficiently and effectively spend—not a penny more.

I call on the authorizing committees to remove this inequitable and unnecessary penalty on the general taxpayers. If supporters of this provision believe increased F&E spending is necessary, I invite them to testify at our hearings and make their best arguments to the committee members in accordance with the normal and traditional procedures of the House.

For facilities and equipment, the bill contains $985,500,000 for fiscal year 1984. This is an increase of $360,500,000, or 58 percent, over the fiscal year 1983 level of $625,000,000. In making this recommendation, the committee considered expert testimony and information from the FAA, the Congressional Budget Office, the General Accounting Office, and the aviation community. We believe the recommended funding level is sufficient to continue the full scale modernization outlined in the FAA's national airspace plan efficiently and effectively.

The committee has been generally satisfied with the FAA's progress in implementing the national airspace plan.

However, we plan to continue to maintain close oversight of this plan throughout its implementation. Of particular concern to the committee is the FAA's ability to minimize program slippages, prevent large cost overruns, and achieve the large number of facility consolidations that will be required.

With respect to research, engineering, and development, the committee recommends $278,000,000, which is an increase of $175,000,000 or 169 percent over the fiscal year 1983 level of $103,000,000. The increased funding level in this program is required to perform the necessary R&D work in support of the $9 billion national airspace modernization program.

The bill also includes a $900 million obligation limitation on airport development and planning grants. This is $200 million above the budget request and the highest funding level ever provided for this program. In addition, the bill contains rescissions of airport grant program contract authority totaling $143,500,000. The amounts recommended for rescission would not otherwise be available for obligation under the enacted fiscal year 1983 and the recommended fiscal year 1984 limitations on obligations.

The Airport and Airway Development Act of 1982 specifically provides that "the safe operation of the airport and airway system will continue to be the highest aviation priority." And it further provides that "all airport and airway programs should be administered consistent with" the section of the FAA Act which specifies "the assignment and maintenance of safety as the highest priority in air commerce * * *." Therefore, I believe that safety is to be the highest priority in the administration of the airport improvement program.

The bill also includes $34,557,000 for the operation and maintenance of Metropolitan Washington airports, and $11,750,000 for construction projects at those airports. A general provision is also included prohibiting any proposed rulemaking which would lower the annual passenger ceiling or certificated air carrier slots at National Airport.

The committee has also deleted the requested language which would permit FAA to make payments for defaulted loans from the operations appropriation.

FEDERAL HIGHWAY ADMINISTRATION

Under the Federal Highway Administration, the bill includes a limitation on Federal-aid highway contract authority obligations of $12.6 billion. This is a $225 million increase over the fiscal year 1983 level.

The bill also contains an appropriation of $35,700,000 for railroad-highway crossings demonstration projects in seven different locations.

Funds are also included for motor carrier safety, motor carrier safety grants, and highway safety research and development. The only significant reduction from the budget estimate in those programs occurs in motor carrier safety grants, which we reduced from $10 to $8 million. This is a new program which we expect to develop at a rate slower than anticipated.

The bill also provides a $10 million limitation on highway-related safety grants for fiscal year 1984, the same as the budget request.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For the National Highway Traffic Safety Administration, the bill includes $78 million for operations and research. This is essentially the same as the budget request, and $4 million more than the fiscal year 1983 level.

The committee also recommends a limitation on obligations for the State

and community highway safety grant program at $100 million—the authorized level. This funding level is $23 million higher than the budget request.

For the newly established alcohol safety incentive grants program, we have established a limitation on obligations at $37,950,000 in fiscal year 1984. This corresponds to NHTSA's estimates of fiscal year 1984 obligations for this new program.

For safety education and information grants, we have established a combined fiscal year 1983 and 1984 obligations limitation of $4 million. The committee expects to assess the results of past and ongoing media campaigns before it will recommend additional funding for such purposes.

FEDERAL RAILROAD ADMINISTRATION

Mr. Chairman, for the Federal Railroad Administration, major recommendations include $26.5 million for rail safety, $16.225 million for research and development, $25,094,000 for all rail service assistance—including $10 million derived by transfer—$20 million for Conrail labor protection—including $4 million derived by transfer—$35 million for Rock Island labor protection payments, $100 million for the Northeast corridor improvement program, and $3 million derived by transfer for the rehabilitation of an Illinois feeder rail line.

For Amtrak, we are recommending the sum of $720 million, which is $58 million above the budget request. We expect that all existing routes and service can be maintained at this funding level—including section 403(b) and 403(d) service under the existing funding formulas. Bill language is also included with respect to rehabilitating and operating a new route between Philadelphia and Atlantic City. Since we may have a possible amendment on this subject later, I will spare you the details now.

URBAN MASS TRANSPORTATION ADMINISTRATION

For UMTA, the committee recommends a total program level of $4,432,592,200 for fiscal year 1984. This is $667,426,200, or 18 percent, above the budget request.

Under the formula grant program, the committee recommends an appropriation of $2,488,592,200 which is $515,092,200 over the budget estimate. This addition is necessary to restore funds deleted by the administration in line with their policy of phasing out operating assistance to transit authorities by 1985. The committee's recommendation would provide operating assistance in accordance with the Surface Transportation Assistance Act of 1982 signed by the President on January 6, 1983. The bill also includes language limiting to $1.25 billion obligations for transit discretionary grants. This is an increase of $150 million over the budget estimate but consistent with the authorized level. Under this account, the committee report also makes the following allocations:

Bus and bus facilities	$220,000,000
Rail modernization and extensions	545,000,000
New systems and new system extensions	400,000,000
Portland (light rail)	42,700,000
Baltimore (rail construction)	3,500,000
Detroit (automated system & light rail)	50,000,000
Miami (rail construction & circulator)	35,000,000
Santa Clara (light rail)	30,000,000
Atlanta (rail construction)	82,500,000
Los Angeles (rail construction)	127,500,000
Houston (preliminary engineering)	5,500,000
Jacksonville (people mover)	13,000,000
San Diego (light rail)	8,300,000
St. Louis (preliminary engineering)	2,000,000
Planning	50,000,000
Elderly and handicapped	25,000,000
Technology introduction/innovative techniques	10,000,000

The bill also includes $335,000,000 for transit projects which have been substituted for interstate highway projects. Of this amount, 50 percent is to be distributed on a formula basis and 50 percent on a discretionary basis. The discretionary funds are to be distributed as follows:

Oregon	$10,000,000
San Francisco	5,000,000
Northeast Illinois	45,000,000
Sacramento	20,000,000
Baltimore	40,000,000
New Jersey	6,000,000
Duluth-Superior	1,500,000
Boston	40,000,000

The bill would also appropriate $275 million under the so-called Stark-Harris authorization to continue construction of the Washington Metro rail system.

The bill also includes $84 million for research and administrative expenses of UMTA.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The bill limits the administrative expenses of the St. Lawrence Seaway Development Corporation to $1.8 million, a reduction of $25,000 from the budget request.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

The bill includes $20,200,000 for Research and Special Programs Administration. This agency includes the materials transportations bureau, and the transportation systems center. It also administers grants to States for natural gas pipeline safety. The committee's recommendation is only $87,000 below the budget request.

INSPECTOR GENERAL

For the Office of the Inspector General, the bill includes appropriations totaling $26,795,000. This is $900,000 above the budget request. These additional funds are to support increased bid rigging investigation work by providing for an additional 20 positions. The committee is distressed to learn that bid rigging investigative efforts are, in fact, accelerating instead of diminishing. There is apparently no end in sight to this investigation as one case leads to another which leads to another. The committee intends to fully support this endeavor until its successful conclusion.

TITLE II—RELATED AGENCIES

Title II of the bill contains $653,278,569 in new budget authority for seven transportation-related agencies and commissions. This is $3,348,000 below the cumulative budget request, but $5,526,000 above last year's level.

More specifically, the committee is recommending $1.9 million for the Architectural and Transportation Barriers Compliance Board, $20,615,000 for the National Transportation Safety Board, $69.2 million for the Civil Aeronautics Board, $59 million for the Interstate Commerce Commission, $448.4 million for the Panama Canal Commission, $2.9 million, including $400,000 derived by transfer, for the United States Railway Association, and $51,663,569 for the Federal share of interest payments for the bonded indebtedness of the Washington Metropolitan Area Transit Authority.

Mr. Chairman, the bill before you is the product of our very able subcommittee. I believe we are bringing a balanced and carefully considered bill to the committee today and I ask for its favorable consideration and approval.

Mr. COUGHLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me congratulate the very distinguished chairman of the subcommittee as he brings his first full bill to the floor. I hope this will be the first of many for him. He has been fair and has done yeoman's work in the balancing of many competing interests in this bill for limited resources. I must say this is a very difficult bill. It is a difficult bill because there is great competition for the very limited resources in this area.

The chairman and the members of the subcommittee, I think, have done an excellent job.

My compliments also to the staff, Tom Kingfield, Greg Dahlberg, Jeni Leasor, Delia Gerace, and Lucy Hand for the majority, and Jeff Jacobs and Kenny Kraft for the minority, for their work in producing this bill.

The chairman has described the bill thoroughly. Just let me touch on a couple of things.

There is no question about the fact that there is some dispute as to the amount that this bill is over the

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budget. According to the figures of the subcommittee and of the Budget Committee, the bill is $385 million in budget authority and $630 million in outlays over the President's budget. It is, however, $217 million in budget authority below the House assumptions and $98 million in outlays above the House assumptions.

Now, OMB scorekeeps a different way and according to the scorekeeping of OMB, when you include the increases in obligational limitations, the bill is $198 million over the President's budget rather than the $385 million that the committee scores.

The major reason for this increase over the budget is the additional funding for mass transit as a result of the gas tax penny for mass transit that was proposed. That was represented to be new funds for mass transit, and when the budget came down that increased funding was not there. Hence, the major difference is the added funding for that that was represented by the mass transit portion of the gas tax.

Let me touch on a couple other highlights of the bill for just a moment.

In the Federal Aviation Administration section, the committee is recommending a limitation in obligation for grant in aid for airports of $900,000,000. This is $93.5 million less than is authorized but $200,000,000 over the budget request.

In the subcommittee markup I offered an amendment to rescind the contract authority which would not be used by virtue of the fact that it is over and outside the obligational ceiling. In rescinding these funds for fiscal years 1983 and 1984 we freed up $143.4 million, which were added to the facilities and equipment account. The new total there is $985,000,000, close to the $1,000,000,000 request.

The committee spent a great deal of time, I might say, discussing the Philadelphia to Atlantic City rail service under the Amtrak section of the Federal Railroad Administration. The bill before us places several limitations on the back door spending, and later the gentleman from New Jersey (Mr. SMITH) will have an amendment to eliminate all funds for what many people consider to be an inappropriate Federal project. I would urge support for that amendment.

Under the UMTA discretionary grant account, we recommend $220,000,000 for bus and bus facilities, $545,000,000 for rail modernization and extension, and $400,000,000 for new starts.

There are only $5.5 million earmarked for Houston, since the voters down there defeated the bond issue.

There are $127.5 million for a new start in Los Angeles, which the gentlewoman from California (Ms. FIEDLER) will attempt to delete, and I also urge the support for her amendment.

A general provision to the bill prohibits any change in the passenger cap at National Airport. The gentleman from Kansas (Mr. GLICKMAN) and the gentleman from Virginia (Mr. WOLF) will have an amendment to remove this prohibition. An editorial in this morning's Washington Post strongly supports the removal of the prohibition, as does the Department of Transportation. I hope that that amendment will also be adopted.

Again, it is a good bill.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New York.

Mr. KEMP. I thank my colleague for yielding, and I thank the gentleman for all the hard work he and the chairman of the subcommittee have done on this bill.

I want to rise and ask if we might just take a moment to clarify the part of the report that seems to provide money for a transfer of the FAA's terminal radar approach control facility, commonly known as a Tracon, from Buffalo to Rochester. The Greater Buffalo International Airport is in the district of my colleague, the gentleman from New York (Mr. NOWAK)—it used to be in mine—and we have worked together for several years on projects to enhance the Buffalo Airport. The gentleman from New York (Mr. NOWAK) and I believe that this consolidation would result in the loss of 40 to 50 jobs in Buffalo. It has been my understanding that the FAA is not going to go ahead with this consolidation. Both Congressman NOWAK and I have discussed this issue with the FAA. Secretary of Transportation Liddy Dole tells me that there are no plans to go foward with the consolidation of the Buffalo and Rochester Tracon.

I wonder if the gentleman might yield to Congressman NOWAK of Buffalo, who has the airport in his district, for a possible colloquy with either the gentleman from Pennsylvania or the distinguished gentleman from Florida (Mr. LEHMAN) on this subject.

Mr. COUGHLIN. I will be happy to yield to the distinguished gentleman from Buffalo (Mr. NOWAK).

Mr. NOWAK. I thank the gentleman for yielding.

If I may, I would like to enter into a colloquy with the distinguished chairman of the subcommittee.

The specific language which we are concerned about refers to possible funding for the consolidation of an FAA terminal radar approach control facility and the movement of that from Buffalo to Rochester. This action would mean the loss of approximately 40 jobs at the Buffalo Airport. In light of the 18.5-percent unemployment rate in Buffalo, I am deeply concerned about any action that eliminates or transfers jobs in the community, particularly actions that might be deemed detrimental to our community's long-range economic development revitalization efforts. I have expressed my opposition, as has Congressman KEMP, to this proposal to the FAA, and I am hopeful that this move will not take place.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. COUGHLIN. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I sympathize with the concern of the gentleman from New York (Mr. NOWAK) and the gentleman from New York (Mr. KEMP), and I am aware that they have been actively pursuing this matter with the FAA.

It is my understanding that the FAA is reconsidering this proposal; and, should they decide that this consolidation would not be in the best interest of the efficiency of the national airspace plan, the committee will entertain a request to reprogram the funds.

Mr. NOWAK. Mr. Chairman, I thank the chairman.

I also want to commend my colleague, the gentleman from New York (Mr. KEMP), for taking a leadership role and being concerned about this effort. It is very important to us, and I hope we can bring it to a successful conclusion.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman from Pennsylvania and also the gentleman from New York (Mr. NOWAK) for their efforts.

I want the chairman to know that we appreciate his comments. Secretary Dole, is sending us a letter stating that this is no longer supported by the Department of Transportation. I am very pleased to announce that they are withdrawing their support for this consolidation. Those jobs are going to be saved. And, as the gentleman from New York (Mr. NOWAK) pointed out, that means a lot to our area, which is suffering from high unemployment. I want to thank the gentleman for his generosity.

Mr. COUGHLIN. I congratulate the gentleman from New York for his good work.

Mr. Chairman, I reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, first of all, let me compliment the manner in which this subcommittee has been conducted. I am a new

member of the committee, having joined it in September 1982, and I can say to the Members truly that under the leadership of the gentleman from Florida (Mr. LEHMAN), with the working association of the gentleman from Pennsylvania (Mr. COUGHLIN), and a strong and professional staff, this committee truly operates in a bipartisan fashion. And how refreshing that is, with the give-and-take partisanship which is too much a part of this body on a day-to-day basis.

Let me now stand and commend the committee for its strong commitment to mass transportation. In looking at this bill, if there is a hallmark it is a standing on the behalf of Congress, a commitment on behalf of this body, an expression that mass transit must be important in America in the 1980's and in the 1990's and as we look ahead to the year 2000.

This is contrasted dramatically when you look at the proposed budget offered by the administration in February of this year. The major difference falls in the area of mass transit.

In December 1982, this body undertook an extensive debate on the whole question of a gas tax. One of the key elements was the commitment of 1 cent a gallon of this new tax to mass transit in America. We thought this was to be new money. We thought this money was to supplement that which had already been committed by previous Congresses. And yet when the budget was offered by the administration in February of this year, we saw no new commitment to mass transit, we saw no new utilization of the dollars generated by the 1 cent a gallon. In effect, we saw the status quo.

Because of the commitment of this committee, under the leadership of the gentleman from Florida, BILL LEHMAN, we now come to the Members today and say that Congress believes that mass transit is very significant in America.

Let me look at four specific categories and point to the Members where this new funding will make a difference in quality of life, will make a difference as far as combating pollution is concerned, and will make a difference in America as far as the development of an energy program.

First of all, under formula grants, there will be, if this bill is approved, $2.489 billion in funding for formula grants under this category. This is critically necessary for maintaining both operating assistance and capital expenditures, not only in urban areas, but in nonurban areas.

Second, under title III, the discretionary grant, there is funding for rail modernization, and those of you who utilize the rail in America know full well that much of the rail in America is deteriorated rail, and yet here in this bill is a commitment to do something about it.

There is funding for new transit starts. I think this is very important. We cannot stand still in America and say nothing new will be offered as far as mass transit.

This bill contains $400,000,000 proposed in new funding for transit starts in America.

For those concerned with bus travel—and I know the gentlemen from Minnesota and Michigan will speak more on this in their comments later this morning—there is $220,000,000 in new funding for bus purchases and the purchases of bus facilities in America.

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In the area of interstate transfer, third, a commitment earmarked to major projects in major cities in America. And finally, a commitment to Metro.

When people come to Washington, they note many things. They note the Nation's Capital. They note the monuments. But they also note that as a country, here in Washington we have in the Metro system one of the best commitments to mass transit in America, and that, too, is recognized through the funding in this bill.

Mr. Chairman and Members, because it represents a commitment to energy policy at a time when the administration has none, because it contains a commitment to combating pollution at a time when the administration is walking away from it, and above all because it contains a commitment to quality of life in America, both urban and rural America, this bill, with its strong standing for mass transportation, deserves our support. It is a good measure. It is a vote for quality of life in America. I support it strongly and urge its support by this body today.

Mr. COUGHLIN. Mr. Chairman, I yield 5 minutes to the distinguished ranking minority member of the committee, the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this measure providing appropriations for the Department of Transportation and related agencies for fiscal year 1984. This is a responsible bill that responds effectively to the many transportation needs of the Nation. I would be remiss if I did not particularly single out the work of the ranking minority member, the gentleman from Pennsylvania (Mr. COUGHLIN), and our chairman, the gentleman from Florida (Mr. LEHMAN), for their efforts in putting together this bill. All the members of the committee have worked hard and cooperatively to bring forth this bill, and I urge that it be adopted.

Mr. Chairman, I do not want to rehash the excellent summaries that have already been given. There are, however, several programs that I would like to bring to the particular attention of my colleagues.

For grants in aid for airport development, we have provided for a ceiling of $900 million, which is $200 million above the administration's request. I mention this item because many Members have been concerned about whether we have provided adequate funds for airport development. In my view, the answer to that question is yes. This amount is $150 million above the 1983 level of funding, is consistent with the level of revenues into the airport trust fund, and will meet most of the pressing airport development needs this year.

I was pleased that we were able to provide $100 million for section 402 highway-traffic-safety grants, the fully authorized level. A significant portion of these funds will be made available for alcohol-safety programs that are already having a dramatic effect in reducing the incidence of alcohol-related traffic injuries and deaths.

For local rail service assistance, we have provided $15 million, which will permit the continuation of important rail rehabilitation projects. This is particularly important as we see continued railroad consolidations and track abandonments, and as we approach the time when Conrail will be transferred to the private sector.

For Amtrak, we have provided $720 million, an amount that will permit the continued operation of all current Amtrak routes. Of that amount, $76 million will be available for capital projects. Although this will not cover all of Amtrak's capital needs, it will permit work to go forward on some of the most pressing projects, and will put Amtrak in a reasonably good position to continue its efforts to improve operating performance and safety.

We have included in the bill $100 million for the Northeast corridor improvement program. This amount will continue most of the major portions of the corridor project other than electrification north of New Haven.

For mass transit, the committee has provided approximately $2.4 billion in urban formula grants, which will permit the continuation of operating subsidy assistance. In addition, the bill contains $72.9 million for nonurban—section 18—grant assistance. This is slightly above last year's level, and should help insure that nonurban transit systems, such as the four in my district, will not be forced into significant fare increases or service cutbacks.

The committee has provided $167.5 million in discretionary funds for interstate-transfer-transit grants, $40 million of which would be for Boston's continued work on the red and orange lines.

Finally, we have provided $35.7 million for railroad-highway-crossing demonstration projects, an item that I know has been of great concern to a number of my colleagues.

Mr. Chairman, this is a responsible bill and a balanced bill, and I urge its adoption.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. I thank the gentleman for yielding this time to me, and I would like to engage in a colloquy with the gentleman from Florida (Mr. Lehman).

Mr. Chairman, 3 weeks ago, an inflight lavatory fire spread out of control on an Air Canada DC-9 jetliner; 23 of the 46 passengers on that flight were killed and 18 others were injured, even though the pilot was able to land the plane safely less than 13 minutes after the fire was discovered.

Like so many of my colleagues, I was deeply troubled by this tragic event. However, I was even more distressed to learn that nearly 10 years ago the Federal Aviation Administration rejected air safety recommendations aimed at preventing inflight lavatory fires.

Acting with these alarming facts in mind, I recently introduced a bill, H.R. 3264, to require commercial aircraft with a passenger capacity of more than 30 persons to be equipped with smoke detectors and automatic fire extinguishers in all aircraft lavatories. This bill would also require an automatic fire extinguisher to be installed in all aircraft galleys. The FAA would have 180 days after the enactment of this bill to issue final regulations requiring airlines to make these fire safety improvements.

History reveals that nearly 10 years ago the National Transportation Safety Board made these same recommendations to the FAA, but their recommendations were rejected.

A September 5, 1973, report issued by the NTSB specifically recommended that "the FAA require a means for early detection of lavatory fires on all turbine-powered transport-category aircraft." This recommendation came soon after an in-flight lavatory fire killed 124 people aboard a Brazilian Varig plane in Paris, France.

Further, in a December 5, 1974, report, the NTSB also urged the FAA to "require that automatic-discharge fire extinguishers be installed in lavatory waste paper containers on all transport aircraft. * * * The cost of one extinguisher is below $50, and installation is simple." This recommendation followed two in-flight lavatory fires during a 1-month period in 1974.

Interestingly, FAA regulations require airlines to have smoke detectors and built-in fire extinguishing systems in their cargo compartments, but not in the passenger area.

H.R. 3293 contains fiscal year 1984 appropriations for the Federal Aviation Administration. I would ask my distinguished colleague if it is the intent of this legislation for the FAA to work in partnership with the airline industry, within appropriated funds, to strengthen aircraft fire safety standards, particularly those relating to the prevention of in-flight lavatory fires?

Mr. LEHMAN of Florida. Mr. Chairman, let me assure the gentleman from New York that, yes, this legislation is intended to help strengthen aircraft fire safety standards.

This is a matter we have been encouraging the FAA to act on for years. In view of the Air Canada disaster, I believe a particular focus of the FAA's work, in partnership with the airline industry, should be on better protection against in-flight lavatory fires. The specific proposals contained in my colleague's bill, H.R. 3264, should be given special consideration.

Mr. BIAGGI. I thank the Chairman.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to a distinguished and dedicated member of the subcommittee, the gentleman from Michigan (Mr. Pursell).

Mr. PURSELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to congratulate the committee both on the majority and minority side for an outstanding transportation bill.

I liked the comment by the gentleman from Connecticut (Mr. Ratchford) that this is also an energy savings bill. We can move people faster and with less land use through the various transportation networks in this Nation.

Mr. Chairman, I want to comment, however, on an important issue—the St. Lawrence Seaway. The St. Lawrence Seaway has more tonnage pass through the seaway than any passageway in the world, including the Suez Canal and other major networks. Just recently the seaway celebrated its 1 billionth ton that passed through its system.

□ 1140

The seaway is a partnership with the Canadian Government developed under the Eisenhower administration in 1954 and completed in 1959. It is one of the great passageways of the world.

It is time that this Nation look closely at this need for modernization. We are in the process of developing a feasibility study to extend and modernize the seaway, thus allowing larger ships to pass through the locks. This would make the Midwest-Northeast and all of North America more competitive, because we are now in a global market.

Mr. Chairman, I want to compliment the St. Lawrence Seaway Corporation. They have done an outstanding job in the administration of the seaway. I also want to compliment the gentleman from Alabama (Mr. Bevill) and his subcommittee for allowing us to go ahead with the study money to improve the modernization of one of the great seaways of the world.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. Carr).

Mr. CARR. Mr. Chairman, I thank the distinguished subcommittee chairman for yielding this time to me, and I, too, want to add my congratulations to him on bringing a fine bill to the House floor. I also congratulate him on the manner in which he has conducted the subcommittee. As a new member of the committee, it has been a privilege for me to serve with the chairman, the gentleman from Florida (Mr. Lehman).

While I am on my feet, I would like to engage the subcommittee chairman in a short colloquy to clarify one point concerning section 315 of H.R. 3329.

As I understand it, section 315 of the bill is not intended in any way to affect the administration proceeding concerning the ship, *Bay Ridge*. However, because MarAd might choose to complete consideration of the *Bay Ridge* by way of a rulemaking, and because all rulemaking concerning the CDS payback is prohibited under the language which we put in H.R. 3329, there is a slight possibility that the bill could be erroneously interpreted to prohibit further action on the *Bay Ridge*.

I do not believe that that was the intent that we had when we put the language in the bill at the request of the authorizing committee, but I would like the chairman of the subcommittee, the distinguished gentleman from Florida (Mr. Lehman), to tell me, is my understanding of that intention correct?

Mr. LEHMAN of Florida. Will the gentleman yield?

Mr. CARR. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. The gentleman from Michigan (Mr. Carr), a distinguished member of our subcommittee, is correct.

Mr. CARR. Mr. Chairman, the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina (Mr. Jones) is here and has heard our colloquy. I wonder if this is in accord with his understanding and the request that he made of both this subcommittee and the Subcommittee on Commerce, Justice, State and Judiciary on which I also serve.

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CARR. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Chairman, the answer is "Yes." Our committee adopted an amendment to H.R. 2114 in response to the same proposed rule by the Secretary of Transportation that resulted in section 315 of H.R. 3329. Our committee's amendment, while not permitting all CDS paybacks, greatly restricts and conditions MarAd's authority to permit such paybacks. At the same time the amendment was drafted to insure that it would in no way affect DOT or MarAd completing action on the *Bay Ridge*.

Mr. CARR. Mr. Chairman, I thank the chairman of the committee, and I also thank the subcommittee chairman, the gentleman from Florida (Mr. Lehman).

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. O'Brien).

Mr. O'BRIEN. Mr. Chairman, I would like to take this opportunity to commend the chairman of the Transportation Appropriations Subcommittee, the distinguished gentleman from Florida (Mr. Lehman), and the distinguished gentleman from Pennsylvania (Mr. Coughlin) for their fine work and thoughtful consideration for recommending $35 million for payment of benefits to former employees of the Rock Island Railroad.

To bend a famous phrase, one might say that "Never in the history of railroading have so many railroaders owed so much to a mere 17 words out of a bill 42 pages long and 8,500 words deep."

After a long and difficult process, which included numerous bills and an historic Supreme Court case, the former employees of the bankrupt Rock Island Railroad are close to receiving the severence pay and other benefits which have been due them for several years, benefits which have been extended to other railroad employees who benefited by certain legal technicalities.

The Rock Island filed for bankruptcy in 1975, and some 8,000 people were thrown out of work. In 1980 the Rock Island Transition and Employee Assistance Act was enacted, which required the trustee of the Rock to negotiate a protective arrangement for the employees and required the Government to guarantee $75 million in loans to pay the cost of the protection. Challenged by the trustee in court on constitutional grounds, the law was knocked down by the Supreme Court, and the displaced workers were left with no benefits.

In the closing hours of the 97th Congress, an agreement was reached to provide $35 million to the employees from general revenues. This was authorized in the Rail Safety and Service Improvement Act of 1982. We knew, with towering deficits before us, that the $75 million was no longer an attainable object. This law, passed last December, avoided the constitutional problem and struck a balance between protecting rail employees and not unduly burdening the industry.

The Appropriations Committee work on this matter is, in my mind, a giant step forward for the former employees of the Rock Island. In addition we are also indebted to the authorizing committee. These funds will be used for subsistence allowances, moving expenses, retraining expenses, separation allowances, and health and welfare insurance premiums, and they are well deserved.

Mr. Chairman, in closing, may I express in particular to the gentleman from Florida (Mr. Lehman), the gentleman from Pennsylvania (Mr. Coughlin), the gentleman from New Jersey (Mr. Florio), and the gentleman from Illinois (Mr. Madigan), the heartfelt thanks of 8,000 Rock Island employees.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Mineta).

Mr. MINETA. Mr. Chairman, I thank the distinguished gentleman from Florida (Mr. Lehman) for yielding me this time, and I would like to engage the floor manager and the ranking Republican member of the Transportation Subcommittee in colloquy regarding funds for the purchase of locomotives for commuter service between San Francisco and San Jose.

Mr. LEHMAN of Florida. If the gentleman will yield, I will be happy to discuss the merits of this project with my distinguished colleague, the gentleman from California. It is my understanding that it was listed as one of the transit projects supported by San Francisco Bay area congressmen in their May 16 letter to me.

Mr. MINETA. Yes, that is correct. Mr. Chairman, the project does have the support of the bay area delegation and was selected as one of the highest transit capital priorities for the region by the metropolitan transportation commission in its fiscal year 1984 regional transportation improvement program.

Mr. LEHMAN of Florida. It is also my understanding that $19 million in rail modernization funds would be required to purchase the 18 new locomotives needed to improve existing commuter rail service from San Francisco to San Jose.

Mr. MINETA. Mr. Chairman, yes; that is correct. The new locomotives are necessary because the older diesel units, currently in use, are so inadequate that they must be operated in pairs to get sufficient power for running peak hour commuter trains.

Mr. LEHMAN of Florida. Mr. Chairman, I will ask the distinguished ranking minority member of the subcommittee, my distinguished colleague, the gentleman from Pennsylvania (Mr. Coughlin), to ask any questions or make any comments he may wish to make on this project.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Pennsylvania (Mr. Coughlin).

Mr. COUGHLIN. Mr. Chairman, I do have one question for the gentleman from California. In what ways will the new locomotives improve commuter rail service from San Francisco to San Jose and reduce the cost of this service?

Mr. MINETA. I thank the ranking minority member for his interest in the project. The California Department of Transportation which operates the commuter trains indicates the new locomotives will vastly improve service by permitting faster schedules and reduce the public funds necessary for long-term maintenance costs. This reduction in operating cost will also enable CALTRANS to better market the commuter service and increase its patronage and profitability.

Mr. COUGHLIN. I thank the gentleman from California for this information. Its does appear to be worthy of support under the rail modernization program. I yield to the distinguished chairman of the Transportation Subcommittee.

Mr. LEHMAN of Florida. I thank my colleague from Pennsylvania for his assistance in this matter. I have no further questions for the gentleman from California. The project also appears to me as worthy of funding under the rail modernization program.

Mr. MINETA. I thank the distinguished chairman and the ranking minority member for their support and assistance in this matter.

Mr. COUGHLIN. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. Wolf).

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Mr. WOLF. Mr. Chairman, I would like to call to the attention of my colleagues an editorial in today's Washington Post regarding National Airport and Secretary Dole's proposed policy to slightly modify the annual passenger ceiling at National. I quote from that editorial and ask that it be inserted in its entirety in the Record.

It says in part: "The chief opponents of Mrs. Dole's plan are those airlines interested in whatever the traffic will bear."

At one point, Mr. Chairman, the airlines wanted to bring into National Airport up to 18 to 22 million passengers. Most people would acknowledge that it is saturated today.

But it says further: "The chief opponents of Mrs. Dole's plan are those airlines interested in whatever the traffic will bear, and those Members of Congress who have been led to believe—wrongly—that the DOT proposal

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would somehow eliminate their favorite flight home. Not so."

Mrs. Dole's policy would not affect a single flight now in operation at National Airport.

There have been a lot of statements made about this and a lot of controversy back and forth, but there are a couple of points to remember.

Mr. Chairman, today at National Airport we now have 13½ million passengers. Under Mrs. Dole's policy, it would allow for growth up to 14.8 million passengers, or 15.2 million passengers, for at a minimum, Mr. Chairman, of 1,300,000 additional passengers at National Airport.

So the Dole proposal is modest and calls for no cuts, absolutely, positively no cuts.

Now, to the Members that are listening here on the floor and to the Members back in their offices listening, there will be no flights cut under this policy. Quite the contrary, this policy will allow for additional growth.

The length of the runway at Dulles Airport is 11,500 feet. The length of the runway at National Airport is 6,859 feet. National Airport has the shortest runway of any of the major airports in the United States.

What Secretary Dole's policy is doing, and it is a continuation of Secretary Lewis' policy, is just saying that additional growth after 1985—not now, not next year, but 1985—additional growth, and I keep coming back to additional so nobody can say there is going to be a flight cut to here or to there, the additional growth after 1.3 million or 1.7 million additional passengers come in will then be spread out to BWI, which is a fine and a wonderful airport, or to Dulles Airport, which is a fine and a wonderful airport.

I might say to those Members who sometimes have the interest of using Dulles, that in September of this year we will open the Dulles connector. The Dulles connector is the new road—thanks to this committee, the Transportation Committee, the Appropriations Committee, and Secretary Lewis—is the new road which will connect I-66 and the Dulles access road.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia has expired.

Mr. COUGHLIN. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. WOLF. As you get on to I-66, you will then connect on the Dulles connector to the Dulles access road, which will mean that Dulles Airport from downtown Washington will be 30 to 35 minutes away.

So in summary, I say, first, this is a safety issue and one that may be talked about later, but I think there is a safety issue involved.

Second, there will be no existing flights cut under this policy.

Third, the rulemaking process is moving along. People are commenting, and I would hope we would not upset that.

Lastly, the Dole policy permits an additional 1.3 million to 1.5 million additional passengers to come into National Airport.

As my colleagues know and anyone who uses National Airport knows, it is congested, not only in the air, but on the ground.

I would urge when the debate begins and the amendment comes up that we support the Glickman amendment, which will allow the Dole policy to continue.

Mr. Chairman, I insert the article from today's Washington Post:

[From the Washington Post, June 22, 1983]

National: Today's House Vote

How seriously does Congress take its responsibility for airport policy-making? Some indication is due today, when the House is scheduled to act on an important question of balanced air traffic throughout the national capital area. At stake is a modest but forward-looking proposal by Transportation Secretary Elizabeth Dole for orderly growth and limitation of air traffic at National Airport. A provision has been inserted in the appropriations bill for the department that would kill Mrs. Dole's plan—and it is this provision that the House should reject.

The chief opponents of Mrs. Dole's plan are those airlines interested in whatever the traffic will bear, and those members of Congress who have been led to believe—wrongly—that the DOT proposal would somehow eliminate their favorite flight home. Not so. Mrs. Dole's policy, supported by a bipartisan House coalition led by Rep. Frank Wolf of Virginia, would not affect a single flight now in operation at National. It is merely a logical follow-up to an important earlier agreement to strike a better balance between the uses of National and Dulles International. It calls for a future ceiling on passenger traffic that still is above today's level.

That this is an issue of concern throughout the national capital area is set forth strongly in a letter to the House members that is signed by every top locally elected executive and legislative officeholder in the District, Maryland and Virginia. They are merely asking the House to drop language that would prohibit outright Mrs. Dole's plan for controlled growth at National. That, and not anybody's current arrangements in and out of town, is what members should consider—and what should lead them to strike the prohibition now in the bill.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the distinguished ranking majority member of the subcommittee, my strong right arm, the gentleman from Minnesota (Mr. Sabo).

Mr. SABO. Mr. Chairman, first let me commend the chairman of this committee, the gentleman from Florida, Mr. Bill Lehman, and the ranking Republican member, the gentleman from Pennsylvania, Mr. Larry Coughlin, for a job well done.

Chairman Lehman, I think, had more pressures in drafting this bill than most other bills that come through our committee in competing demands for limited dollars. In a very quiet and fair way, I think he made a fair allocation of these resources and we have before us what is an excellent bill.

Let me just make a brief comment on the subject of National Airport, about which we will hear more later.

Let us make sure what the issue is. The issue is not safety. The issue is not the number of flights. The issue is simply whether we are going to have some stability in the planning for the use of National Airport. It is an issue that has been filled with controversy for years. Two years ago an agreement was made between the carriers and Secretary of Transportation Drew Lewis for a passenger cap. Now a new Secretary wants to change those rules, practically before they have gone into place.

In my judgment, we should retain the policy, the stability that was decided in 1981, keep the 16 million passenger cap. That cap does not add flights. It simply says that in terms of volume of traffic, we will abide by the decision, the agreement that was made in 1981, continue the slow, steady passenger growth at National. The growth that is occurring at Dulles and BWI will continue to happen, but let us make it happen in a natural way, rather than forcing it.

I am sorry that we have to deal with this issue, that we have to come back to it after having dealt with it 2 years ago, but we will have more to say about the issue later on.

I thank the Members for their attention.

Mr. COUGHLIN. Mr. Chairman, I have no further requests for time and reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. Olin).

Mr. OLIN. I would like to thank the distinguished chairman for yielding this time to me. I would like to thank him also for the interest he has expressed in a very serious bridge problem in my district.

As the gentleman knows, the Williams Viaduct in Lynchburg, Va., is in serious disrepair. This two-lane bridge was built in 1917 and was declared deficient over 10 years ago. After many years of increasingly heavy traffic, the Williams Viaduct is now beyond repair. It must be replaced.

Because of this bridge's importance, its size and its cost, it qualifies for funding under the Transportation Secretary's discretionary fund, also known as the big bridge fund. This fund helps repair or replace top priority bridges when the cost exceeds what a State or locality could reasonably pay. The Commonwealth of Virginia has recognized the importance of the

Williams Viaduct and has named it one of the top three priority bridge projects in the State.

This bridge is important not only to the heavy commuter traffic between Lynchburg and Amherst County, it also serves as a major link between the northern part of the Commonwealth and central Virginia. There is only one other bridge spanning the James River for 20 miles in either direction, and this bridge alone cannot handle the heavy traffic load.

The Williams Viaduct is a key to commerce, supporting heavy truck traffic. Several important industries located in the river's lower basin depend on the Williams Viaduct for their access. For one major supplier of iron ductile pipe, the viaduct is the only access route. Should this bridge be closed or posted, it would deal a crippling blow not only to these industries, but to the economy of the greater Lynchburg area.

As we vote on this transportation appropriations bill, I want to make my colleagues aware of the importance of Federal funding for bridges like the Wiliams Viaduct. As we move to the authorization process, I will continue to press for funding for the urgently needed replacement of this bridge.

I again want to thank the chairman for the time and for his attention to the needs of the people of central Virginia.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. OLIN. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, I wish to commend my colleague from Virginia (Mr. Olin) and to associate myself with his comments in connection with replacement of the Williams Viaduct Bridge. I have the honor of representing a small portion of Lynchburg and am very much aware of the importance of this matter to the people of the city and surrounding area.

The present effort to replace the bridge goes back to 1970 and much community effort has been expended in an effort to deal with the problem. Since the bridge was constructed in 1917, it has obviously passed the point of effective service.

Studies have shown that the flow of traffic across the bridge has increased drastically during this decade and the condition of the bridge continues to deteriorate.

The bridge is a very vital link between Lynchburg's central business district on the south side of the James River with Amherst County on the north side of the river. The safety and economic well-being of the community as a whole is very much involved. Therefore, I would hope that every effort will be made to provide the necessary relief as soon as it is practicable to do so.

If we are truly interested in creating jobs and upgrading our living standards, it is imperative that we improve our transportation facilities and especially our bridge systems.

Mr. OLIN. Mr. Chairman, I thank the gentleman and I thank the chairman for his attention to the needs of the people of central Virginia.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from South Carolina (Mr. Tallon).

Mr. TALLON. Mr. Chairman, I thank the gentleman.

I would like to engage my distinguished colleague from Florida in a colloquy for a moment.

First, I would like to congratulate the chairman and the members of the Transportation Subcommittee for addressing a serious problem facing the communities served by our railroads under the local rail service assistance program in H.R. 3329, the Department of Transportation and related agencies appropriations bill of 1984.

The committee has recommended $5,000,000 under LRSA to be administered on a discretionary basis in accordance with sections 5(H)(3)(B)(ii) and C of the Department of Transportation Act.

In my district I have 14 miles of railroad track between the cities of Conway and Myrtle Beach, S.C., scheduled for abandonment this year by Seaboard Coast Line Railroad. This track services the fastest growing area in my district and possibly in the State of South Carolina. This area is expected to have a 50-percent growth in population in the next 10 years. Working in conjunction with local businessmen and officials, we have determined the major obstruction to continued service on this line is a bridge spanning the Waccamaw River. If this line is abandoned it would have tremendous adverse economic impact on this area's development.

It is my request, and I hope my colleague would agree, that funding for a study to repair the aforementioned bridge could be addressed in the first moneys dispensed under this section by the Secretary.

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Mr. LEHMAN of Florida. Will the gentleman yield?

Mr. TALLON. I yield to the chairman.

Mr. LEHMAN of Florida. I commend the gentleman for his diligence in bringing this issue to the committee's attention. I know the bridge is a major problem for the people in the gentleman's district and I call on the Federal Railroad Administration to give this project high priority consideration in allocating local rail service assistance funds.

Mr. TALLON. I thank the gentleman.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. Andrews).

Mr. ANDREWS of Texas. Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from Florida. First, Mr. Chairman, I would like to commend the gentleman for his very fair and able handling of the fiscal year 1984 DOT and related agencies appropriations bill through his subcommittee. In my opinion, he and his colleague have done an outstanding job.

Mr. Chairman, I would like to take this opportunity to comment on an issue of particular concern to my home area in Houston. I am referring to the proposed mass-transit project which has now been delayed as a result of the defeat of a public bond referendum. As many of my colleagues well know, Houston's traffic congestion is among the worst in the Nation. Anyone who has been in Houston during rush hour trying to get downtown or to the airport to catch a plane can attest to the urgent need for improved public transportation. Although progress is being made, much still remains to be done.

I was therefore pleased when the Transportation Subcommittee was willing to recognize Houston's mass transportation needs by recommending funding for construction of a mass-transit system linking the downtown to major regional employment and residential centers. Although these funds have been reduced as a result of the recent referendum, this has not diminished the urgency of finding a long-term solution to Houston's traffic problems.

It is now up to the people of Houston and their local officials to develop a new transit plan acceptable to the community. In this regard, I would ask for the assurance of the gentleman from Florida and the other members of the subcommittee that the reduction of funding for Houston's project in the bill before us today, will not prejudice further funding decisions with respect to a more acceptable mass-transit proposal in the future.

The CHAIRMAN. The time of the gentleman from Texas (Mr. Andrews) has expired.

Mr. COUGHLIN. Mr. Chairman, I yield 30 seconds to the gentleman from Texas.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Texas. I yield to the chairman.

Mr. LEHMAN of Florida. Mr. Chairman, I appreciate the gentleman's kind remarks. I can also assure him of that the committee fully recognizes the extent of Houston's transit needs and intends to followthrough in supporting efforts to find a solution. While the committee does not intend

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to prejudge the best way of meeting Houston's transit needs, it expects to give priority consideration to providing the required funds for a Houston project when the region has submitted a revised plan supported by the community.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada (Mrs. Vucanovich).

Mrs. VUCANOVICH. I thank the gentleman for yielding.

I would just like to ask a few questions if I may of the distinguished gentleman from Florida (Mr. Lehman) about this bill.

My question is: Will this bill allow the FAA to close 75 flight service stations?

Mr. LEHMAN of Florida. Will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. The gentlewoman is correct.

Mrs. VUCANOVICH. Does the gentleman know what the locations of these 75 flight stations will be?

Mr. LEHMAN of Florida. We do not have a list of those locations. My understanding is that many of these locations have yet to be determined.

Mrs. VUCANOVICH. Does the gentleman know why the Appropriations Committee chose to allow this many closures?

My understanding is they have never closed more than five stations in 1 year.

Mr. LEHMAN of Florida. Yes; this is taking place because of the multibillion-dollar NAS modernization plan under which we will not need all these stations.

Mrs. VUCANOVICH. The gentleman is talking about the automated weather stations replacing them?

Mr. LEHMAN of Florida. The gentlewoman is correct, the existing flight service stations will be closed and 61 new automated stations will replace them.

Mrs. VUCANOVICH. Are any of these functioning yet and does the gentleman know what the schedule would be for those automated weather stations, when they might be on line?

Mr. LEHMAN of Florida. Sites have already been selected for at least 17 automated facilities and equipment for these facilities has been purchased and should be delivered in fiscal year 1984.

So we are already on track for the new plan.

Mrs. VUCANOVICH. But the gentleman does not know of any specific openings planned or have they had any opened at this point?

Mr. LEHMAN of Florida. They have not as yet opened any of the new automated facilities, to my knowledge, except for the Leesburg demonstration site.

Mrs. VUCANOVICH. I thank the gentleman. That answers my question.

Mr. LEHMAN of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. Jones).

Mr. JONES of North Carolina. Mr. Chairman, first I would like to commend the chairman of the committee, the gentleman from Florida (Mr. Lehman), as well as the other members of the committee and the minority.

Mr. Chairman, with regard to H.R. 3329, I would like to specifically comment on those provisions regarding Coast Guard appropriations. The bill recommends in fiscal year 1984 a total program funding level for the Coast Guard which represents a small increase relative to the fiscal year 1983 program level. This funding would provide the Coast Guard with sufficient resources to maintain current operations and procurement programs. Therefore, I can generally support the Coast Guard appropriation levels provided in H.R. 3329.

As part of its enforcement of laws and treaties mission, the Coast Guard has been required to become increasingly involved in drug interdiction efforts. Drug traffic into the United States is a serious problem which must be addressed at all levels of Government. I am certainly in favor of combating drug traffic and I am gratified that H.R. 3329 includes the full budget request for activities to support the south Florida drug enforcement task force.

It must be emphasized, however, that any action taken to significantly increase Coast Guard operations will probably result in the need for supplemental funding. For example, the administration may, by Executive order, require the Coast Guard to step up their drug interdiction efforts or to become involved in certain national security activities. Such additional responsibility would stretch Coast Guard resources. This must not be allowed to occur in view of the fact that the Coast Guard is currently responsible for carrying out numerous important operations. The Coast Guard's primary missions; search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, and military readiness are essential to the well-being of our country and have the cumulative effect of providing for safety of life and property at sea. Adequate funding for these missions must be maintained, and not diverted into other activities.

● Mr. RAHALL. Mr. Chairman, as we consider the fiscal year 1984 appropriation for the Interstate Commerce Commission, I think it important we realize exactly what type of activities we are funding.

I am particularly concerned over two Commission proceedings on railroad ratemaking issues decided earlier this year. The ICC in its decision to exempt export coal traffic moving by railroad to the east, gulf, and west coasts from all regulation is, in the words of ICC Chairman Reese Taylor, "anticompetitive and contrary to both the domestic and foreign policies of Congress and the Administration." In its Coal Rate Guidelines Nationwide, the Commission has devised a scheme in which captive shippers are made defenseless against monopolistic railroad pricing practices.

While these two decisions affect coal shippers, be assured they are being advanced by the ICC as a formula by which all high-bulk commodities moving by rail will be measured. Threatened are commodities such as grain and other agricultural products, chemicals, fertilizers, phosphates, aluminum, and iron ore.

It is difficult to believe that in this era of rail industry mergers, when there are only seven major rail systems nationwide, the Commission would choose to thwart congressional intent that captive shippers be protected against unreasonable ratemaking procedures.

The decision to exempt export coal from regulation, for example, will result in increased rates and decreased demand for U.S. coal on the world market. According to Chairman Taylor, in his dissent to this decision, armed with this exemption the railroads will engage in discriminatory pricing practices. By 1985, Virginia, Utah, and Colorado will witness a complete loss of export coal production. By 1990, a substantial decline in production will take place in southern West Virginia, Alabama, and Oklahoma. This information can be found in the ICC's own environmental assessment document. It should be noted that the decision also removes the commodities clause limitation on the railroads. As such, with the exemption, the railroads could produce coal from reserves which they own and transport this coal at more favorable rates than those given to other producers.

On the domestic front, in its Coal Rate Guidelines Nationwide, the ICC will allow rail rates on coal traffic to increase by 15 percent per year above inflation. Be advised that this increase will be borne by consumers of electricity generated by coal-fired powerplants. It will also have the effect of placing a disincentive on utility coal conversions and construction of new coal-fired powerplants.

In my State of West Virginia, nearly two-thirds of the coal mines active 2 years ago are not producing because of the depressed coal industry. Unemployment among the Nation's coal labor force is now at 32 percent. The ICC, however, will contribute to this unemployment through its decisions which, in my view, ignore the intent of Congress in enacting the Staggers Rail Act that while the railroads should be released from stringent regulation, at the same time, protections for captive shippers must be maintained.

It is time reasonable checks and balances be placed on the activities of the ICC. As we consider the Commission's fiscal year 1984 appropriation today, let us also consider the adverse impacts its decisions will have on national energy policy.●

● Mr. MINETA. Mr. Chairman, I rise to express my appreciation and admiration for the fine work done by the chairman of the subcommittee in bringing this bill to the floor today.

Our colleague from Florida stepped into the chairmanship of this subcommittee last year. Since then he has done an excellent job in a difficult position, and I know that all of us in this House who have dealt with him and his fine staff have been grateful for their patience and their professionalism.

As one who has to work closely with the Transportation Subcommittee of the Appropriations Committee, I am happy to have this opportunity to publically congratulate and praise the subcommittee chairman for a job truly well done. This subcommittee has a broad and complex program within its jurisdiction, but our chairman is more than equal to the challenges before him.●

● Mr. McEWEN. Mr. Chairman, I would like to commend the chairman of the subcommittee, Congressman Lehman, and the ranking member, Congressman Larry Coughlin, for their efforts on behalf of the State of Ohio. Just 72 hours before the final markup of the bill, I received word that Ohio would be precluded from receiving fiscal year 1984 local rail service assistance funds unless restrictive language in the bill was amended.

The committee was justifiably concerned that $43 million in LRSA funds awarded several years ago, remain unspent. Therefore, the bill includes language requiring that a State must expend LRSA funds granted through fiscal year 1980 before it can apply for 1984 funds.

Ohio has $1.9 million in unspent fiscal 1976 LSRA funds. Ohio's case is unique, however, in that an unresolved law suit precludes the expenditure of these funds.

Thanks to the cooperative efforts of Chairman Lehman, ranking member Coughlin, and Ohio Congressman Louis Stokes, the Appropriations Committee inserted language exempting funds unspent due to pending litigation. Ohio business and industry are dependent on rail service. Without Federal funding for rail projects, Ohio's economy would have suffered a severe blow.

I would also like to express my appreciation to the committee for the inclusion of funds for completion of the U.S. Grant Bridge at Portsmouth and the Greenup Dam Bridge. These bridges are important not only to the immediate areas they will serve, but to the economic well-being of both southern Ohio and northern Kentucky. I appreciate the efforts of Congressman Carl Perkins in protecting these bridges which will serve as major links between Ohio and Kentucky.●

● Mr. REID. Mr. Chairman, I join my distinguished colleague from Nevada, the Honorable Barbara Vucanovich, in opposition to the Federal Aviation's (FAA) plan to consolidate its existing five flight service stations within the State of Nevada.

Congresswoman Vucanovich had planned to offer an amendment to H.R. 3329, the Department of Transportation and Related Agencies appropriations bill for fiscal year 1984, which would have prevented the dismantling of the nationwide network of flight service stations, as set forth in the transportation appropriations bill. House Rules precluded the offering of this amendment.

The Federal Aviation Administration plans to modernize and consolidate its current 351 Federal flight service stations into 61, resulting in the closing of over 200 existing stations. The FAA's plans will result in the closing of the Las Vegas facility and it will be relocated in Reno, Nev. This means that only one flight service station will serve the entire State of Nevada.

The Las Vegas Flight Service Station, located at McCarran International Airport, provides vital services to aircraft and air travelers, including weather collection and dissemination, flight plan coordination and emergency assistance. Currently, the Las Vegas Flight Service Station serves Clark County, Nev., and parts of northwestern Arizona and southern California. Closure of the FAA flight service station would also have a detrimental impact on McCarran International Airport and the local economy in my district, which relies heavily on tourism.

In addition, it is my understanding that the scheduled closing of these flight service stations may exceed the implementation of automated flight service stations. The automated stations should be in place before the FAA proceeds with its plans in order to insure the safety of air travelers. I am pleased that the committee has agreed to monitor the FAA's actions in this area.●

● Mr. RAHALL. Mr. Chairman, as a member of the Subcommittee on Aviation, I rise in support of efforts to prohibit the use of FAA funds to close more than five flight service stations in 1 year.

The FAA recently notified me of its intent to consolidate West Virginia's five flight service stations at Huntington, Charleston, Parkersburg, Morgantown, and Elkins into one facility. Under this plan, the entire State of West Virginia would be located into a single flight plan area.

While I am a staunch supporter of airport improvement and modernization, the FAA plan concerns me for a number of reasons. Pilots are dependent on flight service stations of weather briefings. In addition, these facilities provide emergency services, process flight plans, monitor navigation aids and perform other duties geared to insure aviation safety. However, there is a great deal of uncertainty over whether the FAA's automated flight service stations scheduled to replace the closed flight service stations will be functional when these existing stations are shut down. In addition, I am concerned over whether the automated stations could provide the same level of service to pilots which the present network provides.

Without a doubt, aviation safety must be our major consideration in this matter. As such, I believe the FAA's plans should be more carefully examined.●

● Mr. FRENZEL. Mr. Chairman, the transportation appropriation we are considering today is excessive, and is full of false savings.

This bill, H.R. 3329, increases budget authority by $550 million over the President's most recent budget request. It does so by increasing the funding for mass transit and by scoring a recission of $144 million from the airport grants-in-aid program as savings.

False savings are also obtained by finagiing the funding of the FAA operations, transferring funds from a revolving fund to the local rail assistance account, and transferring funds from the CAB payment to air carriers account to the CAB operations account.

In total, the transportation appropriation is several hundred million below the 302(a) allocation provided for the Transportation Subcommittee by the not yet ratified conference agreement for the fiscal year 1984 budget. Because the conference agreement was a reconciliation of the House budget, a radical free-spending one, and the Senate budget which is merely excessive, it is no wonder that this high spending bill can give the appearance of being under budget. Unfortunately, the budget resolution applies no constraints.

Not only is this bill spendthrift and counter to the reduce-the-deficit directives of our constituency, but it is being considered before the passage of a budget resolution. Waiving the budget act, as was done for this bill,

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undermines the rules and laws by which Congress organizes and governs itself. If we cannot follow our own rules, how can we expect others to follow them.

The transportation appropriation is far from the worst spending bill that the Appropriations Committee has produced, but it is not good enough. The deficits are too high. It is hard to make reduction, but they must be made.

Congress could restrain its own spending habits if it wished. Bills which spend too much should be defeated. This bill should be defeated.●

● Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the Coast Guard appropriation in the DOT bill considered here today. We in the Merchant Marine and Fisheries Committee, where I serve, have spent a lot of time over the last few years looking closely at the jobs we in Congress have heaped upon the Coast Guard. We have concluded that the search and rescue, law enforcement, marine safety, and national defense functions are most important.

I have been trying to increase Coast Guard funding over the years so that these traditional functions could be carried out. There are those who would have the Coast Guard do more and more with less and less. This is just plain ridiculous in my view.

The administration's recommendation for this year was more generous compared to prior years. With a more favorable capital improvement funding in recent years, the Coast Guard has been able to build up its deteriorating facilities and make changes where additional ones are needed. In this respect the Coast Guard is using the money wisely. In my own State of Alaska, the Coast Guard will, under this bill, be able to establish a helicopter search and rescue facility at Cordova, a fishing area now experiencing rapid growth. Rather than go ahead with a full blown station, this seasonal facility will give them the knowledge they need for future planning, while at the same time responding to the life and death needs of that community. In addition, they will be able to modernize the communication station at Kodiak which services the entire North Pacific. This project is badly needed as the Coast Guard is now working with pre-World War II technology and equipment. The bill also provides needed funding of seagoing buoy tender rehabilitation and for the purchase of five new C-130 airframes including, modifications and parts for Aireye sensor systems. The dependability of the C-130 aircraft in combination with this surveillance technology will prove to be an effective fisheries law enforcement tool. I hope this procurement will materialize and be used off the coast of Alaska and elsewhere to conserve this Nation's valuable resources.

I note in the committee report No. 98-246 on this bill that the Appropriations Committee is taking steps to encourage the rapid conclusion of the administration study on marine sanitation device regulation enforcement. During the 97th Congress, the Coast Guard and Navigation Subcommittee engaged in extensive oversight hearings into the functions and activities of the U.S. Coast Guard which resulted in a subcommittee report entitled "Semi-Paratus: The United States Coast Guard, 1981," House Report No. 97-355. One area of Coast Guard regulation and law enforcement that was investigated concerned the requirement for marine sanitation devices onboard vessels.

On the basis of this, I believe the law needs revision and I have introduced H.R. 1421, a bill to eliminate Coast Guard responsibilities regarding marine sanitation devices on small vessels. As noted by the title, the purpose of this bill is to eliminate Coast Guard responsibilities for enforcement of MSD regulations. The bill eliminates the Federal requirement for marine sanitation devices but retains Federal standards of performance and applicability of manufacturing provisions. The regulation and enforcement of MSD's would be left to the States. A State or a political subdivision of the State, however, may not prohibit or regulate the discharge of sewage from vessels of 65 feet or less except if required marine sanitation devices conform to the Federal standard of performance or if the discharge prohibition applies entirely within a State's waters. The bill provides that vessels engaged in interstate travel, however, would not be subject to the laws and the regulations of another State. Thus, a vessel equipped with a MSD meeting the Federal standards may discharge into another State's waters except for waters designated as no discharge zones. Additional adjustments may be desirable such as limiting the MSD requirement based on crew size as well as length of vessel. However, this legislation simply is designed to overcome the problems and deficiencies in the current statutory system.

The Coast Guard performs a valuable service to our Nation. Whenever a task arises requiring maritime expertise, we call upon them and they respond unselfishly. We need to review and where possible eliminate duties, such as MSD enforcement, which can be done by the States or the private sector and get them back to the real business of saving life and property at sea. In this regard they deserve our full support and I urge my colleagues to approve this fiscal year 1984 appropriation.●

● Mr. HAMMERSCHMIDT. Mr. Chairman, the committee report (98-246) to accompany H.R. 3329 (the Department of Transportation appropriations bill for fiscal year 1984) would direct the Administrator of the FAA to impose certain standards for eligibility under the airport improvement program on one airport—the Burbank-Glendale-Pasadena Airport—that would not apply to any other airport in the Nation.

This particular airport has applied to the FAA for a grant for the purpose of relocating the terminal a safe distance from one of its main runways. It has met, or is in the process of meeting, all of the criteria established under every Federal, State, and local law to be eligible for a grant from the FAA—including the environmental impact statement.

Mr. Chairman, I would not attempt to judge the priority of the project in the Nation's airport and airway system. There may be more worthy projects in other areas that are more urgently needed. However, as a member of the committee which authored the Airport and Airway Improvement Act of 1982, I firmly believe that this project should be considered by the Administrator on its merits, on its need, and on the basis of safety—not on some arbitrary standards that do not apply to any other airport in the Nation, and certainly not on some standards which are not included in any Federal, State, or local statute.●

● Mr. SNYDER. Mr. Chairman, I note that in the committee report to accompany H.R. 3329, the Department of Transportation appropriations bill for fiscal year 1984, the committee directs that no discretionary funds in the bill should be available to the Burbank-Glendale-Pasadena Airport for purposes of constructing a new terminal until the airport meets three criteria: First, gains approval by the Secretary of a noise exposure map; second, gains approval by the Secretary of a noise compatibility program; and third, has adopted a master plan.

While this language in the report is advisory only, I object to the committee attempting to impose standards on this single airport which are not required of any other airport in the Nation.

Mr. Chairman, the primary purpose of the airport improvement program is to improve the Nation's airports and airways in order to insure safety to the traveling public. It is my understanding that the purpose of this proposed terminal to be constructed at this particular airport is to relocate it a safe distance from one of the most active runways. Thus, this project is eligible for AIP funds based on safety, and it should be considered on its merits—not on some arbitrary conditions that are completely unrelated to the purpose of the airport improvement program.●

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 3329, the fiscal year 1984 appropriations for the U.S. Department of Transportation, and other agencies under the jurisdiction of the Subcommittee on Appropriations chaired by out distinguished colleague, Congressman WILLIAM LEHMAN of Florida.

The subcommittee has, once again, done a commendable job in reporting out this legislation which continues and, in some cases, modifies and expands the important programs of the U.S. Government for maintaining a safe and sound transportation system in this country and in Puerto Rico.

Mr. Chairman, the Surface Transportation Act of 1982 was a significant step forward in stimulating our country's lagging total investment in building, and renewing our national transportation system, as the committee report on this legislation notes.

The Surface Transportation Act started, in my opinion, the loosening of budget restrictions in many Federal programs, and this change in mood has prevailed in H.R. 3329 which funds the programs authorized by the House Committee on Public Works and Transportation. This companion appropriations measure fortifies the promise that many national transportation leaders had when the President signed the Surface Transportation Act of 1982 which provided additional financial investment to maintaining a sound highway system, and in expanding the various transportation programs. In addition to the Federal Highway Administration, the most significant Federal transportation entity helping Puerto Rico to continue to develop our infrastructure is the Urban Mass Transportation Administration which, for the past several years and since its inception, has been a creative and useful partner with the Government of Puerto Rico in helping solve our mass transit needs.

I would like to briefly point out that UMTA's programs in Puerto Rico have given a significant impulse to transportation development on the island.

The committee has recommended increases in funding for UMTA to a level of $4,432,592,000. This figure includes funds for all UMTA programs which help plan, develop, and improve comprehensive mass transportation systems in urban and rural areas.

I am hopeful that UMTA will continue to move speedily in providing funds under the new section 9 program to help start up our island's innovative "Agua y Guagua" project which is in the final stage of approval for a $45 million grant. This project would essentially move traffic in the San Juan metropolitan areas through a combined ferry and bus system and involves dredging and relocation of the Martín Peña Channel, and relocation of approximately 500 families through a parallel effort of the Department of Housing and Urban Development in the area of San Juan called Barrio Tokio.

The Agua y Guagua project is a visible, creative, and cooperative effort of the Island's Department of Transportation and Public Works, other Commonwealth and Federal agencies, and the city of San Juan, and I wanted to make special note of this project which would have a positive and significant impact—on a long-range basis—in helping ease traffic congrestion in a crowded metropolitan area.

I am hopeful, too, that the funds will be provided soon for this project, for which the island's administration will match with $9 million.

Mr. Chairman, the other provisions of H.R. 3329 are equally important in that they allow the continuance of the important programs of the Federal Highway Administration.

In recent months, the island's government has moved forward with a variety of proposals to help maintain an efficient and operable highway system. Our secretary of transportation and public works, Dr. Rafael Faria, and a devoted staff of professional aides, have moved quickly to take advantage of the provisions of the Surface Transportation Act. This includes not only the increase in funding, which has helped our construction industry toward revitalization, but has also provided critical jobs in a society which is in desperate need of productive employment.

The department of public works and transportation has also submitted plans which have enabled Puerto Rico to designate portions of our island's highway systems as "interstate" for the purposes of maintenance and additional construction funds, a fact which has an obvious impact on the national defense needs of our country in this time of crisis in Central America.

Mr. Chairman, the various safety programs and other agencies which are funded in this bill, such as the Coast Guard and the National Highway Transportation Safety Board, are essential to providing funds to increase and maintain safety off our coast, and on our island's highways.

In sum, this legislation is a positive and responsible action by Chairman LEHMAN and members of his subcommittee to constructively fund our national transportation system, and I commend the members of this committee for bringing this bill to the floor today.●

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Mr. COUGHLIN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, $22,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from State and local governments, other public authorities, private sources and foreign countries for expenses incurred for research, development, testing and evaluation.

AMENDMENT OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUDDS: On page 5, line 11, strike $22,000,000 and insert $23,500,000.

On page 5, line 15, change the period to a colon and insert the following: "*Provided further*, That $500,000 of this appropriation shall be available only for the development and testing of a sealed electronic ocean dumping surveillance system to assist the Coast Guard in conducting enforcement and surveillance activities pursuant to Title I of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1401 et seq.).".

Mr. STUDDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STUDDS. I thank the Chairman.

I will explain very briefly what this amendment does. I will spare the Committee an elaboration of my own views about the insufficiency of funding in general for the Coast Guard, although as I understand the strictures under which the committee must operate, they have done the best they possibly could.

This amendment would add $1.5 million to the research and development account of the Coast Guard. Of this amount $500,000 would be earmarked for the development and testing of a "black box" or sealed, electronic ocean-dumping surveillance system for use in enforcing U.S. law regulating ocean disposal of sewage sludge and dredge materials and industrial waste.

The remaining $1 million will be available for various research projects in the area of search and rescue, drug law enforcement, and other Coast Guard missions.

The specific decision as to the expenditure of the funds will be left to the Coast Guard. But, for the information of Members, the Coast Guard has presently projects planned, but not funded, to develop techniques and equipment for hazardous chemical identification, treatment, and discharge control, improved search and rescue techniques, including the development and demonstration of satellite search and rescue and the improvement of vessels for carrying out law enforcement and search and rescue missions.

I am offering this amendment on behalf of the gentleman from New Hampshire, the chairman of the Subcommittee on Oceanography (Mr. D'Amours), the gentleman from Delaware (Mr. Carper), and myself.

Mr. LEHMAN of Florida. Will the gentleman yield?

Mr. STUDDS. I yield to the chairman of the subcommittee.

Mr. LEHMAN of Florida. The majority has studied this amendment and has no objection to it.

Mr. STUDDS. I thank the gentleman.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield to me?

Mr. STUDDS. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Chairman, the minority has no objection to this amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield to me?

Mr. STUDDS. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I strongly support the gentleman's amendment.

I might say that in the subcommittee markup I was able to transfer some money from other accounts to try to bolster the Coast Guard budget. I could not agree with the gentleman more. I think that the Coast Guard budget is still somewhat inadequate to meet the many demands placed on the Coast Guard, but we were under great, great budgetary restraints, as the gentleman knows. However, I could not agree with the gentleman from Massachusetts (Mr. Studds) more and am pleased to support his amendment.

Mr. STUDDS. I appreciate the statement of the gentleman.

The gentleman's reputation as a fiscal magician is well deserved. And I appreciate, and I know the Coast Guard does, his support.

Mr. CARPER. Mr. Chairman, will the gentleman yield to me?

Mr. STUDDS. I yield to the gentleman from Delaware.

Mr. CARPER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment.

I ask unanimous consent to revise and extend my remarks.

As my distinguished colleague and chairman of the Subcommittee on the Coast Guard knows, I am adamantly opposed to the practice of dumping sewage sludge in the ocean. But, if it must be done on a short-term basis, then it should be done correctly.

This amendment would provide the Coast Guard with research and development funds necessary to develop effective, cost-conservative mechanisms to prevent illegal short dumping of sludges in coastal waters.

Under current conditions, the Coast Guard is unable to maintain even a 10-percent surveillance of dumping activities at the only operating sludge dump site off our coast. This dump site is only 12 miles outside the mouth of New York Harbor.

The Reagan administration's Environmental Protection Agency is leading a major effort to shift this dumping activity to a site about 100 miles off the coast of my State of Delaware.

I seriously doubt, however, that any sludge will be dumped within the parameters of this site given the Coast Guard's current inability to adequately monitor sludge dumping. With nobody watching, dumpers will simply dump their wastes closer to shore, threatening the economic vitality of our coastal waters and public health. We cannot afford this risk.

This amendment would demonstrate this Congress commitment to the protection of our coastal environment. It also would permit the Coast Guard to do its job much more thoroughly. I commend the gentleman from New Hampshire for offering this amendment.

Mr. STUDDS. Mr. Chairman, I thank the gentleman from Delaware, and I yield back the balance of my time.

● **Mr. FORSYTHE.** Mr. Chairman, I strongly support the amendment offered by my good friend, Mr. Studds. On April 26 of this year, the leadership of the Merchant Marine and Fisheries Committee and the Coast Guard and Navigation Subcommittee presented joint, bipartisan testimony concerning the Coast Guard budget to the Transportation Appropriations Subcommittee. Our committee places a high priority on the Coast Guard and on its having sufficient resources to carry out its many, varied missions.

H.R. 3329 contains funding that corresponds, in most respects, to the administration's budget request. Under other fiscal circumstances, I would very much prefer to see significant increases in various aspects of the Coast Guard budget, such as for the AC&I account, Reserve training, and recreational boating safety programs. However, I recognize that severe budget constraints exist. I am today limiting my request for additional funds, to the Coast Guard research and development program.

The Coast Guard's missions are both people-intensive and equipment-intensive. The use of effective equipment and operations techniques developed in the R&D program has great potential for improving the effectiveness and efficiency of Coast Guard operations in a wide array of missions.

Through research and development, major advances have occurred in aerial surveillance techniques critical to search and rescue, law enforcement, and marine environmental protection. Improvements in oil spill detection equipment have helped to trace the source of oil pollution incidents, thereby permitting the United States to recover in court for the expense of cleaning up spills.

This list of past achievements could go on, but the basic message is clear. Funds devoted to a well-run program of research and development are a prudent, cost-effective investment. I believe that the $1.5 million addition we are requesting is an affordable and wise expenditure of scarce funds.

This addition will not cause the total Coast Guard appropriation to exceed the administration's budget request.

In particular, I believe that positive returns—in terms of lives saved, efficiencies gained, and future costs avoided—could be achieved by investing additional funds in the following ongoing R&D programs:

First. Developing techniques and equipment for hazardous chemical identification, discharge treatment and recovery, and personnel protection;

Second. Improving search and rescue techniques, such as demonstration of the international search and rescue satellite;

Third. Demonstrating the global positioning navigation system;

Fourth. Developing command, control, and communications technology and information management techniques; and

Fifth. Planning for the upcoming need to replace the patrol boat fleet as it nears the end of its service life.

I also support the proposal to initiate an R&D program for aiding at-sea surveillance of ocean dumping activities, through development of a so-called black box to provide automatic remote electronic surveillance. This appears, to most members of the Merchant Marine and Fisheries Committee, perhaps the only feasible way to properly enforce ocean dumping rules. I also would expect that, as part of their R&D effort, the Coast Guard will investigate the use of black boxes on foreign fishing vessels in the U.S. fishery conservation zone, in order to reduce the demand on Coast Guard resources for this mission.

In closing, I note that the Congress and the American people have long recognized the need for providing the men and women of the U.S. Coast Guard with adequate resources to do their jobs. Helping the Coast Guard R&D program develop new and better

ways to perform their jobs more effectively and more safely seems to me the most cost-effective way of showing our continued support for the outstanding professionals of the Coast Guard.●

● **Mr. HUGHES.** Mr. Chairman, I rise in support of the amendment offered by the distinguished chairman of the Coast Guard Subcommittee and urge my colleagues to support it.

The amendment would add $1.5 million to the research and development account of the U.S. Coast Guard and earmark $500,000 for the development and testing of a black box—a sealed electronic surveillance system to be used to monitor ocean dumping barges to assure that dumping takes place within designated sites and at rates permitted by the Environmental Protection Agency.

As you know, the continuation of the ocean dumping of sewage sludge off the New Jersey coast has created considerable controversy among those who live and work along the coast.

Despite the enactment of legislation which I sponsored in 1977 to put an end to the ocean dumping of harmful sewage sludge by the end of 1981, more than 7.5 million tons of sludge is dumped 12 miles off the New Jersey coast each year. There is some concern that ocean dumping may be going on outside of designated sites or at inappropriate rates. Should sludge dumping be moved from the 12- to the 106-mile site, the incentive for "short dumping" will be greatly increased.

Although the Coast Guard is charged with surveillance and other appropriate enforcement activity to prevent unlawful dumping, ocean dumping surveillance in 1982 was 1.5 percent of all dumping events. The Coast Guard, charged with multiple missions, is unable to provide the manpower and resources necessary to adequately monitor ocean dumping activities under present circumstances.

The amendment offered today, will provide for the development of new technology which will provide a cost-effective means of monitoring ocean dumpers without requiring shipriders to accompany each barge. The technology developed for these monitoring devices could also be modified for other purposes including keeping track of foreign fishing vessel activities in the U.S. 200-mile fishery zone.

In addition to providing funds for the development of the black box technology, the amendment provides funds for other important Coast Guard research and development projects including developing techniques for hazardous chemical identification and treatment, improving search and rescue techniques, developing command control and communications technology, and improving information management.

I hope you and other Members of the House will join me in voting in support of this amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Studds).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out provisions of sections 307(a) and 403 of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, $8,500,000.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Conte: Page 13, after line 17, insert the following:

ACCESS CONTROL DEMONSTRATION PROJECT

Section 150(d) of the Federal-Aid Highway Act of 1978 is amended by adding at the end thereof the following: Strike the period and insert the following: ", provided, however, sums shall not lapse until September 30, 1985".

Mr. CONTE. Mr. Chairman, I am pleased to offer this amendment along with my good friend and colleague, the gentleman from New Hampshire (Mr. Gregg). The purpose of this amendment is to extend by 9 months the deadline for three access control demonstration projects authorized under section 150(d) of the Federal-Aid Highway Act of 1978.

One of these three projects involves Route 9 between Keene and Concord, N.H. Because of regulatory delays in pursuing this project, the authorized funds need to be made available through the end of fiscal year 1985.

Mr. Chairman, I would emphasize that no additional funds are required, and that this amendment would simply make these funds available through September 30, 1985. I urge the adoption of this amendment.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, the majority has studied the amendment of the gentleman from Massachusetts, and we have no objection.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield to me?

Mr. CONTE. I yield to my good friend, the gentleman from Pennsylvania.

Mr. COUGHLIN. We have read the amendment of the distinguished ranking minority member and former ranking minority member of this subcommittee——

Mr. CONTE. Mr. Chairman, I will quit while I am ahead.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Conte).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $720,000,000, to remain available until expended, for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1984: *Provided further*, That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements not expressly provided for in an appropriation Act or prohibited by this Act shall be deemed a violation of 31 U.S.C. 1341: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That none of the funds in this Act shall be made available to finance the rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between Atlantic City, New Jersey, and the main line of the Northeast Corridor, unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from the non-Federal sources: *Provided further*, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short term avoidable costs of operating such service in the first year of operation and 100 per centum of the short term avoidable operating costs for each year thereafter.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New Jersey: Page 23, line 24, through page 24, line 10, strike out ", unless the Secretary" and all that follows through "each year thereafter".

Mr. SMITH of New Jersey. Mr. Chairman, I offer this amendment to essentially prohibit the use of $30 million, the authorized Federal contribution for rail rehabilitation for a proposed intercity rail link between Phila-

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delphia and Atlantic City, because while the idea was certainly well intentioned, the fact of the matter is that a great number of people in south Jersey simply do not want it.

Mr. Chairman, I think it is imperative that this body realize that in recent weeks, there has been an explosion of protests, anger, and resentment by the residents and officials of many of the communities through which the high speed intercity train would travel. The people of these host communities, including two municipalities in my district—Pennsauken and Merchantville—resent being forced to endure the safety hazards associated with the high-speed 79-mph intercity trains designed to service the special interests of the casino industry without comparable benefits for the residents of our area.

While an operating plan submitted by the New Jersey Department of Transportation includes the possibility of a limited commuter service, the thrust of the project is clearly and unmistakably designed to provide rail service for out-of-State casino patrons, at the expense, I might add, of thousands in my district and others throughout south Jersey. Let me underscore here, Mr. Chairman, that local access to most of the rail service would be virtually nonexistent for the people in my district and other parts of Camden County, yet we are being asked to bear not just a major annoyance and eyescore, but a very real and menacing safety hazard.

I would like to point out to my colleagues at this point that there is a rail line alternative of noteworthy promise that would connect Philadelphia with Atlantic City.

This idea involves the utilization of the existing PATCO high speed line to Lindenwold, while the Pennsylvania Shore Rail Line (PSRL) would be renovated from Lindenwold to Atlantic City. I have read in his report entitled, "A Proposal To Extend PATCO Hi-Speed Lines Service to Atlantic City" dated May 17, 1983, J. William Vigrass, superintendent of equipment of the Port Authority Transit Corp. of Pennsylvania and New Jersey, writes:

> For PATCO to provide a complete solution to Atlantic City's transportation needs, an Amtrak connection is desirable. . . . A direct connection is desirable and could be provided by a westward extension from PATCO's 16th and Locust St. Terminal to the Schuylkill River at about 26th Street, thence north along the Baltimore & Ohio Railroad right of way to JFK Blvd., opposite 30th St. Station. A pedestrian walkway connected to the railroad bridge would provide an enclosed route for connecting passengers. It would be no longer than many airport walkways. The B&O has a four track right of way, but has only two tracks, the remaining two being vacant.

Mr. Chairman, the idea has promise, but, admittedly, is very expensive. This line, however, would provide much local access without the safety hazards associated with the current proposal.

It is my understanding that to accomplish this would require a new authorization earmarking the funds for this new project. The House rules, precludes redirecting the $30 million for utilization of the PATCO commuter line.

Mr. Chairman, 2 weeks ago, I held a town meeting in Pennsauken, to sample local sentiment, to hear from the people I am privileged to serve in Congress.

For over 2 hours, Mr. Chairman, I was bombarded with articulate, reasonable, and at times emotional questions and comments from townspeople and officials who called for the termination of this ill-advised project.

As one person said, if this is a gift from south Jersey, it is a bad gift, and should be rejected. I heard several mothers of school children warn of impending tragedy noting the close proximity of many schools to the proposed rail line. The DOT plan although it may be revised, envisions at least 6 round trips per day and it has been suggested that the service could provide up to 15 round trips per day. Insuring the safety of the people—especially the children—in the host communities is indeed formidable when one pauses to remember that we are talking about the prospect of 79 mph minimum speed trains zipping through residential areas.

My colleagues I believe should take special note that there are 42 at-grade crossings along the 68-mile route. I recently visited two at-grade crossings in Pennsauken with Rose Ann Moran, one of the leaders of RAGE, Residents Against the Gamblers Express. I was particularly disturbed by what I saw at the Park Avenue crossing located within a couple of blocks of Pennsauken Junior High School. I was informed that scores of students cross the tracks on foot at the Park Avenue intersection every day. The Safety Bus Co. of Pennsauken advises me that over 65 school buses filled with students cross the Park Avenue at-grade crossing every day. Also, the Board of Education's Special Education minibuses cross Park Avenue filled with students at least 40 times per day. The potential for mishap I believe should be self-evident.

I also heard from residents living a mere 20 to 30 feet from where the big outdated diesel trains would run, and they told me how they fear the noise, air pollution, structural damage to their homes, decreased home values and above all, how they fear for the safety of their loved ones.

I do not think we can easily brush aside their concerns—they have a right to be heard, and listened to.

In the last few weeks, Mr. Chairman, numerous elected officials—Democrats and Republicans—have come out foursquare against the present plan.

This bipartisan opposition includes mayors, members of the New Jersey General Assembly and State senators.

I would like to share just a few comments from these local officials to give this body some idea as to the intensity of opposition to what has become known locally as the "Gamblers Express."

Merchantville Mayor John Morrissey, a Republican, writes:

> To expect the taxpayers of New Jersey to pay/subsidize a rail line which will travel at 79 m.p.h. every half hour through residential communities, without stops for local use, with unfavorable vibration, safety and environmental impacts, simply to transport gamblers back and forth between Philadelphia and Atlantic City is an insult to everyone's intelligence. Residents in this area of South Jersey certainly have a need for improved mass transit rail service and would support a well planned rail line providing service to local communities. This Philadelphia to Atlantic City rail line proposal serves the casino industry—period.

Pennsauken Mayor John Jacobs, a Democrat:

> Considering the fact that the proposed rail service starts at the State line in our community, travels on existing right-of-ways that cross, at grade, two major roads in Pennsauken and travels through at least one of our heaviest developed residential neighborhoods and given the fact that this service will be conducted at least 12 times in any given day with train speeds of up to 79 miles per hour, I find it hard to believe that the State of New Jersey did not think that the residents of Pennsauken Township would have any concerns nor request the opportunity to provide input into this proposed rail service. I am prepared to demonstrate via the media and even a physical demonstration with residents of our Township on the Conrail right-of-way via a stoppage of train traffic until such time as the State of New Jersey and the Department of Transportation realize that Pennsauken is a community that does not enjoy governmental agencies jamming their "pipe dreams" down our throats.

Haddonfield Mayor J. Tarditi, Jr., a Democrat put it this way:

> We are told that since we are getting the 30 million dollars "free", we should then take the line, as giving up this gift will not be in our best interest. I and my fellow Mayors in the Camden County area believe that the proposed PSRL rehabilitation represents a "trojan Horse" for South Jersey. The 30 million dollars looks good, but the results will be a horror for our communities, and if fact, provide no direct benefit to most of the Communities in Camden County.

State Senator Lee B. Laskin, a Republican recently commented that:

> This boondoggle is not needed. . . . Every single community is opposed to the line. . . . In any event, my local constituents do not want to assume the noise and air pollution, the filth and debris, the devaluation of property, and all the other disadvantages which would come from this "Gambler's Express.". . . I think you'll agree that this rail line would be a monumental blunder.

Assemblywoman Catherine A. Costa, a Democrat, contacted me and said:

> This proposed rail line will only benefit the casinos and residents of Philadelphia, while imposing an undue hardship on the people in the New Jersey communities that the train will pass through. As a state legislator I will be using my position on the Assembly Revenue, Finance and Appropriations Committee to block the expenditure of state tax dollars on this project.

Assemblywoman Barbara Kalik, also a Democrat, wrote me and said:

> As an elected official of a number of constituents involved, I would like to join you in opposition to the above mentioned rail line. I share your concerns regarding the possible safety hazards imposed on our mutual constitutents.

In an editorial on June 5, the Camden Courier Post, a highly respected daily newspaper serving south Jersey criticized the proposed rail line: The editorial writer asks:

> If it is trains we need, why not trains that benefit a broad spectrum of the population rather than a single industry?

Last Thursday, Mr. Chairman, Assemblymen John Rocco and Tom Shusted, both Camden County Republicans, introduced legislation to forbid the use of State funds for the proposed rail line.

Last Wednesday, the Camden County Mayors Association came out against the project.

The resolution, reads in part:

> Whereas such a proposal will not be of substantial benefit to any of the affected Municipalities, will not provide access to such Municipalitles, will not assist in the orderly and efficient movement of commuters to and from their places of employment, will not improve the access to the 30th Street Railroad Station from the existing Patco service and will in general apparently cause an ongoing adverse effect to the environment through the generation of noise and other concomitant adverse features; and
>
> Whereas it appears that the sole reason for such proposed expenditure of tax payers dollars is not to serve the citizens of Southern New Jersey but rather to serve the interests of the Atlantic City Casinos solely; Now, therefore, be it
>
> *Resolved,* That the Mayors Association of Camden County opposes the process by which such plan was formulated and apparently put into effect and further, on the basis of the scarce knowledge available, opposes the proposal itself: Be it further
>
> *Resolved,* That copies of this Resolution be sent to each affected Municipality and each State and Federal jurisdiction under this proposal.

Many, many other elected officials have come out against the line including Cherry Hill Township Mayor Marie Banaby Greenwald, a Democrat, Lindenwood Mayor John Pregartner, a Democrat, and Frances Ward in Audubon also a Democrat, to name just a few.

Indeed, opposition is mounting. People are worried. Some are scared. We need to act on their behalf not on behalf of the special interests.

Mr. Chairman, in closing, I believe the proposed rail line extension is ill-advised, it certainly lacks local support, indeed it has generated vociferous local opposition, and I believe it is not the best utilization of scarce financial resources.

I urge my colleagues to support my amendment.

☐ 1220

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as Members of the Committee know, this is a hotly contested issue. The intercity bus operators question why the Federal Government should subsidize train service which they claim will put them out of business. The train supporters say that this new service will ease traffic congestion in Atlantic City and enhance the cost effectiveness of our Northeast corridor investment.

The bill before the House contains a compromise position which we believe is fair to all concerned. Instead of 100 percent Federal funding contained in the authorization act and zero percent funding contained in the President's budget, the committee's compromise calls for a 60-percent Federal share for rehabilitating this line.

In addition, it calls for Amtrak to meet 80 percent of its short-term avoidable operating costs from revenues in the first year of operation and 100 percent thereafter.

The committee thoroughly considered this issue and came to the conclusion that it could not support a project of this nature without significant financial contributions from the casinos or the State. The committee's compromise does that, calling for a 40-percent non-Federal share.

Mr. Chairman, I urge the Members to stick with that compromise and reject the proposed amendment.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all I want to compliment the gentleman from New Jersey for his fine presentation. He did his homework well and he made a fine presentation here today.

Mr. Chairman, I regret very much that I have to oppose the gentleman's amendment, but we on the committee have done a lot of work on this project and I believe it should go forward.

It may seem strange that someone from Massachusetts should be in this well opposing this amendment. But although I may not know as much about southern New Jersey as the Members from that State, I do know something about transportation and Amtrak.

☐ 1230

Therefore, as the former ranking minority member on the Transportation Appropriations Subcommittee, and as one who has nurtured and worked so very hard to make Amtrak the success it is today, I have no alternative but to oppose this amendment.

This project is important for several reasons. First, the principal way of getting from Philadelphia to Atlantic City, the highway, is already overcrowded and unable to absorb the additional traffic. Once in Atlantic City, traffic congestion has become so bad that restrictions on the number of vehicles in certain areas have been imposed. The implementation of Amtrak service on this route will help ease that traffic congestion.

This route will be a valuable adjunct of current Northeast corridor service. At one time, colleagues would come to me and say, "Silvio, Amtrak may be a great idea, but it just does not go where the people are." Here is clearly a place where people want to go. The number of people going to Atlantic City continues to grow. As I mentioned already, those people are overtaxing the ability of existing transportation facilities to get them there. This will finally be a case of Amtrak following the routes that people want to travel.

This route is going to benefit the entire Amtrak system. Amtrak projections show that this route should be one of their most profitable. Not only should the route contribute to Amtrak's overall economic condition, but the availability of convenient service to Atlantic City should stimulate traffic all up and down the Northeast corridor.

Mr. Chairman, this route has been authorized after considerable study and review by the authorizing committee, the Department of Transportaion and by Amtrak. I think it would be inappropriate to turn our backs on this opportunity to proceed with a well-justified project at this time.

Mr. Chairman, there are already certain conditions placed on the provision of service by Amtrak on this route that are not placed on any other Amtrak train in the United States. There are requirements regarding local cost sharing in the capital aspects of the project. The bill already goes much further than the authorization did in restricting the provision of service on this route. These conditions insure that the route will not be a drain on Amtrak's resources and that the rest of the Amtrak system will not be subsidizing service on this route. If New Jersey does not come up with the 40-percent of its share of the capital funds of this program, the program and the project will not fly. The gentleman from New Jersey was mentioned and quoted State senators who will not vote for this 40 percent. Well, if the New Jersey legislators do not vote for the 40-percent share, this project will not fly. But at least do not

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kill it here. Let us leave that decisions up to New Jersey. I do not think that we should prematurely kill this route here today. I believe that we should proceed to defeat this amendment and, permit the expansion of Northeast corridor Amtrak service to Atlantic City.

Mr. **HUGHES**. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first I want to commend the chairman of the Transportation Subcommittee and the ranking Republican member of the full committee for their assistance in bringing this issue to the floor of the House.

I represent the Second Congressional District, which is the southern portion of the State, and I am really taken aback that my colleague from New Jersey would presume to speak for the people of the southern portion of the State. My district is the largest district in the State. It comprises about one-third of the land area of New Jersey, running from Barnegat Inlet all the way across the State to the Delaware River. Just about everything south of there, which is the southern portion of the State, really is the area that is impacted by this line. And even though my colleague from New Jersey (Mr. SMITH) represents a small portion of this region, he could not speak for the overwhelming majority of the residents of southern New Jersey that I am privileged to represent in the Congress along with my colleague, JAMES FLORIO, of the First District.

Mr. **SMITH** of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. **HUGHES**. I yield to the gentleman from New Jersey.

Mr. **SMITH** of New Jersey. I would just point out to my colleague from New Jersey, my good friend, that many of the population centers are in the Camden County area, and people who are not within my district have contacted me on behalf of this, plus two of the townships, as I mentioned in my opening comments. Pennsauken and Merchantville are right in the area.

Mr. **HUGHES**. I appreciate the contribution, but the fact remains that the gentleman does not represent the overwhelming majority of the people of the southern portion of the State, an area that is growing by leaps and bounds.

Many of my colleagues know the area very well. It is a tourist economy along the coast, which contains some of the most beautiful tourist resorts in the country. My colleague from Pennsylvania visits the coast often. He knows first hand how we have undergone a tremendous amount of growth in this region.

In the recent redistricting, my district lost some 80,000 people because it is the fastest growing area in the State.

My colleague from New Jersey (Mr. SMITH) would have you believe that this is a new rail line. This is not a new corridor. It has existed for decades and happens to be the only passenger rail line in the entire region, the only passenger service between Philadelphia and the seashore. That is until we closed it down last year because of poor trackage. To get into the summer resorts by car is difficult because of bumper-to-bumper traffic. You cannot get into not just Atlantic City but the Wildwoods, Ocean City, and the other resort communities, unless you wait in line sometimes for hours, because traffic is so congested. And it is growing, with each casino resort adding 3,000 to 3,500 jobs in Atlantic City. The new service industries moving into the area are also bringing new people to the region. The area population is exploding beyond our wildest imagination.

Recently Atlantic City had to put a limit on the number of buses that came into the city at 1,000 buses because we are going to sink the island with the number of buses coming into the city. We are not talking about a gambler's express. That is a red herring that has been thrown out by the critics, particularly the bus operators who fear that in some way this rail line is going to take away from the buses. It cannot take away from the buses. The buses are assured of a great future in our region. We are talking about a regional transportation system, the same as my colleague from central New Jersey has, the same kind of passenger service that services his region. That is what we are talking about. We do not have a rail system in my region now because we closed it down last year because of the poor trackage. We are talking about reviving that rail line to create a balanced transportation system, one that will not only tie into the Northeast corridor and open up the region and try to stem the flow of cars and buses into our area, but also at the same time transport passengers throughout the region. We are talking about a system that is going to feed not just Atlantic City but Ocean City, my home community, and the Wildwoods and Cape May again and into Cumberland County and up into Ocean County. I am talking about a comprehensive transit program for the southern portion of the State, just as we have in the northern and central portions of the State.

You cannot have, it seems to me, a well balanced system without talking about rails as well as highways and airports.

Mr. **SMITH** of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. **HUGHES**. I yield to the gentleman from New Jersey.

Mr. **SMITH** of New Jersey. I agree with what the gentleman is saying regarding the need for a rail line in south Jersey. I strongly endorse the concept. As I mentioned in my opening remarks, there are alternatives, although they are more expensive. The problem that I would raise to the gentleman and other Members of this body is that there are safety hazards associated with the current plan. Just last Wednesday the Mayors Association in Camden County came out with a very strong resolution condemning this proposed plan. They also came out and said they will take whatever efforts necessary, including litigation in a lawsuit, to try to stop it, due to the health hazards.

The **CHAIRMAN**. The time of the gentleman from New Jersey (Mr. HUGHES) has expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 5 additional minutes.)

Mr. **HUGHES**. Mr. Chairman, that is absolute baloney. This is the first time I have heard that issue surface.

It is the old story. The rail line, the right of way, has been there for years. It is in public ownership. Folks have built their homes and business all along the right-of-way. The State's operating plan will have to address the grade crossing and safety issues.

I realize there is some opposition in some of the communities because there was no commitment by the State to provide commuter service stops in their communities.

□ 1240

I want to say to my colleague from New Jersey that I am not happy with the State's position. I am far from being happy with it because, frankly, they are not talking about the kind of commuter service that I am interested in for our region, in order to insure a balanced transportation system. I want what your colleagues in the legislature want. They want the stops in some of the communities so that they can benefit from the line, and I support that.

But we have to start somewhere, and we have to start with a line that is going to make money. The surveys have shown that this line is one of the most promising lines in the entire country. They are talking about a potential ridership of 12,000 passengers a day coming into our region.

I say to my colleague, we cannot transport those kinds of numbers into our little seashore communities by highway. The New Jersey Expressway, as my colleague well knows, is now overloaded. They are talking about widening that. They are talking about paying off the bonds some 10 or 12 years before the bonds mature because of the ridership that has developed on that superhighway. The region has exploded, population-wise and commuter-wise, and we have to deal with those transportation issues. The way we deal with them is through a balanced system.

Mr. **FLORIO**. Mr. Chairman, will the gentleman yield?

Mr. **HUGHES**. I am happy to yield to my colleague, the gentleman from New Jersey.

Mr. **FLORIO**. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment and reinforce one of the points that the gentleman has made, and perhaps lift it out of a provincial discussion, that this Congress as recently as last December took action in authorizing this initiative largely on the basis of the debate that took place and stated that we ought to be investing our transportation dollars in rail transportation systems and that we should be focusing those rail transportation system dollars in the corridors that exist, the high-density corridors that exist around this Nation.

This country and this Congress has invested $2.5 billion in the major corridor network running from Boston to Washington. Part of the argument in favor of this proposal is a cost-effective argument; that this corridor that will feed into the main corridor will enhance the traveling public on the Northeast corridor by 5 percent, some 4 million people per year, therefore justifying the investment of $2.5 billion into the Northeast corridor in a very effective way. Likewise, this Congress in the last number of years has authorized studies to determine what were the most cost-effective rail corridors to invest in. This particular corridor happens to rank 1-2 with the San Diego-Los Angeles corridor as the next corridor for investment in terms of improving the physical plant so that we can transport people into those areas.

So this is a very cost-effective utilization of moneys for rail improvements that transcends just the provincial concerns of some of us, but is a very good investment of dollars to try to accelerate the rail improvement system around the Nation, particularly focusing in on those high-density corridors, this being one of the foremost.

So I appreciate the points the gentleman has made.

Mr. **HUGHES**. I thank the gentleman for making an excellent point. I think that the point the gentleman makes is the one that the gentleman from Massachusetts (Mr. CONTE) as well as the chairman of the Transportation Subcommittee made, and the reason Amtrak is so interested in this line.

There is tremendous potential here to enhance the entire Northeast corridor. I think that is what we are talking about. A few years ago, perhaps just before the gentleman from New Jersey came to the Congress, one of the big issues before this body was developing alternative forms of transportation, particularly mass transportation, and trying to wean people, where possible, away from the automobile into mass transportation.

Here is an opportunity to do that. We cannot possibly absorb the automobile ridership that is projected for the next decade in our region. We need this type of assistance.

One additional point I would like to make, and I will be happy to yield to the gentleman from New Jersey (Mr. SMITH) again.

Mr. **SHARP**. The time of the gentleman from New Jersey (Mr. HUGHES) has again expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 3 additional minutes.)

Mr. **HUGHES**. Mr. Chairman, we are good soldiers in southern New Jersey, but the fact of the matter is that 98 percent—98 percent—of the mass transit funds go north of us. We have no other rail system; this is our only system. Much of northern New Jersey is already built out. We have an opportunity in the southern portion of the State, which is still rather rural in nature, to develop a transportation system that will help us do the kind of planning that we need to do in the years ahead so that we do not have the sprawl and the congestion and the problems that have developed in other parts of not just our State but the country.

Mr. Chairman, I would urge my colleagues to reject the amendment. This rail project is absolutely essential for our region. I thank the chairman of the Transportation Subcommittee and the members, and particularly the ranking Republican member, for their vision, for their understanding, of what is taking place in our area of the country. We are going to show that the investment of this $30 million is a good one. The State of New Jersey has got to, I think, at this posture come to grips with the fact that they have to be full partners. That means that they have to put some State apples in the barrel, and I think that is exactly what this committee in its wisdom has done.

Mr. **SMITH** of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. **HUGHES**. I would be happy to yield to the gentleman from New Jersey.

Mr. **SMITH** of New Jersey. I thank the gentleman for yielding.

Mr. Chairman, I would just point out to my colleagues again that I do strongly support the concept of a rail line and your arguments about the need for growth, and the growth potential for the south Jersey area is valid, and I accept that.

The problem is, this is not the best alternative that could have been approved by this body.

I would also say to my good friend, the gentleman from New Jersey (Mr. FLORIO) and I want to commend him for his very eloquent words, just as recently as June 14, in a letter to Mayor John Jacobs of Pennsauken, he said, and I quote:

> Confirming our ultimate conclusion, in the event Governor Kean were to publicly change his position of previous support for this proposal, I would see no purpose in going forward and would work to insure that the Federal commitment were withdrawn.

Mr. Chairman, I would just say that what we are talking about here is, I think the gentleman would agree, we would go back to the drawing board. Hopefully we could come up with a proposal that would please the people in the communities that I represent and that he represents.

Mr. **HUGHES**. Mr. Chairman, if I may reclaim my time, I hear that more often: "This is not the time." "This is not the place." Hey, this is the line. This is a right-of-way that we have had for generations. If this is not the right-of-way, what is to be the right-of-way. This is the only line that traverses the southern portion of our State. It is the only right-of-way we have and the only feasible proposal before us.

Mr. **FLORIO**. Mr. Chairman, will the gentleman yield on that point?

Mr. **HUGHES**. I am happy to yield to my colleague, the gentleman from New Jersey.

Mr. **FLORIO**. I thank the gentleman for yielding.

Mr. Chairman, I would like to respond to two points.

One, some representations have been made that the State which initiated this whole project has somehow changed its mind. That has not been conveyed to me, and to this day the State Department of Transportation is an intimate partner in this whole plan, unless the new administration has changed its mind, which it has not. They stand behind this project.

The suggestion about an alternative line, I think, that reference has been made to is the Lindenwall high speed line. Now, some would say $30 million is too much for this whole renovation project. The Lindenwall high speed line is talking about extending for 2 miles at a cost of $200 million, and extending to the shore at a cost of over half a billion dollars.

I do not know where it is the gentleman from Trenton sees the money coming from, so if one offers that as an alternative, it really is not a viable alternative.

The **CHAIRMAN**. The time of the gentleman from New Jersey (Mr. HUGHES) has again expired.

(By unanimous consent, Mr. Hughes was allowed to proceed for 1 additional minute.)

Mr. HUGHES. Mr. Chairman, I would just say to my colleague that I have heard that proposal floated before, but that is just totally unrealistic, to think in terms of that type of major commitment in these trying economic times.

What we are asking for is a modest commitment, and it will come back to us manyfold through the enhancement of the Northeast corridor and through an efficient mass transit system into a region just coming into its own. I urge rejection of the amendment.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am reluctant to oppose my colleague from New Jersey, or some of my colleagues from New Jersey, and I rise in support of the amendment offered by the gentleman from New Jersey.

For the benefit of my colleagues who are here, and those who may be watching back in their offices on the television, let us be very clear about what this is. This is the "gamblers' special," designed to provide subsidized train service to the casinos of Atlantic City. That is what this is.

☐ 1250

In the capital area, the subcommittee had initially proposed that the $30 million that the Federal Government would provide should be matched by 50 percent local dollars, but that was changed and now it is only 60 percent Federal and 40 percent local. We are providing for this line a special thing that other lines do not get when there has to be a 50-50 match. In other parts of the country, we are asking the system to come up with 50 percent of the funds for other systems, but not here. Why should we provide this special service for this one line?

And in the operating area, we had originally provided in subcommittee that this line's operation should cover its fully allocated cost. That was modified in the full committee to say that we will only cover the short-term avoidable costs of the line. That means that we are providing subsidies by the taxpayers of the whole country for the casinos of Atlantic City.

We can believe that if those casinos really wanted this, they would be willing to put up the money, but if they know the taxpayers are going to subsidize them, they are surely going to let the taxpayers subsidize them.

Mr. Chairman, that is where we are in this amendment, providing this kind of subsidized service.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I would just observe that the gentleman has running through his district the Harrisburg-Philadelphia rail line that is regarded as one of the least productive rail trains in terms of commuter subsidies that is provided. Amtrak has put in excess of $30 million in that.

Mr. COUGHLIN. And I oppose that line.

Mr. FLORIO. And I look forward to hear what the gentleman is going to be arguing when we have the Amtrak authorization coming forward. I wonder if he is going to be arguing in the same way that he is arguing now.

I would suggest that in fact Amtrak has indicated that this particular train, the one that is contemplated to run through the Atlantic City-Philadelphia corridor, will yield a better rate of return than a number of the other trains that are in the system.

Mr. COUGHLIN. Mr. Chairman, let me reclaim my time, if I may.

I might add that I oppose the Harrisburg line, as I have in the past.

But the emerging corridors study itself shows the Atlantic City line would not meet either the capital requirements or the operating fund requirements. Public subsidies would be required to operate it. That is what it showed.

Let me say next where this money is coming from. Where is the money coming from to build this line? It is being diverted from other needed projects, other Northeast corridor projects.

Where would the money come from? Six and a half million dollars would come from New Jersey bridges, $10.4 million would come from Boston track rehabilitation facilities, $8.1 million would come from New York tunnel rehabilitation, $4.5 million would come from Philadelphia parking garages, and another $500,000 would come from New Jersey stations. That is what the source of these funds is.

The source of these funds would provide the capital for the "gamblers' special" going to Atlantic City to subsidize the casinos in Atlantic City with taxpayers' dollars. Amtrak's president himself has testified that the trip purpose of a vast majority of the riders will be to go to Atlantic City, to go to the casinos in Atlantic City and participate in that activity.

Mr. Chairman, this is a good amendment. It is a good amendment because this is a bad project that should not be subsidized by the taxpayers of the Nation. I urge its support.

Mr. FLORIO. Mr. Chairman, will the gentleman yield on that last point?

Mr. COUGHLIN. I yield very briefly to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I thank the gentleman very much for yielding.

The gentleman knows that this money is not being diverted from other projects in the Northeast corridor. The gentleman also knows that the administration did not want to spend $310 million of the $2.5 billion, and as a result of the authorization that was passed last year, the administration reluctantly, I suspect, but nevertheless signed onto a specific list that was incorporated into the statute to provide for funding in accordance with the full level of the Northeast corridor provision.

So it is not accurate to say that this money is somehow being taken away from other projects.

Mr. COUGHLIN. Mr. Chairman, let me say, of course, that the administration's budget requested that the funds be deleted for this project.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Coughlin) has expired.

(On request of Mr. Hughes, and by unanimous consent, Mr. Coughlin was allowed to proceed for 2 additional minutes.)

Mr. COUGHLIN. Mr. Chairman, let us be very clear that the administration requested that funds be deleted from this project, so it is clear as to where the administration stands. It does not want the project.

Second, there is no question about the fact that this is an earmarking of funds that would be used for the Northeast corridor for this purpose. It would be used for rehabilitation of the Northeast corridor, and, specifically, the projects I listed would be the ones that could not be funded because of these funds being diverted to Atlantic City.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I am sorry that the gentleman keeps characterizing this particular rail line as a gamblers' express. This line existed many decades before casino gaming came to Atlantic City.

The gentleman well knows that there is a lot more to the seashore than just the casinos. We have some of the finest beaches, as the gentleman well knows, and some of the finest resort and other communities that would utilize this line, and I think it is an unfair characterization to suggest it is just going to be just for gamblers.

I made the point of suggesting how we need a balanced transportation system. The gentleman well knows that we had a rail line into that region for years to service those resort communities, and, unfortunately, now more than ever, we need that line. This is going to enable us to begin building a line to one of the fastest

growing regions of the Northeast. It is a lot broader than just casinos.

Mr. COUGHLIN. Mr. Chairman, I appreciate the gentleman's interest, and, of course, that line was discontinued because it was financially insolvent.

Mr. HUGHES. Not so.

Mr. COUGHLIN. That is what we are facing now, having a line that will be subsidized by the taxpayers.

Mr. HUGHES. Mr. Chairman, if the gentleman will yield, New Jersey closed the line down because of the unsafe trackage, and, unfortunately, we have suffered because of the lack of this rail line. It is the only passenger service we have in the entire region, as the gentleman well knows.

Mr. COUGHLIN. Mr. Chairman, I understand the gentleman's interest, and I will close by just urging support of the amendment offered by the gentleman from New Jersey (Mr. Smith).

Mr. MOORHEAD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is some language in the committee report dealing with the Burbank-Glendale-Pasadena Airport. I am opposed to that language, and I believe, had it been in the bill, we could strike it on the grounds that it was legislation on appropriations.

Mr. Chairman, the Committee on Appropriations has submitted a report to accompany H.R. 3329 which expresses considerable concern over noise levels in the vicinity of the Burbank-Glendale-Pasadena Airport.

The report specifically requires the Secretary of Transportation to approve a "noise exposure map and a noise compatibility program" and the local jurisdiction to adopt a master plan.

I would like to provide some clarification on this matter for the record. The Burbank-Glendale-Pasadena Airport is the only airport in the United States with a federally mandated noise envelope.

The General Accounting Office in 1982 audited the Federal grant conditions and concluded the airport had met and actually exceeded all Federal requirements respecting noise reduction. In fact, at the time of the audit, the noise impact had been reduced by 50 percent from the federally established noise impact baseline.

Airports in the United States are not required to submit to the Secretary of Transportation or anyone else a noise exposure map, noise compatibility program or master plan. The Burbank Airport terminal project is proposed to correct safety issues only and is completely unrelated to noise. The project should be decided on its own merits and receive Federal funding as any other eligible project should.

I sincerely doubt that every member of the Committee on Appropriations intended to single out the Burbank-Glendale-Pasadena Airport for inequitable treatment from the FAA and DOT.

I seriously doubt that the other body would support such a biased application of funding criteria.

And I know for certain that a vast majority of the persons and organizations in the airport vicinity resent their airport being the target of prejudiced treatment.

The airport authority is only trying to comply with the specifications of the Airport and Airway Development Act of 1982 which states that "the safe operation of the airport and airway system will continue to be the highest aviation priority."

It further provides that "all airport and airway programs should be administered consistent with" the section of the FAA Act which specifies "the assignment and maintenance of safety as the highest priority in air commerce. * * *"

The report language suggests the highest priority of the airport is something besides safety, which is clearly contrary to existing law.

I do not think that attempts to correct conditions which do not comply with contemporary FAA safety requirements should be stymied by dilatory tactics.

Mr. Chairman, I support the new terminal project of the Burbank-Glendale-Pasadena Airport and oppose the language of the report.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. Smith).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 1300

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from New Jersey (Mr. Smith) for a recorded vote.

A recorded vote was refused.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a division.

On a division (demanded by Mr. Smith of New Jersey) there were—ayes 25, noes 33.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Coughlin: On page 23, line 25, strike "40" and insert in lieu thereof "50".

Mr. COUGHLIN. Mr. Chairman, this is a very simple amendment. It simply increases the local share required to match the Federal funds for the Atlantic City line from the 40 percent that is provided in the bill to 50 percent. The 50-percent local match would make the provisions for the Atlantic City line correspond to the requirements for other locally assisted lines. It would make the match required locally correspond to the amounts that we are asking other cities around the Nation and other communities around the Nation to contribute as their share of various major projects in the transportation area.

☐ 1310

As I said, it is a simple, straightforward amendment to require a 50-percent local match, and I urge my colleagues to adopt the amendment. It was one that was included by the subcommittee initially. It corresponds with the subcommittee decision and I hope the amendment will be adopted.

Mr. LEHMAN of Florida. Mr. Chairman, I reluctantly rise to oppose the amendment.

We have attempted to work with the gentleman from Pennsylvania (Mr. Coughlin) on this. I think we have worked out an effective compromise and I rise in opposition to the amendment.

Mr. COUGHLIN. Mr. Chairman, I hope my colleagues will vote for the amendment.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, the authorizing legislation does not require any State or local match for these funds. The authorization explicitly provides $30 million in the Northeast corridor fund and is silent about any State or local funds that may be required.

I might tell the House that the language in the bill was the result of a very, very delicate compromise. Originally the proponents of this project in New Jersey wanted to get a portion of their local share out of New Jersey's interstate transfer transit funds. They lost that position, and in full committee I offered an amendment to change the 50-50 local share to the current 60-40.

Let me tell the House that Amtrak wanted a 75-25 Federal-to-State match, not a 60-40 formula.

I might say that nothing has been said here about the casinos that will be on this line and that will provide some $12 million toward this project.

Let me emphasize again that this was a very, very delicate compromise. We met time and time again on this. I met with the gentleman from Florida (Mr. Lehman) and I met with the gentlemen from New Jersey (Mr. Hughes and Mr. Florio). We argued this at great length in full committee.

It really pains me, to fight the gentleman from Pennsylvania, my good friend, on this issue here today. The gentleman opposed me in committee, but we won. I think now in all fairness that we ought to leave this alone. I urge the defeat of this amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend from Pennsylvania (Mr. Coughlin).

Mr. COUGHLIN. Does not the gentleman think that if the casinos are willing to put up the money, they might be willing to put up a little bit more money and make this line consistent with the capital match on Amtrak 304(b) State-assisted routes?

Mr. CONTE. I talked to the president of Amtrak on this point, and he thought that this was the maximum that you could squeeze out in non-Federal money. Even with the 60-40 match, New Jersey is going to have problems. Even at 60-40.

I wish that we could treat this Atlantic City line like any other Amtrak line. We are not doing that; we are being unfair, I think, to this Atlantic City line.

Mr. COUGHLIN. Will my colleague yield further?

Mr. CONTE. I am glad to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I would think, however, it would be unlikely that the casinos would put up additional money if they find that the taxpayers of the United States are going to put it up. We can keep some heat on the casinos by adopting this amendment.

Mr. CONTE. I think they have enough heat on them already; we do not want to burn them up.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New Jersey.

Mr. HUGHES. I want to thank the gentleman. The gentleman I think has done a superb job of explaining the sensitive balance that has been worked out.

In the long pull, the State is going to have to make major commitments to this line. You are talking about all kinds of grade crossing repairs, you are talking about the long-term rolling stock for the commuter service, so the State is going to have to make a very, very substantial commitment.

I think that the 60-40 formula that has been worked out is a fair and reasonable one, and one that the State is going to have to live with.

I think it is a substantial commitment on the part of the State, and it pains me to hear my colleague from Pennsylvania continue to refer to this as the "Casino Express."

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. Conte) has expired.

(By unanimous consent Mr. Conte was allowed to proceed for 3 additional minutes.)

Mr. HUGHES. My region houses a multibillion-dollar tourist economy, multibillion-dollar. It is the second largest industry in our State, and casinos are making a contribution, no question about it. But the casinos are a small part of my region.

I thank my colleague. I think what has been worked out is a fair and reasonable compromise and I hope my colleagues will reject the amendment.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to my good friend from Minnesota.

Mr. SABO. I would commend the gentleman from Massachusetts for his position. I think this issue was one of the most difficult and contentious ones that we had to deal with in our subcommittee.

I expect one might easily have had 10 or 12 different positions from the different people who serve on our subcommittee. But we arrived at a compromise that is reflected in this bill today, and I would hope the House would honor that compromise and let us go on to other issues that we face in this bill.

So I commend the gentleman and I would hope that the House would vote no on this amendment.

Mr. CONTE. I think the statement of the gentleman from Minnesota is very important because the gentleman from Minnesota (Mr. Sabo) was on the other side of this issue in subcommittee. For him to stand up here and endorse this compromise here today is very, very significant.

We hammered out a compromise. It is a good compromise. The proponents of this project, the gentlemen from New Jersey (Mr. Florio and Mr. Hughes), are not completely happy with this compromise. The opponents are not happy with it. If no one is completely satisfied, it must be a good compromise.

Mr. COUGHLIN. Will my colleague yield?

Mr. CONTE. I yield to my good friend from Pennsylvania.

Mr. COUGHLIN. Of course, the 50 percent is the compromise that we arrived at in the subcommittee.

Mr. CONTE. As the gentleman from Pennsylvania knows, I have nothing but the highest respect and regard for him. As I told my friend from Pennsylvania after I met with the president of Amtrak on this particular issue, he said that there was no way that route could be done on a 50-50 basis. He suggested 75-25. The gentleman wanted 50-50. And we came out with 60-40.

My colleague knows that government is the art of compromise, and frankly I think this was a pretty good compromise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Coughlin).

The question was taken; and on a division (demanded by Mr. Coughlin) there were—ayes 9, noes 38.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Discretionary Grants

(Limitation on Obligations)

Total obligations for grants under the contract authority authorized for fiscal year 1984 in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1601 et seq.) shall not exceed $1,250,000,000: *Provided*, That notwithstanding any other provision of law, total amounts of contract authority authorized for fiscal year 1984 in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, shall be available for obligation through fiscal year 1987: *Provided further*, That no funds shall be made available for the proposed Woodward light rail line in the Detroit, Michigan area until a source of operating funds has been approved in accordance with Michigan law: *Provided further*, That the Woodward line restriction shall not apply to alternatives analysis studies.

AMENDMENT OFFERED BY MS. FIEDLER

Ms. FIEDLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Fiedler: Page 27, line 8, strike out "$1,250,000,000" and insert in lieu thereof "$1,122,500,000".

(By unanimous consent Ms. Fiedler was allowed to proceed for 5 additional minutes.)

□ 1320

Ms. FIEDLER. Mr. Chairman, my amendment will delete $127.5 million for Los Angeles rail construction because I believe there are two major problems with the subway system. One is the cost of building the system, and the other is the cost of operating the system. I supported the preliminary engineering study, but original costs kept escalating on that study. So, I decided to do a more indepth analysis of the system. Experts from UCLA, USC, UC Irvine and Berkeley have expressed serious questions about the ridership estimates. The subway proponents claim no Federal subsidies will be required for this system.

Now we are all well aware of the fact that the systems traditionally require huge subsidies, the proponents say this subway will not require one whatsoever. That is a really hard thing to believe. I have with me a ridership chart. This data, I might add, comes from the 1980 census. It covers Manhattan which is the most densely populated area in the New York subway system and it also has data which was given by the RTD in their presentation to the Subcommittee on Transportation appropriations, showing a density of population of 12,000 people per square mile.

As you look at this particular ridership chart and you look at these two systems, New York is here, with a 70,000 per square mile population, residential population, and as you look at Los Angeles with a 12,000 per square mile density of residential population, and then look across at the projected riderships which are being presented by the proponents of this particular study, they are indicating that the ridership will be 20 percent in excess of that of New York City.

Now it is very difficult to believe that a population of 12,000 can support the same kind of ridership as a city with 70,000 per square mile and increase substantially upward to 20 percent over the New York subway system in the future, in the year 2000.

So, that is one of the issues that I think is very important. I want to assure you because I believe a portion of this debate will center around the accuracy of the ridership figures, that these are official census data for New York City and this is the official data which was presented by the RTD, the proponents of the system, to the subcommittee.

The RTD has a very difficult time trying to decide what their figures actually are. I have three letters and a recent presentation made within the last month which show two different sets of ridership figures and three different sets of figures on the population density that they are comparing on this particular project. My other chart shows construction costs. I would like to step over for a moment to show you that this particular chart shows you the construction costs comparatively to other types of project. The average light rail cost is $24.5 million per mile for current projects that are either under construction or in preliminary engineering. This information comes directly from the Department of Transportation.

The average heavy rail subway type system, of those projects currently being constructed, is $16.9 million per mile.

The Los Angeles subway system will cost $202 million per mile.

There is a huge difference there in terms of the costs and that kind of outlines some of the concerns I have regarding the costs.

To give you a rough estimate of comparison, most of us are fairly familiar with the Metrorail project here in Washington. Their current average construction cost is $77 million per mile.

So, this is nearly three times higher than the Metrorail project here. There is another system being proposed for Los Angeles, a light rail system, one that appears to be extremely cost effective, particularly in light of these extensive costs for the subway system. That light rail system will run from downtown Los Angeles to Long Beach and the cost for that particular system will be less than $10 million per mile. I mention that because it gives you an idea as to what the relative money for projects like this, what can we do with the money that we have and how much service can it buy, how many people can it assist.

The proponents will say that the people of Los Angeles voted for the subway system when they voted for a half-cent sales tax for public transit purposes. This tax was sold to the public primarily to reduce student and handicapped costs, bus fares for senior citizens and also reducing the overall cost of bus transportation for individuals to a price of 50 cents. That was the primary purpose of the particular half-cent sales tax which will be used to subsidize some portion of this system if it is funded.

A rail system was mentioned as the seventh after six other items, but there has been no separate vote on this 18.6-mile subway; $3.6 billion subway, I might add; as there was in Houston.

Michael Lewis, the President of the RTD was against the sales tax and said that the total districtwide project of 150 miles which they are proposing as a part of the entire system for the Greater Los Angeles area, in the argument against the tax, said that it would take 75 years to build the system that they envision.

I have polled my constituents on this specific project and found only 5 percent in support of the specific system. Houston had the same kind of establishment support that you will hear about today, but the people did not want that system.

We are at a critical juncture on the project. We can either go forward, only to find the typical cost overruns and huge subsidies required in the future, or we can let commonsense and experience prevail.

Other major projects of this kind require extensive subsidies and have ridership figures traditionally overestimated. With the difference in population densities between New York and Los Angeles and I reiterate those densities are residential that I am referencing, it is inconceivable that anyone can believe that Los Angeles will have a ridership for its system 20 percent in excess of New York City.

I ask you to vote aye on my amendment to delete $127.5 million from the Los Angeles rail construction. You would be responsible for helping to stop another $3.6 billion boondoggle before it starts.

Mr. DREIER of California. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. I yield to the gentleman.

Mr. DREIER of California. I thank the gentlewoman.

I would like to ask a question about the gentlewoman's chart. Of the 12,000 density per square mile, I understand that is residential and not business, which actually is 46,000, the business density in downtown Los Angeles.

Ms. FIEDLER. I just want to say that there have been a number of different densities presented. As I mentioned before, I have three different densities being spoken about.

□ 1330

The CHAIRMAN. The time of the gentlewoman from California (Ms. Fiedler) has expired.

(At the request of Mr. Dreier of California and by unanimous consent, Ms. Fiedler was allowed to proceed for 1 additional minute.)

Ms. FIEDLER. On one hand they are saying that the population density along this corridor peaks at 23,000 people. In another document they say 46,000 people, as the gentleman has just mentioned.

Mr. DREIER of California. That is in downtown Los Angeles and it is 28,000 from the figures I have seen along the Wilshire corridor which we are discussing.

Ms. FIEDLER. 12,000 is the number which the RTD itself presented to the committee when it made its presentation requesting funds. I would be happy to document that for the gentleman.

Mr. DREIER of California. If I could just ask the gentlewoman one more question. Would the gentlewoman tell us the position that Mike Lewis, who is head of the RTD, now has on the system?

Ms. FIEDLER. That is an interesting question and I am glad that the gentleman asked. While he opposed the original tax and while he made the statement that I mentioned before, he now has decided that he supports the system.

Mr. DREIER of California. So he does support it?

Ms. FIEDLER. He does support it, however, it was his opinion just a short time ago it would take 75 years to build the entire system.

Mr. DREIER of California. I thank the gentlewoman.

The CHAIRMAN. The time of the gentlewoman from California (Ms. Fiedler) has again expired.

(At the request of Mr. Anderson and by unanimous consent, Ms. Fiedler was allowed to proceed for 2 additional minutes.)

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. I yield to the gentleman from California.

Mr. DIXON. I thank the gentlewoman for yielding.

In the gentlewoman's prepared statement, the gentlewoman mentioned a light rail system going from downtown Los Angeles to Long Beach. Does the gentlewoman know if that light rail system is above or below the ground?

Ms. FIEDLER. It is above ground.

Mr. DIXON. Would it not make sense that a totally below-the-ground system would in fact cost more to build?

Ms. FIEDLER. Oh, yes, I do not have any question whatsoever that it would cost more to build, however, this system costs three times as much as the existing construction for other subway systems because it is deep bore.

Mr. DIXON. I understand that the Urban Mass Transit Administration has certified that in the year 1990 that there will be some 275,000 to 280,000 passengers daily on the proposed metro rail system. Now I understood that the gentlewoman had some figures that contradicted that and I believe the gentlewoman said they were from some universities.

Ms. FIEDLER. They were from some urban transit experts, all of them, I might add, in California. One at UCLA, one at USC, one at UC Irvine.

Mr. DIXON. But the gentlewoman is aware that the Transit Administration has made an estimate that says that it will be about 280,000 daily.

Ms. FIEDLER. Yes; I am aware of that. I am also aware of the fact that they have validated other transit systems which have been presented to them. There was an estimate made for the project here in Washington of 18,000 passengers. And yet they have achieved a ridership of half that.

Traditionally one of the big problems has been that they grossly overestimate their ridership, do not come in with a number of riders and eventually we have to pay immense subsidies, at the State, Federal, and local levels.

Mr. DIXON. Is the gentlewoman aware that prestigious as the University of California Los Angeles and University of Southern California are that their mass transit experts have made some mistakes in the past and probably will in the future?

Ms. FIEDLER. Oh, I think everybody makes occasional mistakes, but when you have four major experts who have no special interest in a system making the kinds of statements that they have—and I have not gone through all the details in order to spare the House an extended amount of debate on this issue—that in fact they do have the expertise to make those suggestions.

The CHAIRMAN. The time of the gentlewoman from California (Ms. Fiedler) has again expired.

(By unanimous consent, Ms. Fiedler was allowed to proceed for 1 additional minute.)

Ms. FIEDLER. One of the major experts that has made such statements as the ridership figures are fantastic is the same expert who warned us about the BART system. We did not take their advice and now they are having to subsidize that system $10 for every $1 being taken at the fare box.

Mr. DIXON. If the gentlewoman would yield further, would the gentlewoman agree that perhaps the ridership of the existing bus transit system may have some bearing on what the future ridership would be? And can the gentlewoman tell me what, over the past 10 years, the increase in ridership of the bus transit system has been?

Ms. FIEDLER. Yes; that is a very interesting issue and I am pleased that the gentleman raised it because with the passage of the half cent sales tax they were able to reduce the cost to the average consumer on the bus transportation program to 50 cents. And that has generated tremendous interest in riding the bus system, which I happen to think is a positive thing. It shows that it works. However, that particular subsidy will come out of the same money that will be used to subsidize this system and consequently, there has been an estimate made by the RTD that those bus costs are going to increase to $1.25. Therefore, the ridership is expected to go down, if the cost escalated to that level.

The CHAIRMAN. The time of the gentlewoman from California (Ms. Fiedler) has again expired.

(At the request of Mr. Roemer and by unanimous consent, Ms. Fiedler was allowed to proceed for 2 additional minutes.)

Mr. DIXON. Will the gentlewoman yield?

Ms. FIEDLER. I yield to the gentleman from California.

Mr. DIXON. I did not hear the answer as to what the increase has been over the past 2 years. Is it not true that over the past 10 years that the increase of the bus transit has increased some 230 percent?

Ms. FIEDLER. I will accept the gentleman's figure, but I also feed into that there has been a substantial reduction in the cost of riding the bus system and that we will lose that benefit if this system is actually implemented, because the costs will be sapped up like a sponge for this particular program to the detriment of the handicapped, the elderly, and the students who benefit from the current subsidies by the tax.

Mr. ROEMER. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentlewoman for yielding.

A question not just on the capital cost of this project, what about the operating cost? We have some experience in the House with once a project like this is built, of the Federal Government, all the taxpayers, picking up part of the operational cost for the benefit of a few taxpayers in a local area. Has there been any estimate, when completed, on the operational cost to the Federal Government of this project?

Ms. FIEDLER. Well, it is difficult to predict how much money will actually end up having to be used to subsidize this system, but if the expert who predicted the right ridership figures on BART is correct, he has said that he believes that this system may end up requiring the same kind of subsidy. And I might add that the proponents of this particular proposal are claiming that they will require no Federal subsidy. And I can document that to any Member here in the House in a letter sent to one of my colleagues recently. That simply is not believable.

Mr. ROEMER. Is it written into law someplace that there will be no operational subsidy?

Ms. FIEDLER. No.

Mr. ROEMER. We have been told, some of us, that given the ridership projected, there will be no operational subsidy. Is that in fact, written in the law?

Ms. FIEDLER. No; it is not.

Mr. ROEMER. Is it not further based, that statement, on double the current ridership of the Washington Metro system.

The CHAIRMAN. The time of the gentlewoman from California (Ms. Fiedler) has again expired.

(At the request of Mr. Dixon and by unanimous consent, Ms. Fiedler was allowed to proceed for 3 additional minutes.)

Mr. ROEMER. If the gentlewoman will yield further, is it not the assumption that no operational subsidies are required based on a ridership projection that many experts find fictitious, and I believe that is the word they use?

Ms. FIEDLER. Yes, absolutely. There is great concern about it and as a result of that, that is the reason why I am standing in the well today offering the amendment that I have offered because I have deep concerns that this is going to be the beginning of another major boondoggle. Boondoggles like those that we hear Members on this floor weekly arguing about, wringing their hands about, complaining about, because somewhere down the line they did not have the wisdom to investigate in-depth the decision that they were making and the taxpayer ended up picking up the bill.

Mr. ROEMER. I thank the gentlewoman.

Mr. ANDERSON. Mr. Chairman, will the gentlelady yield?

Ms. FIEDLER. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentlelady for yielding.

In the gentlelady's remarks when she was discussing proposition A as voted on by the people of Los Angeles, the gentlelady said it was for reduced busfares for college students and elderly and so on. And I agree, that was part of it.

But let us look at the whole picture. The gentlelady has described phase 1 of the ballot measure as approved by the voters, and so far as she goes she is right. In phase 2 though, which begins after the first 3 years, the lower busfares are no longer guaranteed. The sales tax revenues estimated at $350 million per year by 1986 will be allocated as follows: First, 25 percent will continue to be returned to local jurisdictions for transit; second, at least 35 percent will be allocated for construction and operation of rail transit systems; and third, the remaining 40 percent will be allocated for public transit improvement purposes after the first 3 years.

So after 3 years, more money may be used for the construction of transit lines.

Ms. FIEDLER. That is exactly my point. That is exactly the point that I was making before, the fact that this has been a positive asset to the people of the city of Los Angeles, yet, it will be withdrawn from them to be used to subsidize this system which will carry a much smaller number, even if all of the people who are proposed actually ride it. And I do not believe that is going to happen.

□ 1340

I do not believe that is going to happen. And, in fact, not only will that money be required to help subsidize this particular program but, on top of it, they will end up requiring some additional subsidy in the form of special tax which is now going through the State legislature, which will tax local homeowners. And, on top of that, they will end up having to take, no doubt, portions of the discretionary section of this half-cent sales tax which could in fact go to pay for things like some of the potholes which Mayor Bradley came back here and said we need $5 million for, and other special problems that they have in Los Angeles.

Mr. ANDERSON. But is this not what the people voted on, when they put the half-cent sales tax on for transit construction and improvements?

Ms. FIEDLER. They voted in the half-cent sales tax for reduced busfares, for a whole host of things, including a rail system, but not for this specific $3.6 billion 18-mile, highest cost system in the history of this country.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Los Angeles has a critical traffic congestion problem. As other of our colleagues will soon relate to you, the Los Angeles area between now and the year 2000 will add nearly 3 million people to its present population, many of them dependent upon public transportation for their daily needs. The impact of such growth poses a unique and difficult challenge to transportation in that area. I can speak from personal experience regarding these challenges. Representing part of the Dade County area, I have seen firsthand how south Florida, one of the fastest growing areas in the Nation, has struggled with its transportation problems. Miami will soon be opening a rail transit system which I believe will go a long way toward relieving our city of its current intolerable traffic congestion.

The Transportation Subcommittee heard many days of exhaustive testimony on the mass transit needs facing our Nation. The committee was particularly concerned about balancing the transit needs of our older cities with their established rapid transit systems and the needs of our country's growing areas, such as Los Angeles, Houston, Atlanta, and Miami. I believe a reasonable balance has been struck in our bill regarding these needs.

Further, I want to point out to my colleagues that, according to UMTA, the metro rail project in Los Angeles is the most cost-effective new rapid transit project of its kind. Metro rail enjoys across-the-board technical support from independent planners who have studied this project.

Mr. Chairman, I understand that this project enjoys strong community support. In 1974, voters in Los Angeles County approved funding to begin construction of a rail transit system. Public support for rapid transit was reaffirmed in 1980 when Los Angeles County voters approved a half-cent sales tax increase to be dedicated to mass transit.

Mr. Chairman, our subcommittee understands that having a qualified project is not enough; we do not have the resources to fully fund every project we would like. In this light, the subcommittee requested that Los Angeles increase its contribution to the cost of the metro rail project. They have responded to the request. The Surface Transportation Assistance Act calls for a matching 75-percent, 25-percent ratio. Instead, at our urging, the metro rail project in Los Angeles will require only a 62 percent section 3 disretionary grant Federal match. Los Angeles has been extremely responsive to the committee's concerns, and I believe the need for the metro rail project has been clearly demonstrated.

I urge that the amendment be rejected.

Mr. RATCHFORD. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to my colleague on the subcommittee, the gentleman from Connecticut (Mr. Ratchford).

Mr. RATCHFORD. I thank the gentleman for yielding.

Mr. Chairman, I agree with the observations made by my chairman. As an east coast member of the subcommittee, and with no ax to grind as far as the internal fighting that is going on in California, let me simply observe that this project, in my opinion, was the best presented to our subcommittee this year.

One, we are talking about whether or not people believe in mass transit. That is what this is all about. If you believe in mass transit, you are going to oppose this amendment.

We are talking about a highly congested area, we are talking about a densely populated area, we are talking about a traffic-choked area, we are talking about an area with air quality problems. One of the best ways to solve these problems is to go forward with this project.

We have an administration that I think, frankly, is not committed to mass transit. And, therefore, if there is going to be leadership in the country on this issue, it will have to occur in Congress.

Here is an opportunity to do something about it, to take people out of the car and to put them into the subway, to improve the quality of air in the area and, above all, improve the quality of life.

Mr. Chairman, if the Members believe in mass transit, here is an opportunity to do something about it. Reject the amendment and say that this Congress today, in June 1983, is prepared to make a commitment to mass transit in America. That is what this is all about.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it is most difficult for me to rise in opposition to an amendment proposed by a member of my own State delegation that has been made. But in this instance, it is important that I do so, because, first of all, I firmly believe that this amendment is ill conceived, and that it is unfair and, second, to have this amendment adopted would be contrary to the wishes of the majority of the people in Los Angeles.

In 1980, the voters of the county of Los Angeles specifically approved a rail transit system and increased sales taxes by one-half percent to fund its local share. It is true that this specific transit system was not up for approval. It is also true that a proposed transit system has been changed several times but that the true intent of the voters at that particular time was to fund a transit system. This is the beginning of a transit system which it hoped will be the system for the Los Angeles of the future.

The truth of the matter is that almost 57 percent of the voters in the district represented by my colleague from California, Ms. FIEDLER, voted in favor of a rail transit system and in favor of increasing their own sales taxes by one-half percent to pay for it.

This specific project has tremendous bipartisan support. The Governor of the State of California has sent telegrams to every Member of the House, telling them that he supports this program. The Los Angeles County Board of Supervisors unanimously supported by resolution this project. The Los Angeles City Council, composed of 15 members, again unanimously supports this project. The Los Angeles Chamber of Commerce has passed resolutions, not only one, but several, supporting this project. And the private sector is also committed to invest $170 million as their contribution to this project.

It seems to me that the only one in Los Angeles not supporting this project is the gentlewoman from California (Ms. FIEDLER) who for some reason of her own decides now that this project not be supported.

We are told that the population density does not merit consideration of the project as they compare the population density of Los Angeles with the population density in the city of New York. The truth of the matter is that the density population or the city of Los Angeles is second to that of New York, but our population is increasing daily. We all know that the State of New York lost several Congressmen because of the reapportionment that took place after the census of 1980 was taken, but the State of California gained three Congressmen, all pointing to the fact that the population in our area had increased as it continues to definitely increase on a daily basis.

We are told that maybe this project is not cost effective. The truth of the matter is that the urban mass transportation commission in Los Angeles, and the regional planning association of New York, each independently came to the conclusion that the Los Angeles project is the most cost-effective project in the Nation, not just Los Angeles, but the entire country. This information was communicated to the committee that heard these facts in testimony, all made not by lay persons like myself, a Member of Congress, but by experts in the field who convinced the committee of the cost-effectiveness of the Los Angeles project.

□ 1350

One of the best things about this project is not that it is just going to provide much needed transportation, but of great interest to the health of its people is the fact that there will be a reduction, once this project is in place, of 22.5 tons of air pollutants daily. If you have been in Los Angeles on a smoggy day, you will know just what that will mean to that basin that, because of its inversion, holds down the smog like a blanket over the city making it almost impossible for the population to breathe.

The CHAIRMAN. The time of the gentleman from California (Mr. ROYBAL) has expired.

(On request of Mr. MCKINNEY and by unanimous consent, Mr. ROYBAL was allowed to proceed for 2 additional minutes.)

Mr. ROYBAL. Mr. Chairman, may I also point to the fact that if this project is not built a great congestion of traffic will continue to increase within the city itself. Not only automobiles but also buses will be necessary to transport people to that central section of the city, that that will mean not only more congestion, but also more smog. It will result ultimately in more allergies and a continued unhealthy condition for the people who live there.

So what I am saying is that this project as now proposed is not only good for the transportation of people, but it is equally as good for the future health of the people of the city of Los Angeles.

I sincerely hope that this amendment is not agreed to because if it prevails, it will in my opinion also mean that no new starts for rapid rail transportation will be approved by this House in the future. If we are really interested in mass rail transit, this is the time to cast a positive vote. A positive vote in this instance is a "no" vote on the amendment before the House. I sincerely hope that my colleagues look at this amendment from a standpoint of sound logic, for logic will dictate to each and every Member that a "no" vote on this amendment is definitely in order.

Mr. DREIER of California. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, it is very difficult for me, too, to rise in opposition to an amendment offered by my friend and colleague from Los Angeles, but nevertheless, I do rise in strong support of the Los Angeles metrorail project. It is a good project and it is cost effective.

Art Teale, the Director of the Urban Mass Transportation Administration, has labeled the metrorail project, as has been said, as the most cost-effective new-start project in the Nation. Second, with a 62–38 Federal to local cost split, this project has a lower Federal share than any other proposed new-start program and, in fact, that gives us a better bang for the buck than the 75–25 Federal to local funding requirements of rail modernization projects.

This is a proven project. It is the product of a comprehensive review process which examined 11 different alternatives before settling on metrorail; 7,000 participants in more than 100 meetings took part in this process. The metrorail project has tremendous local support, as has been said. The voters in Los Angeles voted themselves a $225 million tax increase in 1980 to construct a rapid metrorail system. This came in the wake of proposition 13's tax revolt.

The business community in Los Angeles has also expressed its willingness to support the project by offering to pay for 5 percent of the construction cost, and virtually every major association in Los Angeles supports this project, from the chamber of commerce to the board of supervisors to the city council. Governor Deukmejian and Senator WILSON and Senator CRANSTON have also endorsed metrorail. In fact, a telegram has just come out to all Members from our Governor in strong support of this program.

But my colleagues have all heard these arguments in one form or another over the past few minutes of debate. Right now I want to explain briefly how I, as a fiscal conservative, can support this project. After all, some might have wondered why my name would appear on a "Dear Colleague" letter with my good friend, the gentleman from California (Mr. ROYBAL), since we have such disparate voting records.

I should also like to add that the metrorail project does not even come near my district, even after the planned light-rail extensions are built. I enthusiastically support the project because I believe metrorail is not just important for Los Angeles; it is crucial. Without metrorail, the future economic health of the entire Los Angeles region will be in jeopardy.

I was not happy with the gas tax last fall and was opposed to it, in fact, from the start. But now that that tax is in effect and dollars are piling up in the coffers of that highway trust fund,

I think it is important that a fair share of these funds go toward a proven and cost-effective new rail start, and Los Angeles is clearly the most effective of these. You will not find a better Federal-local cost-sharing than metro rail's 62–38 proposal, and you will not find a project that has been so well thought out and enjoys such wide public support.

In short and in sum, Mr. Chairman, this project is worthwhile, it is necessary, it is cost effective, and it enjoys wide and bipartisan support from the California delegation and from the State of California. I strongly urge my colleagues to defeat the amendment.

Mr. ANDERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment offered by the gentlelady from California, and am going to take a few minutes to make sure our colleagues understand the reasoning for that opposition.

First, I want to make it clear that the Los Angeles metrorail does not directly impact upon my district any more or any less than it does the gentlelady's.

Yet the majority of those voting in my district 2 years ago, in addition to the majority voting in her district at that time, supported taxing themselves with a new one-half percent sales tax; the revenues generated by which would be utilized toward the construction of the metrorail, and other transit projects in Los Angeles County.

So, we have the local tax base that the people of the area imposed upon themselves in a general election.

The people voted for this because they use public transit in the county, and want the opportunity to use it more. We have heard the projections made by the Southern California Association of Governments that an additional 2,000 freeway lane miles will need to be built in the region by the year 2000 just to maintain current service levels on our highways, and we are scared.

We know that already, 1.7 million passengers use public transit every workday, and we know that you cannot just keep adding buses to our roads. So we know that rail has got to be a part of the solution to our transportation dilemma.

And not just heavy rail. I hope my colleagues will hear me when I say that, as we are talking, work is being furthered toward a $350 million light rail project in the county that will be built without a penny of Federal funds; $350 million without Federal involvement. And there will be other locally funded rail lines. So we do not see Washington as some sole source of funding. We are helping ourselves, too.

This metrorail project that the gentlelady's amendment addresses, as a matter of fact, will require only 62 percent of its funding from the section 3 gas tax program. Initially, local leaders had been hoping for 80 or 75 percent as was the case with recent rail starts, but the Appropriations Committee took a stand and firmly told the local agencies that Uncle Sam would not pay for such a large share of the project. So Los Angeles heeded those words, went home, and cut the Federal share to just 62 percent. This insures, I might add, greater local participation than in rail modernization or large bus purchases where the Federal Government routinely picks up 75 percent of the tab. So, if you are interested in bang for the Federal buck, and I know that I am, you will agree that the 62-percent match for the metrorail is a good deal.

And you will also probably agree that, because we want to economize, and because all of us must recognize that it is simply inevitable that this project will eventually be built, that it is imperative we begin now. If we wait 1 year, if the program falls 1 year behind schedule, the total cost will escalate by $200 million. With a 62-percent Federal match, that means the Federal share of the project will increase by $124 million.

Why is it inevitable that this project will be built? Because, Mr. Chairman, its need is undisputed. The population and population density in Los Angeles are the second greatest in the Nation, behind only New York City. And because, Mr. Chairman, the Federal Urban Mass Transportation Administration has verified that 275,000 passengers will use metrorail every day. Because, Mr. Chairman, Art Teele, the UMTA Administrator has said that this project is the most cost-effective new start in the country; an assessment shared by Boris Pushkarev, a leading transit expert with the regional plan association in New York.

So, Mr. Chairman, the choice becomes simple. A shortsighted Member might support this amendment. But any so tempted should realize that doing so saves their constituents nothing, as revenues for the public transit trust fund are levied regardless of this amendment's outcome. And they should realize that by delaying the project a single year, its cost to the Federal Government will increase $124 million. I am asking them to realize that the people of the impacted county are taxing themselves so that this project might be built, and that the 62-percent Federal share is more favorable than with almost any other transit project. And, they should know that, once the project is running, it will require no subsidies to operate.

I ask all our colleagues to consider these facts, consider the nearly universal support this project enjoys locally; more so, I would suggest than some favored project in their own home communities, and again, consider the testimony of administration officials that the metrorail is the most cost-effective new start in the Nation. Consider all this, and oppose and help defeat this amendment.

□ 1400

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I find it extremely difficult to stand here in front of my colleagues from California, all of whom I consider friends, and speak for the Fiedler amendment, but I think, since we take an oath of office, I have to do two things: One is to say a mea culpa for the Washington Metro System, which I fought for in this House for 13 years; and the second is to tell the Members that since I come from a district that has a 4-track railroad that used to have 67,000 commuters, I know what in fact you are going to commit yourselves to if we build this system.

I have sat on this floor for hours and hours and listened to Members debating one B–1B bomber. The cost overrun on the metro system in the city of Washington which I helped to foist off on all the Members is equivalent to two atomic aircraft carriers fully equipped—$8.6 billion in cost overruns.

Let me try and tell Members what we are doing and why it is so wrong. I would say to the people from Los Angeles that, believe me, the city was a host to two of my daughters for 3 years, I think it is a beautiful city, and yes, it has a terrible traffic problem. But what are we doing when we build hard-core underground rail? We are building the most expensive type of transportation known to mankind. I say to the Members that you are, on top of all that, setting yourselves in total and complete cement for the future.

Let me go back and talk about my hometown. In my district, the Fourth District of Connecticut, 13 years ago, on a 4-track railroad which was built in the 1800's, 67,000 people got on a train and went west in the morning and went east in the evening. Today fewer than 37,000 people do that. They have 30,000 fewer people because that railroad track does not go where people want to go. And yet rebuilding the Northeast corridor, which I also supported for $1.4 billion, was well worth it because it was there.

Two months ago, the rail unions went out on strike for 6 weeks. Suddenly my constituents and the constituents in the Fifth Congressional District and all the rest found out that they had to get to work, so 30 or 40 of them got together and rented a bus and decided that they would take that bus into New York City. Now, mind you, they were in all of the traffic

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caused by all of the people who could not ride the railroad—37,000, down from 67,000 in 13 years. They had a contract with the bus, so when the railroad finally went back, most of them figured they would live out the contract. But traffic had dropped down, and suddenly they found out—guess what?—that "we can get to Wall Street without taking the train into New York, changing from the train to the subway and going downtown."

They have never come back. Six weeks of not having Metro North has cut our rail ridership by about 16½ percent because people found out that the railroad does not necessarily take them where they want to go.

What I am saying is simply that if we look at the Northeast corridor, we see that that was the cheapest single rail operation we have ever rebuilt within this country because it was there.

Now, let us take a look at the Washington Metro. I do not want the Members to get me wrong. It has to be finished. If it is not finished, we are really going to pay for it. But I came in front of this House in 1971 with Bob Giaimo my friend and colleague from Connecticut and told the Members that Washington Metro would solve all of our problems and it would cost somewhere in the neighborhood of $2.3 billion to $2.5 billion. I say to my friends in this House of Representatives that it has cost us, when it is finished, $10 billion, and it is not finished yet. At least, thank God, we are above ground, which is the cheap part. And if we do not finish it, we will be subsidizing it until the end.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. McKinney) has expired.

(On request of Mr. Conable, and by unanimous consent, Mr. McKinney was allowed to proceed for 2 additional minutes.)

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I am delighted to yield to my colleague, the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I asked for this additional time for the gentleman from Connecticut (Mr. McKinney) simply to associate myself with his remarks.

I am not heavily involved in mass transit in any way, but I do not wish the gentleman from Connecticut to take the full blame for the Washington subway. I participated in that travesty also. I happen to think that it is a lovely subway system, but, as I understand it, studies demonstrate that it has taken less than 10 percent of the automobiles off the street. It is losing money, it is staggeringly expensive, and for us to unwittingly or deliberately go into a repetition of that terrible error with the taxpayers' money would be, in my view, a tragedy.

I sympathize with the problems of Los Angeles. We all have traffic problems. We all have mass transit problems, too. In my end of New York State we have virtually no chance of getting mass transit money because so much is foreclosed by the New York City Mass Transit System in any reasonable distribution of Federal money; and I ask the people in other parts of California to consider this if they are inclined to vote for this type of resolution of the problem of Los Angeles.

Mr. Chairman, I wish to compliment the gentleman from Connecticut, Mr. McKinney on his statement. I regret that we have made so many errors in this area. I hope we will not continue to make this type of error any longer. Any way you look at it, it is pork, regardless of the reality of the problem or the worthiness of the community. We can be confident, on any historical basis, that it will cost more than we now think, and that it will not solve the problems of a remarkable city.

Mr. McKINNEY. Mr. Chairman, I thank the gentleman from New York (Mr. Conable).

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I will be delighted to yield to my friend, the gentleman from California, in a moment, but I expect to stand here out of due respect because normally I do not want to enter into California's fights. And I will be glad to listen to my friend speak for 5 minutes, but I am simply trying to say something to them that I think they ought to listen to.

□ 1410

If we wed ourselves to a fixed system, we are saying that we have the intelligence today to deal with the problem 75 years from now. The Northeast corridor was designed and conceived back in the 1815's, that far ago. It was all different gages and different railroad companies and everything else, but it has been there.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. McKinney was allowed to proceed for 3 additional minutes.)

Mr. McKINNEY. I would be willing to come on to this floor, and I am simply speaking of my lessons learned from being a commuter Congressman and having worked for the Washington Metro, I would be willing to come on to this floor and fight for something that would give Los Angeles 90 percent money for a flexible electric bus system, because I know they do not need any more diesel buses, or for a traffic lane system, or for a corridor system, or for a reverse lone system; all I am simply saying is that I have a feeling that I have made this body, this Government, spend $8 billion that they did not need to spend, because in fact what the gentleman from New York (Mr. Conable) said is quite true.

The traffic jam and the delay time on the Shirley Highway, which by the way is a new Shirley Highway, which was not even built when the Metro was conceived, which was only two lanes in each direction, and most of it was under construction; the traffic delays on the Shirley Highway are just as bad today than they were way back then in 1971.

You know, my Republican Party and my then Secretary of Transportation, Mr. Volpe from Massachusetts, considered me to be somewhat of a piranha, because it was, quite frankly, the McKinney amendment and other amendments that first brought up operating subsidies in mass transportation in this country.

The operating subsidies that are killing us today are not in the buslines. They are not in the flexible light rail systems, although they get their subsidies, they all do, believe me. It is not in something you can change around. The operating subsidies that are going to destroy us are in the fixed rail systems that we have built.

When I first stood here and begged for cars for the Northeast corridor, they were $462,000 apiece. Three years later I was back asking for some more M-1's, as we call them. They were $876,000 apiece. Now today, one car for the Metro System in this city is over $1 million.

To dedicate yourselves to the knowledge that you know the way any city is going to work for the next 75 years and to dedicate this kind of money to it, when you could do an entire system for probably what 3 miles of this system would cost, and what that is not going to pay back, I apologize to my Nation for the overrun here and I really think California ought to think about what it is about to do.

Mr. TORRES. Mr. Chairman, I move to strike the requisite number of words. I rise to oppose the amendment, Mr. Chairman.

Mr. Chairman, Los Angeles has waited really long enough for a rapid transit system. The city is crowded and it is still growing. Its freeway system is getting worse. It is close to gridlock at rush hour. Its parking lots are filled beyond capacity. Its pollution continues to get worse.

Los Angeles proposes, as we have heard here today, a railway system that would sit in the most heavily traveled corridor of the Nation's second largest metropolitan area. It would offer a smooth, fast alternative, to hundreds of thousands of commuters who use and now travel the same route, very slowly, very slowly, by car.

To those of you who support cleaner air, the Los Angeles metrorail project will reduce air pollution daily by 22.5 tons.

My distinguished colleague, the gentleman from California (Mr. Roybal) enunciated this fact.

To those of you who worry about the project's cost, I remind you that the Urban Mass Transportation Administration ranked the Los Angeles rail system first in the country in terms of cost effectiveness for a new project.

I want to commend my colleague, the gentleman from California (Mr. Dreier) for articulating this cost effectiveness issue.

For those of you who seek ways to reduce unemployment, may I add that the Los Angeles metrorail will create 6,000 new jobs in construction for the next 6 years annually.

For those of you who seek minority business development, may I remind you that 20 percent of the work performed during the construction phase will be done by minority and women-owned firms.

Mr. Chairman, the people of Los Angeles have voted to increase their sales tax by one-half percent to build this rapid transit system. The Los Angeles business community is prepared to demonstrate its financial commitment to the metrorail project by providing from 25 to 50 percent of the cost of stations along the route. As you know, numerous community-oriented groups, including the Sierra Club, the NAACP and the labor movement, have endorsed this project; and as has been articulated today, the city council, the county board of supervisors, the two U.S. Senators, the Governor of the State, and on and on, have endorsed this project.

Now it is our turn to insure that the Los Angeles metrorail project can become a reality. I urge you to support the Los Angeles transit plan, and I implore my colleagues to reject this amendment.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the present amendment and in support of the recommendation of the Committee on Appropriations to appropriate $127.5 million from the $1.25 billion public transportation trust fund for the proposed Los Angeles metrorail project.

Los Angeles is the only city of its size in the world that does not have a rail transit system. In spite of our magnificent freeway system, we are beginning to choke on our own size and our success.

Currently traffic moves at less than 20 miles per hour during rush hour, even though the freeways were designed to handle traffic at 70 miles per hour. Some of the key freeways have already reached absolute peak-hour capacity. Nearly all others will do so by the year 2000.

Los Angeles has a population that is greater than 41 States. It has an urban population density second only to New York and will continue to grow.

We simply cannot put more cars and buses on our streets and highways. We cannot afford to construct more freeways, not from an economic or environmental standpoint. The only rational solution for Los Angeles is to begin construction on a metro rail system.

The proposed plan to build an 18-mile starter line is that beginning. It is a project that enjoys overwhelming local support from the resident taxpayers to the Governor and the board of supervisors.

I want to point out that a very conservative Governor has sent a telegram to all the Republican Members of the delegation supporting this plan.

We have three conservative members and two liberal members of our county board of supervisors that unanimously support the construction of the metro project.

The Los Angeles Chamber of Commerce with over 3,000 members supports this plan.

In the local hearings that were participated in by thousands of people in southern California, this is the plan that was selected.

In 1980, local taxpayers voted to raise $225 million through a half-cent increase in sales tax for mass transit projects. Surely, this is evidence of strong local support.

As far as I know, every major local government organization supports this project.

Arthur Teale, as has been pointed out earlier, the administrator of the Urban Mass Transit Administration, has called the Los Angeles project the most cost effective new start on the books.

You know, Los Angeles is an area that has nearly 10 million people. It is an area that is growing and growing faster than any other major city of the country. The expected growth in Los Angeles by the year 2000 would add almost as many people to the Los Angeles population as there are in the city of Houston today.

If you go along the Wilshire corridor, which is involved here, every weekday there are 190,000 people using the buses and they clog every single corner along the way as they run bus to bus, stopping other traffic along that route.

□ 1420

More buses is no solution to the problem we have on the corridor.

The Los Angeles Times, which I do not very often see eye-to-eye with, has said that the tract never has been clearer for an 18-mile metro rail subway line that would link downtown Los Angeles with North Hollywood. The other major newspaper that is involved, the Daily News, says that Los Angeles has waited long enough for a transit system and, considering its needs, it has waited ridiculously long for Federal money to help build one.

On the arguments that were made in comparing our system with Washington, D.C., if you pull everyone out of Maryland and Virginia and D.C., and every one else nearby, you may get up to 2 million people. Los Angeles population is 5 times greater. The area that this project is going to serve is one of the most densely populated areas that you can find anywhere.

The San Fernando Valley, represented by many participants here today—I have a part of it, Bobbi Fiedler has a far-out portion of it at the present time, Henry Waxman has a little bit of it, and Mr. Berman has a good portion of it—that valley has well over a million people. This transit system takes those people, on will, from the San Fernando Valley into downtown Los Angeles where there are 46,000 people per square mile that work during the daytime.

The CHAIRMAN. The time of the gentleman from California (Mr. Moorhead) has expired.

(On request of Mr. Dreier of California and by unanimous consent Mr. Moorhead was allowed to proceed for 2 additional minutes.)

Mr. MOORHEAD. There are limited parking spaces for those people and they are ridiculously expensive. People in the valley would be happy to have a place far from the central area where they could park their cars and ride into town to work.

The EPA has been on Los Angeles' back for a long, long time to cut down traffic because of our tremendous smog problem.

The kind of growth that is visualized for Los Angeles and the downtown area includes millions of square feet of housing for various major companies. If we do not build a transit system much of the potential growth for Los Angeles that has been planned will be lost. Many of the jobs that are planned for that area will not be available for us.

I would like to point out that the metropolitan transit system has not bought their buses and their equipment from some foreign country. Virtually all the equipment that the metropolitan transit system owns has been bought right here in the United States of America, and they plan to continue that policy. It will provide jobs for people regardless of what happens in the future, but this certainly would be a pro-American step if we can take it.

I know these systems are expensive. But with a city the size of Los Angeles we will make it successful.

I want to point out for the first time in the history of the Olympic Games, they are not going to take Government money for operation. Los Angeles knows how to effectively run systems. When they tell you the system will not require a subsidy their projections are pretty close to accurate, considering adjacent business support.

I am not going to tell you that it will not take any because I do not know for certain but I am looking forward to a system that will help Los Angeles continue its growth, that will serve us in the future and cut down the horrible congestion that will choke us if we do nothing to ease it.

The CHAIRMAN. The time of the gentleman from California (Mr. Moorhead) has again expired.

(On request of Mr. Anderson and by unanimous consent Mr. Moorhead was allowed to proceed for 2 additional minutes.)

Mr. ANDERSON. Will the gentleman yield?

Mr. MOORHEAD. I am glad to yield to the gentleman.

Mr. ANDERSON. A few minutes ago we heard the gentleman from Connecticut opposing our proposed transit system on the grounds that ridership on a transit line in his area had fallen from 67,000 to 37,000.

Is it not true that buses in the Wilshire corridor are currently carrying 190,000 passengers every day, and has it not been certified by UMTA that the new metrorail will carry 275,000 passengers a day? So instead of going down, ridership in the corridor is going to be going up.

We are also told, that the metrorail will carry the same capacity as three 8-lane freeways; 24 freeway lanes. This kind of frightens me. Can you see how in the world we could ever anticipate building three 8-lane freeways to carry the same load that will be carried by the metrorail?

The gentleman lives near this area and he has to make this trip often, so he knows.

Mr. MOORHEAD. It is totally impossible. I think along the lines of the gentleman's questioning, the use of the Los Angeles transit system has grown at a tremendous rate over the last 10 years, and in this particular area almost 200 percent.

Mr. ANDERSON. So instead of going down, our ridership in the corridor certainly is going to go up.

Mr. MOORHEAD. It is going up, and it is going to continue to go up.

The reason there has not been more growth is that the buses are virtually at capacity at peak hours of need.

I want to point out that this will be the most expensive corridor in the entire transit system. It costs more money because the Wilshire corridor is a high rent territory from beginning to end. They have to do down under all of the wires, and pipes and major building foundations in order to build it.

But once that key line is in, they can add to the metro system at a much, much cheaper rate, and it will bring the overall cost of the system in today's dollars down to a much lower level than the systems we have heard about today.

Mr. LANTOS. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, we have heard from Republicans and we have heard from Democrats. But we are now crossing the great Rubicon and we will hear someone who comes from northern California, because historically there has been a misunderstood, but real, cleavage between northern and southern California.

I am here, Mr. Chairman, to tell you that as a Member who represents a portion of northern California, I am in the strongest possible opposition to the amendment offered by the gentlewoman from California.

My strongest possible opposition is predicated on my analysis as a professional economist of the proposal.

The metro project is not only a cost-effective measure, it is not only a measure of enormous environmental benefits that will reduce pollution in the Los Angeles Basin enormously; it is not only a measure that will reduce our energy import requirements. It is a measure that will demonstrate an enormously attractive sharing of the costs between local and Federal sources, and a measure that will bring to Los Angeles a transportation network appropriate for our times.

It is significant that the Republican Governor of our State, and the Republican Senator from our State are strongly in support of this measure. I am delighted to report to you, Mr. Chairman, that most if not all members of the northern California delegation, Republicans and Democrats, are equally supportive of this measure.

This is not a partisan issue. This is an issue of good government and good, intelligent, transportation planning.

I want to pay special tribute to the distinguished chairman of the Surface Transportation Subcommittee, my friend and colleague from southern California, Congressman Glenn Anderson, for doing all of the work on this measure.

We northern Californians are anxious to see this project built in Los Angeles. There are people who commute from San Francisco to Los Angeles.

This is a system that will benefit the entire State and I strongly urge my colleagues to defeat the amendment.

□ 1430

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman.

Mr. FAZIO. I thank the gentleman for yielding.

I congratulate the gentleman from northern California for his comments. You know, there has been a certain degree of elitism attributed to those people in northern California who had the foresight to go ahead and develop the BART system in the bay area and the MUNI system in San Francisco.

As one who benefits or soon will benefit from those projects, I think it particularly noteworthy that you are joining with our colleagues in the southern part of the State in moving forward on their own project. In contrast to the bay area, we know Los Angeles had a hard time moving to this point. In 1980, after several defeats, they authorized the one-half cent sales tax to help fund the metro and now we must support them. We understand that our delegation can rarely stand together in total, but for us to allow this funding which we fought so hard for in the Appropriation Committee, to go by the boards would be a terrible blow to that region and indeed to our entire State.

Labor and business, Republicans and Democrats, north and south, California understands we have to have a future apart from the freeway, at least to the degree we give our citizens particularly the low income, the option to use a transit system. For energy conservation and to help reduce air pollution, we must make progress now.

The fixed rail system we are discussing here for Los Angeles is one that is a consensus project within the Los Angeles Basin. I think it is particularly significant that the gentleman's remarks are dedicated to bringing unity to our delegation at the same time that we endorse the basin's decision.

We are not always going to agree. When there are 45 individuals from 1 State it is almost impossible to reach total agreement. But we have as close to a consensus on this matter within our delegation as we ever will have and we urge our colleagues to note that when they vote.

I think the gentleman is right on target with his remarks and I join him in opposition to the amendment.

Mr. LANTOS. I want to congratulate my colleague for his remarks. It is important to note here we have the whole geographic spread of the State of California, and that both political parties are opposing the amendment.

I yield back the balance of my time.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment.

It was stated a little while ago that if you are opposed to mass transit you should support this amendment. I do not think that is quite correct, because I am for mass transit and I am for this amendment.

My strong objection is to how it is financed and the method that we are using today is very, very inefficient. We all know about the traffic problems throughout the country and in the large cities. Something has to be done. But something can be done much easier and much more efficiently than what we are doing.

The idea that mass transit can be financed and efficiently managed from a Federal level is based on a myth and a fiction. I think it is completely false to think that it is feasible.

It is based on an idea that wealth can come from a Central Government, that we can either extract wealth from one segment of the country and give it to another or we can literally finance it through the inflationary process here in Washington.

So, many groups come to Washington for money because they themselves do not want to assume the responsibility for raising taxes, nor do they have the power to create money.

They cannot tax to the extent that they need these funds and they do not want to assume the responsibility of raising the funds that it would literally require to build the so-called inefficient boondoggle transit systems.

Government interference happens to be the cause of our problem and cannot possibly be the solution.

For instance, it is generally conceded that competition is good, monopolies are bad; we have a good many laws on the books to prevent monopoly and control of any industry.

But it really bewilders me to see why we sanction and legalize monopoly in something that the market could deliver to us, more efficiently, that is transportation.

We literally protect the monopolists. We have total monopoly of the bus systems, the van systems, the cab systems, and we prevent free entry into these systems and therefore we have a great deal of inefficiencies. Then we come along with the solution of coming to Washington, asking for more funds to be spent in an inefficient manner without ever addressing the subject of opening up competition.

I would like to see some day that this appropriation bill be amended to say that no funds would ever go to any city until they allow free entry into the market of transportation. The bus lines can compete, the cab companies can compete, you should be able to gain entry into the transportation business without it costing an arm and a leg.

For instance, right now, for an individual to get a cab license and be able to drive a cab in the city of Los Angeles, it is estimated it will cost between $30,000 and $35,000. It does one specific thing. It makes transportation very cumbersome in the city. For instance, in the District of Columbia where it is much easier to get a cab license there are over 9,000 cabs; the population is less than one-third of Los Angeles. If they had a comparable number of cabs in Los Angeles, which would alleviate some of the problem, there would be more than 30,000 cabs in Los Angeles. It happens that the most recent figure I have is just a little over 1,100 cabs, mainly because it is a monopoly. We sanction it and create the problem and then we turn around and say if we get more funds from the Federal Government, if we build this limited mass transit system, we will solve our problem.

I think a bigger issue here, too, is the special interest versus the general welfare of the Nation. A mass transit system obviously is special interest legislation. It serves the consumer who uses it, a very small proportion of the population. And it serves the interests of big business, those individuals who have the businesses downtown that would like to have their trade subsidized at the expense of the innocent victims who do not live in the city, but live in another part of the country, who are expected to pay either through higher taxes or through inflation. It is positively unfair but it is a process that we use here generally and is especially vicious here in the area of transportation. This is the reason we have suffered in so many cities. For instance, Houston is very similar to Los Angeles in many ways. They are attempting to do the same thing.

Yet, just recently the bond issue was overwhelmingly defeated. They did not sanction a system like this and I think for good reason.

I think it is just a system where you pit one group against another, one special interest against another special interest who would like to get certain benefits.

So, I compliment the gentlewoman for bringing this amendment, giving us a chance to express another view, especially that of competition versus Government monopoly, bigness, and inefficiency, and this is a good time to vote this project down. Quite frankly, though, I think all the funding for mass transit eventually should be eliminated because it is very inefficient, ineffective, and it is the Government that has created our problem. The marketplace is still the best way to solve these problems.

I yield back the balance of my time.

Mr. LEVINE of California. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

I would like to address myself to several of the points that have been made in the course of the debate because I believe that some misapprehensions have been created with regard to the facts pertaining to this very important project.

First, several of the Members who have spoken have referred to a question in terms of the unity of the delegation from southern California and from the State of California on this issue. I think if this has not already been laid to rest by the statements my colleagues, Mr. Moorhead, Mr. Dreier, Mr. Fazio, and Mr. Lantos, it is important to emphasize that the delegation is almost completely united with the exception of the author of this amendment in support of this metrorail project. This is a project that is of great concern and great importance to those of us who live in the southern California area.

As has been mentioned, the Governor of the State, Governor Deukmejian, and both of our Senators, Senator Cranston and Senator Wilson, have sent a telegram indicating their support as well.

Second, one of the comments made in support of the amendment was that proposition A, the proposition through which the voters in Los Angeles approved funding for mass transit proposals, did not highlight this type of proposal.

I have a copy of proposition A here which I would like to refer to.

I would like to emphasize that the very first sentence of proposition A emphasizes that this proposition is to: "improve and expand existing public transit countywide, reduce fares, construct, and operate a rail rapid transit system."

This is I think as clearly highlighted and as prominently located as it could possibly be.

It reads:

> Los Angeles County Transportation Commission—A Public Transit: To improve and expand existing public transit Countywide, reduce fares, construct, and operate a rail rapid transit system serving at least: San Fernando Valley, West Los Angeles, South Central Los Angeles/Long Beach, South Bay/Harbor, Century Freeway Corridor, Santa Ana Freeway Corridor, San Gabriel Valley, and more effectively use State and Federal funds, benefit assessments, and fares for those purposes, shall the Commission approve an ordinance authorizing a Countywide ½ percent sales tax?
>
> Revenues will be allocated: 25 percent to local jurisdictions for local transit; a specified reduced fare structure for SCRTD for 3 years; and specified allocations for rail rapid transit and to the Commission for public transit purposes.

Third, I have had the opportunity to review the "colleague" letters mailed by those who have supported this amendment and frankly, Mr. Chairman, I believe that a number of the statements in the "colleague" letters are a simply wrong.

First of all, one of the points that was made in the colleague letter was to analogize the Metrorail project to the Stonewall Jackson Dam.

Now, I think the fact that the Member of Congress in whose district the Stonewall Jackson Dam would have been located, stood up on the

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floor to make the amendment and oppose the amendment, is quite significant in light of the fact that we have a virtually completely united Los Angeles delegation supporting the metrorail project.

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Another comment contained in the "colleague" letter was that, "the basic problem is that in trying to dream up a project for the taxpayers to fund, the Los Angeles Rapid Transit District has made ridership projections that defy belief." They may defy belief to the author of the letter, but they are completely sustantiated by President Reagan's Urban Mass Transit Authority, which certifies the ridership by this administration in terms of not just what the Los Angeles Rapid Transit District claims that the ridership will be, but that UMTA, as well, claims that the ridership will be.

The reason that I wanted to take the floor briefly, Mr. Chairman, is simply to highlight some of these points which are at variance with the facts and to try to set to rest some misapprehensions and some factual inaccuracies that have been presented in support of the amendment.

I am pleased to join with so many of my Republican and Democractic colleagues from throughout the State of California in strongly urging that the rail project be approved.

I happen to have been born and raised in Los Angeles. I have lived in that area my entire life. I think anybody who has lived in this region would have to conclude that a combination of air quality reasons, transportation reasons, commercial and economic reasons, militate strongly in support of the project, and against this amendment.

Mr. GRAMM. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Mr. Chairman, I would like to ask some questions in a rhetorical manner and if there is any Member here who has the answer, I would be glad to recognize them to provide it.

I would like to begin by asking if there is anybody here who can name me a single fixed rail subservice rapid transit system in America that is covering operating costs.

Now I am talking about the cost of simply running the facility, not the cost of paying the capital back.

Second, I would like to ask if anybody can give me an explanation of why in Los Angeles, Calif., the average ridership in a motor vehicle is 1.1 persons, whereas the average ridership for the Nation is 1.3, and, that in fact, if Los Angeles approached the average ridership for the Nation, they would take 3 million vehicles off the road.

Well, let me suggest in light of no explanation from someone who knows better than I do what the problems are in Los Angeles, that there is probably a fairly simple explanation. Los Angeles is a city which has grown up since the automobile came into common use. Los Angeles is spread out and I suggest that if only 1.1 people are riding in a car, that Los Angeles is not too different from the cities that I represent in Congress. They are big, they are spread out, there are not a lot of people going from one place to one place where others can share the ride with them.

I suggest, Mr. Chairman, that the fact that we have a ridership in Los Angeles which is substantially below the national average is an indication that we do have people who are coming from points that are not closely associated with others, and that they are going to places that are not closely associated with others relative to the national average. In other words, Los Angeles, like Houston, like Dallas, has grown up since the automobile. And, as a result, its patterns of commuting have been dictated by that automobile.

I suggest two factors. First of all, it is important to note that these mass transit systems are not only not paying back the capital costs in a capital-poor period in the history of this Nation, but they are not even covering their operating cost. We hear suggestions about the number of people who are certified to ride this facility—and believe me, if it is built, I hope they ride it. I have been waiting for people to ride the mass transit in Washington and get out of my way on the street, and I do not see that they have done that yet—if we are going to have certification as to ridership, I would like to suggest that there is a problem in using UMTA as the source.

Let me take the three mass transit systems that have been recently completed. In San Francisco the projected ridership was 2,619 people per mile. the actual experience has been 1,400. That is over 1,200 short of the projection, a projection that is about 80 percent short of the target predicted by UMTA.

In Philadelphia-Camden, the projection was 1,870 per mile and the reality has been less than 1,500 per mile.

And of course in the most expensive mass transit system in history, here in Washington, the projection was 18,682 riders per mile and the reality is about 50 percent of that amount, 9,752 riders per mile.

If Los Angeles has developed under a traffic pattern where fewer than the national average people are sharing an automobile, how are we to believe that they are going to use this fixed rail mass transit system. I am concerned that we are committing ourselves to a huge fiscal outlay for the Federal taxpayer for a facility that might be wonderful if people used it, but all of the evidence I see in the Nation as a whole, in cities that were built with fixed rail traffic, in cities that did not develop after the automobile, suggest, first, they are not even paying operating cost, much less capital costs and that, second, the ridership levels being achieved are a gross underestimate of what was actually projected when the process of construction and funding began.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from California.

Mr. DREIER of California. I thank the gentleman for yielding.

I think that it is important for us to realize the fact that has not been made and that is, Los Angeles today has the largest ride-sharing program in the entire Nation. That fact is ignored, by the way, in this Wall Street Journal article which I happen to have. Incidentally, it was written by a gentleman who has been in 3 years of litigation with RDT.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GRAMM) has expired.

(By unanimous consent, Mr. GRAMM was allowed to proceed for 3 additional minutes.)

Mr. GRAMM. Mr. Chairman, so far as I am aware on the most recent data available, the average ridership per vehicle in Los Angeles, Calif., is substantially below the national average. So I do not know about programs that are underway, all I can talk about is results. And when we are talking about the bottom line of, first, committing billions of dollars of money we do not have at the Federal level; and, second, when we are talking about possibly having to pick up operating subsidies with money that we do not have and we do not have a prospect of getting, I have to look at the existing situation.

Let me finally add that I think we are going to deal with the budget problem, but we are not going to continue to be able to do it in the abstract. We are going to have to get down to the concrete. Here is a perfect example of a new start that is going to cost us billions of dollars on a program which is not working anywhere else in the country and not working in circumstances that are far more favorable than Los Angeles, Calif.

And to quote a busboy in my hometown about our problem in Washington, his statement to me was: "Your problem is not that we are broke, your problem is that you people in Washington don't act like it."

And here we are talking today about raising taxes tomorrow to deal with the deficit and we are getting ready to vote on an amendment that can save us billions of dollars and yet the debate goes on as if there is no problem here.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. The first thing to understand is that this amendment will not save any money. It will not save a dime. All it does is to say that the city of Los Angeles and its citizens would not be eligible to participate in a program that is available to the rest of the country. That is all it would say. It simply would put that amount of money back into the revolving fund to be available for other cities. Now, would that not be a selfish attitude for others of us to take to say, "We just simply want to deprive the citizens of Los Angeles from the privileges of this Federal program."

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It would probably be the least reasonable exclusion that we could make. There is not another city in America that needs the services of good public rail transportation as badly as Los Angeles needs it. I think there is not another city in the world as large as Los Angeles that does not already have the benefits of rail transportation. I know that there is not another city in the United States which more desperately needs to relieve the congestion of traffic, the glut of traffic, the noise of traffic, the sickening, nauseous odor of traffic, the fumes that are released from the traffic that gluts its streets every day.

If you have ever flown into Los Angeles in a small plane, you see a wall of brown smoke that encircles and covers the city.

When I was about 17 years of age, I visited some cousins of mine who lived in a suburb of Los Angeles. I visited them again just a few years ago. They said it was the same house. I said, "No, you have moved. It is just like your old house, but it is not the same house because it was a different location, I remember it very distinctly." They said, "Well, you must not remember very well, Jim. This is the same place we lived." I said, "But there were orange groves, for one thing." They said, "Well, the orange groves have been taken up by the housing developments. You can see that. It is the same place, the same house." I said, "No, there was something else. There was a mountain. I remember very clearly there was a mountain in the distance." They said, "Jim, the mountain is still there, we think. We just have not seen it in the last 10 years."

Now, that is what has happened to Los Angeles.

There are other reasons why Los Angeles ought to have the benefits of this service if its citizens are willing to pay their share. And indeed they have demonstrated that they are willing to pay their share. Los Angeles has contributed through local and State cost sharing a greater percentage of the cost of completing this rail transit system than any other city in America. The others have contributed approximately 25 percent. Los Angeles stands ready to contribute 38 percent.

There is yet another reason. I am advised that the planners of this system have so contrived that there will be a greater density of population to be served per mile of transit laid than exists in any other city in America.

For all of those reason, it seems to me a wonderfully good investment for the rest of us to assist in cleaning up the air for all of southern California. Beyond that, I think we simply owe it to southern California to recognize that they are a legitimate part of this Union and that they should not be summarily excluded from being eligible for the programs that we have authorized for the rest of this country.

After all, whenever money is expended in any other district of America, about $6 or $7 out of every $100 comes from the direct Los Angeles area. Citizens of that area pay approximately 6 or 7 percent of all of the taxes that are paid by citizens of the whole United States. So that when they build a facility in Fort Worth or in Dallas, when the community development block grant invests something in our streets or in our facilities, $6 or $7 out of every $100 have been paid by the citizens of Los Angeles.

When a few years ago we voted to assist New York to pull itself back up by its bootstraps, $6 or $7 out of every $100 came from citizens of Los Angeles. When the citizens of College Station, Tex., look over to that fine facility known as Texas A&M University, $6 or $7 out of every $100 Federal dollars that have gone into perfecting and improving and enlightening the citizens of that area through that grand institution have come from the citizens of Los Angeles.

Why, then, should we summarily and arbitrarily deny them the privilege of participating, when they, more than any other, need to participate?

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(By unanimous consent, Mr. WRIGHT was allowed to proceed for 3 additional minutes.)

Mr. WRIGHT. Now, it is perfectly true, as has been suggested by one of the spokesmen on the other side, that most of the rail transit systems in the United States today are not paying for themselves. In fact, I am not sure of any of them that are, save for the one in Montreal, which is said to be rendering a slight profit to the governing body. It may be that it is doing so by leasing space around the terminal. I am not sure how it happens, but I think that is the way it does so.

It is not a question of our asking whether this will pay for itself instantly or not. Probably it will not. None of them are. But they are paying for themselves in a cleaner atmosphere; they are paying for themselves in getting some of the congestion off the highways; they are paying for themselves to those who do not even use them.

The average citizen who says, "By all means, build mass transit," is really thinking in his own mind, "Get some of these other people off the streets so there will be more room for me and my car."

But the point of it is that they are not going to use mass transit unless and until we make it attractive and convenient for the American public to use.

In 1946, the public transportation systems of the United States were yielding a return, an average profit, of 11 cents per fare dollar. Last year, I am told, they lost about 26 cents per fare dollar. Part of the reason for that is our affluence and the fact that we are a Nation with 116 million automobiles, almost one for every two people in the United States. But part of it is because we have not made it convenient or attractive for people to utilize the services of public transportation.

I think there is a public necessity and a public convenience to be served. Surely, if that convenience is to be served anywhere, it is to be served in Los Angeles. Surely, if there is any city in America that needs the service, it is Los Angeles. If there is any city that has demonstrated a willingness to pay its fair share, it is the city of Los Angeles. And if there is any city in America which has paid into the rest of our congressional districts its fair share of Federal taxes for those things that go to inure and enhance the enjoyment of life in our respective areas, it is the citizens of southern California.

For all of those reasons, I urge that the Members vote no on this amendment so that we give to the citizens of Los Angeles that which is their rightful due as citizens of the United States and do not arbitrarily make them ineligible for that to which the rest of the Nation is eligible.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the distinguished gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, I was very struck by the gentleman's comments regarding the smog and the pollution problems that we have in Los Angeles because, as the gentleman said, anybody who has been in the city understands that. However, one of the sad ironies of this entire debate is the fact that the people who want to develop the metro rail project also want to increase the volume of population coming into that area from 10 million to 20 million people in downtown Los Angeles. And that is the reason why we have increasing pollution, because there is a gross overdevelopment in that city.

The CHAIRMAN. The time of the gentleman from Texas (Mr. Wright) has again expired.

(On request of Ms. Fiedler and by unanimous consent, Mr. Wright was allowed to proceed for 2 additional minutes.)

Ms. FIEDLER. On top of that, Los Angeles has a very interesting zoning system that they use. They have a system where in the downtown area of Los Angeles they permit people to build units in the downtown area and claim vacant space above those low density areas—in other words, small, low residential areas—and claim up to 50 stories to use it for the offsetting parking which is ordinarily a part of the zoning problem.

So when you talk about smog in Los Angeles, you have to understand the context of it, you have to understand the zoning situation there, you have to understand what it is the people in the city who are leading that city are doing to escalate that problem, as opposed to saying the people are being taxed. You are right, they are being taxed. They are being taxed so that they cannot afford to further subsidize a system that will touch 18.5 square miles of that city, as opposed to the 900 square miles of the balance that the people live in and will pay the price for the program.

Mr. WRIGHT. Mr. Chairman, I do not pose as an authority on the zoning laws of California or the ordinances of the city of Los Angeles. It would be foolish of me to pretend that I know the answer to those things. I do not suppose that it is my rightful responsibility to respond in those instances. And, admittedly, there must be something to what the gentlewoman says, that it is a question of whether we make it possible for people to come into Los Angeles or not. But that problem is felt whether or not we solve this traffic snarl. The people are already coming into Los Angeles. And it seems to me that for us to take the position that we just do not want anybody else to come in and that we are not going to make it reasonably convenient for people to come into the city, the reverse of that is just to say that the way to keep the city from getting too crowded is to just make it so god-awful insufferable that nobody will come to town.

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We do not want to do it that way, and surely we do not want to follow the rule that motivated the Chan Dynasty in the fifth century. They did not want any more people and they built a wall. I do not think the gentlewoman would recommend that the citizens of Los Angeles want to build a wall around their city so that nobody else can come in. I know that is not the way the people feel because I have been too often the guest of the incomparable hospitality of the splendid people of southern California.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from California.

Mr. WAXMAN. I thank my colleague for yielding.

Mr. Chairman, I want to point out that with a population of 9.5 million people, Los Angeles is among the Nation's fastest growing urbanized areas. Its population will increase by 2 to 3 million people by the year 2000, and its density is expected to exceed that of New York's urbanized area, currently the Nation's densest, by 1986. Therefore, I conclude, with the majority leader, that we should have this project in place to deal with this incredibly dense area so that we can deal with our transportation problems.

Mr. LEHMAN of Florida. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 3:15.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. LUNGREN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment.

Mr. Chairman and Members, I had not intended to speak on this, but I am constrained, I think, to do so because when the gentleman from Texas, who we know well as our respected friend but very eminently a Texan, speaks in favor and in great sympathy and in favor of the people of southern California, I become frightened.

I want to say that I am a native of Los Angeles and my father is a native of Los Angeles, and many members of my family are natives of Los Angeles. I spent most of the years of my life living in and around the environs of Los Angeles and I think that the city of Los Angeles should, indeed, have some sort of mass and/or rapid transit system, but I rise in support of this amendment because this is not the system nor is any system devised by man adequate for the people of the city of Los Angeles.

Californians, I am sure many will agree, are a different sort of folk perhaps from other people, and southern Californians are indeed different from northern Californians. I happen to value the tradition and the society of southern California and I would not live anywhere else. But if rapid or mass transit would seem to work anywhere in California, it would be in the San Francisco Bay Area, with its narrowly defined peninsula, of course, surrounded by the San Francisco Bay, the Golden Gate, and the Pacific Ocean, and indeed it does not even work well with one of the most modern systems obtainable in the bay area where the confines are very limited and the people start from generally certain locations and they end up in certain locations.

But as the majority leader aptly pointed out, flying into Los Angeles in any kind of a plane, large or small, one does run into less smog now than he used to. The air is being helped even as the population is increasing. But one can see by flying over Los Angeles, or indeed driving around the streets of Los Angeles, that people do not all start out in relatively the same place and they all do not go to the same place. Therefore, rapid, fixed-rail transit in Los Angeles becomes a virtual impossibility to satisfy the needs of that teeming metropolis.

So the question is not so much how much money or whether it will be spent here or somewhere else, but the question is, by spending this money will a system be manufactured that can work? The answer, as far as I am concerned, of one who is a many-generationed Los Angeles resident: It cannot, and therefore we should not spend this money on something that we hope, and indeed the hope would be fond, that we might hope would work.

We have not considered such things as where the other facilities will come to support either this system or the people of that great city; where the water will come from; where the facilities will come from; how we can keep people moving in even with this system. So I suggest we pass this amendment and get back to the drawing boards and start looking at the future, rather than to design another antiquated system at the cost of many billions of dollars that will go onto the backs of the taxpayers, the people of California, and Los Angeles.

Mr. STARK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall be brief. As I consider this amendment, I consider it pernicious and destructive. Los Angeles is a city of many problems. It needs the help, and as the author of legislation which extended metro to the Washington area, and as a person who has supported the Bay Area Rapid Transit, I understand the need in Los Angeles for rapid transit.

Why, then, would this legislator stand up, having said that, and suggest that he is constrained to vote for the amendment? Because, my fellow Members of Congress, there comes a time in every legislator's life when certain issues transcend patriotism, they transcend religion, they transcend good transportation policy, and you have to look and say: "What could the people of Los Angeles have done to this lonely legislator to get him to vote for this awful amendment?"

What they did is something that is so despicable I have to whisper it here. They stole the Oakland Raiders. You cannot expect me to want to help them solve their problems of smog, and pollution, and congestion, and deal with the heinous crime. The people of Oakland would never forgive me if I did not remind them that in politics you never get mad, but you must get even.

Mr. LEHMAN of Florida. Mr. Chairman, that is a tough act to follow, but I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 3:20.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. COUGHLIN. Mr. Chairman, reserving the right to object, can I see how many speakers there are on the gentleman's side at the present time?

Mr. LEHMAN of Florida. Would the Chair count how many want to speak?

The CHAIRMAN. The Chair has only seen one person rise who has not yet spoken, unless the gentleman from Pennsylvania (Mr. Coughlin) is also seeking recognition.

Mr. LEHMAN of Florida. Mr. Chairman, there is one at this time on this side.

Mr. COUGHLIN. How about 3:30?

Mr. LEHMAN of Florida. 3:25.

Mr. COUGHLIN. 3:25 it is.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Florida that all debate on this amendment and all amendments thereto close at 3:25?

There was no objection.

The CHAIRMAN. It is so ordered, and the Chair saw standing at the time the limitation was agreed to the gentleman from Florida (Mr. Lehman), the gentleman from California (Mr. Lungren), the gentlewoman from California (Ms. Fiedler), the gentleman from Idaho (Mr. Craig), the gentleman from Pennsylvania (Mr. Coughlin), the gentlewoman from New York (Ms. Ferraro), the gentlemen from California, Mr. Fazio, Mr. Coelho, and Mr. Dixon.

Mr. COUGHLIN. Mr. Chairman, under my reservation, I do not think that is a proper count.

Mr. DIXON. Mr. Chairman, will the minority leader on this issue yield?

I had no intention of speaking. As we looked around the room——

The CHAIRMAN. The Chair heard no objection to the request.

Mr. COUGHLIN. I reserved the right to object, Mr. Chairman.

Mr. WRIGHT. Mr. Chairman, regular order.

The unanimous-consent request was made, opportunity was given for objection, and no objection was heard. The Chair waited to see if there was objection, and agreement was reached.

Mr. COUGHLIN. I object, Mr. Chairman.

Mr. WRIGHT. Debate was limited on the amendment. The gentleman's objection comes too late.

The CHAIRMAN. The majority leader is correct. The regular order is to proceed, and those standing when the request was agreed to, their names have been taken down and the time will be allocated among them.

PARLIAMENTARY INQUIRIES

Mr. LUNGREN. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LUNGREN. At the time the reservation was expressed, was there not an understanding, at least implict, that those who rose were the ones who intended to speak, and that being the case, should it not be limited to the people who rose at that time, rather than the additional three or four people who rose after the time that the limit was placed?

The CHAIRMAN. The Chair will have to indicate that the Chair has no control over that. The Chair was asked how many wished to speak and how many were standing prior to the request. The gentleman from California was the only person standing. However, when the request was put, others began to rise and take an interest in the issue, including the author of the amendment.

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Mr. COUGHLIN. That is why I did not object, Mr. Chairman.

Ms. FIEDLER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. FIEDLER. Mr. Chairman, I think that this debate has been constructive, and the Members have spoken.

The CHAIRMAN. The gentlewoman will have to indicate to the Chair what her parliamentary inquiry is.

Ms. FIEDLER. Yes, Mr. Chairman. I would simply like to request of the Chair that we be permitted to come to an agreement to permit a reasonable period of time for the balance of the Members who want to speak.

The CHAIRMAN. The Chair will inquire, is the gentlewoman proposing a unanimous-consent request?

Ms. FIEDLER. Yes; Mr. Chairman, I ask unanimous consent that those Members whose names were taken by the Clerk—and I believe there were four on this side and three or four on that side, if my quick count is correct—be permitted to speak for 3 minutes, and that at the conclusion of that we may have a vote. Is that agreeable?

The CHAIRMAN. The Chair will indicate to the gentlewoman that there were actually 10 Members that the Chair noticed standing when the limitation was imposed, and the gentlewoman has asked that each such Member be granted 3 additional minutes.

Is there objection to the request of the gentlewoman from California?

Mr. DIXON. Mr. Chairman, reserving the right to object, I say to the ranking minority member that at the time the request was made there were three Members on the floor on his side. It was the intention on this side not to have any speakers. The gentleman from California (Mr. Shumway) is correct. At that time there were several other Members—obviously they were not seen—that joined on that side. It was only at that time that we thought, if they were to have five or six Members, it would be appropriate for us on this side to make some response to those comments.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I am glad to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, looking at the number of Members standing at the time, it appeared that each Member would have 5 minutes to spend on his or her statement. I have not yet made my own statement as ranking minority member of the subcommittee. That is why I think the procedure is unfair at least.

Mr. DIXON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California (Ms. Fiedler) that each of the Members, 10 in all, be granted 3 minutes each on the Fiedler amendment and any amendment thereto.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Lungren).

Mr. LUNGREN. Mr. Chairman, as a native Californian, I, too, want to make it very clear that I am for clean air, I am against smog, and I want to help clean up the environment. I do not want to put people in hot cars if they do not want to be in hot, smelly cars or buses, and so on.

That is not the question. To suggest that we either vote for this project or we are against cleaning up the environment would be as silly as saying that because we need a national defense we must vote for anything the Pentagon sends us. In this instance we have got to look at this particular proposal and see if it makes the most sense.

I suggest that in a southern California community that is made up of

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hundreds and hundreds of square miles, an 18-mile segment that is going to be underground, fixed rail—the most expensive transportation system known to man—is an improper expenditure of the people's money.

Mr. Chairman, I would just like to ask the gentlewoman from California (Ms. Fiedler), whether there have been any projections as to how much light rail we could build throughout southern California for the comparable price of this one fixed rail system from downtown Los Angeles out the Miracle Mile of Wilshire Boulevard.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, I thank the gentleman for the question.

For the same amount of money, $3.6 billion, we could get 147 miles of light rail in the city of Los Angeles. In fact, there is currently a project which is going to be running from downtown Los Angeles to Long Beach, 22 miles, and that project will run less than $10 million a mile, as compared to the subway, which will be over $202 million a mile.

Mr. LUNGREN. Would such light rail systems also take people out of their cars and help clean up the environment?

Ms. FIEDLER. I certainly hope it would if it was proposed.

However, the real issue is, will people ride any of these systems? What will the overall project produce in terms of ridership? Traditionally, they have had about 50 percent of the projected ridership, and, of course, that ends up as a burden on national taxpayers as well as local taxpayers.

Mr. LUNGREN. Mr. Chairman, I thank the gentlewoman from California, Ms. Fiedler.

Mr. Chairman, I would suggest to my colleagues that the question is not whether we are for or against rapid transit or mass transit or whether we are for or against cleaning up the environment. The question is whether we think this is a reasonable expenditure of the taxpayer's dollars, given all the circumstances surrounding the situation. I would suggest the burden of proof is on those Members who say we ought to spend these funds.

As one who has gone through all this material and listened to this debate here today and been lobbied probably as heavily as anybody—incidentally, I think the gentlewoman ought to be given credit for raising the salaries of many of the lobbyists in town as I have never seen so many on one particular project constantly talking to all of us—I just happen to think that the burden of proof has not been met by those Members who would support this particular project.

Mr. Chairman, there seems to be far more economical ways of using the people's money and moving people in southern California around.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. Ferraro).

Ms. FERRARO. Mr. Chairman, I rise in opposition to the amendment and I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I find myself in what might seem to be an odd position on this amendment. After all, what we are talking about is $127.5 million for a new start.

Now, $127 million is not exactly pocket change. Appropriating that much money for one new start obviously takes something away from the amount of money available for rail modernization funding. And in case you had not noticed, in New York City we do a lot more in the way of rail mode than in the way of new starts.

But there has to be more to the decision than shortsighted self-interest. That is what David Stockman apparently did not understand when he said, "There is no reason for someone in Sioux Falls to pay Federal taxes so someone in Los Angeles can get to work on time by public transportation."

Of course, I am pleased that the administration has reversed its earlier position of opposing all new transit starts. Perhaps those of us from rail mode cities can take hope from the administration's aboutface on the new starts question that they will one day see the error of their continuing effort to eliminate Federal operating assistance.

Why support the Los Angeles metro rail project? Well, I agree with my colleague from Connecticut that maybe you have to have the energy that the project will save this Nation. We have lost sight of the energy crisis recently, but that does not mean it has disappeared never to be heard from again. The fact is that energy prices, both for gasoline and home energy needs, are headed back up and we need to keep conservation in the frontlines of our energy policy.

I also have an interest, albeit not a direct one, in the improved air quality that mass transit brings. Los Angeles' smog, almost all of it from automobile tailpipes, provides Johnny Carson with his most reliable source of one-liners. But even Carson does not oppose metrorail.

In fact, based on what I have read the Wilshire corridor seems an absolute natural for a rail project. The streets are packed to capacity, with bus volumes that would be high even by New York City standards, and there is no way the central city area can accommodate the buses that would be needed to handle future population growth. The people of Los Angeles voted to tax themselves $225 million a year to pay for metrorail and other transit projects so there is clearly strong local support. And the project has been called the most cost effective new start in the Nation.

Those of us in the Northeast know the critical importance of mass transit in the economic development of central city areas. Now that our friends in the South and West are learning firsthand the benefits of transit that we have known for years we have an opportunity to forge a coalition in support of a truly national mass transit program. On its merits the Los Angeles project deserves to be funded. I urge defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. Craig).

Mr. CRAIG. Mr. Chairman, I stand in opposition to the legislation and in support of the amendment as it has been proposed by the gentlewoman from California (Ms. Fiedler).

I think the point the gentlewoman makes at this time is very clear, that there simply is no firm or accurate documentation based on the statistics that have been brought together to indicate that this is a paying proposition or will in fact serve the people of Los Angeles.

Mr. Chairman, I will yield to the gentlewoman from California if she wishes.

Ms. FIEDLER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there has been a lot of talk about the impact on smog and the impact on traffic congestion. Most of the major experts who have looked at this particular project indicate they do not believe there will be a significant impact on traffic or congestion.

I would like to call to the minds of the Members of this House who live in this area during our work week this fact: Think about what it is like, coming over the 14th Street Bridge from the Virginia side. There is a project, a metro rail project running right along the side of that highway, and yet day after day after day there is bumper-to-bumper traffic.

Now, the question is, Why does that happen? It does not happen because there is not a system there. It happens because there are not enough people riding that system, and, therefore, we are not reducing the congestion and the traffic patterns to the level that we would like to reduce them. It is unfortunate that that happens to be the case.

I certainly would like to see more people able to use a rapid transit system, but the reality is that, unfortunately, we find about a 50-percent level of ridership, compared to those that are projected and an enormously high bill that all of us are going to have to pay for decades.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Coelho) for 3 minutes.

Mr. COELHO. Mr. Chairman, I ask unanimous consent that I may be allowed to yield 1½ minutes of my time to the gentleman from New York (Mr. Downey) and 1½ minutes to the gentleman from Georgia (Mr. Fowler.)

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Downey).

Mr. DOWNEY of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have followed with interest the debate on the amendment offered by the gentlewoman from California (Ms. Fiedler). I am from New York, where we have the Nation's largest commuter rail service, the Long Island Railroad. We also have three parallel lines into New York City, and on any morning one can witness bumper-to-bumper traffic on all three of those arteries and can also not find a place to sit down on the Long Island Railroad.

The reason for that is very simple. The demand for mass transit has been outstripped by capacity.

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So if we want to plan for the future, if we are at all interested in the notion of providing alternative forms of transportation, it seems incumbent upon us to provide this sort of service and not say, well, because the roads are filled, these people are not using transit. The reverse is true. The roads are filled because there are not enough spots for people to ride on mass transit.

So I urge my colleagues to oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. Fowler).

Mr. FOWLER. Mr. Chairman, I rise also in opposition to the amendment. I want to say as a representative of a congressional district that has a rapid transit system, built with 80 percent Federal moneys, coming out of the Mass Transportation Act of 1969, with continuing funding since, that almost every argument advanced by the gentlewoman from California and the proponents of this amendment were made in opposition to the Metropolitan Atlanta Rapid Transit System.

The ridership turned out to be underestimated by almost 40 percent.

The system that the opponents said could not be built on time and within budget was built on time and within the budget.

I want to commend also the Transportation Subcommittee of the Committee on Appropriations for recognizing the national concerns, the national needs of cities such as Los Angeles. If we are to have a national system and show people what clean, efficient, public transportation can be, we must begin these systems.

I urge that we reject the amendment of the gentlewoman from California.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Fazio).

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment and in support of my Republican Governor, George Deukmejian; my Republican junior Senator, Pete Wilson; the Republican dean of the delegation here in the House, the gentleman from California, Mr. Carlos Moorhead, and in support of the Republican leadership of the Los Angeles City Council and the board of supervisors and to congratulate Los Angeles on their best effort to develop a consensus alternative fixed rail transit line to supplement their freeway system.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Coughlin).

Mr. COUGHLIN. Mr. Chairman, I shudder when I think of this project. I shudder at what we are getting ourselves into here. When I started out looking at this, I was concerned about the fairness issue. This one project would take up too much of the pool of resources that we have to fund new starts around the Nation; but as we look at it on the merits, it gets worse and worse and worse.

The gentlewoman from California has pointed out that this is the most expensive project in history, $202.4 million per mile, compared to the average of $61.9 million for other projects around the country.

There has been no referendum on the project in Los Angeles. The proposition A referendum was not on this specific proposition and we just recently had an example in Houston where they had a tax they voted for, too; but what happened when they come to vote on the specific bond issue for the project, it was voted down. Are we going to have the same risk here after we pour money into this thing?

Federal experts have called Los Angeles ridership projections fantasy.

Listen to this from Mr. Peter Gordon, an associate professor of urban and regional planning and economics at the University of Southern California, in the Wall Street Journal:

> Pork barrel is not new to U.S. politics and this is the 1983 edition.
>
> Some simple calculations for the Los Angeles subway plan show why it is time to blow the whistle.
>
> A yearly operating deficit of $45 million, or $2.4 million per mile of route, is projected.
>
> Using proponents' numbers, this gives us $3.10 as the cost of a one-way ride. Not cheap. Yet, their ridership estimates reveal that they believe the LA subway system would carry more people per mile per day than any U.S. subway, including New York's.
>
> The cost per rider could shoot up to $10.50 per ride.

Who is going to pay the difference? It is said that this will not be subsidized on an operating basis. Who is going to pay? Who is going to pay the difference between the fare and $10.50 a ride? You know who will pay. I know who will pay. We will pay—the taxpayers of America will pay.

Now, let me get to the fairness issue for just a moment, if I may. If you take Los Angeles costs of about $3.1 billion, their figures, which would be financed by 62 percent Federal dollars, that would mean $2 billion would go into this project of Federal dollars.

We have in the pool for all the projects around the country from the 1 cent for mass transit and sales tax, about $400 million a year. At that rate, this one project would take every single penny for new projects for a period of 5 years; nothing for any other city in the country, and when you look at the projects that are on the books around the country and you look at the amount of money that we have to fund these projects, it would take 75 years for these projects to be funded at this rate. That is not fair.

Almost every other major system in the country, including San Francisco, was built without one penny of Federal money, not 62 cents Federal money out of every dollar, not one penny. It was funded by local bond issues, funded at the local level.

There is not enough money in the world to fund all these systems and if we dig the hole by starting this one here, we are getting ourselves in deep trouble.

I urge support for the amendment.

The Chair recognizes the gentlewoman from California (Ms. Fiedler).

Ms. FIEDLER. Mr. Chairman, there comes a time when you look at a given expenditure that you have to try to analyze what the impact is going to be of the expenditure of this money. I looked at this project for a very long time and I take bringing this amendment to the floor very seriously.

This is my community. These are the people of my community that I represented up until recently, the entire city and some of the small cities outside the city of Los Angeles.

I come to you today with this amendment, because I am confident that the people of this city will not support this system at the levels that are anticipated by the current proponents of the system, and because of that, people across this country are going to have to pay a tax bill to subsidize this system; that simply is not fair.

Now, one of the things that has been said repeatedly through the course of the debate is that Art Teale said that

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this was the most cost-effective system in the country; but one of the things that was not said is that Art Teale, Director of UMTA, did not propose this system for funding, and the reason that he did not propose the system for funding was because there are so many other needs that the people of this country have that are going unmet. If the people of the city of Los Angeles and the county area would support this system, would be behind it, I would be behind it; but I am confident that it will not have the support that it needs and if the people who propose the system really believe that it will gain the support and the ridership that they are projecting, then I challenge them here today to bring a charter amendment to the people of the city of Los Angeles and give them a chance to make the decision as to whether or not this project would be funded, supported, both in ridership as well as in taxes. I think that we owe it to the taxpayers of the Nation and to our local citizens.

I might add that I proposed that to the proponents of this project and they turned it down, because I think they know that the people would reject the system just as surely as those did in Houston. Regardless of the number of titles and names of the elected officials who support the project, the people have not, and that is the ultimate measure of a mass transit system or any other major public expenditure.

The CHAIRMAN. The Chair recognizes the final speaker under the agreement, the gentleman from California (Mr. Dixon).

Mr. DIXON. Mr. Chairman, I will not take the whole 3 minutes, because everything on this issue has been said. The whole issue of minority involvement, the whole issue of it being a cost-effective and rider-effective program has been covered, but I would just like to call attention to the last statements made by the gentlewoman. She suggests in her closing statement that no one supports this. The entire delegation in southern California, with the exception of about three people, support it.

The Governor of the State of California supports it.

The two Senators from California support it.

The board of supervisors support it, and the people have voted twice in an issue involving mass transit.

The need for metro rail in Los Angeles is real. Our city and county represent one of the Nation's largest commercial sectors, with approximately 43,000 people working in downtown Los Angeles.

Nearly 1.7 million people currently use mass transit daily, a ridership that will significantly increase as Los Angeles absorbs a projected population growth of 2 million people over the next two decades. The area's heavily congested streets and freeways cannot adequately accommodate the additional demand this growth will create through auto and bus transportation.

Statements that question the cost effectiveness of the Los Angeles metro-rail are totally unfounded.

The 18.6-mile metrorail line will be equivalent to 24 freeway lanes and will significantly reduce the transportation demands currently placed upon the streets and freeways.

The Los Angeles metrorail has been characterized by the Urban Mass Transportation Administration as one of the most cost-effective proposals, that contains the highest proportion of local to Federal match, for any project of its kind [62-38].

In 1980, voters in Los Angeles approved a tax increase producing $225 million in annual revenue for funding local contributions to metrorail and other mass transit projects and improvements. Prior to that, voters approved proposition 5 in 1974 which earmarked a portion of the State gasoline tax funds for rail transit construction.

We have also put together a State, local, and private funding package that will finance over $1 billion of total metrorail costs. Our commitment to the Los Angeles metrorail is real.

A comprehensive environmental impact study indicates that use of the metrorail will result in the reduction of carbon monoxide emissions by more than 22 tons daily in the year 2000.

Station locations have been selected that service minority user populations that exceed 50 percent of location ridership; elderly user populations that exceed 25 percent of location ridership; and user populations without access to a vehicle that exceed 75 percent of location ridership.

I am also encouraged by the RTD board's commitment to minority and women business participation in all contract and joint development efforts related to the metrorail project.

Women and minority businesses have been involved in 18 percent of the preliminary engineering work involved with the development of the system. This involvement has currently translated into a $4.25 million commitment to women and minority businesses.

Negotiations are now underway to secure 20-percent participation for these businesses in the continuing preliminary work associated with the project.

The RTD has also formulated a five-point program to solicit minority business participation, and is forming a minority business enterprise advisery and joint development committee to refine the goals, objectives, and procedures for participation.

Arguments that assert Los Angeles metrorail is the most expensive project in history and that no local referendum has been held on the project, ignores the fact that the Los Angeles metrorail will be 100-percent underground which is necessarily more expensive than aerial and at-grade systems. It also ignores the commitment of Los Angeles voters to fund metro rail costs through two revenue-raising measures specifically devoted to mass transit development.

Republican and Democratic Representatives from Los Angeles agree overwhelmingly that metrorail meets every reasonable test for a major new transportation system. It has been studied carefully by the Appropriations Committee, and funds for metrorail have already been collected through the mass transit trust fund. Stopping the project now would only injure Los Angeles at no savings to the Federal Government.

I urge you to join us in opposing efforts to stop the development of modern mass transit for Los Angeles which can alleviate congestion and improve the quality of life for our city.

Mr. BERMAN. Mr. Chairman, I am sorry that I must rise to oppose the amendment offered by the distinguished gentlewoman and my neighbor from California, with whom I have had the pleasure of working on a number of issues of concern to the Los Angeles area. Like the author of this amendment to strike funding for the metrorail project, I also represent the San Fernando Valley portion of Los Angeles. Prior to coming to Congress, I represented this area for 10 years as a State assemblyman. There is an urgent need for a mass transit system which will alleviate the traffic, congestion, and pollution in the Los Angeles region. There is an urgent need to link the densest population and employment centers in the Los Angeles area.

It is important to point out that a vote for the Fiedler amendment is not a vote to reduce the budget deficit. A vote for this amendment merely says that the Los Angeles area does not need a metrorail. Funding for the metrorail project would be provided by an off-budget trust fund established by the 5-cent gasoline tax. The revenues have already been collected at the gas pump and were set-aside for mass transit projects. If this amendment passes, the money will remain in the trust fund. It can not be used to retire any portion of the debt.

Twice Los Angeles county voters have gone to the polls to vote on this issue and twice they have supported the construction of rail rapid transit system. In 1974, proposition 5 passed which designated a portion of the State gasoline tax fund for rail rapid transit construction. Then, again in 1980, voters approved proposition A, which increased the sales tax by one-half percent to build a 140-160 mile rapid transit system.

I am proud that the sector has been involved from the project's conception and that community involvement and minority business support is so strong. Locally, business and community members came together to demonstrate their financial commitment and public interest in the project. In addition, local planners and officials were able to work hand in hand with the California congressional delegation to come up with the 62/38 funding arrangement.

I can think of no better investment of transportation funds. The Urban Mass Transit Administration has ranked the Los Angeles metro rail project first in the country in terms of cost-effectiveness. Appropriations for new starts are the most cost effective. Whereby funding for buses and rehabilitation of old rail systems is funded at a level of 80 percent Federal/20-percent local by the 5 cents gasoline tax, new start moneys because of their higher local match yield a higher return for each Federal dollar spent.

The population of Los Angeles is expected to increase by 2 to 3 million by the year 2000. In a city already crippled by smog this population increase will have devastating environmental consequences. Without mass transit, the air quality in Los Angeles will become even worse.

Nationally, we must stand by our commitment to promote mass transportation and reduce pollutants in the form of automobile emissions. Construction of the Los Angeles metro rail project will do just that. Projections show that the metrorail, operating to meet the need of 280,000 people daily, will have the capacity of three eight-lane freeways.

I urge my colleagues to reject the Fiedler amendment.

● Mr. MINETA. Mr. Chairman, I rise in strong opposition to the amendment.

The Los Angeles metro rail project is a good project, and is well worth of our support. This project is supported by the local electorate, who have imposed upon themselves a tax to help finance local projects such as metro rail.

Moreover, the funding plan developed by the project's supporters is a reasonable one; both from the perspective of adequate local support and from the overall Federal funds available for all such projects across the Nation.

Surely, so soon after adopting a 5 cent gas tax to encourage and support mass transit projects, it would be odd indeed for this House to then say no to a project such as this. If we do not spend the funds on mass transit, then why are we collecting them? And if we are to spend them, then this is a worthy and reasonable project.

This House has made a commitment to mass transit. We have made a policy decision to support heavy and light rail development. Let us hold to that commitment. Let us respond to the needs of the community, and support this project.

I urge the defeat of this amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. Fiedler).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. FIEDLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 139, noes 280, not voting 13, as follows:

[Roll No. 205]

AYES—139

Badham
Bedell
Bereuter
Bilirakis
Broomfield
Brown (CO)
Broyhill
Burton
Byron
Carney
Carper
Chandler
Cheney
Coats
Coleman (MO)
Conable
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Daub
Davis
DeWine
Dickinson
Duncan
Dyson
Edwards (AL)
Emerson
English
Evans (IA)
Fiedler
Forsythe
Franklin
Frenzel
Gekas
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hall (OH)
Hall, Sam
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiler
Holt
Hopkins
Horton
Hubbard
Hunter
Hyde
Jacobs
Jeffords
Kasich
Kindness
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Lewis (FL)
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
McCollum
McCurdy
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Molinari
Montgomery
Moore
Morrison (WA)
Myers
Nichols
Nielson
Parris
Paul
Petri
Porter
Pritchard
Quillen
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Sawyer
Schaefer
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Slattery
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Solomon
Stark
Stenholm
Stump
Sundquist
Taylor
Thomas (CA)
Vucanovich
Walker
Weber
Whittaker
Winn
Wortley
Wylie
Young (AK)
Young (FL)

NOES—280

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Campbell
Carr
Chappell
Chappie
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
D'Amours
Dannemeyer
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall, Ralph
Hamilton
Hammerschmidt
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Hillis
Howard
Hoyer
Huckaby
Hughes
Hutto
Ireland
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lewis (CA)
Lipinski
Livingston
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McDade
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Moorhead
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Pashayan
Patman
Pease
Penny
Pepper
Perkins
Pickle
Price
Pursell
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rinaldo
Rodino
Roe
Rose
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Shumway
Sikorski
Siljander
Sisisky
Skeen
Skelton
Smith (FL)
Smith (IA)
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki
Zschau

NOT VOTING—13

Akaka
Bethune
Erlenborn
Heftel
Johnson
Martin (NY)
Martinez
Patterson
Rostenkowski
Shuster
Simon
Smith, Robert
Vander Jagt

□ 1540

The Clerk announced the following pairs:

On this vote:

Mr. Erlenborn for with Mr. Akaka against.

Mrs. Johnson for with Mr. Patterson against.

Messrs. LEWIS of California, VOLKMER, ANDREWS of North Carolina, and BRITT, and Mrs. LLOYD changed their votes from "aye" to "no."

Mr. SAM B. HALL, JR., changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1550

Mr. LEHMAN of Florida. Mr. Chairman, I ask unanimous consent that the remainder of title I and title II be considered as read and open to amendment at any point?

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of title I and title II?

Are there any amendments to the remainder of title I or title II? If not, the Clerk will read title III.

The Clerk read as follows:

SEC. 305. None of the funds provided under this Act for Formula grants shall be made available to support mass transit facilities, equipment, or operating expenses unless the applicant for such assistance has given satisfactory assurances in such manner and forms as the Secretary may require, and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours shall not exceed one-half of the rates generally applicable to other persons at peak hours: *Provided*, That the Secretary, in prescribing the terms and conditions for the provision of such assistance shall (1) permit applicants to continue the use of preferential fare systems for elderly or handicapped persons where those systems were in effect on or prior to November 26, 1974, (2) allow applicants a reasonable time to expand the coverage of operating preferential fare systems as appropriate, (3) allow applicants to continue to use preferential fare systems incorporating the offering of a free return ride upon payment of the generally applicable full fare where any such applicant's existing fare collection system does not reasonably permit the collection of half fares, and (4) allow applicants to define the eligibility of "handicapped persons" for the purposes of preferential fares in conformity with other Federal laws and regulations governing eligibility for benefits for disabled persons.

AMENDMENT OFFERED BY MR. MRAZEK

Mr. MRAZEK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MRAZEK: Insert the following on page 36, line 24, ending with the phrase "prior to November 26, 1974," "provided that said applicant adopts and implements appropriate standards of eligibility which includes those citizens who reside in the district served by the mass transit system".

Mr. WALKER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MRAZEK. Mr. Chairman, this is a technical and local amendment to solve a particular problem that relates to the fact that there are handicapped and elderly people who reside within the district of the Metropolitan Transit Authority of New York who do not receive the half fare rate that is proscribed for certain senior citizens and handicapped people under section 305 of this act.

This particular technical amendment simply makes sure that all of those senior citizens and handicapped people who would be eligible are in fact brought into conformance with section 305.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MRAZEK. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I rise to express my appreciation to the gentleman for offering this amendment.

Every other mass transit system in the country, under the Urban Mass Transportation Act, has to offer discount fares on a nondiscriminatory basis with respect to residency. In 1977 an exception was made for New York City on a transitional basis because of the number of people who might be involved. That transitional basis is now carried forward for these 6 years.

All this amendment would do would be to provide, as with respect to every other transit system in the country, that the other users of the metropolitan transit system in New York who are handicapped or elderly would have to get the same kind of an offpeak hour discount as the people in New York City do. I think that that is immanently fair. I do not think it will be costly to the MTA. This is just for offpeak hours when the facilities of the buses and subways are not used fully at any rate. It will undoubtedly result in additional passengers using the system during these offpeak hours.

I strongly urge adoption of the amendment.

Mr. MRAZEK. Mr. Chairman, I think I would just add one more clarification. Right now the MTA's halffare system excludes residents who do not live within New York City proper. This is so despite the fact that the district of the MTA includes several counties not in New York City, specifically, Nassau County, Suffolk County, and Westchester County. These residents outside of New York City presently pay one-quarter of 1 percent sales tax to help subsidize the MTA operation. Further, the MTA does not object to this amendment. In fact, they are ready to move to comply with section 305 by October 1 of this year, when the act is supposed to go into effect.

Mr. Chairman, I would ask unanimous consent that the amendment be adopted.

Mr. WALKER. Mr. Chairman, reserving the right to object.

Mr. MRAZEK. Mr. Chairman, I would withdraw that unanimous-consent request pending any discussion that the distinguished gentleman from Pennsylvania would think is appropriate.

The CHAIRMAN. If the Chair understood the gentleman from New York, he asked unanimous consent that the amendment be adopted.

Is the gentleman withdrawing that unanimous-consent request?

Mr. MRAZEK. Pending any discussion that the gentleman from Pennsylvania would think would be appropriate at this juncture.

The CHAIRMAN. There is pending the possible point of order of the gentleman from Pennsylvania which should be disposed of first.

Does the gentleman wish to pursue that point of order?

Mr. WALKER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. WALKER. Mr. Chairman, the merits of the particular proposal before us are not the issue at hand. It sounds to me as though it does have some substantive merit.

I would remind the House under the rules of the House, though, an issue of this kind with substantive merit needs to come before the House—under the rules adopted primarily with votes from the majority side earlier in this Congress—needs to come before the body in the authorization bills rather than in the appropriations bills.

In this particular instance, the amendment that we have before us constitutes legislation in an appropriation bill under the provisions of clause 2 of rule XXI.

My objection to the amendment rests on that procedural grounds that legislation in an appropriations bill is beyond the scope of the present consideration and that this amendment must properly be brought before the House in the course of the authorization process.

The CHAIRMAN. Does the gentleman from New York wish to speak on the point of order?

Mr. MRAZEK. Yes, Mr. Chairman. I know that the authorizing committee will hold further hearings to consider the MTA's treatment of citizens that reside outside the district, but this technical amendment simply seeks to address a problem that I think is germane to this legislation to bring them into conformance with section 305 which this House of Representatives and this U.S. Congress deemed it appropriate and necessary to employ in order to make sure that senior citizens and handicapped people in this country have an opportunity to ride at half fare in mass transit systems across this land.

☐ 1600

This simply brings those people into conformance who are not presently covered.

Mr. OTTINGER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman may state his position.

Mr. OTTINGER. Mr. Chairman, I think the gentleman's point of order is not well taken. The gentleman might have and I indeed had considered making a point of order against the section as being not in order for reasons that the gentleman has stated with respect to this amendment.

No such point of order was made, however. Therefore, it is too late to knock out the legislation on the basis that it is legislation on an appropriation bill.

This amendment merely seeks to make technical changes in the language which is already there and to which no objection was made. Therefore, it should be in order.

The CHAIRMAN. Does the gentleman from Michigan (Mr. HERTEL) wish to be heard on the point of order?

Mr. HERTEL of Michigan. Yes, Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman may state his position.

Mr. HERTEL of Michigan. Mr. Chairman, it seems clear that the amendment proposed now that is in question deals with perfecting language. We are talking about the very same standards in this amendment that are recognized in the bill. All we are talking about is extending those standards to another group of citizens that are covered by this bill and this authority.

Therefore, the point of order should be, I think, rejected because we are talking about perfecting language, not new legislation at all.

The CHAIRMAN (Mr. SHARP). If no other Member wishes to be heard, the Chair is prepared to rule.

Although the pending section of the bill includes legislation which was allowed to remain when no point of order was raised, the fact is that the amendment adds additional legislative requirements that appropriate standards of eligibility be determined for an additional category of citizens not covered by section 305 and, therefore, the Chair must rule that it is more than perfecting and in fact does constitute additional legislation on an appropriation and is out of order at this time.

PARLIAMENTARY INQUIRY

Mr. OTTINGER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OTTINGER. Mr. Chairman, would it be in order at this time, then, to assert a point of order against section 305?

The CHAIRMAN. The Chair will indicate to the gentleman that the assertion of that point of order comes too late.

The Clerk will read.

The Clerk read as follows:

SEC. 308. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Mrs. VUCANOVICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the Appropriations Subcommittee, the gentleman from Florida (Mr. LEHMAN).

Mr. Chairman, a nationwide network of flight service stations is an integral and vital part of our efforts to enhance aviation safety for the traveling public. This bill before us threatens to dismantle our flight service stations by reducing both the quantity and the quality of information available to pilots and their passengers.

I am concerned. I was prepared to offer an amendment to prevent the FAA from closing 75 of these flight service stations, but I do not plan to offer that amendment. However, I really am very concerned about these closings, and I wonder if I could get some assurances from the gentleman from Florida that some of these concerns will be addressed.

Mr. LEHMAN of Florida. Mr. Chairman, if the gentlewoman will yield, I would like to reassure the gentlewoman from Nevada that, as chairman of this subcommittee, we will carefully monitor the closing of these flight service stations, to be sure that there is no inadvertent harsh impact on Nevada or any other area of the country when such stations are closed.

Mrs. VUCANOVICH. I thank the chairman.

I would like to make a couple of points to carry this on a little further. I am a pilot myself. I have no objection to the automated flight service stations. But I come from a State where our distances are 300 and 400 miles apart, people do not understand the flight service stations, which are really our eyes in the sky. Most of us fly in my State. We cannot rely on the information we are going to get from Reno when we are out in Ely and we have someone in Salt Lake City who tells us at 12,000 feet the weather is fine, but we have no assurance of this when we are looking down and cannot see the ground.

Most of the accidents that happen to general aviation pilots happen because of bad weather information, and it is very frightening. I was speaking with a fellow pilot outside here just a few minutes ago, and he said, "Barbara, we are going to die by these rules if this happens." So I am really very concerned that the committee will give some serious consideration to the closing of these flight service stations.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I want to concur in the remarks of the gentlewoman from Nevada. We have had a series of closures over the last 10 years of flight service stations, particularly in the sparsely populated areas of the West. And generally speaking, when a flight service station has been chosen for removal, it is in an area that is in a bad weather situation because also concurrent with this is that they are very sparsely populated areas.

I want to commend the gentlewoman for bringing this to the attention of this body, and I support her remarks. I appreciate very much the chairman's assurance that the gentlewoman will be given a hearing on this particular problem.

Mrs. VUCANOVICH. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I strongly support the position of the gentlewoman from Nevada and compliment her on her alertness in bringing this to our attention in the way that she has presented it to us.

Mr. Chairman, the general aviation community and the flying public owes a great deal to the existence of our national network of flight service stations and the dedication of the fine professionals who staff them. The 2,800 general aviation pilots who live in my congressional district and the thousands of businessmen, farmers, and ranchers who rely upon the services provided by the flight service stations in Palacios, Galveston, San Antonio, Houston, and Corpus Christi speak very highly of their fine work. They rely upon these stations to provide accurate aviation weather reports and forecasts, process flight plans, monitor navigation aids and communications equipment, and provide emergency assistance to lost aircraft. Having our local flight service station staff familiar without local conditions is of special value to the general aviation community in my district because of the Texas gulf coast's complex and rapidly changing weather conditions.

As reported by the Appropriations Committee, the legislation before us today could close 75 flight service stations in the United States before the end of 1984. Flight service stations now serving my congressional district are possible candidates for elimination under the current plan. Yet the automated flight service stations which will replace these facilities will not be functional when these stations are shut down.

There are many unanswered questions about how these replacement stations themselves would function. Pilots and the flying public will not enjoy the same services under the automated replacement stations that they now enjoy. No one really knows how well the new system will work in actual operation; no automated station equipment has yet been placed into actual service.

The amendment which would have been offered by the gentlewoman from Nevada (Mrs. VUCANOVICH) would provide for a more orderly transition to an automated flight service station system. It would have given us additional time to assess the new equipment and find out whether it is suitable for nationwide application. At the same time, it would have saved the taxpayers money.

This amendment would be good for the flying public, for flight service station personnel, and for the taxpayer. I urge its incorporation in the bill as finally presented to the President for his signature.

Mr. DANIEL. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, I wish to commend the gentlewoman for bringing this matter to the attention of the committee. We are in somewhat the same position as the gentlewoman is.

Would the gentlewoman yield to the chairman in order that I might ask him a question?

Mrs. VUCANOVICH. I would be very happy to yield to the chairman.

Mr. DANIEL. Is it my understanding that this was a part of the agreement that brought into being the centralized facilities?

Mr. LEHMAN of Florida. Yes. This is part of the overall plan that would consolidate and automate these flight service stations.

Mr. DANIEL. Is there a schedule of phasing in the new facilities?

Mr. LEHMAN of Florida. They are already in that process. None of them have been established, but there already has been appropriated approximately $175 million for this program.

The CHAIRMAN. The time of the gentlewoman from Nevada (Mrs. VUCANOVICH) has expired.

(On request of Mr. DANIEL and by unanimous consent, Mrs. VUCANOVICH was allowed to proceed for 3 additional minutes.)

Mr. LEHMAN of Florida. If the gentlewoman will yield further, I will repeat that by the end of the current fiscal year, more than $175 million will have been obligated for this program. Sites have already been selected for at least 17 automated facilities, and the equipment for these facilities has been purchased and should be delivered in fiscal year 1984.

Mr. DANIEL. It is my understanding that there is a date certain for the existing station to be phased out. Is that correct, or am I wrong?

Mr. LEHMAN of Florida. There will be 75 stations phased out during fiscal year 1984, but we will be monitoring the phaseout to be sure that there is no adverse safety impact involved. And especially in Nevada, the gentlewoman can be reassured that we will monitor those stations carefully.

Mr. DANIEL. Mr. Chairman, again I want to commend the gentlewoman, and I appreciate very much her bringing this to our attention.

It is my understanding that the intent of the Federal Aviation Administration is to consolidate flight service stations in a manner which would provide necessary information in a timely and efficient manner, consistent with need and at the most reasonable cost.

However, I am concerned, from the standpoint of pilot and passenger safety, if the present 75 stations are closed on a time schedule which leaves a gap in service. I believe it is important that the committee not just monitor the situation, but that it take an active role to insure that such a gap does not occur, that present stations are not closed prior to the new consolidated stations being in place and operative.

I hope also that the committee will elicit a firm commitment from the Department of Transportation to insure that this is done and further that this is the safest and most cost-effective approach.

Mrs. VUCANOVICH. I thank the gentleman.

☐ 1610

Mr. WEBER. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentlewoman for yielding.

Mr. Chairman, I thank the gentlewoman for bringing this issue to the attention of her colleagues. My district also is affected by the same problem that has been brought to our attention today. I have two communities in my district that have the kind of facilities that are going to be closed down in the near future and I have had the pilots in my district, most of whom are flying farmers or others who pilot their own planes, bring their concerns to my attention.

I had intended to support an amendment if the gentlewoman offered it this afternoon, but I understand you are proceeding along a different course to take care of this problem; is that correct?

Mrs. VUCANOVICH. That is correct. Under the new rules, I find it difficult to do.

Mr. WEBER. The new rules, of course, are a great disappointment to many of us, but I am pleased with the work that the gentlewoman has done on this and I am glad to see that the Member from Nevada does not want to gamble with the future of air safety in rural America.

Mrs. VUCANOVICH. I thank the gentleman very much.

Mrs. BOGGS. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I would be very happy to yield to my colleague, the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentlewoman for yielding.

Mr. Chairman, I, too, would like to commend the gentlewoman for bringing this to the attention of the House. She has apparently chosen the wiser way in which to handle the problem and I salute her for her decision and for her help in making certain that the air safety of so many areas of the country is well supervised, well maintained, and that the emergency services are indeed included.

Mrs. VUCANOVICH. I thank the gentlewoman very much.

Mr. KAZEN. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. VUCANOVICH. I would be very happy to yield to my colleague, the gentleman from Texas.

Mr. KAZEN. I thank the gentlewoman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentlewoman and the remarks of my other colleagues who have spoken of their concern for the closing of these service centers.

The thing that worries me is the fact that I do not think that we are monitoring rules and regulations of aviation closely enough. We have had so many closings of control towers all over this country——

The CHAIRMAN. The time of the gentlewoman from Nevada (Mrs. VUCANOVICH) has again expired.

(On request of Mr. KAZEN and by unanimous consent, Mrs. VUCANOVICH was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, will the gentlewoman yield further to me?

Mrs. VUCANOVICH. I am very happy to yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentlewoman for yielding.

Mr. Chairman, my concern is the concern of the gentlewoman because in addition to what we are doing here, phasing out these service facilities, we have not made any attempts to bring back the operation of towers all over this country that must be open if we are going to have the kind of safety record in aviation which we must have.

These are the concerns of the flying public of my district, and I am sure they are of her district. Our distances in the Southwest are so great between stations that we must have accurate information, and then when we get to those airports we must have traffic control towers in order to insure the safety of air traffic, and I would just hope that the committee will monitor these situations and do whatever needs to be done to make sure that the air services and the safety of passengers in this country is not jeopardized.

Mr. Chairman, I thank the gentlewoman for her initiative.

Mrs. VUCANOVICH. I thank the gentleman very much.

Mr. Chairman, I appreciate that very much.

I just would like to say again how important it is to us. I do not know how many people realize how dependent general aviation pilots are on flight service station services. They help pilots all the way along the line, just as if they were the AAA for automobiles. They are a very important and a very essential part of our general aviation pilots. We file our flight plans with them as we depart and check in along our route. If there are changes in weather, the local flight service stations can and do advise us. There is no way an automated flight service can respond to a pilot who is looking for assistance while he or she is in the air.

I urge you, Mr. Chairman, to give serious consideration to my concerns.

Thank you.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 314. None of the funds in this Act may be expended to proceed with a proposed rulemaking or to implement a rule which would lower the annual passenger ceiling at Washington National Airport from sixteen million to a lower figure or to reduce the number of certificated air carrier slots provided under the existing Metropolitan Washington Airport Policy: *Provided*, That nothing in this provision shall prohibit the Department from proceeding with the short takeoff and landing exemption for commuter airlines at National Airport.

AMENDMENT OFFERED BY MR. CLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 41, strike all beginning with "SEC. 314" on line 1 through the end of line 9 and renumber subsequent sections accordingly.

Mr. GLICKMAN. Mr. Chairman, in the interest of expediting time, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 1 hour, divided equally, 30 minutes on each side, half controlled by myself and half controlled by the gentleman from Minnesota (Mr. SABO).

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. GLICKMAN) in support of his amendment.

Mr. GLICKMAN. Mr. Chairman, I offer this amendment on behalf of myself and the gentleman from Virginia (Mr. WOLF) to try to restore some sanity to the operation of Washington National Airport to insure that we have a reasonable passenger flow at this airport. By the way, this amendment does not reduce by one passenger the current traffic at National Airport, but it does try to encourage more traffic to go to the other regional airports, Baltimore-Washington International, and Dulles.

Obviously, I am not in this because of a parochial interest. In fact, some of my folks in Kansas looked at me like I was crazy, because we build airplanes in Kansas, and they said: "Hey, we want to fly them into National. It is a convenient airport."

The issue in this case is what is good public policy in the operation of an airport which has exceeded its limitations. The airport was built in the 1940's as a piston-engine airport designed to handle DC-4's, and it is today handling 727's, 737's, and 757's. If we allow it to grow at the rate which I think some of the airlines would like it to grow, it will reach a point of saturation where it will no longer be a safe place to operate.

Secretary Dole has proposed to change the annual passenger ceiling at this airport from 16 million passengers a year to 14.8 million passengers a year, or that figure can actually go up depending upon the highest annual passenger level forecasted within the next 2 years. However, the Committee on Appropriations, before the comment period on this rulemaking was allowed to expire, is asking us in this bill to veto that regulation which effectively in that says that the Secretary cannot propose any reduction under 16 million passengers a year.

Secretary Dole's proposal is consistent with what Secretary Lewis proposed in 1981. It is true that at that time he proposed a cap of 16 million passengers a year, but that was based upon a growth rate at which that passenger yield was supposed to occur in 1985. Because of the recession and the PATCO strike, 13½ million passengers a year is the current level at National Airport, and if we allow it to go up to the 16 million which Secretary Lewis originally talked about, it will be 1990 before we reach that level. If it is 1990 before we reach that level, we will never get a restraint on the growth at National Airport. Dulles Airport will never then reach the level where it ought to be.

This proposal would not affect a single flight now in operation at National Airport. It would only shift future growth to Dulles and to BWI for a more balanced use of airport resources. It is clear that we should not allow unrestricted growth in traffic at National, and the issue is safety. The airport operates safely now, but it operates at the margins. You talk to any pilot who flies in there, operating with one north-south runway at 6,800 feet, built to handle, as I said, DC-4's instead of 737's and 757's, and any problem that happens at National, whether it is weather or other related problems, and the airport becomes chaos. If you add significantly more traffic, the chaos could become catastrophic.

What we are trying to do here is to allow a reasonable growth at National, but at the same time encourage a shifting of traffic to Dulles not only for convenience but for safety purposes. National's main runway is 6,869 feet long. That is shorter by 3,000 feet than the length of the average main runway at 22 major airports.

☐ 1620

There is no southbound-precision-landing approach at National because of the need to turn down the Potomac River to avoid buildings and the Washington Monument. In fact, last March the NTSB asked the FAA to change the elements of their approach procedure as the result of an incident in which a Piedmont 737 just about ran into the U.S.A. Today building in Rosslyn.

During the peak hours at National they handle as many as 100 airplanes, including a maximum of 37 air-carrier aircraft. It is not unreasonable to allow the Department of Transportation and the FAA to plan for the efficient use of our airport system. Dulles and BWI handle only 19,000 passengers a day, while National handles 37,000 passengers a day. We have just spent $30 million for a new access way to Dulles.

With airport after airport in America in similar circumstances, look what happened. Kansas City International was built to take over an airport just like Washington National—Kansas City Municipal. The Dallas-Fort Worth Airport was built to take over an airport just like National—Dallas Love Field, similar to Washington National. Houston International was built to take over an airport, Houston Hobby, kind of like Washington National.

In city after city where they have built major jet airports that can handle jet traffic, they pulled most of the traffic out of the downtown airport. I am not advocating pulling any of the traffic out of the downtown airport. I am telling the Members that we ought to abide by what Secretary Dole has recommended and raise the traffic level about 8 or 10 percent, but not to the level that the committee has put in its bill, which would go up to 16 million passengers.

I know that this airport is convenient. It is convenient. I fly in there all the time. It is convenient for many Members of Congress, but if we allow this airport to grow in unrestricted fashion, it will become a serious safety hazard, not only for us but for the millions of flying passengers who are coming in there.

It is not unsafe now. I am not telling people that it is an unsafe airport now, but it is safe only because of the skill of the FAA staff and the pilots who fly their planes in there. But if you talk to pilots with most of the major airlines, they will tell us it is not one of their favorite airports.

So, Mr. Chairman, I urge the adoption of my amendment, which will still allow some growth at National Airport and which will encourage us to move over a period of years to one of the finest airports in the world, Dulles Airport, and also to Baltimore-Washington International, and at the same time recognize that we can provide a level of convenience for all of us by keeping the airport open, but at more reasonable levels.

Mr. KAZEN. Mr. Chairman, will the gentleman yield for a question?

Mr. GLICKMAN. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I was interested in what the gentleman said about the fact that we have spent some money on an access road to Dulles. What was he talking about?

Mr. GLICKMAN. We are building an extra access road to Dulles, and I would be glad to yield to the gentleman from Virginia (Mr. Wolf) to explain that.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding.

The Dulles connector, which will connect I-66 and the Dulles access road, will open in September this year, which will make Dulles Airport within 30 to 35 minutes from downtown Washington.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, I will state to the gentleman that one of the reasons this Congress has hesitated to divert traffic either to BWI or to Dulles has been the inconvenience in getting to those airports because of the great distances involved.

Mr. GLICKMAN. Mr. Chairman, I fully realize that, but it is the chicken-or-the-egg situation. One wonders how we are going to be able to get better transportation to Dulles if the airlines themselves do not want to move there. This amendment may help to provide that incentive. So what we have got to do is work on a dual track system, fix the roads and at the same time begin moving that traffic there.

Mr. KAZEN. Mr. Chairman, I have often wondered why we in the Congress have not taken the lead, for instance in using the median along the present road between here and Dulles to build one of these fast track systems or metro kind of systems that we have been talking about and making appropriations for in this bill.

Mr. GLICKMAN. Mr. Chairman, I would say to my colleagues that the greatest incentive to build that kind of a train is to begin by caps, capping National, and then I guarantee the airlines will be the first ones who will be pushing us to build that train.

Mr. CONTE. Mr. Chairman, will the gentleman yield so I may answer the question?

Mr. GLICKMAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to respond to the gentleman's question.

When we had the Transpo '72 Fair at Dulles Airport, John Volpe, who was Secretary of Transportation at the time, sent up a request for $13 million for a reprograming to have a high-speed train from the beltway to Dulles. That was just what the gentleman was talking about, and, unfortunately, the subcommittee turned it down over my strong objections.

The CHAIRMAN. The gentleman from Kansas (Mr. Glickman) has consumed 9 minutes of his time.

The Chair recognizes the gentleman from Minnesota (Mr. Sabo).

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. Lehman), chairman of the subcommittee.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Both our Transportation Subcommittee and the full Committee on Appropriations have voted to include this limitation regarding the proposed reduction in the annual passenger ceiling at National Airport. I support the action taken by the committee and urge that the amendment be defeated.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. SABO. Mr. Chairman, I rise in opposition to the Glickman-Wolf amendment.

Let me describe simply what we have done, because the issue before us today is, I think, relatively simple. The committee has added no passengers to existing policy; we have added no flights to existing policy. The committee has simply said that the agreement which was reached in 1981 between then Secretary of Transportation Drew Lewis and the aviation industry should be maintained.

This issue has been before the Congress for years, and it has been filled with contention. In 1981 the House originally passed a provision in our transportation appropriation bill saying that absolutely no change could be made relating to slots at Washington National. Out of that controversy emerged an agreement saying that there should be a passenger cap of 16 million passengers per year, plus a specified number of airplane slots per hour.

What we are doing is simply saying that we are going to retain that agreement, that we are not going to change this agreement, which is less than 2 years old. As a result of that agreement of 2 years ago, the FAA has now started a million-dollar study on the facility needs of National Airport to accommodate the passengers that may arrive or leave from National.

We are told that this is a safety issue. It is not. I would suggest that anyone who would read the proposed rule change by the Secretary of Transportation will not find the word "safety" contained therein. There is no mention of such a word in the proposed regulations.

There is only one thing that is being attempted to be done, and that is to artificially speed up the development of Dulles and BWI and more quickly slow down passengers at National Airport so that they have to start not reducing the number of planes flying into the airport but changing the character of planes so we have more small planes rather than the large passenger planes that serve so many of us in this country.

I might add that despite the fact that traffic continues to grow at National, BWI, and Dulles are not withering on the vine. As a matter of fact, from 1981 to 1982 traffic at BWI increased by 21.8 percent. Driving home last night, what did I hear? Radio ads promoting airlines flying out of BWI.

Dulles, from March of 1982 to March of 1983, grew by 15½ percent. There is natural growth occurring at those airports. We do not need to make this interruption or this change of existing policy in this very difficult area and promote growth there. It is going to happen naturally. We do not need to artificially deflate the growth at National.

Do we increase the number of flights out of National? The answer is, "No." Let me explain how this system works if we reach the passenger cap.

What happens when we reach the passenger cap? We simply discontinue some of the larger passenger planes and switch to smaller commuter airplanes carrying 56 or fewer people.

☐ 1630

Does that mean there will be fewer planes flying into National? The answer is "No." They will be smaller. I am not sure they are safer.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield on that point?

Mr. SABO. Yes.

Mr. GLICKMAN. Mr. Chairman, I would just like to bring attention to a letter I received from Secretary Dole today which stated that the wording of the amendment in the bill, section 314, arguably goes beyond preempting the rulemaking, which I think was the gentleman's intention. If adopted, she said, it could stop enforcement of the existing 16 million passenger cap by preventing any reduction of the slots that ultimately control traffic levels at the airport.

Mr. SABO. Those two go hand in hand. Obviously, if at some point we reach the 16 million, the slots would have to be reduced.

But I think the gentleman would agree that the impact of arriving at 16 million is simply to change the character of the planes flying into National and not the total number of flights.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield.

Mr. VOLKMER. Mr. Chairman, on that point, this bill is only good for a year. I am sure that we are not going to reset the maximum and have to reduce the slots this next year. Does the gentleman agree with that?

Mr. SABO. That is accurate.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield further?

Mr. SABO. I yield.

Mr. GLICKMAN. The bill may be good for a year, but the rulemaking may be long term. It may be 5 years, 6 years. The rule may be finished this year. Therefore, it does not matter in next year's bill. We may have permanent full time rulemaking by the middle of fiscal year 1984.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SABO. I again yield.

Mr. VOLKMER. Yes; but it only prohibits rulemaking for this year. That does not prohibit them from coming back next year. We are not going to reach the maximum that is presently agreed upon and has been agreed upon a couple years ago for several years.

Mr. SABO. As a matter of fact, the proposed rule sets that the cap at 14.8 million for the estimated number of passengers in mid-1985.

The gentleman is right. This bill is good for a year. It would suspend the rulemaking in the meantime.

In my judgment, we make a serious mistake when we now interrupt the agreement that we reached less than 2 years ago, the basis on which we were starting to make rational plans for National.

It is not an issue that involves safety. It is basically an issue that is trying to change the natural flow of passengers from National to BWI or Dulles.

The fact is that those two airports today are growing very rapidly with the natural market forces. We simply should not interrupt that process today.

I ask for your support in defeating this amendment.

Mr. GLICKMAN. Mr. Chairman, I yield 3 minutes to the distinguished ranking minority member, the gentleman from Pennsylvania (Mr. Coughlin).

Mr. COUGHLIN. Mr. Chairman, I rise in support of the amendment.

The gentleman from Kansas is entirely right. There is a safety issue involved here, not that National is unsafe now. What the whole rulemaking is looking at, among other things, is the level of passenger load you can carry safely at National, the level of flight load you can carry at National.

You can get to a marginal safety level at National Airport. It is a very busy airport, to say the very least, and an older airport.

It seems to me that we are making a great mistake if we interfere with the rulemaking which is examining these questions. That is what rulemaking is all about, to try to get input, to try to get information, to try to develop a rule that will provide for a level of passenger traffic at National that will be safe, that will be convenient. That is why we should not have the provision we have in the bill. That is why I support the amendment.

As has been pointed out, we are not talking about losing current flights. We are talking about the same number of flights that we have today, or more. There will still be growth allowed at National. It does not mean they are being cut off at the present level. The amount of growth, however, that National can take, I think, is a proper subject for rulemaking, not a decision by this Congress.

I might say that as you increase the number of passengers going to National, not only do you have a question of potential safety problems in flying out of National itself, but my gosh, look at the access roads. They are already jammed up over there. You cannot get in or out of the doggone airport in your car and as the number of passengers go up, that problem is going to be exacerbated.

So for all these reasons, I think this is an important amendment.

We have just allowed the stub runways to be used to increase the number of flights going out of National. That is all part of the question, I think; not affected by the rulemaking, but as part of the consideration to be taken into account in the rulemaking.

So I would urge my colleagues to support the amendment. It is a good amendment.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. Snyder).

Mr. SNYDER. Mr. Chairman, I thank the gentleman for yielding.

Obviously, I rise in opposition to the amendment that is now pending and urge my colleagues to defeat it.

Mr. Chairman, if I could make a few observations before my prepared remarks. The gentleman from Pennsylvania says this is a safety issue. If it is, it is because of the deal that the gentleman cut to allow the extra commuters to go in. We were not proposing any additional flights into here. We are only proposing to let the flights that are going in there fill up, that is all; but if there are going to be extra flights, it is under the new proposed rulemaking and the deal the gentleman has cut to let extra commuters go into Pennsylvania. So, if there is a safety issue, it is compounded by the deal that has been cut, by the bargain that has been made for these new rules.

There may be a noise issue, I say to my friend, the gentleman from Virginia. There may be a ground access issue, but it is not a safety issue. National is a safe airport. As far as the operations are concerned, there is no proposal to increase the operations. Eighteen months ago a deal was cut with then Secretary Drew Lewis and we cut the operations out there, 127 operations a day. There was no passenger limit on then. We put a passenger limit on that deal of 16 million.

About this access road that my friend, the gentleman from Texas, asked about, it is not going to help too much, because really, the access road on I-66 requires carpools.

Now, they say they are going to have an exemption in there for those people who are going to the airport. Is it not nice to be able to be stopped by the police every time you want to go to the airport to prove that you are going to the airport and that is the reason that you are not in a car pool?

I say to my friends, if you intend to buy your ticket at the airport, as opposed to having it in your hands to prove where you are going, you may have a little bit of a problem.

Now, let me suggest that the two alternative proposals that have been put forward to accomplish the reduction in the annual passenger cap at the airport from its current level, are as follows:

The first would lower the passenger cap to 14.8 million. I would point out to my colleagues that this is less than the actual use of the airport in 1979 when 15.1 million passengers utilized National. The second alternative would reduce it to the level forecast in January 1985. These proposals were made notwithstanding the fact that it has been only 18 months since the current policy went into effect, which in addition to imposing the 16 million passenger ceiling, also reduced air carrier slots by over 18 percent.

The FAA has publicly admitted that adoption of a reduced passenger cap could result in further air carrier slot reductions as early as April of 1984, a situation which has been made more likely by its recent decision to increase commuter flights and allow the Boeing 757 (with its greater passenger capacity) to serve the airport.

If either of these proposals are adopted, all cities which are currently receiving service at National will be in jeopardy of further cutbacks in flights to achieve compliance with a reduced passenger ceiling. Should this occur, the airlines may choose to transfer their flights to Dulles or Baltimore-Washington International Airports, or simply not operate them at all.

Because many of my colleagues on the Appropriations Committee agreed that this proposal would adversely affect many communities across the Nation, it adopted an amendment which would prevent the FAA from either lowering the passenger cap or reducing air carrier operations. It is this prohibition which the gentleman's amendment would remove and thereby allow the FAA to continue its crusade to eliminate more flights at National.

Although proponents of this amendment will tell you that National is only expected to serve about 13.5 million passengers in 1983, I would just like to remind my colleagues again that in 1979 the airport accommodated 15.1 million people. What this means is that the current levels are artificially low because of the recession and the PATCO strike. As the economy continues to recover and as air traffic restrictions are lifted in many areas of the country, the number of passengers using the airport will again increase. Therefore, unless the FAA proposals are stopped, the agency will simply use the lower passenger ceiling as an excuse to reduce airline flights in the future.

When the existing FAA policy was being debated in 1981, many of you were opposed to its adoption. As a matter of fact, this body rejected it before it was finally implemented in December of that year. If you opposed the FAA's plan then, I suspect you will probably feel the same way this time around.

However, many Members who supported the FAA in 1981 did so because they believed the policy was a reasonable solution to a difficult problem, and one which would end the continuing controversy at National once and for all. Unfortunately, this was not the case and I suggest that you look at this proposal for what it is—another in a series of attempts by the FAA to eliminate as much of National's service as it can get away with.

If any of this troubles you, as it does me and many of my colleagues speaking on the issue today, I urge you to oppose the gentleman's amendment and send a message to FAA that further reductions in airline service at National will not be tolerated.

Mr. Chairman, I include the following comparison for the Record:

COMPARISON OF WASHINGTON NATIONAL AIRPORT POLICIES

	Pre-December 1981 policy	Current policy (Effective Dec. 6, 1981)	Proposed changes
Total scheduling hours per day	16	15	No change
Slots:			
Air carriers	40 per hour (640 per day, +42 ATC's, +15 extra sections=697).	37 per hour (555 per day+15 extra sections=570)	Reduce as necessary to comply with reduced passenger ceiling (these slots would be transferred to the commuters).
Commuters	8 per hour	11 per hour	13 per hour plus additional slots transferred from the air carriers.
General aviation	12 per hour	12 per hour	No change
Extra sections	Not counted against a carrier's slot allocation	Not counted against a carrier's slot allocation	Do.
Additional flights based on ATC conditions (ATC's)	Permitted (About 42 additional air carrier operations per day were conducted in this fashion).	Not permitted	Do.
Night noise limitations 10 p.m. through 6:59 p.m.	No limit	72dBA (take-off) [1]; 85dBA (approach) [1]	Do.
Nonstop limit	650 statute miles [2]	1,000 statute miles [3]	Do.
Annual passenger limit	No limit	16 million	14.8 million or the level forecast in January 1985.
Operating hours	24 hours [4]	24 hours [5]	No change.
Scheduling hours	7 a.m. to 10 p.m. [6]	7 a.m. to 10 p.m.	Do.
Late arrivals of scheduled flights	No limit	Until 10:30 p.m.	Do.
Late departures of scheduled flights	do	Not allowed	Do.

[1] Eliminates most aircraft except twin-engine props and some quieter business jets.

[2] Although beyond the 650-mile perimeter, the following cities still received nonstop service under a grandfather clause. Minneapolis, St. Louis, Memphis, Miami, Orlando, Tampa, West Palm Beach.

[3] In addition to the seven grandfathered cities, expansion of the perimeter to 1,000 miles made Birmingham, Ft. Lauderdale, and Kansas City eligible to receive nonstop service

[4] Informal jet ban, 10 p.m. to 7 a.m.

[5] See noise limitation for 10 p.m. through 6:59 a.m. which eliminates most airline jet operations.

[6] 40 operations were allowed to be scheduled at 10 p.m.

ADDITIONAL FACTS ON NATIONAL AIRPORT

Passenger cap proposal.—The FAA proposal would reduce the current cap of 16 million. It has proposed two alternatives to accomplish this. One would lower the cap to 14.8 million; the other would lower it to the level forecast in January 1985 provided it does not exceed 16 million.

Historical passenger activity (milions of passengers).—1979—15.1, 1980—14.5, 1981—14.1 (PATCO strike August 3, 1981), 1982—13.3 (slot restrictions lifted by FAA in August 1982), and 1983—estimated 13.5

Boeing 757—(now serving National)—178 passengers, assumes 10 percent in first class (aircraft can accommodate up to 233 if configured for coach seating only with lowest seat pitch); twin engine (Rolls Royce or GE), narrow body; range 2,160 nautical miles (2,660 nautical miles for high gross weight option; certificated for two crew members; about 25 percent more fuel efficient, and quieter (stage 3 airplane).

Commuter exemption.—The language in the DOT bill would not affect the FAA's recent grant of an exemption which allows 2 additional hourly commuter slots, provided they are conducted with quieter STOL (short take-off and landing) aircraft on specially designated runways. This raises the number of commuter slots from 11 to 13 per hour.

□ 1640

Mr. GLICKMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. Wolf), coauthor of the amendment.

Mr. ROBINSON. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. ROBINSON. Mr. Chairman, as a former member of the Dulles International Airport Development Commission, I rise in support of this amendment.

Mr. Chairman, as a member of the Committee on Appropriations, I am aware that the bill which we now have under consideration has undergone careful development in subcommittee and careful review in the full committee. In certain instances, the committee has included prohibitions on the use for a particular purpose of any portion of a particular item of appropriated funds. This is a proper exercise of the committee's judgment, and I do not object to it per se.

There is in this bill, however, one limitation which I do not believe serves the overall public interest. It would prohibit the Federal Aviation Administration from using appropriated funds for the purpose of placing in effect lowered future passenger limits at Washington National Airport.

It is, in my view, an untimely intervention in a regulatory process, in that the FAA has not adopted a final rule in this matter. It has published for public comment a proposed rulemaking, and the comment period does not close until July 27, 1983.

Even though I believe that considerations of public safety—and, yes, public convenience—would warrant cuts, I should emphasize that the FAA's proposed rule, if ultimately adopted, would not force the elimination of even one present scheduled flight into or out of Washington National Airport.

The intent is to place realistic limits on future growth of passenger traffic at National; and I submit that anyone who spends awhile observing the frequency of landings and takeoffs during morning and late afternoon peak air traffic hours there can hardly help becoming convinced compelling safety justifications exists for such limits. We should be encouraging the FAA in this. The odds against further major accidents there are falling as safety margins contract under increasing traffic pressures.

National may be convenient to downtown Washington, but it no longer is a commodious modern metropolitan airport. There is such an airport—also under Federal ownership—which could and should absorb the traffic growth occurring after a cap came into effect at National. I refer, of course, to Dulles International Airport, which is no less convenient to most potential users than are the majority of comparable facilities across the Nation to their own users. New highway links are enhancing this convenience.

National served 13½ million passengers in 1982. Dulles served 2½ million. This is an indefensible imbalance.

The FAA proposal—and it still is a proposal open for public comment—is a cap at National of 14.8 million passengers per year, which it is projected would be met by mid-1985. Even this cap would not be rigid. Reassessment would be permitted.

This is not unreasonable. Let us not tie the hands of the FAA in this appropriation bill and risk the remorse which a congestion-caused tragedy at National could inflict upon us.

Mr. WOLF. Mr. Chairman, let me clarify what the issues are and how they are really involved here.

One, it is important to remember that the current level of passengers at National Airport today is 13.5 million.

What the Dole policy, and I might say that Secretary Lewis strongly supported this just before he left, but what the Dole policy does is allow growth, at National Airport, additional growth to either 14.8 million or 15.2 million, additional growth of 1.3 million passengers or 1.7 million passengers.

It is important to remember that there will not be one flight cut. The growth from 13.5 million now will go up to 14.8 million and possibly up to 15.2 million.

Second, the rulemaking process is underway. If you were the Congressman that represented both of these airports, as I do, and you had a rulemaking process in your congressional district, I think you would want the rulemaking process to take place.

Third, let us compare airports. The size of Dulles Airport is 10,000 acres. The size of National Airport is 658 acres. It is one-fifteenth the size of Dulles Airport.

Dulles Airport was built for jets. National Airport was built for prop planes in 1941 under the Roosevelt administration.

Dulles Airport now serves 6,800 passengers a day. National Airport now serves 37,000 passengers a day.

Dulles Airport serves 2.5 million passengers a year. National Airport, which is one-fifteenth the size, 658 acres, serves 13.5 million.

Let us show runway comparison. The runway at National Airport is 6,869 feet. The runways, and there are two of them, at Dulles, are 11,500 feet. You can see quite a difference there.

National Airport has the shortest runway of any of the major airports in the United States.

But I stress again, no flights will be cut under this policy.

What about future growth? Future growth after 1985 will go to Dulles and BWI airports. It is important to remember that the gentleman I respect so much from Kentucky (Mr. Snyder) talked about the Dulles connector. The Dulles connector will open in September of this year and you will be able to get on I-66, then the Dulles connector, and the Dulles access road, and be at Dulles Airport in 30 or 35 minutes from downtown Washington.

At National Airport there are 701 cities and destinations served a day. There are 555 flights a day. But again I stress, none are going to be cut.

You wonder how many are out there now? Look at this printout of flights. We have plenty of flights at National Airport. They go on and on and on. There are 78 flights a day at National Airport alone that go to New York City.

I wish that this issue were not with us today. I know it is a sensitive issue. I have talked to Members. I respect the fact that my colleagues want to get back to their congressional districts.

But I say again there are no flights that are going to be cut.

Some people say that there is no safety issue involved. The Air Florida crash which happened when Congress was out of session made a terrific impact on me. Most of the people that were on the Air Florida flight either lived in my congressional district or had members of their families in my congressional district. I feel an obligation, I feel a commitment to try to do something to solve this problem.

You fly out of this airport. Your husbands and wives fly out of this airport. Your children fly out of this airport.

Last Monday I put my daughter on a flight out of National Airport to Portland, Oreg. My family flies out of this airport.

I ask you: Let us err on the side of safety.

I urge you to vote with the citizens of this area. Vote to allow additional growth and vote so that there are no additional cuts in any flights. I respectfully request that you vote for the Glickman amendment and I yield back the balance of my time.

Mr. SABO. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Minnesota has 16 minutes remaining.

The gentleman from Kansas (Mr. Glickman) has 13 minutes remaining.

Mr. SABO. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. Traxler).

Mr. TRAXLER. Mr. Chairman, I rise in opposition to the amendment and DOT's proposed rule and in strong support of the committee position.

I am especially troubled by the amendment because what it does, is it says that any new administration and any new DOT Secretary can promulgate and propose new rules affecting National Airport after that issue was resolved in 1981.

We have resolved this issue I think to nearly everyone's satisfaction some nearly 2 years ago. With the confidence on the part of the membership and the public and the airlines, the FAA was proceeding to develop a master plan for National Airport that would see it modernized.

Many of you have wondered why the subway line sits back where it is almost inaccessible to the current terminal. I thought that was an irrational decision at the time. I comprehend now that it was done that way so that there could be a new terminal. That was the idea of years ago, and the terminal would be built on the subway line.

That has not happened and the reason is because every administration and every DOT Secretary has a new idea about National Airport: the number of planes that come in, the number of people that are going to be served by that airport. These numerous proposals defeat orderly planning and development at National.

You are not going to get an intelligent plan for National Airport under these circumstances.

My hope is that we will let well enough alone, we did come to an understanding in 1981, and the fact that this is a new Secretary, and new people living at the Watergate, ought not to influence our decisions.

We have a plan. It is a logical, reasonable one. Let it go into effect and stop changing the rules every time you see a new personality involved in the decisionmaking process.

The cap being proposed in the amendment will have an adverse effect on National Airport. It is anticipated that aircraft carrying more people, specifically the 757, which has been certified for the airport, ultimately will be using it.

It is quieter. Hey, listen to that, quieter than any current commercial aircraft using the airport. We ought to applaud the efforts of the airlines to upgrade their craft by this kind of a modern technique and modern technology.

□ 1650

But the residents on that side of the river are opposed to that aircraft. I do not understand why. It is quieter. It brings in more people, it is more efficient fuelwise, quieter, safer, it is a better aircraft.

There was a tragedy at National a year ago or so. It was due to icing conditions on the wings of the aircraft. It was a ground maintenance problem, and pilot error.

Do you want to close National for that reason? Are you going to close Dulles because one of the craft coming into Dulles crashed in the side of a mountain?

Human error will be with us at the most modern technologically equipped airport in this Nation. There will be tragedies. There is no failsafe system that will guarantee absolute safety. But National Airport has a remarkable safety record and everyone in this room knows it.

And I want to say in closing that I hope that you will oppose the amendment, that you will support the committee, that you will allow the existing rational, sane policy at National airport to continue.

I know in the heart of hearts of the gentleman from Pennsylvania he really knows what the committee has done is fair, just and right and we know if things were different he would be voting with us.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman.

Mr. COUGHLIN. I think the slip of his tongue displayed his real emotions and his feeling we should have more use of Dulles which is what the rulemaking would provide.

Mr. TRAXLER. I thank my colleague for that incorrect opinion.

I yield back the balance of my time.

Mr. GLICKMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. Pease).

Mr. PEASE. Mr. Chairman, I rise in strong support of the Glickman amendment.

Mr. Glickman makes the argument why this amendment makes sense. We all know from observation that National Airport is too crowded. The terminal is too crowded. The parking lots are too crowded. The access roads are too crowded. The planes create a noise problem coming down the Potomac or going up the Potomac. There is congestion in the entire area. If National is not unsafe, surely it is not as safe as if the aircraft were coming into an airport like Dulles.

But the real issue is congressional interference with the rulemaking process and with the FAA, the agency that we set up to devise safe air travel for American citizens. We make ourselves look silly with provisions such as we have in the committee bill. We open ourselves up to criticism of self-serving action. Let us not do that. Let us follow a rational course of action and adopt the Glickman amendment.

Mr. SABO. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. Rudd).

Mr. RUDD. I thank the gentleman for yielding.

I commend him for his opposition to this amendment. I rise in opposition to the amendment.

I would also like to commend the gentleman from Michigan who just left the well and also to commend the gentleman from Kentucky for the wisdom of his remarks in his presentation on this matter and his opposition to the amendment itself.

You know, this Capital of our Nation belongs to the people of the Nation and I think in that same sense that National Airport belongs to the people of the Nation, the people who visit here and the people who have to come here to do business because this is the Capital site of our Nation.

I think that those who would be in favor of this, would do the people of the country a disservice.

Mr. Chairman, the amendment contradicts the carefully worked-out compromise established by former Transportation Secretary Drew Lewis and all other parties just 2 years ago.

After long negotiations, much heated debate, and greatly hyperbolized discussion of the safety issues regarding National Airport, an agreement was reached in 1981 setting the future passenger ceiling at 16 million.

The 16 million person cap was agreed to by all concerned with the understanding being that this would set a certain and stable policy, putting an end to the strife that has kept this airport's future in limbo for years.

The amendment before us today would only jeopardize the 1981 compromise and only further interrupt the advance planning and heavy investments made by the airlines.

The amendment could alter the cap to as low as 14.8 million passengers, based upon continually fluctuating growth levels, and once again puts the National Airport matter in a state of flux.

Let us not make this another safety issue. National Airport has a proven record of safety going back four decades. Those who seek the closure of this facility have sought to use the very tragic event in 1982 as an emotional weapon against an airport that rates as high in its safety record as other, larger facilities.

The fact remains that people who live near an airport have a choice not to live near that airport, had a choice not to do so in the beginning.

This happens to every airport in the Nation. So this should not be a consideration.

The issue here is one of reaffirming the 1981 agreement following a stable policy for a long-term planning that may be taken into account.

I urge rejection of the amendment against the language supporting the 1981 agreement.

I thank the gentleman for yielding.

I yield back the balance of my time.

Mr. GLICKMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. Bliley).

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding. I want to take a moment to express my strong support for the amendment offered by the gentleman from Kansas on the issue of National Airport.

The Department of Transportation is not asking for a reduction of traffic at National. Some would have us believe that the Department's proposal would severely restrict our ability to use this, admittedly, convenient airport. This simply is not true. In fact, under the proposed rule, traffic can continue to grow from its present 13.5 million to between 14.8 and 16 million yearly.

However, I do not believe the real issue here is the number of millions of passengers allowed at National each year. The question here is who gets to make that decision. The people of northern Virginia and the District of Columbia will be most affected by the action taken to alter passenger levels at National. I think we should give them a chance to tell us how they feel. I do not believe we should arbitrarily choose for them in a situation that so directly affects them. I support my colleague's amendment because I believe that these people deserve to be heard. They certainly have that right.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. Myers).

Mr. MYERS. I thank my colleague for yielding this time.

This issue certainly is not one of the newer issues. It has been around for quite some time.

I rise in opposition to this amendment for several reasons. First off, the matter of safety. Yes, we had a very tragic accident at National, but we also have had tragic accidents out at Dulles. About 10 years ago I lost several friends on an airplane that had been diverted away from National into Dulles and they crashed going into Dulles killing all on board. Forcing passengers to travel extra miles to BWI or Dulles by some ground transportation is not necessarily making their travel safer.

So, if you are looking at the safety factor, one is probably as safe or unsafe as the other.

But the real crux of the matter is this, this is our Nation's Capital. It does not belong just to you people who happen to live in this vicinity. It belongs to the taxpayers. They are entitled to the convenience of National Airport. We sometimes forget and local radio stations spent millions of dollars lobbying on this. This is the Nation's Capital, it belongs to all the taxpayers of the country. Do they not have some rights?

I constantly hear local people say: "Well, this is our airport out here and we have a right to vote our way, it is not the Congress airport."

This morning an editorial on a local radio station said if this amendment should not prevail, we should call it Congressional Airport. Five hundred thirty-five Members of Congress; yet 13 million people use it annually. The people who pay for it should have the right to use it also.

We forget and lose sight that this is the Nation's Capital and it belongs to the people and not just the surrounding communities.

Mr. GLICKMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. Barnes).

□ 1700

Mr. BARNES. Mr. Chairman, I am pleased to rise in strong support of the gentleman's amendment.

And I have to say to my colleagues who have been participating in this debate that I do not understand the debate. I do not understand the arguments that are being made by the opponents of the Glickman amendment.

If you sat here and listened to the debate, it would sound as though—in fact, somebody used the term a few minutes ago—we were talking about "closing" National Airport. Someone said just because there was a crash last year, we should not "close National Airport."

I agree. The gentleman from Kansas (Mr. Glickman) agrees, the gentleman from Virginia (Mr. Wolf) agrees, all of the people who support this amendment agree. We are talking about putting a ceiling on flights, on the number of passengers in and out of National, that is higher than the current number of people flying in and out of National.

We are not only not talking about "closing" the airport, we are talking about permitting an increase in the number of people who are using the airport now.

So I say to the gentleman who just left the well that those American citizens that the gentleman is concerned about who might be, as the gentleman suggested, deprived of access to this airport, will not be deprived of it.

More people will have access to it than have access to it today.

What the amendment of the gentleman from Kansas would do however, is establish a policy that the Department of Transportation, that the people who are concerned about safety—it is their responsibility that the Congress has delegated to them—that they have determined is a responsible policy, that takes into account safety factors, that takes into account all of the other considerations that need to be factored in to this kind of decision. They have come forward with a policy that was developed under Secretary Lewis and now under Secretary Dole that is a responsible, reasonable policy that does not take away your flight home to your district, does not hurt your constituents' access, does not reduce the number of flights, does not close the airport, it simply assures that the Government in a responsible way is addressing all the issues that need to be addressed.

Every responsible player on this issue supports the amendment of the gentleman from Kansas. The Reagan administration supports his amendment, the Department of Transportation wants to go forward with its process, the airport officials support this because they understand the importance of a responsible airport policy, all of the local affected governments support the amendment.

I strongly urge the Members to understand what this amendment is about and not be misled by any of the arguments that are being made in the debate.

Mr. SABO. Mr. Chairman, I have no further requests for time. I reserve the balance of my time for my concluding statement.

Mr. GLICKMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. Skelton).

Mr. SKELTON. Mr. Chairman, the gentleman from Kentucky a few moments ago indicated that safety was not an issue. And yet, we can recall in our memory a year ago one of the great tragedies in the airline history of America occurring at National Airport. And yet the gentleman says that safety is not an issue.

We have projected for 1985 over 15 million people using National Airport as opposed to Dulles Airport using 2½ million people. And yet the gentleman from Kentucky says that safety is not an issue.

We have National Airport, which was built on 658 acres, with 6,800 feet of runway length, built for prop planes, propeller drive planes, as opposed to Dulles Airport on 10,000 acres and 11,500 feet built for jets. And yet the gentleman says that it is not a matter of safety.

I think that we should also look at the fact that there are 771 designated flights as opposed to 110.

Safety is an issue, Mr. Chairman.

Mr. GLICKMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. Parris).

Mr. PARRIS. Mr. Chairman, 2 years ago when we debated this same subject, I warned my colleagues that National Airport was an accident waiting to happen. And unfortunately, that tragedy occurred.

I have no desire to be a prophet of doom. I have no intention of injuring National Airport. It is an important commercial center in northern Virginia, but it is simply not correct to say that this is not an aviation safety issue. Additional burdens of traffic do impact on air traffic safety. And due to overcrowding, the pressure of aircraft forced to take off and land within seconds at National Airport simply leaves no room for error.

I have been a fighter pilot in the Air Force, I have had a commercial pilot's license for 30 years, I started the Flying Circus, I have an open cockpit airplane and do acrobatics on the weekend. I have a number of airline pilot friends of mine with similar interests and they tell me this airport is a marginal one. It is marginal because of the limited physical facilities which are overtaxed. And it should not be further adversely impacted by additional traffic.

It has been said that we should have a plan for traffic at National. We do have a plan and we have experts at the FAA. Why in God's name do we not let them exercise that expertise and responsibility without arbitary congressional action. It has been said that we are going to close the airport and the people of this Nation have the right to use it. Well, 16 million of them are going to use it under the existing plan, but how many more should we permit? Are there adequate facilities on the ground? The answer, the Members know, is "No." Is there enough air traffic at the airport? The answer, the Members know, is clearly "Yes."

The question is: Has the authorized traffic levels as indicated by these pas-

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senger limits saturated the facilities at National? There is not a Member in this Congress who knows in his heart that that situation is not so. We cannot operate safely off of a 6,900-foot runway forever with the kind of traffic volumes that are generated at National Airport with any margin for error.

There is no suggestion here that there would constitute an unreasonable limitation of the use of National.

If it were left for me to decide and perhaps for my good friend from Virginia (Mr. Wolf), we might like to close the airport completely if it did not serve our community so well. Under the circumstances as we find them at this time, however, that is not reasonable. We know that and we do not suggest that the airport be closed or abandoned. But what we have tried to suggest is that the experts in this administration be permitted to utilize their information and their expertise to determine what is, in fact, consistent with aviation safety in an aviation facility that serves this Congress and this Nation well, but which can only carry so much traffic without being dangerously overloaded.

I would hope that this Congress would adopt this amendment.

Mr. GLICKMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. Holt).

Mrs. HOLT. Mr. Chairman, I rise in support of the gentleman's amendment.

We are not talking about closing National. We are not talking about leaving millions of would-be passengers stranded at the gate, but rather to more evenly spread air traffic among the three metropolitan airports. We have in the Washington, D.C., area, three of the finest airports in our Nation. The Baltimore-Washington International Airport, located in my District, and the Dulles International Airport, located in Northern Virginia, are both modern facilities, more capable of safely serving Washington area residents and of course Members of Congress, than the picturesque, convenient but overcrowded National. There is certainly a continued need for operating National Airport, but we must view the situation responsibly, not selfishly. I urge that we let the rulemaking continue. I urge my colleagues to support this amendment.

As the gentleman from Virginia said, National Airport was built during the 1940's for prop-driven planes. In fact, the Army Air Corps operated Bolling Field just across the Potomac, and the Navy flew many planes in the same airspace. In the time since National was built, we have seen Bolling's runways closed, increased use of Andrews for military flights; the construction of Dulles, and a beautiful renovation of BWI. But what has happened to National? It has seen its ridership continue to increase. In the face of all of the other efforts to move traffic to the suburbs, National just keeps on growing. Passenger traffic is up. Noise pollution is up. Air pollution is up. Car traffic is up.

The gentleman's amendment responsibly and appropriately addresses the question of increased traffic at National. Very simply, so that Dulles and BWI, the airlines, the FAA, local governments, and even residents can get on with the effort needed to more evenly distribute traffic among the three airports.

It has been argued that plans are being made to lengthen and improve runways at National, to improve access highways, parking, metrorail linkage, and for construction of a new north terminal. In the cause of safety, I applaud these efforts. In the cause of convenience for Members, I question such a motive.

Earlier this month we voted to restore the west front of this building because it is esthetically more appropriate, financially more sound, and despite turning down a means of gaining more space, it is responsible to make do with what we have. I urge my colleagues to view this question on National Airport in the same light, but adding to that the factors of noise pollution and safety. It is financially more sound to encourage use of other facilities, without pouring millions of dollars into National. I urge my colleagues to support this amendment.

Mr. GLICKMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. Hoyer).

Mr. HOYER. Mr. Chairman, I rise in strong support of the gentleman's amendment.

Now, obviously, all of us representing the Washington metropolitan area have risen and spoken on this amendment. Clearly we are concerned about it. Clearly it is not a new issue. All of the Members of this Congress who have been Members for 10 years, 20 years, perhaps even 30 years—I know I was working for a U.S. Senator Daniel Brewster back in 1963 and 1964 when I was going to law school and one of the key issues was the National Airport use issue at that period of time are familiar with the efforts to place a reasonable lid on the flights at National Airport.

☐ 1710

This is not, as all the previous speakers have pointed out, a reduction in the use. In fact, it is a ratification of the 1981 agreement, because I would suggest to all of the Members of the Congress that in 1981 the plan by Secretary Lewis, DOT, and the FAA was to resolve this issue in approximately 1985.

Now, what has happened is that the statistics presumed to be operative in 1981 have changed. That is all. The date has remained the same. All that the FAA has done is to change the rule so that we will meet the date, because it was agreed at that time by the FAA, by the DOT, and by this Congress that by 1985 we would have reached capacity at National, whatever that number was, and we would at that point in time start to diffuse traffic to Baltimore-Washington International Airport and to Dulles. We ought to continue on that path, and I urge support of the gentleman's amendment.

Mr. GLICKMAN. Mr. Chairman, I yield myself whatever time I have remaining.

The CHAIRMAN. The gentleman from Kansas (Mr. Glickman) is recognized for 1 minute.

Mr. GLICKMAN. Mr. Chairman, just quickly, to close debate, my amendment does not reduce the passenger levels at National at all. But those of you who fly in there know in your gut that the airport has reached its saturation level both in terms of airplanes in the air, on the ground, and in terms of ground surface traffic. Those of you who fly into this airport know that you are flying into a maze, particularly when you land to the south, straddling Rosslyn and the USA Today Building, which is nearly 20 stories high, and the Washington Monument, the Lincoln Memorial, the Kennedy Center.

I do not contend the airport is currently unsafe. At current levels it operates reasonably well. All we are saying to the people in this country is: Let us continue to operate it safely, let us insure that there is a reasonable amount of traffic that goes to the other two major airports in the area so we insure not only a good operating airport at National but a safe one, as well.

I urge the adoption of my amendment.

Mr. SABO. Mr. Chairman, I yield myself such time as I have remaining.

The CHAIRMAN. The gentleman from Minnesota (Mr. Sabo) is recognized for 8 minutes.

Mr. SABO. Mr. Chairman, I have listened with interest to the proponents of this amendment. One, we are told that we should not do anything with the rulemaking authority of DOT. And I must say that I have heard an amazing amount of concern about this expressed today by our friends from northern Virginia and Maryland and the area surrounding the District of Columbia. I cannot help but recall that a couple weeks ago, when we were considering the bill of the gentleman from California (Mr. Roybal), dealing with our Federal employees, most of the most enthusiastic supporters of suspending the rules as they applied to proposals out of OPM came from people who are today telling us that it

is just ridiculous that we look at suspending a rule out of DOT.

Clearly it is in our jurisdiction. If you look at this bill, the funding for National Airport is in this bill. The funding for Dulles Airport is in this bill. The new subway which just opened from National, running directly to downtown Washington, paid for with a higher percentage of Federal funds than most any other transit system in the country, was paid for by Federal dollars. Clearly it is within our jurisdiction. We have a responsibility to look at the rulings of DOT.

Again, I remind the Members that we simply are saying we are going to maintain the policy that was agreed on in 1981.

What about the safety issue? We are told, on one hand, we are not reducing any flights by this amendment but to pass it because there is too much traffic. The two do not go together. We had the charts up here of the length of the runways, passenger limits, and the statements would start out, "We are not reducing any flights, but here is the length of this runway, and here is the length of this other runway."

That has no relevance. Current policy does not add air slots to National. Hitting the limit, whether it be 14,800,000 or 16,000,000 does not reduce the total number of air slots. It does reduce the character of the planes that can fly into National. They have to carry fewer passengers. They still take up roughly the equivalent amount of air space. It is not a safety issue.

In my judgment, this is basically a choice on whether we want to have stability in planning. A decision was made in 1981. We can continue to live on it, maintaining that 1981 policy. It does not increase the slots over what is proposed in this amendment. We have begun to plan for the ground facilities and the other facilities that will accommodate the passenger load at National. Dulles is growing. BWI is growing today under normal natural market circumstances. There is no need to again institute the instability of a proposal for a change in rules as it relates to National every time the Secretary of DOT changes.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to my colleague, the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I congratulate the gentleman in the well on his thoughtful and persuasive statement. I would like to be associated with all of the remarks of the gentleman.

An agreement was made in 1981. We will try to meet every condition of that agreement. To change those rules in midstream now is a violation of what we did previously.

The gentleman's committee has exercised its responsibilities and its jurisdiction legally. I thank the gentleman for his presentation.

Mr. SABO. I thank the gentleman for his comments.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, is it the gentleman's judgment that if this amendment were adopted, that we have seen the last of the rulemaking changes in connection with National Airport? Or would those persons who spoke today, some of them perhaps, not all of them, certainly, continue their efforts to ultimately, which I believe is to be their goal—and the gentleman can comment on this—is their ultimate goal really to stop all commercial flights into National Airport?

Mr. SABO. I cannot speak for them, but it would seem to me that the logic of the arguments presented by some of the proponents, not all, on the amendment would lead to that conclusion.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I am not going to try to close the airport. It has got a very useful function. I am just saying, let us let it go like the airports in Houston and Dallas and Kansas City, let us let our major jetport handle most of the traffic, the commercial traffic. That is what every other city in the country has done. The only exception is Washington, D.C. But I certainly would not want to close the airport. It is a useful airport for commercial purposes.

Mr. SABO. I would suggest to the gentleman from Kansas that maintaining the 1981 policy does not increase the number of jets going to National Airport from what is happening today.

Mr. TRAXLER. Mr. Chairman, if the gentleman will further yield on that point, of course that is the point. There was a clear understanding in 1981 relative to traffic at National Airport. Now we have got changes and proposed changes.

May I ask the gentleman's opinion, when will the proposals to change the 1981 rules, or if this is passed, the 1983 rules, end? Is this the end or is it not the end? Can anyone say with certainty what the next round in the continuing saga of efforts to change the numbers of people coming into National Airport will be? Does anyone believe that this is the end? That is nonsense.

Mr. SABO. I would hope that we would today decide that we would live by the agreement of 1981 so that everyone, both air carriers and planners for ground transportation, other facilities, at National Airport know that we have an established policy and will abide by it.

Mr. GLICKMAN. If the gentleman will just yield on that point, I want to make it clear that it is misleading. The Drew Lewis 1981 proposal was essentially to shift traffic away from National after 1985, not allow unlimited growth. The traffic forecasts just were not accurate. And that is what the Elizabeth Dole proposal does, shifting traffic away from National after 1985.

Mr. SABO. The agreement of 1981 was set at a 16 million cap. Traffic at National was substantially higher at that point than it is today. It went down because of the air traffic control strike and the recession.

On the other hand, both Dulles and BWI have continued to grow during those circumstances.

I might also suggest to the gentleman from Kansas that if you want a rational policy to arrive at by a date rather than a number seems totally contradictory to me. Because if you want it through a date rather than a number, it would seem to me you would force the airlines to totally maximize their growth at National in the next 2 years rather than to continue a moderate, reasonable growth leading to the eventual cap of 16 million.

Mr. Chairman, I urge the Members to vote no on this amendment.

☐ 1720

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. Glickman).

The question was taken; and on a division (demanded by Mr. Glickman) there were—ayes 18, noes 23.

RECORDED VOTE

Mr. GLICKMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 249, not voting 13, as follows:

[Roll No. 206]

AYES—170

Ackerman
Barnes
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Bonker
Boucher
Boxer
Breaux
Brooks
Broomfield
Brown (CO)
Burton
Byron
Carper
Chandler
Cheney
Clarke
Coats
Coleman (TX)
Conte
Conyers
Cooper
Corcoran
Coughlin
Coyne
Craig
D'Amours
Dannemeyer
Daub
Davis
Dellums
DeWine
Dreier
Durbin
Dymally
Dyson
Eckart
Edwards (AL)
Emerson
English
Erdreich
Evans (IL)
Feighan
Fiedler
Fish
Frank
Franklin
Gekas
Glickman
Goodling
Gore
Gradison
Gramm
Gunderson
Hamilton
Hance
Hansen (UT)
Harkin
Hatcher
Hightower
Hiler
Holt
Hoyer
Hubbard
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Jacobs
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Jones (OK)
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Kostmayer
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Lowery (CA)
Lundine
Lungren
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Madigan
Markey
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McCain
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Mollohan
Moorhead
Nielson
O'Brien
Ortiz
Packard
Panetta
Parris
Pashayan
Pease
Petri
Pickle
Pritchard
Pursell
Rahall
Rangel
Ridge
Roberts
Robinson
Roemer
Rogers
Schaefer
Schneider
Schroeder
Schumer
Seiberling
Shelby
Shumway
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Solarz
Staggers
Stenholm
Stokes
Studds
Sundquist
Tauke
Tauzin
Udall
Valentine
Vander Jagt
Vandergriff
Vucanovich
Walgren
Waxman
Weaver
Weiss
Williams (MT)
Wirth
Wise
Wolf
Wright
Wyden
Wylie
Yatron
Young (AK)
Zschau
Rinaldo
Ritter
Rodino
Roe
Rose
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Scheuer
Schulze
Sensenbrenner
Shannon
Sharp
Shaw
Sikorski
Smith (IA)
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Stangeland
Stark
Stratton
Stump
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Synar
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Thomas (GA)
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Traxler
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NOES—249

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Bates
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Beilenson
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Bevill
Biaggi
Boggs
Boland
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Bonior
Borski
Bosco
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Brown (CA)
Broyhill
Bryant
Campbell
Carney
Carr
Chappell
Chappie
Clay
Clinger
Coelho
Coleman (MO)
Collins
Conable
Courter
Crane, Daniel
Crane, Philip
Crockett
Daniel
Daschle
de la Garza
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Dwyer
Early
Edgar
Edwards (CA)
Edwards (OK)
Evans (IA)
Fascell
Fazio
Ferraro
Fields
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Gonzalez
Gray
Green
Gregg
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hammerschmidt
Harrison
Hartnett
Hawkins
Hefner
Hertel
Hillis
Hopkins
Horton
Howard
Huckaby
Hughes
Ireland
Jenkins
Jones (NC)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kindness
Kolter
Latta
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Lott
Lowry (WA)
Lujan
Luken
MacKay
Marlenee
Martin (IL)
Martin (NC)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McDonald
McEwen
McNulty
Mica
Minish
Mitchell
Moakley
Molinari
Montgomery
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Oxley
Patman
Paul
Penny
Pepper
Perkins
Porter
Price
Quillen
Ratchford
Ray
Regula
Reid
Richardson

NOT VOTING—13

Erlenborn
Hansen (ID)
Heftel
Johnson
LaFalce
Martin (NY)
Martinez
Patterson
Rostenkowski
Shuster
Simon
Smith, Robert
Thomas (CA)

□ 1730

The Clerk announced the following pairs:

On this vote:

Mrs. Johnson for, with Mr. Thomas of California against.

Mr. Robert F. Smith for, with Mr. Martin of New York against.

Messrs. ALBOSTA, EDWARDS of California, HOPKINS and SAVAGE changed their votes from "aye" to "no."

Mrs. BOXER, Mr. SCHUMER, Mr. DURBIN, and Mrs. SMITH of Nebraska changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1740

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 315. None of the funds provided in this Act for the Department of Transportation shall be used for the promulgation or enforcement of any rule with respect to the repayment of construction differential subsidy for the permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936.

Mr. NELSON of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am concerned about the attempts of the FAA to consolidate many flight service stations in 1984.

I support the attempts of the FAA to upgrade and to modernize their entire air traffic control system; however, the FAA has plans to close 75 flight service stations out of 300 in the country, and to do this in 1984. Three of those happen to be in my congressional district.

I am not against the consolidation; but many private pilots have a concern for safety, since so many of the airplane accidents are weather related. Accurate weather data must be relayed to pilots concerning the region in which they are flying.

I urge the FAA to reconsider its attempts to close down all three of the flight service stations in central Florida.

Therefore, I would ask my colleagues to oppose the motion that the Committee of the Whole rise so that an amendment may be offered which would limit the number of stations which may be closed in 1984.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to offer an amendment to this legislation in the way of prohibiting the Department of Transportation from imposing sanctions for the failure of a State to have adopted an inspection and maintenance program for the motor vehicles in its borders.

I am mentioning this effort at this time because the rules have been changed for the 98th Congress, and if this effort in the way of an amendment by way of a prohibition is made at the close of the bill where it belongs, the rules provide that the committee chairman can recommend that the Committee rise and that motion is not debatable; so in order to explain to the Members what it is that I am about, I am taking the time at this time so that I will have an opportunity to explain the reasons why I seek the permission of the House to have the Committee not rise and to consider this very important amendment.

There are 29 States in the Union that are required by law under the Clean Air Act to have inspection and maintenance of motor vehicles in their jurisdiction. These are the States that are in trouble on this issue and run the risk of having sanctions imposed against them for failure to have I&M on the books today: Illinois, Texas, Indiana, Wisconsin, Michigan, Kentucky, Tennessee, and Utah. If you represent one of those States in this Chamber, you should be voting against the Committee rising and for the amendment I intend to offer.

Why? Because if we do not make this policy change you are going to be answering mail from your constituents why they are paying 9 cents a gallon of Federal tax into the Federal pot and are not getting any money out of it. Why? Because the State has not adopted I&M, so the sanction comes and you will not be getting your aliquot share.

In addition to the eight States that I have identified, there are seven States in the Union that are presently having difficulty with the issue of I&M. They are: Maryland, North Carolina, Pennsylvania, Missouri, Delaware, Idaho, and Virginia. If you represent one of those States, you should be voting similarly to keep the Committee from rising and for the amendment that I would like the permission of the House to offer.

There is a very serious question as to whether there is a cost-benefit ratio from a policy standpoint to adopt mandatory inspection and maintenance.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, the gentleman mentioned Pennsylvania in his list of States that are having problems with inspection and maintenance.

Is the gentleman aware that Pennsylvania has resolved those problems through the State legislature?

Mr. DANNEMEYER. It seems that it depends on what person from Pennsylvania you talk to, I say to the gentleman from Pennsylvania (Mr. EDGAR). That is the only response I can give that makes sense. Some Members say so and some say not.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding.

The Governor has just signed a bill which was passed by the House and the Senate in the State of Pennsylvania complying with the Clean Air Act.

Mr. DANNEMEYER. Mr. Chairman, I thank the gentleman for his contribution; but you are still going to have to answer to your constituents as to why they have to line up once a year and pay somebody $15 or $20 to have a probe put into the tailpipe of a car to determine if it complies with Federal law, when the data indicates that going through this process may reduce pollution from all sources in any region by 2 to 4 percent.

The proponents, the people who manufacture the testing equipment, tell us that you are going to get a higher percentage reduction of pollution. But there is a very serious question on this issue. For instance, Arizona and New Jersey are having very serious second thoughts about continuing this program of I&M in their States.

Mr. Chairman, this amendment was offered last year to the body and it passed 200 to 184.

I frankly would prefer to bring this issue to the House in a package of reform of the entire Clean Air Act. That is precisely procedurally what we should be doing; but in my judgment, my colleagues, we do not have the votes in the 98th Congress to achieve a comprehensive reform of the Clean Air Act.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. Mr. Chairman, Members may recall that 2 weeks ago we offered an amendment dealing with the failure of 213 counties around the country to be in attainment of deadlines required by the Clean Air Act and the body overwhelmingly supported that prohibition against the EPA imposing sanctions for communities failing to be in attainment.

□ 1750

That is one example of a needed change in the Clean Air Act.

This issue of I&M is another illustration of the need for a comprehensive reform. But, as I indicated earlier, we do not have the votes to bring that comprehensive reform to the floor of the House. So we have to look at these issues piece by piece by piece.

How to deal with hazardous waste is another fundamental issue that divides the Committee of jurisdiction on the issue. How to deal with the problem of acid rain is another fundamental issue.

I wish that we could, frankly, develop the consensus of a package to solve these major issues of our day. But I do not think we are going to get it. I do not believe we are going to have the consensus in the 98th Congress to do it. I could be wrong and I hope I am wrong, but I do not think we are going to be able to do it.

I, for one, do not choose to go home to my constituents and tell them: "Friends, we are collecting 9 cents a gallon into a Federal pot, but you are not going to get your share because the Department of Transportation is going to be required by the existing law to impose sanctions against any State in the country that has not adopted I&M by mandate of Federal law."

That is what this amendment is about, and I ask your support in resisting the motion to have the Committee rise.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would urge you not to accede to the wishes of our colleague from California (Mr. DANNEMEYER) when the motion to rise is offered. I would hope you would join me in supporting that motion.

What the gentleman from California (Mr. DANNEMEYER) would have us do would be to legislate the Clean Air Act on this appropriation bill. this is different than the proposal we had before us several weeks ago when we were clarifying the law as to when sanctions might be imposed.

We at that time said that the law meant that sanctions could only be applied when a State was not acting in good faith.

What this proposal would have us adopt is that a State, even acting in bad faith, inconsistent with the law, would not be subject to sanctions. Those sanctions, by the way, are at the discretion of the Administrator of the Environmental Protection Agency. Mr. Ruckelshaus has said that he is reviewing the sanctions policy. It will be at his discretion whether sanctions would be employed.

The Dannemeyer amendment would take away that authority that the Administrator has to enforce the Clean Air Act.

This is not the place to make a change in the inspection and maintenance in the Clean Air Act. Leave that for a later time. Leave that for a more thoughtful decisionmaking process, and go along with the committee recommendation to rise so that we can deal with the appropriations issue and not an authorization on the Clean Air Act.

I yield back the balance of my time.

Mr. ROYBAL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to clarify the report language affecting the Burbank-Glendale-Pasadena Airport. As I understand it, the present terminal is located too close to the runways to meet current Federal safety standards. Blocking Federal funding for this project will only delay a solution to the safety-related problem.

The replacement of the terminal will significantly enhance the potential use of the east-west runway, resulting in a better balance of the noise impact on the nearby residential communities. I am informed that the airport is also working on a noise abatement implementation plan to further reduce noise impact. This plan involves a rotational runway use program and increased use of the east-west runway.

I believe that these efforts respond adequately to the intent of the report language accompanying the Transportation appropriations bill without adding mandatory criteria not applicable to other airports. Airport officials have agreed to continue discussions with my colleagues, HOWARD BERMAN, CARLOS MOORHEAD, and myself to carry this noise abatement effort forward as quickly as possible, including discussions of a significant increase in the percentage of flights using the east-west runway.

I would ask the gentleman from California (Mr. BERMAN) does that meet with his understanding of the situation.

Mr. BERMAN. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman.

I appreciate my fellow Californian's efforts to resolve this dispute satisfactorily. I look forward to working with him to make certain that the airport pursues policies which will be responsive to residents affected by airport noise.

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Mr. ROYBAL. I thank the gentleman.

Mr. LEHMAN of Florida. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. I thank both of my colleagues from California for their efforts in resolving this matter so expeditiously.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California (Mr. Moorhead).

Mr. MOORHEAD. I thank the gentleman from California (Mr. Roybal) for his comments. I have previously made comments in the Record in today's proceedings but I wish to rise in strong support of a new administrative building for the Burbank Airport. It is vitally needed for safety purposes if we are to have a safe airport there.

I hope that the differences that apparently exist are ironed out.

Mr. ROYBAL. I agree wholeheartedly with the suggestions made by the gentleman from California.

Mr. MOORHEAD. I would say that I do not agree with the provision that was put in the report of the Committee on Appropriations.

Mr. ROYBAL. I thank the gentleman and I agree with him.

I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full time. However, I do wish to bring to the attention of this body my concern for the flight service station situation and associate myself with the remarks of the gentleman from Florida. I think that in the modernization and consolidation program we should pay attention to the concern of the airlines and of the private pilots who have a great deal of concern for safety.

The fact is that they were promised better service when their gas tax was tripled last year and I think that they should be listened to in light of the fact that there is a move to consolidate these flight service stations.

This does have some effect on our area and I would certainly hope that these stations would not be closed up faster than the equivalent service can be provided.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding and rise to associate myself fully with the remarks the gentleman is making. I think he is summarizing the situation very well and I will not be redundant. I just want to join in the gentleman's remarks.

Mr. SKELTON. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

□ 1800

Mr. LEHMAN of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Florida (Mr. Lehman).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 275, noes 139, not voting 18, as follows:

[Roll No. 207]

AYES—275

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Boehlert
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Byron
Carper
Carr
Chappell
Chappie
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Daschle
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Hightower
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lewis (CA)
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Marlenee
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McHugh
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Pease
Penny
Pepper
Perkins
Pickle
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Rodino
Roe
Roemer
Rose
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)
Zablocki

NOES—139

Andrews (TX)
Archer
Badham
Bartlett
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton
Campbell
Carney
Chandler
Cheney
Coats
Coleman (MO)
Conable
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gingrich
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Sam
Hammerschmidt
Hansen (UT)
Hartnett
Hiler
Hillis
Hopkins
Hubbard
Hunter
Hyde
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kolter
Kramer
Lagomarsino
Latta
Leath
Lent
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marriott
Martin (IL)
Martin (NC)
McCain
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
Michel
Moore
Moorhead
Morrison (WA)
Myers
Nelson
Nielson
Oxley
Packard
Pashayan
Patman
Paul
Petri
Porter
Quillen
Ridge
Ritter
Roberts
Robinson
Rogers
Roth
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Siljander
Skeen
Smith (NJ)
Smith, Denny
Snyder
Spence
Stenholm
Stratton
Stump
Sundquist
Taylor
Vander Jagt
Vandergriff
Vucanovich
Walgren
Walker
Weber
Whitehurst
Whittaker
Winn
Wortley
Wylie
Young (FL)
Zschau

NOT VOTING—18

Alexander
Bethune
Boggs
Erlenborn
Florio
Hall, Ralph
Hansen (ID)
Heftel
Holt
Johnson
Martin (NY)
Martinez
Patterson
Rostenkowski
Shuster
Simon
Smith, Robert
Thomas (CA)

□ 1810

Mr. DANIEL changed his vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Sharp, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 3329, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COUGHLIN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Coughlin moves to recommit H.R. 3329 to the Committee on Appropriations, with instructions to that committee to report the bill back to the House forthwith, with the following amendment:

On page 42, after line 3, add the following new section:

Sec. 318. Each dollar amount in this Act is hereby reduced by 4 per centum. This reduction shall not apply to amounts in

Line 25 on page 4.
Line 17 on page 10.
Line 19 on page 10.
Line 6 on page 21.
Line 7 on page 21.
Line 9 on page 31.
Line 25 on page 6.
Line 9 on page 10.
Line 23 on page 13.
Line 20 on page 14.
Line 7 on page 18.
Line 23 on page 27.

□ 1820

The SPEAKER. Under the rules, the gentleman from Pennsylvania (Mr. Coughlin), is entitled to 5 minutes.

Mr. COUGHLIN. Mr. Speaker, I wish I did not feel compelled to come here with a motion to recommit, and I will be very brief.

The bill that is before us now, according to the Committee on Appropriations and to the Committee on the Budget, is $385 million in budget authority and $630 million in outlays over the President's budget. It is $217 million in budget authority below the House assumptions, and $98 million in outlays above the House assumptions.

According to the Office of Management and Budget, however, it is $918 million over the President's request when you consider increases in obligational limits and, as you might expect, this is subject to that wonderful word v-e-t-o, and I am assured that it will probably be vetoed by the President in its present form.

What the motion to recommit does is to have a straight, across-the-board 4-percent cut in all programs except for mandatory appropriations, except for rescissions, and except for appropriations which are to liquidate obligations that have already been incurred. Everything else would take a straight 4-percent cut.

With that, Mr. Speaker, I hope that the motion to recommit will be adopted. I believe that if it is adopted, we have a chance of not having the bill vetoed, and it is with reluctance that I offer the motion to recommit.

The SPEAKER. The gentleman from Florida (Mr. Lehman) is entitled to 5 minutes.

Mr. LEHMAN of Florida. Mr. Speaker, although a 4-percent reduction sounds like a relatively insignificant sum, I just want the Members to know what this amendment would mean.

This amendment would require:

A $106 million cut in FAA operations—that is the money needed to run our air traffic control system;

A $67 million cut in Coast Guard operations needed for search and rescue, drug interdiction, and pollution control;

A $40 million cut in FAA facilities and equipment—money needed to modernize our air traffic control system;

A $30 million cut in Amtrak funding; and

A $100 million cut in mass transit formula grants.

These are but a few of the many important programs that would be badly hurt by such an amendment.

I am very concerned that this amendment which cuts the FAA by $150 million below the budget request will harm the effectiveness and safety of our air traffic control system.

I am very concerned that the $30 million cut in Amtrak may require cuts in Amtrak routes and service.

I am very concerned that the Coast Guard search and rescue and drug interdiction efforts will be diminished because of the proposed $67 million cut in the Coast Guard.

I am very concerned that the $100 million transit cut will cause the closure of many mass transit properties across the country.

Mr. Chairman, the pending amendment would have a serious adverse effect on the programs in our bill. In many cases it would even reduce funding to levels significantly below the President's budget request.

In fact, this amendment will really only postpone the funding of these programs from this bill to a future supplemental appropriations bill.

I urge a no vote on the amendment.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. COUGHLIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 191, nays 223, not voting 18, as follows:

[Roll No. 208]

YEAS—191

Andrews (NC)
Archer
Badham
Bartlett
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton
Byron
Campbell
Carney
Carper
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Durbin
Edwards (AL)
Edwards (OK)
Emerson
Erdreich
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiler
Hillis
Hopkins
Horton
Huckaby
Hunter
Hyde
Ireland
Jacobs
Jeffords
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Myers
Neal
Nichols
Nielson
O'Brien
Oxley
Packard
Pashayan
Patman
Paul
Petri
Pickle
Porter
Pritchard
Pursell
Quillen
Ray
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Sensenbrenner
Sharp

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1983
JMI

Shaw
Shumway
Siljander
Skeen
Skelton
Slattery
Smith (NE)
Smith, Denny
Snowe
Snyder
Solomon
Spence

Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich

Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NAYS—223

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bryant
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua

Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Howard
Hoyer
Hubbard
Hughes
Hutto
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Moody
Morrison (CT)
Mrazek
Murtha
Natcher
Nelson
Nowak
Oakar

Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Pease
Penny
Pepper
Perkins
Price
Rahall
Rangel
Ratchford
Reid
Richardson
Rinaldo
Rodino
Roe
Rose
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Seiberling
Shannon
Shelby
Sikorski
Sisisky
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vento
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wirth
Wise
Wolf
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NOT VOTING—18

Alexander
Bethune
Daschle
Erlenborn
Florio
Foglietta

Heftel
Holt
Johnson
Martinez
Patterson
Rostenkowski

Schumer
Shuster
Simon
Smith, Robert
Thomas (CA)
Wilson

☐ 1840

Mr. ANDREWS of Texas changed his vote from "yea" to "nay."

Mr. SKEEN and Mr. RALPH M. HALL changed their votes from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 156, not voting 26, as follows:

[Roll No. 209]

YEAS—250

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Bosco
Boucher
Boxer
Britt
Brown (CA)
Bryant
Carper
Carr
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
D'Amours
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Eckart

Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Foley
Ford (MI)
Ford (TN)
Fowler
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hatcher
Hawkins
Hefner
Horton
Howard
Hoyer
Hughes
Jeffords
Jenkins
Jones (NC)
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lipinski
Livingston
Long (LA)
Long (MD)

Lowry (WA)
Luken
Lundine
MacKay
Markey
Martin (IL)
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rose
Rowland
Roybal
Russo

Sabo
Savage
Scheuer
Schneider
Seiberling
Shannon
Sharp
Sikorski
Sisisky
Smith (FL)
Smith (IA)
Smith (NJ)
Snyder
Solarz
Spratt
St Germain
Staggers
Stangeland
Stark

Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walgren
Watkins

Waxman
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wirth
Wise
Wolf
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki
Zschau

NAYS—156

Archer
Badham
Bartlett
Bateman
Bilirakis
Bliley
Breaux
Broomfield
Brown (CO)
Broyhill
Burton
Byron
Campbell
Carney
Chandler
Chappie
Cheney
Coats
Conable
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dickinson
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Forsythe
Franklin
Frenzel
Gekas
Gingrich
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance

Hansen (ID)
Hansen (UT)
Hartnett
Hertel
Hightower
Hiler
Hillis
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jacobs
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Leath
Lewis (FL)
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDonald
McGrath
McKernan
McKinney
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Morrison (WA)
Neal

Nelson
Nichols
Nielson
Oxley
Packard
Pashayan
Patman
Paul
Quillen
Regula
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schroeder
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Siljander
Skeen
Skelton
Slattery
Smith (NE)
Smith, Denny
Snowe
Solomon
Spence
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Vandergriff
Walker
Weaver
Weber
Whitehurst
Whittaker
Williams (OH)
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—26

Alexander
Bethune
Biaggi
Borski
Brooks
Daschle
Erlenborn
Evans (IL)
Florio

Foglietta
Frank
Heftel
Holt
Johnson
Jones (OK)
Martinez
Patterson
Pritchard

Rostenkowski
Schumer
Shuster
Simon
Smith, Robert
Thomas (CA)
Wilson
Winn

The Clerk announced the following pairs:

On this vote:

Mr. Biaggi for, with Mr. Erlenborn against.

Mr. Patterson for, with Mr. Winn against.

Mr. Simon for, with Mr. Thomas of California against.

Mr. Florio for, with Mr. Robert F. Smith against.

Mr. WHITEHURST changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1850

AUTHORIZING THE CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 3329

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill, H.R. 3329, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. COUGHLIN. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the bill, H.R. 3329, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3132. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3132) entitled "An act making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Hatfield, Mr. McClure, Mr. Garn, Mr. Cochran, Mr. Abdnor, Mr. Kasten, Mr. Mattingly, Mr. Domenici, Mr. Johnston, Mr. Stennis, Mr. Byrd, Mr. Hollings, Mr. Huddleston, Mr. Burdick, and Mr. Sasser to be the conferees on the part of the Senate.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1183, TAX RATE EQUITY ACT OF 1983

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-258) on the resolution (H. Res. 242) providing for the consideration of the bill (H.R. 1183) to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A MOTION TO RECEDE AND CONCUR WITH AMENDMENT IN THE AMENDMENT REPORTED FROM CONFERENCE IN DISAGREEMENT ON HOUSE CONCURRENT RESOLUTION 91

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-259) on the resolution (H. Res. 243) providing for the consideration of a motion to recede and concur with the amendment in the amendment reported from conference in disagreement on House Concurrent Resolution 91, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3363, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-260) on the resolution (H. Res. 244) waiving certain points of order against consideration of the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT REGARDING RECOGNITION OF MEMBERS OF TOMORROW

Mr. BONIOR of Michigan. Mr. Speaker, on behalf of the Speaker, I wish to inform the Members of the House that on tomorrow, Thursday, June 23, due to the importance of the legislation scheduled for consideration, it is the Speaker's intention not to recognize Members for 1-minute speeches until the completion of legislative business.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF COMMITTEE ON THE JUDICIARY TO SIT TOMORROW, JUNE 23, 1983, DURING 5-MINUTE RULE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on Thursday, June 23, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of the subcommittee meeting is for a hearing on H.R. 2327, the Regulatory Reform Act of 1983.

The minority has been consulted and is agreeable.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

HELSINKI HUMAN RIGHTS DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent consent that the Committees on Post Office and Civil Service and Foreign Affairs be discharged from further consideration of the Senate joint resolution (S.J. Res. 96) to designate August 1, 1983, as "Helsinki Human Rights Day" and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, and I will not object, I rise to very quickly support the resolution, Senate Joint Resolution 96.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. COURTER. I yield to my friend from New York.

Mr. GILMAN. I thank the gentleman for yielding.

I want to commend the gentleman and the gentlewoman for bringing this measure to the floor at this time.

Mr. Speaker, I rise in support of Senate Joint Resolution 96, which authorizes the President to issue a proclamation designating August 1 as Helsinki Rights Day and urging all signatory nations—particularly the Soviet Union and its satellites—to abide by their obligations under the Helsinki accords.

The Helsinki accords commits all signatory nations to "respect human rights and fundamental freedoms."

It is highly appropriate that on the eighth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe that we underscore the significance of this document.

Within the last few days, I have been meeting with House investigators who are plotting map locations of Soviet mail interference. These investigators have been plotting exhibit numbers on a map of the Soviet Union and its satellites in preparation for a forthcoming hearing on the issue of Soviet mail interference.

Nowhere on that Soviet map are there more violations recorded than just across the Gulf of Finland from a city called Helsinki. The countries that lie just across the Gulf of Finland are Estonia, Latvia, and Lithuania. About 25 percent of all mail interference by the Soviet Union which our committee has mapped comes, from those three Baltic Republics.

What irony that the area with the highest rate of mail violation, lies just across from Helsinki.

We all recall the bold promises of the Helsinki accords when they were signed some 8 years ago. Everyone was agreed then that the desire of the participating states would be to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief."

All agreed that they would "work in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family." And they agreed to "process applications in this field as expeditiously as possible."

And all signatories—including the Soviet Union—agreed to other accords to freedom or travel and other significant rights.

Well, Soviet performance has not matched its promises.

By serving on both the Foreign Affairs Committee and the Post Office and Civil Service Committee of the House, I have been able to closely observe the issues at hand. The Post Office Committee's Subcommittee on Investigations has accumulated significant evidence: We now have over 200 exhibits of mail interference by the Soviet Union and its satellites, denying their own citizens a right to basic mail delivery and we will be airing much of the evidence we have accumulated at our forthcoming House Post Office hearing.

In recent weeks, the Soviets publicized the first report of a newly formed Anti-Zionist Committee in Moscow, alleging to the world that the only reason immigration by Soviet Jewery is down is due to the fact that anyone who wanted to leave has already left the Soviet Union.

I believe that the thrust of this resolution is of extreme importance. It requests the President of the United States to continue his efforts to achieve full implementation of those important human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance with authorities of the Soviet Union and the East European countries, at every available opportunity.

Accordingly, I urge my colleagues to support its immediate adoption.

● Mr. ZABLOCKI. Mr. Speaker, I rise in strong support of Senate Joint Resolution 96 to designate August 1, 1983 as "Helsinki Human Rights Day." At the outset, I want to commend the distinguished chairman of the Committee on Post Office and Civil Service, the gentleman from Michigan (Mr. FORD), as well as the gentleman from New York (Mr. GARCIA) for their expeditious action in bringing this matter to the floor.

Senate Joint Resolution 96 was jointly referred to the Committees on Post Office and Civil Service and on Foreign Affairs. The Foreign Affairs Committee has not formally considered the resolution but has no objection to floor action and is fully supportive of the legislation.

The resolution was unanimously approved by the Senate on May 20. Senate Joint Resolution 96 would designate August 1, 1983 as "Helsinki Human Rights Day" to commemorate the eighth anniversary of the signing of the Helsinki accords.

The Helsinki accords were an important step in the fostering of a European political and security framework that would ease tensions on the continent. In addition to the recognition of the principles of inviolability of borders and noninterference in the internal affairs of states, the 35 signatories to the Helsinki Final Act pledged to respect human rights and fundamental freedoms and facilitate free movement of persons, institutions, and organizations among the signatory states.

It is unfortunate that the great potential of the Helsinki accords has not been fulfilled to date. As Senate Joint Resolution 96 points out, the Soviet Union and East European States have not carried out the Helsinki commitments. Continuing violations of human rights in the areas of family reunification, right to travel and emigrate, and freedom of religion, thought, and conscience are evident. The resolution rightly calls on the President to raise these issues with Soviet and East European authorities at every available opportunity.

Mr. Speaker, it is my hope that the proclamation of Helsinki Human Rights Day on August 1, 1983 will improve the prospects for a fuller implementation of the Helsinki accords. I urge approval of Senate Joint Resolution 96.●

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 96

Whereas August 1, 1983, will be the eighth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereafter in this preamble referred to as the "Helsinki accords");

Whereas the Helsinki accords express the desire of the participating states to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion";

Whereas the Helsinki accords also express the commitment of the participating states to "facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions, and organizations of the participating states, and to contribute to the solution of the humanitarian problems that arise in that connection";

Whereas the Helsinki accords specify that the participating states will "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family" and will "deal with applications in this field as expeditiously as possible";

Whereas the Helsinki accords also state that the participating states will facilitate travel by citizens of such states for both personal and professional reasons and that for this purpose such states will simplify exit and entry procedures;

Whereas the Government of the Union of Soviet Socialist Republics, in agreeing to the Helsinki accords, has acknowledged an adherence to the principles of freedom and to the basic human rights of citizens to emigrate, to be reunited with their families, and to enjoy at least minimal governmental respect for their individuality and human worth;

Whereas the Soviet Government has not fulfilled its commitment to the Helsinki accords by denying individuals inherent rights to freedom of religion, thought, conscience, and emigration;

Whereas the governments of the Soviet Union and its satellites have increased the difficulties faced by citizens who wish to reunite with family members in other countries, resulting in a drastic decline in recent emigration figures;

Whereas Jews, Ukrainians, Balts, Byelorussians, Armenians, Georgians, and members of other nationalities in the Soviet Union are persecuted and often imprisoned for attempts to celebrate their national heritage, to practice their religion, to express freely their opinions, to emigrate, or to monitor Soviet Government compliance with the provisions of the Helsinki accords;

Whereas the satellite nations of the Soviet Union have increased repression against labor union members, peace activists, religious and political dissenters, and others desiring to emigrate; and

Whereas the denial of fundamental rights by the Soviet Government is a threat to peace throughout the world: Now, therefore be it,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1983, the eighth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory nations, particularly the Soviet Union and its satellites, to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities; and

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance with authorities of the Soviet Union and East European countries at every available opportunity.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint resolution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.

Mrs. HALL of Indiana. Mr. Speaker, August 1, 1983, marks the eighth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, herein designated as "Helsinki Human Rights Day." The Helsinki accords express the desire of the participating states to "respect human rights and fundamental freedoms." Mr. Speaker, I urge adoption of this resolution which authorizes and requests the President to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory nations, particularly the Soviet Union and its satellites, to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMEMORATING 40TH ANNIVERSARY OF ESTABLISHMENT OF GEORGE WASHINGTON CARVER NATIONAL MONUMENT

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 293) to commemorate the 40th anniversary of the establishment of the George Washington Carver National Monument in Diamond, Mo., and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Madam Speaker, reserving the right to object, I rise simply to congratulate the gentlewoman from Indiana for being one of the motivating forces behind this resolution. It is an excellent resolution, and I urge my friends on this side of the aisle to support it.

Mr. TAYLOR. Madam Speaker, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Missouri.

Mr. TAYLOR. Madam Speaker, 40 years ago, while this Nation was at war on two continents, President Franklin Roosevelt approved legislation that established a national monument to Dr. George Washington Carver at his birthplace near Diamond, Mo. I think it is important to remember that at that disorganized time in our national history the American people, through their elected representatives, desired to pay homage to a man who had contributed so much to them by approving the establishment of this national monument just 6 months after his death. As my colleagues may be aware this was the first public memorial dedicated to a black American.

Dr. Carver's life should be an inspiration to all of us but particularly to our young. Born into slavery at the close of the Civil War, he grew into the man that developed over 118 products from sweet potatoes, over 300 products from peanuts, paving blocks and insulation from cotton, and face powder and paints from the clays of Alabama, where he continued the work that began in his garden on the Carver farm.

Since I was born and raised just a few miles from the 210-acre Carver farm, now the monument grounds, I am well aware of the impact it has had on our region, particularly the tremendous source of inspiration it has been to the people who live there. Therefore, I am more than grateful to have had the opportunity to introduce this resolution and to bring to the attention of my colleagues the 40th anniversary of the monument and the "Gentle Genius" it honors and I urge its adoption.

At this time I would like to share with my colleagues some additional items of interest concerning the life of Dr. Carver and ask that they be inserted in the RECORD.

1897 OR THEREABOUTS—GEORGE WASHINGTON CARVER'S OWN BRIEF HISTORY OF HIS LIFE

As nearly as I can trace my history, I was about two weeks old when the war closed. My parents were both slaves. Father was killed shortly after my birth while hauling wood to town on an ox wagon.

I had 3 sisters and one brother. Two sisters and my brother I know to be dead only as history tells me, yet I do not doubt it as they are buried in the family burying ground.

My sister, mother and myself were kuckluckled, and sold in Arkansas, and there are now so many conflicting reports concerning them, I dare not say if they are dead or alive. Mr. Carver, the gentleman who owned my mother, sent a man for us, but only I was brought back, nearly dead with whooping cough, with the report that mother and sister was dead, although some say they saw them afterwards going north with the soldiers.

My home was near Neosho, Newton Co., Missouri, where I remained until I was about 9 years old. My body was very feeble and it was a constant warfare between life and death to see who would gain the mastery.

From a child, I had an inordinate desire for knowledge, and especially music, painting, flowers, and the sciences, algebra being one of my favorite studies.

Day after day, I spent in the woods alone in order to collect my floral beauties, and put them in my little garden I had hidden in brush not far from the house, as it was considered foolishness in the neighborhood to waste time on flowers.

And many are the tears I had shed because I would break the roots or flowers of some of my pets while removing them from the ground, and strange to say all sorts of vegetation seemed to thrive under my touch until I was styled the plant doctor, and plants from all over the country would be brought to me for treatment. At this time I had never heard of botany and could scarcely read. Rocks had an equal fascination for me and many are the basketfull that I have been compelled to remove from the outside chimney corner of the old log house, with the injunction to throw them down hill, I obeyed but picked up the choicest ones and hid them in another place, and somehow the same chimney corner would, in a few days or weeks, be running over again to suffer the same fate. I have some of the specimens in my collection now and consider them the choicest of the lot. Mr. and Mrs. Carver were very kind to me and I thank them so much for my home training. They encouraged me to secure knowledge helping me all they could, but this was quite limited. As we lived in the country, no colored schools were available. So I was permitted to go 8 miles to a school at town (Neosho). This simply sharpened my appetite for more knowledge. I managed to secure all my meager wardrobe from home, and when they heard from me I was cooking for a wealthy family in Ft. Scott, Kansas, for my board, clothes, and school privileges.

Of course, they were indignant and set for me to come home at once to die, as the family doctor had told them I would never live to see 21 years of age, I trusted to God and pressed on (I had been a Christian since about 8 years old). Sunshine and shadow were profusely intermingled such as naturally befall a defenseless orphan by those who wish to prey upon them.

My health began improving and I remained here for two or three years. From here to Olathe, Kansas, to school. From there to Paola Normal School. From there to Minneapolis, Kansas, where I remained in school about 7 years finishing the high school, and in addition some latin and Greek. From here to Kansas City, entered a business college of shorthand and typewriting. I was here to have a position in the union telegraph office as stenographer and typewriter, but the thirst for knowledge gained the mastery and I sought to enter Highland College at Highland, Kansas. Was

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refused on account of my color. I went from here to the Western part of Kansas where I saw the subject of my famous yucca and cactus painting that went to the World's Fair. I drifted from here to Winterset, Iowa, began as head cook in a large hotel. Many thanks here for the acquaintance of Mr. & Mrs. Dr. Milholland, who insisted upon me going to an art school, and choose Simpson College for me.

The opening of school found me at Simpson attempting to run a laundry for my support and batching to economize. For quite one month, I lived on prayer beef suet and cornmeal, and quite often being without the suet and meal. Modesty prevented me telling my condition to strangers.

The news soon spread that I did laundry work and really needed it, so from that time on favors not only rained but poured upon me. I cannot speak too highly of the faculty, students and in fact, the town generally. They all seemed to take pride in seeing if he or she might not do more for me than someone else.

But I wish to especially mention the names of Miss Etta M. Budd, my art teacher, Mrs. W. A. Liston & family and Rev. A. D. Field & family. Aside from their substantiate help at Simpson, were the means of my attendance at Ames. (Please fix this to suit).

I think you know my career at Ames and will fix it better than I. I will simply mention a few things. I received the prize offered for the best herbarium cryptogamy. I would like to have said more about you Mrs. Liston & Miss Budd, but I feared you would not put it in about yourself, and I did not want one without all.

I received a letter from Mrs. Liston and she gave me an idea that it was not to be a book or anything of the kind this is only a fragmentary list.

I knit, crochet, and make all my hose, mittens, etc., while I was in school.

If this is not sufficient, please let me know, and if it ever comes out in print, I would like to see it.

God bless you all,

Geo. W. Carver.

LIST OF BYPRODUCTS FROM PEANUTS BY GEORGE WASHINGTON CARVER (AS COMPILED BY THE CARVER MUSEUM)

Beverages

Beverage for Ice Cream, Blackberry Punch, Evaporated Peanut Beverage, Cherry Punch, Normal Peanut Beverage, Peanut Beverage Flakes, Peanut Lemon Punch, Peanut Kuomiss Beverage, Peanut Orange Punch #1, Peanut Punch #2.

Cosmetics

All Purpose Cream, Antiseptic Soap, Baby Massage Cream, Face Bleach and Tan Remover, Face Cream, Face Lotion, Face Ointment, Face Powder, Fat Producing Cream, Glycerine, Hand Lotion, Oil for Hair and Scalp, Peanut Oil Shampoo, Pomade for Scalp, Pomade for Skin, Shampoo, Shaving Cream, Tetter and Dandruff Cure, Toilet Soap, Vanishing Cream.

Dyes, paints, and stains

Dyes for Cloth (30), Dyes for Leather (19), Paints, Wood Stains (17), Special Peanut Dye.

Stock foods

Hen Food for Laying (peanut hearts), Molasses Feed, Peanut Hay Meal, Peanut Hull Bran, Peanut Hull Meal, Peanut Meal, Peanut Stock Food (3).

Foods

Bar Candy, Breakfast Food (5), Bisque Powder, Buttermilk, Butter from Peanut Milk, Caramel, Cheese Cream, Cheese Nut Sage, Cheese Pimento, Cheese Sandwich, Cheese Tutti Frutti, Chili Sauce, Chocolate Coated Peanuts, Chop Suey Sauce, Cocoa, Cooking Oil, Cream Candy, Cream from Milk, Crystallized Peanuts, Curds, Dehydrated milk Flakes, Dry Coffee, Flavoring Paste, Golden Nuts, Instant Coffee, Lard Compound, Malted Substitutes, Mayonnaise, Meat Substitutes, Milks (32).

Mock Goose, Mock Chicken, Mock Meat, Mock Oyster, Mock Veal Cutlet, Oleomargarine, Pancake Flour, Peanut Bar #1, Peanut Bisque Flour, Peanut Brittle, Peanut Butter, regular (3), Peanut Cake (2), Peanut Chocolate Fudge, Peanut Dainties, Peanut Flakes, Peanut Flour (11), Peanut Hearts, Peanut Kisses, Peanut Meal, brown, Peanut and Popcorn Bars, Peanut Relish (2), Peanut Saugage, Peanut Surprise, Peanut Tofu Sauce, Peanut Wafers, Pickle, plain, Salad Oil, Salted Peanuts, Shredded Peanuts, Substitute Asparagus, Sweet Pickle, Vinegar, White Pepper, from Vines, Worchestershire Sauce.

Medicines

Castoria Substitute, Emulsion for Bronchitis, Goiter Treatment, Iron Tonic, Laxatives, Medicine similar to Caster Oil, Oils, Emulsified with Mercury for venereal disease (2), Rubbin Oil, Tannic Acid, Quinine.

General

Axle Grease, Charcoal from Shells, Cleaner for Hands, Coke (from hull), Diesel Fuel, Fuel Bricketts, Gas, Gasoline, Glue Illuminating Oil, Insecticide, Insulating Boards (18), Linoleum, Lubricating Oil, Nitroglycerine, Paper (colored) from skins, Paper (Kraft) from vines, Paper (white) from vines, Printer's Ink, Plastics, Rubber, Shoe and Leather Blacking, Sizing for Walls, Soap Stock, Soil Conditioner, Wall Boards (from hulls) (11), Washing Powder, Wood Filler, Laundry Soap, Sweeping Compound.

LIST OF PRODUCTS MADE FROM SWEET POTATOES BY GEORGE WASHINGTON CARVER

Foods

After dinner Mints (3), Bisque Powder, Breakfast Food (5), Candies (14), Chocolate, Coffee, dry, Dried Potatoes (2), Dry Paste, Egg Yolk, Flour (4), Granulated Potatoes, Instant Coffee, Lemon Drops, Meal (4), Mock Coconut, Molasses (3), Orange Drops, Potatoe Nibs, Sauce, Spiced Vinegar, Starch, Sugar, Synthetic Ginger, Tapioca, Vinegar, Yeast.

Stock foods

Hog Feed, Stock Feed Meal (3).

General

Alcohol, Dyes (73), Fillers for Wood (14), Library Paste, Medicine, Paints, Paper (from vines), Rubber Compound, Shoe Blacking, Stains, Synthetic Cotton, Synthetic Silk, Writing Ink.

Mr. COURTER. I thank the gentleman for his leadership.

Madam Speaker, 40 years ago, at a time when the United States was engaged in a war, this body passed legislation that established a national monument honoring Dr. George Washington Carver. Dr. Carver, a black American was born a slave toward the close of the Civil War and was separated from his family at an early age. Dr. Carver managed to get a college education by doing laundry in order to pay his way through college. He became a faculty member at Iowa State College and soon became director of agriculture at the famous Tuskegee Institution at the personal invitation of Booker T. Washington.

Dr. Carver made great contributions to agricultural science. Dr. Carver deserves credit for developing over 500 products ranging from peanuts to face powder and paints.

Henry Ford, Sr., dedicated the George Washington Carver cabin which he had erected in Dearborn, Mich., to honor and commemorate Dr. Carver's achievements and contributions to American life. I think it is entirely fitting that we take this opportunity to commemorate the 40th anniversary of the first public memorial to a black American.

Mr. COURTER. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 293

Whereas, after George Washington Carver's death in 1943, legislation introduced in the House by United States Representative Dewey Short and in the Senate by Senator Harry S Truman authorizing the George Washington Carver National Monument was enacted into law;

Whereas 1983 is the fortieth anniversary year of that authorization and the subsequent establishment of the monument at George Washington Carver's birthplace in Diamond, Missouri;

Whereas the creation of the monument to Doctor Carver in 1943 attracted worldwide attention and demonstrated the depth of American democracy;

Whereas the monument was the first public memorial dedicated to the achievements of a black American;

Whereas the monument continues to be a source of interest and pride for all Americans; and

Whereas July 10, 1983, has been selected as the day to observe and pay tribute to Doctor George Washington Carver, at the monument in Diamond, Missouri, as a major world figure of the twentieth century: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested to issue a proclamation commemorating the fortieth anniversay of the establishment of the George Washington Carver National Monument and to call upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Madam Speaker, 1983 marks the 40th anniversary year of the authorization and the subsequent establishment of the monument at George Washington Carver's birthplace in Diamond, Mo. The creation of the monument to Doctor Carver in 1943 attracted worldwide attention and demonstrated the depth of American democracy. This monument was the first public memorial dedicated to the achievement of a black American. Mr. Speaker, I urge adoption of this resolution which authorizes and requests the President to honor and pay tribute to this major world figure.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL TOURISM WEEK

Mrs. HALL of Indiana. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 168) to designate the week beginning May 29, 1983, as "National Tourism Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

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Mr. COURTER. Madam Speaker, reserving the right to object, I rise not to object, certainly, but to add my voice with many others who feel that tourism is not only an extremely important industry in our particular States but an extremely important industry for the United States.

At this time I yield to my good friend, the gentleman from Pennsylvania, who was a motivating factor behind this resolution.

Mr. RITTER. Madam Speaker, I thank my colleague from New Jersey for yielding.

I want to thank him and the gentlewoman from Indiana (Mrs. Hall) for their expeditious handling of this resolution in bringing it to the floor of the House.

The industry has been a high performer for the United States of America during the recession. It has added 20 percent in terms of employment and I think it is only fitting that we recognize it, we take a week, that week being the week surrounding Memorial Day of next year and recognize it for the contributions it has made to our economy and to the quality of American life.

I would like also to thank the 250 or so cosponsors who joined with me in giving credit where credit was due.

I thank the gentleman.

Mr. COURTER. I thank the gentleman for his contribution, and I thank the gentlewoman from Indiana for her work, as well.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read as follows:

H.J. Res. 168

Whereas tourism is vital to the United States, contributing to its economic prosperity, employment, and international balance of payments;

Whereas travelers from the United States and other countries spent $191,000,000,000 in the United States during 1981, directly producing four million six hundred thousand jobs, $40,000,000,000 in wages and salaries, and $18,000,000,000 in Federal, State, and local tax revenues;

Whereas, if viewed as a single retail industry, the travel and tourism sector of the economy constituted the second largest retail industry in the United States in 1981, as measured by business receipts;

Whereas tourism contributes substantially both to personal growth, health, and education, and to intercultural appreciation of the geography, history, and people of the United States;

Whereas tourism enhances international understanding and good will; and

Whereas, as incomes and leisure time continue to increase, tourism will become an increasingly important aspect of the daily lives of the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 29, 1983, hereby is designated "National Tourism Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Madam Speaker, as you know, tourism is increasingly vital to the United States and contributes to its economic prosperity, employment, and international balance of payments. If viewed as a single retail industry, the travel and tourism sector of the economy constituted the second largest retail industry in the United States and generated 4.6 million jobs in 1983, paying $40 billion in wages and salaries and producing $18 billion in Federal, State, and local tax revenue. Travel industry employment outpaced the overall economy during the recent recession and accounted for 18 percent of all new jobs created. Designation of this week will focus attention on the contribution that tourism makes to our economic prosperity. Mr. Speaker, I urge the passage of this resolution.

AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Madam Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Hall of Indiana: On page 2, line 3, strike "May 29, 1983" and insert in lieu thereof "May 27, 1984."

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Madam Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mrs. Hall of Indiana: Amend the title so as to read: "Joint Resolution to designate the week beginning May 27, 1984, as 'National Tourism Week'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2053

Mr. HUNTER. Madam Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2053.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2262

Mr. HUBBARD. Madam Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 2262.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REPUBLICANS SEEK VOTES THROUGH THE "NEW BEGINNING SWEEPSTAKES"

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WEISS. Mr. Speaker, the Republican Congressional Campaign Committee has added a new twist to the old game of buying voter support. The Republicans have dubbed their new campaign the "New Beginning Sweepstakes," and by dangling a grand prize of $50,000 in front of potential supporters they hope to swell their ranks in time for the 1984 Presidential and congressional skirmishes.

I must admit, Mr. Speaker, that after a little thought I began to see the appropriateness of this innovative Republican fundraising idea. Reagan-

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omics has disbursed prizes much like a sweepstakes: A few lucky individuals win big while the great majority come away with nothing, minus the $25 or $50 contribution they wagered on the prospect that they, too, could join the rich. A lot of Americans filled out an entry blank for Mr. Reagan's Presidential lottery in 1980, and the losers have far outnumbered the winners.

In all fairness, the sweepstakes does its part to encourage the American dream. The instructions ask the entrants to stipulate how they would spend their $50,000 grand prize should they win. It even offers a few suggestions: Invest in a portfolio of stocks and bonds selected by your own financial advisers, invest in a valuable collection of rare coins, buy a new home or travel throughout America.

But I am afraid the engineers of this contest are oblivious to what extent the American dream has changed for a growing number of Americans, particularly during the last 3 years. I know of a group of Americans who, given an opportunity to participate in the New Beginning Sweepstakes, would have a more modest notion of what to spend the prize money on: Food, clothing, education, basic housing, and medical care.

The contest literature urges, "Just imagine what $50,000 could mean!" They might have put it less equivocally: "Vote Republican and you, too, could be one of the lucky few." As for the many losers, the sweepstakes and the Republican policies it will support make no promises.

Is your personal Sweepstakes number one of the lucky pre-selected winners? Will it win you that $50,000 Grand Prize to spend any way you wish? To start your personal new beginning.

You could use it to become fit and healthy with a fabulous home health center with sports equipment for the whole family—even take a trip to a resort spa.

Or perhaps you'd use it to invest in America's future, with a portfolio of stocks and bonds in American companies selected especially to meet your investment objectives by your own financial advisors.

You could invest it in a valuable collection of rare U.S. gold and silver coins.

Or would you prefer $50,000 for a new home, college tuition, start or expand your business, or travel throughout America?

Take your choice and spend it any way you want as a new beginning in America if you are the Grand Prize Winner! But you must enter—or you'll never know if you have won a new beginning for yourself and your family! 512 more valuable prizes! Every prize will be awarded! See other side for details.

Enter now! You have 513 chances to win a prize in your $100,000 New Beginning Sweepstakes.

Grand prize—$50,000 for your new beginning to spend any way you want.

$50,000 cash for your own new beginning! Buy a home, start a business, educate your children, take a dream vacation. Pay off all your debts and start fresh!

Or, how about investing $50,000 in a valuable collection of rare U.S. gold and silver coins, or antiques? You may want to invest in those companies that will grow in the 80's under the better business climate provided by the Reagan Administration. These are just some suggestions on how you can have a new beginning with $50,000.

Extra bonus for promptness! Grand Prize winner gets $5,000 extra if entry/contribution form is received before deadline! See entry form for details.

512 more prizes waiting to be claimed!

First prize: $10,000 cash. Buy a new American-built automobile, a physical fitness training center, a vacation for two anywhere in the U.S. or spend it any way you wish.

Second prize: $5,000 cash to spend any way you want to.

10 third prizes: $1,000 cash.

100 fourth prizes: $100 cash.

200 fifth prizes: $50 cash.

200 sixth prizes: $25 cash.

Don't be a "winner" who misses the boat! It's hard to believe that some people won't even bother to find out if they have won. You risk nothing when you send in your personal Sweepstakes number. And you could win. Why take a chance at having someone else win your prize. So don't fail to return your entry. Even if you don't have a winning number, you'll be entered automatically in a second chance drawing. All unclaimed prizes will be given away in a special drawing from among all entries received. So you have two chances to win, but only if you mail in your personal entry form.

Sweepstakes official rules—No donation required to enter.

Hurry! Return your entry form today! Sweepstakes closes July 1, 1984.

1. Just complete the entry form, select the yes or no envelope, complete the information required on the envelope and return the form with proper first class postage.

2. Your entry must be received by July 1, 1984. A promptness bonus of $5,000 will be paid the Grand Prize winner if that entry is received by the entry date shown on the official entry form. We are not responsible for mail delay, so mail your entry promptly. All valid entries received for this Sweepstakes sponsored by the National Republican Congressional Committee will be matched against the list of winning numbers selected by computer. Winners will be notified when the Sweepstakes closes on July 1, 1984.

3. All 513 prizes are guaranteed to be awarded. Drawings will be under the supervision of an independent judging company whose decisions are final. Taxes on prizes are the responsibility of the winners. One major prize to a family. Odds in the second chance Sweepstakes will be determined by the total number of entries received. Several different versions of this promotion may be mailed. The second chance drawing will be conducted on or about July 15, 1984.

4. The $100,000 "New Beginning" Sweepstakes is open to residents of the U.S., its territories and possessions. Employees and their families of the National Republican Congressional Committee and the production and judging companies are not eligible. Void where prohibited by law. All Federal, state and local regulations apply. Not responsible for entries lost, delayed or damaged. Only correct entries eligible. Prize winners will be notified by mail. Entry into the Sweepstakes constitutes permission to use winners' names and likeness for publicity purposes.

5. For a list of major prize winners, send a stamped, self-addressed envelope to: New Beginning Winners List, P.O. Box 727, Westville, NJ 07960.

Do not send entries or other correspondence to this box number.

Contributions to NRCC are by law political contributions. As such, they are subject to certain limitations. As a political contribution, the donor may take a tax credit of 50% of the amount of his or her contribution. However, the total amount of the tax credit may not exceed $50 on an individual return or $100 on a joint return. Ask your tax advisor if you have any questions.

Why a sweepstakes?

This is the first time a national Republican organization has sponsored a Sweepstakes. We're using this "New Beginning" Sweepstakes to illustrate an important point about opportunity in America today. This Sweepstakes symbolizes an important difference between the failed policies of the Democrats and the Republican programs that are restoring growth and prosperity to our country.

You have the opportunity to win a $50,000 "New Beginning" of your own, and because of Republican policies, every American now has the opportunity to reap the benefits of lower tax rates, reduced Government interference and a rebounding economy.

So now is your opportunity to contribute to support Republican House candidates to keep America on the mend. And you may win your own new beginning, too.

THE OFFICIAL
REPUBLICAN SWEEPSTAKES CENTER,
Washington D.C.

You may already have won the $50,000 Grand Prize in your "New Beginning" $100,000 Sweepstakes!

How would you use $50,000 to give you and your family "A New Beginning"? Would you use it to help buy a home? Start that business you've dreamed about? Put it aside for your children's education? Or plan for your retirement?

Are you already that lucky winner?

Someone who receives this letter has already won that $50,000 Grand Prize! Yes, 513 winning numbers, including the Grand Prize number, have already been selected in the "New Beginning" Sweepstakes!

Your number could be one—but unless you return your entry, you will never know! And even if your personal Sweepstakes number is not an instant winner, you could still win a prize—in a "Second Chance" Drawing to be held after the Sweepstakes closes, to award all prizes which have not been claimed!

This is the first time ever a national Republican organization has taken the unusual step of sponsoring a major Sweepstakes. Why?

We're using our "New Beginning" Sweepstakes to illustrate an important point about opportunity in America today.

You see, our "New Beginning" Sweepstakes symbolizes an important difference between the failed policies of the Democrats and the Republican programs led by President Reagan that are restoring growth and prosperity to our country.

Just as we are giving you the opportunity to win a $50,000 "New Beginning" of your own, every American now has the opportunity to reap the benefits of lower taxes, lower inflation, reduced government interference, and a rebounding economy—thanks to the policies of President Reagan and his Republican House colleagues.

And frankly, I'd like to draw your attention to the key role of the National Republican Congressional Committee in working to elect more Republicans to the U.S. House in 1984.

I hope that after you read my letter, you will become a supporter of the Congressional Committee because, quite simply, the chance for you, your family and our nation to prosper will be directly affected by the 1984 congressional elections.

Please let me explain.

For forty-four of the last forty-six years the Democrats have been in complete control of the U.S. House. And for all these years we've seen nothing but higher taxes and more social giveaway programs that wrecked our nation's economy, robbing you of the chance to earn a good living and keep a fair share of your earnings.

Then, in 1980, President Reagan and 52 new Republican Congressmen were elected to office by Americans who knew it was time for a change: as the President called it, "A New Beginning."

It was a historic turning point for you and for our country. Republicans reversed the growth of federal government. We called a halt to wasteful spending practices. And we took the first real steps to restoring our national defense.

The results of this dramatic shift away from the Democrats' failed policies speak for themselves:

Inflation dropped from 12% to 4%.

Interest rates dropped from 21% to less than 10.5%.

Your personal income tax rates have been cut 25%.

All the economic indicators show that we are in the midst of a major economic recovery, without inflation, so that all Americans will have the opportunity to work and prosper.

Of course, we still have a long way to go, but, finally, America is moving in the right direction, away from the financial crisis President Reagan inherited from Jimmy Carter.

But you and I can't afford to have our progress reversed by the Democratic majority in the House of Representatives. Unless we can elect many more Republican Congressmen we will never assure the long term success of America's "New Beginning."

That's why the work of the Congressional Committee is so critical. We are the only official Republican organization devoted exclusively to electing and re-electing Republicans to the House of Representatives.

No other committee gives more money or more support to Republican House candidates than the National Republican Congressional Committee.

And every dollar of the campaign support we give our candidates comes from the personal contributions of individual Americans across the country.

And today I'm asking you to support our efforts to elect more Republicans to Congress by contributing to the Congressional Committee.

I hope you will send your contribution of $15, $25, $50, $100, or more if you possibly can.

Your financial support will enable us to recruit the best candidates, finance campaign training seminars for Republican challengers, and provide a wide variety of campaign services to all Republicans running for Congress.

But most important, your contribution will provide direct financial support to Republican candidates in hundreds of congressional races across America.

Unfortunately, the liberal Democrats and every special interest group with a stake in big government are raising unprecedented sums of money to defeat our Republican Congressmen in 1984.

Unless you can help with a contribution today, I believe the liberals will achieve the major election victories they need in 1984. Then they will repeal the Reagan recovery program, raise your taxes, and fuel inflation by restoring their wasteful federal welfare programs.

If that happens, all the economic progress we're seeing will be destroyed, and we'll be back to the failed "tax and spend" policies of the past.

So when you return your Sweepstakes entry form, I hope you will send as generous a contribution as you can to the Committee.

And now your contribution helps in two important ways:

1. You are helping the whole country continue our growth and prosperity when you support our efforts to elect more Republicans to Congress in 1984.

2. You're helping yourself because you could be one of the lucky Sweepstakes winners! And if you are the Grand Prize winner, you will be able to spend your $50,000 any way you wish.

Just imagine what $50,000 could mean! A "New Beginning" for you and your family!

Let us know how you would spend your $50,000 Grand Prize! Be sure to write on your entry form what your personal "New Beginning" will be if you win.

Then return your entry/contribution form to me in the "Yes" envelope with your contribution today and you could be a winner.

Or, if you do not wish to make a contributiion to the Committee at this time, return your entry form in the "No" envelope—your chances of winning are the same either way.

But I urge you to contribute generously to the Congressional Committee when you enter. Think of it as an investment in the future of America's "New Beginning."

Of course, if you're "too busy" to enter, and your number is one of the lucky ones, then somebody else will be claiming your prize. And that would be unfortunate, since all you need to do is read the official rules and mail your entry today.

So don't delay! Send in your entry and we'll notify you immediately if you are a Grand Prize winner—plus, we'll enter your name in our special "Second Chance" drawing for the prizes that others leave unclaimed.

Sincerely,

ROBERT G. BICKHART,
Director,
Republican Sweepstakes Center.

P.S.—You can win a bonus of $5,000 if you are the Grand Prize Winner! This $5,000 "Extra Promptness" bonus will be added to your $50,000 Grand Prize if your winning entry is postmarked before the deadline on your entry form. So return your entry/contribution form now!

The Federal Election Commission requires that we report the following information:

Occupation ; Name of Employer ;

☐ Please check if self-employed.

The check is a personal contribution even though it may appear to be drawn on a business, partnership or other type of account.

Signature——.

Corporate contributions are prohibited by law.

CONGRESSMAN GUY VANDER JAGT,
Washington, D.C., Wednesday.

DEAR FRIEND: We're sponsoring the "New Beginning" Sweepstakes for two very special reasons:

(1) to draw your attention to the great gains made by the American economy, thanks to the success of Republican policies; and

(2) to attract new supporters to our Party to help elect more Republican congressmen.

I'm sure you'll agree that it is unusual for a political party to be giving away cash prizes at the very same time it is asking for funds to help elect its candidates.

First of all, let me assure you that none of the prize money will come out of the funds we set aside for our candidates.

And secondly, the point of this Sweepstakes is to attract so many new contributors to our Party that whatever amount we give away in prizes will be insignificant by comparison.

Our hope is that over the next several years, this Sweepstakes will attract thousands and thousands of new supporters to the Republican Party. Not only with 1984 in mind, but also, 1986, 1988, and beyond.

Your participation in our "New Beginning" Sweepstakes will help us achieve this goal, but more important, it will help elect more Republicans to Congress who will protect and extend the dramatic economic progress we have made and are continuing to make every day.

However, unless you act now, we may not have all the political resources we need to stop the Democrats' drive to reclaim total political power. If they succeed, they will reverse the very economic programs which are giving every American a chance for a new beginning.

Our candidates, right now, are counting on early and continuing support from the Committee to launch their campaigns against liberal Democratic opponents.

But we cannot help them without your financial support. This is why I hope you will enter our "New Beginning" Sweepstakes and become a supporter of the Congressional Committee.

With your financial help, we can elect men and women who will fight for the Republican legislation we need to limit taxes and keep federal spending under control.

Please send your entry and contribution today.

Sincerely,

GUY VANDER JAGT.

PIK CREATES DEMAND FOR NEW AGRICULTURAL CHEMICAL TO KILL YOUNG WHEAT PLANTS

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STARK. Mr. Speaker, thanks to the payment-in-kind (PIK) program, American chemists have just developed the agricultural equivalent of the neutron bomb. It is a new herbicide that will kill wheat and allow weeds to grow in a field. Like the neutron bomb, this herbicide kills what is important and leaves the rest behind.

This new chemical is "needed" to kill young wheat plants which were sown before their farmer decided to join the PIK program and get paid for not growing. Once he joins PIK, of course, he needs to kill any young plants which might be springing up—thus for only $3 an acre, this chemical can solve his problem.

This latest version of "Silent Spring" is detailed in an article in Suspension Mixing News. Since herbicide use began in 1950, it was always my understanding that herbicides were to kill weeds and allow the crops to grow. This clearly is no longer the case.

I know that the farmers of this country are facing severe problems with massive surpluses and depressed prices. Something needs to be done to help them. But something also needs to be done to help the 30,000 hungry people in the city of Oakland. What a sadness it is that all our political leaders can give us is an economy where city people wait 3 hours in line for cheese and farmers spend $3 an acre to kill wheat.

I am inserting the article in the Record for all of us to contemplate:

Only One Recommended Herbicide To Use in Killing PIK Wheat

[Courtesy of Kansas State University]

Manhattan.—Wheat producers enrolled in the government's Payment in Kind Program and wanting to go the chemical route to kill the immature wheat plant before it heads out, have about one choice of herbicide, says Erick B. Nilson, extension herbicide specialist at Kansas State University.

Roundup has a new label that will allow producers to kill wheat up to 12 inches high, use three-fourths pint (12 fluid ounces of Roundup) plus .5 percent by volume of nonionic surfactant per acre.

For wheat 12 inches or taller, use 1 pint (16 fluid ounces Roundup) plus the same volume of surfactant per acre. For ground application, apply Roundup in 3 to 10 gallons of water per acre. The ratio for aerial application is 3 to 5 gallons of water per acre.

Nilson says, "Keep in mind that Roundup is inactivated (become less effective) by hard water (or water that contains calcium or iron), so it is desirable to use the low spray volumes recommended on the label. Roundup should be applied during periods of rapid growth. It is less efective if applied when plants have dust on their leaves. The proper spraying distance should be determined by distance from spraying surface of the plant leaves to the nozzles and not from the surface of the ground to the nozzles."

Nilson also noted that if a ground applicator with a sprayer behind the tractor is used, some wheat that is knocked down in the operation may not receive a proper spray cover.

If Roundup is available at a retail price of $72 per gallon, then a pint of Roundup would cost $9 for the herbicide. Ground application costs usually run somewhere around $3 per acre.

Roundup is the only appropriate non-residual herbicide effective at this point in time, says Nilson. It will kill standing wheat, but not later emerging weeds. That means that after killing wheat, producers who plan to plant wheat in the fall should check with their county extension agent for recommendations on herbicides to use in late spring. Follow up spraying will reduce tillage operations and conserve residue.

THE POPE'S VISIT TO HIS HOMELAND, POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Ridge) is recognized for 3 minutes.

Mr. RIDGE. Madam Speaker, I rise today to join with my colleagues here in the House as well as the many Americans in northwest Pennsylvania and across the country whose hopes and prayers are with His Holiness Pope John Paul II as he pursues his pilgramage of peace in his native Poland.

The Pope's task is not an easy one, Madam Speaker. As he travels through his beloved homeland, the Pope is seeking not only to rekindle hope among a people whose hopes have been all but snuffed out, but also to preach peace and tolerance and freedom to a repressive military government that views those values as dangerous and threatening—and better ignored than embraced.

The abuses and injustices imposed upon the Polish people are as well known to my colleagues here in the Congress as they are to the many Polish American families it is my honor and privilege to represent. The details of those abuses need not be repeated here.

But let me make it clear, Madam Speaker, that neither this Member of Congress—nor the people he represents—have been fooled in the least by the duplicitous public relations campaign being waged by the military rulers in Poland.

Yes, Lech Walesa has been released; but still Solidarity remains dissolved. Yes, martial law has been suspended; but, it has not been officially lifted. Yes, the government has released a surprising number of political prisoners; but, no, they have not been allowed to resume their normal lives and are instead, in many cases, being forced to emigrate against their will in clearcut violation of international law.

In such a climate, Madam Speaker, the Pope's courageous pilgrimage could hardly be more timely. He alone, perhaps, among all the world's leaders can in one visit both inspire his people to continue their long and difficult quest for social justice, and attract enough worldwide attention to the repression in Poland to make the drumbeat for freedom now being directed at that country's immoral jailors grow so loud it becomes unbearable.

So again, Madam Speaker, I rise to commend my colleagues, especially the gentlewoman from Connecticut (Mrs. Kennelly) for requesting this special order so we can add our prayers to all of those who wish His Holiness Pope John Paul II every possible success in his papal mission. All of us implore the military government in Poland to heed the Pope's message, and let his people go.

□ 1910

THE POPE'S VISIT TO POLAND

The SPEAKER pro tempore (Ms. Kaptur). Under a previous order of the House, the gentlewoman from Connecticut (Mrs. Kennelly) is recognized for 60 minutes.

GENERAL LEAVE

Mrs. KENNELLY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mrs. KENNELLY. Madam Speaker, I have sponsored this special order on the 6th day of Pope John Paul's historic return to his troubled homeland to express my support, and that of other House Members, for the timeless message of renewed hope, faith, and peace he brings to his fellow countrymen, the courageous people of Poland.

The occasion for the Pope's return to his beleaguered homeland could not be more fitting. He comes to celebrate the 600th anniversary of the Black Madonna of Czestochowa, Poland's holiest religious icon.

The Madonna is more than an object of deep Roman Catholic reverence. To the Polish people, it is a profound and powerful symbol of Polish independence.

This 4-foot portrait of the Virgin Mary and the Christ child origin in Poland is 1382, at what is now the Jasna Gora Monastery. The Madonna's status as the emblem of Polish nationalism stems from Sweden's invasion of Poland in the 17th century. For 40 days, the Swedes surrounded the fortress-like Jasna Gora Monastery, and for 40 days, the monks inside prayed to the Virgin Mary for deliverance. Their prayers were answered. The siege failed, and the Poles successfully drove the Swedes out of their country. In thanks and gratitude, the Polish King dedicated his throne and his country to the Virgin Mary, Queen of Poland.

The Black Madonna has come to symbolize not only the fundamental link between religion and politics in Poland, but the Polish people's tireless resistance to oppression against all odds. It has come to stand for their faith, and their irrepressible desire to live in freedom. Few nations have been more buffetted by the winds of history, and yet been more tenacious in their search for freedom. It is therefore even more fitting that the anniversary of this symbol of Polish freedom provides the impetus for a papal visit.

John Paul feels the soul of Poland and its people. In the wake of his visit in 1979, the fire of freedom and religious fever burned bright. The visit by a Polish Pope inspired a year of political activity that was truly without precedent in the Eastern bloc. That spirit was personified by the establishment of Solidarity, the first independent trade union since the Soviet Union began its post-World War II dominance of Eastern Europe. Political freedoms followed closely on the heels of the birth of Solidarity, and throughout Poland, there was an awakening of hope, and a quickening of spirit. The Polish people dared to hope, dared to dream, dared to grasp for their vision of a free society.

The Poland that the Pope visits today is a nation whose soul has been wounded. The fires of freedom have been trampled on by martial law, but they are not extinguished. Solidarity has been disbanded, its very name outlawed. Polish families grieve for those who died and those imprisoned in the fight for freedom. Martial law, so brutally imposed in 1981, has been suspended, but not lifted. Many of its restrictions have been enacted into law, so that they will remain even when martial law is finally lifted.

Diplomatic and church sources calculate that Polish jails hold more than 4,000 prisoners of conscience, although the Government admits to less than 200. Some of these prisoners of conscience have suffered a fate worse than prison. They have been released and forced to leave Poland against their will. Basic human rights are being violated daily in Poland. You and I have seen this on the evening news programs. The steady march for social justice has been halted, and the authorities continue to strive toward a complete subjugation of the Poles. As Jerzy Milewski, Solidarity spokesman in the West has said, "the Poles need food, medicine, and clothing, but above all they need hope."

Like salve on a wound, the Pope has brought to his homeland a message of hope and renewal. He has begun the healing of her spiritual wounds. Over the last few days, the world has watched as the Pope's outspoken message has reawakened and rejuvenated the Polish people's hopes for a life of freedom. As the spiritual leader of the Polish people, the Pope's message of moral victory, peace, truth, and above all, hope, has begun to revive the Polish people.

John Paul has been a far more forthright advocate of the rights of his countrymen. He has boldly challenged the Polish regime to release the prisoners of conscience, and to return to the social reforms begun by Solidarity.

He has demanded free trade unions and a dialog between Solidarity and the Government. He has used his prestige to insist upon a meeting with Lech Walesa (Leck Va-wen-sa), former head of Solidarity, and symbol of Polish hopes for liberation. He warned the Polish regime that a government that refused to talk and listen to its people cannot survive.

The Pope commands no divisions. He leads no armies. His visit has evoked the power of the human spirit that no military force can ever suppress. The outpouring of faith by the country has shown the world that the indomitable spirit and fortitude of the Polish people is undaunted.

Signs have appeared in every crowd that has turned out to see the Pope, signs written in the bold and vibrant red script now synonymous with Solidarity. The "V" for victory sign raised by the crowds confirms that dissent in Poland has not been crushed.

The Pope has acknowledged that the road to a free Poland will be a long and arduous one. But the Pope's blunt challenge to the regime has given the people a renewed hope for a life of dignity and freedom.

In the Pope's call to faith, and not to arms, the rest of the world should pay heed.

It may indeed be a long time before the Poles can openly fight against the tyranny and injustice that oppresses their daily lives. The Kremlin has issued a warning that Poland has been and remains an integral part of the Socialist community, implying that any unacceptable deviation from the Communist norm would be dealt with severely.

The Polish people have made the sacrifices worthy of the blessing of freedom. They have taken the first bold steps. We in Congress need to show our solidarity with them.

We can insist that our Government maintains the economic sanctions imposed after martial law until there is an improvement in the human rights situation in the country.

We can increase our demands, as we are not doing now, that the Government establish an open dialog with its own citizens.

We have a duty and a responsibility to Poland. History is being made on a grand scale in that country this very hour. A great man, armed with the word of God, is standing side by side with another great man, a laborer, in battle against oppression. They need our vocal support, and the special order is part of that support.

The Pope leaves Poland tomorrow. He has done his part in speaking out against injustice. We must continue to do ours.

Mr. PENNY. Madam Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from Minnesota.

Mr. PENNY. Madam Speaker, I rise today to join with my colleagues to voice our support for His Holiness John Paul II's renewed call for personal freedom and human dignity for the people of Poland. His Holiness returned to his homeland at a difficult time in a country with a long history of difficult times. The Pope has asked the Polish Government to honor its promises of social reform given in 1980 and dashed by the instigation of martial law in December 1981. We join in his request for free trade unions, the release of political prisoners, and basic human rights for the proud people of a proud nation.

The history of Poland is a history of a people's struggle against outside oppression—oppression of the body and oppression of the mind. The world cheered as workers in a Baltic shipyard stood together to demand the rights of free workers and started a movement that spread throughout the country. But there is very little cheering in Poland today as thousands are jailed for speaking out for freedom, the daily lives of the people are restricted, and the very name "Solidarity" is outlawed.

The Pope brings the Polish people a message of hope. Congress should bring the people of Poland a message of support and a renewed commitment to human rights throughout the world.

I stand here today with my colleagues to ask the government of General Jaruzelski to cancel martial law, lift the bans against trade unions and associations, and renew the dialog between the Government and the leaders of Solidarity which led to the social reforms begun in 1980.

The refusal of the Polish people to submit to the tyranny of the human spirit has touched the conscience of the world. Our country, which was built on that same spirit, stands with them in their struggle.

□ 1920

Mr. BILIRAKIS. Madam Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from Florida.

Mr. BILIRAKIS. I thank the gentlewoman for yielding.

Madam Speaker, I thank and commend the gentlewoman for having the foresight to hold this special order.

Madam Speaker, it is with honor that I join my colleagues in expressing my support for the holy pilgrimage of His Holiness, Pope John Paul II, to his native land of Poland.

It is important that the people of this Nation and the people of the world know that we support the efforts of this noble man. At a time when a major crisis faces the Polish people, he alone travels to his countrymen to give them the moral support they need to carry on their continued struggle for justice and freedom.

It is interesting to note that it is not a political figure who leads the courageous people of Poland. It is, rather, a simple father who leads his spiritual flock in a social battle of defiance.

There is no doubt that Pope John Paul could have stayed in Rome and spoken from there. He chose, though, to travel to his native land and preach a fiery sermon to the enslavers of the imprisoned Poles. Because he lived and battled against these forces which are oppressing the Poles, he is committed to continuing his war against the social injustices which abound in his land. This man who fills the shoes of the Fisherman preaches a message of unity and hope to the weary people of Poland. This message is the very heart of the American ideology. For us not to support this crusade is to deny the founding principles of our native land. This pious mission of Pope John Paul II is a pilgrimage for all people who believe in freedom and the inalienable rights of life, liberty, and the pursuit of happiness.

Mrs. BOXER. Madam Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentlewoman from California.

Mrs. BOXER. I thank the gentlewoman from Connecticut for yielding and for arranging this special order on a very important topic of our time.

Madam Speaker, I would like to recognize and congratulate Pope John Paul II on his courageous visit to his homeland of Poland. Throughout his reign, the Pope has shown a great sympathy and empathy for the oppressed people of the world. This trip to Poland is but another example of the Pope bringing his message of hope, justice, and peace to a people in need of encouragement and support.

This Pope has not seen fit to simply remain passive but, rather, has felt the need to proclaim to the world that all humans have a right to freedom and dignity and that no government, individual, or group can take away those God-given rights. In every country he has visited, the Pope's message has been the same. He has championed the rights of people to live a dignified and fruitful life. He has demanded that all human beings be allowed to live with certain basic guarantees, and he has rooted all of these messages in a deep and unyielding faith in God and in humanity.

The Pope travels to Poland at a time when his people are at their lowest point in years. He travels there to bring them hope and a message of strength and concern. He goes to speak of freedom to that very area of the world that denies it to so many.

The world has had the privilege of seeing a world leader advocating a position that is neither self-serving nor dehumanizing but, rather, a position that calls us to serve others and to improve the quality of life of all people. His visit and his outspokenness should serve as an example to us to appeal to the very best in people, not to the very worst.

We see a courageous man advocating an international policy based on love for all people in a world filled with MX basing plans, intermediate-range missiles, and tactical nuclear weapons stands this modern-day peacekeeper repeating the message again and again: "Love thy neighbor as thyself."

I believe that Roman Catholics and all of us throughout the world can point with pride to Pope John Paul II as one who lives what he believes and one who advances the message of peace throughout the world.

I again wish to congratulate and praise the Pope on his pilgrimage to Poland and offer his way as a valid alternative to those who, through oppression, violence or fear, would deny freedom and basic dignity to all people.

Ms. KAPTUR. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentlewoman for yielding, and I also would like to commend her for this special order on the topic of the second visit of Pope John Paul II to his homeland.

Mr. Speaker, in recent days the world has watched the high drama of Pope John Paul II's visit to Poland. More than 1 million Polish people each day witness this brave and remarkable man in his sad and beautiful homeland.

Yesterday, Pope John Paul II visited the city of Wroclaw, Poland, a humble town in the southwestern corner of that country. The city of Wroclaw sits on the most war-torn soils of Europe. Formerly named "Breslau," it was nearly leveled during World War II. Since then, it has been resettled and painstakingly rebuilt brick by brick by the Polish people. I have been there and witnessed the patriotic fervor of the people, their love of their nation, their heritage, and their dream of a better future. This particular city is special to me and this week my heart is with my relatives and extended family who live there. To me, as I stand here as a new Member of this freely elected body, I cannot help but feel the contrast between me and my Polish loved ones. Each day, they and their fellow countrymen bear the silent pain of a protracted struggle of wills that now spans decades.

It is on their behalf and on the behalf of millions of Poles that I rise today to give witness to their present unforgettable and historic testimony to the spirit of freedom.

Mr. Speaker, during this second visit to Poland, Pope John Paul has said:

> I ardently desire that Poland always have her proper place among the nations of Europe, between the East and the West. I ardently desire the re-creation of conditions of good cooperation with all the Western Nations of our Continent as well as in the Americas, above all the United States of America * * *.

As Members of Congress, I hope we can build upon the work of the Pope—we must recognize and remember the Polish people's continuing quest for freedom, and their struggle to find their place between East and West.

It is timely for us to reevaluate Western support for the economic sanctions imposed by the United States after the military crackdown. We should work to link the lifting of economic sanctions to the lifting of martial law. Trade restrictions have been counterproductive rather than positive influences on General Jaruzelski's policies. They have hurt the very people we are trying so desperately to help. And by our actions, we have made the Polish Government more dependent on Moscow. This course must be reversed, and our policies must go beyond trade relations. We should seek greater and more meaningful United States-Polish contact through exchange programs, tourism, and other cultural ties. We must open our doors to the Polish people, and thereby further promote the good will which the Pope is renewing in the hearts and minds of the Poles.

A Warsaw University student said, "The Pope's presence gives the people courage to say what they think." The daring ploy of the underground union activists on the eve of the Pope's arrival showed that the Pope's presence also gives the people courage to act. Radio Solidarity broke into officially controlled airwaves to broadcast an old recording of John Paul praising the ideals of the banned union, the first such free trade union in the Eastern bloc. Before the clandestine program could be drowned out, Polish listeners heard a message for the Pope from Zbigniew Bujak, who, as the fugitive former leader of Warsaw's Solidarity branch, is high on the Government's "most wanted" list. Said Bujak:

> We welcome you amid the continuing struggle for our union's rights, for freedom for those in jail, for restoration of man's dignity and human rights.

Mr. Speaker, I urge my colleagues to support the freedom-loving ideals and beliefs of the Polish people. The Jaruzelski regime is terrified of freedom, and so we must not cut the Polish people off from the free world. We must redouble our efforts to offer the Polish people greater and more meaningful contact with the West—thus, we will help build a bridge of freedom to the Polish people.

The Pope told a Vatican confidant that he had only one wish for his visit, and that was "to bring a degree of unity and a measure of hope to a divided nation in which the people see no hope." John Paul seems to be succeeding in raising the hope and spirit of the Polish people. The United States must now use this renewed vigor, along with the substantial allegiance to Solidarity, to help the Polish people move their beloved country on a pilgrimage that will result in abolishment of martial law, the lifting of economic sanctions, renewed negotiations and recognition of Solidarity, and a Poland that grows in international statue. The world is watching.

□ 1930

Mrs. BOGGS. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to my colleague, the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Speaker, I thank the gentlewoman for yielding, and I am very grateful to her for allowing those of us in the House of Representatives to join with her in saluting the Holy Father, Pope John Paul II, for his pilgrimage to Poland and for the great strength and hope that he has given to the Polish people during his visit.

I would like to remind all of us that the Holy Father has a message for all nations in his talks of inspiration to the Polish people. We should remember that he has been all over the world on a quest for peace and for love, and that in his very first encyclical after becoming Pope, Redemptor Hominus, he really gave us a blueprint of what he thought our pilgrimage here on Earth should be. He pointed out very specifically that we are the pilgrims on a voyage to the year 2000, and that the second millenium will be more or less what we, those of us here on Earth in all nations, will make it.

He tells us that a certain kind of progress can actually threaten our very lives, the air we breathe, the water we drink, and our whole physical environment; and that human beings must not abdicate their proper place in the visible world or become slaves to things or economic systems or even to the work of their own hands.

He points out that proper structures of government should be founded on Christian love and should promote freedom, but he had also reminded us that justice is the bridge between love and freedom, and that this is the most important principle in public life to which all of us must aspire and which all of us must promote. That is, in fact, the blueprint applicable in different ways to different countries all over the world.

Mr. Speaker, I had the privilege of going to Alaska as a delegate from this country when the Pope was in Alaska. I saw him touch the frontier spirit of the people of Alaska. I accompanied him to the homes of elderly people. The weather was so inclement that they could not get out, so he brought the Pope to them. He is that kind of a shepherd, that kind of a pastor.

Then I saw him take on the enormous crowd that was there for the open air Mass in very cold weather to hear the message of hope and the cry for freedom that he gave to all of us Americans at that time. I stood next to the Senator from Alabama (Mr. DENTON) and realized that he had been a prisoner of war, and that the Pope's words were especially meaningful to him. It was the families of the prisoners of war who gave me so much hope and courage when I was waiting out the long days in Alaska in the search for my husband, Hale, and for Congressman Begich and their companions.

So there it all came together that this one holy man, wise in the ways of government, could bring together everyone, all peoples from all parts of the world, all with different backgrounds, and make us know that, regardless of the enslavement in which we find ourselves, regardless of the prison in which either our physical beings or our spiritual beings may be captured, there is hope, there is freedom out there, and that we must try to achieve it through the bridges of justice.

Mr. Speaker, that is a lesson not only for Poland but for governments everywhere, and I salute the gentlewoman from Connecticut (Mrs. KENNELLY) for allowing me to say so.

Mrs. KENNELLY. Mr. Speaker, I thank the gentlewoman from Louisiana (Mrs. BOGGS) for her moving and deep-feeling remarks.

● Mr. STOKES. Mr. Speaker, it is my great honor to respond to this special order taken out by my esteemed colleague, Congresswoman KENNELLY, and to add my voice to worldwide support for the courageous people of Poland. Our support is for a people with a painful history during which their love of freedom and democratic ideals has never waned.

In the past few days the world has watched Pope John Paul II revitalize the spirit of the Polish nation. Millions of Poles have responded to the Pope's message of peace by showing that their desire for freedom of conscience, sovereignty, and decent living conditions has not died. Mr. Speaker, it is that collective spirit that some outside observers feared had been extinguished by the often hopeless situation of martial law in Poland.

However, Polish history testifies to the fact that Poles are a people of great hope and fortitude even under the most trying and discouraging circumstances. Imagine a nation where one-third of the population was killed during World War II. Imagine a single city where two-thirds of the people were killed and 85 percent of the buildings were razed to the ground, all part of Hitler's vow to wipe Warsaw off the map. Imagine a country regimented into a state of martial law since December 1981, where some 4,000 labor leaders are currently imprisoned, where shortages of food, shelter, and medicine regularly plague families.

Mr. Speaker, the above scenario constitutes the reality of present-day Poland. In the last 3 years the world has seen the Poles rattle the foundations of totalitarian governments in both Warsaw and Moscow. We have seen brave workers in Gdansk and other cities destroy the great myth of all Communist-bloc nations—that they are democratic workers' states. By shattering this myth the people have revealed the true basis for party rule—ruthless power.

We have seen the emergence of Solidarity, the national symbol of political freedom and human resistance to oppression. Solidarity is such a dynamic force that the Polish Government, prodded by the Soviets, had to force Solidarity back into underground status while purging the party of roughly one-third of its members who also realized that the union was the true voice of the people.

Mr. Speaker, today we must reaffirm our solidarity with the Poles. Pope John Paul II's return to his afflicted homeland has revealed that the Poles long for a message of hope and support, whether it comes from the Vatican or from Washington. To paraphrase an old Polish hymn, we all await the restoration of a free Polish homeland.●

● Mr. BOLAND. Mr. Speaker, Pope John Paul II's triumphal return to his homeland has been an event of profound significance for the people of Poland and all who share their desire for freedom.

I want to join with my colleagues in commending the Pope for his courage in criticizing the imposition of martial law and the prohibition of the independent trade union Solidarity, by the Jaruzelski regime. The Pope has unequivocally taken a place beside those who call for a return to the social reforms that the people of Poland won in August 1980. Despite the Government's protestations to the contrary, martial law had not been eliminated but only suspended, and thousands of members of Solidarity are still being detained by the Government. While those conditions persist, people of conscience cannot remain silent.

During his 8-day pilgrimage, Pope John Paul II has appealed to the deep faith of the Polish people and has buoyed their confidence and their pride. Although the Government has attempted to restrict crowd demonstrations and any use of the Solidarity

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emblem, photographs from Poland clearly show signs and flags with the Solidarity banner in abundance. The millions that have greeted Pope John Paul II have signaled "V" for victory over martial law and the forces of repression.

Mr. Speaker, I hope the Pope's prayers for a peaceful end to repression and an increase in personal freedom in Poland can be realized. Regardless of the time necessary to achieve that end, the outpouring of emotion that has resulted from the Pope's visit demonstrates that, in the words of John Paul II, "the spirit of truth, homeland, and solidarity will never die."●

● Mr. FISH. Mr. Speaker, for the past several days, the attention of the world has been focusing on the return of Pope John Paul II to his troubled and despairing homeland. It is with great concern that I join my colleagues today in a concerted effort to express support for the message of unity, peace, and renewed hope that the Pope has brought to the courageous people of Poland.

The events in Poland over the past few years have raised and then lowered our hopes for freedom in that country. Solidarity has been dissolved. Martial law, declared in 1981, has been suspended, but not ended, and many of its restrictions have been enacted into law. Basic human rights, including independence of thought, attitude, and action, are still being trampled upon, and the steady march toward social justice has been halted. We in the free world who have been following the Poles' valiant struggle against a Communist regime have been saddened and outraged by these developments.

The Pope called for social reform in his homeland and for an end to the severe rigors of martial law. In his homily before the Mass celebrating the anniversary of the Black Madonna, the Pope stated:

> The nation has a right to live in freedom. This is one of the fundamental rights in the moral order. The right to live in freedom means the right to decide for oneself as a community determined by a unity of culture, language, and history.

Whether his visit will have a positive and lasting effect on the morale of his fellow countrymen remains to be seen. Pope John Paul was asking the people of Poland to struggle for a purely moral victory in the face of profound despair and against overwhelming odds. Knowing that there is no quick way out of Poland's dilemma, the Pope kept his promise to the Poles that he would be with them in their struggle.

We in Congress must continue to express our support for the Pope's spiritual message of hope and his call for social justice. The aspirations of the Polish people to live beyond the shadow of repression must not be allowed to be pushed underground and then extinguished. We, too, must pray that their hopes be rekindled and nurtured.●

● Mr. FRANK. Mr. Speaker, today we pay tribute to the spirit of the Polish people. For centuries, their homeland has suffered invasions, defeats, and dismemberment. Now, they are confronted by yet another foreign intervention. Only this time, the invading force is posing as an ally in a manufactured struggle against Western democracy; and martial law has been imposed as an antidote to a popular uprising in support of freedom and self-determination. Such is the logic of communism.

The battlelines in Poland are clear. In one corner is the struggle, recently expressed by outlawed Solidarity branch leader Zbigniew Bujak, "for our union's rights, for freedom for those in jail, for restoration of man's dignity and human rights." While most of the leaders of this movement have either been gagged or jailed, the symbols of their cause remain prominent: Lech Walesa, red and white Gdansk and Solidarnosc banners, and repeated defiance of bans against public demonstrations. And recently, the Pope has added his dramatic voice to the cause for the liberation of his native land.

In the other corner is General Jaruzelski, the supervisor of the harsh martial law. To understand Jaruzelski's actions, one must look to the Kremlin. Last week, General Secretary Yuriy Andropov addressed the plenary meeting of the CPSU Central Committee and made several veiled references to the disturbances in Poland. Specifically, he warned that—

> When the guiding role of a Communist Party weakens, there arises the danger of slipping down to a bourgeois-reformist way of development. If a party loses touch with the people, self-proclaimed contenders for the role of those who express the interests of the working people emerge in the ensuing vacuum.

He further stated that—

> If there is no rebuff to nationalistic sentiments, there arise interstate conflicts for which, it would seem, there is no basis in the Socialist world.

While conflict between two such divergent positions is inevitable, one marvels at the contradictions in the Soviet ideology. Not only did General Secretary Andropov praise the trade union movement repeatedly in his address, but he noted that "The role of people's control has grown," and he paid tribute to "the gradual development of Soviet statehood into public self government," "the complete equality of all (Socialist) nations and nationalities * * * their free development within a fraternal union * * *" and "the history of world socialism (which) confirms that the Socialist system creates every possibility for the confident progress of society and a harmonious relationship between countries." Perhaps the final irony was Andropov's boast that "The Communists have always been fighters against oppression and exploitation of man by man." Such is the logic of communism.

The Polish people have courageously stood up and rejected Soviet doubletalk while insisting on free trade unions, social justice, and dialog with the Government. Their goal is nothing short of emerging out from under the shadow of Soviet repression. I commend my colleague BARBARA KENNELLY for calling this special order so that Members of Congress can express their solidarity with the people of Poland in their quest for freedom. We of all people can identify with this yearning.●

● Mr. ZABLOCKI. Mr. Speaker, it is a privilege for me to join in this expression of support for the call for social justice and human freedom in Poland by Pope John Paul II.

Mr. Speaker, as the date of the Holy Father's second visit to his native land approached, the people of Poland looked to his arrival with great expectations. Some, recalling with joy the first papal visit and the labor movement which took root soon afterward, may have expected the immediate and miraculous rebirth of the banned trade union Solidarity with the Pope's blessing. On the other hand, the Government, and the Vatican itself, has stressed the religious aspects of the papal visit, in reality a pilgrimage to Poland's holiest shrine, the monastery of Jasna Gora in Czestochowa. There, behind golden doors opened with great ceremony, the image of Poland's patron, the Black Madonna of Czestochowa holding her Holy Son, is enshrined. Pope John Paul's visit commemorates the 600th anniversary of the arrival of the famous painting in Poland, ending a year of celebration which was extended from 1982 to permit the Holy Father's participation.

Mr. Speaker, the return of Pope John Paul II to Poland at this crucial time in its history offers the potential of a significant contribution to the long-term resolution of the Nation's difficult problems.

Poland and its people, grievously wounded by martial law, must be healed. The Holy Father's visit provides the means for a spiritual renewal needed in times of despair.

The various elements of Polish society need to be reconciled and unified to achieve a common goal—the nation's very survival. It was for such reasons that the Polish Government consented to the papal pilgrimage, hoping to receive the stamp of legitimacy and respect that it has been unable to earn in its own right.

Mr. Speaker, Pope John Paul II has surprised many, Poles and outside observers alike, with his frequent references to the impact of martial law and implicit criticisms of the military government. He has called openly for the Government to abide by the accords it reached in August 1980 with the workers' committee in Gdansk—an agreement for much needed social and economic reforms which the Polish Government has officially maintained that it will honor—but unquestionably in its own way and in its own time. In doing so, the Holy Father was not making a political statement, for he made it clear that the basic rights and human dignity of the people are gifts of God, not of the state.

The Pope has called for renewed dialog between the Government and the people, stressing the need for truth, liberty, justice, and a unity of purpose—social solidarity—in order to obtain the necessary consent of the governed.

Mr. Speaker, I rise to applaud the words of the Holy Father, whose understanding of the needs of the people of Poland and an appreciation of their suffering knows no bounds. May his message of love inspire all elements of Polish society to true and sincere reconciliation through the recognition and practice of the principles of faith, hope, and Christian charity.●

● Mr. ROE. Mr. Speaker, I rise today to proudly join my colleagues in this most important message of solidarity from the U.S. Congress in support of His Holiness, Pope John Paul II's, historic and brave pilgrimage to his Polish homeland.

It is my prayer that the message of hope the Pope brings to the troubled people of Poland will serve as a lasting inspiration in their continuing struggle for the basic freedoms of thought, movement, and religion that have been so brutally squelched by their Communist rulers.

Mr. Speaker, Pope John Paul II is a passionate defender of his faith and a true hero and champion to the Polish people. Millions of Poles have turned out at every step along the way of his visit to welcome him home and to hear his blessings and powerful words of encouragement.

The importance of the Pope's trip to Poland cannot be overestimated. His last visit in 1979 served as a catalyst for all members of Polish society to join together and form the powerful Solidarity workers movement.

The Solidarity Union formulated 1 year after the Pope's visit truly espoused the ideals of freedom and dignity that are deeply embedded in the hearts of the Polish people. For more than a year this heroic labor movement became a byword for freedom-loving workers in Poland and the world over.

But that victory over repression in Poland was short lived. Martial law was imposed in 1981 and Solidarity was ordered dissolved. That martial law has been suspended, but not lifted, and some 4,000 Solidarity members are in Polish prison camps because of their political views. Others, who sided with the movement, have also been jailed or forced to leave their beloved homeland.

Mr. Speaker, today, more than ever, the Polish people need emphatic words of support from our own great Nation, where liberty reigns free. We must also continue sending food, medicine, and clothing to the needy in Poland who are suffering under the Communist Party's reign of terror.

Pope John Paul II is the most formidable weapon the Soviets have had to face in their continuing effort to maintain full control of Poland and its people. Our newspapers and television news programs have featured stories on how the Pope's words stirred aspirations of freedom in the Polish people that the Soviets have spent years and billions of dollars trying to repress.

Let the message go out loud and clear to the leaders of the Kremlin that the people of Poland, no matter what the cost, will never give up in their battle for freedom. There is no question that while Russian control over Poland is complete, the spirit of the Polish people has never diminished.

My prayers go out to the Pope for his continued strength in the battle to better the lives of his countrymen in Poland. His struggle is truly a just one and he will prevail.●

● Mr. LIPINSKI. Mr. Speaker, I ask the House for unanimous consent to revise and extend my remarks.

Mr. Speaker, I am proud to join with my esteemed colleague BARBARA KENNELLY and my other distinguished colleagues today in this special order honoring the visit of Pope John Paul II to Poland.

It is indeed fitting that in these troubled times, the spiritual leader of the world, Pope John Paul II, is a Pole. Throughout history, the Polish people have been beaten, trampled, and invaded by their surrounding nations. But the Polish spirit has never been defeated.

Polish King John Sobieski and the Austrians defeated the Turks and saved Christianity in Europe at the Battle of Vienna in 1683.

In the face of impending Russian domination in 1793, Poland drafted a constitution that was a model of freedom and justice.

Poland enjoyed freedom between World War I and World War II, but the Soviet Union and Nazi Germany put an end to that in 1939. Yet the Polish love of freedom and dignity has survived to this day in the persons of the Pope and Lech Walesa.

As we go about our lives in this country, let us remember, the millions who are turning out to greet the Pope in Poland. It is far too easy in this Nation to forget that there are oppressed peoples all over the world who can only dream of enjoying the freedoms that we take for granted. Pope John Paul II and the Solidarity labor union have been fighting to bring to Poland a little bit of the freedom and individual dignity that Americans enjoy in abundance.

The millions all over Poland who have heard the Pope's message are once again showing that the Polish spirit cannot be crushed. The love of God and longing for freedom can never be eliminated from the Polish people.

Pope John Paul II is bringing more than the message of God to Poland. He is bringing assurance that the world has not forgotten their plight, and he is bringing hope for a better future.

Let us remember, as Americans, that as long as there are oppressed people in Poland and the rest of the world, we will never truly be free.●

● Mr. GEJDENSON. Mr. Speaker, it is an honor for me today to join with my colleagues in support of Pope John Paul's visit to his homeland and to express my admiration for the message of hope and courage which he brings to the troubled people of Poland.

As we are all aware, it is now over 1½ years since the social and political progress achieved in Poland in 1980 and 1981 was abruptly ended and the regime of General Jaruzelski imposed martial law. Since December 12, 1981, some 4,000 Solidarity members and other critics of the regime have been imprisoned, 23 people have been killed in street clashes and hundreds more injured. All but a few of the leaders of Solidarity are in prison or exile; those that remain have been forced underground. On October 8, 1981, the final blow was dealt when the then suspended independent trade union was formally outlawed. While passive resistance in the form of work slowdowns, and symbolic gestures such as the display of Solidarity banners and buttons still occur widely, there has been an inevitable growing sense of despair. In this atmosphere, Zbigniew Bujak, the leading spokesman for the underground Solidarity movement, expressed his expectation that the visit of Pope John Paul II "will enable the people to keep going and not give up fighting."

The rise of Solidarity and the concurrent social liberalization which took place are inextricably tied to the profound influence and independence of the Catholic Church in Poland. It was not inappropriate that one illegal

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banner greeted the Pope with the words, "Welcome to the father of Solidarity." for it was John Paul's last visit to Poland in 1979 that provided the spiritual inspiration for that progressive movement which brought the union to national prominence. For this reason, the Pope's return to his native land could not be nonpolitical, as the martial law authorities wished, and he has not hesitated in his sermons to refer directly and forcefully to the recent tragic events in Poland and the abrogated rights of his countrymen.

A Vatican spokesman has said that the Pope's wish is to "bring a degree of unity and a measure of hope to a divided nation in which the people see no hope." With outspoken firmness, with reason, and with an acute understanding of the sufferings of his people, John Paul has accomplished this. He has counseled patience and reconciliation, but at the same time he has bluntly told the Polish people, "The nation has the right to live in freedom. This is one of the fundamental rights of the moral order." He has confronted the Government with a challenge—to reaffirm and fulfill the agreements made in the summer of 1980, and, in what is perhaps a wise warning to all repressive regimes, he has told them that, "The state is truly sovereign * * * when it allows a people to be the agent of its own destiny." Pope John Paul's example of quiet courage and wisdom is indeed an inspiration to renewed hope and vision, both to the people of Poland and to the world.●

● Mr. CORCORAN. Mr. Speaker, I join Representative KENNELLY and many of my colleagues today in this special order expressing our strong support for the people of Poland. Pope John Paul's return to his homeland has again rekindled the spirit of the oppressed Polish people, just as his visit 4 years ago inspired workers across the country to band together in the now outlawed Solidarity movement.

Last week, as Pope John Paul arrived in Poland, I spoke before this House on behalf of Lech Walesa, who similarly represents hope for his fellow countrymen. I have introduced House Joint Resolution 299, which proclaims Lech Walesa to be an honorary citizen of the United States. This honor has historically been reserved for only a few great people—in fact, only Winston Churchill and Raoul Wallenberg have been so honored.

I believe that Lech Walesa is a courageous leader and one who represents the democratic ideals we cherish in our own Nation. Our giving him honorary citizenship will serve as an important message to both the Polish people and to the Communist world; that message is that the United States stands behind the Polish people in their agonizing struggle for freedom against totalitarianism.

My resolution has been referred to the Committee on the Judiciary and is being handled as a private bill. Therefore, although cosponsors are not allowed on private legislation, let me urge my colleagues to consider introducing similar legislation themselves and to contact the Judiciary Committee encouraging early action on this effort. Passage of this bill would serve as an important expression of congressional support for social justice in Poland, and I have also asked President Reagan to take some similar Executive action to honor this great man and the ideals for which he stands.●

● Mr. FORD of Tennessee. Mr. Speaker, as Pope John Paul returns to his distressed homeland, I join my congressional colleagues in support of the Pope's expressions of faith, hope, and peace for his fellow citizens, the courageous Poles.

I encourage all who cherish freedom and human rights to unite behind the Polish attempt to free themselves from martial law. The Solidarity experience is a demonstration to the world that aspirations for human rights continue, notwithstanding subjection to repression. Since the last visit of the Pope, Solidarity has continued to rise even though its leaders have been subsequently repressed and harassed. Due to reports of widespread Government violence against the populace, detention, arrests, and harassment of priests, the church's stance toward what has been called military terrorization by Archbishop Glemp has become more hostile.

Other followers have been forced to continue Solidarity activities underground to avoid the risk of incarceration. On December 12, 1981, the military Government of Poland imposed a state of martial law which violates the most essential human rights of Polish citizens. More than 10,000 people were jailed without charge or trial, while thousands more were arrested for exercising their fundamental rights.

On December 31, 1982, the Polish Government proclaimed the "suspension" of martial law. A recent report from the lawyers committee for international human rights, however, indicated that this action has actually established some of the primary elements of martial law as permanent features of the Polish legal framework. Gen. Wojciech Jaruzelski's regime has the right to reimpose martial law anytime it desires. Recurrent episodes of resistance to the regime have frequently led to the return of harsh controls the isolation centers under martial law operate without the slightest notion of human dignity. Regardless of subzero winter temperatures, detention cells are rarely heated. Prisoners are brutalized by guards armed with sticks and shields, beaten, hosed with hot water, and attacked by police dogs. Poor nutrition has resulted in frequent occurrences of skin diseases, hair loss, and boils. Crowded and unsanitary living conditions contribute to the spreading of epidemic influenza and other diseases. This trend of degrading treatment continues to be a worldwide concern for the safety and welfare of the 1,500 to 5,000 Poles who remain imprisoned as a result of arrest or conviction under martial law. The thousands who are reported to have been forcibly sent to military labor camps cannot afford to have us just look away.

Although Jaruzelski neither wants nor is capable of resorting to actions as brutal as those of his predecessors of the 1940's and early 1950's, he is not allowing the Polish people their fundamental human rights. General Jaruzelski should consider a proposed election reform which would allow an "authentic" choice of several candidates.

The worsened economic situation in Poland has also contributed to the severe infringements upon the lives of the Polish people. The Communist leaders are more interested in suppressing Solidarity than saving their suffering economy. Farm and industry production declined sharply after martial law was imposed due to slowdowns and other forms of passive resistance. The availability of foodstuffs, including various basic commodities, have been greatly reduced on the market. The massive debts to the Western nations and banks have continued to grow. Despite improved coal production, which has meant more electricity, relief for the rest of the economy has not been realized. Both imports and exports from non-Socialist nations have declined as well as imports from Socialist countries. Whereas exports from Socialist countries have increased somewhat, much of the Polish export earnings have been paid back to the Soviet Union for earlier credit received.

What all of this means is that 18 months after repression of Solidarity, the Polish people have not given up hope or strength in fighting for their rights. During the months since martial law was imposed, the regime has directed its aim at relaxing some of its most harsh restrictions in an attempt to restore Poland to some likeness of normalcy. It is, however, extremely difficult to see how Poland can ever return to its normal state unless the rulers make peace with the Polish people and recognize their basic human rights.

Under such oppression, the Pope's message of spiritual awakening, faith, and hope could not have come at a better time. In addition to his spiritual message, the Pope has called for the release of prisoners of conscience, a return to Solidarity's social reforms,

free trade unions, and official communication between Solidarity and the Government.

We as Members of Congress must express our support for the Pope's spiritual message and his quest for social justice. It is our obligation as the leader of the free world to maintain our stand against oppression. We must always advocate basic rights for all human beings.●

● Mrs. SCHROEDER. Mr. Speaker, today I would like to express my support for the message of renewed hope, faith, and peace that the Pope brings to his fellow countrymen, the courageous people of Poland.

Poland, a nation that has grown tired and somber under military rule, showed renewed hope and spirit during the Pope's arrival in Poland last week. Solidarity has been officially dissolved, and martial law is still in effect, although suspended. The present Government has imprisoned 4,000 to 5,000 political activists and Solidarity members for their views. Forced immigration and denial of basic human rights are just a few of the violations to social justice that are taking place in Poland.

The Pope's visit has given the people of Poland new hope and strength, and for the time being has lifted the people out of a 2-year moral slump. The Pope also made some surprising demands upon General Jaruzelski, and the Government as a whole. He asked that negotiations between Solidarity and the Government be resumed, formation of free trade unions, and that the social reforms begun by Solidarity be continued. The Pope's primary message was one of peace and hope for all of Poland. I am firmly convinced that the right to organize democratic movements without Government intervention, and the right to communicate openly are essential for a peaceful and democratic society. Solidarity stands for the same principles of peace and human rights as we do, and I feel a responsibility to speak out in their defense. I now call for a peaceful change and the democratization of public and working life through negotiations based on respect for Solidarity and religion.●

● Mr. DAUB. Mr. Speaker, I am pleased to have this opportunity to join my colleagues in this special order to express our support and thanks for the efforts of Pope John Paul to restore faith and hope to the courageous people of Poland.

Two years ago I introduced, and the House subsequently passed, a resolution of concern over the disregard of human rights of the Government of Poland. On this occasion, the Pope has served to remind the world that human rights violations still are being committed in that country and the people of Poland continue to struggle for a better life.

The importance of continuing to focus world attention on the plight of the people of Poland cannot be overstated. Their pleas for freedom must be heeded. I am therefore grateful for this show of support in Congress for the Polish people in the struggles they face.●

● Mr. BARNES. Mr. Speaker, prior to the visit of Pope John Paul II, the situation in Poland seemed bleak. After the outpouring of hope triggered by the rise of the Solidarity movement, the imposition of cruel martial law, with its disregard for individual freedoms and human rights, threatened to crush the spirits and aspirations of the Polish people.

However, the Poles have a special ally in their quest for social justice, for Pope John Paul II is Karol Wojtyla, one of their own. The Pope, a man of peace, is often found in places marked by tension, strife, and war. The Pope has had the courage to bring his message of love, understanding, and hope to countries in which these values are threatened by violence and repression.

The Pope's devotion to his country and to the hopes of his countrymen has led him to focus during his pilgrimage not only on spiritual themes but also on concrete demands for the improvement of human and political rights in his homeland. The Pope has not been afraid to voice these demands to the leader of Poland's military regime, Gen. Woyciech Jaruzelski.

We live in an age in which a number of nations are the sites of confrontations between courageous peoples and cruel, repressive regimes. Without brave leaders such as John Paul II, the hopes and wills of these people might be destroyed.

The Pope's words and efforts are of special value to his countrymen in Poland, but it is my hope that his message will reach all over the world and everywhere touch people who yearn to be free from hunger, from violence, from repression. John Paul II deserves the admiration and support of all those who hope for peace and social justice in our time.●

● Mr. ANNUNZIO. Mr. Speaker, I join with my colleagues in expressing my sincere hope that the second pilgrimage to Poland by Pope John Paul II will bring a renewal of the spirit of the courageous Polish people and ultimately an end to martial law in that country.

For the last 38 years, Polish religious, cultural, and artistic expression has been controlled, the economic sector of the country has been restricted along Communist Party lines, and Poland's policies toward other nations have been directed from Moscow. However, the Polish people have never lost their fervent desire for freedom, and. over the years, they have fought heroically for liberty. It has been through the dedication and sacrifices of Polish patriots and the people's faith in their religious heritage that Poland has been able to win concessions from the Communist tyrants.

During his visit to Poland, the Pope has challenged the policies and actions of the Communist government at every opportunity and has made the world keenly aware of the suffering and oppression in his country. He has been able to turn the Communist attempts to dismantle Solidarity into a moral victory for all Poles—for although the Communists continue to be ruthless in their attempts to wipe out the culture and religious heritage of the Polish people, they have been unable to crush their spirit or their desire for human rights.

In each city the Pope has visited, hundreds of thousands of Poles openly have shown their defiance against their Communist oppressors. Solidarity banners have been carried and slogans have been chanted wherever the Pope has appeared, as millions have reaffirmed their commitment to a free homeland. Despite long years of religious and political persecution, the Polish people have joined the Pope in prayer, and have been inspired by his words of faith and his belief that Poland can fulfill its proper role only with the consent of the governed living in freedom and human dignity.

The open-air Mass at the Jasna Gora monastery in Czestochowa to mark the 600th anniversary of the arrival in Poland of the revered religious icon, the Black Madonna, has sent an especially strong message to the Communists. This treasure stands as a symbol of national resistance, independent thought, and devotion to high ideals. The Polish people have demonstrated through the Pope's visit that they can survive and overcome every threat of the Communists and every act of violence in their continuing struggle for self-determination.

Mr. Speaker, Poland always has been a bulwark of Christianity despite centuries of destructive oppression. The Pope's declarations during his second pilgrimage that religious liberty is a fundamental human right and that secular authorities have no moral basis for restricting religious practice is a powerful reaffirmation of faith and hope for the Polish people.

I join in the fervent prayers of Polish Americans living in the 11th Congressional District of Illinois, which I am honored to represent, and all freedom-loving people throughout the world, that one day the Polish people will overcome their Communist oppressors and Poland will regain its rightful place in the community of free nations.●

● Mr. LUNGREN. Mr. Speaker, I rise today with many of my colleagues to commend Pope John Paul's pilgrimage

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to his troubled homeland, Poland. John Paul's words are spiritually uplifting to a country gone numb, an expression of a will to persevere toward the realization of freedom and human dignity. The papal visit has shown the people that they can organize effectively despite the discouragement of monolithic government. It gives life to the sense of national unity that Poles always have in reserve, and has instilled in the minds of the people the feeling that they have a very special and powerful protector.

John Paul's words also have strong universal political connotations:

> The nation is truly free when it can shape itself as a community determined by unity of culture, language and when it governs society and also serves the common good of society and allows the nation to realize its own subjectivity, its own identity. The sovereignty of the State is deeply linked to its capacity to promote the freedom of the nation.

He has made clear to the Polish authorities his concern about what happens when dialog between a government and its people is absent. He has also made it clear that he will continue to keep a close watch on Poland from the Vatican and would remain a power with whom the Communists will have to reckon. "I will continue to feel the effects of what could threaten Poland, what does her damage, bring her dishonor, what could signify stagnation or depression," the Pope said.

Of course, John Paul is following in the tradition of another great Polish priest. For it was only in the early hours of the morning of May 29, 1981, on the Feast of the Ascension, that the "Iron Cardinal" Stefan Wyszynski, primate of the Catholic Church in Poland, died at the age of 79. He died as undisputed spiritual leader in Poland, revered not only by Catholics but by the whole nation, respected even by Poland's Communist authorities, truly the "uncrowned king of Poland." During his stormy "reign" he saw governments and party bosses come, each with their plan for destroying him and the church; nevertheless, Wyszynski remained constant. Yet, while detesting capitulation, he was always ready to seize opportunity for dialog and honorable compromise with Communist authorities in the interests of the Polish church and people. In confronting "evil," Wyszynski chose to make firm demands from a position of power. This power was spiritually and morally inspired by the Gospel with its aim of liberating man from falsehood to the truth. Pope John Paul II is confronting the problems of humanity today in the same way but on an even wider scale.

Pope John Paul II is courageous and uncompromising in his fight for the church's right to carry out its pastoral, educational, social, cultural, and charitable mission, to voice its opinion in public matters concerning the nations of the world. And nowhere is his message truer and more timely today than in his native country.

Ladies and gentlemen, we must make every effort to support true democracy in Poland. They need our continued attention, our concern, our commitment and our prayers. Poles have a right to their own country, and in that country, the freedom and respect for human dignity.

As a son of the land of Poland, Pope John Paul fervently desires that she always have her proper place among the nations of Europe, between the East and the West. "I ardently desire the re-creation of conditions of good cooperation with all the Western nations on our continent, as well as in the Americas, above all where so many millions of citizens are of Polish origin. I am deeply convinced that these conditions can be created. This, too, is one of the tasks of dialog, of international dialog, for peace," Pope John Paul stated.●

● Mr. COYNE. Mr. Speaker, I rise today on a matter which has been examined many times in recent months by the press, by those of us in this body, and by all who treasure freedom and justice. I speak of the plight of the Polish people.

In this Nation, we have denounced the imposition of martial law on a brave people, and we have imposed some sanctions. Yet repression continues against the Polish trade union movement. Solidarity, an organization which is perhaps the most legitimate representation of political will in that troubled land, has been declared illegal by the Government. As many as 4,000 Solidarity members and sympathizers are now in prison.

Mr. Speaker, you can jail the leaders of the Solidarity movement, but you cannot jail the movement. This has never been more apparent to the Polish Government than during the visit to the nation by Pope John Paul II. Solidarity banners have appeared among the hundreds of thousands of people who have gathered to welcome the Pope to his homeland. The spirit of resistance, it appears, includes a resistance of the spirit.

Pope John Paul II, in an attempt to lessen some of the tension in the country, asked for a meeting with the heroic Lech Walesa. He also requested that prisoners of conscience be released.

The Polish Government has been reluctant to grant the request to meet Walesa. It seems certain to ignore the plea to free prisoners of conscience.

The Pope's visit to Poland has not been in vain. It has served to renew the strength of the Polish people in their fight for justice, and it has served to remind the people of the world of that historic struggle.

The darkest hour, we should remember, always comes before the dawn. It is my hope that the Polish people will soon pass from the dark hour of martial law, making way for a new dawn of freedom and justice.●

● Mr. WON PAT. Mr. Speaker, I am privileged and honored to join my esteemed colleague, Congresswoman BARBARA KENNELLY, in this special order to express congressional support on the occasion of Pope John Paul's pilgrimage to his homeland. My fellow citizens of Guam and I fully understand and sympathize with the agony of the Polish people in their lives under the restrictive conditions imposed by their Government leaders. Our own suffering at the hands of the Japanese occupation forces during World War II was somewhat parallel.

Because of their courageous and undaunted fight for human rights and social justice, the Poles have earned the admiration and respect of freedom-loving people all over the world. The long-lived troubles of that great nation are tragic, but they would be even more so if the light of hope for triumph over adversity were dimmed. The uplifting spiritual message of Pope John Paul to his countrymen is truly a strengthening of the faith and determination of the people to withstand their constrained way of life in their continuing struggle for freedom.

In speaking to the basic truth about the freedom of Poland, the Holy Father stated:

> The nation perishes if it deforms the spirit—the nation grows when its spirit is ever more purified and no external path is able to destroy it.

Indeed, Pope John Paul's message is an inspiration to all people—to those who continue the pursuit of freedom and to those who fight to preserve its blessings.●

● Mr. PORTER. Mr. Speaker, I would like to thank the distinguished Congresswoman from Connecticut for calling this special order today.

On the occasion of Pope John Paul's pilgrimage to his troubled homeland, I and the members of the Congressional Human Rights Caucus would like to pledge our support for the Pope's plea for peace and to again call our colleagues' attention to the flagrant violations of human rights by the Jaruzelski regime.

Roughly 4,000 former political activists and Solidarity members are imprisoned only because of their desire to practice a basic human right—the freedom of assembly. Their fellow countrymen have grown sullen and weary under the military rule since the regime's outlawing of Solidarity, the only free labor union in the Communist world.

Life is grim in Poland—a flourishing black market, rampant crime, and widespread alcoholism. The young feel they owe the Communist Party nothing and are especially angered by the

regime's policy of drafting "troublemakers" into the military. Yet, the Pope brings to Poland a degree of unity and a measure of hope to this divided nation in which the people see little hope.

Although the seeds of hope and optimism which the Pope has planted in the minds of the Polish people may take months to germinate, hopefully here begins the end of the hardship and agony for the long-suffered Polish people. Hopefully here begins the end of the violations of human rights and the political and religious intolerance of the Jaruzelski government.●

● Mrs. MARTIN of Illinois. Mr. Speaker, for the past week, world attention has focused on Pope John Paul II's return to his homeland of Poland. He has brought to his brother and sister Poles a message of hope, encouragement, and of faith in the righteousness of their efforts to establish Poland's national sovereignty in its people, rather than in the Communist Party.

The Pope has challenged the Communist Party's assertion that it alone expresses the objective interests of the workers, and has argued instead that Poland is a suffering and oppressed country, and, that its people lack the means to promote their nation's freedom and to express their historical and cultural identity. The Pope has returned to his country on behalf of his countrymen, and indeed, on behalf of all people who sympathize with the cause of Poland's Solidarity movement. The Pope has returned to ask the Government to grant the rights of freedom, sovereignty, conscience and religion, and human work to the people of Poland.

Mr. Speaker, I commemorate the courage and stamina of the Pope in bringing this message to the world. I praise the Pope's ability to articulate the concerns of his people, and to channel them effectively and productively to the centers of authority in Poland. The Government of that country has been affected by the Pope's words. It has agreed to some of the demands voiced by the Polish people. It has listened to the Pope's message, and allowed him to deliver it to the people of Poland. It has spoken of lifting martial law, and it has agreed to a meeting between the Pope and the leader of the Solidarity movement, Lech Walesa.

The Pope has spoken out on behalf of freedom and democracy. On the most fundamental level, he has spoken out on the issue of human decency. Though his words have focused on Poland, their effect will not be confined to that country. His trip, and the response it has elicited from the people of Poland, has demonstrated to the world that freedom and liberty are human rights that cannot be denied. It has demonstrated the inevitable doom that surrounds any effort to quash those rights. For this, all people concerned with the triumph of right over repression owe the Pope a message of gratitude.●

● Mr. BROOMFIELD. Mr. Speaker, I want to join my colleagues here in the House in supporting this special order on the occasion of Pope John Paul's pilgrimage to Poland. I believe that it is most fitting that all of us express our strong support for the Pope's brave efforts to take a message of hope, faith, and peace to the Polish people.

As all of you know, the Polish workers' union, Solidarity, made much progress in winning benefits for the hardworking Polish people. Unfortunately, its growing influence was seen as a threat to the government of General Jaruzelski and his Soviet backers in the Kremlin who held menacing military maneuvers on the Polish border in order to drive home their message that Poland was moving in the wrong direction. The Soviet-established Polish police state declared martial law in December 1981, and later banned the union. Over 4,000 former activists and Solidarity members were arrested because of their political views. Many of the political detainees who later gained their release were forced, in blatant violation of international law, to emigrate from their native land.

Many basic human rights have been disregarded and the former programs advocating social justice have been forgotten. Even though martial law has been suspended, it has not been lifted. Many of its restrictions have been enacted into law. There is no question about the fact that the freedom-loving people of Poland are now living in a police state.

It is truly tragic that many Polish citizens gave their lives in Poland's long struggle to rid itself of external influence and coercion. The Polish people have clearly suffered enough. Over 6 million of its citizens lost their lives in the last two European wars, in prison camps, and in Nazi extermination camps.

The repression of the valiant Polish people has lasted long enough. It is obvious to all of us that the people of Poland needed encouragement and hope. The Pope's visit gave them that hope.

I admire and commend the Pope for sending a spiritual message to the Polish people and for calling upon General Jaruzelski to release the prisoners of conscience and to support a return to the social reforms begun by Solidarity. His Holiness also supported a dialog between Solidarity and the Polish Government. This exchange of views is essential and long overdue.

As all of you know, the Roman Catholic Church has been Poland's refuge from alien aggressions over the centuries. This Pope is a symbol of Poland's own identity and abiding faith in freedom. I believe that it is obvious that Poland has suffered enough and has paid for its right to freedom and its sovereignty.

Let us all hope that the message of social justice is clearly understood by the Polish Government and its supporters in the Kremlin, and that good faith and judgment on their part will prevail.

In the spirit of renewed hope and freedom, I join my colleagues in paying tribute to the Pope and supporting this special order.●

● Mr. SYNAR. Mr. Speaker, I would like to take this opportunity to convey to this body my admiration of Pope John Paul's outspoken defense of the Polish people's right of self-determination. The Polish people will not rest until their full rights are restored and it is important that the Soviet Government and its puppet, General Jaruzelski, be made to realize that people of conscience in the world will not turn their backs on the Polish people in their hour of need.

As we sit here in complete freedom to represent the will of our constituents, it is our duty not to forget those less fortunate than us around the world. The least we can do is add our voices to the rising chorus of protest that Pope John Paul's pilgrimage has begun. The impact of this man's words on the world has proven how much the Soviets underestimated the moral power of the papacy.

I am sure many of you have read how, at Potsdam, when Churchill reminded Stalin that a Soviet-dominated postwar Poland would run counter to the wishes of the Catholic majority, Stalin dismissed the fact out of hand. He sarcastically asked, "How many divisions does the Pope have?"

Today, we have tangible evidence of the moral power of the Pope. Although he lacks the temporal authority over an army, the words of Pope John Paul are very powerful indeed. As an American of Polish descent, I am particularly moved by the example of the Polish people in their unending struggle for justice. Their hunger for freedom should serve as a stark reminder of how lucky we are, and that as Members of Congress it is our duty to join with the Pope and demand justice for Poland.●

● Mr. OTTINGER. Mr. Speaker, I commend my colleague from Connecticut (Mrs. KENNELLY) and the other Members who have spoken out today on behalf of the people of Poland.

This beleaguered nation has suffered enormously at the hands of repressive and abusive leadership. But the spirit of the Polish people remains strong, and the quest for solidarity still drives these freedom-loving people.

The visit of Pope John Paul II has once again given a voice to that spirit. His presence and his boldness in speaking out against repression have elicited the strongest show of unity in Poland since the forced disbanding of Solidarity. The Pope's message, coming from "a son of this nation," to all those who "feel its yearnings, its wish to live in truth, in freedom, in justice, and in social solidarity," has rekindled the movement of active protest against General Jaruzelski's rule.

I applaud the Pope for his message of hope to his kinsmen, and honor the courage of the Polish people. It is my fervent hope that the Pope's visit will create an atmosphere more conducive to constructive dialog, to reasoned protest, and to tolerance, rather than authoritarian repression. Surely, the pervasive feeling inspired by Pope John Paul's visit must send clear signals to General Jaruzelski's regime that his policies will not be tolerated for long. To believe the Polish people have been cowed is to mistake quiet for silence.●

● Mr. DWYER of New Jersey. Mr. Speaker, the historic journey of Pope John Paul II to his Polish homeland is drawing to a close. Here in the United States, we have watched events unfold in that country with great interest. To witness the outpouring of support the Pope has inspired among the Polish people is a profoundly moving experience.

His compatriots have found hope as well as joy in the chance to renew their strong bond to their favorite son. In turn, John Paul has matched the vigor of their welcome with his own unique brand of quiet, but compelling, diplomacy, never intimidated by the military regime's futile attempts to suppress his influence.

During this past week, we have seen that influence expand over and over again, as Pope John Paul courageously exposes the cracks in the armor of Poland's military dictators at every appropriate juncture of his journey.

Most importantly, John Paul has pressed for a continuing dialog and a spirit of cooperation between the Polish leadership, the citizens of Poland, and the church whose importance as a social force was solidified by the beloved Polish primate, Cardinal Wyszynski.

Pope John Paul's intimate connection to his homeland—his pure love of country—makes him keenly aware of the strength that is uniquely Poland's, a nation which has rebuilt itself time and time again against seemingly insurmountable odds.

John Paul stands as a vision of hope for a nation in sore need. Faced with food shortages, increased crime, and a high rate of joblessness, the Polish people still remain steadfast in their quest for social justice and civil rights.

Step by step throughout the papal visit, John Paul is getting his message of peace and justice across, even to the military who watch, but should not wonder, at the powerful allegiance Polish citizens share for this man of principle, justice, and faith.●

● Mrs. HOLT. Mr. Speaker, I stand in some awe of the nobility and courage of Pope John Paul II, who has again carried the message of freedom to his native Poland.

Millions have attended the Masses celebrated by the Pope, demonstrating their devotion to the faith that has guided their nation for 1,000 years.

The Pope offered no comfort to the Communist military dictatorship that rules Poland. He called for the release of political prisoners, the reinstatement of workers dismissed from jobs for activity in the Solidarity labor movement, and the restoration of independent trade unions.

He said Poland "has a right to live in freedom." He spoke for the independence of Poland, which must have caused nervous spasms in the Kremlin.

Pope John Paul II is the native son of a brave people who have endured and resisted the imperialism of the Russian czars, the terror of Nazi rule, and communism imposed by the Soviet Union. Never have the people of Poland abandoned the struggle for freedom.

Because of their resolute resistance, Poland has a greater degree of freedom than prevails in other countries under Communist domination. The visit of the Pope to Poland and his speeches critical of Government policy to great masses of people are evidence that the military government is forced to accommodate some dissent.

Let us pray for the success of the continuing Polish struggle for freedom, and let us also pray for the health and long life of the Pope, a great pastor to the world who inspires the oppressed to strive for freedom.●

● Mr. LENT. Mr. Speaker, I rise today to join my colleagues in an expression of hope that peace and freedom may be brought to the troubled nation of Poland with the help of the Pope's visit to his homeland.

The Pope's heroic return to the land he loves has deeply touched the hearts and souls of the Polish people. Millions of Poles have thronged to see the Holy Father and to hear his message of freedom and human dignity.

The forbidden banner of Solidarity is once again openly displayed in the midst of each and every crowd. The dreams and aspirations of the brave Polish people are again crying out for realization. It is as though, through the Pope's return to Poland, all that was suppressed is now able to be made known.

The message the Pope brings to Poland is simple and noble. The dignity of the individual and the right to be free cannot be trampled upon by any authority. The renewal that was begun in August 1980 still lives in the hearts of all Poles, and no amount of Government repression will ever be able to stamp it out.

The Pope's message of faith and his call for social justice echo loudly in Poland. Deprived of all else in which to believe, the Polish people have put their faith wholeheartedly behind the Pope. We in Congress emphasize the message of the pontiff as we express our solidarity with it. May that message be heard in every corner of Poland, in the hearts of every man and woman in that land, and in the hearts of free people everywhere.●

● Mr. LEVINE of California. Mr. Speaker, I wish to commend my colleague, BARBARA KENNELLY, for calling this special order today to commemorate the visit of Pope John Paul II's visit to Poland. I thank you for allowing me to participate.

The Pope's visit to Poland at such a troubled time in that country's history is evidence of his commitment to the freedom of his homeland, where human rights have been tragically and callously violated. John Paul II has consistently called upon the Polish Government to reopen a dialog with the people of that country. He has courageously called upon the Government to respect human rights and the right of self-determination.

Pope John Paul deserves high praise for his denunciation of martial law in Poland and his urging of General Jaruzelski to make good on his promises of "social reform" in that troubled country.

John Paul's visit to his native homeland has been characterized by an admirable blend of caution and defiance. Millions of Poles have gathered to both see and hear the pontiff in this touching demonstration of the Polish people's love and respect for him. It is clear evidence of his remarkable ability to mobilize his fellow countrymen. From the beginning of his journey the Pope has taken a clear stand on that country's policy of martial law. The Polish people have a right to live in freedom.

John Paul's support for the ideals of the Solidarity trade union have been demonstrated by his willingness to speak out on political issues. It is unfortunate to think that a counter propaganda campaign will no doubt be waged, once the pontiff departs. However, the Polish people will not readily forget the Pope's message.

In his meeting with General Jaruzelski the Pope has also asked the general to honor the agreement signed with the Gdansk shipyard strikers in August 1980. During his visit he has publicly declared his support of the right of trade unions to function freely, and has highly praised Solidarity, emphasizing the absence of violence in Solidarity's activities.

Pope John Paul has aptly defined the Polish spirit as stemming from "a sense of dignity for human work, from love of homeland, and from solidarity, that is to say from a sense of the common good."

But Poland has suffered much. The need for national reconciliation is clear. Poland's future depends on the establishment of a mutual trust between its people and the Government. The state has the responsibility to protect and guarantee the right of free speech and free association. I hope that the Pope's journey to Poland will inspire the Polish people so as to enable them to continue their fight for freedom, that most precious right and one which has been denied them for too long.●

● Mr. LANTOS. Mr. Speaker, the visit to Poland of His Holiness, Pope John Paul II, further serves to underline the suppression of human rights and fundamental liberties by the military regime of that country. But, as the pontiff himself said yesterday, "Poland has a hunger for justice which cannot be suppressed." The papal visit has whetted that hunger. In the words of an editorial which appeared yesterday in the San Francisco Chronicle, the Pope, through his enormous appeal and ability to move a crowd, has "turned what are very moderate remarks into ringing endorsements for human rights."

I would like to commend and congratulate the gentlewoman from Connecticut for sponsoring this special order today. As cochairman of the Congressional Human Rights Caucus, which endorsed this special order, I am pleased that we are able to bring attention to the continued suppression of human rights in Poland.

I commend to my colleagues in the House the editorial, "A Pole Who Can Inspire Poland," which appeared in the San Francisco Chronicle.

The article follows:

[From the San Francisco Chronicle, June 21, 1983]

A POLE WHO CAN INSPIRE POLAND

"I am a son of this nation and therefore I feel very deeply its noble aspirations for justice and social solidarity," said Pope John Paul II during farewell prayer at Czestochowa, a location sacred to the Black Madonna, legendary, protector of Poland. It is this kind of language—direct and forcefully spiritual with a skillful reference to the temporal (Solidarity)—that is giving Communist authorities in Poland fits.

John Paul II is, indeed, a son of Poland, one intimately familiar with its oppressors past and present. He continually makes a point of urging restraint on the throngs that turn out to see him, but there is no doubting the profound emotional impact that this strong pope has upon his countrymen. Both morning and evening in Czestochowa, the pope spoke of freedom and respect for individual liberty to an outpouring of more than half a million people. His firm anti-communism is also clear, expressed obliquely, perhaps, but in terms that are understood throughout the country.

The pontiff is a born actor, as Don Schanche of the Los Angeles Times noted in a recent dispatch, and his enormous appeal and ability to move a crowd have turned what are very moderate remarks into ringing endorsements for human rights. He gets his points across by a masterful mixture of religious and historical metaphor with straightforward political messages.

Polish authorities quite obviously miscalculated in thinking they might profit by allowing the pope to visit. It is a decision that demonstrates the isolation of the ruling bureaucracy, for it ignores the basic intermeshing of that vital element of Polish life that is Roman Catholicism with the spirit of polish nationalism and resistance to foreign—especially Russian—intrusion.

The Communist government has now warned that continuing opposition demonstrations during the pope's visit will harm relations between church and state. That seems a querulous and pallid rejoinder in the face of the whirlwind that is Pope John Paul II.●

● Mr. PEASE. Mr. Speaker, it has been said that all that is necessary for evil to triumph in this world is for people of good will to do nothing. The courageous people of Poland have embraced their independent trade union, Solidarity, as the means for reasserting their quest for freedom and their demand for basic human rights. It is clear that Solidarity lives and that Pope John Paul II has breathed new life into the movement this week.

The struggle of the Polish people for a new way of life and the manner in which the Pope has embraced their cause is an inspiration to all of the oppressed people of the world who suffer under the domination of totalitarian regimes. It is also a solemn reminder to the rest of us to cherish our personal freedoms and to do our utmost to effectively support the strong, peaceful forces of change at work within Poland. Certainly we ought not do anything to give solace to the regime of General Jaruzelski.

I was the first Member of Congress to oppose the Reagan administration's policy of allowing the Government of Poland not to default on its loans from the West by using U.S. taxpayers' money to bail out the Polish authorities. This is precisely the sort of action on the part of our Government that belies our commitment to freedom.

Pope John Paul II has shown remarkable strength and resolve in confronting the Government of Poland about its trampling of Solidarity. As the leader of the free world, our country should do no less.●

● Mrs. JOHNSON. Mr. Speaker, the world is witnessing the struggle of an irrepressible people determined to fight for their independence as a nation and for their freedom as individuals. Occupied, partitioned, annexed, and oppressed, Poland is a nation that has been forged in generations of struggle for her liberty and self-determination. The great spirit of the Polish people has been sustained throughout these decades of strife by their strong and fervent religious faith. With her nearly 80-percent Catholic population, Poland has historically looked to the Roman Catholic Church for strength and for the protection of her rich cultural heritage. Today the church continues in its active role as the chief defender of the Polish people's human rights and unique identity.

It is therefore with great appreciation that I take this opportunity to express my full support and admiration for Pope John Paul II's message of renewed faith and hope that he brings this week to his courageous countrymen. I applaud the Pope's call for the release of political prisoners in Poland and for the fulfillment of the historic social reforms begun by Solidarity upon the signing of the Gdansk agreement in August 1980. Among the most significant reforms are the right of workers to form independent trade unions, the right to strike, the relaxation of state censorship, and increased freedom for the church, all of which we as Americans take for granted as being basic rights for all humanity.

The Pope's words I know will provide inspiration and encouragement to the great people of Poland. It is tragic to see how seriously the situation has deteriorated since his last visit in 1979. I share the hopes of the many Polish Americans that I represent, many of whom are my close friends and whose family members are still in Poland, that the Pope's trip will serve to bring some greater measure of freedom and respect for individual human rights to the people of that nation.●

● Mrs. COLLINS. Mr. Speaker, I rise to express my support for today's special order on Poland, and thank my esteemed colleague, BARBARA KENNELLY of Connecticut, for proposing that we in Congress commemorate Pope John Paul's visit to Poland.

The Pope's return to his troubled homeland is an act of great dignity and courage. In the face of the Polish Government's continuing oppression of its citizens, Pope John Paul's message of peace and freedom inspires hope in millions of people in Poland and around the world.

During his journey the pontiff denounced the misery and injustice of martial law and supported workers' God-given right to form trade unions. He has urged General Jaruzelski to fulfill his promise of social reform, and he plans to meet with Lech Walesa, the leader of Poland's outlawed Solidarity Union, tomorrow. He has suggested to his countrymen that they were right to join Solidarity and strike for reforms, even if they did not win many concessions, and he urged them to continue to struggle to "end

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the divisions in society" and to work to achieve "the social structures which correspond to its just requirements." The state, he said: "is truly sovereign when it governs society and at the same time serves the common good of all society and when it allows a people to be the agency to its own destiny."

Millions of people across Poland have heard the Pope's inspirational message. Indeed, one-half of Poland's 36 million citizens are expected to see the Pope during his 8-day visit. The Jaruzelski government cannot continue to ignore such overwhelming popular support for the Pope and his message of faith, hope, and reform.

We in Congress must also support the papal visit and the demands for constructive reform. Martial law has not been lifted, Solidarity has been outlawed, and some 4,000 former activists and Solidarity members languish in prison. Other opponents of the Jaruzelski government have been forced to leave the country, while basic human rights continue to be trampled on and social justice remains a distant goal.

Last week, the pontiff said that 3 years ago "the Polish worker stood up for himself with Gospel in his hand and prayer on his lips. The pictures that went round the world in 1980 touched hearts and consciences." The Pope's return home has touched our hearts and consciences once again, and we must offer him our congressional support. The American people stand in solidarity with our Polish brothers and sisters to urge General Jaruzelski to offer concrete reforms to the people of Poland.●

● Mr. MORRISON of Connecticut. Mr. Speaker, this week, Pope John Paul concludes his pilgrimage to Poland. Although this man does not represent a specific country or political group, he speaks for all free, democratic people in recognizing Solidarity as the Polish people's vehicle for self-determination.

The people of Poland are suffering. For every day that martial law remains in force, the prospects for a free and independent Poland get weaker.

It is at this desperate time that the Pope chose to visit his homeland. There he has preached a message of hope and the Polish people have gratefully responded. At Masses throughout the country, they have raised banners in support of the outlawed Solidarity group, raised the Solidarity "V" for victory sign and voiced their support with solidarity chants and with cries of "We are with the Pope and the Pope is with us."

The Pope has brought new hope to the people of Poland. For this, he deserves to be honored by us as a hero. But the true heroes of this visit are the people of Poland, who against all odds remain strongly committed to building a free Poland.●

● Mr. SCHAEFER. Mr. Speaker, hope makes suffering bearable. If the Poles can glean some small kernel of hope from Pope John Paul II's visit to Poland, the trip will have been a magnificent success.

In the course of his trip, the pontiff has become bolder about mentioning Solidarity and the obvious problems Poland is now encountering. Speaking in Katowice, Pope John Paul declared that the workers had a God-given right to free unions. The strong statement came in the middle of a journey that has been gaining in intensity since the Pope arrived in Poland.

The strength and love of the Pope for his homeland cannot alone uphold the morale or the country. We, the Congress, should send a message of support of the Polish people; we must assure the Polish people that their thirst for freedom and liberty has not gone unnoticed by the United States. If through our actions we can give Lech Walesa and Solidarity the courage to go through another day without food, medicine, or family, our efforts will have aided their cause. We do not need to approve massive aid packages or threaten war: if we reach out with the message of love and hope that John Paul is using to cure his country's wounds, we can affect the lives of millions of Poles and further the cause of freedom in the world.

Mrs. KENNELLY. Mr. Speaker, I would like to take this opportunity to thank my other colleagues who joined with me this evening to salute Pope John Paul and to think about what he has done this past week in returning to his troubled homeland in Poland.

Since I have no further requests for time, Mr. Speaker, I yield back the remainder of my time.

KAREKIN II, THE AMERICAN SHEPHERD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. GEPHARDT) is recognized for 5 minutes.

● Mr. GEPHARDT. Mr. Speaker, I rise today to pay tribute to a holy and distinguished visitor to the United States and to my home area of St. Louis, Mo.

His Holiness, Karekin II, Catholicos of the Great House of Cilicia, Antelias, Lebanon, the spiritual leader of 350,000 Armenians in the United States and Canada, will arrive on June 29, 1983, for a 2-day visit with his Armenian-American congregation in the Metropolitan St. Louis area.

This is a special occasion. The Armenian Church in American was formally organized in 1898, and in 1915, the first Armenian cathedral in American—St. Illuminator's Cathedral—was consecrated in New York City where it stand today at 221 East 27th Street, and is the mother church of the Armenian Apostolic Church of America.

At the conclusion of his Pontifical visit to St. Louis, with the ecumenical spirit, His Holiness will journey to Vancouver, Canada, to attend the Sixth General Assembly of the World Council of Churches, where he will serve as vice moderator of the Council's Central Committee.

On this joyous first visit of the Shepherd with his flock, His Holiness can understandably smile with pride as he witnesses the contribution his people have made to America. Across this great country, the Armenian Americans, while clinging to their heritage, have served both their church and their country with distinguished effort.

Your Holiness, Karekin II, for giving us the Armenian community in American, for honoring us by your visit to St. Louis, we say, "Shnrohagal yenk tzer havwabedagan ays aytzeloutyan hamar."

And until the Shepherd again visits his flock, and honors us with His holy presence, we say, "Asdvatz togh tzer hed Ullah."●

RAOUL WALLENBERG—MISSING HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

● Mr. ADDABBO. Mr. Speaker, I would like to share a report entitled "Research on Raoul Wallenberg, Rescuer of 100,000 Hungarian Jews," with my colleagues. Raoul Wallenberg, one of the greatest figures of the 20th century, may still be alive and imprisoned in the Soviet Union. During the 97th Congress, we honored this heroic man by bestowing him with honorary U.S. citizenship. The report, written by Dennis Hevesi, brother of Assemblyman Alan Hevesi of New York, is intended to remind us of Raoul Wallenberg's greatness and his unknown fate. The article follows:

RESEARCH ON RAOUL WALLENBERG, RESCUER OF 100,000 HUNGARIAN JEWS

On March 19, 1944, Nazis launch Operation Margarete 1, the occupation of Hungary, in part to protect their southern flank against advancing Russians, but also to finish the job of eliminating European Jewry.

Hitler summons Regent Nicholas Horthy to his headquarters in Klessheim Castle and lectures him on the treason of the Hungarian government for not following Nazi-ordered edicts against Jews. Horthy is held incommunicado for a day. When he returns home, the country has been occupied by German columns.

Hungarian Jews do not take the threat seriously. The Germans are on the defensive. The Red Army is advancing toward the nation's borders. It makes no sense that Germany will expend resources on killing Jews.

Hundreds of prominent Jews are arrested.

On March 31, Jews are ordered to wear the yellow star.

On April 7, the Nazis order "ghettoizing" of Jews near railway stations. Each is allowed to take the clothes on their backs, two changes of underwear, a 14-day supply of food and 50 kilos of baggage. All valuables are seized. Thousands are crammed into quarters large enough only for hundreds. Life in the ghetto is designed to weaken the victims so that they cannot resist deportation.

Between May 15 and 27, 62 cars filled with children and six cars filled with adults from Hungary pass through Cracow's railway station.

In mid-May, Rabbi Ehrenpreis invites Dr. Kalaman Lauer, a Jewish businessman, to discuss the rescue mission proposal. Lauer suggests Raoul Wallenberg, the 32-year-old heir to Sweden's foremost banking empire, to head the mission.

The meeting lasts from 7 p.m. to 5 the next morning. A plan is drawn up. Wallenberg will go to Budapest as a Swedish attache, with the job of doing what he can to save Jews. The U.S. State Department is to support the mission, expected to last two to three months. He is to go to Hungary as the personal representative of King Gustav V.

At the Great Synagogue of Stockholm, Wallenberg is blessed by the chief rabbi, with other members of the Jewish community looking on: "May God Bless thee and preserve thee. May the Lord make His face shine unto thee and be gracious unto thee. May the Lord lift up His face unto thee and grant thee peace."

Wallenberg—carrying two backpacks, a sleeping bag, a raincoat and a revolver—arrives in Budapest on July 9, 1944. In the backpacks are lists of names compiled by Swedes seeking information about friends and relatives in Hungary and lists of underground agents and pro-Allied officials in the Hungarian government.

On July 17, Wallenberg files a report to Stockholm: Sealed boxcars, each with 75 to 80 persons; a little bread, one pail of water, one pail bodily wastes. Six thousand people a day killed in the gas chambers. More than 700,000 people—one-third of Hungarian Jewry—already deported.

Wallenberg convinces the Swedish legation to extend issuance of protective passports to any Hungarian Jew who applies, despite legation's concerns that such action will negate the value of the passport. Such passports, which had been established only for those Jews with family or business links to Sweden, actually have no precedent or standing in international law.

Aware of the German mentality for authority and official-looking documents, Wallenberg redesigns the protective passport to make it look more impressive—the new blue and yellow passport includes a number, the official seal, the Three Crowns of Sweden and the signature of the minister.

Acceptance of the passports by Hungarian officials might be motivated as a "hedge" against war criminal charges when the Allies finally arrive—a ploy that Wallenberg uses time and time again to "blackmail" both Hungarian and Nazi officials.

They agree that holders of the passport will be considered Swedish citizens, after renouncing their Hungarian citizenship.

Nazis, reluctantly willing to overlook the first 5,000 protective passports because doing so maintains cooperation they need from Horthy government for their bigger task of "Final Solution," become alarmed at the increased number of real ones and the influx of forged ones.

An estimated 15,000 to 20,000 passports are eventually in circulation, probably saving 50,000 lives.

Wallenberg gains Horthy agreement that bearers of passes will not be deported and authority from Sweden that all will be accepted in that country.

Other neutral countries, inspired by Wallenberg's efforts, begin to set up meaningful rescue operations. The Portuguese charge d'affaires in Budapest obtains permission of his govenment to issue safe-conduct passes. The Swiss issue 8,000 protective passes.

Wallenberg and his colleagues set up 32 "Swedish Houses" in Pest, into which up to 15,000 bearers of the protective passes are sneaked during the night, to "wait" for departure for Sweden.

Conditions improve for Jews in August, 1944, as Eichman supports a conspiracy to overthrow Horthy. It fails, and the regent dismisses pro-German Prime Minister General Dome Sztojay, replacing him with the more moderate Gen. Geza Lakatos. Other pro-German officials are purged and Eichman is declared unwelcome in Hungary.

On August 23, 1944, with Soviet forces already inside his border, Rumanian King Michael seeks to make peace with the Russians. Without Rumanian resistance, the Russians can move swiftly toward the Danube.

October 15, 1944, Horthy announces on radio that Hungary is prepared to put down its arms in an armistice with Russia. Jews rip off their armbands, burn them. That evening, a German-led coup forces Horthy to abdicate and installs Ferenc Szalasi, chief of the Arrow Cross—the Hungarian Nazis—as head of government.

Eichman returns.

Szalasi issues his first official announcement: "This is a war of independence against Jewry."

Deportations are reinstated.

Government forces pull Jews from their homes, force them in long columns to march to deportation sites.

On November 2, 1944, the Red Army breaks through to the south of Budapest, but cannot capture the city.

Hundreds of Jews are chased into the Dohany Street Synagogue. Joseph Kovacs remembers: "In the afternoon of Nov. 4, Wallenberg burst into the temple and stood himself in front of the altar and made this announcement: 'All those who have Swedish protective passports should stand up.' That same night a few hundred Jews were freed and returned to their houses under the protection of Hungarian policemen. People often ask me, 'Why did Raoul Wallenberg succeed?' The way I saw it, Raoul Wallenberg was forceful, determined and never hesitated in saying what he had to say and doing what he had to do."

Wallenberg discovers that the wife of Foreign Minister Baron Gabor Kemeny was born Elizabeth Fuchs, a Jew. He blackmails the foreign minister into restoring privileges of Wallenberg's Jewish staff members, including their exemption from wearing the yellow star, and certifying the validity of protective passes.

An "international ghetto" is established on orders of the Szalasi government. This is an outgrowth of the safe-houses agreement Wallenberg worked out with Horthy. Buildings in the international ghetto are marked with yellow stars and placed under the protection of the neutral legations.

Jews are seized on the streets, forced to march 15 to 20 miles a day in frigid weather, often without food, to the Austro-Hungarian border 125 miles away.

Berg writes: "The persecuted Jews only hope was Wallenberg. Like a rescuing angel he often appeared at the very last moment. Just when a deportation was about to start . . . he used to arrive with a written—false or genuine—permission to separate and set free all Jews with Swedish protection passes. If his proteges had already been brought out of the city, he hurried after them and conducted back as many as he could on hastily procured trucks."

He drives up to a column, shouts in German that he has permission to take back so many Jews, then takes the batch closest to him, with the Arrow Cross standing there dumbfounded.

He dresses Aryan-looking Jews in Arrow Cross uniforms and raids the deportation camps. Sometimes they stop real Arrow Cross on the street, demand to see their papers, declare the papers false and confiscate them—to be used later for rescue missions.

Thomas Veres, one of Wallenberg's drivers, writes: "He always overwhelmed the German SS with double-talk. Wallenberg would threaten to call their superiors if they didn't cooperate. We used every possible deception and trick, including bribing them and telling the SS he would write a favorable report about them after Germany lost the war . . . He was a great actor. He could imitate brilliantly. If he wanted to be, he could be more German than a Prussian general. Shouting louder, sounding more authoritative than the higher-ups."

Lars Berg writes: "Wallenberg's daring appearance at the scene of rescue was all the more admirable as Raoul was not at all a brave man by nature. During the air raids he was always the first to seek shelter, and he was sometimes affected when the bombs fell too close. But when it was a question of saving the lives of his proteges, he never hesitated a second. He acted with a challenging boldness and bravery, though his life then mostly hanged by much thinner a thread than during the air raids."

He sets up checkpoints along the march routes, then separates out those Jews with passports.

Wallenberg and Berg have dinner with Eichman. "It seemed like an ordinary, pleasant dinner party," Berg says. "We drank brandy. No voices were raised. But we could see the Russian artillery fire from our window. Wallenberg said, "Look, you have to face it. You've lost the war. Why not give up now?" Eichman disagrees, then says he knows, but will do his job to the end. Then Eichman says directly to Wallenberg: "Don't think you are immune just because you are a diplomat and a neutral." A few days later a German truck rams and demolishes Wallenberg's car. But he wasn't in it.

Jonny Moser, a self-described "errand boy of Wallenberg," writes: "800 Jewish soldiers were to be transported away . . . Wallenberg caught up with them at the border. 'Who of you has a Swedish passport? Raise your hand!' On his order, I ran between the columns and told people to raise their hand, whether they had a passport or not. He then took command of all who had raised their hand, and his attitude was such that nobody of the guards opposed it, so extraordinary was the convincing force of his attitude."

Gideon Hausner, who prosecuted Eichman after he was kidnapped and brought to trial in Israel, said: "Wallenberg followed the column of people with truckloads of food, clothing and medicine. He removed from the marching columns anyone who could

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for any reason be declared Swedish and encouraged the local peasants to supply water and hot meals to the women and children. Eichman was furious."

On November 29, the Ministry of the Interior and Home Defense signs an agreement with the Gestapo to deliver 17,000 Jewish laborers. Wallenberg manages to save those with passes, but several thousand are taken away.

On December 9, the Russian army lays siege to the city.

Early in January, Wallenberg foils a plot to kill 70,000 people in the central ghetto. Just before the Russians were about to take over the city, 500 Nazis plan to machinegun all the inhabitants. A report on the plan goes before an Arrow Cross officer, Pal Szalay, who is also a Wallenberg spy. Wallenberg, informed of the plan, goes to Gen. August Schmidthuber, commander of the SS panzer division, to stop the massacre. He threatens to have him executed by the Russians when they come. Schmidthuber calls in the plotters and orders them to cancel the plan.

Jeno Levai, a writer himself saved by Wallenberg, writes: "It is of the utmost importance that the Nazis and the Arrow Cross were not able to ravage unhindered—they were compelled to see that every step they took was being watched and followed by the young Swedish diplomat. From Wallenberg, they could keep no secrets . . . They could not operate freely. They were held responsible for the persecuted and condemned. Wallenberg was the 'world's observing eye,' the one who continually called the criminals to account."

On January 12-13, Russian troops push into Budapest.

On January 17, Wallenberg and his chauffeur drive 137 miles east of Budapest to Debrecen to meet with Russian authorities. Except for numerous reports from former prisoners in the Gulag, the latest as recently as 1975, Wallenberg is never heard from again.

* * * * *

On January 13, 1945, Wallenberg presents himself to a Soviet street patrol in Budapest.

On January 17, flanked by a Soviet motorcycle escort, he begins the drive to Debrecen. He does not know that the red epaulet decorating the uniform of the major accompanying him is insignia of the NKVD, the Soviet State Security Service.

He makes several stops on the way out of Budapest: giving money to Jews in Swedish houses; checking on the Swedish Red Cross Hospital where he sees three Jews with yellow stars still on their chests. "I am happy to see my mission has not been completely in vain," he says.

Wallenberg and his driver, Vilmos Langfelder, are placed on a train bound for Moscow.

By January 31, he occupies cell 123 of the former Moscow Hotel, transformed into a fortress for political prisoners.

In April, members of Sweden's Budapest delegation pass through Moscow on their way home to Stockholm. The Swedish Ambassador to Moscow, Stefan Soderblom, chooses not to press the Russians on the whereabouts of Wallenberg, in the interest of good relations.

Under pressure from Wallenberg's family, the Swedish Foreign Office prods Soderblom to ask the Russians about Wallenberg. Soderblom gains an audience with Stalin at which he volunteers, "I personally believe Wallenberg was the victim of an accident or robbers in Budapest."

Soderblom rejects an offer of help in the Wallenberg matter from U.S. Ambassador to Moscow, Averell Harriman.

On March 7, 1945, Radio Kossuth, the voice of Soviet-occupied Budapest, broadcasts that Wallenberg and his driver were shot by a Gestapo agent on their way to Debrecen.

In August, 1947, Soviet Deputy Foreign Minister Andrei Vyshinsky tells the United Nations that an extensive search in the Soviet Union fails to locate Wallenberg. Vyshinsky speculates that Wallenberg has been kidnaped by Hungarian Nazis.

Between 1945 and 1947, the Swedish government receives 19 sworn testimonies from former cellmates or others who saw Wallenberg either in Lubyanka or Lefortovo prisons in Moscow.

In the early 1950s, Swedish diplomat Per Anger, who worked with Wallenberg in Budapest, suggests that the next Soviet spy caught by Sweden be made part of an exchange for Wallenberg. Foreign Minister Osten Unden, a believer in neutrality based on good relations with Russia, rejects the idea.

In 1961, a Swedish professor of medicine, Nanna Svartz, brings up the Wallenberg matter with one of her Soviet colleagues, Dr. A. L. Myasnikov, during an international scientific congress. Myasnikov tells Svartz he knew of Wallenberg and had heard he was in a mental institution and in poor health. Myasnikov is subsequently called before Khrushchev and recants.

In 1977, Dr. Anna Bilder, a Tel Aviv dentist who had never before heard of Wallenberg, receives a phone call from her father, Jan Kaplan, a Moscow Jew just released from a Soviet prison camp. Kaplan had been jailed in 1975 on charges of black marketeering following his request for an exit visa to Israel. Kaplan tells his daughter it is possible to survive in the Gulag: "In fact, I met a Swede in the Butyrki prison in Moscow who has survived 30 years."

During the next two more years, Anna Bilder receives no further word of or from her father. Then, in July, 1977, her mother has a letter smuggled to her. "My Dear Anna," it says, "The same thing has happened again to your father. For the past year and a half he has been imprisoned . . . I lost all hope after being summoned to the Lubyanka by the KGB, where I was told all this happened because of a letter concerning a Swiss or a Swede named Wallenberg who your father knew in the prison infirmary. Your father had written to you about this Wallenberg and tried to get it to you through tourists he met in the synagogue. Since then your father has been in Lefortovo and the Lubyanka."

The letter results in an official Swedish request to interview Jan Kaplan—the first official Swedish communication on Wallenberg in 14 years. The Soviets make no response.

In 1980, the Swedish government says it has reports from prisoners coming out of the Mordvinia prison in the republic of Moldavia that they have seen Wallenberg in a special prison for those inmates who are supposed to be officially dead.

Later in 1980, 35 years after taking him prisoner, the Soviets produce one piece of paper relating to the Wallenberg case. Dated February 6, 1957, it admits that Wallenberg had been taken prisoner in the 1940s and claims that recently found prison records show that he died of heart failure on July 17, 1947, in Lubyanka. The memo blames the affair on the Stalinists and is signed by the then-Deputy Foreign Minister (now Foreign Minister) Andrei Gromyko.

On May 30, 1980, Swedish Foreign Minister Ola Ullsten confers with Gromyko in Moscow, saying that reliable witnesses cause Sweden to doubt the Soviet's 23-year-old explanation. "We have nothing new to report," Gromyko says. "We stand by our 1957 memorandum."●

WEST GERMANY RESTRUCTURES STEEL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LaFalce) is recognized for 5 minutes.

● Mr. LaFALCE. Mr. Speaker, the Wall Street Journal reports that the West German Cabinet has recently approved the equivalent of $1.17 billion in government subsidies to be matched by the states to finance a complete restructuring of the country's steel industry. West German steelmakers plan to cut capacity by about 13 million metric tons and cost by about $4.28 billion.

Our foreign competitors are moving to meet the challenges of the intensely competitive world marketplace. They are preparing their industries for the future by confronting difficult issues and making painful cutbacks. The United States must develop a competitive, forward-looking industrial strategy if it is to preserve its share of global markets.

[From the Wall Street Journal, June 15, 1983]

German Cabinet Approves Aid for Steel Firms—Subsidies of $1.17 Billion Are Part of Streamlining Plan but States Must Pay Half

(By Roger Thurow)

Bonn, West Germany.—The West German cabinet last night approved the equivalent of $1.17 billion in government subsidies to finance the costly restructuring of the country's sagging steel industry.

The cabinet said the federal government would provide half of the aid, but only if the various West German states would agree to contribute the other half. State and federal government representatives met yesterday but failed to reach an agreement on the subsidy financing.

Under a plan submitted to the European Community in early April, the government said West German steelmakers planned to undergo a painful restructuring that would slash capacity by about 13 million metric tons and cost about $4.28 billion. Once a subsidy package is worked out, the government also will submit it to the EC commission, which must approve any government aid for steel restructuring.

THYSSON, KRUPP MERGER

As envisioned under the German proposal, Thyssen AG and the Krupp group would merge their steel operations, while Hoesch AG and Paine-Salzgitter AG would cooperate in some production areas. The proposal also includes separate streamlining plans for Kloeckner-Werke AG and several smaller steelmakers.

Although the administration of Chancellor Helmut Kohl is rooted in the free market and generally disdains subsidies, it has been forced to reach deeply into its pockets to prop up the steel industry, which is one of the country's bellwethers. The cabinet, which is trying to bring down the budget deficit by controlling government spending, has made provisions for more than $389 million for steel aid in the federal budgets for 1983 to 1985.

State governments, for their part, are worried that steel-company collapses could devastate regions closely tied to the industry. But they have been dragging their feet in agreeing to share half the subsidy burden.

The biggest objection has come from the state of North Rhine-Westphalia, which includes the depressed Ruhr industrial area and is home to much of the German steel industry. The state is headed by the Social Democratic Party—the Christian Democrats control the federal government—and has said it couldn't carry the entire subsidy burden that would be assigned to it.

BADLY BATTERED

Steel industry officials doubt that the companies themselves could finance the steps necessary to scale down operations to a profitable level.

The German steel industry has been badly battered by its own inefficiencies and competition from steelmakers in other Common Market countries that are aided by government subsidies. West German steel production has shriveled to about 50% of the current capacity of 60 millions tons. Output last year fell to about 36 million tons from 42 million tons in 1981.

The industry's heavy losses and massive layoffs have reverberated loudly through a German economy that has been sputtering enough as it is.

No major German steel company has collapsed, although one smaller steelmaker, Korf-Stahl AG, has fallen into receivership. Korf-Stahl, as well as its holding company, Korf Industrie & Handel G.m.b.H., last January applied for court help in settling debts.

The federal government has long been propping up the troubled Arbed Saarstahl G.m.b.H., which is tucked away in the country's Saarland region and has received more than $850 million in aid since 1978. Neither Arbed Saarstahl nor Korf-Stahl is included in the present financing plan.●

DISTRICT 2 MEBA-AMO SIGNS "NO ADDED COST" PACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

● Mr. JONES of North Carolina. Mr. Speaker, as chairman of the House Committee on Merchant Marine and Fisheries, I am acutely aware of the present unfortunate state of the privately owned and operated American-flag merchant marine—the U.S. merchant fleet, now down to fewer than 500 ships, is not capable of meeting this Nation's commercial and defense needs, and that disturbs me.

I have presided over committee sessions in which diverse proposals to rebuild the U.S. merchant fleet were discussed candidly, thoughtfully by witnesses from the public and private sectors. A common theme in such sessions is cooperation—opinions on issues sometimes differ, but everyone agrees that government, industry, and labor must cooperate with each other before a truly effective national maritime policy can be put into motion.

Mr. Speaker, on June 21, District 2 Marine Engineers Beneficial Association-Associated Maritime Officers, AFL–CIO, which represents licensed U.S. merchant marine officers employed in the foreign and domestic trades, offered a perfect example of how interests can come together for a common, worthwhile, essential cause.

The union, acting unconditionally and of its own accord, agreed to defer wage and benefit increases provided for in its deep-sea collective bargaining agreements, and agreed further to extend its contracts with ocean-going ship operators for 3 years, until June 16, 1987. These actions, Mr. Speaker, will save the operators millions of dollars over the next 3 years and will help them remain afloat, in competitive operation, during these difficult times.

Mr. Speaker, I commend district 2 for its model initiative, and I include press release announcing the breakthrough agreement be inserted in the Record:

District 2 MEBA-AMO Signs "No Added Cost" Pact

Brooklyn, N.Y.—District 2 Marine Engineers Beneficial Association-Associated Maritime Officers, a nationwide union of licensed merchant marine officers employed on U.S.-flag cargo and passenger vessels, today announced the signing of an agreement providing substantial cost savings in its contracted deep-sea fleets.

District 2 MEBA-AMO President Raymond T. McKay said at union headquarters here that the pact—initiated by the union—is intended to keep U.S. merchant ships operating in "the harshest environment the American merchant marine has known since the end of World War II."

McKay said the agreement provides:

A one-year deferment of all June 16, 1983 wage and benefit increases provided for in existing collective bargaining agreements, without retroactivity. McKay said these fixed wage increases range from 7.5 percent to 21.3 percent.

A waiver of a scheduled cost-of-living "bonus," which had been set for June 16, 1983.

Removal of Port Relief Officer jobs from "covered employment," for significant savings in each eight-hour period of Port Relief.

Extension of existing collective bargaining agreements until June 16, 1987. The contracts had been due to expire on June 15, 1984.

McKay said the agreement, coupled with other cost-reduction actions taken by the union, saves ocean-going U.S.-flag ship operators under contract to District 2 "millions" in a three-year period.

"These savings," McKay stated, "will be realized because of the unilateral action of District 2 MEBA-AMO—the agreement is consistent with District 2's stated commitment to keep American-flag employers alive and their ships active."

McKay, stressing that the pact "has no strings attached," explained that it provides for wage and benefit "reopeners" during the term of the extended collective bargaining agreements.

District 2 MEBA-AMO, an affiliate of the AFL–CIO Maritime Trades Department represents U.S.-licensed marine engineers, deck officers, and radio operators employed deep-sea, on the Great Lakes, and on U.S. inland waterways.●

THE CRISIS IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. Collins) is recognized for 15 minutes.

● Mrs. COLLINS. Mr. Speaker, I rise today in support of yesterday's special order on the current crisis facing American education. I would like to thank my distinguished colleagues, Carl Perkins, Dennis Hertel, Bill Alexander, and Paul Simon from my own State of Illinois for having the insight and initiative to bring the House's attention to this matter of national significance.

Few issues currently before the Congress are more important for our country's future. The recent report of the National Commission on Excellence in Education argues that "we have in effect been committing an act of unthinking, unilateral educational disarmament." Indeed, the report likens "the tide of mediocrity" that has swept across public education in this country to "an act of war."

Clearly, we must do something to shore up the dikes of the Nation's schools. But the solution is more complicated than President Reagan would have us believe. The answers do not lie in simple slogans and budget cuts. Tuition tax credits, school prayer, and dismantling the Department of Education will not help our public schools. Rather, a program to revitalize American education must include enough Federal money to make the changes affordable to our local school districts.

Increased curricular requirements, longer schooldays and school years, gifted student programs, and competitive teacher pay are all good ideas, but all cost money. My colleague Paul Simon has estimated the cost of implementing the Commission's recommendations to be $1.4 billion in our home State of Illinois alone.

President Reagan says he supports plans to revitalize American education, but the facts show otherwise. He claims, for example, that his administration has increased funding for education. In fact, the administration proposed billions of dollars in budget cuts for fiscal years 1981, 1982, and 1983.

The President also wants to divert money away from the poor and minority students who need assistance to the upper income students who do not. He supports tuition tax credits, for example, while simultaneously proposing to slash funding for special programs

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for disadvantaged students by 77 percent and reduce financial assistance for higher education by 34 percent. Freshman enrollment at black land-grant colleges has declined by 7.4 percent this year, and officials at these schools claim that reductions in student aid are the chief cause of this decline.

If this Nation wants to return to its former standard of excellence in educations, we, in Congress, must take action now. If our children are to compete in an increasingly technological and complex society, we must insure that they all have access to quality education. Good schools must be provided for the poor as well as the rich, for blacks as well as whites. We cannot simply hope that tax credits and prayers will save American education. Rather, we must spend money to implement the Commission's suggestions.

Mr. Speaker, I strongly support yesterday's special order. We have suffered from mediocrity in education for too long. We, in Congress, are in a position to do something to improve the situation. Let us get started.●

LEGISLATION AFFECTING THE FINANCIAL SERVICES INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 10 minutes.

● Mr. WIRTH. Mr. Speaker, the financial services industry is the key industry in our economy. It finances the innumerable daily transactions that make possible our national economic life. In recent years, however, we have witnessed a dramatic change in the structure of that industry and in the composition of capital flows. There has been a shift away from long-term financial investment needed for capital formation toward short-term instruments that provide liquidity for investors, accompanied by equally dramatic changes in the functions of financial institutions and the products and services they offer.

While these changes have their roots in the inflationary environment of the 1970's and the high and volatile interest rates that followed, the continued proliferation of new and exotic short-term instruments—money market deposit accounts as well as financial futures—has ominous implications for our economic future. The absence of long-term funds at reasonable rates of interest will impede efforts to modernize our industrial base and inhibit the expansion of small and new industries that create a substantial portion of new jobs. Unless our aging plant and equipment is replaced and the rate of capital formation accelerates, the prospects for economic growth will be greatly reduced.

Last August, along with nearly 70 cosponsors, I introduced legislation to create a Commission on Capital Markets to evaluate the Nation's long-term capital requirements and examine changes in financial structure and regulation from a broad public policy perspective. At the time, I was concerned that the rapid development of new short-term financial instruments and new types of hybrid financial institutions, coupled with the narrow and piecemeal fashion in which regulatory changes were being made, could seriously jeopardize the safety and soundness of our financial system, as well as inhibit its ability to supply long-term capital.

Events of the past months, including the proliferation of nonbank banks owned by securities firms and insurance companies, have culminated in the recent proposal by the Federal Deposit Insurance Corporation which would enable some 9,000 nonmember state banks to underwrite securities. Some have argued that this proposal violates the intent, if not the actual provisions, of the Glass-Stegall Act and that it could result in the greatest change in our financial system in 50 years.

These events have given new immediacy to my proposal. The need to assess what the impact of these changes in the financial system will be is greater now than it was last summer. There is some danger that the objectives of regulatory policy may be abandoned along with the framework in which they were embodied—that a new system could emerge that fails to balance concerns for competition and efficiency against traditional concerns for safety and soundness, investor protection, the fairness and equity of access to capital and credit, and the prevention of concentration of financial resources.

Another new development since last summer is the current proposal to impose a moratorium on any further expansion of the scope of activities and services offered by financial intermediaries. I support the moratorium proposal. But putting a stop to haphazard regulatory responses is not enough. We must also undertake a comprehensive and objective review of the financial needs of our ecomomy and of the ability of financial intermediaries to meet those needs. That review is needed—whether or not a moratorium is put into effect—to provide a sound basis for comprehensive reform legislation.

The legislation I am reintroducing today proposes the creation of a Commission on Capital Markets—composed of prominent individuals representing all sectors of the economy, including large and small business, labor, agriculture, and consumers, as well as financial interemediaries—to work closely with the Congress in evaluating changes in financial structure and regulation, focusing on the competitiveness of the entire economy as well as competition within the financial system. Rather than the current emphasis on how to divide the pie into pieces that satisify the various groups of financial intermediaries, the Commission's review would examine the role of the financial system in meeting our economic objectives and provide an opportunity to raise the level of debate.

The first charge in the Commission's review should be an evaluation of this economy's long-term capital requirements. What kinds of institutions will we need to meet those requirements? What will users of those institutions and markets—large and small, consumers and businesses, and governments as well—require for their continued vitality and growth?

Its second charge should be an evaluation of the impact of current and prospective laws and regulatory policies. How do these laws and regulations affect the ways savers choose among financial intermediaries—whether pension funds, insurance companies, thrift institutions, commercial banks, mutual funds, brokers and dealers, or financial supermarkets—and the ways these intermediaries choose to invest? How do regulatory policies affect the costs and risks various institutions face in attracting funds and how do these costs and risks affect, in turn, the availability and cost of funds to borrowers? Do all sectors and regions enjoy equal access to capital and credit? Do some enjoy preferential treatment in financial markets. Should they? If so, which sectors or regions should be favored?

Finally, the Commission should assess whether significant changes in Federal and State laws and regulatory policies are required and offer its assessments in a report to Congress within 9 months of its initial meeting.

The laws and regulations that have governed our financial system for the last 50 years have served us well. The goals they sought to achieve remain valid today. But we are at a crossroads and must construct a new regulatory framework that can maintain the viability of our financial intermediaries for the next 50 years. The establishment of a Commission on Capital Markets will assist the Congress in developing an efficient, sound, and fair financial system that can meet the economic needs of the future. The sooner we begin to evaluate those needs, drawing on the best outside resources and expertise we can find, the greater will be our chances of insuring an economic future fully commensurate with traditional American expectations. At this point, I include a section-by-section analysis and cosponsors of the bill:

SECTION-BY-SECTION ANALYSIS—COMMISSION ON CAPITAL MARKETS

Section 1 of the bill sets out the findings of Congress that there has been a shift of capital from long- to short-term investments and other fundamental changes in American financial markets; that regulatory agencies have broadly interpreted laws enacted many years before these changes occurred; that most of the underlying goals of laws governing American financial institutions remain valid today; and that a comprehensive and objective overview of the nation's capital needs and the ability of financial intermediaries to meet those needs would provide a sound basis for reform legislation.

Section 2 would provide for the establishment of a Commission on Capital Markets composed of 18 members jointly appointed by the Speaker of the House and the majority leader of the Senate after consultation with the chairmen and ranking minority members of the House Banking Committee, the Energy and Commerce Committee and the Senate Banking Committee; would require that the members of the Commission be acknowledged experts in financial and investment matters and represent users and suppliers of capital as well as financial intermediaries; and would permit the Speaker of the House and Majority Leader of the Senate to appoint members from Congressional committees with jurisdiction over the issues to be evaluated to serve as ex officio, nonvoting members of the Commission.

Section 3(a) would provide that the functions of the Commission include an evaluation of the capital needs of the U.S. economy to sustain long-term economic growth; the effect of current regulatory policies on the distribution of savings and the fairness, efficiency and cost of raising capital and credit; the role of the federal government in allocating credit; the effects of current and proposed changes in regulation and financial structure on competition and soundness, current safety mechanisms, the protection of investors and depositors and financial concentration; and an evaluation of methods for ensuring a smooth adjustment of regulatory and institutional structures during periods of rapid innovation.

This section would also provide for consideration by the Commission of the impact of telecommunications and information technologies on financial structure and the effects of international capital flows on U.S. borrowers; would give the Commission access to government and private data bases and existing studies and materials; would require that the Commission maintain a close working relationship with its ex officio members and consult with heads of the relevant regulatory agencies and provide opportunities for these officials and ex officio members to comment on the Commission's evaluations before the submission of its report to Congress.

Subsection (b) would provide that the Commission submit a report to Congress within nine months of its initial meeting, taking into account the comments of its ex officio members and heads of relevant government deparments and agencies, and that the report include an estimate of the capital needs of the U.S. economy; recommendations for legislative or administrative action to improve financial regulation to ensure that the nation's capital requirements will be met; and data and analyses used in developing the Commission's recommendations and findings.

Section 4 would provide that members serve on the Commission without compensation but be reimbursed for all necessary expenses.

Section 5 would enable the Commission to appoint staff without regard to federal laws governing the number, classification or compensation of employees; would limit the maximum compensation for staff to rates equivalent to grade GS-18 of the General Schedule; and would exempt staff and members of the Commission from federal laws relating to conflicts of interest or other restrictions applicable to federal government service or employment.

Section 8(a) would empower the Commission to sit, take testimony, authorize printing and binding, enter into contracts, make expenditures and administer oaths; would authorize the Commission to obtain information (including estimates and statistics) and suggestions from government officers, agencies and departments; would authorize heads of government agencies to make the facilities and services of their agencies available to the Commission on request and on a reimbursement basis; and would prohibit officers or agencies of the United States from imposing restrictions on the Commission's activities or requiring that it submit reports or recommendations for approval, comment or review before they are submitted to Congress.

Section 7 would provide for the dissolution of the Commission ninety days after the submission of its report.

Section 8 would authorize appropriations necessary to carry out the purposes of the Act.

COSPONSORS

Les Aspin, Berkley Bedell, Anthony Beilenson, David E. Bonior, Tony Coelho, Ronald Dellums, Brian Donnelly, Thomas Downey, Dennis Eckart, Bob Edgar, Don Edwards, Dante Fascell, Vic Fazio, Ronnie Flippo, Wyche Fowler, Martin Frost, Sam Gejdenson, Richard Gephardt, Dan Glickman, Albert Gore.

William Gray, Sam Hall, Kent Hance, W. G. Hefner, Steny Hoyer, William Hughes, Jim Jones, Ray Kogovsek, Marvin Leath, Gillis Long, Matthew McHugh, Edward Markey, George Miller, Norman Mineta, Steve Neal, Bill Nelson, Henry Nowak, James Oberstar, David Obey, Richard Ottinger.

Leon Panetta, William Ratchford, Charles Rose, Martin Sabo, Philip Sharp, Gerry Sikorski, Fortney Stark, Charles Stenholm, Al Swift, Mike Synar, Mo Udall, Doug Walgren, Wes Watkins, Henry Waxman, James Weaver, Ted Weiss, Charles Whitley, Howard Wolpe, Ron Wyden, Cardiss Collins, Mickey Leland, Don Bonker, Sam Gibbons, James Scheuer.

CALLING FOR REMOVAL OF U.S. ARMED FORCES FROM LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, last Thursday, June 16, I introduced a joint resolution which is now numbered House Joint Resolution 298. In effect, I did so following remarks I had made here in which I alleged, and continue to do so, that the President is in violation of the War Powers Limitation Act of 1973.

As I explained, unfortunately it is up to the Congress to make that finding, under the peculiar wording and arrangement of that war powers declaration. I had communicated with the chairman of the Committee on Foreign Affairs previous to that, at which time I outlined the reasons why the President continues to be in violation of the War Powers Act, and I understood that it is up to the Congress to demand compliance.

Mr. Speaker, under leave to include extraneous matter, I include in the RECORD a copy of House Joint Resolution 298, as follows:

H.J. RES. 298

Whereas United States Armed Forces equipped for combat have been introduced into Lebanon;

Whereas this deployment is a new commitment of United States Armed Forces into a foreign nation for an unknown period of time expected to exceed two years;

Whereas this deployment is expected to be augmented by unknown numbers at unknown times;

Whereas this deployment is not related to the replacement or training of United States Armed Forces in a foreign nation;

Whereas these forces in Lebanon are subject to attack with the expectation that there will be greater danger as time passes and such forces assume larger responsibilities in Lebanon; and

Whereas this deployment is subject to the limitation of the War Powers Resolution: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to section 5(c) of the War Powers Resolution the President of the United States be, and is hereby, directed to remove United States Armed Forces from Lebanon.

Mr. Speaker, I pointed out that the whole situation is tenuous, and since the impact of this resolution is to compel an immediate pullout of our troops or Marines in Beirut, those who are there fully equipped for battle, as defined in the war powers resolution, it would seem that some, including the President himself, would allege that that is an invasion of his prerogative as Commander in Chief. But I will remind my colleagues that that is exactly why the Congress passed and approved the War Powers Limitation Act late in 1973.

In the meanwhile, the imminence and the danger of violent action directed against our soldiers in Beirut continues to increase.

□ 1940

Mr. Speaker, I include at this point a report dated June 21, yesterday, page 14 of the Washington Post, entitled "Time Called Short for U.S. in Lebanon," an article bylined by Mr. John M. Goshko. In it, the worst fears and apprehensions that I had raised last week and before continue to be confirmed.

The article follows:

[From the Washington Post, June 21, 1983]

TIME CALLED SHORT FOR U.S. IN LEBANON

(By John M. Goshko)

The U.S. effort to get foreign forces out of Lebanon is running out of time, and unless Syria eases opposition to a withdrawal agreement by the end of July, the administration probably will be unable to prevent Israel from pulling forces back to new positions in southern Lebanon, according to informed sources.

The U.S. campaign to coax Syria toward greater flexibility is tied to that time frame by the scheduled visits here of Lebanese President Amin Gemayel on July 22 and Israeli Prime Minister Menachem Begin on July 27, they said.

Begin will arrive under increasing pressure at home to redeploy the about 20,000 Israeli troops in Lebanon so as to lessen the risk of casualties from terrorist ambushes. Despite Israeli denials that a pullback has been decided, the sources said that David Kimche, director general of the Israeli forign ministry, began to lay the groundwork for such a move in talks here last week.

Kimche is understood to have said that Israel will give the administration more time to try to convince Syrian President Hafez Assad to cooperate with the Israeli-Lebanese peace accord worked out by Secretary of State George P. Shultz last month. Under the agreement, Israel will not pull its troops out of Lebanon unless there is simultaneous withdrawal by Syrian forces and Palestine Liberation Organization units in Lebanon under Syrian protection.

However, if President Reagan is unable to show some evidence of Syrian flexibility when he meets Begin, the sources believe that Israel will insist it can wait no longer. Although Kimche is known to have said that Israel will consult the United States and Lebanon before any military redeployment, both Washington and Beirut fear that a unilateral Israeli move would have serious consequences for efforts to end the Lebanon crisis.

The sources said that at a meeting with Shultz yesterday, Gemayel's national security adviser, Wadi Haddad, expressed concern that an Israeli retrenchment would stiffen Syrian resistance to a withdrawal. That, in turn, would raise the threat of a permanent partition of Lebanon, with the Israelis occupying a security buffer zone in the south and the Syrians and the PLO controlling the eastern part of the country. That would effectively scuttle the Lebanon-Israeli withdrawal accord and undermine the efforts of the Gemayel government to assert authority over the divided country.

An Israeli pullback also would leave a void of authority in central Lebanon that could lead to a new outbreak of unchecked civil war between feuding Moslem and Christian factions.

But, while the administration shares these concerns, U.S. officials say there is little they can do to put pressure on Syria in the coming month. In fact, the officials concede, the United States still does not have a clear idea of whether Syria is unalterably opposed to a withdrawal agreement or is stalling in hopes of getting more leverage for concessions from Lebanon and Israel.

There has been increasing speculation that Shultz, who leaves this week for Asia, will stop in Damascus en route home in early July to meet with Assad. Some White House officials are understood to believe that efforts to arrange such a trip should be given top priority, even if the results are only symbolic.

However, State Department officials while not ruling out the possibility, say that Shultz opposes the idea unless there are clear indications in advance that he could accomplish something concrete. And, these officials stress, the Syrians have given no sign they would be willing to deal with Shultz.

The other principal U.S. option is to try to induce Saudi Arabia, which gives Syria substantial financial support, to make a strong new effort to intervene with Assad. Haddad is understood to have urged that course in talks with Shultz yesterday.

However, in an interview here yesterday, Prince Talal, a brother of Saudi King Fahd, said his country already is working quietly behind the scenes and is doing "the maximum that is possible" to convince the Syrians to be reasonable.

Talal holds no official position in the Saudi government, and it was not clear to what degree he was speaking for the royal family. But the thrust of his message was that the United States must take the lead by establishing a "dialogue" with Syria and that Shultz should go to Damascus because he is the only U.S. official other than Reagan with sufficient stature to deal with Assad.

Mr. GONZALEZ. Mr. Speaker, repeating almost what I have said for longer than that for years about the tremendous equilibrium between the two major departments of our Government or organs of our Government, the executive and the Congress, that has resulted since the Defense Reorganization Act of 1947, I have said even long before I thought I would be in this body that certain things were possible of happening that would not, I believe, under the old system, where we had the old Department of War. Since, then, of course, and since the so-called hot action part of World War II, because I still allege that we have had no termination of World War II. World War II really has not ended. If it had, we would have a peace treaty or at least some understanding and we would not have 300,000 of our soldiers in Germany now; but nevertheless, the sense generally is that World War II has ended, the peculiar developments since World War II in which we have the so-called liberation wars, in which we have a medley of military-political decisionmaking to do and we still have not devised, that is, America has not, in my opinion, the policy that would enable us to handle that type of development.

As a result, we had Korea first and then Vietnam and now currently in the making is Latin America.

Mr. Speaker, at this point I include an interview with the departing Army Chief of Staff, Gen. Edward C. Meyer, by Richard Halloran of the New York Times, which appeared on Friday, June 17, in the New York Times on page B-6.

There is confirmation by a soldier of the most outstanding quality of what I have been trying to say and what I think my resolution stresses and underlines. I am going to just read excerpts from General Meyer's remarks, because I think my colleagues in the Congress are going to find that they cannot escape the responsibility that I am confronting by introducing this resolution.

The general says:

> Few Americans, in or out of government, understand the lesson of military history, particularly from the Vietnam war, which teaches that there must be a clear link between people and the Army.

That is exactly what I say in the resolution.

The President when asked, "How long, Mr. President, will you have the marines in Beirut?" He said, "I don't know. That depends on the Lebanese Government." Incredible, yet that is the fact.

General Meyer goes on and says:

> There is a total, absolute disconnect between the administration—

This administration—

> and the Congress as to what the Armed Forces are to do and as to whether or not they are the right forces.

Another quote:

> I believe we lose track of that around here—

That is, the teachings of military history—

> We start to ask armies to go off to do things where it's not been thought how they fit into the national purpose, where there is not the link between purpose and people and Army.

I said here on the occasion right before introducing this resolution, quoting a soldier himself who was struck by fate and who said, "For if the trumpet give an uncertain sound, who then is prepared to do battle?"

This is exactly what General Meyer is telling us. If the trumpet gives forth an uncertain sound, who then is prepared to do battle?

My resolution, at least, is a recognition of what the Congress itself said should be our responsibility in order to avoid Presidential wars, undeclared wars, in which countless thousands of our youth are sacrificed with a feeling such as reflected by this distinguished soldier who served in two wars as being fruitless, needless, and dimly understood.

Mr. Speaker, the article by Mr. Halloran follows:

[From the New York Times, June 17, 1983]

FAREWELL CALL TO NATION ON ARMED FORCES POLICY

(By Richard Halloran)

WASHINGTON, June 16.—After fighting in two wars and then leading the United States Army out of the valley of disorder and turmoil into which it stumbled after Vietnam, Gen. Edward C. Meyer is on the verge of stepping down as Chief of Staff.

The 54-year-old general, who took over what he called a "hollow army" in 1979, is credited with guiding the service into new doctrines, new equipment, new education

for officers and sergeants, and especially with reviving an esprit with new personnel policies. But General Meyer, who is nicknamed Shy as a chubby man might be called Slim, is not departing for retirement without sounding a last bugle call.

In a farewell interview today, he delivered an informal valedictory that added up to an indictment of the way the nation provides for military security. Asked for his thoughts on American military philosophy and practices, the general declared:

"If we were trying to convince an enemy that we were able to go to war with a system that works like this, he would laugh."

ASSERTIONS ON ARMED FORCES

General Meyer, who will leave the service at the end of the month, also made these assertions:

The Reagan Administration and Congress lack a basic agreement on missions for the armed forces, thus precluding a rational approach to decisions on military policy.

Congress is out of control in the military arena, focusing on individual weapons programs instead of debating broad issues of the budget, national strategy and effective spending.

Few Americans, in or out of government understand the lesson of military history, particularly from the Vietnam War, which teaches that there must be a clear link between the people and the Army. "Soldiers should not go off to war without having the nation behind them," he said.

Among the reforms the general advocated would be military budgets approved for two years at a time, instead of the current yearly wrangle. That would give Congress a year to examine issues and to inspect forces in the field before voting, he contended.

He urged Congressional committees to revise their roles. Gesturing toward Capitol Hill from his office in the Pentagon, General Meyer said: "I think that they have to sort out their missions over there as to who is in charge of what."

As for the link between the Army and the people, he advocated a return to the draft. "I have great concern about the future of a nation in which there is no responsibility for service placed upon the people," he said.

General Meyer, who was a member of the Joint Chiefs of Staff, the senior military advisers to the President and the Secretary of Defense, said "There is a total, absolute disconnect between the Administration and the Congress as to what the armed forces are to do and as to whether or not they are the right forces."

"If you start out with nobody having any general agreement as to what the forces are supposed to do," he continued, "it's no wonder that we don't have a rational approach."

The general was particularly scathing in his indictment of Congress. With a chuckle, he said that "this is Meyer's personal view but I don't mind telling Congress how to do business since they've been telling me how to do business for the last few years."

"Every one of those committees is looking at individual weapons systems to cut, to stretch out, to do something," he said. "There is no continuity in programs, there is no stability, there is no incentive to industry. Nobody in Congress looks at what the purposes of the forces are."

In both the Senate and the House, General Meyer said, the Budget Committees should look at how much money is available to the nation and what portion of that money can logically be allocated to defense. "Just numbers," he added. "They shouldn't be getting into details."

He said the Armed Services Committees "ought to be in this policy issue" and "ought to be the experts in the Congress on the strategy and the types and kinds of forces that are necessary to support that strategy."

"The Appropriations Committees are charged with looking at whether or not we are doing efficiently and effectively what it is that we are charged with and authorized to do," the general said. "They ought to be the watchdogs."

General Meyer said recently that most senior military officers would oppose the dispatch of American troops to Central America without a clear declaration of political purpose and military objectives, partly because the American people would not support that move.

LESSON OF VIETNAM STRESSED

Expanding on the thoughts underlying that statement, General Meyer said that from an assessment of the Vietnam experience, "it became quite clear that the will of the people, the resources of the nation, and the Army weren't clearly linked in that war."

Referring to the teachings of military history from Sun Tzu to Clausewitz, General Meyer said: "I believe we lose track of that around here. We start to ask armies to go off to do things where it's not been thought how they fit into the national purpose, where there is not the link between purpose and people and army."

"I don't think the American public understands that at all," the general lamented.

He continued: "I don't think most of the people who deal in the national security area, both inside and outside the government, understand the criticality of this, of the way in which we go about approaching national security issues."

General Meyer said that given the philosophy that a connection between the people, the government and the army is vital, "then it is absolutely essential that the representatives of the people in the Congress, those responsible for running the nation in the executive branch, and the defense forces have the same clear linkage."

CORRECTION TO MOTION IN STATEMENT OF MANAGERS ACCOMPANYING CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 91, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, I submit for printing in the RECORD a correction to the motion contained in the joint statement of managers accompanying the conference report on the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986:

In section 4 of the proposed motion to recede and concur in the Senate amendment with an amendment printed in the joint statement of managers on the conference report on H. Con. Res. 91, insert ", made pursuant to section 302(a) of such Act," before "shall be enrolled" both times it appears.

ALLOCATIONS OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES, PURSUANT TO CONGRESSIONAL BUDGET ACT

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, I hereby submit for printing in the RECORD the allocations to the House committees made pursuant to section 302(a) of the Congressional Budget Act to accompany the conference report on House Concurrent Resolution 91:

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National defense	244,863	214,975	0
150 International affairs	22,393	12,002	0
250 General science, space, and technology	7,903	7,703	0
270 Energy	5,001	5,331	0
300 Natural resources and environment	14,259	14,401	0
350 Agriculture	20,087	2,083	0
370 Commerce and housing credit	4,394	2,852	0
400 Transportation	12,396	22,521	0
450 Community and regional development	7,876	6,981	0
500 Education, training, employment, and social services	27,569	27,664	0
550 Health	25,022	29,821	0
570 Medical insurance	15,459	16,389	0
600 Income security	57,602	63,465	0
650 Social security	2,260	5,662	0
700 Veterans benefits and services	24,205	24,314	0
750 Administration of justice	5,217	5,126	0
800 General government	9,654	9,735	0
850 General purpose fiscal assistance	5,203	5,206	0
900 Net interest	8	8	0
920 Allowances	800	900	0
950 Undistributed offsetting receipts	30	30	0
Subtotal	512,202	477,168	0
Discretionary appropriations action (assumed legislation)			
050 National defense	451	25	0
150 International affairs	785	261	0
270 Energy	80	150	0
300 Natural resources and environment	225	218	0
370 Commerce and housing credit	303	301	0
400 Transportation	46	46	0
500 Education, training, employment, and social services	5	0	0
550 Health	5	1	0
600 Income security	1,189	1,036	0
700 Veterans benefits and services	266	2	0
800 General government	35	35	0
Subtotal	3,390	2,075	0
Committee total	515,592	479,243	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	251	237	0
350 Agriculture	4,201	22,005	4,117
450 Community and regional development	412	648	0
850 General purpose fiscal assistance	145	145	145
Committee total	5,008	23,034	4,262

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ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National defense	19	33	16,101
Committee total	19	33	16,101
HOUSE BANKING, FINANCE COMMITTEE			
Current level (enacted law):			
150 International affairs	0	−148	0
370 Commerce and housing credit	589	319	0
450 Community and regional development	207	71	0
500 Education, training, employment, and social services	0	11	0
550 Health	0	−1	0
600 Income security	25	0	0
700 Veterans benefits and services	0	−16	0
800 General government	5	5	33
900 Net interest	11	11	0
Committee total	836	253	33
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	9	9	9
850 General purpose fiscal assistance	150	150	0
Committee total	159	159	9
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	15	14	4,163
600 Income security	39	37	5,391
Committee total	54	51	9,553
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	30	30	0
400 Transportation	91	91	87
550 Health	8	8	14,902
600 Income security	7,587	8,771	7,678
850 General purpose fiscal assistance	6	6	6
Subtotals	7,722	8,906	22,674
Discretionary action (assumed legislation):			
600 Income security	0	−32	−32
Subtotal	0	−32	−32
Committee total	7,722	8,874	22,642
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	14,317	12,030	0
370 Commerce and housing credit	8	8	0
600 Income security	548	200	200
Committee total	14,872	12,238	200
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General government	6	6	0
850 General purpose fiscal assistance	4,567	4,567	4,567
Committee total	4,573	4,573	4,567
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	8	8	0
800 General government	45	15	50
Committee total	53	23	50
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	206	219	0
300 Natural resources and environment	98	56	11
450 Community and regional development	462	403	435
800 General government	1	1	0
850 General purpose fiscal assistance	726	729	726
Committee total	1,493	1,408	1,173
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	36	54	0
600 Income security	11	4	4
750 Administration of justice	0	−9	100
800 General government	506	506	506
Committee total	554	555	610
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	329	297	0
370 Commerce and housing credit	31	28	0
400 Transportation	452	−34	318
850 General purpose fiscal assistance	7	6	0
Committee total	819	297	318
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	11	11	0
550 Health	0	−244	1,098
600 Income security	34,460	20,253	20,253
800 General government	11,604	11,604	0
Committee total	46,074	31,623	21,352
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (enacted law):			
270 Energy	860	925	0
300 Natural resources and environment	79	82	0
400 Transportation	14,387	−2	48
450 Community and regional development	5	9	0
Committee total	15,331	1,014	48
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law):			
250 General science, space, and technology	5	5	0
270 Energy	0	22	0
Committee total	5	27	0
HOUSE VETERAN'S AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans benefits and services	1,413	884	15,954
Committee total	1,413	884	15,954
HOUSE WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	802	0	2,850
550 Health	0	0	101
570 Medical insurance	50,513	56,483	56,483
600 Income security	35,544	31,172	48,239
650 Social security	186,718	166,416	166,416
800 General government	10	10	0
850 General purpose fiscal assistance	342	337	342
900 Net interest	129,408	129,408	129,408
Committee total	403,336	383,826	403,840
UNASSIGNED TO COMMITTEES			
Current level (enacted law):			
050 National defense	−733	−733	0
150 International affairs	−12,645	−12,645	0
250 General science, space, and technology	−9	−9	0
270 Energy	−2,197	−2,197	0
300 Natural resources and environment	−2,841	−2,841	0
350 Agriculture	−88	−88	0
370 Commerce and housing credit	−101	−101	0
400 Transportation	−522	−522	0
450 Community and regional development	−311	−311	0
500 Education, training, employment, and social services	−47	−47	0
550 Health	−35	−35	0
570 Medical insurance	−19,722	−19,722	0
600 Income security	−15,105	−15,105	0
650 Social security	−4,478	−4,478	0
700 Veterans benefits and services	−685	−685	0
750 Administration of justice	−26	−26	0
800 General government	−16,167	−16,167	0
850 General purpose fiscal assistance	−4,746	−4,746	0
900 Net interest	−41,027	−41,927	−16,540
950 Undistributed offsetting receipts	−19,130	−19,130	0
Committee total	−140,615	−140,615	−16,540
Total allocation to House committees	877,300	807,500	484,173
UNASSIGNED—RESERVE INCLUDING ECONOMIC RECOVERY FUNDS. IN FUNCTION 500			
Discretionary action (assumed legislation):			
350 Agriculture	450	450	0
370 Commerce and housing credit	760	50	0
500 Education, training, employment, and social services	4,500	4,500	0
550 Health	350	350	0
Committee total	6,060	5,350	0
Grand total including funds reserved by Congress for subsequent allocation to committees	883,360	812,850	484,173

Note: Totals may not add because of rounding.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National defense	17,100	101,465	0
150 International affairs	143	5,940	0
250 General science, space, and technology	0	2,217	0
270 Energy	0	3,596	0
300 Natural resources and environment	12	6,556	0
350 Agriculture	7	392	0
370 Commerce and housing credit	0	329	0
400 Transportation	385	16,471	0
450 Community and regional development	63	6,154	0
500 Education, training, employment, and social services	5,484	17,266	0
550 Health	22,850	26,108	0
570 Medical insurance	17,345	17,345	0
600 Income security	29,269	39,480	0
650 Social security	449	449	0
700 Veterans benefits and services	14,970	16,716	0
750 Administration of justice	105	806	0
800 General government	5,139	5,566	0
850 General purpose fiscal assistance	0	26	0
920 Allowances	0	24	0
Subtotal	113,321	266,905	0
Discretionary appropriations action (assumed legislaiton):			
050 National defense	250,434	137,519	0
150 International affairs	16,022	7,842	0
250 General science, space, and technology	8,704	6,087	0
270 Energy	5,306	1,815	0
300 Natural resources and environment	14,560	8,538	0
350 Agriculture	12,807	1,823	0
370 Commerce and housing credit	5,183	2,529	0
400 Transportation	11,452	10,074	0
450 Community and regional development	6,538	1,127	0
500 Education, training, employment, and social services	25,670	9,956	0
550 Health	9,077	5,853	0
570 Medical insurance	−4	912	0
600 Income security	26,381	18,539	0
650 Social security	−50	3,544	0
700 Veterans benefits and services	9,638	8,204	0
750 Administration of justice	5,611	4,968	0
800 General government	5,126	4,618	0
850 General purpose fiscal assistance	679	663	0
900 Net interest	30	30	0
920 Allowances	67	63	0
950 Undistributed offsetting receipts	−10	−10	0
Subtotal	413,193	234,667	0
Discretionary action by other committees (assumed entitlement legislation):			
050 National defense	1,622	1,567	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
150 International affairs	−48	−48	0
400 Transportation	−5	−5	0
500 Education, training, employment, and social services	1,452	1,256	0
550 Health	199	199	0
600 Income security	298	291	0
700 Veterans benefits and services	187	156	0
750 Administration of justice	149	100	0
850 General purpose fiscal assistance	5,017	5,017	0
920 Allowances	754	784	0
Subtotal	9,629	9,317	0
Committee totals	536,138	510,889	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	280	240	0
350 Agriculture	174	9,272	95
450 Community and regional development	1	553	0
850 General purpose fiscal assistance	186	186	186
Subtotal	640	10,251	280
Discretionary action (assumed legislation):			
350 Agriculture	100	100	0
Subtotal	100	100	0
Committee totals	740	10,351	280
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National defense	20	25	16,946
Subtotal	20	25	16,946
Discretionary action (assumed legislation):			
050 National defense	0	0	1,003
Subtotal	0	0	1,003
Committee total	20	25	17,999
HOUSE BANKING, FINANCE COMMITTEE			
Current level (enacted law):			
150 International affairs	0	−167	0
370 Commerce and housing credit	767	−656	0
450 Community and regional development	114	104	0
500 Education, training, employment, and social services	0	−86	0
550 Health	0	−1	0
600 Income security	24	0	0
700 Veterans benefits and services	0	−16	0
800 General government	6	6	0
900 Net interest	11	11	0
Committee total	922	−803	0
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	11	11	11
850 General purpose fiscal assistance	150	150	0
Committee total	161	161	11
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	15	13	2,409
600 Income security	46	42	5,528
Subtotal	61	55	7,937
Discretionary action (assumed legislation):			
500 Education, training, employment, and social services	0	0	1,054
600 Income security	0	−132	13
Subtotal	0	−132	1,067
Committee total	61	−77	9,004
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	32	32	0
400 Transportation	39	39	39
550 Health	8	8	21,307
600 Income security	10,080	10,279	7,974
850 General purpose fiscal assistance	6	6	6
Subtotal	10,166	10,365	29,326
Discretionary action (assumed legislation):			
550 Health	0	0	200
600 Income security	3,636	276	276
Subtotal	3,636	276	476
Committee total	13,802	10,641	29,802
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	15,558	12,358	0
370 Commerce and housing credit	7	7	0
600 Income security	567	211	211
Subtotal	16,132	12,576	211
Discretionary action (assumed legislation):			
600 Income security	0	−3	−3
Subtotal	0	−3	−3
Committee total	16,132	12,573	208
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General Government	31	30	0
850 General purpose fiscal assistance		1,142	1,142
Subtotal	31	1,172	1,142
Discretionary action (assumed legislation):			
850 General purpose fiscal assistance	5,017	3,763	3,763
Subtotal	5,017	3,763	3,763
Committee total	5,048	4,935	4,905
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	7	8	0
800 General government	46	129	86
Committee total	54	137	86
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	315	134	0
300 Natural resources and environment	113	82	12
450 Community and regional development	454	477	507
800 General government	1	1	0
850 General purpose fiscal assistance	1,035	1,040	132
Committee total	1,919	1,734	651
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	38	36	0
600 Income security	12	4	4
750 Administration of justice	0	−9	105
800 General government	506	506	506
Committee total	556	538	616
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	228	229	0
370 Commerce and housing credit	32	30	0
400 Transportation	473	−33	334
850 General purpose fiscal assistance	7	7	0
Committee total	739	233	334
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	11	11	0
550 Health	0	−133	1,373
600 Income security	36,330	21,911	21,911
800 General government	11,951	11,951	0
Subtotal	48,292	33,740	23,284
Discretionary action (assumed legislation):			
050 National defense	0	0	619
400 Transportation	0	0	−5
550 Health	0	0	−1
600 Income security	0	−273	−273
920 Allowances	0	0	905
Subtotal	0	−273	1,245
Committee total	48,292	33,467	24,529
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (enacted law):			
270 Energy	808	975	0
300 Natural resources and environment	82	80	0
400 Transportation	16,201	−2	51
450 Community and regional development	0	6	0
Committee total	17,091	1,059	51
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law):			
250 General science, space, and technology	5	5	0
270 Energy	24	34	0
Committee total	29	39	0
HOUSE VETERANS' AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans' benefits and services	1,444	1,078	16,317
Subtotal	1,444	1,078	16,317
Discretionary action (assumed legislation):			
700 Veterans' benefits and services	0	0	187
Subtotal	0	0	187
Committee total	1,444	1,078	16,504
HOUSE WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	1,386	0	2,945
550 Health	0	0	35
570 Medical insurance	67,418	64,602	64,602
600 Income security	30,778	24,346	40,479
650 Social security	178,563	175,369	175,369
800 General government	11	11	0
850 General purpose fiscal assistance	359	357	359
900 Net interest	140,380	140,380	140,380
Subtotal	418,896	405,066	424,170
Discretionary action (assumed legislation):			
500 Education, training, employment, and social services	0	0	300
550 Health	0	0	−400
600 Income security	0	0	184
Subtotal	0	0	84
Committee total	418,896	405,066	424,254
UNASSIGNED TO COMMITTEES			
Current level (enacted law):			
050 National defense	−548	−548	0
150 International affairs	−13,024	−13,024	0
250 General science, space, and technology	−9	−9	0
270 Energy	−2,254	−2,254	0
300 Natural resources and environment	−3,226	−3,226	0
350 Agriculture	−88	−88	0
370 Commerce and housing credit	−69	−69	0
400 Transportation	−545	−545	0
450 Community and regional development	−320	−320	0
500 Education, training, employment, and social services	−63	−63	0
550 Health	−34	−34	0
570 Medical insurance	−22,259	−22,259	0
600 Income security	−12,622	−12,622	0
650 Social security	−2,962	−2,962	0
700 Veterans benefits and services	−689	−689	0
750 Administration of justice	−26	−26	0
800 General government	−17,218	−17,218	0
850 General purpose fiscal assistance	−189	−189	0
900 Net interest	−42,421	−42,421	−16,978
920 Allowances	−71	−71	0
950 Undistributed offsetting receipts	−18,040	−18,040	0
Subtotal	−136,676	−136,676	−16,978
Discretionary action (assumed legislation):			
150 International affairs	48	48	0
850 General purpose fiscal assistance	−5,017	−5,017	0

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ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Subtotal	−4,969	−4,969	0
Committee total	−141,644	−141,644	−16,978
Total allocation to House committees:			
Current level	493,799	607,653	504,383
Discretionary action	426,601	242,747	7,822
Total	920,400	850,400	512,205
UNASSIGNED—RESERVE INCLUDING ECONOMIC RECOVERY FUNDS IN FUNCTION 500			
Discretionary action (assumed legislation):			
350 Agriculture	600	600	0
370 Commerce and housing credit	0	200	0
450 Community and regional development	125	125	0
500 Education, training, employment, and social services	3,500	3,500	0
550 Health	2,000	2,000	0
600 Income security	1,950	1,950	1,500
700 Veterans benefits and services	150	150	0
Committee total	8,325	8,525	1,500
Total, current level	493,799	607,653	504,383
Total, discretionary action	434,926	251,272	9,322
Grand total, including funds reserved by Congress for subsequent allocation to committees	928,725	858,925	513,705

Note: Totals may not add because of rounding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McKERNAN) to revise and extend their remarks and include extraneous matter:)

Mr. SENSENBRENNER, for 15 minutes, today.

Mr. RIDGE, for 3 minutes, today.

(The following Members (at the request of Mr. CARR) to revise and extend their remarks and include extraneous material:)

Mrs. KENNELLY, for 60 minutes, today.

Mr. SYNAR, for 10 minutes, today.

Mr. SMITH of Florida, for 5 minutes, today.

Mr. GEPHARDT, for 5 minutes, today.

Mr. ADDABBO, for 15 minutes, today.

Mr. WON PAT, for 15 minutes, today.

Mr. DWYER of New Jersey, for 10 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. CONYERS, for 60 minutes, today.

Mrs. COLLINS, for 15 minutes, today.

Mr. WIRTH, for 10 minutes, today.

Mr. STAGGERS, for 60 minutes, on June 28.

Mr. GONZALEZ, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BERMAN, on the Fiedler amendment to H.R. 3329, in the Committee of the Whole, today.

(The following Members (at the request of Mr. McKERNAN) and to include extraneous matter:)

Mr. GUNDERSON.
Mr. SENSENBRENNER.
Mr. DANIEL B. CRANE.
Mr. PARRIS.
Mr. KEMP in three instances.
Mr. THOMAS of California.
Mr. HYDE.
Mrs. JOHNSON.
Mr. MORRISON of Washington.
Mr. CONTE.
Mr. BETHUNE.
Mr. DANNEMEYER.
Mr. PORTER.
Mr. GILMAN in two instances.
Mr. BROYHILL in two instances.
Mr. LEWIS of Florida.
Mr. COURTER.
Mr. O'BRIEN.
Mr. COATS.
Mr. CARNEY.
Mr. DREIER of California.

(The following Members (at the request of Mr. CARR) and to include extraneous matter:)

Mr. HAMILTON.
Mr. WEISS.
Mr. ST GERMAIN.
Mr. DYSON.
Mr. EDGAR.
Mr. KOGOVSEK.
Mr. CHAPPELL.
Mr. NICHOLS.
Mr. OWENS.
Ms. FERRARO.
Mr. LOWRY of Washington.
Mr. RODINO in two instances.
Mr. ADDABBO in two instances.
Mr. DE LUGO.
Mr. MAZZOLI in two instances.
Mr. SOLARZ in three instances.
Mr. ROE in two instances.
Mr. WON PAT.
Mr. SIKORSKI.
Mr. FORD of Michigan.
Mr. GORE.
Mr. LUNDINE.
Mr. JONES of Oklahoma.
Mr. ROSTENKOWSKI.
Mr. STOKES.
Mr. HARRISON.
Mr. OTTINGER.
Mrs. SCHROEDER.
Mrs. BYRON.
Mr. HOYER in two instances.
Mr. MORRISON of Connecticut in two instances.
Mr. ZABLOCKI.
Mr. BOLAND in two instances.
Mrs. COLLINS.
Mr. SHELBY.
Mr. McDONALD.
Mr. MINETA.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 336. An act to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor; to the Committee on Education and Labor.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Thursday, June 23, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1412. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of the Embassy of Canada's diplomatic note No. 240 of June 17, 1983, with regard to the Garrison Diversion Unit, a water resources project in North Dakota; to the Committee on Appropriations.

1413. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report of loan, guarantee, and insurance transactions supported by Eximbank during May 1983 to Communist countries.

1414. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to sell certain defense articles and services to Egypt (Transmittal No. 83-39), pursuant to section 36(b) of the Arms Control Act; to the Committee on Foreign Affairs.

1415. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of the proposed issuance of a license for the export of certain defense articles sold commercially to French Guiana (Transmittal No. MC-11-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1416. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions by Ambassador-designate David M. Abshire, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

1417. A letter from the Acting Secretary of the Interior, transmitting notice of the leasing systems to be used in the South Atlantic oil and gas lease offering, to be held on July 20, 1983, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

1418. A letter from the Chairperson, Commission on Wartime Relocation and Internment of Civilians, transmitting a report on the Commission's recommendations, pursuant to section 4(c) of Public Law 96-317; to the Committee on the Judiciary.

1419. A letter from the Administrator, Panama Canal Commission, transmitting a report on a claim for $48,139 from the owners of the MV *Hellespont Courage* for damages, pursuant to section 1415(b) of Public Law 96-70; to the Committee on Merchant Marine and Fisheries.

1420. A letter from the Administrator, Panama Canal Commission, transmitting a report on a claim for $581,592 from the owners of the SS *Exxon Washington* for damages, pursuant to section 1415(b) of Public Law 96-70; to the Committee on Merchant Marine and Fisheries.

1421. A letter from the Comptroller General of the United States, transmitting a report on the U.S. Government Printing Office's pay and classification system compared to other Federal and private sector systems (FPCD-83-32, June 3, 1983); jointly, to the Committees on Government Operations, House Administration, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2838. A bill to authorize the Secretaries of the Interior and Agriculture to provide assistance to groups and organizations volunteering to plant tree seedlings on public lands, and for other purposes, with amendments (Rept. No. 98-255, Pt. I). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3190. A bill to establish an improved program for extra long staple cotton; with an amendment (Rept. No. 98-256). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR of Michigan: Committee on Rules. House Resolution 242. Resolution providing for the consideration of the H.R. 1183, a bill to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981. (Rept. No. 98-258). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 243. Resolution providing for the consideration of a motion to recede and concur with the amendment in the amendment reported from conference in disagreement on House Concurrent Resolution 91. (Rept. No. 98-259). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 244. Resolution waiving certain points of order against consideration of H.R. 3363, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes. (Rept. No. 98-260). Referred in the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BONKER: Committee ON Foreign Affairs. H.R. 3231. A bill to amend the authorities contained in the Export Administration Act of 1979, and for other purposes; referred to the following committees for a period ending not later than July 22, 1983, to the Committee on Armed Services, for consideration of such portions of section 109 of the bill as fall within its jurisdiction pursuant to clause 1(c) of rule X; to the Committee on Banking, Finance and Urban Affairs for consideration of such portions of title III of the bill as fall within its jurisdiction pursuant to clause 1(d) of rule X; and referred to the Committee on the Judiciary for consideration of such portions of section 103 of the bill as fall within its jurisdiction pursuant to clause 1(m) of rule X (Rept. No. 98-257, Pt. I). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Referral of H.R. 2510 to the Committee on Energy and Commerce extended for an additional period ending not later than June 24, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 3383. A bill to amend title VII of the Civil Rights Act of 1964 to provide increased protection for the religious observances and practices of employees; to the Committee on Education and Labor.

By Mr. FORD of Michigan:

H.R. 3384. A bill to amend and extend the life of title XI of the Higher Education Act, and for other purposes; to the Committee on Education and Labor.

By Mr. HUCKABY (for himself, Mr. DE LA GARZA, Mr. STANGELAND, Mr. JONES of Tennessee, Mr. FRANKLIN, Mr. WHITLEY, Mr. STENHOLM, Mr. ROSE, Mr. NICHOLS, Mr. THOMAS of California, Mr. EMERSON, Mr. COELHO, and Mr. STUMP):

H.R. 3385. A bill to provide equity to cotton producers under the payment-in-kind program; to the Committee on Agriculture.

By Mr. KOGOVSEK:

H.R. 3386. A bill to declare that certain land formerly used as a site for a school for the Ute Mountain Ute Indian Tribe is held in trust by the United States for the benefit of such Indian tribe and is part of the Ute Mountain Ute Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. LOWRY of Washington (for himself, Mr. FISH, Mr. ACKERMAN, Mr. BERMAN, Mrs. BOXER, Mr. CONYERS, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. MINETA, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. ROYBAL, Mr. STOKES, Mr. TORRES, Mr. TOWNS, Mr. WILSON, and Mr. BOSCO):

H.R. 3387. A bill to provide for payments to certain Japanese Americans, Aleuts, and other individuals who were interned, detained, or forcibly relocated by the United States during World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUI (for himself, Mr. THOMAS of California, and Mr. FAZIO):

H.R. 3388. A bill to provide that the provisions of section 252 of the Economic Recovery Tax Act of 1981 (relating to transfers of property to employees subject to certain restrictions) shall apply to certain transfers occurring during 1973; to the Committee on Ways and Means.

By Mr. MORRISON of Washington (for himself, Mr. SKEEN, and Mr. McNULTY):

H.R. 3389. A bill to amend the act of June 24, 1938, to allow the Secretary of the Interior to invest certain funds collected by Indian irrigation and power projects; to the Committee on Interior and Insular Affairs.

By Mr. NEAL:

H.R. 3390. A bill to prohibit the scuttling by the United States of naval vessels and former naval vessels that were powered by nuclear reactors; to the Committee on Armed services.

By Mr. PEASE (for himself and Mr. GIBBONS):

H.R. 3391. A bill to improve worker training under the Trade Act of 1974, and for other purposes; to the Committee on Ways and Means.

By Mr. ROSE (for himself, Mr. HOPKINS, Mr. JONES of North Carolina, Mr. HATCHER, Mr. THOMAS of Georgia, Mr. WHITLEY, Mr. TALLON, Mr. ROBERTS, Mr. FRANKLIN, Mr. DICKINSON, Mr. HUBBARD, Mr. MARTIN of North Carolina, Mr. ROGERS, Mr. SNYDER, Mr. HEFNER, Mr. BRITT, and Mr. DANIEL):

H.R. 3392. A bill to amend the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. SENSENBRENNER (for himself and Mrs. LLOYD):

H.R. 3393. A bill to modify the operation of Federal and State antitrust laws for the conducting of certain research and development activities jointly, and for other purposes; jointly, to the Committees on the Judiciary and Science and Technology.

By Mr. SIMON (for himself, Mr. PERKINS, and Mr. COLEMAN of Missouri):

H.R. 3394. A bill to provide additional authority for the consolidation of student loans and to make certain other changes in Federal student financial assistance; to the Committee on Education and Labor.

By Mr. TAYLOR (for himself and Mr. PASHAYAN):

H.R. 3395. A bill to amend title 39, United States Code, to provide that the use of a nine-digit ZIP code system (or any system of more than five digits) be voluntary; to the Committee on Post Office and Civil Service.

By Mr. THOMAS of California:

H.R. 3396. A bill to amend the Internal Revenue Code of 1954 to remove certain inequities relating to private foundations; to the Committee on Ways and Means.

By Mr. WIRTH (for himself, Mr. ASPIN, Mr. BEDELL, Mr. BEILENSON, Mr. BONIOR of Michigan, Mr. COELHO, Mr. DELLUMS, Mr. DONNELLY, Mr. DOWNEY of New York, Mr.

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Eckart, Mr. Edgar, Mr. Edwards of California, Mr. Fascell, Mr. Fazio, Mr. Flippo, Mr. Fowler, Mr. Frost, Mr. Gejdenson, Mr. Gephardt, Mr. Glickman, Mr. Gore, Mr. Gray, Mr. Sam B. Hall, Mr. Hance, Mr. Hefner, Mr. Hoyer, Mr. Hughes, Mr. Jones of Oklahoma, Mr. Kogovsek, Mr. Leath of Texas, Mr. Long of Louisiana, Mr. McHugh, Mr. Markey, Mr. Miller of California, Mr. Mineta, Mr. Neal, Mr. Nelson of Florida, Mr. Nowak, Mr. Oberstar, Mr. Obey, Mr. Ottinger, Mr. Panetta, Mr. Ratchford, Mr. Rose, Mr. Sabo, Mr. Sharp, Mr. Sikorski, Mr. Stark, Mr. Stenholm, Mr. Swift, Mr. Synar, Mr. Udall, Mr. Walgren, Mr. Watkins, Mr. Waxman, Mr. Weaver, Mr. Weiss, Mr. Whitley, Mr. Wolpe, Mr. Wyden, Mrs. Collins, Mr. Leland, Mr. Bonker, Mr. Gibbons, and Mr. Scheuer):

H.R. 3397. A bill to establish a Commission on Capital Markets to evaluate the capital needs of the U.S. economy and the effects of Federal and State regulation of financial investment institutions and other financial intermediaries on capital formation and allocation and on economic activity, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. ADDABBO:

H.J. Res. 302. Joint resolution to authorize and request the President to issue a proclamation designating June 25, 1983, as "St. Gertrude's Operation Survival Day"; to the Committee on Post Office and Civil Service.

H.J. Res. 303. Joint resolution to authorize and request the President to issue a proclamation designating June 26, 1983, as "Pied Piper Foundation for the Performing Arts Day"; to the Committee on Post Office and Civil Service.

By Mr. SIMON (for himself, Mr. Hubbard, and Mr. Emerson):

H.J. Res. 304. Joint resolution directing the Secretary of the Treasury to study the feasibility and desirability of constructing a U.S. mint in Cairo, Ill.; to the Committee on Banking, Finance and Urban Affairs.

PRIVATE RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LIPINSKY introduced a joint resolution (H.J. Res. 305) proclaiming Lech Walesa to be an honorary citizen of the United States of America; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. Minish.

H.R. 53: Mr. Sawyer.

H.R. 132: Mr. Edwards of California, Mr. Moakley, and Mr. Horton.

H.R. 287: Mr. McCain and Mr. Stenholm.

H.R. 396: Mr. Pashayan.

H.R. 433: Mr. Ackerman, Mr. Evans of Illinois, Mr. Ford of Tennessee, Mr. Roe, Mr. Bilirakis, Mr. Forsythe, Mr. Jones of North Carolina, Mr. Robinson, and Mr. Stokes.

H.R. 800: Mr. Fish and Mr. Dwyer of New Jersey.

H.R. 898: Mr. Towns, Mr. Martin of North Carolina, and Mr. MacKay.

H.R. 953: Mr. Martinez.

H.R. 964: Mr. Durbin.

H.R. 1016: Mr. Weaver, Mr. Clay, and Mr. Miller of California.

H.R. 1092: Mr. Kasich, Mr. Clinger, and Mr. Lantos.

H.R. 1226: Mr. Fowler and Mr. Barnard.

H.R. 1329: Mr. Nielson of Utah.

H.R. 1730: Mr. Dannemeyer, Ms. Fiedler, Mr. Hansen of Idaho, Mr. Forsythe, and Mr. Ritter.

H.R. 2043: Mr. Mollohan.

H.R. 2053: Mr. Thomas of California.

H.R. 2069: Mr. Bates.

H.R. 2071: Mr. Barnard, Mr. Lewis of California, Mr. Simon, Mr. Anthony, and Mr. Shumway.

H.R. 2072: Mr. Broomfield.

H.R. 2073: Mr. Porter and Mr. Olin.

H.R. 2085: Mr. Whitehurst.

H.R. 2095: Mr. Philip M. Crane.

H.R. 2142: Mr. Fish.

H.R. 2225: Mr. Bilirakis, Mr. Coughlin, Mr. Thomas of California, Mr. Andrews of North Carolina, and Mr. Dickinson.

H.R. 2250: Mr. Rangel, Mr. Kogovsek, Mr. Stokes, Mr. Luken, Mr. Towns, Mr. Hansen of Idaho, Mr. Mrazek, Mr. Reid, Mrs. Johnson, Ms. Ferraro, Mr. Bates, Mr. Lantos, Mr. Dicks, Mr. Cooper, and Mr. Addabbo.

H.R. 2262: Mr. Andrews of Texas, Mr. Corcoran, Ms. Fiedler, Mr. McCollum, Mr. Pashayan, Mr. Skelton, and Mr. Stenholm.

H.R. 2440: Mr. Nielson of Utah, Mr. Bilirakis, Mr. Winn, Mr. Whitehurst, Mr. Jeffords, Mr. Won Pat, Mr. Smith of Florida, and Mr. Bliley.

H.R. 2490: Mr. Dwyer of New Jersey.

H.R. 2491: Mr. Lowry of Washington, Mr. Conyers, Mrs. Hall of Indiana, Mr. Panetta, Mr. Markey, Mr. Akaka, and Mr. Dellums.

H.R. 2679: Mr. Whittaker, Mr. Barnard, Mr. Rudd, Mr. McGrath, Mr. Frenzel, Mr. Hyde, Mr. Ratchford, Mr. Sunia, Mr. Corcoran, and Mr. Tauke.

H.R. 2715: Mr. Jacobs.

H.R. 2752: Mr. Roe and Mr. Tauke.

H.R. 2818: Mr. Edgar.

H.R. 2819: Mr. Rahall and Mr. Coelho.

H.R. 2839: Mr. Young of Alaska, Mr. Robinson, Mr. Morrison of Washington, Mr. Watkins, Mr. Neal, Mr. McEwen, Mr. Clinger, and Mr. Stangeland.

H.R. 2916: Mr. Erdreich, Mr. Corrada, Mr. Marriott, Mr. Roberts, Mr. Shaw, Mr. Edgar, Mr. Coleman of Missouri, and Mr. Barnard.

H.R. 2928: Mr. Daniel B. Crane.

H.R. 2956: Mr. Won Pat, Mr. Beilenson, Mr. Williams of Montana, Mr. Conte, and Mr. Lehman of Florida.

H.R. 3015: Mr. Dreier of California and Mr. Dannemeyer.

H.R. 3072: Mr. Neal, Mr. Green, Mr. Weiss, Mr. Markey, Mr. Marriott, Mr. Kildee, and Mr. Rodino.

H.R. 3231: Mr. Chandler, Mr. Patterson, and Mr. McNulty.

H.R. 3251: Mr. Beilenson, Mr. Oberstar, Mr. Ottinger, Mr. Fauntroy, and Mr. Frank.

H.R. 3264: Mr. Panetta, Mr. Wyden, Mr. Sunia, Mr. Crockett, Mr. Whittaker, Mr. Goodling, Mr. Wylie, Mr. Chappie, Mr. Parris, and Mrs. Boxer.

H.R. 3276: Mr. Vento and Mr. Won Pat.

H.R. 3309: Mr. Moore and Mr. Duncan.

H.R. 3364: Mr. Waxman, Mr. Gephardt, and Mr. Berman.

H.R. 3365: Mr. Waxman, Mr. Gephardt, and Mr. Berman.

H.R. 3366: Mr. Waxman, Mr. Gephardt, and Mr. Berman.

H.J. Res. 103: Mr. Kildee, Mr. Vandergriff, Mr. Quillen, and Mr. Boner of Tennessee.

H.J. Res. 210: Mr. Chandler, Mr. Tauke, Mr. Kogovsek, Mr. McCloskey, Mr. McCollum, Mr. Hoyer, Mr. McDade, Mr. Bates, Mr. Beilenson, Mr. Montgomery, Mr. Fish, Mr. Panetta, Mr. Gramm, Mr. Chappell, Mr. Eckart, Mr. Gaydos, Mr. MacKay, Mr. Moody, Mr. Rahall, Mr. Young of Missouri, Mr. Hammerschmidt, Mr. McCurdy, Mr. Bevill, Mr. McKernan, Mr. McCain, and Mr. Conte.

H.J. Res. 218: Mr. Livingston, Mr. Martinez, Mr. Stratton, and Mr. Price.

H.J. Res. 228: Mr. Whitehurst, Mr. Applegate, Mr. Bateman, Ms. Mikulski, Mr. Bevill, Mr. Horton, Mr. Ackerman, Mr. Gekas, Mr. Panetta, Mr. Synar, Mr. Hughes, Mr. Levin of Michigan, Mr. Pashayan, Mr. Fauntroy, Mr. Towns, Mr. Clay, Mr. Sisisky, Mr. Thomas of California, Mr. Shumway, Mr. Hansen of Idaho, Mr. Loeffler, Mr. Daniel, and Mr. Leland.

H.J. Res. 273: Mr. Weiss, Mr. Moore, and Mr. Anderson.

H. Res. 15: Mr. Dicks, Mr. McDade, Mr. Taylor, and Mr. Florio.

H. Res. 137: Mr. McKinney, Mr. Torricelli, Mr. McNulty, Mr. Patterson, and Mr. Tauke.

H. Res. 172: Mr. Whitten.

H. Res. 191: Mr. Edgar and Mr. Mavroules.

H. Res. 215: Mr. Denny Smith.

H. Res. 231: Mr. Scheuer, Mr. Penny, Mr. Stenholm, Mr. Berman, Mr. Emerson, Mr. Beilenson, Mr. Matsui, Mr. Ford of Tennessee, Mr. Montgomery, Mr. Roemer, Mr. Weiss, Mr. Ratchford, Mr. Vento, Mr. de Lugo, Mr. Lantos, Mr. Coleman of Texas, Mr. Wolf, Mr. Ackerman, Mr. Lowery of California, Mr. Downey of New York, Mr. Chandler, Mr. Feighan, Mr. McCloskey, Mr. Hertel of Michigan, Mr. Vandergriff, Mr. Traxler, Mr. Crockett, Mr. Frank, Mr. Schumer, Mr. Miller of California, Mrs. Schneider, Mr. Boehlert, Mr. Carr, Mr. Kazen, Mr. Howard, Mr. Brown of Colorado, Mr. Durbin, Mr. McCurdy, Mr. Stark, Mr. Mrazek, Mr. Rahall, Mr. Stratton, Mr. Ottinger, Mr. Rudd, Mr. Loeffler, Mr. Gejdenson, Mrs. Boxer, Mr. Moody, Mr. Levin of Michigan, Mr. Kildee, Mr. Fazio, Mr. Leath of Texas, Mr. Brown of California, Mr. Green, Mr. Rogers, Mr. Bosco, Mr. Murphy, Mr. Morrison of Connecticut, Mr. Dyson, Mr. Carper, Mr. Wise, Mr. Erdreich, Mr. Staggers, Mr. Weaver, Mr. Lowry of Washington, Mr. Smith of Iowa, Mr. Porter, Mr. Donnelly, Mr. Young of Missouri, Mr. Nowak, Mr. Albosta, Mr. Dorgan, Mr. Lipinski, Mr. Mica, Mr. Evans of Illinois, Mr. Patman, Mr. Panetta, Mr. MacKay, Mr. Udall, Mr. Edgar, Mr. Synar, Mr. Shelby, Mr. Richardson, Mr. Walgren, Mr. Gore, Mr. Slattery, Mr. Markey, Mr. Tauzin, Mr. Ralph M. Hall, Mr. Bryant, Mr. Sikorski, Mr. McKinney, Mr. Gonzalez, Mr. Edwards of California, Mr. Tauke, Mr. Eckart, Mr. Leland, Mr. Gilman, Mr. Skelton, Mr. Robert F. Smith, Mr. Sundquist, Mr. Won Pat, Mr. Dymally, Mr. Hubbard, Mr. Dwyer of New Jersey, Mr. Levine of California, Mr. Watkins, Mr. Derrick, Mr. Foglietta, Mr. Volkmer, Mr. Hatcher, Mr. Patterson, Mr. Glickman, Mr. Britt, Mr. Torres, Mr. Kastenmeier, Mr. Dicks, Mr. Hefner, Mr. Whitley, Mr. Mavroules, Mr. Hall of Ohio, Mr. Smith of Florida, Mr. Gray, Mr. Barnard, Mr. Bonker, Mr. Kogovsek, Mr. Russo, Mr. D'Amours, Mr. AuCoin, Mr. Neal, Mr. Owens, Mr. Applegate, Mr. Torricelli, Mr. Hughes, Mr. Hoyer, Mr. Mitchell, Mr. Annunzio, Ms. Snowe, Mr. Harkin, Mr. Jeffords, Mr. Bedell, Mr. Coyne, Mr. Flippo, Mrs. Lloyd, Mr. Mollohan, Mr. Boucher, Mr. Anthony, Mr. Hance, Mr. Andrews of Texas, Mr. Pease, Mr. Bevill, Mr. Barnes, Mr. Dowdy of Mississippi, and Mr. Cooper.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2053: Mr. Hunter.

H.R. 2262: Mr. Hubbard.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

146. By the SPEAKER: Petition of the City Council, New York, N.Y., relative to a visa for Oscar Mendeleyev; to the Committee on Foreign Affairs.

147. Also, petition of the Board of Commissioners, Beaver County, Pa., relative to the U.S. speciality steel industry; to the Committee on Ways and Means.

148. Also, petition of the board of supervisors, County of Madera, Calif., relative to the Wine Equity Act of 1983; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1183

By Mr. FRENZEL: (in the nature of a substitute)

—On page 1, line 2, strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Reduction Act of 1983".

SECTION 2. REDUCTIONS IN SPENDING.

Legislation shall be enacted before October 1, 1983, which, as certified by the Congressional Budget Office, will reduce outlays in fiscal year 1984 by an amount which achieves spending policy reductions equal to at least $12,000,000,000. For purposes of the preceding sentence, action shall be taken into account only to the extent it will reduce budget authority a sufficient amount to reduce outlays below $852,400,000,000 in fiscal year 1984.

By Mr. McCURDY:

—Add the following new section at the end of the bill:

The changes in the individual income tax contained in this Act will be accompanied by a dollar-for-dollar reduction in outlays in fiscal year 1984, by an amount which is at least equal to the revenue projected to be collected from these changes in the individual income tax.

H.R. 2969

By Mr. BROWN of Colorado:

—Page 69, after line 18, add the following new section:

BENEFITS FOR WIDOWS OF CERTAIN RETIRED RESERVISTS

Sec. 1043. (a) The Secretary concerned shall pay an annuity to any individual who is the surviving spouse or a dependent child of a member or former member of the uniformed services who—

(1) died during the period beginning on September 21, 1972, and ending on September 30, 1978; and

(2) at the time of his death would have been eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(b) An annuity under subsection (a) shall be paid under the provisions of subchapter II of chapter 73 of title 10, United States Code, in the same manner as if the member or former member had died after September 30, 1980, and had elected under section 1448(a)(2)(B) of such title to participate in the Survivor Benefit Plan established by such subchapter and had made a designation under section 1448(e) of such title to provide an annuity to become effective on the first day after his death.

(c) If an individual entitled to an annuity under this section is also entitled to an annuity under subchapter II of chapter 73 of title 10, United States Code, based upon a subsequent marriage, the individual may not receive both annuities but must elect which to receive.

(d) As used in this section:

(1) The term "uniformed services" means the Armed Forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in section 1447 of title 10, United States Code.

(3) The term "dependent child" has the meaning given such term in section 1447 of title 10, United States Code.

(4) The term "Secretary concerned" has the meaning given such term in section 101(8) of title 10, United States Code, and includes the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

(e) This section shall apply to annuity payments payable for months after September 1984. No benefit shall accrue to any person by virtue of the enactment of this section for any period before September 1, 1984.

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EXTENSIONS OF REMARKS

CONGRESSWOMAN FERRARO REMARKS ON TRADE AND INDUSTRIAL POLICY

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. LUNDINE. Mr. Speaker, as chairman of the House Democratic Task Force on Trade, I am pleased to have this opportunity to bring to the attention of my colleagues remarks recently made by Representative GERALDINE FERRARO before the annual convention of the International Ladies' Garment Workers' Union.

I feel that Representative FERRARO is in a unique position to comment on the problems now confronting the textile industry. She has represented a large segment of New York's garment workers and has been an active participant on the Task Force on Trade. Representative FERRARO's remarks emphasize the need of the United States to formulate sound trade and industrial policies in order to promote economic growth. She refers to the importance of trade in our increasingly interdependent world economy and of our consequent need for a coherent trade policy which benefits the sale of our products overseas. Representative FERRARO also comments on the positive role which an effective national industrial policy would play in the revitalizaiton of the textile industry and other older industries.

I commend my New York colleague's remarks to the entire membership.

Her remarks follow:

REMARKS BY HON. GERALDINE A. FERRARO BEFORE ANNUAL CONVENTION OF INTERNATIONAL LADIES' GARMENT WORKERS' UNION

I am delighted to be here with you today. I must tell you that I have always had a very soft spot in my heart for the ILGWU.

You see, my father died when I was eight and my mother had to go back to work to support me and my brother. The trade she had learned as a little girl was that of crochet beader. Fortunately for our family, it was a skill she had not forgotten and could use to get a job when she became a widow. I remember when I was about 14 or 15 watching my mother bead and I asked her to teach me how to do it. She sat me down at the frame, put a needle in my hand and proceeded to show me how to attach bead after bead. She watched patiently for 10 minutes while I managed to attached about ten beads. My mother looked at me a little sadly, took the needle out of my hand and said, "Gerry, you'd better go to college or else you'll starve to death."

So here I am, someone who went to Congress because I couldn't make it as a Ladies' Garment Worker.

These are strange and troubling times in Washington and in America. After 27 months, I think it is pretty obvious that the Reagan Revolution of 1980 is not working. Reaganomics aren't working in the knitting mills or the steel mills. The President's program is not working in Birmingham, Michigan or Birmingham, Alabama. It is not working and too many Americans—too many garment workers—are not working as a result.

What has the Reagan Revolution really brought America?

A President who pledged he would balance the budget by 1984 is now talking about astronomical deficits—deficits in the $200 billion range—as far as the eye can see.

A President who boasted he would bring us unprecedented growth and prosperity has instead brought us unprecedented red ink.

A President who claimed his gigantic tax cuts for the wealthy would trickle down to the rest of us has instead ushered in an era of double-digit unemployment.

The plain fact is we are still in the midst of the longest, deepest economic recession since the Great Depression of the 1930s. The President's advisors speak of recovery. But we have seen no signs of recovery for the more than 11 million Americans who are out of work. Or for the millions of Americans so discouraged by the economic situation that they have given up even looking for work.

Record numbers of Americans are threatened with the loss of their homes. Business failures are at an all-time high. Interest rates are still so high that few can afford to borrow.

The Reagan recession has affected all of America's basic industries but it has affected none more severely than yours. The unemployment rate in the apparel industry has been, at times, as much as 60 percent above the national average.

This incredible statistic pains me. Not only because my mother worked in the garment industry. But because your industry has always been an important source of jobs for women and minorities—and a lifeline for newcomers to this country—whether they were Italians, like my people, or today's hardworking Spanish-speaking and Asian immigrants.

So when the garment and textile industries suffer, many many women and minorities and immigrants—and the families they support—also suffer.

As you know all too well, a tidal wave of garment imports is a major cause of the disastrous level of unemployment in your industry. In the past quarter century, the United States has lost a staggering 650,000 jobs in your industry, more than 110,000 of them since 1972. The shoe industry has lost 50,000 jobs. The current recession has quickened the pace of this job loss.

When John F. Kennedy was President, imported garments accounted for only four percent of the American market. Today, clothing imports hover around 40 percent. We import a third of the shoes we wear. In just 25 years, we have allowed foreign garment manufacturers to increase their share of our domestic market by one thousand percent.

How did the United States of America, the greatest, most productive industrial power on earth, arrive at the current state of affairs? Even more important, what should we do about it?

First, I want to tell you what we are not going to do. We are not going to throw in the towel on the textile and garment industries. "Made in America" means more than pride. It means quality. It means fair pay for work efficiently performed. And it means jobs.

Let me tell you what else we aren't going to do. We are not going to seek our salvation by pushing so-called high-tech industries—to the exclusion of everything else. High-tech industries—computer industries—have produced a lot of new jobs, it's true. But those jobs are not necessarily superior to jobs in our older mature industries. In fact, many of the new jobs pay lower wages. And what about job security? It's by no means guaranteed in high-tech. If you doubt this, just ask the hundreds of Atari employees in California who lost their jobs when Atari decided to relocate its manufacturing facilities in Taiwan.

The United States cannot maintain its position of industrial leadership by concentrating all our talents and energies on the production of video games!

Just last week, I had a meeting in my Washington office with Dr. Ulrich Steger, a member of the West German Parliament who is an expert on trade and industrial policy. One of the industries we talked about in some detail was the textile industry.

Only a few years ago, Dr. Steger told me, the German textile industry was on its deathbed. The West German government decided not to sit by and watch it fade away entirely. "This is an industry that is having problems," the political leaders said. "What can we do, as a nation, to solve these problems?"

The West Germans used an effective industrial policy to revive the failing textile industry. Textile factories were given loans to help them purchase the most modern of machinery and the most efficient of processes. But the workers were not forgotten. Training programs were developed to make workers competent in the new technology. Old skills were upgraded and new skills were developed. Displaced workers were absorbed into other industries.

Today, Germany is the third largest exporter of textiles in the world. A dying industry was revitalized by the effective application of government aid.

We are dealing in this country with an Administration that has—for all practical purposes—no trade policy and no industrial policy. What the Regan Administration likes to call "free trade" is really the old, old policy of "laissez faire"—which means, let the strong win and the weak fend for themselves.

Our country needs trade policies which enable us to sell our products overseas. Our world has grown too small and too interdependent for any nation to hope to maintain a healthy economy by banning imports and trying to sell all its own products to its own people.

Did you know that one third of America's farmland now produces food that we sell to other countries? And did you know that exports account for 8.3 percent of our Gross National Product? And that four out of five new manufacturing jobs created during the 1970's were created in the export business?

Yes, trade is important. But what we do not need are trade policies which allow foreign nations to flood our markets while putting products made in America at an unfair disadvantage.

In the short term, we can, and should, provide some protection from low-cost imports to our hard-pressed basic industries. That is why I have joined with 88 of my colleagues in cosponsoring House Resolution 172. We are asking the President to roll back the level of imported garments from the current 40 percent of the market to 25 percent. Your industry is in deep trouble and Congress recognizes this fact.

I want to commend this union for not mounting a drive to close off the American market to all foreign imports. That kind of extreme action would hurt a number of developing nations and, in the long-run, hurt our efforts to revitalize our own garment industry.

A few weeks ago, I attended a fashion show in New York sponsored by the ILGWU. As the models paraded by in one beautiful and well-made garment after another, it was exciting to know that every single one of them had a secret ingredient—the union label. Why can't we do more, as a nation, to sell our clothing abroad—and at home? American-made blue jeans command hundreds of dollars on the black market in Soviet-block countries. Meanwhile, millions of Americans are walking around in jeans with French labels made in Taiwan.

No single industry should be asked to bear an unfair share of the burden of foreign competition. Your industry—which has traditionally paid modest wages and suffered from cycles of boom and bust—your industry—which began feeling the impact of foreign imports in the mid-1960s, when the auto and steel industries were still in good health—your industry deserves the help of the federal government. This is not protectionism but fairness.

In the long run, we must be willing to spend whatever it takes—the way West Germany and France and Japan did—and are doing—to improve the skills of our workers.

Production facilities—as Atari has shown us—can be moved from country to country. Money moves around the world at the speed of electronic computers. Over the long term, the nations with the best-trained, most highly skilled, most flexible workforce will always have a leg up on the competition.

The most important investment a nation can make is the investment it makes in its people.

Is the Reagan Administration ready to make this investment? Let me give you some facts and you can tell me what you think.

This is the President who wants to abolish the federal Department of Education at a time when our educational system is threatened by what experts have called a "rising tide of mediocrity."

This is the President who thinks the solution to an unemployment rate of 10.2 percent is to tell women to stay home. He just cannot understand that two-thirds of all women who work are single, divorced, widowed or married to men who make less than $15,000 a year. He simply does not know—or doesn't care—that women almost always get paid less than men do, no matter how hard they work.

This is the President who wanted to increase the nation's defense budget by 10 percent at the same time as he tried to cut education, training and social service programs by seven percent.

Even the Republican-controlled Senate didn't buy that one. The House Budget Committee, to which I belong, is about to begin negotiations with the Senate on a 1984 federal budget which will allow for a strong national defense without bleeding dry the programs that help make our society strong.

I personally am sick and tired of hearing the President of the United States get on television and say his economic plan is working. A drop in the inflation rate—as welcome as that is—doesn't do a whole lot of good for a person who is living on an unemployment check and about to go on welfare. We haven't licked inflation if our victory is achieved at the cost of the jobs and self-respect of millions of hard-working American men and women.

The President says the economy is improving. Well, I sincerely hope he's right. Don't let anyone try to tell you that Democrats want high interest rates or people out of work or business failing so we can look better in 1984.

That's because we Democrats are pretty confident that people like you will understand how badly the Reagan regime has hurt our economy. You understand the human misery that has resulted from this Administration's policies—and lack of policies. You will not forget this between now and November, 1984.

A few weeks ago, the Washington Post and ABC News did a poll. The question was "Do you approve or disapprove of the way Ronald Reagan is handling his job as president?"

The poll results were fascinating.

First of all, they showed that the "gender gap"—the tendency of women to be more critical of the President than men are—has not gone away.

Sixty percent of men surveyed throught President Reagan was doing a good job. But only 47 percent of women felt the same way. That 13 percent gap is what the pollsters call "statistically significant." It is significant because it shows that women understand that they, and their children, are being hurt the worst by the Reagan budget and the Reagan economy.

Secondly, the poll showed that 68 percent of families earning $30,000 a year or more thought the President was doing just great. But the 25 percent of American families who have a household income of $21,000 or less didn't think he was so terrific. Only 39 percent of them approved of the President's job performance.

More than half of all the people surveyed said they think President Reagan cares more about special interests than he does about all the American people. And 56 percent said they think the economy is staying the same—or getting worse.

Working together, we can elect Members of Congress who care about working people. We can elect Senators to reclaim those vital committee chairmanships now held by people like Orrin Hatch and Jesse Helms—lifelong enemies of women and minorities and labor unions. We can elect a President in 1984 who puts jobs and fair trade at the very top of his agenda.

If you think we can't do it, let me just tell you about a lunch I went to back in 1980. Ray Marshall, who was then the Secretary of Labor, was the speaker. "Can you imagine," he asked us, "what the Senate would be like if Jesse Helms was chairman of the Agriculture Committee and Orrin Hatch chaired the committee on Labor and Human Resources?"

Well, we all booed and hissed and jeered and had a good laugh because it sounded so ridiculous. The Republicans didn't think it was ridiculous. They were angry enough and rich enough and organized enough to make it happen and we're not laughing any more.

Now it's time for us to show that we're angry enough and organized enough and have enough money to turn things around. We made a good start in 1982—electing 26 new Democrats to Congress who have already helped to turn the Reagan budget around. We will need to do even better in 1984.

Labor can make it happen in 1984. You are tough, organized and angry. You understand what the economy is doing to American workers because to you unemployment is not a number on a chart in Washington but real people in New York and New England and North Carolina.

The ILGWU is a union that fights for its people. You fought—and continue to fight—the sweatshops where generations lost their health in return for miserable pay. You have fought for retirement security in an industry where employment is even more fickle than fashion itself. You have fought for women and minorities and immigrants—for decent wages and decent working conditions.

I hope you will fight now for national policies and national leaders to carry them out—policies of fairness, compassion and hope—not just for those who have already achieved the American dream but those struggling not to lose what they have won by their own hard work.

My dream is to be invited back here in 1985 and be able to tell you that our Democratic President, our Democratic Senate and our Democratic House of Representatives are working with you to protect not just one industry, or one special interest or one race or sex or class—but to protect the future of all of us.

Thank you.●

GETTING ON THE FAST TRACK

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following editorial, which appeared in the Louisville Times on June 6, 1983.

This article gives an excellent illustration of the many contributions of talent and intellect that refugees and other newcomers to this Nation make.

We should take pride in their achievements and should ponder the lesson their accomplishments teach: There is no substitute for hard work in reaching a goal.

The editorial follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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Getting on Fast Track—Young Vietnamese Excel Scholastically

Vietnam has left us a peculiarly American legacy that has nothing to do with burned out helicopters in suburban Saigon. For once, this is a cheery one. Here in Louisville this spring, as well as in two Florida high schools, the top scholars included Vietnamese refugees—students who knew little or no English when they entered only a few years ago.

Now they're on the fast track to whatever they choose to call success, demonstrating once again the value immigrants place on an American education—and showing also that the surest way to this still touted land of opportunity is through learning and hard work.

At only 16, duPont Manual High School's Hien Le has the highest academic average among seniors taking the regular curriculum. Simultaneously, he also has completed a number of courses at the University of Louisville. The student is the second local Vietnamese refugee to win school honors in successive years. Seneca High School's Tho Bui shared the top spot at that school last year.

One of the Florida valedictorians, Dung Nguyen, had this advice for other foreign students: "Do your best and don't give up because it's discouraging at first. You'll feel lonely a lot of times, but there are a lot of good people to help. Just hang in there."

Those are also wise words for all American students. Academic difficulty imposes its own form of loneliness, no matter how familiar school and classmates are otherwise. And the way to prevail, as Miss Nguyen says, is just to hang in there.●

COLUMNIST WILLIAM RASPBERRY SAYS UNITED STATES SHOULD DEMONSTRATE ITS OPPOSITION TO SOUTH AFRICAN APARTHEID

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SOLARZ. Mr. Speaker, recently an eloquent and timely column by William Raspberry appeared in the Washington Post. Mr. Raspberry, a well-known and respected columnist and commentator on international and domestic issues, called for substantial changes in U.S. policy toward South Africa.

Mr. Raspberry endorsed legislation I have introduced that would distance us from South Africa's racist policies and continued oppression of its black majority. Originally introduced as H.R. 1693, this legislation has been reported by the House Foreign Affairs Committee as title III of the Export Administration Act, H.R. 3231, which has been sequentially referred to the House Banking Committee.

Since I know that many of my colleagues are concerned about the nature of our relationship with South Africa, I ask that Mr. Raspberry's column be reprinted in today's Congressional Record.

[From the Washington Post, Friday, June 3, 1983]

A Signal to South Africa?

(By William Raspberry)

The United States, officially repulsed by South Africa's official racism, has yet to devise any effective means of dealing with it. We have tried diplomatic tongue-clucking. We have placed restrictions on transfers of military goods. Particularly during the Carter years, we stated our disapproval more directly. Now, under the Reagan administration, we are trying open-armed friendliness in an effort to nudge South Africa away from its most odious racial policies.

None of it has made the slightest difference in South Africa's treatment of its black majority. Maybe, in terms of American influence, it's a hopeless task. But Rep. Stephen Solarz (D-N.Y.) doesn't think so. He begins with the notion that while South Africa would like to have American approval—acceptance in the family of civilized nations—what it covets more is American investment: through individuals, through institutions and through American-based firms doing business there. This is the basis for Solarz' no-more-nonsense legislative proposal, which, at the very least, ought to trigger an important policy debate here.

The bill has three main provisions. It would establish a set of legally enforceable fair-employment standards for American companies operating in South Africa; it would bar U.S. banks from making loans to the South African government, "except for loans made for educational, housing or health facilities which are available on a nondiscriminatory basis in areas open to all population groups"; and it would ban the importation of South African gold coins, including the krugerrand, of which millions have been sold in America.

The fair-employment principles Solarz has in mind are similar to those outlined in the Sullivan Plan—except that the code drawn up by the Rev. Leon Sullivan calls for voluntary compliance. "By making fair-employment principles mandatory," Solarz contends, "we would overcome two serious problems with the present voluntary approach: first, that half of the American firms in South Africa have not signed the Sullivan principles, and, second, that at least a third of the signatories have failed to implement the code effectively."

The Solarz proposal, though it will disappoint advocates of full disinvestment, does have its attractions. It constitutes a solid statement of American principle, and its focus is on changing conditions in South Africa, not merely punishing the government. "I have no illusion that passage of this legislation would bring the apartheid system to its knees," says Solarz, "but it would make a significant difference in the lives of approximately 70,000 black men and women who work for American firms in South Africa. It would also limit U.S. sources of foreign exchange for the South African government, and, most important of all, it would send a powerful signal that the United States is prepared to oppose apartheid by deed as well as word."

Such a signal would be important, particularly in view of present U.S. policy, which supposes that being nice to South Africa will pay off in changing South African behavior, both internally and internationally. It clearly isn't working. Solarz is operating from a different premise: that while we might not be able to eliminate apartheid, we can at least stop being a party to it.●

URBAN GRANT UNIVERSITY ACT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. FORD of Michigan. Mr. Speaker, some 5 years ago, I had the privilege of being the original sponsor of legislation which eventually became title XI of the Higher Education Act—the Urban Grant University Act. This legislation is intended to make the talents, skills, and resources of our existing urban universities available to our local governments to help work on urban problems of high priority to those governments.

Title XI became law in October 1980, and with the advent of the Reagan administration and its savage efforts to reduce and even eliminate the Federal investment in education, efforts to fund title XI even at a modest level, necessarily took a back seat to the efforts to preserve already functioning programs. But, given the failure of the President's antieducation efforts, and the splendid bipartisan display of congressional support for a Federal investment in our schools; given, indeed, the spectacle of the President now denying that he sought to do what has been in his program since the day he submitted his first budget, it seems to me an appropriate time to begin thinking about funding title XI, and about taking the first steps toward its reauthorization when the Higher Education Act expires in the next Congress.

I know that the distinguished gentleman from Illinois (Mr. Simon), chairman of the House Subcommittee on Postsecondary Education, agrees that it is time to begin thinking about reauthorization of the Higher Education Act, and as one small step among many that will have to be taken in this direction, I am today introducing a bill representing a first draft of a renewed and extended title XI. Let me assure the House, and let me assure the hundreds of urban universities who may be interested in this concept, that the bill introduced today is only a first cut at reauthorization. While the lack of appropriations to date has left us without experience as a guide to the workings of the title as it now reads, there are a few obvious corrections that should be made, and I am offering some changes which I think are worthy of discussion.

It is not my expectation that the bill submitted today will be accepted without change. Rather, I hope that it will provide a starting place for hearings, and suggestions from urban university community, from local governments, and from my colleagues in the House for improvements in the Urban Grant University Act.

Mr. Speaker, explained simply, title XI provides for small Federal grants to urban universities to enable those institutions to work closely with local governments providing such governments with applied research, technical assistance, specialized training, and other services aimed at coping with local problems which the local governments believe are of high priority. Many of the buzzwords of the past 3 years were embodied in title XI before it became law (and they became buzzwords). The title provides for local selection of problems, local design of responses, and for a minimum of Federal intervention in the process. As enacted in 1980, title XI's authorization ceilings were low, but in today's bill, I am proposing that we remove the dollar figures from the title altogether and authorize the appropriation of "such sums" as the Congress shall deem proper, given future circumstances. I do this not in any effort to disguise the fact that money will be needed to make the title move, but simply to assure that the title poses no threat whatever to any budgetary decisions Congress may make. The language of the title now avoids any grant formulas or other entitlement devices, and the language as reintroduced would underscore that fact.

I mention one other aspect of title XI as originally drafted and as it became law which is left untouched by this new bill, and which I would most earnestly hope would remain untouched. The present law, and the extension proposal make no distinction whatever between the public and independent sectors of higher education. Under this law, and under the new bill, the urban university community includes both public and independent institutions, all of whom can be of enormous help to cities struggling to find new resources and new ways to meet problems—old problems, and new problems alike, but growing problems in either case.

Mr. Speaker, it is my intention later to circulate this legislation to seek cosponsors, and I will be in touch individually with the Members who joined me in 1978 and 1979 and with other Members on both sides of the aisle who have indicated their interest in this legislation.

Mr. Speaker, the hearing record from 4 years ago, and my correspondence files, are filled with examples of how the principles of title XI could be applied. But one of the outstanding exponents of the legislation is Dr. Kenneth Ryder, president of Northeastern University in Boston, Mass. Dr. Ryder, among his other claims to educational eminence, is a member of the National Commission on Student Financial Assistance, a past president of the Association of Urban Universities, and one of the world's leading advocates of cooperative education. Northeastern University, like other outstanding urban institutions including Wayne State University in Detroit, has a great many projects which could be encouraged and helped under title XI.

I am including at this point in the Record a very provocative essay by Ken Ryder, describing the role he sees for the urban university.

[From the Christian Science Monitor, May 19, 1983]

The University and the City: A Strategy for the Future of Both

(By Kenneth G. Ryder, president, Northeastern University)

If America is to prosper into the 21st century, the ivory towers of academe must go the way of the smokestacks of industry. Universities can no longer afford to stand aloof from the concerns of the local citizenry or the practical needs of industry.

Friction between town and gown is not a new problem. Twenty-four hundred years ago, Socrates stood in the marketplace to challenge the social order of the day.

In more recent times, the challenge to the war in Vietnam was fomented on campus and spilled over into riots and demonstrations in the streets, forcing our political structures to deal with acts of violent protest and one of the greatest moral dilemmas of America's history. Furthermore, throughout the centuries ago college students have too often gained a reputation for rowdy behavior and indifference to the concerns of citizens living near the college campus.

As early as the Middle Ages, universities tended to wall themselves off from the local populace. Faculty members wished to isolate students from the real world and its temptations in rural Cambridge, far away from sinful Boston.

The time has come to dismantle the walls and encourage a new partnership between town and gown. As new partnerships are built between industry and higher education, and some faculty members are turning from basic research to applied research, it is a good time to rethink all of the relationships between universities and the communities in which they reside.

This is especially true of urban universities. In reality, the city sustains the urban university, giving it much of its vitality, its appeal to students and teachers, and indeed a large part of its identity. Consequently, it is the university's responsibility to engage in a concerted effort to redirect toward the city the talent that comes to the university.

Too often—especially in these times of property tax revolt—the city focuses on the university's tax-exempt status and attempts, understandably, to exact a monetary payment for the services the city provides.

In Boston and other cities many residents see a crumbling school system, deteriorating public services, and an overall decline in the quality of life. They look at the numerous colleges and universities in the city and see only lost revenue. They are left with the impression that large, tax-exempt institutions are getting a free ride on the backs of other property owners, owners who pay a significant percentage of their paychecks in city taxes.

The real-estate tax exemption is based on the fact that colleges and universities were founded to serve an important social need, to educate, not to make a profit. They cannot be expected to fulfill their responsibilities to the city's welfare by financial contributions. They can, however, and must be expected to, repay the city in other ways more appropriate to their mission and their special expertise.

All urban universities are citizens of their cities. The problems of the city are the problems of the university. We have a responsibility to use our resources for the good of the city we serve—the city in which we live.

Colleges and universities offer a wealth of information in an information-based society. They prepare hundreds of thousands of people every year to meet the economic demands of our times. Without high technology, Boston and Route 128 or San Francisco and "Silicon Valley" could not possibly have weathered the recent recession. And without a strong, nationwide system of higher education, the United States would be home to few new-technology industries, and the world technological revolution would have passed us by entirely.

Yet campuses cannot remain the preserve of traditional college-age students. They must be viewed by the public and by the university itself as educational, recreational, and social resources for the community. At Northeastern, we have prepared courses designed to help the unemployed and the underemployed to retrain themselves to meet the needs of local employers.

Each year we offer full tuition scholarships to 11 City of Boston employees—from a firefighter to the head of the city's handicapped services—to improve their managerial skills and earn degrees from our graduate schools. When Boston was forced to lay off public school teachers as a result of Proposition 2½, Northeastern offered a special retraining program to assist them in reentering the job market.

But that is not enough.

Campuses must also be open to the community, providing facilities for neighborhood and organizational use as well as presenting cultural and social programs designed to improve the quality of urban citizens' lives.

Ford Hall Forum, the nationally renowned lecture series, has found a home at Northeastern, as has the Boston Lyric Opera. Boston high schools play their hockey games in our Matthews Arena, and free-tuition is offered to three students from each of Boston's 17 public schools. These are but a few of the types of programs that Northeastern University and every other nonprofit institution have a responsibility to conduct if they are to be vital and viable members of the community.

A concerted effort on the part of urban universities and urban governments—with the assistance of the state and federal government—to redirect toward the city the talent that comes to the university can do much to enrich the quality of life of both the university and the city it serves.

As centers of intellectual talent, colleges and universities must use their professional expertise not only to attack the economic and social problems that affect our cities but also to provide the tools to teach people how to solve their own problems, to empower them to do the job that they themselves recognize needs to be done. Universities need to become strong advocates in state and federal legislatures for measures that will improve the quality of urban life.

In Massachusetts, for example, Northeastern has worked with city officials and legislators to seek state reimbursement to cities and towns for the tax value of property owned by nonprofit hospitals and educational institutions. We have urged that the amount of nontaxable property within each city and town be taken into account in the distribution of state aid to municipalities.

These initiatives seek to address the too common problem of benefits flowing from hospitals, museums, and colleges going to nonresidents of the city. The kinds of changes we have proposed would go a long way toward equalizing the tax burden of our citizens, a burden that too often falls on the urban taxpayer who is least able to pay.

Universities also need to be in the forefront to those demanding better housing, better health care, better public schools, and better job training for city residents. Here the university's role is not one of mere advocacy; it must enter into cooperative contracts with city, state, and federal agencies to design and deliver these services.

As the smokestacks of industry have given way to a new economic order, so the university walls must crumble in the fact of a new social order. The time has come for cities to give up the notion that the nontaxed universities are the untapped pot of gold which will save them from fiscal disaster. The time has come for universities to step down from their Olympian perches and acknowledge that if they are not part of the solution they are part of the problem.

This effort must come to fruition by a recognition on the part of the university as a whole that it is a citizen of the city: that the problems of the city—including those created by the university—are problems of the university; and that our having faculty, students, and research and service facilities means that we have an obligation to roll up our sleeves and get to work for the good of the city we profess to serve—and the city in which we live.●

PROBLEMS PLAGUING FEDERAL FISCAL POLICY

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, the Tulsa World published two editorials recently that are concise, logical, and full of commonsense in outlining the problems plaguing our Federal fiscal policy. I submit these editorials to the CONGRESSIONAL RECORD in the fervent hope that my colleagues will read them and concur with the Tulsa World's conclusion that we must reduce the massive Federal deficits. As these editorials note, there are ways to bring down the deficits, but Congress and the Reagan administration need to be realistic and make the hard choices.

[From the Tulsa (Okla.) World, June 4, 1983]

FOURTH-GRADE WISDOM

Jane Couch's fourth grade class at Jenks West Elementary school, exposed for the first time to the budget problems of the U.S. federal government, quickly saw the problem and acted, so far as they could, to correct it.

It is too bad that President Reagan and the Congress of the United States don't have the wit and nerve shown by Couch's fourth graders.

Fourth graders, after all, can see that if your outgo exceeds your income, you have a problem, a simple concept that so far has eluded the nation's leaders.

Told of the monstrous $1.3 trillion federal debt, the Jenks children raised $154.37 to be applied to the debt.

That's a drop in the bucket, obviously. But we'd bet those same children, given the elements of the problem, would (1) vote to raise the money to erase deficits by a relatively small increase in taxes and (2) move to stop the deficits from recurring by (3) passing a law that holds spending within expected income.

Too bad we can't haul the President and Congress to Jenks for a refresher course in fourth-grade arithmetic, or, maybe send the fourth graders to Washington.

[From the Tulsa (Okla.) World, June 10, 1983]

GOOD ADVICE

Murray Weidenbaum is no longer chairman of President Reagan's Council of Economic Advisers, but he still has advice for his former boss. Weidenbaum is telling the president to postpone indexing of the federal income tax system until federal deficits are cut.

That's not popular advice. Tax indexing came in a hard fought Congressional battle and the administration is reluctant to give it up or even postpone it. But Weidenbaum has a good point: "We have not earned the indexing of the federal income tax structure."

The Washington University professor is strongly in favor of indexing, but he realizes that tax collections will be lower once indexing goes into effect. That would not bother him if Congress had made sufficient budget cuts to offset the drop in tax revenue. But Congress didn't and the prospect of back-to-back deficits of $200 billion concerns Weidenbaum.

Too many congressmen are touting the wonders of indexing but aren't willing to make the hard choices necessary to cut federal spending. As Weidenbaum puts it, they protest that "defense spending is politically too important to cut, entitlements are too difficult to cut and the other categories are too small to mess with."

The former economic adviser's advice is simple: Postpone tax indexing until the budget has been trimmed. Unfortunately, that advice is likely to fall on deaf ears. It did when U.S. Rep. Jim Jones offered the president the same message two years ago: Lower spending first, then cut taxes.●

THE MELTING POT, REVISITED

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DE LUGO. Mr. Speaker, in the very near future, this body will consider the most thorough and comprehensive review of our country's immigration policies. The Simpson-Mazzoli bill, H.R. 1510, holds out the promise of a rational and compassionate reform of these laws. The other body adopted it last month and its supporters are hopeful that we too, will act before August.

I think it important that we remind ourselves once again of our own family origins and of the valuable contribution people from other lands have made to this country. The names Einstein, Von Braun, and Audubon are well known and in which we take pride as Americans. To that list I wish to add the name Petrovitch, a family whose optimism and fondness for laughter spreads joy to all who meet them. I insert the following article from the Washington Post here so that my colleagues may share in that joy, too:

14TH STREET WELDER MENDS SOULS, TOO—IN PETROVICH BROTHERS' AUTO SHOP, A PREACHER AND A LOT OF LAUGHTER

(By Molly Roberts)

Bottles and trash litter the pavement at 14th and P streets NW. Grates and iron bars make patterns on the fronts of garishly painted buildings and various street people stand day after day as if frozen in an urban still life.

This colorful intersection seems an unlikely haunt for a Baptist minister. But it is here that the Rev. Joao (pronounced Ju-all) Petrovitch, 35, spends his weekdays mending mufflers—when he is not ministering to his flock in an unusual combination of callings.

On Sundays, he can be found in a three-piece suit with a Bible in his hand, leading the Brazillian congregation of Georgetown Baptist Church. Weekdays, he is the muffler man again, dressed in greasy work clothes, with his welding torch at the shop he runs with his gregarious brothers, George, Paul and Pedro.

He is one of four brothers, Brazilian-born of Russian descent, who operate the Petrovitch Auto Repair Shop on the northeast corner of 14th and P, a business highly rated by local consumer guides since its opening in 1974.

The Petrovitch family has been in the business for more than 25 years. Their father, Jan, opened the original Petrovitch repair shop in 1958 in Sao Paulo, Brazil, after completing his training at the Ford Motor Co. plant there.

The sons joined the father's shop when they turned 16. "Our father always said to us, 'It's not only for the money,'" George, 47, recalled, in an English accented with a trace of his Russian heritage. "'When you go work, you work with love . . . when you do a job, you do for you, not for somebody else.'"

The lesson apparently held: The brothers perform as if they love their work, and the steady volume of business suggests customers are willing to pay for the quality of work they provide, or as Pedro puts it, "We are very good, but we are not very cheap."

The atmosphere in the busy auto shop is at once festive and international. Mercedes-Benzes, Hondas and Cadillacs sit silently on pedestals above a backfire of laughter, jokes, friendly banter and loud Latin music blaring from Radio Mundo, a local Spanish Language station. One wall is covered with license plates from every state in the nation and, of course, Brazil.

George, eldest of the four, manages the garage's body shop. He is especially talkative, and will offer advice on topics ranging from marriage to wrestling. In Brazil, he was known as the "Russian Lumberjack" on the professional wrestling circuit. Wrestling

was his part-time job while he served in the Brazilian army as a sergeant for 18 years.

Although he acknowledges a successful wrestling career, George is not boastful. "I lose, I win, I lose, I win; Just depends on how many bottles I have before going to the ring."

One wall of George's small glass office at the back of the shop is lined with signed photographs of him, rubbing elbows with Mayor Marion Barry, Joe Theisman, Billy Graham and other notables.

Paul, 39, half-owner and comanager of the garage, was the first brother to arrive in this country, in 1962, looking for the "good life." In Brazil, he worked as a commerical pilot.

Now, he prefers to keep his feet on the ground, spending time at his Cabin John home with his wife and two children. His wife, Charis, is a Californian who works as a hospital anesthesiologist, and Paul cracks with typical Petrovitch irreverence, "She's an M.D., and I'm a D.M., Doctor of Motors."

Pedro, 38, also a half-owner and comanager, is a workaholic by his brothers' accounts. He "runs the show," they said, handling all the paperwork.

"My hobby is work," said Pedro, whose wife, Carol, a dental student, is the sister of Paul's wife. Even in his work the family humor prevails. "Lady, your car needs a new car," he told one customer.

Family legend has it that Jan Petrovitch's father, who had emigrated from Russia to New York, later sent for his wife and children in 1924, but the steamer carrying them landed in Brazil.

Shortly thereafter, news of the father's death reached the family in Brazil, and having no reason to move on, they located a small Russian population and a Baptist Church and stayed. Jan Petrovitch grew up to marry a zealously religious Russian immigrant, whose uncle had arranged the union.

Gina Petrovitch encouraged her eight children to pursue an interest in music, often playing guitar and singing to the family. It was while she was pregnant with Joao that his life's work was determined. He grew up hearing of his mother's conviction then that he would be a great preacher.

Joao, a usually quiet, reserved man in contrast to his extroverted brothers, is devoted to his congregation of about 40 Portuguese-speaking members from Angola, Brazil and Portugal. He preaches with an intense fervor at his 1 p.m. Sunday services in the lower auditorium of the church at 31st and N Street NW.

"He puts everything into it," said Jacy Santos, an active church member who is responsible for introducing Joao to his present congregation.

Joao's wife, Ruth, tends the nursery at the church, while he leads the people he calls his "only children" in song and praise. Often he and his brother George will play mandolin during the service.

Before coming to America, Joao had been the pastor of The First Baptist Church of Campo Limpo in Brazil for three years, working at the same time in his father's auto shop. He had studied at the Feculdade Teologicia Baptista de Sao Paulo, a seminary run by the Baptist convention under American directorship.

Joao considers himself a follower in the tradition of St. Paul. According to the New Testament, St. Paul did not wish to be a financial burden to the people among whom he was spreading the gospel, so he worked as a tentmaker to earn his living. Joao does not accept money for doing God's work, only when he works for his brothers.

Joao said he fervently believes that bringing people the gospel will change their lives. He was inspired to create Telesperanca, a recorded scripture reading and expository statement in Portuguese. [It can be heard by dialing 949-5218.] He changes the message regularly, adding to his already heavy workload at the shop and at the church.

"I believe God has called me to his work. When God calls someone, he must go where God calls him. Some are called to work among the Indians, some are killed for their faith. I was called to work at 14th and P."

He said he does not feel uncomfortable at that location and, in fact, finds that it gives him a chance to talk to people he might not otherwise meet.

Seizing an opportunity recently to speak with one of the women who strut the sidewalks near the shop, and looking to make a conversion, Joao asked her if she practices a religion.

"Of course! I am a Baptist," she shot back, to Joao's laughter.

His three brothers also like the location but for other reasons. George winks and says he likes the scenery, adding, "It's like Ocean City in the summer." Paul, more concerned with business matters, emphasizes the security of the well-policed corridor. "We've never had any problem. There's always a lot of police going by."

As different as they are, the common denominator of the Petrovitch brothers is their optimistic outlook and fondness for laughter. Whether they are talking about God, their homes in the country or the sad state of a customer's car, others around them are likely to end up laughing, too.●

ADOPT A NEW START PROPOSAL

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. GORE. Mr. Speaker, I am submitting for publication in the RECORD, the text of a letter bearing on the MX missile and the U.S. negotiation approach in START, which a number of us sent to the President on Friday, June 3. We wrote this letter in the spirit of a frank private communication, expressing our concern that pending changes in the U.S. position be made fully in the sense of the Scowcroft Commission's findings. Now that the President has announced his new START position and the press has reported the existence of this letter, I want to make sure that it is available to both my colleagues in the House and to the concerned public.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are now approaching a critical vote on the authorization of funds for MX, and we feel that it is important to let you know what is uppermost in our minds.

Our vote in favor of flight testing the MX reflected a general desire to support a bipartisan approach, but there was more: we acted because we specifically believe that the Scowcroft Commission has created a basis for an approach which is correct. We also acted on the basis of assurance from you, that you viewed the Commission Report not just as an endorsement of the MX, but as a package integration modernization and arms control, and organizing both around a principle we believe is vital: stability.

We have no doubt about your sincerity or your commitment. But we have also now had many hours of direct discussions with ranking representatives from different interested agencies of the Administration. And with all due respect, Mr. President, we are concerned that the message has not reached them yet. Agencies appear to be attempting to use the Scowcroft Commission report as a means to revisit issues they fought over and lost earlier on. We are particularly concerned that we not base our new position on an unrealistic demand for equal throw-weight. The best case against direct limitations on throw-weight or throw-weight surrogates was made by Ambassador Paul Nitze. In testimony before the House Defense Appropriations Subcommittee, Ambassador Nitze said: "The trouble with throw-weight is that the difference between Soviet throw-weight and the U.S. throw-weight is so great that it is hard to figure an agreement that would deal with throw-weight and have a chance of being negotiable." In the end, concerns about throw-weight would be alleviated by agreed reductions of existing systems and by constraints on the throw-weight of follow-on systems.

What is lacking, and what can apparently come only directly from you, is a new American direction on arms control: representing a fusion between your original objective of deep reductions in ballistic missile warheads, and the Scowcroft Commission's conception of stability and of how to achieve it. The basic elements of such an approach are already visible in your first letter to us. At the heart of it is an extremely simple proposition, and that is to find out whether the Soviet Union will join with us in an arms control agreement which, within the framework of deep overall reductions on ballistic missile warheads, also creates a stable environment for a future, smaller, land-based component. The key to that, in turn, as you said, is Soviet agreement "to work with us to reduce the ratio of accurate warheads to missile silos."

You are asking the Congress, in this next phase of decisionmaking to authorize the beginning of MX production for eventual deployment. We call upon you, in turn, to adopt a new START proposal which has the most realistic chance of producing a stable strategic nuclear balance at reduced levels.

Sincerely,
Norman Dicks, Albert Gore, Jr., Les Aspin, Lee H. Hamilton, Thomas S. Foley, Joel Pritchard, Richard Gephardt, Elliott H. Levitas, George M. O'Brien, Dan Glickman, Vic Fazio, John R. McKernan, Jr., Steny H. Hoyer, Olympia J. Snowe.●

THE BROOKLYN BRIDGE—A SYMBOL OF THE VISION AND DETERMINATION OF THE PEOPLE OF BROOKLYN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SOLARZ. Mr. Speaker, a short time ago New York celebrated the 100th anniversary of the construction of the Brooklyn Bridge, a marvel of American engineering and a symbol of the continuing greatness of this country.

In all the moving speeches and tributes delivered at the impressive ceremonies and events surrounding the rededication of the Brooklyn Bridge, one address by our borough president, Howard Golden, best illustrated for me what this event really meant. It was a brief speech but it captured, as perhaps only the borough president of Brooklyn could, the spirit and tradition of our borough as well as the humor and pride that have always characterized Brooklynites. For Howie Golden knows Brooklyn, he is our borough's best booster and champion, and as this address proves, a most able spokesman for the aspirations and hopes of all of its residents.

Mr. Speaker. I insert Howard Golden's remarks on the rededication of the Brooklyn Bridge on May 24 in today's CONGRESSIONAL RECORD:

The remarks follow:

REMARKS OF BROOKLYN BOROUGH PRESIDENT HOWARD GOLDEN, BROOKLYN BRIDGE REDEDICATION CEREMONY, MAY 24, 1983

Long before there was a bridge across the East River, it existed in the imagination of Brooklyn. During the second half of the 19th century, Brooklyn had grown to be the third largest city in America. It was larger than Boston, St. Louis and San Francisco * * * larger even than Chicago. And it was expanding faster than any of them.

Brooklyn was pre-eminent among American cities. By 1880, it has become the fourth largest manufacturing city in the nation, and its waterfront received more ships than New York and Hoboken combined. Brooklyn's achievements were symbolized in 1883, with the historic opening of the Brooklyn Bridge linking the great cities of Brooklyn and New York.

Many of the thousands of workers who built the Bridge were Brooklynites. They had come from all over Europe seeking a better life. Communicating in many languages, they translated the most innovative engineering concept of its time into a bridge for all time. Twenty of them gave their lives over the fourteen years it took to complete the Bridge.

From the ambition and courage of these German, Italian and Irish immigrants, Brooklyn emerged into a world of commerce and culture exploding with change. The Bridge became a triumphant symbol and achieved a mystique as durable as the structure itself.

Today, one hundred years after the opening of the Brooklyn Bridge, the Borough retains the values that made it great. The spirit and determination of the Bridge builders are now embodied in a new wave of immigrants. They are renewing Brooklyn's tradition as a striving commercial and industrial center, and as a Borough of families.

Brooklyn holds a fabled place in American folklore. It has been home to so many of us. Our humor, our neighborhoods, our support for the underdog are known the world over. But the Brooklyn Bridge stands as the most enduring monument to Brooklyn's pride and success. In the words of Seth Low, Mayor of Brooklyn in 1883:

"The beautiful and stately structure fulfills the fondest hope * * * not one shall see it and not feel prouder * * *"

On behalf of the proud men and women of Brooklyn, I invite you to help us make the next one hundred years as great.

Thank you.●

AID ADMINISTRATOR OUTLINES EGYPTIAN ASSISTANCE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. GUNDERSON. Mr. Speaker, since the Camp David accords in 1977, U.S. assistance to Egypt through our Agency for International Development has increased dramatically. We have taken a great interest in helping Egypt strengthen its economic base.

On June 3, AID Administrator M. Peter McPherson spoke about the future of his agency's involvement in Egypt, before the Egypt-United States Business Council during its meeting in Washington.

Because of the incisive and far-sighted nature of Administrator McPherson's comments, I am pleased to share excerpts of his speech with my colleagues and other interested Americans.

The speech follows:

SPEECH BY M. PETER MCPHERSON, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT, BEFORE THE UNITED STATES-EGYPT JOINT BUSINESS COUNCIL, JUNE 3, 1983

Today I would like to step back from some of the day-to-day issues confronting our economic assistance program to Egypt. Instead, let's take a look into the upcoming decades of the 1980's and 90's and ask the question—will Egypt be a different country by the year 2000 than the one we know today?

The short answer is yes! If Egypt is to continue to experience rapid growth, Egypt will have to change from an economy fueled and subsidized by oil to an economy of increased production in agriculture and manufactured goods for export . . .

How do we see A.I.D.'s role changing in the 1980's?

First, let me say, that while our assistance has been and will continue to be substantial, it is much less important in determining the future of Egypt than the economic policies of the government of Egypt.

The decisions Egypt makes regarding investment laws, the foreign exchange rate, interest rates, administrative controls, subsidies, and energy and agricultural prices will determine whether Egypt can make the transition from an oil dependent economy to one driven by agricultural and industrial exports . . .

A.I.D.-supported programs will try to support the economic transition with programs in agriculture and industry. We also will assist in the rehabilitation of Egypt's urban infrastructure to support increased urbanization and industrialization.

We believe increases in production and improved services can be achieved in ways which benefit the poor as well as the better-off segments of Egyptian society.

We are discussing with the Egyptian government a $1 billion program to help finance the rehabilitation and expansion of water and sewerage systems in Cairo, Alexandria, and the Canal cities. The Egyptian government's investment in this plan will total more than $3 billion during the next five years . . .

We will continue our efforts to support improvements in the business environment by:

1. financing technical and managerial assistance to develop Egypt's capital markets to generate productive investment capital from savings;

2. by designing business and government accounting systems to make them more responsive to investor information needs; and,

3. by improving the operational and policy development systems of the Investment Authority to be made more responsive to foreign and domestic investment initiatives.

We will be looking for ways to encourage additional private investment in industrial production and improve overall industrial productivity . . .

We feel that the opportunities for the American and Egyptian business community will be excellent over the decade if the Egyptian government continues to implement economic policy reforms.

The government of Egypt, under the leadership of President Mubarak, has been firm in its commitment to the Open Door policies first instituted by the late President Sadat. The recent passage of Companies Law 159 provides a framework for strengthening the private sector.

The Egyptian government is serious about increasing industrial and agricultural production and promoting exports. The Ministry of Investment and International Cooperation has been aggressive in promoting foreign investment.

Some of you may have been impressed with the turnaround within the last several months of our Feasibility Studies project at the Investment Authority. Minister Shindy indicated, at the November 1982 JBC San Francisco meeting, that he would accelerate the application review and approval process. This has been achieved. Decisions have been made on over 30 applications and several studies have been completed.

Commercial ties between Egypt and the United States have strengthened dramatically over the last eight years. The U.S. is now Egypt's largest trading partner.

A.I.D.-financing will continue to be key to this relationship. However, commercially-financed trade should gain in importance in the future now that American products are better known . . .

A.I.D. continues to refine the rules governing the Trade Financing Facility making it applicable to more transactions.

I stress the use of the Trade Financing Facility both in our Washington office and our mission in Cairo—particulary in cases of possibly losing a bid because of lower-than-market financing by European or Japanese competitors. Both GE and Westinghouse

have been able to use the Trade Financing Facility successfully . . .

A.I.D., the Egyptian government, and the American and Egyptian business communities must work even more closely together than we have in the past.

A.I.D. must offer financing in priority areas, the Egyptian Government must provide the appropriate policy framework, and the business community must offer investments, business skills, technical know-how, and appropriate goods, if the Egypt of tomorrow is to be even more vibrant and prosperous than the Egypt of today.●

CONGRESSIONAL SALUTE TO THE HONORABLE MARIAN McCUTCHEON RAUSCHENBACH OF PATERSON, N.J., DISTINGUISHED CITIZEN, OUTSTANDING COMMUNITY LEADER, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ROE. Mr. Speaker, on Sunday, June 26 the residents of the city of Paterson, Eighth Congressional District and State of New Jersey will join together at a testimonial dinner honoring a distinguished citizen, outstanding community leader and good friend, the Honorable Marian McCutcheon Rauschenbach of Paterson, N.J., who is retiring from her high office of public trust as director of human resources of the city of Paterson.

Mr. Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our deepest appreciation to Mrs. Rauschenbach and share the pride of her husband, Paul E. Rauschenbach, M.D.; their daughter, Karen Kientzler; sons, Rev. Peter Bishop Rauschenbach, missionary in South Pacific, Henri Simons Rauschenbach, selectman, Brewster, Mass.; and Carl Ryan Rauschenbach, retired 2d class petty officer, U.S. Navy; and grandchildren, Laura Ann Pekrul, Leslie Karen Pekrul, Christopher Rauschenbach, Charles Rauschenbach, and Ryan Rauschenbach upon this milestone of achievement in their family endeavors.

Mr. Speaker, Marian Rauschenbach has indeed earned the highest respect and esteem of all of us for the quality of her leadership and sincerity of purpose dedicated to service to people. As she retires from her directorship with the city of Paterson and we gather together in testimony to her lifetime of dedication and devotion to the public good, I am pleased to participate with her many friends and colleagues in seeking national recognition of her untiring and compassionate efforts on behalf of her fellowman.

There is much that can be said of Marian Rauschenbach and her lifetime of achievements in service to people. She has always given willingly and unselfishly of her time in helping others. Her personal commitment to the economic, social, and cultural enhancement of the city of Paterson has been a way of life for her.

We are proud to boast that Marian is a native-born citizen of Paterson, N.J., the first industrial city of our Nation, and is a 1928 graduate of Eastside High School, Paterson. She received her B.S. degree in public school music from Skidmore College and her masters degree in public school administration from Teachers College, Columbia University.

After receiving her degree from Skidmore College, she held many prestigious positions as an educator in the illustrious art of music, including: Supervisor, music, Islip, N.Y. (1932–38); supervisor, music, Woodridge, N.J. (1938–39); teacher, music, Eastside High School (1939–44); and teacher, music, Little Falls, N.J.

In many of her many volunteer activities in the field of education, she has participated in and received acclaim for her contribution to the quality of life as a member of the following organizations: Paterson Board of Education, member (1967–73), president (1968–70); New Jersey School Board Association, board of directors (1970–73), treasurer (1972–73); Passaic County Community Council, Allied Health Advisory Council (1972–74); Women's Study Group, Douglass College (1972–73); Passaic County Tercentenary Commission, secretary (1962–64); and Great Falls Development, Inc., membership chairman (1972–74), liaison to city council (1978–81).

Prior to her appointment as director of the Department of Human Resources of the City of Paterson in 1982, Marian Rauschenbach received the majority electoral vote of our citizenry in public referendum on a number of occasions and served in the following leadership positions for the city of Paterson and for the counties of Passaic and Bergen in the State of New Jersey: Paterson Charter Commissioner (1972–73); Paterson City councilwoman at large (1974–78), (1978–82); president, City Council of Paterson (1978–79); chairperson, Bergen-Passaic Health Systems Agency (1976–77); and member, board of directors, Bergen-Passaic HSA (1978–81).

In her civic and charitable endeavors, Marian was an active member of many organizations which have made a vast contribution to the quality of life and way of life for all of our people. Some of these affiliations where her wisdom and expertise has been of immeasurable help are, as follows:

MEMBERSHIPS

St. Paul's P.E. Church, Paterson.

A.A.U.W., Paterson Branch.

Eastern Christian Children's Retreat Association.

Passaic County Medical Auxiliary.

Y.W.C.A.

President, Passaic County Health, Education and Welfare Association.

Fellowette, The Medical Society of New Jersey Auxiliary.

Chairman, Long Range Planning Committee, Westmont Home.

Executive Board, Passaic Valley Council, Boy Scouts of America.

Executive Board, Falls District, Boy Scouts of America.

Former Member, New Jersey Foster Grandparent Advisory Committee.

Great Falls Development Corporation.

Honorary Member, Passaic County Historical Society.

Soroptimist International of Passaic Valley.

HEALTH

National Health Council, Vice President, Board of Directors (1959–63).

Women's Civil Defense Advisory Council (National) Member (1955–57).

National Commission of Health Careers, Member (1960–62).

Woman's Auxiliary to the American Medical Association: Eastern Regional Vice President (1959), Chairman, Civil Defense (1960), Director (1967–69), Chairman, Children and Youth (1968).

Founder, New Jersey Health Careers Service Committee.

Bergen-Passaic Lung Ass'n, Current 2nd Vice President.

Bergen-Passaic Heart Association, Board of Directors (1982).

Clinic for Mental Health Services, Inc., Board of Directors (1955–74), President (1960–62).

Visiting Homemaker Service of Passaic County, Board Member (1960–68).

Community Mental Health Center, Board of Trustees (1971–73).

State Volunteer Advisor, March of Dimes (1971–82).

Member, National Council of Volunteers, March of Dimes (1980–82).

Chairman of the Board, Bergen-Passaic Chapter, American Heart Association.

HUMAN SERVICES

American Parents Committee, Inc., Board of Directors (1961–78).

Greystone Park Association, Board of Directors (1953–55).

New Jersey Welfare Council, Board of Directors (1957–59).

State Commissioner of Aging (1960–64).

Delegate, White House Conference on Children and Youth (1960).

Delegate, White House Conference on Aging (1961).

New Jersey Citizens Committee on Children and Youth (1960–62).

Governor's Advisory Council on Lifetime Disability, Chairman (1963–67).

Mental Retardation Planning Council, Member (1968–70).

Passaic County Community Council, President (1962–68).

Family Counseling Service, Board of Directors (1953–56).

PUADA, Board of Directors (1972–74).

Developmental Disabilities Advisory Council (State), Member (1970–75).

Member, Powley Trust Fund.

Mr. Speaker, Marian Rauschenbach has been publicly cited for many of her exemplary achievements and is most proud of having received the following honors:

LIST OF HONORS

1966: Passaic County Chapter, National Council of Negro Women Plaque for Outstanding Service in the Field of Health.

1970: Silver Tray, Paterson Board of Education.

1970: Myrtlewood Bowl, Medical Auxiliary to Oregon Medical Society.

1971: Pewter Bowl, Council on Aging.

1972: Second Annual Catholic Family and Community Award for Outstanding Service.

1977: Outstanding Citizen of the Year, Charles J. Alfano Association.

1977: Plaque, Outstanding Service, Falls District, Boy Scouts of America.

1977: Gavel presented to first Chairperson of the Board of Trustees, Bergen-Passaic H.S.A.

1978: Citizen of the Year, The Grand Lodge of the Ancient and Honorable Society, F. and A.M. of the State of New Jersey.

1978: New Jersey Senate Resolution, Citizen of the Year introduced by Senator Garret Hagedorn, Bergen County.

1978: Plaque, New Jersey Chapter, Society for Hospital Social Workers for Outstanding Contribution to the health care field.

1979: Certificate of Appreciation, Veterans Council of Paterson.

1979: Certificate from Women's Center, Passaic County Community College for Past Service to the Community.

1980: March of Dimes Service Award for Distinguished Voluntary Leadership in fight against birth defects.

1981: Plaque from Hispanic Multi-Purpose Center.

1981: Good Scout Award, Falls District, Boy Scouts of America.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America and I am pleased to call your attention to Mrs. Rauschenbach's lifetime of outstanding public service. As she retires her official position as director of human resources for the city of Paterson, I respectfully seek this national recognition of Marian and all of her good works. We do indeed salute a distinguished citizen, good friend and great American—the Honorable Marian McCutcheon Rauschenbach of Paterson, N.J.●

SUPREME COURT RULING IN THE BOB JONES UNIVERSITY CASE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following editorial which appeared in the May 28, 1983, edition of the Louisville, Ky., Courier-Journal.

While the Supreme Court's decision in the Bob Jones Unviersity case is correct—upholding the power of the Internal Revenue Service (IRS) to deny tax exempt status to schools which discriminate on the basis of race—it also raises many difficult questions.

The IRS must proceed carefully, cautiously and prudently before exercising its power to deny tax-exempt status to other institutions and organizations. Future situations may not be as clear cut as this one.

Ruling in Bob Jones Case Could Have Broad Effects

The Supreme Court tossed a large stone into the Reagan pool this week in upholding the right of the Internal Revenue Service to ban tax exemptions for schools that practice racial discrimination. The ripples could spread far.

In one of the most embarrassing blunders of his term, President Reagan sought last year to revoke the 1970 Internal Revenue Service denial of tax breaks to such schools. It seemed almost malice without thought from a President who has so consistently opposed affirmative action, busing, the Equal Rights Amendment and other issues vital to blacks, Hispanic Americans and women. But the issue already was destined for Supreme Court consideration because Bob Jones University and Goldsboro Christian Schools, denied tax exemptions, had filed suits against the IRS.

These educational institutions argued that, since racial separation (opponents call it racial discrimination) is fundamental to their religious beliefs, the government was unconstitutionally interfering with their practice of religion by denying the exemptions.

The Supreme Court ruled in the Bob Jones case that the IRS had both the authority and the obligation to rescind the university's tax-exempt status, since its "racial policies violated the clearly defined public policy, rooted in our Constitution, condemning racial discrimination and, more specifically, the government policy against subsidizing racial discrimination in education, public or private." The IRS has wide latitude in interpreting and enforcing tax law, the court ruled, and because Congress didn't choose to rein in the agency, its actions must be considered within the intent of the law.

The court ruled narrowly, clearly trying to allay the fears of more than 400 private charities, schools and other groups, including the American Red Cross, American Cancer Society and Brookings Institution, which urged in a joint "friend of the court" brief that the court limit its decision to racial discrimination. They feared a broad ruling that all tax exemptions are actually taxpayer subsidies, thus possibly subjecting all independent organizations with tax exemptions to a host of federal rules and regulations on discrimination, employment and many other issues.

A tax exemption does amount to something like a tax subsidy in most instances, since taxes not paid by an exempt institution, and taxes not paid on donations to it, are compensated for by higher taxes paid by all taxpayers. But for now, at least, the Supreme Court has chosen not to make that final leap. So the hundreds of charitable agencies that feared government instrusion can breathe a bit easier.

But perhaps not forever, since the "public policy" argument used against Bob Jones University would not take much stretching to cover other forms of discrimination. What, for example, are the implications for single-sex schools run by many religious faiths? A logical extension of the court's ruling might one day bar tax exemptions to all-girl or all-boy parochial schools or even colleges. The fact that there are other schools for the excluded sex to attend could be deemed irrelevant if their defenders could muster no better defense than the thoroughly discredited "separate but equal."

Or what about private clubs, including civic organizations, whose members are all men or all women and who deduct fees from their taxes as business expenses? The court in its ruling stuck to racial discrimination in educational institutions. But if a tax exemption is a public subsidy and if a public subsidy cannot be granted an organization that discriminates against women, blacks, the handicapped, the poor, the elderly or anyone else, then this week's ruling could be only the tip of a very large iceberg in years to come.

The court said tax exemption is a privilege, not an entitlement, and that those who accept it "must not be so at odds with the common community conscience as to undermine any public benefit that might otherwise be conferred." It would be anathema to suggest that Americans be forced to contribute, even directly, to any organization that discriminates against racial minorities. So the court's decision against discrimination in tax-exempt schools was right. But it will be equally interesting to watch the ripples spread over the next few years.●

CONGRESSIONAL VIGIL ON SOVIET JEWRY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. OTTINGER. Mr. Speaker, the Soviet Union would have us believe that the flow of Jews from that county has lessened because there is no one left who wants to emigrate. Nothing could be further from the truth. The Members who have taken part in the Congressional Call to Conscience Vigil for Soviet Jews have brought us compelling stories of people who have been trying, unsuccessfully, to emigrate from the Soviet Union. I would like to take this opportunity to bring my colleagues up to date on the case of Anatoly Shcharansky.

Earlier this year, the House unanimously passed my resolution to ask for the release of Anatoly Shcharansky, a man whose plight has gone from bad to worse since he began seeking emigration. Mr. Shcharansky has been imprisoned in appalling conditions in the Soviet Union. Now, his wife Avital and his mother have reason to believe his life is in serious danger. The Soviet Union has consistently ignored pleas for his release and given false assurances that his physical condition is being treated.

Mr. Shcharansky is guilty of nothing but wanting to be with his family. Imprisoned on trumped-up charges of treason because of his activities on behalf of Soviet Jews, he has been deprived of his rights and brutally treated by Soviet authorities. He has not seen his wife in 9 years. His mother cannot go see him. Recently, his letters began indicating that his health is rapidly deteriorating. Still, Soviet authorities refuse to commute his sentence and let him go.

I call my colleagues' attention to an article by Mr. Anthony Lewis in the New York Times. Mr. Lewis' last line states quite simply the only reasonable response to Anatoly's plight: It is time to let him go.

The article follows:

Is There No Mercy?

(By Anthony Lewis)

Anatoly Shcharansky, the imprisoned Soviet Jew, is suffering from what appears to be a grave heart condition. The authorities have not hospitalized him. But he has been given various medicines in prison, and now he has had a severe allergic reaction to those.

A medical picture of Mr. Shcharansky's condition has just been sketched by an authority in this country. His wife, Avital, on a visit from her home in Israel, took some of his letters to Dr. Allan M. Ross, director of cardiology at the George Washington University Medical Center in Washington, and asked him for an opinion. The letters mentioned specific kinds of chest pain and other symptoms.

"My presumptive diagnosis," Dr. Ross wrote to Mrs. Shcharansky, "must be acute and chronic coronary insufficiency resulting in angina pectoris." He said it was especially worrying that minimal exertion frequently gave her husband palpitations, and "ominous" that his letters spoke of an irregular heartbeat. He said the case "should be considered with the highest level of concern," starting with hospitalization.

I learned about all this when I met Mrs. Shcharansky in New York. The circumstances were grim. She had just completed a telephone call to Moscow in which her husband's latest letter, to his family there, had been read to her. The letter, dated May 25, reflected his new physical torment.

"It was very short," Mrs. Shcharansky said. "Anatoly says he cannot write because his hand is so swollen. He has sores all over his body, his face, his lips. They break."

Dr. Ross, when I telephoned him, said the swelling and sores indicated "a diffuse allergic systemic reaction" to the medicines Mr. Shcharansky has been given. His letters mentioned eight kinds of pills and injections. Dr. Ross identified them by talking with Russian émigrés and checking old texts.

"None of the medicines is highly appropriate," Dr. Ross said, "and some are definitely contra-indicated. I think he is getting them from fellow prisoners with medical training, and they must just be giving what they can find. It's a mess."

Dr. Ross had no connection with the Shcharansky case before he was asked for his views. His diagnosis should be of wide concern, to Soviet authorities among others. For the Shcharansky case is not just an individual tragedy. It has political consequences.

Anatoly Shcharansky was a leading figure among Soviet Jews seeking the right to emigrate. He was convicted in 1978 on grotesque charges of treason and sentenced to 13 years in prison and labor camp.

In confinement, Mr. Shcharansky has been repeatedly punished, held in solitary, deprived of the right to have his family visit him twice a year. He went on a protest hunger strike from last Sept. 27 until Jan. 14.

The savagery of the treatment inflicted on a man whose "crime" was really to want to emigrate has made him a powerful symbol to the outside world. Even the French Communist leader, Georges Marchais, wrote to Yuri Andropov about the case. He announced last Jan. 24 that Mr. Andropov had replied with an assurance that Mr. Shcharansky's "state of health is satisfactory."

Why the relentless persecution of Anatoly Shcharansky? By all indications the purpose is internal—to discourage the movement for Jewish emigration. Soviet authorities have cut that emigration to a trickle: only 421 persons in the first four months of 1983. But they are still working to intimidate those who have been refused exit visas, and thus to quiet the whole issue.

Newspaper in Leningrad and Vilnius have recently carried anti-Zionist polemics of a vicious character. An official Anti-Zionist Committee was established, and it held a press conference in Moscow last week to say that Jewish emigration was down because few Jews wanted to leave. The chairman, Col. Gen. David A. Dragunsky, said, "The past year has made perfectly clear that Zionism is increasingly modeled on the ideas and methods of Hitler."

Whatever the internal effects, decent opinion in the outside would will be repelled by a campaign that looks more and more like plain old anti-Semitism. If Anatoly Shcharansky were to die in prison, even those in the West who most urgently want to improve relations with the Soviet Union would turn away from doing business with such a government.

Moving the Soviet leadership on an individual human rights case often seems a hopeless business. But if you meet Avital Shcharansky—a 32-year-old woman who has not seen her husband for nine years—you know there is no alternative to trying. She has passed Dr. Ross's advice on, and Anatoly's mother has actually gone to try to persuade prison authorities near Chistopol in the Tatar Republic, where he is held, to put him in a hospital.

What can it profit the Russians to hold Anatoly Shcharansky any more? The risk must by now exceed any benefit of intimidating example. It is time to let him go.●

MORE THAN A POST OFFICE

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mrs. BYRON. Mr. Speaker, there is only one public office open on a daily basis in Burkittsville, Md. (pop. 300), but it is a very important one indeed.

The U.S. Post Office in Burkittsville, run by Postmaster Betty Brown, not only delivers the mail, but also serves as an impromptu meeting hall and gathering place. On a recent district tour, a large group gathered to greet me, Mrs. Brown was a warm hostess, and everyone made me feel like a part of the Burkittsville family.

Smalltown post offices are often focal points in their respective communities. I am sure that my colleagues have had similar experiences, and I thank them for this opportunity to recognize a special postmaster and a special post office.

At this time I would like to insert the following Washington Post article into the RECORD.

[From the Washington Post, May 2, 1983]

Post Office Is Small Town's "Club"

BURKITTSVILLE, Md. (AP).—When folks in Burkittsville want to pass the time or chat with friends they are likely to head for the one place in town that is open regularly. And while there, they can pick up their mail.

Since 1824, residents of this small western Maryland town have mailed letters purchased stamps and met their friends at the Burkittsville Post Office.

"In the mornings, the retired people come in and sit down," said Postmaster Betty Brown. "They talk to one another and keep track of what's going on, look after each other, because this is such a small town."

The post office is a natural gathering place. There are antique shops and a garment industry in Burkittsville, which has a population of about 300, but there are no shops or stores open on a daily basis.

To insure the comfort of the tiny Frederick County town's postal patrons, the post office boasts three chairs in the small lobby and plants on the counters.

"When you are a small post office, you sneak them [the comforts] in," said Brown, who lives next door. "It gets to be your home."

There also is Samantha, Brown's kitten, who greets customers by hopping up on a stool behind the postal counter.

Since the post office was founded at Burkittsville in 1824, it has had 22 postmasters. Brown assumed the duties of postmaster in 1969 and was officially appointed two years later, taking over from her father, Samuel Brown.

Among her tasks are seeing that the post office's 188 lockbox customers receive their mail. Another 100 rural route customers are served through a route out of Frederick.

Originally, the post office was just a section of what was Harley's General Store. The two operations shared office space until 1976, when the store was closed.

Brown makes no bones about the fact that to her, being a postal employe is not just another job.

"Your customers are like your family," in a small post office, she explained, adding that she knows "just about everybody, and they get to be your neighbors. They are not only your customers, they are your neighbors . . . . They care about you, and you learn to care about them."●

JUAN OJEDA MARKS 25 YEARS OF SAFE SCHOOL BUS DRIVING

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. WON PAT. Mr. Speaker, for the past 25 years, Mr. Juan Ojeda of Carlos Heights, Guam, has carried a cargo he says is "more precious than

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diamonds"—the schoolchildren of our island.

And during this 25 years of driving school buses, Mr. Ojeda has handled his precious cargo like the true professional he is—safely and with the greatest of care. So carefully, in fact, that, recently, over 130 of his longtime friends and coworkers gathered to salute this outstanding public servant for the wonderful job he has done over the past 2½ decades.

Despite countless hours on the road with excited children and in all types of weather, Mr. Ojeda has managed to bring his charges to school and back home again with the incredible record of no at-fault traffic accidents. When you consider the heavy traffic on Guam and the poor conditions of the local roads, this kind of safety record is clearly superhuman and it is a credit to the driving skills and the care he feels for his students that has been so typical of Mr. Ojeda's entire career as a bus driver.

It is fitting that we take a look at Mr. Ojeda's proud record at this time. Recently, I joined in support of House Joint Resolution 137 which establishes the week of October 2-8, 1983, as National School Bus Safety Week. The purpose of the resolution is to remind the public that America's school bus system, of which there are over 375,000 traveling in excess of 3 billion miles annually, are the world's safest mode of transportation for our children. It is obvious that a major share of the credit for making this system so safe must go to drivers, such as Juan Ojeda, who daily use all of their skills to deliver the most precious cargo our society will every know.

To his credit, Mr. Ojeda notes that he is not alone in deserving credit. Now a supervisor of bus drivers for Price Elementary School, Mr. Ojeda says he is impressed with those under his supervision. "There are a lot of wonderful drivers out there," he said. I agree, and to Mr. Ojeda and his coworkers, I extend my congratulations on a job well done. At this time, I ask that an article in the Pacific Daily News be placed in the RECORD. Thank you.

[From Pacific Daily News, June 12, 1983]

SCHOOL BUS DRIVER MARKS 25TH SAFE YEAR

(By Bart Stinson)

It was Juan Ojeda's hour of glory.

About 130 friends and members of the Guam Federation of Teachers gathered at the Brig in Sinajana for the annual Recognition Dinner.

Somebody from the union had called him up and said it was important for him to attend, but Ojeda, a GFT member since 1972, said he didn't know what was in store.

"I was surprised when they told me to sit up front," he said. Also up front were Madeleine Bordalli, Sen. Marcia Hartsock and Speaker Carl Gutierrez.

GFT executive director Bob Hartsock spoke for several minutes about bus driver Juan Ojeda who has driven a school bus on Guam for 25 years without an at-fault traffic accident.

While Ojeda stood in the lights, Hartsock read a commendation from the union and announced that the GFT would send Ojeda and his wife on a weekend trip to Saipan.

Gutierrez sweetened the pot with a $250 award to the man with the safedriving record.

Ojeda stood erect and beaming as the large crowd gave him perhaps the most prolonged and rousing applause of the evening.

He was so gratified that he spent the next week in Guam Memorial Hospital.

"As soon as we got home and I walked in the door, I told my wife to call the ambulance," recalled Ojeda, 51.

He was treated for heart trouble and high blood pressure for a week, and released from the hospital to rest at his home in Carlos Heights.

Ojeda returned to work two weeks ago after a weekend at the Inter-Continental Hotel in Saipan.

"I love my job," he said, "it's a wonderful career and I appreciate all these parents that are giving me their confidence."

Ojeda said he was initially a "communications cable splicer," but wanted to get out of that field because of low pay.

Once he became a bus driver (1957) and was pulling down $1.21 per hour, Ojeda said he never wanted to change jobs.

In 1957, you had to be married before they would hire you to drive school buses, he said.

"They figured you'd be responsible," Ojeda said.

His seven children and 13 grandchildren are all still on Guam, but Ojeda still has a lot of affection left over for the children of strangers.

"I love to take the children to school so they can get a good education."

And that is exactly what some of the children did.

When the ambulance rolled up to the hospital with Ojeda, who tended to the stricken bus driver?

Dr. John R. Taitano, internal medicine specialist, who used to ride in Ojeda's bus to John F. Kennedy High School before he graduated in 1965.

Taitano went on to the University of Guam, where he took a degree in biology in 1969.

He became a doctor after medical school at the University of Hawaii and an internal medicine internship at the St. Francis Medical Center in Peoria, Ill.

"I remember he was always very happy in his job," Taitano recalled of his old bus driver. "He was always smiling, and very courteous to the students.

"I never heard him raise his voice to a student.

"And he was always very careful. He never ran a red light or anything like that."

Ojeda said he used to pick out the most uncontrollable child on his bus and make him the boss.

"The others used to ask me why I made the naughty one the bus monitor," Ojeda said, but he said the authority almost always settled the designated child down.

"I go in these offices today and see kids who graduated and got good jobs and they remember me driving them to school.

"They tell me 'this isn't the department that handles that, but you sit down and have a seat, Mr. Ojeda, and I'll go down there and get it taken care of.'

"It makes you feel good."

The old-timer said bus-driving has changed since he started n 1957.

"Now there are a lot more vehicles on the road. It's hazardous, congested. You really have to be on the lookout.

"Back in 1957, most people were respectful to school buses. They always gave the right of way to our school buses. Sometimes it takes 15 minutes to get on the highway, Rt. 10 now (from Price Elementary)."

"I hope the parents appreciate what we are doing."

In 1965, Ojeda got one of the first Bluebird (snub-nose) buses on Guam.

He said the Bluebirds are much easier to drive than the old long-nose International school buses. With the Internationals, "you had to start turning before you got to the corner.

"We called it 'manpower-steering.' No power-nothing."

Also in 1965, Ojeda became one of the five first government of Guam bus drivers to enter Andersen Air Force Base to pick up students for Andersen Elementary and Kennedy High School.

Until then, the military transported its own dependents to school and back home.

A union member since and negotiator on the bus drivers' contract, Ojeda has now entered the ranks of management.

In the fall he became the bus drivers' supervisor for Price Elementary School in Mangilao.

He is impressed with the bus drivers under his supervision.

"There are a lot of wonderful drivers here," he said.

Still, he's not sure that any of the new drivers can match his 25-year feat now that they must deal with inconsiderate motorists and more dangerous traffic conditions.

"I can only say that I'm praying for these people that are coming in."

And that is what Ojeda thinks got him through his 25 years: "Maybe God's protecting me. I always pray when I wake up in the morning.

"I make the sign of the cross and pray for God to protect me and the children, because that's my most precious cargo.

"More precious than diamonds."●

COMMENTS ON DISPLAY OF AMERICAN FLAG

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, a controversy over the display of the American flag has been going on for some time in Champaign, Ill. The following front page editorial from the April 27, 1983, issue of the Champaign News-Gazette explains the situation.

It is of fundamental importance, Mr. Speaker, that the symbolism of our Stars and Stripes not be permitted to become washed away.

As President Wilson stated:

> This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours. It floats in majestic silence above the hosts that execute these choices, whether in peace or in war. And yet, though silent, it speaks to us—

> speaks to us of the past, of the men and women who went before us, and of the records they wrote upon it.

The editorial follows:

COMMENTS ON DISPLAY OF AMERICAN FLAG

We've always believed that display of the American flag was an indication of patriotism and love of country. Now, Mayor Joan Severns and City Attorney Fred Stavins of Champaign question whether this is true.

It seems that at least three large-scale flags are being flown over businesses and Stavins says this may violate the 1975 sign ordinance. Mayor Severns says she can't "call the flag obscene, but what I object to is the size and the fact that they are just being used for advertising." A routine check of the city by a member of our editorial board discovered American flags on many businesses and governmental buildings, varying in size and footage of the flagpole. There should be more! Nothing has been more damaging to this nation in the last decade than development of a feeling that it's not the "in thing" to be patriotic.

We know of no sound reason that either Severns or Stavins should question the motives of those who have chosen to display the American flag. Mayor Severns statement that she finds the flag "very nifty"—well, put your own assessment to that.

Our dictionary defines a sign as "a board, poster, or placard display in a public place to advertise." It doesn't mention a cloth flag such as is used to display the stars and stripes. The Comprehensive Sign Regulations adopted originally by the City of Champaign in 1975 does include "flag (including banner or pennant)." We can't believe any thought was given to including the American flag in that restriction. If so, then the ordinance ought to be amended to be specific.

Champaign has a great many serious problems—dirty streets, broken pavement, potholes, prostitutes roaming the downtown area, traffic difficulties drug flow, rape, heavy incidence of crimes of every nature, maintenance of adequate police and firefighter forces, lack of proper zoning, urban sprawl, laxity in enforcement of city codes. These are major problems, the kind which should claim primary attention of a city administration which all too often has been sidetracked by minor nitpicking issues.

If the flags displayed over businesses are indeed so large that they might cause some difficulty, not apparent to us, the people involved are rational people and a compromise could be effected. But, not when you're accused of being unpatriotic or in violation of city ordinance. That stance by the administration produces confrontation and bad feeling.

Citizens should not be ashamed to display the American flag, nor to demonstrate allegiance to a nation which remains the envy of the entire world as the "home of the free." It is our hope that Major Robert Dodd will see fit to put a stop to this nonsense and, if necessary, seek some compromise with those displaying the mammoth flags if there is reason to do so. Then, he and the new administration can pay attention to the real and the pressing needs of the community, not spend inordinate amounts of time on petty matters.

—News-Gazette Editorial Board.●

POLICE EXPLORER'S 'SWIFT, EFFECTIVE' ACT SAVES LIFE

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. CHAPPELL. Mr. Speaker, I rise today to salute a young man from the community of Glenwood. He is Bernard Fallon IV, age 18, the son of Bernie and Vita Fallon, 1419 Glenwood Road, Glenwood.

His ability to retain his first-aid training enabled him to make a lifesaving response to an emergency. He reacted with a mature demeanor and a cool head.

It is a privilege to represent the Fourth Congressional District of the State of Florida, in which reside such courageous and high quality individuals such as Bernard Fallon IV.

I request that the following appropriate information be read into the RECORD at this time:

AMERICAN RED CROSS,
WEST VOLUSIA COUNTY CHAPTER,
DeLand, Fla., June 17, 1983.

Hon. WILLIAM CHAPPELL,
Daytona Beach, Fla.

DEAR MR. CHAPPELL: I wish to bring to your attention a noteworthy act of mercy undertaken by one of your constituents. In this instance, Bernard J. Fallon IV, of Glennwood, has been named to receive the Red Cross Certificate of Merit and accompanying pin. This is the highest award given by the American Red Cross to a person who saves or sustains a life by using skills and knowledge learned in a volunteer training program offered by the American Red Cross in first aid, small craft, or water safety. The Certificate bears the original signature of the President of the United States, Honorary Chairman, and Jerome H. Holland, Chairman of the American Red Cross.

On February 5, 1983, Mr. Fallon, trained in Red Cross first aid and cardiopulmonary resuscitation (CPR), was attending a picnic when another guest began to choke on a piece of food. Rushing to the scene, Mr. Fallon determined that the victim could not breathe and began a sequence of first aid maneuvers to relieve an obstructed airway. He continued his effort until the piece of food was expelled and the victim resumed breathing. Without doubt, the use of first aid by Mr. Fallon saved the victim's life.

This meritorious action exemplifies the highest ideals of the concern of one human being for another who is in distress.

The presentation will be on July 18, 1983 at the Log Cabin Restaurant 1330 N. Woodland Blvd., DeLand. You are cordially invited to attend.

Sincerely yours,
MARIELLEN TEETERS,
Executive Director.

To whom it may concern:

A quick-acting Police Explorer rushed to the rescue of a choking man Saturday night—within seconds, the Explorer dislodged a chunk of food caught in the victim's throat and restored him to normal breathing.

Bernard Fallon, IV, is the 18 year old son of Bernie and Vita Fallon, 1419 Glenwood Road, Glenwood. He has been a member of the DeLand Police Explorers for two years, is a 1982 graduate of DeLand High School, and is currently studying Criminal Justice at Daytona Beach Community College.

Known as Gus, Fallon was attending a neighborhood barbecue on February 5, when the incident occurred.

Sixteen people were busily eating when Fallon noticed that a guest seated across the counter from him appeared to be in difficulty. Attorney Edward Rhynard began to choke and gasp for air, unable to speak. Fallon immediately concluded that Rhynard had a piece of food stuck in his throat.

He raced around the counter, through a doorway and came up behind the stricken man. Without hesitation, he grabbed the victim around the waist and swiftly thrust upward, applying the Heimlich Method. An instant later, a thumb-sized piece of beef flew out of the victim's mouth. After a brief spasm of coughing, he was completely restored to normal respiration. Fully recovered, he thanked his rescuer profusely.

The unassuming Fallon replied, "Please don't do that again, you scared the devil out of me."

Now laughing, Rhynard assured his young benefactor that he would not do that again.

So swiftly and effectively had Fallon acted, that some of the nearby guests did not realize what was happening. Afterward, however, finally understanding how serious the situation had been, everyone present congratulated Fallon for his quick thinking and incisive reaction.

For that, he is hereby nominated for commendation by the DeLand Police Explorers.

JOHN HART.
BILL BARRY.
JOHN MCCORMICK.

[From the DeLand (Fla.) Sun News, Monday, Apr. 4, 1983]

POLICE EXPLORER'S SWIFT, EFFECTIVE ACT SAVES LIFE—WHEN DINNER GUEST CHOKES

(By Vicki Brown)

Bernard Fallon IV acted so quickly that many of the guests at a neighborhood barbecue had no idea that a life-threatening situation had come and gone.

Everyone was enjoying the supper when suddenly Fallon noticed a man seated across from him begin to choke. Without a word, Fallon rushed to the other side of the counter, grabbed the man around the waist and thrust upwards. A piece of meat flew out of the victim's mouth and breathing was restored.

Fallon, 19, of Glenwood, said he learned first aid and the Heimlich method he used at the party as part of his training in the DeLand Police Explorers.

Each year for the past two years Fallon sat in on the first aid classes offered through the DeLand Police Explorers. He said he's practiced the techniques with other police explorers but never in a real life situation.

The real life situation account was reported by DeLand Police Sgt. George Doyle, the chief advisor for the Police Explorers, a club of young men and women who are trained in police skills. Doyle received a written account of the incident from Bill Barry, a retired Miami Herald writer who is Fallon's neighbor and who was host to the barbecue party on Feb. 5 when the choking occurred.

After his breathing was restored, attorney Edward Rhynard, also of Glenwood, thanked Fallon for realizing that he was in trouble and coming to his aid.

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Barry writes, "The unassuming Fallon replied, 'Please don't do that again, you scared the devil out of me.' "

"Now laughing, Rhynard assured his young benefactor that he would not do that again," Barry's account states.

Barry also writes in praise of Fallon's action that "So swiftly and effectively had Fallon acted, that some of the nearby guests did not realize what was happening. Afterward, however, finally understanding how serious the situation had been, everyone present congratulated Fallon for his quick thinking and incisive reaction."

Fallon, known by his family and friends as "Gus," moved to the West Volusia area with his family in 1980. He graduated from DeLand High School in 1982 and has been a member of DeLand Police Explorers for over two years.

Fallon said he wants to be a law enforcement officer and is currently pursuing studies in criminal justice at Daytona Beach Community College.

He said he's presently applying to area police departments for sponsorship to Seminole Community College where he wants to pursue his law enforcement studies.

DELAND POLICE EXPLORERS,
DeLand, Florida.

Bernard Joseph Fallon IV, Age: 19. Grade: Freshman. School: Daytona Bch. Community College. Address: Rt. 2, Box 381, DeLand, Fla. 32720. Parents: Bernie and Vita Fallon. Member of: DeLand Police Explorer Unit No. 29. Chief Advisor: Sgt. George E. Doyle.

Club Participation: Member of the DeLand Police Explorers, two years.

I have been a member of the DeLand Police Explorers for a little over two years, and in this time I have used my experiences to help me decide my future goals and to put what I have learned to good use. I have attended two State Competitions and I am preparing to participate in May. I am presently enrolled in Daytona Beach Community College in order to get a degree in Criminal Justice. I am presently applying to area police departments for sponsorship in order that I might become a police officer.

On February the fifth, I put my training in first aid to good and effective use when I used the Heimlich method on a guest at a barbecue I was attending. I was nominated by my fellow explorers for commendation and by several guests at the barbeque.[1]

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[1] Attached to this resume is a signed letter delivered to Colonel Russell Waters, president of the DeLand Police Explorers, that will give the details of Bernard's actions in full detail.

AMERICAN RED CROSS,
WEST VOLUSIA COUNTY CHAPTER,
DeLand, Fla., April 19, 1983.

To whom it may concern:

It is my pleasure, as West Volusia Red Cross Chapter Chairman, to commend Bernard J. Fallon, IV for the quick actions he displayed during the emergency suffered by Mr. Edward Rhynard. The training this outstanding young man received through the DeLand Police Explorers and the Red Cross was put to good use, resulting in the saving of Mr. Rhynard's life.

We in the Red Cross are pleased that so many fine young people take advantage of these programs, offered not only for self improvement but for that one moment in life when everything is on the line—that moment when a life hangs in the balance.

Bernard J. Fallon, IV learned his lessons well!

Sincerely,

WES CRILE.●

YURI TARNOPOLSKY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SMITH. of Florida. Mr. Speaker, today I rise to draw attention to the plight of Soviet Jewish emigration which has been virtually frozen at its lowest levels. I am proud and honored to join the 98th Congressional Class on Soviet Jewry in the 1983 Congressional Call to Conscience Vigil for Soviet Jews. I would like to take this opportunity to bring to the attention of my colleagues the plight of Yuri Tarnopolsky, my adopted Prisoner of Conscience in the Soviet Union.

You may recall seeing an article in the Washington Post on June 15 about 12-year-old Irina Tarnopolsky's urgent and tragic plea on behalf of her family's situation to Soviet leader Yuri Andropov. In a letter to Andropov, she appealed that her father be released from prison and that her family be allowed to emigrate to Israel. Irina wrote—

> My father, Yuri Tarnopolsky, is in prison now. He is accused of slandering the Soviet system and soon he will be tried. But my Papa is an honest man. He has never lied. He is under arrest only because we are Jewish and want to leave for Israel. . . . Already four years we have waited for permission to leave. Now Papa is arrested and we don't know what will happen with us. I beg you to release my Papa and let us leave for Israel.

Yuri Tarnopolsky, a 48-year-old organic chemist and leading refusenik and activist in the Kharkov community of Ukrainian SSR, is the latest victim in a rash of Soviet harassment and arrests. Since June 1979, Tarnopolsky, his wife Olga, and his daughter Irina have been waiting for permission to emigrate to the State of Israel. Tarnopolsky was fired from his job as a research chemist after his family applied for an exit visa in 1979. In response to this affront to his professional standing in the scientific community and out of frustration, he began a hunger strike on October 1, 1982, to protest the Soviet authorities' denial of his emigration visa to Israel. He began his fast symbolically following the Jewish holiday Yom Kippur, the traditional holy day of fasting for the atonement of sins.

This hunger strike failed to persuade Soviet officials to grant him and his family permission to emigrate. He was forced to end his 40-day hunger strike when his health began to deteriorate and when he began to suffer a loss of sight in his right eye. Ironically, the end of his hunger strike, November 9, 1982, coincided with the reconvening of the Madrid Meeting of the Conference on Security and Cooperation in Europe. This conference of 35 countries is now meeting to enhance cooperation in the implementation of the provisions in the Helsinki Final Act.

An outspoken activist, he is the author of a forceful account of refusenik life, "Description of a Disease." He has written,

> An oppressed Jewish minority was created in the USSR. The Soviet Constitution and Soviet law do not extend to this minority, known as refuseniks, and their fate is in the hands of the secret police and militia. . . . The policy of the authorities toward the refuseniks is all kinds of moral pressure in order to make them abandon their hope of emigration. . . .

I have been informed by the National Conference on Soviet Jewry that on March 16, 1983, he was arrested and formally charged under article 190-1 of the Criminal Law Code of the Russian Soviet Federated Socialist Republic (RSFSR). This law makes criminal the "systematic circulation in an oral form of fabrications known to be false which defame the Soviet state and social system . . ." This charge carries a maximum sentence of 3 years in prison, or 1 year of correctional tasks, or a 100 rubles fine.

It is clear that Tarnopolsky is being persecuted for one reason only—he is a Jew dedicated to maintaining his identity and helping others who wish to do so.

Awaiting trial the incarcerated Tarnopolsky embarked on another hunger strike in a Kharkov prison on April 15, which he has since ended. It has been learned that Tarnopolsky will be tried within the next 2 weeks.

According to the National Conference on Soviet Jewry, Tarnopolsky will be tried without legal representation. No Soviet lawyer will defend him. I am appalled. Where is the justice and morality? The Soviet Union proclaims that justice is served in its political system where all people are equal. But, Yuri Tarnopolsky is being sacrificed at a trial where he is being treated as a second-class citizen, where the verdict is in before the trial begins.

The Tarnopolsky family is one of an estimated 10,000 refusenik families painstakingly awaiting exit visas. Normal lives are transformed into a life of great expectations, hopes, and despair. The refuseniks need to know that their torment is not a senseless battle. As Members of Congress, it is important that we relentlessly maintain constant and consistent pressure on Soviet officials to allow Soviet Jews to pursue their human rights, to return to their homeland Israel, to be reunited with relatives, or to be allowed to live in peace as Jews in the Soviet Union.●

TEMPEST IN THE TEPEE

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SENSENBRENNER. Mr. Speaker, recently President Reagan submitted the names of three eminently qualified persons to serve on the U.S. Commission on Civil Rights. The Leadership Conference on Civil Rights has come out in opposition to these appointments. However, recently the Washington Post carried a story which showed some of the member groups of the Leadership Conference do not support the conference's opposition. Specifically the Anti-Defamation League, American Jewish Committee, American Jewish Conference, and the American Federation of Teachers have refused to agree with the Leadership Conference statement in opposition to these nominees. It is further estimated that about 30 of the 100 member groups will not support the statement opposing these nominees. I insert this article in the CONGRESSIONAL RECORD for the benefit of my colleagues.

[From the Washington Post, June 18, 1983]

CIVIL RIGHTS GROUPS SPLIT OVER NOMINEES—AND QUOTAS

(By Juan Williams)

For perhaps the first time since President Reagan took office, the civil rights movement has split over one of his actions, with three major Jewish organizations and the American Federation of Teachers refusing to join blacks and other groups in opposition.

The immediate issue is Senate confirmation of Reagan's three new nominees to the U.S. Commission on Civil Rights. The broader issue, as often in the past when these groups have disagreed, is quotas.

When the Leadership Conference on Civil Rights met on the nominations earlier this week, the Anti-Defamation League of B'nai B'rith, the American Jewish Committee and the American Jewish Congress, together with the AFT, refused to agree to a statement in opposition to Reagan's three choices, one of whom, Morris Abram, formerly headed the Jewish Congress.

The statement was finally issued, not in the name of the conference, but on behalf of 14 signing organizations. Conference officials later estimated that about 30 of the 160 member groups will not agree to the statement.

Conference chairman Benjamin L. Hooks, executive director of the NAACP, urged issuance of a statement at an executive committee meeting Wednesday. The lone Jewish group on the executive committee, the Anti-Defamation League, resisted but was outvoted, 14 to 1.

In the past, the conference has rarely issued statements from which member groups dissented.

The statement, under the conference's letterhead, said only that the "undersigned organizations" subscribed to the statement because of "unanimity not having been reached by all constituent groups." It did not mention quotas saying instead that "our deep concern is to prevent the president from subverting the [civil rights] commission's historic independence and integrity."

Many Jewish groups have traditionally opposed quotas because quotas have historically been used to restrict Jews. Labor unions, the targets of quotas in some affirmative action cases have also resisted them. The one major Jewish group supporting the statement is the Union of American Hebrew Congregations, a group of reformed Jews, which supports quotas. The group includes Rabbi Murray Saltzman of Baltimore, one of the Civil Rights Commission members that Reagan is seeking to replace.

Reagan fired three commission members May 25 and nominated successors who share his opposition to racial quotas: Abram, a former president of Brandeis University; John Bunzel, a senior research fellow at Stanford University's Hoover Institution, and Robert A. Destrow, a Catholic University law professor.

"The American Jewish community is a very pluralisitc community," said Nathan Perlmutter, who heads the Anti-Defamation League. "Our view of the basic issue here really is that the president's nominees are known to be against racial quota systems and are presumed to question whether racial busing is an effective tool toward ending racial segregation. We believe one's opposition to racial quotas should not disqualify them from being members of the U.S. Civil Rights Commission. We feel questions being raised about procedures are smoke screens.

"If these people were carbon copies of the people now on the commission there would be no question about their serving from civil rights groups," Perlmutter said. "The core of civil rights is that one not be discriminated against on the grounds of race, sex, religion. That these nominees oppose quotas is convincing evidence that they are advocates of civil rights. Those who would deprive them of the opportunities to serve are sponsoring civil wrongs."

"It is unfortunate that the Jewish community has decided not to support the statement," said Maudine Cooper, vice-chairman of the Urban League. "We are not addressing the qualifications of the nominees but the independence and integrity of the Civil Rights Commission. I hope those groups are not reflective of the Jewish population at large."

"Nathan Perlmutter is a fanatic on this subject," said Joseph L. Rauh, Jr., counsel to the Leadership Conference, who took part in the Wednesday meeting. "We can't call it a Leadership Conference statement because the majority of Jewish groups are following his lead and we don't have unanimity. Nevertheless, the [other] groups have the right to get together."

"What is at risk here is whether the conference continues to be a strong functioning voice of civil rights," said Elaine R. Jones, Washington counsel to the Legal Defense Fund, formerly the NAACP Legal Defense Fund. "But there is still a strong commitment to keep the conference functioning as a strong voice of civil rights."

"We have an honest difference of opinion as to propriety of the president taking action that he did," said Hyman Bookbinder of the American Jewish Congress. ". . . . But there does come a point where Jewish and some labor groups say the president is using the power that is legitimately his and he has decided to replace them. The next issue is to decide whether they are qualified to serve, and that should not be decided because of opposition to quotas."●

DEMOCRACY AND INFORMATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 22, 1983 into the CONGRESSIONAL RECORD:

DEMOCRACY AND INFORMATION

One characteristic of Hoosiers invariably leaves me with a favorable impression. Most Hoosiers want to know more about important national issues. I am encouraged when they ask me, as they often do, about the sources of information on which they ought to rely to help them understand the issues. These Hoosiers know that for a democracy to function, the people must be informed. In recent weeks, several constituents have asked me how they can be better informed about the issues. Their comments have prompted me to reflect on the importance of an informed citizenry in our democracy.

In our democractic form of government, a special relationship exists between us and our government. Democracy, which is fundamentally a way of making decisions and managing affairs, cannot exist without "the consent of the governed." Among other things, that phrase implies that the President or the Congress will not be able to implement a policy over an extended period of time if that policy does not have the support of the people. At least, the requirement that the governed give their consent means that the people's will must be respected.

Most of us would agree that there is a very big difference between mere consent and informed consent. Of course, the idea of informed consent is known to most of us. For example, if a sick person needs a surgical operation to restore his health, his physician must have more than mere consent before proceeding. The sick person must acknowledge that he understands what he has been told about the surgery's consequences. In the medical context, we do not regard consent as genuine unless it is informed. In a similar way, informed consent is essential to the success of democracy. For democracy to work, the consent of the governed must be an informed consent.

If we are to govern ourselves successfully and democratically, we must have easy access to generally accurate and complete information on issues of national concern. With many sources of information available—newspapers, magazines, newsletters, television, radio, and public meetings—it seems to me that this condition of democracy is reasonably well met in our country.

Nonetheless, the obstacles in the way of a better understanding of the issues are formidable. One of them is the power of modern communications, which can engulf us in a veritable "tidal wave" of information. The sheer volume of facts, figures, and commentary can overwhelm us and cause us to miss the information that we ought to consider. One constituent put it to me this way: "There's so much information and comment, I just don't know how to sort it all out or who to believe."

If the amount of information available is a problem, so is its quality. We are confronted with what often appears to be a bewildering, contradictory jumble of reports, speeches, and opinions on all the issues. Confusion may lead us to mistake the trivial for the significant, rumor for expertise, and speculation for knowledge. We yearn for material that will cut through the confusion and give us the "straight facts," an objective account of the key elements of an issue.

Information is essential to a democracy based on the consent of the governed, but it is no easy task for us to inform ourselves. The bare possession of data is clearly not enough since a generous supply of facts, figures, commentary in no way guarantees wise decisions. We want a manageable, credible body of data so that we can, for ourselves, analze the issues and reach an informed judgment of our own. The task that confronts us is to filter the mass of data, retain the important, discard the unimportant, and make a decision. We must be skeptical and must take the time to test the sources before we can benefit from the wide variety of data at our disposal. In short, the informed citizen is one who uses information wisely and actively. He must guard against being a passive recipient of what others tell him, against letting others think for him.

So, the democratic process makes strong demands of us. It requires much more than the careful selection of representatives, though of course that is required as well. Representatives are, after all, politicians who are skilled at reading the views of their constituencies. We must be informed about the issues, able to make sound judgments about the issues, and capable of conveying those judgments to our representatives. We should not underestimate the power of our decisions in a democracy. If we do not act and vote from good information and sound judgment, we may veto the actions of our representatives when we should not. We may compel our representatives to do too little too late or too much too soon. We may insist that they be too hawkish in war or too timid in peace, too neglectful of the people's needs or too careless with the public purse. If we are uninformed or underinformed, then the risk that our representatives will err is great.

People react in different ways when they consider the responsibility that a democracy places on them to be informed. Some people are very discouraged by the number and complexity of the issues. Some believe that the public is so poorly informed that there is no chance for a democracy to handle the challenges before it. These people either become apathetic and ignore the problem altogether or blame politicians and the news media for it without really thinking through the consequences for the future of democracy if large numbers of citizens remain uninformed. Other people are persuaded that a handful of seasoned officials should be called on to make decisions for the rest of us. These people really do not believe in the democratic process at all. To my way of thinking, each of these groups is mistaken about the role of an informed citizenry in a democracy. The tough job of using information actively to make a democracy work is one that we shun at our own peril. Most of us who have faith in the democratic process agree that the burden of informed citizenship is heavy. We have no assurance that it will always be carried. President Lincoln's question—whether this nation, so conceived, can long endure—remains as valid today as the day it was raised.●

WELCOME NEW CITIZENS

HON. JAMES R. "JIM" OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. OLIN. Mr. Speaker, on July 4, 53 men and women who became naturalized citizens of the United States in the metropolitan Roanoke, Va., area will be honored at the annual Independence Day celebration known as Music for Americans—V to be held at Victory Stadium in my home city of Roanoke.

I would like to offer my congratulations to them.

New citizens are always special, but these men and women are a little extra special. They became naturalized in 1982, the centennial year of Roanoke.

Just over 100 years ago, Roanoke was little more than a collection of buildings near a salt marsh. But with the coming of the railroad and the crossing of two major lines, a new city was begun that today is the major transportation and industrial center in western Virginia. For the past 100 years, Roanoke has been a place where newcomers have sought a chance to build a new life.

These 53 men and women are part of a tradition that is as old as Roanoke and older than the United States itself.

We might remember also that all of our ancesters were once newcomers to this country. People from all over the world joined together to make the United States the freest nation on Earth.

I know that all of my colleagues in the House of Representatives will want to join with me in offering hearty congratulations to them and extending our very best wishes for a prosperous and productive life in this country.

INDIVIDUALS NATURALIZED DURING 1982

Rebecca Ravelo Atkins, Thien Luong Cao, Agnis Chandra Chakravorty, Chitra Chakravorty, Sivani Chakravorty, Charles Chen-Ming Chang, Sang Van Dang, Florence Siao Davis, Rainer Michael Davis, Ralf Matthew Davis, Gwen Nhung Do, Hung Van Do, Aysel Leyla Doganay, Kumryun Pak Fluty, Emperatrie Beduya Camara Frost, Alicia Guilliams, Hans Edmund Heinzer.

Amy Yueh-Mei Huang, Anh Minh Huynh, Rajiv Jain, Nicole Ann Kalinowski, William Kenney, Han Chi Le, Maria Malkowska, Emiro Foliaco Merlano, Charbel Nakhle, Veena Seth Narayanan, Tung The Nguyen, Dorothy You Kyung Oh, Paul Shin Moo Oh, Young-Ok Pae, Richard Eric Phelps, Ranjan Raj, James Anyil Rhee, Nancy Meehwa Rhee.

Genevieve Theresa Riguelmy, Joy Pok Robinson, Alan I-Sheng Shen, Chien Shen, Nguyen Thi Anh Short, Nancy Young Shuck, Hasina J. Sinha, Sun Ok Songer, Christopher Tan, Dinesh Vallabhdas Tiwari, Diana Dao Vu Tran, Joe Trung Tran, Dimitrios Tranidis, Vasilike Demos Tsiakos, Gabriella Magdolna Ujvary, Miyo Akamine Vaughn, Jacques Ernest Victor, Jean Francois Ernst Victor.●

SPECIAL REPORT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mrs. SCHROEDER. Mr. Speaker, in lieu of the Reagan administration's escalating involvement in Central America and the recent decision to send medical personnel to El Salvador, I would like to share this special report from the New England Journal of Medicine from April 28, 1983, edition.

SPECIAL REPORT: MEDICAL MISSION REPORT ON EL SALVADOR

Alarmed by reports of the harassment, murder, and disappearance of doctors, dentists, nurses, members of the medical faculty, social and physical scientists, and members of related health professions, the National Academy of Sciences, the Institute of Medicine, the American Association for the Advancement of Science, the New York Academy of Sciences, and the International League for Human Rights cosponsored a medical mission[1] to San Salvador. The mission's purpose was to determine the fate of those professionals and to assess the impact of conditions in El Salvador on Medical institutions and on the health of the people.

From January 11 through January 15, 1983, we spoke with people from a wide range of backgrounds: government officials, the archbishop and others in the Catholic Church, members of the International Committee of the Red Cross, officials in the Ministry of Health, members of nongovernmental human-rights organizations, political prisoners, and numerous private citizens, including the families of victims. We also visited four places of detention for political prisoners, two refugee camps, and the public maternity hospital (Maternidad). Wherever we turned we found the chilling effects of the ever-widening devastation to health and health care that has been caused by the breakdown of education, the slashing of budgets for national health programs, and the repression of human beings by the systematic use of terror in ways that are hideous and frightful.

The persecution of health personnel is real. It began in 1979 and intensified through 1981, when a group of doctors, nurses, and medical students protested the killing and kidnapping of patients and doctors in hospitals—sometimes even during surgery. Retaliation against this group by death squads, suspected of being government forces, was swift and brutal. The group's members "disappeared," or fled to avoid death, or were killed.

We came to El Salvador with a list of 20 health workers and scientists who had disappeared in the previous 12 months. Our investigation revealed that only seven could be accounted for: four were in prison, two had been freed, and one was confined to a mental hospital outside the country. There was no trace of the other 13. Moreover, while in San Salvador we were given documentation on the disappearance of 20 additional health workers during 1982. From frightened families and colleagues we also learned of a number of other physicians, nurses, and paramedics who had disappeared or been killed. Since merely notifying the Church and independent human-rights groups of a relative's disappearance can jeopardize the whole family, statistics on disappearances are minimal.

Early in our visit we interviewed the colonels who command the two branches of the security forces—the National Police and the Treasury Police—and the information we gained was unsettling. We learned that there was no central registry of arrests or of the disposition of those who were arrested and no sharing of information between the two armed police forces; they therefore had no knowledge of the persons whose names we gave them. At our request we were shown the detention facilities where political prisoners, including the four medical students on our list, are held for up to 15 days or longer. At the National Police headquarters we walked along a row of foul, pitchblack, steel-barred cells furnished with only a concrete bench and a hole in the floor for a latrine. Led by Colonel Lopez Nuila, the commander of the National Police, and followed closely by two guards with M-16 rifles, we were forbidden to speak with or examine the dirty, haggard political prisoners.

In July 1982, the International Committee of the Red Cross threatened to leave El Salvador because of its growing concern over human-rights abuses by the Salvadoran armed forces—particularly their practice of not taking prisoners alive. Officials of the International Red Cross told us that, although these problems have not been resolved, they have decided to remain in the country because, on balance, they believe they are a force for decent human behavior.

Health and health care in El Salvador have suffered since 1979 even more than would have been expected in a poor developing country. The rate of endemic diseases is rising dramatically, as social programs are sacrificed so that funds can be allocated to the military. Infant mortality is climbing, the rate of suspected tuberculosis (unverifiable because of a shortage of x-ray film and equipment) is increasing, and there is a high prevalence of measles, diphtheria, and polio because there are no toxoids or vaccines. Malnutrition and skin and intestinal-tract parasites add to the toll.

The Ministry of Health has suffered a 50 percent reduction in its budget during each of the past two years and is finding it difficult if not impossible to provide adequate staff and medical services for the 6,000 beds under its jurisdiction. We visited the only public maternity hospital in San Salvador, a facility that has 75 deliveries each day but only 263 beds. The patient turnover is very rapid, but even so, up to three women are assigned to a single bed. Premature births are common, but none of the bassinets for premature babies is functional. The x-ray equipment is obsolete, there is no x-ray film, and the pharmacy shelves are thinly supplied; the anesthesia equipment is outdated and unsafe, but it is used for the 5 to 10 cesarean sections that are performed daily. Dr. Roberto Rivera Martelli, a senior obstetrician who was our host at the hospital, and a man deeply committed to the care of the poor, was taken from this clinic on February 10 (less than a month after our visit with him) by three armed men in civilian clothes and has not been heard from since. Since then, cables have been sent to our embassy in San Salvador and to the colonels who head the National and Treasury Police by our sponsoring organizations, members of the U.S. Senate, the Human Rights Division of the State Department, and individual U.S. citizens, but Dr. Rivera Martelli remains "disappeared."

The public educational system in San Salvador is in disarray. The large number of schoolteachers and members of the university faculty (including medical school professors) who have disappeared, been imprisoned as political prisoners, or fled the country has depleted the educational establishment. No professors of basic medical science remain. All entrances to the National University have been sealed for the past two years, and the principal laboratory building located outside the university grounds has been gutted by the military so that only external walls remain. No students have been admitted since the closing of the university. In the past semester, medical students in the last two years of the six-year course have been taught in storefronts and private homes by a few intrepid professors, but the complete absence of equipment, books, medical journals, and demonstration materials makes this valiant effort doomed. The devastation is both physical and intellectual.

Our group visited two facilities for political prisoners that are operated by the Ministry of Justice: Ilopango for women and Mariona for men. We were permitted to interview the inmates alone and without time restriction. Medical care in the women's prison is provided by a recent graduate of medical school who devotes a few hours a week to the prison as just one of his four jobs. Medical records are inadequate and incomplete. Prescriptions for medications are usually not available in the prison medical facility, so they are disregarded; if the prisoner is fortunate, her family may obtain the medicine. In both prisons the political prisoners have established their own health facility using minimal supplies of drugs and first-aid materials.

Few prisoners have been tried and convicted. The medical students we saw in Mariona, the men's prison, had been there for two years—and others had been there for as long as four years—without appearing before a judge. However, the prisoners told us that they were the lucky ones. They were alive and probably would not disappear—no matter that they were being held indefinitely without due process.

In summary, we found direct and indirect evidence of frightful violations of human rights, and we found fear among private citizens who feel unprotected in a lawless society. We found that the health of the public has suffered, that medical education, medical care, and medical facilities have been desperately depressed. How can one account for the willful dismantling of the university, including the imprisonment (or worse) of medical professors and practicing physicians and the physical destruction or sealing up of university buildings and the medical school? University personnel with whom we spoke ascribed it to the political liberalism or radicalism that is characteristic of a university campus, to the outspoken indignation of the medical profession at the atrocities and wanton killing of noncombatants and alleged subversives, and to the fear among those in power of middle-class intellectuals. Doctors and other health professionals meet many of the criteria for "disappearing."

We have returned to our affluent country shaken but eager to inform our colleagues, sponsors, and all who will listen that we can save many thousands of lives by protesting to the Salvadoran authorities disappearances and other human-rights violations. Physicians and other concerned persons can help privately by donating equipment and funds through such international relief agencies as the International Committee of the Red Cross and Catholic Relief Services. U.S. foreign aid must make abundant provision for such essentials as food, medicine, vaccines, medical equipment, teaching materials for students, and other forms of economic assistance. Aid to this war-torn country should emphasize life-giving sustenance rather than arms and military equipment.●

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[1] The participants were Alfred Gellhorn, M.D., visiting professor, Harvard School of Public Health; Robert Lawrence, M.D., director, Department of Medicine, Cambridge Hospital; Kathie McCleskey, American Association for the Advancement of Science; and Nina Shea, J.D., International League for Human Rights.

INSTALLATION OF THE MOST REVEREND JOHN J. O'CONNOR, D.D., AS BISHOP OF THE DIOCESE OF SCRANTON

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. HARRISON. Mr. Speaker, on Wednesday, June 29, the Most Reverend John J. O'Connor, D.D., will be installed as the seventh bishop of the Diocese of Scranton.

Presently auxiliary bishop and vicar general of the military vicariate, Bishop O'Connor comes to northeastern Pennsylvania after a long and impressive career both in the priesthood and in the U.S. Navy.

He was ordained a priest of the Archdiocese of Philadelphia on December 15, 1945. After teaching there for several years, he became a Navy chaplain in 1952 because of the Korean war. On May 27, 1979, while still serving on active duty, he was ordained a bishop in Rome by His Holiness, John Paul II. He retired from the Navy 4 days later.

During Bishop O'Connor's 27 years in uniform, he served on various ships at sea, frequently with the Marine Corps, in the continental limits of the United States and in many parts of the world, including combat duty in Vietnam. His decorations include the Distinguished Service Medal, three awards of the Legion of Merit with Combat V, the Meritorious Achievement Medal, and numerous campaign medals.

In 1975 he became Chief of Chaplains with the rank of rear admiral.

Bishop O'Connor's earned academic degrees include an M.A. in advanced ethics, an M.A. in clinical psychology, and a Ph. D. in political science. He has been awarded honorary doctorates both in religious education and in law.

Among Bishop O'Connor's published works are "A Chaplain Looks at Viet-

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nam," an evaluation of the moral and legal aspects of American involvement in the Vietnamese conflict and "In Defense of Life," which addresses the issues of just war, nuclear weapons, and related questions.

Mr. Speaker, next week we welcome a man of God who in one career has combined academic excellence, which led to an earned doctorate, and a military career, adorned by combat decorations and culminated in the achievement of flag rank, with distinguished service to the church. It is our fortune that those three careers converge Wednesday in the See of Scranton.

It is an honor and a pleasure for me, Mr. Speaker, to join with the hierarchy, clergy, religious, and laity of the Diocese of Scranton and, indeed, with the entire community of northeastern Pennsylvania in welcoming Bishop John J. O'Connor to our midst, congratulating him upon his installation and wishing for him many, many more happy and successful years in his ongoing service to God, man, and country.●

OUR U.N. AMBASSADOR ON THE "ANONYMOUS SOURCE"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. HYDE. Mr. Speaker, "Unidentified" and "anonymous" sources of leaks, half-truths, and innuendo are more common in Washington than cockroaches—and many of them are about as pleasant.

Finally, someone who has repeatedly been the victim of far too many of these "anonymous sources," our superb U.S. Ambassador to the United Nations, Jeane Kirkpatrick, has forthrightly stated her case not only against "unidentified source," but also against their freewheeling use of the term "hard-liner" and its pejorative connotation.

I commend Ambassador Kirkpatrick's article from the Washington Post to the attention of my colleagues:

[From the Washington Post, June 20, 1983]

PARDON ME, BUT AM I THAT "HARD-LINER" THE ANONYMOUS SOURCES ARE TALKING ABOUT?

(By Jeane Kirkpatrick)

Time was I believed a leak was the unauthorized disclosure of confidential information about actual events—such as, for example, conversations within the executive branch. That was before I understood that a leak is the weapon of choice in Washington's unending internal wars—ideally suited to spreading disinformation about fictive events.

Undocumented allegations and anonymous sources link private ambitions to public policy in labyrinthine webs of personal and political relations. Two or three well-placed "sources" working with two or three well-placed journalists can create an issue, shape an interpretation, build or destroy a reputation. From the perspective of political science, it is fascinating. From the perspective of public office, it is frustrating beyond belief.

How do you correct the record when the discussions are all confidential? My interest is more than academic or personal. The paper triangle that links symbiotically anonymous and interested bureaucrats and politicians with dependent journalists is as much a threat to an informed public as the "iron triangle" of bureaucrats, politicians and the "Interests" is to honest government.

During the past month or two, much of the U.S. national media have relied on undocumented leaks and unidentified sources to construct a political melodrama in which some bad guys—the "hard-liners"—are pitted against some good guys—the "moderates"—in a contest for control of U.S. policy toward El Salvador and the Central American region. According to this scenario, the good guys support political solutions, negotiations, regional dialogue, bipartisan consensus, and are deeply concerned about "underlying economic and social problems." "Hard-liners," we are told, oppose these good things; they advocate military solutions, and are dead set against negotiations, regional dialogue and bipartisan consensus-building. Hard-liners prefer political polarization.

In the current scenario, hard-liners are frequently named Clark and Kirkpatrick, though sometimes they are called Casey, Weinberger, Stone or, even, Reagan. Their principal activity is giving bad advice to the president. Because my name is also Kirkpatrick and I hold almost none of the views attributed to that Kirkpatrick, I desire to clarify just what kind of advice I have given in the weeks after the president asked me to visit Central America. I understand that it is not considered sporting to introduce into these Washington games verifiable facts or on-the-record statements of participants; but, then, I am not a thoroughly seasoned player and have not lost the predilections of my regular profession.

Obviously, I speak only for myself. I have not been present in most of the conversations of other participants. However, since I have often been cast by "sources" as the "hardest" and "most militant" of the hard-liners, my role seems relevant to the whole dramatic production, and the fact that my actual views and recommendations bear almost no relation to those attributed to me undermines, I should suppose, the credibility of this melodrama.

Interested persons might want to know that instead of opposing attention to economic and humanitarian dimensions of Central America's problems, bipartisan participation in policy-making, the Contadora process and the broadest possible participation in Salvador's elections, I have consistently made *opposite* recommendations. I have advocated greatly expanded humanitarian and economic assistance; bipartisan participation in formulating a new policy; unambiguous support for the Contadora process and regional dialogue; and maximum efforts to secure the broadest possible participation in Salvador's elections.

In my memorandum to the president on returning from Central America I took a very "hard line" on hunger, malnutrition, infant mortality, illiteracy, economic underdevelopment.

"Congress," I wrote, "has not provided the resources or support needed in part, at least, because we have not worked with them to develop a bold, imaginative program which goes beyond preventing Communist victory in the very short run, to produce for the chronically deprived people of the area the reality of present progress and the promise of more to come."

I cited Congressman Mike Barnes' proposed "one-percent solution" to the region's problems (using one percent of the requested defense budget to finance an adequate economic effort). I recommended for inclusion in the speech to the joint session a program "so beneficial to the terribly poor, malnourished people of the region that the American people will be proud to support it . . ." and also recommended the establishment of "a national bipartisan commission [which would] examine how we ahould apply our talent and resources to foster health, growth, security and democracy among our neighbors in Central America and the Caribbean. . . ." I further explained to the president that this was an approach I had discussed with Sen. Jackson and other Democrats.

Though current mythology suggests otherwise, new broad, bipartisan initiatives were resisted by the "good guys" themselves. So were efforts by the governments of Central America and the Contadora Four to get under way a process of negotiations for Latins only. President Herrera Campins last week described to the Venezuelan press the message he asked me to deliver to President Reagan: "Don't let your government torpedo our conference."

Reasonable people may feel the chances of success would be enhanced by our presence among the Contadora negotiators; they may think democracy would be better served by sticking with the San Jose approach. But the fact remains that Venezuela, Mexico, Panama, Colombia, et al., have desired an all-Latin conference, and our Central American friends have supported their effort. So have I. Far from believing that "The very mention of negotiations in El Salvador appeared a sign of weakness" (as charged by an anonymous source in The Post June 12), against considerable official resistance, I argued from Latin America and in Washington that the United States should pose no obstacles to the Contadora negotiations, should make no demands that we be included, and should, instead, stand aside offering support as appropriate.

On all the above issues there has been a certain amount of disagreement within our government, though the sides are not those popularly perceived. On other important issues there is a clear public record to prove there has been no disagreement at all. No one has proposed sending U.S. troops into combat in Central America, no one has proposed abandoning Central America. No government official has supported a "two-track" approach where one track leads to negotiated power sharing in El Salvador; everyone has supported conversations to ensure elections with broad participation and security for all.

I have also advocated continued military assistance at levels adequate to meet and match guerrilla arms, but then so have all other participants in the executive department's policy dialogue.

Above all, I have argued in print and in person from well before President Reagan invited me to join his government, that the people and governments of Central America, the Caribbean and, indeed, South America are important to the United States; that our security and history bind us to the Americas just as surely as they bind us to Europe; and that it makes no sense at all for us to perceive and protect vital national interests in Europe, the Middle East, the Far East and Africa (where we provide large, continuing amounts of economic and military assistance and in some cases U.S. troops and trainers) while ignoring and neglecting friends and interests on our own borders. I have, moreover, insisted that the fact that the Central American peoples have suffered under dictators in the past is not a reason to consign them to repressive new dictators sponsored by the Soviet Union; it is, instead, a reason to help them escape to freedom.

What do all these views have in common with the struggle between the "hard-liners" and the "good guys"? An interesting question.

The fact is that "hard-liner" has become an all-purpose term of political abuse. In popular political mythology the hard-liner is the missing link between political Neanderthals and modern man. It is shorthand for a mindless, heartless approach to public policy. Along with other abusive terms, "hard-liner" should be eschewed in serious political discussion in favor of more meaningful ways of categorizing political actors—such as, for example, active and passive; innovative and conventional; smart and dumb; effective and ineffective; honest and dishonest; straightforward and devious; generous and niggardly; ambitious and contented; prudent and reckless; political and bureaucratic, and so forth.

Meanwhile, it is worth noting that if the "sources" were as good at managing public affairs as they are at managing the news, the world would be better governed; and that if journalists were as suspicious of their favorite anonymous sources as they are of, say, the president, we would be better informed●

TRIBUTE TO LAMAR JEFFERS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. NICHOLS. Mr. Speaker, in Arlington Cemetery today, the late Lamar Jeffers, a former Member of this body was laid to rest. As a few Members of the 98th Congress will recall, Congressman Jeffers represented virtually the same congressional district of Alabama 50 years ago, that I serve today.

Though former Congressman Jeffers spent his last years in a nursing home in Florida, Alabamians will recall this gracious gentleman for his duty and service to our Nation.

Prior to coming to Congress, Representatives Jeffers served as a "doughboy" in World War I. A seasoned battle veteran, he was wounded twice in combat and won the Distinguished Service Cross for bravery. For his service he was promoted to the rank of major in the infantry.

Following his military duty, he was elected to the 68th Congress to fill the vacancy caused by the death of the late Fred Blackmon. Congressman Jeffers served from June 7, 1921, to January 3, 1935, at which time he retired from public service to work in private business in Florida.

Former Congressman Jeffers was a brave American and a concerned public servant. As he is today honored and buried at Arlington National Cemetery, it is appropriate for us to pause in remembrance of our late colleague.

Jeffers, Lamar, a Representative from Alabama; born in Anniston, Calhoun County, Ala., April 16, 1888; attended the public schools and the Alabama National Guard 1904-1914; clerk of the circuit court of Calhoun County, taking office in January 1917; resigned that office in May 1917 to enter officers' training camp, Fort McPherson, Ga; was graduated August 14, 1917, as captain of Infantry; assigned to the eighty-second Division, commanding Company G, Three Hundred and Twenty-sixth Infantry, during the First World War; served until twice wounded on October 11, 1918, before St. Juvin, France; was awarded the Distinguished Service Cross by the United States Government; promoted to rank of major of Infantry; elected as a Democrat to the Sixty-seventh Congress to fill the vacancy caused by the death of Fred L. Blackmon; reelected to the Sixty-eighth and to the five succeeding Congresses and served from June 7, 1921, to January 3, 1935; unsuccessful candidate for renomination in 1934; retired; is a resident of St. Petersburg, Fla.●

DISPELLING SOME MYTHS ABOUT SOCIAL SECURITY

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, I would like to share with my colleagues an article that appeared recently in the Journal of Indiana State Medical Association written by Donald F. Foy, executive director of that association.

Mr. Foy's article points out some of the myths about social security which cause problems. He states that the major myths are:

The program is funded;

Recipients have paid their own benefits;

Solutions require reductions in benefits, and

Using general tax revenues is a painless solution.

The text of the article follows:

[From the Journal of the Indiana State Medical Association, June 1983]

DISSPELLING SOME MYTHS ABOUT SOCIAL SECURITY

(By Donald F. Foy)

There are some 36 million people currently receiving Social Security benefits. Most of these people depend on these benefits for their basic income. I believe everyone (including both of our major political parties) recognizes the importance of the program, and there isn't any question at all that Social Security is here to stay.

Some politicians say we don't have any real problems with the Social Security system. This is simply not true. The problems are very real, but there are solutions and the solutions are not nearly as painful as many people imagine. We need legislative action to correct these problems and that will require both political parties to work together. If Social Security continues to be a political football, the problems will become worse.

Motivating our lawmakers to take the actions that are needed is difficult because there is so much misunderstanding about Social Security. For instance, most people believe they have paid for the benefits they receive from Social Security. They believe they are just getting back money they have paid into the program. They are mistaken, however. The average wage earner, with a spouse who does not work outside the home, gets back all his contributions within just 11 months after he retires. Individuals who retired at age 65 who paid the maximum Social Security taxes right along and who have no spouses, will receive benefits equal to their total contributions in 1½ years.

In 1950, 16.5 workers supported each Social Security beneficiary. Today the number of workers who support each beneficiary is 3.2. When the program was begun, the number of people receiving benefits was relatively small. Today we have many more older people and they are becoming a greater portion of our population. When the "baby boom" generation retires, there will only be two workers to pay the benefits of each beneficiary and even fewer if the birth rate does not increase.

During the past three years average wages increased by 30% while Social Security benefits, which are tax free, increased by 40%. The question that has to be raised then is whether the benefits of people on Social Security should increase faster than those who are paying for the benefits? If the increases in Social Security benefits had been held to the level of wage increases, the cost of the program this year would be a staggering $11 billion less.

In 1940, the life expectancy of a person age 65 was 12.8 years. Today a person who is age 65 can expect to live another 16.6 years. Life expectancy is increasing and at an accelerated rate. This may be great news, but it is creating a tremendous financial drain on the Social Security system which must pay benefits for many more years than was originally projected. The increase in longevity added about $30 billion to the cost of Social Security last year.

In 1981, Social Security payments represented more than 25% of the national budget. Last year, Social Security benefits cost $184 billion. This year the cost will exceed $200 billion. That is more than one-quarter of all federal spending and more than we spend on defense. By way of illustration, in 1950 Social Security accounted for only 1% of all federal spending. The cost of Social Security has gone up so dramatically because many more people are receiving benefits, more benefits are being provided, and the level of benefits is indexed to keep up with inflation. When the Consumer Price Index rises, so do Social Security benefits.

Now let's take a look at where the problems are. There are actually four major problems and each of them must be addressed.

The first problem, of course, is that most people do not understand how the program actually works. They have been led to believe that Social Security is a funded insurance program and when they receive benefits, they are really just getting back the money they have contributed. But we know that this is not the case—that the Social Security taxes collected from workers and their employers are paid out almost immediately to those who are receiving benefits.

Take, for example, someone who has paid the maximum amount of Social Security taxes, who retired at the end of 1981 at age 65, and who has a spouse who is also 65. They currently receive an annual Social Security retirement benefit of $14,206. The maximum amount that any individual paid into Social Security from the beginning of the program in 1937 through 1981 was $14,787.00. This is a good illustration of how quickly an individual's contribution to the program is recovered and the magnitude of the problem.

The second major problem is the public's lack of confidence in the Social Security system. It's at an all-time low. People see the headlines about the danger that Social Security will run out of money, and they are worried. Three of four persons between the ages of 25 and 44 say they have little or no confidence that the program will be able to pay them benefits when they are ready to retire. Likewise, many older people who are already receiving benefits are terrified and afraid that their monthly checks will be cut.

No one in Washington and no responsible group has ever recommended the kinds of cutbacks that many of the elderly fear. We must therefore remove their fears and restore their confidence in the program. The public's support will be needed to enact the kinds of changes that are still necessary.

Short-term difficulties in financing Social Security are the major problems. There are three Social Security trust funds. The largest of the three—the one that pays retirement benefits—is expected to run out of money by the middle of next year. The primary reason is obvious—retirement benefits paid out have increased more than the amount of Social Security taxes collected. Another short-term problem is high unemployment, which further reduces the amount of money collected in Social Security taxes.

The fourth major problem is long-term financing. When the "baby boom" generation retires, there will be many more people receiving benefits and proportionately fewer workers paying taxes. Retired people will be living longer also. Unless further changes are made in the Social Security program, our children and our grandchildren will face Social Security taxes that are two or three times the rate we are paying today.

In summary, the major myths about Social Security are:

The program is funded.

Recipients have paid for their own benefits.

Solutions require reductions in benefits.

Rising general revenues are a painless solution.

These myths exist because most people do not really understand how the program works, what the problems are, or what the solutions involve.

These myths have been used to build support for the program. Social Security has been described with words like "insurance," "trust funds," "accounts" and "contributions." Older people have been led to believe that they paid for—and thus "earned"—their benefits.

The solutions to the problems of Social Security don't require reductions in present benefits. And using general tax revenues, as some people advocate, isn't a painless solution. All you have to do is listen to the debate over the current budget to realize that there aren't any general revenues available for this purpose.

Increasing the federal deficit still more would only create more inflation. In the end, using general tax revenues would weaken the relationship between benefits and the way they're financed—and lead to still higher taxes.

However, the situation is looking better. It is gratifying indeed to note the swiftness with which Congress, earlier this year, enacted most of the recommendations of President Reagan's bipartisan National Commission on Social Security Reform. Despite the fact that one of the commission's primary objectives was to remove the emotionalism that surrounds Social Security so that reasonable people working together can reach agreement on reasonable solutions, a consensus on the commission's recommendations for rescuing the system was reached only at the eleventh hour. Hopefully, this bodes well for the development of further recommendations for reforms that both political parties will support.●

ST. GERTRUDE'S OPERATION SURVIVAL DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ADDABBO. Mr. Speaker, it is with pleasure that I address you today to officially recognize June 25, 1983, as "St. Gertrude's Operation Survival Day."

St. Gertrude, founded in 1911, is located in the Far Rockaway community in New York. This church's ability in meeting the special needs of a diverse community has been outstanding. Among the parish's noted accomplishments are its supper programs, summer day camp, teen center, senior citizens center, and counseling services.

This year as we celebrate June 25, recognizing St. Gertrude's dedication to its community, I would like to extend the honor to pay tribute to Ms. Esther Lustig and Mr. Martin S. Siegel who have also played important roles in St. Gertrude's survival.

Mr. Siegel has been active in the Rockaways and community affairs for several years. His sincere concern with bettering the Rockaway community should be admired and appreciated by all. His involvement in the parish, 101st Precinct Community Youth Council, and the Rockaway Chamber of Commerce, to name a few, have been vital to the Rockaways' growth during the last several years.

Ms. Esther Lustig has also devoted much of her time and energy toward improving the standard of living in the Rockaways. She has also been active on the St. Gertrude's Operation Survival Committee since 1978. Her involvement in civic groups and drug prevention programs throughout Queens have achieved great results throughout Queens County.

I would like to extend my heartiest congratulations to Mr. Siegel and Ms. Lustig as St. Gertrude's celebrates their day. This honor can only represent a small thanks for all the good work they have done for the Rockaways.●

THE FOOTHILLS PROJECT LESSON: THAT EVERYONE CAN BE A WINNER

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. KOGOVSEK. Mr. Speaker, far too often, and we have seen it in recent weeks of consideration of the budget resolution, parties involved in controversial issues polarize rather than join together to reach a solution. On June 21, 1983, the Denver Post carried an editorial by my Colorado colleague, TIMOTHY WIRTH, describing what can, and what should, result from reasonable negotiation. The final paragraph of Congressman WIRTH's statement is the best summary of all: "Coming together is a beginning; keeping together is progress; working together is success." I would like to submit this editorial to the CONGRESSIONAL RECORD so that Congressman WIRTH's example of success and his thoughts on how to achieve it can be considered by all.

[From the Denver Post, June 21, 1983]

THE FOOTHILLS PROJECT LESSON: THAT EVERYONE CAN BE A WINNER

(By Timothy Wirth)

Last weekend, we dedicated the Foothills water treatment plant, closing a major chapter in one of the most important controversies facing the Denver metropolitan area for the past decade. Denver is assured the capacity for treating water, averting what could have been an immediate water crisis limiting our area's inevitable growth.

That is a significant milestone for Denver. But there is a more important lesson from Foothills, and it is one that is easy to overlook.

Americans' confidence in their government—federal, state and local—has been severely shaken over the past 15 years. We have made a national pastime of noting our system's failures and decrying its incapacity to overcome paralysis on the most critical public policy issues. Many have resigned themselves to watching conflicts among parties, ideologies and special interests that produce little result for our nation, our state or our metropolitan area as a whole. Foothills shows us that we in Colorado can break that pattern—if we are truly committed and willing to work to accomplish our goals.

Six years ago, Foothills was mired in controversy among a myriad of interests and players: the Denver Water Board, the environmental community, developers, federal and state agencies and others. Lawsuits had been filed in Denver and Washington, and despite our area's overriding interest in a resolution of the conflict, the plant was headed for years of prolonged and expensive litigation. And the public was faced with the high costs of the delay.

A group of us—Jim Kenny, then the new head of the Denver Water Board; Alan Merson of the EPA; leaders in the environmental community; leaders among the area's developers and I decided to attempt what many viewed as impossible; a negotiated settlement that would put the interest of Denver above the interest of any individual party. They accepted my invitation to come to the negotiating table. Together, we engaged in weeks of negotiations, including repeated all-night sessions, while we hammered out an agreement.

Through communication, not confrontation, every party came to understand the other parties' positions, and slowly but surely identified where they agreed and disagreed. The tortuous hours finally yielded compromise and agreement, and every one came away with a victory. And each party did win—because each recognized that consensus was better than stalemate.

The lesson is simple: As a society, we can break the deadlocks which frustrate and defeat all of us. But only if parties to a dispute are willing to listen to their opponents, be patient in waiting to find common ground and steadfast in building the coalition necessary for ultimate success.

That simple lesson can be applied to even the greatest controversies we confront. Our economy today is being damaged not as much by foreign competition, by cheap labor overseas or by unfair practices of our trading partners as it is by our own internal conflicts—by constant confrontation among business, labor and government.

That is why I have introduced legislation to create a high-level Economic Cooperation Council, to bring together leaders in each of these areas, to create a forum in which the parties can work to build a consensus on our economy's future and an understanding of each group's interests and needs. Some argue that our economy's problems are too complex for such a simple approach.

But I continue to believe what a philosopher said so long ago:

"Coming together is a beginning; keeping together is progress; working together is success."●

PRESERVE THE INTEGRITY OF THE CIVIL SERVICE

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. PARRIS. Mr. Speaker, the Comptroller General of the United States recently ruled that an Office of Personnel Management proposal requiring Federal employees to meet subjective job performance standards for within grade pay increases is illegal. In a letter to the chairman of the House Post Office and Civil Service Committee, Comptroller General Charles A. Bowsher said it is the view of the General Accounting Office that the proposal, made by the Office of Personnel Management, "is illegal and may not be implemented without appropriate legislation."

Specifically, it would require employees in steps 7 through 9 of a grade to achieve a performance rating of "exceeds fully successful" to be eligible for advancement to the next step, while requiring employees in the first six steps to be found only "fully successful." The Comptroller agreed with the chairman that this would create "an illegal" double standard.

Mr. Speaker, it is my opinion that the Office of Personnel Management has gone too far in their assault on Federal employees. This proposal is unacceptable, and I request that the Director of OPM withdraw or modify it so that it is equitable. Unless major modifications are made, this ruling will have a negative impact on the already battered Federal work force.

I ask my colleagues to preserve the integrity of the civil service by taking heed of the Comptroller General's recommendation.●

SOUTH AFRICA HANGS THREE GUERRILLAS; BLACK NATIONALISTS VOW REVENGE

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. LOWRY of Washington. Mr. Speaker, on June 7, 1983, I joined more than 50 Members of the House and Senate, from both the Democratic and Republican Parties, in sending an urgent cable to South Africa's Prime Minister Botha. We urged the Prime Minister to commute the death sentences of three young members of the African National Congress who were scheduled to be hanged 2 days later. I also sent cables to Prime Minister Botha and President Viljoen urging a last minute reprieve for the condemned men. Other pleas were sent by human rights organizations, governments throughout the world, and concerned citizens in the United States and other nations.

Despite these pleas, the South African Government hanged Jerry Mosololi, Simon Mogoerane, and Marcus Motaung on June 9, 1983 at 5 a.m. South African time. They were denied even the most basic right—a family burial. I deplore this reprehensible action. I believe it will only serve to fuel the growing violence in southern Africa.

The following New York Times article of June 10, 1983, provides valuable information concerning this situation. I urge my colleagues to give it their close attention, as we will soon be considering legislation which would make significant changes in our current policy of constructive engagement with the Government of South Africa.

The policy of constructive engagement has offered South Africa increased trade, expanded diplomatic relations, and indications of U.S. goodwill. But it is based on the faulty notion that we can influence South Africa, through vague diplomatic negotiations, to initiate peaceful, meaningful change within its borders and throughout the region. This has clearly not occurred, as evidenced by last week's hangings.

In reality, constructive engagement has meant U.S. support for South Africa's cruel and oppressive system of apartheid and racial discrimination. This support must end.

The article follows:

[From the New York Times, June 10, 1983]

SOUTH AFRICA HANGS 3 GUERRILLAS; BLACK NATIONALISTS VOW REVENGE

PRETORIA, SOUTH AFRICA, June 9 (AP).—South Africa's white Government today hanged three black guerrillas who had been convicted of treason and murder, and the outlawed African National Congress to which they belonged vowed to avenge the deaths.

"Their example and their sacrifice must and will, for us, serve as a call to battle," the organization said in a statement issued in Lusaka, capital of neighboring Zambia.

"We shall strike back by intensifying our struggle," Oliver Tambo, the guerrilla group's president, said in Addis Ababa, Ethiopia, where he was attending a meeting of the Organization of African Unity.

Two hours before the hangings, chapel bells pealed across Soweto, the black township south of Johannesburg, to mark the first executions in four years of rebels against the rule of South Africa's 5 million whites over 21 million blacks.

The three—Simon Mogerane, 23 years old, Jerry Mosololi, 25, and Marcus Motaung, 27—were sentenced to death for taking part in attacks on police stations between 1979 and 1981, in which four black policemen were killed. The men admitted their part in the attacks but demanded that they be treated as prisoners of war.

3 DEATH SENTENCES COMMUTED

On Monday, the Government commuted death sentences against three other black guerrillas to life imprisonment, noting there had been no deaths in attacks in which they participated.

Despite appeals for clemency from the United Nations Security Council and from the United States and other countries, a council of South African Cabinet ministers refused Wednesday to commute the sentences of the three put to death today.

The three men were hanged at 10 minutes after dawn in Pretoria Prison alongside a white man and another black man convicted of nonpolitical killings, said Coenie de Swardt, a spokesman.

The Government, apparently in an effort to head off vast demonstrations, refused to give the bodies to the families for burial. It also banned a protest rally scheduled for tonight in Soweto. But small demonstrations took place elsewhere.

In Durban, on the Indian Ocean, policemen arrested 23 people and scattered a crowd of some 400, mostly students, marching beneath the banner of the African National Congress.

On Wednesday night, part of a crowd of about 700 demonstrators at the University of Zululand set a police car afire to protest the executions.

The French Government said South Africa "ridicules the values it believes it represents," and the National Assembly suspended its session for five minutes. The West German Government said it was dismayed. There were protests from Sweden, Italy, the Soviet Union and the Netherlands.

The South African Broadcasting Corporation, which reflects government policy, said the condemnations were misplaced.

"It is the murder and destructive tactics of the terrorists that deserve universal condemnation," the broadcast said. "A genuine effort to protect a nation from such horror should be beyond reproach."●

A TRIBUTE TO MR. JOSEPH QUINN

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ST GERMAIN. Mr. Speaker, I usually come to the floor of the House of Representatives to tell of joyful occurrences within my congressional district. In this instance, however, I must report with a very sad heart the loss of a very dear friend, a wonderful father, and a beloved grandfather. On Monday of this week, June 20, Rhode Island lost a wonderful citizen, Mr. Joseph Quinn.

Mr. Quinn was a lifelong resident of Pawtucket, R.I. Since the late 1930's, he was also a summer resident of the Rhode Island community of Middletown.

How did this congenial, lovable, affable gentleman become famous up and down the east coast, from Rhode Island to Florida? Very easily. He did so in the most wonderful manner. He raised a family of four sons, all of whom were able to attend college and to distinguish themselves in their professional careers. His pride in life, his joy in life, was his family. He provided for their needs, he educated them well and, most importantly, he gave them a strong sense of moral principles and an appropriate sense of values. He was fortunate to have had an opportunity to do this with his grandchildren as well.

Mr. Quinn, as far as I know, never had an unkind word to say about anyone he ever encountered, and many people loved him, but no one loved him more than his sons. I have had the wonderful experience of viewing at firsthand the devotion of his sons to their father. Seldom have I seen such a close-knit family, seldom have I seen grown men so much in love with their dad.

And so, it is with a heavy heart that I report the loss of this wonderful gentleman who, along with everything I have said above, is a very dear friend of mine, of my wife, and of my daughters.

On the Sunday before Father's Day, my younger daughter and I had dinner with Mr. Quinn's sons and one of his grandsons. Mr. Quinn on that date had been hospitalized for a period of time and was in critical condition. But I was so impressed when Mr. Quinn's oldest son raised his glass and said, "Let us all drink to the man who can't be with us tonight, our father." I thought this was a very touching tribute, but it was not unusual for this family. For a long period I have noted how each son would watch over his father, making sure that he would be properly cared for. I have never seen four boys—grown men—demonstrate this type of devotion, love, affection, and respect for their father.

Goodby, Joe. You were a wonderful friend and an exemplary father. You have set an example for your sons, as well as for all who ever knew you. You will be missed.●

JEWISH NATIONAL FUND HONORS CONRAD EVERHARD

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. RODINO. Mr. Speaker, I am very proud to pay tribute today to Conrad H. C. Everhard, who will be honored on June 28 by the Jewish National Fund as the recipient of this year's Theodore Herzl Award.

Mr. Everhard is one of the outstanding leaders in the shipping and maritime industry, and is being cited for his tremendous achievements in this business as well as developing trade and goodwill relations between the United States and the rest of the world. He is the president and chief executive officer of Dart Orient Services, Inc., and is considered to be one of the country's leading experts on the steamship industry in particular and the transportation system in general.

The Jewish National Fund is the leading land reclamation and development agency in Israel, and is known throughout the world for its remarkable work in that country—planting trees, building roads, conducting scientific research—and has been tremendously successful transforming an arid desert into fertile farmland.

Mr. Everhard's professional achievement, for which he is being honored, are complemented by his strong support of Israel. The proceeds from the dinner on June 28 will be earmarked for a project in Israel bearing his name.

I am especially proud to serve as one of the honorary chairmen of the dinner with my good friends, Senator DANIEL P. MOYNIHAN and Congressman MARIO BIAGGI. Conrad Everhard has been a dear friend of mine for many years, and while I have long been aware of his outstanding abilities in his field, I am extremely pleased that such a noteworthy organization as the JNF recognizes his contributions as well. I sincerely wish all of the participants my best for a successful event, and offer my congratulations to both Conrad Everhard and the Jewish National Fund.●

CONGRESSIONAL SALUTE TO THE REVEREND AUGUSTINE VARRICCHIO UPON THE CELEBRATION AND COMMEMORATION OF THE 58TH ANNIVERSARY OF HIS ORDINATION TO THE PRIESTHOOD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ROE. Mr. Speaker, on Saturday, June 25, residents of the city of Paterson, my congressional district, and State of New Jersey will assemble at a parish celebration of Our Lady of Victories Church in Paterson, N.J., to honor one of our most distinguished members of the clergy and good friend of all of our people, Rev. Augustine Varricchio, to celebrate and commemorate the 58th anniversary of his ordination as a Redemptorist priest.

Mr. Speaker, the faith and devotion of our people in a full communion of understanding, ever caring and respecting the individual religious beliefs of his fellow man has been the lifeline of our democracy—ever inspiring our people with hope and urging the individual on to great achievements and purpose in pursuing the fulfillment of his dreams and ambitions. The exemplary leadership and outstanding efforts of our people so important to our quality of life are in the vanguard of the American dream and today we express our appreciation to the Reverend Augustine Varricchio whose esteemed dedication and unselfish devotion in promulgating spiritual guidance, goodwill, fellowship, and brotherhood in service to God are applauded by all of us who have the good fortune to know him.

Father Augustine Varricchio was ordained in 1925 to the holy order of the priesthood as a member of a Roman Catholic order known as the Congregation of the Most Holy Redeemer which was founded by St. Alphonsus de Liguori in 1732. He has served as spiritual adviser, reverend father, and pastor dedicated to the well-being and happiness of each and every member of the many parishes he has served throughout his lifetime.

Father Varricchio was born in Italy in 1895 and came to the Bronx in 1903. Upon his ordination as a Redemptorist priest he provided parish missions in

Italian in the northeastern region of our country until 1933. He then served as associate pastor at a large Italian parish in Brooklyn, N.Y., where he was the only English-speaking priest among six priests in the parish.

In 1938 Father Varricchio came to Paterson, N.J., as associate pastor of St. Michael's Church where he continued his most noteworthy leadership endeavors in promulgating the richness of the Roman Catholic religious culture. In 1951 Bishop Boland assigned him to commence a new parish at Branchville, N.J., where he became the first pastor of the new church: Our Lady Queen of Peace Church.

In 1952 he was assigned as pastor of Our Lady of Pompei Church in Paterson until 1954 when Bishop McNulty appointed him as pastor of Sacred Heart Church in Clifton, N.J. In 1966 he retired from his pastorate and took up residence as an esteemed and revered member of the clergy emeritus at Our Lady of Victories Church in Paterson, N.J. His steadfast faith, hope, and charity is now being ministered through the richness of his wisdom in service to God at Novena to St. Jude at Our Lady of Victories, and also at St. Gerard, Blessed Sacrament, and Our Lady of Pompei Churches in Paterson.

Mr. Speaker, I am pleased to have this opportunity to seek national recognition of Father Varricchio and all of his good works. Through his noble deeds and quality leadership and dedication and devotion to our people, in service to God and mankind, he has truly enriched the cultural, educational, and religious endeavors in our community, State and Nation. In national tribute to the elegance of his faith and outstanding good deeds on behalf of our people, we do indeed salute Rev. Augustine Varricchio of Our Lady of Victories Church, Paterson, N.J.●

PRESIDENTIAL RECOGNITION AWARD RECEIVED BY BERNICE BASS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. RODINO. Mr. Speaker, I am extremely pleased to salute Ms. Bernice Bass, who today received a Presidential recognition award from the Federal Regional Council.

The Presidential Recognition Award for Community Service by Federal Employees is given annually, specifically citing examples of outstanding programs involving both the public and private sectors in a partnership. The youth employment training program that was established by Ms. Bass with the Newark Board of Education, is a shining example of such a project.

Under this program, high school students from Newark worked 25 hours a week at the U.S. Customs Service, where Ms. Bass serves as Director of the Administrative Division. She first initiated this program in 1980, and it has proven to be extremely successful. The students work at the Customs Service helping to eliminate backlogs and update records, and in addition, their presence allows many permanent employees to participate in 2-week training tours in regional offices.

We have heard a great deal lately about the decline in quality in our educational system. Bernice Bass has been working for many years in the struggle for quality education in inner city schools, and has dedicated herself to finding remedies to this problem. As the host of an hour-long weekly radio show broadcast on WNJR in New Jersey, she brings these issues to the attention of the public as she interviews educators, parents, teachers, lawmakers, and concerned citizens. Her idea of involving high school youths in the Customs Service has been a proven success, and the reports from all of the supervisors and managers involved in the project confirm this.

I have known Bernice Bass for many years and I am very gratified that the Federal Regional Council has recognized her skills by honoring her in this way.●

TWO MARYLAND DWELLINGS IN NATIONAL REGISTER

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DYSON. Mr. Speaker, it gives me great pride to announce the recent inclusion of two Queen Annes County, Md., dwellings in the National Register of Historic Places. Kennersley, located near Church Hill, and Cray House, located near Stevensville, are rare and unique structures, and by this designation become permanent reminders of the rich history of the Eastern Shore of Maryland.

According to the Maryland State Historical Trust, Kennersley was constructed some time between 1785 and 1798 by Richard Ireland Jones, a notable figure in the history of Queen Annes County. Jones came to Maryland in 1784 as a representative of Robert Eden, the last colonial Governor of the State. Jones was sent to attempt to reclaim some of the "wrecked fortune" of Frederick, Lord Baltimore. In 1785 or 1786 Jones married Susanna Tilghman, and built what is now known as Kennersley on some 500 acres of land formerly owned by his wife's family.

Kennersley survives as an example of Richard Ireland Jones' social and political prominence. However, Kennersley is notable for its unusual form of architecture as well. An outstanding example of high-style design of the period, Kennersley is the only remaining five-part house in Queen Annes County, and one of only a dozen or less examples on the Eastern Shore. Its Flemish bond brick work, special attachment of the wings to the main portion of the house, and its especially fine interior detailing serve to distinguish Kennersley apart from its connection with a historical personality.

Cray House, first constructed between 1809 and 1817, and enlarged in the 1840's, derives its significance as a rare, dated example of a form of log construction known as "post-and-plank." It is one of the oldest known examples of this type of construction in the Tidewater, and the oldest known building in Stevensville. This makes it an object of great interest for architectural historians.

Cray House was owned by the Cray family until 1976 when the heirs of Katie C. Ewing, nee Cray, Helen G. Sapp, nee Cray, Eva Brown, nee Cray, and Thomas Cray deeded the house to the Kent Island Heritage Society. The society was originally formed in 1975, and at that time began the arduous task of fundraising, and eventually, restoration. Instrumental in these efforts, and deserving of special commendation were Mrs. Lloyd Steuart, then president of the society, Miss Annie May Price, Mrs. Alfred G. White, the late Mrs. Malvern Schoch, and the late Mrs. T. Walter Denny. Through the initiative of these women and the Kent Island Heritage Society, an irreplaceable part of Maryland's past has been preserved for posterity. The society now maintains Cray House as a historical museum, and welcomes all interested visitors.

I congratulate the owners of both Kennersley and Cray House on the occasion of their designation as National Historic Places. Through their efforts, these valuable and unique examples of Maryland's history will be enjoyed for many years to come.●

REFERENCE TO STONEWALL JACKSON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. CONTE. Mr. Speaker, on June 6, during debate on the fiscal year 1984 energy and water appropriations bill, there was reference made to the Stonewall Jackson Dam in West Virginia and its funding for the coming fiscal year. In my remarks on the floor during consideration of an amendment to delete funding for the project, I stated that: "if old Stonewall knew

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that his name had been attached to this boondoggle, he would be turning over in his grave."

I would like to clarify this statement, because it appears that it has caused some misunderstanding. When I referred to "old" Stonewall, I meant that he died many years ago, not that he was old in years. Any student of American history knows that Jackson died at the age of 39 after Chancellorsville.

I recently received a letter from a doctor in Massachusetts who took issue with my reference, citing that Jackson "moved fast and hit hard and has been model and inspiration for great American leaders ever since. My all-time military idol, I think he was the greatest subordinate commander we ever produced."

Well, I heartily agree with Dr. Armitage, and hope that my southern colleagues did not take issue with my statement.●

THE LATEST HOLOCAUST

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. FLIPPO. Mr. Speaker, I am horrified at the unspeakable persecution and execution of members of the Baha'i faith in Iran.

Last Saturday, the government in Iran executed 10 women, including 4 teenagers, who are members of this religious minority.

There are some 50 members of this faith in my district, including 3 spiritual assemblies or congregations. Numerous members of this faith are living in Huntsville, Decatur, Birmingham, Tuscaloosa, and other Alabama cities. They are terrified.

Many of them do not know if members of their families have been killed in Iran and are afraid to even try to contact them.

The Baha'i faith started in Iran in the 1840's. It is now an independent, worldwide religion, with some 100,000 members in the United States.

Iran does not recognize this religion, since tolerance and equality of men and women are included in its tenets. Iran considers members of the Baha'i faith as heretics and Baha'i mothers as prostitutes, since it does not recognize Baha'i marriages.

Since Khomeini came to power, more than 150 Baha'is have been hanged. Thousands are in hiding. Thousands more are living in caves since the government burned their houses, auctioned their belongings on the spot, closed their schools, and confiscated their bank accounts. Mob beatings of the Baha'is are a common occurrence in Iran.

There are some 300,000 to 400,000 Baha'is in Iran, but the government will not allow them to leave. Members of this faith are not plotting the overthrow of the government, they are not conspirators. They are not even protestors. They are merely members of a different religion from the state of Iran, and they are being slaughtered. The U.S. State Department has confirmed these atrocities.

Many of you may have heard Dr. Firuz Kauzemzadeh, secretary of the Baha'i National Spiritual Assembly, tell about this genocide on CBS-TV Tuesday morning.

During the Iranian hostage crisis, we learned that we were also helpless to influence events in Iran. Last year, the Congress passed a joint resolution protesting the cruel treatment of Baha'i in Iran. President Reagan deplored the massacre on May 22. There are bills pending to prohibit exports to Iran as long as the Baha'is are being persecuted and executed. Still we do not seem to be having any effect in Iran.

The truth is that we may be having an effect. Dr. Kauzemzadeh said this morning that unless the whole world continues to protest the treatment of Bhah'is in Iran, the number of executions will number in the tens of thousands and, perhaps, hundreds of thousands, unless we continue to speak out against this latest "holocaust."

I call upon the Congress, the administration, and the American people to speak out against the persecution and execution of Baha'is in Iran.

Unless we do, the situation will inevitably get much, much worse.●

THE PIED PIPER FOUNDATION FOR THE PERFORMING ARTS DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ADDABBO. Mr. Speaker, it is with great pleasure that I introduce to you the Pied Piper Foundation for Performing Arts, Inc., of Jamaica, N.Y. and ask that June 26, 1983, be named Pied Piper Foundation for Performing Arts Day.

This year, the foundation is celebrating its 15th anniversary which will represent 15 years of unselfish service to the Queens community. Already, Queens County has officially recognized and declared June 26 as their day and rightfully so.

Their contribution to the arts and tireless efforts to acquaint culturally deprived youngsters with the arts has been abounding. The foundation has helped develop and promote youths in entertainment and the arts, familiarizing them with a field that virtually none of young adults know about.

With the help of the Pied Piper Foundation and its executive director, Mr. Frank Tennyson, youngsters have participated in shows in New York City's parks, streets, and school programs.

It is only fitting to honor and be able to pay tribute to the Pied Piper Foundation on this day. To know them and their work and to see the smiles on the children's faces who have benefited from foundation programs, gives me great pride to be their representative. The Pied Piper Foundation should be admired by our whole Nation.●

PEOPLE ON SKID ROW GET SOME HELP

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. EDGAR. Mr. Speaker, in this time of difficult budget decisions, I would like to call attention to an example of the type of government funded community program which deserves our full support. In the city of Philadelphia, an organization has been quietly doing good works since 1963. With an annual budget of $2.8 million, over 90 percent of which is publicly funded, the Diagnostic and Rehabilitation Center runs an outstanding alcoholism treatment program and a drop-in center for the chronically homeless. The center shelters 3,000 homeless each year and receives an additional 40,000 outpatient visits.

The president of the center is Irving Shandler. In this truly compassionate crusade, Mr. Shandler has led the staff of the center and the center's many supporters in the community. I am one of the latter, having known and worked with Mr. Shandler since 1975. I would like to join those Philadelphians who recently paid their respects to the center on its 20th anniversary. The following piece by George Wilson, which appeared in the Philadelphia Inquirer, eloquently describes the work of the Diagnostic and Rehabilitation Center.

I am pleased to report that $76,000 from the emergency jobs and relief bill which Congress passed in March found its way to this center. During our many budget decisions this year, I hope we will remember to further support such deserving institutions as this one.

[From the Philadelphia Inquirer, May 20, 1983]

THE PEOPLE ON SKID ROW GET SOME HELP

(By George Wilson)

There was a small happening with a whole lot of meaning one day this week at 229 Arch Street. That's where the Diagnostic and Rehabilitation Center (DRC) is located. A luncheon was held on the premises to mark the institution's 20th anniversary.

The DRC is a private, nonprofit organization providing treatment and rehabilitation services to alcoholics and their families. Although located next to the Betsy Ross House, one of the city's most popular tourist attractions the center maintains a low profile. It probably goes unnoticed by most visitors to the historic area.

In characteristic fashion the anniversary luncheon on Monday was informal and limited to less than 50 guests. Those present, however, included top city officials and others who wanted to pay their respects and express their thanks to all who have had a part in making DRC an exemplary success.

It is enormously successful not in financial clout or material assets but in terms of really important things that it does around the clock, every day of the year, quietly, with devotion and dedication: things like service to humanity, compassion for the needy, comfort for the friendless, help for the ill, sanctuary for the homeless, guidance for the desperate, a hand of fellowship and understanding extended to all who come to its door.

Mayor Green spoke at the luncheon. So did City Managing Director Rodney Johnson and City Health Commissioner Stuart Shapiro. Each rose to the occasion—delivering remarks that conveyed both personal understanding and genuine appreciation of DRC's humanitarian objectives and good works.

Former board chairman Lewis Van Dusen and Elias Wolf and current chairman Gustave Amsterdam devoted most of their brief speeches to recollections of the center's conception and early years of operation. It was founded in 1963 largely through joint efforts of the Greater Philadelphia Movement, Temple University, the Redevelopment Authority and public-spirited citizens who wanted to do something to help the unfortunates who inhabited what was known as Philadelphia's Skid Row.

I remember quite well the circumstances that triggered the Skid Row controversy of the early 1960s, although I cannot speak of it with the intimacy of detail recalled by the founders of DRC.

The wholesale produce market on Dock Street (where several generations of my relatives, including my father, had worked for many decades) was torn down after the Food Distribution Center opened in South Philadelphia in 1959. That gave impetus to the Society Hill renaissance and, in broader dimension, to the revitalization of other residential areas in Center City. Mayor Richardson Dilworth, having established residence on Washington Square, was a pioneer in the back-to-Center-City movement.

An awkward question arose: How could Center City be restored as a first-class place to live when it was frequented by thousands (as many as 2,800, by one estimate) of derelicts inelegantly but commonly referred to as "Skid Row bums?" There was debate about whether Philadelphia really "needed" a Skid Row.

Some observers thought the homeless drifters, most of them apparently drunkards, ought to be "gotten rid of" somehow. Then, presumably, the city wouldn't have a Skid Row any more. No one seemed to know exactly where they could be sent. In the unreality of the times it wouldn't have been surprising if someone had suggested that they all be given tokens, taken to the Market Street Subway and dispatched to Upper Darby.

Fortunately, more enlightened attitudes prevailed. Some Center City businessmen, and others, recognized that Skid Row was not a territorial problem but a human problem. People on Skid Row needed to be considered not as "undesirables" but as neighbors who ought to be helped. The help should be made available in a manner that would not deprive them of their dignity or freedom of choice.

That humanitarian concern was the genesis of the Diagnostic and Rehabilitation Center. Those who seek its services now come from all over the city and beyond, and from many walks of life. More than 40,000 outpatient visits for medical and counseling services were recorded last year. Nearly 3,000 inpatients were provided food and shelter in addition to counseling and treatment. Funding comes from a variety of governmental (federal, state, local) and private sources.

Two former patients spoke at the anniversary luncheon. What they said overshadowed all that was spoken by others. To hear them tell their stories of rescue from despair was an unforgettable experience. It conveyed poignantly the effectiveness of the DRC as a rehabilitating institution and the noble work of staff members whose care and kindness and devotion mean so much to so many.

Irving Shandler is the DRC president. He has been with the organization since the beginning, directing its activities and earning large credit for its splendid achievements. He deserves grateful thanks not just from those who have been helped but from everyone who believes in humanity's basic obligation to assist fellow human beings and never to pass by on the other side.

The same accolades should go to others on the center's staff. They ought to be immensely proud of their achievements and the services they perform. They should be an inspiration to all of us.●

1983 CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Ms. FERRARO. Mr. Speaker, I am proud to participate today in the 1983 Call to Conscience Vigil for Soviet Jewry. My colleague from Colorado, Mr. WIRTH, has done a tremendous job of focusing the attention of this Congress, and, through us, the attention of the American public, on the terrible conditions faced by Jews in the Soviet Union.

For, despite Soviet claims to the contrary, thousands of Jewish citizens seeking to emigrate to Israel are being denied the right to rejoin their families. Hundreds of thousands of other Soviet Jews, who only want to live in their native land as Jews, are being denied the right to learn Hebrew or practice their religion.

If there is one Soviet Jew who puts the lie to Soviet claims of tolerance toward its ethnic minorities, it is Ida Nudel.

Imprisoned in Siberia for 4 years for the crime of seeking to emigrate, Miss Nudel is now living in a small Moldavian town, deprived of her profession as an economist, while health and hope fade away.

I recently visited Miss Nudel's sister in Israel and learned that Ida is as adamant in her desire to emigrate as she ever was in her 11 long years as a refusenik and Prisoner of Conscience. Soviet claims that Jews are happy and no longer want to leave the U.S.S.R.—these claims are lies and propaganda.

This Call to Conscience Vigil is a reminder—to the Soviet Union and the world—that the human rights of Soviet Jews, and all afflicted peoples, rank among our deepest concerns.●

RETIREMENT EQUITY FOR WOMEN

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. THOMAS of California. Mr. Speaker, I have introduced legislation to increase the allowable deduction for a spousal individual retirement account (IRA) to $2,000, regardless of the spouse's compensation.

My bill, H.R. 3309, would permit couples who file joint income tax returns to contribute up to $4,000 ($2,000 for each spouse) to IRA's. Current law discriminates against working women and against housewives who do not receive formal compensation but who nonetheless contribute greatly to their family's welfare. Current law limits IRA deductions on joint tax returns to $2,000 for the higher earning spouse, which in most cases is the husband, plus $250 for the lower earning or nonworking spouse, who in most cases is the wife. Couples are thus limited to annual overall IRA contributions of $2,250 if they file jointly.

Since both spouses will be relying upon their IRA savings in their retirement, I believe contributions should be allowed for both, regardless of who earns the income. When Congress passed the law establishing IRA's in 1981, it created a popular and successful tool for encouraging retirement savings while helping to add to our Nation's long-term savings pool. However, working wives and housewives were all but left out of this plan. These women should have the same opportunity as other people to set aside savings for their retirement, but under current law they do not.

Women are especially apt to find social security, pensions, and savings inadequate in their retirement years, which makes the IRA increasingly popular as a means of retirement saving. When a woman is a career or part-time homemaker, however, her ability to contribute toward her retirement through an IRA is hampered by current law.

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Currently, full-time or part-time homemakers cannot establish an adequate IRA because they lack earned income, even though many studies show that their homemaking services contribute much in-kind income to the household. Under current law, homemakers can qualify for only up to $250 per year spousal deduction for an IRA. Those spouses who earn a second income outside the home are also subject to the $250 limit unless they file a separate return.

Clearly, both homemakers and spouses who earn a second income for their families contribute to their families' welfare, and these women will also eventually retire and will need retirement income, just as their husbands will. Therefore, it makes sense to me, Mr. Speaker, for Congress to change IRA limits to reflect this fact.

If IRA's are to be an important retirement planning tool for all Americans, they should not exclude a large number of working Americans, overwhelmingly female, who earn less than their husbands, or who choose to work in the home, or leave the work force temporarily to raise children.

My bill would correct this problem, and most of its benefits would accrue to taxpayers in the middle-income brackets who are often victimized by our Federal Tax Codes. Fully 63 percent of the tax benefits from my bill would go to families in the $10,000 to $50,000 income group. Many of these families have two incomes, and H.R. 3309 would provide a large measure of real equity—financial equity—for the working women of these families. It would also allow married couples to save a greater portion of their income toward their retirement.●

RULE ON THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means yesterday favorably ordered reported H.R. 2769, the Caribbean Basin Economic Recovery Act. This legislation would promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek a modified closed rules for the consideration of this bill by the House of Representatives.●

JAPANESE REPARATIONS BILL INTRODUCED

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DYMALLY. Mr. Speaker, last Thursday, June 16, the Commission on Wartime Relocation and Internment of Civilians released its long-awaited recommendations with respect to reparations for those 120,000 Americans of Japanese and Aleut descent who were compelled to leave homes, jobs, property, and community and submit to internment in camps during the Second World War. During the 97th session of Congress I introduced two bills which were aimed at focusing the attention of the Japanese American and Aleut American communities on the issue of just recompense for their suffering during those years of internment. It was my intention that members of these communities engage in a dialog concerning this issue, and that their ideas be formulated in a bill after the Commission on Wartime Relocation had released its final report.

I am pleased to note that the provisions of my bills closely parallel the final recommendations of the Commission. The dialog which I had hoped to elicit has also occurred. Accordingly, I am proud to join Congressman MIKE LOWRY, who for many years has demonstrated his intense concern for the internees, and over 20 of our colleagues in sponsoring a new reparations bill. This bill reflects not only the work of the Commission, but also the thinking of many in the Japanese American and Aleut American communities. I am confident that the bill will have broad support and that, through it, we might bring a sad chapter in U.S. history to a just close. The World War II Civil Liberties Violation Redress Act will, at last, bring recompense to the thousands of internees whose way of life was so severely altered by the internment experience that more than 30 years after the experience many are still unable even to recount the experience to their children.

I wish to emphasize to my colleagues and to my fellow Americans that this is not a bill aimed at giving money to Japanese nationals. Rather, it is a bill for Americans who were blanketly denied their civil rights without the due process of law that we regard as a hallmark of our democratic system. This bill is the least that we should do in recompense for the trauma this country inflicted on fellow loyal Americans. Many of those who were interned have demonstrated their loyalty through a lifetime of public service. Internees are now well represented among our Nation's outstanding legislators, educators, physicians, researchers, and business men and women. Their love of country and their dedication to their fellow human beings is above reproach now as it was the day they set foot in the camps.

I would also point out to my colleagues that this bill should not be regarded as a regional bill or a special interest bill. It was not California or Alaska or Oregon that placed these 120,000 Americans in camps. The United States of America carried out the act—all of the United States—and so, it is fitting that all of the United States demonstrate through passage of this bill in the U.S. Congress that they are ready to make amends for one of the most serious breaches of civil liberty this country has ever visited upon its citizens.●

BALTIC STATES STRUGGLE FOR IDENTITY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mrs. JOHNSON. Mr. Speaker, this week marks the 43d anniversary of the Soviet invasion of Estonia, Lithuania, and Latvia, and the beginning to the courageous struggle by the Baltic people to retain their ethnic identity despite the brutal attempts by the Soviets at russification.

The Soviets have attempted to subjugate the people of the Baltic States by suppressing the very facets of their culture that create a sense of ethnic identity—most notably religion, language, and self-governance. For example, in Latvia SSR, 75 percent of both Komsomol and Party Central Apparatus are composed of non-Latvians. In 1979, 8 out of 10 heads of major departments in the Latvian Komsomol Central Committee were Russians. Russian is the only language spoken in the Party Central Committee, Council of Ministers, and Komsomol Central Committee and all the documents and directives are issued in Russian.

Methods of russification include the forced relocation of Baltic people away from their homelands; elimination of the Latvian, Estonian, and Lithuanian languages and all ethnic traditions; establishment of Russian as the official language in government, place names, and employment; job discrimination against portrayals of ethnic Baltic themes, and colonization of Balts to a minority in their own homeland.

The forced annexation of the Baltic States and the terrible persecutions that followed are yet another tragedy that scarred innocent people through the silent collusion of others. On this day dedicated to the spirit of freedom and independence of the Baltic people, let us be sobered by the memory of

these sacrifices. The price of forgetfulness is too great.●

SUPREME COURT DECISION ACCLAIMED

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. WEISS. Mr. Speaker, last week, the Supreme Court handed down a series of decisions that represent a tremendous and far-reaching victory, not just for women in their struggle for reproductive freedom, but also for everyone who believes that individuals should be free from State interference in private matters.

In its ruling, the Court relied on the doctrine under which courts in this land consider themselves bound by legal precedent. The precedent in this case was the 1973 Supreme Court decision in Roe against Wade, a ruling that affirmed a constitutional right to privacy in the 14th amendment.

Reaffirming that decision, the Court struck down a number of local abortion restrictions, including requirements that all abortions after the first trimester be performed in hospitals and that doctors tell women seeking abortions that the fetus is a human life from conception.

Clearly, the latter restriction involves moral and religious views not held by the majority of our population. And the hospital requirement is an unnecessary burden on access to a relatively inexpensive and safe medical procedure. Medical groups testified that second trimester abortions are much safer now than they were 10 years ago when the Court suggested that abortions be restricted to hospitals after the first 3 months.

I am hopeful that these decisions—acclaimed as the greatest prochoice triumph in the past decade—will weaken the antichoice forces that continue to recklessly inject antiabortion fervor into areas where it does not belong. It will undoubtedly lead to the nullification of many other State laws that limit women's freedom of choice on abortion.

Finally, I hope that the Supreme Court decisions bring us one step closer to the day when the issue of abortion no longer dominates the congressional agenda, but rather, is accepted as a basic tenet of a woman's right to reproductive control.●

POPE'S VISIT TO POLAND

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. OWENS. Mr. Speaker, today, we consider the Pope's visit to Poland in light of the impact on the Polish people and the Polish Government as well as the impact on the thinking of people in the United States about the relationship among ideas, governments, aspirations of people, and the provisions of the basic needs of human beings.

Pope John Paul II is the symbol of a religious tradition which has persisted for almost 2,000 years. He could easily confine himself to the Vatican, but this Pope has chosen to address the problems of the world. His encyclical "Laborem exercens" sets forth the proper relationship between workers and employers and between work and human dignity. The Pope affirms the right of workers to organize to achieve a decent standard of living for themselves and their dependents. The Pope made it clear that all work was equally important and that compensation should be such that it would be possible for a parent to remain home to care for children.

The conflict between workers and the employer state of Poland is a direct result of the pattern of ignoring the need of workers to work to provide a decent living for themselves and their families. As the workers of Poland organized into the movement called Solidarity, the Government reacted with threats, coercion, and violence. Workers who may have been intimidated can only be encouraged by the Pope's visit and support. Will this support lead to further threats, coercion, and violence against workers? One can only know that it is impossible to subdue the human spirit for long. Should the Government of Poland continue to pursue this course, it will find that it cannot close its eyes to rest in its own house.

What is the meaning of the workers' struggle in Poland for the workers of the United States? It is hard to have anything but admiration for those in Poland who have risked so much in the fight for a decent living. Will this stimulate the revival of the struggle for workers' rights here which has been subdued by coercive economic policies that ignore the "lagging indicator of recovery," the intolerable unemployment rate? Perhaps—but I cannot help but feel that this problem must be addressed by us, as Members of Congress. To that end, I have introduced the employment opportunity amendment which would make it clear that each person has the right to an employment opportunity and that it is the responsibility of Congress to enact into law the policies and programs which will create and sustain the economic environment which makes this possible.

It does not matter whether the means of oppression is the overt violence of Poland or the more subtle violence of economic manipulation to intimidate working people. In the long run, the violence done to body and soul are remarkably similar. People will eventually unite to build a better life. Solidarity will prevail.

There is no neutral ground. Each of us will be known for his or her acts. Do you stand on the side of a just society which recognizes the value and dignity of work and the need to create the opportunity for a decent living for all? Do you sit idly by and allow the drift of industrial and demographic changes which leave our people embittered as they are trapped by unemployment and the frustration of not providing for themselves and their families?

We are not helpless. We can act to help our people even as we expect the Government of Poland to act in support of its people.●

MEDICAL DOCTORS TO EL SALVADOR—BAND-AID REMEDY

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SIKORSKI. Mr. Speaker, I am submitting for publication in the CONGRESSIONAL RECORD a letter to the Minneapolis Star & Tribune on June 21, 1983, written by a constituent of mine, Dr. Gary W. King of Fridley, Minn. I would like to share it with my fellow Members of Congress, as a frightening reminder of the fact that the government's policies are jeopardizing the health and safety of the people of El Salvador:

> The Reagan administration's decision to send medical doctors to El Salvador is another Band-Aid remedy for a longstanding problem. Two groups of health professionals recently visited El Salvador to explore the disappearance, murder and imprisonment of health professionals in that country. Both groups heard similar sad tales of harrassment and murder perpetrated by right-wing death squads, the national police and the treasury police. Twenty health professionals had disappeared in the previous 12 months. Four were found in prison, two had been freed, one was in a mental institution outside that country and no trace was found of the other 13. Dr. Roberto Rivera Martelli, an obstetrician who hosted one investigation group, was abducted a month after the visit.
>
> Health and health care in El Salvador have suffered greatly since 1979. The Ministry of Health has had its budget cut 50 percent to save funds for the military. Maternity beds often hold two or three women. Endemic diseases such as measels, diptheria,

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polio and tuberculosis are rising. Vaccines are not available. In rural areas, infant mortality is 180 per 1,000. One-third of the population is anemic, 80 percent of the children under five years are malnourished. In refugee camps, sanitation is nonexistent.

After 12 of El Salvador's most prestigious professors, doctors and nurses tried to form a group to plead with the government that health professionals should be able to treat people without being killed or having their patients dragged off the operating table, several of them disappeared. Others have fled into exile. These facts reflect a total breakdown in health in El Salvador. As long as we are sending bullets and advisors to that country, and encouraging its government to continue the war, there is scant need of our Band-Aids.●

PERSONAL EXPLANATION

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. COATS. Mr. Speaker, due to official business I was unable to be present and voting on several issues debated on the House floor on Tuesday, June 16, 1983. Had I been present, I would have voted as follows:

On final passage of H.R. 1510, the Emergency Food Assistance Act, "aye."

On adoption of the rule providing for consideration of H.R. 2668, the Consumer Product Safety Act reauthorization, "aye."

On adoption of the rule providing for consideration of H.R. 2972, military construction authorization, "aye."

On an amendment to H.R. 2969, the Department of Defense authorization, to delete from the authorization all funds for procurement of Pershing II missiles, "nay."●

WARRENSVILLE HEIGHTS STUDENTS AND U.S.S. SNORC WIN OLYMPICS OF THE MIND COMPETITION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. STOKES. Mr. Speaker, it is a pleasure for me to use this opportunity to applaud the achievement of six talented young people from the Warrensville Heights High School located in the 21st Congressional District. These six students ingenuously built a robot they called the U.S.S. SNORC as a solution to a problem during a regional competition of the Olympics of the Mind. Not only did they win the State competition, but they went on to capture the world championship, in Michigan on May 26 and 27.

The team members included David Benthimer, Brian Bowling, Kevin Harris, Kevin Sedensky, David Tyus, and Christopher Wright. As their Congressman, I congratulate this group on behalf of the residents of the 21st District.

These creative young men collectively developed the U.S.S. SNORC, which stands for the Submersible Nautical Or Revolving Company. Built as a miner's helper, the U.S.S. SNORC would permit exploration in mines for valuable minerals without endangering human lives.

These diligent students designed this robot in 2 months. Their commitment to the project resulted in the completion of a device which could aid in future technology.

I personally take this time to commend these young men for their first place win in the district, second place in the regional, and first place in State competition. Their achievement steered them to the world championship.

Additionally, I would like to pay tribute to the instructors at the Warrensville Heights High School who provided the guidance for these young engineers. Undoubtedly, it was the exceptional training from these persons that helped our six honorees to win the world competition.

Mr. Speaker, I am deeply pleased to congratulate these outstanding young men for their skillful achievement. At this juncture, I would like to insert in the CONGRESSIONAL RECORD an article which appeared in the Cleveland Plain Dealer on this competition and the outstanding accomplishment of the six young men from my congressional district.

WARRENSVILLE PUPILS USE ROBOT TO WIN "MIND OLYMPICS" TITLE

(By Nancy Roman)

A foot-high robotic device made primarily of scrap metal, wires and a drive wheel moves slowly across the floor, scoops up two tennis balls and loads them into its miniature truck bed. A "task completed" sign lights up.

The U.S.S. SNORC, Submersible Nautical Or Revolving Co., led six pupils from Warrensville Heights High School to the world championship in the third Olympics of the Mind competition May 26 and 27 in Michigan.

The U.S.S. SNORC is the winners' solution to one of five Olympics problems: Your team is a group of mining engineers. You are to design a "miner's helper" that will allow you to explore abandoned gold, silver and othe mines for valuable minerals without endangering humans.

Team members David Benthimer, Brian Bowling, Kevin Harris, Kevin Sedensky, David Tyus and Christopher Wright began working after school in December to develop SNORC. They spent hours developing the design, style and mechanics while trying to keep within a $35 budget.

The competition is based primarily on creativity and mental gymnastics.

"The first day, Mr. Ross (team coach Dennis W. Ross) set all this stuff down—sheet metal, strings, bolts, a motor," team member Wright said, "We just looked at it for 15 minutes and asked, "What are we gonna do?"

But team member Bowling said, "Once we had the basic shape down, it was smooth sailing."

After spending $32 and "two straight months of work," the team had created a solution that placed first in district, second in regional and first in state competitions. The pupils then took SNORC to Central Michigan University, where they competed with 300 teams from 35 states, Ontario and Washington, D.C.

In addition to the solution to the long-term problem (maximum 200 points), pupils were judged on spontaneous response to several problems for a 100-point maximum.

Members described the session: They were put in a room 13 feet apart from one another. They were then asked which things they would take into the human mind and why. As though they were again competing, the pupils recalled their answers:

"I said, 'Superman, so I could let him do my work,'" Bowling said.

"A probe to take a tumor from your mind," Benthimer said.

"Rollerskates for transportation in and out of the mind," Harris said.

"Girls to keep you company," Tyus said.

In another problem, a shoe box containing 10 different items such as straws and matchboxes was placed in the center of a room. The pupils were instructed to place tennis and Ping-Pong balls in the box, using the different gadgets.

They did it in one minute, 38 seconds.

A final area of critique was style. The pupils were judged on presentation of the project. The Warrensville Heights team wrote a skit using an underwater mining theme complete with divers and sea monsters. "We tried to be just as creative as we could," Bowling said.

All members agreed the best thing about Mind Olympics was the chance to go to national competition.

One said the best part of the competition was winning. Another said it was meeting a variety of people.

"The people from way up in Canada talked funny, and the people from down in Alabama talked real funny, so we decided since we're in the middle, we must talk normal," Tyus said.

But team members agreed there was no animosity among any of the pupils regarding their cultural differences or the competition itself.

The pupils, all juniors, said they are eager to participate again next year.

"We are set on making this a Warrensville Heights tradition," Wright said.●

THE QUADRANGLE GROUNDBREAKING

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. BOLAND. Mr. Speaker, last evening I had the pleasure of witnessing an exciting and important event in the life of one of the world's foremost centers of learning, the Smithsonian Institution. With the turn of their shovels, Smithsonian Secretary Dillon Ripley, Vice President George Bush, and Chief Justice Warren Burger formally began the construction of the

Quadrangle, a center for African, Near Eastern, and Asian cultures.

The Quadrangle will help satisfy a need that has existed for far too long; the need to educate Americans about the rich and diverse cultures of the countries that lie between the Atlantic shores of Africa and the Pacific shores of Asia. In its museums, exhibition galleries, classrooms, seminar area, and auditorium, scholars and casual visitors alike will have an opportunity to experience the vitality of the cultures of the non-Western World. I am confident that the Quadrangle will immeasurably contribute to not only a better understanding of the countries of Africa, the Near East, and Asia, but to better relations with those countries as well.

I want to particularly commend Smithsonian Secretary Dillon Ripley for his leadership on the Quadrangle project. It is in large part due to his vision and his energy that this significant addition to the Smithsonian Institution has reached the construction stage. While half of the cost of the Quadrangle will be borne by the Government of the United States, half will also come from individuals, organizations, and governments throughout the world. Secretary Ripley has been tireless in his efforts to share his vision of the Quadrangle with leaders of governments, corporations, foundations, and private individuals around the globe. Throughout his stewardship of the Smithsonian, he has been an ambassador for learning and the Quadrangle is in large measure a reflection of his ability to instill in others a portion of his deep belief in the value and necessity of diffusing knowledge among the people of the world.

Mr. Speaker, I await with anticipation the completion of the Quadrangle. I know it will be a fitting addition to the Smithsonian and the Mall and a positive delight to millions of people.●

FTC COMMENTS ON GAS PRORATIONING ACTIONS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DANNEMEYER. Mr. Speaker, as the Congress continues to focus on the natural gas situation that faces our country, one of the topics that deserves further scrutiny relates to the actions of State regulatory bodies in gas-producing States and of some gas pipelines to interfere with the functioning of a truly free market by prorationing of gas purchase.

Under a prorationing arrangement, a natural gas pipeline takes only a percentage of the deliverability of those wells that are under contract to it. The problem arises when regulatory bodies, such as the Texas Railroad Commission or the Oklahoma Corporation Commission, or pipelines themselves, implement a prorationing system that results in pipelines taking the same percentage of natural gas from wells regardless of the price of gas from each well. For example, in April of this year, the Oklahoma commission adopted a rule for 90 days to reduce permissible rates of natural gas production from 50 percent of open flow tests to 25 percent. This rule has since been rescinded.

Mr. Speaker, my deep concern is that these price insensitive prorationing arrangements, whether by State regulators or by the pipelines themselves, act to rob the consumers of this country of the benefits of the current surplus in the natural gas marketplace. Basic economics suggests that if there is an excess of supply in relation to demand, then prices should fall. The natural gas market under current Federal laws and regulations is already very inflexible and thus it is slow to react to these market forces.

Yet, despite the rigidity that characterizes the natural gas industry, market forces have recently begun to be felt, albeit slower than many of us would have liked. The industry trade press reports that new gas contracts are being signed for less than the maximum allowable prices under the Natural Gas Policy Act of 1978. Pipelines that have market-out clauses in their contracts are exercising them. In some cases, pipelines are even acting unilaterally to reduce volumes and prices under certain gas contracts absent specific contractual rights by invoking their own interpretation of the legal doctrine of force majeure.

If, however, pipelines or the regulatory authorities in the natural gas-producing States are able to shrink the surplus by reducing the permissible volumes of production, especially when the same percentage is applied across-the-board, the Nation's consumers will suffer. This action would strongly appear to be a misuse of the State's otherwise legitimate right to regulate natural gas production for purposes of conservation of the resource base and protection of property rights.

While Congress has yet to reach a consensus on natural gas legislation, I am confident that we will do so at a later point this year. Regardless of where we stand on the route, we share a common destination of lower natural gas prices consistent with adequate incentives for additional production. No matter how the pricing debate turns out, it is critical that Federal policy be implemented without undue interference from either State regulators or from pipelines.

When the matter first came to my attention at one of the final hearings of the Subcommittee on Fossil and Synthetic Fuels, I initiated an inquiry into this matter. Specifically, I was joined by the gentleman from Illinois (Mr. CORCORAN), the ranking minority member of the subcommittee, in letters to the Federal Trade Commission and to the Antitrust Division of the Department of Justice. We requested these agencies to look into the competitive effects and corresponding economic implications of prorationing activities.

We recently received a reply from Chairman Miller, for the FTC, based upon the work of the FTC's Bureaus of Economics and Competition. Miller's reply includes the following statement:

> Pro-rata cutbacks, without regard to differences in price from various suppliers, would reduce the producer's incentives to lower prices because the pipeline would not take additional supplies from the producer even if the producer offers a discount.
>
> In addition, such cutbacks in the volume of gas purchased by pipelines permit higher prices in the retail market, enabling higher producer prices to be sustained.

Mr. Speaker, I have long been an outspoken advocate of free market pricing for energy resources, including natural gas. However, implicit in this position from my perspective is that the market be relatively free of anticompetitive forces, such as the interference in a truly free market represented by the type of prorationing actions I have described.

Mr. CORCORAN and I circulated our inquiries of the FTC and of the Justice Department, along with the FTC reply, to our colleagues on the Committee on Energy and Commerce. These items will also be inserted at the conclusion of these remarks. We will similarly circulate the Justice Department response, once it is received. We indicated, in our letter to the Commerce Committee, that we will continue to monitor this very closely and take appropriate action during markup of natural gas legislation.

In conclusion, please allow me to note that the Federal Energy Regulatory Commission has announced the scheduling of an informal conference on pipeline gas purchase practices for July 11 and 12. This forum, to be chaired by Commissioner Oliver Richard, will provide an excellent opportunity to explore the prorationing issue in greater detail.

Mr. Speaker, I insert the correspondence referred to earlier at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 21, 1983.

Hon. JAMES C. MILLER,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR CHAIRMAN MILLER: As members of the Fossil and Synthetic Fuels Subcommittee of the House Energy and Commerce Committee, we share Congressman Philip

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Sharp's concern regarding the possible anticompetitive consequences of certain practices of the natural gas industry that have come to our attention during the course of the Subcommittee's natural gas hearings. These practices include the operation of most-favored nation clauses and the shutting in of certain natural gas supplies thereby shutting out those producers from the market. We understand that you are in the process of preparing a response to Congressman Sharp's March 25 letter in which these and other practices are discussed more fully.

In addition to these issues, we ask that you consider the consequences of certain "pro rationing" actions now being taken by regulatory authorities in natural gas producing states and by natural gas pipelines. We would direct your attention to recent action taken by the State of Oklahoma. Although we are not yet familiar with the details of what Oklahoma has done, we understand that the state has reduced the permissible rates of production from wells in Oklahoma to 25 percent across the board, regardless of price. (See attachment one). Texas and Louisiana are also contemplating such pro rationing measures.

States have a legitimate interest in the protection and conservation of their resource bases. This does not, however, justify action by the states that would act to dry-up the current natural gas surplus by constraining supply rather than allowing the operation of market forces to set a price that would balance supply and demand.

Until recently, Congress had a monopoly on misguided regulation of the natural gas market. We are concerned that well-intended state regulatory efforts to deal with the distortions now apparent in the market will make matters worse by choking off what little market response is now possible. From the viewpoint of the Federal Trade Commission, what are the consequences of this state pro rationing activity on the operation of a competitive natural gas wellhead market.

The states' action is especially troubling given the recent decisions by several pipelines to initiate their own pro rationing programs. A representative of the Columbia interstate pipeline testified before the Subcommittee on April 20, 1983, that Columbia has cut back its purchases from all producers to a fifty percent level, regardless of price. Transcontinental, Consolidated and other pipelines are initiating their own pro rationing schemes. These blanket, pro rata reductions seem to us to be a tremendous damper on wellhead competition. Why should a producer cut his price if he cannot sell any more gas? Not only is the producer shut-in, but so are the consumers who would have benefited with lower prices.

As you know, the gas industry is unique. It is emerging painfully from decades of federal regulation. In this state, the application of the antitrust laws poses new and complex problems. We look forward to your insight on these questions, and hope that you will be able to respond before the Subcommittee begins marking up natural gas legislation, preferably by May 15, 1983.

Sincerely,

William E. Dannemeyer,
Member of Congress.
Tom Corcoran,
Member of Congress.

Attachment.

Federal Trade Commission,
Washington, D.C., May 31, 1983.

Hon. William E. Dannemeyer,
Committee on Energy and Commerce, House of Representatives, Washington, D.C.

Dear Mr. Dannemeyer: Thank you for your letter dated April 21, 1983, in which you requested my views of prorationing actions taken by natural gas producing states and natural gas pipeline systems.

Your letter raised questions about prorationing cutbacks in times of rising gas prices. I have accordingly directed the Federal Trade Commission's Bureaus of Competition and Economies to consider carefully the matters your letter discussed. The following represents the views of both Bureaus based on present information. As in all cases, the Bureaus' responses do not necessarily reflect the views of the Commission or any individual Commissioner.

Your letter asked for an assessment of certain state and natural gas pipeline prorationing policies, citing the Oklahoma Corporation Commission's recently promulgated rule reducing permissible rates of natural gas production from 50 percent of open flow tests to 25 percent. The rule became effective April 15 and will be effective for 90 days. As your letter further notes, other states are contemplating similar measures to respond to the recent decline in demand for gas. Natural gas pipelines have also adopted prorationing schemes to reduce gas purchases. Under one type of prorationing plan, pipelines make across-the-board reductions in gas purchases from all suppliers, rather than first cutting back the most expensive gas. For instance, Columbia Gas Transmission Corporation has invoked force majeure clauses in its contracts with gas producers, and reduced gas purchases "to an amount which its system can absorb." [1] Columbia has estimated that this will require reductions to approximately 50 percent of deliverability and has said that "Columbia's purchases will be structured so as to affect all sellers in the same manner." [2] Transco plans to "reduce its purchases proportionally, based upon current deliverability, without regard to price category or take-or-pay provisions." [3]

States and pipelines are taking these prorationing actions in the face of a substantial decline in gas consumption and a concomitant decline in the amount of gas that pipelines are able to take from producers. As demand has fallen, pipelines have reduced their purchasers or stopped taking gas altogether from some producers. At the same time, the average acquisition cost of gas for pipelines has continued to rise, pushed upward, in many instances, by the interaction of phased decontrol under the Natural Gas Policy Act of 1978 and producer/pipeline contracting provisions typing the price to the highest price allowed under law. These increases have further reduced sales.

The surplus of gas supply over consumer demand suggests that retail prices presently exceed market-clearing levels in many markets. It also suggests that average wellhead gas prices are too high to balance supply and demand.[4] Unless there are regulatory, structural, or contractual impediments, therefore, competition among producers will create pressures to lower these prices. Indeed, there is evidence of some gas price decreases in recent months, including (1) declining prices on new contracts for deregulated § 107 gas, (2) § 102 gas under new contracts selling below the price ceiling for that category, and (3) pipelines invoking market-out clauses leading to the renegotiation of contracts and lower contract prices. For some however, contractual commitments severely limit the impact of the current surplus in lowering their average gas acquisition costs.

State regulation to reduce permissible rates of flow by gas producers may inhibit price discounting by gas producers. If state prorationing eliminates excess deliverability, producers could not increase sales by cutting their prices, and therefore would have no incentive to reduce prices.[5] Moreover, if several important gas producing states imposed prorationing, they could limit supply below present demand, leading to shortages and higher prices.

Natural gas pipelines' prorationing policies may also affect the incentive of producers to reduce their prices. Pro-rata cutbacks, without regard to differences in price from various suppliers, would reduce the producers' incentives to lower prices because the pipeline would not take additional supplies from the producer even if the producer offers a discount. In addition, such cutbacks in the volume of gas purchased by pipelines permit higher prices in the retail market, enabling higher producer prices to be sustained.

The assessment of the gas purchasing policies of pipeline companies may be more complicated where pipelines have invoked force majeure with respect to the take-or-pay provisions in their contracts with gas producers. It appears that Columbia and Transco have recently exercised force majeure in order to avoid the prepayment obligations of these take-or-pay clauses. If the exercise of force majeure is proper, then the terms of the applicable contracts and state law may or may not give the pipeline discretion to exercise force majeure on the highest-priced contract first or to purchase proportionately larger amounts of lower priced gas after having invoked force majeure.

Certain aspects of the present natural gas market may limit the speed with which competition among producers affects field prices. Producers often have long-term contracts with pipelines containing high take-or-pay provisions. Absent a valid force majeure, a producer may be unwilling to negotiate for a lower price in order to obtain a relatively small increase in sales, if most of its sales are already assured at a higher price by the long-term nature of the contract and the take-or-pay provision.

Regardless of how a pipeline cuts back on gas purchases, a producer may wish to reduce its price to sell to third parties the production the pipeline has refused to take. However, several factors may prevent a producer from selling its gas to someone other than its existing pipeline customer, including (1) contractual or FERC regulatory obligations that dedicate the reserves to one pipeline, (2) the absence of interconnections with more than one pipeline, or (3) the unwillingness of the existing pipeline customer to transport the gas on behalf of another purchaser. Under these circumstances, the producer may be unable to sell the gas to third parties by discounting.

Thank you again for your letter. If you would like to discuss these issues further, please feel free to contact me. Should your staff wish further information, the staff contact on the matter is Ronald B. Rowe (202) 724-1441, an Assistant Director in the Bureau of Competition with responsibility for natural gas matters.

Sincerely yours,

James C. Miller III,
Chairman.●

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[1] Pending Natural Gas Legislation, 1983; Hearings Before the Subcomm. on Fossil & Synthetic Fuels of the House Committee on Energy & Commerce, 98th Cong. 1st Sess. (1983) (Statement of John H. Croom, President, The Columbia Gas System, Inc., Attachment 1, at 1).

[2] Id.

[3] Settlement Agreement as to Rates of Transcontinental Gas Pipeline Corporation, Docket No. RP83-11-000 and RP83-30-000, filed April 13, 1983, at 4.

[4] Purchased gas costs are the major, but not the only, component of the price of gas delivered by pipelines to distribution companies. The decline in demand has also increased fixed costs per unit of volume.

[5] Under limited conditions, state prorationing might lead to lower, short-run gas prices if gas pipelines have been purchasing a disproportionate share of high-priced gas. A pipeline may engage in this practice, for example, if its take-or-pay obligations tend to be higher for its more expensive sources of supply. Under these limited conditions, a pro-rata cutback on gas deliveries would be less expensive than existing practices. Further study would have to be done, however, on whether state prorationing might still lead to higher prices in the long run, by inhibiting price discounting.

IMMIGRATION: FLORIDA'S PROBLEM TOO

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. LEWIS of Florida. Mr. Speaker, the State of Florida has been subjected to waves of illegal immigration, the most dramatic of which was the Mariel boat lift of Cubans in 1980.

However, the real story of illegal immigration into and through Florida unfolds every day. Thousands upon thousands of Mexicans pay their life savings to "coyotes"—people smugglers—to cross the Rio Grande and come to Florida to work in the fields and make more money in a day than they can make at home in a week or more.

Haitians huddle together tightly on small boats and brave stormy seas to escape an oppressive regime for the slim hope of a better life.

And now there is evidence of illegal immigrants from nations on the other side of the world finding their way to south Florida. I would like to share with you an article which appeared in the May 26, 1983, edition of the Fort Lauderdale-Pompano Beach Sun-Sentinel about Indian immigrants who were apprehended in Broward County, Fla.

Because small groups do not attract public attention it is easy to understand why non-Floridians think Florida's problems with illegal immigration are in the past tense.

Much to the contrary, illegal immigration continues to affect Florida every day and the people of Florida want this Congress to redress the problem.

The Immigration Reform and Control Act, H.R. 1510, will be available for floor debate by the end of this month, and I hope is quickly scheduled for consideration by the House.

This legislation is no panacea. Immigration—legal or illegal—will continue as long as the United States remains the land of opportunity for people from countries torn by economic strife and political repression.

I do not support every provision of H.R. 1510, but it is a start, and I do support quick congressional action to combat the overwhelming problem of illegal immigration.

The May 26, 1983, article from the Fort Lauderdale-Pompano Beach Sun-Sentinel follows:

Eleven Illegal Aliens Discovered Ashore, Held for Questioning

(By Willie Fernandez and Justine Gerety)

Authorities are trying to determine how 11 illegal aliens found wandering along South Ocean Drive early Wednesday were brought into the country.

The men, all Indian nationals, were rounded up by Hallandale and Hollywood police as they walked down the street shortly after 3:30 a.m., authorities said.

Police were tipped off to the aliens by workers at the Holiday Inn in Hollywood who had turned the men away when they asked for a room but were unable to provide any money.

"We are looking at the case with an eye toward the aliens having been smuggled," said Gary Hatmaker, deputy chief patrol agent with the Border Patrol.

Immigration officials said the aliens, who were in good condition, may have been brought in from the Bahamas.

The aliens were detained by Border Patrol officials who interviewed them to find out how they came ashore.

Border Patrol officials also detained two Spanish-speaking men whose stalled motorboat was found 400 feet offshore near the area where the aliens were captured.

Their 23-foot boat, which had developed engine trouble, was spotted by the Coast Guard shortly after the aliens were taken into custody.

Border patrol officials said the two men were being questioned in connection to the case.

The aliens, eight of whom carried passports from India, appeared fit.

"They're in real good physical condition. There's absolutely nothing wrong with them," Hatmaker said.

Authorities found out about the aliens when workers at the Holiday Inn, 4000 S. Ocean Drive, called to report that 20 foreign men were standing outside the hotel causing a problem.

When police arrived, they found five of the men at the corner of South Ocean Drive and Hallandale Beach Boulevard.

At about the same time, Hallandale police noticed six other men in the 1800 block of South Ocean Drive.

Police took the 11 men to a nearby gas station to await the arrival of Border Patrol officials.

Hallandale police said some of the aliens said they were seeking political asylum.

But Beverly McFarland, a spokeswoman for the U.S. Immigration and Naturalization Service, said the men did not mention anything about asylum.

The fate of the Indians was not clear Wednesday night.

"They all are deportation cases," said Ms. McFarland.

"They will go through the regular immigration proceedings. I don't know what benefits they are entitled to," Hatmaker said.

Ms. McFarland said it was believed all the aliens had been found.●

BANK FOR INTERNATIONAL SETTLEMENTS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DREIER of California. Mr. Speaker, on June 14, 1983, an article appeared in the Washington Post about the recommendations made in the annual report of the Bank for International Settlements. The report states that the Reagan administration must reduce sharply the huge budget deficits which cause high interest rates or be saddled with the blame for an aborted global economic recovery. While I agree with warnings about the harmful effects of budget deficits, I question, first, whether the Reagan administration is the correct recipient of the warnings and, second, whether it is correct to assume that any administration can unilaterally reduce or increase deficits.

Mr. Speaker, as we all well know, the President proposes, but the Congress disposes. This week and last, the House has sent over to the President a series of spending bills which are contributory to the runaway growth in the Federal deficit. At the same time, the Congress has refused to tackle the problem of entitlements, and has shifted Federal activity off the budget at an alarming rate. Without being polemical, it is safe to state that the Congress has mastered the art of fiscal legerdemain, as the Wall Street Journal has termed it.

If international agencies want to issue statements of warning concerning fiscal policy, well all right, but I would suggest that they send their warnings by registered mail to the congressional leaders who vote concurrently in favor of increased funding for international agencies as well as for every other program around here.●

SECOND FESTIVAL OF SLOVAK YOUTH

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, I am here today to share with you a very special message which

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I am sending to the Second Festival of Slovak Youth. From June 24 to July 1, over 1,000 young people and their parents will congregate at Mount Airy Lodge in the Pocono Mountains of Pennsylvania to express their feelings of gratitude to the free world. Through their church, civic, and social organizations, this impressive group of young people represents nearly half a million Americans of Slovak heritage. I am certain that my colleagues will join me in wishing these people a successful festival.

Greetings! I am honored to have the opportunity to send this message to you as you assemble for the Second Festival of Slovak Youth. Your rich cultural heritage is something you should always hold dear and continue to nurture. Unfortunately, many Americans no longer appreciate or understand the traditions of their forbears, but such traditions are the foundations for progress and the thread of consistency through history.

As a Congressman, I know the importance of having our youth be socially and politically active. I am pleased to see that you have made a conscious effort to be involved, for you are the leaders of tomorrow. We all know the meaning of oppression, but few know it as you do. Thus, you must educate those who do not properly value freedom and democracy to nurture and defend these precious principles for human affairs.

Your festival is an inspiration to us all. May the tradition continue for you in the future and for your children and their children and onward. I wish you the best of luck.

Sincerely,
Bruce A. Morrison,
Member of Congress,
Third District of Connecticut.●

DR. WARREN E. WINSCHE

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. CARNEY. Mr. Speaker, it is with great sadness that I note the passing of Dr. Warren E. Winsche, deputy director of the Brookhaven National Laboratory in Upton, N.Y. I would like to take this opportunity to pay tribute to the many contributions he made to science on Long Island.

Warren Winsche was born in Brooklyn, N.Y., in 1917. He received his bachelor's degree in chemical engineering from the Polytechnical Institute of Brooklyn in 1939. He earned his master of science in chemical engineering from the University of Rochester in 1940, and his Ph. D. in chemical engineering from the University of Illinois in 1943.

From 1943 to 1945, Dr. Winsche was a member of the National Defense Research Council. In 1945, he entered the field of atomic energy as group leader for chemical processes at Clinton Laboratory (now Oak Ridge National Laboratory). Dr. Winsche began his association with the Brookhaven National Laboratory in 1946. After a period of time with the E. I. du Pont de Nemours & Co., Warren Winsche returned to the Brookhaven lab in 1962 as chairman of the Nuclear Engineering Department. He held that position until 1975, when he was appointed to the position of the laboratory's associate director of energy in 1975.

Under Dr. Winsche's leadership, a number of energy-related programs were developed, including energy systems analysis, reactor safety, nuclear materials safeguards, atmospheric sciences, coastal oceanography, energy materials development, and energy storage development. In 1979, Dr. Winsche was named deputy director of the Laboratory.

Warren Winsche was the author of numerous technical and scientific papers. He belonged to a number of academic and professional organizations. Last year, he was elected to the National Academy of engineering, the highest professional distinction that can be awarded to an engineer. In addition, he was a member of a number of technically oriented Long Island organizations.

Mr. Speaker, I had the privilege to work with Dr. Winsche on a number of projects which helped the Brookhaven National Laboratory, and benefited all of Long Island. I am proud of the fact that I could call him my friend. I share the sense of loss felt by the Brookhaven community, and I extend my sympathies to Mary Ann Winsche and her family.●

ADMINISTRATOR RUCKELSHAUS—A STEADY HAND AT THE EPA

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. BOLAND. Mr. Speaker, this afternoon I had the pleasure to attend a meeting of the National Academy of Sciences and the National Academy of Engineering which was addressed by the new Administrator of the Environmental Protection Agency, William Ruckelshaus.

I want to commend the President of the National Academy of Sciences, Frank Press, and the President-elect of the National Academy of Engineering, Robert M. White, for providing such a prestigious forum for Administrator Ruckelshaus. I also want to commend Mr. Ruckelshaus for a thoughtful exposition of the manner in which he believes his agency should function. His assertion that the scientific assessment of risk as it relates to environmental questions, should be based solely on scientific evidence and scientific consensus, rather than being influenced by policy considerations, was especially reassuring. I believe that everyone who has followed the recent turmoil at the EPA should read Mr. Ruckelshaus' remarks. They outline what I consider to be a sensible and sensitive approach to a difficult job.

Mr. Speaker, I would like to insert Administrator Ruckelshaus' address at this point in the Record.

The address follows:

Science, Risk, and Public Policy, William D. Ruckelshaus, Administrator, U.S. Environmental Protection Agency, National Academy of Sciences, June 22, 1983

We are now in a troubled and emotional period for pollution control; many communities are gripped by something approaching panic and the public discussion is dominated by personalities rather than substance. It is not important to assign blame for this. I appreciate that people are worried about public health and about economic survival, and legitimately so, but we must all reject the emotionalism that surrounds the current discourse and rescue ourselves from the paralysis of honest public policy that it breeds.

It is no accident that I am raising this subject here in the house of science. I believe that part of the solution to our distress lies with the idea enshrined in this building, the idea that disciplined minds can grapple with ignorance, and sometimes win: the idea of science. We will not recover our equilibrium without a concerted effort to more effectively engage the scientific community. Frankly we are not going to be able to emerge from our current troubles without a much improved level of public confidence. The polls shows us that scientists have more credibility than lawyers or businessmen or politicians and I'm all three of those. I need your help.

Those of you who are scientists may think you have heard this before, but this is not a naive plea for science to save us from ourselves. Somehow our democratic technological society must resolve the dissonance between science and the creation of public policy. Nowhere is this more troublesome than in the formal assessment of risk—the estimation of the association between the exposure to a substance and the incidence of some disease, based on scientific data.

Here is how the problem emerges at the Environmental Protection Agency. EPA is an instrument of public policy, whose mission is to protect the public health and environment in the manner laid down by its statutes. That manner is to set standards and enforce them; and our enforcement powers are strong and pervasive. But the standards we set, whether technology or health-related, must have a sound scientific base.

Science and the law are thus partners at EPA, but uneasy partners. It's a shotgun wedding. The main reason for the uneasiness lies, I think, in the conflict between the way science really works and the public's thirst for certitude that is written into EPA's laws. Science, as you all know, thrives on uncertainty. The best young scientists flock into fields where great questions have been asked but nothing is known. The greatest triumph of a scientist is the crucial experiment that shatters the certainties of the past and opens up rich new pastures of ignorance.

But EPA's laws often assume, indeed demand, a certainty of protection greater than science can provide at the current state of knowledge. The laws do no more than reflect what the public believes and what it often hears from people with scientific credentials on the 6 o'clock news. The public thinks we know what all the bad pollutants are, precisely what adverse health or environmental effects they cause, how to measure them exactly and control them absolutely. Of course, the public and sometimes the law are wrong, but not all wrong. We do know a lot about some pollutants and we have controlled them effectively using the tools of the Clean Air Act and the Clean Water Act. These are the pollutants for which the scientific community can set safe levels and margins of safety for sensitive populations. If this were the case for all pollutants, we could breathe more easily (in both senses of the phrase); but it is not so.

When I left EPA over 10 years ago as its first Administrator, we had the Clean Air Act, the Clean Water Act, a solid waste law, a pesticide law and laws to control radiation and noise. Yet to come were the myriad of laws to control toxic substances from their manufacture to their disposal—but that they would pass was even then obvious.

When I departed a decade ago, the struggle over whether the Federal Government was to have a major role in protecting our health safety and environment was ended. The American people had spoken. The laws had passed, the regulations were being written. The only remaining question was whether the statutory framework we had created for our journey made sense or whether, over time, we would adjust it.

Ten years ago I thought I knew the answer to that question as well. I believed it would become apparent to all that we could virtually eliminate the risks we call pollution if we wanted to spend enough money. When it also became apparent that enough money for all the pollutants was a lot of money, I further believed we would begin to examine the risks very carefully and structure a system which forced us to balance our desire to eliminate pollution against the costs of its control. This would entail some adjustment of the laws, but really not all that much, and it would happen by about 1976. I was wrong.

It may be that God is repaying me for my error by causing me to be reincarnated as Administrator of EPA. Whether God or President Reagan is the cause this time around, I am determined to improve our country's ability to cope with the risk of pollutants over where I left it 10 years ago.

It will not be easy, because we must now deal with a class of pollutants for which a safe level is difficult, if not impossible, to establish. These pollutants interfere with genetic processes and are associated with the diseases we fear most: cancer and reproductive disorders, including birth defects. The scientific consensus has it that any exposure, however small, to a genetically active substance embodies some risk of an effect. Since these substances are wide-spread in the environment, and since we can detect them down to very low levels, we must assume that life now takes place in a minefield of risks from hundreds, perhaps thousands, of substances. No more can we tell the public: you are home free with an adequate margin of safety.

This worries all of us, and it should. But when we examine the premises on which such estimates of risk are based, we find a confusing picture. In assessing a suspected carcinogen, for example, there are uncertainties at every point where an assumption must be made: in calculating exposure; in extrapolating from high doses where we have seen an effect to the low doses typical of environmental pollution; in what we may expect when humans are subjected to much lower doses of the same substance that caused tumors when given in high doses to laboratory animals; and finally, in the very mechanisms by which we suppose the disease to work.

One thing we clearly need to do is insure that our laws reflect these scientific realities. The Administrator of EPA should not be forced to represent that a margin of safety exists for a specific substance at a specific level of exposure where none can be scientifically established. This is particularly true where the inability to so represent forces the cessation of all use of a substance without any further evaluation.

It is my strong belief that where EPA or OSHA or any of the social regulatory agencies is charged with protecting public health, safety or the environment, we should be given, to the extent possible, a common statutory formula for accomplishing our tasks. This statutory formula may well weigh public health very heavily in the equation as the American people certainly do.

The formula should be as precise as possible and should include a responsibility to assess the risk and to weigh that, not only against the benefits of the continued use of the substance under examination, but against the risks associated with substitute substances and the risks associated with the transfer of the substance from one environmental medium to another via pollution control practices. I recognize that legislative change in the current climate is difficult. It is up to those of us who seek change to make the case for its advisability.

I did not come here today to plead for statutory change. My purpose is to speak of risk assessment and risk management and science's role in both. It is important to distinguish these two essential functions, and I rely here on a recent National Academy of Sciences report on the management of risk in the Federal government. Scientists assess a risk to find out what the problems are. The process of deciding what to do about the problems is risk management. The second procedure involves a much broader array of disciplines, and is aimed toward a decision about control.

Risk management assumes we have assessed the health risks of a suspect chemical. We must then factor in its benefits, the costs of the various methods available for its control, and the statutory framework for decision. The NAS report recommends that these two functions be separated as much as possible within a regulatory agency. This is what we now do at EPA and it makes sense.

I think we also need to strengthen our risk assessment capabilities. We need more research on the health effects of the substances we regulate. I intend to do everything in my power to make clear the importance of this scientific analysis at EPA. Given the necessity of acting in the face of enormous scientific uncertainties, it is more important than ever that our scientific analysis be rigorous and the quality of our data be high. We must take great pains not to mislead people regarding the risks to their health. We can help avoid confusion both by the quality of our science and the clarity of our language in explaining the hazards.

I intend to allocate some of EPA's increased resources, which everyone seems determined to give us, toward these ends. Our 1984 request contains significant increases for risk assessment and associated work. We have requested $31 million in supplemental appropriations for research and development and I would expect that risk assessment will be more strongly supported as a result of this increase as well.

I would also like to revitalize our long-term research program to develop a base for more adequately protecting the public health from toxic pollutants. I will be asking the advice of the outside scientific community as how best to focus those research efforts.

I am sure that in the future, this being an imperfect world, the rigor and thoroughness of our risk analyses will be affected by many factors, including the toxicity of the substance, the populations exposed, the pressure of the regulatory timetable, and the resources available.

Despite these often conflicting pressures, risk assessment at EPA must be based on scientific evidence and scientific consensus only. Nothing will erode public confidence faster than the suspicion that policy considerations have been allowed to influence the assessment of risk.

Although there is an objective way to assess risk, there is, of course, no purely objective way to manage it, nor can we ignore the subjective perception of risk in the ultimate management of a particular substance. To do so would be to place too much credence in our objective data and ignore the possibility that occasionally one's stomach is right. No amount of data is a substitute for judgment.

Further, we must search for ways of describing risk in ways the average citizen can comprehend. Telling a family living close to a manufacturing facility that no further controls are needed on the plant's emissions because, according to our linear model their risk is *only* 10^{-6}, is not very reassuring. We need to describe the suspect substances as clearly as possible, tell people what the known or suspected health problems are and help them compare that risk to those with which they are more familiar.

To effectively manage the risk, we must seek new ways to involve the public in the decision-making process. Whether we believe in participatory democracy or not it is a part of our social regulatory fabric. Rather than praise or lament it, we should seek more imaginative ways to involve the various publics impacted by the substance at issue. They need to be involved early on and they need to be informed if their participation is to be meaningful. We will be searching for ways to make our participatory process work better.

For this to happen, scientists must be willing to take a larger role in explaining the risks to the public—including the uncertainties inherent in any risk assessment. Shouldering this burden is the responsibility of all scientists, not just those with a particular policy end in mind. In fact all scientists should make clear when they are speaking as scientists—ex cathedra—and when they are recommending policy they believe should flow from scientific information. What we need to hear more of from scientists is science. I am going to try to provide avenues at EPA for you to become more involved in the public dialogue in which the scientific problems are described. Our country needs the clear unbiased voice of science. Now is not the time to jeer as the "ship of state" floats by. Now is the time to get into the boat and row.

Lest anyone misunderstand, I am not suggesting that all the elements of managing risk can be reduced to some neat mathematical formula. Going through a disciplined approach can help. It will assist in organizing our thoughts to include all the elements that should be weighed. We will build up a set of precedents that will assist later decision-making and provide more predictable outcomes for any social regulatory programs we adopt.

It is clear to me that in a society in which democratic principles so dominate, the perceptions of the public must be weighed. Instead of objective and subjective risks, the experts sometimes substitute "real" and "imaginary" risks. There is a certain arrogance in this—an elitism which has ill served us in the past. Rather than decry the ignorance of the public and seek to ignore their concerns, our governmental processes must accommodate the will of the people and recognize its occasional wisdom. As Thomas Jefferson observed:

"If we think (the people) not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

Up to this point I have been suggesting how risks should be assessed and managed in EPA. Much needs to be done to coordinate the various EPA programs to assure a consistent approach. I have established a task force with that charter.

I further believe we should make uniform the way in which we manage risk across the Federal regulatory agencies. The public interest is not served by two Federal agencies taking diametrically opposed positions on the given health risks of a given toxic substance and then arguing about it in the press. We should be able to coordinate our risk assessment procedures across all Federal agencies. The risk management strategy that flows from that assessment may indeed differ, depending on the agency's statutory mandate or the judgment of the ultimate decision maker.

But even at the management stage there is no reason why the approaches cannot be coordinated to achieve the goal of risk avoidance or minimization with the least societal disruption possible. In the last few weeks I have been exploring with the White House and the Office of Management and Budget the possibility of effecting a better intragovernmental coordination of the way in which we assess and manage risk.

To push this one step further, I believe it is in our nation's best interest to share our knowledge of risks and our approach to managing them with the other developed nations of the world. The environmental movement has taught us the interdependencies of the world's ecosystems. In coping with the legitimate concerns raised by environmentalism we must not forget that we cope in a world with interdependent economies. If our approach to the management of risk is not sufficiently in harmony with those of the other developed nations, we could save our health and risk our economy. I don't believe we need abandon either, but to insure it does not happen, we need to work hard to share scientific data and understand how to harmonize our management techniques with those of our sister nations.

Well, I have gone from the particular to the sublime. Let me avoid moving out into space by summing up.

I didn't return to EPA to get a before and after picture on the wall. I want to help achieve a better conceptual, statutory and societal framework to cope with risk in our country.

To do that we need to get the emotion out of and the scientist into the process:

I need science's help.

I'll try to make it easier to access what we're doing at EPA.

But if I can't do that, I need your help anyway.

What I'm after is a government-wide process for assessing and managing health, safety and environmental risks.

This will take coordination, cooperation and good will within EPA, within the Executive Branch agencies and between the Congress and the Administration.

In other words, this will take a miracle.

Now I know science doesn't believe in miracles, but I need your help if this one's going to happen.

What's at stake is no less than whether this country works. It's worth the effort of all of us.●

GILMAN LAUDS FOSTER GRANDPARENT PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. GILMAN. Mr. Speaker, I rise to recognize and draw attention to the outstanding Foster Grandparent program of New York State's Westchester County. Their contribution was honored at a recent recognition day luncheon. This invaluable program is sponsored by the Westchester community program and is supported by the Federal ACTION Agency grants.

The Foster Grandparents program combines the volunteer services of low-income senior citizens with eager and loving retarded, disturbed, or handicapped children. These senior citizen volunteers range in age from 60 to 89, they work 4 hours per day, 5 days a week, and they receive stipends that barely cover their expenses. There are over 16,000 foster grandparents, in 199 projects, throughout the United States. The program supplements the professional care that these special children receive, and fills their otherwise empty hours with love and attention.

The love that the Foster Grandparent volunteers provide these often neglected children is equaled only by the love they receive in return. All achieve a sense of accomplishment and self-worth that improves the quality of life not only for the participants of this program, but the community at large as well. Their services are invaluable and are unavailable for any price.

There is one person who deserves special recognition for her dedication and unfailing good humor. A person who prefers to give credit rather than receive it—she is the individual who organized this luncheon. Irene Seidman, director for both the Westchester and Putnam Foster Grandparent programs, has contributed substantially and unfailingly to the program for 10 years.

Our Nation's Foster Grandparent program is an excellent example of the many benefits to be gained from voluntarism. The selflessness of its members serves as a beacon for all of us to follow. I know that my colleagues join in congratulating them and I am pleased for this opportunity to publicly thank them for all of their fine work and contributions to our communities.●

INDIAN IRRIGATION AND POWER PROJECTS

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. MORRISON of Washington. Mr. Speaker, today I, along with my colleagues Mr. Skeen and Mr. McNulty, am introducing a bill which would amend the act of June 24, 1938, to allow the Secretary of the Interior to invest operation and maintenance funds, as well as other revenues, such as security deposits, collected by Indian irrigation and power projects.

Currently, funds collected for the users of the reservation irrigation and power projects administered by the Bureau of Indian Affairs are deposited in Treasury accounts until they are needed to meet project costs. These funds cannot be invested in interest-bearing accounts because they are not considered as individual or tribal funds, and under section 1 of the act of June 24, 1938 only individual or tribal funds may be invested by the Secretary of the Interior. This bill would extend the Secretary's power of investment to include operation and maintenance funds.

In 1982, $33.4 million would have been available for investment under this bill and irrigation rate increases put into effect this year could raise that figure to $50 million. The interest that would accrue from funds invested under this bill could be used for emergency situations and for needed repairs to the irrigation projects that might otherwise require additional Federal spending.

This legislation would benefit both Indian and non-Indian users of Indian irrigation and power projects by reducing operation and maintenance costs to project users, and would enable projects to operate at a level that would reduce the need for future repairs due to inadequate maintenance.●

LETTER FROM THE VICE PRESIDENT ON THE CONSUMER PRODUCT SAFETY ACT AMENDMENTS OF 1983

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. BROYHILL. Mr. Speaker, set forth below is a letter I received today from the Vice President of the United States, the Honorable George Bush, who, on behalf of the Presidential task force on regulatory relief, urges my support of the Shelby substitute to H.R. 2668, Mr. Waxman's bill to reauthorize the Consumer Product Safety Commission. From a regulatory relief standpoint, I believe the Vice President clearly enunciates the problems with H.R. 2668—problems which will lead me to vote for the Shelby substitute.

The Vice President,
Washington, D.C., June 22, 1983.

Hon. James T. Broyhill,
U.S. House of Representatives,
Washington, D.C.

Dear Jim: On behalf of the Presidential Task Force on Regulatory Relief, I am writing to urge your support of the Shelby Substitute to H.R. 2668, Mr. Waxman's bill to reauthorize the Consumer Product Safety Commission. The Substitute would very simply reauthorize the Commission for three years and provide for year-to-year funding increases of five percent.

Dave Stockman's recent letters to you and Congressman Shelby state the Administration's position on this legislation. I wanted to emphasize our concern with the regulatory aspects of H.R. 2668. As you well know, we have made significant bipartisan improvements in the regulatory process that lighten the burden on job-generating businesses without sacrificing protection for consumers, employees or the environment. H.R. 2668 would undercut these continuing bipartisan efforts to improve regulation and would specifically reverse reforms made in the Consumer Product Safety Amendments of 1981, such as those relating to product specific information disclosure by the Commission and regulatory impact analysis.

For these reasons, I strongly urge you to vote for the Shelby Substitute.

Sincerely,

George Bush.●

BRIAN STRUM RECEIVES BRANDEIS AWARD

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. LEVINE of California. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. Brian Strum, who has been selected to receive the Brandeis Distinguished Community Service Award. He will be honored at a dinner dance on Wednesday, June 29, at the Plaza Hotel in New York City. It is indeed appropriate that Brandeis University has chosen to honor Mr. Strum with this prestigious award for he truly personifies the highest level of community service and achievement. I would like to take this opportunity to share with my colleagues Brian Strum's numerous achievements and contributions.

Mr. Strum was born in Brooklyn, N.Y., in 1939. He graduated from Brooklyn College in 1960 with a bachelor of arts degree majoring in political science. He then studied law at New York University, where he was an editor of Law Review and a John Norton Pomeroy scholar. Upon graduation, he was associated with the New York law firm of Gilbert, Segall & Young. Then in 1965, he joined the Prudential Insurance Co. of America as assistant resident attorney in its New York City real estate investment office.

Since his initial assignment with the Prudential Insurance Co. of America, Mr. Strum has been a major force in the company. Rising to the position of vice president for Prudential, Brian Strum now supervises all real property equity investments, acquisitions of existing properties, sales of properties, and portfolio management of accounts totaling $9 billion.

Brian Strum's achievements go far beyond being a successful and respected businessman. For example, in 1977, Mr. Strum served the State of New Jersey as executive director of the Liberty State Park Study and Planning Commission which conducted a land use study of 800 acres of State-owned land located near the Statue of Liberty, including the organization of independent special study projects conducted by the Urban Land Institute and the American Institute of Architects.

Mr. Strum is a member of the association of the bar of the city of New York and has served as a member of its Real Property Law Committee and Housing and Urban Development Committee, and is presently serving on its Law and Continuing Education Committee. He is a member of the New York State Bar Association where he served recently as chairman of its 3,000 member real property law section. He is a member of the Council of the American Bar Association's 25,000 member section on real property, probate, and trust law. He is also a member of the New Jersey State Bar Association.

In addition, Mr. Strum has devoted much of his time to the education and enlightenment of others in his field of expertise—real property. For example, Mr. Strum has authored numerous articles dealing with real property issues which have been published in the New York State Bar Journal, the American Bar Association's Real Property, Probate and Trust Law Journal, New York University Law Review, and Real Estate Review. In addition, as a member of the faculty of New York University's Real Estate Institute, he has conducted courses in real estate finance and pension fund investments in real estate. Brian Strum has also spoken on real property matters at numerous programs sponsored by such organizations as the National Real Estate Investor, American Institute of Real Estate Appraisers, Urban Land Institute, American Bar Association, New York University, and the New York Law Journal.

Mr. Speaker, as representatives of the people it is important for us to reflect on the deeds and achievements of individuals who have contributed to improving the quality of life in their respective communities. Brian Strum is one such individual. Therefore, it is with great pride that I invite my colleagues to join with me today in saluting Brian Strum for his countless achievements and contributions. I wish him and his family continued success and happiness in all their future endeavors.●

TOWARD CREATING A PROSPEROUS AND DEMOCRATIC FUTURE IN CENTRAL AMERICA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. KEMP. Mr. Speaker, following the lead of Senators Henry Jackson and Charles Mathias, my colleague Michael Barnes and I have introduced a sense of the Congress resolution calling for the establishment of a bipartisan commission to set long-term policy goals for Central America. I want to commend to my colleagues the following essay on the merits of this proposal by Ben Wattenberg, a perceptive commentator on current affairs at the American Enterprise Institute. Also following is a statement I released yesterday on this initiative to seek ways to boost economic growth and protect our security interests in Central America.

[From the Sun, June 22, 1983]

Battlefield Commission: A Bipartisan Plan for Central America

(By Ben Wattenberg)

Washington.—One of the hallmarks of a responsive society is that it responds. (You may write that down and quote me, with attribution.) Such responsiveness, now proceeding in Washington, may yet save our chestnuts in Central America.

What is happening is that amidst all the hoopla about gridlock in government, something mildly different is bubbling up. It is a new-fangled "commission"—designed to function in moments when, such as now, the Congress and the president are of neither the same party nor the same ideology.

In its older form, the commission looks and acts something like the recent National

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Commission on Excellence in Education. The idea is to put the spotlight on a national problem, exaggerate it and (ideally) galvanize action. Their Excellencies on the Excellence Commission did all of that: ignoring massive educational progress in America, concentrating mostly on hoked-up data regarding international comparisons—but drawing attention to a real need to firm up a flaccid high school curriculum.

The Social Security Commission is the newer version of the old idea. Under the leadership of Alan Greenspan, these commissioners not only pointed out the problem—but came up with a delicately balanced legislative solution that would have been unattainable by the normal political process envisioned by James Madison.

The Commission on Strategic Forces was another bipartisan, presidentially appointed group. Under the chairmanship of Lt. Gen. Brent Scowcroft, a general compromise was hammered out. The plan again involved a balanced package of recommendations and it allowed both Ronald Reagan and some bright, young liberals in the House of Representatives to work together to start production on a limited number of MX missiles. More important, it gave Mr. Reagan's arms control negotiators the ability to face the Soviets and say, this is not just the Reagan position, not just the conservative position, but a unified American position.

Comes now Senator Henry Jackson (D., Wash.), a man of the Congress for 42 years, but still learning new tricks, and adapting old ones. Mr. Jackson is worried about Central America. There is plenty to worry about down there. What's going on will not be righted by 50 more advisers or another billion dollars. It's going to take a lot of time, many men, tons of money—and public support. After all, despite everything else that may be going on down there, we are being challenged on the North American mainland, for the first time, by forces backed by the Soviet Union.

Mr. Jackson remembers the Marshall Plan. It was perhaps the most successful foreign policy initiative in the recent history of mankind. But it gave away billions of taxpayer dollars, and President Truman was wise enough to form a commission of distinguished Americans to help build public support for the idea.

Last week, Mr. Jackson and Senator Charles Mathias of Maryland introduced a resolution recommending that the president set up a new commission, on Central America. They are an unlikely pair on foreign policy issues; Mr. Jackson is one of the harder line Democrats, while Mr. Mathias is one of the softer line Republicans. But that's the idea: Hard and soft are commissioning together.

In the House another improbable combination is sponsoring the commission idea. Representative Jack Kemp (R. N.Y.) has supported Mr. Reagan on Central America, and is even tougher on Communists than he is on the Federal Reserve. Representative Michael Barnes (D., Md.) has been critical of the Reagan position on Central America, but understands full well that our vital interests are at stake. He has proposed that an amount equal to 1 percent of the defense budget be earmarked for Central America—that's more than $2.5 billion!

The White House looks as if it is ready to play. The commission and "Marshall Plan" ideas have the support of the director of the National Security Council, William Clark, and U.N. Ambassador Jeane Kirkpatrick. The State Department is nervous but the tide is rising; the president wants to move, and he will act.

It is an idea whose time is here. The Congress and the president, the liberals and the conservatives, have been arguing about Central America in a way that has been mutually canceling. One team asks for arms and money, the other votes for it but denounces it, undercutting the recipients.

Any country that can come up with a governmental device to raise Social Security taxes, teach children math and build big, new missiles ought to give that device a try in Central America when the Russians are coming.

KEMP, BARNES SEEK BIPARTISAN COMMISSION ON CENTRAL AMERICA

WASHINGTON, D.C., June 21, 1983.—Congressmen Jack Kemp (R-NY) and Michael Barnes (D-MD) today introduced a Sense of the Congress resolution urging the President to convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America. The resolution is the same as one introduced by Senator Henry Jackson (D-WA) last week, cosponsored by Senator Charles Mathias (R-MD).

Kemp said the commission should seek ways to "create and expand truly democratic institutions, enhance human rights in all nations regardless of ideological makeup, boost economic growth, and ensure the security, stability and independence of the region."

"The creation of a national commission that is bipartisan in scope and response would reflect the critical importance this country attaches to addressing the serious security and economic problems besetting our friends to the south," Kemp said. "These problems have developed in part because of our past lack of sensitivity to or awareness of the needs and importance of our closest neighbors. Ambassador Jeane Kirkpatrick, in particular, deserves the highest praise for calling our attention to the intimate links between the United States and our hemispheric neighbors. With its long term focus, a bipartisan commission should help finally end past neglect, and focus our energies on creating a prosperous and democratic future for our hemisphere."

"A cardinal goal of this commission should be, I believe, to establish a 'Marshall Plan' to assist our allies in Central America. As President Truman said on the eve of America's commitment to preserve the stability of NATO's southern flank, 'The seeds of totalitarian regimes are nurtured by misery and want. They spread and grow in the evil soil of poverty and strife. They reach their full growth when the hope of a people for a better life has died.' Our task today is to follow in the tradition President Truman set out for this nation."

"This bipartisan proposal reflects growing public support for the President's Central American policies," Kemp said. Kemp cited current Gallup/Newsweek, LA Times and CBS/New York Times poll data that indicated a much more supportive view for providing military supplies and advisers to El Salvador than a year ago, and general recognition of America's security stakes in the region.

Kemp said he believed the President's address to the Joint Session of Congress at the end of April, and the mounting publicity on the Soviet and Cuban military buildup in Central America were the major factors behind the positive shift in public opinion.

"The very fact that members of Congress and the Senate with quite different political orientations can come together to sponsor a bipartisan effort is itself a recognition of that growing public support," Kemp remarked. "The question is no longer whether we should be assisting Central America, but how."

The Kemp-Barnes/Jackson-Mathias proposal comes in the wake of President Reagan's warning last night of a Soviet-Cuban-Nicaraguan axis seeking to destabilize as many governments in the Caribbean and Central America as possible, with a view toward spreading violence and expanding pro-Soviet regimes and Soviet power in this hemisphere.

"The President has made it clear that he intends to promote and defend democracy in Central America, and that he will not turn his back while militant rebels attack our friends and sabotage their economies. I support the President on these objectives, and believe the bipartisan commission would be a valuable vehicle to further rally the nation behind America's vital foreign policy interests," Kemp said.●

WILBUR J. PECKA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. MINETA. Mr. Speaker, on behalf of Congressmen DON EDWARDS, ED ZSCHAU, GENE CHAPPIE, and myself, I would like to speak in honor of Wilbur J. Pecka, an American who deserves our highest praise and regard. His public service in the community serves as a model for all citizens. He will be honored on July 8 at a special dinner.

Wilbur Pecka richly deserves the honor being bestowed upon him. An outstanding member of our community, Wilbur was recently named 1982 Business Leader of the Year by Santa Clara Business magazine. He is retiring as regional vice president of Western Electric after 47 years of distinguished service with that company, and I know his colleagues will miss his leadership and expertise.

Wilbur started working at Western Electric in 1936. He left Western Electric to serve with the 8th Air Force over Europe and Greenland as an aerial navigator on combat missions during World War II. He was captured and taken prisoner when his plane was shot down in 1943 over Holland. Liberated by the allied forces, he later was awarded a Purple Heart and six Presidential unit citations.

He returned to his employment with Western Electric and quickly rose to levels of increased responsibility. Following managerial assignments in New York City, Ohio, and Denver, Wilbur was transferred to Sunnyvale, Calif. in 1972 to be general manager of the Pacific region. He has helped Western Electric earn its reputation as a good corporate neighbor in our community.

Indeed, I have enjoyed working with Wilbur, and I am honored to call him my friend. Wilbur's participation in community service has truly been extensive. He has served as president of the United Way of Santa Clara County, and he has been an active volunteer and board member for numerous other organizations, including the Junior Achievement Association, the Infant Hearing Assessment Foundation, the National Alliance of Business, the Boy Scouts of America, the YMCA, and the Independent Colleges of Northern California.

Thus, it is obvious that Wilbur J. Pecka deserves accolades and thanks for his notable service to our community. In light of this fact, we ask you, Mr. Speaker, and all Members of the House of Representatives to join us in extending thanks to our friend, Wilbur J. Pecka.●

CONGRESSIONAL HUMAN RIGHTS CAUCUS URGES SUPPORT OF YURI TARNOPOLSKY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. PORTER. Mr. Speaker, as part of the 1983 Congressional Call to Conscience Vigil for Soviet Jews, I would like to draw my colleagues attention to the case of Yuri Tarnopolsky, a longtime Soviet refusenik whose trial is scheduled to begin in 2 weeks.

Yuri Tarnopolsky, a leading activist in the Kharkov community, became another victim of KGB arrests on March 15, 1983, for what the Kremlin terms "anti-Soviet Slander." Tarnopolsky, a 47-year-old organic chemist, applied to emigrate from the Soviet Union in 1976. He immediately lost his job. After enduring persecution, police raids, and harassment, Tarnopolsky now sits in his prison cell on a hunger strike awaiting his trial.

Tarnopolsky's plight is similar to several refuseniks who desire only to emigrate from the Soviet Union to live in freedom and rejoin friends and relatives. The Soviet Government denies Tarnopolsky and all refuseniks the basic human freedoms of speech and religion, and furthermore, subjects many to confinement in mental institutions, imprisonment, and harassment. Tarnopolsky himself most poignantly expresses his desire to emigrate:

> How is one to describe the gnawing despair, the stagnant anxiety, the tantalizing uncertainty, the unbearable frustration of our ordeal?
>
> If today we have no job, tomorrow we will have no foreign mail and telephone calls. If tomorrow we have no mail, the day after tomorrow there will be no higher education for our children and no free access to other places in the country. They will start putting us into prison for the slightest protest. The noose around our neck will tighten step by step, and the world will be adapted to that process.

The world cannot "adapt to that process." Tarnopolsky's words reflect the worsening of Soviet conditions. His words exemplify the critical importance of the Congressional Human Rights Caucus focusing attention on this issue. We must not abandon Yuri Tarnopolsky to Soviet injustice. We must continue to support his struggle for freedom and reaffirm our commitment to him and all other innocent victims whose only desire is human liberty.●

ADDITIONAL INFORMATION ON RAOUL WALLENBERG

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. McDONALD. Mr. Speaker, on June 21 on pages E3055-56 of the CONGRESSIONAL RECORD appeared the report of Mr. Avraham Shifrin on the whereabouts of Mr. Raoul Wallenberg. This item detailed Mr. Shrifin's findings about this tragedy. A year and a half later, Mr. Shifrin issued another report on the Wallenberg case giving the details of the kidnaping and the personal involvement of one Leonid Brezhnev. This additional report is inserted at this point for the edification of my colleagues who are interested in this case.

ADDITONAL INFORMATION ON RAOUL WALLENBERG

The investigation of the Raoul Wallenberg case started by myself in 1972 in Israel has given some positive results: little by little quite a few witnesses have been found who saw R. Wallenberg in various Soviet prisons and camps in the period of 1945 through 1975. The special session of the Sakharov's Hearings on R. Wallenberg case held in Stockholm in January, 1981, has published information concerning an eyewitness who had seen R. Wallenberg in the USSR in 1980.

Thus, the official Soviet version presented by the KGB of the USSR and stating that R. W. died in the central KGB prison in Moscow in 1947, has been completely refuted.

However, there were two questions that remained open until recently: (a) for which purpose the Soviets kidnapped the Swedish diplomat who did not interfere with them in any way and who was only and primarily concerned with saving the Jews from the Nazis; and (b) why, for all the 35 years that have passed since then, the Soviets never attempted to exchange R.W. for anybody they would need from the West?

The first of the two questions was answered when it became known that at the moment of the kidnapping huge values were confiscated from R. Wallenberg: valuables handed over to him by the Hungarian Jews in order to keep and later return to them, as well as big sums of dollars given to him for the work of saving the Jews of Hungary. The exact sum of money taken from Wallenberg by the Soviet kidnappers will hopefully become known when Swedish Foreign Office will disclassify the rest of the documents concerning the fate of Raoul Wallenberg.

As for the second question, we believe to have found the answer to it in the following: we have established the name of a specific highly positioned person in the USSR who was interested in preventing R.W. from telling in the West who kidnapped him, who (and how) interrogated him in Budapest and what was confiscated from him in favour of the kidnapper. We have irrefutably established that personally responsible for the kidnapping of Raoul Wallenberg was the Commander of the Political Department of the 18th Army of the Special Budapest Group of Troups, Military Commissar Leonid Ilich Brezhnev.

The fact that Brezhnev, indeed, occupied this position in January of 1945 is widely known from the official Soviet sources and has been confirmed by Brezhnev himself in his book "The Small Land."

We received some detailed information throwing light on those remote days from a former Soviet citizen, Yakov Menaker-Lyakhovetskii presently residing in Israel. His testimony is very detailed, therefore, we give here only a generalization of it, specially underlining the moments that are directly concerned with the kidnapping of Raoul Wallenberg.

Yaakov Menaker-Lyakhovetskii (whom we shall further below call by his initials Ya.M.L.) served in the Soviet army as a private from 1941; later on he was promoted to junior commander in which capacity he served in the Rifle Regiment No. 571 of the 317th Division of the 18th Army. In the end of 1944 this Army waged an attack upon Budapest from the Carpathian Mountains. In the compliement of soldiers and officers of their 571st regiment there were many former MVD (Ministery of the Interior) and NKVD (presently called the KGB) men. For this reason the regiment was assigned to fulfill special duties. Particularly, in the described period of time, the regiment was responsible for a special section of the battlefront through which Soviet spies and agents were sent to the side of the enemy. The code name of this section of the front was "window". In that period the commander of the 18th Army was General Zhuravlyov, the commander of the 317th Division was General Zherdienko, and the commander of the 571st regiment was lieutenant-colonel Kartashkov, a former MVD officer, presently a general of the MVD and the Interior Minister of the Chuvash ASSR in the city of Cheboksary.

In the complement of the 571st regiment there were some Hungarian defector-officers, due to which fact the Soviet military command possessed a very detailed information concerning the situation in Budapest. The staff of the 18th Army had its special representative in the regiment, Colonel Levin, who was the commander of the 7th department of the Army dealing with military intelligence and "SMERSH" (the KGB body in the army). Among other things, Col. Levin was responsible for the "window" (sending spies to the enemy and receiving the returning ones) and the work on demoralization of the enemy troops.

In December, 1944, in the area of City Esztergom, the Budapest group of troops completed surrounding the enemy and started moving towards Budapest. When the 571st regiment seized the city cemetery and

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the battle was at its height, the witness Ya.M.L. had a chance to see an unusual and very significant scene that took place in the bunker of the commander of the 571st regiment, Lieutenant-Colonel Kartashkov: instead of participating in the battle, Kartashkov, together with several officers of "SMERSH" was celebrating "a successful fulfillment of a special task". The entire group were absolutely drunk when commander of the 317th Division, Gen. Zherdienko showed up, grew furious at the scene and was about to shoot Lieut.-Col. Kartashkov for the binge at the battle time. But Lieut.-Col. Alyokhin who came together with Gen. Zherdienko and who was a representative of the Political Department of the 18-th Army, intervened and in a whisper explained to Gen. Zherdienko what was the reason of the celebration. The General removed his pistol, as he seemed quite satisfied with the explanation received. However, the next day Lieut.-Col. Kartashkov complained to the commanders and . . . Gen. Zerdienko was dismissed from the position of commander of the 317-th Division.

Soon after Ya.M.L. was badly wounded and sent to rear hospital on the territory of the USSR. According to him, he took no part in the kidnapping itself and did not even know about it until many years later. Some time after the war Ya.M.L. started collecting information about the heroic deeds of his brother-officers from the regiment and compiling a photo-album of the 571-st Regiment of the 317-th Division of the 18-th Army.

If at the war time Ya.M.L. was only a junior commander in the regiment and could not easily talk with the high-ranking officers, now, in the capacity of fellow-veteran compiling a chronicle of their regiment, he could approach the former officers of the regiment on private grounds or at the veterans' gatherings. In July, 1976, one of such gatherings took place in the town of Zlatoust (Chelyabinsk District). There, Ya.M.L. was introduced to I.Ivanov, the Chairman of the Council of Veterans, showed to him his photo-album of the regiment and was introduced by him to yet another veteran. The man happened to be the former commander of the intelligence service in the 317-th Division, retired captain Aminiev. Aminev was proudly wearing on his breast the Order of Alexander Nevskii, which is a very rare award usually given only for the fulfillment of special and outstanding military tasks to high-ranking officers. Ya.M.L.'s attention was attracted by this award and he asked what Aminiev had been given such a special decoration for; answering his question Ivanov told him that Aminiev, being the commander of the intelligence service of the 18-th Army that played the main role in the special Budapest Group of Troups, kidnapped and delivered to the Soviet territory the Swedish diplomat Raoul Wallenberg. Ivanov added that he knew this from Aminiev himself and also from the Chairman of the Council of Veterans of the 18-th Army, V. Reshetnikov. Ivanov said that, unfortunately, this fact cannot be included in the list of the heroic deeds of the veterans for the time being, because Aminiev, when given the decoration, was warned that this was a state secret and could not be given away. Aminiev, according to Ivanov, is a Tartar by nationality and presently works as assistant-manager and store-keeper in the Nagaibakskii Sovkhoz of Chelyabinsk District.

In July, 1977, in connection with collecting information about the veterans of the 317-th Division, Ya.M.L. was invited to his former battalion commander P. Kolotilo, in the city Kharkov. At a dinner-party at Kolotilo's place, Ya.M.L. met Col. Levin and told him about his encounter with captain Aminiev in Zlatoust. Levin said that he remembered Aminiev very well and confirmed the fact of his kidnapping Raoul Wallenberg. Immediately he added: "This was and still is a great secret and you should not talk to anyone about this. Still less can you write about this. You must remember who was then the Head of Political Department of the 18-th Army . . . ." Ya.M.L. realized that Levin meant L. I. Brezhnev.

In 1978, Chelyabinsk District Committee of the Communist Party conducted a special assembly on the occasion of the publication of Brezhnev's book "The Small Land". Eight veterans were invited to participate in the gathering, Ya.M.L. and captain Aminiev included. In his speech the KGB representative said, among other things, the following: "The time has not come yet to disclose all the secrets concerning the heroic deeds of our intelligence officers; but here sitting among us is a veteran-intelligence officer decorated with one of the highest awards of the Soviet Union". It was quite apparent that he was talking about Aminiev, as nobody else among the veterans had any high awards. After the gathering, the entire group of veterans were invited for a dinner-party in the home of one of them. There, when everybody was already drunk, Ya.M.L. asked Aminiev: "How did you manage to grab that Swede in Budapest?" And Aminiev answered: "It was not that hard, we just took him. He did not even hold weapons, just a white shirt and a neck-tie. As for other details, I have no right to disclose them, it is prohibited. We dragged this Swede to the Political Department of the Army, as the order to take him was theirs. And the rest is none of our business." One of those present egged him on: "Boasting, aren't you?!" "I am not boasting!"—Aminiev got angry.—"Do they give the Order of Alexander Nevskii for nothing? This Swede must have been a big bird." And here Aminiev got silent in fright: he realized that vodka had untied his tongue and he said too much.

The above facts explain quite clearly why Brezhnev is personally interested in preventing Raul Wallenberg from showing up in the Free World and telling here about the "heroic deeds" of the present head of the Soviet state. Because Wallenberg alone knows how and about what he was interrogated by Brezhnev, and what was confiscated from him at the moment of the kidnapping.●

A TRIBUTE TO JUDGE HAROLD PRICE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. COURTER. Mr. Speaker, on July 8, the friends, family, and colleagues of Judge Harold A. Price will join together to celebrate and commemorate the 90th birthday of this fine citizen of New Jersey and distinguished member of the bar. Judge Price has been practicing law for over 70 years. In that time, he has acquired a reputation as being one of the finest trial attorneys in the history of the State of New Jersey.

Judge Price began his career as a law clerk in 1912, and in 1916, he became an associate with the firm of King & Vogt. In 1945, until his appointment in 1963 as judge on the New Jersey Superior Court, Judge Price was a full partner in the firm of Shenck, Price, Smith & King.

His experience in the State judicial system is equally notable: Supreme court commissioner, deputy attorney general, and vice chairman of the joint legislative commission, appointed by the Governor to study the question of capital punishment, justice for the New Jersey Superior Court.

I think the judge's family and friends could give testimony to his outstanding service as a public servant, and his continued active involvement in community projects. The judge is on the board of trustees of Morristown Memorial Hospital and the Red Cross, and was former president of the Washington Association of New Jersey, to name but a few.

In 1963, at the age of 70, State law required Judge Price to retire from the bench. However, he continues to actively practice law in his private law firm of Shenck, Price, Smith & King in Morristown. On a daily basis, he counsels clients and assists in the training of young attorneys.

As a former legal services attorney, I greatly admire Judge Price's concern that the poor and unfortunate people in our country be afforded adequate legal representation. The judge's work with the New Jersey Bar Association to insure proper counsel for these people is well known. In addition, he recently spearheaded a fundraising drive for the Morris County Legal Aid Society, the success of which insured the continued legal assistance to low-income citizens in Morris County.

Judge Price once said, "There is no profession like the law and no place like a courtroom." This statement is indicative of the man's commitment and devotion to his chosen profession.

Judge Price is an exceptional human being whose energy, integrity, and devotion to the public good have certainly benefited the people of Morristown and the State of New Jersey as well.

Together with my colleagues, the judge's family, friends, and associates, I would like to wish this great man a very happy 90th birthday. He is certainly loved by many and appreciated for his many years of service to the community. Thank you.●

CHARLES AND ROSE SULLIVAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. HOYER. Mr. Speaker, I rise today to ask my colleagues to join me in wishing Mr. and Mrs. Charles Sullivan a very happy 50th wedding anniversary. Mr. Sullivan, and his lovely wife, Rose, were married on June 27, 1933. They are the parents of 4 children and 16 grandchildren and are residents of Hyattsville, in Prince George's County, Md.

Charles Sullivan served for 30 years in the Metropolitan Washington Police Department, retiring there as Deputy Chief. He then came to serve with the U.S. Capitol Police Force, serving as its Chief of Police from April 1, 1959 until his retirement on May 1, 1964. Members of the House and Senate and many Government officials, including then-President Nixon, lauded his efforts on behalf of public safety and law enforcement.

Rose Fitzmaurice Sullivan was born and raised in Washington, D.C. She retired after 38 years of service to Catholic University. She has been extremely active in senior citizen concerns in our county and State, serving on the Governor's Commission on Aging, and as the former President of the Prince George's County Commission on Aging. Mrs. Sullivan also served as president of the St. Jerome's Senior Citizen Club and of the Prince George's Council of Senior Citizens.

Upon their retirement, Charles and Rose Sullivan traveled extensively throughout the United States and around the world. They have now settled into the family home in Hyattsville to enjoy their golden years together. I do hope that my colleagues will join me in sending our very best wishes to the Sullivans on the occasion of their 50th anniversary.●

OF HEALING AND HOPE

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. O'BRIEN. Mr. Chairman, the Pope's historic second pilgrimage to his homeland of Poland has brought hope and healing to a people in desperate need of spiritual nourishment. His message has been received with open arms by a nation that has suffered greatly recently and throughout the centuries; indeed, suffering is almost a way of life for the Polish people.

But such suffering has also given rise to a hardened, resilient spirit in the Polish people, and a deep-seated hope that one day things will get better. The Pope's trip has served to awaken this spirit and has demonstrated the extraordinary power of faith—faith which is a threat to a government that is officially Godless.

The Pope has reiterated forcefully his demand that the government begin to bring about social reform. His relentless drive for social reform is predicated upon man's God-given right to free association, a right that is to be protected, not trampled by the state. And the Polish people's thirst for righteousness demands that the government institute these badly needed reforms soon.

Whether the Pope's trip will unleash a new wave of social unrest and anti-government demonstrations remains to be seen. But even more important is how the Polish authorities respond to the after effects of the Pope's visit. In all likelihood, they will either crack down hard or realize that serious dialog and social reform is the answer to unite a divided nation. I hope and pray it is the latter.●

INDEXING PROTECTS WORKERS' EARNINGS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. KEMP. Mr. Speaker, inflation's impact on income tax brackets was the central cause of the stagflation we experienced in the 1970's. As inflation pushed wage earners into higher and higher tax brackets, an individuals tax liability increased more quickly than his real income. This situation was a direct assault on the standard of living of average Americans. Additionally, it was an unfair way for the Federal Government to collect increased revenue without legislation tax increases.

I want to commend to my colleagues the following article on indexing by Mark Maslyn, the associate director of the New York Farm Bureau. I believe it clearly states why, in the event inflation is revived, we must protect this important reform from repeal, and protect average taxpayers from the brunt of higher tax rates without any real increase in earnings.

[From Northeast Agriculture (New York) June, 1983]

INDEXING THE INCOME TAX

(By Mark Maslyn)

For many years, particularly throughout the last decade, American taxpayers have been subjected to very significant tax increases that Congress never debated and never voted for. These tax increases came from the effects of inflation on incomes, in combination without progressive federal income tax system. As a taxpayer's income increases to keep up with inflation, he or she is forced into higher income tax brackets. Inflation also erodes the value of the taxpayer's exemptions and deductions. The result is that taxpayers often pay an increasing percentage of income as taxes, although income after adjusting for inflation may not have increased. Even when income keeps up with inflation, after tax purchasing power is less because more income is paid in taxes. This phenomenon is referred to as "bracket creep," "inflation tax" or "taxflation." While this phenomenon has for years perplexed taxpayers who thought they were making more money, it was well understood by lawmakers who resist cutting spending at the same time that they shy away from raising taxes. Very simply, indexing puts the government's fiscal policy out in the open. Dr. Paul Craig Roberts, a former assistant treasury secretary, has said: "Without automatic tax increases, the failure to control spending leads to larger budget deficits. The indexing provision puts pressure on Congress to prevent spending from growing faster than the economy." In other words, indexing helps break the tax and spend cycle that has crippled the American economy.

BACKGROUND

Indexing has long been sought by those urging the reform of federal tax policy, because as well as putting the government's fiscal policy out in the open, indexing forces Congress to be more attentive to its spending practices. The Economic Recovery Tax Act of 1981 included provisions to end the inflation tax by indexing the income tax system with inflation. President Reagan and the conservative coalition that he formed during the 97th Congress were able to enact the indexing provisions and, although it does not take effect until 1985, it is perhaps the most significant reform of tax policy ever achieved.

Indexing works by widening the tax brackets by the percentage by which the Consumer Price Index grew in the preceding fiscal year. To give an example, the 1984 tax rate for married couples making between $16,000 and $20,000 is 18 percent. If the CPI grows five percent that fiscal year, then the 18 percent tax levy would apply in 1985 to all income between $16,800 and $21,210. The zero bracket amount (the income on which no taxes are paid) would grow with inflation as would the personal exemption. To better illustrate this, Table 1 shows the indexed tax adjustments to a constant five percent inflation rate, using the 18 percent tax bracket.

TABLE 1.—INDEXED TAX ADJUSTMENTS TO A CONSTANT 5 PERCENT INFLATION

	1984	1985	1986
18-percent tax bracket	$16,000–$20,200	$16,800–$21,210	$17,640–$22,270
Exemption	1,000	1,050	1,100
Zero bracket amount	3,400	3,570	3,750

Table 2 provides an example of the tax effects of inflation with and without indexing at the $25,000 gross income level in 1982. In the example, a constant five percent inflation rate is assumed. The dollar amount of income increases over the years, but real income (that is, inflation-adjusted income) remains the same as in 1982. In these examples the tax as a percentage of adjusted gross income declines in 1983 and 1984 due to the July 1983 tax rate cut. With indexing, taxes as a percentage of adjusted gross income remain constant. The dollar amount

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of taxes increases, but the real taxes paid remain constant after 1984. Without indexing, the percentage of adjusted gross income paid in taxes increases. Real taxes are increasing, real gross income is constant and real aftertax income is declining. With five percent inflation and no indexing, real taxes will increase over 14 percent by 1988.

TABLE 2.—$25,000 ADJUSTED GROSS INCOME IN 1982; 5 PERCENT INFLATION; CURRENT TAX LAWS FAMILY OF FOUR; JOINT RETURNS, DEDUCTIONS EQUAL TO 23 PERCENT OF ADJUSTED GROSS INCOME

	1982	1983	1984	1985	1986	1987	1988
WITH INCOME TAX INDEXING							
Adjusted gross income	$25,000	$26,250	$27,563	$28,941	$39,388	$31,907	$33,502
Excess itemized deductions	2,350	2,638	2,939	3,086	3,240	3,403	3,572
Exemptions	4,000	4,000	4,000	4,200	4,410	4,631	4,863
Taxable income	18,650	19,612	20,624	21,655	22,738	23,873	25,067
Federal income tax	2,596	2,532	2,590	2,720	2,856	2,998	3,149
Percentage of adjusted gross income	10.4	9.6	9.4	9.4	9.4	9.4	9.4
NO INCOME TAX INDEXING							
Adjusted gross income	$25,000	$26,250	$27,563	$28,941	$30,388	$31,907	$33,502
Excess itemized deductions	2,350	2,638	2,939	3,256	3,589	3,939	4,305
Exemptions	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Taxable income	18,650	19,612	20,624	21,685	22,799	23,968	25,197
Federal income tax	2,596	2,532	2,590	2,824	3,069	3,326	3,614
Percentage of adjusted gross income	10.4	9.6	9.4	9.8	10.1	10.4	10.8
Tax increase if indexing is repealed	0	0	0	104	213	328	465
Percentage tax increase if indexing is repealed	0	0	0	3.8	7.5	10.9	14.8

REPEAL INDEXING?

Despite the obvious benefits that indexing would provide to U.S. taxpayers, there are many people in Congress who would like to see indexing repealed, even before it becomes effective in 1985. The reason for this is very simple—money. It is estimated that the repeal of indexing will raise an additional $100 billion between 1985 and 1988 as a result of bracket creep. Repealing the indexing provisions would allow inflation to raise taxes without Congress explicitly voting for an increase in tax rates. Inflation will generate tax revenues to finance greater levels of government spending. The repeal of indexing would signal future inflation and Congress and the administration would have no incentive to control it or cut spending. This could result in higher interest rates and weaken the long-term economic recovery.

Ironically, if indexing is repealed, the lower and middle income groups would be hardest hit by the inflation-produced tax increases. The reason is because the tax brackets are narrower and bracket creep is more severe. According to the Treasury Department, the repeal of indexing would result in those taxpayers with incomes of less than $10,000 paying 9.5 percent more in taxes. This contrasts sharply with a mere 2.7 percent increase for those in the $50,000 to $100,000 income range.

NYFB POSITION

New York Farm Bureau strongly supports the indexing provisions that were enacted as part of the 1981 Economic Recovery Tax Act. Indexing is viewed as a means of restoring honestly and integrity to the taxing policy of the federal government.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 23, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 24

9:30 a.m.

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on the budget request for the Energy Information Administration, Department of Energy.
SD-366

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review legislative proposals to combat abusive tax shelters, focusing on charitable contribution tax shelters and the ability of the Internal Revenue Service and courts to process large volumes of tax shelter returns.
SD-215

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Courts Subcommittee
To hold hearings on pending legislative matters.
SD-562

10:00 a.m.

Armed Services
Closed business meeting, to continue markup of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-222

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to continue markup of S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

Joint Economic
To hold hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2255 Rayburn Building

2:30 p.m.

Armed Services
Closed business meeting, to continue markup of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-222

JUNE 27

9:00 a.m.

Finance
Estate and Gift Taxation Subcommittee
To hold hearings on proposals providing for transitional rules for estates and gift tax treatment, including S. 953, S. 1180, S. 1210, S. 1250, S. 1251, S. 1252, S. 309, and S. 310, and Senate Resolution 126, expressing the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.
SD-215

9:30 a.m.

Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253

Judiciary
To hold hearings on Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools.
SD-226

10:00 a.m.

Armed Services
Closed business meeting, to resume markup of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-222

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on miscellaneous public lands bills, including S. 482, S. 508, S. 620, S. 600, S. 598, S. 807, S. 864, and S. 1160.
SD-366

Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Foreign Relations
International Economic Policy Subcommittee
To hold hearings on proposed legislation to revise and extend the Export Administration Act of 1979.
SD-419

Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed legislation providing for a 3-year extension of the Refugee Act of 1980 (Public Law 96-212), and to review the progress of this year's refugee resettlement program.
SD-562

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1256, proposed Emergency School Aid Extension Act.
SD-430

2:30 p.m.

Armed Services
Closed business meeting, to continue markup of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-222

JUNE 28

9:00 a.m.

Special on Aging
To hold joint hearings with the House Select Committee on Aging's Subcommittee on Health and Long Term Care to review a growing concern of older Americans use and misuse of over the counter and prescription drugs.
SD-628

9:30 a.m.

Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To resume oversight hearings to review soil and water conservation programs administered by the Department of Agriculture.
SR-328A

Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253

Judiciary
Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

10:00 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business
SD-366

Environment and Public Works
Water Resources Subcommittee
To continue hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Finance
To resume hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Foreign Relations
To hold hearings on the nomination of Langhorne A. Motley, of Alaska, to be Assistant Secretary of State for Inter-American Affairs.
SD-419

Labor and Human Resources
*Aging Subcommittee
To hold hearings on the impact of crime on the elderly, focusing on victim compensation.
SD-430

Select on Intelligence
To resume hearings on S. 1324, to regulate public disclosure of Central Intelligence Agency information.
SD-342

Joint Economic
International Trade, Finance, and Security Economics Subcommittee
To hold closed hearings on allocation of resources in the Soviet Union and China.
SD-138

11:00 a.m.

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

2:00 p.m.

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 1090, to establish the Outdoor Recreation Resources Review Commission.
SD-342

2:30 p.m.

Select on Indian Affairs
Business meeting, to mark up S. 856, to authorize funds for fiscal years 1984 through 1987 for Indian housing programs; S. 1168, to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma; S. 1224, to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation, and S. 1249, to provide for a representative of a federally recognized Indian tribal government in the membership of the Advisory Commission on Intergovernmental Relations.
SD-608

4:00 p.m.

Foreign Relations
Closed briefing on the current situation in Central America.
S-116, Capitol

JUNE 29

8:30 a.m.

Labor and Human Resources
To hold oversight hearings on the Department of Labor's law enforcement activities, focusing on the Organized Crime and Racketeering Section of the Department of Labor's Office of Inspector General's investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430

9:30 a.m.

Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Judiciary
To hold hearings on S. 737, S. 568, and S. 1383, proposed Joint Research and Development Ventures Acts.
SD-226

10:00 a.m.

Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Foreign Relations
To hold hearings on the nomination of David M. Abshire, of Virginia, to be U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.
SD-419

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

1:30 p.m.

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on the proposed Uniform Single Audit Act of 1983.
SD-342

2:00 p.m.

Appropriations
Defense Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

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Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

Labor and Human Resources
Business meeting, to resume consideration of S. 564, to establish the U.S. Academy of Peace.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
Business meeting, to mark up proposed legislation to extend the revenue sharing program for local governments.
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges.
SD-562

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 12

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Legal Services Corporation.
SD-430

2:00 p.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

Veterans' Affairs
To hold oversight hearings on certain health issues affecting veterans, focusing on the recruitment and retention of VA medical staff, and to examine the location of certain VA care centers to rural areas.
SR-418

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 14

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on future directions in nursing home health care.
SD-430

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 19

8:30 a.m.
*Small Business
To hold oversight hearings on the Small Business Administration's small business development center program.
SR-428A

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 752, to provide for certain measures to reduce the salinity of the Colorado River.
SD-366

2:00 p.m.
*Small Business
To continue oversight hearings on the Small Business Administration's small business development center program.
SR-428A

JULY 20

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to explore problems affecting the quality of education.
SD-430

JULY 21

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rate of dependency and indemnity compensation for surviving spouses and children of veterans, and related proposals, including S. 859, S. 995, S. 1187, S. 1318, S. 1371, S. 1401, S. 1402, and S. 1403, and other pending calendar business.
SR-418

JULY 22

9:30 a.m.
Labor and Human Resources
To hold hearings to receive a task force report on the vaccine for pertussis.
SD-430

10:00 a.m.
Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S industry.
2168 Rayburn Building

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

JULY 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to discuss pending business matters.
Room to be announced

9:30 a.m.
*Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal Mine Safety and Health Amendments.
SR-485

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 28

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

AUGUST 3

9:30 a.m.
Labor and Human Resources
To resume hearings on health care cost issues.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

JUNE 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act.
SR-253

JUNE 28

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the International Monetary Fund's gold reserves.
SD-538

JUNE 30

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the Administration's equal employment opportunity policy.
SD-430

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Thursday, June 23, 1983*

(Legislative day of Monday, June 20, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious Father in Heaven, we pray for those among us who are hurting. We commend to Thy gracious love and care those who are ill, who are discouraged, who are angry or frustrated, or exhausted, or who feel rejected and ignored. We pray for staff who feel manipulated, or put down, or discriminated against.

We pray for our families who are hurting; for children who feel they are less important to their fathers than the Senate; for wives who suffer protracted loneliness or who are made to feel they are aliens in their husbands' offices; for fathers stretched between duty on the Hill and love in the home. We pray for those having financial difficulty or who are suffering other kinds of stress and pressure. And Father, we remember the families of the two journalists who were killed in Honduras. Comfort them with Thy peace and love. Dear Father, touch all who hurt with Thy gracious comfort, peace, and healing. In the name of the Great Physician, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The **PRESIDENT** pro tempore. The majority leader is recognized.

Mr. **BAKER**. I thank the Chair.

SUMMER SOLSTICE DISRUPTS SUMMER SOLACE

Mr. **BAKER**. Mr. President, this is the first week of summer. I do not clearly recall if we had any spring. In any event, it is nice to know that summer has arrived and with it, inevitably, the realization that we go downhill from here, as the days grow shorter from this day forward until mid-December.

Mr. President, it also means that the Capitol Building, to say nothing of the city as a whole, will look forward to the visitation of countless millions of visitors.

I always count it a great tribute to the solidity and future of American democracy that so many Americans want to come to this city and see the monumental structures, the Capitol, the White House, the Mall, and to travel through those spaces, including the corridors of the Capitol Building itself.

Sometimes the throng of tourists through the Capitol corridors can become an impediment to progress. Sometimes, even, it can be an assault on one's ego.

The other day, I was walking from this Chamber back to my office, and an excited group stopped me and someone said, "Say, I know who you are. Don't tell me. Let me guess. Let me remember. I'll get it in a minute."

I waited for several seconds, and finally I said, "Howard Baker"; and he said, "No, that's not it." [Laughter.]

I tried unsuccessfully to convince them that was it.

Then they wanted to know if I was anybody important, and I told them I was not. [Laughter.]

However, it is good to have them here, Mr. President, because it is a tribute to their participation in the business of government.

It is really a pleasure to welcome the American citizenry to these precincts which we call our office and home, so that they may see from this gallery and observe from these corridors and hallways how representative government works in the people's branch.

SENATE SCHEDULE

Mr. **BAKER**. Mr. President, it is my hope that today we can reach the legislative appropriations bill at 10:30 a.m. and as I indicated last evening, it is my intention to ask the Senate to proceed to the consideration of that measure at that time. I hope there will not be an objection, because it is imperative, I think, that we meet our obligation to consider and dispose of the appropriations bills, particularly since our companion body, the House of Representatives, has been so diligent and timely in sending us these regular appropriations bills so soon, relatively, which gives us an opportunity to treat with them so promptly. I hope we can do that. I hope we get to the legislative appropriations bill at 10:30 a.m. and that we can dispose of it today.

The chairman of that committee and the ranking minority member have done an absolutely extraordinary job in managing the two regular appropriations bills we have passed so far; and if their momentum continues into the legislative appropriations bill, it will add to their luster.

Mr. President, after the legislative appropriations bill is finished, if there is time, and if we can reach an agreement on it, I should like to proceed to the agriculture appropriations bill. That may be a little more complex, but it is another of the regular appropriations bills, and I should like to do it if we can. I urge Senators to consider that the leadership on this side will try to do that after we complete the legislative appropriations bill, if we finish it.

There is one other important matter that may be dealt with today. It is my understanding now that the House of Representatives has reversed the order and sequence of their proceedings today so that the conference report on the budget resolution will be taken up before the proposal on the cap of the third year of the tax cut. That may mean that we will have the budget conference report over here by late afternoon. If we do, I will consult first, of course, with the chairman of the Budget Committee and the ranking minority member about their preferences and desires. But if that meas-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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ure reaches us in that way at that time and if the managers of the measure are agreeable, I would hope that we could go on to the budget conference report today. Today is Thursday, and it is the regular posted late evening. So if we can get to the budget conference report or if we need the time for one of the appropriations bills, Members should assume that we will be in late this evening.

We will continue in session tomorrow, Mr. President, unless we finish all three of those items. I will have a further announcement to make later, as that situation clarifies.

Once more I remind Senators that before this period is over and before we embark on the Fourth of July break, we have to do the remaining two appropriations bills that are on the calendar now—the agriculture appropriations bill and the legislative appropriations bill—the conference report on the budget resolution, the debate on the Hatch constitutional amendment dealing with abortion, the proposal to cap the third year of the tax cut, if that measure reaches us from the House of Representatives, and perhaps other matters.

That is a full schedule, so Senators should clear the decks and be ready to proceed on those matters when we can reach them.

Mr. President, that concludes my report to the Senate this morning. I am prepared to yield any remaining time to the minority leader, if he wishes.

Mr. BYRD. Mr. President, this side of the aisle is prepared to move to the legislative appropriations bill. If the distinguished majority leader would wish to ask for consent at this moment, he could get it, as far as this side of the aisle is concerned.

Mr. BAKER. I thank the Senator.

Mr. President, I would very much like to do that. However, just to make sure I am absolutely clear with my own clearance process, let me check that first and I will see if we can in the next few moments do that.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. TRIBLE). The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. BYRD. Mr. President, I have no need for time so I yield it back to the majority leader if he wishes.

Mr. BAKER. I thank the minority leader.

Mr. President, I yield back the time so the Chair may commence the period for the transaction of routine morning business.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed beyond 10:30 a.m., with statements therein limited to 2 minutes each.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant secretary of the Senate proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORLD HEALTH ORGANIZATION ON THE MANAGEMENT OF THE CASUALTIES IN A NUCLEAR WAR

Mr. PROXMIRE. Mr. President, on Tuesday of this week I reported to the Senate the World Health Organization's findings on the enormous number of casualties we could expect in a nuclear war, that is the number of persons who would be killed and those who would be injured. Today I report to the Senate on how the World Health Organization suggests we might, with our available medical resources, try to cope with the surviving victims, the injured, in the event of such a catastrophe.

The first tragic fact to recognize is that the devastation of hospital facilities, the death of doctors, nurses and other medical personnel and the immense number of seriously injured would mean that the vast majority of the injured could receive no medical attention at all.

The two sole instances when nuclear bombs were dropped on populated cities—Hiroshima and Nagasaki—offer the most practical examples of the difficulties. In Hiroshima all the hospitals within a kilometer of the hypocentre were totally destroyed and virtually everyone within them killed or injured; 93 percent of the nurses and 91 percent of the doctors were killed or injured. In Nagasaki the university hospital, which contained over 75 percent of the hospital beds and medical facilities in the city, was destroyed and 80 percent of its occupants killed or injured.

The World Health Organization also points to a study by U.S. Arms Control Agency in 1979 that took Boston as an example. What they found provides a real eye opener for what a nuclear war would do to our medical care facilities, and how literally naked of any medical protection we would find ourselves in the event of a nuclear catastrophe. This study found that a 1 megaton bomb burst over Boston would cause about 700,000 immediate deaths and similar number of injuries. That is about half the population would be killed or injured by that single bomb. If 50 percent of the 5,200 physicians in Boston survived to treat the 700,000 injured, it would take physicians more than 4 days working for 16 hours a day and devoting 15 minutes to each patient. Boston has some 13,000 hospital beds but they are in the urban target area and 38 of the 48 acute care hospitals would be destroyed or badly damaged so only about 2,000 beds would be left for the injured. As the WHO found in their report:

> The whole infrastructure required for dealing with serious injuries—operating rooms, nurses, blood, antibiotics, drugs, water supplies, electricity, telephones, heating, transport services would be in disarray. Surviving health workers would find it difficult to make their way to hospitals through streets endangered by radioactive fallout and obstructed by fires and rubble, and rescue workers would have similar difficulties in reaching and transporting victims.

The WHO report concludes: In this kind of nuclear disaster, "the capacity of the surviving medical personnel to provide adequate care or even merely to provide first aid and keep the victims alive, would be next to nil."

Mr. President, this is a terrible, morbid heart breaking story. Who wants to hear it? None of us. But as U.S. Senators we have a duty to think about and in fact to dwell on this grim prospect, and we have an even grimmer responsibility to bring these gruesome facts to the American people so all of us will recognize how imperative is our prime duty to push, and push hard, for an end to the arms race.

REMEMBERING "TERRIBLE JUNE DAYS"

Mr. PROXMIRE. Mr. President, June 15 marked the 43d anniversary of the "Terrible June Days" when the Soviet Union invaded and occupied the Baltic States of Estonia, Latvia, and Lithuania.

My distinguished colleague from Nebraska (Mr. ZORINSKY) recently spoke of this tragedy. The goal of the Soviet Union was the physical annihilation of these distinct cultures. Over 30,000 Lithuanians were deported or liquidated during a 4-day period in 1940. Between 1941 and 1951, approximately 700,000 Lithuanians faced such brutal treatment. The Soviet Union sought to extinguish all vestiges of Lithuanian tradition merely because they were different.

Evidence clearly shows that these acts were planned approximately 2 years before the first major tragedy occurred.

Such heinous events, however, are not limited to the history books. Reports of senseless torture, killings, and atrocities have recently come from every part of the world. According to a recent United Nations report, there

have been over 2 million unlawful executions in the past 15 years.

Events such as those in Lithuania clearly raise the specter of genocide.

We must not sit by passively while such atrocities take place. We must act now so that the rights of entire racial, religious, national, and ethnic groups are protected.

Mr. President, our position as a leader in the protection of human rights of all people necessitates that we participate in making genocide a punishable, international crime.

Just last week, former President Jimmy Carter cited the neglect of the U.S. Senate in ratifying the treaty. He said, "There is no way for us in this fat, rich, prosperous, safe country to realize the need throughout the world for a consistent human rights effort."

The fact that this body has not ratified the Genocide Convention is an embarrassment to our country. It is my hope that the horrible memory of the "Terrible June Days" will reaffirm the need for its immediate ratification.

Mr. President, I urge my colleagues to support this human rights document without further delay.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 26

Mr. HELMS. Mr. President, I ask unanimous consent that there be a star print of S. 26, and I send to the desk a revised copy of S. 26 in the form in which it is to be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 3135 TODAY

Mr. BAKER. Mr. President, earlier, the minority leader indicated to me that his clearance process was complete and they were prepared to agree that the Senate could go to the consideration of the legislative branch appropriations bill.

I have now completed clearance on this side. I ask unanimous consent that at 10:30 a.m., the Senate proceed to the consideration of Calendar Order 258, H.R. 3135.

Mr. BYRD. Mr. President, reserving the right to object—and I will not object—clearance has been given on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEW ECONOMIC AGENDA

Mr. CRANSTON. Mr. President, from my work on Senate committees and consultations with economists and leaders of business and labor, I have followed with deep and growing concern the disturbing downward trends in productivity, balance of trade, and capital investment, and the upward surge in the national debt and unemployment.

The present crisis of the American economy is more fundamental and far-reaching than the Great Depression of the 1930's. We must examine the causes and identify the ways out of our deepening cycles of inflation, recession, and depression.

The need for a national economic strategy—and a strategy for each sector of our economy—is now clear. Without such a strategy, our economy will continue to flounder, and the quality of life in our country will decline. An economic strategy sets goals and priorities. It requires and reinforces long-term thinking and policymaking.

The economic strategy we need cannot be imposed by a President or Congress. It must develop from a new partnership of industry and Government, working in full consultation with our schools and universities and with labor and management, developing new forms of cooperation and decisionmaking and profit sharing.

Our chief goal must be an economy of strong and steady growth with low interest rates so that full employment and a balanced budget can both become a reality.

Multiplying all our economic problems and blocking their solution is the incredibly costly arms race. Two trillion dollars will be spent in an excessive 5-year military buildup if Ronald Reagan has his way. Until comprehensive mutual arms reductions are achieved, our national resources will continue to be consumed in military expenditures. A balanced budget will be our of reach, and we will face the double jeopardy of inflation and recession.

Since the problems of the economy and the arms race are thus directly connected, it is essential that our economic strategy be linked to a strategy for peace.

The single most crucial element for bringing about economic reconstruction in a country as large and diverse as ours is achieving coordination in the activities of all our economic institutions. If we are to agree on broad goals for economic reconstruction, and if we are to have forceful and coordinated action consistent with these goals at national, regional, and local levels, the adversarial relations that have characterized economic decisionmaking in this country for too long must be put aside.

To move us forward, we need a spirit of cooperation between business, labor, educational institutions, and government at all levels. New directions for our economy and economic institutions cannot be set by one sector in isolation from the others. The policies and programs necessary to impel both old and new industries forward cannot be imposed by Washington or extracted by coercion of one sector by another. These methods simply will not work in our society over the long haul.

Cooperative economic decisionmaking is not a panacea for meeting all the economic challenges we face, but it is a necessary first step. We will need leadership—from our corporations, labor unions, educational institutions, and government—bold enough to try new ways of working together.

NEW CONDITIONS OF ECONOMIC LIFE

We are in a period or economic change of the first magnitude. Most of our economic institutions did not anticipate these changes. Now that the new realities are upon us, many of our economic institutions have not yet successfully adjusted. The larger part of our economic difficulties derive from pervasive changes in the global economy and our domestic economy.

First. The American economy is tied in thousands of ways to the economies of other nations. The world has become so economically integrated and mutually dependent that cycles of growth and recessions supersede all national boundaries. Worldwide economic stagnation is currently so powerful that it is intensifying our domestic recession; our high interest rates and economic downturn make recovery more difficult for economies linked to ours. As a result of all this, revival of our domestic economy will be virtually impossible without taking steps to produce recovery on a much wider scale.

Second. Lower priced, high-quality imports have in recent years come to dominate major portions of American domestic markets. Many of our industries have succumbed to competition from foreign producers in our home markets for a variety of reasons, but the final result has been lower sales by some of our greatest industries: steel, automobiles, aircraft, electronics. Declining sales and production, in combination with shortages of money to invest in new industrial capacities, have created a spiral of decline.

Third. Overseas, our exports have increasingly been unable to compete with similar products produced by other nations with greater efficiency and sold for lower prices. Some of our trading partners use a variety of practices to shield their own markets from penetration by American business. Further hardship for American industry and labor has resulted from the

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erosion of our competitive edge in a wide variety of domestic and world markets.

Fourth. Many American industries have not kept pace with radically changing technology and changing management and labor practices. Those foreign industries and nations that have moved most rapidly into more efficient methods of production have gained the competitive edge, in many cases over American businesses.

Fifth. Entire new industries have been rapidly emerging in the world economy. Others are on the near horizon. "High-tech" and "information" industries—computers, biotechnology, telecommunications, robotics, space applications—will account for more and more growth and sales in world markets. Many of the technologies on which these growth industries are based had their origins in the United States, but we have on the whole been slow to exploit their potential through intelligent capital investment, improved productivity levels, and aggressive marketing. We will be engaged in fierce competition with Japan, France, West Germany, and other nations for dominance of expanding high-tech markets. A weak American economy plus insufficient longer range planning and investment has undercut the creation of new ventures. Once markets are lost, they are difficult to recover.

Sixth. As these structural changes in our own economy and the world economy were gaining momentum, inflation became a corrosive force in our economic life, ignited by the tragic results of our involvement in the Vietnam war. Additional shocks hit our economy, such as the vast increases in OPEC oil prices, and we became ever more deeply locked in a costly arms race with the Soviet Union. During a period in which creative responses to major changes were badly needed from our economic institutions, they were instead caught up in short-term interests and diminishing capacity to respond. The longer-term economic health of our Nation was all too often ransomed for shortsighted benefits.

Seventh. The economic policies of the Reagan administration have been a disaster. Instead of helping to lift us out of recession and reconstruct our economy, as promised, they have plunged us deeper into stagnation. Primitive supplyside fiscal policies, tight money policies, and wildly extravagant armament expenditures have salvaged the lives of millions of citizens. The cost and danger of the arms race have peaked with the Reagan administration, swelling Government deficits and draining precious resources away from productive investments desperately needed to expand the competitive capabilities of our economy. Worst of all, the Reagan doctrine has done very little to bring about the necessary adjustments in our economic institutions—or the spirit of cooperative planning and coordinated action—needed to meet the new realities and challenges that have shaken our sense of mastery over our economic destiny. Blaming Government for our economic crisis—as the Reagan administration has done—is only a distraction from coming to grips with the new conditions of our economic life.

We can revive and reconstruct the American economy to meet effectively the new conditions and challenges we face. We have a history of meeting other great crises and challenges. However, a new and better framework of policies and actions by Government, business, labor, and educational institutions is required.

A NEW CONSENSUS AND NECESSARY LEADERSHIP

The failure of Reaganomics has brought both the nature of our economic crisis and alternative solutions into much sharper focus. Out of this common recognition, the elements of a consensus for economic reconstruction are emerging in both the private and public sectors. They are ready to be brought together in a pragmatic set of directions, policies, and programs needed to bring about economic reconstruction.

First. Global Economic Expansion. Strong and informed American leadership on the world stage can break the grip of worldwide stagflation. Lower American interest rates are one important step in this direction. But we must also move to secure closer coordination of general economic policies with our trading partners—policies designed to foster long-term growth and to create jobs. Global economic competition is inevitable and desirable, but competition can succeed to the benefit of closely-linked Western economies only within a general framework of shared international goals and economic stability.

Banks and lending institutions have become major forces in the international economy. They can be instruments either of great progress for all of mankind or of deeper divisions and inequalities. We must define goals and policies—and lead in establishing necessary new international economic institutions—that build new worldwide patterns of investment, development, and growth within a framework of hope and progress.

World economic recovery is inhibited by the major industrial countries pursuing incompatible economic policies. American industries and their workers are being punished by the trading practices of some of our partners and allies. The nations of the free world must either agree to adhere to common principles of free trade or all face an uncharted world of unilateral actions and bilateral deals that will make global economic growth difficult and uncertain. The Federal Government must meet its responsibility to insure conditions where American workers and businesses can compete successfully in either case. But as the strongest country with the largest domestic market, America should take the lead in proposing a framework of free and fair trade for our own benefit and the benefit of the global economy.

The American people are beginning to understand that economic growth in America is abetted by an expanding world economy. The leaders of our private economic institutions are beginning to respond as best they can under the conditions of crisis. The Reagan administration is doing little or nothing. We must lead in negotiating a global framework of coordinated economic policies and goals that insure stability and growth for the world economy. This objective, and action to eliminate the nuclear threat, are essential to restoring a sense of hope and confidence to both the industrial democracies and developing nations.

Second. Improved Productivity. Both labor and management recognize that increased productivity is essential to economic renewal. Stagnant productivity levels have been a sure formula for retrenchment, layoffs, and a slide to the losing side in global competition. Many of our basic industries have entered into this pattern of decline.

An all-out effort must now be made to improve American productivity. A common recognition of how to begin to go about this effort is a basis for revitalizing our older industries. Greater efficiency in assembly-line industries can be achieved through new investments in automation, matched by investments in retraining experienced workers for the new skills required. New patterns of collective bargaining agreements—such as those between the United Auto Workers and Ford—are pointing the way to cooperative steps forward that would have been unimaginable only a few years ago. New incentives are being defined that give American workers a greater stake in the competitive success of their companies. These include profit-sharing agreements, worker participation in strategic company decisions, better worker security, and programs of retraining and redeployment under conditions of reasonable career security. We must keep moving ahead on all these fronts, and Government can help.

We must make the revitalization of our basic industries, their work forces, and their surrounding communities a national priority. We cannot abandon the smokestack industries. They are essential to our national security, and to balanced economic growth. We must help forge a partnership of business, labor, education, and Government that seeks to make us first again in the production of quality, cost-efficient, low-polluting cars, not only for domestic markets but internationally. We should make revival of our steel industry and other basic industries high priorities, and use the capacities of Government to serve these efforts.

At the same time, new growth industries must be rapidly expanded. Well-publicized efforts are already underway in sections of the country—the Austin-San Antonio corridor in Texas, and Silicon Valley in California are examples—but a national effort is required if we are to assert world leadership in the emerging technologies of bioengineering, space applications, computers and other markets of new demand. Venture capital, expanded research programs, and a better educated work force must become available on a larger scale if America is to return to the frontiers of invention, production, and marketing.

The capacities of the executive branch can be much better focused and organized for making contributions to national economic planning and decisionmaking. The Federal Government has provided little in the way of longer-term goals, information, and planning for economic growth. When leaders of business and labor approached the Reagan administration with a request that tripartite discussions initiated by President Carter continue, they were told by the White House that such efforts are subversive to free enterprise.

We should establish a Reconstruction Finance Corporation—including the best people from the highest levels of the executive branch, business, labor, education, and other branches and levels of Government—that focuses the national commitment to basic industries, physical infrastructure, and technoglogical innovations. The Corporation can hammer out the agenda for growth and job creation. It can serve as the investment and development arm of the Federal Government. It can operate as the instrument of Federal coordination with other levels of Government and the private sector across a broad range of longer-term economic goals.

Third: Long-Term Planning. For more than a decade, the pressures of economic survival in a troubled economy have locked much of American business into patterns of short-term decisionmaking. Too many executives feel that if they cannot show a profit on new investments within three quarters, they will lose their jobs. Too many in our society have also operated in terms of immediate rather than longer-range interests. In a world of sweeping economic changes, these patterns have accumulated to put us at considerable disadvantage compared to foreign industries and governments that have looked into the future and acted in terms of longer-term economic goals.

Business, labor, education, and Government must begin to base economic decisions on the longer-range interests of our people and our industries. Capital investments must be more intelligently directed for rapid expansion of high-tech and information industries and revival of key older industries. The national climate for longer-term goals and plans can be decisively influenced by Presidential leadership, and the Federal Government can direct patterns of capital investment with public funds far more intelligently.

The United States is the only major industrial power without national capacity to obtain systematic, accurate, up-to-date information about its domestic economy or the global economy. The information we get now from Government agencies is full of gaps and effectively obsolete by the time it reaches users inside and outside Government. Government economic statistics gathering reflects a time when it was not necessary to look ahead on a global scale. Yet intelligent decisionmaking in a modern economy—about markets, investments, business operations, foreign competitors, and trends—requires the highest quality information. Businesses, unions, schools, and government at all levels cannot effectively look ahead or see the larger economic trends without such information.

Fourth: Responsive Monetary Policy. We need more flexible national monetary policies to help establish the conditions for economic growth. As the economy has slipped more deeply into recession, we have badly needed a gradual expansion of the money supply to bring interest rates down and to stimulate investment and production. Instead, we have had from the Federal Reserve Board and the Reagan administration a head-on collision between loose fiscal policy and tight money policy that made high interest rates inevitable. High interest rates made recession inevitable, strangling business and causing bankruptcies, forcelosures, unemployment, and widespread suffering of all sorts. High interest rates have compounded global economic stagnation. Only the looming threat of a national and a worldwide depression has recently forced the Fed to begin to adjust money policy too little too late.

Growth of the American economy and the dynamics of the global economy depend in considerable measure upon responsiveness by the Federal Reserve Board to changing economic conditions. We should authorize the Fed to establish goals for lower interest rates and insist that the Fed cooperates with a national policy of economic growth.

Fifth. Creating Jobs. Tolerance of high unemployment levels as necessary medicine or as a cyclically inevitable condition in a free enterprise economy—as implied by President Reagan—is the wrong attitude and the wrong policy for solving our basic economic problems. Every 1 percent rise in unemployment leaves another million American citizens and their families outside the productive economy and insecure. Every 1 percent adds approximately $25 billion to the Federal deficit. Unemployment is a vicious economic circle for its victims and for the country, but today 11 to 13 million Americans are unemployed and another 7 million who want to work full-time are employed only part-time. The cost in human terms, lost productivity, and lost national confidence is incalculable.

The economic policies of the Reagan administration have failed to create the economic growth that creates jobs. Only a return of the country squarely back to the path of economic growth will create the millions of needed jobs. This requires far more skillful orchestration of economic policies and new initiatives, especially by the Federal Government. The Government must take seriously the goal of full employment to which the 1978 Humphrey-Hawkins Act committed us. While families live in abandoned buildings, vacant lots and automobiles, the Federal Government should take direct action to share in funding local public jobs to do work that very much needs to be done in communities across America. Although not a permanent or total solution for staggering rates of joblessness, these jobs would help alleviate much widespread suffering and despair. They would help to take up the slack as we attempt to increase employment in the rapidly-changing private sector.

A national effort to create these jobs, supported by the Federal Government, must also give special attention to small business. Some 50 million people are employed by small businesses. Minority-owned small businesses alone employ over 1 million persons, more than the combined work forces of ITT, IBM, Boeing, and Rockwell International. Two-thirds of all new jobs are created by firms with 20 or fewer employees.

Small businesses account for 40 percent of the gross national product and about 48 percent of total production of goods and services. They produce 24 times more innovations per research dollar than large firms They are a creative force in helping to define new markets. Yet today, when new jobs are so badly needed, small businesses are besieged with the effects of Reaganomics and economic crisis: tight credit, runaway mergers, antitrust violations ignored by the Justice Department, and indifference from the Small Business Administration and other Government entities established to create a supportive climate for small busi-

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nesses. Bankruptcies in 1982 increased 106 percent over 1980 levels.

Sixth: Rebuilding America. Our vigorous economic expansion in the 1950's and 1960's was achieved in part because a physical infrastructure of remarkable scope and quality was functioning well over most of the country. This infrastructure is now suffering from progressive decay. It must be repaired and extended. Without first-rate roads, bridges, railways, ports, and disposal systems, new commercial activity will be substantially inhibited.

Emergency action recently taken by Congress with grudging support from the Reagan administration will put several hundred thousand people to work repairing parts of our transportation system. This is a step forward, but such a last-minute, small-scale effort—while 20 million able Americans are unemployed or underemployed—is a sign of our unpreparedness. We need a realistic assessment of the national needs for infrastructure repair and development over the rest of this century. Millions of citizens can be put to work through these capital investments. Here is an agenda of constructive, productive work to be done over the long haul for the common good. The investment will be repaid many times. over. Responsibility for comprehensive and long-term commitments must be apportioned between the public and private sectors, and between all levels of government.

Seventh: Development of Human Resources. Our most precious resource for economic revival is ultimately not machinery or money but people. If our economy is going to flourish and compete successfully in the global arena, Americans in all types of jobs will have to be better trained and better educated. The experienced workers of today will remain the largest and most important segment of our work force for the remainder of this century. Many must be retrained for the new roles that are emerging from changing patterns of production. We cannot afford widespread demoralization of our experienced workers through neglect, displacement, unemployment, and fear resulting from economic chaos or from rapid economic change.

Fewer young people will be coming into the work force over the next decade. They will need to be far better educated than prior generations—especially in the sciences, mathematics, and technology—to fulfill the promise of high-tech industries, to advance research and experimentation, and to anticipate and capitalize on the challenges of a new worldwide economic order. Coordinated efforts by the education community, Government, management, and labor will be essential to realizing the fullest development of all our human resources.

Women, handicapped persons, minorities—and especially young blacks and Hispanics whose rates of unemployment should shock even this administration—must be brought into the mainstream of American education and economic production.

No excuse is acceptable for the condition of large portions of American public education. We must aim to make our schools the finest in the world. We have the oldest tradition of mass public education. Our citizens are devoted to the values of education. We invest enormous amounts of public wealth in our schools. And quality education is clearly essential to our economic success in a more competitive world. A strong curriculum, high standards, and the disciplines of solid achievement must be restored to our schools at all levels. All institutions with a direct interest in the quality of education, including the Federal Government, must forcefully support renewal of the public schools.

We have witnessed more than a decade of retrenchment and neglect in the development of our "human capital." The Reagan administration has compounded this defeatist policy. We must now have a decade of intelligent planning, investment, and leadership by both the private and public sectors in the development of the skills, talents, and aspirations of our people.

We must have an all-out commitment of our educational resources, tax incentives, and other available means to give every American opportunities to train and prepare for a life of productive work.

Eighth: Economic Mobility. The American people are a kaleidoscope of backgrounds and talents. One of our greatest national achievements, over the last 50 years in particular, has been to expand opportunities for fuller participation in our economic life. We created greater access to jobs without discrimination and wider sharing of the manifold benefits of our economy. The opportunity to move up the economic ladder has been one of the greatest incentives to hard work and progress in our historically exceptional economy.

Now, economic decline threatens the openness of opportunity within our society. The Reagan administration has engineered changes in the structures of the economy and in tax policies that will result in much greater concentrations of wealth without matching incentives for those who control or inherit great wealth to invest it in productive ventures that create economic growth and jobs. The great transfer of wealth underway to already wealthy Americans is at the expense of middle-income and poor Americans. Suddenly, after decades of progress in creating a more open society, admired across the entire world, we are in danger of slipping back toward the old European model of a class-ridden society in which economic advancement is rarely achieved and the driving hope of economic advancement for ourselves and our children is squelched.

Strong leadership by our political and economic institutions will be required to reverse this slippage. First, the conditions for economic growth must be restored, along with millions of new jobs. Second, a tax system that is simpler and more equitable must be devised so that everyone pays a fair share of the tax burden in keeping with the principle of progressive taxation. Third, our tax system should reward only those expenditures and investments that promote the common good.

Ninth: Balanced Budgets. Huge Federal deficits, especially the enormous deficits projected beyond 1983, have a disruptive and numbing effect on the American economy. Large Federal deficits push interest rates higher. They reduce funds available for industrial development. They diminish the confidence of the American people in the competence of their Government and in the prospects for economic recovery. Funds borrowed to cover the deficit, and funds required to pay interest on the national debt—now 13 percent of the entire Federal budget—could be far better used for other purposes. There is a strong consensus in the country that we must achieve balanced Federal budgets.

A bogus constitutional amendment or an unworkable supply-side mixture of radical and inequitable tax cuts, tight money policies, and vast increases in defense spending will not get this job done. The path to a balanced budget is through measures to assure economic growth, restore the revenue base of the Federal Government, restrain inflation, and contain runaway expenditures.

Restored economic growth will greatly reduce but not erase Federal deficits. Additional steps are required: Sharp cuts in the planned $1.6 trillion increases in defense expenditures through 1986; lower interest rates to reduce the cost of interest on the national debt; more equitable tax policies with fewer loopholes to restore the revenue base of Government; and better-managed and more efficiently run Government programs.

Ronald Reagan was basically right in his desire for balanced budgets, but his administration has presided over policies producing the largest deficits in our national history. He has exemplified the pitfalls of sticking to a fixed ideology long after it is plain for all to see, that things are getting worse. We must move by realistic, pragmatic, and flexible steps toward a balanced Federal budget.

Tenth: Energy. We cannot have long-term economic health and controlled deficits without a comprehensive national energy strategy. So long as our economy remains dependent on imported oil, economic recovery means we will face again an outflow of capital of from $70 to $200 billion each year to OPEC nations. From 1975 through 1981, the United States paid $279 billion for imported oil. The outflow costs jobs, investment capital, and growth, and hence Government revenue. Our long-range energy policy goal must be to convert our economy to domestically available, environmentally safe, renewable energy supplies. Total conversion will take many, many years, and the Federal Government must work consistently with State and local government, with the utilities industry, with energy technology and fuel suppliers, and with labor to promote our transition to a strong, energy-efficient economy.

Eleventh: Reducing the Arms Race. No single step is more important to our long-term economic health than reducing the arms competition between the United States and the Soviet Union. The arms race is more than the greatest threat to our national security in our entire history. Armaments and related defense expenditures eat up huge portions of our national wealth. The Reagan increases in defense expenditures will greatly expand the Federal deficit. They will deepen the brain drain and diversion of capital investment from the very activities necessary to reconstruct the economy.

Our expenditures on arms, Soviet expenditures, and the expenditures of allies on both sides constitute a seemingly bottomless drain on the wealth and human resources badly needed to construct a more prosperous, stable, and hopeful world. Every effort must be made to negotiate a mutual verifiable nuclear freeze, a mutual phasing-down of nuclear weapons, and bilateral reductions in conventional arms competition. Without such an effort the prospects for prosperity on both sides, and even the prospects for survival, will remain dim. An unstable and fearful world is the greatest threat of all to a healthy global economy.

THE SPIRIT OF AMERICAN ENTERPRISE

Even in the midst of our current economic turmoil, the United States still possesses the greatest stock of economic assets in human history. Dynamic models for our future economic success can be found all across the country. With better conceived goals, pragmatic leadership, and a new spirit of cooperation, we will be well on our way to mastery of the new economic conditions.

But our success also depends upon a certain spirit of the American people that we are in need of repossessing, lying beyond policies and plans and even institutions.

Many years ago, Alexis de Tocqueville determined that the "true cause" of American economic superiority "is wholly attributable to moral and intellectual qualities." He came to observe our commerce in the 1830's and find the causes of American superiority in sea trade during the era of the tall ships. When he compared American and European ships, he found that American ships cost as much to build, were not built better, and did not last as long. The pay of American sailors was higher. Tocqueville wrote about the essential difference:

> The European sailor navigates with prudence; he sets sail only when the weather is favorable; if an unforeseen accident befalls him, he puts into port . . . The American neglects these precautions and braves these dangers. He weighs anchor before the tempest is over; by night and by day he spreads his sails to the wind; such damage as his vessel may have sustained from the storm, he repairs as the goes along . . . He has been in a continual contest with the sea . . . but upon his return he can sell a pound of tea for a half penny less than the English merchant, and his purpose is accomplished.

ALASKA—THE 49TH STATE

Mr. STEVENS. Mr. President, 25 years ago today the historic debate on whether Alaska should join the Union began in the Senate. Despite the overwhelming support for the distant territory across the Nation and in the Senate, a small group of diehard opponents prolonged the debate for 5 long days and nights.

I was among the many Alaskans who gathered in the Senate galleries on June 30, 1958, waiting for the historic moment. The 49th State was born at 8:02 p.m. by an overwhelming vote of 64 to 20. A cheer of applause went up in the Senate Chamber when the vote was officially announced. The Senate's action broke a 42-year legislative deadlock since Delegate James Wickersham had introduced the first statehood bill in 1916.

Alaskans stayed up with the midnight sun that night, celebrating statehood with bonfires, bells, sirens, street dancing, and other festivities.

The hard work and cooperation of many people helped us to achieve that important goal of statehood. Alaskans and friends of Alaskans from every walk of life pitched in to help us obtain our long-sought objective.

In the quarter-century since President Eisenhower signed the Statehood Act, Alaskans have continued to show the same great spirit.

I ask permission to have printed in the Congressional Record a number of newspaper articles and editorials which appeared at this time, many welcoming the new State to the Union.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, June 28, 1958]

Alaska State Backers Win Two Tests in Senate

Alaskan statehood backers won two important tests in the Senate yesterday as debate went into a late session for the second day in a row.

They turned back 53 to 28 a contention that the statehood measure included an unconstitutional provision. And the bill's supporters defeated 50 to 29 an amendment to give the territory commonwealth status instead of making it the 49th State.

The bill's floor manager, Sen. Henry M. Jackson (D-Wash.), predicted Senate passage next week.

The 53-28 vote came on a challenge by Sen. James O. Eastland (D-Miss.) that a provision of the bill violated a constitutional clause that all States must be admitted to the Union with equal status.

The challenged provision would empower the President to withdraw portions of the proposed new State for military purposes.

Eastland's point of order against the provision was opposed by 29 Democrats and 24 Republicans on the roll call vote. Sixteen Democrats and 12 Republicans voted to sustain the point of order.

Sen. Frank Church (D-Idaho), one of the bill's supporters conceded that the constitutionality of the provision challenged by Eastland was open to argument pro and con.

But he said if it is defective from a constitutional standpoint, anyone in Alaska whose rights were adversely affected could appeal to the courts and his rights would be protected if the section were ruled invalid.

Sen. John Sherman Cooper (D-Ky.) said, however, that while his sympathies were with proponents of statehood, the defense of the United States was more important and his concern went beyond the issues discussed by Church.

The commonwealth amendment, offered by Sen. A. S. Mike Monroney (D-Okla.), would have given Alaska status similar to that of Puerto Rico. For example, Alaskans would have been exempt from the Federal income tax on money earned inside Alaska. And they would not have had voting members in Congress.

Supporting the commonwealth proposal on the roll call vote were 18 Democrats (14 from the South) and 11 Republicans. The majority against it was comprised of 26 Democrats (5 from the South) and 24 Republicans.

Southerners opposed to statehood have often mentioned the dilution of their voting strength in the Senate by the addition of two more Senators who might oppose their position on civil rights and other legislation.

Sen. Strom Thurmond (D-S. C.), who held the floor when the Senate recessed Thursday night, got unanimous consent yesterday to attend a committee meeting without losing his right, later exercised, to resume his antistatehood speech later.

Sen. Olin D. Johnston (D-S. C.) also took up the opposition cause. He cited what he called historic parallels showing the dangers to a nation seeking to absorb non-contiguous areas.

He questioned whether admission of Alaska, across Canada, might some day prove to be a grave irritant between Canada and the United States.

Sen. J. William Fulbright (D-Ark.) made one of the principal arguments for commonwealth status. He said it had worked well in Puerto Rico and could for Alaska or Hawaii.

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Fulbright said it would be shortsighted to give Alaska statehood. He predicted if this is done "it will be a most unsatisfactory relationship over the long run."

Under commonwealth status, he argued, Alaska would have complete local autonomy, with United States continuing to carry the burden of national defense.

[From the Seattle Post-Intelligencer, June 30, 1958]

Senators Cheer 64 to 20 Victory

(By Nannette Milstead)

Washington, June 30.—A new American state was born tonight when the United States Senate voted an overwhelming 64 to 20 to make Alaska the 49th state.

A cheer of applause went up in the Senate chamber when at 8:02 p.m. the historic vote was officially announced granting statehood with all its privileges to the people of the former territory.

The final victory came after five long days and nights of debate and attempts by predominantly Southern senators to kill the measure.

Sen. Henry M. Jackson (D. Wash.), territorial subcommittee chairman and floor manager of the bill, said he was especially pleased with the "landslide" vote the measure received. Hailing the bipartisan effort which went into securing passage, he declared:

"The work has not been the product of any single political party. It represents a victory for all Americans and the democratic process."

Sen. Thomas Kuchel (R. Calif.), GOP manager, said "a commitment of honor has been laudably fulfilled in the typical American manner."

"It will result," he added, "in a more dynamic country and demonstrate for all the world to see freedom and democracy in action."

Senate Minority Leader William F. Knowland (R. Calif.), predicting that Alaska "is destined to become one of the great states of the American union," called for prompt action by the Senate on statehood for Hawaii.

"It will be rank discrimination," he told members, "if the Senate is not given the same opportunity to express itself on Hawaii as it did for Alaska."

Alaskans in the crowded galleries were visibly moved by the affirmative vote.

Republican Gov. Mike Stepovich said simply:

"God bless all of you. It's simply hard to realize what has happened."

Alaskan delegate to Congress E. L. (Bob) Bartlett who has pleaded his case before both chambers for 14 years said:

"We Alaskans are grateful. From the tools statehood will give us, we promise our fellow Americans that from the northwestern territory we shall fashion one of the great states of the Union."

William A. Egan, Democrat, who was designated Alaska's "Senator-elect," with tears in his eyes and speech difficult, expressed gratification to the Congress "and all the people of the United States."

Walter J. Hickel, Alaska's GOP national committeeman, let out with a resounding "wow!"

Interior Secretary Fred Seaton, who gathered with Alaskans and statehood backers for a victory celebration after passage, termed the Senate's action "victory for simple justice." He said he expected the President to sign the bill within the next few days.

Vice President Richard M. Nixon declared: "All Americans will be proud to have Alaska as the 49th state in the Union."

Like Knowland, the Vice President expressed the hope that the leadership in both the Senate and the House would now push for admission of Hawaii during the present session.

"It would be a grave injustice for the same Congress which has acted so admirably in granting statehood to Alaska to deny the equally meritorious claim by the territory of Hawaii," he said.

Rep. Leo W. O'Brien (D, N.Y.), who led the statehood fight to victory in the House, almost missed the big victory. On his way back to Washington by train from his home district of Albany, O'Brien arrived in the Senate chamber just a minute before the final vote.

Acting majority leader Mike Mansfield (D, Mont.), praised both O'Brien and Bartlett for their "great job in piloting this bill through the House."

The people of Alaska must indorse statehood at a plebscite to be held—after President Eisenhower signs the bill—not later than December 1 of this year. Election of a governor, two senators—one for a long term and one for a short term—and one congressman must also be decided.

Chief Senate Clerk Emery Frazier already was dusting off the mahogany ballot box which is traditionally used to decide which of the elected senators will serve the long term and which the shorter one.

The box, reportedly over 100 years old, was last used in 1912 when Arizona and New Mexico were admitted to the Union.

[From the Seattle Post-Intelligencer, June 30, 1958]

All Alaska Goes Wild in Whoopee

Alaskans stayed up with the midnight sun tonight to celebrate statehood by dyeing an entire river gold, flying a huge gold star over the vast territory and imbibing in free drinks set up by exultant saloon keepers.

For Alaska, the Land of the Big Party, this one was the biggest one of them all, surpassing even the territory's celebration of victory in World War II and the excitement of the Gold Rush of '98.

Anchorage, the largest city in the land, witnessed its greatest traffic jam in history as thousands of cars crawled down the main street, through crowds of delirious residents waving yellow and blue statehood banners and shooting off firecrackers.

"It was a tough battle Ma, but we won," said Jenk White, a local real estate man. "It's the greatest thing that ever happened."

A huge 40-by-60-foot American flag was draped across the Federal Bldg. in Anchorage and a fire department extension ladder hoisted Rita Martin, Queen of the 1958 Fur Rendezvous, to the flag to paste on the enormous, gold 49th star.

A tremendous bonfire, started in the Anchorage city park, hurled tongues of flames high into the skies. A total of 50 tons of wood was fed into the fire, a ton for each of the 48 states, one for Alaska and one for Hawaii.

In Fairbanks, oldtimers said the Senate's passage of the statehood bill touched off demonstrations that even exceeded Alaska's celebration at the end of World War II. Bars threw open their doors with owners shouting, "drinks on the house," and within minutes after the news reached the territory, the streets were filled with backslapping, hugging celebrators milling and dancing through stalled, horn-honking traffic.

A dye of the type used for air rescue operations at sea was poured into the Chena River, which runs through Fairbanks, turning the surface of the water a bright gold. A giant star measuring 50 feet across was hoisted over the city by weather balloons.

In the capital city of Juneau the symbolic ringing of the huge bronze Liberty bell was heard tolling 49 strokes. Church bells were ringing and crowds gathered on the grounds in front of the capital building to note the event.

Acting Governor Wayne Hendrickson said: "Now that Congress has approved membership of Alaska, in our great union of states it becomes as a duty to all Alaskans to join together to work for the development of what we feel can well become the richest producing state in the nation."

Mildred Herman, Juneau, chairman of the statehood committee, said she thinks:

"It is marvelous. It was inevitable. I am proud to have a part in it."

At Nome, a victory parade rushed down the streets of the city and bells tolled the signal of victory in the drive for statehood.

In the remote mining camps, miners and prospectors fired guns into the air and hunters and fishermen picked up the news from battery powered radios and made their own lonely celebration of the event.

In the Bering Sea and Bristol Bay area, fishing boats tooted whistles. Even the Indians in the Aleutians and the Eskimos got into the spirit of the celebration by staging parties in their tribal villages.

Col. M. R. Marston, former head of the Territorial Eskimo Guard, said bonfires would flare across the length and breadth of Alaska all night.

Perry Torbergson, a newspaperman in Fairbanks, said everyone was happy except a group of Texans who were remorseful over the fact that their home state was in danger of losing its title as the biggest in the union.

[Editoral from the New York Times, July 2, 1958]

The Forty-Ninth State

Bells have been ringing and horns tooting in Alaska, all the way from Kodiak to Barrow and from Juneau to Nome. The victory has been won. After forty-six years as a territory Alaska now joins the congregation of the states—or will do so once President Eisenhower puts his expected signature on the statehood measure that has just passed the Senate.

This victory should have come sooner. Alaska has long fulfilled all the requirements of competence and of justice to become a self-governing member of the Union. Her population is not great, but it is larger than that of a number of states at the time they were admitted to the Union without question. It is two-thirds the population of Wyoming, over one-half the population of Vermont, almost the population of Nevada.

It is a vigorous population, largely composed of pioneer stock seeking the last frontier, but including also Eskimos and Indians, who learned long ago how to survive in a climate that in the east is almost as chilly and snowy as New York, and in the north descends to truly startling extremes of cold. Modern men meet these extremes with gaiety and confidence, as anybody may observe who wanders along the modern-looking streets of Fairbanks. Alaska can never support a population per acre equal to that

nourished in industrial Pennsylvania, or on the rich soil of Iowa, but she is rich in minerals and other natural resources, as her people are rich in fortitude. We can confidently trust to that population a large proportion of the civil part of our northwestern defense.

The processes of state-making were never easy in this country after the Old Thirteen organized themselves. Missouri came in under a compromise. Texas entered as a barrier to Mexico and as an integral part of the slavery controversy. California sprang full bloom with no apprenticeship as a territory. West Virginia was torn from the Old Dominion as a result of civil war. Arizona was kept out under the Taft Administration until she consented to remove from her Constitution a section providing for the recall of judges—a section which as a state she immediately put back. For our states are, in many ways, sovereign.

It is in this sovereign capacity that Alaska now joins us. Self-government has won another victory over narrow interests, partly sectional and partly economic. We salute the forty-ninth state and the flag of which its star will soon be part.

[Editorial from the Washington Post, July 2, 1958]

Welcome to the 49th

"Standing here and looking far off into the northwest, I see the Russian as he busily occupies himself by establishing seaports and towns and fortifications, on the verge of this continent, as the outposts of St. Petersburg, and I can say,

'Go on, and build up your outposts all along the coast and up even the outposts of my own country—monuments to the civilization of the United States in the northwest.'"

It is only two years short of a century since William Henry Seward made this prophecy for Alaska. Now, with congressional approval of statehood a fact and ratification by Alaskans considered certain, the vision of Seward may be fulfilled in substances as it was long ago in the spirit and aspirations of Alaska's pioneers.

The flag of Imperial Russia flew over the territory for a century and a quarter, until 1867, but aside from the cathedral at the old Czarist capital of Sitka, there is little to remind us of that era. "Heaven is high and the Czar is for away," was as common a saying in that long period of comparative neglect as have been the following century's complaints of indifference in Washington.

Most of the "Great Land" (Al a aska) of the in 1741 when Vitus Bering, a Dane sailing for the Empress Elizabeth on the world's last great voyage of discovery, first sighted the mainland and the towering peaks of the St. Elias range in southeastern Alaska. But Secretary Seward's $7.2 million "folly"—the price the agreed to pay Russia for Alaska—has none has the less produced since then more than $1 million in gold and other mineral wealth, and total annual production from the territory's varied resources now runs at some $150 million. The population, though only about 215,000, exceeds Nevada's and is growing. Settlements and cities are widely dispersed, for much of "Seward's icebox" turns out to have a climate milder than that of the northern United States, thanks to the Japanese current.

But Alaska stands on the threshhold of statehood with a legacy of decades of bungling long-distance bureaucracy and a mountain of unsolved economic problems that will not vanish overnight with the addition of her star to the Union's banner. Economic development has been stunted by refusal of Washington to free any substantial part of the Federal land holdings, amounting to more than 99 per cent of the territory, for settlement and exploitation. The land laws which opened the American West never have applied in Alaska "Conservation" policies have more often been "stagnation" policies. Though incorporated as a territory since 1912, Alaska has had little autonomy and ony a voteless delegate in the House to plead its cause here. In consequence, not only resources development and population growth, but transportation law enforcement and the administration of justice, education and public affairs in general have been retarded. Alaska's tireless delegates, for all their skill and zeal, have had to take their satisfaction more often than not in merely blocking legislation adverse to Alaskan interests.

Now, as a state, Alaska will take title to more than 100 million acres of public land, which may be opened for development of the needed local tax base. It will have a legislature and city governments of broad and adequate powers for the first time. There will be two Alaskan Senators, one Representative and three electoral votes for President. Undoubtedly there will also be a great awakening of interest in Alaskan economic development now that its future is unclouded by political uncertainty. But all of this, it must be conceded, means only that Alaska for the first time has the tools with which to shape its destiny. And there are omissions even in this respect that will need filling in, such as the delegation to the state of responsibility for its fish and wildlife resources, reserved temporarily by the statehood bill to the Secretary of the Interior.

Alaska's first business, after completing the formalities of its political reorganization, surely must be a broad-gauged assault upon its high costs. Norman C. Brown, publisher of the Anchorage Daily News and an opponent of statehood, was not wrong to remind his fellow citizens that, "It is cheaper to operate a lumber mill or a pulp plant in Oregon or Washington than in Alaska. It is cheaper to import petroleum from Saudi Arabia than produce it in Alaska. It is more economical to mine copper in Montana or New Mexico than in Alaska." But it does not necessarily follow that, as he has said, "Only at some remote date when these resources of the United States are depleted will Alaska's great potential be in demand." Equivalent economic and related difficulties did not inhibit the rapid development of the American West by men of faith and ambition. The conditions and the means for the realization of the Northwest's destiny are as different from those which characterized the Westward push as the covered wagon and the airplane. But we believe Alaskans and their fellow Americans are to the challenge.

[From the New York Times, July 1, 1958]

Prospective State Displaces Texas as the Largest Political Unit Admitted to Union

Alaska will shoulder Texas aside as the largest state in the Union.

Texas, with 267,000 square miles, had been the swaggering leader in point of size since its admission in 1845.

But Alaska with 588,400 square miles, is bigger than two Texases, if you can imagine such a thing. It is, in fact, one-fifth the size of the United States. If it were set down in the Middle West it would cover Minnesota, Iowa, Wisconsin, Illinois, most of Kansas, a good deal of Missouri and about half of Nebraska and the Dakotas.

Another state—California—has lost the title of the state that possesses the highest mountain. Mount Whitney, at 14,498 feet, has had to yield to Alaska's Mount McKinley, 20,320 feet, the tallest in North America.

INTO EASTERN HEMISPHERE

Alaska can now claim the distinction of being the only state that extends into the Eastern Hemisphere. The Aleutian Islands part of Alaska push past the 180th Meridian to about 172 degrees east longitude.

Thus, geographically the United States now extends past the International Date Line. However, for the sake of convenience in time-keeping, the date line detours west around Attu, the westernmost island in the Aleutians.

Furthermore, the continental United States now reaches to well within the Arctic Circle. Point Barrow, the northernmost point of Alaska, lies at about 71 degrees north latitude.

Although Alaska is the biggest state, only one other has fewer people—Nevada with 160,000. Alaska's population was estimated at 215,000 in 1956, including military personnel. There are about 2.8 square miles for each Alaskan. About 35,000 of the population are Indians, Aleuts and Eskimos, most of whom prefer to be called natives.

U.S. 3,608,787 SQUARE MILES

With the admission of Alaska as a state the United States now has a total area of 3,608,787 square miles. Alaska's 571,065 square miles of land area give the United States a total of 3,545,791 square miles of land.

Alaska's 15,335 square miles of inland water give the United States a total of 62,996 square miles of inland water area.

In 1956 total production from Alaska's natural resources amounted to $131,000,000 of which $69,700,000 was from fisheries, $29,700,000 from timber, $23,800,000 from minerals, $2,600,000 from agriculture and $1,500,000 from furs.

Of the mineral production, gold still yields more than $8,000,000 a year. The entire purchase price of Alaska was $7,200,000. Since its acquisition from Russia by the United States, Alaska has given up more than $1,000,000,000 in gold, copper, silver, coal, lead, tin, platinum and mercury.

FOOD PRICES ARE HIGH

Because of the high cost of freight, prices in Alaska are high. Supermarkets advertise fresh airborne produce at prices such as 55 cents a pound for tomatoes and 27 cents for carrots and celery. Milk is 60 cents a quart. A short beer is 60 or 70 cents.

The steamship and railroad companies justify their high freight rates by pointing out that ships and freight cars are loaded only northbound and have to be deadheaded back south. There is no important export traffic.

Alaska has thirty incorporated municipalities. In 1955, twenty-five of them reported a total assessed valuation of $255,467,499. Total school enrollment averages 36,000. There are eighty-eight schools, sixty-two of them rural.

Alaska boasts the northernmost university in the world. The University of Alaska, near Fairbanks, was opened in 1922 as a land-grant college of agriculture and school of mines. In 1955 it had 500 undergraduates studying literature, art, music, science, business, education, engineering, and wildlife management as well as mining and farming.

In the summer, Alaskan temperatures average 60 degrees. Temperatures in Alaska's interior have hit 70 below zero and 100 above.

LISA SAYLES WINS DIRKSEN CENTER ESSAY CONTEST

Mr. BAKER. Mr. President, each year the Everett McKinley Dirksen Center, located in Pekin, Ill., sponsors a student essay writing contest. The Dirksen Center is devoted to the study of Congress and congressional leaders. In sponsoring such a contest, as well as through its other work, the center facilitates not only a better understanding of Congress itself, but also of those men who serve in Washington as Senators and Representatives.

This year's winner was Lisa Sayles, an eighth grade student at Washington Intermediate School in Pekin. Lisa chose our good friend and colleague, Senator Charles Percy, as the man to write about for her essay. I am quite certain that Senator Percy was truly honored by the thoughtful and considerate essay that Lisa authored.

It is clear to me that Lisa has done an outstanding job in this endeavor. I am sure that Senator Percy, as well as our other colleagues, join me in congratulating Lisa for her work and wishing her success as she continues her education.

I ask unanimous consent that Lisa's essay be inserted in the Congressional Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Dirksen Center Essay, Corporate Man to Political Man

According to the dictionary a statesman is a political leader of distinguished ability who is skilled in managing public affairs. Over the years Illinois has had many outstanding statesmen such as Abraham Lincoln, Ulysses S. Grant and Everett McKinley Dirksen. Senator Charles H. Percy represents the younger generation of Illinois' long list of statesmen.

I admire Charles Percy because he is a highly successful, self-made industrialist. At the age of 29 he was the youngest chief executive of a major American corporation. He headed Bell and Howell for seventeen years before his election to the U.S. Senate in 1966. Even as a child he was enterprising. At the age of five he won an award for selling the most magazine subscriptions. After the stock market crash in 1929 Charles Percy took a series of odd jobs to supplement the family income. He was even instrumental in obtaining a job for his unemployed father. He worked his way through the University of Chicago by working in the dormitory cafeterias and college library. All of these early work experiences led to the development of a brilliant, hard driving, concerned and ambitious statesman.

I feel that the junior senator from Illinois had the rare opportunity of working with another Illinois statesman Everett McKinley Dirksen. Dirksen went out of his way to help his state's new senator. He used his influence to secure Percy positions on important committees. Although the two men disagreed on some issues, Percy once said, "Eighty percent of the time we have voted exactly alike. An eighty-percent agreement is more than most men reach." Always both men strived to serve their state to the best of their ability.

I think that Senator Percy is an active, intellectually curious legislator and one of the most productive men on Capitol Hill. He constantly gets expert opinions before deciding on a piece of legislation. Throughout his career he has taken a special interest in elderly Americans, education, tax reform and improved health care. In foreign affairs he encourages free trade among all countries. Senator Percy is a firm believer that "responsibility brings out the best in people." Because of this belief he has supported a work-your-way-out-of-prison plan. Today he holds the very influential position as Chairman of the Foreign Affairs Committee.

Politics is an inexact science where luck and timing play as big a role as talent. Charles H. Percy seems born to success. I feel he has served Illinois as energetically and compassionately and as wisely as he knows how.

FORMER ACDA DIRECTORS ON ARMS CONTROL POLICY

Mr. CRANSTON. Mr. President, yesterday the Senate Foreign Relations Committee received testimony from former directors of the Arms Control and Disarmament Agency, including Gerard C. Smith and Paul Warnke. Because of the importance of the views and thoughts advanced by these distinguished gentlemen, I ask that their testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Gerard C. Smith

I

I have been asked to speak about some arms control aspects of the relationship between the U.S. and the USSR, including the effect of and on the ABM Treaty of the President's recent proposal for a major long-range effort to develop strategic defenses sometimes called his "star wars" dream.

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First let me speak about the recent change in the "START" position which is said to reflect the findings of the Scowcroft Commission and presumably is the Administration's first move to keep its end of the bargain with Congress which led to the affirmative vote on the MX program last month.

If it is merely considered as an "opener" for a genuine negotiation, the Administration's move to raise the permitted levels for ballistic missile launchers seems a positive step.

If one can take literally the White House assurance that "everything is on the table," some movement in START may be possible. But we have heard this assurance before. Our chief negotiator's recent statement that he now has authority to listen to Soviet proposals makes one wonder about the nature of the START negotiations over the past year, when we were assured that progress was being made.

A fair inference from the Scowcroft Commission report is that the "window of vulnerabiltiy" never existed and that claims that the United States was a second class nuclear power based on alleged vulnerability of our ICBMs were unfounded. The Scowcroft Commission surprisingly reported "reasonable survivability of fixed targets, such as ICBM silos, may not outlast this century." But the latest START proposal seems to disregard the Scowcroft conclusions, which clearly state that we have no immediate or near term problem of vulnerability. It still seems to be trying to close that "window of vulnerability."

The proposal continues past effort to get the Soviets to shape their strategic forces after the United States model. If the Soviets accept, it would require vast new expenditures to reconstruct their forces. It has been reported that the Administration believes that Soviet economic difficulties will encourage them to bargain seriously. If our idea of a successful bargain is that the Soviets would have to invest large resources to alter their force posture, dependence on this economic motivation seems illusory.

In the past, progress in strategic arms negotiations was made when they were private. The publicity surrounding the new proposal suggests that its main purpose is propaganda—to appear to meet domestic and foreign pressures for change.

The one new element is to raise ballistic missile launcher ceilings from 850 to a level reported to be in the range of 1100/1200. That alteration seems aimed as much to ease American force planning as to limit Soviet forces. If we are to have 100 MXs and Midgetmen, the 850 limit would have been too tight.

Apparently all the other provisions of the earlier START position are retained—the 2500 ICBM warhead ceiling, the 210/100 Soviet MIRVed missiles limit. Ambiguity, if not silence, persists about our ideas on limiting cruise missiles—systems of special concern to the USSR. We apparently are willing to discuss any Soviet proposals. Proposed bomber limitations seem somewhat unequal—400 for the U.S. not including FB-111s, and 350 for the USSR including Backfires and the new bomber we call Blackjack.

The Soviets have to reduce ICBM warheads by about 3500—the U.S. could increase by about 250.

The Soviets would have to reduce MIRVed ICBMs by about two-thirds, while the United States could build 100 MIRved MXs and some MIRVed Trident II missiles with hard target kill capability.

It has been calculated that Soviet missile throw weight would have to be reduced from 8.8 million to 4.2 million pounds.

All of this would result in substantially increased vulnerability of Soviet ICBMs and substantially decreased vulnerability of U.S. ICBMs.

It would tend to result in parity in ICBM throw weight while continuing United States superiority in bombers and cruise missiles. The proposal seems to add up to an offer that the Soviets can easily refuse. Have we not learned by past SALT experience that one-sided proposals cannot work and will only kill time, which is a wasting asset?

This criticism of the new START position is based on news reports about its content. But it would not be surprising if in addition the Geneva delegation had been made aware of possible other areas where concessions might be made if the Soviets engaged in serious negotiations. The most likely candidates would be the proposed ceiling for ICBM warheads and the sublimits on Soviet MIRVed warheads.

If such fallbacks were foreshadowed, prospects for realistic negotiation would be somewhat brighter. But a bargain seems unlikely if the U.S. remains equivocal about limitations on cruise missiles.

Until then the new proposal's main purpose seems to be to get MX safely underway, with public and Congressional anxieties tranquilized for a while. I wonder how long such a palliative will work. With the deepening public commitment to arms control and election year bearing down, more substantive moves seem called for.

I would say that the present status of the Administration-Congress bargain is that the Administration got what it wanted on MX. So far the Congress has only obtained a change of tone in the arms control rhetoric.

Criticism of the Administration's arms control policies should be tempered by recognition that the USSR bears a good part of the onus for lack of progress. Even if we refrain from express linkage of arms control to other aspects of Soviet-American relations, the somber messages of Afghanistan and Poland cannot be forgotten. Unanswered charges of possible Soviet violations of SALT and other arms control arrangements do not help. Soviet treatment of dissenters continues to shock even the most ardent American proponents of agreements to control arms. We would not be interested in negotiating with Soviet leaders but for the supreme urgency of controlling nuclear weapons.

III

The new proposal seems to reflect an attitude about strategic arms control that might be characterized as "well, if we can't get it, too bad—let the chips fall where they may." Contrast this with the conclusion of the Scowcroft Commission that effective arms control is essential to the nation's security.

I think we tend to overlook what a sharp setback for arms control was the failure to ratify SALT II. Coming on the heels of our failure to ratify two earlier control agreements, this collapse of a seven-year effort is still having prejudicial effects. Tacit honoring of SALT II, which the Administration found fatally flawed, is no substitute for embedding the treaty in international law by ratification. START was supposedly an effort to correct the "fatal flaws" of SALT II. So far it has not.

I think it is not unfair to say that our present national security managers bear a good part of the responsibility for SALT II's failure. And it is perhaps understandable that the USSR is now somewhat cautious about seriously negotiating for a fourth arms control agreement. In the face of our past failures, talk by high Administration officials about the need to prod or encourage the Soviets to negotiate must sound somewhat ironic to Soviet ears. They must wonder what prods are available to them to get America to ratify past agreements. The situation is not improved by the Scowcroft Commission's findings that serious flaws existed in our first START proposals—flaws which President Reagan quickly admitted.

Are these flaws corrected by the revised START proposal? Aside from its tone, which is said to reflect greater flexibility, the only change is in one number. I agree with Secretary Shultz' statement before this Committee last week that the prospect for early progress is not bright.

I believe that the Soviet greater interest now is in the INF negotiation where there is a year-end deadline. I doubt that they will work seriously on START until they have a better idea as to how the INF negotiation is going to come out.

The arrangement which the INF delegation leaders reportedly worked out last year where Soviet reductions in SS-20s would be matched by cancellation of proposed Pershing deployments but under which some U.S. cruise missiles could be deployed begins to look better as the date approaches for the Pershing deployment. Although both governments disclaimed interest in this deal, the circumstances are as yet unclear as to which was first to react.

The Administration's conviction that the Soviets will soon start negotiating in earnest will be put to a final test as winter approaches. If that belief proves wrong, we will face the likelihood of deployment of additional Soviet missiles targetted on the U.S. and Soviet withdrawals from the INF and perhaps even from the START talks. That would promise a cold winter and a collapse of hopes that some control of nuclear arms might be accomplished by this Administration. Calls are being heard in responsible quarters in Europe for reconsideration of the Nitze/Kvitsinsky bargain. Clarification for the Congress of the reasons for and timing of our rejection of this arrangement may be in order.

I do not sense in Washington even the beginnings of any alarm about a possible crisis. We are so sure it won't come to that—that the Soviets will concede to our views when the first Pershings appear in Germany. But are the Soviets bluffing in saying that they will counter-deploy some new system to put U.S. targets under similar time urgent duress? Their interest in negotiating any arms controls with this Administration will be reduced if the Pershings are deployed. No wonder some informed people here and abroad believe that it was a mistake to start down the "double track." I was struck by the statement in the recent staff report for this Committee that something along the lines of the Nitze-Kvitsinsky bargain may perhaps be the best chance of reaching agreement. Not since the Berlin crises of the 50s and 60s have the two sides faced similar challenges. I question whether a policy of "let the chips fall where they may" is either sufficient or appropriate for what may well develop into a major Soviet-American crisis.

IV

I was also asked to comment on the relation of the President's "star wars" proposal to the ABM limitation Treaty of 1972. On this score, I would like to submit for the record an analysis prepared by John Rhinelander who was legal advisor to the SALT I delegation and a participant in the ABM negotiation.

Very briefly, my understanding of the ABM Treaty is that (a) All ABMs were banned in 1972 except two fixed land-based systems having 100 launchers each to defend a nation's capital or one ICBM field; (b) In 1974 it was agreed to reduce the limits to one system for each side; (c) An ABM system was defined as then made up of launchers, radars and missiles; (d) Development testing and deployment of sea, air, space or mobile land-based systems was banned: (e) If land-based systems are developed using so-called "exotic" components—lasers, particle accelerators, etc.—they could not be deployed unless the Treaty was amended.

Any major program to implement the President's "dream" would very quickly run afoul of the ABM Treaty's constraints. Even engineering work to develop a space-based system is banned under the Treaty. Perhaps the machinery of the Standing Consultative Commission set up under the Treaty should be resorted to in the first instance in an effort to clear up ambiguities as to just how far the signatories can go without violating the Treaty.

We hear much these days about the importance of the stability of the strategic balance. Arms control treaties have an important part to play in this respect. By foreshadowing a program which would inevitably violate the ABM Treaty, I believe that we are introducing uncertainty which cannot fail to have a prejudicial impact on the current strategic balance. Gromyko's statement on June 16 contained language indicating Soviet concern on this score.

What the President had in mind, apparently, were defensive systems to protect not just the United States but all of its allies from attacks by ballistic and cruise missiles as well as bombers. Many have had the dream that the nuclear threat could be laid to rest by effective defensive systems. Mutual invulnerability would be a much better deterrent to war than the present mutual vulnerability. But I am told by knowledgeable scientists that the technical prospects for developing such systems are minimal to non-existent. If we seriously set out on a long-term quest for an impervious defense for our populations, serious near-term threats to the national security will arise. (One prejudicial effect may already be in train. It seems likely that U.S. refusal to negotiate controls over anti-satellite systems is motivated by an aim to avoid further restraints on exotic "star wars" components of defensive systems which would use similar technology.)

Not only would going for "star wars" systems signal our intent to annul the ABM Treaty, which for 11 years has staved off a superpower competition in defensive systems to match the present only informally and incompletely regulated race in offensive systems, it would signal to the Soviets a likely U.S. aim to neutralize their retaliatory capability to respond to any American first strike. The President himself recognized this danger by saying that, paired with offensive missiles, an effective defense could be viewed as fostering an aggressive policy, and he added that we did not want to give that signal.

But regardless of good intentions, could an effective defense of North America, Western Europe and our Far Eastern allies send any other signal to the Soviets? There seems to be no prospect that the United States or the USSR, if they ever mounted such defenses, would abandon offensive forces. Would the resultant strategic balance be more stable than the present?

Unmentioned in the talk of defenses (which presumably would be conveniently deployed out of sight in far away space) is the question of the consequential clear need for massive civil defense programs for populations. Unless the unwarranted assumption is indulged that an impermeable defense system could be mounted, it must be assumed that some attacking warheads would reach targets. Pressures would mount for gigantic blast and fall-out shelter programs to protect these unpredictable targets.

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It seems a sure thing that an American program to try to realize the President's dream would promptly be matched, not only by a similar Soviet program, but by their development of new offensive systems designed to penetrate defenses. I am afraid that the President's dream would generate a more tense strategic relationship with the USSR while never attaining the defensive posture contemplated.

V

In 1969 a number of us tried in vain to persuade the government that a ban on MIRVs would advantage the nation's security. That was when we were beginning to test MIRVs and before the Soviets had tested theirs. Now 14 years later it is recognized that MIRV is a source of strategic instability that advantages the Soviets more than us because of their larger missiles. The Soviets in SALT II reportedly proposed that any new class of ICBMs have only one warhead. We did not accept because we wanted MX.

Now we are faced with somewhat similar situations. The Soviets have tested and we are soon to test systems to destroy satellites in space. It would seem to be all to America's advantage to ban such systems since we are more dependent than the Soviets on satellites for peacetime intelligence and communications and for controlling wartime operations. But the negotiation looking to controlling this threat has been suspended by the U.S. Such controls may be as important as those over strategic weapons. I urge the Commission to press for resumption of the negotiation.

Another decision we may well live to regret is to allow a free competition in long-range SLCMs. Simple geography suggests that the American homeland will be more vulnerable than the Soviets' to this system. Deploying them in attack submarines can only prejudice the effective fulfillment of the normal role of such vessels. Verification problems will become much more complex if such systems are not banned at an early date.

As a former director of the Arms Control and Disarmament Agency, may I make a plea on behalf of this orphan. The various purges since 1973 have left ACDA weak. Its staff has minimal influence, although in years past ACDA members played key roles in developing and implementing arms control policy. More than in any other field of national security policy, it seems to me that bureaucratic memory is indispensible to the management of arms control affairs. What has happened to ACDA in the last decade has been prejudicial to the nation in this respect. I don't think it is too much to say that we cannot expect to have sound, strong, and vigorous arms control policies until ACDA's position in the bureaucracy is restored to something approximating that of the past. It is too much to expect that arms control programs engineered by Pentagon people, whose main and proper responsibilities are for weapons programs, will be sufficient to meet the arms control needs of the country which are now being recognized as essential, not just possibly useful. Let's face it, a basic asymmetry in the Soviet-American relationship is the fact that they have a foreign minister who has conducted arms control negotiations for over thirty years, since before some of our people working on arms control matters were born. What an advantage. At least we should have the institutional substitute for such long-term experience which was one of the reasons for the formation of ACDA. We do not have it.

What is needed:

(A) A strong staff, which means a larger budget and more positions. Restoration of ACDA computer facilities and library.

(B) A greater ACDA role in the national security bureaucracy—perhaps with the Director becoming a member of NSC.

(C) Clarification of the relation between the Director and the Secretary of State.

I urge the Congress to take a fresh look at ACDA to see if its legislative basis needs fortifying.

VII

The deeper we get into the valley of death of nuclear confrontation the more obvious it should be that solutions do not lie in more or better weapons systems. We should accept as literally true the conclusion of the Scowcroft Commission that effective arms control arrangements are essential to the security of the United States. And I think that term covers more than just strategic arms limitation. The security of the U.S. is also threatened by the prospective proliferation of nuclear weapons to additional nations—a threat which would be moderated if a comprehensive test ban were in place. And I am persuaded that such arms control arrangements are attainable, given the necessary political will—on both sides.

Testimony of Paul Warnke

TECHNOLOGICAL DEVELOPMENTS AND THE FUTURE OF ARMS CONTROL

Current developments in nuclear weaponry are inimical to our national security and increase the risk of nuclear war. New weapons systems are being developed, by both the United States and the Soviet Union, that will pose a greater threat to the survivability of the nuclear arsenals of each side and therefore erode the deterrent. Both nuclear superpowers seem bent on acquiring nuclear weapons with war-fighting capability, while the leaders of both sides purport to recognize that neither country could fight, survive and win a nuclear war.

Moreover, there is nothing in prospect, either in the form of more survivable and less threatening weapons or in the form of arms control proposals, that shows any promise of relief from this grim prospect. Neither in the INF talks, on intermediate range nuclear forces in Europe, nor in the START talks, on ICBMs, SLBMs and strategic bombers, is there any sign of progress. And given the proposals that have been made public, this lack of movement is not surprising.

There are some who express hope that greater "flexibility" is becoming apparent in the arms control stance of the Reagan Administration. Some profess to see movement toward the recommendations of the President's Commission on Strategic Forces. But here again I must say that I see only a greater rhetorical flexibility and that I find in the recommendations of the Scowcroft Commission nothing that will stop or even slow the slide toward nuclear confrontation.

If its recommendations can be ignored, as I believe they should be, the report of the Scowcroft Commission makes a lot of sense on strategic policy. It recognizes that intercontinental ballistic missiles with multiple independently targettable reentry vehicles, or warheads, with great accuracy create the greatest risk and are inherently destabilizing. No minimally rational leader of either country would initiate a strategic nuclear exchange as a matter of deliberate, reasoned decision. But with the growing counterforce capability of missiles that can launch 10 warheads against the missile silos of the other side, along with other destabilizing developments, the point could come at which a nuclear war starts because one side panics and strikes in desperation, from fear that adequate retaliatory forces could not survive a preemptive strike by the other.

Indeed, it is our concern with the Soviet MIRVed ICBMs that forms the basis for our START proposals asking that the Soviet SS-17s, 18s and 19s be cut back by 75%. Possibly we are tabling in the closed discussions in Geneva some suggestions that would give the Soviets some constraints on American forces that could lead them to consider this massive restructuring of their strategic arsenal. But no such quid pro quo can be seen in the proposals that have been made public. Nor do Soviet public reactions indicate that any such inducements have been made known to them.

Instead, the Administration appears insistent on building 100 MX missiles with 10 accurate warheads each, going ahead with thousands of air, sea and ground launched cruise missiles and developing and deploying the D-5 or Trident II submarine-launched missile. The Scowcroft Commission endorses both the MX and the Trident II, on the ground that they will enable us to put "Soviet hard targets at risk." This is not a formula for restraint.

The apparent theory is that we can scare the Soviet Union into making sensible moves toward stabilizing systems by deploying destabilizing systems of our own. The rationale is expressed in terms of bargaining chips. But the theory seems to be that we can make the Soviet Union cry uncle at the bargaining table by, for example, deploying 100 MXs and threatening to build still more. But this is not bargaining. It is, instead, the arms race theory of arms control and it won't work.

The fact is that there exists today rough strategic equality. This has been recognized by the Joint Chiefs and even in posture statements of the Secretary of Defense. And this is the best that can be achieved, the situation most conducive to avoidance of nuclear war. It is for this reason that efforts should be made to achieve a mutual verifiable freeze. This freeze would of course have to be obtained on a step-by-step basis. An effort to stop everything at the same time would mean that nothing would be stopped for the indefinite future.

The Committee for National Security, of which I am the Chairman, proposed some weeks ago an approach to strategic arms that I believe does hold promise of improving, rather than reducing our national security. This would involve building on the provisions that were agreed upon in the SALT negotiations and moving away from greater emphasis on MIRVed counterforce missiles.

Instead of the MX, there would be a mutual ban on any new MIRVed ICBM—a ban that would stop testing of the Soviet solid fueled MIRVed SS-X-24. There would also be a 50 percent cut in the SALT II ceilings on MIRVed missiles. The total number would be cut from 1200 to 600, MIRVed ICBMs would drop from 820 to 410 and the Soviet SS-18s would be reduced from 308 to 154.

The Reagan Administration proposal of a limit of 5000 warheads on long range ballistic missiles would be retained, with a consequent reduction of about one-third of the currently deployed Soviet warheads.

The total number of strategic nuclear delivery vehicles would be cut from the SALT II ceiling of 2250 to 1650. Since this total

would include strategic bombers, the missile numbers would be reduced as the Reagan Administration has proposed.

Finally, new MIRVed sea-launched missiles, both ballistic and cruise, would be subject to a moratorium which would retain their potential for bargaining leverage.

There are, of course, other formulas that might be equally effective. But, in contrast to the START proposals, both as originally presented and as modified, this approach would result in equivalent restraints and greater security for both sides. As publicly presented, the START proposals would require the Soviet Union to scrap the core of its strategic arsenal, while allowing the United States to proceed virtually unchecked with our plans for modernization of our strategic forces.

This is clearly not negotiable. And even if we could indulge this unreasonable hypothesis it would not be desirable. In the curious but inescapable logic of the nuclear age the security of the United States is not advanced by putting the strategic nuclear forces of the Soviet Union at risk. At a time of serious international crisis, this can only lead Soviet leaders to wonder whether and when they should launch their weapons to avoid their destruction.

Greater security and lower risk of nuclear war requires movement toward strategic forces that are the most survivable and the least threatening to the survivability of the other side's deterrent. Any new weapons programs and arms control proposals should be designed to move nuclear dependence away from MIRVed land-based ballistic missiles and toward submarine-launched ballistic missiles. Neither the report of the Scowcroft Commission nor the current START proposals as publicly presented can have that desired effect.●

S. 267, THE COAL DISTRIBUTION AND UTILIZATION ACT

Mr. TOWER. Mr. Chairman, today I am proud to add my name as a cosponsor of S. 267, the Coal Distribution and Utilization Act. The measure deals with one of the most basic rights of capitalism—the freedom to compete. Presently, transportation costs are the most expensive component in the cost of coal for a vast number of domestic and overseas markets. The reason for this? Only one method presently exists for hauling coal—that method is the railroad. A small handful of railroads in our country control a virtual monopoly on the coal freight market. They should not be allowed to pad their pocketbooks with the American consumers' hard-earned dollars by driving up fuel costs.

The question to which Congress must respond is whether these railroads will be allowed to maintain that position, free of competition. The answer is no, and my position is well-founded. The State of Texas serves as a clear example. At the present time, approximately 51 percent of the coal used by Texas utilities comes from the Powder River Basin, the leading coal-producing area in the Western States. Only one railroad, the Burlington Northern, connects Texas with the Powder River Basin. Since no other legitimate transportation alternatives exist, Texas remains captive to the freight rates levied by Burlington Northern.

Within Texas, the city of San Antonio is most gravely affected by this situation. A decade ago the utility serving San Antonio experienced serious curtailments of its natural gas supplies, and was told by its gas supplier that sufficient supplies did not exist and could not be obtained at the contract price to meet demand.

In response to this problem, and with the encouragement of the Federal Government, the decision was made to build two coal-fired electric generating units.

Burlington Northern submitted a proposal offering a rate of $7.90 per ton for shipping coal to San Antonio. However, the railroad almost immediately withdrew the proposed rate, and proposed a new rate of $11.09 per ton. The railroad justified this increase by citing increased diesel fuel costs which experts tell me would only account for a few cents of the $3.19 per ton increase. In the fall of 1976, after a long period of negotiations, the ICC prescribed a maximum reasonable rate of $10.93 per ton, and coal started moving. Two years later at the request of the railroad, the ICC set a new rate of $16.12 per ton. Less than a month later, the ICC escalated the rate to $17.01 per ton. At the request of Burlington Northern, the ICC continued this process of rate raising so that now the city of San Antonio pays about $29 per ton, four times the price originally quoted, to ship its coal. It goes without saying that this increase puts a tremendous burden on the electric consumers' pocketbooks in San Antonio.

It is my understanding that the circumstances of this fourfold freight rate increase are not isolated or unusual. This distresses me greatly. It runs against the grain of democracy for the many American consumers who use electric power to heat their homes and cook their food to pay unnecessarily high prices for this necessity. Coal slurry pipelines offer an alternative, a competitive means by which coal freight rates may be challenged and possibly lowered. As elected representatives, we have no choice but to create this opportunity. Fuel bills must be reduced.

A second significant issue exists in this debate—the U.S. balance of trade. Many coal customers in the Pacific Rim nations and Europe have refused to buy U.S. coal due to high inland transportation costs. Both the Soviets and the Chinese are developing coal pipelines that could be used to sell coal on the world market. If our domestic coal is to compete, it must have access to similar modes of transportation so that costs will be comparable.

Coal represents a very logical energy alternative. At a time when Western European countries are lining up to buy natural gas from the Soviet Union's Yamal pipeline, it is imperative that the United States signal her allies that she is serious about providing them with alternatives such as U.S. coal on a cost-competitive basis. The enactment of S. 267 will send this signal.

In sum, this legislation provides opportunity for lower future fuel bills for domestic consumers, for a better balance-of-payments picture, for stronger ties with international allies. I am proud to support it. I urge my colleagues to join me.

A TRIBUTE TO A LAWYER'S LAWYER: FRANCIS HARE

Mr. HEFLIN. Mr. President, it is with a great deal of sadness that I rise today to note the passing of one of the most outstanding members of the legal profession, Francis Hutcheson Hare of Birmingham on yesterday, June 22, 1983.

There are many phrases with which tribute may be paid to attorneys, but probably none convey greater respect than the description "a lawyer's lawyer." Francis Hare was truly a lawyer's lawyer, deeply respected by the entire bench and bar, both in and out of Alabama. His colleagues honored him many times, electing him as president of the Birmingham Bar Association in 1942-43, as president of the Alabama Bar Association in 1949-50, and as president of the International Academy of Trial Lawyers in 1967. He also served his State and profession as a special justice of the Alabama Supreme Court in 1967.

Francis Hare was a rare and unique character, as well as being a tremendous trial lawyer. He was widely known for his wit, and would often come up with ideas that seemed shocking to other people. Only after they would reflect on his remarks and examine them more closely would the shock fade away, revealing the deep thought, excellent logic, and true merit behind his ideas.

Born in Lower Peach Tree, Ala., in 1904, Francis received his law degree from the University of Alabama and was admitted to the Alabama bar in 1927. During his long and distinguished career as a trial lawyer, he became known as a leading expert in the medico-legal field and was honored by the Law-Science Academy of America for his contributions to the advancement of law-science relationships.

A complete listing of the awards won and memberships of Francis Hare would seem endless. Among the most treasured, I am sure, were recognition as the outstanding alumnus by the Bench and Bar Honor Society of his alma mater, and recognition as

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"Lawyer of the Year" by the Birmingham Bar Association.

There was no question that Francis Hare was a great legal scholar. He had a fine and keen analytical mind. He possessed a perceptive insight, almost beyond belief. His memory was superb, and his integrity beyond reproach. His voice, personality, and manner were all as if tailored to his chosen craft. Together, these qualities meshed to make Francis Hare one of the most outstanding trial attorneys of this or any era.

One of the most treasured books on my bookshelf was written by Francis Hare. It is entitled "My Learned Friends: Memories of a Trial Lawyer," and is a reminiscence of his many years at the bar. On the book jacket, there is a quotation about the author which I would like to share with you. It comes from Tom Lambert of the Association of Trial Lawyers of America and reads, "Francis Hare is the Poet Laureate of the American Bar—the complete advocate." Mr. President, from my own personal experiences I can testify that no truer works were ever spoken.

In my years practicing law in Alabama, I know of no other colleague more widely respected and admired. Francis Hare will be greatly missed. Alabama, and America, have lost a great citizen. I have lost a close friend.

Mr. President, I ask unanimous consent that an article from the Birmingham News be printed in the RECORD.

Thank you, Mr. President.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

[From the Birmingham News, June 22, 1983]

NOTED LOCAL LAWYER FRANCIS HARE DIES

Francis H. Hare, Sr., a prominent Birmingham lawyer with the firm Hare, Wynn, Newell and Newton, died today.

Mr. Hare, of 3527 Forest Glen Drive, Mountain Brook, was president of the Birmingham Bar Association in 1942-43 and of the State Bar Association in 1949-50, and served as a special justice of the Alabama Supreme Court in 1957.

He organized and was involved in several seminars throughout the country, and was presented the 1969 Gold Medal award from the Law-Science Academy of America for "contributing to advancement of law-science relationships."

He wrote numerous articles for law reviews and other publications, and books including *My Learned Friends*, a reminiscence of his years at the bar.

The Birmingham Bar Association recently named him Lawyer of the Year. He also was named Outstanding Alabamian by the Bench and Bar of the University Law School.

He was a member of the International Academy of Trial Lawyers, serving as dean in 1963 and president in 1967. He also was a member of the American College of Trial Lawyers, the American Bar Foundation, Inter Club Advocates, The Scribes and the American Judicature Society.

Funeral will be 11 a.m. Friday at Highlands United Methodist Church, with private burial at Elmwood, Johns-Ridouts Scuffside directing.

Survivors include his wife, Isbelle C. Hare, a daughter, Lucille Levin, Chicago, and a son, Francis H. Hare, Jr., Birmingham.

THE REBUILDING OF BRENT, ALA.

Mr. HEFLIN. Mr. President, on one of my most recent trips to Alabama, it was my pleasure to travel to the city of Brent, Ala., for their 10th anniversary celebration.

This was a unique celebration, Mr. President, for the citizens of Brent were not celebrating the 10th anniversary of the building of the city, but of its rebuilding. On May 27, 1973, 10 years prior to the recent ceremonies, Brent was destroyed by a tornado.

That day was a particularly damaging one for Alabama. Several tornadoes struck the State that day, 8 persons died, 286 were injured, and the damage was listed in millions of dollars. The tornado that struck Brent was one of the most damaging of any that Alabama has experienced. It took an extraordinarily long track, 135 miles, across the State, and, of the eight Alabamians who died that day, five were residents of Brent.

Brent is now the largest town in Bibb County, in the central portion of Alabama. Through the last 10 years, rebuilding from the devastation of the tornado, the people of Brent have persevered and have demonstrated great determination, as well as unique community pride and dedication.

It was a Sunday evening when the tornado hit. Many of the townspeople were gathered at churches for evening services. About 150 people took refuge in the basement of the First Baptist Church. After the storm swept past the city, citizens immediately began clearing debris from the streets to make way for emergency vehicles. That was the beginning of the reconstruction of the town.

When a tragedy of this magnitude occurs, it is very difficult for the town to recover. Brent has not only recovered and rebuilt, it has prospered and grown since that dismal May day in 1973. It was that recovery and growth that Brent was celebrating a few weeks ago.

Mr. President, I want the members of the U.S. Senate to know of the steadfast and remarkable efforts of the people of Brent over these last 10 years. They are proud of their accomplishment, and I am, too. Recently they celebrated the success of their own efforts with 2 days filled with activities. An arts and craft exhibition, a 10,000-meter road race, square dancing, entertainment by gospel singers, religious services, and a brief appreciation service reflected the traditional values which have been the foundation of Brent's recovery. I am delighted that I had the pleasure to witness part of this celebration.

Mr. President, it is indeed a pleasure for me to represent the people of Brent, Ala., God-fearing people with such great community pride and dedication. I comment them on their efforts.

Thank you, Mr. President.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objections, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

LEGISLATIVE BRANCH APPROPRIATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the Senate will now consider H.R. 3135, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3135) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1984, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. BAKER. Mr. President, the managers on both sides, I am sure, will be here and available momentarily.

I might remind Senators once again that it is the hope of the leadership that we can do this bill and the agriculture appropriations bill and the budget conference report today. That is a big bite, but I thought I would repeat my wish in the hope that might improve its chances for succeeding.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, as chairman of the Subcommittee on the Legislative Branch, it is my privilege to present the recommendations of the Committee on Appropriations on H.R. 3135, providing appropriations

for the legislative branch for fiscal year 1984. The bill includes funds for the Senate, House of Representatives, Architect of the Capitol, Library of Congress, Congressional Budget Office, Government Printing Office, General Accounting Office, Office of Technology Assessment, and Copyright Royalty Tribunal.

The committee is recommending total appropriations of approximately $1,476 million for the legislative branch. The President's budget included requests of over $1,495 million so we have reduced that request by $19 million. Our total request amounts to an increase of only $9.5 million over the total appropriated for fiscal year 1983, including supplemental amounts as approved by the Senate last week in H.R. 3069. This represents an increase of less than 1 percent between fiscal year 1983 and fiscal year 1984—six-tenths of 1 percent to be precise.

The increase in appropriations for the Senate is also very, very modest. Total appropriations for fiscal year 1983 for the Senate and operation of Senate office buildings was $260 million. Comparable figures for fiscal year 1984 are $262.6 million, an increase of less than 1 percent. Last year the majority leader called on Senate committees to hold increases for the committee fiscal year to 5 percent. I am proud to say that this appropriation bill does much better than that for the entire Senate.

The committee has held other elements of the legislative branch to essentially current service levels, but has allowed a few new personnel positions for high priority programs. We have been assured, however, that essential services will not suffer in any way from the reductions we have made.

With regard to one congressional support agency, the Office of Technology Assessment, the committee is recommending a substantial increase in budget and personnel levels. This is the agency which assists Congress with necessary decisions on technology questions. With the expectation that high technology holds the key to the future success of the American economy, the OTA role becomes more and more important, and I believe the increase recommended is fully warranted.

The committee is reiterating the position adopted by the Senate on H.R. 3069, the supplemental appropriations bill for fiscal year 1983, that the Commission on the West Central Front of the Capitol should have the assistance of a consulting architect. Now that the long-standing dispute over whether to extend or restore the west front has been decided, the most important remaining requirement is to insure that the restoration will be done within the amount appropriated, and with the workmanship that will make the west front again a source of pride for our Nation. The law is clear that the West Front Commission is empowered to direct the Architect of the Capitol, but it has no authority to hire staff, and realistically, the members of the Commission—the Vice President, Speaker of the House, and majority and minority leaders of the two Houses, will not be able to exercise day-to-day supervision of the progress of the restoration. So the committee is expressing its determination that the Commission have a consulting architect.

The committee has taken one other action relating to the Architect of the Capitol. For many years the Architect's office has had a passenger car, currently a 1983 Oldsmobile, and driver. This car and driver not only take personnel of the office around town to meetings, but also takes the Architect personally to and from work. Clearly when we are asking Americans to make sacrifices because of the soaring deficit, we can ask the Architect to drive his own car to and from work, as Members of the Senate and House do.

Mr. President, I ask unanimous consent that a table entitled "Summary of H.R. 3135" be printed in the RECORD at this point.

This table shows funding levels for the organizations funded in this bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF H.R. 3135

Department or agency	Appropriations, 1983	Budget estimates, 1984	House bill	Committee recommendations	Senate bill compared with—		
					Appropriations, 1983	Budget estimates 1984	House bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TITLE I—CONGRESSIONAL OPERATIONS							
Senate	$239,008,000	$249,453,000		$245,176,000	+6,168,000	−$4,277,000	+245,176,000
House of Rpresentatives	367,871,263	384,212,000	$384,062,000	384,062,000	+16,190,737	−150,000	
Joint items	102,448,000	117,375,200	117,325,200	117,325,000	+14,877,000	−50,200	−200
Office of Technology Assessment	13,146,000	14,600,000	13,933,000	15,800,000	+2,654,000	+1,200,000	+1,867,000
Congressional Budget Office	15,094,000	16,751,000	16,300,000	16,300,000	+1,206,000	−451,000	
Architect of the Capitol (except Library buildings and grounds)	137,317,000	82,926,000	63,936,000	81,160,000	−56,157,000	−1,766,000	+17,224,000
Congressional Research Service, Library of Congress	35,240,000	38,950,000	35,543,550	37,700,000	+2,460,000	−1,250,000	+2,156,450
Congressional printing and binding, Government Printing Office	81,747,000	89,537,000	86,580,000	86,580,000	+4,833,000	−2,957,000	
Total, title I—Congressional operations	991,871,263	993,804,200	717,679,750	984,103,000	−7,768,263	−9,701,200	+266,423,250
TITLE II—OTHER AGENCIES							
Botanic Garden	1,897,000	2,043,000	2,018,000	2,018,000	+121,000	−25,000	
Library of Congress (except Congressional Research Service)	173,945,000	182,807,000	176,994,000	176,994,000	+3,049,000	−5,813,000	
Architect of the Capitol (Library buildings and grounds)	5,451,000	6,410,000	5,230,000	6,380,000	+929,000	−30,000	+1,150,000
Copyright Royalty Tribunal	469,000	480,000	195,000	210,000	−259,000	−270,000	+15,000
Government Printing Office (except congressional printing and binding)	40,082,000	40,309,000	39,120,000	39,120,000	−962,000	−1,189,000	
General Accounting Office	252,950,000	269,625,000	267,161,000	267,161,000	+14,211,000	−2,464,000	
Total, title II—Other agencies	474,794,000	501,674,000	490,718,000	491,883,000	+17,089,000	−9,791,000	+1,165,000
Grand total, new budget (obligational) authority	1,466,665,263	495,478,200	1,208,397,750	1,475,986,000	+9,320,737	−19,492,200	+267,588,250

Mr. D'AMATO. Mr. President, I yield to my distinguished colleague, the ranking minority member on the Subcommittee on Legislative Appropriations, the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I would like to associate myself with the remarks of the subcommittee chairman.

The bill includes $1,475,986,000, which is an increase of only $9 million over the current year and a reduction of $19 million below the amounts included in the President's budget for the legislative branch. The increase overall is less than 1 percent over the current year which reflects the efforts of the subcommittee to hold down the expenses of the legislative branch.

Mr. President, I am not aware of any controversy involving any of the provisions in this bill. I urge my colleagues to adopt this measure.

Mr. D'AMATO. Mr. President, I would now like to make a motion to facilitate the consideration of this bill.

Because the Congress has not yet adopted the first concurrent resolution on the budget for fiscal year 1984, I move, in accordance with section 904 of the Congressional Budget Act, to waive the provisions of section 303 of

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that act with respect to consideration of the pending measure H.R. 3135 and any amendments thereto.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. D'AMATO. Mr. President, that concludes our preliminary matters and the bill is now open for discussion or amendment.

Mr. BUMPERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. Mr. President, can the Chair advise the Senate how many filed amendments there are on this bill?

The PRESIDING OFFICER. As of this minute, there are none.

Mr. BUMPERS. Does the Senator from New York know of any reason why we cannot go to a third reading?

Mr. D'AMATO. I advise my distinguished colleague from Arkansas that we know of two objections.

Mr. BUMPERS. Are these Members who want to speak on the bill or who have amendments to offer?

Mr. D'AMATO. We have at least one amendment, and I think in two other cases Members want to speak on the bill.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, based on the conversation that I can get around the managers' chairs down here, we have Senator MATHIAS and Senator ARMSTRONG, both of whom at least want to be heard if not to offer amendments on this bill, and Senator GARN, who apparently wants to offer an amendment. Nobody seems to know the whereabouts of any of these gentlemen. I have heard it said also that the majority leader said if we got hung up on this bill, he would like to have us set it aside and go to agriculture appropriations. So if the majority leader is listening, perhaps he will consider coming to the floor to do precisely that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

AMENDMENT NO. 1433

(Purpose: To limit access of Senators to unearned income)

Mr. GARN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is it an amendment to the first committee amendment?

Mr. D'AMATO. Mr. President, I ask unanimous consent that the committee amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Utah (Mr. GARN) proposes an amendment numbered 1433.

Mr. GARN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SEC. . (a) All unearned income earned by a Senator during a calendar year in excess of an amount equal to 30 per centum of the annual salary paid to such Senator for service as a Senator during such calendar year shall be placed in an unearned income trust for the term of service of such Senator as provided in subsection (b).

(b)(1) Except as provided in paragraph (2), all income placed in an unearned income trust as required by subsection (a) shall be unavailable to the Senator for the term of service of such Senator.

(2)(A) If the unearned income of a Senator for any calendar year of service is less than an amount equal to 30 per centum of the annual salary paid to such Senator for service during such calendar, such Senator may withdraw from his or her unearned income trust, an amount equal to 30 per centum of the annual salary less the unearned income of such Senator for such calendar year.

(B) If, during any calendar year of service, a Senator has a fiscal emergency requiring extraordinary amounts of income, such Senator may apply to the Select Committee on Ethics for a waiver of the requirements of this section. The Select Committee on Ethics shall grant waivers and allow access to unearned income trust funds in accordance with regulations prescribed by such Committee.

(c) For purposes of this section, the term "unearned income" means all income other than earned income as defined in section 911(d)(2) of the Internal Revenue Code of 1954.

(d) This section shall be applicable to unearned income earned by Senators beginning January 1, 1984.

Mr. GARN. Mr. President, I will not take a long time on this amendment. It is a simple amendment. It pertains to pay and particularly to outside unearned income.

Over the last several years since I came here we have faced this issue over and over and over again on earned income. When I first got here there was a limit on outside earned income of $25,000 per year. That limit stayed in effect for many, many years. I never felt that it ought to be constitutional or is constitutional that this body has a right to determine what any Member of this body's outside earned income is as long as it is legal and as long as it is fully disclosed to our constituents.

Nevertheless, because it is a great demagogic issue, because it is a good political issue to go home and brag about how pure we are and how ethical we are, and we are imposing our standards on other people—I have never understood the argument in 9 years, and I have not understood it in the last couple of weeks when we went through that charade and, as I said on the floor of the Senate, it was the Senate at its worst, playing games with itself, creating a great heyday for the press.

Boy, did they have a great week, fantastic week. Do not worry about El Salvador, and Afghanistan, and arms control, or anything else, but, boy, have the big story every day about pay raises, about all those terrible things we are doing here on the Senate floor.

Well, in August and September 1981, we said that as long as this income was fully disclosed we would have no limit. Despite what the press reports that we did it 6 months ago, if they would check the RECORD they would find out we did it in September 1981. So this is the third calendar year in which it was legal to have earned income in excess of $25,000 per year.

In 1981 we had four votes on it. Yet we still hear that it was done quietly. Quietly—four rollcall votes in this body? And we have had many more than that over the years. It has never been done quietly. We had a couple of votes on it again in December 1982, so at least six times in recent history we have made a decision.

But that was not good enough for the do-gooders and for those who have vast amounts of unearned income, the rich boys in this body. That was not sufficient. So we had to bring it up again this year. This year they won. They reversed six votes, they reversed 3 years of what had been going on, saying how terrible and unethical it was, carrying ticking timebombs around, a scandal waiting to happen, totally ignoring the fact this ought to be an individual issue between each Senator and his constituents.

I will repeat what I said on the floor during the debate: this issue has not only been disclosed every year fully and completely as to every dime of earned income, where it comes from, the date it was received, who it came from, all of that, but in my campaign for reelection in 1980 my opponent decided that was not sufficient. So he bought tens of thousands of dollars worth of TV ads. They were black and

white ads so they looked sinister, showed some guy who looked kind of bald with his hand out, and talked about corporate tips, corporate tips, not unearned, not speech income, but corporate tips.

So everybody in Utah knew about it, that I had earned income to support seven children, three in college, and two houses, they knew that, and I got 74 percent of the vote. Maybe somebody could have claimed I could have gotten 80 percent without doing that horrible thing they knew all about, but I got 74 percent of the vote. I think the people decided I was worth what I was earning and would like to return me here for another 6 years.

But that is not good enough for our colleagues on this floor. No, they have got to impose a standard that 1.5 million people in Utah would not impose on me. If they think it is a political issue, it is very easy for them to solve. All they have to do is go home and say: "Oh, I am so sweet and pure I won't take those horrible things, I just won't take them," or, "I will establish a limit on myself."

That is fine. Any of them who want to do that can solve the political problem at home, if they think they have one.

I received two letters from Utah after my disclosure in May—two, who said they did not think I should do that.

Disclosure is the answer to ethics, full disclosure of everything we do, and then let our constituents decide, not a few hundred pages of rules and regulations as a result of laws and so-called ethical codes we pass, and then our bright young attorneys thinking up all the rules that go with those. Disclosure is the answer. You cannot legislate ethics, and you cannot legislate morality, but you can have full disclosure so that your constituents know what you are doing, and everything about what you are doing, and then they can make the judgment.

So the point of this amendment is we have a double standard. Beside the unwillingness to face the disclosure issue and feel that is good enough to solve ethical problems, we have a double standard, we have two classes of Senators here. Those who are not rich, those who do not have a rich father who left them a few million dollars in a trust fund, or stock in ITT, or AT&T, or GM, or a rich wife—some of us married for love—rich wife, rich parents, inherited wealth of some kind.

You saw the disclosures, we have people in this body who make over $1 million a year. I would like to have an estate that large in total. But can you imagine more than $1 million a year? And some of those people who have hundreds of thousands or millions of dollars of income sat on this floor and said: "Oh, you poor guys won't earn more than $20,800 a year."

I would be ashamed of that double standard. I think we ought to do it the same either way. Either there are no limits with full and complete disclosure on both kinds of income or let us have the same limits, let us treat everybody the same. Let us have a little socialism in this body and pass laws that set people's level of income and how they can educate their children.

I cannot send mine to Harvard, or Stanford, or all the better schools, so why not have legislation making everybody equal? A little socialism will not hurt us at all.

So I have a proposal that says: "All right, if we are going to play this kind of game, if we are going to have this self-righteous double standard from the elitists in this body that will not allow us to tell our constituents what we are doing, then let us make it equal."

Very simply, my amendment says that unearned income in excess of 30 percent of Senate salary, will have to be placed in an unearned income trust while a Member serves in this body. He can have the new Senate salary of $69,800 or whatever it is, plus the 30 percent of his/her unearned income so he can spend the same as the rest of us. Everybody will have $69,800 plus $20,800. It does not matter who you are or what State you come from, that is what would be fair, would it not, simply to treat everybody equally?

As the Senator from Texas Senator TOWER, said on the floor, it is interesting that he can be corrupted for a $2,000 speech, fully disclosed in great detail, from the American Bankers Association, but another Senator who happens to also reside in this body can have more than $50,000 a year in dividends from bank stocks and he is not corruptible and does not even have to report it in detail. Senator TOWER would have to give 25 speeches for $2,000 each to the same organization to get the same amount of money, but one is all right and the other is not.

The reason I suggest setting up a trust is there would be some problem if we required them to divest themselves of their tens of millions of dollars of assets. Obviously, that would create a problem. It might even knock the stock market down if they had to sell all their stocks. So we are not confiscating this, we are simply going to say that they put it all in an unearned income trust and from that trust they can withdraw 30 percent of their Senate salary per year, the same as the rest of us.

We recognize that some years they might have a bad year in the stock market, so if year they do not have enough new income to reach 30 percent, they could drop back into the trust and raise it up to 30 percent. So we should guarantee them 30 percent of their Senate income every year. When they leave the Senate, the trust is dissolved and they can have all their money.

Now, we realize some of the rich boys, with their country club memberships and their several houses on the beach and in Europe and in Mexico, wherever, might get into a cash flow problem. So we have in this particular amendment a procedure to take care of the rich boys. They can apply to the Ethics Committee for an exception. They can go down there on their hands and knees and say: "Ethics Committee, boy, have we got a problem! We may have to sell one of our cathedrals in Europe or one of our beach houses in the Mediterranean and we just don't know how we are going to handle this. Therefore, we need some extra money, and here are the circumstances. We hope you consider it an emergency and can give us more than the 30 percent."

So that is all this amendment is, an equity amendment. And the rich ought to be willing to be equitable. Some of the rich in this body want to take away most of the tax cut in 1983, limit it to a maximum of $700. They do not seem to be concerned about the rich chopping that off, so I do not know why they would be concerned about being treated like the rest of us.

So this is an equity amendment that you hear so much about. We want the poor to be treated the same as the rich or the rich the same as the poor in this body so we are all equal, so there will be no adverse influences on us, and certainly no conflict of interest if we are all treated equally.

So that is my case. I do not expect this to pass. I would expect the demagogs and the hypocrites to vote much as they usually do. But we are not only going to vote on it today. They put us through the honorarium bit every year for the last several years, so we will keep voting on it. This is the first one, maybe two or three more times this year, maybe next year, and maybe someday I will get enough converts in this body to think that everybody should be treated equally. What is good for the goose is good for the gander, and what is good for the rich boys is good for the poor boys, and vice versa, and we will all have the same income and we can see how we live.

Mr. President, I rest my case on this issue. There is no need to take any more time. If there is no further discussion, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Mr. President, I do not have anything to say. I was thinking about amending it to say that all Senators had to marry for love, but that might eliminate most of the Senators in another way, so I will not do that.

Mr. GARN. Mr. President, before we vote, I just note for the Record that there is not a single rich boy on the floor to defend himself. I think that it is interesting that they obviously do not want to discuss the issue. I am ready to vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Utah (Mr. Garn). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Maryland (Mr. Mathias), the Senator from Alaska (Mr. Murkowski), the Senator from Illinois (Mr. Percy) and the Senator from Nevada (Mr. Laxalt), are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. Murkowski), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. Hart), the Senator from South Carolina (Mr. Hollings), and the Senator from Montana (Mr. Melcher), are necessarily absent.

The result was announced—yeas 34, nays 58, as follows:

Rollcall Vote No. 169 Leg.]

YEAS—34

Abdnor
Baker
Baucus
Biden
Cohen
D'Amato
Denton
Dodd
Dole
Domenici
Garn
Hatch
Hatfield
Hawkins
Hecht
Huddleston
Kassebaum
Kasten
Leahy
Mattingly
McClure
Mitchell
Moynihan
Packwood
Pressler
Riegle
Sarbanes
Simpson
Specter
Stevens
Thurmond
Tower
Wallop
Zorinsky

NAYS—58

Andrews
Armstrong
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cranston
Danforth
DeConcini
Dixon
Durenberger
Eagleton
East
Exon
Ford
Glenn
Gorton
Grassley
Heflin
Heinz
Helms
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kennedy
Lautenberg
Levin
Long
Lugar
Matsunaga
Metzenbaum
Nickles
Nunn
Pell
Proxmire
Pryor
Quayle
Randolph
Roth
Rudman
Sasser
Stafford
Stennis
Symms
Trible
Tsongas
Warner
Weicker
Wilson

NOT VOTING—8

Goldwater
Hart
Hollings
Laxalt
Mathias
Melcher
Murkowski
Percy

So Mr. Garn's amendment (No. 1433) was rejected.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER (Mrs. Kassebaum). The Senator from Utah is recognized.

Mr. GARN. Madam President, this vote is exactly what I expected. As a matter of fact, I got more votes than I anticipated. This is a lousy amendment and it should never become law. It is a matter of principle; we should not be adopting limits on anybody's income, but I wanted to make a point. We saw some of the rich people in this body as they came in to vote with absolute apoplexy on their faces. They did not share that same concern for some of us who were concerned about limitations on earned income. I do not think it should pass, but the point that ought to be strongly made is that there ought to be some equality. There should not be limitations on either earned or unearned income. And so next time we vote on this, which we will because we voted on honoraria and earned income so many times—we will vote on this three or four times a year on different bills—but next time I will have a record of those who think it is just fine to limit earned income but not unearned income and we will publish that in the Record to see where the double standard exists in this body.

I recognize that some are entirely consistent and voted against both, voted against both unearned income limitations and against earned. That is the way it ought to be. This amendment was defeated today, as it should have been, as should the Jackson amendment have been defeated last week. Then we will have some equity. So we will continue to point out the double standard in this body.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Madam President, I ask unanimous consent that the committee amendments to H.R. 3135 be considered and agreed to en bloc; that the bill, as amended, be considered as original text for the purpose of further amendment, with the understanding that no point of order be considered as having been waived by reason thereof.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, after line 1, insert the following:

SENATE

Mileage of the Vice President and Senators and Expense Allowances of the Vice President, the President Pro Tempore, Majority and Minority Leaders, and Majority and Minority Whips

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWABLE OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; and Minority Whip of the Senate, $5,000; in all, $50,000.

Salaries, Officers and Employees

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,031,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $139,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $881,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $291,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $506,000 for each such committee; in all, $1,012,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $156,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $83,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $6,602,000.

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For administrative, clerical, and legislative assistance to Senators, $94,900,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,123,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $775,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $15,354,000.

Office of the Legislative Counsel of the Senate

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $1,280,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $545,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

Contingent Expenses of the Senate

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $856,000 for each such committee; in all, $1,712,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $45,698,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $390,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $32,869,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $9,174,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, $34,500; in all, $39,000.

ADMINISTRATIVE PROVISIONS

Sec. 101. (a) Effective October 1, 1983, there is established within the Offices of the Majority and Minority Leaders the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(b) Effective October 1, 1983, the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations established by the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-5), are abolished.

Sec. 102. (a) Section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)) is amended—

(1) in the first sentence thereof, by inserting ", essential travel-related expenses (as defined hereafter in this subsection)," immediately after "actual transportation expenses"; and

(2) by inserting immediately after the third sentence thereof, the following new sentence: "As used in this subsection, the term 'essential travel-related expenses' means travel expenses (other than transportation expenses) which are essential to the transaction of official business while the Senator or employee is away from his official station or post of duty.".

Sec. 103. (a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the "Secretary of the Senate", and a separate account for the "Sergeant at Arms and Doorkeeper of the Senate";

(2) the account for "Automobiles and Maintenance", within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and

(3) the account for "Postage Stamps", within the contingent fund of the Senate, is abolished; and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1), for the "Secretary of the Senate"; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and postage stamps for the Secretaries for the Majority and the Minority and other offices and officers of the Senate, as authorized by law, shall be included in the account for "Miscellaneous Items", within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Secretary of the Senate"; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Sergeant at Arms and Doorkeeper of the Senate".

Sec. 104. From funds available for any fiscal year (commencing with the fiscal year ending September 30, 1984), the Secretary of the Senate shall advance to the Sergeant at Arms and Doorkeeper of the Senate for the purpose of defraying office expenses such sums (for which the Sergeant at Arms and Doorkeeper shall be accountable) not in excess of $1,000 at any one time, as such Sergeant at Arms shall from time to time request; except that the aggregate of the sums so advanced during the fiscal year shall not exceed $10,000.

In accordance with the provisions of this section, a detailed voucher shall be submitted to the Secretary of the Senate by such Sergeant at Arms whenever necessary, in order to replenish funds expended.

Sec. 105. With the approval of the President Pro Tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate.

Sec. 106. Funds expended by the Legislative Counsel of the Senate or the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

Sec. 107. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended—

(1) in clause (8), by striking out "and" at the end thereof,

(2) in clause (9), (A) by striking out "ten percent" and inserting in lieu thereof "twenty percent", and (B) by striking out the period at the end thereof and inserting in lieu of such period "; and", and

(3) by inserting after and below clause (9) the following new clause:

"(10) reimbursement to each Senator for expenses for the procurement (with the prior consent of the Senate Committee on Rules and Administration) of computer equipment and computer and related services, under contracts with the providers thereof acting as independent contractors.".

(b) The amendment made by subsection (a)(2)(A) shall be effective in the case of calendar years beginning on or after January 1, 1983, and the provisions of clause (10) of section 506(a) of the Supplemental Appropriations Act, 1973 (as added by subsection (a)(3) of this section), shall be effective with respect to expenses incurred after the date of enactment of this Act.

Sec. 108. Subsections (a) and (b) of section 106 of the Legislative Branch Appropriations Act, 1963 (2 U.S.C. 60j) are repealed, effective October 1, 1983; except that, any individual who on such date is entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service after such date.

On page 15, line 7, strike "101", and insert "109";

On page 15, line 16, strike "102", and insert "110";

On page 15, line 23, strike "103", and insert "111";

On page 16, line 3, strike "104", and insert "112";

On page 17, line 9, strike "105", and insert "113";

On page 18, line 24, strike "$653,200", and insert "$653,000";

On page 22, line 20, strike "$13,933,000", and insert "$15,800,000";

On page 22, line 23, strike "130", and insert "145";

On page 24, line 19, after "vehicle," insert the following: "hereafter to be used exclusively for official purposes; security installations authorized by House Concurrent Resolution 550, Ninety-second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $167,000;"

On page 25, line 1, strike "$10,568,000", and insert "$10,630,000";

On page 25, line 2, strike "$773,000", and insert "$940,000";

On page 25, after line 8, insert the following:

"SENATE OFFICE BUILDINGS

"For all necessary expenses for maintenance, care and operation of the Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $17,412,000, of which $1,496,000 shall remain available until expended."

On page 26, line 11, strike "$23,792,000", and insert "$23,542,000";

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On page 26, line 24, strike "$35,543,550", and insert "$37,700,000";

On page 32, line 6, strike "$5,230,000", and insert "$8,380,000";

On page 32, line 7, strike "$100,000", and insert "$1,250,000";

On page 32, line 11, strike "$650,000", and insert "$700,000";

On page 32, line 11, strike "$455,000", and insert "$490,000";

On page 38, after line 15, insert the following:

"SEC. 306. (a) The Commission on the West Front of the United States Capitol shall appoint, from among private individuals who, by reason of education, training, and experience, are qualified for the position, a consulting architect to assist the Commission in directing the Architect of the Capitol with respect to the restoration of the West Central Front of the United States Capitol.

"(b) The Architect of the Capitol shall keep the consulting architect appointed under subsection (a) fully and currently informed of the progress of the restoration of the West Central Front of the United States Capitol.

"(c) The consulting architect appointed under subsection (a) shall be paid for his services (out of sums appropriated for the restoration of the west central front of the United States Capitol) compensation at such rate of pay as the Commission on the West Central Front of the United States Capitol shall fix, but not exceeding a rate equal to the daily equivalent of the rate of basic pay payable for grade GS-18 under the General Schedule under section 5332 of title 5, United States Code."

● Mr. DOMENICI. Madam President, H.R. 3135, as reported by the Appropriations Committee, provides $1.5 billion in new budget authority for fiscal year 1984. Including prior-year outlays, fiscal year 1984 outlays associated with the reported bill would be $1.5 billion.

These amounts are consistent with the assumptions in the conference agreement on House Concurrent Resolution 91 and the President's budget request.

I support the bill as reported and commend the subcommittee for keeping spending within the budget and the President's request.

I ask that a table comparing the bill to the conference report on House Concurrent Resolution 91, the House bill, and the President's request be printed in the RECORD.

The table follows:

LEGISLATIVE BRANCH SUBCOMMITTEE SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		0.2
H.R. 3135, as reported in the Senate [1]	1.5	1.3
Total for Legislative Branch Subcommittte	1.5	1.5
Subcommittee crosswalk allocation under fiscal year 1984 assumptions in the conference report on H. Con. Res. 91	1.5	1.5
House level [2]	1.5	1.5
President's request	1.5	1.5

[1] Assumes House level for House operations.

[2] Assumes Senate level for Senate operations.●

Mr. D'AMATO. Madam President, that concludes our preliminary matters.

Mr. BUMPERS. Third reading.

Mr. HATFIELD. Third reading, Madam President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MELCHER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maine (Mr. COHEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. MURKOWSKI) would vote "yea".

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 15, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—78

Abdnor
Andrews
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cranston
D'Amato
Danforth
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Glenn
Goldwater
Gorton
Hatfield
Hecht
Heinz
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson

NAYS—15

Armstrong
Baucus
DeConcini
East
Garn
Grassley
Hatch
Hawkins
Heflin
Helms
Humphrey
Nickles
Quayle
Symms
Zorinsky

NOT VOTING—7

Baker
Cohen
Hart
Hollings
Mathias
Murkowski
Percy

So the bill (H.R. 3135), as amended, was passed.

Mr. D'AMATO. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Madam President, I move that the Senate insist on its amendments to H.R. 3135 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mrs. KASSEBAUM) appointed Senators D'AMATO, HATFIELD, STEVENS, BUMPERS, HOLLINGS, and STENNIS conferees on the part of the Senate.

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

RECESS UNTIL 2:30 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today.

There being no objection, the Senate, at 1:17 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENS).

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, the House is going to vote at about 3 or 3:15 p.m. on the budget conference report. If it passes—and I rather expect that it will—it will be over here, and I would hope to take that matter up this afternoon. I must report to the Senate that apparently we have manifold difficulties in getting to the agriculture appropriations bill. There are a number of objections to the waiver of the 3-day rule, I am told. If those persist, it will not be possible for us to reach that appropriations bill until next week. That is too bad, but that is just the way it is. So we will be awaiting the arrival of the conference report on the budget this afternoon and scurrying around for anything else we can do while we are waiting.

Once again I wish to report that my earlier ambition to do both the legislative appropriations bill and the agriculture appropriations bill is only going to be about half realized. We passed the legislative appropriations bill, and once again I congratulate those who were active in its management. The Appropriations Committee, indeed, has done a masterful job of bringing these matters to us and dispatching them promptly. This is the third of the regular appropriations bills that we have done since receiving them from the House, and that is good progress indeed. But the agriculture appropriations bill is going to require a little more work.

RECESS UNTIL 3:30 P.M.

Mr. BAKER. Mr. President, I do not see any point in us sitting around waiting for the House to report, and that is really all we have to do. Therefore, I ask unanimous consent that the Senate stand in recess until 3:30 p.m. today.

There being no objection, the Senate, at 2:32 p.m., recessed until 3:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ARMSTRONG).

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. I thank the Chair.

Mr. President, we are still awaiting the conference report on the budget from the House of Representatives. I am told it should be here within the next 10 minutes or so. It is my hope that when it arrives, we can take it over. I shall confer with the minority leader on that.

I also wish to establish a time certain for the final consideration of that matter, if possible, so I hope that Members who may hear these remarks will be prepared for that and that we may be able to negotiate a time of about 6 p.m. for passage, if possible.

Mr. President, I regret to say that we have nothing else we can do until that measure reaches us from the House. The agriculture appropriations bill cannot be taken up—there is an objection to the waiver of the 3-day rule—and there are no other matters that qualify. Therefore, for the moment, at least, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Mr. BAKER. Mr. President, I observe a messenger from the House at the door. I assume that this is the conference report on the budget resolution from the House of Representatives.

Before I yield the floor so that the Chair can admit the messenger, let me say that I am trying to negotiate an agreement on a time certain to take up and agree to the conference report today. That is still in progress. While we continue those negotiations, the conference report will remain at the desk.

Mr. President, I now yield so that the Chair may admit the messenger.

At 3:51 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House recedes from its disagreement to the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986, and has agreed thereto, with an amendment.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3329. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—BUDGET RESOLUTION

Mr. BAKER. Mr. President, I hope that we have a unanimous-consent agreement to provide for the consideration of the conference report on the budget resolution and to do so yet this evening. I wish to put a unanimous-consent request which I have submitted to the minority leader and which I have discussed with the chairman of the Budget Committee, the chairman of the Finance Committee, the ranking member of the Budget Committee, and with a number of other Senators. I believe this has been cleared, and I shall state it now with some apprehension but also some optimism.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of House Concurrent Resolution 91, the first concurrent resolution on the budget, that it be laid before the Senate and that the conference report be deemed to be agreed to; that the Senate proceed immediately to a motion to concur in the House amendment; provided that no amendment be in order to the motion except an amendment to be offered by the Senator from Kansas (Mr. DOLE) dealing with reducing revenue and changing the date on which the Finance Committee is mandated to report under reconciliation.

I further ask unanimous consent that the time between the beginning of debate and 6 p.m. be divided equally between the majority leader and the minority leader or their designees.

I further ask unanimous consent that the Senator from Montana (Mr. MELCHER) be entitled to 10 minutes for debate, to be charged against the time allocated to the minority leader or his designee.

Further, Mr. President, I ask unanimous consent that the vote on the motion to concur as amended, if amended, occur at 6 p.m., and that the rollcall vote to begin at 6 p.m. and last until 7 p.m.

Mr. BYRD. Mr. President, reserving the right to object——

Mr. BAKER. Mr. President, also the unanimous-consent request would provide that on the amendment to be offered by the Senator from Kansas (Mr. DOLE) there would be a time limitation of 20 minutes to be equally divided.

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The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, Mr. Leader, I believe when the Dole amendment was explained there was a word left out. The majority leader said "reduced revenues." I think it is "reduce the reconciled revenues."

Mr. BAKER. Very well. Mr. President, I amend the request in that respect.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object—Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair. I thank the minority leader, and I especially thank the manager of the resolution, Senator DOLE, and others who have been directly involved in these negotiations.

FIRST CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1984—CONFERENCE REPORT

Mr. BAKER. Mr. President, I now ask that the Chair lay before the Senate the conference report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill concurrent resolution (H.Con.Res.91) revising the congressional budget for the United States Government for fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

(The conference report is printed in the House proceedings of the RECORD of June 21, 1983, page H4146.)

The PRESIDING OFFICER. The conference report is deemed to have been agreed to and the amendment of the House will be stated.

The legislative clerk read as follows:

Resolved that the House recede from its disagreement to the amendment of the Senate to the resolution (H. Con. Res. 91) entitled "Concurrent resolution revising the congressional budget," and so forth, and concur therein with amendments.

The text of the amendment of the House follows:

IN THE HOUSE OF REPRESENTATIVES, U.S.,
June 23, 1983.

Resolved, That the House recede from its disagreement to the amendment of the Senate to the resolution (H. Con. Res. 91) entitled "Concurrent resolution revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986", and concur therein with the following amendment: In lieu of the matter inserted by the said amendment, insert:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $604,300,000,000.
Fiscal year 1984: $679,600,000,000.
Fiscal year 1985: $750,500,000,000.
Fiscal year 1986: $835,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: +$12,000,000,000.
Fiscal year 1985: +$15,000,000,000.
Fiscal year 1986: +$48,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $44,700,000,000.
Fiscal year 1986: $51,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disabilty insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,800,000,000.
Fiscal year 1984: $167,900,000,000.
Fiscal year 1985: $187,300,000,000.
Fiscal year 1986: $203,300,000,000.

(2)(A) The appropriate levels of total new budget authority, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $883,360,000,000.
Fiscal year 1984: $928,725,000,000.
Fiscal year 1985: $996,750,000,000.
Fiscal year 1986: $1,059,300,000,000.

(B) The appropriate levels of total new budget authority, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $877,200,000,000.
Fiscal year 1984: $919,500,000,000.
Fiscal year 1985: $990,500,000,000.
Fiscal year 1986: $1,054,600,000,000.

(3)(A) The appropriate levels of total budget outlays, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $812,850,000,000.
Fiscal year 1984: $858,925,000,000.
Fiscal year 1985: $911,600,000,000.
Fiscal year 1986: $966,635,000,000.

(B) The appropriate levels of total budget outlays, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $807,400,000,000.
Fiscal year 1984: $849,500,000,000.
Fiscal year 1985: $906,750,000,000.
Fiscal year 1986: $962,950,000,000.

(4)(A) Unless subparagraph (B) applies, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $203,100,000,000.
Fiscal year 1984: $169,900,000,000.
Fiscal year 1985: $156,250,000,000.
Fiscal year 1986: $127,150,000,000.

(B) If all of the adjustments provided for in section 2 of this resolution are made, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors shall not exceed:

Fiscal year 1983: $208,550,000,000.
Fiscal year 1984: $179,325,000,000.
Fiscal year 1985: $161,100,000,000.
Fiscal year 1986: $130,835,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,000,000,000.
Fiscal year 1984: $1,614,800,000,000.
Fiscal year 1985: $1,830,100,000,000.
Fiscal year 1986: $2,022,800,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $246,100,000,000.
Fiscal year 1984: $225,600,000,000.
Fiscal year 1985: $215,500,000,000.
Fiscal year 1986: $192,700,000,000.

(6)(A) The appropriate levels of total Federal credit activity, including amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $54,250,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $47,900,000,000.

(ii) New primary loan guarantee commitments, $101,700,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $47,800,000,000.

(ii) New primary loan guarantee commitments, $106,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

(B) The appropriate levels of total Federal credit activity, excluding amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $52,700,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $100,100,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $103,050,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):

Fiscal year 1983:

(A) New budget authority, $244,600,000,000.

(B) Outlays, $214,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $268,600,000,000.

(B) Outlays, $240,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $297,300,000,000.

(B) Outlays, $265,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $329,000,000,000.

(B) Outlays, $295,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1983:

(A) New budget authority, $24,850,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $10,650,000,000.

(D) New primary loan guarantee commitments, $9,250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $18,700,000,000.

(B) Outlays, $12,950,000,000.

(C) New direct loan obligations, $12,000,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $16,250,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $12,850,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1983:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $7,700,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $8,150,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1983:

(A) New budget authority, $3,950,000,000.

(B) Outlays, $4,450,000,000.

(C) New direct loan obligations, $11,600,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $4,200,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $12,050,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $3,900,000,000.

(B) Outlays, $3,150,000,000.

(C) New direct loan obligations, $12,500,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $3,050,000,000

(C) New direct loan obligations, $12,600,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1983:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $12,450,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $12,050,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $11,850,000,000.

(B) Outlays, $12,550,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $12,150,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6)(i) Agriculture (350), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $24,650,000,000.

(B) Outlays, $24,450,000,000.

(C) New direct loan obligations, $19,400,000,000.

(D) New primary loan guarantee commitments, $5,550,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $13,300,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $12,750,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Agriculture (350), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $24,200,000,000.

(B) Outlays, $24,000,000,000.

(C) New direct loan obligations, $18,600,000,000.

(D) New primary loan guarantee commitments, $5,550,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $12,100,000,000.

(D) New primary loan guarantee commitments, $3,750,000,000.

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(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $11,650,000,000.

(D) New primary loan guarantee commitments, $3,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $12,200,000,000.

(D) New primary loan guarantee commitments, $3,850,000,000.

(E) New secondary loan guarantee commitments, $0.

(7)(i) Commerce and Housing Credit (370), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $6,060,000,000.

(B) Outlays, $3,550,000,000.

(C) New direct loan obligations, $7,200,000,000.

(D) New primary loan guarantee commitments, $53,700,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $2,450,000,000.

(C) New direct loan obligations, $5,900,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(A) New budget authority, $6,250,000,000.

(B) Outlays, $500,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(A) New budget authority, $6,450,000,000.

(B) Outlays, $260,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

(ii) Commerce and Housing Credit (370), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $3,500,000,000.

(C) New direct loan obligations, $6,450,000,000.

(D) New primary loan guarantee commitments, $53,700,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $2,250,000,000.

(C) New direct loan obligations, $5,900,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $88,250,000,000.

Fiscal year 1985:

(A) New budget authority, $6,250,000,000.

(B) Outlays, $150,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(A) New budget authority, $6,450,000,000.

(B) Outlays, $100,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

(8) Transportation (400):

Fiscal year 1983:

(A) New budget authority, $26,850,000,000.

(B) Outlays, $22,100,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $1,050,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $28,000,000,000.

(B) Outlays, $26,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $600,000,000

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $28,950,000,000.

(B) Outlays, $27,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $29,800,000,000.

(B) Outlays, $28,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(9)(i) Community and Regional Development (450), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $8,650,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $6,975,000,000.

(B) Outlays, $8,225,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $1,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $9,200,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $3,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $9,175,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $3,550,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Community and Regional Development (450), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $8,650,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $6,850,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $8,350,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $7,350,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $550,000,000.

(E) New secondary loan guarantee commitments, $0.

(10)(i) Education, Training, Employment, and Social Services (500), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $32,850,000,000.

(B) Outlays, $32,150,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $37,450,000,000.

(B) Outlays, $31,850,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $30,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $31,500,000,000.

(B) Outlays, $31,050,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Education, Training, Employment, and Social Services (500) excluding amounts reserved pursuant to sectic n 2:

Fiscal year 1983:

(A) New budget authority, $28,350,000,000.

(B) Outlays, $27,650,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $33,950,000,000.

(B) Outlays, $28,350,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $30,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $31,500,000,000.

(B) Outlays, $31,050,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

(11)(i) Health (550), including amounts reserved pursuant to section 21:

Fiscal year 1983:

(A) New budget authority, $25,350,000,000.

(B) Outlays, $29,900,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $34,100,000,000.

(B) Outlays, $34,000,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $37,450,000,000.

(B) Outlays, $37,050,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $37,950,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Health (550) excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,000,000,000.

(B) Outlays, $29,550,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $32,100,000,000.

(B) Outlays, $32,000,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $35,800,000,000.

(B) Outlays, $35,400,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $37,950,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(12) Medical Insurance (570):

Fiscal year 1983:

(A) New budget authority, $46,250,000,000.

(B) Outlays, $53,150,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $62,500,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $70,850,000,000.

(B) Outlays, $68,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $81,200,000,000.

(B) Outlays, $76,150,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13)(i) Income Security (600) including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $121,900,000,000.

(B) Outlays, $109,800,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,650,000,000.

(E) New secondary loan guarantee commitments $0.

Fiscal year 1984:

(A) New budget authority, $126,750,000,000.

(B) Outlays, $104,300,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $129,800,000,000.

(B) Outlays, $104,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $134,150,000,000.

(B) Outlays, $107,450,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $18,150,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Income Security (600), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $121,900,000,000.

(B) Outlays, $109,800,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $124,800,000,000.

(B) Outlays, $102,350,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $129,350,000,000.

(B) Outlays, $103,800,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $133,700,000,000.

(B) Outlays, $107,000,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $18,150,000,000.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1983:

(A) New budget authority, $184,500,000,000.

(B) Outlays, $167,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $176,000,000,000.

(B) Outlays, $176,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

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(A) New budget authority, $196,400,000,000.

(B) Outlays, $187,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $213,000,000,000.

(B) Outlays, $199,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15)(i) Veterans Benefits and Services (700), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $24,500,000,000.

(C) New direct loan obligations, $950,000,000.

(D) New primary loan guarantee commitments, $8,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $25,700,000,000.

(B) Outlays, $25,600,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $9,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $26,600,000,000.

(B) Outlays, $26,100,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $10,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $27,000,000,000.

(B) Outlays, $26,500,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $12,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Veterans Benefits and Services (700), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $24,500,000,000.

(C) New direct loan obligations, $950,000,000.

(D) New primary loan guarantee commitments, $8,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $25,550,000,000.

(B) Outlays, $25,450,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $9,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $26,450,000,000.

(B) Outlays, $25,950,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $10,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $27,000,000,000.

(B) Outlays, $26,500,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $12,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1983:

(A) New budget authority, $5,200,000,000.

(B) Outlays, $5,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $5,850,000,000.

(B) Outlays, $5,850,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $5,650,000,000.

(B) Outlays, $5,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $5,750,000,000.

(B) Outlays, $5,650,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1983:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $5,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $5,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $5,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $5,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) General Purpose Fiscal Assistance (850):

Fiscal year 1983:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,400,000,000.

(C) New direct loan obligations, $250,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $7,250,000,000.

(B) Outlays, $7,150,000,000.

(C) New direct loan obligations, $250,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $7,100,000,000.

(C) New direct loan obligations, $300,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $7,200,000,000.

(C) New direct loan obligations, $300,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19)(i) Net Interest (900), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $88,400,000,000.

(B) Outlays, $88,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $98,000,000,000.

(B) Outlays, $98,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $104,500,000,000.

(B) Outlays, $104,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $107,200,000,000.

(B) Outlays, $107,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(ii) Net Interest (900), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $88,300,000,000.

(B) Outlays, $88,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $97,100,000,000.

(B) Outlays, $97,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $103,100,000,000.

(B) Outlays, $103,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $105,500,000,000.

(B) Outlays, $105,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Allowances (920):

Fiscal year 1983:

(A) New budget authority, $800,000,000.

(B) Outlays, $900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0

Fiscal year 1984:

(A) New budget authority, $750,000,000.

(B) Outlays, $800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0

Fiscal year 1985:

(A) New budget authority, $2,050,000,000.

(B) Outlays, $2,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,400,000,000.

(B) Outlays, $3,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1983:

(A) New budget authority, −$19,100,000,000.

(B) Outlays −$19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, −$18,050,000,000.

(B) Outlays, −$18,050,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, −$18,900,000,000.

(B) Outlays, −$18,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, −$23,750,000,000.

(B) Outlays, −$23,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

RESERVE PROGRAMS

SEC. 2. (a) The following amounts of new budget authority and budget outlays for fiscal year 1983 and fiscal year 1984 are hereby reserved by the Congress for subsequent allocation to committees under section 302(a) of the Congressional Budget Act of 1974 for the functions and programs listed in the Statement of Managers, accompanying this resolution:

Fiscal year 1983:

(1) New budget authority, $6,060,000,000.

(2) Outlays, $5,350,000,000.

Fiscal year 1984:

(1) New budget authority, $8,325,000,000.

(2) Outlays, $8,525,000,000.

(b) In the House of Representatives:

(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, the Committee on the Budget is authorized and directed to report to the House a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations reflecting the content of such legislation; and

(2) When one or more committees, other than the Committee on Appropriations, report legislation only referred to in subsection (a) providing new spending authority defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, or when the Committee on Rules reports a resolution providing for consideration of such legislation which has not been reported by a committee, the Committee on the Budget is authorized and directed to report to the House a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation: *Provided, however*, That if such legislation is rejected by either House, the Committee on the Budget is authorized and directed to report to the House a similar reduction in the appropriate allocation.

(c) In the Senate:

(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, the Committee on the Budget is directed to report to the Senate a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations or any other appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a); and

(2) When the Senate moves to proceed or proceeds to consider legislation referred to in subsection (a) providing new spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, the Committee on the Budget is directed to report to the Senate a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a) above: *Provided, however*, That if such legislation is rejected by either House, the Committee on the Budget is directed to report to the Senate a similar reduction in the appropriate allocation.

(d) Any revised allocation reported to the House or Senate pursuant to subsection (b) or (c) of this section shall be considered to be the allocation made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of sections 4 and 5 of this resolution and section 401(b)(2) of such Act. The adjustments made pursuant to those sections for each program shall not exceed the amounts provided for such program as set forth in the statement of managers.

(e) For purposes of section 311(a) of the Congressional Budget Act of 1974, the appropriate levels of new budget authority and budget outlays for fiscal years 1983 and 1984 shall be considered to be the following:

Fiscal Year 1983 Budget Authority $877,200,000,000.

Fiscal Year 1983 Budget Outlays $807,400,000,000.

Fiscal Year 1984 Budget Authority $919,500,000,000.

Fiscal Year 1984 Budget Outlays $849,500,000,000:

Provided, however, That if a revised allocation is made pursuant to subsection (b) or (c) then such levels shall be similarly adjusted in any report pursuant to such subsections to reflect the revised allocation.

RECONCILIATION

SEC. 3. (a) Not later than July 22, 1983, Senate committees named in subsections (b) through (e) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than July 22, 1983, the House committees named in subsections (f) through (l) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(c) The Senate Committee on Governmental Affairs shall report changes within the jurisdiction of that committee, (1) sufficient to achieve savings in budget authority and outlays, or (2) which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $1,619,000,000 in budget authority and $1,900,000,000 in outlays in fiscal year 1984; $2,332,000,000 in budget authority and $2,841,000,000 in outlays in fiscal year 1985; and $3,235,000,000 in budget authority and $4,144,000,000 in outlays in fiscal year 1986.

(d) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(e) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(f) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $253,000,000 and outlays by $253,000,000 in fiscal year 1984; to reduce budget authority by $360,000,000 and outlays by $360,000,000 in fiscal year 1985; and to reduce budget authority by $621,000,000 and outlays by $621,000,000 in fiscal year 1986.

(g) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(h) The House Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $3,000,000 in fiscal year 1984; to reduce outlays by $4,000,000 in fiscal year 1985; and to reduce outlays by $4,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $1,619,000,000 and outlays by $1,900,000,000 in fiscal year 1984; to reduce budget authority by $2,332,000,000 and outlays by $2,841,000,000 in fiscal year 1985; and to reduce budget authority by $3,235,000,000 and outlays by $4,144,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1934; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(3) If the changes in laws reported to the House by the Committee on Ways and Means pursuant to paragraph (2) of this subsection contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

(m) Should provisions in Subtitle A of Title I of Public Law 97-253, relating to 50 cent per hundredweight assessments against milk producers, be finally adjudicated by the courts to be unconstitutional or unenforceable, the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within their jurisdiction within 30 days of that disposition which provide spending authority only as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $1,243,000,000 in fiscal year 1984; to reduce outlays by $1,332,000,000 in fiscal year 1985; and to reduce outlays by $1,327,000,000 in fiscal year 1986.

MISCELLANEOUS PROVISIONS

Sec. 4. No bill or resolution providing new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the House of Representatives, and no bill or resolution providing new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the Senate, until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

Sec. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdication of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority, new budget authority, or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

Sec. 6. Monetary Policy.—Inasmuch as—

(1) there is a need for coordination between fiscal and monetary policy,

(2) actual and projected budget deficits have placed a heavy burden on monetary policy,

(3) any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy,

(4) there is a need for vigorous economic growth consistent with reasonable price stability,

(5) the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and the economic assumptions consistent with that policy, and

(6) the Budget Committees are, therefore, interested in the recommendations of the Banking Committees of the respective Houses with respect to such information,

the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs are requested to report to their respective bodies, no later than September 30, 1983, a resolution expressing the sense of the Congress as to (A) the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution and the appropriate information regarding the economic assumptions and goals of the Federal Reserve System, (B) the appropriate information to implement this policy coordination including, but not limited to, the effects of the Federal Reserve's monetary policy on the economy, and (C) any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the above Committees deem appropriate.

Sec. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which

would result in reduced spending under these programs.

Sec. 8. It is the sense of the Congress that President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $38,150,000,000 in fiscal year 1983 and $31,000,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $16,100,000,000 in fiscal year 1983 and $16,900,000,000 in fiscal year 1984; new primary loan guarantee commitments to an amount not to exceed $99,600,000,000 in fiscal year 1983 and $101,700,000,000 in fiscal year 1984; and new secondary loan guarantee commitments to an amount not to exceed $68,250,000,000 in fiscal year 1983 and $68,250,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $15,000,000,000, in fiscal year 1983 and $15,500,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $12,050,000,000 in fiscal year 1983 and $13,950,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

Sec. 9. It is the sense of the Congress and the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

Mr. BAKER. Mr. President, under the provisions of the order just granted, I designate the distinguished Senator from New Mexico, the chairman of the Budget Committee, to manage the time on this side.

Mr. BYRD. Mr. President, under the agreement, I designate the distinguished Senator from Florida (Mr. Chiles) to manage and control the time on this side.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during the consideration of the resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMENICI. Mr. President, I send to the desk a list of staff members and I ask unanimous consent that the persons named therein be granted privileges of the floor during the consideration of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, on June 7, the Senate named its conferees to meet with representatives of the House and work out details of a budget resolution for fiscal year 1984. The conference committee has completed its work and today I am pleased to submit its resolution to the Senate.

Committees do not operate in the same fashion as individuals. Of necessity, they negotiate, they compromise, they balance various goals and set certain priorities. Sometimes they get bogged down in resolving their differences and they accomplish very little, but that was not the case in this conference committee.

We came to conference with a Senate budget resolution that left little room for negotiation. As my colleagues will recall, I had hoped to go to conference with a resolution calling for higher defense spending and lower taxes to give the Senate conferees at least some room to compromise with the House.

The resolution that the Senate finally adopted, however, was quite close to the resolution I had hoped to have after our give and take with the House. To complicate matters, the Senate resolution passed by a one-vote margin, after several alternatives had been defeated. This meant that the Senate conferees could not make any major changes in the Senate resolution; if they lost one vote, they could not hold together the coalition that passed the original resolution. At least that is my assumption now, and that was my assumption when I went into the conference.

If we made the wrong decisions, we could have seen the budget process fall apart. However, I think we made the right decisions.

That does not mean that the budget process will still hold together. That is up to the Members of this body as they decide how to vote on the conference report and on the legislation that will follow. But so far, at least, the budget process is working.

I believe the Senate conferees did an outstanding job under very delicate conditions. Let me explain how we performed in relationship to the House.

On revenue increases for the 3-year period fiscal year 1984 through 1986, the Senate maintained its position 100 percent. The total of those 3 years in tax increases is exactly the number that the Senate voted out in its resolution. That total was $73 billion. It still is. It is exactly the same as the Senate-passed resolution and much less than the $120 billion contained in the House resolution. Although that $73 billion is spread out over the 3 years, with $3 billion more in 1984, $2 billion more in 1985, and $5 billion less in 1986 than the numbers the Senate passed, it is obvious that both bodies would be in compliance under reconciliation if they chose any mix over the 3 years so long as the total was $73 billion. We made that clear in the conference.

I think it is important to point out that the President requested $54 billion in revenue increases over the same period—three-fourths of the conference agreement level. This has somehow been forgotten as we discuss the proposed tax increases that are required in this resolution.

Let us talk about the defense budget authority for 1984 for a minute. The Senate again prevailed. The Senate moved 30 percent of the way to the House, and the House came 70 percent of the way to the Senate. In other words, the House gave up more than twice as much as the Senate.

The conference agreement provides for real growth of 5 percent in defense budget authority in 1984, a figure of $268.6 billion. If you look at the entire 5-year period in terms of budget authority for defense, the conference agreement provides 92 percent of the President's request over those 5 years, even assuming the 5 percent real growth for fiscal year 1984 that is in the budget which we bring here today.

I should add this: It is with respect to budget authority that we measure real growth in defense spending.

Let me add a note about the defense outlay number contained in the conference agreement. It is $240 billion. Staff judgment and CBO's judgment is that that number should probably be $241.3 billion based upon traditional spendout rates for budget authority in defense.

I have discussed this with interested Senators and, to the best of my ability, assured them that we would score against budget authority as we have in the past since that is what the Appropriations Committee actually appropriates.

However, I am concerned that the conference agreement may be interpreted to mean that the estimate of outlays—and that is all that the outlay number is, an estimate—may be used to yield a budget authority number that is less than 5 percent. I want to emphasize that the agreement is 5-percent real growth in defense budget authority, which is $268.6 billion in fiscal year 1984. My assumption is that we will score outlays in the normal manner, and that total outlays for the year might very well be $241.3 billion instead of the $240 billion estimate shown in the conference agreement.

Next let us look quickly at domestic discretionary spending. Excluding the reserve fund, which I will discuss in a few moments and will be pleased to answer questions about, the Senate moved 9 percent toward the House on domestic discretionary spending for 1984, while the House moved 91 percent toward the Senate. This means that this conference agreement holds the real growth in these programs to only 1.3 percent between 1983 and 1984.

The **PRESIDING OFFICER**. The 6 minutes of the Senator have expired.

Mr. **DOMENICI**. I yield myself 2 additional minutes.

The reserve fund deserves a special word of explanation. It contains $8.5 billion for fiscal year 1984, but that money is not created, borrowed, or obligated by the resolution. The fund cannot be used to expand existing activities and it is not available to be spent by the Appropriations Committee in the usual manner. The reserve fund merely preserves the rights of the House and Senate to pass designated programs within predetermined spending limits, subject to Presidential approval or veto. No money in the reserve can be spent until the legislation becomes law. Until that occurs, the amounts in the reserve fund are not allocated to House and Senate committees. If all of this money were spent, total Federal outlays would increase less than 1 percent and deficits would increase 3.8 percent over the 3-year period. My guess, however, is that most of this money will never be spent.

In short, if we look at revenues, defense and domestic discretionary spending, the Senate has prevailed by a wide margin.

I believe that if the Senate did not like the resolution before, it would not like the resolution now. On the other hand, if it was acceptable before, I say without any doubt that we prevailed, and this budget resolution is just as good as it was when it passed here. In some respects in may be better.

I do not point out our success in order to gloat over the House or to ask for the votes of Senators simply to celebrate a pyrrhic victory. I ask support for this resolution because it is a good resolution for the Senate, it is a good resolution for the economy, and it is a good resolution for the people of this great Nation.

Most analysts believe that total outlays are the best single measure of the impact of the Government's fiscal policy on the Nation's economy. So let us look at total outlays. For the period from fiscal 1984 to 1986, the conference agreement provided total outlays of $2.7 trillion. To put this into perspective, the President also requested $2.7 trillion for this same period. So we are not talking about a budget that spends wildly and recklessly; we are talking about priorities within the total. The outlays in the proposed budget signal a prudent fiscal policy, one that meets the just commitments of our National Government, but does not weigh the country down with excessive spending.

Perhaps the second best measure of the impact of the Government's fiscal policy on the Nation's economy is the deficit. Again this budget signals a prudent fiscal policy. Deficits in the conference agreement—excluding the reserve fund—are lower than in the Senate-passed budget resolution. They are also lower than in the President's budget—as reestimated by CBO. I would prefer still lower deficits, and I know that many of my colleagues would too. But we have made far more progress against deficits in this conference agreement than any of us had a right to hope for. That progress should not be thrown away. To borrow a phrase, we should not let the perfect be the enemy of the good.

We cannot choose a perfect budget. We are not that lucky. But we can choose a good budget. It is right here. Let us not throw it away because of small flaws, real or imagined. I ask my colleagues to support it, because it is a very good budget and because, realistically, our choice is between a very good budget and the chaos and uncertainty of no budget at all.

There were two sides in our negotiations, that were bona fide and different. I merely submit to the U.S. Senate that if the Members want a budget resolution and if they thought the one passed by this body was reasonably acceptable, we got the message; we understood. We understood that there was little room for play, little room for change, and we did not do much of that. We have brought back an agreement which I believe deserves the concurrence of the Senate.

I ask unanimous consent to have certain tables and explanatory material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1984

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Excluding reserve fund:								
050: National defense	244,600	214,300	268,600	240,000	297,300	265,300	329,000	295,000
150: International affairs	24,850	11,500	18,700	12,950	16,800	13,000	16,250	12,900
250: General science, space, and technology	7,900	7,700	8,700	8,300	8,500	8,500	8,150	8,300
270: Energy	3,950	4,450	4,200	4,300	3,900	3,150	3,500	3,050
300: Natural resources	12,400	12,450	12,050	12,500	11,850	12,550	11,700	12,150
350: Agriculture	24,200	24,000	13,000	11,500	14,500	12,400	13,200	13,100
370: Commerce and housing credit	5,300	3,500	6,000	2,250	6,250	150	6,450	100
400: Transportation	26,850	22,100	28,000	26,000	28,950	27,000	29,800	28,100
450: Commercial and regional development	8,650	7,800	6,850	8,100	7,300	8,350	7,350	7,800
500: Education, employment, and social services	28,350	27,650	33,950	28,350	31,300	30,250	31,500	31,050
550: Health	25,000	29,550	32,100	32,000	35,800	35,400	38,500	37,950
570: Medical insurance	45,250	53,150	62,500	60,600	70,850	68,600	81,200	76,150
600: Income security	121,900	109,800	124,800	102,350	129,350	103,800	133,700	107,000
650: Social security	184,500	167,600	176,000	176,400	196,400	187,300	213,000	199,700
700: Vets benefits	25,200	24,500	24,550	25,450	26,450	25,950	27,000	26,500
750: Administration of justice	5,200	5,100	5,850	5,850	5,650	5,750	5,750	5,650
800: General government	5,700	5,750	5,600	5,600	6,000	5,800	6,200	5,900
850: General fiscal assistance	6,400	6,400	7,250	7,150	7,100	7,100	7,200	7,200
900: Net interest	88,300	88,300	97,100	97,100	103,100	103,100	105,500	105,500
920: Allowances	800	900	750	800	2,050	2,200	3,400	3,600
950: Offsetting receipts	−19,100	−19,100	−18,050	−18,050	−18,900	−18,900	−23,750	−23,750
Total spending	877,200	807,400	919,500	849,500	990,500	906,750	1,054,600	962,950
Revenues		604,300		679,600		750,500		835,800
Deficit		203,100		169,900		156,250		2,022,800
Public debt		1,389,000		1,614,600		1,830,100		2,022,800
Change in revenues		−100		+12,000		+15,000		+46,000
Change in debt limit		+246,100		+225,600		+215,500		+192,700
Including reserve fund:								
050: National defense	244,600	214,300	268,600	240,000	297,3000	265,300	329,000	295,000
150: International affairs	24,850	11,500	18,700	12,950	16,800	13,000	16,250	12,900
250: General science, space, and technology	7,900	7,700	8,700	8,300	8,500	8,500	8,150	8,300
270: Energy	3,950	4,450	4,200	4,300	3,900	3,150	3,500	3,050
300: Natural resources	12,400	12,450	12,050	12,500	11,850	12,550	11,700	12,150
350: Agriculture	24,650	24,450	13,600	12,100	14,500	12,400	13,200	13,100

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1984—Continued

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
370: Commerce and housing credit	6,060	3,550	6,000	2,450	6,250	500	6,450	260
400 Transportation:	26,850	22,100	28,100	26,000	28,950	27,000	29,800	28,100
450: Commercial and regional development	8,650	7,800	6,975	8,225	9,900	9,200	9,900	9,175
500: Education, employment, and social services	32,850	32,150	37,450	31,850	31,300	30,250	31,500	31,050
550: Health	25,350	29,900	34,100	34,000	37,450	37,050	38,500	37,950
570: Medical insurance	46,250	53,150	62,500	60,600	70,850	68,600	81,200	76,150
600: Income security	121,900	109,800	126,750	104,300	129,800	104,250	134,150	107,450
650: Social security	184,500	167,600	176,000	176,400	196,400	187,300	213,000	199,700
700: Veterans benefits	25,200	24,500	25,700	25,600	26,600	26,100	27,000	26,500
750: Administration of justice	5,200	5,100	5,850	5,850	5,650	5,750	5,750	5,650
800: General government	5,700	5,750	5,600	5,600	6,000	5,800	6,200	5,900
850: General fiscal assistance	6,400	6,400	7,250	7,150	7,100	7,100	7,200	7,200
900: Net interest	88,400	88,400	98,000	98,000	104,500	104,500	107,200	107,200
920: Allowances	800	990	750	800	2,050	2,200	3,400	3,600
950: Offsetting	−19,100	−19,100	−18,050	−18,050	−18,900	−18,900	−23,750	−23,750
Total spending	883,360	812,850	928,725	858,925	996,750	911,600	1,059,300	966,635
Revenues		604,300		679,600		750,000		835,800
Deficit		208,550		179,325		161,100		130,835
Public debt		1,389,000		1,614,600		1,830,100		2,022,800
Change in revenues		−100		+12,000		+15,000		+46,000
Change in debt limit		+246,100		+225,600		+215,500		+192,700

CONFERENCE AGREEMENT

[In billions of dollars]

	Excluding reserve fund				Including reserve fund			
	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986	Fiscal year 1983	Fiscal year 1984	Fiscal year 1985	Fiscal year 1986
National defense	214.3	240.0	265.3	295.0	214.3	240.0	265.3	295.0
Entitlements and other mandatory programs	388.8	387.3	410.7	436.7	388.8	387.3	410.7	436.7
Nondefense discretionary programs	146.9	156.6	159.9	162.2	146.9	156.6	159.9	162.2
Civilian agency pay raises	.9	.8	2.2	3.6	.9	.8	2.2	3.6
Net interest	88.3	97.1	103.1	105.5	88.4	98.0	104.5	107.2
Offsetting receipts	−31.9	−32.3	−34.4	−40.0	−31.9	−32.3	−34.4	−40.0
Reserve fund					5.4	8.5	3.4	2.0
Total outlays	807.4	849.5	906.8	963.0	812.8	858.9	911.6	966.6
Revenues	604.3	679.6	750.5	835.8	604.3	679.6	750.5	835.8
Deficit	203.1	169.9	156.2	127.2	208.6	179.3	161.1	130.8

RESERVE FUND SUMMARY

[In millions of dollars]

Function/program title	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	BA	D	BA	0	BA	0	BA	0
Function 350:								
Loan foreclosure relief to farmers	250	250	500	500				
Direct loans for farm ownership, operating, or economic emergency	200	200	100	100				
Function 370: Emergency mortgage foreclosure relief to aid the unemployed	760	50		200		350		160
Function 450:								
Physical infrastructure program			75	75	2,500	750	2,500	1,325
National Industrial Development Bank			50	50	100	100	50	50
Function 500: Economic recovery program	4,500	4,500	3,500	3,500				
Function 550: Health insurance and benefits for the unemployed	350	350	2,000	2,000	1,650	1,650		
Function 600:								
Extension of Federal supplemental compensation benefits for the long term unemployed			1,500	1,500				
Increased benefits and expanded eligibility for food stamp program			450	450	450	450	450	450
Function 700: Veterans job training program			150	150	150	150		
Total	6,060	5,350	8,325	8,525	4,850	3,450	3,000	1,985

CONFERENCE AGREEMENT RECONCILIATION INSTRUCTIONS—SENATE COMMITTEES

[In millions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986		Total fiscal year 1984–86	
	BA	D	BA	D	BA	D	BA	D
Spending reductions:								
Finance		−400		−500		−800		−1,700
Governmental Affairs	−1,619	−1,900	−2,332	−2,841	−3,235	−4,144	−7,186	−8,885
Small Business	−139	−287	−555	−466	−544	−443	−1,238	−1,196
Veterans Affairs	−228	−226	−139	−138	−141	−140	−508	−504
Total spending reductions	−1,986	−2,813	−3,026	−3,945	−3,920	−5,527	−8,932	−12,285
Revenue increases: Finance		+12,000		+15,000		+46,000		+73,000
Provisional spending reductions: Agriculture, Nutrition, and Forestry		−1,243		−1,332		−1,327		−3,902
Total reconciled deficit reduction		16,056		20,277		52,854		89,187

Mr. CHILES. Mr. President, I yield myself such time as I may need in discussing the conference report.

I join in the remarks made by the distinguished chairman of the Budget Committee. I think the Senate conferees did an outstanding job. The report he has given explains the kind of difficulty we faced as we went into conference with the House.

As a result of the conference, we approved the Senate figure giving us a true 5 percent growth rate in defense. We came to the Senate figure that holds down domestic spending. We came out with a reconciliation on savings that exceeds what either body had. So we are saving more money than we expected.

Mr. President, we need to talk about some basics as we get ready to vote on the budget conference report. We need to talk about what it will mean if we approve this report, and what will happen if we do not. We need to talk about why this conference report should be supported—and it should.

GOOD OF THE NATION

We all have a responsibility to do the best we can in the best interests of the Nation. Economic recovery has begun. It is off and running and all of us, Republicans and Democrats alike, want it to keep going because economic recovery is best for everyone. There is no politics in wanting the country to be as strong as it can be.

Plenty of politics went into this budget resolution, however. It was the kind of politics, Democrat and Republican just the same, that gave everybody the chance to have a say. All of the opinions were expressed, and some were expressed many times.

All of us started off with bargaining positions knowing we would not get everything we hoped for. Each of us expected we would finally arrive at a point different from where we began, but not so far away that we could not live with the result.

We are at that point now on this budget conference report.

It is well past the time where we can say "the conference report is not everything we wanted so we will not support it." This is the crucial time in the process. Now we must give final approval to what we have produced, even though it does not have a particular Senator's name on it.

WHOSE BUDGET

No, this is not the President's budget. But this is not the Republican's budget or the Democrat's budget, either. This is the public's budget. It is the product of months of negotiations and arguments. It is the product of floor fights that went on several days in the Senate before we passed our measure. It is the result of a long-and-hard-fought conference that went on for 2 weeks. That is the way the public's process is put together in deliberative bodies like the House and Senate.

Most important, it is the product of Congress listening to the people who sent us here. It is the product of everyone having a say. Now we must determine whether this conference report merits our support. Or are we going to say that we are not going to have a budget process?

There are a lot of voices in this budget.

You can hear the voices of those who said we need a strong national defense. But you can also hear the voices of the people who said we cannot afford to spend as much on defense as the President wanted. So we have increased national defense spending by 5 percent for next year. We will spend $11.6 billion less next year than the President wanted for defense, but we are still spending $24 billion more than we did last year to defend the Nation.

Yes, there are a lot of voices in this budget.

You can hear the voices of restraint on domestic spending. This conference report reconciles savings in domestic spending of $16 billion over 3 years. But we held back from the cuts requested by the President.

The majority in both parties heard enough from the majority of their constituents who said they did not want the Government to keep spending at a breakneck rate. But they also told us they did not want to turn their backs on their neighbors who have been hit so hard by the recession, and need a little more time and a little more help to join the mainstream of the economic recovery.

Let me cite some examples:

The administration wanted a 41-percent cut in job training. There was not a majority in either House, in either party, that felt that would be a wise cut to make. So that cut was rejected.

The administration wanted a 20-percent cut for spending on the environment and natural resources. There was no majority in either House, on either side of the aisle, that felt we should cut the environment and natural resources by 20 percent.

The administration wanted to cut humanitarian food assistance. There was no vioce on either side that said we should cut that. It was not in our conference. It was not on the floor of the Senate. It was not on the floor of the House.

Despite what the administration has been saying lately, it wanted to cut back aid by $5.6 billion for education. That was rejected. A bipartisan vote on this floor added $1 billion to what our committee felt was necessary for education, and that survived the conference.

The administration wanted to cut food stamps for 79 percent of those whose income is below the poverty line.

This conference report restores those misdirected cuts, and I think it is because we were better listeners.

There are other voices to hear in this budget conference report. Despite the President's public reservations, these voices add up to a chorus. There are more revenues in this budget so we can cut the deficits. We have added $73 billion over a 3-year period. The $46 billion to be added in 1986 is exactly the same as the President requested for that year.

Among the other voices in this budget is the voice of the Senate. When the conference on the budget resolution began, the House of Representatives and Senate were far apart. But look at this conference report and you will find the Senate revenue number. You will find the domestic spending figures are much closer to the restraint of the Senate than the higher numbers in the House of Representatives. And on defense spending, we got the House to move three-quarters of the way toward our figures so that we could have a verifiable 5-percent spending figure.

DECLINE IN SPENDING AS A SHARE OF GNP

This budget resolution sets us on a course of fiscal restraint. Total Federal spending as a share of gross national product declines by 2.1 percent, from 25.1 percent in 1983 to 23 percent in 1986. Entitlement spending declines 1.7 percent, from 12.1 to 10.4 percent. Domestic discretionary and civilian pay declines from 4.6 to 4 percent of GNP.

Both of those curves, Mr. President, are going down. Both of those curves signal that this budget report is going to show the financial markets and to the policymakers who sit in Wall Street and other places that Congress has a blueprint, and we are holding down spending and, in fact, bending the curve downward.

The total nondefense reduction of 2.5 percent of GNP is offset by a 0.4 percent increase for national defense, leaving a net spending reduction of 2.1 percent of gross national product. Since GNP is estimated to be $4.2 trillion by 1986, that 2.1 percent amounts to an $88 billion reduction in spending over that 3-year period of time. The tax burden is increased only 1.2 percent, from 18.8 percent of GNP to 20 percent of GNP. The spending contribution to deficit reduction is, therefore, almost twice as much as the tax contribution. I would also note that when the President submitted his budget in January, he said an increase of the tax burden to 20.6 percent of GNP by 1986 was acceptable, and we are below that guideline.

MAJOR COMPONENTS OF THE BUDGET AS PERCENT OF GNP

	Fiscal year—			
	1983	1984	1985	1986
National Defense	6.7	6.8	6.9	7.0
Non-Defense:				
Entitlements	12.1	10.9	10.6	10.4
Discretionary + Pay	4.6	4.4	4.2	4.0
Net Interest	2.8	2.7	2.7	2.5
Total Outlays	25.1	24.0	23.5	23.0
Revenues	18.8	19.2	19.4	20.0
Deficit	6.3	4.8	4.0	3.0

THE DEFICIT

With all that said, we have to look at the key issue in this conference report. And that issue is the size of the Federal deficit. The President's budget would have given us a deficit in 1984 of $185 billion. The deficit in the conference report is $15 billion. The deficit in the conference report is $15 billion lower, and even if we authorize and fully fund every single program contained in the reserve fund, the deficit would still be $5 billion lower than the President's.

The deficit in the conference report is $156.3 billion for 1985, some $22.5 billion lower than the deficit projected by the President. And, again, even if every dollar in the reserve fund were spent, the deficit will still be nearly $18 billion lower than the President's.

For 1986, even if we spend every dollar in the reserve, our deficit will still be over $18 billion lower than the deficit projected by the President for that year.

We do not have to retrace all the warnings about the threat the deficit poses to economic recovery, but let me summarize the situation briefly.

THE THREAT

The University of Michigan's Survey Research Center, the most respected insitution of its kind in the country, published an article in its spring issue of "Economic Outlook USA." Let me read you a concise quote from the article written by Raymond Saulnier, professor emeritus of economics at Columbia University:

> The chances of achieving a respectable recovery in 1983, and extending the advance into 1984 and beyond will depend on interest rates, on which both the Federal deficit and money policy will have a major impact.

Mr. President, you cannot make it any clearer than that. Interest rates are tied to the size of the deficit and whether we can make the deficit lower. This conference report still has high deficits. But they are lower than the President's, and lower in every year. That tells the markets, the consumers, the business and industrial investor that the Congress knows economic recovery is hitched to lower interest rates. And that is the path adopted in this budget resolution conference report.

KEEP FIGHTING DEFICITS

Yes, we can see the economic recovery is underway. But it is not going to keep going all by itself if the Government keeps piling debt on its shoulders. Things may look rosy now, but this is not the time to back away from the deficit struggle. If we want to keep economic recovery going, we will have to pay more attention to deficits now than ever before. Let me tell you why.

We had a little deficit leeway when we were in the depths of the recession. But with economic activity picking up, demand for borrowed money will increase as more and more businesses add investment momentum to the recovery. The demand for borrowed money will keep up as long as the interest rates do not climb. If the interest rates do climb in the wake of mounting Federal deficits, the demand for money will evaporate and the recovery will dry up along with it.

So now is the time to pick up the fight against deficits, and keep doing everything we can to keep those deficits declining. That is a chief virtue of this conference report.

VETO STRATEGY AND CHAOS

I know some in the Senate are skeptical, if not about the budget resolution, then about the strategy the White House plans to pursue. We have all heard about the veto strategy. We have heard Caspar Weinberger advise the President to ignore the budget resolution, and just veto appropriations bills.

I think each of us understands that will not really do any good. The amount of money the President can control with vetos amounts to just 18 percent of the overall budget. Even if you eliminated those programs entirely, you would still have a deficit.

If you are still skeptical about supporting this budget resolution, let me suggest you go back to the national newspaper headlines of just 1 year ago. While Congress stood at an impasse on the budget, the financial markets were in chaos. Nobody could plan ahead. Business was fearful, and filled with doubt. If we do not pass a budget resolution this year, we will be in the same fix, because this year economic recovery is a fact, and last year it was just a dream. Without a budget resolution to guide us, we face months of friction between the White House and the Congress. And we will face almost certain higher deficits as we fight it out over 13 separate bills with no reference point to measure our position against.

THE BOTTOM LINE

Let me conclude by being as frank as I know how. This is not heaven, so this budget resolution is not perfect. But it is a good one. It is not a bulky, low-grade collection of giveaways. Nothing like that at all. It reflects 6 months of negotiation and debate; 6 agonizing months during which we came to the floor, went back to committee, then came back again to finally adopt a resolution.

Republicans and Democrats took their shots, winning some, losing others. Then we matched our work against the House of Representatives and the Republicans and Democrats over there. And the Senate generally prevailed.

But more than that, everybody had a chance, everyone was heard, and we have forged a measure that the President may not like, but that comes as close as we can to reflecting the wishes of the constituencies we represent.

We must come closer the next time. And I will give it all my effort. But this conference report represents a solid, respectable statement that we can get our economic house in order. It is bipartisan. It deserves the support of the Senate, and I hope you will do that today.

I ask unanimous consent to print a summary of the conference report at this point in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Highlights of the Conference Report—First Budget Resolution for Fiscal Year 1984

(Prepared by Minority Staff, Senate Budget Committee, June 20, 1983)

Revenues: The House came most of the way to the Senate-passed figures, providing Reconciled revenue increases of $12, $15 and $46 billion in fiscal years 1984, 1985 and 1986. The $46 billion figure is the same as the President's recommended tax increase for 1986. The 3-year total is the same as the Senate passed: $73 billion.

Defense: The House moved three-quarters of the way to the Senate to provide a true five percent real growth in Defense Budget Authority. While this is $11.6 billion below the President's proposal, it is still an increase of $24 billion over the 1983 level.

Domestic spending: The Senate agreed to increases in domestic spending of about $8 billion in Budget Authority and $3.5 billion in Outlays, out of an initial difference of $26.3 billion in Budget Authority and $16.4 billion in Outlays.

Reserve fund: In addition, the Conferees provided for up to $8.5 billion of additional domestic spending set aside in a Reserve Fund for new programs with no authorizing legislation yet enacted. These funds have not been allocated to any Committee and will not be available until the authorization is enacted into law.

DESCRIPTION OF RESERVE FUND

A specified amount of Budget Authority and Outlays for fiscal years 1983 and 1984 will be reserved from allocation to committees.

The statement of managers describes what programs in each function could be funded from the reserve amount and at what levels.

The Budget Totals and deficits appear with and without the Reserve Fund.

The section 302(a) allocation of the Appropriations Committee will be increased when the authorization for a program assumed in the Reserve Fund is enacted.

The section 302(a) allocation of a committee reporting new entitlement legislation or direct spending legislation assumed in the Reserve Fund will be increased when the

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legislation is reported. In the Senate, this allocation will occur when the Senate "proceeds to consideration" of the specific legislation.

The spending ceiling by which points of order are determined will not reflect the Reserve Fund until the allocation has actually been made to a committee, at which point the spending ceiling would be adjusted respectively.

Any adjustment to a committee's 302(a) allocation for a particular program shall not exceed the amount for that program set forth in the statement of managers.

The Budget Committees will perform the ministerial task of reporting to their respective Houses any adjustment to a committee's 302(a) allocation or the spending ceiling which would be triggered under the Reserve Fund procedure described above.

RESERVE FUND SUMMARY

[In millions of dollars]

	Fiscal year—							
	1983		1984		1985		1986	
FUNCTION/PROGRAM TITLE	BA	0	BA	0	BA	0	BA	0
Function 350:								
Loan foreclosure relief to farmers	250	250	500	500				
Direct loans for farm ownership, operating, or economic emergency	200	200	100	100				
Function 370: Emergency mortgage foreclosure relief to aid the unemployed	760	50		200		350		160
Function 450:								
Physical infrastructure program			75	75	2,500	750	2,500	1,325
National Industrial Development Bank			50	50	100	100	50	50
Function 500: Economic recovery program	4,500	4,500	3,500	3,500				
Function 550: Health insurance and benefits for the unemployed	350	350	2,000	2,000	1,650	1,650		
Function 600:								
Extension of Federal supplemental compensation benefits for the long-term unemployed			1,500	1,500				
Increased benefits and expanded eligibility for food stamp program			450	450	450	450	450	450
Function 700: Veterans job training program			150	150	150	150		
Total	6,060	5,350	8,325	8,525	4,850	3,450	3,000	1,985

Reconciliation: Authorizing Committees will be required to report spending cuts and revenue increases by July 22. This will allow two weeks for floor action and conference prior to the August recess. Tax and spending changes will be sent to the President in a single bill which will reduce the deficit by about $89 billion over the three years.

Deficits:

COMPARISON OF DEFICITS

	Fiscal year—		
	1984	1985	1986
Conference agreement.			
Without reserve	169.9	156.3	127.2
With reserve	179.3	161.1	130.8
Senate passed	171.3	158.0	121.2
House passed	161.0	130.3	119.8
President's	184.9	178.8	149.3

The deficits under the conference agreement without the reserve are below the Senate passed resolution by $1.4 billion in 1984, $1.7 billion in 1985 and above the Senate passed resolution by $6.0 billion in 1986.

Even if all Reserve Fund programs are enacted, the Conference agreement brings deficits below the President's April budget. The Conference agreement without the reserve has lower deficits than the President's budget in each year, totalling $59.6 billion. The Conference agreement including the reserve calls for lower deficits than the President's budget in all years as well, totalling $41.8 billion for the three year budget horizon.

ECONOMIC ASSUMPTIONS

The conferees accepted the economic assumptions shown in the table below as the basis for the revenue, spending and credit estimates in the conference substitute. These economic assumptions update and revise those contained in the House resolution and the Senate amendment to the House-passed resolution. Both the House and Senate based their economic assumptions on projections prepared by the Congressional Budget Office in January 1983. Recent economic developments and economic data reported since the beginning of the year make these revisions desirable.

[Calendar years, dollars in billions]

	1983	1984	1985	1986
Gross national product.				
Current dollars	$3,292	$3,621	$3,948	$4,269
Percent change	7.6	10.0	9.0	8.1
Constant (1972) dollars	$1,518	$1,595	$1,661	$1,722
Percent change	2.8	5.1	4.1	3.7
GNP deflator (percent change, year over year)	4.7	4.6	4.7	4.3
CPI–U (percent change, year over year)	3.5	5.0	4.7	4.1
CPI–W (percent change, year over year)	3.0	4.6	4.4	4.1
Unemployment rate—civilian (percent)	10.1	9.3	8.5	7.9
3-month Treasury bill rate (percent)	7.8	7.4	7.2	6.6
Taxable incomes:				
Wages and salaries	$1,653	$1,803	$1,947	$2,098
Nonwage personal income	$620	$674	$741	$792
Corporate profits from current production	$210	$264	$300	$338

Revenues: The three-year total for additional revenue is the same in the conference agreement as in the Senate passed resolution, totalling $73 billion.

The timing of the additional revenues is, however, different. The Conference agreement calls for additional revenues of $12 billion in 1984, $15 billion in 1985, and $46 billion in 1986. The Senate passed resolution called for additional revenues of $9.9 billion in 1984, $13.7 billion in 1985, and $51 billion in 1986, while the House-passed resolution called for additional revenues of $30 billion in 1984, $40 billion in 1985, and $50 billion in 1986.

Function 050: National defense

Real growth is 5 percent in Budget Authority as calculated by CBO.

Pay set at 4 percent for civilian and military, effective January, 1984 with 17 percent absorption.

Retirement COLA previously due in May, 1984 moves to January 1985.

Function 150: International affairs

In fiscal year 1984 the House resolution was higher than the Senate by $.65 billion. The Senate accepted 75 percent of the difference, to insure that Congressionally mandated increases in Security Assistance for Israel and Egypt can be funded and still allow other increases requested in the President's Security Assistance budget.

Function 250: General space, science and technology

NSF science and math education: Conference added $75 million—$25 million of the $75 million was transferred out of Function 500 for Math and Science Education. House had requested $169 million in Budget Authority for fiscal year 1984, and Conference set funding at $105 million.

Additional NSF funding: House wanted $100 million in Budget Authority for three years (fiscal year 1984-86). Conference added $50 million in Budget Authority for fiscal years 1984-85.

NASA: House wanted $150 million above the President's request, or $6.65 billion in Budget Authority for fiscal year 1984. Conference set fiscal year 1984 Budget Authority at $133 million, which is $100 million over the Senate.

Function 270: Energy

DOE energy research and development: Conference added $240 million, above the Senate fiscal year 1983 freeze level.

Energy conservation: Conference added $160 million more than the Senate's request.

Function 300: National resources and environment

Conferees adopted the House funding levels for fiscal years 1983-86.

Superfund: House accepted the Senate's recommendation, which added $73 million in Budget Authority, and $23 million in Outlays, to Superfund in fiscal year 1984.

Water Resources: Conference adopted the House recommendation, which assumes an increase of $0.15 billion in Budget Authority and $0.05 billion in Outlays for Bureau of Reclamation and the Corps of Engineers appropriated accounts.

EPA construction grants and EPA operating: Conference accepted the House recommendations. This assumes a funding increase of $0.20 billion in Budget Authority and $0.15 billion in Outlays above fiscal year 1984 freeze level for EPA operations.

Funding for Remaining Function 300 Programs: Conference adopted a freeze on remaining Function 300 programs for fiscal year 1983, 1985 and 1986.

Function 350: Agriculture

Non-Reserve Account: CCC (Commodity Credit Corporation)—Conference added $100 million in Budget Authority and Outlays for fiscal year 1984, and $100 million in Outlays in fiscal year 1985 to the Senate baseline funding level.

Reserve Account: FmHA Loan Foreclosures—Conference added $250 million in Budget Authority and Outlays in fiscal year 1983, and $500 million in fiscal 1984;

ACIF (Agricultural Credit Insurance Fund)—Conference added $200 million in Budget Authority and Outlays in fiscal 1983, and $100 million in Budget Authority and Outlays, in fiscal year 1984.

Reconciliation Language: Conference adopted reconciliation language which says that should the 50 cent per hundredweight dairy assessment be finally adjudicated to be unconstitutional or unenforceable by the courts, the House Committee on Agriculture and the Senate Agriculture Committee shall report changes in laws rather than jurisdiction, within 30 days. Sufficient to reduce Outlays by $1.243 billion in fiscal year 1984, by $1.332 billion in fiscal year 1985, and by $1.327 billion in fiscal year 1986.

Function 370: Commerce and housing credit

Non-Reserve Account: Non-Profit Mail Subsidy—Conference added $60 million in Budget Authority to the Senate level of $760 million, for fiscal year 1984.

Reserve Account: Mortgage Foreclosure Relief—Conference added $760 million in Budget Authority, and $50 million in outlays in fiscal year 1983; $200 million in outlays in fiscal year 1984, $350 million in fiscal year 1985, and $160 million in fiscal year 1986.

Function 400: Transportation

The Conference Agreement includes Highway Transit and Airport Direct Spending (Contract Authority). Programs at the levels authorized by the Surface Transportation Assistance Act.

The Conference Agreement is $0.5 billion over current law for the Discretionary Programs. This is explained by two factors:

It is $0.3 billion over current law for the Federal Aviation Administration Facilities and Equipment Program. This program is funding the modernization and rebuilding the National Air Space System.

It is $0.2 billion over current law for the Urban Mass Transportation Administration. The Conference Agreement does not accept the Administration's proposal to phase out transit operating assistance but instead maintains operatings assistance at levels agreed to in the Surface Transportation Assistance Act. The $0.2 billion increase will be available for Transit Capital Programs such as New Rail Starts, Rail Modernization and Bus Replacement Programs.

On an overall basis, the conferees agreed to split the $0.6 billion difference increasing the Senate figure by $0.3 billion difference increasing the Senate figure by $0.3 billion and bringing the 1984 budget authority total to $20 billion.

Function 450: Community and Regional Development

Eonomic Development Administration (EDA) and Appalachian Regional Development Programs: Conference committee rejected House-proposed increase for EDA in fiscal year 1984. Agreement splits remaining difference between House and Senate proposals for EDA and ARDP. (Senate had proposed phase-out of both programs; House proposed $200 million increase for EDA and freeze at 1983 levels for Appalachian Regional Development programs.)

Community Development Block Grants (CDBGs): Conference commmittee agreement assumes that CDBGs will be continued at $3.5 billion through fiscal year 1986. Conference Committee rejected House proposal to continue $1.0 billion supplemental provided under 1983 Emergency Jobs bill for CDBG in fiscal year 1984.

Urban Development Action Grants (UDAG): Conference agreed to continue UDAG at 1983 levels ($440 million Budget Authority and $600 million in Outlays in fiscal year 1984).

Infrastructure: House proposed $75 million in Budget Authority in fiscal year 1984 and $5.0 billion in Budget Authority in fiscal year 1985 for new infrastructure initiative. House agreed to reduce funds for the initiative by half in fiscal year 1985 and fiscal year 1986, providing instead $2.5 billion in Budget Authority. Conference then agreed to place infrastructure initiative in reserve fund.

National Industrial Development Bank: House proposed $100 million for this initiative in fiscal year 1984. Conference agreed to reduce this funding by half and also place this initiative in reserve fund.

Function 500: Education, training, employment and social services

Education: In addition to the $1 billion added on the Senate floor by the Hollings Amendment, the Conferees split the remaining difference with the House and added $250 million for elementary and secondary education.

Job Training: The conference added $1.6 billion in BA and $0.5 billion in outlays, two-thirds of the House amount, to allow increased funding of the Job Training Partnership Act.

Social Services: added $0.6 billion BA, $0.4 billion Outlays, two-thirds of the House amount, to allow increased funding for Title XX, Child Welfare and other social services.

Function 550 and 570: Health

Medicare: Split the difference with House, $400 million in 1984, manager's statement precluding increased beneficiary cost sharing. Very similar to Baucus floor amendment.

Medicaid: House level, no savings assumed. $200 million in 1984 for new initiative for low-income pregnant women and for children, up from $49 million Cranston floor amendment.

Health Insurance for Unemployed: More than split the difference with House, $2 billion in 1984, up from $900 million Senate floor amendment. This is only health item in reserve fund.

Discretionary: Slight increase in 1984 from Senate level (+$100 million).

Function 600 and 650: Income security

Reduced BA by $5.1 billion below House resolution and .6 billion below Senate resolution by taking into account $2.9 billion in rescissions projected by both Appropriations Committees for low-income housing programs.

Rejected House's $1.3 billion in BA for new multifamily housing program.

Split difference with House on several programs where House had budgeted a modest amount more than the Senate: Child Nutrition, Energy Assistance, Public Housing Operating Subsidies.

Accepted House increases in WIC (.05 billion) and AFDC (.1 billion).

Adopted Senate position of moving all retirement and disability COLAs to January rather than House position of straight six-month delay. Ignored different positions regarding one-half COLA for under-62 retirees because budgetary impact of the provision does not appear until fiscal year 1987.

Rejected Senate's reconciliation of Child Support Enforcement savings (.04 billion) and of 20-week work requirement for unemployment benefits (.4 billion each in 1985 and 1986). Maintained UI savings in functional total, however.

Reserve: $1.5 billion to extend Federal Supplemental Compensation (for long-term jobless) into fiscal year 1984.

$450 million per year for increased food stamp funding.

Function 700: Veterans

Two-year funding for Emergency Job Training provided in Reserve Fund ($150 million each year).

Adopted Senate positions on Compensation COLAs: (a) 3.5 percent rather than 4.1 percent in April 1984; (b) subsequent COLA's in January rather than April.

Function 750: Administration of justice

Conference agreement adds $450 million in BA and Outlays to the baseline in fiscal year 1984 for strengthening law enforcement activities. Increase also provides sufficient funds for immigration enforcement legislation and a criminal justice assistance grant program.

Function 800: General government

Conference agreement provides additional $200 million in Budget Authority and Outlays for the Internal Revenue Service in fiscal year 1984 for enhanced tax collection.

Conference agreement provides baseline funding for the Federal Buildings Fund through fiscal year 1986.

Function 850: General purpose fiscal assistance

Conference agreement adds $450 million in Budget Authority and $338 million in Outlays for reauthorization of General Revenue Sharing in fiscal year 1984. (House had proposed $800 million increase for General Revenue Sharing in its resolution).

Function 920: Allowances

Conference substitute assumes a four percent civilian employee pay raise effective January, 1984, with 17 percent ($150 million) absorption.

Function 950: Undistributed offsetting receipts

Conference adopted the Senate-passed numbers for Function 950, but added $75 million in BA and Outlays to reflect the House's estimate for receipts for Surplus Property sales.

CREDIT BUDGET

FMA Mortgage Insurance: Conference added $5.0 billion in new primary loan guarantee commitments in each year to accommodate the additional FHA mortgage insurance authority included in the Senate reported fiscal year 1983 supplemental and fiscal year 1984 HUD-Independent Agencies appropriations bills.

INDUSTRIAL DEVELOPMENT BANK LOAN GUARANTEES

Conference adopted the Senate's recommendation that one-half of the House's primary loan guarantee commitments be assumed: $1 billion in fiscal year 1984 and $3 billion in fiscal year 1985.

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Mr. President, I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, I yield 3 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER (Mr. WILSON). The Senator from Washington is recognized.

Mr. GORTON. Mr. President, in a very real sense I wish to address these remarks to my friend from New Hampshire who just left the seat of the President of the Senate and to other Members of my own party who voted for the budget resolution which was passed by the Senate.

The Senator from New Mexico pointed out that in conference with the House of Representatives the Senate came out with precisely the figure for new revenues which was passed by the Senate itself. The only differences were to push a few billion dollars of those new taxes forward into 1984 and 1985, but that change is not major. So the conference committee, led by the distinguished Senator from New Mexico, was entirely successful in attaining the Senate position in that respect.

Second, this conference committee came out with a figure for national defense which was precisely what every Member in this Chamber knew was going to be our aim. It was the goal of the figure for which we voted in the Senate, a 5-percent real increase.

Finally, as the Senator from New Mexico has pointed out, 91 percent of the differences in domestic spending, with the exception of the reserve funds, were decided in favor of the Senate position. It is hard to imagine a conference that went more favorably for the Senate position than did this one.

Therefore, there is no reason for any Member, Republican or Democratic, in this Chamber who voted for the resolution 2 or 3 weeks ago to vote against it at this point.

Other close friends, like the present occupant of the chair, who voted against the resolution as it left the Senate with some trepidation, based those votes to a certain degree on the fact that we would have to give up too much, that we were giving up on the Senate floor what we would be required to give up or might be appropriate to give up in conference with the House of Representatives.

I say to him and to others similarly situated we did not do so. We have now as a final resolution essentially the program which left the Senate.

The President loses no rights to veto domestic spending programs or tax programs as a result of the passage of this resolution. In fact, the President, will be in a far better position if this resolution passes than he will otherwise retaining all of those rights of veto. He will get reconciled savings as a result of this budget resolution which he cannot get and will not get if this resolution does not pass.

In other words, spending for domestic programs taken in toto will be less if this resolution passes and is enforced than if it is rejected and conservative Members of this body simply rely on the President's veto powers.

Finally, I am convinced that the defeat of this resolution, while giving the President no more than he will get otherwise and while probably resulting in more rather than less spending, will certainly result in far larger deficits than will be the case if this resolution passes and is enforced. Those larger deficits, in turn, clearly will threaten the recovery of the economy which is underway at the present time and more jobs for more Americans.

This budget resolution is a great tribute to the Senator from New Mexico, the Senator from Florida, and the Senator from Ohio who is in the Chamber at the present time. It is a responsible resolution. It gives us the best possible guarantee we have of continued economic recovery. It should be supported by those who voted for it before and it should be supported by many of those who opposed it when it went to the House of Representatives because they thought we would lose far more than we did in that conference.

I commend the budget resolution not as the best that could possibly be done but as the best that could be accomplished given the nature of Congress at the present time and the best for the economy and for the people of the United States of the alternatives we have before us at the present time.

Mr. DOMENICI. Mr. President, I understand that under the unanimous-consent agreement the Senator from Montana (Mr. MELCHER) has 10 minutes, and I do not intend to keep him long. I wonder if I could just yield myself 2 additional minutes and then I will be pleased to yield to the Senator.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 additional minutes.

Mr. DOMENICI. Mr. President, let me make one final point.

Much is said about economic growth. With some of the speculation that is around we could have dramatically increased the growth rate for the economy and significantly altered our economic and deficit for the better. We chose not to do that. We have adjusted them to conform to present day reality. Therefore, we raised the real growth rate for 1983 by about 0.7 percent and adjusted in 1984 for that increase. Unemployment is changed in 1983 to meet reality, and we carried this change through to 1984, 1985, and 1986.

But we have not assumed optimistic economic expectations in an effort to make the deficits disappear or to mitigate them. If we have better economic growth, we will have lower deficits, but we would still have large deficits. These deficits are not and cannot be assumed away.

Mr. President, I yield the floor at the present time.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, the budget conferees have been diligent and persistent in coming to an agreement within a reasonable amount of time. I am, however, very disappointed with the compromise figures for the international affairs function which sets spending limits for foreign aid.

I expressed my concern during our initial consideration of the budget that the Senate resolution did not restrain the rate of growth in foreign aid spending, which has doubled and surpassed growth in all domestic programs since 1979. Yet the final agreement merely splits the difference between the much too large Senate amount and the even higher House spending levels. It is discouraging, to say the least, to argue that the Senate figures on foreign aid are too high and then to see the figure increased beyond that by the healthy amount of $250 million.

Then that disappointment is compounded by the final form of the budget after conference committee action. In view of the fact that the proponents of the Senate Budget Committee's figures defended those amounts as being sufficient to meet our international obligations and particularly our military-related obligations to our allies, the Senate was assured that the amount at least would not be increased in conference. As far as I am able to ascertain, we are not necessarily getting any more for this additional amount of money, $250 million, since our original target already fulfilled even additional amounts that we would commit to our partners in the Middle East peace accords.

The budget deficits in the conference report, although somewhat reduced, are large enough that they will continue to exert a drag on our fledgling economic recovery. Domestic programs have been cut several times over the last 2 years, and yet the savings achieved through these cuts are insufficient to address the problem of steadily rising deficits. It consequently makes little sense to justify this increase in foreign assistance when we are going to have to borrow this money in order to send it abroad.

It makes even less sense when you realize that the American people have strong doubts about the wisdom of our foreign aid programs. They question whether we have our priorities in order when domestic programs suffer spending reductions and subsequent reduction in the services they are able

to provide, yet foreign aid spending suffers little restraint at all, and continues to grow.

The failure to exercise fairmindedness in setting priorities between domestic and foreign aid spending is a major flaw in an otherwise carefully fashioned budget compromise.

Mr. President, there is another matter that I think I would like to address the Senate on, draw the attention of Senators to, and that is a discussion about the so-called entitlement programs. You judge what you hear from your friends and neighbors, and, if you read your mail, you must determine that there is a great number of comments on how much the entitlement programs contribute to the Federal deficits.

I quite often get the impression that I must be lacking in knowledge of the rapid growth in the entitlement programs, and so I asked the Congressional Budget Office to prepare for me a list of the entitlement programs.

Using 1983, the current year, as a base year, it projects what the budget figures will be for 1984, 1985, and 1986.

I think there is a lot of confusion as to just what an entitlement program is, and I am going to read the major ones.

They are social security, medicare and medicaid, farm price supports, guaranteed student loans, social services, unemployment benefits, railroad retirement, Federal civilian employee retirement and disability, child nutrition, food stamps, supplemental security income, public assistance; veterans pensions, compensation, and readjustment benefits; general revenue sharing, and others. The others are a very small percent totaling less than 2 percent. Those I read off are 98 percent of the so-called entitlement programs.

I am going to submit this table for the RECORD, and I ask unanimous consent, Mr. President, to have it printed.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

(These figures are recomputed from the baseline budget projections released in February 1983. The recalculations assume a Consumer Price Index of 3.5 percent during 1983.)

CONFERENCE AGREEMENT ON THE FIRST CONCURRENT BUDGET RESOLUTION FOR ENTITLEMENTS AND OTHER MANDATORY SPENDING

[By fiscal year, in billions of dollars]

	1983 base	Projections		
		1984	1985	1986
Social security:				
Outlays	$168.0	$173.0	$184.0	$196.0
Receipts	148.5	166.4	185.2	201.2
Net	19.5	6.6	−1.2	−5.2
Medicare and medicaid:				
Outlays	76.0	86.0	98.0	108.0
Receipts	40.3	44.7	49.8	57.0
Net	35.7	41.3	48.2	51.0
Farm price supports	18.0	8.0	9.0	10.0
Guaranteed student loans	2.0	2.0	2.0	2.0
Social services	4.0	4.0	4.0	4.0
Unemployment benefits	33.0	24.0	22.0	22.0
Railroad retirement	6.0	6.0	6.0	6.0
Federal civilian employee retirement and disability	22.0	22.0	24.0	25.0
Child nutrition	3.0	4.0	4.0	4.0
Food stamps	12.0	11.0	11.0	12.0
Supplemental security income	9.0	8.0	9.0	9.0
Public assistance	8.0	8.0	8.0	8.0
Veterans' pensions, compensation, and readjustment benefits	17.0	15.0	15.0	15.0
General revenue sharing	5.0	5.0	5.0	5.0
Other	5.0	11.0	10.0	10.0
Total	386.0	387.0	411.0	437.0

Source. Congressional Budget Office. Details may not add due to rounding.

Mr. MELCHER. Mr. President, what the table shows is that after social security has been rescued by increasing the taxes that go into the fund and reducing somewhat some of the outlays, that we end up with a net gain in receipts over outlays in fiscal 1985 and 1986.

Medicare and medicaid are principal problems and they constitute $40 billion in shortfall, in 1984, almost $50 billion in 1985, and $51 billion in 1986. That indicates that those particular entitlement programs are indeed in trouble and deserve our attention.

I think all too few of the public realize that farm price supports and guaranteed student loans and railroad retirement and general revenue sharing, along with other programs, are all part of these so-called entitlement programs. They are not growing rapidly, and while the table shows how fast they are growing, it is some relief to me to find out that the growth, less the increase in the receipts from social security, that that increase in growth will be somewhere around 10 percent.

We can do better than that, we should do better than that, if we make corrections for medicare and medicaid and I trust we are all resolved to do that.

But everybody in this country is probably touched one way or another by these entitlement programs. So if we are going to foist all of the wrongs about Federal deficits just on the growth of the entitlement programs we are missing the mark. That is not the case. The great growth in the deficit and great growth in spending are the results of several different items. But the deficit increase is the result of too much spending, too high interest rates, and the economic downturn, and the lack of receipts in the Treasury from this recession we are suffering through and, hopefully, we can see some light in recovery and in the events of the past several months and, perhaps, see some readjustments of that.

We at least can hope. We have our work cut out for us. To avoid the issue, the true issue, of increased spending—I mentioned foreign aid, and I can also mention defense spending that has grown very rapidly—to avoid those facts and say our problems are just locked up with entitlement programs would be a serious mistake on the part of the Members of Congress, the House and Senate both, and certainly are misleading to the public.

It is a broader problem than that, and we had better face the issues squarely with the facts.

Mr. DOMENICI. I will yield to the Senator from Mississippi——

Mr. STENNIS. Mr. President, will the Senator yield 1 minute?

Mr. DOMENICI. I will be pleased to yield 1 minute to the distinguished senior Senator from Mississippi.

Mr. STENNIS. I want to highly commend the distinguished Senator from New Mexico (Mr. DOMENICI), the Senator from Florida (Mr. CHILES) and the Senator from Ohio (Mr. METZENBAUM), and other members of the Budget Committee for the monumental piece of work they have done on a very difficult assignment. I am sorry I did not get to the floor in time to hear the speeches of the two leaders of the committee.

Mr. President, I had considered the matter of not voting for this budget resolution conference report because of the high deficit, but I think the committee has done everything that could be done to meet the situation.

We must have a budget resolution. It would be an admission, if we cannot have it—it could well be said—that we are incapable of producing a budget resolution if we do not have one of some kind. Let the people of the country be assured that this Congress has tried and that our committee members have given leadership.

This resolution is not just what our committee wanted, or what we wanted, but it will serve a purpose and we will try to do better in future years.

I am very glad to say I will support this resolution, and I hope it will pass. This is the best we can do now.

I thank the Senator for yielding me this time.

Mr. DOMENICI. I thank the Senator and I am most appreciative of his support.

I think the Senator from Kansas has time reserved for an amendment and I would be pleased to yield at this point.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1435

(Purpose: To modify the revenue reconciliation instruction)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I ask my colleagues if I could have their attention, particularly my colleague from Louisi-

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ana, so I can interest him in this amendment, if possible.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. Dole) proposes an amendment numbered 1435.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 3(a) on line 2 insert after "through (e)" the following: "(except for the committee described in subsecton (b)(1))".

In section 3(a) on line 5 insert after "through (l)" the following: "(except for the committee described in subsection (l)(2))".

Strike subsection 3(b)(2) and insert in lieu thereof the following:

"The Senate Committee on Finance shall report by September 15, 1983, changes in laws within the jurisdiction of that committee sufficient to increase revenues by $59,000,000,000 in the aggregate over fiscal years 1984, 1985 and 1986".

Strike subsection 3(l)(2) and insert in lieu thereof the following:

"The House Committee on Ways and Means shall report by September 15, 1983, changes in laws within the jurisdiction of that Committee sufficient to increase revenues by $59,000,000,000 in the aggregate over fiscal years 1984, 1985 and 1986".

Mr. DOLE. Mr. President, I think there are 10 minutes for each side on the amendment. I do not think I will need more than that time, but I want to explain to my colleagues what the amendment does.

I have reduced the reconciled revenue numbers, from $73 billion to $59 billion, which is the President's number, and it is also an aggregate number. I know the distinguished Senator from New Mexico was telling me that even though they had specific numbers in other years, only the aggregate number would be binding.

In addition, I changed the reporting date from July 22, which, in my view, is impossible, to September 15, which is more realistic. We have been waiting for months and months for the budget resolution. We are going to have a recess for about 10 or 12 days in July, and then we are told to come back from the Finance Committee with $73 billion in new taxes in just 2 weeks.

So I have offered this amendment to give us adequate time, plus I have inserted the President's numbers on the revenue side. I believe between now and September 15 we are going to have a better fix on whether or not we are getting any spending reduction, and whether or not the appropriation bills are going to bring about savings. If not, the President can veto those bills.

I am convinced that if we adopt this amendment there might be a fighting chance to achieve the deficit reductions that the Budget Committee is trying to do. I commend members of the Budget Committee on both sides. But what they do, if they pass this budget resolution, is to give this dead cat to the Finance Committee; 86 percent of this package comes to the Finance Committee—86 percent.

So it is one thing to vote on just numbers, but it is quite another thing to vote on the real thing. And the real thing you are asking us to do is raise taxes $73 billion and make very little spending reduction. What the Senator from Kansas suggests is that we reduce that to the President's number and let us make it an aggregate number. Then we could make it contingent on achieving spending reduction. Then we are talking about real deficit reduction if we couple that with $59 billion in revenue.

Mr. LONG. Will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from Louisiana.

Mr. LONG. Is it not true that the last time we had a balanced budget was at a time when the Congress voted a big tax increase and there was a 10-percent surtax, but it went along with a requirement that there be very drastic cuts in spending? So it was both a major spending cut, plus the surtax that got us a balanced budget. That is the last time we ever had one.

Mr. DOLE. The Senator is correct.

Mr. LONG. But is it not also true that to try to pass a tax increase of those kinds of numbers without the support of the President of the United States is just ridiculous to even talk about?

Mr. DOLE. That is the view of this Senator. The Senator from Louisiana knows we had the Secretary of the Treasury before our committee this morning and he indicated they would stick with their numbers if, in fact, they were aggregate numbers, and we did not require $12 billion in 1984 and $15 billion in 1985. There is another caveat—if we had some spending reductions.

I believe my amendment would not only satisfy the President but encourage him to support the process. Then we could get some spending reductions, coupled with a revenue increase. I think it is going to take a combination.

But let us face it, as I said, 86 percent of this package comes to our committee and only 3 percent is savings reduction. There is $73 billion in new taxes and $1.7 billion in savings in our committee. That is a ratio of almost 40 to 1. Now, that is not a very good mix.

I hope we might accept this amendment, send it back to the House and let them vote on it, and then allow the Finance Committee some time to report out the revenue package. If we design a package that is going to mean spending reductions and lower those revenue numbers to the President's request, then we might have the President on board. He is on board indirectly, because he is on record supporting the $59 billion. So I hope that the amendment might be adopted. It is not offered to kill the budget resolution. It is offered, I think, as an effort to salvage the budget resolution.

There is no doubt in my mind that the chairman of the Ways and Means Committee would like to have a few more days beyond July 22 to work on a package. We are going to be in recess from July 1 to July 16, and that recess starts next Thursday. We have been trying to prepare ourselves in the committee. We have had hearings almost every day on preferences, on tax compliance, on the health insurance cap, and every other conceivable area where we might raise revenue.

So, Mr. President, this is a serious amendment. It is not designed to obstruct the Budget Committee. We have been hearing budget talk for months, and it is a tough job. The chairman and the distinguished ranking member have done an outstanding job. But now they want to transfer responsibility to the Finance Committee. We are willing to take our share, and our share is 86 percent. We are trying to reduce that a little bit, to about 60 percent, and also include some savings reductions. That is the sole purpose of the amendment. I hope we might adopt it.

Mr. NICKLES. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. NICKLES. Mr. President, if I remember, when the President called for the contingency taxes, he said if and only if we made budgetary constraints as called for by his budget recommendations. Is it the Senator's opinion that this budget does that on the spending side?

Mr. DOLE. Not yet. But it is my opinion we could design the tax so we could do that.

Just to give you one example. In this resolution we are only asked to reduce the growth of medicare over 3 years by $1.7 billion. We believe we can exceed that by three or four times in our committee. We are trying to do that. I believe there are other areas, such as in agriculture and other areas where we can save billions of dollars.

What we are trying to do is accept responsibility on the revenue side if the spending side is addressed.

We can design the tax so it does not take effect until there have been some changes on the spending side. I know some do not want any taxes. But how many want $200 billion deficits? How many want rising interest rates?

I do not think we can hide from the deficit. It is there. It is growing bigger. But I do not believe we should work the revenue side alone. In my view we could have a balanced package if this amendment is adopted. I think the

House would adopt it and then we would be in business. We could design a package in our committee with spending reduction, followed with some revenue changes to achieve a deficit reduction that would have a marked impact on interest rates and help sustain the recovery.

I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, how much time does the Senator from Kansas have remaining?

The PRESIDING OFFICER. There are 2½ minutes remaining to the Senator from Kansas.

Mr. DOMENICI. I am going to take 1 minute when the Senator finishes. Does the Senator want me to take it now?

Mr. DOLE. The Senator can take the minute, then let me finish.

Mr. DOMENICI. I think this is a serious amendment. I do not oppose it because I think it is not serious. I have talked at length with the Senator from Kansas about it, but I want the Senator to know that we have tried this very same approach several times before. There were simply not enough votes for it. I tried it in the committee. There were not enough votes for it there either.

I hope the Senator is not indicating here that the Secretary of the Treasury has testified that he supports $59 billion in reconciled taxes. He does not. Had we received word that the administration supported $59 billion in reconciled revenue, I guarantee you we would have reported that proposal out of committee. It would have been in the original resolution.

I do not believe the President supports $59 billion in reconciled revenues as described by the Senator from Kansas. Furthermore, I believe, in all sincerity, that if we modify the budget at this late date, we are not going to get one. I hope the distinguished Senator will understand my opposition to it. I do not really think there is that much difference in economic impact between the amendment that the Senator from Kansas supports and the reconciled revenue increases in this conference agreement, and I hope we defeat this amendment.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. DOLE. Mr. President, the only difference is rather significant. The President of the United States has indicated he supports this much of a revenue increase. I am here to suggest and to pledge to Senators on both sides of the aisle that there will not be this much of a revenue increase, even the $59 billion coming out of our committee, unless we have significant spending reductions.

I just say to my friends on the Budget Committee that I believe we have demonstrated in the Finance Committee that we are willing to make tough choices. We did it last year in raising $100 billion in revenues. We are not going to shrink from our responsibility. But do not send us a budget resolution and ask us to raise $73 billion in taxes and only cut spending $1.7 billion. That is a ratio, as I said, of almost 40 to 1, and that is not a balanced approach.

So it is not that we come here not having done anything on the revenue side.

Mr. President, I say to my good friend, the chairman of the Budget Committee, they have done an outstanding job, but please do not make it impossible for the authorizing committees.

Eleven members of the Senate Finance Committee voted against the $73 billion tax increase in the first budget resolution. Now you are asking those 11 to change their mind? If 11 out of 20 cannot vote for $73 billion on the first budget resolution there is no reason they will vote for a legislative package. It means we cannot raise any revenue.

So I hope we can adopt this rather significant change and then proceed with the budget resolution.

Mr. DOMENICI. I yield back the remainder of my time on the Dole amendment. I ask for the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. All time has expired.

The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Iowa (Mr. Grassley), the Senator from Alaska (Mr. Murkowski), the Senator from Illinois (Mr. Percy), the Senator from South Dakota (Mr. Pressler) and the Senator from Wyoming (Mr. Simpson) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. Murkowski) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. Hart), the Senator from South Carolina (Mr. Hollings) and the Senator from Massachusetts (Mr. Tsongas) are necessarily absent.

The PRESIDING OFFICER (Mr. Danforth). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 41, nays 51, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—41

Abdnor
Armstrong
Baker
Baucus
Boren
Cochran
Cohen
D'Amato
Denton
Dole
Durenberger
East
Exon
Garn
Hatch
Hawkins
Hecht
Heinz
Helms
Humphrey
Jepsen
Kasten
Laxalt
Long
Lugar
Mattingly
McClure
Melcher
Nickles
Nunn
Quayle
Roth
Rudman
Specter
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Zorinsky

NAYS—51

Andrews
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cranston
Danforth
DeConcini
Dixon
Dodd
Domenici
Eagleton
Ford
Glenn
Goldwater
Gorton
Hatfield
Heflin
Huddleston
Inouye
Jackson
Johnston
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
Mathias
Matsunaga
Metzenbaum
Mitchell
Moynihan
Packwood
Pell
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stafford
Stennis
Stevens
Tower
Weicker

NOT VOTING—8

Grassley
Hart
Hollings
Murkowski
Percy
Pressler
Simpson
Tsongas

So Mr. Dole's amendment (No. 1435) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, unfortunately I could not be present for the vote on the Dole amendment. I did not plan it that way. It is just the way events happen sometimes. Because of the landmark decision of the Supreme Court with regard to the legislative veto, and as chairman of the Subcommittee on Administrative Practices and Procedures, I was asked to appear on a special BBC news program to discuss the decision. Consequently I was downtown in the BBC studios during the vote.

I would like the Record to reflect that had I been present I would have cast my vote yes.

The Dole amendment is a realistic one in that it reflects the sentiment of the Finance Committee which must deal with 88 percent of the reconciliation instructions contained in this resolution. It would also provide a great degree of flexibility in the way the committee contributes to a lower deficit. And to the degree to which this amendment lowers the tax-increase totals in the budget resolution, the Dole amendment is worthy of this body's support.

Mr. HATCH. Mr. President, I cannot support the House-Senate conference agreement on the fiscal 1984 budget. It is a perfect example of the tax and spend budgets which have caused so much damage to our economy. It is a perfect example of the failure of the budget process to control spending. How did we arrive at such an unacceptable budget?

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The Congress began with the House budget, with Tip O'Neill's budget. The House budget raised taxes massively, by $141 billion in 3 years. It drastically pruned our national defense effort to a meager 2.3 percent growth in fiscal 1984. And it proposed to spend lots more of the taxpayer's hard-earned money. It added so much spending that in 5 years it would have eliminated all but a scant 3 percent of the savings achieved in social welfare programs over the last 2 years.

Next came the Senate Democrats' budget. It went some of the way toward Tip O'Neill's budget. It raised $73 billion in new taxes in 3 years. It trimmed our national defense effort to 6 percent growth in 1984. And it included about $12 billion more in domestic spending than the President's budget requested.

Then we proceeded to conference. And what did we get?

From the House-Senate conference we received a budget about halfway between the undesirable Senate Democrats' budget and the even more undesirable Tip O'Neill budget from the House. This budget tells us to enact the Senate's $73 billion in new taxes over 3 years, but at an even faster pace than the Senate budget had proposed. Defense spending in 1984 was whittled down to 5 percent, which is half of what the President requested. Over the next 3 years, defense spending would be cut below even that requested in the last Carter budget—and no one ever called Jimmy Carter a hawk. And anywhere from $15 billion to $23 billion in new spending programs, depending on how we treat the reserve fund, were authorized. Thus, this budget once again does nothing to control the explosive growth of open-ended Federal spending programs. This splendid package is tied up with a nice red ribbon of at least a $170 billion deficit.

What is wrong with such a budget? Why is it insupportable?

Until the last few decades, Federal budget policy had been to balance the budget whenever possible as an essential element of sound fiscal policy. But then came the New Deal, and with it came the endorsement of deficit spending which liberals wholeheartedly supported. Additional Government spending and unbalanced budgets were necessary, so we were told, to provide the seed of economic expansion, recovery, and growth. More recently, deficit spending, and the concomitant expansion of Government, has been supported by the same crew in the name of stabilizing the economy and the business cycle. More Government spending was supposed to stimulate demand. This approach was justified by Keynesian economic theory's claim that flaws in the macroeconomic mechanics produced times when an artificially stimulated demand was the only means to economic recovery and growth.

Regrettably, however, after several decades of experience with such budgets, with stimulative deficits and demand management, we should have learned that we have stimulated little other than the growth in the Federal Government. We certainly have not stimulated the natural demand that will produce the healthy, long-term, noninflationary economic growth which would be beneficial to all our citizens.

Thus, today's budgetary crisis is not new. It has been building for a long time. Several decades of massive Federal spending and the resultant burgeoning deficits have burdened our economy with too much government. This spending has created insistent special interest pressure groups in favor of ever more government. We have probably gone too far in creating and ecouraging these groups, making promises we cannot keep. We have certainly gone too far in satisfying these groups with programs which grow faster than the economy which is expected to support them.

We should have learned that budgets which produce more government are disasterous. We should have learned that the more government there is, the worse it is for the economy. A comparison of the 1950's with the 1970's shows how much worse off we are today with more government.

During the 1950's, inflation averaged 2.1 percent per year. During the 1970's this inflation rate tripled. We should note that, in the 1970's, government took advantage of the increased tax revenues that came from higher inflation, forcing taxpayers into higher tax brackets. With the high inflation of the 1970's, this bracket creep forced taxpayers to hand over approximately an extra $127 billion in Federal income taxes.

Or, take what has happened to the prime interest rate with more government: The prime rate averaged 3.3 percent in the 1950's. Over the last 10 years the average prime rate was 8.6 percent, more than double the average in the 1950's.

Or, take unemployment: In the 1950's, it averaged 4.6 percent. As the Federal Government increased its attempts to regulate the economy over the last two decades by deficit spending, we have experienced worsening unemployment. Over the last 10 years unemployment has averaged 6.6 percent, practically 50 percent higher than in the 1950's. The unfortunate trend is for each recession to push the unemployment rate to a new, higher level. The level that we have accepted as each cycle of recession fades has been progressively higher. This should not, and need not, be the case if we get rid of excessive government, of excessive governmental spending.

Or, look at what has happened to productivity with more government: During the 1950's, productivity increased, on the average, 3.25 percent per year. After 20 years of government spending, productivity was cut in half.

Even if Congress adopted all of the spending restraints that the President's budget requested, Federal spending in 1984 would still be excessive. It would still consume a larger bite of our economy than at any time since the Second World War. The Federal budget ate a fifth of the Nation's product in the Carter years. It now consumes more than a quarter. Government at all levels—Federal, State, and local—eats up more than one-third of our Nation's total product. That's a pretty hefty bite.

Government has thus come to constitute a larger and larger proportion of our lives. But that has not been beneficial and productive, contrary to the claims of those who for so long touted stimulative deficits. Deficits, particularly deficits of the massive size we are now experiencing, are, in fact, counterproductive.

According to those who support the conference agreement budget, current and projected future deficits necessitate deep cuts in defense spending and enhanced revenues—a euphemism for more taxes. The Reagan administration's 1981 tax cuts and indexing proposals and its increased spending to protect our national security are blamed for these deficits. That is absolute nonsense.

The deficits are the accumulated results of years of fiscal mismanagement, of attempts to manipulate the economy and the business cycle, and the disarray this has caused. The current and projected deficits are the results of these past erroneous policies.

They emphatically are not the result of the Reagan tax-rate reductions. Those reductions did not even begin to be implemented until well after implementation of the Congressional Budget Act, by which time deficits and economic problems were well under way. The Reagan tax cuts only reduced the burden of taxes on the economy and on the American taxpayer. With them, the rate declined from its historic high of 20.1 percent of GNP at the end of the Carter administration and returned to its traditional level of approximately 18.5 percent by fiscal year 1983.

In 1980, total Federal spending equaled 23 percent of GNP, but, even with the Reagan administration's attempts to restrain it, Federal spending is estimated to climb to a whopping 25.7 percent of GNP by the end of 1983. Thus, all that the Reagan across-the-board tax rate reductions and indexing, when fully implemented, would do is unmask, and attempt to

constrain, the accelerating growth in Federal spending.

The American taxpayer well deserves to retain the benefits of the Economic Recovery Tax Act of 1981. I would remind my friends who are so eager to raise taxes that repealing or capping the third year would hit hardest at middle- and lower-income Americans.

Households making between $10,000 and $50,000 a year currently pay about two-thirds of all income taxes. These households will get about 70 percent of the benefits of the 1983 tax cut. If this cut were eliminated, these low- to moderate-income families would be hit with a tax increase of between $31 and $838 in the first year of repeal alone.

Capping the amount receivable from the third year's reduction at $700 would steepen the progressive character of middle income tax rates. That would further harm those taxpayers who have already suffered the most from inflation-induced bracket creep.

Similarly, especially the lower- to middle-income American taxpayer deserves tax indexing. Without indexing, a taxpayer whose wages rise simply to adjust for general price-level inflation is driven into a higher tax bracket. This is particularly the case at lower levels of income, where the tax brackets are closer together. Each additional point of inflation increase has meant additional revenue increases of 1.6 percent via this bracket creep. Thus, without indexing, the average taxpayer receiving a salary increase to compensate for inflation does not retain the same after-tax real income. He is worse off despite his new salary.

As these Reagan tax-rate reductions and indexing proposals are not responsible for our huge, and growing, deficits, neither can the recent increases in defense spending be blamed. They are not the cause of the overall increase in Government spending and the resultant burgeoning Federal deficits.

In 1962, national defense spending constituted 46 percent of all Federal spending. By 1983, it will have declined to about 26 percent. Even if the President gets all that his budget requested, defense spending will equal only 29 percent of all Federal spending.

I say once again that the increases we now need in defense spending are vitally necessary to repair years of inexcusable budgetary neglect. We must never forget that if we do not provide adequately for our national security, we will lose all of the liberties and benefits of American citizenship.

I repeat, securing our national defense and lessening the burden of taxation are not the culprits. They are not the chief cause of big deficits and harm to our economy. The Federal Government must spend, for example, to protect our national defense or for some national law enforcement purposes. However, in numerous instances, Federal spending is excessive and wasteful. It is often an attempt to buy votes by catering to special-interest domestic constituencies. It is often counterproductive in competing with private spending. This excessive Federal spending is what causes big deficits and burdens our economy by crowding out more productive private spending.

In the private sector, there are incentives to be efficient and there are none of the vast and costly mechanisms for redistributing income and subsidizing consumption which characterize Government programs. The wasteful Government programs competing with the private sector are a burden on our economy, and it is a burden that is continuing to grow. In 1979, Federal spending constituted almost 22 percent of GNP. Even with the Reagan administration's attempts to restrain the growth in Government spending, it is estimated that Federal spending will constitute over 25 percent of GNP in fiscal 1983. This is too much of a burden for our economy to bear; it must be diminished for our Nation to return to economic health.

I stress again that only by reducing excessive, nonproductive Federal spending will we reduce deficits. Raising taxes, contrary to the claims of those who support the conference agreement's budget, is worthless in reducing deficits.

Higher taxes have failed to balance the budget in the past, and there is no reason to think they will in the future. Raising taxes encourages more spending, not deficit reduction.

Look at the record: Between fiscal 1977 and 1982, total accumulated taxes reached almost $820 billion. But spending increased even more. It rose $900 billion. During this time, the Government ran up deficits of nearly $550 billion. Congress did not balance the budget with more revenues, they just spent more—and increased deficits. There is no reason to doubt that precisely the same thing—more spending—will happen once again.

Thus, the battle of the budget remains. In the years ahead we must meet the challenge: We must reduce the deficit and learn once again to live within our national means. We absolutely must reduce the excessive domestic Federal spending which currently burdens our economy.

If we continue this administration's policy to encourage working, saving, and investing, if we continue to cut Government spending and refuse to raise taxes once again, our economy will recover and the deficits will take care of themselves.

The House-Senate conference agreement's budget does not do this. It must be rejected.

Mr. CHAFEE. Mr. President, I support the conference report and I commend the chairman of the Budget Committee and the conferees.

I believe that the central issue before us is the need to reduce deficits in order to insure lasting economic growth and jobs. This budget resolution does reduce deficits; it does assure financial markets that there is a will in this Congress to reduce the huge demand of Government debt on private capital markets. It assures that as the expansion continues, there will be adequate funds at reasonable interest rate to fuel continued growth.

Furthermore this resolution calls for lower deficits than the President's budget as revised in April would have entailed. The resolution envisages a 3-year total deficit of $471.2 billion; the President's revised budget deficit would total $513 billion over the same period.

Now there are some who claim that this resolution is deficient because it achieves deficit reduction through revenue increases rather than through spending cuts. In fact the resolution calls for less spending than does the President's budget request. As the chairman has pointed out, the conference resolution provides total outlays of $2.719 trillion over the next 3 fiscal years, but the President's request called for $2.724 trillion—$5 billion higher than the conference agreement.

I am constrained to point out that relying on spending cuts alone to reduce deficits is futile. The votes do not exist in this or the other body to implement this strategy. The Hatch substitute to the budget resolution won only 23 votes, Hollings substitute only 16. To argue that the correct way to reduce deficits is through draconian spending cuts that simply cannot be enacted is, in my view sophistry. To borrow a phrase, it is voodoo budget policy.

I regret that the effort to pass this budget has been so difficult. I believe that the President has an important stake in strengthening the congressional budget process. His own program of spending cuts and tax cuts could not have been enacted in 1981 without the reconciliation procedures provided by the budget process.

Mr. MATTINGLY. Mr. President, I rise to vote against the conference report on House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984.

Before doing so, however, I would like to make a few comments concerning the so-called budget compromise.

If I had to title the document containing the compromise budget resolution, I would do so in the following fashion—"Congress Reverts to its Old Ways: Tax and Tax, Spend and Spend." Mr. President, the compro-

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mise budget resolution recently worked out by the House and Senate conferees is a slap in the face to the American taxpayer. As one administration official labeled the budget compromise, it is a return to "Americans make, government takes." The resolution sacrifices the basic principles of good management, good budgeting, and faith in the free enterprise system.

The passage of this budget compromise would be a travesty for the following reasons:

First, this budget compromise does not control spending. In fact, that is an understatement, for outlays of $807 billion in fiscal year 1983 are increased to $962 billion in fiscal year 1986. Such, however, does not include another $8.5 billion which is in a contingent fund for so-called recession relief programs, although the economic recovery is underway. As the President recently described the budget compromise, it appears Congress is "running up the white flag on controlling domestic spending." To combat the irresponsible action of Congress, President Reagan has promised to veto each and every budget-busting appropriations bill. I pledge my support to the President in this regard and will vote to sustain each and every budget-busting appropriations bill which is vetoed.

Mr. President, I am afraid that what has taken place in the last few years is that Congress has become a bunch of reckless spenders. Until Congress comes to grips with its spending habit and examines the spending side of the ledger, adverse economic consequences will follow. In other words, Congress must eventually learn to say "no."

Second, tax increases are generally bad medicine for the economy and specifically, a threat to the emerging recovery. Nevertheless, in the wake of an economic recovery, the compromise budget resolution calls for increasing revenues over the next 3 years by $73 billion. Raising taxes at the beginning of economic recovery is counterproductive, senseless, and irresponsible. For the past decade, Congress has attempted to balance the budget by raising taxes. However, as history has shown us, every dollar which comes into the Federal Government, and then some, continues to be spent. It does not take a mathematical genius to calculate that by raising $73 billion in taxes while at the same time increasing spending by over $155 billion, the deficit will increase. Again, Congress must examine the spending side of the ledger if it ever hopes to balance the Federal budget and witness sustained economic growth.

Finally, I am opposed to the budget compromise because I strongly believe that no budget is better than a bad budget. Make no mistake about it, this budget compromise represents a bad budget. I fail to understand why a budget process which has failed so miserably since its inception should be so sacrosanct. Many will argue that the responsible vote would be to support the compromise budget resolution in an effort to preserve the budget process. I disagree.

Mr. President, I cast my vote against House Concurrent Resolution 91, a budget resolution which does not control spending and raises taxes as the recovery begins and will result in a retardation of economic growth, a poor environment for savings and investment, and thus less job creation.

Mr. BAKER. Mr. President, our colleague, Senator PERCY, is not here today and will not be able to vote on the budget conference report before us. I understand Senator PERCY has been in Illinois at several meetings with President Reagan and was unable to get back in time for this vote which was just scheduled late this afternoon.

Senator PERCY has asked that I insert in the RECORD a brief statement he has transmitted from Chicago on the budget vote today, explaining how he would have voted had he been here.

Mr. President, I ask unanimous consent that Senator PERCY's statement on the budget conference be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. PERCY. Mr. President, I am unable to be in Washington today to vote on the conference report on the budget earlier today. I accompanied President Reagan to several meetings and speeches in Chicago. Unfortunately, when I learned of the scheduling of this vote, it was too late for me to return to Washington in time. Before leaving Washington this morning I was told that initial plans had been to hold this vote until Monday and I regret that I cannot get back in time to vote today.

Had I been able to vote on the budget conference, I would have cast my vote against it.

I supported the budget originally passed by. the Senate only after it proved impossible to pass the Baker-Domenici version. The budget adopted by the conference committee goes even further in what I consider to be the wrong direction. I cannot support it.

The budget that has come back from conference raises the allowance for tax increases beyond the Senate levels. As I made clear in my remarks when the Senate passed its version of the budget, taxes are too high on the average American and proposals to raise taxes—by repealing indexing or rescinding the third part of the individual tax cut—are wrong.

The budget conference report would surely lead Congress toward significant tax increases and I cannot support that step.

In addition, the budget conference report establishes a "contingency fund" that flies in the face of the budget process itself. One of the purposes of the budget resolution is to set out national priorities and guidelines for committees. The contingency fund avoids this priority-setting regimen and is an unwise step for Congress to take. If we cannot agree to fund certain programs through the consideration of the budget, we should not try a backdoor approach through this highly unusual contingency fund.

The budget conference also does not emphasize enough on the spending cut side. Under the reconciliation provisions of the budget, only 17 cents would be cut for every dollar of new taxes raised. That is a trade-off I cannot support. Reconciliation should not become merely a vehicle for tax increases.

I think the budget conferees can come back with a lower tax budget without the contingency plans. I hope that the Senate will reject this budget so we can draft a new one that will not sanction continuing huge rises in entitlement programs and rising tax rates that could choke off the recovery.●

Mr. BYRD. Mr. President, I intend to vote for this Budget Resolution Conference Agreement, despite the fact that I believe it in many respects to be deeply flawed. I do so because the country desperately needs a budget that will chart a course for reducing the budget deficits which are the legacy of the economic and fiscal policies of the last 2½ years. Unless we are willing to put aside partisanship and join together in passing a compromise budget, these deficits will overwhelm us all and abort the economic recovery that is finally underway after nearly 2 years of deep recession.

The White House is campaigning hard against this conference agreement. Apparently, the word "compromise" is not a part of the President's lexicon, at least when it comes to the budget. But here in the Senate, we have a long and proud tradition of bipartisan debate and compromise. That tradition governed the early years of the budget process, and was essential to its acceptance and success. In recent years, that bipartisan spirit has been largely missing—and both the budget process and the budgets it produced have suffered markedly from its absence.

The conference agreement before us tonight represents a return of bipartisanship to the budget process. It is a victory for compromise and moderation. It is a victory, as well, for the country, which sorely needs the fiscal discipline which it represents.

Let us make no mistake about what is at stake here tonight. It is the very future of the budget process. What is at stake is the ability of this Congress—and future Congresses—to effectively and responsibly exercise our constitutional power of the purse.

The budget process, despite its manifold problems and frustrations, has served the Congress and the Nation well. It has never been more important than it is today. I hope that all of us here tonight will put aside our partisan concerns and vote for this budget compromise.

Mr. KASTEN. Mr. President, I rise in opposition to the budget resolution before us here today. I voted against the Senate passed version of the budget a few weeks ago—and with all due respect to the distinguished Senator from New Mexico—I find that I must vote against this final version of the budget resolution.

My reasons for doing so have remained the same. The Senate-passed budget had too many spending and tax increases. The House-Senate conference has only added more spending and tax increases. This is bad policy. And this is bad politics.

In 1980, President Reagan and many of us in this Chamber today promised to get taxes and spending down—and keep them down. This is the only way we can restore the incentives to work, save, invest, and produce our way to economic strength.

If this conference report is adopted, the promise we made in 1980 will be short lived. This budget will mandate that $73 billion in new taxes be raised over the next 3 years. It also allows for deficits of $208 billion in fiscal year 1983 and $179 billion in fiscal year 1984. The deficits do decline over the next few years, but they never get below $130 billion.

It's amazing that in the year we had planned to balance the Federal budget, 1984, its proposal calls for a deficit of $180 billion. A $180 billion deficit proves that our system is one of checks and balances. When the budget doesn't balance, they post date the checks.

Mr. President, that's exactly what we'd be doing if we approved this budget resolution. Instead of restraining the rampant growth in Federal spending to get our deficits under control, we have found ways to disguise it. This budget calls for an $8 billion contingency fund for new social spending programs. With a $930 billion budget next year—and a $180 billion deficit—the last thing we should be thinking of is starting new Federal spending programs.

The budget does call for tax increases to ease some of the deficit burden, but this is a false economy. We have made great progress toward recovery in the last few months. In fact, the projected growth for the second quarter of this year is 6.6 percent. This is the highest growth rate in 2 years. The last thing we need to do is adopt a budget that kills any chance of economic recovery. We have raised taxes enough—with last year's tax increase bill, the gas tax, and the social security amendments—since the 1981 Economic Recovery Tax Act. In fact, in 1984, the net tax cut to the American taxpayer will only be $3 billion. There will be no tax cut after 1984.

Some of my colleagues in the House of Representatives would even like to take the remaining $3 billion of the $130 billion third-year tax cut away from working Americans. They say that their plan to impose a $700 cap on the tax cut will soak the rich, but this is wrong. Several facts make this very obvious:

The "rich" already benefit from the 1981 Tax Act provision that drops the maximum taxable rate from 70 to 50 percent. The "fairness Democrats" have taken no action to change this.

Approximately half of all taxpayers affected by the $700 cap are those with less than $50,000 in annual income.

Taxes for millions of married working couples—two-earner households—will be increased. Nearly half of the tax returns affected by the cap would apply to these working couples.

Instead of soaking the rich, it turns out that the cap will drown the middle class. This doesn't bother the "fairness Democrats," who have also neglected the fact that the result of last year's installment of the Reagan tax cut was an $8 billion increase in revenues from those in the top income tax bracket. This, as we have always said, was caused by a shift of resources away from useless and nonproductive tax shelters. An effort to "soak" these taxpayers will only reverse this trend.

At a time when we are trying to restore the incentives to work, save, and invest, we are taking action that would undermine all three. In our economic system, if you want more of something, you provide incentives. If you want less of something, you tax it. Here we are—on the eve of adopting the final phase of the tax reduction package we enacted on 1981—turning around and raising taxes by $73 billion in an effort to get deficits under control.

Last year Congress raised taxes $100 billion as the "price we have to pay" to get the deficits under control. However, despite last year's tax increase, the budget deficits have continued to grow. In fact, they have doubled. Clearly this is not the right course to take. It is only through spending restraint and economic growth that we can truly get the deficits down.

Mr. TOWER. Mr. President, I wish to register my strong objection to section 7 of the conference substitute version of the first concurrent resolution on the budget and to bring to the attention of the Senate what I believe to be inappropriate and unwise aspects of that provision. Section 7 of the conference substitute would express the sense of the Congress that in "light of budget restraint, limited resources, and the need to foster economic growth," that the House Armed Services Committee should initiate a thorough review of military retirement programs and recommend changes which would result in reduced spending under these programs.

Mr. President, I find this provision especially objectionable for several reasons. First, the provision is not needed. It is quite clear to me that resolution language expressing the sense of the Congress is not needed for any committee of the Congress to initiate a thorough review of any program under the oversight jurisdiction of that committee.

Second, as chairman of the Senate Armed Services Committee, I am particularly concerned that this provision in the resolution would seem to imply that the House Armed Services Committee is especially qualified, to the exlusion of the Senate Committee on Armed Services, to carry out a review of military retirement programs. Nothing could be further from the truth, but yet this resolution would certainly be seen as an endorsement of that view. The Senate Armed Services Committee has an abiding awareness of budget restraint, limited resources, and the need to foster economic growth. The committee also is fully aware of the nature of military retirement programs and their relationship to the defense budget. My colleagues should be aware that the Senate Armed Services Committee is properly carrying out its responsibilities with respect to military retirement programs and that any expression of the sense of Congress implying the contrary would be wrong.

Finally, and perhaps most importantly, I object to the language of this provision because it assumes unproven facts and assumes the result of the review it purposes to sanction. That is, the language of this resolution provision assumes that reductions in military retirement programs should be made solely because these programs constitute a portion of the defense budget. It seems to me that any thorough review of military retirement programs should focus on the purposes and needs of these programs. Only after such a review has been conducted can it be determined whether changes should be made and if so, what the nature of the changes should be. Approaching the issue of military retirement programs in the manner suggested by the resolution provision is a classic example of putting the cart before the horse.

I urge my colleagues to be aware of and to consider this matter before casting their vote on this resolution.

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● Mr. NICKLES. Mr. President, the conference agreement on the budget should not be passed. This budget does not limit spending or reduce deficits. In 1984 alone it increases taxes $10 billion more than the President's budget and increases nondefense spending at least $14.5 billion over the President's figures. In addition, it calls for a $8.5 billion "reserve fund" which will only further add to both the spending levels and, of course, the deficits. This country cannot afford the same policy as we have repeatedly followed: higher taxes with even higher levels of spending with even greater deficits.

Mr. President, I ask that the two accompanying tables from CBO on the comparisons of the conference agreement and the President's budget be included in the RECORD.

The tables follow:

COMPARISON OF PRESIDENT, CONFERENCE AGREEMENT, AND CBO BASELINE, WITH SAME ECONOMIC AND TECHNICAL ASSUMPTIONS

	President's budget (with conference economic and technical assumptions)	Conference agreement (with reserve)	CBO baseline (with conference assumptions)
Budget authority	903.4	928.7	922.4
Outlays	840.8	858.9	850.6
Revenues	669.9	679.6	667.6
Deficit	170.8	179.3	183.0

Source: Congressional Budget Office, June 23, 1983.

CONFERENCE SUBSTITUTE, INCLUDING RESERVE

[By fiscal year, in billions of dollars]

	1983	1984	1985	1986
National defense	241.3	240.0	265.3	295.0
Entitlements and other mandatory spending	388.8	387.3	410.7	436.7
Nondefense discretionary spending	146.9	156.6	159.9	162.2
Civilian agency pay raises	0.9	0.8	2.2	3.6
Reserve	5.4	8.5	3.4	2.0
Net interest	88.4	98.0	104.5	107.2
Offsetting receipts	−31.9	−32.3	−34.4	−40.0
Total outlays	812.8	858.9	911.6	966.6
Revenues	604.3	679.6	750.5	835.8
Deficit	208.6	179.3	161.1	130.8

PRESIDENT'S APRIL BUDGET REESTIMATED BY CBO ADJUSTED FOR CONFERENCE ASSUMPTIONS

[By fiscal year, in billions of dollars]

	1983	1984	1985	1986
National defense	214.3	244.7	282.2	321.5
Entitlements and other mandatory spending	388.5	381.7	400.5	426.3
Nondefense discretionary spending	146.3	148.5	148.7	149.4
Civilian agency pay raises	0.9	[1]	1.9	4.0
Net interest	88.3	98.1	104.8	108.5
Offsetting receipts	−30.8	−32.2	−35.6	−42.2
Total outlays	807.5	840.8	902.4	967.5
Revenues	604.4	669.9	740.9	835.8
Deficit	203.1	170.8	161.5	131.7

[1] Less than $500 million. June 22, 1983.

Mr. THURMOND. Mr. President, I rise today in opposition to the budget resolution that has been reported back to the Senate from the conference committee.

I know that all of the conferees have worked long and hard to come up with this resolution, especially the distinguished chairman of the Senate Budget Committee, Mr. DOMENICI. In fact, considering the extravagant spending levels and the sharp increases in taxes contained in the House version of the budget, Chairman DOMENICI and the Senate conferees have done a commendable job in shaping the final product much closer to the Senate-passed version.

Unfortunately, in my judgment, the conference report is simply unacceptable. As one who voted against the budget passed by the Senate last month because of its deficiencies in the areas of domestic spending control, unwise tax increases, and inadequate national defense funding, I certainly cannot support a budget that compounds the deficiencies in each of these key areas.

Last summer, this body passed the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). The premise underlying that $98 billion tax bill was that there would be spending cuts forthcoming amounting to $3 for every $1 in tax revenue generated by TEFRA. That commitment to spending reductions has not been kept and is effectively negated by this latest budget resolution. It calls for only $12.3 billion in spending cuts over a 3-year period, with a mere $2.8 billion cut next year. This is far short of the reductions requested by President Reagan.

Mr. President, the only way to control the size of the deficits is to cut spending, and that is a major feature lacking in this budget resolution. In fact, this resolution goes in the other direction in several key program areas. It adds $15 billion in new spending on a number of domestic programs above that which the administration requested.

In an attempt to make up for the lack of discipline on the spending side of the budget, this resolution mandates permanent tax increases of $12 billion in fiscal year 1984 and $73 billion over the next 3 years. These further increases would occur less than a year after we passed legislation to raise taxes by $98 billion. Mr. President, in my judgment, we cannot continue to increase the tax burden every year without bringing the economic recovery to a sudden halt. While I agree that a deficit of $170 to $179 billion is far too large, additional spending cuts, and not tax increases, are the answer to deficit control.

This budget also shortchanges and endangers our national security by cutting in half the 10 percent real growth in national defense spending asked for by the President. At a time when the Soviets have embarked on a program of arms buildup the likes of which our world has never seen, we cannot afford to be ill-prepared to meet and deter this ominous threat to world peace.

We are the leaders of the free world, and we must accept our responsibility to help preserve freedom and democracy for the American people and for our allies around the world. The 5-percent growth rate contained in this budget will simply not allow us to do that which our best defense adviseors and our Commander in Chief feel is minimally necessary to insure world peace.

Mr. President, in summary, I cannot support this budget resolution because it fails to adequately control domestic spending. It unwisely raises taxes when we are finally on the road to economic recovery, and it inadequately provides for our national security.

Mr. GRASSLEY. Mr. President, somewhere along the road to recovery, this budget process hit a mud patch. And our wheels have been spinning ever since. The harder we have pressed for a budget resolution, the deeper our wheels have become buried. Each change or compromise to the resolution has failed to reduce the weight of the Government levy of higher taxes and higher deficits. The result is that the process has gotten further bogged down.

Mr. President, if the weight of the government's levy is not lessened, then the budget process in future years will continue to weaken, and consensus will continue to be elusive.

It seems to me, that two conditions must prevail before any lasting consensus for a budget resolution can be built.

The first condition is that we lower the Government levy contained in any budget resolution. In other words, we must lower the combination of deficits and taxes. That implies that spending must be restrained and taxes must not be raised.

Here is a breakdown of the resolution as they developed along the budget process:

	Administration	House	Senate	Conference
Deficit	184.9	174.5	178.6	179.3
Revenue	2.7	30.0	8.9	12.0
Total levy	187.6	204.5	187.5	191.3

Despite all the discussion about the need to close the budget deficits, the total Government levy has remained around the $190 billion-mark. This is too much of a burden on the workers of this country, and it threatens the sustainability of the current recovery.

There is a very fundamental reason why we should cut spending and not raise taxes.

Over the past decade, revenues as a percent of GNP averaged 19.4 percent. After all the tax changes we have

made since 1981, revenues are still above 19 percent of GNP. The total tax relief from the changes made since 1981 will average only $15.6 billion per year, from 1983 to 1988. With deficits projected at $200 billion and more, it is quite obvious that revenues have not caused the problem; $15.6 billion cannot cause a $200 billion problem.

Spending, on the other hand, averaged 21.6 percent of the GNP over the last decade. This year, however, that figure will leap to 25 percent. We have made changes in spending, but obviously we have not made enough, or the right kind. Congress has tied its hands with spending policies that have eliminated all flexibility from the budget. We have failed to understand the long-term consequences of present day decisions. The spending decisions we made years ago are now having an enormous impact. Our failure to deal with the effects of those past decisions is what prevents us today from narrowing the deficits.

We can draw no other conclusion, then, but that the spending side of the ledger has caused the deficit problem. Congress has shown a reluctance to restrain spending because it lacks an essential and moral basis for doing so. The second condition for a lasting consensus, then, is that spending restraint be applied across the board.

The perception of equity is the key to getting spending under control, the key to controlling deficits, and the key to lifting the budget process back on its track.

Without equity, there is no basis for the willingness to restrain spending; no basis to reach a consensus; no basis to win the support of our constituents; and no basis to pass a supportable budget resolution.

I have argued from the beginning of this year's budget process, and as a carryover from my efforts of last year, for an across-the-board spending freeze and for no tax increases. This approach is a necessity if we are to accomplish budgetary discipline and sustained economic growth. The plan I offered this year would have provided the basis for those goals. Its total government levy would have been the following:

Deficit	176.7
Revenues	
Total levy	176.7

Mr. President, we can either continue to pursue the hit-and-miss approach to the budget as we did this year, an approach which has no cohesion or direction in mind, no vision and no consensus, or we can provide the basis for national sacrifice to do what is right, fair, and responsible, by reducing the Government levy on the working men and women of this country, and by doing so in an across-the-board manner.

On the basis of these remarks, I cannot support the budget resolution which we are asked to vote on today.

Mr. CHILES. Mr. President, I want to personally thank all the Budget Committee minority staff who have worked long hard hours for the last 6 months to make this budget possible tonight.

Rick Brandon, minority staff director; Dennis Beal; Ron Chiodo; Julie Coffren; Alan Cohen; Kathy Deignan; Kenneth Erickson; Lisa Faulkner; Richard Koskella; Bentley Lipscomb; Garry Schinasi; Sandra Seay; Jim Stasny; Patricia Tate; and Georgia Williams.

Mr. BRADLEY. Mr. President. I rise in support of the conference agreement on the first budget resolution. It is by no means a perfect budget, but it strikes a generally fair balance between spending and revenues and between defense and nondefense spending. And the congressional budget is more prudent than the budget proposed by the President in that Federal deficits are significantly lowered.

Mr. President, I ask unanimous consent that a table prepared by the Democratic staff of the Senate Budget Committee be included in the RECORD at this point.

There being no objection the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF DEFICITS

	Fiscal year— 1984	1985	1986
President's budget	184.9	178.8	149.3
Conference agreement			
Without reserve	169.9	156.3	127.2
With reserve	179.3	161.1	130.8
Senate-Passed budget	171.3	158.0	121.2
House-Passed budget	161.0	130.3	119.8

Mr. BRADLEY. Mr. President, there is general consensus that outyear deficits must be significantly reduced if we are to have a sustained economic recovery. The congressional budget before us calls for over $40 billion lower deficits than proposed by the President for the fiscal year 1984-86 period. Even though further deficit reduction measures will be needed in future years, I believe that this year's budget is a solid step in the right direction—a step toward lower Federal deficits and sustained economic recovery.

The lower deficits are accomplished through a combination of spending reductions and tax increases. The congressional budget before us requires $16 billion in spending cuts for entitlement programs over the next 3 years. And it requires $73 billion in tax increases over the next 3 years, the same level as the Senate-passed budget resolution and approximately $20 billion more in tax increases than was proposed by the President in January.

The congressional budget assumes 5 percent real growth—a middle ground—for defense spending. This is the same level of spending as originally proposed by the Senate Budget Committee. Mr. President, the defense of our Nation requires a steady, sustained increase in resources for our military; I believe that a 5-percent growth rate is sufficient to accomplish this end.

Mr. PRESIDENT, I am pleased that the budget resolution assumes enactment of two programs aimed at helping the Nation's unemployed. It is my hope that the Congress will soon enact a health insurance program for the unemployed and an extension of unemployment benefits for those hardest hit by the current recession. It is important that we as a nation show compassion for people in need.

In sum, Mr. President, the congressional budget resolution before us is not perfect. But it reverses some of the biggest mistakes of the past 2 years by providing a more balanced mix between tax and spending policies and between defense and nondefense spending. I urge my colleagues to support the conference agreement.

Mr. TOWER. Senator DOMENICI, as I understand the situation with respect to defense outlays, irrespective of the $240 billion outlay target for function 050 contained in the conference report, it is your view that a more accurate estimate—one based on the $11.9 billion reduction in budget authority—suggests that fiscal year 1984 outlays would total $241.3 billion. Is that correct?

Mr. DOMENICI. Yes. The Senator is correct.

Mr. TOWER. Senator CHILES, is that also your understanding?

Mr. CHILES. Yes; That is my understanding.

Mr. TOWER. So, the chairman and ranking member of the Budget Committee would not be opposing, for overall budgetary reasons, defense appropriations bills whose outlays totaled $241.3 billion—as long as the $11.9 billion budget authority reduction is achieved—is that correct?

Mr. DOMENICI. The Senator is correct.

Mr. STEVENS. Mr. President, let me ask the distinguished manager of the resolution to return to his remarks earlier on the issue of defense outlay targets. I understand he indicated that $241.3 billion was a more realistic estimate than the $240 billion contained in the conference report on the budget resolution. In that context he also indicated he did not construe the figure in the conference report as any kind of a binding ceiling. Is that correct?

Mr. DOMENICI. The Senator is correct.

Mr. STEVENS. Mr. President, I wish to make clear it is my own intention to

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honor the budget authority target of $268.8 billion for defense function outlays—at least so far as the defense appropriations bill is concerned since I chair the subcommittee of jurisdiction. But I must point out that any outlay estimates from that budget authority level may easily vary from the estimates we are now talking about.

Even if we were to adhere to the $241.3 billion target the Senator from New Mexico discussed, we would need flexibility here in the Senate in order to achieve that level in the final conference agreement on the defense appropriations bill. Does the Senator agree?

Mr. DOMENICI. The Senator from Alaska is correct in pointing out the realities of the congressional process, particularly as they relate to the give and take involved in developing a final appropriation bill. I agree that flexibility is needed in treating outlay estimates and targets, and that would be my position when the appropriation bills involving defense spending are before the Senate.

Mr. STEVENS. I thank the Senator. The Senate should be aware that fiscal year 1984 defense spending, as approached in the budget resolution, involves absorbing an unbudgeted $1.8 billion in civilian and military pay raises, if that be the will of the Congress, so the overall budget authority reduction from the President's defense request—$11.9 billion—has an actual programmatic impact more like $13.7 billion. That is an extremely difficult and sensitive task, finding those kinds of cutbacks in the vital defense area. We need all the flexibility we can get to reach that ultimate goal.

Mr. METZENBAUM. Regular order, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment.

Mr. DOMENICI. Yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, there will be no more rollcall votes after this.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alaska (Mr. Murkowski), the Senator from Illinois (Mr. Percy), the Senator from South Dakota (Mr. Pressler), and the Senator from Wyoming (Mr. Simpson) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. Simpson) would vote "yea."

On this vote, the Senator from Alaska (Mr. Murkowski) is paired with the Senator from Illinois (Mr. Percy).

If present and voting, the Senator from Alaska would vote "yea" and the Senator from Illinois would vote "nay."

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. Hollings) and the Senator from Massachusetts (Mr. Tsongas) are necessarily absent.

The PRESIDING OFFICER (Mr. Gorton). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—51

Andrews
Baker
Biden
Bingaman
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
Dixon
Dodd
Domenici
Eagleton
Ford
Glenn
Gorton
Hart
Hatfield
Heinz
Huddleston
Inouye
Jackson
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
Mathias
Matsunaga
Metzenbaum
Mitchell
Moynihan
Packwood
Pell
Pryor
Randolph
Riegle
Rudman
Sarbanes
Sasser
Stafford
Stennis
Stevens
Weicker

NAYS—43

Abdnor
Armstrong
Baucus
Bentsen
Boren
DeConcini
Denton
Dole
Durenberger
East
Exon
Garn
Goldwater
Grassley
Hatch
Hawkins
Hecht
Heflin
Helms
Humphrey
Jepsen
Johnston
Kasten
Laxalt
Long
Lugar
Mattingly
McClure
Melcher
Nickles
Nunn
Proxmire
Quayle
Roth
Specter
Symms
Thurmond
Tower
Trible
Wallop
Warner
Wilson
Zorinsky

NOT VOTING—6

Hollings
Murkowski
Percy
Pressler
Simpson
Tsongas

So the motion to concur in the House amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, will the Senator yield to me.

Mr. STEVENS. I yield to my good friend.

Mr. BYRD. Mr. President, I called Senator Hart somewhere—I forget where he was—but I said: "I expect this to be a razor-thin vote," and so did Senator Chiles who was standing by the telephone booth, and it actually looked as though at that time it would be razor thin.

I had gone to Senator Baker and I said to Senator Baker: "If you do not mind telling me and if you now know, how you are going to vote I would appreciate you telling me."

He said: "Honestly, I do not know. I am telling you right up front."

And as it turned out, because of certain things that developed, I suppose the amendment by Mr. Dole, Mr. Baker voted for this. I think that made a difference of five or six votes at least.

So it would have been razor thin if Senator Baker had not voted for it, and at the time I talked to the Senator, I did not know that. I thought it would be razor thin.

So I apologize to him for urging him to come back because I thought that might be the one vote, inasmuch as when it originally passed the Senate this passed by one vote, and Mr. Chiles and I implored that he come back. We arranged with the leadership on the other side of the aisle to have the rollcall vote run an hour.

We heard that the Senator's plane was 15 minutes late taking off. I went to Mr. Baker and went to Mr. Stevens, and they and Mr. Domenici all very graciously agreed inasmuch as this was the last vote and the Senator's vote would not make a difference in the outcome, they were willing to extend the vote and we kept right up with the Senator's plane. We knew when he was going to land. We knew when he landed.

And I wish to make that explanation in the Record to apologize to the Senator and also to thank the leadership on the other side, Mr. Baker, Mr. Stevens, and Mr. Domenici, for their being so courteous and considerate of the Senator.

It would just be too bad for him to have made this trip and then gotten here 2 minutes too late to vote.

Mr. HART. Mr. President, will the minority leader yield?

Mr. BYRD. I yield.

Mr. HART. Mr. President, I express my appreciation for the minority leader and his cooperation in helping arrange a rather lengthy vote and also the distinguished manager on the other side, the Senator from Alaska, and the majority leader for their understanding and working around the vicissitudes of travel these days.

Mr. BYRD. And Mr. Domenici.

Mr. HART. And Mr. Domenici.

There are few things these days that are more important than the budget of the United States, and all I can say it was worth the trip.

Mr. BYRD. I say I do not remember as long as I have been here the galleries and everyone applauding the arrival of a Senator on this occasion.

Mr. CHILES. Mr. President, if the Senator will yield for a minute, I wish to say to my good friend from Colorado I feel somewhat bad that we did tell him that we thought the vote was going to be close, but, of course, at the time we were saying that I really did not know whether we were up or down, and this vote kind of vacillated all day long in that direction.

But I thank him very much for the effort that I know he made and the work that he has done in regard to the budget because he is a member of our committee and has worked long and hard on it. I thank him very much.

Mr. HART. Mr. President, the Senator from Florida is characteristically generous. He, I think, deserves the credit on our side for the hours, weeks, and months of work in bringing this about, and the least I could do was give him a hand. I appreciate his remarks.

Mr. BYRD. Again, I thank Mr. Stevens, Mr. Domenici, and all the Senators on that side of the aisle for their patience and their courtesy.

Mr. STEVENS. I thank the Senator from West Virginia.

Mr. BYRD. Mr. President, I want to thank the Presiding Officer (Mr. Gorton) for his patience and courtesy that were extended in the case of Mr. Hart.

Mr. STEVENS. Mr. President, the distinguished minority leader has anticipated me. I was going to thank the distinguished Presiding Officer whose patience—he inquired of me how long this would be, and I told him it would be just minutes and would he please assist us, and he has been patient. So I do think the distinguished Senator from Washington deserves our thanks also, and I thank the distinguished Democratic leader for his comments.

MESSAGES FROM THE HOUSE

At 2:31 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day."

The message also announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2972. An Act to authorize certain construction at military installations for fiscal year 1984, and for other purposes;

H.J. Res. 168. Joint resolution to designate the week beginning May 27, 1984, as "National Tourism Week"; and

H.J. Res. 293. Joint resolution to commemorate the anniversary of the establishment of the George Washington Carver National Monument in Diamond, Mo.

At 3:51 p.m., a messsge from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House recedes from its disagreement to the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986, and has agreed thereto, with an amendment.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3329. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2972. An act to authorize certain construction at military installations for fiscal year 1984, and for other purposes; to the Committee on Armed Services.

H.R. 3329. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

H.J. Res. 168. Joint Resolution to designate the week beginning May 27, 1984, as "National Tourism Week"; to the Committee on the Judiciary.

H.J. Res. 293. Joint resolution to commemorate the 40th anniversary of the establishment of the George Washington Carver National Monument in Diamond, Mo.; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 160. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 602.

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 32. A bill to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings (Rept. No. 98-162).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1529. An original bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes (with additional views) (Rept. No. 98-163).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with amendments and an amendment to the title:

H.R. 2733. An act to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials (with minority views) (Rept. No. 98-164).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 165. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2733; referred to the Committee on the Budget.

S. Res. 166. An original resolution waiving sections 303(a) and 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1529; referred to the Committe on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HUMPHREY:

S. 1523. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to construct a project for modification of Portsmouth Harbor and the Piscataqua River Basin in Maine and New Hampshire; to the Committee on Environment and Public Works.

By Mr. PELL:

S. 1524. A bill to suspend for 2 years the duty on parts of spindle motors suitable for computer memory disk drives; to the Committee on Finance.

By Mr. STAFFORD (for himself and Mr. Humphrey) (by request):

S. 1525. A bill to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DENTON:

S. 1526. A bill to provide lump sum death benefits for the survivors of Federal law enforcement officers killed in the line of duty; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S 1527. A bill to provide parity for psychiatrists and psychologists in title 18, United States Code; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. Danforth):

S. 1528. A bill to amend the Internal Revenue Code of 1954 to provide that certain museums and organizations which operate libraries will be treated as public charities; to the Committee on Finance.

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

S. 1529. An original bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes; placed on the calendar.

By Mr. ANDREWS:

S. 1530. A bill to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts; to the Select Committee on Indian Affairs.

By Mr. RIEGLE (for himself, Mr. Pell, Mr. Kennedy, Mr. Cranston, Mr. Dodd, Mr. Metzenbaum, Mr. Randolph, Mr. Matsunaga, Mr. Hart, Mr. Levin, and Mr. Chiles):

S. 1531. A bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GARN (for himself, Mr. Heinz, Mr. Proxmire, and Mr. Dodd) (by request):

S. 1532. A bill to limit temporarily the acquisition of depository institutions and the commencement of certain new activities by State-chartered depository institutions, and

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for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S. 1533. A bill for the relief of Gerald M. Hendley of Harmons, Md.; to the Committee on the Judiciary.

By Mr. MATHIAS (for himself and Mr. Warner):

S. 1534. A bill to amend the Internal Revenue Code of 1954 to allow the voting interests of disqualified persons to be taken into account in determining a private foundation's voting interest for purposes of section 4943 of such code; to the Committee on Finance.

By Mr. MATHIAS (for himself, Mr. Dole, and Mr. DeConcini):

S. 1535. A bill to amend title 35 of the United States Code to increase the effectiveness of the patent laws, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 1536. A bill to amend the Federal Water Pollution Control Act with respect to ocean waivers; to the Committee on Environment and Public Works.

By Mr. DANFORTH (for himself, Mr. Eagleton, Mr. Bradley, Mr. Chaffee, Mr. Kennedy, Mr. Moynihan, and Mr. Pell);

1537. A bill to provide additional authorzation of appropriations for certain programs for fiscal year 1984 and each of the four following fiscal years; to the Committee on Labor and Human Resources.

By Mr. MATHIAS (for himself and Mr. Dole):

S. 1538. A bill to amend the patent laws of the United States; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. Kennedy, and Mrs. Hawkins):

S. 1539. A bill to amend the Public Health Service Act to provide home and community based services for the elderly and the disabled; to the Committee on Labor and Human Resources.

S. 1540. A bill to amend the Public Health Service Act to provide for coordination with State medicaid plans in the furnishing of home care services, and to amend title XIX of the Social Security Act to allow States to implement programs of home care services; to the Committee on Labor and Human Resources.

By Mr. SASSER (for himself, Mr. Baker, Mr. Abdnor, Mr. Baucus, Mr. Burdick, Mr. DeConcini, Mr. Dole, Mr. East, Mr. Hecht, Mr. Hollings, Mr. Kasten, Mr. Laxalt, Mr. Leahy, Mr. Levin, Mr. Lugar, Mr. Mitchell, Mr. Nunn, Mr. Percy, Mr. Pryor, Mr. Stennis, Mr. Cochran, Mr. Gorton, Mr. Sarbanes, Mr. Garn, and Mr. Dixon):

S.J. Res. 120. Joint resolution to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABDNOR (for himself, Mr. Stennis, and Mr. Weicker):

S.J. Res. 121. A joint resolution to designate November 1983 as "National Diabetes Month"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. Kennedy, Mrs. Hawkins, Mr. Grassley, and Mr. Heinz):

S.J. Res. 122. A joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry:

S. Res. 165. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2733; to the Committee on the Budget.

S. Res. 166. An original resolution waiving sections 303(a) and 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1529; to the Committee on the Budget.

By Mr. PRESSLER:

S. Res. 167. A resolution expressing the sense of the Senate that the Federal Government take all necessary steps to promote travel to the United States by foreign visitors during the 1984 summer Olympics and the 1984 Louisiana World Exhibition, to inform such· visitors of recreational and commercial opportunities throughout the United States, and to facilitate their entry into and travel within this country; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY:

S. 1523. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to construct a project for modification of Portsmouth Harbor and the Piscataqua River Basin in Maine and New Hampshire; to the Committee on Environment and Public Works.

PORTSMOUTH HARBOR IMPROVEMENTS

● Mr. HUMPHREY. Mr. President, I am today introducing legislation which would authorize construction funding for improvements to Portsmouth Harbor and the Piscataqua River Basin in Maine and New Hampshire. The Congress authorized a study of this project in 1970 and the New England Division of the Corps of Engineers recently recommended that it be undertaken. Their report proposes widening the existing channel in three locations in the vicinity of the Maine/New Hampshire Bridge and off the coast of the Portsmouth Naval Shipyard.

Portsmouth Harbor is unique. It is a Northeastern port that never freezes in the winter due to the swiftness of current flow. That current, which has been known to approach 7 knots, also provides a virtually maintenance-free harbor. On the other hand, however, the swiftness of the current makes navigation through the existing narrow, winding channels extremely difficult for larger vessels such as tankers.

The difficulty arises when a tanker enters the harbor channel, negotiates the turns, is cleared for passage under the Maine/New Hampshire Bridge, and either misses the precise angle for further passage or experiences loss of way due to the current. Such an event would cause the tanker to be forced to abort passage under the bridge. Similarly, a malfunction in the lift mechanism of the bridge could require a ship to abort. In Portsmouth Harbor, however, large tankers cannot abort because there is insufficient room for them to make a turn without the current sweeping the vessel into the bridge. We have been fortunate in avoiding such a tragedy, primarily because of the expertise and determination of our harbor pilots, but the risk is omnipresent.

The Maine/New Hampshire Bridge Authority has expressed serious concern to me over the rapidly diminishing safety margin in the harbor as modern economic demands require larger tankers to pass under the interstate bridge. The authority characterizes the current situation as "very critical." Alternate solutions, such as fenders placed on the bridge tower piers, have not been workable because of the technical piloting problems presented which increased the level of risk. The need to provide an adequate turning radius to protect the interstate bridge from serious damage and the harbor from a major oil spill is essential.

It should be noted that the endangered bridge also carries the rail line serving the Portsmouth Naval Shipyard. That line is used by the Navy to transport heavy nuclear submarine components and nuclear fuels into the shipyard. Pentagon officials have advised the bridge authority that rail access to the shipyard is imperative for military mobilization.

There is a further defense consideration. Portsmouth Harbor also supplies Pease Air Force Base, a major SAC facility, with the jet fuel necessary to its operations. The defense fuel supply center, manager of the Pease terminal, indicates that the current barge shipments could be switched to more efficient tankers if harbor improvements were made.

The estimated cost of this project is approximately $21 million. The cost/benefit ratio comports with administration guidelines. The project could be completed in 3 years with little or no residual maintenance costs. Because the citizens of northern New England rely upon Portsmouth Harbor for the bulk of their fuel deliveries, and because our continued economic vitality is dependent upon a harbor that can support modern shipping needs, I urge my colleagues' support of this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army, acting through the Chief of Engineers, shall construct, at an estimated Federal cost of $21,200,000 and in accordance with the plans and recommendations set forth in the draft report of the Division Engineer, dated January 1982, a project for modification of Portsmouth Harbor and the Piscataqua River Basin in Maine and New Hampshire. Such construction shall be carried out so as to provide for—

(1) widening from four hundred feet to five hundred and fifty feet, the channel in the vicinity of Goat Island for a length of approximately one thousand three hundred feet;

(2) widening the turning basin between Badger's Island and the Maine/New Hampshire Bridge from six hundred feet to one thousand feet; and

(3) widening, by 100 feet, the northern limit of the channel at the southern end of the turning basin described in paragraph (2).

(b) In carrying out such construction in accordance with such plans and recommendations contained in such report, the Secretary of the Army is authorized to make such modifications as he may deem advisable.●

By Mr. PELL:

S. 1524. A bill to suspend for 2 years the duty on parts of spindle motors suitable for computer memory disk drives; to the Committee on Finance.

SUSPENSION OF DUTY ON ELECTRIC MOTOR PARTS

Mr. PELL. Mr. President, I introduce legislation today which would temporarily suspend the duty on imported parts of small, electronic motors. Presently, the rate of electric motors is higher than the rate of duty on finished motors themselves. Thus, current tariff law encourages companies to manufacture motors abroad.

This bill represents the very specific limited purpose of correcting an anomaly in the structure of present tariffs. The amendment would allow American companies to hire American workers and to produce more American parts sales. To my knowledge, this bill is not burdensome to the U.S. Customs Department or any other company. The insignificant loss of customs revenues would be more than offset by more American jobs. For that reason, I urge all of my colleagues here in the Senate to join with me in passing this small but necessary piece of legislation.

By Mr. STAFFORD (for himself and Mr. Humphrey) (by request):

S. 1525. A bill to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Environment and Public Works.

DISASTER RELIEF ACT AMENDMENTS OF 1983

● Mr. STAFFORD. Mr. President, I am introducing by request, the "Disaster Relief Act Amendments of 1983," and I ask for its appropriate referral. This bill would amend the Disaster Relief Act of 1974, which was the product of the Committee on Environment and Public Works.

I am informed that this bill is substantively similar to S. 2250, the "Disaster Relief Act Amendments of 1982," which, in the last Congress, was written and introduced by Senator Frank Murkowski, then-chairman of the Subcommittee on Regional and Community Development. Senator Randolph, Senator Burdick and I joined as cosponsors. That measure passed the Senate unanimously but was not acted upon by the House.

Mr. President, I ask that the bill be printed in the Record at the conclusion of remarks about the measure by myself and my colleague, Senator Humphrey. Following that, I ask that the letter of transmittal from the General Counsel of the Federal Emergency Management Agency be printed in the Record, together with the section-by-section anaylsis of the legislation.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act Amendments of 1983".

Sec. 2. The short title of the Disaster Relief Act of 1974 (Public Law 93-288) is hereby amended by deleting the words "Disaster Relief Act of 1974" and inserting in lieu thereof "Major Disaster Relief and Emergency Assistance Act".

Sec. 3. Section 102(1) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5122(1)), is amended to read as follows:

"(1) 'Emergency' means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property, public health and safety or to lessen or avert the threat of a catastrophe in any part of the United States."

Sec. 4. Title VIII of the Public Works and Economic Development Act of 1965, as amended (Public Law 89-136; 42 U.S.C. 3231-3236) is hereby repealed, and title V of the Disaster Relief Act of 1974, as amended (Public Law 93-288), is hereby amended to read as follows:

"TITLE V—FEDERAL EMERGENCY ASSISTANCE PROGRAMS

"PROCEDURES

"Sec. 501. (a) All requests for a determination by the President that an emergency exists shall be made by the Governor of the affected State. Such request shall be based upon the Governor's finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. The Governor's request will furnish information describing State and local efforts and resources which have been or will be used to alleviate the emergency, and will define the type and extent of Federal aid required. As a part of this request, and as a prerequisite to emergency assistance under the Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. Based upon such Governor's request, the President may declare that an emergency exists.

(b) The President may exercise any authority vested in him by Section 502 and Section 503 of this Act with respect to an emergency when he determines that an emergency exists for which the primary responsibility for response rests with the United States because the emergency involves a subject area for which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority. The President may determine that such an emergency exists only after consultation with the Governor of the affected State, if practicable. The President's determination, however, may be made without regard to the provisions of Section 501(a) of this Act.

"EMERGENCY ASSISTANCE

"Sec. 502. In any emergency, the President may—

"(a) provide assistance to save lives and protect property and public health and safety, or to lessen or avert the threat of a catastrophe;

"(b) provide emergency assistance by directing Federal agencies to provide technical assistance and advisory personnel to the affected State and local governments in—

(1) the performance of essential community services; warning of further risks and hazards; public information and assistance in health and safety measures; technical advice on management and control; and reduction of immediate threats to public health and safety; and

(2) the distribution of medicine, food and other consumable supplies, or emergency assistance;

"(c) coordinate all Federal agencies and voluntary relief or disaster assistance organizations providing emergency assistance and coordinate emergency assistance with State and local officials.

"COOPERATION OF FEDERAL AGENCIES IN RENDERING EMERGENCY ASSISTANCE

"Sec. 503. (a) In any emergency, Federal agencies are hereby authorized, on the direction of the President, to provide assistance by—

(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food and other consumable supplies, or emergency assistance;

(3) donating or lending equipment and supplies including that determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this Act; and

(4) performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety,

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including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provisions of food, water, medicine, and other essential needs, including movement of supplies or persons; construction of temporary bridges necessary to the performance of emergency tasks; and essential community services; provision of temporary facilities for schools and other essential community services; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provision of this paragraph. Contributions for emergency work under this section and section 502 of this Act shall not exceed 100 per centum of the net eligible cost, or for small projects 100 per centum of the Federal estimate of the net eligible cost, of such emergency work or services performed by State and local governments, *Provided*, that where debris removal is appropriate under this title, it shall be provided in accordance with the terms and conditions of section 406 of this Act.

(b) Work performed under this section shall not preclude additional Federal assistance under any other section of this Act for the purposes of saving lives and protecting public health and safety, or to lessen or avert the threat of a catastrophe.

"LIMITATIONS ON EMERGENCY ASSISTANCE

"SEC. 504. (a) In any emergency the President shall not obligate funds appropriated to carry out this Act, other than for purposes of coordination and direction, or the provision of technical and advisory assistance, where Federal assistance is available and adequate under other Federal authorities.

"(b) In any emergency and except as provided by subsection (c) of this section, the costs of providing emergency assistance under this section shall not exceed $5,000,000 of funds appropriated to carry out this Act.

"(c) The limitation of subsection (b) of this section may be exceeded when the President determines that continued emergency assistance is immediately required; that there is a continuing and immediate risk to lives, property, public health or safety; and that necessary assistance will not otherwise be provided on a timely basis."

SEC. 5. Section 102(2) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5122(2)), is amended to provide:

(2) "major disaster" means any natural catastrophe, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or any fire, flood or explosion regardless of cause, in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

SEC. 6. Title II of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5131-5132), is amended by:

(1) striking the words "(including the Defense Civil Preparedness Agency)" in section 201(a);

(2) adding the words "including evaluations of natural hazards and development of the programs and actions required to mitigate such hazards," between the words "plans", and "except" in section 201(d); and

(3) striking "$25,000" in section 201(d) and inserting in lieu thereof "$50,000".

SEC. 7. Title III of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5141-5158), is amended by:

(1) deleting sections 301, 305, and 306 and renumbering subsequent sections appropriately;

(2) deleting the caption "FEDERAL ASSISTANCE" of section 302 and inserting in lieu thereof "RULES AND REGULATIONS";

(3) deleting the first and second sentences of subsection (a) of section 302 and amending the final sentence thereof by adding ", with or without reimbursement," immediately before "through"; and

(4) deleting ", or economic status" in the second sentence of section 311(a), and adding "or" before "age,".

SEC. 8. Section 303(a) of the Disaster Relief Act of 1974, as amended, (42 U.S.C. 5143(a)), is amended by adding at the end thereof the following: "The Federal coordinating officer shall represent the President in coordinating the emergency or the major disaster response and recovery effort.".

SEC. 9. Section 314 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5154), is amended by redesignating subsections (a), (b), and (c) as (b), (c), and (d), respectively, and by adding at the beginning thereof a new subsection as follows:

"(a) As a condition of assistance, any public facility and any private nonprofit facility which is:

"(1) located in a special flood hazard area as identified by the Director pursuant to the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*):

"(2) damaged or destroyed by flooding; and

"(3) otherwise eligible for assistance under section 405 of this Act, must be covered, on the date of the flood damage, by reasonable and adequate flood insurance. Assistance under section 405 for any such facility not so covered shall be reduced by the maximum amount of benefits which could have been received had reasonable and adequate flood insurance been in force; *Provided*, however, that this reduction of assistance shall not apply to uninsured facilities where such communities have been identified for less than one year as having special flood hazard areas. The limitations of assistance required by this subsection shall not apply until final regulations are promulgated by the President. Such regulations shall define reasonable and adequate flood insurance."

SEC. 10. Section 315 of the Disaster Relief Act of 1974, as amended (42 U.S.C 5155), is amended to read as follows:

"DUPLICATION OF BENEFITS

"312. (a) Agencies or other organizations providing Federal assistance following a major disaster or emergency shall assure that no person, business concern or other entity receives any Federal assistance as a result of a major disaster or emergency if such person, business concern or entity receives or is entitled to receive benefits for the same purposes from insurance or any other source, *Provided*, that nothing in this section shall prohibit the provision of Federal assistance to a person, business concern or other entity who is or may be entitled to receive benefits for the same purposes from insurance or any other source when any such applicant for Federal assistance has not received such other benefits by the time of application for Federal assistance, so long as the applicant for Federal assistance agrees as a condition of receipt of Federal assistance to repay duplicative assistance from insurance or any other source to the agency or other organization providing the Federal assistance. The President shall establish such procedure as are deemed necessary to insure uniformity in preventing such duplication of benefits. Receipt of partial benefits for a loss or need does not preclude provision of additional assistance.

"(b) A person, business concern or other entity receiving Federal assistance following a major disaster or emergency shall be liable to the United States to the extent that such Federal assistance has duplicated benefits available to the person, business concern or other entity for the same purpose from insurance or any other sources. The agency or other organization which provided the duplicative assistance shall collect such duplicative assistance from the recipient in accordance with the Claims Collection Act of 1966, as amended. The repayment shall not exceed the amount of Federal assistance received."

"(c) Federal disaster assistance and comparable disaster assistance provided by States, local governments, and disaster assistance organizations to individuals and families shall not be considered as income or a resource when determining eligibility or benefit levels for federally funded income assistance or resource tested benefit programs.".

SEC. 11. (a) Title III of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5141-5158), is amended by adding at the end thereof four new sections as follows:

"PROTECTION OF ENVIRONMENT

"SEC. 315. No action taken or assistance provided pursuant to section 402, 403, 406, 502, or 503 of this Act, or any assistance provided pursuant to section 405 of this Act that has the effect of restoring facilities substantially as they existed prior to the disaster, shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852). Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 (83 Stat. 852) to other Federal actions taken under this Act or under any other provisions of law.

"RECOVERY OF FUNDS

"SEC. 316. The Attorney General of the United States is authorized to institute actions in the United States District Court for the district in which an emergency or major disaster occurred, or in such district as otherwise provided by law, against any party whose acts or omissions may in any way have caused or contributed to the damage or hardship for which Federal assistance is provided pursuant to this Act. Upon the showing that an emergency or major disaster or the associated damage or hardship was caused in whole or in part by an act or omission of such party, then such party shall be liable to the United States for the full amount of Federal expenditures made to alleviate the suffering or damage attributable to such act or omission. The autority of this section shall also apply to the recovery of Federal funds expended under the

authority of section 419 of this Act for fire suppression.

"AUDITS AND INVESTIGATIONS

"SEC. 317. (a) The President, when deemed necessary to assure compliance with any provision of this Act or related regulations, shall conduct audits and investigations and in connection therewith may enter such places and inspect such records and accounts and question such persons as deemed necessary to determine the facts relative thereto.

"(b) The President, when deemed necessary to assure compliance with any provision of this Act or related regulations, may require audits by State and local governments in connection with assistance provided under the Act.

"(c) The President and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for purposes of investigation, audit, and examination, to any books, documents, papers, and records of any person or entity relating to any activity or program undertaken or funded pursuant to this Act.

"CRIMINAL AND CIVIL PENALTIES

"SEC. 318. (a) Any person, organization, or other entity who knowingly makes a false statement or representation of a material fact, or who knowingly fails to disclose a material fact, in any application or other document in connection with a request for assistance under this Act, or who knowingly falsifies or withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such request for assistance is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each violation.

"(b) Any person, organization, or other entity who knowingly makes a false statement or representation of a material fact, or who knowingly fails to disclose a material fact, in any bill, invoice, claim, or other document requesting reimbursement for work or services performed in connection with assistance provided under this Act, or who knowingly falsifies or withholds, conceals, or destroys any documents, books, records, reports, or statements upon which such request for reimbursement is based, shall be fined not more than $10,000 or imprisoned for not more than one year, or both, for each violation.

"(c) Any person, organization or other entity who knowingly misapplies the proceeds of a loan or other cash benefit obtained under any section of this Act shall be subject to a fine in an amount equal to one and one-half times the misapplied amount of the loan or cash benefit.

"(d) Whenever it appears that any person, organization or other entity has violated or is about to violate any provision of this Act, including rules and regulations issued and civil penalties imposed, the Attorney General may bring a civil action for such relief as may be appropriate. Such action may be brought in the district court of the United States having jurisdiction where the violation occurred or, at the option of the parties, in the United States District Court for the District of Columbia.

"(e) The President, or the duly authorized representative of the President, shall expeditiously refer to the Attorney General of the United States for appropriate action such evidence developed in the performance of functions under this Act as may be found to warrant consideration for criminal prosecution under the provisions of this Act or other Federal law.".

(b) Title III of the Disaster Relief Act of 1974, as amended, is amended by deleting subsections (a) and (c) of section 317 (42 U.S.C. 5157), and by renumbering "(b)" from the remaining subsection of section 317 as subsection "(f)" of amended section 318.

(c) Title IV of the Disaster Relief Act of 1974, as amended, is amended by deleting section 405 (42 U.S.C. 5175) and by renumbering subsequent sections appropriately.

SEC. 12. Title IV of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5171-5189), is amended by adding three new sections as follows and by renumbering subsequent sections appropriately:

PROCEDURES

"SEC. 401. (a) All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such Governor's request shall be based upon a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As a part of this request, and as a prerequisite to major disaster assistance under the act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. He shall furnish information on the extent and nature of State resources which have been or will be used to alleviate the conditions of the disaster, and shall certify that for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of the funds of such State and local governments for alleviating the damage, loss, hardship, or suffering resulting from such disaster, including, but not limited to, the cost-sharing provisions pursuant to sections 405, 406, 407, and 410 of this Act. Based upon such Governor's request, the President may declare that a major disaster exists.

"(b) In any case where an eligible applicant (or the State) is unable to assume its financial responsibility under the cost-sharing provisions of sections 405, 406, and 407 of this Act, the President is authorized to lend or advance to the State such 25 per centum share. For the purposes of section 405, such loan or advance shall be authorized only after the occurrence of concurrent, multiple major disasters in a given jurisdiction, or the extraordinary costs of a particular major disaster, and when the damages caused by such major disasters are so overwhelming and severe that it is not possible for the applicant or the State to assume their financial responsibility under this Act immediately. Any such loan or advance is to be repaid to the United States; there shall be no deferral of the repayment of loans or advances authorized by this subsection or of accrued interest. Such obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the loan or advance. The President shall issue regulations describing the terms and conditions under which any loans or advances authorized by this section may be made.

"MAJOR DISASTER ASSISTANCE

"SEC. 402. In any major disaster, the President may—

"(a) provide assistance to save lives and protect property and public health and safety, or to lessen or avert the threat of a catastrophe;

"(b) provide assistance by directing Federal agencies to provide technical assistance and advisory personnel to the affected State to assist the State and local governments in—

(1) the performance of essential community services; warning of further risks and hazards; public information and assistance in health and safety measures; technical advice on management and control; and reduction of immediate threats to public health and safety;

(2) the distributions of medicine, food, and other consumable supplies, or emergency assistance;

"(c) coordinate all Federal agencies and voluntary relief or disaster assistance organizations providing major disaster assistance, and coordinate major disaster assistance with State and local officials;

"(d) provide such other assistance under this Act as the President deems appropriate.

"COOPERATION OF FEDERAL AGENCIES IN RENDERING DISASTER ASSISTANCE

"SEC. 403. (a) In any major disaster, Federal agencies are hereby authorized, on the direction of the President, to provide assistance by—

"(1) utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act;

"(2) distributing or rendering, through the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations, or otherwise, medicine, food, and other consumable supplies, or emergency assistance;

"(3) donating or lending equipment and supplies, including that determined in accordance with applicable laws to be surplus to the needs and responsibilities of the Federal Government, to State and local governments for use or distribution by them for the purposes of this Act; and

"(4) performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provisions of food, water, medicine, and other essential needs, including movement of supplies or persons; construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph. Such contributions for emergency work under this section and section 402 of this Act shall not exceed 100 per centum of the net eligible cost, or for small projects 100 per centum of the Federal estimate of the net eligible cost, of such emergency work or services performed by State and local governments, *Provided*, that where debris removal assistance is appropriate under this section or section 402 of this Act it shall be provided in accordance with the terms and conditions of section 406 of this Act."

"(b) Work performed under this section shall not preclude additional Federal assistance under any other section of this Act.

Sec. 13. (a) Section 402 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5172), is amended to read as follows:

"(a) The President is authorized to make contributions to State or local governments, to help repair, restore, reconstruct, or replace public facilities belonging to such State or local government which were damaged or destroyed by a major disaster. Notwithstanding any other provision of law, such contributions shall be limited to 75 per centum of the net eligible cost, or for small projects 75 per centum of the Federal estimate of the net eligible cost, of repairing, restoring, reconstructing, or replacing any such facility estimated on the basis of the design of such facility as it existed immediately prior to such major disaster and in conformity with current applicable codes, specifications, and standards. For the purposes of this section, 'public facility' includes any publicly owned flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, any other public building, structure, or system including those used for educational or recreational purposes, and any park.

"(b) The President is authorized to make contributions to help repair, restore, reconstruct, or replace eligible private nonprofit facilities which were damaged or destroyed by a major disaster. Notwithstanding any other provision of law, such contributions shall be limited to 75 per centum of the net eligible cost, or for small projects 75 per centum of the Federal estimate of the net eligible cost, of repairing, restoring, reconstructing, or replacing any such facility estimated on the basis of the design of such facility as it existed immediately prior to such major disaster and in conformity with current applicable codes, specifications, and standards. For the purposes of this section, 'eligible private nonprofit facility' means private nonprofit educational, utility, emergency, medical, and custodial care facilities, including those for the aged and disabled, and such private nonprofit facilities on Indian reservations, which were damaged or destroyed by a major disaster.

"(c) No authority under this section shall be exercised unless the affected State, local government, or eligible private nonprofit organization first agrees that such facility shall be repaired, restored, reconstructed, or replaced in compliance with floodplain management and hazard mitigation criteria required by the President, with the provisions of the Coastal Barrier Resources Act and other applicable Federal statutes, and in conformity with other applicable codes, specifications and standards, except as otherwise provided in section 315 of this Act.

"(d) For those facilities eligible under this section which were in the process of construction when damaged or destroyed by a major disaster, the contribution shall be based on 75 per centum of the net eligible costs of restoring such facilities substantially to their predisaster condition, *Provided*, That the term 'net eligible costs' shall not include costs which, under a contract, are the responsibility of a contractor".

(b) The Disaster Relief Act of 1974, as amended, is amended by deleting section 419 (42 U.S.C. 5189) and by striking "or 419" each place that this phrase appears in section 314 (42 U.S.C. 5154).

(c) Section 403 of the Disaster Relief Act of 1974, as amended (42U.S.C. 5173), is amended by adding at the end thereof the following:

"(c) Notwithstanding any other provision of law, whether carried out directly through Federal departments, agencies, or instrumentalities or through grants to State or local governments, Federal assistance provided under authority of this section shall not exceed 75 per centum of the net eligible costs, or for small projects 75 per centum of the Federal estimate of the net eligible costs, of debris removal.".

Sec. 14. Section 404(a) of the Disaster Relief Act of 1974 is amended to read as follows:

"(a)(1) The President is authorized to provide, either by purchase or lease, temporary housing, including, but not limited to, unoccupied habitable dwellings, suitable rental housing, mobile homes, or other readily fabricated dwellings for those who, as a result of a major disaster, require temporary housing. Temporary housing assistance shall be provided only when adequate alternate housing is unavailable, unless there is a compelling need to do so because of severe hardship. The assistance to be provided shall be determined by the President based on the fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant. Any mobile home or other readily fabricated dwelling shall be placed on a site complete with utilities provided either by the State or local government, or by the owner of the site who was displaced by the major disaster. When the President determines such action to be in the public interest, he may authorize installation of essential utilities at Federal expense and he may elect to provide other more economical or accessible sites. However, in the event the President authorizes the development of a group site, i.e., a site for two or more households, the Federal share shall be limited to 75 per centum of the development costs, and the remainder shall be met by funds provided by the State.

"(2) The President is authorized to make contributions not to exceed 100 per centum (or 75 per centum with respect to group site development) of the costs to a State for the purpose of providing temporary housing assistance to those who require it as a result of a major disaster. Whenever he determines it to be in the public interest, the President is authorized to provide temporary housing assistance by using Federal departments, agencies, or instrumentalities. The Federal financial and operational responsibilities for temporary housing assistance shall not exceed 18 months from the date of a major disaster declaration by the President unless he determines that due to extraordinary circumstances it would be in the public interest to extend the 18-month period.".

Sec. 15. Section 406 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5176), is amended by adding "(a)" after "406." and by adding a new subsection "(b)" as follows:

"(b) The President is authorized to contribute up to 50 per centum of the cost of implementing hazard mitigation projects which he has determined would be cost-effective and would substantially reduce the risk of future damage, hardship, loss or suffering in the area affected by a major disaster. Such projects shall be identified following the evaluation of natural hazards provided for in subsection (a) of this section and shall be subject to approval by the President. The total of the contributions made under this subsection shall not exceed 2.5 per centum of the Federal estimate of grants made under the authority of section 405 of this Act for each major disaster."

Sec. 16. (a) Section 407(a) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5177), is amended by striking the first and second sentences thereof and inserting in lieu thereof the following: "The President is authorized to privide unemployment assistance to individuals who are unemployed as a result of a major disaster and who are not otherwise eligible for payment of unemployment compensation or waiting weekly credit under the authority of any other Federal or State Act. Such disaster unemployment assistance shall not be payable with respect to any week which begins more than 26 weeks after the first week in which the major disaster occurred.".

(b) Section 407(a) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5177), is further amended by striking the words "of unemployment compensation or" in the third sentence thereof.

Sec. 17. (a) Section 408(b) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5178), is amended by adding a period after the word "share" in the second sentence of that subsection and by deleting the following phrase from the second sentence of section 408(b): "and any such advance is to be repaid to the United States when such State is able to do so."

(b) Section 408(b) of the Disaster Relief Act of 1974, as amended, is further amended by adding the following sentences between the second and third sentences of the subsection: "Such advances shall bear interest from the date of the advance at a rate determined by the Secretary of the Treasury taking into consideration the current market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the loan or advance. Repayment of such advances and of interest which accrues on the advances may be deferred for no longer than two years from the date of the major disaster declaration."

Sec. 18. Section 408(d) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5178), is amended by adding at the end thereof the following new sentence: "Whenever a State demonstrates efficiency by promptly completing all grants to eligible individuals and families within the period prescribed by the President, the State may be reimbursed for 50 per centum of those administrative expenses which exceed 3 per centum of the Federal grant made under subsection (a) of this section.".

Sec. 19. Section 418(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5188), is deleted.

Sec. 20. Section 606 of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5202), is amended to read as follows: "There are authorized to be appropriated to the President such sums as may be necessary to carry out this Act through the close of September 30, 1986, and to the Federal Emergency Management Agency such sums as may be necessary through the close of September 30, 1986, for administrative expenses."

Sec. 21. The Disaster Relief Act of 1974 (Public Law 93-288), as amended, is amended by:

(1) striking paragraph (7) of section 101(b) (42 U.S.C. 5121), striking "; and" from paragraph (6) and adding in lieu thereof a period, and adding "and" at the end of paragraph (5);

(2) striking "the Canal Zone," in paragraphs (3) and (4) of section 102 (42 U.S.C. 5122);

(3) striking "DISASTER" in the caption of title III (42 U.S.C. 5141-5158) and inserting in lieu thereof "MAJOR DISASTER RELIEF AND EMERGENCY";

(4) striking "section 402 or 404 of" in section 311(b) (42 U.S.C. 5151);

(5) adding "emergency or" before the word "major" each of two places that word appears in section 310 (42 U.S.C. 5150);

(6) striking in section 313(b) (42 U.S.C. 5153) everything after the word "areas" and inserting in lieu thereof a period;

(7) striking "or section 803 of the Public Works and Economic Development Act of 1965," each place the phrase appears in section 314 (42 U.S.C. 5154);

(8) striking "402" each place that number appears in section 314 (42 U.S.C. 5154) and inserting in lieu thereof "405";

(9) adding "emergency and major" before the word "disaster" in section 316 (42 U.S.C. 5156);

(10) adding the word "MAJOR" between the words "FEDERAL" and "DISASTER" in the caption to title IV (42 U.S.C. 5171-5189);

(11) striking "in emergencies or in major disasters" in the third sentence of paragraphs (2) of section 404(d) (42 U.S.C. 5174);

(12) striking "311" in section 404(d)(2) (42 U.S.C. 5174) and inserting in lieu thereof "308";

(13) striking "an emergency or" in section 415 (42 U.S.C. 5185) and inserting in lieu thereof "a";

(14) striking "408" in section 605 (42 U.S.C. 5121) and inserting in lieu thereof "410";

(15) striking "301" in subtitle C of title I of the State and Local Fiscal Association Act of 1972 (Public Law 92-512; 86 Stat. 919) and inserting in lieu thereof "401";

(16) striking "President" each place that word appears is section 312(a) and inserting in lieu thereof "Federal coordinating officer".

(17) striking "rent" in section 313(a)(2) (42 U.S.C. 5153) and inserting in lieu thereof "income"; and

(18) striking paragraph (1) of section 313(a) (42 U.S.C. 5153) and renumbering subsequent paragraphs appropriately.

Sec. 22. (a) Section 6(a)(6)(E) of the Coastal Barrier Resources Act, 16 U.S.C. 3505(a)(6)(E), is amended by striking out "pursuant to sections 305 and 306 of the Disaster Relief Act of 1974" and inserting in lieu thereof "pursuant to sections 402, 403, 502 and 503 of the Major Disaster Relief and Emergency Assistance Act."

(b) Whenever any reference is made in any provision of law (other than this Act), regulation, rule, record, or document of the United States to provisions of the Disaster Relief Act of 1974 repealed by this Act or renumbered by this Act, such reference shall be deemed to be a reference to the appropriate provisions of the Major Disaster Relief and Emergency Assistance Act.

Sec. 23. This Act shall be effective ninety days after enactment, except it shall not affect the administration of any assistance provided under authority of the Disaster Relief Act of 1974, as amended, for any major disaster or emergency declared by the President prior to the effective date, *Provided*, that regulations issued under statutory provisions which are repealed, modified, or amended by this Act shall continue in effect as though issued under the authority of this Act until they are expressly abrogated, modified or amended by the President. Provision of disaster assistance authorized by statutory provisions repealed, modified or amended by this Act or regulations issued thereunder, or proceedings involving violations of statutory provisions repealed, modified or amended by this Act or regulations issued thereunder which are in process prior to the effective date of this Act, may be continued to conclusion as though the applicable statutory provisions had not been repealed, modified or amended. Violations of statutory provisions or regulations issued under the authority of statutory provisions repealed, modified or amended by this Act or regulations issued thereunder which are committed prior to the effective date of this Act may be proceeded against under the law in effect at the time of the specific violation.

Federal Emergency
Management Agency,
Washington, D.C., June 10, 1983.

Hon. George Bush,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft entitled "Disaster Relief Act Amendments of 1983." This is a comprehensive set of proposed amendments to the Disaster Relief Act of 1974 (Public Law 93-288, as amended). Also enclosed is a section-by-section analysis of the bill.

The current legislation has functioned well for nine years. However, we believe that there are a number of adjustments which are now needed. The major provisions of the proposed legislation are summarized below, with the proposed bill at Tab A and the section-by-section analysis at Tab B.

1. New definition of "major disaster" and "emergency."

In recent years there has been considerable concern by Members of Congress about the correct interpretation of the Act and its applicability to non-natural disasters or emergencies. The combined effect of the changes to the definition of "major disaster" and "emergency," and the addition of the new Title V, Federal Emergency Assistance Programs, would be to establish separate statutory authority for providing supplemental Federal assistance in two distinct types of situations.

"Major disaster" responses would entail those activities currently authorized under Public Law 93-288 in response to any naturally caused disaster and any fire, explosion or flood. A "major disaster" declaration by the President would authorize a broad range of authorities and programs to supplement State and local efforts and resources in natural disaster (and floods, fires, and explosions of natural, non-natural and undetermined causes).

The new definition of "emergency" would allow the Federal Emergency Management Agency (FEMA), in coordination with other Federal agencies, to respond to a much broader range of catastrophes where Federal emergency supplemental assistance is required. The new Title V would authorize the Federal Government to provide limited assistance to save lives and protect property, public health and safety, or to lessen or avert the threat of a catastrophe regardless of the cause, including natural and non-natural events. FEMA would be limited to emergency and technical assistance, with an initial cap of $5 million for each event.

The new Title V also provides extraordinary authority in situations where there is a requirement for direct Federal action. These may be circumstances threatening life and property where the United States exercises exclusive or pre-eminent responsibility and authority under the Constitution or the laws of the United States. In such cases, following an emergency declaration by the President, the Federal Government would be able to take necessary measures to save lives and protect property but with the same limitation as in any other "emergency."

2. Increased Disaster Preparedness Improvement Grant (DPIG).

The proposed legislation provides for doubling—from $25,000 to $50,000—the funds available annually on a matching basis with the States, for maintaining and improving disaster plans and procedures. This change would reflect the need for States to plan adequately for increased State and local funding and operational involvement in disaster response and recovery. Since the enactment of this section in the 1974 Act, inflation alone provides a basis for increasing the matching share to $50,000.

3. 75/25 cost sharing for public assistance.

Section 13 of the proposed bill establishes in the statute the requirement that, in Presidentially-declared major disasters, State and local governments share the cost of debris removal and permanent restorative work on a 75% Federal, 25% State and local basis. This assures the supplemental nature of Federal aid under the public assistance authorities of the Disaster Relief Act. The cost-sharing formula established by section 13 would be modified by section 12, which authorizes loans or advances of the 25 per centum State and local share when a State and affected local governments are unable to provide their 25 per centum share immediately. Emergency work, as well as technical assistance, would be funded at 100%.

While ensuring a reasonable commitment of State and local efforts and resources, the cost sharing approach also results in prudent disaster project management with regard to the extent and nature of work selected and design criteria.

The 75/25 cost sharing approach for public assistance has been established in the Federal/State Agreement for major disasters since May 1980. This cost sharing requirement currently is stated in the language of the President's declaration of a major disaster."

4. Expanded public assistance small project grant.

Section 13 also expands current Section 419 (P.L. 93-288) authority relating to small project grants. The proposed change would speed cash flow to State and local applicants for eligible and approved work, and reduce administrative costs and delays. The section currently permits FEMA to make full grant payments based on the estimated cost of repairing disaster damage to public facilities. The current limitation on the applicability of Section 419 is $25,000 for the cumulative estimated costs for all projects belonging to a particular applicant. Under the proposed legislation, this limitation would be changed to $25,000 for each individual project.

FEMA anticipates that approximately 90% of all projects processed, representing less than 10% of all funds expended, could be included under the new small project grant mechanism.

5. Flood insurance for local government applicants.

The proposed bill provides that, to the extent that a local public assistance applicant could reasonably have been expected to obtain flood insurance coverage, it would be denied funding for restoration of insurable structures. Federal help would continue to be available in designated disaster areas for emergency work, debris clearance, and repair or restoration of facilities such as roads, bridges, sewer and water systems and other such facilities.

6. Temporary Housing Assistance.

The proposed legislation would eliminate the automatic one-year, rent-free period, permit the States to perform the temporary housing program (if they are willing and capable) at Federal expense, limit Federal involvement to 18 months except in unusual circumstances, and provide for 75/25 cost sharing in establishing group mobile home sites.

These changes are proposed on the basis of FEMA's considerable experience in administration of temporary housing assistance. The purpose for eliminating the rent-free period is to impose the reasonable requirement that individuals and families needing temporary housing continue to pay at least what they were paying for housing prior to the disaster.

7. Increased reimbursement for Individual and Family Grants (IFG) administrative costs.

The IFG authority of the current disaster legislation requires State administration of such programs. Under the proposed legislation, States which administer IFG programs efficiently will receive reimbursement for 50 per centum of their administrative costs above the currently-authorized 3 per centum reimbursement level.

8. Disaster Unemployment Assistance (DUA).

The principal changes in the proposed legislation involve eliminating eligibility for DUA assistance where individuals are otherwise eligible for Unemployment Insurance Assistance, and limiting the duration of assistance to 26 weeks.

9. Funding hazard mitigation measures.

Section 15 of the proposed bill would allow the Federal Government to contribute to the cost of performing hazard mitigation measures in designated disaster areas. Such projects would be identified in the hazard mitigation plans developed by the State under the authority of Section 406 of the current Act. The plan would rank the most important and potentially cost-effective hazard mitigation projects. The total of contributions made under this authority would be limited to 2.5% of the Federal estimate of grants for permanent restorative work in that particular major disaster. Any Federal funds contributed under this section would have to be matched on a 50-50 basis.

10. Recovery of Funds.

The bill would authorize the Attorney General to bring suit to recover Federal funds spent in assisting State and local governments to recover from disasters where there is evidence that some party was responsible for causing or aggravating disaster damage.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this legislative proposal to the Congress and that its adoption would be in accord with the program of the President.

Sincerely,

GEORGE W. JETT,
General Counsel.

[Section-by-Section Analysis]

DISASTER RELIEF ACT AMENDMENTS OF 1983

SECTION 1

The short title of the bill is "Disaster Relief Act Amendments of 1983".

SECTION 2

Section 2 changes the title of the Act from the "Disaster Relief Act of 1974" to the "Major Disaster Relief and Emergency Assistance Act." This change reflects the significant amendments to the Act made by this bill whereby two distinct, identifiable and separate programs of assistance are established: (1) programs of response and recovery following disasters (primarily of "natural" origin) are consolidated in title IV and (2) programs of response to save lives and protect public health and property in emergencies are established in a newly written title V. Administration of responses to both major disasters and emergencies is provided for in title III.

SECTION 3

Section 3(a) redefines "emergency" to mean any occasion or instance in which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property, public health and safety or to lessen or avert the threat of a catastrophe in any part of the United States. That Federal assistance is supplemental to the efforts and resources of State and local governments is a central principle in both the revised definition of "emergency" and in the new Title V, "Federal Emergency Assistance Programs."

After enactment of the Disaster Relief Act Amendments of 1983, Executive Order 12148 will be revised to clarify the delegations of authority from the President commensurate with the provisions of the legislation. The revisions to the Executive Order will define the action to be taken by FEMA under this Act and will identify the requirements for coordinating emergency planning and response activities with other Federal agencies for any of their facilities where emergency planning may be required.

SECTION 4

Title V of the Disaster Relief Act of 1974 added a new Title VIII to the Public Works and Economic Development Act of 1965. Sec. 4 would repeal Title VIII of that Act and amend Title V of the Disaster Relief Act of 1974 to add a new title, "Federal Emergency Assistance Programs." The new Title V would provide an entirely separate set of authorities for use in a Presidentially-declared "emergency." Authorities available for use in a "major disaster" would be found exclusively in amended Title IV. While Title IV includes provisions for both emergency work and permanent restorative work, the authorities of Title V pertain exclusively to emergency work, i.e., assistance to save lives and protect property, public health and safety and to lessen or avert the threat of a catastrophe. New Title V must be read in conjunction with the entirely new definition of "emergency" made by sec. 3(a). An "emergency" declaration under Sec. 501(a) would be made by the President on the request of the Governor. The Governor's request would have to be supported by information similar to that currently required for "major disaster" requests. Following a declaration, the President (and by delegation, FEMA) could use the authorities of sec. 502 to respond to the emergency situation. In addition, under the authority of sec. 503 the President (and by delegation, FEMA) could coordinate the provision of emergency assistance among a variety of Federal agencies and private organization. However, no funds appropriated to carry out the Act could be expended on such emergency assistance (except for direction, coordination and technical and advisory assistance under new title V) where Federal assistance is available and adequate under other Federal authorities. If this emergency assistance is inadequate, funding would still be limited to $5 million per emergency, except in accordance with subsection 504(c). Subsection 504(c) would provide that the President may determine that additional emergency assistance is required. If such a determination were made, the President (FEMA) would be able to continue to provide needed emergency assistance.

The language of new sec. 501(a) is largely drawn from current sec. 301(a) which relates to the declaration process for an "emergency" (current definition). Extra requirements were modeled on current sec. 301(b) dealing with the declaration process for a "major disaster." The central principle of Federal disaster assistance, that it be supplemental to the efforts and resources of State and local governments, remains in both the revised definition of "emergency" and new sec. 501. New sec. 502 is basically adapted from current sec. 305, and new sec. 503 is adapted from current sec. 306.

Section 501(b) would add a modified emergency declaration procedure for a special type of emergency. On rare occassions, there are threatening situations where the Federal Government has unique responsibilities. In such situations, sec. 501(b) would permit the President to act without the request from a Governor. After consultation with the Governor of the affected State, if such consultation is practicable given the emergency circumstances, the President may declare an "emergency" to exist on his own initiative. As a result, the Federal Government will be able to provide assistance to save lives and protect property, but with the same limitations as any other "emergency".

The situations where the President may need this extraordinary authority are defined by sec. 501(b) to be those where the United States has primary responsibility for addressing threats to life and property. These would be circumstances involving subject areas for which the United States exercises exclusive or pre-eminent responsibility and authority under the Constitution or the laws of the United States. The nature of these various situations indicate the requirement for a modified declaration procedure. The President may not be able to wait for a Governor's decisions to commit State resources and ultimately request Federal assistance. Furthermore, for practical or political reasons a Governor should not be forced to request assistance where the Federal, not the State, government has the primary responsibility for response. After the declaration, however, Federal assistance would be provided as in any other emergency. The United States would take necessary actions to assist State and local governments in coping with the immediate threats to life and property. The Federal response typically would be coordinated by FEMA and would rely on existing authorities and

agency missions to the maximum extent possible.

Section 504(a) states that no funds appropriated to carry out the Act can be expended on emergency assistance under this title where Federal assistance is available and adequate under other Federal authorities. For example, the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq., provides authority for the control of radioactive materials that may pose a hazard to the public. In a situation requiring the control of radioactive materials to prevent danger to the public health, the Departments of Energy and Defense would be responsible for the direct response to the release of radioactive materials pursuant to the Atomic Energy Act. On the other hand, if a situation created by the release of radioactive materials could not be remedied entirely based upon the authority of the Atomic Energy Act, then the President could respond under this Act to provide assistance which could not otherwise be provided under the Atomic Energy Act. In situations involving the release of radioactive materials, any actions taken by FEMA will be coordinated in advance with the Departments of Defense and Energy and/or the Nuclear Regulatory Commission, as appropriate, in accordance with procedures established in agreements among these agencies.

Overall, when read with the amended definition of "emergency", sec. 4 would authorize the President to respond to natural and non-natural civil emergencies where supplemental emergency assistance is required or where assistance is needed to lessen or avert the threat of a catastrophe. This authority would essentially permit the Federal Government to provide the most needed life-saving and property-protecting assistance in a broad range of incidents. The Administration could then, in a more deliberate manner, determine whether to provide continuing assistance and, if so, identify the proper authority or authorities under which to provide it. For unusual types of civil emergencies for which adequate response authorities do not exist, the Administration and Congress would have more time to design and enact legislation specifically tailored to the new problem.

One form of emergency assistance "necessary to save lives, protect property, public health and safety" is temporary housing for those individuals and families who require it. Following a declaration of "emergency" by the President, FEMA would be authorized to provide temporary housing assistance in conformity with regulations and guidance applicable to major disaster temporary housing operations. This would allow the Agency to take advantage of an existing program, rather than merely implementing an ad hoc operation based on the general emergency assistance authority. By way of example, advantages of this would be to allow FEMA to donate mobile homes no longer required in an "emergency" temporary housing operation to States, local governments and families and to provide mortgage and rental assistance.

SECTION 5

Section 5 would amend sec. 102(2) of the Act by clarifying the definition of "major disaster." The Presidential declarations for the Cuban influx emergency and, to a lesser extent, the Love Canal emergencies have caused considerable concern on the part of Members of Congress about the correct interpretation of the Act and its applicability to non-natural catastrophes. Some Members of Congress have objected to the use of the variety of disaster assistance authorities, which have been developed over the years primarily to address natural disasters, to respond to non-natural events. The effect of the enactment of section 5 would be to clarify congressional intent about the type of incidents which the President may declare a "major disaster."

There would be a number of alternative mechanisms for restricting the definition of "major disaster." These would include the insertion of the words "natural or physical" in the definition; the express exclusion of "social or economic" events; and the express exclusion of particular non-natural events such as riots, toxic spills, influx of refugees, state and local budgetary deficiencies, etc. However, the amendment which would be made by section 5 would clarify Congressional intent with the greatest simplicity and clarity.

The amended definition of "major disaster" would permit the President to declare catastrophes which are expressly listed in the definition and, of those catastrophes not expressly identified, only those resulting from natural causes. Among the expressly listed incidents are floods, fires and explosions, which the President could declare without the necessity to determine whether the damage and hardship resulted from natural or non-natural causes. In other words, the President could declare, whether they resulted from natural, non-natural or undetermined causes, floods (e.g., Teton Dam failure), fires (e.g., Lynn and Chelsea, Massachusetts, fires), and explosions (e.g., Louisville sewer explosions).

A declaration of "major disaster" where only immediate emergency assistance is required would be permissible. The change which would be made by sec. 5(2) would confirm this authority. The President will be authorized to declare a "major disaster" for which only limited forms of assistance would be provided.

The combined effect of the changes to the definitions of "major disaster" and "emergency" and the addition of the new Title V would be to establish separate statutory authority for providing supplemental Federal assistance in two distinct types of situations. Title III would contain administrative provisions which would apply to both major disasters and emergencies. Title IV would authorize a broad range of authorities for the Federal Government to provide assistance to supplement the efforts and available resources of State and local governments in carrying out their responsibilities for relieving damage, loss, hardship and suffering in the aftermath of natural catastrophes (and floods, fires and explosions of natural, non-natural or undertermined causes). The new Title V would authorize the Federal Government to provide limited assistance, namely to save lives and protect property, public health and safety or to lessen or avert the threat of a catastrophe, to supplement the efforts and capabilities of State and local governments in coping with their responsibilities in a much broader range of incidents, including natural and non-natural events. Please note that it is the position of FEMA that the changes that would be made by sec. 5 to the definition of "major disaster" are viable only if enacted simultaneously with the new definition of "emergency".

SECTION 6

Section 6 would amend Title II of the Act to eliminate the reference to the Defense Civil Preparedness Agency (an agency whose functions have been transferred to FEMA); to require natural hazard evaluation and mitigation elements in State disaster plans when updated and improved with sec. 201(d) grants; and to increase the Federal matching grant authority from $25,000 to $50,000 for sec. 201(d) grants.

Of particular significance is the doubling of the section 201(d) Federal matching grant. This change would reflect the need for States to adequately plan for the increased State and local government funding and operational involvement in public assistance and temporary housing. Since the enactment of this section in the 1974 Act, inflation alone provides a basis for increasing the matching share to $50,000.

SECTION 7

Section 7 would delete sections 301, 305, 306 and the first two sentences of sec. 302(a), while retaining the authority to have work done by other Federal agencies with or without reimbursement. Section 7 would also change the title of section 302 (new section 301) and eliminate "economic status" from the nondiscrimination provision, sec. 311 (new sec. 308).

These changes reflect the reorganization of the Act. Most of the provisions of sections 301, 305, 306 and the first two sentences of 302 are merely transferred to other sections of the Act as it would be amended.

SECTION 8

Section 8 would amend sec. 303 (new sec. 302) by providing, by statute, for a Federal coordinating officer for an emergency as well as a major disaster, and by specifically identifying the Federal coordinating officer as the President's representative. By recognition of the status, function and accountability of the Federal coordinating officer, sec. 8 should facilitate his or her efficient administration of the Federal coordinating officers' responsibility.

SECTION 9

Section 9 would restrict disaster assistance grants under new section 405 of the Act where reasonably available, adequate, and necessary flood insurance could have compensated for disaster damage. This change would be accomplished by the addition of a new first subsection to section 314 (new 311).

The purpose of this amendment would be to encourage States, local governments and eligible private nonprofit organizations to exercise prudent judgment in obtaining flood insurance, typically through the National Flood Insurance Program, to protect their insurable property against foreseeable flood hazards. The amendment would also ensure that Federal assistance under the Act to such entities not exercising prudent judgment as to insurance be appropriately limited. The denial of assistance under subsection (a) for an applicant's failure to exercise prudent judgment in obtaining reasonable flood insurance prior to a major disaster would relate only to damage of property which can be insured under the National Flood Insurance Program and which is located in a special flood hazard area. In other words, an applicant which is penalized would not necessarily lose eligibility for all disaster assistance. The limitation would apply both to vulnerable property located within communities which are participating in the National Flood Insurance Program and property located in communities which not participating, but which have been mapped for at least a year. The effect of subsection 9, therefore, would be to eliminate public assistance grants to the extent the communities and other grant applicants could have been reasonably expected to protect themselves against flood damage.

If the proposal is enacted and proves to be workable, FEMA could propose additional legislative changes in the future to deal with other types of insurance (e.g., wind, fire, earthquake), and other forms of assistance (e.g., Individual and Family Grants, temporary housing).

Without the change proposed by this section, State and local government applicants would continue to be required to purchase insurance only at the time of the disaster, i.e., after the damage is done. Inevitably, there is a temptation for disaster applicants not to pay their own way by purchasing reasonable flood insurance, relying instead on "free" Federal disaster assistance.

All the provisions of current sec. 314 would be retained, although certain conforming changes would be made. Applicants for assistance under new section 405 would still be required to obtain reasonably available, adequate and necessary insurance to protect against future damage.

SECTION 10

Section 10 would amend section 315 (new section 312) relating to preventing and remedying duplications of benefits in disaster relief. Subsection (a) would modify and expand the requirements of current section 315, subsections (a) and (b) to prevent duplications of benefits by Federal agencies. The new subsection would place the responsibility for preventative action directly on each agency or organization which provides or administers disaster assistance under its own authorities. FEMA would retain the responsibility for preventing duplications of benefits when disaster assistance is provided or performed under mission assignment by another agency or organization. The President (FEMA) would take action to ensure uniformity of procedures. New subsection (a) would also explicitly require prevention of duplications in emergencies as well as major disasters. The subsection would also seek to prevent an applicant from receiving Federal disaster assistance where insurance did, or should have, provided benefits for the same purpose.

A recent study performed by FEMA indicated that in some places, disaster assistance provided what should have been covered by an applicant's insurance. It appears that insurance companies are not paying claims in a timely manner, or that applicants are not filing claims for items which should have been covered. This new feature of subsection (a) would give FEMA and other disaster assistance agencies and organizations a strong new mandate to provide disaster assistance only when insurance proceeds to which a person is entitled have been considered and the need for supplemental assistance remains. In addition, new subsection (a) would permit grants of disaster assistance where it is clear that an applicant for such assistance who is, or may be eligible for relief from insurance or any other sources will not receive such other assistance until some later date. Under these circumstances disaster assistance may be delivered, but upon the condition that the recipient of the assistance agreed to repay subsequently-received duplicative benefits.

New subsection (b) would require Federal disaster assistance agencies and organizations administering Federal disaster programs to collect duplicative benefits when the preventive measures taken under subsection (a) fail. The requirement would apply to emergencies as well as major disasters and would remedy duplications between Federal programs and among Federal programs, insurance and other sources. Under current section 315, subsection (c), which new subsection (b) would replace, only the President (FEMA) is vested with authority to recover duplications, and only when the duplication involves funds provided under the Disaster Relief Act. The new subsection (b) would, for the first time, provide comprehensive authority requiring the recovery of duplications arising under all Federal disaster programs.

Subsection (c) would provide that Federal and other disaster assistance shall not be considered as income or resources in the context of federally-funded income assistance or resource tested benefit programs. This change would preclude the reduction in benefits to individuals and families in federally-supported income assistance or welfare benefits as a result of their receipt of disaster assistance.

Section 318 (a) and (b) are based on similar provisions in the Labor-Management Reporting and Disclosure Act and are similar to current section 317(a); new section 318(c) is based upon the current section 317(c); new section 318(d) establishes an enforcement mechanism to respond to violations of the Act or its implementing regulations; section 318(e) is based on a similar provision in the Inspector General Act; and section 318(f) is a renumbering of current section 317(b).

SECTION 11

Section 11 would renumber current sec. 405 as new sec. 315 and make conforming changes; would add a new authority authorizing the Attorney General to institute suits to recover disaster assistance expenditures which are the proper responsibility of another party; would add a new section 317 to give the President express authority to audit and investigate, to require audits by State and local governments and to examine financial records of any person or entity relating to disaster assistance; and would renumber as new section 318, and expand, current section 317.

New section 316 would clarify the Government's authority to bring actions against parties which cause or contribute to major disasters or emergencies. The section would give the Attorney General express authority to institute actions in United States District Courts to recover disaster assistance expenditures. The Supreme Court in footnote 16 to the opinion in *Wyandotte Transportation Co. et al.* v. *United States*, 389 U.S. 191 (1967), stated that the then current disaster relief legislation, 42 U.S.C. 1855-1855g (predecessor act to the Disaster Relief Act of 1974) contained no authority to sue for recovery of disaster relief expenditures. Section 316 would overcome opposition to an action instituted by the Attorney General based on the *Wyandotte* footnote. Jurisdiction in District Courts would be expressly provided by 28 U.S.C. 1345.

Section 316, however, adds no new legal responsibilities for potential defendants. Any action brought under this section must be based on separate legal requirements such as those imposed by Federal or State statutes or regulations or common law (tort or contract, including a FEMA-State Disaster Assistance Agreement). The applicable standard of care shall be derived from such separate legal requirements. This section, by itself, does not impose strict liability or any other standard of care. It would be a matter of judicial discretion to fashion appropriate relief in addition to the repayment of Federal funds.

New section 317(a) is similar to a provision in the Labor-Management Reporting and Disclosure Act of 1959, as amended; section 317(b) is a new subsection; and section 317(c) is identical to provisions in several statutes and the regulations of several agencies, including FEMA.

New section 318 would expand on the civil and criminal sanctions of current section 317. It would also provide a mechanism by which the government could seek injunctive relief under appropriate circumstances. New subsections are based for the most part on existing and tested authorities of the Federal statutes.

SECTION 12

Section 12 would add section 401, dealing with the declaration process for major disasters and loans or advances of funds for the State and local share of assistance which is provided on a cost-sharing basis; sec. 402, authorizing the President and, by delegation FEMA, to direct other Federal agencies to provide assistance under their own authorities and without reimbursement, to coordinate Federal assistance and to coordinate with State and local governments, and to provide technical and advisory assistance; and sec. 403, authorizing the provisions of emergency assistance, under this Act, following a major disaster declaration.

Section 401(a) is currently codified at section 301(b) of the Act. Section 401(b) is new.

Among other things, section 401(a) requires a Governor's certification of a State and local government commitment to the disaster relief effort. By the parenthetical clause, a State commitment must constitute a "significant proportion" of the overall State and local commitment. The determination of whether the State commitment constitutes a "significant proportion" shall be made on a case-by-case basis. The determination shall be based on whether the State commitment is a substantial part of the overall State and local resources applied to the disaster recovery effort. It shall also be based on whether, given the resources available to the State, the Governor's commitment is adequate to demonstrate to the satisfaction of the President (FEMA) his or her sincerity in requesting supplemental Federal disaster assistance.

Section 401(b) would authorize advances or loans of the State and local share of grants under sections 405, 406 and 407 for which there would be cost-sharing requirements; it would not affect current sec. 414 (new sec. 416) dealing with community disaster loans, or current sec. 408 (new sec. 410), dealing with Individual and Family Grants. Sec. 401(b) would impose stricter standards for the advance or loan of the State and local share of grants made under new sec. 405, dealing with permanent restoration of public facilities. As a result, advances or loans of the State and local share of grants made under new section 406 (debris removal) and section 407 (temporary housing) would be more readily available than advances or loans for permanent restorative work. Sec. 403(a)(4) ensures that all debris removal assistance, whether needed as emergency work or not, would be cost-shared on a 75-25 percent basis.

Section 402 is drawn from current sec. 305; it is similar to new sec. 502. Sec. 403, with some changes in subsection (a)(4), is a recodification of current sec. 306; many features of this section are still intact from the

original 1950 comprehensive Disaster Relief Act.

SECTION 13

Section 13 amends section 402 (new section 405) and section 403 (new section 406) for several purposes. It would impose a 75 percent limitation on the Federal contribution for permanent restorative work on public facilities and debris removal, respectively. The section would also incorporate an expansion of the concepts of current section 419 into new sections 405 and 406. Several elements of current section 402 would be retained in new section 405: subsection (a) deals with the repair, restoration, reconstruction or replacement of public facilities, the definition of which is moved from 402(d) to new 405(a); subsection (b) would continue the eligibility of certain private nonprofit facilities; and subsection (d) would continue the provision of 402(c) relating to projects under construction, except that new 405(d) would preclude assistance where, under a contract, the contractor is responsible for disaster-related expenses. Current section 402(f) relating to flexible funding is unworkable and would be deleted. New section 405(c) would require that permanent restorative work still be accomplished in conformity with applicable codes, specifications and standards, as well as in compliance with floodplain management and hazard mitigation criteria required by the President, the Coastal Barrier Resources Act, and other applicable Federal statutes.

Section 13 incorporates FEMA's single most important legislative initiative, the requirement that State and local governments share the cost of permanent restorative work and debris removal at the rate of 75 percent Federal, 25 percent State and local. This change in the statute would assure the supplemental nature of the Federal aid under the public assistance authorities. The existing legislation requires a Governor, as a condition for assistance under the Act, to certify that the total obligations and expenditures of both State and local governments for a major disaster constitutes a reasonable commitment. This commitment has always been difficult to ascertain. Requiring 75-25 percent cost-sharing by statute would assure that a reasonable commitment would be made by state and local governments with regard to public assistance. With the grantees' cost-sharing in permanent restorative work, we anticipate tighter financial controls over planning and construction and other ways of reducing long-term costs related to disaster projects. We also anticipate that State and local governments will be more prudent in their assessments of needs for debris removal and permanent restorative work. Savings due to 75-25 percent cost-sharing for public assistance are currently estimated at an average of $50 million per annum. Any grant under the 75-25 percent limitation would be precluded unless there were a 25 percent nonfederal contribution; State and local governments would not be able simply to limit their expenditures to the Federal contribution. Further, the underlying purposes of the 75-25 percent provision would be frustrated if an applicant were permitted to receive other Federal funds specifically to meet the matching requirement. However, applicants should be able to apply funds originating with the Federal government when such funds were provided under general revenue sharing or broad block grant authority. In these latter situations, the applicant would still have to make decisions about where best to expend the funds under its control; this would ensure prudent applications for disaster assistance.

Section 13 also expands current section 419 relating to small project grants. We believe that this section provides a tested and time-saving method of reducing the burden of administrative costs and delays for small projects. The section currently permit FEMA to make full grant payments based on the estimated cost of repairing disaster damage to public facilities. Except on spot-checks, or upon receipt of evidence of gross errors or fraud, there generally is no requirement to perform detailed audits or final inspections of the work completed. FEMA would retain the authority to perform inspections and audits on particular projects in order to ensure the integrity of applicable programs. The current limitation on the applicability of section 419, $25,000 for the cumulative estimated cost for all projects belonging to a particular applicant, would be changed by section 13 to $25,000 for each individual project. Based on the most recent computer analysis, FEMA anticipates that approximately 90% of all projects processed, representing less than 10% of all funds expended, could be included under the new small project grant mechanism as a result of this change. The proposed change would gain the advantages of management by exception with greatly reduced administrative costs and delays.

Under section 13 contributions for permanent restorative work would be limited to 75 percent of the net eligible costs or "for small projects 75 percent of the Federal estimate of the net eligible cost" of repairs or restoration. The quoted portion would permit FEMA to make a grant based on the estimate, rather than having to resort to inspections and audits to determine the actual costs of restoration. The change would also permit FEMA to establish, by regulation, the definition of "small projects" to which this expedited procedure may be applied. We anticipate that a ceiling would be established initially at $25,000 per project. The section would also delete any provision for expending a small project grant on anything but the restoring or replacing of the damaged or destroyed public facility on which the grant was based. Section 13(c) would make provision for the same project grant mechanism for debris removal assistance; similar provisions are made for emergency work in a major disaster by section 13.

As a result of section 13, there would be authority to make grants to public assistance applicants based either on the actual net eligible costs of the restorative work or the Federal estimate of that cost. The latter mechanism would be expressly available for "small projects". There are, however, additional situations where actual net eligible costs can not be determined. There is no intent in section 13 to preclude FEMA from relying on Federal estimates in such situations. Examples include the longstanding practice of providing a "grant in lieu" when an applicant, in restoring its capability to continue providing a service, decides to rebuild a larger or better facility. By regulations, FEMA is permitted to provide funds to the extent that it would have funded the restoration of precisely what was lost. The determination of grant amount necessarily is based on an estimate. There are also other situations when actual costs are not available such as when an applicant has maintained inadequate records, where records have been destroyed or where FEMA can not justify reimbursing what it determines to be excessive costs. Each of these situations also requires reliance on estimates.

Section 13 also would amend and renumber the debris removal assistance authority, current section 403, as new section 406. As with section 405, debris removal assistance would be provided on a 75-25 percent cost-sharing basis (except for snow removal assistance which is normally provided on a 50-50 percent cost-sharing basis), regardless of whether the assistance is in the form of grants or direct Federal assistance. New section 406(c) would also authorize the small project grant mechanism for debris removal.

Section 13 would delete the "in lieu" provision relating to fundings under section 402(f). A local government involved can determine not to repair, restore, or replace a particular damaged public facility and get a 90 percent contribution in lieu therefor which can be used for non-disaster-related facility construction. Under the section an applicant is able to use available disaster funds to construct new public facilities which also may have low priority for construction and which are not essential. We estimate that of all the project applicants approved under the Act since 1974, only about 2 percent have been approved under section 402(f) representing about 5 percent of the total dollars.

Section 402(f) does not work to the best interest of the Federal Government. It contradicts the purpose and aims of Federal disaster assistance, which are, "to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters . . . ." When an applicant chooses not to restore a public facility, then presumably the facility is not needed to provide necessary services to the public, and the public will not suffer from lack of that facility. In such a situation it is not in the public interest for the Federal Government to provide funding which an applicant uses on some alternate project that is not disaster-related.

In those cases where an applicant wishes to use the opportunity of a disaster to make changes in location, size, or construction of disaster-damaged facilities, the grant-in-lieu procedure, provided for in FEMA's regulations, is of far more benefit to an applicant than flexible funding has been; it is used extensively in almost all disasters.

SECTION 14

Section 14 would amend current sec. 404 (new sec. 407) in several respects. First, it would eliminate the automatic one-year rent-free period for providing temporary housing. Second, temporary housing would only be provided when adequate alternate housing is unavailable. Third, FEMA and the affected State would share the costs of developing mobile home group sites, 75-25 percent. Fourth, there would be explicit authority for administration of temporary housing programs by State and local governments and for FEMA to reimburse 100 percent of the eligible costs incurred. Finally, the section would state that Federal operational and financial responsibility for temporary housing would not exceed 18 months unless that time were extended by the President (FEMA) in extraordinary circumstances.

The intent of the elimination of the automatic one-year rent-free period is to impose the reasonable requirement that individuals

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and families needing temporary housing continue to pay at least what they were paying for housing before the disaster. This change plus the requirement that alternate housing be unavailable before the provision of temporary housing should save the Government at least $1 million per year.

The cost-sharing feature for group site development recognizes the supplemental nature of temporary housing. More to the point, however, it eliminates the confusion about the respective roles of the Federal and state governments in the cost associated with group site development. Currently, States or local governments are charged with providing group sites, except when FEMA determines that such sites should be developed at Federal expense. The presence of this waiver has encouraged States and local governments to obtain this relief whenever possible. The language of the proposal will formalize the State's responsibility for funding.

The explicit change authorizing FEMA to make contributions to State or local governments for the purpose of providing temporary housing, would clarify that FEMA, in addition to being authorized to provide such assistance directly, would have the option of providing assistance through other Federal agencies or through State or local governments which were willing and able to assume the responsibility. The determination of which mechanism is best would be within FEMA's sole discretion, assuming this section is delegated to the Agency. Finally, in all but extraordinary circumstances, FEMA's responsibility for the provision of temporary housing would end no later than 18 months from the date of the major disaster declaration.

SECTION 15

One of FEMA's major responsibilities in connection with the provision of disaster relief is to act together with State and local governments, as well as other Federal agencies, to reduce the damage sustained during natural disasters and to minimize the potential for the recurrence of disasters by initiating appropriate hazard mitigation measures.

The hazard mitigation process involves anticipating the future aspects of hazards; identifying measures that can reduce or eliminate these impacts; selecting and providing for the scheduling of the most appropriate actions for reducing impacts of the hazards; and evaluating and reviewing mitigation actions for effectiveness.

The immediate post-disaster situation presents many opportunities to reduce annual damages from natural disasters. We find, given the widespread damage and hardship, that local officials and the community at large are more interested and willing to reach a consensus on solving the problems associated with minimizing future risks than they are normally. This is especially true given the large public and private investments which are required to restore facilities damaged and destroyed as a result of the disaster. Depending on the extent of damage, there may be unprecedented opportunities to relocate damaged or destroyed facilities or homes out of the most dangerous zones; this is probably the most effective means of reducing the risk of future damage. FEMA's ability to promote cost-effective prudent hazard mitigation measures is largely dependent on its ability to participate in their costs.

Section 15 would provide authority for FEMA's contributing to the cost of performing hazard mitigation measures. Such projects would be identified in the hazard mitigation plan prepared by the State under the authority of current sec. 406 (new sec. 408) and FEMA's implementing regulations. This plan would rank the most important and potentially cost-effective hazard mitigation projects, subject to FEMA's approval. Such projects would not necessarily have to be specifically related to particular damaged facilities, but rather be significant in reducing the threat of future damage and hardship for the entire disaster area or for a significant facility in that area. There would be a limitation on the total amount of Federal disaster assistance funds to be expended on such projects of 2.5 percent of the public assistance costs assumed by FEMA for permanent restorative assistance for the subject major disaster. Based on our financial records, in fiscal year 1979, 2.5 percent of such costs would amount to approximately $4.5 million; for fiscal year 1980, the figure would have been $3.3 million; and for fiscal year 1981, the figure would have been approximately $.8 million. The potential savings to the Federal, State and local governments would be much greater. Any Federal funds contributed under this section would have to be matched on a 50 percent-50 percent basis.

SECTION 16

Section 16 would replace the current section 407 with an amended new section 409, still dealing with disaster unemployment assistance. The main changes would be to eliminate eligibility for such assistance where the individual is otherwise eligible for unemployment assistance under authority of any Federal or State act and to limit the duration of total assistance to 26 weeks. For example, a worker whose unemployment is attributable to a major disaster and who reopens or establishes a claim for unemployment compensation benefits under any State or Federal unemployment compensation law in which the duration of the benefit is less than 26 weeks would be entitled to disaster unemployment assistance for a combined duration of unemployment compensation and disaster unemployment assistance not to exceed 26 weeks.

Disaster unemployment assistance would be unavailable to supplement, week by week, benefits received under any other unemployment compensation program under Federal or State statute. This assistance would also be unavailable to provide benefits during any waiting week period under those programs. The term "unemployment compensation," as used in section 17, is intended to have the same meaning as is given to that term by section 85(c) of the Internal Revenue Code of 1954.

SECTION 17

Section 17 would delete language from section 408(b) of the Disaster Relief Act of 1974, as amended, which establishes an unspecified time frame for repayment of advances of a State's 25 per centum share of the costs of an Individual and Family Grant program. In addition, the section would add two new sentences to section 408(b). The additional sentences state that any advances of a State's 25 per centum share established by this section of the law will accumulate interest from the date such advance is made at a rate determined by the Secretary of Treasury. The new language would also provide that States which receive such advances must start repaying the advances along with accumulated interest within two years from the date of the Presidential major disaster declaration.

SECTION 18

Section 18 would amend sec. 408(d) (new sec. 410(d)) to permit FEMA to reimburse 50 percent of the State's administrative expenses in connection with the Individual and Family Grant program in excess of the currently reimbursed 3 percent of the Federal grant. Such extra reimbursement would be contingent on the State's completing all grants to eligible individuals and families within the period prescribed by FEMA.

This change is supported by the following points:

Once the emergency period is over, most state administrations do not assign high priority to the completion of the program. Historically, 85 percent of all programs received better than 90 percent of their applications within the application period (the first 60 days of the program). However, only 3 percent of the programs are completed within the regulated time frame (180 days).

Many states are reluctant to staff programs with an adequate number of people to process applications rapidly because their administrative costs would exceed the 3 percent allowed them. Some states restrict the implementing agency's administrative costs to the amount which will be reimbursed by the Federal Government. When this has occurred, in order to protect the interests of the individuals and families being assisted, FEMA has had to step in and perform functions that are normally the State's responsibility (e.g., FEMA performed the verification of a large number of all applications in Mississippi because the State restricted the staffing because costs would exceed the 3 percent.)

Auditors have been critical of the time it takes to deliver assistance. They question the validity of awarding a grant weeks, and sometimes months, after a victim has made application, since the purpose of the grant is to meet necessary expenses and serious needs.

An analysis of those completed programs authorized during 1980 and 1981 revealed that:

Overall, states are actually receiving only 15 percent of their reported administrative costs;

Only 25 percent of the programs received funds adequate to cover the reported administrative costs; and

If the authority to provide additional reimbursement as proposed by sec. 18 had been in place over the last two years, we estimate that states would have received 57 percent of their reported administrative costs, assuming the states complied with the required deadlines. For the two year period analyzed, the extra reimbursement by FEMA would have totaled approximately $775,000. This additional expenditure would have been supportable given the more efficient delivery of assistance to individuals and families.

If this section passes as written, the agency will clearly define in the program regulations the "period prescribed by the President" taking into account the fact that completing an IFG program is dependent on other programs.

SECTION 19

Section 19 would delete subsection (d) from sec. 418 (new sec. 420) authorizing grants to State and local governments for the removal of disaster-damaged timber from privately-owned lands. The section is unnecessary and is not used.

SECTION 20

Section 20 would amend sec. 606 of the Act (would not be renumbered by the bill) to authorize appropriations to the President of such sums as may be necessary to carry out the disaster assistance program for the next three fiscal years, and to FEMA for related administrative expenses for the same period. The three year authorization cycle is traditional for the Disaster Relief Act of 1974.

SECTION 21

Section 21 would make numerous changes to the Act, most of them conforming or updating amendments, not substantive costs.

Subsection 21(11) would eliminate the restriction that donated mobile homes must be used to provide temporary housing following an "emergency" or "major disaster." Subsection 21(13) would eliminate the reference to "emergency" in current sec. 415 dealing with emergency communications. This change would be a conforming amendment; all sections in Title IV make explicit reference to use in a "major disaster." However, if emergency communications were required in an emergency, as part of the Federal supplemental assistance for emergency communications would be authorized by the general emergency assistance authority of Title V. Subsection 21(16) would substitute "Federal coordinating officer" for "President" in current sec. 312 (new sec. 309) dealing with the use and coordination of private relief organizations.

SECTION 22

Section 22 would amend section 6(a)(6)(E) of the Coastal Barrier Resources Act to reflect the fact that that Act's exemption from the general prohibition on Federal expenditures on designated undeveloped coastal barriers in the context of the provision of emergency assistance remains effective. Sec. 22 also contains a general technical amendment provision to reflect the changes in the Disaster Relief Act of 1974, as amended, which would be effective upon enactment of the "Disaster Relief Act Amendments of 1983."

SECTION 23

Section 23 would provide that the Act shall be effective 90 days after enactment but only for major disasters and emergencies declared after such date. In addition, section 23 contains a savings provision which would continue in effect the current implementing regulations of the Disaster Relief Act of 1974, as amended, until those regulations are abrogated or amended by the President, and would permit the continuation of proceedings which are authorized under current law and regulations even after the enactment of the Disaster Relief Act Amendments of 1983.●

● **Mr. HUMPHREY.** Mr. President, I am glad to join with Senator STAFFORD to introduce the Disaster Relief Act Amendments of 1983.

This bill is a comprehensive set of proposed amendments to the Disaster Relief Act of 1974. It will serve as the focal point for the hearings and discussions with the administration, the Federal Emergency Management Agency, other departments and agencies, as well as interested groups or individuals.

The Subcommittee on Regional and Community Development, which I chair, will conduct a hearing on this important measure on July 21, 1983. The subcommittee will hear representatives of the Federal Emergency Management Agency in room 406 of the Dirksen Senate Office Building at 10 a.m. Additional hearings may be scheduled at a later date.●

By Mr. DENTON:

S. 1526. A bill to provide lump-sum death benefits for the survivors of Federal law enforcement officers killed in the line of duty; to the Committee on Governmental Affairs.

DEATH BENEFIT FOR FEDERAL LAW ENFORCEMENT OFFICERS

● **Mr. DENTON.** Mr. President, when a local enforcement officer is killed in the line of duty his or her immediate family receives from the Federal Government a sum of $50,000 in survivor benefits. On the other hand, when a Federal law enforcement agent is killed in the line of duty his or her immediate family does not receive such survivor benefits from the Federal Government. I introduce today a bill that would allow families of Federal agents killed in the line of duty to receive $75,000.

FROM THE FEDERAL GOVERNMENT

A bill similar to this was introduced during the Carter administration and was passed by both the House and Senate. However, President Carter vetoed this bill stating it would cost the Federal Government too much money. My research corrects the misconception that great numbers of Federal agents are killed in the line of duty. However, I believe that families of those who give their lives to defend the security of our Nation need and deserve this assistance.

I ask unanimous consent that a copy of the bill be included in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8133 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) If a law enforcement officer employed by the Federal Bureau of Investigation; the Drug Enforcement Administration; the U.S. Customs Service; U.S. Border Patrol; Indian Reservation Police; Uniform Division of Executive Protection Agency; Federal Protective Service; U.S. Secret Service; or as a U.S. Marshal dies as a result of injuries sustained in the performance of duty, the United States shall pay, in addition to other benefits authorized by law, a lump sum payment of $75,000 to the person or persons surviving on the date of death in the order of precedence established under subsections (a) and (b) of section 8705. No payment shall be made under this subsection if, by the end of the four-year period beginning on the date of the death of the employee, no claim for payment by a person entitled under this subsection is made. Payment under this subsection shall be made by the head of the Federal agency concerned out of appropriations available to such agency for such purposes beginning for fiscal year 1984."

(b) The amendment made by subsection (a) shall be effective upon date of enactment of this Act.●

By Mr. INOUYE:

S. 1527. A bill to provide parity for psychiatrists and psychologists in title 18, United States Code; to the Committee on the Judiciary.

AVAILABILITY OF PSYCHOLOGISTS IN THE CRIMINAL JUSTICE SYSTEM

● **Mr. INOUYE.** Mr. President, today I am introducing legislation which would amend the current criminal justice system to insure that the services of qualified psychologists will be made readily available throughout the Federal judicial system.

The legislation which I am proposing today would not mandate that our Nation's Federal courts give preference to these scientists and practitioners, but would instead insure that Federal judges will have the option to use their services where they so desire.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4244 of title 18, United States Code, is amended by inserting after "qualified psychiatrist" each place it appears the following: "or psychologist".

SEC. 2. Section 4247 of title 18, United States Code, is amended—

(1) in the second sentence by inserting after "qualified psychiatrist" the following: "or psychologist";

(2) in the third sentence by striking out "designated psychiatrist or psychiatrists" and inserting in lieu thereof "designated psychiatrist or psychologist or psychiatrists or psychologists"; and

(3) in the fourth sentence by inserting after "psychiatrists" the following: "or psychologists".

SEC. 3. Rule 12.2(c) of the Federal Rules of Criminal Procedure is amended—

(1) in the caption by adding after "Psychiatric" the following: "or Psychological"; and

(2) in the first sentence by—

(A) adding after "psychiatric" the following: "or psychological"; and

(B) adding after "psychiatrist" the following: "or psychologist".●

By Mr. MOYNIHAN (for himself and Mr. DANFORTH):

S. 1528. A bill to amend the Internal Revenue Code of 1954 to provide that certain museums and organizations which operate libraries will be treated as public charities; to the Committee on Finance.

TAX TREATMENT OF LIBRARIES AND MUSEUMS

● **Mr. MOYNIHAN.** Mr. President, I rise today with Senator DANFORTH to introduce a bill to amend section 170

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of the Internal Revenue Code concerning the tax treatment of certain museums and libraries. My bill would make it easier for these institutions to qualify as public charities.

Under current law, a museum can qualify as either a public charity or a private foundation. It is advantageous for a museum to be a public charity, in part, because it is easier as a public charity to obtain grants from foundations. The reason: a foundation has to exercise expenditure responsibility for the money it donates to other foundations, but not to public charities. Section 4945(h) of the Internal Revenue Code defines "expenditure responsibility" as a duty to "exert all reasonable efforts * * * to see that the grant is spent solely for the purpose for which made, to obtain full and complete reports from the grantee on how the funds are spent, and to make full and detailed reports" to the IRS. This involves a great deal of paperwork, and, for reasons that are all too obvious, foundations prefer to avoid the added work and expense.

Another reason museums prefer to qualify as a public charity rather than a private foundation is the investment excise tax. A private foundation must pay an annual 2 percent excise tax on its net investment income, and has to file a special tax return to do so. A public charity does not.

The list of public charity advantages continues. A private foundation is also prohibited from dealing with anyone on a lengthy list of disqualified persons. For instance, under the law, family members of persons who own large blocks of stock in corporations contributing money to the foundation are considered disqualified persons. The list of disqualified persons is such, then, that a foundation may find itself unwittingly breaking the law.

And the penalty for violating the law can be stiff. The disqualified person has to pay a special tax equal to 5 percent of the amount involved, and the tax increases to 200 percent if the infraction is not corrected after notice from the IRS. A public charity, on the other hand, is prohibited only from dealing with persons for their own advancement.

There is yet another advantage. A private foundation is prohibited from owning more than 35 percent of the stock in any unrelated business. If the business is controlled by a disqualified person, the foundation may own an even lesser percentage of stock. Again, the penalty for violating this provision is an additional tax of 5 percent of the excess business holding, increasing to 200 percent if the violation is not corrected after IRS notice. A public charity, of course, is not subject to this restriction.

And, last, a private foundation must file a special information return with the IRS. A public charity does not have to meet this requirement.

I do not challenge the basis for regulating private foundations in this way. I only ask if certain museums should not qualify as public charities.

The test for determining whether an exempt organization is a private foundation is found in section 509 of the Internal Revenue Code. In general, a museum can be considered a public charity, rather than a private foundation, if among other tests it receives more than one-third of its support in the form of small "gifts, grants, contributions * * * [and from] admissions" fees. The IRS regulations say that this one-third test is "designed to ensure that an organization which is excluded from private foundation status * * * is responsive to the general public, rather than to the private interests of a limited number of donors or other persons."

My bill would add a special test for museums to qualify for public charity tax status. A museum that failed to meet the one-third test could still qualify as a public charity if at least one-fourth of the museum's directors are public officials or persons appointed by public officials to act in the public interest. To qualify as a public charity, the museum must also be a permanent organization with a professional staff. It also must display tangible objects and be open to the general public for free or nominal charge, on a regular and continuous basis.

Why does the tax law distinguish between public charities and private foundations? In the sixties some foundations were found to be abusing their exemptions from Federal income taxes. Some wealthy families transferred stockholdings to a foundation, while retaining control of the corporation—avoiding both the income tax on dividends and the estate tax on the value of the stock. Said Stanley S. Surrey, Assistant Treasury Secretary for Tax Policy, in a February 23, 1967, speech: "The present resort of tax and business planners to the creation of a private foundation to hold the stock of a business enterprise so as to perpetuate the family control of that enterprise is a complete distortion of the policies and philanthropic motivations that underlie the tax benefits granted charitable contributions and charitable institutions."

Individuals who contribute money to foundations, of course, can deduct their contributions from their income taxes. Congress also found, however, that some foundations were simply investing this money, rather than supporting charitable works.

Congress designed the 1969 Tax Reform Act to end such abuses. Since all tax-exempt organizations were not abusing the law, the new rules did not apply to all organizations. Instead, Congress created a new subspecies, termed "private foundations," for targeted regulation. As the Ways and Means Committee explained in its report on the 1969 act: "the problems that gave rise to the statutory provisions of the bill * * * appear to be especially prevalent in the case of some organizations. However * * * certain other organizations * * * generally do not give rise to the problems which have led to the restrictions and limitations."

The main determinant of whether an organization should be considered a private foundation for tax purposes, the committee said, is the degree to which "the organization is responsive to the general public."

The American Enterprise Institute, in a book on "The Tax Reform Act of 1969," explained:

> The statutory definition of "private foundation" reflects an underlying congressional philosophy which turns upon a very crucial distinction between organizations that are privately financed and those that depend upon the public for their support. In the latter case, the organization is subject to the discipline of public opinion. If it misbehaves, misuses its capital, or engages in questionable practices, the public will presumably learn about it, and by the simple expedient of cutting off contributions, correct that which has become offensive. On the other hand, the institution that is privately financed is subject to no such corrective influence and therefore must be regulated in some other way.

The bill that I am introducing today would affect at least four museums in four States: The Strong Museum of Rochester, N.Y.; the Mariners Museum of Newport News, Va.; the Merrimack Valley Textile Museum in North Andover, Mass.; and the Philadelphia Maritime Museum.

My bill is reasonable and equitable. First, the likelihood that public museums have been abusing the tax laws, or have been used to do so, is very slim. There are certainly easier and more efficient ways to shelter corporate stock than to a set up a public museum. And certainly there are easier and more efficient ways for wealthy families to finance one's exotic pastimes or interests. Any contribution a museum receives almost always go directly into paying for an exhibit, rather than into a portfolio investment. It is for this reason that hospitals, schools, and such are not private foundations.

And second, a private foundation is an exempt organization relatively immume to public pressure. How reliant an organizaton is on the public for support is one test of is immunity from public pressure. This is the test in the current statute. I propose to add another test, one that is just as good. Is the museum a permanent organization with a professional staff and normal viewing hours for the public, and are there people represent-

ing the public interest on the board of directors of the museum?

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (A) of section 170(b)(1) of the Internal Revenue Code of 1954 (relating to percentage limitations) is amended by striking out "or" at the end of the clause (vii) by adding "or" at the end of clause (viii), and by inserting after clause (viii) the following new clause:

"(ix) a museum (as defined in subparagraph (F)(i)) if 25 percent or more of its governing body consists of individuals (other then disqualified persons as defined in subparagraph (F)(ii) with respect to the museum) who are described in any of the following subclauses:

"(I) community leaders or other individuals representing a broad cross-section of the views and interests of the community,

"(II) members of such governing body by reason of being a public official, or

"(III) individuals selected to be members of such governing body by a public official,".

(b) Paragraph (1) of section 170(b) of such Code is amended by adding at the end thereof the following new subparagraph:

"(F) SPECIAL RULES FOR SUBPARAGRAPH (A)(IX).—For purposes of subparagraph (A)(ix)—

"(i) MUSEUM.—The term 'museum' means any organization the principal function of which is (through the utilization of a professional staff) the exhibition of tangible objects to the general public on a regular and continuous basis for free or at a nominal charge.

"(ii) DISQUALIFIED PERSON.—The term 'disqualified person' has the meaning given to such term by section 4946; except that an individual shall not be treated as a disqualified person merely by reason of being a member of the governing body of the organization."

SEC. 2. (a) Clause (ii) of section 170(b)(1)(A) of the Internal Revenue Code of 1954 (relating to charitable, etc. contributions and gifts) is amended by adding at the end thereof: "or any organization which operates a qualified library within the meaning of subparagraph (G)."

(b) Paragraph (1) of section 170(b) of such Code is amended by adding at the end thereof the following new subparagraph:

"(G) QUALIFIED LIBRARIES.—For purposes of subparagraph (A)(ii), a library shall be treated as a qualified library if—

(i) such library was established as a library by a law of a State, a law of the United States, a law of possession of the United States, a law of the District of Columbia, or, before 1789, in the geographic area now comprising the United States and such library is operated by an organization as a permanent and principal part of the public services of such organization; or

"(ii) such library is open and available to the general public, does not charge a fee for admission to its premises or use on the premises of the library collection, and is operated by an organization, none of whose income is expended for purposes other than the construction, maintenance, expansion, operation or management of such library, its collection and the premises on which such library is located."

SEC. 3. The amendments made by this Act shall apply to taxable years ending after the date of the enactment of this Act; except that, for purposes of applying sections 507 and 509(c) of the Internal Revenue Code of 1954 with respect to taxable years ending after such date, such amendments shall be treated as in effect for all periods on or after October 9, 1969.●

● Mr. DANFORTH. Mr. President, I am pleased to cosponsor the bill just introduced by my friend from New York, Mr. MOYNIHAN. This bill provides that a tax-exempt organization operating a library or museum is, under certain circumstances, to be treated as a public charity for tax purposes. This bill is similar, in its treatment of libraries, to legislation I introduced in the last Congress.

Under the bill, these organizations would be treated the same way that other educational organizations such as schools and universities are treated. In order to qualify for public charity treatment, the library operated by the organization would have to be operated as a permanent and principal part of the tax-exempt activities of the organization and be organized by a public act of the United States, of any State, of the District of Columbia, or of any possession of the United States, or be in existence prior to 1789. Alternatively, if the library is open and available to the public at no charge and is operated as the sole activity of the organization in issue, public charity treatment would be extended. Libraries which meet either of these tests are not different in any material manner from other educational institutions that are already accorded public charity status under the Internal Revenue Code. In my opinion, the time has come to equalize the treatment of these similar institutions.

Under current law, some tax-exempt organizations that operate libraries of the type I have just described run the annual risk that they will fail to meet the Internal Revenue Service's guidelines to qualify as a "publicly supported organization" and that they will be classified as private foundations.

For example, two libraries in Missouri that meet these tests, the St. Louis Mercantile Library in St. Louis and the Linda Hall Library in Kansas City, run the annual risk of being classifed as private foundations because of investment income from their endowments. Once classified as a private foundation, an organization must pay an annual excise tax equal to 2 percent of its net investment income. In order to avoid this tax, libraries of the type that are the subject of this bill will often spend substantial amounts in legal and accounting fees trying to insure that they meet the publicly supported organization test. Even then they may not meet the publicly supported test. Whether the organization spends its money paying the excise tax or in legal and accounting fees, I believe that as a matter of public policy, we would be better off if the money were spent acquiring books and other library materials.

There is another adverse aspect of being classified as a private foundation. A library that is classified as a private foundation has a more difficult task than an organization classified as a public charity in soliciting funds from potential contributors. A private foundation that is not an operating foundation may make contributions to public charities and private operating foundations, but generally may not make qualifying contributions to other private foundations that are not operating foundations. Because of the uncertainty as to whether a private operating foundation continues to qualify as an operating foundation—there are complex tests that must be satisfied annually—many individual contributors and other private foundations that are not operating foundations are hesitant to contribute funds to such an organization even though it clearly serves a public purpose.

As a result, funds that would otherwise go to libraries described in the bill are diverted to other charitable organizations. This is not a hypothetical problem. I am aware of at least one situation where a private foundation that formerly made a $10,000-a-year grant to the St. Louis Mercantile Library has ceased making such grants solely because of the library's private foundation status.

Finally, libraries that are classified as private foundations must, in addition to the 2-percent excise tax, pay annual legal and accounting fees to insure that they comply with the private operating fundation rules set out in the Internal Revenue Code. Again, I believe these funds could be better spent on library activities.

I do not believe that enactment of this bill will open the floodgates to legislation exempting all sorts of organizations from the private foundation rules. The legislation is narrowly drawn and the organizations involved in the bill serve the public. No allegations have been made that these organizations have engaged in the types of activity which led to the enactment of the private foundation rules in 1969. These organizations serve the public exclusively and should be treated accordingly. They should be classified as public charities.

Since I know of only two libraries that would be affected by this legislation, I would like to briefly describe each of these institutions.

The Linda Hill Library was established in 1946. The instruments governing its establishment and operation

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specifically provide that the library shall be open and available to the public at no charge. These instruments also provide that none of the library's income shall be expended for purposes other than the construction, maintenance, expansion, operation, or management of the library. The library is maintained in its own buildings situated on a tract of land adjacent to the University of Missouri at Kansas City in Kansas City, Mo.

Since its establishment, the library has assembled one of the Nation's most extensive and notable collections devoted to science and technology including more than 460,000 volumes and over 620,000 microforms. Together with a distinguished retrospective collection, it also has very extensive holdings of current books and journals from all countries where publications at the research level in science and technology are available. Among those works especially valuable to research scientists throughout the United States, and not widely held by other institutions, are the library's comprehensive collections of current journals from the Soviet Union, Japan, and the People's Republic of China.

The Linda Hall Library maintains a program of providing photocopies of its materials to persons upon request, whenever requests for such services are consistent with copyright laws and with the Copyright Clearance Center procedures. It also maintains a program of lending portions of its collection from time to time to other libraries. Shortly after its establishment, the library purchased the entire collection of the American Academy of Arts and Sciences which had its principal offices in Boston, Mass. After the purchase, the Linda Hall Library agreed to act as the agent of the academy in continuing its broad exchange program with libraries and learned societies located throughout the world.

In the early years of its existence, the Linda Hall Library was selected by the Atomic Energy Commission as one of 15 or 20 depositories throughout the United States for its literature, and the library continues to maintain a collection of material relating to the AEC's successor organization, the Energy Research and Development Administration. In the late 1950's the National Aeronautics and Space Administration selected Linda Hall Library as a depository for the literature which it distributes in connection with its information program. Literature is still being sent by NASA to the library in connection with this program.

Linda Hall Library is a depository for all specifications and standards to be used by individuals and organizations when dealing with military and civilian projects of the Federal Government. The library also maintains the patent specifications for all patents issued by the U.S. Government since July 1946, and is a depository for all current maps issued by the U.S. Geological Survey.

Linda Hall Library maintains a very close relationship with the University of Missouri at Kansas City which is almost entirely dependent upon Linda Hall for library material in the areas of science and technology.

The St. Louis Mercantile Library Association was established in 1946 to form a well-rounded collection of books for the information and convenience of St. Louisans. The formation of the library was authorized and approved by a public act of the General Assembly of the State of Missouri. The library is maintained in its own building in downtown St. Louis.

Over the past 132 years the library has assembled a notable collection of books, now over 213,000 volumes, comprising a general collection in the liberal arts area, with emphasis on history, biography, travel, philosophy, religion, and the arts. The library maintains one of the country's distinguished and most comprehensive collections of regional history pertaining to St. Louis and Western American.

The Western Americana collection, with approximately 55,000 rare books, is probably the most comprehensive collection in that field in existence. The collection is frequently consulted and referred to by many historians in this field. In addition, the library has one of the most complete files available in the St. Louis area for 6 local papers, including some 500 bound volumes of St. Louis newspapers, beginning with 1812—a few of these cannot be obtained in any other library. The library has also been the recipient of many valuable gifts during its existence. These gifts include the fragmentary journal of Pierre Laclede's stepson, Auguste Chouteau, describing the founding of St. Louis, and the original manuscript, "Journal of the Proceedings of the First Legislative Council of the Territory of Louisiana, from June 3, 1806 to October 9, 1811."

For individuals researching the organization of the territorial government of the Louisiana Purchase or Missouri's first steps toward statehood, these documents are of extreme importance. Another notable possession is the four-volume elephant folio of Audubon's "Birds of America." The library is open to the public and currently maintains a broad-based membership of over 2,000. While membership is necessary to check out materials—membership dues are currently a nominal $10 per year—anyone can use the books and collection on the premises of the library. The library is also made available to students for Washington University to observe the library's unique cataloging systems, reference department, and rate book room.

In my opinion, neither the St. Louis Mercantile Library not the Linda Hall Library should be penalized by the private foundation rules and applicable excise taxes. These provisions were not intended to penalize organizations that clearly provide a public benefit such as these libraries do. I also believe that libraries such as these should not be burdened with the additional legal and accounting expenses incident to the private foundation rules.●

By Mr. ANDREWS:

S. 1530. A bill to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts; to the Select Committee on Indian Affairs.

TECHNICAL AMENDMENTS TO INDIAN LEGISLATION

● Mr. ANDREWS. Mr. President, I am today introducing S. 1530, a bill to provide technical amendments to four acts pertinent only to Indian affairs. I previously introduced this legislation as S. 973 on April 5, 1983. The bill was reported out of the Select Committee on Indian Affairs on May 5, 1983, without amendment. However, at the time of Senate action, my esteemed colleague, the senior Senator from North Carolina, Senator Helms, offered an amendment to authorize the North Carolina School of Arts to lease certain property which had been approved with a grant under the Public Works and Economic Development Act of 1965. This amendment was accepted by the Senate and S. 973, with the Helms amendment was passed to the House of Representatives.

S. 973 was adopted by the House without amendment and the bill was forwarded to the President on June 7, 1983. On June 17, within the time provided by law, the President noted his disapproval of S. 973 and transmitted his veto message to the Senate on June 18, 1983. In his message the President stressed that the Helms amendment was the sole cause of the veto and he urged prompt reenactment of sections 1 through 4 of S. 973 providing technical amendments to the Indian statutes. It is this purpose that the legislation I introduce today will accomplish.●

By Mr. RIEGLE (for himself, Mr. Pell, Mr. Kennedy, Mr. Cranston, Mr. Dodd, Mr. Metzenbaum, Mr. Randolph, Mr. Matsunaga, Mr. Hart, Mr. Levin, and Mr. Chiles):

S. 1531. A bill to encourage the use of public school facilities before and after school hours for the care of school-age children, and for other purposes; to the Committee on Labor and Human Resources.

SCHOOL FACILITIES CHILD CARE ACT

● Mr. RIEGLE. Mr. President, today I am joining with my colleague, the senior Senator from Rhode Island, Mr. Pell, to introduce legislation to aid communities in the establishment and operation of school-age child care programs in public school buildings. We are pleased to have Senators Cranston, Randolph, Matsunaga, Dodd, Kennedy, Metzenbaum, Hart, Levin, and Chiles joining us as original cosponsors of this important bill. Day care for the school-aged child before school, after school, and during school holidays is a need of national dimensions for working parents in America.

LATCHKEY CHILDREN

The dramatic increase in two working parent families and working single heads of households has left many children without adult company or support for long periods of each work day. Literally millions of American children leave schools with keys around their necks. Our "latchkey" children return to empty houses alone, or in the company of a sister or brother not much older than themselves. Others, who find loneliness and fear in the prospect of an empty house, stay close to the school yard or visit with friends who may also be at home, unsupervised. In factories and offices across this Nation, parents wait anxiously for their children to call and confirm their arrival at home. They hope that their children can take care of themselves for the 2 or 3 hours between the end of the school day and the time that they return from work.

How well can young schoolchildren take care of themselves? Recent studies on physical and mental risks to unattended children are nothing short of alarming. Accidents are the major causes of death of school-age children in this country. Fire department officials in Detroit have reported that one out of six fires is caused by a child at home alone. Early exposure to alcohol and drugs, poor nutrition, fear and loneliness are just a few of the health hazards faced by latchkey children.

Research also suggests that unsupervised children are vulnerable to more subtle and insidious problems. There may be severe developmental implications for youngsters deprived of interaction with peers and affirming adults for significant amounts of time during the week. The delegation of responsibility to children for their own care and perhaps the care of even younger siblings places an undue burden which may leave them feeling frustrated and inadequate. Many children left alone resort to watching television for entertainment and company instead of working on key social and communication skills which are so critical to development during the early years.

Census reports indicate that almost 20 percent of the children between the ages of 6 and 13 whose mothers are working full time are unsupervised after school until a parent returns home. But many researchers suspect that this number represents the tip of the iceberg because of the reticence of many parents to admit that their children are alone after school. Estimates show that as many as 6 million children in America may be characterized as "latchkey."

In the last part of this decade, significant grassroots efforts, usually spearheaded by parents, have emerged in local communities to create after school day care programs. But these groundbreaking efforts have not begun to meet the growing need for these services. Only slightly more than 100 of the 15,000 American public school systems currently provide some sort of before and/or after school child care.

In conducting the research which led to the development of this legislation, it has been our experience that many school-aged child care programs now in operation are subsidized exclusively by parental fees. Providers are quick to point out, however, that fees have proven prohibitive for the participation of many children in need of services. Low-income and single parent households, and even some middle-income families who must also finance preschool child care, view after school child care as an unaffordable luxury.

Mr. President, adult supervision for young school-age children during periods when school is not in session and their parents must work should not be a luxury. With few exceptions, this important service is now available only to families with adequate financial resources, who are also fortunate enough to be living in communities where these programs are available. The safety and well-being or our Nation's young children are matters of the highest priority. It is my hope that this modest legislation will serve as a catalyst by drawing attention to the growing need for school-age child care programs, as well as by offering direct support to those communities which need assistance in developing programs.

PROVISIONS

Under the "School Facilities Child Care Act," public agencies and private nonprofit organizations can apply for Federal assistance to operate school-age child care programs in public school buildings. Grant applicants must demonstrate a need for a school-age child care program, a strong parental involvement component in the program, and a sliding fee schedule which will provide for reduced or waived fees for low-income children. In addition, our legislation establishes a National Clearinghouse on School-Age Child Care to offer information and technical assistance regarding the operation of these programs. The minimal funding level for this legislation, $15 million, will only begin to address the national need for quality school-age child care programs. However, not every community in need of school-age child care programs is also in need of Federal dollars to operate these programs. It is our hope that the Clearinghouse will offer all communities interested in addressing the "latchkey" problem a valuable resource. Furthermore, it is our intention that the availability of information and expertise to all who are interested will act to further target the majority of Federal dollars to those communities and to those children most in need.

Mr. President, this $15 million authorization bill will not insure the existence of a school-age child care program in every community. It will not provide funding for every child in need of services from a family without adequate resources. Nonetheless, it is an important beginning. In addition to providing a small amount of Federal dollars to support local after school school child care programs and to developing a national resource on the state of this art, I believe that this legislation will be an important contribution to national child care policy. This legislation places a high priority on parental involvement in the provision of services for their children. The sliding fee schedule guarantees a financial contribution from parents who can afford it, encourages an economic mix of children, and further targets Federal dollars to low-income children. Our bill encourages the formulation of partnerships among disparate sectors of the community who have concerns about the welfare of school-age children—parents, public educators, child care staff and advocates, community recreation groups—in the development of local school-aged child care programs. The use of a public school building as the site for these programs offers a cost-effective strategy for the provision of care through reliance on existing resources. This bill further facilitates local involvement by encouraging financial or in-kind contributions to these programs from all sectors of the community. These contributions can take several forms other than money, including the donation of space by the public school system. Volunteers from public service organizations or from local high schools and colleges can also offer an important contribution to the quality of any school-age child care program.

CHILDREN SPEAK OUT

Mr. President, the newly formed Senate Children's Caucus recently held their first policy forum on the issue of "latchkey" children. Experts spoke to the physical and psychological risks inherent in the "latchkey" predicament as well as to the need for national leadership in this area. The

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ones who spoke most eloquently about the "latchkey" phenomena and the value of after school child care programs, however, were the children themselves. High school students who volunteer at local after-school programs spoke about the boredom and the occasional fear they felt when they were "latchkey" children, and did not have access to the kinds of programs they now function in as volunteers. The younger child care program participants spoke about the fun they had after school and the strong friendships they had made in the program. It became clear that these programs functioned not simply as a holding center or a safe haven for children until their parents returned home from work. In deed, these children's participation in a school-age child care program substantially enhanced the quality of their lives.

Dramatic changes in the composition of American families and of the American workforce have resulted in an increased demand for child care of every variety for children of every age. Nevertheless national policy in the area has lagged for behind. Almost 20 percent of our Nation's children are living in one/parent households for a significant portion of their lives. More than one-half of mothers from two-parent families work. Despite these facts of our national life, the title XX social services block grant has been cut and child care food programs have experienced drastic reductions. In the one area where we have made some progress—the child care tax credit—we have failed to gain refundability for this provision. Consequently, those most in need of Federal assistance to finance essential child care services, receive no benefit from this provision in the tax code. Efforts to adopt comprehensive national child care legislation have been underway in the Congress for well over a decade. As a cosponsor of Senator CRANSTON's bill, S. 4, I have long been committed to a comprehensive national response to the enormous need for child care in our Nation. The "School Facilities Child Care Act" addresses only one small part of the national child care need, but the modest nature of our porposal makes it no less worthy of serious consideration. We cannot wait to address this problem and our children cannot wait for our attention and support. A substantial percentage of a whole generation of American children sit home, alone, until we choose to act. I urge my colleagues to join us in support for this important measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "School Facilities Child Care Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds that—

(1) the need for day care for the young school-age child before school, after school, during school holidays, and during school vacations when parents must work, is a national problem, affecting more and more families every year;

(2) approximately 6 million children, between the ages of 6 and 13 take care of themselves when they return home from school;

(3) unsupervised children run physical and psychological risks, including accidents and feelings of loneliness and fear;

(4) research studies have indicated increased likelihood of alcohol and drug abuse and delinquent behavior among unsupervised "latchkey" children;

(5) the number of existing child care programs designed to meet the needs of young schoolchildren for before and after school supervision are scarce, frequently filled to capacity and often unable to subsidize care for children from families with limited financial resources;

(6) the Federal Government has a role in the promotion of quality and adequate child care services which contribute to the well-being of children and families; and

(7) the use of the public school as the site for before and after school care offers effective utilization of existing resources.

(b) Recognizing that the parent is the primary influence in the life of the child and that the parent must have ultimate decisionmaking authority on issues relating to the welfare and care of the child, it is the purpose of this Act—

(1) to encourage the development of partnerships among parents, public elementary and secondary school educators and child care providers designed to serve the interests of school-age children in need of before and after school care;

(2) to promote the availability of child care services to school-age children in need of services;

(3) to provide financial assistance to public agencies and private nonprofit organizations utilizing public school facilities for before and after child care services;

(4) to provide assistance to families whose financial resources are insufficient to pay the full cost of services for before and after school care; and

(5) to encourage State and local educational agencies and community organizations to assess the need for school-age child care services and to promote public awareness of the need to provide adult supervision of school-age children and the availability of programs to provide such services.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(2) the term "equipment" has the same meaning given that term by section 198(a)(8) of the Elementary and Secondary Education Act of 1965;

(3) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(5) the term "school-age children" means children aged five through thirteen;

(6) the term "school facilities" means classrooms and related facilities used for the provision of free public education;

(7) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the elementary and Secondary Education Act of 1965;

(8) the term "Secretary" means the Secretary of Health and Human Services;

(9) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(10) the term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

PROGRAM AUTHORIZED

SEC. 4. (a) The Secretary of Health and Human Services is authorized, in accordance with the provisions of this Act, to make grants to public agencies and private nonprofit organizations having the capacity to furnish school-age child care services to assist such agencies and organizations to establish and operate school-age child care services in public school facilities.

(b)(1) There are authorized to be appropriated $15,000,000 for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1986. Amounts appropriated pursuant to the first sentence of this subsection shall remain available until expended.

(2) Not more than 5 per centum of the amount appropriated in each fiscal year under paragraph (1) shall be available for administrative expenses.

APPLICATIONS

SEC. 5. Each public agency or private nonprofit organization having the capacity to furnish school-age child care services which desires to receive a grant under this Act shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the need for and the type of child care services to be furnished in school facilities of an elementary or secondary school or a public institution of higher education in the community;

(2) provide assurances that the applicant has knowledge of and experience in the special nature of child care services for school-age children;

(3) provide assurances, in the case of an applicant that is not a State or local educational agency, that the applicant has or will enter into an agreement with the State or local educational agency or public institution of higher education containing provisions for—

(A) the use of school facilities for the provision of before or after school child care services (including such use during holidays and vacation periods),

(B) the restrictions, if any, on the use of such space, and

(C) the times when the space will be available for the use of the applicant;

(4) provide an estimate of the costs of the establishment and operation of the child care service program in the school facilities, including the proposal for a fee schedule for child care services;

(5) provide for the establishment of a sliding fee schedule based upon the services provided and family income adjusted for family size for children receiving services assisted under this Act;

(6) provide assurances that the parents of school-age children will be involved in the development and implementation of the program for which assistance is sought under this Act;

(7) provide assurances that the applicant is able and willing to seek to enroll racially, ethnically, and economically diverse as well as handicapped school-age children in the child care service program for which assistance is sought under this Act;

(8) provide assurances that the child care program is in compliance with State and local licensing laws and regulations governing day care services for school-age children;

(9) provide assurances that the applicant will participate in data collection and evaluation activities relating to the program for which assistance is sought and will report such information as the Secretary may reasonably require to carry out section 6;

(10) describe the liability insurance coverage which the applicant intends to purchase; and

(11) provide such other assurances as the Secretary may reasonably require to carry out the provisions of this Act.

(b) In approving applications under this subsection (a) of this section, the Secretary shall—

(1) assure that there is an equitable distribution of approved applications both with respect to States and between innercity, urban, suburban, and rural areas;

(2) give priority to applications from applicants in communities in which there is the greatest need for child care services for school-age children and in which there is a shortage of economic resources for the provision of child care services for such children; and

(3) give consideration to applicants who can illustrate an identifiable base of support from the community in the form of financial or in-kind contributions from other agencies, parents groups, business concerns, or civic organizations.

NEEDS ASSESSMENT; REPORT

SEC. 6. (a) The Secretary shall carry out a program of collecting data from recipients of assistance under this Act designed to provide a national needs assessment for child care services of school-age children in the United States. The data shall include number of children served, number of children awaiting care, income distribution of families, percentage of families requiring reduced or waived fees.

(b) Not later than 60 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a full and complete report of its activities under this Act during the preceding fiscal year, together with a needs assessment of the availability of, and need for Federal support for, child care services for school-age children in each State in the United States.

NATIONAL CLEARINGHOUSE ON SCHOOL AGE CHILD CARE

SEC. 7. From the amount reserved under section 4(b)(2), the Secretary shall establish and operate a clearinghouse on school age child care programs. The clearinghouse shall collect and disseminate to the public information pertaining to programs and services available for the provision of school age child care, together with ways of coordinating such programs and services with other programs and services, including education and recreation, provided to school age children. The clearinghouse shall also provide technical assistance to public agencies, private nonprofit organizations, and groups of parents desiring to establish local school age child care programs or services.

The Secretary is authorized to enter into contracts with qualified public agencies and private organizations to operate the clearinghouse established or designated under this section. The Secretary is also authorized to accept donations from public and private organizations and individuals for the purpose of operating the clearinghouse.

PAYMENTS

SEC. 8. (a) From the amounts appropriated under section 4, the secretary shall pay, in accordance with the provisions of this Act, the amount required to carry out the services described in each application approved under section 5.

(b) Payments under this Act shall be made as soon after the approval of the application as is practicable.

ADMINISTRATION

SEC. 9. (a) In order to carry out the provisions of this Act, the Secretary is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code;

(3) precribe such regulations as the Secretary deems necessary;

(4) receive money and other property donated and bequeathed, or devised, without condition or restriction other than it be used for the purposes of this Act; and to use, sell, and otherwise dispose of such property for the purpose of carrying out the functions of the Secretary under this Act;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code; and

(6) enter into contracts, grants, other arrangements, or modifications that are necessary to carry out the provisions of this Act.

(b) The Secretary shall submit to the President and to the Congress an annual report of the program authorized by this Act.

WITHHOLDING

SEC. 10. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any applicant, finds that there has been a failure to comply substantially with the provisions set forth in the application approved under section 5, the Secretary shall notify the applicant that further payments will not be made under this Act until he is satisfied that there is no longer any failure to comply. Until the Secretary is so satisfied, no further payments shall be made under this Act.

AUDIT

SEC. 11. The Comptroller General of the United States, and any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any applicant and any contractee receiving assistance under this Act that are pertinent to the sums received and disbursed under this Act.

● Mr. PELL. Mr. President, I am introducing today with my colleague from Michigan (Mr. RIEGLE) a bill entitled the School Facilities Child Care Act. The bill is a careful and initial attempt to address a large and growing problem for our Nation: the problem of "latchkey" children.

"Latchkey" children possess no authoritative definition of who they are, but they can best be described as children in kindergarten and elementary schools who are forced to leave home by themselves in the morning or let themselves back into the house in the afternoon, often with a key fastened to their clothing or hidden near the door. They must do so because their parents work at full-time jobs and cannot be home with them in the morning before school starts and in the afternoon when school has finished. Many parents must leave for work at 7 or 7:30 a.m., and they often do not arrive home until 5:50, 6, or 6:30 in the afternoon. The children of these parents must fend for themselves at home during the hours when school is not in session if day care, relatives, or other activities are not available.

The problems presented by latchkey children have two dimensions, Mr. President. One is the large and growing number of latchkey children whose needs have not been met; the other dimension is the pyschological and physical risks that latchkey children are subject to.

The numbers are difficult to define. Parents are not anxious to admit that they allow their young children to remain at home alone for part of the day, so survey results can vary greatly according to whether parents or children are interviewed. Of the 28 million children in this country who are between the ages of 6 and 13, estimates of the number of latchkey children run from 1.8 million to 15 million. Whatever the number, it will continue to grow: it is estimated that by 1990, the number of children aged 6 to 13 will grow by 10 percent, to 30.6 million. The amount of government resources devoted to day care of any type, meanwhile, has been diminishing: Title XX, the fund for low-income social programs and the largest source of assistance for day care, has been reduced drastically in recent years, and the amount spent on day care has gone from $714 million in 1981 to approximately $500 million in 1982.

According to Dr. Lenora Cole-Alexander, Director of the Women's Bureau at the Department of Labor, only 54 percent of the children under 13 in need of child care receive it today. Dr. Thomas Long, of the School of Education at Catholic University in Washington, has found in surveys taken in Washington, Houston, and Phoenix that one-third of school age children spend time at home by themselves.

These figures, Mr. President, give us the quantitative dimensions of the problem. What defines the problem and makes our attention urgent, however, is the knowledge of the psychological and physical damage that can occur to latchkey children.

According to Dr. Long, latchkey children experience fear at a rate that is much higher than for children who are cared for by an adult. Loneliness and boredom are also much more likely to occur. Although it is possible for some latchkey children to play with other children in their neighborhoods, for many children this is not possible because their parents instruct them to stay safely in the house when the parent is not at home. It is also not possible when other children live some distance away. The absence of contact with other children for significant periods of the day can result in a noticeable lack of socialization for the latchkey child. This lack of socialization can continue in the child's teen years if he or she has no transportation for after school and vacation activities.

Graphic and moving examples exist of the meaning of such isolation. A 1981 U.S. News & World Report article described a child in Phoenix who patrolled his house with a baseball bat in one hand and a shoe in the other, checking the windows every 15 minutes to watch for intruders. In a Cleveland suburb, a 7-year-old boy returned home every day to lock himself in the bathroom and pray that no one would break into the house before his parents arrived home. An elementary schoolteacher in Indianapolis estimated that as many as 80 percent of the school's students went home to empty houses.

As arresting as these examples are, they form the subtle and invisible damage of the latchkey phenomenon. The visible damage can be more tragic because it involves physical damage and death. Six thousand children aged 5 to 14 die in accidents every year, including 1,000 in fires; in almost all of these situations, no adult is present. In 1981, the Newark, N.J., Fire Department reported that 1 in 6 calls received by the fire department were from children home alone.

Mr. President, these sad and unfortunate instances of loneliness, fear, and harm are not the products of increased negligence or irresponsibility by parents. They are the products of a changing world, a world that bears little resemblance to the one which you and I grew up in. There are many more single-parent families, and most parents must work. Children, by necessity, have been left to fend for themselves for part of the day.

Mr. President, there is a great need for Federal leadership in this chasm between the needs of school age children and the services presently available to them. Child care activities provided to children at the same site on which they already attend kindergarten or elementary school is one answer which is now being explored, and I think that the results have been very positive.

In my own State of Rhode Island, a very successful pilot program has existed for 2 years in South Kingstown. In 1980, the Women's Club of South County became interested in the problems presented by latchkey children, and with the school board's approval conducted a survey of the parents of elementary schoolchildren in South Kingstown. Fifty percent of the parents responded that some sort of day care was needed for their school-aged children. Since that time, the Women's Club of South County has operated a program at the Wakefield Elementary School which has proven to be very popular. The women's club decided to limit enrollment to 25 students per day because its own resources were limited, and to offer an after school day care program from 3 to 6 p.m. every schoolday for children in kindergarten through fourth grade. Recreation, crafts, skills, snacks, and an occasional movie are offered. I am pleased to know that the program has maintained a full enrollment, and that its two staff members and its volunteers from the women's club and the local community have been very busy. The director of the project states that it has almost grown out of hand, and that they have had to turn children away. With its popularity has come increased interest: Parents from other schools have asked about the pilot program, and the town of Narragansett has asked the Women's Club of South County to set up a similar program next fall at the Narragansett Elementary School.

With the program's popularity have also come increasing financial burdens. With the use of donated school space and a part-time director and assistant director, the Wakefield school program has charged only $2 per child per day, but the women's club has had to contribute administrative funds by holding fundraising events. This year, it has applied to a private foundation for financial assistance. With 850 children at the Narragansett School and with 700 children in the five South Kingstown elementary schools, there is a much greater need than the women's club can meet with its present resources. The women's club would also like to be able to provide care during school vacations, but cannot do so presently.

Successful programs making use of school facilities exist in other parts of the country as well. Here in the Washington area, Arlington County, Anne Arundel County, and the District of Columbia operate successful programs which are very popular with parents and children. According to Michelle Seligson, director of the School-Age Child Project at Wellesley College, approximately 100 child-care programs in the country make use of school facilities for latchkey children. If we can assume that less than half of the 28 million children in this country between the ages of 6 and 13 receive child care, the then there is a severe need for Federal leadership in this area.

The bill that I am introducing with Senator RIEGLE provides that Federal leadership. Our bill will serve as a catalyst, bringing attention to bear on the inexpensive and efficient partnerships that can be built between schools, parents, and nonprofit day-care providers to provide before and after school care for children in kindergarten and elementary school. This bill does not seek to provide funds on the scale of the $500 million that is now used for day care in title XX funds, but rather generate a movement, we hope, toward increased local awareness and activity.

The School Facilities Child Care Act would accomplish this task by authorizing the Secretary of Health and Human Services to make grants to public agencies and to private nonprofit organizations for the purpose of furnishing child-care services in public school facilities. Local agencies or organizations would apply directly to the Secretary for grants to initiate school-child care, and the Secretary will be required to assure an equitable distribution between inner city and rural areas, as well as to give priority to those communities in which there is the greatest need but the fewest economic resources for the provision of care. The Secretary would also conduct a national assessment of the need for school age child care in the United States, and initiate a national clearinghouse for information and technical assistance. The total cost authorized would be $15 million per year for 3 years.

Mr. President, we live in the midst of a changing society. Many families have only a single parent. Women are today a strong and ever-growing part of the labor force, and few adults, whether single or married, can afford the luxury of caring for their children full time. A full-time working life has become the norm for most parents, yet school for their children still occupies only part of the day.

Our schools are based on an agrarian calendar, one that no longer exists for the vast majority of our children. In the years ahead, we will undoubtedly see the school day extended to allow for more classroom time and more

nonacademic activities. In 1983, however, we are tragically confronted with the vision of millions of young children who are at home alone for several hours every day, and those children experience fear, loneliness, social isolation, and physical harm. It is time that our Government call attention to this situation, and to the fact that it can be stopped and corrected. It is time for us to help young schoolchildren who often cannot help themselves. It is time to put vacant classrooms to use after school to help those children, and it is time that we in Congress did something to start this process rolling. I call on my colleagues to help me support and pass this bill.●

● Mr. DODD. Mr. President, I am pleased to join Senators RIEGLE and PELL in sponsoring the "School Facilities Child Care Act of 1983."

On June 9, Senator SPECTER and I convened the first policy forum of the Children's Caucus. That forum focused on the problems confronting latchkey children or those youngsters who must care for themselves after school.

At that forum, we learned that between 6 and 15 million American children could be home by themselves between the hours of 3 in the afternoon and 6 or 7 in the evening. Such children may face four serious risks. They may be injured accidentally or victimized. They may become less willing to tackle school assignments because no one is home to help them. They may end up feeling lonely or bored. And, they may act badly, vandalizing neighborhood property.

We must provide latchkey children with alternatives to staying home alone if we are to protect them from such risks. Afterschool programs provide alternatives.

At the June 9 forum, we heard from two afterschool programs. The first, Park Elementary in Anne Arundel, Md., is funded under a 2-year action grant. After that 2 years, their funding runs out. The second, the Hearst afterschool program in Washington, D.C., is funded entirely by tuition paid by parents. The director of the Hearst program spoke at length about the numbers of parents in the District of Columbia who cannot afford to pay tuition for afterschool care.

This legislation would allow HHS to make grants to both private and public services in public schools. As such, it recognizes that the Federal Government should play a role in fostering partnerships between public schools and communities. Such partnerships will help us solve the latchkey problem.

I urge my colleagues to join with me in sponsoring this legislation to help meet the pressing need for afterschool care in this country.●

Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of this important legislation to safeguard our Nation's most precious natural resource—our children.

The economic pressure of our times, rigid workplace schedules, the phenomenon of both parents working outside the home, and the increase in single parent families have produced millions of latchkey children in our society. These are school age youngsters who return to empty homes after school closes. They let themselves in the house, turn on the television and wait for their parents to return home from work. Often they must remain indoors because their parents are afraid to allow them to go outside. Alone and unsupervised, often for several hours, these children represent a national scandal and a national responsibility.

Our society has changed. While it is pleasant to recall the ideal of the past—the village green full of children at play, mother at home with cookies and milk—that is simply not the reality for the overwhelming majority of American families. The fact is that over half of the mothers of school age children work outside the home. Six million children come home not to milk and cookies, but an empty home.

These children are our responsibility. Their parents do not have the individual resources to provide care for them. We must provide the support for development of afterschool programs to meet this need.

Psychology Today reports that in State College, Pa., the American Association of Unversity Women funded a program known as Phone Friend. Volunteers cover a phone bank to provide a point of contact for children home alone after school. The children call because they need assistance, advice, reassurance, and help with homework.

Phone Friend is a laudable effort, but it is no substitute for afterschool care and supervision. It is a sad commentary on our society when 7 year olds must use a telephone when they need comforting or help with homework.

This legislation will begin to provide much needed programs for afterschool care. Public and private agencies will receive grants to develop and administer after school care programs for children ages 6–13.

The parents of Brookline, Mass., have developed a model program for before school and afterschool child care. Brookline afterschool special program (BASS) provides a trained staff to supervise youngsters 8 to 12 years old. Transportation from the eight schools served is provided by the program.

For a fee within the reach of even single parents a child can enjoy supervised play, homework, and the traditional milk and cookies.

Mr. President, I would like to see programs like this in every community. The school age child care bill will support and encourage the development of programs like BASS. I look forward to the enactment of this important legislation.

By Mr. GARN (for himself, Mr. HEINZ, Mr. PROXMIRE, and Mr. DODD) (by request):

S. 1532. A bill to limit temporarily the acquisition of depository institutions and the commencement of certain new activities by State-chartered depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ACQUISITION OF DEPOSITORY INSTITUTIONS

● Mr. GARN. Mr. President, I am introducing, by request of Chairman Volcker and the Federal Reserve Board, a bill to impose a temporary moratorium, until December 31, 1983, on the establishment of nonbank banks and on the scope of nondepository activities engaged in by banking and thrift organizations.

Since last year, the Federal Reserve has been concerned that the skillful use of the banking statutes has enabled many new banking organizations to avoid being subject to the regulatory framework and Federal Reserve supervisory authority contained in the Bank Holding Company Act.

As indicated by Chairman Volcker's transmittal letter, the purpose of the moratorium is to provide time for Congress to consider legislation designed to "address the fundamental need to adapt the banking and financial system to a rapidly changing world." In sum, participants in the financial marketplace are continuing to pursue aggressive and innovative business strategies which reflect technological and other contemporary advancements which were not even known or imagined when such laws were enacted.

I agree wholeheartedly with Chairman Volcker that Congress must address the changes in the financial system. How to insure such congressional attention is, in my opinion, unclear. The best way is to meet the issues head on, but some, including Chairman Volcker, believe that a moratorium is necessary to make certain that the world does not change completely before Congress acts. However, moratoriums also run the risk of being open-ended delays, much like regulation Q and the interest rate differential. To his credit, Chairman Volcker has developed a proposal with a short time limit and urges Congress to consider more substantive legislation in the interim.

As another part of this process, I expect that next week the Treasury Department will submit their updated version of last year's nonbanking activities legislation. When I receive it, I anticipate introducing this legislation

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by request of Secretary Regan. As with the Federal Reserve's moratorium efforts, the Treasury Department has been meeting with all interested groups during the past several months in an effort to develop further the "separate subsidiary" legislation introduced last year as S. 2490. I look forward to receiving this revised proposal as a possible response to the ongoing evolution of our financial services industry.

The financial system established in the 1930's has served us well, and certainly the underlying principles of a diverse and a safe and sound system must be preserved. However, as is being highlighted by the committee's financial service industry oversight hearings, the organizational structure of the system is being changed by consumer demands and institutional innovations. The test for Congress is to insure that the banking statutes promote a diverse and safe and sound system that is better able to adjust to changes in the marketplace environment.

The committee's financial oversight hearings, commenced in early April and scheduled to end next week, will have involved 13 days of hearings and testimony from 63 witnesses representing a broad range of regulators and participants in the financial services industry. The hearings have served to focus attention on the continuing changes in the industry. Because of the oversight nature of these hearings and my desire to gather as much information as possible on conditions in the industry, I did not want to introduce legislation, such as the moratorium bill or the Treasury's separate subsidiary proposal, which would change the character of the hearings into more narrowly focused legislative hearings. In fact, in my discussions with Chairman Volcker during the past several months, I have indicated that I wanted to hold off until the hearings were concluded before introducing the moratorium bill being developed by the Federal Reserve. Now that the oversight hearings are coming to a close, I believe it is appropriate to introduce legislative proposals which affect some of the specific issues arising out of the hearings. And following the end of these hearings, I will schedule committee hearings in the near future on the Federal Reserve moratorium bill and the Treasury's depository institutions' activities proposal.

Mr. President, the following Senators wish to be cosponsors of the moratorium bill: Senators HEINZ, PROXMIRE, and DODD.

Also, I request unanimous consent that the transmittal letter from Chairman Volcker, the bill, and the section-by-section summary be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. The effective date of this Act is the date of its enactment and this Act is hereby repealed on December 31, 1983.

SEC. 2. On or after the effective date of this Act, no company that is engaged directly or indirectly, including through a subsidiary, in any activity not permitted for a bank holding company under section 4 of the Bank Holding Company Act shall acquire control of any insured bank, and no company shall acquire control of insured banks in more than one state without prior approval under the Bank Holding Company Act.

SEC. 3. On or after the effective date of this Act, no company that is engaged directly or indirectly, including through a subsidiary (other than an insured institution), in any activity other than an activity permitted for a multiple savings and loan holding company on the effective date of this Act under subsection (c)(2) of section 408 of the National Housing Act or for a bank holding company under section 4 of the Bank Holding Company Act shall acquire control of any insured institution, except as provided in subsection (m) of section 408 of the National Housing Act.

SEC. 4. No company that acquires or acquired control of an insured bank or insured institution on or after June 23, 1983, shall retain control of such bank or institution on or after the effective date of this Act and engage directly or indirectly, including through a subsidiary (other than an insured institution), in any activity other than an activity permitted for a bank holding company under section 4 of the Bank Holding Company Act or for a multiple savings and loan holding company under subsection (c)(2) of section 408 of the National Housing Act, unless such insured institution was acquired pursuant to subsection (m) of section 408 of the National Housing Act. After the effective date of this Act, no company shall retain control of insured banks in more than one state that were acquired on or after June 23, 1983, unless such banks were acquired with prior approval under the Bank Holding Company Act.

SEC. 5. On or after the effective date of this Act, no state-chartered depository institution may commence, either directly or indirectly, including through a subsidiary, any activity not previously and lawfully engaged in by that institution unless (a) such activity was authorized for that type of institution explicitly and not by implication by a state statute adopted, or by interpretation promulgated thereunder, prior to January 1, 1983; (b) such activity is permitted under section 4(c)(8) of the Bank Holding Company Act for a bank holding company; or (c) such activity is explicitly authorized by a state statute, or interpretation promulgated thereunder, and is performed exclusively in the state authorizing such activity for customers present in that state; provided, however, that this section does not authorize the conduct of any activity currently prohibited to state chartered depository institutions under sections 20 or 21 of the Glass-Steagall Act. Nothing in this section shall prohibit a state chartered savings and loan association or savings bank from engaging in any activity expressly permitted for a federal savings and loan association or savings bank under the Garn-St Germain Depository Institutions Act of 1982.

SEC. 6. Any state-chartered depository institution that comenced, directly or indirectly, including through a subsidiary, on or after June 23, 1983, any activity that would have been prohibited by this Act if commenced after enactment of this Act shall, upon enactment of this Act, immediately terminate such activity.

SEC. 7. The provisions of this Act shall be enforced by the appropriate federal agency under the Financial Institutions Supervisory Act of 1966, as amended, and for this purpose any company that controls an insured bank shall be treated as a bank holding company.

SEC. 8. For purposes of this Act, the terms:

(a) "bank holding company", "company", "control", and "subsidiary" have the same meanings as provided in section 2 of the Bank Holding Company Act;

(b) "depository institution" has the same meaning as provided in 12 U.S.C. 461(b);

(c) "insured bank" has the same meaning as provided in 12 U.S.C. 1813(h) and shall also include any institution that is eligible to become an insured bank under 12 U.S.C. 1815, and any institution that accepts deposits that the depositor may withdraw by check or similar means for payment to third parties and engages in the business of making commercial loans. The term "bank" does not include any foreign bank having an insured branch or an institution expressly exempted under section 2(c) of the Bank Holding Company Act; and

(d) "insured institution" and "multiple savings and loan holding company" have the same meanings as provided in section 408 of the National Housing Act.

SECTION BY SECTION ANALYSIS

Section 1 of the bill provides that the Act will be effective upon enactment and is repealed effective December 31, 1983.

Section 2 of the bill prohibits the acquisition of an "insured bank" by any company engaged in activities that are impermissible for a bank holding company under section 4 of the Bank Holding Company Act. "Insured bank" is broadly defined to include any bank, the accounts of which are insured by the FDIC, as well as any institution that is eligible to become an FDIC insured bank and any institution that accepts demand or transaction account deposits and engages in the business of making commercial loans. Thus, a company that is engaged in an activity that is not now allowed for bank holding companies, such as a securities or insurance underwriter or a retailer, could not acquire a bank through the so-called "nonbank bank" loophole in the Bank Holding Company Act by divesting the bank's transaction accounts or commercial lending portfolio. This section would not prohibit the acquisition of an additional bank by a bank holding company, which is lawfully engaged in nonbanking activities pursuant to grandfather rights or other provisions of section 4, such as section 4(c)(5) or the export trading company provisions.

Section 2 also prohibits any company from acquiring control of banks in more than one state without approval under the Bank Holding Company Act. Acquisitions that are consistent with the Douglas Amendment would continue to be permitted, for example, where a given state invites entry by out-of-state banking organizations or where the acquisition involves a trust

company that does not generally accept deposits other than in a fiduciary capacity.

Section 3 contains limitations applicable to the acquisition of thrift institutions similar to those applicable to the acquisition of banks under section 2. This section of the bill thus prohibits the acquisition of an institution, the accounts of which are insured by the FSLIC, by any company engaged in activities other than those that are permissible for a multiple savings and loan holding company under the Savings and Loan Holding Company Act as of the effective date of the Act or for a bank holding company under the bank Holding Company Act. The activities authorized for multiple savings and loan holding companies are generally the same as those for bank holding companies. They differ in areas such as real estate development, property management and certain investment advisory and futures commission activities. An exception to the prohibition of this section is provided in the case of an acquisition approved under the emergency thrift acquisition provisions in section 123 of the Garn-St Germain Depository Institutions Act of 1982. Thus, this section would not prohibit the acquisition of a failing FSLIC insured thrift by a nondepository company after the priorities specified in section 123 of the Garn-St Germain Act have been applied.

Section 4 of the Act would require any company that acquires a bank or insured institution after the date of introduction of the bill to divest such bank or insured institution or conform its activities to those allowed under the Bank Holding Company Act or the Savings and Loan Holding Company Act. This section is intended to deter a possible rush of acquisitions prior to enactment of the bill.

Section 5 of the Act imposes a limitation on nonbanking activities authorized for state chartered depository institutions. This section is prospective from the date of the bill and does not affect any activity commenced by a state chartered depository institution before introduction of the bill. This section does prohibit a state chartered depository institution from commencing after the effective date of the Act any activity not previously engaged in unless:

(a) the activity was expressly authorized by state statute or an interpretation thereof prior to January 1, 1983;

(b) the activity is permitted for bank holding companies under section 4(c)(8) of the Bank Holding Company Act; or

(c) the activity is expressly authorized by state law, is performed exclusively in the authorizing state, and is provided only to customers physically located in the state.

Section 5 also makes clear that it is not intended to authorize any securities activity prohibited under sections 20 or 21 of the Glass-Steagall Act, including the issuance, underwriting, sale, or distribution of securities. Section 5 further does not prohibit the commencement of activities by state chartered thrift institutions under state statutes that allow such institutions to perform any activity authorized for a federal thrift institution under the Garn-St Germain Depository Institutions Act of 1982, which authorized expanded commercial lending and other activities.

Section 6 requires the immediate termination of any activity commenced by a state chartered depository institution during the period between the introduction of the bill and its enactment if the activity would have been prohibited by section 5 if the activity had been commenced after enactment. This section, like section 4 of the bill, is intended to prevent a possible rush to commence new nonbanking activities in anticipation of enactment of the statute.

Section 7 of the Act provides for enforcement by the appropriate federal agency under the Financial Institutions Supervisory Act of 1966 (i.e., the Comptroller of the Currency in the case of a national bank; the Federal Reserve Board in the case of a state member bank or bank holding company; the FDIC in the case of a state federally insured nonmember bank; and the FHLBB in the case of an FSLIC insured thrift or a S&L holding company). For this purpose, a company that acquires control of an insured bank would be treated as a bank holding company.

Section 8 of the Act defines terms used in the Act. Generally, with the exception of "insured bank" as noted in the discussion of section 2 above, the terms used have the same meaning as provided elsewhere in existing law.

FEDERAL RESERVE SYSTEM,
Washington, D.C., June 21, 1983.

Hon. JAKE GARN,
Chairman, Committee on Banking, Housing and Urban Affairs, Washington, D.C.

DEAR CHAIRMAN GARN: We have discussed on a number of occasions both before and after my recent testimony before the Senate Banking Committee the need for positive banking legislation to address the fundamental need to adapt the banking and financial system to a rapidly changing world. We both have spoken publicly about the need for legislative action and of the dangers to the financial system inherent in the present ad hoc and disorderly developments.

As a first, and limited, step toward responding to these concerns, I am enclosing draft legislation, with a section by section analysis, to halt temporarily the acquisition of banks and thrifts by nondepository institutions and, on this same temporary basis, to establish rules for nonbanking activities by state chartered depository institutions and their subsidiaries. You have suggested, and I agree, that it would be desirable to have a specific legislative proposal to accomplish these limited and transitional objectives placed before the Congress to focus and expedite public discussion.

As I have emphasized, this is temporary legislation—expiring of its own force on December 31, 1983—designed to avoid a preemption of Congressional discretion and to provide the time for the Congress to take up the urgent decisions on fundamental permanent banking legislation. Intensive effort by the Congress, with assistance from the agencies and other interested parties, will be required to assure that the time gained from this temporary action will be used constructively and effectively to achieve agreement on the permanent legislation. For myself personally, and for the Board, I want to assure you that we are prepared to work with you to enact the needed restructuring that will have such a major impact on the future of our financial system.

Sincerely,

PAUL A. VOLKLER.●

Mr. PROXMIRE. Mr. President, I am pleased to join in introducing legislation to establish a moratorium on the acquisition of so-called "non-bank banks" and savings and loan associations by nonbanking firms. The moratorium would also stop bank holding companies from expanding into areas not functionally related to banking by taking advantage of favorable State laws such as the one recently enacted in South Dakota.

Normally I am reluctant to support a moratorium on new developments in the marketplace, especially when they involve innovative changes that will lead to improved goods and services for the people. But I do not think the recent developments in the banking industry can accurately be called innovations. Instead, they more closely resemble the actions of clever attorneys attempting to find a way around established public policy. To be sure, these policies need to be reassessed in the light of our modern economy. But if there is to be change, it should come as a product of careful deliberation by the Congress and not through the creative exploitation of loopholes by expansionist firms and their regulatory allies.

The basic policies that are threatened with erosion are those which seek to separate the business of banking from other commercial endeavors and especially the securities business. Why do we have such policies in the first place? One reason, of course, is to maintain the safety and solvency of our banking system by limiting risk. But equally important, in my judgment, is the desire to avoid a conflict of interest between the function of banking and other commercial and industrial activities. Banking is clearly an industry affected with a public purpose. The essence of banking is to allocate a scarce resource—credit—to those enterprises where it can be most productively employed. If bankers do their job well, the entire society benefits through higher economic growth. If bankers do poorly, society loses through lower rates of growth and productivity. Thus we all have a stake in seeing that bankers make their important credit judgments based solely on the economic merits of a project and not on the basis of some other competing consideration such as a desire to protect their own equity investment in a company.

This is why we do not permit banks to buy stocks and why we confine their activities to areas that are closely and functionally related to banking. We want to be sure that bankers are as impartial as they can possibly be in allocating credit among alternative uses.

The two laws which implement these concerns are the Glass-Steagall Act and the Bank Holding Company Act. The central purpose of Glass-Steagall is to separate the business of commercial banking from investment banking. The law grew out of the abuses during the 1920's when many large banks established securities affiliates. This was a nice arrangement for the bank, but it proved to be disastrous for the public. If, for example, a large New York bank made too many loans to a company or foreign government overburdened with debt, it did not have to run to the IMF or the Federal Government for a bailout. It could bail out its own bad loans by refinancing them as bonds and selling them to their unsuspecting customers and correspondent banks. When the Great Depression came, many country banks found themselves loaded down with worthless paper sold to them by the security affiliates of their big city correspondent bank. The Congress decided to avoid such conflict in the future by separating the business of commercial banking from the business of investment banking.

Likewise, the Bank Holding Company Act is designed to keep commercial banks in the business of banking. The Bank Holding Company Act came about because banks and their attorneys had figured out a way to get around the direct restrictions placed on banks by the States and the Congress. For example, the National Banking Act limits national banks to certain enumerated powers plus all other powers "incidental" to the business of banking. Holding companies were formed primarily to enable banks to do indirectly through a holding company affiliate what they could not do directly as a bank—namely, engage in activities that were not incidental to the business of banking.

Congress reacted to these "developments" in the marketplace by passing the Bank Holding Company Act of 1956 with amendments in 1970. The major thrust of the Bank Holding Company Act is to limit the activities of bank holding companies to those that are functionally related to banking. Thus while the powers available to bank holding companies are somewhat broader than the powers of individual banks, there is still a fairly strict separation between banking-type activities and other types of businesses.

I believe the major purposes behind these laws were valid when they were enacted and that they remain valid today. This is not to deny that these acts should not be broadened to permit a somewhat broader range of activities. Indeed, I have supported legislation permitting banks to underwrite municipal revenue bonds and to offer mutual funds. However, these decisions must be made carefully by the Congress on a case-by-case basis in order to preserve the underlying objectives these acts were designed to achieve. I certainly would not favor a wholesale repeal of the Bank Holding Company Act or the Glass-Steagall as some officials of the Reagan administration have suggested.

It is always possible, of course, that those who favor repeal are right in their contention that these laws no longer serve any legitimate public policy purpose. However, if this is what a majority in the Congress really believes, then these laws should be repealed directly by the Congress in a straightforward and upfront manner. The Congress should not by its silence or inaction be presumed to sanction the wholesale erosion of these laws by those who seek to get around them. In the absence of a definitive judgment by the Congress, the policies embodied in existing law must be deemed to be legitimate and valid.

This, then, brings me to the need for a moratorium to close several loopholes in our banking laws that have emerged in recent months. One loophole is the so-called nonbank bank whereby a nonbanking firm can acquire a bank outside the framework of the Bank Holding Company Act if the bank refrains from either making commercial loans or accepting demand deposits. When this occurs, the bank is deemed to be not a bank for purposes of the Bank Holding Company Act. This means any corporation in any line of business can acquire, own, and operate a bank as long as the bank does not accept demand deposits or does not make commercial loans. It would thus be entirely possible for a bank to raise money other than through demand deposits—while engaging in a full-scale commercial lending business and avoid regulation under the Bank Holding Company Act. General Motors could buy Chase Manhattan and legally operate it by converting its demand deposits to some other type of account or liability.

The second loophole is the dangerous precedent created by a South Dakota law allowing its State chartered banks to engage in all forms of insurance activities as long as the activities are conducted outside the State of South Dakota. South Dakota law also permits out-of-State bank holding companies to buy a State chartered bank in South Dakota. The effect of these two laws is to allow a large bank holding company such as Citicorp to buy a South Dakota bank and use that bank to acquire a large insurance company that operates in the other 49 States.

The South Dakota law is especially egregious because it retains the traditional separation between banking and insurance within its borders. The potential for anticompetitive tie-in sales is, in effect, exported by South Dakota to the other 49 States. This is tantamount to a selective repeal of the Bank Holding Company Act by one State for the other 49. If other States follow this precedent, the Bank Holding Company Act will become a toothless shell.

I believe the Congress can and should address these issues on a permanent basis. But in the meantime, I believe we need a little time to preserve our options while we are considering legislation to further restructure the financial services industry. The Senate Banking Committee is nearing completion of a comprehensive series of oversight hearings on the financial services industry with particular attention being given to the need to update Glass-Steagall and the Bank Holding Company Act in the light of today's economy.

It is not my intention to use the moratorium as an excuse for avoiding decision on these difficult issues. Indeed, I believe a moratorium could have just the opposite effect of giving Congress a fixed deadline by which to complete action on whatever legislation may be needed to liberalize Glass-Steagall and the Bank Holding Company Act. In the meantime, we should not allow the actions of a few expansionist firms to foreclose or preempt the right of the Congress to reach a reasoned and deliberate judgment.

● Mr. HEINZ. Mr. President, I rise to support the legislation just introduced by my chairman Senator Garn.

Congress has made considerable progress on legislation to restructure the financial services industry. The enactment of the Garn-St Germain Act in 1982 was a significant first step and demonstrates clearly the congressional intent to take responsible actions in this area.

At the time Congress passed the Garn-St Germain Act there was a broad bipartisan consensus that further legislation was needed. Both the House and Senate have already begun the process.

This legislation to provide an orderly transition to a stable yet less regulated marketplace is now threatened by financial institutions, Federal regulators, and State legislators which are attempting to reconstruct the chaotic, fragile, unregulated predepression financial system through the use of loopholes in Federal statutes.

Congress must not forgo this opportunity to produce sound forward-thinking legislation firmly based in public policy. If we do not respond intelligently we could easily face a recurrence of the economic and social tragedy that followed the crash of the interwoven financial system during the depression.

The issues and dangers involved are highly technical and complex. Congress, as stated in a recent GAO study, lacks much of the information it will need to make public policy decisions in this area. We do not as yet fully understand the impact of the enhanced competition provided by last year's legislation, nor do we understand the vulnerability of the economic recovery and many currently weak financial institutions to any changes we might make. The potential for costly mis-

takes if we act precipitously is a great danger.

Congress needs time to act cautiously and thoroughly, time that it will not have if every financial institution is forced to move through the loopholes in order to prevent placing itself at a competitive disadvantage.

If competitive panic is allowed to exist while Congress sits in deliberation, restructuring will be far more difficult and socially costly to accomplish. Our progress will be slowed. Congress will face the difficult decision of having to grandfather so many institutions as to render the legislation ineffective or to trap companies that meant no harm into forced divestitures.

Furthermore, it will be difficult, if not impossible, to resurrect the local banks, savings and loans, and other small institutions that are gobbled up across State lines and industry lines or those that simply get trampled out of existence in the panic. The ink was not dry on title VI of the Garn-St Germain Act passed in 1982 which restricts bank holding company insurance activities before South Dakota signed into law provisions that would enable such companies to circumvent congressional intent. What will become of Congress ability to legislate in this area if State legislatures use loopholes, as did South Dakota, to undue the effect of Federal restructuring laws as soon as we pass them?

Congress must retain control over the financial services industry restructuring process. To do so Congress must place a moratorium on the exploitation of loopholes in Federal statutes that place institutions beyond the standards of existing public policy. It is not the place of self-interested parties, Federal regulators, or State legislatures to threaten the public with a breakdown of a system that has functioned effectively for 50 years because Congress will not adopt a timetable suitable to them.

No harm or danger has been demonstrated if Congress was to take sufficient time to deal carefully with an issue of far-reaching consequences. No defense can be made for the use of these loopholes on substantive grounds. Congress must not be placed in the position of having to act precipitously in order to protect the public from these excesses.

I say Congress should reject such blackmail and impose a moratorium on the exploitation of loopholes in Federal financial services legislation. I am prepared to work with the chairman and other members of the committee to achieve such a moratorium.

I would also like to submit for the Record letters from the following organizations indicating their support for a moratorium, and ask unanimous consent that they be printed.

American Land Title Association.

Independent Bankers Association of America.

Independent Insurance Agents of America.

Investment Company Institute.

National Association of Casualty and Surety Agents.

The National Association of Life Underwriters.

Professional Insurance Agents.

Securities Industry Association.

Conference of State Bank Supervisors.

There being no objection, the letters were ordered to be printed in the Record, as follow:

Investment Company Institute,
Washington, D.C., June 15, 1983.

Hon. John Heinz,
U.S. Senate,
Washington, D.C.

Dear Senator Heinz: We are writing to inform you of our support of a legislative moratorium on further ad hoc integration of the financial services industry for a period of time that would give Congress the opportunity to consider a comprehensive legislative approach.

We are particularly concerned that recent actions by federal bank regulators represent unprecedented attempts to reverse public policies of many years standing through agency action. Instead of interpreting the laws to effectuate Congressional purpose, these agencies have decided to substitute their judgment as to appropriate public policy for that of the Congress.

As you know, your Committee is currently holding oversight hearings which may lead to major legislative changes in our present financial system. However, whatever legislation Congress decides to enact in this area will be difficult to implement if federal agencies succeed in effecting revolutionary changes in the financial marketplace through administrative actions. Moreover, careful Congressional deliberation will undoubtedly be prejudiced by such events.

In light of these considerations, the Institute's Board of Governors has unanimously endorsed the enactment of a fair, balanced moratorium affecting all segments of the financial services industry in order to provide time for rational decision-making by the Congress.

We hope you agree that the enactment of such a moratorium would assure that it will be the Congress which determines the major public policy issues involved.

Sincerely,
David Silver.

Independent Insurance Agents
of America Inc.,
Washington, D.C., June 14, 1983.

Senator John Heinz,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Heinz: In our testimony June 7, IIAA urged the Senate Banking Committee to take immediate action to forestall bank holding company circumvention of insurance restrictions adopted by the committee and Congress less than nine months ago. We are writing today to reiterate our request for prompt committee action, and to urge your support for a moratorium on certain financial institution activities as the best, quickest way to give the committee the time it needs to examine more comprehensive reform.

IIAA endorsed, and others submitted to the committee in connection with the insurance agents' June 7 testimony, a draft moratorium (copy attached) for your consideration. This moratorium would address in an equitable, comprehensive way most of the ambiguities in federal banking law and regulation now being used to dismantle our federal banking system without the benefit of Congressional review and decision.

As we noted in our June 7 testimony, it is not enough, in the context of banking, to look approvingly on the innovation of the marketplace or the legal ingenuity of our nation's largest banks. Congress must either determine that certain changes are in the public's interest, or, if they are not, must set limits that are relevant to the day to day conduct of banking.

The risks to depositors' money, the federal treasury, and the future viability of our banking system are simply too great to continue to permit individual state laws and regulatory activism usurp Congressional prerogative for a more careful review of banking issues.

Again, we urge you to support, and to seek prompt committee action on, the attached moratorium. I'd be happy to discuss this proposal further with you or your staff at your convenience.

Sincerely,
Roger N. Levy.

Conference of
State Bank Supervisors,
Washington, D.C., June 14, 1983.

Re Non-Bank Bank Moratorium.

Hon. John Heinz,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Heinz: In my recent testimony before the Senate Banking Committee, I referred to a Congressional solution to the "non-bank bank loophole" as the number one short-range priority for CSBS (see attachments). As you know, that loophole allows entrepreneurs to circumvent the will of Congress by acquiring and operating banks without regard for the Bank Holding Company Act or controls over the mixing of banking with other lines of commerce. Regulatory steps taken by federal agencies have proved insufficient to prevent continued use of the loophole, thus underscoring the need for immediate Congressional action.

It is our understanding that you will sponsor legislation to place a moratorium on contined use of the non-bank bank loophole, pending Congressional fashioning of a permanent solution. CSBS supports you in your effort to restore purpose to the statutory scheme designed by Congress.

If the Conference can be of any assistance to you in this matter, please do not hesitate to call on us.

Sincerely,
Sidney A. Bailey,
President.

American Land Title Association,
Washington, D.C., June 15, 1983.

Hon. John Heinz,
Senate Russell Office Building,
Washington, D.C.

Dear Senator Heinz: On behalf of the American Land Title Association, the national trade association of the land title industry [1], I would like to express our Associa-

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[1] The American Land Title Association (ALTA) represents nearly 2000 land title insurers, title insurance agents, abstracters, and associate members

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tion's support for legislation that would place a federal moratorium on state legislative banking initiatives that undermine the intended purpose of existing federal banking law.

Our Association strongly supported Title VI of the "Garn/St Germain Depository Institutions Amendments of 1982" that placed reasonable limitations on the insurance-related activities of bank holding companies and their affiliates. However, deliberate efforts are underway to circumvent Title VI limitations and thwart the will of Congress. Several large bank holding companies have "thumbed their nose" at congressional banking policies and are lobbying several state legislatures to process legislation that enables state chartered banks to engage in insurance activities presently foreclosed to bank holding companies.

The centerpiece of any comprehensive policy determinations in restructuring the financial marketplace must adhere to the principles of safety and soundness. The enactment of a federal moratorium measure would give Congress an opportunity to carefully consider fundamental and comprehensive banking reform. One stop shopping, the advent of computer technology, financial service acquisition hybrids, and bank marketing innovation all must be secondary to the mainstay of our banking system—the safety and soundness of depositors' money.

Of particular interest, ALTA is extremely concerned with the conflict of interest potential when banks, savings and loans, and other financial intermediaries are permitted to engage in the business of insurance. Lending institutions such as those affiliated with bank holding companies, have significant power to influence or control a borrower's decision on the selection of a provider of insurance services related to the extension of credit. This is particularly true in the case of title insurance, which is generally purchased only in connection with a real estate transaction and with the extension of credit related to the financing of such a transaction. Since the average consumer may purchase real estate only once or twice in his lifetime, and lacks the time, knowledge, or experience to shop effectively for such insurance, the lender is in a strong position to influence the cosumer to place his title insurance business with a company owned by or affiliated with the lender. Accordingly, we believe that the limitations contained in Title VI of the Garn/St Germain Act are necessary to insure that all providers of insurance will have a fair and equal opportunity to compete for the borrower's insurance business and that a free and competitive marketplace will be maintained for such insurance.

ALTA strongly endorses the federal moratorium initiative and urges the Senate Banking Committee to promptly reassert its prerogatives to insure that the limitations set forth in Title VI of the Garn/St Germain Act are not compromised by the adoption of inconsistent state laws.

Sincerely,

TOM MCDONALD,
President.

INDEPENDENT
BANKERS ASSOCIATION OF AMERICA,
Washington, D.C., June 15, 1983.

Hon. JOHN HEINZ, III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: The Independent Bankers Association of America which represents more than 7,000 locally owned community banks located in 48 States and the District of Columbia strongly supports your efforts toward enactment of a legislative moratorium on the chartering of non-banks as subsidiaries of holding companies.

To date, approximately a dozen non-banking companies have obtained national bank charters for their subsidiaries by avoiding the two-pronged definition of a bank in the Bank Holding Company Act. By eliminating either their demand deposit or commercial lending operations, these "non-bank" subsidiaries are not considered banks for the purpose of the Bank Holding Company Act and are apparently not subject to Federal Reserve System supervision. The Comptroller of the Currency has given impetus to the development of non-banks by granting national bank charters to the subsidiaries of such diverse firms as the Dreyfus Corporation, Gulf and Western Corporation, Parker Pen Company and a California chain of furniture stores. These non-banks hold themselves out to the public as national banks, are examined by the OCC, offer FDIC-insured deposits, have access to the Federal Reserve discount window—yet escape regulation as a bank holding company based on a legal technicality. We do not believe this was the intent of Congress in enacting the Bank Holding Company Act.

Currently, the Comptroller is preparing to hold hearings on charter applications made by Dimension Financial Corporation which plans to establish a chain of 31 non-banks located in 25 states. Approval of these applications would be the broadest use yet of the non-bank bank technicality—and would be the first to set in place an interstate "banking" chain.

These developments obviously have major implications for laws regarding the separation of banking and commerce and the prohibition on interstate ownership of banking organizations. We believe these important public policy issues should be addressed by Congress, rather than dealt with by the regulatory fiat.

IBAA urges Congress to act immediately on a legislative moratorium. The Comptroller of the Currency has adopted a temporary moratorium to "reduce the pressure of escalating marketplace innovation at the national level that could outpace Congressional deliberation." However, he exempted the Dimension application, among others, from the moratorium, and absent legislative action, he could rescind his regulatory moratorium at any time. Congressional examination of the broad implications for competition, concentration of financial resources and the erosion of the traditional barriers between banking and commerce can only be effectively achieved by suspending the current confusion in the marketplace.

We appreciate your efforts and concern regarding this critical issue.

Sincerely,

JAMES D. HERRINGTON,
President.

SECURITIES INDUSTRY ASSOCIATION,
New York, N.Y., June 14, 1983.

Hon. JOHN HEINZ
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: Thursday, June 16, 1983, marks the Fiftieth Anniversary of an event of singular and continuing significance for our financial system, the signing of the Glass-Steagall Act. It also marks SIA's appearance before you, as a Member of the Senate Banking Committee, to discuss the current problems facing the financial services industry about which we are concerned.

We are encouraged especially, Senator Heinz, that your approach to the issues at hand may include an affirmative legislative proposal designed to give the Congress, the Administration and the marketplace time and occasion to make decisions without panicked haste.

The rapid pace and happenstancial character of recent structural changes affecting the financial services markets cause great apprehension to the members of the securities industry that small regard is being given to the potential adverse consequences of unchecked deregulatory actions by some Federal and State officials.

Confusion, frustration, and uncertainty have resulted from recent decisions and proposals by the governmental entities responsible for clarity, assurance, and certainty among institutions comprising the financial sector of our economy.

Above all, we fear that the control and direction of an important national public policy has been usurped from the Congress by appointees in Federal agencies and a few State legislatures.

Despite the cries of changing technology and sophisticated consumer demands, the real pressure for change comes from a handful of institutions intent upon chartering a new course for all. When friendly regulators competing for favor among the regulated void our national policy separating commercial banking from commerce, the time for Congressional action is upon us.

During the next few weeks, the Senate Banking Committee and the Congress will have to define short-term and long-term objectives for the financial services industry. This would best be done without the pressures created by a rapidly moving marketplace, and even more rapidly moving bank regulators. Given these circumstances SIA has, after much discussion, decided to support a moratorium to create the needed breathing room. This moratorium must be evenhanded, reciprocal, and affecting all industries equally. All segments of the financial services industry must be made to mark time while critical long-term policies are defined by the Congress.

We look forward to testifying before the Senate Banking Committee on Thursday to further amplify our support for such a course of action. We hope that you can agree that such an interim measure has merit as well as necessity. Our pledge of cooperative effort with you and your staff extends to others interested in prudence and stability as goals of a changing economic environment.

Very truly yours,

ROBERT E. LINTON,
Chairman.
EDWARD I. O'BRIEN,
President.

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throughout the nation. The function of the Association's members is to provide for the safe and secure transfer of an investment in real estate.

PROFESSIONAL INSURANCE AGENTS,
GOVERNMENT AFFAIRS OFFICE,
Washington, D.C. June 14, 1983.

Hon. JOHN HEINZ, III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: The National Association of Professional Insurance Agents (PIA) is a trade association representing more than 40,000 independent property and casualty insurance agents in all 50 States, the District of Columbia, Puerto Rico and the U.S. Virgin Islands.

PIA believes that recent efforts in the rapidly evolving financial services marketplace may well result in dismantling, as a practical matter, of the federal regulation of depository institutions by the enactment of state laws, and regulatory fiat. This situation is inconsistent with the long-standing national policy of protecting the depositing public, and the soundness of banks and thrifts by careful regulation and statutory restrictions upon the commercial activities in which depository institutions may engage. It is therefore imperative that this situation must promptly be reviewed by the Senate Committee on Banking, Housing, and Urban Affairs to protect the public interest.

The Federal Reserve System (Fed) has proposed moratorium legislation that would bring to a temporary halt efforts by financial institutions that are designed to evade the impact of federal banking laws. During the moratorium, all interested parties would have an opportunity to advocate their position before the Committee. This will provide the Congress with an opportunity to consider these controversial issues in a careful and reasoned manner and propose appropriate remedial legislation. A copy of the Fed draft bill, dated May 24, 1983, was attached to PIA's statement submitted to the Committee for the June 7 Oversight Hearing.

PIA strongly supports this moratorium legislation and urges you to sponsor it as soon as possible.

Sincerely,

EDWARD H. AKIN, CPCU,
President.
J. KNOX HILLMAN, Jr.,
Chairman, Federal/State
Affairs Committee.

NATIONAL ASSOCIATION OF
CASUALTY AND SURETY AGENTS,
Washington, D.C., June 14, 1983.

Hon. H. JOHN HEINZ III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: On behalf of the National Association of Casualty and Surety Agents (NACSA), an association representing the leading domestic, commercial property/casualty insurance agencies and brokerage firms, I want to confirm our unequivocal support for the moratorium drafted by the Federal Reserve Board on May 24, 1983.

We believe a moratorium is necessary in order to preserve the safety and soundness of our dual banking system and to preserve fair competition in the financial services marketplace. Once enacted, the moratorium will allow the Congress to decide what the appropriate structure should be for financial services.

We appreciate your interest and commitment to this important measure, and we offer you our continued support.

Sincerely,

JOAN ALBERT DREUX,
Government Affairs Director.

THE NATIONAL ASSOCIATION OF
LIFE UNDERWRITERS,
Washington, D.C., June 14, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: I understand that you will soon introduce legislation to impose a comprehensive moratorium on the expansion into the banking and thrift industry by non-depository institutions and to prohibit state-chartered institutions from engaging in activities other than those that are permissible under Section 4 of the Bank Holding Company Act. The National Association of Life Underwriters endorses this moratorium and appreciates your efforts on this issue.

The National Association of Life Underwriters is a federation of over 1,000 states and local associations representing over 125,000 life and health insurance agents, general agents and managers doing business in virtually every city and town in the United States.

By the passage of Title VI of P.L. 97-320, the Garn-St Germain Depository Institutions Act of 1982, Congress reaffirmed the long-standing public policy first enunciated in the National Banking Act of 1864 that has separated banking from commerce.

NALU believes that passage to Title VI was a victory for consumers and will help to preserve an open, competitive marketplace by preventing bank holding companies and their subsidiaries from using their power to grant (or withhold) credit to pressure the consumer to purchase insurance. While not alway explicit, the pressure to purchase insurance (the subtle tie-in sale) may be a mere perception of the buyer that it would be to his "advantage" to make the joint purchases. Title VI will allow consumers to purchase insurance which has the best terms, quality and services, not due to a need to obtain, or a fear of losing a line of credit.

However, on March 4, 1983, less than six months after passage of Title VI, under pressure from several large bank holding companies hoping to circumvent Title VI, South Dakota adopted legislation (promoted as an "emergency" jobs bill) authorizing its state banks to engage, directly or through subsidiaries, in all facets of the insurance business. The South Dakota legislation was deliberately designed to attract out-of-state bank holding companies interested in acquiring a state-chartered bank for the purpose of underwriting and selling insurance nationwide. Delaware is also considering legislation similar to the law adopted by South Dakota.

The bankers argue that in order to remain competitive, they must be permitted to offer an entire array of financial services, including insurance. NALU stated in its testimony before the Senate Banking Committee on June 7, 1983 that the so-called "level playing field" could not be even bulldozed into playing condition where banks are the competitors. Free market discipline cannot take place so long as banks can attract federally-insured deposits and are not permitted to fail. It has been well documented that the unique power of the banks to extend or withhold credit leads consumers to purchase insurance offered by the bank, not because it has the best terms, quality or service, but so as not to jeopardize a line of credit.

The power of state legislatures to authorize expanded insurance activities within their borders is not at issue. Bank holding companies are deliberately attempting to engage in activities through state banking subsidiaries which are prohibited to bank holding companies and their non-banking subsidiaries under federal law. The South Dakota law demonstrates that the action of one state can potentially nullify federal banking laws and the related regulatory structure.

The proposed moratorium, in our view, will provide Congress with the opportunity to decide the future course of financial institutions in an orderly fashion, taking into consideration the public interest. NALU believes that a moratorium will provide the depositor with stability and freedom of choice. Bank involvement in insurance or securities activities subjects the depositor, the FDIC and FSLIC and, ultimately, the U.S. taxpayer to unknown risks.

Again, we thank you for introducing this legislation. Please contact David A. Winston at (202) 331-6054 if we can provide you with any further information.

Sincerely,

RICE E. BROWN, CLU.●

By Mr. MATHIAS (for himself and Mr. WARNER):

S. 1534. A bill to amend the Internal Revenue Code of 1954 to allow the voting interests of disqualified persons to be taken into account in determining a private foundation's voting interest for purposes of section 4943 of such code; to the Committee on Finance.

DISPOSAL OF EXCESS BUSINESS HOLDINGS

● Mr. MATHIAS. Mr. President, today Senator WARNER and I are introducing a bill to correct a disparity in the transition rules for the disposal of excess business holdings by private charitable foundations.

The bill would not cost the Treasury a penny. Its effect would be to give the Cafritz Foundation, the largest and most generous of Metropolitan Washington's private foundations, 5 more years to divest of part of its holdings in the Cafritz Co. These 5 extra years will enable the foundation to get a better price for its holdings—money that will allow the Cafritz Foundation to be even more generous than it already is to artistic and civic causes in the Nation's Capital from the National Symphony to Gallaudet College.●

By Mr. MATHIAS (for himself, Mr. DOLE, and Mr. DECONCINI):

S. 1535. A bill to amend title 35. of the United States Code, to increase the effectiveness of the patent laws, and for other purposes; to the Committee on the Judiciary.

PATENT LAW REFORM

● Mr. MATHIAS. Mr. President, the patent system lies at the heart of our country's prowess in research and innovation. Traditionally our patent system has kept the United States in the forefront of technology and kept our standard of living high. But today American inventors face stiff competition in the worldwide race for innovation.

In recent months I have consulted with a number of patent authorities

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from various U.S. industries to develop a bill that will strengthen the patent system and streamline some of the administrative procedures for securing a patent. Many of the areas addressed by the bill have been considered by Congress and the executive branch over the past decade: I believe all of them need a fresh look today. I expect to examine these subjects closely in hearings in the Subcommittee on Patents, Copyrights and Trademarks in the weeks ahead, and the subcommittee, of course, invites suggestions for improving the bill in the course of the legislative process.

Briefly, the bill's provisions follow:

Section 1—Infringement of process patents by offshore production: Under current U.S. law, a process patent is not violated if a product is manufactured outside of the United States using that patented process, then imported for sale here. All other major manufacturing countries have statutes against process patent infringement by offshore production, and it is only fair to give American inventors the same protection. As a corollary to this principle, the bill also contains a provision to assure that a product patent cannot be circumvented by manufacturing the material components of the product within the United States, then assembling them and selling the finished product abroad.

Sections 2-4—License for foreign filing: Under the U.S. patent law a U.S. inventor wishing to file a foreign patent application is required to obtain a license from the U.S. Government or wait for 6 months after he or she filed for an application in this country. The purpose of these requirements is to allow U.S. agencies concerned with security matters to inspect the patent application and determine whether or not it contains technical information bearing on national security. However, they tend to impose unnecessary delays and paperwork burdens on inventors of products with no security implications because they also apply to any information, however perfunctory, that is sent to supplement an application, even if the initial patent application has cleared the agency review and obtained the license. The provisions in my bill dealing with foreign licenses would eliminate these unnecessary burdens by allowing supplemental information to be passed on to the foreign country without a subsequent license if the initial patent application has obtained a license and no secrecy order was issued by an agency. Another provision would make clear that failure to obtain a license for a patent application that is not subject to a secrecy order would not be subject to criminal penalties unless the failure was due to a deliberate intent to deceive.

Sections 5-6—Unpublished knowledge as prior art: This provision simply says that unpublished information known to an inventor does not constitute prior art in the field of his invention, and hence does not interfere with the patentability of that invention. This proposed change will help university and corporate research teams, where the free exchange of information and ideas between colleagues is hampered by prior art considerations.

Sections 7-9—Patent interference reform: Interferences are proceedings conducted by the Patent and Trademark Office to determine which rival inventor made the invention first and so is entitled to the patent. The cost of these proceedings has become inordinately high. My bill proposes to simplify the process by making priority of invention determined on the basis of affidavits and documents submitted to the Patent and Trademark Office, rather than by discovery and deposition. It would also promote the use of arbitration in facilitating the settlement of disputes.

Section 10—Licensee estoppel: Court decisions have established the right of a patent licensee to challenge the validity of the licensed patent. Case law, however, may have shifted the balance of rights in such challenges too far in favor of the licensee, allowing undue leverage against the licensor. The changes proposed in the bill would insure the right of the licensor to continue to receive the contracted royalty payments during the time his or her patent is under challenge, or to terminate the license if he or she chooses.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1535

Be it enacted by the Senate and House of Representatives of he United States of America in Congress assembled, That section 271 of title 35, of the United States Code, is amended by adding at the end thereof the following new subsections:

"(e) Whoever without authority imports into or sells or uses within the United States a product made in another country by a process patented in the United States shall be liable as an infringer.

"(f) Whoever without authority supplies or causes to be supplied in the United States the material components of a patented invention where such components are uncombined in whole or in part, intending that such components will be combined outside of the United States, and knowing that if such components were combined within the United States the combination would be an infringement of the patent, shall be liable as on infringer.".

Sec. 2. Section 184 of title 35, United States Code is amended by—

(1) amending the third sentence thereof by striking out "inadvertently" and inserting after "filed abroad" the words "through error and without deceptive intent".

(2) adding at the end thereof the following new paragraph:

"In the case of an application for which a license has been obtained or an application which has been filed in the United States Patent and Trademark Office for more than six months before the filing in a foreign country, and on which no secrecy order has been issued, a license shall not be required for any modifications, amendments, supplements, divisions, or other information filed in or transmitted to the foreign country in connection with such application if such modifications, amendments, supplements divisions, or information consist only of the illustration, exemplification, comparision, or explanation of subject matter specifically or generally disclosed in such application.".

Sec. 3. Section 185 of title 35, United States Code, is amended by adding before the period in the last sentence thereof the following: ", unless the failure to procure such license was through error and without deceptive intent, and the patent does not disclose subject matter within the scope of section 181 of this title".

Sec. 4 Section 186 of title 35, United States Code, is amended by—

(1) striking out "whoever, in violation of the provisions of section 184 of this title,"; and

(2) inserting "such" after "inrespect of any".

Sec. 5. Section 103 of title 35, United States Code, is amended by adding at the end thereof the following;

"Prior art shall not include unpublished information which is developed by the applicant singly or jointly with others, or which is known to the applicant only by virtue of his or her employment.".

Sec. 6. Section 116 of title 35, United States Code, is amended by amending the first paragraph to read as follows:

"When two or more persons have made inventive contributions to the subject matter claimed in an application, they shall apply for patent jointly and each shall sign the application and make the required oath, except as otherwise provided in this title. Joint inventors need not have made an inventive contribution to each claim of the application.".

Sec. 7. Section 135(a) of title 35, United States Code, is amended by adding at the end thereof the following: "Evidence to establish priority of invention in accordance with section 102(g) shall be provided by affidavit.".

Sec. 8. Section 135(c) of title 35, United States Code, is amended by—

(1) inserting before "shall render" in the third sentence the following: ", unless such failure was through error and without deceptive intent,"; and

(2) striking out the words "during the six-month period" in the fourth sentence and "within the six-month period" in the sixth sentence.

Sec. 9. Section 135 of title 35, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Parties to a patent interference may determine such contest or any aspect thereof by arbitration. The parties shall give notice of any arbitration award to the Commissioner, and such award shall be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given.".

Sec. 10. (a) Title 35, United States Code, is amended by adding after section 294 the following new section:

"SECTION 295. LICENSEE ESTOPPEL.

"(a) A licensee shall not be estopped from asserting in judicial action the invalidity of any patent to which it is licensed. Any agreement between the parties to a patent license agreement which purports to bar the licensee from asserting the invalidity of any licensed patent shall be unenforceable as to that provision.

"(b) In the event of an assertion of invalidity by the licensee in a judicial action, licensee and licensor shall each have the right to terminate the license at any time after such assertion. Until so terminated by either party, the licensee shall pay and the licensor shall receive the consideration set in the license agreement.".

(b) The table of sections for chapter 29 of title 35, United States Code, is amended by adding after the item relating to section 294, the following:

"295. Licensee estoppel.".

Sec. 11. The amendments made by this Act shall apply to all unexpired United States patents granted before or after the date of enactment of this Act.●

By Mr. DODD:

S. 1536. A bill to amend the Federal Water Pollution Control Act with respect to ocean waivers; to the Committee on Environment and Public Works.

OCEAN WAIVERS

● Mr. DODD. Mr. President, today I am introducing a bill amending section 301(h) of the Clean Water Act, which deals with waivers of secondary treatment for municipal treatment works discharging into marine waters.

While the waiver provision is intended to avoid unnecessary treatment in areas where the ocean can assimilate waste water effluent, I am concerned that as the law now stands, it may lead to the degradation of many of our coastal waters. The provision has opened a floodgate of applications from many municipalities in areas for which it was never really intended, such as the shallow, confined waters along much of the east coast. In the New York City area alone around 2 dozen requests for waivers have been made, and seven or eight of the treatment works involved discharge directly into the East River or into Long Island Sound, on which Connecticut depends heavily for commercial shellfishing and recreation.

Mr. President, I believe that section 301(h) needs revision and tightening. The existing law allows too much latitude in the determination of eligibility, both in terms of the geographic environment in which waivers might be appropriate and in terms of the cumulative effect of many waivers in a particular area. In addition, the section as now written fails to mandate the minimum level of primary treatment even if secondary is waived, provides inadequate control of toxic pollutants, and allows waivers in areas which are already polluted.

The amendments which I am offering are designed to deal with these inadequacies or oversights in the present law. The amendments would require full primary treatment of the effluent discharged; would mandate control of toxic pollutants equivalent to secondary treatment; would limit waivers to discharges in deep, well-flushed waters; and would prohibit waivers in areas where the collective discharges of many treatment works under such waivers could degrade water quality, or where the waters are already polluted from other sources.

It is my hope that these amendments will be considered by the Committee on Environment and Public Works as it prepares to mark up its revisions of the Clean Water Act next week. While some of my concerns have been addressed in the current mark-up vehicle, I do not believe that the amendments that have emerged from subcommittee are sufficient to close the loopholes I have described.

Mr. President, I ask that the full text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 301(h) of the Federal Water Pollution Control Act is amended—

(1) by inserting "(1)" after "(h)".

(2) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively; and

(3) by designating the second, third, and fourth sentences as paragraphs (2), (3), and (4), respectively.

(b) Section 301(h)(1) of such Act (as so redesignated) is amended—

(1) by striking out the period at the end of subparagraph (G) and adding after subparagraph (G) the following new subparagraphs:

"(H) the effluent to be discharged under the permit will receive primary treatment so as to achieve treatment equivalent to screening, comminution, grit and primary sedimentation, skimming, disinfection, and any other treatment necessary to remove all floating or settleable solids and to control pathogens;

"(I) in the case of any treatment works serving a population of 50,000 or more, with respect to any toxic pollutant introduced into such works, the applicant has in effect a pretreatment program which, in combination with the treatment of discharges from such works, removes the same amount of such pollutant as would be removed if such works were to apply secondary treatment to discharges and if such works had no pretreatment program with respect to such pollutant; and

"(J) the effluent from such works meets criteria established by section 304(a)(1) for saltwater after initial dilution.".

(c) Section 301(h)(2) of such Act is amended to read as follows:

"(2) For purposes of this subsection, the phrase 'the discharge of any pollutant into marine waters' refers to—

"(A) any discharge into deep waters of the territorial sea or the waters of the contiguous zone, or

"(B) a discharge into coastal waters within the territorial baseline which—

"(i) does not exceed 5,000,000 gallons per day and meets the requirements of subparagraphs (B) and (J) of paragraph (1), or

"(ii) is into deep saline estuarine waters, deep sounds, deep channels, or deep embayments, which have strong flushing action and other physical and hydraulic characteristics which provide such initial dilution, dispersion, transport, and other effects as the Administrator determines to be necessary to meet the requirements of subparagraphs (B) and (J) of paragraph (1) for the entire estuary, sound, channel, or embayment into which the discharge is made.".

(d) Section 301(h) of such Act is amended by adding at the end thereof the following new paragraphs:

"(5) No permit shall be issued under this subsection to any treatment works in any geographic area in which the Administrator has reason to believe that, if all the municipal treatment works in such area which are of the same or lesser size as the treatment works seeking such permit, and which would otherwise be eligible for a permit under this subsection if they were to apply, were granted permits under this subsection, the collective discharges from all such treatment works would result in a degradation in water quality in violation of subparagraph (B); except that a permit may be issued to such a treatment works in such an area if all the publically owned treatment works in such area are under the jurisdiction of the same municipality or under a regional compact among municipalities, and maintenance of water quality shall be maintained in accordance with paragraph (1)(B).

"(6)(A) No permit shall be issued under this subsection for any discharge into waters which, at the time of application for such permit, are significantly degraded for any significant portion of the year by pollutants from other sources.

"(B) For purposes of this paragraph, 'significantly degraded' means that—

"(i) the species composition and population structure of the fish, shellfish, wildlife, and other marine biota in such waters are similar to those found in similar waters with high pollutant loadings,

"(ii) such waters do not allow recreational activities in and on the waters, or

"(iii) such waters exhibit ambient levels of water quality below applicable water quality standards adopted for the protection of public water supplies, fish, shellfish, wildlife, or recreational activities, or such other standards necessary to support and protect such uses.

"(7) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.".●

By Mr. DANFORTH (for himself, Mr. Eagleton, Mr. Bradley, Mr. Chafee, Mr. Kennedy, Mr. Moynihan, and Mr. Pell):

S. 1537. A bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the 4 following fiscal years; to the Committee on Labor and Human Resources.

UNIVERSITY RESEARCH CAPACITY RESTORATION ACT OF 1983

● Mr. DANFORTH. Mr. President, today Senator Eagleton and I, along with Senators Bradley, Chafee, Kennedy, Moynihan, and Pell, are introducing the University Research Capacity Restoration Act of 1983.

This is a bipartisan initiative to revitalize and increase Federal support for the basic science research and advanced education programs of our Nation's universities. It has been prompted by our concern about the ability of our Nation's research universities and land-grant colleges to provide the new knowledge we need in the years ahead and to educate the future generations of scientists, engineers, biomedical researchers, and skilled managers essential to the long-term vitality, security, and well-being of the Nation.

Our Nation's universities must be regarded as a vital national resource. Increased support for their basic research programs is an essential-investment in the future, because the basic science and engineering research conducted by these institutions is essential to the continued leadership of the United States in science and technology. This fundamental research leads to new discoveries in such areas as national security, health care, energy, industrial productivity, the environment, food, and agriculture.

Moreover, we cannot presume the availability of sufficient numbers of talented and highly trained research scientists, scholars, and teachers, unless national policy provides incentives to bring about that result. We must as a nation attend to the scientific training and education of our best young minds or fall behind those nations that do.

Unfortunately, today the necessary national commitment and investment are lacking. Our support for university basic science research is not keeping pace with growing needs and rising costs. Today, half the basic science research in this country is done at our universities, but we need more teachers, scholars, and research scientists, as well as better facilities and instrumentation, if we are to maintain our leadership in science and technology.

The administration's fiscal 1984 budget proposals reflect a commitment to increase our investment in our research universities, but we need to do more. Working with the Association of American Universities (AAU) we have drawn up a comprehensive 5-year plan to restore the research capacity of our Nation's universities and land-grant colleges.

This plan is set forth in the legislation we are introducing today, which focuses on the research programs of the six Federal agencies that provide 95 percent of Federal support for university basic science and engineering research. These six agencies are the National Aeronautics and Space Administration, the National Institutes of Health, the National Science Foundation, and the Departments of Agriculture, Energy, and Defense.

Specific increased funding levels for these six agencies are set in this comprehensive plan to address what we believe are the most pressing needs of our Nation's research universities. The bill recognizes six basic needs to be addressed with increased Federal support: (1) To augment and strengthen Federal support for fundamental university research programs, including biomedical and engineering research; (2) to upgrade, modernize, and replace the instrumentation and equipment of university research facilities and laboratories; (3) to provide increased numbers of graduate fellowship awards to individuals and university science departments engaged in federally supported research; (4) to support expended faculty development awards programs that promote the initiation of research careers by young faculty; (5) to support efforts, on a matching basis with the institutions involved, to rehabilitate, replace, or otherwise improve the quality of existing university research facilities and laboratories in which federally supported basic science and engineering research is carried out; and (6) to modernize and improve undergraduate science and engineering instructional programs and curriculums to meet the Nation's changing needs.

Mr. President, we regard this legislation as a blueprint for increased and sustained Federal investment in our Nation's university research capacity. The bill is intended to serve as a focal point for our effort to revitalize university research programs. Our aim is to set out in detail our agenda for the next 5 years and it is our intention to seek the objectives outlined in the provisions and titles of this legislation through amendments to the authorization and appropriations bills of the agencies involved.

I have been informed that preliminary estimates by the Congressional Budget Office of the pending budget resolution indicate that implementation of the first full year of our program would not exceed the spending levels set for the research and development functions; however, we recognize that we are already far along in the authorization and appropriation process for fiscal 1984. We will seek to accomplish what we can this year, but we regard this as a long-term initiative.

By introducing this comprehensive plan now, we hope to develop a broad, bipartisan base of support for this program over the next few years. I urge all my colleagues to give serious consideration to the detailed proposals outlined in this bill. I call upon them to join our effort to restore the basic research capacity of our Nation's universities and to make a vital investment in the future of our country.●

● Mr. EAGLETON. Mr. President, I am pleased to join with my colleague from Missouri, Senator DANFORTH, and Senators BRADLEY, CHAFEE, KENNEDY, MOYNIHAN, and PELL, as a principal sponsor of the University Research Capacity Restoration Act of 1983. The purpose of this legislation is to restore and strengthen the capacity for basic science research and undergraduate and graduate science and engineering programs in our Nation's colleges and universities. It addresses the basic research needs of institutions involved in the programs of six Federal agencies and departments: The National Institutes of Health, the National Science Foundation, the National Aeronautics and Space Administration, and the Departments of Energy, Agriculture, and Defense.

The most rapid rise in Federal support of research was in the fifties and early sixties when it claimed about 3 percent of the GNP. By 1973, the percentage of research investment to GNP had dropped to 2.3 percent and has come back to only 2.4 percent today.

In 1983, total funding for basic research is estimated at $10.5 billion, or about 12 percent of the total national research and development effort. Although national funding for basic research has more than doubled since 1967, if one factors in inflation during those years, the real increase is less than 25 percent over the 16-year period.

The Federal Government funds more than two-thirds of the money that goes for basic research at the present time, a slightly smaller percentage of the total than it supported in 1967, and colleges and universities remain the major performers of that basic research effort. Although the proportion of basic research has remained stable in the past several years, reports from the National Science Foundation clearly demonstrate that its current share is lower than that in the sixties and early seventies. and that the major growth at colleges and universities is in the applied research area.

A recent National Science Foundation report predicted that colleges and universities will increase their spending on research and development by about 2 percent a year through 1990, only half the rate of spending between 1975 and 1979. A more optimistic study by the Battelle Memorial Institute projects a 4-percent growth rate in university research and development, but bases this projection on increases in private as well as public funding. We are all aware that industry/university partnerships are increasing and that these partnerships will obviously have a major impact on funding for university research in the future. I think it is also apparent that these partnerships will bring greater emphasis on short-term results with immediate applications and therefore greater potential profit. The inclination to seek short-term results and tangible achievement, rather than long lead-time research is perhaps even more acute in our present fiscal situation, and what this bill seeks to do is to assure that the foundation of basic research is absolutely vital to our future capacity to generate applicable solutions to problems.

Perhaps the most striking example of this need for basic research is the polio experience. Perhaps too few of us remember the stopgap technology of the iron lung, a product of applied research which served a very useful purpose for many, many years. However, it was not until basic research lead to the isolation of the polio virus that we were able to extend our understanding to develop preventive technology in the form of a vaccine. With the development of the vaccine, the disease virtually disappeared and with it the use of the therapeutic technology which had been devised.

Our Nation's colleges and universities are unique not only in their focus on basic research, but also in their role as the principal source of scientists and technologists who carry out our research effort today and the research capacity we hope to build tomorrow. The erosion of our scientific manpower jeopardizes the ability of many institutions to carry out competent research and quality education programs. The availability of more lucrative employment opportunities in industry for highly trained young people seriously threatens our future research capacity. Unfavorable research and education environments marked by obsolete equipment and outmoded laboratories often are effective career disincentives to potential young faculty who might wish to pursue a career in academe. Wildly fluctuating graduate level support creates immense uncertainty about the future for many young people and also aids in driving them out of the research environment.

These problems, left unaddressed, will pose serious threats to the future of our country, academically, technologically, and militarily.

Mr. President, this bill sets an agenda for a 5-year program of increased Federal support for university-based research programs through a series of amendments to the underlying authorities for the six Federal agencies and departments mentioned above. I would emphasize, Mr. President, that the sponsors of this bill do not intend to move the bill per se through the legislative process. Our purpose in introducing it today is to present a unified package, or a blueprint, for a series of legislative actions which we are hoping to undertake over the next several years through amendments to various authorization and appropriations bills.

I would like to emphasize that although this bill we are introducing today contains specific authorizations for the National Institutes of Health, the sponsors of this bill will not seek to amend the NIH authority to establish specific dollar levels for programs therein. The title of this bill dealing with the NIH simply seeks to illustrate the levels of support which we believe necessary to restore the research capability of the National Institutes of Health. We felt it important to include this number in this particular bill because it does represent roughly one-half of the total agenda we are setting forth today. However, the funding levels which we will be seeking can be achieved under the National Institutes of Health's existing authority and we will seek to achieve them through the appropriations process.

I would also like to point out that we have already begun to realize a very small part of the goals set forth in this bill. The full Senate Appropriations Committee yesterday agreed to increase the competitive research program in the Department of Agriculture from its present funding level of $17 million to the full budget request of $21.5 million. Although that amount falls far short of the amount authorized in this bill, it is a step in the right direction and begins to build the base to further the very necessary basic research work of the State agriculture experimentation stations and colleges and universities.

I was also very pleased that the Appropriations Committee included $10 million to fund a cooperative graduate fellowship grant program which is estimated to support approximately 650 to 700 masters and doctoral students. This funding level represents the full amount authorized in the bill we are introducing today and is, in my view, absolutely essential to assure a continuing supply of capable young food and agriculture scientists.

Mr. President, I am fully aware that this total package is very ambitious, indeed. But having said that, I also believe the kind of commitment to research embodied in this bill is amply justified if we are to have the means to cope with an increasingly complex world society and the inevitable problems which will arise. Admittedly, a strong national commitment to basic research alone is not sufficient, but it is the essential underpinning to the never-ending quest for knowledge necessary to continued social and economic gains in this country and the world.●

● Mr. CHAFEE. Mr. President, our Nation has made exciting scientific advances in the past 20 years which would have been impossible to envision a hundred years ago. We have explored outer space. We have made magnificent strides in medicine, helping to save lives, reduce suffering, and extend the lifespan of our people. We have seen rapid and remarkable technological developments which have changed the way we work, live, travel, and communicate.

However, too often we tend to take such progress for granted. I believe it is extremely important to recognize that our country would not have achieved a leadership position in science and technology were it not for a Federal commitment to programs of advanced education and research. The scientists, doctors, engineers, and other skilled professionals whose knowledge and talents are crucial to the United States must receive consistent strong support in order to continue their vital work.

The primary sources for our economic, scientific, and technological development have long been our Nation's research universities. In these distinguished institutions, many of our brightest scholars have received the necessary training and tools to make tremendous contributions in a variety of fields. The future growth and prosperity of the United States resides in our universities and colleges. We can no longer afford a second-rate commitment to support the basic research that is carried out in these institutions. We must renew that commitment today.

I am very pleased to join with Senator DANFORTH in introducing the University Research Capacity Restoration Act of 1983. This is a timely and comprehensive approach to a challenging problem. It will bolster the Federal commitment to basic science and engineering research, provide for improvements in the laboratories and instruments of research institutions, and strengthen career development programs for graduate students and faculty in the sciences and related fields.

The Federal Government has derived immeasurable benefits from its partnership with our Nation's colleges and universities. This partnership has yielded results whose value is far greater than our investment. The University Research Capacity Restoration Act of 1983 recognizes that more must be done to improve the ability of our schools to educate and train those whose knowledge and abilities are crucial to the future scientific, biomedical, engineering, and technological progress of our country.

The bill will accomplish this objective by encouraging increased Federal support for institutions of higher learning which are involved in the programs of six Federal agencies and departments—the National Institutes of Health, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Energy, Agriculture, and Defense. Ninety-five percent of all Federal funding of academic research and

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development is directed at these agencies.

The administration has taken an important first step this year in seeking increases for targeted programs in science and engineering projects, research instrumentation, and fellowships. This reflects a commendable recognition of the need for a national recommitment to excellence in science, engineering, and advanced education. However, additional priorities must be addressed. These include undergraduate science education, graduate student support, research instrumentation, career incentives in research and education, and life sciences research and training programs.

Each of the amendments in this package is carefully targeted to strengthen our production of new knowledge in science, engineering, and technology within the present missions of the agencies I have mentioned.

We must not limit the discoveries of tomorrow by flagging in our commitment to research programs today. We must not hinder the ability of our students by neglecting the facilities and research equipment of higher education institutions. We must not dissuade talented scholars from pursuing research careers by limiting fellowship support for graduate students and faculty.

Although these amendments will be discussed separately throughout the authorization and appropriations process within several committees, I believe the University Research Capacity Restoration Act of 1983 provides an essential focal point for Congress to recognize the importance of a renewed commitment to science research as a national investment. This is an investment from which all of mankind will benefit for many years to come.●

By Mr. MATHIAS (for himself and Mr. DOLE):

S. 1538. A bill to amend the patent laws of the United States; to the Committee on the Judiciary.

PATENT LAW AMENDMENTS OF 1983

● Mr. MATHIAS. Mr. President, earlier this year Secretary Baldrige sent the President of the Senate a proposed patent reform bill to make several technical improvements in the patent law. In addition, one provision in the bill would institute a new type of patent called a defensive patent. The defensive patent would be a valuable resource for inventors who wish to retain their right to market their invention, but are not concerned about excluding anyone else from doing so.

Ordinarily patents give the inventor exclusive rights for a fixed period of time; the defensive patent would not confer this offensive right to exclude others from working an invention, but would also prevent others from obtaining exclusive rights. In other words, the inventor preserves the ability to practice the invention but forfeits the right to sue others for infringement. The defensive patent would be considerably easier, cheaper, and quicker for the Patent Office to process.

The new option that this weaker type of patent offers would be particularly well suited for Government agencies that deal extensively with patents, such as the Defense Department. The Government sought the patents, not to prevent other people from making or marketing the invention, but to protect itself against suits for infringement. The Patent Office thinks that the Government agencies as well as the Patent Office itself would save money and staff time if defensive patents were available as an alternative to the traditional exclusive rights patent.

I think this idea deserves our close attention and I hope to schedule a hearing at the first opportunity in the Subcommittee on Patents, Copyrights and Trademarks. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Patent Law Amendments of 1983".

SEC. 2. (a) Chapter 14 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"§ 156. **Issuance of patents without examination.**

"(a) Notwithstanding any other provisions of this title, the Commissioner is authorized to issue a patent on an invention without the examination required by sections 131 and 132 of this title, except as may be required to conduct an interference proceeding, to determine compliance with section 112 of this title, or to review for formalities required for printing, if the applicant—

"(1) waives all remedies with respect to the patent and any reissue thereof, arising under sections 183 and 271 through 289 of this title and under any other provision of Federal law, within such time as the Commissioner specifies, and

"(2) pays fees, which may be less than those specified in section 41 of this title, established by the Commissioner for the filing and issuance of such a patent.

"(b) The waiver under this section shall take effect upon issuance of the patent. No maintenance fees shall be required with respect to patents issued under this section.".

(b) The analysis for chapter 14 of title 35, United States Code, is amended by adding at the end the following:

"156. Issuance of patents without examination.".

SEC. 3. Section 134 of title 35, United States Code, is amended by striking out "primary".

SEC. 4. Section 151 of title 35, United States Code, is amended—

(1) by amending the second sentence in the first paragraph to read as follows: "The notice shall specify the issue fee which shall be paid within three months thereafter, or within such shorter time, not less than one month, as fixed by the Commissioner in such notice."; and

(2) by striking out the third paragraph.

SEC. 5. Section 361(d) of title 35, United States Code, is amended by inserting "or within one month thereafter" after "application" in the first sentence.

SEC. 6. Section 366 of title 35, United States Code, is amended—

(1) by inserting "after the date of withdrawal," after "effect";

(2) by inserting ", unless a claim for the benefit of a prior filling date under section 365(c) of this part was made in a national application, or an international application designating the United States, filed before the date of such withdrawal" before the period at the end of the first sentence; and

(3) by inserting "withdrawn" after "such" in the second sentence.

SEC. 7. (a) Section 371(a) of title 35, United States Code, is amended by—

(1) striking out "is" and inserting in lieu thereof "may be"; and

(2) striking out ", except those filed in the Patent Office".

(b) Section 371(b) of title 35, United States Code, is amended to read as follows:

"(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2) of the treaty.".

(c) Section 371(c)(2) of title 35, United States Code, is amended by—

(1) striking out "received from" and inserting in lieu thereof "communicated by"; and

(2) striking out "verified" before "translation".

(d) Section 371(d) of title 35, United States Code, is amended to read as follows:

"(d) The requirements with respect to the national fee referred to in subsection (c)(1), the translation referred to in subsection (c)(2), and the oath or declaration referred to in subsection (c)(4) of this section shall be complied with by the commencement of the national stage or by such later time as may be fixed by the Commissioner. The copy of the international application referred to in subsection (c)(2) shall be submitted by the commencement of the national stage. Failure to comply with these requirements shall be regarded as abandonment of the application by the parties thereof, unless it be shown to the satisfaction of the Commissioner that such failure to comply was unavoidable. The payment of a surcharge may be required as a condition for accepting the national fee referred to in subsection (c)(1) or the oath or declaration referred to in subsection (c)(4) of this section if these requirements are not met by the commencement of the national stage. The requirements of subsection (c)(3) of this section shall be complied with by the commencement of the national stage, and failure to do so shall be regarded as a cancellation of the amendments to the claims in the international application made under article 19 of the treaty.".

SEC. 8. (a) Section 372(b) of title 35, United States Code, is amended by—

(1) striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(2) inserting at the end thereof the following:

"(3) the Commissioner may require a verification of the translation of the international application or any other document pertaining thereto if the application or other document was filed in a language other than English.".

(b) Section 372 of title 35, United States Code, is amended by deleting subsection (c).

SEC. 9. Section 376(a) of title 35, United States Code, is amended by striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 10. Title 35, United States Code, is amended by striking out "Patent Office" each place it appears and inserting in its place "Patent and Trademark Office".

SEC. 11. Notwithstanding section 2 of Public Law 96-517, no fee shall be collected for maintaining a plant patent in force.

SEC. 12. (a) Sections 10 and 11 of this Act shall take effect upon the date of enactment.

(b) Sections 1 through 9 of this Act shall take effect six months after the date of enactment.●

By Mr. HATCH (for himself, Mr. KENNEDY, and Mrs. HAWKINS):

S. 1539. A bill to amend the Public Health Service Act to provide home and community based services for the elderly and disabled; to the Committee on Labor and Human Resources.

S. 1540. A bill to amend the Public Health Service Act to provide for coordination with State medicaid plans in the furnishing of home care services, and to amend title XIX of the Social Security Act to allow States to implement programs of home care services; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. KENNEDY, Mrs. HAWKINS, Mr. GRASSLEY, and Mr. HEINZ):

S.J. Res. 122. Joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week"; to the Committee on the Judiciary.

COMMUNITY HOME HEALTH SERVICES LEGISLATION

Mr. HATCH. Mr. President, I am today introducing three major bills, each of which significantly improves and expands home health care and community-based health services for eligible elderly and disabled citizens. There is a clear and audible consensus among health experts, representatives of elderly and disabled organizations, and many of my colleagues for reorienting our national health policy away from favoring institutionalized care and a return to care in the home. I have been working for the past 4 years to accomplish this goal. I am more than ever convinced that improved home health services are essential to help control the spiraling costs of long term care. Home health care is the only solution in sight for those disabled and elderly Americans wanting to remain in the safety and comfort of their own homes, apartments or simply to be among family and friends.

My first bill is a new block grant titled the "Home and Community Based Service for the Elderly and Disabled Act." This amends title XIX of the Public Health Service Act to establish a long term care block grant to the States. Funds are authorized for fiscal year 1985 for planning and implementation, and for fiscal years 1986-88 to provide services to elderly and disabled individuals identified as at risk of being institutionalized unless support services are available in their homes. This bill will provide sufficient funds and flexibility for States to develop effective and efficient home health programs, assisting those who are most in need of the services. Furthermore, it is true to our President's philosophy of the "new federalism" by allowing States to design their own programs and provide services. Care has been taken to assure there will be no duplication of existing services, and that what is currently provided does not administratively reinvent the wheel. However, no services that are currently provided under medicare or medicaid will be supplanted by this legislation.

You do not need a weatherman or an accountant to know that our existing entitlement programs, with cost-based reimbursement, are becoming too expensive to afford. This legislation gives States a chance to contract for services with both nonprofit and proprietary home health organizations using a prepaid, capitated payment, the method of payment which is proving to be such an effective cost-saver, without compromising the quality of health care.

I am pleased to report that this bill was added to S. 242, the Employment Opportunities Act of 1983 in executive committee of the Labor and Human Resources Committee on Wednesday, June 22, 1983. This legislation was passed from committee, and thus I look forward to seeing the home health provision considered soon by my colleagues on the floor of the Senate.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

SUMMARY OF COMMUNITY BASED SERVICES FOR THE ELDERLY AND DISABLED BLOCK GRANT OF 1983

Title XIX of the PHS is amended by adding a new part, the Home and Community Based Services Block Grant

Authorization: A new authorization provides funds for states to plan for and provide such services:

FY '85—$20,000,000; for planning and implementation.

FY '86—$700,000,000; FY '87—$750,000,000; FY '88—$800,000,000; for providing services.

Allotments: Funds are to be alloted to each State an amount which bears the same ratio to the total appropriation for the fiscal year as the total number of elderly individuals residing in the State bears to the total number of elderly individuals in all States. The allotment of these funds are subject to the same provisions govening other block grants, in terms of voluntary state participation, return of unused funds, distribution of excess funds to participating states, direct funding of Indian tribes who apply and submit a plan meeting criteria prescribed by the Secretary.

Coordinate Existing Services: Allotments may be used to coordinate home and community based services provided elderly and disabled individuals by public and private organizations in order to eliminate duplication and maximize the benefit of new service provided under this program.

Assess current needs and prepare: States will be required to develop methods to identify elderly and disabled individuals who are at risk of institutionalization, those in hospitals and long-term care facilities who could return home if services were available, assess the need for community based services within the state, and make recommendations for cost-effective services.

Funds may be used for: States may use these funds to provide for elderly homemaker/home health aide services, physical, occupational, speech or respiratory therapy, medial social services, medical supplies and appliances, drugs and biologies (only if necessary for the individual to receive other services in such place of residence), respite care for 14 days or 336 hours in a calendar year, physicians services, nursing services, adult day care, dietary services*, and any other supportive services determined appropriate and necessary to prevent the need for placement of elderly and disabled individuals in acute or long term care facilities.

Any of the services may be provided at out-patient facilities of hospitals, nursing homes or rehabilitation centers if it involves the use of equipment which cannot be made readily available in a place of residence. Funds may also be used to provide education and information to medical and social service professionals concerning home and community based services.

Funds may not be used for: States may not use these funds to provide inpatient services, make cash payments to recipients, purchase or improve land or construct buildings, purchase major medical equipment, or provide financial assistance to other than public or non-profit entities.

Application: States must apply to the Secretary of HHS to participate in this program and provide assurances that legislature of the State conduct public hearings on the proposed distribution of funds. The chief executive officer of each State must certify the funds be used for the intended purpose, and establish a mechanism to coordinate all relevant State activities in health, welfare, and rehabilitation services by State and local agencies and public and private institutions. Also, the chief executive must designate an existing State agency, or establish an agency to administer these funds in a manner which insures the needs for home and community based services of the elderly and disabled are identified and met, and that this program will not duplicate services provided under the Federal Law. Furthermore, services provided with these funds are to be coordinated with services provided by voluntary, religious and community organizations, and not supplant existing State and local activities.

Reporting requirements: States are required to provide data similar to that for other block grants including a description of intended use of allotments, a public comment period, and notification of significant revision of activities.

Mr. HATCH. My second bill is the Community Home Care Service Act of

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1983. Like my block grant bill, this legislation also amends the Public Health Service Act to allow coordination of existing home and community care services currently funded by various Public Health Service Act programs, the Older American Act, and State medicaid programs. We have learned from many providers of home health care, and their patients, that it is often difficult to come by, simply because those legitimately in need are not aware it exists. This is reason in itself to bring together all the health and social service programs, private and public, to make them more accessible and less duplicative.

My second bill amends title XIX of the Social Security Act to allow States to conduct regional or statewide programs providing home health care for individuals entitled to medical assistance who are at risk of institutionalization. Similar programs are currently being conducted under waivers to States which apply to the Department of Health and Human Services for exception to traditional reimbursements for institutional care. Such waivers have been very popular with States. I understand that preliminary data from channeling programs, community based research and demonstration projects funded by the Health Care Financing Administration, shows that prepaid and capitated home health programs are saving us money. This happens all too seldom in Government today, and when it does, we ought to encourage its return.

SUMMARY OF COMMUNITY HOME CARE SERVICES ACT OF 1983

Purpose: Provide coordination between programs funded by the Public Health Service Act, the Older American's Act and state Medicaid plans in furnishing of home care services; to allow states to implement a program of community-based home care services where medically needy and appropriate for individuals qualifying for medicaid, and to assist in releasing patients from hospitals and placing them in home care.

Coordination: Section 339(a) of the Public Health Service Act is amended to provide coordination of home health services provided under such act between demonstrations and home health services provided under the state's medicaid plan and the Older American's Act.

State Programs: Title XIX of the Social Security Act is amended to allow states to establish a program, which need not be State wide, to furnish home care services (directly, or by contract with providers) which shall:

(1) assess the health care needs of individuals applying for the program, develop a plan of care and case management system for each individual participating in the program;

(2) provide assessment teams consisting of a physician or registered nurse and one social worker or other qualified professional as designated by the State plan;

(3) determine need for ongoing services by reassessment conducted at least every four months.

Eligibility: Individuals qualifying for this program must be eligible for medical assistance under the State plan and require institutional care but for the provision of home care services. Participation by any individual is voluntary.

Home Care Services: These are defined as those services furnished to an individual under the care of a physician, by staff members of a home-health care entity (home health agency, hospital or long-term care facility certified to provide home care). Such services must be deemed necessary by a plan which is periodically reviewed and supervised by a physician, registered nurse or other individual licensed under State law to provide medical care.

Such services are provided on a visiting basis in a place of residence used as the individuals home and may include; homemaker/home-health aide services, physical, occupational, speech or respiratory therapy, medical social services, medical supplies and appliances, drugs and biologies (when necessary for individuals to receive other items in such place of residence), respite care for 14 days or 336 hours in calendar year, physicians services, nursing services, and any other supportive services the Secretary determines appropriate and necessary to prevent the need for institutionalization of the participating individuals.

Any of these services may be provided on an out patient basis at a hospital, long term care facility or rehabilitation center if it involves the use of equipment which cannot be made readily available in the individual place of residence.

Home Health Entities: These are defined as a public or private entity, and may be an agency of State or local governments.

Freedom of choice: Individuals participating in this program shall not have freedom of choice with respect to providers from whom they receive assistance.

Federal Match of Medicaid Program: Title XIX of the Social Security Act is amended to increase by 10 percentage points the amount of the Federal medical assistance percentage of the total amount expended during such quarter of home care services.

Mr. HATCH. The third bill of this home health triad is a Senate joint resolution designating November 27, 1983, through December 3, 1983, as National Home Health Care Week. The resolution honors the numerous health professionals who provide compassionate and much needed care for elderly and disabled individuals in their homes. These services have grown tremendously over the past decade, because the health needs they address have so dramatically grown. Commemorative resolutions by definition are intended to draw closer public attention to the person or cause being so honored. I can think of few causes more deserving than for exclusive approbation than that of giving elderly citizens more freedom to remain in their own homes or apartments where they so desperately wish to stay

This is why I urge my colleagues to join with me in saluting the thousands of health professionals, private and public home health agencies, and charitable organizations who work to provide health care for the infirm and disabled in the comfort of their homes. I ask unanimous consent that the text of the three bills be printed in the RECORD at the conclusion of my remarks.

S. 1539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home and Community Based Services for the Elderly and the Disabled Act of 1983".

SEC. 2. Title XIX of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—HOME AND COMMUNITY BASED SERVICES BLOCK GRANT

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 1941. (a) For the purpose of allotments to States to carry out the activities described in section 1944, there are authorized to be appropriated $700,000,000 for fiscal year 1986, $750,000,000 for fiscal year 1987, and $800,000,000 for fiscal year 1988.

"(b) For the purpose of allotments to States for planning the implementation of this part, there are authorized to be appropriated $20,000,000 for fiscal year 1985.

"ALLOTMENTS

"SEC. 1942. (a) From the amounts appropriated under section 1941 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the total amount appropriated under such subsection for such fiscal year as the total number of elderly individuals residing in the State during such fiscal year bears to the total number of elderly individuals residing in all States during such fiscal year.

"(b) To the extent that all the funds appropriated under section 1941 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1945 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1906(b)(3) (as such section applies to this part pursuant to section 1945(e));

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"(c)(1) If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this part be provided directly by the Secretary to such tribe or organization, and

"(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this part,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) for a fiscal year the amount determined under paragraph (2).

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved under subsection (a) as the total number of elderly individuals in the tribe during such fiscal year bears to the total

number of elderly individuals residing in the State during such fiscal year.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the elderly individuals and disabled individuals for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 1943 (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotments under section 1942 (other than any amount reserved under subsection (c) of such section) from amounts appropriated for that fiscal year.

"(b) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"USE OF ALLOTMENTS

"SEC. 1944 (a) Except as provided in subsection (c), amounts paid to a State under section 1943 from its allotment under section 1942 for any fiscal year beginning after September 30, 1985, may be used for the following:

"(1) Activities to coordinate home and community based services provided to elderly individuals and disabled individuals by public and private institutions and organizations in order to eliminate duplication in the provision of such services and to maximize the use of funds provided under this part and other Federal laws for such services.

"(2) The development of procedures and means to—

"(A) identify elderly individuals and disabled individuals, including elderly individuals and disabled individuals who are—

"(i) patients in hospitals who are at risk of institutionalization; and

"(ii) patients in skilled nursing facilities and intermediate care facilities who could return to the community if home and community based services were available;

"(B) assess the needs of such elderly individuals and disabled individuals for home and community based services; and

"(C) make recommendations for cost-effective measures to meet the needs of such elderly individuals and disabled individuals for home and community based services.

"(3) Pursuant to the procedures and means developed under paragraph (2), the identification of elderly individuals and disabled individuals described in subparagraph (A) of such paragraph, and for each elderly individual or disabled individual identified, the performance of the assessment described in subparagraph (B) of such paragraph and the preparation of the recommendations described in subparagraph (C) of such paragraph.

"(4) The provision to elderly individuals and disabled individuals of—

"(A) homemaker or home health aide services provided by an individual who has successfully completed a training program approved by the Secretary;

"(B) physical, occupational, speech, or respiratory therapy;

"(C) medical social services under appropriate direction;

"(D) medical supplies (other than drugs or biologicals) and the use of medical appliances;

"(E) drugs and biologicals, but only where the furnishing of such items is necessary for an elderly individual or a disabled individual to receive other items and services pursuant to this subsection in such place of residence;

"(F) respite care services for up to 14 days or 336 hours in any calendar year;

"(G) physicians' services, and nursing care provided by or under the supervision of a registered professional nurse, provided in such place of residence;

"(H) adult day care services;

"(I) dietary services provided by or under the supervision of a registered dietitian;

"(J) any other supportive services, which may be appropriate and necessary to prevent the need for institutionalization of an elderly individual or a disabled individual, including appropriate patient and family training; and

"(K) any of the foregoing items and services—

"(i) which are provided on an outpatient basis, under arrangements made by the State, at a hospital, skilled nursing facility, or intermediate care facility, or at a rehabilitation center which meets such standards as may be prescribed in regulations; and

"(ii) the furnishing of which involves the use of equipment of such nature that the items and services cannot readily be made available to the place of residence of the elderly individual or the disabled individual; and

"(L) case management services.

"(5) The conduct of activities to provide education and information to medical and social service professionals concerning home and community based services provided by public and private institutions and organizations.

"(b) The Secretary may provide technical assistance to States in planning and operating activities to be carried out under this part.

"(c) A State may not use amounts paid to it under section 1943 to—

"(1) provide inpatient services,

"(2) make cash payments to intended recipients of health services,

"(3) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) and building or other facility, or purchase major medical equipment,

"(4) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds, or

"(5) provide financial assistance to any entity other than a public or nonprofit private entity, except that a State may use amounts paid to it under section 1943 to make payments to a private for profit entity under a contract between the State and such entity for the provision of services under this part.

The Secretary may waive the limitation contained in paragraph (3) with respect to a fiscal year beginning after September 30, 1985, upon the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

SEC. 1945. (a) (1) In order to receive an allotment for a fiscal year under section 1942 each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require.

"(2) Each application required under paragraph (1) for an allotment under section 1942 for a fiscal year beginning after September 30, 1985, shall contain assurances that the legislature of the State has complied with the provisions of subsection (b) and that the State will meet the requirements of subsection (c).

"(b) After the expiration of the first fiscal year beginning after September 30, 1985, for which a State receives an allotment under section 1942, no funds shall be allotted to such State for any fiscal year under such section unless the legislature of the State conducts public hearings on the proposed use and distribution of funds to be provided under section 1943 for such fiscal year.

"(c) As part of the annual application required by subsection (a) for an allotment for a fiscal year beginning after September 30, 1985, the chief executive officer of each State shall—

"(1) certify that the State agrees to use the funds allotted to it under section 1942 in accordance with the requirements of this part;

"(2) provide assurances that such chief executive officer will establish an appropriate mechanism to coordinate activities of State agencies which administer programs relating to health, welfare, rehabilitation, and the elderly and the provision of home and community based services by State and local agencies and public and private institutions and organizations;

"(3) provide assurances that such chief executive officer will designate or establish a State agency to administer funds provided under this part and the plan developed under paragraph (2) in a manner which will insure, to the maximum extent feasible—

"(A) that the needs of elderly individuals and disabled individuals for home and community based services identified under section 1944(a)(3) will be met; and

"(B) that services provided to elderly individuals and disabled individuals under this part will not duplicate services to elderly individuals and disabled individuals provided under other provisions of Federal law;

"(4) certify that the State will coordinate the provision of home and community based services with funds provided under this part with activities conducted to provide such services by voluntary, religious, and community organizations;

"(5) certify that the State shall not provide home and community based services under this part which are greater in amount, duration, or scope than the home and community based services provided to individuals in the same geographical area who are eligible for such services under the State's medicaid plan approved under title XIX of the Social Security Act, and shall not duplicate services provided to individuals under such State plan or any provision of Federal law;

"(6) certify that the State, will, to the extent practicable, provide services under this part through agencies and providers rendering services under the States's medicaid plan approved under title XIX of the Social Security Act; and

"(7) certify that the State agrees that Federal funds made available under section 1943 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under

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that section and will in no event supplant such State, local, and other non-Federal funds.

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

"(d) The chief executive officer of a State shall, as part of the application required by subsection (a) for any fiscal year beginning after September 30, 1985, also prepare and furnish the Secretary (in accordance with such form as the Secretary shall prescribe) with a description of the intended use of the payments the State will receive under section 1943 for the fiscal year for which the application is submitted, including information on the programs and activities to be supported and services to be provided. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to the requirements of the preceding sentence.

"(e) Except where inconsistent with the provisions of this part, the provisions of section 1903(b), paragraphs (1) through (5) of section 1906(a), and sections 1906(b), 1907, 1908, and 1909 shall apply to this part in the same manner as such provisions apply to part A of this title.

"DEFINITIONS

"SEC. 1946. For purposes of this part:

"(1) the term 'elderly individual' means an individual who has attained the age of 65 years.

"(2) The terms 'Indian tribe' and 'tribal organization' have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.".

S. 1540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Home Care Services Act of 1983".

PURPOSE

SEC. 2. It is the purpose of this Act to provide coordination between the Public Health Service Act, the Older American's Act, and State medicaid plans in the furnishing of home care services, to allow a State to implement a program under its medicaid program under which individuals requiring long-term care may participate in a program of community based home care services where medically appropriate and cost effective, and to assist in releasing patients from hospitals and placing them in home care.

COORDINATION OF HOME HEALTH SERVICES

SEC. 3. Section 339(a)(1) of the Public Health Service Act is amended by inserting ", and providing coordination between such demonstrations and home health services provided under the State's plan under title XIX of the Social Security Act" and under the Older American's Act after "not readily accessible".

STATE PROGRAMS AUTHORIZED

SEC. 4. (a) Title XIX of the Social Security Act is amended by adding at the end thereof the following new section:

"HOME CARE SERVICES

"SEC. 1918. (a)(1) Any State may establish, as a component of its State plan, a program, which need not be in effect Statewide, under which individuals described in subsection (b) are furnished home care services (defined in subsection (c)).

"(2) A program established pursuant to paragraph (1) shall provide that the State, directly or through arrangements with service providers under the program, shall—

"(A) assess the health care needs of each individual applying for or participating in the program to determine whether such individual meets the requirements of subsection (b);

"(B) develop a plan of care for each individual determined to be eligible to participate in the program; and

"(C) provide a case management system for each individual participating in the program under which such individual shall receive home care services, in accordance with the individual's plan of care, from a qualified entity having an agreement with the State under subsection (d).

"(3) The assessments, plan of care development, and case management functions described in paragraph (2) shall be carried out by an assessment team which shall consist of a physician or registered nurse and one social services worker or other qualified professional as may be designated under the State plan. In the case of an individual being discharged from a hospital, skilled nursing facility, or intermediate care facility, the initial assessment of eligibility for the program may be made by the discharge planning unit of such facility. Any initial assessment of eligibility for the program shall include an assessment by the individual's treating physician if the individual has such a treating physician and such physician desires to participate in the assessment.

"(4) Assessments shall be made at the time of initial eligibility determination, and reassessments shall be conducted at least every four months thereafter.

"(b)(1) An individual may participate in the program established by the State under subsection (a) if such individual—

"(A) is eligible for medical assistance under the State plan or would be eligible if institutionalized,

"(B) would require institutional care, but for the furnishing of home care services described in subsection (c).

"(2) Participation in the program by any individual shall be voluntary.

"(c) For purposes of this section, the term 'home care services' means the following items and services furnished or arranged to be furnished to an individual under the care of a physician, by staff members of a home health care entity, a hospital, or a long-term-care facility which is certified to provide home care, under a plan (for furnishing such items and services to such individual) established, periodically reviewed and supervised by a physician, registered professional nurse, or other individual licensed under State law to provide medical care not involving the administering of controlled medication, which items and services are, except as provided in paragraph (11), provided on a visiting basis in a place of residence used as such individual's home:

"(1) homemaker or home health aide services provided by an individual who has successfully completed a training program approved by the Secretary;

"(2) physical, occupational, speech, or respiratory therapy;

"(3) medical social services necessary to and supportive of the plan of care and furnished under appropriate direction;

"(4) medical supplies (other than drugs or biologicals) and the use of medical appliances;

"(5) drugs and biologicals, but only where the furnishing of such items is necessary for such individual to receive other items and services pursuant to this section in such place of residence;

"(6) respite care services for up to 14 days or 336 hours in any calendar year;

"(7) physicians' services, and nursing care provided by or under the supervision of a registered professional nurse, provided in such place of residence;

"(8) adult day care services;

"(9) dietary services provided by a registered dietitian;

"(10) any other supportive services, which the Secretary determines to be appropriate and necessary to prevent the need for institutionalization of the individual, including appropriate patient and family training; and

"(11) any of the foregoing items and services which are provided on an outpatient basis, under arrangements made by the home health care entity, at a hospital, skilled nursing facility, or intermediate care facility, or at a rehabilitation center or other facility which meets such standards as may be prescribed in regulations, and—

"(A) the furnishing of which involves the use of equipment of such a nature that the items and services cannot readily be made available to the individual in such place of residence, or

"(B) which are furnished at such facility while he is there to receive any such item or service described in clause (A),

excluding, however, any item or service if it would not be included under section 1861(b) if furnished to an inpatient of a hospital.

"(d)(1) The State shall enter into an agreement with an entity under this subsection for each individual participating in the program under which such entity shall provide, or arrange for the provision of, all home care services for which such individual may be eligible under the program and the need for which is established in the individual's plan for care.

"(2) The entity having an agreement with the State under paragraph (1) may be a public or private entity, and may be an agency of State or local government designated by the State for this purpose.

"(3) Any provision of this title which provides for freedom of choice by an individual with respect to providers from whom they are to receive services shall not apply with respect to services received under this section.".

(b) Section 1903(a) of such Act is amended by redesignating paragraph (7) as paragraph (8), and by inserting after paragraph (6) the following new paragraph:

"(7) an amount equal to the Federal medical assistance percentage, increased by 10 percentage points, of the total amount expended during such quarter for home care services provided in accordance with section 1918; plus".

(c) The amendment made by this section shall become effective on the date of the enactment of this Act.

DISCHARGE PLANNING

SEC. 5. (a) Section 1961(e) of the Social Security Act is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and", and by inserting after paragraph (9) the following new paragraph:

"(10) has in effect a procedure for discharge planning for each patient who may be eligible for home care services under a State program established pursuant to section 1918 of this Act, which provides for the exercise of informed freedom of choice and includes evaluation of each such patient prior to discharge by an interdisciplinary team (which may include the patient's treating physician, the hospital discharge planner, and a representative of home health providers) with respect to care which may be required after discharge.".

(b) Section 1861(j) of such Act is amended by striking out "and" at the end of paragraph (15), and by inserting after paragraph (15) the following new paragraph:

"(16) has in effect a procedure for discharge planning for each patient who may be eligible for home care services under a State program established pursuant to section 1918 of this Act, which provides for the exercise of informed freedom of shoice and includes evaluation of each such patient prior to discharge by an interdisciplinary team (which may include the patient's treating physician, the facility discharge planner, and a representative of home health providers) with respect to care which may be required after discharge;".

(c) The amendments made by this section shall become effective on January 1, 1984.

S.J. RES. 122

Whereas organized home health care services to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home health care is recognized as an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare program including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home health agencies providing these services has increased from less than five hundred to more than three thousand; and

Whereas many private and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 27, 1983, through December 3, 1983, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

By Mr. SASSER (for himself, Mr. BAKER, Mr. ABDNOR, Mr. BAUCUS, Mr. BURDICK, Mr. DECONCINI, Mr. DOLE, Mr. EAST, Mr. HECHT, Mr. HOLLINGS, Mr. KASTEN, Mr. LAXALT, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MITCHELL, Mr. NUNN, Mr. PERCY, Mr. PRYOR, Mr. STENNIS, Mr. COCHRAN, Mr. GORTON, Mr. SARBANES, and Mr. GARN):

S.J. Res. 120. Joint resolution to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American; to the Committee on the Judiciary.

PRESENTATION OF A GOLD MEDAL TO DANNY THOMAS

● Mr. SASSER. Mr. President, along with the distinguished majority leader, Senator BAKER, and a number of my colleagues, I am today introducing legislation to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American.

In October of this year, the world-renowned St. Jude Children's Hospital of Memphis will hold its annual convention here in Washington. They will be honoring this great man—Danny Thomas. The President has agreed to present this award to Danny on behalf of the U.S. Senate during the St. Jude Convention.

Danny has exercised his great comedic talent in nightclubs, films, theatre, radio, and television, but it is the latter medium that projected him into becoming one of the most popular entertainers of his time.

In the early 1930's, Danny had saved enough money from jobs as a busboy, punch-press operator's assistant, and a lumberyard watchman to buy a couple of suits and several pairs of shoes so he could move from Toledo to Detroit to look for a job in show business. One of his first jobs when in Detroit was that of a singer on a radio show called "The Happy Hour Club" where he met his wife whom he married in 1936.

With Detroit turning sour on him, Danny elected to move to Chicago where he took a job as a standup comedian at the 5100 Club in Chicago's northside in 1940. His popularity swiftly increased when the William Morris Agency began managing Danny and booked him at La Martinique in New York and Chez Paree in Chicago.

There was, however, one detour up his career ladder. During World War II, Danny entertained with USO troupes in north Africa, Italy, and the Philippines.

From here, Danny moved to a different medium—that of the silver screen. In 1947, he costarred with Margaret O'Brien in MGM's "The Unfinished Dance," and followed with "The Big City" and "Call Me Mister." In 1951 he costarred with Doris Day in Warner Bros. "I'll See You in My Dreams" and then starred in the "Jazz Singer."

But as it turned out, television was Danny's medium. In 1953, he launched "Make Room for Daddy" on ABC-TV. The television series actually was based on 14 years of Danny's own life. This series evolved into one of the most successful and honored family comedy shows in television history. The television series won many awards, five Emmy's among them. But after 11 seasons, and with the show still among the top 10 in ratings, Danny voluntarily ended the series.

Then in 1960, in partnership with Sheldon Leonard, Danny became a producer of what one newspaper columnist called a comic supermarket. Shows in this stable included the "Andy Griffith Show," "Bill Danna Show," "Gomer Pyle," and "The Tycoon." And his television career was furthered in 1966 when he formed Thomas-Spelling Productions with writer-producer Aaron Spelling. The company's ventures included the "Mod Squad," "The Guns of Will Sonnet" with Walter Brennan, and "Rango" with Tim Conway.

More recently Danny has done a number of television specials and has made many guest star appearances on various TV shows. And in 1976, Danny starred in a new situation comedy entitled "The Practice" for NBC.

Although Danny is recognized as one of the most accomplished entertainers of our time, his most significant achievement is St. Jude Children's Research Hospital. This institution was erected in Memphis, Tenn., and is the fulfillment of a vow he made when he was a desperately poor, young, struggling comedian.

In 1938, when his wife Rosemarie, was about to give birth to her first child, Marlo, the Thomases were leading a precarious life with Danny working mostly, to use his own description, as a $2-a-night saloon comic. Rosemarie begged him to get into some other line of work. Desperate, Danny sought relief in prayer. He knelt before the statue of St. Jude, the patron saint of the hopeless, and vowed to erect a shrine to St. Jude should he succeed in show business. In 1946, after achieving fame and recognition, Danny began a one-man campaign to raise funds for his shrine to St. Jude. He founded ALSAC (Aiding Leukemia Stricken American Children) to raise funds for the hospital which he decided would be the only fitting shrine to his patron saint. St. Jude Children's Research Hospital is a nonprofit hospital dedicated to helping grievously ill children of all faiths and races, children living and yet unborn. This medical institution, founded by Danny Thomas, has achieved a remarkable 53-percent cure rate.

Down the years an avalanche of honors from scores of civic, religious, cultural, medical, and brotherhood groups have inundated him mostly as tokens of appreciation for his countless acts of charity of worthy causes. Pope Paul VI presented to Danny one of the highest decorations he could bestow on a laymen—Knight Commander with Star in the Equestian Order of the Holy Sepulchre of Jerusalem. The National Conference of Christians and Jews selected Danny Man of the Year and the American Medical Association presented him with its Layman's Award, the highest honor it can bestow on a nonmedical man, and only the sixth award made since 1948. He also received the Ohio State Governor's Award from Governor James A. Rhodes. Lions International presented Danny with the Humanitarian Award and he is also the recipient of the National Exchange Club's Outstanding American Award. The list is virtually endless.

Danny Thomas, born into poverty, has become one of America's most renowned and successful entertainers. He has matured into a man with extraordinary faith, charity, and humanitarian instincts.

> My purpose in life—

Danny has said,

> Is to propogate the philosophy of man's faith in man, based upon my own belief that unless man reestablished his faith in his fellow beings he can never establish a faith in God. In order that others to follow may be inspired to do likewise, I have to leave something tangible. I'm not so unforgettable that I can do it only with words. I must leave something that men can touch, feel, and see. That is St. Jude Children's Research Hospital.

In closing, I would like to emphasize the fact that Danny Thomas has helped to alleviate the suffering of many children throughout the world and given them hope for a brighter future. For this reason, I believe the U.S. Senate should include itself among those who have seen fit to honor this man. The Senate resolution that we are introducing provides this Senate the opportunity to thank Danny for all he has done.

Mr. President, I urge my colleagues to support this legislation that honors a great American individual—Danny Thomas.●

By Mr. ABDNOR (for himself, Mr. Stennis, and Mr. Weicker):

S.J. Res. 121. Joint resolution to designate November 1983 as National Diabetes Month; to the Committee on the Judiciary.

NATIONAL DIABETES MONTH

● Mr. ABDNOR. Mr. President, I am pleased to introduce today a joint resolution to designate the month of November 1983 as National Diabetes Month. Although the ongoing war against diabetes has yielded significant advances in basic and clinical research aimed at prevention, diagnosis, and treatment of persons who are afflicted with this disease, much more remains to be done.

Eleven million Americans suffer from diabetes. Some 5 million victims are not even aware that they have this chronic disease. This year, as many as 600,000 Americans will learn that they suffer from diabetes. Tens of millions of Americans—the friends and families of diabetics—are affected personally by the grave impact the disease has on their loved ones. Over $10 billion are spent each year for health care, disability payments, and premature mortality costs which result from diabetes.

Health complications resulting from diabetes affect a variety of bodily functions and organs. The lasting effects of these complications are extremely severe.

For example, the National Diabetes Data Group has reported that diabetes causes almost 50 percent of foot and leg amputations among adults; 20 percent of all cases of kidney failure and 15 percent of all blindness is due to diabetes; diabetes is a major cause of birth defects and infant mortality; the United States ranks among the highest five nations in the world in mortality due to diabetes; diabetics run a much higher risk of developing cardiovascular disease; persons with diabetes spend twice as many days in hospitals as persons who do not suffer from the disease; and diabetes, which is the fourth leading cause of visits to general and family practice physicians, places a major drain on our Nation's health resources.

Mr. President, the designation of November of this year as National Diabetes Month will serve to call to the wider attention of the American people the human and economic costs of diabetes. It is my sincere hope and belief that a greater understanding of this disease—by both those afflicted and others—will lead to more intensive research, improved methods of preventing serious complications, new types of treatment, and general awareness of the challenge we face in seeking to lessen the impact of diabetes. I urge the speedy adoption of this joint resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 121

Whereas diabetes kills more than all other diseases except cancer and cardiovascular diseases; and

Whereas eleven million Americans suffer from diabetes and five million seven hundred thousand of such Americans are not aware of their illness; and

Whereas $9,700,000,000 annually are used for health care costs, disability payments, and premature mortality costs due to diabetes; and

Whereas up to 85 per centum of all cases of noninsulin-dependent diabetes may be controllable through greater public understanding, awareness and education; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1983 is designated as "National Diabetes Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. Dole, the name of the Senator from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 31

At the request of Mr. Mathias, the name of the Senator from California (Mr. Wilson) was added as a cosponsor of S. 31, a bill to amend title 17 of the United States Code with respect to home recording and video and audio recording devices and media, and for other purposes.

S. 32

At the request of Mr. Mathias, the name of the Senator from California (Mr. Wilson) was added as a cosponsor of S. 32, a bill to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings.

S. 33

At the request of Mr. Mathias, the name of the Senator from California (Mr. Wilson) was added as a cosponsor of S. 33, a bill to amend title 17 of the United States Code with respect to rental, lease, or lending of motion pictures and other audiovisual works.

S. 37

At the request of Mr. Cochran, the name of the Senator from North Carolina (Mr. Helms) was added as cosponsor of S. 37, a bill to temporarily reduce the duty on certain disposable surgical drapes and sterile gowns.

S. 267

At the request of Mr. Tower, his name was added as a cosponsor of S. 267, a bill entitled "The Coal Distribution and Utilization Act of 1983."

S. 427

At the request of Mr. Baucus, the name of the Senator from California (Mr. Cranston) was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain literary, musical, or artistic compositions.

S. 737

At the request of Mr. Mathias, the name of the Senator from Vermont (Mr. Stafford) was added as a cosponsor of S. 737, a bill to allow business to jointly perform research and development.

S. 788

At the request of Mr. Quayle, the name of the Senator from New Hampshire (Mr. Humphrey) was added as a cosponsor of S. 788, a bill to amend the Agricultural Act of 1949 to reduce the loan rates for the 1983 through 1985 crops of sugarcane and sugar beets.

S. 858

At the request of Mr. Thurmond, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 858, a bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Inc.

S. 911

At the request of Mr. Chiles, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. 911, a bill to establish a Commission to make recommendations for changes in the role of nonparty multicandidate political action committees in the financing of campaigns of candidates for Federal office.

S. 1025

At the request of Mr. Hatfield, the name of the Senator from Vermont (Mr. Stafford) was added as a cosponsor of S. 1025, a bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national population policy; to establish an interagency Council on Global Resources, Environment, and Population, and for other purposes.

S. 1145

At the request of Mr. Denton, the names of the Senator from Maryland (Mr. Mathias), the Senator from Maine (Mr. Mitchell), and the Senator from Alaska (Mr. Murkowski) were added as cosponsors of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1249

At the request of Mr. Andrews, the name of the Senator from Minnesota (Mr. Boschwitz) was added as a cosponsor of S. 1249, a bill to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations.

S. 1276

At the request of Mr. Mitchell, the names of the Senator from Louisiana (Mr. Johnston), the Senator from Texas (Mr. Bentsen), and the Senator from Ohio (Mr. Metzenbaum) were added as cosponsors of S. 1276, a bill to provide that the pensions received by retired judges who are assigned to active duty shall not be treated as wages for purposes of the Social Security Act.

S. 1300

At the request of Mr. Huddleston, the name of the Senator from Michigan (Mr. Riegle) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purposes.

S. 1306

At the request of Mr. Mathias, the names of the Senator from Wyoming (Mr. Simpson), the Senator from Iowa (Mr. Jepsen), and the Senator from Illinois (Mr. Dixon) were added as cosponsors of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1350

At the request of Mr. Lugar, the name of the Senator from Utah (Mr. Garn) was added as a cosponsor of S. 1350, a bill to amend the Federal Election Campaign Act of 1971 to increase the role of political parties in financing campaigns under such act, and for other purposes.

S. 1396

At the request of Mr. Domenici, the names of the Senator from West Virginia (Mr. Randolph), and the Senator from Louisiana (Mr. Johnston) were added as cosponsors of S. 1396, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

S. 1475

At the request of Mr. Wallop, the name of the Senator from Montana (Mr. Melcher) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1498

At the request of Mr. Specter, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 1498, a bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System.

S. 1506

At the request of Mr. Tower, the name of the Senator from Texas (Mr. Bentsen) was added as a cosponsor of S. 1506, a bill to amend the Internal Revenue Code of 1954 to restore the deduction for percentage depletion for oil and gas wells to the 1969 level, to restore intangible drilling costs for integrated oil companies to full deductibility, and to remove the intangible drilling cost deduction for individuals from the list of tax preferences subject to the minimum tax.

S. 1513

At the request of Mr. Hatfield,, the names of the Senator from Alaska (Mr. Stevens), the Senator from Louisiana (Mr. Johnston), and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of S. 1513, a bill to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission.

SENATE JOINT RESOLUTION 18

At the request of Mr. Jepsen, the name of the Senator from Nebraska (Mr. Zorinsky) was added as a cosponsor of Senate Joint Resolution 18, a joint resolution designating September 22, 1983, as "American Business Women's Day."

SENATE JOINT RESOLUTION 105

At the request of Mr. Rudman, the names of the Senator from Pennsylvania (Mr. Specter), the Senator from Iowa (Mr. Jepsen), the Senator from Michigan (Mr. Riegle), the Senator from Minnesota (Mr. Durenberger), and the Senator from Indiana (Mr. Lugar), were added as cosponsors of Senate Joint Resolution 105, a joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints.

SENATE JOINT RESOLUTION 106

At the request of Mr. Simpson, the name of the Senator from South Dakota (Mr. Abdnor) was added as cosponsor of Senate Joint Resolution 106, a joint resolution designating August 3, 1983, and "National Paralyzed Veterans Recognition Day."

SENATE JOINT RESOLUTION 117

At the request of Mr. Huddleston, the names of the Senator from Tennessee (Mr. Sasser), and the Senator from Iowa (Mr. Grassley) were added as cosponsors of Senate Joint Resolution 117, a joint resolution to authorize and request the President to designate July 15, 1983, as "National Ice Cream Day."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. Cohen, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress respecting the administration of title X of the Public Health Service Act.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. Baucus, the name of the Senator from West Viginia (Mr. Randolph) was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution to reject the medicare cuts contained in the President's fiscal year 1984 budget.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. Specter, the name of the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE RESOLUTION 127

At the request of Mr. Andrews, the name of the Senator from South Dakota (Mr. Abdnor) was added as a cosponsor of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent Committee of the Senate.

SENATE RESOLUTION 165—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on the Budget:

S. Res. 165

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 2733, an Act to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials.

The waiver of section 402(a) is necessary to permit consideration of statutory authority to extend the Native Latex Commercialization and Economic Development Act of 1978.

SENATE RESOLUTION 166—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on the Budget:

S. Res. 166

Resolved, That pursuant to sections 303(c) and 402(c) of the Congressional Budget Act of 1974, the provisions of sections 303(a)(4) and 402(a) of such act are waived with respect to the consideration of S. 1529, a bill to stabilzie a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes.

The waiver of section 303(a)(4) is necessary to permit consideration of new spending authority to become effective in fiscal years for which the first concurrent resolution on the budget has not been agreed to. Specifically, S. 1529 provides new spending authority under section 401(c)(2)(C) of the Congressional Budget Act of 1974 for the Secretary of Agriculture to carry out a diversion program for dairy producers to become effective on the date of enactment and extend through December 31, 1984.

The waiver of section 402(a) is necessary to permit consideration of statutory authority to provide appropriations to carry out certain activities of the Secretary of Agriculture in connection with a dairy research and promotion program.

SENATE RESOLUTION 167—RELATING TO THE FREE FLOW OF FOREIGN VISITORS TO THE 1984 OLYMPICS AND THE 1984 WORLD'S FAIR

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. Res. 167

Whereas in 1982 some 22 million foreign tourists visited the United States;

Whereas in addition to promoting international trade and friendly relations among nations, these foreign visitors spent $12 billion on goods and services while in the United States;

Whereas a substantial increase in the number of foreign visitors to the United States is expected in 1984 in conjunction with the holding of the Olympic Games in Los Angeles, Calfornia and the Louisiana World Exposition in New Orleans, Louisiana; and

Whereas it is in the interest of the United States to encourage as many foreign visitors to the United States as possible, to inform such visitors of recreational and commercial opportunities throughout the United States, and to facilitate their entry into and travel within the United States: Now, therefore be it

Resolved, That it is the sense of the Senate that:

(1) The Secretary of Commerce should undertake all necessary steps to encourage foreign nationals to attend the 1984 Olympic Games and the Louisiana World Exposition.

(2) In conjunction with these efforts, the Secretary of Commerce should implement a systematic plan to interest such foreign nationals in other recreational and commercial activities throughout the United States.

(3) The Secretary of Commerce should consult with the Secretary of the Treasury and the Attorney General of the United States to develop and implement, before the 1984 Louisiana World Exposition, a national plan to consolidate the inspection functions pertaining to international travelers and cargo carried out by the Cabinet Departments listed above. In order to reduce and eliminate any unwarranted delays and inconvenience to passengers and shippers at United States gateway and preclearance airports, such plan should include, but not be limited to, the increased use of automated and advanced screening techniques that enhance both law enforcement and the expeditious flow of passengers and cargo, expansion of simplified passenger and cargo inspection procedures, and more cost effective use of combined Federal manpower resources.

(4) The Secretary of Commerce should, pursuant to section 202 of the International Travel Act of 1961, assist State and local governments, and other private and public entities, to facilitate and encourage travel throughout the United States by residents of foreign countries visiting the United States for the 1984 Olympic Games and the 1984 Louisiana World Exposition.

● Mr. PRESSLER. Mr. President, I am today offering a Senate resolution expressing this body's support for increasing and facilitating foreign travel to the United States during two major international tourism events we will be hosting in 1984.

These two events are the 1984 Olympics, which will be held in Los Angeles, and the 1984 Louisiana World Exposition, which will be held in New Orleans. Both events are of major significance to international tourism and they are certain to bring thousands of additional visitors to our country next year. We are fortunate in that the two events occur at roughly the same time, and also that they are widely separated geographically. I say this is fortunate because I am sure that many foreign visitors will want to attend both events, and this means that they will be traveling extensively throughout our Nation. I am particularly hopeful that many of these international visitors will take the time to visit destinations in the western and midwestern parts of our country. My own State of South Dakota, where tourism is the second largest industry, is already visited by thousands of foreign travelers each year, but we are always anxious to host more of our friends from abroad.

It is a fact that one of the best promotions for any destination is having satisfied visitors returning home and telling their friends about the good time they had. Many of the visitors to South Dakota come to the State because their friends and neighbors recommended it as a vacation destination. Obviously, this works on the international level as well. I am convinced that as we attract more and more visitors to the West and Midwest this expansion will feed upon itself and we will soon have an even more rapidly growing tourist industry in the area.

Of course, visitors to this country are only going to go home and pass along positive comments if we are prepared to welcome and accommodate them. We should all try to be aware of the fact that we, as American citizens, are the hosts for the foreign visitors who come to our shores each year. We must try to make them feel welcome.

However, there are things beyond the attitude we display which must also be done in order to accord proper treatment to overseas visitors. One of the most important of these is the manner in which foreign travelers are met when they first reach this country. We could learn much from our European neighbors in this area.

Our entry and inspection system often means long lines, long waits and

exposure to a confusing system which is not designed to accommodate non-English speaking visitors. It is critical, in my opinion, that we correct this situation if we are to have any chance of expanding our popularity as an international destination and reaping the economic rewards which that entails.

This will be especially true next year when we will have so many more visitors than usual. If we are not prepared for the first major increase in travelers in the spring, we will undoubtedly discourage many thousands of potential visitors who will hear horror stories about how hard the U.S. Government makes it for travelers to enter the country.

For all the reasons I have mentioned above, I am offering this resolution which recommends that we make an effort to prepare for the boom in foreign tourism which is certain to come next year. The resolution directs the Secretary of Commerce to conduct a broad program of promotion for these events, and to encourage foreign visitors to travel to a variety of places in the United States. Again, I would personally hope that many of them would decide to visit the midwestern part of the Nation.

The resolution also directs the Secretary of Commerce to work with the Secretary of the Treasury and the Attorney General in formulating a plan for the consolidation of the inspection services operated by their offices—Customs and INS. This consolidation is to be achieved by early next year, and its major goal is to be improvement in expediting the flow of passengers and cargo into this country.

As I said earlier, unless we make sure that foreign visitors are decently treated when they first arrive, we will be missing a major opportunity to expand this Nation's tourism industry.

I hope that my colleagues will join me in recognizing the importance of this issue, and I further hope that we can deal with this issue now while we still have time for proper planning.●

AMENDMENTS SUBMITTED

OCEAN AND COASTAL DEVELOPMENT IMPACT ASSISTANCE FUND

JEPSEN (AND HELMS) AMENDMENT NO. 1432

(Ordered to lie on the table.)

Mr. JEPSEN (for himself and Mr. Helms) submitted an amendment intended to be proposed by them to the bill (S. 800) to establish an ocean and coastal development impact assistance fund and to require the Secretary of Commerce to provide to States national ocean and coastal development and assistance block grants from moneys in the fund, and for other purposes; as follows:

At the end of the pending business, add the following sections:

"Sec. . The Congress finds that—

"(a) it is the policy of the Government of the United States to protect innocent life, both before and after birth, and that the Government of the United States affirms that all human beings are endowed by their Creator with certain unalienable rights among which is the right to life, as embodied in our Declaration of Independence;

"(b) the American Convention on Human Rights of the Organization of American States in 1969 affirmed that every person has the right to have his life protected by law from the moment of conception and that no one shall be arbitrarily deprived of life;

"(c) the Declaration of the Rights of the Child of the United Nations in 1959 affirmed that every child needs appropriate legal protection before as well as after birth;

"(d) at the Nurenberg International Military Tribunal for the trial of war criminals the promotion of abortion among minority populations, especially the denial of the protection of the law to the unborn children of Russian and Polish women, was considered a crime against humanity;

"(e) as early as 1859 the American medical profession affirmed the independent and actual existence of the child before birth as a living being and condemned the practice of abortion at every period of gestation as the destruction of human life;

"(f) scientific evidence demonstrates the life of each human being begins at conception;

"(g) the Supreme Court of the United States in the case of Roe against Wade erred in not recognizing the humanity of the unborn child and the compelling interest of the several States in protecting the life of each person before birth;

"(h) the Supreme Court of the United States in the case of Roe against Wade erred in excluding unborn children from the safeguards afforded by the equal protection and due process provisions of the Constitution of the United States; and

"(i) a growing tolerance of infanticide in America has followed the "quality of life" ethic as was established by the United States Supreme Court in the Roe against Wade decision, and as recently evidenced by the starvation death of an innocent handicapped newborn child in Bloomington, Indiana.

"Sec. . No agency of the United States shall perform abortions, except when the life of the mother would be endangered if the child were carried to term.

"Sec. . No funds appropriated by Congress shall be used to perform abortions, to reimburse or pay for abortions, or to refer for abortions, except when the life of the mother would be endangered if the child were carried to term.

"Sec. . No agency of the United States shall promote, encourage, counsel, refer, pay for, including travel expenses, or assist in the performance of abortions abroad as a matter of our foreign policy, except when the life of the mother would be endangered if the child were carried to term.

"Sec. . The United States shall not enter into any contract for insurance that provides for payment or reimbursement for abortions other than when the life of the mother would be endangerd if the child were carried to term.

"Sec. . No institution that receives Federal financial assistance shall discriminate against any employee, applicant for employment, student, or applicant for admission as a student, on the basis of that person's opposition to abortion or refusal to counsel or assist in the performance of abortions.

"Sec. . No institution that receives Federal financial assistance shall withhold from a handicapped infant nutritional sustenance or medical or surgical treatment required to correct a life threatening condition if: (1) the withholding is based on the fact that the infant is handicapped; and (2) the handicap does not render treatment medically contraindicated. Any institution or agency in violation of such restrictions shall be denied any further Federal assistance.

"Sec. . In light of the provisions of this title, and to expedite Supreme Court consideration of the interest of the States in protecting the lives of all human beings within their jurisdiction, if any State enforces or enacts legislation which prohibits or restricts abortions or infanticide and such legislation is invalidated by interlocutory or final order of any court of the United States, any part to such case shall have a right to direct appeal to Supreme Court of the United States, under the same provisions as govern appeals pursuant to section 1252 of title 28, United States Code, notwithstanding the absence of the United States as a party to such case. Notwithstanding any other provision of Federal law, attorneys' fees shall not be allowable in any civil action involving, directly or indirectly, the provisions of this title.

"Sec. . If any provision of this title or the application thereof to any person or circumstances is judically determined to be invalid, the validity of the remainder of this title and the application of such provision to other persons and circumstances shall not be affected by such determination.".

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1984

GARN AMENDMENT NO. 1433

Mr. GARN proposed an amendment to the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes; as follows:

At the end of the bill add the following:

Sec. . (a) All unearned income earned by a Senator during a calendar year in excess of an amount equal to 30 per centum of the annual salary paid to such Senator for service as a Senator during such calendar year shall be placed in an unearned income trust for the term of service of such Senator as provided in subsection (b).

(b)(1) Except as provided in paragraph (2), all income placed in an unearned income trust as required by subsection (a) shall be unavailable to the Senator for the term of service of such Senator.

(2)(A) If the unearned income of a Senator for any calendar year of service is less than an amount equal to 30 per centum of the annual salary paid to such Senator for service during such calendar, such Senator may withdraw from his or her unearned income trust, an amount equal to 30 per centum of the annual salary less the unearned income of such Senator for such calendar year.

(B) If, during any calendar year of service, a Senator has a fiscal emergency requiring extraordinary amounts of income, such Senator may apply to the Select Committee on Ethics for a waiver of the requirements of this section. The Select Committee on Ethics shall grant waivers and allow access to unearned income trust funds in accordance with regulations prescribed by such committee.

(c) For purposes of this section, the term "unearned income" means all income other than earned income as defined in section 911(d)(2) of the Internal Revenue Code of 1954.

(d) This section shall be applicable to unearned income earned by Senators beginning January 1, 1984.

PUBLIC BUILDINGS SERVICE AUTHORIZATION

STAFFORD (AND OTHERS) AMENDMENT NO. 1434

(Ordered to lie on the table.)

Mr. STAFFORD (for himself, Mr. RANDOLPH, and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill (S. 1287) to authorize appropriations for the Public Buildings Service of the General Services Administration for the fiscal year 1984; as follows:

On page 2, strike lines 22 and 23 and on page 3, strike lines 1 and 2 and insert in lieu thereof the following:

"(a) Not to exceed $172,510,000 shall be available for fiscal year 1984 as follows:

"(1) For construction of public buildings (including funds for site and expenses) at the following locations and maximum construction costs:

Massachusetts, Waltham, federal archives and records center (extension)	$1,621,000
Oregon, Portland, federal office building	67,475,000
Tennessee, Knoxville, federal office building	14,990,000
Washington, Seattle, federal archives and records center (extension)	3,525,000

"(2) For demolition of the public buildings at the following location and maximum demolition cost:

California, Los Angeles, warehouses	$599,000

"(3) $1,000,000 for construction of minor public buildings of less than ten thousand gross square feet of space;

"(4) $83,300,000 for purchase of sites and buildings at the following locations and maximum acquisition costs:

Pennsylvania, Pittsburgh, post office courthouse	$23,300,000
Other selected purchases including options to purchase	60,000

"(b) Not to exceed $181,332,000 shall be available for fiscal year 1984 as follows:

"(1) For renovations, alterations, and repairs of public buildings at the following locations and at the following maximum project costs of $1,000,000 or more:

Arkansas, Little Rock, post office-courthouse	$4,269,000
California, San Francisco, Appraisers Building	1,200,000
Colorado, Denver, Federal Center Building 20	6,427,000
District of Columbia, Auditors Building	9,294,000
District of Columbia, Blair House	6,500,000
District of Columbia, Liberty Loan Building	2,757,000
District of Columbia, Pension Building	2,650,000
Georgia, Atlanta, Federal Annex.	9,193,000
Illinois, Chicago, J. C. Kluczynski Federal Building	3,319,000
Maryland, Baltimore, Middle River Federal Depot	1,892,000
Maryland, Suitland, Naval Intelligence Command Bldg. No. 1	9,760,000
Massachusetts, Boston, John F. Kennedy Federal Bldg	2,499,000
Michigan, Detroit, Federal building-courthouse	4,957,000
Michigan, Detroit, Patrick V. McNamara Federal Bldg	5,474,000
North Carolina, Asheville, Grove Arcade Fed. Bldg	8,364,000
Ohio, Cincinnati, post office-courthouse	1,138,000
Ohio, Cleveland, Anthony J. Celebrezze Federal Bldg	3,951,000
Pennsylvania, Pittsburgh, post office-courthouse	8,975,000
Texas, San Antonio, post office-courthouse	6,190,000
Utah, Ogden, Internal Revenue Service	3,036,000
Washington, Yakima, Federal building-courthouse	1,025,000

"(2) $14,000,000 for renovations and repairs of public buildings acquired by purchase; *Provided*, That prior to obligation of funds granted under authority of this subsection, approval of the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation is secured;

"(3) Section 3(a) of this Act notwithstanding, for design of renovations, alterations, and repairs of public buildings at the following locations and maximum costs:

District of Columbia, steam distribution system	886,000
Louisiana, New Orleans, Hebert Federal Building	611,000

"(4) $59,465,000 for renovations and repairs of public buildings at project costs of less than $1,000,000;

"(5) $3,500,000 for alterations of leased buildings, the maximum cost for a single building being less than $250,000."

On page 3, redesignate subsections "(b), (c), (d), and (e)" as "(c), (d), (e), and (f)," respectively.

On page 4, after line 17, add new sections as follows:

"SEC. 7. (a) The Administrator of General Services (hereinafter referred to as the Administrator) shall transfer the building (occupied by the United States International Trade Commission and the United States Postal Service) and the site thereof located between Seventh and Eighth Streets, and E and F Streets, Northwest in the District of Columbia, to the Smithsonian Institution for the use of certain art galleries of the Smithsonian Institution. Notwithstanding any other provision of law, such transfer shall be without reimbursement.

"(b)(1) The Administrator, at the earliest practicable date, shall relocate the United States International Trade Commission in a quality building suitable to its headquarters operations, and in a location in downtown, Washington, District of Columbia, which is convenient to its mission, to congressional committees, and to private groups that do business with it. The Administrator and the Chairman of the United States International Trade Commission shall each report separately in writing to the Committees on Environment and Public Works and Finance of the Senate and to the Committees on Public Works and Transportation and Ways and Means of the House of Representatives within 60 days of enactment of this Act and every 30 days thereafter on the progress in meeting the provisions of this section.

(2) The Administrator, during the period which the United States International Trade Commission and the United States Postal Service continue to occupy the present building, shall repair such building to assure an adequate level of maintenance to prevent deterioration of the building.

"(c) The transfer required by subsection (a) shall be made at such time when the Administrator determines that the use of the building by the United States International Trade Commission and the United States Postal Service is no longer essential.

"(d) The Administrator, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make the building suitable to house certain art galleries and related activities of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes."

"SEC. 8. Notwithstanding any other provision of law, none of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be obligated or expended after the date of enactment of this Act for procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of mechanic."

FIRST CONCURRENT RESOLUTION ON THE BUDGET

DOLE AMENDMENT NO. 1435

Mr. DOLE proposed an amendment to the amendment of the House to the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986; as follows:

In section 3(a) on line 2 insert after "through (e)" the following: "(except for the committee described in subsection (b)(1))"

In section 3(a) on line 5 insert after "through (l)" the following; "(except for the committee described in subsection (l)(2))"

Strike subsection 3(b)(2) and insert in lieu thereof the following:

"The Senate Committee on Finance shall report by September 15, 1983, changes in laws within the jurisdiction of that committee sufficient to increase revenues by $59,000,000,000 in the aggregate over fiscal years 1984, 1985 and 1986."

Strike subsection 3(l)(2) and insert in lieu thereof the following:

"The House Committee on Ways and Means shall report by September 15, 1983, changes in laws within the jurisdiction of that Committee sufficient to increase revenues by $59,000,000,000 in the aggregate over fiscal years 1984, 1985 and 1986.".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

● Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a business meeting on June 28, 1983, at 2:30 p.m. in SD-608 to mark up S. 1168, to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma; S. 856, to provide for an Indian housing program for construction and financing of housing for Indians; S. 1224, to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation; and, S. 1249, to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations, and for other purposes. Those wishing additional information should contact Paul Alexander of the Select Committee on Indian Affairs at 202/224-2251.

Mr. President, I would also like to announce for the information of the Senate and the public the scheduling of a field hearing which will focus upon issues related to the reauthorization of the Indian Health Care Improvement Act, as well as issues of general concern affecting the health of American Indians. The hearing is scheduled to commence at 10 a.m., in the Granite Room at the Sheraton Hotel at 27 North 27th Street, Billings, Mont. Those wishing to testify or submit written testimony should contact Max Richtman of the Select Committee on Indian Affairs at 202/224-2251.

Also, the Select Committee on Indian Affairs will be holding a hearing on July 13, 1983 at 9 a.m., in room SD-628 on S. 1148, to provide for the use and distribution of funds awarded the Assiniboine Tribe of Fort Belknap Indian Community, Mont., and Assiniboine Tribe of Fort Peck Indian Community, Mont., in docket numbered 10-81L by the U.S. Court of Claims, and for other purposes. Those wishing to testify should contact Max Richtman of the committee at 202/224-2251.●

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet Thursday, June 30, to consider S. 1101, which authorizes appropriations for programs administered under the National Aquaculture Act of 1980, and S. 663, commonly referred to as the "Sodbuster bill". It would prohibit participation in certain farm programs to farmers who produce certain crops on highly erodible lands.

The markup will begin at 10 a.m. in room 328-A Russell Building.

ADDITIONAL STATEMENTS

I SPEAK FOR FREEDOM

● Mr. HUMPHREY. Mr. President, a young man from my State, David Woetzel, has won a sizable scholarship in the Friends of Free China "I Speak for Freedom" high school speech contest. His speech points clearly to the value of freedom, and because this is such an important subject, I ask that his speech be printed in the RECORD.

The speech follows:

I SPEAK FOR FREEDOM

In 1848 Karl Marx said, "Free society is only a step of progress. The utopian economy will be achieved when after a workers dictatorship true Communism is established." After 135 years has Communism met these goals? Has it made more progress than free society?

First, let us see how the "utopian economy" has progressed. I quote U.S. News, 1982, "Communism is the great economic failure. Marshal Goldman, national expert on the Soviet economy explains the Soviet economic crisis is "the most serious since Stalin's day." He tells of the failure of an economic system that is getting worse daily and could explode. A Communist newspaper in Czechoslovakia admits, "There is no use trying to cover up the economic situation." Latest statistics reveal that Western Europe is outproducing Eastern Europe per capita by a 2 to 1 ratio. The latter also faces colossal debts. A recent newspaper article says, "Maoist ideas are being junked wholesale. Communist China's reforms indicate Peking's acknowledgment of the failure of its previous economic policies." The Kremlin model has also fallen flat in Africa, Cuba, Vietnam and the difference in the two Koreas also illustrates this. Is that progress?

Secondly, let us consider how the people in the "workers' paradise" have progressed. "Permanent austerity, slothful workers and unhappy masses," says U.S. News, 1982, "the reality is far from a dream, and the worst may still be ahead. For the 1.5 billion inhabitants of the Communist world, the Marxist promise of a workers' paradise has turned into a nightmare of permanent scarcity, economic stagnation and discontent." Workers are revolting, saying, "You make believe you are paying me and I'll make believe I work." To roughly achieve the Soviet Union's living standards the book "Death of a Nation" says, "The U.S., among other things, would be required to destroy 4 billion T.V. sets, 7 out of 10 homes; dismantle 9 out of 10 telephones; destroy 19 of 20 cars; put 60 million people back on the farms, then lower the living standards 75% by not producing enough food to feed our own people." Another current news article says, "The most satisfied customers in Eastern Europe are in Hungary and Bulgaria, primarily because they have junked as much of the Kremlin model as they think they can get away with." Reports from Afghan rebels tell of Andropov's predicament in that country. On the battlefield the modern picked Soviet Force is so thrilled to be fighting for the "workers' paradise" that the army faces a 60% desertion rate. Is that progress?

To complete our examination of the "progress" of Communism we must compare it to the progress of a free country. Perhaps the best example available is that of Free China (Taiwan) and Communist (Mainland) China. Both come from the same background, culture, economy, people and resources. However, a comparison of the two systems that exist today indicates the effect freedom has on progress. We will consider the same two major areas. The economics growth of Taiwan has exceeded Mainland China. Taiwan's per capita income is ten times that of Mainland China. The Communists are about 15 years behind. "Taiwan attracts large foreign investments," says U.S. News, 1981. "But little has been accomplished on the Mainland because of Peking's red tape." The trade balance between the two runs 3 to 1 in Taiwan's favor." That is progress. "Mismanagement, bureaucratic regulations, policy reversing, and buck-passing officialdom is why Mainland China faces 10 million urban unemployed and millions more producing very little . . . compared to Taiwan where there are more jobs vacant than job-seekers." states U.S. News.●

EXPORTS

● Mr. BENTSEN. Mr. President, a national debate has begun on trade policy. Articles appear regularly in our most distinguished newspapers and magazines advocating a little or a lot of protectionism or apologizing for the system of free trade. There is no question that our huge trade deficits—upward of $70 billion this year and over $40 billion last year—and the failure of the Geneva-based General Agreement on Tariffs and Trade (GATT) to correct the violations of international trade agreements that now abound, not to speak of the 35 million people unemployed in OECD countries, has produced skepticism that the postwar trade system has any steam left in it.

Plainly, this is a problem with many sides. Some narrowly targeted protection of domestic industries vital to our economic security and some narrowly targeted subsidies of our exports in order to demonstrate to other countries the need for the international rule of law in trade are going to be necessary. Foreign unfair trading practices are now so embedded in the culture of industrialized countries that only by using our power strategically can we control and eventually reduce these illegal and unfair trade practices.

But we must also be competitive. Our domestic adjustment mechanisms of the past have cost a lot but have not worked well. Rapid adjustment to economic change is now a matter of economic necessity. If we do not change the way we make products and the products we make, we will simply lose the international competition in goods. Positive economic adjustment is an important avenue to increasing our

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productivity and thereby our competitiveness.

We must not use the short-term and narrowly targeted solutions to current problems as a cure for our long-run difficulties. In the long run, we must be efficient, and we must export.

In that connection, I was pleased to read the remarks of Senator MAX BAUCUS, a member of the Finance Committee's Subcommittee on International trade of which I am the ranking Democratic member. Senator BAUCUS' remarks, delivered on June 2 of this year to the 1983 Pacific Northwest Conference on Exports properly concentrates on the long-range problem: Exports. I ask that Senator BAUCUS' remarks at that conference be reprinted in the RECORD, so that Senators may have before them this long-range aspect of the problem, as well as some of the shorter range trade problems that come across our desks everyday.

The remarks follow:

THE 1983 PACIFIC NORTHWEST CONFERENCE ON EXPORTS

(By Senator Max Baucus)

INTRODUCTION

Thank you.

I'm happy to be in Portland today to discuss international trade policy.

These days, most discussions of international trade policy are grim. Everywhere, we hear that America is losing the battle for international sales. This generates pessimism. Some Americans have even begun to doubt our ability to compete.

If Robert Gray could hear this pessimism, he would shudder in his grave.

Back around 1800, Gray commanded the merchant sloop *Columbia*. He prowled the Northwest coastline, trading trinkets for furs. Along the way, he discovered the great river that bears his sloop's name.

Then he turned west, for the spice markets of Canton and Macao. When he finally sailed into Boston Harbor, Gray became the first American to circle the globe.

All along the voyage, Gray and his men were beset by storms, scurvy, and pirate attacks. But they persevered, because they possessed an aggressive trading spirit.

We must rekindle that spirit now. Our trade problems are serious, but they are not irreversible. With sound federal policies and confident, innovative business strategies, we can take on the world again.

EXPORT FINANCING

As you know, export financing is a critical part of any export transaction. It can make or break a sale. Several federal policies affect export financing. Today I would like to discuss three especially important ones: exchange rate policy, export financing assistance, and export taxation.

EXCHANGE RATES

Let's start with exchange rates.

An overvalued dollar makes exports more expensive. Recent events show how much harm this can cause. During the past two years, high interest rates generated a huge demand for dollars. This, in turn, inflated the dollar's international value. For example, the dollar rose 50 percent against the mark and 35 percent against the yen.

The result? Disaster: for farmers, miners, timbermen, and any Northwest company trying to develop new export markets.

To prevent such disasters from recurring, we must make two adjustments.

First, we must force interest rates to come down and stay down. Basically, this means reducing the bloated federal deficit. As the President's own chief economic adviser, Martin Feldstein, recently said: "Our trade deficits can shrink and American industry can return to its previous strong role in the world economy . . . if we provide the appropriate fiscal framework of declining budget deficits." I couldn't agree more.

Second, we must somehow control exchange rate fluctuations. The so-called "Bretton Woods" system of fixed exchange rates was abolished in 1971. Since then, the dollar has "floated" on a sea of speculation. During this time, wild exchange rate fluctuations have undermined the business certainty needed for long-term export development. And some other foreign countries have manipulated exchange rates to promote their own exports.

Given these problems, many respected economists have suggested reforming the exchange rate system. But, so far, the President has resisted these suggestions, maintaining his commitment to the current floating system.

While I admire the President's persistence, I question his judgment. Economics is not religion. The evidence clearly shows that we should restore some kind of order to the exchange rate.

Therefore, I plan to ask the Senate to consider moderate proposals for doing so. I hope that the President changes his mind and joins this effort.

EXPORT FINANCING ASSISTANCE

Now let's focus on export financing assistance.

The Export-Import Bank helps U.S. companies respond to subsidized foreign financing. Last year, Ex-Im provided loans, guarantees or other financing assistance for almost $19 billion worth of U.S. exports.

However, Ex-Im has been shackled. The Ex-Im Act requires the Bank both to compete with subsidized foreign financing and to be self-sustaining. During financing "wars" like the one during the past two years, these objectives have collided. For example, last year, nearly $1 billion in Ex-Im lending authority went unused because Ex-Im emphasized balancing its books over meeting foreign competition.

This year, Congress must reauthorize Ex-Im. When it does, I hope we make two important changes. First, we should specify that Ex-Im's primary objective is to provide competitive financing. When another financing "war" breaks out, I'd rather have Ex-Im ask Congress for an appropriation than have American companies lose sales to unfair foreign competitors.

Second, we should expand Ex-Im's coverage. For example, Ex-Im has not provided enough assistance to housing exports or small business exports. This must change.

EXPORT TAXATION

Finally, let's turn to export taxation.

Most other industrialized countries only tax income earned within their borders. What's more, they remit "value-added" taxes on exported products.

The U.S. system is very different. We tax income worldwide, wherever it is earned. And we remit nothing.

For years, the difference between the two taxation systems gave our foreign competitors a clear advantage. To compensate, in 1971, Congress passed the "Domestic International Sales Corporation" or "DISC" Act. Basically, DISC permits qualified U.S. exporters to defer 50 percent of their taxes.

DISC has worked pretty well. For example, in 1980, $131 billion worth of U.S. products were exported through DISC, including $35 billion worth of agricultural products, $3 billion of lumber products, and $800 billion of mineral products. Indeed, the Treasury Department estimates that DISC increased overall U.S. exports by as much as 9 percent.

Unfortunately, DISC has been attacked by foreign competitors. Last year, the GATT Council held that DISC is an illegal export subsidy.

I think this decision was a classic example of the pot calling the kettle black. Nevertheless, our commitment to the free trade principles embodied in GATT requires us to replace DISC with a new tax incentive that fits the GATT framework.

As you may know, the Administration has proposed a way to accomplish this. Under its proposal, an exporter who maintains a sufficient "overseas presence" will be eligible for a tax exemption of about 17 percent.

This proposal is a step in the right direction. However, several aspects of it concern me.

First, the proposal is too complex. It starts off requiring a company to have an office, an agent, a director and books overseas. So far, so good. But then it lists a dizzying array of "functions" and "processes" the company must perform overseas.

As a former SEC lawyer, I know a complex requirement when I see one. This plan might bring more business to sharp lawyers, but it won't encourage exports. I believe the requirements in the proposal must be simplified and clarified to be useful to U.S. exporters.

Second, the Administration may have overlooked the unique characteristics of agricultural trade. Some of the overseas presence tests that are appropriate for Fortune 500 manufacturing companies may be inappropriate for agricultural traders.

What's more, recent GATT decisions, like the wheat flour decision, indicate that agricultural products sometimes are subject to a more lenient standard than manufacturing products. Therefore, we may want to provide special treatment for agricultural exporters.

Third, the Administration may have underemphasized the needs of small businesses. The Small Business Administration estimates that between twenty and thirty thousand U.S. small businesses are capable of exporting but don't. To encourage these companies to export, we must develop new, streamlined mechanisms to help them.

Many small businesses will be unable to meet the Administration's general overseas presence test. Recognizing this, the Administration apparently plans to propose a special, easier, small business test.

But from what I've heard, even this test won't go far enough. I believe that we should either completely exempt small businesses from the test, or, as the Chamber of Commerce suggests, let them maintain their overseas presence in any of the so-called foreign trade zones that exist right here in the United States.

So, although we're moving in the right direction, we still have a lot of work to do. For my part, I plan to offer agricultural and small business amendments when the Finance Committee considers DISC.

CONCLUSION

The stakes are high and the competition is fierce. But this should not deter us. The great Northwest traders of the past overcame storms, scurvy, and pirate attacks.

If we rekindle their aggressive trading spirit, we can overcome trade barriers and foreign competition. That way, we can bring Northwest grain, timber, coal, and high technology to larger and larger export markets.

We can take on the world again.●

ANALYSIS OF THE DISCREPANCIES IN SUPREME COURT DECISIONS

● Mr. EAST. Mr. President, the March–April issue of Regulation magazine featured an interesting article entitled "Affirmative Action after Teal: A New Twist or a Turn of the Screw?". Regulation magazine, the American Enterprise Institute's journal on government and society, regularly features thoughtful articles worthy of serious attention. The recent article on affirmative action is a case in point. In the article, Michael W. McConnell analyzes the discrepancies in the court's decision in Connecticut against Teal and its earlier decision in United Steelworkers of America against Weber concerning the practical means of complying with title VII.

I ask unanimous consent that Mr. McConnell's article be printed in the RECORD in order that my colleagues might also benefit from his comments.

The article follows:

[From Regulation Magazine, March-April 1983]

AFFIRMATIVE ACTION AFTER TEAL: A NEW TWIST OR A TURN OF THE SCREW?

(By Michael W. McConnell)

It is by no means surprising to see a Supreme Court decision in which Justice William J. Brennan (joined by his colleagues Marshall, White, Blackmun, and Stevens) rules in favor of a black female plaintiff in an employment discrimination suit. Nor is it surprising to find Justice Lewis Powell (joined by his colleagues Burger, Rehnquist, and O'Connor) in dissent. But what is to be made of an opinion in which Justice Brennan and his liberal colleagues repeatedly stress the *individual's* right to employment *opporunity* under Title VII of the Civil Rights act of 1965—in effect returning to the original language and legislative history of the statute—and leave the conservative dissenters to defend the race-conscious hiring requirements created by the jurisprudence of the past decade?

To be sure, the field of civil rights is no stranger to judicial twists and turns. The Supreme Court's abrupt abandonment in 1954 of its former position on racial segregation (*Brown v. Board of Education*, 1954) was followed by nearly two decades of judicial assault on race-based decisions in public and private matters. With a strong if belated boost from congressional passage of the Civil Rights Act of 1964, the courts from 1954 well into the 1970s stood for a clear and forceful idea: all persons should be treated as individuals without regard to their race. The democratic logic and moral force of this idea was responsible for the success of the civil rights movement and the unparalleled societal transformation it inspired.

For the last decade, however, the Court—and especially its liberal wing—has backpedaled from the idea of color-blind treatment for all. The principle of equal opportunity for all individuals seems to be viewed as an impediment to the new agenda: race- and sex-conscious decisions for the benefit of black (and other minority and female) workers. The legal theories enunciated during the last decade, therefore, have studiously avoided or denigrated the concept of race- or sex-neutral treatment of individuals. The new buzz words are "statistical impact," "protected groups," "discriminatory results."

The shift was subtle, but rapid. In 1971, in *Griggs* v. *Duke Power Co.*, the Court—without so much as footnoting evidence in the legislative history to the contrary—announced that "Congress directed the thrust" of Title VII of the Civil Rights Act of 1964 "to the *consequences* of employment practices, not simply the motivation" (emphasis in original). That shift cast suspicion on any and all job qualifications, whether or not motivated by race, that have the consequence of excluding more blacks than whites. And if the true purpose of Title VII was really to decrease discriminatory consequences, that is, to increase minority employment, it was but a short logical step to the conclusion that the law intended minority employment to increase even if it meant deliberate discrimination against whites. While in *Griggs* the Court could still say that "[d]iscriminatory preference for any group, minority or majority, is precisely and only what Congress proscribed," by 1979, in *United Steelworkers of America* v. *Weber*, it found "ironic indeed" the notion that Title VII prohibits "all voluntary, private, race-conscious" hiring.

THE LATEST TWIST

Connecticut v. *Teal*, decided on June 21, 1982, provides the latest twist in this already convoluted history. The facts were straightforward enough. Winnie Teal, a black female employee of the Connecticut Department of Public Welfare, applied for promotion to the position of permanent welfare supervisor. Her first hurdle in the selection process was a written examination. Forty-six percent of the black applicants for the position failed this test, compared with twenty percent of the whites. Teal failed. She therefore filed suit on the ground that the examination was racially discriminatory under the "disparate impact" theory espoused in *Griggs*. Meanwhile, the Connecticut Department of Public Welfare carried on its selection process. From among the applicants who had passed the written test, the department chose permanent welfare supervisors on the basis of other factors, such as seniority, work performance, recommendations from supervisors, and (apparently) race. Eleven blacks and thirty-five whites were hired—22.9 percent of the total number of black applicants, 13.5 percent of the white applicants. The "bottom line" was thus much more favorable to blacks than to whites.

Nonetheless, Teal continued to press her suit, contending that the ultimate success rate of black applicants was irrelevant to her complaint against the disparate impact of the examination. Unless her employer could prove to the court's satisfaction that the examination validly predicted job performance, Teal argued, its use was racially discriminatory. Connecticut defended on the ground that its final selection rate—its bottom line—showed that the selection process had no discriminatory effect. In the absence of a disparate racial impact from the process as a whole, the state argued, there was no reason for the court to second-guess the validity of the test. Five members of the Supreme Court agreed with Teal.

The Court's holding *Teal* seems as straightforward as the facts. The hiring or promotion of sufficient numbers of black (or other minority, or female) applicants does not preclude a disappointed applicant from stating a prima facie case of discrimination based on the disparate impact of one component of the employer's selection process, such as a written test. Nor does the achievement of an acceptable bottom line provide the employer with a defense to such a lawsuit.

At the point we must take a moment to distinguish between the two different charges that a plaintiff can bring in employment discrimination cases under Title VII: "disparate treatment" and "disparate impact." Disparate treatment occurs when an employer intentionally treats an employee or applicant differently on the basis of race. Disparate impact cases, those based on the Court's decision in *Griggs*, occur when the statistical effects of an employment process on the races are markedly different—for example, if 80 percent of white applicants and only 30 percent of black applicants are hired. When the effects are sharply different, an employer is presumed to have discriminated—even if there is no evidence of intentional discrimination—unless the employer can prove that its employment selection devices were "job-related." And even if the employer can prove job-relatedness to the satisfaction of the court, its employment selection practices can still be found unlawful under the disparate impact theory if other practices with more favorable results to black applicants, would also serve the employer's interests. Teal's case was based on disparate impact.

It *Teal* is considered as an exercise in interperting the disparate impact theory, the question at issue boils down to this: at what level of particularity should the disparate impact test be applied? Should it be applied to the process as a whole (the bottom line), or to any identifiable component or subcomponent of the process (say, a written examination)?

Since the focus of disparate impact analysis is ultimately on the job-relatedness of the employer's selection devices, it would seem sensible to apply the analysis at the level of particularity that best reflects such job-relatedness. If a single component of the process is only a fair predictor of job performance, but when taken in conjunction with several other factors is an excellent predictor, it would seem logical to look at the impact of the various factors taken together, rather than at the single component. To import an exmaple from the college admissions process, grade point averages and Scholastic Aptitude Test (SAT) scores, taken individually, are only fair predictors of college performance, while the composite of the two is superior to either. Most colleges therefore consider both—as well as other, more subjective factors. If disparate impact analysis were applied to grade point averages or SAT scores individually, rather than to the composite actually used by the colleges, the "college-success-relatedness" of the admissions process as a whole would be significantly understated. Similarly, if an employer uses a composite of factors in making hiring or promotion decisions, it would understate the job-relatedness of the process to apply disparate impact analysis to each factor separately. And, since the process as a whole will almost invariably predict job performance more accurately than would any single component of the process—since if it did not, the employer would simply rely on the single, more reliable, component—it would seem that the bottom line is the proper place to look for evidence of disparate impact.

But in *Teal* the Court did not follow the internal logic of the disparate impact theory. It returned instead to first principles—to the purposes of Title VII. Justice Brennan's opinion for the majority relied on two basic propositions about the nature of Title VII protections.

First, the opinion emphasized that Title VII was intended to guarantee equality of employment opportunities. In just three pages of discussion, the Court used the term "opportunity" twelve times, eight times in italics. One may well wonder why Title VII's emphasis on "opportunity" would strengthen Teal's claim. Ordinarily, the term "opportunity" is used in contradistinction to the term "result." But Teal was not claiming that she was denied an equal *opportunity* to be considered on her merits for the position of Connecticut welfare supervisor. That would have been a disparate treatment claim. No, her argument was simply that the *results* of the written examination were statistically unfavorable to members of her race.

To be sure, the word "opportunity" is the key term in section 703(a)(2) of Title VII—the section that is taken to be the basis for disparate impact claims. This may explain the Court's repeated use of the term. But that use still begs the key question: by opportunity did Congress really mean result, as measured by statistics, whether at the bottom line or elsewhere?

The majority's second proposition was that Title VII focuses on protection of the individual. The majority used the term "individual" some seven times (twice in italics) in its discussion of this point, along with numerous synonymous terms. Again, however, the connection to Teal's claim was not made clear. Teal did not contend that she was discriminated against as an *individual*, but simply that her racial *group* fared poorly on an examination.

It may seem persuasive to say, with the Court, that the employer's bottom-line defense merely seeks "to justify discrimination against [Teal], on the basis of . . . favorable treatment of other members of [Teal's] racial group." There is, after all, no reason why discrimination against one individual should be excused merely because of the treatment accorded to others. However, since the very basis of Teal's lawsuit was that her *group* did not fare well in the process, it is difficult to understand why the ultimate job success of the same group should be treated as irrelevant.

RENEGING ON THE "DEVIL'S DEAL"

In business circles, the precedent set in *Teal* has been viewed as just one more way for plaintiff-oriented judges to rule in favor of sympathetic minority group members. To them, *Teal* is not so much a twist as another turn of the screw. But the irony of *Teal* is that, from a broader perspective, both its rhetoric and its practical implications constitute a reversal of the direction in which employment discrimination law has developed over the last dozen years.

The disparate impact theory of *Griggs*—that no employment selection process having a disparate impact on blacks may be used unless it is proved to be job-related—has created pressure on employers to move in one or both of two directions. Either they must engage in race-conscious hiring ("affirmative" discrimination) in order to ensure that their process has no disparate impact on blacks, or they must engage in a costly and unproductive exercise of proving that all of their tests and other employment selection devices are job-related.

The latter exercise is not an easy one. At best, validating a test means hiring an army of psychologists, statisticians, and lawyers. Nor will even the most widely accepted validation procedure guarantee success to the employer in the end; virtually no procedure, however pristine, is immune to critical reexamination by plaintiff-oriented judges and agencies. The rules of the game have been set by civil rights bureaucracies and courts with neither expertise nor interest in effective personnel management. Their apparent intent has been not to identify genuinely job-related testing methods, but merely to make it more difficult to use objective tests at all. A recent three-year study by the National Research Council found that even carefully constructed and researched tests seldom withstand legal challenge. The researchers concluded that under prevailing legal and administrative standards, "adequate or useful tests are being abandoned or struck down along with the bad" (*Ability Testing: Uses, Consequences, and Controversies*, 1982).

It is no surprise, then, that most employers have reacted by moving toward race-conscious hiring. It is easier, cheaper, and safer for employers to hire according to race than to attempt to thread the needle of test validation. In effect, employers have made a "devil's deal" with the Title VII system: if they hire sufficiently large numbers of black (and other minority and female) employees, they will be left alone to manage their businesses (including personnel matters) as they see fit.

This devil's deal by the employers found support in United Steelworkers of America v. Weber (1979), the famous decision upholding the legality of voluntary affirmative discrimination in employment. It is easy to forget that Weber was a pro-employer decision—intended, in the Court's words, to prevent "undue federal regulation of private businesses." Weber absolved the employer, Kasier Aluminum, of liability for deliberate discrimination against white employees. The argument put forward by Justice Brennan for the majority was that Title VII was intended to "integrat[e] . . . blacks into the mainstream of American society" by increasing their employment, without unnecessarily curtailing "traditional business freedom." In the Court's view, "a prohibition against all voluntary, race-conscious, affirmative action efforts would . . . augment the powers of the Federal Government and diminish traditional management prerogatives while at the same time impeding attainment of the ultimate statutory goals." Seldom has the Court expressed greater solicitude for circumscribing federal power or for maintaining traditional business freedom. Yet, of course, the whole purpose of Title VII in the Court's view is to constrict that same business freedom by increasing minority employment above the levels that would otherwise prevail. This seeming contradiction is resolved, however, if employers can be induced to discriminate voluntarily—at least apparently voluntarily—against nonminority workers, in the hope of heading off more intrusive federal interference. This, as we have seen, they are quite willing to do.

Teal reneges on this devil's deal. Even if an employer hires and promotes enough black employees, it will still not be permitted to manage its business as it sees fit. The courts and the Equal Employment Opportunity Commission will still feel free to second-guess the job-relatedness of its hiring practices, and every component and subcomponent of them, no matter how favorable to black (and other minority and female) workers the bottom line may be. In fact, no type of vigorous affirmative discrimination program short of straight quota-based hiring will suffice to get the employer off the hook. Under the logic of *Teal*, plaintiffs and courts can divide and subdivide an employer's selection procedures to an infinite degree, requiring elaborate proof of job-relatedness wherever the employer bases selection decisions on a factor not equally distributed among the races. Employer may thus be driven to more subjective criteria for hiring and promotion—criteria less susceptible to disparate impact scrutiny, but also more likely to reflect unconscious predispositions based on race and extraneous cultural values.

Teal is bad news for business, because it vastly increases the odds that employers will be held liable for unintentional racial discrimination. But this does not make *Teal* good news for civil rights activists, for it also eliminates a large part of the incentive for employers to engage in affirmative discrimination. If employers are to be called to task (and subjected to the possibility of liability, including back pay liability) *whether or not they have hired or promoted a sufficient number of minority employees*, they will have no incentive to engage in affirmative discrimination (other than that created by other governmental requirements). If the devil's deal is off for the courts, it is off for the employers as well.

Moreover, the decision in *Teal* deprives employers of the most sensible and efficient means of hiring and promoting larger numbers of minority employees: to establish minimum job qualifications on a nonracial basis, and then to hire or promote disproportionately large numbers of black (and other minority and female) workers from among those qualified. By precluding this approach the Court increases the cost of engaging in affirmative discrimination even as it decreases the incentive to do so. This is the great irony of *Teal*: that Justice Brennan and the liberal wing of the Court delivered what may be the most serious blow the judiciary has struck yet against affirmative discrimination.

A RETURN TO INDIVIDUAL RIGHTS?

Not only does *Teal* suggest an abrupt change in the practical means of complying with Title VII, but it suggests a change in the realm of ideas as well. A comparison of *Teal* and *Weber* is revealing: the two opinions, written four years apart by the same justice, take diametrically opposed positions on both the purpose and the methods of Title VII.

The *Weber* opinion adopted the view that Title VII was intended to increase black employment, irrespective of proven acts of discrimination against individual black complaintants.

"Congress' primary concern in enacting the prohibition against racial discrimination

in Title VII of the Civil Rights Act of 1964 was with 'the plight of the Negro in our economy.' Before 1964, blacks were largely relegated to 'unskilled and semi-skilled jobs.' Because of automation the number of such jobs was decreasing. As a consequence, 'the relative position of the Negro worker [was] steadily worsening.' "

Remarkably, the *Weber* Court's discussion of the purpose of Title VII does not even mention that there might be a moral objection to discriminating against an individual because of race. In fact—aside from unaviodable quotations from the statute itself in the footnotes—the *Weber* opinion does not even *use* the word "individual." The race problem, to the *Weber* Court, is solely an economic problem. In contrast, the *Teal* Court, repeatedly stressed the work "individual," and stated that the "principal focus" of Title VII "is the protection of the individual employee rather than the protection of the minority group as a whole."

Moreover, the *Weber* Court viewed affirmative discrimination programs in favor of black workers, even if they never claimed to be victims of discriminatory acts by the employer, as "effective steps to accomplish the goal that Congress designed Title VII to achieve." The *Teal* Court, in counterpoint, observed that "an employer's treatment of other members of the plaintiffs' group can be 'of little comfort to the victims of . . . discrimination.' "

To put the point simply, either affirmative discrimination is an effective step toward complying with Title VII or it is not. If the *Teal* Court is correct that increased hiring of minority workers does *not* diminish an employer's liability or advance the purposes of Title VII, then the *Weber* Court could not have been correct that prohibiting such discrimination to accomplish such increased hiring would be "completely at variance with the purpose of the statute." This inconsistency, unfortunately, is unexplained: *Teal* does not cite, let alone discuss, the earlier decision in *Weber*.

But the liberal wing of the Court has no monopoly on irony. The dissenters, too, claimed their share. In their closing remarks, Justice Powell and his fellow dissenters approvingly quoted a lower court opinion:

"Title VII should not be construed to prohibit a municipality's using a hiring process that results in a percentage of minority [employees] approximating their percentage of the local population, instead of relying on the expectation that a validated job-related testing procedure will produce an equivalent result, yet with the risk that it might lead to substantially less hiring."

There could hardly be a clearer statement of preference for hiring according to racial percentages instead of neutral procedures, or from a more surprising quarter.

In fact, the tergiversations of the justices in *Teal* may reflect the clash between two irreconcilable visions of a racially just society. Either the policy of this nation is to guarantee that all individuals are treated fairly and neutrally, without regard to their race; or is to produce social and economic results more closely reflecting the numerical division of the races in society. The former policy does not produce the latter result. Yet the Supreme Court has not faced up to the inconsistency between these visions. In its decision in *Teamsters* v. *United States* (1977), the Court stated:

"It is ordinarily to be expected that nondiscriminatory hiring practices will in time result in a work force more or less representative of the racial and ethnic composition of the population in the community from which employees are hired."

The Court's expectation is simply unrealistic, and will remain so for the foreseeable future. So long as black (and other minority and female) Americans continue to differ in economically significant ways, fair and neutral selection procedures will disproportionately exclude them from better paying jobs. But direct efforts to produce proportionate results necessarily involve a return to the morally questionable practice of racial discrimination, with its attendant social divisiveness and resentment, encouragement of racial stereotyping, stigmatization of its supposed beneficiaries, and often perverse distributional effects.

Until the Supreme Court faces the problem and chooses between the two fundamental understandings of equality, it will continue, as in *Teal*, to mix the apples of nondiscrimination with the oranges of group statistics.

REOPENING THE ISSUE

The underlying problem is the disparate impact construct itself. And that takes us back to *Griggs*, the first decision to abandon fairness of process and embrace statistical consequences instead. Oddly enough, the nine justices in *Teal* were unanimous on one point: the continued authority of *Griggs*. Both sides relied on it without a hint that it might be in conflict either with the literal language of Title VII or with the principle of nondiscrimination that Title VII embodies. In permitting plaintiffs to establish a prima facie case purely on the basis of results, the *Griggs* decision left employers to choose between two unpalatable alternatives—either to engage in race-conscious hiring, or to lose their discretion over the establishment of job qualifications. Mere neutrality, mere nondiscrimination, was not enough. Both of these alternatives are unattractive not simply as an abstract moral judgment, but also on the basis of the original congressional intention. There are no propositions so clear in the language and legislative history of Title VII as the propositions that employers would not be required to engage in affirmative discrimination for the purpose of racial balance,[1] and that employers would continue to be free to establish and enforce job qualifications.[2]

Griggs is water under the dam. The Court's departure from the original intention and language of Title VII is old news. This is especially true if the history of the 1972 amendments to Title VII is read as effectively ratifying the full sweep of *Griggs* and incorporating it into law. These relics of legal history would hardly be worthy of attention in 1983 were it not that the opinion in *Teal* drives us to retrieve them. If the emphasis of Title VII is truly on opportunity—as the *Teal* Court would have it—then what do we make of a system that relies on results, impacts, outcomes, consequences? If the emphasis of Title VII is on the individual—as the *Teal* Court would have it—then what do we make of a system that relies on racial groups and statistics?

The final irony of *Teal* is that—taken seriously—the opinion not only lessens the incentive of employers to practice race-conscious affirmative discrimination, but invites a fundamental reexamination of the very premises of employment discrimination law as they have evolved since *Griggs*. The Department of Justice has recently filed a historic brief opposing for the first time the imposition by consent decree of a 50 percent racial quota for promotions in the New Orleans police department. In the spirit of *Teal*, the Justice Department has appealed to the original ideals and meaning of Title VII in an effort to stop the trend toward employment quotas on the basis of race. The decision rests in the hands of the courts: does *Teal* genuinely signal a return to color-blind principles of individual rights, or was *Teal*, as the critics will suggest, no more than another device to ensure plaintiff victories?●

U.S. CUSTOMS SERVICE

● Mr. BAUCUS. Mr. President, as many of my colleagues know, a major reorganization of the U.S. Customs Service was recently proposed by the administration. According to its supporters, this reorganization would have improved customs service in Montana and other border States by

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[1] Senators Joseph Clark (Democrat, Pennsylvania) and Clifford Case (Republican, New Jersey), who were the bipartisan "captains" in charge of explaining and defending Title VII in the Senate, prepared an interpretative memorandum answering a number of charges leveled against Title VII by the opposition. This memorandum has been described by the Supreme Court as one of the "authoritative indicators" of the meaning of Title VII (American Tobacco Co. v. Patterson, 1982). The memorandum stated: "There is no requirement in title VII that an employer maintain a racial balance in his work force. On the contrary, any deliberate attempt to maintain a racial balance, whatever such a balance may be, would involve a violation of title VII because maintaining a balance would require an employer to hire or to refuse to hire on the basis of race" (*Congressional Record*, vol. 110 [1964], p. 7213).

This is but one authoritative statement among many to similar effect. For example, ibid., p. 1518, Rep. Emanuel Celler (Democrat, New York); p. 11848, Sen. Harrison Williams (Democrat, New Jersey); and p. 7207, Justice Department memorandum.

To protect against possible misunderstanding, Congress added the following language to Title VII itself: "Nothing in this title shall be interpreted to require any employer . . . to grant preferential treatment to any individual or any group . . . on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or community, State, section, or other area" (42 U.S.C. § 2000e-2[j]).

[2] The Clark-Case memorandum (see note 1) also addressed this issue: "[T]itle VII would not require, and no court could read title VII as requiring, an employer to lower or change the occupational qualifications he sets for his employees simply because proportionately fewer Negroes than whites are able to meet them. . . . Title VII says merely that a covered employer cannot refuse to hire someone simply because of his color. It expressly protects the employer's right to insist that any prospective applicant, Negro or white, must meet the applicable job qualifications" (*Congressional Record*, vol. 110 [1964], pp. 7246-47).

This also is but one authoritative statement among many to similar effect. For example, ibid., p. 1518, Rep. Celler; pp. 7246-47, memorandum of Sen. Case; pp. 13079-80, Sen. Clark; p. 13088, Sen. Hubert Humphrey (Democrat, Minnesota); and p. 13825, exchange between Sens. Case and John McClellan (Democrat, Arkansas).

To protect against possible misunderstanding, Congress added the following language to Title VII itself: "Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer . . . to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex or national origin" (42 U.S.C. § 2000e-2[h]).

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offsetting proposed reductions with administrative "streamlining."

I am certainly not opposed to making Government more efficient. I have, during my tenure in Congress, urged various Federal officials to use better management techniques that required reorganizations. But reorganizations must be well thought out and the benefits must outweigh the costs. Such has not been the case with this particular reorganization plan.

After reviewing the proposed reorganization, I have concluded this plan would be counterproductive. An efficient Customs Service is essential for productive trade between the United States and Canada, our main trading partner. The Customs Service said the reorganization would merely consolidate stations and employees. This simplified analysis overlooks one important fact: some border stations process more imports than others. The removal of key employees, such as import specialists, from key stations would impede imports and disrupt existing trade patterns.

It appears that Assistant Secretary John Walker of the Department of the Treasury agrees with those of us in the Congress who oppose the proposed reorganization.

I have recently obtained a copy of a May 5, 1983, memo from Assistant Secretary Walker to Commissioner William von Raab of the Customs Service that discusses the proposed reorganization. The memo directs Commissioner von Raab not to take any further action on the reorganization without consulting directly with his Assistant Secretary.

I am hopeful that the Customs Service will abide by Mr. Walker's directive. At a time when we in Congress should be doing all that is possible to strengthen our trade relationships, any restructuring of the Customs Service should receive our careful attention before it is implemented.

Mr. President, I ask that Mr. Walker's memo be printed in the RECORD at this point.

The memo follows:

DEPARTMENT OF THE TREASURY,
Washington, D.C., May 5, 1983.

Memorandum for: William von Raab, Commissioner, U.S. Customs Service.

From: John M. Walker, Jr., Assistant Secretary (Enforcement and Operations).

This memorandum is to clarify what my position is regarding Customs' proposals for field reorganizations. Because of the considerable opposition by the Hill to our centralized appraisement initiative, we should not proceed with "Phase II" of the plan until we can fully explain the merits of our proposal to our Appropriations Subcommittees.

As I told you in early April, 1983, I wish to put off a decision for the near term on any proposals for district or regional consolidations. I made this decision based on the great amount of time you and other senior Customs officials had to spend on "Phase I" of our centralized appraisement effort. Moreover, I am afraid that any proposals we might now present to the public and the Hill with respect to district or regional consolidations would be thoroughly confused with centralized appraisement.

Lastly, you should not take any action with respect to closing of Northern Border ports of entry. My office has not reviewed your proposal, and, even if I were to conclude that it has merit, we would wish to discuss it with our Appropriations Subcommittees and other affected members of the Hill.●

POLAND AND THE POPE

● Mr. MURKOWSKI. Mr. President, this is the last day of Pope John Paul II's visit to his homeland, his second visit since his elevation in 1978. For most Popes this would hardly be a significant event. In fact, since all the Popes since 1523 have been Italian, it has not been an "event" at all.

But for Pope John Paul II, formerly bishop of Krakow, formerly Karl Wojtyla of Poland, the fact that he was even allowed to go home is a major victory.

The Pope's visit was a celebration because it signals the acknowledgment by the Communist Government of Poland, and by the Soviet Union, that the strength of religion, of freedom, and of Polish culture, cannot be either obscured or destroyed in Poland.

It signals that, however slowly, religion is being allowed to return publicly into lives that had privately never lost it.

Mr. President, a central event in the Pope's visit was the mass celebrated on Sunday at the Jasna Gora Monastery in Czestochowa. The mass honored the 600th anniversary of the famous Black Madonna icon. Of course, 1983 is not really the 600th anniversary but the 601st. The Polish authorities last year—recognizing the symbolic power inherent in a celebration for an icon known as the Queen of Poland—refused the Pope's request to come to Poland to celebrate the real anniversary. So the church authorities simply extended the date.

But how sad it is that the Polish Government should be so afraid of the consequence of a visit by the head of the Catholic Church that they refused his request several times and only reluctantly and fearfully allowed him to come.

Mr. President, it has been estimated that a third of Poland's population, some 12 million people, will see the Pope on this visit. Already millions have attended the masses he has conducted for his countrymen. His presence seems to have filled the people with a sense of "moral rejuvenation," in the words of a pilgrim from the northern part of the country. His compelling references to the solidarity of the Polish people have done much to rekindle the spirit of freedom in Poland.

Mr. President, the fight for freedom in Poland has been heroic in its peacefulness, at least on the part of the citizens. The brutality of the government has not been much tempered even during the Pope's visit. Yet, most Poles say they expect no sensational political upheavel to come out of the visit, no miracles. They seem to hope only for the strength to "enable us to keep smiling even if the police attack us."

What a tragic sound these words make when we recall with what fervent pride we witnessed the Polish will to regain self-government only a few short months ago.

Mr. President, I applaud the willingness of the Communist authorities to admit, if not welcome, the Pope. A positive first step in the current crisis in Poland would be normalization of relations between the church and the State of Poland. I am sure that John Paul's activism will serve as both example and inspiration to church leaders in Poland to renew their efforts in support of freedom for the Polish people. I am confident that the forced emigration of Polish political prisoners, many of whom have been able to come to the United States, will not mean that they have taken with them the spirit and strength of the Polish people to resist oppression.

Mr. President, I would like to have an article that appeared on June 18 in the Washington Post inserted in the RECORD at this point. The history it relates of the Black Madonna icon illustrates how long the spirit of independence of the Poles has survived. The Black Madonna is the soul of Poland, the symbol of the flame of resistance, and idealism that burns still in Poland.

The article follows:

POPE'S CHIEF THEME IS POLISH HISTORY

(By Michael Dobbs)

WARSAW, June 17.—Pope John Paul II assumed the mantle of the former kings of Poland today in urging his countrymen to turn political defeat into a moral victory.

After lecturing Poland's military rulers on the need for national reconciliation, the pope introduced a message of hope at the first open-air mass on his eight-day pilgrimage. Crowds estimated by church officials at more than a million crammed in and around Warsaw's May 10 Stadium to hear him summon up themes from Poland's troubled history.

The pope said "only a moral victory" could draw society out of the divisions induced by the imposition of martial law in December 1981 and restore national unity. Such a victory, he added, would be a victory "not only of the governed but at the same time of those who govern."

His speech showed his strong sense of Polish history, with one long passage devoted to the great victory of a former Polish king, Jan Sobieski, over the Turks 300 years ago at Vienna. That win saved Christian Europe from Islam.

The preoccupation with Polish national themes surprised long-time Vatican correspondents since it contrasted with the predominantly religious message he usually delivers on foreign trips. Here the pope is being received as the moral leader of the nation first and only second as head of the universal Catholic Church.

This impression of the pope as the spiritual descendant of the old Polish kings was heightened by the special triumphal arch through which he drove into the stadium. It was in the form of an eagle, Poland's national symbol, on top of which was painted a golden crown and the Black Madonna of Czestochowa, the country's holiest religious image.

The pope has pointedly referred to Gen. Wojciech Jaruzelski and other Communist Party leaders as "representatives of the highest authorities of the state" rather than as "representatives of the nation."

Cardinal John Krol of Philadelphia told reporters earlier that the pope knew he was on "a slippery tightrope."

"He cannot conceal the truth, indeed he must state it. But he must also make sure that this does not lead to an overreaction on the part of the people. He is calling for moderation as he knows that the good of the nation will not be served by political outbursts," he said.●

CHILDREN AND THE STATUE OF LIBERTY

● Mr. BAUCUS. Mr. President, the Statue of Liberty, which for decades has welcomed immigrants to our country, is falling apart. The copper surface of the statue and its iron framing and supports are in desperate need of repair. So, too, is Ellis Island. Some of the buildings on the island need to be renovated; others need to be completely rebuilt.

The entire restoration project will cost approximately $230 million. I am proud to bring to the attention of my colleagues that schoolchildren from Montana and all over the country have collected over $70,000 for this project.

These children have worked hard to help preserve one of our most cherished national monuments and I take this opportunity to thank them for their efforts.

Others in the private sector have begun to donate funds to the Statue of Liberty-Ellis Island Foundation, but a greater commitment is needed from the private sector.

The statue was first constructed by the French with money collected from the people of France. The people of the United States should now show their support for the monument by donating generously to the restoration fund.

This is an expense that we can all afford to bear and it is a commitment to future generations who will look at the Statue of Liberty as the most important symbol of the land of the free and the home of the brave.●

UNIVERSITY OF MONTANA HONORARY DOCTORATES AWARDED

● Mr. BAUCUS. Mr. President, on June 12 two Montanans received honorary doctorates from the University of Montana, at the University's commencement exercises. They were awarded in recognition of their many years of service to the public and accomplishment in their professions. The two honored recipients are Frederic Gordon Renner and Harold G. (Hal) Stearns.

Mr. Renner was born and raised in Montana, and has spent a great deal of his life becoming an authority on Montana's management. Mr. Stearns, of Montana's capital city, Helena, has been editor and publisher of a number of Montana newspapers, and has written extensively on Montana history. He has distinguished himself as a leader in many areas of Montana's public life.

Their achievements are best summed up in a press release from the University of Montana. I ask that this acknowledgment of Mr. Renner's and Mr. Stearns' awards be printed in the RECORD.

The material follows:

UNIVERSITY OF MONTANA WILL HONOR RENNER AND STEARNS

MISSOULA.—Frederic Gordon Renner, Paradise, Ariz., and Harold G. Stearns, Helena, Montana natives with impressive records of public service and professional achievement, will receive honorary doctorates at University of Montana commencement exercises Sunday, June 12, at 2 p.m. in the Harry Adams Field House.

Renner is an authority on artist Charles M. Russell and an internationally known range management expert. Stearns, as writer, publisher and advocate for education and the arts, has long been a force for progress in Montana and in his current role as tourism specialist for the State Department of Advertising continues to promote the state's interests.

Renner, whose parents owned a ranch near Cascade, was born in Great Falls, Nov. 23, 1897. As a 6-year-old, he became intrigued by Russell, whom he often saw on the streets of Great Falls wearing a brightly colored sash and cowboy boots. By the time he was 7, Renner was collecting Russell postcards, and he now has what is believed to be the largest and most representative collection in private ownership of Russell oils, watercolors, drawings, bronzes and memorabilia.

The Cowboy Hall of Fame and Cowboy Artists of America have honored Renner for his writings and other work on Russell—an avocation that turned into a vocation when Renner retired from the Soil Conservation Service in 1961.

Renner began his first career, as a range management specialist, with the U.S. Forest Service in 1922. He transferred in 1936 to the newly established SCS. Ten years later he directed a pilot project for the Marshall Plan for the United Nations Relief and Rehabilitation Administration. This project became a model for such efforts throughout the world.

He has been a U.N. delegate to international range management conferences and has received many citations for his contributions to the field.

He is an alumnus of the University of Washington, where he took a B.S. in forestry in 1918 and an M.S. in range management and animal husbandry in 1922.

UNIVERSITY OF MONTANA TO HONOR HAL STEARNS

Harold G. Stearns of Helena will receive an honorary doctorate at University of Montana commencement exercises in June. The University cites the former newspaperman's "impressive record of public service and professional achievement."

Stearns, 70, is the son of pioneer ranchers in the Deer Lodge Valley. He earned journalism and English degrees at UM in 1936.

He was editor and publisher of the Harlowton Times and Ryegate Clarion from 1940 to 1973. He also was editor of the Havre Daily News and wrote for the Helena Independent, Associated Press and United Press. He has written extensively on Montana history. His column for the Harlowton Times, "The Editor's Uneasy Chair," was widely quoted for more than three decades.

He directed the six mill levy campaign for the Montana University System and lobbied, without pay, for financial support of the system during several legislative sessions. He chaired the Montana Personnel Commission to establish the merit system for state employees, and he directed the Montana Bicentennial program.

He received an honorary doctorate from MSU in 1974 and the UM distinguished Alumnus Award in 1976.

He has been president of the Montana Historical Society, Montana Press Association, University of Montana Alumni Association, and chairman of the Montana State University advisory council. He served on the Montana Committee for the Humanities. He was a Navy officer in World War II.

He and his wife Jean, also a University graduate, are parents of seven children.●

INCLUDE THE HANDICAPPED

● Mr. WEICKER. Mr. President, today's Washington Post carries an article by columnist George F. Will entitled, "Include the Handicapped". It is a concise and persuasive discussion of why substantial majorities of both parties in the Senate have insisted that the Federal commitment to America's disabled citizens be maintained.

I urge my colleagues to read this article.

The article follows:

[From the Washington Post, June 23, 1983]

INCLUDE THE HANDICAPPED

(By George F. Will)

In the contemporary spirit of ruthless full disclosure, I herewith disclose that I am sleeping with a government official. Any day now the Senate will do its clear and pleasant duty, confirming Madeleine Will as assistant secretary of education for special education and rehabilitation.

Without dwelling indelicately on the erotic life of Washington, let me say that I now know what it is to sleep with the Federal Register. Madame Secretary, a veteran of service with the Maryland Association of Retarded Citizens, falls asleep talking, and wakes up talking, acronyms and numbers.

Remember how approvingly Keats spoke about the Grecian urn? That is how Ms. Will speaks about P.L. 94-142 and Section 504.

P.L. 94-142, the Education for All Handicapped Children Act, is to parents of handicapped children what Social Security is to the elderly: Their Magna Carta. It establishes a right to an "appropriate" education in the "least restrictive environment." Section 504 (of the Rehabilitation Act of 1973, requiring that programs receiving federal assistance be accessible to disabled persons) means nothing to most Americans but everything to millions of citizens. They are citizens who have been excluded from fair social participation not because of their handicaps but because of handicapping social attitudes.

Writing in Scientific American about architectural barriers, Gerben DeJong and Raymond Lifchez argue that Section 504 regulations are government power in the service of conservative values—the escape from dependency, the achievement of self-reliance. The most pervasive barriers are attitudinal, and the worst is the belief that disabled persons are helpless and inevitably are drains on public resources.

A conservative research institution here (the Heritage Foundation) has just published the factually preposterous and morally repulsive thought that a "key reason" why academic achievement standards have fallen is that the federal government has "dismantled an academically demanding curriculum" by catering to "special-interest groups" such as the handicapped, and has "favored the disadvantaged pupils at the expense of those who have the highest potential to contribute positively to society."

Leave aside the philistine social analysis: the idea that profound changes in society's educational expectations and achievements are the result of recent Washington decisions rather than of complex and autonomous cultural processes. But note this dangerous doctrine: handicapped persons are among those getting too much public assistance because, by some cost-benefit criterion, they do not have the capacity to make a sufficiently "positive" contribution to society. Note the nasty premise: an individual's enjoyment of rights is conditioned by the individual's social utility.

It is almost demeaning to assure such analysts that equity is economical. Institutionalization of the retarded is almost never necessary and almost always an expensive incarceration of potential taxpayers. And physically handicapped persons are seeking removal of barriers to self-help.

Handicapped citizens are as fully citizens as those of us who are mentally non-handicapped or temporarily able-bodied. They are just beginning to have access to social benefits that other citizens take for granted. When P.L. 94-142 was passed in 1975, 25 percent of all handicapped children were underserved and another 25 percent had no educational programs at all; they were more excluded from society's basic benefits than black children were in 1954. Now, just eight years later, we are invited to believe that federal largess toward disadvantaged pupils is a threat to America's meritocracy.

The Reagan administration's most serious self-inflicted wound has been its failure to practice creative exceptionalism. It has failed to find an area for action that is an exception to its domestic austerity and deregulation—action that would announce:

Although we conservatives believe government has been irrationally intrusive, we nevertheless know there are persons who cannot help themselves until government helps them. And we know there are conservative values that are not vivified until the federal government affirms them with strong regulations.

Instead, acting in part from unconservative fidelity to ideological abstractions, the Reagan administration aroused the anxiety of an enormous constituency—the handicapped and their friends. It did so with some contemplated "deregulations" involving P.L. 94-142 and Section 504, changes that Congress would never permit.

Even just a generation from now we will, I hope, be mortified by the memory of our complacent acceptance of the social segregation of the handicapped—as mortified as we are today by the memory of racial segregation. We are barely at the beginning of the last great inclusion in American life, the inclusion of the handicapped, and especially the mentally handicapped. This should have been, and still could be, the field where the Reagan administration confounds its critics and shows a subtlety in its conservatism.●

THE SOVIET INVASION OF LITHUANIA

● Mr. PELL. Mr. President, in February 1918 the Lithuanian people courageously broke the yoke of Russian rule and tyranny under which they had lived for more than a century and proudly declared Lithuania to be an independent state. Lithuania's existence as a sovereign nation-state was tragically and illegally ended with the brutal Soviet invasion of Lithuania on June 15, 1940.

Under a secret protocol to the Nazi-Soviet Nonaggression Pact, the Soviet Union laid claim to Lithuania and the other Baltic States of Latvia and Estonia. This agreement was a flagrant violation of the 1920 treaty in which the Soviet Union recognized Lithuania's independence and sovereignty and renounced forever all claims to Lithuania territory. Having received the green light from Germany to occupy the Baltic States, the Soviet Union moved its forces into Lithuania in June 1940, orchestrated the downfall of the nationalist government and replaced it with a new pro-Soviet government. In August 1940, at the request of the new government and against the wishes of the Lithuanian people, Lithuania was formally incorporated into the Union of Soviet Socialist Republics.

At great human cost the Lithuanian people valiantly struggled against the occupation forces of the Red army in 1940 and 1941. Thousands of Lithuanians were arrested, executed, or exiled during this period. In "The Terrible Days of June"—that is, June 14 to 20, 1941—some 35,000 Lithuanian patriots, intellectuals and clergy were arrested and deported to concentration camps in the Soviet Union. Another 5,000 political prisoners were executed by the retreating Red army. Moreover, when the Russians reoccupied Lithuania in 1945, the deportations and executions continued.

To this day, the United States has consistently refused to recognize the unlawful annexation of Lithuania by the Soviet Union and has steadfastly supported the Lithuanian people in their courageous and unending struggle against Soviet repression. This month, as we commemorate the 43d anniversary of the heinous Soviet invasion of Lithuania, it is fitting and proper that we remind the Soviet Union that it has pledged respect for human rights and fundamental freedoms and that we affirm our own commitment to the principles of liberty and self-determination for Lithuanians and for all people who are forced to live in the absence of freedom.●

THE 20TH ANNIVERSARY OF THE EQUAL PAY ACT

● Mr. DOMENICI. Mr. President, this month is the 20th anniversary of the Equal Pay Act. In 1963 this auspicious legislation joined other landmark civil rights legislation of the 1960's as part of our effort to eliminate discrimination. The act forbids unequal pay for women and men who work in the same establishment and whose jobs require equal skill, effort, and responsibility.

This anniversary is a cause for celebration and an opportunity to reflect upon our accomplishments, because as a Nation we have eliminated some of the most blatant forms of employment discrimination against women. Today, equity in the workplace is a concept that the majority of Americans support and believe in. The premise that men and women doing the same job should receive the same pay is now widely accepted. Yet, pay inequities based on sex are still prevalent.

Where we are today is a benchmark against which the next generation will measure our future progress. This anniversary is an opportunity to rededicate ourselves to completing the task of ridding the American workplace of anachronistic wage discrimination.

Studies of the effects of the Equal Pay Act reveal some disturbing statistics. Women earn only 59 percent of what men earn according to recent Bureau of the Census statistics. Not only do women earn less, but the majority of working women are still employed in the service sector of our economy, and are only beginning to move into skilled and professional positions which carry the higher wages and salaries paid to men. The following tables illustrate that we must renew our effort if equal pay for equal work and economic security are to be achieved. I ask that they be printed in the RECORD.

The tables follow:

OCCUPATIONAL DISTRIBUTION OF WORKING WOMEN

[In percent]

Occupation	1960	1978
Total	100.0	100.0
Clerical workers	30.3	34 6
Service workers, except private household	14 8	17.7
Professional and technical workers	12.4	15.6
Operatives	15.2	11.8
Sales workers	7.7	6.9
Managers and administrators	5.0	6.1
Private household workers	8.9	2.9
Craft workers	1.0	1 8
Other	4.3	5.5

Source: U.S. Department of Labor, Bureau of Labor Statistics.

AVERAGE WEEKLY EARNINGS BY SEX, 1978

Occupation	1978 average weekly earnings		Women's salary as a percent of men's
	Men	Women	
Sales workers	$335	$175	52
Blue collar workers	327	216	66
Managers and administrators	422	247	58
Clerical workers	301	195	65
Service workers, except private household	223	147	66
Professional and technical workers	392	280	71

Source: U.S. Department of Labor

Mr. DOMENICI. Equal pay is an important issue because throughout American history women have often had to support themselves and their families when death, divorce, or war took the men from the home. During the past two decades, the proportion of women in the work force has risen from 38 to 53 percent, with most working out of economic necessity to help support their families. In 1982, more than 2.5 million wives were the only employed family members.

Families headed by mothers with no husband present are 18 percent of all households with children under 18 years of age. One out of three of these families live below the poverty line. I find these facts an alarming testimony to the necessity for these women to receive equal pay when their jobs require the same skill, effort, and responsibility as men's.

Another issue related to equal pay is retirement equity. Currently the minimum age at which working counts toward retirement credit is 25. Yet more than 70 percent of all working women take employment right after high school or after college, and find that, although they work faithfully for their employer from age 18 to 25, they are not earning any credit toward retirement benefits. In addition, many retirement plans penalize women who take time off from their job for childbirth or to tend to family responsibilities. This is not fair. Such inequities prompted me to cosponsor S. 19, the Retirement Equity Act of 1983.

In addition, this bill addresses some of the concerns of nonworking spouses and widows.

Pension laws give widows particular problems when the working spouse dies before retirement. Under current law, a homemaker can be denied survivor benefits if her husband dies 2 years before vesting in the retirement plan.

Furthermore, if a working spouse decided to drop the survivor's benefits, the homemaker, by law, does not even have to be informed by the working spouse that these benefits have been dropped. S. 19 addresses these two issues as well.

Under S. 19, pension plans would be required to pay survivor's benefits to the participant's spouse if the participant is vested and dies before retirement. The joint and survivor option would be automatic unless both spouses agree in writing not to elect this option. This legislation will go a long way toward assuring that pension plans will provide beneifits that a plan participant or spouse reasonably expect to be there.

Currently, under many pension and retirement plans, survivor annuities are paid only if a set of specified conditions are met; that is, the fine print. Because of these conditions, only 5 to 10 percent of surviving spouses actually receive any benefits. It is no wonder that the fastest growing poverty group in the United States is older women.

S. 19 does not cure all the problems of pension and retirement benefit discrimination but it is an important step that I urge Congress to take. I am committed to advance, guarantee and promote economic equity for women during their working careers and during their retirement years.●

CONGRESSMAN CLAUDE PEPPER

● Mr. BINGAMAN. Mr. President, I am very pleased to announce that Congressman CLAUDE PEPPER, chairman of the House Aging Subcommittee on Health and Long-Term Care has accepted my invitation to visit New Mexico this summer. Chairman PEPPER will conduct hearings focusing on medicare issues and participate in the conference on aging which will be held on August 30, 1983. Congressman PEPPER is widely known as Mr. Senior Citizen, and is one of the most respected and loved Members of Congress. He is a true statesman, a man who has dedicated his life to public service.

Congressman Pepper was born on a farm near Dudleyville, Ala., on September 8, 1900. His family was poor. CLAUDE PEPPER was forced to work at an early age to support the family and later to help pay his way through the University of Alabama. At the age of 8 or 9, he got into trouble when he carved, "One day, Claude Pepper will be a United States Senator," on the back of a closet door. From that day forward, he was known as Senator Pepper.

The prophesy of this nickname was realized in 1936 when PEPPER was elected to the U.S. Senate. He hit the Senate like a buzz saw. He became known worldwide for his oratorical skills. He achieved fame for his advocacy of labor rights and civil rights. He is credited with winning passage of the 40-hour workweek and other humanistic advancements. Time and time again his voice rang out against the injustices of the times. He has fought for national health insurance; sponsored legislation creating 7 of the 11 Institutes of Health; fair wages; revolving pensions for the aging and welfare for the needy. His work in the health area has won him awards from the prestigious Albert and Mary Lasker Foundation. His fight to improve the lot of the common man brought him national recognition. His picture appeared on the cover of Time magazine in May 1938.

After Senator PEPPER lost his bid for reelection of his Senate seat, he continued to be involved in politics campaigning for Stevenson in 1952 and 1956. Later PEPPER became involved in the election campaign for President Kennedy. In 1962, Senator PEPPER ran for the House seat created by a new congressional district in Miami following the 1960 census. He was easily elected and has been easily reelected to each successive term.

In 1975, the House of Representatives created the Select Committee on Aging. Congressman PEPPER was named the chairman in January 1977. Congressman PEPPER has embarked with his usual vigor to expose problems confronting the Nation's 25 million elderly and to bring about some immediate solutions.

Congressman PEPPER's achievements on aging issues are numerous. He pushed through legislation which prohibits mandatory retirement. He conducted an investigation which showed widespread abuses in the sale of health insurance to the aged and responded by pushing through immediate reforms. He has exposed all manner of frauds perpetrated against the aged from medical quackery to land fraud. His most stunning achievement in 1982 was to sidetrack the Reagan administration's efforts to make significant cuts in the social security program. He sponsored the National Symposium on Aging and Cancer in cooperation with the National Institutes on Aging and Cancer Research.

For all his achievements, CLAUDE PEPPER has never lost sight of his values. He has never forgotten where he came from. He has devoted his entire life to improving the quality of life for the poor, the disadvantaged, the weak, and the downtrodden. He has fought to preserve the basic American ideals of honesty, integrity, and hard work.

Congressman PEPPER's dedication to the poor and the elderly was recognized recently by a Time magazine cover story captioned—"Claude

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Pepper: Champion of the Elderly." Mr. President, all Americans should know and appreciate the fine record Congressman PEPPER has achieved. Therefore, I ask that the article which appeared in Time magazine on April 25, 1983, be placed in the CONGRESSIONAL RECORD following my remarks.

The article follows:

CHAMPION OF THE ELDERLY—AT 82, CLAUDE PEPPER IS AT THE PEAK OF HIS CAREER

"There are only two Democrats who really bug Reagan," says a presidential aide. "One is Tip O'Neill, and the other is that Congressman who keeps talking about Social Security."

That Congressman watches the world through trifocals. He wears a pacemaker in his chest to quicken his heartbeat when it slows. One of his heart valves is synthetic; it replaced the natural one that developed a calcium deposit. He is nearly deaf without his hearing aids. A bulbous nose dominates his rumpled face, which looks forever melancholy even when its owner is not. He is 82 years old.

But Claude Denson Pepper is like a vintage automobile with new parts: he gets better and more powerful with age. By an odd convergence of historical trends, Pepper's unshakable New Deal liberalism is in phase with the graying of America, even at a time when conservatism marches forcefully through Washington's corridors of power. Some 36 million Social Security recipients, and millions more who are nearing retirement, count on Claude Pepper to protect their rights and well-being. And Pepper has doggedly done so.

That should be especially evident this week; President Reagan is scheduled to sign a historic package of Social Security reforms designed to save the system from insolvency. The undisputed champion of the elderly, Pepper had held the fate of the delicately balanced compromise in his hands. He had fought against all cuts in benefits, gave ground only grudgingly when concessions had to be made to keep the legislation alive, and responsibly withheld the veto many of his more zealous followers had wanted him to wield. Says Pepper, accurately and with no false modesty: "If I had not voted for it, then there would not have been a package, and there would have been complete chaos."

After 14 years as a U.S. Senator from Florida and 20 years as a Congressman from the Miami area, Pepper is at the peak of his astonishingly tireless and durable career. He demonstrated his political punch in the 1982 congressional elections, stumping with surprising energy in 26 states. Of the 73 House Democrats he supported, 54 won. The difference he made varied, of course, from race to race. But his presence never hurt. "Claude was the most sought-after speaker by Democratic candidates in 1982," recalls House Majority Leader Jim Wright. "At one rally for elderly people, we expected 200, but 800 showed up and waited for an hour and a quarter to hear him." Adds California Congressman Tony Coelho, Democratic congressional campaign committee chairman: "No single person had more of an impact on the 1982 elections. His mug was all over this country—on posters, on banners, on TV and billboards. He was a symbol to the elderly and the helpless."

While Pepper's critics contend that he exploited the Administration's hastily prepared and ruefully withdrawn initial proposals for cutting Social Security benefits, he is liked and respected by House colleagues of both parties. Last January he became chairman of the House Rules Committee, which can determine not only the timing of legislation but sometimes whether a bill comes to a vote at all. He reluctantly relinquished his chairmanship of the House Select Committee on Aging. "It was wrenching," he says. "Like choosing between a brother and a sister."

"His very person debunks the myths about aging," says Jack Ossofsky of the National Council on the Aging. "Concern about the elderly, the poor and the frail has characterized his entire career."

He intends to do more. A bill sponsored by Pepper and passed in 1978 eliminated any mandatory retirement age for most federal employees and raised it from 65 to 70 for workers in private industry. He has a new bill in the House hopper to remove any such age limits at all. "The only mandatory retirement," he says, "is when you can't do the work any more."

The Senator turned Congressman (everyone still calls him Senator, even though he has not been one since 1951), has an urgent interest in cancer research. In 1937 he sponsored a bill that created the National Cancer Institute. Now he wants the Government to provide an extra $100 million in each of the next five years for work on the disease. "You know I lost my wife Mildred to cancer in 1979," he says quietly. "Last month I spoke at a wake for Don Petit of my staff, who died of cancer in Florida. A woman on my staff is suffering from bone cancer and was told she'll probably never be able to walk again. Well, we've got to do more to try to stop this disease."

But will not all such social programs cost too much in an age of soaring budget deficits? Others may bend to political fashion, but Pepper never wavers: "I would rather live with $200 billion deficits and have more people living, than the reverse. And if we don't spend the money fighting cancer and arthritis and poverty and poor housing and all the rest, they'll just spend it on the military or something else." In Pepper's view, that settles that.

"He's reversed the aging process," says Florida Senator Lawton Chiles. "He has more political power than ever."

While Pepper's body has required a few repairs, his mind remains sharp. His memory is so keen that he can be introduced to seven people at lunch and thereafter address them unerringly by name. He recalls conversations with F.D.R. more than four decades ago in vivid detail. Pepper is most impressive on the podium. He never reads from a text, rarely uses notes, yet the words roll out in graceful sentences. The loose skin on his chin and neck fairly quivers with indignation and a clenched fist punches the air when he berates "an Administration that wants to cut $11 billion from Medicare." When he recounts stories of poor people hurt by budget trims, Pepper sometimes gets misty-eyed. So do his listeners. Congressman Coelho was present on one such occasion during the 1982 campaign. "Claude's eyes teared over, and by the time he finished speaking, 70 percent of the audience were teary-eyed. It was just a tremendous emotional experience."

Neither exercise nor diet explains Pepper's mental agility and physical stamina. He loves golf but gets out on the course only sporadically, recently shooting 48 over nine holes at Coral Gables Country Club and winning 75¢ from his opponents. He admits that he does not even walk as much as he would like, although when he does, he says, "I walk fast." He eats heartily and is a bit overweight (5 ft. 7½ in., 180 lbs.). His one dietary idiosyncrasy: he has soup and crackers with each meal, even breakfast.

Pepper gave up smoking in 1933. Strangers often view his red, veiny nose as a sign of heavy drinking, but he denies it. Except for one or two glasses of white wine with lunch and dinner, he abstains from alcohol. In the House dining room, waitresses automatically bring Pepper his soup, crackers and a carafe of wine. No connoisseur, he never asks for anthing fancier than chablis.

If there is a key to Pepper's vitality, it is that he enjoys his work and has never lost his passionate concern for people and issues. His home telephone numbers are listed in both the Washington and Miami directories, and constituents often call seeking help with red tape or support for legislation. He keeps regular office hours in both cities and meets with anyone who asks to see him.

After a speech to retirees or other older folks, Pepper lingers to bask in the affection of his admirers. He moves slowly among them sometimes bussing a few of the women who do not kiss him first. He eagerly grasps the outstretched hands of the men. His rapport with the elderly is such that his office is inundated with their messages whenever an issue that concerns them is pending in Washington. During the Social Security debate last month, some 3,000 letters and 100 phone calls sought his attention each week. Says Pepper about the elderly: "They deserve much—and need much. I am helping them."

On a typical weekday in Washington, Pepper rises by 6:30, reads the *Post* and keeps a breakfast appointment at 8. He drives himself around in a long Lincoln Town Car, carries his own bag through airports, normally travels alone. A housekeeper cares for his waterfront condominium in Miami, and a staff aide, James Brennan, 66, shares his northwest Washington apartment. The two often dine out together. Then Pepper watches the 11 o'clock news, skims the New York *Times* and goes to bed by midnight.

His weekends are scarcely less regimented. Not long ago, he traveled to Austin for a Saturday speech, then flew to Miami for a funeral on Sunday. He took a 10 o'clock flight that night to Boston, getting to bed in Cambridge at 3 a.m. A limousine picked him up at 7:45 a.m. Monday for breakfast with Harvard President Derek Bok. (A gentle flirt with women, Pepper probably would have preferred eggs and bacon with Bo Derek.) He held a series of press conferences, spoke for an hour to a Harvard Medical School gerontology class, then returned to Washington for an afternoon of House business. That night, Pepper made another speech.

Often described as a millionaire (he says he would qualify only if some Florida beach land he owns were sold for his asking price of $600,000), Pepper has no qualms about drawing some $650 a month in Social Security benefits that he qualified for at the age of 72. And he says he will not mind paying tax on this pension, as required under the new law for high income earners. Says he: "Social Security is an insurance program to which I have contributed. It isn't welfare."

The Peppers had no children, and he has long referred to his staff as "my family." But he has been lonely without Mildred. He sadly recalls the day when he and his wife sat at a small table in their Miami home after she had begun treatments for cancer.

"Well, Claude," said Mildred, his wife of more than 40 years, "it looks as if we may be coming to the end of the road." He embraced her and said through tears, "Don't talk like that, Mildred. I can't think of life without you." In their Washington apartment, there is still a note in his wife's handwriting attached to a shower curtain. It reads: "After your shower, please close this curtain."

"He has flair," says Anne Ackerman, 69, a Democratic leader in Miami's Dade County. "He has style. He epitomizes what a public servant should be. Claude Pepper represents an America that is a civilization rather than just a country with borders. He is what you want life to be."

Part of Pepper's style is his droll humor. Some of his jokes may be as old as he is, but his deadpan delivery delights his audiences. Arriving late for a speech, he tells his listeners about two men in colonial days who were set to duel at dawn. Only one of the antagonists showed up. The other sent a note by messenger. It read: "I'm running a little late this morning. Please go ahead without me."

Another Pepper story, which Reagan has taken to telling on occasion, involves a bishop and a Congressman who arrive in heaven together. St. Peter shows the Congressman a lavish suite of rooms, while assigning the bishop a small one with no view. When the bishop complains that his lifetime of service to the church rates something better, St. Peter replies: "Don't feel bad, Bishop. You know, we have thousands of bishops here, but this is the first Congressman we ever got."

Neatness is another Pepper trademark. He wears a fresh suit, usually with vest, every day. His sparse white hair (he stopped wearing a toupee in 1980 after it blew off as he greeted President Jimmy Carter at the Miami Airport) is carefully combed. Presiding at a recent House Rules Committee hearing, he leaned back, motioned to an aide and whispered in his ear. The aide rushed to straighten a portrait on a side wall. Pepper nodded his approval.

"In Alabama, we lived in a house that was little more than a place to sleep," recalls Claude's brother Frank, 65. "We did not have a car. I can remember hearing him come home late at night, rehearsing speeches he was going to give when he became a U.S. Senator."

Pepper cannot really explain how he managed to grow up uninfected by the redneck racism prevalent in the Alabama farm country where he was born in 1900. "Why, I was full grown," says Pepper, the eldest of four children, "before I ever traveled on a paved road." Whatever the reason, he felt the stir of ambition early on: at the tender age of ten, he carved the words "Claude Pepper, United States Senator" on a tree.

Pepper entered the University of Alabama in the fall of 1918. To help pay his way, he worked from 4 a.m. to 7 a.m. hauling coal and ashes at a power plant. He starred on the debating team, ran on the track squad, made Phi Beta Kappa, but lost his first election: for student-body president. When his oratorical skills took him to a contest in Chapel Hill, N.C., "it was the farthest north I had ever been."

The North beckoned, however. "Why shouldn't I go to the best law school there is?" he asked himself. He applied to Harvard, was admitted and got tuition, books and $100 a month support money from the Veterans Administration. The reason: during his brief Army service, spent training at the University of Alabama, he suffered an injury that developed into a double hernia. Pepper's appreciation for both education and a benevolent Uncle Sam was never to leave him: "I get so burned up when anybody tries to cut back on the money available to help needy students."

After Harvard, Pepper taught law for a year at the University of Arkansas, then set up practice in Perry, Fla. In the next 11 years, he handled some 30 murder cases, taking one of them successfully all the way to the U.S. Supreme Court.

Active in Democratic politics, Pepper, at 28, became a member of the Florida Democratic executive committee. He won at the polls for the first 15 times: he was elected to the Florida house of representatives. One of his first bills showed his early concern for the elderly. It would let anyone over 65 fish without a license.

But his sense of racial fairness may have cost him his seat two years later. He was defeated after voting against a resolution that criticized Mrs. Herbert Hoover for inviting the wife of a black Congressman to the White House. Recalls Pepper: "I thought my political career had died aborning."

He resumed his law practice, opening an office in Tallahassee and bringing his parents to live with him in 1931. The Depression had proved ruinous to his father. Pepper learned firsthand the problems of the elderly, caring for his father until he died in 1945 at the age of 72 and his mother until her death in 1961 at 84.

But Pepper yearned to return to politics. He made a brash bid in 1934 to unseat U.S. Senator Park Trammell in the Democratic primary. F.D.R. was in the White House, and Pepper's campaign slogan was wordy but effective: "The Welfare of a Common Man Is the Cornerstone of the New Deal." Virtually unknown, he nevertheless forced a run-off and lost by a mere 4,050 votes. When both of the state's Senators died within weeks of each other in 1936, Pepper filed for one of the vacancies. His earlier showing scared off challengers, and at 36, he was elected to the Senate unopposed. Says Pepper, a Baptist: "I realized then that providence can handle my affairs much better than I can."

Roosevelt sought the freshman Senator's support for his power-grabbing and ultimately unsuccessful plan to pack the Supreme Court with additional Justices. Pepper had reservations, but, far from timid, he said he would go along if F.D.R. would help him win election to his first full six-year term in 1938. "I will, and that's a commitment," promised the President, who kept his word.

Pepper, in turn, became one of F.D.R.'s stalwart supporters on Capitol Hill. When resistance to New Deal economic programs grew in the Senate, the Florida newcomer rose to scold his elders: "We haven't gone too far, we haven't gone far enough. This is not the Promised Land. Are we going to commit the same folly that the children of Israel did?" His colleagues rose in an ovation. Newspaper Columnist Drew Pearson called the Speech "one of the greatest of its kind ever heard in the Senate chamber."

Pepper easily won re-election in 1938 after defeating a former Florida Governor in the primary by more than 100,000 votes. But his liberalism was antagonizing businessmen in the state, who vowed to turn him out of office. Pepper had been instrumental in passing the nation's first minimum wage law, which guaranteed workers 25¢ an hour. "Business never forgave me," he says. It was the last major piece of New Deal legislation.

His views on foreign affairs also undermined his Florida support. He and his wife Mildred visited Berlin after his 1938 re-election, and the Senator was alarmed by what he recalls with wry understatement as "the mutterings of war." Pepper joined the push for a military draft and came up with an innovation of his own. He was convinced that the only way the U.S. could stay out of the war in Europe was to help the Allies win it. Since they were awaiting warplanes on order from the U.S., Pepper reasoned, why not send them aircraft out of the U.S. Air Force, replacing these planes later as the orders came off production lines? This idea, rejected at first in the Senate, became the Lend-Lease program, which provided Britain, in particular, with crucial ships, warplanes and other war material.

For his efforts, Pepper was hanged in effigy at the Capitol in August 1940, by women who opposed his "warmongering." He still has the coconut head and stuffed denims that the women had fashioned to look like him.

Pepper won re-election in 1944 but, mainly because of his liberal views, speaking invitations in Florida dropped off as civic clubs and local Chambers of Commerce blackballed him. Business leaders were building a campaign war chest to beat him in 1950. He played right into the hands of his foes. Traveling abroad in 1945, Pepper met Joseph Stalin and naively described the Soviet dictator as "a man Americans can trust."

The following year, Pepper accepted an invitation to attend a left-wing political rally in New York's Madison Square Garden. Waiting backstage with Secretary of Commerce Henry Wallace and others, Pepper was asked to pose for a group photo. As he did so, Paul Robeson, the opera singer who was widely considered a Communist, took a position beside him. The resulting photo of Pepper looking chummy with a black Soviet sympathizer was to prove a political disaster for him back home.

Pepper also incurred the potent wrath of Harry Truman by joining a dump-Truman movement at the 1948 Democratic convention. Pepper felt that Truman had abandoned Roosevelt's domestic programs. Pepper and others tried to persuade World War II Hero Dwight Eisenhower to run as a Democrat. They got word that Ike would not seek the nomination, but would accept it. Thus Pepper led a Florida delegation pledged largely to Ike, gaining headlines that made Truman furious. Ike left Pepper out in the cold by sending him a telegram withdrawing his name from consideration.

Truman did not forget. Shortly after upsetting Republican Thomas Dewey in the election, he summoned George Smathers, then a Florida Congressman to the White House. Pepper had helped Smathers get elected. "I want you to do me a favor," Smathers recalls Truman's saying. "I want you to beat that———Claude Pepper."

That 1950 senatorial election was one of the dirtiest on record. The Robeson-Pepper photo was circulated widely. So too was a book called *The Red Record of Senator Claude Pepper*, which distorted his attitude toward the Soviet Union. He was stuck with the labor Red Pepper.

But the campaign is chiefly remembered for remarks attributed to Smathers—and later denied by him—in Time. Quoting Northern newspapers, the magazine said Smathers used fancy language to convey sinister meanings to benighted rural listeners: "Are you aware that Claude Pepper is

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known all over Washington as a shameless extravert? Not only that, but this man is reliably reported to practice nepotism with his sister-in-law, and he has a sister who was once a thespian in wicked New York. Worst of all, it is an established fact that Mr. Pepper before his marriage habitually practiced celibacy."

Pepper was defeated by 67,000 votes. "On election night people came up to our house in cars, shouting obscenities, cheering the fact that I had been defeated," Pepper recalls. "They wanted to destroy me, and just about did."

(Pepper is not a man to carry a grudge, but is was not until last year that he fully forgave Smathers. When an aide suggested asking Smathers' law firm for a campaign contribution, Pepper reluctantly agreed and was surprised when he got a $350 check in reply. Shortly thereafter, Pepper walked up to Smathers, who was lunching in the House dining room, and said without smiling: "You know that check you sent in for my campaign? Well, it bounced." It had not, of course, and when Smathers realized that Pepper was joking, both knew that their enmity was over.)

Once again, Pepper returned to his law practice. He tried a senatorial comeback in 1958, but was beaten in the Democratic primary. By 1962 he was earning more than $150,000 a year, representing mainly corporate clients. But when a new Miami congressional district was created that year, he jumped back into the political swim. He missed politics, and Mildred missed the capital's social whirl. Says Brother Joe, 74, about Claude's law practice: "He was very successful. But he was miserable, just plain miserable."

Pepper did not consider it demeaning to step down from Senator to Congressman, although he concedes that "most people go the other way." If he had somehow stayed in the Senate, he figures he would have become chairman of the Senate Foreign Relations Committee and might have wound up serving longer than anyone else. "But that committee doesn't save many souls," he adds. "I know I'm doing more good now."

At a Veterans Administration hospital in Miami, a patient in a wheelchair watches Pepper greeting the bedridden and says: "I'm a Republican. But I always vote for Senator Pepper. He doesn't care if you're an old Republican or an old Democrat. Just so you're old."

Pepper is far from a one-issue legislator. In 1945 he sponsored a resolution that led to the creation of the World Health Organization and, in the late '40s, bills establishing five of the National Institutes of Health. Not only does he favor a freeze on nuclear arms now, but he advocated one after the end of World War II. Still, nothing offends his sense of justice quite as much as modern society's tendency to view the elderly as a burden or a stereotyped group. He does not feel complimented when someone tells him: "My, you don't look your age." Inwardly, he grumps, "How am I expected to look? Toothless and doddering, a caricature of my younger self?" Pepper assails "ageism" as "just as wrong as racism or sexism."

At a recent Miami dinner in his honor, Pepper spoke eloquently about growing older. "The aging process is so slow, so gradual, that all you notice is a slight diminishing of some of your faculties," he said solemnly. What the elderly want is "to be thought of as just other people. They need love. They need compassion." He concedes that attitudes toward the aging are improving and predicts that this will get much better when, as demographers predict, the elderly constitute an even larger share of the nation's population.

If Pepper could wave "a legislative wand," he says he would "enact a Medicare bill under which the entire cost would be borne by the Government instead of just the 45 percent now." He would provide home health care, claiming that it would often save the Government the higher cost of putting people who need not be there in hospitals. And he would provide more preventive health coverage, in hopes of checking illness and prolonging life. Overall, Pepper is optimistic, even without his wand, because he feels that pressure is growing on the Administration to stop cutting social programs. "The Reagan era will come to an end. Already we're moving toward compassion in Government again."

When Pepper's admirers worry about his advancing years and how long he expects to be on Capitol Hill, he sometimes admits that he has retirement plans. "I've set the year," he drawls. As his listeners' concern grows, he adds without a smile: "The year 2000. But I reserve the right to change my mind."

In fact, Pepper has big plans for next year. He intends to lead a drive to elect some 500 delegates who are at least 65 years old to the 1984 Democratic National Convention. That would be about 12 percent of the total, and he wants to use their leverage to influence the choice of a nominee and the candidate's stand on issues dear to the elderly.

Already, the contenders for the nomination are seeking Pepper's support. Senator Alan Cranston has even listed Pepper as a possible running mate if the Californian were to succeed in his long-shot pursuit of the nomination. Such a Democratic ticket, with a combined age of 154 at election time, would accomplish the impossible: it would make a Republican team of Reagan and Vice President George Bush (combined age 133) look young.

Some of Pepper's most avid fans even urge him to run for President. He clearly considers himself just as physically fit as, and more capable than, the present occupant of the Oval Office. Claims Pepper about 1984: "I'll be better able to throw my hat in the ring at 83 than Ronald Reagan will be at 73." In less quixotic moments, Pepper admits that he is, at best, suited to the No. 2 spot. "It's easy to replace a Vice President," he says, in a rare recognition of his own mortality.

At an age when most people are savoring old memories, Claude Pepper never looks back. His latest legislative proposal is to create a House Committee on the Future of the U.S. He, of course, would like to stick around to help shape its vision, and to see that the recommendations are carried out. In the meantime, he plans to lead his graying army to greater triumphs—and to keep bugging Ronald Reagan.●

PIONEERING FOR PEACE

● Mr. DURENBERGER. Mr. President, Harold E. Stassen, former Governor of Minnesota, has devoted his life to improving the condition of Minnesota and the country. His demonstrated leadership and innovative ideas have earned him the reputation of Minnesota's senior statesman.

He recently celebrated his 76th birthday by sharing with the Minnesota House of Representatives his insights into the future of America. As always, Governor Stassen expressed his hopes and concerns directly and eloquently. I wish to share his testimony with the Senate and I submit it to be printed in the Record.

The material follows:

Pioneering for Peace: Address of Harold E. Stassen

May I express appreciation for the courtesy of the Speaker, the Honorable Harry Sieben, and to the House, in extending the availability of this chamber this morning.

May I also state directly the obvious fact, since I will be stating views, as to both the foreign policy and domestic policy of our country in the decades ahead, which are different from the current views in both political parties, the use of the chamber does not in any way imply any approval of what I am about to say.

In the same vein, may I recognize and express appreciation for the presence here of Former Governor C. Elmer Anderson, who presided over the Senate as Lieutenant Governor during my governorship, and of other distinguished men and women of Minnesota, and again emphasize that their gracious and welcome attendance does not in any way imply approval of or agreement with what I will here state.

On this, my 76th birthday, literally seven decades of vivid and vital recollections come cascading down the eventful river of memories.

I speak today, not of those memories in dramatic detail, but rather in an endeavor to bring those experiences into focus, with a clear-eyed view of the present, and a challenging advocacy for the decades ahead.

It is an advocacy impelled by a deep current concern for the future of America, and for all humanity, in this age of space and electronics and nucleonics.

There is an obvious ominous movement for nations and individuals to polarize in their attitudes and actions, and to confront.

But the extremes are at the roots of much of the economic suffering of the people, of most of the injury to the quality of life, and of the acute dangers of catastrophic nuclear war.

The extreme of conservatism is a cause of excessive unemployment and bankruptcies, and human suffering; and the extreme of liberalism is a cause of wild inflation and deterioration and human suffering.

The extreme of classic communism and the extreme of classic capitalism both contribute to a danger of devastating holocaustic war.

Thus I hold that the most urgent need at home and abroad is for the development of creative center policies; of a creative center economic system; a creative center philosophy!

This is pioneering for peace in the 1980's.

Let us turn our attention to specifics, and first to our domestic economy.

Currently we are suffering an outrageous level of unemployment, a terrible squeeze on farm families, excessive waves of bankruptcies, wide and spreading dislocations.

Full employment and no inflataion must be the inseparable twin objectives of the creative center approach to the economic system of the future for America.

There is no fundamantal reason why this cannot be achieved. I am confident that it can be accomplished. But it will require some major changes, and it will include avoiding the extremes of conservatism and liberalism.

First of all, there is a failure in comprehensive thinking of the significance of modern robots and automated production.

The basic consequence of automation is that a very small percentage of the total population of a developed nation can produce and manufacture all of the food, and goods, and materials for the entire population.

This means that what is broadly referred to as the service side of the economy not only can expand, but it must expand enormously if there is to be full employment and a successful free economy.

Service in this sense means not only assistance to people but also teaching, safeguarding, protecting, transporting, entertaining, communicating, feeding, informing, healing, inspiring, and contributing in a thousand ways to the quality of life.

When the full future significance of this change is analyzed, it is apparent that government on all levels must be an important part of this expansion of the service side of the total economy.

Therefore, it is fundamental that the highway to full employment cannot be found along the path of shrinking government!

Government on all levels, conducted with intelligence and integrity, must be increasing rather than decreasing for a successful, full employment, free economy. This is not a mere theory. It is a historic lesson in the contrast of the post WWI years of President Hoover, and the post WWII and Korean War years of President Eisenhower.

A few concrete current examples will dramatize the meaning of these assertions.

Almost every major city needs more police and fire protection, and there are thousands among the unemployed who would make excellent police and fire personnel, but almost every major city is cutting back in these fields.

Almost every school system needs more programs in computers, and in music and art, and in occupations of the future; and thousands are unemployed who could be enlisted and educated to be teachers in those expansions; but almost every school system is trimming back.

The adequate financing of this new and urgent creative center approach to government's role, with a balanced budget and full employment, and no inflation, requires new thinking.

I suggest three items.

First: A minimum absolute tax which all corporations and individuals must pay on each year of above minimum income; notwithstanding any and all types of special deductions and credits and deferments.

Second: A combined local, state and national tax on sales of ten percent, assuring a regular expanded flow of funds from and for a full employment economy and higher level of service, and no inflation.

Third: A world defense fund American import tax, to assist in carrying the necessary burden for the United States of a continuing very powerful and alert national and world defense.

The extremes of protectionism or free trade are not the alternatives. The intelligent creative adjustment to a fair and balanced reflection of world facts is needed. For thirty-five years American industry has carried almost the entire necessary load of free world defense, while other competing importing industries have had virtually none of such load.

Along with the joint participation by all levels of government in the proceeds of one combined sales tax, there should be combined creative programs of action to effectively serve; and to establish the environment for service.

A creative center policy, as I see it, would constantly be aware of the parallel need to structure financial incentives in line with social, economic, and cultural objectives; and to guard against greed which, when unrestrained will demoralize and wreck any establishment.

First preference should be for service by non-governmental establishments;

Second preference for service by government at a local or state level as close to the people as practical;

And third preference for service by nationwide programs.

Along with the maintenance of the minimum tax, and sales tax, there should be a new recognition of the significance of service in the broad sense, to the individual, by granting deductions from taxable income for every payment by every person to another person for compensation for service.

Millions of Americans need service from other millions of Americans which they cannot well afford on an 'after tax' basis. But the service, and the employment, and new methods of organizing to provide both, can be and should be a part of a future full-employment, increased service, free economy.

One of the other critical future changes in classic capitalism must be to place broad limits on the use of capital credit for excessive speculation in stocks and commodities; for giant acquisitions and mergers; for over-extended foreign loans.

Such curbs are essential to bring down the rates of interest to levels where home ownership may expand, where farm ownership may survive, and true 'quality of life' long term investments may occur.

Such curbs are opposed by most bankers and conservatives, but they would in fact be in the long term advantage of both, as well as for the people as a whole.

It is nothing less than an unacceptable tragedy that at such a time there should be a cutting back of governments at all levels in such a manner that some people are short of food, many people do not have adequate homes, millions of people do not enjoy the quality of life that could be theirs.

In American foreign policy, American world policy—a creative center approach will also lead to very extensive changes.

It would involve facing fundamental facts.

All of the peoples living on this earth have a right to live. There is room for all of them, their systems of economy and government and religion and situations are different, and will continue to be so.

If a nuclear third world war occurs, it will result in mutual devastation to an extent beyond comprehension.

To me, this means that for leaders of super-powers with nuclear weapons to sit in their capitals and bombard each other with extreme words makes absolutely no sense.

There should be an annual summit conference in depth, between the United States and the U.S.S.R., at a neutral location, such as Geneva, Switzerland.

Such a conference should be followed up by continuing working committees on specific issues and problems.

Our American approach to the Soviet Union should be forthright that we propose and anticipate a competition of systems for this period of history, without resort to war.

While both systems are so different, it is anticipated that both will continue to be very powerful, and very alert.

Each is apprehensive about a surprise attack by the other. Both could have a major improvement in their security by a reciprocal opening for the installation of a few modern inspection and reporting centers. Such inspection centers could be in continuous contact with satellites in outer space. World peace prospects would be improved greatly.

In the decades ahead outer space has a magnificent potential as a developing arena to serve world peace by the pioneers of both sides of the world as their systems on Earth evolve in competition without war.

Under such conditions there could be, and would be, and should be, not only a nuclear freeze, but a gradual bilateral mutual nuclear weapon reduction!

Those millions who advocate a nuclear freeze, a mutual verifiable nuclear freeze, should not be besmirched, or ridiculed, or slapped down. They should be thanked for assisting in lifting the world out of the deep rut of the arms race, and they should be encouraged, informed, and led in sound and creative moves toward a less dangerous future for all nations.

A Summit Conference could set working committees to concentrate and follow up for solutions and initiatives on acute problems and future potentials.

Among these obviously is the Mideast and the Arab-Israeli-Palestine situation.

The Palestinians want a homeland.

The Israelis fear for their security and survival if any such homeland borders on their small homeland.

A major creative center initiative is needed.

I suggest very substantial world financial support to purchase from Lebanon an area for a Palestinian Sovereign State homeland, centering on Tripoli on the Mediterranean seacoast, with borders that at no point touch the borders of Israel, with adjustments of all borders in the area to economically and defensively sensible borders, with a fund so that anyone in the area could move and sell and buy homes and properties with financial backing for a ten-year period; and with a fund for economic development in the area. Such a program would have basic beneficial results for all peoples of the area and of the world.

First reactions to such a program will be rejection, but I do not foresee any good solutions on any less creative and less far-reaching basis.

This solution draws upon the successful lessons of Trieste and Austria and a lifetime of experience.

Other creative steps are needed to modernize and improve the United Nations. A new Charter must be drafted and adopted.

Weighted voting must be brought into the structure.

Improved instrumentalities for arbitration, mediation, and judicial decision for working out peaceful solutions are needed.

A small elite multilingual security corps for world trouble spots must be established.

The world environment, and freedom from hunger, and quality of life must be brought into modern priority focus.

I am, of course, well aware of the scope and depth of what I propose.

In an age when the ultimate confrontation, the confrontation of a nuclear war mean mutual annihilation, a new first prior-

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ity for the creative center, for cooperation of opposing views for mutual benefit, must emerge as the preimminent political philosophy.

I hold that in an age when the ultimate consequence of extreme economic policies will result in widespread human economic tragedy, a new emergence of a creative center economic system must evolve.

There has not yet been an adequate intellectual recognition that this planet earth is one world, and that those who live upon it now have the potential violent means to destroy it; and the potential economic means for chaos for all humanity.

Life on this planet earth in the decades ahead will not be a game of winners and losers, but preeminently a mutual experience of all humanity.

The creative center must be more than a middle way. It must be more than compromise. It must respect the rights and views of all, but reach out for new solutions, new initiatives consistent with the most basic of values of human life.

There are many encouraging developments turning away from polarization toward initiatives for peacemaking. The Catholic Bishops letter, the Lutheran, Baptist, and other religious attention to the new analysis of the nuclear age, the emergence of a theology of peacemaking, as I see it, all point toward new creative center thinking.

I do invite consideration of this creative center approach, this creative center philosophy, in thousands of classrooms, churches, editorial rooms, professional associations, labor unions, executive offices, and especially both the Republican and Democrat parties.

With a deep and abiding faith in God; with a true respect for the beliefs of others; and with an affirmative concept and realistic optimism toward the future of humanity; I conclude this "Pioneering for Peace" message.●

RESOLUTION MEMORIALIZING THE HONORABLE HALL STONER LUSK

● Mr. HATFIELD. Mr. President, a distinguished Oregonian, Mr. Justice Hall Stoner Lusk, died last month shortly before his 100th birthday. It was my great privilege while Governor to appoint Justice Lusk to fill the unexpired term of Senator Richard Neuberger.

The Supreme Court of Oregon memorialized Judge Lusk in a resolution which has been conveyed to me for inclusion in the RECORD.

Mr. President, I ask that the Oregon Supreme Court resolution in memory of the Honorable Hall Stoner Lusk be included in the CONGRESSIONAL RECORD.

The resolution follows:

RESOLUTION IN MEMORY OF THE HONORABLE HALL STONER LUSK

On May 15, 1983, within four months of his one hundredth birthday, Mr. Justice Hall Stoner Lusk died at Beaverton, Oregon. He joined this court as an Associate Justice on August 3, 1937, to succeed James U. Campbell. Governor Charles H. Martin appointed Judge Lusk from the Circuit Court for Multnomah County, where he had served with distinction for seven years.

After thirty years on the trial and appellate bench, Judge Lusk resigned from this court on March 15, 1960, to accept an appointment by Governor Mark O. Hatfield to serve the unexpired term of United States Senator Richard Neuberger. The governor not only honored a distinguished democrat by that appointment, but honored the State of Oregon by sending to the Senate one of the most gallant and dedicated public servants Oregon had seen. As Oregon's junior senator, at the age of 76, Judge Lusk quickly earned the respect of the members of that exclusive club, and upon his departure in 1961 to return to this court as a pro-tem justice, the Congressional Record contained several columns of tribute paid by fellow senators from both political parties.

While a member of this court, Judge Lusk's opinions became known throughout the legal profession for the clarity of their language and the rational development of the legal theory that controlled each case. His opinions were widely used by law teachers as well as by other judges, who benefitted both from his graceful style and from his lucid presentation of the law. His first opinion, *Moulton* v. *Logan*, 157 Or 406 (1937), appeared about two weeks after oral argument. An unbroken stream of opinions of high quality continued thereafter until interrupted by his service in the Senate. After returning from the Senate Judge Lusk wrote many opinions for this court as a justice pro-tempore, and contributed to the jurisprudence of his state for another eight years. He also volunteered to serve as a trial judge when the opportunity arose. He said of his work in his later years that he couldn't stand loafing. Ten years ago, when he was 89, he was found trying a tax case on a day when a newspaper reporter interviewed him.

Judge Lusk was born September 21, 1883, in the City of Washington, D.C., and received his education there. He was a student of Greek and Latin, and retained his knowledge of the classics and drew upon it in his work. After graduation from Georgetown University law school, he clerked for a District of Columbia judge for a year and then made his way to Oregon where he entered the private practice of law in 1909.

Judge Lusk married Catherine Emmons of Portland, Oregon, on September 30, 1914. Catherine survives him, as do their five daughters and thirteen grandchildren.

He practiced with Dolph, Mallory, Simon, and Gearin from 1912, to 1918, and was an Assistant United States Attorney from 1918 until 1920. From 1920 until his appointment to the circuit court in 1930, Judge Lusk practiced with the firm of Emmons, Lusk and Bynon. It was during these years that he worked on the case he remembered best, *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925). Judge Lusk wrote the brief for the Archdiocese of Portland, and his position on behalf of the rights of parents to educate their children in the religious schools of their choice was sustained by the United States Supreme Court in a decision that made First Amendment history. He served as a trustee of the University of Portland and as a member of the board of advisors of Marylhurst College.

In celebrating the life of this great jurist, the court notes with appreciation the qualities of dignity, scholarship, grace and humanity that marked every aspect of his public and private life.

This memorial resolution is not one of mourning, but one of grateful recognition of a life that was full in every measure of public service, and provided for many generations a role model for judges and lawyers. He once said, "a Judge doesn't get rich except in his associations along the way." His legacy in friends, in contributions to his profession, his church, and his community, far exceeds anything that could be purchased by material wealth. A poem by Louis Untermeyer contained lines that Judge Lusk liked to quote and live by:

Keep me, O God, with stern and stubborn pride,
And when at last the race is won,
God, keep me still unsatisfied.

The foregoing resolution, presented this 7th day of June, 1983, by The Honorable Alfred T. Goodwin, a Justice of this Court from 1960 to 1969, is ordered published in the Oregon Reports, with copies to be provided to Mrs. Lusk and his daughters.●

MRS. TIMOTHY VANN OF ST. PAUL, MINN.—A SUCCESSFUL PARENT

● MR. DURENBERGER. Mr. President, this week nine American families came to Washington to be honored at a White House ceremony culminating a 10-month-long search—which began last fall during National Family Week—for parents who have successfully raised a family, and raised successful children.

By successful I do not mean material wealth. By successful I mean that they are families who have, through the traditional means of love and guidance and the virtues of patience and understanding, raised happy and productive children.

They have done so under conditions that do not always parallel that of a storybook family. They are single parents, parents of adopted and foster children, families where both parents work, or families where both parents are out of work.

They are half of all families in today's society.

And although the makeup of an American family has changed in some ways, the traditional values of patience and caring and love have not.

Mrs. Timothy Vann of St. Paul knows this. Her family was chosen from a field of 200 to be honored at the White House this week.

Mrs. Vann was widowed 20 years ago, and alone, she raised 10 children.

An active member of her community, she instilled that value in her children.

She was to her children what we all try to be to ours—a counselor, a teacher, a parent, and a friend.

During the White House ceremony this week, First Lady Nancy Reagan recalled a quote which said:

> "There are only two bequests we can give our families. One of them is roots, the other is wings. Families can help to provide both the security of roots and the inspiration of wings."

Mrs. Timothy Vann has done that for her children, and she has in the

process given all of us the gift of her children as members of this society, and for that, we can both thank her and honor her.

Mr. President, I ask that the following article from the Minneapolis Star and Tribune of June 19, 1983, by Stacy Milavetz be inserted into the CONGRESSIONAL RECORD.

The article follows:

[From the Minneapolis (Minn.) Star and Tribune, June 19, 1983]

ST. PAUL CLAN TO BE RECOGNIZED AS A GREAT AMERICAN FAMILY

(By Stacy Milavetz)

Timothy Vann has always been self-sufficient. When her husband was alive he often was away, working as a waiter on the railroad and as a musician. After he died 20 years ago, she reared their 10 children alone.

"I told my children, 'No one can place limits on you but God and yourself,' " she said. "If you're driving a car to Kansas City that doesn't look that good and only goes 20 miles an hour and someone else's car goes 90 miles an hour, keep going, and when you get there you're there like the other guy."

Her life style and the values she instilled in her children are qualities that represent "the great American family," the American Family Society has decided.

Vann, 66, 705 Dayton Av., St. Paul, and her family will be one of nine families honored Wednesday by Nancy Reagan at a White House ceremony.

"She taught us that poverty was a state of mind, not being," said her daughter Arlene, 32. "We couldn't have second helpings, not because it wasn't there—which it wasn't—but because it wasn't polite."

Her oldest child, Tony, 41, said his mother instilled a sense of worth in the children by "basically teaching us that we're no better than anyone else, and there is no one else who is better than we are."

Family Services of St. Paul nominated the Vanns for the award last November. The American Family Society encouraged local organizations nationwide to look at two criteria in choosing families to nominate; how well the family works together while encouraging individual growth, and evidence of community service with a lasting impact despite obstacles said K. Wayne Scott, president of the society.

When officials at Family Services heard about the program, "(Vann) was the first one we thought of," said public relations director Jane Lansing. "We thought that they were a fine example of a family giving back to the community during all of the years they have lived here."

Vann is director of St. Paul's Model Cities Health Clinic and has been active in a variety of community groups and Roman Catholic charities.

Initially the Vanns were one of 168 families nominated throughout the nation. A screening committee reviewed the nominations and narrowed the group to 23. A group of independent judges than selected the nine to represent different types of families.

Scott said Vann represents the single mother. Other families were chosen to represent those with single fathers, families with four generations living in the same house, and military families, for instance.

When her children were young, Vann said, society placed a stigma on a single-parent family. People thought children without a father were misfits.

She reared her children, who range in age from 21 to 41, with strict discipline, casting off advice from such authorities as Dr. Benjamin Spock and child psychologists as nonsense. "My 3-year old granddaughter was sitting on the floor calling 'ma'am, ma'am,' and I realized she was calling me. She thought that was my name because my children are so polite they always say, 'yes, ma'am, no ma'am." Her 16 grandchildren call her ma'am, mother, or Mrs. Vann.

While she commands her children's respect, she has always been their friend, they said. She has coached them and others in sports since they were small. The family makes up a softball team, which used to play in leagues and now plays whoever wants to get up a game, with Vann as the coach.

"My kids didn't realize I was getting older," she said. "They still don't. When I was 55 my son got me my first pair of ice skates."

The children have faith in their mother. "From kindergarten through college, kids would talk about what their parents could do. I would say my mother can do that. She can do anything," said Arlene. "And I still say that." ●

LUPE ANGUIANO RECEIVES VOLUNTEER ACTION AWARD

● Mr. DURENBERGER. Mr. President, on April 13, President Reagan presented the 1983 Volunteer Action Awards to Americans who have dedicated themselves, selflessly, to improving the quality of life in our country. One of these award winners was Lupe Anguiano.

As founder of National Women's Employment and Education, Inc., Lupe has assisted hundreds of women in raising themselves out of poverty to become self-sufficient. Her program was launched in San Antonio, Tex., where she helped 500 women become self-reliant within 6 months. Now expanded to seven other communities, Lupe's remarkable volunteer effort has been featured on "60 Minutes" and "Good Morning America," as well as numerous publications.

Lupe's success has been deeply rooted in the cooperation, guidance, and support of many corporate entities. The accomplishments of her program demonstrate the great potential in public-private partnerships.

On June 8, Lupe was featured in the Washington Post. This article captures Lupe's many talents and spirit and I would like to share it with my colleagues. I ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, June 8, 1983]

FARING WELL WITHOUT WELFARE

(By Phil McCombs)

The Reagan administration *dreams* of people like this, but seldom do they meet a radical welfare reformer like Lupe Anguiano—charming, dynamic, Hispanic, feminist, Democrat, former nun, former organizer for Cesar Chavez, former education bureaucrat for LBJ—who declares, "Our program fits the Reagan philosophy . . .

"Nothing is given to you on a silver platter," she says. "You've got to work for it. That's what makes you healthy. That's what makes life worth living. . . . The thing that I detest the most in the welfare system is it stifles the individual."

Anguiano and her volunteers have scoured the barrios and ghettos for a decade, screening and training thousands of welfare mothers in basic job skills, then jawboning local businesses and national corporations into hiring them. Anguiano says she has an 88 percent success rate, at a cost of $700 per individual. Her program operates in seven cities, placing 130 women a month in jobs, and is opening a branch for Harlem and the South Bronx next month.

Anguiano wants to go national, and reform the country's welfare system. The Reagan folks are naturally *bananas* about her.

"The Bushes have been very helpful," Anguano said. Barbara Bush visited Tacoma, Wash., and San Antonio, two of the cities where branches of Anguiano's National Women's Employment and Education Inc. operate.

Last April President Reagan invited Anguiano to the White House along with 16 other individuals, two corporations and a labor organization, and awarded her a Volunteer Action Award for helping make America "a better and more generous land."

After the ceremony, Anguiano visited Margaret Heckler, Reagan's new secretary of Health and Human Services. "I told her, 'Mrs. Secretary, be relieved we're not here to ask for government money. We want you to . . . help us get the private sector involved in our program."

Yesterday Anguiano was the star at a breakfast at the Capitol for representatives of major corporations hosted by Republican senators Charles E. Grassley (Iowa) and Dave Durenberger (Minnesota), and today she was scheduled to meet with Reagan aides in the White House to discuss her plan to turn the welfare system upside down.

"I'm a Democrat [but] I voted for Reagan and I'm going to vote for him again . . . You know, the President is so great. He really is. No one can say no to him." This being the case, she said, she will ask that Reagan personally telephone corporate executives in New York to get them behind her program.

Corporate supporters already include Atlantic Richfield, IBM, Texas Instruments and several dozen other smaller companies.

One corporate representative at yesterday's breakfast, Cynthia Mayeda of Dayton Hudson Corp., was among those who stood up and praised Anguiano's work. "It's a wonderful project for us," she said. ". . . And it works, my friends."

Anguiano's reputation as a welfare reformer began in 1973 after she led a group of 100 welfare mothers in San Antonio in a "Let's Get Off Welfare Campaign." Half of them returned their checks and took up jobs that had been readied for them. The other half soon followed, and in six months several hundred Texas women were taken off the welfare rolls and placed in jobs.

"Ninety percent of welfare families are headed by women, and [most] of these are young, healthy, intelligent women who would select a job over welfare if they were offered one," Anguiano said. "The reason they are not working is the policy is not organized to provide a job and training."

Instead, she said, the system—despite welfare "reform" efforts by every administration for years—is centered on income maintenance.

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"The greatest insult of the AFDC [Aid for Families with Dependent Children, the nation's central welfare system] policy is it calls the woman the caretaker. She's the caretaker for the state. Isn't that stupid? . . . The focus should be on providing the woman with a job and skills training, plus emergency assistance until she stabilizes herself in that job."

Anguiano cites case studies galore; the welfare mother who started out as a flagger on a construction site and now owns her own company . . . the ones who started as gardeners at $4 an hour outside a brewery and are now working inside at $9 an hour . . . the computer operator . . . the electrician . . .

Local colleges are used as training centers. Volunteers from the companies pledging jobs often run the classes. The students receive training (how to be a bank cashier) and general wisdom (the way you do it is start at the bottom and work your way up).

Anguiano, now in her fifties, grew up poor in the Southwest, the daughter of parents who fled the Mexican revolution. Her father worked on the railroad in Colorado, and in the summer the family went to California to pick crops. The mother's dream was to open a little store, and eventually she did. One of Anguiano's brothers now runs it—the La Palma Grocery Store in Saticoy, Calif.

When she was 20, Anguiano joined the Victory Knoll Missionary Sisters and remained a nun for 15 years, leaving when she felt her efforts for housing reform were hindered by her official church position. Later, she was married for a year, but "I just about went insane. It was the worst experience of my life. I was supposed to do this and do that, but I need to have freedom . . . I was supposed to be the housewife and I couldn't do it . . .

"I can't remember a day not working since I was a child, and I've never felt deprived," said Anguiano. "I've worked very hard and woken up in migrant camps and worked in the fields; it has given me the energy and strength to do what I'm doing now. The worst thing that can happen to an individual is to be dependent on public funding."

With everything she's got going for her, isn't Anguiano likely to find herself in the Reagan administration? Her reply:

"I don't think I would accept a position, because I think what I'm doing is very exciting. To make systems work better, you're better off working a local area out of government."●

ORDER FOR PROCEDURE ON MONDAY, JUNE 27, 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, June 27, 1983, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the Calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each; and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order for the Senate now to consider the unanimous consent calendar items en bloc and I refer the Senate specifically to Calendar Order No. 227, Calendar Order No. 237, Calendar Order No. 243, and Calendar Order No. 249.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask my good friend, and he is my good friend, from West Virginia, if there is an agreement on those four items, that we may handle them on a unanimous-consent basis.

Mr. BYRD. Mr. President, I am honored to have the acting Republican leader refer to me as a good friend, and that is mutual.

There is no objection to considering the measures that have been enumerated and to considering them en bloc.

EMIGRATION OF IDA NUDEL

The resolution (S. Res. 125) expressing the sense of the Senate that the Government of the Soviet Union should allow Ida Nudel to emigrate to Israel, and for other purposes, was considered, and agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. Res. 125

Whereas the Soviet Union is a party to the Final Act of the Conference on Security and Cooperation in Europe and the Universal Declaration of Human Rights;

Whereas Ida Nudel first applied to emigrate from the Soviet Union to Israel in 1971 in order to rejoin her sister—her only living relative;

Whereas in June 1978, Ida Nudel was convicted by the Soviet Government of "malicious hooliganism" for hanging a banner on her balcony which said "KGB, give me my visa";

Whereas Ida Nudel was then sentenced to four years of exile in Siberia after a trial in which no witnesses were allowed to testify in her behalf;

Whereas Ida Nudel is in grave physical danger due to her heart, liver, kidney, and diabetic ailments and has been denied appropriate medical care;

Whereas Ida Nudel was released from Siberian exile on March 26, 1982;

Whereas upon release, Ida Nudel was denied permission by Soviet authorities to reside in Moscow;

Whereas Ida Nudel traveled the Soviet Union for nine months in search of a municipality that would grant her a residence permit;

Whereas in December 1982, Ida Nudel was finally awarded residence status in a small town in Moldavia; and

Whereas Ida Nudel currently resides in Moldavia and continues to be subjected to harassment by Soviet authorities: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President, acting directly or through the Secretary of State, should—

(1) continue to express at every suitable opportunity and in the strongest possible terms the opposition of the United States Government to the forced exile and repressive treatment of Ida Nudel; and

(2) urge the Government of the Soviet Union to—

(A) provide her with adequate medical care;

(B) grant Ida Nudel residence status in Moscow; and

(C) accept Ida Nudel's application for an exit visa, and allow her to emigrate to Israel to join her sister, in accordance with the Final Act of the Conference on Security and Cooperation in Europe and with the Universal Declaration of Human Rights.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Ambassador of the Union of Soviet Socialist Republics to the United States.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SETTLEMENT OF CERTAIN CLAIMS BY THE SECRETARY OF COMMERCE

The bill (S. 969) to amend section 1 of the act of June 5, 1920, as amended, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration is responsible, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of June 5, 1920, as amended (41 Stat. 929, as amended; 33 U.S.C. 853), is further amended to read as follows: "The Secretary of Commerce is authorized to consider, ascertain, adjust, and determine all claims for damages, where the amount of the claim does not exceed $2,500, occasioned, subsequent to June 5, 1920, by acts for which the National Oceanic and Atmospheric Administration is responsible.".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.N. DECADE OF DISABLED PERSONS

The concurrent resolution (S. Con. Res. 22) expressing the sense of the Congress with respect to implementing the objectives of the U.N. Decade of Disabled Persons (1983-92), was considered.

Mr. DOLE. Mr. President, Senate Concurrent Resolution 22 has had strong bipartisan support from the moment it was introduced with 28 cosponsors. A similar version was introduced in the House by Congressman Larry Winn and is headed toward passage over there.

This initiative stems from what has gone before—the International Year of Disabled Persons in 1981 and the National Year of Disabled Persons in 1982. On December 3, 1982, the U.N. General Assembly declared 1983-92 as the U.N. Decade of Disabled Persons. The United Nations deserves applause for taking the lead on this decade in order to continue the worthwhile goals that had already been established during the international year. By the passage of this resolution, it is our hope that the momentum generated by the international year in 1981 and the national year in 1982 will be continued throughout this decade.

FRAMEWORK FOR NATIONAL ACTION

Mr. President, the U.N. action has established a framework that can provide the incentive for our own national plan of action in furtherance of the following long-term goals to help disabled people: expanded educational opportunity; improved access to housing, buildings and transportation; greater opportunity for employment; greater participation in recreational, social and cultural activities; improved rehabilitation programs and facilities; purposeful application of biomedical research aimed at conquering major disabling conditions; reduction in the incidence of disability through accident and disease prevention; increased application of technology to ameliorate the effects of disability; and expanded international exchange of information and experience to benefit all disabled persons.

Although the lives of our Nation's 35 million disabled people have been significantly improved over the last decade by increased opportunities for health care, rehabilitation, community living, education, and employment, we still have a long way to go on the road to progress. Perhaps some of the most important doors that remain to be opened are those involving attitudinal changes. It may be customary to treat handicapped individuals with compassion, but this will never be an adequate substitute for employment opportunity and personal independence. We must all work together toward the goal of constructing a fair society in which all Americans can participate and find the path that leads to the pursuit of happiness. Once people's minds are opened, opportunities will follow as a natural course.

Partnerships between persons with and without disabilities, between government and the private sector and among National, State, and local organizations are continuing to improve the lives of Americans with disabilities but we need to continue to build upon this foundation.

ABUNDANCE OF HUMAN RESOURCES

Mr. President, the handicapped are not asking to be given anything except the opportunity to share their abilities. For much of my life, I have known firsthand the problems that go with being a handicapped person. My associations with disabled people of all ages have portrayed more than a picture of strength against overwhelming odds—theirs is a portrait of the kind of potential that has made this country great.

Those within our society who suffer from physical or mental disabilities have something to give the society in which they live—they can be productive citizens and harness their talents to the good of our society as a whole. The values that they have learned through the struggle of overcoming the effects of disability can be an inspiration to us all.

Mr. President, this resolution is intended to generate an increase in public awareness of the special needs and special talents of disabled individuals within our society. During this decade we should work together, to try to implement within our own country, the goals set forth by the United Nations.

I ask unanimous consent that a copy of the resolution and a list of cosponsors be printed in the Record following this statement.

Mr. WEICKER. Mr. President, I rise to urge passage of Senate Concurrent Resolution 22 expressing the sense of the Congress with respect to implementing the objectives of the U.N.'s Decade of Disabled Persons.

The purpose of Senate Concurrent Resolution 22 is simple and straightforward. It says that the momentum achieved in this country during the National and International Years of the Disabled cannot be lost. Continued attention both to the human rights of the disabled and to disabled persons' capabilities to contribute to society is essential.

This resolution establishes Congress' support for the U.N. Decade of the Disabled and calls upon our Government to continue its commitments to meeting disabled persons' needs.

I commend Senator Dole on his sponsorship of Senate Concurrent Resolution 22 and I urge that it be approved.

Mr. RANDOLPH. Mr. President, I support Senate Concurrent Resolution 22, which expresses the sense of the Congress with respect to implementing the objectives of the U.N. Decade of Disabled Persons. This was proclaimed by the United Nations on December 3, 1982, and will continue the momentum begun by the International Year of the Disabled and the National Year of the Disabled to create an awareness and recognition of the rights of disabled individuals.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. Con. Res. 22

Whereas a new era recognition of human rights and universal respect for these rights has begun;

Whereas the United Nations General Assembly has declared 1983 through 1992 as the United Nations Decade of Disabled Persons;

Whereas the United States has made great strides during the last decade in improving the lives of thirty-five million American citizens with physical and mental disabilities;

Whereas there is still much to be done to open doors to the full participation and equality of disabled persons in society throughout the world;

Whereas handicapped individuals should be able to participate fully in the mainstreams of society through education employment, and community living opportunities;

Whereas the United States recognizes the need for further progress in strengthening public understanding and awareness of the needs and aspirations of disabled persons;

Whereas there is hope that this spirit of carrying out the goals of the International and National Years in 1981 and 1982 will continue throughout this next decade; and

Whereas a framework for national action has been established by these previous initiatives and the improvement of programs for disabled persons over the last decade: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should take all steps within his authority to implement, within the United States, the objectives of the United Nations Decade for Disabled Persons (1983-1992), as proclaimed by the United Nations General Assembly on December 3, 1982.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL REYES SYNDROME WEEK

The joint resolution (S.J. Res. 34) designating "National Reye's Syndrome Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 34

Whereas Reye's syndrome is a disease of unknown cause which normally attacks healthy children eighteen years of age and under, both male and female, which can kill

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or cripple more than half of its victims within several days by attacking the muscles, liver, brain, and kidneys, and which affects every organ in the body;

Whereas Reye's syndrome is recognized by the Food and Drug Administration to be one of the top ten killers among all children's diseases;

Whereas Reye's syndrome was first recognized as a specific illness in 1963 and is a new illness in name only since children have been affected for decades by the illness and Reye's syndrome cases have been improperly diagnosed;

Whereas the reporting of cases of Reye's syndrome is required in only one-half of the States (for the purpose of this joint resolution, "States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the other territories and possessions of the Unites States);

Whereas volunteer Reye's syndrome organziations are established throughout the United States and are supported by thousands of parents;

Whereas national Reye's syndrome volunteer organizations exist to encourage involvement of the Federal Government in supporting Reye's syndrome research; to encourage coordination of the treatment and research efforts by the various Reye's syndrome treatment and research centers; to establish Reye's syndrome as a reportable disease in every state; to establish at the Center for Disease Control a position for the review of data on Reye's syndrome patients; to sponsor a multicenter research study by recognized authorities on Reye's syndrome; to sponsor programs to educate parents and medical professionals with respect to diagnosis and treatment of the illness; and to raise funds for research into cause, pevention, and treatment of Reye's syndrome;

Whereas Reye's syndrome incidence continues to increase at a pace greater than the attention of the public, the Federal Government in general, and the Congress in particular; and

Whereas the chief executive officers of several States have declared certain periods of time as Reye's syndrome weeks: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 7 through November 13, 1983, is designated "National Reye's Syndrome Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

HATCH AMENDMENT ON ABORTION

Mr. STEVENS. Mr. President, I call the attention of the Senate to the fact that on Monday when the Senate convenes after adjournment, it will be the intention of the majority leader to ask the Chair to lay before the Senate, Senate Joint Resolution 3, the Hatch-proposed constitutional amendment dealing with giving the Congress legislative authority and the States legislative authority with respect to abortion.

THE TAX CAP ON THIRD YEAR OF TAX CUT

I further indicate it is the understanding of this Senator if the Senate does receive the legislation, the cap on the effect of the third year of the tax cut, that it is the intention of the majority leader to attempt to get to the consideration of that measure on Tuesday.

We are hopeful that the Senate will recognize there may be votes on Monday. There will be votes on Tuesday for certain.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. ON MONDAY

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate adjourns today it stand in adjournment until 10 a.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JUNE 27, 1983, AT 10 A.M.

Mr. STEVENS. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday.

The motion was agreed to; and the Senate, at 7:31 p.m. adjourned until Monday, June 27, 1983, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, June 23, 1983*

The House met at 10 a.m.

The Rev. J. Terry Wingate, D. Min., pastor, Purity Baptist Church, Washington, D.C., offered the following prayer:

Almighty and everlasting God, from whom we have received the gift of life, the call to commitment, the joy of service, and the burden of brotherhood. In acknowledgment of these gifts, we bow in adoration. We know we are not worthy of all of the good Thy hath done for us, and that we have failed so often to live according to Your will. Forgive us these transgressions and let Thy blessed hand lead us into yet a better way.

Thy hath walked and talked with those who do business for mankind within these hollowed walls and ask that Thy would be mindful of each one of them as they take up the business at hand.

We pray for all of those who give leadership in this great country of ours and ask that Thou would heal us of the divisions that exist and give us a greater sense of community. Cause us to be sensitive to the needs of the hungry, the homeless, the downcast, and especially the children, our legacy for the future.

In our midst, may Your spirit dwell continually so that we may speak the truth in love, seek Your will for ourselves, assist those less skilled in the knowledge of Your will, and be strengthened by knowing that Thou will be with us all the way. Thank You for all that You do for us. We give praise and lift our hearts without hesitation because, as You were with our fathers, so will You be with us, even now, and forevermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. COATS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COATS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 34, answered "present" 4, not voting 39, as follows:

[Roll No. 210]

YEAS—355

Ackerman
Addabbo
Akaka
Albosta
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Boucher
Boxer
Britt
Brooks
Broomfield
Broyhill
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daschle
Davis
Derrick
DeWine
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IL)
Fascell
Fazio
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Fowler
Frank
Franklin
Frost
Fuqua
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harrison
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hillis
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Pashayan
Patman
Patterson
Paul
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Sawyer
Scheuer
Schneider
Schulze
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stratton
Studds
Stump
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wise
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Wolpe
Wortley
Wright
Wyden
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Yatron
Young (FL)
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Coats
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Craig
Daub
Dickinson
Durbin
Eckart
Emerson
Evans (IA)
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Frenzel
Gejdenson
Goodling
Harkin
Hartnett
Hiler
Holt
Lewis (CA)
Lipinski
Miller (CA)
Miller (OH)
Parris
Roberts
Roemer
Sabo
Schaefer
Schroeder
Sikorski
Walker
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Young (AK)

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Jacobs
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Ottinger
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Alexander
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Anthony
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AuCoin
Bethune
Bosco
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Dellums
Dingell
Erlenborn
Feighan
Ford (MI)
Ford (TN)
Forsythe
Garcia
Hansen (ID)
Heftel
Kemp
Kolter
Martinez
Mitchell
Obey
Pepper
Pritchard
Rangel
Schumer
Simon
Smith, Robert
Solomon
Stokes
Sundquist
Thomas (CA)
Towns
Wirth

☐ 1015

Mr. ST GERMAIN changed his vote from "nay" to "present."

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that other than the gentleman from the District of Columbia (Mr. FAUNTROY), there will be no other 1-minute speeches today.

THE REVEREND J. TERRY WINGATE

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, it is my honor and pleasure to thank my good friend and fellow minister, Rev. J. Terry Wingate for his inspiring opening prayer.

Reverend Wingate has a long and distinguished record of service in the education, religious, and civil rights communities.

A native North Carolinian, Reverend Wingate earned his undergraduate degree from Fayetteville State University and doctorate degrees in education from George Washington University and theology from the Harvard Divinity School.

As pastor of the Purity Baptist Church here in our Nation's Capital, Reverend Wingate has been instrumental in organizing his congregation in community service. In addition, he has played an important role within the American Baptist Church, U.S.A., as a member of its general board.

At the same time, he has made important contributions to the quality of education in the District of Columbia, serving on a number of educational associations.

Finally, and from my perspective most significantly, Reverend Wingate has been a most active president of the Washington Chapter of the Southern Christian Leadership Conference, the organization founded by Dr. Martin Luther King, Jr., to work for justice through nonviolent social change.

I am sure you join me in welcoming Rev. J. Terry Wingate to the U.S. House of Representatives

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3133, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. ROGERS. Reserving the right to object, Mr. Speaker, has the gentleman cleared this with the minority?

Mr. WHITTEN. We cleared it with the minority earlier, with the gentleman from Massachusetts (Mr. CONTE) and others, so I know of no objection to it.

I see the gentleman from New York (Mr. GREEN) is here now.

Mr. ROGERS. I yield to the gentleman from New York.

Mr. GREEN. Mr. Speaker, the Minority has no objection.

Mr. ROGERS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

Mr. ROGERS received all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF A MOTION TO RECEDE AND CONCUR WITH THE AMENDMENT IN THE AMEMDMENT REPORTED FROM CONFERENCE IN DISAGREEMENT ON HOUSE CONCURRENT RESOLUTION 91

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 243 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 243

Resolved, That upon the adoption of this resolution it shall be in order, clause 2 of rule XXVIII to the contrary notwithstanding, to consider the conference report and amendment reported from conference in disagreement on the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986. The Senate amendment reported from conference in disagreement, and the motion to recede and concur therein with an amendment printed in the joint statement of managers accompanying the conference report, as modified by the correction printed in the CONGRESSIONAL RECORD of June 22, 1983, by Representative Jones of Oklahoma, shall be considered as having been read when called up for consideration, and said motion to recede and concur with an amendment shall be debatable for not to exceed two hours equally divided between Representative Jones of Oklahoma and Representative Latta of Ohio.

SEC. 2. The allocations of spending responsibility to committees of the House printed in the Congressional Record of June 22, 1983, by Representative Jones of Oklahoma, shall be considered to be the allocations required to be printed in the joint statement of managers on H. Con. Res. 91 pursuant to section 302(a) of the Congressional Budget Act of 1974 (Public Law 93-344).

The SPEAKER. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the usual 30 minutes, for the purpose of debate only, to the gentleman from Ohio (Mr. LATTA), and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 243 waives clause 2, rule XXVIII (the 3-day layover rule) against consideration of the conference report and the amendment reported from conference in disagreement on House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984.

The rule provides that the Senate amendment reported in disagreement and the motion to recede and concur with an amendment printed in the joint statement of managers accompanying the conference report—as modified by the correction printed in the RECORD by Representative JONES of Oklahoma—shall be considered as having been read. Under the rule, the motion to recede and concur with an amendment shall be debatable for up to 2 hours, with the time equally divided between Representative JONES of Oklahoma and Representative LATTA of Ohio.

Finally, the rule provides that the committee spending allocations printed in the CONGRESSIONAL RECORD of June 22, 1983, shall be considered the allocations required to be made by section 302(a) of the Congressional Budget Act of 1974.

Mr. Speaker, the conference committee on House Concurrent Resolution 91 reached a compromise late last Monday on the first budget resolution for fiscal year 1984. Because certain provisions of the agreed upon resolution exceed the scope of the conference by falling outside of the range between the corresponding House and Senate provisions, the conference committee reported back in technical disagreement. The House managers of the conference intend to offer a motion to recede and concur in the Senate amendment with an amendment consisting of the agreed upon budget resolution. Such a motion is privileged and ordinarily would not need a rule to allow consideration. However, because the House managers of the conference were unable to file their report on Monday, the Committee on Rules has proposed a waiver of clause 2 of rule XXVIII (the 3-day layover rule) to allow consideration of this matter today.

Also, since a motion to recede and concur with an amendment is considered in the House, only 1 hour of debate would ordinarily be allowed. Because of the importance of this matter, however, the rule provides for 2 hours of debate.

Because the statement of managers printed in the RECORD on June 21 contained some typographical and technical errors, House Resolution 243 directs that this statement be modified by the corrections printed in the RECORD of June 22, 1983, by Representative JONES of Oklahoma.

Finally, the Congressional Budget Act of 1974 requires that the section 302(a) committee spending allocations be printed in the joint statement of managers on the concurrent resolution on the budget. Because of the short time allowed for filing this statement, the section 302(a) allocations were not included. House Resolution 243, therefore, provides that the committee spending allocations printed in the RECORD of June 22, 1983, by Representative JONES of Oklahoma shall be considered to be the allocations required by section 302(a) of the Budget Act.

Mr. Speaker, I will not take any time to explain the provisions of the budget resolution to be considered here today. The distinguished chairman of the Budget Committee, Mr. JONES, will do that after we have adopted this rule. I do, however, want to express my strong support for the budget resolution the members of the conference committee have agreed to. I believe it is a fair budget which carefully balances the need to reduce the awesome budget deficits we are facing with our responsibility to provide for national security, spur the recovery of our economy, and meet the legitimate social, educational, and health needs of our citizens.

I also want to state that I am a strong advocate of the congressional budget process. Without such a process, we will never be able to bring Federal spending under control or fairly and efficiently allocate the resources of the Federal Government. I ask everyone here to consider carefully what the failure to adopt a budget resolution this year would do to our ability to function as responsible decisionmakers, and I challenge anyone who is opposed to the budget proposed here today to put forward an alternative which could be adopted by this House and the other body. Because I do not believe such an alternative exists, I believe the failure to adopt this conference agreement here today would seriously jeopardize the future of a meaningful congressional budget process.

Mr. Speaker, I urge adoption of House Resolution 243 and of the budget resolution we will consider after adoption of the rule.

I yield to the gentleman from Ohio (Mr. LATTA) for the purposes of debate only.

□ 1030

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as you know, the majority leadership is attempting to push through today a budget resolution which is not a responsible approach to the economic problems facing this Nation.

Yesterday afternoon in the Rules Committee a rule was reported waiving the usual requirement that a conference agreement be available for 3 days before consideration of the rule. Thus many Members will not have an adequate opportunity to study the contents of the budget resolution nor will the American people have an opportunity in this short period of time to review it.

The rule provides for 2 hours of debate. I might say if I had objected yesterday and offered an amendment we would be here today with only 1 hour of debate on 859 billion dollars' worth of spending for fiscal year 1984.

Also, Mr. Speaker, I think it is well to point out that in this budget resolution, buried deep, where not very much light can be shed upon it, there is a paragraph raising the level of the public debt. For fiscal year 1983 the level of the public debt would be $1,389,200,000,000 and for fiscal year 1984, $1,607,450,000,000.

For fiscal year 1985 the appropriate level of the debt would be $1,804,000,000,000 and for 1986 $1,993,750,000,000.

Mr. Speaker, we are not talking about small figures. We are talking about some large figures and some heavy expenditures and more debt for our grandchildren.

Yet, we are only going to be talking about it here today under this rule for 2 hours.

Mr. Speaker, as far as the rule otherwise is concerned, I have no objection to it. But the conference substitute is something that needs a lot of light today for the American people to understand it because it calls for $73 billion in new taxes over the 3 years, $12 billion in new taxes for fiscal year 1984, $15 billion in new taxes for fiscal year 1985, and $46 billion in fiscal year 1986.

It also reverses a trend that was started 2½ years ago to rebuild this Nation's defenses. It will start us on a glidepath downward and certainly I think it is most important that we examine thoroughly what is happening to our defenses under this budget resolution.

Mr. Speaker, I will have more to say about the resolution itself under the general debate on the resolution.

Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I am going to try to be calm, cool, and collected and not be shrill, because I am sure we will hear that as the day goes along. But I would like to advise my colleagues, since we are talking about the rule, that this rule is defective by itself.

This rule does waive the 3-day rule. It is very curious that when it is convenient for the majority to be able to complain about making sure we comply with the rules that everybody has had a chance to see the budget, then that is all right. But when we want to shove it right through, take it up on the same day we are taking up the tax bill, then, all of a sudden, it is all right to waive the 3-day rule.

It was said yesterday in the Rules Committee by the chairman that the Members have had 2 days to look at the conference report. The rules require 3 days. Why have we not complied with the rules? What would have been wrong with considering this on Tuesday or Wednesday of next week to give the Members an opportunity to take a look at what is really in this $859 billion spending bill. But the rule waives that.

Also, the request that came from the Budget Committee would have only allowed for 1 hour of debate, as the distinguished ranking minority member of the Budget Committee pointed out.

Now, the rules under which we would have ordinarily proceeded would have allowed 5 hours, but because it was being brought up with an amendment in disagreement, because of that technical deviation we would have had only 1 hour. We now have 2 hours to discuss this "great instrument of budget restraint" that we have before us.

So do not believe that this is a nice, unoffensive rule. It is not. It does waive a very important rule and we do have only 2 hours to debate this issue.

I would like to speak briefly about the process itself. I, like the gentleman from South Carolina, have supported the Budget Act from its inception. I

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voted for it in the beginning. I think we should try to make it work.

I know that there are attacks on the budget process from some of the authorizations committees and the Approporiations Committee, but I say to the distinguished chairman of the Budget Committee and his lieutenants who are sitting with him here on the floor today, this budget resolution does great damage to the budget process.

As a matter of fact, what we are doing here today may not be praising the budget. In fact, it may be burying it right here along with the budget process. We are doing a great disservice.

What I do not understand is why we made it so political this year. In the past we had a tacit understanding around here that we would expect politics on the budget process in election years. But this time we started to play politics with the process early, often, and the budget has wound up in the same way as it started, as a political document, a partisan political document. That is all it is. Everybody knows it.

We probably ought to ask unanimous consent to go ahead and vote and dispense with the debate, because it is strictly a political document and we all know that.

And the American people know that, too. We are not fooling them. Nobody is fooling them.

But I do worry that we are undermining the whole Budget Act. When we go back home and try to explain to our constituents that for years we never had a budget process, that we just added up the bottom line and only looked at what is coming in and what is going out, they do not understand how we could have operated that way.

Since 1974 we have been trying to make the budget process work. Occasionally we have made it work. I think it worked in 1980 under a Democratic President. It worked in 1981. It did not work too beautifully in 1982, but we have been making an effort.

This budget undermines the process and the advantage that we have gained in the past 3 years. Is this the best we can do? No, this is a requiem for disaster—it should collapse in a pile of irrelevant ashes.

We have defeated budgets in the past, and we have come back again and again until we finally pass a budget resolution. I want you to think about that fact. It would not hurt a thing; in fact, we might improve this budget resolution if we defeated it. We could even save a lot of time if we just defeated the rule to stop this process right now.

But I want my colleagues from Oklahoma, California, Missouri, and Texas, and from Indiana and South Carolina to think about this: Can you go back home and defend this kind of spending increase, tax increase and cuts in defense spending?

I do not apologize for the latter at all. We have cut what the President asked for in defense at least in half. If you will look at the appropriations bills that have been coming through this body, so far, every one of them have been over the budget except two: The military construction bill, which we passed, and the defense bill. They are the ones that stay within the budget every year. Everything else exceeds the budget.

I want you to go back home and defend this budget resolution, and I tell you that you going to have to, and you are going to hear about it often.

Let us give this abomination a quiet, peaceful burial right now and defeat the rule. But if, for heaven's sake, we pass the rule, let us look at the substance of this resolution and admit that we can do better, defeat it, and come back with a better resolution.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I think at the very outset of the whole day's business today we ought to be honest with the American people and just say at the outset that today is a day devoted to politics, pure and simple. Today is not a legislative business day. Today we are dealing with politics.

The budget resolution we are dealing with is a political document. We all know it. It is never going to be implemented into law.

No reconciliation bill is going to pass calling for $73 billion in new taxes over the next 3 years to implement the budget resolution. We all know that.

I do not think the Congress is going to pass that big a tax increase, but if they did, the President will veto it. We all know there are more than enough votes in either House to sustain that veto.

The Ways and Means Committee chairman has already said on numerous occasions he cannot pass that much in taxes. We are not even sure the committee could give you that kind of a bill, much less pass it in the Congress or have it signed by the President. So let us just face it. The budget resolution we have today is just a political document and all of the debate and all of the rhetoric is just politics. We might just as well vote and save everybody a lot of time and save the money of printing the CONGRESSIONAL RECORD with all of this debate.

Second, the second item of business of today is the tax cap, which is not a tax cap. But we will talk about that later.

But that, likewise, is just a political act. That is not going anywhere either. Everybody knows that the President is going to veto that bill, and the other body probably will not even take it up. But if they did the President would veto it and, again, there are more than enough votes to sustain that veto.

So today, Thursday, is just a day of politics. It is a day of positioning, I suppose, for national elections. It is a day to give speeches and to make all kinds of sounds for the economy.

But, my colleagues, it is a wasted day. It is just a day of politics that is not going anywhere, not going to accomplish anything.

We would do better to go home and talk to our constituents about more meaningful things, or take up other forms of legislation, because this is not legislation.

We ought to let the American people know that at the outset.

This is politics pure and simple. That is all it is. And it is bad politics at that.

It is more of the taxing and taxing and taxing and spending and spending and spending, doing nothing for the ultimate budget deficit or problems facing this country.

I yield back the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. LOEFFLER).

□ 1045

Mr. LOEFFLER. I thank the Speaker.

Mr. Speaker, we are today in a position to say to all Americans that economic recovery is underway. In fact, all economic indicators are very positive, but for one indicator. Our worst economic indicator is the U.S. Congress.

The House budget resolution which was brought to us earlier in the year, was irresponsible. The Senate did no better and the conference has come out with something that can be labeled as the most ridiculous budget resolution ever to be brought to us out of conference. In fact, it means we are returning again to the past 20 years of a high spending, high taxing Congress.

In my judgment, this reflects economic shortsightedness, political gluttony, and legislative buffoonery. It is a vicious device for building in even greater looting of the American people than we have seen in the past. The U.S. Congress is ducking its fiscal responsibility, there is no question about it.

Mr. Speaker, this budget resolution which we will be debating later during the course of the day is one that reflects an increase in domestic spending over and above what the President asked for, an increase in taxes, a reduction in defense, and an increase in the deficit for fiscal years 1983 and 1984.

This is precisely what has precipitated the past spirals of increased inflation, higher interest, greater unemployment.

Today we have an opportunity to vote down such an irresponsible budget and allow the Congress to work in a responsible, credible way to give the Nation guidance and direction from fiscal policy that can sustain a recovery that is underway.

As we look at the domestic spending, the increase in domestic spending will mean greater deficits which will bring about greater inflation and higher interest; it will begin to wreck the positive strides that are now underway.

Higher taxes do nothing but stifle productivity and take away individual initiative and economic incentives which in turn will prevent the creation of real and lasting jobs that are so necessary.

In my judgment, no nation can tax itself into prosperity. In fact, it is analogous to standing in a bucket and trying to lift yourself out by the handle; it just will not work

In addressing the defense figures, the President had asked for a 10-percent real increase in defense spending. The budget resolution before us today calls for a real increase of defense spending in the range of 5 percent for fiscal year 1984.

I believe we need more. The 10-percent request was not sacrosanct, nevertheless 5 percent came out of conference because, in fact, the House-passed version had such an imprudent low ball figure of 2.8 percent real increase in defense spending.

Mr. Speaker, Washington's greed for spending far exceeds the taxpayers' desire and certainly ability to pay for all the programs that are outlined in this budget resolution before us.

As we go through the course of this debate today I am hopeful that Members on the Democratic side of the aisle will join us on the Republican side of the aisle to defeat this irresponsible budget resolution. If we must, let us go back to the Budget Committee, come out with something that is effective and that will work and that does not stifle our recovery and injure our Nation's defense policy.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I will be happy to yield to my colleague from Texas.

Mr. KAZEN. I thank the gentleman.

Mr. Speaker, my distinguished colleague knows how much I think of him and how much I admire him, how much I respect him. Would he not agree with me that what we have here today is also the product of the other body which is controlled by the gentleman's party and that were it not for that we would not have this bill here today?

Mr. LOEFFLER. As far as this gentleman is concerned, the House passed budget resolution which was forced through by the opposite side of the aisle from me in this body was absolutely ridiculous and the Senate-passed budget resolution was no better than ridiculous. So, I will defend neither body's budget resolution because I believe they both failed to meet the need of the American people, both from the standpoint of taxing policy, domestic spending policy; and as the gentleman and I have agreed so often, in the area of defense policy as well.

Mr. KAZEN. That may be so, my colleague, but when it comes to finger-pointing let us make sure that finger is straight and points at the target.

Mr. LOEFFLER. This gentleman will point fingers at all culpable entities including those on the other side of the Capitol.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman.

Mr. LATTA. Let me point out to the House and to the gentleman something that he seems to have overlooked about the passage of the budget in the Senate.

He indicated the Senate was controlled by the Republicans; that is absolutely true. But that budget resolution passed with 29 Democrat votes, 21 Republicans.

So, it was a Democratic budget that passed the Senate.

Mr. LOEFFLER. I thank my distinguished colleague.

Mr. MARTIN of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I yield to the gentleman.

Mr. MARTIN of North Carolina. Further, with regard to the support for this resolution in the other body, where there is indeed a majority of our party, does it not follow from what the gentleman from Ohio (Mr. LATTA) said that the majority of the Republicans in the other body voted against this resolution? It was only a minority of our party in the other body that supported this resolution.

So, it is hardly the work of our party.

Mr. LOEFFLER. I thank the gentleman and I urge my colleagues to defeat this rule and in the event that this passes to defeat the budget resolution which we will soon be debating.

I thank the Speaker.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the rule.

In my judgment the several hours of debate provided by the rule are insufficient for us to debate what is in the budget, and it is insufficient to give us the time to scrutinize the budget so we know what the House is voting on.

I note for the record that we had hours and hours of debate when the House budget came to the floor the first time. We had 4 hours of debate on the Humphrey-Hawkins bill. And that was only preliminary. Now, we have the main event, and this rule will restrict our debate to only 2 hours.

Two hours of debate, it strikes me, is hardly adequate to discuss $860 billion of mandated spending. This is also inadequate to discuss the extraction of $680 billion in taxes from the American people.

A responsible rule would allow more debate. Then it would be far easier to show the disastrous effects of this big spending budget resolution.

The budget resolution was an impossible compromise. The conferees, of whom I was one, worked very hard to produce a responsible budget, and to preserve the budget process.

However, one cannot reconcile a letter to Santa Claus, as the House budget was, with a liberal budget, which the Senate budget was.

And there was no way you could put those two together and make them spell "mother." We put them together and all they spell is "money."

There are many among us who say we must preserve the budget process at any cost. We must pass a budget whether it is any good or not.

I should like to state simply that for my part the process cannot be worth more than the product. And in this case the product is not worth anything.

The process has failed to give us a budget resolution that provides for a responsible fiscal policy. Therefore we have no reason to support the process.

Because we do not have time enough for debate of the failed product of the failed process, we have no reason to support the rule.

Mr. LATTA. Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Thank you, Mr. Speaker.

First of all, let me say that we are today talking about a Democratic budget that as the gentleman said earlier in the Senate a majority of the votes for this budget were Democratic votes and that the Senate committee chairman, in his eagerness to preserve the process, destroyed the substance.

This is a budget which no Conservative and no Republican who seriously cares about the President's program could possibly vote for.

In a different sense I think this is 4-D day, deceitful disaster day for the Democrats.

Unfortunately it is also a disaster for the American people. It is little wonder that the leadership is putting all of their economic insanity into 1 day, it is little wonder they postpone 1 minute, it is little wonder they shorten the time for the debate.

For the longer the American people look at today's two actions I think the more angry they will become.

This liberal Democratic budget is an assault on working Americans, this lib-

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eral Democratic budget threatens the recovery; by higher spending, bigger deficits and higher taxes it will push interest rates higher, it will slow down savings, it will kill jobs.

This liberal Democratic higher interest rate budget will cripple the recovery and the recovery is the best jobs program we have had.

In the last few months hundreds of thousands of Americans are being put back to work. Liberal Democrats who claim they care about unemployment are now proposing a budget which will in fact increase unemployment, abort the recovery, and extend misery for millions of Americans.

Despite the higher unemployment promise by the liberal Democratic budget it is a legitimate budget philosophically; despite the higher taxes promised by the liberal Democratic budget it is a legitimate budget, philosophically; despite the higher spending and higher interest rates offered by the liberal Democratic budget it is a legitimate budget, philosophically. I can understand why radical Democrats and liberal Democrats would vote for the budget. They believe in big spending, in higher taxes, they believe in larger Central Government.

However, the tax increase they will vote for later on today surprises me. The liberal Democratic tax increase offered today hits working couples, it hits small business, it hits small farmers, it will cripple savings.

Imagine, at $35,200 in taxable income a couple will have the highest tax, a higher tax increase than any other level except $45,000.

If you are rich, if you pay on above $85,000 in taxable income you are going to be all right; the liberal Democrats have taken care of you.

But at $35,200 taxable income a couple will face a 30-percent increase in the rates they are paying, the second highest jump and a jump exceeded only at $45,000.

Now, frankly, if the Speaker thinks that working couples with $35,000 income are rich, and they ought to vote Republican, I would gladly embrace every couple in America whose taxable income is $35,000.

The truth is, and every Member who has been involved in this debate knows this, the truth is that no one who is genuinely rich is affected by this cap, by this tax increase.

The truth is that Democratic Study Group originally proposed cutting the rich's tax rate from 70 to 50 percent, that the Democratic Ways and Means majority, passed out that tax lowering, that the rich are not affected, that the rich are laughing all the way to their accountant, because in fact, this is a targeted upper middle class tax increase aimed right at working couples and it peculiarly affects working couples. It is an incentive for divorce to avoid the Democratic tax increase.

In fact, this tax increase is I think a denial of most of the rhetoric of liberal Democrats.

However, since liberals and radicals genuinely believe in higher taxes it is understandable today they will vote for higher taxes.

If the key question for 1984 is "Who will spend your money?", liberal and radical Democrats can honestly answer they want to reach into your pocket and spend your money. That is a legitimate, honest, ideological position, ably represented by the Budget Committee in its efforts.

However, I am surprised and saddened to see some Democrats who know better and who do not believe in that, giving in.

The gentleman from Oklahoma, in particular, offered an amendment which was legitimate and I have here a copy of the original amendment, an amendment whose last sentence said,

> For purposes of the preceding sentence only action which will reduce outlays below $849 billion in fiscal year 1984 will be considered.

In the Rules Committee, the liberal and radical Democrats changed that to say that in fact it is a phony amendment. They cut out the operative sentence which made any sense.

And I beg my colleagues across the aisle, I expect all the liberals and radicals to vote for their budget, I expect them to vote for the tax increase.

Do not deceive yourselves or the people back home, I candidly do not know what you are doing.

But you know if you look at it in your heart that the Rules Committee version of that amendment is totally phony, it is inoperable, it will never happen, it is false and to go back home and hide behind that as an excuse to vote to raise taxes on working couples is indeed shameful and I think that amendment ought to be called the "Shame on you" amendment.

I thank the Speaker.

Mr. LATTA. Mr. Speaker, I have no further requests for time.

□ 1100

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, I will not get into the substance of the debate on the budget because we will have time for that in the general debate.

I merely want to clarify and correct some of the misimpressions that have been laid before the body in the debate on the rule.

The reason this rule was necessary, to have a 2-day instead of a 3-day layover, is that Monday of this week, when we asked for unanimous consent to have until midnight Monday night to file the conference report, normally speaking, the courtesy of the House grants that unanimous consent. The other side of the aisle objected to that, therefore, we had to go to the Rules Committee.

As far as the time limit for the debate on this, we are not setting any new precedents in discussing a budget resolution.

Normally a budget conference report in technical disagreement has been given 1 hour of debate, under House rules, not 2.

So I think this is a good rule. I think it ought to be adopted.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MARTIN of North Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 150, not voting 17, as follows:

[Roll No. 211]

YEAS—265

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Byron
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Daniel
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Hightower
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)

Luken
Lundine
MacKay
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Pritchard
Rahall
Ratchford
Ray
Reid
Richardson
Rinaldo
Rodino
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Seiberling
Shannon
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NAYS—150

Archer
Badham
Bartlett
Bateman
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gingrich
Goodling
Gradison
Gramm
Gregg
Gunderson
Hammerschmidt
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hunter
Hyde
Jeffords
Johnson
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Paul
Petri
Porter
Pursell
Quillen
Regula
Ridge
Ritter
Roberts
Robinson
Rogers
Roth
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith, Denny
Snyder
Solomon
Spence
Stangeland
Stump
Taylor
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—17

Alexander
Bethune
Erlenborn
Feighan
Garcia
Hansen (ID)
Heftel
Leach
Martinez
Rangel
Schumer
Simon
Smith, Robert
Sundquist
Thomas (CA)
Towns
Wirth

□ 1115

The Clerk announced the following pairs:

On this vote:

Mr. Alexander for, with Mr. Erlenborn against.

Mr. Garcia for, with Mr. Thomas of California against.

Mr. Heftel for, with Mr. Sundquist against.

Mr. Rangel for, with Mr. Robert F. Smith against.

Mr. Towns for, with Mr. Hansen of Idaho against.

Messrs. LEWIS of California, WINN, and BOEHLERT changed their votes from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER CONSIDERATION OF THE BILL MAKING APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA FOR FISCAL YEAR 1984

Mr. DIXON. Mr. Speaker, I ask unanimous consent that it be in order to consider the bill making appropriations for the Government of the District of Columbia for the fiscal year ending September 30, 1984, section 303(a) of Public Law 93-344 to the contrary notwithstanding.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1183, TAX RATE EQUITY ACT OF 1983

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 242 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 242

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1183) to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and amendments made in order by this resolution and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except: (1) the amendments recommended by the Committee on Ways and Means now printed in the bill, which shall not be subject to amendment, and all points of order against the amendment recommended by the Committee on Ways and Means now printed on page 2, lines 6 through 17 for failure to comply with the provisions of clause 7, rule XVI are hereby waived; and (2) the amendment printed in the Congressional Record of June 22, 1983 by, and if offered by, Representative McCurdy of Oklahoma, said amendment shall not be subject to amendment but shall be debatable for not to exceed thrity minutes, to be equally divided and controlled by Representative McCurdy and a member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 242 provides for the consideration of H.R. 1183, to proceed to the consideration of H.R. 1183 in an orderly and expeditious manner, House Resolution 242 provides for a modified closed rule, allowing for general debate. The rule makes in order committee amendments adopted by the Committee on Ways and Means which are to be considered under the 5-minute rule, and an amendment printed in the CONGRESSIONAL RECORD of June 22, 1983, by, and if offered by, Mr. MCCURDY which is debatable for 30 minutes. Neither the committee amendments nor the amendment to be offered by Representative MCCURDY are themselves amendable under the rule.

House Resolution 242 provides that after 2 hours of general debate, the bill shall be considered for the purposes of amendment under the 5-minute rule and that the bill shall be considered as read. The Committee of the Whole would then consider the amendments to be offered by the Committee on Ways and Means under the 5-minute rule. After consideration of the committee amendments, the rule provides for the consideration of

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the McCurdy amendment for a period of time not to exceed 30 minutes. None of the amendments made in order are amendable. Finally, during consideration of H.R. 1183 in the House, the rule provides for one motion to recommit.

In order to allow the House to consider H.R. 1183 in an expenditious manner, it was necessary to waive points of order against its consideration pursuant to clause 2(l)(6) of rule XI, which prohibits the consideration of a measure until the third day on which a report on such measure is available to the House. H.R. 1183 was ordered reported on June 16, but the report was not filed until June 21 to allow Members time to file minority views. Consequently, the bill could not be considered today without the waiver.

The rule also waives points of order against the consideration of the first committee amendment and the amendment to be offered by Representative McCurdy for failure to comply with clause 7 of rule XVI, which requires that amendments to a measure be germane to the measure. The first amendment to be offered by the committee specifies that any revenues raised by the tax rate changes in the bill should be used to reduce the deficit. In addition, the amendment to be offered by the gentleman from Oklahoma (Mr. McCurdy) would repeal the tax rate changes in H.R. 1183 on January 1, 1984, unless an equivalent level of outlay reductions is enacted by that date. Both of these amendments contain provisions not germane to the bill as introduced and therefore require a waiver of clause 7, rule XVI.

House Resolution 242 provides for the consideration of H.R. 1183, to amend the tax rate changes contained in the Economic Recovery Tax Act of 1981 (ERTA).

On July 1, 1983, the third year tax cut mandated by ERTA will become effective. H.R. 1183 would limit the maximum resulting tax savings available to individual taxpayers in 1983, 1984, and years following.

The bill would affect only taxpayers filing joint returns reflecting approximately $45,000 of adjusted gross income (or $35,200 of taxable income), and single taxpayers filing returns of $35,000 in adjusted gross income (or $28,000 of taxable income).

Under the provisions of the bill, taxpayers filing joint returns for 1984, could realize no more than $720 in tax reductions. The maximum reduction for single taxpayers would be $637 and heads of households could receive no more than $673. Because the 1983 tax cut does not take effect until July 1, the maximum allowable tax savings applicable to tax year 1983 would be one-half these savings cited for tax year 1984.

H.R. 1183 as reported would also provide that all revenues raised by establishing an upper limit on allowable tax reductions would be applied toward reducing the Federal budget deficit.

The Committee on Ways and Means estimates that by so limiting tax savings, $6.2 billion can be raised in fiscal year 1984 and an additional $39 billion can be raised through fiscal year 1988.

Mr. Speaker, both the Federal budget deficits we are currently experiencing and those that have been projected by the CBO are of a frightening and unprecedented magnitude. Even the administration projects a Federal budget so submerged in red ink that a fiscal catastrophe is imminent if Congress does not generate sufficient political will to take action to reduce these deficits. Adoption of this rule will allow the consideration of the first piece of legislation to be considered by the 98th Congress that will reduce the deficit by beginning to restore this Nation's shattered revenue base.

This rule also addresses the concerns of many Members on both sides of the aisle that today's action not be confined to revenue restoration but instead be directed toward reductions in spending beyond those already called for in House Concurrent Resolution 91, the first concurrent resolution on the budget. Accordingly, the rule makes in order the amendment to be offered by Representative McCurdy of Oklahoma. The McCurdy amendment repeals the tax rate changes of H.R. 1183 unless legislation to reduce Federal spending by an equivalent amount to the revenue increase in the bill is enacted by the end of this year. Although Representative McCurdy's amendment is clearly beyond the scope of H.R. 1183, which concerns itself solely with revenues, the Committee on Rules crafted a rule to allow the House to work its will on the spending issue.

I would like to emphasize two points with respect to the McCurdy amendment made in order by the rule. The revenues restored by H.R. 1183 would only partially fulfill the mandate of the conference agreement on the bipartisan budget resolution. The budget resolution, reflecting a consensus between the House and the other body, require a $12 billion increase in fiscal year 1984 revenues, of which H.R. 1183 would account for only half. On the other hand, the McCurdy amendment would mandate spending cuts of $6 billion, a sum far beyond the outlay reductions required in the budget agreement.

The McCurdy amendment made in order is specifically designed to ensure true spending reductions not tied to an arbitrary baseline. This takes into account the sensitivity of the outlay projections in the budget resolution to economic trends. For example, many of my colleagues on the other side of the aisle have been concerned that the economic assumptions used in the budget resolution are too pessimistic to reflect the hoped-for economic recovery. If more optimistic assumptions do prove true, bringing with them outlay reductions, them reductions below a preset baseline would be automatically achieved without legislative savings. Consideration of the amendment without reference to the outlay levels in the first concurrent budget resolution will endure that the House has a chance to vote on real, rather than possible spending cuts.

I would add that the heart of the first concurrent resolution on the budget for fiscal year 1984 is the reconciliation instructions requiring committees to cut spending or increase revenues. Those who doubt the sincerity of the amendment to be offered by the gentleman from Oklahoma will have the opportunity to vote for real deficit reduction when the conference report on the budget resolution is before us later today.

Mr. Speaker, even today, even at this late date, we will hear that the administration's 1981 tax bill was fair because it was across-the-board, as if the measure existed in a vacuum and that single assertion contained all that needed saying. The Members of this House know better.

David Stockman himself laid out the facts as far back as 1981 in his famous interviews that lead to the Atlantic article:

> The so-called across-the-board tax cut was always a trojan horse to bring down the top rate . . . the rest was secondary.

Yet, this was only the beginning of the problems. This Congress has historically recognized the regressive nature of our social security tax and adjusted personal income taxes to restore equity. The 1981 tax cut did not.

Today, we can no longer avoid the costs of the 1981 tax bill. While working families with $25,000 incomes will actually see a slight tax increase, those making more than $200,000 will receive a 15-percent tax cut.

These are not the priorities of the American people and we can abandon their priorities with only the greatest risks.

The equity of our tax system is more than a mere academic issue. It is the foundation of this body's ability to call upon its citizens. It is the most basic expression of the values held dear by our Nation.

H.R. 1183 moves decisively to correct the inequities of the 1981 tax bill. Those who say it comes at the expense of the middle class confuse the facts. A full 89 percent of the new revenues raised by this bill come from those making over $50,000 a year, a full 60 percent from those making more than $75,000.

What is the alternative to H.R. 1183 offered by the administration? It is the contingent tax increase outlined in the administration's budget. That alternative is the final measure of today's debate.

In the face of the present deficit, this body can vote today to control interest rates or it can hide behind a shadow tax and wait until tomorrow, hoping the wait itself will not cause further damage.

In the face of the tax inequities of the 1981 bill, this body can restore fairness to our tax code by a graduated tax, or it can wait until tomorrow and enact an additional, regressive energy tax and compound the inequities of the 1981 bill with an across-the-board surtax.

Each Member knows that it is always hard to raise taxes, but the deficits at hand leave us no choice except as to the means. I, for one, am proud of the means chosen by H.R. 1183, it is the choice of political responsibility.

Mr. Speaker, this is a fair rule, it is a good rule. I urge its adoption.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, this tax increase clearly illustrates the difference in the philosphy of the Democratic Party and the Republican Party. Let us not kid ourselves. This rule makes in order a tax increase for the American people. And this House must not stand idly by and see this happen.

Our economy is on the road to recovery. The 10-percent tax cut effective July 1 is now law. When you put a cap on the tax reduction, then what you are doing is adding a tax over what current law provides. It really is a jobs disruption bill rather than a cap on the income tax reduction of $700. If we choose to let the Government take these tax dollars, instead of letting the taxpayer keep them, we will be soaking up money that could be in circulation in the private sector, creating jobs and helping the economy.

I am proud of the progress we have made over the last 2 years in our economic recovery. I would think we would know that the Democratic Party is a spend, and spend, and spend, and tax, and tax, and tax party. The Republican Party wants to give the American middle-class people a tax break so that they can put more money into the economy, create jobs, and help our recovery go forward at a greater speed. It is time we told the American people the facts in this case. We should not use smoke and mirrors to fool them. The people who will suffer the most are two-earner couples, with both husband and wife having to work just to keep up with the inflation of the seventies. They will not be able to buy the home or the new car they want. They will not be able to make the purchases that will create jobs for their fellow Americans.

☐ 1130

That is why this truly is a jobs disruption measure, and a tax increase that the American people will not stand idly by and let it happen. The full 10-percent tax decrease should go into effect July 1, and we should not change that policy.

Over the years we know that our debt limit has increased to a shocking level. Here the Democratic Party wants a tax increase. They do not call for a reduction in spending. To me it would be a greater thing for this House to tighten down and cut expenditures in the wasteful and unnecessary programs, rather than putting a smokescreen out. Actually, what we are doing is taking the money out of the pockets of the people who deserve it more than anyone else.

Take the two-earner family. This measure as proposed by the Democrats cuts the tax reduction of those people, and has the effect of cutting the marital deduction that was put into effect in 1981. We know that the maritial deduction was a very favorable thing when it took effect. This bill seeks to tell such couples with just over $35,000 in joint income that their marginal tax rate will increase 9 percent. That is a tax increase.

I would ask this House, the Members of this House, to think before voting. Vote down the previous question. Vote down this rule. And then if it comes to pass that we must vote on final passage of the measure, let us vote against it. Let us not continue to deceive the American people. I think we have to face up to the fact that this is a tax increase, just a plain and simple tax increase. Let us vote it down.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. McCurdy).

Mr. McCURDY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this rule because I believe it is a fair rule. I believe it is important that we address the question today of the deficit. I believe that my colleagues on the other side of the aisle have defaulted on the issue of deficits. They have not even presented a budget. The budget that President Reagan submitted was not even introduced by the Republicans in the House.

I think it is important for us to realize that the deficits are the biggest danger and threat to economic recovery in this country today and we have to move to address them.

Today I will offer an amendment to tie dollar-for-dollar reductions to the revenues raised on this cap. I urge my colleagues to support this amendment. I urge my colleagues to support the rule. It is a fair rule. It is not a perfect rule, but it is one that I wholeheartedly support.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Gramm).

Mr. GRAMM. I thank the gentleman for yielding this time to me.

Mr. Speaker, if the gentleman from Oklahoma would stay at the microphone, I would like to ask him a few questions about this dollar-for-dollar cut.

I would like to first ask: What are we using as our benchmark in order to see if, in fact, there has been a cut in spending? What are we measuring from?

Mr. McCURDY. If the gentleman would yield, I would say to my colleague from Texas that if a budget resolution is adopted today, which I assume will be adopted, then it is my belief that the language when we consider it, and by the way, I will be glad to address this in more detail when I offer the amendment, that the figures which will be used are outlay figures in fiscal year 1984, and I am assuming if a budget is adopted today, that the budget outlay figure adopted will be the figure that we will use as a benchmark.

Mr. GRAMM. So the gentleman is saying that the outlay figure contained in the budget will be the figure the cuts are made from?

Mr. McCURDY. That is my interpretation, yes.

Mr. GRAMM. Now, is that in the amendment?

Mr. McCURDY. Outlay figures for fiscal year 1984 is the specific language in the amendment.

Mr. GRAMM. The amendment actually says outlay figures for 1984 as adopted in the 1984 budget. It was my understanding that the portion of the bill that set out a benchmark was struck, and I think this is important because we in this House adopted a budget last year with a commitment that we would get $3 in cuts for every dollar in revenues.

When we asked the Secretary of the Treasury to go back and figure what we actually got, we got 57 cents of spending cuts for every dollar in revenues.

The SPEAKER. The time of the gentleman from Texas (Mr. Gramm) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Texas (Mr. Gramm).

Mr. GRAMM. Mr. Speaker, we are talking about a permanent tax increase, but do we have assurance that we will have a permanent spending cut? Is there any assurance that this will tighten eligibility requirements for an entitlement to give us a continuing spending reduction over future years equivalent to this amount, or are we simply hoping to get $6 billion of cuts—with no baseline to define it this year—in return for a permanent increase in taxes on middle-class Americans?

Mr. McCURDY. If the gentleman would yield further, I would say to the gentleman that I think this is a step in the proper direction, a step in the right direction, and that we are facing today what I have been trying to express on this side of the aisle: that we believe that the money raised, the revenue raised by this tax cap should go to reducing the deficit and should be applied to the deficit. We have gone one step further by indicating that we believe this should be accompanied by a dollar-for-dollar reduction.

Mr. GRAMM. Mr. Speaker, if I may reclaim my time, let me make this point: First of all, before we ever vote on this tax increase, we are going to vote on a budget that raises the deficit $13 billion above the level recommended by President Reagan, raises taxes by $10 billion, cuts defense by $12 billion, and raises domestic spending by $29 billion.

It seems to me that the gentleman started out with a good intention of defining a baseline and setting out an objective for Congress, although it was in no way binding. We have now what is a phony proposal to allow people to vote to raise taxes in exchange for some claim that we will get spending cuts somewhere down the line, although not cuts defined by a baseline and not specific cuts aimed at achieving permanent savings.

It seems to me that we have seen a legitimate effort turned into a sham.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague, the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman for yielding.

Mr. Speaker, in response to the gentleman from Texas, I would say that there are no absolute assurances. There is never an absolute assurance coming out of this body that what is stated will be achieved, but I can assure the gentleman from Texas that this Member, and I believe a large number of Members on this side of the aisle, are committed to enforcing a reduction dollar for dollar, and furthermore I think our assurances are a heck of a lot better then the one President Reagan gave that he would balance the budget by 1984.

Mr. BONIOR of Michigan. Mr. Speaker, the real sham in this argument is the argument that we need a baseline.

The McCrudy amendment is specifically designed to insure true spending reductions that are not tied to an arbitrary baseline. This takes into account the sensitivity of the outlay projections in the budget resolution and economic trends.

A lot of my colleagues over here on the aisle are saying the economic assumptions in the budget are wrong, they are not optimistic enough, they do not deal with the recovery situation. Well, let us assume that we have these more optimistic assumptions and they do prove true, bringing with them the outlay reductions, reductions in food stamps, reductions in youth unemployment, reductions in unemployment compensation, reductions in welfare costs.

☐ 1140

Then these reductions will be below the baseline and we will not have to specifically deal with the $6 billion reduction if we have an arbitrary baseline. I might mention this to my liberal friends on both sides of the aisle: That if in fact the recovery does not take place, if we sputter and get ourselves in a situation where unemployment starts to increase again and where food stamps start to increase again, then that arbitrary baseline or that reduction below the arbitrary baseline will cause a tremendous amount of pain, and those of us on this side of the aisle will have to reduce that $6 billion if we are in fact above—way above it.

So the arbitrary baseline is a sham. It makes no sense, and I would suggest to my colleagues that if we really want to get a true $6 billion reduction in the deficit, we should deal with the McCurdy amendment as put out by the Committee on Rules.

I would like to make a couple of other points. Today, Mr. Speaker, even at this late date, we will hear that the administration's 1981 tax bill was fair because it was, as they say, across the board, as if the measure existed in a vacuum and that a single assertion contained all that need be said on this issue. The Members of this House know better.

David Stockman himself laid out the facts as far back as 1981 in his now famous interview in the Atlantic Monthly when he said, and I quote:

> The so-called cross-the-board tax cut was always a Trojan horse to bring down the top rate. The rest was secondary.

This is the architect of our tax plan who said:

> The so-called across-the-board tax cut was always a Trojan horse to bring down the top rate. The rest was secondary.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague, the gentleman from Oklahoma.

Mr. WATKINS. Mr. Speaker, I think the gentleman will agree with me that there is one bold-faced fact that is unquestioned and undebatable. It is that this administration has increased the benefits for the rich, and they have lowered the benefits for the poor.

With this kind of a tax cut, they increase the benefits going back to the more wealthy, and at the same time they are cutting benefits to the lower income people. They have widened the gap between the rich and the poor, those who have and those who have not. This administration's philosophy is that we can afford anything for our brethren who have, but we cannot afford to help the least of these brethren, those who are less fortunate. I think that is wrong—this is a policy that will divide this country.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican Party believes in less taxes. The President has said he will veto this measure, and he will, so it is not going anywhere. This is an operation in frustration.

I would like to say again that it is a plain and simple tax increase, make whatever statement you want about it, but in the end the American people are going to realize that is exactly what it is.

Mr. Speaker, I yield 6 minutes to the distinguished minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, after today, there will be no doubt in anyone's mind that this is truly the Greatest Show on Earth, and that the Speaker of the House is truly a great ringmaster. I have to hand it to him. The manner in which this bill is being brought before us is a stroke of genius.

Just look at how this was put together. The budget was brought up so fast today few, if any, really knows what is in it. None of us in the opposition have had the time to really make the kind of case that probably ought to be made against it.

It was brought to us in a rush so that the revenue numbers would be in place in time to bring up this tax bill, making it easier for Members to vote a tax increase. But just to make doubly sure the tax increase would not cause too much heartburn, the Rules Committee made in order an amendment coupling the tax increase with spending reductions which were talked about previously by the gentleman from Texas (Mr. GRAMM) and the author of that amendment. Of course, the spending reduction is not a reduction, as I would have to reaffirm, because it simply does not have a baseline. It means that you can spend more and say you spent less. That is really what it means.

Then we have the tax bill itself. I ask the Members, "Isn't that a gem?" If you play with the numbers just right, you can make it look like only the wealthiest of Americans are being

gouged, and, oh, how popular that is politically.

I saw some of the numbers pop up in one of the papers in my district recently. No mention was made of the number of middle-class working couples or the $29,000-a-year single people who are going to be hit with this tax increase—just talk about that magic $50,000 income figure.

I can see the press releases on the Democratic side now: "I voted for a budget, a spending reduction, and a tax increase for the rich, all in one day. Doesn't that make me look good? All in one day."

Of course, the tax increase will never see the light of day, as the gentleman from Tennessee, (Mr. QUILLEN) just said. We all know that. So no one will ever feel the pinch this year, or next year, an election year, and no one will be complaining about higher taxes. Well, I guess I should say, "I'm sorry, Mr. Lincoln, maybe it is possible to fool all the people all the time."

As I said, Mr. Speaker, it is a real stroke of genius.

In my tenure in this House, there have not been too many times when we have considered legislation solely for the purpose of giving Members something to write about to the folks back home or drafting a plank in the Democratic platform for next year. But we seem to be doing a lot of that in this Congress. Some people seem to think that this institution's sole purpose is to guarantee the election of its Members.

I know it is highly irregular, but I would like to just say a few words about the merits of this legislation. It is, after all, an abomination.

This is reactionary legislation. It seeks to drag us back to the days of higher and higher taxes. It is punitive legislation. Its obvious desire to punish millions of Americans is cloaked with the latest rhetoric of demagoguery, about "fairness." Oh, that wonderful word, "fairness."

President Reagan and the vast majority of the American people wanted a tax rate reduction 2 years ago, and we campaigned on that pledge. The Democratic leadership did not; they made it quite clear they were opposed to what we had in mind. They fought a desperate battle against it.

First of all, rather than 30 percent, as the President wanted, they wanted less than half of that. We finally settled on 25 percent of it. And then, too, the effective date, instead of January 1, 1981, when we needed the stimulus to combat the recession, was delayed, delayed and delayed until October 1. A 5-percent reduction effective that late in the year turned out to be only 1¼-percent annualized.

But notwithstanding all that, the President and the American people, in my judgment, eventually won. So the Democratic leadership then mounted another attack on the third year of the tax cut and the whole concept of indexing that is scheduled to take effect in 1985.

The President and the American people have repeatedly said no to these Democratic proposals very loudly and clearly.

Now we have this latest attempt. This is not economics. It is pure political spite because the President has so obviously been right while the Democratic leadership has been wrong about tax cuts.

The politics of spite is unworthy of this great body.

Mr. PEPPER. Will the gentleman yield?

Mr. MICHEL. I will yield when I have time.

The politics of spite, as I said, Mr. Speaker, I think, is unworthy of this great body, and the tax increase is a threat, frankly, to economic recovery, now that we are moving in that direction. It will not put a tiny little dent in the deficit, but it will stifle growth, which is really our only salvation from huge deficits.

This tax increase is a slap in the face to millions of middle-income Americans and their families. They are the ones who pay most of the taxes, do most of the work, build the families, and contribute to their neighbors' and their communities' well being.

I suspect that this tax increase will have a negligible effect on the wealthy in our society. Those in higher income tax brackets—shucks, let us face it—they got taken care of in the initial reduction, and that was not proposed on our side of the aisle, it was proposed on the Democratic side of the aisle. The reduction from 70 to 50 percent in unearned income came from over there, as well as reductions in corporate taxes and capital gains taxes.

The SPEAKER. The time of the gentleman from Illinois (Mr. MICHEL) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 1 additional minute to the gentleman from Illinois (Mr. MICHEL).

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Mr. MICHEL. I thank the gentleman for the additional minute.

So we can talk this political game just as well as you folks can over there, but I think we ought to get right back on the track and make absolutely sure and reassure the American people that those massive, middle-income, low-income people out there, are going to get their third year of the tax cut.

If we talk about fairness and equity, this is the reduction that really brings them up to getting equity with those who have already gotten theirs before.

This tax increase is a fraud. It will never be enacted. If this House is irresponsible enough to enact it, it is doubtful the Senate will. If the Senate does, the President will veto it, and we in this body will sustain the veto. I assure you of that right here and now.

This tax increase is the product of false advertising. It is not a cap on the third year. It is a permanent change in the tax schedule that will impose higher taxes on anyone with $35,200 in adjusted income from now on.

When are we going to stop. When are we going to pull the needle out of the arm of this Congess and kick the habit? Tax increases are monkeys on the back of the Nation.

This one is the worst, because it has no redeeming economic value.

I am going to vote "no" today. I am not going to play these political games. And when your political salesmen start pumping out the baloney about Republicans favoring the rich, I will just remind people exactly who it is the Democrats think are rich.

To you, its the guy who just got out of school and landed his first engineering job, or the policeman and his wife, the nurse, trying to make ends meet on two salaries, or the guy who just got his long-awaited promotion to office manager who thought he can now do a few nice things for his wife and three children.

I will tell them you think they are rich and living too high on the hog. We will see.

Mr. Speaker, I would urge Members to vote against the previous question and give us the opportunity to offer a proposal for real spending reductions rather than tax increases as a means of narrowing the deficit.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I yield to my colleague, the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, our distinguished brethren on the other side of the aisle who have heretofore been referred to as the defenders and protectors of the rich have now assumed the role of the protectors of the middle class. They are making a great deal to do about this amendment, this proposed change in the tax law, taking away so much money from the middle class.

I think what should not be overlooked is that under the 10-percent tax reduction which the administration forced through this House in 1981, there was a 10-percent across-the-board reduction. Well, that means that if you had an income of $1 million a year, and there are several people in the United States fortunate enough to have that much income, you get $100,000 through the Reagan tax giveaway rescission program.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. Just one second. Your majority leader refused to yield to me and I have to exercise the same discre-

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tion, to my great regret, to the gentleman.

As I said, this provision, this change in the tax law, which is proposed by this legislation, would mean that that gentleman who was fortunate enough to make $1 million, who would have gotten $100,000 of tax giveaway, kickback, under the Reagan tax rescission program, will only get $720.

I think the American people can understand that very well.

I said the other day that this has added a great deal to the understanding of the subject by the people of this country, because the ordinary working people, and I understand that two-thirds of the people of this country have an annual income of less than $20,000, and they understand how much $720 tax rescission, tax giveaway, or tax benefits is.

All this does is simply limit to $720 the amount of taxes that the Reagan giveaway program can give away. I think that is a salutary modification.

I am very sorry that your leader set the precedent of not yielding to his colleague, who made a respectful request. I shall exercise the same discretion and express my deep regret that the manners exhibited on that side would prohibit me from being courteous on my side.

Mr. ROGERS. Will the gentleman yield to this gentleman, and not to the minority leader?

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to call to the attention of the chairman of the Rules Committee that his facts are perhaps in error.

Really, I think the gentleman from Florida is incorrect and that it is not fair to the American people for such a distinguished gentleman to possibly leave the wrong impression.

This bill provides a tax increase for two-earner couples, a man and wife who must work to eke out a living. It is a tax increase for them.

It is a tax increase for the farmers. It is a tax increase for small businesses. It is a tax increase for moderate-income people.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. Lott).

Mr. LOTT. Mr. Speaker, the French like to say that, "the more things change, the more they stay the same;" and we are certainly seeing that with this tax bill today. Back in the early part of this century when King Caucus reigned supreme in this House, it was customary for tax and tariff bills to be drafted by the Democratic leadership, discussed, amended, and ratified by the Democratic Caucus, and then routinely rammed through the Ways and Means Committee without change.

The tax bill before us today has similar origins. In fact it still has the imprint of the Speaker's hip pocket on it. And we are told that it has been blessed by the results of a King Caucus questionnnaire.

Mr. Speaker, I am a firm supporter of a strong two-party system and the right and obligation of those parties to take policy positions on important issues. But, I think we cross a very dangerous boundary when we substitute the deliberations of our party councils for the judgment and work of our congressional committee system. That is what went wrong with King Caucus in an earlier age, and that is what is wrong with this bill today. When we substitute a partisian process for the constitutionally ordained legislative process in this body, we jeopardize the very foundation and survival or our system.

Mr. Speaker, the partisan origin of this tax bill should leave little question as to its purpose. This is obviously the opening round in the 1984 campaigns. And I think George Orwell would be very pleased with this particular vehicle as a prelude to 1984, since this tax bill takes a page out of his famous book by that same title—1984. The "Tax Equity Act" is Orwellian "newspeak" and "doublethink" at its finest. Here is a bill which on its face admits to rolling back the equitable, across-the-board tax cut granted to all Americans, yet daring to call itself the tax equity act. This would even make Big Brother blush.

The Democratic campaign sloganeers at the Bureau of Propaganda would have the American people believe that this bill would sock the rich, when in fact it would soak the middle-income taxpayers—the small businessmen, farmers, and two-wage earner families. Nearly half the tax returns affected by this so-called tax cap would be on incomes under $50,000.

But this tax bill has even larger consequences than the adverse effect it would have on many middle-income wage earners. The Democrats are calling for a tax increase just as the economic recovery is beginning to take hold. I have read economists of various political and ideological stripes warn against a tax increase in the midst of a recovery. The quickest way to abort the recovery is to lay on new taxes for those who could provide the greatest impetus for its continuation.

And why do the Democrats want to increase taxes now? Oh, they talk about reducing deficits, but the fact is they want this money for that so-called recession relief reserve fund of $8.5 billion that is provided in the budget resolution. In short, the tax bill may be a self-fulfilling prophecy: By increasing taxes the Democrats can throw us back into a recession, and then they can use the revenues from the tax increase for their recession relief programs. The only trouble with this scenario is that there will be even fewer revenues if this country is thrown into another recession.

Mr. Speaker, a final word about Orwellian doublethink and equity. Yesterday in the Rules Committee the Democrats pulled out their mirrors and started churning out the blue smoke, and lo and behold a modified McCurdy amendment was made in order under this rule, an amendment that would vaguely tie new tax benefits to spending reductions rather than increases. But, the McCurdy amendment was gutted in the process by eliminating his baseline spending figure—rendering the whole exercise rather meaningless. But, ignoring all considerations of equity, the Democrats on the Rules Committee denied Mr. Frenzel's request to make in order a substitute bill to simply reduce spending by $12 billion rather than increase taxes. That motion went down on a party-line vote.

Mr. Speaker, I urge defeat of the previous question so that a substitute rule that will make the Frenzel spending cut alternative in order. This is the way to really reduce deficits and at the same time keep the economic recovery strong and growing. Let us not make the mistake of increasing taxes to pay for a recession relief package that will only be necessary because we have increased taxes and aborted the recession. Vote down the previous question and for my substitute rule.

Mr. Speaker, I could not believe my ears when I heard what the distinguished chairman of the Rules Committee just said about what this meant for the American taxpayer. To get some more information into the Record, I am going to yield to the gentleman from California (Mr. Lungren) to state what actually is involved in this tax increase.

Mr. Speaker, I yield to the gentleman from California (Mr. Lungren).

Mr. LUNGREN. Mr. Speaker, the distinguished chairman of the Rules Committee made a major mistake. He has talked about a 10-percent tax cut. It was a reduction in rate, not a reduction in tax income. Someone making $1 million a year does not get $100,000 off his taxes. In fact, the first study done by the Treasury Department shows that those people in the highest tax brackets paid approximately $8 billion more in taxes than they would have if rates had not been cut, or $13 billion more than earlier predicted by the Federal Government because, in fact, they were encouraged to have earned taxable income and not have that tax revenue escape through all those nontaxable loopholes that this cap will preserve. This cap will deny the American people a break in across-the-board tax rate cuts for all.

Mr. PEPPER. Mr. Speaker, I will ask the gentleman if he will yield.

Mr. LOTT. I certainly will yield to the distinguished gentleman from Florida.

Mr. PEPPER. The gentleman is very courteous and my friend.

Let us take the case of the fortunate citizen who has an income of $1 million a year. Would the gentleman tell me how that person would fare under the present law and how he would fare under this amendment to the law, the 1981 tax giveaway?

Mr. LOTT. I yield to the gentleman from Texas.

Mr. GRAMM. Under this amendment, Mr. Speaker, any individual or family earning over $162,400 will be totally unaffected, but a two wage earner family earning $35,201 will see its marginal tax rate jump by 9 percent.

Now, to the gentleman from Florida, a young married couple, both working and earning $35,201, may be rich people, but in my district they are the people working hard to try to send their kids to school. They are the people who are doing the work, paying the taxes, pulling the wagon and saving to try to put Americans back to work. Those are not the people whose taxes I would want to raise. Those are middle Americans.

I thank the gentleman for yielding.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. LOTT. Mr. Speaker, before I yield any further, I would like to ask the distinguished gentleman from Michigan, who is controlling the time, whether he would yield me another minute or so, so that I can yield to the chairman of the Rules Committee? My time is being eaten up here.

Mr. BONIOR of Michigan. Surely. Mr. Speaker, I yield for purposes of debate only an extra minute to my colleague, the gentleman from Mississippi.

Mr. LOTT. I thank the gentleman.

I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, I wanted to get the specific answer. The gentleman who makes $1 million a year, how will he fare under the Reagan program of tax rescission of 1981, as compared to the law if modified according to the proposal of this legislation?

Mr. LOTT. Mr. Speaker, I yield to the gentleman from Texas (Mr. Gramm).

Mr. GRAMM. Mr. Speaker, let me say that the individual making $1 million a year has in the data we have accumulated since the 1981 tax cut went into effect paid more taxes, not less, because he has moved out of tax shelters into ordinary income.

Under the tax increase that we have here, that individual making $1 million a year will pay no more taxes, but the family making $35,201 will find itself with a 9-percent increase in their marginal tax bracket. So if you want to tax middle income people who are doing the saving, who are pulling the wagon, you should vote for this bill. If you want to tax rich people, maybe the gentleman ought to introduce another bill, because this bill does not do it. This is not a tax on the rich. It is a tax on the middle class.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. LOTT. Mr. Speaker, would the gentleman from Michigan yield me 1 additional minute?

Mr. BONIOR of Michigan. Mr. Speaker, I would be delighted to yield an additional 1 minute for purposes of debate only.

Mr. LOTT. Mr. Speaker, I thank the gentleman very much.

I thought it was a very interesting debate, and the record needed to be corrected.

I would urge the distinguished chairman of the Rules Committee to check with the people that have been giving him these statistics, because obviously the gentleman is being misled about the impact of the tax rate cuts.

I will be very brief, since I have so little time left.

Mr. Speaker, this bill has a totally political and partisan origin. That is all it is, and on top of that, it is Orwellian in the terms that are used to describe it. Instead of being a tax equity act, it really is just newspeak and doublethink.

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I do not know who they think they are trying to fool but this is a tax increase bill. That is all it was ever intended to be.

To call it tax equity on the floor of the House of Representatives is totally incredible.

I want to urge my colleagues to vote against the previous question. To talk about equity in the Rules Committee the gentleman from Oklahoma had his amendment made in order but the Rules Committee refused to make in order the amendment by the gentleman from Minnesota, which would have imposed a spending cap, instead of the tax increase we are talking about.

So vote to defeat the previous question so that we can make in order the Frenzel amendment.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute for purposes of debate only to the gentleman from Massachusetts (Mr. Shannon).

Mr. SHANNON. I thank the gentleman for yielding.

I seek this time to clarify something that was said earlier. The gentleman from Texas was indicating that two-earner families in the $30,000 to $40,000 range would be experiencing large tax increases under this proposal when, in fact, I would point out to the gentleman that only 2 percent of the taxpayers described, the two-earner family, $30,000 to $40,000, only 2 percent of them would be affected at all by this cap. They would be affected to the tune of $43 a year or an average of 80 cents a week.

We are going to hear a lot of facts later in the day, a lot of misstatements of fact about what this cap does. But let us make a few things clear.

Only 10 percent of the taxpayers in the country are affected by this. Eighty-nine percent of the burden of increased taxes will rest on people who earn over $50,000, and the tax increases, the very small tax increases that fall on people under $50,000 will fall on a very small percentage of people who earn under $50,000.

Mr. GRAMM. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I am happy to yield.

Mr. GRAMM. Let me just clarify my point.

My point was that a two-earner family earning $35,201 will see its marginal tax rate rise by 9 percent. We did not cut taxes by 25 percent. We cut marginal rates by 25 percent.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. Marriott).

Mr. MARRIOTT. I thank the gentleman.

I would just like to stand up and say I am opposed to the rule today and also to this pending bill.

I would just like to speak for a moment for the small businesses of America. They are the ones who are going to be hit the hardest by this gimmick that we are playing with today.

One-half of all of the jobs in America are provided by small business; 70 percent of the new jobs come from small business. And 70 percent of all new innovations come by way of small business.

Small business has been the group hardest hit by the recession. They are the group that has the most difficult time raising capital.

Eighty-six percent of all small businesses are taxed as individuals and are looking forward to this and will benefit most by the tax cut.

I do not know of any small business group that is in favor of putting a cap on the 10-percent tax cut due in July.

If this Congress is really serious about helping small business and creating jobs, and taking care of that sector of the economy which does the most for the country and that will be hit the hardest, I urge you vote against the rule and against the bill.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. Parris).

Mr. PARRIS. Mr. Speaker, I appreciate this opportunity to point out several examples of what I think are the

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most inequitable situations under this tax bill.

This is not tax equity. This bill should be called the Democrats Huge Tax Increase on Middle Americans Act of 1983, because that is exactly what it is.

The Washington metropolitan public television station carries these House proceedings live and I sincerely hope that there are a very large number of people out there watching because if they understand what is going to happen to them I hope they will call their Representatives before the vote and let them know what their opinions are about this bill and what their objections to it are.

Let me give you just some examples of some of the things I think they should call about.

If you are a middle-income American in the Washington metropolitan area, and if you work for a private employer and have taxable income of $30,000 for this year, you had better turn down the opportunity to take a $5,000 bonus because if you earn $35,000 this year instead of $30,000 your income tax marginal rate will increase by almost 50 percent.

How many people do you think are going to work overtime? How many will make an investment to increase their income under those circumstances?

What are we doing to incentives, to tax savings, and to economic recovery?

If you are a GS-12 Federal employee or higher your income tax rates will increase under this bill. If both you and your wife work for the Federal Government your taxes will go up if either or both of you are above a GS-7.

If you are a secretary at the Department of Agriculture at the GS-4 level who earns about $14,000, married to an analyst at the Department of Commerce at the GS-12 level, who earns about $36,000, they will lose $459 of the scheduled rate reduction in 1984.

Is it not wonderful that you are considered by our Democrat friends as wealthy and therefore you deserve to have your taxes increased?

If you are a small businessman it is estimated that 86 percent of all small businessmen will have their taxes increased.

Mr. Speaker, we will have more time to debate this matter under consideration of the bill and I hope we will reject this bill at the conclusion of that debate.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. Rogers).

Mr. ROGERS. I thank the gentleman.

Mr. Speaker, let us make it plain that calling this a cap on anyone's tax cut is erroneous. The tax cut is in place now. It is the law. It was passed by a vote of this body over 2 years ago. What we are talking about now is a tax increase—plain and simple.

What this resolution would do would be to actually increase the taxes, and not just those of the ultrarich. We are talking about, as has been indicated here before, the working people of this country, husband and wife working at two different jobs to make ends meet.

Those are the people that are going to be hit by this tax increase proposed by the Democratic leadership of this body. The $700 cap hits particularly hard at those two-earner married couples, both working, trying to get by.

Millions of taxpayers will be affected by the action of this House. If you are above a certain income level, $35,200, and you and your spouse are working, you are considered rich by the leadership of the other party. You and your spouse must work to keep up with the inflation and high interest policies of the other party.

According to U.S. Treasury data 4 million of the 8.1 million tax returns affected by this cap involve two-earner married couples, a man and wife both trying to get by.

In addition, $2.6 billion of the estimated $5.3 billion raised by this supposed cap in the taxes in fiscal year 1984 would come from two-earner married couples. As a result, the $700 cap would offset a portion of the marriage tax relief enacted by this Congress in 1981 to help maintain the incentive for two-earner families and to give equity to the women of this country who are working.

So I say, Mr. Speaker, this tax increase proposed by the Democratic leadership in this body is just that, a tax increase, and particularly so on the two-earner families in this country, both men and women working to support their families.

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. Ritter).

Mr. RITTER. Currently, with a combined income of $35,200, the marginal tax rate of that joint income is 28 percent. With this tax cap the marginal rate will jump to 37 percent.

The fact is that this two-income earning family will take home far less on each additional dollar earned above their income base.

What the Democrats are telling two-income-earning families in this range today is, "Do not take a raise unless it is big enough to overcome what we are doing to you today. Do not work harder. Do not work overtime. Do not get a bonus because it is going to cost you more."

This flies in the face of any rational view of incentives for Americans to go out and produce.

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Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bad bill. This Democratic proposal is bad philosophy. It is simply a tax increase. It increases the tax of many Americans, especially in the middle-income group, the people who work hard to make a living. It takes away food from their mouths, money from their pockets and the things they would like to have. It may be called a $700 cap, but when you change tax laws to make people pay more, this is a tax increase—a tax increase in disguise.

Mr. Speaker, I urge the defeat of the previous question. I urge the defeat of the rule. I urge the defeat of the measure.

I reserve the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I have one speaker left.

Does the gentleman wish to yield additional time?

Mr. QUILLEN. Mr. Speaker, I have two further requests but they are not here. I reserve the balance of my time. If they get here, I would like the privilege of yielding. Otherwise, I will yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Speaker, I rise in support of the rule and in support of the bill.

I had not intended to speak on the rule but several glaring mistakes of fact have been made and it seems to me that we have to clarify exactly what the truth is.

Two or three of the gentleman on the Republican side of the aisle have said this is a tax increase.

The gentleman who just spoke said this increases the tax on all Americans. Well, that just simply is not true.

This is not a tax increase; this is a limitation on a tax reduction.

Mr. QUILLEN. Mr. Speaker, would the gentleman yield?

Mr. WRIGHT. I want us to say what it really is. Does the gentleman still insist that it increases the taxes on all Americans? Does the gentleman really believe that this is what we are attempting to do?

I yield to the gentleman.

Mr. QUILLEN. If the tax cap is imposed it increases the taxes, there is no question about it.

Mr. WRIGHT. On all Americans?

Mr. QUILLEN. The distinguished gentleman from Texas, the majority leader, I know does not want to mislead the American people.

Mr. WRIGHT. No. I do not.

Mr. QUILLEN. The bill itself is misleading. And I thank the gentleman for yielding.

Mr. WRIGHT. Well, I was glad to yield to the gentleman, but the truth of it is that this is not an increase in taxes on anybody, it is a limitation on

the reductions that may be allowed in the future.

Mr. GRAMM. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. If the gentleman will be patient.

Mr. GRAMM. I want to be clear as to what I was saying.

Mr. WRIGHT. I would be delighted to yield. Does the gentleman really think this bill increases the taxes on all Americans?

Mr. GRAMM. If this is not a tax increase by changing permanent law to raise taxes because it would go into effect next year, then cutting social security benefits for next year would not be a cut in social security benefits because they had not gotten them yet.

Mr. WRIGHT. The gentleman was perfectly willing to cut social security benefits for the elderly. The gentleman was perfectly willing to put a cap on what military employees of our Government who are fighting to preserve our way of life might receive by way of a COLA, but the gentleman is not willing to put any ceiling on what the wealthiest few of our country might receive in additional tax cuts. That is what it comes down to. It is just that simple.

The gentleman wants everybody to sacrifice, everybody except the wealthy.

Mr. Reagan is not against taxes, Mr. Reagan is for taxes. Mr. Reagan made a national television speech in August of last year appealing to all of the American people to put heat on their Congress to pass what he called some kind of an equitable tax adjustment. It was a tax increase on the average American.

He was willing to put a tax on the gasoline that the worker must buy to go to work; he was willing to put a tax on the telephone bill that the housewife has to use or that the small businessman must use in the conduct of his business. Mr. Reagan was willing to put a tax on airline fares.

Mr. Reagan right now is proposing a new tax. He is proposing to raise revenue by a standby surtax, a tax on the tax we pay. Now that tax would raise 62 percent of all its revenues from those who earn $50,000 and less.

By way of contrast, the cap that we propose would be paid for 89 percent by that 5 percent of the taxpayers who earn $50,000 and more.

It would be paid for by those who are the principal beneficiaries of Mr. Reagan's 1981 tax cut, which has plunged us into this enormous deficit.

Mr. Reagan came to office in 1980 blaming all of our difficulties upon the deficit. Now that he has become the Babe Ruth of deficit financing, he wants to forget about the deficit and threatens to veto a bill that would reduce that deficit by $6 billion this year and by some $8 billion next year. He wants to veto a bill that would reduce the deficit by requiring those who are the most wealthy, the most privileged, the most affluent in our society, to accept only a $700 tax cut this year instead of a $4,000 tax cut that otherwise might inure to a $100,000 taxpayer.

That is the difference.

The gentlemen on my right are not against taxes. They are perfectly willing to place a burden upon the social security recipient.

The SPEAKER. The time of the gentleman has expired.

Mr. WRIGHT. May I have 3 additional minutes?

Mr. BONIOR of Michigan. I yield 3 minutes to the gentleman from Texas.

Mr. WRIGHT. They are willing to place a burden upon the people who work for the Government. They are willing to place a burden upon the young American of modest means who is struggling to go to college. They say, "All these people ought to sacrifice."

Mr. Reagan himself stood here in his state of the Union message and said he knew that the people who serve our military, the soldiers and the sailors and the marines, would be willing to make that sacrifice and have no cost-of-living increase, to have a cap, a ceiling upon their cost-of-living pay adjustment so long as they knew everybody else was sacrificing too.

But he is not willing, no, he and the members of the Republican party are not willing for those who make $50,000, $60,000, $100,000, $200,000 a year, to have to bear any of the burden of sacrifice.

We are not talking about increasing their taxes. We are talking about giving them a $700 tax cut. But the President says that is not enough for them. He insists that they deserve even more of a tax cut paid for in borrowed money, paid for by the losses that have been suffered by those lower-income and middle-income Americans.

The gentlemen on my right have wept crocodile tears during this debate about the poor middle-income taxpayer.

Well, they do not do anything for the middle-income taxpayer when they are given an opportunity.

The Congressional Budget Office studies have shown that for the 4 years, fiscal 1982 through 1985, the tax and budget changes that were enacted under this Reagan administration will take more than $20 billion away from households with incomes below $10,000 a year, but they will increase the after-tax incomes of those making more than $80,000 a year by $64 billion.

Now, that is the result of the Reagan policy. That is what has already been put in motion. What we seek to do today is simply to have a small bit of symmetry in the sacrifice that has been exacted upon the American people.

The people who preach most pieously about the budget deficit are unwilling to do anything to reduce that deficit even by $6 billion if those who are going to have to suffer—suffer? Suffer a $700 tax cut? That is what we are offering them. And you say that it is not enough, that they deserve more of a tax cut, paid for in borrowed money at the expense of those from whom their very sustenance has been taken by the policies of the Reagan administration. This is a modest thing that we are doing today. We simply ask them to bear their fair share of the sacrifice for fiscal solvency.

□ 1220

Mr. QUILLEN. Mr. Speaker, we have witnessed a great performance. The majority leader displays about an interesting interpretation of the details of the legislation on the floor of the House. He has downgraded the President for proposing some taxes in the past, but the gentleman from Texas has voted for those.

Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota (Mr. Frenzel).

The SPEAKER. The gentleman from Minnesota (Mr. Frenzel) is recognized for 2½ minutes.

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the closed rule which does not allow the Members of this House a suitable choice on the subject of fiscal responsibility and fairness in conducting that fiscal policy.

I went to the Rules Committee and asked them to make in order an amendment which would substitute for a tax increase a spending decrease. The Rules Committee, on a party line vote, turned my request down and, instead, made in order an amendment by the gentleman from Oklahoma to decrease spending from nothing to nothing.

There is no base on that amendment and there is no way that that amendment can reduce spending by one dime.

However, in refusing my amendment, the Rules Committee has denied this House a chance to make a choice on raising taxes, on raising permanent tax rates, and raising taxes as against reducing some spending.

Mr. Speaker, my constituents—and I think most of our constituents—are concerned about the deficit. They have, however, in my district, not been petitioning me to raise their taxes. On the contrary, they have been saying, "What in heaven's name is the matter with the Congress that it cannot contain its profligate spending tendencies?"

And that alone is what we are talking about in this case. We are being asked to raise taxes in this bill by a

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rather small amount. It will have a rather small amount on the deficit. And we are told, that will purify us all.

The only way we are going to be purified is to reduce the enormous double-digit rate of spending increase that we have laid on the taxpayers of this country over the years. We are not undertaxed, we are overspent. Each year the proportion of our GNP, that is consumed by Government expenses, rises. Each year our taxpayers' contributions rise, no matter what we do to change the extra social security, the bracket creep, the extra TEFRA taxes always exceed the tax cuts which we grant from time to time.

Mr. Speaker, I ask for a vote "no" on the previous question. If the previous question is defeated—which seems rather unlikely at this time—we will have a chance to move may amendment which will give the House an honest choice.

Mr. BONIOR of Michigan. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nays 165, not voting 12, as follows:

[Roll No. 212]

YEAS—255

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Byron
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Daniel
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Hightower
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NAYS—165

Archer
Badham
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Horton
Hunter
Hyde
Jacobs
Jeffords
Johnson
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Paul
Petri
Porter
Pritchard
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solomon
Spence
Stangeland
Stump
Sundquist
Tauke
Taylor
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—12

Alexander
English
Erlenborn
Garcia
Heftel
Martinez
Neal
Roukema
Schumer
Smith, Robert
Thomas (CA)
Towns

☐ 1240

The Clerk announced the following pairs:

On this vote:

Mr. Alexander for, with Mr. Erlenborn against.

Mr. Garcia for, with Mr. Thomas of California against.

Mr. Heftel of Hawaii for, with Mrs. Roukema against.

Mr. Towns for, with Mr. Robert F. Smith against.

Mr. YOUNG of Alaska changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 166, not voting 13, as follows:

[Roll No. 213]

AYES—253

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Byron
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Daniel
Daschle
de la Garza
Dellums
Derrick
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Harrison

Hatcher
Hawkins
Hefner
Hertel
Hightower
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Seiberling
Shannon
Sharp
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NOES—166

Archer
Badham
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Horton
Hunter
Hyde
Jacobs
Jeffords
Johnson
Kasich
Kindness
Kramer
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Long (MD)
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Paul
Petri
Porter
Pritchard
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solomon
Spence
Stangeland
Stump
Sundquist
Tauke
Taylor
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—13

Alexander
Dicks
Erlenborn
Garcia
Heftel
Kemp
Leach
Martinez
Schumer
Smith, Robert
Thomas (CA)
Towns
Valentine

☐ 1300

The Clerk announced the following pairs:

On this vote:

Mr. Alexander for, with Mr. Erlenborn against.

Mr. Heftel of Hawaii for, with Thomas of California against.

Mr. Garcia for, with Mr. Robert F. Smith against.

Mr. Towns for, with Mr. Kemp against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 91, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

Mr. JONES of Oklahoma. Mr. Speaker, pursuant to House Resolution 243, I call up the conference report on the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986.

The Clerk read the conference report.

(For conference report and statement, see proceedings of the House of June 21, 1983.)

The SPEAKER. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Strike all after the resolving clause and insert:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $604,300,000,000.
Fiscal year 1984: $679,800,000,000.
Fiscal year 1985: $750,500,000,000.
Fiscal year 1986: $835,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: +$12,000,000,000.
Fiscal year 1985: +$15,000,000,000.
Fiscal year 1986: +$46,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $44,700,000,000.
Fiscal year 1986: $51,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disabilty insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,800,000,000.
Fiscal year 1984: $167,900,000,000.
Fiscal year 1985: $187,300,000,000.
Fiscal year 1986: $203,300,000,000.

(2)(A) The appropriate levels of total new budget authority, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $883,360,000,000.
Fiscal year 1984: $928,725,000,000.
Fiscal year 1985: $996,750,000,000.
Fiscal year 1986: $1,059,300,000,000.

(B) The appropriate levels of total new budget authority, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $877,200,000,000.
Fiscal year 1984: $919,500,000,000.
Fiscal year 1985: $990,500,000,000.
Fiscal year 1986: $1,054,600,000,000.

(3)(A) The appropriate levels of total budget outlays, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $812,850,000,000.
Fiscal year 1984: $858,925,000,000.
Fiscal year 1985: $911,600,000,000.
Fiscal year 1986: $966,635,000,000.

(B) The appropriate levels of total budget outlays, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $807,400,000,000.
Fiscal year 1984: $849,500,000,000.
Fiscal year 1985: $906,750,000,000.
Fiscal year 1986: $962,950,000,000.

(4)(A) Unless subparagraph (B) applies, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $203,100,000,000.
Fiscal year 1984: $169,900,000,000.
Fiscal year 1985: $156,250,000,000.
Fiscal year 1986: $127,150,000,000.

(B) If all of the adjustments provided for in section 2 of this resolution are made, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors shall not exceed:

Fiscal year 1983: $208,550,000,000.
Fiscal year 1984: $179,325,000,000.
Fiscal year 1985: $161,100,000,000.
Fiscal year 1986: $130,835,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,000,000,000.
Fiscal year 1984: $1,614,600,000,000.
Fiscal year 1985: $1,830,100,000,000.
Fiscal year 1986: $2,022,800,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $246,100,000,000.

Fiscal year 1984: $225,600,000,000.

Fiscal year 1985: $215,500,000,000.

Fiscal year 1986: $192,700,000,000.

(6)(A) The appropriate levels of total Federal credit activity, including amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $54,250,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $47,900,000,000.

(ii) New primary loan guarantee commitments, $101,700,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $47,800,000,000.

(ii) New primary loan guarantee commitments, $106,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

(B) The appropriate levels of total Federal credit activity, excluding amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $52,700,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $100,100,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $103,050,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):

Fiscal year 1983:

(A) New budget authority, $244,600,000,000.

(B) Outlays, $214,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $268,600,000,000.

(B) Outlays, $240,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $297,300,000,000.

(B) Outlays, $265,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $329,000,000,000.

(B) Outlays, $295,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1983:

(A) New budget authority, $24,850,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $10,650,000,000.

(D) New primary loan guarantee commitments, $9,250,000,000.

(E) New secondary loan guarantee commitments; $0.

Fiscal year 1984:

(A) New budget authority, $18,700,000,000.

(B) Outlays, $12,950,000,000.

(C) New direct loan obligations, $12,000,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $16,250,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $12.850,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1983:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $7,700,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $8,150,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1983:

(A) New budget authority, $3,950,000,000.

(B) Outlays, $4,450,000,000.

(C) New direct loan obligations, $11,600,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $4,200,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $12,050,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $3,900,000,000.

(B) Outlays, $3,150,000,000.

(C) New direct loan obligations, $12,500,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $3,050,000,000

(C) New direct loan obligations, $12,600,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1983:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $12,450,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $12,050,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $11,850,000,000.

(B) Outlays, $12,550,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $12,150,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6)(i) Agriculture (350), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $24,650,000,000.

(B) Outlays, $24,450,000,000.

(C) New direct loan obligations, $19,400,000,000.

(D) New primary loan guarantee commitments, $5,550,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $13,300,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $12,750,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Agriculture (350), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $24,200,000,000.

(B) Outlays, $24,000,000,000.

(C) New direct loan obligations, $18,600,000,000.

(D) New primary loan guarantee commitments, $5,550,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $12,100,000,000.

(D) New primary loan guarantee commitments, $3,750,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $11,650,000,000.

(D) New primary loan guarantee commitments, $3,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $12,200,000,000.

(D) New primary loan guarantee commitments, $3,850,000,000.

(E) New secondary loan guarantee commitments, $0.

(7)(i) Commerce and Housing Credit (370), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $6,060,000,000.

(B) Outlays, $3,550,000,000.

(C) New direct loan obligations, $7,200,000,000.

(D) New primary loan guarantee commitments, $53,700,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $2,450,000,000.

(C) New direct loan obligations, $5,900,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(A) New budget authority, $6,250,000,000.

(B) Outlays, $500,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(A) New budget authority, $6,450,000,000.

(B) Outlays, $260,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

(ii) Commerce and Housing Credit (370), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $3,500,000,000.

(C) New direct loan obligations, $6,450,000,000.

(D) New primary loan guarantee commitments, $53,700,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $2,250,000,000.

(C) New direct loan obligations, $5,900,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(A) New budget authority, $6,250,000,000.

(B) Outlays, $150,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(A) New budget authority, $6,450,000,000.

(B) Outlays, $100,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

(8) Transportation (400):

Fiscal year 1983:

(A) New budget authority, $26,850,000,000.

(B) Outlays, $22,100,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $1,050,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $28,000,000,000.

(B) Outlays, $26,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $600,000,000

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $28,950,000,000.

(B) Outlays, $27,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $29,800,000,000.

(B) Outlays, $28,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(9)(i) Community and Regional Development (450), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $8,650,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $6,975,000,000.

(B) Outlays, $8,225,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $1,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $9,200,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $3,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $9,175,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $3,550,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Community and Regional Development (450), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $8,650,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $6,850,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $8,350,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $7,350,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $550,000,000.

(E) New secondary loan guarantee commitments, $0.

(10)(i) Education, Training, Employment, and Social Services (500), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $32,850,000,000.

(B) Outlays, $32,150,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $37,450,000,000.

(B) Outlays, $31,850,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $30,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $31,500,000,000.

(B) Outlays, $31,050,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Education, Training, Employment, and Social Services (500) excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $28,350,000,000.

(B) Outlays, $27,650,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $33,950,000,000.

(B) Outlays, $28,350,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $30,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $31,500,000,000.

(B) Outlays, $31,050,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

(11)(i) Health (550), including amounts reserved pursuant to section 21:

Fiscal year 1983:

(A) New budget authority, $25,350,000,000.

(B) Outlays, $29,900,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $34,100,000,000.

(B) Outlays, $34,000,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $37,450,000,000.

(B) Outlays, $37,050,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $37,950,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Health (550) excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,000,000,000.

(B) Outlays, $29,550,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $32,100,000,000.

(B) Outlays, $32,000,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $35,800,000,000.

(B) Outlays, $35,400,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $37,950,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(12) Medical Insurance (570):

Fiscal year 1983:

(A) New budget authority, $46,250,000,000.

(B) Outlays, $53,150,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $62,500,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $70,850,000,000.

(B) Outlays, $68,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $81,200,000,000.

(B) Outlays, $76,150,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13)(i) Income Security (600) including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $121,900,000,000.

(B) Outlays, $109,800,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,650,000,000.

(E) New secondary loan guarantee commitments $0.

Fiscal year 1984:

(A) New budget authority, $126,750,000,000.

(B) Outlays, $104,300,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $129,800,000,000.

(B) Outlays, $104,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $134,150,000,000.

(B) Outlays, $107,450,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $18,150,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Income Security (600), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $121,900,000,000.

(B) Outlays, $109,800,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $124,800,000,000.

(B) Outlays, $102,350,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $129,350,000,000.

(B) Outlays, $103,800,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $133,700,000,000.

(B) Outlays, $107,000,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $18,150,000,000.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1983:

(A) New budget authority, $184,500,000,000.

(B) Outlays, $167,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $176,000,000,000.

(B) Outlays, $176,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $196,400,000,000.

(B) Outlays, $187,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $213,000,000,000.

(B) Outlays, $199,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15)(i) Veterans Benefits and Services (700), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $24,500,000,000.

(C) New direct loan obligations, $950,000,000.

(D) New primary loan guarantee commitments, $8,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $25,700,000,000.

(B) Outlays, $25,600,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $9,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $26,600,000,000.

(B) Outlays, $26,100,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $10,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $27,000,000,000.

(B) Outlays, $26,500,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $12,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Veterans Benefits and Services (700), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $24,500,000,000.

(C) New direct loan obligations, $950,000,000.

(D) New primary loan guarantee commitments, $8,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $25,550,000,000.

(B) Outlays, $25,450,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $9,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $26,450,000,000.

(B) Outlays, $25,950,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $10,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $27,000,000,000.

(B) Outlays, $26,500,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $12,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1983:

(A) New budget authority, $5,200,000,000.

(B) Outlays, $5,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $5,850,000,000.

(B) Outlays, $5,850,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $5,650,000,000.

(B) Outlays, $5,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $5,750,000,000.

(B) Outlays, $5,650,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1983:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $5,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $5,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $5,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $5,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) General Purpose Fiscal Assistance (850):

Fiscal year 1983:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,400,000,000.

(C) New direct loan obligations, $250,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $7,250,000,000.

(B) Outlays, $7,150,000,000.

(C) New direct loan obligations, $250,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

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Fiscal year 1985:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $7,100,000,000.

(C) New direct loan obligations, $300,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $7,200,000,000.

(C) New direct loan obligations, $300,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19)(i) Net Interest (900), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $88,400,000,000.

(B) Outlays, $88,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $98,000,000,000.

(B) Outlays, $98,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $104,500,000,000.

(B) Outlays, $104,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $107,200,000,000.

(B) Outlays, $107,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(ii) Net Interest (900), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $88,300,000,000.

(B) Outlays, $88,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $97,100,000,000.

(B) Outlays, $97,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $103,100,000,000.

(B) Outlays, $103,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $105,500,000,000.

(B) Outlays, $105,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Allowances (920):

Fiscal year 1983:

(A) New budget authority, $800,000,000.

(B) Outlays, $900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0

Fiscal year 1984:

(A) New budget authority, $750,000,000.

(B) Outlays, $800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0

Fiscal year 1985:

(A) New budget authority, $2,050,000,000.

(B) Outlays, $2,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,400,000,000.

(B) Outlays, $3,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1983:

(A) New budget authority, −$19,100,000,000.

(B) Outlays −$19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, −$18,050,000,000.

(B) Outlays, −$18,050,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, −$18,900,000,000.

(B) Outlays, −$18,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, −$23,750,000,000.

(B) Outlays, −$23,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

RESERVE PROGRAMS

SEC. 2. (a) The following amounts of new budget authority and budget outlays for fiscal year 1983 and fiscal year 1984 are hereby reserved by the Congress for subsequent allocation to committees under section 302(a) of the Congressional Budget Act of 1974 for the functions and programs listed in the Statement of Managers, accompanying this resolution:

Fiscal year 1983:

(1) New budget authority, $6,060,000,000.

(2) Outlays, $5,350,000,000.

Fiscal year 1984:

(1) New budget authority, $8,325,000,000.

(2) Outlays, $8,525,000,000.

(b) In the House of Representatives:

(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, the Committee on the Budget is authorized and directed to report to the House a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations reflecting the content of such legislation; and

(2) When one or more committees, other than the Committee on Appropriations, report legislation only referred to in subsection (a) providing new spending authority defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, or when the Committee on Rules reports a resolution providing for consideration of such legislation which has not been reported by a committee, the Committee on the Budget is authorized and directed to report to the House a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is authorized and directed to report to the House a similar reduction in the appropriate allocation.

(c) In the Senate:

(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, the Committee on the Budget is directed to report to the Senate a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations or any other appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a); and

(2) When the Senate moves to proceed or proceeds to consider legislation referred to in subsection (a) providing new spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, the Committee on the Budget is directed to report to the Senate a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a) above: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is directed to report to the Senate a similar reduction in the appropriate allocation.

(d) Any revised allocation reported to the House or Senate pursuant to subsection (b) or (c) of this section shall be considered to be the allocation made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of sections 4 and 5 of this resolution and section 401(b)(2) of such Act. The adjustments made pursuant to those sections for each program shall not exceed the amounts provided for such program as set forth in the statement of managers.

(e) For purposes of section 311(a) of the Congressional Budget Act of 1974, the appropriate levels of new budget authority and budget outlays for fiscal years 1983 and 1984 shall be considered to be the following:

Fiscal Year 1983 Budget Authority $877,200,000,000.

Fiscal Year 1983 Budget Outlays $807,400,000,000.

Fiscal Year 1984 Budget Authority $919,500,000,000.

Fiscal Year 1984 Budget Outlays $849,500,000,000:

Provided, however, That if a revised allocation is made pursuant to subsection (b) or (c) then such levels shall be similarly adjusted in any report pursuant to such subsections to reflect the revised allocation.

RECONCILIATION

SEC. 3. (a) Not later than July 22, 1983, Senate committees named in subsections (b) through (e) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than July 22, 1983, the House committees named in subsections (f) through (l) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(c) The Senate Committee on Governmental Affairs shall report changes within the jurisdiction of that committee, (1) sufficient to achieve savings in budget authority and outlays, or (2) which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $1,619,000,000 in budget authority and $1,900,000,000 in outlays in fiscal year 1984; $2,332,000,000 in budget authority and $2,841,000,000 in outlays in fiscal year 1985; and $3,235,000,000 in budget authority and $4,144,000,000 in outlays in fiscal year 1986.

(d) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(e) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(f) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $253,000,000 and outlays by $253,000,000 in fiscal year 1984; to reduce budget authority by $360,000,000 and outlays by $360,000,000 in fiscal year 1985; and to reduce budget authority by $621,000,000 and outlays by $621,000,000 in fiscal year 1986.

(g) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(h) The House Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $3,000,000 in fiscal year 1984; to reduce outlays by $4,000,000 in fiscal year 1985; and to reduce outlays by $4,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $1,619,000,000 and outlays by $1,900,000,000 in fiscal year 1984; to reduce budget authority by $2,332,000,000 and outlays by $2,841,000,000 in fiscal year 1985; and to reduce budget authority by $3,235,000,000 and outlays by $4,144,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(3) If the changes in laws reported to the House by the Committee on Ways and Means pursuant to paragraph (2) of this subsection contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

(m) Should provisions in Subtitle A of Title I of Public Law 97-253, relating to 50 cent per hundredweight assessments against milk producers, be finally adjudicated by the courts to be unconstitutional or unenforceable, the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within their jurisdiction within 30 days of that disposition which provide spending authority only as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $1,243,000,000 in fiscal year 1984; to reduce outlays by $1,332,000,000 in fiscal year 1985; and to reduce outlays by $1,327,000,000 in fiscal year 1986.

MISCELLANEOUS PROVISIONS

SEC. 4. No bill or resolution providing new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the House of Representatives, and no bill or resolution providing new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the Senate, until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

SEC. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdication of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

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(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority, new budget authority, or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

Sec. 6. Monetary Policy.—Inasmuch as—

(1) there is a need for coordination between fiscal and monetary policy,

(2) actual and projected budget deficits have placed a heavy burden on monetary policy,

(3) any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy,

(4) there is a need for vigorous economic growth consistent with reasonable price stability,

(5) the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and the economic assumptions consistent with that policy, and

(6) the Budget Committees are, therefore, interested in the recommendations of the Banking Committees of the respective Houses with respect to such information,

the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs are requested to report to their respective bodies, no later than September 30, 1983, a resolution expressing the sense of the Congress as to (A) the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution and the appropriate information regarding the economic assumptions and goals of the Federal Reserve System, (B) the appropriate information to implement this policy coordination including, but not limited to, the effects of the Federal Reserve's monetary policy on the economy, and (C) any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the above Committees deem appropriate.

Sec. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which would result in reduced spending under these programs.

Sec. 8 It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $38,150,000,000 in fiscal year 1983 and $31,000,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $16,100,000,000 in fiscal year 1983 and $16,900,000,000 in fiscal year 1984; new primary loan guarantee commitments to an amount not to exceed $99,600,000,000 in fiscal year 1983 and $101,700,000,000 in fiscal year 1984; and new secondary loan guarantee commitments to an amount not to exceed $68,250,000,000 in fiscal year 1983 and $68,250,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $15,000,000,000, in fiscal year 1983 and $15,500,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $12,050,000,000 in fiscal year 1983 and $13,950,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

Sec. 9. It is the sense of the Congress and the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

The SPEAKER. Pursuant to House Resolution 243, the Senate amendment and the motion offered by the gentleman from Oklahoma (Mr. Jones) to recede and concur with an amendment printed in the joint statement of managers, as modified by the correction printed in the Congressional Record of June 22 by Representative Jones of Oklahoma, is considered as having been read.

The gentleman from Oklahoma (Mr. Jones) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Latta) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oklahoma (Mr. Jones).

Mr. JONES of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on House Concurrent Resolution 91 and the substitute amendment.

The SPEAKER. is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JONES of Oklahoma. Mr. Speaker, the House conferees on the budget bring to the House a budget resolution for fiscal year 1984 designed to maintain economic recovery, provide a powerful national defense, and mend and preserve the social safety net.

This agreement was hammered out over 2 weeks of negotiations between representatives of a Republican-controlled Senate and a Democratic-controlled House.

The result was a total victory for neither, but a major success for both.

The report was signed by every Democratic conferee from the House and the Senate and by two-thirds of the Republican Senate conferees.

Quite frankly, I am amazed that we were able to reach an agreement and I believe that the 10 Democratic conferees who represented the House are convinced that this is both the best agreement we could have achieved, as well as a sound, fair and effective budget for addressing the needs of our Nation.

Let me describe the conference agreement. It contains a special reserve fund for new recovery and growth initiatives, some of which are highly controversial. The House would not agree to eliminate these proposals from the budget and the other body would not agree to include them all. The solution was to set aside allocations of budget authority and outlays which would become available only if the programs were authorized into law.

If these proposals are not authorized, the funding is not available for other purposes.

This procedure both protects the advocates of these programs and those who fear that the end result would be higher spending in other areas.

This conference report reduces the deficits proposed by President Reagan by $66 billion over 3 years if the reserve fund is not used, and by $48 billion if the reserve fund is fully used.

This resolution passed and implemented will reduce deficits by $124 billion over current policy, which is if we put the Government on automatic pilot.

This conference report adds $24 billion to defense budget authority. That is a 5-percent real increase in military budget authority in fiscal year 1984, for a total of nearly $269 billion.

This conference report also directs the committees of the Congress to pass deficit reduction legislation which will total $85 billion over the next 3 fiscal years.

Passage of this budget conference report is absolutely essential to achieve these reconciliation savings.

Now, what do the opponents of this budget argue in being against it?

Well, first of all, they complain about taxes; but the President's own budget has asked for more taxes to be raised in fiscal year 1986 than is called for in the budget conference report. President Reagan's budget calls for nearly $49 billion in new taxes in fiscal year 1986 and the revenue increase called for in this conference report is $46 billion; so over the 3-year period, the revenue enhancements in this conference report are $73 billion and that compares to what the President had recommended over the same 3-year period of $57 billion.

Now, some opponents complain that there is simply not enough money for defense. The administration has asked not for a 5-percent real growth in the military, but a 10-percent real growth after adjusting for inflation. Most of us here are convinced that our economy cannot sustain a 10-percent real growth and our military cannot absorb a 10-percent real growth without wasting billions of dollars. Almost every witness before the Budget Committee from a military standpoint testified that it is far better for our national defense to provide steady, certain growth, over many years, rather than an unsustainable growth rate which produces waste and a public backlash against defense spending.

Now, some opponents complain about higher spending; yet the administration has proposed spending $30 billion more than the congressional budget, without the reserve fund, and $12 billion if the reserve fund were to be fully spent.

The complaint actually is not about spending, but the complaint is about the priorities decided upon by Congress and by Members of both political parties in the Congress.

The congressional budget does repair the social safety net, as a matter of fact that net should be repaired.

The congressional budget increases on a selective basis funding for domestic programs such as education, and job training, and research and development. In my judgment, these programs should be strengthened.

I hope particularly those who have come lately to the recognition that our educational system needs to be improved, I hope those who rise to complain about some of the domestic spending programs are not the same people who are simultaneously telling the American public that we need better education in America.

The domestic spending increases proposed are judicious investments in the future of the United States.

Defense revenues, domestic spending, and deficits, these are the great issues in this conference report on the budget. On each of these counts, this budget meets the test better than any other plan which has been proposed.

We must pass this budget to fulfill our responsibility to our own rules and to the American people. If it is not passed, the only budget will be the President's budget, a budget so popular that not a single Member of Congress was willing to introduce it since it has been submitted to the Congress in January. If this budget is not passed, we will lose the deficit reductions called for in reconciliation. If this budget is not passed, we are telling the American people that we prefer fiscal anarchy to the discipline of the budget process.

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We will lose our best chance to reduce interest rates and to maintain a sustained economic recovery.

This is a budget resolution fully supported by Jim Jones and Jim Wright from the Southwest, by Steve Solarz from New York, by Tim Wirth from Colorado, by Leon Panetta from California, by Dick Gephardt from Missouri, by Bill Nelson from Florida, by Les Aspin from Wisconsin, by Mike Lowry from Washington, and by Bill Gray from Pennsylvania. It is a budget supported by two-thirds of the Senate conferees on the Republican side.

I am saddened that it is not supported by the Republican conferees in the House. But their decision does not detract from the reality of this resolution. It has the support from all regions and from almost all of the political spectrum.

This is a congressional budget which preserves the interest of conservatives, moderates, and liberals. It is a budget which protects the interests of the American people, and it is a budget which should be adopted by an overwhelming margin here today.

I would also like to comment on the enforcement and miscellaneous provisions included in the conference agreement.

The House resolution provided budget authority and outlays for several new initiatives in domestic programs, primarily as a means of providing recession relief. The Senate amendment provided for some, but not all, of these new initiatives. To address these differences, the conferees set out to fashion a mechanism by which, although funding allocations for the initiatives would not initially be made to committees of jurisdiction, the programs would be reflected in the budget resolution and not prejudiced against consideration by the Congress.

In this regard, the conference substitute establishes a procedure whereby a reserve is set aside for identified programs to be effective only upon the enactment of the authorizing legislation for those programs. Under this procedure, $6.06 billion in budget authority and $5.35 billion in outlays for fiscal year 1983 and $8.325 billion in budget authority and $8.525 billion in outlays for fiscal year 1984 would be reserved from allocation to committees. A description of the programs assumed within the reserve amount and the funding levels assumed for those programs, within the appropriate functions is included in the statement of managers accompanying the conference report.

These new initiatives or programs are described in general terms in order not to preclude Congress from considering these initiatives in different legislative forms than they may now appear or may be anticipated to appear. However, the amount of budget authority and outlays reserved for each initiative is also identified by function. The managers believe that this distinction is necessary to assist in indicating what legislation will trigger an allocation from the reserve fund.

As committees develop and move legislation providing for programs or initiatives assumed within this reserve fund, they should develop clear legislative history as to the nature of the legislation and its inclusion within the reserve fund.

Under this procedure, allocations made to the Committees on Appropriations of each House pursuant to section 302(a) of the Budget Act would be increased when the authorization for a program assumed in the reserve fund is enacted. The Committee on the Budget will report to the House the revised 302(a) allocation of the Committee on Appropriations on the first legislative day following enactment of such authorizing legislation.

In addition, the section 302(a) allocation of a committee reporting new entitlement legislation or new direct spending legislation assumed in the reserve fund would be increased when the legislation is reported. In the Senate, this allocation would occur when the Senate proceeds to consideration or moves to consider the specific legislation. Since procedural sanctions in the Congressional Budget Act of 1974 affect legislation providing new entitlement authority or new direct spending authority at an earlier stage than simple authorization, the revised allocation to the reporting committee must occur at an earlier legislative status than enactment. The Committee on the Budget will report to the House the revised 302(a) allocation of the appropriate reporting committee within one legislative day of when the bill is ordered reported.

The spending ceiling for purposes of the point of order under section 311(a) of the Congressional Budget Act would not reflect the amounts reserved from allocation until an allocation has actually been made to a committee. When an allocation from the reserve fund to a committee is triggered, the spending ceiling would be adjusted accordingly.

Any adjustment to a committee's 302(a) allocation for a particular program included in the reserve fund shall not exceed the level set forth for that type of program in the statement of managers. If the authorization for one of the programs, assumed within the reserve fund, is enacted at a lower authorization level than that contained in the joint statement of managers the allocation to the committee would reflect the lower authorization

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level. In the event that subsequent authorizing legislation is enacted, any reserve allocation for such programs remaining would be allocated at that time.

The effect of the reserve fund on other procedures under the Budget Act such as referral to the Appropriations Committee, deferred enrollment, and exceeding the spending ceiling are described below.

New entitlement bills for fiscal years 1983 or 1984 which provide for programs assumed in the reserve fund would not be referred to the Appropriations Committee pursuant to section 401(b)(2) of the Budget Act, if first, the amount of new entitlement authority in the reported bill does not exceed the amount set aside in the reserve fund for such a program, and second, if the committee's other reported entitlement bills are consistent with its 302 allocations.

Conference reports providing the funds for the programs assumed within the reserve fund should not be subject to deferred enrollment since a committee's 302(a) allocation was increased upon enactment of the authorizing legislation and since deferred enrollment is based upon the committee's total 302(a) discretionary budget authority allocation or new entitlement authority allocation.

Legislation providing funding for a reserve program should not be subject to a point of order for exceeding the spending ceiling set forth in the budget resolution because the spending ceiling is adjusted when an adjustment to a committee's 302(a) is triggered and since a bill would not be subject to a point of order if the committee is within its 302(a) discretionary budget authority allocation or new entitlement authority allocation as adjusted by reserve fund amounts.

The Budget Committees would perform the ministerial task of reporting to their respective Houses any adjustment to a committee's 302(a) allocation or the spending ceiling which would be triggered under the reserve fund procedure.

RECONCILIATION INSTRUCTIONS

The conference substitute includes instructions to seven House committees and four Senate committees to report legislation achieving reductions in budget authority of $8.932 billion and reductions in outlays of $12.285 billion over fiscal years 1984-86. Also included are instructions to the House Committee on Ways and Means and the Senate Finance Committee to report legislation increasing revenues by $73 billion over the same 3 fiscal years.

All committees are instructed to submit their recommendations for changes in laws to the Budget Committees of their respective Houses no later than July 22, 1983. The Budget Committees would then package the recommendations into an omnibus reconciliation bill which they would report to their respective Houses for consideration. This procedure would not preclude committees moving forward on separate tracks, as was done in reconciliation last year, with the separate bills subsequently being put into one package to facilitate conference.

The reconciliation instructions also provide that if the House Ways and Means Committee reports legislation requiring the imposition of new or expanded taxes or user fees within the jurisdiction of another committee, such legislation would be considered for referral under House Rule X.

In addition, the conference substitute includes provisional reconciliation instructions to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry. This provisional instruction was necessitated by the fact that savings envisioned as part of last year's reconciliation involving 50-cent-per-hundredweight assessments against milk producers are uncertain. Collections under the law in question are presently the subject of litigation. The reconciliation instructions to the Agriculture Committees of the House and the Senate are contingent upon a final adjudication by the courts that the law, part of subtitle A of title I of Public Law 97-263, is either unconstitutional or unenforceable. Let me stress that only if that final disposition is arrived at will the Agriculture Committees' reconciliation instructions come into effect. The amounts included in the provisional reconciliation instructions are intended to be the amounts sufficient to insure the savings contemplated by the Congress in the assessment legislation.

DEFERRED ENROLLMENT

The conference substitute provides for deferred enrollment of certain spending bills until adoption of the second budget resolution for fiscal year 1984 or October 1, 1983, whichever occurs first.

Under the provision, spending bills exceeding the appropriate committee total allocation pursuant to section 302(a) of the Budget Act would not be enrolled until adoption of the second budget resolution or October 1, 1983. In the House, the appropriate 302(a) allocation only refers to new discretionary budget authority and new entitlement authority. In the Senate, the appropriate 302(a) allocation would include new budget authority or new entitlement authority. The difference between the definitions of appropriate allocations in the House and Senate arises from the fact that in its 302(a) allocations the Senate does not divide new budget authority between discretionary and mandatory programs for scorekeeping purposes.

Let me stress again that, unlike the deferred enrollment provisions included in last year's budget resolution, the deferred enrollment procedure in the conference substitute would apply to spending bills exceeding a committee's appropriate 302(a) allocation, the total committee allocation.

OPTIONAL SECOND BUDGET RESOLUTION

The conference substitute provides that this concurrent resolution is converted into the second concurrent resolution on the budget on October 1, 1983, for the purposes of section 311 of the Budget Act, if Congress does not otherwise adopt a resolution by that date. Consequently, the targets set forth in the conference substitute would become binding on October 1, 1983, for the purposes of the spending ceiling and revenue floor under section 311 of the Budget Act. Again it should be noted that the spending ceiling is a floating ceiling in that it does not reflect amounts in the reserve fund until an allocation from the reserve fund is triggered.

The conference substitute further provides that enforcement against breaches of the spending ceiling under section 311(a) of the Budget Act would not apply where a measure would not cause a committee to exceed its appropriate allocation pursuant to section 302(a) of the Budget Act. As under the deferred enrollment procedure in the conference substitute, in the House the appropriate 302(a) allocation would include new discretionary budget authority and new entitlement authority only. In the Senate, the appropriate 302(a) allocation would include new budget authority or new entitlement authority, the difference being that since the Senate does not divide in its 302(a) allocations new budget authority between discretionary and mandatory programs for scorekeeping purposes.

The intent of the section 302(a) discretionary budget authority and new entitlement authority subceiling provided in the proposed resolution is to protect a committee which has stayed within its spending allocation—discretionary budget authority and new entitlement authority—from points of order if the total spending ceiling has been breached because of reasons outside of its control.

MONETARY POLICY

The conference substitute includes language requesting the House Committee on Banking, Finance, and Urban Affairs and the Senate Committee on Banking, Housing, and Urban Affairs to report out a resolution expressing the sense of the Congress as to the coordination of the Federal Reserve's monetary policy with the fiscal policy included in the conference substitute. That resolution would also include a statement as to the information required by the Congress regarding the Federal Reserve's economic assumptions and goals and the effects of the Federal Reserve's monetary policy on the economy, as well as any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the Banking Committees deem appropriate.

The language is in response to the recognition of the need for coordination between fiscal and monetary policy, the heavy burden placed on monetary policy by actual and projected deficits, the fact that any deficit reduction brought about by the resolution would reduce pressures on monetary policy, the need for vigorous economic growth consistent with reasonable price stability, and the requirements of the Banking and Budget Committees regarding Federal Reserve monetary policy and the economic assumptions consistent with that policy. The language is also in response to the fact that the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and economic assumptions consistent with that policy.

The Budget Committees have a particular interest in this matter because of the importance of developing budget economic assumptions that are up to date and realistic.

This compromise language was worked out in conjunction with both Banking Committees, and we believe that it represents a real step forward in the coordination of monetary and fiscal policy.

MILITARY RETIREMENT

The conference substitute contains sense of the Congress language directing the House Committee on Armed Services to initiate a review of military retirement programs and to recommend changes which would result in reduced spending under these programs. This sense of the Congress language was included in recognition of the fact that military retirement programs constitute a major sector of the defense budget and provide an appropriate area for review in Congress efforts to insure efficiency of programs while at the same time working toward reducing budget deficits.

LIMITATION ON FEDERAL ACTIVITY THROUGH THE APPROPRIATIONS PROCESS

The conference substitute contains sense of the Congress language that the President and the Congress, through the appropriations process, should limit on- and off-budget lending and loan guarantee commitments in fiscal years 1983-84 to the amounts assumed in the resolution.

FEDERAL FINANCING BANK LIMITATIONS

The conference substitute contains sense of the Congress language that the President should limit fiscal year 1983 and 1984 FFB origination of direct loans and purchases of loan assets to specified amounts and that direct borrowing by Federal agencies be limited to the FFB, to the maximum extent possible.

FEDERAL FINANCING BANK BUDGET IMPACT

The conference substitute contains sense of the Congress that budgets of agencies initiating FFB purchases of certificates of beneficial ownership and originations of guaranteed loans should include budget authority and outlays resulting from the transactions.

The conference substitute also contains language recommending that the committees of jurisdiction consider expeditiously legislation to require that the impact of such FFB transactions be included in the budgets of such agencies beginning with fiscal year 1985.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 050: NATIONAL DEFENSE

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	263.85	235.40	290.35	256.30	317.50	284.30
Senate passed	270.65	241.60	300.95	269.65	333.06	299.85
Conference agreement	268.60	240.00	297.30	265.30	329.00	295.00

The conference agreement includes the following:

Five percent real growth—above inflation—is assumed for defense funding for each of the next three years.

The funding level assumed results in savings from the President's April budget of $11.9 billion in budget authority and $5.3 billion in outlays for fiscal year 1984 and $80.3 billion in budget authority and $53.3 billion in outlays for the three years 1984-86.

The funding level assumed is an increase of $24 billion over the fiscal year 1983 budget authority level.

Assumes a delay in military retirees COLA's until January of each year, consistent with other Federal COLA assumptions. This is an eight month delay in fiscal year 1984.

Assumes a four percent pay raise for Defense Department military and civilian personnel effective January 1, 1984 with 17 percent absorption assumed for all civilian employees.

EXPLANATION OIF CONFERENCE AGREEMENT, FUNCTION 150: INTERNATIONAL AFFAIRS

[In billion of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	18.85	13.20	17.10	13.20	16.55	13.00
Senate passed	18.20	12.70	16.50	12.80	15.90	12.80
Conference agreement	18.70	12.95	16.80	13.00	16.25	12.90

The conference agreement includes the following:

Export-Import Bank direct loans are assumed at the fiscal year 1983 level of $4.4 billion for fiscal year 1984, at $4.6 billion for fiscal year 1985, and at $4.8 billion for fiscal year 1986.

Security assistance programs for Israel and Egypt are assumed at levels consistent with those authorized in the International Security and Development Cooperation Act of 1983, as reported.

Other foreign assistance programs are assumed to continue at about the levels provided by Congress for fiscal year 1983.

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EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 250: GENERAL SCIENCE, SPACE, AND TECHNOLOGY

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	8.85	8.35	8.80	8.75	8.15	8.30
Senate passed	8.50	8.20	8.50	8.50	8.40	8.40
Conference agreement	8.70	8.30	8.50	8.50	8.15	8.30

The conference agreement includes the following:

$0.1 billion is assumed in fiscal year 1984 for National Science Foundation Science and Math Education Programs.

Funding is assumed for the acquisition of additional spare parts for the space shuttle as well as additional funding for planetary research, technology transfer and the space telescope program.

$0.5 billion in fiscal year 1984 is assumed for an initiative to modernize universal research instrumentation and facilities.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 270: ENERGY

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	4.40	4.30	4.20	3.40	3.75	3.35
Senate passed	3.90	4.10	3.60	2.90	3.20	2.70
Conference agreement	4.20	4.30	3.90	3.15	3.50	3.05

The conference agreement includes the following:

Funding for energy programs is assumed at the fiscal year 1983 level, except for energy R&D programs where an additional $+250 million is assumed and energy conservation grant programs where an additional $+125 million is assumed.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 300: NATURAL RESOURCES AND ENVIRONMENT

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	12.10	12.50	11.85	12.55	11.70	12.00
Senate passed	12.00	12.50	12.20	12.60	12.50	12.20
Conference agreement	12.05	12.50	11.85	12.55	11.70	12.15

The conference agreement includes the following:

Assumes $383 million in fiscal year 1984 for the Superfund.

Assumes funding for the Environmental Protection Agency's (EPA) operations of $1.3 billion.

Assumes funding for EPA construction grants at $2,430 million.

Assumes $300 million for the enactment of House-passed H.R. 999, the American Conservation Corps.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 350: AGRICULTURE

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	14.85	14.65	15.10	13.35	14.10	14.05
Senate passed	11.60	11.40	14.00	12.30	13.20	13.10
Conference agreement.						
Including reserve	13.60	12.10	14.50	12.40	13.20	13.10
Excluding reserve	13.00	11.50	14.50	12.40	13.20	13.10

The conference agreement includes the following:

In fiscal year 1984, $600 million in budget authority and outlays is reserved for subsequent allocation to Committees. These funds are earmarked for emergency farm mortgage foreclosure relief and increased farm operating, ownership, and economic emergency loans. The agreement assumes $500 million for emergency farm mortgage foreclosure relief and $100 million for the on-budget affect of increased lending in the farm operating, ownership, and economic emergency programs.

Assumes $100 million for the implementation of House-passed H.R. 1590, Emergency Food Assistance and Commodity Distribution Act of 1983.

Agriculture reconciliation only if the courts finally adjudicate the current assessments against milk producers and determine that the assessments are unconstitutional or unenforceable. Should the agriculture committees be required to report changes in law, then they will be required to reduce outlays by $1,243 million in fiscal year 1984, $1,332 in fiscal year 1985, and $1,327 million in fiscal year 1986.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 370: COMMERCE AND HOUSING CREDIT

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	6.10	2.30	6.25	0.40	6.45	−0.35
Senate passed	5.90	1.80	6.50		6.50	−.30
Conference agreement:						
Including reserve	6.00	2.45	6.25	.50	6.45	.26
Excluding reserve	6.00	2.25	6.25	.15	6.45	10

The conference agreement includes the following:

Assumes $760 million for a new emergency mortgage foreclosure assistance program in 1983 to assist unemployed homeowners. These funds are earmarked and reserved by Congress for subsequent allocation to Committees. This program is consistent with the House-passed Emergency Housing Assistance Act of 1983, H.R. 1983, and would have outlays of $200 million in fiscal year 1984.

Assumes $879 million in 1984 for the postal subsidy for nonprofit mail. This amount is estimated to be sufficient to maintain nonprofit mail rates at their current levels.

Assumes a $3.3 billion 1984 program level for new FmHA rural housing loans, the same amount of new loans provided by 1983 appropriations.

Assumes $318 million of new SBA direct business loans in 1984.

Assumes $668 million for new Section 202 Housing for the elderly or handicapped loans in 1984, which will support an estimated 14,000 new housing units.

Assumes 1984 loan guarantees levels of $50.9 billion for FHA mortgage insurance commitments and $68.25 billion for GNMA guarantees of mortgage-backed securities.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 400: TRANSPORTATION

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	28.30	26.15	29.50	27.10	30.40	28.40
Senate passed	27.70	25.90	28.40	26.90	29.20	27.80
Conference agreement	28.00	26.00	28.95	27.00	29.80	28.10

The conference argument includes the following:

Assumes $28 billion in budget authority and $26 billion in outlays for transportation fiscal year 1984 programs.

Assumes $875 million in budget authority in fiscal year 1984 to fully fund mass transit operating assistance as authorized by the Surface Transportation Assistance Act of 1982 (STAA) (P.L. 97-424).

Assumes $13.8 billion in budget authority in fiscal year 1984 for Federal-aid highway construction and repair programs, the amount authorized by the STAA.

Assumes $1 billion for Airport Grants-In-Aid (ADAP), the amount authorized by the STAA.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	8.25	8.55	12.50	10.65	12.45	11.15
Senate passed	6.60	8.10	7.10	8.20	7.10	7.60
Conference agreement.						
Including reserve	6.975	8.225	9.90	9.20	9.90	9.175
Excluding reserve	6.85	8.10	7.30	8.35	7.35	7.80

The conference agreement includes the following:

Assumes $50 million in fiscal year 1984, $100 million in 1985, and $50 million in 1986 for a National Industrial Development Bank initiative. These funds are earmarked and reserved by Congress for subsequent allocation to Committees. The Bank would allow for a guaranteed loan program of $1 billion in 1984 and $3 billion in each of fiscal years 1985 and 1986.

Assumes $75 million in fiscal year 1984 and $2.5 billion for each of fiscal years 1985 and 1986 for an Infrastructure Initiative. These funds are earmarked and reserved by Congress for subsequent allocation to Committees.

Assumes a Community Development Block Grants program of $3.5 billion for each of fiscal years 1984-86.

Assumes an Urban Development Action Grant program of $440 million for each of fiscal years 1984-86.

Assumes an Economic Development Administration program at a level of $168 million for fiscal years 1984 and 1985 and $188 million in fiscal year 1986.

Assumes an Appalachian Regional Development program at a level of $162 million for fiscal years 1984 and 1985 and $142 million in 1986.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	39.15	32.70	33.05	31.15	33.70	32.60
Senate passed	31.80	27.25	28.50	28.40	28.50	28.40
Conference agreement:						
Including economic recovery funds	37.45	31.85	31.30	30.25	31.50	31.05
Excluding economic recovery funds	33.95	28.35	31.30	30.25	31.50	31.05

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The Conference agreement includes the following:

$16.10 billion for education and related activities in fiscal year 1984. This is an increase of $2.35 billion over the CBO fiscal year 1984 freeze level and will accommodate inceases in elementary, secondary, vocational and higher education programs.

$10.95 billion for training, employment, and labor services programs, an increase of $1.10 billion over the CBO fiscal year 1984 freeze level. This will accommodate increased funding for the Job Training Partnership Act (JTPA), community services employment for older Americans, the Work Incentive (WIN) program, and labor services activities such as the Bureau of Labor Statistics (BLS).

$8 billion for a community renewal employment program ($4.50 billion in fiscal year 1983 and $3.50 billion in fiscal year 1984) is earmarked for use when an authorization is enacted. These economic recovery funds could provide jobs to between 600,000 and 800,000 long-term unemployed. Since unemployment is not projected to decline below 9 percent until after fiscal year 1984, this would put people to work on necessary community projects.

$7 billion for social services programs, an increase of $0.60 billion over the CBO fiscal year 1984 freeze level. This assumes a $2.80 billion permanent ceiling for the title XX social services program, and increase of $0.30 billion over the fiscal year 1984 ceiling. In addition, this level will accommodate increases for Head Start, child welfare services, vocational rehabilitation, community services, and aging program.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 550: HEALTH

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House Passed	96.25	96.00	104.50	106.55	117.30	115.35
Senate Passed [1]	94.149	93.049	105.124	103.524	116.949	112.849
Conference Agreement [1]						
Including reserve	34.10	34.00	37.45	37.05	38.50	37.95
Excluding reserve	32.10	32.00	35.80	35.40	38.50	37.95

[1] The Social Security Amendments of 1983 directed that social security programs, including, medicare, be identified separately in the budget. As a result, the conference agreement establishes a new function for Medicare, Function 570: Medical Insurance. For presentation purposes, the above table combines the Senate-passed Function 550: Health and Function 570: Medical Insurance. The Social Security Amendments of 1983 established a separate function for medicare. In order to determine a conference agreement comparable to the House and Senate levels, the totals for functions 550 and 570 must be combined as follows:

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Including reserves	96.60	94.60	108.30	105.65	119.70	114.10
Excluding reserves	94.60	92.60	106.60	104.00	119.70	114.10

The conference agreement includes the following:

$200 million is assumed for a health program for low-income pregnant women and young children. This funding level would provide health care for women and children up to one year of age from families with incomes below 55 percent of the poverty level. Assistance would be available nationally for poor pregnant women not now covered by state medicaid programs and post-natal health care for their children.

$2 billion is assumed for a new program to provide health insurance and benefits for unemployed workers and their families. These funds are reserved by Congress for subsequent allocation when an authorization is provided. The allocation for this item is $350 million in authority and outlays in fiscal year 1983 and $2 billion in fiscal year 1984, and $1.65 in budget authority and outlays in fiscal year 1985.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 570: MEDICAL INSURANCE

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	Programs funded in function 550: Health					
Senate passed	61.40	60.30	69.40	68.30	79.10	75.60
Conference agreement [1]	62.50	60.60	70.85	68.60	81.20	76.15

[1] The Social Security Amendments of 1983 directed that social security programs, including medicare, be identified separately in the budget. As a result, the conference agreement establishes a new function for Medicare, Function 570: Medical Insurance.

The conference agreement includes the following:

Medicare reductions totalling $400 million are assumed for 1984, and $1.70 billion over the next three years, 1984-86. The conferees assume that the reforms to achieve these savings would not include reductions in services to beneficiaries or increases in beneficiary cost sharing. It is assumed that the savings would be obtained from improved cost controls on providers of services.

EXPLANATION OF CONFERENCE AGREEMENTS, FUNCTION 600: INCOME SECURITY

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	310.60	284.70	332.70	296.80	354.05	313.20
Senate passed [1]	300.80	280.40	322.20	292.70	342.50	308.20
Conference agreement [1]						
Including reserve	126.75	104.30	129.80	104.25	134.15	107.45
Excluding reserve	124.80	102.35	129.35	103.80	133.70	107.00

[1] The Social Security Amendments of 1983 established a separate function for the social security program. For presentation purposes, the above table combines the Senate-passed Function 600: Income Security and Function 650: Social Security. In order to determine a conference agreement comparable to the House and Senate levels, the conference agreement levels for Functions 600 and 650 must be combined as follows:

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Including reserve	302.75	280.70	326.20	291.55	347.15	307.15
Excluding reserve	300.80	278.75	325.75	291.10	346.70	306.70

The conference agreement includes the following:

$1.50 in budget authority and outlays in fiscal year 1984 is assumed for the extension of Federal supplemental benefits for the long-term unemployed. These funds are reserved by Congress for subsequent allocation to committees for use when the program is extended.

$450 million in budget authority and outlays in fiscal year 1984 is reserved by Congress for subsequent allocation to committees to increase benefits or expand eligibility for the food stamp program. This increased funding is maintained in fiscal years 1985 and 1986.

Additional funding of $450 million in budget authority and outlays would be provided for the child nutrition and WIC programs in fiscal years 1984-86.

The conference agreement assumes that cost-of-living adjustments for the civil service retirement, foreign service retirement, federal employee compensation, and black lung programs will be delayed until January. Savings of $300 million in fiscal year 1984 and $1.65 billion in fiscal years 1985-86 would occur from this delay.

Additional funding of $100 million in fiscal year 1984 and $200 million in fiscal years 1985 and 1986 is assumed for the Aid to Families with Dependent Children (AFDC) program. Additional monies could be used to reverse many of the anti-work policies enacted in the past two years.

An increase of $150 million annually in fiscal years 1984-86 is assumed for the low-income energy assistance program.

Additional receipts of $150 million in fiscal year 1984 and $200 million in fiscal years 1985-86 are assumed to accrue to the Pension Benefit Guaranty Corporation through enactment of the President's proposed premium increase for single-employer pension plans.

$9.6 billion in budget authority and $10.4 billion in outlays is assumed for assisted housing programs in fiscal year 1984. Of this amount, $1.45 billion in budget authority and outlays is assumed to be used to subsidize the operation of public housing projects.

Additional funding of $92 million for fiscal years 1984-86 is assumed for training under the Trade Adjustment Assistance Act.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 650: SOCIAL SECURITY

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	Program funded in function 600: Income security					
Senate passed	174.90	176.40	194.80	187.30	211.20	199.70
Conference agreement [1]	176.00	176.40	196.40	187.30	213.00	199.70

[1] The Social Security Amendments of 1983 directed that social security programs be identified separately in the budget. As a result, the conference agreement establishes a new function for social security.

There were no policy differences between the House and Senate with regard to this function. Both Houses assumed the Social Security Amendments, which now have been enacted into law.

The Senate included a COLA adjusted of 3.5 percent based upon more recent data than was available to the House when it approved a resolution with a 4.1 percent COLA. The conferees adopted the Senate assumptions for the COLA.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 700: VETERANS BENEFITS AND SERVICES

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	26.00	25.55	26.40	26.00	27.00	26.50
Senate passed	25.70	25.60	26.70	26.30	27.20	26.60
Conference agreement						
Including reserve	25.70	25.60	26.60	26.10	27.00	26.50
Excluding reserve	25.55	25.45	26.45	25.95	27.00	26.50

The conference agreement includes the following:

A net of $176 million to fund a 3.5 percent cost-of-living adjustment (COLA) in compensation benefits in April 1984. The agreement assumes that subsequent annual COLAs will be payable in January.

$11 million in new entitlement authority for proposed legislation to compensate veterans for certain agent orange-related disabilities and compensation for a temporary disability rating while hospitalized.

A shift of $264 million in VA construction funds from fiscal year 1984 to a fiscal year 1983.

$150 million in budget authority and outlays in fiscal year 1984 is reserved by Congress for subsequent allocation to committees for veterans' emergency job training legislation. Funding at this level is also included for fiscal year 1985.

Reconciliation outlays of $226 million in fiscal year 1984, $138 million in fiscal year 1985, and $140 million in fiscal year 1986.

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EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 750: ADMINISTRATION OF JUSTICE

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	5.60	5.50	5.55	5.50	5.45	5.45
Senate passed	6.00	6.00	5.80	5.90	5.90	5.80
Conference agreement	5.85	5.85	5.65	5.75	5.75	5.65

The conference agreement includes the following:

$5.85 billion in total budget authority and outlays in fiscal year 1984.

$296 million in budget authority is assumed for the Legal Services Corporation in 1984; this amount is consistent with the House/reported appropriation.

$3.40 billion in budget authority is assumed in fiscal year 1984 for law enforcement activities which allows a $350 million increase above fiscal year 1983 for efforts to combat organized crime and illegal drug trafficking and to increase border patrol capability by the Immigration and Naturalization Service.

$0.15 billion in budget authority is assumed in fiscal year 1984 for a new justice assistance grant program which is consistent with House-passed authorizing legislation (H.R. 2175).

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 800: GENERAL GOVERNMENT

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	5.80	6.05	6.20	6.10	6.30	6.25
Senate passed	5.70	5.70	6.00	5.80	6.20	5.90
Conference agreement	5.60	5.60	6.00	5.80	6.20	5.90

The conference agreement includes the following:

$1.25 billion is assumed for the Legislative Branch in 1984, about the same as the 1983 funding.

$103 million is assumed for the Executive Office of the President in 1984, about the same as the 1983 funding.

$3.30 billion is assumed for the Internal Revenue Service in 1984, an amount which would support improvements in tax processing, examinations, and collections.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 850: GENERAL PURPOSE FISCAL ASSISTANCE

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	BA	0	BA	0	BA	0
House passed	7.60	7.60	7.45	7.50	7.60	7.60
Senate passed	7.10	7.00	7.20	7.10	7.50	7.50
Conference agreement	7.25	7.15	7.10	7.10	7.20	7.20

The conference agreement includes the following:

$5,017 million for each of the fiscal years 1984-86 is assumed for General Revenue Sharing. This represents a $450 million increase in budget authority over the current level of $4,567.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 900: NET INTEREST

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	96.15	96.15	103.40	103.40	105.65	105.65
Senate passed	95.90	95.90	104.20	104.20	107.00	107.00
Conference agreement:						
Including reserve	98.00	98.00	104.50	104.50	107.20	107.20
Excluding reserve	97.10	97.10	103.10	103.10	105.50	105.50

The conference agreement includes the following:

Updating of economic assumptions, to reflect recent higher levels of interest rates, which raised estimated interest outlays in Fiscal Year 1984.

Adjustment for the effect of all conference revenue and outlay agreements on deficits, debt, and debt service.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 920: ALLOWANCES

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	1.20	1.25	2.50	2.65	3.85	4.10
Senate passed	.60	60	1.90	2.00	3 20	3.40
Conference agreement	75	.80	2.05	2.20	3 40	3 60

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 920: ALLOWANCES—Continued

[In billions of dollars]

The conference agreement includes the following:

A four percent civilian Federal employee pay raise effective in January in fiscal years 1984, 1985 and 1986, with the assumption that the civilian agencies will absorb 17 percent of the cost of the fiscal year 1984 pay raise, and will absorb $150 million of the cost of the pay raise in fiscal years 1984, 1985 and 1986.

EXPLANATION OF CONFERENCE AGREEMENT, FUNCTION 950: UNDISTRIBUTED OFFSETTING RECEIPTS

[In billions of dollars]

	Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
House passed	−17.35	−17.35	−18.75	−18 75	−23.55	−23.55
Senate passed	−18.10	−18 10	−19.00	−19 00	−23.80	−23.80
Conference agreement	−18 05	−18.05	−18 90	−18.90	−23.75	−23.75

The conference agreement includes the following:

Assumes receipts from leases of Outer Continental Shelf of $9.4 billion and surplus land sales of $0.15 billion.

The **SPEAKER** pro tempore. The gentleman from Oklahoma (Mr. JONES) has consumed 9 minutes.

Mr. **LATTA**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset let me just mention something that I think was overlooked a little bit earlier when we heard all the loud talking from the majority leader about the tax bill. You know, there were 133 members of his party who voted for the tax bill that he was condemning so loudly, which he seemed to conveniently overlook.

With regard to this budget, let me say this budget, if adhered to, would return us to the tax and spending era of the Carter administration. It would put a hold on our effort to strengthen our defenses from its anemic stature gained through 4 years of neglect under the Carter years.

During the last 2½ years we have shown the world that we could put our economic house in order and lead the free world out of a worldwide recession.

Our allies are looking to us, as are the American people, to continue our steady and proper course.

Let me say that what we do here today will have a lot of do with whether or not we maintain that course. Certainly our allies do not want us to turn back. The American people do not want us to turn back.

I know there has been a lot of rhetoric here today, probably a year early, because the campaign officially does not start until next year. Still, we have to look at some economic news that apparently our Democratic friends want to ignore and say does not exist.

What has been happening? What has been happening during the last 2½ years? Let us refresh our memories.

When the Carter administration left office we had a prime interest rate of 21.5 percent. Today we have a prime interest rate of 10.5 percent. Which do you like? Which do the American people like?

Once again they have been able to buy homes. The automobile market is booming. They are putting people back to work in my district producing cars. They are doing the same thing in Detroit.

Do we want to shut that off? I think not.

Inflation. You do not even hear anything about inflation anymore. But 2½ years ago we heard about it every time we turned around. Everybody was being affected by inflation.

It was 12.4 percent out of everybody's pocket whether he was the poorest person on the block or the richest, 12.4 percent being eaten up by inflation. For the first 6 months of this year inflation is down to 3 percent.

Do we want to return to 12.4-percent inflation? We can do it by returning to those spend and spend and tax and tax policies of the past.

I do not think we want to do that. I do not think the American people want us to do that.

That economic news that our friends on the right seem to want to forget is that the Index of Economic Indicators rose 1.1 percent in April, up for the 10th consecutive month. Most economists expect the recovery to be significant through at least 1983 and 1984.

Unemployment is still a problem but it is coming down. It dropped 10 percent in May. Since December 1982 more than 800,000 more individuals have been employed in this country. The unemployment rate for auto workers in May was 14.3 percent, down over 10 points from its November 1982 peak of 24.9 percent.

Which do we prefer: tax the people to death so that they cannot buy cars, or do we want to leave a little bit for them so that they can buy something to put people back to work the American way, through the free, private enterprise system?

There is particularly strong growth in the construction, manufacturing, and service industries. Oh, yes, here is something that would be good news to everybody if they have not already realized it. Tax freedom day now falls 6 days earlier than in 1981, taking place on May 2.

Inflation, as I have mentioned, has made a significant drop.

But housing starts showed a 64-percent gain in 1 single year, which shows a strong recovery in this particular industry.

The productivity in the nonfarm area showed its biggest jump since the first quarter of 1981 in the manufacturing sector, largely because of new investments in plant modernization and expansion.

Industrial output is up.

Disposable personal income after inflation is up 0.7 percent over a year ago.

Our gross national product is up.

New factory orders rose 2.1 percent in April, the fifth increase in 6 months.

Durable goods are up 3.8 percent after a 3.2-percent increase in March, and nondefense capital goods orders rose 11.7 percent in April following a March increase of 4.5 percent.

Orders for household goods rose 4.7 percent in April, and they have surged 15.5 percent since December.

Machinery orders have increased 3.7 percent.

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S&L's reported continued deposit gains which have reflected in a healthy pace of mortgage lending.

During April deposits exceeded withdrawals by $4.42 billion. New loan commitments took their highest level ever recorded for the month of April at $10.1 billion.

My friends, that is progress. Oh, yes, we would like to have greater progress than that, but that is a lot more than it was under the Carter administration and the policies that we were following at that particular time.

Even in this Democrat budget, and I mention Democrat budget because I have alluded to the fact that we have a Republican Senate, but the budget that passed the Senate passed with 29 Democrat votes and only 21 Republican votes, and Pete Domenici, the chairman of the committee, had to switch his vote in order to pass it.

Even our Democratic friends concede that the President's economic plan is working when they revise their economic assumptions upward and beyond even the administration's projections of a few months ago.

□ 1320

In the next breath, however, they complain that the plan is not working and should be scrapped in favor of the Carter plan of tax and spend, tax and spend. Let us look at those economic indicators for just a second and they are the ones that were used by the conference committee.

Our nominal GNP projections for 1983 are up to 7.6 percent. Even from the House-passed resolution of 6.8 percent. Projected into 1984, up to 10 percent. The real GNP, the percent change of annual increase, the House-passed resolution, 2 percent, in this conference committee report for 1983 it is 2.8 percent. In 1984 the projection in the House as it passed this resolution was 4.7 percent. They now project 5.1-percent growth.

The CPI, percent of change in the House-passed resolution for 1983, 4.5 percent; but in this conference agreement for 1983, they are saying that CPI will fall to 3.5 percent and that is real progress, and they have to admit it, on that important inflation indicator.

And in 1984, they project it to be 5 percent.

As I said before, the only troublesome part about all of this is that we have not gotten all our people back to work, but they are going back to work gradually and we hope that that continues.

Let us also look at the matter of reducing spending, something most of the people of this country want.

You know, I do not get any letters from people saying they want to increase spending at the Federal level. I have not gotten any of those lately.

But in this resolution before us we increase nondefense spending by $23 billion over that requested by the President.

On the matter of taxes for 1984, $12 billion more in new taxes. Now, we might just as well face this one squarely. We soon will take up the tax matter. There is not anybody in this room familiar with what is involved who will say candidly that that $6 billion is going to go into the Treasury, because it is not going to become law. So, $12 billion in new taxes is mandated in this resolution through reconciliation. Now, where are you going to get it? $15 billion mandated new taxes for the next year. And $46 billion in new taxes mandated through reconciliation for the next year. That is $73 billion in new taxes being mandated by reconciliation in this resolution.

Now, I do not know how many thinking economists would advocate new taxes for more spending at a time when you are trying to get out of a recession.

How does this resolution accommodate all the spending in addition to raising taxes? Now you guessed it, you guessed it, all you have to do is to take a look at the resolution itself and you will find that they are putting it on the backs of the next generation and the next generation by increasing the level of the national debt.

Now, get these figures clearly because they are spelled right out in the resolution: The level of the public debt for fiscal year 1983 would be $1,389,200,000,000. For fiscal year 1984, $1,607,450,000,000; and in fiscal year 1985, $1,804,000,000; 1986, $1,993,750,000,000. That is in the resolution that you are asked to vote on here today. It is in there.

Oh, I know, there has not been much said about it, but that is right in the resolution.

We are all going to hear the Democratic rhetoric about the deficit, how it has increased under this administration. But let me say you are not going to hear one word from the right about all the Democratic programs which have added to that deficit. This administration has not been bringing request after request for new programs, to add to the deficit. No.

They have been attempting to slow the growth of this Government. But in every appropriation bill that will come through here now with the exception of defense, you are going to find more and more spending. And how many votes are you going to have against those appropriation bills? Well, they are going to be saying, "We need this, we need that, we cannot cut back."

That is how you get in trouble.

This conference report embodies a real gimmick not heretofore used to reduce the deficit figures.

Oh, I know it is probably going to be said they used it back in Muskie's day but in a different way. It places some $5.3 billion in 1983 and $8.5 billion in 1984 in a so-called reserve fund to be tapped upon the passage of certain legislation.

The proponents of this fund are calling it a contingency fund. Other people are calling it a slush fund or a "hideaway" fund which probably is more appropriate because that is what they are attempting to do, they are attempting to hide it from being placed in the deficit where it belongs.

Certainly we do not want to start this precedent, and it is a precedent.

I know they will hold up that Muskie matter, but that money was included in the deficit. If it is a good idea, putting $8.5 billion in 1984 in this hideaway fund and $5.3 billion in 1983, if that is such a good idea, we ought to hide more. As a matter of fact, we ought to balance the budget by hiding it all.

Mr. JONES of Oklahoma, Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Speaker, I just wanted to correct a misimpression that this is a precedent, this idea of a reserve fund.

In 1976, under the leadership of Senator Muskie and Senator Henry Bellmon, this concept was begun and this reserve fund, as is shown in Senate Concurrent Resolution 32, which I have here in my hand, also does not increase to the deficit unless the funds in the reserve fund are authorized.

So, it is not a precedent. It is building on the concept that was established by Senators Muskie and Bellmon.

Mr. LATTA. Let me say to my good friend and chairman, I had alluded to that fact that he would be saying that. I disagree with it completely because back when Mr. Muskie was chairman of that committee, and I have a copy of the report; it was in the deficit, that money was in the allowance section.

Let me read you page 9 of that report of the 94th Congress, it is 94-1108, if you care to take a look at it. It is in the conference report on allowances on page 9.

This is the pertinent language:

> The conference substitute provides budget authority of $2.85 billion and outlays of $1.15 billion. These amounts include $2.05 billion in budget authority and $350 million in outlays, which are reserved only for jobs programs, including accelerated public works, countercyclical assistance, public service employment, small business assistance or such other temporary job stimulus program that the Congress may enact. The balance of funds in this function covers the amounts requested by the President for pay increases for civilian agencies pending congressional review of the definitive pay proposal to be submitted by the President later this year.

□ 1330

If the chairman will look on down to the functional totals he will find those amounts are in the conference report and they show up in the deficit.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

That is in the year 1976 and I would say the gentleman is accurate in reading from that conference report. But what I had reference to was the year before when this concept was begun by Senators Muskie and Bellmon in House Congressional Resolution 32, and I read to the gentleman from page 2 of that bill.

> Number 4. The recommended level of Federal revenues under existing law is $297,800,000 and if certain provisions of the Federal Tax Reduction Act of 1975 are extended to 1976, and additional taxes on energy and enacted, the level of Federal revenues would be $295,800,000.

This particular document shows that the year before that when this concept of a reserve fund was established, that the Senate did have two levels: One that affected the deficit only if the bill was authorized and passed; and the other showed what the deficit would be without this reserve fund.

So it has been used twice before. Once it was represented totally in the deficit. Once it was represented in two ways.

Mr. LATTA. Well, let me say if it was used in that manner by Senator Muskie, he slipped one by us.

And I do not compliment him for slipping it by us.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

The distinguished chairman of the Budget Committee has suggested that the moneys within the reserve program can only be utilized upon legislation from the authorizing committee. However, page 21 of the conference report reveals a large dispute on that because it says that these moneys can be used "upon the enactment of any legislation referred to in subsection A which requires an appropriation,"—that would be the authorizing legislation—"or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted." A plain reading of this suggests that in fact it would not take a specific authorization bill but rather could be slipped into an appropriations bill. Thus, this reserve account is not as sacrosanct as has been stated on the floor or publicly described at the conference itself.

Mr. LATTA. I want to thank the gentleman for his comments.

Mr. Speaker, let me say in conclusion that if we permit such budgetary gimmickry to pass, we might as well forget all about the usefulness which remains of this budget process. And there will be less and less restraint on spending as more and more is placed in a reserve fund every year.

Let me just say something about saving the process and also the need for a budget resolution. First, it was not until 1974 that we came forth with this process. Prior to that time we got by without it. We adopted the process because we thought it could reduce spending. With the exception of 2 years, we have not made much progress in slowing the growth of spending. We are not doing it in this resolution. But if the resolution passes in its present form, we will have to rely on Presidential vetoes to reduce spending in 1984.

As for the "save the process" argument, let me point out that we voted down resolutions in the past and have come back with new resolutions and we can do it again.

So it follows that we do not have to pass this particular resolution to "save the process."

So I urge my colleagues to vote against the resolution so that we can bring you a resolution which spends less, taxes less, and protects the gains we have made in rebuilding our defenses.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Fazio), a distinguished member of the committee.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report.

If I could, I would like to engage my chairman in a colloquy regarding the reserve fund and its impact on the appropriations process.

I understand that the resolution reserved from allocation to committees at this time, particularly the Committee on Appropriations, amounts assumed necessary to fund certain phase 2 and 3 economic recovery programs which are not yet enacted into law.

Mr. JONES of Oklahoma. That is correct.

Mr. FAZIO. Is it correct that upon enactment of the authorizing legislation for one of these assumed initiatives, the amount assumed in the resolution for that program, but not yet allocated, would be allocated to the Committee on Appropriatons at that time?

Mr. JONES of Oklahoma. Yes, the Committee on the Budget will submit on the first legislative day following enactment of such legislation a report to the House reflecting the allocation from the reserve fund to the Committee on Appropriations.

Mr. FAZIO. I would like to clarify that once the allocation to the Appropriations Committee from the reserve fund is triggered, upon enactment of the authorizing legislation, the Committee on Appropriations is not procedurally restrained in its decisionmaking process as to how programs should be funded and is not required to file a new section 302(b) report.

Mr. JONES of Oklahoma. The gentleman is again correct. Yes, the intent of the managers in establishing the reserve fund is for the budget resolution not to prejudice the enactment and funding of the phase 2 and 3 recovery programs. Nothing in the resolution would direct, limit or affect the Appropriations Committee's decision on funding those programs. But if the Appropriations Committee decides to fund any of those initiatives, such funding would not be hindered by the terms of this resolution. Committees would not be required to file revised section 302(b) reports.

Mr. FAZIO. I appreciate the gentleman's comments and I would like to thank him for the sensitivity with which he has protected the prerogatives of the Appropriations Committee in this regard.

Mr. JONES of Oklahoma. I thank the gentleman. As he well knows this was an unusual circumstance as it was before the conference in 1975 and 1976. This is not a practice that we would hope to continue unless we found ourselves in a most unique circumstance as we did this year.

Mr. FAZIO. I am sure we all concur in those remarks.

Mr. JONES of Oklahoma. I thank the gentleman.

Mr. FAZIO. Mr. Speaker, budgets, like beauty, are in the eyes of the beholder. And indeed, the opinions about this budget resolution run from "a decent compromise, all things considered," to Presidential proclamations of "totally unacceptable" and threats of the veto pen being filled and ready to go.

Yes, in view of the fact that this resolution produces lower deficits than the President's proposed budget, why the sound and fury issuing forth from the White House? Because the President does not like the mix. He does not like the fact that Congress, in heeding his oft stated axiom, "you don't solve a problem by throwing money at it" refused to give him every penny he requested for the defense budget.

But take a look at this resolution, it really does not represent a radical departure from the policies and priorities of the White House. The defense side of the ledger still gets favored treatment, while the domestic programs do not keep pace with inflation. Federal expenditures are due to rise $46 billion. Of this increase, $26 billion

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will go to defense. Our domestic programs will be increased by less than 4 percent, somewhat lower than the expected rate of inflation. Thus, these programs virtually stand still, while defense gets in real terms, a 5-percent boost.

Looking at this another way, the overall budget compromise allows a 5.7-percent increase in Federal spending, while the Pentagon will get 12 percent. Thus, nondefense portion of the budget goes up 3.4 percent.

One must wonder why the President so vehemently opposes this resolution. Cannot our national security be maintained at the levels that both parties in the Congress felt was adequate? Surely it can.

On the domestic front, the House added $30 billion in social programs and the conference agreement allows for a $22 billion increase. Of that amount, $8 billion has been put in a "reserve fund" pending the authorization of the programs involved.

Thus, we effectively have added $14 billion to the domestic side and subtracted $11 billion from the defense budget. In a budget of $859 billion for fiscal year 1984, these amounts hardly seem worthy of such Presidential outrage. It is a conservative budget and if one looks beneath the rhetoric, that becomes evident.

We cannot allow the American public to be deceived by the manner in which the White House is framing this debate. What the President has succeeded in doing is mixing the use of terms. When he speaks of defense, he says that the Congress only allowed a 5-percent growth in "real terms." But when he speaks of domestic programs, and talks about his "freeze" on spending, he never points out that what his freeze means is a real cut of 4 to 5 percent due to inflation. Thus, he is camouflaging the full scope of his defense requests and his continuing assault on domestic programs. As an example, this budget provides only a 3.1-percent increase in ongoing community and regional development programs, education, training, employment, social services, health, medical insurance, welfare, social security, and veterans benefits.

This Nation is faced with major problems of getting deficits down in order to boost this economy and by getting people back to work and productivity up. This is not an easy task, nor is it one that can be accomplished overnight. Controlling spending without hampering national security or denying the American public needed assistance can be accomplished if we work together and not against each other. This resolution is the product of a bipartisan compromise. Merely because the President has not this year been able to control the process is not a sufficient reason to cast it aside.

Mr. JONES of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. Penny).

Mr. PENNY. Mr. Speaker, I rise in support of the budget resolution and commend the work of the Members of this House in arriving at that compromise.

Mr. Speaker, the third year tax cut is scheduled to take effect next week. When Congress passed this tax cut, Americans were, at the same time, promised a balanced budget by 1984.

In January of this year the President presented his budget for fiscal year 1984 which included a deficit of $190 billion. It was clear we were going to have to borrow money to give this year's tax cut.

A few days ago a House/Senate conference committee reached bipartisan agreement on a budget resolution. They have called for a balanced approach to reduce future deficits and work toward a balanced budget. They have recommended restraint on domestic spending, limiting the growth of the military budget to 10 percent, and raising some new revenue. This recommended new revenue for fiscal year 1984 is more than matched by reductions in domestic spending from current levels and reductions from the President's request for military spending. This bipartisian budget deserves our support.

Where do we get the new revenue called for by the budget? I believe capping the third year tax cut makes the most sense. This tax proposal would leave in place a full 10 percent tax cut for over 90 percent of American taxpayers. All taxpayers would still receive up to a $720 tax cut. But capping tax cuts at $720 would help us reduce the deficit by over $6 billion. We can achieve the revenue called for in the budget by limiting additional tax cuts for the wealthiest in America. It not only makes sense, it is fair.

Mr. JONES of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. Mitchell).

Mr. MITCHELL. Mr. Speaker, I rise in support of the conference report on House Concurrent Resolution 91, the first concurrent budget resolution for fiscal year 1984. Both Houses of Congress have reached a consensus that this report represents the most palatable compromise with respect to spending and revenue targets.

It is imperative that we move ahead and adopt House Concurrent Resolution 91 since the measure also represents a statement that the Congress will maintain certain budget priorities and make valiant attempts to start on the path to massive deficit reductions. This particular budget resolution, provides a change to restore some stability to the heinous cuts which have been proposed by the administration. In the past 2 years, we have witnessed the virtual destruction of our basic domestic programs due to the President's dogmatic adherence to a philosophy which defines the primary role of the Government as providing for the national defense. In the face of continuing high unemployment, unacceptable interest rates, and a painfully slow economic recovery, which is questionable at best, the Congress has a responsibility to restore order and to recommit to the priorities which represent a true investment in the future of our economy.

The conference agreement before you today represents this responsibility. The targets include initiatives to provide jobs for the long-term unemployed. The resolution also includes a program to provide health insurance and benefits for unemployed workers and their families, as well as, an extension of Federal supplemental compensation benefits for the long-term unemployed in fiscal year 1984.

The resolution before us today also takes a viable step in promoting the essential coordination of monetary and fiscal policies. The measure recognizes the critical need to move aggressively in reducing the deficit so that undue pressures on monetary policy might be eased. In fact, the conference agreement provides for a deficit of $179.3 billion in fiscal year 1984 and for a steadily declining deficit over the following 2 years, reaching a deficit level of $130.8 billion in fiscal year 1986. Estimates confirm that this figure will be at least $42 billion lower than the deficit projections in the Reagan budget.

Admittedly, the occasion is rare when I can stand in this House and support a budget resolution. Often we have acquiesced to merely rubber-stamping many of the President's budget recommendations. This is not the case with the present resolution. It has incorporated a budget deficit projection of $179.3 billion, restored some semblance of stability to domestic priority programs, and emphasized the dire need for a tightened coordination between fiscal and monetary policies. I emphatically urge the adoption of this conference agreement.

Mr. JONES of Oklahoma. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. Oakar).

Ms. OAKAR. Mr. Speaker, as the chairman knows, I have been concerned about the medicare provisions of the budget resolution conference report. I would like to engage in a colloquy with the gentleman very briefly.

It is my understanding that none of the reductions in these programs shall come from increased premiums or increased cost sharings to the beneficiaries or through reductions in services; in other words, can the gentleman

assure me that the thrust of the recommendations that the Budget Committee has made will not come from out of pocket expenses for the elderly, disabled, and the poor.

Mr. JONES of Oklahoma. I thank the gentlewoman for her concern in this regard and she has been in the forefront of protecting those who are the beneficiaries of medicare and elderly and retired citizens.

This medicare savings was first put in the Senate resolution and they assumed they would be achieved mostly by putting some sort of a limitation on the growth of physicians' fees, doctors' fees.

☐ 1340

This was discussed very thoroughly in the budget conference, and language was placed in the statement of the managers, which I will quote:

> It is the intent of the conferees that none of the savings directed to be achieved for the medicare program shall come from provisions to increase costs to beneficiaries or from reductions in services to beneficiaries. Rather, savings are to be obtained from improved control on providers of service.

And, very clearly, I think that meets the concerns the gentlewoman has. Obviously, this will be a part of reconciliation, it will be handled by the committees involved; but this is clearly the intent of the conferees.

Ms. OAKAR. I thank the chairman for yielding to me.

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Oklahoma.

Mr. McCURDY. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report on the budget and to commend the chairman, the gentleman from Oklahoma (Mr. Jones), for the remarkable job that he has done and the job that the conferees have done in getting an agreement on this budget.

I have seen and understand some of the pressures and dynamics involved in both bodies trying to achieve a budget that could be supported and that could pass, and I think the gentleman has done an outstanding job. I am not sure there would be many in this body that have the capability, the understanding, and patience to work with so many differing positions and beliefs and ideologies to come up with a broad guideline that most of us can support.

Again, I want to commend the gentleman because I think he has done an excellent job. The gentleman is a credit to the Nation, expecially to the State of Oklahoma. I think the people in the First District of Oklahoma are pleased and should be very proud of the dean of our delegation. I look forward to working with the chairman toward taking the first step and later steps in reducing the deficits and bringing back fiscal responsibility in this country.

Mr. JONES of Oklahoma. Mr. Speaker, I thank the gentleman for his kind remarks, and I intend to be involved in the debate on the tax bill which follows the budget resolution, but I want to especially commend the gentleman from Oklahoma (Mr. McCurdy) for the amendment that he will offer to that bill. That amendment, which clearly spells out that the revenues to be gained from that tax bill should go to lowering that deficit and reducing the spending, is an amendment which will be very, very helpful in actually implementing this budget agreement.

Budget conferences are only the first step. You actually have to enforce them in the reconciliation bills, in the appropriations bills, and in the other actions we take. The amendment of the gentleman from Oklahoma will be enormously helpful in making sure that enforcement and that deficit reduction effort is actually achieved.

Mr. McCURDY. I thank the gentleman and I look forward to working with him.

Mr. ROEMER. Mr. speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding, and I do want to compliment the gentleman and his committee and the conference committee for the work they have done. It is a significant improvement, I think, my personal opinion, on the budget we passed out of the House. Lower, more realistic taxes, I think that is healthy. A reasonable expenditure of money for military defense, I think that is necessary in the country.

My questions have to do with some of the spending in the bill. I have three quick questions, if the gentleman will yield. They are under the broad category of community and regional development programs, as explained in a fact sheet I got this morning.

No. 1, this report says that the conference agreement provides a little over $5 billion in funding for the general revenue sharing program for each of fiscal years 1984 through 1986, and that this represents $450 million over the current level. That is about a 10-percent increase in general revenue sharing. Is that true? And if we vote for this conference report, are we voting for that kind of increase in revenue sharing?

Mr. JONES of Oklahoma. By adopting this conference report you are not voting for that increase. The increase will actually be voted on when the general revenue sharing bill comes to the floor.

But here is the situation we faced: General revenue sharing has to be extended. It expires at the end of this year. The House and the other body have not acted on that yet. The committee in the House by a vote of 37 to 2 increased the general revenue sharing $800 million over the current level. That bill is pending and will come before the floor. The other body has not acted on it, so our choice in the increase over the present level was zero to $800 million, and we settled at a $450 million level. So that will be the parameters when it is considered in this and the other body.

Mr. ROEMER. I appreciate the gentleman's explanation. That helps me.

To read the report further, it says, in point 2: The conference agreement provides $75 million in fiscal year 1984 and $2.5 billion each year, 1985, 1986, for an infrastructure initiative, which is entirely a House initiative, this report says, proudly.

I do not feel that pride, but what is an infrastructure initiative of over $5 billion in the next 3 years?

Mr. JONES of Oklahoma. This is also in the reserve fund. As part of phase 2 and phase 3 recovery, one of the recommendations is that a mostly public works approach be taken to rebuild the deteriorating infrastructure of the United States, not only roads and highways, but transportation systems, water and sewer systems, and systems of that nature. That bill, too, has not come to the floor of the House or to the Senate. Essentially what we have done here is to put this in the reserve fund. If that is authorized and signed by the President, then funds can be released to the Appropriations Committee. But if it is not authorized, it will not be spent for any other purpose.

Mr. ROEMER. Would the gentleman agree that the $5 billion is in the reserve fund, not in the basic spending levels that you have set in the conference report? Is that in the 302 moneys, or is that a separate account, so to speak?

Mr. JONES of Oklahoma. The reserve fund will not be released as part of the 302 allocations, what we call crosswalking, to the Appropriations Committee, unless the authorizing legislation is passed by both Houses and signed by the President.

Mr. ROEMER. I thank the gentleman.

I have one final question along the same lines, and perhaps it will be the same answer. But to read further, it says the conference agreement provides $50 million in fiscal year 1984, $100 in fiscal year 1985, and $50 million in 1986 for a national industrial development bank.

Now, as the gentleman knows, I am on the Banking Committee. On this particular subcommittee we have had extensive hearings. We have come to no conclusion either as to the need for such a bank or, if there is a need, how to structure it. Yet I see several hundreds of millions of dollars outlined here.

Would the gentleman explain that to us?

Mr. JONES of Oklahoma. The national industrial development bank will fall into the same category as the infrastructure initiative that we just discussed. This will be in the reserve fund. This was generally contemplated by those who were pushing this concept as part of the phase 3 recovery program. It is a concept designed to provide a source of capital to revitalize the basic industrial structure of the United States. I recognize that the concept has not been translated into any kind of a law or legislative proposal yet, as far as I know. Therefore, that money will not be spent unless and until it actually is put into authorizing legislation, passed both the House and the Senate and signed by the President.

Mr. ROEMER. Finally, is it the chairman's position that a vote for this conference report is not in fact a vote for any or all of these additional spending programs, as so proudly outlined in this factsheet?

Mr. JONES of Oklahoma. The gentleman is correct.

As I pointed out in my opening remarks, this concept of the reserve fund enables those Members who are pushing consideration of these programs an opportunity within the confines of the Budget Act to have their proposals be considered.

But for those who were concerned that this sum of money could be used for other purposes that already now exist and thus add to the deficit irrespective of the recovery initiatives, that would be prevented in the reserve fund concept.

This was the best way we could find to deal with the situation that had not yet been settled in either the House or the Senate. So as the gentleman well knows, voting for a budget conference report is voting on limitations. It does not require that you vote for every piece in there, whether it is defense, foreign aid, or domestic programs, but it does set limitations.

Mr. ROEMER. I thank the gentleman.

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Mr. LATTA. Mr. Speaker, I yield myself 1 minute.

I listened to the colloquy between the chairman and the gentleman from Louisiana, and I would like to get the attention of both of the gentlemen at this time.

In answer to the question propounded by the gentleman from Louisiana about the reserve fund, the chairman not only once, but a couple different times, stated that we would have to have this legislation authorized and signed into law. Well, the conference report disputes that. Let me read from the conference report on page 21.

> Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, * * *

Now, that clearly says we can do it through the appropriation process.

The SPEAKER pro tempore (Mr. Foley). The time of the gentleman from Ohio (Mr. Latta) has expired.

Mr. LATTA. Mr. Speaker, I yield myself 1 additional minute.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Speaker, if the gentleman will read this, it says, "Upon enactment of an appropriation." The basic reason for this provision was because, in fact, there is a precedent where the Committee on Appropriations has appropriated for programs that have not been authorized. But the money is not released until there is passage of that appropriations bill by the House, by the Senate, and signed by the President. That is the reality we are dealing with.

Mr. LATTA. Mr. Speaker, if I may reclaim my time, that is not what the chairman said. He said a bill authorized by this Congress and signed into law.

What I am pointing out is that we can do the same thing under this language through the appropriation bill. There is no question about it. It is right there in black and white.

And let me say also that it has been called to my attention that the document that we were working from over there has been changed from the time it left the conference until it got into this report, and that might be confusing the chairman.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I would be happy to yield to the gentleman from Louisiana.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. Latta) has expired.

Mr. LATTA. Mr. Speaker, I yield myself 1 additional minute.

Mr. ROEMER. I thank the gentleman for yielding.

For the record, and in truth, is the gentleman saying that the chairman of our Budget Committee is in any way misleading when he makes the case that the reserve fund moneys are not automatically spent; that they require direct action by the House, the Senate, and a signature by the President of the United States?

That is what I heard the chairman say. Is the gentleman taking a different position than that?

Mr. LATTA. I am just reading what the conference report says, and let it speak for itself.

Mr. ROEMER. Well, I wish the gentleman would speak to the question. Is the gentleman taking a different position than the chairman of the Budget Committee?

Mr. LATTA. I am taking the position, if I may reclaim my time, right here that it states specifically in this conference report on page 21 that there are two ways of doing it, and the word "or" has been inserted, and he can do it on an appropriation bill or he can do it through an authorizing bill, as the chairman has indicated.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I would be happy to yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. The gentleman may not have been at the conference at the time this particular situation was discussed. As I recall, it came in connection with the math/science initiatives, and essentially what we had there was a situation——

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. Latta) has expired.

Mr. LATTA. Mr. Speaker, I guess we are running out of time. Let me say that I will yield myself 30 seconds. If the gentleman wants to explain it further, he can do it on his own time.

Mr. JONES of Oklahoma. No. My statement still stands, Mr. Latta, and I do not need to explain it any further.

Mr. LATTA. Mr. Speaker, all we have to do is to look at the conference report, read the language, and I think most people can understand that language. It is very clear. There are two ways of doing it. So we do not want to mislead anybody and to state anything other than what is in that conference report.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. Gramm).

Mr. GRAMM. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to this budget proposal, and I would like to begin by setting the record straight.

We have two different changes that have been made which make it very difficult to compare what the President has proposed and what the conference committee has reported. First of all, the committee changed the economic assumptions and lowered the deficit by $14 billion. But we are dealing with the same economy, and we need to apply the same assumptions, as our chairman has said over and over in the past.

Second, the committee has come up with a contingency fund proposal which says, "If you spend it, it is

spent; if you do not spend it, it is not spent." I think everybody knows what that means.

Let us look at the part of the budget that is binding, let us look at the same assumptions and under the same scoring process and see what this budget does relative to the budget proposed by the President.

First of all, this budget raises taxes in the binding part of the budget $10 billion above the level recommended by President Reagan. Some people think taxes ought to be raised. I am not one of them, but some people think we ought to raise taxes.

It proposes cutting defense $12 billion below President Reagan's recommended level. There are some people who think we ought to cut defense. Again, I do not happen to be one of them. I want a prudent control on defense growth, but I do not think we ought to slash defense.

Finally, it raises the deficit by $13 billion above the level recommended by President Reagan.

Now wait a minute. If we raise taxes by $10 billion, that is supposed to lower the deficit. If we cut defense by $12 billion, that is supposed to lower the deficit. But yet the deficit in the part of the budget that is binding is up $13 billion.

What happened? What happened was the committee did not raise taxes to lower the deficit and it did not cut defense to lower the deficit. It raised taxes, cut defense, and raised the deficit to fund $29 billion worth of new spending add ons.

So if Members vote for this budget, they are voting to raise taxes, to slash defense, to raise the deficit so we can go on spending as usual here in Washington.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. GRAMM. I will be happy to yield at the conclusion of my remarks.

What we are doing here is asking that we return to the policies of the 1960's and 1970's, that we return to the policies of cutting defense, raising taxes, raising the deficit, so that we can go on spending as usual here in Washington. And what a great paradox it is now that our effort to control spending in the last 2 years is now bearing fruit. The economy is recovering; the inflation rate has collapsed; interest rates have been cut in half, 800,000 people have gone to work since January. If we can sustain this recovery, we can put 5 million more people to work in the next 3 years.

Does anybody believe that we are going to sustain the recovery by raising taxes and raising the deficit so we can go on spending as usual? This is not an economic document. This is a political document which says to every special interest group in America that the national Democratic Party cares more about every special interest prospending group in America than it does about the working people and the people who would like to be working.

This is an election year document that unfortunately is going to affect real people who are out there waiting to go back to work. It is going to offset the gains of the last 2 years, and I urge my colleagues to defeat this budget so that we might go back to the drawing board and put together a budget that does, indeed, control spending and that does lower the deficit.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. GRAMM. I would be happy to yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

Two questions quickly: One is on the deficit figure that the gentleman from Texas used. We have been told that the conference report yields a lower deficit than the budget that passed the House a couple months ago. I believe that is true. The gentleman has come up with a new statistic and says that the President's budget, if it had been adopted, would have yielded an even lower deficit.

Mr. GRAMM. Let me respond to the gentleman by saying that when you convert to the same economic assumptions and use the same scoring, the deficit in this budget is $8 billion higher than the President's proposal in fiscal year 1984, $5 billion above in 1983 revisions. And $8 billion plus $5 billion is $13 billion. So this budget raises the deficit in the area of the budget which is binding. This budget does not raise taxes to lower the deficit. This budget does not cut defense to lower the deficit. This budget raises taxes, cuts defense, raises the deficit, all so we can go on spending here as usual here in Washington.

We have an election year choice, 1 year early: We can vote to show we care more about every prospending special interest group in the country than we do about the people who want to go to work or we can vote to sustain the recovery. If you want to raise taxes, cut defense, and raise the deficit so we can go on spending, vote for this budget. If you do not want to do those things, vote against this budget so we can go back to the drawing board.

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Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. Loeffler).

Mr. LOEFFLER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in strong opposition to this budget conference report.

I might just continue the discussion that was just terminated between the gentleman from Texas (Mr. Gramm) and the gentleman from Louisiana (Mr. Roemer). I have in my hands now a document that is approximately 1½ hours old. It is the most recent and authoritative analysis by the Congressional Budget Office, and it addresses the deficit numbers the gentleman was asking about in a different way than what he asked our colleague and friend, the gentleman from Texas (Mr. Gramm).

The bottom line by the Congressional Budget Office, comparing the President's budget request with this conference budget resolution before us, is that the adjusted deficit for the President's budget request would be $170.8 billion in fiscal year 1984, and if this budget resolution is agreed to by the conferees—most of the conferees, I should say—it is $179.3 billion. So there is approximately a $10 billion difference; an add on of $10 billion by this conference report before us.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. Mr. Speaker, in addition, I wish to say to my friend, the gentleman from Louisiana, that this is using the same economic assumptions, in order that the apples and oranges of the past can be compared as a common grapefruit.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. LOEFFLER. I am happy to yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Speaker, I will limit it to that point. That is the deficit, and I appreciate the figures of the gentleman from Texas.

I will ask if this $179 billion deficit figure in the conference report includes the reserve or excludes the reserve?

Mr. LOEFFLER. It includes the reserve, consistent with the language in the conference report.

Mr. ROEMER. So what would those figures be, excluding the reserve? Does the gentleman have that?

Mr. LOEFFLER. If we exclude the reserve, we are talking about something in the range of a billion dollars-plus over what the President's request was.

Mr. ROEMER. But would the gentleman agree that excluding the reserve the figures are the same?

Mr. LOEFFLER. The Congressional Budget Office includes the reserve in spending.

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Texas (Mr. Loeffler).

Mr. LOEFFLER. Mr. Speaker, I would like to address another item that is involved in this budget resolution, and that is if this budget is designed to reassure the business community and the financial markets on the question of the resolve of Congress to set its fiscal house in order, let me assure the Members of this body that it has failed miserably. Tax increases cannot produce lower interest rates. Additional taxes crowd productive dol-

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lars out of the economy in the same way that higher deficits do.

So if certain Members believe they can raise taxes to reduce the deficit with a commensurate GNP-neutral effect as opposed to an outright reduction in Federal spending, that is just not true.

Some have argued that a combination of tax increases and spending reductions would lower the deficit enough to reduce interest rates. I question this equation unless a serious and realistic effort to restrain excessive spending, not simply by gutting our national defense capabilities, is made. Financial markets will not be fooled into thinking that deficits are being brought under control.

In addition, Mr. Speaker, the recovery that is currently ongoing depends in large part on consumer spending, for consumer spending accounts for between 60 and 65 percent of the demand for goods and services. This basically is a great element in achieving new, lasting, and real jobs as we are now in the process of reducing unemployment. If Congress intrudes on the third year 10 percent personal income tax reduction in any way—and we will be looking at that later today—it will in effect stifle economic recovery by preventing increased consumer spending and by disallowing sustained and solid recovery.

Mr. Speaker, there is no question, then, that we are looking at a situation that calls for massive tax increases, and just in the unlikely event that the tax increase bill that we will be considering later today would become law over the objections of the President and many of us on this floor, there would still be a need for an additional $6 billion to be raised for fiscal year 1984, and over the 3-year projection between fiscal year 1984 and fiscal year 1986, we would need to raise $73 billion in taxes over and above the existing law that we know today.

My question to this body and to the American people for their own determination is this: What segment or segments of our society will be asked to shoulder this back-breaking tax burden? Will if come from a specific industry? Will it come from everyone across the board in the form of a surtax? No one knows. The American people have been taxed to death. We simply cannot afford additional taxes.

Mr. Speaker, I urge my colleagues to defeat this conference report, and I thank the gentleman from Ohio (Mr. Latta), for his distinguished leadership in this area.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. Richardson).

Mr. RICHARDSON. Mr. Speaker, I rise in support of the conference report on the first concurrent budget resolution, although I have some problems in the spending area that I wish to point out.

I felt the 4-percent real increase in defense spending provided for in the House-passed budget resolution was generous. The House plan would have strengthened America's defense in a prudent, effective, and responsible manner. But the 5-percent increase in defense spending provided in the conference committee report is a bit excessive. I will admit it is certainly better than the President's proposal for 10 percent growth in the Pentagon budget. But giving the Pentagon $270 billion next year as the conference report budget calls for will only foster the waste we all hate to see without effectively strengthening our national security. I think my colleagues will agree you cannot solve a problem by throwing money at it.

Mr. Speaker, we continuously hear calls for more responsible Federal spending and for lower Federal deficits. The House took action to reduce these unconscionable deficits that threaten to choke off economic recovery. The House-passed budget would produce a deficit $5 billion lower than the conference budget in fiscal year 1984 and $15 billion lower than the conference budget in fiscal year 1985.

Mr. Speaker, domestic programs really took it on the chin in the conference budget. Domestic spending in the conference budget is $6½ billion less than the House budget called for. Medicare, food stamps, child nutrition programs, programs designed to protect and assist those Americans who have been left behind in this cruel recession were all slashed. Necessary community and regional development expenditures were cut by more than $1 billion. Even in the face of reports that our Nation is facing a severe crisis in education the conference budget contains almost $2 billion less for education and employment programs than the House-passed budget.

Yet, I still must vote in favor of the conference report because we must not let the budget process collapse. Admittedly the budget process has not been taken very seriously during the past 2½ years, as the record budget deficits during the Reagan administration show.

But if Congress is unable to pass a budget resolution, however imperfect, the budget process will fall apart, we will be blamed for being unable to discipline ourselves and we will be lambasted by a President who wants more defense, less for domestic spending and who cares not in the least about the record deficits he wants to pile up year after year.

The President has asked for fiscal responsibility and we can give him just that by passing the budget resolution. But it is the President who threatens to walk away from the budget process and veto tax and spending bills. It was the President who produced a budget with deep domestic spending cuts and a deficit approaching $200 billion as far as the eye could see. If this is not fiscal irresponsibility, I do not know what is. Members of the President's own party rejected his budget as totally unrealistic and too harsh on the poor. But the President's eyes remain closed.

Congress must pass a budget and demonstrate to the American people that we are not the irresponsible ones. That blame belongs at the other end of Pennsylvania Avenue.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. Pursell).

Mr. PURSELL. Mr. Speaker, first I want to congratulate the Budget Committee for its work in a difficult process. Even though I disagree with the result, the process is critically important to this Congress.

Mr. Speaker, when the Governor of Michigan proposed earlier this year sizable tax increases and only marginal deficit reductions as a way of addressing Michigan's fiscal crisis, I issued a statement summarizing my concern. I cautioned the Governor and the Michigan Legislature that "Michigan cannot tax itself into prosperity." Much to my regret, the conference on the first budget resolution has chosen the same unwise path of increases in taxes, spending, and deficits.

At a time when the Nation is experiencing signs of economic recovery, I believe it is a serious mistake to increase taxes.

In almost every respect, this conference report offers the wrong solution for the Nations problems. An additional $73 billion in taxes over the next 3 years, $12 billion alone in fiscal year 1984, is proposed by this budget resolution. Most objectionable of all of the provisions is the assumption that the third year of the tax cut is to be capped; $6 billion cannot be removed from the pockets of the American taxpayers at a point when consumer spending is just beginning to accelerate. Deficits cannot be reduced simply by raising taxes. Unfortunately, this is the path chosen by the conference report.

For every dollar of increased taxes, the conference report requires only 16 cents in reduced spending. That is $73 billion of new taxes and only $12 billion in reductions. This is less than one-half of 1 percent of what the Federal Government will spend over the next 3 years. That is hardly restraining the growth of Federal spending.

Mr. Speaker, economic prosperity does not spring forth from tax increases and fiscal responsibility is not fostered by raising Federal deficits. Therefore this Nation—like Michigan—cannot tax itself into prosperity.

I urge defeat of this conference report.

□ 1410

Mr. JONES of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. Traxler).

Mr. TRAXLER. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support for the budget resolution.

My distinguished colleague, the previous speaker, the gentleman from Michigan, and my good friend, failed to tell the committee that the facts of the matter in Michigan were that the Democratic Governor there inherited the situation from his Republican predecessor in which the State was nearly a billion dollars in debt and was faced with absolute bankruptcy.

Governor Blanchard and the legislature acted courageously to protect our State from the horrendous possibilities of school closing, payless paydays, and a black mark that would have blemished our good State's name.

Fortunately, courage and sensibility carried the day in the face of those who would have continued a policy which would ultimately have seen great schools like the University of Michigan at Ann Arbor, which the gentleman represents, closed.

We have similar situations not unlike that in Michigan present in this Federal Government, with a President that insists upon running deficits which in 4 years will equal that of 200 years of his predecessors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Does the gentlewoman seek recognition?

Mrs. MARTIN of Illinois. Mr. Speaker, could the Chair inform us how much time each side of the aisle has remaining?

The SPEAKER pro tempore. The gentleman from Oklahoma has 35 minutes left and the gentleman from Ohio has 21½ minutes left.

Mrs. MARTIN of Illinois. Then we will allow the other side of the aisle to catch up.

Mr. JONES of Oklahoma. Does the gentlewoman want to yield back her time?

Mrs. MARTIN of Illinois. Mr. Speaker, I am reserving the balance of my time.

Mr. JONES of Oklahoma. Our side just spoke. If the gentlewoman does not want to use her time and have her side go forward, the gentlewoman can reserve her time and we can reserve ours and we can dispense with the rest of the debate.

Mrs. MARTIN of Illinois. Mr. Speaker, may I ask the outstanding chairman, the gentleman from Oklahoma, will he then yield that time to us?

Well, we will reserve our time for now and await the gentleman's decision.

PARLIAMENTARY INQUIRY

Mr. JONES of Oklahoma. Mr. Speaker, I would like to state a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JONES of Oklahoma. Mr. Speaker, if we reserve our time, is the previous question then in order?

The SPEAKER pro tempore. Will the gentleman restate the question?

Mr. JONES of Oklahoma. The gentlewoman has reserved her time. If we reserve our time, is the previous question then in order?

The SPEAKER pro tempore. If neither side yields time, the Chair will entertain a motion for the previous question from the manager of the motion.

PARLIAMENTARY INQUIRY

Mr. SHUSTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SHUSTER. Mr. Speaker, if not the rules of the House, is it not the tradition of the House that the side with the most time remaining takes the floor?

The SPEAKER pro tempore. That is one variable. Alternating from side to side is another tradition of the House.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, this 30 seconds will just be on one level of a bipartisan thank you.

I have always respected the political acumen of the majority and never expected to receive a gift, such as we are being given today. A tax increase and a ludicrous budget on a platter are being given to my party, to be used not just this year, but next. We are extraordinarily grateful on this side, although a little surprised that those kinds of judgments could have been made. But we will happily use that tax increase to show the American people what the parties stand for.

Mr. JONES of Oklahoma. Mr. Speaker, I yield myself 30 seconds just to point out to the gentlewoman that the tax bill is the next bill to be considered. We are on the budget conference report right now. As far as the debate is concerned, we have been alternating back and forth. The fact that the ranking minority member used 22 minutes as one speaker is beyond my control.

Mr. Speaker, I yield 1 minute to the gentleman from Montana (Mr. Williams).

Mr. WILLIAMS of Montana. Mr. Speaker, as a member of the House Budget Committee, I join my colleagues in urging adoption of the conference report on the first budget resolution. This budget is a definite change from past practice.

For openers, the conference agreement reduces the deficit by at least $48.2 billion and potentially $66 billion lower than the deficit in the President's budget.

While reducing the deficit, this budget will create jobs if the Congress follows through and enacts programs which are provided for in the reserve fund. The agreement provides for $6.060 billion in budget authority and $5.350 billion in outlays in fiscal year 1983, and $8.325 billion in budget authority and $8.525 billion in outlays in fiscal year 1984. Programs funded are primarily new initiatives to alleviate the effects of the recession and to promote economic recovery. Included are: loan foreclosure relief for farmers, foreclosure relief for the unemployed, public works, national industrial development bank, job programs, health insurance for the unemployed, extension of unemployment benefits, expanded eligibility for food stamps, and veterans' job training.

Funds will be allocated to committees when the above programs become authorized.

Specifically, the conference agreement provides $4.5 billion in budget authority for fiscal year 1983 and $3.5 billion in budget authority in fiscal year 1984 for a new jobs program in the reserve fund, which could provide jobs to 600,000 to 800,000 long-term unemployed persons. The budget provides $4.564 billion in budget authority in fiscal year 1984 for job training under the Job Training Partnership Act (JTPA) as well as $3.611 billion for forward funding of this program. JTPA passed the 97th Congress and was embraced by President Reagan as his program.

The conference agreement on the first budget resolution for fiscal year 1984 provides $16.10 billion in budget authority and $14.85 billion in outlays for education programs. This reflects an even compromise with the Senate and provides for an increase of $0.8 billion above the current level of funding including:

A $613 million increase for compensatory education;

A $496 million increase for student financial assistance for higher education;

A $325 million increase for a new math-science initiative;

A $97 million increase for vocational and adult education; and

A $50 million increase in education for the handicapped.

The first budget resolution for fiscal year 1984 provides $430 million in budget authority and $214 million in outlays for a math-science education initiative. This House has passed H.R. 1310, which authorizes $425 million for scholarships, grants, teacher training, research, and other initiatives to enhance the quality of math and science education in the country.

Why do we need these jobs now?

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In May 1983, 11.2 million American workers were unemployed, for an overall national unemployment of 10.1 percent. Despite a drop in unemployment since its peak in December 1982 at 10.8 percent, the current rate is still the highest of any unemployment rate between the years of 1940 and 1982. In addition to the number of workers officially counted as unemployed, an additional 2 million people also are jobless but have given up hope of finding work. These discouraged workers are no longer counted among the officially unemployed. Among those people who are currently working, about 6 million are forced to work part time because they cannot find full-time employment.

Unemployment among blacks in May 1983 stood at 20.6 percent. The overall youth unemployment rate in May was 23 percent. Among black youth, the May 1983 jobless rate was 48.2 percent. Virtually one of every two black teenagers is actively seeking but unable to find a job.

The recent drop in unemployment has not resulted in a comparable increase in the number of people who are finding jobs. Since December 1982, the portion of civilian workers who are unemployed has dropped from 10.8 to 10.1 percent. However, at the same time, the total number of civilians in the labor force also has dropped, from 111,129,000 to 110,749,000. Therefore, the drop in unemployment has occurred, not because more people are finding jobs, but because the labor force itself is shrinking as more people give up hope of finding work.

Unemployment declines since December 1982 have not equally benefited all sectors of the work force. While joblessness has dropped slightly for adult whites and black men, the unemployment rate among black women aged 20 and over has actually increased since December 1982, rising from 16.5 to 17.1 percent in May 1983.

Despite the drop in the overall unemployment rate since December, the number of people who are long-term unemployed has continued to climb sharply. In December 1982, when unemployment is considered to have peaked, 38.8 percent of the unemployed had been jobless for at least 15 weeks, and 21.3 percent of the unemployed had been idle at least 27 weeks. In May 1983, the portion of unemployed remaining jobless for at least 15 weeks had climbed to 41 percent and those jobless for at least 27 weeks had increased to 25.3 percent. Meanwhile, the average number of weeks of unemployment in December 1982 was 18; by May 1983, the average duration of unemployment had increased to 20.4 weeks. As a result, the total number of weeks of unemployment in May 1983 was higher than in December 1982, despite a drop in the unemployment rate.

The Joint Economic Committee has released data which show the severity of unemployment in May 1983 is the worst of any time since 1948, despite the recent drop in the overall unemployment rate. In May 1983, 11.2 million people were unemployed for an average of 20.4 weeks, for a total number of weeks of unemployment of 228 million. By contrast, when unemployment peaked in December 1982, 12 million people were out of work for an average of 18 weeks, for a total number of weeks for unemployment of 216 million. Meanwhile, in June 1981, the month before the current recession began, 7.7 million people were unemployed an average of 14.2 weeks, for a total number of weeks of unemployment of 109 million.

Although most economic forecasters agree that recovery may be beginning, even the most optimistic concede that recovery will be very slow-paced compared to recoveries from previous postwar recessions. Most forecasters do not anticipate that unemployment will drop below an average of 9 percent until after 1984. Unemployment is not expected to reach its prerecession level until after 1988 at the earliest, according to several forecasters including the Congressional Budget Office.

After most of the postwar recessions, unemployment during the recovery phase has been higher than after the previous recession. In the peak month of the 1969-73 business cycle, unemployment stood at 4.8 percent. In the peak month of the 1980-81 cycle, unemployment was 7.2 percent. Meanwhile, unemployment during the 1981-83 recession appears to have peaked at 10.8 percent. Even with a sustained recovery, unemployment is not expected to reach its prerecession level of 7.3 percent in June 1981 until after 1988 at the earliest.

In March 1983, the unemployment rate in 22 States was higher than the national average. In all but eight States, unemployment had climbed between March 1982 and March 1983.

Of a total 243 metropolitan areas, unemployment rates in 183 had risen between March 1982 and March 1983. As of March 1983, 94 metropolitan areas had jobless rates above the national average.

Bureau of Labor Statistics Commissioner Janet Norwood recently told a group of business writers that "Economic recovery alone will not be enough for certain groups of workers. Without additional help, blacks, women, youth and displaced workers will be left behind," she said.

Congress in March 1983 provided $4.6 billion in an emergency supplemental jobs appropriations bill—Public Law 98-8. However, this measure primarily speeded up already planned spending for a variety of existing Federal programs with no guarantee that the additional funding be used to create jobs. At best, the money is expected to create between 300,000 and 400,000 jobs, many of which will not be full-year jobs. Further, most of the employment that will be created will be on public works projects, primarily assisting unemployed construction workers. Meanwhile, women and minorities, who respectively comprise 41.5 percent and 29 percent of the unemployed, comprise only 1.3 percent and 7.3 percent of construction workers.

Within days of signing the emergency jobs supplemental appropriation, the administration announced plans to propose a 50-percent reduction in outlays for programs included in the measure between now and 1988.

I urge my colleagues to support this budget compromise. It meets our national compass and makes fairness once again a national goal.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the ranking minority member of the Ways and Means Committee, the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Speaker, we have had a great deal of talk here today and a great many figures of various sorts thrown around. I must say, there seems to be very little agreement.

I think it is fairly clear that whatever the variables may be, that we are going to wind up with a deficit of close to $182 billion, if you assume that withholding is repealed, and I have to assume that given the state of that legislation in the two Houses of the Congress.

It is important to understand when people talk about the necessity of preserving the budget process that the budget process has been desirable for this body. Before the early 1970's, we had no legislative budget as such. The procedure was brought into place when a coalition of liberals and conservatives, each for their own reasons, decided that it was desirable that we not do whatever lovely thing we wanted to do whenever we wanted to do it, but instead have some set of priorities which we could use and fall back on if we disagreed with the priorities the President had expressed in his Executive budget.

I think any objective observer would have to acknowledge that the empirical evidence produced by our legislative budget process does not indicate that it has been a smashing success, at least in fiscal terms. Since the early 1970's, we have, in fact, had more supplemental appropriations and bigger deficits than we had before. I do not think that is the fault of the budget process. It is the harvest of Great Society programs passed during the late 1960's when we built in demand for governmental services and converted many appropriations to entitlements.

That started a spending avalanche down the hillside.

What I am saying, Mr. Speaker, is that I would prefer to have a budget, if we can have it; but when the end product of that budget process is a deficit of $182 billion, I think there is serious question whether it is worth the price we are paying.

□ 1420

I do not believe if we fail to get a budget this year the budget process will disappear permanently. Presumably we will continue to try to work out legislative priorities which will express the collective wisdom of this body.

I think it is entirely possible we might wish to make the budget process a more effective process if this year it proves to be a failure. But clearly fiscal policy transcends any particular procedure and it is my hope that my colleagues will decide not to pay the price they are being asked to pay for a conference report which bears such bitter fruit.

I urge the defeat of the conference report.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Downey), a distinguished member of the committee.

Mr. DOWNEY of New York. Two years ago, of course, Mr. Chairman, the President embraced the budget process because it served his political and economic ends, and this Congress swallowed, whole, his version of fiscal alchemy, and we are left in the condition we are today.

Ronald Reagan said that the recession was not his and I think it is only fair to say neither is the recovery. The dynamism of this economy is such that it is recovering despite these disastrous fiscal policies.

But the Members of the House and the Members of the other body have decided that they, unlike the President, are not going to play politics, they are going to try and forge some sort of an agreement that has as its deficit a deficit even below that of President "Borrow."

I want to point out in particular in the area of military spending the fact that some tough choices are on the horizon. We have been lavish in the needs of the military. From the period 1981 through 1983 we provided for a growth rate of some 32 percent. What we will be providing now is a growth rate from fiscal year 1984 through 1986 of 15 percent. We will be spending cumulatively over this period $895 billion on the military.

Despite that, and that is certainly not a starvation figure, we are going to have to make some tough choices in R&D and procurement because in those accounts we have seen the most dramatic growth. In fiscal year 1980 we spent $49 billion and in those two accounts in 1984 we will be spending $123 billion, an increase of some 105 percent.

We are going to have to make some decisions on weapons systems we do not think we need if we are going to comply with the 5-percent real growth figure. If we do not do that, we will cut spares, and parts, and ammunition, and do all of the things that the President accused President Carter of doing in 1980.

I do not think we want to do that. I think we want to provide for a strong military, but it is going to require us making decisions on some weapons systems we want and others that we do not need.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. Holt).

Mrs. HOLT. Mr. Speaker, if, indeed, the House of Representatives votes to approve the two measures before us today, the taxpayers will remember this as a day of shame for this country.

First comes the 1984 budget conference report, which calls for tax increases of $73 billion over 3 years to support more spending on an assortment of domestic programs. The gentleman from Texas pointed out that there is no reduction in spending from the tax increase—no reduction in the deficit.

Next comes the legislation to put a $700 cap on the amount of relief available to any taxpayer from the scheduled July 1 reduction of tax rates. Consider this the first installment of the tax increases that the budget conferees have in mind.

During my more than 10 years in Congress, I have seldom seen a day in which middle-income taxpayers were threatened with such abuse.

I would remind my colleagues that the budget is not terribly out of balance for lack of tax revenues. It is out of balance because of the recent recession and because of a long history of congressional extravagance in spending.

It is spending that is the problem. Every economist who has come before the Joint Economic Committee says we have to curb spending, we must do it. It was the reckless spending of the 1970's that created the double-digit inflation and rising tax burden that ultimately crushed the economy with 3 consecutive recession years in 1980, 1981, and 1982.

In the past 2 years, with strong and effective leadership from the President, we have laid the foundation for economic growth. Spending has been restrained, the inflation rate has dropped to the lowest level in 10 years, and taxes have been cut.

We are in the sixth month of economic recovery, and current estimates indicate that real GNP will have grown at an annual rate of 6.6 percent in the second quarter of 1983.

The prospects are excellent for strong and sustainable economic growth in the months and years ahead if Congress does not wreck the recovery with a new eruption of spending and taxes.

The 10-percent cut in tax rates due July 1 is extremely important to continue and strengthen the economic recovery, but the House majority leadership is today proposing to reduce that needed relief.

It is a proposal that is an assault on middle-income families.

Anybody who is concerned about the unemployment problem will vote against this budget and the tax bill. They would both erode consumer purchasing power and limit the ability of people to save and invest for productive economic growth.

The unemployment rate has dropped from 10.8 percent in December to 10 percent in May, and will continue to fall if we continue on the course of economic growth. It would be a tragic error to return to the failed policies of the 1970's represented by the two bills before us today.

I urge a vote against the budget resolution.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. Panetta), the distinguished chairman of the Reconciliation Task Force of the Budget Committee.

Mr. PANETTA. Mr. Speaker, first of all I want to commend the chairman of the committee and all of the other members who participated in the conference, both on this side and in the other body, for the hard work and dedication they put into this budget resolution.

Budget resolutions are, by their very nature, difficult, challenging, and controversial, and this resolution is no different. It is a tough vote to support this resolution, but I also think it is the right vote.

It is the right vote institutionally, because it implements the budget process and, very frankly, this is the only game in town.

The President has literally walked away from the budget process and now proposes a nonpolicy of vetoes, of chaos, of constant confrontation. His budget was dead on arrival here.

I find it rather interesting that Members are now using CBO figures to compare it to the President's budget when no one, no one offered the President's budget in committee or on the floor, at any time, on either side of the aisle and, indeed, his budget was rejected unanimously by the Senate Budget Committee.

So in that vacuum, what do we do? The Congress has a responsibility under the budget process to develop a

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budget framework and to try to implement a process that retains some semblance of fiscal discipline within the institution.

This is also a right vote economically for the country. We are all interested in seeing a sustained, long-term economic recovery. There is no one here who is against that.

We see signs of economic recovery now, and that is good. But everyone knows that we will not sustain a long-term recovery with the size deficits that we are running, and the deficits are immense.

The last 2 years we have enacted the President's budgets. We have endorsed the budgets proposed from the minority side of the aisle. And yet today we are running for 1983 a $203 billion deficit—the largest in history.

We cannot control those deficits if we are going to use a double standard. You cannot pump a trillion dollars into defense and you cannot cut taxes by a trillion dollars and expect that that is going to help you balance the budget or reduce deficits.

No; we do not support a position of tax, tax, tax, spend, spend, spend. Neither do we support a position of borrow, borrow, borrow, spend, spend, spend. That is exactly what the administration is doing now.

The American people do not want either policy.

This resolution is not a return to the 1950's, the 1960's, or the 1970's. It is a return to some kind of commonsense approach that retains some degree of fairness in trying to balance the burden in reducing those deficits.

So we have reduced the growth in defense from 10 to 5 percent—5 percent I might say real growth above inflation. We have tried to restrain the growth in entitlements in this budget resolution. For the first time we limit cost-of-living indexes for all retirement programs for 6 months. We are taking a small step in the right direction there.

We are also in this budget trying to repair the human damage that has resulted from the recession we have been through.

☐ 1430

We cannot disregard the need to do that, to try to repair that damage. And we are trying to enforce some targets on spending, through the enforcement mechanisms built into this budget, we are trying to reduce those deficits over the outyears.

This is what the budget is all about. Fair-weather budgeteers who come and go, depending on whether their particular item is in here or not, can walk away from this budget, that is fine. But if we have a degree of responsibility in our soul, we have an obligation to do what is right, for the Congress, for the country, and for the American people. And it is for those reasons that I urge an aye vote on this budget resolution.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the distinguished member of the committee, the gentleman from New York (Mr. Kemp).

Mr. KEMP. I thank my colleague for yielding.

I would like to remind my friend from California, that the purpose of a budget is not just to reduce deficits. The purpose of a budget is to encourage and enhance the chances for the very recovery that he has talked about in his remarks. If a budget should interfere with recovery by mistaken spending and taxing policies, that discourages economic recovery, the deficit will not go down, it will surely go up, and stagnation will result. A bad budget is worse than no budget at all in this case.

I served on this conference committee and I support a responsible budget process. But I also believe that to lose sight of the substance of the budget document and strive only to retain the process is not responsible, economically or politically. I can remember in June 1980 we had a budget on paper that was in balance. In this first concurrent resolution of 1981 we had $614 billion in revenues and $614 billion in spending.

The prime interest rate at that time was 18.9 percent.

The Federal funds rate targeted by the Federal Reserve Board was 16.4 percent and had been rising since 1979.

The combination of these interest rates and inflation caused the economy to go into a contraction and the result is a deficit now of an estimate of from $180 to $200 billion.

The purpose of the budget is, again, not to just reduce the deficit. Its most important purpose is to create a climate in which we can grow our way out of these deficits and establish the conditions in this country for noninflationary growth and full employment. That has to be our uppermost policy goal.

The deficit we are facing today, is primarily the result of a Federal Reserve induced credit crunch which caused the recession and shot unemployment up from 6 to 10 percent. Get Americans back to work and the deficits will come down.

In 1980 and 1981 when we were debating the budget the deficit was about 2 percent of GNP, today it is over 5 percent of GNP. Why? I happen to believe we have these deficits because interest rates were kept at 15 or 16 percent for 3 or 4 years shutting off housing, shutting off automobile sales, shutting off all the secondary and tertiary industries associated with autos and housing, such as steel, manufacturing and machine tools. These interest rates hurt our exports, and caused a terrible disruption in world trade. Right now we are experiencing an economy that is about $500 billion below its capacity to perform and fuel output.

Ladies and gentlemen, if our economy were performing near its capacity of utilization of factories and we had a 6-percent rate instead of 10 percent, the deficit would be below $50 or $60 billion.

The key to reducing the deficit is not raising taxes. Instead, it is passing a budget that does not discourage economic growth. Or, as an alternative, having no budget and allowing the President to go ahead and veto those spending bills that are over the target, and keep in place the tax policy necessary to sustain our economic recovery.

The gentleman from California pointed to a trillion-dollar tax cut. Let us look a moment at that trillion-dollar tax cut.

While the Economic Recovery Tax Act of 1981 provided $1,138 billion in tax relief over the years 1981–88, after $489 billion of inflation-induced bracket creep, $270 billion of new social security taxes, $281 billion of new taxes in last year's tax bill, $21 billion in new gasoline taxes, the American people are left with a net tax cut of $77 billion—less than $10 billion a year over 8 years.

Passage of this budget would completely wipe out what is left of the tax relief passed in 1981.

This budget represents ultimate fiscal irresponsibility, and I cannot support it.

It calls for about $18 billion more in spending—after cutting the defense spending increase to half of the President's request—and $12 billion more in taxes for fiscal year 1984 than the President's budget proposal, yet it has a higher deficit. When the revised economic assumptions are applied to the President's budget, the administration's deficit would be $8.5 billion lower than the deficit contained in the conference substitute.

It raises taxes of $73 billion over the next 3 years.

Raising taxes is the surest way to abort our economic recovery. The arguments made for capping the third year of the tax cut do not hold up. The cap would not affect just the rich but would hit families with gross incomes as low as $40,000 and individuals with incomes as low as $30,000.

While the budget agreement is based on revised economic assumptions which reflect a stronger economic recovery than originally forecast by the CBO, there is no restraint in the degree of spending on domestic programs. Rather, the budget compromise contains a $8.5 billion contingency slush fund for additional recession relief programs. Higher economic growth means that we can lower social

spending without reducing services—with more people working there should be less Government spending in these areas—not more.

The budget significantly cuts our defense budget.

It calls for a $80.2 billion reduction in budget authority when compared with the President's request for fiscal years 1984, 1985, 1986.

This reduction will seriously damage our commitment to rearm America necessitating reductions in the force structure, the readiness and stability of our combat forces, and in our modernization program.

Significant reductions would be required in our naval forces, in the research and development budget, and in weapon systems procurement.

We would lose our momentum in restoring our military capability following years of neglect.

I reject the implication of the resolution language that deficit reductions brought about by tax increases reduces pressure on monetary policy since, in the short run at least, tax increases reduce the pool of available spending.

I also reject the notion in the language on monetary policy that a reduction in budget deficits through spending restraint should be accompanied by faster money growth.

I urge defeat of the budget precisely because of this flawed type of economic thinking that has failed in the past.

Sound monetary policy aimed at stabilizing prices and lowering interest rates while cutting tax rates and spending is the only real way to expand the economy and create jobs without inflation.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan.

Mr. ALBOSTA. Mr. Speaker, I thank the chairman and the Speaker for the time.

I was just listening with great interest to the gentleman from New York describing why we have precedented deficits in this country and why we should be worried about the large deficits. I can tell you, I am worried about the large deficits and so are my constituents in Michigan.

There are several reasons for the large Federal deficits. Among them, increased defense spending, large tax cuts, unemployment and excessive Government borrowing and spending. Also, I would like to bring up another reason for the large deficits. That is we allow some American companies to relocate and invest in other countries. When this occurs, American dollars flow out of this country resulting in fewer investments, workers are displaced causing higher unemployment and the end result is a suffering economy and higher deficits.

As this body considers today the bipartisan budget resolution now before us, I remind the Members that reducing the soaring deficits should be a top priority. I am encouraged that as a result of this bipartisan effort, this budget deals with the combined problems of mounting deficits and economic recession.

The Nation is now on the brink of economic recovery, a recovery which will affect not only Americans, but the economies throughout the world. The choices we make today could tip the economic balance toward recovery—or toward deeper recession.

The Congress in recent months has acted more swiftly and more decisively in a bipartisan manner in addressing the needs and concerns of this country. A bipartisan coalition made sure that the social security system remained solvent. A bipartisan coalition passed a needed jobs bill which will bring relief to our most depressed regions, shore up our crumbling highways, and buy emergency food and shelter for our hungry and homeless.

Now a bipartisan coalition has developed a workable budget resolution for 1984 that not only provides welcomed economic relief, but addresses the problem of high deficits. I urge my colleagues to join me in supporting this bipartisan budget resolution.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. Rudd).

Mr. RUDD. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in strong opposition to the conference report on the first concurrent budget resolution.

When the Budget Act of 1974 was passed, Congress primary objective was fiscal discipline. The budget process was designed with the objective of using the first concurrent resolution as a tool to set overall spending and revenue targets. These nonbinding limits were to provide guidance to the Appropriations and Authorizations Committees, with the ultimate goal of regaining control of the Federal budget.

The document before us today should be the best example of why Congress has failed at controlling the budget.

This resolution (H. Con. Res. 91) does not control spending. It does not make a serious attempt at controlling the open-ended entitlement programs and discretionary programs. What it does do is take us off the President's economic program—in the early stages of a robust recovery—and return to the pattern of imposing higher taxes on the American people because of our inability to control spending.

Under this bill, our Nation will be faced with a $2 trillion public debt by 1986. The private sector will be burdened with an additional $73 billion in new taxes over the next 3 years. And in 1984 alone, this measure adds another $23 billion in domestic spending programs. In 1985, it adds another $26 billion in domestic expenditures, and in 1986, another $27.2 billion.

For the first time, we have another new element in the budget process—called the reserve fund. These are hidden costs not included in the resolution which are contingent on authorization of individual programs. The reserve fund could add to the budget; $5.3 billion in 1983, $8.5 billion in 1984, $3.4 billion in 1985, and another $2 billion in 1986.

And what is included in this special fund? More jobs bills; new entitlement programs in health insurance for the unemployed; mortgage foreclosure relief for homeowners and farmers; a new national industrial development bank; expanded benefits in food stamps, AFDC, and other current entitlements; more recession relief programs despite the fact that the recession has ended; and a host of other welfare add ons.

On the tax side, this budget proposal directs the Ways and Means Committee to report legislation by July 22, 1983, to raise a total of $73 billion in new tax revenues. Raising taxes at this time, particularly through a $700 limit on the third phase of the tax reductions for middle-income Americans and small businesses, would be the worst thing we could do at this point of the recovery.

The only area where this budget attempts fiscal discipline is at the risk of national security. The President's defense program growth is reduced in half, only 2 years after this Congress agreed our military was in desperate need of modernizing after more than two decades of neglect.

The President has already stated his strong opposition to this budget plan. He has promised to veto individual spending bills that follow this blueprint for economic disaster. And why should he not?

The budget plan before us today is an endorsement of the big Government, social-welfare state formula that brought us high inflation, high taxes, high interest rates, higher deficits and an upheaval in our private economy, which continues to shrink as the Federal budget grabs a bigger piece of our gross national product.

I urge my colleagues to reject this resolution and get to the heart of the problem: Too much spending by Congress.

Mr. JONES of Oklahoma. How many speakers does the gentlewoman have left on her side?

Mrs. MARTIN of Illinois. Four, and it might be five.

Mr. JONES of Oklahoma. We have four. That includes your closing?

Mrs. MARTIN of Illinois. No. That is as far as we know, that is what we

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have on the list, which I think was the gentleman's question.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. Ferraro).

Ms. FERRARO. I thank the chairman.

Mr. Speaker, I rise in support of the conference report and I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I do not know if I quite agree with Senator Domenici that this conference agreement is a miracle, but it is the best budget we can get, and I support it. More than past budgets, it is a true product of the congressional budget process, as the Executive tried to take his ball and go home, only to learn that the game could go on without him.

Frankly, I do not like this budget as much as I like the budget we passed in March. The conference agreement does less for victims of the recession, less for women and children, less for the poor. There is less money for education, and more for defense.

On the defense issue, the conference report spends $4.6 billion more in 1984 than the House budget did. I felt—and still feel—that the $21 billion increase over 1983 that we included in the House budget was enough to meet our Nation's security needs. I would have preferred the additional $4.6 billion be spent on domestic programs or used for reducing the deficit.

The deficit in this budget is between $170 billion and $179 billion depending on how much of the phase II jobs and economic recovery program we can enact. The deficit is the result of the Reagan tax and defense policies, and it is far larger than it should be. But without economic recovery and action to restore the revenue base, the deficit problem will continue. In any event, this conference report has much lower deficits, especially in the outyears, than the Reagan budget did.

The House-passed budget made prudent and modest additions in funding for various social programs. I did not view those levels as exclusive, or as some kind of wish list. Taken as a whole, the add-backs we made did not by any means offset the cuts made in the last 2 years by the Reagan administration. Still, this conference agreement reduces the House levels for domestic programs.

Even with the reductions, this is a far better, far more fair, far more compassionate budget than we have had in several years. President Reagan's proposals to make new cuts in social programs that were devastated in the first two Reagan budgets have been soundly and completely rejected. Those few isolated voices which supported the new round of cuts were overwhelmed by a chorus of disapproval from both sides of the aisle on both sides of the Capitol

In this conference report, there is $1.15 billion in new funding for the poor. As I have said many times on this floor, when we talk about the poor in America, we are talking about women and children. The additional funds for food stamps, child nutrition, the WIC program, AFDC, and low-income energy assistance, while less than I would prefer, will help ease the plight of poor women and their children.

I have other reasons as well for supporting the conference report. It provides full funding for mass transit operating assistance, which has now survived three attempts by the administration to eliminate it. It makes room for important initiatives to repair the infrastructure and to establish a National Industrial Development Bank. It increases funding for education, including a new math-science initiative. It offers new medicaid coverage for low-income pregnant women and young children.

Chairman Jones and the members of the conference have worked hard, in the face of long odds, to produce a budget that meets our Nation's most essential needs. We can all quibble with the particulars and the priorities of this budget. But all in all, this is a far better budget conference than we had any reason to hope for last February when President Reagan submitted his now-forgotten budget plan.

As for those who oppose this budget, let me say a few words to them. If you oppose this budget—whether from the left or from the right—because you simply disagree so strongly with its provisions, I must disagree with you, but I respect your position.

If, however, you have decided to vote against the conference report to disrupt the budget process itself, I think you make a serious mistake. I think it is unrealistic, and irresponsible, to scheme and plot against the budget and hope to rescue your pet concerns from the fiscal chaos that will result.

It is ironic that many Members who have taken this second position portray themselves as champions of fiscal discipline and opponents of big deficits. The budget process, with all its problems, remains the best tool that has been devised for keeping track of overall spending and revenue totals. If it has not accomplished all that was hoped for it, it is largely because the system can only work if we are committed to making it work. But in any event, let us not kid ourselves that fiscal responsibility is more likely in the absence of a budget process.

I yield back the balance of my time.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Dannemeyer).

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Mr. DANNEMEYER. Mr. Speaker, I stand in opposition to the conference committee report, not because it taxes too little, but because it spends too much.

This Member from California offered an alternative budget in March of this year, which cut spending by $94 billion to a level of $761 billion for fiscal year 1984. That is a substantial reduction in spending. I think the problem in this country is that we are spending too much, not that we are not taxing too little.

I would like to ask my colleagues on the Democratic side, since you control the Rules Committee on which you have a majority of 2 to 1, why would you decline to make consideration of this budget in order? It would have given each Member in this House a chance to vote, up or down, on cutting spending by $94 billion from what is now being considered by the House.

I have been asking that question since March and I do not understand why you would want to refuse the Members the chance to vote on such a proposal so that every voter next year can figure out where we stand. Why would you not want to have that considered on the floor of the House?

Would the gentleman from Michigan have an answer? Why?

Mr. ALBOSTA. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Michigan.

Mr. ALBOSTA. I thank the gentleman for yielding.

Mr. Speaker, I am not going to respond directly to the gentleman's question because I cannot speak for all the Democrats, but let me speak from my own viewpoint.

If, by 1987 or 1988 or 1989, create another trillion dollars of deficit——

Mr. DANNEMEYER. Let me reclaim my time.

Is the gentleman in favor of letting the gentleman from California have an alternative to have the House vote up or down on cutting spending by $94 billion? Is the gentleman in favor of that? May the record show that there are about 20 Democrat Members on the floor of the House and not one of them favor the House voting on a proposal to cut spending by $94 billion.

Mr. ALBOSTA. Mr. Speaker, if the gentleman from California had let me finish my remarks, I would have pointed out to him that if the present Reagan budget policies continue, this country will have an increase in the deficit of $1 trillion before the next 10 years are over. Where is this money going to come from? The funds for the deficit will have to be borrowed and by the time we are through the country could be paying $100 billion more in interest because of these staggering deficits.

This situation must be brought under control before these wild budget policies proposed by this administration ruin our country and mortgage our children's and grandchildren's future. We cannot afford $200 billion plus deficits each year. The budget resolution being considered today, combined with capping the third year of the tax cut for the wealthy, will enable us to take a first step in reducing these enormous deficits without gutting our education, job training and economic development programs—all of which are important if my State of Michigan and the rest of this country is to recover successfully from the recession that has caused double-digit unemployment.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. Wirth), a very distinguished member of the Budget Committee.

Mr. WIRTH. Mr. Speaker, I want to make three brief points.

One, I have been on the Budget Committee now for 5 years. I have not seen a better managed, better run conference than the one just finished under the chairmanship of our distinghished chairman, the gentleman from Oklahoma (Mr. Jones) and the gentleman from New Mexico, Senator Domenici. Against all odds they did a superb job of balancing off what 10 days ago appeared to be inexorable differences—a great tribute to them and that is the best of the process, particularly at a time when the President of the United States has turned his back on what is the most important process in this town.

I want to raise that point of commendation for the two chairmen of the two Budget Committees.

The second point that I would like to make relates to the human needs and safety net programs. We have heard a great deal from the White House about the alleged safety net. This budget allows us to close some of the enormous holes in that safety net particularly in the area of medical care for the unemployed and medical care for children and infants, the CHAP program. It is absolutely essential that we have made that commitment and these are amoung the best investments that we can make.

Finally, I would like to point out that this budget leaves room for a number of the initiatives that I think most people in this country have come to understand; we must make a national commitment to the long-term investments in this economy, in education, in higher education, in our university and training facilities. There is room for that absolutely imperative long-term investment which will allow us, over a period of time, to make the transition from Reaganomics to a more rational program.

I yield the balance of my time.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. Mack).

Mr. MACK. Mr. Speaker, I want to address a couple of points. It seems like the discussion during the last several months about the budget process has been more concerned about getting a budget on time and getting a budget so we will in fact have a process.

My conclusion is that it is more important that we come up with controls on spending, controls on taxing, and controls on the deficit.

It seems to me that what has happened in these last several months is that we have become a slave to the process as opposed to what the bottom line is all about.

The other thing I would like to refer to is taxing. There are many who seem to be saying the problem that we are having in our country today, as far as deficits are concerned, is that we have failed to tax the American public enough.

Let us go back to the 1981 tax cut; $960 billion over a 5-year period. Roughly two-thirds of that cut have been eaten up by bracket creep and increases in social security taxes. In addition, this body passed a tax bill that increased taxes in 1982 by some $229 billion. Then we passed the gasoline tax, another $16 billion increase raised taxes for social security early this year.

The end result is that this body increased taxes by $35 billion since 1981, and now you are going to increase taxes even further, without any real constraint, upon the spending side.

The other interesting thing is that the budget resolution that you passed several weeks ago called for an increase in taxes over and above the President's plan by $114 billion. In addition to that, it cut defense spending by $163 billion, a total of $277 billion, this would be available to reduce deficits.

If someone had come to me and said that is what the money was going to be used for, you would have gotten my attention. But no, you talked about increasing social spending by $181 billion. That is a blueprint for disaster.

And as far as I am concerned, that particular blueprint, a blueprint for disaster is exactly the same blueprint you are attempting to approve today. It is something that I cannot support and I urge a vote against this budget resolution.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker. I think there should often be a spirit of bipartisanship, not for either side to do something that they feel wrong, but walk together, to work together, to achieve something. And I can certainly agree with the letter that came from the Democratic leadership, at least a part of that letter, which I would like to read. It came to the Democrats this morning.

> We cannot in good conscience sit by as long as the Federal Government racks up $200 billion deficits for as far as the eye can see.

I think every Member should agree with that. One should, however, remember the fact that we are the Federal Government. It is not "they," it is not something someone else created and perhaps some of the people who signed this letter were around to help cause some of these deficits. But together we should be working to narrow that deficit.

What indeed do we have here to do that? Well, it has been very popular today to talk about the President's deficit. But if you put both on the same base, you have a President's budget deficit of $170 billion and the conference committee budget deficit of $179.3 billion. So, first of all, the conference deficit is bigger than the President's deficit. Let us get rid of that myth right from the start.

More importantly, that is too high. This was not a conference that took a cut in defense spending and then used that cut in the deficit. Heck with that. They just put it in other new programs and raised taxes on top of it.

That is not what the American people want, Republican or Democrat, from any section of the country.

Now if we had a budget where that defense number came down and stayed there and we did not go ahead and spend more, and if that savings was not put into new programs, but was put into the deficit, and if you did not raise taxes against women, against the middle-class working people of America, then you would indeed have a budget that would cross the best centrist part of this body. It would please liberal and conservative and it would be supported. But that it not what this conference produced.

To argue that the process demands we vote for this resolution is ludicrous. It is as if a person were due to be hung and the jury found out that person was not quilty and then argued, "Hang him anyway, save the process."

Well, let us not hang the American people with this budget. Let us make sure that they can live another day, that they will not be overtaxed and overspent to death, and that Republican and Democrat alike turn aside this facade and get down to work and do what our constituents want us to do.

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Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Lungren).

Mr. LUNGREN. Mr. Speaker, we have heard a number of people on the other side of the aisle tell us that we ought to vote for this budget because

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of what it does about the deficit problem.

I would just remind my colleagues that the conferees mandate tax increases of approximately $73 million over 3 years, but only cut spending by $12 billion, in other words, a 6-to-1 ratio of tax hikes to spending cuts.

Mr. Speaker, I think at this time it might be good for us to listen to the words of the President of the United States when he said:

> In short, it is a paradoxical truth that tax rates are too high today and tax revenues are too low and the soundest way to raise the revenues in the long run is to cut the rates now. The experience of a number of European countries and Japan have borne this out. This country's own experience with tax reduction in 1954 has borne this out. And the reason is that only full employment can balance the budget, and tax reduction can pave the way to that employment. The purpose of cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous, expanding economy which can bring a budget surplus.

The President went on to say:

> I repeat: our practical choice is not between a tax-cut deficit and a budgetary surplus. It is between two kinds of deficits: a chronic deficit of inertia, as the unwanted result of inadequate revenues and a restricted economy; or a temporary deficit of transition, resulting from a tax cut designed to boost the economy, increase tax revenues, and achieve—and I believe this can be done—a budget surplus. The first type of deficit is a sign of waste and weakness; the second reflects an investment in the future.

Mr. Speaker, those are the words of a President, not President Ronald Reagan, not President Richard Nixon, not President Gerald Ford, but President John F. Kennedy, when, 21 years ago, we were debating on this floor whether we could afford a tax cut or whether deficits would be caused by having a tax cut. John Kennedy told us to be bold. John Kennedy told us that we ought not to fall for the siren song that deficits are caused by tax cuts rather than spending of the Congress and by the recession. We ought to heed the words of John Kennedy and not listen to some of the silliness that we have heard here today.

We ought to vote down this budget.

Mr. JONES of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Gray), a very distinguished member of the committee and a most valuable member of the conference committee.

Mr. GRAY. Mr. Speaker, we have been told that we ought to hear the words of John Kennedy. Unfortunately, for the last 2 years that was not the message. What we were told was to listen to the words of Ronald Reagan. And twice those words prevailed in the House and the Senate, with budgets that met the concerns of the President and a tax policy.

And what has happened as a result? Record deficits, unemployment over 10.1 percent; and now we are in a debate as to whether or not this conference report will be accepted.

I am here to urge all of my colleagues to vote for the conference report because we ought to know what this debate is really about and the truth. The truth is that for existing programs the conference report deficit is $169.9 billion, $1,100,000,000 lower than the President's supposed budget deficit. And I say "supposed," because during the whole process in the House, not one Member from the Republican side even dared to offer the President's budget. Why? Because they did not even want to vote for it themselves. And on the Senate side they rejected the President's budget.

So to compare the conference report to a nonexistent President's budget is wrong. But we should look at it and ask, "Does it address unemployment? Does it seek to repair the gaping holes in the safety net for our senior citizens, for our young people and to put people back to work?" and to ask, "Does it rationally approach defense spending by slowing it down to 5 percent real growth?"

There are those of us, even on this side, who do not totally agree with the conference. I would have liked to have seen defense at less than 3 percent. But we are not talking about specific parts. We are talking about a whole, about a budget process. So the choice is clear. What is it we are going to do here?

I urge the Members to vote for the conference report.

Mr. JONES of Oklahoma. Mr. Speaker, I yield such time as he may consume to another distinguished member of both the Budget Committee and the conference committee, the gentleman from Washington (Mr. Lowry).

Mr. LOWRY of Washington. I thank the chairman for yielding.

Mr. Speaker, I will say to the chairman that many times during the conference committee process many thought that we had lost the budget, and I want to sincerely congratulate the gentleman from Oklahoma, Jim Jones for his leadership, along with the chairman of the Senate committee, in time after time reviving the budget conference. Successful passage of this budget compromise will demonstrate that Congress is committed to a process of budget and control. I think that is very important to our economy.

Mr. Speaker, I am supporting the conference agreement on the 1984 budget. While I do not agree with every aspect of the agreement, this budget changes the policy direction of the last 2 years. A lid is placed on defense spending; relief is provided for the victims of the recession; funding is restored for key domestic programs; and the deficit is reduced.

In defense, I prefer that the level of spending reflect the 1979 NATO target of 3-percent growth. The House budget set a 4-percent target. This agreement sets the spending target for defense at 5 percent. The President proposes an inflation adjusted increase of 10 percent in 1984. Despite the reductions from the President's budget, by 1986 defense spending will total $329 billion in budget authority. That is double the 1980 level of $145.8 billion or a 50-percent increase after inflation. While the targets set in this resolution are too high, this agreement does place a lid on defense spending. The agreement does cut the President's defense budget by $79 billion in budget authority and $48.1 billion in outlays over the 1984-86 period. Without the enactment of this agreement, defense spending will rise to level closer to the President's original request of 10 percent.

On domestic programs, I am very pleased by the achievements of the conference committee. The agreement provides $10.3 billion more than the Senate resolution and $22.3 billion more than the President's request. Relief is provided for the victims of this recession. Despite the optimistic forecast of economic growth and recovery, economic forecasters project that unemployment will be in the 9.5 percent range at the end of 1984. This agreement does provide $8.5 billion in a reserve fund for the enactment of specific programs to aid victims of the recession. These programs include emergency mortgage foreclosure relief; extension of Federal supplemental unemployment benefits for the long-term unemployed; increased food stamp benefits; a community jobs program; and loan foreclosure relief to farmers.

The agreement provides for funding for other key domestic programs. Education is increased by $800 million over current funding levels to provide for compensatory education, math and science, vocational education, student aid, and the handicapped program. Additional funding is provided to the National Science Foundation to increase this Nation's research and development capability. Mass transit operating assistance is fully funded consistent with the Surface Transportation Act of 1982. An infrastructure initiative is recommended. A $200 million funding level is provided for a health program for low-income pregnant women and young children.

The conference agreement does reduce the deficit below the administration's request. With the reserve, the agreement is $42 billion less than the President's request over a 3-year period. The agreement is $5.6 billion under the President with the reserve in 1984. Further, reconciliation which can only happen with budget passage, calls for $85.3 billion in deficit reduction in the next 3 years.

While I am not satisfied with every recommendation, I do believe that this agreement is an important step in changing the priorities of the last several years.

● Mr. FORD of Michigan. Mr. Speaker, I rise in support of the conference report on House Concurrent Resolution 91, the first concurrent budget resolution for fiscal year 1984. I congratulate the conferees on their tireless efforts to achieve a truly bipartisan compromise. A vote for this agreement is not only a vote for this particular budget but also a vote for the continuation of the congressional budget process. We must resist the efforts of the President to thwart the budget process simply because the Congress has refused to approve his budget plan as was the case during his first 2 years in office. This is the only opportunity that the Congress has to take a macroview of Federal spending and we must utilize this occasion to instill fiscal sanity in our overall spending program.

House Concurrent Resolution 91 projects a deficit of $179.3 billion for fiscal year 1984 and a deficit of only $130.8 billion for fiscal year 1986. This is $42 billion less than the deficits included in the Reagan administration's budget request over the 3-year budget period assuming the 10 recession relief reserve programs are enacted. House Concurrent Resolution 91 reduces deficits to more manageable proportions, something which candidate Reagan promised to do but President Reagan has miserably failed to achieve. Lower deficits are critical if interest rates are to remain at a level which will permit a sustained recovery from the current recession.

The conference report requires revenue increases of $12 billion during fiscal year 1984 and $73 billion from fiscal year 1984 through fiscal year 1986. Although this may seem excessive to many observers, it is only $16.6 billion more than the tax increases sought by President Reagan during the same 3-year period. House Concurrent Resolution 91 calls for these additional revenues immediately rather than in 1986 when prospects for recovery may have already been halted by high deficits and interest rates.

In the area of military expenditures, House Concurrent Resolution 91 includes a 5-percent real increase for each of the next 3 fiscal years as opposed to the 10-percent increase sought by the President. The 5-percent increase still provides for a substantial improvement in our Nation's defense capability, but at the same time saves $11.6 billion from the Reagan administration's excessive request in fiscal year 1984 alone. Even under the aggregates of House Concurrent Resolution 91, the level of military expenditures in fiscal year 1986 will be over double the fiscal year 1980 level of $145.8 billion.

In the area of domestic spending, I feel that the conferees have struck an important compromise. The conference report includes spending levels $1.15 billion over the CBO baseline for antipoverty programs such as food stamps, child nutrition, WIC, and AFDC. In addition, the conferees included $200 million for a new and critically needed child health assurance program for low-income pregnant mothers and young children. One of the most crucial aspects of this agreement is the inclusion of all phase II antirecession and economic recovery programs in a reserve fund which will only be tapped if these programs are enacted. This $8.5 billion fund for fiscal year 1984 includes money for such unemployment relief programs as health insurance for the unemployed, extension of unemployment benefits, the community renewal employment program, and foreclosure aid for the unemployed, which has already passed the House. These relief initiatives are of the utmost importance to residents of the 15th District of Michigan. This reserve also earmarks funding for economic recovery programs such as the establishment of a National Industrial Development Bank and job training for veterans.

With respect to education, I am pleased that the budget resolution provides $16.1 billion for education programs. This will enable funding for the education programs to increase by approximately $1.5 billion for fiscal year 1984 compared to fiscal year 1983. A $1.5 billion increase represents a growth of approximately 6 percent in constant dollars. This will enable us to begin the long journey back to restoring the Federal commitment to educational opportunity and educational excellence, which has been under seige and attack by the Reagan administration since its first day in office.

It is important to recall that since fiscal year 1980 funding for the need-based student financial aid programs has declined 23 percent in constant dollars. If social security and veteran's educational benefits are included—and these two programs now in their final stages of phaseout were the largest Federal student-aid programs in fiscal year 1980—Federal student assistance declined 32 percent in constant dollars. In addition, as a result of the policies of this administration, elementary and secondary education programs were cut 15 percent between fiscal year 1980 and fiscal year 1982. The school lunch programs were reduced 35 percent between fiscal year 1981 and fiscal year 1982, and the vocational education programs—programs that prepare people for jobs—were slashed by 15.9 percent between fiscal year 1980 and fiscal year 1982.

We are now seeing the harmful effects of those policies. Approximately 3 million fewer children are receiving federally supported school lunches. The Federal share of excess costs associated with educating handicapped children has dropped from a level of 12.5 percent in fiscal year 1979 to its current level of 8 percent. In the Pell grant program, 350,000 fewer students are receiving awards and 20 percent fewer students received guaranteed student loans in the current school year than in 1981-82.

So while I take comfort in what this budget resolution does for education, it is relatively small comfort. We must do more in the years ahead. Backing the Federal concern for education with resources is an urgent national priority. This Federal concern is the concern for our economic vitality, our national security, and the quality of our life in the future. The education portion of this budget puts us back on the path to recognizing the importance of education to our national well-being. But we are not yet far enough down the path.

I would like to turn for a moment to areas within the jurisdiction of the Post Office and Civil Service Committee.

Here, without question, the work of the House and Senate Budget Committees is far superior to the draconian approach taken by the White House.

Nevertheless, I have some strong misgivings.

For one thing, it is patently unfair to impose a 4-percent cap on the pay of Federal workers for 3 consecutive years—and then to delay that increase for 3 months.

This locks Federal workers into an uncertain future. The fact is that we have no idea what the inflation picture is going to look like in 2 or 3 years. The 4-percent increase would indeed be unfair if we were to find ourselves back in double-digit inflation. I certainly hope we do not. But there are no guarantees. The only guarantee is that if this should happen, those in the Federal work force would be shackled to an unrealistic 4 percent.

The delay is equally troublesome. When the Post Office and Civil Service Committee reports back to meet reconcilation targets, I will look at all the options to restore the pay raise in October.

On the issue of delay, I certainly am not ecstatic with the budget provision that postpones COLA payments for Federal retirees until January of the next 3 years. At least, however, it treats retired Federal workers the same as social security recipients. So there is some measure of equity.

From my vantage point, it is clear that Federal employees have paid more than their fair share of the budget-cutting burden since Mr. Reagan came into office. And I do not believe a good case can be made for any additional cuts where Federal workers and retirees are concerned.

On the positive side, I want to commend both the House and Senate Budget Committees for rejecting all the unrealistic and reckless cuts proposed in the President's budget, including:

A pay freeze in fiscal year 1984.

No COLA for Federal retirees in fiscal year 1984.

Major increases in Federal workers contributions to CSRS to 9 percent in fiscal year 1984 and to 11 percent in fiscal year 1985.

Further cuts in FEHBP by adoption of a voucher system.

Major reduction in retirement benefits by raising the age to 65 and requiring substantial actuarial reductions for early retirement.

Federal workers already are behind more than 20 percent when compared to the private sector. They have had their pay and benefits cut substantially in the past 3 years. Enough is enough.

I am pleased that the conference report will accomodate a fiscal year 1984 postal appropriation of $879 million. This is the amount necessary to provide much needed postal rate stability to schools, libraries, churches, charities, and other preferred mailers who have incurred onerous rate increases during the past 18 months because of cuts in postal appropriations.

Because of reductions in these appropriations during the past 2 fiscal years, these mailers—many of whom perform the most essential public service tasks in our society—have had to use increasing amounts of their limited funds to pay higher postage costs rather than to pay for performance of their services. According to the Postal Reorganization Act, preferred rate mailers should presently be at step 11 of a 16-step phasing schedule designed to gradually bring preferred rates up to the full rate level. Instead, because of appropriation cuts for fiscal year 1982 and fiscal year 1983, these mailers are now at step 14. Since January 10, 1982, for example, second-class nonprofit mailers—a church bulletin or a veterans' magazine—are paying 69 percent more in postage; the library rate has risen 42 percent; and the third-class rate for a nonprofit fundraising letter has risen 48 percent.

If the President's budget request for fiscal year 1984 were to be followed—he is asking for only $400 million—these rates would climb enormously yet again as of this coming October. For example, the rate for a nonprofit fundraising letter would go up another 77 percent, and the library rate would go up another 55 percent.

In March, the Committee on Post Office and Civil Service voted to recommend to the Budget Committee a level of $879 million for the fiscal year 1984 postal appropriation. Appropriating this amount would have the effect of freezing nonprofit and other preferred rates at step 14 through fiscal year 1984, thus giving these mailers a period of stability and allowing them to adjust their operations to the staggering increases they have suffered already. I am gratified that the House Budget Committee and the full House agreed with our recommendation, and I am extremely pleased that the conferees have returned with the $879 million assumption intact.●

● Mr. WORTLEY. Mr. Speaker, our distinguished former colleague, Albert Gore, Sr., who served so ably in the other body, wrote an article on conference committees. He stated that the House of Representatives, except in rare instances, could be counted on to out-conference its counterpart. The conference report on the first budget resolution bears out his thesis.

The conferees work is, indeed, a tribute to those who would have us stay the course of taxing ourselves to the hilt to accommodate our voracious spending habits. In effect, it is no compromise.

What it is is ingenious. The conferees agreed to establish a special reserve fund. This appears to be an interesting new way of providing even more opportunities for spending while ostensibly keeping the lid on deficits, at least for a while.

The statement of the conferees provides for $8.525 billion in outlays in the reserve fund for seven functions described by some as "high priority" items. To lessen the shock for those of us who do not advocate massive new outlays for programs we can ill afford, this money does not show up on the deficit side of the ledger until the programs are authorized or the available reserve money will be lost. In the words of one of the conferees, the reserve fund is both in and out of the regular budget. Confused? Bear with me just a little longer. For the reserve fund to be activated, does only one body need to authorize the new spending programs? Do both bodies have to agree? The report is unclear. What is clear is that the deficit is bound to surge ever higher because there is no incentive to exert restraint.

How are we to fund these new programs? That question is easier to answer. Congress simply increases taxes. Those who advocate adoption of the conference report stress that the revenues section is much closer to the amount recommended by the other body. That is true, but it makes little sense to me to remove the remaining vestiges of the 1981 tax cut at a time when they are sorely needed.

If the taxes proposed in the conference report were earmarked for reducing the deficit a stronger case might be made for them. However, the conference report does not specify that. On the contrary, the taxes will be used to finance all of those items contained in the special reserve.

The creation of costly new programs with borrowed money is a strange way to preserve the budget process. The American people will see through this clever but flawed attempt to be all things to all people.

For the reasons I have mentioned, I urge my colleagues to join with me and vote against the conference report.●

● Mr. GUNDERSON. Mr. Speaker, in opposing House Concurrent Resolution 91, the first budget resolution for fiscal year 1984, it is tempting to assume a simple partisan posture or a defense spending versus social spending position. I choose to do neither.

Mr. Speaker, there is a more important issue involved in our action today and that is the financial future of our country. This issue bridges partisan politics and guns versus butter debates.

The simple fact is that a vote for House Concurrent Resolution 91 is a vote in favor of a $179.3 billion deficit and an increase in the permanent debt ceiling to $1.607 trillion. Rather than using new taxes and less defense spending to decrease this deficit load, the conferees have chosen to increase social program spending by some $23 billion.

And the President's budget is not any better. Even adjusting for changes in revenues and economic conditions since the beginning of the year, it still carries a deficit of $180.4 billion. Instead of using decreases in domestic spending to cut the deficit, these funds were used to increase defense spending.

In short, Mr. Speaker, both alternatives miss the mark. Clearly, it is time to get back to basics. Let us stop playing one budget program off against another. If we are going to cut spending or increase taxes, let us use the proceeds to reduce the enormous deficit and bring the budget into closer balance.

If we fail to take such remedial budgetary action soon, we threaten to choke off our economic recovery in the short run and our entire economic future in the long run.

I must, therefore, oppose the conference report on House Concurrent Resolution 91.●

● Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to the conference report on House Concurrent Resolution 91, the budget resolution for fiscal year 1984.

This budget plan, which was drafted without the participation of House Re-

publicans, calls for $12 billion in new taxes in 1984, $73 billion over the next 3 years. It proposes outlays next year of $859 billion. It would produce a deficit of $179 billion, resulting in a public debt level of $1.6 trillion.

Clearly, Mr. Speaker, this is a blueprint for disaster—for the taxpayer, and for the Nation. By requiring new taxes in the midstages of economic recovery, it will drag that recovery down: Perhaps that is the intention of the authors. By refusing to hold down the growth of most Government programs, the authors of this document are robbing the private sector of funds and forcing interest rates to a higher level—again impeding recovery. By retarding the recovery and foreclosing the availability of funds for industrial recovery, this budget will drive unemployment rates back up. It is a cruel and deceiving document on all counts, weakening the economic recovery and our Nation's defenses, dooming hundreds of thousands of workers to continued unemployment, and millions of taxpayers to continued subservience.

I urge a "no" vote.●

● Mr. BIAGGI. Mr. Speaker, I rise in support of the pending conference report to accompany House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984. Like many of my colleagues my support is in large part based on the compelling urgency of the situation as compared to total support for all of its provisions.

In the general sense, and I am pleased to note this—the conference report agreement reflects more of the House-passed resolution than the Senate. In my judgment, the House-passed budget resolution was the most enlightened and compassionate budget we have passed since the advent of the current administration.

This conference report responds to two strong public sentiments of the day. The first relates to the concern about cutbacks in critical social programs for the needy. The second relates to the opposition to the continued massive expenditures for defense which have characterized the past several years.

The conference report wisely limits the growth of defense spending to 5 percent, about half of what was proposed in the President's budget. This will permit our Nation to maintain a strong national defense with appropriate modernization of important strategic weapons while not promoting waste. The billions which will be saved by limiting the defense budget can be used not only to provide more funds for social programs but also to help reduce our deficit.

On the issue of deficits, I am also pleased to note the fact that the conference report will actually produce a lower deficit than was even proposed in the President's budget. According to the Budget Committee, in fiscal year 1984 the deficit will be anywhere between $11 and $21 billion lower than that proposed by the President. Obviously there is a need to make a concerted effort to reduce this record deficit but if it is to be done through reductions in Federal spending—then these reductions must be made in an equitable fashion and in a way that does not promote economic hardship for those in need.

Finally in the general overview of this conference report, let me discuss the taxing provisions contained in the legislation. The conference report recommends tax increases of approximately $73 billion over the next 3 years as a means of reducing the budget deficit. The specific taxes will be developed by the Ways and Means Committee and in their deliberations, I hope that fairness will be the rule.

On more specific points, as a senior member of the House Education and Labor Committee, I am highly supportive of the additional $800 million which is being provided over last year's levels to fund a variety of important education programs. These include compensatory education under student financial assistance programs under the Higher Education Act, chapter 1, and a new and vitally important initiative to improve the quality of our math and science instruction in our Nation's schools. The $214 million in outlays provided for this will be used both to train and retrain teachers in these basic courses to insure that we do not widen the basics gap in our elementary and secondary schools. Other funds are provided for vocational and adult education and education for the handicapped.

Another important program which is specifically addressed in this conference report is medicare. We are deeply concerned about the impending deficit crisis affecting medicare. It is expected that the operating deficit could reach $200 billion by 1995. The conference report properly recognizes the fact that expenditures must be reduced. Specifically, the conference report calls for reductions totaling $400 million in fiscal year 1984 and $1.7 billion over 3 years. However, the conferees specifically state that none of these reductions shall come through either reductions in existing benefits or through increases in costs to beneficiaries. Instead and properly so, the conferees urge that the savings be achieved at the provider level. I have long contended, and hearings that I have participated in as a member of the House Aging Committee have consistently shown, that rising costs at the provider level is a primary contributor to the medicare deficit problem. Whether it be hospitals or health care institutions or physician fees, the profits being made from medicare reimbursements are too high. We must insist on cost controls at the provider level. One hopes that much savings can be accomplished through the implementation of the prospective reimbursement provisions of H.R. 1900, the Social Security Reform Act of 1983.

One final thought on medicare. The conferees have spoken quite clearly on the issue of no reductions in benefits or increases in costs. Thus far the two recommendations which appear to have been endorsed by the Social Security Advisory Council call for raising the eligibility age for medicare from 65 to 67 which constitutes a benefit reduction and also a major increase in the part B premium. The course developed in this conference report is the route we should take for medicare reform and not that steered by the Advisory Council.

There are other important increases in funds provided in this resolution which merit our support. There is an additional $1.6 billion in funds for the food stamp program over that proposed in the President's budget. More funds are provided for child nutrition, women and infant care, AFDC, and low-income energy assistance. The conference report assumes and provides for $4.5 billion in fiscal year 1983 and $3.5 billion in fiscal year 1984 for a jobs program. It provides $296 million in funds for the title V employment program for the elderly. Important additional funds are provided for the community development block grant and the urban development block grant program. Happily there are other examples of programs which have gotten new leases on life from this budget.

It is critical that we adopt a budget—and the proposal before us on balance is good. The proposal is as simple as that. In fact, if we fail to adopt this budget we could find ourselves facing additional deficits of more than $85 billion which we will in fact be able to save if we adopt this budget and the accompaning reconciliation instructions.

This conference report will complement not sabotage the heartening economic recovery we are experiencing. Presently the recovery has been characterized by positive statistics. The economic recovery has not yet reached into the homes of the American people. The 11 million unemployed in this Nation are awaiting the recovery. The millions who have seen their food stamps or school lunches cut back or eliminated are awaiting economic recovery. The people who have lost their homes are awaiting economic recovery. This budget conference report is cognizant of the fact that the recovery is underway but slow in reaching all in this Nation. It will aid the recovery through sound fiscal policies but will reestablish our commitment to the poor and needy who have suffered for

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the past 2 years. It deserves our support today.●

● Mr. DASCHLE. Mr. Speaker, the choice we face today in voting on the conference report on the first budget resolution for fiscal 1984 is really a very simple one: Do we do the responsible thing by voting for a budget outline to give ourselves and the country a clear signal as to what our actions in the next year are to be, or do we, by defeating this resolution, commit ourselves to a year of economic chaos by closing our eyes to the hard choices that have to be made, and just pretend that if we ignore them, all our problems will go away?

For my part, I intend to choose the first option. I am under no illusions that the budget we have before us is a perfect piece of budgetary planning. Any document that is the result of good faith bipartisan compromise seldom pleases anyone in all its parts. For instance, I am still disturbed by the inordinately high deficits that this budget produces. Similarly, I am disturbed by the fact that little attention is paid to the rising costs of entitlement programs. We as a Congress must act, and must act soon, to revise the system under which COLA's in these programs are determined, and I am disappointed that this resolution does not begin that process. Finally, I am less than satisfied by the inclusion in this resolution of the so-called reserve fund. Frankly, to my mind, this inclusion merely muddies the issue of what the true deficit picture in this resolution is. The one saving grace in this situation is that if these funds, some $8.5 billion, are not used for specific recovery and growth programs, they cannot be used for any other purpose, and thus would be available for deficit reduction. I intend to examine very closely any programs that are to be funded under this reserve fund. At this point in time, I would have to say very frankly that I would prefer to use these funds for deficit reduction purposes, rather than new spending programs.

All that having been said, however, there remain some very good reasons to support this resolution. First, deficits are significantly reduced both in fiscal 1984 and in future years. Compared to present policies now in place, passage of this resolution will result in deficit reductions, excluding possible Reserve funded programs, of $16.9 billion in fiscal 1984 alone. In the years from 1984 through 1986, these deficit reductions will total $124.4 billion. This is no small saving. While the deficits planned for here are still too high, they represent a significant improvement over present policy.

Second, the resolution provides a real 5-percent increase in defense spending. There is no one in this Congress who believes more firmly in a strong national defense than I do, but the incredibly wasteful proposals of the administration to double the size of this large increase with wish list philosophies of weapons procurement are simply not acceptable. We learned a very hard lesson in this country when we destroyed the national consensus for social programs by wastefully throwing money at them without a careful examination of our priorities and real needs. The administration's present position on defense spending threatens to similarly destroy the national consensus for a stronger defense, and I will play no part in such a destruction.

Third, the House and Senate conferees have agreed, in this resolution, on a 3-year total tax increase of $73 billion to reduce long-term deficits when the recovery is well established. This may be the most controversial element of the resolution, and I am sure it will be the object of a great deal of distortion. However, if we look at the facts of the situation, something fairly surprising comes to light. Under the President's proposals, revenue increases in 1986 will result in a total picture of revenues as a percentage of gross national product of 20.2 percent. Under the resolution, revenues as a percentage of GNP in 1986 will be only 19.9 percent. In other words, the resolution before us actually represents a decrease in taxation from the President's proposals. In effect, then, anyone voting against this resolution, and supporting the President's proposals, is calling for an increase of taxes as a percentage of GNP.

Fourth, the reconciliation language of this resolution calls for deficit reductions of $85.3 billion over the next 3 years. Reconciliation will take place only if a budget is passed. In the plainest possible terms, failure to enact a budget this year will result in increased deficits of $85.3 billion over the next 3 years. The abandonment of the budget process will open the floodgates of overspending, without a sensible rein on the spending proclivities of both the administration and the Congress.

Finally, we have been told that the administration does not care if a budget passes. In fact, it would almost prefer that it does not. This is a very curious position to take for an administration which keeps proclaiming loudly, to anyone who will listen, that it is a staunch advocate of fiscal responsibility. An editorial from the June 22, 1983, issue of the Washington Post summarizes this situation very well. In that editorial, which I ask permission to insert into the RECORD at the conclusion of my remarks, the statement is made that the President "apparently sees more political advantage in disrupting congressional attempts to curb the deficit than in providing the leadership for a reasonable compromise." That is a strong charge, and I sincerely hope that it is not, in fact, true. The budgetary process of this Government is too important to be made into a political football, where political advantage, rather than the national good, is the primary motivation.

This resolution, as I have said before, is not perfect. It is the result of a compromise between men of good will who, although they may have differing political parties, and contrasting philosophies, have come together in a spirit of compromise and conciliation to provide a reasoned, moderate budgetary pattern for the coming fiscal year. To reject the results of their labor is to reject a plan that will reduce deficits, provide meaningful increases in defense spending and, in the long run, reduce the percentage of taxes that we ask our citizens to pay. To reject all of these things in favor of cheap political grandstanding is beneath the dignity of this Congress.

I urge my colleagues to do the responsibile thing, and vote for this resolution. At this point I include the following editorial:

[From the Washington Post, June 22, 1983]

BUDGET PROGRESS

"Somewhat of a miracle." That's how Senate Budget Committee Chairman Pete Domenici described the accord reached by budget conferees on Monday night. Perhaps that's an exaggeration, but miraculous things can happen when hardworking legislators sit down in a spirit of comity to work out their differences.

As they move the budget resolution toward passage by the full Congress, congressional leaders will still have to overcome the same obstacle that has impeded progress thus far. That obstacle is the president, who apparently sees more political advantage in disrupting congressional attempts to curb the deficit than in providing the leadership for a reasonable compromise.

Congress has every reason to feel aggrieved by the president's behavior, since the poor choices that it faces—the need to cut spending, raise taxes and still face enormous deficits—are so much the administration's doing. Nor does the president's current position make much substantive sense. For example, on taxes, the resolution calls for $12 billion more in revenues next year than the president's budget. The president says those taxes will hurt the recovery. But it is inconceivable that a $12 billion tax increase will have any negative effect on a $3 trillion economy already fueled by three years of massive deficit spending. It might, however, have the beneficial result of calming the interest rate, which is already showing renewed signs of anxiety over the prospect of uncontrolled future deficits. As for the tax increases proposed for subsequent years, in opposing them the president is essentially contradicting his own budget—or giving further plausibility to the notion that his "standby" taxes were only window dressing to diminish the gargantuan deficits that would otherwise have been evident.

For the military, the resolution would boost annual spending authority to $268.6 billion, an increase of $24 billion. Actual purchases next year would rise still faster because of the huge backlog of weapons

buying authorized in the last few years. If that amount of money is, as White House spokesman Larry Speakes says, "way too low to defend the country," then some major changes in the Pentagon's buying strategy are clearly in order.

The resolution does reject about $12 billion in domestic spending cuts that the president sought. But those cuts had no support in either house or either party. A reserve fund of several billion dollars could also be used for jobless aid, but the president will have the opportunity to veto such aid if Congress decides to authorize it.

The budget conferees deserve much credit for persisting in their efforts to put the federal budget on a sounder course. If those efforts are now stymied, they will at least have made it clear that it is the president, and not Congress, who is uninterested in budget control.●

● Ms. KAPTUR. Mr. Speaker, I rise in support of the bipartisan agreement crafted by the House-Senate budget conference. This budget agreement is a balanced approach to Federal spending. Despite all of the invective we have incurred because of this budget, let us take pride that we recommended a budget with a deficit $48 billion below the one offered by the President in January. While we made the difficult choices, let us remember that the opponents of our work offered asbolutely no alternative and no constructive action. They lay back all of these months when the hard work was being done and only now they speak up and only to come to the aid of a failed program. They have done little more than hurl criticism at us for doing our jobs.

We were able to offer a fair and equitable budget because we had the resolve to cut wasteful defense spending, which is still far too excessive, and the common sense and decency to provide relief for the average taxpayer and the victims of the recession. We are beginning to rectify the unfairness of the Reagan tax giveaway to the privileged. We should be thankful that we have the opportunity to change the course and avoid more social hardship and fiscal dislocation. Let us seize this opportunity on behalf of all the American people.●

● Mr. GIBBONS. Mr. Speaker, I am voting for the conference report on the first concurrent budget for 1984 because I believe this process has delayed consideration of important legislation for far too long. If this resolution is not passed—I do not agree with many of its provisions—but if it is rejected now we will be tied up for the rest of this year in useless debate with no action—action that the country needs. Mr. Speaker, I do not believe that voting for this resolution in any way finds me or any other Member on future action we may take on spending matters or on taxes.●

● Mr. PATTERSON. Mr. Speaker, I rise in support of the bipartisan budget agreement for fiscal year 1984. This agreement, hammered out between representatives of the Republican-controlled Senate and the Democratic-controlled House, was not a total victory for either side, but a major success for both. I am convinced that this is the best agreement we could have achieved. It provides a fair and effective budget for addressing the needs of the American people.

In dollar terms, there is not a great deal of difference between the bipartisan budget totals and the budget supported by the administration. There is, however, a marked shift in spending priorities and a renewed emphasis on reducing the deficit.

We have to reduce Government borrowing if we want reasonable interest rates. That means we have to reduce the gap between spending and taxes. The House and Senate budget compromise reduces some spending, raises some revenues and reduces the overall deficit to $20 billion less than the administration's fiscal year 1984 budget proposal. This is a major victory for the Congress and for the American people. In addition, it restores some of the most worthwhile educational and social programs to their previous funding levels.

The conference committee budget passed by Congress has a steadily declining deficit which will be lowered to $130 billion in fiscal year 1986. Additionally, it directs committees to pass additional deficit-reducing legislation which will total up to $85 billion over the next 3 fiscal years.

The budget compromise restores some of the funding for important domestic programs on a selective basis. It will provide $21.5 billion over the President's proposed budget for targeted recession relief, infant nutrition, and vital research and educational programs. This represents less than a 4-percent increase over present funding—somewhat lower than the expected rate of inflation.

With regard to defense, Congress approved a 5-percent increase after inflation or one-half of the increase in funds the President had proposed. The defense increase will add up to $23 billion in a total military budget of $268.6 billion.

The compromise budget will increase revenues by $12 billion in fiscal year 1984 to partially fund the $46 billion buildup in defense by 1986. This is instead of the $59 billion in standby tax increases that the President has proposed for that year.

The President's $200 billion budget deficit is intolerable, particularly when we were promised that the President would propose a balanced Federal budget by 1984. If the deficit is not checked, interest rates will again rise, choking off any possible economic recovery. The budget compromise approved by Congress is the only viable option for lowering deficits, reducing military spending, and fostering the substained recovery we seek.●

● Mr. WEISS. Mr. Speaker, I want to express my support for the conference report on the First Concurrent Resolution on the Budget for Fiscal Year 1984. This budget resolution makes significant progress in changing the Federal policy directions of the past several years. It begins to correct the grievous errors of Reaganomics. There has been much damage done, but with this resolution, we begin to make the necessary repairs.

First, although still far too large, this resolution would slow the unprecedented and profligate growth in peacetime defense spending that has distorted national priorities and fueled the arms race. Second, it would reduce the deficit below levels projected under the Reagan budget. Third, it makes progress toward restoring the Federal commitment to jobs and training, education, services for the elderly and needy, and the entire range of social programs that contribute to making this a just and humane society.

Further, the creation of an $8 billion reserve fund holds the door open for later approval of new initiatives to provide relief from the recession and to stimulate economic growth. These include mortgage foreclosure relief for the unemployed and for farmers, jobs programs, health insurance for the unemployed, and an extension of unemployment benefits.

Though I support this compromise, I would have preferred the budget that this House passed in March which went even further in scaling back the President's massive military buildup. This agreement provides for 5 percent real growth in budget authority for national defense for each of the next 3 years. The agreement includes $268.6 billion in budget authority for defense—$12 billion less than the $280.5 billion proposed by the President. Over the 3-year period from 1984 to 1986, the conference agreement provides $894.9 billion in budget authority, about $80.4 billion less than the $975.3 billion that the President recommended. The unprecedented growth in defense spending during the past few years has led to waste and abuse in the military, has fueled inflation, and diverted funds from vital human needs.

Furthermore, the growth in defense spending combined with the President's tax cuts was the root cause of the ballooning Federal deficit. The projected deficit under the conference agreement, including the reserve fund, is $170 billion to $179 billion in 1984, depending on whether programs specified in the reserve fund are enacted. This deficit is a staggering sum, yet far less than the $190.2 billion projected under the President's budget. Under the conference agreement, the

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deficit would decline steadily, reaching $130.8 billion in fiscal year 1986.

Finally and most importantly, the budget resolution is a first step toward repairing some of the damage wrought by recent administration policy. In the areas of education and jobs training, where the needs are especially urgent, Federal support would be increased. For the groups that have been asked to bear the major burden of the budget cuts—women, children, and minorities—programs would be strengthened.

In the budget category that includes education, employment and social services, for example, budget authority is set at $37.45 billion with the reserve fund, compared to $25.4 billion requested by the administration, and outlays at $31.85 billion, compared to $25.5 billion.

For education and related activities in 1984, the agreement provides $16.1 billion, including an $800 million increase over current spending for compensatory education, student financial assistance, the new math-science education initiative, vocational and adult education, and education for the handicapped.

The $7 billion designated for social services in 1984 assumes increases in the Head Start program, child welfare services, vocational rehabilitation, community services and programs for the aging.

The $10.95 billion for employment and training allows for increases for the Jobs Training Partnership Act, community service employment for older Americans, the work incentive (WIN) program, and labor services such as the Bureau of Labor Statistics.

A small but significant item is the $296 million assumption for the Legal Services Corporation in 1984, an amount that is consistent with the appropriation approved earlier by the House. The administration has repeatedly tried to eliminate this program that insures access to legal services is not limited to the wealthy.

The agreement provides for a total tax increase of $73 billion to reduce long-term deficits. However, by 1986, the tax burden as measured by revenues as a percentage of gross national product, would be no higher than those proposed by the President.

This budget is not a perfect compromise, but it does represent an alternative to the policies of the past 2 years and an effort to achieve a more rational balance between military and domestic spending. Further efforts will be needed by Congress to insure that the progress initiated with this resolution is continued and strengthened.●

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to a distinguished member of the committee, the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Speaker, I have served on the Budget Committee for the last three terms. I was a member of the conference committee which tried to work out an agreement between the differing versions of the House and the Senate.

I am one who has some devotion to the process and believes that a budget resolution is better than no budget resolution, but not unless it proves itself worthy on its own merits.

I regret that I was not able to sign the conference report. The reason that I was not able to sign the conference report is that the conference report was without merit.

It features excessive spending in all respects. It features excessive taxation, particularly in the outyears. And it features an excessive deficit. any Member of this body who can vote for that combination is a braver person than I am today.

First of all, a budget resolution will guarantee us only 4 billion dollars worth of savings in entitlement programs. That is not a worthy tradeoff for $73 billion in extra taxes. There has got to be some kind of limit, Mr. Speaker, on what this Congress decides to spend when this Congress does not have the willingness to raise the funds necessary to support those spending amounts. And, unfortunately, the Congress has never had the willingness to stand up and say: Here is where we are going to stop.

Mr. Speaker, other Members have indicated that the President's budget deficit is higher than the deficit proposed in the budget resolution conference report. Unfortunately, that is an inaccurate statement. The CBO has just furnished information. Using the economic and technical assumptions that the budget conference committee used, the President's deficit is $170.8 billion, which is about $9 billion less than the deficit provided in this resolution.

So anybody who thinks the country is undertaxed and needs more taxes, and anyone who believes that we have not been spending enough and we need to increase our expenditures, and any who believe that our deficits ought to go up a little bit and that our national debt should go up, I would urge those persons to vote for the budget resolution.

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Those who have any respect for the taxpayer's dollar, any respect for the growing deficit problem, any respect for the difficulty that high interest rates are going to cause us when the deficits begin to run them up, to those persons I would say join me in voting against the budget resolution.

Your choice is very clear. You are either a spender or a saver. If you vote "aye" you are a spender.

Mr. JONES of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are at the close of this debate on the budget conference. I want to personally thank all of the House conferees who worked so hard for the past 2 weeks to reach this agreement. Some have condemned the budget process, saying it is not working. I think the fact of the matter is that the budget process is working very well, because that process is designed to force Congress to look at our resources and to delineate the hard choices we have to live within those resources.

We know what the choices are. The big question is not the budget process, but whether we have the political courage to implement and enforce that budget process.

In this conference report we have an agreement that is truly bipartisan. It is signed by the majority of Republicans and Democrats on the Senate side, and by all of the Democrats on the House side. It is a conference report, as is pointed out by the Independent Committee for a Responsible Federal Budget, that has deficits lower than the President's deficit. I do not understand why it is even being compared to the President's budget because, as was pointed out, not a single Republican in the House of Representatives even offered the President's budget for consideration in the budget debate of 1983.

In many respects, this budget debate this year has reminded me of my time as a child when we would have a neighborhood sandlot game on a vacant lot. There was one kid who usually had a ball and a bat and more gloves than the others, and there were the other kids who were trying to work out the rules of having a neighborhood sandlot baseball game. Then there was a group of kids who just came and threw rocks and criticized and talked about how they could do it better, but never wanted to enter the game.

We had a situation this year in which the President either wanted to be the pitcher in this game or threatened that he would take his ball and bat and go home. This year there were Republicans and Democrats in the Senate and Democrats in the House who were honestly trying to work some rules of discipline of this budget process and to keep this process alive and keep that discipline working. And then there was a group, unfortunately, in this body from the other side of the aisle who stood on the sides and just threw the rocks and made the criticisms and offered no alternatives.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I would be happy to yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, just to set the record straight, I am sure the gen-

tleman, if he will reflect on his memory, in committee I offered function by function the President's budget, and it was voted down strictly along party lines, 2 to 1.

Mr. JONES of Oklahoma. Mr. Speaker, the gentleman could have offered the President's budget on the floor of the House. The Democrats made that in order in the rule, and not at any time was the President's budget offered.

So rather than just being one of the critics, being part of those who throw rocks, it seems to me it is time for us to stand up and say we need to preserve some budget discipline. It may not be the best that each one of us could do on our own, but in our form of government it is the best we could achieve. It is a good budget. It is a sound budget. It will help this economic recovery, and without it we are going to have fiscal chaos. I urge my colleagues to vote for this budget conference report.

Mr. WOLPE. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report. As a member of the House Budget Committee, I am convinced that if we fail to reduce soaring Federal deficits, increased Government intrusion into the credit markets will drive interest rates even higher than they are now. Higher interest rates, in turn, will curtail new investments in job-creating enterprises and threaten any hope of long-lasting economic recovery.

I seriously doubt that anyone is totally satisfied with the conference report before us. However, I would like to commend the conferees for their efforts to reduce the Federal deficit, and moderate the fiscal course that was set in 1981. I particularly believe that Republican Senators Domenici, Kassebaum, Boschwitz, and Gorton should be commended for their willingness to reject partisan bickering and White House pressure, and to lend their support to the bipartisan compromise before us; I only hope that the same bipartisanship and same political courage will be manifested in this House.

Mr. Speaker, I am very troubled by the President's apparent willingness to stand in the way of progress toward restoring fiscal responsibility.

In 1981, President Reagan claimed that the adoption of his fiscal policies would result in a balanced budget by 1984. The President's fiscal policies were adopted, but the President's 1984 budget proposed a record budget deficit of $188 billion, and Budget Director David Stockman has observed that we face "$200 billion deficits as far as the eye can see."

We have before us a document that was fashioned by House Democrats and Senate Republicans that will reduce the Federal deficit below the President's budget proposal by $40 to $60 billion over the next 3 years. I strongly believe that we must make it clear that we are committed to exercising fiscal discipline by implementing policies that will result in steadily declining—not increasing—future budget deficits.

For this reason, I cannot understand why the President seems to be so intent upon undermining the congressional budget process, which is the only means that is available to enforce fiscal discipline. If we fail to adopt and implement this budget resolution and put the Government on automatic pilot—all existing policies unchanged—we will be adding to the budget deficits over the next 3 years by over $142 billion. The deficit in 1986 alone would be over $216 billion. I submit that deficits of this magnitude are unacceptable. I call upon the President to turn away from narrow partisanship and political confrontation, and to work with the House and Senate—on a bipartisan basis—to insure that our economic recovery is not drowned in a sea of red ink.

Mr. JONES of Oklahoma. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Moody). The question is on the motion offered by the gentleman from Oklahoma (Mr. Jones).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. JONES of Oklahoma. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman asks for the yeas and nays. All those in favor of taking this vote by the yeas and nays will rise at this time.

A sufficient number. The yeas and nays are ordered.

Mr. JONES of Oklahoma. Mr. Speaker, I make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. GRAMM. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GRAMM. That request is not timely. The gentleman has asked for the yeas and nays and they had been ordered.

The SPEAKER pro tempore. The yeas and nays had been ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 186, not voting 7, as follows:

[Roll No. 214]

YEAS—239

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Aspin
AuCoin
Barnes
Bates
Bedell
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Smith (NE)
Smith, Denny
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Sundquist
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Taylor
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wilson
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—7

Alexander
Erlenborn
Heftel
Marriott
Martinez
Smith, Robert
Thomas (CA)

□ 1520

The Clerk announced the following pairs:

On this vote:

Mr. Alexander for, with Mr. Thomas of California against.

Mr. Heftel of Hawaii for, with Mr. Robert F. Smith against.

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3135. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3135) entitled "An act making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. D'Amato, Mr. Hatfield, Mr. Stevens, Mr. Bumpers, Mr. Hollings, and Mr. Stennis to be the conferees on the part of the Senate.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL 5 P.M. FRIDAY, JUNE 24, 1983, TO FILE REPORTS ON H.R. 2769, HOUSE JOINT RESOLUTION 290, AND H.R. 3398

Mr. STARK. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until 5 p.m. Friday, June 24, to file its reports to accompany the following three bills:

H.R. 2769. To promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region;

H.J. Res. 290. To permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Oylmpiad to be held in the United States in 1984; and

H.R. 3398. To change the tariff treatment with respect to certain articles, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. CONABLE. Mr. Speaker, I reserve the right to object. I would like to hear the request again.

Mr. STARK. Mr. Speaker, if the gentleman will yield, it was a unanimous consent request that the Committee on Ways and Means have until 5 p.m. Friday, June 24, to file three reports on the following bills:

H.R. 2769. To promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region;

H.J. Res. 290. To permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984; and

H.R. 3398. To change the tariff treatment with respect to certain articles, and for other purposes.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LATEST PUBLICATION OF CAPITOL HISTORICAL SOCIETY, "WASHINGTON, PAST AND PRESENT"

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, the U.S. Capitol Historical Society has made available for every Member a copy of their latest publication, "Washington, Past and Present," courtesy of the society. Copies are in the Rayburn Room.

I commend the Members to go get their copy and look at it, because it is a very worthwhile publication.

TAX RATE EQUITY ACT OF 1983

The SPEAKER. Pursuant to House Resolution 242 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1183.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1183, to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981, with Mr. Hertel of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. Rostenkowski) will be recognized for 1 hour, and the gentleman from New York (Mr. Conable) will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois (Mr. Rostenkowski).

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Ways and Means has reported H.R. 1183, with committee amendments, to limit the third installment of the individual tax reductions enacted in the Economic Recovery Tax Act of 1981. In committee, some questioned the timing and the public perception of the so-called cap. No one questioned its benefit to the overall economy. Most of us on the committee opposed the third year back in 1981—and history has proved our reluctance sadly justified.

Two months ago the Office of Management and Budget estimated that the current services deficits will be $226.1 billion for fiscal year 1984, $241.6 billion for fiscal year 1985 and $260.1 billion for fiscal year 1986.

From where I sit, deficits of that magnitude are economic depth charges. We may not feel their full effect this year, or even next. But they will ultimately cripple us if we do not defuse them now.

Tentative signs of economic recovery are welcome. But they should not

allay our legitimate fears that massive deficits will ultimately lead us back to recession. Two hundred billion dollar deficits do not go away because of a rally on the stock market or because projected housing starts are up. Federal borrowing cannot help but stiffen interest rates as private borrowing rises to meet recovery's demands.

Putting a $700 cap on the third year of the tax cut will restrain revenue losses by $6 billion in fiscal year 1984 and $21 billion over the next 3 fiscal years. Alongside the deficit, it is little more than an asterisk on the ledger book. Yet it is a beginning. It is a statement that Congress has begun to grapple with the menace of Federal deficits.

I do not like to raise taxes any more than Ronald Reagan does, I do not know any Democrat who likes to raise taxes. Nor do most Democrats believe that we can reduce the deficit by just raising taxes and cutting defense spending. We on the committee have cut nondefense spending by $81 billion between fiscal year 1982 and fiscal year 1986 and are painfully aware that more must be done.

Yet, to date, the administration has been unwilling to discuss new revenues as a way of addressing either the 1984 or 1985 deficits. I hope that the adoption of a congressional budget will lead to serious discussion with the Treasury Department about the need to restore the revenue base. The administration may not agree with the individual revenue targets in the budget, but the overall long-range revenue needs cannot be disputed.

Today's bill will not alone solve the revenue base problem. But the choice before us today is whether or not we are prepared to slow next year's revenue loss by $6 billion. And if we are, then how is that most fairly done?

Under the rate schedules in the committee's bill, the maximum tax reductions in tax year 1984 would be $720 for joint returns, $637 for single returns and $673 for head-of-households returns. The maximums reductions for the 1983 tax year would be roughly half these amounts. These limits will take effect at $35,200 of taxable income for a joint return—roughly $45,000 of adjusted gross income—and at $28,800 of taxable income on a single return—roughly $35,000 of adjusted gross income.

Let me explain very briefly the distributional effect of the bill:

Of 77 million taxable returns, the cap would affect a little over 8 million—or about 10 percent.

Although about half of those returns affected fall below the $50,000 income line, they account for only 11.3 percent of the bill's revenue.

The remaining 88.7 percent of the revenue increase comes from capping the 4.4 million returns above $50,000 in income.

The cap will affect some joint returns taxpayers at income levels between $30,000 and $45,000 where no deductions are itemized, and even more single taxpayers with incomes in these ranges. But far and away the group most affected by the cap are upper income taxpayers—no matter how our opponents manipulate the statistics.

The committee amendments adopted make technical adjustments to the head-of-household rate schedules contained in the introduced bill and provide relief from estimated tax penalties for 1983 under payments resulting from the changes made in the bill.

Mr. Chairman, if most of us on the committee had our way 2 years ago we would not be facing today's difficult political choice. If we had had our way there would not be a third year of the tax cut. Nor would there be $200 billion deficits. Capping the third year is a modest declaration that both tempers past excesses—and sustains future recovery.

Mr. Chairman, I reserve the balance of my time.

□ 1530

Mr. CONABLE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, H.R. 1183 is a bill which should be defeated. It is bad economic policy, largely because it would raise taxes sharply and thus impede an encouraging recover. It is bad tax policy, primarily because it would create permanent inequities in our voluntary Federal income tax system which already faces credibility problems.

H.R. 1183 also is unjust—very unjust—because it hurts the same groups that already bear an unfairly heavy share of the total tax burden: Middle-income people, especially two-earner families; and small business, particularly family farms.

The bill has been described in a misleading way. Its supporters have called it a $700 cap on the third-year stage of the individual tax rate reductions that were an integral part of the President's economic recovery program. But H.R. 1183 would not achieve that result. It is not a one shot measure. It would result in a permanent change in tax rate schedules, producing leapfrogging tax increases for many income groups not only next year but every year thereafter.

There are a number of additional, extremely important reasons for opposing H.R. 1183 which have been discussed in considerable detail in the dissenting views accompanying the committee report. I will attempt to simply highlight those points in these remarks.

Perhaps the most troubling aspect of this simplistic proposal is that it jeopardizes an economic recovery which is shaping up so nicely with each passing day. The bill before us threatens to dampen the economy's upward movement and cause it either to falter or fall short of its increasingly promising potential. For that reason alone, I am surprised that so many of my colleagues on the other side of the aisle are willing to take the political risks associated with support of this so-called cap.

The Secretary of the Treasury, when he testified on this issue before the Committee on Ways and Means, said the cap would indeed be unhealthy for the blossoming recovery and could have the ultimate effect of boosting our already high deficits and raising anew the specter of inflation. This, of course, would be detrimental to every citizen. It would be particularly harmful, and ironically so, to those on low and fixed incomes who always bear the brunt of rising prices and interest rates.

H.R. 1183 also produces radical inconsistencies and inequities through its marginal rate changes. For example, at the $35,200 income level on a joint return schedule, the marginal rate will change from 28 to 37 percent, an increase of 9 points. At only one other place in the entire schedule does the marginal rate change by as much as 5 points, and in most brackets, there is only a 2- or 3-point change.

Although this so-called cap already is viewed widely as an additional marriage penalty, it adversely affects unmarried taxpayers, too. A roughly comparable rate increase under the proposal would occur in the individual schedule at the $28,800 income level, where the marginal rate would rise by 8 points, from 30 to 38 percent.

The cap imposes even more inequities on middle-income taxpayers when their situation is compared with that of the very wealthy and that of the very poor. One consequence of the bill would be that the percentage tax change for those with incomes under $40,000 would be virtually zero, the percentage tax change for those with income over $200,000 would be 2.5, and the tax change for those with incomes between $50,000 and $200,000 would range from 5 to 7 percent.

Mr. Chairman, many of us who oppose the tax cap on substantive grounds, also are apprehensive about its potential role as a harbinger of even worse propositions. It is not inconceivable that enactment of H.R. 1183 could pave the way for a bid to repeal or delay indexing, which is the taxpayer's best friend in law.

If you dislike this cap, you will really hate any tampering with indexing, which is scheduled to go into effect in 1985. Repealing indexing, or even delaying it, would probably do the American taxpayer more damage than any other change in the Internal Revenue Code. Indexing offers the one best hope of controlling Government expenditures, because it forces the Congress to vote overtly for tax increases if it wants to spend more money. Without indexing, bracket creep will continue to provide us with automatic, unlegislated tax increases every year, thus perpetuating the most effective form of back door spending.

To review one of the classic examples of the damage that repeal of indexing would do, a family of four, earning $10,000 in 1983 dollars, would pay 47.4 percent more in taxes in 1988.

Of the $6.9 billion which would be raised from repeal of indexing in its first effective year, approximately 77 percent, or $5.3 billion, would come from families earning less than $50,000.

Both indexing and the third-year stage of the President's tax cut are important not only on a macroeconomic basis, but in terms of the positive effects they will have on the lives of low- and middle-income Americans. The reverse also is true, of course. To the extent we undercut either, we will undermine the prospects that our low- and middle-income taxpayers have for prosperity.

The only provision we can do anything about today is the third stage of marginal rate reductions. We should keep that provision in the law, as is.

To do otherwise would invite the wrath of those who keep our Government going: The taxpayers in the great middle income range. We would be treating them unfairly, and their wrath would be justified.

They will not be fooled, Mr. Chairman. They will see this ploy for precisely what it is—a tax increase, a permanent tax increase that will hit them hard every year from now on.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. GUARINI).

Mr. GUARINI. Mr. Chairman, I rise in support of H.R. 1138, a bill to cap the third year of the tax cut at $700.

Back in April of last year, 1982, this bill was dropped in a hopper as it was then already obvious to many of us that we would be heading for disastrous deficits.

It is extremely important that we make a strong effort at this point to reduce the enormous deficits that are now confronting Congress. In an era of $200 billion shortfalls, this bill is a test of our national resolve for getting the deficits down and keeping them down. And while it is true that this bill will only go part way toward reducing our deficits, $6 billion in fiscal year 1984 and $38 billion over the next 5 years, we must make a real beginning.

We are all aware that there is a widespread concern that the Reagan deficits will choke off a sustained economic recovery by keeping interest rates high. Responsible solutions, and H.R. 1183 is one of them, must be considered.

Is there any fairer or more appropriate or more painless way to raise necessary and needed revenues?

□ 1540

The budget we just passed calls for $12 billion in new revenues and this is a most promising and likely place for us to raise those moneys. The concern about high U.S. deficits is shared not just by many of us in Congress, but also by leading world financial institutions.

Only recently the Bank for International Settlements in Basle, Switzerland, which is deeply troubled over the disastrous state of the world economy, called upon the United States to set its financial house in order. The BIS termed the high U.S. interest rates seriously damaging to the world economy and stated that the principal responsibility for lowering these rates clearly falls upon the U.S. authority and squarely upon the shoulders of those in charge of our fiscal policy here in the United States.

The report concludes that concerted action on the part of the United States to reduce interest rates, and reducing deficits is an important part of the effort, would have a salutory effect in Japan, West Germany, and Great Britain. This, in turn, would provide much needed relief to the debt-ridden economies of the rest of the world.

It is important to note that the focus of this report is not on a solution 2 years down the road, as advocated by the administration in accepting budget deficits of $200 billion in each of the next 2 years, a call was issued for America to act now before the fragile U.S. economic recovery falters and before there is a second wave of crises amongst Third World nations that are already in deep trouble.

Having made these observations, I would like to commend my colleagues who are concerned over struggles of working families and needy people during these times of unemployment. But I particularly would like to address my remarks to the 10 percent of the taxpayers that are concerned with this particular bill, for they will be affected in some measure.

A great responsibility for leadership in this Nation rests upon those of you who share significantly in our Nation's blessings and our future. It is your leadership, your sense of social responsibility and social conscience which are needed today.

There is a great show of concern, and it has been shown from the other side, about a tax cut being taken away. In fact, everybody in this select group will receive at least a $700 tax break in this coming year. Already, you, the selected few, have benefited greatly from changes in ERTA, the Economic Recovery Tax Act. We have reduced the capital gains of 28 to 20 percent, which you are able to benefit from. We have reduced the top marginal rate, the marginal rate, from 70 percent to 50 percent. Not to mention liberalization that we have given in forms of tax credits and accelerated depreciation. These changes have been to the benefit of those few who are in this 10 percent category.

Today, our foremost national priority should be reduction of the unparalleled Federal deficits caused by this administration's policies.

Without a national strategy, a national resolve, a national purpose that we will do everything possible as a top priority to stop the massive hemorrhaging from happening in our economy today, we will not succeed in lowering our deficits. We now have a $1.3 trillion debt ceiling.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROSTENKOWSKI. I yield an additional 2 minutes to the gentleman from New Jersey (Mr. GUARINI).

Mr. GUARINI. We must put an end to borrowing to have short-term economic recovery which will only obligate our children and their progeny. We cannot continue to borrow and borrow and have deficits on top of deficits. We must make a beginning and the time to do so is now. Let us start by voting for this bill and returning $38 billion to our Treasury.

I urge all of you to support H.R. 1183. Your vote now counts because this is a first step toward responsible, sane fiscal policy for our country.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. GUARINI. I yield to the gentleman from New York.

Mr. KEMP. How did the gentleman vote on the repeal of withholding of taxes on savings and dividends?

Mr. GUARINI. On savings and dividends, I voted for it, because I believed——

Mr. KEMP. That was responsible and now this is irresponsible?

Mr. GUARINI. I think it was necessary because we needed capital formation and I think we had to do everything we could to get savings in our country.

Mr. KEMP. The gentleman has answered the question for everybody to hear.

Mr. COURTER. Will the gentleman yield?

Mr. GUARINI. I yield to the gentleman.

Mr. COURTER. I had the opportunity to go through some calculations and I calculated, that if this proposal is passed that New Jerseyites alone in 1983 will pay an additional $255 million of taxes. That is one-quarter of a billion dollars of additional taxes from one State, our State of New Jersey.

I wonder if the gentleman would reply as to whether that is good economics and whether it is also good for the State of New Jersey.

Mr. GUARINI. I think it is good for the country and what is good for the country is good for the State of New Jersey. Everybody must be called on in time of crisis to make some sacrifice; if there are those in New Jersey who are in the upper 10 percent of our bracket have to pay, if a few of them do come from New Jersey, as they do from the other 50 States, so be it.

These are times of crisis and these are times people should be called upon to make a sacrifice.

Mr. COURTER. If the gentleman will yield further, most of the income will be coming from small businesses, 90 percent of this money comes from small businesses, not wealthy individuals.

Mr. GUARINI. That will be aruged and contested later.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, in a little colloquy this morning I asked the question how would a citizen taxpayer who had an income of $1 million a year be affected by this proposed legislation? My respected friend, Mr. GRAMM, stated as I understood him that that person would not be affected at all, adversely or otherwise.

So, I called up Mrs. Alice Rivlin, head of the CBO, and she wrote me the letter which I have in my hand which I would like to read:

CONGRESSIONAL
BUDGET OFFICE,
Washington, D.C., June 23, 1983.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your question, a taxpayer with a million dollars of income (earned or unearned) filing a joint return with two dependents would have his tax cut reduced by $3,736.00 if the cap is imposed.

The attached table shows other income levels and types of returns.

Sincerely,

ALICE M. RIVLIN,
Director.

So, as I said this morning, the purpose of this bill is simply to limit to $720 the amount of benefit that a taxpayer can derive from the Reagan tax reduction program of 1981. It is just as simple as that.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New York.

Mr. CONABLE. The point is, of course it will increase taxes for a millionaire, but it will increase taxes for a millionaire percentagewise much less than it will for a person between $35,000 and $100,000. In other words, it hits the middle class particularly hard. Millionaires, the wealthier they are, pay a smaller proportion of their income in additional taxes under this proposal than middle-class folks do.

Mr. PEPPER. Excuse me just a minute.

May I respond to my friend from New York. I have here the table prepared by the CBO, it says, "Taxation and Accounting Comparison of Federal Individual Income Tax Burdens Under 1984, Present Law and Under the $700 Cap Proposal." And that shows that the first time there is a change in the case of the type of taxpayer that I described occurs when he reaches either $45,000 or $50,000. So, this does not begin to change anybody, according to this that I am going to put in the RECORD when we go back in the House, until you get up to $45,000 or $50,000. And, of course, as I am informed, maybe I am in error, but I have the figures that one-half of the people of this country make less than $20,000 a year.

So, while we understand that $50,000 is not an awful lot of money nowadays, at the same time it is an awful lot of money to an awful lot of people in this country.

The table is as follows:

TABLE 3.—COMPARISON OF FEDERAL INDIVIDUAL INCOME TAX BURDENS UNDER 1984 PRESENT LAW AND UNDER THE $700 CAP PROPOSAL [1]

	Tax liability														
	1. Single, no dependents			2 Joint, no dependents			3 Joint, 2 dependents			4 Joint, 2-earner, no dependents			5. Joint, 2-earner, 2 dependents		
	Present law	Proposal	Change	Present law	Proposal	Change	Present law	Proposal	Change	Present law	Proposal	Change	Present law	Proposal	Change
Income:															
$5,000	$193	$193	0	0	0	0	−$500	−$500	0	0	0	0	−$500	−$500	0
$10,000	915	915	0	$539	$539	0	291	291	0	$504	$504	0	261	261	0
$15,000	1,572	1,572	0	1,253	1,253	0	952	952	0	1,193	1,193	0	900	900	0
$20,000	2,392	2,392	0	1,885	1,885	0	1,549	1,549	0	1,795	1,795	0	1,469	1,469	0
$25,000	3,348	3,348	0	2,596	2,596	0	2,218	2,218	0	2,466	2,466	0	2,106	2,106	0
$30,000	4,385	4,385	0	3,443	3,443	0	3,003	3,003	0	3,278	3,278	0	2,838	2,838	0
$35,000	5,540	5,540	0	4,403	4,403	0	3,903	3,903	0	4,184	4,184	0	3,684	3,684	0
$40,000	6,827	6,959	$132	5,434	5,434	0	4,874	4,874	0	5,154	5,154	0	4,615	4,615	0
$45,000	8,210	8,496	286	6,555	6,589	$34	5,952	5,952	0	6,197	6,197	0	5,637	5,637	0
$50,000	9,673	10,113	440	7,825	8,013	188	7,165	7,273	$108	7,413	7,551	$138	6,753	6,811	$58
$55,000	11,222	11,838	616	9,906	9,438	342	8,436	8,698	262	8,642	8,929	287	7,982	8,189	207
$65,000	14,456	15,457	1,001	11,919	12,569	650	11,159	11,729	570	11,302	11,887	585	10,542	11,047	505
$75,000	17,915	19,188	1,273	14,845	15,803	958	14,085	14,963	878	14,133	15,016	883	13,373	14,176	803
$85,000	21,611	23,038	1,427	18,045	19,311	1,266	17,205	18,391	1,186	17,153	18,334	1,181	16,313	17,414	1,101
$95,000	25,307	26,888	1,581	21,279	22,853	1,574	20,439	21,933	1,494	20,282	21,761	1,479	19,442	20,841	1,399
$100,000	27,155	28,813	1,658	22,896	24,624	1,728	22,056	23,704	1,648	21,845	23,474	1,628	21,006	22,554	1,548
$200,000	65,585	67,313	1,728	59,170	62,836	3,666	58,190	61,836	3,646	57,700	61,336	3,636	56,720	60,336	3,616
$300,000	104,085	105,813	1,728	97,600	101,336	3,736	96,600	100,336	3,736	96,100	99,836	3,736	95,100	98,836	3,736
$500,000	181,085	182,813	1,728	174,600	178,336	3,736	173,600	177,336	3,736	173,100	176,836	3,736	172,100	175,836	3,736
$1,000,000	373,585	375,313	1,728	367,100	370,836	3,736	366,100	369,836	3,736	365,600	369,336	3,736	364,600	368,336	3,736

[1] Assumes itemized deductions are 23 percent of adjusted gross income Computed without reference to the tax tables.

Source: Joint Committee on Taxation.

TABLE 4A—DISTRIBUTIONAL EFFECTS OF $700 CAP PROPOSAL COMPARED WITH 1984 PRESENT LAW BY FILING STATUS—RETURNS WITH TAX CHANGE

[1982 income levels]

Expanded income class [1] (thousands)	Joint—Two earner			Joint—Other			Single and head of household			Total [2]		
	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns
Under $10												
$10 to $20										12	(0.5)	*
$20 to $30							3	(0.2)	0.1	141	(1.7)	0.8
$30 to $40	150	(3.8)	2.6	102	(3.9)	3.5	620	(45.8)	52.2	904	(11.2)	9.2
$40 to $50	1,485	(37.9)	54.3	786	(30.0)	58.4	333	(24.6)	81.8	2,610	(32.3)	58.1
$50 to $75	1,563	(39.9)	92.2	1,054	(40.3)	88.6	257	(19.0)	90.8	2,880	(35.6)	90.7

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TABLE 4A—DISTRIBUTIONAL EFFECTS OF $700 CAP PROPOSAL COMPARED WITH 1984 PRESENT LAW BY FILING STATUS—RETURNS WITH TAX CHANGE—Continued

[1982 income levels]

Expanded income class [1] (thousands)	Joint—Two earner			Joint—Other			Single and head of household			Total [2]		
	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns	Number of returns with tax change [3]	Percent	Percent of taxable returns
$75 to $100	335	(8.6)	94.4	307	(11.7)	93.3	66	(4.9)	85.7	711	(8.8)	93.2
$100 to $200	299	(7.6)	93.1	287	(11.0)	88.0	57	(4.2)	81.4	643	(8.0)	89.6
$200 and over	86	(2.2)	85.1	79	(3.0)	80.6	19	(1.4)	70.4	184	(2.3)	81.1
Total	3,917	(100.0)	17.4	2,616	(100.0)	13.6	1,354	(100.0)	3.9	8,085	(100.0)	10.4

[1] Expanded income equals adjusted gross income plus excluded capital gains and various other tax preference items less investment interest to the extent of investment income.

[2] Total includes married filing separate returns that are not listed elsewhere.

[3] Percentage distribution in parentheses.

[4] Less than 0.1.

□ 1550

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Chairman, I rise in opposition to this legislation.

Mr. Chairman, whether some on the other side of the aisle like it or not, the economy is on the way to a brisk and stable recovery. Whether they admit to it or not, fundamental to this recovery is the historic tax relief package Congress passed in 1981. And whether they know it or not, tearing down that fundamental tax relief by capping the third year of the tax cut would seriously jeopardize this recovery—a recovery that the American people have been promised, and one that they have personally sacrificed to attain. I believe we should follow the adage that, if it is not broken, then do not fix it. If you make a promise, do not renege on it. Mr. Chairman, this $700 tax cap does both by attempting to fix a problem that does not exist, and bringing into question this Congress ability to keep its promises. It is a cruel hoax.

You see, there seems to be a misperception around here that big deficits come from too little taxes, and that the solution is simply to raise more revenue. Let me just say for the record, big deficits come from out of control spending. The conference report on the budget which passed this House today would raise the debt ceiling to $1.614 trillion and indicates clearly that Congress is not serious about controlling spending. We can increase taxes all we want, but if we continue to spend more than we take in, we are never going to close the deficit gap. It is that simple.

Mr. Chairman, calling the $700 cap on the third year of the tax cut a "cap on the rich" is a cruel hoax and an insult to the hundreds of small business proprietors and the estimated 4 million Americans who will be impacted most by this tax hike. Mr. Chairman, America's small businesses employ three out of every four workers in this country and lead the way in job creation. But, Mr. Chairman, 86 percent of them file individual tax returns. Any tax hike, and especially this tax cap will tie the hands of small business owners, limit their ability to grow and prosper, to increase the Nation's productivity, and most importantly, to put people back to work.

This tax cap is bad news. Families with two wage earners making between $35,000 and $45,000 will shoulder this increase almost entirely. Two loyal Americans putting in long hours, maybe at a small shop they own, and bringing home a paycheck totaling $35,000 for the year are hard working taxpayers who are trying hard to save for retirement, for their children's educations, for a home, or maybe—if things go pretty well—a deserved vacation.

But most of all, Mr. Chairman, they are Americans pleading for a return to fiscal sanity and responsibility, for control of excessive Federal spending which crowds out their personal spending choices and fuels inflation that threatens the value of their retirement nest eggs and strikes at the heart of every American's dream of a better life for his or her children. Yes Mr. Chairman, calling the cap a tax on the rich, and implying that everyone's wages belong to the Government and only by its good graces does it allow you to keep them, is indeed a cruel hoax.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I rise in opposition to this middle-class ripoff.

Mr. Chairman, New Jersey taxpayers will pay over a quarter of a billion dollars in higher taxes this year if the Democratic plan to limit the 1983 tax cut installment becomes law.

Despite the rhetoric to the contrary, this is a tax increase that hits hard at the middle class and small businesses, it is senseless economic policy.

At a time when a national economic recovery is clearly gathering steam, the last thing New Jersey needs is a $255 million tax increase.

This $700 cap is an extra tax on the middle class, it will raise taxes for families with gross incomes as low as $39,250, and individuals with incomes as low as $31,350. And since 86 percent of small businesses pay taxes as individuals, not corporations, they will get a tax increase, too.

This proposal will do little to soak the rich, who got their tax relief when the top rates was lowered from 70 to 50 percent in January 1982. To suggest otherwise is sheer demagoguery.

Sponsors of this bill tell us that we need a tax increase to reduce the deficit. But it is overspending, not undertaxing, that is our main problem. The Government will collect $142 billion more in taxes in 1984 than it did in 1980, and the deficit will be higher—the problem is that spending is growing far faster than taxes.

Mr. DUNCAN. Mr. Chairman, I oppose H.R. 1183 because it is a bill which unfairly provides tax increases on millions of Americans, especially two-earner couples earning relatively modest amounts of income. These increases would impose particularly severe burdens on farmers and small, independent businessmen and women across the country.

I would remind my colleagues that the Economic Recovery Tax Act of 1981 provided long-needed tax relief for these same groups of farmers and small independent businessmen and women, both in the form of individual rate reductions and through other provisions. The effect of this bill would be to take back some of those benefits in a most unfair manner.

A fact which is little understood by most people is that the bill retroactively increases the tax liability which these taxpayers must pay. An increase in taxes at this juncture is most inequitable because farmers and small businessmen must make plans for growth at least 1 or 2 years in advance. The planning obviously involves taking into account their future tax liabilities with respect to income they will earn. This bill would unfairly change the rules of the game while it is still being played—midway through a year in a manner which prevents

them from making other, offsetting tax decisions.

In addition, according to testimony by Treasury Secretary Regan, this change could very well cause the economic recovery, which is well underway, to stall or come to a complete stop. If this were to occur, the impact on small businessmen and farmers would be devastating because they are among the people who are most hurt by high inflation and high interest rates.

The economic recovery has been successful thus far in reducing both the high inflation and the high interest rates that were inherited from the prior administration. Risking, through this bill, a return to those high interest rates and high inflation levels, is irresponsible and should be avoided at all cost.

I urge every Member of this House to vote against H.R. 1183 because it could jeopardize the very livelihood of small business people and farmers across the country.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. PHILIP M. CRANE).

Mr. PHILIP M. CRANE. Mr. Chairman, under the guise of the old radical "soak the rich" rhetoric that used to prevail in this body a generation ago, once more we are listening to some of the stale, same old arguments and they come from essentially the same radical quarters that obviously believe in the old ideology of tax and spend.

The irony in this particular proposal, which represents almost a $38 billion tax increase over the next 5 years—and do not be confused about what this is all about, it is a tax increase—the irony is it comes right on the heels of the vote we had on the budget resolution. It is apparent the radicals still believe in spending and believe in continuing taxation of the already overtaxed American, who has been suffering from confiscatory levels of taxation.

I do not think there is a respectable economist in the country today who supports the idea of massively raising taxes during a time of economic recovery, which we are experiencing right now. And most especially they recognize the foolishness of further taxing the productive middle class in this country, which has been ravaged over the past several years, because of inflation and the inability to enjoy the protection provided by indexation, which the same radical taxers wanted to go after in 1985.

The middle class in this country, with adjusted gross income between $15,000 and $50,000, constitutes 45 percent of our population and at the present time, they are paying 60 percent of our total taxes. And it is that element which the Members who are proposing this cap want to assault.

I urge my colleagues in this body, if you have compassion for hard-working Americans, if you really believe in economic recovery, to reject this insane proposal.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, in the vociferous debate on the proposed $700 tax cap we can easily become awash in a sea of absolute numbers and lose sight of the fundamental economic question that gave birth to this proposal. Simply put, this country is deeply in debt, and the question before us is not whether Congress should punish the rich or reward them for their excesses. Instead, it is a question of whether Congress should borrow even more to provide a small percentage of the wealthiest Americans with a huge tax break.

The President opposes the tax cap. He believes that we should borrow another $6 billion in deficit spending so that the 5 percent of the population with incomes above about $50,000 may have more than a $700 tax cut.

Without a cap, the very wealthy will have a huge tax cut. For example, the President in 1982 had $741,253 in income and paid $292,616 in Federal taxes. If he earns the same amount in 1983 and has the same deductions, his tax cut will be worth $3,736.

This is sort of like the Biblical parable of the talents the President cited yesterday. The President noted that the man who invested and multiplied his talents, his money, was praised. Under the President's tax policies, the person with a lot of money multiplies his tax break, and the President finds that praiseworthy. But I do not think it good or wise that the rich are getting richer, and the poor are getting poorer, and that the divisions in our society are getting wider.

A Member of Congress with three dependents, and with $69,000 in salary and $6,000 in honoraria, and with typical deductions would get a tax cut of $878 if there is no cap.

I think most of us would be willing to give up $160 of that tax cut to help cut the Nation's awesome deficits. I believe that those who care about the country, about fairness, and about reducing deficits, will all agree.

The cupboard, Mr. Chairman, is bare, and those of us on both sides of the aisle know that all too well. And yet some vigorously argue we should jeopardize our economic recovery simply to provide a largesse to a few. Those who subscribe to the argument that a tax break is a fundamental right, and will mean riches for all, should consider the economic reality behind the few hundred or few thousand dollars that a tax break will mean. In other words, do you think Congress is acting responsibly if it provides a tax break of, say, $600 to a working American family without telling that family that the pressure this break puts on the American debt and the subsequent pressure it ultimately puts on interest rates will threaten economic recovery, will threaten a family's ability to buy a home, to buy a car, to send their children to college? This move to hand out tax dollars desperately needed in the Federal Treasury is a cruel ruse and we should own up to that. Big breaks today could mean 16 percent or higher interest rates tomorrow, meaning a family with a $50,000 mortgage can expect to pay hundreds of dollars a month more in home payments than if that loan were made at a more reasonable rate. But we all know these rates will not remain reasonable if the Government continues to add to its debt and must compete for additional funds in the private market to finance that debt. Something is going to give, and we all know it is going to be those middle-class American families, who some Members of this House want to give a minor tax break today, so they can pay through the nose tomorrow.

Let us not be cruel to the American public. Let us not tell them this is merely an issue of whether the American public, rich, or poor, or middle class, gets a few hundred dollars in tax breaks. Let us tell them the whole story. Let us tell them that for a few hundred dollars today they are going to pay a dear and high price tomorrow. I for one am not willing to mortgage the future of our Nation and the health of our economic recovery simply to serve the political expediency and irresponsibility of those who wish to pass out money this country does not have.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MARTIN), a member of the committee.

Mr. MARTIN of North Carolina. Mr. Chairman, I rise in opposition to H.R. 1183. The 1981 tax cut was a fair tax cut because it was proportional to the taxes paid. If you paid half as much in taxes, then you got half as big a tax cut.

Consider this example, if you will. One individual makes $80,000 in income, yet got a tax cut 11 times that of a neighbor earning $20,000 in income. The first individual A makes 4 times the income of B and yet gets 11 times the tax cut. Why is that?

The reason is because A pays 11 times the tax burden of B. If A pays 11 times as much taxes as B, then proportionately A would get 11 times the tax cut as B under the 1981 tax cut, because it was proportional.

After that A still would be paying 11 times as much taxes as B because the tax cut would be proportional. It seems to me that that is fair.

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Now what about the wealthiest taxpayers? We have heard a lot about that.

I would say they have already gotten 24 percent of their 25 percent tax cut.

During the debate on the rule, the chairman of the Rules Committee, the gentleman from Florida (Mr. Pepper) protested that someone with $1 million of gross income would get a $100,000 tax cut. Well, the important lesson for us and it is a lesson why we ought to vote against this bill, is that in the first place that is true only if his tax burden was $400,000. If he paid $400,000 in taxes, then his 25-percent tax cut would be $100,000. So he is getting his proportionate share of the cut in relation to the amount of taxes paid, but the most important thing is related to the most recent statement by the gentleman from Florida, who indicated that under this tax bill, that millionaire is going to have to pay $3,700 more in taxes.

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What that means is that that individual has already gotten $96,300 of this $100,000 tax cut. That is 24 percent of his 25 percent. And he got it all in the very first year, not in his third year. He is not waiting on July 1. That individual got his tax cut, nearly in its entirety, in the very first year, thanks to an amendment not offered from this side but an amendment that was offered and engineered by the former Member from Michigan, Mr. Broadhead, a Democrat. It was a Democrat's amendment that gave that millionaire his $96,000 tax cut in the very first year. All this bill does is deprive him of the next $4,000 or so.

Finally, let me say that that millionaire has received that $96,000 tax cut two times already. He got it the first year, he got it last year, he is going to get it again this year, whether this bill passes or not, because he has already gotten that tax cut of $96,000.

So this bill is not going to affect that person. It is going to affect those with incomes between $30,000 and $100,000. It is not going to affect the millionaire by more than a few percent, and therefore, it is an unfair piece of legislation.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. Gradison), a valued member of the committee.

Mr. GRADISON. Mr. Chairman, on the merits this tax cap does not make much sense. Across-the-board tax cuts are fair and, until recent weeks, have had the support of a large, bipartisan majority of this body.

Here we are—10 days before the third step of a three-step across-the-board tax cut takes effect—talking about capping the tax cut. Why? Because the Democratic leadership of the House thinks this is a good political issue.

Where were they when the Democratic Party in this House supported a 5-percent across-the-board cut in 1981 without a cap? Where were they when the Democratic Party in this House supported a 10-percent across-the-board cut in 1982 without a cap? Where were they when the Democratic Party in this House initiated and supported a 20-percent reduction in the maximum personal income tax rate? And, where were they when the Democratic Party in this House supported a cut from 28 to 20 percent in the maximum tax on capital gains?

The fact is this is a last-minute, politically motivated proposal divorced from sound, long-term tax policy.

Any analysis of how the tax burden should be shared by different income groups must take into account how that burden is distributed today. The fact is that the upper half of all taxpayers pays 94 percent of all Federal income taxes, the lower half pays 6 percent. The top 10 percent pays over half of all Federal income tax.

Aside from the question of who would pay these extra taxes is the issue of what would be done with the $6 billion it would raise. The public might get the idea from some of the debate that the deficit would be reduced. This simply is not so. The 1984 budget just adopted makes it crystal clear that the proposed tax increases—of which this tax cap is part—would be used to finance higher domestic spending and not to reduce the deficit.

Let us face it. This tax cap issue is simply a diversion. It is not the main show. This bill, which purports to zap the rich, will not become law, and even if it did, would not zap the rich. The real goal of the Democratic leadership is to repeal tax indexing which otherwise will take effect on January 1, 1985, and prevent unlegislated tax increases from going into effect as the insidious result of inflation-induced bracket creep. And who will lose if bracket creep is not stopped and indexing is repealed? Not the rich who already are at the top tax rate and cannot be pushed any higher. It will be the middle class.

And so, I say to my colleagues, Mr. Chairman, give this bill what it deserves—your "no" vote and then let us turn our attention to the larger goal of saving tax indexing, the most important structural tax reform in years, and the great hope of the vast majority of American taxpayers who are in the middle- and lower-income brackets.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will advise the visitors in the gallery that there will be no demonstrations.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Matsui).

Mr. MATSUI. I thank the gentleman for yielding.

Mr. Chairman, I would just like to draw the attention of some of my colleagues on the other side of the aisle to some comments that they made that perhaps do not quite make some sense.

Now, we all acknowledge that we are not going to have a deficit that is below 2½ percent of GNP in 1985. And, of course, if in fact we do not, the President has indicated that he will propose a standby tax on oil and also a surtax to raise about $46 to $50 billion worth of revenues beginning in October 1985.

We all know that we are going to have to raise taxes in 1985 because of the deficit figures. The defense budget and the tax bill that was pased in 1981 created this problem, basically, along with the recession.

But let me just say that if in fact the President's tax proposal comes into play, people that make $40,000 and less will end up paying 75 percent of the oil tax that the President has proposed. Only 25 percent of that tax will be paid by those people who make $40,000 and above.

Let us take a look at the surtax that the President has proposed as being a fair tax. Those people who make $50,000 and below will end up paying 62 percent of that surtax in 1985, and those people who make $50,000 and above will only pay 38 percent of that tax.

And we all know that we are going to have to impose some kind of tax.

That is the President's tax proposal. The burden is shifted to those people who make under $40,000, whereas the tax cap proposal, the $720 tax cap proposal that we have on our side of the aisle, is such that of the $6 billion raised, only 11 percent of that $6 billion will come from $50,000 wage earners and below; 89 percent of that tax will come from those people who make $50,000 and above.

I think there is a misunderstanding about what middle income people are, in terms of who is going to share the burden of this tax.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I am confused about something. Is the gentleman supporting this proposal because the gentleman wants to help the deficit problem by adding $6 billion to our revenues, thereby reducing the deficit? Is that why the gentleman is supporting this proposal?

Mr. MATSUI. Is the gentleman suggesting that we are going to earmark this money and be able to really follow it all the way through the process, the Treasury, and everything else?

Let us not play games with ourselves.

Mr. GEKAS. I am not playing games.

Mr. MATSUI. We passed the budget, a $175 billion deficit. That includes a $12 billion increase in revenues, along with a lot of spending on defense and social programs.

Now, presumably we are going to pick up $6 billion with this cap to reduce that $12 billion. Let us not play games. We can all fool around with accounting numbers. The gentleman knows that and I know that.

Mr. GEKAS. If the gentleman is playing games, he is the only one in this colloquy. I am not playing games.

Mr. MATSUI. Tell me what your problem is.

Mr. GEKAS. I am asking the gentleman if his main intent in supporting this legislation is to reduce the deficit.

Mr. MATSUI. My main intent is to follow the budget resolution that we just passed out of the House, that is, to reduce that $12 billion tax increase proposed by $6 billion.

Mr. GEKAS. Then I ask the gentleman why he is not proposing that the entire third year tax cut be repealed so that the gentleman's first premise of adding $6 billion to the revenues might be enhanced by whatever amount of money the rest of the tax cut would yield.

Mr. MATSUI. Mainly because I believe in Keynesian economics. In order for us to maintain the slight recovery that we have, we must make sure that there is enough money in the economy so that we will increase purchasing power. But you do not need to give it to those people who are making $50,000 and above. They will get $720, and that should be enough for them to keep the purchasing power going.

Let us say this: They are not going to put the money in a saving account, as Don Regan says. What they are going to do is, they are going to put it in unproductive type investments.

Mr. GEKAS. Then the gentleman, if I draw this logically, is endorsing the third-year tax cut that President Reagan proposed and this Congress enacted, except for the proposal here, because it adds to the capabilities of our economy by giving the taxpayers wherewithal by which to pump back into the economy under the Keynesian theory or any other theory.

What the gentleman wants to do is to take some of the money out of this theory, thus pulverizing the economy to that extent.

The CHAIRMAN. The time of the gentleman from California (Mr. Matsui) has expired.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. MATSUI. I hope the gentleman was not suggesting that $6 billion is going to make the economy purr and do a really great job; because if in fact the gentleman thinks that that additional $8 billion we are going to use to reduce the deficit would have made the economy perk up and go at a 7- or 8-percent growth rate, I am afraid that he has not talked to many economists.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. Moore), a member of the committee.

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Mr. MOORE. I thank the gentleman for yielding this time to me.

Mr. Chairman, as I said this morning at the beginning of the day's business, this bill, like the one before it, is a mere political act, political exercise, political rnetoric. It is not going to be law, we know that, it is just politics. But it is bad politics.

We are raising taxes permanently, not capping for 1 year at $700 and no more than that amount in reduced taxes one can get back. We are raising taxes permenently and we are not cutting spending along with it. Raising taxes and spending, the same old game all over again.

It is bad politics because it is very unfair to the middle class, the very people we told we were trying to help in 1981. We told them and all Americans we were going to cut their tax rates by 25 percent in 1981, and now 10 days before the final 10 percent goes in, we are telling some of those taxpayers, those in the middle class, "We are sorry, we just cannot do it for you. We are going to take it back."

If we do that, they get absolutely no real reduction in their taxes at all. Bracket creep, the social security tax increases, and gasoline tax increases will see to it they really got no increase at all if they do not get this final 10 percent we are debating taking back from them today. They need the 10 percent to finally get a real tax cut; otherwise, they got no cut at all.

It is bad politics because the middle class once again is getting the biggest tax increase of this permanent tax increase we are debating here today. A joint tax return of a middle-class taxpayer of $35,200 will get a permanent, marginal tax increase of 9 percentage points. That is bigger than any other bracket or group in the tax code; 9 percentage points for a joint taxpayer receiving $35,200 or above. Now, this is more than the proverbial rich that we hear the other side talking about taxing, the $50,000 and above taxpayers. We are not talking about $50,000; we are talking about $35,200 on a joint taxpayers' return getting a 9-percentage-point increase!

It is bad politics because we are continuing to push people into higher tax brackets, and when we get them there, we increase the tax rates in those brackets. In 1960, only 3 percent of the taxpayers in America faced a 30-percent tax bracket. In 1981, 34 percent of the American taxpayers faced that bracket, a tenfold increase. These people in that 30-percent tax bracket are the very people we are raising the tax rates the most on here today, $35,200 and above on a joint taxpayer return gets a 9-percentage-point increase and they are in that bracket. This is the very bracket we have been pushing too many people up and into, they have increased tenfold over the last few years, and would increase their rates now, we got them their 9 percentage points by this action today.

So it is bad politics, really bad politics. We have heard the call for years, "Tax the rich and pay for Government programs." Now we have a new definition of the rich. Tax those who are earning $50,000 and everything is all right, but we find out we are actually taxing people in the middle class, as the tax-and-spenders have always done. Hit them in the neck once again. The rich will not be paying, the poor will not be paying, it is the middle class once again. It is politics, but bad politics.

Mr. CONABLE. Mr. Chairman, I now yield 3 minutes to the gentleman from South Carolina (Mr. Campbell).

Mr. CAMPBELL. I thank the gentleman for yielding this time to me and I rise in opposition to the bill.

Mr. Chairman, we are wasting our time. This is political posturing. This is a phony issue. It is not serious, and the American people should see through it very quickly. However, I think that it is worthwhile if we look at some of the facts.

I was interested when the chairman of the Committee on Rules got up and talked about the amount a person making $1 million would pay. Let us look at it a little differently. Suppose a tax were put on someone that was $99 and that person made $100. That would be a 99-percent tax. But suppose that same $99 tax were put on someone making $100,000. That would be a 0.99 percent tax. That is what this bill does to middle income America; it raises taxes by a higher percentage for the person making $39,000 than it does for a person making $390,000.

Is this the way tax policy should work? I think not. It is not. I do not call this a tax cap. It is a permanent change. As a matter of fact, if one files a joint return, it is $720, on a single return it is $637, and on a head-of-household return it is $673. They are getting at us a little differently, but it is all permanent.

Further, I think that we should recognize that the cause of deficits is not tax cuts, but spending. We started in the early 1960's with a $100 billion Federal budget. We have increased that 900 percent in the last 22 years, and our taxes have gone up at the

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same fast growth rate. So all we are talking about is giving us some more money to spend, instead of the taxpayers keeping it to spend for themselves.

This hits Mr. and Mrs. Middle Income Taxpayer, the working man and woman. Four out of five families in America that make over $35,000 have two wage earners—two wage earners. This is the groups that you would raise taxes on if you vote for this bill. This is the same Congress that wanted to give back some of the benefits to the working spouse because we did not think it was right that we were taxing working spouses at the rate we were, and we did something about it. Now, those who support this bill want to raise the rates again on that working couple.

This is not a soak-the-rich bill. It has already been said that the top marginal rate was cut from 70 to 50 percent. We have already cut the capital gains rate. There is no surcharge in here on people making over $100,000 or $200,000. If you wanted to tax the rich, you should have done so; instead you are going after middle-income America.

Forty-eight percent of the people who will be taxed under this bill make less than $50,000 a year as individuals or as couples. Now, if you think making $35,000 or $40,000 a year, with one spouse a policeman and the other a nurse, is a rich American family, then I am going to tell you, you have a distorted view of this country.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to this bill which reneges on Congress 2-year-old commitment to America's wage earners.

The sponsors claim the $700 tax cap is aimed at the rich. Well, if it is, their aim is bad. About half of all the taxpaying families whose taxes will be raised by this measure earn between $20,000 and $50,000.

Under current law, these middle-income working families are already footing over half of the Government's entire tax bill.

For example, let us look at a blue-collar family of four. The husband earns $25,000 and his working wife makes $11,000. If anyone thinks this family's rich, they're out of touch with reality.

Under this bill, this blue-collar family is looking at a 25-percent increase in marginal tax rates.

Why do the sponsors want to impose more taxes on the backs of those already carrying most of the tax burden of this country?

This bill is not only unfair, but it does not even touch the truly rich. The highest income earners have already had their full tax break in 1981, when the top bracket came down from 70 to 50 percent. To the small extent this measure affects them, we all know they will protect themselves by going back to their lawyers and accountants and tax-sheltered investments.

Mr. Chairman, the major newspapers have seen this tax hike for what it is: A politically motivated attack. The New York Times called it "doubtful economics and rotten policy." The San Diego Union said that "raising taxes now would raise the deficit, not shrink it." And the Washington Post says it is "a gesture, not a reform."

Mr. Chairman, Congress has committed itself by law to a 3-year tax cut plan. The only reason to go back on that commitment would be a national emergency. But the only emergency we have today is the majority party's panic because the economy is strongly recovering, as every indicator shows.

In my district, the city of Elizabeth was suffering from 12.9-percent unemployment in March. I have long since promised my constituents a 25-percent across-the-board tax cut so the economy can generate new jobs and middle-income earners can have much needed tax relief. I feel honorbound to keep my commitment by voting against this tax hike. I urge Members to keep their commitment as well.

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Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, if we are serious about reducing the Federal deficit, then this is good place to start. When the Kemp-Roth plan was rolled out in 1981, I had my doubts about it. I did not like the "locked-in" approach, and I argued, if we had to have such a plan, the third year should be contingent on economic conditions. Now that the recovery is underway, we do not want to jeopardize it by permitting these huge deficits to go unabated. We simply must reduce the deficit if we want a sustained recovery. But to reduce the deficit, we will need a three-pronged strategy that targets defense spending, revenues, and entitlements. In short, Mr. Chairman, with $200 billion deficits, I think capping the third-year tax cut is not only the responsible thing to do, it is what we must do. But this is not all—we must now try to cut spending and control defense spending.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. SHANNON).

Mr. SHANNON. Mr. Chairman, I want to thank the chairman of the committee, the gentleman from Illinois (Mr. ROSTENKOWSKI) for yielding this time to me.

I have been sitting here listening to my Republican colleagues get up and defend the middle-class taxpayers, and I have been very, very impressed by their arguments. They keep on pointing out the fact there were some Democratic Members who at one time wanted to drop the top rate from 70 to 50 percent, as if that were a terrible thing. I want to say right now, "any one of you who wants to cosponsor a bill to return that top rate to 70 percent, I will be happy to join with you."

I say to those Members, "you know as well as I do and as well as the American people know that it was your tax program that cut the top rate from 70 to 50 percent." The gentleman from New York knows that in his original Kemp-Roth bill the top rate went from 70 to 50 percent, and now Members come down into the well of the House of Representatives and act as if what they are really concerned about is that middle-income taxpayers are going to get hit by this tax bill.

How many times today have we heard about the two-income families in the $35,000 range? How many of those families with incomes between $30,000 and $40,000 are going to get hit by this $700 cap? I will tell the Members how many. It is 2.6 percent of them.

The Secretary of the Treasury came before the Committee on Ways and Means 2 weeks ago and admitted that 89 percent of the revenues raised under this bill will rest on people who earn over $50,000. Yet, I say to the Members, "You are not willing to admit that. You are not willing to admit that it is your tax policy that has created $200 billion budget deficits. You like to be the party of opposition."

Let me tell my friends something about that: "It is your President, it is your administration, it is your economic policy that has thrown 10 million people out of work in this country, and it is your administration that has created $200 billion budget deficits."

While it would be simple for us to stand here and say we are the party of opposition and say it is not our responsibility, we are not going to do that. The American people know who caused that crisis. We all know that it is not going to be easy to solve that problem.

Let me say that I do not feel comfortable coming into the well in support of any tax increase, but I defy anyone to find a fairer way to pick up the revenues than with this $700 cap.

Mr. KEMP. Mr. Chairman, will the gentleman yield for a question?

Mr. SHANNON. I am happy to yield to the gentleman from New York for a question.

Mr. KEMP. Mr. Chairman, would the gentleman tell us what he thinks has happened to the revenues from people in brackets over 50 percent since the cut in the tax on savings and

Congress lowered the 70 percent rate to 50 percent?

Mr. SHANNON. What has happened in those brackets in terms of what?

Mr. KEMP. In terms of revenue. Has revenue gone down or up in those brackets above 50 percent?

Mr. SHANNON. I would say the revenues have gone down.

Mr. KEMP. Revenues went up, I would say to the gentleman from Massachusetts. Revenues from high income Americans rose from 27 percent of Federal taxes to around 30 percent of Federal revenues.

Mr. SHANNON. Mr. Chairman, if I may reclaim my time, I stood on the floor of the House of Representatives 2 years ago when the gentleman from New York got into a colloquy with the gentleman from Georgia (Mr. LEVITAS). The gentleman from Georgia said at that time, "I am concerned about this third year of the tax cut because I am concerned that the third year of the tax cut is going to result in huge deficits."

Mr. KEMP. We have not had the third year yet.

Mr. SHANNON. And the gentleman from New York got up and said, "Well, I think we need a multiyear tax cut, and I hope you will go along with it; and I want to assure you that this President would not undertake any policy that would leave this country in an economic decline over the next 3 or 4 years."

What I want to say to the gentleman, the author of that policy, is that that policy has resulted in economic decline.

Mr. KEMP. Well, I would disagree.

Mr. Chairman, will the gentleman yield?

Mr. SHANNON. If I may be permitted to finish my statement, let me just say this:

I have seen all these Members come down into the well and talk about how they are really trying to protect the poor and the middle class. The move that they make today would put the Flying Wallendas to shame when it comes to stretching a point about how concerned they are about the poor and the middle class.

But what I cannot get over is that while they talk about the poor and the middle class, their policies always benefit the rich.

We do not want to vote for any tax increase bill, but we are realistic and we are not going to put our heads in the sand. We are not going to let these deficits continue; we are not going to let higher interest rates choke off an economic recovery; we are not going to deny the chance for millions of Americans to go back to work by being fiscally irresponsible.

There are political costs in that, I understand, but I ask the Members on the other side of the aisle to rise above their own rhetoric. I ask them to rise above their own history and try to do something that is fair. Their policies have sapped from our economy two things that the Democratic Party seeks to restore beginning today. They have sapped fairness and they have sapped growth, and we are going to begin on the road back to growth and fairness beginning today.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I rise in opposition to this betrayal of the American taxpayers. Let there be no mistake—this proposed cap on the July 1 tax cut is a working couples' tax increase. And at a time when the economy is making, sure, but fragile, progress toward recovery, the country can ill afford to take more money out of the wallets of working Americans and to undermine the incentives to work and save which the President's tax relief plan has created.

Claims that this third year tax cut benefits only the wealthy are pure nonsense. Almost half of those affected by this cap have incomes under $50,000. It is also interesting to note that a recent Gallup poll showed that 55 percent of all respondents favor putting the tax cut into effect as scheduled and, interestingly, that among respondents with incomes between $15,000 and $25,000, 64 percent support the tax cut. It is the middle class who will be hurt by this cap, just as it has been the middle class who has had to bear the brunt of so many failures by Congress to see beyond the political expediency of spend, spend, spend budget policies that necessitate tax increases.

As a small businessman and member of the Small Business Committee, I am particularly distressed that we would consider a measure which would make it more difficult for this important sector of the economy to grow and prosper. Eighty-six percent of small businesses pay taxes under individual rather than corporate tax schedules and this means that nearly 2.5 million small businesses will see their taxes increased if this $700 cap is approved. Does this say to the Nation's small businessmen and businesswomen—the backbone of our economy and, I believe, the key to recovery—that we want them to suceed? No. It just makes it harder for them to do so.

The problem is not the willingness of the American taxpayers to pay their fair share, but the willingness of the American Congress to make tough choices. I submit that we will never see complete recovery until we have a Congress with the discipline to stop spending taxpayers' money as if it was their own and the wisdom to stop penalizing initiative, hard work, and success as if they were national embarrassments rather than tremendous national resources, of which I, for one, am very proud.

Our constituents cannot afford any more taxes. Let us stand up for their rights and vote this irresponsible increase down.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I rise in opposition to this misguided and inequitable bill.

Mr. Chairman, every year this body passes commemorative legislation to designate days, weeks, years, in recognition of outstanding achievements of one group or another. Mr. Chairman, I think this year should be designated "Congressional Irresponsibility Year." This will show the American people that we in the Congress recognize the fact that despite the Reagan administration's valiant attempt to foster a strong and lasting economic recovery, the House Democratic leadership has done all it can to derail the President's train of tax relief measures begun in 1981.

Thankfully, they have failed. But they are now so desperate to keep their hands in the taxpayer's pockets, they are resorting to shaking down the little guy. Let's look at the facts. The House's first concurrent budget resolution called for repeal of the July 1 tax cut and income tax indexing. Failing that, our friends on the other side of the aisle now propose another plan which would cheat the middle class out of their portion of the Kemp-Roth tax reduction by capping the July 1 tax reduction at $700. Although I realize it is difficult for some to break old habits, it is time to teach these old dogs new tricks.

Inflation-induced bracket creep, increased social security, and State taxes, and the August 1982 Federal tax increase have joined to effectively wipe out the first 15 percent of the 1981 tax reduction plan. On July 1, the lower- and middle-income families in the Nation will, for the first time, reap the benefits of a 10-percent across-the-board reductions in their marginal tax rates. Top bracket taxpayers will not receive any relief from the third year of the tax cut on their income above $55,300 for singles and $109,400 for joint filers. Clearly this is a tax reduction that is well timed to coincide with the recovery and well placed to give those who need it most—the lower- and middle-bracket taxpayers—an opportunity to increase their disposable income.

Capping the tax cut at $700 does little to provide "tax equity" between lower and higher income brackets as this bill purports. The cap increases the marginal rates in the middle brackets but would not increase the 50-percent rate that the affluent pay.

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Furthermore, the cap would have a serious impact on small businesses, most of which conduct their business as a partnership, sole proprietorship or subchapter S corporation, and are therefore taxed as individuals. Small business has suffered enough during these past years of congressional fiscal folly. Let us not beat them down again just as the benefits of a stronger economy come their way.

Let us end our preoccupation with the revenue side of the fiscal equation. Responsible spending reductions in both defense and social spending must be achieved if we are to reduce the projected $200 billion deficit. Let us defeat this inequitable "tax equity" legislation and join together in what must be our common goal: to promote economic recovery by means of a responsible budget and a reasonable fiscal policy.

Mr. Chairman, this proposal won't soak the rich, but it could dampen our economy recovery. It won't lower the deficit either. It will merely soothe the consciences of those among us who cannot seem to control their impulses to spend with reckless abandon.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. Lent).

Mr. LENT. Mr. Chairman, as one who voted for the 3-year, 25-percent across-the-board tax cut in 1981, I am opposed to any tampering with the third year 10-percent tax cut. This bill, H.R. 1183, may be long on political appeal, but it fails under the light of close scrutiny. It is essential that Congress curb spending to reduce the deficit, but capping the tax cut will have a negligible effect on the deficit while the economic stimulus to be provided by the full 10-percent cut will give a needed boost to our burgeoning economic recovery.

I question those who maintain that this cap only affects the wealthy. Or those who claim that a $700 cap will have a negligible effect on those making less than $50,000 a year. Tables released by the U.S. Treasury Department demonstrate clearly that the cap on the third year would actually mean a tax rate increase of more than 10 percent on millions of American middle-income families and small businesses earning between $35,000 and $45,000 a year. It will have little or no effect on the wealthy in brackets in excess of $109,000 a year. The cap would take away 39.9 percent of the scheduled July 1, rate reduction for those in the $35,000 to $45,000 bracket. Families in this bracket, many with both adults working, constitute a substantial share of my Long Island constituency. Supporters of H.R. 1183 may consider this group "wealthy," but I strongly disagree. In many cases such families have college-age children and are facing the ever mounting costs of higher education. They need the relief offered by the third year tax cut, and the cap in this legislation is a definite threat to them.

It is also important to realize that 86 percent of all small businesses pay only personal income taxes. A third year cap would result in higher taxes on small business at a time when we are looking to these businesses to create new jobs in the economy.

Therefore, I strongly urge that the House not tamper with a successful tax cut enacted only 2 years ago. The Reagan tax cut has been an effective tool for economic recovery. Our economy is rebounding dramatically right now. Inflation dropped to an annual rate of 3.9 percent in 1982—down from the 12.4-percent rate of 1980. The prime interest rate has dropped to 10.5 percent this year—down dramatically from the 21.5-percent level of January 1981, a decline of more than one-half. As the Wall Street Journal noted in the June 9 edition, capital spending increased in the first quarter of 1983 for the first time since the third quarter of 1981. Factory orders for durable goods, a reliable gage for future capital investment, climbed in the first quarter of this year, and the backlog of new durable goods orders increased in April for the first time in 2 years. It is obvious that the 1981 Reagan tax cut has made available investment funds which have contributed significantly to these favorable developments.

If Congress will concentrate on reducing Federal spending and resist the temptation to tinker with the tax cut, the hard-pressed middle-income taxpayer will get a well-deserved break and economic recovery will continue.

Mr. Chairman, I urge the defeat of H.R. 1183.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. McCollum).

Mr. McCOLLUM. Mr. Chairman, I have been listening today to the argument that raising taxes is necessary to solve the deficit problem. I think that raising taxes is just as bad as borrowing is in terms of what the Federal Government does. Borrowing to cover our deficits and borrowing to cover the entire public debt of this Nation is a drain on the amount of available dollars in this country for private citizens and private businesses to use. Taxes are a similar drain.

There are statistics that show that the United States absorbs between 50 and 70 percent of all the available money in this country every year. This absorption is the reason why we have so much pressure tending to result in higher inflation and higher interest rates. Until the Federal Government reduces spending, until we quit borrowing so much money, and until we quit increasing taxes we are not going to see long-term economic health in this country, and here we see the Democratic Party and its leadership today advocating increased taxes to solve deficits. That is the same thing the Democratic Party has advocated all along, and that is greater tax-and-spend policies which results in the economic decline of our country.

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Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. Craig).

Mr. CRAIG. Mr. Chairman, it is truly amazing to me, that the Democratic leadership could make such a proposal, especially now. After this House gave itself a raise and the Senate last week raised its pay, we are now going to say to the middle-income wage earner—too bad, you do not need that tax cut.

What is also particularly funny to me is, the Democratic National Congressional Committee chose to send out a news release saying, my position on capping the tax cut was cold turkey. In fact my position does not help the middle-income taxpayer and I say bunk.

The Democratic Congressional Committee and Speaker O'Neill would have us believe that only the wealthy would be affected. Well the wealth of this Nation comes from the majority of working people and the facts say, they will suffer by this so-called tax cut cap proposal.

The cap strikes directly at over 2.5 million small businesses, 8.1 million taxpayers who will have their taxes increased on an average of $654 and 350,000 family farms. Eighty-six percent of all small businesses pay only personal income taxes. This tax cut strikes at the heart of small business and we must remember, small firms with 500 or fewer employees accounted for 60 percent of the 2.8 million jobs created in the United States.

Something I would like to also see is, Speaker O'Neill go to my farmers and explain why raising their taxes is a good idea. Why did this Congress enact the payment-in-kind program to help the farmer weather the recession and now, when the economy is starting to show some strength and retail sales are up, Speaker O'Neill and his tax-dollar-thirsty bunch want to raise their taxes? It is hard to conceive how they can go around purporting they are the party of the people, when at every turn, all we hear is raise taxes, raise taxes. Not once have they suggested reducing an out-of-control budget they always succumb to the easy way, which is raise taxes. It is like planting a seed before you plow the field.

The capping of the tax cut would drive a tremendous wedge between the tax brackets faced by middle-income taxpayers. Even with the full 25-percent tax cut, few middle-income families are scheduled to receive a net tax reduction. A family of four with 1982 income of $40,000 for instance, will pay $52 in additional taxes this year as compared to 1980 tax rates. This increase results from bracket creep and Carter administration payroll tax hikes. The Democrat tax cut cap, coupled with new social security tax increases, the gasoline tax, and provisions of the 1982 tax bill would make this net tax increase much, much sharper.

Something the proponents of the tax cut cap never bring out is the fact, in fiscal year 1982, the first full year in which the top marginal tax rate was lowered from 70 to 50 percent, upper income taxpayers paid a larger percentage of total income taxes. The third installment of the tax cut is not targeted to the high-income tax group but toward the middle-income taxpayer; what the ultimate effect could be is a reduction of the tax revenues collected from the top.

Overspending, not undertaxing has been the problem of the past 20 years. In every instance, the big spenders solution is to raise taxes. A great example is the budget passed on March 23 which calls for increasing by $120 billion over 3 years. Some of the suggestions to raise this revenue called for the repeal or delay of indexing; capping the mortgage interest deduction; eliminating the deductions for State and local sales taxes, and of course, capping the tax cut scheduled for July. Not once in the budget or the Democratic Study Group's list of suggestions was their mention of reducing Government spending. It seems the thirst of the big spenders increases as they are tempted with more revenues.

As the signs of recovery are strengthening, threatening it by taking away needed dollars for the purchase of goods and services is ludicrous. Hopefully, my colleagues will see the error of the tax cut cap and vote it down resoundly.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Chairman, I thank my friend for yielding.

The issue of fairness has been brought up, not only from the Speaker, but from the gentleman from Massachusetts. I think we have to face that issue of fairness in realizing that in 1981 we promised the American people they were going to have a 3-year program. Let us not be unfair to them. Let us maintain that tax cut.

Recently the Commerce Department released figures which showed that the effective tax rate—that is, taxes as a percentage of earned income—will have fallen from a high of 24.3 percent in the third quarter of 1981 to a projected 22.3 percent at the end of 1983. Needless to say, this year end projection includes the full July tax cut, not the so-called fair cut the leadership is offering.

I do not think it is necessary to repeat the statistical arguments you have heard about the merits of this proposal. I would, however, like to talk about the Commerce Department's statistics, which no one is disputing.

The declining tax rate is, of course, good news for the average American taxpayer, but the effective rate is still well above the 20 to 21 percent of the early seventies. In other words, the inflation-induced bracket creep of those years has not been erased.

Today we are considering a tax increase. We promised tax relief to all Americans in 1981, and by capping the July tax cut we will be going back on that promise. This tax increase will fall on middle-income taxpayers, even the majority has conceded that fact. In a few months, I have little doubt that we will be asked to repeal indexing—in doing so, we will be hitting the American taxpayer with yet another tax increase. On top of that, as many as 15 States will be raising their taxes in the coming year.

What this means, Mr. Chairman, is that middle- and low-income taxpayers—who were battered by inflation-caused tax increases in the seventies—are about to be taken for another ride. Today is just the first step, but it is one that the American taxpayer is not likely to forget.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. Rudd).

Mr. RUDD. Mr. Chairman, if the Tax Rate Equity Act of 1983, H.R. 1183, is an example of the type of fairness issue the leadership of this body hopes to pin on our President and his policies, then perhaps we ought to let the donkey pin its own tail.

This bill is an attempt to play politics with the third year, 10-percent tax cut by imposing a limit of $700 per return. This action would affect approximately 8.1 million individual income tax returns this year, and its proponents hope to raise an additional $6 billion in taxes which they allege will be used to offset the deficit.

The backers of this tax increase have labeled it as a fairness issue, that it taxes only the rich, and that it promotes fairness in the tax system.

These arguments are nonsensical, and I counter them with the view that a tax cap would cause great harm to our recovering economy and would penalize primarily middle-income earners and small businesses.

This tax cap does not just affect the third year of the tax cut as its proponents have implied. This would cause a permanent change in the tax rate schedules, thus resulting in higher taxes not only next year but every year thereafter.

Who would be affected by the $700 tax cut limit? According to Treasury Department data, almost half of the 8.1 million tax returns facing a tax increase under this bill would involve two-earner married couples. About half of the total would have incomes less than $50,000 a year. Some single taxpayers who do not itemize would be included in this category, even though they earn no more than $30,000 of gross income.

The typical tax increase for 8.1 million tax returns under this proposal would be $654. This is $654 less consumption power for millions of middle-income earners, not wealthy individuals. Since the top tax rate has already been lowered to 50 percent—a change which actually brought in more revenues from the upper income group—the tax cap would have almost no effect for those who earn in excess of $109,000.

Small businesses would be a target of this tax cut limit. Of all small businesses, 86 percent pay their taxes on individual returns, thus leaving the vast majority of these small firms the primary victims of this tax increase.

Raising taxes in this manner will not reduce the deficit. It only paves the way for more domestic spending programs, as called for in the budget resolution. Moreover, the supporters of this tax hike have rejected offers to include mandatory spending reductions linked to corresponding revenue increases.

Proponents of this measure have no interest in reducing the deficit; their goal is to find a way to offset a wave of new spending proposals. Having failed at attempts to repeal the third year, 10-percent tax cut, this $700 tax cap is a last-ditch effort to scuttle the primary thrust of the President's economic recovery program.

The news of the last several months is virtually unanimous in showing an improved economy well beyond earlier expectations. GNP went up a dramatic 6.6 percent in the second quarter; leading economic indicators continue to rise; inflation has been dramatically reduced; interest rates are down; unemployment continues to drop; personal income is up, and all signs point to a robust recovery. Let us not impede this recovery with a tax increase aimed at middle America.

The President's economic program is working, it is succeeding, and we should reject this effort to reverse the many positive changes resulting from this sound economic course.

Congress should defeat this bill and return to the real problem of uncontrolled Federal spending.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. Coats).

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Mr. COATS. Mr. Chairman, in the brief time that I have, I would like to outline the three basic reasons why I cannot support this so-called fairness tax cap.

First, I think everybody in this room knows that it is absolutely the worst economic policy imaginable to raise taxes at the beginning stages of a recovery. There is not an economist, liberal or conservative, Democratic or Republican, that would advocate raising taxes right at the beginning of an economic recovery.

Second, the tax cap impacts on the very segments of society that are most critical to this economic recovery, our farmers, our independent businessmen, the small businessman that pays individual taxes and files an individual return, are the very elements that are employing people across this country and offer the best hope for new jobs and economic recovery.

Third, if any of us thought for 1 second that $1 of the taxes that would be raised from this so-called fairness tax cap would go to reduce the deficit, or that it would be tied to the reduction of $1 in spending, then I think we might take a look at it; but we all know in this room that it will not go for this purpose. It will simply go to fuel more domestic spending.

For those reasons, I think all of us should oppose this so-called tax cap that is being offered here and we should vote no on this question.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. Luken).

Mr. LUKEN. I thank the chairman for yielding.

Mr. Chairman, I believe I represent my constituents in making the following brief statement. I think the controlling fact here is that we are facing deficits of about $180 billion in the next year or so, as the ranking minority member of the Ways and Means Committee said earlier in the budget debate.

We have greater deficits under the President's proposals because of two things. One is greater military outlays, and second, his insistence on the tax cut.

Therefore, the fact is, we are financing a tax cut with borrowed money. Uncle Sam is going to have to borrow the money, more money to add to the $1.3 trillion national debt.

I have had very few constituents ask me for an additional tax cut in these times of deficits and increasing national debt; but they tell me they are worried. They are worried about the deficits and this is a fair way to attack it.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. Gephardt).

Mr. GEPHARDT. Mr. Chairman, there are two points I want to make today. First, there has been a lot of talk on the floor today that this bill is just a political exercise, that is is not going anywhere.

I would like to remind the Members that we have now passed a budget that calls for $73 billion of tax revenue in the next 3 years.

I would ask you if there is a fairer way to raise this revenue than what we are talking about here. If this bill passes, the Ways and Means Committee can go into conference with the Senate Finance Committee and about $20 billion of that $73 billion can be in this bill; so I do not think it is an unreal exercise. I think it is very real.

Second, I ask you what fairer way there is to raise the revenue? If you look at this chart, you will see that Kemp-Roth, with the effect of inflation and the social security tax increase, not only does not give people below $50,000 a tax decrease, they had a tax increase over the last 3 years; but people $50,000 and above got pretty substantial tax decreases.

So is it not fair to go to that group if we are going to raise revenue?

There is only one other proposal I know of that has been made in this budget exercise; that is, the Reagan tax increase proposal, the surtax, and the oil tax. In the surtax, under $50,000 the Reagan proposal puts 62 percent of that tax increase on their backs and 38 percent on people over $50,000 and the oil tax, 75 percent of it goes to people under $40,000 and only 25 percent to people who are over $40,000 a year.

If you want the Reagan tax increase proposal, then you should vote against this and vote for that and really put some more taxes on people under $50,000; but if you want to do it in the fairest possible way, this is the last train out of the station. This tax decrease goes into effect in July and this is the best way to raise the revenue that everybody in the country realizes we have got to raise in order to change the deficit path.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. Parris).

Mr. PARRIS. Mr. Chairman, in the debate on the rule on the tax increase on middle-class Americans earlier today, I pointed out several examples of the objectionable features of this legislation as it applies to the average people who are my constituents and who I am privileged to represent.

I appreciate the time in this debate to add several additional thoughts to that list. I am sure it is difficult for people watching this debate to follow all of the numbers and all of the percentages and to keep track of marginal rates and brackets. But if you reduce this issue to fairly simple terms, it is easy to understand the general problem with this legislation. Let me give you a couple examples of that.

This bill would create a tremendous difference between the tax brackets faced by middle-income taxpayers. Income up to $29,900 is taxed at rates no higher than 25 percent, while above $35,200, the rates are 37 percent or more. That is a 12 percent difference in approximately a $5,000-income range and, therefore, the tax rate for those middle-class individuals above $35,000 is 50 percent higher than the tax rate of a level of about $30,000. According to the Labor Department the Washington Metropolitan Standard Statistical Area median adjusted income for married couples is $35,594, almost exaclty where the majority would increase the tax rates by almost 30 percent under this bill.

So we are not talking about the wealthy. We are not taxing the rich. We are drastically increasing the tax on the middle average working married couple in this community—and that means average Federal employee.

This is a permanent tax increase, most of which would be paid by taxpayers whose only fault is that they are neither rich nor poor, but somewhere in between.

I ask my Democrat colleagues: Will they cap the tax cut on capital gains? Will they cap the tax cut on interest and dividends, where many of the wealthy get most of their income? Will they cap the tax cut on large businesses? The answer is, of course, not. Yet, they propose to raise taxes on families who earn only $15,000 in 1970 dollars, adjusted for inflation. These are the people who would get hit the hardest with this tax.

This is a raid on your wallet and your pocketbook. It is unnecessary and unfair and I hope it will be defeated.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. Daub).

Mr. CHANDLER. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, as a new Member of Congress, I cannot in good conscience silently watch my colleagues pass a tax cap today that would both penalize the middle class and run the risk of slowing our economic recovery.

We will hear a lot of political talk today that the cap will only hurt the rich, but the truth of the matter is that a tax cap would hit squarely on the middle class. Almost half of those affected by the proposed tax cap have incomes under $50,000.

We should also consider the impact this cap would have on the economically important small business sector. About 2½ million small businesses, including 350,000 family farms, would in effect be subject to a tax increase under the proposed cap because they file personal, not corporate, tax returns.

We should also be concerned that the cap will negate important reforms that were made just 2 years ago in the so-called marriage tax.

While, I am pleased to see concern in this Chamber about reducing deficits, I feel that a cap on the tax cut will only provide greater incentive for Congress to find new ways to spend taxpayers' dollars. I am 100-percent committed to reducing the deficit, but I am convinced, and I know my constituents agree, that the way to do it is by reducing Government spending, not by cutting off tax relief.

We have been reading a lot of good news lately about economic recovery. Inflation has dropped. The gross national product is up. Unemployment rates are slowly going down. I do not think we want to be responsible for reversing this gradual improvement by tampering with the 3-year tax cut program passed in 1981.

If the House makes the mistake today of passing the tax cap, I will stand firmly behind the President's promised veto.

Mr. DAUB. Mr. Chairman, I do not rise often, but indeed today is a historic day in my view in the House of Representatives. By attempting to limit the July tax cut and urging a budget on this House that calls for $12 billion in new taxes, the Democratic leadership has sought to raise taxes twice in the same day.

The Democratic leadership in the House is scared to death of economic recovery. By sabotaging it they hope to gain political advantage over the President.

This double-barreled blast at the American economy will destroy jobs and while by every standard the July tax cut is expected to fuel consumer recovery, Democratic political strategy stands ready to abort this recovery by taking money from the people and turning it over to Government.

Limiting the July tax cut does not favor the rich, but it is a permanent tax increase on middle-income families. The Democratic tax increase proposal also adversely impacts on small businesses and family farms.

The budget compromise increased the tax rate for the next 3 years by a total revenue aggregate of $77 billion and at the same time increased the spending rate at an aggregate of $73 billion. I call that economic insanity.

The surest way to end economic recovery is to increase taxes and to increase spending. Clearly it is the wrong medicine to cure our problems unless you want Americans to fall back into economic depression. I think we ought to call this effort today a band-aid cure for a belly wound.

Think about some things first. We are raising the threshold of spending. We are raising the threshold of taxes. That propels the deficit. It does not solve the deficit problem; $73 billion in increased spending versus $77 billion in increased taxes over the next 3 years does not cure the deficit. The deficit in part will be propelled and grow even larger than we fear at this time.

It does one thing, my colleagues, that I think is the worst of all. What we need more than spending and what we need more than taxes is long-term borrowable money at stable rates. Without savings by individuals who have jobs, there will be no capital formed for borrowing. That will put America back to work. This will give our people a chance for real gain—an economy with real growth.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. McHugh).

Mr. SHARP. Mr. Chairman, will be gentleman yield?

Mr. McHUGH. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, I rise in support of the McCurdy amendment and the legislation before us today. Although much of the discussion on limiting the third year tax cut to $700 has been focused properly on the fairness of this action, I believe the debate should also be centered on the effect on the Federal deficit.

The President projects that deficits in 1984 will be $189 billion, $194 billion in 1985 and $148 billion in 1986. These projections are staggering and everyone agrees that they must be controlled. Placing a $700 limit on the third year tax cut will produce $6.2 billion in revenue in fiscal year 1984 an estimated $20.8 billion between fiscal years 1984-86—a total of $27 billion. The President's budget calls for "contingency taxes" in fiscal year 1986, which he estimates will raise $46 billion. He suggested imposing a surcharge on individual and corporate income taxes and a $5 per barrel tax on oil. While Secretary of the Treasury Regan claims that contingency taxes will not be necessary until 1986 because the budget deficits will be under control, I do not share his optimism. So far, the deficits have only been increasing. The administration is openly admitting that revenues must be raised. So why does the administration support raising taxes in 1985, when we now face a $529 billion deficit through fiscal year 1986?

One of the valid concerns among those who oppose limiting the tax cut is that the additional revenue may only be used to finance large spending programs. I believe the bill contains an essential element, which expresses the sense of the Congress that any revenue gained by limiting the tax cut should be used to reduce Federal budget deficits. This is reinforced by the McCurdy amendment, which I strongly support, which calls for a dollar-for-dollar matching of expenditure cuts for the increased revenue. Raising revenue must be balanced with reductions in spending. Although the Congress has succeeded in slowing the rate of Government spending, we have not done enough. I do not believe we are taking an irresponsible step by making changes in our fiscal policy, when clearly the deficits are out of control.

As long as deficits remain excessive, interest rates will remain too high. The economic recovery can too easily be jeopardized. Reducing the Federal deficit is clearly necessary.

Lawrence Chimerine, chairman and chief economist of Chase Econometrics recently stated in his article in the New York Times:

> To the extent that capping helps reduce expected deficits and eases concerns in financial markets, lower interest rates that may result would further stimulate the economy. Moreover, a cap would begin to reverse the process that in recent years has shifted a much larger part of the nation's tax burden onto middle and lower incomes families.

In fact, taxpayers with incomes under $20,000 have not received any real tax cuts. Their tax burden has increased, when taking the effects of inflation and increases in social security payroll taxes into account.

A couple with two children and an adjusted gross income of $30,000 will receive a tax cut of $360 in 1984, regardless of a cap. But if this couple had an income of $75,000, they would receive $1,598 in 1984, if the full tax cut was implemented. If the couple earned $150,000, they would receive $3,981, if the tax cut was not limited. In light of these examples, the case of unfairness in limiting the tax cut becomes very weak. We are not talking about hitting those who can barely make ends meet, we are talking about persons who, in many cases, have already received a large share of the tax reductions under the 1981 tax act.

All taxpayers will receive a new tax cut in July. Only 10 percent of all taxpayers will be affected by the cap. The other 90 percent of the taxpayers will receive the full amount of the tax cuts enacted by the Economic Recovery Tax Act of 1981. Of the revenues generated by the cap, 89 percent of it would be paid by taxpayers with incomes above $50,000 a year.

I believe the Congress must control Federal spending and moderate tax policies so that all taxpayers can benefit from an improved economic program.

Mr. McHUGH. Mr. Chairman, I would have thought that the proponents of the President's economic program would have approached this debate with a bit more humility. It was not very long ago that they told us that if we only passed the President's economic program that we would soon have an economic boom,

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an economic boom that would benefit all segments of our society.

Did we get that economic boom? Of course we did not. Any objective observer can see that we got the worst recession, the worst unemployment, since the 1930's.

The proponents of the President's economic program told us not long ago that if we only passed the President's program we would have a balanced budget in fiscal year 1984. Did we get a balanced budget? Of course not. We are now looking at a deficit of over $200 billion.

My purpose today is not so much to point the finger of blame, because that does not solve any problems. However, it is terribly important that at this stage we recognize that the President's economic program has not worked, despite the good faith of the President in offering it.

If we are serious about responsible government, if we are serious about a sustained economic recovery, we must adjust the President's program and this bill represents a modest, indeed an exceedingly modest, adjustment. It would raise $6 billion in tax revenue, not by a new tax as our Republican colleagues have suggested, but by postponing a small portion of the third permanent tax cut inherent in the President's economic plan.

I think that this is an exceedingly modest step toward reducing budget deficits. It does so by looking to those people who have gotten the lion's share of the tax breaks in the first 2 years of the President's tax program. Is that too much to ask of those people who have benefited most from the President's tax program?

I do not think so, and I do not think the people whom we are asking to make this modest sacrifice think it is too much either.

I do not know what your constituents say to you back home, but mine say "Please get the deficits and the interest rates down. We can wait for further tax relief until the economy is back on its feet. I urge my colleagues to support this measure.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. Green).

Mr. GREEN. I thank my colleague from New York for yielding time to me.

Mr. Chairman, the fact that we can seriously be considering this measure on the floor of the House today shows how badly inflation has warped our perception of economic reality.

Let us look at what the earnings that are covered by this bill would have been in 1967 dollars. I pick 1967 because, of course, that is the start of the current series of the Consumer Price Index for all urban consumers.

An income of $40,000 today in 1967 dollars would be $13,536. An income of $50,000 would be $16,920. An income of $60,000 would be $20,305.

In 1967 would anyone have thought that someone earning $13,536, or $16,920, or $20,305 was a malefactor of great wealth who should be the target of a punitive tax bill? Of course not.

But now, with inflation, the proponents of this bill preceive those families as the plutocracy of America.

What nonsense. And yet those are the people you are going after in this tax bill.

I think one other comparison is most interesting, because we in this House have a very different perception when it comes to shoveling out the subsidies as opposed to taking the dollars out of the taxpayers' pockets. We run a guaranteed student loan program. People are eligible for federally subsidized loans in that program up to $75,000 a year.

I fought hard to prevent a cut in that ceiling. There were some on the other side of the aisle who opposed having any income cap on that program.

Yet the same people who under that program are deemed in need of Federal subsidy are, we are told today, so wealthy that they should have to pay a major increase in marginal tax rates.

Mr. Chairman, it is obvious that inflation has destroyed the sense of economic reality of the Democratic Party. I urge my colleagues to look through those inflated income numbers to the reality of the purchasing power of the families this bill attacks, and to defeat this ill-conceived measure.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I am happy to yield to the gentleman.

Mr. LAGOMARSINO. I want to commend the gentleman for his statement.

Mr. Chairman, I rise in opposition to H.R. 1183. This bill, so misleadingly named the "Tax Rate Equity Act of 1984," is a wolf in Democratic clothing.

It could more aptly be called the "Economic Disaster Plan for 1984," or the "Tax Reneging Act of 1984." For this is the bill that revokes the tax cut made by this body just 2 years ago as part of the Economic Recovery Act.

That recovery is now well underway. The index of leading economic indicators rose 1.1 percent in April, up for the 10th consecutive month. Productivity is running at a 4.7 percent rate this year, up from the minus 0.9 percent of 1979. Industrial output for April was up 2.1 percent, compared to minus 3.6 percent for 1980, the last year of the Carter administration. Housing starts are up 64 percent this year over last, compared to a 26 percent drop in 1980. And disposable personal income, after inflation, rose 1.1 percent during the first quarter, compared to a drop of 0.9 percent in 1980. The stock market is up over 400 points since 1980. And all of this has been accomplished without rekindling the fires of inflation. In fact, the cost of living rose only 4 percent over the last year, compared to the 12.4 percent rate of 1980.

An important part of that economic recovery was the 25 percent personal income tax rate cut enacted by this body 2 years ago. Combined with restraints in Government spending, it has meant millions of dollars more in disposable income for Americans. Money which was spent for American products or invested as savings in American companies. It has fueled the economic recovery and helped lift some of the burden of Government from the shoulders of American taxpayers. The third phase of that tax cut, the final 10 percent cut in tax brackets, is due to take effect just 8 days from now, on July 1.

Now along comes the Democratic leadership of the House with this bill saying we should adjust the tax rate. "Cap" is the word they use. In the interest of equity.

Yet what will this cap really do? It is aimed directly at two classes of taxpayers: The middle-income wage-earner and the small businessman. The Democrats know that high-income taxpayers have already received their cut—the maximum rate dropped from 70 percent to 50 percent 2 years ago. Low-income wage-earners have already had the floor raised, so many of them pay little or no taxes. The middle-income taxpayer is the only group left, and this bill drives a wedge right through the middle of the tax brackets. Under this bill, income up to $29,900 is taxed at rates no higher than 25 percent. But income above the $35,200 level—per family—would be subject to rates of 37 percent or more—a gap of 50 percent. In other words, under this bill, a family with an income of about $35,000 would wind up paying 50 percent more in taxes than at $30,000. This is aimed directly at the working couples, and in essence amounts to a marriage tax. It could conceivably even lead a couple to seek a divorce for tax purposes. And this considered equity? Good social policy?

Equally damaging, Mr. Chairman, is the effect which this bill will have on small business. Most small business owners, unlike large coporations, file individual income tax returns. And much income from a small business is routinely reinvested in the business. This bill would tax those dollars away, depriving small business of the capital it needs to grow and survive. It will cause lay-offs of employees and the cancellation of plans to expand and create new jobs. And it would dry up the discretionary power of middle income taxpayers to invest in savings, which also creates jobs. In short, Mr.

Chairman, this bill, the Tax Equality Act of 1984, will cause taxes to increase, penalize working couples, and damage the health of thousands of small businesses, causing unemployment, misery and resentment. I can only conclude that that is what the leadership of this House wants.

If you oppose these results, I urge a "no" vote on this bill.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. Albosta).

Mr. ALBOSTA. Mr. Chairman, today, we have a critical choice to make. Do we continue to accept rising deficits and do nothing? Or do we make the tough decisions that are expected of us and begin to work to reduce that portion of the $200 billion deficit we are all so worried about by capping the third year of the tax cut?

Earlier this year, I posed this question to my constituents in the 10th Congressional District in Michigan. Should the third year of the scheduled income tax cut be postponed for those earning more than $50,000 until the Federal budget is balanced? Over 63 percent of my constituents who responded said yes.

My constituents and I know the importance of lowering the highest deficit in this Nation's history. I am committed to doing what I can to see that this is achieved.

The only fairway to make progress against the rising deficit is to adopt the $720 tax cap. It will reduce deficits by $22 billion over the next 3 years and raise one-half of the additional revenues called for in the 1984 budget. Some oppose this measure claiming this tax change is not the solution to the problem of high deficits. They are correct that it is not the only solution, but I would argue that it is an important part of the solution, an important step that must be taken.

Along with the issue of deficits, there is a second question, and that is the issue of fairness. Should those in the upper income groups, who have enjoyed the greatest benefit from the first 2 years of the tax cut, again receive a disproportionate share of the third year tax cut when our economy cannot afford it? Certainly not.

To illustrate the point, a family of four with an income of $200,000 will get a tax cut of 15 percent more than the family earning $25,000. What more is there to say about fairness?

It is time we stand up for the majority of Americans who go to work everyday, pay for their children's education, and form the backbone of America. Too often we have seen the Congress cater to the special interest groups to the detriment of the low- and middle-income taxpayer, by providing tax relief for the wealthy.

Today, we can take a giant step forward by supporting the $720 tax cap and thus, restoring equity and justness in our tax system for millions of Americans.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. Pease).

Mr. PEASE. Mr. Chairman, today we debate the merits of placing a cap on the third year of the tax cut. I want to point out an irony brought to mind by the recent appearance of Treasury Secretary Regan before the Ways and Means Committee. Just 9 days ago, Mr. Regan testified before my colleagues that the administration does not plan to take any action on the tax side of the Federal budget to reduce the huge deficit we are expecting in fiscal year 1984.

In 1981, as I recollect, President Reagan and his highest ranking adviser responsible for providing revenue to operate the Government were far more creative in creating "tax incentives" for the wealthy than they are 2 years later in finding equitable tax increases for a country that desperately needs to gain control over skyrocketing deficits. I find it personally repugnant that Secretary Regan appeared before the Ways and Means Committee with virtually no proposal to address the deficit problem as it concerns revenue.

I would ask Mssrs. Reagan and Regan what is going to happen to interest rates if this deficit is not brought under control—permanently and expeditiously. A tight monetary policy cannot forever hold the line for an administration that takes from the poor to shower tax cuts and tax shelters upon the wealthy. The $700 cap will recapture some of the excessive cuts given to the highest income taxpayers while preserving the cuts for those in the middle and lower income range who need them most. Almost 89 percent of the tax burden of the $700 cap would fall on persons earning over $50,000 and this group would be contributing almost $22 billion through fiscal year 1986 of the $73 billion required by the conference report to the budget resolution.

I am pleased to stand before you today to support the cap and to support a House Democratic Party that is showing considerable leadership in finding an equitable and viable proposal to reduce the deficit. We may be offering our necks to a Republican Party that is only too happy to find an axe in honor of the upcoming 1984 campaigns. However, I believe the American taxpayer is well qualified to understand the meaning of tax equity and will remember the fairness of the Democratic proposal.

Can Reagan turn the fairness issue on its head regarding the $700 cap? If not, it will not be for lack of trying. Although Secretary Regan opposes the cap because he says, "It will hit squarely at our great middle income class," the truth is quite the reverse as we have seen.

Rather than recapture part of the $6,872 tax reduction for a family of four making $100,000 or more in fiscal year 1984, Secretary Regan would prefer to support a tax increase in 1985 on domestic and imported oil and a 5-percent surcharge on individual and corporate taxes—both of which would hit hardest at middle and lower income families.

According to the administration, efforts to reduce the size of the projected deficits—$226 billion, $241 billion, and $260 billion in fiscal years 1984, 1985 and 1986, respectively—should not be directed toward those reaping the greatest advantage from the 1981 tax cuts. Rather, the millions of Americans earning less than $30,000—who are the vast majority of taxpayers and, coincidentally, who experienced net tax increases from the so-called Reagan tax cuts, should be willing to pay the 5-percent surcharge.

If the taxes of all Americans are increased by 5 percent, the greatest number of taxpayers will suffer further tax increases while the 1981 tax cuts of the wealthiest taxpayers will remain intact but somewhat diminished.

For example, according to Citizens for Tax Justice, in 1984 when the Reagan tax cuts are fully in effect and have been adjusted for inflation and for recent increases in social security taxes at 1981 income levels, a taxpayer earning less than $10,000 will experience a net tax increase of $108. The 5-percent surcharge will push this individual further into the hole while the average taxpayer earning over $200,000 will receive a net tax cut of $15,000 even after the 5-percent surcharge is applied. This estimate of the tax cut for the over-$200,000 individual is virtually doubled if the effects of various savings and business "incentives" are included.

Turning to the other half of President Reagan's proposed contingency taxes, it is not difficult to anticipate the effect of an increase in energy taxes on moderate- and low-income families. Analyses of the consumption patterns of all families by income demonstrate exactly what commonsense would say. In the case of new taxes on energy to heat homes, the new tax would place the heaviest burden on those families with the least elasticity in their income—those for whom the necessities of life require the greatest amount of their disposable income. The effect of the new tax on families purchasing gasoline would fall heavily, again, on lower income families—if they are fortunate enough to own a car.

Thus, it appears that we Democrats are tilting against a Republican administration committed to a two-track

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course. The first is to oppose the $700 cap which would see 88.7 percent of the burden fall on those earning over $50,000 annually. The second is to support a surtax and crude oil tax which will impose most of the burden on taxpayers earning less than $50,000 per year.

Is that fair? If in 1984 President Reagan can convince Americans that it is, we will know that the age of doublespeak truly has arrived.

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Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. Gunderson).

Mr. GUNDERSON. Mr. Chairman, I must add my voice to those who have already spoken in opposition to H.R. 1183, the so-called Tax Rate Equity Act. The facts are that, as presently structured, the cap proposed by this legislation is hardly equitable.

Quite frankly, Mr. Chairman, I and many of my colleagues who oppose H.R. 1183 today could support a cap on the third year of 1981 individual income tax rate reductions if that limitation were simply aimed at preventing the wealthy of this country from receiving a windfall and if the revenue received from the cap were truly used for deficit reduction. H.R. 1183 fails on both counts.

First of all, H.R. 1183 will affect many taxpayers who are far from wealthy. In reality, only 9 percent of those who will have their tax reduction capped by H.R. 1183 have incomes in excess of $100,000. Forty-eight percent have incomes less than $50,000 and 43 percent have incomes between $50,000 and $100,000.

Further, Mr. Chairman, this really is not a cap on the third year of the tax cut; rather, it is a permanent increase in the marginal income tax rates for these individuals and families.

And let us just take a brief look at what will happen to a two-earner couple making $35,200. Currently, that couple's maximum marginal income tax rate is 28 percent. If H.R. 1183 becomes law, that maximum rate becomes 37 percent—that is a 30-percent increase.

In short, the vast majority of those affected by H.R. 1183 are members of the middle class who are already overburdened by the structure of our current Federal income tax system.

This will have a particularly dramatic effect on two-earner couples, small businessmen, and family farmers. In fact, present estimates are that the cap will impact on 2.5 million small businessmen and 350,000 family farmers in our country.

Second, Mr. Chairman, I believe that there is a growing perception in our country that, because of the cuts made in individual income tax rates in 1981, Federal revenues are decreasing annually. That is not accurate.

Estimated Federal revenues for the current fiscal year are in the $600 billion range. At the time the budget was prepared, Federal revenues for fiscal year 1984 were estimated to approach $650 billion; now, both CBO and OMB have indicated fiscal year 1984 receipts are more likely to be in the area of $665 billion.

Clearly, despite the reductions in individual income tax rates, Federal revenues continue to increase. This is in part due to improving economic conditions and in part due to the $35.3 billion tax increase we passed last year in the Tax Equity and Fiscal Responsibility Act for fiscal year 1984.

However, as in the past, the deficit problem remains because of the increasing rate of Federal spending. These statistics again demonstrate that the remedy for deficit spending is not only greater Federal revenues, but reducing the rate of increase in Federal spending.

I have said on many occasions, Mr. Chairman, that I would be willing to support some type of cap on the third year of the tax cut if it were part of a package designed to reduce the enormous budget deficits we face now and in the future. The facts are, however, that the context in which we consider H.R. 1183 assures that whatever revenue is raised by its cap will either go for additional domestic spending or greater defense spending, depending on who prevails on the budget.

That is why my good friend, the gentleman from Oklahoma (Mr. McCurdy), presented the Speaker with a letter signed by 79 of our colleagues on his side of the aisle that referred to the tax cap as "flawed policy" if it is not accompanied by a corresponding limit on Federal spending.

And it is, indeed, unfortunate that the Rules Committee has seen fit to water down this amendment by considering the nonenactment of future legislation which has been provided for as a contingency in the budget as a "dollar-for-dollar" cut in Federal spending to accompany the increased revenue. Accordingly, the amendment has become nothing more than a budgetary illusion.

These budgetary considerations in conjunction with the adverse impact the cap will have on millions of middle-class taxpayers leave well-reasoned Congressmen concerned with the fiscal future of our country with no choice but to oppose H.R. 1183.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. McEwen).

Mr. McEWEN. Mr. Chairman, a moment ago a Member rose on this floor and stated that either you tax and spend or you borrow and spend and that it was the intention of those on this side of the aisle to borrow and spend by supporting a tax cut for all working Americans.

Well, I believe that is one of the most convoluted thought processes I have ever encountered. The idea that a working man and woman get up in the morning, go to work, receive a paycheck, and then if Uncle Sam does not take it from his pocket and spend it, that somehow or another he has to borrow it to allow that wage earner to keep his money. That in summation shows the distortion of this entire issue by those who are simply looking for an opportunity to reach into the workingman's pocket to spend more money in an attempt to secure more votes.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. Walker).

Mr. WALKER. Mr. Chairman, an economic recovery is underway. The bill before us is a callous, calculated, political effort to undermine that economic recovery. The leadership of the Democratic Party has looked around and seen an economic recovery taking place and they know that a good economy will doom Democratic political prospects in 1984.

So, what the Democrats have done is launched a full-scale attack on the centerpiece of that economic recovery, the tax cut, and they have done so in the most unfair way possible because they designed a program that even goes so far as to protect the super rich in this country. It used to be that even when we disagreed on issues, we could be confident that each side was putting their country ahead of politics.

The effort to destroy the tax cut is purely and simply a case of politics above all else.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. Watkins).

Mr. WATKINS. Mr. Chairman, I stand in support of the McCurdy amendment but also would like to address a couple of facts that have been brought to my attention that should be addressed. Those on the other side who have talked about placing a cap or ceiling on the tax as unfair. The question should be asked: "Who has Ronald Reagan taxed?" One, the little waitresses at the little truckstops and cafes having to pay 8 percent and withheld from their food sale even if they did not receive 8 percent tips. They are trying to reach the minimum wage but they are having to pay a tax at a time when the President reduces the tax on the wealthiest in this country.

Also it is President Reagan's withholding tax on people who have a savings account, that is a tax pushed through Congress by the President of the United States, on the lowest income people in the United States.

The 5-cent tax on gasoline is President Reagan's tax that every working man, woman, and child has to pay when they pull up to the gas station. They have to realize that 5 cents they are paying on that gallon of gas is a tax from Ronald Reagan who said that that working person had to pay that additional tax, not the wealthy. The little truckdriver's taxes in my district, pushed by President Reagan, have been increased 1,000 percent. The little truckdriver whether he moves his truck or not with a load of grain or cattle, last year paid $200 tax on his truck. Under this, President Ronald Reagan's tax, the little truckdriver's taxes were increased to $2,500, a 1,000-percent increase.

Now you say, the $720 that is being capped, that is a pretty good return for most of my people. In fact, the maximum return for 98 percent of the people in my district, would be that $720—more than 75 percent of my people feel the tax should be capped.

I yield back the balance of my time.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. Gramm).

Mr. GRAMM. Mr. Chairman, I would like to make two points.

First of all, I guess whether people are rich or not depends on your point of view.

I have heard my colleagues, especially those over on the right-hand side of the aisle, get up and talk about how we are going to tax the rich. But, in fact, we are going to raise taxes not on the rich but on that couple where the husband and wife both work; that middle-income couple making $35,200 a year. We are going to raise that couple's marginal tax rate by 9 percent.

The majority of my colleagues last year voted to give Members of Congress a raise of $9,000 because they thought we were on hardship pay here at $60,000 a year. I voted against it. And when we gave Congress its big tax break last year, a tax break we went back and took away, the justification was that it was hard to live on $60,000 a year.

Now, we are going to take back a tax break for a married, working couple making $35,200 a year, when we think Members of Congress are living on hardship pay at $69,000 a year, and it seems to be something does not jibe about that claim.

But the major point, Mr. Chairman, I want to make is, despite all the rhetoric about raising taxes to lower the deficit, the last vote cast in this House was a vote to raise the deficit by $13 billion over the level recommended by President Reagan.

So, do not fool yourself in saying you are raising taxes to deal with the deficit.

You are raising taxes to fund $29 billion of new add-on spending.

So, in reality as we have heard so many times, this is a return to the tax-and-spend policies of the 1960's and 1970's. And I submit that the American people are not going to be fooled.

If you voted for the budget we just adopted you voted to raise the deficit and to raise taxes to fund new spending. And if you vote to raise taxes on middle-income, two-income-earner families here, you are not voting to raise their taxes to lower the deficit, you are voting to raise their taxes to fund new spending programs.

That is the reality of the choice here today.

I thank the gentleman.

Mr. MATSUI. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. Mitchell).

Mr. MITCHELL. Mr. Chairman, I do rise in support of the Tax Equity Act but I rise primarily to express some concern and, really, surprise about the reaction on this side of the aisle.

Suddenly, you are the great protectors of the little people and that is quite a transformation.

Your President's policies, that you followed without any hesitation, ravaged the poor people of this country, and yet today you are the great protectors of them. You ravaged the sense of security of senior citizens of this country, cutting medicaid. You plundered the aspirations of middle-class Americans in this country. For those who wanted to send their children to college you denied student loans, cut them. You have pillaged or attempted to pillage the future of young children in this country. You supported a $300 million reduction in nutrition programs. So, I am just so grateful for this transformation, let us hope it lasts awhile. Let us vote this Tax Equity Act, it is right, it is fair, it is just.

Mr. Chairman, I rise in support of Congressman Frank Guarini's bill, H.R. 1183, the Tax Rate Equity Act. My colleague's legislation provides the Congress with the opportunity to mitigate the disastrous effects of the ill-conceived Economic Recovery Tax Act of 1981 (ERTA).

Since the inauguration, the Reagan administration has attacked social programs. For example, in his fiscal year 1984 budget, President Reagan attempted to implement real cuts of $750 million in food stamps, $750 million in aid to families with dependant children, $300 million in child nutrition, and $300 million in medicaid.

The President's desire to spread despair and pessimism throughout low-income communities was not appeased with the emasculation of domestic programs. As a result, President Reagan coerced the Congress into passing the Economic Recovery Tax Act of 1981. The blatant inequity of this law becomes evident when one realizes that, once the effects of inflation and social security tax increases are taken into account, individuals with inomes over $100,000 receive substantial tax reductions, while individuals with incomes under $20,000 end up with a tax increase.

Corporations have also been the undeserved beneficiaries of the 1981 Economic Recovery Tax Act. Some estimates have indicated that corporations will receive tax breaks totaling $143 billion over the period from fiscal year 1983 to fiscal year 1986.

Congressman Guarini's bill attempts to inject a vestige of equality by limiting the amount of tax reductions. The Tax Rate Equity Act establishes a cap of roughly $700 on the maximum reduction in income taxes resulting from the third installment of the tax cuts enacted by ERTA. Consequently, this bill will produce revenues of $6.2 billion in fiscal year 1984 and $38.8 billion over the 6-year period from fiscal year 1983 through fiscal year 1988.

Although increased Federal revenues are important, the Tax Rate Equity Act's redistribution of the tax burden is its most appealing allure. H.R. 1183 allows 90 percent of all the taxpayers to receive the scheduled tax cut in full. Only 10 percent of the tax paying population will have their tax cut reduced; in other words, of the revenue raised by the bill, 89 percent would come from taxpayers with incomes above $50,000.

Although H.R. 1183 does not repeal the third installment of the tax cuts enacted by ERTA, it does attempt to lessen the disproportinate flow of benefits to upper income individuals. Hopefully, the Tax Rate Equity Act will be the first step which will lead eventually to the complete redistribution of the tax burden to those who can afford it: the affluent. Consequently, I urge my colleagues to support the passage of H.R. 1183.

□ 1700

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. Fiedler).

Ms. FIEDLER. Mr. Chairman, if you have even considered improved economic equity issues for women through child care tax credits or pension reform, how can you possibly consider voting for this particular bill when it specifically targets women who are out working and trying to improve the quality of life for their family?

Huge numbers of women are working wives, out of absolute economic necessity. They sacrifice an immense amount in that they shoulder the burden for their families as well as their work.

Information from the Census Bureau in 1981 says that all families with two wage earners had an median

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annual income of $27,000. Therefore, 50 percent of the working class couples are above the $27,000 range. It is going to be this group which is badly hurt as a result of this bill.

I urge my colleagues to vote against this bill.

Mr. MATSUI. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. Markey).

Mr. MARKEY. Mr. Chairman, I am pleased to rise in support of H.R. 1183, the tax cap bill, and to participate in this debate which should be called "True Confessions in Tax Land." I say that because it is this debate over limiting the tax giveaway to the Nation's rich which has taught us so very, very much about Ronald Reagan's tax policy.

True Confession No. 1: The Chamber of Commerce has written to us, asking that we not touch the Reagan plan because—and I am quoting—"for many people this tax cut represents their first real tax cut." That is quite a confession coming from the folks who gave us "year 1" and "year 2" of Reaganomics. If for many people this is their first real tax cut, where did the billions in tax breaks that we enacted in 1981 and 1982 go?

True Confession No. 2 comes from the Great Simplifier himself: President Reagan confessed just how out of touch he is with the people of this country when—at a $1,000-a-head fundraising dinner—he told us that a cap which affected those with incomes of $50,000 or more would hurt "middle- and lower-income" taxpayers. Of course, only the top 5 percent of the Nation's taxpayers make more than $50,000 a year, but I guess that the "top 5 percent" is the middle when it comes to Reaganomics, or Republican fundraising dinners.

True Confession No. 3 comes from Treasury Secretary Regan, who warns us that the President will be unhappy if we tamper with his tax cut. Truer words were never spoken, for the tax plan we are reviewing truly is the President's tax plan. After all, he got a $91,000 tax break on his 1982 return as a result of these policies. And to think that we would dare to limit the additional tax break—above and beyond the one the President will take again in 1983—to a lowly $700. Shame on us, we are told by Secretary Regan.

I say, to the contrary, shame on you. Mr. President. Shame on you for suggesting that your tax plan, without a cap, is fair for the middle class when it gives 30 times more relief to those making $200,000 than to those making $20,000. Shame on you, Mr. President, for opposing this measure to reduce the deficit and restore some of the equity you took out of the tax system.

Capping the tax cut achieves many of our major aims. First, it preserves the full tax relief that middle-class families have coming to them. Second, it limits the now unlimited tax giveaway that Ronald Reagan wants for those who do not need such relief. Third, it would save billions of dollars in needless additional deficits. Finally, support for the cap demonstrates the commitment we have to fairness for all Americans.

The $700 tax cap would reduce the deficit by $38 billion over the next 5 years. For my colleagues who say that this is a mere pittance, I would like to point out that $38 billion is enough to build six coast-to-coast interstate highways over the time the bill is in effect, with $2 billion in spare change left over. The savings would be significant.

A $700 tax cap would preserve the full tax cut for 90 percent of all Americans. It would not affect families with incomes of $45,000 or less. Only the 10 percent of our taxpayers with incomes over this amount—the Nation's wealthiest taxpayers—would be affected. And even these person would still receive a tax cut, though it would be limited at the $700 level.

Mr. Chairman, it seems ludicrous to suggest, as Ronald Reagan has, that the Federal Government should borrow $38 billion more to give an unlimited tax break to the Nation's wealthiest taxpayers. These people were the chief beneficiaries of the 1981 and 1982 Reagan cuts, and do not need an uncontrolled, additional break in 1983 and beyond.

A tax cap saves the tax cut for those who need it, and saves the Treasury billions of dollars. Our support for such a cap in the House demonstrates that we are committed to tax relief for working class families and economic fairness for all Americans.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. Frenzel), a distinguished member of the committee.

Mr. FRENZEL. Mr. Chairman, this country has a graduated income tax system. Most of the Members of this body would support that graduated income tax system. I now notice that a number of Members on the other side of the aisle woud like to reduce the top rate. I think that is a commendable instinct on their part.

Two years ago we decided that we would vote an across-the-board tax rate for individual income taxpayers in this country. Now, that was not a new concept, because 3 years before, in 1978, we had also voted an across-the-board income tax cut for all individual taxpayers.

The only difference was that at that time in 1978 we had a Democrat House, a Democrat Senate, and a Democrat President.

Now, however, in 1983, our leadership, the Speaker and his friends, have decided that that was wrong. That those two acts and previous acts in this country of across-the-board tax cuts were unfair. Nobody has explained exactly why they were unfair, or why such a large majority of the House voted for them and thought they were fair at the time, but as of today, they have been declared unfair.

I suppose that means they were unfair in 1981, unfair in 1978, and unfair back in the early sixties as well.

Well, they are not unfair as far as I am concerned. We are confronted today with a permanent tax increase, not a cap. We are asked to renege on a promise that we made to the taxpayers of the United States in 1981. And after we made that promise, we soaked them with scheduled social security tax increases, increased social security tax, gas taxes, and bracket creep, so that most of the people who would like to receive a tax cut and who thought they should have had one in the last 2 years, have not even had a reduction in taxes yet.

In addition, we are establishing a new marriage tax, for this tax increase falls most heavily on the two-earner families, particularly families in which the female spouse is only recently working and receiving—we hope—a fair wage in the marketplace. So this tax increase will take most of her improvements away from her.

As I say, Mr. Chairman, it is not fair. In this Congress we always go for the taxpayer. We never try to limit spending. That is what our constituents want us to do.

This $6 billion assault on the deficit will do us no good. It is bad tax policy, it will not save one dime from the budget adopted by the mistaken spenders a few minutes ago. It should be defeated. Even if it passes this body, it will be defeated.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. Kaptur).

Ms. KAPTUR. Mr. Chairman, today the House will have an opportunity to restore fairness and equity to our tax system. We can begin this process by reining in the massive tax giveaway to the wealthy which has been the hallmark of the Reagan tax program begun 2 years ago.

Let me offer an example of how this program has worked thus far: A family with a $100,000 income has had its tax liability reduced by $3,454. On the other hand, a family earning $20,000 received annual tax relief in the amount of only $300. Is this fair? Is this equitable? Is this in the spirit of the 16th amendment to the U.S. Constitution, ratified 70 years ago, which instituted the Federal progressive income tax system?

Unless we act today, we will compound the mistakes of the last 2 years. A family with income over $100,000 would get a further tax reduction of $2,368, while the family earning $20,000 will receive its "windfall" of $164. It is time to make an adjustment on behalf of the average taxpayer who, contrary to the belief of President Reagan, is earning $20,000 not $50,000. For 2 years we have watched a program live up to not one of its vaunted promises—at least not any of those made public at the time the program was sold to the American people. The working people of this Nation deserve a tax break. Instead, they have received higher State and local taxes, higher social security taxes, and a reduced standard of living. They have shouldered the burden of a failed program and they have carried the wealthy. It is time we lighten the load for them.

This tax giveaway must be capped for the wealthy 10 percent of the population. The President would like us to believe that this action will increase taxes. It will not. It simply caps the tax break for the wealthy.

This action will help us get a small handle on the massive deficit we have accumulated over the past 2 years. The President inherited a deficit of nearly $40 billion and has swollen it to over $200 billion. He has done this by championing a program which has as its components: the most severe recession since the Great Depression; an opening of the Federal Treasury to the very wealthy; and an unprecedented level of defense spending. A leader of his own party originally called the President's program a riverboat gamble. One look at its disastrous results tells us that the gamble has not paid off.

The President may try to pass on the responsibility for the deficit crisis to the Democratic Party. But the facts do not support his contention. We should not sit back and accept the buck he is trying to pass. I have watched my colleagues on the other side of the aisle, those most vociferously touting us as the party which likes to tax, tax, tax, spend, spend, spend. I have watched them fight the deletion of any funding whatsoever from the defense authorization bill and now they are fighting the capping of the tax giveaway. We have watched severe cuts in programs for working people and the needy. This is forgotten by my colleagues on the other side of the aisle. Those that oppose the capping of the third year of the tax cut and oppose cutting defense spending somehow do not want to define the financial support for the wealthy and continued procurement of Defense Department waste as spending. Mr. Chairman, spending is spending and I do not think the American people will be fooled.

If we do not act on the deficit, economic recovery will be weak and unsustainable. The middle class will continue to be burdened with high interest rates and unemployment. I disagree with Secretary Regan's contention that deficits have no adverse effect on the economy. We cannot afford to borrow more money at high interest rates to give the most privileged members of our society another tax windfall this year. In the name of fairness, deficit control, and fiscal responsibility, we must cap the third year of the tax cut.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. Richardson).

Mr. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 1183, the Tax Equity Act of 1983.

As my colleagues know, in 1981 Congress enacted the Economic Recovery Tax Act. The President hailed the law as the greatest across-the-board tax cut for individuals in history. The supply side business tax cuts were supposed to encourage investment and business expansion. Everyone waited for the supply side economic miracle to happen. But it never occurred.

The President's individual tax cut program was across the board in name only. But, in fact, Mr. Speaker, the Reagan tax cut was a bonanza for the well-to-do and a nightmare for middle- and lower-income taxpayers. The maximum tax rate was cut from 70 to 50 percent. Benefiting only the wealthiest taxpayers. If you happen to earn above $200,000 a year, your taxes would be reduced by more than 15 percent and your tax cut would total roughly $60,000 over the 3-year period. This is more than the average worker will earn over the same 3-year period. If, however, you are among the 80 percent of American taxpayers who earn less than $30,000, your tax rates went up under this so-called across-the-board tax cut.

The 1981 Tax Act did not stop with individual tax cuts—larger businesses also enjoyed huge tax reductions. Many companies have actually enjoyed an effective tax rate of zero during the past 2 years. But their leftover tax breaks did not go to waste—they simply sold them to another company. These business tax breaks discouraged productive investments in labor-intensive industries and encouraged unproductive business ventures. About the only industry that grew and prospered as a result of the Reagan tax act was the tax shelter industry.

Mr. Chairman, it is ironic that the 1984 tax law was named the Economic Recovery Tax Act. Because it was these tax cuts for the privileged few combined with massive increases in defense spending that resulted in record-breaking Federal deficits and an economic downturn the likes of which had not been seen since the Great Depression.

Members of the President's own party realized the dangers of the 1981 tax law and forced him to accept a tax increase of almost $100 billion in 1982. While many of the business tax gifts were taken back, the unfair individual tax cuts were left intact. As a result, we continue to face Federal deficits approaching $200 billion a year which threaten to choke off any economic recovery.

We must take action now to reduce the Federal deficit and to restore some semblance of equity to the tax system. I strongly support H.R. 1183, which is an important first step toward achieving these two goals.

Limiting the third year of tax cut to $720 for those who file joint returns and $637 for single taxpayers will reduce the deficit by $6.2 billion in fiscal year 1984 and $30.8 billion over the 6-year period from fiscal year 1983 through fiscal year 1988. The tax cap will only affect a single taxpayer earning above roughly $36,000 and a family of four with an income in excess of $46,500.

Mr. Chairman, we have heard a great deal of rhetoric about this proposal which simply is not true. First, the President and others have said this plan will hurt the middle class. The new Republican math seems awfully strange to me; 89 percent of all the revenues raised by this measure will be paid by taxpayers with incomes above $50,000. In my home State of New Mexico, the average worker earns a little over $15,000 a year and will still receive his or her full tax cut under the tax cap plan. In fact, 90 percent of all taxpayers will get their full tax reduction. I guess those who support the President's tax policies think you are a member of the middle class if you earn $60,000 or $70,000 a year. I resent this notion and I think the American people resent being misled.

Second, the tax rate equity act is not a tax increase which threatens economic recovery. Capping the tax cut at roughly $700 would simply scale back the tax cut for the most wealthy. Everyone would still enjoy a tax reduction. Under the $700 tax cap plan, tax reductions totaling $24 billion will go into effect in July increasing purchasing power and helping stimulate the economy. But continuing high deficits, which the President used to warn us about, truly threaten the recovery. These recordbreaking deficits will keep interest rates far too high and will absorb most of the funds available for investment.

Finally, reducing domestic spending is not enough to substantially lower the deficit. It sounds attractive, but it will not work. This is evidenced by looking at the President's own budget proposal. Although he would cut domestic spending by $120 billion over the next 2 years, his budget will still produce a whopping $189 billion deficit in fiscal year 1984 and $194 billion in fiscal year 1985. Certainly we should reduce unwarranted Government spending, but it is time to stop asking the Nation's needy and less fortunate to pay for the President's economic failures and excessive tax breaks for the rich. The poor, the elderly, the small businessmen, the family farmer, Hispanics, and other minorities all have suffered too much for too long.

Mr. Chairman, capping the third year of the tax cut is a fair and compassionate way of reducing the staggering Federal deficit without further harsh budget cuts. Do we really want to be a nation that awards billions of dollars in tax breaks to our most affluent citizens and then turn around and tell our poor schoolchildren that we do not have enough money to furnish them with a nutritious lunch? Do we want to tell our native Americans that we cannot afford their health and education programs? Do we want to tell our senior citizens they will have to pay more for their health care? Do we really want to tell the unemployed that they will simply have to learn to do without basic human services and job retraining? I hope my colleagues and our President will agree this is not what America stands for and I urge them to strongly support H.R. 1183.

□ 1710

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. Roberts).

Mr. ROBERTS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong opposition to this so-called tax cap. I am not a member of the Committee on the Budget and I am not a member of the Committee on Ways and Means. I do not intend to stand up here and talk as an expert on tax legislation. I want to talk about this alleged public support for doing away with the third year of the tax cut, or capping the tax cut.

I suggest that those people who want to ride that horse had better start to check his teeth. Here we have the Speaker and the majority leadership actually trying to play the role of Robin Hood, if you will; taking from the rich and supposedly putting some $6 billion in a small cigar box, hiding it over here behind the Speaker's chair, and then delivering it to the Department of the Treasury and, that is how we are going to actually reduce the deficit.

Well, now, sold that way, I should believe it, but I took my own poll out in western Kansas where I have 58 counties, and in town hall meeting after town hall meeting, I asked folks, "How many of you people would be willing to forego that third year of the tax cut or put a cap on it in order to reduce the deficit?" And about half the people raised their hands; grudgingly, but they raised their hands.

Then I said, "Keep them up folks. I want you to keep them up, because in order to actually reduce the deficit, you are going to have to pay billions more in taxes. Now how many of you want to do that?" Some of the hands went down.

Then the next question: "Given the fact that this Congress is already some $50 billion over last year's budget, some $10 billion over last year's spending levels, and has shown no restraint whatsoever, no restraint on any spending bill here to date, how many of you want to ride that horse and go down that road again?" All the hands came down.

Then there was a pause and some hands came back up and said, "What taxes are you talking about? How are they going to raise this revenue so we can get there from here?"

One of the tax proposals affecting farm country is, yes, we are going to study repeal of farm and small business, estate tax reform, that reform that took us over 4 years to get passed. At that point, Mr. Speaker, there was not a hand showing. And, as one stockman put it, this horse has been rode hard and put up wet.

The CHAIRMAN. The Chair will state that the gentleman from New York (Mr. Conable) has 13 minutes remaining, and the gentleman from Illinois (Mr. Rostenkowski) has 14 minutes remaining.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. Slattery).

Mr. SLATTERY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have not been around here nearly as long as some of my colleagues, and certainly not as long as my colleague, the gentleman from Kansas, who preceded me. Frankly, I do not know whether that is an advantage or disadvantage as we analyze legislation like H.R. 1183.

But there is one thing that I do know, and that is that the people of this country are people of courage and people of commonsense. They understand that it defies commonsense to cut taxes as we face $200 billion deficits. This may be good politics, but it is fiscally irresponsible. They understand that we should not return to the policy of tax and spend, but they also understand that we should not continue the policy of spend and borrow, spend and borrow.

The people of this country want us to have the courage to pay for our spending. Whether it is military spending or social spending, they want us to have the guts to pay for it.

The people of this country understand that the possibility of doubling our national debt in less than 10 years is frightening. The people of this country also understand and are confused about how people of commonsense can stand by and watch this happen.

I also believe the people of this country understand that if we are as serious about reducing deficits as they want us to be, there is only one way to do it: We must reduce spending and delay tax cuts. If we are unwilling to do both, then we better be willing to accept the responsibility for $200 billion deficits that will force up interest rates and will choke off the economic recovery and, in my judgment, threaten the economic stability of the Western world.

I will add that I have already voted against billions of dollars in spending and will continue to do so. But that will not be enough. Delay of the cuts, coupled with spending reductions, is the only way to reduce enormous deficits and begin to move toward that day when we can burn our Nation's credit card.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. Oberstar).

Mr. OBERSTAR. I thank the gentleman for yielding this time to me.

Mr. Chairman, today the House has an opportunity to strike a blow for fiscal responsibility and true tax equity.

By passing H.R. 1183, we can continue the process of undoing the mess created by the enactment of the so-called Economic Recovery Tax Act of 1981, that hodgepodge of special interest tax breaks and unfair tax reductions which have sent our Federal deficits over $200 billion.

In 1981, I stood with an outvoted minority in opposing the 1981 Tax Act. I was convinced that the tax reductions were unfair; I knew that the Treasury and the economy could not tolerate the resulting revenue losses: Estimated at $507 billion from fiscal years 1984 through 1986, and over $1.1 trillion during the period 1982 through 1988. The Tax Equity Act which we passed last year will restore only about a quarter of that revenue loss.

In 1982, a bipartisan majority in the House and Senate joined with President Reagan to pass the Tax Equity Act. Despite my differences with the President's overall economic and tax policies, I worked for enactment of that tax bill because it was desperately needed; it was responsible legislation which closed a number of tax loopholes; and it reduced—at least in part—the revenue drain from the 1981 Tax Act. Many of us on this side of the aisle put party differences aside in supporting the Tax Equity Act. The act incorporated sound economic and tax policies; the economic recovery, such as it is since last summer is due in large part to our passage of that measure.

Nevertheless, the gross inequities of the 1981 act are still law. By 1986, corporate taxes will contribute only 6.6 percent of Federal revenues. In 1980,

corporations contributed 12.5 percent of Federal revenues.

Today, we can take a step beyond last year's tax bill and make another midcourse correction on tax policy by passing H.R. 1183. H.R. 1183 is not the major overhaul of the 1981 act which the Nation needs. It is however, far better than no action. It will cut revenue losses by $6.2 billion in fiscal 1984, and by a total of $38.8 billion in the 6-year period 1983-88.

The Tax Rate Equity Act of 1983 changes to tax rate schedules set by the 1981 Tax Act by establishing a cap of approximately $700 on the maximum reduction resulting from the third year of the tax cuts enacted in 1981. The maximum tax reduction would be $720 for married taxpayers filing jointly, $673 for unmarried taxpayers filing as heads of households, and $637 for single taxpayers.

Every person who earns enough to pay taxes will be taxed less under this bill. The difference between H.R. 1183 and the 1981 tax bill is that those taxpayers who got a disproportionately large slice of the 1981 tax cut will get less for this one. This bill would still insure most Americans the full tax reduction on July 1; but comparatively, it will do more for those Americans who have not yet received their fair share of the 1981 tax provisions.

Ninety percent of taxpayers would receive the July 1 tax cut in full; the remaining 10 percent would receive reductions up to the cap, in addition to keeping the benefits which they have already received.

The Joint Committee on Taxation estimates the 98 percent of the revenue generated by this bill will come from taxpayers with incomes above $40,000. In fact, 42 percent of the revenue generated by this bill will come from taxpayers with incomes greater than $100,000.

The cap would reduce tax cuts for a married couple with two children with income of above $46,000, and $35,714 for a single taxpayer.

This legislation is equitable in that it would shift slightly the benefits of this tax reduction to middle- and low-income taxpayers.

H.R. 1183 is not drastic legislation. It will not give the American people the equitable tax system which they deserve, nor will it end the disastrously high deficit levels. Much more far-reaching tax reform is needed to achieve that goal.

I cosponsored H.R. 1183 earlier this year. I cosponsored similar legislation in the last Congress. I am proud to have done so, and proud that the House is voting on it today.

I urge my colleagues, both Republican and Democratic, with whom I joined last year in passing the Tax Equity Act, to join with me and other supporters of H.R. 1183 in the same bipartisan spirit.

H.R. 1183, the Tax Rate Equity Act of 1983, is not a tax increase bill. Every taxpayer will still receive a tax reduction on July 1. The issues are fairness and fiscal responsibility. To those of my colleagues who are concerned about the unfairness of the 1981 Tax Act, I say vote "yea." H.R. 1183 will make that act a little fairer to the people we represent here. To those of my colleagues concerned about the size of the Federal deficits, I say vote "yea." H.R. 1183 will cut significantly revenue losses. To those of my colleagues who share my concern for both fairness and fiscal responsibility, I say that a yea vote is doubly blessed.

I urge the House to pass H.R. 1183 by an overwhelming margin so as to encourage our Senate colleagues to join with us in sending H.R. 1183 to the White House.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Ritter).

Mr. RITTER. I thank the gentleman for yielding this time to me.

Ladies and gentlemen, the Tax Rate Equity Act of 1983 should read "The Financial Disincentive Acts of 1983." The tax cut "cap" is a madcap. Why? If we look at the creation of new jobs, if we look at the creation of new products, of new processes, of high technology, where are they coming from? They are coming from precisely the income range, the middle-income range, that is being attacked by this so-called Equity Act.

We are applying disincentives to the very innovators and entrepreneurs that we are looking to to pull us out of low productivity, low savings and investment and flagging competitive edge. We are giving them a signal that says, "Do not work harder. Do not leave corporate America and go out on your own because if you want to make it big on your own in this country, you are going to have to jump this big new hurdle." "Surprise Mr. or Mrs. Inventor, we have just changed the rules of the game." Permanently.

The Democrats are telling the most productive people in the American society that they cannot get ahead, that they should be punished. The impact on our overall economic picture is enormous. The people who will provide the new innovations, the new jobs and economic growth are saddled with this madcap.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. Emerson).

Mr. EMERSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I tried to engage the chairman of the Rural Caucus in a colloquy, but could not get him to yield. I just wanted to ask the chairman of the Rural Caucus if the farmers and smallbusiness people of rural and smalltown Oklahoma are really that different from rural and smalltown Missouri? Do his farmers and small business people really want to go back to the practice of his widow or heirs having to sell the family farm to pay estate taxes? If he is for this bill, that is what will happen.

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Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. Kemp).

Mr. KEMP. Mr. Chairman, I just wanted to make the point that this debate is almost the flip side of the debate that was held in this Chamber in 1963 and 1964. At that time the Democratic Party offered, under the leadership of President John F. Kennedy, 25 to 30 percent across-the-board permanent reduction in income tax rates on each and every American. That was opposed by the Republican conservatives because they thought it would increase the deficits and lead to a recession. All the arguments were exactly the reverse of what we are hearing today. I am glad to see my party arguing the case for another round of tax rate reductions.

The gentleman from California (Mr. Lungren) has earlier quoted former President Kennedy as saying:

> The purpose of cutting taxes, is not to create a deficit; but to increase investment, employment and the prospects for a balanced budget.

Indeed, Mr. Chairman, those cuts in the tax rates in 1964 eventually passed under President Johnson led to more revenue and helped bring unemployment down from 6 to 4 percent. The deficit went down, and we balanced the budget in 1965.

Everything is not perfect today obviously, but we are in the foothills of economic recovery. We want to expand that recovery and bring down unemployment from 10 percent to 5 percent and 4 percent. We need full employment in America and price stability, that is our goal.

Incidentally, the Speaker of the House, the distinguished gentleman from Massachusetts, voted for that 30-percent across-the-board tax cut in 1964. So did the chairman of the Rules Committee, the gentleman from Florida (Mr. Pepper). So did the chairman of the Ways and Means Committee, the gentleman from Illinois (Mr. Rostenkowski). It was fair then, and our cut was fair in 1981, because the Kemp-Roth bill was based on the 1964 tax cut.

I am sorry and disappointed that this debate has become so partisan. There was bipartisan support for cutting all rates, lowering the top rate and cutting capital gains rates. These were cosponsored by the gentleman from Oklahoma (Mr. Jones), the gentleman from Illinois (Mr. Rostenkow-

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ski), the gentleman from New York (Mr. Conable), and many, many more. There were friends on both sides of the aisle who cosponsored lower rates and now all of a sudden they want to do a mea culpa and apologize or criticize those earlier actions that are helping lead a recovery. Savings, investment, venture capital and income are all rising.

We should not be raising taxes right now, we should be advancing another round of tax rate cuts.

In 1978, we cut the top rate on capital gains from 49 percent down to, I believe, 28 percent. It went down to 20 percent in 1981. We cut the corporate tax rate in 1978, and as the gentleman from Minnesota (Mr. Bill Frenzel) pointed out, we lowered the personal rates or adjusted all the brackets across the board in 1978, and in 1981 we followed on the principle that if we are going to cut taxes, we should do it across the board. We lowered the 70-percent bracket to 50 percent and as I said earlier, revenues went up and are helping finance the cuts in the lower brackets.

I think there is only one Member in this whole Chamber who wants to go back to a tax system as inefficient as the previous tax system, and that is the gentleman from Massachusetts (Mr. Shannon). He thinks we should go back to a 70-percent rate. I could not get any time at that point to go into a debate with him, but I would point out to my colleagues that by cutting the brackets from 70 percent to 50 percent, revenues from wealthy Americans have gone up by 16 percent from 1981 to 1983. The tax on the high incomes has actually gone up as revenues rose by 16 percent from 1981 to 1983. High tax rates discourage earning taxable income and encourage tax shelters.

As the gentleman from New York (Mr. Conable) pointed out, this is not a cap; this is a permanent change in the Tax Code, because if you have about $31,000 of taxable income and you are single, in effect your tax bracket will jump from the 28-percent marginal tax rate to the 37-percent marginal tax rate. That is a 30-percent increase in the marginal tax rate on the next dollar you earn over $31,000 of taxable income if you are a single working man or woman. Mr. Speaker, that is a distortion of the Tax Code and will not help but hinder.

The gentlewoman from California (Ms. Fiedler) pointed out that this so-called cap reimposes the marriage penalty. In effect, we are taxing married women who go to work to maintain their standard of living. It seems to me that this is not fairness, and it is not equity.

Incidentally, a $10,000 income compared to a $50,000 income, the $50,000 income actually gets a tax cut that is proportionately the same. Now, the Members who will follow me will say, "Well, the dollars are higher." They are higher because the $50,000 income pays 25 times as much tax as a person earning $10,000. So if we cut the rates across the board, obviously the dollar tax cut is higher but fairness and equity are not endangered. All rates are too high.

Mr. Chairman, in 1964 the rates were cut by 30 percent, and, as I said, that was supported by the distinguished Speaker, the gentleman from Massachusetts, who now says that the cut in the tax rate is unfair under this President. Now, it seems to me that what was good for this country in 1964 and what was good for this country in 1978 is still good for this country in 1983.

Mr. Chairman, the way to reduce deficits is to make the economy grow. We should not interfere with an economic recovery, and I ask the Members to vote down the tax increase that would place a surtax on middle-income Americans at the wrong time and in the wrong way.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. Rowland).

Mr. ROWLAND. Mr. Chairman, I do not believe that we are going to reach any agreement today on whether or not H.R. 1183 raises taxes or limits cuts, but I believe we are all in agreement on the need to reduce the budget deficit.

I rise in support of the amendment offered by the gentleman from Oklahoma to link the level of the third-year tax cuts with the ability of the Congress to reduce spending by the same amount.

I certainly do not support taking money out of the pockets of the American taxpayer to use for increased Government spending, but neither do I support offering exorbitant tax breaks when we are facing a $200 billion deficit.

When the 3-year tax reductions were proposed in 1981, the assumption was that the economy would improve, the budget would be balanced, and the Government could afford to give the taxpayers some relief.

We have seen our deficit go from $57.9 billion at the beginning of this administration, and two tax cuts later, it is approaching $200 billion.

There is simply no logic in giving taxpayers a few more dollars to spend in a sick economy, when the Government's efforts to cover the deficit are keeping interest rates artificially high.

There has also been no evidence to indicate that the tax reductions of 1982 have resulted in any increased spending or saving by those who benefited.

Most of those individuals in the $50,000 to $100,000 income bracket will not experience significant changes in their lifestyles with the additional 10-percent tax cut.

The point is, however, that we must be equitable in the distribution of the burden of financing our Government. Although many here say that to cap the tax cut will mainly affect those taxpayers under $50,000.

Perhaps this is true, in absolute numbers of people—for a rather obvious reason. The majority of the population falls into this category.

But the fact remains that 89 percent of the revenue generated by the cap will come from those making over $50,000.

Are these the middle-income Americans we are trying to protect? If demographics are of any importance in this discussion, and I think they are, I would like to point out that in my district, less than 3 percent of the population earn more than $50,000, and the average income is around $16,000.

Approximately 88 percent of my district will not be affected in any way by the most liberal estimates. This 88-percent figure is quite generous, because the assumptions upon which it is based are that all of my constituents are single, have no dependents, and do not itemize on their tax returns.

In talking with the people of the eighth district, I have been told time and time again that individuals are willing to forgo the third year tax cut completely, but only if the additional revenue is applied toward the deficit.

This legislation does not seek the repeal of the tax cut, but a fair compromise that the American people can live with, if the deficit is reduced by the same $6.2 billion that will be generated.

But I am still concerned that a faulty perception exists that Congress is voting to increase the taxes of every working American, and this is just not true.

If there is a smokescreen to hide behind in this issue, it is one of protecting the wealthy of this country to the detriment of the middle- and-lower income people.

Now is the time, if the Members of this body are sincere in their commitment to lower the deficit, to vote for the McCurdy amendment and for final passage of H.R. 1183.

These actions are indicative of a desire to do more than pay lipservice to reducing the budget deficit. I urge my colleagues to take this opportunity to show their true concern over our Nation's overall economic health.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Lehman).

Mr. LEHMAN of California. Mr. Chairman, during his campaign for the Presidency, Ronald Reagan presented himself as a magician who would do the impossible for the American people. Mr. Reagan pledged to

make the Federal budget deficit disappear while also reducing Americans' taxes by 25 percent.

In 1981, the Congress helped President Reagan reduce taxes by passing his 3-year tax cut. Thus far the President has failed to "pull a rabbit out of his hat" and reign in the Federal budget deficit. Rather than reduce the deficit, the President has proposed a 1984 Federal budget with the largest deficit in history.

Well, Mr. President, the magic show is over. Your mirrors and trap doors and creative financing have all been exposed. Your potion of voodoo economics has poisoned our economy. Your attempt to mesmerize the average American into believing that the third year of your tax cut is anything but a windfall for wealthy America has failed.

This measure will only affect the wealthiest 10 percent of America's citizens by limiting their windfall from the third year of the tax cut to $700. The remaining 90 percent of Americans will be unaffected by the bill. In the process, we will reduce the Federal budget deficit by $6 billion; $12 billion if the McCurdy amendment is passed.

It may not be as grand a feat as President Reagan originally claimed he would perform, but it represents a major step toward restoring equity to our tax codes while reigning in the Federal budget deficit as well.

It is for these reasons that I urge my colleagues to join me in supporting H.R. 1183.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. Moody).

Mr. MOODY. Mr. Chairman, I will not reiterate the facts and figures regarding the fairness issue or the equity issue of the tax cap. Those have been pointed out. The gentleman from Missouri (Mr. Gephardt) and the gentleman from Massachusetts (Mr. Shannon), along with others, have pointed out that there is no fairer way to get the $6 billion in revenues. The President's proposals of gasoline taxes, surcharges, excise taxes, and stand-by taxes are far less fair in terms of their incidence by income grouping.

But I do want to comment to my colleagues on the issue of why we should indeed raise taxes in a recovery. That "Don't raise taxes in a recovery" has been the repeated cry this afternoon by the Republican side of the aisle. They claim that it would be disastrous to raise taxes during a recovery.

Tax cuts, Mr. Chairman, do not by themselves spur recovery. We have seen the longest and the most severe period of recession in this country's history take place during the same period of time as we have had the most massive tax cuts in our history. We have seen that tax cuts by themselves do not lead to recovery.

What does lead to recovery is lower interest rates. Lower interest rates are the key to economic recovery. Those interest rates, while lower right now, are on a knife's edge, and they are going to go up and go up very fast once the recovery begins to take hold and private and public borrowing collide, as they are bound to do.

This tax cut cap is as fair as any other way of raising $6 billion, far fairer than the Reagan proposals.

But just as importantly, this tax cut cap is a first step in reducing the deficit, lowering interest rates, and spurring—rather than impeding—the recovery.

● Mr. BORSKI. Mr. Chairman, today we are considering one of the most important pieces of legislation to come before this House, the Tax Rate Equity Act of 1983.

Let us be clear. This legislation is not an attempt by Democrats to raise taxes. It is not a tax increase.

It is an effort to get rid of basic unfairness in this administration's tax policies. To send this administration a message that its reliance on working class Americans to carry the tax burden is unacceptable.

When this administration came into office, we were promised across-the-board tax relief for all Americans. But the 3-year tax cuts have meant little or nothing for most of us. Only the wealthy have benefited.

After inflation, social security tax increases and other tax hikes are considered, taxpayers earnings less than $10,000 will have their tax bills increased by 22 percent compared with 1980. Similarly, families earning $10,000 to $15,000 will face tax increases of 7 percent and those earning between $15,000 and $20,000 will pay 2 percent more.

But for those Americans making more than $200,000 this administration's tax program is a windfall. It gives them a $60,000 tax break during the 3-year period.

We need a more equitable and sensible tax program.

H.R. 1183 marks a good beginning. It limits the final installment of the 3-year tax cuts to a maximum of $720 per joint return. It shifts the tax burden to those who can most afford it, the upper 10 percent of all taxpayers.

This bill preserves the full tax cut which middle-class families expect to get under present law; 90 percent of all taxpayers will receive exactly the same tax reduction as they would under the administration's program.

What this bill does is to make it clear to the American people that we care who carries the tax burden. That we reject tax cuts which favor the wealthy at the expense of working class Americans.

A good example is this administration's program for a family of four. A family of four with an income of $100,000 will get back over $2,000 in the final tax cut. While the same family of four with an income of $20,000 will get back only $164.

That kind of disparity is unjustified. That kind of disparity must be eliminated.

It has been nearly 2 years since the 3-year tax cuts went into effect. The administration promised economic prosperity.

Instead, we have experienced the most dramatic surge in Federal deficits in this Nation's history, deficits which have kept interest rates high and employment low, deficits which have forced State and local governments to raise taxes to make up for lost Federal moneys.

My own State of Pennsylvania has lost almost $260 million in Federal aid since 1981. Faced with an estimated $500 million deficit for next fiscal year, the worst budgetary outlook for Pennsylvania since 1970, the legislature is likely to raise taxes, taxes which working men and women will have to pay.

And the city of Philadelphia is in the same sad condition. City taxes on wage earners and business will have risen by 15 percent by 1984. Personal property taxes will have gone up by 21 percent and real property transfer taxes will have increased by 150 percent. These tax increases are driving business and investment from the city and shrinking the city's tax base even further.

It took the Government of the United States more than 192 years to run up a debt of $1 trillion. Unless we act now, the Congressional Budget Office estimates that it will take the Reagan administration less than a decade to double that amount.

Without imposing any new taxes on the American people, H.R. 1183 will give the U.S. Treasury an infusion of $37 billion by 1988. It will put this country back on the road to fiscal integrity and sustained economic recovery. It is an essential step in restoring fairness to the American tax system.

My colleagues, let us not miss this opportunity to show the American people our commitment to tax equity and financial commonsense.

I urge you to join me in supporting H.R. 1183.●

● Mr. SHELBY. I rise in opposition to H.R. 1183, the so-called Tax Rate Equity Act placing a cap of approximately $700 on the third installment of tax cuts provided by the Economic Recovery Tax Act of 1981.

It is distressing to see the leadership have to resort to such ill-conceived measures as this in a blatant and inevitably futile attempt to scramble aboard the train of economic recovery. There has been no more ludicrous an effort so far in this Congress to represent a proposal as doing one thing when, in point of fact, it does precisely another.

In this case, the supporters of the Tax Rate Equity Act, in keeping with their incessant cries of "this administration's policies are weighted toward the rich," propose to reduce somewhat the disproportionate share of the tax cuts enjoyed by the upper-income groups—all for the cause of promoting fairness. Instead of inflicting pain upon those fat cats this bill aims to harm, nearly half of the taxpayers who face a tax increase as a result of the bill are below the $50,000 income level. Can you really call a two-earner family with income of $39,000, two children about to enter college and a mortgage to pay, wealthy. Certainly not—they are the fiber that keeps this country strong, the middle class, and they are going to be soaked again by a spending-hungry Congress.

We are simply not willing to take ourselves by the neck in Congress and confront the real reasons we have such unacceptably high deficits in this Nation—we have allowed our Federal budget to grow almost completely out of control. I say almost because I still believe there is a broad, rational consensus in this Congress to get a handle on Government spending, and not continue to disguise our problems by claiming we tax our citizens too little.

Mr. Speaker, nearly 80 Members of your own party signed a letter regarding the situation of our staggering mega-deficits and the most fiscally responsible way to address that all-encompassing concern. As one who signed that letter, I joined my colleagues in supporting an eminently superior approach to reduce the deficit—tackling and pinning down uncontrolled spending. To take the course set before us today and cap the third year of the tax cut, without an accompanying cap on spending is, as syndicated columnist R. Emmett Tyrell, Jr., calls it: "Robin Hood" economics and should be resoundly defeated as the fairy tale it is.●

● Mrs. **SCHNEIDER**. Mr. Chairman, I rise in opposition to H.R. 1183, legislation to cap the third installment of the Tax Reduction Act of 1981. I do so reluctantly, because there is little question that revenues are needed to close the deficit. Unfortunately, though, the majority is not dealing with the real problems in our tax system.

There is a reason that Rhode Islanders favored the 1981 personal cut by a 19-to-1 margin, and it is that individuals of low- and moderate-income pay a disproportionate amount of taxes collected by the Government, while corporations and extremely wealthy individuals can take advantage of numerous breaks and end up paying a very small percentage of our country's tax collections. Therefore, it is a small wonder that Rhode Islanders and other Americans so heartily supported a direct, across-the-board reduction in their tax rates for a change.

The Democratic majority claims to have taken this attempt at equity a step further. But have they? Let us take a look at the facts:

In response to Democratic requests, the 1981 bill contained a 50-percent cap on individual tax rates. Therefore, this so-called cap means nothing for the wealthy, but instead places a $6 billion burden on married two-earner couples and others in the broad middle-income groups who are struggling to make it.

This is not tax reform. Tax reform is getting the IRS off the backs of the average American wage earner and onto interests which do not pay their fair share. In this country, we have a progressive tax system—meaning that if you make more, you pay more. Unfortunately, huge loopholes, deductions, tax shelters, and other income diversions have ridiculed the very concept—meaning that profitable corporations and wealthy individuals end up having, in effect, lower tax rates that those making less and living only on their salaries.

Of the 8 million returns which will be affected by this legislation, about one-half are two earner couples, which includes those making close to but less than $20,000 per year each.

For example, what about the machinist at our Quonset Point or Groton facilities, in my area, who makes $19,500 per year, and his wife, a teacher, who makes $19,000 per year. Together, they make $38,500, but this bill would increase their tax liability by 9 percent. I say let us catch a few tax dodgers and close a few loopholes instead.

Since individuals make up the vast majority of the tax base, it only makes sense to make up new revenue in other ways—but the Democratic majority will not hear of it. For example, why not:

Enforce the windfall profits tax better, and collect billions over the next few years?

Repeal expensing of intangible drilling costs and collect $15 billion from oil companies over the next 5 years?

Mr. Chairman, this type of legislation is not a sensible way of dealing with problems. I ran for office because I was exasperated with what seemed like band-aid solutions to problems, instead of going after their causes. This bill only exacerbates the situation of individuals having to pay more than a fair share of Federal revenues.

During the past few years, I have repeatedly said that I would vote for repeal of the third year of the tax bill altogether if that was necessary for economic recovery. Fortunately, our economy is expanding at a high rate and unemployment is edging down. Now is exactly the time we should be looking at long-range tax reform, not business-as-usual. Some day, we may be back in position to have to raise individual taxes to deal with economic problems, and I for one will have the courage to do so. But I am not ready, in an expanding economy, to put the squeeze on two-earner families and individuals making incomes in the moderate $20,000 range when reform will raise the revenues from those who should have been paying all along.●

● Mr. **BROWN** of California. Mr. Chairman, since this administration entered office 2½ years ago, it has asked middle- and lower-income Americans to make tremendous sacrifices in order to institute an untested economic theory. Overall, it has cut $223 billion in programmed domestic spending for the years between 1983 and 1986. It has cut student loans, school lunch subsidies, aid to families with dependent children, and other vital programs.

Upper income groups must now be asked to forgo a part of the benefits they are scheduled to receive. Until now, this group has benefited the most from the Reagan policies. Despite all the rhetoric, the combined effect of the 25-percent tax cut, offsetting tax increases, and higher social security taxes has actually increased the tax burden for those earning under $30,000—and the less one makes the more burdensome it is. Those earning under $10,000 a year are paying taxes 22 percent higher than before these policies were implemented. However, those earning over $30,000 have received a net benefit of between 1 to 15 percent in lower taxes. It is time for those who have received the most benefits to share some of those benefits.

Today we have before us a proposal, the Tax Rate Equity Act, which would limit the scheduled July 1 tax cut to roughly $700. Everyone would still receive a much deserved tax cut; those earning under $30,000 would not be affected, and those earning between $30,000 and $40,000 would only be minimally affected. But for those earning above $50,000 some sacrifices would be asked. The tax cap is expected to produce revenues of $6.2 billion in fiscal year 1984, and $38.8 billion over the 6-year period from fiscal year 1983 through fiscal year 1988. Sixty percent of this revenue would come from those earning over $75,000, 29 percent from those earning between $50,000 to $75,000 and 11 percent for those earning under $50,000. This proposal truly asks of those who can afford it.

The budget compromise worked out earlier this week by the House and Senate has a Federal deficit of $170 billion. While the $6.2 billion in increased revenues from this cap will not

substantially reduce the deficit, it will make two statements: one, that Congress is serious about coming to terms with a deficit caused in part by the implementation in 1981 of the Economic Recovery Tax Act (ERTA), and exacerbated by a long and deep recession; two, that the sacrifices which will need to be made to reduce the deficit will be made by everyone, not just those who can least afford it.

I encourage my colleagues in the House, and those in the other body, to support this measure. And I encourage the President to look beyond partisan and Presidential politics, and toward methods to reduce the deficit with fairness and justice for all.●

● Mr. **FAUNTROY**. Mr. Chairman, I rise in support of H.R. 1183, the Tax Equity Act of 1983. As the Members know, this bill would place a cap of approximately $700 on the amount of tax reduction individual taxpayers would receive under the third year of the 1981 tax cut. This proposal is both fair and necessary, as we in the Congressional Black Caucus recognized when we included it in our alternative budgets.

It is fair because it would partially offset the inequities of the Reagan-Kemp-Roth tax cuts which gave the rich large reductions in their taxes and small or modest reductions to everyone else. It would mean that families with approximately $45,000 in adjusted gross income and individuals with approximately $35,000 in adjusted gross income would still receive the full amount of the tax cut, while those with incomes above these amounts would still receive a tax cut of $700, but not the excessive tax cuts they would otherwise receive.

This bill is necessary because it would partially offset the large revenue losses and enormous deficits created by the Reagan program. At a time when deficits are projected to rise to more than $200 billion, this measure will help to reduce those deficits by $6.2 billion in fiscal year 1984, $7.1 billion in fiscal year 1985, and $7.6 billion in fiscal year 1986. This is not of course sufficient to eliminate those deficits, but it is a necessary step we must take toward that goal.

For those Members who are concerned that this proposal will stifle the recovery, let me say this. The recovery we are now experiencing is being and will be lead by consumer spending, not by the business investment envisaged by the Reagan program. When the subcommittee which I chair—the Subcommittee on Domestic Monetary Policy of the Banking Committee—held hearings last month on risks to the recovery, a number of prominent economists warned that the recovery would be jeopardized if consumers saved instead of spending. These economists cited several reasons why consumers might be more inclined to save, including the high real interest rates brought about in part by this administration's deficits, and "the tax law changes (which) have shifted the distribution of after-tax income to upper-income households, who tend to save at high rates."

To get the most stimulus to consumer spending from this year's tax cut, several of these economists specifically recommended capping the third-year tax cut, both to help bring down interest rates and to distribute more of the after-tax income to the lower income families who will spend it now, when we need consumer spending. So, I think there is firm evidence that this proposal would not only not impede recovery, but might actually make the recovery stronger and more sustainable.

STATEMENT BY SANDRA SHABER, PH. D., DIRECTOR OF CONSUMER ECONOMICS, CHASE ECONOMETRICS, PRESENTED TO SUBCOMMITTEE ON DOMESTIC MONETARY POLICY

It is an honor to be here this morning to present my views. My remarks today will focus on the role of consumer spending in a continuing recovery, with particular emphasis on the issue of high interest rates. The views and forecasts I present are not necessarily those of the Chase Manhattan Bank, N.A., the parent company of Chase Econometrics/Interactive Data Corporation.

SUMMARY

Although an economic recovery is now well underway, growth has been slow thus far and promises to remain so in the period ahead. The chief problem is persistently high real rates of interest, which are likely to have lingering adverse effects on business investment, foreign trade, housing, state and local government spending, and consumer demand. Assuming that rates ease slightly in the period ahead, the economy is expected to continue modest recovery. However, a rebound in interest rates, most likely stemming from a more restrictive monetary policy and/or pressures on credit markets from expected or actual growth in the federal deficit, would clearly jeopardize recovery in the U.S. and abroad.

With most other components of final demand likely to remain weak in the near-term, a sustained economic recovery depends upon expanded consumer spending. Demand, in fact, has improved in recent months and stronger income gains should provide further stimulus in the period ahead. Nevertheless, high interest rates cloud the prospects for consumer spending, as well as for economic growth generally. Apart from their effects in dampening the growth of output, employment, and income—and thus living standards, high rates discourage credit purchases, especially in such key markets as housing and autos. Further, high rates add to the array of incentives to save and, even at current levels, could divert more income from spending to saving at a time when stronger spending is vital to economic recovery. A sustained surge in interest rates would compound these problems and cause additional damage to consumer spending by reducing the value of financial assets.

Although nominal interest rates have fallen from four to six percentage points during the past year, they remain extremely high in real terms. The major reason, especially in the case of longer-term rates, appears to be uncertainty over the course of monetary and fiscal policy and, especially, the fear that soaring deficits will drive up interest rates if the Fed monetizes the debt, or rekindle inflation if continued strong growth in the money supply is permitted. Although the declines in mortgage and auto loan rates roughly correspond to the fall in other long-term rates, other consumer finance rates have been considerably more resistant to downward pressures. Consumer loans generally are treated as long-term credit and are subject to the same factors that have kept other long rates high; in addition, consumer credit is viewed as riskier and more costly to handle than business credit. But these conditions have been compounded by bank deregulation, by the declining importance of nonprice mechanisms for allocating scarce credit, and by the costs associated with the many new high-yield financial instruments available to households. The high rates charged by retailers for revolving credit reflect similar circumstances—the emergence of a new financial environment characterized by fears of renewed inflation, and the greater risks of consumer lending.

Recent surveys suggest that consumers perceive credit conditions as improved compared to last year, and only a small fraction report that they are postponing purchases because of high interest rates. Apparently, mortgage and auto rates are the most significant to the public, and declines in nominal rates are more important than the level of real rates. Further, consumers seem to adjust to varying credit conditions and evaluate them in terms of other economic factors, principally trends in income and employment.

Since concern over the federal deficit in the years ahead is a major factor keeping interest rates high, measures to reduce the size of these deficits are essential to assuring a sustained economic recovery. Reducing the deficits, which are most worrisome once recovery is well underway, will require both spending cuts and tax increases. These steps, however, should prevent any further shift in the distribution of after-tax income to upper-income groups who tend to save large fractions of income. What is needed now is stronger final demand in order to sustain recovery, stimulate business investment, and so promote productivity and economic growth in the years ahead.

RECENT ECONOMIC TRENDS

One after another, indicators released during the past several weeks confirm that an economic recovery is well underway. Initially, the stimulus came primarily from less liquidation of inventories after record cutbacks last year, a rebound in housing, and small increases in consumer spending; more recently, industrial production has risen and there have been further gains in consumer spending. Despite the welcome news, however, growth thus far has been slow and is likely to continue at a modest pace compared to previous recovery periods. The principal factor dampening this recovery is persistently high real interest rates which will have lingering effects on sensitive sectors including business investment, foreign trade, state and local government expenditures, housing, and consumer spending. Even this modest outlook, however, assumes that interest rates ease slightly during the year ahead. On the other hand, a sharp rebound in rates—a development which would most likely stem from a retightening of monetary policy and/or pressures on credit markets from expected or actual increases in the federal deficit—would choke off recovery in the U.S. and most likely curtail growth internationally.

Since most other components of final demand are likely to remain weak during most of this year, a sustained recovery is dependent on growth in consumer spending. Consumer demand has, in fact, improved in recent months after considerable sluggishness early in the year (see Figure 1). And, after a considerable period of caution on the part of both households and lending institutions, consumer credit demand is rising, reflecting increasing purchases of autos and other durable goods (see Figure 2). In addition, there are good grounds for expecting a further expansion in consumer spending, especially in the second half of the year:

Tax refunds in the current quarter, the mid-year cuts in personal tax rates, modest job growth, and moderate inflation will boost real income growth significantly in the period ahead.

Consumer confidence has risen considerably, reflecting public perceptions that economic conditions are continuing to improve.

Installment debt remains modest, with the debt-to-income ratio now down to levels prevailing in the mid-1970s.

The stock and bond market rallies have significantly increased the value of financial assets, at least for middle- to upper-income households (see Figure 3). This increase will stimulate some additional spending and, just as important, lessen the likelihood of a jump in the personal saving rate.

A sustained increase in prevailing interest rates, however, would significantly weaken even the modest expansion in demand now expected, both by reducing credit purchases and by increasing the attractiveness of personal saving.

INTEREST RATES AND CONSUMER SPENDING

Although continuing growth in consumer spending is most closely related to gains in real income, especially wages and salaries, interest rates remain an important factor. On balance, a slight downward trend in interest rates is likely to permit a moderate rise in expenditures, although—as will be discussed in more detail below—there is a significant possibility that these levels are high enough to drive up the personal saving rate once income growth strengthens. Apart from their effects through another downward spiral of output, employment, and income, a new surge in interest rates would have serious adverse effects on consumer demand, especially in such key sectors as autos, housing, and household-related durable goods. Further, a likely rise in saving and a drop once again in the value of financial assets would aggravate the effects on demand.

Recent surveys provide evidence of several interesting relationships between interest rate trends and consumer attitudes. Despite the fact that interest rates remain high in both real and nominal terms compared to historical averages, large numbers of consumers mention the availability of lower rates as a reason for greater optimism. This reaction suggests that: (1) Changes in nominal rates are more important than real rates to spending decisions; (2) Consumers adjust to new rate levels and evaluate them in the context of such other factors as jobs and income; (3) Mortgage and auto loan rates must be most significant to consumers since these are the only types of consumer credit for which rates have fallen significantly since last year. It may be also be the case that, given the volatility of interest rates generally in recent years, consumers do not expect further declines and, in fact, may fear that rates will rise once again. In any event, fewer and fewer consumers are now reporting that they are postponing credit purchases because of high interest rates.

A RISE AHEAD IN THE PERSONAL SAVING RATE?

The personal saving rate, which averaged a fairly low 5.9 percent in the first quarter, has declined steadily since mid-1982 when the second phase of the personal income tax reductions became effective (see Figure 4). It was this drop in personal saving, together with the willingness on the part of some consumers to draw upon accumulated assets, which helped finance the growth in spending since last fall, a period of extremely weak growth in real disposable income. This fall in the saving rate when income growth is poor is to be expected. Consumers tend to adjust spending to long-term expectations of income growth and resist the reduction in living standards implied by a period of slower income growth, presumably temporary. As income returns to its trend rate of growth during recovery, the saving rate can be expected to return to some higher, more "normal," level. For a variety of reasons, the increase in the saving rate in the period ahead could be especially large:

Many new incentives for private saving were introduced by the Economic Recovery Tax Act of 1981. Lower marginal tax rates increase the after-tax return to saving and the after-tax cost of borrowing. The Individual Retirement Account (IRA) provisions of the tax law were extended to the entire working population. In addition, the top marginal tax rate on capital gains was reduced.

High real rates of interest, together with the removal of interest-rate ceilings on deposits and the introduction of many new high-yield financial instruments, have broadened saving opportunities for an increased number of households.

According to most studies, the tax law changes have shifted the distribution of after-tax income to upper-income households, who tend to save at high rates.

Many of these changes, of course, were intended explicitly to boost savings, increase the supply of loanable funds, and so stimulate investment, productivity, and economic growth. However, since they are coming into effect in a period of extreme economic slack, it is important to note that their success in increasing saving also dampens consumer spending. To the extent that growth in final demand is depressed, higher savings will have the perverse effect of discouraging fixed investment and weakening future growth in productivity and output.

A modest recovery this year will generate growth in real disposable income at a 4 percent annual rate during the remainder of the year, or 2.5 percent for 1983 as a whole. These income gains, together with the assumption that the personal saving rate will rise only moderately in the months ahead—to about 6.4 percent of disposable income in mid-year and slightly lower by the end of the year—implies that real consumption will increase at about a 3 percent annual rate in the current quarter and about 4 percent in the second half. The result would be a 3 percent increase in real expenditures this year and about 4 percent in 1984 and 1985. A sharper and sustained increase in the personal saving rate—toward 7 percent or higher—would result in significantly less growth in consumer demand and a significantly weaker recovery. This development, a major forecast risk even with the assumption that interest rates ease both nominally and in real terms in the period ahead, becomes a more significant possibility should interest rates rise.

WHY ARE CONSUMER FINANCE RATES STILL HIGH?

Most consumer lending, including auto and personal loans, is treated as long-term credit and follows a similar pattern, although consumer credit rates are somewhat higher because of greater risks and higher processing costs. To the extent that uncertainty over public policy and fears of rebounding rates and renewed inflation are keeping real long-term rates high, they are affecting consumer interest rates in much the same way. Thus mortgage rates have fallen about four percentage points since the peaks reached in 1981, while rates on new car loans have fallen about five percentage points during the same period. These declines are similar to the pattern in other credit markets: Long-term corporate bond rates and utility bond rates have also fallen about five percentage points, while three-year Treasury bonds have declined about six percentage points.

The situation is quite different with respect to other types of consumer lending, where rates have remained in the 16 percent to 18 percent range and even higher. For many commercial banks and savings and loan institutions, the upward pressure on consumer credit rates appears to stem in large part from deregulation and the emergence of high-yield private deposit instruments. These new deposits can be drawn down quickly and are especially vulnerable to the rebounding interest rates associated with volatile credit conditions. The higher costs and risks associated with these deposits, it is argued, require higher charges for consumer credit. The tendency in recent years for the states to remove or raise interest rate ceilings on consumer credit adds to the pressure. In earlier years, very little credit would have been available to households during periods of tight money and credit. Under deregulation, credit, including household credit, is allocated through the price mechanism of higher interest rates. The revolving credit rates charged by retailers have also remained high, apparently reflecting an adjustment to a new financial environment and high inflation. For many years, these rates were determined largely by marketing considerations and remained fairly stable despite changes in prevailing rates or in price trends. That era appears to have ended. Now not only do credit operations seem to be handled separately, but retailers argue that they must cover the processing costs of revolving credit associated with these customers who do pay within the normal thirty-day period.

POLICY RECOMMENDATIONS

Even with an economic recovery, the federal deficit will continue to rise in the years ahead and will remain extremely high relative to GNP, total credit available, and net savings. This trend reflects the fact that the combination of tax cuts and increases in military spending, most of which have yet to come, will far offset cuts in nondefense spending, much of which has already occurred. These rising deficits, particularly during a period of recovery and rising credit demand, may keep interest rates too high to permit satisfactory economic growth or may even precipitate another recession. This pressure on rates from rising deficits will stem from either the direct effect of greater Treasury borrowing, assuming the Fed does

not fully accommodate this borrowing, or from accelerated inflation, if it is financed by continuing rapid growth in the money supply. There is some evidence to suggest that anticipation of either of these developments is already serving to keep long-term interest rates higher than they might otherwise be in view of depressed economic conditions and the Fed's apparent shift to a less restrictive monetary stance.

The Administration's recent budget proposals recognize the problems posed by the impending deficits and offer various proposals designed to narrow the gap. It may be necessary, however, to adopt additional measures to reduce the size of projected deficits once economic recovery is well established. These steps would include cuts in both defense and nondefense spending and tax increases, either in the form of scaling back currently scheduled tax cuts or enacting new tax measures. While is it desirable to retain the stimulus from a modest increase in the deficit while the recovery is in its early stages and key sectors remain extremely depressed, soaring deficits during a period of growth and rising credit demand are not necessarily more stimulative and may, in fact, prove self-defeating if they drive up interest rates or create inflationary pressures.

Measures taken to reduce fiscal imbalances in the years ahead should take into consideration the distributional effects. In practice, this means avoiding additional increases in Social Security or excise taxes, which tend to be regressive, in favor of adjustments in personal income taxes at the upper end of the income distribution. Apart from issues of equity, this approach would lessen the trend toward redistributing after-tax income to groups with a high propensity to save at a time when stimulating demand and economic growth would seem to be the paramount goals of public policy. Many other savings incentives would remain and, in any event, weak final demand rather than the lack of available credit seems to be the major obstacle now to stronger business investment. This approach also implies that further cuts in social programs aimed at lower-income groups should be modest until the economy is stronger; thus, the focus of spending cuts should be in defense and in entitlement programs.

In sum, growth in consumer spending is expected to help sustain a modest economic recovery in the period ahead. Nevertheless, high interest rates cloud the prospects for recovery and a sustained increase in rates would likely bring economic growth to a halt. Avoiding the threat of a rebound in rates requires a shift in the policy mix toward a more restrictive fiscal policy and a somewhat more accommodative monetary policy. These measures should be aimed at stimulating final demand in order to encourage business investment and thus promote sustained economic growth.

TABLE 1—FORECAST SUMMARY MAJOR ECONOMIC INDICATORS

[Percent change]

	1980	1981	1982	1983	1984
Gross national product	8.9	11.6	4.1	7.4	10.1
GNP in 1972 dollars	−0.4	1.9	−1.7	2.6	4.5
Total consumption, 1972 dollars	0.3	1.8	1.0	3.0	4.2
Fixed nonresidential investment, 1972 dollars	−2.3	3.5	−3.6	−4.8	0.7
Government purchases, 1972 dollars	2.2	0.9	1.5	1.9	1.4
Disposable personal income, 1972 dollars	0.2	2.5	1.1	2.5	3.6
GNP deflator	9.3	9.4	5.9	4.7	5.4
Consumer Price Index	13.5	10.3	6.2	3.0	4.8
Corporate profits before taxes	−4.0	−4.3	−24.6	22.2	25.2
Corporate profits after taxes	−4.4	−4.4	−22.4	20.9	18.6
Unemployment rate	7.2	7.6	9.7	10.3	9.6
Prime commercial bank rate	15.3	18.9	14.9	10.2	9.4

TABLE 2.—MAJOR FORECAST ASSUMPTIONS

Forecast assumptions

Taxes. The personal tax cut scheduled for July 1983 will be capped at between $500 to $700 per taxpayer.

Government Spending. Federal expenditures (NIPA basis) will equal $817 billion and $874 billion in fiscal years 1983 and 1984. These estimates include reductions in entitlement programs, other nondefense expenditures, and the military buildup, totaling about $7 billion in 1983 and $25 billion in 1984, including the recently enacted Social Security benefits.

Money Supply Growth (M1) will average 9.8 and 6.8 percent during the next two years.

Interest Rates will trend slightly downward during the remainder of the forecast period. The rate on 90-day Treasury bills will average 7.7 percent and 7.1 percent in 1983 and 1984, respectively.

Oil Prices will fall by 10.4 percent in 1983 and another 0.4 percent in 1984.

Food Prices will rise by 3.1 percent in 1983 and 5.1 percent in 1984.

International Economic Activity will improve moderately during the forecast period in response to increased stimulative measures and stronger exports. The dollar will decline slowly relative to most currencies.

Forecast risks

Negative

Economic Stagnation until late 1983, caused by weak consumer spending, additional corporate cost-cutting actions, and financial failures.

A Rebound in Interest Rates During Mid-1983 caused by Fed tightening, a more rapid acceleration in inflation, or rising Treasury borrowing.

A Faster Rise in Inflation in 1984 and 1985 caused by a sharper rebound in oil and other commodity prices and/or an acceleration in wage demands.

Positive

A Sharper Decline in Inflation and Interest Rates, reflecting increased monetary accommodation by the Federal Reserve Board.

More Rapid Inventory Rebuilding, reflecting relatively low stocks in many industries.

More Rapid Investment Spending, reflecting the increased tax incentive for investment and the overstatement of capacity due to economic obsolescence.●

● Mr. FORD of Michigan. Mr. Chairman, I firmly believe the third installment of the tax cut to take effect on July 1 should be limited so that no taxpayer receives more than $700. Therefore, I will be voting for H.R. 1183. Under this proposal everyone will get a tax cut on July 1. The issue is how much of a tax cut.

Capping the third-year tax cut at $720 is fair, reasonable, and makes good economic sense. The $720 cap will have little or no adverse impact on middle or lower income groups. Its only effect will be on those upper-income groups with incomes over $45,000 per year. If Congress passes this legislation, we will save about $6 billion over the next year and a total of $20 billion over 3 years. This savings will come from the wealthiest 5 percent of our society.

The residents of the 15th Congressional District know and understand that the effect of a cap would be negligible or nonexistent if their incomes are below $45,000. It is clear to them that those individuals affected do not need any additional relief since most of them pay very little in taxes, and in some cases, none at all. On the other hand, by granting the tax cut to middle- and low-income Americans, we will help the ailing economy while still providing the necessary social programs to the needy.

Mr. Chairman, we cannot rely upon nor accept further massive cuts in Federal spending to correct deficit problems. There is no question that there is a need to cut back on the incredible expansion of military expenditures and the budget resolutions in both Houses recognize that. But the Reagan administration is determined to further destroy the social programs and to make uncontrolled Federal spending the scapegoat. At this time let me reiterate my support for a reduction in the tax giveaway scheduled for July 1, and my support for H.R. 1182.●

● Mr. FIELDS. Mr. Chairman, I rise in strong opposition to the passage of H.R. 1183, the so-called tax rate equity act of 1983.

While everyone in this chamber recognizes that this legislation will never beome law, it is regrettable that we are even engaged in this political charade.

At a time, when we should be encouraging the growth of our economy, H.R. 1183 offers the American people a bitter, heavy dose of a bad medicine that will undermine our economic recovery.

While we have heard a great deal of rhetoric during this debate on the need to "soak the rich" by increasing taxes on wealthy Americans, I would remind my colleagues that this legislation will have little or no effect on Americans earning more than $50,000 a year who are already in the top 50-percent tax bracket.

Instead, this bill will, Mr. Chairman, significantly increase taxes on middle-class Americans and small businesses which are the economic backbone of our country.

By way of example, I would like to illustrate for my colleagues how this $700 cap will unfairly penalize millions of Americans.

Example 1. A married couple consisting of a Channelview police officer who earns $23,260 and a registered

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nurse earning $20,960 would have received a tax reduction in 1984 of $917 if they did not itemize their deductions. Instead, the cap would result in a loss of $197 that they would otherwise spend on consumption or save.

Example 2. A secretary earning $13,950 married to a chemical engineer earning $36,120 would jointly have a 1984 tax reduction of $1,179 if the couple did not itemize deductions. The cap would cut this reduction back by $459. If the couple did itemize an average amount of deductions on their tax return then the cutback in their scheduled tax reductions would amount to a tax hike of $134 compared with present law.

Example 3. Two Baytown public schoolteachers, each earning $20,670, would have $83 lopped off their tax reduction.

Example 4. A single person who earns $32,500 as a sales manager or as a Federal Government worker and who does not itemize deductions would have his 1984 tax cut pared back by $108.

Mr. Chairman, from these examples, it is obvious that we are not talking about taxing wealthy individuals but hard-working, taxpaying, middle-class Americans who deserve to keep their full 10 percent tax cut which this body overwhelmingly approved in August 1981.

In addition, it is important to remember that only 14 percent of all small businesses in this Nation pay corporate income tax. The remaining 86 percent that are partnerships, sole proprietorships, or small corporations electing to be taxed as individuals pay only the individual income tax. Overall, nearly 2½ million small businesses, including 350,000 family farms, would have their taxes significantly increased by the $700 cap.

Once again, at a time, when we should be encouraging economic growth, it troubles me that this Congress would even consider this major impediment to that growth.

While corporate America may get the news headlines, small business comprises 97 percent of our Nation's business enterprises. It is responsible for half of our gross national product. It is the undisputed leader in job creation and technological innovation. Directly or indirectly, small business affects the lives and livelihood of more than 100 million Americans.

In my judgment, our Nation's small businesses are leading us down the road to economic prosperity and now is not the time to cripple this vital sector of our economy by capping their desperately needed tax reductions.

Finally, we have heard repeatedly that we need new revenues to balance our Federal budget. While I could not agree more on the need to eliminate Federal deficits and to restore fiscal sanity to our Government, the problem is not one of undertaxation but of overspending.

There seems to be no end to the glutinous appetite of the Federal Government nor the willingness of this body to consistently feed that hunger.

I would point out the Federal spending is now 25 percent of our gross national product, as compared to an average of 21 percent of the GNP in the 1970's. While taxes are now 19 percent of the GNP, as compared with approximately the same level they were in the 1970's.

Mr. Chairman, if I thought for a second that the $6 billion to be raised under this bill would be used to reduce our national debt, then I believe I would give serious consideration to supporting this proposal. Unfortunately, each of us knows, that not one dime of this money would be used to reduce the debt but would be spent on new or existing Federal programs.

Mr. Chairman, I, therefore, urge my colleagues to join with me in soundly defeating H.R. 1183.●

● Mr. COYNE. Mr. Chairman, the administration would have us believe that limiting the third year of the tax cut would somehow hurt working people.

The measure now before us, the Tax Rate Equity Act, would raise 89 percent of its revenue from people with incomes of $50,000 or more.

Let us consider for a moment how this would break down in my own district, the 14th District of Pennsylvania. This district includes the city of Pittsburgh, a city of working people if ever there was one.

According to the 1980 census, about 3 percent of the households in the 14th District have incomes over $50,000. Of the 26,840 black families in the district, only 349, or 1.3 percent, have incomes over that amount.

The overwhelming number of people in the 14th Congressional District would be able to keep their tax break if we adopt H.R. 1183. Repealing it for people in the upper income brackets is necessary because of a harsh fiscal reality. We have a Federal deficit, brought about by this administration's economic policies, which exceeds $200 billion. We simply cannot afford to finance that tax break by adding to the deficit.

If the administration is interested in directing its heretofore latent concern for working people in a more useful area, I would suggest that it act on unemployment. In the Pittsburgh area, the unemployment rate is 16 percent. According to the State Department of Labor, 55,000 Pennsylvanians will exhaust their unemployment benefits in the next month. This is roughly triple the current monthly average. Thousands of Pennsylvanians will soon be in the position of having no job and no unemployment benefits. I do not believe that continuing a tax break for people in the upper-income brackets is high on the agenda of those without work or without benefits. Nor should preserving this tax break for the affluent be on our agenda during a period of crisis for the unemployed.

I urge a "Yes" vote on H.R. 1183. Passage of this measure will be an important step toward lowering the deficit, and, I hope, the beginning of a process to aid the unemployed.●

● Mr. IRELAND. Mr. Chairman, I do not wish to take issue with those that say a family earning over $50,000 is wealthy. That is a matter of personal interpretation. However, I do wish to point out that it is not only individuals and families that pay at the tax rate that some wish to adjust, but also 85 percent of the small businesses in this country. What they are proposing would penalize that segment of the private sector that employs more than half of this Nation's work force. Small businesses are the most labor-intensive element in this Nation's commerce and industry and the source of an estimated 70 percent of new jobs that are created.

Let us look at it this way, Mr. Chairman, the benefits derived from the tax cut that was promised 2 years ago will allow small businesses to put more money back into the economy through investment, capital formation, and perhaps most importantly, through jobs.

This is a far better way to sustain our budding economic recovery than to further tax the pocketbook and initiative of our people, turn the proceeds over to the inefficient Government bureaucracy, and hope that centrally planned programs and targeted grants will somehow save the day.

History and statistics prove that small business can perform this essential economic task and that central Government cannot. This ill-advised attempt to limit a tax cut that small businesses have been planning on for 2 years could well affect their ability to expand—and hire.

I hope my colleagues will remember that this tax cut is not putting dollars in the pocket of a rich man, but in the paycheck of a working man. Small business is the lifeblood of this country—and they certainly do not need this kind of a tourniquet.●

● Mr. SENSENBRENNER. Mr. Chairman, today we are being asked to vote on a proposal which threatens the economic recovery which is now underway.

Capping the third-year tax cut is clearly bad economic policy. Timing, always a paramount consideration in decisionmaking, has obviously been ignored by the Democratic leadership, who is responsible for advancing this legislation. The most recent economic indicators are encouraging, with both

incomes and spending on the rise. To sustain this economic growth, we must contend with the burgeoning deficits, but few economists will advise that taking money out of the economy is a viable approach. Tax increases are incompatible with our ultimate objective of strengthening the economy. Those of us familiar with the workings of Washington must acknowledge that increasing taxes merely translates into more wasteful spending.

President Reagan's decisive victory on ERTA was indicative of the plan's attractiveness to all taxpayers. Unfortunately, social security tax increases, TEFRA, bracket creep, and increased gasoline taxes have literally negated the 15-percent tax cut taxpayers have received to date under ERTA. To minimize the gain from the final tax cut will, therefore, not only stifle the economy, but will essentially make ERTA meaningless for the vast majority of middle-income taxpayers. Without the relief of a full 10-percent tax cut, there will be no incentive for individuals to save and invest. It is these two transactions that enhance economic growth. The resulting economic activity will produce the tax revenues needed to reduce the budget deficit.●

● Mr. DASCHLE. Mr. Chairman, only 4 months ago, when we were on this same floor debating the first budget resolution, we heard a lot of scare stories, designed to wave the partisan political flag and mislead the public about what was happening. Among other things, we heard that the passage of that resolution would result in the repeal of estate tax schedules, repeal of indexing, and complete repeal of the third year of the tax cut, the first year in which low- and middle-income wage earners would finally begin to get at least a little bit of the tax relief that the administration's program had shoveled out to the rich.

Well, here we are, a few months later. At the time of that first debate, on March 23, I said the following:

> Please do not be misled by the speculation that the passage of this resolution will mandate either the repeal of the third year of the tax cut, or the repeal of indexing. This resolution makes it very clear that it is in the province of the Ways and Means Committee to determine where this revenue comes from—and we will have a chance for a separate vote on any proposal they produce.

Today, despite the earlier misleading tactics of the opponents of fiscal responsibility, we do, indeed, have an opportunity to vote on a proposal from the Ways and Means Committee. And, again, despite the cries of "wolf" from those who would rather divide by controversy than unite in the common good, we are not discussing the repeal of the revised estate tax schedule, a revision I have long supported. Nor are we discussing the repeal of indexing which, in my opinion, is the one element of the terribly misnamed "Economic Recovery Act" which does, in fact, give a break to the low- and middle-income wage earner. We are not even discussing a total and outright repeal of the third year of the tax cut which, as I said before, finally lets wage earners making below $50,000 a year get some tax relief. Not one of those scare stories, widely circulated in national and local media by the opponents of sensible budgetary practices, has come true.

That is not to say, of course, that all of the above items were not, at one time or the other, topics of discussion among Members of the House and even Ways and Means Committee members. When you are facing annual budget deficits of $200 billion a year for as far as the eye can see, an administration that will not relent on its wish list philosophy of weapons procurement, and a recession-battered economy that has caused record business failures, double-digit unemployment, and persistently high true interest rates, there is a natural desire to at least consider any and every possibility of stopping the deficit hemorrhage that threatens any future economic recovery. It is a tribute, I think, that reason and moderation prevailed in these discussions. Frankly, had the bill before us called for the repeal of estate tax schedule revisions, tax indexing, or a complete repeal of the third year of the tax cut, I could not have supported it. These are matters of equity and fairness that belong in our tax structure, and I will oppose any attempts to remove them.

Instead, what we have before us today is a reasoned, sensible approach to the economic problems that presently face us. It is not, in and of itself, a panacea. Passage of this bill will not, unfortunately, bring the Federal budget into balance. That is a fight that we will have to wage with different weapons, including a balanced budget constitutional amendment which badly needs passing. What this bill does do is to put us on the road to reestablishing fairness and equity in the Tax Code, while at the same time beginning the arduous process of chipping away at the record deficits that the present administration, ignoring its campaign promises, has brought us.

More specifically, H.R. 1183 reduces the budget deficit in fiscal 1984 by $6.2 billion, and, over the following 5 years, further reduces the deficit by $37.9 billion, for a total of $44.1 billion. I am further encouraged by the preliminary language of the bill, which makes it clear that these revenues are to be used for deficit reduction, and not for new spending programs. It is my full intention to see that the spirit of that language is carried out in specific pieces of legislation.

These deficit reductions are made through capping the third year of the tax cut at $720. Essentially, this leaves totally untouched 90 percent of all tax forms filed every year. In other words, 9 out of 10 taxpayers will not be affected at all by this legislation. Those who are affected will not have their complete tax break under the third year done away with. It will simply be capped at $720, over and above the tax reductions they have already received in the first 2 years of the administration program. And let us not delude ourselves. Those people fortunate to make over $50,000 per year in taxable income have done very, very well under the first 2 years of the tax cut. If the third year is not capped, they will do even better. For example, the income group earning over $200,000 per year will have had their taxes reduced by a full 15 percent through 1984. Those earning between $100,000 and $200,000 per year will see a reduction of a full 8 percent. On the other hand, those taxpayers who make less than $10,000 per year, after inflation and other administration sponsored tax increases are taken into account, will have had their tax burdens increased by 22 percent, and those taxpayers making between $10,000 and $15,000 will have seen tax increases of 7 percent. People between $20,000 and $50,000 are, essentially, simply breaking even.

The benefits of the supposed across-the-board tax cuts have, we can see from these figures, gone primarily to those at the upper end of the income scale. H.R. 1183 attempts to install some sense of equity to the current tax structure, not by adding new taxes, but by limiting new tax decreases to those who have benefited most from prior ones. By so doing, it also points out to the financial community that the Congress is indeed serious about making reductions in the Federal deficit which, if left unchecked, will continue to foster high interest rates and seriously damage the possibility of a strong and sustained economic recovery.

For these reasons—a simple matter of equity, the need for deficit-reducing revenues, and as a signal to the financial community—H.R. 1183 should be passed. And in case some of my colleagues on the other side of the aisle who have voted consistently, as I have done, against increases in our own pay, need another reason to vote for this bill, I would offer for their consideration this point. If you vote against this bill, you are voting for a tax break for yourself, contributing to the Federal deficit, and penalizing low- and middle-income taxpayers across the country. "Tax and spend" has rightly been discredited as a way of operating the Federal Government. However, we appear to have replaced it with an even more ludicrous concept, that of "borrow and spend." H.R. 1183 gives us a chance to back away from this

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disastrous borrow and spend philosophy, which mortgages our grandchildren's future for the sake of raids on the Treasury to line the pockets of the wealthy.

I urge my colleagues to vote for H.R. 1183.●

● Mr. DENNY SMITH. Mr. Chairman, one cannot help but be optimistic about the economic signs. The index of leading economic indicators continues to show consecutive monthly increases, factory orders are up, and more people are finding jobs. All signs point to a strong economic recovery.

It is this backdrop of good economic signs that makes today's debate on whether to make these permanent rate changes so insane. Eight days before the tax rate cut is to take effect, we are talking about changing everything. We need that tax rate cut now, more than we ever did, to insure that economic recovery is stronger and longer lasting.

Supporters set the stage for this vote by talking about the fairness issue. But who are the rich that supporters of this bill talk about? They are not the rich; they belong to the middle class. Many of those affected by this cap make less than $50,000 a year.

The U.S. Department of the Treasury estimates 2½ million small businessmen are affected by these rate changes, including 350,000 small farms. Working married couples are especially hard hit. Just 2 years ago we were asked to eliminate the marriage tax penalty. Inflation had forced many spouses to find jobs outside the home to supplement family incomes. Unfortunately, they found the Federal Government penalized them with higher taxes for wanting to stay ahead of inflation. This legislation would eliminate the gains we made in eliminating this unfair tax burden on married couples.

Remember the debate over the congressional pay raise last year? Many in this body argued they could not make ends meet on $60,662 a year. With kids in college and house payments to make, they needed a raise. Now some of the same Members are talking about capping the tax rate cut for people who earn much less than what a Member of Congress makes. After the debate on the pay raise, how can any Member of this body say the people who will be affected by the rate changes are rich?

Supporters of these tax rate changes have a point when they talk about fairness, but it has nothing to do with rich versus poor; it has to do with how unfair this proposal is to the American taxpayer. Congress listens to every special interest group wanting more money. Who here listens to the average taxpayer who does not want more of his salary going to the profligate Federal Treasury?

This legislation is really unfair to the small businessman. He has already made many of his business decisions and forecasts based on the expectation of the tax rate cut. His payroll schedule is already in place to give his employees the tax rate cut Congress promised them. Now some in this body want to confuse matters. It will take the Internal Revenue Service 8 weeks or more to distribute new withholding schedules if this legislation passes, and even longer for employers to incorporate the changes into their accounting systems.

This legislation is also unfair to small farmers, many who are barely hanging on during one of the worst recessions to hit agriculture. This legislation is unfair to working couples, many who are trying to save for a new home or for their children's education. This bill reeks of unfairness; it is nothing more than a political fraud.

A day like today epitomizes why I ran for Congress on a platform of less taxes and less spending. Congress continues to debate budget bills that are too costly and tax bills that take more out of the pockets of hard-working Americans. The taxpayers are sick of the business as usual in Congress.

It is shocking to think the Federal Goverment borrows between 25 and 35 cents out of every dollar it spends. This frightening behavior, caused by excessive Government spending, is eroding what hope we have for our future, our children's future, and even our freedom. We do not need new taxes; we need the courage to spend less. Let us not take it out on the middle class because we have not the guts to make the spending cuts needed.

I urge my colleagues to vote against this bad legislation.●

● Mr. BEDELL. Mr. Chairman, I rise in support of H.R. 1183, the Tax Rate Equity Act of 1983, and urge its passage. This measure, which would limit the July 1 tax rate reduction to $720 per taxpayer, has a dual purpose.

First and foremost, it would inject a modicum of fairness into the administration's excessive 1981 tax cut, which, as we discovered from Mr. Stockman's Atlantic interview, was specifically designed to grant the lion's share of the benefits to the wealthy. This group already has realized very handsome returns from the first 2 years, including the immediate reduction in the maximum marginal tax rate from 70 to 50 percent, liberalized accelerated depreciation allowances, and a reduction in the capital gains rate from 28 to 20 percent, among other benefits. This same group will experience a definite net tax reduction even after taking into account the increases attributed to inflation and social security taxes.

On the other hand, those making under $30,000 will experience a net tax increase taking into account the same factors. It is bad economics and it is bad public policy when the effect of the Reagan rate cuts, after accounting for inflation and social security tax increases, is to provide a net 15-percent rate reduction to those making over $200,000 and a net 22-percent increase to those making less than $10,000.

Mr. Chairman, I must strongly emphasize that H.R. 1183 will not raise taxes. It merely limits the July 1 tax cuts to $720 per couple filing a joint return. The net effect of this action is that approximately 90 percent of the taxpayers will not experience a reduction in their tax cuts while roughly 10 percent will only have their tax cut limited to no more than $720. In other words, those making under $50,000 a year and filing a joint return generally will receive the full scheduled reduction.

The second reason I am supporting H.R. 1183 is that it will aid our efforts to stem the flow of red ink in an equitable manner. With deficits hovering around $200 billion a year, we absolutely must take action to reduce their burden on the economy and improve our prospects for sustained recovery. The cause of these record deficits, as I have maintained since the passage of the President's economic package in 1981, is the irresponsible drain on the Treasury due to the supply-side tax cuts and the massive military buildup. I fail to see how we can cut taxes primarily for wealthy individuals and corporations by $881 billion from fiscal year 1982 through fiscal year 1988 and increase military spending to $1.6 trillion and expect to achieve any sort of budget balance.

H.R. 1183 would reduce the deficit by $6.2 billion in fiscal year 1984. And I am pleased to stress that it contains language expressing the sense of the Congress that the revenue gained as a result should be used to reduce the deficit. Coupled with the reconciliation instructions from the first budget resolution providing for further spending reductions, this tax cap reinforces Congress determination to address the deficit crisis.

Mr. Chairman, the Tax Rate Equity Act, without raising taxes or repealing the third year of the tax cut, will help bring balance and equity to the supply-side distortions and reduce the deficit at the same time, and I urge its passage.●

● Mr. SCHAEFER. Mr. Chairman, over the last year or so, we have begun to see the effects of a modest but healthy shift of economic clout from the Federal Government back to individual citizens through the tax cut package. I have begun to enjoy reading my morning paper again because every day there is more good news about our economy—recovery is under way.

The economic recovery program has essentially eradicated inflation. Just a few years ago under the Carter administration, inflation was running at an annual rate of about 12.4 percent. This meant that unless workers received a pay raise of 12.4 percent, they actually would lose ground in terms of real take home pay adjusted for inflation. For those on a fixed income, such as many of our elderly citizens, this meant incredible hardship. Presently, inflation for the first 5 months of the year is at about 3 percent.

Interest rates have dropped dramatically. The prime rate was 10.5 percent at the beginning of June. In 1980, just before the new administration took office, the prime interest rate was 21.5 percent. We have all seen the kind of damage high interest rates can do to American business, most noticeably the housing and automobile industries. I know many people in the Sixth Congressional District of Colorado who just could not afford to purchase a home, a car or any other product with such a high loan. Lower interest rates are helping to recharge our economy.

Spurred by the drop in interest rates, the housing industry is making a comeback. Housing starts in April were up 64 percent from last year. In the month of May, housing starts were up 19 percent from the previous month. This means more jobs for the unemployed.

The Nation's productivity is increasing. Greater emphasis on American innovation and ingenuity is helping us make the adjustment to a modern high-tech economic base, in which man-hours are being used more efficiently and workers are more productive on the job. This is a very important development, since international competition has come on fast and tough. This will help keep—and perhaps recreate—American jobs in supercompetitive markets like the auto industry.

The list goes on—almost every sign says we are headed in the right direction. We have reduced taxes and provided more incentive in our society for citizens to be productive and creative participants in our free market system—and it is working. Yet, today we are gathered here to discuss ways to return to higher taxes even though this flies in the face of commonsense and all the conclusions we can draw from current economic evidence.

The proposal before us, a $700 cap on this year's tax cut, is very poorly designed.

First, it purports to take money from the rich to give to the poor. But the truly rich, people making over $100,000 per year, are barely touched by the cap. Only 9 percent of the people affected by this cap earn over $110,000. It is the middle- and upper-middle-income taxpayers beneath that amount that bear the brunt of this ill-advised proposal. The rich received their tax reduction when the maximum marginal tax rate was reduced from 70 to 50 percent. The third year of the tax cut would benefit the middle-income taxpayer, and they are the ones who would be hurt by this cap.

Second, this proposal is a cap on the first real tax reduction that middle-income earners will receive. Increased social security taxes, the implementation of the 5-cent Federal gas tax, and bracket creep, combined with State and local tax increases—the burden for which falls chiefly on the middle class—have eliminated real tax reductions for most persons. Middle America continues to pay the bills for the Government. It is wrong and it is unfair and it has got to stop somewhere. I refuse to be part of unfair tax increases on middle-income taxpayers.

Third, the tax cap hits hard at families with incomes under $50,000. For instance, families with incomes as low as $39,250 who do not itemize their taxes would be hit by this cap. Adjusting for inflation, that family would have earned only $15,000 in 1970. Many middle-income individuals would also feel the bite of this proposed cap—an individual earning an income of $12,000 in 1970 would, after adjusting for inflation, be expected to pay additional taxes under this so-called cap on the rich.

Recently, the Secretary of the Treasury, Donald Regan, provided examples for the House Ways and Means Committee of the kind of people who would be forced to pay up under the tax cap. He uses the estimated 1984 average wage for the professions mentioned:

A married couple consisting of a police officer who earns $23,260 and a registered nurse earning $20,960 would have received a tax reduction in 1984 of $917 if they did not itemize their deductions. Instead, the cap would result in a loss of $197.

A secretary earning $13,950 married to a chemical engineer earning $36,120 would jointly have a 1984 tax reduction of $1,179 if the couple did not itemize deductions. The cap would cut this reduction back by $459.

Compare these examples of families with two income earners trying to improve their standard of living to that of a taxpayer with a taxable income of $300,000 per year, who would face only a 2-percent increase in his tax liability.

Fourth, the cap would further distort the middle-income tax brackets, increasing their marginal rates, and discouraging middle-income earners from working harder and attempting to increase their income. Marginal tax rates have been cut by 15 percent, with another 10 percent scheduled for July 2. The intent of these reductions is to provide incentives that will increase productivity and encourage savings. The cap would cause an abnormal jump in marginal rates to occur at the $35,000 to $45,000 range. The marginal rate for married couples would jump from 30 percent at $35,000 to 44 percent at $45,800 and, for singles, the marginal rates would increase from 36 percent at $30,000 to 50 percent at $41,500.

Last, but certainly not least, this cap indirectly slaps the unemployed in the face, because it adds to the tax burden and cripples the potential of the Nation's fastest growing employer, small business. Eighty-six percent of America's small businesses operate as partnerships, sole proprietorships, or are otherwise taxed as individuals. From 1979-81, small businesses with fewer than 500 employees accounted for over 1½ million new jobs, 60 percent of all jobs created in the economy. This tax cap would increase taxes for 2.4 million small businesses, including 350,000 family farms.

Already, this Congress has considered several proposals to help the Nation's farmers, so we are all well aware of their problems. I certainly do not think that a tax hike is among the solutions to these problems.

As a member of the Small Business Committee, I have a special concern for small businesses. Much work has gone into providing incentives and opportunities for the Nation's small businessmen and women, and it has paid off in new jobs and innovative business practices. When we hurt these people, we hurt the whole Nation and especially the unemployed.

This proposal is misguided. Capping this year's tax cut would slow the progress we have made toward providing citizens and small business owners with incentives to take a chance on a new job or venture, to work harder and to achieve more.

While proponents admit that this cap will raise revenue to cover only about 3 percent of the budget deficit, they do not mention the untold damage it could do to the economic recovery that is well underway. We must find ways to reduce the budget deficits, but the answer is to eliminate wasteful and unnecessary spending—not to penalize taxpayers.

The tax program is working. We have returned a small but incentive-producing amount of economic clout to private citizens, and we have relearned the lesson that free enterprise and the efforts of many individuals together—not big government—make this Nation great.

The tax cap is not in the best interest of America and should be defeated.●

● Mr. WOLF. Mr. Chairman, I rise in opposition to H.R. 1183, Tax Rate Equity Act of 1983, which places a cap on the July 1 tax cut. The individual

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tax rate reduction of 10 percent scheduled to take effect on July 1 will complete the 3-year, 25-percent, across-the-board income tax rate reduction passed in the Economic Recovery Tax Act of 1981.

I have consistently opposed legislation imposing additional taxes on the incomes of Americans. Having supported the Economic Recovery Tax Act of 1981, I am opposed to efforts now to nullify the most important of the three installments—the third year's 10-percent reduction.

I oppose the effort to cap the tax cut at $720 for three reason:

A tax increase now is poorly timed. Two days ago, the Commerce Department reported that the U.S. economy is expanding at a strong 6.6-percent inflation adjusted annual rate this quarter, the strongest since the first quarter of 1981. The economy is showing signs of a recovery much stronger than earlier predicted. Now is not the time to turn back or change course.

Second, I am opposed to this cap because it will impact on America's middle class. For 3 years, these Americans have waited to enjoy the benefits of a real tax cut—the July 1983, 10-percent rate decrease. Businesses and the more wealthy taxpayers have already received the bulk of their ERTA tax cut in the first 2 years' installments. Middle income taxpayers, however, still have an average of 38 percent of the total balance due them.

Even though the intent of the cap may be to penalize those wage earners above the $50,000 income level, the cap will impact all wage brackets because such a cap is really a tax increase. For example, families with income levels between $20,000 and $30,000 could have their income tax cut reduced by $135. Those with incomes between $30,000 and $40,000 would have a reduction of $111 and those affected with incomes between $40,000 and $50,000 will see their income tax cut reduced by $182. Of particular concern to me is the figure not mentioned here—a single wage earner supporting a spouse and family or the sole wage earner, head of household earning between $40,000 and $50,000 will be losing $357 a year with the $700 tax cap.

Finally, I believe Congress has neither fully recognized nor understood the impact that policies of the past year have had on the small business community. Not only did the Tax Equity and Fiscal Responsibility Act of 1982 take its toll on the small businessperson, but the social security taxes imposed in the March social security reform package will cause additional hardship for the very individuals our economy needs for creating jobs and employment opportunities for the Nation's unemployed. We cannot continue to overlook the small business community in our rush to shore up the budget with revenue increases. Tax increases have not solved the problem of a growing deficit in the past, and I do not believe that such increases are the solution now.

This is not the time to impose additional tax burdens on working Americans and I urge my colleagues to reject this denial of tax relief to the overwhelming majority of our citizens.●

● Mr. LOWERY of California. Mr. Chairman, the House of Representatives is considering H.R. 1183, to cap the third year of the personal income tax cut. I oppose enactment of this legislation, and, according to a recent poll conducted by the National Journal, so do most of our constituents

According to the June 11 National Journal poll, 55 percent of the respondents believe that the third year of the personal income tax cut should go into effect as scheduled. Additionally, while 21 percent of the respondents wanted taxes raised to reduce the budget deficit, over three times that number, 68 percent, would prefer cutting spending to achieve that goal.

Therefore, if the House is to be truly representative, we should vote down this ill-disguised tax increase. Our constituents want to keep the tax cut that they have been promised and that they have been counting on. They want to keep the money that they have worked for—to spend or to save as they, not the Federal Government, see fit. And the message is equally clear with regard to the deficit. Our constituents want us to cut spending, not raise taxes. They want us to balance the budget on the backs of the bureaucrats, not the taxpayers.

Mr. Chairman, the views of our constituents have also been reflected in newspaper editorials across the country. I would like to take this opportunity to commend the attention of my colleagues to a particularly insightful editorial on this issue that appeared recently in my hometown newspaper, the San Diego Union.

[From the San Diego Union, June 13, 1983]

TIP'S TAX CUT CAP

Tip O'Neill has a new way to help along the economic recovery and produce a growing, prosperous America: Raise taxes. Tip wants a cap on the third year of the Reagan tax cut, a cap that will prevent anyone from getting a break of more than $700 when the cut takes effect in July. This, Tip says, will both soak the rich and narrow the federal deficit. And if you believe that, you believe that yellow rain in Afghanistan is being caused by bee droppings.

Actually, the third year of the tax cut is nicely balanced to begin with, as our chart shows. Capping the cut at $700 would begin to affect "wealthy" people at about $36,000 of income, raising the marginal tax rate in that bracket by 25 percent. The cap would hit bigger earners even harder on paper, but as we all know, the wealthy have plenty of alternatives. Snatching at the latest tax cut would simply send them back to the accountants and lawyers and sheltered investments out of which Reaganomics seeks to entice them. That's of negligible concern to the rich, but it's of great concern to the economy, which needs all the savings and productive investment it can get.

Incidentally, "the wealthy" will still be required to fork over half their declared income to the federal government even with the third Reagan cut.

Oddly enough, it has been Ronald Reagan, who expresses little interest in socking it to the rich, who's come up with the best way to sock it to 'em: Cut their taxes. For all the scorn and derision it has attracted, the supply-side thesis—that cutting high tax rates would attract increased revenues—appears to have worked. When the top rate of taxation on personal income dropped to 50 percent from 70 percent in 1982, conventional economists, including Reagan's own experts at the Treasury and the budget office, predicted that tax collections from the wealthy would decline sharply. Actually, rather than paying less, top-rate taxpayers paid $10 billion more in 1982. Their share of total federal income tax revenues rose to 27 percent, from 25 percent in 1981, despite the recession.

It seems that at the lower rate, these people took money out of non-taxable shelters and put more of it to work making profits. The wealthy declared more income; the federal government collected more taxes; the economy generated more capital for jobs and expanded production than would otherwise have been the case. Conversely, raising taxes now would raise the deficit, not shrink it. The best answer to red ink continues to be economic growth, not lower incentives to produce.

The logic of all this has escaped Speaker O'Neill, but it may have reached a few of his colleagues. Reports are that a substantial number of Democrats will vote no if Tip's cut-rate tax rate cut cap makes it to the floor of the House. It seems that even sound economic policy trickles down eventually.●

● Mr. PATTERSON. Mr. Chairman, I rise in support of H.R. 1183, a bill which puts a $700 cap on the tax cut scheduled to go into effect July 1. I am glad that we have a tax cut going into effect on July 1. I know that some Members would prefer that there not be a tax cut this year. But I think we need one. I voted for the tax cut and I still strongly support it.

I also voted for the cap on the tax cut for higher income taxpayers. I believe the cap, allowing taxpayers to receive up to $700 for the third year of the tax cut makes the tax cut workable and fair. The cap protects the full tax cut for nearly all taxpayers in the United States with incomes under $50,000 a year. For people with incomes over $50,000, there is still a tax cut, but it is limited to $700 in the third year, which is smaller than the cut would be without any cap.

What will be the effect of the tax cut with and without the tax cap? First of all, every taxpayer will still receive an additional cut in taxes come July 1. The higher income—those with more than $100,000 income—will simply receive a smaller cut than planned.

First, the proposed cap will have no effect on taxpayers making less than $47,000 per year.

Second, for those making between $50,000 and $100,000, the average annual benefit from the 3 years of tax cuts would be $4,000 without the cap and $2,700 with it.

Third, for those making between $100,000 and $200,000, the average benefit would be $8,500 without the cap and $6,400 with it.

Fourth, for those with incomes above $200,000, the average tax cut would only be reduced from $27,000 to $24,200.

What these figures mean is that 90 percent of all taxpayers would receive the scheduled tax cut in full and only 10 percent, the wealthiest taxpayers, would have their tax cut reduced.

Finally, we must apply the revenues gained under the cap directly to reducing the deficit, as required by the McCurdy amendment—which I voted for and strongly supported. We will actually reduce the Federal deficit by over $6 billion. That ought to bring down interest rates to the benefit of the richest taxpayers as well as all the rest of us.

The action we have taken saves the tax cut. It makes it more fair. It makes it workable. The cap makes the tax cut possible while making a reduction in the deficit possible. Without the cap, I am not sure the tax cut will be saved in the years to come.

I know the people in my district want their tax cut. They also want to see the deficit come down. I share their desires and I am pledged to bring that deficit down. That is why I have supported many spending reductions proposed by Congress and by the administration. But I think we all realize that budget cuts can only go so far in a dangerous world where our military might has to be kept strong and in a compassionate country where the sick and elderly get the help they deserve.

Despite the massive cuts which have already taken place in social programs, the deficit is still growing. The deficit is not tolerable. And to get it to a tolerable level, we are going to have to find it within ourselves in Congress to restrain the tax cuts we want to pass just as we have to restrain ourselves on spending bills. The tax cut cap is the most equitable way to do this. The gas taxes, excise taxes, surcharges, and standby taxes proposed by the administration are less fair ways of raising revenue and I have opposed them all. Instead of nickle and diming the people and sneaking an extra little tax on everything they do, I think it is far better to be straightforward, cap the tax cut openly in a way everyone can see and understand, and bring that deficit down now.●

● Mr. WEISS. Mr. Chairman, two realities compel me to support the $700 cap on the third year of President Reagan's tax cut.

The first reality is the Federal deficit, which under President Reagan's guidance has ballooned at a rate unknown to any previous administration. The deficit left behind by President Carter, the identical deficit then-candidate Reagan held responsible for all of our economic woes, was $57 billion. The deficit at the end of fiscal year 1983 will total $210 billion.

The $700 cap, in a fair and responsible manner, makes sorely needed revenue available to reduce these frightening debts. It accomplishes this not by increasing taxes, but by reducing the scheduled tax cuts of those who can easily do without the extra allowances.

The cap would generate $22 billion over 3 years. The bill we are voting on today contains language advocating that the revenue be used to reduce the deficit instead of funding new programs or new spending.

Until this vote, I believed my Republican colleagues would have applauded such fiscally responsible action. But after all the damning rhetoric, fallaciously blaming today's spiraling deficits on past Democratic policies, the Republicans in this Chamber have mysteriously abandoned their cries for a balanced budget.

Instead they find themselves defending a tax cut that will favor the rich at the expense of every other economic class. This is the second reality I want to address: The gross and insensitive inequity on which the Reagan tax program is founded.

Mr. Reagan truly behaves like an inverted Robin Hood. No manipulation of statistics is required to demonstrate he is taking funds from programs benefiting the poor and middle classes to enrich the already healthy bank accounts of an elite few. Of the billions of dollars drained from Federal revenues by the first year of the tax cut in 1981, 35 percent represented reduced taxes for the 5 percent of Americans who earn the highest incomes. When President Reagan ends his term in 1984, his tax and budget policies will have taken $20 billion away from households with incomes of $10,000 or less and will have added $64 billion to the after-tax income of those making $80,000 per year or more.

Let no one doubt who are the true profiteers of this third year tax cut. Without the $700 cap, a family of four with an income of $200,000 is scheduled to receive $4,366. A family of four earning $25,000 would receive all of $268. In other words, household *A* earns 6 times as much as household *B* but will receive a tax cut 15 times as great.

The $700 cap partially corrects this imbalance by taking $9 of every $10 it generates from the 5 percent most wealthy. Eighty-nine percent of the new revenues would be derived from those earning more than $50,000 per year; no revenue would be derived from those earning under $35,000.

This, of course, is contrary to the factual distortions that have permitted the President and my Republican colleagues here today to argue the $700 cap constitutes a tax increase that would hurt the middle class. But I will leave it to the opposition to explain its perverted logic. The truth is quite different.

The $700 cap would still provide every taxpayer a tax cut. The wealthy citizens of the United States—those who need never worry about the prospect of unemployment, who need never wonder how they will afford 4 years' college tuition, who need never squeeze their paycheck to meet a monthly home mortgage payment—would still receive a $700 decrease in taxes. This is in addition to the substantial reductions they received during President Reagan's first 2 years of tax cutting. Even those whose incomes place them just above the threshold would be mildly affected. For example, a family of four earning $50,000 would receive only $128 less than the $828 cut they are presently scheduled to receive.

Mr. Chairman, a burgeoning deficit and an unfair tax structure are of concern to a great many Americans. Embodied in the $700 tax cap proposal is a responsible effort by the Congress to grapple with those realities. I urge adoption of the cap.●

□ 1730

Mr. ROSTENKOWSKI. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 215]

ANSWERED "PRESENT"—390

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
AuCoin
Badham
Barnard
Bartlett
Bateman
Bates
Bedell
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bryant
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daschle
Daub
Davis
de la Garza

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Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
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Fazio
Feighan
Ferraro
Fiedler
Fields
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Flippo
Florio
Foglietta
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Fowler
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Franklin
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Gephardt
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Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
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Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
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Leath
Lehman (CA)
Lehman (FL)
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Levitas
Lewis (CA)
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Lipinski
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Long (LA)
Long (MD)
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Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
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Molinari
Mollohan
Montgomery
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Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Parris
Pashayan
Patman
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Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
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Schroeder
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Shelby
Shumway
Sikorski
Siljander
Simon
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Skeen
Skelton
Slattery
Smith (FL)
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Snyder
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Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Towns
Traxler
Udall
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

□ 1740

The CHAIRMAN. 390 Members have answered to their names, a quorum is present, and the Committee will resume its business.

The gentleman from Illinois (Mr. Rostenkowski) has 7 minutes of time remaining, and the gentleman from New York (Mr. Conable) has 5 minutes of time remaining.

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. Vander Jagt).

□ 1750

Mr. VANDER JAGT. Mr. Chairman, I would like to commend and thank the distinguished Speaker of the House of Representatives for bringing to the floor of the House this legislation which has so completely united the minority this afternoon. When the voters realize what indeed is in it, that it will provide a big majority of middle income taxpaying Americans with tax increases, they will react with righteous indignation against the unfairness, the inequity, the injustice that reeks from every page of this misdirected, misguided, and mislabeled permanent tax increase on the backs of the American people.

If we had a truth-in-packaging parliamentary rule this bill would be ruled out of order. The bill claims to put a one-time cap on the third year of the tax cut. It does not. It is a permanent tax increase. The bill claims to hit at the very rich. It does not. It hits at the middle income working couples all across this land. The bill aims at those earning over $50,000 a year; it does not hit them. Millions of those who are affected earn far less than that.

And even if the bill were as advertised, it would be the worst possible economic medicine at the worst possible time.

These are precisely the dollars that we need for the investment and the savings and the big ticket consumer purchases to fuel an expanding economy, to provide growth and jobs.

We have a terrific jobs program going in America today, one of the best we have ever had; it added 376,000 additional jobs to the workforce just last month. That jobs program is called economic recovery. And now is no time to snuff out the blooming of that economic recovery.

But some are so enamored by the political attractiveness of the proposal that they are blinded to its economic consequences. And I suppose there is a political attractiveness if the people stop at the headlines and do not really realize what indeed is in the bill because the bill can be paraded as "There goes President Reagan and those Republicans trying to defend the very rich, while we Democrats are sallying forth to sock it to the very rich."

There is one thing wrong with that. There is one thing very wrong with that. The heart of the bill misses the very rich all together.

For anybody who has read the bill, there is no $700 cap, no $700 limitation written in here. The drafters of the legislation tried to achieve that result by raising the tax rates. There is one problem: The very rich are already in the top bracket of 50 percent; you cannot push them any higher than they already are and this bill does not do it. They might as well walk off scot free.

Now, I think the proponents were sincere when they aimed at those earning over $50,000, but 48 percent of those they actually hit were earning under $50,000. That is how bad the aim actually is.

That family that is earning $35,200 has their marginal tax rate increased by 30 percent, the highest jump in the entire Internal Revenue Code.

Now, I believe that a family with a husband earning $18,000, a spouse who goes out to earn an additional $17,200, in order to pay college tuition and make mortgage payments, is not going to take too kindly to a Congressman who with his vote this afternoon goes to that family and says, "Sorry, you are too rich, you do not deserve to keep the desperately needed tax relief and we are going to snatch it away from you 8 days before it is scheduled to go into effect."

I do not think that family is going to think that it is fair when a Congressman with his vote this afternoon says to that family, "Sorry, you are too rich, but any extra dollars that you earn, your tax rate goes up 30 percent, but for any extra dollars earned by the family earning over $162,000 a year, we do not raise the rate at all."

That is not equity, that is not justice.

If you really believe in fairness and equity this bill cries out for a loud "No" vote.

This legislation is a blueprint not only for economic disaster; this legislation is a blueprint for the political disaster that would be so richly deserved by those who would foist an unfair, permanent tax increase on people who cannot afford to pay it at exactly the wrong time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield such time as he may consume or the balance of the time to the majority leader, the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Chairman, there are two very good reasons why this bill ought to be passed today. The first is that it reduced the deficit by $6.8 billion in the coming today. The second is that it restores a semblance of fairness to the tortured Tax Code through which revenues have been drained by the Reagan tax policies as through a leaky sieve into the pockets of the favored few of this country.

Mr. Reagan preaches piously about deficits; but the fact of the matter is that his tax cuts for the wealthy, the biggest in history, have created the biggest deficits in history. The President's own budget office estimates that his 1981 tax cut, most of it for the most affluent, will cost the government $609 billion by 1986. In other words, it will add $609 billion to the deficits.

According to Secretary Regan in testimony given before our Budget Committee, that tax cut of 1981 will drain $135 billion away from the Treasury this fiscal year and add $135 billion to the deficit that now reaches $210 billion this fiscal year. It is the Reagan deficit.

The Joint Committee on Taxation reports that 35 percent of this enormous loss will flow directly into the pockets of the wealthiest 5 percent of America's citizens, those who need the tax cut the least.

This bill would not recover one penny of the windfall that has already gone to the fortunate few. It simply places a reasonable limit upon the future drain of the Government's resources into their already-swollen private bank accounts.

It has been stated repeatedly by people on the Republican side that this bill will not get a penny from the biggest income Americans, and that a $1 million taxpayer would get off scot free. Well, that is not what Alice Rivlin says.

Claude Pepper, hearing that charge, wrote a letter today and asked Mrs. Rivlin, Director of the Congressional Budget Office, exactly what would happen to a $1 million income taxpayer as a result of this cap. I have her reply in my hand. She said, "Mr. Chairman, in response to your question, a taxpayer with a million dollars of income, filing a joint return with two dependents would have his tax cut reduced by $3,736 if the cap is imposed."

In other words, he would have gotten an additional tax cut of $4,400 absent this bill; now he is going to get a tax cut of $700 additional this year instead if this bill is enacted.

Mr. Reagan came to office promising a balanced budget by 1984. Do you remember that? Well, precisely because he got his way in 1981 and 1982 and at least partly because of his favored tax treatment for the wealthiest few, the Reagan deficit in 1983 will be $210 billion. That is more than three times higher than the highest deficit ever suffered under any previous administration.

If Jimmy Carter had presided over a $210 billion deficit, there would have been cries for his impeachment.

This huge deficit is the result of the policy of spend and spend, borrow and borrow, and pay and pay in tax windfalls to the wealthy few.

In 1980, Ronald Reagan blamed all of our economic woes upon the Carter deficit. Do you remember that? Well, that deficit was about $57 billion. And now, having personally engineered a deficit in 1 year which exceeds all of the deficits of the total 4 years of the Carter administration, Mr. Reagan threatens to veto any bill that would reduce his enormous deficit by $6 or $7 billion.

Today, Mr. Reagan is speaking of his new-found concern for the middle-income and the low-income taxpayers. But his words have a hollow ring. It is just exactly like his new-found concern for public education, after his personal efforts in the last 3 years to rob public education of billions of dollars of its needed funding.

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His deeds speak louder than his words. Let us show you just how concerned Mr. Reagan is about the middle-income taxpayer. Last August he asked over televison for increased taxes on that middle-income taxpayer's telephone bill, on his airline fare, on his gallon on gasoline, and on the medical bills that are paid by the indigent. And now he wants an extra standby surtax on the tax that this middle-income taxpayer pays. All those taxes are paid by middle- and low-income taxpayers. But Mr. Reagan threatens to veto any bill that puts any ceiling at all on the additional windfall tax cuts for the wealthiest 5 percent. That is the measure of his concern.

The Reagan administration has set in motion the most retrogressive redistribution of wealth in America's history. From the pockets of the poorest into the coffers of the richest.

In 4 years, the Reagan tax and budget changes will take $20 billion away from households with incomes of $10,000 and less and they will add $64 billion to the after-tax income of those making $80,000 a year and more.

Mr. Reagan may consider people in the $80,000 a year income moderate- or low-income taxpayers. The average taxpayer does not consider them such.

Mr. Reagan, himself, is reported to have saved $90,000 on his taxes last year because of the 1981 act.

Well, in this bill today, we finally say, "Enough." I do not think it is a cheap shot to refer to the effects of the 1981 tax cut upon those in Mr. Reagan's personal income range. I confess to my colleagues personally that it has meant money to me, it has meant a lower tax liability for me—and probably for all of us here in this Chamber today. But after all, let us face it. Are we the average taxpayers, are we typical of that average taxpayer for whom Mr. Reagan's heart purportedly bleeds? Why, of course we are not. We are not exactly typical of the people who must plow their hard earned money back into this economy if we are to have a percolate-up action that will start this economy moving again. Those are the people who deserve a tax cut, the low and moderate income taxpayers, not the people at the top of the economic pyramid.

So today, in passing this bill, we take a first step away from the dangerous precipice of trickle-down economics. We make a modest beginning on deficit reduction and we restore a modicum of fairness to the badly ravaged Code of Taxation. I ask you to join me in taking that step today.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except the following amendments, which shall not be subject to amendment:

First, the amendments recommended by the Committee on Ways and Means printed in the bill; and

Second, the amendment printed in the Congressional Record of June 22, 1983, by, and if offered by, Representative McCurdy, and said amendment shall be debatable for not to exceed 30 minutes, to be equally divided and controlled by Representative McCurdy and a Member opposed thereto.

The text of the bill, H.R. 1183, is as follows:

H.R. 1183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Rate Equity Act of 1983".

SEC. 2. LIMITATION ON REDUCTION IN INDIVIDUAL INCOME TAX.

(a) Joint Returns, Etc.—Paragraphs (2) and (3) of section 1(a) of the Internal Revenue Code of 1954 (relating to married individuals filing joint returns and surviving spouses) are amended to read as follows:

"(2) For taxable years beginning in 1983.—

"If taxable income is:	The tax is:
Not over $3,400	No tax.
Over $3,400 but not over $5,500.	11% of excess over $3,400.
Over $5,500 but not over $7,600.	$231, plus 13% of excess over $5,500.
Over $7,600 but not over $11,900.	$504, plus 15% of excess over $7,600.
Over $11,900 but not over $16,000.	$1,149, plus 17% of excess over $11,900.
Over $16,000 but not over $20,200.	$1,846, plus 19% of excess over $16,000.

"If taxable income is:	The tax is:
Over $20,200 but not over $24,600.	$2,644 plus 23% of excess over $20,200.
Over $24,600 but not over $29,900.	$3,656, plus 26% of excess over $24,600.
Over $29,900 but not over $35,200.	$5,034, plus 30% of excess over $29,900.
Over $35,200 but not over $45,800.	$6,624, plus 37% of excess over $35,200.
Over $45,800 but not over $60,000.	$10,546, plus 42% of excess over $45,800.
Over $60,000 but not over $85,600.	$16,510, plus 46% of excess over $60,000.
Over $85,600	$28,286, plus 50% of excess over $85,600.

"(3) For taxable years beginning after 1983.—

"If taxable income is:	The tax is:
Not over $3,400	No tax.
Over $3,400 but not over $5,500.	11% of excess over $3,400.
Over $5,500 but not over $7,600.	$231, plus 12% of excess over $5,500.
Over $7,600 but not over $11,900.	$483, plus 14% of excess over $7,600.
Over $11,900 but not over $16,000.	$1,085, plus 16% of excess over $11,900.
Over $16,000 but not over $20,200.	$1,741, plus 18% of excess over $16,000.
Over $20,200 but not over $24,600.	$2,497 plus 22% of excess over $20,200.
Over $24,600 but not over $29,900.	$3,465, plus 25% of excess over $24,600.
Over $29,900 but not over $35,200.	$4,790, plus 28% of excess over $29,900.
Over $35,200 but not over $45,800.	$6,274, plus 37% of excess over $35,200.
Over $45,800 but not over $60,000.	$10,196, plus 42% of excess over $45,800.
Over $60,000 but not over $85,600.	$16,160, plus 46% of excess over $60,000.
Over $85,600	$27,936, plus 50% of excess over $85,600."

(b) Head of Household.—Paragraphs (2) and (3) of section 1(b) of such Code (relating to heads of households) are amended to read as follows:

"(2) For taxable years beginning in 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $4,400.	11% of excess over $2,300.
Over $4,400 but not over $6,500.	$231, plus 13% of excess over $4,400.
Over $6,500 but not over $8,700.	$504, plus 15% of excess over $6,500.
Over $8,700 but not over $11,800.	$834, plus 18% of excess over $8,700.
Over $11,800 but not over $15,000.	$1,392, plus 19% of excess over $11,800.
Over $15,000 but not over $18,200.	$2,000, plus 21% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,672, plus 25% of excess over $18,200.
Over $23,500 but not over $28,800.	$3,997, plus 29% of excess over $23,500.
Over $28,800 but not over $34,100.	$5,534, plus 36% of excess over $28,800.
Over $34,100 but not over $44,700.	$7,442, plus 39% of excess over $34,100.
Over $44,700 but not over $60,600.	$11,576, plus 46% of excess over $44,700.
Over $60,600	$18,890, plus 50% of excess over $60,600

"(3) For taxable years beginning after 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $4,400.	11% of excess over $2,300.
Over $4,400 but not over $6,500.	$231, plus 12% of excess over $4,400.
Over $6,500 but not over $8,700.	$483, plus 14% of excess over $6,500.
Over $8,700 but not over $11,800.	$791, plus 17% of excess over $8,700.
Over $11,800 but not over $15,000.	$1,318, plus 18% of excess over $11,800.
Over $15,000 but not over $18,200.	$1,894, plus 20% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,534, plus 24% of excess over $18,200.
Over $23,500 but not over $28,800.	$3,898, plus 26% of excess over $23,500.
Over $28,800 but not over $34,100.	$5,290, plus 36% of excess over $28,800.
Over $34,100 but not over $44,700.	$7,198, plus 39% of excess over $34,100.
Over $44,700 but not over $60,600.	$11,332, plus 46% of excess over $44,700.
Over $60,600	$18,646, plus 50% of excess over $80,600."

(c) Unmarried Individuals.—Paragraphs (2) and (3) of section 1(c) of such Code (relating to certain unmarried individuals) are amended to read as follows:

"(2) For taxable years beginning in 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $3,400.	11% of excess over $2,300.
Over $3,400 but not over $4,400.	$121, plus 13% of excess over $3,400.
Over $4,400 but not over $8,500.	$251, plus 15% of excess over $4,400.
Over $8,500 but not over $10,800.	$866, plus 17% of excess over $8,500.
Over $10,800 but not over $12,900..	$1,257, plus 19% of excess over $10,800.
Over $12,900 but not over $15,000..	$1,656, plus 21% of excess over $12,900.
Over $15,000 but not over $18,200..	$2,097, plus 24% of excess over $15,000.
Over $18,200 but not over $23,500..	$2,865, plus 28% of excess over $18,200.
Over $23,500 but not over $28,800..	$4,349, plus 32% of excess over $23,500.
Over $28,800 but not over $34,100..	$6,045, plus 38% of excess over $28,800.
Over $34,100 but not over $41,500..	$8,059, plus 42% of excess over $34,100.
Over $41,500 but not over $55,300..	$11,167, plus 47% of excess over $41,500.
Over $55,300	$17,653, plus 50% of excess over $55,300.

"(3) For taxable years beginning after 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $3,400.	11% of excess over $2,300.
Over $3,400 but not over $4,400.	$121, plus 12% of excess over $3,400.
Over $4,400 but not over $6,500.	$241, plus 14% of excess over $4,400.
Over $6,500 but not over $8,500.	$535, plus 15% of excess over $6,500.
Over $8,500 but not over $10,800.	$835, plus 16% of excess over $8,500.
Over $10,800 but not over $12,900.	$1,203 plus 18% of excess over $10,800.
Over $12,900 but not over $15,000.	$1,581 plus 20% of excess over $12,900.
Over $15,000 but not over $18,200.	$2,001 plus 23% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,737 plus 26% of excess over $18,200.
Over $23,500 but not over $28,800.	$4,115 plus 30% of excess over $23,500.
Over $28,800 but not over $34,100.	$5,705 plus 38% of excess over 28,800.
Over $34,100 but not over $41,500.	$7,719 plus 42% of excess over 34,100.
Over $41,500 but not over $55,300.	$10,627 plus 47% of excess over $41,500.
Over $55,300	$17,313 plus 50% of excess over $55.300."

(d) Married Individuals Filing Separate Returns.—Paragraphs (2) and (3) of section 1(d) of such Code (relating to married individuals filing separate returns) are amended to read as follows:

"(2) For taxable years beginning in 1983.—

"If taxable income is:	The tax is:
Not over $1,700	No tax.
Over $1,700 but not over $2,750.	11% of excess over $1,700.
Over $2,700 but not over $3,800.	$115,50, plus 13% of excess over 2,750.
Over $3,800 but not over $5,950.	$252, plus 15% of excess over $3,800.
Over $5,950 but not over $8,000.	$574.50, plus 17% of excess over $5,950.
Over $8,000 but not over $10,100.	$923, plus 19% of excess over $8,000.
Over $10,100 but not over $12,300.	$1,322, plus 23% of excess over $10,100.
Over $12,300 but not over $14,950.	$1,828 plus 26% of excess over $10,100.
Over $14,950 but not over $17,600.	$2,517 plus 30% of excess over $14,950.
Over $17,600 but not over $22,900.	$3,312 plus 37% of excess over $17,600.
Over $22,900 but not over $30,000.	$5,273 plus 42% of excess over $22,900.
Over $300,000 but not over $42,800.	$8,255, plus 46% of excess over $30,000.
Over $42,800	$14,143 plus 50% of excess over $42,800.

"(3) For taxable years beginning after 1983.—

"If taxable income is:	The tax is:
Not over $1,700	No tax.
Over $1,700 but not over $2,750.	11% of excess over $1,700.
Over $2,750 but not over $3,800.	$115.50, plus 12% of excess over $2,750.
Over $3,800 but not over $5,950.	$241.50, plus 14% of excess over $3,800.
Over $5,950 but not over $8,000.	$542.50, plus 16% of excess over $5,950.
Over $8,000 but not over $10,100.	$870.50, plus 18% of excess over $8,000.
Over $10,100 but not over $12,300.	$1,248.50, plus 22% of excess over $10,100.
Over $12,300 but not over $14,950.	$1,732.50, plus 25% of excess over $12,300.
Over $14,950 but not over $17,600.	$2,395, plus 28% of excess over $14,950.
Over $17,600 but not over $22,900.	$3,137, plus 37% of excess over $17,600.
Over $22,900 but not over $30,000.	$5,098, plus 42% of excess over $22,900.
Over $30,000 but not over $42,800.	$8,080, plus 46% of excess over $30,000."
Over $42,800	$13,968, plus 50% of excess over $42,800."

(e) Estates and Trusts.—Paragraphs (2) and (3) of section 1(e) of such Code (relating to estates and trusts) are amended to read as follows:

"(2) For taxable years beginning in 1983.—

"If taxable income is:	The tax is:
Not over $1,050	11% of taxable income.
Over $1,050 but not over $2,100.	$115.50, plus 13% of excess over $1,050.
Over $2,100 but not over $4,250.	$252, plus 15% of excess over $2,100.
Over $4,250 but not over $6,300.	$574.50, plus 17% of excess over $4,250.
Over $6,300 but not over $8,400.	$923, plus 19% of excess over $6,300.
Over $8,400 but not over $10,600.	$1,322, plus 23% of excess over $8,000.
Over $10,600 but not over $13,250.	$1,828, plus 26% of excess over $10,600.
Over $13,250 but not over $15,900.	$2,517, plus 30% of excess over $13,250.
Over $15,900 but not over $21,200.	$3,312, plus 37% of excess over $15,900.
Over $21,200 but not over $28,300.	$5,273, plus 42% of excess over $21,200.
Over $28,300 but not over $41,100.	$8,255, plus 46% of excess over $28,300.
Over $41,100	$14,143, plus 50% of excess over $41,100.

"(3) For taxable years beginning after 1983.—

"If taxable income is:	The tax is:
Not over $1,050	11% of taxable income.
Over $1,050 but not over $2,100.	$115.50, plus 12% of excess over $1,050.
Over $2,100 but not over $4,250.	$241.50, plus 14% of excess over $2,100.
Over $4,250 but not over $6,300.	$542.50, plus 16% of excess over $4,250.
Over $6,300 but not over $8,400.	$870.50, plus 18% of excess over $6,300.
Over $8,400 but not over $10,600.	$1,248.50, plus 22% of excess over $8,000.
Over $10,600 but not over $13,250.	$1,732.50, plus 25% of excess over $10,600.
Over $13,250 but not over $15,900.	$2,395, plus 28% of excess over $13,250.
Over $15,900 but not over $21,200.	$3,137, plus 37% of excess over $15,900.
Over $21,200 but not over $28,300.	$5,098, plus 42% of excess over $21,200.
Over $28,300 but not over $41,100.	$8,080, plus 46% of excess over $28,300.
Over $41,100	$13,968, plus 50% of excess over $41,100."

(f) Technical Amendments.—

(1) Section 21 not to apply.—

(A) Subsection (d) of section 21 of such Code (relating to effect of changes) is amended by inserting ", section 2 of the Tax Rate Equity Act of 1983," after "Tax Act of 1981".

(B) The subsection heading for subsection (d) of section 21 of such Code is amended by inserting "or Tax Rate Equity Act of 1983" after "Tax Act of 1981".

(2) Withholding.—Paragraph (3) of section 3402(a) of such Code (relating to income tax collected at source) is amended by adding at the end thereof the following new sentence:

"Notwithstanding subparagraph (B), the Secretary shall take into account the amendments made by section 2 of the Tax Rate Equity Act of 1983."

(g) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1982.

(2) Withholding amendment.—The amendment made by paragraph (2) of subsection (f) shall apply to remuneration paid after June 30, 1983.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk proceeded to read the first committee amendment.

Mr. ROSTENKOWSKI (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc, and that they be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The committee amendments are as follows:

Committee amendments: On page 2, after line 5, insert the following:

SEC. 2. REVENUE GAINED FROM CAP TO BE USED TO REDUCE FEDERAL DEFICITS.

Whereas projected Federal deficits threaten to abort economic recovery for all Americans, and

Whereas the need to reduce these deficits is one of the paramount issues facing this Congress:

It is the sense of the Congress that—

(1) the revenue gained from a cap on the third year of the individual tax rate cut be applied to a reduction in Federal deficits, and

(2) the Budget Committees apply the revenue gained from such cap to reduce deficit projections.

Page 2, line 18, strike out "Sec. 2." and insert in lieu thereof "Sec. 3.".

Page 3, in the table immediately following line 2, strike out "$20,286" and insert in lieu thereof "$28,286".

Page 4, strike out line 1 and all that follows down through the end of the table preceding line 1 on page 5 and insert in lieu thereof the following:

(b) Head of Household.—Paragaphs (2) and (3) of section 1(b) of such Code (relating to heads of households) are amended to read as follows:

"(2) For taxable years beginning in 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $4,400.	11% of excess over $2,300.
Over $4,400 but not over $6,500.	$231, plus 13% of excess over $4,400.
Over $6,500 but not over $8,700.	$504, plus 15% of excess over $6,500.
Over $8,700 but not over $11,800.	$834, plus 18% of excess over $8,700.
Over $11,800 but not over $15,000.	$1,392, plus 19% of excess over $11,800.
Over $15,000 but not over $18,200.	$2,000, plus 21% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,672, plus 25% of excess over $18,200.
Over $23,500 but not over $28,800.	$3,997, plus 29% of excess over $23,500.
Over $28,800 but not over $30,000.	$5,534, plus 34% of excess over $28,800.
Over $30,000 but not over $34,100.	$5,942, plus 36% of excess over $30,000.
Over $34,100 but not over $44,700.	$7,418, plus 39% of excess over $34,100.
Over $44,700 but not over $60,000.	$11,552, plus 46% of excess over $44,700.
Over $60,000	$18,866, plus 50% of excess over $60,600.

"(3) For taxable years beginning after 1983.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $4,400.	11% of excess over $2,300.
Over $4,400 but not over $6,500.	$231, plus 12% of excess over $4,400.
Over $6,500 but not over $8,700.	$483, plus 14% of excess over $6,500.
Over $8,700 but not over $11,800.	$791, plus 17% of excess over $8,700.
Over $11,800 but not over $15,000.	$1,318, plus 18% of excess over $11,800.
Over $15,000 but not over $18,200.	$1,894, plus 20% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,534, plus 24% of excess over $18,200.
Over $23,500 but not over $28,800.	$3,806, plus 28% of excess over $23.500.
Over $28,800 but not over $30,000.	$5,290, plus 32% of excess over $28,800.
Over $30,000 but not over $34,100.	$5,674, plus 36% of excess over $30,000.
Over $34,100 but not over $44,700.	$7,150, plus 39% of excess over $34,100.
Over $44,700 but not over $60,600.	$11,284, plus 46% of excess over $44,700.
Over $60,600	$18,598, plus 50% of excess over $60,600."

Page 7, in the table immediate following line 7 of page 6, strike out "$10,627" and insert in lieu thereof "$10,827".

Page 7, in the table immediately following line 6—

(1) strike out "$2,700" and insert in lieu thereof "$2,750", and

(2) strike out "$10,100" in portion of the table setting forth the tax for taxable income over $12,300 but not over $14,950 and insert in lieu thereof "$12,300".

Page 9, in the table immediately preceding line 1, strike out "$8,000" and insert in lieu thereof "$8,400."

Page 9, in the table immediately following line 2, strike out "$8,000" and insert in lieu thereof "$8,400."

Page 10, line 1, strike out "section 2" and insert in lieu thereof "section 3."

Page 10, beginning in line 12, strike out "section 2" and insert in lieu thereof "section 3."

Page 10, after line 21, insert the following:

(3) Estimated tax.—No addition to the tax shall be made under section 6654 of the Internal Revenue Code of 1954 (relating to failure by individual to pay estimated income tax) with respect to any underpayment for a taxable year beginning during 1983 to the extent such underpayment was created or increased by the amendment made by this section.

The CHAIRMAN. The question is on the committee amendments.

The committeee amendments were agreed to.

AMENDMENT OFFERED BY MR. M'CURDY

Mr. McCURDY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is this the amendment made in order by the rule?

Mr. McCURDY. It is, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. McCurdy: Add the following new section at the end of the bill:

The changes in the individual income tax contained in this Act will be accompanied by a dollar-for-dollar reduction in outlays in fiscal year 1984, by an amount which is at least equal to the revenue projected to be collected from these changes in the individual income tax.

The CHAIRMAN. Under the rule, the gentleman from Oklahoma (Mr. McCurdy) will be recognized for 15 minutes.

Is the gentleman from New York (Mr. Conable) opposed to the amendment?

Mr. CONABLE. I am opposed to the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. Conable) will be recognized for 15 minutes in opposition.

Mr. McCURDY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe that my amendment is a step in the right direction. I believe it is necessary to keep the heat on. I believe it is a tool to enforce the budget and a tool to impose discipline.

Mr. Chairman, I am amazed at the reaction of my colleagues on the other side of the aisle, by their actions on the budget and their statements today on the taxes.

I have reached the point where I believe the Republicans in this body are beyond redemption. All we have heard today is a trial run on the 1984 campaign theme. Is it not amazing how shameless they are by now defending the concept that deficits are a good thing, that there is nothing wrong with an unbalanced budget, and deficits of $200 billion.

Treasury Secretary Regan said in May of 1983, "I will offer a prize to anyone who can show me the connec-

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tion between high interest rates and high deficits." For shame.

Is that what my Republican colleagues are saying to the folks back home?

In 1980, then candidate Ronald Reagan said:

> Mr. Carter is acting as if he had not been in charge for the past 3½ years. As if someone else ran up nearly $200 billion in red ink, as if someone else was responsible for the largest deficit in American history. And as if someone else was predicting a budget deficit for this fiscal year of $30 billion or more.

That was in 1980. Yet in 1983 President Reagan submitted a budget with nearly $200 billion in deficits. The President apparently sees more political advantage in disrupting congressional attempts to curb the deficit than in providing the leadership for a reasonable compromise.

Mr. Chairman, the Republicans in this administration have defaulted on the deficit question. The Reagan budget was not even offered in the House. Yet it appears that they want to use the budget when it is acceptable to them, but ignore it when they do not like it. They want to accept the credit, but shift the blame.

House Resolution 1183 is not an ideal vehicle for long overdue fiscal policy reforms. I am convinced, however, that the time has come to establish that tax increases must be linked to spending cuts if we are ever to reduce the looming deficits that threaten our Nation's future.

□ 1810

The Ways and Means bill already contains language in the preamble expressing the sense of the Congress that revenues should be applied to the deficit, and I can commend my colleague, the gentleman from North Dakota (Mr. DORGAN) for that preamble.

My amendment, however, doubles the deficit-cutting impact of the proposed cap. Let me read again the language of the amendment so that there is no mistake:

> The changes in the individual income tax contained in this Act will be accompanied by dollar-for-dollar reduction in outlays in fiscal year 1984 by an amount which is at least equal to the revenue projected to be collected by these changes in the individual income tax.

Mr. Chairman, there is no absolute guarantee that the reductions will be made, but I pledge my commitment to enforcing the provisions of this amendment. If my colleagues want to go home and continue to talk about controlling spending and reducing deficits, then I believe they should seriously consider this amendment.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman. I want to commend the gentleman for this amendment. We who do not like big deficits, if I understand your amendment, there is a possibility under your amendment, if adopted, that we could reduce the deficit by cutting back on outlay spending by $6 billion.

Mr. McCURDY. The gentleman is correct.

Mr. MONTGOMERY. It makes a lot of sense to me. I have been around here for years saying we have got to cut back on spending, and your amendment fits right in my philosophy. I commend the gentleman for his amendment.

Mr. McCURDY. I thank the gentleman for his support.

Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from Oklahoma (Mr. McCURDY) has 10 minutes remaining at this time.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I will yield to the gentleman for Oklahoma.

Mr. ENGLISH. I thank the gentleman for yielding.

Mr. Chairman, I, too, would like to join in commending the gentleman from Oklahoma for his very fine amendment. I think that it certainly makes a great deal of sense. It moves us in the right direction, and I think if we are indeed serious about reducing the deficits, then I think we can take not one small step, but one giant double step today.

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. I thank the gentleman for yielding this time to me.

Mr. Chairman, on the larger issue of the later vote, I think it is clear the earlier speeches made clear that no conservative can vote for a liberal Democratic tax increase; that despite the rhetoric of the gentleman from Texas, this strikes right at the heart of every conservative's constituency, at working couples, at small businesses, at small farms, at people who save.

But the issue we are discussing now, the proposed amendment, is a different sort of creature. Frankly, there was once an amendment that made some sense. It was offered several days ago by the gentleman from Oklahoma. It was a real amendment. It said we have to cut spending for real, and it listed a number, and it had enforceable provisions, and it went to the Committee on Rules. In the Committee on Rules, the liberal Democratic leadership gutted that amendment. They eviscerated it. They left it without force, without meaning, impotent.

This amendment in its current form has no power, no effect. It is the fig leaf amendment. It is designed to hide behind. It is the excuse Members can use who are afraid to go home and admit openly that they voted for a tax increase.

Once upon a time, a few days ago, there was a real amendment, but the problem with the real amendment, I say to my colleagues who really know better, is that the real amendment would have cut spending, that the real amendment would have forced the majority to decide on priorities, that the real amendment would have led, in fact, to a change in behavior. So the real amendment died, to be replaced with the skeleton, the shadow.

Once upon a time there was an amendment that had a straight, honest, open figure printed in law by which one could measure spending cuts. However, this amendment, in its current form, requires that we rely on the liberal leadership to measure whether or not in fact they have made spending cuts. In effect, in the Committee on Rules, the liberal leadership said, "Trust us. Go ahead and pass the tax increase, which is real and permanent and will be there, and trust us. We will do the best we can." And by the way, I think we can be guaranteed they would certify that they had made the spending cuts, period, because they want the money.

In effect, this amendment would be a loophole, an excuse. This amendment guarantees higher taxes while doing nothing to affect spending. While the original amendment had force, this one has none.

We have heard a lot of rhetoric today, but the discouraging thing is the degree to which this amendment will mislead and confuse the American people. All of us go home to districts in which people say, "Why is Congress a mess? Why does nothing good happen? Why is it so difficult to change things?" This amendment, I think, is a clear, classic example of the politician's art, of fuzzing everything up in such a way that nothing will change, the liberals will get their money, the people will lose money out of their wallets, the Government will grow bigger, but we will all have a good speech.

However, those who do not have the courage to stand openly and take people's money should not hide behind misleading, deceptive and unenforceable, gimmicks. Many liberal Democrats have learned to say the word "deficit." It was fascinating to have half the Democratic side applaud at the majority leader's reference to deficits. They say "deficit" as they walk over to vote for higher spending. They said "deficit" earlier today when they voted for a big spending, big taxing, big deficit budget. They said "deficit" as they vote to raise taxes.

The adoption of the word "deficit" by liberal Democrats is comparable to

the local whiskey dealer deciding he is really concerned about alcoholism and offering to buy everyone in town a drink to discuss it. It is, in fact, a political device to avoid the heat.

But the reality is that this amendment will not cut spending. It is a political excuse to hide from the real fight in this Congress, which is the fight to change fundamental behavior.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Colorado.

Mr. KRAMER. I thank the gentleman for yielding.

Mr. Chairman, I would like a clarification, if the gentleman has information, with respect to what we did last summer when we increased taxes by almost $100 billion and, in exchange therefor, agreed to reduce spending by $280 billion. It is my understanding we only really reduced that spending by $53 billion, although we were committed to reduce it by $280 billion. That leaves, by my rough calculation, $220 billion remaining.

Is this amendment an add-on to that commitment, or does it replace that commitment, or is it in lieu thereof?

Mr. GINGRICH. This amendment is worse than the commitment last summer, which failed by 6 to 1 to achieve its purpose. This amendment is worse and it is less enforceable.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Chairman, I voted for a budget last year that claimed $3 in budget cuts for every $1 in tax increases, and I voted for it because it was binding. It was in the budget. We ended up getting 57 cents in cuts for each dollar of taxes. We have an amendment here today that set out a baseline for cuts when it went to Rules. It said that we had to cut $6 billion below a baseline of $849.5 billion. But that baseline was struck from the amendment.

□ 1820

I find myself in a very difficult position. I see a sham that is about to be perpetrated for Members who want to vote for this tax increase but who want to hide from their constituents, Members who talk about deficits but who just voted to raise the deficit by $13 billion above Reagan's level and who have voted against every budget cut for the last 2 years.

I would like to cut spending by $6 billion, but if I vote for this, I am voting to perpetrate a sham that will allow Members to hide from their constituents, and as a result, I am going to vote no on this amendment because it is totally nonbinding and totally phoney. I call on my colleagues to do the same so Members can cast an honest vote around here for a change.

Do we want to raise taxes, or do we not? But let us not claim that we are going to cut spending when we just adopted a budget that raised the deficit by $13 billion. We are not going to go back and vote on that budget again. This amendment is totally meaningless, and it is total window dressing. Every Member of this body knows that, and I think we ought to be honest with the American people.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, I say to the gentleman, "Say it isn't so." I have told some of my friends across the aisle that I might support this, and I suddenly find myself fighting like a missionary being invited to a cannibal's barbeque.

There is no baseline. There is no baseline that is going to add more to the pot, and then the $6 billion would still come out.

Mr. GRAMM. Mr. Chairman, all the gentleman is doing is letting Members off the hook who do not have courage enought to vote for a tax increase they are being pressured to vote for.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman from Texas (Mr. GRAMM).

Mr. CONABLE. Mr. Chairman, may I ask the gentleman from Oklahoma (Mr. McCURDY) what his intention is with respect to the rest of the time?

We have several other speakers, and I want to have a reasonable arrangement here.

Mr. McCURDY of Oklahoma. Mr. Chairman, I will inform the gentleman that I have two additional requests for time, one for 1½ minutes, and then I will yield to the Speaker to conclude debate.

Mr. CONABLE. Mr. Chairman, I thank the gentleman.

Under those circumstances, Mr. Chairman, I now yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, this McCurdy amendment is a very interesting animal.

Yesterday the gentleman from Oklahoma (Mr. McCURDY) and I went to the Rules Committee, each requesting an amendment to be made in order. The McCurdy amendment would have reduced spending by $6 billion from the nonreserve fund budget number which we just approved of $849.5 billion of spending. My amendment would have reduced $12 billion from that number.

A funny thing happened in the Rules Committee. The Rules Committee almost treated the gentleman from Oklahoma as badly as it treated me. It simply rejected my amendment out of hand, but in the case of the McCurdy amendment it removed its private parts. With major surgery, it has left the McCurdy amendment an empty husk so that the maker of the amendment himself says there is no guarantee that reductions can be made.

So, Mr. Chairman, I say to the Members, "If you believe in the Great Pumpkin or the Tooth Fairy or the Speaker of the House, vote for the McCurdy amendment."

Mr. CONABLE. Mr. Chairman, I now yield 3 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, the gentleman from New York (Mr. GREEN) reminded us of something that is very important earlier today when he suggested that a $50,000 income in 1983 is the equivalent of about a $17,000 income in 1967. That shows the distortion that exists in our society as to who is wealthy and who is poor, or even what is the definition of such terms.

Now, there are two ways to make people equal. We can either make the rick poor or the poor rich. The whole purpose of the American dream, I thought, was to make the poor rich. To be rich is not un-American. But if we take away the opportunity to gain income, to get rewards for production, or to be able to get an incentive for savings or investment or entrepreneurial ability, we in effect will remove from this country not only the wealth of individuals but ultimately the wealth of our country. I do not suggest that to be rich is to just have more creature comforts, to be rich is to have freedom, and hope and opportunity—to be able to buy a home, send your children to college.

There is no way we can help the poor by making America poor, and when we have a too steeply graduated income tax system which only seeks to redistribute income as its sole goal, in effect we make everybody poorer and our Nation impoverished. In such a tax system the harder you work and the more income you produce, the higher your tax bracket. In America for the past 10 or 12 years, as the gentleman from New York (Mr. GREEN) pointed out, you did not need to even work harder or earn more income; you could have stood still and Congress would have inflated you into higher brackets and you might have ended up with a $50,000 income in 1983 with double or triple the tax rate you would have paid on $16,000 in 1967 even though purchasing power was falling.

Now we are saying that it is somehow unfair to reduce everybody's bracket across the board, but yet the very next speaker, our distinguished Speaker, was the one in 1964 who voted to cut tax rates across the board by about 25 or 30 percent. And indeed, if we go back to that debate in 1964, when they cut the tax rates from 91 down to 70 percent, an income of

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$400,000 would have received about a $100,000 tax cut over time.

Mr. Chairman, I ask Members to reject the idea of pitting the poor against the rich. I ask them to reject the idea of putting the American people and this debate into the terms of class warfare. We have cut the rates across the board. It seems to be obvious to most Americans that there is a stronger desire for income growth than for redistribution of income.

Mr. Chairman, I ask the Members to reject this amendment, reject the tax surtax bill, and help put the American dream back into this country for all people, rich or poor. Black or white, male or female——

Mr. McCURDY. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. Carper).

Mr. CARPER. Mr. Chairman, I rise in strong support of Mr. McCurdy's amendment. The Reagan administration's policy of borrow and borrow, spend and spend is as bankrupt as the Democrat's old policy of tax and tax, spend and spend.

The author of this amendment realizes this fact, and I thank him for his leadership in trying to insure that our efforts to reduce our deficits focus at least as much on spending restraint as on increasing revenues.

There are Democrats and Republicans who voted for the compromise budget resolution today who would have preferred, as I would, a resolution setting somewhat lower spending targets than we have adopted. Doubtlessly, some Democrats and Republicans opposed the resolution today because its spending targets were deemed by them to be too high.

By adopting the McCurdy amendment today we have an opportunity to either make a symbolic gesture that is largely window dressing, as some have suggested, or take the first in a series of steps to further reduce America's deficits, if we are truly serious about the intent of this amendment. I hope that we choose the latter course.

For those Members who are not really serious about making the tough decisions to find $6 billion in further spending cuts, I urge you to vote against this amendment and defeat it. For those Members who are serious, as Mr. McCurdy and I are, about moving this country closer to a policy of fiscal sanity, I urge you to support this amendment.

Mr. McCURDY. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. Moody).

Mr. MOODY. Mr. Chairman, why is it that our present colleagues on the Republican side of the aisle are squirming so hard at the McCurdy amendment? I ask that, particularly since they proposed almost an identical amendment in the Rules Committee, except for the 2-4-1 or 1-4-1, which is just a matter of magnitude, not a matter of character.

They are squirming so hard because it puts them in the position of voting against spending cuts. The only fig leaf they are holding out for is a baseline number. Other than that, they love the McCurdy amendment, so they tell us.

What does that baseline mean? What does this loss mean? Nothing. That baseline, Mr. Chairman, is based on a number of economic assumptions. That is not a single number. That is a moving number; it moves every day. It does not make any sense by itself.

This amendment is a strong amendment. It is a meaningful amendment. We are sending ourselves a message on the second budget go-around—and there will be one—that we have to go out and find $6 billion more to cut spending.

Mr. Chairman, this is a meaningful amendment, and I urge its adoption.

Mr. CONABLE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York (Mr. Conable) is recognized for 3 minutes.

Mr. CONABLE. Mr. Chairman, the Republicans, in the Rules Committee, did not offer a 2-for-1 amendment. They offered an amendment that called for no tax increases at all, but tried to cut spending, the only way we are going to get the deficit down.

Now, this whole operation is something of a craps game, but when the McCurdy amendment was subjected to surgery in the Rules Committee, it became a floating craps game with loaded dice.

We are not squirming about the McCurdy amendment. We just want to be sure that everybody in this Chamber understands what it really is. It is an opportunity for Members to try to fool somebody, but it is not a very good opportunity because it has no baseline figure. As presented to the Rules Committee, there was a baseline figure in it. But that figure was surgically removed, thus leaving the amendment totally without effect. The amendment still mentions spending cuts, but does not indicate from what point cuts would start.

The amendment is, after that surgery, fully impotent. It has no real meaning.

We just passed a budget that called for a substantial increase in spending and an increase in deficits. So let us not pretend for a minute that if we adopt the McCurdy amendment, there is going to be any turnaround here. In fact, all we are doing is perpetrating a flimflam. Everybody in this room knows it and I hope the American people will see through it.

□ 1830

The time has come to stand up and be counted. Are we really concerned about deficits or do we want to play games?

In fact, we are not going to get deficits under control by raising taxes. We have been doing that for a long, long time, and the deficit is bigger and bigger every year.

So, my friends, let us not pretend anything except that we are engaged in a political exercise here. The opportunity that faces us is once again to reaffirm the faith of the American people in this body and turn down a tax increase which we know will hit the middle class. Everybody in this room wants an excuse like the McCurdy amendment to try to hide behind, but fig leaves are not very good cover.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I thank the gentleman for yielding.

I support tax cuts, but if you call salami a pork chop, it is still salami. This is not a spending cut and I cannot vote for the amendment.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Louisiana.

Mr. MOORE. Mr. Chairman, does the gentleman intend that the House will, in fact, have an opportunity to vote on a real 2-for-1 cut in spending today?

Mr. CONABLE. It is something that we would like to have made in order. That is a possibility.

Mr. MOORE. Through a motion to recommit, I am thinking; does that intend to be offered?

Mr. CONABLE. That may be offered, yes.

Mr. McCURDY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Stenholm).

Mr. STENHOLM. Mr. Chairman, I rise in strong support of the sincere efforts of the gentleman from Oklahoma in the purpose for which the amendment was offered.

Mr. McCURDY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Coleman).

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the amendment offered by my colleague from Oklahoma, Mr. McCurdy. As a coauthor, I support this amendment because I have consistently told the constituents of the 16th District of Texas that I would come to Washington to both cut taxes and spending simultaneously. That is exactly what this amendment to H.R. 1183 would accomplish.

The opportunity for a national economic recovery is threatened today by everexpanding deficits. Those deficits, approximately $200 billion for fiscal year 1984, will stave off any chance our Nation has for such a recovery. By passing this bill, H.R. 1183, the Tax Rate Equity Act of 1983, $6.1 billion would be saved to offset deficit spending. Additionally, by adding this amendment, such revenue amounts would be matched by additional spending reductions.

This is a sound proposal; this is a fair proposal. By implementing the tax cap, we would not be raising taxes. On the contrary, we would still have a tax cut, but with a modification of the amount of tax reductions for those in the upper-middle and upper-income brackets. This is only fair since persons in those brackets affected have already received the majority of the first two legs of the Economic Recovery Tax Act of 1981. Those in the lower- and middle-income brackets will still receive their full tax cuts. Those in higher tax brackets will also receive a tax cut, not an increase as critics would have you believe, but a smaller tax cut than the Reagan administration wanted.

This amendment is in the spirit of bipartisan effort the President called for at the beginning of this Congress. This amendment would accomplish the goal I set out to accomplish in Washington—to reduce the Federal deficit. This goal will be accomplished by this amendment by cutting tax reductions as well as cutting Federal spending. We cannot continue to finance either tax cuts nor Federal spending with borrowed money. That is not fair to the American people, and I will not support programs that intend to do only one or the other.

Mr. McCURDY. Mr. Chairman, I urge passage of the amendment.

I yield the balance of my time to the distinguished Speaker of the House, the gentleman from Massachusetts (Mr. O'Neill).

Mr. O'NEILL. Mr. Chairman, I rise in support of the McCurdy amendment and the current legislation before us.

This has been a very interesting day. I have never heard the words "political exercise" used so many times and the words "political sham" used as many times as in the debate on both of these important bills. As you know, the budget passed here. It has gone to the Senate and with the aid of the Republican leader in the Senate, Mr. Baker, it has also passed the Senate.

So the Republicans in the Senate apparently did not think it was a political exercise and a political sham.

There has been so much talk about the word "politics." Politics is a part of the life of all of us. We are all in politics. There is a big difference between being in politics and the exercise of politics for sham. You do not manufacture issues. Issues are not manufactured in this body. They are created by the people, who on the first Tuesday of every other November go to the polls to vote in the Federal election. They are the ones who create the issues.

The issues in the last election were social security, unemployment, and the tax cut. Together they spelled one thing: fairness. Was there fairness in America?

What were the results of the poll on that day? We lost one Member of the House on this side of the aisle. You lost 27 on that side and the Democrats made a net gain of 26 seats, and it was because of the issue of fairness.

Two years ago, I stood here in this well and opposed the most severe cuts in social programs ever enacted by this body. Those cuts hurt a great number of people. They hurt the working poor. A million people had their AFDC payments either cut or eliminated altogether.

The cuts also hurt families of moderate income. A million college students were forced to accept major cuts in their guaranteed loans and other aids. About 3 percent fewer students are applying for college this year because of the action of the Congress last year.

Thirteen million children were faced with cuts in their school lunches.

Over 40 States were forced to cut their medicaid programs—affecting mothers and children and the elderly.

The sponsors of these cuts justified them on two grounds. First, they promised that the cuts would be fair. All Americans would be asked to sacrifice for the good of the country as a whole. Everyone would have a share of the burden.

Second, they told us that the cuts, harsh as they were, were a necessary way to cut the Federal deficits, a necessary way to bring Government borrowing under control. Cutting social programs would help bring about lower deficits.

Well, we gave the administration its day in court. That is one of the prerogatives of the Speaker, to be able to schedule. We did not hide or duck. The program came to the floor. The Congress adopted that program, the entire program. The social cuts went into effect and millions and millions of Americans soon felt the pain.

But what about the promises that were made? What about the promise that the burden would be shared equally? What about the promise of lower deficits?

Well, let us look at those promises for a moment. First, the promise of equity, the promise of basic fairness. The sad fact is that at the very moment that some Americans were asked to sacrifice, those at the top, those whom you are trying to protect today, were told that they could have it both ways. They could have a tax benefit. It would be good for them and it would be good for the country. They could have greater tax benefits at no cost to the Treasury and no pain to the economy as a whole.

This is not my personal assessment of what happened. This is not just a general public perception of what the Reagan program has done.

The Congressional Budget Office reports—now, this is the Congressional Budget Office—reports that the total effect of the administration's economic policy between 1982 and 1985—listen to this figure—is to take $20.1 billion away from people below $10,000 a year and it gives—it gives $64.6 billion in benefits to those who earn over $80,000 a year.

This massive and unfair shift in the wealth did not result from luck or accident or from mysterious economic forces. It was the result of legislation that was offered on the floor of this House and passed.

Unfortunately for the country, the sacrifices called for in 1981 have not meant lower deficits, but the highest deficits in history. Instead, we have had the highest deficits in history, deficits brought about as a direct result of three factors: the recession, the worst since the 1930's; the highest growth in military spending, and the greatest and most unfair cuts in taxes in the history of this country.

While we were cutting social spending in order to cut the deficit, we were raising the deficit through tax policy and through enormous spending by the Pentagon—to the point that the Director of the Office of Budget and Management has predicted $200-billion-a-year deficits as far as the eye can see.

Today we have an opportunity to address the unmet promises of the last 2 years, the promise of fairness and the promise of lower deficits.

First of all, let us talk about the matter of fairness. That is what last year's election was all about, fairness. Eighty-nine percent of the revenue raised in this bill will come from families with incomes of more than $50,000 a year.

Now, if you think otherwise, you are kidding yourselves, or you do not understand the legislation or you have been given faulty figures.

In other words, $9 out of every $10 raised by this cap will come from the top 5 percent of the people in America, the top 5 percent of the earners in America.

□ 1840

I cannot think of any other tax measure that has done a better job of putting the burden of Federal revenues on those with the greatest financial ability to be able to carry that

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burden. They have had it easy for the last 2 years and they should make the sacrifice and they should carry the burden.

Second, it will reduce the deficit by over $20 billion between now and 1986. It will raise this revenue by the fairest means possible, from those with the greatest ability to pay.

Last summer, the House faced a similar opportunity. We were sliding out of control through the worst economic crisis since the 1930's. Fortunately for the country the House acted. We passed a revenue bill, the Rostenkowski-Dole bill, a necessary and a fair revenue measure. Because we acted and showed resolve we convinced the Federal Reserve to loosen up the money supply and to add the monetary stimulus needed to trigger more investment.

This afternoon we face a similar situation. We have before us today a progressive and a fair tax bill that will place a greater part of the burden on those with the greatest resources.

In his budget, the President offered a different approach: The oil tax and an across-the-board surtax. While the President himself calls these "contingency" measures, his own budget assumes enactment of both of these regressive bills.

To me there is no doubt which approach is best for the middle class. The $700 cap takes $9 out of every $10 from the 5 percent at the top. Two-thirds of the administration's proposed tax bill would fall on those who make less than $50,000. That is what the President proposed. And three-quarters of the oil import tax would fall on those who earn less than $40,000 a year.

I urge you to vote for this bill. I urge you to vote for the McCurdy amendment.

Given the options, given the situations, it is by far the fairest thing to do. Most of all, it is a chance to inject a small, necessary dose of equity into the administration's program.

I urge the Members on both sides of the aisle to join me in this small step toward regaining fairness in this country.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. McCurdy).

RECORDED VOTE

Mr. McCURDY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 267, noes 155, not voting 10, as follows:

[Roll No. 216]

AYES—267

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Byron
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gray
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Markey
Matsui
Mavroules
McCloskey
McCurdy
McDonald
McEwen
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Roemer
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Snyder
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NOES—155

Archer
Badham
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Billey
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Frank
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Horton
Hunter
Hyde
Jeffords
Johnson
Kasich
Kemp
Kramer
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCollum
McDade
McGrath
McKernan
McKinney
Michel
Molinari
Moore
Moorhead
Morrison (WA)
Myers
O'Brien
Oxley
Packard
Parris
Pashayan
Paul
Petri
Porter
Pritchard
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Solomon
Spence
Stangeland
Studds
Stump
Sundquist
Tauke
Taylor
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—10

Erlenborn
Gore
Heftel
Jacobs
Leland
Martinez
Nielson
Rose
Smith, Robert
Thomas (CA)

□ 1900

The Clerk announced the following pairs:

On this vote:

Mr. Jacobs for, with Mr. Thomas of California against.

Mr. Heftel of Hawaii for, with Mr. Robert F. Smith against.

Mr. SCHUMER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HERTEL of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1183), to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981, pursuant to House Resolution 242, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. The Chair would like to thank the gentleman from

Michigan (Mr. HERTEL). The Chair believes that the gentleman did a marvelous job.

Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FRENZEL. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRENZEL moves to recommit the bill, H.R. 1183, to the Committee on Ways and Means with instructions to report the same back forthwith with the following amendment in the nature of a substitute:

On page 1, line 2, strike out ali after the enacting clause, and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Reduction Act of 1983."

SEC. 2. REDUCTIONS IN SPENDING.

Legislation shall be enacted before October 1, 1983, which, as certified by the Congressional Budget Office, will reduce outlays in fiscal year 1984 by an amount which achieves spending policy reductions equal to at least $12,000,000,000. For purposes of the preceding sentence, action shall be taken into account only to the extent it will reduce budget authority a sufficient amount to reduce outlays below $852,400,000,000 in fiscal year 1984.

The SPEAKER. The gentleman from Minnesota (Mr. FRENZEL) will be recognized for 5 minutes, and the gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, this is an amendment I tried to move in the Ways and Meams Committee where it was declared out for order. I tried to have it made in order in the Rules Committee, it was not, but now thanks to the adoption of the McCurdy amendment it is in order as a motion to recommit.

This amendment removes the tax increases and mandates a spending cut of $12 billion from the CBO baseline under the economic and technical assumptions agreed to by the conference committee on the budget.

This is not a one-for-one reduction. This is not a one-for-one reduction from no baseline. This is not a two-for-one reduction. This is a 12 to nothing reduction. There is no tax increases in this amendment. There is a $12 billion spending decrease and that decrease is from a known baseline. So that there is some guarantee that it can be achieved. This amendment provides you with a real choice for the first time. If you vote for the motion to recommit, you will vote down the tax increase and you will vote for real spending decreases.

If you do not and vote for the bill, you will have the simple tax increase and the never-never land reduction from no base whatsoever.

This amendment will save a very terrible bill and by voting for it you will be able to redeem yourself and the Congress in the eyes of the people of the United States, the taxpayers. By a single vote you can redeem yourself.

This amendment of mine takes those vital parts of the McCurdy amendment that were left on the floor in the Rules Committee, restores them to the bill and adds additional sinew and muscle to a reduction.

Mr. Speaker, this amendment is a substitute for the bill, the bill which does not have a cap, does not have fairness, does not have a deficit reduction and is not going to pass. But if you will vote for the motion to recommit you will have the clear choice of reducing spending by $12 billion and by seeing that there is no tax increase this year.

I urge my colleagues to vote for the motion to recommit and accept the choice that the taxpayers have thrust upon us, that is, not always try to solve our fiscal problems by raising taxes, but occasionally, once in a while, do a little spending cutting.

I would stress that there is no particular kind of spending that needs to be cut. It can be reduced from any portion of the budget.

Mr. Speaker, I give up. I got better attention up at the Budget Committee, where I was had. And I think by now the House understands the nature of my motion to recommit. It will be a real spending cut and no tax cut.

I urge the adoption of the motion to recommit.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in opposition to the motion to recommit.

The Members of the House should be made aware of the fact that the motion would only insert a directive with regard to spending, but would also delete the tax cap in its entirety.

I agree with the gentleman from Minnesota, my good friend, that we need to reduce spending as part of any effort. And I look forward to working with the gentleman from Minnesota in implementing as much of the budget resolution as possible in regard to both taxes and spending.

The language of the gentleman from Minnesota does nothing to reduce spending except expressing the hope or an expectation of what might follow.

If we want to reduce the deficit today, we should vote to support the tax cap and then get down to the serious business of working on spending cuts and revenue increases.

I urge a "no" vote on the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the nays appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 181, nays 241, not voting 10, as follows:

[Roll No. 217]

YEAS—181

Archer
Badham
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
English
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hunter
Hutto
Hyde
Ireland
Jeffords
Johnson
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Long (MD)
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Myers
O'Brien
Oxley
Packard
Parris
Pashayan
Paul
Petri
Porter
Pritchard
Pursell
Quillen
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—241

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio

VOL
129
PT
13
JE
23
—
30
1983
UMI

Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gray
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Howard
Hoyer
Hubbard
Huckaby
Hughes
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Reid
Richardson
Rodino
Roe
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Zablocki

NOT VOTING—10

Erlenborn
Gore
Heftel
Jacobs
Leland
Martinez
Nielson
Rose
Smith, Robert
Thomas (CA)

☐ 1920

The Clerk announced the following pairs:

On this vote:

Mr. Robert F. Smith for, with Mr. Heftel of Hawaii against.

Mr. Thomas of California for, with Mr. Jacobs against.

Mr. LONG of Maryland and Mr. LENT changed their votes from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. CONABLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 191, answered "present" 1, not voting 11, as follows:

[Roll No. 218]

YEAS—229

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Carper
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gray
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hefner
Hertel
Howard
Hoyer
Hubbard
Huckaby
Hughes
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin
Levine
Lloyd
Long (LA)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Matsui
Mavroules
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Rostenkowski
Rowland
Roybal
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Zablocki

NAYS—191

Applegate
Archer
Badham
Barnard
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Bosco
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Carr
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dickinson
Downey
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gibbons
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Loeffler
Long (MD)
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Myers
Natcher
O'Brien
Oxley
Packard
Parris
Pashayan
Patman
Paul
Petri
Porter
Pritchard
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Russo
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solomon
Spence
Stangeland
Stump
Sundquist
Tauke
Tauzin
Taylor
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Young (MO)
Zschau

ANSWERED "PRESENT"—1

Hall, Sam

NOT VOTING—11

Corcoran
Erlenborn
Gore
Heftel
Jacobs
Leland
Martinez
Nielson
Rose
Smith, Robert
Thomas (CA)

☐ 1940

The Clerk announced the following pairs:

On this vote:

Mr. Jacobs for, with Mr. Thomas of California against.

Mr. Gore for, with Mr. Erlenborn against.

Mr. Leland for, Mr. Sam B. Hall, Jr., against.

Mr. Heftel of Hawaii for, with Mr. Robert F. Smith against.

Mr. YOUNG of Alaska changed his vote from "yea" to "nay."

Mr. SAM B. HALL, JR. Mr. Speaker, I have a live pair with the gentleman from Texas (Mr. Leland). If he were present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. SAM B. HALL, JR., changed his vote from "nay" to "present."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1183.

The SPEAKER pro tempore (Mr. Wright). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, I was not present during the consideration of H.R. 1492, the bill to establish the Christopher Columbus Quincentennary Jubilee Commission. Official business required my presence in New Jersey. I take this occasion to lend my support to the creation of such an organization, in celebration of the 500th anniversary of the discovery of America.

It is particularly fitting, I think, that we plan to honor the explorer who defied conventional wisdom and those who would set limits on his world at a time when our contemporary Explorer has just left our solar system for worlds beyond. It is appropriate that we plan to celebrate the victory of a man who refused to believe that the world was flat at a time when the *Challenger* shuttle circles our globe far above the oceans which Columbus sailed.

The accomplishments of today are the result of the same courage, the same creativity and the same conviction exemplified by Christopher Columbus.

The Quincentennary Jubilee does not just honor Christopher Columbus' discovery of America. It embodies our own respect and reverence for all who rise to meet the challenges—and so by doing—discover new worlds.

APPOINTMENT OF CONFEREES ON H.R. 3135, LEGISLATIVE BRANCH APPROPRIATIONS, 1984

Mr. OBEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin? The Chair hears none and, without objection, appoints the following conferees: Messrs. Fazio, Obey, Murtha, Traxler, Mrs. Boggs, and Messrs. Hightower, Whitten, Lewis of California, Conte, Myers, and Porter.

There was no objection.

CONFERENCE REPORT ON S. 273, EXTENSION OF 8(A) PILOT PROGRAMS

Mr. MITCHELL submitted the following conference report and statement on the Senate bill (S. 273) to amend section 8(a)(1) of the Small Business Act:

Conference Report (H. Rept. No. 98-262)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 273) to amend section 8(a)(1) of the Small Business Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

Sec. 1. (a) Clause (B) of the first sentence of section 8(a)(1) of the Small Business Act is amended by striking out ", as shall be designated by the president within 60 days after the effective date of this paragraph," and inserting in lieu thereof "(other than the Department of Defense or any component thereof) as shall be designated by the President,"; and

(b) The designation of an agency pursuant to the amendment made by subsection (a) shall be made not later than sixty days after the date of enactment of this Act.

Sec. 2. The last sentence of section 8(a)(1) of the Small Business Act is amended to read as follows: "No contract may be entered into under subparagraph (B) prior to October 1, 1983 nor after September 30, 1985.".

Sec. 3. The last sentence of section 8(a)(2) is amended to read as follows: "The authority to waive bonds provided in this paragraph (2) may not be exercised prior to October 1, 1983 nor after September 30, 1985.".

Amend the title so as to read: "An Act to amend section 8(a) of the Small Business Act.".

And the House agree to the same.

Parren J. Mitchell.
Neal Smith.
Joseph P. Addabbo.
Ron Wyden.
Dennis E. Eckart.
Tom Luken.
Joseph M. McDade.
Silvio O. Conte.
Wm. Broomfield.
Lyle Williams.
Managers on the Part of the House.

Lowell P. Weicker, Jr.
Rudy Boschwitz.
Larry Pressler.
Sam Nunn.
Carl Levin.
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 273) to amend section 8(a)(1) of the Small Business Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The principle differences among the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. 8(a) PROCUREMENT PILOT

P.L. 95-507 authorized an 8(a) pilot program which expired September 30, 1980. Under the provisions of the pilot, the President was authorized to select one agency over whom SBA would be given the authority to take procurement contracts for inclusion in SBA's 8(a) program for the development of minority enterprise. The President selected the Department of the Army.

The Senate bill would reopen the pilot program and require the President to select a new agency, other than the Defense Department or a component thereof, within sixty days. The pilot program would expire twenty months after enactment (sixty days for the President to act plus eighteen months for the pilot to operate).

The House amendment also would reopen this pilot program on October 1, 1983 for a period of two years, but would not restrict the authority of the President as to the agency to be selected nor would it require the selection to be done within any particular time frame.

The conference substitute reopens this pilot program on October 1, 1983 and requires the President, within sixty days after enactment, to select a new agency, other than the Defense Department or a component thereof, to participate in the program. The pilot is effective through September 30, 1985.

2. SURETY BOND PILOT

P.L. 95-507 also authorized a surety bond pilot program which expired September 30, 1980. Under this pilot, SBA was authorized to waive surety bond requirements for 8(a) contractors which are start-up concerns and which have not been participating in the 8(a) program for more than one year. It took SBA more than two years to adopt final regulations. The Agency never granted any waivers.

The Senate bill does not reopen this pilot program.

The House amendment, effective on October 1, 1983, would reopen this pilot program through September 30, 1985.

The conference substitute also reopens this pilot program on October 1, 1983 through September 30, 1985.

The conferees recognize that by its terms the use of this authority will be limited under the eligibility requirements. Under the statute, before any bond requirement is waived, the Administration must determine, among other things, that the 8(a) small business concern is unable to obtain the requisite bond either from a surety company or by using the Administration's guarantee program. Furthermore, the Administration must determine that the contractor has the ability to perform the contract.

On the other hand, the conferees expect that the Administration will take the necessary steps to implement this pilot program and not take any action which would unnecessarily limit potential eligible participants by excluding from entrance into the regular 8(a) program firms which might be eligible for a bond waiver if admitted to the program.

Parren J. Mitchell,
Neal Smith,
Joseph P. Addabbo,
Ron Wyden,
Dennis E. Eckart,
Tom Luken,
Joseph M. McDade,
Silvio O. Conte,
William S. Broomfield,
Lyle William,
Managers on the Part of the House.
Lowell P. Weicker. Jr,
Rudy Boschwitz,
Larry Pressler,
Sam Nunn,
Carl Levin,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 272, COMMERCE BUSINESS DAILY

Mr. **MITCHELL** submitted the following conference report and statement on the Senate bill (S. 272) to improve small business access to Federal procurement information:

Conference Report (H. Rept. No. 98-263)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 272) to improve small business access to Federal procurement information, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"(a) Section 8(e) of the Small Business Act is amended to read as follows:

"(e)(1) It shall be the duty of the Secretary of Commerce, and the Secretary is hereby empowered, to obtain notice of all proposed competitive and noncompetitive civilian and defense procurement actions of $10,000 and above from any Federal department, establishment or agency (hereinafter in this subsection referred to as 'department') engaged in procurement of property, supplies, and services in the United States; and to publicize such notices in the daily publication Commerce Business Daily, immediately after the necessity for the procurement is established: *Provided*, That nothing in this paragraph shall require publication of such notices with respect to those procurements in which it is determined on a case-by-case basis that (A) the procurement for security reasons is of a classified nature; (B) the Federal department's need for the property, supplies, or services is of such unusual and compelling urgency that the Government would be seriously injured if the time periods provided for in paragraph 2 were complied with; (C) a foreign government reimburses the Federal department for the cost of the procurement of the property, supplies, or services for such government and only one source is available, or the terms of an international agreement or treaty between the United States and a foreign government authorize or require that all such procurement shall be from sources specified within such international agreement or treaty; (D) a statute provides that the procurement be made through another Federal department or from a specified source; (E) the procurement is for utility services and only one source is available; (F) the procurement is made against an order placed under a requirement or similar contract, including orders for perishable subsistence supplies; (G) the procurement results from acceptance of a proposal pursuant to the Small Business Innovation Development Act of 1982 or an unsolicited proposal from an educational institution that demonstrates a unique or innovative research concept and publication of such unsolicited proposal would improperly disclose the originality of thought or innovativeness of the proposed research; or (H) it is determined in writing by the head of the Federal department, with the concurrence of the Administrator, that advance notice is not appropriate or reasonable.

"(2) Whenever a Federal department is required to publish notice of procurement actions pursuant to paragraph (1) of this subsection, such department shall not—

"(A) issue a solicitation until at least fifteen days have elapsed from the date of publication of a proper notice of the action in the Commerce Business Daily, except if the solicitation is for procurement of requirements categorized as research or development effort, in which case until at least thirty days have elapsed from the date of such publication;

"(B) foreclose competition until at least thirty days have elapsed from either (i) the date of issuance of the solicitation, or (ii) in the case of orders under a basic agreement, basic ordering agreement, or similar arrangement, the date of publication of a proper notice of intent to place the order; or

"(C) commence negotiations for the award of a sole source contract until at least thirty days have elapsed from the date of publication of a proper notice of intent to contract: *Provided*, That nothing in this subparagraph shall prohibit an officer or employee of a Federal department from responding to a request for information.

"(3) Whenever notice is required by paragraph (1), such notice shall include—

"(A) a clear description of the property, supplies, or services to be contracted for, which description is not unnecessarily restrictive of competition;

"(B) the name, address and telephone number of the officer or employee of the Federal department who may be contacted for the purpose of obtaining a copy of either the solicitation or, if the notice is for an intent to contract on a sole source basis, such specification and information as practicable regarding the service or performance to be awarded; and

"(C) solely with respect to notice of intent to contract on a sole source basis, a statement that interested persons are invited to identify their interest and capability to respond to such requirement, or to submit proposals in response to such notice, within the stated period of time provided under paragraph (2).

"(4) Notwithstanding any other provision of law, unless the negotiations would be conducted pursuant to this section or section 9 of this Act, a Federal department may not commence negotiations for the award of a sole source contract for more than $1,000,000 in fiscal year 1984, for more than $500,000 in fiscal year 1985 and for more than $300,000 in fiscal year 1986 and each year thereafter unless—

"(A) the head of the procuring activity or his deputy, on a non-delegable basis, has approved the authority to enter into such contract, and

"(B) the contracting officer for such sole source contract has evaluated the responses to the notice of procurement action required in subparagraph (3)(C):

Provided, That nothing in this subparagraph shall prohibit an officer or employee of a Federal department from responding to a request for information.

"(5) In the case of all procurement actions in excess of $25,000 in which the award of a contract is likely to result in the award of subcontracts under such contract, unless the procurement for security reasons is of a classified nature, the Federal department shall promptly furnish for publication by the Secretary of Commerce a notice announcing the award in the Commerce Business Daily.

"(6) As used in this subsection—

"(A) the term 'sole source contract' means a contract for the purchase of property, supplies or services which is entered into or proposed to be entered into by a Federal department after soliciting and negotiating with only one source.

"(B) The term 'unsolicited proposal' means a proposal that is submitted to a Federal department on the initiative of the submitter for the purpose of obtaining a contract with the United States Government, and which is not in response to a formal or informal request (other than a departmental request constituting a publicized general statement of need in areas of science and technology-based research and development that are of interests to the department).".

(b)(1) Except as to the amendments made to section 8(e)(4) of the Small Business Act as added by section (a) of this Act, the amendments made by this Act shall apply to procurement actions initiated ninety days after the date of enactment of this Act.

(2) The amendments made to section 8(e)(4) of the Small Business Act as added by section (a) of this Act shall apply to procurement actions initiated on or after October 1, 1983.

(3) The provisions of this Act shall apply to the Tennessee Valley Authority only with respect to procurements to be paid from appropriated funds.

And the House agree to the same.

Parren J. Mitchell,
Neal Smith,
Joseph P. Addabbo,
Ron Wyden,
Dennis E. Eckart,
Tom Luken,
Joseph M. McDade,
Silvio O. Conte,
William S. Broomfield,
Lyle Williams,
Managers on the Part of the House.
Lowell P. Weicker, Jr.,
Rudy Boschwitz,
Larry Pressler,
Sam Nunn,
Carl Levin,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 272) to improve small business access to Federal procurement information, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The principal differences among the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Under section 8(e) of the Small Business Act, the Secretary of Commerce is directed to obtain and publish notice of Federal procurements above stated dollar thresholds, with ten enumerated exemptions. The existing statute does not, however, provide for any time intervals between the date of publication of the notice and the awarding of the procurement contract. Both the Senate bill and the House amendment prohibit a Federal department from issuing a solicitation for at least fifteen days after the date of publication of a notice of the procurement in the *Commerce Business Daily* and further prohibit Federal agencies from foreclosing competition for the procurement for an additional thirty days after either the issuance of the solicitation or in the case of orders under a basic agreement, basic ordering agreement, or similar arrangement, the date of publication of a notice of intent to place the order.

The conferees intend that this authority to publish notices of Federal procurements should continue to be vested in the Secretary of Commerce, or in any newly-created cabinet department that encompasses the trade functions of the Commerce Department. The conferees further expect that any other effort to transfer this authority from the department will be undertaken legislatively.

1. THRESHOLD AMOUNT

Under existing law the publication provisions apply to defense contracts of $10,000 and above and civilian contracts of $5,000 and above.

The Senate bill increases the threshold amount on civilian contracts to $10,000.

The House amendment has no similar provision.

The conference substitute increases the threshold amount on civilian contracts to $10,000.

2. EXEMPTION FOR CLASSIFIED REASONS

Under existing law there is an exemption from publication of procurements which for security reasons are of a classified nature.

The Senate bill re-worded the exemption to apply to procurements whose disclosure to more than one source would compromise national security.

The House amendment contains no similar provision.

The conference substitute retains the existing law language.

3. EXEMPTION FOR FOREIGN GOVERNMENTS

Under existing law there is an exemption from publication of procurements in which only foreign sources are to be solicited.

The Senate bill exempts from publication procurements in which a foreign government is reimbursing the United States for the cost of the procurement or if the terms of an international agreement or treaty require that the procurement be from specified sources.

The House amendment contains no comparable provision.

The conference substitute exempts from publication those procurements in which a foreign government is reimbursing the United States for the cost of the procurement and only one source is available, or if the terms of an international agreement or treaty authorize or require that the procurement be from specified sources.

4. EXEMPTION FOR CONTRACTS WITH OTHER AGENCIES

Under existing law there is an exemption from publication for those procurements which are made from another government department or agency, or a mandatory source of supply.

The Senate bill provides an exemption for procurements if a statute provides that it be made through another Federal department, establishment, or agency or from a specified source.

The House amendment contains no comparable provision.

The conference substitute exempts from publication those procurements for which a statute provides that they be made through another Federal department or from a specified source, or if the procurement results from acceptance of a proposal pursuant to the Small Business Innovation Development Act of 1982.

5. EXEMPTION FOR UTILITY SERVICES

Under existing law there is an exemption from publication of procurements which are for utility services and the procuring agency in accordance with applicable law has predetermined the utility concern to whom the award will be made.

The Senate bill eliminates this exemption.

The House amendment contains no comparable provision.

The conference substitute exempts from publication those procurements which are for utility services if only one source is available.

The conferees recognize that some utility services, such as telephone requirements, can, and should be, competed. However, in other instances, the conferees recognize that competition is impossible due to a monopoly on utility services in a given area, so that a requirement to advertise the procurement would be meaningless. Procurements in this category may include, but are not limited to, electrical services and water supply.

6. EXEMPTION FOR ORDERS UNDER EXISTING CONTRACTS

Under existing law there is an exemption from publication of procurements which are made by an order placed under an existing contract. There is also an exemption for procurements which involve perishable subsistence supplies.

The Senate bill eliminates both exemptions.

The House amendment contains no comparable provision.

The conference substitute exempts from publication those procurements which are made against an order placed under a requirements or similar contract, including orders for perishable subsistence supplies.

The conferees intend that this exemption be used in cases where an agency places an order against an existing contract or a requirements contract. Unless one of the other exemptions from publication applies to the initial, underlying contract, the conferees intend that this original contract only will be synopsized.

The conferees recognize that orders for perishable goods are often made against existing requirements contracts. Under this provision, all such orders for perishables would be exempted from the notice provisions in this law. However, the conferees do intend that whenever possible, and absent any other statutory exemptions, the contract itself, which is certainly not perishable, shall be subject to the notice provisions in this Act.

7. EXEMPTION FOR PERSONAL SERVICES

Under existing law there is an exemption from publication of procurements which are for personal or professional services.

The Senate bill eliminates this exemption.

The House amendment contains no comparable provision.

The conference substitute retains the Senate provision and eliminates the exemption from publication of procurements which are for personal or professional services.

8. EXEMPTION FOR EDUCATIONAL INSTITUTIONS

Under existing law there is an exemption from publication of procurements which are for services from educational institutions.

The Senate bill eliminates this exemption.

The House amendment contains no comparable provision.

The conference substitute exempts from publication those procurements which are for services from educational institutions if they result from an unsolicited proposal from those institutions that demonstrates a unique or innovative research concept and publication of such unsolicited proposal would improperly disclose the originality of thought or innovativeness of the proposed research. For all such other unsolicited proposals, the conferees expect that the procuring department will use its utmost discretion to protect the originality and creativeness of the proposal when the agency is required to synopsize the procurement in the *Commerce Business Daily*.

9. NEGOTIATIONS FOR SOLE SOURCE CONTRACTS

The Senate bill provides that if notice of the procurement action for a sole source contract must be published, the agency cannot commence negotiations for the award of such a contract until at least thirty days have elapsed from the date of

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publication of proper notice of intent to contract.

The House amendment contains no comparable provision.

The conference substitute provides that if notice of the procurement action for a sole source contract must be published, the department cannot commence negotiations for the award of such a contract until at least thirty days have elapsed from the date of publication of proper notice of intent to contract, but that the department specifically is authorized to respond to requests for information during the thirty-day time period.

10. CONTENT OF NOTICE

The Senate bill specifies that the notice required to be published include a description of the subject matter of the contract, the name and address of the Federal employee who may be contacted to obtain a copy of the contract solicitation or other information, and a statement that any person may respond or submit a bid, proposal or quotation.

The House amendment contains no comparable provision.

The conference substitute requires that the notice contain a clear description of the subject matter of the contract; the name, address and telephone number of the Federal employee who may be contacted to obtain a copy of the solicitation or additional information, and, with respect to sole source contracts, a statement that interested persons are invited to identify their interest and capability or to submit timely proposals.

11. SOLE SOURCE CONTRACTS

The Senate bill prohibits a procuring activity from commencing negotiations for sole source contracts for more than $100,000 unless the head of the procuring activity has approved the proposal to negotiate and the procuring activity has considered all responses to the procurement action, or unless the negotiation is for an 8(a) contract or an award pursuant to the Small Business Innovation Development Act of 1982.

The House amendment contains no similar provision.

The conference substitute imposes a prohibition against Federal departments commencing negotiations for sole source contracts (except under the 8(a) and Small Business Innovation Research programs) above a threshold amount unless the head of the procuring activity or his deputy, on a non-delegable basis, has approved the authority to enter into such contract and the contracting officer has considered the responses to the notice of procurement action. Federal departments specifically are authorized, however, to respond to request for information.

The conference report provides for a three-year phase in of the dollar threshold at which these provisions will apply. Under the terms of the conference agreement, in fiscal year 1984 the requirements will be imposed on procurement actions in excess of $1 million; in fiscal year 1985 the level will be reduced to $500,000; and in fiscal year 1986 and each year thereafter the level will be $300,000. The conference will carefully monitor all agencies' compliance with the review of the authority to enter into sole source awards, and will consider a further reduction in the threshold level to $100,000.

12. NOTICE OF SUBCONTRACTING OPPORTUNITIES

The Senate bill requires that in all procurement actions in excess of $10,000 in which the award of subcontracts is likely, the Federal department entering the contract shall submit for publication in the *Commerce Business Daily* a notice announcing the award of the prime contract.

The House amendment contains no comparable provision.

The conference substitute requires that in all procurement actions in excess of $25,000 in which the award of subcontracts is likely, the Federal department entering the contract shall submit for publication in the *Commerce Business Daily* a notice announcing the award of the prime contract.

13. TVA EXEMPTION

The *Senate bill* provides that this act shall apply to the Tennessee Valley Authority only to the extent it deems practicable, consistent with the purposes and conduct of its programs and the policies of the Small Business Act.

The House amendment contains no comparable provision.

The conference substitute provides that this Act shall apply to the TVA only with respect to procurements to be paid from appropriated funds.

While the conference report will apply the provisions of this Act, as appropriate, to the Tennessee Valley Authority only for those procurements derived from appropriated funds made available to TVA, conferees expect TVA to voluntarily comply with the provisions of this Act to the greatest extent possible for procurements to be paid from power program funds, as well. In a manner consistent with the policies of the Small Business Act and the TVA's responsibility for the operation of its power programs, the conferees further expect TVA to continue awarding a substantial portion of its procurement contracts to small business, regardless of the source of the procurement funds, and to take appropriate additional action, as necessary, to increase small business awareness of, and participation in, TVA's total procurement effort.

14. EFFECTIVE DATE

The Senate bill is effective as to procurement actions initiated forty-five days after the date of enactment.

The House amendment is effective upon enactment.

The conference substitute makes the Act applicable to procurement actions initiated ninety days after the date of enactment except as to the restrictions on sole source contracts which are effective October 1, 1983.

Parren J. Mitchell,
Neal Smith,
Joseph P. Addabbo,
Ron Wyden,
Dennis E. Eckart,
Tom Luken,
Joseph M. McDade,
Silvio O. Conte,
William S. Broomfield,
Lyle Williams,
Managers on the Part of the House.

Lowell P. Weicker, Jr.,
Rudy Boschwitz,
Larry Pressler,
Sam Nunn,
Carl Levin,
Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATION, 1984

Mr. BEVILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Conte moves that the Managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3132, be instructed to insist on the House position on the Garrison Diversion Unit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. Conte) will be recognized for 1 hour.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I want to apologize to the House that this matter is being brought up at this hour. I had asked the chairman of the committee whether we could take this up Tuesday morning, and appoint conferees and go to conference then.

Believe me, there is nothing in this bill that is urgent. Unfortunately, the Chairman would rather bring it up tonight; and that is the prerogative of the majority.

I know how you feel about being here tonight, but how do you think I feel?

I was supposed to receive the Man of Vision Award from the Friends of Eye Research this evening, and here I am in the well.

But I do not want any of my colleagues to think that I brought this late session about.

Mr. Speaker, I rise in support of my motion to instruct conferees on the energy and water appropriations bill to insist on the House position with regard to the Garrison diversion unit in North Dakota.

Mr. Speaker, as it passed the House the energy and water bill contained no funding for this project. As I noted in my previous floor remarks, this was appropriate in light of the House's overwhelming vote last December to eliminate funding for this project. The Senate, however, has included $22.3 million for this project.

Mr. Speaker, I am offering this motion in order to place the House on record once again in opposition to the Garrison project. All of the problems with this project that existed last December, when we voted 252 to 152 to eliminate the Garrison project still exist.

The project is still economically unsound. The project's costs have escalated fivefold from its authorized $207 million—now hear this—to over $1 billion, which involves a subsidy of approximately $800,000 per irrigation project farm. The project will irrigate only six-tenths of 1 percent of the agricultural land in North Dakota, and will encourage the production of additional crops that are already in surplus.

Let us look at that issue for a moment. The biggest argument for this project is that it is necessary in order to provide irrigation water to permit current dry farmers to grow crops that require irrigation. Yet at the same time the Federal Government is going to be paying billions of dollars to store crops that are in surplus, and, under the payment in kind (PIK) program, to provide crops at Federal expense to farmers who have taken their land out of production.

Mr. Speaker, can it possibly make sense to pay over a billion dollars to complete a massive irrigation project, and then turn right around and pay more Federal money to pay these irrigated farmers not to grow additional crops?

Mr. Speaker, not only does this project not make economic sense, but it would be an environmental disaster. The Garrison project will destroy or degrade 12 congressionally authorized national wildlife refuges—Ducks Unlimited is dead against this project—and an additional 70,000 acres of prime prairie wetlands—vitally important to the survival and breeding of waterfowl that annually migrate between Canada and the United States. Indeed, continued construction of the authorized project would result in the annual destruction of between 175,000 and 350,000 ducks.

There is no adequate wildlife mitigation plan in effect. The most recently proposed plan has major deficiencies, including no provision for obtaining mitigation land except from willing sellers. As my colleagues know, it is often necessary to use the power of eminent domain in order to provide adequate resources of a project of this scope, but this would not be permitted under the proposed mitigation plan. Construction should not continue until there are assurances that mitigation will be adequate.

Finally, Mr. Speaker, there are serious international problems with this project. The completion of this project would violate the 1909 Boundary Waters Treaty between the United States and Canada. Project irrigation would pollute rivers that flow from the United States into Canada, and project waterways will allow the transfer of rough fish into the Canadian watershed, with disastrous results for commercial, sport, and native people's fisheries in the Province of Manitoba.

Mr. Speaker, in response to Canadian objections the project is being constructed in phases, with phase 1 supposedly designed to avoid the transfer of water into the Canadian watershed.

But it is important to recognize that because of Canadian objections, phase 1 may be all that is built. We need to recognize, therefore, that phase 1 is a substantial project in its own right, and not go ahead with phase 1 unless those project features can stand alone.

This is not the case. Phase 1 involves the construction of all project reservoirs and pumping plants and 67 percent of the project's canals, but will irrigate only about one-third of the original acreage.

□ 1950

In other words, phase 1 involves spending about 60 percent of the cost of the original project to irrigate about 34 percent of the land. The cost of phase 1, whether calculated at either the authorized 3.1-percent discount rate or today's higher discount rate, significantly exceeds the benefits to be derived.

Furthermore, phase 1 involves the construction of project features that are needed only if the entire project is going to be built.

The Lonetree Reservoir is one such feature. Lonetree is needed to service irrigation units in the Hudson Bay watershed, and those units are not a part of phase 1.

If the entire project cannot be built because of the international or other considerations, then the proper course of action would be to downsize or modify features of phase 1 to reflect this possibility or to proceed with alternative project features.

Mr. Speaker, this is not a partisan issue, this is a good government issue. This is a question of whether we are going to spend over a billion dollars of the taxpayers' money on a project that is going to provide excessive subsidies to a very small group of people. This is a question of whether we will spend over a billion dollars on a project that will destroy nearly as much good agricultural land as it will irrigate. This is a question of whether to spend over a billion dollars to destroy some of the best migratory bird breeding ground in this country.

Mr. Speaker, today the House was considering legislation to increase taxes, legislation drafted in response to a Federal deficit that still threatens to approach $200 billion.

Perhaps it is appropriate that the day we decide whether to raise taxes we also decide whether we proceed with additional funds for the Garrison diversion project.

Mr. Speaker, can you imagine the headlines in tomorrow's papers: "Congressman X Votes To Raise Taxes, Supports Billion Dollar Boondoggle." It is not a pretty picture, is it?

Mr. Speaker, this project is a blot on the record of the Congress and the House. Finally, Mr. Speaker, let me tell my colleagues something about this vote. I know that the gentleman from North Dakota has pleaded for this project with all of my colleagues, on an individual basis, and has said that this is only a procedural vote.

Let me explain why this is more than a procedural vote. Last December we knocked the Garrison diversion project out of the continuing resolution by a vote of 252 to 152 here in the House of Representatives. I was in that conference, and I saw how we got rolled. The other House conferees simply gave in to the Senate.

I remember the fight we had on the $20,000 farm subsidy limitation that we finally enacted. For 5 years in a row we were rolled by the Senate. And the only way that we ever got that $20,000 limitation on farm subsidies into law was by instructing the conferees. That is what we need to do here. We need to give the House conferees some backbone to stand up to the Senate on this issue.

And do not let anyone kid you; this is not a procedural vote. This will be counted as one of the most important environmental votes that will be cast in the House this year.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. BEVILL. May I ask, is the gentleman from Massachusetts yielding for debate only?

Mr. CONTE. Yes, I yield for debate only.

Mr. OTTINGER. Mr. Speaker, I want to congratulate the gentleman for offering this motion.

The Garrison diversion project has been an environmental disaster from the start. In addition to having the international problems that it does have, it will in fact take far more good farmland out of circulation than it will protect and it will, as the gentleman has indicated, cause great damage to a very important wildlife sanctuary.

The project should never have been proceeded with. I hope everybody will support the motion, on both sides of the aisle, of the gentleman from Massachusetts.

Mr. DORGAN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. Mr. Speaker, I yield 5 minutes for debate only to the gentleman from North Dakota, Mr. Dorgan.

Mr. DORGAN. Five minutes will be enough.

I appreciate the gentleman's generosity in yielding.

First, let me point out that there is only one voice for the State of North Dakota in this House Chamber. The

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gentleman in the well is from the State of Massachusetts. I assume he has traveled the width and breadth of North Dakota many, many times, for he has an intimate knowledge of the Garrison diversion project; at least he says he does.

But I also have a fairly good knowledge of the project being built in North Dakota and the historical background for that project.

Let me remind the gentleman from Massachusetts and also the Members of the House of the background for this project. North Dakota did not come to Washington to say to the gentleman from Massachusetts in this Chamber: "We would like you to build us a project."

No, we did not come to Washington at all. In the 1940's Washington came to North Dakota and Washington said: "It is flooding down in Kansas City. We need downstream navigation on the lower reaches of the Missouri. We would like hydroelectric power to be generated out of North Dakota. So, we would like to build a dam up in North Dakota. We would like to permanently flood North Dakota of 500,000 acres: Once we have that permanent flood up there it will not flood Kansas City any longer."

The people from Washington said:

> If you will only build this 500,000 acre permanent flood there in North Dakota, it will not flood Kansas City any more, we can navigate the reaches of the Missouri River in the lower part; we can develop hydroelectric power. If you will do that, if you will exhibit that cost as North Dakotans, we will give you a benefit. The benefit is a diversion dam.

We are a semiarid State, 15 inches rainfall. A diversion program is important to us for municipal and industrial water and irrigation.

So, we said: "Fine, we will take the half-million acre flood. You give us a diversion program."

But the fellow from Massachusetts says, "No, now wait a minute, we want to stop, we want to change that bargain with you. You have the cost, now we want to take the benefit away."

The gentleman from Massachusetts says several things that I find interesting. He says first of all this is going to affect Canada.

Look, we are trying to build phase 1 of the project. The President of the United States has told Mr. Trudeau that we are not going to build any phase of the project beyond phase 1 that would put one drop in the Canadian reservoir, not one drop of water in the Hudson Bay drainage site. That is a specious argument.

The gentleman says it is going to injure ducks and geese. Sheer nonsense.

Does the gentleman know about the habitat evaluation procedure? Federal and State game and fish and wildlife people put it together. It says it is going to enhance wild game and it is not going to hurt ducks and geese. What the gentleman is saying is sheer nonsense.

Now, I would like to say this to the gentleman. North Dakota is very patient. North Dakota is a semiarid State that desperately needs the water project. The Garrison diversion project has been promised North Dakota. We are trying to build phase 1, $4 million last year, $23 million was in the Senate bill this year. We are not talking about a lot of money.

And unfortunately, the gentleman misrepresents that project. Frankly, it tries my patience a little bit to hear this year after year after year on the floor of the House.

The question is, Shall we tie the hands of the conferees? Well, the House took out—the Senate took out 200 projects that the House had in. The Senate put in over a dozen projects of its own.

Should we tie the hands of the conferees on a $14 billion bill? No, I do not think we should do it. I do not think it makes any sense.

The gentleman started out his discussion by apologizing to the House for the hour in which he raised this issue. I think the apology ought to be for the misrepresentation and the distortion, not this gentleman, necessarily, has made, but of that made time after time after time in letter after letter to all the Members of this House.

We are trying to build a phase 1, 85,000-acre irrigation project that gives municipal and industrial water to the cities in North Dakota that desperately need it, that does not injure duck and geese and wildlife habitat, does not send one drop of water into Kansas. I would urge the people in this House to consider for a moment the promise made to North Dakota and consider the important aspect that this water project poses to our future.

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But most of all consider whether we as Members of the House ought to tie the hands of the conferees to the energy and water bill in what will undoubtedly be a very difficult conference with the Senate Members.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. Stangeland) for purposes of debate only.

Mr. STANGELAND. Mr. Speaker, I support everything the gentleman from North Dakota says. My district borders North Dakota and perhaps behind the gentleman from North Dakota I am most familiar with the Garrison diversion of the Members of this House.

There has been said that this is a concern to Canada. On October 22, 1982, a diplomatic note was transmitted from the U.S. State Department to the Canadian Office of State advising that we would not violate the International Joint Commission Agreement.

An attorney for the IJC has said the United States has never violated an IJC agreement, never. There is no reason to think that we are going to.

I was just on a meeting with the Canadian-American Interparliamentary Union in Canora this weekend. There is a great deal of concern by those in Manitoba. And my advice to them was that they are whipping a dead horse because we have assured them in every way possible we are not going to violate those boundary water treaties.

The gentleman from Massachusetts talks about the wildlife enhancement and the potholes of North Dakota. And I would like to ask him, did he see those potholes in 1930 and in the dry thirties? And those potholes were nonexistent.

This project assures that there will be potholes, there will be duck habitat, and you will have wildlife.

There is another thing to think about. Studies have shown that agricultural production the last 30 years has increased 50 percent, but the studies also show that if we are going to meet our commitments to world hunger in the next 30 years, we need to increase it 100 percent.

The increased production from Garrison is not going to come this year in surplus times, next year in surplus times, or the year after in surplus times, it is going to come 5, 10 years down the road, but it is going to enhance the economic picture for agriculture in North Dakota.

And as the gentleman from North Dakota says, there was a commitment. North Dakota did not ask for Garrison diversion. They did not ask to lose 500,000 acres of prime farmland. Washington asked for it. And I say this is a commitment that ought to be kept.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. Fascell) for purposes of debate only.

Mr. FASCELL. I thank the gentleman and I am going to support his motion this time as I did previously to now.

I just want to add one other dimension to this which has been touched upon indirectly. The project is more than a project for North Dakota or even a national project because of the international implications. And those international implications are not new. They have been running for as long as I can remember, serving on the Government Operations Committee, when we first investigated this particular project and raised serious questions way back when.

Regardless of the assurances that have been given to the Canadians at this point, they are still concerned about this project because they see it as kind of sliced baloney every time we get up in the Congress with respect to the bill. And they know exactly what happens, which is that the House votes to cut the money out and then the Senate, the other body, as a matter of comity, to take care of their Republican Senator, decides to put the money back in.

And they see that process continuing for as long as is necessary. So, therefore, it seems to me they are rightly concerned.

How serious is their concern? Well, I can tell my colleagues it is at the top of the agenda with every one of the meetings that we have with the Canadians when we meet them. And as the gentleman just said who preceded me, we just got back from a conference with the Canadians at Canora and this was again one of the top issues on that agenda.

How serious is it? We, as the American delegation, asked the Canadian Ambassador to come brief us before we went. And it was on the top of his agenda as a matter of grave concern.

All we are saying here, I can understand why the conferees do not want to be instructed, but it seems to me in light of the House vote that it might be beneficial for them at this point not to have a vote on instructions so that when they are confronted with the Senate conferees, they can say, "Hey, fellows, comity can't work this time, our hands are tied."

And the Canadians are saying why can we not wait on this thing, why do we have to keep spending money to go ahead on a project before all of the international bilateral studies are finished. Why can we not wait until they have finished, then go ahead with whatever part of the project we agree upon, on which we have reached agreement. That is eminently fair and sensible to me.

I just wanted to put that element of consideration in this discussion.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. Wise) for the purposes of debate only.

Mr. WISE. Mr. Speaker, I commend the gentleman.

I regret that I will not be able to offer my amendment on the Stonewall Jackson Dam to instruct. I understand the gentleman's reasons for choosing not to do that.

I would just like to say I commend the gentleman because the gentleman is trying to debate this on the merits and indeed, I have tried to and in the House by an overwhelming vote 2 weeks ago struck money for the Stonewall Jackson Dam on the merits. Just as the gentleman has taken to the well and made his case, so did those opposed to the Stonewall Jackson Dam in my district take to the well.

It is too bad in a way that the Garrison River project is not in West Virginia, because then the House could be treated to the many calls from distinguished West Virginians that many of my colleagues have received. And I know it has been good to bring all of West Virginia to my colleagues and the many, many phone calls my colleagues have received from significant personalities. There is one problem, and the gentleman in the well knows it well, they are not talking to you about the merits anymore, are they? They are not talking to you about the fact that as in the Garrison project the General Accounting Office has panned the Stonewall Jackson Dam and called it gross and imprecise figuring.

They are not talking to you as in the Garrison project of how the cost-benefit ratio is now less than one to one.

That is the problem. The gentleman is arguing this on the merits and a lot of people, the gentleman from Massachusetts, want to argue with political muscle.

I hope that the gentleman's motion will be adopted so that the House conferees go in with a strong message and they know that when the merits have been argued out, no matter how much pushing, no matter how much the shoving, that a House position means something.

Just as Garrison was not inserted in the House bill, just as Stonewall was struck, I do hope that the House conferees will take this message.

I commend the gentleman. And just as the gentleman argued the merits, I do hope that it is political merits, not political muscle that decides the issue.

On June 6, 1983, the House passed by a vote of 213 to 161 an amendment that I offered to strike the $26 million for Stonewall Jackson Dam. This was a vote on the merits of the project. Both sides of the issue were aired and the overwhelming majority of the House agreed that the funding for the project should not proceed.

As the House proceeds to conference on H.R. 3132 I feel it is important to once again review the reasons why the House should maintain their position on this project.

Only 30 percent of the $215 million dam is justified for flood control. Yet the dam would not even contain tributaries which would flood the city of Weston below the damsite. There are no benefits for the city of Pittsburgh, the majority of the benefits would accrue to my district, I should say supposed benefits.

In hearings before the House Government Operations Committee Subcommittee on Energy, Water and Natural Resources, the General Accounting Office provided an analysis that strongly disputed the Corps of Engineers' claims about water pollution control, flood control, recreational benefits and the total benefit cost ratio.

The project is opposed by the West Virginia State Senate, the West Virginia Commissioner of Agriculture, the American Farm Bureau Federation, the local agricultural community, the United Mine Workers of America, State and national environmental organizations, and the National Taxpayers Union.

In the 2 days of hearings, a bipartisan cross-section of the Government Operations Subcommittee stated opinions that further work on the dam would be a waste of money. In a memo of May 9, 1983, the subcommittee staff pointed out that the project is of uncertain economics because of an unrealistic discount rate and the claiming of benefits that may never be realized.

It is a shame that the merits of the project do not allow it to stand up to the economic, environmental and social light of day. Instead, political muscle is being used to move this project forward instead of allowing the issues to speak for themselves which clearly show the project should not be built.

In conclusion I ask the House conferees to stay the course of sound national water policy by not allowing the project to receive funding in the fiscal year 1984 energy and water appropriations bill.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. Daschle).

Mr. DASCHLE. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, last December when the House considered House Joint Resolution 631, providing further continuing appropriations for fiscal year 1983, I reluctantly joined with the majority of my colleagues in not supporting continued funding for the Garrison diversion unit in North Dakota at that time. I cast that vote reluctantly because I knew then, as I know now, that neither North nor South Dakota had yet received the first drop of water development promised to them in return for the massive sacrifices each State made in permitting the construction of the Missouri mainstem dams many years ago. I cast that vote not because I sought to block development of the one major project now under construction which might begin to redeem the 40-year-old promise to the Dakotas, but rather because I wanted to insure the Garrison project would benefit both Dakotas. As I noted then, the State of South Dakota had expressed concerns about the possibility of the continued development of the Garrison project adversely effecting my State. In particular, the quality, quantity, and seasonal variation of return flows from the Garrison project into the James River Basin in

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South Dakota were concerns expressed by the people of South Dakota, concerns which I fully share.

In response to these concerns, Public Law 97-273 authorized the Bureau of Reclamation to investigate in cooperation with the State of South Dakota future uses in South Dakota of water delivered by the Garrison project. This investigation, known as the Garrison extension study, is receiving priority attention, is expected to be completed as scheduled, and is expected to provide definitive information in response to the questions and concerns which have arisen regarding the potential effects of the continued development of the Garrison project in the State of South Dakota.

The Garrison extension study is but one aspect of the effort currently being made to address these concerns. Discussions between representatives of the States of South Dakota and North Dakota are another part of this effort. I am pleased to note Warren R. Neufeld, secretary of the South Dakota Department of Water and Natural Resources, earlier this year when testifying before the House Energy and Water Development Appropriations Subcommittee in support of continued funding for the Garrison project reported to Congress that officials of South Dakota and North Dakota have met regarding the Garrison project and accord has been reached on most major issues.

Additionally, my friend and our colleague from North Dakota has also assured me the willingness which has already been demonstrated by the people of North Dakota to recognize and be responsive to the concerns of the people of South Dakota will continue in the future.

The legitimacy of the concerns of the people of South Dakota has been recognized and progress has been made, but this progress will be nullified if the House today approves the motion offered by the gentleman from Massachusetts to instruct the House conferees on H.R. 3231, energy and water development appropriations for fiscal year 1984, to oppose further funding for the Garrison diversion unit. Recognizing the progress which has been made and expecting this progress to be the foundation for the further progress which must be made in the future, I am opposing the motion offered by the gentleman from Massachusetts, a motion which should be noted is nonbinding. I oppose the motion to instruct the conferees in the expectation the Garrison diversion unit will be constructed in a manner which offers important benefits to both South Dakota and North Dakota and therefore begins, finally, to make good on the endlessly delayed pledge of the Federal Government to support the development of the water resources of our two States.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Edgar) for the purposes of debate only.

Mr. EDGAR. Mr. Speaker, I rise in support of the gentleman's motion. I would remind the House that overwhelmingly back in December we faced this very same issue on Garrison diversion. And the gentleman in the well knows that his amendment at that time was voted on in the House when we looked at Garrison diversion and overwhelmingly we supported the gentleman.

I think the Members of this House have heard from the gentleman from Florida and the gentleman from Massachusetts the important arguments dealing with this issue.

The gentleman from West Virginia had attempted to seek an opportunity to instruct the conferees on Stonewall Jackson. That was not available, but I think the House overwhelmingly spoke that they want a merit water policy, a policy based on particular criteria and I think the gentleman from West Virginia (Mr. Wise) and the gentleman from Massachusetts (Mr. Conte) is in pursuit of that kind of policy, a policy that cares about looking at these projects on their merit, not weighing the emotional arguments that are raised by individual Members, but looking at the actual facts involved.

So I commend the gentleman from Massachusetts for his very clear and concise arguments. And I call on my colleagues on both sides of the aisle, who voted overwhelmingly to exclude the funding for Garrison diversion, to also vote to instruct the conferees to do the same.

Mr. Speaker, I support Congressman Conte's motion to instruct the House conferees to hold to the House position on the Garrison diversion unit, $1.12 billion Bureau of Reclamation project in North Dakota. While there may be a legitimate obligation of the Federal Government to provide North Dakota with reimbursable irrigation benefits in return for its contributions to the Pick-Sloan program, the Congress is not bound to approve any project desired by a State regardless of its merit. Unfortunately, the highly emotional regional aspects of the Garrison debate undermine any objective examination of the claimed multiple benefits from this project. Such regionalism can only damage the perceived credibility of water projects elsewhere in the country. Our opposition to funding for the Garrison project stems from two major concerns:

First. The economic basis for the project is unsound.

Second. Its lack of an adequate repayment policy will unduly burden the taxpayer and aggravate the annual budget deficit, an increasingly serious national problem.

At today's discount rate of 7.625 percent, the Garrison diversion's direct benefit-cost ratio reveals only 58 cents returned for every dollar invested. The benefit-cost ratio for building the first phase (phase I) of Garrison is even worse, showing only 43 cents returned for every dollar invested. This is because phase I includes virtually all of Garrison's supply works and canals but irrigates only one-third of the proposed crop area. This summer the Bureau fully intends to move ahead with phase I's costly construction even though the rest of the project and hence Garrison's benefits may never be realized due to current treaty commitments with Canada.

As poor as they are, the benefit-cost ratios will be even lower, particularly for phase I, unless all five of the following criteria are met:

ASSUMPTION 1

All Canadian objections must be overcome before releasing Garrison's muncipal water supplies into the Hudson Bay drainage.

FACT

Seventy-five percent of the population in the stated communities reside in the Hudson Bay drainage. Rather than overcome Canadian objections, the vast majority of communities have already opted for less expensive sources of municipal water other than Garrison.

ASSUMPTION 2

The 20 communities in phase I all will use Garrison water, as a major water supply source.

FACT

The Bureau has repeatedly stated that Garrison is to serve as a supplemental municipal supply source. Only 6 of the 20 communities have a stated need for Garrison as a future supply source and feasible alternatives are available.

ASSUMPTION 3

The costs of phase I modification to meet Canada's concerns would not exceed the rough estimates for these items.

FACT

Already, $63.3 million of additional costs for phase I modifications have been projected with only preliminary estimates. Judging from the 560 percent escalation in project costs and the lack of a cost estimate for the Devils Lake restoration plan, we have every reason to believe that costs will exceed initial estimates.

ASSUMPTION 4

About 1.33 million visitor days of use will take place for the nine planned recreation areas.

FACT

Such use would require the equivalent of every North Dakotan spending at least 2 days every year in one of the nine proposed areas. Yet currently the Devils Lake facilities, which include half the acreage, are highly speculative, no fishing will be allowed in Lonetree Reservoir to meet Canadian concerns, and ample public wildlife-recreation lands already exist throughout the project area.

ASSUMPTION 5

An agriculture benefit of $182.68 per acre yearly profit is realized for phase I.

FACT

Dampened grain crop prices stemming from overproduction have devastated the Midwest's grain market in recent years. Bureau documents fail to give a clear breakdown of what crops would be grown from Garrison. They imply however that composition would be the same as before—mostly grain crops—with a gradual shift toward some speciality crops. Economic Research Service (USDA) records for 1981 show significant losses for irrigated corn throughout the Plains States. Farmers in northeastern Colorado lost $7 per acre per year, southeastern Colorado lost $103 per acre per year, and eastern Nebraska lost $41 per acre per year. Yet dryland farmers which now farm in the Garrison area lost only $12 per acre per year in eastern Nebraska for corn. They also lost $35 per acre per year in western Kansas for winter wheat while irrigated winter wheat lost $47 per acre per year. Even positive year figures from Doanes Agriculture Report for North Dakota showed only a net gain of $43 per acre per year when switching from dryland wheat to irrigated corn. The presumed gain from speciality crops must take into account the highly unstable markets for these items, the large proportion of Garrison land needed for these crops—not typical of other major Plains States irrigation projects—and a required low subsidy price for use of irrigation water.

We have been accused by Garrison proponents of falsely claiming that the Garrison diversion unit will require a heavy expenditure of Federal taxpayer dollars. They state, "The fact is nearly 90 percent of the project will be paid by hydroelectric sales and water user fees."

Mr. Speaker, this logic fails to take into account that all repayment costs allocated to irrigation, whether paid back by irrigators or power users, is completely interest free. The Bureau admits that of the $947 million in irrigation costs—an investment of $3,787 per acre—only a token $19.3 million will be repaid by irrigators—a little over $77 per irrigated acre—over some 50 years beyond Garrison's completion. Power users in the entire Pick-Sloan six-State area will then reimburse the remaining $927 million over another typical period of 50 years at an annual payment of $18.9 million. Due to the Treasury's obligation to pay interest on the bonds issued to finance Garrison's construction, the annual dollar amount necessary to amortize $947 million over 50 years will actually be $90.9 million—figured with an annual interest of 9.5 percent. Therefore, taxpayers will pay $72 million in interest per year for 50 years or a total of $3.6 billion having a net present value of $750 million. This includes only irrigation costs. Adding the nonreimbursable costs for wildlife mitigation, recreation, flood control, highway modification, and cultural resource recovery brings the Federal taxpayers' share for Garrison to roughly 78 percent of total project costs.

The faulty economic assumptions and the lack of a meaningful repayment plan for the Garrison diversion unit constitutes more than adequate reason for the Federal Government to terminate funding for this project. Garrison has met fierce resistance from a broad array of interests since it was authorized nearly two decades ago. As a result only 15 percent of the project's costs have been expended and much of that is recoverable. While there may be more feasible irrigation plans than Garrison, adequate cost reimbursement policies should be a prerequisite for embarking upon any such alternatives. In our view, if irrigation developments are sound long-term economic investments, then irrigators must be expected to pay back their full obligations over a realistic time period. The taxpayers, who certainly did not ask for Garrison, should not be expected to pay for it.

I urge strong support of the Conte motion.

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Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. Coughlin).

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Speaker, I will not even need 1 minute. I just want to support the gentleman in the well. The gentleman from Massachusetts is exactly right. This House has diverted finish funds for this project by an overwhelming vote. I have seen what has happened in the conference committees, and it is awfully important that this House, if its will is going to be followed, the will of a vote of this House, that this motion be supported, because otherwise we are in trouble in conference.

Mr. CONTE. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to my good friend from Texas (Mr. Wright), the majority leader.

Mr. WRIGHT. Normally I would not get involved in a subject of this kind, but let me just say a couple of things.

First of all, I have seen the benefit-cost ratio. It is a favorable benefit-cost ratio. It has been represented as unfavorable, but it is not unfavorable. It is a favorable benefit-cost ratio.

It has been suggested by my dear friend, Mr. Pursell, that in deference to our friends in Canada, we should wait. The people in North Dakota have been waiting for almost 40 years. This project was first promised in the 1940's. It was authorized in the mid-1960's. They have been waiting almost 20 years for their first phase to get started after this Congress acted affirmatively to authorize this project.

North Dakota has waited a long, long time. Now, it has a small delegation in the Congress, only one man, and it may be very brave for some of us to beat our breasts and say how pure we are that we cut out the project, the one project that will benefit that arid country up there, where water is more precious than oil or gold or any other mineral.

This will not adversely affect our friends in Canada, the first phase, one project alone, that will assist the farmers in North Dakota to achieve their place in the Sun. They have had their share of paying for our big projects in our cities. They have paid their share of taxes for our metroliners. They have paid their share of taxes for our mass transit systems in our big cities. Now it seems to me very little of us to take this self-righteous attitude and tie the hands of the conferees so that they are not even free to consider the merits of this project in North Dakota.

Therefore, I would urge my Members not to join in this pernicious movement and to vote no on the motion to instruct our conferees.

Mr. CONTE. Mr. Speaker, I yield 1 minute, for purposes of debate only, to my good friend, the gentleman from Indiana (Mr. Myers).

Mr. MYERS. I thank my friend for yielding.

Mr. Speaker, I regret that I must oppose him, but 16 days ago this body, by a very large vote, rejected a project in West Virginia that Mr. Wise just spoke about, which was more than 40 percent under construction. The reason given by a great many of my colleagues when I talked to you was that this was a project entirely in his district, and he should be the one to decide this.

Now, if my colleagues want to be consistent, and I am sure all of us do tonight, then we will vote with the gentleman from North Dakota and with your committee and not accept this amendment. It is not a new amendment, but it does not tie anybody's hands, but it has no place here. These conferees' hands should not be tied.

Mr. CONTE. Mr. Speaker, I will conclude debate.

First of all, let me tell you how the gentleman from Indiana voted on the amendment of the gentleman from

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West Virginia. He voted against it, so I hope that he will be consistent and vote against the gentleman from North Dakota, and be with me on this one.

I have nothing against the gentleman from North Dakota. I love him. But this is a rotten boondoggle, one of the worst I have ever seen.

I regret that the majority leader of the House, Mr. Wright, has seen fit to turn this into a partisan issue with his righteous indignation. Well, let me tell my colleagues that I do not apologize to Jim Wright or to anyone else for my opposition to this project. I have fought this project from the beginning. And it is ridiculous to think that we should support this project simply because the local Member of Congress wants it built—with $1.2 billion of the taxpayers' money. There was a reference earlier to misleading statements about the Canadian position on this project. I have a letter here dated June 14 from the Canadian Ambassador against the project. I have a letter here from the Premier of Manitoba against the project. I have a letter here from the National Taxpayers Union against the project. I have a letter here from the National Audubon Society against the project; one from the Sierra Club against the project; one from the Canadian Nature Federation against the project; one from the Wildlife Society against the project; and a letter from the Coalition for Water Project Review against the project.

The letters follow:

Canadian Embassy,
Washington, D.C., June 14, 1983.

Dear Senator: The Premier of the Province of Manitoba, the Honourable Howard Pawley, has asked me to bring to your attention the attached which sets out the Province's concern about funds being appropriated for the Garrison water diversion project in fiscal year 1984.

The Government of Canada fully supports Manitoba's concern. We continue to have grave apprehensions about the project's potentially adverse transboundary effects as identified by the International Joint Commission. The Commission concluded that the project as now designed would have seriously damaging effects on Manitoba waters, in violation of the Boundary Waters Treaty between Canada and the United States, by transferring water from one basin in the United States to another basin altogether, largely in Canada, where aquatic conditions are altogether different, and where they would be inalterably damaged by the transfer with great loss to Canada.

We are aware that Congress last year stipulated that funds appropriated for Garrison should be spent only on portions of the project not affecting Canada. This, however, does not alleviate our concern. We see distinct danger in the rapidly increasing rate of funding for the project in the absence of a resolution of the outstanding bilateral issues. It is for this reason that I ask you to bear in mind Canadian and Manitoba concerns during your forthcoming deliberations on appropriations for Garrison.

Yours sincerely,

Allan Gotlieb,
Ambassador.

Winnipeg, Manitoba,
June 12, 1983.

Dear Senator: The Senate will be voting soon on the 1984 Energy and Water Development Bill which contains a $22.3 million appropriation for construction of the Garrison Diversion Unit in North Dakota. The Manitoba Government is opposed to the appropriation of additional funds for this project before the outstanding issues between Canada and the United States are fully resolved in accordance with the Boundary Waters Treaty.

In May of this year, a Canadian Parliamentary delegation, composed of representatives of both the Federal and Manitoba Governments and the country's three major political parties, met with a number of Senators and Senate staff aides. During those meetings, the delegation stated that the interbasin transfer of water could have a disastrous impact on Manitoba by reducing water quality and destroying the province's multi-million dollar fishing industry. These concerns have been supported by the findings of the studies conducted by the International Joint Commission.

Additional funding for the project at this time would increase momentum toward completion of a project inconsistent with both the treaty signed by our two countries and formal U.S. Government assurances that bilateral issues would be resolved before construction proceeds on project features which could affect Manitoba. Because 86% of the acres to be irrigated are in the Hudson Bay Watershed and 75% of the return flows drain directly into waters flowing into Canada, we believe it makes little sense to proceed with any further construction on the project until the bilateral issues are resolved. For these reasons, I urge you not to support additional funding for Garrison at this time so that the project may be redesigned so as both to meet the needs of North Dakotans for water and to eliminate the risk that inter-basin transfer of water creates for Manitobans.

Howard Pawley,
Premier, Province of Manitoba.

National Taxpayers Union
Washington, D.C., June 23, 1983.

Dear Representative: When the Energy and Water Development Appropriations bill for fiscal year 1984 goes to conference, Congressman Conte will offer a motion to instruct the House conferees to hold to the House position on the Garrison Diversion Unit, $1.12 billion Bureau of Reclamation project in North Dakota. While there may be a legitimate obligation of the federal government to provide North Dakota with reimbursable irrigation benefits in return for its contributions to the Pick-Sloan program, the Congress is not bound to approve any project desired by a state regardless of its merit. Unfortunately, the highly emotional regional aspects of the Garrison debate undermine any objective examination of the claimed multiple benefits from this project. Such regionalism can only damage the perceived credibility of water projects elsewhere in the country. Our opposition to funding for the Garrison project stems from two major concerns:

1. The economic basis for the project is unsound.

2. Its lack of an adequate repayment policy will unduly burden the taxpayer and aggravate the annual budget deficit, an increasingly serious national problem.

At today's discount rate of 7.625 percent, the Garrison Diversion's direct benefit-cost ratio reveals only 58¢ returned for every dollar invested. The benefit-cost ratio for building the first phase (Phase I) of Garrison is even worse, showing only 43¢ returned for every dollar invested. This is because Phase I includes virtually all of Garrison's supply works and canals but irrigates only one third of the proposed crop area. This summer the Bureau fully intends to move ahead with Phase I's costly construction even though the rest of the project and hence Garrison's benefits may never be realized due to current treaty commitments with Canada.

As poor as they are, the benefit-cost ratios will be even lower, particularly for Phase I, unless all five of the following criteria are met:

Assumption 1: All Canadian objections must be overcome before releasing Garrison's municipal water supplies into the Hudson Bay drainage.

Fact: Seventy-five percent of the population in the stated communities reside in the Hudson Bay drainage. Rather than overcome Canadian objections the vast majority of communities have already opted for less expensive sources of municipal water other than Garrison.

Assumption 2: The 20 communities in Phase I all will use Garrison water as a major water supply source.

Fact: The Bureau has repeatedly stated that Garrison is to serve as a supplemental municipal supply source. Only 6 of the 20 communities have a stated need for Garrison as a future supply source and feasible alternatives are available.

Assumption 3: The costs of Phase I modifications to meet Canada's concerns won't exceed the rough estimates for these items.

Fact: Already, $63.3 million of additional costs for Phase I modifications have been projected with only preliminary estimates. Judging from the 560 percent escalation in project costs and the lack of a cost estimate for the Devils Lake restoration plan, we have every reason to believe that costs will exceed initial estimates.

Assumption 4: 1.33 million visitor days of use will take place for the nine planned recreation areas.

Fact: Such use would require the equivalent of every North Dakotan spending at least 2 days every year in 1 of the 9 proposed areas. Yet currently the Devils Lake facilities, which include half the acreage, are highly speculative, no fishing will be allowed in Lonetree Reservoir to meet Canadian concerns, and ample public wildlife-recreation lands already exist throughout the project area.

Assumption 5: An agriculture benefit of $182.68 per acre yearly profit is realized for Phase I.

Fact: Dampened grain crop prices stemming from overproduction have devastated the midwest's grain market in recent years. Bureau documents fail to give a clear breakdown of what crops would be grown from Garrison. They imply however that composition would be the same as before (mostly grain crops) with a gradual shift towards some specialty crops. Economic Research Service (USDA) records for 1981 show significant losses for irrigated corn throughout the plains states. Farmers in northeastern Colorado lost $7/acre/year, southeastern

Colorado lost $103/acre/year, and eastern Nebraska lost $41/acre/year. Yet dryland farmers which now farm in the Garrison area lost only $12/acre/year. Even positive year figures from Doanes Agriculture Report for North Dakota showed only a net gain of $43/acre/year when switching from dryland wheat to irrigated corn. The presumed gain from specialty crops must take into account the highly unstable markets for these items, the large proportion of Garrison land needed for these crops, (not typical of other major plains states irrigation projects), and a required low subsidy price for use of irrigation water.

We have been accused by Garrison proponents of falsely claiming that the Garrison Diversion Unit will require a heavy expenditure of federal taxpayer dollars. They state, "The fact is: nearly 90 percent of the project will be paid by hydroelectric sales and water user fees."

This logic fails to take into account that all repayment costs allocated to irrigation, whether paid back by irrigators or power users, is completely interest free. The Bureau admits that of the $947 million in irrigation costs (an investment of $3,787/acre) only a token $19.3 million will be repayed by irrigators (a little over $77 per irrigated acre) over some 50 years beyond Garrison's completion. Power users in the entire Pick-Sloan six-state area will then reimburse the remaining $927 million over another typical period of 50 years at an annual payment of $18.9 million. Due to the Treasury's obligation to pay interest on the bonds issued to finance Garrison's construction, the annual dollar amount necessary to amortize $947 million over 50 years will actually be $90.9 million (figured with an annual interest of 9.5 percent). Therefore, taxpayers will pay $72 million in interest per year for 50 years or a total of $3.6 billion having a net present value of $750 million. This includes only irrigation costs. Adding the nonreimbursable costs for wildlife mitigation, recreation, flood control, highway modification, and cultural resource recovery brings the federal taxpayers' share for Garrison to roughly 78 percent of total project costs.

The faulty economic assumptions and the lack of a meaningful repayment plan for the Garrison Diversion Unit constitutes more than adequate reason for the federal government to terminate funding for this project. Garrison has met fierce resistance from a broad array of interests since it was authorized nearly two decades ago. As a result only 15 percent of the project's costs have been expended and much of that is recoverable. While there may be more feasible irrigation plans than Garrison, adequate cost reimbursement policies should be a prerequisite for embarking upon any such alternatives. In our view, if irrigation developments are sound long-term economic investments, then irrigators must be expected to pay back their full obligations over a realistic time period. The taxpayers, who certainly did not ask for Garrison, should not be expected to pay for it.

Sincerely,

Jill Lancelot,
Congressional Affairs Director.

National Audubon Society,
Washington, D.C., June 17, 1983.

Dear Representative: When the House Energy and Water Development Appropriations bill for FY 1984 goes to conference, Congressman Conte intends to offer a motion to instruct conferees to insist on the House position and oppose new construction funds for the Bureau of Reclamation's Garrison Diversion Unit in North Dakota. On behalf of the nearly one-half million members of the National Audubon Society, I urge you to support this effort to cut funding for the Garrison project.

Since Congress authorized the Garrison project in 1965, a number of major problems—international, environmental and economic—have become known and better understood. Because of these very grave unresolved problems, it seems to us that the most prudent and economically responsible course of action for Congress is to delay any further funding of the project until a comprehensive review of alternatives has been undertaken and until Congress has had an opportunity to determine what alternative, if any, should be built. Garrison is only 15 percent complete. Now is the time—before more money is spent, before we commit ourselves to an irreversible course of construction and before any more damage is done—to address the problems created by this project.

There are many reasons to oppose the Garrison project; let me cite just a few.

The environmental impacts of the Garrison project are substantial: The project will damage or destroy a dozen National Wildlife Refuges. It will destroy 60,000 acres of prairie wetlands—prime waterfowl habitat—and 43,000 acres of native prairie and rangeland; it will damage thousands of additional acres of wetlands and prairies. The alteration of the wetlands habitat alone will result in the average annual loss of 178,000 ducks. These amount to substantial losses in one of the richest, most productive areas in the country for migratory birds and waterfowl production. Conservation groups across the country oppose the project.

The project is an insult to one of this nation's threatened species—the taxpayer: The cost of the project has quintupled since its authorization in 1965 to $1.162 billion. Costs include a subsidy to irrigators of nearly $3,800 per benefitted acre. The cost-benefit ratio—calculated at the artificially low discount rate of 3.125 percent—is only 1 to 1.3. Using the somewhat more realistic rate of 7.625 percent, the cost-benefit ratio falls to 1 to 0.58—or a return of 58¢ for every dollar spent. At a time when taxpayers are being asked to help the American farmer out of his serious plight by paying to keep crops out of production, it makes little sense to spend $1 billion to shift substantial acres in North Dakota from dry-land to irrigation farming. Taxpayer groups oppose the project.

The project will cause irreparable harm to Canada and will violate an international treaty: The government of Canada strongly objects to the project. It is concerned that irrigation return flows from the project will pollute rivers flowing into Canada and that it will result in the introduction of foreign biota into the Hudson Bay watershed. The transbasin flow of water from the Missouri River to the Hudson Bay watershed has the potential of destroying much of Canada's multimillion dollar commercial fishing industry. The Garrison controversy was referred to the International Joint Commission which concluded in 1977 that the project would cause significant harm to Canada and would be a violation of the Boundary Waters Treaty.

The Bureau of Reclamation has sought—unsuccessfully—to assure Canada that it will not build portions of the project which have the potential of affecting Canada's waters. Since nearly 80 percent of the features of the authorized project affect water flowing into Canada, I am somewhat puzzled how the Bureau can make such a claim; the Bureau is proceeding with construction of project features designed and sized to serve irrigation units in the Hudson Bay drainage.

Bureau statements notwithstanding, the Canadians remain steadfastly opposed.

For the reasons listed above, I urge you to support Mr. Conte's efforts to delete FY84 funding for the Garrison project. I also urge that the appropriate committees reexamine the project while substantial changes in the project are still possible and before the further irreversible damage is done.

Thank you for considering our views. More information about Garrison can be obtained by contacting Charlene Dougherty or Fran Lipscomb in our Washington, D.C. office at 547-9009.

Sincerely,

Russell Peterson,
President.

Sierra Club,
Washington, D.C., June 17, 1983.

Dear Representative: On behalf of the Sierra Club, I am writing to urge your support for a motion offered by Congressman Conte to instruct the conferees to hold to the House position for the Garrison Diversion Unit when the FY84 Energy and Water appropriations bill reaches conference; as you know, the House has recommended zero funding for Garrison, a Bureau of Reclamation project in North Dakota.

We believe that no further construction should proceed on the Garrison project until the substantial environmental, economic and international problems associated with the present project are resolved. Congress should have the opportunity to consider alternatives to the present project which address these problems prior to committing more funds for construction. As long as construction is going forward, there is little impetus for any such examination of alternatives or modifications to take place. Construction forecloses many options for later redesign and modification. It also degrades and destroys important natural resources in this country and in Canada.

Garrison is only 15 percent complete. This is the time to review the project and alternatives before costly and irreversible mistakes are made. Your vote to delete funding for Garrison will be an important signal that you want such an analysis to occur.

The Garrison project, as authorized by Congress in 1965, is designed to irrigate 250,000 acres (6/10s of 1 percent of the agricultural land) in North Dakota. The Bureau of Reclamation estimates the total cost for the project at $1.2 billion—a five-fold increase from the original estimate of $207 million. The Bureau's data show that the federal investment per irrigated acre is $3,787, while repayment by the beneficiary is set at $77 per acre.

The project's "benefits" are questionable as well. One of the cited benefits is that of wildlife enhancement. In reality, the project will have a devastating effect on wildlife. Presently North Dakota, with its many shallow lakes and prairie wetlands is one of this nation's more productive waterfowl production areas. The variety of its waterfowl—geese, ducks, shorebirds, and others—is enormous. The wildlife refuges and wetlands located there, besides providing important breeding and nesting areas, are also located on the Central Flyway for North American birds. The project will adversely

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affect North Dakota's rich wildlife habitat. It will damage or destroy twelve National Wildlife Refuges and result in the loss of a substantial amount of wetlands acreage in North Dakota—all important habitat.

Virtually nothing is being done to mitigate the wildlife losses. The Interior Department has proposed a new mitigation plan which covers only the "first phase" of construction of the project. The proposed plan is woefully deficient. For example, it simply does not deal with the impacts of the project on the National Wildlife Refuges nor on one-third of the acreage involved in the first phase. The Department claims insufficient information about these areas. So its response is simply to ignore them.

Garrison will inflict substantial environmental harm on Canada as well. The International Joint Commission, which investigated the implications the project will have for Canada, determined Garrison will have substantial adverse impacts on Canada's water resources and will violate the Boundary Waters Treaty between the U.S. and Canada. For example, as the project transfers water from the Missouri River basin to the Hudson Bay watershed, foreign fish will be introduced into Canadian waters. It has been estimated that the new fish species will crowd out the commercially valuable fish in Canada's waters and virtually destroy the multimillion dollar commercial fishery in Manitoba.

In an attempt to address Canada's concerns, the Bureau now states that it is building Garrison in phases, beginning with an 85,000 acre first phase. It further states that it will not construct the remainder of the project until Canada's concerns are addressed. It seems to us that the most prudent course of action would be to determine now whether the Bureau will be able to proceed beyond the initial phase of construction. This initial phase involves the building of almost all of the "hardware" associated with the project—all of the major supply features and two-thirds of the canals. The project features are being built to a size and a capacity to service the entire 250,000 acre project. If there is a reasonable doubt that the whole project will not be built, then doesn't it make sense to admit that now so that we may take steps to "size down" the project features to reflect a smaller project and to quiet Canada's fears about their waters and fisheries? Doesn't it make sense to determine exactly what we are building now so that millions of dollars are not wasted on unneeded or oversized project features?

Congress has a special opportunity and responsibility to halt funding for Garrison and to determine if there are less damaging alternatives to the project. Keep in mind that this project has been on the books for nearly twenty years and is only fifteen percent complete. Another short delay in construction, while the Bureau develops and presents alternatives or modifications to Congress, is clearly the most prudent and positive course of action. We believe the Garrison issue can be resolved in this manner.

Thank you for taking our views into consideration.

Sincerely,

JIM ELDER,
Washington Representative.

CANADIAN NATURE FEDERATION,
Ottawa, Canada, June 11, 1983.

DEAR REPRESENTATIVE: We would like to call to your attention the upcoming vote on funding for the Garrison Diversion in North Dakota. If you are not familiar with this Bureau of Reclamation irrigation project, it is extremely important that you give it some of your time; if you are familiar with it, perhaps from past votes, please review the situation.

The Canadian Nature Federation has voiced strong opposition to the Garrison Diversion since the project's inception. The Nature Federation is a non-profit conservation organization having 18,000 individual members and 91 affiliated groups with a total membership in excess of 150,000. We publish Nature Canada, Canada's national nature magazine which has documented our concerns about the Garrison project over the past several years. Garrison has the potential for extensive adverse effects on wildlife and wildlife habitat of importance to our members and indeed all Canadians.

While the diversion project is wholly the responsibility of the United States government, continued work on the various aspects of the diversion will almost inevitably have serious repercussions on the Canadian environment. In particular, the dams and diversions involved in the construction will intentionally divert waters now flowing in the Missouri River drainage into that of the Hudson Bay watershed. Such a diversion will lead to the introduction of a whole range of exotic animals and plants into the ecosystems of Canada's prairie provinces.

The International Joint Commission has investigated Garrison and determined that it cannot be built without violating the Boundary Waters Treaty between the United States and Canada. The foreign biota and the pollution introduced by the diversion will result in an estimated loss of 50 to 75 percent of Manitoba's multimillion dollar commercial and sport fisheries. For this reason alone Canadians have legitimate grounds for objecting to the continuation of the project.

Promoters of the project are presently claiming that, by building only phase one at this time, impacts on the Canadian environment can be avoided. This argument is mistaken. Lonetree Reservoir, for which the Bureau proposes to let bids for construction, will be located in the Hudson Bay drainage; the recent proposals for construction of this reservior appear to be inconsistent with the conditions of a recent agreement by the International Joint Commission.

Furthermore, a recent study by the consulting firm of Wright Water Engineers shows that phase one—the part presently under consideration, and purportedly without impact on Canadian interests—will involve construction of all reservoirs and pumping plants of the Garrison Diversion Unit, and 67 percent of the 258 miles of canals, but will result in irrigation of only about 34 percent of the original 250,000 acres of the project. This initial investment, superficially designed to avoid impact on Canada, will if approved lead almost inevitably to the eventual completion of the project, and to the major and potentially irreversible impacts on the environment of the Canadian prairies.

Also of concern is that North Dakota is perhaps the richest state in the Union in terms of waterfowl production. Yet the project will destroy or damage over 70,000 acres of prime waterfowl marshes, several game management areas and 13 National Wildlife Refuges. In effect, Garrison will cause more damage to the National Wildlife Refuge System than any other water project in history. We are sensitive to this loss of habitat. The estimated loss of close to 200,000 ducks annually would have repercussions on a continental scale.

The Garrison Diversion project, then, is in conflict with American treaty obligations, will cause extremely serious damage to Manitoba's fishing industry and threatens to have unpredictable consequences throughout the Hudson Bay watershed in Canada's prairies. Furthermore, it will constitute the greatest single attack on the National Wildlife Refuge System in history. Present claims that its international impacts can be avoided are naive.

On behalf of our 150,000 associated members, we urge you, therefore, to vote for the deauthorization of the Garrison Diversion project and to support the important initiative of Congressman Conte in this direction.

Yours sincerely,

GREGG SHEEHY,
Conservation Director.

COALITION FOR WATER PROJECT REVIEW,
Washington D.C., June 22, 1983.

DEAR REPRESENTATIVE: Today or tomorrow the House will appoint conferees for H.R. 3132, the Energy & Water Development Appropriation Bill for Fiscal 84. At that time, Representative Silvio Conte will offer a motion to instruct the House conferees to insist on the House position on the Garrison Diversion project in North Dakota and the Stonewall Jackson Dam in West Virginia. The House-passed version of the bill carries no funding for either project, while the Senate-passed version carries $22.3 million for Garrison and $26.0 million for Stonewall Jackson. On behalf of conservationists around the country, we urge your support for the Conte Motion.

It should come as no surprise that some of the most wasteful pork barrel water projects of all are located in states represented on the Senate Appropriations Committee. What is surprising, however, is the dismal record of House conferees in upholding the position of the House on those occasions when this body has gone on record against wasteful water projects. For example, for three consecutive years—FY 79, 80, and 81—the House Appropriations conferees yielded to Senate insistance on funding the discredited—and now deauthorized—Dickey-Lincoln Dam project in Maine, after having reported a House bill containing no funding for this project.

Even more remarkably, the will of the House as expressed last December on the Garrison Diversion and the O'Neill Unit—both rejected by 100 vote margins—was quickly forgotten during the House-Senate conference on H.J. Res. 631, the Continuing Resolution for FY 83.

Against this backdrop, we believe the adoption of the Conte Motion is essential if the will of the House to curb spending on patently wasteful pork barrel projects is ever to be enacted into law.

Much has been said about the many shortcomings of the Garrison Diversion and Stonewall Jackson projects. In both cases, promising alternatives that are less costly in both economic and environmental terms are being disregarded, while local interests count on the Senate to continue Federal spending on these obsolete projects.

This week you will have the opportunity to insist on saving tax dollars; to insist on protecting natural resources; and to insist on common sense. We view the Conte Motion to insist on the House position on Garrison Diversion and Stonewall Jackson

Dam as one of the most important votes to be taken in this Congress to end the insidious pork barrel system.

Sincerely,

Dr. Brent Blackwelder, Washington Representative, Environmental Policy Center; Patrick A. Parenteau, Vice President-Resources Conservation, National Wildlife Federation; William A. Butler, Vice President and General Counsel, National Audubon Society; John A. McComb, Director, Washington Office, Sierra Club.

THE WILDLIFE SOCIETY,
Bethesda, Md., June 10, 1983.

DEAR REPRESENTATIVE: The House Appropriations Committee recommended zero funding in the Energy and Water Appropriations bill for the Garrison Diversion Unit, a Bureau of Reclamation project in North Dakota. The House concurred with that recommendation when it approved the appropriation measure on June 7, 1983. This decision is entirely consistent with the House action last December when funding for Garrison was rejected by a resounding one-hundred-vote margin. We applaud your actions with regard to this project. Congressman Conte intends to offer a motion to instruct the House conferees to insist on the House position and oppose any new construction funds for this project. We urge you to support Congressman Conte's motion.

The Garrison Diversion project is a Bureau of Reclamation irrigation project which will cost the taxpayers over $1 billion to construct. But the dollar figures alone do not express the true costs of this project. Garrison will drain or harm 73,000 acres of prairie wetlands, destroy 66,000 acres of native prairie and grasslands and 4000 acres of woodlands, and will destroy or harm twelve National Wildlife Refuges. To put these losses in perspective, it is important to keep in mind that North Dakota is one of the most productive waterfowl areas in the country; it produces more ducks than any other state in the lower 48. Migratory birds and waterfowl use these important wetland areas to produce their young and for migration habitat. The habitat losses—and the resultant wildlife losses—will be felt beyond North Dakota's borders.

Project proponents claim the environmental damage caused by the project is minimal and that what damage there is will be mitigated. The new proposed mitigation plan is inadequate in terms of total acres as pointed out in the attached resolution of our North Dakota chapter. The plan is based upon unidentified mitigation lands which may or may not be suitable for mitigation purposes. It is also based upon intensive management techniques which will requre long term commitment of personnel, money and other resources to be successful. That sort of commitment from the Department of the Interior seems unlikely. There is no guarantee it will continue.

Garrison also will have substantial harmful effects on Canada. The transfer of water from the Missouri River Basin to the Hudson Bay watershed will pollute Canada's waters and the introduction of foreign biota and rough fish could result in the loss of 50 to 75 percent of Manitoba's commerical and sport fisheries. The International Joint Commission concluded that Garrison would be in violation of the Boundary Waters Treaty between the U.S. and Canada. The Wildlife Society's Manitoba Chapter also is concerned about the effects of the project on Canada.

The Wildlife Society shares the concerns of the North Dakota Chapter as expressed in their resolution. We urge you to support the motion to bind the conferees, continue to oppose funding for the Garrison Diversion project and to work with the appropriate committees to see that an examination of environmentally acceptable alternatives takes place on a timely basis.

Sincerely,

HARRY E. HODGDON,
Executive Director.

NORTH DAKOTA CHAPTER OF THE WILDLIFE SOCIETY—RESOLUTION ON THE WILDLIFE MITIGATION PLAN FOR PHASE I OF THE GARRISON DIVERSION UNIT

Whereas the Garrison Diversion Unit will drain or adversely affect 73,000 acres of prairie wetlands, destroy 66,000 acres of native prairie and grasslands and 4,000 acres of woodlands, require channelization of 142 miles of streams, and impair management of twelve National Wildlife Refuges; and

Whereas the original wildlife mitigation plan of 146,530 acres featuring acquisition and development of existing wetlands would have resulted in net losses for wildlife; and

Whereas the updated wildlife mitigation based upon restoration of drained wetlands developed in the late 1970's to replace project losses would have required 198,000 acres featuring wetland restoration to offset the known habitat losses from the project; and

Whereas the proposed Phase I of the Garrison Diversion Unit would result in approximately one-third of the habitat losses of the full 250,000 acre project, but includes a wildlife mitigation plan of only 41,800 acres; and

Whereas the joint Federal-State-Conservancy District Mitigation Committee which developed the new mitigation plan for the Phase I project has recommended that the McClusky Canal and the Lonetree Reservoir, and Bureau of Land Management lands currently managed for multiple uses including wildlife, be credited toward project mitigation; and

Whereas many of the lands recommended for this new Phase I mitigation plan by the joint Federal-State-Conservancy District Mitigation Committee have not been identified and include lands totally different in location, mitigation suitability, and value for wildlife, especially waterfowl, from those envisioned by the Congress in the authorizing act of August 5, 1965; and

Whereas the same Federal-State-Conservancy District Mitigation Committee has postulated the benefits of the new mitigation plan on undescribed and untested concepts of intensive management of mitigation lands, and has identified for implementation only two intensive management techniques, fencing and establishment of dense nesting cover, which fail to include the normal array of management techniques employed by wildlife agencies in managing wildlife areas; and

Whereas this latest attempt to change the mitigation plan for the controversial Garrison Diversion Unit fails to recognize that the serious problems of the project are the result of its ever-escalating costs of now over $1.2 billion, its potential for severe adverse impacts to Canada, and its dwindling support among the people of North Dakota: now, therefore, be it

Resolved, That the North Dakota Chapter of The Wildlife Society finds the new mitigation plan for Phase I of the Garrison Diversion Unit to be inadequate to offset the wildlife habitat losses caused by Phase I of the project; and be it further

Resolved, That the North Dakota Chapter of The Wildlife Society petitions the Congress of the United States to investigate and to implement an alternative to the authorized Garrison Diversion Unit which will be less costly, will not adversely affect Canada, and will have less severe adverse environmental impacts in this country, thereby requiring less mitigation; and be it further

Resolved, That such an alternative consider irrigation development along the McClusky Canal and the Missouri River, and the use of pipelines to deliver municipal, rural and industrial water throughout the State, including the southwestern and eastern portions; and be it further

Resolved, That copies of this resolution shall be sent to the members of the North Dakota Congressional Delegation, to Congressman Conte of Massachusetts and Congressman Dingell of Michigan, and to other Members of the House and Senate as deemed appropriate.

I did not mislead anyone. I told the truth about this project. If you want to build a Venice without the gondolas, this is the place to do it. Mark my words, they will have more canals in North Dakota than they have in Venice.

Mr. Speaker, I urge the adoption of this motion.

Mr. CONTE. Mr. Speaker, I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 150, nays 215, not voting 67, as follows:

[Roll No. 219]

YEAS—150

Andrews (TX)
Archer
AuCoin
Barnes
Bartlett
Bates
Bedell
Biaggi
Bilirakis
Boehlert
Bonior
Broomfield
Broyhill
Bryant
Burton (IN)
Byron
Carper
Chandler
Chappie
Clarke
Clinger
Coats
Coleman (MO)
Conable
Conte
Conyers
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Dannemeyer
Dellums
Derrick
DeWine
Dingell
Dreier
Durbin
Eckart
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Fiedler
Fields
Forsythe
Frank
Frenzel
Goodling
Gradison
Gramm
Green
Gunderson
Hall (OH)
Hamilton
Hartnett
Hertel
Hiler
Hillis
Horton
Hunter
Jeffords
Kaptur
Kasich
Kildee
Lagomarsino
Lantos
Leach
Levine
Lewis (CA)
Lowery (CA)
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Martin (IL)
Martin (NC)
Martin (NY)
McCollum
McDonald
McGrath
McKernan
McKinney

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□ 2030

The Clerk announced the following pairs:

On this vote:

Mr. Johnson for, with Mr. Latta against.

Mr. Porter for, with Mr. Lewis of Florida against.

Mr. Corcoran for, with Mr. Nielson of Utah against.

Mr. BORSKI and Mr. LEVITAS changed their votes from "yea" to "nay."

Mr. CRAIG changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. Bevill, Mrs. Boggs, Messrs. Chappell, Fazio, Watkins, Boner of Tennessee, Whitten, Myers, Mrs. Smith of Nebraska, Mr. Rudd, and Mr. Conte.

There was no objection.

GENERAL LEAVE

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, JUNE 28, 1983, TO FILE CONFERENCE REPORT ON H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATION, 1984

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight Tuesday, June 28, 1983, to file a conference report on the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MAKING IN ORDER AT ANY TIME ON WEDNESDAY, JUNE 29, 1983, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT AND ANY AMENDMENTS IN DISAGREEMENT ON H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATION, 1984

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, June 29, of next week, or any day thereafter, any rule of the House to the contrary notwithstanding, to consider the conference report and any amendments in disagreement thereto on the bill (H.R. 3132) making appropriations for energy and water development.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDING RULE XLIX OF RULES OF HOUSE OF REPRESENTATIVES CONCERNING METHOD OF ESTABLISHING STATUTORY LIMIT ON PUBLIC DEBT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 241

Resolved, That clause 2 of rule XLIX of the Rules of the House of Representatives is amended to read as follows:

"2. The matter after the resolving clause in any joint resolution described in clause 1 shall be as follows: 'That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof "$ ".', with the blank being filled in with a limitation equal to the appropriate level of the public debt as set forth, pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, in the concurrent resolution on the budget (whether such resolution was adopted under section 301, 304, or 310 of such Act). Only one joint resolution shall be prepared under clause 1 upon the adoption of any concurrent resolution on the budget; and, if the concurrent resolution set forth a different appropriate level of the public debt (pursuant to such section 301(a)(5)) for each of two separate periods, the blank referred to in the preceding sentence shall be filled in with both the limitation which is to apply for the later of the two periods (specifying the date on which that limitation is to take effect) and the limitation which is to apply for the earlier of such periods.".

SEC. 2. The first sentence of clause 1 of rule XLIX of the Rules of the House of Representatives is amended by striking out "by an amount equal to the difference between such limit and such appropriate level".

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, under the customs of the House, I yield 30 minutes for the purposes of debate only to the gentleman from Mississippi (Mr. LOTT), and pending that, I yield myself such time as I may consume.

Mr. DERRICK. Mr. Speaker, House Resolution 241 will amend rule XLIX of the Rules of the House of Representatives so that Rule XLIX will reflect changes recently made in the method of changing the statutory limit on the public debt.

House rule XLIX currently directs that, upon adoption of a concurrent resolution on the budget which recommends a change in the limit on the national debt, a joint resolution temporarily increasing (decreasing) the debt limit by the amount recommended in the budget resolution is engrossed by the enrolling clerk, deemed to have passed the House, and is transmitted to the Senate for further legislative action.

If such a concurrent resolution on the budget recommends different appropriate limits on the public debt for two different time periods, two joint resolutions are deemed to have passed, each one changing the debt limit temporarily for one of the two time periods concerned.

From 1969 until enactment of Public Law 98-34 (H.R. 2990) this past May, the U.S. public debt limit consisted of two parts: a permanent debt limit set forth in section 3101(b) of title 31, United States Code, and a temporary increase in that limit, with an expiration date on or before the last day of the fiscal year.

Public Law 98-34, which increased the debt limit to 1,389,000,000,000 (1 trillion, 389 billion dollars) also changed the method of increasing the debt limit. Rather than temporarily increasing the debt limit, it amended the permanent statutory limit contained in section 3101(b) of title 31 to raise that level to the full amount required to allow the Federal Government to meet its financing needs.

In keeping with this change House Resolution 241 would amend rule XLIX so that a joint resolution triggered by the passage of a concurrent resolution on the budget would change the debt limit by amending the permanent limit on the national debt, rather than temporarily increasing that limit. House Resolution 241 also provides that only one joint resolution will be triggered by the passage of a single concurrent resolution on the budget, even if such a concurrent resolution on the budget recommends two different debt limits for 2 different fiscal years.

In such a situation, the joint resolution would provide that the limit recommended for the later period shall be the permanent statutory limit, except that the limit recommended for the earlier period shall be in effect for the duration of that period.

Thus, while only one joint resolution is engrossed and deemed passed, two different debt limits are set. The amount recommended in the budget resolution as the appropriate debt limit level for the current fiscal year will be the effective limit from enactment of the joint resolution until the end of the current fiscal year; thereafter, the amount recommended in the budget resolution as the appropriate level of the public debt for the coming fiscal year will be the statutory limit on the public debt until subsection (b) of section 3101 of title 31 is further amended to increase or decrease it.

The Committee on Rules agrees with the finding of the Committee on Ways and Means that the "use of combined permanent and temporary debt limits complicated both debt management and congressional procedure . . . has outlived whatever usefulness it may have had . . ." and "has become a source of confusion to the public . . ." (House Report 98-121, to accompany H.R. 2990).

The Committee on Rules also believes that it is unnecessary and confusing to have the enactment of a single concurrent resolution on the budget trigger the engrossment and passage of two separate joint resolutions to increase or decrease the public debt.

The committee, therefore, recommends passage of House Resolution 241 so that rule XLIX will conform to the practice of amending the permanent limit on the national debt, rather than increasing the debt limit temporarily, established by the enactment of Public Law 98-34 earlier this year; and so that Congress can eliminate the duplication of effort required by passage of two joint resolutions to achieve a single result.

Mr. Speaker, I urge adoption of House Resolution 241. I yield to the gentleman from Mississippi (Mr. LOTT) for the purposes of debate only.

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, House Resolution 241 amends House rule XLIV regarding an automatic procedure for transferring the public debt limit figure in a final budget resolution to a joint resolution to be sent to the Senate. This is the so-called Gephardt rule adopted back in 1978 to reduce the number of votes Congress would have to take every time it raised the public debt limit. Under the Gephardt rule, once a conference report on a budget resolution was finally adopted, the enrolling clerk in the House would prepare for engrossment a joint resolution containing the amount by which the debt limit was temporarily increased in the budget resolution over the permanent debt limit. That resolution was then sent to the Senate, thus avoiding the need for the Ways and Means Committee to report a separate bill and the House to vote a second time on the same matter.

Mr. Speaker, this year it was necessary for the Ways and Means Committee to report a debt limit bill to fill a gap left by the last budget resolution. In that bill the Ways and Means Committee eliminated the fiction of temporary increases and provided for a new permanent debt limit. At the same time, the chairman of the Ways and Means Committee requested that House Rule XLIV be amended to reflect this change, and also that the rule permit coupling two debt limit figures in the same joint resolution under the Gephardt procedure—one figure for the current fiscal year if there is a revised resolution, and one for the succeeding fiscal year. While the Rules Committee did not carry out the Ways and Means request at that time, the resolution before us today would accomplish that objective.

Mr. Speaker, under the proposed amendment to House rule XLIV, it would be made clear that the Gephardt procedure would be changed to reflect the new permanent public debt limit as opposed to the previous temporary public debt increases. And the rule would also provide for the inclusion of a single joint resolution both the debt levels for the current fiscal year as set forth in a revised resolution, and for the succeeding fiscal year as set forth in the first budget resolution, if two such periods are provided for in a single budget resolution. The rule would further state that the later debt level would specify a debt on which it is to take effect, which would ordinarily be the beginning of the next fiscal year.

Mr. Speaker, the Rules Committee had before it two options. The option not adopted would have required that if two debt levels were included in a budget resolution, the higher of the two would be transferred to the joint resolution. In a statement to our committee, the gentleman from New York (Mr. CONABLE) indicated he would prefer this option since it would help avoid the possibility of a gap occurring between the former ceiling and effective date of the latter ceiling. In other words, we could bump up against the ceiling for the current fiscal year before October 1 when the higher ceiling would take effect. In that instance, much as was required this year, the Ways and Means Committee would be

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required to report a debt bill to cover the gap. This runs contrary to the original purpose of the Gephardt rule which was to reduce House votes on debt levels bills. Nevertheless, the rule before us is the one preferred by the chairman of the Ways and Means Committee, and the Rules Committee deferred to his choice in this matter. I do not think this is a major or partisan issue, and will not oppose this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2040

PROVIDING FOR CONSIDERATION OF H.R. 1398, ENERGY CONSERVATION DAYLIGHT SAVING ACT OF 1983

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 201 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 201

> *Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1398) to promote energy conservation by providing daylight saving time on an expanded basis, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. WHEAT) is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, I yield the customary 30 minutes, for purposes of debate only, to the gentleman from Missouri (Mr. TAYLOR), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 201 is an open rule providing for 1 hour of debate and a motion to recommit H.R. 1398, the Energy Conservation Daylight Saving Act of 1983.

Mr. Speaker, the Energy Conservation Daylight Saving Act amends the Uniform Time Act of 1966 to give the Nation 2 additional months of daylight saving time. Specifically, the act provides that daylight saving time begin in early March rather than in late April as it now does.

Mr. Speaker, H.R. 1398 also preserves currently existing exemptions from daylight saving time for States totally within a time zone and for States lying across two time zones. Finally, Mr. Speaker, H.R. 1398 empowers the Federal Communications Commission to grant, on a case-by-case basis, before sunrise broadcasting permission to "daylight only" AM stations which would lose morning commuter hour profits because of this measure's later sunrises.

Mr. Speaker, H.R. 1398 is a bill which would conserve an enormous amount of energy for this country. It would also provide additional daylight hours for shopping and recreation. Finally, H.R. 1398 enjoys a great deal of public support.

Mr. Speaker, I know of no controversy on this rule. I urge my colleagues to approve the rule so that we may consider this important piece of legislation.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 201 is a simple, 1-hour, open rule under which the House will consider legislation highly detrimental to rural America, and that is a bill that adds an additional 2 months to our annual observance of daylight saving time.

This rule contains no waivers of the rules of the House, and it places no limits on germane amendments. The bill, H.R. 1398, will be read for amendment under the 5-minute rule; and the rule allows for one motion to recommit.

This is a simple rule, and an open rule, but I would be remiss in my duties if I allowed the House to be lulled into thinking that the bill it makes in order is a noncontroversial measure.

The Energy and Commerce Committee is on the verge of bringing to the House floor a bill that will mean more Government intrusion into the lives of the American people.

Mr. Speaker, for once I wish this Congress would be content to leave well enough alone. This bill expands, on an absolutely mandatory basis, daylight saving time from 6 months to 8 months.

The committee wants to rush springtime even further, in the misguided and wrong notion that the American people will save energy simply because Washington has decreed that our clocks should be moved forward earlier in the year.

Make no mistake about it, my colleagues, this bill represents another confrontation between rural America and urban America, with very little regard being given to the point of view of those millions and millions beyond the banks of the Potomac River.

Rural Americans have always regarded daylight saving time with dismay. Most all of their children ride buses to school and thus are forced to wait in the cold, dark, and often rainy part of the morning for their transportation. This wait puts these little children at considerable personal risk, all for the convenience of persons who live in large cities on either the east coast or the west coast.

This bill is supported primarily by a bunch of Government bureaucrats at the Department of Transportation who have nothing better to do with their time than to dust off a series of studies carried out in 1972 and 1975, and, of course, analyzed in 1976.

Mr. Speaker, the essence of this bill is to require the Nation to observe 8 months of daylight saving time, apparently on the theory that 6 months of it is not enough. In my opinion, no daylight saving time is probably the best, 6 months is barely tolerable, and 8 months is certainly too much.

And why, Mr. Speaker, does the Nation need to observe 2 additional months of daylight saving time? We were told in the Committee on Rules that this legislation will result in increased daylight recreation and shopping prime time. We were told that convenience store operators support this legislation. We were told that people who want to be able to engage in recreation during daylight hours support this legislation. We were told that this bill will result in "substantial" energy savings.

Well, I have searched through the committee report—and I cannot find where these so-called energy savings are to be had. As a matter of fact, the National Bureau of Standards concluded the following, and I quote:

> The available data does not lead to any conclusions on the possible energy savings, except that further studies would be extremely expensive to perform.

The administration witness from the Department of Transportation said, and again I quote:

> We were unable to establish conclusive evidence that would argue strongly for a permanent change in the Uniform Time Act. The potential benefits of an extended period of daylight saving time were simply too small and difficult to isolate from the larger impacts of seasonal and secular variations and changes in energy availability and prices that were taking place during the experiment.

Mr. Speaker, the argument is going to be made once again, as it was 2 years ago, that this bill continues to allow States the option of observing daylight saving time. I urge my colleagues to read the committee report very closely in this regard, for if they do, they will find that it is an all-or-nothing-at-all proposition. Under the current law, States can opt out entirely from the observance of daylight saving time. Under this bill, States must either choose to observe the entire 8 months of daylight saving time, or forego daylight saving entirely.

Our State legislatures will not have the ability to reject participation in the additional 2 months of daylight saving time this bill creates.

Mr. Speaker, this bill should be soundly defeated when it comes to the floor.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I rise in support of the rule making in order the consideration of H.R. 1398, the Energy Conservation Daylight Saving Act of 1983, a bipartisan bill jointly cosponsored by me and my ranking minority member, the gentleman from California (Mr. MOORHEAD). The bill extends the period of daylight saving time beyond the present 6-month period to 8 months, by starting daylight saving time on the first Sunday in March, instead of the last Sunday in April.

Last Congress the House passed, by a bipartisan vote of 243 to 165, H.R. 4437, which is identical to the bill before us today. Unfortuntely, the legislation was never taken to a vote in the Senate.

During last Congress we learned of many potential benefits of the legislation, the data for which was derived from experience in 1974 and 1975 when the United States had extended daylight saving time:

Energy savings of about 100,000 barrels of oil equivalent per day during the 2 extra months, according to a study conducted by the Department of Transportation;

As many as 200 fewer traffic fatalities per year, according to studies of the National Highway Traffic Safety Administration;

A reduction in violent crimes of 10 to 13 percent, based upon a study of Washington, D.C., crime statistics by the Law Enforcement Assistance Administration of Washington, D.C.;

Increased recreational time, tourism, and extension of prime shopping hours; and

An extra period of sight and mobility for the hundreds of thousands of Americans suffering from retinitis pigmentosa, a disease which causes night blindness.

The legislation will make the period of daylight saving time symmetrical around the summer solstice, the longest day of the year. As a result, the sunrises under this bill in March and April will be no later than those currently experienced in September and October.

The change in the period of daylight saving time is supported by the Reagan administration, and previous administrations. Public opinion polls also show a 2 to 1 public preference for extended daylight saving time.

At a recent subcommittee hearing, testimony was heard from representatives from the Department of Transportation, the Federal Communications Commission, the Retinitis Pigmentosa Foundation, the Southland Corp., and the National Association of Convenience Stores in support of the legislation.

Enactment of this legislation is a simple step we can take for energy conservation, crime reduction, and the economic recovery of our Nation.

Mr. WHEAT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATION OF THE BICENTENNIAL OF THE BIRTH OF SIMON BOLIVAR

Mr. BARNES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 14) commemorating the bicentennial of the birth of Simon Bolivar, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, and I have no intention of objecting, I wish to commend the gentleman from Maryland, chairman of our Subcommittee on Western Hemisphere Affairs for bringing this measure before us and also commend the gentleman from Florida, (Mr. MICA), the sponsor of this resolution.

It is entirely appropriate that we should honor Simon Bolivar, the liberator of South America, the man who is called the "George Washington" of his continent. The 200th anniversary of the birth of Simon Bolivar occurs on July 24, and it should be a time to reflect on the influence which the independence of the United States had on our neighbors to the South and in turn, how the ideals and example of Simon Bolivar served to reinforce our own commitment to the principles of freedom and democracy.

The legacy of Simon Bolivar can be seen in the six nations of the Bolivarian Republic: Venezuela, Colombia, Panama, Ecuador, Peru, and Bolivia. Their tradition of democratic governments, though interrupted over the past two centuries, still represent an undying search for the goals of freedom and justice for all peoples.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. Con. Res. 14

> Whereas July 24, 1983, marks the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas;
>
> Whereas Simon Bolivar offered his life to democratic ideals and created a legacy of freedom and independence;
>
> Whereas Simon Bolivar, with his actions and patriotic commitment, forged the nationhood of Bolivia, Colombia, Ecuador, Panama, Peru, and Venezuela;
>
> Whereas, through his political initiative, Simon Bolivar developed the ideal of Pan-Americanism based on independence, sovereignty, unity, and solidarity, and developed the right of all nations to live in peace; and
>
> Whereas Simon Bolivar was the architect of the Treaty of Union, League and Perpetual Confederation at the historical Congress of Panama in 1826, implanting the roots of the oldest international system of cooperation among nations: Now, therefore, be it
>
> *Resolved by the Senate (the House of Representatives concurring),* That the Congress—
>
> (1) expressing the sentiments of the people of the United States, extolls this illustrious figure, Simon Bolivar;
>
> (2) recognizes July 24, 1983, through July 23, 1984, as the bicentennial year of the birth of Simon Bolivar, hero of the independence of the Americas;
>
> (3) calls upon the President to issue a proclamation commemorating the ideals and example of Simon Bolivar;
>
> (4) declares its intention to send a congressional delegation to Venezuela in July 1983 to represent the United States in the official ceremonies of observance of the bicentennial of the birth of Simon Bolivar; and
>
> (5) calls upon the Librarian of Congress, acting through the Congressional Research Service, to conduct a study on the impact of Simon Bolivar on the United States.
>
> SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. BARNES. Mr. Speaker, Senate Concurrent Resolution 14:

First, expresses the sentiments of the people of the United States in extolling this illustrious figure, Simon Bolivar;

Second, proclaims July 24, 1983, through July 23, 1984, as the bicentennial year of the birth of Simon Bolivar, hero of the independence of the Americas;

Third, calls upon the President to issue a proclamation commemorating the ideals and example of Simon Bolivar;

Fourth, declares the intention of Congress to send a congressional delegation to Venezuela in July 1983 to represent the United States in the official ceremonies of observance of the bicentennial of the birth of Simon Bolivar;

Fifth, calls upon the Congressional Research Service to conduct a study

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on the impact of Simon Bolivar in the United States;

Sixth, calls on the Secretary of State to transfer a copy of this resolution to the President.

During my many travels through Latin America I have come to understand what the figure of Simon Bolivar represents to all those who believe in democracy and in the sovereign right of countries to proclaim their independence. Simon Bolivar was a visionary who dreamed of one united Latin American community. The Latin American countries are now paying tribute to his visions, it is only appropriate that the United States should join them in this celebration.

This resolution is supported by the administration. Our Ambassador to the Organization of American States, William Middendorf, has urged us to act on this. The chairman of the Foreign Affairs Committee recently received a letter from the Ambassadors of the six Bolivarian countries in Latin America in support of the resolution.

Senate Concurrent Resolution 14 was adopted by the Senate by voice vote on May 4, and I know of no opposition to it.

A similar measure was introduced in the House by our colleague Dan Mica and was referred jointly to the Committee on Foreign Affairs and the Committee on Post Office and Civil Service. I appreciate the cooperation of the distinguished chairman of the Post Office and Civil Service Committee in agreeing that, in view of the noncontroversial nature of the measure, we should simply accept the Senate version.

● Mr. MICA. Mr. Speaker, I am pleased to rise in support of Senate Concurrent Resolution 14, the companion resolution to legislation I introduced earlier this year commemorating the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas.

This resolution recognizes July 24, 1983 through July 23, 1984, as the bicentennial year of the birth of Simon Bolivar. Senate Concurrent Resolution 14 calls upon the President to issue a proclamation commemorating the ideals and example of Simon Bolivar, and expresses the intention of the Congress to send a congressional delegation to Venezuela in July 1983 to represent the United States in the official ceremonies of observance of the bicentennial of the birth of this great hero.

Simon Bolivar symbolizes the quest for freedom and democracy in all nations of the Americas. In addition to having been the champion of the struggle for independence from Spain, Bolivar, known by all as the Great Liberator, was proclaimed President of Venezuela, Colombia, Ecuador, and Panama, and served to organize the Governments of both Peru and Bolivia.

His vision of a united America gave rise to the Pan-American ideal we share today, which has gained vitality through the formation and activities of the Organization of American States. The "George Washington of South America," Simon Bolivar had the same faith in the dignity of man, the values of independence and democracy, and the ideal of a strong and united America that has strengthened our national purpose and commitment for the past 200 years.

The United States had a profound effect on Simon Bolivar, who learned from the example of the democracy to the north; and he has, in turn, profoundly affected this Nation through his concept of hemispheric solidarity.

It is fitting that we should acknowledge his influence on this hemisphere and our Nation. It is fitting that we should help to renew the faith in ideals so basic to our way of life—for which Bolivar fought and which he symbolized throughout the Americas.

I would like to add that I truly appreciate the efforts of the gentleman from Maryland, Mr. Barnes; the gentleman from California, Mr. Lagomarsino; and Senator Lugar of Indiana in their help and support for bringing my legislation before the Congress.

Finally, Mr. Speaker, I want to call attention to the assistance of the Permanent Representative to the U.S. Mission of the Organization of American States, Ambassador J. William Middendorf. I look forward to the opportunity for Members of Congress to join with Ambassador Middendorf in presenting this resolution to the peoples of the Americas.

I hope the Congress adopts this resolution so that we may celebrate with other nations of the Americas a symbol of strength, unity, and cooperation through the bicentennial observation of the birth of Simon Bolivar.●

● Mr. ZABLOCKI. Mr. Speaker, I rise in support of Senate Concurrent Resolution 14, commemorating the bicentennial of the birth of Simon Bolivar, hero of the independence of the Americas.

At the outset I wish to commend our colleague from Florida, the Honorable Dan Mica who introduced a companion measure in the House, House Concurrent Resolution 55. That measure was referred to the Committees on Foreign Affairs and Post Office and Civil Service. I also wish to mention and commend the chairman of the Post Office and Civil Service Committee the Honorable William D. Ford, and the chairwoman of the relevant subcommittee, the Honorable Katie Hall, for their support and their agreeing to this expedited procedure.

Mr. Speaker, I would like to quote from a letter I received yesterday from the Ambassadors of the six Bolivarian nations, Bolivia, Equador, Peru, Colombia, Panama, and Venezuela, expressing the significance of the event:

> Bolivar is a symbol of the quest for independence, liberty and cooperation among nations in our hemisphere. His bicentennial is being commemorated all over the world. It would be especially significant that it be so in the United States, a country which Simon Bolivar called the "cradle of freedom."

Mr. Speaker, the legacy of Simon Bolivar represents the same ideals of freedom and independence for this hemisphere as does the legacy of George Washington. I urge the unanimous adoption of the resolution.●

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARNES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MARITIME DEVELOPMENT BANK ACT OF 1983

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I introduce today the Maritime Redevelopment Bank Act of 1983. This legislation establishes the Maritime Redevelopment Bank of the United States to promote the revitalization of the maritime industry. It provides capital formation assistance:

First. To vessel operators to purchase modern, efficient vessels, thereby increasing productivity and competitiveness in both domestic and foreign transportation markets; and

Second. To commercial shipbuilders in the form of procurement and investment incentives to undertake managerial, organizational, and technological changes to improve shipyard innovation, productivity, and competitiveness designed to achieve significant reduction in the delivered cost and time of delivery of vessels and other products constructed in domestic shipyards. These indirect incentives in the form of a self-financing program to promote investment in maritime enterprise would substitute for increasingly expensive and inefficient direct subsidy programs of the past.

NATIONAL DIABETES MONTH

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOYER. Mr. Speaker, I am today introducing a joint resolution to designate the month of November 1983 as "National Diabetes Month." The ongoing war against diabetes has yielded significant advances in basic and clinical research aimed at prevention, diagnosis, and treatment of persons who are afflicted with this disease. Yet, so much more remains to be done.

Eleven million Americans suffer from diabetes. A significant portion of the victims are not yet even aware that they have the disease. Tens of millions of Americans—the friends and families of those with the disease—are personally affected by the grave impact which diabetes has on their loved ones. Over $10 billion are spent each year for health care, disability payments, and premature mortality costs resulting from diabetes.

Health complications arising from diabetes affect a variety of bodily functions and organs. The lasting effects of these complications are extremely severe. For example, the National Diabetes Data Group has reported that:

Diabetes causes almost 50 percent of foot and leg amputations among adults.

Twenty percent of all cases of kidney failure and 15 percent of all blindness are due to diabetes.

Diabetes is a major cause of birth defects and infant mortality.

The United States ranks among the highest five nations in the world in mortality due to diabetes.

Diabetes is a major risk factor for cardiovascular disease.

Persons with diabetes spend twice as many days in hospitals as persons without the disease.

Diabetes, which is the fourth leading cause of visits to general and family practice physicians, places a major drain on our health resources.

Mr. Speaker, the designation of November of this year as "National Diabetes Month" will serve to bring the human and economic costs of diabetes to the wider attention of the American people. It is my sincere hope and belief that this increased understanding of the disease—both by those afflicted and by others—will lead to more intensive research, improved methods of preventing serious complication, new types of treatment, and general awareness of the challenge we face in seeking to lessen the impact of diabetes. I urge the speedy adoption of this joint resolution.

Mr. Speaker, the context of the resolution is as follows:

H.J. RES. 307

Joint resolution designating the month of November 1983 as "National Diabetes Month"

Whereas diabetes kills more than all other diseases except cancer and cardiovascular diseases; and

Whereas eleven million Americans suffer from diabetes and five million seven hundred thousand of such Americans are not aware of their illness; and Whereas $9,700,000,000 annually are used for health care costs, disability payments, and premature mortality costs due to diabetes; and

Whereas up to 85 per centum of all cases of noninsulin-dependent diabetes may be controllable through greater public understanding, awareness and education; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1983 is designated as "National Diabetes Month," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies and activities.

☐ 2050

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of receiving the legislative schedule for the rest of today and the week.

I yield to the gentleman from Texas, the majority leader.

Mr. WRIGHT. I thank the distinguished acting minority leader, the gentleman from Mississippi, for yielding.

This concludes the legislative business for the day and for this week. There will be no session tomorrow.

Monday, we will meet at noon. There will be no recorded votes on Monday. All such votes will be postponed until Tuesday, June 28. We will take up one bill on District Day to increase Federal payment authorizations. There is one bill on suspension concerning the Extra Long Staple Cotton Act of 1983. We then will take up the daylight saving time bill on which a rule has just been granted and complete general debate.

On Tuesday, we meet at noon. There are two suspensions. The 1984 Olympic duty suspension and the omnibus minor tariff amendments; both are out of the Ways and Means Committee.

We will postpone votes on suspensions and on that bill debated until the end of the day, Tuesday.

We will take up the Interior appropriation and the Consumer Products Safety Commission amendment and complete consideration of that bill.

On Wednesday and Thursday we meet at 10 a.m. We hope to complete the District of Columbia appropriations, the health insurance for the unemployed, subject to the granting of a rule; the daylight saving time bill and the bill commemorating the 100th birthday of Harry S Truman.

Upon adjournment Thursday, the House will adjourn until noon on Monday, July 11 for the Independence Day recess and the home district work period. Of course, conference reports might be brought up at any time. Any further program will be announced later.

Mr. LOTT. Mr. Speaker, I would just like to inquire of the majority leader, the Members can expect definitely to be out of here on Thursday night; we will complete business on Thursday night?

Mr. WRIGHT. Emphatically. There will be no session on Friday. Upon our adjournment on Thursday, we will be in recess for the Fourth of July period.

Mr. LOTT. All right, sir. In view of the eloquence of the gentleman throughout the day, I wonder if he could feel moved at this point to perhaps give the House the benefit of his description of the origin of a drop of water? Does he feel that perhaps he could give us that information tonight?

Mr. WRIGHT. Oh, it has been an awfully long day. There have been so many eloquent words uttered about water. Perhaps the most eloquent of all was uttered by Kipling when he wrote that magnificent poem:

GUNGA DIN

You may talk o' gin an' beer
When you're quartered safe out 'ere,
An' you're sent to penny-fights an' Aldershot it;
But when it comes to slaughter
You will do your work on water,
An' you'll lick the bloomin' boots of 'im that's got it.
Now in Injia's sunny clime,
Where I used to spend my time
A-servin' of 'Er Majesty the Queen,
Of all them black-faced crew
The finest man I knew
Was our regimental *bhisti*, Gunga Din.

He was "Din! Din! Din!
You limpin' Lump o' brick-dust, Gunga Din!
Hi! *slippey hitherao!*
Water! get it! *Panee lao!*
You Squidgy-nosed old idol, Gunga Din!"

The uniform 'e wore
Was nothin' much before,
An' rather less than 'arf o' that be'ind,
For a piece o' twisty rag
An' a goatskin water-bag
Was all the field-equipment 'e could find.
When the sweatin' troop-train lay
In a sidin' through the day,
Where the 'eat would make your bloomin' eye-brows crawl
We shouted "*Harry By!*"
Till our throats were bricky-dry,

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Then we wopped 'im cause 'e couldn't serve us all.

It was "Din! Din! Din!
You 'eathen, where the mischief 'ave you been?
You put some *juldee* in it
Or I'll *marrow* you this minute,
If you don't fill up my helmet, Gunga Din!"

'E would dot an' carry one
Till the longest day was done;
An' 'e didn't seem to know the use o' fear.
If we charged or broke or cut,
You could bet your bloomin' nut,
'E'd be waitin' fifty paces right flank rear.
With 'is *mussick* on 'is back,
'E would skip with our attack,
An watch us till the bugles made "Retire."
An' for all 'is dirty 'ide
'E was white, clear white, inside
When 'e went to tend the wounded under fire!

It was "Din! Din! Din!"
With the bullets kickin' dust-spots on the green
When the cartridges ran out,
You could 'ear the front-files shout,
"Hi! ammunition-mules an' Gunga Din!"

I sha'n't forgit the night
When I dropped be'ind the fight
With a bullet where my belt-plate should 'a' been.
I was chokin' mad with thirst,
An' the man that spied me first
Was our good old grinnin', gruntin' Gunga Din.
'E lifted up my 'ead,
An' 'e plugged me where I bled,
An' 'e guv me 'arf-a-pint o' water—green:
It was crawlin' an' it stunk,
But of all the drinks I've drunk,
I'm gratefullest to one from Gunga Din.

It was "Din! Din! Din!
'Ere's a beggar with a bullet through 'is spleen
'E's chawin' up the ground,
An' 'e's kickin' all around:
For Gawd's sake git the water, Gunga Din!"

'E carried me away
To where a *dooli* lay,
An' a bullet come an' drilled the beggar clean.
'E put me safe inside,
An' just before 'e died:
"I 'ope you liked your drink," sez Gunga Din.
So I'll meet 'im later on
At the place where 'e is gone—
Where it's always double drill an' no canteen;
'E'll be squattin' on the coals,
Givin' drink to pore damned souls,
An' I'll git a swig in hell from Gunga Din!

Yes, Din! Din! Din!
You Lazarushian-leather Gunga Din!
Though I've belted you an' flayed you,
By the livin' Gawd that made you,
You're a better man than I am, Gunga Din!

Mr. LOTT. I am sorry I asked.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, JUNE 27, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. DONNELLY). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE SPEAKER TO THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House to the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 21, 1983.

Hon. BENJAMIN J. GUTHRIE,
Clerk, House of Representatives, H-105, The Capitol, Washington, D.C.

DEAR MR. CLERK: I have reviewed your notification letter of June 21, 1983 informing me, pursuant to the provisions of House Rule L(50), of your receipt of an Order of the United States District Court for the District of Maryland in *George H. Benford* v. *American Broadcasting Companies, Inc., et al.*, regarding certain non-public records of the Select Committee on Aging.

I have consulted with the Majority and Minority Leaders and Whips of the House and I must remind you that the House of Representatives, by adopting House Resolution 176 has pursuant to Rule L(50) exercised its constitutional prerogatives pursuant to article I, section 5, clause 3 of the Constitution and has determined that these records should not be produced for inspection by the plaintiff or the court in the above-mentioned civil litigation.

You are, therefore, without authority to produce these records as the House of Representatives has formally reclaimed and exercised its custody and control over these records.

Sincerely,

THOMAS P. O'NEILL, Jr.,
Speaker.
JIM WRIGHT,
Majority Leader.
THOMAS S. FOLEY,
Majority Whip.
ROBERT H. MICHEL,
Minority Leader.
TRENT LOTT,
Minority Whip.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *June 21, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House, that I have received by mail, an order of the United States District Court for the District of Maryland ordering that I, or my counsel, appear before Senior Judge Edward S. Northrop ". . . and show cause, if there be any, why an order should not be made holding said Benjamin J. Guthrie in contempt of this Court. . . ."

This order was entered by the Court in *George H. Benford* v. *American Broadcasting Companies, Inc., et al.*, Civil Action No. N-79-2386 a civil damages action pending in that court. I have previously been directed by the House of Representatives, by House Resolution 176, not to provide the Court or the plaintiff with access to certain nonpublic files of the Select Committee on Aging.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

GENERAL LEAVE

Mr. McKERNAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Georgia (Mr. GINGRICH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

□ 2100

ORBIT '81

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

● Mr. GINGRICH. Mr. Speaker, I am honored to join my colleagues today in paying tribute to the Camden, N.J., high school students for their achievement in designing an experiment called Orbit '81, now flying aboard the space shuttle *Challenger.*

Orbit '81 placed the first colony of living creatures into orbit. It is designed to see whether weightlessness affects the colony's social structure. The colony consists of carpenter ants, which are good subjects for a space experiment. The average carpenter ant lives about 4 months, increasing the chances that major events such as births and deaths will occur during the weeklong space flight.

Orbit '81 is sponsored by the RCA Corp. RCA managers and engineers talked for long hours with the students about the technical and managerial aspects of the project. One of the most important lessons learned by the students was problem solving. It took a number of starts, and restarts, and perseverance to get things on track. Many people from the community, NASA engineers, teachers, and the majority of the students from the participating schools helped out by con-

tributing money, manpower, and materials.

Most importantly, the students studied computers and learned how to develop flow charts and programs for the microcomputer that control the experiment's equipment. They learned about basic electronics, modeling, teamwork, and being reliable. Many students felt that they matured greatly during the project because of the responsibilities they had.

The work on this experiment stimulated student interest in science and engineering in general. Elective science course have about 50 percent more students than they did 2 years ago. Students have joined activities such as a model rocket club and a career program called aerospace interface. One of the schools installed a planetarium because of the interest in space. Several former Orbit '81 students are now pursuing science degrees in college.

Working on a real experiment for space sparked a level of interest that was totally unpredictable. It shows that a little stimulus can ignite great intellectual curiosity, innovativeness, and excellence. These high school students have gained an interest in learning that we push them for the rest of their lives. They have learned that individual effort and initiative still mean something in this country.

Orbit '81 demonstrates that a little community involvement and care can in fact produce educational opportunities for our youth—our leaders of tomorrow.

I am delighted to insert a description of this outstanding program by RCA:

The first colony in space won't consist of humans. It will be a colony of carpenter ants, scheduled to go into orbit on STS-7, the next mission of the space shuttle.

The ants—housed in a specially built "ant farm" and placed in a canister about the size of a 30-gallon trashcan—are the subjects in a high school science experiment.

Students from two urban, minority high schools in Camden, N.J. want to see if weightlessness affects the colony's social structure.

The students will get their data from movie and video cameras inside the canister. They have programmed a microcomputer to operate the cameras and lights at regular intervals during the week-long flight, scheduled to begin in June. When the flight is over, the experiment should yield a time-lapsed chronicle of a colony of social creatures living in space.

Called Orbit '81, the experiment started four years ago as a means to interest minority students in science.

"We had a championship chess team, and we've always been known for basketball," says Mrs. Riletta Cream, principal of Camden High School. "But we felt our students weren't as interested in science as we'd like them to be."

Knowing her students needed something stimulating, Mrs. Cream attended a meeting between community leaders and NASA officials who were plugging the educational benefits of the space program. An RCA vice president, also at the meeting saw NASA's "getaway special" program as the answer to Mrs. Cream's problem. Under the program, NASA leases leftover space in the shuttle's cargo bay for small, experimental payloads. RCA would pay the bill ($10,000), the executive said, if the students could conceive and design an experiment to meet NASA's safety and scientific requirements. Working on a real experiment for space, he said, might get students interested in science and engineering.

It did. Elective science courses such as physics and chemistry, have about 50 percent more students than they did two years ago. Students have also joined spinoff activities such as a model rocket club and a career program called "Aerospace Interface." "We installed a planetarium in one of our classrooms to capitalize on the interest our students have about space," says Robert Gottschall, principal of Woodrow Wilson High School. "We're making the planetarium the focal point of our efforts to keep students excited about science." Several former Orbit 1981 students, influenced by the program, have graduated high school and are now pursuing science degrees in college.

PROGRAM STARTED IN 1978

The program that produced these results got off the ground in 1978, propelled by a carefully designed plan that had several criteria.

"We wanted the experiment to be significant and challenging, something the students could be proud of, not ridiculed about," says David Shore, the vice president who has served as RCA's coordinator of the program since its inception. "We specified an enriched three-year science curriculum so the students could tackle the work, and insisted that the idea, whatever it might be, come from a team, not just one student. We also wanted as many students as possible to participate. And to keep interest high over a period of years, we planned field trips, lectures and experiments."

After the Camden Board of Education accepted RCA's offer, teachers from the city's two high schools (Camden and Woodrow Wilson) developed the first of four year-long "space science" courses. Both of the high schools also selected a group of about 15 students who would select and design the experiment. Anticipating a launch date in the three years, officials from RCA and the schools dubbed the program Orbit '81.

The first step, a very basic one, showed students the differences between Earth's environment and conditions in space.

"We felt the students needed to understand how the vaccum of space can produce extreme heat and extreme cold," said Fred Reiss, Camden High School's Orbit '81 coordinator and one of the teachers who developed the new science course. "This was basic information that they needed to pick and later to build an experiment."

BASIC LESSONS DEVELOPED

Reiss and Nick Timpanelli, coordinator of the Orbit '81 program at Woodrow Wilson High School, also developed lessons on basic electronics, the space shuttle program and NASA's "getaway special" requirements.

In line with the plan, RCA engineers came to the schools and lectured on topics such as technology and program management. They also guided the students on field trips to nearby RCA engineering facilities and volunteered their time for weekend outings to places such as NASA's Goddard Space Flight Center, near Washington, D.C.

"We wanted the students to meet and talk to engineers and to know how engineers go about solving a problem," says Tom Chavis, the assistant RCA coordinator. "It was time-consuming, but rewarding," says Chavis, who continued to serve as assistant coordinator even after retiring in 1981.

By the second year of the program, the advisors felt that students could debate what they were going to send into space.

"They discussed crystal-growing experiments, experiments with plants and a few other things," Timpanelli recalls. "But they really like the idea of sending social organisms into space. Finally they decided on ants." A colony of carpenter ants has an observable social structure. Some ants tend to the queen, others care for the eggs she lays, others keep the passages within the colony clear.

WHY ANTS WERE CHOSEN

Ants have several other qualities that make them good subjects for a space experiment. They have hard external skeletons to withstand the jostling and added gravity of liftoff. They live in confined spaces and require few life-support mechanisms. They have ciliated feet that can cling to smooth surfaces—even without gravity. And the average carpenter ant lives about four months, increasing the chances that major events such as births and deaths will occur during the week-long space voyage.

After the subject for the experiment had been chosen, teachers divided the students into teams to work as they might in industry. One team studied the ants and took film of their behavior under normal conditions for later comparison to film of the ants in space. Another team studied computers and learned how to develop flow charts and programs for the microcomputer that will control the experiment's equipment—video and movie cameras, lights and temperature regulators. A third group made an exact-scale model of the canister and tried to find the best way to arrange all the equipment.

During this time, teachers acted as advisers, leaving students to solve their own problems. Students adapted to and learned from this approach.

"It took a lot of maturing for all of us to sit down and do our assignments without someone standing over us," recalls Carolyn White, an Orbit '81 student.

"I learned that your first answer might not always be the right answer, but to keep on trying," said Orbit '81 student Brett Waters. "That helped me in a lot of different classes. It taught me not to give up."

OTHER ACTIVITIES SUPPORT SPACE PROJECT

While Orbit '81 students worked on the experiment, their classmates supported the program in various ways. Art students painted murals of space scenes on science room walls. Journalism students published an Orbit '81 newsletter. Students interested in photography served as visual historians for the project.

On several occasions the project attracted distinguished visitors to the high schools, allowing more students to become active in the program. In February, 1980, Dr. Robert Frosch, then administrator of NASA, visited the schools to learn more about the experiment. In May of 1982 Lt. Col. Guion S. Bluford, Jr., the first black astronaut scheduled for an orbital space mission (Shuttle "Challenger" July 1983), came to the schools to honor students for their work on the almost-complete project. For both of these visits, students wrote, produced and acted in

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special assemblies. They painted special backdrops and sewed costumes. Even home economic students contributed by preparing a special luncheon for the visitors and the entourage of media representatives and dignitaries who accompanied them.

By October of 1981 the teams had gathered enough information to design an experiment. A technical advisory committee of RCA engineers, and Temple University biologist John Tarka, approved the students' plan.

MORE STUDENTS BECOME INVOLVED

At this point, more students became active participants in the program. Mechanical drawing students drafted a blueprint of the experiment. Metal shop students followed that blueprint to drill holes and mount braces for the experiment's equipments.

By mid-June of 1982 the completed payload was ready for a "final exam"—a vibration test at RCA's Astro-Electronics plant in nearby Princeton, N.J. A special device, normally used on scientific and communications satellites, would shake the payload about five times harder than the actual shuttle ride.

The test would answer a few big questions. Could the cameras, lights and video recorder, all designed for use in the home, withstand a severe jolting? Would the ants survive vibrations beyond anything they had experienced?

As technicians mounted the assembled payload on to the test platform, several students watched and awaited the outcome. A low, rumbling noise, which produced the vibrations, signaled the start of the test. In 30 seconds the noise grew to a din, then stopped.

RESULTS OF VIBRATION TEST

With the test over, the students hurried toward the canister, unbolted it and grabbed for the ant farm, looking for any sign of life. As the first few ants emerged from the wood dust, one student exclaimed, "They're alive." The rest of the students clapped, a few cheered. Further checks showed lights, cameras and other equipment had survived the test as well. Twice more the equipment and the ants withstood the vibration, each time on a different axis.

"I'm relieved,", said a smiling Fred Reiss. "This the the last major hurdle. The kids have done their part."●

● Mr. **FORSYTHE**. Mr. Speaker, I would like to join my colleagues today in honoring the Camden, N.J., high school students for their success in designing the special experiment, Orbit '81, now flying on the space shuttle *Challenger*. This indeed is something to be celebrated. Not only did the planning of Orbit '81 teach the students some basic lessons in electronics and differences between the Earth's environment and conditions in space, but almost more importantly, the students learned to experiment with their ideas and to share them with their peers. Some lessons were learned that will be invaluable to these students as they become participating and productive individuals in society.

Orbit '81—an experiment designed to place the first colony of living creatures, carpenter ants, into orbit—was made possible by the collaborative efforts of NASA, RCA, and two urban high schools in Camden, N.J. As a consequence of this experiment, many students are journeying into a world they probably would never have ventured into before. In the past 2 years, student interest in science and engineering curriculums has dramatically increased; enrollment in elective courses such as physics and chemistry has almost doubled. In addition, more than 60 percent of the students who have graduated from the Orbit '81 program are continuing their academic careers in college and are pursuing degrees in engineering, computer science, and related disciplines.

The lessons learned by this experiment should ignite a spark of hope within all of us; a minimum amount of stimulation caused the imagination and ingenuity of tomorrow's leaders to unfold. I feel proud of these high school students and offer them my admiration and congratulations.●

● Mr. **McGRATH**. Mr. Speaker, I would like to join my colleagues in recognition of the students at two Camden, N.J., high schools who devised Orbit '81 for the current flight of the space shuttle *Challenger*.

This particular experiment is an excellent example of the ingenuity which can be displayed by students who are given a meaningful challenge and the means to bring it to fruition.

The project was started 4 years ago as a means of interesting minority students in science. It is a collaborative effort on the part of NASA, RCA, and the two urban minority high schools in Camden. The purpose of the experiment is to see how a colony of carpenter ants is affected by the weightlessness of space.

My colleagues are familiar with the state of American education today, particularly in the fields of science and math. I think it is significant that in the past 2 years, enrollment in elective science courses, such as physics and chemistry, at Camden High School, has nearly doubled, at least partly as a result of student participation in Orbit '81. Moreover, several former Orbit '81 students, influenced by the program, have graduated high school and are now pursuing science degrees in college.

But the benefits of the program are not purely curricular; the students also learned other values, such as self-reliance and persistence.

As Carolyn White, an Orbit '81 student, put it:

> It took a lot of maturing for all of us to sit down and do our assignments without someone standing over us.

And another student, Brett Waters, said:

> I learned that your first answer might not always be the right answer, but to keep on trying.

We do not know exactly how the colony of ants will react under zero-gravity conditions; that is the purpose of the experiment. But no matter what we conclude from the experiment, the students who participated in Orbit '81 have already gained an appreciation for the challenge that learning represents. And that makes the entire project worthwhile.●

● Mr. **FLORIO**. Mr. Speaker, when the space shuttle *Challenger* lifted off from the Kennedy Space Center on June 18, it made me proud, not simply because of the great accomplishments of NASA, or because Sally Ride, our first woman astronaut was on board. I was proud of two high schools in Camden, N.J., which supplied one of the experiments carried aloft. I was proud because this experiment, designed to study the effects of space travel in a colony of carpenter ants, was the product of a 5-year effort of the students of Camden and Woodrow Wilson High Schools, two largely minority urban schools. I was proud because this project, Orbit '81, represented a real team effort both within the school and with the private sector.

The importance of Orbit '81 goes beyond the data gained from the experiment's completion. The importance lies in the drive the students have shown for education. As a former Woodrow Wilson High School student put it, "It gave me something to excel in. I could work with other students, expand my horizons and it made me want to continue my education to the extreme." Since Orbit '81 began, enrollment in science classes has increased 35 to 50 percent at the schools, while enrollment nationally has been trending downward.

Graduates of the program are now enrolled in science programs at a number of colleges and universities, including Swarthmore, the University of Pennsylvania, Rutgers University, and the U.S. Naval Academy. Many students have changed their college plans to pursue science careers. As another student stated, "I was always planning to go to college, but I was planning to major in Journalism because I was fairly good at writing. The prospect of getting involved in engineering or the sciences was the farthest thing from my mind—until I got involved in Orbit '81. Many engineers who visited us and talked with us gave us a very good overview of what it was all about."

The students exhibited their ingenuity in carrying out the project. When the cost of the canister carrying the experiment, priced at $30,000, proved prohibitive, the students constructed their own, to NASA's satisfaction, at the cost of only $75.

On this day, when the participants of Orbit '81 are being honored at a reception this afternoon, by the Congressional Black Caucus, the Congressional Space Caucus, and the New Jersey delegation, a number of people and organizations who aided in the students' completion of the project,

either through financial support or educational guidance, should be mentioned. Mention should be given to RCA Corp., which donated that $10,000 fee to get the experiment aboard the shuttle. Within RCA, special thanks should go to David Shore, RCA coordinator for the program and to Irving K. Kessler, an executive vice president of RCA.

The South Jersey Chamber of Commerce, another representative of the private sector, assisted the school district with a grant to develop an enriched 4-year science curriculum for the Orbit '81 students.

Recognition should also go to those professionals who visited and spoke to the students, engineers from local RCA plants, professors from area universities, and especially to Lt. Col. Guion S. Burford, Jr., the first black astronaut scheduled for a shuttle mission, who visited with the students in 1982.

Finally, the educators themselves deserve thanks. Dr. Charles Smerin, superintendent of Camden City Schools, Robert M. Gottshall and Riletta L. Cream, principals of the two high schools, and Nicholas Timpanelli and Frederick Reiss, coordinators of Orbit '81. Mr. Reiss deserves special recognition for being given New Jersey's Teacher of the Year Award because of his contribution to the project.

Mr. Speaker, I think Orbit '81 shows what can be accomplished with innovative teaching. I think it also shows the potential that exists in the students in our too-neglected urban schools. An Orbit '81 student put it best: "Some people seem to think that young people in Camden schools are always a problem. We have shown that we can do something positive, something that schools with more money and resources have not done. We have shown that we're trying."

Mr. Speaker, for the benefit of my colleagues, I would like to request that the following material be entered into the RECORD.

FACTSHEET: RCA GOVERNMENT SYSTEMS DIVISION—ORBIT '81

GENERAL DESCRIPTION

Orbit '81 was conceived in November 1977, at a meeting between NASA officials and community leaders in the Philadelphia region.

Mrs. Riletta Cream, principal of Camden High School, said there was a need for a program to interest minority students in science. Irving K. Kessler, an RCA executive vice president, offered to pay NASA's $10,000 fee to get a student-built experiment into one of the space shuttle's "getaway special" canisters.

In January of 1978, the Camden School Board approved the concept. Mr. Kessler appointed David Shore, RCA Division Vice President of Business Development, as coordinator of a program to provide technical material and financial assistance to Camden and Woodrow Wilson high schools.

Mr. Shore dubbed the program Orbit '81, anticipating three years of science training that would culminate in a completed experiment.

In May of 1979 a group of students from both schools selected an ant colony as the subject for their experiment because ants have an observable highly sophisticated social structure and for other reasons: (1) ants have hard external skeletons capable of withstanding the force of launch, (2) ciliated feet which cling to smooth surfaces, and (3) have a life cycle which allows for observation of births and deaths in weightlessness.

To record their data, students decided to train video and movie cameras on the ant colony during the planned one-week mission of the space shuttle.

The experiment is computer controlled and is the first shuttle payload capable of operating without crew assistance. However, redundant circuits do exist for crew override in case of emergency.

GETAWAY SPECIAL PROGRAM

The small "getaway special" payloads which NASA accepts for voyages on the space shuttle, are handled on a space-available basis, generally in a first-come, first-served sequence.

The five-cubic-foot canister (about the size of a 30-gallon trashcan) must not draw upon the shuttle's services beyond three on-off controls operated by an astronaut.

The GAS program, as it is called, was created to encourage use of space by researchers from industry and the general public, foster enthusiasm about space among the young, and generally increase knowlege of space.

Users must pay a fee and meet NASA's safety and scientific requirements.

Approximately 380 companies, schools, governments and individual have reserved GAS payloads for future shuttle missions.

Many of the experiments will test the possibility of using the low gravity of space to improve industrial processes and materials. Others, such as the Orbit '81 experiment, seek results on the effect of weightlessness on organisms.

CONDITIONS

Before implementing a program, RCA and school district officials agreed on several conditions:

(1) The experiment had to be significant. It could not be a cause for ridicule because it was too elementary.

(2) A minimum of three years of enriched science courses would be necessary.

(3) The experiment had to be a team effort, rather than the work of a single student or small elite group since the team approach is closer to the problem solving methodology used in industry.

(4) As much as possible, the student body of both schools had to be involved. Thus, journalism students published an Orbit '81 newsletter. Industrial arts students assisted graphical design, manufacturing, fabrication and assembly and art students promoted the project with posters. When Dr. Robert Frosch, NASA administrator, visited the schools, home economics students prepared a special "space meal," and the music department played a "space concert." Also, the dramatics department put on a "space skit." The choir sang an Orbit '81 song.

(5) Student interest was enhanced by lectures, field trips, assemblies and other means.

CURRICULA

Both Camden and Woodrow Wilson high schools have a core group of about 15 Orbit '81 students. In addition, students from journalism, industrial arts, and art curricula have been active participants in the program.

All Orbit '81 students have taken "space science" courses (one each year) developed by the faculty and adminstrators from both schools.

Space science covers such topics as the space environment, the space shuttle, and the shuttle's "getaway special" program.

At Camden High School, teachers and administrators selected Orbit '81 students in their freshman year, based on previous abilities in science and mathematics. Students who accepted were expected to participate in Orbit '81 for four years. They took space science each year and worked on one of the experiment's three teams—computer, ants or engineering design.

The computer team developed flow charts and the computer program for a microprocessor to control the experiment's cameras, lights, air conditioning and other equipment. Another group studied the ants to observe their behavior and discover the conditions needed to keep them alive during the experiment. A third team developed a design to place all the equipment within the NASA canister, which is about the size of a 30-gallon trashcan.

At Woodrow Wilson High School, participation in Orbit '81 was left open to volunteers, regardless of previous academic achievement. Interested students could participate for any number of years, according to Mr. Nick Timpanelli, the program's adviser. Some students, he said, chose to participate for only one year. Others have remained in the program for four years.

EXPERIMENT

The ants will be placed in a specially designed farm that has a wooden frame and non-glare plexiglass.

An RCA consumer-grade video camera and a movie camera, each powered by their own batteries will be used to record the activities of the ants. These cameras, and fluorescent lights will be controlled by an RCA microprocessor. The video camera will record lift-off and immediate weightless activities, and both the video camera and super 8mm camera will photograph the ants periodically.

The video camera will be connected to a recorder in the canister. The individual frames of the movie film will provide still pictures of the ant colony.

The ants will be kept at a temperature between 55 and 85 degrees. A fan, controlled by the microprocessor, will circulate air when necessary.

The students chose an ant colony as the subject of the experiment for a variety of reasons, most important of which is their highly sophisticated social structure, perhaps the nearest approach to human civilization in the insect world.

Other advantages include their hard external skeletons, able to withstand the rigors of lift-off and added gravity, their ability to live in confined spaces with minimal life-support mechanisms, and their ciliated feet which can cling to smooth surfaces, even in the absence of gravity.

The carpenter ants, among the hardiest and largest type ants found in North America, have the ability to withstand wide variations in temperature and for their size (as long as a half inch) which makes them easy

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to observe. The four-month average lifespan of the carpenter ant makes it likely that birth, death and other major events in the ants' life cycle will occur during the Space Shuttle's one-week voyage.

RCA'S ROLE

RCA paid NASA's $10,000 fee for the Orbit '81 space aboard the space shuttle.

Engineers from RCA plants and the staff of RCA's Government and Commercial Systems Divisions have lectured students on computers, computer software, amateur radio satellite terminals, and electronic test equipment.

Students have taken several field trips to RCA plants and Laboratory in southern New Jersey (Princeton, Camden and Moorestown).

RCA engineers have served on technical advisory committee for the students' design of the experiment. In addition, the RCA divisions have donated more than $450,000 worth of surplus electronic test equipment to both high schools.

In addition, the microprocessor that will control the experiment's equipment was donated by RCA as was the consumer grade video camera and recorder that will document the ants' space voyage.

RCA Solid State Division, Consumer Products Division and RCA Service Company have donated new equipment, advice and services on a continuing basis throughout the training and development cycle of the Orbit '81 project.

CHRONOLOGY

November 1977: Project conceived at a meeting of NASA officials and community leaders. RCA offers to pay $10,000 NASA fee for small experimental payloads aboard the shuttle.

January 1978: Camden Board of Education endorses and approves a program that will put a student experiment in space.

Summer of 1978: School administrators and teachers start to develop science curricula, aided by a grant from RCA and the Camden School Board.

May 1979: Students select ant colony as the subject for experiment.

July 1979: NASA deems experiment significant and approves.

February 1980: Dr. Robert Frosch, NASA administrator, visits schools and deems Orbit '81 a role model for other high school programs designing experiments for the space shuttle.

October 1981: Students' design for experiment approved by panel of RCA enginneers and biology professor John Tarka of Temple University, Philadelphia.

May 1982: Students complete construction of experiment. Tests scheduled at RCA facility in Princeton, N.J.

September 1982: Students began improvements to the experiment based on advances in the state of the Art.

April 1983: Students complete preparation of the experiment at Kennedy Space Center for loading aboard STS-7.●

ACCORD BETWEEN CONGRESS AND THE FED NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. GRADISON) is recognized for 5 minutes.

● Mr. GRADISON. Mr. Speaker, now that the question of the leadership of the Federal Reserve has been settled, we can turn our attention to the job we want the Fed to perform, and how Congress can work in concert with the Fed to meet joint objectives. The Fed has something Congress wants: lower interest rates. And we have something they need to do their job: control over fiscal policy. Our highest priority should be given to working cooperatively with the Fed rather than acting like adversaries, with fiscal policy and monetary policy pulling in opposite directions.

There is precedent for such action. Once before the policies of the Federal Reserve were under attack, its treasured independence threatened; the Fed was at loggerheads with another branch of Government; and fear of future inflation was a pervasive concern. This was in 1951, when disagreement between the Treasury and the Fed broke into public view over the Treasury's desire to peg the price of U.S. bonds and the Fed's concern about inflationary increases in the money supply. Out of this controversy came the "Accord of March 4, 1951":

> The Treasury and the Federal Reserve System have reached full accord with respect to debt management and monetary policies to be pursued in furthering their common purpose to assure the successful financing of the Government's requirements and, at the same time, to minimize monetarization of the public debt.

Now the Fed and the Congress are at odds over clashes between monetary and fiscal policies. There is fear that the recovery may be dampened or even reversed by rising interest rates caused by competition for funds between a reviving private sector and a deficit-laden Federal Government. Congress wants to know in advance, and with specificity, the Fed's "objectives" for GNP, inflation, and unemployment.

The Fed argues that establishing short-term objectives for these variables would encourage undesirable "fine tuning," place too much emphasis on short-term economic events, and mislead the public into believing that monetary policy can relieve the need for difficult choices on the budget and other areas of economic policy.

While public debate is focused on this disagreement, the basic issue of how to have compatible monetary and fiscal policies remains unresolved.

There is need for a new accord, this time between Congress and the Fed, to define their proper roles in laying the basis for a sustained, noninflationary recovery. There is no more important task for the Fed, if its hard-won gains against inflation are to be preserved, and no greater challenge for the Congress, if the nearly unanimous concern of its Members about large outyear deficits is to be translated into deficit-reducing actions.

The key elements of the 1983 accord should be:

First, a commitment by the Fed not to use its power to influence the money supply and short-term interest rates in a manner that chokes off economic recovery.

Second, credible action by the Congress to reduce the deficit to below 2 percent of GNP by fiscal year 1987; and

Third, a public statement by the Fed and congressional leaders in support of the accord.

Because so much attention has focused on who should chair the Fed, a primary task facing the agency has been given inadequate attention. I am suggesting that the Chairman's goal should not be to make the White House happy, or to satisfy foreign central banks, comfort big city bankers, or reassure the money markets. Instead, the Chairman should strive to mend the tattered Fed-Congress relationship by developing with Congress an accord that will result in lower deficits and a better mix of monetary and fiscal policy.

The accord would aid Congress by assuring that the politically painful steps necessary to reduce the deficit would not be made politically disastrous by a monetary policy that would abort the recovery. Likewise, the accord would give the Fed the assurance that fiscal policy would be such that it could safely pursue a moderate monetary policy.

Without such an agreement, Congress and the Fed risk a continued confrontation that will hinder, if not stifle, economic growth. In the absence of positive action by Congress to reduce deficits, the Fed would likely choose one of two tacks: Either pursue a tight money policy in an attempt to offset stimulative fiscal policy, or pursue a loose money policy in order to accommodate fiscal policy. In either case, the result would be high interest rates and sluggish or negative growth—and further attacks on Congress for ineptitude in reducing deficits and on the Fed's independence, as each continues to blame the other.

Can an accord be reached? Is there anything the Congress—given its track record—can do to convince the Fed and an understandably skeptical public that it will not permit outyear deficits?

I believe there is. It first requires agreement not only that there is a problem, but also that action is needed now to solve that problem; put another way, that it is more likely that economic growth will be stifled by continuing large deficits than it is that economic growth will bring the deficits down to manageable size.

Second, it requires acknowledgement of the political standoff which exists between those who would deal with deficits by cutting spending and those who would deal with deficits through

higher taxes—including deferring tax cuts not yet effective. While members of each group see political advantages in their positions, neither side in this largely ideological war can win the really important battle; both spending restraint and increased revenues are politically necessary to substantially reduce the outyear deficits. The worst possible outcome would be for both the "more domestic spending" and the "no new taxes" forces in Congress to prevail, and go home proclaiming victory.

Finally, it requires action now—in 1983, not in the election-year context of 1984—on the major elements: reduction of the growth in defense spending and phased-in restraints on domestic spending programs—especially those benefitting the nonpoor—and increases in revenue.

Admittedly, it takes a leap of faith to believe that this accord can be achieved. But the stakes make it worth the try.●

THE HIGH TECHNOLOGY RESEARCH AND DEVELOPMENT JOINT VENTURE ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

● Mr. SENSENBRENNER. Mr. Speaker, I am introducing legislation jointly with the distinguished gentlewoman from Tennessee (Mrs. LLOYD) to help our Nation move forward in developing important new high technologies in such areas as semiconductor chips, microprocessors and supercomputers, sensors, chemical and material sciences, robotics, and alternative energy systems, among many others. This legislation, the High Technology Research and Development Joint Venture Act of 1983, would help our Nation maintain its world economic leadership and stimulate needed research and development activities. It would also have significant secondary benefits including the creation of new jobs, the growth of various support industries and the generation of additional tax revenues through increased economic activity.

As many of my colleagues are aware, our recent economic ills have been caused by several factors. One key factor, pointed out in various economic indicators, has been our country's notable decline in industrial productivity. While there have been impressive innovations in many of our basic industries, the overall rate of growth in America's industrial productivity slowed considerably during the 1970's. In fact, our domestic productivity actually declined a couple of points in 1981. This dangerous trend is one which our Nation cannot afford to tolerate and which must be reversed as soon as possible.

By many accounts our decline in productivity is representative of America's eroding technological leadership and lagging international competitiveness. This situation can be traced to more than a decade of low capital investment and limited R&D spending. Although the United States still leads the world in spending for basic research, a 1980 Harvard Business Review report pointed out that the private sector investment in research and development has been steadily decreasing in recent years with no changes foreseen in the future.

A recent study by the prestigious Business-Higher Education Forum has stressed the strong need to enhance our private industry's ability to compete with foreign ventures in developing and marketing new technologies. Without a firm commitment to basic research and development, our leadership in many new technological areas may be severely challenged in the future. For example, the Japanese are closing fast on the American lead in such areas as microchip technology, threatening U.S. preeminence in this important technology. These tiny electronic devices will be at the heart of our future advances in computers, communications, consumer products and many other areas.

The future challenge to America in technology development is awesome. International competitiveness has made it more difficult than ever to develop and exploit new inventions. It is certainly in our Nation's economic and national security interests to encourage new ideas and develop new technologies, allowing us to move forward and help lay the foundation for our future modern society.

The urgency of our present situation has been made clear in a recent report by a prestigious National Research Council panel. In its report entitled "International Competition in Advanced Technology: Decisions for America," this panel concluded that—

> The United States must act now to preserve its basic capacity to develop and use economically advanced technology. This innovative capacity is essential for the self-renewal and well-being of the economy and the nation's military security. Trade in advanced technology products and services will contribute enormously to our economic health. Advanced technology products and processes not only permeate the economy, increasing productivity, but also from the basis of modern defense hardware.

This report also went on to recommend that careful attention be given to "maintaining the health and effectiveness of both university- and industry-based research, education and training."

The legislation we are introducing today represents a significant step in meeting this national challenge. It recognizes that the most effective Federal actions to stimulate long-term private investments in research and development are those that remove potential structural barriers to such investment. This legislation attempts to overcome these institutional barriers and allow a wide range of businesses and firms to carry our productive research on a joint basis.

Several recent reports, including the previously mentioned National Research Council and Business-Higher Education Forum studies, have called for a relaxation in antitrust restrictions that presently hinder American industry's ability to take advantage of new high technologies. The National Research Council report strongly supported a careful reexamination of our antitrust policies, stating that—

> While U.S. antitrust policy has begun taking international competition into account, its implementation still fails to give sufficient weight to international trade considerations. The manner in which antitrust statutes are interpreted and applied is charged with interfering in international competitiveness. For example, firms have difficulty retaining the benefits of research that are the product of multifirm collaboration, prospective "safe—harbor" rulings are not readily available, and there is a general uncertainty regarding what corporate actions may elicit legal actions on the basis of anti-trust legislation.
>
> Because of this uncertainty, management cites anti-trust policy as creating excessive risk for a range of activities that may benefit innovation and trade, such as pooling research efforts, pooling information on the work of international competitors, or pooling development programs whose costs are too large for any one firm in an industry to undertake. By contrast, foreign governments—for example, Japan and France—encourage cooperation among firms through mergers or cooperative programs.

In essence, the legislation we are introducing today would provide new statutory guidelines for joint research and development ventures in order to determine whether these ventures were in compliance with Federal and similar State antitrust laws. These guidelines would also extend to any participant in the venture, as well as to all employees in the venture.

In order to qualify under these new legislative guidelines, the venture participants would have to notify the Attorney General of the United States that they plan to enter into a joint research and development venture. This venture would also have to identify and define all of the specific research and development programs that it planned to undertake. The length of any venture could not exceed 15 years. Any joint venture participant would be exempt from any restrictions on outside, independent research and development activities or any obligations to provide the venture with the results of any independent work. The ultimate authority for the management of the joint venture would be vested in a management board, to be composed of one representative from each participant in the venture.

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The legislation specifically contemplates that new firms could join the venture at a future date if this was agreed to by the venture participants, but they would be required to pay a proportional share of the common expenses of the venture. This legislation comtemplates, as a general rule, four or more ventures in any particular area. If the aggregate shares of the parties to the contract in the relevant market, as of the time the contract is made, for research and development projects in connection with a particular line of commerce exceeded at any time 25 percent of the relevant market for all research and development projects in the same line of commerce, the contract would not be covered under this legislation unless the Attorney General found either: One, that the results of the program were not likely to be directly applicable to the future production of a marketplace product; two, the participation of all the parties was necessary to the success of the program and was likely to produce effects that increased competition, improved the national economy or furthered national security; or three, such contract was made for the purpose of carrying out research and development essential to develop a product that was necessary to achieve compliance with any Federal law relating to the quality of the environment. The parties may require that the Attorney General determine whether their contract met this market test. The Attorney General's determination in this matter would be conclusive.

Under this legislation, all of the parties in the joint venture would retain title to all inventions, patents, or other useful information developed in the course of the venture. All participant firms would also be entitled to obtain irrevocable, nonexclusive, and equivalent licenses to all patents obtained by the parties. After 3 years, licenses would then be made available to any other U.S. firm on reasonable terms.

This legislation would also allow the Attorney General to investigate any joint venture at any time in order to insure that the requirements of the act are being met. Whenever the Attorney General commenced an investigation, he would be required to notify the venture. If the Attorney General determine that the venture violated this act, he would be required to submit a written notice to the parties in the venture, stating the facts and reasons supporting his determination and specifying the actions that would be required to bring the venture in conformance with the requirements of this act.

Finally, this legislation provides that no party shall be liable in excess of actual damages for any joint research and development venture that fails to meet the requirements of this act and the Federal antitrust laws. Under these circumstances, these parties would also be held liable for the cost of suit and interest awarded from the date of judgment.

Mr. Speaker, research and development has been one of the primary bases on which our Nation has attained its world economic standing. The legislation we are introducing today will help our Nation maintain this leadership by encouraging private investment in high technologies. It contains many essential elements that are necessary if we are ever to tap the risk potential of private research and development. I encourage my colleagues to seriously consider this proposal as an important element in achieving a successful economic recovery and planning for our future industrial society.

A section-by-section analysis follows:

Sec. 1. Short title.

Sec. 2. Findings and Purpose.

Sec. 3. Application of Antitrust Laws. Specifies that no person shall be held liable under Federal and similar State antitrust laws for entering a contract to carry out jointly one or more research and development (R&D) projects if such person notifies the Attorney General and if such contract (1) identifies and describes the scope of each R&D project, (2) specifies the obligations of each party to the contract, (3) provides that R&D activities shall be carried out through a management board consisting of one individual appointed by each party to the contract, (4) provides that the management board selects a chief executive officer who manages all of the R&D activities under the contract and recommends other operating criteria, (5) provides that no new party can enter the joint R&D venture unless such party pays a reasonable entry fee, (6) provides sepcific title, patent and license rights, (7) permits each party to provide, for a reasonable compensation, access to independent R&D results and to decline, for a period of three years, to disclose the results of R&D projects carried out under the contract, and (8) does not impose restrictions on outside R&D activities.

Imposes the following restrictions on any R&D contract eligible for exemption under this Act: (1) the aggregate share of the parties' to such contract of the relevant market, as of the time such contract is made, for research and development projects in connection with such line of commerce may not exceed at any time 25 percent of the relevant market, as of the time such contract is made, for all research and development projects in connection with such line of commerce unless (A) the results of such project are not likely to lead to development of information or of a product to be marketed, (B) the participation of all the parties is (i) necessary for the success of the project and (ii) likely to produce effects that increase competition, improve the national economy or further national security; or (C) such contract is made for the purpose of carrying out research and development essential to develop a product that is necessary for the parties to use to achieve compliance with any Federal law relating to the quality of the environment; (2) the contract must only cover R&D activities; (3) the term of any contract cannot exceed 15 years; (4) the parties to the contract must submit information to the Attorney General as specified in Section 4; and (5) the parties to the contract must submit an annual verification report to the Attorney General.

Exempts from disclosure under Section 552 of title 5, U.S.C., certain information submitted to the Attorney General under this Act.

Specifies that this Act shall apply to R&D contracts in effect on or after the date of enactment of this Act.

Sec. 4. Notification of the Attorney General. Requires the parties to any contract to submit certain information to the Attorney General regarding the contract not later than 30 days after making or amending the contract, as the case may be or 30 days after the date of enactment of this Act in the case of a contract in effect on the date of enactment of this Act.

Sec. 5. Investigation by Attorney General. Authorizes the Attorney General to investigate any person who has entered a joint venture R&D contract to determine whether the contract complies with the requirements of section 3 and the information submitted under sections 3 and 4 is accurate.

Directs the Attorney General to notify any person who is subject to an investigation whenever he commences an investigation. Directs the Attorney General to provide written notice if he finds that the contract does not comply with Section 3, including (1) a statement of fact and reasons in support of his determination, and (2) a statement specifying any actions that may be taken to bring a contract in compliance with section 3.

Exempts from disclosure under section 552 of title 5, U.S.C. any informaton obtained during the course of an investigation under this section.

Specifies that no determination made by the Attorney General under this section shall be admissible as evidence in any administrative or judicial proceeding based on a claim arising under the antitrust laws.

Sec. 6. Determination of Attorney General. Permits the parties to any contract to submit, not later than 10 days after a contract is made, a request to the Attorney General to determine whether such contract is in violation of the limitation specified in Section 3(b)(1). Requires that the Attorney General make the requested determination not later than 60 days after the receipt of such request or after the receipt of any additional information requested by the Attorney General. Specifies that the Attorney General's determination under this section is conclusive.

Sec. 7. Modification of Damages. Specifies that no person shall be liable under Federal antitrust laws for an amount in excess of actual damages, the cost of suit, and interest awarded from the date of judgment resulting from undertaking a contract relating to a jont research and development venture.

Sec. 8. Attorney's Fees. Directs the courts to award to a prevailing defendent the cost of suit, including a reasonable attorney's fee, in any action brought under the antitrust laws against a defendant who is exempt under this Act.

Sec. 9. Study. Directs the Attorney General to submit a report to Congress describing the operation of this Act and legislative recommendations not later than 18 months after the date of enactment of this Act.

Sec. 10. Definitions.

HIGH TECHNOLOGY R&D JOINT VENTURE ACT OF 1983—SUMMARY

This legislation addresses a significant institutional barrier affecting high technology research and development joint ventures. It would provide immunity (and exemption) from Federal and similar State antitrust laws for any venture if it meets certain statutory requirements. These requirements relate to the length of the venture (fifteen years), patent rights, and administrative and managerial requirements (the establishment of a management board), among others. The venture must also meet an initial capital formation test in order to ensure that the R&D market remains competitive and can accommodate at least four ventures of any one type.

The Attorney General must be notified of the formation of a venture in order to qualify under this legislation. In addition, the Attorney General is authorized to investigate any venture to ensure that the venture has complied with the requirements of this Act.

Finally, this legislation specifies that any joint research and development venture will be subject only to actual damages if it fails to meet the requirements of this Act and is held in violation of the Federal antitrust laws. It also requires any court to award attorney's fees to any defendant who successfully defends a claim that he was in violation of the antitrust laws.

H.R. 3393

A bill to modify the operation of Federal and State antitrust laws for the conducting of certain research and development activities jointly, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "High Technology Research and Development Joint Venture Act of 1983".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds the following:

(1) The prosperity and security, as well as the international stature and competitiveness, of the United States depend on the steady growth of its industrial productivity.

(2) Although innovations in some industries have resulted in impressive increases in productivity, the overall rate of growth in industrial productivity in the United States is decreasing.

(3) Growth in industrial productivity requires the strong support of basic research and development and the introduction of advanced concepts, processes, and industries.

(4) In order to maintain the international competitiveness of industries in the United States, it is necessary to facilitate an increase in private research and development.

(5) The most effective Federal actions to encourage long-term private investment in research and development are those actions that remove potential legal barriers to research and development rather than those actions that intervene directly in commercial markets.

(6) Commercial entities, especially small businesses, are often unable to engage individually in research and development on an efficient scale because of prohibitive costs.

(7) Many desirable research and development projects could be carried out jointly by commercial entities which are willing to share the costs and rewards of such projects.

(8) There is a need to modify the application of the antitrust laws in order to encourage commercial entities to carry out productive research and development projects.

(b) The purpose of this Act is to modify the operation of the antitrust laws and of similar State laws for certain joint research and development projects and thereby encourage commercial entities to carry out, and to secure the benefits of, such projects in order to increase industrial innovation, productivity, and the economic competitiveness of the United States.

APPLICATION OF ANTITRUST LAWS

SEC. 3. (a) No person shall be liable under the antitrust laws, or under any State law similar to the antitrust laws, for attempting to enter into, entering into, or carrying out a contract to which such person is a party if such person gives notice to the Attorney General in accordance with section 4 and if such contract—

(1) provides that the parties to such contract shall carry out jointly one or more research and development projects,

(2) identifies and describes, to the extent practicable, the nature and the scope of each such project, and the manner in which such project will be carried out,

(3) specifies with respect to each party to such contract the obligations applicable to such party,

(4) provides that such contract shall be carried out through a management board consisting of one individual appointed by each party to such contract to represent such party, which shall submit to the parties to such contract recommendations regarding initiating or terminating any research and development project, after taking into account—

(A) the importance of such project to the domestic economy or national defense,

(B) the long/run needs of the United States industries represented by the parties to such contract,

(C) the specific needs of each such party, including the risks and costs for the individual parties to undertake such project, and

(D) the educational and intellectual value of such project,

(5) provides that such management board shall select a chief executive officer who shall—

(A) manage all of the research and development projects to be carried out under such contract,

(B) submit to the parties to such contract recommended criteria to be applied to determine whether such contract should be amended to allow another person to become a party to, or to allow any party to withdraw from, such contract, and

(C) submit to such parties recommended criteria to be applied to determine whether and under which terms any license should be granted to use any information or product resulting from a research and development project carried out under such contract and, in formulating such criteria, shall encourage the widest possible dissemination of such information or product, giving due regard to the risks assumed and the resources expended by the parties to carry out such project,

(6) provides that no other person shall become a party to such contract, other than by succession in interest, unless such person pays to all such parties jointly, not less than a reasonable amount based on the cost and the value of the research and development projects then being carried out under the contract,

(7) provides that—

(A) applications for patents on patentable products discovered in the course of carrying out research and development projects under such contract shall be made by such parties, and such parties shall retain title to all inventions, patents, and information resulting from such projects,

(B) each party to such contract at the time information or a product is discovered or developed shall at such time be entitled to irrevocable, nonexclusive, and equivalent licenses to all patents obtained by such parties for such information or product,

(C) each party shall be entitled to use the results of each research and development project carried out under such contract, in a manner which bears an equitable relationship to the risks such party assumed, which use may include—

(i) exclusive access to such results for not to exceed 3 years,

(ii) royalty-free licenses or licenses at royalty rates which reflect the risks assumed and resources expended by such party, and

(iii) a share of any royalties collected from nonparties,

(D) not later than 3 years after such parties receive such licenses, licenses shall be made available to any other domestic person on such reasonable terms as such parties may establish, and

(E) each of such parties shall collect on behalf of all of such parties royalties for the use of information or products resulting from any such project and may retain such proportion of the revenues as may be agreed to by such parties,

(8) permits each of such parties—

(A) to provide, for a reasonable compensation, access to such research and development projects, other than research and development projects carried out under such contract, as is necessary for such parties to carry out research and development projects under such contract,

(B) to decline, for a period of 3 years, to disclose the results of research and development projects carried out under such contract,

(C) assign employees to carry out research and development projects under such contract, and

(D) undertake under such contract, on behalf of all of such parties, a particular aspect of research and development,

(9) does not impose on any such party—

(A) any restriction with respect to any research and development project, other than a research and development project to be carried out under such contract, which may be carried out by such party,

(B) any obligation to make available to any other person the results of any research and development project, other than a research and development project carried out under such contract, carried out by such party, or

(C) any restriction or requirement, other than a restriction or requirement permitted under this section, on the exercise of any right such party may have to exploit the inventions or use any information or product resulting from a research and development project carried out under such contract, and

(10) does not violate any limitation specified in subsection (b).

(b) For purposes of subsection (a)—

(1) with respect to all the research and development projects being or to be carried out, under a contract, in connection with a line of commerce, the aggregate share of

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the parties to such contract of the relevant market, as of the time such contract is made, for research and development projects in connection with such line of commerce may not exceed at any time 25 percent of the relevant market, as of the time such contract is made, for all research and development projects in connection with such line of commerce unless—

(A) the results of such projects are not likely to lend to development of information or of a product to be marketed,

(B) the participation of all the parties is—

(i) necessary for the success of such projects, and

(ii) likely to produce effects that increase competition, improve the national economy, or further national security, or

(C) such contract is made for the purpose of carrying out research and development essential to develop a product that is necessary for the parties to use to achieve compliance with any Federal law relating to the quality of the environment,

(2) such contract, and any other agreement relating to such contract, may not provide that any of the parties shall carry out jointly or severally any activity other than—

(A) a research and development project,

(B) any activity necessary to carry out the contract terms specified in subsection (a) and the requirements of this subsection, and

(C) any activity necessary to obtain a patent or issue a license applicable to the information or product resulting from a research and development project carried out under such contract,

(3) the term of such contract may not exceed 15 years,

(4) the parties to such contract shall submit to the Attorney General information in accordance with section 4, and

(5) such parties shall submit a report annually to the Attorney General verifying that the contract as then in effect complies with this section, and containing any additional information necessary to keep current the information required to be submitted in accordance with section 4.

(c) Any information submitted to the Attorney General for purposes of making a determination under subsection (b)(1), by a party, or by a person proposed to become a party, to such contract shall be exempt from disclosure under section 552 of title 5, United States Code.

(d) This Act shall apply with respect to research and development projects carried out under contracts in effect on or after the date of the enactment of this Act.

NOTIFICATION OF ATTORNEY GENERAL

Sec. 4. (a) Not later than 30 days after making a contract or after amending a contract, as the case may be, or 30 days after the date of the enactment of this Act in the case of a contract in effect on such date of enactment, with respect to which any benefit under this Act is or may be claimed, the parties to such contract shall submit in writing to the Attorney General, in such form as the Attorney General may require—

(1) Notice of the date that such contract is made, and of the date of any amendment to such contract,

(2) the name of each of the parties to such contract,

(3) a description of each research and development project to be carried out under such contract;

(4) with respect to each such research and development project, the name of each party who will participate in carrying out such project, and

(5) any other information, required by rules issued by the Attorney General, necessary to determine if such contract complies with section 3.

(b) Information submitted to the Attorney General under subsection (a) shall be made available to the public in accordance with section 552 of title 5, United States Code.

INVESTIGATION BY ATTORNEY GENERAL

Sec. 5. (a) The Attorney General may investigate persons who are required to submit information under section 4, for the purpose of determining whether—

(1) such information is submitted, is accurate when submitted, and is kept current,

(2) the annual reports submitted under section 3(b)(5) are accurate,

(3) the contract with respect to which such reports are submitted complies with section 3, and

(4) the research and development projects carried out under such contract comply with the terms of such contract and are consistent with the descriptions of such projects provided to the Secretary under section 4.

(b) Whenever the Attorney General commences an investigation under subsection (a), the Attorney General shall notify the person who is subject of such investigation that such investigation is in progress. If the Attorney General determines with respect to the contract involved in the investigation that such contract, or the contract as amended, does not comply with section 3, then the Attorney General shall give written notice of such determination to the parties to such contract. Such notice shall include—

(1) a statement of the facts and reasons in support of such determination, and

(2) a statement specifying any actions that such parties may take to modify such contract to comply with section 3.

(c) Information obtained by the Attorney General in the course of conducting any investigation under this section is exempt from disclosure under section 552 of title 5, United States Code.

(d) No determination made by the Attorney General under subsection (a) shall be admissible as evidence in any administrative or judicial proceeding based on a claim arising under the antitrust laws.

DETERMINATION OF ATTORNEY GENERAL

Sec. 6. (a) Not later than 10 days after a contract to carry out one or more research and development projects jointly is made, the parties to such contract may submit to the Attorney General a request that the Attorney General determine whether such contract violates the limitation specified in section 3(b)(1). Such parties shall submit to the Attorney General such information as the Attorney General may request for purposes of making such determination.

(b) Not later than 60 days after the Attorney General receives a request for a determination or after the receipt of any information requested by the Attorney General, whichever occurs later, under subsection (a), the Attorney General shall make, and notify the parties of the results of, such determination. Notwithstanding the preceding sentence, the Attorney General shall make such determination not later than 120 days after receiving a request for such determination.

(c) Information obtained by the Attorney General in the course of making any determination under this section is exempt from disclosure under section 552 of title 5, United States Code.

(d) In any action under the antitrust laws or any State law similar to the antitrust laws, a determination made under this section shall be conclusive as to whether the contract involved violates the limitation specified in section 3(b)(1).

MODIFICATION OF DAMAGES

Sec. 7. No person shall be liable under the antitrust laws for an amount in excess of the actual damages sustained by the claimant by reason of the violation of any such law, the cost of suit (including a reasonable attorney's fee), and any interest awarded (from the date of judgment) with respect to such damages if such liability arises from attempting to make, making, or performing a contract to carry out a research and development program jointly with another person.

ATTORNEY'S FEES

Sec. 8. In any action under the antitrust laws brought against a defendant who is not found, by reason of the operation of this Act, liable with respect to a claim in such action, the court shall award to the prevailing defendant the cost of suit, including a reasonable attorney's fee, attributable to defending against such claim.

STUDY

Sec. 9. Not later than 18 months after the date of the enactment of this Act, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report describing the operation of this Act and including any recommendations of the Attorney General relating to any legislation necessary or appropriate to achieve the purpose of this Act.

DEFINITIONS

Sec. 10. For purposes of this Act—

(1) the term "antitrust laws" shall have the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term shall include section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 relates to unfair methods of competition.

(2) the term "Attorney General" means the Attorney General of the United States,

(3) the term "person" shall have the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)),

(4) the term "product" means any goods or services,

(5) the term "research and development project" means an activity primarily involving—

(A) theoretical analysis, systematic study, exploration, or experimentation,

(B) the conduct of activities designed or intended to lead to the ultimate utilization of analytical results for the development of a particular application or product,

(C) the systematic application of knowledge through the conduct of activities designed to solve a particularly defined technical problem in order to achieve proof of principle or technical feasibility, or

(D) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and pilot-scale demonstration purposes, up to the stage of industrial application, including the production, testing and licensing of models, devices, equipment, materials, and processes, and

(6) the term "State" shall have the meaning given it in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2)).●

THE CONTINUING STRUGGLE OF SOVIET JEWS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Smith) is recognized for 10 minutes.

Mr. **SMITH** of New Jersey. Mr. Speaker, I rise this evening to point out to my colleagues that we face a very grave and dark hour in the ongoing struggle to help Soviet Jews secure basic protections and fundamental human rights they so desperately desire and so richly deserve.

Not only have we witnessed an alarming decline in the number of Jews permitted to leave the Soviet Union—some 51,000 were allowed to emigrate in 1979, that figure dropped to 2,688 in 1982, and today only about 100 Jews per month leave the Soviet Union—but we have seen a not-so-new cancer rapidly festering in the U.S.S.R., the disease of anti-Semitism.

Daily, Mr. Speaker, we receive heartbreaking reports of new victims of KGB harassment and interrogation. Daily we witness new, more extreme expressions of anti-Semitism in Soviet literature and articles in the state-controlled press. There are increasing reports of letters of invitation from first-degree relatives in Israel never being delivered to the addressee, thus denying a potential emigree the opportunity to fulfill the first requirement in the emigration process.

So the Jews in the Soviet Union find themselves in the situation of being homeless, a people without a country, yet a people that the authorities refuse to let go.

Mr. Speaker, within the last couple of months, a new propaganda effort has been initiated by the Soviets to make it appear that the season of Jewish family reunification has ended. Leaders of the newly formed Anti-Zionist Committee of the Soviet Public now make the totally unsupportable assertion that family reunification has essentially been completed.

This kind of falsehood flies in the face of the truth, and the simple truth is that tens of thousands of Jews seek to exercise their right to emigrate, to be reunited with their loved ones.

The truth is that documented case histories of thousands of Jews seeking to depart can be produced for an objective accounting.

The truth is that such statements do much to undermine the very word and reliability of the Soviet Union itself. I believe that this is particularly troubling at a time when the United States and the U.S.S.R. are trying to hammer out an arms control agreement—a very sensitive time when that important process could be greatly enhanced by more, not less, basic honesty and good will.

Mr. Speaker, I have been to the Soviet Union to witness the situation firsthand. I have met with many refuseniks and have heard their stories. I can only tell my colleagues that you cannot help but be touched to the very core of your soul by such an experience.

I came away with a profound appreciation of their anguish and pain. Their longings and their courage.

Mr. Speaker, this morning the Helsinki Commission, of which I am a Commissioner, and Foreign Affairs Subcommittee on Human Rights held a joint hearing to fully explore this much-worsened situation. We heard expert testimony from Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, Theodore R. Mann, chairman, National Conference of Soviet Jewry, Lynn Singer, president, Union of Councils for Soviet Jews, and William Korey, director of research, B'nai B'rith International Council.

Their incisive and sobering comments, Mr. Speaker, are now part of the official permanant record and I recommend this report to my colleagues as must reading.

EL SALVADOR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 30 minutes.

Mr. **GONZALEZ**. Mr. Speaker, today at about noon, I was informed of the fact that the first contingent of those military that the President announced to the newspaper would be sent to Salvador as a medical team and at the time at which he announced that proposal, he gave a figure of somewhere around 50 and said his interpretation was that other than maybe advising a couple of committee chairmen, that he did not have to come to the Congress.

As I have said here the last few days, I have introduced a resolution as of last week in which the responsibility of the Congress to act pursuant to the War Power Limitation Act in 1973 is encumbent upon us. But today's news, I think—well, I do not think, I know—is one of the most unbelievable things that I have heard. It just is so disturbing to see like a Greek tragedy. Something seeming to happen almost inevitably with what is obviously going to be a tragic result.

The reason I say that it is unbelievable to me is that this is exactly the experience I had in May of 1963. At that time in the case of so-called advisers in Southeast Asia. But the difference was, as I have said on the record, that at that time we had a President who was accessible. And as I said before, on the last trip to Texas, he advised me that he had made a decision and that was to pull out every one of those men and as he said, including the helicopters, by the end of the years, 1963.

On this occasion, the information is very disturbing because the first actually notified that they have got their marching orders and they will be shipping out, consists of 1 doctor, 1 male nurse, 10 medics, which we used to call medical corpsmen, but they do not even know where they will be sheltered. There have been no quarters available as of now, even though perhaps by the time I am speaking here they are well on their way to preparing their departure.

On top of that, they will not be issued any kind of sidearm for minimal personal self-protection, but they are informed that if they want to they can take their own pistol. Now how ludicrous, how ridiculous can we get. I just do not understand. These are military. They are not civilian. And they are going into a situation in which as I have also reported before the policy has changed since we first sent the first 55 or so so-called advisers.

And as of the time of the assassination or murder of Lieutenant Commander Schaufelberger, there is no question that the policy has been changed. Since the first of these advisers military set foot in Salvador I have been in touch because of the fact that some are and have been constituents.

And from the very beginning, every one of those military conveyed the fact that they were in a hazardous zone. They pointed out that this May that the employees of our American Embassy in El Salvador were given hazardous duty extra pay. On top of that, they proceed back and forth from their jobs to their residences in armored cars, whereas they were not even permitted sidearms at that time.

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It was only after I raised my voice 1½ years ago and, in fact, when the colonel then in charge, the CO, was shipped out, it was because the Ambassador said he was violating his status by permitting those military to carry rifles. But it was only after our outcry that they were permitted to have sidearms.

But every one of those men said, "Congressman, any time either the right wing death squads or the so-called rebels want, they can knock us off." They obviously have a policy for the moment to leave us along.

After the murder of Lieutenant Commander Schaufelberg, I announced that obviously that policy has changed and that every one of our military now are under a different kind of environment. With us sending doctors now, unarmed and unprotected, you can imagine the dangers increase tenfold.

A few months ago the administration decided to greatly increase the American presence in El Salvador. Publicly, the representatives of the ad-

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ministration were saying that the corner had been turned. In the words of one of them, "El Salvador is not about to lose."

At the same time, the administration began pressing for more money to be directed to El Salvador and laid plans to establish training facilities in Honduras which now are in place with a little better than 100 Green Berets, Special Forces. The facilities there, training and logistics supposedly, are in Honduras because that enables the administration really to say that we only have the minimal number of military advisers in El Salvador. In fact, there is a numbers game. If an accounting is going to be taken on a given day or moment, you just shift our military across the border into Honduras and then that gives us the count we want in El Salvador.

Of course, our commitment of advisers is much greater than that, because the bulk of our personnel working with Salvadorans are based just across that border and, as I say, shifted back and forth. In point of fact, however, the number of American military personnel in El Salvador is growing. It is growing because we are now sending these medical teams I speak of into the country.

There is no secret about this. The administration let their plans be known several weeks ago, but now the medical teams are, as I said, as of today, on the march. There will be a number of these teams, I would say at least half a dozen. They will each consist of a physician or two, nurses, technicians, corpsmen, and administrative support people.

Once these teams are in place, the number of Americans in El Salvador, that is, military personnel, will double. The medical teams, like the military advisers who are already there, will be allowed to carry only personal sidearms, a pistol, if they provide it themselves, at least those that today were shipping out; that is, the pistols are not issued. The members of the medical team must provide for themselves. Now, this is in a country where the American Embassy personnel are driven around in armored vehicles, by armed guards. This is in a country where automatic weapons are as common as bicycles, where terror is as real and palpable as anyplace you can find, including Beirut.

Joan Didion, who just recently published her book after being down there, reported this way, and I quote:

> The fact of being in El Salvador comes to seem a sentence of indeterminate length, and the prospect of leaving doubtful.

I suspect that some of the members of these medical teams now going into El Salvador feel very much like that. They have been given a sentence, and they have no way of knowing if they will live it out.

The administration says that they are sending these medical personnel to El Salvador for humanitarian reasons, and there is absolutely no doubt that health conditions in the country are desperately bad. El Salvador is a country where medical care is simply not available to the civilian population. It is a country where the most rudimentary public health measures do not exist, at least on any consistent basis; a place where clean water is precious, oftentimes impossible to get. But this is not just because El Salvador is a poor country. It is because physicians have fled, because physicians have been hounded, killed, or disappeared.

The American medical teams, it is said, will work in Salvadoran hospitals where the wounded and the sick today get little or nothing by way of reasonable care. Evidently they will not work in refugee camps, maybe, where conditions are even more desperate.

So much for the humanitarian concerns of the administration. Somehow, though, it is impossible to overlook the melancholy irony that a civilian group last winter traveled to El Salvador to look into the question of attacks and abuses on medical personnel. Then a couple of months later an administration team goes in to report terrible shortages of trained personnel in Salvadoran hospitals. Now, today, we are sending people, Americans, in to fill that need.

I can only wonder if El Salvador is any safer for American medical personnel than it is for Salvadorans, and particularly since we should have gotten the message after the assasination of Commander Schaufelberg that the rule of withholding is out and that they are now targets.

Where these medical personnel are and will be, it is difficult to say what degree of safety they will encounter. I do know that they will encounter no more or no less than what the personnel who have been there for 2 years have confronted. The reality is that with each day the administration is quietly increasing the U.S. commitment to El Salvador. Sometimes it is a buildup of facilities either in or nearby El Salvador to provide military support. Sometimes it is in the form of more and more sophisticated arms. Sometimes it comes in the form of more financial aid. Sometimes it comes in the form of added military advisers, either in the country or outside. But all serving the same purpose: To support the Government of El Salvador, a government that not one of us would find tolerable if we had to live under it. But we do not, as a condition of aid, demand that the Government of El Salvador make any real progress toward establishing law and justice.

The Reagan administration is satisfied to accept a cosmetic gesture here and there, just enough to placate a timid Congress to keep the spigot flowing, but never enough to give Salvadorans any reason to think that they can expect an end to corruption, murder, an end to the incredible economic injustices that they have endured for generations, and against which they are revolting, or a beginning toward a government that might be responsive to the needs of the ordinary citizens instead of the whims of oligarchs and their armies, public and private.

So if we are sending more military personnel to El Salvador, I pray every minute that every one of them returns. Some have been, some continue to be, constituents. If harm befalls any one of them, it is at the doorstep of the White House were the harsh light of reality in El Salvador never seems to see through.

I ask Ambassador Kirkpatrick and President Reagan: Would you be willing to send your own sons, as I have asked the Congress, to serve in El Salvador, to defend and maintain the government there in power, about which the issue is what brings about this commotion?

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THE NEW SOVIET JEWISH POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Lantos) is recognized for 5 minutes.

● Mr. LANTOS. Mr. Speaker, a few days ago on the floor of the House, I denounced the Soviet Union's vicious and officially orchestrated campaign of anti-Semitism. The latest step in this effort was the creation of the Anti-Zionist Committee, which recently claimed that there are no Jews in the Soviet Union who wish to emigrate and charged Zionists with collaborating with the SS and Gestapo during World War II.

Dr. William Korey, director of international policy research at B'nai B'rith International Council, has written an analysis of the new Jewish policy of Soviet leader Yuriy Andropov. Dr. Korey highlights the features of that new policy beginning with the background of the creation of the Anti-Zionist Committee. He outlines four features of the policy: First, an end to emigration of Jews from the Soviet Union; second, cutting ties between the Soviet Jewish community and Jews abroad; third, intensifying forced cultural and linguistic assimilation; and fourth anti-Zionist propaganda. This report has been copyrighted and disseminated by the National Conference on Soviet Jewry.

I am inserting in the Record an abridged version of Dr. Korey's analysis:

Andropov's Jewish Policy

(By Dr. William Korey)

Andropov's Jewish policy has begun to take shape during the past two months and its character and direction are ominous. A special public institutional form for legitimizing the policy has been created, elements of which evoke memories of the Nazi era and of Stalin's last days. The policy itself involves four separate but interrelated features: a) an end to emigration entirely; b) the cutting off of the Soviet Jewish community from relations with its brethren abroad; c) an intensification of the program of forced cultural and linguistic assimilation; and d) a broadening of the anti-Zionist propaganda campaign, drawing into it new anti-Semitic elements that have their origin in Tsarist Black Hundred canards and in recent neo-Nazi themes.

THE ANTI-ZIONIST COMMITTEE

On April 1, Pravda and other central newspapers carried an "Appeal" calling for the creation of an "Anti-Zionist Committee of the Soviet Public" and signed by eight Jews, most of whom had served in the past as apologists for the regime on Jewish issues. On April 21, three weeks after the "Appeal" was launched, a meeting of representatives of a number of public organizations was held "to formally announce the creation of the Anti-Zionist Committee." Since then, branches have reportedly been formed in various places in the USSR giving the central mechanism a depth for penetrating into the public arena.

The chairman of the Committee, Colonel-General David Dragunsky, is a 73-year old former tank corps commander. It should be noted that today the military leadership of the USSR is almost completely Judenrein. There are only a handful of Jewish military officials, who are holdovers from the World War II era.

Dragunsky's most recent significant public appearance in the Soviet press came on September 5, 1979. He reviewed an extraordinarily vulgar and bigoted anti-Jewish novel, which he praised as "one of the first artistic works exposing that dangerous and current phenomenon, Zionism." The author of the book, Yuri Kolesnikov, is a key member of Dragunsky's Anti-Zionist Committee.

Significantly, none of the initial eight members of the Committee are associated with the remnant of Jewish cultural life in the USSR. In an effort to provide some apparent legitimacy, however, the Committee has a distinctly Jewish membership. Later, the Chief Rabbi of Moscow, Yakov Fishman, became a member, but his role, before his sudden death on June 7, was limited to lauding the formation of the Committee.

The technique is, of course, not altogether new. The favorite method of the Nazis in Occupied Europe to control the local Jewish community and legitimize their anti-Jewish policy and ultimately to facilitiate the liquidation of Jews was to use Jewish Councils, some of which proved to be collaborationist. Later, Stalin, in preparing a mass evacuation of Jews from Moscow, Leningrad and other European cities of the USSR during the "Doctor's Plot" of January-February, 1953, assigned his Jewish associate, Lazar Kaganovich, that specific task. Stalin cleverly proposed that prominent Jews themselves request the evacuation, and, indeed, such Jews in the arts and in philosophy were found to sign the suggested appeals.

THE END OF EMIGRATION

The Committee's press conference of June 6 spelled out the new Andropov policy on emigration. It had already been signalled by a special column on April 20 written by Victor Louis, who has been utilized by the Kremlin to indicate major turns in the policy line. Louis formally announced: "Whether one likes it or not, mass Jewish emigration from the Soviet Union has come to an end." In a disturbing afterthought, he added that "it is now said openly in the USSR that 'the last train has left the station.'" These words evoke another era when a similar image was used for Jews who failed to get out of Europe in time to evade the Nazi genocide program.

Pertinently, Louis chose not to say that the Jews had stopped applying for emigration. On the contrary, he made it clear, if indirectly, that the cut-off was a governmental decision arbitrarily imposed and at least, in part, the consequence of the "drop out" phenomenon in Vienna. The fact that many Jewish emigrants chose to go to the United States, Louis observed, corrupted the "holy idea" of a "return to their ancient homeland" and turned it into a "degenerate process."

But, the Anti-Zionist Committee in Moscow on June 6 chose to fabricate a total falsehood about emigration. Samuel Zivs, the deputy chairman of the Committee, declared that the reason for the decline in Jewish emigration is that "family reunification has essentially been completed." Jews, he contended, no longer wish to leave because they have ceased to "succumb to Zionist lures."

Zivs, a Moscow legal official, who frequently has been used as an apologist by the Kremlin on specifically Jewish issues, simply denied that Victor Louis knew was true—that thousands of Soviet Jews were still anxious to emigrate. Over 300,000 Jews still in the USSR asked for and received from relatives in Israel an affidavit, a process which constitutes the first stage in applying for emigration. An additional 10,000 Soviet Jews who have formally applied to emigrate to Israel have been refused at least once and some many times. Zivs called these statistics as the "juggling of figures by Zionist propaganda." Clearly, unlike Louis, he saw his task, and the task of the Committee, to justify and legitimize a new policy even if it meant total fabrication.

The obvious reason for the fabrication is that any sort of truth would place the Soviet Union in violation of international law and solemn agreements that it either signed or ratified. The Universal Declaration on Human Rights in Article 13 (b) and the International Covenant on Civil and Political Rights in Article 12 make the right to leave a country a fundamental human right. The Covenant was ratified by the USSR in October, 1973 and this international treaty is binding. More immediate and serious is the wholesale abridgement of the Helsinki Final Act which the USSR signed on August 1, 1975 and which obligates signatories to "facilitate" and "expedite" the "reunion of families." The USSR deliberately has chosen to do violence to solemn obligations.

SEVERING LINKS WITH JEWS ABROAD

The second aspect of the Andropov Jewish policy—the severance of relationship between Soviet Jews and Jews abroad—was hinted at in the Anti-Zionist Committee's "Appeal". A crucial paragraph reads: "Soviet Jews reject with contempt attempts by Zionist propagandists to interfere in their life. . . . Citizens of the USSR who are Jews are an inseparable part of the Soviet people." The obvious intent was to warn Soviet Jews against having contacts with their "Zionist" brethren in the West. Zionism is portrayed in the "Appeal" as the very embodiment of evil and subversion. Presented in this fashion, Jews are cautioned to avoid any semblance of contamination through contacts.

The Kremlin's attempts at cutting links, while continuing for some time, has now been stepped up. Mail from the United States, especially mail carrying a request affidavit from a relative designed for emigration purposes, is often confiscated, returned or tampered with.

A letter sent several weeks ago by Rabbi Fishman to U.S. Ambassador Arthur Hartman highlights a different effort at cutting relations. One form of contact has been meetings in front of the Choral Synagogue in Moscow on Saturdays between visiting Western Jews and Soviet Jewish activists. On any Sabbath morning several hundred Jews will congregate in front of the synagogue to hold private discussions, often about the emigration issue. The American Embassy has sent an observer on a regular basis to report on these meetings. Rabbi Fishman, unquestionably prompted by the authorities, complained to Hartman that "one should not use the synagogue to conceal political, subversive, or, God forbid, espionage activities." Without an official U.S. presence, it may have been reasoned in the Kremlin, the Sabbath gatherings could be effectively discouraged. Ambassador Hartman rejected Fishman's accusations as "unfounded and factually false."

The sharpest warning by the Kremlin came in the form of a lengthy two-part article in Leningradskaia Pravda on April 19-20. The article focused on how Western Jewish tourists engage in "Zionist provocations" by spreading "the propaganda of racism and nationalism in our country." The warning is driven home by hints that Zionism is to be treated as a crime which will not "be allowed to go unpunished."

FORCED ASSIMILATION

The same Leningradskaia Pravda article utilized bigotry to emphasize a third purpose of the Anti-Zionist Committee—forced assimilation. It vigorously condemns the organization of private Hebrew teaching circles, teaching and study of Hebrew and Yiddish literature, the Bible, or even Jewish history.

Hebrew is "above all" the language of the Jewish "Holy" Books, which teach "extreme religious fanaticism, chauvinism" and "racial intolerance for other 'inferior' peoples." This vicious anti-Semitic canard is based upon the malicious notion that the "chosen People" concept of the Torah and Talmud preaches "superiority over peoples" as well as "exclusivity." This was, of course, the principal theme of the notorious Tsarist "Protocols of the Elders of Zion."

Hebrew is declared to have not a "cultural" significance, but "rather an exclusively political significance." Zionism is what is meant by "political." And, to that end, "the Soviet public cannot tolerate Hebrew circles and all kinds of 'seminars.'" Harassment and intimidation of the Hebrew and Jewish history circles has been sporadically used during the past several years, but this is the first time that these circles are formally declared to be antithetical to Soviet law.

Forced assimilation has been a dominant feature of Soviet policy towards Jews since 1948. Virtually all formal Jewish institutional life, and especially Jewish schools, have been eliminated. Unlike any other ethnic group within the USSR, Jews are deprived of almost every public means for perpetuating their cultural heritage. Now they face even a threat to private means for Jewish and Hebrew self-education. Forced assimilation is clearly to be hastened.

ANTI-ZIONIST PROPAGANDA

The most distrubing aspect of Andropov's policy is "the political unmasking of Zionism." The propaganda drive is "to be waged even more resolutely" than ever before.

What is striking about the Kremlin's perception of Zionism is the enormity of the power and evil with which it is endowed. As in the "Protocols of the Elders of Zion," the power of the Zionists is cosmic and strives for world domination. Poised to resist the Zionist threat is the great Soviet power. The forces of darkness, Zionism, are locked in final struggle with the forces of light, the Soviet Union.

The anti-Zionist propaganda drive thinly masks overt anti-Semitism. Stereotyped images of the Jew dominate the paranoid descriptions of Zionism. Judaism, especially the concepts of the "chosen People" and the Messiah, is seen as the source of the Zionist evil. The Torah and the Talmud are presented as preaching racism, hatred and violence.

Now the anti-Zionist media offensive is to be stepped up. At the press conference of the Anti-Zionist Committee on June 6, Dragunsky characterized Zionism in hysterical terms as a "manhating ideology" which is "modeled on the ideas and methods of Hitler." Kolesnikov contributed to the pornography by alleging that during World War II the Zionists "not only failed to defend their co-religionists, but betrayed them, wholly in league with the Gestapo and the SS." He then provided an additional sickening touch by charging that Israel executed Adolf Eichmann, after the public trail in Jerusalem, in order "to make sure he would not be seized by another nation and make public the sacred secrets of cooperation between Zionism and Nazism."

The paranoiac ravings of Kolesnikov are superseded by those of the most prolific anti-Semitic author in the USSR—Lev Korneyev. His newly published work, *The Class Essence of Zionism*, was favorably reviewed by the Soviet press and a special edition of 10,000 copies was prepared to instruct "ideological workers" who will indoctrinate the public. A prominent American correspondent in Moscow found that the book reads at times "like a Ku Klux Klan pamphlet from the 1920's replete with reference to Jewish bankers, Jewish monopolists and the 'Jewish faction of the world oligarchy' which he says is seeking to dominate the capitalists world."

The Class Essence of Zionism reaches unprecedented depths of gutter hate in two respects. For the first time, Korneyev acknowledges his ideological debt to a certain Shmakov whose book published in 1906 is quoted approvingly. The specific Shmakov reference which Korneyev welcomed was that Zionist agents had supposedly provoked pogroms of Russians and Ukrainians against Jews by opening fire on Tsarist policemen. The aim of inciting pogroms was to "increase emigration from the country." Presumably, Zionist agents of today conduct themselves in a similar way and for the same purpose.

But in another respect, Korneyev went beyond previous Soviet hate spewings in an article last summer in a leading Soviet military organ, Military-Historical Journal. Among the "myths of Zionists propaganda" which he criticized was the figure of six million Jewish victims of the "holocaust" (which he deliberately enclosed in quotation marks). That number, he said, is "impossible to consider as scientifically grounded;" indeed, "there is every reason to suppose that the real number of victims is lower." In his newly-published book, he refers to the six million figure as "significantly overstated." The new Korneyev thesis clearly borrows from neo-Nazi doctrine, a central of which is the argument that the Holocaust never happened and six million victims is a gross exaggeration.

Andropov's Jewish policy, as reflected in this type of propaganda, is beginning to echo the public mouthings of hate during Stalin's last months. Marx once observed that history tends to repeat itself first as tragedy and then as farce. The 1953 media saturation effort produced a near tragedy of massive proportions. It would be imprudent for the international civilized community to gamble that the new Soviet saturation propaganda drive will be mere farce.●

POPE JOHN PAUL'S VISIT TO POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. FEIGHAN) is recognized for 5 mintues.

● Mr. FEIGHAN. Mr. Speaker, when critics charge Desmond Tutu, the embattled South African bishop, of being a politician masquerading as a churchman, he replies that "God does not allow for vacuums, even in politics." In South Africa, Bishop Tutu is filling a moral void, shouldering the burden of creating a just society in a land marked by the institutional racism of apartheid. His "politics" is not a game, or a career; it's a calling.

This week, his fellow churchman—and fellow "politician"—Pope John Paul II, made a pilgrimage to his Polish homeland in order to fill another vacuum—the dark space left in December 1981 when the Polish generals silenced Solidarity with the iron fist of martial law. And he proved that vacuums cannot exist—expecially in politics. The Pope's homilies on justice and hope rekindled the freedom-loving spirit of the Polish people, bringing light to a bleak society.

Pope John Paul showed the Polish people—his people—that rigid laws and loaded rifles cannot kill the dream of liberty. It lives when people refuse to give up their nation and refuse to give up their faith. It lives when people are willing to step forward, whatever the risk, rather than submit to injustice. It lives when priests dare to be politicians, and their people have the courage to listen.●

U.S. INDUSTRIES MUST RESPOND TO CHANGED COMPETITIVE CONDITIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

● Mr. LAFALCE. Mr. Speaker, I would like to bring to the attention of the Members an editorial by J. W. Anderson in today's Washington Post. It poses the question, Is the Japanese Government really being unfair to U.S. industry? Mr. Anderson argues that the Japanese Government's assistance to industry, and its targeting, import restrictions, and other trade practices, are not the only—or even the most important—reasons for the success of Japanese companies in obtaining market shares previously held by U.S. companies.

One example he gives is the semiconductor industry, where the real difference between Japanese and American firms is that American businesses are small, innovative, but undercapitalized, while Japanese semiconductor firms are large, integrated companies with easy access to capital. It is capital access, not Government policy, which make Japanese penetration of the semiconductor market so successful.

American businesses generally have been unresponsive to the competitive challenge of foreign firms that are larger, stronger financially, and more flexible. U.S. industries have not been prepared for foreign marketing tactics riskier and more imaginative than their own. It may be that relatively more restricted access to capital accounts for this inertia.

Reversing the decline in U.S. competitiveness will require companies and some whole industries to admit their inertia and inflexibility, as well as their short term profit mania. Once industry is prepared to respond to the global economy's competitive challenge, Government can work in concert with management, labor, and the academic community to formulate a successful national industrial strategy.

The text of the editorial follows.

IS THE JAPANESE GOVERNMENT REALLY BEING UNFAIR TO U.S. INDUSTRY?

(By J. W. Anderson)

As high-technology competition between Japan and the United States gets fiercer, the effects are spilling over into their broader political relations. Americans, stunned by the speed with which Japanese companies have captured important markets here, charge unfair tactics by the Japanese government.

Dealings between the two governments have become more abrasive than at any time since World War II, according to experienced diplomats. One urgent question for both countries is whether the alliance between them can survive without damage as this commercial threat sharpens in a field where Americans expected to remain the leaders for decades to come.

Semiconductors, computers and communications equipment are central to the dispute. Many Americans deplored the extent to which some of the middle-tech heavy industries—notoriously steel and autos—lost domestic sales to Japanese producers. But people in this country are inclined to regard that failure as the consequence of strategic errors and excessively rapid wage increases

in the American industries. The explanations for the loss of markets in the high technologies are less obvious, and Japanese successes there have generated a sense of panic among Americans who understand the meaning of these products to the country's economic future.

Take the case of silicon chips, the integrated circuits that remember and process data. A common American accusation holds that the Japanese companies imported them while learning how to use and make them, and then the country—operating as Japan, Inc.—closed itself to further imports, to give the Japanese producers a protected market in which to develop their own manufacturing capacity and launch a surge of exports to the United States.

Against that accusation, you might want to weigh the very substantial American presence in Japan's chip industry. Texas Instruments, a leading American producer, has four plants in Japan manufacturing chips mainly for the Japanese domestic market. Motorola has a wholly owned subsidiary in Japan producing chips almost entirely for the Japanese market. Analog Devices assembles semiconductors in Japan, and buys chips to produce finished products for the Japanese market.

As for computers, according to the Japan Economic Journal's yearbook, IBM Japan ranked second in sales in the Japanese market in 1981, the last year reported. Nippon Univac was eighth, and NCR Japan was tenth. Whatever the Japanese market may be, it doesn't seem to be closed to American investment and these American products.

There's an alternative explanation to the present friction that may be more enlightening. First, keep in mind that the financial pressures on the chip makers are rising very fast with the advance of their technology. Producing a 16K RAM—a 16,000-bit random access memory chip—is not simple, but it is far less expensive to make than a 64K RAM. That, in turn, is a modest matter compared to the resources required for the 256K RAM.

Next, look carefully at the specific companies competing in this field. Motorola, which has been a leader in the political counterattack against the Japanese, is not a small company. But its business is concentrated in chips and products related to them. Its resources are not huge, compared with the demands of the next generation of products.

In contrast the leading Japanese chip maker, NEC—Nippon Electric Co.—is part of the Sumitomo group, a diverse alliance of interlocked companies including two banks and two insurance companies. NEC is an established producer of a wide range of computers, telecommunications equipment and industrial robots. It can use the earnings of mature products to pay for the development of new ones and, in need, it can turn to its Sumitomo partners for additional support.

NEC's access to capital is no better than that of American giants like IBM or Western Electric. But you may have noticed that, although IBM and Western Electric produce chips, they do not seem to be contributing much to the outcry against the Japanese. It is coming from smaller companies whose resources are being desperately stretched by the effort to stay in the field.

In the United States, new technology is often brought to the market first by small, adventurous companies built around a single product. The chip industry in the United States is full of examples. But in Japan the carriers of new technology are typically the affiliates of large, highly integrated industrial groups. Like Sumitomo, these groups are usually organized around banks, and their members rarely suffer a lack of development funds. That, rather than government subsidies, is the key to the startling financial strength of the Japanese chip makers in comparison with all but the largest of their American counterparts.

Americans complain that the Japanese engage in "forward pricing." As a company gains experience in making a chip, and sales volume rises, the unit cost drops. A big company with financial strength can sell a new product at a forward price, profitable over its life span but less than the initial high cost of production. A smaller company that has to worry about its cash flow cannot afford that strategy. That's one major reason why the smaller American chip companies are being squeezed in the race with the bigger and richer ones, both American and Japanese.

This pattern of competition—pitting small, specialized companies with limited cash against big, integrated corporations—runs all through the international chip and computer industry. The biggest of these competitors are American. But nearly all of the small and highly specialized companies are also American, while all of the leading Japanese chip makers are very large combines producing a great range of electronic and electrical equipment, machinery and industrial goods.

This same pattern also runs through that other field of current high-tech combat, the machine tool industry. Most of the American machine tool makers are small companies in a highly cyclical business, not easily able to finance the leap into computer-driven tools. Again, their Japanese competitors have no such constraints. The largest of them, Toshiba, is also a major computer manufacturer.

Important differences in Japanese and American business practices further help explain some of the recent developments in the chip market. Japanese companies tend to introduce new products at high volumes, rather than scaling up gradually as demand develops. The highly responsive Japanese market doesn't give you the time to do otherwise. If you don't go to high volume immediately, your competitors will beat you to it. The tactics that the Japanese companies use in the United States are those that they learned in Tokyo.

That's how the Japanese chip makers got their original foothold in the American market. With the rapid growth of American sales in the late 1970s, the undercapitalized American producers couldn't keep up with their orders. But the Japanese could, and did.

The Japanese tendency to go fast to high volume also reflects the relatively minor importance of profits, especially short-term profits, in the Japanese business world.

Over the past five years, American chip makers have been taken by surprise. They did not expect the Japanese companies to exploit a very new branch of basic science, most of it American, so rapidly.

Possibly more important, American businessmen are not accustomed to competing with foreign firms bigger than theirs and with immensely greater financial strength. Further, they were not prepared for the Japanese practice of throwing new products immediately into full-scale production. American businessmen think of themselves as the ultimate risk-takers, and did not expect to run into marketing tactics even more daring than their own.

As you look carefully at the competition in chips, it looks a little less like a simple collision between a Japanese industry and American industry. And it looks much more like competition between the smaller specialized firms and much bigger diversified ones—of which some, but by no means all, are Japanese.●

UPGRADING SCIENTIFIC CAPABILITIES IN THE EPA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 30 minutes.

● Mr. BROWN of California. Mr. Speaker, on Monday, June 20, I brought to the attention of my colleagues an article describing the weaknesses in the Environmental Protection Agency's toxicology laboratory audit program. Sound regulatory decisions on toxic chemicals, drugs, and environmental pollutants cannot be made without prudent and insightful estimates of their potential to harm man. At this time, data from experiments with animals are relied upon heavily in making such estimates, although the importance of epidemiological studies is rising in many cases. If animal data submitted to EPA is flawed, the public can be exposed to unreasonable and unnecessary risks.

The Agriculture Subcommittee I chair has been closely monitoring for 3 years now the quality of science underlying EPA's regulatory actions involving pesticides. I am convinced that one of the most pressing challenges facing the Agency at this time is to rapidly upgrade the scientific standards followed when Agency scientists are estimating human risks from various environmental contaminants. I am pleased to report that some hopeful signs have emerged recently suggesting that the Agency is prepared to strive for and invest in enhanced scientific capabilities. Budget-related pressures on staff scientists to crank out scientific reviews at an unreasonable pace have subsided somewhat and personnel are being allotted more time and resources for technical training and support.

We should not expect miracles though. Several years will be required to establish in EPA the level of scientific expertise and excellence necessary if that agency is to regularly and routinely carry out its vital duties on an equal scientific footing with the private sector laboratories conducting and preparing studies for submission to the agency in support of regulatory actions. I do not make this statement lightly. This conclusion is strongly supported by a lengthy record of testimony, investigative material, and communications with the agency developed by the DORFA Subcommittee.

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Comparable conclusions have been reached by other congressional committees which have also been investigating the EPA over the last year or so. This intense public scrutiny of the details of agency scientific decisionmaking will be particularly valuable to the public in the long run if it results in greater appreciation for the complexity of the regulatory process and the essential role of science in perceptively evaluating the costs and benefits of alternative regulatory actions.

I am pleased to also report to my colleagues that EPA Administrator Ruckelshaus made his first major speech on this very topic yesterday before the National Academy of Sciences. He expressed concern about the quality of science in the risk assessment process, and demonstrated great sensitivity toward the importance of isolating science from essentially subjective aspects of the regulatory decisionmaking process. Mr. Ruckelshaus shares my positive response to the insightful Academy report "Risk Assessment in the Federal Government: Managing the Process" released earlier this spring. I am including at the conclusion of my remarks pertinent portions of the Administrator's June 22 speech before the Academy.

I would like to also point out to my colleagues that the Committee on Agriculture has gone on record in support of initiatives within EPA to improve the risk assessment process. I woud like to quote here the May 11, 1983, Committee on Agriculture report accompanying H.R. 2785, Federal Insecticide, Fungicide, and Rodenticide Act Extension. House Report 98-104. The purpose and need section of the report states:

> The committee believes there are several substantive issues, as well, that deserve the attention of the agency. In the past few years, the pesticide program has struggled with a number of difficult contentions and scientifically complex decisions involving pesticide active ingredients found to cause cancer in laboratory animals. In estimating human cancer risks from exposure to pesticides known to cause cancer in animals, scientists within OPP must make judgments on how to extrapolate animal experimental findings to men. Testimony was received by the committee indicating that at a number of steps in the risk assessment process there is no uniformly accepted scientific basis to guide scientists in regulatory agencies and that the agency has used various scientific methods and risk assessment models concerning which there is disagreement within the scientific community. Accordingly, the levels of human risk estimated in a given risk assessment can vary substantially depending upon the combinations of assumptions used.
>
> The committee believes that the inherent and unavoidable uncertainty in the risk assessment process heightens the importance that the EPA closely follow published, scientifically defensible guidelines throughout the risk assessment process. Toward this end, the committee recommends that EPA move expeditiously toward implementing, to the fullest extent practicable, the recommendations relating to the development of uniform inference risk assessment guidelines of the National Research Council report, "Risk Assessment in the Federal Government: Managing the Process."
>
> The oncogenic risk-assessment guidelines and procedures needed in the pesticide program should contain an explicit statement of the risk-assessment inference options that arise in extrapolating human risk from experimental data and the scientific basis for choosing among alternative risk-assessment methods and/or assumption. The guidelines should be comprehensive and detailed enough to address the generic issues of scientific uncertainty that arise in assessing risk, yet flexible enough to permit exceptions that could be justified scientifically. The guidelines should not be so rigid as to compel the agency to continue using concepts and methods that become obsolete as new scientific developments improve the risk assessment tools available to regulatory agencies. There should be a requirement for periodic review of the guidelines. Changes in the guidelines should be adopted following the same procedure, or a substantially similar procedure as utilized in the promulgation of the original guidelines.
>
> While the Administrator is formulating and carrying out a procedure to implement uniform oncogenic risk-assessment guidelines, the committee believe there should be a concerted effort to follow the spirit of the National Research Council recommendations concerning cancer risk-assessment guidelines. To the extent practicable the agency should consistently follow widely acceptable scientific procedures in conducting risk assessment, and should regularly consult through existing interagency committees or through new procedures where necessary, with scientific experts affiliated with the National Toxicology Program, the Food and Drug Administration, the National Center for Toxicological Research, the National Cancer Institute, and other Federal agencies, commissions, or institutions. Whenever the Office of Pesticide programs utilize a novel analytic procedure, or adopts a new assumption during the course of a risk assessment that has the effect of significantly changing the estimated level of risk; that is, from 1 in 100,000 risk to 1 in 10,000, the agency should explain in detail the scientific justification for the change, consistent with the provisions of section 10 of FIFRA.

Among the specific actions needed as soon as possible, Congress should put in place some corrective measures to resolve the long-standing problem of inadequate or incomplete data on persticides. I intend to hold a hearing in the subcommittee before the summer recess to explore these issues and to provide the Agency an opportunity to explain the status of its response to the Industrial Bio-Test Laboratories (IBT) case. Hundreds of experiments conducted at this laboratory during the late 1960's and early 1970's were subsequently found to be faulty in 1976-78. Corrective regulatory actions on dozens of major pesticides tested at IBT are still not complete. Progress made to date in replacing faulty IBT studies has largely resulted from voluntary actions by the companies holding registrations for these pesticides. Clearly we need a more rapid and decisive mechanism to identify laboratories conducting studies inappropriately. We also must assess whether changes are needed in the Federal Insecticide, Fungicide, and Rodenticide Act to authorize the Agency to take more expeditious and decisive steps when problems are found in the quality of scientific studies submitted to the Agency.

I hope to also explore in the next few months the possible role that other agencies and programs might be able to play in assisting the EPA to upgrade its scientific capabilities in these areas. The National Toxicology Program (NTP), in particular, may be able to assist EPA and other Federal regulatory agencies in this regard. The NTP has an excellent staff of experts from all disciplines involved in toxicology testing and the evaluation of the results in terms of human hazards. To familiarize my colleagues with the NTP, I would also like to include in the RECORD an excellent article on the NTP which appeared in the June 21, 1983, Wall Street Journal.

SCIENCE, RISK AND PUBLIC POLICY

(By William D. Ruckelshaus)

We are now in a troubled and emotional period for pollution control; many communities are gripped by something approaching panic and the public discussion is dominated by personalities rather than substance. It is not important to assign blame for this. I appreciate that people are worried about public health and about economic survival, and legitimately so, but we must all reject the emotionalism that surrounds the current discourse and rescue ourselves from the paralysis of honest public policy that it breeds.

It is no accident that I am raising this subject here in the house of science. I believe that part of the solution to our distress lies with the idea enshrined in this building, the idea that disciplined minds can grapple with ignorance, and sometimes win: the idea of science. We will not recover our equilibrium without a concerted effort to more effectively engage the scientific community. Frankly we are not going to be able to emerge from our current troubles without a much improved level of public confidence. The polls show us that scientists have more credibility than lawyers or businessmen or politicians and I'm all three of those. I need your help.

Those of you who are scientists may think you have heard this before, but this is not a naive plea for science to save us from ourselves. Somehow our democratic technological society must resolve the dissonnance between science and the creation of public policy. Nowhere is this more troublesome than in the formal assessment of risk—the estimation of the association between the exposure to a substance and the incidence of some disease, based on scientific data.

Here is how the problem emerges at the Environmental Protection Agency. EPA is an instrument of public policy, whose mission is to protect the public health and environment in the manner laid down by its statutes. That manner is to set standards and enforce them; and our enforcement powers are strong and pervasive. But the standards we set, whether technology or

health-related, must have a sound scientific base.

Science and the law are thus partners at EPA, but uneasy partners. It's a shotgun wedding. The main reason for the uneasiness lies, I think, in the conflict between the way science really works and the public's thirst for certitude that is written into EPA's laws. Science, as you all know, thrives on uncertainty. The best young scientists flock into fields where great questions have been asked but nothing is known. The greatest triumph of a scientist is the crucial experiment that shatters the certainties of the past and opens up rich new pastures of ignorance.

But EPA's laws often assume, indeed demand, a certainty of protection greater than science can provide at the current state of knowledge. The laws do no more than reflect what the public believes and what it often hears from people with scientific credentials on the 6 o'clock news. The public thinks we know what *all* the bad pollutants are, *precisely* what adverse health or environmental effects they cause, how to measure them *exactly* and control them *absolutely*. Of course, the public and sometimes the law are wrong, but not all wrong. We do know a lot about some pollutants and we have controlled them effectively using the tools of the Clean Air Act and the Clean Water Act. These are the pollutants for which the scientific community can set safe levels and margins of safety for sensitive populations. If this were the case for all pollutants, we could breathe more easily (in both senses of the phrase); but it is not so.

It is my strong belief that where EPA or OSHA or any of the social regulatory agencies is charged with protecting public health, safety or the environment, we should be given, to the extent possible, a common statutory formula for accomplishing our tasks. This statutory formula may well weigh public health very heavily in the equation as the American people certainly do.

The formula should be as precise as possible and should include a responsibility to assess the risk and to weigh that, not only against the benefits of the continued use of the substance under examination, but against the risks associated with substitute substances and the risks associated with the transfer of the substance from one environmental medium to another via pollution control practices. I recognize that legislative change in the current climate is difficult. It is up to those of us who seek change to make the case for its advisability.

I did not come here today to plead for statutory change. My purpose is to speak of risk assessment and risk management and science's role in both. It is important to distinguish these two essential functions, and I rely here on a recent National Academy of Sciences report on the management of risk in the Federal Government. Scientists assess a risk to find out what the problems are. The process of deciding what to do about the problems is risk management. The second procedure involves a much broader array of disciplines, and is aimed toward a decision about control.

Risk management assumes we have assessed the health risks of a suspect chemical. We must then factor in its benefits, the costs of the various methods available for its control, and the statutory framework for decision. The NAS report recommends that these two functions be separated as much as possible within a regulatory agency. This is what we now do at EPA and it makes sense.

I think we also need to strengthen our risk assessment capabilities. We need more research on the health effects of the substances we regulate. I intend to do everything in my power to make clear the importance of this scientific analysis at EPA. Given the necessity of acting in the face of enormous scientific uncertainties, it is more important than ever that our scientific analysis be rigorous and the quality of our data be high. We must take great pains not to mislead people regarding the risks to their health. We can help avoid confusion both by the quality of our science and the clarity of our language in explaining the hazards.

I am sure that in the future, this being an imperfect world, the rigor and thoroughness of our risk analyses will be affected by many factors, including the toxicity of the substance, the populations exposed, the pressure of the regulatory timetable, and the resources available.

Despite these often conflicting pressures, risk assessment at EPA must be based on scientific evidence and scientific consensus only. Nothing will erode public confidence faster than the suspicion that policy considerations have been allowed to influence the assessment of risk.

Although there is an objective way to assess risk, there is, of course, no purely objective way to manage it, nor can we ignore the subjective perception of risk in the ultimate management of a particular substance. To do so would be to place too much credence in our objective data and ignore the possibility that occasionally one's stomach is right. No amount of data is a substitute for judgment.

Further, we must search for ways of describing risk in ways the average citizen can comprehend. Telling a family living close to a manufacturing facility that no further controls are needed on the plant's emissions because, according to our linear model their risk is only 10^{-6} is not very reassuring. We need to describe the suspect substances as clearly as possible, tell people what the known or suspected health problems are and help them compare that risk to those with which they are more familiar.

To effectively manage the risk, we must seek new ways to involve the public in the decision-making process. Whether we believe in participatory democracy or not it is a part of our social regulatory fabric. Rather than praise or lament it, we should seek more imaginative ways to involve the various publics impacted by the substance at issue. They need to be involved early on and they need to be informed if their participation is to be meaningful. We will be searching for ways to make our participatory process work better.

OF MICE AND MEN—TOXIC-WASTE FIGHTS START IN LABORATORIES, BUT HOW GOOD ARE THE TESTING METHODS?

(By Arlen J. Large)

RALEIGH, N.C.—Phthalates.

That is the name of a family of chemicals. They are used to make soft plastics, like a pliable cover for a sofa. Some day, though, old sofa covers get thrown away and show up in trash dumps. Some of the trash may be toxic, or poisonous. How do you tell?

With mice. At the Research Triangle Institute near here, 60 little cages each hold a male and female mouse. The rodents eat feed laced with phthalates, and in this test scientists have the specific assignment of looking for any poisonous effect on the production of baby mice. The fertility results will go into a giant government computer, which already holds data showing that phthalates can give cancer to mice or harm their livers.

What happens in this quiet, white-coated world of chemical testing lays the scientific foundation for what happens in the noisy world of bureaucrats and lawyers, where chemicals are regulated to protect not mice but people. The regulators must judge whether animals are good stand-ins for humans, whether a chemical's benefits to society outweigh its health risks, and whether there is enough money somewhere to clean up a dangerous dump. That is the stuff of angry headlines these days, but the controversy all begins with obscure researchers like David Rall and his mice.

"IT'S A BABY"

"We're dealing with a science that's only two decades old," says Dr. Rall. "It's a baby compared to other biomedical sciences. I think we'll be in much better shape with the experience of another 10 years."

Dr. Rall is head of the National Toxicology Program, an arm of the U.S. Health and Human Services Department. His agency is headquartered in the wooded, campus-like serenity of the Research Triangle Park outside of Raleigh. Its job is to help keep track, world-wide, of health-related tests being performed on aminals by government agencies and chemical manufacturers alike. Part of its annual $71 million budget pays for tests on a selection of the nearly 60,000 chemicals in use in the U.S. today.

Requests for tests can come from anybody, but such safety enforcers as the Environmental Protection Agency, the Food and Drug Administration and the Agriculture Department often do the prompting.

The National Toxicology Program performs some testing in its own laboratories, but most of it is farmed out to the dozen or more private contract labs that do such work for hire. Just down the road, for example, is the Research Triangle Institute, a company being paid by Dr. Rall's agency to test phthalates for their effects on reproduction and fertility of mice. Toxicology Program scientists will analyze this data and write formal reports destined for the government's computerized National Library of Medicine.

It was work by the Toxicology Program that showed that phthalates could harm rats' livers. The unexpected report set off alarms at the Environmental Protection Agency, which regulates chemicals under the Toxic Substances Control Act. That law requires a company planning the sale of a new chemical to notify the EPA before marketing it.

Pending at the EPA was one company's notification of its plan to bring a new phthalate-based plastic-softener on the market. Because of the test results on rat livers, the EPA told the applicant to perform its own animal tests on its proposed product. The company refused, and withdrew its marketing application.

Computer networks give both scientists and regulators a rich international cafeteria of animal-test results for chemicals coming to market. "It's really amazing," says Gerhard Zbinden, director of the University of Zurich's Institute of Toxicology. "We have access to about 200 data banks for compounds going back 20 years. I'm happy with this kind of dissemination. The information is there. The problem is what to do about it."

This problem is perhaps best illustrated in the case of dioxin, an unwanted contaminant produced in the manufacture of other chemicals. Animal-test results are rather straightforward and, indeed, mostly settled by now. "For all intents and purposes the classic toxicity testing on dioxin has been completed," says John Moore, deputy head of the National Toxicology Program here. Dioxin gives cancer to rats, he says, "but there's hesitancy on the part of a lot of people on how to extrapolate the results to human risk."

VIETNAM AND MISSOURI

Dioxin is accused of sickening GIs exposed to the defoliant Agent Orange in Vietnam and of threatening Missouri homeowners whose neighborhoods were inadvertently sprayed with dioxin. The exact danger to humans cannot, of course, be proved by experimenting on them like laboratory rats, so scientists must glean clues from cases of accidental exposure.

In 1976, a chemical plant in Seveso, Italy, sprang a powerful leak, sending a dioxin-tainted cloud into the air. Pets and livestock soon died. Some people, in contrast, developed only a skin outbreak that eventually went away. "Human beings seem to be less sensitive than animals to the effects of dioxin," says Robert Rubin, a scientist at the Johns Hopkins University School of Hygiene and Public Health in Baltimore. Only time will tell, he says, whether people exposed to dioxin in Seveso will show a suspicious incidence of cancer.

There is wide agreement that controlled laboratory experiments can be better than random human accidents in measuring the danger of chemicals, if just the right match can be found between the compound, its dosage and the kind of animal. Laboratory testers variously use rats, mice, cats, dogs, rabbits, hamsters, monkeys, chickens and fish. There is even wider agreement that testing methods need improvement. "Toxicology has to change from being a sophisticated art form to a good strong basic science," says James Bridges, professor of toxicology at the University of Surrey in England.

SOME TESTS CALLED USELESS

The U.S. government's Toxicology Program has subjected more than 1,400 chemicals to animal tests since its work started in 1979. While appreciating the purpose, some outside scientists dislike the result. "It's the Western world's major effort in toxicology, and it deserves better than it has got," says Richard Hall, science vice president for McCormick & Co., the Baltimore spice and food-flavoring concern. "its testing is very pedestrian and obsolete."

Mr. Hall contends that some of the Toxicology Program's work skimps on comparisons between the way animals and people use up compounds fed to them. Most of the tests, he says, "don't push science ahead one damned bit, and are useless for humans." He hopes the agency will spend less money on compound-by-compound testing and more on ways to find faster and more accurate test methods.

That is just what is happening, says Dr. Rall. One new test method getting high priority would bypass the traditional regimen of giving a chemical to rats for two years to see exactly what happens to their organs. Instead, the same chemical is placed in a glass-dish culture of living animal cells for just three months, and then the dish's contents are chemically analyzed to measure the chemicals' effects. "We're putting a great deal of emphasis on these three-month studies," Dr. Rall says.

REFINING THE METHOD

His agency is paying Northrop Corp., among others, to help refine the method at a nearby laboratory full of equipment for innoculating the cultures in the glass dishes, plus a back room squirming with rodents to supply cells for the cultures. Successful three-month tests could save money by reducing the number of live animals that usually are exposed to traditional two-year tests. And, says Rayond Tennant, a scientist working on the project, three-month tests could serve as a useful preliminary screen to see which chemicals should be subjected to the more costly two-year test method.

Currently, panels of scientific experts sometimes reject a substance nominated for testing because it is chemically similar to an already tested compound, or it occurs naturally in the human body, or it isn't commercially available and people are unlikely to come in contact with it.

In Atlanta, the Centers for Disease Control, another arm of the Health and Human Services Department, is setting up an office to keep an inventory of people, not animals, who have been exposed to dangerous chemicals. The list will allow scientists to trace the life-and-death histories of exposed persons to see what kinds of disorders may have resulted.●

ORBIT '81

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Roe) is recognized for 5 minutes.

● Mr. ROE. Mr. Speaker, I take great pleasure in rising today to salute the fine young people of the Camden and Woodrow Wilson High Schools in Camden, N.J. for their fine achievement in being included as part of the current *Challenger* shuttle flight.

These New Jersey high school students developed a unique science project called Orbit '81 that resulted in the first orbiting of living creatures in space. Orbit '81 is designed to determine how the weightlessness of outer space affects the social structure of a colony of carpenter ants.

The ants have been placed aboard the space shuttle in a special ant farm container that was developed by the Camden students in conjunction with NASA and the RCA Corp.

Mr. Speaker, this project was 4 years in the making. These young students from minority backgrounds have devoted many hours of their personal time to insuring that this project would be the success it has proven to be.

There has been much talk of late, detailing the serious problems being faced by our Nation's educational system. The Camden project proves that our students are equal to any of their counterparts around the world. Rather than badmouthing our teachers and educational programs, we should be looking for ways, as they did in Camden, to stimulate student interest in science, engineering, and other fields of endeavors.

As a member of the New Jersey congressional delegation I am proud to take this time to recognize the historic efforts of the Camden High School students who developed Orbit '81 and have made a place for themselves in space history.●

INTRODUCTION OF THE STATE JUSTICE INSTITUTE ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Kastenmeier) is recognized for 10 minutes.

● Mr. KASTENMEIER. Mr. Speaker, today in a continuing effort to improve the administration of justice in this country, in State as well as Federal courts, I rise to reintroduce the State Justice Institute Act of 1983.

It is with a certain amount of regret that I observe that a State Justice Institute has not already been enacted into law. Passed without dissent by the Senate during the 96th and 97th Congresses and also reported favorably by my subcommittee—the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice—during these two Congresses, final enactment has eluded this deserving legislative project. I optimistically look forward to legislative success in the 98th Congress.

The State Justice Institute Act would create a nonprofit national body to improve the administration and functioning of State courts in the United States. The act would provide to State and local courts a resource comparable to that provided in the correctional area by the National Institute of Corrections. It would be funded at a similar level and would provide a comparable spectrum of national clearinghouse research, technical assistance, demonstration, and training programs. Federal moneys could not be used to interfere with the independent nature of any State judicial system nor allow sums to be used for the funding of regular judicial and administrative activities.

The Institute would complement, rather than conflict with, existing Federal programs for State and local justice systems. It also would fill a gap in the President's program to fortify federalism by strengthening the judicial power of the States. Last, the Institute would provide meaningful access to justice—by improving the quality of justice—for many ordinary citizens who litigate their disputes in State and local courts.

As summarized in recent congressional testimony by two able representatives of the State court systems:

> The State Justice Institute legislation is premised on the belief that improvement in the quality of justice administered by the states is not only a goal of fundamental importance in itself, but is essential to attainment of important national objectives including a reduced rate of growth in the caseload of the federal courts and preservation of the historic role of state judiciaries in our federal system.

The proposed legislation was drafted by an able task force of the Conference of Chief Justices and the Conference of State Court Administrators. It has been endorsed by, among others, the Chief Justice of the United States, the Judicial Conference of the United States, and the American Bar Association. The chief sponsor of companion legislation (S. 384) in the Senate, Senator Howell Heflin, has been joined by a solid core of respected cosponsors from both sides of the aisle. The list of cosponsors on my bill is equally impressive.

In my opinion, the State Justice Institute will succeed as an assistance program because it will:

Place responsibility for improvement of State court systems directly on the judicial officials charged with this responsibility under their own State constitutions and laws;

Be under control, at both the State and national levels, of State officials with first-hand knowledge of the problems facing their courts;

Permit large economies of scale by concentrating on national programs that would serve the needs of all 50 States;

Eliminate the need for a large bureaucracy by operating with a small staff in conjunction with existing judicial agencies of the States and the State courts themselves. (The Institute could support but not duplicate services of existing agencies such as the National Center for State Courts and the National Judicial College);

Permit improvement of courts on a systemwide basis; that is, in a manner recognizing their interrelated civil and criminal functions;

Provide a vehicle by which State courts collectively could communicate and cooperate at the national level with other components of State and local criminal justice systems and such agencies as the Federal Judicial Center, the National Institute of Justice, and the Bureau of Justice Statistics; and

Provide a vehicle for implementation of special criminal justice projects authorized by Congress or Federal executive agencies as these might involve State courts.

The structure of the State Justice Institute would be as follows. The Institute would be operated by an executive director under the supervision of an 11-member board of directors appointed by the President and confirmed by the Senate. Six board members would be State judges and one a court administrator chosen from a panel or panels of candidates recommended by the Conference of Chief Justices following consultation with appropriate legal and judicial organizations. There would be four public members appointed directly by the President. The Institute would operate through grants and contracts with funding priority going to projects of State and local courts and their national nonprofit support and training organizations. State supreme courts would be the accountable administrative agencies for projects of State and local courts within their jurisdictions. Such projects would require a 25-percent match. The emphasis would be on programs of national scope including national clearinghouse, research, technical assistance, demonstration, education and training programs.

The legislation specifically forbids use of Federal funds to supplant State or local funds or to support basic court services.

The Institute further is restricted from interfering with "the independent nature of any State judicial system."

The proposed legislation authorizes modest funding at up to $20 million in fiscal 1984 and $25 million in fiscal 1985 and 1986.

Mr. Speaker, I would like to quote from the Chief Justice of the United States—a man who has spent a lifetime trying to improve the administration of justice in State and Federal courts:

> There is . . . clearly an overriding national interest in improving access to and confidence in our state court. Important as it is, our concept of federalism is not the only objective requiring their preservation. Our state courts are close to the people and they are the primary safeguard of the rights and privileges of individuals under both state and federal law. Together with our federal courts, they preserve and vindicate those rights guaranteed under the Constitution and federal laws. In recent years, national legislative policies and programs have increased the number of such federal rights adjudicated in state courts. The role our state courts play in evaluating and arbitrating the enforcement of state policies, and the state enforcement of national legislative policies and programs, is most significant.

Chief Justice Burger's words are echoed by law professors, judicial administrators, civil libertarians, Federal and State judges, and ordinary citizens themselves. Indisputably, the Federal judicial system was created to complement our State judicial systems. That complementary relationship creates the resiliant fabric of our constitutional concepts of federalism and separation of powers. The bill I am introducing today strengthens, rather than soils, that fabric. It will lead to improvements in the delivery of justice for individuals who litigate in our State courts—where 96 percent of the cases in this country are filed.

Once again, I would like to acknowledge the strong leadership of the principal sponsor of this legislation in the Senate. Senator Howell Heflin, formerly chief justice of the Alabama Supreme Court, has been firm and steadfast in his support for the creation of a State Justice Institute.

I also would like to thank several State court judges who have devoted much time and effort to this legislative endeavor: Justice Robert F. Utter, Supreme Court of Washington; Chief Judge Lawrence Cooke of the State of New York; and Chief Justice Bruce Beilfuss, Supreme Court of Wisconsin. The latter, my own chief justice, is retiring next month and I just wanted my colleagues to know of his lifetime of commitment to improving the delivery of justice in not only my home State but nationwide.

In closing, the creation of a State Justice Institute will assist all 50 State court systems and the territories to better serve all the people in this country. I urge support and more cosponsorship—in addition to the 41 colleagues already on the bill—for this deserving legislation.

As a final postscript, I would like to announce that my subcommittee will hold 1 day of hearings on the proposed legislation. On Thursday, July 13, 1983, at 10 a.m., the subcommittee will receive testimony from representatives of the American Bar Association, the Conference of (State) Chief Justices, and the Judicial Conference of the United States.●

A JOBS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. Boggs) is recognized for 5 minutes.

● Mrs. BOGGS. Mr. Speaker, in recent weeks, I have discussed at length the minimal effect that the Competitive Shipping and Shipbuilding Act of 1983 would have on agricultural and coal export prices. I have shown how both the American farmer and the U.S. coal exporter will actually benefit from a strong, competitive U.S. merchant marine. Today, I would like to focus on the economic and the national security benefits of H.R. 1242. A more thorough examination of these benefits is to be found in a study entitled "Analysis of the Economic and National Security Benefits of the Competitive Shipping and Shipbuilding Act of 1983" done by International Maritime Inc.

One of the most pressing problems that this Congress must deal with is finding ways to generate jobs for the 11,192,000 Americans who are currently out of work. That is a staggering number of people who are beginning to lose hope in their search for meaningful jobs. Development of hi-tech industries will certainly help put some of these Americans to work. But in order to drastically cut the unemployment rolls, we must find ways to revitalize our basic industries.

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H.R. 1242 is a realistic approach to the revitalization of one of our most important resources; the U.S. merchant marine. By requiring that 20 percent of our Nation's bulk foreign commerce be carried by U.S.-built, U.S.-flag vessels by 1999, H.R. 1242 would generate over 110,000 jobs in the maritime and related industries.

The Maritime Administration has estimated that 268 vessels averaging 81,650 deadweight tons would be built in U.S. shipyards if the Competitive Shipping and Shipbuilding Act were enacted. Over a 15-year period, this would result in over 12,000 jobs in American shipyards alone. This figure is probably a low estimate since repair-related employment associated with maintenance of the new vessel fleet was not included.

Additionally, over 8,500 seagoing jobs would have to be filled on the 268 new bulk vessels. Seafarers now on the beach ask nothing more than to be allowed to return to the work they are trained to do. H.R. 1242 would do just that.

Shipyards and ship operators are not the only sectors of the economy which would benefit from enactment of H.R. 1242. Maritime supplier industries, such as steel, rubber, machinery, and so forth would realize an increase in demand as shipyards begin new constructions and the vessels begin to enter the service. This would translate into more jobs in these industries which have been hard hit by the recession.

Another factor which is important to consider is that the shipbuilding and ship operating industries have impressive track records for hiring unskilled and untrained laborers. These laborers would have difficulty finding employment elsewhere. The shipyards and vessel operators provide training and experience to make these men and women productive workers.

In a study compiled for the U.S. Maritime Administration entitled "Economic Impact of Maritime Industries on the U.S. Economy, 1971-1978: An Interindustry Analysis," H. C. Chung, professor of economics at the University of Bridgeport, estimated that for every shipyard employee engaged in new vessel production, 3.326 additional employees economywide are required. Simply stated, this means that a job created in a shipyard generates three more jobs in supplier and economywide industries.

Enactment of the Competitive Shipping and Shipbuilding Act would be an important step in getting our economy into high gear once again. And it would be accomplished at no cost to the Federal Government.

Our national security would also be greatly enhanced by the revitalization of our merchant marine. A healthy U.S.-flag fleet would reduce our dependence on foreign-flag vessels for transport of critical materials and commodities. Currently, the U.S. fleet transports less than 2 percent of the 26 commodities the office of the Chief of Naval Operations has identified as essential imports for our defense needs.

The construction of over 250 vessels in U.S. shipyards would provide a desperately needed boost to our Nation's shipbuilding mobilization base as well. These yards, which would be expected to meet both Navy and commercial construction demands in time of war, will continue to cut capacity and idle skilled workers unless something is done soon.

The U.S.-flag ships built to meet the requirements of H.R. 1242 would be of tremendous value in a naval auxiliary role in time of national emergency. The British experience in the recent Falkland Islands crisis reiterated the critical role that the merchant marine plays in any force projection situation. The current U.S. fleet would be found dangerously inadequate to meet these sealift demands. We must not allow this to continue.●

CONFERENCE REPORT ON H.R. 3133

Mr. BOLAND submitted the following conference report and statement on the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-264)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) "making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 11, 14, 22, 27, 29, 42, 45, 49, 50, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 8, 15, 16, 17, 18, 19, 20, 21, 23, 31, 41, 44, 48, 56, and 57, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii) and section 106(a)(2) of the Housing and Urban Development Act of 1968, as amended, $3,500,000.

And the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,468,000,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$19,000,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$64,000,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$121,110,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$146,308,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,238,500,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$65,000,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,140,300,000*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

Delete matter proposed by House and stricken by Senate and delete matter inserted by Senate; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$24,500,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$8,070,726,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$345,692,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert *$185,378,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 6, 10, 13, 25, 26, 32, 33, 34, 35, 40, 43, 47, 53, 58, and 59.

EDWARD P. BOLAND,
BOB TRAXLER,
LOUIS STOKES,
LINDY (MRS. HALE) BOGGS,
MARTIN SABO,
BILL BONER,
JAMIE L. WHITTEN,
BILL GREEN,
LARRY COUGHLIN,
JERRY LEWIS,
SILVIO O. CONTE,

Managers on the Part of the House.

JAKE GARN,
LOWELL P. WEICKER, Jr.
PAUL LAXALT,
ALFONSE M. D'AMATO,
JAMES ABDNOR,
MARK O. HATFIELD,
WALTER D. HUDDLESTON,
JOHN C. STENNIS,
PATRICK J. LEAHY,
JIM SASSER,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $636,336,000: Provided, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $9,912,928,000: Provided further, That of the budget authority provided herein, $389,550,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,550,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), of which $35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such act, and, $1,500,000,000 shall be deferred and shall not become available until January 1, 1984: Provided further, That the first $1,926,400,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall only be made available for assistance to projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q): Provided further, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: Provided further, That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees expect the Department and the Office of Management and Budget to adhere to the program detailed in the following table. The Department is expected to utilize the regular reprogramming procedure if any changes are required to the agree upon program contained in the table.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING, FISCAL YEAR 1984—GROSS RESERVATIONS

	Units	Cost	Contract authority	Term	Budget authority
Public housing:					
New construction	5,000	$6,000	$30,000,000	30	$900,000,000
Indian	2,500	5,565	13,912,000	28	389,550,000
Amendments	NA	NA	6,666,000	30	200,000,000
Interest rate adjustments	NA	NA	6,666,000	30	200,000,000
Lease adjustments	NA	NA	22,300,000	1	22,300,000
Modernization	NA	NA	77,500,000	20	1,550,000,000
Total, public housing	7,500	NA	157,044,000	NA	3,261,850,000
Section 8:					
New/substantial rehab:					
Section 202	14,000	6,880	96,320,000	20	1,926,400,000
Existing:					
Regular	35,000	4,000	140,000,000	15	2,100,000,000
Loan management	5,000	3,000	15,000,000	5	75,000,000
Subtotal, existing	40,000	NA	155,000,000	NA	2,175,000,000
Property disposition	10,000	4,700	47,000,000	15	705,000,000
Moderate rehabilitation	5,000	4,381	21,905,000	15	328,575,000
Conversions	45,000	NA	143,260,000	NA	2,148,903,000
Deferred authority			100,000,000	NA	1,500,000,000
Amendments	NA	NA	42,000,000	NA	391,000,000
Total, section 8	114,000	NA	605,485,000	NA	9,174,878,000
Total, public housing and section 8	121,500	NA	762,529,000	NA	12,436,728,000
Less:					
Recaptures	NA	NA	−102,393,000	NA	−2,500,000,000
Permanent authority	NA	NA	−23,800,000	NA	−23,800,000
New authority	NA	NA	636,336,000	NA	9,912,928,000

The conferees have established a reserve fund of $1,500,000,000 in budget authority and $100,000,000 in annual contract authority. These funds will not be available until January 1, 1984. The conferees have set aside these funds pending the enactment of a housing authorization bill in this session. The conferees intend that these funds be used to provide up to an additional 38,500 incremental units, and that no more than a total of 100,000 incremental units be provided during fiscal year 1984. The make-up and

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allocation of such units will be determined in subsequent appropriation legislation from within the $1,500,000,000 temporarily placed in a reserve fund. Any residual amounts will be made available for cost and interest amendments or to make up for a possible shortfall in deobligations.

Concerning the use of deobligated funds, the bill contains a provision giving section 8 contracts associated with the elderly and handicapped housing program the first priority on deobligations. The conferees agree that in the event that deobligations are insufficient to fund these section 202 units, additional resources will be made available as necessary.

Amendment No. 2: Deletes language proposed by the House and stricken by the Senate appropriating $62,500,000 in annual contract authority and $312,500,000 in budget authority for a housing payment certificates program, subject to the approval of the Committees on Appropriations. The conferees agree to delete funding for the housing payment certificates programs because it is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered.

Amendment No. 3: Appropriates $1,362,200,000 for payments for operation of low-income housing projects as proposed by the Senate, instead of $1,431,000,000 as proposed by the House. The amount recommended, together with an estimated $149,000,000 that will be available from fiscal year 1983, will provide a total of $1,511,200,000 for operating subsidies in fiscal year 1984. The conferees intend that the Department provide all public housing authorities with 100 percent of the performance funding system requirements in fiscal year 1984.

Amendment No. 4: Restores language proposed by the House and stricken by the Senate amended to appropriate $3,500,000 for housing counseling assistance, instead of $5,000,000 as proposed by the House.

The conferees note that a recent HUD review of housing counseling casts some doubt on the effectiveness of the program. Two of the concerns raised by the HUD review were the qualifications of housing conselors and the lack of data on the effectiveness of the various approaches used by different counseling agencies. Therefore, the conferees direct that the Department undertake a study to determine the most effective counseling procedures and training requirements for counselors. Such a study should be funded through the Secretary's discretionary fund. A report should be submitted to the Committees on Appropriations no later than April 2, 1984.

Amendment No. 5: Establishes the limitation on Federal Housing Administration mortgage insurance commitments at $50,900,000,000 as proposed by the Senate, instead of $45,900,000,000 as proposed by the House.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate authorizing the Department to pay debt collection contractor fees from the amounts collected by such contractors.

Amendment No. 7: Deletes language proposed by the Senate prohibiting the sale of section 202 housing for the elderly or handicapped project mortgages without prior congressional approval.

Although the conference agreement deletes Senate language prohibiting the sale of section 202 mortgages, the conferees have serious reservations concerning the Department's policy relative to the proposed sale. The conferees direct the Department to prepare a report on the anticipated short-term and long-term impact on the Treasury and the safeguards provided to the tenants under the terms of the various proposed sales agreements. The conferees expect that this report shall be submitted no later than October 1, 1983 and urge the Department not to proceed with this sale of mortgages without approval of the Committees on Appropriations.

Amendment No. 8: Establishes the limitation on commitments for guarantees of mortgage-backed securities at $68,250,000,000 as proposed by the Senate, instead of $58,650,000,000 as proposed by the House.

Amendment No. 9: Appropriates $3,468,000,000 for community development grants, instead of $3,470,000,000 as proposed by the House and $3,463,200,000 as proposed by the Senate.

The conference agreement provides funding for an estimated 2,500 Indian housing units under the assisted housing account, instead of under the Secretary's discretionary fund. The conferees agree to the following specific allocations within the $68,200,000:

+$9,000,000 for Indian water and sewer projects;

+$2,000,000 for neighborhood development demonstration; and

+$1,000,000 for technical assistance to small communities under the urban development action grant program.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that any unit of local government which was classified as a metropolitan city in fiscal year 1983 will be so classified in fiscal year 1984 for the community development grant program.

Amendment No. 11: Deletes language proposed by the Senate appropriating $300,000,000 for grants to States and units of general local government to carry out the rehabilitation of residential rental properties. The conferees agree to delete funding for rental rehabilitation grants because this is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered.

Amendment No. 12: Appropriates $19,000,000 for research and technology, instead of $15,000,000 as proposed by the House and $21,000,000 as proposed by the Senate.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate allocating $4,000,000 under research and technology for a study of the modernization needs of the existing public housing stock.

The committee of conference is in agreement that the remaining $15,000,000 under research and technology may be allocated at the discretion of the Secretary.

Amendment No. 14: Deletes language proposed by the Senate earmarking $950,000 for the Housing Assistance Council.

Amendment No. 15: Appropriates $572,064,000 for salaries and expenses as proposed by the Senate, instead of $571,114,000 as proposed by the House.

The conferees have agreed to the addition of $950,000 to the salaries and expenses account for the Housing Assistance Council as proposed in the Senate bill. The House also provided $950,000 for the Council, but included the funding under the research and technology account as in previous years. The conferees agree that salaries and expenses is a more appropriate account from which to fund this activity and that the contract should be administered through the Office of the Assistant Secretary for Housing.

TITLE II—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

Amendment No. 16: Appropriates $10,462,000 as proposed by the Senate, instead of $10,837,000 as proposed by the House.

CONSUMER PRODUCT SAFETY COMMISSION

Amendment No. 17: Appropriates $35,000,000 for salaries and expenses as proposed by the Senate, instead of $34,500,000 as proposed by the House. The conferees strongly support the targeting and evaluation of information and education activities. CPSC should limit such activities to a maximum of three campaigns without the approval of the Committees on Appropriations, and total resources devoted to information and education activities should not exceed the historical share of seven percent of the CPSC budget.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 18: Appropriates $574,900,000 for salaries and expenses as proposed by the Senate, instead of $612,889,000 as proposed by the House.

The committee of conference agrees to the following specific allocations above the January 1983 budget request:

+$1,000,000 and eight positions for the Grosse Ile laboratory and the Great Lakes research program;

+$400,000 and 10 positions for headquarters AWT reviews;

+$3,000,000 and 40 positions for the pesticide program;

+$1,000,000 and 20 positions for toxic chemical activities;

+$1,400,000 and 35 positions for the Inspector General's office;

+$2,000,000 and 40 positions for health risk assessments;

+$1,000,000 and 30 positions for air and water quality monitoring and enforcement;

+$250,000 and five positions for accelerating limestone injection multistage burner research;

+$250,000 and five positions for implementing the Chesapeake Bay study strategies; and

+$24,211,000 and 607 positions to be allocated at the Administrator's discretion.

The conferees do not believe that management and support cost increases should be prohibited, as proposed by the House report language, but are deeply concerned over the steady cost growth in this area. In the past five years the management and support share of the agency's operating budget has increased from 15 percent to over 24 percent. The conferees urge EPA to examine this problem carefully and take strong steps to limit these costs in developing the 1984 operating plan.

The conferees believe the Administrator should place emphasis on enforcement activities in allocating funds for salaries and expenses and abatement, control and compliance above the amounts specifically allocated in the January 1983 budget request and by the conference committee. The conferees direct the Administrator to submit a

plan to Congress within 60 days for allocating increased resources for enforcement purposes.

Amendment No. 19: Appropriates $142,700,000 for research and development as proposed by the Senate, instead of $165,600,000 as proposed by the House.

The conferees agree to the following specific allocations above the January 1983 budget request:

+$4,000,000 for air, drinking water, toxics and non-ionizing radiation health effects;

+$7,000,000 for hazardous waste, air and water pollution control technology;

+$1,500,000 for Great Lakes research;

+$2,000,000 for dioxin research in human toxicity, sampling quality assurance, and disposal methods;

+$5,000,000 for limestone injection multistage burner technology;

+$1,000,000 for support of industry research in drinking water;

+$500,000 for aquifer research;

+$1,500,000 for national crop loss assessment;

+$2,000,000 for indoor air pollution;

+$1,000,000 for lake quality maintenance and improvement;

+$500,000 for air and water quality monitoring technology development; and

+$5,031,000 for other high-priority research as determined by the Administrator.

Amendment No. 20: Appropriates $393,900,000 for abatement, control and compliance as proposed by the Senate, instead of $521,511,000 as proposed by the House.

The conferees are in agreement with the following allocations above the January 1983 budget request:

+$17,780,000 for air quality State grants;

+$30,200,000 for water quality State grants;

+$6,246,000 for public water system State grants;

+$1,406,000 for underground injection control State grants;

+$4,500,000 for hazardous waste management State grants;

+$1,785,000 for pesticide enforcement State grants;

+$1,000,000 for the Great Lakes program;

+$1,900,000 for the National Rural Water Association;

+$1,000,000 for hazardous waste activities;

+$2,000,000 for nonpoint source water pollution;

+$2,625,000 for wastewater treatment operator training;

+$1,500,000 for academic training;

+$4,000,000 for dioxin monitoring activities;

+$5,000,000 for the clean lake program;

+$4,000,000 for Chesapeake Bay implementation strategies; and

+$15,025,000 for other high-priority projects as determined by the Administrator.

The conferees request that the national plan on wastewater treatment operator training be submitted by March 1, 1984.

Amendment No. 21: Deletes language proposed by the House and stricken by the Senate earmarking $5,000,000 for the clean lakes program under section 314 of the Federal Water Pollution Control Act.

Amendment No. 22: Deletes language proposed by the Senate earmarking $5,000,000 for grants to implement cleanup strategies for Chesapeake Bay. The Statement of the Managers provides $4,000,000 under abatement, control and compliance for State matching grants for implementing the Chesapeake Bay study. The conferees expect the Administrator to submit a long-term plan for the implementation of the strategies contained in the Chesapeake Bay study. This plan should identify the total expected Federal funds and the funding schedule needed to implement the strategies.

Amendment No. 23: Appropriates $410,000,000 for the hazardous substance response trust fund as proposed by the Senate, instead of $335,000,000 as proposed by the House.

Amendment No. 24: Limits hazardous substance response trust fund administrative expenses to $64,000,000, instead of $66,514,000 as proposed by the Senate and $51,984,000 as proposed by the House.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *: Provided further, That for performance of specific activities in accordance with section 104(i) of Public Law 96-510, the Comprehensive Environmental Responses, Compensation, and Liability Act of 1980, $5,000,000 shall be made available to the Department of Health and Human Services on October 1, 1983, to be derived by transfer from the Hazardous Substance Response Trust Fund*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees believe that this amount, combined with the anticipated unobligated balance of $3,870,000, will be sufficient for fiscal year 1984. The Senate language was amended to make it clear that the funds were to be made available from within the $410,000,000 Superfund appropriation and to assure that the funds were provided to HHS on October 1, 1983.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *$2,400,000,000, to remain available until expended, and for projects under section 201(n)(2), subject to the approval of the Committees on Appropriations, $30,000,000.*

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

The conferees direct EPA to submit funding recommendations for combined sewer overflow projects to the Committees on Appropriations for approval. In evaluating these recommendations, the Committees on Appropriations will consider only those project segments which can be fully funded and which will provide significant near-term water quality and public health improvments.

Amendment No. 27: Appropriates $700,000 for the Council on Environmental Quality and the Office of Environmental Quality as proposed by the House, instead of $913,000 as proposed by the Senate.

The committee of conference has serious concerns over the role and effectiveness of the Council on Environmental Quality. Specifically, these concerns relate to possible violations of general provisions in annual appropriations Acts and the Council's management of the consolidated working fund. As soon as the results of an ongoing investigation by the House surveys and investigations staff are available, the Committees on Appropriations will review the justification for additional funding and the need for strengthened management controls over the consolidated working fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 28: Appropriates $121,110,000 for salaries and expenses, instead of $119,999,000 as proposed by the House and $122,263,000 as proposed by the Senate.

The committee of conference is in agreement with the following changes from the budget request:

−$4,500,000 from the civil defense program. The $28,875,000 available for civil defense activities will support 661 staff years, the same level as in fiscal year 1983;

−$1,000,000 from the $1,828,000 increase requested for mobilization preparedness; and

−$981,000 from the $1,963,000 increase requested for management and administration.

Amendment No. 29: Appropriates $169,176,000 for state and local assistance as proposed by the House, instead of $187,566,000 as proposed by the Senate.

Amendment No. 30: Appropriates $146,308,000 for emergency planning and assistance, instead of $141,583,000 as proposed by the House and $157,258,000 as proposed by the Senate.

The committee of conference is in agreement with the following changes from the budget request:

−$44,517,000 from the civil defense program. The $5,000,000 increase above the fiscal year 1983 civil defense program level is for telecommunications and warning activities;

−$275,000 requested for security planning;

+$1,000,000 for fire prevention and control activities; and

+$5,000,000 for training and education.

GENERAL SERVICES ADMINISTRATION

Amendment No. 31: Appropriates $1,349,000 for the Consumer Information Center as proposed by the Senate, instead of $1,449,000 as proposed by the House.

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *, to be deposited to the Consumer Information Fund: Provided, That the revenues and collections deposited into the fund shall be available for necessary expenses, other than administrative expenses, of Consumer Information Center activities in the aggregate amount of $6,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1984 shall not exceed $1,449,000. Revenues and collections accruing to this fund during fiscal year 1984 in excess of $7,949,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment Nos. 33 and 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, neces-

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sary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $427,400,000 for space transportation capability development; (2) $14,000,000 for a space station; (3) $165,600,000 for space telescope development; (4) $17,000,000 for Numerical Aerodynamic Simulation; without the approval of the Committees on Appropriations; $2,011,900,000, to remain available until September 30, 1985.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations; production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,500,000,000 for space shuttle production and capability development; (2) $1,570,600,000 for space transportation operations; (3) $50,000,000 for expendable launch vehicles; and (4) not more nor less than $44,000,000 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $3,791,600,000 to remain available until September 30, 1985: Provided, That up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred between such accounts with the approval of Committees on Appropriations.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The above amounts include the following changes from the budget:

+$50,000,000 for orbiter and engine spares to be held in reserve;

+$45,000,000 for the space telescope;

+$20,000,000 for research and analysis in physics and astronomy and planetary programs. The conferees expect that the funding level for the HEAO-2 (high energy astrophysical observatory) data analysis effort be maintained at the 1983 level;

+$5,000,000 for technology utilization;

−$3,000,000 from the $20,000,000 requested for the numerical aerodynamic simulator (NAS) program. The conferees agree in principle with the language in the Senate report concerning the purchase of computers for the NAS program. However, the conferees have no objection to the replacement of existing computer systems outside the NAS program at the Ames laboratory with new mainframe computers;

+$15,000,000 for advanced turboprop, composite materials and laminar flow control technology of which not less than $10,000,000 shall be derived from the aeronautics research and technology activity;

−$10,000,000 from tracking to be derived from the Tracking and Data Relay Satellite System payment to the Federal Financing Bank;

−$1,000,000 from sub-orbital research program;

−$5,000,000 from shuttle production and capability development to offset the advanced purchase of a shuttle training aircraft in fiscal year 1983 rather than fiscal year 1984;

+$1,000,000 for environmental observations;

+$2,000,000 for materials processing in space;

+$1,000,000 for solid state observations; and

−$15,000,000 as a general unspecified reduction to be applied by the agency in areas other than those augmented above.

Finally, the committee of conference agrees with the new account structure proposed by the Senate which highlights the operational nature of the space shuttle. Transfer authority of up to five percent between the new accounts is provided with approval of the Committees on Appropriations.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate prohibiting NASA from entering into long-term contractual arrangements with contractors for the lease or purchase of a contractor-funded facility that would substantially amortize such a facility over a period of time.

Amendment No. 36: Appropriates $1,238,500,000 for research and program management, instead of $1,237,500,000 as proposed by the House and $1,242,500,000 as proposed by the Senate.

NATIONAL SCIENCE FOUNDATION

Amendment No. 37: Earmarks $65,000,000 for program development and management instead of $64,500,000 as proposed by the House and $66,500,000 as proposed by the Senate. The conferees urge the Office of Management and Budget to retain ten of the 24 positions proposed for reduction in this account.

Amendment No. 38: Appropriates $1,140,300,000 for research and related activities instead of $1,242,400,000 as proposed by the House and $1,112,600,000 as proposed by the Senate.

The above amount includes the following changes from the budget:

−$20,800,000 from Mathematical and Physical Sciences, Engineering, and Astronomical, Atmospheric, Earth and Ocean Sciences to be applied against these activities at the agency's discretion;

−$1,500,000 from the Societal Response to Earthquake Research program;

−$1,000,000 from Program development and management;

+$15,000,000 for high technology instrumentation to be allocated for new research initiatives laboratory development and technology instruction delivery;

+$1,000,000 for Minority Research Initiation and Research Improvement in Minority Institutions from within the total for research and related activities;

−$102,100,000 for the antarctic program which is offset by the inclusion of such funds under a new account structure; and plus not less than $5,000,000 for grants to 2- and 4-year colleges for equipment and instrumentation.

Amendment No. 39: Deletes language proposed by the House and stricken by the Senate concerning the ocean drilling program and various earmarkings of funds under the research and related activities account and deletes language proposed by the Senate earmarking funds for new grants.

The conferees have deleted the specific earmarking of 3 percent of funds appropriated under research and related activities for faculty at non-Ph. D.-granting institutions. However, the committee of conference points out that the percentage of funds made by the Foundation for such institutions has declined from approximately 2 percent of the total NSF funding in 1968 to a current level of about 1 percent. The conferees strongly urge that the Foundation make an effort to reverse this trend over the coming months and expect a progress report on that issue submitted to the Committees on Appropriations by March 31, 1984.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing $102,100,000 and establishing a new separate account for the United States antarctic research program.

Amendment No. 41: Appropirates $75,000,000 for science education activities as proposed by the Senate, instead of $70,000,000 as proposed by the House.

Amendment No. 42: Deletes language proposed by the Senate earmarking funds for graduate and minority fellowships. The conferees agree that a minimum of 100 additional new graduate fellowships including woman and minorities be provided in 1984.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate earmarking funds for merit based instructional materials development and permitting the transfer of up to $5,000,000 of funds provided under this account to the research and related activities account to conduct research on teaching and learning.

The committee on conference urges the Foundation to encourage the involvement of State and local education officials in the development of merit based instructional materials.

NEIGHBORHOOD REINVESTMENT CORPORATION

Amendment No. 44: Deletes language proposed by the House and inserts "the capital" as proposed by the Senate.

Amendment No. 45: Deletes language proposed by the Senate which would permit the Neighborhood Reinvestment Corporation to provide funding to the Baltimore, Maryland mutual housing program to cover capital costs. The conferees are agreed that the Corporation may continue its efforts in the three communities currently under planning.

SELECTIVE SERVICE SYSTEM

Amendment No. 46: Appropriates $24,500,000 for salaries and expenses, instead of $24,049,000 as proposed by the House and $24,649,000 as proposed by the Senate.

The committee of conference is in agreement with the following changes from the budget request:

−$800,000 from public information programs;

−$50,000 from travel; and

−$149,000 general reduction to be applied at the agency's discretion.

DEPARTMENT OF THE TREASURY

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $4,566,700,000 for payments to the State and local government fiscal assistance trust fund. The House deferred consideration of the budget request.

Amendment No. 48: Appropriates $7,278,000 for the Office of Revenue Sharing, salaries and expenses as proposed by

the Senate, instead of $7,378,000 as proposed by the House. The committee of conference is in agreement to limit additional permanent positions to one in fiscal year 1984.

VETERANS ADMINISTRATION

Amendment No. 49: Appropriates $1,371,000,000 for readjustment benefits as proposed by the House, instead of $1,521,000,000 as proposed by the Senate.

Amendment No. 50: Deletes language proposed by the Senate earmarking $150,000,000 for veterans' emergency job-training program, contingent upon enactment of authorizing legislation before December 31, 1983.

The conferees agree to delete funding for the veterans' emergency job-training program because it is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered. The funds in the readjustment benefits appropriations are for entitlement programs. If funded, the veterans' emergency job-training program would be provided for in a separate account.

Amendment No. 51: Appropriates $8,070,726,000 for medical care, instead of $8,078,526,000 as proposed by the House and $8,065,187,000 as proposed by the Senate.

The conference agreement adds $12,200,000 above the budget request. Of that amount, $10,300,000 is for maintenance and repair projects and $1,900,000 is for an additional 100 community nursing home care patients.

The conference agreements restores the $5,539,000 reduction taken by the Senate in medical equipment (object class 31). The conferees agree, however, with the language contained in the Senate report directing the VA to restore the former balance between additional equipment and replacement equipment. In this respect, the conferees direct the VA to apply no less than $120,000,000 of the amount provided for the purchase of replacement equipment.

The conferees are also in agreement with the concerns expressed in the Senate report about the need to establish an operating plan for the medical care account. The conferees direct the VA to submit an operating plan that will serve as the basis for future reprogramming requests no later than November 1, 1983.

This amount of funding is specifically intended to support 190,554 full-time equivalent employees (FTEEs) with the understanding that, in accordance with established Congressional practice, any additional pay costs necessary to support that FTEE level will be borne by the VA, using funds made available by this measure, funds made available through the enactment of supplemental appropriations, or through absorption of the costs, or some combination thereof. This FTEE level does not include common services FTEEs.

Also, 4,385 full-time equivalent employees are included for medical and prosthetic research and 856 full-time equivalent employees are included for medical administration and miscellaneous operating expenses.

Amendment No. 52: Appropriates $345,692,000 for construction, major projects, instead of $350,992,000 as proposed by the House and $341,692,000 as proposed by the Senate.

The conference agreement deletes the $5,300,000 requested for the 60-bed nursing home care project at Providence, Rhode Island. In taking this action, the conferees have deferred the funding for this project until a later time. The conferees note that this facility is the lowest priority of the seven nursing home care projects contained in the budget request. The conferees also note that the VA's revalidation team did not identify an immediate need for the Providence facility and recommended deferring the project.

The conferees have included the requested $14,700,000 for the 120-bed nursing home care project at San Francisco. However, the conferees direct that the VA not proceed with the multistory parking garage part of the project until a report on the subject is prepared and submitted to the Committees on Appropriations. The report should outline alternative parking arrangements, including the use of land currently under the jurisdiction of the Department of the Interior. The VA should not proceed to implement any of the parking alternatives without the prior approval of the Committees on Appropriations.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *Provided,* That, except for advance planning of projects funded through the advance planning fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further,* That $15,000,000 of the advance planning funds provided in this Act for medical projects shall only be available for the advance planning of those projects proposed in fiscal year 1983 and prior years: *Provided further,* That funds provided in the appropriation "Construction, Major Projects" for fiscal year 1984, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1984 and (2) by the awarding of the construction contract by September 30, 1985: *Provided further,* That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (Title X of Public Law 93-344): *Provided further,* That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after final acceptance of the project by the Veterans Administration.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies the House provision limiting the use of advance planning funds only to those projects carried in the report. The modified provision earmarks $15,000,000 of advance planning funds for projects proposed in fiscal year 1983 and prior years. This will permit all of those projects currently proposed to proceed.

The conference agreement should not be interpreted as abandoning the effort to develop a stable priority list of construction projects. The conferees are concerned with shifting construction priorities. However, it may be that tracking procedures can be developed to accomplish the same objectives. The conferees direct the VA to notify the Committees on Appropriations of any changes in new projects under the advance planning fund and the reason for the change.

Amendment No. 54: Appropriates $185,378,000 for construction, minor projects, instead of $193,378,000 as proposed by the House and $177,185,000 as proposed by the Senate. The conferees agree that the reduction from the budget request includes $8,000,000 of the $39,157,000 increase requested for minor construction projects and $500,000 of the $12,973,000 increase requested for the expenses of the Office of Construction.

Amendment No. 55: Establishes the limitation on expenses of the Office of Construction at not more than $45,338,000 as proposed by the House, instead of $45,838,000 as proposed by the Senate.

Amendment No. 56: Codifies program citation.

Amendment No. 57: Deletes language proposed by the House and stricken by the Senate authorizing not to exceed $150,000,000 from the direct loan revolving fund for mortgage assistance to veterans. The conferees agree to delete funding for the mortgage assistance to veterans program because it is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered.

TITLE III—CORPORATIONS

FEDERAL HOME LOAN BANK BOARD

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate permitting the transfer of funds between the fiscal year 1983 limitations on administrative and nonadministrative expenses with the approval of the Committees on Appropriations.

TITLE IV—GENERAL PROVISIONS

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$54,212,179,889
Budget estimates of new (obligational) authority, fiscal year 1984	[1]49,561,458,896
House bill, fiscal year 1984	[2]58,992,788,000
Senate bill, fiscal year 1984	54,254,397,810
Conference agreement, fiscal year 1984	55,789,340,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	+1,577,160,111

Budget estimates of new (obligational) authority, fiscal year 1984	+6,227,881,104
House bill, fiscal year 1984	−3,203,448,000
Senate bill, fiscal year 1984	+1,534,942,190

[1] Includes $4,832,200,000 of budget estimates not considered by the House.

[2] Includes for comparability $4,566,700,000 deferred by the House.

Edward P. Boland,
Bob Traxler,
Louis Stokes,
Lindy (Mrs. Hale) Boggs,
Martin Sabo,
Bill Boner,
Jamie L. Whitten,
Bill Green,
Larry Coughlin,
Jerry Lewis,
Silvio O. Conte,
Managers on the part of the House.

Jake Garn,
Lowell P. Weicker, Jr.,
Paul Laxalt,
Alfonse M. D'Amato,
James Abdnor,
Mark O. Hatfield,
Walter D. Huddleston,
John C. Stennis,
Patrick J. Leahy,
Jim Sasser,
Managers on the part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Alexander (at the request of Mr. Wright), until 5 p.m. today, on account of family reasons.

Mr. Lewis of Florida (at the request of Mr. Michel), from 8 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McKernan) to revise and extend their remarks and include extraneous material:)

Mr. Dannemeyer, for 30 minutes, today.

Mr. Dannemeyer, for 30 minutes, on June 28.

Mr. Dannemeyer, for 30 minutes, on June 29.

Mr. Dannemeyer, for 30 minutes, on June 30.

Mr. Gekas, for 15 minutes, today.

Mr. Gradison, for 10 minutes, today.

Mr. Sensenbrenner, for 5 minutes, today.

Mr. Smith of New Jersey, for 10 minutes, today.

Mr. Hartnett, for 60 minutes, on June 28.

Mr. McEwen, for 60 minutes, on June 28.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 30 minutes, today.

Mr. Minish, for 60 minutes, today.

Mr. Lantos, for 5 minutes, today.

Mr. AuCoin, for 5 minutes, today.

Mr. Feighan, for 5 minutes, today.

Mr. LaFalce, for 5 minutes, today.

Mr. Brown of California, for 30 minutes, today.

Mr. Roe, for 5 minutes, today.

Mr. Kastenmeier, for 10 minutes, today.

Mrs. Boggs, for 5 minutes, today.

Mr. Zablocki, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Edgar, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $2,535.75.

Mr. Albosta, immediately following Mr. Dannemeyer.

(The following Members (at the request of Mr. McKernan) and to include extraneous matter:)

Mr. Paul.
Mr. Kramer.
Mr. Bilirakis.
Mr. Dreier of California.
Mr. Clinger.
Mr. Hillis.
Mr. Taylor.
Mr. McKinney.
Mr. Petri.
Mr. Bereuter in two instances.
Mr. Wortley.
Mr. Lowery of California.
Mr. Broomfield.
Mr. Livingston.
Mr. Wolf.
Mr. Goodling.
Mr. Weber.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Mineta.
Mr. Lipinski.
Mr. de Lugo.
Mr. Shelby.
Mr. Nowak.
Mr. Berman in two instances.
Mr. Lantos in two instances.
Mr. Donnelly in two instances.
Mr. Bates.
Mr. Ortiz in three instances.
Mr. Won Pat.
Mr. Yates.
Ms. Kaptur in two instances.
Mr. Coelho.
Mr. Jones of Tennessee.
Mr. Anthony.
Mr. Vento.
Mr. Ireland.
Mr. Conyers.
Mr. Foley.
Mr. Frank.
Mr. Richardson.
Mr. Fauntroy.
Mr. de la Garza.
Mr. Akaka.
Mr. Minish.
Mr. Rangel.
Mr. Hawkins.
Mr. Florio.
Mr. Gephardt.
Mrs. Schroeder.
Mr. Solarz.
Mr. Jenkins.
Mr. McDonald.
Mr. Sikorski.
Mr. Dyson.
Mr. Erdreich.
Mr. Shannon.
Mr. Long of Maryland.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, June 27, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1422. A letter from the Deputy Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to modify and improve the educational assistance programs administered by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

1423. A letter from the Attorney General of the United States, transmitting notice that the Justice Department will not appeal a decision of a district court which held unconstitutional a portion of the Social Security Act, title 42, United States Code, 402(d)(5), pursuant to section 21 of Public Law 96-132; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1556. A bill to authorize the conveyance of the Liberty ship John W. Brown to the John W. Brown preservation project; with amendments (Rept. No. 98-261). Referred to the Committee of the Whole House.

Mr. MITCHELL of Maryland: Committee of Conference. Conference report on S. 273 (Rept. No. 98-262). Ordered to be printed.

Mr. MITCHELL of Maryland: Committee of Conference. Conference report on S. 272 (Rept. No. 98-263). Ordered to be printed.

Mr. BOLAND: Committee of Conference. Conference report H.R. 3133 (Rept. No. 98-264). Ordered to be printed.

Mr. DIXON: Committee on Appropriations. H.R. 3415. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-265). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS (by request):

H.R. 3398. A bill to change the tariff treatment with respect to certain articles, and for other purposes; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Jones of North Carolina, Mr. Forsythe, Mr. Anderson, Mr. Bennett, Mr. Addabbo, Mr. Breaux, Ms. Mikulski, Mr. Bonker, Mr. Pritchard, Mr. Hutto, Mr. Hughes, Mr. D'Amours, Mrs. Boggs, Mr. Donnelly, Mr. Lipinsky, and Mr. Akaka):

H.R. 3399. A bill to establish a Maritime Redevelopment Bank of the United States through the restructuring of certain credit programs to promote innovation, increased productivity, competitiveness and capital investment in maritime enterprise, and for other purposes; to the Committee on Merchant Marines and Fisheries.

By Mr. SIKORSKI (for himself, Mr. Waxman and Mr. Gregg):

H.R. 3400. A bill to amend the Clean Air Act to control certain sources of sulfur dioxides and nitrogen oxides to reduce acid deposition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOWDY of Mississippi:

H.R. 3401. A bill to designate that hereafter the U.S. Post Office and Courthouse at 245 East Capital Street in Jackson, Miss., will be known as the James O. Eastland Federal Court Building; to the Committee on Public Works and Transportation.

H.R. 3402. A bill to designate that hereafter the Federal building at 100 West Capital Street in Jackson, Miss., will be known as the Dr. A. H. McCoy Federal Building; to the Committee on Public Works and Transportation.

By Mr. KASTENMEIER (for himself, Mr. Rodino, Mr. Mazzoli, Mr. Fish, Mr. Moorhead, Mr. Kindness, Mr. Frank, Mr. Crockett, Mr. Hughes, Mr. Glickman, Mr. Hyde, Mrs. Schroeder, Mr. Sawyer, Mr. Synar, Mr. Sam B. Hall, Jr., Mr. Akaka, Mr. Lowry of Washington, Mr. Won Pat, Mr. Solarz, Mr. Edgar, Mr. Lehman of Florida, Mr. Stokes, Mr. Sunia, Mr. Leland, Mr. AuCoin, Mr. Oberstar, Mr. Pritchard, Mr. Feighan, Mr. Bonker, Mr. Mitchell, Mr. Hertel of Michigan, Mr. Simon, Mr. Bevill, Mr. Gonzalez, Mr. Smith of Florida, Mr. Franklin, Mr. Morrison of Washington, Mr. Reid, Mr. Hammerschmidt, Mr. Weiss, and Mrs. Vucanovich):

H.R. 3403. A bill to aid State and local governments in strengthening and improving their judicial systems through the creation of a State justice institute; to the Committee on the Judiciary.

By Mr. KOSTMAYER:

H.R. 3404. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River in Pennsylvania and New Jersey for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MINETA (for himself and Mr. Panetta):

H.R. 3405. A bill to amend title XVIII of the Social Security Act to restrict the time period within which a penalty for late enrollment can be imposed under part A or part B of the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. OXLEY:

H.R. 3406. A bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-65; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 3407. A bill to amend title 18 of the United States Code tc provide a mandatory 30-day waiting period for the purchase of handguns; to the Committee on the Judiciary.

By Mr. RINALDO:

H.R. 3408. A bill to repeal the denial of the use of the accelerated cost recovery system with respect to tax-exempt obligations and the expiration of the authority to issue such obligations; to the Committee on Ways and Means.

By Mr. SHANNON (for himself, Mr. Boland, Mr. Early, Mr. Conte, Mr. Moakley, Mr. Mavroules, Mr. Markey, Mr. Donnelly, Mr. Studds, and Mr. Frank):

H.R. 3409. A bill to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State; to the Committee on Ways and Means.

By Mr. SIMON:

H.R. 3410. A bill to authorize the Secretary of Agriculture to make loans to establish and operate agricultural communities that provide shelter and employment for individuals in lieu of certain Federal assistance; to the Committee on Agriculture.

By Mr. OBERSTAR:

H.R. 3411. A bill to amend title II of the Social Security Act to provide full benefits for disabled wives, husbands, widows, and widowers without regard to age (subject to limited adjustments to reflect any previous reductions in their benefits), to liberalize the strict definition of disability which is presently applicable to widows and widowers, and to provide benefits for essential spouses of disability beneficiaries without regard to age or children in care; to the Committee on Ways and Means.

H.R. 3412. A bill to amend title II of the Social Security Act to liberalize eligibility for disability benefits by providing for the determination of an individual's eligibility for such benefits without regard to the recency of such individual's coverage; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 3413. A bill to limit temporarily the acquisition of depository institutions and the commencement of certain new activities by State chartered depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SEIBERLING:

H.R. 3414. A bill to amend the Internal Revenue Code of 1954 to allow the targeted jobs credit for hiring any member of an economically disadvantaged family who is between the ages of 16 and 18 and who has been charged with a delinquent act; to the Committee on Ways and Means.

By Mr. DIXON:

H.R. 3415. A bill making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. DOWDY of Mississippi:

H.J. Res. 306. Joint resolution to provide for the designation of April 9, 1984 as "National POW/MIA Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself, Mr. Conte, Mrs. Hall of Indiana, Ms. Mikulski, and Mr. Taylor):

H.J. Res. 307. Joint resolution designating the month of November 1983 as "National Diabetes Month"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Crockett.

H.R. 24: Mr. Carney, Mr. McGrath, Mr. Molinari, Mr. Scheuer, Mr. Bevill, Mr. Jeffords, Mr. Smith of Florida, Mr. Quillen, Mr. Corrada, Mr. Waxman, Mr. Levin of Michigan, Mr. Stokes, Mr. Sunia, Mr. Hughes, Mr. Lowry of Washington, and Mr. Vento.

H.R. 25: Ms. Oakar.

H.R. 137: Mr. Siljander.

H.R. 352: Mr. Evans of Illinois.

H.R. 433: Mr. Dowdy of Mississippi, Mr. Frenzel, and Mr. Wylie.

H.R. 555: Mr. Shuster and Mr. Evans of Illinois.

H.R. 659: Ms. Mikulski.

H.R. 881: Mr. Thomas of Georgia, Mr. Harkin, Mrs. Lloyd, Mr. Crockett, Mrs. Kennelly, Mr. Skelton, Mr. Price, Mr. Ratchford, Mr. Pepper, Mr. Coyne, Mr. Torres, Mr. Wilson, Mr. Clay, Mr. Sharp, Mr. Clarke, and Mr. Hubbard.

H.R. 1092: Mrs. Schneider and Mr. Lowery of California.

H.R. 1347: Mr. McCollum.

H.R. 1373: Mr. Roe.

H.R. 1392: Mr. Carr.

H.R. 1415: Mr. Tauke.

H.R. 1584: Mr. Siljander.

H.R. 1617: Mr. Coleman of Missouri and Mr. Mineta.

H.R. 1657: Mr. Markey and Mr. Rangel.

H.R. 1693: Mr. Wheat.

H.R. 1743: Mr. Wyden, Mr. Biaggi, Mr. Jeffords, and Mr. Torres.

H.R. 1815: Mr. Seiberling.

H.R. 1903: Mr. Carr, Mr. Levine of California, and Mr. Rodino.

H.R. 1914: Mr. Daschle, Mrs. Boxer, Mr. Evans of Illinois, Mr. Fish, Mr. Kildee, Mr. Feighan, Mr. Stokes, Mr. Seiberling, Mr. Lantos, Mr. Mrazek, Mr. Smith of Florida, Mrs. Schroeder, Mr. Cooper, Mr. Martinez, and Mr. LaFalce.

H.R. 1955: Mr. Loeffler, Mr. McKernan, Mr. Mavroules, and Mr. Luken.

H.R. 2012: Ms. Oakar and Mr. Foglietta.

H.R. 2036: Mr. McNulty, Ms. Mikulski, and Mr. Smith of Florida.

H.R. 2053: Mr. Torricelli.

H.R. 2073: Mr. Badham.

H.R. 2243: Mr. Obey and Mr. Frank.

H.R. 2250: Mrs. Hall of Indiana, Mr. Wheat, Mr. McHugh, and Mr. Owens.

H.R. 2299: Mr. Shelby and Ms. Mikulski.

H.R. 2352: Mr. Coelho, Mr. Edgar, Mr. Stangeland, Mr. Goodling, Mr. Rahall, Ms. Ferraro, Mr. Vandergriff, Mr. Roe, Ms. Mikulski, Mr. Leland, Mr. Chappie, Mr. Lantos, Mr. Madigan, Mr. Dymally, Mr. Mazzoli, Mr. Horton, Mr. Bedell, Ms.

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Kaptur, Mr. Jeffords, Mr. Sunia, Mr. Williams of Montana, Mr. Mitchell, Mr. Fazio, Mr. Evans of Illinois, Mr. Edwards of California, Mr. Beilenson, Mr. McHugh, Mr. Stokes, Mr. Miller of California, Mr. Towns, Mr. Frenzel, Mr. Brown of California, Mr. Ford of Tennessee, Mr. Vento, Mr. Luken, Mr. Wolf, Mr. Morrison of Connecticut, Mr. Weiss, Mr. Forsythe, Mr. Shannon, Mr. Seiberling, Mr. Conyers, Mr. Markey, and Mr. Owens.

H.R. 2432: Mr. Oberstar, Mr. Traxler, and Mr. Siljander.

H.R. 2468: Mr. Chandler, Mr. Edgar, Mr. Pashayan, Mr. McCollum, Mr. Mrazek, Mr. Weiss, Mr. Daschle, Mr. Badham, Mr. Barnes, Mr. Loeffler, and Mr. Pritchard.

H.R. 2489: Mr. Florio.

H.R. 2490: Mr. Hertel of Michigan.

H.R. 2715: Mr. Boland.

H.R. 2810: Mr. Daub, Mr. Goodling, Mr. Fields, Mr. Ritter, and Mr. Whittaker.

H.R. 2837: Mr. Mollohan, Mr. Gingrich, Mr. Ottinger, Ms. Kaptur, Mr. Fauntroy, Mr. Cheney, Mr. McCain, Mr. Coats, Mr. Howard, Mr. Moody, Mr. Petri, and Mr. Patterson.

H.R. 3043: Mr. Cheney, Mr. Conyers, Mr. Philip M. Crane, Mr. Gradison, Mr. Hance, Mr. Howard, and Mr. Fowler.

H.R. 3106: Mr. Neal.

H.R. 3198: Mr. Daniel.

H.R. 3230: Mr. Hoyer, Mr. Fazio, Mr. Dyson, Mr. Vento, Mr. Edgar, Mr. Weiss, Mr. Clay, and Mr. Conyers.

H.R. 3240: Mr. Panetta, Mr. AuCoin, Mr. Duncan, Mr. Stratton, Mr. Fish, Mr. Mineta, Mr. Dyson, Ms. Ferraro, Mr. Hughes, Mr. Edgar, Mr. Coyne, Mr. Smith of Florida, Mr. Foglietta, Mrs. Boxer, Mr. Andrews of Texas, Mr. Vander Jagt, Mr. Luken, Mr. Jacobs, Mr. Howard, Mr. Evans of Illinois, Mr. Kasich, Mr. Pepper, Mr. Lehman of Florida, Mr. Gonzalez, Mr. Barnes, Mr. Smith of New Jersey, Mr. Ackerman, Mr. Sunia, Ms. Mikulski, Mr. Hyde, Mr. Levine of California, Mr. Markey, Mr. Kildee, Mr. Martinez, Mr. Rodino, Mr. Corrada, Mr. Vandergriff, and Mr. Shumer.

H.R. 3291: Mr. Ratchford and Mr. Frank.

H.R. 3295: Mr. Tauke, Mr. Daub, and Mr. Bereuter.

H.R. 3302: Mr. Nielson of Utah, Mr. Barnard, Mr. Rudd, Mr. Bilirakis, Mr. Forsythe, Mr. Badham, and Mr. Daub.

H.R. 3354: Mr. Evans of Iowa, Mrs. Schneider, Mr. Campbell, Mr. Martin of North Carolina, Mr. Conte, Mr. Vander Jagt, Mr. Boland, Mr. Dwyer of New Jersey, Mr. Hyde, Mr. Smith of Florida, Mr. Smith of New Jersey, and Mr. Solomon.

H.J. Res. 29: Mr. Leland, Mr. Shumway, Mr. Bryant, Mr. Volkmer, Mr. Dickinson, and Mr. Patterson.

H.J. Res. 173: Mr. Alexander, Mr. Anthony, Mr. Barnes, Mr. Bennett, Mr. Bilirakis, Mr. Boehlert, Mr. Bonior of Michigan, Mr. Boucher, Mr. Britt, Mrs. Byron, Mr. Clarke, Mrs. Collins, Mr. Corcoran, Mr. Coughlin, Mr. Coyne, Mr. Daub, Mr. Dellums, Mr. Derrick, Mr. Dickinson, Mr. Dingell, Mr. Dixon, Mr. Dowdy of Mississippi, Mr. Downey of New York, Mr. Duncan, Mr. Dymally, Mr. Fauntroy, Ms. Fiedler, Mr. Fish, Mr. Florio, Mr. Gekas, Mr. Gephardt, Mr. Gonzalez, Mr. Gray, Mr. Green, Mr. Guarini, Mr. Hance, Mr. Heftel of Hawaii, Mr. Hoyer, Mr. Hubbard, Mr. Huckaby, Mr. Jenkins, Mr. Kazen, Mr. Kemp, Mr. Lehman of California, Mr. Levitas, Mr. Lewis of California, Mrs. Lloyd, Mr. Lowry of Washington, Mr. Lundine, Mr. Martin of North Carolina, Mr. Mica, Mr. Miller of California, Mr. Montgomery, Mr. Moore, Mr. Moorhead, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Nichols, Mr. Patman, Mr. Patterson, Mr. Rangel, Mr. Ray, Mr. Roemer, Mr. Rostenkowski, Mr. Rowland, Mr. Savage, Mr. Shaw, Mr. Shelby, Mr. Smith of New Jersey, Mr. Robert F. Smith, Ms. Snowe, Mr. Snyder, Mr. Solomon, Mr. Swift, Mr. Traxler, Mr. Winn, Mr. Wyden, Mr. Zablocki, Mr. Kostmayer, and Mr. Martinez.

H.J. Res. 179: Mr. McCain, Mrs. Schroeder, Mr. Mrazek, Mr. Hatcher, Mr. Hunter, Mr. Tauzin, Mr. Sawyer, Mr. Kindness, Mr. Swift, Mr. Berman, Mr. Frost, Mrs. Boxer, Mr. Reid, Mr. Dreier, Mr. Dixon, Mr. Lantos, Mr. Kasich, Mrs. Boggs, Mr. Pashayan, Mr. Solarz, Mr. Frank, Mr. Bilirakis, Mr. Hansen of Idaho, Mr. McHugh, Mr. Bateman, Mr. Emerson, Mr. Harrison, Mr. Smith of New Jersey, Mr. Gekas, Mr. Chandler, Mr. Pursell, Mrs. Holt, Mr. Biaggi, Mr. Martinez, Mr. Edgar, Mr. Crockett, Mr. Rudd, Mr. Conyers, Mr. Archer, and Mr. Yates.

H.J. Res. 296: Mr. Smith of New Jersey, Ms. Oaker, Mr. Eckart, Mr. Feighan, Mr. Ackerman, Mr. Walgren, Mr. Yatron, Ms. Kaptur, Mr. Regula, and Mr. Dellums.

H. Con. Res. 2: Mr. Florio.

H. Con. Res. 23: Mr. Bilirakis, Mr. DeWine, Mr. Hance, and Mr. Leland.

H. Con. Res. 71: Mr. Levine of California, Mr. Pepper, Mr. Addabbo, Mr. English, Mr. Horton, Mr. Skelton, Mr. DeWine, and Mr. Vandergriff.

H. Con. Res. 107: Mr. McGrath.

H. Con. Res. 111: Mr. Smith of New Jersey, Ms. Kaptur, Mr. Kasich, Mr. Gilman, Mr. Kostmayer, Ms. Oakar, Mr. Lagomarsino, Mr. Wortley, Mr. Stratton, Mr. Frank, Mr. Corcoran, Mr. Hyde, Mr. Minish, Mr. Martin of North Carolina, Mr. Fascell, Mr. Owens, Mr. Roe, and Mr. Fish.

H. Con. Res. 122: Mr. Levine of California and Mr. Mollohan.

H. Res. 118: Mr. Ford of Tennessee, Mr. Smith of New Jersey, and Mr. Bedell.

H. Res. 172: Mr. Albosta, Mr. Barnard, Mr. Bates, Mr. Boehlert, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mr. Clarke, Mr. Clay, Mr. Conte, Mr. Crockett, Mr. D'Amours, Mr. Daschle, Mr. Dowdy of Mississippi, Mr. Erdreich, Mr. Evans of Illinois, Mr. Fascell, Mr. Fazio, Mr. Feighan, Mr. Flippo, Mr. Fuqua, Mr. Gingrich, Mr. Goodling, Mr. Hall of Ohio, Mr. Hefner, Mr. Hertel of Michigan, Mr. Hillis, Mr. Jacobs, Mr. Jenkins, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mrs. Kennelly, Mr. Luken, Mr. McKinney, Mr. McNulty, Mr. Matsui, Mr. Mavroules, Ms. Mikulski, Mr. Miller of California, Mr. Mitchell, Mr. Montgomery, Mr. Nichols, Mr. Oberstar, Mr. Patterson, Mr. Rose, Mr. Roybal, Mr. Savage, Mrs. Schneider, Mrs. Schroeder, Mr. Seiberling, Mr. Shelby, Mr. Shuster, Mr. Sikorski, Mr. Smith of Florida, Mr. Solarz, Mr. Staggers, Mr. Tallon, Mr. Vento, Mr. Walgren, Mr. Weaver, Mr. Whitley, Mr. Edwards of California, Mr. Lipinski, Mr. Anthony, Mr. Simon, Mr. Gejdenson, Mr. Britt, Mrs. Hall of Indiana, Mr. Wise, Mr. Dellums, and Mr. Cooper.

H. Res. 190: Mr. Evans of Iowa, Mr. Chandler, Mr. Courter, Ms. Fiedler, Mr. Wolf, Mr. Aspin, Mr. AuCoin, Mr. Andrews of Texas, Mr. Bedell, Mr. Britt, Mr. Bryant, Mr. Dicks, Mr. Dixon, Mr. Dorgan, Mr. Donnelly, Mr. Early, Mr. Florio, Mr. Glickman, Mr. Hall of Ohio, Mrs. Hall of Indiana, Mr. Kastenmeier, Mr. Kostmayer, Mr. Long of Maryland, Mr. Lowry of Washington, Mr. Moakley, Mr. Neal, Mr. Ottinger, Mr. Owens, Mr. Reid, Mr. Roybal, Mr. Sabo, Mr. Sunia, Mr. Stratton, Mr. Traxler, Mr. Tallon, Mr. Torres, Mr. Towns, Mr. Waxman, Mr. Weiss, Mr. McCloskey, Mr. Garcia, Mr. Wheat, Mr. Scheuer, and Mr. Boland.

H. Res. 191: Mr. Weiss, Mr. Markey, and Mr. Ford of Tennessee.

H. Res. 231: Mr. Waxman, Mr. Bates, Mrs. Collins, and Mr. Wirth.

EXTENSIONS OF REMARKS

YELLOW RAIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LANTOS. Mr. Speaker, in an article of extraordinary persuasiveness, our distinguished colleague from New York, Representative Steve Solarz, condemns the use of chemical weapons by the Soviet Union in Southeast Asia.

I commend my friend from New York, chairman of our Subcommittee on Asian and Pacific Affairs, for his most important work in this area and I recommend his excellent article to all my colleagues.

The article follows:

[From the Wall Street Journal, June 22, 1983]

Yellow Rain: Beyond a Reasonable Doubt

(By Stephen J. Solarz)

There may be reasons for doubting that the Soviet Union is involved with illegal chemical warfare in Asia, but the facts of the case aren't among them. No matter how hard those who prefer to see and hear and speak no evil may try, the evidence simply cannot be explained away.

It is not just the United States but also Canada, Britain, Australia, China and Thailand, among others, which have found that illegal chemical warfare is being used in Asia. Even the Socialist foreign minister of France, who is no enemy of Vietnam, recently announced that France on its own had "firm and convincing evidence" of the use of the weapons in Southeast Asia and Afghanistan.

Yet it is easy to understand why so many good people resist this conclusion. When former Secretary of State Alexander Haig first aired the charge that the Soviet Union was violating treaties prohibiting chemical and biological warfare, his publicly presented evidence—a twig—seemed so thin that Mr. Haig's claim appeared to be more an exercise in Cold War propaganda than a presentation of carefully compiled scientific data. Many people here and abroad also worried that Mr. Haig's accusation was part of a Reagan administration attempt to justify its hostility to arms control agreements with the Soviet Union.

PLENTY OF EVIDENCE

The initial skepticism which greeted Mr. Haig's accusation notwithstanding, the use of chemical warfare by the U.S.S.R. and Vietnam has now been established beyond doubt. Not only is there persuasive, if highly classified, technical data indicating Soviet involvement in the manufacture, supply and use of chemical weapons, but peer reviews of the U.S. evidence by a panel of Americans scientists and a leading Japanese authority on the subject have independently confirmed that the chemical agents discovered were indeed man-made, prohibited substances. In addition, there is publicly available medical testimony, hundreds of first-hand reports from the victims of "yellow rain," and laboratory analysis of samples taken from areas in which these prohibited toxins have been found.

Doctors from France, India, the U.S., the Philippines and Canada who work with refugees along the borders to which the victims of chemical warfare have fled almost uniformly report finding symptoms in victims of attacks which aren't consistent with any known disease, but which do conform to symptoms associated with illegal chemical weapons.

The stories of the victims are compelling in themselves. Contrary to what some doubters imply, these reports do not come from a handful of able-bodied, politically committed Meo leaders, but from a wide variety of Khmer, Hmong and Afghan refugees, ranging from little children to the elderly.

Their accounts of "yellow rain" attacks are particularly convincing in that they are usually not volunteered, but are revealed only when a doctor asks the refugees directly about their symptoms.

Refugee reports are dismissed by many people as inherently unreliable. This is exactly what happened when the first stories began to come out of Nazi-occupied Europe about the Holocaust. In fact refugees have a record of being excellent sources of information on inaccessible societies and situations.

The Chinese who fled to Hong Kong in 1962 carried reports of mass famine. Even experts dismissed their testimony. Yet it is now known that at least 10 million people perished.

Cambodian refugees fleeing Pol Pot's minions after the fall of the Lon Nol regime in 1975 related harrowing accounts of autogenocide. Many people dismissed the bloody truth as a Cold War lie invented to discredit Vietnam, which was seen as supporting Cambodia. Yet we now know that about a third of the Khmer people lost their lives during Pol Pot's brief period in power.

The reports of Afghan refugees fleeing Soviet tyranny and of Guatemalan refugees fleeing their own army, which has gone on a rampage in the countryside, are now widely accepted. It strains credulity to believe that the refugees escaping "yellow rain" in Asia, alone among all the victims of repression, are uniquely engaged in a monumental hoax.

For those not fully convinced by the testimony of independent doctors or the reports of victimized refugees, even more definitive proof is available in the form of laboratory analysis. Samples obtained from areas in which "yellow rain" has been reported reveal combinations of trichothecene toxins not found in nature. Since Hanoi doesn't have the scientific or technical capacity to manufacture these illegal substances, it is clear that Vietnam must be receiving them from the Soviet Union.

The only explanation of these manmade poisons that would exculpate the Soviet Union is that the CIA or some other foreign agency planted the evidence. But not even the U.S.S.R. has suggested such a conspiracy theory as a way of explaining the undeniable existence of these toxins.

In its formal response to the U.S. charges, the Soviet Union has acknowledged the existence in Laos and Cambodia of these prohibited chemicals. But it has claimed that they are due to U.S. use of Agent Orange in Vietnam, which, according to the Soviet argument, destroyed the natural vegetation and led to the growth of elephant grasses that produced the toxins in question. These deadly poisons, the Soviets go on to claim, are being carried into hostile Hmong and Khmer regions by monsoon winds that, somehow or other, deposit them nowhere else. So far not a single serious independent scientist, or even Rube Goldberg, has lent any credence to this Soviet invention of inherently implausible interrelations, and a U.N. team of experts found no validity in the Soviet hypothesis.

WE CAN'T IGNORE THE VICTIMS

The latest effort to explain away the damning evidence asserts that the trichothecenes found in Southeast Asia grew on bee defecations. Since bees have presumably long been indigenous to the region, it is odd that these deadly manifestations show up only now. The incredible bee hypothesis, unlike the one advanced by the Soviet Union, does not even pretend to explain why these poisonous substances did not appear in earlier years or in other places.

Some people resist the compelling evidence of Soviet violation of chemical and biological arms accords out of a fear that such a conclusion would jeopardize prospects for reaching future arms-control agreements. But the conclusion which the evidence compels is not that the U.S. should refrain from entering into such agreements with the Soviets, but that any such treaties must have adequate provisions for verification, in contrast to the chemical-war conventions which lack them.

Arms-limitation agreements with the Soviets are essential if we are going to bring the arms race under control. But it is absolutely imperative that, in the midst of such efforts, we don't turn our backs on another helpless group of victims. Otherwise the crime will spread. Reports are now coming in of similar chemical attacks in Eritrea. This outrage must end.●

POPE PAUL'S VISIT TO HOMELAND

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. NOWAK. Mr. Speaker, the media this week have been filled with observations and commentary on Pope John Paul II's visit to his homeland.

Poland is a country struggling with social injustices incurred by a repressive Communist government and a system of martial law. Besides being

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deprived of basic human rights, the Poles live in a grim economic environment where basic necessities of life, such as food, clothing, and medical supplies, are often lacking. Yet the fervent national pride and hope of the Polish people persists, even under the present political system.

Although the Vatican has described the papal visit to Poland as a "religious pilgrimage," it clearly has immense political significance for the Polish nation. The Jaruzelski regime allowed the papal tour hoping it would have a moderating effect on the Polish people. Instead, the Pope's message has been a call for peace, justice, and most importantly, freedom. He has openly supported the renewal of Solidarity, and a return to the social reforms introduced during Solidarity's short era.

The people of Poland certainly must be heartened by this strong voice from Rome which denies legitimacy to and strongly challenges the repressive Polish Government. The Pope's political candor and refusal to overlook blatant social injustice has instilled new hope for freedom and unity among all Poles. His visit to Poland is a symbol of many of the values and ideals our own Founding Fathers vigorously defended more than 200 years ago.

I know we all hope and pray that the long-term results of the Pope's visit will be a lessening of tensions and a broadening of freedoms in his native land.●

BZ DEMILITARIZATION FACILITY AT THE PINE BLUFF ARSENAL

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ANTHONY. Mr. Speaker, H.R. 2972, the military construction authorization for fiscal year 1984, and H.R. 3263, the military construction appropriations for fiscal year 1984, contain $10.2 million for a BZ demilitarization facility at the Pine Bluff Arsenal.

This facility will be used to destroy a 20-year-old stockpile of BZ, a nonlethal type of agent that temporarily incapacitates personnel. Two questions have arisen about this project and the future plans the Army may have to convert this facility for use to demilitarize other types of chemical agents now stored at the Pine Bluff Arsenal. One question that causes some concern is whether the Army plans to bring chemical agents stored at other locations around the country to the Pine Bluff Arsenal for demilitarization. BZ is stored at only one other site than the Pine Bluff Arsenal. That is the Chemical Systems Laboratory at the Aberdeen Proving Ground, Md. I have a letter I would like to submit for the record in which the Army states it has no plans to move the BZ agent at the Chemical Systems Laboratory to Pine Bluff Arsenal for demilitarization.

The other question is whether there would be congressional review before the BZ facility at the Pine Bluff Arsenal were converted to a facility capable of destroying other chemcial agents. In the letter I have submitted for the RECORD, the Army states that congressional authorization would be sought before the Army would convert the BZ demilitarization facility at the Pine Bluff Arsenal to a facility for demilitarizing other types of chemical agents.

The letter follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., June 21, 1983.

HON. BERYL ANTHONY, JR.,
House of Representatives,
Washington, D.C.

DEAR MR. ANTHONY: This is to advise you that the U.S. Army does not have any intentions or plans for moving the 330 pounds of bulk BZ agent and submunitions stored at the Chemical Systems Laboratory, Aberdeen Proving Ground, Maryland to Pine Bluff Arsenal, Arkansas for demilitarization purposes.

The fiscal year 1984 budget request contains $10.2M in MCA funds for the construction of the BZ facility, disposal and support buildings, at Pine Bluff Arsenal. Should a decision be reached to dispose of other obsolete chemical munitions and bulk agent at Pine Bluff Arsenal, additional MCA funds would be requested from Congress to accomplish this requirement.

Sincerely,

H. S. LONG, JR.,
Major General, GS Assistant Deputy Chief of Staff for Operations and Plans.●

LARRY NULL

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. COELHO. Mr. Speaker, next month the Fresno and Madera Counties' Committee on Political Education will honor a distinguished labor leader, Larry Null, as Labor Leader of the Year.

The honoree is most deserving for his numerous contributions to the working men and women of the Fresno and Madera County region, as well as for his work throughout the State of California.

Larry Null has served as an executive secretary-treasurer for the Sequoia District Council of Carpenters since 1968. He has been a member of the Carpenters Union for 35 years and has held many offices in his union. He is presently vice chairman of the 46 Counties Conference of Carpenters as well as vice president of the State council of carpenters. Mr. Null was appointed by former Governor Brown to the advisory committee pension funds investments, of which he is now chairman.

Under his leadership, Mr. Null's pension funds committee was among the first to rush assistance to the victims of the May 2 Coalinga earthquake. While banks and government agencies were still in the planning stages for many relief programs, Mr. Null's carpenters pension fund moved quickly to make $5 million available for financing of new structures in the demolished town. Much of Coalinga's new appearance will bear the stamp of Mr. Null and the dedication of his labor group.

Fresno County has also benefited from the work Larry did for 4 years on the county planning commission. In addition to his work in political affairs, he served the previous administration in Sacramento by identifying some of the problems in California's construction industry.

Larry is also a member of the Boy Scouts of America Advisory Board.

In every sense of the word, Larry Null is dedicated to the labor movement in our great State, to the public good, and to his family. Our colleagues, Mr. Speaker, will certainly join me in saluting this great American.●

WOMEN'S AMERICAN ORT CONVENTION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BERMAN. Mr. Speaker, I rise today to call to the Members' attention the upcoming national convention of the Women's American ORT—Organization for Rehabilitation Through Training—to take place October 16-19 in Los Angeles. Some 1,500 leaders from this organization, all of them leaders within their local communities, will gather together to represent the over 145,000 members of Women's American ORT.

Women's American ORT is primarily concerned with the quality of public education. The group's philosophy, Mr. Speaker, which I endorse completely, is that every person has an equal right to develop to their fullest potential. Worldwide, ORT has trained over 2 million people in its 103 years of operation, through vocational and technical education programs. They represent the largest nongovernmental program of this kind, today operating 800 facilities in two dozen countries, training over 100,000 people annually.

Their programs teach young people that they have a right to know what they can do, and what their strengths

and weaknesses are. ORT shows young people how they can apply their skills and aptitudes, and how to secure employment on their own. They are involved in efforts to raise the public's awareness as to the need for quality educational programs.

In this country, Women's American ORT is actively engaged in gathering support for educational legislation, providing career education, promoting the use of the entire community as a "laboratory for learning" for students, and in the dissemination of public information on education.

Their cause is of vital importance to this Nation and the world, for it is the youth of today which must become the leaders of tomorrow. I am pleased to be able to extend my personal congratulations to the delegates to the Women's American ORT convention, and to all the members from coast to coast, for their excellent and important work. I know that their efforts are creating a significant impact in improving the quality of public education.●

RURAL VOTER PROJECT

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. JONES of Tennessee. Mr. Speaker, I want to bring to the attention of my colleagues the outstanding effort the Rural America organization is making in registering voters in our rural communities. This project recognizes that rural citizens lost enough of their political power during the decades of urban migration. With the loss of voting power went a loss of fair and equitable treatment at the hands of the Federal Government.

Much influence can be recaptured, however, by turning rural nonvoters into rural voters. I applaud this project and am inserting for your information an article by David Raphael from the newspaper Rural America.

The article follows:

IN SEARCH OF THE RURAL VOTER

(By David Raphael)

At its December meeting, Rural America's Board of Directors adopted an organization plan and budget for 1983, paving the way for an expansion of the organization's activities in several new and exciting areas.

The plan describes our present organizational structure and activities and reflects our program priorities and goals for the coming year. It grows out of extensive discussions between the staff and board. Its adoption establishes a set of important new directions for the organization—directions that emerge after more than a decade of national leadership in rural issues and that respond to some of the more critical issues facing people in small towns and rural areas today.

In developing the plan, the board and staff recommitted themselves to the continuing struggle for rural equity and justice. One of our most important new initiatives in that struggle is the Rural Voter Project, which establishes a significant response to the historic neglect of human needs in rural areas and the immediate political and economic crisis confronting rural citizens. Its implementation at this time is likely to have a profound impact on the structure and focus of Rural America in the years ahead.

Simply put, the purpose of the project is to identify, support and ultimately increase the number of rural voters participating in progressive politics, at every level and in all regions.

The rural vote remains a potent force in American politics. Roughly one-third of the voting-age population now lives in nonmetro areas—the nation's fastest growing sector—with the remaining two-thirds split between suburban and central-city areas. Between 1980 and 1984, it is estimated that nearly four million new rural voters will be added to the rolls as a result of major population shift and the continued growth of rural communities.

Throughout our country's history, rural people have played central roles in populist, civil rights and other popular movements. Once again, it is clear that these forces must be mobilized around a new national agenda if we are to resolve the pressing social, political and economic problems facing us today as a nation. In short, the rural electorate must be organized.

Through the Rural Voter Project, we intend to build an alliance between diverse rural constituencies whose effective political expression has been systematically stifled by conservative forces and special interests or restricted by lack of organization.

The initial work of the project will focus on analyzing rural participation in the political process and networking among community and citizen groups. This phase will culminate with a national gathering later this year that will bring together rural political activists, elected officials, researchers and others interested in increasing the effectiveness of the rural vote.

We are delighted that former editor and board member Richard Margolis has agreed to return to the Rural America staff to coordinate this important effort. In the coming months, he will be consulting with individual members, community leaders and others whose support and participation are vital to the project's success. Working with the Washington and field-based staff of Rural America, he also will identify a national network of resource people and local activists to help guide the project.

People interested in participating in the Rural Voter Project should write Margolis at the national office.●

THE "GETAWAY SPECIAL" PROGRAM

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. WON PAT. Mr. Speaker, the phenomenal resurgence of interest and enthusiasm for this country's space program is largely attributed to the success of our space shuttle flights. The unique experiment prepared by high school students from Camden, N.J., is a credit to the students, the schools, NASA, and the public image of RCA. With respect to education, the "getaway specials" are an inspiration. They have taken these teenagers' enthusiasm and converted it into a personal learning experience, as well as a team effort. You do not tell a child that science and math are important, you show him why.

The efforts of NASA and RCA are certainly due our applause, but beyond their goodwill it is necessary to acknowledge the pragmatic value of their participation. If only other corporations would look forward far enough, beyond the bottom line, to encourage this type of interest in their industries. Today's children are tomorrow's scientists and engineers. They are at a pivotal point in their development, and if our Nation is to retain its advantage we need more and more of them to enter into technological fields. As a former teacher, I am excited by these ideas. I only hope that our businesses and industries are listening.●

A DESIRE NAMED STREETCAR

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. TAYLOR. Mr. Speaker, the June 1983 edition of the Lions Club magazine the Lion carried a story relating how interested citizens, who have a dream, can make life a little better for their friends and neighbors.

The article deals with the work of Fred Rogers and Cecil Veatch, two friends and constituents, a trolly they restored and King Jack Park in Webb City, Mo., where their good work brings fun and joy to hundreds of people in southwest Missouri.

The article follows:

A DESIRE NAMED STREETCAR

(By Marti Attoun)

Fred Rogers' dream hasn't come easy. It's cost him six years of backbreaking volunteer work, three broken toes, and traveling more than 10,000 miles at his own expense.

But it's all been worth it.

Last August, hundreds of residents of Webb City, Missouri, and the surrounding area, shared in Rogers' dream. They climbed aboard the only operable streetcar in Missouri—a shiny, green restored trolley from the Southwest Missouri Railway, and chugged along a mile track around King Jack Park. Shouting "All Aboard" was a delighted Rogers, who engineered the streetcar rebuilding as a Lions Club project back in 1976.

"My whole desire is to see kids get to ride on a streetcar," Rogers said shortly after the arduous rebuilding began. Now his two-year old grandson knows the joys of streetcar riding along with 80 and 90 year-old residents of a local nursing home who were treated to a ride.

Nearly 40 years after Streetcar No. 60 was abandoned to serve out its days as a shed on a Joplin farm, a local bank, the car's owner, donated it to the Webb City Lions Club.

The battered, rusty hull with weeds sprouting through the floorboard was towed to a lot behind the city's police station and work began in earnest. Another skeletal streetcar was unearthed from near the neighboring community of Carterville and was parked beside it to be used for parts.

Rogers and Cecil Veatch, a fellow Lion, began scraping the gray paint and sandblasting. A $10,000 donation from the Webb City Lions got the project rolling, and Rogers logged between 30 and 40 hours a week to get the trolley back on its tracks.

The front and rear vestibules were rebuilt, every piece of salvageable wood was taken out, bleached and stained.

All of the labor was donated, and many of the parts were, also. Rogers, often accompanied by Veatch, began scouring the United States and even went to New Zealand in search of rare parts. As word of the project spread, cash donations came in along with some hard-to-find parts. An employee of the National Park Service donated a headlight and a bell. A Webb City cabinet company donated necessary lumber and a salvage company handed over curtains culled from an Amtrak train. A surprising donation of five dollars came from a Chicago minister who declared that he would ride the car upon completion. Several individuals donated $100 or more and their names have been placed on a bronze plaque at the park.

Nothing discouraged Rogers and his fellow-Lion, Cecil Veatch. When cold weather blasted in, Rogers moved into a small room beneath the police station or worked in the car warmed by a coal oil stove.

Crutches did slow him up a bit, though, after a heavy metal part fell and fractured three of his toes. Veatch later broke his foot during an accident unloading rails. And both men were rushed to the hospital after they encountered a wasps nest in the front vestibule.

Rogers' labor of love on Streetcar No. 60 has not gone unnoticed. In 1980 he was named Webb City's Outstanding Citizen of the Year.

He laughs when he recalls the days when he was a youngster, riding the old Country Club streetcar line and trying to trick the conductors to save a token so he could sell it for needed cash. "I've been kicked off more than once," he smiles at his youthful pranks.

There's little chance, though, that Rogers will be kicked off Streetcar No. 60. He's earned a free ride several times over.●

G. PRESCOTT LOW, PIONEERING PUBLISHER

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DONNELLY. Mr. Speaker, the American Newspaper Publishers Association last week paid tribute to a man who has been in the forefront of publishing technology for a generation.

G. Prescott Low, the chairman of the board of the Patriot Ledger of Quincy, Mass., has been a newspaperman for half a century.

The ANPA honored him primarily for his efforts to adapt new technologies to newspaper production. But Mr. Low's commitment is not solely to the technology itself. He has been committed to advancing the mechanics of printing a newspaper so that greater effort can be devoted to the quality of the editorial content. That devotion to editorial superiority is familiar to anyone who knows the excellent and widespread reputation of the Patriot Ledger.

I join the American Newspaper Publishers Association in recognizing the contributions made to daily journalism by G. Prescott Low in the course of the last 50 years.

[From the Patriot Ledger, June 14, 1983]

G. PRESCOTT LOW CITED FOR PIONEERING CHANGES

LAS VEGAS (UPI).—G. Prescott Low, chairman of the board of The Patriot Ledger in Quincy, Mass., has been honored by the American Newspaper Publishers Association as a pioneer in the technology that brought newspapers into the computer age.

ANPA President William C. Marcil presented Low with an award plaque at a luncheon in his honor yesterday. He described Low as a man who pioneered "two of the most vital bridges from hot-metal production to today's world of computerized front-end systems, high-speed typesetting and pagination."

The bridges to computer-age technology perfected at The Patriot Ledger were the Photon Machine and the Dow Rapid-Etch engraving process.

"Both are virtually extinct in our business today," Marcil said, "but their role in the evolution of photocomposition should not be forgotten."

"Pres Low's burning interest in new methods of printing really began in the 1940s with a conviction that newspapers and textbook printers could not survive economically with the old methods," said Marcil.

Low told UPI yesterday he looked forward to the day when the money saved in daily production would be channeled into a better news and editorial feature production.

"There will be ample room and ample money brought about through technical savings to have better newspapers in the future," said Low, 70, who is now in his 50th year in the newspaper industry.

"I see a good future for newspapers," Low said. "I am not worried in any way about the competition from the instant perishable media as so many people are. You can pick up a newspaper today or tomorrow and the news is not perishable as with television, radio and cable."●

COMMENDING MOODY HIGH SCHOOL BASEBALL TEAM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ORTIZ. Mr. Speaker, I would like to commend the Moody High School baseball team for its accomplishment as the 1983 runner up in class 5A. It gives me enormous pride to point out that the Moody team is the only one from Corpus Christi, Tex., to reach the final game in the State championship playoff in its class since 1967. The coaches, players, and others making this feat possible are the following: Dr. Vance Littleton, Dr. Ed Grant, Steve Castillo, Joe Sendejar, Chipper Zamora, Arthur Delgado, Julian Mondragon, Leo Zarate, Rick Gomez, Jimmy Reyes, John Perales, Richard Perales, Robert Ibarra, Chato Ibarra, Rene Garcia, Henry Gonzales, Abel Flores, Robert Trevino, Arnold Acuna, Jesse Villanueva, Danny Aleman, Rene Castillo, Sonny Colunga, Rudy Beltran, Pokie Villalon, Chris Hubbard, Bill Martinez, and Edmond Mechell.●

CONNECTICUT'S CITIZENS SPEAK OUT AGAINST TANDEM TRUCKS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. McKINNEY. Mr. Speaker, the State of Connecticut is currently embroiled in a controversy which threatens the health and safety of its driving public. Congress enactment last year of the Surface Transportation Assistance Act has resulted in a Federal mandate allowing the operation of dangerous tandem-trailer trucks on interstate highways in all States. In the case of Connecticut, those highways are clearly unsuited to the giant trucks now permitted by the Federal Highway Administration. Accident rates are shown to be higher for the double rigs, and the fact that 15 States formerly prohibited their operation altogether indicates that serious opposition exists to the Federal mandate. Congress should return to the States their right to determine whether or not their roads are safe for tandem trucks.

In that regard, I have introduced H.R. 2438, a bill repealing the provision that removes the States' right to control the operation of these giant vehicles. I encourage your support of this effort to keep our highways safe for the traveling public. In addition, a constituent of mine, Ms. Michele C. Lacobelle, has sent me a letter and petition containing nearly 200 signatures from across the State, in opposition to the operation of tandem trucks. Because her letter expresses the concerns of Connecticut residents in a vigorous and personal manner, I am taking the liberty of inserting it in today's CONGRESSIONAL RECORD.

FAIRFIELD, CONN.,
June 20, 1983.

DEAR CONGRESSMAN MCKINNEY: Enclosed is a petition against allowing Tandem trucks in the state of Connecticut. It has been signed by Connecticut residents living between Greenwich and Hartford, plus a few out-of-state residents who travel on Connecticut highways frequently.

The people who have signed this petition are: independent truckers who fear being squeezed out of business, truck drivers who are afraid of being layed off from their jobs, Connecticut motorists who see the highways as a means of escaping the traffic on the main city streets, and others who see the foreseeability of increased traffic accidents due to the direct relationship that increased size has with danger.

These are people who know Connecticut highways; the constant deviations in traffic; the maneuverability required for such deviations; the type of incidents that take place on the highways. They are people who, consequently, agree that the incidents of traffic accidents are high enough without warranting further danger from bigger vehicles. (I, myself, have been threatened nearly fatally two times in the past three weeks which is why I have initiated this petition. Do you realize that large trucks sometimes try to get into the fast lane on the highways, and when they do many times cannot see you or hear your horn. One truck came close to enveloping my whole car under his truck! They really should have some kind of bar that prevents that kind of gruesome accident from happening.)

I am asking you to send copies of this letter and petition to other Congressmen and members of the legislature on behalf of myself and these other people who stand to lose if this case is not successfully appealed.

Thank you for your consideration,

Sincerely,

MICHELE C. LACOBELLE.

PETITION

Think of yourself!

Think of the children you drive in your car!

Think of all the times you've been threatened by big trucks on the highways!

Think of the gruesome accidents you've seen involving big trucks!

Then . . . think of how dangerous Tandem trucks would be!

Although a federal law has been passed to allow Tandem (double-trailer) trucks to travel on interstate highways, it doesn't mean that Connecticut has to allow them on their highways. Connecticut has the sovereign right of "police power" which allows them to restrict any such traffic on their intrastate highways which they deem to be unsafe. Connecticut's stance, presently, is to disallow, these double-trailer trucks on their highways. However, if this action is appealed by commercial trucking companies, it will be brought to the Supreme Court who will then make the final decision based on the evidence of the benefits vs. burdens that they find. I am asking you to sign this petition, if you feel, from your own experience in driving on Connecticut's highways, that these trucks would create an unreasonable health and safety burden to Connecticut citizens if they were allowed in this state. It is not much that we can do to protect ourselves—but at least it's something—and we deserve to be heard!

MICHELE LACOBELLE.●

COMMENDING ROBSTOWN HIGH SCHOOL BASEBALL TEAM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ORTIZ. Mr. Speaker, I would like to commend the Robstown High School baseball team for its accomplishment as the 1983 regional champions in class 4A. It gives me a great deal of pleasure to point out that I grew up in Robstown, Tex., and feel particularly close to this team. The coaches, players, and others making this feat possible are the following: Sammy Martinez, Gilbert Tobias, Hector Benavidez, Rudy Youngblood, Raul Garza, Ricky Ysassi, Joe Esquivel, Myron Bockholt, Orlando Salas, Manuel Garcia, Rex Ramon, Gilbert Ramirez, Rolando Salas, Lupe Perez, Emilio Zamora, Robert Luna, Marcos Villarreal, Savino Rojas, Brian Zimmerman, Moy Cortez, Juan Escareno, Ernest Abrego, Victor Gonzalez, Rene Roliz, Trey Lopez, Steve Castro, Martin Perez, Bobby Gonzalez, Dr. Jose Gene Gallegos, and Mr. Luis B. Gonzalez.●

THE OPPRESSION OF MINORITIES IN THE U.S.S.R.

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to bring to your attention the deplorable subjagation of the religious and ethnic minorities in the Soviet Union. Because of its long and sad history of denying even the most basic of human rights to its peoples, the outright persecution of Soviet minorities by that government's authorities is an issue which we must ardently address when dealing with the U.S.S.R. on any level.

Although they have never been very tolerant of those who hold religious beliefs, the Soviet authorities have been increasingly hostile toward their citizens who practice faiths which are considered "unusual." This degenerative Soviet war against the right of conscience in their own nation has produced nothing more than human misery and fear. Innumerable amounts of evangelicals and pentacostals have been systematically imprisoned or have been forced to seek asylum in foreign embassies, including our own in Moscow. Catholic worshippers and clergy have been continuously harassed, Muslim Mullahs have been incarcerated and even Russian Orthodox religious and laity have been sent to the slave camps of the Gulag or to the numerous mental institutions throughout the U.S.S.R.

Along with the flagrant persecution of religious freedom in their nation, the Kremlin's autocracy is furthering its unyielding and unmerciful efforts to oppress and eventually destroy all ethnic groups within the Soviet Union and the Warsaw Pact by their intensive imperialistic campaigns of forced "russification." Within the U.S.S.R. itself, Ukranian school children must learn the Russian language and culture without any regard to their own. In the Baltic States, natives are forced out of their illegally annexed countries and are replaced by staunch Communist Russians, a treacherous and evil campaign which Moscow is also waging against the Soviet Central-Asia Muslim so-called republics, the enslaved nations of the Warsaw Pact and all of Soviet Jewry.

The plight of present-day Soviet Jewry is horribly reminiscent of the situation to which Jews were subjagated at the beginning of the Nazi nightmare. Emigration of Jews from the Soviet Union has been virtually halted by that nation's authorities, KGB agents continuously harass and imprison Jewish dissidents and even Hebrew teachers are forced into slave labor on the oil pipeline to Western Europe. As demonstrated by the recent reunion of American Holocaust Survivors, the final approval for a National Holocaust Memorial and the Solidarity Sunday with Soviet Jewry rally on May 22, it is imperative for us to display to the Kremlin our firm dedication and resolve to do all which is in our power to keep the torch of freedom and hope lit for all Soviet Jews.

If we are to leave our posterity a nation based on moral integrity, love for peace and respect for the right of individual freedom, we must make human rights an integral part of our foreign policy. Realizing that we must negotiate with the Soviet Union in order to insure our mutual survival, this is an excellent opportunity to urge the Soviet authorities to end their cruel campaigns of terror against their citizens. If Moscow does not begin to respect the most sacred of its peoples' rights and permit the individual, religious and national freedom of its ethnic minorities, we must make it clear to the Politburo that any pending or future agreement between us depends heavily on whether or not they improve their human rights policies.●

CONSUMER PRODUCT SAFETY ACT AMENDMENTS OF 1983

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. SHELBY. Mr. Speaker, set forth below is a letter I received today

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from the Executive Office of the President, signed by OMB Director Stockman, which indicates strongly the administration's support for my amendment in the nature of a substitute that I intend to offer to H.R. 2668, Mr. Waxman's bill to reauthorize the Consumer Product Safety Commission. I am gratified that the administration has taken this position in support of my amendment and would commend to my colleagues a reading of this letter.

Executive Office of the President, Office of Management and Budget,
Washington, D.C., June 22, 1983.

Hon. Richard C. Shelby,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Shelby: This letter states the position of the Administration on H.R. 2668, the "Consumer Product Safety Amendments of 1983," which is scheduled to be voted on soon by the House of Representatives.

The Administration strongly opposes House passage of H.R. 2668 and instead supports passage of Representative Shelby's substitute to H.R. 2668, which was introduced as H.R. 3015.

H.R. 2668 contains numerous unacceptable provisions. Section 3 of this bill would (1) take the unprecedented step of requiring the Consumer Product Safety Commission (CPSC) to employ at least 650 full-time equivalent staff on a permanent basis; (2) usurp the authority of the Executive branch by excluding future CPSC personnel increases from Executive Office of the President review and approval; and (3) require CPSC to establish and maintain 10 field offices.

The need for balanced consideration of resource allocation among Federal agencies and programs is an essential part of the President's responsibility to develop and submit to Congress an integrated budget for the Executive branch as a whole. Section 3 of H.R. 2668 would undermine the President's flexibility in meeting that responsibility and would represent a highly undesirable restriction on his authority.

The resource levels requested for CPSC in the President's 1984 Budget reflect the results of lengthy consultation within the Executive branch. These levels also reflect the overall budget stringency to which all Executive agencies have necessarily been subjected as part of the President's efforts to reduce the growth in federal spending. Budget and personnel levels for CPSC should be weighed against equally meritorious competing demands of other Executive agencies. This cannot be done if Congress arbitrarily singles out an agency or group of agencies for special treatment.

H.R. 2668 would also provide for an increase of 38 percent in 1984 authorization levels over CPSC's 1983 level. Moreover, including the increases this bill proposes in the outyears (1985–1988), CPSC authorization levels under H.R. 2668 would be increased by 58 percent. Given the budgetary deficits confronting the Federal Government, such increases are totally unacceptable.

Finally, H.R. 2668 makes a multitude of unnecessary and ill-founded substantive changes to the statutes which CPSC administers. These changes have been made with no apparent programmatic rationale or cost-benefit analysis. For example, under Section 5 of H.R. 2668, CPSC would be permitted to use informal notice and comment rulemakings rather than more formal adjudicatory-type proceedings when taking regulatory action under the Federal Hazardous Substances Act. Current law safeguards, such as (1) the right to cross-examine witnesses, (2) application of formal rules of evidence, and (3) the right to an automatic stay of regulation pending judicial review, would all be eliminated. Similarly, Section 5 of H.R. 2668 would also remove the requirement that material amendments to existing consumer product safety rules and rules specifying warning labels be made in accordance with procedural requirements (including regulatory impact analysis) applicable to original rulemakings.

As an alternative to H.R. 2668, the Administration supports House passage of the substitute offered by Rep. Shelby. This substitute provides for a simple three-year extension of the CPSC, with a 15 percent increase in authorizations over the next 3 years. The Administration believes that annual increases of 5 percent would be more prudent and fiscally sound than the excessive increases in H.R. 2668. At the same time, the Shelby substitute would permit the CPSC to function effectively and efficiently.

I strongly urge each member of the House to join the Administration in opposing House passage of H.R. 2668 and instead supporting passage of the Shelby substitute. Enactment of H.R. 2668 in its present form would not be in accord with the program of the President.

Sincerely,

David A. Stockman,
Director.●

IN THE NAME OF DEFENSE

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DONNELLY. Mr. Speaker, this week we will again consider the first budget resolution for fiscal year 1984.

The conference report that will come before us provides for a 5-percent increase in defense spending after inflation. This increase comes at a time all other segments of the budget are under severe constraints. Still, an administration spokesman has claimed this will not be adequate for the safety of our Nation.

The most dangerous weakness our Nation faces, though, is not in our weapons systems or in our Armed Forces. It is in our ability to prepare the younger generation to face the challenges of the next century.

One college student visiting my office not long ago asked, "Where is the President going to get the engineers to build the missiles he wants if he keeps cutting the budget for education?"

This irony was recently addressed very eloquently in an editorial broadcast on radio station WEEI in Boston by Jack Baker, vice president CBS Radio Division and general manager of WEEI.

In the Name of Defense

In the name of defense, anything is possible.

We landed on the moon—in the name of defense.

We trained scientists and mathematicians—in the name of defense.

For whatever reason, Congress has always found it easier to fund programs in the name of defense.

So don't be surprised if this year, Congress supports a massive federal program to spur science and math education, in the name of defense.

It worked once. In 1958, in the wake of the Soviet Union's launch of Sputnik, the National Defense Education Act was passed, providing $1 billion to train scientists to keep up with the Russians.

But somewhere along the line, we lost the resolve. Maybe the program was too successful and we thought we were on top to stay. Today, we are faced with a situation not unlike 1958. However, the challenge now is not just from the Russians, but from the Japanese and the Germans and other countries where science education is a much higher priority, than it is here.

Already this year the House passed the Emergency Mathematics and Science Education Act and a Senate Committee approved the Education for Economic Security Act.

Make no mistake about it. It is a matter of national security. We are falling dangerously behind. Our educational systems have not kept pace with the competition. And no amount of MX missiles or Pershing missiles can protect us from this danger.

It will take the resolve of the nation, now. Our school need teachers who are trained and equipment that is up-to-date. And all that takes money.

If Congress needs to act in the name of defense, so be it.●

SALE OF ART AUCTION HOUSE TO AMERICAN FIRM BLOCKED BY BRITISH SNOBBERY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LANTOS. Mr. Speaker, I would like to call to the attention of my colleagues an unusual and arbitrary action by the British Government which has blocked the normal process of smooth business interaction between private companies in our two nations. The following letter was sent today to the U.S Trade Representative, Ambassador Brock.

House of Representatives,
Washington, D.C., June 22, 1983.

Hon. William E. Brock,
U.S. Trade Representative,
Washington, D.C.

Dear Ambassador Brock: The British government has unjustifiably delayed the attempt of an American company to purchase the British art auction house, Sotheby Parke Bernet.

In April, Knoll International Holdings issued a cash offer for all of Sotheby's shares. Sotheby's shareholders were willing to sell, and, by early May, sufficient stock had been tendered for Knoll to control

Sotheby's. Now the purchase has been postponed by Lord Cockfield, the British Trade Secretary, who referred the entire matter to the Monopolies and Mergers Commission for lengthy review.

It is apparent that this referral is simply a delay tactic. Knoll is primarily a furniture manufacturer and currently owns no interest in auction houses, hence there will be no reduction in competition by its acquisition of Sotheby's. More than 40% of Sotheby's stock is currently in the hands of Americans. The Office of Fair Trading concluded that there were no anti-competitive elements to the transaction. Therefore, there is no threat that the purchase would lead to a monopolization of auction houses.

Why the British need a protracted review to come to this obvious conclusion is not clear. However, innuendos in the press imply elitism and prejudice which go far beyond decisions based on national economic and monopolistic concerns.

We are certainly open to foreign investment in the United States. In fact, the American auction house, Parke Bernet, was acquired by Sotheby's twenty years ago with no objection by the United States government. Last year several substantial American firms were acquired by British companies without objection or delay on the part of our government.

I urge you to protest the unusual action by the British government to block this sale, and I encourage you to take strong action to hasten the review of the case by Britain's Monopolies and Mergers Commission.

Sincerely,

Tom Lantos,
Member of Congress.●

NAVSPACECOM

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. KRAMER. Mr. Speaker, last week Secretary of the Navy John Lehman announced the establishment of the Naval Space Command (Nav spacecom). The command is slated to become operational on October 1, 1983, and will consolidate Navy activities and organizations that operate and maintain space systems for the fleet and other Defense Department agencies, much as the activation of the Air Force Space Command in Colorado Springs last fall consolidated Air Force space and space-related operations. I commend the Navy for taking this important step toward unification of our Nation's space and space-related defense activities under a single, all-service Space Command. This objective is embodied in H.R. 3073, the People Protection Act of 1983, which I recently introduced. A unified space command is also in the process of being recommended to the Joint Chiefs by the Air Force. Such a unified command would provide the operational institutional framework required to give life to President Reagan's call for a new strategic posture based on truly defensive technologies, a call that will ultimately make nuclear weapons obsolete. A unified command would also bring into being a strong, effective voice for space within the Defense Department. I applaud the Navy's initiative in creating Navspacecom, and I wish the new command "a fair wind and a following sea."●

THE NATIONAL ENDOWMENT FOR THE ARTS RECOGNIZES MEXICAN AMERICAN CONTRIBUTION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ORTIZ. Mr. Speaker, I am delighted that the National Endowment for the Arts has given 1 of its 16 National Heritage Fellowships to Narciso Martinez of San Benito, Tex. These awards honor the best of this country's folk artists. By honoring Narciso, the National Endowment for the Arts is clearly recognizing part of the Mexican American contribution to our country's rich and diverse musical tradition.

The music being honored emerged out of the blend of rich Mexican musical heritage of the Rio Grande Valley with the instruments and popular forms of the more recently arrived German, Czech, and Polish immigrants to south Texas and northern Mexico. This music is known as musica nortena (northern music) of Mexico and conjunto and "Tex-Mex" in Texas. This musical development has centered around one single instrument—the accordian.

Narciso Martinez, pivotal in the evolution of this folk music, learned to play the accordian in 1927. He learned with his brother and a few other close friends and family members. The following year he began performing at local dances. In 1935, he made his first commercial recording with two of his own compositions, "La Chicharronera" and "El Tronconal." It was an immediate success, and from this point in time on into the 1960's his musical output and popularity among texano audiences remained unsurpassed.

"El Huracan del Valle," (the hurricane of the valley) as Narciso is called, was a household name among texano workers during the 1940's and 1950's. Musicologist and former Texas farmworker, Manuel Pena, writes:

> I remember distinctly that wherever the cottonpickers settled, Saturday night dances were an indispensable past-time after the gruelling work week, and invariably the most popular and sought-after musician was Narciso Martinez. Don Chicho was "numero uno," probably because more than any other musician of that time, he knew how to inspire his people. This is not too surprising, of course, since don Narciso was only too intimate with the hardships that attended the farmworker's lives, having himself spent the better part of his own life in much the same circumstances. His person and his music thus captured the enthusiasm of his people. They appropriated his music—his huapangos, redowas, polkas—made it part of the norteno tradition that, thanks to Narciso, remains so vital to this day.●

ANTI-SEMITISM AGAIN SCARS NEW YORK CITY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BIAGGI. Mr. Speaker, yesterday afternoon, an act of malicious violence was directed against three young Jewish students in New York City. Two Yeshiva University students and a Yeshiva High School student were wounded when as the New York Daily News reported this morning "gunmen jumped from a car and pumped 19 or 20 shots into a kosher luncheonette where many students from the Washington Heights schools gather."

The tragedy is compounded by the fact that this is another in a series of incidents with high anti-Semitic overtones which have struck this area of New York City. New York State for the past several years has led the Nation in anti-Semitic acts with a disturbing number directed at religious institutions and individuals.

It is imperative that all levels of government take strong steps to deter the spread of the scourge of anti-Semitism. Laws must be adopted by all units of government to deter as well as insure sure and swift punishment against all who would perpetrate such crimes.

I have sponsored such a bill to impose strong new Federal penalties for all forms of antireligious violence and vandalism. I remain hopeful that favorable action will be taken on the bill during this first session.

In the meantime I am confident that the New York City Police Department will take all necessary steps to apprehend those responsible for yesterday's brutal act of violence.

At this point in the Record I wish to insert the article from the New York Daily News detailing the tragedy.

[From the Daily News, June 23, 1983]

Students Wounded in Eatery

(By Keith Moore and Stephen McFarland with Daniel O'Grady)

Two Yeshiva University students and a Yeshiva High School student were wounded yesterday when gunmen jumped from a car and pumped "19 or 20" shots into a kosher luncheonette where many students from the Washington Heights schools gather, police said.

Investigators believe the incident is related to two recent attacks on Jewish institutions in Washington Heights.

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Police said that because of final exams, which are being given at the high school division of Yeshiva this week, only about 20 patrons were in the kosher dairy luncheonette instead of the normal 100 to 150. "We could very well have had 20 dead," Deputy Inspector John Hill of the Manhattan North homicide squad said.

Three men drove up to the luncheonette at 2549 Amsterdam Ave. at about 11:25 a.m. in a green or brown 1974 or 1975 Dodge. Police said the car had no license plate in the rear and a blue New Jersey plate in the front.

The men got out of the car and sprayed the luncheonette with gunfire from what police believe was an M-16 automatic rifle.

Three patrons were wounded. Josef Zimmerman, 43, and Abraham Weintraub, 26, both senior rabbinical students at Yeshiva, were each hit in the right arm. Lee Needleman, 14, a Yeshiva HS student, was grazed in the stomach by a bullet that ripped across his jacket and shirt, Hill said.

The gunmen fled in their car. All of the wounded were taken to Columbia Presbyterian Hospital. Weintraub and Needleman were treated and released. Zimmerman was held for observation.

In a June 7 shooting, men in a car sprayed bullets at the front door of Yeshiva University's Saul and Hilda Furst Hall at 500 W. 185th St., around the corner from yesterday's shooting site.

On June 9, there was a shooting incident at Jewish Memorial Hospital at Broadway and W. 196th St. No one was injured in either shooting, but Hill said that the same kind of weapon was believed to have been used in all three attacks. No arrests were made in the incidents.

The police bias unit, which specializes in crimes motivated by racial, religious or ethnic hatred, is working on the three shootings, along with a task force of homicide detectives under Hill's command, police said.

Yeshiva University, which has 7,000 students in 13 divisions, has had its principal campus in Washington Heights since 1929.●

TAX CUT CAP

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BILIRAKIS. Mr. Speaker, when Ronald Reagan was elected President in 1980, he was given a message: "Cut taxes and spending and get the government off the backs of the people."

The historic tax cut of 1981 was a beginning. We are seeing more and more signs of a substantial recovery everyday. Today, on this House floor, we are debating whether to abort this recovery and return to failed policies of the past, or to stay the course and let the Reagan recovery continue.

The insensitive scheme to raise taxes through this so called tax cut cap is simply a return to those failed policies that caused the worst recession in the last 50 years. This bill would raise taxes for middle income Americans by an average of $654. We all know that with tax increases, spending increases are soon to follow.

I say simply this: The American taxpayer cannot afford any more taxes. It is time to stand up for the rights of these taxpayers. This is why I am stating my total opposition to the bill before us.●

THE IMPORTANCE OF FREEDOM AND REASON

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. PAUL. Mr. Speaker, the Reason Foundation, a private, nonprofit organization dedicated to—as their motto puts it—"free minds and free markets," held a banquet on May 19 to celebrate its 15th anniversary.

For the past 15 years, under the expert, dedicated leadership of Robert Poole, the Reason Foundation has become probably the most respected free market foundation in America. The magazine it publishes monthly, Reason, is equally renowned. Instead of merely offering hypothetical, abstract evaluations of important policy problems, Reason addresses the problems—and outlines the free market solutions—on a practical basis as well. It is this principled yet concrete approach to policy analysis that distinguishes the Reason Foundation.

Syndicated columnist Walter Williams, who is a professor of economics at George Mason University in Virginia, has written an eloquent statement of this thoughts and feelings about the first 15 years of Reason. I encourage all my colleagues to take a few moments to read Dr. Williams' column about this fine organization that has done so much to further the cause of freedom.

BRINGING REASON TO THE PEOPLE

(By Dr. Walter E. Williams)

Every now and then this writer experiences a twinge of optimism about the future both of our country and the world. Last week's banquet in Los Angeles, marking the fifteenth anniversary of the Reason Foundation's struggling magazine—put out by a group of young people in Santa Barbara, California—roused that euphoric feeling. The energetic leader-editor of Reason magazine is Bob Poole, who has been on the cutting edge of the drive for deregulation of American industry. But deregulation isn't the only major issue presented in Reason. Its pages have covered a broad spectrum of issues with articles featuring such intellectual giants as Nobel laureates Milton Friedman and Fredrich Hayek. Other knowledgeable writers, including Thomas Szasz and Thomas Sowell, have also graced its pages; the former challenging myths and nonsense about insanity, the latter doing the same on race and ethnicity.

If you attended the banquet blindfolded, you well might have thought the evening's assortment of speakers were Thomas Paine, Patrick Henry, Thomas Jefferson, or George Mason. When Congressman Ron Paul (R-Tex.) spoke on our tryannical Congress, you would have sworn you were listening to Jefferson. Manuel Klausner, an early supporter of privatizing courts, a la television's "People's Court," gave a moving address against state control. Other speakers included Robert Ringer, Arthur Laffer, John Hospers, and William Niskanen. All shared in common the unquenchable thirst and love for individual freedom.

For this columnist, however, there was just the slightest bit of disappointment; you could count on one hand the number of blacks present. The movers and shakers of the Reason Foundation and the Libertarians are freedom-loving people; it would appear these folks would be natural allies of blacks, as opposed to elite, statist interventionists with whom most blacks have thrown their lot.

What's so interesting about this to those who fight, argue, and cajole against tyranny is the irony of it all. Today, the American who argues against government control is viewed as reactionary—an insensitive, uncaring Neanderthal. On the other hand, the person who argues for restrictions on freedom, government control of private property, and all sorts of bureaucratic rules and intervention is viewed as being progressive, sensitive, and caring. We've stood the values of our Founding Fathers on their heads. After all, most of Man's history was—and still is—a litany of daily violations of individual freedom, arbitrary control by the elite (agents of the church, king, and aristocracy), and confiscation of private property. The Declaration of Independence and the U.S. Constitution essentially says America was to be an exception to all that. But lo and behold, in the interim, modern Americans have managed to resurrect much of what our Founding Fathers fought so valiantly to avoid.

But back to the good news. There are an increasing number of organizations like the Reason Foundation around the United States and in other countries. In South Africa there's the Free Market Foundation, which is directed by Mr. Leon Louw. Mr. Louw provides leadership for the intellectual challenge to the many South African laws that not only restrict the freedom of blacks but of whites as well. This is one thing that goes unappreciated about South Africa; there's no way you can thorougly restrict the freedoms of blacks without limiting the freedom of whites.

There are similar freedom-oriented organizations in Australia, New Zealand, Belgium, Brazil, and other nations. Some people have seen the folly of the ever-growing state and are peaceably trying to get their fellow countrymen to do something about it. Let's hope they succeed. But in the meanwhile three cheers for the Reason Foundation and REASON magazine in the fight to renew our freedom.●

LECH WALESA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LIPINSKI. Mr. Speaker, It is my privilege here today to acknowlege a courageous man whom I believe deserves the recognition of our Nation. Lech Walesa, leader of the Polish Solidarity movement, has shown heroics

and patriotisim not only for his own people, but for the people of the whole world, who watch and hope for him every day. It is for this reason that I have introduced a resolution proclaiming Lech Walesa an honorary citizen of the United States of America.

Although this honor has been bestowed only twice in our Nation's history, Lech Walesa carries all the necessary credentials. Throughout his life, Lech Walesa has led his people against an oppressive and subversive government. Being seized and imprisoned twice by the Soviet-controlled government in Poland, Walesa never once broke his commitment or abandoned his campaign for freedom. In 1945, with his fellow countrymen under attack, Walesa lost his freedom and almost lost his life. Yet, despite the threats, imprisonment, harassment, and violence, Walesa has shined through like a star on a dark, cold night.

The people of Poland possess a genuine interest in democratic ideals and a longing for freedom that cannot be extinguished. Lech Walesa has sparked the hearts of a people who have suffered their share of repressive and aggressive acts at the hands of the Communists. The Polish people are no longer content with totalitarian rule. They no longer ignore the gap between justice and law. Lech Walesa is the leader of the Polish Solidarity movement, but more importantly he is a spiritual leader of his people; a people who have been given a taste of freedom and are demanding more.

In a world that has seen its share of Communist leaders, Lech Walesa truly deserves to be recognized. Castro, Ho Chi Minh, and other Communist leaders are commonly known and recognized throughout the world. It is important that we, as Americans, bring the attention of the world to Lech Walesa: a leader who believes, as we do, in the ideals of freedom, democracy, and justice. I urge my colleagues to join me in this recognition of a great man.●

SIGNS OF SOVIET DESPERATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DREIER of California. Mr. Speaker, there was an interesting editorial in yesterday's Los Angeles Times regarding the so-called World Assembly for Peace and Life Against Nuclear War which recently opened in that bastion of freedom—Prague, Czechoslovakia. This editorial is interesting both for what it says, and for what it implies. The fact that Moscow is underwriting this ridiculous facade of concern for world peace shows the desperation they are experiencing in their efforts to enlighten world opinion on their views of peace, freedom and disarmament.

Despite their extensive and unprecedented efforts, the Soviets have experienced several severe setbacks in recent weeks. The electorial victories of Thatcher in Britain and Kohl in Germany have renewed European support for a common and unified defense policy vis-a-vis the Soviet Union. The Williamsburg summit saw a surprising show of determination from a diverse group of nations, including France and Japan with regard to our nuclear policy.

In the United States we see growing signs of economic recovery coupled with a renewed awareness of reality in dealing with the Soviets. Congressional support of the MX missile and planned deployment of the Pershing II in Europe have demonstrated to the world that we are serious about the defense of ourselves and our allies. With his new proposals in Geneva, President Reagan is showing that he can be flexible and still guard vital American interests. All of these events have placed the United States in a much stronger position than we have enjoyed in a long while. I encourage my colleagues to read the editorial below as we realize that the Soviet desperation is a true sign of optimism and progress.

PEACE MOVEMENT, SOVIET STYLE

Something called the World Assembly for Peace and Life and Against Nuclear War opened in Prague on Tuesday with assertions by its communist hosts that the purpose was to provide a forum for a "true dialogue" on the subject. Would that this were so.

Czechoslovak dissidents and members of the unofficial East German peace movement were barred from the assembly, which is sponsored by the Soviet-controlled World Peace Council. Members of a small, unauthorized Soviet anti-nuclear organization never had a prayer of making it to the gathering.

Most, though not all, of the 2,500 delegates from 140 countries are willing cheerleaders for the Soviet view that U.S. policies and armaments endanger world peace—that, since the Soviet Union is the champion of world peace, its vast armory of nuclear weapons is no cause for concern.

Some Western delegates told newsmen that they intended to speak out against all nuclear arms—not just U.S. missiles. Even if they are allowed to do so, it is a foregone conclusion that their words will not be reported in the state-controlled media of the Soviet Union and its East European allies.

The real purpose of the gathering is to denounce the plans of the Western allies to begin deploying medium-range nuclear missiles in Western Europe late this year if the Soviets do not agree to a satisfactory reduction in their force of SS-20 missiles that already are aimed at European targets.

Czechoslovak President Gustav Husak, who was installed in office by Soviet occupation forces in 1968, set the tone of the meeting on Tuesday with a blistering attack on the United States and praise for Western peace groups "as a powerful social force" whose voices cannot be ignored "even by governments."

He meant Western governments, of course.

The Soviet Union and its Warsaw Pact allies all have "peace movements" that are run lock, stock and barrel by the governments. The result is what you would expect if the Reagan Administration were in charge of the anti-nuclear movement in the United States: As arms of the state, the communist peace movements find everything wrong with American policy and nothing wrong with the contributions of their own governments to the arms race.

Efforts have been made, especially in the Soviet Union and East Germany, to form unofficial peace movements that oppose nuclear armaments on both sides.

For their pains, at least 20 members of the East German pacifist group, who aroused the ire of authorities by singing peace songs and wearing badges bearing the slogan "Swords Into Plowshares," have been expelled to the West.

Members of an unofficial Soviet peace group have been harassed and jailed or incarcerated in mental institutions. Just this month Soviet peace activist Alexander Shatravka was jailed for three years. His crime was to collect signatures for a statement calling on both the Soviet Union and the United States to scrap their atomic arsenals and work toward better relations.

A few weeks ago an anti-nuclear delegation of British women enraged the Kremlin by bringing a member of the unauthorized Soviet peace group to a meeting with Soviet officials in Moscow. The women, although part of a group that has been demonstrating against the deployment of U.S.-made missiles in Britain, were nonetheless subjected to harassment at the Moscow airport as they left for home.

Against this background it will be a miracle if anything resembling the "true dialogue" promised by officials at the Prague assembly in fact occurs.●

NARCISO MARTINEZ

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DE LA GARZA. Mr. Speaker, in my district down in south Texas, next to the Gulf of Mexico, the hurricane season has just started. It started this month, in fact.

But for some of us, it has always been the "hurricane season" because the music of Narciso Martinez—known as El Huracan del Valle—the hurricane of the valley, has always been with us.

Sometimes I think the power of his accordion and the force of his music is as strong as that of the hurricanes that sometimes blast us in the Rio Grande Valley blowing out of the gulf.

I am particularly proud to join and honor a man whose music is being honored by the National Endowment for the Arts as one of the recipients of the Folk Arts Program's National Heritage Fellowships.

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His music is a blend of the music of Texas and Mexico. It has the strains of a European waltz, the march of a Polish polka, and the warmth of a Spanish lovesong.

Out of all of this, combining with the music of northern Mexico, emerged the norteño music Narciso Martinez plays.

He took up the accordion in 1927 at the age of 16. For more than half a century, he has influenced the music of the whole Southwest—from Texas to California. He made his first commercial recording in 1935.

His popularity among tejano audiences remains unsurpassed. It is a tradition in Texas and is vital to our souls, for he moves us and makes our spirits bounce and, yes, dance.

Accompanying Mr. Martinez on his trip to Washington are Pedro Juarez playing a 12-string bass guitar, and Sabino Salinas playing a bass fiddle. We are extremely proud to welcome to the Nation's Capital this group and particularly "El Huracan del Valle," Narciso Martinez, a legend in our part of the world.●

LEGISLATION MODIFYING MEDICARE PART A OR B PENALTY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. MINETA. Mr. Speaker, I am introducing legislation today to reform an excessively burdensome provision of the medicare program.

As my colleagues know, the basic medicare hospital insurance program, known as part A, is automatically available to most individuals when they reach the age of 65. Those people who during their working career—such as teachers and other public employees—did not participate in social security are not automatically eligible for part A, but do have the opportunity to purchase such coverage at a rate of $113 a month.

In addition, all medicare part A participants have the opportunity to purchase the supplementary medical insurance, known as part B. This coverage now costs $12.20 a month and covers physicians' and other services.

In each case, the existing law requires those eligible to purchase part A or B coverage to do so within 90 days of their 65th birthday. Anyone purchasing part A or B coverage after that initial enrollment period is charged a penalty equal to 10 percent for each year elapsed since the initial enrollment period. Thus, individuals 1 year late in enrolling pay a 10-percent penalty; those 2 years late pay a 20-percent penalty, et cetera. This penalty is paid each and every month of coverage for the rest of the beneficiary's life.

At the current rates, part A coverage costs $113 a month. A 10-percent penalty on top of this is $11.30, making the total monthly payment $124.30. Medicare participants charged a penalty are required under current law to pay that penalty each and every month of coverage for the rest of their lives.

These penalty fees can be a terrible burden for seniors. To be sure, the Government has a legitimate need to encourage prompt enrollment. Without such a penalty system, it would only be natural for some individuals to delay enrollment until the onset of a major illness. Such delays in enrollment would, of course, deny the system significant revenues needed to keep the system solvent.

On the other hand, in practice this penalty—especially the part A component—has excessively penalized a small group of individuals. About 18,000 people nationwide—mostly retired public employees—purchase the part A insurance, and only about 5,000 of them are paying some form of penalty.

One group that I am aware of, in particular, are retired schoolteachers in California, who believed in good faith that they had health insurance from Blue Cross. That Blue Cross policy was canceled, however, and by the time the retired teachers learned what had happened and understood that they needed to sign up for medicare, many of them were assessed penalties of from 1 to 3 years. Under current law, these teachers will pay these penalties for the rest of their lives.

My bill would keep the existing penalty structure in place, with one significant change. Under my bill, the penalty would be paid for twice the number of years the enrollment was delayed past the appropriate time, after which the premium would revert to the regular monthly charge in affect at that time.

Thus, someone 1 year late in enrolling would pay a 10-percent penalty for 2 years; someone 2 years late would pay a 20-percent penalty for 4 years, and so on.

This legislation would apply to medicare beneficiaries currently paying part A or part B penalties. Such individuals would receive credit toward the total 6 years required for the time they have already paid penalties. No refunds, however, would be available.

Mr. Speaker, this is an important measure. For those who are forced to pay it, the penalty is a burdensome and difficult requirement.

This is a moderate measure, which attempts to maintain the basic premises and operation of the penalty system while at the same time eliminating its most oppressive aspects.

I am pleased to have the support of my colleague from California, Mr. PANETTA, for this legislation, and urge its careful and thoughtful consideration by the Congress.

Thank you.●

CHRYSLER CORP. EXECUTIVE SPEAKS TO CONGRESSIONAL AUTOMOTIVE CAUCUS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. HILLIS. Mr. Speaker, I am placing in the record a transcript of the comments Jerry Greenwald, vice chairman of the Chrysler Corp. made to the Congressional Automotive Caucus earlier this month. I strongly recomment that my colleagues in the House read Mr. Greenwald's statement. He offers an excellent insight into some of the most important issues facing the U.S. auto industry today.

JERRY GREENWALD SPEAKS ON AUTO INDUSTRY SITUATION

Thank you all for coming this morning. I think I understand very well now the advice of a politician friend a few years ago when he said, "You have to remember that if you're going to come to speak in Washington, you have to learn how to speak and eat at the same time." I haven't learned that trait as yet, and I think I'll just concentrate on one of the two. I am both pleased and privileged to be the first guest speaker of the Automotive Caucus. I would like to do everything I can both to offer our support and to encourage you to make this caucus of yours really become an important and formidable force in Washington. Others of its type have worked very effectively and we want to do everything we can to provide the support that you would want of us.

A united front in Congress, when it comes to the auto industry, can mean a great deal. I can only emphasize to you what I suppose you already know—that our industry, both directly and indirectly, does represent employment for one out of six Americans in our country. I'm not going to try to say to you that what is good for the auto industry is good for the Nation, but certainly some of the remedies that will work for the auto industry will have the same impact for some of the basic industry in the United States in general. As we were discussing just a few minutes ago, I am happy to report that, for now certainly, we see all the right signs that Detroit is coming out of the doldrums. That finally, having held our breath for 4 years, the signs are up, car sales are up, employment is beginning to move. Some of our plants are even working overtime.

I think probably the most impressive measure of the auto industry's success is that Chrysler is making money. We, in the first quarter of this year, in fact, we made more money than any one quarter in more than 54-55 years of Chrysler's History. That's still in an industry that is just beginning to come out of recession. I think maybe the best sign for you folks—I think I heard a sigh of relief coming all the way from Washington into Detroit when we announced that we are on the way to paying off a full third of the loan guarantee program. We're going to bring a great big check on the 15th. We sort of tease some of the folks at the loan guarantee board and say, "Now you better build your 'in' window because we really do mean it. We're coming back to pay off."

I don't think we need to dwell too long on our near-term success. I think that all of us who have been in car business understand that we are, in fact, in a cyclical business, and that we are going to see 2 or 3 years of strong results. Count on it. It really is going to happen. I think we'll see stronger results in the next couple of years than anybody who isn't close to the industry can even imagine. Then we are going to come back over another hill; because, I repeat, we are in a cyclical business and we ought to be smart enough to know what those problems are going to be, so that we do not have to go through the agony that our industry, our employees, and certainly what Chrysler had to go through, surely just to survive. Let me touch on some of those. I think the good news is that we've got a little time to plan. We ought to have the good sense to do it.

Let me just describe, as we sit here right now—remember that imported cars are still getting a quarter of the U.S. auto market. The economic recovery in the auto business has been modest so far, but is improving, but yet at the moment is still fragile. For us, our measure of success isn't just what our profits look like. We still left a quarter of a million people out there in the street, 36,000 of whom are on the indefinite layoff rolls of the Chrysler Corp. Even if those huge numbers are out there, I don't think they yet express, when we talk about a quarter of a million, they yet express the real pain that these 4 years have created. Remember that the base employment level that the auto industry provides is off over 1 million people since 1978. More than 1.1 million jobs have been lost if you count the workers in the auto industry itself and related jobs, along with those who have had to switch from full-time to part-time work.

As we stand here today, and as we look out over the next few months, some of the real signs that I was talking about that will create the boom—that I look to—are the consumer sentiment survey. The University of Michigan is saying that about two out of three people surveyed are saying that this is a good time to buy a car. Maybe the most heartening, in recent polls, those of Louis Harris, J. D. Powers, and most recently, Newsweek, are all saying that Americans are now substantially more willing to buy American products, including American cars, than they are Japanese products. I think that is very encouraging because it is a measure for us that all our talk about quality, all our work to get our cars in the industry improved substantially in terms of quality is finally beginning to surface in terms of consumer intention. To keep this recovery going, we are going to have to address some very basic priority problems. Now I'd like to talk briefly about them.

For me, the ones that count are three. The Federal budget deficit, energy policy, and national trade policy. Let me talk about the deficit. I'm not the expert; Washington's full of budget deficit talk. I can only reemphasize to you that the primary reason that both cars and houses got in trouble as industries was because of high interest rates. You can't live with 20 percent interest rates and make sense out of cars and houses. We are credit-intensive industries and we're going to be that way for the foreseeable future. Whether it is real or perceived, I don't even want to debate. The fact is, those that determine interest rates are still nervous about the future. They are scared that the Federal deficit will continue to grow rather than decline and the interest rates will rise rather than fall.

Until we say clearly, and my reason is—these are not just the top 10 commercial bankers in New York anymore—it is all the folks that come to visit places like Williamsburg. Until we get our deficit down, and I have to say I have a hard time with those who say you don't have to worry about 1984 and 1985—worry about 1987 and 1988 that show signs of progress. I think it is deeper than that. I think it can't wait that long. I think that if we don't show some serious results toward cutting the deficit, we are going to have trouble with interest rates.

I don't know any easy answer for any of you folks who are fighting it day by day on the subject. I can only say to you that in the end, when we had to deal with five or six different constituent groups—I mean our labor union, our bankers, our suppliers, our dealers, and our management—the only way we knew how to do it was a little phrase we coined, I think. It's called "equality of sacrifice." Maybe it is time, on behalf of the American people, that the Democrats did a little bit on their part that may hurt a little bit politically, and the Republicans do the same, and the President signs up for a little bit of compromise.

I can end up by saying, as a businessman, for any of us to sit here—let me use the defense budget as an example, but it is only an example—for us to sit here and say it is the most efficient way to buy and employ products for our defense which is dearly needed, and to employ people to say that we have the most efficient way to do that in the world, isn't facing reality. I imagine most of you read a comment, or I should say an article by Deputy Secretary of Defense Paul Thayer, who criticized defense contractors, and told them that they could cut their cost 10 to 30 percent just by building the weapons and equipment right the first time. Doesn't that sound familiar? What was the criticism of the American auto industry just 4 years ago? The Japanese knew how to build cars, they built them right the first time, they cut their inventories. We ran both a car company and a tank business until 15 months ago. Let me just end up by telling you I think that we ought to listen to Deputy Secretary of Defense Paul Thayer.

You probably all have read some comments of a business group of 160 business leaders who were commissioned by the President about 18 months ago to go look at spending in all the areas of Federal Government. I know that some of their comments are controversial, and some of them are a little bit too superficial, but the punch line is $118 billion could come out of spending in the Federal Government without affecting a program that is important for the American people. What is more important than anything is cutting the deficit and lowering interest rates and that will get cars and houses moving in the right direction.

Let me talk about energy policy for a moment. All of us have been through two shocks in the last 10 years. In the auto industry, we've been through two rounds of enormous and chaotic change—1973 and 1979. As I sit here today, unless we do something about it, believe me, we're going through another one. And we all sitting here are going to be the ones who are going to look very stupid to make the same mistake a third time. The reason to change—the reasons were different in 1973 and 1979, but the result will be the same all over again unless we figure out some commonsense steps to take. As a businessman, I'm trying to get myself fostered for the next one right now. The way I'm going to do it is: I've got front-wheel drive, lightweight cars powered by four-cylinder engines, and when people don't want to worry about fuel economy, I'm going to turbo-charge them. They will run with the wind, and when fuel economy gets to be important again, I'm going to take off the turbo charger. I'm not going to redesign parts again and spend billions of dollars all over again.

Our competitors are not situated that way. Chrysler is the only car—I'm not trying to give you a speech on Chrysler; I'm trying to make a point about energy—Chrysler is the only car company today that is meeting the 1985 standards. At 27½ miles per gallon, our competitors are struggling to meet 1983; I don't know what they are going to do for 1984. They are—you know this as well as I do—they are lobbying to remove the fuel economy standards. I would advocate that the right answer, an answer that will retain the auto industry's integrity and Congress' is not to remove those standards, but to start thinking about why Ford and GM are having trouble meeting fuel economy regulations. It's not because they built gas guzzlers; it is because the average of all the cars they built, big ones and little ones, is shifting to the big ones, because the consumer is buying less fuel-efficient cars today.

And we have got to do something about it; and my answer is keep adding taxes to, I don't care, you pick it, if it were oil or gas at the pump. I know it isn't politically pleasant, but it sure beats a bunch of us, 2 years from now, having to explain ourselves to those same voters or our consumers who are going to start asking some pretty tough questions. All I can emphasize to you is a penny a gallon is $1 billion in Federal revenue. It will get people starting to—a penny won't but 25 cents would—start getting people to get more interested in fuel economy, and would put about a $25 billion dent in that same Federal deficit. If tax at the pump isn't politically acceptable, is tax at the producer level, is tax on import, is something that will get the consumer aimed at fuel economy? Is that acceptable?

Let me talk about trade policy. Let me start by trying to cover what most people worry about: Those sneaky devils in Detroit are trying to get back to the good ole days when only three big car companies fought with each other for a big market, and all they were fighting about were how big the profits were going to be, and they passed on all their problems to the car buyer. I'm not in that world anymore. We learned our lesson. There ought to be some Japanese imports. There ought to be some European imports in our country. They'll keep us honest. However, they don't deserve to be able to sell in our market using unfair trade practices. I want the right to fight fairly for my market, and if I lose I lose. I cannot fight fairly in a world in which my competitor has a 20 percent profit advantage on a $10,000 commodity called a car. I'm good but I'm not that good.

With the tax advantages the Japanese have, you know this as well as I, they eliminate their major tax on a car when it is exported out of Japan. Their ability, no one quite knows how, I've got my ideas and you probably have yours, but everybody agrees the end is undervalue in today's economy. Put those two factors together alone, and there is a $2,000 advantage. I know my statistics better than the GM or Ford ones, but my guess is that ours is representative of theirs. We are, in quality terms, outdoing the Japanese with power trains, rust, and our sheet metal that doesn't rust. We are within 6 months of matching them car for car on finish. We are moving in enormous strides, to take all the things that we taught them and now they are teaching us, in productivity and going one more step beyond.

Let me use one I know. We just opened up, or we announced the opening of a St. Louis plant. We went from 130 hourly classifications to 17. The UAW put that package together and looked at our management and said, "OK, fellas, it's your turn. If you can't make that plant work as efficiently as any plant in Japan, it's management's fault." You know what my guys told me? The UAW's right. We went right to work and we cut half the management out of that plant. We're going into business September 12, and it's going to be a very efficient car plant.

Well, my point is, when we get finished with quality and productivity as an industry, if the Japanese are free to do it, and they adjust the yen at 275, that'll pick up another $500 or $600 advantage for them. And I can't do a thing about it. My only answer to the problem is, until we figure out how to deal with the yen or how we deal with the tax advantage, the only answer I know is quotas. 15 percent of the market or 1½ million cars, whichever is greater, the Japanese can have to keep us honest, even with their advantage. Maybe when we mean it, and when we say it clearly as a Government, as a Nation, the Japanese will fix their own problem and get fair. I've spent enough time working as partners with the Japanese to know that they are tough competitors, and they have been watching for 15 years all the talk coming out of Detroit and, for that matter, Washington. I firmly believe one simple statement: they understand action; they don't understand talk.

Well, those are my three priorities. We'd love to do everything we can to provide more information, to help explain our views, to do everything we can to make the caucus that has been formed become an effective political force in Washington. I think you've taken on a tough assignment. I encourage you to make it work. We'll do everything we can to help.●

THE SPACE SHUTTLE "CHALLENGER"

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LEVINE of California. Mr. Speaker, this week all of America and the world has been watching and listening as our space shuttle *Challenger* rockets through space.

No American could witness this performance without sharing some pride and satisfaction in the accomplishment it reflects.

My wife Jan and I had the pleasure of attending the launch. To call it spectacular would be an understatement. As a strong supporter of the space program, I have watched many launches and landings on television. They could not possibly have prepared me for the thrill of witnessing the *Challenger* takeoff in person.

The technical accomplishments of the space program are remarkable. But it is really people who have captured the imagination of two generations of Americans since John Kennedy first committed this country to landing a man on the Moon.

The seventh launch adds a new chapter to that history. This shuttle crew, along with four brave men, includes Sally Ride, our First woman astronaut. She showed dignity, courage, and humor even before the launch. I am proud to count Sally's parents, Dale and Joyce Ride, as special friends.

The courage and accomplishments of Alan Shepard, John Glenn, Neil Armstrong, and now, Sally Ride have helped identify them as unique and gifted Americans whose example helps remind us that new frontiers remain to be crossed and that man's exploratory and educational limits are not bound even by our own planet.

After watching the *Challenger* lift off, I think I better understand the feelings of wonder and excitement which have accompanied the space program since its inception. The shuttle will land tomorrow or Saturday, Mr. Speaker. That will be an appropriate occasion for all of us to renew our efforts to insure that the Congress and the administration maintain and expand America's national commitment to a. space program second to none.●

EXPORT CONFERENCE

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. PETRI. Mr. Speaker, our colleague, Toby Roth, has worked diligently to strike some balance between the administration, business, and industry through his contributions to the Export Administration Act. And although this act limits some types of exports, mainly those that are military and strategic sensitive, Mr. Roth has also been a leader in export promotion.

He sponsors an export conference each year. This year's conference will bring the top names in export trade to Green Bay July 22. Special Trade Representative Bill Brock, Commerce Under Secretary Lionel Olmer, and Agriculture Deputy Under Secretary Alan Tracy will be on hand at Mr. Roth's conference to share their expertise with the participants.

Our distinguished colleague's efforts to boost small business into the export arena are exemplified by his remarks to the National Association of Manufacturers in Milwaukee which were reprinted in NAM's magazine Enterprise. I feel Mr. Roth's points are well taken and am compelled to share them with the rest of my colleagues in this body, and I enter them in the Record:

Removing Some of the Export Cobwebs

INCENTIVES FOR SMALL FIRM PARTICIPATION

(By Toby Roth)

When I joined the Small Business Committee and its Subcommittee on Export Opportunities and Small Business Problems, I began to see evidence of the difficulties that prevent many thousands of small companies like yours from becoming part of international commerce.

I assumed the federal government did not need convincing that small business could make a significant contribution to our export effort. I assumed government was organized to encourage and to assist small businesses wanting to export. I was wrong.

What we tend to forget sometimes is that many companies that don't appear to export actually have their products sold abroad. Boeing, General Electric and United Technologies don't make everything they sell. A 707 or 727 isn't built by Boeing—it's assembled by Boeing. Thousands of manufacturers across the country contribute to every U.S. commercial airframe and engine flying under a foreign flag. The harsh realities of the marketplace are such that the bulk of official U.S. export credit-financing is now directed, and will continue to be directed, toward large exporters. But that doesn't mean that the system—in this case, export credit-financing—should ignore small business.

Recently, I directed my staff to call the Eximbank to obtain some information about its small business development program. Apparently, the man heading up this operation doesn't even have a secretary or someone to answer the telephone. It was difficult to obtain a straight answer, my staff told me, about how many people in this office are charged to assist small business.

To correct such obvious inequities, confirmed by the miniscule number of export credit-guarantee agreements with small manufacturers, the Subcommittee on Export Opportunities will soon consider a new legislative proposal. It requires that 20 percent of the Eximbank's loans, guarantees and insurance be directed toward small business. As things now stand, only 2.5 percent of Exim's total program effort goes to small business. Government can do better. The Commerce Department has surveyed export potential at the national level. In one study, it estimated that some 11,000 small manufacturers with fewer than 250 employees have the capability to export. In dollars and cents, the figures are startling: In one year, new exports could reach $4.2 billion.

On the local level, the figures are less dramatic but make the point. Probably no area symbolizes small business better than my own state of Wisconsin. In 1979 and 1980, the University of Wisconsin surveyed the state's 8,200 manufacturers of which 7,800 are small businesses. After considerable evaluation, the university's Small Business Development Center found that 1,800 firms qualified as potential exporters. To date, few, if any, firms are actually selling overseas.

It's clear that potential hasn't been translated into acutal performance. Five years ago, the House Committee on Government Operations studied the effectiveness of export-promotion programs. What it found

turned out to be an indictment: government programs that had lost touch with the realities of the marketplace and with the needs of small business.

The committee reported that only a small fraction of the participants in trade fairs and foreign exhibits were newcomers to foreign trade. Programs designed to assist small companies had become marketing tools for major American corporations and multinationals. And it should come as no surprise that private-sector promotion programs were significantly more cost-effecitve than government sponsored programs. The agencies involved had sloppy accounting procedures. Finally, and this may seem shocking, a significant portion of the goods displayed at U.S. government trade centers abroad was produced or assembled in foreign countries. Our tax dollars, in effect, were being used to subsidize foreign sales of foreign-made goods. At least, that was the impression.

Much of this, however, has changed since 1980. Congress' watchdog agency, the General Accounting Office, last January released a series of findings about export-promotion programs for small business. The agency reported that only 12 percent of this country's 252,000 manufacturers sell abroad but that, with the right assistance, many more small manufacturers could begin to export. It cited trade fairs and missions as constructive ways of overcoming the apprehensions and unfamiliarity of small companies with exporting.

But even workable programs can't be successful if there are few callers. For even a large company, exporting is complicated. The potential exporter must contend with a host of U.S. government regulations and then the regulations of foreign governments at the other end of the export cycle.

You can measure the complexity of the process by the number of forms and paperwork. Depending on the particular export, a businessman might be required to submit forms to the Departments of Commerce, Treasury and State, the Customs Bureau, the Census Bureau and the Export-Import Bank. In addition, documentation is required for shippers, insurers and foreign customs officials.

Still, there are ways to avoid the paperwork burden. You can pay an export management company (EMC) to act as your agent or take control of your goods. Such companies have been in existence for decades; they may work for their clients but are not the sole solution. The rewards of exporting all too often appear distant, if not impossible, to reach. Common misapprehensions about the difficulties of exporting often take precedence over the reality of what is actually possible. What do impressions have to do with small business and exporting? A great deal. When you weigh the factors, many small businessmen conclude that exporting is probably worthwhile but would not meet the test of a short-run cost-benefit analysis.

To prove this point, one government agency surveyed more than 100 reports dealing with "Export Behavior and Motivation." It seems that after all the publicity, special-award programs and fine work done by the NAM and other business organizations, many small firms still aren't exporting simply because they are unaware of the potentials of the export market. Add to that the necessity of preserving position in the domestic market—and the risks and complexities of foreign markets—and you have a mind set against pursuing international trade.

Government, it seems, is partly responsible for this situation. Some trade proposals currently before Congress illustrates this point. Many are not new ideas. They do not chart creative and innovative paths. Instead, they are bills to simplify, clarify and reform existing legislation.

But times are changing. After much delay, Congress last year enacted the Export Trading Company Act, a piece of legislation with great expectations. Chase Econometrics, a private economic forecasting group, estimates that export trading companies (ETCs) could draw a great number of small companies into foreign commerce. And, as a side benefit, the group predicted, this involvement would lead to 320,000-640,000 new U.S. jobs by 1985.

An ETC is not a producer of goods, but a service organization for its membership. If the nitty-gritty elements of exporting—foreign market research, tracking sales leads, marketing, product research, legal assistance, transportation, warehousing and managing foreign-exchange transactions—are technical disincentives to exporting, then the ETC concept should open the door to international markets for many companies. The revolution in the ETC concept is the ability for bank participation. For decades, the rule was to separate banking from commerce. Banks were forbidden to take an equity position in nonbanking business. The purpose was to avoid potential conflicts between lenders and borrowers whose commercial interests were intertwined.

The debate over the ETC bill shattered the taboo regarding banking's involvement with commerce. Protection for both parties was provided in both the bill and the agency regulation. Congress recognized that small business, on its own, would not break through actual and perceived disincentives to exporting. Small- and medium-sized businesses are likely to benefit from the financial as well as the institutional resources of banks—such as international-marketing networks and foreign-market intelligence.

Let me turn to the antitrust area. We Americans probably have the toughest antitrust laws in the world. I support them. I believe in competition. But these laws have also discouraged many companies from participating in joint ventures to develop technologies and products and to engage in joint marketing ventures. The perception of the Sherman and Clayton antitrust laws by business and the fear of prosecution by the Justice Department were, according to many studies, a disincentive to small companies to combine their respective strengths in competing overseas.

But now the situation is modified. Business will receive two new benefits: (1) "certificates of review" exempting companies from antitrust liabilities for activities described in the certificate, and (2) an exemption that the antitrust laws will not apply to international transactions that do not have a "direct, substantial and reasonably foreseeable effect" on domestic commerce.

The positive results of this legislation can be seen by the creation of many new ventures. In Pennsylvania, for example, the Wharton School of Economics has helped organize the Philadelphia Exports Network.

To its credit, Congress also approved the Small Business Export Expansion Act, which originated in my subcommittee. Congress established a revolving line of credit at the Small Business Administration to guarantee 90 percent of bank loans up to $500,000. These guarantees can be used to cover receivables or to develop and break into foreign markets.

The point I'm making is that government is beginning to recognize its deficiencies concerning small business.

In the debate over the future of our industrial base, we tend to forget that we are one country with a national government in Washington—a government with the responsibility to look after the entire country. We aren't just talking about the evolution of the American economy. We are talking about people—about towns and cities—about churches and communities—about the quality of lives of millions of Americans.

In recent memory, the international sector of the economy was not all that important to our economic security. Now it is indispensible. Statistics tell us that every $1-billion increase in exports creates an additional 32,000 jobs. That is why I'm so concerned about small business and exports. It means bread on the table for many hardworking people.

The Grand Dimension

The big issues in international economic policy and trade affect small exporters no less than they affect large exporters. The general course of U.S. trade policy is uncertain. In the midst of a global recession, fierce competition and often bitter reaction to foreign imports, the last Congress approved only one trade bill regarding imports—and that was a miscellaneous tariff bill. In addition to a very long list of bills designed to promote specific industries, or restrict specific types of imports, Congress questions the basics of U.S. trade.

First, it appears to many members of Congress that the general agreement on tariffs and trade (GATT), is an outdated multilateral organization—a relic from the post-war years. They see this international Geneva-based organization as incapable of addressing the host of nontariff barriers that stop our exports at foreign borders. We have undertaken a series of negotiations under the GATT to reduce these nontariff barriers. But many observers have found that the actual results have fallen far short of the promised results. We have complained about foreign subsidies and tax policies that harm our industries or undercut our exports. The result is often more negotiation and shuttling back and forth between Washington, European capitals and Tokyo.

Second, individual laws that regulate trade relations with developing countries (the generalized system of preferences) and trade with communist countries (the Export Administration Act) must be renewed by Congress. The debate over these statutes will be long and difficult. Congress appears uncertain how to proceed with these issues. And I want to emphasize they are not just trade issues—how we regulate trade with other countries is foreign policy as well as trade policy.

Third, U.S. trade laws, including the Tariff Act of 1930, the Anti-Dumping Act and the sections of the Trade Act of 1974 give the President authority to restrict imports. As we increasingly feel that other countries don't conduct their trade relations by a "fair set of rules," then there will certainly be attempts to broaden these statutes to "protect" U.S. industry and labor. It's for this reason that so many "reciprocity" bills were introduced during the last Congress. They will surely be the subject of debate again.

Fourth, our industrial base is in the process of a major restructuring. There are more definitions of the problem than proposed solutions. Some see the issue as regional rivalry between Northeast and Midwest, on the one hand, and the Sun Belt on the other. Others say it's high tech versus smokestack industries. Still others argue that service industries hold the key to a golden economic future.●

THE ENDURING SPIRIT OF RURAL AMERICA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. CLINGER. Mr. Speaker, I welcome this opportunity to call your attention to a small rural community in my congressional district which is celebrating the 125th anniversary of its founding this year; namely, Wilcox, Pa. Col. A. I. Wilcox first settled there in 1858 because of the great beauty in the valley, a valley located on the upper branch of the Clarion River. It is still beautiful, the surrounding countryside still relatively untouched by industry as is characteristic of much of the 23d District of Pennsylvania.

Located near the edge of the Allegheny National Forest, Wilcox attributed much of its early prosperity to a tannery which has long since been gone. But the village has survived and maintained its identity largely because of the independence of those residing there—persons who love their community, their State, and adhere to the principles on which our Nation was founded. They epitomize the values of rural America with a strong work ethic and appreciation for what they have—great natural beauty, the friendship and support of their neighbors, their places of worship, and the ability to take care of themselves and their own—values that too often have been diluted by the pressures and demands of our changing society.

This proud community of less than 1,000 residents will celebrate their 125th anniversary by giving thanks in the churches for their village and also by honoring their sons who have given their lives in the service of our country. It is my privilege to represent Wilcox, Pa., and I extend to them my best wishes for the next 125 years.●

COMMENCEMENT ADDRESS AT THE CATHOLIC UNIVERSITY OF AMERICA, WASHINGTON, D.C.

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. YATES. Mr. Speaker, last month the director of the Woodrow Wilson International Center for Scholars, James H. Billington, was invited to give the 1983 commencement address before the students and faculty of Catholic University. Dr. Billington's words on truth and scholarship are inspirational and perceptive, and I am pleased to insert them into the RECORD.

COMMENCEMENT ADDRESS BY JAMES H. BILLINGTON, DIRECTOR, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Your Eminence, Your Excellency, Reverend President, distinguished trustees, faculty, families, friends, and graduates of Catholic University: The higher education which so many of you are finishing today sometimes seems in late 20th-century America to be just a paper chase within a rat race. Television teaches us subliminally to run even when we are at rest over weekends that begin on Saturday morning with cartoons of cats chasing mice and run on until Monday night with steroids in the starlight and Higgins chasing Riggins.

We now hear that collectively we must make the educational track a little faster to keep ahead of the Russians lest we fade like Romans. Individually, one must run harder to avoid being a "loser" even if one cannot be a winner.

The trouble is, of course, that those of us who win a rat race are still rats; and that most of us who can never be Number One are left with no higher goal than simply to look out for Number One. A study based on a poll of last year's graduating class at one of our leading universities quoted these seemingly successful students as collectively concluding: "If you can't be sure of anything, then get a good job and try to put some distance between yourself and the coming hard times." In other words, keep on running, but run away from the others, because the ship may be going down and it's every rat for himself.

But neither learning nor life was meant to be just a sordid scramble for shelter from supposed storms. That restless something within us as Americans does say "move on," but not "run around," let alone "run away." What lies ahead, in any case, is not just another lap on another racecourse, but an unknown stretch of time across surprisingly open terrain whose features are obscure, whose obstacles and opportunities are uncertain.

For such a terrain there is no precise map. You alone can determine how to proceed and along what kind of path. I would offer only two bits of advice. First, look on this commencement today not as just another starting line for yet another race, but as the departure from a base camp for a higher adventure. And second, as you leave the base camp, make sure you take the basics with you. For the higher, liberal learning these basics are an awakened taste for the good, the true, and the beautiful—just as the basics for earlier, elementary education were a confident command of reading, writing and arithmetic.

To help lighten your luggage, shuffle through your course notes and make sure you preserve from the chaotic college curricula of our times anything that you can file under any one of these three entries: goodness, beauty, truth. For these are more than just higher longings from the past that endure to the present; they may also be essential ingredients in humanity's survival kit for the third millenium.

Sophisticated people today generally either avoid using such lofty words (the way Victorians avoided talking about sex), or else invoke them as monumental platitudes to lend an air of gravity to trivial talk about trendy topics. As Karl Barth said about theology in the 19th century: most talk about God in those days was only talk about man in a loud voice.

So let us talk—hopefully, in a quiet voice—for your last few minutes in this base camp about these three, somewhat embarrassing, sublimely simple things. We can never hope to understand them, but we need to go on discovering things about them. And let us make sure at the outset that we do not load our packs with a seductively fashionable confusion that burdens down far too many college graduates today: the tendency to look in the wrong places for both goodness and beauty.

True goodness is found among people and is fulfilled in human association; true beauty is found in things and fulfilled in material nature. But our high culture has long ago twisted it the other way around, teaching too many of us passively to worship the false idols of beautiful people and good things.

Admiring beauty more than goodness in people is characteristic of the unrecognized neopaganism of our educated class today. Many of our celebrated national afflictions—narcissism, pornography, sheer loneliness—are related to, if not derived from, our excessive worship of beauty as the object, the body as the subject, and the mirror as our icon.

The beautiful person must, of course, appear eternally young as he or she grows inevitably old; be perpetually in pursuit of the ephemeral, the erotic, the exotic; and make the self the all-consuming subject, a consumer object in a consumptive society.

This society increasingly judges human affairs by aesthetic rather than moral criteria. Though the serious discussion of ideas has increased dramatically in this city in recent years, it is reported—if at all—only in a section of the local paper called "style," as if ideas were part of the fashion industry. Political reporting often focuses on the aesthetics of power rather than the substance of policy. Even daily life itself sometimes seems subtly drained of substance—let alone moral standards—by the unchallenged, spreading use of that dreadful word "lifestyle."

If life is just a matter of style, one style is just as good as another; another style is probably better; and one style after another is best of all.

But no one can live that way; and no society will long endure or even cohere without some basic moral standards. Sooner or later, if they are not found within, they will be imposed from without.

The effort to find a moral vocabulary for our times is inhibited not just by the mistaken search for the beautiful in human affairs, but also by the misplaced effort to find the good in material things: the so-called "good things of life." Materialism leads beyond our self-indulgence as individuals to the deepening degradation of our civic culture as everyone increasingly clings to his own private "good thing" and enters the public arena largely to protect his own special, often single, always selfish, interest. Public discussion among politicians increasingly focuses on the size and number of things—weapons, social programs, and budget allocations—rather than real people and common purposes. The dominant culture which finds good in accumulating things produces an equally simplistic protest culture which seeks to find good in freezing, destroying, or just avoiding things. The pulpit no less than the podium is drawn into this disintegrating dialogue of the neopagan media culture, where one person's totem pole becomes the next person's voodoo pincushion.

So how does one set out to seek good in people and beauty in things in a world filled with so much evil and ugliness? By reminding yourself, first of all, that you are setting forth not on a race against everybody else, but on an adventure in which you need other people. If you seek to climb higher, you need to tie yourself to others. But, in this city so fascinated by summits, let us also affirm the value—even the sacredness—of working with small groups on the plains and in the valleys.

It was to very small groups that the Risen Lord and then the Holy Spirit first came to establish the tradition honored here, extending the promise of presence to whenever twos or threes were gathered together.

In the intimate relationship designations of the family we still find the terminology that takes us closest to the mystery of transcendence: new spirit proceeding from father and son. In the most intimate of relationships within that family unit, we experience our own closest link to the mystery of creation: new life proceeding from husband and wife. The quiet nurture of goodness can be a more rewarding adventure than the noisy pursuit of greatness.

With England at the height of empire, Thomas Hardy, famous for long novels, wrote a short, simple poem, "In Time of the Breaking of Nations," reminding us that small things somehow endure:

Only a man harrowing clods
In a slow silent walk
With an old horse that stumbles and nods
Half asleep as they stalk.

Only thin smoke without flame
From the heaps of couch-grass;
Yet this will go onward the same
Though Dynasties pass.

Yonder a maid and her wight
Come whispering by;
War's annals will cloud into night
Ere their story die.

The perfection of traditional tasks by disciplined craftsmen was seen as the artist's essential calling until the 19th century created the cult of the alienated, iconoclastic innovator: the myth of artitic "genius" in some ways replacing sainthood as a new ideal for the "beautiful people." Yet what we may need most now is simple craftsmanship that blends joy and discipline into all manner of everyday things, if we are to bring beauty back into our environment—or, for that matter, productivity back into our economy.

For most of you, however, the way ahead will involve more than simply a parish and a craft. As you move beyond the familial and the familiar, there will be trouble and may even be terror along the way. So resolve at the outset not to suppress those reflexes that incline you to reach for (and to stretch out) a hand—rather than to clench a fist.

An open hand may be more exposed and vulnerable—and may look more awkward groping for goodness than grasping for goods. The hammered, humiliated hands of a carpenter must have looked that way many years ago—hands that still touch people in our time like Dorothy Day, who in turn reminded us that when we die, the only things we will still hold in our own outstretched hands are whatever we have given away.

For all of you as graduates of one of America's pioneering research universities who have studied in a city that contains perhaps the greatest repository of scholarly materials anywhere in the world, the adventure ahead will almost certainly involve a continuation of the search for truth: a high adventure across dangerous terrain for which you have prepared yourself in this base camp.

"The Catholic University of America is a community of scholars, both faculty and students, set apart to discover, preserve, and impart the truth." So begins the first sentence of your catalogue under the heading "Aims of the University." This ambitious, even arrogant assertion that man can affect life by a deepening discovery of nature and destiny reflects the founding fathers of this institution, who believed that the search for truth was not only compatible with, but necessary to, both church and country. About the historic conflict between faith and learning, one of the pioneers wrote "The apparent antagonism lies in our apprehensions and not in things themselves." [And the sense that higher learning was a priority even within the church was so strong among those giants on whose shoulders we stand here today that it led to blunt language, which I quote with trepidation today in such august episcopal company. But it was an Archbishop, John Ireland of St. Paul, who advised the first president of Catholic University: "You must educate your professors and then hold on to them, making bishops only of those who are not worth keeping as professors."]

Truth is the proper object of the higher learning that has begun here. The pursuit of truth is the highest form of the pursuit of happiness—and the surest way to keep us from the pursuit of one another. Truth is noncompetitive; the discovery of one can benefit all. Truth is bigger than all of us, and can be pursued by each of us wherever we are with whatever we have at hand.

The open, unlimited search for truth is a major source of hope for a free society—not because it offers easy answers, but because it offers a shared enthusiasm that threatenes no one and can involve everyone. Only in the life of the mind and spirit can the horizons of freedom still be infinite in an era of growing physical limitations.

As other nations rise in strength, America must increasingly rely on its wits more than its power. Leadership in the search for truth is an international asset for America as we enter a global information era with vast new segments of the world's population tasting the fruits of knowledge for the first time: in the Third World, in the lower classes of the advanced nations, and among women and previously neglected ethnic minorities. The need—and the thirst—for both individual and institutional models of the higher learning is growing globally—and is perhaps less than adequately met nationally by the general absence of philosophical discussion about higher education in our great research universities. There seems to be a continued reluctance, for instance, even to admit let alone discuss or correct what may be the most important change in American education in the last 20 years: the quiet renunciation of its historic function of helping to transmit moral and spiritual values along with intellectual standards from one generation to another.

In search of a more positive image of scholarship to leave with you instead of that of the rat race, I turned to the great poets of our language—only to discover a surprisingly unanimous negative view of the higher learning. Listen to Alexander Pope:

. . . despise the man to books confined
Who from his study rails at humankind

or Samuel Johnson:

Deign on the passing world to turn thine
eyes
And pause awhile from letters, to be wise.

or, worst of all, and in our own century, William Butler Yeats:

All shuffle there; all cough in ink.
All wear the carpet with their shoes
All think what other people think;
All know the man their neighbor knows.

Perhaps it is all because, as Yeats wrote in another poem,

[When man] struggled with the mind;
His proud heart he left behind.

Now his wars on God begin;
At stroke of midnight God shall win.

To find a positive image, it seems, one must go back to medieval times when the first universities were founded, to that simple "clerk of Oxenforde" in Chaucer's "Canterbury Tales" who gladly taught and gladly learned. Of course, he was not running round and round against everyone else on the fast track just before midnight, but rather moving slowly in a straight direction on a pilgrimage in springtime. The pilgrimage was raucous, you may recall, and sometimes downright bawdy; but it had a destination that was open to everyone.

Whatever might be its corporate imperfections and your private complaints, the Catholic University of America will have served you well by its continued commitment to include teaching about the morally good as well as the scientifically true and the artistically beautiful. Your catalogue says that "the only constraint upon truth is truth itself." And the Jewish philosopher Franz Rosenzweig said that truth is a noun only for God, for us it is always a verb.

For free men and women in a democratic society, truth should be an active verb—not, as in Soviet Russia, a passive noun: the name of the party newspaper. As Americans of conscience in continued pursuit of truth, you should be concerned about the state of relations between our country and theirs and about the awesome weapons we share between us. And you might ask if the only alternatives are either to hurtle ahead in armed anger, perhaps to burn in space—or to halt in disarmed anguish, perhaps to freeze in place? If so, the only real question left for our kind of society is whether it will end with a bang or a whimper.

The Aristotelian tradition taught medieval Christians to look for a golden mean; and practical experience has inclined modern Americans to seek out the center between extremes. But a middle way is not just an apathetic compromise. In the years ahead—halfway between 1984 and the year 2000, with their respective suggestions of secular nightmare and millenial apocalypse—lies 1992: the half-millenium of a great adventure by Christopher Columbus.

As in so many real-life adventures, this Italian sailing for Spain in search of Asia has a hard time getting going and did not find exactly what he was looking for. But he built adventure into the opening of the new world. And our America, which slowly emerged to the north, was, like ancient Israel, founded on a covenant to fulfill justice in time rather than on a compulsion to extend power in space. It was the pilgrims' alternative to older, larger, more absolute

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empires. By limiting rather than increasing central power, by proclaiming rights before rules, and by harnessing political power to the complexity of a constitution rather than the simplification of an ideology, the founders of this country produced an innovation so stunning that we have yet fully to understand it.

So go on discovering America. Being an American is not a patent of privilege, but an invitation to adventure. It involves spiritual aspiration as well as material achievement. It is the search for Faulkner's bear, Melville's whale, and Citizen Kane's rosebud; and it is the hope that buds of all colors will blossom more in that future America which will value its technicolor as much as its technology, and it is the dream that a deepened pluralism at home may help secure a peaceful pluralism for all the earth.

Few of you will go over deep water like Columbus or into outer space like the *Columbia*. For most of us, the adventure ahead will unfold on earth, in finite creation, through the simple recreation of goodness and beauty. May you be renewed by memories of this base camp and by its continuing reminder that truth is not just a collective noun for what is useful in a race, but a verb of motion for a shared pilgrimage.●

OVER THE MOUNTAIN CLUB MARKS MILESTONE

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LONG of Louisiana. Mr. Speaker, I would like to call the attention of the House of Representatives to the activities of the Over the Mountain Athletic Club of New Orleans, which celebrates its 10th anniversary July 8, 1983.

As my colleagues are aware, mountains do not adorn the topography of my home State of Louisiana. No, the club's name refers to the maturity of its members and to its fundamental mission: to promote physical fitness and the enjoyment of athletic competition among mature adults.

The Over the Mountain Athletic Club is dedicated to the sound proposition that athletic exertion and competition is not for the young alone. The club stages sports events in the belief that competition can also promote the physical and mental health of middle-aged men.

During the last decade, the club has supported the improvement and maintenance of playgrounds in the New Orleans area, and has served as a source of additional manpower in times of emergency.

Founded 10 years ago by New Orleans attorney Frank J. Uddo, the club has grown and has bred spinoffs throughout Louisiana and Mississippi. Mr. Speaker, I commend the club's fine work and hope it continues to flourish.●

PARENTS OF THE YEAR

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. FAUNTROY. Mr. Speaker, on June 9, 1983, John and Jennie Bailey, residents of the District of Columbia, were honored by "Closer Look" as Parents of the Year, for their extraordinary and selfless service to the community.

John and Jennie Bailey are rare people, whose selflessness in serving as foster parents to more than 50 children, including many handicapped young people, sets an example for all of us. The story of their rare dedication to helping children and young people is told in the following story from the Washington Post and the accompanying editorial.

[From the Washington Post, June 9, 1983]

FOSTER PARENTS CITED FOR 26-YEAR MISSION

(By Edward D. Sargent)

About 26 years ago, when Jennie Bailey was a teletype clerk at the old Health, Education and Welfare Department, she saw something that troubled her and sparked what she now calls her special mission.

"A lot of troubled parents came to the office looking for the welfare department, which was [then] a few blocks away," said Bailey, who at the time worked for the Voice of America, which was located at the old Health, Education and Welfare building at Fourth and Independence SW. "They brought with them groups of children whom they couldn't care for. They needed support, I just felt there was a need."

To help fulfill that need, Bailey became a foster parent for the Prince Georges County Department of Social Services. Since 1957, Jennie and her husband John, now District residents, have cared for about 50 children—some of whom were awaiting adoption—from Prince Georges County. The couple also has raised several handicapped foster children to adulthood.

Today, the Baileys will receive the "Parents of the Year" award from a national nonprofit organization that provides information and training for parents of handicapped children.

The group, Closer Look, will also present a "Legislator of the Year" award to Sen. Lowell P. Weicker (R-Conn.), chairman of the Senate subcommittee on the handicapped, for his work supporting the needs of the handicapped.

"I had a lot of love to give," Jennie Bailey said of her work with foster children. "I had had two children of my own and didn't want any more. But I didn't want to sit around brooding. Being a foster parent kept me busy. It was fulfilling. I get the most pleasure by helping others."

Her husband, John, supported and joined her in caring for the foster children. Although they moved to the District 18 years ago they still take in foster children referred by the Prince Georges County social services department, said Miriam Fuchsberg, a social worker at the department.

"They have taken difficult children with serious problems. They're outstanding people—nurturing, warm, devoted and committed," Fuchsberg said.

Children with severe learning disabilities, epilepsy, cerebral palsy and psychological problems have found a sweet home at the Baileys', she said.

Over the years, the Baileys have cared for children from many backgrounds in their three-story, five-bedroom home on Brentwood Road in Northeast Washington. Not all of the children have been wards of the state. Parents that the Baileys did not know have asked the couple to keep their children when they had nowhere else to turn.

Currently three handicapped adults and two teen-agers, one of whom is also handicapped, live with them.

John Bailey, a maintenance engineer at the Washington Urban League, said life as a foster parent often has been a struggle. The problem often is the way other people treat the children. When we moved to D.C., the neighbors didn't particularly like the idea of having a foster home on the block. They looked upon foster children as criminals. They're not the criminals. . . . most are just children who have been rejected by their parents [and] who could become criminals without help."

"Rejected children usually are the ones who become criminals," his wife added. "So, if we are to fight crime we have to start at home. The only way to fight it is with love. Discipline, direction, food, clothing, advice—all that's love."

One of the Baileys' foster children called her, "The best momma a child could have."

[From the Washington Post, June 11, 1983]

EXTRAORDINARY PEOPLE

Most people act on (or at least entertain) a charitable impulse from time to time. But not many people are willing to take on day-to-day, year-to-year responsibility for helping others. Curiously, it is often people whose own share in the material goods of this world is relatively modest who choose to make such long-term commitments.

Two such extraordinary people in this city are Jennie and John Bailey. Twenty-six years ago, Mrs. Bailey, having raised two children of her own, decided that she ought to do something to help other children who didn't have the kind of warm and loving home that the Baileys could provide. Since then the Baileys have opened their home and their affections to a long procession of children and adults who had no one else to care for them.

Some of the 50 or so children whom the Baileys have sheltered were referred to them by a local welfare agency. Others were brought by desperate parents who had heard that the Baileys would provide good care for children when their own parents could not.

Raising a large number of children from troubled backgrounds is a tough job. But the Baileys didn't stop with the "easy" cases. Several of the Baileys' charges—including three adults and one teen-ager who currently live with them—have serious physical handicaps or psychological problems. The Baileys have raised some of these handicapped children to adulthood.

Mr. Bailey is a maintenance engineer at the Washington Urban League. Without the modest financial help that the welfare department's foster-child program provides, the Baileys could not afford to do their good work. But the Baileys provide something that money alone can't buy. That is the security, discipline and love that children need.

The Baileys' exceptional contribution was recognized this week by a national organization for handicapped children, which selected them as its "Parents of the Year." That's well-earned recognition. But the real reward for the Baileys' good deeds comes from somewhere else. In Mrs. Bailey's words, "I get the most pleasure by helping others."●

A TRIBUTE TO JOHN J. BELLIZZI—EXECUTIVE DIRECTOR OF THE NEW YORK STATE BUREAU OF NARCOTIC ENFORCEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. RANGEL. Mr. Speaker, John J. Bellizzi, executive director of the New York State Bureau of Narcotic Enforcement announced that he will retire after 40 years of service in the field of narcotic enforcement. Mr. Bellizzi has been an effective and dedicated public servant. His contributions to combat the problems associated with drug abuse have been invaluable and stemmed from his genuine, deep concern over the increasing deleterious affects of this problem on the economic and social health of this Nation.

I have known and worked with John Bellizzi for over 20 years, most notably in his capacity as the founder, past president and longtime executive director of the International Narcotic Enforcement Officer's Association and the executive director of the New York State Drug Advisory Committee. His current and past professional experience, coupled with his educational credentials, have afforded him the opportunity to develop a sensitivity to and understanding of the aspects of this vitally important problem. Mr. Bellizzi is the author of many articles on pharmacy narcotics and he has served on several faculties including St. John's University for 14 years as a professor of pharmaceutical law. In addition, he has over 35 years of law enforcement experience with the New York City Police Department and the State narcotics bureau, and served as a consultant to the White House on narcotics and drug abuse, and as a member of New York City Mayor Wagner's and Mayor Lindsay's Narcotic Commissions.

Mr. Speaker, I want to take this time to pay tribute to a distinguished public servant and friend and to commend him on his outstanding record of service and achievement. I also want to thank him for the assistance he has personally given me over the years and for the expertise and wisdom he has shared with the drug enforcement community at large. Although Mr. Bellizzi is leaving State service, his professional leadership and subsequent contributions will not be lost, as he will continue in the position of executive director of the International Narcotic Enforcement Officer's Association. I am pleased to honor John J. Bellizzi and I wish him all the best in the years ahead.●

ORBIT '81

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. AKAKA. Mr. Speaker, as you know, even while we talk, space shuttle *Challenger* is orbiting the Earth. On board the shuttle is a special experiment called Orbit '81. This experiment, designed by high school students from Camden, N.J., places the first colony of living creatures in the zero gravity environment of space. Students from two high schools in Camden have been working since 1978 to design and build the experiment which will study the effects of prolonged weightlessness on the social structure of a colony of carpenter ants.

Orbit '81 is a joint effort by NASA, the RCA Corp., and high school students and is part of a NASA program entitled the "Getaway Special" program. Under the terms of the "Getaway Special" program, NASA leases leftover space in the shuttle's cargo bay for small payloads. The RCA Corp. offered to pay the cost of leasing the space on the shuttle—which amounted to $10,000—if the students could conceive and design an experiment to meet NASA's safety and scientific requirements.

The students were successful and the experiment is now flying on the shuttle.

The students will get their data from movie and video cameras inside a specially designed cannister. They have programed a microcomputer to operate the cameras and lights at regular intervals during the weeklong flight. When the flight is over, the experiment should yield a time-elapsed chronicle of a colony of social creatures living in space.

Mr. Speaker, this program is a good one. It is good for the students, it is good for our educational system, and it is good for our space program. Since the Orbit '81 program began, student enrollment in science classes at the two inner-city high schools participating in the program, has increased 35 to 50 percent. More than 60 percent of the students who have participated in the program are continuing their academic careers in college and are pursuing degrees in engineering, computer sciences, and related disciplines.

I want to take this opportunity to congratulate those responsible for their outstanding accomplishments—the principals, teachers, and staff of Camden and Woodrow Wilson High Schools in Camden, N.J., the RCA Corp., NASA, and, of course, the students themselves, without whom none of this would have been possible.

I urge my colleagues to participate in the special order this afternoon, honoring the Orbit '81 project. I am inserting extraneous material "Orbit '81—A General Description" in the RECORD immediately following my remarks.

FACT SHEET: ORBIT '81

GENERAL DESCRIPTION

Orbit '81 was conceived in November 1977, at a meeting between NASA officials and community leaders in the Philadelphia region.

Mrs. Riletta Cream, principal of Camden High School, said there was a need for a program to interest minority students in science. Irving K. Kessler, an RCA executive vice president, offered to pay NASA's $10,000 fee to get a student-built experiment into one of the space shuttle's "getaway special" canisters.

In January of 1978, the Camden School board approved the concept. Mr. Kessler appointed David Shore, RCA Division Vice President of Business Development, as coordinator of a program to provide technical material and financial assistance to Camden and Woodrow Wilson high schools.

Mr. Shore dubbed the program Orbit '81, anticipating three years of science training that would culminate in a completed experiment.

In May of 1979 a group of students from both schools selected an ant colony as the subject for their experiment because ants have an observable highly sophisticated social structure and for other reasons: (1) ants have hard external skeltons capable of withstanding the force of launch, (2) ciliated feet which cling to smooth surfaces, and (3) have a life cycle which allows for observation of births and deaths in weightlessness.

To record their data, students decided to train video and movie cameras on the ant colony during the planned one-week mission of the space shuttle.

The experiment is computer controlled and is the first shuttle payload capable of operating without crew assistance. However, redundant circuits do exist for crew override in case of emergency.

GETAWAY SPECIAL PROGRAM

The small "getaway special" payloads which NASA accepts for voyages on the space shuttle, are handled on a space-available basis, generally in a first-come, first-served sequence.

The five-cubic-foot canister (about the size of a 30-gallon trashcan) must not draw upon the shuttle's services beyond three on-off controls operated by an astronaut.

The GAS program, as it is called, was created to encourage use of space by researchers from industry and the general public, foster enthusiasm about space among the young, and generally increase knowledge of space.

Users must pay a fee and meet NASA's safety and scientific requirements.

Approximately 380 companies, schools, governments and individuals have reserved GAS payloads for future shuttle missions.

Many of the experiments will test the possibility of using the low gravity of space to improve industrial processes and materials. Others, such as the Orbit '81 experiment, seek results on the effect of weightlessness on organisms.

CONDITIONS

Before implementing a program, RCA and school district officials agreed on several conditions:

1. The experiment had to be significant. It could not be a cause for ridicule because it was too elementary.

2. A minimum of three years of enriched science courses would be necessary.

3. The experiment had to be a team effort, rather than the work of a single student or small elite group since the team approach is closer to the problem solving methodology used in industry.

4. As much as possible, the student body of both schools had to be involved. Thus, journalism students published an Orbit '81 newsletter. Industrial arts students assisted graphical design, manufacturing, fabrication and assembly and art students promoted the project with posters. When Dr. Robert Frosch, NASA administrator, visited the schools, home economics students prepared a special "space meal," and the music department played a "space concert." Also, the dramatics department put on a "space skit." The choir sang an Orbit '81 song.

5. Student interest was enhanced by lectures, field trips, assemblies and other means.

CURRICULA

Both Camden and Woodrow Wilson high schools have a core group of about 15 Orbit '81 students. In addition, students from journalism, industrial arts, and art curricula have been active participants in the program.

All Orbit '81 students have taken "space science" courses (one each year) developed by the faculty and administrators from both schools.

Space science covers such topics as the space environment, the space shuttle, and the shuttle's "getaway special" program.

At Camden High School, teachers and administrators selected Orbit '81 students in their freshman year, based on previous abilities in science and mathematics. Students who accepted were expected to participate in Orbit '81 for four years. They took space science each year and worked on one of the experiment's three teams—computer, ants or engineering design.

The computer team developed flow charts and the computer program for a microprocessor to control the experiment's cameras, lights, air conditioning and other equipment. Another group studied the ants to observe their behavior and discover the conditions needed to keep them alive during the experiment. A third team developed a design to place all the equipment within the NASA canister, which is about the size of a 30-gallon trashcan.

At Woodrow Wilson High School, participation in Orbit '81 was left open to volunteers, regardless of previous academic achievement. Interested students could participate for any number of years, according to Mr. Nick Timpanelli, the program's adviser. Some students, he said, chose to participate for only one year. Others have remained in the program for four years.

RCA'S ROLE

RCA paid NASA's $10,000 fee for the Orbit '81 space aboard the space shuttle.

Engineers from RCA plants and the staff of RCA's Government and Commercial Systems Divisions have lectured students on computers, computer software, amateur radio satellite terminals, and electronic test equipment.

Students have taken several field trips to RCA plants and Laboratory in southern New Jersey (Princeton, Camden and Moorestown).

RCA engineers have served on technical advisory committee for the students' design of the experiment. In addition, the RCA divisions have donated more than $450,000 worth of surplus electronic test equipment to both high schools.

In addition, the microprocessor that will control the experiment's equipment was donated by RCA as was the consumer grade video camera and recorder that will document the ants' space voyage.

RCA Solid State Division, Consumer Products Division and RCA Service Company have donated new equipment, advice and services on a continuing basis throughout the training and development cycle of the Orbit '81 project.

CHRONOLOGY

November 1977. Project conceived at a meeting of NASA officials and community leaders. RCA offers to pay $10,000 NASA fee for small experimental payloads aboard the shuttle.

January 1978: Camden Board of Education endorses and approves a program that will put a student experiment in space.

Summer of 1978: School administrators and teachers start to develop science curricula, aided by a grant from RCA and the Camden School Board.

May 1979: Students select ant colony as the subject for experiment.

July 1979. NASA deems experiment significant and approves.

February 1980: Dr. Robert Frosch, NASA administrator, visits schools and deems Orbit '81 a role model for other high school programs designing experiments for the space shuttle.

October 1981: Students' design for experiment approved by panel of RCA engineers and biology professor John Tarka of Temple University, Philadelphia.

May 1982: Students complete construction of experiment. Tests scheduled at RCA facility in Princeton, N.J.

September 1982: Students began improvements to the experiment based on advances in the state of the art.

April 1983: Students complete preparation of the experiment at Kennedy Space Center for loading aboard STS-7.●

PAPAL VISIT TO POLAND

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. RICHARDSON. Mr. Speaker, after watching his native country struggle under 18 months of martial law, Pope John Paul II has returned to Poland in an effort to relieve some of the suffering and replace some of the shadows with sunshine.

With the imposition of martial law and the outlawing of free trade unions, the Polish people have been stripped of all but a little remaining pride. Pope John Paul's arrival in Poland on June 17 restored Polish pride and hope to the levels they had been at in 1981, prior to the dissolution of Lech Walesa's Solidarity Trade Unions.

The Pope instilled renewed confidence in the people of Poland by speaking out on the importance of freedom and respect for human rights.

Among the places the Pope chose to celebrate Mass was Niepokalanow Monastery, where a priest sacrificed himself to protect the life of a man scheduled to be executed by the Nazis. He also visited the Warsaw Ghetto, where over 20,000 Polish Jews were confined and subsequently murdered in cold blood. At each Mass he spoke of freedom, the need for renewed faith, and reminded his people that deliverance from oppression was in the hands of the youth, workers, and people of Poland.

Pope John Paul's meeting with his compatriots has been unique and emotional. It is as if the Polish people represented sons and daughters seeking comfort and guidance from a father who knows how to encourage perseverance and renewed strength.

The purpose of Pope John Paul's trip to Poland is not simply to protect his people and their beliefs. His concern for those who suffer, either physically or spiritually is universal; and his message has been carried around the world.

He has advocated the unalienable rights of all people. He has spoken for those who have no voice. He has stood for those who have no lobby. He has been strong for those who are weak, demanded fairness for those to whom life has been unfair and has admonished us not to be ashamed of caring. But, above all, he has forcefully stated that we must take the road that leads to peace.●

AVERELL AND PAMELA HARRIMAN

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. FOLEY. Mr. Speaker, earlier this month one of America's greatest 20th century statesmen Averell Harriman, appeared along with his wife Pamela, on ABC news' "This Week With David Brinkley," to discuss their recent trip to the Soviet Union and meeting with the new Soviet leader Yuri Andropov.

As a former Ambassador to the Soviet Union and chief negotiator for the Limited Test Ban Treaty, Averell Harriman, is the leading Kremlinologist of our time. No other American has, over the years, been so intimately and continuously involved in so many major decisions and milestones in American foreign policy. No other has

participated in so many of the first history-making foreign conferences.

Presidents have relied upon Averell Harriman's wisdom on international issues for decades and his tremendous experience as a diplomat has been an invaluable resource for the Nation. At a time of growing tension in United States-Soviet relations, as well as uncertainty about the future of arms control, I feel his recent observations about the Soviet Union merit our most careful review.

Mr. Speaker, I attach a copy of excerpts from Ambassador Harriman's interview for the Record:

Mr. Brinkley. Ambassador Harriman, Mrs. Harriman, we are delighted to have you with us today. Thank you for coming. You have seen leaders of the Soviet Union going all the way back to Joe Stalin. Now you have been to Moscow, the two of you, together, talking to Mr. Andropov. Give us your judgment. What do you think of him?

Ambassador Harriman. Well, I think he's an extremely able man. He's intensely interested in the issues that he faces and ready to talk about them. He seemed in good health. He was rather a larger man than I expected. He must be about 6'3" or so. He's taller than I am. I'm about 6'1". I found him interesting and quite ready to talk about any subject. He seemed to be frank. He gave us his views, as he saw them.

Mr. Brinkley. I want to hear Mrs. Harriman's view on this too. Did you find it encouraging? Do you think the prospects for good relations with the Soviet Union are—how would you characterize them?

Ambassador Harriman. It's a two-way street, and he made that clear. Neither one side nor the other can make relations alone. It's got to be a common objective, a mutual objective. I don't know what the attitude of this Administration is going to be, but I think there's an opportunity, if they would seize it, to really improve our relations. I think it's very much in our interest to do so.

Mr. Brinkley. Here with us is John Scali, who is ABC's senior diplomatic correspondent. John, you——

Mr. Scali. Yes. Governor, the State Department has already spoken up to welcome what was said after your meeting with Mr. Andropov, and they said that the United States would be a ready and willing partner in any concrete proposals that the Soviets might have in mind. Do you have any thought as to what might be specific and concrete proposals which could help reduce tensions between our two governments?

Ambassador Harriman. Well, I think it depends upon how far our government is ready to go. I couldn't dictate it. The important thing is to start discussions and not, as has been the case in the past, to stop carrying on discussions. I think the opportunities will come from discussions, and we ought to follow up the areas in which we can make progress.

Now, obviously, we have many differences which we cannot settle, so I would go for those that seem to offer the greatest progress possible.

Mr. Brinkley. Mrs. Harriman, what were your thoughts after the meeting with Andropov?

Mrs. Harriman. My feeling was that he was a very serious man, very concerned with the present relations with the United States. He, in fact, referred to our facing the common foe of war and said that it was important to get back to the traditions which we did have, traditions of the past, in World War II, when we successfully managed to beat the foe. He indicated that we are again facing that kind of situation.

Mr. Scali. Did you discuss at all with him the prospect or the possibility of a summit meeting between President Reagan and him?

Mrs. Harriman. No, we did not discuss a summit meeting, but we did discuss the possibility of having more meetings with members of Congress. And he very much welcomed this idea, the idea that it is better to talk, face to face, than by written communications.

Mr. Scali. What kind of meetings with Congress did you have in mind? Visits or specific——

Mrs. Harriman. Visits. Tom Foley, who is Majority Whip as you know, is going over there in the near future, and I felt it was important that he be given every possibility to talk with the most important equivalent figures in the USSR.

Mr. Brinkley. Well, as the Ambassador said, and as we all know, it is a two-way street. We can't have good relations unless both sides are really interested. My question is, Mr. Ambassador, he knows you as a highly respected senior statesman. Was he being—was he being more polite, more forthcoming than he might have otherwise——

Ambassador Harriman. I don't think so.

Mr. Brinkley. Because you were there?

Ambassador Harriman. I don't think so. I think he's too concerned with what the issues are to make any particular exception for me. He saw me, which, of course, he wouldn't do many other people, and we had an hour and twenty minutes, which is rather more than he indicated he was ready to spend. The fact that he saw me was because he believes that there should be contact, but I think when he talked to me, he talked to me as he would to anybody else.

Mr. Scali. Governor, would you favor an early summit meeting between Mr. Reagan and Mr. Andropov?

Ambassador Harriman. That didn't come up.

Mr. Scali. I know, but would you favor one?

Ambassador Harriman. If the President wants to discuss it, that's his affair, and I'm not going to comment on it.

Mr. Brinkley. Ambassador and Mrs. Harriman, have you passed along to the U.S. Government what—I'm not asking what it was because I don't think you'll tell, but if you will, I'll be happy to hear it, have you passed along what you learned there to the U.S. Government, the State Department?

Mrs. Harriman. Not yet. We only got home last night.

Mr. Brinkley. You do plan to do that?

Mrs. Harriman. Yes, we do.

Ambassador Harriman. I saw the Secretary of State before I left. And I told him I would report to him when I got back. We're going off for about 24 hours of rest, and when we get back, I expect to call on him at his convenience, and tell him of this talk. I found him very much interested in our going there, and he gave me some questions he'd like to have answered. We've got some of his answers, but not all of them.

Mr. Brinkley. Could you—I gather you don't want to tell us before you report to him in detail, but tell us as much as you can about what was said.

Ambassador Harriman. Well, I think Pam has given you some pretty good——

Mrs. Harriman. He was very tough.

Ambassador Harriman. Leads on the subject. He was tough. He was very direct. And as far as the details are concerned, it is agreed that the talks would be confidential. And, so, it's rather hard for me to pick out anything more than the subject that Pam has discussed.

Mr. Scali. Was there any single problem, Governor, that stood out as you look back, as being of major concern to Mr. Andropov?

Ambassador Harriman. Yes, the normalization of relations. He wants to get back on a relationship which he described, as Pam said, as our intimacy during the war. And he said, "You were part of it. And together we beat Hitler. And we want to get back to that same sort of relationship." And it seemed to me that was the most important thing that he said to us and the most important subject on his mind. Get back to normal relations. He used the word normal on several different occasions and different aspects.

Mr. Scali. You spoke after your meeting, sir, about how the Soviets were ready and interested in what you called joint initiatives.

Ambassador Harriman. Yes.

Mr. Scali. As a long time expert in the area of Soviet-American relations, do you have any thoughts about what might be joint initiatives that each side could profitably pursue right now?

Ambassador Harriman. Yes, I think that we can have discussions and decide on what we want to take up. There are so many issues between us that you've got to select from them. And I think we ought to avoid those that are unsolvable. Our system is so different from theirs that it's utterly impossible for us to come to agreement on all subjects. We want to pick out those subjects which we are ready to move forward on. And certainly the establishment of normal relations is I think the first one. I'm not going to propose details because I think that's up to our government to do.

And I think there'll be a response from Andropov to any of the areas which are on the possible side, but we're not going to change their system. You know, there are some Americans who think that you can sit down and talk to a Communist and get him to change his ideology. That's utterly impossible. And it's very unfortunate that so many Americans think that we can do that.

We can only recognize that we can still live together, in spite of our systems' being different. We can still have trade relations as one of the things that I would specifically put forward, increasing trade. It's very important for us to have the Soviet Union as a market for our grain, which we've had for so many years.

Mr. Brinkley. Mrs. Harriman, you said with some emphasis that Mr. Andropov is tough. How? What do you mean by that?

Mrs. Harriman. Well, his statement was—his statements were tough and I must say I saw my husband be very tough back, but I also felt that Mr. Andropov has a feeling of frustration. That it's one thing to be tough, but how do you get to the next step. And I thought him very very anxious to make a next step without possibly knowing exactly what way to achieve this. He was asking.

Mr. Brinkley. Well, in the differences between the two countries—I guess we all should admit that we have at times been something less than angelic—but nevertheless, the Russians continue to be aggressive around the world and how can we have normal relations when they are, according to Mr. Reagan's view, pushing themselves into Central America, while continuing in Africa and now in Syria, and one place after another? What would normal relations be?

Ambassador HARRIMAN. Well, normal relations would be that we talk to each other, that we exchange views. That when we have an objection to what they do in Afghanistan, we take it up with them and talk it out. We may not come to an agreement, but at least we can exchange views in connection with that. I've made it very plain that we cannot solve the problems of Communism as against our system of individual initiative, which I heartily believe in, and I despise communism, but we don't have to look for those subjects which are unsolvable.

There are many things. Trade—you asked me for one. That's one of the things which we've said we can find ways and means of increasing and ways and means of stimulating. Helping American business in connection with their affairs—is a subject which we could undertake to do.

Mr. SCALI. Governor, was there any mention or discussion of Moscow's public threat to move nuclear weapons into Eastern Europe if the West goes ahead and deploys American cruise and Pershing missiles?

Ambassador HARRIMAN. Well, he made it very plain that the nuclear threat made war far more dangerous than it ever had been before. He specifically said so, that the dangers of war are far more devastating. And he made it very clear that he understood that there was no such thing as a limited war. If you started war, there was mutual destruction. And he's under no illusions about that. It was certainly very satisfactory that he has that understanding, because it's my firm conviction that that's true.

We can come to agreement on arms control, we can come to an agreement on the reduction of nuclear weapons, mutual reduction, but, it's got to be equitable to both sides. The proposal they made was not a fair one.

Mr. BRINKLEY. Mr. Ambassador and Mrs. Harriman, thank you. Thank you very much for coming in.

Mrs. HARRIMAN. Thank you, David.

Mr. BRINKLEY. We've enjoyed hearing your views and thanks for coming.●

MARTIN LUTHER KING BIRTHDAY HOLIDAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. CONYERS. Mr. Speaker, of all the letters that I have received in connection with the Martin Luther King holiday bill, I find the following statement from the Nobel Prize-winning scientist, Prof. George Wald, to be the most moving:

STATEMENT OF GEORGE WALD, PROFESSOR EMERITUS OF BIOLOGY, HARVARD UNIVERSITY, NOBEL LAUREATE IN PHYSIOLOGY OR MEDICINE, 1967

I am told that there are in fact no national holidays, each state setting its own; and that the President and Congress can declare only "federal legal holidays" applicable only for the District of Columbia and federal employes. Yet most states do observe the federal legal holidays, only two of which as yet commemorate persons, Christopher Columbus and George Washington.

I do not understand how our country came to regard Columbus as a national figure or his discoveries as a national event. He was an Italian navigator, setting out under a commission from the Spanish throne to find a new trade route to "the Indies", i.e., Asia. Unexpectedly he ran into the Bahamas, and eventually landed on the South American continent, on the coast of what is now Venezuela. Still thinking he had found the Indies, he called the peoples he found, soon to be decimated and their cultures destroyed, "Indians". What he "discovered"—only in the sense that Europeans had not known of it was the Western Hemisphere. The North American continent was discovered by another Italian navigator, Giovanni Caboto (John Cabot), working for England, who landed probably in Newfoundland, in 1497. America (North and South) is named quite undeservedly, for a third Italian, Amerigo Vespucci, who never commanded a voyage of discovery.

I say all this, not at all to denigrate Columbus's achievement, but to forestall the thought that with personally designated national holidays so rare, one to honor Martin Luther King, Jr., might be inappropriate.

To say it plainly, claiming Columbus as a national figure is pure supererogation (Chutzpah; cf American Heritage Dictionary).

George Washington was of course a monumental figure, decisive in procuring our independence and founding our nation. All honor to him. He is our father-figure.

Let Martin Luther King then be our son-figure, the child of the American Evolution. What he calls forth is not only admiration, but emulation. We can't ask our fellow citizens or our children to emulate Christopher Columbus or George Washington, but one can ask then to grasp the meaning, to try to fulfill the purposes, to be American in the spirit of Martin Luther King. He offers us a lesson to be learned, perhaps never before needed so greatly as now.

He was our American Gandhi. It is the fate of saints, first to be killed, then canonized. The time has come to recognize Martin Luther King as an exemplary figure in the American tradition. His meaning for us is unique. It comes not trickling down from the heights, but rising up from the base: from the great yearning of vast numbers of our people to fulfill the American promise, recorded in the second paragraph of our Declaration of Independence, spoken in Lincoln's Gettysburg address inscribed on the Statue of Liberty. Its main themes are freedom from discrimination, social justice, human dignity—a widening area of recognition in which one person is as good as another. Those are the things that Martin Luther King stood for; and left them, not hanging in the air, but like Gandhi, made of them a program for action, forced them as issues always non-violently, yet insistently, never compromising, never giving up, whatever violence he himself and his companions encountered.

That American promise, never fulfilled, needs constantly to be re-discovered and restated, and never more so than now.

That is what a Martin Luther King Day can do for us.●

MRS. TIMOTHY VANN—A GREAT AMERICAN FAMILY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. VENTO. Mr. Speaker, this week nine American families were honored by Nancy Reagan. One of those families is from my district, and I feel it is most appropriate that Mrs. Timothy Vann be awarded such an honor.

I had the pleasure and honor of working with Mrs. Vann on the building of the Model Cities Health Clinic in St. Paul. I was greatly affected by her commitment, drive, and her ceaseless interest in improving the lot of those less fortunate than she.

Mrs. Vann used her strength and love to guide her 10 children, virtually singlehandedly, through the hardships of adverse environment. They are testimony to the success of her efforts. As an upstanding resident of St. Paul she directed her energies toward civic activities such as organizing a softball team, teaching dancing, art and culture, and even starting a rock band. And for the last 10 years she has been the director of the Model Cities Health Clinic in St. Paul, where she helps provide valuable health care for minorities and the elderly in the area.

I am honored to have worked with such an outstanding individual, and I feel strongly that her unyielding love and productive energy can be an inspiration for all of us.

At this time I would like to bring my colleagues' attention to a story about Mrs. Vann that appeared in the St. Paul Dispatch on June 15, 1983, detailing some information about Mrs. Vann and her family.

The article follows:

[From the St. Paul (Minn.) Dispatch, June 15, 1983]

MAMMA VANN "COACHED" FAMILY TO LOVE

(By Don Terry)

A drunk stumbled and then fell into a gutter. Theodora Vann, then a little girl, laughed and pointed at the man as she walked along the sidewalk with her mother, Timothy.

When Timothy Vann got her daughter home, "she made me go into the backyard and cut my own switches and then she gave me a whipping," said Theodora, now 31.

"We're all children of God," Vann told her daughter as the switch dropped on her bottom. "That man may have been a judge and had some bad luck. You will respect that man as a child of God."

Mama Vann smiled as her daughter—one of 10 children—told the whipping story.

"All my children were trained in the old-fashioned way," said Mrs. Vann, 66. "I didn't use psychology much. There was no formula. I sort of muddled through."

The old-fashioned way paid off. Recently the Vanns were named one of nine "Great American Families" of the year.

On June 22, Vann, of 705 Dayton Ave., will take her softball-team-sized family to Washington, D.C., to a White House award ceremony to be hosted by Nancy Reagan.

Sitting around Vann's living room Monday, the Vann children, now all adults, talked about life with mama.

"It was exciting and wonderful," said Ailene, 32, Arlene's twin. "There was a lot of discipline and belief in God. And most of all, love."

"We're not a special family," said Ora Mae Mitchell, 39, the oldest daughter. "But we have a very special mother. I think there should be a mother of the year award not a family award, because we don't rate 2 cents."

Last year, the Vanns were the St. Paul Urban League's family of the year. The league nominated the Vanns for the first annual national family award.

"We nominated the Vanns because they show and exemplify the strength of the black family," said Ronald A. Smith of the Urban League. "They have overcome a lot of hardships."

Mrs. Vann has raised her children by herself for the last 20 years since her husband, William, died.

"But I was a widow almost all of my life," she said. "My husband was away from home so much anyway that I got used to raising the kids alone."

William Vann was a musician and waiter on the railroad. Raising the children was never easy. Money was scarce, especially for a black family living in the segregated Kansas City, Mo., of the 1940s and '50s.

"But we were never on welfare," Mrs. Vann said. "My husband was a very proud man. He struggled all his life."

Mrs. Vann decided that she wanted her children to grow up without racism dogging their every step, so she and her husband loaded up their brood and moved to St. Paul.

"But I was surprised to find a lot of segregation and racism up here, too," she said.

She used to coach girls' softball teams from the Summit-University area. The teams traveled around St. Paul and ran into taunts of "nigger, nigger."

Mrs. Vann said she was determined not to let her children become bitter or hateful.

"I didn't want my children to be affected by hatred or paranoia," she said. "I made sure they knew that there was nothing wrong with being black.

"My parents made me feel that I was wonderful and I didn't know any better," she said. "And that's how I taught my kids."

Whenever a new Vann came into the world, the baby was put in the middle of the other children, who clapped and smiled and laughed and sang a song:

"Look at that pretty baby, pretty baby."

"My mother gave us a sense of self-worth," Ora Mae said. "She taught us not to let other people put limitations on us, or to put limitations on ourselves."

"Mother's parents were very strong individuals," said Tony Vann, 41, the oldest. "They gave her a sense of responsibility, which she gave to us. We took it for granted that was the way it was supposed to be."

Mrs. Vann, the director of the Model Cities Health Clinic, 270 Kent St., did a little bit of everything to feed her family. She drove a cab in Kansas City and worked for the St. Paul Housing and Redevelopment Authority.

When she was 52, she went back to school and earned a master's degree in public administration.

"My parents taught me the value of hard work," she said.

During an interview in Mrs. Vann's office, the phone rang several times with people calling for advice from the short woman with the quick smile.

"Don't be confused," she told one caller, "We'll work it out. I usually come up with an answer."

Single parent families aren't usually honored, Mrs. Vann said. Instead they often are blamed for an array of social problems.

"But I never bought that," she said. "I used to say if (President) Kennedy's children weren't misfits because their father died, then mine sure weren't.

"And I also realized that there were plenty of families with both parents home where family life was just pure hell. I didn't let the kids get upset about that kind of stuff."

Mrs. Vann said she steered the children into dancing, music and sports.

"We're still a great softball team," Coach Vann said, looking over her starting lineup:

Tony, 41; Ora Mae, 39; June, 37; twins Arlene and Ailene, 32, Michael, 32; Theodora, 31; Timothy, 27; Starr, 24, and Travelle, 21.

And warming up in the bullpen are 16 grandchildren.

"The bottom line about my mother and our family is love," Ailene said.

"Plenty of love."●

IMPARTIAL ANALYSES OF CHILDREN'S MATERIALS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. FRANK. Mr. Speaker, Diana Green, editor of the magazine Parents' Choice recently addressed some comments to the Federal Communications Commission on the important subject of children and television. Ms. Green is particularly concerned that there may be some misunderstanding of the position of the Parents' Choice foundation on this important subject because of a tape recently shown to the Federal Communications Commission in which her views on one small segment of this overall subject were quoted. I agree with Ms. Green that it is important that the views of Parents' Choice on the overall subject be clear and I submit her comments to the Federal Communications Commission to be printed here:

CLARIFICATION OF THE PARENTS' CHOICE POSITION ON TELEVISION PROGRAMING AND CHILDREN

(By Diana Green)

Parents' Choice is the only publication in the country which specifically focuses on giving parents and professionals the information they need to sort through the barrage of media-books, television, movies, music, story records, cassettes, toys and games. It offers critical evaluations and diverse views to help parents make comfortable and intelligent choices to augment their children's learning, in school and out. Parents' Choice is published by Parents' Choice Foundation, a non-profit service organization devoted to parent education.

The Parents' Choice voice is an impartial one. We strive to keep totally independent as well as optimistic and have assembled a distinguished advisory board to help. As Charles Champlin wrote in The Los Angeles Times ". . . those of us with any involvement in questions of judgment know how often organized guidance reflects ideological positions of left, right, super-timid center or zeal of one kind or another. Guidance that is well focused . . . and also humanistic and positive, rather than alarmist and negative, is rare."

Parents' Choice takes a realistic view about children and television. We acknowledge that children watch all TV and that the time of a program's airing has little to do with its value for the young. The mere absence of violence or sex is not reason for special laudation. High standards of performance, respect for the audience, and the courage to challenge with love, knowledge and wit are.

Parents' Choice believes programs meeting these standards are available. However there is a dearth of them.

The education of America's children is in jeopardy. Parents need help. Children need help. Perhaps Alfred North Whitehead has pointed up the root reason:

"Our sociological theories, our political philosophy, our practical maxims of business, our political economy, and our doctrines of education are derived from an unbroken tradition of great thinkers and of practical examples from the age of Plato . . . to the end of the last century. The whole of this tradition is warped by the vicious assumption that each generation will substantially live amid the conditions governing the lives of its fathers and will transmit those conditions to mould with equal force the lives of its children. We are living in the first period of human history for which this assumption is false."

It is a difficult period. It demands attention and almost equally—optimism. Nothing will be accomplished without it.

Parents' Choice assumes that almost any experience can be, when shared by caring adult and child, a learning experience. All television is available as a teaching tool to the thoughtful creative parent or teacher. Parents' Choice magazine often suggests ways. (Example: "Re-runs As Social History" by Pulitzer Prize winner William A. Henry III). But we are aware that not all our children are under the tutelage of caring, thoughtful, creative parents and teachers. While Parents' Choice continues to present and explore the available and how to use it toward the academic, emotional and intellectual growth of the young, we seek help. We believe a great part of that help is fine television programming. But there is a dearth of it.●

AMBASSADOR HENRY L. KIMELMAN AWARDED HAITI'S HIGHEST HONOR

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DE LUGO. Mr. Speaker, we are all proud when a friend makes good. We are even more proud when that when a friend rises from performing exceptional local service to larger contributions to humanity and is internationally acclaimed for it.

I am, therefore, very, very proud to call the attention of the House to the accomplishments of Virgin Islander Henry L. Kimelman. A dynamic businessman and a dedicated citizen of the islands that I represent, Henry's activities in the public arena have also been outstanding.

Known to many in Congress as an extraordinarily astute and campaign adviser and manager, Henry's public service goes far beyond politics. He has been a brilliant executive in government as well.

As Virgin Islands Commissioner of Commerce, Henry vitalized our territory's tourism industry. As former Secretary of the Interior Stewart Udall's chief of staff, Henry helped direct some of the Nation's wisest management of its natural resources.

As ably as Henry performed in his many public and private capacities, however, those who know him well know that there is no field of endeavor Henry is better suited to than diplomacy.

Henry L. Kimelman has all the qualities that make a superb representative of our Government and people abroad. He is energetic, resourceful, personable, caring, tactful, and intelligent.

President Carter appreciated these qualities and others as well as Henry's expertise in business and in the Caribbean and appointed him as our Nation's Ambassador to Haiti. Henry's services in that country earned him praise at the time from those familiar with his work in the other body and in the White House. In fact, I think it is accurate to say that even those in the State Department who are generally cautious about entrusting sensitive diplomatic assignments to nonprofessionals came to realize that the United States could have no better representation in Haiti than that provided by Ambassador Kimelman.

Perhaps the most telling fact is that Henry's service earned him the continuing admiration of the nation and people to which he represented our Nation and people. This was demonstrated by President Duvalier's recent conferring on Ambassador Kimelman Haiti's highest civilian award, the "Grand Croix" of the National Order of Honor and Merit.

I was privileged to be among those present as Haiti's fine new Ambassador, Fritiz N. Cineas, presented the honor to Henry earlier this month. At that time, Ambassador Cineas well explained why his nation was taking the unusual step of awarding such rare public and private career.

Mr. Speaker, Ambassador Henry L. Kimelman's work in Haiti was such a service to that nation and ours that I would now like to quote Ambassador Cineas' statement in full.

AMBASSADOR CINEAS' STATEMENT

It is with great pleasure that I welcome you today to this small part of Haiti in the United States of America. Today is a joyous occasion for Haiti and for me personally. We are here among good friends who are not only distinguished in the fields of politics, diplomacy, business and the arts, but who have also demonstrated by their own actions and personal beliefs genuine care, consideration and understanding for our dear country, Haiti.

Few can fit this description better than Henry L. Kimelman who served as Ambassador of the United States of America to Haiti from 1980 to 1981 and whose outstanding and very much valued contribution to our country, my President His Excellency Jean-Claude Duvalier, wishes to recognize today by bestowing upon him the "Grand Croix" of the National Order of Honor and Merit, our Highest Civilian Award.

Those of us who came in contact with Ambassador Henry L. Kimelman during his stay in Haiti appreciated his hospitality, his always positive atitude and determination to support projects and policies which could help in the development of our country. We respected his judgment and took pride in calling ourselves his friends. We were impressed when he and his lovely wife, Charlotte, at their own initiative, visited our homes, not just our offices, and really got to know us. He was a representative not only of the President of the United States but truly of the American people.

But all these human qualities do not surprise us, for those are mere traits of Mr. Kimelman's personality. We, in Haiti, have always prided ourselves on being a friendly, open and sincere people which is a national characteristic and I might add a Caribbean characteristic. Having lived in our region for many years, Henry has proved himself a sincere friend of our people, and therefore we consider him as a true native of the Caribbean.

Although born in New York, Mr. Kimelman now comes from one of the Virgin Islands where for many years he has led a most active and distinguished career in local affairs and business. He served as Administrator of the Area Redevelopment Program and Chairman of the Virgin Islands Economic Development Board as well as Commissioner of Commerce for the Virgin Islands from 1961 to 1964, when the Legislature commended him, by resolution, for his outstanding contribution. Unfortunately for them, the Virgin Islands lost him to Washington in 1967 when he was appointed Assistant to the Secretary of the Interior. He has played a leading part in the Democratic Party, serving as Chairman and Deputy Chairman respectively, for candidates in the Presidential election campaigns of 1972 and 1976.

His business activities are wide and range from New York investment banking to successful involvement in many sectors in the Caribbean—finance, transportation, the hotel industry, real estate—most intelligently linked, if I may be permitted to say, by a is actively involved with the World Business Council, a group of whose members he brought to Haiti earlier this year.

A few months ago, I referred to Henry L. Kimelman's human touches in Haiti and, perhaps, the genuineness of his interest in our people is best understood by his significant and longstanding commitment to charitable work and education, as trustee of the Antilles School, as Chairman of the Child Development Associate Consortium in Washington, as Chairman of the Virgin Islands Fund Drive for the Boy Scouts of America, as Director of the Psychiatric Institute Foundation, and as Chairman of the United Jewish Appeal in the Virgin Islands.

From this brief biography, I think you will understand, Ladies and Gentlemen, Haiti's privilege at being able to count Henry L. Kimelman as friend, as an interested and involved friend in the welfare of our people and the development of our country. I know that he will continue his efforts to focus attention on areas that can benefit Haiti and would like to believe that he will always continue to be open to us for advice and appropriate assistance. It is, therefore, with the utmost pleasure that I carry out the instructions of my President, His Excellency Jean-Claude Duvalier, to bestow upon The Honorable Henry L. Kimelman, the Highest Civilian Award of the Republic of Haiti, the "Grand Croix" of our National Order "Honneur et Mérite".●

COMPUTERIZED JOB BANK SYSTEMS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. HAWKINS. Mr. Speaker, within the next few weeks, the House will consider H.R. 1036, the Community Renewal Employment Act, which would provide employment opportunities for long-term unemployed individuals in communities experiencing high rates of joblessness. I would like to bring to my colleagues' attention title IV of the bill which would authorize a 4-year program for establishing computerized job bank systems in each State.

The State employment service agencies throughout the country are in varying stages of readiness with respect to computerizing their job matching and labor market information systems. In fact, only 21 of the 50 States are operating automated job matching systems. In this day of advanced technology and computers, it is hard to believe that some States still rely on manual systems for jobs applications and orders.

With the record high levels of unemployment and major dislocation of many segments of the work force, the committee is particularly interested in the automation of the public employment service throughout the Nation to

for the development and implementation of job bank systems in each State for such purposes as: First, identifying job openings and referring jobseekers to such openings with a continual updating of this information, second, providing information on occupational supply and demand, and third, utilizing such systems for career counseling programs in school. With this automation enhancement, the employment service can provide better labor market information to help employers in making decisions on plant locations or expansions thereby creating jobs. This same capability can then be used to match unemployed workers with job openings or referrals to training programs for skill development. As resources diminish and workloads increase, technological advancement has to be the answer, particularly if it meets the needs of both the job seeker and the employer. I believe that H.R. 1036 is a step in this direction.●

THE FUTURE OF WATER

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. EDGAR. Mr. Speaker. I would like to commend to my colleagues an article in the current issue of the Atlantic by Peter Rogers entitled "The Future of Water." Many of us who have worked on the water issue in Congress believe that water quality and quantity issues constitute the most important resource question which we will face in the coming years. While Mr. Rogers outlines the vastness of potential water problems we are facing, he indicates wisely that these problems are solvable through sound water management policies. Many of these policies will have to originate here in Congress, though all levels of government and the private sector must be farsighted and cooperative in dealing with the issue.

I commend the Peter Rogers' article to my colleagues.

The article follows:

[From the Atlantic Monthly, July 1983]

THE FUTURE OF WATER

(By Peter Rogers)

Is there a "water crisis" in the United States? The impression has certainly been created in recent years that there soon won't be enough water to go around, and that much of what is left is likely to be poisoned. The 1982 report on the state of the environment by The Conservation Foundation, a nonprofit group devoted to the study of environmental policy, describes how excessive consumption of surface water has led to a reliance on groundwater, which has itself been depleted, and also stressed by

ing water is "a significant public health hazard." An ongoing study conducted by the Environmental Protection Agency lends some support to Harris's charge. By last fall, the EPA had found that the groundwater supplies of 29 percent of the 954 cities in its sample were contaminated, chiefly by toxic wastes that had leached out of landfills.

A review of the popular press is a good way to gauge the conventional view of most questions. The cover of the June issue of Science 81 showed a rancher, a suburban householder, a miner, and an Indian gathered glumly around a water pump, with the caption: "Rationing the Colorado: Who Gets the Last Drop?" A quick look through back copies of The New York Times yields the following: the headline "Efforts to Gain 'Fishable-Swimmable' Waters Appear to Falter" (October 12, 1982); Representative Robert Edgar, of Pennsylvania, arguing on the op-ed page, "Is America running out of water? Yes. . . ." (September 23, 1982); the headline "Depletion of Underground Water Formation Imperils Vast Farming Region" (August 11, 1981); and the headline "Toxic Chemicals Loom as Big Threat to the Nation's Supply of Safe Water" (August 13, 1981).

Perhaps the most complete compendium of these concerns to date is Fred Powledge's recent book "Water: The Nature, Uses, and Future of Our Most Precious and Abused Resource," which is devoted to a description of what Powledge calls "the water crisis." Powledge writes that "the United States has entered a period of grave emergency in its supply of water," and that as far as contamination is concerned, "there is little indication that anybody knows what to do about it." He says, "We are learning that there is no escaping the poisons . . . at least with our current technology."

Most of what one reads about the pollution of water in every region, and the short supply in some parts of the country, is true. It is not true, however, that nothing can be done. Water's depletion and contamination are not irreversible. We have the technology and management skills to rise to the challenge; only the will to do so has been lacking.

Unfortunately, for many people, the response to news of contamination and shortage—or to the way in which the news is presented—is fear rather than determination. The anxiety arises in part from the fact that since the turn of the century we have been able to take unlimited amounts of clean water for granted. But as recently as the end of the nineteenth century, the mortality and morbidity rates from water-borne diseases were very high. (Because they remain high for the majority of the world's population, the United Nations has designated the 1980s the "International Drinking Water Supply and Sanitation Decade.") The engineering achievements of the nineteenth century and the early years of the twentieth were, in effect, too successful: as water in short supply and of poor quality became a distant memory, purity and plentifulness began to be assumed rather than systematically safeguarded.

Although the results of our poor stewardship are not beyond repair, they should not be minimized. Of these, contamination is by far the most notorious. In 1974, the Safe Drinking Water Act, which Congress passed

well as for the traditionally monitored biological sources of pollution. People have been quite surprised by the exotic toxic chemicals that were found, and are still being found. Disclosures of the reckless disposal of toxic wastes, which, by leaching into the earth, can contaminate groundwater as well as soil, have not inspired confidence in either government or industry, and the addition of Times Beach, Missouri, to a long roster of contaminated sites has led many people to question the safety of their own surroundings.

Some contaminants are showing up in water not because they have been recently introduced but because scientists have only recently become able to measure them in small concentrations. Moreover, the science of assessing the amount of contaminants in water is a good deal more precise than the science of assessing the effects of contaminants on human health. Here we find that definitive judgments are extremely difficult to make. Although much work remains to be done to improve these assessments, scientists may never know more about the toxic effects of many chemicals than they do now. Too many variables (what statisticians call "noise")—occupation, personal habits, diet, the presence of environmental insults other than chemical in question, and so forth—exist in any given geographic area to allow clear linkages of diseases to specific contaminants. This frustration is not likely to diminish significantly with time; it represents an inexorable deficit in scientific understanding.

The public has little tolerance for the ambiguities that complicate statements about contaminated water's effects on health. Confronted with the lack of sure knowledge, many people assume that they are being manipulated for devious reasons. Often, in fact, the suspicion is well founded. Although the uncertainties about toxicity ought to be a warrant for extreme caution in any effort to purify water, they have served also as a refuge for manufacturers and the overseers of landfills, who can cite the uncertainties as a way of understanding their liability once contamination is discovered. Under these circumstances, rational debate on how best to protect water is hard to sustain.

Safeguarding water's quantity and quality are two parts of a single enterprise—management—and most of the threats to water in this country stem directly from the fact that it is a common resource that has been managed chiefly in the service of private profit. Believing that water is limitless, we have made it available to industry and agriculture essentially at zero cost, and with few stipulations. Therefore, we should not be surprised or offended by the profligacy with which these users have exploited it. Few corporate officers who look to the bottom line of a financial balance sheet would insist on investing large sums to conserve or clean up a resource for which their companies did not have to pay much in the first place.

To worsen the consequences of this fundamental error, the country's shortsighted and rudimentary control of the environment makes it inevitable that the regulators will trail behind those regulated. Even as we restrict the permissible levels of some contaminants we discover others, and must set regulations on those as well, in a never-ending game of catch-up. Similarly, as we undertake large and costly engineering

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projects to transfer water to farms and factories in regions where it is dwindling, we ensure that the practices that have led to a supply's depletion will persist. Both these obstacles are chiefly matters of policy, however, and policy—unlike the laws of nature—

town's drinking water were closed in 1978 when they proved to have been contaminated by high concentrations of dioxane and TCE, among other toxic chemicals. By 1979, drinking water in a third of the communities in Massachusetts had been found to be

ments on these should be explored. Segregating the harshest wastes before they are released to a treatment facility (rather than shipping them in mixed form), and altering manufacturing processes to make their byproducts more benign and to allow for recy-

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taminating them by one of the methods cited earlier, and storing them at a controlled landfill.

These options are not uniform in cost. Clearing a contaminated site and treating everything removed from it entails a good

other hazardous organic chemicals present, according to a report released in 1980 by the National Academy of Sciences. The report cautions that further study is needed to make sure that potentially toxic chemical reactions do not occur on the carbon and

whether or not the cost of improving the quality of water is too high, but it is also legitimate to ask, compared with what? If the cost is compared with what industry, agriculture, and households now pay for water, it does seem large. But if we compare the projects to transfer water to farms and factories in regions where it is dwindling, we ensure that the practices that have led to a supply's depletion will persist. Both these obstacles are chiefly matters of policy, however, and policy—unlike the laws of nature—can be changed.

Poor planning is particularly obvious in the country's efforts to deal with chemical wastes, which are a chief source of water's contamination. Although a variety of treatment methods have been developed to make hazardous wastes safe, most wastes have been either stored untreated or indiscriminately dumped. Unfortunately, storage is at best a temporary solution, and an unreliable policy for the future.

The annual tonnage of hazardous wastes produced in the U.S., and other data equally fundamental to any reckoning of the threat to the water supply, are by no means firm. The EPA and other government agencies have not been collecting data for long, and the release of interim numbers to the scientific community and the press has given rise to inconsistent but often-cited figures. For example, a lengthy report on hazardous wastes, which Congress's Office of Technology Assessment (OTA) published in March, cited an estimate by the EPA that between 28 million and 54 million tons of federally regulated hazardous wastes are released in the U.S. each year. The OTA estimates that the total is instead somewhere between 255 million and 275 million tons. The enormous difference between these estimates, which is explained by the OTA's more liberal definition of hazardous wastes, can only complicate the government's efforts to control them. Moreover, within both the OTA's estimate and the EPA's, the margins for error are so wide—at least 20 million tons—that either one alone is a poor basis for policy.

Since no one can say precisely how many tons of hazardous wastes are produced in the U.S. each year, the fact that no sure figures are available on the extent to which chemicals have infiltrated the nation's water should come as no surprise. The United States Geological Survey (USGS) oversees more than 500 stations around the country, which supply regular information on the quality of surface water. These stations do not keep track of all pollutants, however. They do not measure most of the potentially toxic chemicals, and those they do test for elude detection at the low concentrations that would be expected in large volumes of water—concentrations at which the pollutants may nevertheless have significant adverse effects. Thus, although the data the USGS does provide indicate that the country has been able to hold its own with respect to conventional pollutants, such as municipal sewage, the extent of contamination of surface water by unconventional pollutants is barely known.

As for groundwater, no systematic monitoring has been undertaken. Instead, we have only incidental evidence, brought to light, by and large, by concerned individuals. In the San Gabriel Valley of California, for example, thirty-nine wells that supplied water to thirteen cities had to be closed in 1980 when they were found to be polluted by high concentrations of trichloroethylene (TCE), an industrial solvent and degreaser. Seven municipal wells and thirty-five private wells near Atlantic City, New Jersey, had been closed by March of 1982, after wastes from a chemical dumpsite were found to have seeped through the sandy soil into groundwater. In Bedford, Massachusetts, four wells providing 80 percent of the town's drinking water were closed in 1978 when they proved to have been contaminated by high concentrations of dioxane and TCE, among other toxic chemicals. By 1979, drinking water in a third of the communities in Massachusetts had been found to be contaminated. In the spring of 1980, the federal Council on Environmental Quality compiled all the reports of groundwater contamination that had been filed at the EPA's regional offices. The results showed that contamination had occurred in at least thirty-four states: in nearly every state east of the Mississippi River, and in the less industrial western states as well.

Although the EPA is conducting tests of drinking-water wells scattered nationwide, it has concentrated chiefly on locating potential sources of contamination. By the end of 1982, the agency had found 80,263 pits, ponds, and lagoons in which industrial, municipal, agricultural, and mining wastes are impounded. Fewer than 10 percent of these sites have been investigated, and of these, only half are being checked on a regular basis to ensure that clean-up is proceeding. In addition to these impoundments, approximately 16.6 million septic tanks routinely disperse their effluent—about 800 billion gallons a year—into the ground. Septic tanks can be a source of chemical as well as biological water pollution, because of the popularity of cleaning fluids sold to flush out sludge. The fluids contain TCE and benzene, which are both known carcinogens. Finally, the 14,000 active municipal landfills, many of which receive industrial wastes as well as the solids from sewage-treatment plants, and the 75,000 active industrial landfills generally are unlined and leach their contents into ground and surface waters.

Given the volume of contaminants released into groundwater, the fact that they have taken so long to show up may seem puzzling. But most of the chemicals are tasteless and colorless, and therefore hard to detect, especially at low—but nevertheless potentially toxic—concentrations. Moreover, water travels through the ground quite slowly; a contaminant may emerge in a well years after it was released from a source even a short distance away.

The insidiousness of the poisons, their wide geographic distribution, and the frequency with which they appear when tests are conducted understandably provoke reactions of panic or despair. Remedies do exist, however. We can insist that manufacturers reduce the amount of waste they produce; we can treat the wastes before disposing of them; we can treat water after it has been polluted; finally, we can restore an entire area after wastes have been discharged. Of course, some combination of these strategies is also possible. It is generally recognized, however, that the cost of cleaning a site after untreated wastes have been dumped is somewhere between ten and a hundred times the cost of treating wastes before disposing of them. The first two options are therefore clearly the best policy.

Any landfill, no matter how well engineered, is likely to leak eventually. Thus, to start with, landfills might be designed in such a way that the leaks would be directed into collectors; even then, they will have to be checked over a much longer period than the thirty years now required by the EPA, because of the extreme corrosiveness and long lives of many of the chemicals contained. Beyond this, technologies for treating wastes are already in place at many manufacturing plants, and the advantages and disadvantages of potential improvements on these should be explored. Segregating the harshest wastes before they are released to a treatment facility (rather than shipping them in mixed form), and altering manufacturing processes to make their by-products more benign and to allow for recycling, appear to be relatively cheap but effective ways to control potential contaminants at their source. Wastes can also be burned. Incineration is not appropriate for all chemicals, however. The most toxic ones must be subjected to extremely high temperatures—an expensive and not yet perfected technology—to keep the gases given off from polluting the air. Dumping hazardous wastes in canisters in the ocean and injecting them in the earth at a depth of 5,000 feet or more—that is, far below easily accessible water tables—are two other possibilities. (Even now, in many coastal cities, the effluent of sewage-treatment plants is freely discharged into the ocean.) Both plans are risky, however, because they bring untreated wastes into direct contact with the environment. Eventually, canisters will leak or break up in the ocean, but, according to proponents of this strategy, the wastes released would be so diluted that their toxicity would be nil. Shifts in ocean currents could defy this theory, though, and wash the wastes in close enough to shore to pose a threat after all. The chemicals could also be ingested by fish and find their way into human diets. As for deep injection wells, wastes could migrate upward along unsuspected fault lines; earthquakes and other unforseen geophical phenomena could disturb them too. Chemically breaking down batches of wastes into less toxic forms or decomposing them with bacteria are perhaps the best tactics tried so far, because they ensure that all hazards have been eliminated before a substance is released from a plant.

There is no doubt that, at a price, the country can safely handle its wastes. Prices quoted by nine large firms that treat chemical wastes to bring them up to acceptable safety standards range between $55 and $240 per metric ton. Generously assuming a price of $250 a ton to treat 54 million tons of hazardous wastes a year (the maximum volume estimated by the EPA), the annual cost would be about $13.5 billion. This cost could rise, of course, as more chemicals are analyzed and found dangerous.

Is $13.5 billion, or more, a year a high or low price to pay for the safe disposal of chemical wastes? There is no easy answer to this question. Consider, however, that this sum represents 2 percent of the annual contribution of manufacturing to the GNP, and 0.4 percent of the GNP as a whole. It should also be kept in mind that this $13.5 billion would not be lost, as payments for imported oil are. Rather, it would create and stimulate a substantial industry—and jobs—in its own right.

A task more arduous than controlling wastes before they assault the environment is cleaning them up after the fact. How a site is cleaned up varies with its proximity to houses and drinking-water supplies, the type of soil, the disposition of groundwater, the specific chemicls dumped, and how they were dumped (in liquid or solid form; in containers or not). Generally, though, problem dumpsites can be handled in one of three basic ways: isolating the site by surrounding it with trenches lined with clay or some other nonporous material, and lining and capping the site itself; diverting the flow of any water through the site, underground or on the surface; removing the wastes and the soil and water they have polluted, decon-

taminating them by one of the methods cited earlier, and storing them at a controlled landfill.

These options are not uniform in cost. Clearing a contaminated site and treating everything removed from it entails a good deal of money and labor, but once the task is accomplished, little else is required. In contrast, steering water away from a contaminated site is less expensive initially, but purification plants nearly always must be built to ensure that the water is truly safe, and so maintenance costs can be high. Moreover, regular tests for toxicity are essential, no matter how a contaminated site is handled. The EPA's crisis-management strategy has been simply to transfer the contents of a dumpsite, without treating them, to other landfills, which are themselves prone to leaks. Although the EPA's response has the advantage of being fast and relatively cheap in the short term, its ultimate wisdom and cost-effectiveness are dubious.

The obstacles to cleaning up hazardous wastes, like the obstacles to treating them, are economic, and therefore political, rather than technical. The OTA reports that some 15,000 uncontrolled dumpsites are in need of attention. The total cost is estimated at between $10 billion and $40 billion—many times the $1.6 billion that the federal government expects to collect from chemical manufacturers for its environmental "Superfund," established in 1980. If the country chooses to accept the expense, the goal is within reach.

Aside from the steps the country can take to protect water from contamination, there are ways to protect the public from the toxic effects of contaminants already in water. No contaminants appear to have an irreversible effect. What we put in water, we can usually extract—at some cost. Indeed, only the cost and long-term efficacy of the available technologies remain to be established.

The most reliable method that has been developed so far is the granular-activated-carbon (GAC) filter—essentially ground-up charcoal. (Other filter mediums, such as synthetic resins, are also being studied.) The filter works by a physical process called "adsorption." Molecular attraction causes the chemicals flushed through a carbon filter to adsorb, or stick, to the carbon's surface. Once the grains of carbon are covered completely, they are either restored by being subjected to a high temperature, which drives off the chemicals adsorbed (if the filter is a large one, at a municipal plant), or discarded (if it is small, attached to a household tap). There is little risk involved in the disposal of household filters, because they are small and because, in any case, the molecular bond is extremely strong.

A special advantage of carbon filters for municipal drinking water is their proven ability to trap not only chemical wastes that have infiltrated the system from outside but also unwanted chemical by-products of chlorination. The great reduction in water-borne diseases in the U.S. has been sustained by chlorine, which rids water of harmful bacteria. It turns out, however, that chlorine reacts with natural as well as man-made chemicals in water to create a family of chemicals known as trihalomethanes, one of whose members is chloroform, which has been shown to cause cancer in animals. Flushing water that has been disinfected with chlorine through a carbon filter at the end of the treatment cycle can efficiently remove trihalomethanes and any other hazardous organic chemicals present, according to a report released in 1980 by the National Academy of Sciences. The report cautions that further study is needed to make sure that potentially toxic chemical reactions do not occur on the carbon and that no micro-organisms build up in the filters, but it concludes that there is already "ample evidence for the effectiveness of GAC," and advocates the filter for municipal supplies threatened by contamination.

In 1978, the EPA proposed carbon filters as the option of choice for the control of hazardous chemicals in water. Soon after, a group of ninety investor-owned water utilities, the Coalition for Safe Drinking Water, was formed to resist any EPA requirement on that score. Although the coalition expressed doubts about how well the filters would work, their underlying complaint was cost. Studies sponsored by the EPA in response to the coalition's objections have shown that for cities with a million or more residents, the cost of water would rise between 17 and 21 percent. In relative terms, one could argue that the increased cost would be large. But in absolute terms, and considering how cheap water is everywhere in the U.S. at present, the increase would be modest; based on the EPA's figures, for a family of four it would range between $11.81 and $60.25 a year.

Many water utilities have been using carbon filters to control taste and odor and to treat waste water; some have installed them specifically to control toxic chemicals. In Europe, many cities have been using carbon filters for this purpose alone for several years. So far, however, the EPA has not ordered any utilities to install carbon filters. The EPA does require large community systems—representing about 54 percent of the American population—to test for trihalomethanes and other contaminants. People who are concerned that their water might not be safe could ask their utilities for the results. Local health departments may also be able to provide this information, and some may even be willing to accept a sample and test it themselves. Independent tests of domestic water supplies are expensive, but they are the only recourse for the 33 million Americans whose water comes from their own wells.

Fortunately, some of the household-sized carbon filters on the market do a very good job of ridding water of chloroform, trihalomethanes, and other toxic chemicals. *Consumer Reports* reviewed fourteen of them in its February, 1983, issue, and rated five "very good" or "excellent." The three best were Culligan Super Gard SG-2, at $175 ($23 for replacement cartridges); Sears 3464, at $23 ($7.50 for replacement cartridges); and AMF-Cuno AP50T, at $67 ($12 for replacement cartridges). The magazine gave the Sears filter its "best buy" rating, because of its effectiveness and low cost. In Rockaway Township, New Jersey, a dozen houses relying on contaminated well water have been fitted with such small carbon filters, and tests show that the water is up to acceptable safety standards.

An investment in the treatment of contaminated water need not be an endorsement of the uncontrolled release of hazardous substances into the environment. But treating contaminated water can protect the public health for relatively low additional costs while the country goes about cleaning up the mess it has already made.

A good engineering approach is to be very conservative, and to set the highest standards affordable. It is legitimate to ask whether or not the cost of improving the quality of water is too high, but it is also legitimate to ask, compared with what? If the cost is compared with what industry, agriculture, and households now pay for water, it does seem large. But if we compare the cost with the value of water that won't make us sick, it is small. By any standard of comparison, the eventual expense that is likely to result from current policies, which protect water only haphazardly at best, will be enormous.

Although by now it is a commonplace to say that we live in an era of limits, water is still managed in accord with presumptions, laws, and institutions that do not reflect a recognition of these limits. Abel Wolman, professor emeritus of environmental engineering at Johns Hopkins University, and one of the world's foremost experts on water supply, was quoted in The New York Times on August 9, 1981, as saying:

"Water is cheaper than dirt. That means there is no orderly design as to when and where to use it. In a vast country such as ours we have never been able to organize a thoughtful, logical national plan, and I am very doubtful we ever will."

One does not have to be an economist to see the problem of underpricing. Common sense tells us that people waste commodities that they do not value highly, or commodities that, though valued highly, are supplied cheap.

Both in the Southwest, where water shortages are permanent and likely to worsen if present consumption rates continue, and in the Northeast, where shortages are periodic and rarely dire, water prices are extremely low. Indeed, they are lower by half here than they are in Europe. People in Frankfurt, Germany, pay $2.82 per thousand gallons, whereas in Los Angeles, which is significantly more arid than Frankfurt, people pay only $0.60 per thousand gallons. This disparity in prices is reflected in the sharp contrast in rates of consumption between the U.S. and Europe. The average amount of publicly supplied water for all nonagricultural purposes in the U.S. is about 180 gallons per capita per day ("gpcd"), of which 120 gallons go to households and for municipal uses, such as street washing and fire fighting; the rest goes to manufacturing and businesses. Yet in countries with comparable levels of social and economic development, consumption is a fraction of the U.S. rate. The rate in Germany, for example, is 37 gpcd; in Sweden, 54 gpcd; in France, 30 gpcd; and in the United Kingdom, 53 gpcd.

Price differentials alone do not explain the large differences in water consumption in these societies. Consider that in New York City, where water prices are on a par with those elsewhere in the East, the rate of consumption is reported to be 180 gpcd, and supplies to most residential users are unmetered. (As it turns out, the rate of consumption in cities where water is metered is roughly half the rate in cities without meters.) In Boston, water prices are also in the range of prices elsewhere in the East, yet the rate of consumption is 233 gpcd—well above the national average. As much as 40 percent of that amount is lost to leaks in the system. Best guesses as to the effect of doubling Boston's 1978 price of $1.18 (now down, to $1.00) per thousand gallons suggest that consumption would be reduced at most to 160 gpcd—still four times Frankfurt's rate of 40 gpcd.

Something else in addition to price seems to influence water consumption in the U.S.

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Americans may be able to recognize, in a theoretical way, the pressures that serve to diminish supply, but they seem unable to keep conservation in mind when devising distribution schemes that borrow from reserves necessary for the future, when confronted with the need to renovate old and wasteful utilities, and when watering lawns and taking showers. Thus, even where water is least plentiful in the U.S., prices rarely reflect supply. Indeed, prices are lowest where water supplies are lowest: $0.53 in El Paso and $0.59 in Albuquerque, compared with $1.78 in Philadelphia or $1.00 in Boston. Moreover, a rise in price does not seem to provoke a commensurate decline in demand. Perhaps American prices are so low that even when they are raised they fail to make an impression on consumers. Can the average homeowner even remember the amount of his last water bill? And how does that expense compare with the cost of an evening's entertainment, or a tank of gas?

However low the price of municipal water in the U.S. appears in comparison with prices in other countries, it is high in comparison with what American farmers pay. The price of agricultural irrigation water in the U.S. ranges between about $0.009 and $0.09 per thousand gallons, and federal subsidies make up the difference between price and cost. The amount of subsidy in the more arid parts of the country is staggering, in fact. In eighteen western federal irrigation projects that the U.S. Department of the Interior studied in 1980, the government was providing between 57 and 97 percent of the costs over the lifetimes of the projects. This works out to an amortized value of between $58 and $1,787 a year for every acre subsidized. Kenneth Frederick, an economist at Resources for the Future, Inc., a nonprofit organization for the study of environmental questions, based in Washington, D.C., wrote in his book *"Water for Western Agriculture,"* published in 1982, that for all Bureau of Reclamation projects, water subsidies total, on average, at least $500 per acre over the life of a project. Thus, for a 160-acre farm, the subsidy might total $80,000, and in some water-short regions it could be as high as $286,000. Until recently, a 160-acre farm was the largest eligible for federally subsidized water under the 1902 Reclamation Act. An amendment to the act was passed last summer, however, which raised the ceiling to 960 acres for individuals and to 640 acres for corporations. The amendment merely acknowledged the fact that the Bureau of Reclamation had been providing subsidies to farms larger than 160 acres for some time. Simple arithmetic shows that for the largest farms now eligible, the subsidy can rise to between $480,000 and $1,715,510 per farm. Senator Daniel Patrick Moynihan, of New York, who has been persistent in calling for more rational water policies, argued on the Senate floor that the bill represented "all that is wrong with federal involvement in water resources: chaos, arbitrariness, inequity, and waste."

Water is not limitless, but, contrary to the views of alarmists, there is no absolute danger that it will run out. The U.S. as a whole can count on at least fifty years without serious shortages, even at the present wasteful rates of consumption. Extremely difficult choices will have to be made soon in some regions, however, and almost everywhere methods of allocating present supplies and developing new ones need to be more conservative. For water's quantity as for its quality, it is not nature that could prove intractable but policy. The nation has the power to abandon various water-intensive activities in favor of others less demanding on supplies, and the opportunities are numerous enough to make the transition relatively painless.

Annual precipitation in the continental U.S. is about 4,200 billion gallons per day (bgd), on average. Of this amount, 1,400 bgd should be available for all our uses; the rest evaporates. But yearly fluctuations in precipitation further diminish the supply, in ninety-five out of a hundred years, to 675 bgd. The variability of precipitation should be obvious to everyone this year. Rainfall has been well above normal rates in all parts of the country. Notwithstanding the costs that will result from flooding and soil erosion, these rains could bring important benefits: increased supplies in surface reservoirs, an increased volume of groundwater, and increased soil moisture to ease the demand for irrigation. Unfortunately, though, the amount of water that can be carried over from wet years, such as this one, to drier years is quite small, because the capacity of American reservoirs to store it is limited.

According to the U.S. Water Resources Council, the nation's total average daily consumption in 1975—the most recent year for which the council made an estimate—was 106 bdg. Of this amount, fully 83 percent was used in agriculture. Improved irrigation efficiencies could reduce this share substantially. A tremendous asymmetry exists between agriculture, which consumes 83 percent of the nation's water but contributes only 3 percent to the GNP, and manufacturing, which consumes less than 6 percent of the water but contributes 27 percent to the GNP.

Nearly a quarter of the total amount of water consumed in the U.S. is drawn from the ground. Between 1950 and 1975, the demand for groundwater increased 140 percent. Groundwater accounts for half of the irrigation water used in the West, and some appealing features make it a prime target for development. First, a tremendous quantity is stored in American aquifers—underground streams and basins. The Water Resources Council estimated in 1978 that more than a thousand times the amount of water consumed in 1975 lay within 2,500 feet of the surface. Second, groundwater can be used to even out the natural fluctuations in precipitation from year to year. And third, in many areas, groundwater is the only source that remains to be appropriated.

Unfortunately, in addition to those advantages, there are some drawbacks. Extracting water from the ground demands a good deal of energy. Also, the rate of replenishment, or "recharge," is slow—typically less than 10 percent a year, and only slightly faster in years like this, when precipitation is above average. These drawbacks are now becoming critically evident in the West, where, since 1950, development has depended largely on groundwater sources. As a result, annual withdrawals of water in excess of the amount recharged to an aquifer—"overdrafts"—range between 4 and 95 percent in those regions in which farm acreage is increasing most rapidly. In Texas and the Oklahoma High Plains (the site of the vast Ogallala aquifer), the annual overdraft is equivalent to the unregulated flow of the Colorado River—approximately 14 million acre-feet a year. (An acre-foot is the amount of water needed to cover one acre to a depth of one foot.) In all of the western states, the overdrafts exceed 20 billion gallons a day, or 22.4 million acre-feet a year. In the remaining states, overdrafts have been less substantial, rising to one billion gallons. These data show that enough water to irrigate 10.7 million acres is being withdrawn in excess of replenishment from American aquifers. Although overdrafts for short periods do no harm, for the long term they deplete aquifers, and pumping costs rise as a result.

Consumption has meaning only in terms of supply, and supply is not always easy to predict, because it is subject to technology, politics, and the economy, as well as to natural constraints. For example, a serious effort has been made during the past fifteen years to modify weather in ways likely to increase precipitation. These techniques—seeding clouds with silver-iodide crystals, for example—are still experimental, but they may prove workable eventually. A problem that engineers have yet to solve is that efforts to increase rainfall in one area might decrease it in another. Then there is desalinization—a technology that has attracted a good deal of publicity and that has been employed successfully in harshly arid parts of the world, such as the Middle East and some islands in the Caribbean. However, desalinization is well enough established now to support the prediction that in the U.S. it will always be too expensive for farming purposes—the only source of demand that could seriously deplete supply here.

Just as human intervention can enhance the water supply, human intervention can diminish it. For example, if the federal government were to impose a ban on overdrafts of groundwater, the supply available to consumers could drop by 25 percent in the country as a whole, and by an even greater percentage in the West. The burning of fossil fuels may have provoked a buildup of carbon dioxide in the atmosphere, and evidence is accumulating that if such a buildup has indeed occurred, the small changes in temperature that will result will lead gradually to large changes in rainfall in the country's mid-latitudes. According to Roger Revelle, a member of a panel on the buildup of carbon dioxide in the atmosphere which was convened by the National Academy of Sciences, if the average air temperature increased by several degress centrigrade at a latitude of about 40° north, a 15 percent decline in precipitation would follow, reducing the flow of the Colorado River system, for example, by half. This could create major agricultural dislocations in Colorado, Utah, and Arizona. Revelle says that a decline in precipitation at this latitude across the U.S. might begin to be felt within the next fifty years. So far, though, the change in the earth's atmosphere and its potential effect on weather are only hypotheses.

The effect of politics and the economy on the country's water supply is easy to demonstrate. A huge federal pork barrel is based in part on the construction of dams and the transfer of water from one basin to another, both of which serve to increase a water supply when it runs short. Between 1965 and 1980, $52 billion was spent on all water-resource projects—inland waterways, ports and harbors, multi-purpose dams, and so forth—by four federal agencies: the U.S. Army Corps of Engineers, the Bureau of Reclamation, the Tennessee Valley Authority, and the Soil Conservation Service.

The Bureau of Reclamation's Central Arizona Project is a good example of how the money is used. This project has been under construction since 1973, and is 38 percent complete. Ultimately, it will divert 1.2 million acre-feet of water a year from the Colorado River basin to the cities of Phoenix

and Tucson, and to the agricultural land in between. The water has to be lifted 1,200 feet over a granite reef to a 300-mile-long aqueduct. Most of the water is intended to compensate for the depletion of aquifers by farmers for irrigation; the project will not provide enough water to allow for any expansion in irrigated farmland, or for any further development of cities and industries.

The bureau estimates the project's final cost at between $1.4 billion and $2 billion; estimates made by others are substantially higher. When federal agencies undertake projects like this one, they pay most of the cost; the share borne by the beneficiaries is very small. Moreover, only 6 percent of the $52 billion budget for water projects between 1965 and 1980 was allocated to the Northeast, where 24 percent of American taxpayers reside, and where water systems are generally old—in need of renovation and expansion. The West received 35 percent of the expenditures, though its share of the population is only 17 percent. As a result of this inequity, many congressional representatives of states and districts outside the West have opposed western water-reclamation projects in recent years; indeed, no major package of water-resource projects has been authorized since 1976. A good deal of money remains to be spent, however. According to the General Accounting Office, the cost of the 289 authorized projects still under construction by the Bureau of Reclamation and the Army Corps of Engineers totals $57.4 billion; of this sum, $22 billion has been spent by the end of fiscal year 1981. Another 645 projects have been authorized, with funds yet to be appropriated.

One can object to expensive water projects on the narrow grounds that if they are truly needed, then the beneficiaries should pay for them. But the question of their financing aside, many water projects entail no riders to ensure that the increased supplies will not merely perpetuate a wasteful status quo, in which users who have consumed water indiscriminately can persist in doing so. Federal water projects attract development in regions that have already been developed to a point that strains existing supplies, and they encourage farmers to cling to thirsty crops and inefficient irrigation practices that ought to be abandoned. For example, water supplied by the Bureau of Reclamation to the Grand Valley of Colorado is so highly subsidized that the farmers rely on flood irrigation—they simply cover entire fields with water. Flood irrigation uses up to six times more water than "big wheel" and fixed-sprinkler systems, which are themselves by no means the most advanced and efficient techniques available.

If water and water rights were freely bought and sold, the demand for water would be easier to control; the market would help to establish the most efficient use of the resource. But most water supplies and rights are protected under legal and institutional arrangements that have been worked out over time in accord with objectives other than equity and economic efficiency. The two major legal doctrines—riparian rights and prior appropriation—were designed to secure the land titles of settlers. Riparian rights, which are observed chiefly in water-abundant eastern states, allow the owner of land adjacent to a body of water to make use of the water so long as no inconvenince is caused to his neighbors. Prior appropriation, which is observed in water-short western states, ranks the claims of settlers according to how early their homesteads were established. When a property owner fails to exercise his rights, they lapse. The doctrine is analogous to the pressure on a manager within a corporation to spend all the money budgeted or suffer a cut in funds the following year. Thus, prior appropriation, far from being an incentive for farmers to use less water, is an incentive for them to use as much as they can. In many cases, water rights are attached to parcels of land or specify particular uses. As a result, late arrivals—industries, municipalities, or other farmers—often have trouble acquiring water at any price.

If Indian water rights in the western states are ever enforced, they will reduce substantially the amount of water available to everyone else in those states. The Winters Doctrine, based on the 1908 Supreme Court ruling in *Winters* v. *United States*, holds that when the federal government claims land for any purpose (specifically, to create an Indian reservation), it at the same time implicitly claims sufficient water to accomplish the purpose for which the land was set aside. At present, Indian water rights remain unquantified, but the Navajos, for example, could legitimately claim as much as a third of the flow of the Colorado. In New Mexico, pending claims by several tribes add up to many times the present allocations of water to all the irrigated farmland in the state.

Water is largely in the hands of the states, and it was only in the nineteenth century—with passage of the Rivers and Harbors Act of 1826, which established federal control over interstate navigation; the Refuse Act of 1899, which controlled dumping in navigable waters; and the Reclamation Act of 1902, which established a federal role in enhancing water supplies in the West—that the federal government involved itself at all. The state laws are complex, having evolved, much like federal tax laws, over a long period, and there is little chance that a single national code will ever be devised, much less approved, to replace them. In fact, such a code would not even be desirable in this country, where there is so much variation in supply and demand from one region to another. But it is clearly in the interest of the states, perhaps with the guidance of the federal government, to plan equitably in ways that exploit the legal structure rather than conflict with it.

Water rights may be unbreakable, but they can be bent. For example, a state might offer grants to farmers to offset the cost of adapting farms so that they consume water more efficiently. In exchange, the state would be entitled to the surpluses achieved—water that could then be diverted for municipal and industrial uses, and to increase reserves. Alternatively, since the economic return on water for agriculture is significantly lower than the return on water for manufacturing, industries in arid parts of the country might be enabled, through state intervention, to meet their needs by a mechanism as simple as competitive bidding.

Arizona's Groundwater Management Act—the first comprehensive state law to limit the pumping of groundwater—is a worthy precedent for the thoughtful redistribution of water. It was the severity of groundwater shortages in that state that prompted construction of the Central Arizona Project, but the project will supply only two thirds of the water needed by the year 2000, at current rates of consumption. Thus, the act calls for wells to be registered, and levies fees on the water withdrawn. It calls on farmers to improve irrigation efficiencies, and if these efficiencies are not adequate by the year 2005, it allows the state to buy and retire as much farmland as necessary to restore the natural balance. The act also requires housing developers to secure state certification that a 100-year supply of water is available before construction can proceed.

Harvests need not suffer if farmers use less water than their water rights entitle them to; the agricultural and social optimums rarely coincide, and, given the subsidies, there is no reason why they should. On average, irrigated crops consume only 53 percent of all the water that a farmer withdraws. At farms dependent on surface water, irrigation efficiencies are typically less than 45 percent. At farms dependent on groundwater, the efficiencies are better than 60 percent. The difference is a matter of economics. Irrigation water from surface supplies, which reaches farms through federal or privately managed canal systems, costs a good deal less than groundwater, which farmers must pump themselves. With improved irrigation systems, these efficiencies could rise to between 65 and 75 percent, or higher.

Many farmers—not just those in Colorado's Grand Valley—irrigate by flooding. Alternatives to this practice are "permanent furrow systems", which collect rainwater and surplus irrigation water and channel it to storage ponds for future use; concrete or plastic pipes that carry water underground from the water source to the furrows, reducing the losses to evaporation and seepage incurred by open channels; and "drip irrigation," in which plastic tube feed small increments of water directly to the roots of each plant. Drip irrigation both inhibits evaporation and allows plants to be fed only as much water as they need; farms in Israel using this method have been reported to achieve efficiencies as high as 95 percent.

Besides reducing total water consumption, farmers might also tap supplies of brackish water, for which there is no competing demand. A rule of thumb in agriculture holds that "if you can drink the water, it's all right to use it for irrigation." Yet some crops—barley and cotton, for example—can flourish with brackish water. Crops less tolerant of salt, such as corn and beans, can also be grown in brackish water if it is supplied in such quantity that the salt is washed past the roots. Running tiled drains under the root zones of the plants also helps to keep salt concentrations low. Brackish water occurs inland as well as near the sea. Thus, adapting drainage systems to accommodate brackish water and growing crops that can thrive on it—leaving sweet water for other uses—are conservation options for farmers everywhere in the U.S., not just those in coastal regions. Brackish water could also be substituted for sweet in air-conditioners, washing machines, and industrial washing and rinsing processes.

The homily "mother nature knows best" is as true of water as of any other environmental resource. In many arid regions of the U.S., farmers have been able to cultivate crops that are more water-intensive than the resource ultimately can support, because water is cheap. But when a water supply is exploited to the limit of its capacity, nature asserts itself in ways that should force farmers to conserve. As a water table drops, pumping becomes more expensive. For a while, farmers may persist in their withdrawals, choosing to pay for more fuel to run the pumps, or to drill new wells. Eventually, however, the cost will rise

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higher than farmers can afford, and at that point they will abandon their farms or turn to the crops that can thrive with little or no irrigation, such as sorghum, wheat, and soybeans.

Society can be content with this self-regulating system so long as the irrigated crops lost are not essential to health or economic survival. The system can be hard, however, on the farmers at its mercy, and some form of government subsidy ought to be made available to compensate them at least partially for the cost of converting to different crops. Such compensation is sure to cost much less than the federal projects conceived to increase water supplies artificially.

Does the nation depend on crops irrigated with water from the Ogallala aquifer? Do we need Arizona's cucumbers? The most recent comprehensive study of the question, conducted last year by Kenneth Frederick, shows that we do not. Frederick found that out of a national total of 547 million acres of cropland and pastureland, only about 61 million acres are irrigated. The Center for Agricultural and Rural Development, at Iowa State University, which is the leading research group on American agricultural needs, has predicted that only 32 million irrigated acres will be needed to meet the demand for food and fiber in the U.S. in the year 2000. The Center asserts that even this acreage can be irrigated at lower cost, in both water and dollars, using existing technologies. Clearly, if irrigated acreage can safely decline by half over the next twenty years, the country does not desperately need to water the desert, nor does it need to devote so much of the water it consumes to the task. With a decline in irrigated farmland, and the adoption of more efficient irrigation methods, an enormous amount of water can be saved for drinking and other uses.

Industry has already markedly reduced its demand for water, as a result (unintended) of the Water Pollution Control Act, which Congress passed in 1972. Predictably, economic constraints have proved a powerful motive for change. The act requires industries to treat their own effluents, or to pay others to do so; to cut that cost, firms have found it in their interest to produce less waste. The Water Resources Council estimated in 1978 that by the year 2000, industry will withdraw 62 percent less fresh water than it did in 1975, although its consumption of water will increase by as much as 150 percent. Industries will make up the difference by recycling the water they do withdraw from the nation's supply.

Industries can reduce their demand for fresh water substantially merely by keeping a cleaner house. A large textile plant in Sao Paulo, Brazil, was able to use 39 percent less water within two years after the city levied a nominal charge for the treatment of its effluent, and the reduction was virtually costless. The plant resorted to such simple practices as shutting off taps when no water was needed and using some wash waters more than once. Where plants are being replaced or renovated, changes in manufacturing processes can also bring about large savings. A new paper-pulping technology developed in Sweden has been demonstrated to use half as much water as conventional processes while nearly doubling productivity: the new process gets ninety-five tons of paper from a hundred tons of wood, as compared with the fifty tons yielded by other means. These savings are realized at a price, however, since the alternative technology requires more fuel and a tenth of the usual manpower.

The nation's demand for energy is another source of stress on the water supply. However, although this demand is sure to rise substantially in the future, the amount of water consumed to generate electricity from steam is not likely to rise commensurately. In fact, steam-power plants will consume about 11 percent less water in the year 2000 than they did in 1975, according to the Water Resources Council's last forecast, even though the amount of water they require could be seven times greater. The huge difference between these two figures will be accounted for by improved technologies for cooling water, so that more of it can be recovered. For example, a shift away from evaporative cooling towers to nonevaporative cooling towers, in which condensed water is collected rather than released, cuts the water lost in cooling virtually to zero.

The synthetic-fuels industry, which converts coal and oil shale into more efficient sources of energy, is based chiefly in the West. Although it has been stalled by the buyer's market in oil, its revival will place it in fierce competition for water that is already running short. A coal-gasification plant that can produce 250 million cubic feet of gas a day will require between 3,000 and 15,000 acre-feet of water a year. A coal-liquification plant that can produce 50,000 barrels of fuel a day will require between 5,000 and 10,000 acre-feet of water a year. An oil-shale plant that produces 50,000 barrels of oil a day will require between 2,000 and 9,000 acre-feet of water a year. These are small amounts of water, however, in comparison with agriculture's requirements. A coal-liquification or -gasification plant would use only enough water to irrigate between 1,000 and 5,000 acres, with harvests worth about $250,000. If the same amount of water were used to produce synthetic fuels, it would be worth many times that sum. In 1981, Noel Gollehon and other economists at New Mexico State University studied the likely economic and social consequences of a 40 percent cut (1,245,000 acre-feet) in the water available to agriculture in Montana, Wyoming, Utah, Colorado, Arizona, and New Mexico—states for which synthetic-fuel plants have been proposed. The impact was measured in terms of the loss of income and employment directly related to agriculture and peripheral to it. The $28 million a year and 900 jobs estimated to be lost are not trivial figures. But when these losses are weighed against the income and employment generated by industries producing the equivalent of a million barrels of oil a day, they become a good deal less disturbing.

Although reasonable pricing is not the only solution to the country's poor stewardship of water, it would have powerful ramifications. No state can be expected to refuse a dam or waterway as long as the federal government promises to foot the bill, even though such schemes may delay its coming to grips with the true sources of a shortage. No consumer in any category can be expected to use less water as long as water bills do not reflect the need. Industry cannot be expected to pay for adequate treatment as long as its failure to do so is met at most by nominal fines and more often by silence. Finally, water utilities cannot be counted on to be careful of chemical contamination, and to take steps to prevent it, as long as the EPA is too timid to insist.

The consumers of water must be made aware of its cost for any effort at conservation to succeed. Consider, for example, the aftermath of the federal Water Pollution Control Act, which provided substantial subsidies for the construction or renovation of municipal sewage systems. By 1982, grants to municipalities totaled about $36 billion. The EPA estimates that by the year 2000, an additional $118 billion will be needed to bring the country's sewerage systems into compliance with the act's standards. Because initially the government agreed to pay 75 percent of all construction costs, but nothing for land or maintenance, it ensured that communities would turn to conventional plants, which are expensive to build but cheap to maintain, and which require little land. By the same token, it ensured that communities would avoid innovative systems, which typically cost little to build and relatively more to maintain, and which require large tracts of land. (Innovative sewage treatments tend to rely on nature itself; they employ liquid sewage to irrigate and fertilize crops or they decompose sewage biologically in oxidation ponds or meadow/marsh systems.) The terms of the grants have since been changed in a way that partially corrects this defect, and compels communities to pay close attention to a project's true cost. In 1985, the government's share will drop to only 55 percent for conventional treatment plants, but it will remain at 75 percent for innovative systems. The grants will still cover only the cost of construction, however, and, as a result, a community's incentive to innovate is still not obvious. According to the EPA, the new grant policy is likely to leave a shortfall of $28 billion—or 24 percent—between the cost of the new or improved systems needed to achieve federal standards and the probable contributions of the federal government and communities to that cost.

The Reagan Administration has effectively eliminated the three federal bodies that were in a position to correct the nation's faulty planning: the Council on Environmental Quality, the Water Resources Council, and the Office of Water Resources Technology. Staffs and budgets were cut back to nearly zero. Even though the Council on environmental Quality was composed of too many lawyers and too few scientists and engineers, it played an important role in educating the public about the threats to water and the progress toward solutions. The Water Resources Council studied on a continuous basis the adequacy of water supplies in all parts of the country. The Office of Water Resources Technology, in the Department of the Interior, was the major funding agent for studies of water's proper management. The role of all these groups was essentially critical. By consistently pointing out the flaws in how water is being managed, they made an enemy of the EPA, whose administrators did not appreciate negative evaluations of their performance. They also alienated the four agencies holding the purse strings of the government's water projects, and their chief constituencies—farmers, real-estate developers, mining companies, and so on. Last year's amendment to the rules on access to federally subsidized water is only one example of the power of these constituencies to influence the government's control of the resource.

A bill proposed by Representative EDGAR, of Pennsylvania, to set up a national commission on groundwater, appears on its face to be a good first step in changing the traditional priorities of water management. Yet, although the bill's intention is worthy enough, such a commission is surely premature. Water policy is already thoroughly fragmented: the Department of the Interior and the USGS have chief jurisdiction over problems of quantity, and the EPA over problems of quality, but no agency is trying to look at the nation's water in all its aspects. Even when it was functioning, the Water Resources Council, which might have studied the interrelationships between supply and purity, and the competing demands of the states, did not do so effectively. Before a commission on groundwater is appointed, there ought to be a commission on water. Such a commission should seek ways to resolve the battles between East and West, and to integrate the activities of the various agencies. And it must do so without engaging in the partisan politics in which these agencies are so often embroiled. The American people are owed a careful explanation of the choices they face, both as taxpayers and as consumers of water.

Perhaps, after all, this country can prove Abel Wolman wrong, and devise a "thoughtful, logical national plan" for water. First on the agenda is to compel users to appreciate water's economic value. Prior to the energy crisis, one would not have believed that Americans could curb their appetite for oil. Ten years of rising prices have provoked amazing changes in behavior. The adjustments have not been easy, but many of the ones most feared by politicians and citizens—the charge of $1 or more for a gallon of gas, for example—have come to pass with no real peril to the common good. Higher prices could influence water consumption just as radically, and with less trauma.

Higher prices by themselves will not untangle the snarl of competitive demands for water in regions where it is running short in absolute terms. But higher prices can reveal the true economic value of water, and make the political choices among these demands clearer. Similarly, the public health is not merely in the domain of cost-benefit analyses. Standards of water purity are ideally studied with no consciousness of the financial burdens they would impose. These burdens must then be confronted, however, and borne as part of our commitment to ourselves and to future generations. Compared with the nation's other expenses, these burdens will not be so very large. Insofar as a water crisis exists, it is a crisis of political will. If the country acts wisely, and is willing to pay the price, it can prevent politics from transforming the water crisis of the headlines into a true crisis in the natural world.●

AID TO GUATEMALA: VIOLATING HUMAN RIGHTS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. GEJDENSON. Mr. Speaker, in our great concern over the unfolding events in Honduras and the seemingly endless war in El Salvador, we must not forget the tragedy of neighboring Guatemala. In the interest of understanding what is going on in that beleaguered country I highly recommend the May 1983 report from the Center for International Policy. The authors of this report, entitled "Aid to Guatemala: Violating Human Rights Laws," also explain in clear detail our human rights laws, the evolution of those laws and their relevance to the situation in Guatemala.

The article follows:

AID TO GUATEMALA: VIOLATING HUMAN RIGHTS LAWS

(By Bruce P. Cameron, and Christopher D. Ringwald)

The Carter administration determined in 1979 that the Guatemalan government was violating the human rights of its citizens so severely that, under U.S. law, U.S. support for multilateral aid to Guatemala had to be withdrawn.

The Reagan administration decided in 1982 that Guatemala's access to the multilateral development banks, governed by the same laws, would no longer be obstructed by the U.S.

Meanwhile, in Guatemala, citizens continued to be detained, tortured and killed.

The difference between the policy implemented by Carter and the policy put in force by Reagan is not a reflection of human rights improvements in Guatemala. Rather, it is an indication of the Reagan administration's willingness to use every ambiguity in human rights law to avoid applying sanctions to protect human rights.

The implication is that the practice of providing arms and supporting multilateral assistance to regimes with reprehensible human rights records will continue.

"CONSISTENT PATTERN OF GROSS VIOLATIONS"

The human rights legislation to which the Carter and Reagan administrations have been subject consists of legislative amendments to three acts: the International Financial Institutions Act of 1977 (section 701); the Agricultural Trade Development and Assistance Act of 1954 (section 112); and the Foreign Assistance Act of 1961 (sections 502B, 116, and 239).

The crux of each amendment is that the U.S. shall not provide or approve assistance to any government which engages in a "consistent pattern of gross violations of internationally recognized human rights," unless such assistance is channeled to "projects which address basic human needs (BHN) of the people of the recipient country", or in the case of security assistance, "extraordinary circumstances exist", or, if "it is in the national interest to provide such assistance."

The phrase "engages in a consistent pattern of gross violations of internationally recognized human rights" is inherently subjective, but has been interpreted, if not applied, with some consistency. It is generally recognized that isolated acts of governments do not warrant human rights sanctions. Yet, under three administrations (Ford, Carter, and Reagan), legal advisors in the State Department have also consistently found that human rights law prohibits loans to governments which fail to cause human rights to be respected, just as it prohibits loans to governments which directly carry out, encourage or incite human rights violations.

Although there is no strict formula, an Agency for International Development legal memorandum of July 18, 1977, is an example of this standard interpretation:

"From the clear import of the term, we conclude that isolated and inconsequential acts of foreign governments are not incorporated . . . as a violation of human rights. We also conclude that a foreign government should be found in violation if it has, by act or *omission* [emphasis added], conducted or endorsed a systematic pattern of glaring violations of internationally recognized human rights against its citizens.

"These interpretations indicate that the phrase 'consistent pattern of gross violations' is a stern test in examining the conduct of a foreign government towards its citizens. A determination that a foreign government has been found to engage in this activity would indicate that government has acted intentionally or at least with unconscionable disregard for the human rights of its citizens by express acts or omissions."

APPLICATION OF HUMAN RIGHTS LAW PRIOR TO AUGUST 1982

It is not easy to unravel the Carter administration's application of human rights law to the case of Guatemala, because Carter implemented a human rights policy over and above legal requirements. Futhermore, the Carter administration was often inconsistent and halting in its application of human rights law, and seems to have preferred to blur the distinction between policy and law .

From the record, however it can be discerned that the Carter administration twice determined that the government of Guatemala was engaged in a "consistent pattern of gross violations of internationally recognized human rights."

First, on the basis of its human rights policy, the Carter administration banned government-to-government military sales to Guatemala in the late 1970s. Commercial sales in small quantities of nonlethal items were not prohibited, but, beginning in 1979, the executive directors routinely opposed non-basic-human-needs (non-BHN) multilateral loans to Guatemala.

Second, after the Guatemalan police stormed the Spanish embassy January 30, 1980, a full arms embargo against the government was put into effect. This was a decision in line with Section 502B of the Foreign Assistance Act of 1961 which prohibits security assistance to gross and consistent violators except in "extraordinary circumstances," yet was explained as another policy decision. It was the Carter Administration's practice to apply the "extraordinary circumstances" clause to most countries, but not to countries in Latin America.

It was in September of 1979 that the Carter Administration invoked the legal prohibition of approving loans to Guatemala. Then, the Interagency Group on Human Rights and Foreign Assistance decided to abstain on a loan to Guatemala which would have been used for industry and tourism. The thinking behind this decision was spelled out in the Operating Manual of the Bureau of Human Rights, and Humanitarian Affairs, written at the end of the Carter administration. The Manual notes the proposed loan was one "which required extensive consideration of other U.S. strategic interests," but that, "in the final analysis the Deputy Secretary of State felt that it was not possible *within the law*[1] to approve non-BHN assistance to Guatemala at that time (emphasis added)."

Because the Interagency Group made its decision on the basis of law, rather than policy, it must be concluded that the Carter administration judged Guatemala to be a gross and consistent human rights violator. It is clear that the loan would not have served basic human needs, and there was no concern that Guatemala was harboring international hijackers—the only other con-

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[1] Section 701 of the International Financial Institutions Act of 1977.

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dition which would have resulted in a legal prohibition on loans.

Since the Carter administration judged Guatemala to be a gross and consistent violator in Septermber, 1979, it is puzzling that a full prohibition on arms transfers to Guatemala was not put into effect until January, 1980, and then only as a matter of policy. In the summer of 1980, however, Section 502B directly blocked efforts to renew military assistance.

Guatemala "was a gross and consistent violator and we couldn't renew," a deputy assistant secretary of the Department of State said.

WHY THE REAGAN ADMINISTRATION OBEYED THE LAW

While a combination of law and policy guided the Carter administration's policy toward Guatemala, law has been the only restraint under the Reagan administration. Furthermore, the Reagan administration has only upheld the law when the factual situation was so compelling and Congressional pressure was strong.

The Reagan administration's decision in June 1982 to lift prohibitions on non-BHN loans to Argentina, Chile, Paraguay, and Uruguay showed its disregard for U.S. human rights law. Although their military establishments were no longer engaged in massive, brutal crackdowns, the people of Argentina, Chile and Uruguay were experiencing appalling levels of human rights violations. The dictatorship of Paraguay, which imposes periods of severe human rights violations and periods of milder repression, was far from respecting the human rights of its citizens. But, by taking the highest level of violence as the standard of reference, State Department official were able to argue that "consistent patterns" of gross violations of human rights had been discontinued in each of these countries.

This judgment rested on an apparent ambiguity in the human rights law. In the key phrase "consistent pattern of gross violations of internationally recognized human rights," the word pattern clearly refers to violations which occur repeatedly and in relationship to one another. The problem arises with the word "consistent," however, because it has been interpreted in two ways.

One view is that the word "consistent" is merely redundant, because a pattern is by definition "consistent." But in another view, "consistent" modifies "pattern" in a particular way. According to this interpretation, a government is not subject to human rights law sanctions—even if it is committing a pattern of human rights violations—if the kind and scope of the violations change and decrease.

This was the argument the administration made in the case of Argentina, Chile, Paraguay and Uruguay. This case could not be made for the Guatemalan government of Lucas Garcia, but the Reagan administration was prepared to try.

Even in 1981, when the government of Guatemalan President Lucas Garcia was clearly involved in a program of detention and execution that had resulted in the deaths of thousands of Guatemalan citizens, the Reagan administration considered removing Guatemala from the sanctions of human rights laws and lifting the prohibition on non-BHN loans. Arms sales to Guatemala, OPIC insurance for Texaco oil exploration in the Petain, and an Inter-American Development Bank loan for a non-BHN hydroelectric project were all favorably considered inside the Reagan administration.

Only a campagin of public and congressional pressure, spurred by an Amnesty International report, forced the administration to acknowledge the unequivocally dismal human rights record of the Garcia regime, and to obey U.S. human rights law.

In its February, 1981 report, Amnesty International revealed that nearly five thousand Guatemalans had been seized without warrant and killed since Lucas Garcia had become President. Furthermore, Amnesty International held the Garcia government directly responsible for the executions.

"Abuses attributed by the Government of Guatemala to 'independent death squads' are perpetrated by the regular forces of the civilian and military security forces," Amnesty charged. ". . . The evidence compiled and published by AI in recent years indicates that routine assassinations, secret detentions and summary execution are part of a clearly defined program of government in Guatemala." *(Guatemala: A Government Program of Political Murder.)*

In fact, Amnesty concluded most damagingly, the president of Guatemala was personally ordering the assassination of political oponents. "New information . . . shows that the task of coordinating civil and military security operations . . . is carried out by a specialized agency under the direct supervision of President Lucas Garcia," Amnesty said.

The State Department knew Amnesty's accusations to be valid and, most important, Congress knew the State Department knew them to be true. The sale of spare parts which had been scheduled for August was postponed pending further consideration. The U.S. abstained from the hydroelectric project loan on human rights grounds. In December, Texaco withdrew its request for OPIC insurance.●

THE DEATH OF A. J. CERVANTES

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. GEPHARDT. Mr. Speaker, A. J. Cervantes was an untiring advocate and booster of the city of St. Louis and its people. His efforts and accomplishments for his beloved city—as an elected official and a private citizen—will endure.

A. J. Cervantes served as mayor of St. Louis at a time when the future of all U.S. cities was bleak. The social unrest of the sixties and early seventies, combined with the flight to the suburbs placed a strain on cities like St. Louis that threatened to bankrupt their spirit as well as their coffers.

Al Cervantes lifted the spirit of St. Louis above the increasing rabble of the experts who said the city could not survive and moved the town forward with his energy and vision.

With the incredible enthusiasm of Al Cervantes, St. Louis began the slow recovery back to the vital and vibrant urban center it is today.

Mayor Cervantes was proud to be the servant of all St. Louisans—rich and poor, black and white. For many, his ebullience meant hope for a better day for his city and its people.

I join all St. Louisans in offering my condolences to Carmen Cervantes and the Cervantes family on the loss of A. J. Cervantes.●

FORCED RESETTLEMENT OF BLACKS CONTINUES IN SOUTH AFRICA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. SOLARZ. Mr. Speaker, one of the most brutal practices of South Africa's racist apartheid regime is its policy of relocation and "dispossession" of its black majority which unfortunately continues today.

While the South African cabinet decided yesterday not to block its high court ruling allowing urban blacks with 10 years residency to remain permanently in white areas, it refused to allow their families to join them.

A new report prepared in South Africa documents this continuing tragedy. It outlines South Africa's forced resettlement of well over 3.5 million blacks in the last two decades, and reveals the Government's goal of relocating another 2 million people in the near future.

An article summarizing the findings of this important report appeared in yesterday's Christian Science Monitor. Mr. Speaker, I submit this article to be reprinted in today's CONGRESSIONAL RECORD for the benefit of my colleagues and others concerned about the oppression of blacks in South Africa.

[From the Christian Science Monitor, June 22, 1983]

SOUTH AFRICA CALLED "BRUTALLY SUCCESSFUL" IN FORCING BLACKS INTO "HOMELANDS"

(By Paul Van Slambrouck)

JOHANNESBURG.—One day there will be no black South Africans, exalted a white government minister back in 1978.

A new report on the subject says Pretoria has been "brutally successful" in that endeavor, delusory as it might sound considering that more than 70 percent of the South African population is black. Yet the government has:

Uprooted and relocated well over 3.5 million people, mostly blacks, over the past two decades.

Set its sights on relocating another 2 million blacks in the near future.

Accomplished this massive resettlement of people through force, which continues to be the main tactic despite government insistence that removals are now done on a voluntary basis.

These are the main conclusions of a report dubbed the Surplus People Project, written by a group of academicians, religious figures, community workers, and individuals involved in nonprofit organizations. Project members include blacks and whites; all have volunteered their time and most have been consistent government critics. The report is one of the most comprehensive reviews ever made of South Africa's policy of forced population resettlement.

Pretoria's aim has been unwavering, says the report. It has sought through forced resettlement to keep South Africa's black majority separate and as distant as economically possible from the ruling white minority. All this to ensure that whites will be able to retain power.

The government's "process of dispossession," as described in the report, begins with as many blacks as possible being physically forced to live in tribal "homelands." It ends when those "homelands" are brought to "independence" by Pretoria and all the blacks assigned to that territory are stripped of their South African citizenship.

Carried to its conclusion, Pretoria's policy will result someday in the statutory exclusion of all this country's blacks from South African citizenship.

The statistics in the report are staggering. They suggest that the government will soon have relocated more blacks than the sum total of the entire white population of some 4.5 million.

While the forced relocation of blacks is not a uniform process, the report notes that the general direction has been the same: "out of the towns, cities and farming areas falling in the 87 percent of the country designated for white ownership." The black "homelands" comprise the remaining 13 percent of the South African land mass.

One measure of the government's success in thwarting the process of urbanization by blacks and the racial integration of communities is the rising percentage of blacks living in the "homelands." In 1960 some 39 percent of the black population lived in those tribal territories, compared with 54 percent today.

For those blacks resettled, the process has brought "enormous suffering," according to the report. Cohesive, self-sufficient black communities have been deprived of land and relocated in "hastily flung-together settlements" where rudimentary facilities like taps, toilets, and shelter are "very poor."

The report speaks of the social and psychological damage done to blacks by the resettlement process, which it finds more significant than the material deprivation. Says the report: "The dominant mood in relocation areas is often one of passivity and helplessness in the face of the enormous problems and the hidden bureaucracy that controls people's lives."

The most sinister result of the government's relocation policy is not so much the physical suffering it brings to many blacks, says the report. Rather, it is the cumulative effect of the policy, along with other laws, that have the net effect of dispossessing blacks of their land and citizenship and forcing them into areas where they are cut off from jobs, services, and the opportunity to improve their living conditions.

The resettlement policy is bolstered by stringent influx control laws that restrict blacks' ability to legally go to the cities in search of jobs. The government has indicated it intends to further tighten influx control.

The South African government has adopted an increasingly low profile on the issue of resettlement, apparently feeling the less said about the policy the better. This report points to statements by the government that removals are now being done on a voluntary basis.

However, the report documents a number of case studies and comes to the conclusion that while the coercion process has become more sophisticated, it remains for blacks an "involuntary" process nonetheless. "In a situation where blacks do not possess political rights or freedom of movement, there can be no talk of them exercising a free choice about being removed," it says.●

LONG'S QUESTIONNAIRE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LONG of Maryland. Mr. Speaker, over 14,000 residents of Maryland's Second Congressional District responded to my districtwide questionnaire.

Fully 40 percent say things have gotten worse in the past 2 years and about half do not expect to be better off during 1984. The tax cut passed with my support has helped people second only to the curtailed inflation. But, two constituents say:

> A lower level of inflation has helped, but not at the supermarket.
>
> Federal tax cuts have helped me the most, however, the medicare tax has taken any savings right back.

The middle-income people expressed growing frustration that the Government seems to be helping the poor and the rich, but not those in between.

> [Because of] high unemployment in our area of the country—Middle River, Essex, Dundalk,—you can't sell your services to someone who has little or no income . . . Government doesn't help; you have to fend for yourself.
>
> All we can do is borrow money and live within a tight budget because there's no safety net for the employed middle class.

Although most of my constituents seem to be pleased with the President overall, they also express marked dissatisfaction with several of his specific policies. Says one:

> [Reagan] is sincere and he's likeable. But he's got communism on the brain.

Says another:

> Economically, I think [Reagan] is doing good. But I am very angry at his utter disregard for the natural environment.

Three to one, they support my positions, opposing the President's, in favor of repealing the 10-percent withholding law and freezing nuclear weapons. Two to one, they agree with what I have been trying to do: cut back on the President's requests for defense spending and for military aid to El Salvador. And three to two, they join in my opposition to his plan for decontrolling natural gas prices.

My constituents appear evenly split on whether Congress is doing enough to address unemployment. One comments:

> There's a limit to how much government spending can make up for a recessionary economy.

However, they overwhelmingly think we should do more to protect American jobs against unfair foreign trade, and would agree with my efforts to provide Trade Adjustment Assistance benefits to laidoff workers, extend the trade relief program for specialty steel, and discourage U.S. Steel's plan to import British raw steel. One constituent says:

> I strongly urge re-training of unemployed, displaced workers.

My constituents seem to feel we have cut social programs all we can, at the same time feeling we should not do any more to strengthen them, except in the area of education. Says one:

> Put education of our young as a top priority.

There was no need to ask whether we need to bring the deficit down, but three out of five oppose doing it by postponing the tax cut. However, holding back somewhat on defense increases has considerable support.

Finally, one constituent noted:

> Too bad we cannot raise the consciousness level that people are the government.

Here are the specific results:

LONG'S 1983 CONGRESSIONAL QUESTIONNAIRE

THE ECONOMY

1. Compared to two years ago, are you better off, 22 percent; worse off, 40 percent; about the same, 38 percent.

2. What has hurt you the most in the past two years? Inflation, 33 percent; unemployment, 10 percent; interest rates, 16 percent; taxes, 35 percent; cuts in Government programs, 6 percent.

3. What has helped you the most? Tax cuts, 23 percent; reduced inflation rate, 38 percent; lower interest rates, 12 percent; increase in wages or salary, 12 percent; family more fully employed, 8 percent; Government deregulation, 7 percent.

4. Do you expect to be better off during 1984? Yes, 49 percent; No, 51 percent.

UNEMPLOYMENT

5. Should Congress pass a jobs bill that does even more to relieve unemployment than the recent $4.6 billion bill? Yes, 47 percent; No, 53 percent.

TAXES

6. Do you want to repeal the federal law to withhold 10 percent of interest and dividend income? Yes, 77 percent; No, 23 percent.

DEFENSE

7. Do you support a freeze on nuclear weapons, if it is mutual and verifiable? Yes, 74 percent; No, 26 percent.

THE PRESIDENT'S BUDGET

8. What should Congress do with the President's Budget Proposal? "Stay the Course," give it more time to work, yes, 72 percent; no, 28 percent; cut social programs even more than the President has proposed, yes, 35 percent; no, 65 percent; restore spending on social programs, yes, 42 percent; no 58 percent; postpone the income tax cut scheduled for July 1, yes, 41 percent; no, 59 percent; slow the planned increase in defense spending, yes, 67 percent; no, 33 percent. Other?

ENERGY

9. Do you support the President's proposal to decontrol natural gas prices by 1986? Yes, 61 percent; no, 39 percent.

TRADE

10. Do you support more protection of American industry and labor against "unfair" foreign trade? Yes, 73 percent; no, 27 percent.

EL SALVADOR

11. Do you support the President's request for increased military aid to El Salvador? Yes, 31 percent; no, 69 percent.

REAGAN

12. On the whole, is the President doing a good job? Yes, 58 percent; no, 42 percent.

THE "CHALLENGER" MISSION

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. LIVINGSTON. Mr. Speaker, on June 18, the space shuttle *Challenger* was launched at Cape Canaveral, making it the seventh successful launch in the NASA space shuttle program. In addition to the satellites and NASA experiments aboard the shuttle, the *Challenger* also carried with it a series of experiments called getaway specials. Orbit '81 is one of these getaway specials, and it is designed completely by high school students in Camden, N.J.

As a member of the Congressional Space Caucus, I would like to acknowledge the accomplishments of these high school students. They have creatively used a colony of carpenter ants to show the effects of weightlessness in space. This project has helped the students to take a new interest in science and engineering in their school. It is also yet another example of the positive effects our space program has back here on Earth.

I would just like to congratulate these high school students on their hard work and initiative on their project, Orbit '81.●

FLAWED FOREIGN POLICY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. FLORIO. Mr. Speaker, the administration's policy regarding Central America is causing concern among millions of Americans that we once again are stepping slowly but surely into the quagmire that was once Vietnam.

One American adviser is dead already, and fears abound that one day soon the administration will add U.S. troops to its wish list of military aid for the region.

For this reason I reintroduced in this session legislation that would require specific approval by Congress before any U.S. combat troops could be ordered to Central America.

The administration's relentless push for a military solution to the region's conflicts completely ignores the roles that economic and political solutions could play.

This single-minded military approach recently was the subject of an opinion page article in the Bergen Record, a newspaper published in Hackensack, N.J., written by Rev. Joseph T. Eldridge, a Methodist minister who is director of the Washington Office on Latin America. Supported by a variety of church groups, the organization disseminates information about the region.

I would recommend Reverend Eldridge's article to the attention of my colleagues and ask that it be reprinted in the Record at this time.

[From the Hackensack (N.J.) Bergen Record, June 14, 1983]

FLAWED FOREIGN POLICY

U.S. ACTIONS IN LATIN AMERICA ONLY ALIENATE OUR FRIENDS

(By Joseph T. Eldridge)

One of President Reagan's favorite themes these days is the Marxist threat posed by revolutionary movements in Central America. He apparently believes that it's a good political warm-up for the 1984 presidential sweepstakes. His accomplishments are significant. Since addressing a joint session of Congress, the president has scattered the Democratic opposition and salvaged most of his military-aid programs for the region.

But even as he tries to win the war in El Salvador, tries to save his secret war against Nicaragua from congressional efforts to curtail it, and effectively neutralizes the Democratic opposition, he's losing the rest of the hemisphere and jeopardizing U.S. security interests for years to come.

In his major Central America address in April, the president declared that Central America's crisis directly affects the security and well-being of our own people. The problem, as he views it, comes from the Marxist threat represented by revolutionary movements in the region.

While making appeals for dialogue and negotiations, Mr. Reagan is pursuing a rapid military strategy to contain and eventually destroy these supposedly unfriendly forces. He asks for more military aid to combat the guerrillas in El Salvador, more military aid for Honduras, and a resumption of military aid for Guatemala. Moreover he appeals to the Congress to let him continue his covert war against Nicaragua.

This is a policy guaranteed to produce disaster. Until the underlying social and economic causes of the insurgencies in Central America are seriously addressed, they will spread and deepen. A military response only raises the level of violence and prolongs the war. By escalating U.S. military involvement, President Reagan besmirches the reputation of the United States in this hemisphere and calls up memories of the gunboat-diplomacy era, when U.S. Marines enforced orders at gunpoint.

Paradoxically, by using apocalyptic language to describe the threat to our national security, he hastens the day when Central America could become another apocalypse. Nothing would more directly affect the security and well-being of our own people than a region-wide war in Central America, yet President Reagan's own policy steadily increases the danger of such a conflict.

President Reagan also admonished the American people not to "lose sight of our neighbors to the south." Ironically, no president in recent history has been so isolated from the rest of the hemisphere. The White House is out of sync with our Latin allies.

On the day before the Reagan address, President Figueiredo of Brazil, visiting Mexico at the invitation of President Miguel de la Madrid, warned the United States not to intervene in the hemisphere. He suggested that Brazil and the rest of the continent would quickly unite to defend any nation whose sovereignty was threatened by U.S intervention. Figueiredo strongly endorsed the diplomatic initiatives of the "Contadora group"—Mexico, Venezuela, Colombia, and Panama—allies of the United States who've tried to undo the damage wrought by U.S. policy and to find peaceful solutions to Central America's conflicts.

By using apocalyptic language to describe the threat, Reagan hastens the day when Central America could become another apocalypse. Nothing would more directly affect us than a region-wide war in Central America, yet his own policy steadily increases the danger.

Mexico agrees with the Reagan administration that the turmoil jeopardizes hemispheric security but comes to very different conclusions about how to deal with it. President de la Madrid has joined others in insisting that peace talks must be started to reduce tension.

Although the progress hasn't been encouraging, the Contadora countries, led by Mexico, continue promoting talks as the only viable solution. During the past year, international support for the Mexican position has grown substantially. Governments that initially supported Reagan have diverged from this Central American blueprint.

The Contadora countries' approach to the region currently enjoys the active support of the Dominican Republic, Brazil, Spain, France, Italy, the Scandinavian countries, the Netherlands, and Canada, as well as the passive support of Costa Rica and Ecuador.

No U.S. president can expect to act unilaterally in Latin America without damaging our relations with the whole region. The administration's stance is viewed with growing alarm by political leaders of all persuasions in Latin America. By refusing to halt support for covert funding for a war against Nicaragua and by saying that U.S. troops are not being sent because they "are not needed and have not been called for," President Reagan insults not only Nicaragua but every country in the hemisphere. Each nation must be privately asking itself whether it would be subjected to similar treatment should it diverge from the president's prescription for nationhood.

Mr. Reagan's belligerency is creating a wave of anti-Americanism in the region, even among traditional political conservatives. The nationalist Blanco Party of Uruguay, a bastion of conservative philosophy, lashed out at the administration's presumptuous behavior in Central America. Similar editorials and newspaper articles have appeared in news magazines from the Rio Grande to Patagonia.

Latin Americans are particularly sensitive to President Reagan's double standard, better known as the Kirkpatrick doctrine, which uses arcane and scholastic distinctions between authoritarian and totalitarian governments to justify a policy of aggression toward Nicaragua and apologetic silence toward El Salvador's death squads. President Reagan pretends to champion freedom by harshly attacking the Sandinistas.

But if the United States is such an implacable foe of tyranny, why is it supporting the military governments of Uruguay and Chile? Where is our support for freedom fighters in those countries?

If President Reagan wants to preserve our national security, laying the groundwork for a lasting and just peace, Central America is a good place to start. Besides the obvious advantages for the region, it would also begin to restore a measure of good will among our principal allies.●

PROPOSED REGULATIONS FOR THE 1983 COMBINED FEDERAL CAMPAIGN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mrs. SCHROEDER. Mr. Speaker, tomorrow the Office of Personnel Management will issue proposed regulations for the 1983 Combined Federal Campaign which would exclude many of the charitable advocacy organizations that have participated in recent campaigns. OPM's delay in issuing the regulations, and the additional time required to process comments and appeals, have already caused extensive harm to the fall campaign. My constituents in Denver are served by a large number of organizations which receive CFC funds, and the delay and confusion sparked by the new regulations may severely impair the services these organizations can offer to Denver's citizens.

Because activities for the CFC have already been greatly delayed, I support Representative Barney Frank's proposal that the administration conduct the 1983 CFC under existing regulations and eligibility determinations.

I strenuously oppose OPM's proposal to exclude charitable organizations which spend more than 15 percent of their budget on litigation or advocacy before legislative or administrative bodies. This limitation closely parallels the antiadvocacy language used in the now withdrawn proposed revisions to Office of Management and Budget Circular A-122. OPM's proposed limitation on the percentage of resources an organization can spend on administrative advocacy while remaining eligible for CFC participation is far more expansive than the restrictions of title 26 United States Code, section 501(c)(3).

OPM may have already crippled the 1983 campaign. By law, OPM must allow time for public comment, administrative review of those comments; final regulations must be promulgated, and eligibility and appeals determinations made. All this must be done before the campaign materials can be printed and distributed. In addition, excluded charitable organizations may seek injunctions to stop the CFC until their applications and appeals are resolved. Allowing the CFC to be conducted under these regulations would lead to a nightmare of confusion, delay, and litigation.

The CFC is a highly successful program. Federal employees have demonstrated their preference for a wide variety of potential recipients, including advocacy organizations. This choice should not now be restricted by arbitrary regulation.●

THE NEED FOR A PEACE ACADEMY

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. WALGREN. Mr. Speaker, during recent days the House has taken up the fiscal year 1984 DOD authorization bill which would authorize $187.8 billion for DOD procurement, research and development, operations and maintenance, and civil defense programs. This total dollar figure does not include bilions of dollars in military funding that is taking place in other Government agencies such as the Department of Energy where we are spending $6.8 billion on nuclear weapons. There is broad agreement that some degree of increased military spending is necessary for our own protection through deterrence. But peace through war is not a lasting solution.

In this debate the proposal establishing a U.S. Academy of Peace and Conflict Resolution has been largely overlooked and ignored in my review, this effort should be given much higher priority in our discussion.

I, along with 145 other cosponsors, believe establishing a Peace Academy as proposed by H.R. 1249 can make a crucial contribution to our defense. The development of a Peace Academy was first considered by the Commission on Proposals for the National Academy of Peace and Conflict Resolution, established in 1978. Their subsequent recommendations came after a year of research and interviews demonstrated the need for such a centralize institution to coordinate the varied attempts of policymakers to obtain peace.

Under this bill, the efforts of the Peace Academy would be focused on teaching peace in contrast to the focus of the long-ago-established military academies on war. The Peace Academy would be an interdisciplinary institution devoted to international peace studies and research to advance conflict resolution techniques.

There are basically three thrusts we could expect from a Peace Academy: Focused research, information distribution and training in conflict resolution resulting in more sensitive public discussion of Government policies.

The principal office of the Academy would be maintained in the District of Columbia. A Board of Directors, consisting of 15 presidentially appointed, Senate-approved members would oversee the Academy. The Academy would be an independent, nonprofit, national institution created to serve the people and the Government.

The Congress pours great amounts of time and effort into military defense budget debates, not to mention great sums of money. H.R. 1249 calls for only $5 million for 1984, and $8 million for the fiscal year 1985 in establishing the Academy. By comparison, the entire first year's funds necessary for the Academy would be covered, more than 100 times over if we were to build one less B-1 bomber. Despite this comparatively modest proposal, the Reagan administration still opposes the Peace Academy.

Mr. Speaker, I feel this bill has been neglected for too long. It is time that the United States establishes an institution to pursue peace, much as Alfred Nobel established the peace prize decades ago to recognize individual efforts to avert war. And, if Alfred Nobel had reason to give some effort toward peace because he was instrumental in the development of dynamite, the Congress has reason to support this kind of effort by factors and a hundredfold greater than called for by the proposal. By debating defense programs and defense budgets and ignoring the Peace Academy, we forfeit our standing to consider ourselves "peacemakers." The Academy represents one of the best hopes to produce tangible results.●

ANOTHER SIDE OF THE NICARAGUA STORY

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. NEAL. Mr. Speaker, the tragic news today that two American newsmen have been killed along the Guatemala-Nicaragua border heightens again our sensitivity to and concern for events in Central America. Because they were killed, we will never know what they may have observed or discovered on their excursion in this dangerous territory.

I, for one, believe that every piece of information we can get from that area is important, because on a fair and objective evaluation of all the information rest decisions that are critical to the United States and the Western

Hemisphere. And while it may be difficult to sort through the bias that appears to color many reports, until we see and understand the whole picture, it may be impossible to devise a solution that works for the common good of all the people of our continent.

For that reason, I want to place in the RECORD a report by the North Carolina Interfaith Task Force on Central America, which recently spent 8 days in Nicaragua. The task force included 28 persons, representing 12 religious denominations affiliated with the North Carolina Council of Churches. Its purpose was to assess the Nicaraguan development process, the conditions, and attitudes of the Nicaraguan people, and the impact of current U.S. policy on Nicaragua and the Central American region.

I submit the report as another piece of information that may be useful to my colleagues. It is, as they will see, another side of the story. The report follows:

REPORT OF CAROLINA INTERFAITH STUDY TOUR TO NICARAGUA

From April 8-15, 1983, 28 persons representing 12 religious denominations and 13 cities visited Nicaragua to assess the Nicaraguan national development process, the conditions and attitudes of the Nicaraguan people and the impact of current U.S. policy on Nicaragua and the Central American region. The group included Dr. John McLeod, Executive Director of the Presbyterian Church, US of North Carolina, Sister Evelyn Mattern, North Carolina Council of Churches and Rev. Bernard Michel, editor of the North American Moravian. A number of the people in the group had served as missionaries, as AID and Peace Corps consultants, as analysts and historians of Nicaragua, Central America and the Caribbean region.

During our visit we met with many Nicaraguans. We traveled to the Honduran border, to the Atlantic coast, the Leon and Masaya. Discussions with leaders of C.O.S.E.P., the businessmen's association, La Prensa, the opposition newspaper, and with Moravian ministers critical of the Sandinistas, with church and government leaders on all levels who were supportive, and with a variety of people on city streets and in the countryside afforded us a multi-faceted view of Nicaragua. We did not find the Sandinista government to be perfect; we did find that it is not the repressive regime that is portrayed in the United States. Moreover, we were struck how under tremendous odds the Nicaraguan government is going forward with the national development process, and has the basic support of the majority of the population in this endeavor.

The present policy of our own country toward Nicaragua both saddens and angers us. The course being pursued by the United States to destabilize Nicaragua via Honduras violates both the letter and the spirit of national law as established in the Boland amendment of the U.S. Congress, as well as international principles embodied in the charters of the Organization of American States and the United Nations. It also serves to force Nicaragua to consolidate a relationship with the Eastern bloc that might otherwise be avoided.

We were aware of the eagerness of a number of military and foreign policymakers in Washington for the United States citizenry to shed itself of the "Vietnam syndrome." A concerted effort is being made to convince us that our security as a nation is gravely threatened by recent developments in Central America, and that a military solution to this threat is both viable and necessary. We strongly disagree and find ourselves identifying with Thomas Jefferson's sentiments in his assessment of slavery: "I tremble for my country when I think that God is just."

IMPACT OF CURRENT U.S. FOREIGN POLICY AND THE REGIONALIZATION OF THE WAR IN CENTRAL AMERICA

Three years ago at the ripe age of ten, Maria became a teacher. With other students, she left her home in Leon for three months to teach in the national literacy crusade. This year, a seasoned veteran, she went to the northern war zone to harvest coffee Maria's brother, Tomas, is also at the northern border, armed and in the uniform of the Sandinista National Militia. Their mother directs a tailoring cooperative for former prostitutes back in Leon; their father, a doctor, runs a public clinic.

This Nicaraguan family is fully involved in the drive to transform Nicaragua into a country of peace, justice and equity—even for the poor. But the family's current situation underscores the dominant national reality; Nicaragua finds itself at war, an undeclared war in which the principal enemy is perceived to be the United States. Not only is his young son called upon to fight but the doctor finds medicines for the ordinary people he works with to be in short supply, since wounded at the front get first priority. Maria, too, has felt the impact of the war. Two friends, Church workers from Esteli who volunteered their services with her, were abducted from the coffee groves only a few kilometers from the Honduran border. Two youths who had escaped from the "contra" camp in Honduras brought news that gave little hope. They reported that the man and woman had been naked and terribly bloody when they were displayed to prisoners as examples of what would happen to Nicaraguans who would not cooperate with their "liberation movement." Friends of the Church people have little hope that they are still alive.

Newsweek's November 1982 article on the U.S.'s "secret war" in Central America and a host of other recent newspaper and magazine stories in this country confirm Nicaraguan allegations that the "contras" have received money, arms, and training from the United States, often through the agency of the Honduran military establishment. We ourselves viewed captured U.S. uniforms as well as weapons from a variety of countries, including the United States, on the northern front. The United States's undeclared war against Nicaragua is in violation of the Boland Amendment passed by the U.S. Congress, as well as the charters of the Organization of American States and the United Nations. Sergio Ramirez, one of the three members of the Nicaraguan ruling junta, lucidly summed up the sentiment we found to prevail throughout the nation: "When a powerful and rich country thinks a frail neighbor is a threat to its security, the results can be disastrous. We are victims of an insane policy by the Reagan administration."

In this section of the report, we focus on the reality of war in Nicaragua, but also on the U.S.'s role in the regionalization of that war throughout Central America. Despite being civilians and from a country perceived as an enemy, we were taken to the northern war zone and allowed complete freedom to talk to victims of recent aggression. What follows is a portion of what we saw and heard.

West of the northern regional market center of Jalapa, a small dirt road off the main artery meanders north to El Limon. Located in rich coffee territory El Limon's hilly groves lie only four kilometers from the Honduran border. The villagers told us that there was steady work and, for the first time, ample credit was being made available by the national government. But, they asked, how could they or their children go to harvest coffee when they never knew if they would be attacked or kidnapped by the marauding "contras"? Attacks have come more than once, most recently at dawn just a week before our visit. Different townspeople estimated the number of invaders as anywhere from 50 to 150, but all were clear that they were unwelcome. The contras were turned back by twelve local militiamen and nine regular Sandinista soldiers. But the people continue to live in fear of their return. They feel lucky that so few were able to turn back so many but wonder what the result will be next time.

Interestingly, El Limon is a community that previously was not fully committed to the Sandinista government. Many members of Somoza's dreaded National Guard had come from this area and are now among the exiles attacking from bases in Honduras. When a brother or an uncle appears in the village with money on a recruiting trip, it can be a tough decision not to join him. But following repeated acts of terrorism, fewer and fewer in town want anything to do with the "contras."

Consider Palma, a Baptist preacher. He has four daughters whose age range from 12 to 22. He was warned that the "contras" had singled them out for abduction, to serve as "their women" and cooks in the Honduras camps. Palma took the threat seriously and left El Limon, because a young Baptist girl of eleven had already been kidnapped while picking coffee during the harvest. Several days later, the child had been found but with her breasts cut off and terribly violated. Others from the region confirmed this account and told similar stories to their National Baptist Convention. Such atrocities have cost the "contras" any credibility they might have had; increasingly border towns like El Limon look to Managua for protection.

El Porvenir is at the end of the road northeast of Jalapa. There we watched a bus travelling a couple hundred yards away on a Honduran road that winds along the border. Just one day before a hidden locale behind the road had been the source of devastating mortar fire. El Porvenir's rich tobacco fields and the barns drying the crop were razed. We walked through the still smouldering ashes and twisted roofing of the barn. Yet much more frightening than the loss of valuable property were the severe injuries inflicted to workers who had been sleeping in the housing of the state cooperative. A grandmother with an 8 month old infant as well as two other young grandchildren were all rushed to the Jalapa hospital in critical condition. The mother of the children still shaking like a leaf, showed us the blood-spattered walls of the house. "I was sure they were already dead; they were so badly hurt. I wanted to die too."

There workers know they are under constant surveillance from the Honduran hills at the end of their fields. Trenches on the

settlement's outskirts and family bunkers have been dug. But when the attack came, only two soldiers were in the area to help the small local militia confront 200 contras. It dawned on us "gringos" that our presence might be all that was keeping the area free from attack that very day. Indeed, we were later informed that, less than a half hour after we left the border, a new attack began only a few kilometers further east.

In both El Porvenir and El Limon, it was clear that part of the "contras" objective was to disrupt the economy. Attacks have focused upon workers in the field rather than on columns of regular soldiers. Despite the ever-present fear, daily chores continue in the war zone. Last year, with the aid of a national mobilization of thousands of volunteers, a record coffee harvest was brought in. Yet, this year there will be no way to recoup losses such as El Porvenir's burnt tobacco. Nicaraguans are even more concerned about an increase in attacks further west on the border near the Pacific, a zone of prime food production.

Several sources suggested that there have thus far been several stages in the "contra" campaign. First, there were simple hit and run actions combined with an attempt to recruit or kidnap new members. Then, efforts to disrupt the economy were intensified. Now government leaders feel a new phase has begun in which portions of national territory will be contested for use as a base from which to topple the Sandinista regime. Attacks on the Atlantic Coast have been more sporadic and are regarded as diversionary to make to the main thrust in the hills of the Jalapa region easier.

The former National Guard who are the main fighting force of the "contras" include many thousand who were imprisoned right after Somoza fell in July 1979. They were released by the Sandinista government only to flee to Honduras and be rearmed. Nicaraguan sources testify to capturing weapons from the rebels that apparently were left behind by American personnel following joint U.S. Honduran military exercises. Intended for the Honduran Army, they have found their way into the hands of the "contras."

For Nicaragua, the cost of the war is not measured only by the roughly 20 percent of the national budget that goes directly into war materiel. As in all wartime situations, the government must also contend with decapitalization in the private sector because of lack of confidence. Moreover, a broad range of human and financial resources must be allocated to the war effort; medicines, road building equipment, and personnel are all diverted to defense. Relations with neighboring countries are strained, and the energies of a whole people become stretched thin attempting to deal both with the war and the social goals of the Revolution.

But the effect of U.S. destabilization has been equally devastating for the people of Honduras. We met with several Hondurans forced to flee the mounting repression in their country, people who are still sought by Honduran intelligence in Managua. Each gave personal testimony of gross mistreatment by either military or government security officials: (1) a priest whose "crime" it was to minister to Salvadoran refugees in camps along the western border, (2) a peasant in his parish whose downfall was to preach the Word of God as a Catholic lay delegate, (3) university students who publicly opposed the brutal treatment of Salvadorans and their own people. All had been tortured, often with electric shock prods; two of the women repeatedly had been raped. These unfortunate people confirmed the existence of secret prisons, for the training in torture methods of Honduran military and intelligence officials by Argentine and Israeli "specialists." They also repeated a current campaign to murder selected leaders of peasant, labor and student organizations. The priest bitterly protested: "This is the gift of North American democracy—to strengthen the hand of the military so that they can suppress all popular organizations and expression of our people."

We must add that all this is occurring in a country which has no previous history of systematic violence characteristic of Guatemala and El Salvador.

CURRENT NATIONAL DEVELOPMENT PROCESS IN NICARAGUA AND THE ROLE OF THE CHURCH

As a church related group we found one of the most impressive accomplishments of the Nicaraguan revolution was the vital, even essential role of the church in the process of national development. To our surprise we discovered that the revolution has transformed a traditional evangelism of the word into a new and vibrant evangelism of action. This expression of faith had become a basic tool for bringing about a transformation of the people and was recognized as such by both the church and the state. Dr. Sergio Ramirez, a member of the ruling junta exemplified this attitude when he urged us to judge the government by its actions.

This combining of faith with action partly accounts for the strong ecumenical spirit among the churches where being involved directly in mission has taken precedence over doctrinal debates. We found the churches involved with the revolution to be alive and thriving; their worship services packed. We found that the speeches at the popular mass combined the purposes of the revolution with personal faith commitment resulting in a call for all believers to care for their neighbors. The churches which remained focused on doctrinal matters seemed to lack vitality.

We found in attending various religious services, during conversations with religious leaders and in visits to religious mission stations and offices a consistent pattern in which the churches supporting the revolution were making Christian action the center of faith and an outgrowth of the scriptures. We were especially impressed with the commitment of both the church and the state to the needs of the poor. This shared concern has brought the two institutions into a relationship of comfortable coexistence without structural union. Each institution remains autonomous and is able to engage the other in creative dialogue over points of mutual concern.

We found there to be a clear process of translating the concerns of the Medellin Conference where the Latin American Bishops of the Catholic Church unanimously took a public stand against institutional poverty as being against the will of God. The actions resulting from this stand within the context of the Nicaraguan revolution has had a profound impact on Catholic as well as Protestant church life. Most of the churches stress the dignity of all people regardless of social class. We found policies being implemented which made women equal to men, helped children with special needs, reform of the prison system, elimination of the death penalty, aid provided to the handicapped, help for refugees, comfort given the elderly and guarantee to all people basic education, health care, a good diet, a home and work. As one religious worker put it, "It is so easy to practice Christianity here."

We found the energy level of the Christian workers nearly inexhaustible although stretched to their limits. There was so much to do, often with very few resources due to their being in a state of war, that burn-out was beginning to become evident. Nonetheless, the people remained totally committed to the promises of the revolution.

People everywhere were different from what we expected to find. They were well informed, had faith in themselves, were completely committed to the process of serving one another, and freely expressed their frustrations with the revolution in those areas where it had failed. We found no one, however, who wanted to return to living under a Somoza type government.

We found their self assurance had expanded their concern for others. They had compassion for those within the religious community who opposed the revolution and they prayed for the day when they too would understand this new form of evangelism. We felt that this feeling of concern was a gift that could not be taken from the people. We heard numerous times that the only way this revolution would fail would be by killing all the people. They had sacrificed too much to gain what they had and were willing to continue to sacrifice if necessary to keep the resolution alive. We came away with the impression that this revolution was rooted in the Christian faith of the people and had made a permanent change in the Nicaraguan people. We felt that we were interacting with a truely "new" people.

HUMAN RIGHTS

We have found that basic human rights to life, liberty and the pursuit of happiness have been improved tremendously in Nicaragua by the Sandinista revolution. Significant gains have been made in health, education, status of women, housing, nutrition, personal security, and participation in decision-making.

We saw children receiving polio vaccinations and learned that in 1982 for the first time in history, no new cases of polio were found. We visited women's organizations and learned of laws giving women and children equal rights for the first time.

We found that expression of political opinion is vigorous and open. Critics and political opponents in Nicaragua do not suffer the disappearances, torture and murder which prevailed before the revolution and still occur in neighboring countries. Each week government leaders meet citizens in an open session, broadcast live, where complaints and criticisms may be aired. The press is partly free, and often critical, but subject to some censorship. Restrictions on freedom of expression are likely to increase and gains in human rights are likely to diminish, under pressures created by the growing undeclared war of the United States against Nicaragua.

Moravians in our group studied the Moskito Indian question and visited them on the Atlantic coast. All the Sandinista leaders now recognize that the first encounters between the new government and the Indians were poorly planned, and led to violence. This generated a lasting distrust which is being exploited as a part of the CIA's destabilization program. We fear that this will bring new and tragic suffering to the Moskito Indians.

We met with refugees from EL Salvador, Honduras and Guatemala. The Nicaraguan

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program for receiving and resetting these refugees deserves world recognition for the humane quality of its care and assistance. We reflected on the contrast between this and the way Haitian refugees have been kept in prison-like camps in our country.

The success of Nicaragua in improving life for the vast majority of her people is a symbol of hope for the poor of Guatemala, Honduras, and El Salvador. In these countries, teachers, doctors, ministers, lay church leaders, labor leaders, and others who help the poor organize for self-improvement are being tortured and killed.

While world attention has been focussed on the struggle in El Salvador, large-scale massacres of Indians are being committed in Guatemala by General Rios Montt. The introduction of the United States military and CIA forces into Honduras and the rebuilding of Somoza's former national guard for an invasion have resulted in an increasing level of violence and repression now In Honduras.

It is clear that the rising violence in Central America is linked to the increasing U.S. military intervention in the region. U.S. taxpayers are financing undemocratic governments which maintain control through systematic terror, while seeking to destroy the one government in the region which has created a better life for the people.

CITCA INTERFAITH STUDY TOUR TO NICARAGUA PARTICIPANTS

Rachel Coleen Allred, United Methodist Church, Greensboro, N.C.; Mack Arrington, Quaker, Greensboro, N.C.; The Rev. Henry Atkins, Episcopal Church, Greensboro, N.C.; Ms. Treadwell Atkins, Episcopal Church, Greensboro, N.C.; Dr. Jefferson C. Boyer, Community Church, Chapel Hill, N.C.; Jerome Friar 493-1539; Sister Marge Grabarek, Roman Catholic, Raleigh, N.C.; Ms. Caroline R. Gramley, Moravian Church, Greensboro, N.C.; Ms. Kathryn S. Gramley, Moravian Church, Winston-Salem, N.C.; Dr. James Hunt, Unitarian Universalist, Raleigh, N.C.; Mary Hayes Holmes, Presbyterian Church, Pittsboro, N.C.; Dr. Gilbert M. Joseph, Jewish, Chapel Hill, N.C.; Dr. John MacLeod, Ex, Dir. Presbyterian Church, U.S. of N.C., Raleigh, N.C.

Sister Evelyn Mattern, North Carolina Council of Churches, Raleigh, N.C.; The Rev. Bernard E. Michel, editor of the North American Moravia, Bethlehem, Pa.; The Rev. Ruth Minter, United Church of Christ, Indianapolis, Ind.; Dr. Amrut Nakhre, Atlantic Christian College, Wilson, N.C.; Ms. Margaret Olney, Presbyterian Church, Cary, N.C.; Ms. Gail S. Phares, Director of CITCA, Roman Catholic, Raleigh, N.C.; The Rev. Paul Robinson, United Church of Christ, Winston-Salem, N.C.; Gretchen Sabin, Episcopal Church, Austin, Texas; Mary Quinlan, Quaker, Durham, N.C.; Doug Tanner, United Methodist, Washington, D.C.; Dr. Josefina Tiryakian, Roman Catholic, Durham, N.C.; Dr. Charles Tisdale, UNC Greensboro, Episcopal Church, Greensboro, N.C.; Ms. Sue West, Episcopal Church, Greensboro, N.C.; Homer Yost, Lutheran Church, Greensboro, N.C.; and Maria Yost, Lutheran Church, Greensboro, N.C.; and The Rev. David Wiseman, Presbyterian Church, Cary, N.C.●

EXPANDING THE TARGETED JOBS TAX CREDIT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. SEIBERLING. Mr. Speaker, I am introducing legislation today to modify the targeted jobs tax credit. The purpose of this legislation is to help troubled teenagers become productive, law-abiding citizens.

Under current law, youths aged 18 to 25 who are from economically disadvantaged families can be certified for the credit. Under my bill, youths aged 16 to 18 from disadvantaged families could also be certified if they have been charged with a delinquent, unruly, or incorrigible act and have been referred to a court as a result. The certification would be sought by the court in order to help these youngsters find jobs and straighten themselves out.

Mr. Speaker, this House has demonstrated its commitment to efforts to help the youth of today find meaningful, productive jobs. Another bill for that purpose which I sponsored, the American Conservation Corps, was passed overwhelmingly by the House earlier this year. I urge similar speedy action on this important legislation.●

SOVIET JAMMING OF THE VOA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BROOMFIELD. Mr. Speaker, let me share with you an interesting article which recently appeared in the Washington Times newspaper concerning the Soviet Union. I believe that my colleagues in the House will find the following article quite informative concerning the Soviets' true attitudes regarding the free flow of information and news.

In spite of the Soviets' efforts to try to convince the world that they truly believe in freedom and open access to information, they show their true colors when they selectively jam transmissions beamed toward Poland and the Soviet Union which may be even slightly critical of the Soviet Union or its foreign policy objectives.

Last year, during the Polish crisis, the Soviets began intensive jamming of VOA Polish-language broadcasts directed at Poland. Just last week, as the article notes, the Soviets again began jamming the VOA's coverage of the Pope's appearances in his homeland. The VOA is providing live coverage of the Pope's activities in Poland and is also rebroadcasting the pontiff's speeches.

The Soviets are using large transmitters located in the U.S.S.R. to drown out the VOA signals with a heavy "buzz saw" jamming noise on the four frequencies being used by the VOA. It is hard to believe that in an age of advanced technology, greater understanding among the peoples of the world, and open information exchange that the Kremlin would resort to such offensive and primitive techniques.

Lest we forget, the Soviets are signatories to the Helsinki accords of 1975 which specifically state that all "participating states make it their aim to facilitate freer and wider dissemination of information of all kinds." In addition, the Soviets signed the 1973 International Communication Convention which specifically forbids jamming of radio broadcasts coming from other nations. Jamming also violates the terms of the Universal Declaration of Human Rights. I believe that this says a lot about the Soviets' real feelings concerning signed international agreements.

I am confident that all of my friends in the House will agree that resorting to jamming is a renewed demonstration of the glaring weaknesses of the Soviets' own system and of the regime they have imposed on Poland. Why do they fear the truth?

Let me suggest an answer. I believe that millions of oppressed people living in the many captive nations around the world desperately want to hear the truth about what is going on in the world and in their own countries. The truth will let them see that their own governments have been selectively controlling the news and blocking out information which they believe the masses should not hear. The truth will reveal to the masses in the captive nations of the world the real sham of many of these regimes which maintain power through coercion, intimidation, and thought control.

Let me then take this opportunity to share the sad truth about communism with all of you. In that spirit, I strongly recommend the Washington Times article to all of the Members of the House.

The article follows:

[From the Washington Times, June 23, 1983]

SOVIETS JAM VOA ON POPE

(By George Archibald)

Soviet jamming of Voice of America broadcasts of Pope John Paul II's visit to Poland is "odious, patronizing and in flagrant disregard of international agreements," VOA Director Kenneth Tomlinson charged yesterday.

The Soviets have beamed noise interference to block radio reception throughout Poland of three hours of additional daily VOA coverage of the pope's appearances since the pontiff arrived in his communist-dominated homeland last week, Tomlinson reported.

VOA is providing live coverage of the pope's activities in Poland and rebroadcasting the pontiff's speeches, Tomlinson said.

He called the Soviet action to prevent Polish listeners from receiving the broadcasts "odious because the pope stands for human dignity, patronizing because it places in the hands of a foreign power what is rightfully the decision of the Polish people and in flagrant disregard of international agreements because the Soviet Union by jamming is violating the Helsinki Accords which it signed in 1975."

Tomlinson said intelligence reports indicate that the Soviets are using four transmitters in their own country to broadcast a heavy "buzz saw" noise on each of four frequencies being used by VOA transmitters located at Woofferton, England; Kavala, Greece; Tangier, Morocco; and Munich, West Germany.

"The Soviets spend more to jam VOA broadcasts (into Poland and Bulgaria) than the Voice's entire budget (of $140 million)," Tomlinson noted. Heavy jamming of VOA's seven hours of regular weekly Polish broadcasts started with martial law rule in Poland in December 1981, he stated.

Tomlinson and State Department Counsellor Edward J. Derwinski yesterday awarded a special commendation to the 19 members of VOA's Polish Service staff for their week-long coverage of the pope's visit. The commendation "carries the weight of a battlefield presidential unit citation," Tomlinson told the staff at the presentation.

Derwinski, whose grandparents were from Poland, said, "This week, the whole world is watching Poland. It's a pity the government there is doing its best to limit access to the news."

Tomlinson cited three international agreements that he maintained were violated by the Soviet jamming of VOA broadcasts.

The Helsinki Accords state, "The participating states . . . make it their aim to facilitate freer and wider dissemination of information of all kinds."

The 1973 International Communication Convention, also signed by the Soviets, states, "All (broadcast transmitting) stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other members."

The VOA director also pointed to the U.N. Universal Declaration of Human Rights, which guarantees the right to "seek, receive and impart information and ideas through any media and regardless of frontiers."●

TRIBUTE TO W. MELBOURNE KNOX, JR.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. MINISH. Mr. Speaker, I am pleased to take a few minutes before the House to honor a fine person in my district, Mr. W. Melbourne Knox, Jr., who will soon retire from his position as township clerk and treasurer of Maplewood, N.J.

On June 30, Mr. Knox will end 30 years of outstanding and dedicated service to the township. Besides holding the positions of township clerk and treasurer, he has also been the chief financial officer, secretary to the boards of health, planning, economic development, A.B.C., and tax collector, among other prominent positions.

Throughout his prestigious career, Mr. Knox maintained a quality of excellence in his endeavors. Few people can boast the professional respect and admiration which Mr. Knox enjoys from his peers. His trademark is his high standards of professionalism in his work, and his amiable personality and character in his personal life. All of these traits have combined to make a lasting impression on the people of Maplewood.

Mr. Knox was also active in numerous charitable and civic organizations in Maplewood, often serving as an officer of the various associations. A veteran of World War II, Mr. Knox served with courage as an aerial engineer on 35 missions aboard B-17 bombers over Europe. He was awarded several different medals of commendation for his valor—including the Distinguished Flying Cross, Presidential Unit Citation, and four battle stars.

Mr. Speaker, W. Melbourne Knox, Jr., is one of those outstanding individuals whose life and work contribute so much to our society. I wish him continued success and happiness now as he can look forward to new challenges in his retirement.●

RELIGIOUS REPRESSION OF PROTESTANTS IN NICARAGUA

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. WEBER. Mr. Speaker, I believe my colleagues should carefully read the following article which appeared in the June issue of Catholicism in Crisis, a monthly journal of lay Catholic opinion published at Notre Dame.

The author, Humberto Belli, was an editor of LePresa in Nicaragua before he came to this country. He writes of religious repression of protestants in Nicaragua, as well as the use of accusation by the Sandinista's to discredit legitimate religious organizations.

I believe this article points to how the Sandinista government really treats religious, more specifically Christian, people. We should view this article in the context of what a truly democratic society would allow—free exercise of religion. The revolution in Nicaragua falls short of being a democratic society on this point.

PERSECUTION OF PROTESTANTS IN NICARAGUA—THE NEGLECTED STORY

Although many people have awakened to the fact that the Sandinista's revolutionary government have been mistreating religious leaders in Nicaragua, much of the attention has been focused on the conflict between the state and the Catholic Church, with only scant attention given to the grave events affecting the Protestant churches and other religious denominations.

Yet, the government attacks against a variety of non-Catholic groups have been harsher than those against the Catholics. The attacks have been more open, thorough, and started much earlier.

One reason for this neglect may be the fact that non-Catholic denominations are a minority—(10 percent of the population) fragmented in a variety of denominations that act independently of each other.

But there are two additional factors, that have played a decisive role in obscuring the facts. One is the confusion about the true nature of the Sandinistas. Although the Sandinistas showed their unequivocal Marxist-Leninist training from the start, they never declared themselves as such. Instead they sought to portray themselves as new revolutionaries who welcomed Christians among their ranks and were respectful of all religious beliefs.

The other factor is the great doctrinary confusion that today plagues most Christian churches in the world. Many Christians supported the Sandinistas in the beginning because they believed what the Sandinistas were saying. Others, however, sided with the Sandinistas, knowing that they were Marxist. The latter were Christians greatly affected by liberation theology, a trend of thought supportive of Marxism-Leninism which has made significant inroads in Catholic and Protestant churches. Among Protestants the most outstanding representative of this has been CEPAD, a well funded, evangelical organization that began editing books and pamphlets that preached Marxism and portrayed the Cuban revolution as the model to be followed. These groups have been campaigning in and out of Nicaragua on behalf of the Sandinistas, creating much confusion among Christians abroad.

It was not until 1982, as the clashes against Catholics stirred up unprecedented protests against the Sandinistas, both in and out of Nicaragua, that it became known that they were also attacking Protestants and other religious organizations. Yet, the persecution of Protestants had started long ago.

The first denominations to experience the weight of the Sandinista's repression were the Moravians working on the Nicaraguan East Coast. Early, in the middle of the last century, they had evangelized the inhabitants of this remote area, separated from the Western part of the country by swampy, almost impassable lands.

Former Nicaraguan governments, based on the Pacific neglected the Atlantic Coast region. The Moravian missionaries filled the gap by providing most of the schools, hospitals, and support organizations that maintained the area. When the Sandinistas came into power in 1979 they immediately announced that their top priority was to "rescue" the Atlantic Coast. They strove to reshape the lives and patterns of thought of all Nicaraguans along their lines of ideological thinking and started to replace the people's own leaders with their own authorities—many of whom were Cuban teachers and strangers. Frictions and resentments began to pile up until riots took place in the mid-1980's. The Sandinistas blamed the events on counterrevolutionary and CIA inspired forces, and began attacking the most influential Moravian pastors. Some of them were jailed and others expelled, stimulating new waves of protest and repression. Travel

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between the East Coast and the West Coast was restricted and soon the Nicaraguan government banned from publication any news dealing with the Region.

Press censorship and the isolation of the Atlantic region allowed the government to act more freely. It stepped up its attacks and dismantled the network of charitable organizations that, after a century of work, the Moravians had established. In February 1981, when Sandinista troops wanted to arrest a Moravian leader inside a church in the coastal town of Prinzapolka, a clash with the population ensured, leaving four soldiers and four natives dead. The government had to acknowledge the incident.

According to a report released by the Board of World Mission of The Moravian Church (August 1982), reliable sources indicated that many Miskito Indians, including Moravian clergy and lay leaders, had been killed or arrested.[1] In January 1982, two important Moravian pastors, the Revs. Fernando Colomens and Norman Bent, were expelled from the Atlantic Coast. In July the Rev. Santos Cleban was arrested and held in confinement from July 11 through the 25th. The same report also refers to the May closing of CASIM (The Nicaraguan Moravian Social Action Committee) which sponsored health, education, and development programs from 1976 until last January, when its director, the Reverend Bent, was exiled to Managua. Some of the CASIM property was unlawfully confiscated and since early July all religious workers in the northeastern town have been required to check in twice a day with security officials.[2]

Edgard Macias, former Vice-Minister of Labor of the Sandinista government who resigned in May 1982, called the persecution of the Protestant denominations in the Atlantic "a tragedy for this Nicaraguan sector, for centuries abandoned by all the Nicaraguan governments and that had just reached a minimum standard of life thanks to the social programs of their churches, carried out by pastors from Nicaragua, North America, and other countries."[3] According to Macias' estimates, by the middle of 1982 the Sandinista troops had destroyed at least 55 churches in that part of Nicaragua.

The Sandinistas excused their actions against the Moravians on the grounds that they had stirred up revolt in the Atlantic Coast. They have disclaimed such charges—with no avail. The 1982 report of the Moravian Church talks of church leaders who "are trying to persuade government officials that their generalized suspicion of the Moravian Church is misplaced. So far, however, their efforts to meet directly with members of the governing junta have been unsuccessful."

In the Pacific area overt actions against Protestants took more time to evolve. Isolated events, however, gave some hints as to how the Sandinistas were going to act. In the second half of 1981 Morris Cerullo, an evangelical pastor who landed in Managua in order to stage a brief round of evangelistic meetings was immediately expelled by the Nicaraguan authorities. The only explanation the government gave was that Rev. Cerullo had links with the CIA and that his trip to Nicaragua was part of a wider plan to undermine the revolution. The Sandinistas did not provide documented evidence for their accusations. Nor did they allow the victims a hearing or the right to defend themselves from any charges.

In 1981, aside from the harassments of some village pastors, almost no news of persecution surfaced. The Protestant pastors as well as the leaders of other non-Catholic denominations were conscious of their vulnerability and tried to abstain from any kind of commentaries touching the political field. Some of them even preferred to reassure the government of their loyalty.

From time to time, though, leaflets published by "revolutionary Christians" would attack a denomination (for example, the 7th Day Adventists) portraying them as Uncle Sam's puppets, clever instruments of U.S. imperialism engaged in "ideological diversionism". The government mass media often propagated this kind of accusations.

In 1982 the attacks became direct. In March, just a few days before the government cancelled all individual rights and decreed a state of emergency, *Barricada*, the official newspaper of the Sandinistas, published two front-page, 8-column reports, on the Protestants, entitled: "The invasion of the Sects." In that Report most Protestant churches were portrayed as groups of fanatics and superstitious people who liked to manipulate people's emotions and were part of a world-wide strategy of cultural penetration orchestrated by U.S. imperialists.

Shortly after these publications the attacks grew more vocal and the first physical threats were issued. Commander Tomas Borge, the Minister of Interior, said in a television speech that many sects were spreading superstitious beliefs and trying to undermine the revolution. He said that there would be religious freedom for those who were with the revolution but for those who were deceiving people and preaching negative attitudes their days had been numbered.

Something similar was said by Commander Rene Nunez, the leading national directorate, in a widely publicized speech.

In August, following renewed attacks from Borge, Sandinista mobs went to the streets to forcefully take over several Protestant churches and facilities. A variety of religious groups including evangelicals, Mormons, Adventists, Jehovah's Witnesses, and Moravians, were affected.

In a single night 20 centers were occupied by the Sandinistas who said they would turn them into CDB's (Committees for the Defense of the Revolution), a partisan organization that the government is promoting in all neighborhoods in order to better control the whereabouts of the residents.

The unlawful occupation of these Centers was portrayed in the Sandinista's newspaper Barricada as an act of defense of the Revolution. Again, the standard accusation was made: that these sects had relationships with the CIA and were engaged in counterrevolutionary activities. As usual, the government did not provide any evidence for the charges and prohibited the newspaper La Prensa, from publishing the letters of self-defense that these groups wrote.

Confronted with these events, CEPAD did not speak against the Sandinista's actions, but said, quoting its director Sixto Ulloa, that "some of the sects were at odds with the revolution and therefore the masses had acted."●

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[1] Memorandum from The Board of World Mission of the Moravian Church, Bethlehem, Pennsylvania, August 31, 1982.

[2] Edgard Macias Gomez, "Revolucion Sandinista y Religion," San Jose, Costa Rica, July 19, 1982, p. 5. (mimeographed paper).

TRIBUTE TO IRVING AZOFF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to Irving Azoff on the occasion of his receipt of the Music Industry for the City of Hope "Spirit of Life" award.

Mr. Azoff has established himself as a respected and accomplished community leader in the Los Angeles area, as well as the Nation. A resident of southern California since 1974, he heads one of the largest personal management firms in the entertainment industry. In addition, Irving Azoff has worked with major film studios to produce such award winning films as "Urban Cowboy." He has also played a role in the production of the soundtracks for such films as "Heavy Metal" and "Fast Times at Ridgemont High." Earlier this year, he was appointed vice president of MCA, Inc., and president of MCA Records Group.

As one of the premier managers and promoters in the music industry today, Irving Azoff represents such artists as the Eagles, Stevie Nicks, Don Henley, Glenn Frey, Dan Fogelberg, Styx, the GoGo's, Chicago, Christopher Cross, Joe Walsh, Boz Scaggs, Michael McDonald, Jimmy Buffett, J. D. Souther, Timothy B. Schmit, Don Felder, and Warren Zevon. He has also worked with REO Speedwagon, Crosby, Stills, Nash and Young, Joni Mitchell, and Neil Young.

The award which he is to receive from the Music Industry for the City of Hope is a most prestigious honor. In addition, a research fellowship will be established in Irving Azoff's name at the City of Hope. I know how much pride Mr. Azoff will take in accepting these honors, because of the vital work performed at the City of Hope. The advances made through patient care and research undertaken there are applied internationally in hospitals and universities. Their ongoing research into the causes, treatments, and cures for catastrophic diseases benefits many people. Men like Irving Azoff enable the City of Hope to realize its goals.

Mr. Speaker, I am pleased to be able to congratulate Irving Azoff as he receives the "Spirit of Life" awards, and I would like to offer him my personal best wishes in all of his future endeavors.●

BALTIC FREEDOM DAY

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ERDREICH. Mr. Speaker, the resolution signed into law on June 14, 1983, by President Reagan designating that day as Baltic Freedom Day serves as a constant reminder of the struggles of the Baltic people to emerge from the dominance of Soviet repression.

Untold suffering was endured and hundreds of thousands of lives were lost between 1940 and 1945 by the Estonian, Lithuanian, and Latvian people during World War II, as the Soviet invasion of the Baltic countries and the spread of Nazism left their mark.

It is unthinkable that 43 years after the invasion and occupation of these three countries, their heroic struggle to free themselves from the hegemonic control of a totalitarian government continues.

It is important that we in the United States who enjoy the inalienable rights of life, liberty, and the pursuit of happiness, continue to speak out against the illegal occupation of the Baltic countries by the Soviet Union and for the restoration of the freedoms they have been denied for so long.●

UNEMPLOYMENT BENEFITS SHOULD BE PAID AS PROMISED

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. SHANNON. Mr. Speaker, today I am introducing legislation, supported by my colleagues from Massachusetts in the House of Representatives, to stop the Department of Labor from cutting off unemployment benefits for thousands of unemployed workers weeks earlier than expected and without any warning.

BACKGROUND

As part of the Social Security Act Amendments of 1983, the Congress extended the Federal supplemental compensation (FSC) program. The new program differs from the old program in that some changes were made in the formula used to determine, for each State, how many weeks of benefits an unemployed worker can receive.

In general, under the new formula, persons first becoming eligible for FSC benefits are eligible for a maximum of 14 weeks of payments in States with an insured unemployment rate (IUR) of 6 percent or above. As under prior law, benefits are less for States with a lower IUR, depending on how far below 6 percent the IUR is. In no case, however, can benefits be paid for less than 8 weeks for new entitlements.

FOUR-MONTH REDUCTION LIMIT

The new law also contains a provision guaranteeing that the number of weeks of benefits provided under the new program can be no more than 4 weeks less than the number of weeks of benefits provided under the old program.

For example, assume that a State's IUR was 6 percent in January, and was 4.5 percent beginning March 27—the first week of the new program's operation. That State would have been eligible for 16 weeks under the old program, but only 10 weeks under the new formula. The legislation as adopted provides that this State's benefits could only be reduced to 12 weeks—16 minus 4.

In implementing the new FSC program, the Department of Labor originally interpreted this 4-week reduction limit to mean that no State would ever receive more than a 4-week reduction from what it had been receiving under the old program.

DEPARTMENT OF LABOR CHANGES ITS INTERPRETATION

The Department of Labor is now telling unemployed workers in Massachusetts and in other States that it made some mistakes in determining how many weeks of benefits will be provided. This new interpretation was just recently announced, and thousands of unemployed workers are going to have their benefits cut off weeks earlier than expected, and without any warning.

Under its new interpretation, the Department of Labor is saying that the 4-week reduction limit covered States only during the week of March 27. If, during that week, a State's IUR had dropped low enough so that the State would receive benefits under the new formula that were more than 4 weeks less than under the old program, the reduction would be limited to 4 weeks.

However, States which experience a drop in unemployment after the week of March 27 are, under the Department of Labor's new interpretation, not protected by the 4-week reduction limit.

Massachusetts is one of these States. In March and April, the IUR rate in Massachusetts entitled unemployed workers on the new FSC program to 10 weeks of benefits. But the IUR rate dropped below 4 percent in May. Under the Department of Labor's original interpretation, even with this drop in the IUR, the 4-week reduction limit would still apply and the State, which received 14 weeks under the old program, would receive no less than 10 weeks under the new program. But now the Department of Labor is saying that Massachusetts is not covered by the 4-week reduction limit and that, with an IUR rate of 3.6 percent, it should only receive 8 weeks of benefits.

This new interpretation is being put into effect without any warning. People who have been unable to find work for months, who are currently finishing their eighth week of benefits under the new FSC program, and who were told by the Department of Labor that they would receive 10 weeks of benefits, are suddenly being kicked off the rolls after their eighth week.

PROPOSAL

The bill I am introducing today would prevent this insensitive and unfair treatment of unemployed workers by extending the 4-week reduction limit to the end of the authorization period of the new FSC program.

Under the proposed bill, benefits to any given State under the new FSC program could never be reduced by more than 4 weeks below the amounts provided under the old program.

In essence, this bill would require the Department of Labor to continue to implement the new FSC program as it originally said it would, and to pay to unemployed workers the benefits it said it was going to pay.

FAIRNESS FOR THOSE IN NEED

Unemployed workers who are depending on benefits from the FSC program have been looking toward the expiration of those benefits with dread as they wait and wait for the much heralded economic recovery to bring back their jobs. To kick these people off the rolls weeks earlier than expected, without any warning, is truly unfair. The bill I am introducing today is a reasonable way to address a problem created by the Department of Labor which, if not corrected, will inequitably and unfairly disrupt the lives of thousands of unemployed workers. I urge its adoption.

A copy of the bill follows:

H.R. 3409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (B) of section 602(e)(2) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(B) The applicable limit for any State determined under clause (ii) of subparagraph (A) shall in no event be less than the number of weeks applicable to such State for the week beginning March 27, 1983, under this paragraph (as in effect for such week) reduced by 4."

(b) The amendment made by subsection (a) shall apply to weeks beginning after March 31, 1982.●

COURT'S DECISION REGARDING WAR POWERS RESOLUTION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. ZABLOCKI. Mr. Speaker, today's Supreme Court decision regarding the so-called congressional veto has far-reaching and serious implications. It warrants the fullest possible consideration. However, respected legal experts differ as to its precise meaning. Therefore, until I have a more comprehensive analysis I believe it is premature to comment.

However, as to the decision's impact on the war powers resolution, I would make the following observations.

First, to the extent that the war powers resolution fundamentally involves a power—the power to declare war—which the Constitution explicitly reserves to the Congress, I would argue that the concurrent resolution provision in it has inherent integrity and should therefore be beyond the veil of the decision.

It is also significant that the war powers resolution was enacted into law in a totally legal and constitutional manner—by overriding of a Presidential veto. On that count it would also merit protection.

Second, the constitutionality of the war powers resolution is also reinforced by the separability clause contained in section 9 which stipulates that if any provision of the resolution is held invalid the remainder of the resolution shall not be affected.

Third, the war powers resolution is uniquely crafted in that it accommodates to the reality of our modern, nuclear world. It recognizes that in an age of intercontinental ballistic missiles and fast-moving events, the President may have to act quickly to protect the national security of the United States. However, the distinctive virtue of the resolution is that it reserves to the Congress its constitutionally mandated responsibility of ultimately deciding the full legality of a Presidential action.

In short, the war powers resolution is too fundamental in both its constitutional anchorage and its practical benefit to be dismantled by the extended interpretation of this decision.●

BILINGUAL EDUCATION AND THE TWENTIETH CENTURY FUND REPORT ON QUALITY OF EDUCATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. GOODLING. Mr. Speaker, I have attached a copy of a Los Angeles Times article by Prof. Diane Ravitch which clarifies the position of the Twentieth Century Fund Report on the quality of education regarding the bilingual education issue. I would also like to stress that H.R. 2682—sponsored by JOHN ERLENBORN and me—has the same objective, that is, not to ban bilingual education but to provide flexibility to schools to determine the best methodology for teaching bilingual education which may include teaching in the native language. To quote Professor Ravitch:

> In our view it is wrong for the federal government to require any particular method or pedagogy. Never in the history of federal-local relations has a particular teaching method been imposed by Congress and the courts on local school districts. Each district should decide for itself what method is best suited to helping children achieve fluency in English. And it should be acceptable within a district, or even a single school, to offer several different methods without losing federal funds.

This point is the heart of H.R. 2682. I commend Professor Ravitch's article and hope that each Member will read it.

Professor Ravitch's article follows:

[From the Los Angeles Times, June 6, 1983]

BILINGUAL INSTRUCTION IS AN ANSWER, BUT NOT THE ONLY ONE

(By Diane Ravitch)

In recent weeks several major reports have criticized the quality of American education. Only one of them, the Twentieth Century Fund report, directly raised the issue of bilingual education. As a member of the task force that wrote the report, I have been troubled by the way in which our recommendation on this subject has been misunderstood.

Friends of bilingual education have attacked our report as a threat to the survival of their program. Critics of bilingual education have cheered us for supporting their position. Both groups are wrong. We did not recommend an end to bilingual education, nor did we recommend any other method for teaching non-English-speaking children.

What we did recommend was that the federal government should not mandate bilingual education as the best method for teaching English to all non-English-speaking children. We urged the federal government to state clearly "that the most important objective of elementary and secondary education in the United States is the development of literacy in the English language"; that Federal funds that are "now going to bilingual programs be used to teach non-English-speaking children how to speak, read and write English," and that every public-school student have the opportunity to gain proficiency in a second language.

Since we were implicitly critical of the current emphasis on bilingual education to the exclusion of other methods, critics have claimed that we were in some way in league with the Reagan Administration. It is worth noting that our 11-member panel was independent of any government agency and included well-known Democrats like Wilson Riles, the former California superintendent of public instruction, and Patricia A. Graham, the director of the National Institute of Education in the Carter Administration (now dean of the School of Education at Harvard University).

Unlike the other national commissions studying the state of the schools, our specific charge was to assess the nature of the federal role in education. We were aware that the Administration has been eager to reduce the federal presence in the nation's schools. However, we concluded that the federal government has a continuing obligation to concern itself with both the quality and the equality of educational opportunity.

We proposed federal programs to identify and reward master teachers, to encourage scientific literacy, to improve the research functions of federal agencies and to increase financial aid to districts that receive unusual numbers of immigrant children. We opposed tuition tax credits and vouchers, recommending instead that public education remain a public responsibility.

As it happened, our section on bilingual education turned out to be the most attention-getting aspect of the report. We held that literacy in English is vital because "our political democracy rests on the conviction that each citizen should have the capacity to participate fully in our political life; to read newspapers, magazines and books; to bring a critical intelligence to television and radio, . . . and to vote thoughtfully."

Under the best of circumstances, all American children should gain fluency in a second language, but, whatever the circumstances, equal opportunity in America today requires fluency in the English language.

Our task force was aware that for most of the past 15 years the federal government has pursued a policy of promoting bilingual education as the best, and in some situations the only, method to teach non-English-speaking children. In bilingual programs, children study English while continuing to learn subject-matter courses in their native languages. Bilingual education is supposed to serve as the bridge from the native languages to English.

In our view it is wrong for the Federal government to require any particular method or pedagogy. Never in the history of federal-local relations has a particular teaching method been imposed by Congress and the courts on local school districts. Each district should decide for itself what method is best suited to helping children achieve fluency in English. and it should be acceptable within a district, or even a single school, to offer several different methods without losing federal funds.

As we saw it, if a district believed that the bilingual method was the best way to teach English, then it should receive federal funds to do so. But if a district preferred to use other methods, then federal funds should also be available. The important principle, we concluded, was that the goal should be the same for all: To see that every child in the United States becomes literate in the English language.●

DEPARTMENT OF JUSTICE RETREATS ON SECTION 504 PROTECTION FOR HANDICAPPED

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. VENTO. Mr. Speaker, several weeks ago, Vice President BUSH stated the Reagan administration's commitment to protecting the rights of handicapped and disabled persons. At that time, the Vice President indicated that he did not think it was necessary for the Department of Justice to revise its guidelines for enforcing section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination on the basis of handicap for programs which receive Federal financial assistance.

Unfortunately, only a few weeks later, William Bradford Reynolds, head of the Civil Rights Division of the Department of Justice, took action which contradicts the Vice President's statement. Mr. Reynolds sent all 91 Federal agencies prototype section 504 regulations to govern the programs that these agencies operate.

In 1978, section 504 was amended so that it covered not only recipients of Federal funds, but also programs operated directly by the Federal Government itself. The rationale behind the 1978 amendments was that Congress intended that the Federal Government should be governed by the same standards as recipients of Federal funds.

The problem with Mr. Reynold's prototye regulations is not that the Justice Department is encouraging Federal agencies themselves to develop section 504 regulations. The problem is the manner in which this is being done. Organizations representing disabled and handicapped persons were not given any opportunity to review them or to suggest possible changes. The end result is that each Federal agency will now use these prototype regulations as a model for developing their own regulations. Under formal rulemaking procedures governed by the Administrative Procedures Act (APA), organizations representing the interests of handicapped and disabled persons will have to study and comment upon 91 separate sets of proposed regulations implementing section 504.

These prototype regulations also ignore congressional intent in passing the 1978 amendments to section 504 by allowing a broad defense against compliance with the law if allowing handicapped people to participate in a program would cause "financial or administrative burdens" to the Federal agency. In short, Federal agencies would be held to a lower standard than programs which merely receive Federal assistance.

The rationale for this proposed change in the regulatory framework is that it is required because of the 1979 Supreme Court decision in Southeastern Community College against Davis. The Davis case involved a deaf woman who the Court found could not meet the essential qualifications for participation in a program without fundamental alterations of that program. However, since the time the Davis case was decided, the Department of Justice itself has concluded that the existing section 504 coordination guidelines were still valid. The Department of Justice has made it quite clear that they are now retreating from this position. The prototype regulations disseminated by the Department of Justice will likely make it easier for agencies in the Federal Government to find undue financial and administrative burdens, thereby allowing those agencies to avoid compliance with section 504 under the Davis decision. This is but one more example of action by an administration which has repeatedly demonstrated that it is more interested in finding ways around the law rather than enforcing the law.●

LEGISLATION TO LIMIT TEMPORARILY CERTAIN ACQUISITIONS OF FINANCIAL INSTITUTIONS AND THE EXPANSION OF ACTIVITIES OF STATE CHARTERED INSTITUTIONS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. SCHUMER. Mr. Speaker, today I am introducing legislation that will give Congress an opportunity to address the recent revolutionary changes in the financial industry in an orderly and comprehensive manner.

Changes in the financial industry have been marked by dramatic encroachments by bankers and brokers into each others' line of business. Such encroachments run counter to 50 years of bank legislation and regulation. More frequently than not, they have resulted from the exploitation of unintended loopholes in the banking laws, and the independent actions of aggressive regulators.

The legislation I have introduced, H.R. 3413, would impose a temporary moratorium on certain types of acquisitions of financial institutions by other financial and nonfinancial institutions, and would restrict the expansion of State-chartered institutions into activities—such as the sale of insurance out of State and the underwriting to securities, which would have the effect of circumventing the intent of current banking laws.

This legislation has been suggested by the Federal Reserve Board, and has been introduced as drafted by the Board with only one change: in the Fed version the moratorium would expire on December 31, 1983—which has been introduced in the Senate by Senators GARN, HEINZ, PROXMIRE, and DODD—in the version I am introducing today, the moratorium would extend until December 31, 1984. I believe that it is unrealistic to expect Congress to act on comprehensive legislation in such a complicated area without a series of hearings and an opportunity to examine competing proposals for the future shape of our financial system.

The deregulation of the banking industry has, thus far, brought tremendous benefits to consumers, including greater convenience, a wide variety of services, and market rates of return on their money. But consumers have faith in newly available types of accounts and services only because bank regulation has emphasized the continuing safety and soundness of the system. A moratorium will allow Congress to keep the benefits of deregulation intact, while we devise a new framework that will preserve the safety and soundness of the system well into the future.

Mr. Speaker, I insert the text of the bill in the RECORD:

H.R. 3413

A bill to limit temporarily the acquisition of depository institutions and the commencement of certain new activities by state chartered depository institutions and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. The effective date of this Act is the date of its enactment and this Act is hereby repealed on December 31, 1984.

SEC. 2. On or after the effective date of this Act, no company that is engaged directly or indirectly, including through a subsidiary, in any activity not permitted for a bank holding company under section 4 of the Bank Holding Company Act shall acquire control of any insured bank, and no company shall acquire control of insured banks in more than one state without prior approval under the Bank Holding Company Act.

SEC. 3. On or after the effective date of this Act, no company that is engaged directly or indirectly, including through a subsidiary (other than an insured institution), in any activity other than an activity permitted for a multiple savings and loan holding company on the effective date of this Act under subsection (c)(2) of section 408 of the National Housing Act or for a bank holding company under section 4 of the Bank Holding Act shall acquire control of any insured institution, except as provided in subsection (m) of section 408 of the National Housing Act.

SEC. 4. No company that acquires or acquired control of an insured bank or insured institution on or after June 23, 1983 (the date of introduction of the bill), shall retain control of such bank or institution on or after the effective date of this Act and engage directly or indirectly, including through a subsidiary (other than an insured institution), in any activity other than an

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activity permitted for a bank holding company under section 4 of the Bank Holding Company Act or for a multiple savings and loan holding company under subsection (c)(2) of section 408 of the National Housing Act, unless such insured institution was acquired pursuant to subsection (m) of section 408 of the National Housing Act. After the effective date of this Act, no company shall retain control of insured banks in more than one state that were acquired on or after June 23, 1983, unless such banks were acquired with prior approval under the Bank Holding Company Act.

Sec. 5. On or after the effective date of this Act, no state-chartered depository institution may commence, either directly or indirectly, including through a subsidiary, any activity not previously and lawfully engaged in by that institution unless (a) such activity was authorized for that type of institution explicitly and not by implication by a state statute adopted, or by interpretation promulgated thereunder, prior to January 1, 1983; (b) such activity is permitted under section 4(c)(8) of the Bank Holding Company Act for a bank holding company; or (c) such activity is explicitly authorized by a state statute, or interpretation promulgated thereunder, and is performed exclusively in the state authorizing such activity for customers present in that state; provided, however, that this section does not authorize the conduct of any activity currently prohibited to state chartered depository institutions under sections 20 or 21 of the Glass-Steagall Act. Nothing in this section shall prohibit a state chartered savings and loan association or savings bank from engaging in any activity expressly permitted for a federal savings and loan association or savings bank under the Garn-St Germain Depository Institutions Act of 1982.

Sec. 6. Any state-chartered depository institution that commenced, directly or indirectly, including through a subsidiary, on or after June 23, 1983, any activity that would have been prohibited by this Act if commenced after enactment of this Act shall, upon enactment of this Act, immediately terminate such activity.

Sec. 7. The provisions of this Act shall be enforced by the appropriate federal agency under the Financial Institutions Supervisory Act of 1966, as amended, and for this purpose any company that controls an insured bank shall be treated as a bank holding company.

Sec. 8. For purposes of this Act, the terms:

(a) "bank holding company," "company," "control," and "subsidiary" have the same meanings as provided in section 2 of the Bank Holding Company Act;

(b) "depository institution" has the same meaning as provided in 12 U.S.C. 461(b);

(c) "insured bank" has the same meaning as provided in 12 U.S.C. 1813(h) and shall also include any institution that is eligible to become an insured bank under 12 U.S.C. 1815, and any institution that accepts deposits that the depositor may withdraw by check or similar means for payment to third parties and engages in the business of making commercial loans. The term "bank" does not include any foreign bank having an insured branch or an institution expressly exempted under section 2(c) of the Bank Holding Company Act; and

(d) "insured institution" and "multiple savings and loan holding company" have the same meanings as provided in section 408 of the National Housing Act.●

AMBASSADOR SPEAKS TO THE IMPORTANCE OF TRADE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BEREUTER. Mr. Speaker, earlier this month the Egypt-United States Business Council held its ninth annual meeting in Washington, D.C. More than 100 Egyptian and American business leaders spent 2 days discussing the investment climate and political, economic, strategic, and congressional relations between our two countries.

Egypt's Ambassador to the United States, Dr. Ashraf Ghorbal, spoke eloquently about the friendship between Egypt and the United States and about the great possibilities for continued political and economic cooperation.

I am pleased to share excerpts from Ambassador Ghorbal's remarks with my colleagues, with the hope that the comments will create a better understanding in the United States about Egyptian efforts to increase investment in Egypt and trade with the United States.

Remarks by His Excellency Ashraf Ghorbal, Ambassador of Egypt

The friendship that has been rebuilt since the early '70's has grown to be a solid rock on which these relations now stand. Both countries have worked to bring about the beginning of peace in our area. As joint partners, we are continuously working to bring others into the peace process. Whatever obstacles we both encounter, we are determined to overcome with more vigor and dedication to the cause of peace that unites us. No one can deny that we have had setbacks, but no one can deny that we do our best to overcome them and make people realize that only through negotiation, mutual understanding, and reason can we overcome the difficulties and help bring the people of the area nearer to prosperity. . . .

President Mubarak's visit to the United States last January was another milestone in the relations between the two countries. Your meeting with him in New York was definitely a high mark in his visit. Your report to him about achievements and difficulties was most useful. Surrounded by his assistants in the economic field, you could readily see that he takes American-Egyptian relations very seriously and American investment in Egypt close to heart. . . .

On our side, we have not hesitated to take the advice of our American friends in changing our investment laws, in streamlining our bureaucracy. The five-year plan—1982 to 1987—with an accelerated rate of growth around 11 percent above the present growth rate of domestic product of 8 percent is indicative of our intentions. Our export growth target of 10.5 percent per annum is indicative of our aspirations. The increase of commodity exports in comparison to the total current receipts in Egypt's balance of payments to the order of 49 percent in 1982 and 54 percent in 1987 is indicative of the hopes we pin on the coming five years. Can I then appeal to our American friends to help examine during this session among the issues they will discuss all possible ways and means to ensure easy access of Egyptian products to U.S. markets—both traditional and non-traditional export items? Your recommendations and participation in areas relating to the short-run strategies will, I am sure, be much appreciated and highly valued. Our exports pose no problem to any of your commodities. It will enhance our capabilities to buy more from the United States and replace, in time, the AID programs for which we have been and will remain grateful. Speaking of the AID program, I am happy to learn from Peter McPherson and his colleagues that every effort will be deployed to support programs of high and visible means to our masses. Needless to say, the support that the energy sector in Egypt received meant a great deal to our people, as some turned on the light for the first time in villages that had remained dark throughout centuries. Industry has also benefitted by putting the additional people to work that they need. I was pleased to learn that when one counts the energy produced from the combined projects that AID helped to finance, we come to a figure corresponding to the energy being produced from the Aswan high dam. Definitely, this has helped equally many an American company, as it sold to us the necessary equipment to produce such electricity.

We are determined to continue the building of additional power stations needed for our development program. We are relying on AID's participation in the financing of some of these. We are waiting, in particular, for AID's approval to finance Abu Sultan's fourth power station. This will help to make available the needed power for the construction of additional industry and other ventures in which American capital will be invested. American-Egyptian joint investment projects need that additional required energy. We must continue to build these sources of power.

The decision by the United States to earmark one and a quarter billion dollars for the coming five years to help our water and sewer systems will be another ediface in that program of cooperation between our two countries to benefit Egypt. It will also benefit many American companies and, thus, employees in the United States.

Over the years, the Egyptian budget has been taxed by a growing rate of subsidies to insulate our masses from the ever-growing rise worldwide in the prices of food stuffs, energy, and the daily needs for their livelihood. It has now become the considered decision by our government to cut down gradually on these subsidies, while securing for the masses the additional wages and resources that they need to have the necessary requirements for a decent living. While we have appreciated the advice we received from many quarters motivated by their friendship towards Egypt, we have taken and are determined to continue to take this new policy because of our conviction that this is for the benefit of our people and the economy that is destined to serve it.●

U.S. INVOLVEMENT IN CENTRAL AMERICA—THE ALTERNATIVES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. McDONALD. Mr. Speaker, many segments of the national news media seem determined to insist that U.S. involvement in Central America would lead to another Vietnam and that we ought, at the very least, to negotiate with the terrorist murderers directed by Marxist Nicaragua, Cuba, and the Soviet Union. Presumably they want to negotiate on the timetable for a complete Communist takeover of Central America, from Columbia to the Rio Grande.

Many Members of Congress also seem to want to ignore the lessons of history. Their actions in condemning U.S. allies in Central America for alleged human rights violations but failing to criticize terrorist acts by Soviet, Cuban, and Nicaraguan surrogates in that same area is hypocritical. Their unwillingness to face the reality of Soviet aggression in the Western Hemisphere and to meet that challenge head on merely hastens the day when terrorists will be knocking at our southern borders and when refugees by the millions will start flowing into the United States from Central America.

With those thoughts in mind, following is a fictionalized news story that—may—God forbid—be carried by our wire services in the near future if the current Communist aggression is not stopped. The problems it outlines are worthy of consideration by my colleagues, the national news media, and the American people.

Terrorist Attacks on U.S.

San Antonio, TX (WP).—Ten people were killed last night in a small community south of here after several hours of torture by a band of Marxist guerrillas based across the Rio Grande in Mexico, according to Texas authorities.

U.S. officials say they continue to have little success in sealing the 2,000-mile U.S.-Mexican border against terrorist attacks, which apparently are condoned and supported by the Revolutionary Peoples Communist Party that now controls Mexico.

In addition, refugees continue to stream across the border into Texas, New Mexico, Arizona, and Southern California. To date, U.S. officials feel that at least nine million refugees from Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, and Panama have fled to the U.S. from the Communist governments in their own countries. American Immigration and Naturalization authorities say that refugees have jammed most of the Southwestern states and have even moved into Mississippi, Alabama, Georgia, Florida, and Tennessee, pushing emergency resources to the limit. But the worst apparently is not over, U.S. officials said, with at least another 12-million refugees expected from Central America in the next several months.

Virtually all the Southern and Southwestern states activated the National Guard months ago in an effort to stem the refugee flow and, most of all, to halt the terrorist raids across the border. In only 13 months, over 350 Americans have died and another 978 have been maimed or injured by terrorist actions in the four border states. However, government efforts have largely proven unsuccessful.

In response to what U.S. officials called "barbaric incidents of terror and border violations," most Americans within 250 miles of the Mexican border have been asked to move further inland. And because of raids on refugee camps, most of those fleeing the flames of Marxism in Central America have been moved to newer, makeshift camps in Arkansas, Tennessee, and the northern halves of Mississippi, Alabama, and Georgia. Additional camps are expected to be set up soon in North and South Carolina, Missouri, and Kentucky.

The President has protested the campaign of terrorism, both in notes to the Mexican government and in resolutions placed before the United Nations. However, the UN has instead condemned the U.S. for alleged oppression in the Southwestern states and praised the guerrillas on their self-described "war of national liberation."

A military junta comprised of leaders of all the Central American nations, and including Cuba's Fidel Castro, yesterday vowed to continue what they called "the fight by the people's forces in international socialism to bring down the last bastion of capitalist imperialism left in the world."

Meanwhile, in a speech on the floor of the U.S. House of Representatives, one Southern Congressman said that the nation's current military and immigration problems would not have arisen had the U.S. prevented a communist takeover of Cuba in 1957, or of Nicaragua in 1979, or even of El Salvador in the early 1980s.

"History has proven one cannot negotiate with a murderer," he said. "Neither will military gradualism work when the goal is not victory but rather appeasement or merely delay in the final outcome. Total elimination of the cancer of communism from the Western Hemisphere was the only solution in 1957, and 1979, in the early 1980s, and even now. But the hour is late, it is very, very late."

At the same time, one U.S. Senator from an Eastern state introduced a resolution urging the President to negotiate with the Marxist guerrillas and condemning the possible use of military force across the Mexican border against terrorist bases.●

THE NUCLEAR FREEZE: WHERE IT STANDS NOW

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BERMAN. Mr. Speaker, the time has come to bring the runaway arms race to a halt. If we do not stop it, we threaten the future of this planet. A mutual freeze on nuclear arms is the best way to begin ending the arms race, and this House affirmed that goal when it voted 278 to 149 for a resolution calling for a mutual, verifiable freeze on nuclear weapons.

Despite numerous attempts by opponents to change the spirit of the resolution and defeat its purpose, the clear message of the freeze emerged: the nuclear arms race must stop. The opposition claimed there should be arms reductions before a freeze. But that would simply allow the level of international tension to rise as new and more terrible weapons are created while other parts of the arsenal are reduced. Amendments to change the sequence of the freeze were defeated. Opponents wanted to allow modernization; this would really mean deploying new, destabilizing weapons under a freeze. A freeze would be meaningless if each side could simply create a new means of destruction and call it the latest fashion. This resolution calls for an end to both the quantitative and qualitative arms race.

Though there were many amendments, none really altered the essential position that there must be a comprehensive, immediate, bilateral freeze of nuclear weapons followed by reductions of arms. Congress has the responsibility to help develop an American negotiation strategy on arms control. This resolution started us on the way.

It took hours, but we made it understood: we are not trying to overstep the powers of the President. Congress is providing objectives for negotiations. We have not written a treaty text. Nothing will be frozen until a freeze is negotiated, signed by both parties, and approved by both Houses of Congress.

The freeze stands in stark contrast to the administration's policy of pursuing selected reductions on older ballistic missiles, while undertaking a massive buildup of new first strike and counterforce nuclear weapons followed, at some undetermined time, (perhaps) by a freeze.

The House has said more. We say, begin by negotiating an immediate, mutual, and verifiable freeze, then negotiate the reductions; decide how to achieve a freeze on testing, production, and deployment of nuclear weapons; give utmost attention to first strike weapons. The reductions which follow from a freeze should be achieved within a reasonable time, and that period will also be determined in negotiation.

We must always remember that nuclear weapons are only a part of our national defense. We are forced to have them because they exist, and because others have them. But we should not depend on them for our entire defense, nor should we increase our dependence on them. Yet that seems to be the very thing that this administration is doing. One way to stop this acceleration is through the freeze.

The opponents of a freeze would frighten us with horror stories of Soviet dominance and Soviet deception. They try to convince us that anytime the Soviets get a new technological marvel, even if it is one we already have, that we are in grave danger. First it was the bomb itself that put us in peril, then it was bombers, then missiles, and now hard-target-kill capability. Suddenly, it is argued, we are vulnerable. We are told the only solution to this supposed technological imbalance is more technology and defense spending.

It is true that the Soviet Union deployed five new missile systems in the last 10 years, but the United States outproduced the U.S.S.R. in numbers of warheads, it introduced the Poseiden and Trident submarines, it upgraded the ICBM force, it added over 1,000 short-range attack missiles on the B-52. Let there be no mistake, the arms race continues, on both sides. As the pace accelerates, the weapons have greater accuracy, there are multiple warheads on each missile, the flight time is shorter, and the explosive force greater.

The United States and the Soviet Union now possess the equivalent of 3 million Hiroshima bombs—a total of 4 tons of TNT for every man, woman, and child on the Earth. Is that not enough?

Now a new round in the arms race begins as we build counterforce weapons which can match the Soviet hard-target kill capability; these weapons are supposed to protect us from our newest peril, the window of vulnerability.

The window of vulnerability is not there, and the President's Scowcroft Commission says it is not. We are vulnerable, it is claimed, because of the Soviet advantage in numbers of ICBM's. But the Soviets have concentrated three-fourths of its force in ICBM's, While America depends on a triad of forces, missiles, bombers, and submarines, making it much better able to survive a first strike. The Scowcroft Commission points out, "the existence of several strategic forces requires the Soviets to solve a number of different problems in their efforts to plan how they might try to overcome them."

As Stansfield Turner, the former CIA director, explains,

> We must count on making it so complicated for the Russians to knock out all our nuclear forces in a short period of time that they will never feel confident of their ability to do it.

The Commission, Turner, and other arms control experts speak in terms that simply demonstrate the horrific power that both nations must bring to bear simply to deter attack—they also make us wonder about the need to continue an arms buildup.

We no longer fear a bomber gap or a missile gap. We should not fear the window of vulnerability. Our present dilemma is not over how many weapons the Soviet Union has, it concerns the competing philosophies of deterrence. When both sides are capable of delivering an attack in retaliation to attack from the other side, both sides will feel deterred from launching a first strike. So goes the gruesome mathematics of the nuclear age. We must work to maintain the balance that exists today, not upset it with newer, more destructive weapons.

President Kennedy reminded us,

> We must not see a distorted and desperate view of the other side; we must not see conflict as inevitable, accommodation as impossible, and communication as nothing more than exchange of threats.

The Soviet and American people share the common desire to avoid a general nuclear war. A crucial aspect of the freeze is that it is negotiated. We would enter into a process with the Soviets aimed at its very core toward the stability that both sides desire. It is thus a most positive kind of negotiation, and one we should value.

We should not follow the administration and say, reduce after we build new weapons. Arming in order to disarm will not work. It has not worked in the past. There are no bargaining chips. The bargaining chips of yesterday are the weapons we have today.

The only way to reduce arms, the only way to bring some measure of stability and control to the precarious situation we are in today is to say once and for all, "stop." It has to begin sometime.

No one is freezing or disarming unilaterally—the freeze begins only after it is negotiated and it is mutual.

The freeze is possible, it is feasible, and it can be verified. Anything that cannot be verified will not be frozen. A nuclear freeze can give the United States and the U.S.S.R. breathing room before they rush into a nuclear future that may threaten the future itself.

The freeze will stop the arms race in its tracks, and it can assure there will be no future generations of nuclear weapons. If we do not act now, there may be no future generations.

We think of the rhetoric used to describe the situations of our two nations. The images may change, but the idea is the same: we are two international powers, with incredible destructive force at our disposal. One misstep, one unmediated strike in anger, and we may destroy more than an opponent. We may destroy ourselves.●

TESTIMONY OF CONGRESSMAN ROY DYSON ON H.R. 656, FEDERAL EMPLOYEE HEALTH BENEFITS REFORM ACT OF 1983, BEFORE THE SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DYSON. Mr. Speaker, I was asked to testify before the Subcommittee on Compensation and Employees Benefits and include my testimony in the RECORD:

Madam Chairman, I appreciate the opportunity to testify before the Subcommittee on Compensation and Employee Benefits in support of H.R. 656, the "Federal Employees Health Benefits Reform Act of 1983." As you know, I am a co-sponsor of this legislation, and I strongly believe it will remedy many of the existing inefficiencies and inequities of the Federal Employees Health Benefits Program. I address you today, however, not merely as a co-sponsor, but as a Representative whose constituents are deeply concerned over the recent policies and practices of the Office of Personnel Management.

During the last two years, as we know, benefits have been reduced by 12 percent, while premiums have increased at a rate of 56 percent. In an effort to "contain rising health costs", the Administration has simply imposed additional burdens on the federal employees enrolled in FEHB plans. One estimate of these additional costs runs as high as $500 per "average" employee. Most of the lost value in health benefits incurred by federal employees has resulted as much from the Office of Personnel Management's abject disregard for the well-being of its employees as from the uncontrolled increase in health care costs as a general service.

As I reviewed the record of last year's hearings, and especially the fascinating defense of OPM's actions by its director, Dr. Donald Devine, I was struck by the many contradictory and contorted assumptions underlying the Administration's handling of the FEHB program.

For example, it is clear that Dr. Devine assumes that preserving the financial health of the FEHBP requires sacrificing the physical and mental health of federal employees. Dr. Devine, it seems, was astonished to have discovered that the system was facing a potential $500 million "shortfall" in funding for the 1982 fiscal year. Despite the fact that conventional sources of funding were readily available to cover any unexpected costs, Dr. Devine refused to avail himself of these sources because he considered continued discretionary funding to violate his sense of "good business practices". Instead, his alleged "good business practice" led him to precipitate a crisis which we are today having to set right. While Dr. Devine's business judgment is very much in doubt, it is clear, and I am confident, that H.R. 656 can restore the program's financial integrity and fulfill our obligation to federal employees.

H.R. 656 increases the government's contribution rate to 75 percent of the premium costs for plans sponsored by the "Big Six,"

the largest of the more than 100 plans approved for inclusion in the FEHB program. If individuals enroll in plans which are substantially less expensive, the Government contribution can provide up to 100 percent of the premium costs.

By offering an additional 5 percent premium contribution to carriers of plans providing health care to annuitants over the age 65, whose medical needs are not also covered by Medicare, H.R. 656 reverses the tendency in FEHB plans to neglect the needs of the most vulnerable retirees. It permits employees involuntarily separated from their federal jobs to enroll in FEHB plans during their first year of unemployment, thus aiding the effort to protect the health of those without steady income. And it sets broad guidelines for minimum coverage, such as dental and mental health care, which all plans must now provide. This is in addition to the minimum "catastrophic coverage" which all plans must offer.

There are, of course, other critically important provisions contained in H.R. 656, such as the requirement that a three-week open season precede any contract period when changes in premiums or benefits have been made, when new plans have been approved or when existing plans are terminated. And OPM will in the future, be prohibited from forcing carriers to reduce benefits by more than 5 percent, which should put a halt to the recent precipitous decline in the value of benefits.

In short, H.R. 656 stands on its own as a highly desirable and effective remedy to the crisis in FEHBP precipitated by Dr. Devine. But when compared with Dr. Devine's own proposed "reforms", the virtue of H.R. takes on an even more brilliant luster.

The horrific record of neglect which Dr. Devine has compiled during the past two years can only be eclipsed only by the probable consequences of his agenda for the years to come. He has finally unveiled a plan that has been floating around OPM for the last several months, and which, up to now, political expediency has prevented from being formally introduced. It seems that his answer to the mess he has created is to sweep the whole program away with the so-called voucher system.

This system, which he has designed to remove the government from the role of "middleman" in the arrangement between employees and medical program carriers, is being promoted as a blow against rising health care costs. But as his actions make clear, he is less concerned about containing health care costs per-se than about reducing OPM's contribution to the health care costs of its employees. The voucher system will do this in a number of ways, but most disastrously by limiting the yearly increases in the value of the public contribution to increases in the consumer price index or some other general measure of inflation. Since medical care costs rise, as we all know, many times faster than most other services, employees will be able to purchase less and less coverage each year. The value of their benefits will plummet, and conceivably, under Dr. Devine's management, workers would be unable to afford the price of aspirin, let alone adequate medical care.

For these and a host of other reasons, H.R. 656 is a necessary and desirable reform. In closing, I will only add that many argue for these reforms on the grounds that without them, the U.S. Government cannot expect to attract highly qualified employees. It will suffer from a drain of competent staff, lost mostly to private concerns offering better health benefits. However true this point, there are also broader issues that trouble me. The Federal Government has promoted, for the last hundred years, the dynamic partnership between labor and management that has made our industrial democracy a model for the world to emulate. At no time since the Depression of 1930 has this partnership been more troubled than at this moment. Abrupt plant closings, unrewarded employee give-backs and unilateral wage reductions must give way to a reaffirmed harmony of interests. Can we, as the nation's largest employer, expect to encourage the private sector to recommit itself to the guiding principles of an industrial democracy if we ourselves deny our responsibilities to our own employees? If our civil servants are to fulfill with skill and devotion their obligations to the nation, the nation must fulfill its obligations to the career service. Can we, in good faith, mediate labor-management disputes, assist in negotiating settlements, if we continue to neglect our own obligations to deserving workers?

I think not, and I believe you and this subcommittee share my onvictions.●

ADMINISTRATIVE SITES PROPOSED FOR DISPOSAL

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. DE LA GARZA. Mr. Speaker, for the information of the Members of Congress, I am printing in the CONGRESSIONAL RECORD a list of tracts of land that are located outside the national forest borders and that the Department of Agriculture has reported as no longer needed for the Forest Service. Apparently the administration intends to take disposal action as to these tracts.

This information has been transmitted to me and to the congressional delegations of each State concerned pursuant to section 316 of the 1983 Interior and Related Agencies Appropriations Act. That act requires certain advance notifications to be made by the Department before action can be taken by the administration to dispose of these tracts.

UNITED STATES DEPARTMENT
OF AGRICULTURE,
Washington, D.C., May 20, 1983.

Hon. E. (KIKA) DE LA GARZA,
Chairman, Committee on Agriculture, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Section 316 of the 1983 Interior and Related Agencies Appropriations Act (PL 97-394) requires funded Agencies to take the following action before disposing of any lands, except by exchange or under certain specified authorities.

1. Determine that the tract is no longer needed by the Federal Government and inventory the tract as to its public values.
2. Provide opportunity for public review and comment.
3. Provide 30 days advance notice to the congressional delegation of the State or States in which the tract proposed for sale is located and the plan for carrying out such disposal.
4. Notify the appropriate congressional committees for immediate publication in the Congressional Record.

In August 1982, the Secretary of Agriculture announced that the Forest Service had identified about 60,000 acres that could be sold under existing authority. In fiscal year 1983 but prior to passage and final clarification of the Appropriations Act requirements, the Forest Service reported several small administrative site tracts excess. (See enclosed list.) These administrative sites are located outside National Forest boundaries and are no longer needed by the Forest Service. These types of properties have in the past and will continue to be processed under provisions of the Federal Property and Administrative Services Act when no longer needed for administrative purposes. The General Services Administration (GSA) has suspended disposal action pending completion of actions called for by the Appropriations Act.

Many Regional and local newspapers carried news items about the administrative sites proposed for disposal. (See enclosed examples.) Because of the longstanding routine practice of excess administrative site disposal, the wide newspaper coverage of properties identified for disposal, including specific names and locations of many excess administrative sites, and the large volume of inquiries, without objections to their disposal, we plan no further public review of these specific administrative sites.

The congressional delegation of each State has been notified of these proposed disposals. No further action will be taken until 30 days following the notification of the proposed disposals.

Sincerely,
F. DALE ROBERTSON,
(For R. Max Peterson, Chief).

Enclosures.

ADMINISTRATIVE SITE TRACTS (EXCESS)

Site name	Location	Size (acre)	Date reported to USDA
Snowflake administrative sites.	Snowflake, AZ	0.75	May 17, 1982.
Springerville lots	Springerville, AZ	0.29	June 21, 1982.[1]
Tract No. 3749 Jasper	Jasper, AR	0.38	Sept. 14, 1982.[1]
Veterans Administration hospital site.	San Fernando, CA	0.70	Jan. 24, 1983.
Forest Service dwelling	Springfield, CO	0.50	Jan. 6, 1983.
Forest Service dwelling	LaVeta, CO	0.25	Oct. 15, 1982.
Grand Junction horse pasture.	Grand Junction, CO.	3.0	Oct. 15, 1982.
Elk Road warehouse	Salmon, ID	12.30	Oct. 8, 1982.
Basin stock corral	Oakley, ID	0.74	Jan. 5, 1983.
Forest Service dwelling	Elkhart, KS	0.25	Oct. 15, 1982.
Aurora RS (vacant land).	Aurora, MN	2.32	Jan. 12, 1983.
DeSmet School	Missoula, MT	0.89	July 23, 1982.
Ellison administrative site.	Elliston, MT	7.92	July 27, 1982.
Crawford work center	Crawford, NE	3.0	Aug. 24, 1982.
Gorham ranger dwelling	Gorham, NH	0.3	Jan. 13, 1983.
Biltmore shop	Asheville, NC	2.18	Dec. 28, 1982.
Bald Mountain Lookout	Salisbury, OR	5.0	July 23, 1982.
Bridgeview administration site.	Cave Junction, OR.	3.04	July 23, 1982.
Lakeview warehouse	Lakeview, OR	0.24	July 23, 1982.
New Harmony corral	New Harmony, UT.	1.00	Jan. 5, 1983.
Loa Building site	Loa, UT	1.24	Aug. 31, 1982.
Medicine Bow administration site.	Medicine Bow, WY.	0.29	July 27, 1982.
Cokeville pasture	Cokeville, WY	2.02	Jan. 5, 1983.
Fort Ruger	Honolulu, HI	1.46	Sept. 30, 1982.
PNW Laboratory site	Seattle, WA	5.0	Sept. 30, 1982.
Franson Peak Lookout	Republic, WA	0.5	Feb. 7, 1982.
Pierce work center	Pierce, ID	66.54	Nov. 21, 1979.

[1] Sold ●

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WELFARE PROGRAMS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Ms. KAPTUR. Mr. Speaker, in discussions on reducing the Federal budget deficit, we often hear suggestions that the place to begin is with the welfare system which is fraught with "waste, fraud and abuse." I would like to commend an article to my colleagues which clarifies some of the misconceptions connected with the aid to families with dependent children (AFDC) program and food stamps. Nina Easton's article illustrates that the actual amount of waste in the welfare system is but a fraction of what occurs in other programs. We need to eradicate waste in all Federal programs, but to focus attention solely on the welfare programs when tremendous abuses occur in other areas is less than productive.

Furthermore, we must not lose sight of the fact that some of the most severe cuts over the last 2 years have been made in these programs which serve low-income Americans. AFDC benefits have been cut $1.5 billion a year. About 365,000 families have been terminated, and an additional 260,000 families have had their benefits reduced. In nearly half of the States those who were terminated lost their medicaid coverage for themselves and their children. An estimated 660,000 children have lost medicaid coverage when their families were dropped from AFDC. In addition, the food stamp program has been cut by over $2 billion a year. Nearly 1 million food stamp recipients have been terminated, and nearly all others are receiving lower benefits.

This article entitled "The Facts About Welfare Fraud" appeared in the May-June issue of Common Cause.

THE FACTS ABOUT WELFARE FRAUD

YOU'VE HEARD THE TALES OF ABUSE: HERE'S THE REST OF THE STORY

(By Nina Easton)

You can argue all day about whether our current welfare system is the best way to help the truly needy, but a look at some numbers on these programs reveals one certainty: There is nowhere near the amount of waste, fraud and abuse in poverty programs that many have been led to believe by President Reagan and others.

The Reagan administration has added a number of fraud fighting measures to the lengthy list of initiatives passed by Congress in recent years. But through his repeated tales of welfare abuse—some accurate, some hyperbole and still others dead wrong—Reagan has encouraged a perception that the needy people who benefit from public assistance tend to be dishonest, and that the total dollars of waste, fraud and abuse in these programs would contribute significantly toward balancing the budget.

Nothing makes the overburdened taxpayer angrier than stories of a mother pulling up to the welfare office in a Lincoln Continental; or of upper class college students getting free handouts; or someone using change from food stamps to buy vodka—all courtesy of the U.S. taxpayer.

But stories of individual abuse in the welfare system are only a small and often distorted part of the overall picture. Here is the untold story about fraud in the welfare system.

Fact 1: The nation's primary welfare program, AFDC, comprises only 1 percent of the federal budget. As economist Jack Meyer of the conservative American Enterprise Institute told a congressional panel last year, "If 20 percent of that were fraudulently spent, which I doubt, we would save two tenths of 1 percent of the federal budget and still be faced with massive deficits. We cannot avoid massive deficits with a lot of rhetoric about welfare cheating or 'fraud and abuse.'"

Fact 2: The extent of abuse in these programs pales in relation to that in defense: "Erroneous AFDC (Aid to Families with Dependent Children) payments"—which include both honest mistakes and fraud, some on the part of recipients, some on the part of agency workers—is estimated at 8.3 percent, or about $664 million in 1981, according to the Department of Health and Human Services. "Overissuances" of food stamps—again including fraud and mistakes on the part of both government workers and participants—is estimated at 10 percent, or a little over $1 billion a year, according to the Department of Agriculture (USDA).

Waste and fraud in these two programs, then, total about $1.6 billion a year. Analysts, including budget director David Stockman, have put the price of Pentagon waste and fraud at 20 to 25 times that.

Fact 3: Some of the waste in the AFDC and food stamp programs is due to the complexity of welfare regulations and application forms, which experts say invite error. The Reagan administration has added to that problem with a new series of complicated regulations which welfare workers, and in some cases even courts, are still trying to understand.

Fact 4: Contrary to a popular misconception, fraud in these programs is not perpetrated by the average needy family. In fact, after announcing that USDA food stamp investigations in 1982 had led to a record 1,170 indictments, Inspector General John Graziano had to explain: "Most of these were hardened criminals, not mothers on welfare."

In the Medicaid program where estimates of fraud and waste range anywhere between $2 billion and $6 billion a year, the main culprits are nursing home operators, doctors, pharmacists and hospitals—not patients. This abuse involves everything from crimes, such as kickback schemes, to unnecessary surgery, bloated physicians' fees and the like.

Fact 5: Reagan frequently complained about strikers and upper class college students on food stamps. But USDA figures from August 1981 showed that only one tenth of 1 percent of food stamp households included strikers; 1980 figures showed that students comprised only 1.8 percent of all food stamp households, and in order to qualify they had to be disabled, elderly, be attending both work and school, or have dependents.

Fact 6: To its credit the Reagan administration has increased the number of indictments for food stamp fraud by 46 percent since 1981. But for this we can thank law enforcement authorities, not the deep budget cuts that the president insisted were vital to eliminating waste and fraud.

Indeed, numbers compiled by the Congressional Budget Office showed that the government saved most of its money in the food stamp program by cutting benefits for hundreds of thousands of needy families. An estimated 10 to 15 percent of the savings in the President's first budget came from curbing error and fraud; only 3 percent of the President's 1984 food stamp cuts are aimed at reducing error.●

REPUBLIC STEEL MAKES PROGRESS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. FEIGHAN. Mr. Speaker, everyone knows that the U.S. steel industry has fallen on hard times in recent years, and the outlook does not look too much better in the near future. The expected upturn in the steel industry is still more a hope than a reality.

In the face of these problems, the Republic Steel Corp. of Cleveland, Ohio, has taken quick and forceful actions to combat the institutional inertia that has been plaguing the industry for years. Under the aggressive and able chairmanship of E. Bradley Jones, Republic is making major progress to increase investment, increase productivity, and decrease its deficits.

I think all of my colleagues would be interested in reading the following article from Crain's Cleveland Business Review which details the steps Mr. Jones has taken to come to grips with the problems posed by foreign competition and an aging industrial base.

JONES BECOMES TRAVELING SALESMAN IN FIRST-YEAR PITCH TO RESCUE REPUBLIC

(By Forrest S. Gossett)

To say it's been rough going for E. Bradley Jones hardly speaks to the trials he has had to endure in his first year as chief executive of Republic Steel Corp.

Since moving into the chairman's office at Republic last July 1, succeeding retiring William DeLancey, Jones has had:

To watch, almost helplessly, as sales evaporated, sinking the company some 58 notches on the Fortune 500 ranking (to 145), while the bottom line reddened for the first time since 1938, inflicting a whopping $233 million loss;

To react to steadily falling plant utilization rates by handing out pink slips or layoff notices to thousands of loyal, longtime employees in a draconian, but necessary, campaign to lower the company's breakeven point;

To come to grips with an ultimatum posed by foreign competitors that the company quickly invest hundreds of millions of scarce dollars in new manufacturing technology, lest it be doomed to obsolescence and assured defeat in the international marketplace;

To respond with quick-footedness to rampant rumors among competitors, suppliers, customers, stock market analysts and employees that the company was about to go bankrupt.

As one might guess, it hasn't been a very enjoyable 12 months for Jones.

"It's very difficult for me to leave at 5 p.m., go home, turn on the music and say, 'Happy times are here again,'" said Jones in an interview with Crain's Cleveland Business.

The problems have been unrelenting. The upturn in the steel industry, predicted by analysts at the beginning of the year, has yet to materialize. Republic lost $35 million in the first quarter, and Jones expects to lose as much, if not more, after the books close in 10 days on the second quarter.

But through this, Jones has earned high marks for aggressively attacking Republic's problems.

"They are less apt to blame foreign competition for their problems now," said analyst Charles Bradford of Merrill Lynch, Pierce, Fenner & Smith in New York. "They have become good cost-cutters. Republic's breakeven point has been lowered from something like 80 percent of capacity to about 65 percent—which is good, but I would rather see that down to 60 percent."

Added Bradford, "What Republic, under new management, has done is masked by the general economy, which means you can't see the results on the bottom line yet."

Analysis and business associates say Jones brings an important element to the chairman's job—salesmanship. Unlike some previous Republic chairmen, Jones, 55, a graduate of Yale and Harvard, came up through the corporate ranks in sales and marketing segments. Previous chairmen were lawyers.

"These are challenging times that call for a man who is careful, prudent and confident at the top," said one Republic director. "He is a straighforward, honest man who isn't going to hustle you. I think he has great credibility."

Almost immediately upon taking the job, Jones was confronted with the twin ills of depressed market and bankruptcy rumors. And like a salesman, he hit the road, talking to employee groups, bankers and customers to sell them on the fact that Republic was not about to file for Chapter 11.

"A primary part of my job was to communicate our message to those groups," said Jones. "I spent a great deal of time with the bankers, answering their questions about what we were doing in order to respond to the economic downturn. We also had 10 dinners in various parts of the country with customers, introducing them to Republic's management and answering their questions."

The salesman's imperative to satisfy customers with price and quality also has been the driving force behind Jones' campaign to improve quality and make Republic pay much closer attention to the fundamentals of marketing.

"The marketplace is telling us today that the market is not going to pay a premium simply because we happen to produce our product in this country," said Jones. "We have to do certain things in order to be competitive in the world environment, and bringing that message home is the primary responsibility of all the corporate managers. The company that is going to succeed and become a viable producer is going to have to meet the quality requirements the consumer is demanding."

To meet quality goals, Republic has established closer coordination with customers to generate more feedback.

"The old attitude at Republic seemed to be that they knew what was best for the customer," said analyst Donald Eller of Roulston & Co. in Cleveland. "That has changed. They now seem to be asking the customer what he needs, and they've become much more marketing oriented."

The biggest challenge Jones has faced is Republic's weak balance sheet, which is holding the company back from capital spending plans and expansion.

Since January, Jones and Republic management have accomplished three major financial moves that Jones says will give the company some breathing room. The company successfully issued $75 million in preferred stock in February; it recently consolidated its loans into a single package of more than $400 million; and in late May, it generated $166.6 million through the sale of 12⅛ percent subordinated debentures.

But selling the financial community wasn't easy. Jones traveled over the country, meeting with analysts, brokers and institutional investors to push the Republic issues.

"Going that route was expensive," Jones said of the new issues. "But it gave us long-term debt, which we needed, instead of short-term debt. I did go on a road show for the issues and talked to investors about our future. The fact they sold so well indicates investors still believe Republic is a good investment."

Institutional investors were particularly sold by Jones. A year ago, only one institution owned more than a 5 percent block of the company's stock. As of April, five companies, holding at least 5 percent each, owned 30.6 percent of Republic's outstanding common shares.

Improving plant productivity has been another exceedingly difficult task. Despite a contract with the United Steel Workers of America earlier this year that gives the industry some wage relief, it still costs U.S. manufacturers much more per ton to produce steel than their foreign competitors.

While Jones is proud of Republic's accomplishments to date, he says more is needed to compete in a world market.

"We have got to find a way to meet the objectives of the labor groups and reduce the labor input into each ton of steel we produce," said Jones.

"We still have to work in terms of education of our work force, in terms of a program which will present to them what the economic environment is and find what we can do together to cause Republic to be a strong competitor," said Jones.

"A lot of that responsibility falls on our shoulders, because a great deal of that accomplishment is going to be created by our own retraining. There's a need to realize that going back to the same old way of business as usual will be the beginning of the end as far as the enterprise is concerned."●

INTRODUCTORY STATEMENT ON MARITIME REDEVELOPMENT BANK ACT OF 1983

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BIAGGI. Mr. Speaker, I introduce today the Maritime Redevelopment Bank Act of 1983. This legislation establishes the Maritime Redevelopment Bank of the United States to promote the revitalization of the maritime industry. It provides capital formation assistance: First, to vessel operators to purchase modern, efficient vessels, thereby increasing productivity and competitiveness in both domestic and foreign transportation markets; and second, to commercial shipbuilders in the form of procurement and investment incentives to undertake managerial, organizational, and technological changes to improve shipyard innovation, productivity, and competitiveness designed to achieve significant reduction in the delivered cost and time of delivery of vessels and other products constructed in domestic shipyards. These indirect incentives in the form of a self-financing program to promote investment in maritime enterprise would substitute for increasingly expensive and inefficient direct subsidy programs of the past.

One might well ask in these times of unprecedented budget deficits and fiscal austerity, do we still need a merchant marine, and, equally as important, can we afford one? At different periods in our history three Presidents have posed the identical questions to the Congress regarding the need for a merchant marine and the appropriate methods to foster and promote it. In proposing any new course for maritime revitalization, it is well to review and assess how our present policy evolved.

First to address these issues was President George Washington in his second state of the Union address in December 1790. Washington enunciated the principal theme regarding the commercial and economic justification for maintaining a U.S.-flag merchant marine when, in questioning substantial dependence on the maritime powers of Europe to carry our foreign trade in time of peace and war, he said:

> I command it to your serious reflection how far and in what mode it may be expedient to guard against embarrassment from these contingencies, by such encouragements to our own navigation as will render our commerce and agriculture less dependent on foreign bottoms, which may fail us in the very moments most interesting to both of these great objects.

For over 100 years, the principal thrust of shipping and trade policy in the United States assumed the form of

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registry restriction to U.S.-built vessels and discriminatory tonnage duties favoring the use of United States—over foreign-flag vessels in foreign commerce. This system, incorporated in the Tariff Act of 1789, was later expanded to differentiate between United States and foreign vessels engaged in coastwise trade in the Fishing and Coasting Act of 1793. Discriminatory tonnage duties were last enacted in the Underwood Tariff Act of 1913, and promptly enjoined by the U.S. Supreme Court in the 5-percent discount cases in 1916 as inconsistent with our international treaty obligations. Aside from an attempted brief reprieve in the Merchant Marine Act, 1920, the utility of this—our original approach to maritime promotion policy—has been abandoned. The parallel restrictions imposed upon vessel registry in the foreign trades were likewise lifted by Congress in the Panama Canal Act of 1912.

Our current scheme of maritime promotional policy rests upon three legs. The first of these is Cabotage. The Cabotage Act of 1817 formally reserved the coastwise trade to U.S.-built, manned and operated vessels. The market dichotomy thus established between those vessels engaged in foreign commerce required to meet only prescribed conditions of vessel registry—and those engaged in the coastwise trade—is perpetuated today.

By and large, our generally protectionist policies toward trade and shipping proved an efficient combination in our first half century of independence. These policies prompted a rapid rise in the overall size and market-share of the U.S.-flag merchant marine in the transportation of U.S. foreign and domestic trade in a competitive domestic shipbuilding industry. These achievements were largely attributable to:

First, primary dependence on ocean shipping for intercity freight movement prior to the development of competing transportation modes;

Second, comparative advantage in labor and materials of domestic in comparison to foreign shipbuilding, and a technological edge demonstrated in the achievement of near perfection of design in sailing vessels; and

Third, a policy of trade reciprocity providing a flexible response to the rigid mercantilist policies of our major trading partners, reflected in the Reciprocity Act of 1828.

The first signs that these policies had outlived their usefulness would soon manifest, however, despite the early successes achieved. It was during that period that the United States pioneered the development of liner shipping with scheduled service between New York and Liverpool in 1817—only to relinquish the advantage to the British-owned Cunard Line, the beneficiary of the first ocean mail subsidy. We would later lose our technological advantage in the construction of sailing vessels through substitution of the steam-propelled, steel-hulled vessels that would ultimately dominate international seaborne trade by the middle of the 19th century. The maritime industry in the United States would never regain its position of supremacy from the combined effects of technological obsolesence and the ravages of civil war deflagging and decimation.

For the balance of the 19th century, America turned its attention inward to westward expansion and continental domination. During this period, the U.S. share of the international trade transported in U.S.-flag vessels averaged approximately 4 percent—despite sporadic attempts at indirect promotion of maritime enterprise through periodic mail subsidies, culminating in the Ocean Mail Act of 1891.

After a half century of the maritime equivalent of benign neglect, President Theodore Roosevelt (the former Assistant Secretary of the Navy and a disciple of Capt. Alfred Thayer Mahan) was the first American President to recognize the full dimensions of seapower—including the national defense requirements for a commercial merchant marine capable of serving as a naval auxiliary. Recalling the critical shortfall in sealift mobility which nearly altered the balance of power in America's first overseas encounter with a second-rate maritime power in the Spanish-American War, Roosevelt wrote the Congress in 1903:

> The condition of the American merchant marine is such as to call for immediate remedial action by the Congress. It is discreditable to us as a nation that our merchant marine should be utterly insignificant in comparison to that of other nations which we overtop in other forms of business. We should no longer submit to conditions under which only a trifling portion of our great commerce is carried in our ships. To remedy this state of things would not merely serve to build up our shipping interests, but it would also result in benefit to all who are interested in the permanent establishement of a wider market for American products, and would provide an auxiliary force for the Navy. * * * From every standpoint it is unwise for the United States to continue to rely upon the ships of competing nations for the distribution of our goods. It should be made advantageous to carry American goods in American built ships. * * * Our Government should take such action as will remedy these inequalities. The American merchant marine should be restored to the ocean.

From the perspective of America's recent emergence as a trading nation with global economic and political aspirations, President Roosevelt's message represented the first recognition of the twin dimensions of economic and national security compelling government intervention to develop and maintain a national flag fleet.

Congress responded by enacting the Military Transportation Act of 1904, the first Government-impelled cargo preference statute applicable to the transportation of ocean freight by the then-Departments of War and Navy. The second leg of maritime promotional policy was laid down.

Upon entering office in 1916, President Wilson was confronted with the imminent prospect of American intervention in World War I with a merchant marine transporting but 8.8 percent of its foreign trade (this percentage had substantially increased following a hasty reflagging program initiated several years previously). Yet, it was the prompt withdrawal of a large number of vessels belonging to our European allies from our trades, which ultimately provided a permanent lesson regarding primary dependence upon foreign bottoms in the carriage of our seaborne trade. In that not-soon-to-be-forgotten event, ocean freight rates increased 1,000 percent overnight. Congress responded by enacting the Shipping Act of 1916 for the primary purpose of building a Government-owned and operated fleet to transport troops and supplies to Europe, while maintaining our commercial waterborne commerce under both neutral and, eventually, wartime conditions.

After the war, Congress resolved to prepare for the next war by promoting the development and maintenance of a commercially operated fleet in enacting the Merchant Marine Act, 1920. Under that act, war-built vessels were hastily transferred to U.S. citizens amid severe global conditions of overtonnaging in virtually all trades. Indirect incentives in the form of low-interest loans (supplemented in 1928 by an expanded system of mail subsidies) were provided for the establishment of a permanent American presence upon the world's major trade routes. However, the act sowed the seeds of its own destruction through the lack of incorporation of adequate safeguards concerning the economic viability of what ultimately proved to be grossly undercapitalized subsidized operators. When foreign operators provided newer, more efficient vessels, U.S. operators could not replace their capital equipment and became noncompetitive.

Calls for reform of subsidy abuses under the 1928 act once more echoed in the Halls of Congress—similar to those following attempts at maritime promotion a half century earlier. President Franklin D. Roosevelt responded with a landmark message to Congress regarding the need for a restructuring of maritime promotional policy, posing the same questions, this time rhetorically:

> I present to the Congress the question of whether or not the United States should have an adequate Merchant Marine.
>
> To me there are three reasons for answering this question in the affirmative. The first is, that in time of peace, subsidies granted by other nations, shipping combines, and other restrictive or rebating methods may well be used to the detriment of American shippers. The maintenance of fair competition alone calls for American-flag ships of sufficient tonnage to carry a reasonable portion of our own foreign commerce.
>
> Second, in the event of a major war in which the United States is not involved, our commerce, in the absence of an adequate merchant marine, might find itself seriously crippled because of its inability to secure bottoms for neutral, peaceful foreign trade.
>
> Third, in the event of a war in which the United States itself might be engaged, American-flag ships are obviously needed not only for Naval auxiliary, but also for the maintenance of reasonable and necessary commercial intercourse with other nations. We should remember lessons learned in the last war.* * *

Having thus made the definitive statement of the objectives of American maritime policy, he proceeded to lay out its third and final leg in the form of direct subsidy—a compass course we have steered without deviation to this day:

> If the Congress decides that it will maintain a reasonably adequate American merchant marine I believe that it can well afford honesty to call a subsidy by its right name.
>
> Approached in this way, a subsidy amounts to a comparatively simple thing. It must be based upon providing for American shipping, government aid to make up the differential between American and foreign shipping costs. It should cover first the difference in the cost of building ships; second, the difference in the cost of operating ships, and finally, it should take into consideration the liberal subsidies which many foreign governments provide for their shipping. Only by meeting this threefold differential can we expect to maintain a reasonable place in ocean commerce for ships flying the American flag, and at the same time maintain American standards.

In so doing, Roosevelt rejected 50 years of conventional wisdom questioning the advisability of direct subsidies to promote maritime enterprise, by embracing the concept of cost parity with foreign operators. Originally conceived as a tariff in reverse, the precedent for this principle was drawn from the Tariff Act of 1922. The concept could be more appropriately termed in today's international trade lexicon as a countervailing duty. Unfortunately, this key underlying justification for the provision of direct subsidies to the maritime industry would be lost in the legislation eventually enacted.

Congress once more responded by enacting the magna carta of American maritime policy—the Merchant Marine Act, 1936. The objectives of that act were to develop and maintain a merchant marine:

First, sufficient to carry its domestic waterborne commerce and a substantial portion of the waterborne export and import foreign commerce of the United States and to provide shipping service essential from maintaining the flow of such domestic and foreign waterborne commerce at all times;

Second, capable of serving as a naval and military auxiliary in time of war or national emergency;

Third, owned and operated under the U.S. flag by citizens of the United States insofar as may be practicable;

Fourth, composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel; and

Fifth, supplemented by efficient facilities for shipbuilding and ship repair. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

The principal program elements of that act designed to achieve those objectives included:

First, construction differential subsidy encompassing the cost differential between foreign and domestic vessel construction;

Second, operating differential subsidies encompassing the difference in wages, insurance, maintenance, and repair between U.S.- and foreign-flag vessel operation in foreign commerce;

Third, mortgage insurance to provide financing assistance to promote vessel acquisition—in recognition of the fact that in 1936 one-third of all vessels operating under the U.S. flag were in technical default;

Fourth, capital reserve funds to promote vessel replacement through the deferral of income taxes on vessel earnings; and

Fifth, war risk insurance.

With enactment of this act, the U.S. merchant marine reached its ultimate evolution as an instrument of national policy.

Since 1936, under the direct subsidy programs, the Federal Government has spent approximately $10 billion—including over $6.5 billion in operating and $3.5 billion in construction subsidies. Half of these expenditures were made over the last decade.

Since that time, and in particular in my 13 years on the Committee on Merchant Marine and Fisheries, it has become increasingly obvious that a combination of factors has substantially diminished the effectiveness of these programs in the face of international competition, and the emergence of competing domestic transportation modes. Among these generally acknowledged factors are:

First, structural flaws in the form of operating restrictions incorporated in the 1936 act designed to preclude repetition of the abuses encountered under the direct subsidy programs administered under the 1920 act;

Second, increasing governmental intervention on a global scale, reflected in the exercise of national control over ocean shipping, market entry of national flag carriers—now aggregating 28 percent of the world's merchant fleet in number and 18 percent in volume—nationalization of domestic shipbuilding, provision of direct or indirect economic subsidy assistance to national flag fleets, dumping and concessionary financing of shipbuilding for export. This has distorted the operation of free-market competition in international ocean shipping and market equilibrium in international seagoing trade; and

Third, lack of adequate incentives to promote innovation, competitiveness, and efficiency in ocean shipping and shipbuilding in the face of international competition and in the context of a protected domestic market for ocean shipping.

The results could have been predictable. Following repetition of the events in World Wars I and II—twice necessitating the building up and later disposition of a wartime fleet and the eventual creation of a national defense reserve fleet—the Nation's seagoing operating fleet entered a period of uninterrupted decline beginning in 1950. Over this period our fleet declined from 1st to 11th in the world in absolute numbers—from over 1,300 to 566 oceangoing vessels at the present time. During the same period, the market share of our international trade transported by U.S.-flag vessels diminished from over 50 to less than 4 percent today. This parallels a decline in the U.S. share of global trade from 50 percent to 20 percent over the same period, now reflected in our substantially diminished leverage over international shipping and trade policy.

In response to this decline, in 1970 Congress renewed its efforts at maritime promotion assitance with the enactement of an amendment to the Merchant Marine Act mandating a 300-vessel construction program by extending the provision of direct subsidies to liquid and dry-bulk vessels operating in foreign commerce—with little regard given to either their commercial utility or defense relevance. This initiative was undertaken independently of the emergence in the postwar period of a sizable beneficially owned U.S. fleet operating under foreign flag, transporting a significant percentage of U.S. bulk trade at no cost to the Government—at least partially addressing the economic security argument in the transportation of strategic commodities. Unfortunately, like their subsidized counterparts, all but approximately 50 vessels of this fleet are recognized by the Defense Department to be unsuitable for repatriation to serve as naval auxiliaries in time of war or national emergency.

Perhaps more unfortunately from a commercial shipbuilding perspective—as many of us serving in the Congress

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during that period are well aware, less than one-third the intended number of vessels were ever built. Moreover, despite the investment of over $2.6 billion in capital improvements by our major shipyards over this period—although only an estimated 15 percent of that amount was expended for advanced technology—the cost differential between domestic and foreign vessel construction actually increased rather than decreased over this period, except in the case of highly specialized vessels at the higher end of the technology spectrum. Construction subsidy programs continued to encourage the construction of vessels of customized rather than standardized design susceptible to exploitation of the inherent economics of scale in series production, with predictable consequences in terms of delivered cost. From the perspective of the industry's international competitiveness, the fact that the last seagoing vessel was exported in 1960 speaks for itself.

The inflexibility inherent in subsidy rather than market influenced promotional programs is no more aptly demonstrated than in the failure to respond to the technological shift from steam to diesel propulsion beginning in the 1970's. Despite the twin oil price shocks experienced during the decade (increasing the percentage contribution of bunker fuel to total vessel operating costs from 15 percent prior to 1973 to between 40 percent and 60 percent after 1979) the United States still continued to subsidize the construction of inefficient steam-propulsion systems in new vessels. Compounding this inefficiency, the operating differential subsidy program continued to absorb the cost differential in operating costs between efficient diesel-propelled foreign vessels and their steam-propelled U.S. counterparts. At the same time, only modest progress was made in reduction of mandatory crew sizes in comparison to pronounced reduction in crew size achieved by our foreign competitors. Notwithstanding, overall maritime employment continued its precipitate decline from 90,000 in 1950 to less than 16,000 seagoing billets today.

By the end of the decade, America was left with a legacy of a failed policy, a foundering merchant marine, and an ever-widening gap between U.S. and foreign productivity and competitiveness in maritime enterprise. Only in technological innovation in the development of advanced vessel design concepts such as containerization, roll-on and roll-off, and integrated barge vessels has the United States consistently led the world. Unfortunately, in many instances, it was our foreign competition rather than U.S. shipping firms that were better able to implement these innovations. This has been due in large part to the shipping industry's inability to attract substantial external capital because of its comparatively low rate of return on investment.

Mr. Speaker, the manifest need for a healthy maritime industry is now more acute that at any time in this century. From a national defense standpoint, the remaining elements of the 40-year-old, World War II, Government-built fleet (now resting at anchor in the national defense reserve fleet) are now ready for the scrapyard. In marked contrast to earlier foreign engagements requiring the deployment of commercial sealift assets, the United States has nowhere near sufficient tonnage to support its global economic and military commitments, while at the same time maintaining our commercial trade in time of hostility.

From the perspective of international competitiveness, approximately 160 of the 176-vessel U.S.-flag liner fleet (the backbone of our commercial operating fleet and Sealift augmentation assets) are now technologically obsolete and in need of accelerated replacement. The majority of the 210 vessels aggregating the 10.4-million-ton coastwise tanker fleet (the other critical element of the defense-relevant sector of our merchant marine) are over 20 years of age and beyond their economically useful life. Moreover, most of these vessels are not likely to be retrofitted to meet the increased safety requirements mandated under the Port and Tanker Safety Act of 1978 by the required compliance date of 1986. The once flourishing coastwise and intercoastal trades numbered over 300 vessels prior to World War II. This fleet has declined to a handful of vessels in liner and general cargo service. These are the types of vessels in critically short supply in terms of service mobility. This is despite the advantage in ton-mile cost of operation in intercity freight movement inherent in the marine mode and the growing need to develop a coastwise feeder service to complement larger capacity vessels entering the foreign liner trades expected to make fewer port calls in the future.

Our once proud U.S.-flag passenger fleet, now almost extinct, has made a limited comeback with the entry into service of two reconstructed vessels in the cruise trade last year. This contrasts with the explosive increase in demand in the cruise trades operating out of U.S. ports. This increase is expected to result in the construction of between 15 and 25 new vessels dedicated to U.S. service over the next decade. This is a ready market for a U.S. operator who can put together the investment package to carve out a market share.

In combination, these are precisely the type of commercial vessels that the Navy needs to supplement its global commitments. We simply cannot afford to be caught in a Falklands-type confrontation without the available commercial tonnage necessary to support and sustain such an effort. The ill-fated Teheran rescue effort of our hostages must not continue to symbolize the futility of a great Nation unable to project its power efficiently and effectively on a global scale.

Experience demonstrates there is no more appropriate time to begin to fashion a new course in maritime promotional policy than when the industry is clearly at ebb tide. Under the personal leadership of President Reagan (and now two successive Secretaries of Transportation), the administration has already begun a long overdue effort to reexamine maritime promotional policy and to offer constructive approaches to promote the industry's long-term economic recovery. It is now time for the Congress to respond before our oceangoing merchant marine disappears from the seas and the commercial shipbuilding and ship repair industry closes its doors forever.

Mr. Speaker, the legislation I introduce today is designed to restore the United States to a position of maritime leadership in the world. It is based upon the fundamental conclusion that the objectives expressed in the Merchant Marine Act, 1936, remain as valid today as when they were first enacted nearly 50 years ago. In my judgment, only the methods adopted to achieve those objectives require fundamental restructuring in light of the dramatically altered competitive environment of trade and domestic intermodal competition affecting the ocean shipping sector of our domestic transportation system and the declining productivity and competitiveness of our commercial shipbuilding industry.

In the context of revitalization, we must first recognize that, in the global economic environment of the 1980's the problems of the ocean shipping and commercial shipbuilding sectors of the maritime industry are substantially different in kind and degree, and perhaps, more importantly, in the time scale required for their resolution. In addition, the success of governmental efforts to stimulate revitalization of these principal sectors of the maritime industry will largely depend upon the willingness of the industry itself, as well as that of organized labor (both seagoing and shoreside) to become more innovative, productive, and competitive. For the same reasons that it is axiomatic that an industry has never been subsidized into becoming more competitive beyond a certain stage in its evolution, it is equally apparent that the provision of indirect incentives for stimulating innovation, productivity, and competitiveness must ultimately rely in large part upon the willingness of the industry itself to recognize and to begin to take the necessary steps to initiate internal changes for its own self-preservation.

The ocean shipping industry today is an international service industry dependent upon the overall volume and distribution of seaborne trade which is, in turn, dependent upon the state of the global economy and the political actions of nation states increasingly influencing the market for ocean shipping services through either direct intervention through the imposition of restrictions upon market access or direct participation through the establishment of national flag carriers. Domestically, even though ocean shipping operates in a protected market, it still must compete with other transportation modes or combination of modes for the carriage of intercity freight movement measures on a ton-mile basis. By definition then, ocean shipping must compete on an equal footing either according to international standards against foreign-flag carriers or domesticaly against other competing transportation modes. With ocean shipping becoming increasingly capital-intensive, indirect incentives for the accelerated replacement or expansion of capital plant and equipment offers the best strategy to encourage innovation and effect overall productivity improvement and competitiveness measured against either international or domestic standards. It also provides the most cost-effective application of Government assistance to offset structural differences represented principally by direct labor cost differential.

At the same time, commercial shipbuilding in the United States is a mature component of the industrial manufacturing base. It has traditionally operated: First, in the limited competitive environment of protected domestic markets; second, until recently, in subsidized markets for the construction of U.S.-flag vessels operating in foreign trades; and third, in the construction of vessels for Government account. In contrast to ocean shipping, the industry has not competed directly in global markets for almost a quarter century except in specialized vessel trades and in the production of offshore oil rigs and supply vessels. With the difference in the manhours required for the construction of a typical seagoing vessel approximating twice that of our foreign competition, the difference in time of delivery and delivered cost have predictably expanded rather than contracted over the last decade; this is despite substantial Government assistance paid directly to shipyards to offset foreign construction cost differential. It must be recognized, however, that foreign nations have substantially subsidized their domestic shipbuilding industries, either to increase exports (in the case of Japan and Korea) or more recently, principally to retain domestic employment levels (in the case of European Economic Community member nations).

Having recognized the functional distinctions between these very different sectors of the maritime industry, one can focus upon the industrywide barrier to future development shared by both sectors. That is the need for substantial capital investment in increasingly expensive modern vessels operating in dedicated trades and in the facilities to produce those vessels most efficiently. This is in response to the demonstrable shift on the industry as a whole from labor to capital intensity, in order to take advantage of economies of scale in vessel construction and operation. The most favorable opportunity for Government economic intervention to promote revitalization of both sectors of the industry is therefore in targeted assistance in the area of capital formation. The thrust of this legislation is the provision of capital formation assistance to both sectors of the maritime industry through the substitution of restructured indirect incentives such as credit guarantees and more effective use of tax expenditures for direct subsidy programs as a means of encouraging innovation and improving productivity and competitiveness.

The package of incentives provided in the bill is designed to result in the construction and operation of vessels in response to market demand for operation in foreign and domestic trades, with priority given to those projects providing indentifiable strategic benefits in terms of improving sealift mobility or provision of workload stability for purposes of maintaining an efficient domestic shipbuilding and ship repair mobilization base.

Capital formation assistance would be targeted to U.S. operators in foreign, coastwise, and intercoastal trades. Examples of priority markets justifying financial assistance would include accelerated replacement and expansion of the U.S.-flag liner fleet operating in bilateral and cross-trades, revitalization of the coastwise and intercoastal shipping trades (including the expansion of feeder service to complement rationalized liner service in foreign trades), and U.S.-flag penetration of the domestic and foreign cruise trade with vessels designed to operate in both trades while capable of serving as naval auxiliaries.

Maintenance and expansion of existing markets and penetration of developing markets will pose severe fiscal strain upon the chronically undercapitalized ocean shipping industry. Access to equity markets has not been traditionally utilized by the industry in view of its historically low rate of return on assets and equity. The best type of vessel financing, traditionally either debt, or more recently, offbalance sheet leasing, combines a fixed rate of interest and a long payment period approximating the economic use for life of the vessel. This is precisely what the existing title XI loan guarantee program offers, only at premium market rates. In the increasingly competitive environment of ocean shipping, however, the industry's emerging needs are for a variety of alternative financing methods combining wherever possible below market financing, additional equity, and expanded use of offbalance sheet financing in combination with full utilization of recently enacted liberalized capital allowances including the investment tax credit and accelerated depreciation.

The legislation I introduce today represents the first proposal for significant restructuring of the title XI credit financing program since 1972. On that occasion, the program was modified from an underutilized mortgage insurance program to a full faith and credit guarantee of nonrecourse debt issued by either a vessel owner or institutional investor acting as lessor in a leveraged lease transaction. However, the program was never further amended to take advantage of the creation of the Federal Financing Bank in 1973, providing the opportunity for below market financing.

In proposing the restructuring of existing credit programs and in comparing alternative ship financing programs to similar programs administered by other specialized Federal agencies, it became apparent that the level of sophistication and expertise involved in expanding the range of alternative ship financing techniques clearly exceeds the capability of those elements of the Maritime Administration in the Department of Transportation currently involved in ship financing. It became equally apparent that in order to insure that financing decisions would be made primarily in response to market factors as distinguished from the nonmarket orientation of other promotional programs administered by the Department, the entity administering a broad-based capital investment program should be autonomous to a large extent. Accordingly, I have chosen as an institutional vehicle a wholly owned Government corporation as a tool for administering the proposed restructured credit programs. I have called this adaptation of the generic development bank concept the "Maritime Redevelopment Bank of the United States." Unlike its institutional predecessors under previous promotional statutes, it is designed to operate as a development bank acting as a financial intermediary between maritime entrepreneurs and capital markets both here and abroad. It is modeled after analogous Government corporations administering similar credit programs in the housing, education, energy, and agricultural sectors of the economy.

The bank's principal authority granted by its charter to promote capital investment in maritime enterprise falls into four categories: First, financing; second, refinancing; third, co-financing, and fourth, insurance-related activities.

First, its financing authority includes: One: Limited equity participation as utilized in the venture capital industry applicable to investment in higher risk activities. Two: Guaranteed loan authority similar to that exercised by the Student Loan Marketing Association (Sallie-Mae) in the Department of Education. Under this authority, the bank is authorized to borrow from the Treasury through the Federal Financing bank and, in turn, provide loans to private lending institutions subject to agency guarantee under appropriate guidelines for such purposes as vessel reconstruction with more efficient propulsion systems or modification to extend their useful economic life. The bank may then buy back the guaranteed loans and sell them to the Federal Financing Bank, thereby replenishing its loan authority.

Three: Guarantee authority. Under traditional debt financing, the bank is authorized to guarantee any obligation or combination of obligations subject to existing title XI guarantee authority. However, whereas under existing authority, the typical transaction involves guarantee of the repayment of principal and interest on commercial nonrecourse debt issued in conjunction with the procurement of individual vessels for the most part, here the intention is that the bank utilize its guarantee authority whenever possible to encourage multiple ship procurement under fleetwide financing arrangements.

Here, the bank is intended to operate much like the Government National Mortgage Association (Ginnie-Mae) in the Department of Housing and Urban Development. It would establish guidelines for the guarantee of mortgages for purchase by brokerage houses to be held for the benefit of shipping unit trusts. This form of passthrough investment would serve as a mechanism for expanded equity involvement in the industry, particularly in the purchase of existing tonnage at bargain rates with the objective of capital growth through eventual vessel resale when cyclical conditions of overtonnaging eventually improve. Shipping trusts could also invest in mortgage-backed securities issued by the bank (including options or futures contracts associated with the issuance of those securities) in addition to the purchase of ship and fleet mortgages themselves.

The bank is also authorized to guarantee charter payments or residual salvage value of vessels operating under hell or high water charter parties in the context of leveraged leased financing agreements between an institutional lender acting as an owner trustee and lessor, and a vessel operator as lessee. This alternative financing arrangement is intended to facilitate off balance sheet financing of vessel acquisitions, thereby improving an individual shipping company's rate of return on assets and equity, as well as promoting the full utilization of liberalized capital allowances passed on to vessel operators in the form of lower charter hire under charter parties.

Four: Issuance of mortgage-backed securities. The bank is authorized to issue mortgage-backed securities in the form of agency debt to increase the liquidity of capital investment in maritime enterprise by providing greater access to secondary capital markets by institutional investors (such as pension and profit-sharing trust funds) than occurs under current financing arrangement. This is analogous to the operation of the independent Federal National Mortgage Association (Fannie-Mae) in the Government-guaranteed housing markets.

In addition, the bank is expressly authorized to establish a foreign subsidiary in order to increase foreign passive investment in U.S. shipping assets through the sale of agency securities in Eurodollar markets to foreign institutional investors.

Five: Acceptance of alternative collateral. The bank is authorized to accept assignment of preferred ship mortgages as security for the issuance of nonrecourse debt in the context of either a single vessel or fleetwide financing through cross-collateralization provisions. In addition, the bank can make guaranteed loans or issue guarantees upon assignment of long-term charter party or contract of affreightment income, to facilitate the development of alternative shipping arrangements in either conventional or countertrades. The bank could also accept a pledge of stock (stock warrants) in exchange for financing assistance analogous to the Chrysler and Lockheed loan guarantee arrangements.

In order to facilitate leasing as an alternative to purchasing of new vessel tonnage, the bank could exercise a lien upon existing capital construction funds from which charter payments are made under the terms of leveraged leased transaction. Use of capital construction funds for this purpose would improve the liquidity reserves of vessel operators permitting future expansion of equity financing.

Second, under its refinancing authority, the bank is authorized to undertake either long- or short-term refinancing of previously guaranteed or nonguaranteed vessel financing (through cross-collateralization) wherever commercially and financially justifiable. This would permit the restructuring of existing debt to take advantage of lower interest rates, conversion from floating to fixed rate financing, conversion from foreign currency to dollar-based financing to reduce currency risk, or any other legitimate business purpose, without the necessity of foreclosing to protect the interest of existing debt-holders.

In this instance, a replacement guarantee would be issued superseding any existing guarantee. In addition, advance credits in the form of guarantees against future vessel construction would be issued in order to encourage scrap-and-build programs to replace obsolete existing tonnage with more modern and efficient vessels.

The bank would also be authorized to issue short-term liquidity loans encompassing payment of interest charges on outstanding debt, charter hire, layup expenses, or, within limits, operating losses.

Third, in terms of its cofinancing authority, the bank is authorized and encouraged to undertake fleetwide financing arrangements through cofinancing agreements or syndication arrangements with commercial banks and other lending institutions. The chief benefit of such arrangements would be the provision of superior financing terms and conditions in the form of fixed rate below market long-term financing as distinguished from comparable foreign financing arrangements involving medium-term (5-7 year) Eurodollar market floating rate financing. In addition, such financing arrangements would encourage domestic construction.

By permiting foreign investment of up to 50 percent equity participation in U.S.-flag shipping in foreign trades (representing parity in the case of a closely held corporation) to promote joint ventures or less than effective controlling interest in the case of a publically held corporation. These arrangements could be extended to include fleetwide financing of vessels under mixed domestic and foreign construction depending upon the adequacy of commercial shipyard workload stability and other factors.

Fourth, finally, under its insurance authority, the bank is authorized to underwrite either by itself or through co-insurance or re-insurance agreements, war-risk, political (including currency) risk, and mortgage insurance (where applicable) when not available under reasonable terms and conditions from insurance carriers.

The legislation also contains parallel procurement and investment incentives to promote innovation, increased productivity and competitiveness in the commercial shipbuilding and ship repair sector of the maritime industry engaged in the construction of commercial vessels for operation in the foreign, coastwise, and intercoastal trades.

Shipyards would initially be indirect beneficiaries of the financing inventives designed to reduce the cost of vessel acquisition and replacement of those operators in the coastwise and intercoastal trades required to purchase their vessels from domestic shipyards, as well as those operators in the foreign trades attracted by the superior financing arrangements available in conjunction with domestic construction.

By including provisions constituting conditions of approval for the procurement of vessels by operators from foreign shipyards, the legislation expressly recognizes the time scale differences required for productivity improvement in ocean shipping in contrast to shipbuilding sector expectation of the maritime industry.

With direct application to commercial shipbuilding, the legislation is designed to stimulate market demand for domestic construction by improving the affordability of domestically produced vessels through the reduction in the delivered cost and time of delivery in relation to foreign construction. Market demand, equating to greater workload stability for the industry, would be increased by targeting procurement and investment incentives to promote capital investment in advanced ship construction technology. Unlike earlier attempts at promoting revitalization of the commercial shipbuilding industry, this legislation includes specific incentives for encouraging innovation and improving productivity and competitiveness of domestic ship construction.

This approach differs substantially with that taken in the amendments to the Merchant Marine Act adopted in 1970 in which additional construction differential subsidy funds were intended to be directed toward encouraging series production in shipbuilding. Unfortunately, the provision of construction differential subsidy (CDS) funds and credit financing assistance as administered under those amendments continued to promote single unit construction of vessels of customized design rather than series construction of vessels of standardized design under the expanded shipbuilding program. As a result, it is estimated that only 15 percent of the $2.6 billion invested in domestic shipbuilding technology over the 1970's was expended for advanced ship construction. It is not surprising, therefore, that during this period the cost differential between domestic and foreign construction continued to widen.

The principal institutional device designed to stimulate innovation in the commercial shipbuilding base would be the establishment of an industrywide research and development consortium in the form of a limited partnership with the corporation functioning as the general partner. Individual shipyards or lending institutions could participate as limited partners taking advantage of existing tax benefits under this institutional arrangement.

The consortium would undertake research and development into advanced ship construction technology and product diversification. It would license the technology developed to individual shippers to facilitate rapid implementation, and as a means of self-financing of its operations beyond its initial investment. It could operate a demonstration shipyard constructed or reconstructed from the ground up to implement advanced ship construction technology in the form of new continuous mode flow processing, incorporating computer-aided design and manufacturing techniques and robot-ics. It could continue to develop new software in support of individual shipyards investing in comparable hardware. Members of the R&D consortium would benefit from research and development tax credits and accelerated depreciation for R&D investment contained in the Economic Recovery Tax Act of 1981. In addition, the consortium would operate under permissible antitrust guidelines issued by the Department of Justice.

Capitalizing on identified opportunities for innovation in commercial shipbuilding and product diversification, the legislation contains procurement incentives for the purchase of vessels from domestic shipyards as an additional inducement for capital investment in advanced technology by domestic shipyards.

The first of these procurement techniques would be the utilization of commercial build-and-charter authority under title VII of the act to be implemented by the bank in two alternative forms. One alternative would combine the provision of interim construction financing with long-term investment guarantees to encourage serial construction of standard design vessels at a fixed price with fixed delivery dates under terms and conditions beyond the negotiating leverage of an individual shipowner purchasing a limited number of vessels from a single shipyard. The other alternative would rely principally on the long-term guarantee authority of the bank.

International competitiveness of domestic shipbuilding would be enhanced by encouraging foreign investment in the form of joint ventures in both ocean shipping and shipbuilding in particular, encouraging reverse investment in the U.S. maritime industry by those trading partners chiefly benefiting from penetration of our domestic markets and from participation in our ocean shipping trades. In the case of commercial shipbuilding, this would facilitate the transfer of foreign technology to upgrade the capability of domestic shipyards to enable them to compete once again on a global scale. In addition, the potential utilization of wrap-around financing incorporating fleetwide acquisition of vessels involving mixed foreign and domestic construction should result in substantially reduced average fleet-operating costs in comparison to the industry's present cost structures. Any residual cost differential could be further reduced through the provision of a capitalized cost differential paid to vessel owners based on average ton-mile operating cost computed on an annualized basis.

In addition, the development of new end products at the higher end of the technology spectrum built with the benefit of advanced technology should enable commercial shipyards to become more competitive on a global scale in a number of product lines. This is similar to the learning curve experienced in reduction of construction costs achieved in the liquefied natural gas (LNG) vessel and offshore drilling rig markets in the 1970's. This comprehensive approach to revitalizing the maritime industry providing indirect incentives for innovation, increased productivity, and competitiveness substituting for the direct subsidy programs of the past requires two additional elements to be completely effective. The first of these is more effective use of existing tax expenditures in the form of capital balances by the ocean shipping and shipbuilding industries. This includes the need for several specific changes to the tax structure of ocean shipping. These would restore tax parity to U.S. owners and operators in vessel acquisition, replacement, and operations. These would also establish true reciprocity in tax treatment between U.S. and foreign-flag shipping, equity as between U.S.-owned domestic and foreign-flag shipping, and neutrality as between leasing and purchasing of vessels by U.S. operators.

The second requires the adoption of a complementary trade strategy—with or without legislative guidance—which seeks to preserve and expand market access for U.S. vessels in bilateral and cross-trades, while at the same time responds to the legitimate aspirations of developing nations in international trade and shipping. This strategy must be based upon principles of fair trade. These objectives can be met through a coherent approach to resolving differences surrounding international trade policy—wherever possible on a multilateral basis—or, if necessary, on a bilateral basis. This would apply the analogous model of aviation bilateral agreements negotiated on a bilateral sectoral trade reciprocity basis.

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This approach would also include the adoption of an analog to the multifiber agreement negotiated under the auspices of the General Agreement on Tariffs and Trade (GATT) in order to reduce chronic overcapacity in world shipbuilding. This agreement, as applied to textile manufacture, provides a multilateral basis for the imposition of specific import restrictions negotiated between GATT members on a bilateral basis. This could apply to the dumping and provision of extensive subsidies in shipbuilding or export as a means of reducing excess world shipbuilding capacity.

Mr. Speaker, it was the image of the Yankee trader first flying the American ensign in world trade which symbolized the last great era of U.S. maritime supremacy. Through the provision of a complementary framework of credit and tax policies, and trade strategy, beginning with the catalyst provided by those elements included in the legislation I introduce today, I believe the maritime industry can compete on fair and equal terms both at home and abroad in the intensely competitive transportation and trade environment of the 1980's. This legislation is intended to regenerate the entrepreneurial spirit of the Yankee trader to promote the lasting revitalization of those elements of the maritime industry which respond to the challenge.●

EUROPEAN COMMUNITY "REBUKE" IS NO REBUKE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. BEREUTER. Mr. Speaker, in reading a news story by William Drozdiak in the June 20, 1983, edition of the Washington Post with a Stuttgart, West Germany, dateline this Member was dismayed to read the following:

> In an indirect rebuke to the Reagan administration's policies in Central America, the European Community's 10 leaders said today that they are convinced that the area's problems cannot be solved by military means "but only by a political solution springing from the region itself."

However, a review of E.C. News No. 11/83, dated June 20, 1983, reveals the following full description of the European Council's position on Central America.

> The heads of State and Government confirmed their close interest in developments in Central America. They are deeply concerned at the economic and social conditions in many parts of the region, at the tensions which these create and at the widespread misery and bloodshed.
>
> They are convinced that the problems of Central America cannot be solved by military means, but only by a political solution springing from the region itself and respecting the principles of noninterference and inviolability of frontiers. They, therefore, fully support the current initiative of the Contadora Group. They underlined the need for the establishment of democratic conditions and for the strict observance of human rights throughout the region.
>
> They are ready to continue contributing to the further development in the area, in order to promote progress towards stability.

There is nothing in that statement which is inconsistent with the administration's policy or actions; therefore the European Council's position cannot reasonably be considered a rebuke. This is in short, an example of a reporter drawing a conclusion that is not justified.●

THE 50TH BIRTHDAY OF TENNESSEE VALLEY AUTHORITY

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 1983

● Mr. JENKINS. Mr. Speaker, the Tennessee Valley Authority is a Government-owned corporation created by an Act of Congress on May 18, 1933. The TVA conducts a program of resource development for the advancement of economic growth in the Tennessee Valley region.

The Authority's program of activities include flood control, navigation development, electric power production, fertilizer development, recreation improvement, and forestry and wildlife development.

I am pleased to submit an article from the Atlanta Constitution which details the achievements of the Tennessee Valley Authority on its 50th birthday.

ON 50TH BIRTHDAY, TVA LOOKING TO 21ST CENTURY

[From The New York Times]

Fifty years ago, in the first days of the agency that was to remold the Tennessee River Valley, all the cities and towns there were deep in the craw of the Great Depression.

In Decatur, Ala., for example, 1933 was the year the largest industry in town, which had employed 2,000 people, sank to its knees and closed. A much smaller operation went bankrupt, then another and another. Seven of the eight banks in the county folded. Cotton was selling for 5 cents a pound, and land was selling for the amount of tax owed. Children had empty stomachs, parents had vacant eyes.

The per capita income in the region was $168 that year, about 45 percent of the national average. The birth rate was about a third above the national average. About 30 percent of the residents in some areas of the valley had malaria. More than half the 3 million people lived on farms, and half of them were sharecroppers. About 97 percent of the farms had no electricity. Fires burned about 10 percent of the forests each year, and floods ripped along the rivers. About 7 million of the region's 12 million cleared acres were severely eroded.

It was in that year, on May 18, that President Roosevelt signed a bill establishing the Tennessee Valley Authority, a government corporation charged with taming the Tennessee River, improving navigation, reforesting and restoring land and providing for the agricultural and industrial development of the valley.

From its birth the TVA was swaddled in controversy as one of the foundation blocks in Roosevelt's New Deal. It has been criticized as an experiment in socialism and praised as one of the few government experiments that worked.

It became the largest utility in the country, though it is now second, and probably the most effective regional development agency. It has struggled with politicians and snail darters and opponents of nuclear power. It has improved the overall quality of life in the region, but it has also flooded generations-old farmland and the birthplace of the Cherokee Indian nation; it has attracted industry but has polluted the skies.

Since 1933, the number of manufacturing plants in the region has increased by 400 percent. Per capita income has climed to 77 percent of the national average. The river is tame and navigable for the entire 650 miles from Knoxville, Tenn., to Paducah, Ky. and in the fiscal year 1982, in a deeply recssionary economy, there were 273 announcements from industries planning to build new facilities or expand existing ones in the region.

Looking back over half a century, it is easy to see how the TVA changed the Tennessee Valley. Looking ahead toward the 21st century, its role in the region's future is sufficiently unclear to generate questions about the need for its continued existence.

"The need for this agency is very different now than it was 50 years ago," said Richard Freeman, one of the three managing directors who set policy for the TVA. "Then there was a need for a central agency to tame the river and develop the region. But a laboratory for the development of ideas and new technology is just as much needed today.

"TVA can be a leader in pushing for renewable energy sources, for conservation and more efficient use of energy. Our role would not be so much in the area of pure research, but taking the research technology and making things actually happen with it, getting it into the hands of the consumer, is a role TVA can play."

As is occurring throughout much of the nation, especially in the states that are looking enviously at California's Silicon Valley, North Carolina's Research Triangle and Boston's Route 128, Southern states are seeking high-technology industries as the employers of tomorrow.

For its part, Freeman said, the TVA is helping Tennessee develop a "technology corridor" between Knoxville, where the University of Tennessee is situated, and Oak Ridge, which is home to the National Atomic Energy Laboratory and 2,000 people with doctoral degrees. The TVA is addressing a similar situation near Huntsville, Ala., where early space technology was developed at the Redstone Arsenal and some such work is continuing at National Aeronautics and Space Administration centers.

S. David Freeman, who is another managing director but no relation to Richard Freeman, sees the development of high-technology industry in the Tennessee Valley as imperative.

"The old engines of economic growth in the valley—low-cost electricity and cheap labor—have run out of steam," he said. "The new engine is to be found in the emergence of high-technology industries and high-skill services."●

HOUSE OF REPRESENTATIVES—*Monday, June 27, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
June 23, 1983.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Monday, June 27, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Gracious God, we are conscious of the people who offer support and friendship to us. We recognize that our own strength is not always equal to our tasks and by ourselves we are not masters of our fate. We give thanks, Almighty God, for all men and women who give of their time and love in support of other people, and whose affection and caring is often so critical to healthy lives. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill, a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 969. An act to amend section 1 of the Act of June 5, 1920, as amended, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration is responsible;

S.J. Res. 34. Joint resolution designating "National Reye's Syndrome Week"; and

S. Con. Res. 22. Concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the U.N. Decade of Disabled Persons (1983-92).

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
June 24, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:50 a.m. on Friday, June 24, 1983, the following messages from the Secretary of the Senate:

1. That the Senate agree to the conference report to H. Con. Res. 91; and
2. That the Senate agree to the House amendment to the Senate amendment to H. Con. Res. 91.

With kind regards, I am,
Sincerely,
BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to rule XXXIX, as a result of the adoption of the House and Senate of House Concurrent Resolution 91, as amended, the Chair announces that House Joint Resolution 308, increasing the statutory limit on the public debt, has been engrossed and is deemed to have been passed by the House.

SEPARATION OF POWERS, A BASIC CONSTITUTIONAL PRINCIPLE

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, the Founding Fathers gave this Nation the strongest and most durable Constitution in the world, and nothing is more basic to our Constitution than the principle of separation of powers.

When it struck down the legislative veto last week, the Supreme Court, in the opinion of many people, may have shifted too much power in the direction of the executive branch. Left in doubt are such significant acts as the War Powers Act of 1973, the Budget and Impoundment Control Act of 1974, the Nuclear Non-Proliferation Act of 1978, and the role of Congress in reviewing administrative rules and regulations.

As we sort out the impact of this decision, it is clear that in the future Congress must draft laws more precisely. Just as clearly, administrative powers must be drawn more restrictively, for our whole system of checks and balances is now at stake.

BIOMEDICAL RESEARCH NEEDED FOR DIABETES

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, I would like to address my colleagues regarding a serious health issue which deserves greater attention and support. Millions of Americans will agree with me because they suffer from the disorder known as diabetes.

Basically, diabetes is a disorder in which the body is unable to convert nutrients properly into the energy necessary for daily activity. If not treated, diabetes can be fatal. Even with proper treatment, diabetes is the fifth leading cause of death by disease in the United States. The long-term complications are worth noting:

Diabetes causes almost 50 percent of amputations of the foot and leg among adults;

Diabetes causes 20 percent of all cases of kidney failure and 15 percent of all blindness;

Diabetes in pregnant women and gestational diabetes causes about 2,200 fetal and infant deaths annually; and

Twenty-five percent of diabetics have heart disease and diabetes is one of the four major risk factors for cardiovascular diseases.

These statistics are certainly cause for concern. Yet, I am particularly sensitive to these startling figures because of the death last week of Kevin Bilbray, the 21-year-old diabetic son of close friends of mine. When I was attending law school at George Washington, I served as a Capitol policeman with another law student from southern Nevada, James Bilbray. Two of his children, including Kevin, and two of mine were born during that time. Our children became close and lifelong friends. This tragic death is, for me and for my children, a deep personal

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

loss. Kevin's death resulted from a severe insulin reaction.

The actual causes of diabetes are not known. Consequently, there is no cure for the disease. Medical advances have been made to address the complications of the disease and to afford diabetics the opportunity to lead fairly normal lives. On the positive side, components of the National Institutes of Health have discovered new and promising leads on the possible causes of the disease. The ultimate prevention, control, and cure of diabetes depends upon the assistance which only biomedical research can offer.

In 1983, funding for the National Institute of Arthritis, Diabetes and Digestive and Kidney Diseases of NIH is approximately $83 million. When this body can obligate billions of dollars for weapons systems which have not yet proven their capabilities or effectiveness, I believe that more attention should be allocated toward finding a cure for this major public health problem.

Thank you.

AT LAST—SOME GOOD NEWS IN SOCIAL SECURITY

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, last Friday, for the first time since the early 1970's, the trustees of the social security funds have given us a favorable report on the retirement and disability funds. That is something Congress should note because if the Congress had not acted earlier this year we would have had more than another warning from the trustees. If the Congress had not acted, we would have had a disaster report—a notice that checks due to go out this weekend would be delayed for lack of funds.

Instead the report shows the retirement and disability funds remaining above danger levels throughout the 1980's and beyond, even under pessimistic assumptions. Moreover, the 75-year projections now show no long-term deficit under the best guess assumptions, and even under pessimistic projections potential long-term problems were cut in half.

All this is due to the social security bill passed by this body in March addressing both the short- and long-term problems in the program.

It is true that we must now face medicare. It is true another severe recession could spell some more short-term trouble. But for now the Congress can feel we have done the right and responsible thing—and that, too, is worth noting.

LEGISLATIVE VETO

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I am surprised by the reaction that the news media and some Members of Congress have given to the Supreme Court's decision declaring the legislative veto unconstitutional. It should not have surprised anyone and the decision does not have the importance that has been attached to it.

I always thought it was rather elementary that it was unconstitutional because a provision in a bill permitting the Congress to veto executive department action either means: First, that legislative power was delegated; or second, exercising the veto would be an usurpation of executive power. Those who defended the constitutionality and logic of the legislative veto who were not caught on one argument, were caught on the other.

The legislative veto is a rather sterile tool anyway because time constraints are so great that it makes it impossible for Congress to exercise the veto power on thousands of executive actions effectively, and it has not been effective. It has been used only a very few times.

The decision did not shift power significantly as has been indicated because the legislative veto was of little importance compared to the power of the purse which still remains in Congress. By attaching limitations to appropriations bills limiting the use of Federal funds in appropriations bills that the President must sign to secure money he wants for programs, rules, regulations, and actions by departments can be rendered null by denying the use of any money for the next year to administer them. Appropriations which originate in the House of Representatives are for 1 year at a time. Therefore, even if a department puts a rule or regulation into effect, it could be used only until the next appropriations bill is passed and some of the limitations have applied to prevent regulations being put into effect during the period the rule is being considered and before it is effective. As an example of effectiveness of limitations on an appropriations bill and the power of the purse, I personally have sponsored amendments to three different appropriations bills which killed three embargoes. Those amendments prohibited the use of funds to administer the embargoes, so they were effectively dead. There are hundreds of other examples passed with the concurrence of the majority of the House and Senate each year. I am very surprised that the news media and some Members of Congress seemed to have completely missed this perspective and overlooked the fact that the power of the purse not only has been the principle tool to control excesses in the executive branch of the Government but also still remains that principle effective tool.

PROTECTION OF INDIVIDUAL RIGHTS

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, when we break this July 4, in observance of one of the greatest events in the history of the world, it is important we remember the real principles that set this Nation apart from almost any other Government in the world, the Bill of Rights and U.S. Constitution, that protect individual rights against the abuse of Government power. The forefathers wrote into the Constitution and into the Bill of Rights the guarantee of due process of law, the guarantee that any person before he could be persecuted by government would have their day in court.

It is very important that we never forget that principle.

Last Friday, along with 26 Members of the House, I introduced legislation—the World War II Civil Liberties Violation Redress Act—to make redress for 120,000 loyal Americans of Japanese ancestry who in 1942 were taken from their homes and put into internment camps in this country, without one person ever being found guilty of violating any law of this land.

The World War II Civil Liberties Violations Redress Act is meant to assure the people of this Nation that their Government will never again violate their Constitution. I urge every Member of this House to join in passage of this important legislation. No person in this country is safe against the abuse of government power if we do not demand adherence to the U.S. Constitution.

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One of the most important pieces of legislation this Congress could ever address is to pass that redress legislation to make sure this country never again forgets or violates the principles upon which this Nation was founded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the question of passing a bill and on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, June 28.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. This is District of Columbia day.

The Chair recognizes the gentleman from California (Mr. DELLUMS), chairman of the Committee on the District of Columbia.

INCREASED AUTHORIZATION FOR FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 2637) to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-3406) is amended by striking out "and for the fiscal year ending September 30, 1983, and for each fiscal year ending after September 30, 1983, the sum of $361,000,000" in the first sentence and inserting in lieu thereof "for the fiscal year ending September 30, 1983, the sum of $361,000,000; and for the fiscal year ending September 30, 1984, and for each fiscal year ending after September 30, 1984, the sum of $386,000,000".

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

I am pleased to bring up for the consideration of the House the bill H.R. 2637.

H.R. 2637 amends the District of Columbia Home Rule Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia from the existing level of $361 million to $386 million. This increase was proposed by the President and is included in the fiscal year 1984 budget as passed by the Congress.

H.R. 2637 is required because the amount of the actual payment has not kept pace with the increase in the extraordinary net costs and denied revenues related to the Federal presence which is the basis of the Federal payment. Further, the Federal payment has decreased as a percentage of the District budget from almost 27 percent at the time of the Home Rule Act in 1973 to approximately 20 percent of the proposed fiscal year 1984 budget if this bill is approved. It should be emphasized to the Members of this body that the District raises 80 percent of its own revenues independent of this Federal payment.

The Subcommittee on Fiscal Affairs and Health of the Committee on the District of Columbia held a hearing on May 5, 1983. No testimony was received or submitted for the record in opposition to the bill and it was reported to the full committee. On May 10, 1983, the committee unanimously approved H.R. 2637, by a recorded vote of 11 ayes, 0 nays, a quorum being present, and ordered the bill reported to the House. For these reasons I urge passage of this piece of legislation (H.R. 2637).

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, while there are many pieces of legislation on which the administration, the majority party and the minority party all have differences of opinion, I am confident that the measure now under consideration is one that has near unanimous support.

H.R. 2637 would increase the authorized level of the annual Federal payment to the District of Columbia from $361 million to $386 million. That new level is what the President has proposed in his fiscal year 1984 budget submission, it is the level contained in the budget resolution just approved by Congress, and it is an effort which received the support of 11 of the 12 members of the Committee on the District of Columbia.

Since annual increases in the authorized Federal payment has been the norm for the past several years, one might assume that most of this body is familiar with the nature of the payment and how it came about. However, there are a good many of our colleagues whose experience with the District government and its relationship to Congress is limited to what they read in the newspaper. Over 70 percent of the current House membership was not serving when Congress debated and passed the Home Rule Act. For the benefit of those who are unclear on this issue, I will attempt to briefly explain.

One may view the Federal payment as some kind of handout, or gift to the city with no strings attached. That is certainly not the case. What the Federal payment attempts to do, and I would underline the word "attempts," is quantify the net impact of the presence of the Federal Government on an emerging local government. Certainly, there are benefits to the city based solely on the fact that Washington is the seat of government. Conversely, there are numerous drawbacks, such a property taxes lost, building height restrictions, and services provided to the Federal Government by the city which go unreimbursed. Trying to accurately quantify all of these individual elements is not merely monumental, it is in fact impossible. Thus, the city government, in consort with the Congress, attempts each year to arrive at what appears to be a reasonable level of compensation. And until we can arrive at some formula for determining this level, we will come to the floor each year with such legislation.

Mr. Speaker, when this authorization was increased in August of last year, I included information in my statement concerning the Federal payment prior to and since home rule. I think the conclusions that can be drawn from such information are just as important now as they were 1 year ago, and I have therefore updated the material.

In the 10 fiscal years prior to the passage of home rule, the Federal payment actually appropriated to the District of Columbia increased from $37.5 to $187.5 million, which amounts to an increase of 400 percent. In the final 10 years during which Congress exercised absolute control over the city, a steadily increasing annual payment was the rule.

Since home rule, however, the Federal payment has not enjoyed that magnitude of growth. The level has gone from $226.2 to $361 million, which works out to an increase of 59.6 percent over the 9 years during which the city has been given some form of local autonomy. In addition to this severely lower rate of growth, the level has not increased incrementally from year to year, but instead experienced sporadic fluctuations. I would be remiss if I did not note at this point that it is now back on course, and it has increased gradually since fiscal year 1979, and since fiscal year 1981 it has been the full amount authorized.

The conclusion that I draw from these statistics is that we expect more of the locally elected government than we did of ourselves. So that our colleagues can draw their own conclusions, I include in the RECORD at this point two tables detailing the information I have just provided in summary form.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

	Authorization	Appropriation
Fiscal year:		
1975	$230,000,000	$226,200,000
1976	254,000,000	248,948,000
1977	280,000,000	276,650,000
1978	300,000,000	276,000,000
1979	300,000,000	250,000,000
1980	300,000,000	276,500,000
1981	300,000,000	300,000,000
1982	336,600,000	336,600,000
1983	361,000,000	361,000,000
1984	[1]386,000,000	([2])

[1] Proposed.

[2] Not yet enacted.

Federal payment to the District of Columbia

[In fiscal years]

	Appropriated amount
Pre-home rule (Public Law 93-198):	
1965	$37,500,000
1966	44,250,000
1967	58,000,000
1968	70,000,000
1969	89,635,000
1970	118,166,000
1971	131,000,000
1972	173,654,000
1973	181,000,000
1974	187,450,000
Post-home rule:	
1975	226,200,000
1976	248,948,000
1977	276,650,000
1978	276,000,000
1979	250,000,000
1980	276,500,000
1981	300,000,000
1982	336,600,000
1983	361,000,000

Mr. Speaker, the entire membership of this body has a stake in maintaining the Nation's Capital in a manner which will make every U.S. citizen proud of our seat of government. All too often, we forget that this city is also the home of more than 630,000 individuals, who I might note are not represented in the Congress by voting representatives. We are equally responsible to insure that the District of Columbia grows and prospers as a city, and passage of this bill will be one small step toward that end. I urge the support of all my colleagues.

Finally, Mr. Speaker, I would note that the gentleman from Virginia (Mr. BLILEY) is unavoidably absent at this time. He has asked that I indicate his full support for this legislation.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, first of all, I want to associate myself with the remarks of my distinguished chairman, the gentleman from California (Mr. DELLUMS), and the distinguished ranking member, the gentleman from Connecticut (Mr. MCKINNEY), both of whom have clearly outlined the reasons for support of H.R. 2637.

The annual Federal payment for the District of Columbia is a part of the President's budget this year, as it has been every year for every administration. The authorization level included in H.R. 2637 is $386 million.

When President Reagan sent his budget to Congress last January the following statement appeared in the appendix volume, and I quote:

> Legislation will be proposed to amend the District of Columbia Self-Government and Governmental Reorganization Act of 1973 to authorize $386 million as the 1984 payment by the United States toward defraying expenses of the Government of the District of Columbia.

H.R. 2637 on the floor today is the legislation to which the President's budget refers.

As suggested in the Home Rule Act, the payment is to compensate the District for costs to the city related to the Federal presence, a revenue denied due to federally imposed regulations.

Many years ago, around the turn of the century, the Federal payment was a much larger share of the city's budget. It was set at 50 percent of the District of Columbia's operating costs then, but since 1925 the Congress has set the amount separately.

This year's payment will only be 20 percent of the expenses of the city. This is in spite of the fact that nearly 55 percent of the taxable land is not available to us in the District of Columbia. The other 80 percent comes from local income taxes, property taxes, the sales tax and other fees and grants.

Of course, this is just an authorization bill. The final figure will be set by the Appropriations Committee when they approve other aspects of the city's budget.

I hope that we will consider legislation at a later date to take some of the guesswork out of setting the annual Federal payment. A rational formula would lend stability to the city's finances but, in the meantime, this is a fair and a necessary bill and deserves your complete support.

I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXTRA LONG STAPLE COTTON ACT OF 1983

Mr. HUCKABY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3190) to establish an improved program for extra long stable cotton, as amended.

The Clerk read as follows:

H.R. 3190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Extra Long Staple Cotton Act of 1983".

SEC. 2. Section 347 of the Agricultural Adjustment Act of 1938, as amended, and section 101(f) of the Agricultural Act of 1949, as amended, are repealed effective beginning with the 1984 crop of extra long staple cotton.

SEC. 3. Sections 342, 343, 344, 344a, 345, 346 and 377 of the Agricultural Adjustment Act of 1938, as amended, shall not be applicable to the 1984 and subsequent crops of extra long staple cotton.

SEC. 4. Effective beginning with the 1984 crop of extra long staple cotton, section 103 of the Agricultual Act of 1949, as amended, is amended by adding at the end thereof a new subsection as follows:

"(h)(1) For purposes of this subsection, extra long staple cotton means cotton which is produced from pure strain varieties of the Barbadense species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which American upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types and which is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

"(2) The Secretary shall, upon presentation of warehouse receipts reflecting accrued storage charges of not more than sixty days, make available to producers nonrecourse loans for a term of ten months from the first day of the month in which the loan is made at a level which is not less than 50 per centum in excess of the loan level established for each crop of Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States. If authorized by the Secretary, nonrecourse loans provided for in this subsection may, upon request of the producer during the tenth month of the loan period for the cotton, be made available for an additional term of eight months. The loan level for any crop of extra long staple cotton shall be determined and announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective and such level shall not thereafter be changed.

"(3)(A) In addition, payments shall be made for each crop of extra long staple cotton to producers on each farm at a rate equal to the amount by which the higher of—

"(i) the average market price received by farmers for extra long staple cotton during the first eight months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the loan level determined under paragraph (2) of this subsection for such crop,

is less than the established price per pound times, in each case, the farm program acreage for extra long staple cotton (determined in accordance with paragraph (6) or paragraph (8)(A) of this subsection, but in no event on a greater acreage than the acreage actually planted to extra long staple cotton for harvest), multiplied by the farm program payment yield for extra long staple cotton (determined in accordance with paragraph (7) of this subsection).

"(B) The established price for each crop of extra long staple cotton shall be 120 per centum of the loan level determined for such crop under paragraph (2) of this subsection.

"(C) If the Secretary establishes an acreage limitation program for a crop of extra long staple cotton in accordance with paragraph (8)(A) of this subsection and determines that deficiency payments will likely be made for such crop of extra long staple cotton under subparagraph (A) of this paragraph, the Secretary may make available advance deficiency payments for such crop to producers who agree to participate in the acreage limitation program. Such advance payments shall be made available to producers as soon as practicable after the producer files a notice of intention to participate in such acreage limitation program and in such amount as the Secretary determines appropriate to encourage adequate participation in such program, except that such amount shall not exceed an amount determined by multiplying (i) the estimated farm program acreage for the crop, by (ii) the farm program payment yield for the crop, by (iii) 50 per centum of the projected payment rate, as determined by the Secretary. In any case in which the deficiency payment payable to a producer for a crop, as finally determined by the Secretary under subparagraph (A) of this paragraph, is less than the amount paid to the producer as an advance deficiency payment under this paragraph, the producer shall refund an amount equal to the difference between the amount advanced and the amount finally determined by the Secretary to be payable to the producer. If the Secretary determines that no deficiency payments are due producers on a crop, the producer who received advanced payments on such crop shall refund such payments. If a producer fails to comply with the requirements under the acreage limitation program after obtaining an advance deficiency payment under this paragraph, the producer shall immediately repay the amount of the advance, plus interest thereon in such amount as the Secretary shall prescribe.

"(4) The Secretary shall establish for each crop of extra long staple cotton a national program acreage. Such national program acreage shall be announced by the Secretary not later than November 1 of the calendar year preceding the year for which such acreage is established. The Secretary may revise the national program acreage first announced for any crop year for the purpose of determining the allocation factor under paragraph (5) of this subsection if the Secretary determines it necessary based upon the latest information, and the Secretary shall announce such revised national program acreage as soon as it has been made. The national program acreage shall be the number of harvested acres the Secretary determines (on the basis of the estimated weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) of extra long staple cotton that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. The national program acreage shall be subject to such adjustment as the Secretary determines necessary, taking into consideration the estimated carryover supply and the stocks not accounted for by official domestic consumption and export data, so as to provide for an adequate but not excessive total supply of extra long staple cotton for the marketing year for the crop for which such national program acreage is established. In no event shall the national program acreage be less than sixty thousand acres.

"(5) The Secretary shall determine a program allocation factor for each crop of extra long staple cotton. The allocation factor (not to exceed 100 per centum) shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop.

"(6) The individual farm program acreage for each crop of extra long staple cotton shall be determined by multiplying the allocation factor by the acreage of extra long staple cotton planted for harvest on each farm for which individual farm program acreages are required to be determined. The farm program acreage shall not be further reduced by application of the allocation factor if the producers reduce the acreage of extra long staple cotton planted for harvest on the farm from the acreage base established for the farm under paragraph (8)(A) of this subsection by at least the percentage recommended by the Secretary in the announcement of the national program acreage. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of extra long staple cotton planted for harvest is less than the acreage base established for the farm under paragraph (8)(A) of this subsection, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for extra long staple cotton, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(7) The farm program payment yield for each crop of extra long staple cotton shall be determined on the basis of the actual yields per harvested acre on the farm for the preceding three years, except that the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster, or other condition beyond the control of the producers. In case farm yield data for one or more years are unavailable or there was no production, the Secretary shall provide for appraisals to be made on the basis of actual yields and program payment yields for similar farms in the area for which data are available. Notwithstanding the foregoing provisions of this paragraph in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this paragraph. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. If national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

"(8)(A) Notwithstanding any other provision of this subsection, the Secretary may establish a limitation on the acreage planted to extra long staple cotton if the Secretary determines that the total supply of extra long staple cotton, in the absence of such limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable prices and to meet a national emergency. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each extra long staple cotton-producing farm. Producers who knowingly produce extra long staple cotton in excess of the permitted acreage for the farm shall be ineligible for extra long staple cotton loans and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as a result of a limitation under this subparagraph shall be the average acreage planted on the farm to extra long staple cotton for harvest in the three crop years immediately preceding the year prior to the year for which the determination is made. For the purpose of the preceding sentence, acreage planted to extra long staple cotton for harvest shall include any acreage which the producers were prevented from planting to extra long staple cotton or other nonconserving crops in lieu of extra long staple cotton because of drought, flood, or other natural disaster or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. There is hereby established for the 1984, 1985, and 1986 crops an acreage base reserve equal to 5 per centum of the total of the farm acreage bases established for the crop under the foregoing provisions of this subparagraph. Such reserve shall be in addition to the total of the farm acreage bases and shall be used by the county committees, in accordance with regulations of the Secretary, for making adjustments of farm acreage bases to correct inequities and prevent hardship, and for establishing bases for farms on which no extra long staple cotton was planted during the preceding four years. A number of acres on the farm determined by dividing (i) the product obtained by multiplying the number of acres required to be withdrawn from the production of extra long staple cotton times the number of acres actually planted to such commodity, by (ii) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary, shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion. The number of acres so determined is hereafter in this subsection referred to as 'reduced acreage'. The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the reduced acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, caster beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such provision is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely. If an acreage limitation program is announced under this paragraph for a crop of extra long staple cotton, paragraphs (4), (5), and (6) of this subsection shall not be applicable to such crop, including any prior announcement which may have been made under such paragraphs with respect to such crop. The individual farm program acreage shall be the actual acreage planted on the farm to extra long staple cotton for harvest within the permitted extra long staple cotton acreage for the farm as established under this paragraph.

"(B) The Secretary may make land diversion payments to producers of extra long staple cotton, whether or not an acreage limitation program for extra long staple cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of extra long staple cotton to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(C) The reduced acreage and the diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purpose of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(9) An operator of a farm desiring to participate in the program conducted under paragraph (3) of this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe. The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(10) The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis.

"(11) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(12) If the failure of a producer to comply fully with the terms and conditions of the program formulated under this subsection precludes the making of loans and payments, the Secretary may, nevertheless, make such loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(13) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this subsection.

"(14) The Secretary shall carry out the program authorized by this subsection through the Commodity Credit Corporation.

"(15) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act (relating to assignment of payments) shall apply to payments made under this subsection.

"(16) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.

"(17) In order to encourage and assist producers in the orderly ginning and marketing of their extra long staple cotton production, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act.

"(18) References made in sections 402, 403, 406, 407, and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the level of loans for extra long staple cotton under this subsection; and references to the terms 'price support', 'price support operations', and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan operations for extra long staple cotton under this subsection.".

SEC. 5. Section 407 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, beginning upon the enactment of the Extra Long Staple Cotton Act of 1983, the Commodity Credit Corporation may sell extra long staple cotton for unrestricted use at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton.".

SEC. 6. Section 1101(1) of the Agriculture and Food Act of 1981 is amended by deleting "and rice" and inserting in lieu thereof "extra long staple cotton, and rice".

The SPEAKER pro tempore. Is a second demanded?

Mr. STANGELAND. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. HUCKABY) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. STANGELAND) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3190, as reported by the committee, is designed to provide extra long staple cotton growers with a more market-oriented program, giving them the opportunity to meet the needs of the marketplace while at the same time maintaining a system of income protection.

Extra long staple cotton is a specialty type cotton with an individual fiber length of at least 1⅜ inches. American pima cotton is the only extra long staple cotton grown in the United States. It has been used mostly in the manufacturing of high quality sewing thread but is now being used to a limited extent in quality knit shirts, sheets, and towels. In recent years ELS cotton has been grown only in three States—Texas, New Mexico, and Arizona. U.S. production of the crop last year totaled 99,000 bales, compared with 11.9 million bales of upland cotton.

The current extra long staple cotton program is entirely different from the upland cotton program because production is strictly controlled through acreage allotments and marketing quotas.

The loan level is currently established at a minimum of 175 percent of the upland cotton loan, a level which, in light of worldwide economic conditions and price reductions by other ELS exporting nations, has resulted in domestic ELS cotton prices which are not competitive in world markets. Because of this, exports have declined, stocks have increased, and large volumes of ELS cotton are being pledged as collateral in the loan program.

The carryover from the 1982 crop will be approximately 104,000 bales, an amount in excess of a year's production and the largest since 1969. Of this, about 45,000 will be in CCC stocks. Moreover, since CCC cannot sell its stocks of ELS cotton at less than 115 percent of the loan rate plus carrying charges, stocks likely will continue to build and Government outlays will continue to increase unless substantive changes are made in the program.

Mr. Speaker, H.R. 3190 is designed to restore our overseas competitiveness, reduce Government costs, and give growers greater production freedom and flexibility.

First, this bill eliminates allotments and quotas. Thus, beginning with the 1984 crop, extra long staple cotton will be treated in the same manner as the programs for upland cotton, wheat, feed grains, and rice. This will provide growers with greater production flexibility and greater freedom to determine the most effective use of their resources.

Second, this bill lowers the ELS loan rate from 175 percent to 150 percent of the upland cotton loan rate. Under existing law, the ELS loan rate for 1984 is projected to be not less than 96.25 cents per pound. Under the provisions contained in this bill, the 1984 loan rate is projected to be about 82.5 cents per pound, a reduction of almost 14 cents, which will make American pima competitive in the world market.

Third, the bill provides a target price set at 120 percent of the ELS loan and contains deficiency payment provisions to provide a safety net for ELS growers in the event of unreasonably low market prices.

Fourth, H.R. 3190 contains supply management provisions similar to those for other major commodities, including discretional authority for an acreage reduction program and a paid diversion, which, if utilized correctly, should reduce the need for deficiency payments.

Finally, in order to enable the Secretary to dispose of CCC stocks, this bill authorizes the Secretary to sell these stocks for unrestricted use at prices he determines appropriate.

Mr. Speaker, prior to the mid-1970's, most of the American Pima cotton was marketed domestically. In the larger world market, Egypt and Sudan have long been the primary producers of ELS cotton, and their prices are established each year by their respective governments. Thus, our ability to export is greatly dependent on supply/demand and prices in these two countries.

In the mid-1970's, American pima became more competitive in the world market, and our exports increased dramatically, from only about 5,000 bales in 1972 to a high of 52,000 bales for the 1979 crop. Subsequently, due to a number of factors, including the worldwide recession, the strength of the dollar, dramatic price reductions by the Governments of Egypt and Sudan, and the Polish crisis which reduced sales of American pima by some 12,000 bales, U.S. exports of ELS cotton began to plummet. Exports from the 1982 crop are expected to total only 13,000 bales.

The provisions contained in H.R. 3190, as reported by the Agriculture Committee, will restore the overseas competitiveness of ELS cotton, yet at the same time provide income protection to growers. The Congressional Budget Office has estimated that this bill, if enacted, will save $12 million in Government outlays in fiscal year 1985, and approximately $26 million in fiscal years 1985–88.

Mr. Speaker, this bill was reported unanimously by the Agriculture Committee, and I urge my colleagues support it.

□ 1230

Mr. STANGELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking minority member on the Cotton, Rice, and Sugar Subcommittee, I also want to express my strong support for H.R. 3190 and urge the full House to act favorably on this important bill.

H.R. 3190, as amended, already has been passed by unanimous voice vote in both the Cotton, Rice, and Sugar Subcommittee and the full House Agriculture Committee.

As has already been noted, H.R. 3190 makes a number of reforms in the existing extra long staple cotton program which are supported by ELS cotton growers, the textile industry, and the administration. The elimination of marketing quotas and acreage allotments, the reduction in the minimum price support loan rate, the establishment of production control mechanisms for the Secretary of Agriculture to address future potential problems of oversupply, and authority for the sale of Government-owned ELS cotton at any price the Secretary deems appropriate to maintain and expand domestic and export markets, are all important provisions in the bill which will allow ELS growers to better respond to changing market conditions and enhance their ability to compete in both the domestic and export markets.

Although the original version of H.R. 3190 that was proposed by the administration did not include a target price provision, during hearings on the bill the Department of Agriculture indicated that they would not oppose a reasonable target price level.

It is my view that the modest target price level contained in this bill—set at 120 percent of the ELS loan rate—will help maintain the income stabilization safeguards that are necessary for domestic ELS growers to compete in this fragile and volatile market.

Another important factor that should be emphasized is that, according to Congressional Budget Office projections, this bill will save the Federal Government almost $27 million over the next 5 years. These savings will primarily come from the sale of existing Government-owned surplus stocks of ELS cotton, with additional savings accruing from reduced storage costs and smaller commodity loan outlays.

H.R. 3190 is the result of years of negotiations between the U.S. Department of Agriculture and ELS cotton growers. The ELS growers are to be commended for their support of these important legislative reforms that will put the Government program for ELS cotton on the same basis as the existing program for upland cotton.

This legislation has the potential to enhance both international and domestic demand for ELS cotton, while at the same time providing a reasonable level of price support protection and allowing our ELS growers more freedom to meet changing world market needs. I strongly urge my colleagues to support the passage of H.R. 3190.

● Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 3190, as reported by the Committee on Agriculture.

The bill changes the program for extra long staple cotton to a more market oriented program. It is noncontroversial, has the support of the industry, and will save the Government approximately $27 million over a 5-year period.

Extra long staple cotton is a specialty type cotton with an individual fiber length of at least 1⅜ inches. For many years it has been the subject of a special program that differs from the program for upland cotton.

At the present time, production is limited to the holders of allotments, and the price is supported at a loan rate of 175 percent of the upland cotton loan rate. This level is too high. It has resulted in domestic prices which are not competitive in world markets. U.S. exports have declined, domestic stocks have increased, and large stocks of cotton have been pledged to the Commodity Credit Corporation under the loan program or forfeited to the Corporation. The carryover from the 1982 crop far exceeds a year's production of the commodity.

The restrictions on the price at which CCC can sell its stocks of cotton compound this problem. Under current law, sales for unrestricted use cannot exceed a minimum of 115 percent of the loan rate, plus carrying charges. Accordingly, Government stocks have been increasing without any foreseeable possibility for their disposition in the commercial market.

H.R. 3190 does much to correct the problems of current law. It frees up production of the commodity and permits any producer who wishes, for the first time, to engage in production of extra long staple cotton. The loan rate is sharply reduced to a minimum of 150 percent of the loan rate for upland cotton, and the CCC is authorized to sell its stocks for unrestricted use at any level the Secretary determines appropriate.

Finally, this legislation provides a safety net to producers by authorizing deficiency payments for the difference between the target price and the lower of the loan rate or the market price. The target price would be 120 percent of the loan rate. Also, the Secretary would be given authority to provide for an acreage reduction program if the Secretary determines that the total supply of the crop would otherwise be excessive. Producers would be required to comply with the acreage limitations in order to obtain program benefits. The Secretary would also be authorized to initiate a paid land diversion program. Deficiency payments and diversion payments would be subject to a payment limitation. The program I have described is comparable to the programs provided for upland cotton and the other major commodities which have been in effect for many years.

Mr. Speaker, I would like to thank Mr. HUCKABY, chairman of the subcommittee, for his efforts in moving this legislation. I urge the Members to

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join me in support of this much needed legislation.●

● Mr. COLEMAN of Texas. Mr. Speaker, I rise in support of H.R. 3190, the Extra Long Staple Cotton Act of 1983. Extra long staple (ELS) cotton, primarily grown domestically in three States, including my district in west Texas, is known as the "Cadillac of Cotton." This is because ELS is a specialty fiber used mostly in the manufacture of high-quality knitted products as well as sewing thread. Production of the specialty fiber compared with that of the more common upland cotton is on a much smaller scale—U.S. production last year of ELS cotton was 99,000 bales compared with an upland figure of 11.9 million bales.

This bill would go a long way to affording those farmers who grow ELS cotton a greater degree of flexibility in making their planting decisions and in their ability to be competitive in both the domestic and export markets. At the same time that quotas and acreage allotments are eliminated for ELS cotton, a mechanism is set in place to guard against overproduction and depressed prices.

Some of the key provisions of this legislation that should be noted include:

The minimum price support loan for ELS cotton would be 50 percent above the rate established for upland cotton;

A target price program would be created for ELS cotton, with the target set each year at 20 percent above the price support loan rate;

Existing legal authority for acreage allotments would be terminated; and

Should the Secretary of Agriculture determine that ELS suppliers were in danger of becoming excessive, he could require compliance with an acreage reduction program as a condition for price support loans and target price protection.

Mr. Speaker, this legislation represents the hard work of many diverse interests in the ELS cotton growers community, the textile industry, and the USDA. It is legislation that is aimed at a specific commodity and that seeks to address the special needs of those who must grow this precious crop. I am extremely pleased to be able to vote for this constructive legislation that helps a vital constituency not only within my district of west Texas, but also throughout a tristate area in the Southwestern United States.●

Mr. HUCKABY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. Huckaby) that the House suspend the rules and pass the bill, H.R. 3190, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUCKABY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 1510, IMMIGRATION REFORMS AND CONTROL ACT OF 1983

Mr. HUCKABY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight, June 27, 1983, to file a report on H.R. 1510, the Immigation Reforms and Control Act of 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT ON H.R. 3135, LEGISLATIVE BRANCH APPROPRIATIONS, 1984

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, June 28, 1983, to file a conference report on the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 3135, LEGISLATIVE BRANCH APPROPRIATIONS, 1984

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that it may be in order at any time on June 29, 1983, or any day thereafter, to consider the conference report and any amendments in disagreement of the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNUAL REPORT ON FEDERAL ACTIONS IN CONSERVATION AND USE OF PETROLEUM AND NATURAL GAS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see Senate proceedings of today, Monday, June 27, 1983.)

ANNUAL REPORT OF COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries.

(For message, see Senate proceedings of today, Monday, June 27, 1983.)

ENERGY CONSERVATION DAYLIGHT SAVING ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 201, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1398.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1398), to promote energy conservation by providing for daylight saving time on an expanded basis, and for other purposes, with Mr. Huckaby in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New York (Mr. Ottinger) will be recognized for 30 minutes, and the gentleman from California (Mr. Moorhead) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. Ottinger).

Mr. OTTINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1398, the Energy Conservation Daylight Saving Act of 1983, which I am pleased to sponsor together with the ranking minority member of the subcommittee which I chair, the Subcommittee on Energy Conservation and Power, the gentleman from California (Mr. Moorhead). The bill

would move the starting date for daylight saving time to the first Sunday in March from its current starting date of the last Sunday in April, thus making daylight saving time have equally long evening hours on either side of the summer solstice, which is the longest day of the year.

There would be, in other words, the same amount of daylight in the evening or darkness in the morning in March and April under this bill as presently exists in September and October.

The House passed the same bill last Congress by a vote of 243 to 165 but the Senate failed to act on the issue.

The bill is supported by the Reagan administration, as it has been by previous administrations,

Passage of this legislation would be a simple and effective way to save energy.

The Department of Transportation has concluded that 100,000 barrels of oil equivalent per day would be saved during the extra period of daylight saving.

Studies by electric utilities have reached similar conclusions.

Extending daylight saving time would have other benefits demonstrated in 1973 and 1974 when we had extended daylight saving time, in response to the oil crisis with which we were then faced.

Those benefits are: A reduction of 0.7 percent in traffic fatalities, according to a National Highway Traffic Safety Administration study, which was actually experienced during the months of March and April during that time of extended daylight saving time.

Also a reduction of 10 to 13 percent in violent crimes based upon a study by the Law Enforcement Assistance Administration in the District of Columbia; increased recreational and shopping opportunities to spur economic recovery; and improved sight and mobility for those suffering from night blindness.

Public opinion polls have consistently reflected preference for a March to October daylight saving period by a 2-to-1 margin.

Although there had been some concern that extending daylight saving time could create safety problems for schoolchildren waiting for morning buses, exhaustive studies of the extended daylight saving experiment in 1973–74 concluded that there was no evidence of increased school-age traffic fatalities in March and April. Any school district which feels it has a problem can adjust school hours, as indeed some have done in the past. Because the bill makes the period of daylight saving symmetrical around the summer solstice, the Sun would rise in March and April no later than it now rises in September and October, as I indicated earlier.

This is an important but simple step we can take in the areas of conservation, crime reduction, traffic safety and economic recovery. I urge my colleagues to support the bill.

I would like to advise my colleagues that we have been told that an amendment will be offered by the gentleman from Indiana (Mr. Coats) when we consider this bill. The amendment would, in effect, allow any State to opt out of the additional 2 months of daylight saving time we have provided in the bill. The Reagan administration opposes this amendment very strongly and, in fact, it would create many problems throughout the Nation.

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The Uniform Time Act of 1966 was designed for just the purpose of creating uniformity, to provide a uniform system of time across the country. It was deemed essential for the free flow of interstate commerce to have uniform dates for the start and end to daylight saving time.

The act did, however, recognize the rights of States by permitting any State to opt out of daylight savings time entirely. And in fact the State of Indiana, from which the gentleman from Indiana comes, is a State in which the eastern portion of the State has chosen to opt out of daylight savings time entirely.

In the case of States which are split by a time zone, the entire or either side of the State may choose to opt out. And our bill preserves this State right.

The amendment of the gentleman from Indiana would go much farther, through permitting States to choose to observe daylight time of zero, 6, or 8 months. This would create a crazyquilt patchwork of States and times. It would cause havoc for railroads, truckers, airlines, network broadcasters and others who would have to constantly adjust their timetables to these differing time zone schemes.

In short, we would return to the past when there was serious confusion in time observed from State to State.

The administration opposes this amendment. I have just received today a letter from Jim Burnley, General Counsel of the Department of Transportation. The letter say in part:

> As originally enacted, the Uniform Time Act of 1966 permitted any State to exempt itself from the observance of DST established in that Act. However, any such exemption had to be a total exemption. The choice permitted to the States was DST in accordance with the Act or not at all. Even though Congress has amended the Act, this requirement that any exemption be for the entire year has never been relaxed, because partial exemptions could recreate the chaotic situation which led to enactment of the current law.
>
> In 1966, when the Uniform Time Act was enacted, although 90 million people were observing DST from the last Sunday in April to the last Sunday in October, enough were observing some other period of DST to have an adverse effect on interstate and foreign commerce. Various beginning and ending dates created considerable confusion and expense, as transportation and communication schedules were constantly revised to reflect the differences in local choice. The solution which Congress devised was to establish one beginning date and one ending date for DST each year. This has proven highly successful. Airline schedules on this continent, for example, need to be changed on a large scale only twice each year, at the changeover dates to and from DST.
>
> Were H.R. 1398 to become laws with this amendment attached—

Which I will add parenthetically is the amendment proposed to be offered by the gentleman from Indiana—

> the number of DST beginning dates each year would double, reintroducing the lack of uniformity which Congress sought to correct in 1966. It would also require many businesses to incur additional and unnecessary expense just when the country is showing strong signs of economic recovery. For these reasons, we oppose adoption of the amendment.

Mr. Chairman, I strongly urge adoption of the bill as reported out by the committee and supported by myself and my good friend and colleague, the gentleman from California, and resistance to the amendment that may be offered by the gentleman from Indiana.

Mr. Chairman, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. Stangeland).

Mr. STANGELAND. Mr. Chairman, once again the House has before it a bill extending daylight saving time an additional 2 months by changing the starting date from the last Sunday in April to the first Sunday in March. This is an ill-advised and unnecessary piece of legislation and I urge my colleagues to join me in opposing H.R. 1398.

A large number of the Minnesotans in my district are farmers. Farmers are morning people. Their work day begins at sunrise. Their daily schedule is determined on how much farmwork they get done. Many of my constituents are greatly opposed to moving the clock ahead because farm chores have to be done early in the morning and cannot be made up in the evening. It is difficult for the farmer to get all his daily routine business completed when he sets his schedule by daylight hours while business people and merchants set their schedules by Government decree.

Various Government and nongovernment studies indicate that expanded daylight saving time will produce energy savings. I would like to point out that in northern Minnesota and the northern borders of the country, if we were to rise an hour earlier in the morning at a time when the day is the coldest, we are not going to save energy. Those thermostats will get turned up when people rise for breakfast and when they have to get breakfast for our schoolchildren so they can get out to the schoolbuses before daylight. Even if there were some identifiable savings, I question whether the savings would actually be realized over a long period of time.

The committee also points out that expanded daylight hours could be beneficial for safety considerations. But if you push the clock ahead an hour during the wintry months of March and April, I am afraid you are going to make going to school a more dangerous venture for our schoolchildren. In rural northern areas, the weather between 6:30 a.m. and 7:30 a.m. daylight saving time in March and April is much more likely to be snowy and icy, making the roads more dangerous for everyone. Rural schoolchildren usually have no sidewalks to walk on. They walk and stand on the sides of the roads to get their schoolbuses. This could be very dangerous on icy, snowy roads before daylight. So where are we providing safety for our youngsters?

It would also appear more reasonable to give the States the option of determining whether or not they wish to participate in the additional 2 months of daylight saving time according to their needs and geographic location. In fact, the only option a State has is to accept the full 8 months of daylight saving time or not have daylight saving time at all. In this legislation, daylight saving time is an all or nothing proposition. If a State or part of a State did not want the expansion, its only recourse would be to drop out completely.

I believe this bill is ill-advised. You do not save daylight. The Sun rises in the morning and sets in the evening which creates a certain period of daylight. No law can lengthen the day or shorten it. We have so many hours of daylight on any day of the year, and no law changes that. We are just giving more daylight to the end of the day rather than at the beginning of the day. This proposal is totally unacceptable to the Minnesota farmer and I suspect to the millions of farmers throughout the country. These folks resent the Government's intrusion into their work schedules. I urge my colleagues to join me in opposing H.R. 1398. Too many questions remain unresolved for us to extend daylight saving time for an additional 2 months.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

I appreciate the gentleman's comments and I would like to associate myself with his remarks.

I am thinking about an amendment to this bill. I think it is sort of an urban convenience act here. Why not have an amendment that if we go ahead with the extra 2 months when the daylight saving time occurs, we change the Nation's, say, thermometers.

Mr. STANGELAND. Do what?

Mr. ROBERTS. Change the Nation's standard of temperature. I think it would make just about as much sense to reduce the temperature in summer by 10° when we go into daylight saving time and then when we go off into the winter months, why then we could increase the temperature by 10°. Think how much warmer we would be in the winter and how much cooler we would be outside on the steps of the Capitol right now? It makes just about as much sense.

Mr. STANGELAND. A great deal of energy savings.

Mr. ROBERTS. Look at the energy savings we save.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman from South Dakota.

Mr. DASCHLE. I thank the gentleman for yielding.

I applaud the gentleman's idea. In fact, we could even take it one step further and have a calendar extension. Perhaps 13 months at some time during the year. Obviously there is as much to be said about extending our calendar as there is during the day. Obviously there is a great deal of additional imagination we could lend to the issue. And I would support the gentleman's amendment.

Mr. ROBERTS. I appreciate the gentleman's comments.

Mr. STANGELAND. I will too. And I suggest that we put out a "Dear Colleague" and let our colleagues know how much we can save and how much time we can extend for our farmers to harvest. When harvest weather is good in August we could extend it another month and they could harvest another month. They really have a good thing going here.

Mr. MOORHEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Utah (Mr. Nielson).

Mr. NIELSON of Utah. Mr. Chairman, I rise in opposition to this bill for two reasons. One, the effect on the farmers has been mentioned. I associate myself with the first part of the remarks of the gentleman from Minnesota (Mr. Stangeland), not necessarily the last part, however, but I do think the farmer does have a real point. He does have to work with the Sun and particularly the dairy farmer is adversely affected by this particular program.

The second reason I oppose the amendment is that it is an all-or-nothing proposition. I agree with the gentleman from New York in saying we would have a patchwork if allowed an opt out of the 2 months, but I predict many States, such as Utah and those on the western side, will opt out of the entire program if this bill passes in its present form.

In Utah the streets are dark in the mornings in September and October at the time they have to get ready for school. The same thing would be true in March and April, even more so, it is colder then and I think it would be even more adversely affected. PTA's in my State and several other adjoining States have come out against this particular extension. It is a definite interference with the school program. The children are not able to go to bed at night. And they do not see any reasonable way of coping with this situation short of harsh discipline and other forms.

I would like to indicate if I had my personal preference I would prefer daylight savings from Memorial Day to Labor Day, which would then not interfere with the school programs at all and would be, I think, wholeheartedly supported by all of those young mothers who have children to take care of during the school period.

I do not have that option, but I would like to suggest that we should have the option of opting out of this program.

I would like to engage the gentleman from New York (Mr. Ottinger) in a colloquy for just a moment.

The gentleman indicates the bill does still allow States to opt out of the entire 8-month program. Now, when do they have to do that? Is there a deadline on that?

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

There is no deadline.

Mr. NIELSON of Utah. They may do that at any time?

Mr. OTTINGER. They can do that at any time.

Mr. NIELSON of Utah. I happened to be speaker of the house when this came up in 1973 in the State of Utah. It failed by only two votes. I predict Utah will be one of the first, along with Iowa and others, to opt out of the entire program. And if, in fact, the gentleman from New York is correct on his energy savings, it will be a net loss in those two States at least, because you will give up 6 months which they now participate in, in order to try to take it to an extra 2 months.

Mr. OTTINGER. If the gentleman will yield further, just to clarify further what the situation is, the bill grandfathers all those States such as Indiana that have already opted out, but then permits any additional States to do so at any time that they may wish to do so.

Mr. NIELSON of Utah. There is no deadline on how long they have to do that?

Mr. OTTINGER. That is correct.

Mr. NIELSON of Utah. The reason I asked that question is because many States do not meet again until 1985 and therefore we need to have at least 24 months in order to opt out of the program.

Mr. OTTINGER. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota (Mr. Daschle).

Mr. DASCHLE. Mr. Chairman, the subject before us today is—as I can testify from firsthand experience—an extremely important and sensitive one to a great many people. Several months ago, I sent a report about the possible extension of daylight saving time to the 140 weekly newspapers around South Dakota. I asked for comments, never dreaming that I was about to be overwhelmed by the deluge of calls, letters, and cards that followed.

I wish there were time to share from those letters with my colleagues. Most of them were obviously handwritten, a few from elderly people who formed their letters carefully and with obvious difficulty. Others came from farmers or farm wives who apologized for not being certain if their grammar or sentence structure were proper. In short, these were letters from average, down-to-earth citizens—not writing as part of some high-powered, computerized lobbying assault—but simply wondering about an issue that is of deep concern to them, or perhaps their children or grandchildren.

They usually expressed concern about the effect this bill would have on the safety of young schoolchildren walking to classes or waiting for schoolbuses in the colder, darker morning hours of March and April—months which would be brought under daylight time should this bill, H.R. 1398, become law. Those months can be bitterly cold across wide stretches of the North. Snow and ice are common, adding to the dangerous conditions for small children along the roadsides.

Supporters of this bill point to Government studies of our Nation's year-round experiment with daylight saving time in 1973 and 1974. Those studies—limited to only a single comparison between 2 years—found no increase in fatal accidents among schoolchildren in March and April under daylight time.

However, on a matter so highly sensitive as the safety of small children, I prefer—as I am sure my colleagues prefer—to rely on my own commonsense and the good judgment of the people back home in my State. In this case, good judgment and commonsense agree that young schoolchildren are more apt to be injured when they are walking or waiting on icy, dark roads earlier in the morning.

Another problem pointed out by many of my constituents—and shared by the constituents of many other House Members—concerns farmers. For farm families, especially those whose members also must hold down second jobs in town to make ends meet, daylight time would mean trying to do their morning chores in darkness or squeezing those chores into an hour's less time. Given the trials already faced by people in rural America, this is hardly the time to add to their burdens.

These problems—decreased safety for schoolchildren and increased hardship for farm families—are real and justifiable reasons for opposing H.R. 1398.

Yet, if the bill offered counterbalancing advantages, perhaps it would deserve our support despite its considerable shortcomings. For that reason, I have carefully examined the claims put forth by its supporters. Unfortunately they are, in the words of Genesis, "void and without form."

The principal benefit claimed for H.R. 1398 is that it will save electrical energy in the equivalent of 100,000 barrels of oil per day in March and April. This would be approximately 1 percent of the national usage. Second, it is claimed that this bill would bring a reduction in traffic fatalities equaling nearly three-quarters of 1 percent. The basis for both of these claims is the daylight saving time study conducted by the Department of Transportation in 1975.

Yet, a followup study in 1976—requested by Congress and conducted by the highly respected National Bureau of Standards—found no conclusive evidence to support either of the claimed benefits. And, with respect to energy usage, there is another study—cited by Bureau of Standards officials during their 1976 congressional testimony—which points to increased energy usage as a result of daylight saving time during colder months.

In conclusion, Mr. Chairman, I believe we are faced with a simple choice. This bill's two primary promises—a saving of energy and a saving of lives—are not supported by the facts. On the contrary, the National Bureau of Standards found that daylight saving time had no effect in either of those two areas.

We are then left with a bill which would certainly cause difficulty for large numbers of people, but which offers few if any benefits.

Our present balance of time is fair—6 months of standard time and 6 months of daylight time. Certainly there are people on both sides of the issue who would prefer more months of daylight time or more months of standard time. But we can live with what we have now; it is fair; and we should keep it.

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Mr. MOORHEAD. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas (Mr. Roberts).

Mr. ROBERTS. I thank my colleague for yielding.

Mr. Chairman, we have heard from my urban colleagues several arguments here today as to why we would all be better off with daylight saving time for 2 more months. In the interest of saving energy, I would like to shed some light on these arguments.

As my colleague from South Dakota has just pointed out, the supporters of extension say studies have shown that daylight saving time actually reduces crime. Let me point out that the study my colleagues are citing was not a national study. It was a study only looked at in the District of Columbia, where, rest assured, they have special problems with regard to crime.

Second, in terms of energy use, the Department of Transportation study cited here also states the following:

> Any potential benefits from extending daylight saving time would be small and very difficult to isolate from the larger effects of seasonal variations and of changes in energy availability and prices.

And then there is the argument about traffic accidents. The National Bureau of Standards has reported that, while no significant increase in fatalities was found, there was an increase in fatalities of school-age children during the morning hours. And, as my colleague from South Dakota pointed out, it is just commonsense.

If the majority of the Members of this House want to extend daylight saving time, as we have done in 1981, why, that is fine. But let us not hide behind the false arguments about saving energy and reducing crime and also saving lives.

The efforts to extend this daylight saving time are based on the desire to have more leisure time. I do not care what it is, if you are going to golf or jog or perhaps maybe walk your dog, it is an urban convenience act, nothing more and nothing less.

Mr. Chairman, in farm country our farmers work until the Sun sets. Any energy savings that might occur in urban areas will be offset by the increased energy used in farm country.

I urge my colleagues to find other ways of increasing their leisure time rather than at the expense of the farmer. In my country, we are going to be plowing to the tune or at the time of the land of the midnight Sun. I would urge my colleagues to study the amendment to be introduced by my good friend, the gentleman from Indiana (Mr. Coats), and I will support his amendment. I urge defeat of this effort.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I do not want any misimpressions, and I am sure the gentleman does not either, with respect to the facts as reflected in the legislation.

The National Bureau of Standards, as the actual report reads, found that there was no school-age fatality increase during the months of March and April 1974, which are the months that this legislation would apply.

It did find an increase in school-age fatalities when it was year around, during the winter months of January and February.

Mr. ROBERTS. In the 1974 period?

Mr. OTTINGER. That is correct.

Mr. ROBERTS. I appreciate the gentleman's comment.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to this legislation which would cast rural America deeper into darkness. This unneeded and unwise legislation would provide for the extenstion of daylight saving time from the first Sunday in March to the last Sunday in October.

It is my hope that this bill will go no further than last year's version of the daylight saving extension which was not acted upon by the other body and therefore died in the 97th Congress.

Mr. Chairman, the committee has dusted off an 8-year-old study by the Department of Transportation to support their legislation. I am dusting off my speech of last year in opposition to similar legislation because I quoted a Bureau of Standards study which found:

> The available data do not lead to any conclusions on the possible energy savings, except that further studies would be expensive to perform.

Now, one of the principle arguments put forth for this legislation is that it would save energy, but the Bureau of Standards said that was not necessarily so. It is my impression that there may be a net increase in energy consumption. Additional shopping and recreational trips would be made under daylight time. One of the original purposes of daylight time was to provide people with more daylight hours for shopping and recreation in the afternoon when they get off work as they do in the big cities. If they are going to use those hours which are so generously provided by Congress, they are going to use more energy.

In Nebraska it can still be very cold in early March. School superintendents would be forced to start their school furnaces earlier in the morning to get buildings warm in time for school to start. Also, many parents feel compelled to drive their children to school rather than let them stand in the dark waiting for a schoolbus or walk or ride a bicycle to school during hours of darkness.

Furthermore, the extension of daylight saving time would have a special impact on farmers and ranchers. Many of those who work the soil these days find it necessary to have a job in town in addition to their farm or ranch work. With daylight time extended, those people will lose that extra hour or so in the morning before going to work in town or have to do their early morning chores in the dark.

During the harvest season many farmers and ranchers must wait until the Sun comes out and the dew disappears before they can begin work in the morning. This applies especially to the combining of small grains, soybeans, and making hay. If rural people are to continue their church and community activities during the evening, they must quit work earlier by the Sun, thereby losing 1 hour of worktime each day.

While this bill does provide the Federal Communications Commission authority to grant waivers for daylight only AM radio stations, these waivers will be made on a case-by-case basis further complicating the lives of these station operators. Farmers and ranchers depend heavily on the market and weather reports provided by these stations and their operating time could be delayed by 1 hour under this legislation.

Mr. Chairman, the best thing for the House to do is to vote down this legislation. Let us ring down the curtain on the daylight saving time follies.

Mr. MOORHEAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was pleased to join with Chairman OTTINGER in introducing H.R. 1398, the Energy Conservation Daylight Saving Time Act of 1983, truly bipartisan legislation that will result in so many benefits for the country.

In addition to an electricity savings of approximately 100,000 barrels of oil equivalent per day during the months of March and April, this legislation will result in increased daylight recreation, tourism, and shopping prime time. I was most interested to note that during our subcommittee hearings on this legislation representatives from Southland Corp. and the National Association of Convenience Stores both testified that H.R. 1398 could well increase employment in the thousands of convenience stores around the country due to business increases resulting from extended daylight. It would be most instructive to know how many hundreds and even thousands of jobs might be created by these and other businesses whose activity will increase after enactment of our legislation.

Enactment of this bill and the increased daylight hours which it provides may result in as many as 100 fewer traffic fatalities per year in this country, according to the Department of Transportation. Also, a potential reduction in violent crime, and—as has been emphasized by the Retinitis Pigmentosa Foundation—a longer period of sight and mobility for those suffering from night blindness are other benefits which this legislation would provide.

The energy conservation and economic benefits which will result from the enactment of this legislation will occur without expanding either the Federal bureaucracy or the national debt. Unlike some other so-called energy conservation legislation, this bill calls for no Federal intrusions into the free market, no burdensome regulations for business and industry, and no increased Federal meddling in the Nation's utility systems.

While I believe this legislation will again be favored by a large majority in the House, it was clear from the debate in our subcommittee and full committee that some Members are not convinced of the value of this legislation for their district or for their State. However, our legislation allows a State to opt out of daylight saving time in whole, or if the State includes more than one time zone, in part, so that no State will be compelled to participate in daylight saving time unless it so desires.

I join with the chairman of my subcommittee in urging you to support H.R. 1398.

Mr. Chairman, I would also like to point out to my agricultural friends that I know a little bit about agriculture, since a large part of my family has been in that industry. I know that if you have milk cows, you get up when the Sun rises in the morning, or a little before, and your work ends about when the Sun goes down or a little bit afterward. Changing the time is not going to affect their workday one tiny bit.

Concerning the churches, churches start at the time that is convenient for their members. If they want to start church a little bit later, they can change the time that church starts, as most of our churches do when summertime is here, anyway, so that they will be able to enjoy a greater part of the day after church for whatever activities they may want to engage in.

The same thing is true of schools in agricultural areas. There is nothing that says that they have to start precisely at 8 o'clock in the morning. If the school board thinks it is to the best interest of the schoolchildren, they can start an hour later and they can finish their work an hour later.

Those things are not tied to the clock. They are tied to the convenience of the people in the community. But it is important that we have a national time schedule so that the television programs and other things that we are engaged in do not have to change their times for any particular locality.

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I think this is a good bill. I think it will be an improvement of opportunity for many, many industries, especially the recreational industry, and certainly will be an advantage to the large percent of people in this country.

Mr. Chairman, I ask for an "aye" vote.

Mr. OTTINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I very much appreciate the support of my ranking minority member, the gentleman from California (Mr. MOORHEAD).

I would like to point out with respect to some of the objections that have been raised with respect to inconvenience to schoolchildren or to farmers, that the situation is identical in March and April with respect to the length of the day, as it is in September and October under the existing legislation. So there is no more inconvenience.

With respect to inconvenience to schoolchildren in the past, what actually has happened was that this caused a problem for particular school districts on the western end of a time zone and, therefore, had the most pronounced effect on the hour's difference. The school districts have, in fact, changed the school hours and been able to accommodate that particular problem.

As affects any national legislation, there are going to be particular areas that are different in different professions, and so forth. But this bill, provides for real energy savings, and provides for decreases in crime and decreases in automobile accidents, and an opportunity for additional shopping, which is particularly important to many women who will not shop during evening hours for considerations of personal safety but will shop with the extra hour of daylight in the evening that is provided during these 2 months. That is the reason that we have the strong support that we do from the shopping center community. All those considerations on a national basis, I think, make it advisable that this legislation be passed.

Mr. MOORHEAD. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. OTTINGER. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SKELTON) having assumed the chair, Mr. HUCKABY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1398) to promote energy conservation by providing for daylight saving time on an expanded basis, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. NIELSON of Utah. Mr. Speaker, due to official business attending an education conference in Salt Lake City on Friday that necessitated my absence late Thursday evening, I was unable to be present, but had I been present, I would have voted "no" on rollcall No. 216, the McCurdy amendment, because I did not believe the supporters were sincere. Past experience had shown that they did not believe that they would do as they said. The TEFRA bill said they would cut spending by $3 for every $1 in taxes; the actual amount was 57 cents to each dollar.

Mr. Speaker, I would have voted "yes" on rollcall No. 217, the motion to recommit to get a more fiscally and responsible and fair bill.

Mr. Speaker, I would have voted "no" on rollcall No. 218, the tax decrease cap.

POLICY MADE BY ADVANCE MEN

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, on one of his numerous campaign appearances, President Reagan had the audacity to admonish Democrats not to turn education into a political football. And yet, the obvious purpose of the President's continuing road show on education is but one single thing—his own reelection next year.

A column which appeared in this morning's Washington Post entitled "Policy Made by Advance Men" clearly demonstrates just how far Mr. Reagan will go in using the education of our children for his own political gain.

The column reports the administration's policy on education is not being determined by professional educators, or those in the Department of Education, or even those responsible for policymaking in the White House. No, Mr. Speaker, the education policies of this administration are being determined by political strategists whose only concern is the President's reelection. The column even quotes the President's advisers as saying, "It's all blue smoke and mirrors."

Mr. Speaker, the President need not worry that we Democrats will turn education into a campaign football. He has single-handedly turned the whole question into a virtual political superbowl.

Mr. Speaker, I include the Washington Post article of June 27, 1983, as follows:

[From the Washington Post, June 27, 1983]

POLICY MADE BY ADVANCE MEN

(By Rowland Evans and Robert Novak)

A 28-year-old former advance man who is President Reagan's chief scheduler on May 9 wrote a six-page memorandum, long on atmospherics and short on substance, that launched the White House education blitzkrieg.

After "reviewing" the scathing report of the National Commission on Excellence in Education, Frederick J. Ryan Jr. said in the memo to his boss, White House Deputy Chief of Staff Michael K. Deaver, "I am convinced that education is an excellent issue for us to make an all out effort [sic]." What followed did not have much to do with education, but laid out a game plan branding the president's name and face on the issue.

From appearing at any meeting, any time and any place that has anything at all to do with education to abandoning Reagan's campaign pledge to abolish the Department of Education, Ryan's memo became educational policy for the Reagan administration. Reminiscent of the Nixon White House's preoccupation with how any issue would play in Peoria, the Reagan White House's education offensive suggests government by advance men.

Deaver, a super advance man, typifies the trend by recent administrations of ex-champaign workers' making policy by guessing how it will look on that night's television news programs and the next day's newspaper headlines. While only vaguely familiar with national issues, Deaver regulates the president's policy agenda by dictating where he goes and who he sees. While unfamiliar with the problems of education, Deaver seized control of the issue after the now-famous commission report was issued April 26.

Deaver delegated the details to his aide, Ryan, who as a young Los Angeles attorney was an advance man in Reagan's 1980 campaign. His memo to Deaver planned how "the news should be dominated by the administration's new thrust in education."

But no "new thrust" emerges from Ryan's prose, save for jettisoning Reagan's only 1980 campaign pledge dealing with education: abolishing Jimmy Carter's Department of Education. Offering no substantive reason, Ryan wrote that to stave off Democratic criticism, it "may be wise" to say that "because of the drastic state of affairs of the American educational system, the plans to dismantle will be delayed." Since "this may upset part of our conservative support base," he suggested a simultaneous renewed commitment to abolish the Energy Department.

That advice was followed, not to the letter but in spirit, with Reagan mothballing his old campaign pledge. But Ryan's memo concentrated on schedule, and nearly all his ideas did or will turn into presidential activity.

Reagan addressed the national PTA convention in Albuquerque, N.M., accepting

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Ryan's suggestion that if offered "an excellent opportunity for a big kickoff for the education theme." Reagan's June 29 visit to the vocational education "Skills Olympics" in Louisville follows Ryan's script ("this event has great potential for reaching the blue-collar constituency"). Also proposed by Ryan was Reagan's forthcoming speech to the Los Angeles convention of the American Federation of Teachers, described in the memo as "not as critical [of Reagan] as the NEA [National Education Association]."

Ryan's proposal to address a local PTA meeting was ruled out. But other ideas mentioned in the memo still considered likely are lunching with America's teacher of the year, visiting an "Adopt-a-School" and an adult literacy program, and presenting educational awards.

Not a word was mentioned by Ryan of the one Reagan educational initiative: incentive pay for teachers. Not until after his memo was written did the White House borrow the idea from the "master teacher" plan of Tennessee's Gov. Lamar Alexander. Until then, the incentive pay issue had not been mentioned in the White House. Indeed, almost nothing about education was said there for the Reagan administration's first 27 months.

"You're right," a senior Reagan aide confided to us. "It's all blue smoke and mirrors." Nevertheless, he is euphoric that the president has pre-empted a Democratic issue. The June Washington Post/ABC poll shows voters believe Reagan policies help rather than hurt education by a 46-29 percent margin (reversing the September 1981 sentiment that they hurt more than helped, 49-28 percent). Even Mike Deaver's detractors concede that though he may not know much about education, he is a whiz at saturation scheduling of the president.

But issue polls are notoriously volatile. Merit pay is being slowly embraced by Democrats, and even the NEA is likely to back it in principle. So, thoughtful aides have started to say in private meetings that the time has come for Ronald Reagan to say some serious things about education.

That leaves the president unanswered questions: How much more should be spent on education? Who should spend it? How should it be spent? Those questions are not touched by Ryan's influential memo, but solving real problems never has been the speciality of government by advance men.

AMA RESOLUTION ON DIOXIN UNFORTUNATE

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DASCHLE. Mr. Speaker, many of us were surprised and dismayed last week when the American Medical Association (AMA) approved a resolution which in effect said that dioxin is really nothing to be worried about, that the media has exaggerated the dangers of dioxin and conducted a "witch hunt" of the chemical.

Though we all disapprove of exaggerated or inaccurate news reporting, I fail to see how the potential danger of a chemical 170,000 times more lethal than cyanide can be overstated. For the Nation's foremost medical organization to take this position is a disservice to its membership. This position flies in the face of a significant amount of scientific data which indicates otherwise.

In addition to numerous short-term effects observed in humans after exposure, there is a considerable amount of evidence linking the chemical to soft tissue cancers, and to a lesser extent, lymphatic cancer.

Dioxin is also carcinogenic in animals, teratogenic (causes abnormal development of the fetus), and fetotoxic (causes death or other adverse health effects in fetuses) in very small amounts. These are scientific facts, not hearsay.

If the dangers of dioxin are exaggerated, why has the EPA for the last 10 years been trying to have chemicals containing dioxin banned from the marketplace? If the concerns about dioxin are exaggerated, why is the Federal Government sponsoring over $100 million worth of research efforts on the chemical? Finally, if the concerns about dioxin are exaggerated, why has the administration bought out Times Beach?

As the following article reports, there is a great deal of consternation and concern in the medical community about the AMA position. There is certainly no unanimity on these views.

EXPERTS DENOUNCE AMA STAND ON DIOXIN—REAGAN APPLAUDS POSITION THAT IT IS NOT A PROVEN HEALTH THREAT

(By Casey Burkro)

A specialist in environmental health Thursday called the American Medical Association incompetent and ignorant for contending that dioxin is not a proven health threat, a stance applauded here by President Reagan.

"The AMA's contribution in this area is a profound disservice and consistent with their established record of extreme conservatism and lack of information and demonstrated lack of concern for preventive medicine," said Dr. Samuel Epstein, professor of occupational and environmental medicine at the University of Illinois Medical Center in Chicago.

Attacking the AMA for a lack of expertise in environmental problems, Epstein said the nation's largest medical association demonstrates "overwhelming incompetence and ignorance in the area."

The AMA's House of Delegates voted Wednesday to adopt a resolution calling for a public information campaign on dioxin to "prevent irrational reaction and unjustified public fright." The 351-member body also vowed to "prevent dissemination of possible erroneous information."

While much of the reaction to the AMA move evoked puzzlement and consternation, it met with approval by Reagan, who addressed the annual AMA meeting here Thursday. Reagan called the resolution "a positive step toward a more reasonable public debate" on the subject of health and the environment.

The AMA action touched off a flurry of controversy among medical authorities over the threat of dioxin, the discovery of which in trace amounts resulted in the evacuation of Times Beach, Mo. The relocation was followed by the U.S. Environmental Protection Agency's offer to buy the town for $33 million because it was considered unsafe for human habitation.

It is a classic environmental conflict, pushing dioxin to the forefront of a long dispute over the safety of long-term exposure to small amounts of chemicals in the environment. Scientists have argued both sides of the issue for years, often leaving the public to wonder which set of experts to believe.

Dioxin, a component of the chemical defoliant, Agent Orange, also is blamed for sickening thousands of Vietnam veterans who were exposed to the defoliant, used to kill trees in battle zones.

Dioxin, an unwanted byproduct of chemical manufacturing, has been found in the production of herbicides and in face cleansers.

Dr. Renate Kimbrough, a toxicologist for the Center for Environmental Health in Atlanta, said dioxin is a major avenue of health research at the Centers for Disease Control. This includes tests on Times Beach residents and on Vietnam veterans.

"Some of the results seem to indicate problems," she said, adding that there is no doubt that dioxin is a valid health concern.

"I don't understand what they are doing." Dr. J. Donald Ostrow, a Northwestern University professor of medicine who has researched dioxin, said of the AMA action. In his research laboratory, Ostrow noted, dioxin is labeled as a "biohazard," disposed of "in the same fashion as radioactive waste."

The precaution he takes is "not based on newspaper reports; it's based on scientifc information." The use of dioxin is rigidly controlled by the federal government because "that's how dangerous the government considers it," he said.

"There is no question that, in animals and humans, it is toxic," Ostrow said. Research indicates that dioxin in the body acts on enzymes, which are biological chemicals.

"Carcinogens in the environment are not in an active form," Ostrow said. "They almost always have to be activated by an enzyme. Dioxins usually stimulate the activating enzymes."

Carnow, Conibear & Associates, a Chicago consulting firm on occupational and environmental health, distributes a fact sheet on dioxin that calls it "the most potent of all manmade chemicals."

Some medical researchers challenge this description because the dangers of toxic chemicals depend on how much chemical a person is exposed to and how long the exposure lasts.

Carnow, Conibear contend that dioxin can damage several human organs, including the liver, kidneys, gastrointestinal system, brain and nervous system, skin and reproductive organs.

An Oct. 1, 1981, technical report on the health effects of Agent Orange and dioxin, which was cosigned by the AMA, calls dioxin "an inducer of cancer in some strains of rats and mice" but adds that the effect on human beings is uncertain.

James H. Sammons, the AMA's executive vice president, said Thursday, "There is not sufficient evidence to prove that dioxin is responsible for those things some people says it is responsible for."

The conflict often revolves around whether animal-testing data can be applied to human beings. Although dioxin is fatal to guinea pigs, some researchers argue that the effect on humans is more likely to be serious outbreaks of acne.

Rep. John T. O'Connell (D., La Grange), is chairman of the Illinois Agent Orange Study Commission, which has held eight public hearings to hear testimony from Vietnam veterans and their families.

"We've had a commonality of testimony that is striking as to their experience since leaving Vietnam," O'Connell said. These include skin, kidney and nerve disorders and birth defects.

"If the AMA can make a statement that dioxin is not harmful, why is the federal government spending $33 million to buy out Times Beach?" he asked.

Robert L. Metcalf, biology and environmental studies professor at the University of Illinois, said it is "unwise to minimize the hazards of dioxin to humans, especially over a longtime exposure."

CENTRAL AMERICAN REFUGEES: SOCIAL AND ECONOMIC CONSEQUENCES FOR THE UNITED STATES

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, U.S. policy in Central America continues to be one of the most emotional and controversial issues in Congress. The debate to date has focused primarily on the security issues in question. However, I believe that the social and economic consequences of continued political deterioration in this region may be even more important. If Communist governments come to power and persecute their domestic populations then we can expect to see a massive influx of refugees into the United States. Historical experience certainly bears this out. The cost, both in dollars and in social and economic terms, would be tremendous. Obviously, this issue warrants our concern and must be brought to the attention of the American people.

A QUESTION OF NUMBERS: HOW MANY REFUGEES?

In attempting to assess just how many refugees might eventually attempt to enter the United States, the task force has utilized a straightforward methodolgy which establishes data based upon past refugee trends.[1] The basis for these figures is fairly simple. If one looks at recent refugee trends, it is clear that the United States is almost invariably the preferred final destination. Furthermore, it appears that a general rule of thumb can be established regarding the percentage of a nation's population which in the final analysis ends up in the United States. For example, since Cuba fell to Communist revolutionaries over 1 million Cubans have come to the United States. This represents over 10 percent of the Cuban population. One could use this as a baseline percentage, but a more conservative figure of 8 percent would seem to represent the normal refugee pattern (NRP). For example, the number of Afghan refugees in Pakistan is estimated at 2.5 million or approximately 16 percent of the total Afghanistan population. However, because of the varying proximity of the Central American countries to the United States, the NRP of 8 percent would appear the best measure of what might be expected. When this figure is applied to the present populations of the Central American nations, the potential results are staggering.

Country	Population	8 percent refugees to United States	10 percent refugees to United States
Costa Rica	2,400,000	192,000	240,000
El Salvador	4,700,000	370,000	470,000
Guatemala	7,500,000	600,000	750,000
Honduras	4,100,000	328,000	410,000
Nicaragua	2,600,000	200,000	260,000
Panama	2,000,000	160,000	200,000
Totals	23,300,000	1,850,000	2,330,000

As this table indicates, the refugees from these six countries could total upward toward 2.3 million people. If one takes into consideration the population of Mexico, a country which many analysts believe is already very vulnerable to leftist insurgency, then the numbers are even more imposing.

	Population	8 percent refugees to United States	10 percent refugees to United States
Mexico	67,000,000	5,360,000	6,700,000
Total	90,300,000	7,210,000	9,030,000

In the case of Mexico, these figures may themselves prove very conservative. There is no way of telling just how many people might try to cross the Mexico-Texas land bridge to flee Communist persecution and oppression. As our present experience illustrates, the Rio Grande is hardly an imposing obstacle to determined people attempting to get into the United States. One can imagine that this determination will be greatly increased if political violence is the impetus for increased flows of Mexicans.

Thus if one takes a look at these figures a number of disturbing possibilities emerge. For example, if one looks only at El Salvador, the fall of that Government and the entrenchment of a leftist government of the Cuban model would probably mean that 300,000 to 400,000 El Salvadorans might suddenly be attempting to gain entry to the United States. If one proceeds one step further and we look at the region as a whole, including Mexico, then the total figure becomes staggering, perhaps as high as 9 million people.

THE COST

A related question which arises if one tries to assess the potential impact of this kind of exodus is just how could our Nation cope financially. Certainly, the American taxpayer would inevitably be forced to bear the financial burden of paying for the upkeep of these refugees. What would the cost be? According to the Department of State, the average cost of providing for a refugee in the United States is between $3,500 and $4,500. This includes the cost of living, eating, and medical expenses at the Federal and State level. The following table illustrates just how much money it would take to provide for refugees from each one of the the Central American countries, as well as for the total including Mexico.

	8 percent refugees to United States	Cost to United States
Country:		
Costa Rica	192,000	$672,000,000
El Salvador	370,000	1,295,000,000
Guatemala	600,000	2,100,000,000
Honduras	328,000	1,148,000,000
Nicaragua	200,000	700,000,000
Panama	160,000	560,000,000
Total	1,850,000	6,475,000,000
Mexico	5,360,000	18,760,000,000
Combined total	7,210,000	25,235,000,000

As one can see from these projections, the potential costs could be astronomical if even one of these nations does fall and normal refugee patterns are followed. And these figures do not cover ancillary costs which might be involved such as increased security, et cetera, which would be an inevitable addition. Using the conservative estimate of 8 percent NRP and the lower cost figure of $3,500 per refugee, the potential price tag for the American taxpayer if just El Salvador fell to Communist insurgents could well total over $1 billion.

In the event that Mexico eventually fell to Communist insurgents and was included in these calculations, then the number of potential refugees could be over 7 million with an estimated cost of over $25 billion to the U.S. Treasury.

If one uses the higher estimates of 10 percent potential refugees and an average cost of $4,500 per refugee, then the figures become even more astronomical. The number of potential refugees then approaches 9 million people with a possible cost of over $40 billion, or approximately $425 for every American taxpayer.

THE IMPACT ON THE AMERICAN JOB MARKET

The impact of a massive influx of refugees on the employment situation would also be dramatic, particularly in the unskilled labor positions where unemployment is already high.

The current workforce of the United States is a little over 112 million Amer-

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[1] Congressional Briefing Paper presented by Ambassador-at-Large H. Eugene Douglas, U.S. Coordinator for Refugee Affairs, May 17, 1983.

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icans. With current unemployment running at approximately 11.2 million people or 10.1 percent of the workforce, any new influx of labor will have a significant effect on competition for jobs. The following table illustrates some possible consequences of additional laborers on the current U.S. unemployment rate.

Country	8 percent refugees	In percent— Current unemployment rate	In percent— Present rate with refugees added
Costa Rica	192,000	10.1	10.17
El Salvador	370,000	10.1	10.24
Guatemala	600,000	10.1	10.33
Honduras	328,000	10.1	10.22
Nicaragua	200,000	10.1	10.17
Panama	160,000	10.1	10.15
Subtotal	1,850,000	10.1	10.83
Mexico	5,360,000	10.1	12.21
Total	7,210,000	10.1	12.92

Unquestionably, the impact on the employment situation in the United States in the event of the complete collapse of even one of these Central American governments would be significant. A chain reaction would over time have a very dramatic effect on American unemployment. And if the conservative 8 percent NRP proved too low, as many observers argue it might be, then the impact could be even greater. If one uses the 10 percent refugee trend figure, then the U.S. unemployment rate could go as high 13.5 percent.

Certain unemployment sectors would show even more dramatic increases as most of the new arrivals in the United States would have minimal skills, be poorly educated, and speak little English. Job competitions in low skill service industries would be intense and the unemployment rate in these sectors would skyrocket since the impact of these new refugees on the entire job spectrum would be uneven. White-collar jobs would be less vulnerable, but blue-collar jobs would be under great pressure.

Geographically, the impact would also fall unevenly, with Southern States receiving much higher numbers of refugees than other regions in the country. Indeed, these States would experience much highter unemployment rates than the rest of the Nation.

LET US PROTECT THE SOCIAL SECURITY DISABILITY PROGRAM

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, last week, the House Select Committee on Aging, of which I am a member, held hearings on the administration's most recent proposals for the social security disability insurance (SSDI) program. Members of this body should be aware of the findings of that hearing; specifically, that the administration's plans will result in an even greater hardship on disabled American elderly than they have been suffering for the past 2 years. We must not allow this to happen.

In an effort to quell criticism of its SSDI case reviews, the administration has announced its plans to temporarily suspend the reviews of certain mentally impaired beneficiaries. While this is a welcome relief for those individuals, it will increase the review rates of other beneficiaries—especially older people with cardiac problems who represent the largest beneficiary group. Others who will become more vulnerable are the elderly suffering from circulatory and respiratory disorders and arthritis.

These older Americans, who worked as long as they were able, and who earned social security disability benefits as they worked, should not be further subjected to the administration's bureaucratic zeal and insensitive implementation of the 1980 Social Security Disability Insurance Amendments. At the time that legislation was passed, social security officials projected that case reviews would reduce total benefit payments by about $218 million over 4 years. However, even with the proposals announced by the administration, Social Security now predicts that benefits will be cut by about $2.7 billion—12.3 times the amount of reduction which Congress has expected.

Another of the administration's alledged reforms would, in fact, be a step backward. Last year, the Social Security Administration terminated benefits for approximately 250,000 SSDI beneficiaries. Nearly two-thirds of these people were later found to have been mistakenly cut off from benefits they both need and deserve. Because the administration's high error rate was causing such severe hardship, Congress passed legislation in December to continue paying benefits to SSDI beneficiaries until all avenues of appeal are exhausted. The administration now wants to stop payments after the first reconsideration hearing. This would result in many deserving people going for 8 months or longer without benefits.

More than one-quarter of the population over the age of 55 is severely disabled. Most of these people will never receive social security disability benefits even though they could qualify. Nevertheless, the administration will spend up to $350 million in fiscal year 1983 to terminate benefits to as many as 400,000 beneficiaries. Experience has shown that most of those terminated will be unjustly cut off from their major source of income, from social security disability benefits which they have earned.

Mr. Speaker, the administration has failed its responsibility to Congress and the American people to be the guardian of the social security disability insurance program. Now, rather than having confidence that the SSDI program will be there when they need it, American workers are once again fearful of becoming disabled and destitute. The administration's current efforts to redeem itself are not an adequate response to their trepidation. Still more needs to be done.

The administration must begin by slowing down the case review process. A reduction in the number of cases reviewed each year will foster greater accuracy in terminations, and will clear up the backlog of appeals which results in unconscionably long waiting periods for terminated beneficiaries.

Second, the administration should return to the medical improvement standard. Prior to 1976, it was Social Security's policy to not terminate a disability beneficiary unless his condition had improved. Since that time, this standard has not been used, and persons originally found to be disabled are now being judged by a different standard. The General Accounting Office has found that as many as 35 percent of those being terminated today are in the same or worse medical condition than when they were originally found disabled. Social Security says its new, stricter guidelines are proper even though at least four court case have struck down this policy. A person's medical condition should be improved, or his vocational skills enhanced, before his benefits can be cut off.

Next, more emphasis should be placed on the medical records of the beneficiary's treating physician. In my congressional district, one heart patient was terminated despite the opinon of his doctor. The doctor happened to be the Director of Cardiovascular Diseases at the Kansas University Medical Center. Too often, the Social Security Administration overlooks the treating physician's records, and depends on the evaluation of a doctor in a nonrelated specialty made in a matter of minutes. This must stop.

Finally, consideration should be given to providing States with additional funding for retraining and employment services for those who lose their benefits. According to the social security law, a person's impairment must be so severe that he is not only unable to do his previous work but cannot, taking into consideration his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy. It does not matter whether such work exists in the area

where the person lives, or whether he could get the job if he applied. Two-thirds of those denied social security disability benefits never return to work. Of those who do, very few are able to earn more than $6,000 a year. This presents a severe hardship on the families of the disabled, and also on the States which have experienced increased welfare costs as a result of the administration's policies. We should have compassion for these disabled, and help retrain them, rather than dump them on the streets.

Mr. Speaker, social security disability insurance is a commitment our government has to the American worker, a commitment the success of which has blurred but not erased the haunting memories of a time when the disabled were forced to live lives of unspeakable degradation. We are the most powerful and wealthy country in the world, but in the end, we will not be judged by these, rather by the way we provide for the less fortunate among us. Let us not retreat from the challenge. Let us find a way to allow all Americans to live in dignity. Let us protect the social security disability program.

BONNEVILLE POWER ADMINISTRATION HAS NO AUTHORITY TO PROVIDE FUNDS FOR CONTINUED CONSTRUCTION OF WPPSS 1, 2, OR 3

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 30 minutes.

Mr. WEAVER. Mr. Speaker, the Bonneville Power Administration (BPA) has proposed to spend $168 million during fiscal years 1983, 1984, and 1985 directly for construction on Nuclear Project No. 2 of the Washington Public Power Supply System (WPPSS 2). BPA claims that these expenditures are necessary because WPPSS is now unable to obtain sufficient funds from selling bonds to complete this project. Until now, all funds for construction of WPPSS 2 have been provided from the proceeds of WPPSS bonds.

While BPA may have statutory authority to pay debt service on bonds issued by WPPSS to finance construction, BPA has no authority to make outlays of money, whether directly or through net billing, to support WPPSS construction. Any such outlays by BPA would be subject to challenge in Federal court.

I. BPA DERIVES NO AUTHORITY TO PROVIDE FUNDS FOR WPPSS CONSTRUCTION FROM THE FISCAL YEAR 1971 APPROPRIATIONS ACT PURPORTEDLY AUTHORIZING NET BILLING FOR THE WPPSS PROJECTS

The Public Works Appropriations Act for fiscal year 1971 provided the following authority for BPA with respect to the WPPSS projects:

> For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, $91,600,000, to remain available until expended: *Provided*, That nor more than $150,000 of the funds appropriated herein shall be available for preliminary engineering required by the Bonneville Power Administration in connection with the proposed agreements relating to three non-federally financed generating plants proposed under the hydro-thermal program to be sponsored jointly or severally by the Washington Public Power Supply System, Seattle City Light, Tacoma City Light, Snohomish County PUD and the Puget Sound Power and Light Company, pursuant to which the Bonneville Power Administration will acquire from preference customers and pay by net billing for generating capability from non-federally financed thermal generating plants in the manner described in the committee report.

Even if it is assumed that this statute properly authorized net billing for the WPPSS projects, it twice refers to these projects as "nonfederally financed generating plants." This language affirmed recognition by Congress that these projects were to be financed by the issuance of bonds by the project sponsors, not by outlay of Federal funds by BPA.

This statute also refers to the committee report. The report of the House Appropriations Committee stated:

> The program includes the construction of seven thermal generating plants between 1971 and 1981. None will be federally constructed, financed or owned. The committee approves implementation of the remainder of the program by the use of net billing as the means of affecting payment by the Bonneville Power Administration for part or all of the generating capacity of nonfederally financed thermal plants, under suitable agreements between Bonneville Power Administration and preference customers to accomplish this purpose. H.R. Repot No. 91-1219, p. 90 (June 18, 1970).

The Senate Appropriations Committee concurred that BPA would "acquire from a date certain, on a cost basis, the preference customers' rights to the generating capability of nonfederally financed plants whether or not they are operable." Senate Report No. 91-1118, p. 56 (August 12, 1970).

Both committee reports, then, approved projects that would be nonfederally financed and would not be federally constructed, financed, or owned. BPA outlay of funds for construction of the WPPSS projects would directly contradict the provisions of the Public Works Appropriations Act for fiscal year 1971 and the congressional reports referred to in the statute.

The House and Senate hearings preceding enactment of this statute contain numerous denials that BPA would be putting up the money for thermal powerplant construction. Tables showing "Estimated Investment Requirements for the Pacific Northwest Power System" show zero for "thermal generation" under the "Federal" category. Senate Appropriations Committee, Hearings on Public Works Appropriations for fiscal year 1971, p. 11 (April 14, 1970); House Appropriations Committee, Hearings on Public Works Appropriations for fiscal year 1971, p. 832 (1970). At the House hearings, BPA explained its proposed authority as follows:

> There is no express authority authorizing these purchases to which you can point your finger and say Congress expressly said you could do this. These net billing agreements are part of the security behind *the bonds that the public agencies will issue to supply the funds with which to build these plants*. Since these bond issues involve such substantial amounts of money, the bond counsel and the underwriting bankers have requested that Congress give express recognition to this existing implied authority to acquire the power. House Appropriations Committee Hearings, pp. 867–68 (1970) (Kenneth Kaseberg, BPA Counsel) (emphasis added).

Thus, the House was told that the projects would be financed by bonds issued by the public agencies, including WPPSS, but not by outlays of money by BPA.

Congressman Robison sought and received further clarification.

> Mr. ROBISON. Federal moneys are to be used in some indirect fashion toward the cost of construction of these privately-owned, privately-constructed facilities?
>
> Mr. RICHMOND (BPA). No, sir.
>
> Mr. ROBISON. They will not?
>
> Mr. RICHMOND (BPA). That is correct. (p. 863)

Congressman WHITTEN then explained his understanding of the arrangements.

> From a policy standpoint, BPA cannot build thermal plants. Under the plan, you are contracting to buy power from the public agencies who can legally build thermal plants. They can't finance their share of the cost without BPA's guarantee to purchase the power output. *They take your contract, borrow the money, build the plant, and BPA ends up with a thermal power source* * * *.
>
> My point is that you are not authorized to build thermal plants. However, these public agencies do have the authorization. Having no money, *they take your contract to buy their power, borrow to finance their share of the plant, and BPA ends up with a supply of thermal power* which it cannot provide directly by construction of the facilities * * *. (p. 864) (emphasis added)

The BPA Administrator agreed "that Bonneville will acquire power from publicly financed steamplants on a long-term basis." (p. 864) Mr. Robison later added:

> BPA is not going to build the plant, as I understand it . . . . *They* [the public agencies] borrow the money to pay for it, and the Federal Government through BPA is helping them to arrange the financing with respect to *their* borrowing. (p. 870) (emphasis added)

As far as outlays were concerned, the BPA Administrator assured the Senate Appropriations Committee that the "Federal effort is related entirely to transmission and hydrofacilities," to which Senator Ellender replied: "I hope you will not ever get the Federal Government into steam production." Senate Appropriations Committee hearings, page 39 (1970).

Neither BPA nor either House of Congress contemplated that BPA would supply funds for the construction of the WPPSS projects. BPA's present contrary assertion is squarely contradicted by the statutory language, the committee reports, and the discussions during the hearings.

Both the House and Senate reports also requested that BPA submit the proposed net-billing agreements to their respective appropriations committees at least 60 days prior to their execution by BPA. The agreements BPA submitted for WPPSS 1, 2, and 3 did not provide for BPA outlays for construction of these projects. Under these contracts, BPA is authorized to pay, through the net-billing arrangement, the amount of each participant's billing statement, which is based solely upon the annual budget. The annual budget "itemizes the projected costs of the project applicable to such contract year." Specifically—

> It makes provision for all of Supply System's costs, including accruals and amortizations, resulting from the ownership, operation (including cost of fuel), and maintenance of the Project and repairs, renewals, replacements, and additions to the Project, including, but not limited to, the amounts which Supply System is required under the Project Bond Resolution to pay in each Contract Year into the various funds provided for in the Project Bond Resolution for debt service and all other purposes. Net Billing Agreement, section 1(a).

Deliberately missing from this list of appropriate costs are those arising from construction of the project, because construction is to be funded not from the annual budget but from the separate Construction Budget provided for in each WPPSS Project Agreement.

> The "Construction Budget" means the budget adopted by the Supply System which sets forth an estimated schedule of construction expenditures and itemizes all costs related to ownership, design, planning, construction, and financing of the Project, as well as any revision or updating thereof during the course of construction. Project Agreement, section 1(d).

Congress could not have understood that these agreements in any way contemplated BPA funding of WPPSS construction. In addition, these agreements were submitted to the congressional committees after enactment of the Public Works Appropriations Act for fiscal year 1971, so any possible opportunity in these agreements for BPA to provide construction funds—although no such possibility exists, short of amendment to the contracts—does not establish any congressional authorization or acquiescence in any plan by BPA to make outlays for project construction.

II. BPA DERIVES NO AUTHORITY TO PROVIDE FUNDS FOR WPPSS CONSTRUCTION FROM THE FEDERAL COLUMBIA RIVER TRANSMISSION SYSTEM ACT OF 1974

The Federal Columbia River Transmission System Act of 1974 authorizes BPA to finance only the construction of transmission system improvements, not powerplants. It authorizes BPA to make expenditures from the BPA fund—consisting of rate revenues and proceeds of BPA bond sales—to "purchase electric power on a short-term basis to meet temporary deficiencies in electric power which the Administrator is obligated by contract to supply" or "if such purchase has been heretofore authorized or is made with funds expressly appropriated for such purchase by the Congress." 16 U.S.C. 838i(b)(6). It does not authorize BPA to make outlays for construction of the net-billed projects or any thermal powerplant whatever.

III. BPA DERIVES NO AUTHORITY TO PROVIDE FUNDS FOR WPPSS CONSTRUCTION FROM THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT OF 1980

The Pacific Northwest Electric Power Planning and Conservation Act of 1980, known as the Regional Act, mentions the WPPSS projects only once. It provides that the Federal base system includes the Federal Columbia River Power System hydroelectric projects and "resources acquired by the Administrator under long-term contracts in force on the effective date of this Act." 16 U.S.C. 839a(10). This language does not authorize BPA to make any outlays for WPPSS construction; it merely refers to the previously executed contracts.

The congressional committee reports accompanying the Regional Act clarify the understanding of Congress on BPA's authority to construct powerplants. The House Interior Committee report stated:

> BPA has no express authority to own, construct, or purchase the output or capability of electric generating plants except to meet short term deficiencies. H. Rept. No. 96-976 Part II, p. 27 (September 16, 1980).

The House Commerce Committee agreed.

> BPA is not authorized by law to construct additional resources on its own. H. Rept. No. 96-976 Part I, p. 24 (May 15, 1980).

The Senate Energy Committee stated:

> The Administrator was not authorized to construct or operate either hydro or thermal electric generating facilities. S. Rept. No. 96-272, p. 17 (June 30, 1979).

These statements of BPA's pre-Regional Act authority flatly contradict BPA's new assertion that it has authority to make outlays for WPPSS construction. If BPA is not authorized to construct powerplants, it is certainly not authorized to make outlays of funds to continue construction on powerplants owned by other entities.

In sum, BPA's authority with respect to the WPPSS projects is limited to that provided by the Public Works Appropriations Act of 1971. This statute may have authorized BPA to pay debt service on bonds issued by WPPSS to provide the funds for construction of WPPSS 1, 2, and 3, but it certainly did not authorize BPA to provide the construction funds itself.

Now, the BPA Administrator has stated his intention to pay directly from BPA funds some $168 million for construction of WPPSS 2 and $94.6 million for rampdown and preservation of WPPSS 3 during fiscal year 1983, 1984, and 1985.

If the BPA administrator persists in his plan to spend hundreds of millions of dollars from the BPA fund on construction of WPPSS 2 and preservation of WPPSS 3, I now put him on notice that title 31, section 1341 of the United States Code forbids "an officer or employee of the United States Government * * * (to) make or authorize an expenditure or obligation exceeding the amount available in an appropriation or fund for the expenditure or obligation." It also prohibits any officer or employee from involving the Government "in a contract or obligation for the payment of money * * * unless authorized by law." Violation of these provisions carry criminal penalties: up to $5,000 in fines, 2 years in prison, or both. (31 U.S.C. 1350.)

I also warn contractors working on the WPPSS projects: Do not expect to receive payment for your work beyond the funds WPPSS has obtained through sales of bonds. BPA cannot lawfully pay you from BPA funds for construction work on the WPPSS projects. Even if you somehow receive payment, the Federal Government can always recover these funds from you later. The Federal courts have repeatedly ruled that the United States has inherent authority to recover sums which have been paid wrongfully, erroneously, or illegally. Your only recourse will be to sue the Federal officers who unlawfully authorized the payments to you. In that case, the BPA Administrator and other Federal officers may be found personally liable to pay the amounts unlawfully authorized, if the courts rule such authorization to have been undertaken outside the officer's scope of employment.

I will conclude by adding that any attempt by the BPA to underwrite a new short-term loan to finance WPPSS No. 3 would be most imprudent. Borrowing short for long-term construction is an invitation to disaster.

The Subcommittee on Mining, Forest Management and Bonneville Power Administration, which I chair, will be monitoring closely the action of the BPA in these matters.

☐ 1340

REVITALIZING OUR NATION'S INDUSTRIAL BASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. Jones) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, I am today introducing legislation with my colleague from New York (Mr. Conable), aimed at revitalizing our Nation's industrial base, where the need for plant and equipment rebuilding is greatest and unemployment is highest.

Our legislation, the Work Opportunities and Renewed Competition Act of 1983 (WORC), is designed to make certain that the nascent economic recovery we have underway will be built and sustained by growth in capital investment. WORC will allow companies to modernize now so that we can emerge from the recession with a competitive industrial and service economy.

History tells us, Mr. Speaker, that if we are to retain our position as the world's leading industrial power, ready to flex our economic prowess, we cannot be a land of smokeless smokestacks. We must explore entrepreneurial frontiers, but we must also retool our vital, basic industrial foundation. To accomplish this goal, we are proposing a one-time progam structured to unlock earned, but unused, investment tax credits when there is reinvestment in new equipment and plants.

The reason we need this legislation, Mr. Speaker, is quite simple. Today the investment tax credit is not functioning as an incentive for capital investment for many companies, particularly those in basic industries. The problem is that while these companies have continued to make heavy investments which generate the credits, in fact $94.64 billion in 1981, the companies have not had sufficient profits recently to absorb the credits against their tax liability. Indeed, nearly 20 percent of the top 500 industrial corporations and two-thirds of the major transportation industries have not been able to utilize fully all of the investment tax credits which have been earned through 1982. By restricting these companies from access to the ITC's, the after-tax cost of their capital is increased, and they are placed at an automatic competitive disadvantage.

WORC would end this inequity by allowing companies unused investment tax credits prior to 1983 to obtain 85 percent of the value of their credits if and when they reinvest in new plant and equipment. In order to insure immediate help to the economy, the reinvestment would have to be made between October 1, 1983, and December 31, 1984. WORC contemplates that the remaining 15 percent of the credit value be dedicated for assistance to workers in industries affected by the recession. WORC requires that companies which obtain these funds pay back to the Treasury not just the 85 percent, but the other 15 percent as well. The principal steps in the operation of the new reinvestment credit mechanism can generally be described as follows:

(A) REINVESTMENT CREDIT ELECTION

Anticipating its inability to use its accumulated ITC's in 1983 through 1985, the company elects to treat all of its 1982 carryovers as the reinvestment credit. These ITC's then cannot be used as carryovers in such years even if the company's tax liability increases due to higher profits.

(B) REINVESTMENT

As the company reinvests in kinds of machinery and equipment in which it has previously invested—not in new business ventures—the Treasury will pay the company an amount equal to 85 percent of the costs of such reinvestments, but not more than 85 percent of the total reinvestment credit relinquished to Treasury.

(C) MANDATORY REPAYMENT

Beginning in 1986 and continuing through 1990, the company must repay the full amount of the reinvestment credit—not just the 85 percent payments—at a rate of 20 percent per year. It is possible that the company will repay a portion of the reinvestment credit prior to the 5-year payback schedule. This can result from an increase in profits in the mid-1980's, that raise tax liability in the absence of the foregone ITC's. This higher tax will reduce the mandatory taxes payable in 1986 through 1990.

(D) REINSTATEMENT OF CREDITS

As the company makes its mandatory repayments in 1986 through 1990, an equal amount of the reinvestment credit will be reinstated as ITC's. However, such reinstated ITC's will have lost the same number of years from the normal 15-year carryover period as though they had been available in every year since 1982.

(E) PENALTIES

Companies claiming more reinvestment credit than the amount to which they are entitled will be penalized. Companies that elect less than the maximum reinvestment credit will also be penalized.

Thus, the concept is a discounted loan through the tax system. The payback mechanism insures higher revenue—which would be reflected in the budget—in the later years—a time it is critical we contain and conquer our massive Federal deficits.

Mr. Speaker, the legislation we are introducing today can swiftly and decisively turn around the decline in our aging industrial sector. It responds to the festering cry that our Nation is losing the battle for our economic future. The proposal is important for a variety of reasons.

A defense force second to none can only be real if we are an industrial power second to none. It is folly to think that we can rely on other countries to supply our material demands in time of national emergency. Our defense posture must be built on an industrial base that is capable of quick expansion to support mobilization required for national security needs.

Second, Mr. Speaker, as many newfound gurus of high-tech policies trumpet their buzzwords on how our future lies in the aggressive pursuit of high technology industries, I think it is abundantly clear one sector can not survive or flourish without the other. High-tech is not a panacea. Our Nation is one of goods and services, and we must create an environment in which both operate in a compatible arena.

Moreover, 4½ million Americans rely on jobs in the basic industry sector. Writing off the basic industries such as steel, automobiles, mining, transportation, and chemicals will mean writing off millions of jobs. Other sectors in our economy cannot absorb most of these workers.

The legislation is vital to all industry in our efforts to regain our competitive edge in world markets. Years of anemic productivity, sagging profits, and protractedly high interest rates have led to a decline in our ability to compete abroad. The call for trade restrictions to protect our industry from foreign competitors will make our industry less competitive, not more, and may cut off the fragile recovery we are seeing globally. Our bill will allow us to meet our competitors outright with better products and technology.

Mr. Speaker, the legislation we are introducing today is not a veiled attempt to give industy a tax break. It is nothing more than a proposal which unlocks earned tax credits creating more jobs, and making American industry more productive.

It is a proposal which has been widely endorsed by both labor and management. Already, the House Steel Caucus has endorsed our bill, and I expect many other groups and organizations to come forward with their comments on how the proposal will foster a healthier, more productive industrial and service economy.

I hope we will act quickly on the legislation so that we may put tools in the hands of the millions of Americans who are wanting to work.

The bill follows:

H.R. 3434

A bill to amend the Internal Revenue Code of 1954 to facilitate industrial revitalization and employment by improving the efficiency of the investment tax credit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: ETC.

(a) Short Title.—This Act may be cited as the "Work Opportunities and Renewed Competition Act of 1983."

(b) Amendment of 1954 Code.—Whenever in this Act an amendment or an insertion is expressed in terms of an amendment to, or an insertion of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. EXCESS INVESTMENT CREDIT TREATED AS REINVESTMENT CREDIT.

(a) Determination of Excess Investment Credit Amount; Election of Reinvestment Credit.—Section 46 (relating to the amount of the investment credit) is amended by inserting after subsection (h) the following new subsection (i):

"(i) Election to treat excess investment credit as reinvestment credit.—

"(1) In general.—The taxpayer may elect to treat all or any amount of the excess investment credit for the excess credit year as the reinvestment credit for purposes of section 59. In the case of a taxpayer electing under this subsection, the excess investment credit shall not be an investment credit carryback or carryover under subsection (b) except as provided under paragraph (4) thereof.

"(2) Time and manner of making election.—

"(A) In general.—An election under this subsection with respect to the excess investment credit for the excess credit year shall be made not later than the later of—

"(i) the last day, including any extension of time, for filing the taxpayer's return of tax imposed by this chapter for the excess credit year, or

"(ii) 180 days after the date of enactment of this subsection.

"(B) Consolidated returns.—

"(i) Affiliated groups as of the end of the excess credit year.—In the case of an affiliated group (as defined in section 1504(a)) of corporations that make a consolidated return under section 1501 for the excess credit year, the election under this subsection shall be made by the common parent and shall apply to the consolidated excess investment credit of members of such group except a member of such group that is subject to clause (ii).

"(ii) Members added to an affiliated group after the end of the excess credit year.—In the case of a corporation which becomes a member of an affiliated group after the end of the excess credit year of such group, the election under this subsection shall be made only by such member and shall apply only to the excess investment credit of such member.

"(C) Irrevocable.—The election made under this subsection shall not be revoked, and the amount elected shall not be changed.

"(D) Filing.—The election under this subsection shall be filed with the District Director where the taxpayer's return of tax imposed by this chapter will be filed for the current taxable year.

"(3) Definitions.—

"(A) Excess investment credit.—For purposes of this section, the term 'excess investment credit' means the excess of—

"(i) the amount of credit determined under subsection (a)(1) for the excess credit year, as of the close of such year, determined without regard to—

"(I) subsection (a)(1)(C), and

"(II) any amount attributable to the employee plan credit (within the meaning of section 48(o)(3)), over

"(ii) the sum of—

"(I) the limitation determined under subsection (a)(3) for the excess credit year, determined without regard to any carryback of a net operating loss determined under section 172, a net capital loss determined under section 1212, or a foreign tax credit determined under section 904, to the excess credit year or any taxable year preceding such year from a taxable year ending after such year, plus

"(II) the amount of carryback from the excess credit year allowable under subsection (b)(2).

"(B) Excess credit year.—For purposes of this subsection, the term 'excess credit year' means the last taxable year which ends before January 1, 1983.

"(4) Special rule for revocation of a net operating loss carryover election.—Notwithstanding the last sentence of section 172(b)(3)(C) (relating to an election to relinquish a net operating loss carryback), in the case of an election made under such section prior to the enactment of this subsection to relinquish the carryback period with respect to a net operating loss for the excess credit year, such election shall be revoked if the taxpayer—

"(i) elects under paragraph (1) to treat all of the excess investment credit attributable to such revocation as reinvestment credit for purposes of section 59, and

"(ii) attaches a statement of revocation of the election made under section 172(b)(3)(C) to the election made under paragraph (1)."

(b) Reinvestment Credit.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by inserting after section 58 the following new part and new sections:

"Part VII—Reinvestment Credit

"Sec. 59. Reinvestment Credit.

"Sec. 60. Recapture of Reinvestment Credit Refunds.

"SEC. 59. REINVESTMENT CREDIT.

"(a) Overpayment of Tax.—

"(1) General rule.—An amount equal to 85 percent of each reduction determined under paragraph (2) shall be treated as an overpayment of tax under section 6401(d) for the taxable year which includes the information return period.

"(2) Reduction in reinvestment credit.—The reduction determined under this subsection shall be equal to so much of the qualified investment of the taxpayer in reinvestment credit property as is reported on an information return filed for an information return period.

"(b) Reductions and Increases in Reinvestment Credit.—

"(1) In general.—The amount of reinvestment credit, as elected under section 46(i), shall be reduced (but not below zero) by the net reduction as determined under paragraph (2).

"(2) Net reduction.—For purposes of this section, the net reduction is the sum of—

"(A) the aggregate amount of reductions determined under subsection (b), less

"(B) the aggregate amount of any increases in tax under subsection (c).

"(c) Recapture or Substitution of Qualified Investment.—

"(1) General recapture rule.—If at any time before January 1, 1986, any reinvestment credit property in which the taxpayer has qualified investment is disposed of, or otherwise ceases to be section 38 property with respect to the taxpayer, the tax imposed by this chapter shall be increased by an amount, determined as of the close of the taxable year, equal to the sum of—

"(A) the net reduction determined under subsection (b)(2), less

"(B) the amount of qualified investment in reinvestment credit property as determined after taking into account all such dispositions or cessations.

"(2) Special recapture rule for casualties, etc.—Paragraph (1) shall not apply to reinvestment credit property that is disposed of or otherwise ceases to be section 38 property with respect to the taxpayer on account of its destruction or damage by fire, storm, shipwreck, or other casualty, or by reason of its theft.

"(3) Substitution.—For purposes of the determination under paragraph (1)(B), the amount of qualified investment in reinvestment credit property with respect to which the disposition or cessation has occurred may be reduced by amounts which would constitute qualified investment in reinvestment credit property if 'January 1, 1986' were subsituted for 'January 1, 1985' in subsection (d)(1).

"(4) Special rule.—Any increase in tax under paragraph (1) shall be treated as tax imposed by this chapter except for purposes of determining the amount of any credit allowable under subpart A of part IV of this subchpater.

"(d) Definitions.—

"(1) Qualified investment.—For purposes of this section, the term 'qualified investment' means the aggregate of—

"(A) the basis of each new section 38 property of the taxpayer (as defined by section 48(b)) placed in service by the taxpayer, reduced by the amounts described in subparagraphs (C) and (D) and taken into account with respect to a preceding taxable year,

"(B) qualified progress expenditures (as defined by section 46(d)(3)) of the taxpayer, reduced by the amounts described in subparagraphs (C) and (D) and taken into account with respect to a preceding taxable year,

"(C) to the extent not included in the amounts described in subparagraph (A) or (B) for the taxable year, the amount paid by the taxpayer to another person for acquisition of property by the taxpayer or for construction of property for the taxpayer, and

"(D) to the extent not included in the amounts described in subparagraph (A) or (B) for the taxable year, the amount which is properly chargeable to capital account with respect to property being constructed by the taxpayer

during the period after September 30, 1983, and before January 1, 1985.

"(2) Reinvestment credit property.—

"(A) In general.—for purposes of this section, the term 'reinvestment credit property' means property which is—

"(i) new section 38 property (as defined by section 48(b)),

"(ii) progress expenditure property (as defined by section 46(d)(2)), or

"(iii) property which it is reasonable to believe, based on the facts known at the close of the information return period, will be described in clause (i) when placed in service by the taxpayer.

"(B) Excluded property.—For purposes of this section, the term 'reinvestment credit property' does not include—

"(i) public utility property (within the meaning of section 167(l)(3)(A)),

"(ii) property described by the Secretary in any asset guideline class pursuant to section 167, only if the taxpayer (or any predecessor taxpayer) had not placed in service any property in such asset guideline class prior to the end of the excess credit year (as defined in section 46(i)(3)(B)),

"(iii) office furniture and fixtures,

"(iv) property used in carrying out the activities of wholesale, retail or distributive trade.

"(v) property used in providing personal, financial or professional services,

"(vi) property used in the trade or business of providing recreation, lodging, food and beverages, or

"(vii) livestock

"(3) Information return.—For purposes of this section, the term 'information return' means a return signed by the taxpayer and filed with the District Director where the taxpayer's return of tax imposed by this chapter will be filed for the taxable year, which provides information with respect to the qualified investment in reinvestment credit property.

"(4) Information return period.—For purposes of this section, the term 'information return period' means a period beginning after September 30, 1983 and ending before January 1, 1985 and comprising not less than one month and not more than one taxable year, for which an information return is filed by the taxpayer.

"(e) Overstatement of Reinvestment Credit.—If the net reduction determined under subsection (b)(2) exceeds the excess investment credit (as defined by section 46(i)(3)(A)), the entire amount of such excess shall be treated as an underpayment of tax under section 6651 (relating to failure to file a tax return or to pay tax) and may be assessed in the same manner as in the case of a mathematical or clerical error appearing upon the return.

"(f) Treatment of Affiliated Group.—For purposes of this section, in the case of an affiliated group that has made an election subject to section 46(i)(2)(B), the affiliated group shall be deemed to be the taxpayer.

"SEC. 60. RECAPTURE OF REINVESTMENT CREDIT REFUNDS.

"(a) Increase in Tax.—There shall be added to the amount of tax imposed by this chapter on a taxpayer electing under section 46(i) the amount determined under subsection (b).

"(b) Computation of Additional Tax.—

"(1) In general.—The amount determined under this subsection shall be the excess of—

"(A) the applicable percentage of the net reduction in the reinvestment credit (as determined under section 59(b)(2)), over

"(B) the sum of—

"(i) the aggregate amount of cancelled credit for the taxable year and for all preceding taxable years, plus

"(ii) the aggregate amount of additional tax imposed by subsection (a) for all taxable years preceding the taxable year.

"(2) Applicable percentage.—The applicable percentage of any taxpayer for any taxable year under this subsection shall be determined under the following table:

For the taxable year ending:	The applicable percentage is:
In 1986	20
In 1987	40
In 1988	60
In 1989	80
In 1990	100

"(c) Special Rule.—Any additional tax imposed under subsection (a) shall be treated as a tax imposed by this chapter except for purposes of determining the amount of any credit allowable under subpart A of part IV of this subchapter.

"(d) Cancelled Credit.—For purposes of this section, the term 'cancelled credit' means the amount by which—

"(1) the credit allowed by section 38 for the taxable year, determined without regard to the election made under section 46(i), exceeds

"(2) the credit allowed by section 38 for the taxable year."

(c) Reinstated Investment Credit.—Section 46(b) is amended by inserting after paragraph (3) the following new paragraph (4):

"(4) Reinstatement of amounts of excess investment credit amount as carryovers.—

"(A) In general.—The amount, if any, by which the excess investment credit (as defined by subsection (i)(3)(A)) exceeds the amount of canceled credit (as defined by section 60(d)), determined as of the end of the taxable year, shall be taken into account under subsection (a)(1)(A)—

"(i) to the extent of the unused reinvestment credit, for taxable years ending after December 31, 1984,

"(ii) to the extent of the amount by which the excess investment credit exceeds the reinvestment credit, for taxable years ending after December 31, 1985, and

"(iii) to the extent of the amount of repaid reinvestment credit, for taxable years for which a tax is imposed by section 60(a).

"(B) Ordering rule for use of excess investment credit.—The unused credits comprised in the excess investment credit shall be allocated, in the order of the unused credit years to which they are attributable—

"(i) first to the amount of canceled credit (as defined by section 60(d)), then

"(ii) to the amount of unused reinvestment credit, then

"(iii) to the amount, if any, by which the excess investment credit exceeds the amount elected under subsection (i), and then

"(iv) to the amount of repaid reinvestment credit.

"(C) Definitions.—

"(i) Unused reinvestment credit.—For purposes of this subsection, the term 'unused reinvestment credit' means the amount by which—

"(I) the amount elected under subsection (i), exceeds

"(II) the net reduction determined under section 59(b)(2) as of December 31, 1984.

"(ii) Repaid reinvestment credit.—For purposes of this subsection, the term 'repaid reinvestment credit' means the aggregate amount of tax imposed by section 60(a)."

(d) Overpayment of Tax; Tax Refund.—

(1) Section 6401 is amended by inserting after subsection (c) the following new subparagraph (d):

"(d) Reinvestment credit.—The term 'overpayment' includes the amounts determined under section 59(a) (relating to the reinvestment credit)."

"(2) Subchapter B of chapter 64 of subtitle F (relating to rules of special application of abatements, credits and refunds) is amended by inserting after section 6430 the following new section 6431:

"SEC. 6431. REINVESTMENT CREDIT.

"(a) Refund Generally.—The overpayment of tax determined under section 6401(d) (relating to the reinvestment credit) shall be refunded by the Secretary to the taxpayer following the filing by the taxpayer of an information return, as defined in section 59(d)(3). Such refund payment shall be made within 45 days of the filing of such return."

(e) Exclusion of Reinvestment Credit Property From Safe Harbor Leasing Election.—Section 168(f)(8)(D)(iv), as amended by section 208(b)(3) of the Tax Equity and Fiscal Responsibility Act of 1982, is amended by deleting "or" at the end of subclause (IV), by substituting a comma and "or" in lieu of the period at the end of subclause (V), and by inserting after subclause (V) the following new subclause (VI):

"(VI) reinvestment credit property (as defined in section 59(d)(2)) except to the extent of the qualified investment (as defined in section 59(d)(1)) in such property that is in excess of the total amount of qualified investment that is equal to the net reduction determined under section 59(b)(2)."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Nielson of Utah) to revise and extend their remarks and include extraneous matter:)

Mr. McEwen, for 15 minutes, today.

(The following Members (at the request of Mr. Weaver) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 30 minutes, today.

Mr. Weaver, for 30 minutes, today.

Mr. Jones of Oklahoma, for 5 minutes, today.

Mr. Levitas, for 60 minutes, July 29.

Mrs. Boxer, for 60 minutes, July 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Nielson of Utah) and to include extraneous matter:)

Mr. Fields in two instances.

Mr. Lent.

Mr. Porter in two instances.

Mr. Lowery of California.

(The following Members (at the request of Mr. Weaver) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

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Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Coleman of Texas.

Mr. Markey in two instances.

Mr. Levitas.

Mr. Edwards of California.

Mr. Frank.

Mr. Richardson.

Mr. Lowry of Washington.

Mr. Sikorski.

Mr. Kostmayer.

Mr. Boucher.

Mr. Patterson.

Mr. Fascell.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 34. Joint resolution designating "National Reye's Syndrome Week," to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. WEAVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 28, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1424. A letter from the Assistant Secretary of Defense (Manower, Reserve Affairs & Logistics), transmitting additional information on the defense manpower requirements for fiscal year 1984, pursuant to title 10, United States Code, section 138(c)(3); to the Committee on Armed Services.

1425. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notice of the Navy's intention to omit the examination of records by Comptroller General clause in contract arrangements with the United Kingdom Government, pursuant to title 10, United States Code, section 2313(c); to the Committee on Armed Services.

1426. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed decision to convert to contractor performance the industrial shop services function at the Chesapeake Bay Detachment, Naval Research Laboratory, Washington, D.C., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1427. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's annual report for calendar year 1982, pursuant to section 17(a) of the act of September 21, 1950; to the Committee on Banking, Finance and Urban Affairs.

1428. A letter from the Secretary of Labor, transmitting the 70th annual report of the Department covering fiscal year 1982, pursuant to section 9 of the act of March 4, 1983; to the Committee on Education and Labor.

1429. A letter from the Director, ACTION, transmitting final regulations for the Senior Companion program, the Foster Grandparent program, and the retired senior volunteer program, pursuant to section 420(d) of Public Law 93-113, as amended; to the Committee on Education and Labor.

1430. A letter from the Chairman, Federal Trade Commission, transmitting the 14th report on the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the international energy program, pursuant to section 252(l) of the Energy Policy and Conservation Act of 1975; to the Committee on Energy and Commerce.

1431. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting a report on the Corporation's performance evaluation during the first 6 months of fiscal year 1983, pursuant to section 305(l) of Public Law 91-518, as amended; to the Committee on Energy and Commerce.

1432. A letter from the Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment due for 1981 and 1982 from the H&RW Irrigation District, Pick-Sloan Missouri Basin program, Nebr., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

1433. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report dated May 4, 1983, from the Chief of Engineers, Department of the Army, on Mill Creek at Moab, Utah, together with other pertinent reports, pursuant to section 6 of the Flood Control Act of 1938; to the Committee on Public Works and Transportation.

1434. A letter from the Deputy Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to expand the scope of the membership of the special medical advisory group; to the Committee on Veterans' Affairs.

1435. A letter from the Board of Trustees, Federal old-age and survivors insurance and disability insurance trust fund, transmitting the 1983 annual report of the Board, pursuant to section 201(c) of the Social Security Act; (H. Doc. No. 98-74); to the Committee on Ways and Means and ordered to be printed.

1436. A letter from the Comptroller General of the United States, transmitting a report entitled "Better Planning and Management of Threat Simulators and Aerial Targets Is Crucial to Effective Weapon Systems Performance" (GAO/MASAD-83-27, June 23, 1983); jointly, to the Committees on Government Operations and Armed Services

1437. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a draft of proposed legislation to implement the Convention on the Conservation of Antarctic Marine Living Resources; jointly, to the Committees on Foreign Affairs, Merchant Marine and Fisheries, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 23, 1983, the following reports were filed on June 24, 1983]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2510. A bill to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954 and section 305 of the Energy Reorganization Act of 1974, and for other purposes; with an amendment (Rept. No. 98-103, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 2769. A bill to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region; with amendments (Rept. No. 98-266). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3398. A bill to change the tariff treatment with respect to certain articles, and for other purposes (Rept. No. 98-267). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Joint Resolution 290. Joint Resolution to permit free entry into the United States of personal effects, equipment, and other related articles of foreign participants, officials, and accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984. (Rept. No. 98-268). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A BILL SEQUENTIALLY REFERRED

[Omitted from the Record of June 23, 1983]

Under clause 5 of rule X, the following action was taken by the Speaker:

Referral of H.R. 1510 to the Committee on Energy and Commerce extended for an additional period ending not later than June 28, 1983.

[Submitted June 27, 1983]

Referral of H.R. 3021 to the Committee on Ways and Means extended for an additional period ending not later than June 28, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself and Mr. Forsythe) (by request):

H.R. 3416. A bill to implement the Convention on the Conservation of Antarctic Marine Living Resources; jointly, to the Committees on Merchant Marine and Fisheries and Foreign Affairs.

By Mrs. BYRON:

H.R. 3417. A bill to amend the Social Security Act and Internal Revenue Code of 1954 to provide that disability insurance benefits and the medicare program shall be financed from general revenues rather than through the imposition of employment and self-employment taxes as at present, and to reduce the rates of such taxes for purposes of financing the OASI program accordingly; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 3418. A bill to amend title 11 of the United States Code with regard to certain repurchase agreements; to the Committee on the Judiciary.

By Mr. SAM B. HALL, JR.:

H.R. 3419. A bill to amend title 17, United Stated Code, regarding the Copyright Royalty Tribunal; to the Committee on the Judiciary.

By Mr. PATTERSON (for himself, Mr. Bartlett, Mr. Coelho, Mr. Lehman of California, Mr. Fauntroy, Mr. Frank, Mr. Carper, Mr. Torres, Mr. Shumway, Mr. McCollum, Mr. Lowery of California, Mr. Schumer, Mr. Parris, Mr. Mitchell, and Mr. Annunzio):

H.R. 3420. A bill to provide home buyers equitable access to the national secondary mortgage market; to the Committee on Banking, Finance and Urban Affairs.

JOINT RESOLUTION ON DEBT LIMIT PASSED UNDER RULE XLIX

Under clause 1 of rule XLIX, the following joint resolution was engrossed and deemed passed:

H.J. Res. 308. Joint resolution increasing the statutory limit on the public debt.

Under clause 5 of rule X and clause 4 of rule XXII, bills and resolutions of the following titles were introduced and severally referred, as follows:

H.J. Res. 308. Joint resolution increasing the statutory limit on the public debt; engrossed and deemed passed.

By Mrs. SMITH of Nebraska (for herself, Mr. Frenzel, Mr. Evans of Iowa, Mr. Roberts, Mr. Jones of Oklahoma, Mr. Gibbons, Mr. Hightower, Mr. Ireland, Mr. Emerson, Mr. Marlenee, Mr. Gingrich, Mr. Hansen of Idaho, Mr. Lujan, Mr. Morrison of Washington, Mr. Lagomarsino, Mr. Stenholm, Mr. Bedell, Mr. Skeen, Mr. Hatcher, Mr. Cheney, Mr. Marriott, Mr. Daniel B. Crane, Mr. Porter, Mr. Corcoran, Mr. Nielson of Utah, Mr. Conable, Mr. Winn, Mr. Edwards of Oklahoma, Mr. Stump, Mr. Rogers, Mr. Dickinson, Mr. Tauke, Mr. Loeffler, Mr. Gunderson, Mr. Glickman, Mr. Philip M. Crane, Mr. Whittaker, Mr. Robert F. Smith, Mr. Weber, Mr. Thomas of California, Mr. Bereuter, Mr. Hartnett, Mr. Coats, Mr. Hyde, Mr. Watkins, Mr. Kindness, Mr. Brown of Colorado, Mr. Moorhead, Mr. Miller of Ohio, Mr. Anthony, Mr. Coleman of Missouri, Mr. Wolf, Mr. Slattery, Mr. Hefner, Mr. Gramm, Mr. Robinson, Mr. Craig, Mr. English, Mr. Leach of Iowa, and Mr. Hansen of Utah):

H. Con. Res. 136. Concurrent resolution expressing the sense of Congress in opposition to further expansion of cargo preference requirements; to the Committee on Merchant Marine and Fisheries.

By Mr. YATRON:

H. Con. Res. 137. A resolution urging the President to implement certain relief measures to remedy the import injury to the U.S. specialty steel industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CONTE introduced a bill (H.R. 3421 for the relief of Mary E. Hock, executrix of the will of Joseph E. LePage; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 430: Mr. Clay.

H.R. 433: Mr. Bedell, Mr. Conyers, and Mr. Lehman of Florida.

H.R. 1016: Mr. Price, Mr. D'Amours, Mr. Pursell, and Mr. Feighan.

H.R. 1226: Mr. Weber and Mr. Derrick.

H.R. 1234: Mr. Applegate, Mr. Solarz, Mr. Scheuer, Mr. Berman, Mr. Patterson, and Mr. Weiss.

H.R. 1676: Mr. Boehlert, Mr. Carper, Mr. Conyers, Mr. Coyne, Mr. Frank, and Mr. St Germain.

H.R. 1797: Mr. Heftel of Hawaii, Mr. Ratchford, Mr. Harkin, and Mr. McCollum.

H.R. 2131: Mr. Weiss.

H.R. 2468: Mr. Robinson, Mr. Britt, Mr. Beilenson, Mr. McGrath, Mr. Kasich, Mr. Simon, Mr. Frost, Mr. Fascell, and Ms. Kaptur.

H.R. 2691: Mr. Mollohan.

H.R. 2814: Mr. Coelho, Mr. Sabo, Mr. Pursell, and Mr. Berman.

H.R. 2817: Mr. Hoyer, Mrs. Schneider, Mr. Mitchell, Mrs. Byron, Mr. St Germain, Mr. Goodling, Mr. Daniel, Mr. Foglietta, Mr. Wolf, Mr. Boucher, Mr. Olin, Mr. Edgar, Mr. Kostmayer, Mr. Whitehurst, Mr. Fauntroy, Mr. Sisisky, and Mr. Bliley.

H.R. 3024: Mr. Badham and Mr. Emerson.

H.R. 3081: Mr. Forsythe, Mr. Skeen, Mr. Denny Smith, Mr. Livingston, Mr. Weber, Mr. Corcoran, Mr. Whitehurst, Mr. Kindness, Mr. Daub, Mr. Broyhill, Mrs. Vucanovich, Mr. McCollum, and Mr. Nielson of Utah.

H.R. 3106: Mr. Spratt.

H.R. 3251: Mr. Schumer.

H.R. 3387: Mr. Frank and Mr. Waxman.

H.J. Res. 139: Mr. Hall of Ohio, Mr. Packard, Mr. Gekas, Mr. Daniel B. Crane, Ms. Fiedler, Mr. Borski, Mr. Hamilton, Mr. McCandless, Mrs. Kennelly, Mr. Campbell, Mr. Dowdy of Mississippi, Mr. Badham, Mrs. Johnson, and Mr. Shaw.

H.J. Res. 218: Mr. Vander Jagt and Mr. Traxler.

PETITIONS, ETC.

Under clause 1 of rule XXII,

149. The SPEAKER presented a petition of the American Association of Airport Executives, Washington, D.C., relative to transportation facilities; which was referred to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2668

By Mr. DERRICK:

—On page 18, beginning in line 2, strike out "The" and all that follows through "b" in line 9 and redesignate subsection (c) as subsection (b).

H.R. 2769

By Mr. de LUGO:

—Insert a new paragraph (b)(3) and change subsequent subparagraph enumerations accordingly:

(3) Any bulk rum (classified under item 169.14 of the Tariff Schedules of the United States (19 U.S.C. § 1202)) imported from a beneficiary country the value of which is equal to or less than $3.00 per proof gallon: *Provided,* That, notwithstanding any other provision of law, any rebate, in whole or part, of, or other decrease in, the price actually paid or payable that is made or otherwise effected with respect to or in respect of the sale of such rum after the date of the importation of the bulk rum into the United States shall be taken into account in the determination of the value of the bulk rum: *And provided further,* That, this paragraph shall not apply to the first 200,000 proof gallons total imported from all such beneficiary countries during any calendar year.

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SENATE—*Monday, June 27, 1983*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. Thurmond).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Praise the Lord! O give thanks to the Lord, for He is good; for His steadfast love endures forever.—Psalm 106: 1

Merciful God, Thou hast blessed us and our land with incalculable abundance. We enjoy resources as no other nation, we enjoy freedom as no other people. In a world in which most people never have enough of anything, we always have more than enough of everything. Forgive us for our ingratitude, our prodigality and waste.

As the Apostle Paul declared "* * * although they knew God they do not honor Him as God or give thanks to Him * * *" as a result of which "they became futile in their thinking and their senseless minds were darkened." (Romans 1: 20, 21.) Help us Lord to appreciate the unprecedented benefits we enjoy, to be thankful and live thankfully. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

AMERICA FOR ME

Mr. BAKER. Mr. President, this week's poem, in honor of the upcoming celebration of our Nation's independence, was written by Henry Van Dyke, and is entitled "America For Me." It was read at the 32d Republican National Convention by the Honorable Guy Vander Jagt, and I ask unanimous consent that the poem be printed in the Record.

There being no objection, the poem was ordered to be printed in the Record, as follows:

'Tis great to see the old world and wander up and down
Among historic palaces and the cities of renown
And admire crumbly castles and the statues of the kings,
But now I think I've had enough of antiquated things.
So now it's home again and home again—America for me.
My heart is turning home again and there I long to be,
In the land of youth and freedom beyond the ocean bars
Where the air is full of sunlight and that flag is full of stars.
Oh London, it's a man's town, there's power in the air.
And Paris, it's a woman's town with flowers in her hair.
And it's sweet to dream in Venice and it's great to study in Rome,
But when it comes to living there is no place like home.
I know that Europe's wonderful, yet something seems to lack,
The past is too much with her, the people looking back,
But the glory of the present is to set the future free.
We love our land for what she is and what she is to be.
So it's home again and home again—America for me.
I want a ship that's westward bound to plow that rolling sea,
To the blessed land of room enough beyond the ocean bars
Where the air is full of sunlight and that flag is full of stars.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today, after the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business of not more than 30 minutes in length in which Senators may speak for not more than 5 minutes each.

For some time now the leadership on this side has expressed its desire to redeem a commitment made to Senator Hatch before the Senate adjourned last year, to take up Senate Joint Resolution 3, the Hatch abortion amendment, sometime this year and possibly before summer. We have missed the summer part, but I intend to go ahead with the commitment otherwise. So, after the time for the transaction of routine morning business has expired, it will be my intention to ask the Senate to turn to that measure, which is Calendar order No. 235, Senate Joint Resolution 3.

Mr. President, I expect this debate to consume all of this day. I do not anticipate votes on this resolution. I am told by the principals that amendments to the resolution are not anticipated. Therefore, while it is not impossible that we will have votes today, I think it is unlikely.

Let me repeat what I said earlier, however. If votes are ordered today, they will be conducted today. We will not stack them until tomorrow. Once again, I do not anticipate them today. I anticipate, instead, a vote on final passage or in relation to that sometime tomorrow.

In that connection, Mr. President, I hope the minority leader might be agreeable to explore any possibility of a time certain for consideration of this matter, either on the resolution or in relation to it. I would suggest we do it either just before the two caucuses which occur on Tuesday at noon or just after the two caucuses. I will confer further with the minority leader on that and, of course, with the managers on both sides of this issue.

Mr. President, in addition to this, there are a number of other matters that we have to deal with this week. One that comes to mind is the agriculture appropriations bill which is here. I am told that there is a good prospect that we may work out something on that so it will not take a long time to finish that measure. I will also consult with my friend, the minority leader, if there is some possibility for a time limit on debate of the agriculture bill and perhaps a time certain for final passage.

In addition, Mr. President, we have the tax cap passed by the House of Representatives. It is my intention to schedule that for Tuesday, if possible. I will consult once again with the minority leader on a time and the circumstances, but I hope we can do that in fairly short order, as well.

Earlier this year, I committed to the minority leader that we would schedule that item if it was passed by the House. It has now been passed by the House. He understands, as I have announced before, that I am opposed to it and that it is my hope that the Senate will not agree to the proposal made by the House of Representatives. However, it will be my intention to schedule that tomorrow or the next day.

Mr. President, other matters, such as conference reports, may be dealt with, or appropriation bills if they are available. But I am convinced now that we can finish this week on Thursday instead of Friday, that would be my objective, so that the Senate could go out on the 30th instead of the 1st.

I will ask the officers of the Senate to prepare an adjournment resolution reflecting that possibility and I would propose to pass it here if the Senate is agreeable and send it to the House of Representatives one day this week.

So, in summary, the things we have to do so we can get out of here by Thursday, or even sooner if we can finish them, would be the abortion debate, the agriculture appropriations bill, the tax cap, any conference reports that are available, and any other approriations bills that may become available between now and then.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

There is at least one other item that I announced earlier that I had hoped to bring up before the July 4 recess, and that is Radio Marti. I am sorry to say that cannot be done before the July 4 recess. However, I wish to announce now that it will be my intention to ask the Senate to turn to Radio Marti after we return.

Immediately after we return from the Fourth of July recess, it is presently the intention of the leadership on this side to ask the Senate to turn to the Department of Defense authorization bill. Then there are a number of other contenders thereafter: The coal slurry pipeline, which I have agreed we will schedule some time this year, but I have indicated to my friends on both sides of the aisle I have not agreed to take up immediately after the Department of Defense authorization bill. I thought I had done a brave and generous thing when I said I would take it up at all. But we will take it up. However, it is not likely to be immediately after the Department of Defense bill.

But, Radio Marti is one, of course, and appropriation bills are others and we will address those issues as we get closer to the time involved.

Mr. President, I have three other matters that I would like to address, and I apologize to the minority leader for taking so much time.

(Mr. PRESSLER assumed the chair.)

UNANIMOUS-CONSENT AGREEMENT—H.R. 1183

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate receives from the House of Representatives the bill H.R. 1183, to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981, that the bill be considered as having been read twice and held at the desk and that the majority leader after consultation with the minority leader be authorized to make the measure the pending business of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader and I thank the Chair.

Mr. BYRD. I thank the majority leader.

CONGRESSIONAL SALARIES AND INCOME

Mr. BAKER. Mr. President, nothing gives the Senate more personal anguish than the matter of our pay and restrictions on income. I have in the past observed and remarked that I think the Congress is institutionally incapable of adjusting its own pay and benefits, at least without great pain and suffering.

I will remark, by the way, that one of the amendments to the Constitution submitted with the original collection of amendments adopted and known now as the Bill of Rights was one dealing with pay to Members of Congress that was not adopted. That amendment would have avoided what I consider to be a patent and fundamental conflict of interest; that is, the requirement that Congress set its own salary. I intend to speak further on that at another time.

It is a matter of more than just historic interest that this question and this difficulty has been with us since the beginning days of the Republic.

I would like to take this opportunity, however, to express my congratulations to the Senator from Utah (Mr. Garn) for offering an amendment which would provide for a limitation on the amount of unearned income that a Member of the Senate might receive during his tenure. The Senate has now placed a limitation on the amount of earned income beyond the salaries Members receive, and I think it is fair and simple equity to indicate that there should be a similar limitation on unearned income. I voted for that amendment. I supported it.

I would observe two things, Mr. President. The first is we are going about this all wrong. We ought to remove that constitutional conflict of interest. Senator Long and I have introduced and will pursue a constitutional amendment that will remove the pay-setting responsibility from the Congress and place it in a constitutional pay commission.

Second, Mr. President, the whole question of earned or unearned income limitation would never arise if we were not totally dependent for our livelihood, those of us who do not earn income, on the Federal Treasury. We should not be. I will not preach my sermon on the citizen Congress again this morning, but it has long been and is now my contention that there should be no limitation on earned or unearned income. We should not be paid at the levels we are now, but rather, we should be encouraged to have outside activities and have full disclosure so that a political judgment can be made on whether our activities and undertakings are appropriate or inappropriate to the civil trust that devolves upon us as Members of the Senate of the United States.

So, as long as we have the constitutional responsibility to set our salaries, it seems to me that simple equity requires that the restriction should apply equally to earned and unearned income. But it is my ambition, Mr. President, to see that we remove that responsibility from Congress by a constitutional amendment and that we refrain from making ourselves totally dependent on the Federal Treasury in any event by encouraging rather than restricting or prohibiting outside activity which gives us the status of full-time legislators instead of civil servants of the Government on a civil basis.

ADDRESS BY SENATOR HEINZ AT SENIOR POWER DAY RALLY

Mr. BAKER. Mr. President, the senior Senator from Pennsylvania, John Heinz, chairman of the Senate Special Committee on Aging, recently gave the keynote address at the Senior Power Day rally in Lansing, Mich., urging older Americans to use their influence as a lobbying group for the good of all Americans, and not to pursue self-interest at the expense of the national interest. Judging from the response of the audience, our colleague's message was well received, and stands as a testament to the Republican Party's efforts to convince Americans that pandering to the selective agenda of each and every special interest group does a great disservice to the national interest and, ultimately, to the ability of the Nation to meet the needs of any interest group.

Mr. President, the address of Senator Heinz reflects the Republican Party's compassion and support for older Americans, and our party's deep and abiding interest in working with and for the good of all Americans. Because his remarks reflect a progressive view of senior power, and because they constructively address some of the major issues we face in our national domestic policy, I believe that we can all benefit from his discussion of the national agenda for older Americans, and I commend his remarks to my colleagues.

I ask unanimous consent that the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record as follows:

Remarks of Senator John Heinz

Honored Guests and Ladies and Gentlemen, I am honored to be here today with you and to be part of the eighth annual Michigan Senior Power Day. I commend you on a thoughtful eight-point platform, and, as Chairman of the Senate Special Committee on Aging, I look forward to working with you to improve our ability to meet the needs and expand the opportunities of all older Americans.

I'd like to especially thank Republican Senate Leader John Engler for his kind and generous introduction.

I'd particularly like to acknowledge the tremendous job your two co-chairs have done in putting this day together. Keith McCall and Dorothy Walker and their colleagues on the Steering Committee have worked hard to make today's Senior Power Day such a success. Today's gathering is unique—it is the only one of its kind in the nation, and you have done it with only a small budget and volunteer help. Let me congratulate you. And Ladies and Gentlemen, I think they deserve a big round of applause from us all.

Today we are here to celebrate the harvest and bounty of Senior Power. It seems to me that Senior Power has gained tremendous recognition over the past few years as a force to be reckoned with in Washington and across the country. There is no denying that the immediate and massive responses of seniors and their families were critically important in helping to reject the ill-advised efforts of some to make crippling budget cuts in the Older Americans Act, in the Senior Employment Program and in Energy Assistance—all so important to older persons—and to halt arbitrary and counter-productive cuts in the Social Security and Medicare programs so essential to all older Americans.

Yes, Senior Power has been successful and important. But it seems to me that in 1983 we've come to a turning point, a time when the basic policital realities are changing, a time when we should ask—what does the idea of senior power mean for the future?

Does it mean expanding the clout of just another well-organized and well-funded special-interest group, like those which protect tax breaks for oil producers or subsidized water projects for western agribusiness? Does it mean pursuing the politics of immediate self-interest, often at the expense of other worthwhile goals or programs serving important purposes in our society?

Well, I reject this characterization, and I know you reject it too. Instead, we can affirm a more positive and inclusive understanding of Senior Power—one that is based upon a willingness to invest for the future, one that has a sensitivity to the needs of all Americans, young or old, retired or working, healthy or sick, poor or financially secure.

Let me explain why I believe 1983 marks a turning point for Senior Power. Only one year ago, this country was mired in the quicksand of partisan politics over the issue of what to do about saving the social security system. The issue had become the hottest political football of the decade and the subject of some of the worst political demagoguery I've seen in my eleven years of public service. Some political figures weren't honest with the facts, and tried to pretend we could save social security without pain or any hard decisions. As a result, most people with any common sense thought that the system—upon which 35 million Americans depend—was doomed because the Congress couldn't even agree how big the problem was, let alone face up to solving it.

Well, as a member of the National Commission of Social Security Reform, I can tell you that the issue pushed the Congress to the brink of total irresponsibility—we almost didn't do the job we had to do. For a solution to emerge, everyone had to give a little, and every special interest had to yield to a larger public interest.

But, with the bill signed by the President only three weeks ago, we have just taken the most successful step in two decades to ensure that the retirement security promise made to retired and working people today is a promise kept to the workers and retirees of tomorrow.

Now, had the Congress been operating under a selfish, special-interest understanding of Senior Power, the result would have been quite different and, I believe, disastrous. If we had acted on the traditional notion of interest group politics, a notion based on meeting immediate needs without too much thought to future economic implications, what would have happened?

Well, instead of a package that distributed the costs of restoring solvency fairly among workers, employers, taxpayers and the retired, Congress might once again have simply raised payroll taxes to cover social security's deficit—as we've already done every 30 months for the last 30 years and more recently done 6 times in the last 12 years.

But that didn't happen, and it didn't because senior citizens all across America realized that continually raising payroll taxes on jobs raises the cost of jobs, reduces the number of jobs, and hurts their children and grandchildren. And their unemployment in turn threatens our ability to finance the health and retirement programs you depend on.

Of course, the social security bill doesn't make any group happy. But it does represent an extremely important departure from narrow interest-group politics. In short, the Congress finally recognized, as you have, that we can't ensure adequate retirement security without also ensuring economic growth for our nation. The interest of one group is now inseparable from the interest of all. And thanks to you, and to enlightened Senior Power, the old notion of special-interest group politics is becoming the politics of the past.

In this spirit, I want to suggest to you today another challenge for enlightened Senior Power—the question of how we save our jobs and our communities in this, our industrial heartland.

Some people say we shouldn't worry about our basic industries, that computers and an information-based economy are going to solve our problems. Others say "just be patient"—that, in time, maybe a few years, things will get better and then our autoworkers in Detroit and our steelworkers in Pittsburgh will get back in the plants and mills. Still others say we shouldn't care, that we should be indifferent about whether Americans drive Toyotas or Chevrolets.

Well, this is one senator that does care, and thinks you do, too! We know that the day the sun sets on our smokestack industries is the day the sun sets on America's future—and we must not allow that to happen!

Your generation built this country through industrial growth, and now we need your help in preserving it. We need your experience and concern, your common sense and commitment, to help fashion a solution and see it through to its realization.

It's well and good for people to anticipate the "high tech" jobs promised for tomorrow. But you and I both, Americans working and retired together, must be concerned about the jobs and industries of today—industries which employ 100 million Americans in the jobs of today.

Now, part of the problem of steel or autos or farm equipment is foreign import competition, some fair, some unfair.

I'm no protectionist, but there is nothing in our trade agreements that says you or I have to stand idly by while American workers in vulnerable industries are sacrificed to inaction and indifference. And, frankly, there doesn't have to be a choice between a trade war, and acquiesing in the demise of our smokestack industries. We can have strong, competitive industries without making that Hobson's choice. There's no reason why we can't provide reasonable import relief married, through legislation, to a comprehensive recovery plan—agree to by management, labor, and government—that will make an industry truly strong and competitive again. What I propose is to actually link badly needed import relief by law to a labor-management self-help plan to modernize our basic industries.

In many ways, this is exactly what the legislation did that helped Chrysler Corporation, but there, we provided government loan guarantees instead of import relief. As a condition for help, we required Chrysler stockholders to make investments, its banker to put up more money, it workers to make contract concessions, and its management to take pay cuts. Chrysler has been a very big success—but, it's only one company in only one industry.

We need to enact legislation—such as my own Industrial Revitalization Act—that will allow any or all of our hard pressed industries to get import relief, modernize, and regain the strength we used to have so we can re-open production lines and shorten unemployment lines.

You probably didn't expect me to ask you to help save jobs and industry in this country today, but I can't think of a more logical group of people to ask. You understand what our basic industries have meant to our national defense, to our cities, to our region, and what they must always mean to our industrialized, civilized country.

You can let your elected representatives know, and your friends and neighbors in business and labor know, that you want action to get our basic industries moving again, and that you won't accept a business as usual attitude so long as our factories remain shut and so long as jobs are being moved to the sunbelt. Today I urge you: put Senior Power to work so America can get back to work.

Now I'd like to propose an equally vital challenge for Senior Power—one that directly affects your pocketbook as well as that of every American. This is the challenge of controlling health care costs.

As older persons, you know what rising health costs have meant to your own budgets. Senior citizens average out-of-pocket costs are rising at $150 a year—and between $200 to $250 a year here in Michigan—so that persons over 65 are paying an average of over $1200 this year alone in out-of-pocket medical costs, and that cost is inexorably and dramatically rising. You're feeling the effects of dramatic increases in hospital and doctor bills, costs which have increased by two to three times the general rate of inflation over the past several years.

What will happen if these increases are not brought under control? Well, we've already seen proposals to try to keep Medicare solvent by simply shifting these costs to others. Higher costs can be shifted to your children through higher taxes and higher health insurance premiums, and they can simply be transferred to you through ever-higher deductibles and co-payments.

But cost shifting is not cost saving, and it's just not acceptable as a solution.

As a nation, we cannot stand back and let health costs become the greatest threat to the future health and economic security of retired persons. It's time to fight back, and I've got three suggestions for using Senior Power to get health costs under control:

First, we in the Congress need your help as partners to protect our system of health insurance from fraud and abuse. Last year, I chaired hearings which exposed fraud and waste in the marketing of heart pacemakers to the tune of $1 billion a year. We might not have looked at that problem if Mrs. Madeline Garman from Sarasota, Florida, hadn't noticed that Medicare had been billed $3,900 for her replacement pacemaker—a replacement that was supposed to have been free under the original warranty. At age 89, she wrote to the Aging Committee to complain. Subsequently, other seniors reported suspicious billings with regard to pacemakers, and a full-scale Congressional investigation was put into motion.

Fraud and abuse cost our Federal health programs an estimated $10 billion each year, almost twenty-cents on the dollar. Neither Congress nor computers can catch up to all of it. The most effective watchdog to keep our health insurance system honest and efficient is an informed and alert consumer. We need your help to keep Medicare healthy instead of letting medicare keep unscrupulous providers wealthy. And it's not just Medicare that needs policing—it's every health insurance plan. And that brings me to my second suggestion:

Older persons can lead the way to being more price and quality conscious in the medical marketplace. When you go food shopping, you are interested in getting good quality for the best possible price. So it should be when you look for medical care and health insurance.

For example, supplemental policies which provide first dollar coverage—Medigap policies many of us call them—are not generally the best insurance buy. Other policies which protect only against dread diseases, or those which pay a flat amount per day if you are hospitalized, may offer only the illusion of protection.

I think there is a tremendous potential for older Americans, as informed health-insurance consumers, to exercise their combined economic clout to promote more innovative and cost-effective forms of health insurance. For example, pre-paid plans typically offer better benefits and more effective cost controls than traditional fee-for-service arrangements. Last year, with the help of many of the national aging organizations, Congress adopted my legislation to make it easier for Medicare beneficiaries to join health maintenance organizations or other pre-paid health plans. Rather than have to worry about extra pills and paperwork every time they get sick, many seniors can now join these plans—which have the same financial interests they do in preventing illness and keeping them well.

Finally, I would suggest that you become advocates for health care reform. Some people say the key to reform is simply to make the patient pay more of the cost; others say the key is simply to cover all costs and have somebody else pay for it. I suggest neither alternative best serves senior citizens and our country.

We've gone through a period of many years in this country of debating various national health insurance plans. Well, in my judgment, the real result of this prolonged debate has been that we, as advocates, haven't been minding the store. We haven't been addressing the real and immediate problems such as unnecessary hospital and nursing home admissions, or the lack of any meaningful budgeting on the part of hospitals. We haven't sufficiently protected against hospital over-building or against duplication in expensive medical equipment. These costs are going to be charged to someone, whether we need the extra beds and equipment or not.

Instead, like a dog chasing its tail, all we've been doing is raising taxes and premiums trying to keep up with runaway costs. Instead of going around in circles, we need to get things straightened out. And we have very little time.

Since 1980, hospital costs have risen at over 18 percent a year—over three times the inflation rate. The result is that Medicare is now projected to run out of funds as early as 1987—only four short years from now—and will accumulate a deficit of over $300 billion by 1995 . . . a solvency crisis even bigger than the one that was facing social security. Clearly, we in Congress can't wait until 1987 to address a threat of this magnitude.

The reason everyone is paying more and more for health care, including Medicare patients, is because the present system is based on a cost-plus concept, emphasizes paying for units of health care rather than patient health maintenance, and encourages expensive hospitalization over out-patient care. The alternatives for dealing with the problem include shifting to a more complete prospective payment system, hospital cost-containment approaches, and changing utilization and physician incentives.

To begin to straighten things out, we've just enacted a significant change in the way Medicare pays hospitals—it's called prospective payment by diagnostic category. While it's an important step toward getting hospitals on a budget, its only a step—not a solution.

I urge you today to help us structure and enact a more comprehensive reform package to get health costs back under control. If you as seniors will once again assert your know-how and power, you will have helped lift a heavy burden off the shoulders of all Americans.

So I ask you, I urge you, I plead with you to join as partners in detecting fraud and waste, to lead the way as informed consumers, and to spearhead the advocacy for progressive health care reform. I make this urgent request because in my experience, you can make all the difference. It is a big job; it's a challenge, and it is fully worthy of your and our best efforts, and together with Senior Power we can and will succeed.

You are fighters. Your generation fought to build this country through two world wars and a great depression. It was you who made possible the greatest economic growth this country has ever seen. It was a big job—and today, Senior Power has a new challenge—another big job.

With your support, we succeeded in restoring solvency to Social Security. Now we need your support in getting industrial America back to work and in fighting inflation in medical bills. Together, we can meet the challenges.

I look upon my chairmanship of the Senate Aging Committee as a special trust to be an advocate for older Americans. What I have discussed with you today is part—but only part—of an urgent national agenda to meet the needs and promote expanded opportunity for older Americans.

In my view, the exciting promise of Senior Power lies not only in the specific agenda of policy and program ideas that affect our political life. The promise of Senior Power goes beyond that. Working together, we can lay the groundwork for a society that respects age and the elderly, and that truly realizes the benefits of the experience, wisdom, and judgment of older Americans. With Senior Power, we can make a brighter future, not only for older Americans, but for our children and our children's children—the older Americans of the future.

Mr. **BAKER**. Mr. President, once again I apologize to the minority leader for using so much time.

RECOGNITION OF THE MINORITY LEADER

The **PRESIDING OFFICER**. The minority leader is recognized.

Mr. **BYRD**. I thank the Chair.

MISSING IN ACTION IN SOUTHEAST ASIA

Mr. **BYRD**. Mr. President, America is a nation with far-flung interests and commitments in all major regions of the globe. As a great power America today is exercising her responsibilities with particular focus on Central America, the Middle East, NATO, and Soviet relations. Over time, our Nation's interests shift to meet the challenges of the moment. This is in the nature of things, of course, but in executing such shifts in national attention, our collective national memory is too short. Such is the case with reference to Southeast Asia.

It is perhaps inevitable that the stinging disappointments that we experienced in the prolonged Vietnam conflict have resulted in a serious lack of attention to the human tragedy that now engulfs the states of Indochina—Vietnam, Laos, and Cambodia. It is important that we remind ourselves that America always has been and remains an Asian power with important military and commercial interests across the arc of the Pacific. It is important that we maintain a sense of responsibility to that region: An adequate level of awareness of events; an awareness of the interests of our Asian allies in maintaining a sufficient level of involvement there; and a commitment to America's unfinished business.

At the top of the list of America's unfinished business is the matter of the over 2,400 missing in action—both civilian and military—in the Vietnam theater.

Mr. President, 2,494 Americans are listed by the Department of Defense as "missing or otherwise unaccounted for" in Southeast Asia. This list includes military and civilian personnel, men and women, all in the service of their country. I have before me a copy of that list. Seeing so many names is a numbing experience. As I look through page after page of these names, the obvious questions recur. Where are these men and women? Are some of these Americans alive? Are they being held prisoner? Of those who have died, where are their remains? This list raises so many questions. Yet, 8 years after the end of American military involvement in Southeast Asia, we have very few answers. We are left with gnawing doubts, uncertainty, and pain.

Of course, these doubts and pain are most acutely felt by the families of those missing. Through the uncertainty, they retain remarkable strength of

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spirit. They have organized vigils, met with officials, written countless letters and articles—all to the end that their fellow Americans not forget their loved ones, and that efforts to obtain their release be intensified. I am not satisfied that the country has shown sufficient resolve in insisting upon a full accounting of those missing. But I want to call upon my colleagues to redouble their efforts, to urge the administration to do all it can do, so that the families of those brave Americans will no longer need to live with uncertainties. Organizations such as the National League of Families of POW/MIA's, the Vietnam Veterans Institute, the American Legion, the Veterans of Foreign Wars, and others have done a great service by the commitment of their membership to resolution of this issue. I know we all benefit from the example of love and devotion that the families and friends of those missing provide.

I feel it is incumbent upon the Congress to call attention to this issue; to summon all Americans to support a full accounting for their 2,494 countrymen. I can think of no more fitting way to accomplish this than by striking a special commemorative national medal to be awarded to those missing or otherwise unaccounted for, and to be presented to their families by the Congress. To that end, I am offering the following legislation to authorize a national commemorative medal in recognition of the sacrifice and untold hardships endured by those missing.

In addition, I ask unanimous consent that the list of those missing and otherwise unaccounted for, as currently provided by the Department of Defense, be included in the RECORD. It contains the names of 26 of my fellow West Virginians, along with all other Americans whose return is of vital concern to this Nation, and free men everywhere, or at least to have the knowledge of what happened to their remains.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

U.S. CASUALTIES IN SOUTHEAST ASIA

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Alabama (46)						
Marine Corps	VS	Bailey, John Howard	E5	May 1, 1967	July 5, 1947	Docena
Air Force	LA	Bannon, Paul Wedlake	O6	Jan 22, 1979	Oct. 15, 1934	Hueytown.
Air Force	VN	Bennett, William George	O5	Sept. 2, 1967	Sept 15, 1927	Birmingham.
Army	VS	Bobe, Raymond Edward	E6	Nov 6, 1978	Aug 30, 1948	Tarrant
Navy	VS	Burnett, Donald Frederick	E8	Feb. 6, 1968	July 6, 1935	Montgomery.
Army	VS	Burnham, Donald Dawson	O5	Oct. 4, 1978	Apr 20, 1940	Webb.
Marine Corps	VN	Carlton, James Edmund, Jr	O4	Sept. 23, 1975	July 10, 1939	Birmingham.
Army	VS	Coleman, Jimmy Lee	E6	Aug. 7, 1978	Jan. 20, 1949	Goodwater
Army	LA	Crear, Willis Calvin	E4	Feb. 15, 1971	Jan. 8, 1950	Brimingham.
Air Force	VN	Cunningham, Carey Allen	O3	Aug. 2, 1967	Mar. 18, 1938	Collinsville.
Air Force	VS	Deichelmann, Samuel Mackal	O4	Nov 3, 1976	Sept. 24, 1938	Montgomery
Navy	VN	Earnest, Charles M	O5	Nov 28, 1972	Oct. 8, 1934	Opelika.
Army	VS	Ford, Edward	E5	Dec. 9, 1968	Oct 5, 1941	Birmingham.
Navy	CB	Gause, Bernard, Jr	E6	May 15, 1975	Nov. 11, 1940	Birmingham.
Air Force	VN	Hamilton, Eugene David	O5	Mar. 28, 1977	Dec. 18, 1934	Pepperall.
Army	VS	Hargrove, Olin, Jr.	E6	Mar. 20, 1978	Jan. 21, 1949	Birmingham.
Air Force	VN	Harris, Cleveland Scott	O4	Apr 5, 1979	May 11, 1941	Birmingham.
Army	VS	Hicks, Prentice Wayne	E6	July 17, 1978	Oct. 11, 1947	Huntsville.
Navy	VN	Hogan, Jerry Franks	O4	Dec. 2, 1977	Feb. 28, 1940	Tuscaloosa.
Air Force	VS	Huggins, Bobby Gene	O4	June 4, 1970	Dec. 17, 1934	Troy
Air Force	VN	Johnson, Allen Louis	O5	July 25, 1978	Mar 19, 1936	Tuscumbia.
Navy	VN	Jones, James Gradey	O2	Nov 12, 1966	Aug. 14, 1939	Birmingham.
Army	VS	Jones, Johnny Mack	O2	Apr. 24, 1972	July 1, 1948	Auburn.
Marine Corps	LA	Ketchie, Scott Douglas	O3	Mar. 5, 1979	Aug. 19, 1947	Birmingham.
Army	VS	Kirksey, Robert Louis	E3	Jan 2, 1967	Dec. 17, 1945	Mobile.
Air Force	LA	Lawrence, Gregory Paul	E4	Oct. 5, 1968	Mar. 10, 1938	Phenix.
Air Force	LA	Palmer, Gilbert Swain	O6	Apr. 28, 1977	Oct. 12, 1930	Birmingham.
Army	VS	Parker, Udon	E4	Mar. 13, 1966	Nov 15, 1943	Phenix City
Air Force	LA	Pattillo, Ralph Nathan	O5	June 21, 1978	Dec. 26, 1934	Hartselle
Navy	VN	Pettis, Thomas Edwin	O2	May 23, 1967	Oct. 31, 1941	Mobile.
Air Force	LA	Phillips, Elbert Austin	E6	Aug. 28, 1968	May 4, 1934	Huntsville.
Air Force	LA	Reaid, Rollie Keith	E7	Dec. 21, 1972	Dec. 23, 1952	Dora.
Army	LA	Robertson, John Hartley	E8	Apr. 28, 1976	Oct. 25, 1936	Birmingham.
Air Force	VN	Rockett, Alton Craig, Jr	O5	Nov 6, 1978	Jan. 20, 1932	Birmingham.
Navy	VN	Ruffin, James Thomas	O4	Aug 28, 1974	Jan. 16, 1941	Deatsville.
Marine Corps	VS	Runnels, Glyn Linal, Jr	E4	June 30, 1967	Apr. 11, 1946	Birmingham.
Army	VS	Stinson, William Sherril	E6	Sept 1, 1978	June 17, 1947	Georgiana
Army	VS	Stoves, Merritt, III	E3	Jan. 10, 1967	Jan. 10, 1948	North Birmingham.
Army	VS	Thackerson, Walter A., Jr	E3	May 21, 1966	Sept. 6, 1944	Talladega
Army	VS	Thompson, Benjamin A., Jr	E6	Oct. 25, 1968	July 24, 1945	Saraland.
Army	VS	Upner, Edward Charles	E6	Dec 5, 1965	Nov. 9, 1923	Anniston.
Navy	VN	Weimorts, Robert Franklin	O4	Apr. 22, 1966	Dec. 23, 1934	Eight Mile.
Army	CB	White, Charles Edward	E9	Apr. 3, 1978	May 18, 1933	Bessemer
Army	VS	Williams, Robert John	O3	Sept. 12, 1978	Sept. 17, 1943	Daleville
Army	VS	Williams, Thaddeus E., Jr	O3	Jan 10, 1967	Feb 26, 1943	Mobile
Air Force	VS	Yeend, Richard C., Jr	O3	June 9, 1968	Oct. 11, 1938	Mobile
Alaska (3):						
Marine Corps	VS	Anderson, Thomas Edward	E4	Oct. 6, 1962	July 27, 1939	Spenard.
Navy	VN	Koslosky, Howard Mark	E3	Oct. 2, 1969	Mar. 19, 1947	Anchorage
Air Force	VN	Richardson, Floyd Whitley	O6	Oct. 4, 1979	June 13, 1928	Anchorage
Arizona (27).						
Army	LA	Babcock, Ronald Lester	O2	Feb. 27, 1971	Oct. 8, 1945	Tucson
Army	VS	Bates, Paul Jennings, Jr	O3	Feb 6, 1974	Feb 20, 1943	Mesa
Navy	VN	Bois, Claire Ronald Alan	E5	Aug. 25, 1967	Dec. 7, 1938	Tucson.
Air Force	LA	Brown, Donald Alan	O4	Oct. 17, 1973	July 19, 1939	Phoenix
Army	VS	Cannon, Francis Eugene	E4	Sept. 8, 1968	Dec. 11, 1944	Phoenix
Navy	VN	Cassell, Robin Bern	O2	July 15, 1967	Dec. 6, 1941	Ft. Huachuca
Air Force	VN	Cornelius, Johnnie Clayton	O2	June 26, 1968	May 22, 1941	Williams AFB
Air Force	LA	Cornwell, Leroy Jason, III	O3	Sept. 28, 1973	Aug 5, 1944	Tucson.
Army	VS	Crook, Elliott	E5	May 17, 1972	June 12, 1948	Phoenix.
Army	VS	Dale, Charles Alva	O4	Dec. 6, 1978	May 5, 1937	Phoenix.
Army	VS	Dunlap, William Charles	W3	Feb. 20, 1979	Sept. 21, 1946	Tucson.
Army	VS	Ecklund, Arthur Gene	O4	July 19, 1979	May 5, 1943	Phoenix.
Air Force	LA	Fenter, Charles Frederick	E7	Mar. 5, 1979	Oct. 1, 1953	Tucson.
Air Force	VS	Godfrey, Johnny Howard	O3	Jan. 11, 1966	Jan 17, 1934	Phoenix.
Air Force	VN	Hopper, Earl Pearson, Jr	O5	July 14, 1982	July 21, 1943	Phoenix
Air Force	LA	Jeffords, Derrell Blackbur	O6	Dec. 1, 1977	Aug 10, 1925	Phoenix
Navy	VN	Lukenbach, Max Duane	O5	Dec. 22, 1965	Aug. 15, 1932	Tucson.
Air Force	VS	Miller, Michael Andrew	O2	Mar 28, 1969	Mar. 12, 1945	Tucson.
Navy	LA	Pike, Dennis Stanley	O4	Oct. 3, 1978	July 2, 1940	Bagdad.
Army	VS	Powers, Lowell Stephen	W3	Jan. 8, 1979	Sept. 25, 1946	Scottsdale.
Army	CB	Ramirez, Armando	E5	May 23, 1969	Feb 1, 1949	Willcox

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	LA	Reid, Jon Eric	W3	Sept. 14, 1978	Nov 15, 1948	Phoenix.
Navy	VN	Saavedra, Robert	O5	Apr. 16, 1974	Aug. 1, 1934	Nogales.
Marine Corps	VS	Thomas, James Calven	E5	Aug. 12, 1975	Oct. 27, 1947	Safford.
Air Force	VS	Walling, Charles Milton	O4	Mar 17, 1978	Dec. 31, 1938	Phoenix.
Air Force	VS	Wheeler, James Atlee	O3	Apr 18, 1965	Feb. 10, 1933	Tucson.
Air Force	LA	Worley, Don Franklin	E5	Mar 11, 1968	Jan. 13, 1937	Bald Knob.
Arkansas (28):						
Navy	VN	Barr, John Frederick	O4	Oct. 18, 1967	Mar 31,1934	Hope.
Air Force	LA	Bell, Marvin Earl	E5	June 30, 1970	July 27, 1943	Blytheville
Army	VS	Bennet, Harold George	E6	July 1, 1966	Oct. 16, 1940	Perryville
Air Force	VN	Chesnutt, Chambless M	O4	Sept. 30, 1965	Aug. 13, 1934	Little Rock.
Air Force	VN	Darr, Charles Edward	O3	Sept 15, 1981	Feb. 25, 1944	Little Rock.
Air Force	VS	De Soto, Ernest Leo	O6	June 5, 1979	Dec. 30, 1931	Manning
Air Force	LA	Elliott, Robert Thomas	E7	July 24, 1979	Dec. 18, 1948	El Dorado
Marine Corps	VS	Evans, Cleveland, Jr	E6	May 6, 1975	Nov 22, 1945	Hot Springs
Marine Corps	VS	Godwin, Solomon Hughey	W3	July 25, 1968	Jan. 24, 1935	Hot Springs.
Army	VS	Holt, James William	E8	Nov 14, 1973	Sept 19, 1941	Hot Springs.
Air Force	LA	Jenkins, Paul Laverne	E7	June 30, 1970	May 11, 1930	McGehee.
Air Force	LA	Knebel, Thomas Edward	E9	June 29, 1978	June 11, 1947	Midway
Navy	VS	Mailhes, Lawrence Scott	O2	Aug 10, 1965	Dec. 16, 1940	Hot Springs.
Air Force	LA	Mason, William Henderson	O6	Oct. 9, 1980	Oct. 12, 1924	Camden.
Marine Corps	CB	Maxwell, James Rickey	E2	May 15, 1975	Feb 20, 1957	Center Ridge
Air Force	LA	Meroney, Virgil Kersh III	O3	Mar. 1, 1969	May 22, 1943	Fayetteville
Army	LA	Moon, Walter Hugh	O3	July 22, 1961	Mar 31, 1923	Rudy
Navy	VS	Moran, Richard Allan	O4	Aug 7, 1966	Jan. 27, 1936	Fort Smith.
Air Force	VN	Morgan, James Sheppard	O6	Sept. 11, 1978	Aug. 17, 1928	El Dorado.
Air Force	VS	Oakley, Linus Labin	E4	Oct. 29, 1971	Oct. 14, 1949	Carthage
Navy	VN	Roehrich, Ronald L	O2	Jan 18, 1968	Nov 16, 1941	Springdale
Army	VS	Shewmake, John Daniel Sr	E7	Nov 4, 1971	May 15, 1933	Adona
Air Force	VS	Smith, William Ward	O3	July 23, 1966	Jan. 15, 1934	Searcy
Navy	VN	Taylor, Edd David	O3	Aug. 29, 1965	Feb 22, 1939	Kensett.
Navy	VS	Travis, Lynn Michael	O2	Feb. 6, 1968	May 25, 1941	Newport.
Air Force	VS	Waller, Therman Morris	E8	Jan. 9, 1978	Feb. 9, 1943	Wynne
Army	VS	Wilson, Richard Jr.	E3	June 15, 1971	Nov 8, 1952	Crawfordsville
Air Force	LA	Worst, Karl Edward	O3	Mar 2, 1966	Oct 29, 1937	Fort Smith
California (255):						
Air Force	LA	Adachi, Thomas Yuji	E8	Sep 11, 1978	Apr. 3, 1946	Los Angeles.
Army	VS	Adams, John Robert	E6	Mar 13, 1978	July 31, 1946	Chico
Air Force	VN	Adams, Lee Aaron	O2	Apr 19, 1966	July 29, 1938	Willits.
Air Force	VN	Alberton, Bobby Joe	E9	Jan. 9, 1978	Aug 30, 1937	Anaheim
Navy	VN	Amspacher, William H., Jr	E4	June 2, 1965	July 26, 1944	Canoga Park
Army	CB	Antunano, Gregory Alfred	E5	July 24, 1971	May 18, 1949	San Francisco
Air Force	VN	Appleby, Ivan Dale	O6	Dec. 1, 1976	Sept. 13, 1930	Fresno.
Marine Corps	LA	Armitstead, Steven Ray	O3	Dec. 3, 1974	June 15, 1944	Los Angeles
Air Force	VS	Armond, Robert Laurence	O3	June 18, 1965	May 14, 1935	San Mateo
Air Force	VN	Asire, Donald Henry	O6	Sept. 19, 1973	July 8, 1923	Pomona
Navy	VN	Bauder, James Reginald	O6	May 12, 1978	May 17, 1931	La Canada
Marine Corps	VS	Beach, Arthur James	O3	Mar. 20, 1966	Aug 29, 1938	Orange Cove
Navy	VN	Beene, James Alvin	O4	Feb 9, 1976	July 11, 1939	Burbank.
Navy	VN	Benson, Lee David	O2	Mar 17, 1968	Aug 17, 1943	San Mateo
Marine Corps	VS	Benton, Gregory Rea, Jr	E6	June 30, 1978	Apr. 18, 1950	Vallejo
Army	VS	Birchim, James Douglas	O3	May 10, 1971	July 16, 1946	Independence.
Marine Corps	VS	Biscailuz, Robert Lynn	E3	July 30, 1967	July 24, 1946	Midway City
Army	CB	Black, Paul Vernon	W1	Mar. 1, 1971	Apr. 26, 1948	Central Valley
Air Force	VN	Blackwood, Gordon Byron	O4	Nov 29, 1976	July 18, 1938	Palo Verde.
Air Force	LA	Bloodworth, Donald Bruce	O3	May 28, 1974	Dec. 28, 1944	San Diego.
Marine Corps	VS	Bloom Richard McAuliffe	O2	Sept. 20, 1956	Sept. 5, 1942	San Francisco.
Marine Corps	VS	Bodenschatz, John Eugen, Jr	E6	Jan. 21, 1975	May 29, 1946	Los Angeles
Marine Corps	VS	Bohlig, James Richard	O2	Aug. 19, 1969	July 10, 1943	Crockett.
Air Force	VN	Both, James Ervin	O4	Aug. 8, 1978	Dec. 29, 1939	Roseville
Army	VS	Borja, Domingo R S	E7	Feb. 21, 1967	Feb 1, 1931	San Francisco.
Air Force	LA	Brashear, William James	O5	Jan. 8, 1974	Mar. 1, 1934	Chula Vista
Army	VS	Bridges, Phillip Wayne	E4	June 30, 1971	Apr. 13, 1948	Tipton.
Navy	VN	Brown, Donald Hubert, Jr	O2	Aug. 12, 1965	Aug 22, 1938	Berkeley
Army	LA	Brown, William Theodore	E7	Jan 8, 1979	Feb. 20, 1945	La Habra.
Air Force	VS	Buerk, William Carl	O3	Apr 11, 1971	Feb 15, 1940	Los Angeles
Navy	VS	Bullard, William Harry	O2	Aug. 25, 1966	Aug 3, 1942	Elsinore
Air Force	VS	Cairns, Robert Alexander	E5	June 17, 1966	Dec 15, 1931	Highland.
Air Force	VS	Callanan, Richard Joseph	O3	Jan 7, 1966	July 15, 1930	Concord.
Air Force	VN	Carrier, Daniel Lewis	O3	Jan 3, 1975	Nov 9, 1942	San Diego
Marine Corps	VS	Carter, Dennis Ray	E6	Sept. 12, 1974	May 2, 1947	Lomita
Air Force	VS	Carter, James Louis	O6	July 26, 1974	Oct 26, 1928	Pasadena
Marine Corps	VS	Castro, Reinaldo Antonio	E5	Apr 27, 1967	Apr. 12, 1940	Pacific Grove
Army	VS	Cavender, Jim Ray	W3	Sept 25, 1978	Dec. 28, 1948	Santa Paula.
Navy	VS	Chan, Peter	E2	Sept. 25, 1972	Oct. 15, 1951	San Francisco
Navy	VS	Chapa, Armando, Jr	E4	Feb 6, 1968	Mar. 31, 1948	San Jose
Army	VS	Chavira, Stephen	E5	May 28, 1971	Mar. 10, 1943	Wasco.
Army	VS	Christiansen, Eugene F	E6	Oct. 30, 1978	Feb. 16, 1949	Barstow
Marine Corps	VS	Christie, Dennis Ray	E3	June 11, 1967	Aug 11, 1946	Imperial Beach
Army	LA	Chubb, John Jacobsen	E3	Mar 20, 1971	Dec 9, 1950	Gardena.
Navy	VN	Clark, Robert Alan	O2	Mar 7, 1978	Sept. 21, 1946	North Hollywood.
Air Force	LA	Clark, Stanley Scott	O6	Feb 14, 1969	May 22, 1928	Modesto.
Marine Corps	VS	Clark, Stephen William	O3	May 3, 1968	Sept. 24, 1941	Plymouth
Army	VS	Collazo, Raphael Lorenzo	E5	Mar 31, 1971	Aug 24, 1947	Gardena
Navy	LA	Collins, Richard Frank	O5	Feb 13, 1978	Oct 25, 1936	Huntington Park.
Navy	VS	Cook, Dennis Philip	O3	Apr 6, 1966	Nov 1, 1936	Santa Barbara
Army	LA	Copley, William Michael	E6	Feb 11, 1974	May 22, 1949	Northride.
Marine Corps	LA	Cordova, Sam Gary	O4	Feb 26, 1980	Aug 27, 1943	Huntington Beach
Navy	VS	Cota, Ernest Keno	E5	May 14, 1968	Dec. 23, 1944	San Diego
Army	LA	Crone, Donald Everett	E4	Feb 15, 1971	Nov 5, 1949	Whittier.
Navy	VN	Cropper, Curtis Henry	O3	Apr 5, 1970	Aug. 2, 1943	Paso Robles
Air Force	VS	Cruz, Raphael	E5	Sept 3, 1964	May 23, 1935	Stockton.
Air Force	VN	Cuthbert, Stephen Howard	O4	Nov 3, 1978	June 19, 1943	Oakland
Marine Corps	VN	Davis, Brent Eden	O4	June 16, 1976	Sept. 16, 1938	Santa Clara
Army	VS	Dawes, John James	E7	May 5, 1966	Aug. 2, 1932	Madera.
Army	VS	Dawson, Daniel George	O3	Nov 7, 1965	July 23, 1938	Fort Bragg
Navy	LA	Dawson, Frank Arthur	E3	Feb. 17, 1968	Sept. 29, 1946	Fairfield
Air Force	LA	Dean, Michael Frank	E5	June 30, 1970	Sept. 13, 1946	La Puente
Marine Corps	VS	Deleidi, Richard Agustine	O3	Feb. 7, 1959	Jan. 30, 1945	El Cajon
Army	VS	Demmon, David Stanley	E6	Feb. 8, 1978	Nov 30, 1940	Venice
Air Force	VN	Derrickson, Thomas G., II	O5	Dec. 12, 1979	Mar. 10, 1936	Los Altos.
Army	VS	Dillon, David Andrew	E4	July 20, 1966	May 28, 1942	Spring Valley
Navy	VN	Donnelly, Verne George	O5	Dec. 8, 1976	June 6, 1932	Marysville

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U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Navy	VN	Duensing, James Allyn	03	Jan. 30, 1973	Oct. 11, 1943	Los Altos.
Army	VS	Eisenbraun, William Forbes	03	Sept. 8, 1967	Dec. 15, 1931	Santa Ana.
Army	VS	Elliott, Andrew John	W3	Sept. 19, 1978	Nov. 30, 1941	Oakland.
Army	LA	Engen, Robert Joseph	E4	Feb. 18, 1971	Apr. 3, 1951	Stockton.
Army	VS	Englander, Lawrence Jesse	E7	Sept. 11, 1978	Apr 19, 1943	Van Nuys.
Army	VS	Eveland, Mickey Eugene	E4	Oct. 26, 1971	June 25, 1952	Los Angeles.
Air Force	VN	Fobair, Roscoe Henry	04	July 24, 1965	Sept. 30, 1935	Oxnard.
Navy	VN	Fortner, Frederick John	04	June 6, 1975	May 15, 1943	Pomona.
Navy	VN	Foulks, Ralph Eugene, Jr	03	Nov 2, 1973	July 21, 1943	Ridgecrest.
Navy	VS	Frakes, Dwight Glenn	E7	Feb. 24, 1965	May 8, 1931	Los Angeles.
Navy	VN	Frenyea, Edmund Henry	E9	May 10, 1973	May 24, 1930	Ukiah.
Navy	VN	Frye, Donald Patrick	01	July 19, 1967	Sept. 23, 1943	Los Angeles.
Army	VS	Gardner, Glenn Virgil	E2	Nov 25, 1966	Aug. 14, 1947	San Bernardino.
Navy	CH	Glasson, William Albert, Jr	05	Jan. 18, 1974	Feb. 20, 1933	Los Angeles.
Navy	VN	Gold, Edward Frank	05	Nov 7, 1977	Jan. 30, 1927	Oakland.
Marine Corps	LA	Gonzales, David	E5	Mar. 21, 1970	July 24, 1947	Ventura.
Navy	VS	Graf, John George	04	Feb. 1, 1978	Oct. 20, 1927	Glendale.
Navy	VS	Graham, Gilbert James	E3	Sept. 28, 1967	Feb 24, 1946	Anaheim.
Army	VS	Grantham, Robert Eugene	E4	Mar. 8, 1971	Dec. 9, 1951	Los Angeles.
Navy	VS	Grayson, William Ronald	05	Apr. 1, 1966	Nov. 5, 1930	Riverside.
Air Force	VN	Green, Donald George	03	Nov 16, 1965	July 27, 1932	Baldwin Park.
Army	VS	Green, Thomas Frederick	E3	Oct. 26, 1971	Sep. 10, 1952	Ramona.
Marine Corps	VS	Greer, Robert Lee	E5	Nov 28, 1975	Apr. 28, 1944	Pleasant Hill.
Navy	VS	Guerra, Raul Antonio	E3	Oct. 8, 1967	Dec. 18, 1942	Los Angeles
Army	VS	Hagen, Craig Louis	E5	June 10, 1965	Sept. 14, 1940	Sacramento.
Air Force	VS	Hail, William Warren	05	Feb. 9, 1978	Dec. 18, 1932	Los Angeles.
Navy	VN	Hall, James Wayne	04	Mar. 13, 1978	May 18, 1934	Los Angeles.
Army	LA	Hall, Walter Ray	E4	Mar. 22, 1971	Mar. 7, 1950	Los Angeles.
Army	VS	Hallberg, Roger C	E7	Mar. 26, 1975	Sept. 18, 1944	Palo Alto.
Air Force	LA	Halpin, Richard Conroy	03	May 31, 1977	July 23, 1946	San Diego.
Marine Corps	LA	Hanson, Stephen Paul	04	Oct. 4, 1974	Jan. 4, 1940	Burbank.
Air Force	VN	Hardy, John Day, Jr	03	Aug. 22, 1974	Jan. 13, 1942	Los Angeles.
Army	VS	Hastings, Steven Morris	E6	June 13, 1974	Oct. 11, 1948	Baldwin Park
Army	VS	Hattori, Masaki	04	Mar. 23, 1968	Nov. 21, 1936	Stockton.
Navy	LA	Hayden, Glenn Miller	05	Feb. 17, 1968	May 1, 1927	Long Beach.
Navy	VN	Heep, William Arthur	03	Aug 24, 1968	July 6, 1942	San Pedro.
Marine Corps	VS	Hempel, Barry Lee	E2	May 10, 1968	July 26, 1947	Garden Grove
Air Force	VS	Henninger, Howard William	06	Nov 20, 1978	May 3, 1933	Hanford.
Navy	VS	Henry, David Alan	02	Sept 19, 1966	July 30, 1941	El Cerrito.
Army	VS	Hernandez, Frank Sanchez	E4	May 6, 1970	Dec. 2, 1947	Fresno.
Navy	VN	Hessom, Robert Charles	05	Mar. 5, 1966	Nov. 2, 1925	Alameda.
Navy	LA	Hill, Arthur Sinclair, Jr	03	Dec 29, 1965	Aug 20, 1937	Rancho Santa Fe
Army	VS	Hines, Vaughn M	E3	Nov. 8, 1967	Feb 16, 1947	Arcadia.
Army	VS	Hoeffs, John Harvey	E4	Nov 28, 1966	Feb. 25, 1946	Oceanside.
Army	VS	Holguin, Luis Gallegos	W3	Oct. 30, 1978	May 19, 1950	Oxnard.
Air Force	VS	Holland, Lawrence Thomas	03	June 12, 1965	May 15, 1934	Alhambra.
Navy	VN	Holmes, Frederick Lee	05	Apr. 12, 1975	Dec. 19, 1936	Morgan Hill.
Navy	VN	Hom, Charles David	02	Aug. 17, 1967	Feb 28, 1943	Huntington Park.
Navy	VN	Homuth, Richard Wendal	03	May 23, 1967	Jan. 6, 1937	Spring Valley.
Air Force	VN	Horne, Stanley Henry	06	May 25, 1979	May 19, 1926	Los Angeles.
Air Force	CB	Huberth, Eric James	03	May 13, 1970	Jan. 20, 1945	Thousand Oaks.
Marine Corps	VS	Ibanez, Di Reyes	E7	Mar. 27, 1978	June 19, 1941	San Diego.
Air Force	LA	Ireland, Robert Newell	E9	Sept. 11, 1978	July 11, 1935	San Bernardino.
Army	VS	Jacobsen, Timothy John	E5	May 17, 1972	Feb. 19, 1950	Oakland.
Air Force	VN	Jefferson, James Milton	04	Mar 3, 1982	July 11, 1941	San Diego
Army	LA	Johnson, Gary Lee	E4	Feb. 18, 1971	June 7, 1948	Malibu.
Marine Corps	VS	Johnson, Stanley Garwood	02	Dec. 3, 1965	Nov. 11, 1940	Applegate.
Navy	CH	Jordan, Larry Michael	04	Nov 19, 1973	Nov 29, 1940	San Jose
Navy	VN	Kardell, David Allen	03	May 9, 1965	June 12, 1939	Sonoma.
Navy	VN	Karger, Barry Edwin	02	May 14, 1968	Aug 11, 1945	Prather.
Navy	VN	Kasch, Frederick Morrison	03	July 2, 1967	Oct. 24, 1940	San Diego.
Air Force	VN	King, Ronald Runyan	04	Oct. 3, 1967	Nov 1, 1926	Santa Cruz.
Air Force	VN	Klinck, Harrison Hoyt	05	April 3, 1978	Sept 11, 1931	Los Angeles.
Air Force	VS	Klinke, Donald Herman	E6	June 18, 1972	Feb. 18, 1935	West Sacramento.
Army	VS	Knight, Henry Clay	W2	July 31, 1974	Mar. 18, 1943	La Habra.
Navy	VN	Kollman, Glenn Edward	05	Mar. 12, 1968	Dec. 22, 1928	Daly City
Navy	VN	Kraner, David Stanley	E3	June 5, 1972	June 14, 1950	Wendel.
Marine Corps	VS	Krausman, Edward L	E5	Nov 28, 1975	Oct. 31, 1944	Burbank.
Navy	LA	Kravitz, James Stephen	02	Feb. 17, 1968	June 7, 1941	Riverside.
Navy	VS	Laporte, Michael Louis	E7	Dec. 2, 1977	Aug 21, 1944	Los Angeles.
Army	VS	Lauteria, Manuel Alonzo	E6	Oct. 6, 1976	June 17, 1947	Los Angeles.
Navy	VN	Laws, Richard Lee	03	Apr. 3, 1966	Mar. 25, 1940	Sacramento.
Navy	VN	Lee, Charles Richard	04	Aug. 13, 1974	Mar. 13, 1941	Costa Mesa.
Air Force	VS	Lehrke, Stanley Lawrence	E5	June 18, 1972	Oct. 30, 1948	San Diego.
Air Force	VN	Lillund, William Allan	04	Apr 27, 1978	Mar. 17, 1939	Fortuna.
Army	CB	Lilly, Lawrence Eugene	02	Mar. 17, 1971	Feb. 17, 1946	Los Angeles.
Air Force	LA	Lundy, Albro Lynn, Jr	04	Dec. 24, 1970	Nov. 17, 1932	Sherman Oaks.
Air Force	LA	Lyon, Donavan Loren	05	May 26, 1974	Nov 1, 1934	Hollywood.
Marine Corps	VS	Mahoney, Thomas P III	E3	July 6, 1968	Oct. 3, 1947	Oakland.
Navy	VN	Mape, John Clement	05	Apr. 13, 1966	Sept. 24, 1925	Dublin.
Army	VS	Masuda, Robert Susumu	E6	Mar 16, 1976	Oct. 19, 1947	San Jose.
Navy	VS	McConnaugehay, Dan Daily	E4	Feb. 5, 1966	Feb. 20, 1942	Artesia.
Navy	VN	McCoy, Meril Olen, Jr	E3	Dec. 15, 1970	Feb. 14, 1942	North Sacramento.
Army	VS	McGar, Brian Kent	E6	July 13, 1976	Aug. 17, 1947	Ceres.
Army	VS	McLean, James Henry	E7	Sept. 18, 1978	June 16, 1944	Los Angeles.
Marine Corps	VS	McPhee, Randy Neal	E2	Apr. 30, 1967	Jan. 3, 1947	Long Beach.
Air Force	VS	McPherson, Fred Lamar	04	Jan. 28, 1966	Feb. 11, 1929	Oakland.
Air Force	VN	McElvain, James Richard	05	Sept. 11, 1978	Mar. 23, 1939	La Verne.
Navy	VN	McGrath, William Darrell	06	June 2, 1975	July 31, 1929	Colton.
Navy	VN	Metzler, Charles David	05	June 21, 1971	Feb. 13, 1934	Downey
Army	VS	Miller, Glenn Edwin	E5	May 10, 1968	Sept. 13, 1944	Oakland.
Air Force	LA	Miller, Robert Charles	04	Aug 28, 1968	Aug. 17, 1929	Hayward.
Navy	VN	Miller, Robert Lester	03	Mar. 7, 1967	Aug. 11, 1938	Salinas.
Army	VS	Millner, Michael	E7	July 2, 1974	Dec. 17, 1942	Marysville.
Navy	VN	Mills, James Burton	04	Apr. 18, 1978	Aug. 31, 1940	Bakersfield.
Navy	VN	Mitchell, Gilbert Louis	04	Oct. 9, 1973	July 10, 1941	Tehachapi.
Army	VS	Moreland, James Leslie	E6	June 5, 1978	Sept. 29, 1945	Anaheim.
Air Force	VS	Moreland, Stephen Craig	02	May 12, 1968	Feb. 16, 1943	Los Angeles.
Marine Corps	VS	Moreland, William David	04	Aug. 5, 1974	July 27, 1941	Montebello.
Air Force	VN	Morgan, Charles Elzy	04	Jan. 8, 1974	Jan. 10, 1932	Rancho Cordova.
Marine Corps	VS	Morrill, David Whittier	04	Mar. 18, 1967	Nov 3, 1930	San Carlos.
Air Force	VN	Morrill, Merwin Lamphrey	05	Apr. 3, 1978	Mar. 8, 1936	San Carlos.
Air Force	VS	Morris, George William, Jr	03	Aug 23, 1978	Sept. 16, 1946	Alhambra.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Marine Corps	VS	Moshier, Jim Edwin	E4	June 11, 1967	Aug 3, 1943	Bakersfield.
Army	VS	Munoz, David Louie	E6	July 31, 1978	May 2, 1948	Los Angeles.
Navy	VN	Muren, Thomas Richard	E2	Apr. 3, 1972	Mar. 18, 1952	Lakewood.
Air Force	VS	Neville, William Edward	E6	June 18, 1965	Aug. 24, 1933	El Cajon.
Army	VS	Newton, Donald Stephen	E7	Aug. 20, 1974	July 8, 1942	San Pedro.
Air Force	VS	Nyhof, Richard E	E6	June 18, 1972	Aug. 12, 1949	Fremont.
Marine Corps	VS	Nystul, William Craig	03	Apr 29, 1975	Jan. 4, 1946	Coronodo
Marine Corps	VS	Ott, Patrick Louis	03	Oct. 2, 1967	Dec. 15, 1943	Cupertino
Air Force	LA	Ott, William August	06	June 21, 1978	Sept. 23, 1934	Livermore
Air Force	VN	Page, Gordon Lee	06	Aug 19, 1974	Aug. 15, 1932	Palo Alto.
Marine Corps	VS	Palacios, Luis Fernando	E3	June 6, 1968	Feb. 28, 1949	Los Angeles
Navy	VN	Parcels, Rex Lewis, Jr	02	Mar. 9, 1970	Jan. 16, 1945	Berkeley.
Navy	VN	Parker, Charles Leslie, Jr	04	Jan. 21, 1973	Mar. 11, 1939	San Diego
Marine Corps	VS	Parker, Maxim Charles	01	Mar. 18, 1967	Apr. 10, 1943	Rolling Hills.
Marine Corps	VS	Parra, Lionel, Jr	04	Mar. 27, 1979	Apr. 12, 1938	Sacramento.
Navy	VN	Patterson, James Kelly	04	Apr 16, 1974	July 14, 1940	Long Beach.
Army	VS	Pederson, Joe Palmer	E8	Sept. 1, 1978	July 12, 1935	Seaside.
Navy	VN	Peterson, Dennis William	03	July 19, 1967	June 28, 1939	Huntington Park.
Navy	VN	Plowman, James Edwin	04	Apr 18, 1974	Oct. 14, 1943	Pebble Beach.
Navy	VN	Ramsden, Gerald Lee	04	Jan. 23, 1968	May 10, 1935	Fresno.
Navy	LA	Rawsthorne, Edgar Arthur	05	Dec. 29, 1965	Oct. 3, 1925	Miramar
Navy	VS	Reedy, William Henry, Jr	E4	Jan. 16, 1968	Sept 29, 1947	Merced.
Army	VS	Rehe, Richard Raymond	E6	Jan. 10, 1968	Nov 16, 1945	Long Beach.
Marine Corps	CB	Rivenburgh, Richard Willia	E2	May 15, 1975	July 14, 1953	San Diego
Army	VS	Roark, Anund C.	E5	May 16, 1968	Feb. 17, 1948	San Diego.
Air Force	VS	Romero, Victor	E9	Oct. 9, 1979	Dec 11, 1947	San Francisco.
Army	VS	Ross, Douglas Alan	E4	Jan. 22, 1969	Sept. 10, 1948	Temple City
Navy	VN	Rudolph, Robert David	02	Sept 8, 1965	Feb. 26, 1942	Encino
Air Force	LA	Sadler, Mitchell Olen, Jr	03	May 4, 1976	Oct. 20, 1943	Oceanside.
Navy	VN	Sather, Richard Christian	02	Aug 5, 1964	Feb. 15, 1938	Pomona.
Air Force	VN	Scharf, Charles Joseph	06	Jan. 9, 1978	Mar. 20, 1933	San Diego.
Navy	VN	Schimmels, Eddie Ray	E6	Feb. 18, 1969	Mar 5, 1939	Los Angeles
Navy	VN	Searfus, William Henry	05	Nov 25, 1967	Feb. 11, 1929	Los Angeles.
Navy	VN	Sennett, Robert Russell	E8	May 10, 1973	May 2, 1939	Mar Vista
Army	VS	Shanley, Michael Henry, Jr	E5	Aug 24, 1978	Sept. 12, 1945	La Mesa.
Army	VS	Shark, Earl Eric	E6	July 5, 1978	May 23, 1946	Pomona
Marine Corps	VS	Sharp, Samuel Arthur, Jr	E3	May 10, 1967	Feb 9, 1947	San Jose.
Navy	VN	Shea, James Patrick	02	Apr 20, 1965	Aug. 18, 1940	Burlingame.
Air Force	VN	Shinn, William Charles	E4	Jan. 28, 1970	July 7, 1948	Woodland.
Army	LA	Shriver, Jerry Michael	E8	June 10, 1974	Sept. 24, 1941	Sacramento
Navy	LA	Siow, Gale Robert	E4	Jan. 11, 1968	Dec. 8, 1940	Huntington Park
Marine Corps	VS	Sisson, Winfield Wade	04	Oct. 18, 1965	Sept 22, 1937	Berkeley
Air Force	LA	Sizemore, James Elmo	04	July 8, 1969	Oct. 11, 1930	San Diego.
Navy	VS	Skeen, Richard Robert	05	May 16, 1970	Feb 11, 1931	Riverside
Air Force	LA	Smith, Harding Eugene, Sr	06	Sep 6, 1974	Mar. 11, 1918	Los Gatos.
Air Force	VN	Springston, Theodore, Jr	05	Mar. 16, 1978	Nov. 23, 1931	San Francisco
Air Force	VN	Squire, Boyd Edwin	05	July 12, 1967	Sept. 16, 1930	Scaramento.
Navy	VS	Steimer, Thomas Jack	02	May 8, 1967	May 12, 1942	Peidmont.
Navy	LA	Stevens, Larry James	03	Jan. 10, 1978	Dec. 17, 1942	Canoga Park.
Army	LA	Stewart, Paul Clark	W2	Feb 8, 1971	Jan. 5, 1950	Buena Park.
Army	VS	Strange, Floyd Wayne	W3	May 22, 1978	May 1, 1946	Chico.
Navy	VS	Stringham, William Sterlin	E4	Feb 3, 1973	Apr 7, 1950	Garden Grove
Army	VS	Strobridge, Rodney Lynn	04	May 15, 1978	May 22, 1941	Torrance
Navy	VS	Swigart, Paul Eugene, Jr	02	Feb. 5, 1969	Jan. 26, 1944	Seal Beach.
Air Force	LA	Swords, Smith III	06	Aug 17, 1979	July 17, 1929	Los Angeles
Navy	VS	Talken, George Francis	04	Aug 2, 1969	Dec. 4, 1938	Chico.
Air Force	LA	Tapp, Marshall Landis	06	Jan 18, 1978	Sept. 22, 1926	Los Angeles.
Army	LA	Taylor, James Harry	01	Feb 15, 1971	Feb. 3, 1946	Oroville.
Navy	VN	Thomas, Darwin Joel	01	Oct. 14, 1966	Apr 28, 1943	Santa Clara
Navy	VN	Thomas, Harry Eugene	05	Aug 13, 1965	Spet. 12, 1927	Taft.
Air Force	VN	Tiffin, Rainford	04	Oct 22, 1974	Mar 4, 1938	Santa Cruz
Marine Corps	VS	Trimble, James Mitchell	E4	Apr. 6, 1968	Jan 30, 1949	Eureka
Army	VS	Trivelpiece, Steve Maurice	E3	Apr. 4, 1968	Oct 8, 1948	Stockton.
Navy	VS	Tunnell, John Wallace	04	June 20, 1966	June 25, 1933	Vista
Marine Corps	CB	Turner, Kelton Rena	E2	May 15, 1975	July 15, 1956	Los Angeles
Marine Corps	VN	Uplinger, Barton John	03	Feb. 19, 1968	Sept. 2, 1942	Cararillo
Air Force	LA	Utley, Russel Keith	D6	May 9, 1978	Aug 5, 1933	San Francisco.
Army	VS	Van Campen, Thomas Charles	E3	June 24, 1965	Dec. 28, 1945	Oroville
Navy	VN	Vaughan, Robert Reddington	04	Oct 14, 1967	Oct 26, 1931	Los Angeles.
Marine Corps	VS	Walker, William John	04	Apr. 20, 1968	Nov 21, 1934	Riverside
Army	VS	Wallace, Arnold Brian	E2	Jan. 25, 1967	Apr 2, 1945	San Leandro.
Air Force	VS	Weger, John, Jr	02	Oct 22, 1965	June 29, 1940	San Fernando.
Army	VS	Westcott, Gary Patrick	E5	Mar 30, 1972	Apr 24, 1951	Pomona
Air Force	VS	Whitesides, Richard Lebrou	03	Mar 27, 1965	Jan. 14, 1937	Stockton
Navy	VN	Wiles, Marvin Benjamin C	04	Aug. 2, 1978	Dec. 10, 1943	San Diego
Army	VS	Williams, Richard Frank	E8	Sept. 18, 1968	Mar 10, 1927	San Leandro.
Navy	VN	Wilson, Claude David, Jr	03	Dec. 14, 1966	Aut. 14, 1935	Stockton.
Army	VS	Wilson, Mickey Allen	W2	Oct. 5, 1978	Apr 28, 1948	Mountain View
Air Force	LA	Winningham, John Quitman	E8	Sept. 21, 1972	Sept. 15, 1944	Grover City
Air Force	VS	Winters, Darryl Gordon	E4	July 19, 1966	Mar 6, 1939	San Francisco.
Army	VS	Winters, David Marshall	E6	Feb. 22, 1978	Oct 18, 1948	Delhi.
Army	VS	Wong, Edward Puck Kow, Jr	E6	Aug 22, 1978	Feb. 25, 1953	Oakland.
Air Force	VN	Wright, Gary Gene	06	Jan. 3, 1974	Nov 20, 1930	San Diego
Marine Corps	VS	Xavier, Augusto Maria	02	Mar. 10, 1966	May 26, 1941	San Jose.
Navy	VS	Zerbe, Michael Richard	02	Apr. 15, 1966	Dec. 11, 1941	Julian.
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Air Force	VS	Anselmo, William Frank	E5	Mar 7, 1969	Aug 22, 1944	Denver
Air Force	VN	Apodaca, Victor Joe, Jr	04	Nov 15, 1973	May 31, 1937	Englewood
Navy	VN	Barber, Thomas David	E3	Mar 17, 1968	Mar 5, 1948	Aurora.
Army	VS	Berry, John Alvin	W1	Dec. 5, 1968	Feb 14, 1946	Naturita.
Air Force	VN	Boston, Leo Sydney	05	Apr 27, 1978	May 12, 1935	Canon City
Air Force	LA	Brownlee, Charles Richard	06	Dec. 25, 1968	Aug 3, 1931	Alamosa
Air Force	VN	Corbitt, Gilland Wales	06	Apr 28, 1978	May 26, 1925	Denver.
Air Force	VS	Danielson, Mark Giles	03	June 18, 1972	Apr 29, 1943	Rangely
Army	VS	De Herrera, Benjamin David	E3	Nov 19, 1967	Apr 19, 1948	Colorado Springs.
Army	VS	Donovan, Leroy Melvin	E7	May 20, 1966	Feb 23, 1933	Cedaredge
Air Force	VN	Gilchrist, Robert Michael	04	Mar. 6, 1978	Nov. 27, 1940	Littleton.
Navy	VS	Green, Gerald	02	Sept. 12, 1965	July 9, 1939	Fort Morgan.
Air Force	VS	Hamm, James Edward	03	Feb 4, 1974	May 4, 1943	Longmont.
Marine Corps	VS	Hanratty, Thomas Michael	E2	June 11, 1967	June 19, 1946	Beulah.
Army	VS	Hansen, Lester Alan	W2	Mar. 16, 1977	July 1, 1942	Pueblo
Air Force	LA	Helwig, Roger Danny	03	Sept 11, 1969	May 17, 1943	Colorado Springs.
Air Force	LA	Hrdlicka, David Louis	05	Nov. 21, 1977	Dec. 30, 1931	Littleton.

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U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Air Force	VS	Hyde, Michael Lewis	03	Dec. 8, 1966	May 14, 1938	Boulder City.
Marine Corps	CB	Jacques, James Joseph	E2	May 15, 1975	Oct. 9, 1956	Denver.
Air Force	VS	Jefferson, Perry Henry	04	Sept. 28, 1973	Aug. 18, 1931	Denver.
Navy	VN	Kemp, Clayton Charles, Jr	E4	Jan. 12, 1967	Oct. 9, 1947	Wheatridge.
Navy	VN	Kohler, Delvin Lee	E4	Oct. 2, 1969	July 19, 1945	Kersey.
Marine Corps	VS	La Voo, John Allen	03	Sept. 19, 1968	July 15, 1940	Pueblo.
Air Force	VN	Ladewig, Melvin Earl	03	Nov. 8, 1973	Aug. 8, 1944	Englewood.
Army	VS	Leeper, Wallace Wilson	W3	July 17, 1974	Apr. 24, 1947	Wellington.
Air Force	VN	Martin, Duane Whitney	02	July 20, 1966	Jan. 2, 1940	Denver.
Marine Corps	VS	McVey, Lavoy Don	03	Mar. 2, 1970	Feb 22, 1938	Lamar
Air Force	LA	Mitchell, Thomas Barry	04	Feb. 27, 1975	Mar 31, 1941	Littleton.
Air Force	LA	Morgan Burke Henderson	03	Aug. 22, 1967	June 4, 1936	Manitou Springs.
Air Force	LA	Mullins, Harold Eugene	E9	May 28, 1974	Feb. 26, 1930	Denver.
Air Force	VN	Packard, Ronald Lyle	03	Feb. 4, 1974	Nov. 18, 1941	Canon City.
Navy	VN	Pawlish, George Francis	04	May 16, 1973	Feb. 25, 1941	Las Animas.
Air Force	VN	Ralston, Frank Delzell III	04	Jan. 9, 1978	Mar. 2, 1941	Denver.
Army	VS	Shafer, Philip Raymond	E6	Sept. 2, 1975	May 13, 1949	Grand Junction.
Air Force	VN	Silva, Claude Arnold	05	June 11, 1979	May 12, 1936	Monte Vista.
Army	VS	Simpson, Joseph Louis	E6	May 13, 1968	Feb. 6, 1945	Denver.
Air Force	LA	Steadman, James Eugene	03	Feb. 13, 1975	Feb. 18, 1945	Fort Collins.
Air Force	LA	Stearns, Roger Horace	03	Sept. 11, 1969	Feb. 4, 1941	Boulder.
Army	CB	Swanson, Jon Edward	03	Feb. 26, 1971	May 1, 1942	Denver.
Air Force	LA	Tucker, Timothy Michael	03	Oct. 4, 1979	Mar 16, 1946	Las Animas.
Air Force	VS	Walker, Bruce Charles	03	Jan. 7, 1980	Nov 22, 1946	Pueblo.
Connecticut (40):						
Air Force	VS	Andrews, Stuart Merrill	06	Dec. 1, 1977	Sept. 22, 1928	Stamford.
Air Force	VN	Austin, Charles David	04	June 7, 1978	Feb 27, 1942	New Canaan.
Air Force	LA	Bankowski, Alfons Aloyze	E5	Mar 23, 1961	June 15, 1930	Stamford.
Air Force	VN	Bergevin, Charles Lee	03	May 9, 1978	June 10, 1944	Torrington.
Army	VS	Bishop, Edward James, Jr	E6	Aug. 29, 1978	Jan. 27, 1948	Hartford.
Air Force	LA	Brown, Joseph Orville	03	Apr 19, 1966	Sept. 29, 1934	Norwalk.
Air Force	VN	Bush, Robert Edward	05	Mar 24, 1966	Oct. 4, 1928	Hamden
Air Force	VN	Cleary, Peter McArthur	03	May 17, 1979	June 27, 1944	Colchester
Navy	VN	Cole, Legrande Ogden, Jr	05	Nov 28, 1978	Jan. 21, 1942	Danbury.
Navy	VS	Collette, Curtis David	E5	June 17, 1966	Oct 13, 1941	Windsor.
Army	VS	Creamer, James Edward, Jr	E6	May 22, 1978	May 9, 1947	North Brantord.
Air Force	VS	Dunn, Richard Edward	E6	Apr. 26, 1972	Jan 10, 1934	Terryville.
Marine Corps	VS	Fritsch, Thomas William	E3	May 10, 1968	Aug. 26, 1946	Cromwell.
Army	LA	Gallagher, John Theodore	E7	May 30, 1978	June 17, 1943	Hamden.
Air Force	LA	Guillet, Andre Roland	E7	Nov 19, 1974	Dec. 17, 1943	Waterbury
Air Force	LA	Hesford, Peter Dean	04	June 8, 1978	Dec 2, 1942	Mystic.
Army	VS	Holm, Arnold Edward, Jr	03	June 11, 1972	Mar. 5, 1944	Waterford.
Air Force	LA	Hunter, Russell Palmer, Jr	04	June 20, 1974	May 23, 1935	Glastonbury.
Air Force	LA	Kuhlmann, Charles Frederic	04	Sept. 22, 1968	Feb. 7, 1930	New Britain.
Air Force	VN	Lerner, Irwin Stuart	04	Aug. 8, 1978	Oct. 17, 1941	Stratford.
Air Force	LA	McGouldrick, Francis J., Jr	06	July 10, 1978	Dec. 19, 1928	New Haven.
Navy	VS	McKinley, Gerald Wayne	02	Mar. 31, 1965	May 22, 1940	Danbury.
Marine Corps	VS	McManus, Truman Joseph	E3	June 5, 1968	Aug. 17, 1949	Mansfield.
Army	LA	Mixter, David Ives	E5	Jan. 29, 1971	Jan 22, 1949	Darien.
Air Force	LA	Moriarty, Peter Gibney	03	Mar 22, 1971	July 15, 1941	Newington.
Navy	VN	Moser, Paul Kierstead	E4	Oct. 2, 1969	May 2, 1946	Newington.
Navy	VN	Nickerson, William Brewste	02	Apr 22, 1966	Mar. 17, 1942	Stamford.
Air Force	VN	Nobert, Craig Roland	04	Jan. 18, 1978	Dec 3, 1941	Avon.
Navy	VS	Ott, Edward Louis, III	E6	Sept. 1, 1967	Mar 12, 1939	Rockville.
Army	VS	Perry, Thomas Hepburn	E6	May 15, 1978	June 19, 1942	Canton.
Navy	VN	Pfaffmann, Charles Brooks	02	Apr. 9, 1970	Dec. 30, 1944	Killingsworth.
Marine Corps	VN	Prevost, Albert Michael	02	Feb. 1, 1966	Jan. 30, 1935	Norwalk.
Navy	VN	Rich, Richard	06	Nov 11, 1976	Oct. 27, 1925	Stamford.
Air Force	LA	Rowley, Charles Stoddard	06	Nov 3, 1978	May 14, 1931	Riverton.
Army	VS	Saegaert, Donald Russell	W1	June 10, 1965	May 3, 1940	Berlin.
Marine Corps	VS	Sherman, John Brooks	02	Mar 25, 1966	Jan. 30, 1940	Darien.
Air Force	VN	Shoneck, John Reginald	E7	July 18, 1973	July 27, 1932	Meriden.
Army	VS	Thorne, Larry Alan	04	Oct. 19, 1966	May 28, 1919	Norwalk.
Air Force	LA	Walsh, Francis Anthony, Jr	04	Dec. 21, 1972	Feb. 14, 1940	Westport.
Navy	VS	Westwood, Norman Philip, Jr	03	May 17, 1970	Aug. 8, 1944	West Hartford.
Delaware (5):						
Air Force	VS	Ayres, Gerald Francis	04	June 18, 1972	Feb. 23, 1939	New Castle.
Marine Corps	VS	Bird, Leonard Adrian	02	July 13, 1968	Sept. 14, 1943	Wilmington
Air Force	VS	Hess, Gene Karl	E5	June 17, 1966	Aug. 18, 1933	Townsend.
Marine Corps	VS	Potts, Larry Fletcher	03	Jan. 31, 1979	Apr. 7, 1947	Smyrna.
Marine Corps	VS	Willing, Edward Arle	E7	Nov. 20, 1978	Aug. 28, 1949	Wilmington.
Washington, D.C. (9):						
Navy	VS	Asmussen, Glenn Edward	E6	Feb. 5, 1966	Apr. 26, 1922	Washington.
Army	VS	Butler, Dewey Renee	E3	July 14, 1969	Aug 15, 1949	Washington.
Air Force	VS	Cooke, Calvin Coolidge, Jr	E5	Apr. 26, 1972	Apr. 18, 1946	Washington.
Air Force	LA	Govan, Robert Allen	06	Mar 6, 1978	May 27, 1934	Washington
Air Force	LA	Green, Norman Morgan	06	July 17, 1978	July 16, 1923	Washington.
Army	VS	Link, Robert Charles	W3	May 22, 1978	Apr. 10, 1935	Washington.
Army	VS	Stewart, Jack Thomas	04	June 10, 1976	Mar. 30, 1941	Washington.
Air Force	VN	Stewart, Robert Allan	06	Apr 3, 1978	Nov 14, 1931	Washington.
Air Force	VS	Tigner, Lee Morrow	04	Aug 22, 1972	July 29, 1933	Washington.
Florida (83):						
Air Force	VS	Adams, Samuel	E9	Dec. 31, 1965	Aug 2, 1935	Goldenrod
Air Force	LA	Allen, Henry Lewis	03	July 6, 1978	Sept. 21, 1943	Daytona Beach.
Air Force	VS	Alley, James Harold	E4	Apr. 6, 1972	Sept. 18, 1949	Plantation.
Army	LA	Ard, Randolph Jefferson	W3	Sept. 18, 1978	June 16, 1951	West Pensacola.
Navy	VN	Bisz, Ralph Campion	04	Dec. 2, 1977	Mar. 28, 1942	Miami.
Navy	VN	Bixel, Michael Sargent	02	Oct. 24, 1972	June 23, 1947	Fort Walton Beach.
Air Force	LA	Bogiages, Christos C., Jr	06	Feb. 6, 1979	Mar. 30, 1934	Clearwater.
Army	LA	Brown, George R	E9	May 12, 1977	Sept. 19, 1935	Holly Hill.
Navy	VS	Bundy, Norman Lee	02	Sept. 6, 1966	Jan. 26, 1941	Miami.
Air Force	VN	Bush, John Robert	03	July 9, 1973	May 17, 1943	Fort Walton Beach.
Army	VS	Carter, George William	04	Apr. 24, 1972	Dec. 4, 1933	Apopka.
Air Force	LA	Collins, Guy Fletcher	05	Mar. 13, 1968	May 26, 1928	Miami.
Army	VS	Comer, Howard Brisbane, Jr	W2	Nov 24, 1969	June 4, 1945	Jacksonville.
Navy	VN	Crosby, Frederick Peter	04	June 1, 1965	June 15, 1933	Orlando.
Army	VS	Deane, William Lawrence	05	Apr. 30, 1979	Sept. 27, 1934	Orlando
Army	VS	Decaire, Jack Leonard	E6	Nov 3, 1971	Apr. 24, 1946	St. Petersburg
Army	VS	Deitsch, Charles Edward	W4	July 10, 1978	May 8, 1922	Mount Dora.
Army	LA	Dillender, William Edward	E4	Mar. 20, 1971	Oct. 6, 1951	Naples.
Army	VS	Dubbeld, One John, Jr	02	Mar. 3, 1971	Nov. 29, 1948	Cocoa Beach.
Navy	VN	Duncan, Robert Ray	03	Oct. 22, 1975	Mar. 16, 1942	West Palm Beach.
Navy	VN	Dunlop, Thomas Earl	05	Apr 7, 1973	July 10, 1930	Neptune Beach.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Air Force	LA	Edgar, Robert John	03	Oct. 25, 1973	May 21, 1943	Nokomis.
Navy	VN	Emrich, Roger Gene	04	Oct. 9, 1973	July 8, 1941	Miami.
Air Force	VN	Finney, Arthur Thomas	06	Jan. 22, 1974	June 26, 1928	Miami
Marine Corps	VN	Flanigan, John Norlee	03	Jan 28, 1974	Aug 7, 1934	Winter Haven.
Marine Corps	VS	Fleming, Horace Higley III	04	Nov 28, 1978	May 13, 1941	Pensacola
Navy	VN	Ford, Randolph Wright	05	June 20, 1968	July 19, 1935	Gainesville
Navy	VN	Frosio, Robert Clarence	05	Nov 12, 1966	Mar. 28, 1926	Warrington.
Army	VS	Gallant, Henry Joseph	E8	July 14, 1966	Sept. 30, 1929	Tampa.
Army	CB	Ganoe, Berman, Jr	E6	Jan. 16, 1974	Oct 25, 1948	Belleview
Army	VS	Garbett, Jimmy Ray	E5	Oct. 10, 1970	Aug. 30, 1948	Lake City
Army	LA	Gassman, Fred Allen	E5	Oct. 6, 1971	Sept. 5, 1947	Fort Walton Beach
Air Force	LA	Gomez, Robert Arthur	03	Apr 6, 1977	Mar 20, 1944	Jacksonville.
Army	VS	Hackett, James Edward	E4	June 11, 1972	Nov 19, 1952	Bradenton.
Air Force	LA	Hall, Willis Rozelle	E6	Mar. 11, 1968	Aug 9, 1927	Hollywood
Air Force	VN	Hanson, Thomas Patterson	04	Mar. 21, 1979	Apr 18, 1941	Miami
Air Force	LA	Hart, Thomas Trammell III	05	Dec. 21, 1972	Mar 25, 1940	Orlando
Air Force	VN	Hartney, James Cuthbert	06	Sept. 13, 1978	Oct. 4, 1925	Fort Lauderdale
Air Force	VN	Hestle, Roosevelt, Jr	06	Apr 17, 1979	Mar 2, 1928	Orlando
Navy	VN	Hopps, Gary Douglas	03	Feb. 10, 1966	Aug 28, 1936	Coral Gables.
Air Force	LA	Jackson, James Terry	03	Mar 23, 1972	Sept 28, 1939	Hialeah.
Air Force	LA	Kerr, John Creighton Gille	04	Aug 22, 1967	Mar. 16, 1932	Miami.
Army	CB	Laker, Carl John	E4	June 17, 1970	June 12, 1950	Clearwater
Army	LA	Laney, Bill Ray	E8	Mar 20, 1978	Aug 21, 1939	Greenacres City
Army	VS	Ledbetter, Thomas Isaac	03	June 20, 1965	May 26, 1936	Tampa
Air Force	CB	Manor, James	E4	Mar. 27, 1972	Jan 19, 1950	Panama City
Navy	VN	Martin, David Earl	01	Apr 4, 1967	Aug. 29, 1942	Orlando
Air Force	VS	McLaughlin, Olen Burke	E7	July 7, 1967	Dec. 24 1927	Tampa
Army	VS	McAndrews, Michael William	W1	Dec. 23, 1970	Aug. 17, 1948	Fort Lauderdale
Air Force	CB	McLeod, David Vance, Jr	E7	June 14, 1973	Sept. 24, 1945	Jacksonville.
Air Force	VS	Mercer, Jacob Edward	E7	June 18, 1972	July 20, 1936	Jacksonville
Air Force	VN	Milikin, Richard M., III	04	Feb. 12, 1976	Jan. 28, 1941	Miami
Navy	VS	Miller, Malcolm Thomas	E4	May 10, 1967	Nov 21, 1946	Tampa
Army	CB	Murphy, Barry Daniel	E5	Mar. 18, 1969	Jan 7, 1947	Cutler Ridge
Army	LA	Neal, Dennis Paul	04	Sept 6, 1978	Feb 1, 1944	Tarpon Springs
Marine Corps	VS	Nelson, Jan Houston	02	Apr 11, 1970	Sept 9, 1944	Clearwater
Air Force	VN	Nichols, Hubert Campbell, Jr	06	Mar 6, 1978	Feb 7, 1929	Pensacola
Air Force	VS	Olson, Gerald Everett	04	Oct. 9, 1973	Jan. 29, 1937	Winter Haven.
Navy	VS	Osborn, Geoffrey Holmes	02	Sept. 24, 1965	Dec 17, 1939	Winter Park
Air Force	VN	Osborne, Edwin Nelms, Jr	05	Apr. 27, 1978	May 1, 1933	Raiford
Air Force	LA	Ostermeyer, William Henry	03	May 30, 1974	Mar 15, 1945	Orlando
Navy	VS	Parker, John Jackson	03	Mar 4, 1970	Aug 12, 1943	Tallahassee
Air Force	VN	Parker, Woodrow Wilson, II	04	June 7, 1978	Apr. 16, 1943	St. Petersburg
Air Force	VS	Phillips, David Joseph, Jr	03	July 3, 1966	May 2, 1934	Miami Beach.
Army	VN	Pittman, Robert Edward	E4	Oct. 18, 1967	Feb. 13, 1947	Jacksonville
Navy	VN	Putnam, Charles Lancaster	06	Nov 7, 1977	Jan 14, 1928	Key West.
Air Force	VN	Read, Charles Harold W., Jr	06	July 25, 1976	Feb 3, 1929	Miami
Air Force	VN	Rickel, David J	04	May 22, 1979	Oct 5, 1942	Fort Lauderdale
Air Force	CB	Sandner, Robert Louis	03	June 7, 1966	Feb 5, 1936	Clearwater
Air Force	LA	Scrivener, Stephen Russell	02	Mar 17, 1971	Oct. 10, 1944	Tampa
Air Force	VN	Smith, Herbert Eugene	E9	Dec 4, 1975	Mar 1, 1936	Appalachicola.
Air Force	VS	Sprott, Arthur Roy, Jr	04	Jan. 10, 1969	Jan 6, 1937	Delray Beach
Air Force	VN	Stewart, Peter Joseph	06	Jan. 28, 1980	Aug 12, 1918	Winter Haven.
Army	VS	Stone, James Marvin	02	Jan. 7, 1968	June 15, 1938	Miami
Air Force	VS	Thomas, James Ricahrd	E6	Nov 25, 1971	July 5, 1943	Fort Walton Beach
Navy	VS	Timmons, Bruce Allan	E4	Nov 15, 1966	July 20, 1947	Fort Lauderdale
Army	LA	Traver, Hohn Grove, III	W1	Mar 22, 1971	May 20, 1949	Jacksonville
Air Force	LA	Weissmueller, Courtney Edw	05	Feb. 12, 1967	Nov 15, 1932	Orlando.
Air Force	LA	White, James Blair	04	Jan. 24, 1974	Mar 14, 1942	St. Petersburg
Army	LA	Williams, Eddie Lee	E9	Feb 3, 1978	Feb 10, 1935	Miami
Army	VS	Williams, Edward Wayne	E6	Oct. 30, 1978	Sept. 13, 1950	Clearwater.
Marine Corps	VS	Williams, Leroy C	E2	May 25, 1969	Aug 4, 1947	Jacksonville
Air Force	LA	Young, Barclay Bingham	04	Mar 21, 1979	Aug. 6, 1938	Fort Lauderdale
Georgia (50):						
Army	LA	Barker, Jack Lamar	04	Mar 20, 1971	Mar 22, 1939	Waycross.
Marine Corps	VN	Boggs, Paschal Glenn	04	Aug. 27, 1967	Mar 7, 1936	East Point.
Marine Corps	VS	Brigham, Albert	E3	Dec 14, 1966	Apr. 12, 1945	Savannah
Army	VS	Calhoun, Johnny C	E7	Sept. 3, 1974	July 14, 1945	Newman.
Air Force	LA	Carroll, John Leonard	04	Nov 7, 1972	May 6, 1940	Decatur
Air Force	VN	Case, Thomas Franklin	06	Jan 9, 1978	Oct. 22, 1931	Thomson
Navy	VS	Chandler, Anthony Gordon	E5	June 16, 1968	Oct. 21, 1944	Warner Robins.
Army	VS	Condrey, George Thomas III	W1	May 8, 1968	Feb. 12, 1944	Atlanta
Air Force	VN	Conner, Lorenza	03	Oct 27, 1967	Feb. 19, 1943	Cartersville
Air Force	VN	Cooper, William Earl	06	Feb 9, 1978	Sept. 16, 1920	Albany
Air Force	LA	Davis, Daniel Richard	03	May 30, 1974	Aug 10, 1943	Atlanta
Air Force	LA	Dickens, Delma Ernest	03	Dec. 21, 1972	Apr 20, 1947	Omega
Air Force	LA	Duckett, Thomas Allen	03	July 27, 1979	Nov 12, 1946	La Grange
Navy	VN	Edwards, Harry Sanford, Jr	04	Apr 16, 1974	Oct 6, 1942	Decatur.
Army	VS	Fitzgerald, Paul L., Jr	E6	Mar 20, 1978	Oct. 3, 1947	Fort Valley
Army	VS	Fowler, Donald Randall	E6	Nov 17, 1975	Aug 3, 1949	Athens
Navy	VN	Fullerton, Frank Eugene	05	Jan. 18, 1978	Jan. 2, 1934	Jonesboro.
Army	LA	Griffith, Robert Smith	E6	Oct 22, 1974	Dec 26, 1942	Hapeville
Marine Corps	VS	Hagan, John Robert	04	Mar 31, 1978	Aug 22, 1945	Savannah
Army	VN	Harrison, Donald Lee	04	Jan. 14, 1980	July 24, 1946	Chamblee
Army	VS	Howard, Lewis, Jr	E6	Sept. 11, 1978	Oct 3, 1949	Macon.
Marine Corps	VS	Jackson, James Wesley, Jr	E7	Aug 7, 1980	Feb 26, 1948	Atlanta
Air Force	VS	Jones, Bobby Marvin	04	Aug 29, 1978	May 5, 1945	Macon
Army	LA	Jones, James E	E9	Dec 8, 1977	Sept 3, 1939	Alapha
Navy	VN	Kilpatrick, Larry Ronald	04	Apr 17, 1978	Nov 21, 1943	Stone Mountain.
Army	LA	King, Michael Eli	E4	Mar. 5, 1971	Aug. 3, 1949	Calhoun
Air Force	VN	Kirby, Bobby Alexander	06	Dec 21, 1972	July 11, 1931	Atlanta
Air Force	LA	Kroboth, Stanley Neal	03	Dec 21, 1962	Aug 16, 1946	Savannah
Navy	VS	Lindbloom, Charles David	E5	Aug 20, 1968	Jan. 5, 1943	Atlanta
Army	VS	Lord, Arthur James	04	Apr 13, 1977	Jan. 6, 1941	Savannah.
Air Force	VN	McDaniel, Morris L., Jr	06	Apr. 27, 1978	Apr 4, 1929	Fort Valley
Air Force	CB	McLamb, Harry Lawrence	04	June 18, 1970	Feb 11, 1935	Ludowici.
Navy	VN	McWhorter, Henry Sterling	03	Aug 29, 1965	Nov 19, 1934	Savannah
Navy	VN	McRae, David Edward	04	Apr 6, 1973	Nov 30, 1938	Decatur.
Army	VS	Murphy, Larron David	03	Oct 11, 1973	Oct. 5, 1944	Dalton.
Marine Corps	VS	Nipper, David	E3	Nov 21, 1964	Sept. 15, 1940	Atlanta
Army	VS	Parker, David Wayne	E4	Feb. 6, 1969	Dec 2, 1947	Stone Mountain.
Air Force	LA	Pate, Gary	E7	Jan 9, 1975	June 3, 1946	Brooks
Air Force	VN	Pitman, Peter Potter	04	Jan 9, 1975	Feb 15, 1938	Atlanta
Air Force	LA	Preston, James Arthur	E9	Jan 25, 1978	Aug. 10, 1939	Bowdon.

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Marine Corps	VS	Seward, William Henry	04	Mar. 6, 1968	Apr. 11, 1937	Atlanta.
Army	VS	Small, Burt Chauncy, Jr	E6	Oct. 31, 1977	Sept. 2, 1946	Savannah.
Air Force	CB	Smallwood, John Jackie	03	Oct. 4, 1979	Oct. 7, 1945	Marietta.
Navy	VN	Smith, Dean, Jr	02	Mar. 15, 1967	June 14, 1941	Savannah.
Army	VS	Talley, James Lane	E5	June 20, 1965	Mar. 30, 1943	Fort Benning.
Navy	VS	Thompson, Melvin Carl	E6	Feb. 6, 1968	May 24, 1935	Colquitt.
Air Force	VS	Todd, Larry Richard	E4	Apr. 26, 1968	Feb. 2, 1946	Chamblee.
Army	VS	Weisner, Franklin Lee	03	Sept. 19, 1978	Mar. 21, 1945	Fort Benning.
Army	VS	Windeler, Charles Carl, Jr	W2	Apr. 5, 1972	July 28, 1944	Savannah.
Air Force	VN	Zorn, Thomas O'neal, Jr	03	Sept. 17, 1972	June 14, 1946	Waycross.
Hawaii (10):						
Army	VS	Bingham, Klaus, Yrurgen	E6	May 27, 1977	Dec. 14, 1943	Wahiawa.
Air Force	CB	Lee, Glenn Hung Nin	03	May 27, 1970	Aug. 6, 1945	Honolulu.
Air Force	VS	Lum, David Anthony	02	Dec. 20, 1966	Nov 24, 1940	Honolulu.
Air Force	VN	Mamiya, John Michio	E9	June 17, 1977	Nov. 21, 1933	Wahiawa.
Army	VS	Martin, Richard D	E6	June 19, 1978	May 9, 1947	Honolulu.
Navy	VN	McCormick Michael Timothy	03	July 25, 1975	July 8, 1946	Honolulu.
Air Force	LA	Miyazaki, Ronald Zazuo	E4	Jan. 31, 1967	July 5, 1942	Waialua.
Marine Corps	VN	Peacock, John Robert, II	03	Feb. 25, 1976	Sept. 4, 1946	Kailua.
Air Force	LA	Spitz, George Ross	03	Feb. 5, 1973	Jan. 17, 1943	Kahaluu.
Army	VS	Tadios, Leonard Masayon	E6	Mar. 20, 1966	Jan. 9, 1934	Lanai.
Idaho (12):						
Air Force	VN	Alley, Gerald William	06	Aug. 16, 1978	July 28, 1934	Pocatello.
Air Force	LA	Bodahl, Jon Keith	04	May 30, 1974	Dec. 18, 1937	Boise.
Marine Corps	VS	Bohlscheid, Curtis Richard	03	June 11, 1967	Dec. 9, 1936	Pocatello.
Army	VS	Hollinger, Gregg Neyman	03	Dec. 14, 1971	May 9, 1942	Paul.
Navy	VS	Hollingsworth, Hal T	01	Jan. 16, 1966	June 29, 1942	Grace.
Army	VS	Hunt, William Balt	E8	Apr. 7, 1976	July 31, 1935	Sandpoint.
Army	VS	Lemmons, William E	04	June 12, 1978	Jan. 12, 1942	Pocatello.
Navy	VN	Mayer, Roderick Lewis	04	Oct. 31, 1977	Mar. 2 1939	Lewiston.
Army	VS	Phelps, Jesse Donald	W2	Dec. 29, 1966	Oct. 1, 1937	Boise.
Army	LA	Powers, John Lynn	E4	Feb. 15, 1971	Oct. 13, 1949	MacKay.
Army	LA	Sparks, Jon Michael	W2	Mar 11, 1976	Feb 24, 1950	Carey
Air Force	LA	Thornton, Larry C	E9	Jan. 22, 1974	Mar. 3, 1932	Idaho Falls.
Illinois (105):						
Marine Corps	VS	Alwan, Harold Joseph	05	June 24, 1974	Aug. 4, 1934	Peoria.
Air Force	VS	Amesbury, Harry Arlo, Jr	04	Apr. 26, 1972	Feb. 13, 1932	Morrison.
Air Force	VN	Anderson, Gregory Lee	E4	Jan. 28, 1970	Aug. 27, 1947	Wheaton.
Air Force	LA	Beutel, Robert Donald	03	Aug. 23, 1978	Apr. 6, 1946	Tremont.
Army	VS	Bibbs, Wayne	E3	June 11, 1972	June 14, 1954	Blue Island.
Marine Corps	LA	Bodden, Timothy Roy	E8	Feb. 26, 1980	Nov. 6, 1942	Downers Grove.
Air Force	LA	Bollinger, Arthur Ray	03	Feb. 5, 1973	June 13, 1944	Greenville.
Navy	VS	Borah, Daniel Vernor, Jr	03	July 26, 1977	June 18, 1946	Olney.
Air Force	VN	Branch, James Alvin	04	Sept 4, 1965	Apr. 6, 1934	Park Forest.
Navy	VN	Brown, Thomas Edward	02	Apr. 29, 1966	Sept. 26, 1941	Danville.
Army	VS	Brownlee, Robert Wallac, Jr	06	Oct. 26, 1978	July 21, 1929	Chicago.
Air Force	VS	Bucher, Bernard Ledwig	04	May 12, 1968	Feb. 28, 1922	Eureka
Navy	VN	Buell, Kenneth Richard	04	Mar 23, 1978	Aug 24, 1939	Kankakee.
Air Force	LA	Bunder, Park George	03	Dec. 30, 1970	Dec. 10, 1940	Homewood.
Marine Corps	VS	Burke, Michael John	E6	July 30, 1974	Apr. 26, 1946	Chicago.
Air Force	LA	Byrne, Joseph Henry	04	Mar. 13, 1968	Jan. 28, 1925	Evanston.
Air Force	LA	Carlock, Ralph Laurence	04	Mar 4, 1967	Sept. 1, 1932	Des Plaines.
Air Force	VS	Carlson, John Werner	03	Dec. 7, 1966	Apr. 15, 1939	Chicago.
Air Force	VN	Causey, John Bernard	03	Feb 25, 1966	Mar. 3, 1937	Granite City
Air Force	VN	Claxton, Charles Peter	06	Apr 27, 1978	Dec. 22, 1932	Chicago.
Army	VS	Clinton, Dean Eddie	W2	June 5, 1973	Oct. 12, 1946	Dix.
Navy	VS	Cobbs, Ralph Burton	04	June 17, 1966	June 5, 1917	East St. Louis.
Air Force	VS	Collins, Willard Marion	03	Mar. 9, 1966	Jan. 21, 1929	Quincy
Navy	VS	Conaway, Gary Lee	E6	Oct. 24, 1967	Oct. 22, 1938	Blue Mound.
Air Force	VN	Copack, Joseph Bernard, Jr	03	Aug. 16, 1978	June 4, 1947	Chicago.
Army	VS	Cunningham, Kenneth Leroy	E6	Sept 5, 1978	Jan. 21, 1948	Ellery.
Marine Corps	LA	Curran, Patrick Robert	04	Aug 28, 1978	Oct 5, 1943	Bensenville
Army	VS	Czerwiec, Raymond George	E6	Apr. 28, 1976	Feb. 21, 1944	Chicago.
Air Force	LA	Daffron, Thomas Carl	03	June 23, 1975	Sept. 25, 1943	Pinckneyville.
Army	CB	Dalton, Randall David	E4	July 24, 1971	Dec. 7, 1950	Collinsville.
Army	VS	Dayton, James Leslie	W1	May 8, 1968	Feb. 23, 1947	Granite City.
Navy	LA	Deuter, Richard Carl	03	Feb 1, 1978	Feb. 15, 1944	Chicago.
Navy	VN	Dunn, Micael Edward	04	Nov. 26, 1973	July 6, 1941	Napersville
Army	VS	Eads, Dennis Keith	W3	Aug 28, 1978	May 4, 1947	Prophetstown.
Navy	VS	Farris, William Farrel	E4	Feb. 6, 1968	Dec. 15, 1942	West Salem.
Army	LA	Fivelson, Barry Frank	W1	Feb 15, 1971	Mar. 19, 1950	Evanston.
Navy	VN	Galvin, Ronald Edmond	E7	May 10, 1973	June 20, 1941	River Forest.
Marine Corps	VS	Gatewood, Charles Hue	E5	Sept 23, 1975	Mar. 21, 1950	Chicago.
Navy	VN	Gerstel, Donald Arthur	04	Mar. 9, 1978	June 23, 1938	Matteson.
Navy	LA	Golz, John Bryan	02	Apr. 22, 1970	July 19, 1945	Rock Island.
Air Force	VN	Hagerman, Robert Warren	06	Nov 6, 1979	Aug. 28, 1922	Chicago.
Air Force	LA	Heideman, Thomas Edward	E7	Oct. 24, 1970	June 8, 1933	Chicago.
Army	VS	Herreid, Robert Dale	E6	Jan. 30, 1974	June 13, 1946	Aurora.
Marine Corps	VS	Hill, Joseph Arnold	E3	May 28, 1968	Dec. 22, 1947	Taylorville.
Army	VS	Housh, Anthony Frank	E7	Sept. 2, 1975	June 26, 1946	Newton.
Navy	VN	Innes, Roger Burns	04	Dec. 27, 1967	Mar. 29, 1943	Chicago.
Army	VS	Jablonski, Michael James	E3	June 27, 1969	Oct, 20, 1949	Chicago.
Marine Corps	VS	Janousek, Ronald James	02	Aug. 9, 1969	July 21, 1945	Posen.
Navy	VN	Keller, Jack Elmer	06	June 28, 1974	May 1, 1928.	Chicago.
Navy	VN	Knabb, Kenneth Keith, Jr	04	Jan. 18, 1978	Mar 26, 1938	Wheaton.
Air Force	LA	Lemon, Jeffrey Charles	05	Apr 25, 1971	Aug. 13, 1943	Flossmoor.
Marine Corps	VS	Lewandowski, Leonard J., Jr	E5	June 18, 1975	Mar. 20, 1946	Des Plaines.
Air Force	VN	Lynn, Robert Ray	03	Jan. 7, 1974	June 16, 1940	Jacksonville.
Air Force	LA	MacDonald, George Duncan	03	Feb. 11, 1982	Sept. 2, 1948	Evanston.
Air Force	VN	Maddox, Notley Gwynn	06	Jan. 15, 1979	Nov 10, 1924	Rockford.
Air Force	VS	Marshall, Richard Carlton	03	Sept. 6, 1966	Dec 30, 1934	Chicago.
Army	VS	Mason, James Phillip	E5	Oct. 17, 1968	Oct 9, 1949	De Kalb.
Army	LA	McElroy, Glenn David	04	Mar 16, 1967	June 9, 1930	Sidney.
Navy	VS	McGrath, James Patrick	E3	Aug. 3, 1967	Dec. 7, 1948	Chicago.
Air Force	VS	McCormick, Carl Ottis	05	Oct. 6, 1972	Jan. 7, 1928	Peoria.
Navy	VN	McMahan, Robert Charles	04	Dec 2, 1977	June 14, 1942	Jacksonville.
Navy	VN	Meyers, Roger Allen	04	Feb. 9, 1969	Dec. 10, 1933	Chicago.
Air Force	VS	Moore, William John	E4	May 18, 1966	July 1, 1935	Monmouth.
Air Force	LA	Newberry, Wayne Ellsworth	03	Sept. 29, 1968	Dec. 16, 1938	East St. Louis.
Navy	VN	Nightingale, Randall John	E5	Mar. 17, 1968	Nov. 26, 1943	Onarga
Army	VS	Nolan, Joseph Paul, Jr	03	May 17, 1972	May 20, 1950	Oak Park.
Army	CB	O'Donnell, Michael Davis	04	Feb. 7, 1978	Aug. 13, 1945	Springfield.
Army	VS	Olsen, Floyd Warren	05	May 1, 1978	Sept. 3, 1938	Wheaton.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Orr, Warren Robert, Jr	03	Feb 1, 1974	Mar. 20, 1943	Kewanee.
Air Force	VN	Panek, Robert Joseph, Sr	05	July 6, 1978	June 10, 1939	Chicago.
Army	VS	Parsons, Donald Eugene	05	Oct. 3, 1973	Apr 17, 1929	Sparta.
Marine Corps	VS	Partington, Roger Dale	03	Nov 1, 1969	Dec. 12, 1940	Sparta
Air Force	LA	Pearson, Wayne Edward	04	Feb. 22, 1969	Nov 4, 1939	Western Springs.
Navy	VN	Perisho, Gordon Samuel	04	Oct. 9, 1975	Mar 7, 1939	Quincy
Army	VS	Phipps, James Larry	W3	Jan. 28, 1976	Dec. 9, 1943	Matoon.
Navy	VN	Pilkington, Thomas Holt	04	July 31, 1974	Sept. 8, 1941	Morton Grove
Army	CB	Pool, Jerry Lynn	03	Nov 13, 1978	Apr. 2, 1944	Freeport
Marine Corps	VN	Price, William Marshall	02	Mar 4, 1975	Aug. 24, 1945	Kewanee.
Army	LA	Rattin, Dennis Michael	E6	Feb. 22, 1978	July 15, 1950	Bradley
Air Force	VN	Rexford, Ronald Reuel	04	June 8, 1978	Mar. 13, 1940	Rankin
Air Force	VS	Riggins, Robert Paul	04	Apr 22, 1968	Jan. 19, 1931	Champaign.
Air Force	VS	Roth, Billie Leroy	E5	June 27, 1965	June 22, 1934	Lacon.
Navy	LA	Sage, Leland Charles Cooke	03	June 23, 1969	Dec. 25, 1943	Waukegan.
Army	VS	Sands, Richard Eugene	E3	May 12, 1968	Nov 9, 1947	Springfield.
Air Force	LA	Schaneberg, Leroy Clyde	03	June 30, 1970	Mar. 29, 1940	Ashton.
Army	VS	Scott, David Lee	E4	Apr 25, 1968	Apr 1, 1947	Carlock.
Marine Corps	VS	Sherman, Robert Carl	E5	Nov 1968	Mar. 14, 1945	Danville.
Marine Corps	VS	Skibbe, David William	01	Mar 2, 1970	Oct. 22, 1946	Des Plaines
Air Force	VN	Smith, Harold Victor	05	Mar 7, 1978	Nov 11, 1933	Bridgeport.
Air Force	CB	Smith, Joseph Stanley	02	Apr 4, 1971	May 7, 1945.	Assumption.
Army	VS	Story, James Clellon	E2	June 13, 1969	Jan. 24, 1948	Berwyn.
Air Force	VN	Stpierre, Dean Paul	03	Jan. 7, 1974	Oct. 30, 1941	Kankakee
Air Force	VN	Swanson, John Willard, Jr	05	Apr. 4, 1978	Apr 1, 1938	Arlington.
Marine Corps	VS	Switzer, Jerrold Allen	E2	Mar. 18, 1968	Oct. 31, 1946	Paris.
Army	VS	Sykes, Derri	E6	Jan. 9, 1968	July 4, 1947	Chicago.
Army	VS	Terry, Oral Ray	E6	Nov 5, 1974	Jan. 27, 1945	Mascoutah.
Air Force	VN	Thomas, Kenneth Deane, Jr	03	Sept. 2, 1975	Sept. 25, 1940	Mount Vernon.
Air Force	LA	Towle, John Cline	03	Sept. 11, 1978	Jan. 9, 1943	Harrisburg
Navy	VN	Trowbridge, Dustin Cowles	02	Dec 26, 1969	Jan. 13, 1944	Wayne
Army	VS	Vanden, Eykel Martin D., II	W3	Apr. 16, 1979	Oct. 4, 1943	Wheaton.
Air Force	LA	Whitt, James Edward	04	Mar 23, 1972	Feb 1, 1934	Penfield.
Army	VS	Wiley, Richard Dennis	E4	June 12, 1972	July 12, 1951	Decatur
Air Force	VN	Williams, Robert Cyril	04	July 1, 1966	Aug 1, 1929	Mc Leansboro.
Army	VS	Yonan, Kenneth Joseph	03	Aug 15, 1979	July 18, 1947	Chicago
Air Force	LA	Zukowski, Robert John	04	Jan 15, 1979	Oct. 30, 1943	Chicago
Indiana (71):						
Air Force	VN	Bancroft, William W., Jr	02	Nov 13, 1970	June 12, 1945	Indianapolis.
Army	VS	Beals, Charles Elbert	E4	July 8, 1971	Sept 27, 1948	French Lick.
Army	VS	Beecher, Quentin Rippetoe	W3	June 5, 1973	Sept. 14, 1942	Terre Haute
Marine Corps	VS	Breiner, Stephen Eugene	E2	Sept. 24, 1968	July 5, 1947	Decatur.
Army	VS	Carver, Harry Franklin	E5	Apr 10, 1968	May 24, 1942	New Albany
Marine Corps	VS	Chomel, Charles Dennis	E2	June 11, 1967	Aug 23, 1947	Columbus.
Air Force	VN	Clark, Lawrence	E8	July 18, 1973	June 15, 1928	Logansport.
Marine Corps	VN	Clem, Thomas Dean	03	July 22, 1974	May 31, 1942	New Paris.
Air Force	LA	Cogdell,I William Keith	03	Jan. 17, 1967	Mar. 15, 1933	Greentown.
Marine Corps	VS	Crody, Kenneth Lloyd	E4	July 11, 1972	Aug 3, 1953	Griffith
Air Force	VS	Davis, Gene Edmond	E8	Jan. 24, 1974	Apr. 5, 1928	Evansville.
Marine Corps	VS	Duucat, Phillip Allen	03	Sept. 25, 1966	Sept. 4, 1939	Fort Wayne
Air Force	VS	Duvall, Dean Arnold	E8	Jan. 9, 1978	Sept. 4, 1945	Monticello
Navy	VN	Erwin, Donald Edward	05	Oct 2, 1968	Jan 1, 1929	Hobart.
Army	LA	Green, George Curtis, Jr	E5	Dec 4, 1970	May 13, 1950	Attica
Marine Corps	VS	Harper, Ralph Lewis	E3	June 6, 1968	Jan 14, 1948	Indianapolis
Army	VS	Heitman, Steven Wayne	E6	May 29, 1974	Apr 23, 1943	Indianapolis
Air Force	VS	Held, John Wayne	05	Aug 21, 1975	July 8, 1936	Indianapolis.
Marine Corps	VS	Hewitt, Samuel Eugene	E5	Dec. 1, 1975	Feb 26, 1948	Walkerton.
Air Force	LA	Hills, John Russell	04	Feb 14, 1966	Nov 25, 1925	South Bend
Marine Corps	VS	Hoffman, Terry Alan	E4	Aug 19, 1968	Feb 3, 1945	Danville
Marine Corps	VN	Holdeman, Robert Eugene	03	Feb 22, 1978	Oct. 30, 1931	Winchester.
Air Force	VS	Hoskins, Donald Russell	E6	Apr 26, 1972	Jan. 5, 1929	Madison.
Army	VS	Howes, George Andrews	W3	Nov 6, 1978	June 16, 1950	Knox.
Air Force	LA	Johns, Paul Frederick	06	May 18, 1978	Oct 12, 1931	Laconia
Army	VS	Johnson, James Reed	E3	Aug 21, 1966	Mar 26, 1948	Indianapolis.
Army	VS	Jones, Grayland	E3	Nov 23, 1969	Sept. 1, 1950	Indianapolis.
Air Force	VS	Klute, Karl Edwin	03	Mar 14, 1966	July 16, 1936	Richmond
Navy	VN	Knochel, Charles Allen	03	Sept 22, 1966	Feb 12, 1940	Lafayette.
Marine Corps	VS	Kuhlman, Robert John, Jr	04	June 19, 1978	Aug 25, 1944	Richmond
Navy	VN	Lambton, Bennie Richard	E7	June 14, 1966	Aug 7, 1930	Indianapolis.
Army	VS	Lautzenheiser, Michael	E5	Oct. 26, 1971	Sept. 15, 1951	Muncie
Army	VS	Lawson, Karl Wade	E4	Apr 9, 1968	May 21, 1947	Terre Haute
Army	LA	Lewellen, Walter Edward	E4	Feb 18, 1971	June 3, 1951	New Albany
Army	VS	Lindenwald, Charles W., Jr	E8	Jan 24, 1974	July 30, 1938	La Porte
Army	VS	Lyon, James Michael	03	Feb 6, 1970	Mar 8, 1948	Indianapolis.
Air Force	VS	Mann, Robert Lee	03	Oct. 22, 1965	Feb 19, 1933	Lafayette
Army	VS	Martin, Jerry Dean	E5	Nov 4, 1971	Oct. 18, 1948	Bedford
Air Force	VS	McKinney, Neil Bernard	02	Sept. 3, 1964	Sept. 8, 1934	Muncie.
Marine Corps	VN	McGarvey, James Maurice	05	Apr 22, 1974	Aug 21, 1933	Valparaiso.
Air Force	VN	Midnight, Francis Barnes	03	Aug 23, 1967	July 11, 1939	Gary
Navy	VS	Mitchell, Harry E	E8	Sept 13, 1979	Sept 19, 1948	Marion.
Navy	VN	Montgomery, Ronald Wayne	E5	Oct. 2, 1969	Nov 27, 1946	Moores Hill
Army	VS	Moore, Ralph Edward	E3	May 3, 1967	Dec 29, 1946	Indianapolis.
Army	LA	Nash, John Michael	03	Mar 16, 1967	Mar. 21, 1937	Tipton.
Air Force	VN	Nellans, William Lee	04	Nov 2, 1973	Dec. 29, 1936	Warsaw
Army	VS	Newburn, Larry Stephen	E3	Aug 29, 1967	Sept 10, 1947	Kokomo
Army	VS	Padgett, David Eugene	04	Oct. 15, 1979	June 2, 1944	Washington.
Navy	VS	Parker, Thomas Aquinas	E6	Apr 5, 1967	Dec. 31, 1937	Oxford.
Air Force	VN	Poor, Russell Arden	04	Oct 29, 1974	Sept. 15, 1935	Warsaw
Navy	VS	Posey, George Ray	E3	Sep 5, 1968	July 27, 1948	Anderson.
Air Force	VN	Robinson, Kenneth Dale	06	Feb 5, 1979	June 30, 1935	Indianapolis
Navy	VS	Rogers, Bill Lee	E3	Dec. 1, 1969	June 13, 1948	Gary
Air Force	LA	Rogers, Charles Edward	04	May 4, 1967	Nov 16, 1928	Gary
Navy	VS	Schoonover, Charles David	04	Jan 16, 1966	Sept. 18, 1931	Indianapolis.
Army	LA	Smith, Ronald Eugene	E7	Nov 28, 1970	Mar. 29, 1940	Covington.
Navy	VN	Soucy, Ronald Philip	E6	May 23, 1967	Jan. 18, 1937	Whiting Lake
Marine Corps	VS	Staehli, Bruce Wayne	E5	June 22, 1975	Sept. 24, 1948	Crow Point Lake
Air Force	VN	Stolz, Lawrence Gene	04	Oct 11, 1979	Nov 24, 1945	Haubstadt.
Air Force	VN	Stonebraker, Kenneth Arnol	04	July 8, 1975	Dec 25, 1938	Hobart.
Air Force	VN	Stuart, John Franklin	05	Aug. 8, 1978	July 26, 1933	Indianapolis.
Army	VS	Stuckey, John Steiner, Jr	E3	Nov 11, 1967	May 30, 1946	Cloverdale.
Army	VS	Trampski, Donald Joseph	E6	Oct 23, 1978	Aug. 16, 1948	Chesterton.
Navy	VN	Wade, Barton Scott	04	Aug. 24, 1976	Aug 24, 1926	Jasper.
Air Force	CB	Wagner, Raymond Anthony	E3	Mar. 27, 1972	Oct 22, 1951	Evansville

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	LA	Walters, Tim Leroy	E6	Mar. 9, 1969	Feb. 24, 1943	South Bend.
Army	VS	Whittle, Junior Lee	E4	Sept. 24, 1966	Nov. 8, 1947	Indianapolis.
Air Force	VN	Wilson, Gordon Scott	04	Feb. 4, 1974	June 3, 1940	Hobart.
Air Force	LA	Wright, Thomas Thawson	05	July 24, 1979	Oct. 2, 1934	Gary.
Army	VS	Yeakley, Robin Ray	E4	June 11, 1972	July 24, 1948	South Bend.
Army	VS	Young, Jeffrey Jerome	E3	Apr 4, 1970	July 18, 1950	Indianapolis.
Iowa (41):						
Air Force	VN	Adams, Steven Harold	E7	July 18, 1973	Sept. 25, 1944	Spencer.
Air Force	LA	Ayers, Richard Lee	06	June 29, 1978	Feb. 18, 1933	Waterloo.
Army	VS	Clark, Jerry Prosper	W3	Oct. 26, 1973	June 8, 1940	Davenport.
Army	LA	Cohron, James Derwin	E7	July 5, 1978	Nov. 11, 1938	Centerville.
Air Force	LA	Cook, Dwight William	02	Sept. 21, 1972	July 8, 1948	Center Point.
Air Force	VN	Cook, Kelly Francis	06	Aug 9, 1976	May 2, 1922	Sioux City
Marine Corps	VS	Cross, Ariel Lindley	04	Nov 20, 1978	Jan. 7, 1944	Des Moines.
Air Force	VN	Cuthbert, Bradley Gene	04	May 22, 1975	Nov. 23, 1940	Fort Madison.
Navy	VN	Davis, Francis John	04	Jan. 16, 1974	Oct. 21, 1938	Montrose.
Air Force	LA	Eilers, Dennis Lee	03	Dec. 1, 1977	Dec. 6, 1938	Cedar Rapids.
Air Force	LA	Gourley, Laurent Lee	04	Nov. 29, 1978	Sept. 5, 1944	Villisca.
Air Force	VS	Griffey, Terrence Hastings	02	May 26, 1966	Nov. 5, 1940	Fort Dodge.
Army	LA	Hamilton, Dennis Clark	W3	Jan. 8, 1979	May 4, 1946	Barnes City.
Air Force	LA	Herrick, James Wayne, Jr	03	Nov 21, 1977	Oct. 28, 1944	Panora.
Navy	VS	Hise, James Hamilton	02	Mar. 25, 1967	Apr. 29, 1941	Des Moines.
Air Force	VN	Holmes, Lester Evan	06	July 15, 1975	July 24, 1919	Plainfield.
Marine Corps	VS	Killen, John Dewey, III	E3	June 30, 1967	Aug. 23, 1948	Des Moines.
Air Force	VN	Killian, Melvin Joseph	06	Sept. 30, 1965	Jan. 31, 1922	Council Bluffs.
Air Force	LA	King, Charles Douglas	E8	May 5, 1978	Mar. 29, 1946	Muscatine.
Navy	VN	Krommenhoek, Jeffrey Marti	04	Mar. 4, 1977	Oct. 27, 1940	Sioux City
Navy	VN	Leonard, Robert Bruce	E5	Oct. 2, 1969	May 8, 1946	Des Moines.
Air Force	VN	Lewis, Merrill Raymond, Jr	06	Jan. 15, 1979	Aug. 17, 1932	Indianola.
Air Force	LA	Lint, Donald Michael	E8	Sept. 11, 1978	Sept. 17, 1948	Des Moines.
Air Force	LA	Martin, Russell Dean	04	Jan. 13, 1979	June 22, 1937	Bloomfield.
Navy	VN	McGrane, Donald Paul	E5	July 19, 1967	Dec. 18, 1942	Waverly.
Navy	LA	Milius, Paul Lloyd	06	Apr 26, 1979	Feb. 11, 1928	Waverly
Air Force	VS	Morrison, Glenn Raymond, Jr	05	June 19, 1979	Apr. 11, 1936	Mason City
Army	VS	O'Hara, Robert Charles	E7	Apr 23, 1979	May 18, 1949	Lost Nation.
Army	VS	Palen, Carl Anthony	E6	Aug. 22, 1978	Apr. 11, 1947	Dubuque.
Air Force	LA	Paxton, Donald Elmer	06	Sept. 24, 1973	Oct 3, 1928	Cedar Rapids
Air Force	LA	Pittmann, Alan Dale	E9	Apr. 4, 1978	Mar. 27, 1945	Shelby.
Navy	VN	Pitzen, John Russell	05	Mar 1, 1978	Apr. 4, 1934	Stacyville.
Air Force	LA	Rex, Robert F	03	Mar 9, 1969	Nov 28, 1941	Odebolt.
Navy	VS	Roggow, Norman Lee	02	Oct. 8, 1967	Aug. 25, 1941	Aurelia.
Army	VS	Schimberg, James Philip	E4	Jan. 10, 1967	Dec 14, 1942	Cedar Rapids.
Army	VS	Scull, Gary Bernard	04	Oct. 16, 1978	Sept. 26, 1940	Harlan.
Army	VS	Sparks, Donald Lee	E7	Nov 5, 1979	Nov 7, 1946	Caroll.
Air Force	LA	Thomas, Daniel Wayne	03	Oct. 11, 1979	Sept. 4, 1946	Danbury.
Air Force	LA	Warren, Gray Dawson	03	Oct. 26, 1969	May 22, 1942	Des Moines.
Air Force	LA	Whitford, Lawrence W., Jr	06	May 22, 1979	June 9, 1929	Cedar Falls.
Navy	VS	Wood, Rex Stewart	04	June 2, 1967	June 25, 1934	Moulton.
Kansas (40):						
Air Force	LA	Adam, John Quincy	E8	June 21, 1978	Dec. 22, 1947	Bethel.
Marine Corps	VS	Allgood, Frankie Eugene	05	Mar. 26, 1968	May 1, 1930	Fort Scott.
Navy	LA	Anderson, Denis Leon	02	Jan. 11, 1968	Oct. 24, 1942	Hope
Marine Corps	VS	Bennefeld, Steven Henry	E2	July 29, 1967	Dec. 24, 1947	Girard
Marine Corps	VS	Breeding, Michael Hugh	02	Feb. 12, 1970	Mar. 19, 1945	Blue Rapids.
Navy	VN	Christian, David Marion	02	June 2, 1965	Jan 15, 1941	Lane.
Air Force	VN	Claflin, Richard Ames	04	May 28, 1974	July 2, 1939	Kansas City.
Air Force	LA	Donovan, Michael Leo	03	June 25, 1974	Nov 9, 1944	Norton.
Air Force	LA	Gillen, Thomas Eldon	05	Feb 18, 1970	May 8, 1933	Kingman.
Air Force	VN	Graham, Dennis Lee	03	Jan. 22, 1974	May 11, 1941	Greensburg.
Air Force	LA	Harrold, Patrick Kendal	03	Nov 19, 1973	Dec. 17, 1944	Fort Leavenworth.
Marine Corps	VS	Hendrix, Jerry Wayne	E6	July 11, 1972	Dec 27, 1942	Wichita.
Air Force	LA	Hoskins, Charles Lee	03	Nov 27, 1973	Aug 5, 1944	Shawnee Mission.
Air Force	VN	Jewell, Eugene Millard	03	Sept. 4, 1965	Jan. 15, 1941	Topeka.
Air Force	VS	Karst, Carl Frederick	06	Feb 8, 1974	Oct 27, 1930	Galatia.
Air Force	VN	Klenda, Dean Albert	03	May 28, 1974	Aug. 20, 1940	Manhattan.
Marine Corps	VS	La Plant, Kurt Elton	E3	June 6, 1968	Dec. 11, 1948	Lenexa.
Air Force	VN	Lehnhoff, Edward William, Jr	05	Apr 4, 1978	Mar. 14 1936	Fort Scott.
Navy	VN	Lindahl, John Carl	03	Jan. 6, 1973	Mar. 28, 1941	Lindsborg
Air Force	VS	Long, George Wendell	E3	May 12, 1968	Sept. 30, 1948	Medicine.
Air Force	VN	Martin, Larry Eugene	04	Aug. 19, 1974	Feb. 11, 1940	Wakefield.
Air Force	VN	McCubbin, Glenn Dewayne	04	May 9, 1978	Aug 21, 1942	Almena.
Marine Corps	VS	McGonigle, William Dee	E2	May 10, 1968	Oct. 29, 1948	Wichita.
Army	VS	McKain, Bobby Lyn	W2	May 3, 1968	Feb. 11, 1946	Garden City.
Navy	VN	Moore, William Ray	E5	Oct. 2, 1969	Dec. 21, 1945	Princeton.
Navy	VS	Mowrey, Richard Lynn	02	Dec. 14, 1966	Apr. 1, 1943	Shawnee Mission.
Navy	VS	Neth, Fred Albert	04	Jan. 16, 1966	Mar. 17, 1932	Fort Scott.
Navy	VS	Patton, Ward Karl	E6	July 27, 1968	Jan. 18, 1934	Fontana.
Air Force	LA	Pugh, Dennis Gerard	03	Jan. 28, 1982	Feb. 10, 1944	Salina.
Army	VS	Robinson, Floyd Henry	E6	July 8, 1975	Jan. 28, 1949	Burlington.
Army	VS	Romine, Albert W	E4	May 16, 1968	Mar. 1, 1945	Burlingame.
Army	VS	Schultz, Ronald James	E6	Aug. 14, 1978	May 27, 1948	Hillsboro
Navy	VN	Shank, Gary Leslie	03	Aug 9, 1974	Mar 16, 1947	Prairie Village.
Air Force	VS	Smith, Richard Dean	04	Dec. 1, 1977	Aug 16, 1937	Wichita.
Air Force	LA	Standerwick, Robert L., Sr	06	June 20, 1980	June 23, 1930	Mankato.
Air Force	LA	Sutter, Frederick John	03	July 7, 1978	Feb 26, 1946	Leawood
Navy	VS	Thompson, William Joseph	04	Jan. 16, 1968	Dec. 13, 1930	Kansas City
Navy	VN	Tiderman, John Mark	04	Mar 21, 1966	Aug 23, 1934	Kansas City
Army	VS	Welsh, Larry Don	E6	Feb. 11, 1974	June 16, 1947	Kansas City
Marine Corps	VS	Zutterman, Joseph A., Jr	E5	Apr. 20, 1968	Oct. 3, 1944	Marysville
Kentucky (22).						
Navy	LA	Ashby, Clayborn Willis, Jr	E5	Feb. 17, 1968	Nov 16, 1946	Louisville
Air Force	VN	Begley, Burriss Nelson	06	Apr. 4, 1978	Nov. 6, 1925	Hyden.
Army	VS	Bullock, Larry Alan	E3	Jan. 1, 1967	Jan. 1, 1947	Somerset.
Army	VS	Byrd, Hugh McNeil, Jr	03	Jan. 11, 1974	Oct. 22, 1943	Berea.
Air Force	LA	Davis, Charlie Brown, Jr	05	May 28, 1974	Jan. 18, 1929	Daysboro.
Air Force	VS	Dawson, James Vernon	03	July 16, 1969	Feb 16, 1940	Ashland.
Army	VS	Hale, John Douglas	02	Mar. 8, 1971	Dec. 7, 1942	Brandenburg.
Marine Corps	CB	Hall, Gary L	E2	July 21, 1976	July 26, 1956	Covington.
Air Force	VS	Hunt, Leon Andrew	E5	June 18, 1972	Aug. 7, 1949	Pleasure Ridge Park.
Air Force	LA	Madison, William Louis	E9	Jan 24, 1978	Nov 3, 1935	Lexington.
Air Force	VN	Mateja, Alan Paul	04	Feb. 1, 1980	July 29, 1945	Louisville.
Army	LA	Milliner, William Patrick	W3	Dec. 6, 1978	June 12, 1950	Louisville.
Air Force	VS	Mitchell, Carl Berg	04	Jan. 14, 1964	Sept. 2, 1928	Mount Sterling

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U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Marine Corps	VS	Mitchell, Donald Wayne	E3	May 10, 1968	May 20, 1947	Princeton.
Air Force	VN	Morrison, Joseph Castleman	06	Oct. 26, 1973	Nov 13, 1930	Lexington.
Marine Corps	VS	Prather, Martin William	E3	Sept. 5, 1967	June 9, 1947	Louisville.
Air Force	VN	Ross, Joseph Shaw	03	Mar 12, 1975	Jan. 26, 1943	Fort Thomas.
Air Force	LA	Shelton, Charles Ervin	06	Apr. 29, 1965	Apr 29, 1932	Owensboro.
Army	VS	Stringer, John Curtis, II	03	Oct. 30, 1978	Jan. 12, 1946	Hazard.
Navy	VS	Tapp, John Bethel	04	Mar. 23, 1966	Sept. 6, 1933	Harrodsburg.
Air Force	LA	Thomas, Leo Tarlton, Jr	03	Dec 19, 1971	Dec. 24, 1940	Georgetown.
Air Force	VN	Williamson, Don Ira	06	Jan 15, 1979	Dec 1, 1930	Louisville
Louisiana (35):						
Air Force	LA	Armstrong, Frank Alton, III	04	Oct 6, 1967	Mar. 7, 1930	Shreveport.
Air Force	VS	Belcher, Robert Arthur	04	Mar 28, 1969	Aug 11, 1935	Baton Rouge
Air Force	LA	Bogard, Lonnie Pat	04	July 26, 1978	May 11, 1942	Mataime.
Army	VS	Calloway, Porter Earl	E6	Mar 12, 1968	Jan 16, 1947	Bernice
Air Force	LA	Coady, Robert Franklin	04	July 26, 1974	Sept 11, 1939	New Orleans
Army	VS	Cozart, Robert Gordon, Jr	04	Feb 27, 1979	Mar 27, 1947	Hammond
Army	VS	Croxdale, Jack Lee, II	E4	Nov 19, 1967	Nov 20, 1948	Lake Charles
Air Force	VN	Dardeau, Oscar Moise, Jr	06	May 28, 1974	Dec 11, 1931	Vile Platte
Air Force	LA	Finn, William Robert	03	June 29, 1978	Aug 15, 1947	Metairie.
Army	LA	Gates, James Wayne	05	Oct. 28, 1977	Dec. 30, 1933	Mer Rouge.
Air Force	LA	Grace, James William	04	June 8, 1976	Dec. 20, 1939	New Iberia
Army	VS	Guillory, Edward Joseph	E9	Apr. 17, 1978	Jan. 8, 1932	De Ridder.
Army	VS	Guillory, Hubia Jude	E3	Apr. 25, 1968	Oct. 17, 1947	New Orleans
Marine Corps	VS	Hellbach, Harold James	03	May 19, 1967	Sept. 21, 1942	New Orleans
Air Force	LA	Hensley, Thomas Truett	03	May 28, 1974	July 24, 1938	Lafayette
Air Force	VS	Jackson, Carl Edwin	03	June 27, 1965	Jan. 28, 1930	Natchitoches
Air Force	LA	Liles, Robert Leonel, Jr	04	Dec 21, 1972	Apr. 11, 1940	Shreveport.
Air Force	VN	Lindsey, Marvin Nelson	05	June 29, 1965	Jan. 20, 1929	Springhill
Air Force	LA	Magee, Ralph Wayne	02	Mar 23, 1961	Sept. 28, 1931	Port Sulphur.
Air Force	VN	McCleary, George Carlton	06	Nov 2, 1973	Oct 19, 1922	Baton Rouge.
Army	VS	Metoyer, Bryford Glenn	02	Jan. 18, 1964	Dec 19, 1938	Oakdale
Air Force	VS	Moore, Thomas	E9	Dec. 31, 1965	Dec 9, 1929	Baton Rouge
Army	VS	Morgan, William Joor	04	Feb. 25, 1972	Feb 11, 1938	Baton Rouge
Army	VS	Pharris, William Valrie	E3	July 7, 1966	Sept. 11, 1946	Lake Charles.
Air Force	VN	Poole, Charlie Sherman	E9	June 8, 1979	June 7, 1932	Gibsland
Marine Corps	VS	Prewitt, William Roland	E3	Aug 1, 1967	Sept. 28, 1946	Florien
Air Force	LA	Primm, Severo James, III	02	Feb. 5, 1973	Nov 3, 1947	New Orleans.
Air Force	VS	Serex, Henry Muir	05	July 20, 1978	May 9, 1931	New Orleans
Air Force	LA	Smith, Harry Winfield	04	Jan. 25, 1979	June 30, 1941	Baton Rouge
Army	CB	Smoot, Curtis Richard	E6	Oct. 30, 1978	Dec 9, 1949	Varnado.
Air Force	LA	Stewart, Virgil Grant	02	May 17, 1969	Oct. 10, 1942	Baton Rouge
Navy	VN	Terrell, Keavin Lee	E4	Oct. 2, 1969	Oct 5, 1949	Baton Rouge
Army	CB	Varnado, Michael Banard	W2	Sept. 21, 1970	Sept. 10, 1948	Ferriday
Air Force	LA	Walker, Michael Stephen	03	Oct 5, 1973	Aug. 29, 1941	Columbia
Marine Corps	VN	Williams, David Beryl	04	May 3, 1972	Aug 6, 1941	Lafayette
Maine (15):						
Navy	VS	Avore, Malcolm Arthur	03	July 18, 1965	Aug. 25, 1938	Hallwell
Army	VS	Brooks, John Henry Ralph	E6	Feb 11, 1974	Apr 8, 1949	Bryant Pond
Air Force	LA	Churchill, Carl Russell	02	May 3, 1970	July 8, 1945	Bethel
Air Force	VN	Darcy, Edward Joseph	E9	Apr. 27, 1978	June 19, 1938	Portland
Army	VS	Dority, Richard Clair	E5	Nov 4, 1971	Jan. 27, 1952	Dover-Foxcroft.
Air Force	VS	Duffy, John Everett	03	June 29, 1978	Jan. 23, 1946	Portland
Marine Corps	VS	Dyer, Blenn Colby	E3	Apr 27, 1967	June 1, 1944	Standish.
Air Force	LA	Getchell, Paul Everett	05	Mar 21, 1979	Oct. 12, 1936	Portland
Navy	VN	Graustein, Robert Stewart	04	Mar. 3, 1975	Sept 29, 1939	Fryeburg
Army	VS	Hall, Walter Louis	02	June 10, 1965	Feb. 25, 1940	Old Town.
Navy	VN	Hanley, Terence Higgins	03	May 24, 1973	Mar 16, 1942	Gardiner
Air Force	VS	Harvey, Jack Rockwood	03	Jan. 9, 1980	Sept. 14, 1947	Gardiner
Army	LA	Huntley, John Norman	E3	Sept 27, 1969	Mar 1, 1951	Portland
Navy	VS	Kustigian, Michael John	E7	Sept 13, 1979	Mar. 9, 1949	Worchester
Navy	VS	Musetti, Joseph Tony, Jr	E5	Sept 28, 1967	Jan. 17, 1943	Hall Quarry
Air Force	LA	Russell, Donald Myrick	06	Dec. 5, 1967	Dec. 28, 1931	Westbrook
Air Force	LA	Sanders, William Stephen	03	June 30, 1970	Apr 27, 1943	Winthrop
Navy	VS	Taylor, Neil Brooks	02	Sept. 14, 1965	July 18, 1940	Rangeley
Marine Corps	NV	Vlahakos, Peter George	E6	Feb 1, 1966	Apr. 12, 1935	Auburn.
Maryland (37):						
Air Force	VS	Blankenship, Charles Herma	03	July 7, 1967	Apr 11, 1938	Suitland.
Air Force	LA	Brandenburg, Dale	E4	Feb 5, 1973	Nov 11, 1948	Capitol Heights
Air Force	VS	Call, John Henry, III	02	Apr 6, 1972	Feb 9, 1947	Potomac.
Air Force	LA	Caniford, James Kenneth	E8	Apr 3, 1978	Aug 26, 1948	Frederick.
Navy	VN	Cook, Wilmer Paul	04	Dec. 22, 1967	Oct. 1, 1932	Annapolis
Air Force	VN	Cooper, Richard Waller, Jr	04	July 25, 1978	Nov 18, 1942	Salisbury
Marine Corps	CB	Copenhaver, Gregory Scott	E3	May 15, 1975	July 21, 1955	Port Deposit.
Army	LA	Davidson, David Arthur	E6	Oct. 6, 1971	Mar. 8, 1947	East Riverdale
Army	VS	Dolan, Thomas Albert	E6	Sept 5, 1978	Aug. 15, 1948	Baltimore
Air Force	LA	Flanagan, Sherman E., Jr	05	July 21, 1968	Apr 8, 1930	Westminster
Army	VS	Geist, Stephen Jonathan	E6	Jan. 24, 1974	Apr. 12, 1946	Silver Spring.
Marine Corps	VS	Hamilton, Roger Dale	E7	Mar. 27, 1978	Aug. 16, 1948	Baltimore
Air Force	VN	Harris, Jeffrey Lyndol	03	May 10, 1972	May 28, 1943	Clinton.
Air Force	VN	Hicks, Terrin Dinsmore	05	June 7, 1978	Oct 1, 1936	Silver Spring
Air Force	VN	Hilton, Robert Lane	E4	Mar 14, 1966	Jan 13, 1936	Baltimore
Navy	VN	Hodges, David Lawton	03	Oct. 7, 1967	Nov 21, 1937	Chevy Chase
Army	VS	Johns, Vernon Zigman	E6	July 5, 1978	Dec. 23, 1942	Baltimore
Air Force	LA	Kieffer, William Lewis, Jr	05	Feb 11, 1970	Aug 19, 1924	Greenbelt.
Air Force	VN	Kilcullen, Thomas Michael	03	Aug 26, 1967	Nov 25, 1943	Adelphi.
Army	VS	Lancaster, Kenneth Ray	E6	Mar 6, 1978	June 24, 1946	Silver Spring
Navy	VS	MacLaughlin, Donald C., Jr	02	Jan. 2, 1966	May 21, 1941	Baltimore.
Army	LA	May, David Murray	03	Dec. 5, 1973	Jan. 29, 1945	Hyattsville.
Army	VS	Moore, Maurice Henry	E6	Mar 16, 1977	July 1, 1947	Baltimore.
Air Force	VN	Olds, Ernest Arthur	06	May 2, 1978	July 14, 1934	Salisbury
Navy	VS	Payne, Kylis Therod	E3	June 5, 1972	Mar 31, 1951	Baltimore
Army	VS	Powers, Vernie Homer	E3	Dec. 24, 1967	Mar 12, 1947	Baltimore.
Navy	VS	Sause, Bernard Jacob, Jr	E3	Feb. 27, 1967	Mar 1, 1944	Baltimore.
Air Force	LA	Shay, Donald Emerson, Jr	04	Jan. 28, 1981	Mar. 16, 1946	Linthicum Heights.
Air Force	LA	Smith, Victor Arlon	03	Jan. 17, 1969	Feb 28, 1943	Silver Spring.
Navy	VS	Sparenberg, Benard John	E7	Feb 5, 1966	Mar 27, 1929	Baltimore.
Navy	VN	Stegman, Thomas	04	May 10, 1973	July 13, 1938	Catonsville
Army	VS	Watkins, Robert James, Jr	W2	Oct. 8, 1969	June 10, 1942	Fort Meade
Air Force	LA	West, John Thomas	03	Jan. 8, 1974	July 26, 1942	Baltimore.
Army	VS	Wills, Francis Desales	E3	Feb 27, 1967	Oct 18, 1944	La Plata
Marine Corps	VS	Worth, James Frederick	E4	Jan. 17, 1977	Dec. 11, 1951	Hillside
Air Force	VN	Wright, David Irvin	04	Nov. 13, 1970	Jan. 30, 1935	Annapolis.
Air Force	LA	Wright, Donald Lee	E8	Nov. 10, 1975	July 2, 1938	Mount Savage

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Massachusetts (60):						
Army	VS	Allen, Wayne Clouse	E6	Aug. 14, 1978	Mar. 17, 1948	Tewksbury.
Air Force	VS	Avery, Allen Jones	E6	Apr. 6, 1972	Feb. 22, 1943	Auburn.
Army	VS	Baxter, Bruce Raymond	E8	Nov. 8, 1967	Sept. 28, 1931	Lowell.
Air Force	VN	Beresik, Eugene Paul	04	May 31, 1968	Mar. 3, 1933	Webster.
Marine Corps	VS	Berube, Kenneth Allen	02	Aug 11, 1967	Oct. 30, 1943	Monson.
Air Force	VS	Bifolchi, Charles Lawrence	04	May 3, 1978	Oct. 27, 1943	Quincy
Navy	VN	Boles, Warren William	02	Jan. 18, 1968	Dec. 14, 1940	Marblehead Neck.
Army	CB	Boronski, John Arthur	E7	Nov. 27, 1978	July 24, 1944	Ware.
Army	LA	Bott, Russell Peter	E8	Nov 17, 1978	Sept. 5, 1936	Worchester.
Navy	VN	Coakley, William Francis	04	Aug. 13, 1966	Aug. 12, 1933	Lenox.
Army	CB	Cochrane, Deverton C	E7	Aug. 29, 1978	Dec. 15, 1948	Brookline.
Navy	VN	Collamore, Allan Philip, Jr	04	June 6, 1975	Dec. 22, 1938	Worcester.
Marine Corps	VS	Cook, Joseph Francis	E3	May 10, 1968	Jan. 15, 1949	Foxboro.
Marine Corps	VS	Czerwonika, Paul Steven	E2	May 10, 1968	May 20, 1949	Stoughton.
Navy	LA	Donato, Paul Nicholas	E6	Feb. 17, 1968	Mar. 14, 1940	Boston.
Navy	CH	Dunn, Joseph Patrick	05	Nov 20, 1981	Sept. 17, 1942	Hull.
Navy	VS	Earle, John Stiles	03	June 22, 1970	July 3, 1941	Westfield.
Air Force	VN	Elliot, Robert Malcolm	05	June 7, 1979	Nov. 8, 1929	Springfield.
Army	LA	Fitts, Richard Allan	E6	Jan. 15, 1975	Feb. 23, 1946	Abington.
Army	VS	Fitzgerald, Joseph Edward	E6	July 8, 1975	Nov. 25, 1948	Northbridge.
Navy	VN	Frawley, William David	04	May 10, 1973	Nov. 14, 1938	Brockton.
Air Force	LA	Garside, Frederick Thomas	E5	Mar. 23, 1961	Nov 16, 1936	Plymouth.
Marine Corps	VS	Gaughan, Roger Conrad	E4	May 1, 1967	June 24, 1946	Belchertown.
Navy	VN	Graves, Richard Campbell	01	May 25, 1967	Aug. 5, 1944	Sunderland.
Navy	VS	Greenleaf, Joseph Gales	03	Apr 14, 1972	Oct. 6, 1944	West Newton.
Air Force	LA	Hardy, Arthur Hans	03	Nov 10, 1976	Nov. 7, 1948	Ipswich.
Army	VS	Harper, Richard K	W2	May 20, 1966	Oct. 2, 1941	Burlington.
Air Force	VS	Hauer, Robert Douglas	03	Mar. 16, 1978	Nov 29, 1946	Brookline
Army	VS	Henn, John Robert, Jr	W2	Feb. 6, 1974	Feb. 11, 1948	Sutton.
Navy	VN	Herrin, Henry Howard, Jr	E8	May 24, 1973	Mar. 18, 1933	West Springfield.
Air Force	LA	Holmes, David Hugh	05	Nov 6, 1978	Mar. 26, 1938	Belmont.
Marine Corps	VS	Holt, Robert Alan	03	Sept. 19, 1968	June 13, 1942	Reading
Air Force	VS	Kaster, Leonard Lee	02	Aug. 6, 1964	Sept. 24, 1938	Holyoke.
Army	VS	Kelley, Daniel Martin	E4	Apr. 25, 1968	June 22, 1947	Dorchester.
Army	LA	King, Paul Chester, Jr	E3	May 4, 1968	Mar. 17, 1949	Waltham.
Army	VS	Kinsman, Gerald Francis	02	Jan. 15, 1971	June 12, 1945	Foxboro.
Navy	VN	Leaver, John Murray, Jr	05	May 8, 1972	Aug. 17, 1933	Arlington.
Navy	VN	Loheed, Hubert Bradford	06	July 25, 1975	Oct. 15, 1924	Middleboro.
Air Force	VN	McCann, Henry Elmer	06	July 11, 1978	Dec. 11, 1931	Marblehead.
Air Force	VN	Magnusson, James A., Jr	04	Apr 4, 1965	Oct. 14, 1934	Nahant.
Air Force	LA	McKenney, Kenneth Dewey	E7	July 2, 1975	Apr. 3, 1945	Auburn.
Air Force	VN	McLaughlin, Arthur Vincent	E9	Aug. 16, 1978	Mar. 11, 1934	Roxbury.
Navy	VS	Miller, Carleton Pierce, Jr	02	Jan. 6, 1971	June 23, 1944	Melrose.
Marine Corps	LA	Morin, Richard Girard	03	Dec. 20, 1968	July 8, 1944	Tweksbury.
Marine Corps	LA	Mullen, William Francis	04	May 5, 1976	Mar. 28, 1935	Brockton.
Air Force	VN	Overlock, John Francis,	05	Oct. 9, 1975	Apr. 6, 1936	Springfield.
Navy	VN	Painter, John Robert, Jr	03	June 18, 1971	Mar. 15, 1945	Vineyard Haven.
Marine Corps	VS	Rogers, Edward Fraocis	E2	Mar. 12, 1968	Sept. 29, 1948	Roslindale.
Navy	VN	Sansone, James Joseph	E3	Aug 10, 1972	Mar. 24, 1950	Norwood.
Army	VS	Smith, William Mark	E5	June 30, 1970	Apr. 2, 1945	Middleboro.
Air Force	LA	Stephenson, Howard David	05	July 31, 1979	Oct. 6, 1937	Bolton.
Navy	VN	Sullivan, James Edward	04	June 28, 1974	Nov. 11, 1942	Hull.
Navy	VN	Sullivan, Martin Joseph	04	Feb. 12, 1967	Jan. 28, 1933	Lawrence.
Marine Corps	VS	Todd, Robert Jacy	E1	May 9, 1967	May 25, 1948	North Easton.
Navy	VN	Tucker, Edwin Byron	05	July 11, 1974	Feb. 1, 1935	Baldwinville.
Army	VS	Walker, Orien Judson, Jr	03	Feb 4, 1966	Sept. 27, 1933	Boston.
Marine Corps	VS	Waterman, Craig Houston	02	July 30, 1967	Oct. 14, 1943	Rehoboth.
Air Force	VS	Wax, David J	02	Dec. 20, 1965	Aug 1, 1941	Brookline.
Marine Corps	VS	Weitz, Monek	E1	May 25, 1969	Dec. 19, 1950	Roxbury.
Air Force	VN	Wrye, Blair Charlton	06	Apr. 16, 1979	May 23, 1929	Auburndale.
Michigan (77):						
Army	VS	Allard, Richard Michael	E6	May 15, 1978	Aug. 24, 1946	Chesaning.
Air Force	VN	Anderson, Robert Dale	06	Feb. 6, 1979	Dec. 25, 1931	Battle Creek.
Air Force	VN	Anderson, Warren Leroy	06	Jan. 9, 1978	Dec. 27, 1932	Camden.
Navy	VN	Austin, Ellis Ernest	05	June 19, 1975	Jan. 6, 1922	Vermontville.
Army	VS	Beckwith, Harry Medfor, III	E5	Mar. 24, 1971	Aug. 18, 1948	Flint.
Marine Corps	VS	Boltze, Bruce Edward	W2	Oct. 6, 1972	Jan. 31, 1938	Flint.
Marine Corps	VS	Borton, Robert Curtis, Jr	E5	Aug. 24, 1977	June 24, 1946	Benton Harbor.
Army	VS	Buckley, Louis, Jr	E7	Jan. 25, 1978	May 20, 1943	Detroit.
Army	VS	Burgess, John Lawrence	E5	June 30, 1970	Apr. 5, 1949	Kingsley.
Air Force	LA	Carroll, Patrick Henry	03	Aug. 23, 1978	Dec. 12, 1942	Allen Park.
Army	VS	Carter, James Devrin	W1	June 13, 1968	Mar 13, 1947	Clarkston.
Navy	VN	Chapman, Rodney Max	04	Feb. 18, 1969	Feb. 26, 1935	Alpena.
Army	VS	Cline, Curtis Roy	E6	Dec. 5, 1974	July 29, 1949	Burlington.
Air Force	VN	Crossman, Gregory John	04	May 9, 1978	Aug. 9, 1941	Sturgis.
Army	VS	Cudlike, Charles Joseph	E4	May 18, 1969	June 16, 1948	Detroit.
Air Force	LA	Dailey, Douglas Vincent	E7	Jan. 7, 1974	June 30, 1936	Waterford
Air Force	LA	Dennany, James Eugene	06	June 21, 1978	Mar. 5, 1935	Mattawan.
Army	CB	Dix, Craig Mitchell	E6	Oct. 27, 1978	Dec. 5, 1949	Livonia.
Army	LA	Dye, Melvin Carnills	E6	Oct. 28, 1977	May 22, 1947	Carleton.
Air Force	VN	Feneley, Francis James	03	May 11, 1966	Jan. 30, 1930	Curtis.
Army	VS	Gauthier, Dennis Lee	E6	June 15, 1977	Aug 8, 1949	Rochester
Marine Corps	VS	Green, Larry Edward	E4	Mar. 26, 1968	Feb, 10, 1947	Mount Morris.
Navy	VN	Greiling, David Scott	05	Sept. 14, 1973	Mar. 25, 1935	Hillsdale
Army	VS	Groth, Wade Lawrence	E6	Sept. 8, 1978	May 14, 1947	Greenville.
Marine Corps	VS	Hammond, Dennis Wayne	E5	Mar. 7, 1970	Apr 26, 1946	Detroit.
Air Force	VN	Hauer, Leslie John	06	Mar. 21, 1979	Jan. 30, 1924	Detroit.
Air Force	VN	Hill, Robert La Verne	E9	July 18, 1973	Sept. 25, 1931	Detroit.
Navy	VS	Holman, Gerald Allan	02	Dec. 14, 1966	Oct. 10, 1939	Northville.
Air Force	VN	Huard, James Linton	03	Sept. 24, 1973	Mar 17, 1946	Dearborn.
Army	VS	Iakovac, John Andrew	E6	Feb. 14, 1978	Apr. 10, 1947	Detroit.
Air Force	VN	Jarvis, Jeremy Michael	04	Apr. 3, 1978	Nov. 5, 1941	Warren.
Navy	VN	Jerome, Stanley Milton	E6	Feb. 18, 1969	Sept. 11, 1937	Detroit.
Army	VS	Johnson, Bruce Gardner	04	Feb 27, 1978	July 15, 1937	Harbor Beach.
Air Force	VN	King, Donald Lewis	06	Jan. 25, 1979	Aug. 28, 1933	Muskegon.
Army	LA	Kipina, Marshall Frederick	E6	Feb. 9, 1978	Dec. 18, 1944	Calumet.
Army	VS	Klimo, James Robert	E6	Sept. 27, 1978	Dec. 28, 1949	Muskegon.
Navy	VS	Klugg, Joseph Russell	03	Nov 14, 1970	July 30, 1943	Okemos.
Marine Corps	VS	Kooi, James Willard	E3	June 11, 1967	Nov 18, 1948	Fruitport.
Army	LA	La Bohn, Gary Russell	E7	Mar. 20, 1979	Dec. 28, 1942	Wixon.
Air Force	LA	Lapham, Robert Granthan	04	Feb. 8, 1968	Feb. 18, 1927	Marshall.
Army	LA	Leonard, Marvin Maurice	W2	Feb. 15, 1971	Feb 1, 1936	Grand Rapids.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Navy	VN	Marvin, Robert Clarence	03	Feb 14, 1967	Feb. 10, 1940	Dexter.
Air Force	VN	Massucci, Martin John	04	Feb. 9, 1978	Nov 1, 1939	Royal Oak.
Army	CB	May, Michael Fredrick	E5	Mar 2, 1969	June 7, 1947	Vassar.
Navy	VS	McCormick, John Vern	02	Dec. 1, 1965	Dec 12, 1939	Burt.
Air Force	VN	Meyer, William Michael	04	May 28, 1974	Nov 22, 1934	Taylor.
Marine Corps	VS	Nahan, John Benedict, III	E3	Aug 3, 1967	June 20, 1945	Allegan.
Army	VS	Nelson, James Raymond	E6	June 5, 1973	Feb 4, 1942	Ludington.
Army	VS	Paul, James Lee	W1	Feb. 5, 1971	Oct. 13, 1948	Riverview.
Army	VS	Perry, Otha Lee	W2	Dec. 14, 1971	May 11, 1941	Detroit.
Navy	VS	Pineau, Roland Robert	E7	Oct. 8, 1967	July 6, 1929	Berkley
Army	VS	Riggs, Thomas Frederick	W3	June 5, 1973	July 24, 1946	Farmington.
Army	VS	Roberts, Richard Dean	E6	July 31, 1978	Apr 30, 1948	Lansing.
Army	VS	Robertson, Mark John	W1	Feb. 10, 1971	Aug 18, 1949	Detroit.
Air Force	LA	Robinson, Lewis Merritt	05	June 4, 1967	Feb. 1, 1921	Saginaw
Army	VS	Ross, Jlynn, Jr	E6	July 26, 1977	Aug. 12, 1946	Detroit
Army	VS	Seablom, Earl Francis	E3	July 18, 1968	Apr 24, 1950	Ishpeming.
Army	VS	Smith, William Arthur, Jr	W2	Oct. 29, 1976	June 24, 1945	Battle Creek.
Navy	LA	Stevens, Philip Paul	02	Jan. 11, 1968	July 26, 1942	Twin Lake.
Air Force	VN	Stroven, William Harry	03	Nov 15, 1973	July 15, 1942	Fremont.
Air Force	CB	Stulbergen, Gene Paul	E5	Nov 27, 1968	June 29, 1934	Augusta
Army	VS	Teran, Refugio Thomas	E6	Sept 29, 1978	May 8, 1949	Westland.
Navy	LA	Thoresen, Donald Nellis	E5	Jan. 11, 1968	Jan. 15, 1937	Detroit.
Navy	VN	Tromp, William Leslie	04	Oct. 24, 1973	Aug 24, 1941	Fennville
Air Force	LA	Tucci, Robert Leon	04	Nov 12, 1969	July 29, 1942	Detroit.
Air Force	VN	Tyler, George Edward	06	Jan. 22, 1979	Jan. 31, 1930	Royal Oak.
Navy	VN	Vescelius, Milton James, Jr	06	Sept. 21, 1967	Nov 16, 1934	Milford.
Air Force	LA	Wagener, David Raymond	03	Oct. 20, 1966	June 22, 1939	Ann Arbor.
Air Force	VS	Walker, Kenneth Earl	03	Oct. 2, 1964	Jan 3, 1935	Lansing
Army	VS	Wallace, Michael John	E7	Feb. 6, 1974	Nov 21, 1939	Ann Arbor
Air Force	VN	Welch, Robert John	06	Jan. 22, 1979	Mar 23, 1926	Detroit
Navy	LA	Widon, Kenneth Harry	E5	Jan. 11, 1968	June 24, 1940	Detroit
Air Force	VS	Wilson, Robert Allan	03	June 18, 1972	Jan. 18, 1944	Detroit.
Navy	VN	Woloszyk, Donald Joseph	04	Oct 31, 1977	Jan. 19, 1942	Alpena.
Navy	VN	Worcester, John Bowers	04	Dec 8, 1975	Apr. 23, 1941	Big Rapids
Air Force	VN	Wozniak, Frederick Joseph	04	Apr 4, 1978	June 11, 1941	Alpena.
Army	VS	Wright, Arthur	E4	Oct. 31, 1977	Feb. 17, 1936	Lansing
Minnesota (46):						
Army	VN	Algaard, Harold Lowell	W1	Mar 4, 1971	July 27, 1948	Fosston.
Air Force	VN	Bailey, John Edward	04	May 10, 1966	Oct. 11, 1936	Minneapolis.
Air Force	VN	Bebus, Charles James	E5	June 9, 1977	Feb 4, 1951	Minneapolis.
Navy	VN	Carlson, Paul Victor	02	Feb. 12, 1967	Mar 18, 1939	Minneapolis
Navy	VN	Christophersen, Keith Alle	02	Jan. 21, 1973	Oct. 22, 1946	South St. Paul
Air Force	VS	Cook, William Richard	06	Mar. 22, 1977	Feb 25, 1924	Redwood Falls.
Air Force	LA	Danielson, Benjamin Frankl	03	Jult 19, 1976	Mar. 31, 1943	Kenyon.
Marine Corps	VS	Erickson, David Wayne	E5	Feb 25, 1976	Feb 24, 1950	Minneapolis.
Air Force	LA	Fellows, Allen Eugene	06	May 5, 1978	Dec. 1, 1931	Minneapolis.
Navy	VN	Forman, William Stannard	04	May 10, 1973	Nov 8, 1936	Pipestone.
Navy	VN	Gosen, Lawrence Dean	04	July 23, 1968	Feb. 4, 1938	Bingham Lake.
Army	VS	Handrahan, Eugene Allen	E7	Jan. 15, 1979	July 30, 1947	St. Paul
Army	VS	Harber, Stephen James	E5	Feb. 6, 1974	May 8, 1948	Fairmont.
Air Force	VN	Harworth, Elroy Edwin	E8	May 28, 1974	Jan. 10, 1942	Elizabeth.
Army	VS	Knutson, Richard Arthur	W2	May 3, 1979	Sept. 11, 1949	Hallock.
Navy	VS	Krech, Melvin Thomas	E6	Apr 6, 1966	Dec 2, 1931	Marine on St. Croix.
Air Force	LA	Lindstrom, Ronnie George	03	June 7, 1978	June 14, 1944	Duluth.
Army	LA	Lloyd, Allen Richard	E5	Feb 18, 1971	Feb 21, 1949	St. Charles.
Army	VS	Mackedanz, Lyle Everett	E7	Aug 28, 1974	Sept. 16, 1939	Hutchinson.
Navy	VS	Madsen, Marlow Erling	02	Jan 18, 1967	May 24, 1939	Minneapolis.
Navy	VN	Mickelsen, William Emil, Jr	03	Aug 10, 1969	Oct. 25, 1934	Minneapolis
Marine Corps	VS	Mishuk, Richard Edward	E6	Apr 23, 1975	July 11, 1945	St. Paul.
Marine Corps	VN	Murray, Patrick Peter	03	Oct. 7, 1974	Oct. 1, 1942	St. Paul.
Army	LA	Musil, Clinton Allen, Jr	03	May 31, 1971	Feb 1, 1940	Minneapolis.
Navy	VN	Ness, Patrick Lawrence	01	Aug 23, 1967	Nov 22, 1941	Minneapolis.
Army	VS	Olson, Barry A	E6	June 19, 1978	Aug 4, 1947	Albert Lea
Air Force	VS	Peterson, Delbert Ray	04	Feb. 9, 1978	May 11, 1939	Maple Plain.
Navy	VN	Powers, Trent Richard	06	Nov 27, 1973	Aug. 24, 1930	Minneapolis.
Navy	LA	Quinn, Michael Edward	04	May 15, 1978	Aug 21, 1933	Madelia
Marine Corps	VS	Rehn, Gary Lee	E4	Nov 9, 1967	Dec. 14, 1946	Park Rapids
Air Force	LA	Reilly, Lavern George	06	Jan. 3, 1979	Jan. 25, 1926	St. Paul.
Air Force	VN	Reitmann, Thomas Edward	04	Dec. 1, 1965	Dec 8, 1930	Red Wing.
Air Force	VS	Ryder, John Leslie	03	June 2, 1976	July 5, 1946	Chisholm
Army	VS	Schell, Richard John	04	July 5, 1977	July 24, 1944	Minneiska.
Army	VS	Schumann, John Robert	04	July 7, 1966	Feb. 2, 1932	Cokato.
Air Force	VN	Setterquisl, Francis Lesli	03	Sept. 16, 1976	Oct. 5, 1941	Cloquet
Marine Corps	VS	Skarman, Orval Harry	E5	Nov 28, 1975	Mar 11, 1947	Duluth.
Air Force	LA	Spinler, Darrell John	03	June 21, 1967	June 16, 1938	Browns Valley
Army	LA	Sulander, Daniel Arthur	W1	Dec. 2, 1966	Sept. 18, 1943	Minneapolis.
Army	VS	Swanson, Roger Wesley	E6	July 2, 1974	Sept. 8, 1943	St Paul.
Navy	LA	Swanson, William Edward	03	Apr. 11, 1965	Nov 1, 1937	Minneapolis.
Navy	VS	Toms, Dennis Leroy	E2	Nov 21, 1965	Nov 7, 1942	Burerne Rock
Air Force	LA	Walsh, Richard Ambrose, III	06	Oct. 4, 1979	Apr 28, 1926	St. Paul.
Navy	VN	Wiehr, Richard Daniel	E5	Jan. 21, 1973	Sept. 6, 1950	Mankato
Marine Corps	VS	Wilbrecht, Kurt Michael	02	June 7, 1970	Feb. 14, 1944	St Paul
Navy	VS	Zempel, Ronald Lee	E3	Feb. 27, 1967	Dec. 17, 1944	Grand Rapids.
Mississippi (18):						
Air Force	LA	Barras, Gregory Inman	06	Apr. 17, 1979	Oct. 13, 1932	Jackson.
Air Force	VN	Bennett, Thomas Waring, Jr	04	Oct. 9, 1980	Dec. 22, 1942	Natchez.
Army	VS	Bush, Elbert Wayne	E6	Mar 24, 1976	Oct. 13, 1946	Jackson.
Air Force	VS	Cody, Howard Rudolph	03	Nov 24, 1963	Sept 5, 1934	Gulfport.
Air Force	VS	Cutrer, Fred Clay, Jr	03	Aug 6, 1964	Jan 9, 1935	Osyka.
Air Force	LA	Davis, James Woodrow	E5	Mar. 11, 1968	Nov 6, 1939	Waynesboro.
Army	VS	Elliott, Jerry W	E6	Aug 16, 1976	July 14, 1948	Greenville.
Army	VS	Entrican, Danny Day	03	Dec. 6, 1978	Aug 12, 1946	Brookhaven.
Marine Corps	LA	Finney, Charles Elbert	04	Apr 28, 1978	June 5, 1944	Saltville
Air Force	VS	Jones, George Emerson	02	July 7, 1967	Jan. 26, 1942	Aberdeen
Army	VS	Kuykendall, Willie Clyde	E3	Aug. 18, 1971	Aug 4, 1949	Batesville
Air Force	LA	Luna, Carter Purvis	06	Aug 20, 1975	Sept 25, 1928	Hazlehurst.
Air Force	VN	Lunsford, Herbert Lamar	06	June 23, 1976	Sept. 2, 1928	Lauderdale.
Navy	LA	Roberts, Michael Land	E5	Jan. 11, 1968	July 14, 1944	Purvis.
Army	VS	Taylor, Walter Joseph, Jr	E3	Dec. 6, 1970	Oct. 30, 1947	Moss Point.
Marine Corps	VN	Wallace, Charles Franklin	04	Aug. 28, 1967	May 27, 1929	Ellisville.
Air Force	LA	Williams, James Ellis	E8	Jan. 25, 1978	Oct. 24, 1939	Oxford.
Army	VS	Zollicoffer, Franklin	E4	Apr. 27, 1972	Nov 22, 1950	Kosciusko.

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Missouri (51):						
Air Force	VS	Adams, Oley Neal	E5	June 17, 1966	June 27, 1937	Green City.
Air Force	VS	Amos, Thomas Hugh	04	June 23, 1976	Sept. 25, 1940	Republic.
Army	VS	Anspach, Robert Allen	E7	Sept. 11, 1967	Oct. 1, 1933	Macon.
Army	VN	Bezold, Steven Neil	03	Oct. 29, 1968	June 12, 1944	McKittrick.
Air Force	VS	Blassie, Michael Joseph	02	May 11, 1972	Apr. 4, 1948	St. Louis.
Army	VS	Caldwell, Floyd Dean	E6	Dec. 14, 1971	Apr. 15, 1934	St. Louis.
Air Force	LA	Carroll, Roger William, Jr	04	Sept. 21, 1972	July 20, 1939	Kansas City
Air Force	VN	Cherry, Allen Sheldon	03	Aug. 9, 1967	Sept. 14, 1936	University City.
Air Force	LA	Chorlins, Richard David	02	Jan. 11, 1970	July 16, 1945	University City.
Army	LA	Cleve, Reginald David	W1	Mar 22, 1971	Aug 2, 1947	Farmington.
Army	VS	Cramer, Donald Martin	W2	May 31, 1973	Jan. 12, 1946	St. Louis.
Navy	VN	Dean, Donald Chester	E5	Oct. 2, 1969	Jan. 7, 1942	St. Louis.
Air Force	VN	Edmondson, William Rothroc	04	Feb. 9, 1978	Nov 15, 1941	Cassville.
Army	VS	Finley, Dickie Waine	E6	Nov 16, 1976	June 29, 1947	Sweet Springs.
Navy	VN	Fowler, James Jewel	E5	Oct. 2, 1969	Feb 24, 1947	Lamonte.
Air Force	LA	Geoglein, John Winfred	04	June 30, 1970	July 10, 1930	Kirkwood.
Air Force	VN	Gregory, Robert Raymond	05	Nov 19, 1973	Mar. 22, 1932	Cape Girardeau.
Army	CB	Griffin, Rodney Lynn	E5	Jan. 16, 1974	Aug 1, 1948	Centralia.
Navy	VN	Griffith, John Gary	03	Mar. 12, 1968	Jan. 10, 1936	Kansas City.
Air Force	LA	Harris, Stephen Warren	E6	May 28, 1974	July 25, 1949	Springfield.
Army	VS	Hasenback, Paul Alfred	E6	May 29, 1974	May 11, 1947	Freeburg.
Air Force	VS	Hemmel, Clarence Joseph	03	Oct. 21, 1967	Oct. 30, 1941	Jefferson City.
Air Force	LA	Hess, Frederick William, Jr	04	May 22, 1979	Oct. 20, 1943	Kansas City.
Navy	VS	Hill, Charles Dale	E2	May 15, 1967	Nov. 24, 1947	Rolla.
Marine Corps	VN	Humphrey, Galen Francis	E7	Feb. 1, 1966	Aug 28, 1927	St. Joseph.
Army	VS	Laws, Delmer Lee	E7	July 30, 1967	Aug 7, 1935	Mineral Point.
Navy	VN	Marik, Charles Weldon	04	May 16, 1973	Apr 14, 1939	Oakland.
Air Force	VN	Miller, Carl Dean	06	Jan. 3, 1979	Jan 28, 1931	Marshall.
Air Force	LA	Morley, Charles Frank	04	July 24, 1979	Feb 12, 1942	Warrensburg.
Navy	VN	Murray, Joseph Vaughn	02	Feb. 18, 1966	Oct. 29, 1941	Chillicothe.
Air Force	VS	Offutt, Gary Phelps	02	Oct. 1, 1965	Apr 4, 1940	Stewartsville.
Navy	VN	Owen, Clyde Childton	E4	Dec. 15, 1970	July 23, 1947	Elkland
Marine Corps	VS	Plassmeyer, Bernard Herber	02	Apr. 7, 1976	May 5, 1945	Freeburg.
Army	VS	Prevedel, Charles Francis	E7	Sept. 25, 1978	Nov 18, 1943	Florissant.
Air Force	VN	Ragland, Dayton William	06	July 19, 1973	Dec 16, 1927	Kansas City.
Marine Corps	VS	Reiter, Dean Wesley	02	Sept. 25, 1966	Oct 10, 1942	Manchester.
Marine Corps	VS	Richman, Dwight Gray	03	Apr 1, 1978	Jan 4, 1947	Joplin.
Army	VS	Robinson, Edward	E6	Mar 9, 1970	Mar 22, 1942	Kansas City.
Air Force	VS	Rosenbach, Robert Page	04	Aug. 8, 1978	Aug. 23, 1941	Kirkwood.
Navy	VS	Savoy, M. J.	E3	June 17, 1966	July 26, 1946	University City.
Air Force	VN	Seuell, John Wayne	03	Feb. 27, 1975	Feb 24, 1946	Wheeling
Air Force	VN	Smith, George Craig	04	Sept. 28, 1973	Mar. 6, 1940	St Louis.
Marine Corps	VS	Spindler, John Gates	01	Apr 21, 1968	Feb. 1, 1946	St. Louis.
Army	LA	Suber, Randolph Bothwell	E6	Oct. 30, 1978	May 22, 1947	Ballwin.
Army	VS	Taylor, Danny Gene	E6	Sept. 28, 1966	June 11, 1939	St. Louis.
Navy	LA	Thurman, Curtis Frank	03	Feb. 17, 1968	May 19, 1941	St. James.
Army	LA	Toomey, Samuel Kamu, III	04	Jan. 24, 1974	Dec. 30, 1935	Independence.
Navy	VN	Tye, Michael James	E4	Oct. 2, 1969	Nov 23, 1948	Clinton.
Air Force	VN	Williams, Billie Joe	05	Dec. 9, 1972	June 27, 1932	Malden.
Air Force	LA	Wolfe, Thomas Hubert	03	June 28, 1966	Mar. 4, 1938	Monett.
Air Force	VN	Wood, Patrick Hardy	06	Feb 6, 1967	Jan 23, 1931	Kansas City.
Montana (21):						
Air Force	VN	Allinson, David Jay	05	Nov 12, 1974	Sept. 17, 1932	Helena.
Air Force	LA	Applehans, Richard Duane	04	Apr. 28, 1978	Oct. 29, 1937	Dodson.
Navy	VN	Ashall, Alan Frederick	04	Aug 2, 1978	June 6, 1943	Billings.
Navy	LA	Bouchard, Michael Lora	04	Nov 26, 1973	Nov 1, 1938	Missoula.
Army	LA	Boyer, Alan Lee	E7	Jan. 8, 1979	Mar 8, 1946	Missoula.
Army	VS	Cadwell, Anthony Blake	E2	Oct. 17, 1967	Apr. 9, 1945	Missoula.
Navy	VN	Christensen, William Murre	04	May 10, 1973	Aug. 19, 1940	Great Falls.
Navy	VS	Dempsey, Jack Ishum	E5	June 17, 1966	Aug. 26, 1944	Helena.
Air Force	LA	Dudley, Charles Glendon	03	June 28, 1966	June 30, 1936	Bozeman.
Marine Corps	VS	Havranek, Michael William	E3	June 11, 1967	May 30, 1948	Missoula
Air Force	LA	Holton, Robert Edwin	03	Jan 9, 1974	Apr 8, 1941	Butte.
Navy	VN	Hunt, James D	04	Nov 9, 1973	Dec. 1, 1936	Missoula.
Navy	VS	Letchworth, Edward Norman	02	Feb. 27, 1967	Dec. 21, 1941	Libby.
Army	VS	Magee, Patrick Joseph	E6	Apr. 7, 1976	Sept. 22, 1946	Alder.
Navy	VN	Nordahl, Lee Edward	04	July 11, 1974	June 18, 1939	Choteau.
Air Force	VN	Perry, Randolph Allen, Jr	05	Aug 8, 1978	June 17, 1937	Troy
Marine Corps	VS	Pirker, Victor John	E6	Jan. 31, 1974	June 27, 1940	Trout Creek.
Air Force	VN	Pogreba, Dean Andrew	06	Nov 22, 1977	Mar 16, 1922	Three Forks.
Air Force	LA	Sampson, Leslie Verne	E5	Mar 23, 1961	Apr. 9, 1936	Richey.
Air Force	LA	Willett, Robert Vicent, Jr	04	June 25, 1979	Aug. 5, 1944	Great Falls.
Navy	Vs	Wolfe, Donald Findling	02	Oct. 8, 1967	Aug. 2, 1940	Hardin.
Nebraska (25):						
Army	LA	Biber, Gerald Mack	E5	Apr. 22, 1961	July 27, 1935	Benkelman.
Marine Corps	VS	Booze, Delmar George	03	Jan. 15, 1978	Jan. 7, 1937	Papillion.
Air Force	VN	Bosiljevac, Michael Joseph	04	June 20, 1980	Oct 9, 1945	Omaha.
Air Force	VN	Brennan, Herbert Owen	06	Oct. 18, 1974	Aug. 27, 1926	O'Neill.
Navy	VN	Brenning, Richard David	03	July 26, 1969	Apr 22, 1944	Lincoln.
Navy	VN	Confer, Michael Steele	02	Oct. 10, 1966	Mar. 26, 1942	McCook.
Navy	VN	Cordova, Robert James	E2	Jan. 27, 1968	Aug. 21, 1947	Boystown.
Army	VS	Grella, Donald Carroll	E5	Dec. 29, 1966	Dec. 1, 1940	Laurel.
Air Force	LA	Kahler, Harold	06	Aug. 17, 1979	Jan 27, 1923	Lincoln.
Army	VS	Kier, Larry Gene	E6	Sept. 12, 1978	Sept. 29, 1949	Omaha.
Air Force	LA	Klingner, Michael Lee	02	Apr 6, 1970	July 14, 1945	McCook.
Army	VS	Magers, Paul Gerald	02	June 1, 1971	July 20, 1945	Sidney
Air Force	VN	Maxwell, Samuel Chapman	06	June 21, 1978	July 24, 1927	Omaha.
Air Force	VN	Moorberg, Monte Larue	03	Dec. 2, 1966	July 18, 1939	Grand Island.
Air Force	VS	Newman, Larry Jerome	E6	June 18, 1972	July 19, 1939	North Platte
Marine Corps	VS	Ogden, Howard, Jr.	E3	Oct. 18, 1967	Aug 14, 1948	Omaha
Navy	VN	Peters, Charles Henry	05	July 1, 1966	Jan 30, 1927	West Point.
Marine Corps	LA	Robinson, Larry Warren	04	Jan. 5, 1970	Oct 6, 1937	Randolph.
Navy	VN	Scheurich, Thomas Edwin	05	Nov. 27, 1977	Aug. 19, 1933	Norfolk.
Navy	LA	Smiley, Stanley Kutz	03	July 20, 1969	Jan. 31, 1939	Sidney
Marine Corps	VS	Sprick, Doyle Robert	04	June 17, 1974	Nov 29, 1932	Fort Calhoun
Air Force	VS	Stafford, Ronald Dean	03	Nov. 21, 1972	Jan 3, 1943	Oxford.
Army	LA	Stark, Willie Ernest	E9	Jan. 25, 1978	Oct 7, 1932	Omaha.
Air Force	VN	Walters, Donovan Keith	03	Sept. 16, 1976	Jan 8, 1944	Lebanon.
Army	VS	Zich, Larry Alfred	W3	Nov 30, 1979	Apr 3, 1948	Lincoln.
Nevada (10):						
Air Force	VN	Bower, Joseph Edward	04	Aug 3, 1965	June 21, 1929	Ely
Navy	VS	Cartwright, Patrick G	E4	Jan. 31, 1971	May 8, 1950	Reno.

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Navy	VS	Fransen, Albert Merk, Jr	E4	July 2, 1969	Oct. 9, 1944	Las Vegas.
Army	VS	Hill, Billy David	E7	Dec. 15, 1975	Dec. 17, 1946	Fallon.
Army	VS	Parsons, Michael Duane	03	Apr 3, 1975	May 7, 1945	Reno.
Navy	VN	Perry, Richard Clark	04	Aug 31, 1967	Aug. 9, 1932	Carlin.
Army	VS	Schworer, Ronald Paul	E4	Apr. 10, 1968	July 9, 1946	Las Vegas.
Army	VS	Skivington, William E. Jr	E6	Jan. 11, 1974	July 5, 1948	Las Vegas.
Navy	VN	Vanrenselaar, Larry Jack	05	Nov 13, 1968	Aug. 1, 1945	Las Vegas.
Navy	VS	Whittemore, Frederick H	05	Apr 11, 1968	Dec. 23, 1929	Carson City.
New Hampshire (10):						
Air Force	VS	Alloway, Clyde Douglas	E5	June 7, 1970	Oct. 18, 1937	Portsmouth.
Army	VS	Badolati, Frank Neil	E6	Jan. 29, 1966	Mar. 19, 1933	Goffstown.
Army	LA	Burnett, Sheldon John	06	May 29, 1979	June 9, 1931	Pelham.
Air Force	LA	Ganley, Richard Owen	05	June 29, 1978	Sept. 22, 1940	Keene
Air Force	LA	Helmich, Gerald Robert	06	Sept. 1, 1978	Nov 17, 1931	Manchester
Army	VS	Mulleavey, Quinten Emile	E4	Apr. 3, 1968	Dec. 16, 1947	North Woodstock
Air Force	VN	Page, Albert Linwood, Jr.	04	May 28, 1974	June 28, 1935	Derry
Air Force	VS	Pearson, William Roy	E4	Apr. 6, 1972	Apr 18, 1951	Warner
Air Force	VN	Stickney, Phillip Joseph	E8	June 25, 1974	Dec. 23, 1937	Manchester.
Army	LA	Sullivan, Robert Joseph	E7	July 12, 1967	Nov. 19, 1936	East Alstead.
New Jersey (65):						
Marine Corps	VN	Abrams, Lewis Herbert	06	Feb. 9, 1978	Aug. 17, 1929	Montclair.
Air Force	VS	Adrian, Joseph Daniel	02	Mar. 12, 1967	Aug. 2, 1942	River Edge
Army	LA	Bader, Arthur Edward, Jr	E7	Aug. 21, 1978	July 12, 1934	Atlantic City
Air Force	VS	Bennett, Robert Elwood, III	02	Dec. 13, 1967	Dec. 8, 1942	Springfield
Army	LA	Berg, George Phillip	W1	Feb 18, 1971	July 16, 1946	Belford
Air Force	LA	Bond, Ronald Leslie	03	Feb 6, 1979	Dec. 14, 1947	Haddonfield
Air Force	LA	Braunder, Henry Paul	05	July 25, 1978	Jan. 26, 1936	Franklin Park.
Air Force	VN	Brinckmann, Robert Edwin	06	May 28, 1974	Dec. 31, 1928	Newark.
Air Force	VN	Brunch, Donald William, Jr	02	Apr. 29, 1966	Aug. 27, 1941	Montclair.
Air Force	VN	Chwan, Michael Daniel	03	Sept. 30, 1965	Oct. 26, 1938	Bayonne.
Army	VS	Cichon, Walter Alan	E6	Oct. 15, 1974	Aug. 28, 1946	Farmingdale.
Marine Corps	VS	Collins, Theothis	E3	Aug. 19, 1968	Sept. 27, 1949	Asbury Park.
Air Force	LA	Cressman, Peter Richard	E4	Feb. 5, 1973	May 23, 1951	Wayne
Air Force	LA	Davis, Robert Charles	04	Mar 23, 1969	May 23, 1937	Burlington
Army	LA	Demsey, Walter Edward, Jr	E4	Feb. 18, 1971	Sept. 17, 1949	Glendora
Air Force	LA	Dinan, Davis Thomas, III	02	Mar. 17, 1969	Jan. 26, 1944	Nutley.
Air Force	VN	Dudash, John Francis	06	June 7, 1974	Nov 25, 1929	Manville
Army	LA	Dugan, John Francis	03	Mar 20, 1971	Nov. 10, 1947	Roselle.
Marine Corps	VS	Egan, James Thomas, Jr	03	Feb 3, 1978	May 31, 1943	Mountainside.
Navy	VS	Ehrlich, Dennis Michael	02	Jan. 19, 1967	Jan. 3, 1942	Pompton Plains.
Marine Corps	VS	Foley, John Joseph, III	E3	June 11, 1967	June 11, 1947	Plainfield.
Navy	LA	Fryar, Bruce Carlton	03	June 28, 1974	Mar 28, 1944	Ridgewood
Navy	VN	Glanville, John Turner, Jr	04	June 14, 1966	Mar 18, 1934	Mandham
Marine Corps	VS	Graf, Albert Stephen	02	Aug 29, 1969	Sept. 8, 1944	Bogota
Navy	VN	Haas, Leon Frederick	03	July 17, 1972	Apr 3, 1943	Newton.
Air Force	VN	Herrold, Ned Raymond	03	July 19, 1973	Jan. 8, 1941	New Brunswick.
Navy	VN	Hubbs, Donald Richard	05	Mar 17, 1968	Feb 19, 1926	Palmyra.
Army	VS	Iandoli, Donald	E5	Nov 19, 1967	Sept. 19, 1946	Paterson.
Air Force	LA	Ivan, Andrew, Jr	03	Aug. 23, 1978	Sept. 23, 1944	South River
Marine Corps	VS	Kane, Richard Raymond	04	Feb. 26, 1980	Dec. 15, 1942	Wayne.
Army	LA	Kennedy, James Edward	E6	Jan. 11, 1974	Jan. 2, 1950	Pine Hill.
Air Force	VN	Knapp, Herman Ludwig	06	June 7, 1978	Apr 11, 1929	Rosemont.
Army	CB	Knuckey, Thomas William	02	May 27, 1971	June 2, 1945	Wharton.
Air Force	VS	Kommendant, Aado	04	Jan. 15, 1979	Aug 9, 1941	Lakewood
Army	VS	Konyu, William Michael	W1	Apr 16, 1969	Mar 18, 1947	Phillipsburg.
Army	CB	Kroske, Harold William, Jr	04	Jan. 8, 1979	July 30, 1947	Trenton.
Air Force	VN	Lawrence, Bruce Edward	04	May 9, 1978	Jan 12, 1943	Phillipsburg
Navy	VS	Martin, John Bernard II	03	Oct. 6, 1970	Dec 10, 1945	Upper Montalair.
Air Force	LA	Mascari, Phillip Louis	04	Apr 2, 1979	Dec 3, 1944	Caldwell.
Air Force	LA	Mayercik, Ronald Michael	03	July 28, 1977	Sept. 23, 1943	Edison
Air Force	LA	Maysey, Larry Wayne	E4	Nov 9, 1967	May 18, 1946	Chester
Navy	VS	McDonough, John Ricahrd	03	June 20, 1966	May 10, 1939	South Oraoge.
Air Force	VS	Mirrer, Robert Henry	04	Jan. 17, 1971	Feb 5, 1939	Newark.
Navy	VN	Mongilardi, Peter, Jr	05	June 25, 1965	July 1, 1925	Haledon
Army	VS	Oneill, Douglas Lee	W2	Jan. 8, 1979	Aug 3, 1948	Bayonne
Navy	VN	Piersanti, Anthony J., Jr	02	Dec 15, 1970	May 26, 1946	Pennsauken.
Air Force	VN	Pollin, George John	04	May 18, 1978	Feb. 5, 1942	Lavalette
Army	VS	Puggi, Joseph David	E6	June 12, 1978	Nov 21, 1946	Pleasantville
Marine Corps	VN	Ramsay, Charles James	05	June 20, 1978	June 8, 1932	Newark
Air Force	VS	Rios, Noel Luis	E5	Mar 7, 1969	Apr 3, 1941	Newark
Air Force	LA	Rusch, Stephen Arthur	03	July 25, 1978	July 28, 1943	Lambertville.
Marine Corps	VS	Ryan, William Cornelius, Jr	02	May 11, 1969	Apr 24, 1944	Bogota
Army	CB	Scherdin, Robert Francis	E6	Nov 27, 1978	Feb 14, 1947	Somerville
Navy	VN	Schoderer Eric John	E4	Nov. 10, 1966	June 16, 1944	Surf City
Army	LA	Scott, Mike John	E8	Aug 24, 1978	Sept. 2, 1932	Newark
Navy	VS	Siegwarth, Donald Edwin	02	June 17, 1966	June 28, 1941	Newark.
Army	VS	Simpson, Walter Stephen	E6	May 22, 1968	Aug 21, 1941	Trenton.
Air Force	VN	Spilman, Dyke Augustus	03	Mar 6, 1978	July 15, 1941	Wildwood.
Air Force	LA	Springsteadah, Donald Kenn	E6	Mar 11, 1968	Oct. 23, 1932	Millville.
Army	VS	Suydam, James Lawrence	E5	Oct 10, 1970	Oct. 4, 1948	Phillipsburg.
Army	VS	Vennik, Poert Nicholas	E6	Aug 26, 1971	Jan. 19, 1946	Wyckoff
Army	LA	Wald, Gunther Herbert	E7	Aug 7, 1978	Jan. 7, 1944	Bergen.
Air Force	LA	Widdis, James Wesley, Jr	05	Aug. 8, 1978	July 3, 1939	Newark.
Navy	VN	Wright, Frederick W., III	04	Nov 10, 1972	July 11, 1936	Haworth.
Army	VS	Wrobleski, Walter Francis	W3	Feb 15, 1978	Aug 28, 1945	Freehold.
New Mexico (18):						
Marine corps	VS	Cortield, Stan Leroy	E5	May 1, 1967	Aug 25, 1940	Gallup.
Air Force	VS	Crockett, William James	02	Aug 22, 1972	Oct. 23, 1946	Cottage Grove
Army	LA	Davis, Richardo Gonzalez	E7	July 11, 1974	Mar. 17, 1941	Carlsbad.
Army	VS	Frink, John Wesley	W1	April 2, 1972	Oct. 7, 1951	Albuquerque
Marine Corps	CB	Garcia, Andres	E3	May 15, 1975	Oct. 27, 1954	Carlsbad.
Air Force	VN	Hamilton, John Smith	06	Mar 21, 1979	Sept. 3, 1926	Silver City
Army	VS	Herrera, Frederick Daniel	E6	July 24, 1978	Aug 7, 1949	Albuquerque
Air Force	VS	Lane, Mitchell Sim	03	Dec. 4, 1975	Oct. 4, 1940	Albuquerque
Marine Corps	VS	Lopez, Robert Charles	E2	May 10,1968	Sept. 30, 1948	Albuquerque.
Army	VS	Maxwell, Calvin Walter	04	Sept 5, 1978	Nov 6, 1943	Eddy
Air Force	LA	McIntire, Scott Winston	05	Dec 10, 1971	July 7, 1924	Albuquerque.
Air Force	VN	Morrissey, Robert David	05	Sept. 11, 1978	Apr. 24, 1930	Albuquerque.
Air Force	VS	Neeld, Bobby Gene	06	June 8, 1978	Oct. 8, 1928	Albuquerque.
Marine Corps	VS	Oldham, John Sanders	04	June 11, 1967	July 3, 1933	Tinnie
Army	VS	Simpson, Max Coleman	E3	June 24, 1967	Mar. 28, 1944	Carlsbad
Marine Corps	VS	Trujillo, Joseph Felix	E7	June 21, 1978	July 29, 1946	Deming
Army	VS	Trujillo, Robert Steven	E6	Mar. 27, 1978	Aug. 3, 1946	Santa Fe.

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Army	VS	Wiseman, Bain Wendell, Jr	WI	Dec. 23, 1970	Nov 8, 1947	Truth or Consequences.
New York (162):						
Marine Corps	VS	Ahlmeyer, Heinz, Jr	01	May 10, 1967	Feb. 6, 1944	Pearl River.
Air Force	LA	Allee, Richard Kenneth	05	Aug. 17, 1979	Dec. 14, 1935	Port Jervis.
Air Force	VS	Avolese, Paul Andrew	04	July 7, 1967	June 12, 1932	East Meadow.
Air Force	VN	Backus, Kenneth Frank	03	Apr. 9, 1975	Aug. 15, 1938	Pyrites.
Air Force	LA	Balamoti, Michael Dimitri	04	Sept. 24, 1973	June 30, 1933	Glen Falls.
Navy	VS	Bartocci, John Eugene	04	Aug. 31, 1968	Feb. 19, 1934	New York.
Air Force	VN	Bednarek, Jonathan Bruce	03	Apr. 17, 1979	Oct. 18, 1948	Greenlawn.
Air Force	VS	Bittenbender, David Fritz	03	July 7, 1967	July 27, 1940	Niagara Falls.
Army	VS	Bivens, Herndon Arrington	E6	Jan. 8, 1979	Jan. 1, 1951	Jamaica.
Air Force	VS	Bors, Joseph Chester	05	Jan. 9, 1978	Apr 20, 1935	Binghamton.
Navy	VS	Bossman, Peter Robert	E4	Sept. 25, 1966	Dec. 3, 1944	West Seneca.
Marine Corps	LA	Breuer, Donald Charles	03	Mar. 26, 1976	Oct. 26, 1946	New York.
Army	LA	Brunson, Jack Walter	W2	May 31, 1971	Mar. 14, 1949	Sinclairville
Air Force	LA	Burkart, Charles Willia, Jr	06	Apr. 3, 1978	May 17, 1931	Selkirk.
Marine Corps	VS	Burns, Frederick John	E5	Jan. 30, 1969	June 11, 1949	Merrick.
Air Force	LA	Cavalli, Anthony Frank	02	June 28, 1966	Feb. 24, 1942	New York.
Marine Corps	VS	Cestare, Joseph Angelo	02	Apr. 20, 1968	Nov. 4, 1942	New York.
Air Force	LA	Chavez, Gary Anthony	03	Oct. 17, 1973.	Sept. 23, 1943	New York.
Air Force	VN	Chiarello, Vincent Augustu	05	June 6, 1979	Aug 30, 1939	New York.
Air Force	VS	Chomyk, William	02	Apr. 22, 1968	Apr. 3, 1943	Hicksville.
Air Force	LA	Christiano, Joseph	06	Nov 6, 1978	Apr. 11, 1922	Rochester.
Air Force	VS	Cole, Richard Milton, Jr	E6	June 18, 1972	July 20, 1940	Uniondale.
Marine Corps	VS	Collins, Arnold	E4	Dec. 4, 1967	Jan. 26, 1949	New York.
Air Force	LA	Colwell, William Kevin	E9	Aug 29, 1977	June 1, 1921	Glen Cove.
Air Force	VN	Conklin, Bernard	05	Dec. 14, 1973	Feb. 27, 1932	Stony Point.
Marine Corps	VS	Cook, Donald Gilbert	06	Feb. 26, 1980	Aug 9, 1934	New York.
Navy	VN	Coons, Henry Albert	05	May 10, 1973	Nov 25, 1933	Germantown.
Navy	VN	Craig, Philip Charles	04	July 7, 1978	July 13, 1940	Oneida
Navy	LA	Creed, Barton Sheldon	04	Oct 2, 1978	Apr. 3, 1945	Peekskill.
Army	VS	Crosby, Bruce Allen, Jr	E4	Mar. 30, 1972	Dec. 26, 1951	Springville.
Air Force	VN	Crosson, Gerald Joseph, Jr	04	May 5, 1978	Mar. 12, 1944	New York.
Army	LA	Crowley, John Edward	E4	Aug 10, 1970	Sept. 25, 1949	Williamson.
Air Force	VS	Crumm, William Joseph	08	July 7, 1967	Mar. 20, 1919	Scarsdale.
Navy	VN	Deblasio, Raymond Vince, Jr	02	June 18, 1971	Aug. 15, 1946	West Hempstead.
Navy	VN	Dennison, James Richard	05	May 24, 1973	Feb. 28, 1934	Rochester.
Air Force	LA	Dewispelaere, Rexford John	E8	Apr 6, 1977	Sept. 9, 1945	Penfield.
Air Force	VN	Di Tommaso, Robert Joseph	04	Mar. 21, 1979	Aug. 7, 1941	Buffalo.
Army	VS	Dibble, Morris Frederick	E3	Dec. 5, 1965	Aug. 18, 1944	Corning.
Navy	VN	Dilger, Herbert Hugh	03	Oct. 2, 1969	Jan. 21, 1943	Valley Stream.
Marine Corps	VS	Dingwall, John Francis	E9	Sept. 19, 1978	Feb. 28, 1921	Troy
Air Force	VN	Dyczkowski, Robert Raymond	05	Jan. 9, 1978	June 23, 1932	Buffalo.
Army	LA	Echevarria, Raymond Louis	E9	Sept. 8, 1976	Sept. 16, 1933	New York.
Air Force	LA	Fanning, Joseph Peter	04	July 25, 1979	June 25, 1944	Long Island City.
Navy	VN	Fegan, Ronald James	01	Apr. 9, 1965	Feb. 11, 1941	Brockport.
Army	VS	Ferguson, Walter, Jr	E6	June 30, 1970	Aug. 13, 1947	New York.
Army	VS	Finger, Sanford Ira	E6	Oct. 26, 1971	Aug. 19, 1942	New York.
Air Force	LA	Foley, Brendan Patrick	06	Oct. 9, 1980	Mar 27, 1932	New York.
Air Force	VS	Foster, Robert Eugene	E5	Mar. 9, 1966	Mar. 28, 1928	Lockport.
Army	VS	Franks, Ian Jack	E4	Mar. 23, 1968	Sept. 28, 1946	New York.
Air Force	VN	Frederick, Peter Joseph	06	Mar. 16, 1978	Aug. 30, 1924	Long Island City.
Marine Corps	VS	Gates, Albert Henry, Jr	03	Mar. 7, 1970	Sept. 1, 1943	East Greenbush.
Army	VS	Giammarino, Vincent Frank	E6	Oct. 6, 1978	Apr. 13, 1947	New York.
Navy	VN	Gierak, George Gregory, Jr	02	June 14, 1966	July 25, 1940	Springfield.
Army	LA	Glover, Douglas J	E7	Nov. 12, 1976	May 2, 1943	Cortland
Air Force	VN	Goodrich, Edwin Riley, Jr	04	Mar. 12, 1967	Nov 6, 1935	Olean.
Air Force	LA	Gould, Frank Alton	06	July 30, 1979	May 22, 1933	New York.
Army	VS	Graniela, Jose Antonio, Jr	E3	Aug. 16, 1968	June 22, 1944	Brentwood.
Navy	VS	Grauert, Hans Herbert	02	Nov 3, 1967	Aug. 31, 1942	Rochester.
Navy	VN	Gray, Harold Edwin, Jr	04	Aug 7, 1965	Oct. 6, 1930	New York.
Army	VS	Graziosi, Francis George	E7	Feb 20, 1979	Jan. 10, 1951	Rochester
Air Force	VN	Grenzebach, Earl Wiltre, Jr	06	April 28, 1978	Feb. 20, 1932	Worcester.
Air Force	VN	Grubb, Peter Arthur	03	June 24, 1977	Sept. 27, 1942	Southampton.
Army	VS	Haight, Stephen Harold	E4	May 9, 1970	May 22, 1949	Cazenovia
Navy	VS	Halpin, David Paul	E3	Sept. 28, 1968	June 5, 1948	Watertown
Air Force	VS	Harrison, Robert Heerman	04	June 18, 1972	Apr. 8, 1939	Massapequa Park.
Navy	VN	Haviland, Roy Elbert	02	Jan. 30, 1973	Apr 19, 1948	New York
Marine Corps	VS	Hawthorne, Richard William	05	Nov 28, 1978	Nov. 12, 1933	Troy
Air Force	LA	Herold, Richard Walter	03	Sept. 2, 1972	Dec. 3, 1944	Plattsburgh.
Air Force	VS	Hickman, Vincent Joseph	03	Jan. 14, 1964	Mar. 20, 1933	New York.
Marine Corps	VS	House, John Alexander, II	03	June 30, 1967	Apr. 16, 1939	Pelham.
Air Force	VN	Irwin, Robert Harry	05	June 29, 1978	Dec. 9, 1938	Peekskill.
Marine Corps	VS	Johnson, Richard Herman	E3	July 29, 1967	Oct. 18, 1948	Wolcott.
Navy	VS	Jones, Thomas Paul	03	Feb 6, 1968	Jan. 2, 1943	Buffalo.
Marine Corps	VS	Kane, Bruce Edward	E4	Aug 9, 1969	July 7, 1949	Deer Park.
Air Force	VN	Karins, Joseph John, Jr	04	Oct. 25, 1973	Apr 21, 1938	Syracuse.
Air Force	VN	Kearns, Joseph Thomas, Jr	05	June 7, 1978	Aug 26, 1936	Sea Cliff.
Army	VS	Kemp, Freddie	E2	Aug 17, 1966	Nov. 15, 1944	New York
Air Force	VN	Kibbey, Richard Abbott	05	Feb. 6, 1967	June 2, 1934	Delmar.
Marine Corps	VS	Kmetyk, Jonathan Peter	E3	Nov 14, 1967	Aug. 17, 1947	Niagara Falls.
Navy	VN	Knapp, Fredric Woodrow	02	Nov 2, 1967	July 29, 1943	Huntington.
Army	LA	Knutsen, Donald Paul	E4	Mar. 22, 1971	Sept. 25, 1949	Buffalo.
Air Force	LA	Kryszak,Theodore Eugene	05	Jan. 18, 1978	Sept. 23, 1932	Buffalo.
Air Force	LA	Lagerwall, Harry Roy	05	Dec. 21, 1972	Sept. 18, 1937	Carmel.
Army	VS	Laureano-Lopez, Ismael	E4	Feb. 21, 1969	Aug. 16, 1945	New York
Air Force	VN	Lesser, Leonard Charles	03	Jan. 28, 1970	Jan. 24, 1935	Floral Park.
Army	VS	Lemcke, David Earl	E4	May 21, 1968	July 28, 1947	Hilton.
Air Force	VN	Leonor, Leonardo Capistran	04	July 20, 1978	Sept. 22, 1940	Astoria.
Marine Corps	CB	Loney, Ashton Nathaniel	E3	May 15, 1975	June 18, 1954	Albany.
Air Force	LA	Macko, Charles	06	June 21, 1978	Jan. 15, 1931	Endicott.
Navy	LA	Mancini, Richard Michael	E5	Jan. 11, 1968	Feb 17, 1937	Amsterdam.
Air Force	VS	Marshall, James Alfred	02	June 18, 1965	Sept. 12, 1940	Newark.
Army	VS	Martinez-Mercado, Edwin J	E3	Nov 11, 1967	Dec. 7, 1946	New York.
Air Force	LA	Matejov, Joseph Andrew	E4	Feb. 5, 1973	Feb. 2, 1952	East Meadow
Army	VS	McConnell, Jerry	E2	Sept. 24, 1968	Jan. 4, 1947	Jamaica.
Air Force	VS	McElroy, John Lee	04	May 12, 1968	May 29, 1932	Schenectady.
Marine Corps	VN	McDonald, Joseph William	04	Feb. 26, 1980	Dec. 17, 1946	Wappingers Falls.
Army	VS	McLeod, Arthur Edward	W1	Feb. 12, 1971	Aug. 17, 1946	Bay Shore.
Air Force	LA	Meder, Paul Oswald	06	Feb. 11, 1982	Dec. 29, 1931	Jamaica.
Army	LA	Mein, Michael Howard	E6	Aug. 21, 1978	Mar. 13, 1945	Cape Vincent.
Marine Corps	VS	Miller, Richard Arthur	04	Jan. 21, 1975	July 1, 1939	New York.
Air Force	VN	Mitchell, Albert Cook	06	May 9, 1978	Dec. 15, 1928	New York.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Marine Corps	VS	Moore, James Rodney	E6	Mar. 13, 1978	Aug. 16, 1947	Ontario.
Marine Corps	VS	Morrissey, Richard Thomas	03	Aug 19, 1969	Mar. 27, 1939	Uniondale.
Navy	VN	Moussman, Harry Seeber	04	Feb 21, 1975	June 30, 1943	Manhasset.
Navy	VN	Murphy, Terence Meredith	02	Apr. 9, 1965	July 3, 1939	New York
Navy	VN	Newell, Michael Thomas	03	Dec. 14, 1966	June 13, 1940	Ellenville
Army	VS	Nids, Daniel Russell	E6	Oct. 31, 1973	Aug. 23, 1948	West Islip.
Army	VS	O'Brien, Kevin	04	Mar. 7, 1979	Aug. 30, 1946	Farmingville.
Air Force	VN	O'Grady, John Francis	06	Mar 15, 1977	Aug 31, 1929	New Hyde Park.
Air Force	VS	Ochab, Robert	03	Jan. 7, 1970	Oct. 19, 1942	Hollis.
Army	VS	Owen, Timothy Samuel	E6	June 4, 1974	Nov. 25, 1946	Rochester.
Air Force	VN	Pabst, Eugene Matthew	03	Nov 20, 1974	Oct. 13, 1942	New York.
Navy	VN	Palenscar, Alexander J., III	04	May 25, 1973	Oct. 20, 1941	New York.
Navy	VN	Parsons, Don Brown, Jr	04	Nov. 9, 1973	Nov 15, 1940	Freeport.
Air Force	VN	Perrine, Elton Lawrence	06	Feb 6, 1979	Jan. 6, 1935	Pittsford.
Air Force	LA	Phelps, William	03	Aug 16, 1978	Dec. 27, 1947	Cortland.
Air Force	LA	Pike, Peter Xavier	03	May 28, 1974	June 15, 1943	New York.
Marine Corps	VS	Pitt, Albert	05	July 23, 1975	Nov. 30, 1934	Hampstead
Marine Corps	VS	Plumadore, Kenneth Leo	E3	Sept 21, 1967	Jan. 28, 1949	Syracuse.
Army	LA	Preiss, Robert Francis, Jr	E6	May 12, 1970	Apr 27, 1945	Cornwall.
Air Force	LA	Rausch, Robert Ernest	04	Oct. 9, 1973	May 22, 1938	Hicksville.
Air Force	VN	Raymond, Paul Darwin	03	Nov 15, 1973	Jan. 10, 1943	Deposit.
Navy	VS	Reardon, Richard John	02	Apr. 28, 1969	Feb 24, 1944	Huntington.
Air Force	LA	Reese, Gomer David, III	03	Apr 24, 1970	July 24, 1942	Scarsdale.
Army	VS	Reynolds, David Richard	E3	Nov 21, 1967	Feb. 28, 1949	Buffalo
Marine Corps	VS	Robertson, Leonard	04	Dec 8, 1978	Jan. 12, 1945	North Port.
Air Force	VN	Rodriguez, Albert Eduardo	03	Oct. 9, 1973	July 18, 1942	Franklinville.
Navy	VN	Romano, Gerald Michael	02	June 2, 1965	Mar. 20, 1942	New York.
Army	VS	Roraback, Kenneth M	E8	July 1, 1966	Feb 9, 1932	Baldwin.
Army	VS	Rossano, Richard Joseph	E3	Mar. 25, 1971	July 23, 1950	New York.
Army	VS	Rozo, James Milan	E7	May 18, 1979	Oct. 18, 1948	Buffalo.
Army	VS	Russell, Peter John	03	Oct 31, 1973	Oct. 2, 1946	New York
Marine Corps	VS	Sanchez, Jose Ramon	E2	June 6, 1968	Mar. 15, 1949	New York.
Army	VS	Sansone, Dominick	E7	Dec. 10, 1964	July 3, 1930	New York
Marine Corps	VS	Schmidt, Walter Roy, Jr	03	June 9, 1968	Nov. 18, 1945	Nassau
Air Force	VN	Schuler, Robert Harry, Jr	04	Jan. 22, 1974	Dec. 14, 1935	Wellsburg
Air Force	VS	Shanks, James Lee	04	May 24, 1968	Apr. 13, 1930	Oyster Point.
Air Force	VN	Shine, Anthony Cameron	05	Jan 8, 1980	May 20, 1939	Pleasantville
Navy	VN	Shumway, Geoffrey Raymond	04	Oct. 6, 1978	Oct. 22, 1942	Kaneateles.
Air Force	LA	Simmons, Robert Eugene	E7	May 31, 1977	Nov 25, 1951	De Ruyter.
Navy	VN	Sitek, Thomas Walter	04	Aug 23, 1967	Aug. 3, 1935	Niagara Falls.
Marine Corps	VS	Smith, Carl Arthur	E3	May 1, 1967	Apr. 5, 1946.	Attica
Air Force	LA	Smith, Edward Dewilton, Jr	E7	Sept. 23, 1975	Nov 29, 1944	Red Creek.
Army	CB	Taylor, Philip Charles	E5	May 27, 1971	Apr. 15, 1949	Grand Island.
Army	VS	Terrill, Philip Bradford	E5	Apr 30, 1971	Sept. 24, 1947	New Hartford.
Army	VS	Terry, Ronald Terrance	E6	Jan 30, 1967	Apr. 30, 1937	Niagara Falls.
Navy	VN	Thompson, Donald Earl	04	Nov 14, 1977	Feb 17, 1940	Wellsville
Army	VS	Thornton, William D., Jr	E3	Jan. 28, 1967	Aug. 19, 1946	Tarrytown
Marine Corps	VS	Tice, Paul Douglas	E3	Sept. 25, 1966	Apr 28, 1946	Buffalo.
Air Force	LA	Todd, William Anthony	E7	July 25, 1978	Jan. 8, 1950	Mahopac.
Air Force	VN	Underwood Paul Gerard	06	Jan. 9, 1978	July 7, 1927	Hornell.
Marine Corps	VS	Visconti, Francis Edward	04	Oct. 15, 1973	Oct. 16, 1934	Syracuse
Air Force	LA	Wanzel, Charles Joseph, III	03	May 25, 1979	July 31, 1947	New York.
Marine Corps	VS	Widener, James Edward	E2	June 11, 1967	Nov 12, 1948	Churchville.
Army	LA	Wilson, Peter Joe	E7	Feb 25, 1975	Aug 23, 1938	Pulaski.
Air Force	LA	Wistrand, Robert Carl	06	Jan. 22, 1974	Aug 12, 1930	New York.
Army	VS	Wogan, William Michael	E6	July 17, 1978	Oct. 15, 1947	Glen Oaks
Marine Corps	VS	Wolpe, Jack	E3	Aug 3, 1967	Jan. 15, 1942	Newburgh.
Army	VS	Young, Charles Luther	E6	July 10, 1978	Apr. 4, 1946	New York.
Marine Corps	VS	Zawtocki, Joseph Stanle, Jr	E5	Dec. 24, 1969	May 16, 1946	Utica.
Marine Corps	VS	Zimmer, Jerry Allen	03	Aug. 29, 1969	May 5, 1944	Maine.
Navy	VS	Zissu, Andrew Gilbert	02	Oct. 8, 1967	Dec 2, 1940	New York.
North Carolina (60):						
Marine Corps	VN	Avery, Robert Douglas	03	Sept. 4, 1974	Dec. 18, 1941	Morganton.
Navy	VS	Belknap, Harry John	01	June 23, 1966	Oct. 6, 1939	Jonas Ridge
Air Force	VN	Borden, Murray Lyman	04	Oct. 13, 1966	Jan. 2, 1941	Goldsboro
Navy	VN	Brice, Eric Parker	03	June 14, 1968	Apr 6, 1943	Rocky Mount.
Air Force	LA	Brown, Earl Carlyle	03	Jan. 7, 1974	Jan 10, 1943	Stanley
Navy	VS	Brown, Edward Dean, Jr	02	July 29, 1965	Mar. 21, 1940	Charlotte
Air Force	VS	Brown, Wilbur Ronald	04	May 30, 1974	July 22, 1936	Wilmington.
Army	VS	Butler, James Edward	W3	July 17, 1978	June 13, 1936	Buies Creek.
Navy	VS	Canup, Franklin Harlee, Jr	E5	Jan. 14, 1967	June 2, 1928	Concord.
Air Force	LA	Clarke, Fred Lee	E9	May 28, 1974	Jan. 28, 1932	Troutman.
Marine Corps	VS	Clay, William Clifton, III	03	Apr 12, 1967	Sept 29, 1941	Henderson.
Air Force	VS	Cook, Glenn Richard	03	June 17, 1977	Sept. 10, 1945	Charlotte.
Army	VS	Craven, Andrew Johnson	E6	May 30, 1978	Apr. 13, 1947	Wilmington.
Air Force	VN	Crews, John Hunter, III	03	Sept. 22, 1975	Dec 31, 1941	Ashvile.
Army	LA	Cristman, Fredereck Lewis	W3	Oct 23, 1978	Nov 26, 1949	Salisbury
Army	VS	Curlee, Robert Lee, Jr	E6	June 10, 1965	Sept. 26, 1930	Monroe.
Navy	VN	Davis, Donald Vance	04	July 25, 1967	Oct. 8, 1934	Salisbury.
Air Force	LA	Davis, Edgar Felton	05	Mar 5, 1979	Dec 15, 1935	Goldsboro
Navy	VN	Doughtie, Carl Louis	02	June 10, 1965	Nov 18, 1940	Tarboro
Navy	VN	Elkins, Frank Callihan	04	Oct. 31, 1977	May 25, 1939	Bladenboro.
Marine Corps	LA	Gardner, John Garrett	03	June 3, 1967	July 28, 1940	Hot Springs.
Air Force	VS	Gatwood, Robin Frederic, Jr	03	July 20, 1978	Dec. 5, 1946	Hickory
Navy	VN	Gore, Paul Edwin	E6	Oct. 2, 1969	Nov 11, 1939	Faison.
Air Force	VS	Gravitte, Connie Mack	03	June 17, 1966	July 12, 1933	Ca-Vel
Air Force	VS	Hall, Fredrick Mervyn	03	Feb 9, 1978	June 6, 1943	Waynesville
Air Force	VN	Hall, James Shreve	E9	May 30, 1974	Oct. 5, 1935	Greensboro
Marine Corps	CB	Hargrove, Joseph N	E3	July 21, 1976	May 15, 1951	Mt. Olive
Army	VS	Harris, Harold Lee	E3	Oct. 21, 1966	Oct. 29, 1946	Durham.
Army	CB	Harrison, Larry Gene	E6	Feb 26, 1971	Jan 3, 1948	Williamston.
Army	LA	Hatley, Joel Clinton	E4	Mar 5, 1971	Oct 24, 1948	Albemarle
Army	VS	Howard, Luther Harris	E4	June 30, 1967	Sept. 25, 1947	Hamlet.
Air Force	LA	Howell, Carter Avery	03	Jan. 21, 1975	Apr 8, 1947	Fayetteville
Navy	VS	Hue, Litchfield Patterson	03	Feb. 27, 1967	Oct. 31, 1939	Warsaw
Air Force	VN	Huneycutt, Charles J., Jr	04	Jan. 3, 1979	June 20, 1943	Charlotte
Army	VS	Jamerson, Larry Carl	E6	Aug. 13, 1974	Feb. 11, 1943	Rosman
Army	VS	Johnson, William Darrell	E7	Feb 20, 1979	Dec. 24, 1946	Rocky Mount.
Army	VS	Lewis, Charlie Gray	E7	May 17, 1967	Oct. 20, 1936	Fayetteville.
Navy	VS	Lewis, Larry Gene	03	Feb 27, 1971	Sept. 22, 1945	Asheville
Army	VS	Luttrell, James Martin	E7	Oct 20, 1978	Dec 14, 1935	Fayetteville
Air Force	VS	McDaniel, John Lewis	04	Apr 26, 1968	July 8, 1933	Gibsonville
Air Force	VN	Meadows, Eugene Thomas	03	Oct. 13, 1966	Mar 4, 1940	Hiddenite

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Millard, Charles Worth	W4	Sept. 14, 1978	June 8, 1933	Wilson.
Army	VS	Moore, Jerry Lawrence	E6	June 8, 1977	Feb. 8, 1950	Cleveland.
Air Force	VS	Morgan, Edwin Everton	E9	Jan. 9, 1978	Sept. 4, 1927	Salisbury.
Army	VS	Morrow, Larry Kane	E5	Oct. 31, 1973	June 13, 1951	Lowell.
Army	VS	Omelia, Dennis William	W3	Aug. 22, 1978	May 6, 1941	Smithfield.
Air Force	VN	Palmgren, Edwin David	06	Nov 26, 1973	Jan. 5, 1927	Winston-Salem.
Army	CB	Price, Bunyan Durant, Jr	E6	Nov 20, 1978	Feb. 9, 1950	Belmont.
Army	VS	Reno, Ralph Joseph	E8	July 4, 1967	Nov 3, 1929	Fayetteville.
Army	LA	Shue, Donald Monroe	E7	Jan. 15, 1979	Aug. 29, 1949	Kannapolis.
Army	VS	Staton, Robert Milton, Jr	E4	Nov 11, 1967	Nov 26, 1947	Jamesville.
Air Force	VN	Stubberfield, Robert Austi	05	Sept. 24, 1973	Nov 30, 1929	Richmond.
Air Force	VN	Sutton, William Carl	E6	Jan. 28, 1970	May 5, 1935	Goldsboro.
Army	VS	Watson, Jimmy Lee	W3	Jan. 28, 1976	July 28, 1946	Lucama.
Army	VS	Weaks, Melvin Lee	E3	Aug. 18, 1971	Apr. 22, 1950	Concord.
Air Force	VS	Wellons, Phillip Rogerson	04	Aug. 17, 1970	Feb. 19, 1932	Raleigh.
Navy	VN	Wilkins, George Henry	05	June 28, 1974	July 14, 1931	Goldsboro.
Air Force	VN	Williams, James Randall	E8	June 24, 1977	Mar. 28, 1945	Charlotte.
Marine Corps	VS	Wilson, Wayne Vaster	E6	Sept. 5, 1974	Oct. 4, 1945	Thomasville.
Navy	VN	Wood, Walter Sutton	04	May 2, 1966	June 14, 1931	Fort Bragg.
North Dakota (17):						
Air Force	LA	Belcher, Glenn Arthur	04	May 9, 1978	May 11, 1942	Fessenden.
Army	VS	Berdahl, David Donald	E3	Jan. 20, 1972	Jan 16, 1953	Minot.
Air Force	VS	Beyer, Thomas John	04	May 2, 1978	Mar. 10, 1941	Fargo.
Air Force	VS	Bond, Ronald Dale	04	Mar. 11, 1968	July 30, 1930	Fargo.
Navy	LA	Coons, Chester Leroy	E5	Feb. 17, 1968	Mar. 29, 1936	Bismarck.
Air Force	VN	Cushman, Clifton Emmet	04	Nov. 10, 1975	June 2, 1938	Grand Forks.
Air Force	VN	Fowler, James Alan	05	Sept. 6, 1979	Jan. 7, 1938	Bismarck
Air Force	VS	Greenley, Jon Alfred	02	Jan. 7, 1966	Jan. 30, 1942	Fargo.
Air Force	LA	Keller, Wendell Richard	05	Mar 28, 1975	May 19, 1934	Fargo
Army	VS	Kulland, Byron Kent	02	Apr. 2, 1972	Nov 9, 1947	New Town.
Air Force	VN	Leetun, Darel Dean	05	Mar. 12, 1975	Dec. 24, 1932	Hettinger.
Navy	LA	Olson, Delbert Austin	05	Jan. 11, 1968	Jan 4, 1926	Casselton.
Air Force	LA	Paulson, Merlyn Leroy	E7	Apr 4, 1975	June 19, 1936	Fargo.
Air Force	LA	Potter, William Tod	03	Dec. 4, 1975	Dec. 28, 1942	Grand Forks
Air Force	VN	Steen, Martin William	04	Jan. 24, 1974	Feb. 20, 1936	Grand Forks.
Air Force	VN	Wenaas, Gordon James	05	June 8, 1978	Mar. 2, 1932	Mayville.
Army	VS	Zubke, Deland Dwight	E6	Oct 5, 1978	Oct. 28, 1951	Grassy Butte.
Ohio (129):						
Army	VS	Adkins, Charles L	E6	May 1, 1978	May 28, 1947	Barnesville.
Army	VS	Aston, Jay Steven	W1	July 18, 1971	May 16, 1949	Rocky River.
Air Force	LA	Barden, Howard Leroy	03	Jan. 31, 1967	Oct. 28, 1933	Cuyahoga Falls.
Army	VS	Batt, Michael Leroy	E6	Aug. 31, 1978	May 30, 1947	Defiance.
Army	CB	Bauman, Richard Lee	W3	Jan, 8, 1979	May 28, 1948	Columbus
Marine Corps	VS	Beck, Edward Eugene, Jr	E7	Oct. 11, 1978	July 7, 1949	North Canton.
Air Force	VN	Behnfeldt, Roger Ernest	03	Aug. 16, 1978	Sept. 29, 1944	Defiance.
Navy	VN	Bowman, Michael Lee	E4	Oct, 2, 1969	Oct. 26, 1948	Warren.
Marine Corps	VS	Bram, Richard Craig	E8	Jan, 21, 1975	Nov 25, 1935	Cleves
Army	LA	Brassfield, Andrew Thomas	E6	Apr. 6, 1970	Feb. 4, 1937	Sylvania.
Air Force	VN	Brazik, Richard	03	Oct. 9, 1973	Dec. 22, 1941	Bay Village
Air Force	LA	Brower, Ralph Wayne	03	Nov 9, 1967	Nov 24, 1939	Stow
Navy	LA	Buck, Arthur Charles	02	Jan. 11, 1968	Oct. 23, 1941	Sandusky.
Air Force	VN	Busch, Jon Thomas	03	Nov 2, 1973	May 7, 1941	Columbus.
Army	LA	Carpenter, Howard B	E5	Mar. 6, 1967	Feb. 23, 1944	Youngstown.
Navy	VN	Carpenter, Nicholas Mallor	04	Oct. 17, 1974	July 30, 1942	Cincinnati.
Air Force	VS	Chapman, Peter Hauden, II	03	Apr. 6, 1972	Aug 26, 1940	Centerburg.
Army	VS	Compa, Joseph James, Jr	E6	June 10, 1965	Jan. 13, 1931	East Liverpool.
Air Force	LA	Conaway, Lawrence Yerges	05	May 3, 1970	Oct. 16, 1930	Columbus.
Air Force	VS	Condit, William Howard, Jr	04	June 23, 1969	Feb. 6, 1934	Worthington.
Army	VS	Conger, John Edward, Jr	E6	July 31, 1978	Jan. 7, 1950	Lebanon.
Air Force	VN	Conley, Eugene Ogden	05	Jan. 21, 1967	Oct. 24, 1927	Akron.
Air Force	LA	Cross, James Emory	03	Apr. 24, 1970	June 23, 1944	Warren.
Army	VS	Dahill, Douglas Edward	E7	Sept. 11, 1978	Mar. 6, 1949	Lima.
Marine Corps	VS	Douglas, Thomas Evan	E6	Dec. 21, 1977	Nov 8, 1938	Northwest Warren.
Air Force	CB	Drake, Carl Wilson	04	June 18, 1970	June 6, 1933	Roseville.
Air Force	CB	Dreher, Richard E	03	Mar. 27, 1972	Jan. 10, 1942	Orrville.
Air Force	VS	Espenshied, John Lee	06	Mar. 21, 1979	Aug. 17, 1934	Delaware.
Army	VS	Farlow, Craig Lee	W2	May 17, 1972	Mar. 15, 1948	Cleveland.
Air Force	LA	Featherston, Fieldin W., III	03	May 28, 1974	Dec. 3, 1942	Wickliffe.
Air Force	VN	Franklin, Charles Edward	06	Apr 4, 1978	Sept. 14, 1934	Youngtown.
Marine Corps	VS	Frederick, David Addison	03	July 30, 1967	June 22, 1942	Columbus.
Air Force	VN	Frederick, William V	05	Apr 28, 1978	June 1, 1933	Deerfield.
Marine Corps	VS	Gage, Robert Hugh	E6	July 30, 1974	Mar. 17, 1945	Columbus.
Air Force	LA	Galbraith, Russell Dale	04	Aug. 8, 1978	July 25, 1940	Tippecanoe.
Air Force	LA	Glover, Calvin Charles	E9	June 29, 1978	Jan. 7, 1938	Stubenville.
Navy	VN	Gollahon, Gene Raymond	03	Aug. 13, 1965	Nov. 7, 1938	Cincinnati.
Marine Corps	VS	Gopp, Thomas Alan	E4	Aug. 3, 1967	Mar. 15, 1947	New London.
Air Force	VS	Gorton, Thomas Frederick	03	Dec. 6, 1963	Dec. 6, 1929	Toledo.
Army	VS	Gumbert, Robert William, Jr	E3	June 22, 1970	Dec. 12, 1949	New Richmond.
Navy	VN	Haifley, Michael Firestone	03	Feb. 19, 1975	Oct. 19, 1946	Lisbon.
Navy	VN	Hanson, Robert Taft, Jr	04	Jan. 21, 1974	Dec. 28, 1942	Toledo.
Marine Corps	VS	Harris, Gregory John	E8	Feb. 26, 1980	Oct. 1, 1945	Toledo.
Marine Corps	VS	Harris, Paul Winiford	E2	Mar. 13, 1967	June 24, 1947	Chillicothe.
Navy	CH	Harris, Reuben Beaumont	E8	Nov 18, 1977	Apr 12, 1938	Columbus.
Marine Corps	VS	Helber, Lawrence Neal	03	Dec 7, 1977	Feb. 5, 1934	Logan.
Army	CB	Hosken, John Charles	W3	Aug. 28, 1978	Aug. 23, 1947	Chagrin Falls.
Navy	VN	Hume, Kenneth Edward	04	Mar. 29, 1965	July 22, 1931	Cincinnati.
Army	LA	Huston, Charles Gregory	E6	Jan. 26, 1977	Sept. 29, 1945	Sidney.
Navy	VS	Judd, Michael Barry	E4	June 30, 1967	Aug. 22, 1945	Cleveland.
Navy	VS	Kenney, Harry John	E4	Nov 1, 1968	Apr. 17, 1945	Cincinnati.
Marine Corps	VS	Kerr, Ernest Claney Jr	E3	Mar. 26, 1968	July 21, 1946	Akron.
Air Force	VN	Klemm, Donald Martin	06	June 11, 1967	Jan. 7, 1930	Youngstown.
Air Force	VN	Koons, Dale Francis	03	Oct. 11, 1979	Dec. 13, 1946	Eaton.
Air Force	VS	Lamp, Arnold William Jr	03	Apr. 12, 1969	Feb. 9, 1942	Hebron.
Navy	VS	Lee, Albert Eugene	E6	Feb. 16, 1972	Aug 6, 1939	Gallipolis.
Air Force	LA	Lefever, Douglas Paul	04	June 29, 1978	Jan. 4, 1943	Arcanum.
Air Force	VS	Locker, James Douglas	E4	June 9, 1968	Feb. 25, 1947	Sidney
Army	VS	Lomax, Richard Eugene	E4	Mar. 26, 1968	Nov. 16, 1946	Mansfield.
Marine Corps	VN	Luker, Russell Burr	E6	Feb. 1, 1966	Feb. 17, 1933	Lancaster.
Army	VS	Mangino, Thomas Angelo	E6	Dec 6, 1977	Mar. 16, 1944	Alliance.
Navy	CB	Manning, Ronald James	E3	May 15, 1975	May 9, 1954	Toronto
Air Force	LA	Matthes, Peter Richard	03	July 25, 1978	Mar. 14, 1943	Toledo.
Navy	VS	McKinney, Clemie	03	Apr. 14, 1972	Apr. 25, 1945	Cleveland.
Army	LA	Mooney, Fred	E6	Feb. 27, 1971	July 19, 1934	Northup.

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Moore, Raymond Gregory	E5	Oct. 10, 1970	Apr 2, 1949	Cincinnati.
Air Force	VS	Morgan, Thomas Raymond	05	Aug 30, 1976	Sept. 27, 1933	Akron.
Marine Corps	VS	Mowrey, Glenn William	E4	Mar 26, 1968	May 22, 1946	Chillicothe
Navy	VN	Nystrom, Bruce August	06	Aug 8, 1978	Oct. 18, 1927	Marion
Navy	VN	Orell, Quilan Roberts	06	Jan. 10, 1978	Jan. 8, 1930	Barnesville.
Army	LA	Parks, Raymond Francis	E6	July 15, 1963	Oct. 29, 1931	Dennison.
Marine Corps	VS	Pastva, Michael James	E3	Dec 6, 1967	Nov 26, 1946	Lakewood
Army	LA	Payne, Norman	E7	Sept. 21, 1978	July 14, 1939	Cleveland
Navy	VN	Peace, John Darlington III	05	Jan. 16, 1974	Nov 18, 1935	Hudson.
Army	VS	Pearce, Dale Allen	W1	May 17, 1971	Nov 26, 1950	Mentor
Air Force	VS	Peterson, Mark Allan	03	Oct. 4, 1979	May 14, 1949	Canton.
Army	VS	Phillips, Robert Paul	E6	Feb. 13, 1979	July 31, 1949	Sylvania
Army	VS	Pietrzak, Joseph Ray	E5	Feb. 10, 1971	Sept. 3, 1944	Roseville
Air Force	LA	Pietsch, Robert Edward	05	June 8, 1978	Dec. 24, 1936	Cleveland.
Air Force	LA	Pirruccello, Joseph S., Jr	03	Dec. 8, 1968	Aug. 21, 1941	Wright Patterson AFB
Navy	VN	Plants, Thomas Lee	E4	June 2, 1965	May 11, 1940	Medina
Air Force	VN	Pleiman, James Edward	E4	Mar 14, 1966	Jan 15, 1944	Russia
Air Force	LA	Polster, Harmon	03	Apr 17, 1979	Nov 14, 1943	Cleveland
Air Force	VS	Prater, Roy Dewitt	E6	Apr. 6, 1972	July 1, 1936	Tiffin
Army	VS	Pridemore, Dallas Reese	E7	Apr 7, 1977	Apr 29, 1941	East Liverpool.
Navy	VN	Prudhomme, John Douglas	03	Dec. 22, 1965	Nov 15, 1937	Tipp City
Air Force	VS	Pyles, Harley Boyd	06	Feb. 4, 1974	Feb 20, 1930	Enon.
Air Force	LA	Reed, James William	04	June 29, 1978	July 22, 1943	Cambridge
Marine Corps	VS	Ritchey, Luther Edmond, Jr	E3	Oct. 8, 1963	Jan. 27, 1943	Mansfield.
Coast Guard	VS	Rittichier, Jack Columbus	03	June 9, 1968	Aug 17, 1933	Barberton.
Air Force	LA	Robbins, Richard Joseph	03	Apr 19, 1966	Oct. 18, 1931	Cleveland.
Air Force	VS	Rosato, Joseph Frank	03	June 2, 1966	Jan. 31, 1931	Hudson.
Army	VS	Sayre, Leslie Berkley	02	Mar 20, 1968	Nov 28, 1944	Fairborn
Navy	VN	Schoeppner, Leonard John	03	Mar. 9, 1970	Oct. 2, 1943	Canton.
Marine Corps	VS	Schreckengost, Fred Thomas	E6	July 23, 1974	Mar. 30, 1938	East Palestine
Army	LA	Scurlock, Lee D., Jr	E7	Nov 10, 1975	Nov 10, 1943	Restful Lake.
Air Force	LA	Seeley, Douglas Milton	03	Mar 17, 1971	Jan 25, 1943	Marietta
Army	VS	Sexton, David Mason	E5	Mar 15, 1971	Nov 18, 1948	Huron.
Army	VS	Shaw, Gary Francis	E3	Nov 11, 1967	Mar 13, 1948	Toledo
Army	VN	Sherman, Peter Woodbury	06	Oct. 17, 1973	Aug 4, 1929	Bay Village
Air Force	VN	Shingledecker, Armon D	03	May 28, 1974	Dec. 26, 1941	Lima
Air Force	LA	Singleton, Daniel Everett	04	May 9, 1978	Mar 3, 1943	Akron.
Air Force	VN	Sittner, Ronald Nicholis	04	Sept. 6, 1974	Nov 20, 1937	South Euclid
Air Force	LA	Skinner, Owen George	06	Nov 20, 1978	Nov 18, 1933	Lima
Army	VS	Smith, David Roscoe	03	Oct. 15, 1973	Nov 2, 1939	Dayton
Army	VS	Smith, Roger Lee	E4	Oct 3, 1968	Mar. 14, 1947	South Point.
Navy	VN	Spinelli, Domenick Anthony	04	Jan. 10, 1978	Nov 6, 1925	Oak Harbor
Army	VS	Stanley, Charles Irvin	W3	June 19, 1978	Sept 25, 1946	Cleveland.
Army	VS	Stanton, Ronald	E6	Oct. 4, 1978	Oct. 21, 1946	Massillon.
Navy	VS	Stephenson, Richard C	02	Feb. 5, 1970	May 10, 1944	Hamilton.
Navy	VN	Taylor, Edmund Battelle, Jr	05	May 8, 1972	Sept. 12, 1931	Lima
Marine Corps	VS	Terwilliger, Virgil Byron	E3	Mar 13, 1967	May 8, 1946	McClure.
Air Force	CB	Trent, Alan Robert	03	May 13, 1970	May 22, 1940	Wadsworth.
Marine Corps	VS	Turner, Frederick Ray	E3	Nov 6, 1968	Feb. 4, 1947	Columbus.
Army	VS	Turner, James Henry	E5	Oct. 10, 1970	Oct. 23, 1947	Columbus.
Air Force	VN	Turose, Michael Stephen	02	Sept. 17, 1972	Aug. 12, 1948	Parma.
Army	VS	Uhlmansiek, Ralph Edward	E6	June 5, 1973	Oct 9, 1946	Cincinnati
Marine Corps	LA	Underwood, Thomas Wayne	E6	Mar. 21, 1970	Jan. 7, 1942	Zanesville
Air Force	VN	Van Buren, Gerald Gordon	04	Aug 29, 1977	June 8, 1935	Toledo
Air Force	CB	Vandegeer, Richard	01	May 17, 1975	Jan. 11, 1948	Columbus
Navy	VN	Vogt, Leonard Frederick, Jr	05	Sept. 18, 1965	June 7, 1925	Cincinnati.
Air Force	VN	Warren, Arthur Leonard	03	Mar. 6, 1978	Apr 20, 1936	Toledo
Army	VS	Werdehoff, Michael Ray	E7	June 5, 1978	Sept. 13, 1942	Toledo.
Marine Corps	VS	Wheeler, Eugene Lacy	04	Apr. 22, 1970	Jan. 30, 1937	Ashville
Air Force	VN	Williams, Howard Keith	05	June 30, 1978	Oct. 25, 1936	Steubenville
Army	VS	Wilson, Marion Earl	E3	Feb. 3, 1968	Dec. 6, 1947	Zanesville
Army	VS	Woods, David Walter	E5	Nov 4, 1971	Feb 8, 1952	Franklin.
Navy	VN	Zavocky, James John	02	Aug 25, 1967	Jan. 6, 1942	Parma
Air Force	VS	Zook, David Hartzler, Jr	06	Apr. 28, 1978	Jan. 22, 1930	West Liberty
Oklahoma (49):						
Air Force	VN	Allen, Thomas Ray	04	June 23, 1975	Jan. 17, 1941	Woodward
Air Force	VN	Bare, William Orlan	04	Aug. 17, 1979	Mar 28, 1941	Oklahoma City
Air Force	LA	Blanton, Clarence Finley	05	Mar 11, 1968	Sept. 1, 1921	El Reno
Air Force	VS	Bolte, Wayne Louis	06	July 20, 1978	Jan. 27, 1935	Claremore
Army	LA	Bookout, Charles Franklin	E7	July 4, 1970	Dec. 1, 1934	Oklahoma City
Marine Corps	LA	Burnes, Robert Wayne	02	Jan. 5, 1970	Jan. 27, 1941	Edmond.
Air Force	LA	Bynum, Neil Stanley	03	May 13, 1976	June 29, 1943	Vian.
Navy	LA	Carpenter, Ramey Leo	03	Mar. 31, 1969	Oct. 21, 1942	Norman.
Army	LA	Cecil, Alan Bruce	E5	Sept. 21, 1969	Sept 4, 1946	Holdenville
Air Force	LA	Chambers, Jerry Lee	05	Aug 12, 1976	Oct. 12, 1932	Muskogee
Air Force	VN	Craddock, Randall James	03	Dec 21, 1972	Sept. 19, 1945	Norman.
Army	VS	Crossby, Herbert Charles	03	Nov 5, 1974	May 30, 1947	Ft Sill.
Army	VS	Day, Dennis Irvin	E5	Nov 4, 1971	Mar. 3, 1951	Blackwell.
Marine Corps	VS	Dewberry, Jerry Don	E3	July 5, 1968	July 10, 1948	Ardmore
Air Force	LA	East, James Boyd, Jr	04	Apr 26, 1969	Nov 28, 1933	Oklahoma City
Air Force	LA	Eaton, Norman Dale	06	June 28, 1978	Aug 11, 1925	Weatherford.
Air Force	VN	Egger, John Culbertson, Jr	04	Nov 3, 1967	Nov 9, 1929	Tulsa
Army	VS	Eisenberger, George Joe Bu	E5	Dec 5, 1965	Mar. 2, 1940	Pawhuska
Navy	VN	Fryer, Charles Wigger	03	Aug. 7, 1966	Sept 1, 1939	Oklahoma City
Air Force	LA	Gauley, James Paul	03	Jan. 10, 1967	Mar. 22, 1939	Ringwood.
Air Force	VN	Gist, Tommy Emerson	04	May 30, 1974	Oct 29, 1939	Durant.
Army	CB	Green, James Arvil	E3	June 18, 1970	Aug 14, 1949	Boynton.
Air Force	VN	Hall, Donald Joe	E8	Feb 6, 1967	Mar 26, 1937	Stroud.
Air Force	VS	Holden, Elmer Larry	E5	June 9, 1968	Feb 19, 1944	Oklahoma City
Air Force	LA	Hudgens, Edward Monroe	04	Mar. 21, 1970	Sept. 6, 1931	Tulsa
Navy	VS	Hyde, Jimmy Don	E4	Dec 5, 1965	Oct. 21, 1944	Caddo
Air Force	LA	Irsch, Wayne Charles	03	Jan. 9, 1974	Apr. 25, 1942	Tulsa
Air Force	LA	Johnston, Steven Bryce	03	Jan. 4, 1973	Jan. 22, 1946	Muskogee
Navy	VN	Knight, Larry Coleman	03	Apr 9, 1970	Oct. 10, 1943	Wilburton.
Army	VS	Mosburg, Henry Lee	03	Sept 26, 1966	Dec. 3, 1935	Putnam.
Navy	VS	Neislar, David Phillip	02	Feb 20, 1969	Jan. 25, 1944	Norman.
Navy	VN	Olmstead, Stanley Edward	05	Apr 6, 1973	Nov 12, 1933	Marshall.
Army	VS	Owens, Fred Monroe	E7	June 10, 1965	Dec. 3, 1933	Picher.
Army	VS	Padgett, Samuel Joseph	E7	Apr 10, 1968	Apr. 10, 1937	Tulsa
Air Force	LA	Poynor, Daniel Roberts	02	Dec. 19, 1971	June 12, 1946	Enid
Army	VS	Ransbottom, Frederick Joel	04	May 3, 1979	Sept. 19, 1946	Oklahoma City
Air Force	VN	Scott, Martin Ronald	06	Jan. 15, 1979	Apr. 10, 1931	Tulsa.
Air Force	LA	Shannon, Patrick Lee	E6	Mar. 11, 1968	Feb. 23, 1935	Owasso

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U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Air Force	VN	Smith, Howard Horton	O6	Aug 17, 1979	June 25, 1930	Oklahoma City
Air Force	VS	Stow, Lilburn Ray	O4	Apr. 26, 1968	May 20, 1929	Vici.
Air Force	LA	Stowers, Aubrey Eugene, Jr	O4	Oct. 4, 1979	Oct. 1, 1941	Sentinel
Navy	VN	Tolbert, Clarence Orfield	O4	Mar. 23, 1978	June 4, 1939	Tishomingo.
Air Force	VN	Tucker, James Hale	O4	Jan. 9, 1978	Dec. 29, 1941	Paunee.
Army	VS	Wann, Donald Lynn	W2	June 1, 1971	May 31, 1937	Shawnee.
Air Force	VN	Ward, Ronald Jack	O6	Aug. 16, 1978	Dec. 16, 1933	Anadarko.
Air Force	VS	Watson, Frank Peter	O3	June 18, 1965	Mar. 18, 1928	Oklahoma City
Army	LA	Whited, James Lafayette	O4	Nov 19, 1966	Dec. 2, 1923	Oklahoma City.
Army	VS	Wilburn, John Edward	E4	Apr 19, 1968	Feb 12, 1944	Luther.
Air Force	LA	Woodworth, Samuel Alexande	O3	Apr 17, 1965	Sept. 25, 1930	Minco.
Oregon (47):						
Air Force	LA	Altus, Robert Wayne	O3	Apr 16, 1979	Aug. 7, 1946	Sheridan.
Air Force	VN	Andrews, William Richard	O5	Sept. 6, 1974	June 9, 1937	Eugene
Navy	VN	Austin, Carl Benjamin	O5	Dec. 2, 1965	Sept. 13, 1923	Woodburn.
Air Force	VN	Badley, James Linsday	O1	Mar. 27, 1968	Apr. 16, 1942	Hermiston.
Air Force	VN	Brett, Robert Arthur Jr	O3	July 24, 1979	Apr. 16, 1948	Corvallis.
Air Force	VN	Brucher, John Martin	O4	Jan. 7, 1974	Aug. 16, 1936	Clatskanie.
Air Force	VS	Burnham, Mason Irwin	O3	Mar 27, 1975	Sept. 19, 1943	Portland.
Navy	VN	Bushnell, Brian Lee	E3	Apr 9, 1970	Mar. 9, 1949	Tualiton.
Navy	VS	Carter, Gerald Lynn	O2	Jan. 26, 1971	Feb. 14, 1942	Winston
Marine Corps	VN	Coates, Donald Leroy	E6	Feb 1, 1966	Jan. 19, 1937	Tigard.
Air Force	VN	Condit, Douglas Craig	O4	May 22, 1979	Feb. 5, 1942	Forest Grove
Navy	VN	Cooper, Daniel Dean	O3	Feb 4, 1972	May 21, 1946	Medford.
Air Force	VS	Dexter, Bennie Lee	E6	May 10, 1976	July 18, 1944	Bend.
Navy	VS	Dixon, David Lloyd	E4	Sept. 28, 1968	Apr. 3, 1945	Medford
Air Force	LA	Echanis, Joseph Ygnacio	O4	Jan. 21, 1975	Oct. 6, 1937	Portland.
Air Force	VN	Eckley, Wayne Alvin	E9	Apr. 27, 1978	May 22, 1936	Enterprise.
Air Force	LA	Elzinga, Richard Gene	O4	June 30, 1978	Aug. 13, 1942	Shedd.
Air Force	VN	Fisher, Donald Ellis	O6	Apr. 27, 1978	May 19, 1924	Halfway
Navy	VN	Goeden, Gene William	O2	Mar 17, 1967	July 21, 1943	Cornelius.
Air Force	LA	Hassenger, Arden Keith	E9	Dec 1, 1977	Sept. 15, 1936	Lebanon.
Navy	LA	Holt, Michael George	O5	Nov 16, 1978	Sept. 11, 1936	La Grande.
Air Force	VN	Hoskinson, Robert Eugene	O5	Feb 16, 1978	July 26, 1929	Moro
Air Force	VN	Johnson, Edward Harvey	O6	Apr 17, 1979	Apr. 27, 1932	Newburg.
Air Force	VN	Kinkade, William Louis	O3	Nov 26, 1973	Apr. 27, 1944	Corvallis
Air Force	VS	Knight, Larry Dale	O4	Oct. 22, 1974	Aug. 24, 1939	Albany.
Army	VS	La Grand, William John	W2	Sept. 6, 1966	May 11, 1941	Portland.
Navy	VN	Lindland, Donald Fredrick	O5	Aug 2, 1978	Aug. 22, 1935	Eugene
Marine Corps	VS	Lonanecker, Ronald Lee	E3	July. 8, 1966	Oct. 13, 1947	Portland
Army	VS	Lovegren, David Eugene	E3	Mar. 1, 1969	Mar. 21, 1949	Portland.
Air Force	VS	Lowry, Tyrrell Gordon	O3	June 18, 1965	Feb. 27, 1932	Portland.
Air Force	VN	Mallon, Richard Joseph	O3	Sept. 23, 1975	Sept. 28, 1942	Portland.
Air Force	VS	McClellan, Paul Truman Jr	O3	Nov 14, 1965	July 7, 1931	West Stayton.
Army	VS	Newton, Warren Emery	E6	Apr. 7, 1976	Mar. 26, 1949	Canby
Army	LA	Nopp, Robert Graham	O5	Dec. 1, 1977	Sept. 19, 1934	Salem.
Navy	VS	Patterson, Bruce Merle	O1	July 27, 1967	Mar. 6, 1945	Portland.
Navy	VN	Reinecke, Wayne Conrad	E4	Jan. 12, 1967	May 8, 1946	Milwaukie
Navy	VS	Ricker, William Ernest	O4	June 29, 1977	June 1, 1933	Portland.
Air Force	VS	Roberts, Harold James Jr	E7	June 18, 1965	July 16, 1921	Portland.
Air Force	VN	Shorack, Theodore James Jr	O4	June 9, 1966	Mar. 6, 1929	Salem.
Air Force	VN	Silver, Edward Dean	O5	Feb. 25, 1977	Feb. 2, 1934	Junction City
Air Force	VS	Smith, Hallie William	O4	Nov 10, 1975	Oct. 16, 1941	Portland.
Air Force	VS	Stanley, Robert William	O3	Apr. 1, 1967	Apr. 18, 1941	Portland.
Army	VN	Strawn, John Thomas	E6	Mar 4, 1971	Apr. 15, 1942	Salem.
Air Force	LA	Walker, Lloyd Francis	O4	Jan. 31, 1967	June 16, 1921	Mt Angel.
Air Force	LA	Walker, Thomas Taylor	O3	Apr. 7, 1966	Sept. 6, 1935	Toledo
Army	VS	Ware, John Alan	E6	Aug 21, 1978	Feb. 13, 1949	Hermiston.
Army	LA	Woods, Gerald Ernest	W1	Feb. 18, 1971	Jan. 22, 1950	Salem
Pennsylvania (126):						
Army	LA	Acalotta, Robert Joseph	E6	Sept. 25, 1978	Jan. 30, 1951	Greensburg
Air Force	VN	Angstadt, Ralph Harold	O5	July 18, 1973	Sept. 3, 1932	Fleetwood.
Marine Corps	VS	Ashlock, Carlos	E5	July 8, 1976	May 19, 1945	Philadelphia
Marine Corps	VS	Babula, Robert Leo	E6	Nov 7, 1974	Mar. 7 1947	Indiana.
Army	VS	Barnes, Charles Ronald	O3	Aug. 24, 1976	Aug. 21, 1942	Fullerton.
Navy	VN	Beck, Terry Lee	E4	Oct. 2, 1969	Jan. 11, 1946	Linesville
Navy	VN	Bell, Richard William	E4	Oct. 2, 1969	Apr. 30, 1947	Gibsonia.
Navy	VN	Bidwell, Barry Alan	E5	June 18, 1971	Jan. 13, 1948	Greensburg
Marine Corps	CB	Blessing, Lynn	E2	May 15, 1975	Jan. 16, 1957	Lancaster.
Marine Corps	VS	Bloom, Darl Russell	O3	Nov 13, 1964	July 25, 1933	Morrisdale
Marine Corps	VS	Bower, Irvin Lester, Jr	E3	Oct. 6, 1969	Apr. 24, 1949	Linglestown.
Army	VS	Boynaowski, John Gordon	O5	Dec. 14, 1971	Nov. 21, 1935	Harrisburg
Army	LA	Boyle, William	E7	Feb 28, 1970	Nov. 26, 1938	Watrous.
Army	VS	Briggs, Ronald Daniel	O3	Aug 20, 1974	Mar. 24, 1944	Philadelphia.
Navy	VN	Broms, Edward James, Jr	O4	Apr 15, 1975	May 6, 1943	Meadville.
Navy	VS	Brown, Frank Monroe, Jr	O3	Sept. 19, 1966	Dec. 18, 1938	Tunkhannock
Army	LA	Burns, Donald Deane, Jr	W2	Dec. 22, 1969	Dec. 26, 1946	Wayne
Air Force	VS	Caffarelli, Charles Joseph	O3	Nov 21, 1972	July 31, 1942	Tyrone.
Air Force	VN	Clapper, Gean Preston	E9	Apr 27, 1978	July 24, 1932	Altoona
Air Force	LA	Clark, Thomas Edward	O3	Feb. 8, 1969	Apr. 15, 1939	Emporium
Navy	VS	Clydesdale, Charles Frederick	O2	Mar. 15, 1965	Aug. 31, 1939	Pittsburgh.
Air Force	VN	Coltman, William Clare	O6	Aug 23, 1978	Feb. 24, 1932	Pittsburgh.
Air Force	VS	Conlon, John Francis II	O4	July 1, 1975	Feb. 18, 1941	Wilkes Barre.
Marine Corps	VS	Corle, John Thomas	E4	Dec. 8, 1965	Dec. 29, 1941	Pitcairn.
Air Force	VN	Crew, James Alan	O4	Dec. 4, 1978	May 15, 1941	Windber
Army	VS	Dennis, William Roy	E6	Mar. 29, 1977	Dec. 26, 1948	Pittsburgh
Navy	VN	Dickson, Edward Andrew	O3	Feb 7, 1965	Sept. 3, 1937	Wyoming
Navy	VN	Doyle, Michael William	O5	Feb 29, 1980	Feb. 13, 1943	Philadelphia
Air Force	LA	Dugan, Thomas Wayne	O6	July 20, 1978	May 31, 1933	Reading
Navy	VN	Estocin, Michael John	O5	Nov 10, 1977	Apr. 27, 1931	Turtle Creek
Marine Corps	VS	Evancho, Richard	E3	Mar. 26, 1968	Mar. 18, 1948	Freeland
Air Force	LA	Fallon, Patrick Martin	O6	Aug. 20, 1979	Nov. 12, 1921	Pittsburgh.
Marine Corps	VS	Fischer, John Richard	O2	Sept 9, 1966	July 17, 1941	Pittsburgh.
Air Force	LA	Fisher, Donald Garth	O6	July 17, 1979	June 27, 1930	Hazleton
Army	VS	Garrett, Maurice Edwin, Jr	O3	Oct 22, 1971	Apr. 17, 1946	Mercer.
Air Force	VS	Gehrig, James Monroe, Jr	O4	June 18, 1965	Apr. 5, 1930	Williamsport.
Air Force	VS	Giannangeli, Anthony Robert	O6	Sept. 11, 1978	Feb. 28, 1931	Lansford.
Air Force	LA	Gish, Henry Gerald	E5	Mar. 11, 1968	Dec. 18, 1942	Lancaster.
Navy	VN	Graham, James Scott	O4	Dec. 2, 1977	Oct. 25, 1941	Ardmore
Air Force	LA	Guillermin, Louis Fulda	O4	Apr 28, 1978	Jan. 6, 1943	West Chester
Army	CB	Harned, Gary Alan	E6	Nov 13, 1978	July 7, 1950	Springboro.
Air Force	VS	Hepler, Frank Monroe	E5	May 12, 1968	June 11, 1938	Glenside
Air Force	LA	Hetrick, Raymond Harry	O3	Feb. 24, 1966	Sept 11, 1936	Brookville

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Hill, John Richard	O3	Apr 27, 1970	Aug 5, 1940	Waynesburg
Navy	VN	Horchar, Andrew Anthony, Jr	E4	Apr. 9, 1970	Feb. 13, 1947	Indiana
Army	VS	Hunsicker, James Edward	O2	Apr. 24, 1972	Nov 29, 1946	Denver
Marine Corps	VS	Keiper, John Charles	E6	Jan 4, 1978	Sept. 18, 1945	Renovo
Air Force	VN	Kemmerer, Donald Richard	O4	Apr 3, 1978	May, 20, 1941	Quakertown.
Air Force	LA	Kiefel, Ernst Philip, Jr	O6	Jan. 15, 1979	May 11, 1933	Harrisburg
Air Force	LA	Kirk, Herbert Arthur	E5	Mar 11, 1968	Feb. 29, 1929	Philadelphia
Air Force	VN	Kline, Robert Earl	O6	Mar. 6, 1978	May 19, 1930	Indiana
Army	VS	Krupa, Frederick	O4	Sept. 6, 1978	Sept. 2, 1947	Scranton
Army	VS	Kusick, Joseph George	E4	Nov 8, 1967	Feb 26, 1945	Bruin.
Air Force	VN	Kwortnik, John Charles	O5	May 31, 1977	May 26, 1935	Downington
Army	VS	Lacey, Richard Joseph	E7	Nov 13, 1978	Aug 25, 1946	Pittsburgh.
Navy	VS	Levan, Alvin Lee	E3	Oct. 25, 1966	June 5, 1946	Catawissa
Air Force	VN	Long, John Henry Sothoron	O3	July 18, 1973	Jan 29, 1940	Media
Navy	VN	Lynn Doyle Wilmer	O5	May 27, 1965	Nov. 3, 1926	Aliquippa
Army	VS	Mangus, Arlie Robert	E5	Nov 4, 1971	Feb 16, 1951	Kittanning
Air Force	VN	Martin, John Murray	O5	Nov 20, 1967	June 17, 1931	Glenshaw
Navy	VN	McAteer, Thomas Joseph	O3	Nov 10, 1966	Apr 15, 1936	Pittsburgh.
Navy	VN	McBride, Earl Paul	O4	Oct 22, 1966	May 30, 1929	Volant.
Air Force	VS	McEwen, James Arthur	O2	Oct 22, 1965	Jan. 18, 1941	Washington.
Army	VS	Miller, Wyatt, Jr	E4	Sept. 14, 1971	July 9, 1950	Philadelphia
Navy	VN	Minnich, Richard Willis, Jr	O4	Sept. 15, 1976	Mar 4, 1942	Collegeville
Air Force	VN	Moore, Herbert William, Jr	O4	Apr 28, 1978	Nov 16, 1941	Imperial
Army	LA	Moreira, Ralph Angelo, Jr	W1	Mar 5, 1971	June 19, 1949	Beaver Falls
Navy	VN	Mossman, Joe Russell	O2	Sept. 13, 1965	June 9, 1939	Springfield
Marine Corps	VS	Myers, David Gephart	O2	June 8, 1967	Sept. 19, 1943	State College.
Navy	VN	Nelson, Richard Crawford	O5	Mar. 7, 1979	July 12, 1941	Drexel Hill.
Navy	VN	Netherland, Roger Morton	O6	May 10, 1973	Apr 5, 1926	Beaver.
Army	VS	Nickol, Robert Allen	E5	Oct. 26, 1971	July 6, 1951	Bethlehem.
Air Force	LA	O'Brien, John Lawrence	O3	Nov 10, 1966	July 19, 1931	Pittsburgh
Air Force	VN	Odonnell, Samuel, Jr	O3	Oct. 29, 1974	Jan 28, 1943	Weatherly
Air Force	CB	Pannabecker, David Eric	O3	Mar 27, 1972	Jan. 21, 1939	Womelsdorf.
Army	VS	Pantall, James Robert	E5	Nov 4, 1971	Jun. 4, 1950	Clymer
Air Force	VN	Parker, Frank C., III	O4	Apr. 27, 1978	Mar 2, 1940	Bridgeport.
Air Force	VS	Pasekoff, Robert Edward	O5	Oct. 5, 1973	Aug 16, 1930	Pittsburgh.
Army	VS	Patton, Kenneth James	E6	Jan 16, 1974	May 13, 1943	McKees Rocks
Air Force	LA	Pearce, Edwin Jack	E9	July 24, 1979	Dec 8, 1947	Milford.
Army	VS	Phillips, Daniel Raymond	E6	July 10, 1978	Aug 7, 1944	Philadelphia
Army	CB	Pierce, Walter Melvin	E3	June 10, 1970	Mar. 17, 1951	Philadelphia
Army	VS	Port, William David	E4	Nov 27, 1968	Oct. 31, 1941	Elizabethtown
Air Force	LA	Potter, William Joseph, Jr	O5	Apr 28, 1978	Sept. 24, 1935	Ambridge
Air Force	VS	Purcell, Howard Philip	O3	Sept 3, 1964	Apr 13, 1933	Lansdowne
Air Force	VN	Ratzel, Wesley Dallas	O3	Apr 17, 1979	Mar 28, 1947	Scranton
Army	VS	Reilly, Edward Daniel, Jr	E7	Dec 6, 1973	Jan. 16, 1943	Philadelphia
Navy	VS	Romig, Edward Leon	O2	June 17, 1966	June 21, 1941	Havertown
Air Force	CB	Rumbaugh, Elwood Eugene	E5	May 17, 1975	Sept. 10, 1943	Spangler
Navy	VN	Rupinski, Bernard Francis	O3	June 16, 1968	Aug 20, 1943	Edwardsville
Marine Corps	VS	Rykoskey, Edward Jay	E3	Aug 18, 1966	May 11, 1946	Carlisle
Navy	VS	Scaife, Kenneth Doyle	E2	Jan 3, 1973	Aug 6, 1953	Johnstown.
Navy	VN	Schroeffel, Thomas Anthony	O2	Feb. 18, 1966	July 2, 1942	Pittsburgh.
Army	LA	Schultz, Sheldon D	W3	Apr. 2, 1979	Apr 19, 1948	Altoona
Navy	VN	Scott, Dain Vanderlin	O4	Jan 24, 1974	Dec. 30, 1941	Gibsonia
Air Force	VN	Scungio, Vincent Anthony	O4	May 28, 1974	Oct 27, 1934	New Castle
Army	LA	Seymour, Leo Earl	E7	Apr. 21, 1976	May 14, 1942	Towanda
Army	VS	Shimek, Samuel Dale	E4	Dec 9, 1968	Nov 3, 1947	Uniontown
Air Force	LA	Sigafoods, Walter Harri, III	O3	Oct 9, 1973	Aug 29, 1946	Richboro
Air Force	LA	Smith, Lewis Philip, II	O4	June 21, 1978	Jan 2, 1943	Bellefonte
Marine Corps	VN	Smith, Robert Norman	O6	Mar 5, 1979	Sept. 20, 1926,	Trucksville
Air Force	VN	Stine, Joseph Millard	O6	Mar 6, 1978	Jan 5, 1932	Everett
Army	VS	Straley, John Leroy	E3	Jan. 18, 1964	May 18, 1939	Beaver Falls
Army	VS	Strohlein, Madison Alexand	E6	Oct 24, 1974	May 17, 1948	Philadelphia
Navy	VN	Strong, Henry Hooker, Jr	O6	Oct 25, 1978	Feb 27, 1933	North Wales
Air Force	VN	Sullivan, John Bernard, III	O4	Jan. 9, 1978	June 28, 1940	Pittsburgh
Navy	VN	Szeyller, Edward Philip	O3	Apr 4, 1967	Dec 24, 1930	Alltoona.
Air Force	LA	Terla, Lothar Gustav T	O3	Mar 9, 1970	Nov 4, 1940	Scranton.
Navy	VN	Thompson, David Mathew	O3	Aug 13, 1972	May 9, 1946	Pittsburgh
Air Force	VS	Tipping, Henry Albert	O6	July 2, 1968	Feb 18, 1924	Philadelphia
Navy	VN	Tritt, James Francis	E5	July 7, 1967	July 13, 1942	Monaca
Army	VS	Urquhart, Paul Dean	O3	May 28, 1971	Sept. 30, 1944	McMurray
Army	VS	Van, Artsdalen Clifford D	E4	May 9, 1968	Dec 25, 1949	Plumsteadville
Air Force	LA	Walker, Samuel Franklin, Jr	E9	June 21, 1978	July 10, 1942	Philadelphia
Army	VS	Walters, William	E3	May 10, 1969	Sept. 25, 1949	Philadelphia
Air Force	LA	Warren, Ervin	E9	May 2, 1978	Sept. 6, 1936	Philadelphia
Navy	VS	Weaver, George Robert, Jr	E5	Nov 1, 1966	Dec 2, 1938	Lancaster
Army	LA	Weitkamp, Edgar Wilken, Jr	W1	Mar 23, 1961	Nov 24, 1929	York
Army	VS	Wells, Robert James	E3	July 22, 1966	Dec. 26, 1943	Philadelphia
Navy	LA	White, Danforth Ellithorpe	O5	Mar 31, 1969	June 17, 1930	State College
Air Force	VN	Whitteker, Richard Lee	O3	Mar 27, 1968	Feb 7, 1939	Easton
Air Force	LA	Wolfkeil, Wayne Benjamin	O6	Aug 9, 1968	Mar 7, 1932	Wilkes Barre
Navy	LA	Wonn, James Charles	O1	Feb 17, 1968	May 10, 1944	Pittsburgh
Navy	VN	Worrell, Paul Laurance	O4	Apr 26, 1978	Apr. 18, 1942	Philadelphia
Army	CB	Young, Robert Milton	O3	Sept 17, 1972	Jan 17, 1945	New Alexandria
Air Force	VN	Zook, Harold Jacob	O5	July 16, 1979	Oct 21, 1940	New Holland
Rhode Island (10):						
Air Force	VN	Cappelli, Charles Edward	O5	Jan 24, 1974	Mar. 14, 1930	Providence
Navy	VN	Dion, Laurent Norbert	O5	Aug 17, 1967	Jan 25, 1929	Providence
Air Force	VN	Eaton, Curtis Abbot	O6	Apr 3, 1978	July 21, 1924	Wakefield
Army	VS	Goff, Kenneth B., Jr	O3	Mar. 13, 1978	Mar 9, 1943	Warwick
Air Force	VS	Jourdenais, George Henry	O4	Apr 1, 1967	Apr 13, 1938	Central Falls
Air Force	VN	Mellor, Frederic Moore	O5	Dec 6, 1977	Apr 5, 1935	Cranston
Navy	VN	Pender, Orland James, Jr	O3	Jan. 18, 1978	Aug 23, 1944	Warwick
Army	CB	Ray, James Michael	E6	Nov 30, 1969	Nov 10, 1949	Woonsocket
Navy	VN	Shaw, Edward Brendan	O2	Sept 5, 1965	Apr 4, 1939	Cranston
Army	VS	Walton, Lewis Clark	E7	Oct. 12, 1978	May 13, 1934	Cranston
South Carolina (31):						
Army	LA	Bischoff, John Malcolm	E7	Apr 22, 1961	July 18, 1929	Mountain Rest
Navy	VN	Bowman, Frank	E5	June 16, 1968	July 15, 1935	Walterboro
Army	VS	Brown, Harry Willis	E6	June 24, 1975	Aug 16, 1943	Charleston
Navy	VN	Carter, William Thomas	O2	Nov 10, 1966	Dec 4, 1941	Longs
Army	VS	Clack, Cecil James	E3	Jan 1, 1969	Aug 12, 1947	Chester
Air Force	VS	Dusing, Charles Gale	E9	July 9, 1974	Apr 11, 1928	Charleston
Army	VS	Edwards, Harry Jerome	E4	Jan. 20, 1972	Oct 24, 1952	Holly Hill
Army	VS	Ellis, Randall Shelley	E6	July 24, 1978	June 14, 1948	Charleston.

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U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

[Alphabetic listing by State]

Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Ellis, William, Jr	E6	Oct. 31, 1977	Jan. 28, 1947	Summerville.
Navy	VS	Garner, John Henry	E4	May 29, 1967	May 14, 1947	Charleston Heights.
Army	VS	Ginn, David Landrell	E5	Nov 4, 1971	Aug. 4, 1950	Anderson.
Air Force	VN	Hackett, Harley B. III	03	July 9, 1973	Oct. 23, 1942	Florence.
Army	VS	Hanna, Kenneth	E9	June 12, 1978	Apr. 28, 1933	Scranton.
Air Force	VN	Hynds, Wallace Gourley, Jr	06	Aug. 2, 1967	May 28, 1925	Sumter.
Army	VS	Johnson, Frankie B., Jr	E6	July 24, 1978	Nov. 4, 1947	Fountain Inn.
Army	LA	Johnston, James M	03	Nov. 19, 1966	May 4, 1938	Fort Mill.
Marine Corps	VS	Keefe, Douglas O'Neil	E2	May 20, 1967	Dec. 9, 1944	Columbia
Marine Corps	VN	Kott, Stephen Jay	04	Oct. 31, 1967	May 12, 1940	Greenville.
Army	VS	Latimer, Clarence Albert	E6	July 31, 1978	Aug. 27, 1947	Due West.
Army	VS	McKittrick, James Clifford	04	Jan. 22, 1975	June 22, 1942	Laurens.
Army	VS	McMurray, Fred Howell, Jr	03	Nov 13, 1974	Nov. 16, 1943	Charleston.
Air Force	VN	Mims, George Ivison, Jr	03	Dec. 20, 1965	May 17, 1940	Manning.
Navy	VS	Minor, Carrol William	E3	Dec. 9, 1968	Nov. 27, 1947	Greenville.
Marine Corps	VS	Osborne, Samuel William, Jr	E2	Apr 27, 1967	Jan. 21, 1946	Charleston.
Army	VS	Platt, Robert Lenwood, Jr	E6	Mar. 2, 1978	Sept. 1, 1947	Charleston.
Army	VS	Rhodes, Ferris Ansel, Jr	04	Aug. 14, 1978	Jan. 19, 1936	Greenwood
Army	VS	Rice, Thomas, Jr	E4	Dec. 29, 1966	Oct. 7, 1942	Spartanburg.
Air Force	VN	Sale, Harold Reeves, Jr	03	July 15, 1975	Aug. 26, 1942	Lexington.
Army	VS	Salley, James, Jr	E8	July 15, 1971	Aug. 17, 1930	Columbia.
Army	VS	Taylor, Ted James	03	July 15, 1971	Nov. 9, 1945	Lancaster.
Marine Corps	VS	Villeponteaux, James H., Jr	02	May 11, 1966	Nov. 23, 1940	Cordesville.
South Dakota (9):						
Navy	LA	Aldern, Donald Deane	06	Feb. 16, 1978	May 5, 1930	Sioux Falls.
Air Force	VS	Callies, Tommy Leon	03	Aug. 3, 1969	May 31, 1943	Howard.
Army	VS	Christensen, Allen Duane	E6	Jan. 8, 1979	Aug. 27, 1947	Flandreau.
Navy	VN	Eidsmoe, Norman Edward	05	Feb. 1, 1978	May 2, 1933	Rapid City
Navy	VS	Freng, Stanley Jon	E5	June 17, 1966	Dec. 24, 1942	Mission Hill.
Air Force	VN	Lane, Charles, Jr	03	Oct. 9, 1973	Apr. 21, 1942	Yankton.
Air Force	LA	Renelt, Walter A	06	Nov 20, 1969	Apr. 24, 1929	Wilmot.
Army	VS	Soyland, David Pecor	W3	Apr. 10, 1978	Apr. 29, 1951	Rapid City
Air Force	VN	Sprague, Stanley George	04	Sept. 12, 1966	Aug. 8, 1930	Rapid City
Tennessee (45):						
Air Force	LA	Andre, Howard Vincient, Jr	04	July 8, 1969	Mar. 18, 1935	Memphis.
Air Force	LA	Baldridge, John Robert, Jr	03	Nov 20, 1969	Nov. 2, 1946	Memphis.
Marine Corps	VS	Benton, James Austin	E3	Apr. 27, 1967	Feb 19, 1948	Daisy
Army	VS	Bremmer, Dwight Amos	E4	Dec. 14, 1971	Dec. 1, 1948	Oakland.
Army	VS	Bridges, Jerry Glen	E6	June 13, 1974	Jan. 7, 1948	Columbia
Army	VS	Brown, James Auston	E4	Aug 12, 1970	Sept. 18, 1949	Humboldt.
Air Force	LA	Burns, John Robert	03	Aug 4, 1966	Dec. 8, 1932	Memphis.
Air Force	VN	Casey, Donald Francis	06	Feb. 6, 1979	Jan. 25, 1926	Chattanooga
Air Force	LA	Chestnut, Joseph Lyons	06	July 25, 1978	July 15, 1934	Murfreesboro
Army	VS	Coalston, Echol W., Jr	E6	Apr 5, 1972	Feb. 25, 1940	Memphis.
Army	VS	Conway, James Bennett	03	Apr. 12, 1966	Nov. 23, 1930	Franklin.
Air Force	LA	Cotten, Larry William	02	Mar. 9, 1970	Mar. 19, 1945	Nashille
Navy	VN	Crain, Carroll Owen, Jr	05	May 16, 1973	May 13, 1933	Memphis
Marine Corps	VS	Dallas, Richard Howard	E3	Apr 27, 1967	Oct. 5, 1947	Memphis.
Army	VS	Delong, Joe Lynn	E6	Nov 8, 1967	June 18, 1947	McMinnville
Army	VS	Ellis, Billy Joe	E6	Mar 5, 1975	Apr. 20, 1948	Elizabethton.
Navy	VN	Feldhaus, John Anthony	05	Oct. 31, 1977	Oct. 3, 1938	Lawrenceburg
Air Force	LA	Foster, Paul Leonard	E7	Aug 12, 1975	Nov. 20, 1945	Knoxville
Air Force	VN	Fullam, Wayne Eugene	05	Dec. 6, 1973	Mar. 9, 1932	Chattanooga
Army	VS	Gervais, Donald Peter	E7	July 25, 1978	July 20, 1943	Clarksville.
Air Force	VS	Glandon, Gary Alven	02	May 26, 1966	Apr. 17, 1940	Powell.
Navy	VN	Goetsch, Thomas August	E2	Sept. 17, 1972	Feb. 19, 1953	Memphis.
Air Force	VN	Heskell, Lucius Lamar	04	Feb 6, 1967	Feb. 3, 1940	Memphis.
Army	VS	Hiemer, Jerry Allan	E4	Nov 17, 1965	Sept. 22, 1941	Memphis.
Army	VS	Hunter, James D.	E3	Oct. 29, 1968	Feb 20, 1949	Portland.
Air Force	CB	James, Samuel Larry	03	Apr 11, 1975	July 24, 1945	Chattanooga
Air Force	VN	Johnson, Dale Alonzo	04	Oct. 27, 1966	Sept. 17, 1929	Elizabethton.
Army	VN	Kimsey, William Arthur, Jr	W3	Jan. 11, 1974	Jan. 9, 1947	Reliance.
Marine Corps	VS	King, Gerald Eugene	E4	May 10, 1968	Feb 6, 1948	Knoxville.
Navy	VN	Lannom, Richard Clive	03	Oct. 3, 1973	Jan. 24, 1941	Union City.
Air Force	VN	McCrary, Jack	E9	Apr. 27, 1978	Nov. 30, 1934	Madison.
Air Force	LA	McPhail, William Thomas	04	June 29, 1978	June 5, 1939	Chattanooga.
Navy	VS	Newman, James Clifford, Jr	E6	Feb. 6, 1968	Sept. 24, 1932	Knoxville
Army	VS	Norris, Calvin Andrew	E6	Nov 4, 1971	July 9, 1940	Monterey
Army	VS	Phillips, Marvin Foster	E4	Sept. 26, 1966	June 30, 1946	Gruetli.
Army	LA	Stacks, Raymond Clark	03	Jan. 29, 1975	Mar. 6, 1948	Memphis.
Army	VS	Stancil, Kenneth Leon	W2	Dec. 29, 1966	Jan. 20, 1934	Chattanooga
Air Force	VN	Tatum, Lawrence Byron	06	Nov 10, 1976	Apr. 29, 1930	Chattanooga
Air Force	VS	Treece, James Allen	05	Mar. 6, 1978	Aug 11, 1934	Memphis.
Air Force	VN	Trier, Robert Douglas	04	Dec 20, 1965	Nov. 11, 1933	Memphis.
Air Force	VS	Vaden, Woodrow Wilson	04	Dec 10, 1964	Sept. 13, 1916	Clarksville
Air Force	VS	Welshan, John Thomas	03	July 15, 1975	Feb. 5, 1942	Oak Ridge
Air Force	LA	Williams, David Richard	06	Mar. 1, 1977	July 8, 1929	Memphis.
Air Force	LA	Wood, William Commodore, Jr	04	Oct. 4, 1979	Jan. 3, 1943	Paris.
Army	CB	Woods, Lawrence	E6	Oct. 24, 1964	Mar 18, 1925	Clarksville
Texas (166):						
Army	VS	Aldrich, Lawrence Lee	E4	May 6, 1968	July 16, 1947	Fort Worth.
Army	VS	Alford, Terry Lanier	W3	Sept. 29, 1978	Oct 22, 1947	Pasadena.
Army	LA	Almendariz, Samuel	E7	July 12, 1967	May 10, 1934	McAllen.
Air Force	LA	Armstrong, John William	06	June 7, 1974	Dec 5, 1926	Dal as.
Air Force	LA	Ayres, James Henry	05	Jan. 3, 1971	June 30, 1937	Pampa.
Marine Corps	VN	Bacik, Vladimir Henry	05	Jan. 30, 1979	Nov 18, 1932	Houston.
Air Force	LA	Baker, Arthur Dale	04	Jan. 8, 1974	July 30, 1933	San Antonio
Navy	VN	Barnett, Charles Edward	05	June 16, 1975	Jan 18, 1935	Houston.
Air Force	LA	Barnett, Robert Russell	03	Apr 7, 1966	Oct. 5, 1933	Gladewater.
Army	CB	Becerra, Rudy Morales	E6	Nov 13, 1978	Oct. 29, 1950	Richmond
Army	LA	Becker, James Christof	02	Aug. 15, 1970	Apr. 18, 1944	Palestine
Air Force	VN	Bell, Holly Gene	03	Jan 28, 1970	Jan. 5, 1937	Beaumont.
Air Force	VN	Biediger, Larry William	05	Jan. 8, 1974	Apr. 23, 1933	La Coste
Marine Corps	VS	Bradshaw, Robert S., III	02	Feb. 12, 1970	Jan. 29, 1943	Lufkin
Army	VN	Brasher, Jimmy, Mac	03	Oct. 18, 1967	Apr 9, 1941	Canyon
Army	LA	Briggs, Ernest Frank, Jr	E7	Apr 3, 1978	Dec. 12, 1944	Devine
Air Force	LA	Brooks, William Leslie	06	May 22, 1979	Apr. 24, 1933	Tolar
Marine Corps	VS	Brown, James William	E1	Apr. 5, 1966	July 22, 1946	Maud
Army	LA	Burns, Michael Paul	E6	Oct. 27, 1978	Apr 25, 1947	El Paso
Marine Corps	VS	Byars, Earnest Ray	E3	July 30, 1967	Apr 29, 1948	Houston.
Air Force	LA	Calfee, James Henry	E7	Mar. 11, 1968	Jan. 5, 1932	New Gulf.
Navy	VN	Cameron, Virgil King	04	June 24, 1974	May 8, 1939	McAllen.
Air Force	LA	Campbell, Clyde William	02	Mar. 1, 1969	July 26, 1944	Longview

U.S. CASUALTIES IN SOUTHEAST ASIA—Continued

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Air Force	LA	Campbell, William Edward	06	June 8, 1978	May 10, 1931	McAllen.
Army	LA	Carr, Donald Gene	04	Mar 4, 1976	Dec. 10, 1938	San Antonio
Navy	VN	Cartwright, Billie Jack	06	Oct. 9, 1973	June 21, 1927	San Antonio
Air Force	LA	Castillo, Richard	05	June 19, 1979	Nov. 21, 1938	Corpus Christi
Navy	VN	Cayce, John David	E3	Nov 12, 1967	Aug 20, 1946	San Antonio.
Army	VS	Champion, James Albert	E6	Sept. 25, 1978	Nov 16, 1949	Houston.
Air Force	LA	Clark, John Calvin, II	04	Sept. 11, 1978	Jan. 30, 1943	Brownfield
Air Force	LA	Clay, Eugene Lunsford	E5	Nov 9, 1967	Feb 20, 1939	Arlington.
Army	VS	Cochran, Isom Carter, Jr	E3	May 23, 1968	Apr. 3, 1947	Houston.
Navy	VS	Conner, Edwin Ray	E8	May 16, 1970	Mar. 27, 1935	Hillsboro
Air Force	VN	Connolly, Vincent John	05	Nov 4, 1966	May 10, 1934	San Antonio
Air Force	CB	Cornelius, Samuel Blackmar	04	Oct 4, 1979	Apr. 2, 1943	Lubbock.
Army	VS	Corona, Joel	E3	Nov 8, 1970	June 21, 1949	Pharr.
Army	VS	Deere, Donald Thorpe	E5	May 18, 1967	Sept. 6, 1944	Snyder.
Navy	VS	Denton Manuel Reyes	E4	Oct. 8, 1963	June 18, 1941	Kerrville
Army	LA	Dexter, Ronald James	E9	July 29, 1967	July 23, 1933	Abilene.
Air Force	LA	Duggan, William Young	05	Nov 19, 1973	May 7, 1935	Leander
Army	LA	Dyer, Irby, III	E5	Dec. 2, 1966	June 12, 1943	Midland.
Air Force	VN	Earll, David John	05	Jan. 15, 1979	Mar 2, 1938	Dallas
Navy	LA	Egan, William Patrick	04	Apr 29, 1966	Jan. 20, 1931	Fort Worth.
Navy	VN	Ellerd, Carl Joseph	E5	Oct 2, 1969	Oct. 27, 1939	Odessa
Marine Corps	VS	Escobedo, Julian, Jr	E3	Sept. 1, 1969	Apr 18, 1949	San Antonio
Marine Corps	VN	Fanning, Hugh Michael	03	Sept. 24, 1976	July 12, 1941	Fort Worth
Air Force	VN	Fieszel, Clifford Wayne	05	Aug. 17, 1979	Oct. 23, 1937	Lubbock.
Marine Corps	VN	Forrester, Ronald Wayne	03	Sept. 56, 1978	Mar. 125, 1947	Odessa
Army	VS	Foster, Marvin Lee	05	Oct 10, 1978	Dec. 12, 1929	Hubbard.
Air Force	LA	Fuller, James Ray	E9	Mar 5, 1980	Apr. 4, 1937	Cibolo
Air Force	VN	Fuller, William Otis	04	Aug 26, 1967	Aug. 20, 1935	Houston.
Army	LA	Garcia, Richado Maritnez	E6	Sept. 18, 1978	Sept. 15, 1951	Driscoll.
Army	VS	George, Jamels Edward, Jr	E6	Feb 9, 1968	July 19, 1947	Fort Worth
Air Force	VS	Gilbert, Paul Faris	03	June 18, 1972	Sept 19, 1941	Plainview
Army	VS	Gonzalez, Jesus Armando	E6	Apr 10, 1978	Sept 20, 1947	El Paso
Marine Corps	VS	Gonzalez, Jose Jesus	E3	Jun. 11, 1967	June 26, 1944	El Paso
Navy	VN	Goodwin, Charles Bernard	04	Aug 24, 1977	Aug 2, 1940	Haskell
Navy	VN	Green, Frank Clifford, Jr	05	Oct 2, 1978	June 5, 1935	Waskom
Air Force	LA	Green, Robert Bailey	E5	Oct 25, 1966	Mar 19, 1940	Lampasas.
Marine Corps	VS	Grissett, Edwin Russell, Jr	E5	Dec 1968	Sept 19, 1943	San Juan
Army	VS	Grosse, Christopher A., Jr	E6	Feb 27, 1976	Feb 14, 1946	Harlingen.
Marine Corps	VS	Guajardo, Hilario H	E2	May 1, 1967	Dec. 1, 1947	San Antonio
Army	VS	Gunn, Alan Wendeil	W3	June 5, 1978	May 28, 1948	San Antonio
Navy	VS	Hardie, Charles David	E5	July 27, 1967	Sept. 21, 1940	Houston.
Army	CB	Harris, Bobby Glenn	E6	Apr 16, 1979	Feb 27, 1952	Mission.
Air Force	LA	Hartness, Gregg	06	July 1, 1980	Apr. 18, 1937	Dallas.
Army	VS	Harwood, James Arthur	E6	Nov 13, 1978	Mar. 10, 1950	Dallas.
Air Force	VN	Hawkins, Edgar Lee	04	Sept. 20, 1965	May 3, 1929	Lamesa
Army	VS	Hilbrich, Barry Wayne	03	Jan. 24, 1974	June 25, 1947	Corpus Christi
Navy	VN	Hill, Rayford Jerome	E4	Oct. 2, 1969	Oct. 16, 1947	Houston.
Air Force	VS	Hill, Richard Dale	E3	Dec 6, 1963	Dec 3, 1942	Houston.
Army	VS	Hodgson, Cecil J	E8	Oct 28, 1977	July 28, 1937	Greenville
Air Force	VN	Hoff, Sammie Don	03	Mar 3, 1978	Sept. 24, 1941	Kenedy
Air Force	VN	Holley, Tilden Stewart	05	June 7, 1978	June 4, 1935	Cameron.
Army	VS	Huddleston, Lynn Ragle	03	Jan. 24, 1974	Dec. 21, 1941	Ralls.
Air Force	LA	Hull, James Larry	02	Feb. 19, 1971	Dec. 28, 1945	Lubbock
Army	LA	Hummel, John Floyd	W3	Nov 13, 1978	Aug 10, 1948	Barstow
Marine Corps	VS	Hurst, John Clark	03	July 13, 1968	July 30, 1941	Lufkin.
Navy	VN	Jackson, William Braxton	E5	July 19, 1967	Dec. 27, 1934	Stockdale
Army	VS	Jimenez, Juan Macias	E4	May 11, 1968	July 21, 1947	San Antonio.
Navy	VS	Johnson, David	E3	Feb 3, 1967	Jan. 10, 1943	Houston
Navy	VS	Johnson, Robert Dennison	04	Sept 1, 1967	Feb 12, 1934	Dallas.
Army	VS	Jones, John Robert	E5	June 5, 1971	Feb. 20, 1949	El Paso
Air Force	LA	Jones, Louis Farr	06	Nov 29, 1967	Dec 29, 1925	San Angelo
Air Force	VN	Jones, William Eugene	04	July 19, 1976	June 21, 1940	Ft. Worth
Army	VS	Jurecko, Daniel Edward	E4	May 8, 1968	Aug 19, 1948	Corpus Christi
Marine Corps	LA	Kent, Robert Duane	03	June 24, 1974	Dec 6, 1940	Dallas
Air Force	LA	Knight, Roy Abner, Jr	06	May 19, 1967	Feb 1, 1931	Millsap
Air Force	LA	Koonce, Terry Treloar	05	Apr 28, 1978	Sept. 13, 1938	San Antonio
Army	LA	Lane, Glen Oliver	E8	June 3, 1974	July 24, 1931	Odessa
Air Force	VS	Levis, Charles Allen	06	Sept 11, 1978	Nov 7, 1932	Ft Worth
Air Force	LA	Lewis, James Wimberley	06	Apr 16, 1982	July 24, 1928	Marshall
Air Force	CB	Lineberger, Harold Benton	05	June 29, 1978	Sept. 19, 1934	Austin
Army	VS	Little, Danny Leonard	E6	Apr 23, 1970	Sept 21, 1946	Abilene
Air Force	VN	Lockhart, George Barry	03	Dec 21, 1972	Feb. 17, 1947	Sulphur Springs
Marine Corps	VS	Long, Carl Edwin	03	Dec 20, 1969	Feb 8, 1944	College Station
Army	VS	Lull, Howard Burdette, Jr	E8	Oct 15, 1976	May 16, 1930	Dallas
Air Force	LA	Luna, Donald Alfred	05	Nov 29, 1978	Apr. 17, 1938	Houston
Air Force	VS	Manske, Charles Jerome	03	May 24, 1969	Oct. 14, 1939	El Campo
Army	VN	Marker, Michael Wayne	03	Mar 4, 1971	Sept 10, 1944	Wichita Falls
Air Force	CB	Martin, Douglas Kent	03	Jan. 9, 1978	July 24, 1947	Tyler
Air Force	VN	Martin, Sammy Arthur	02	Dec 27, 1967	Oct 16, 1942	Bryan
Marine Corps	VS	Matocha, Donald John	01	Apr 5, 1968	Jan 31, 1945	Smithville
Air Force	LA	Matteson, Glenn	01	Mar 23, 1961	Jan. 1, 1938	Dallas
Army	VS	McDonnell, John Terence	04	Feb 16, 1977	Dec 14, 1940	Ft. Worth
Air Force	VN	McElhanon, Michael Owen	06	Feb 6, 1979	Jan 6, 1934	Ft. Worth
Navy	VS	McKay, Homer Eugene	E5	Feb 6, 1968	Oct 18, 1938	Shallowater
Air Force	VN	McCarty, James Lon	03	June 24, 1972	Apr. 24, 1946	McLean
Army	VS	McDonell, R D	E6	Mar 25, 1971	Jan. 21, 1943	Sweetwater
Air Force	LA	Miller, Curtis Daniel	03	July 17, 1979	June 7, 1946	Palacios
Marine Corps	VS	Mills, James Dale	03	Jan. 29, 1968	July 1, 1937	Commerce
Army	VS	Montez, Anastacio	E7	May 24, 1969	Nov 24, 1929	Presidio
Navy	VS	Moore, Scott Ferris, Jr	E4	Feb 20, 1970	Apr. 28, 1949	Mesquite
Army	VS	Moreida, Manuel Jesus	E6	Mar 13, 1978	Oct. 15, 1946	Harlingen
Air Force	LA	Mundt, Henry Gerald, II	04	Apr 17, 1979	May 25, 1943	Abilene
Army	VS	Newton, Charles Vernon	E8	May 18, 1979	May 10, 1940	Canadian
Navy	LA	Niedecken, William Clinton	02	Feb 15, 1969	Nov 10, 1945	Corpus Christi
Marine Corps	VS	Padilla, David Esequiel	E3	May 18, 1968	May 1, 1947	Borger
Army	VS	Parks, Joe	E7	Jan 1, 1967	June 13, 1927	Cedar Lane
Air Force	VN	Powell, William Elmo	03	Aug 17, 1968	Dec. 10, 1942	Gatesville
Army	VS	Puentes, Manuel Rameriz	E6	Sept. 6, 1978	Aug 28, 1950	El Paso
Air Force	VN	Rackley, Inzar William, Jr	05	July 18, 1973	Jan. 2, 1933	Big Springs
Air Force	LA	Ramsower, Irving Burns, II	05	July 25, 1978	Dec 25, 1934	Mathis
Army	VS	Ravenna, Harry M., III	04	June 3, 1975	Sept., 29, 1937	San Antonio
Army	LA	Ray, Ronald Earl	E6	June 3, 1977	Aug 11, 1947	Port Arthur
Air Force	VS	Reed, Terry Michael	02	June 23, 1969	Jan 22, 1945	Randolph AFB

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Military service	Country of casualty	Name	Grade	Date of casualty	Date of birth	City
Army	VS	Robertson, John Will	E3	June 22, 1969	Jan. 4, 1947	Malakoff.
Navy	VN	Roberts, Gerald Ray	04	Dec 2, 1965	Apr. 8, 1934	San Marcos.
Air Force	VN	Roby, Charles Donald	06	Mar. 21, 1979	Sept. 25, 1928	Iowa Park.
Army	VS	Roe, Jerry Lee	03	Oct. 3, 1973	Mar 16, 1942	Houston.
Air Force	LA	Rose, Luther Lee	E9	Mar. 6, 1978	Aug. 7, 1935	Howe
Air Force	VS	Rucker, Emmett, Jr	05	May 24, 1968	Mar. 20, 1921	Wichita Falls
Air Force	VS	Russell, Richard Lee	02	Apr. 26, 1972	Nov 6, 1946	Snyder
Army	VS	Sanderlin, William Dale	E6	Mar 31, 1976	Sept. 15, 1943	Fort Worth.
Marine Corps	CB	Sandovall, Antonio Ramos	E2	May 15, 1975	Mar 4, 1956	San Antonio.
Navy	VN	Schmittou, Eureka Lavern	E6	May 23, 1967	Apr 18, 1929	Ringgold.
Army	LA	Scholz, Klaus Dieter	E7	May 12, 1977	Jan. 20, 1944	Amarillo.
Navy	VN	Seagraves, Melvin Douglas	E3	Apr. 30, 1972	Apr 9, 1951	Lubbock.
Marine Corps	VS	Shea, Michael John	02	Apr. 29, 1975	Apr. 7, 1950	El Paso
Air Force	LA	Smith, Warren Parker, Jr	05	Jan. 8, 1974	Dec. 13, 1929	Pasadena
Navy	VN	Stoddard, Clarence W., Jr	05	Sept. 14, 1966	Jan. 30, 1927	Corpus Christi.
Air Force	LA	Stratton, Charles Wayne	04	July 8, 1977	Oct. 9, 1940	Dallas.
Army	LA	Stride, James Daniel, Jr	E6	Oct. 5, 1968	Feb. 27, 1933	Denison.
Air Force	VN	Sullivan, Farrell Junior	05	June 27, 1972	Sept 11, 1934	Caddo Mills.
Navy	VN	Templin, Erwin Benard, Jr	04	May 10, 1973	Dec. 24, 1940	Houston.
Air Force	VN	Thompson, William James	06	Mar. 5, 1979	Feb. 19, 1933	Houston.
Air Force	VN	Townsend, Francis Wayne	03	Aug. 1, 1979	Apr. 24, 1948	Rusk
Army	VS	Tubbs, Glenn Ernest	E6	Nov 17, 1975	Jan. 24, 1940	Amarillo.
Air Force	LS	Van Cleave, Walter Shelby	05	Apr 22, 1969	Aug. 16, 1927	Dallas.
Air Force	VN	Vinson, Bobby Gene	06	Sept. 12, 1977	Jan. 17, 1928	Nederland
Air Force	VS	Wadsworth, Dean Amick	03	Oct. 8, 1963	Nov 30, 1930	Clarendon.
Air Force	VS	Wall, Jerry Mack	E4	May 18, 1966	Dec 19, 1941	Nacogdoches.
Air Force	LA	Ward, Neal Clinton	03	June 20, 1978	June 22, 1945	College Station.
Air Force	VS	Washburn, Larry Eugene	E3	June 17, 1966	Jan. 14, 1945	San Antonio
Army	LA	Watson, Ronald Leonard	03	Feb 18, 1971	Nov 11, 1944	El Paso
Air Force	LA	Westbrook, Donald Elliot	06	Apr. 27, 1978	Aug 28, 1926	Sherman.
Air Force	LA	Webster, Albert Dwayne	04	Oct. 5, 1968	Sept. 4, 1933	Terrell.
Army	VS	Widner, Danny Lee	E6	June 4, 19874	June 24, 1942	Graham
Air Force	VN	Wilburn, Woodrow Hoover	06	Apr 29, 1978	June 16, 1917	Corpus Christi.
Marine Corps	VS	Wilkins, Calvin Wayne	E3	Feb 8, 1969	Aug. 19, 1948	Waco
Army	VS	Wilkinson, Clyde David	03	Feb 12, 1971	Mar 18, 1945	Mineral Wells
Army	VS	Williams, Roy Charles	E7	Sept 24, 1979	June 3, 1947	Woodville
Marine Corps	LA	Wilson, Harry Truman	E5	June 4, 1970	Jan. 17, 1949	Grand Prairie
Air Force	LA	Wortham, Murray Lamar	03	Jan. 18, 1977	May 26, 1943	San Augustine
Air Force	VN	Wright, Jerdy Albert, Jr	06	Oct. 6, 1976	Dec. 21, 1935	Randolph AFB
Navy	VN	Yarbrough, William P., Jr	05	Feb 24, 1976	May 25, 1923	Abilene
Utah (24):						
Air Force	VN	Caras, Franklin Angel	05	Apr 4, 1978	Jan 19, 1934	Spanish Fork
Marine Corps	VN	Chipman, Ralph Jim	03	July 1, 1974	Aug. 15, 1943	Orem.
Marine Corps	VN	Christensen, John Michael	03	Dec. 8, 1978	Aug. 19, 1946	Ogden.
Marine Corps	VS	Connor, Charles Richard	05	Aug. 28, 1978	Jan. 15, 1938	Salt Lake City.
Air Force	CB	Crow, Raymond Jack, Jr	E4	Mar 27, 1972	May 4, 1951	Salt Lake City
Navy	VN	Ellison, John Cooley	06	Sept. 5, 1975	Dec. 16, 1928	Layton
Air Force	VN	Goodman, Russell Clemensen	04	Feb. 20, 1967	July 19, 1934	Salt Lake City.
Marine Corps	VS	Hubler, George Lawrence	03	Feb. 23, 1968	Sept 6, 1942	Moab.
Air Force	VS	Jeffs, Clive Garth	03	June 21, 1978	Oct 21, 1943	Salt Lake City
Army	VS	Jenne, Robert Earl	E4	May 8, 1968	Jan 7, 1948	Salt Lake City
Navy	VS	Krusi, Peter Herman	04	Nov 3, 1967	June 4, 1930	Smithfield.
Air Force	LA	Lucki, Albin Earl	03	Nov 8, 1973	Feb. 27, 1944	Salt Lake City
Navy	LA	Martin, James Edward	E3	Feb. 17, 1968	Dec 27, 1942	Salt Lake City
Air Force	VN	Powell, Lynn Kesler	02	Aug. 21, 1967	Aug. 13, 1938	Provo.
Marine Corps	VS	Reid, Harold Erich	E6	Dec. 3, 1974	Dec. 27, 1946	Salt Lake City
Air Force	LA	Rex, Robert Alan	03	Dec. 8, 1968	Feb 17, 1942	Randolph.
Army	VS	Schiele, James Francis	E6	Mar. 27, 1978	Oct 11, 1946	Granger.
Navy	VN	Smith, Gene Albert	05	Jan. 16, 1974	Apr. 18, 1933	Salt Lake City
Air Force	VN	Stephensen, Mark Lane	06	Aug. 21, 1975	May 29, 1930	Salt Lake City
Navy	VS	Wallace, Michael Walter	04	Mar. 28, 1968	Sept 12, 1936	Salt Lake City.
Army	VS	Widdison, Imlay Scott	E3	May 12, 1968	Feb. 24, 1946	Woods Cross.
Air Force	VS	Wiechert, Robert Charles	04	Nov 16, 1968	Sept 3, 1930	West Jordan.
Air Force	LA	Wood, Don Charles	06	Mar 3, 1980	Nov 11, 1929	Provo
Air Force	VN	Woods, Robert Francis	04	June 26, 1968	July 10, 1929	Salt Lake City
Vermont (4)						
Navy	VS	Callahan, David Francis, Jr	04	Sept. 23, 1968	Nov 10, 1934	Windsor.
Navy	VN	Deuso, Carroll Joseph	E9	Dec. 15, 1970	Mar 1, 1934	Richford
Navy	VN	Dooley, James Edward	04	Dec. 3, 1973	Nov 14, 1942	Manchester Center
Army	LA	Lafayette, John Wayne	04	Nov 15, 1973	Aug. 1, 1939	Waterbury
Virginia (62):						
Army	VS	Angell, Marshall Joseph	E5	Dec. 12, 1963	Jan. 29, 1939	Roanoke.
Navy	VS	Ashby, Donald Roberts, Sr	04	Jan. 19, 1967	Apr. 8, 1930	Newport News.
Army	LA	Bessor, Bruce Carlton	03	Nov. 10, 1976	Jan. 10, 1948	Fairfax.
Navy	VN	Blackburn, Harry Lee, Jr	06	May 10, 1972	Dec. 28, 1935	Highland Springs.
Air Force	VS	Blair, Charles Edward	06	Nov 27, 1973	Nov. 2, 1924	Chatham.
Army	VS	Blodgett, Douglas Randolph	E6	Nov 19, 1978	May 1, 1947	Alexandria
Army	LA	Boffman, Alan Brent	02	Mar. 18, 1971	June 8, 1946	Norfolk.
Army	LA	Booth, Lawrence Randolph	04	Oct. 20, 1978	Sept 11, 1944	Stoney Creek.
Air Force	VN	Bowles, Dwight Pollard	03	Nov 3, 1965	Feb. 4, 1932	Staunton.
Marine Corps	CB	Boyd, Walter	E2	May 15, 1975	Apr. 17, 1956	Norfolk
Air Force	VN	Brown, Robert Mack	05	Feb. 16, 1977	Oct. 1, 1933	Portsmouth.
Navy	VN	Buckley, Victor Patrick	03	Dec 16, 1969	Aug. 4, 1944	Falls Church
Air Force	VS	Burd, Douglas Glenn	02	Aug. 1, 1969	Nov. 8, 1945	Hampton.
Air Force	VN	Butt, Richard Leigh	03	June 2, 1976	Feb. 28, 1943	Norfolk
Army	VS	Chaney, Arthur Fletcher	W1	May 3, 1968	June 27, 1947	Vienna.
Air Force	VN	Clarke, George William, Jr	04	Nov 8, 1973	Jan. 28, 1941	Hampton.
Navy	VN	Compton, Frank Ray	03	Mar. 21, 1966	Jan. 11, 1936	Chatham.
Marine Corps	VS	Consolvo, John Wadswort, Jr	03	Oct. 22, 1974	Jan. 8, 1944	Fort Belvoir
Navy	VN	Colley, David Leo	05	Jan. 10, 1978	Aug. 3, 1934	Warwick.
Air Force	VN	Davies, Joseph Edwin	04	Oct 9, 1973	Apr. 8, 1940	Alexandria
Army	VS	Dodge, Edward Ray	E9	Oct. 28, 1977	Dec. 16, 1933	Norfolk.
Air Force	LA	Donahue, Morgan Jefferson	04	Feb. 2, 1981	May 2, 1944	Alexandria.
Air Force	LA	Dotson, Jefferson Scott	03	Apr 26, 1976	Aug. 6, 1944	Pound.
Air Force	VN	Dove, Jack Paris, Sr	03	July 12, 1967	Sept. 9, 1940	Bluefield.
Army	VS	Driver, Dallas Alan	E5	Oct. 10, 1970	May 7, 1948	Stephens City
Air Force	VN	Edmunds, Robert Clifton, Jr	04	May 9, 1978	June 2, 1942	Richmond
Army	VS	Ellen, Wade Lynn	W1	Apr 24, 1972	Oct 25, 1951	Norfolk.
Army	VS	Evans, Billy Kennedy, Jr	E4	Dec. 5, 1968	Nov. 8, 1947	Roanoke.
Army	VS	Finch, Melvin Wayne	03	Sept. 6, 1972	Nov. 10, 1944	Fort Belvoir.
Army	CB	Forame, Peter Charles	02	Dec 19, 1971	May 21, 1947	McLean
Navy	VN	Fowler, Roy Gillman	E4	Oct 2, 1969	Nov. 3, 1946	Annandale.
Air Force	LA	Greenwood, Robert Roy, Jr	05	Oct. 4, 1979	Oct. 18, 1936	Portsmouth.

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Navy	VN	Gregory, Paul Anthony	03	July 25, 1970	July 10, 1939	Virginia Beach
Air Force	LA	Harley, Lee Dufford	04	July 31, 1975	Jan 21, 1940	Danville
Army	VS	Holtzman, Ronald Lee	E4	Aug 24, 1967	Jan. 19, 1946	White Post.
Air Force	LA	Jackson, Paul Vernon, III	03	Dec. 24, 1972	Sept 3, 1946	Hampton
Air Force	VN	Jones, Orvin Clarence, Jr	05	Sept 27, 1979	May 17, 1939	Newport News.
Air Force	VS	Kennedy, John William	03	July 6, 1978	May 1, 1947	Arlington
Air Force	VN	Kosko, Walter	05	Jan 9, 1978	Dec. 1, 1930	Columbia
Navy	VN	Lee, Leonard Murray	05	Dec 8, 1977	July 8, 1935	Pulaski.
Army	VS	Malone, Jimmy McDonald	E6	Oct 28, 1977	Sept 13, 1946	Norfolk.
Air Force	LA	Mauterer, Oscar	06	Dec 1, 1977	Aug 24, 1925	Charlottesville
Army	VS	McCants, Leland S., III	02	Dec 30, 1968	Oct. 31, 1948	Alexandria
Marine Corps	VN	McPherson, Everett Alvin	04	Aug 12, 1974	Dec 18, 1942	Norfolk
Army	VS	Midgett, Dewey Allen	E2	Nov. 25, 1967	Dec. 29, 1947	Chesapeake
Air Force	LA	Mulhauser, Harvey	03	Jan 31, 1967	Mar 1, 1933	Charlottesville
Army	LA	Owen, Robert Duval	E7	Nov 15, 1973	Dec 21, 1938	Chatham.
Navy	VN	Parish, Charles Carroll	04	Apr. 6, 1973	Feb. 7, 1943	Lexington.
Marine Corps	VS	Pepper, Anthony John	E2	Apr. 6, 1968	Oct. 9, 1947	Richmond.
Army	VS	Perkins, Cecil Carringt, Jr	03	Dec. 14, 1971	Jan. 26, 1946	Portsmouth
Air Force	VN	Pruett, William David	E8	Jan 28, 1970	July 18, 1930	Bluefield.
Air Force	LA	Rash, Melvin Douglas	E8	June 29, 1978	June 8, 1946	Yorktown.
Navy	VN	Roark, James David	E5	Nov 12, 1967	Dec 9, 1941	Abingdon
Air Force	LA	Scott, Vincent Calvin, Jr	02	Apr 22, 1969	Dec. 1, 1943	Richmond
Army	VS	Spengler, Henry Mersho, III	03	Apr 5, 1972	Oct 26, 1946	Alexandria
Army	VS	Stuller, John Charles	E5	May 12, 1968	Dec. 14, 1942	Falls Church
Army	VS	Taylor, Fred	E7	July 14, 1966	Nov 2, 1932	Castlewood
Army	VS	Versace, Humbert Roque	03	July 1, 1966	July 2, 1937	Norfolk.
Air Force	LA	Weston, Oscar Branch, Jr	02	Mar. 23, 1961	Mar. 5, 1931	Norfolk.
Army	VS	Whitmire, Warren Taylor, Jr	W3	May 30, 1978	Dec. 2, 1945	Fairfax
Marine Corps	VN	Wilson, Roger Eugene	04	Jan 30, 1979	June 30, 1947	Norfolk
Navy	VS	Winkler, John Anthony	E2	Nov 22, 1965	Aug 22, 1943	Alexandria
Washington (60)						
Air Force	VN	Alfred, Gerald Oak, Jr	04	Nov 20, 1978	Oct 18, 1942	Seattle.
Marine Corps	VN	Alm, Richard Andrew	04	Feb 1, 1966	Sept 7, 1931	Puyallup
Marine Corps	VS	Ayers, Darrell Eugene	E5	Mar 19, 1970	Apr 4, 1937	Alderwood Manor
Air Force	VN	Balcom, Ralph Carol	05	Dec 27, 1977	Dec 24, 1933	Seattle
Navy	VN	Barber, Robert Franklin	03	Sept. 18, 1965	Apr. 17, 1926	Seattle
Marine Corps	CB	Benedett, Daniel Andrew	E2	May 15, 1975	Oct 30, 1955	Auburn King
Army	VS	Berg, Bruce Allan	E5	Aug 7, 1971	Apr 22, 1950	Olympia
Army	VS	Booth, Gary Preston	E4	Dec 23, 1970	Apr. 11, 1950	Olympia
Air Force	VN	Bossio, Galileo Fred	06	Apr 4, 1978	Mar 12, 1920	Deer Park
Army	LA	Brandt, Keith Allan	03	Mar 18, 1971	Dec. 27, 1940	Dellingham.
Air Force	VS	Brown, Wayne Gordon, II	04	July 19, 1978	Apr 29, 1943	Tacoma
Navy	VN	Charvet, Paul Claude	04	Dec 2, 1977	May 27, 1940	Grand View
Navy	VN	Clark, Philip Spratt, Jr	04	Sept 21, 1978	Jan 6, 1946	Fairchild AFB
Navy	VN	Clark Richard Champ	03	Nov 2, 1973	June 16, 1941	Tacoma
Marine Corps	VS	Colombo, Gary Lewis	E4	Mar 6, 1968	Sept 6, 1946	Yakima
Army	LA	Crandall, Gregory Stephen	W1	Feb 18, 1971	July 18, 1949	Tacoma
Army	VS	Crosby, Richard Alexander	E6	Mar 27, 1978	Sept 5, 1941	Spokane
Air Force	LA	Ferguson, Douglas David	03	May 3, 1976	Apr 26, 1945	Tacoma
Marine Corps	LA	Fors, Gary Henry	05	Aug 7, 1980	Apr 29, 1941	Puyallup
Air Force	VN	Francisco, San DeWayne	04	June 2, 1978	Feb. 29, 1944	Burbank
Army	VS	Graffe, Paul Leroy	03	Jan 16, 1974	Aug 19, 1946	Shelton.
Air Force	LA	Grewell, Larry Irwin	E9	June 29, 1978	July 6, 1945	Tacoma
Navy	VS	Hall, Harley Hubert	06	Jan. 27, 1973	Dec 23, 1937	Vancouver
Air Force	LA	Hanley, Larry James	04	Feb 6, 1979	Feb 13, 1943	Walla Walla
Air Force	LA	Hill, Gordon Clark	03	Aug 8, 1978	Oct. 9, 1944	Seattle
Air Force	LA	Holland, Melvin Arnold	E6	Mar 11, 1968	Jan 6, 1936	Woodland
Navy	VN	Jacobs, Edward James, Jr	05	Aug 25, 1967	July 13, 1928	Mt. Vernon
Air Force	LA	Jensen, George William	06	Oct 22, 1976	Feb 24, 1925	Seattle
Navy	VS	Koening, Edwin Lee	04	Dec 14, 1966	Feb 20, 1934	Spokane.
Navy	VN	Lester, Roderick Barnum	04	Aug 2, 1978	June 19, 1946	Morton
Navy	VN	Livingston, Richard Allen	03	Oct 2, 1969	July 1 1944	Tenino.
Navy	VN	Logan, Jacob Drummond	02	Dec 2, 1965	Oct 26, 1940	Seattle
Marine Corps	LA	Lono, Luther Albert	05	Nov 28, 1978	June 12, 1931	Tacoma
Army	VS	Lopez, Robert	05	Mar. 6, 1968	Oct 7, 1924	Seattle.
Air Force	LA	Masterson, Michael John	05	Nov 20, 1978	May 16, 1937	Ephrata
Air Force	VN	McDonald, Emmett Raymond	04	Feb 11, 1975	July 27, 1939	Bellevue.
Air Force	VS	McDonald, Kurt Casey	05	Aug 23, 1982	Aug 19 1934	Belieview
Navy	VN	McMican, M. D	02	June 2, 1965	Dec. 29, 1940	Toppenish.
Army	VS	McQuade, James Russell	02	June 11, 1972	June 3, 1949	Hoquiam.
Army	VS-	Meldahl, Charles Howard	E6	Sept. 10, 1974	July 15, 1948	Monroe
Army	LA	Nelson, David Lindford	03	Mar 5, 1971	Nov 10, 1943	Kirkland
Navy	VS	Nyman, Lawrence Frederick	02	June 24, 1965	Apr 9, 1941	Aberdeen
Army	VS	Okerlund, Thomas Richard	W3	Nov 6, 1978	Aug 5, 1948	Seattle
Army	VN	Osborne, Rodney Dee	E5	Mar 4, 1971	Dec, 5, 1949	Kent.
Air Force	VN	Owens, Joy Leonard	06	Apr. 4, 1978	July 6, 1929	Seattle
Army	VS	Paschal, Ronald Page	E5	Apr 2, 1972	Nov 1, 1950	Alderwood Manor.
Air Force	VN	Pearson, Robert Harvey	03	June 11, 1967	Aug 20, 1942	Everett
Air Force	VS	Pick, Donald William	04	Aug 27, 1968	Jan 13, 1930	Richland
Navy	VN	Prentice, Kenneth Morton	E5	Oct 2, 1969	May 26, 1946	Tacoma
Air Force	LA	Price, David Stanley	E4	Mar 11, 1968	July 14, 1941	Centralia
Army	VS	Ramos, Ranier Sylvester	W3	June 3, 1974	May 29, 1947	Bellingham
Navy	VS	Richardson, Stephen Could	02	Nov 30, 1965	Mar 22, 1940	Seattle
Navy	VN	Riordan, John Michael	04	Nov 10, 1966	Jan 1, 1944	Seattle
Air Force	VN	Robertson, John Leighton	06	June 29, 1978	Oct. 11, 1930	Seattle
Army	VS	Strait, Douglas Frank	E6	Nov 17, 1975	Jan 29, 1950	Moses Lake
Army	LA	Stubbs, William W. W	E6	Jan 4, 1977	Aug. 6, 1949	Newport
Navy	VN	Trembley, J. Forrest George	04	Jan 16, 1974	May 28, 1942	Spokane
Air Force	VN	Trimble, Larry Allen	03	Apr 15, 1972	Mar 6, 1947	Farmington
Army	LA	Williamson, James D	E7	Nov 27, 1978	Sept. 24, 1942	Tumwater.
Army	VS	Worthington, Richard C., Jr	W2	May 6, 1970	Mar 19, 1946	Bothell.
West Virginia (26):						
Air Force	LA	Albright, John Scott, II	03	May 17, 1979	Nov 7, 1945	Huntington.
Army	VS	Altizer, Albert Harold	E3	Oct 8, 1969	Apr 11, 1949	Squire
Air Force	VN	Austin, Joseph Clair	06	May 25 1979	June 30, 1929	Moundsville
Army	VS	Auxier, Jerry Edward	E6	July 29, 1968	Jan 19, 1944	Dixie
Army	VS	Biggs, Earl Roger	E9	Apr 3, 1978	Mar 23, 1932	Matheny
Navy	VS	Curry, Keith Royal Wilson	05	Jan 8, 1971	Sept. 21, 1930	Salem
Army	VS	Duncan, James Edward	E7	Mar 3, 1971	July 11, 1940	Point Pleasant.
Air Force	LA	Hensley, Ronnie Lee	E8	Sept 11 1978	June 8, 1948	Richwood.
Army	VS	Hunt, Robert William	E7	Aug 31, 1978	Aug 16, 1939	Beckley
Air Force	LA	Kerr, Everett Oscar	05	Jan 2, 1979	Apr 18, 1936	Belmont.
Air Force	LA	Lilly, Carroll Baxter	05	June 21, 1978	Dec 1, 1939	Morgantown

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Army	LA	Lucas, Larry Francis	O3	Dec. 20, 1966	Apr. 29, 1940	Marmet.
Marine Corps	CB	Marshall, Danny G	E1	July 21, 1976	Mar. 9, 1957	Waverly
Army	VS	Norton, Michael Robert	E6	May 1, 1978	Jan. 26, 1948	Eskdale.
Air Force	VS	Parsley, Edward Milton	E8	Jan. 9, 1978	Jan. 22, 1933	Naugatuck.
Air Force	VS	Pauley, Marshall Irvin	E8	Jan. 9, 1978	Oct. 17, 1941	Milton.
Marine Corps	VS	Pennington, Ronald Keith	E3	Apr 27, 1967	Sept. 27, 1946	Hambleton.
Army	VS	Pringle, Joe Harold	E9	Oct 26, 1978	June 28, 1929	Horner.
Air Force	VN	Salzarulo, Raymond Paul, Jr	O3	Sept. 4, 1966	Aug. 31, 1942	Fallanshee.
Marine Corps	VS	Sargent, James Ray	E3	May 10, 1968	Feb. 28, 1950	Anawalt.
Army	VS	Snider, Hughie Franklin	E4	Apr. 28, 1970	Apr 29, 1949	New Cumberland.
Army	VS	Spencer, Dean Calvin, III	E4	June 7, 1968	Oct. 3, 1947	Morgantown.
Army	VS	Taylor, James Lawrence	E5	Mar. 10, 1966	June 9, 1943	Nitro
Air Force	LA	Thompson, George Winton	O4	Jan. 25, 1978	Sept. 16, 1940	Beckley
Marine Corps	VN	Wallace, Hobart McKinle, Jr	O5	June 3, 1974	Oct. 10, 1933	Sharon.
Navy	VS	Wickham, David Wallace, II	O3	Dec. 17, 1965	June 29, 1934	Wheeling.
Wisconsin (37).						
Navy	VN	Allard, Michael John	O3	Aug 30, 1967	Sept. 12, 1940	Schofield.
Marine Corps	VS	Allen, Merlin Raye	E3	June 30, 1967	Oct. 22, 1946	Bayfield.
Navy	VN	Arnold, William Tamm	O4	May 18, 1978	June 25, 1940	West Allis.
Marine Corps	VS	Billipp, Norman Karl	O3	July 16, 1976	Mar. 14, 1945	Milwaukee
Marine Corps	VS	Blackman, Thomas Joseph	E2	May 10, 1968	Feb. 22, 1949	Racine
Army	VS	Bowers, Richard Lee	O4	Sept. 29, 1978	July 20, 1946	Lake Mills.
Air Force	VN	Bush, Robert Ira	O3	June 9, 1966	June 8, 1938	Racine.
Marine Corps	VS	Derby, Paul David	O3	Nov. 17, 1968	Jan. 4, 1943	Menomonie.
Air Force	VN	Downing, Donald William	O5	Apr 28, 1978	Mar 17, 1934	Janesville
Air Force	VN	Draeger, Walter Frank, Jr	O3	Apr. 4, 1965	Sept. 28, 1933	Deerfield.
Army	CB	Evans, William Anthony	E5	Mar. 2, 1969	Oct. 4, 1948	Milwaukee.
Air Force	LA	Fellenz, Charles Richard	E9	June 29, 1978	Oct. 20, 1939	Marshfield.
Marine Corps	VS	Fickler, Edwin James	O3	Feb 4, 1974	May 4, 1943	Kewaskum.
Marine Corps	VS	Fischer, Richard William	E7	Dec. 8, 1978	June 15, 1947	Madison.
Army	VS	Frazier, Paul Reid	E5	Sept. 3, 1968	Mar. 11, 1949	Milwaukee.
Navy	VS	Gallagher, Donald Louis	E7	Feb. 6, 1968	Mar. 2, 1938	Sheboygan.
Marine Corps	VS	Gee, Paul Stuart	O3	Aug 5, 1974	Aug. 21, 1943	Manitowish Waters.
Navy	VN	Gorsuch, William Dale	E4	Oct. 2, 1969	Mar. 20, 1948	Cambria.
Navy	LA	Hartzheim, John Francis	E5	Feb. 27, 1968	Nov 25, 1945	Appleton.
Army	VN	Hentz, Richard Jay	E5	Mar. 4, 1971	Nov. 7, 1947	Oshkosh.
Marine Corps	VS	Heyne, Raymond Thomas	E3	May 10, 1968	July 15, 1947	Mason.
Navy	VS	Huss, Roy Arthur	O2	Feb. 6, 1968	July 29, 1943	Eau Claire
Army	LA	Johnson, Randolph Leroy	E6	Sept. 13, 1979	May 22, 1949	Milwaukee.
Air Force	VN	Ketterer, James Alan	O3	July 19, 1976	Dec 18, 1942	Milwaukee.
Air Force	LA	Kubley, Roy Robert	O3	Jan. 31, 1967	July 8, 1939	Glidden.
Navy	VN	La Haye, James David	O5	May 8, 1965	July 21, 1923	Green Bay
Marine Corps	VN	Leet, David Leverett	O3	Apr 13, 1975	Dec. 21, 1946	Kenosha.
Air Force	LA	Melton, Todd Michael	E5	Feb. 5, 1973	Apr 11, 1949	Milwaukee
Marine Corps	VS	Moe, Harold John	O2	Sept. 26, 1967	July 11, 1938	Eau Claire.
Army	VS	Pierson, William C., III	W3	Oct. 16, 1978	Dec 23, 1947	Madison
Army	CB	Richardson, Dale Wayne	O4	Jan. 15, 1979	May 5, 1941	Cashton
Army	LA	Schmidt, Peter Alden	E4	Aug. 15, 1970	Nov 7, 1949	Milwaukee.
Marine Corps	VS	Soulier, Duwayne	E2	May 1, 1967	Dec. 31, 1946	Milwaukee
Army	VS	Trudeau, Albert Raymond	W1	Oct 26, 1971	Sept. 18, 1949	Milwaukee.
Marine Corps	VS	Tycz, James Neil	E5	May 10, 1967	Apr 10, 1945	Milwaukee.
Army	VS	Vanbendegom, James Lee	E6	July 31, 1967	Nov 28, 1948	Kenosha
Air Force	VN	Wilke, Robert Frederick	O6	May 5, 1978	Sept. 14, 1925	Milwaukee
Wyoming (6):						
Army	VS	Coen, Harry Bob	E7	Oct. 10, 1978	Sept. 22, 1948	Riverton.
Navy	VS	Cooley, Orville Dale	O3	Jan. 16, 1968	July 3, 1937	Range.
Air Force	VN	Evert, Lawrence Gerald	O5	Nov 29, 1978	Mar. 15, 1938	Cody
Air Force	LA	Hart, Joseph Leslie	O5	Feb 25, 1967	Sept. 11, 1924	Afton.
Air Force	LA	Krogman, Alva Ray	O2	Jan. 17, 1967	Apr 12, 1941	Worland.
Army	CB	Skiles, Thomas William	W1	Dec. 19, 1971	Aug 31, 1949	Buffalo.
Puerto Rico (3):						
Army	VS	Acosta-Rosario, Humberto	E6	Mar. 1, 1978	Jan. 15, 1947	Mayaguez.
Army	VS	Arroyo-Baez, Gerasimo	E7	Oct. 15, 1976	Feb. 5, 1931	Maunabo.
Air Force	LA	Cruz, Carlos Rafael	O4	July 19, 1976	Oct. 29, 1941	Arroyo
Virgin Islands (1):						
Army	VS	Schott, Richard Simpson	O5	Apr 7, 1972	Nov 24, 1929	St. Croix.
Other (7)						
Navy	VN	Dayao, Rolando Cuevas	E6	Oct. 2, 1969	June 29, 1935	Philippines.
Navy	VN	Gan, Leonardo Medina	E7	Oct. 2, 1969	Apr. 13, 1929	Philippines.
Army	VS	McIntosh, Ian	W1	Nov. 24, 1970	Sept. 21, 1945	Canada
Marine Corps	VS	Reeves, John Howard	E3	Dec. 23, 1966	Oct. 28, 1943	Canada.
Navy	VN	Salazar, Fidel Garcia	E5	Oct. 2, 1969	Apr. 24, 1936	Philippines.
Air Force	VS	Simpson, Robert Lewis	O3	Aug. 28, 1962	June 27, 1927	Panama.
Navy	VN	Viado, Reynaldo Rocillo	E3	Oct. 2, 1969	Sept. 22, 1945	Philippines.

Mr. BYRD. Mr. President, I introduce a bill and ask that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) 2,494 Americans, military and civilian, are listed as missing or otherwise unaccounted for in Southeast Asia;

(2) those missing or otherwise unaccounted for Americans have suffered untold hardship at the hands of a cruel enemy while in the service of their country;

(3) the families of these Americans retain the hope that they will return home and the loyalty, hope, love, and courage of these families inspire all Americans;

(4) the Congress and the people of the United States are committed to a full accounting for, and release of, all Americans missing or otherwise unaccounted for in Southeast Asia; and

(5) the service of those missing and otherwise unaccounted for Americans is deserving of special recognition by the Congress and all Americans.

SEC. 2. (a) (1) The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress, to those American personnel listed as missing or otherwise unaccounted for in Southeast Asia, to be accepted by next of kin, bronze medals designed by an artist who is an in-theatre Vietnam Veteran, in recognition of the distinguished service, heroism, and sacrifice of these personnel, and the commitment of the American people to their return. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be stricken bronze medals.

(2) There are authorized to be appropriated not to exceed $20,000 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause miniature duplicates in bronze to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor, materials, dies, use of machinery, and overhead expenses), and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(c) The medals provided for in this Act are national medals for the purpose of section 5111 of title 31, United States Code.

Mr. BYRD. Mr. President, I yield 3 minutes to the Senator from Wisconsin.

NUCLEAR FREEZE WINS FOREIGN POLICY ASSOCIATION POLL WITH 74 PERCENT SUPPORT

Mr. PROXMIRE. Mr. President, reports continue to show the overwhelming support of the American people for a mutual, verifiable, negotiated nuclear weapons freeze between the United States and the Soviet Union.

We are all aware of the fact that there have been nine referendums on the nuclear freeze in the last year and the nuclear freeze won in eight of them. But I think the most recent is even more impressive than that.

The Foreign Policy Association holds a series of seminars in depth in which the people who take part become thoroughly acquainted with the issue and with all sides of the prospects and how to handle the nuclear arms race.

The latest report comes from a survey by the Foreign Policy Association. Each year the association secures responses from groups that take part in foreign policy discussions across the country. Between February and May the association received about 8,000 ballots on various issues including "an immediate, mutual freeze on nuclear weapons, followed by a negotiated reduction in weapons, rather than a buildup of U.S. military strength, as a means of inducing the Soviet Union to negotiate." A smashing 74 percent of the respondents favored such a freeze.

Now, Mr. President, I regard this kind of response as particularly significant. Here is why: The respondents who voted in the Foreign Policy Association poll had conducted discussions, seminars, debates, entertaining different sides and contrary views. My experience with these discussion groups has impressed me with their intelligence, their tolerance to different ideas and their broad exposure to detailed information. These people consider options, and I am sure considered options to the nuclear freeze fairly and carefully. They are not impulsive. They are not knee jerk peaceniks. They are the Nation's opinion leaders on foreign policy issues. A vote of 74 percent for the nuclear freeze represents a remarkable showing.

In this democracy where we believe in rule by the people, this showing should impress us. It follows similar overwhelming popular approval for the nuclear freeze in New England town meetings and in referenda last year. In eight of the nine States where referenda were held the nuclear freeze won, in most cases by overwhelming votes. It is becoming clear, Mr. President, that support for the nuclear freeze comes from Republicans as well as Democrats, from conservatives as well as liberals. And this foreign policy poll shows that it is an opinion held by a large majority of the best informed and most thoughtful Americans. And one of the reasons why this is so reassuring is that so many of the leading pundits in the press have been critical of the nuclear freeze. Two of the leading papers in the country for example: The New York Times and the Washington Post have both opposed the freeze. No one can argue that the freeze represents a liberal-chic fad. Indeed, it represents the considered determination of a very big majority of the American people.

I ask unanimous consent that the article from the Wednesday, June 22, New York Times by Joseph Treaster be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 22, 1983]

SURVEY SHOWS SUPPORT FOR FREEZE

(By Joseph B. Treaster)

The Foreign Policy Association, in an informal nationwide survey, has found overwhelming support for an immediate mutual Soviet-American freeze on nuclear weapons, opposition to United States military aid to Latin American countries threatened by insurgencies and support for self-government for the Palestinians on the West Bank.

The association elicited these responses from participants in a program of foreign policy discussions that it encourages across the country.

Each year in January and February the association, a nonprofit, nonpartisan and educational organization, sells a booklet for use by the discussion groups that gives analyses of eight foreign affairs issues. The booklet includes ballots by which participants can express their opinions.

Between February and May the association received an average of about 8,000 ballots on each of the eight issues.

74 PERCENT FAVOR FREEZE

The association sold 80,000 copies of its booklet this year, but it says it does not have a precise count on the number of people who participated in the discussions.

In the question on the arms race, 74 percent of the respondents said they favored an immediate mutual freeze on nuclear weapons, followed by a negotiated reduction in weapons, rather than a buildup of United States military strength, as a means of inducing the Soviet Union to negotiate.

Eighty-two percent of the respondents urged negotiations on arms control with the Soviet Union despite disagreement on economic and political issues.

QUESTION OF PALESTINIAN STATE

On Latin America, 46 percent of the respondents said that the United States should not provide military aid to governments, such as those in El Salvador and Guatemala, that are struggling against guerrilla forces, while 30 percent said such aid should be provided only if other Latin American countries also decided to do so.

On the Middle East, 43 percent of the respondents said they favored creation of an independent Palestinian state in the West Bank and the Gaza Strip accompanied by recognition of Israel by the Palestine Liberation Organization. Thirty-five percent were in favor of independence in association with Jordan. Seventeen percent favored annexation of the West Bank and Gaza by Israel, with limited self-government for the Palestinians living there.

A NEW BIOGRAPHY OF ELIE WIESEL

Mr. PROXMIRE. Mr. President, Elie Wiesel, survivor of Auschwitz and Buchenwald and now a distinguished professor at Boston University, has devoted his life to preserving the memory of the Holocaust. Mr. Wiesel has attempted to convey the horror of the concentration camps.

Mr. Wiesel lost both his parents and sister to the Nazi persecution and, depite his own doubts about the capacity of the language to portray these traumatic experiences, his powerful accounts have moved many of us.

Mr. Wiesel is the subject of a recently published biography entitled, "Elie Wiesel: Messenger to All Humanity," by Robert McAfee Brown. Tracing Mr. Wiesel's odyssey, Mr. Brown sees him as a latter-day prophet, a messenger of modern society's deepest problems. The message of the Holocaust seems obvious, but Mr. Wiesel argues that the world remains indifferent to it.

Initially, worldwide response to the genocide of European Jews was one of unanimous condemnation. The United States took a leading role in the United Nation's adoption of a treaty declaring genocide an international crime. On December 9, 1948, the Genocide Convention was ratified by 55 to 0 vote in the General Assembly.

Mr. President, the genocidal action by Adolph Hitler is something that shocked the world and also shocked the United Nations into unanimously passing the Genocide Convention at the initiative of the United States, pushed by the administration of Harry Truman. Since then, seven Presidents have supported that treaty. The Foreign Relations Committee has reported it out four times.

Ninety nations have now ratified the convention. All the developed nations, with the exception of the United States, have ratified the Genocide Convention. Seven Presidents have supported the treaty. Four times, the Foreign Relations Committee has reported favorably on the treaty. Yet the treaty has languished, unratified, in the Senate for 35 years.

Mr. President, will we continue to ignore the efforts of men like Elie Wiesel? Genocide is the most egregious of crimes. The premediated eradication of a national, ethnical, racial, or religious group is a grievous loss to all of humanity.

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I earnestly hope that our role as a defender of human rights will no longer be compromised by our nonratification of the treaty. Ratification of the Genocide Convention is necessary if we are to demonstrate a consistent human rights stance.

Mr. President, I realize the majority leader and other Senators have heard this many, many times. I understand the Foreign Relations Committee is ready to report it out any time the administration gives it the green light. I hope and pray they will do that.

THE GARRISON DIVERSION PROJECT

Mr. PROXMIRE. Mr. President, during the debate on the Garrison diversion project on Wednesday, Senators ANDREWS and BURDICK introduced an article written by Peter Warren, a Canadian columnist.

In order to correct the impression left by that article, I submit the reply to that article which was given by R. N. Clarkson, the coordinator of the Garrison Focus Office of the Canadian Government. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF NATURAL RESOURCES, GARRISON FOCUS OFFICE, WINNIPEG, MANITOBA,
April 29, 1983.

The EDITOR,
Selkirk Interlake and Lake Centre News, Selkirk, Manitoba. R1A 2B2.

DEAR SIR: May I request that you publish the following remarks to correct the impressions left by Mr. Peter Warren in his April 20, 1983 article entitled "Garrison: The Report (1)" which jumps to conclusions and interprets the report "McClusky Canal Fish Screen Development and Verification" in a manner which not even the Bureau of Reclamation has done. It fact the Bureau of Reclamation in its draft Supplemental and Environmental Statement issued on March 29, 1983, states that while the construction of the McClusky Canal Fish Screen is no longer contemplated because the acreage to be irrigated at this time does not affect Canada, "that once Missouri water passes into Lonetree Reservoir, the option of constructing a fish screen in the McClusky Canal is not available. Undesirable fish could freely move into the Reservoir and they probably could not be detected until populations increased substantially. It would then be virtually impossible to eradicate established fish population from the Reservoir."

In dealing with the 3 dish species: rainbow smelt, gizzard shad and Utah chub, which most concern Manitoba, the Draft Supplementary Environmental Statement states "rainbow smelt was reported within the Garrison Diversion Unit in Audubon Lake and has increased its potential for transfer downstream: that the gizzard shad has not been found in Lake Sakakawea but is present in the middle James River, South Dakota: the Utah chub is present in the Upper Missouri River Drainage." Since its introduction in this area in 1935, it has moved downstream a distance of about 300 km."

It must also be pointed out to Mr. Warren that the Canadian/American International Commission has not reviewed the McClusky Canal Fish Screen Development and Verification Report. The International Garrison Diversion Study Board in its report to the International Joint Commission recommended that such a study be carried out and that certain modifications should be made to the screen, modifications which were tested as part of this recent study. The International Joint Commission concluded "that the McClusky Canal Fish Screen, even if modified together with the closed system, cannot be relied upon to prevent transfer of biota from the Missouri River to the Hudson Bay Drainage Basin. The Commission further concludes that the predicted impacts of a biota transfer are so potentially damaging that the closed system does not provide a sufficient guarantee against such an occurrence."

The National Audubon Society in commenting on the Draft Supplemental Environmental Statement on the Garrison Diversion Unit said it well—"the fish screen—or screens—would have about the same degree of security the Maginot Line had for France facing the German invaders in World War II".

Yours truly,

R. N. CLARKSON,
Coordinator.

TRANSBOUNDARY IMPLICATIONS OF THE GARRISON DIVERSION UNIT

BIOTA TRANSFER

The McClusky Canal fish screen was not included in original designs for GDU, but was added prior to 1975 in response to concerns over the possible transfer of foreign biota to the Hudson Bay Drainage Basin. This possibility of a transfer of exotics, that is, the transfer of fish species, fish diseases and fish parasites indigenous to the Missouri River Basin into the Hudson Bay Drainage Basin has been a major concern of the Biology Commitee, the Board and the Commission itself.

In fact, overriding everything else, as it turns out, has been the necessity that such introduction be prevented at all costs. This is not surprising. As the Biology Committee points out, "the introduction, on a worldwide basis, of exotics has led to significant destabilization of ecosystems". The Committee reminded us that unmanaged introduction of such exotics as hares in Australia, sea lampreys in the Great Lakes and carp in North America, have caused untold damage. They also note that within the United States concern over the possibility of interbasin transfers of exotic fish has resulted in recent pressures for their regulation. The Commission has recently been asked by its Great Lakes Research Advisory Board to take steps to advise the Governments that further introduction of exotics into the Great Lakes should be regulated jointly by the two Governments.

Unlike some other adverse consequences that can be minimized by additional mitigating measures or by cessation of operation of the Project, remedial measures to control unwanted exotics are oftentimes futile and, what makes it even more difficult, is that it may be some years before the full adverse impact is apparent.

For all these reasons, the Board insisted that the inter-basin transfer problem be examined in great depth. The United States Bureau of Reclamation had already recognized the necessity of controlling such introduction by proposing the use of fish screens as an early modification to their first plans. The ability of these screens to prevent the transfer of foreign biota was thoroughly reviewed and the Biology Committee found that, among other things, the mesh size was large enough to allow some larvae to pass through. Moreover, as the Board pointed out in their report, fish eggs, fish larvae and perhaps even small adults could pass around the screens because of spaces between screen panels.

This is important because the impact of such a transfer would be irreversible and would become apparent in about 10 years, with full impact in 25 to 50 years. If it were to occur, the undesirable foreign species which have a high reproductive potential could successfully compete for food and space, could replace indigenous forage fish, could alter the balance between existing predators and their prey, could carry parasites and could destroy some of the valuable present species. The inter-basin transfer could also introduce fish diseases by a water medium. In addition to the general ecosystem destabilization that could occur, the population of whitefish, walleye and sauger could be reduced by 50 percent in Lakes Winnipeg and Manitoba. This would, in turn, cause an annual loss of $6 million (Can.) to the commerical fishing industry of Manitoba and could possibly eliminate it. The Manitoba sports fishery could experience an annual loss of 26,000 recreation days and $130,000 in related revenue. Although some of these foreign species may eventually have some value, the Commission cannot assess their stability or their economic potential.

The Board emphasized, and the Commission agrees, that with a development of the magnitude of GDU, it is inevitable that some impacts will not have been identified. It is clear, however, that the overall biological impact through the introduction of foreign fish, fish eggs, fish diseases and parasites from GDU as envisaged is potentially severe. The Commission notes with concern that, historically, actions by man which have substantially changed or altered the natural environment often produced results not contemplated when the action took place. Once these changes are made they may be irreversible.

Nevertheless, the criteria at the present time should be the one expressed by the Biology Committee: "There must be a 100 percent assurance of fish passage prevention over an infinite time."

The Commission concludes that the McClusky Canal fish screen, even if modified, together with the closed system, cannot be relied upon to prevent the transfer of biota from the Missouri River to the Hudson Bay Drainage Basin. The Commission further concludes that the predicted impacts of a biota transfer are so potentially damaging that the closed system does not provide a sufficient guarantee against such an occurrence.

CHAPTER IX—RECOMMENDATIONS

The International Joint Commission, in the light of its conclusions on this inquiry, recommends:

1. That because the "closed system" and the McClusky Canal fish screen cannot with any certainty prevent biota and disease transfers which would cause severe and irreversible damage to the ecosystem and, in particular, to the commercial and sport fisheries in Canada, those portions ofthe Garrison Diversion Unit which could affect waters flowing into Canada not be built at this time. This is not intended to preclude construction of Lonetree Reservoir, subject to the conditions set forth in Chapter VIII.

The McClusky Canal, a conveyance channel with a design capacity of 1,950 cfs, will provide a direct connection between the Missouri River and the Hudson Bay watershed. Increased flows and oxygen levels in the James River will also enable fish to more upstream from South Dakota to where they could be transferred into the Wild Rice River in the Hudson Bay watershed. Twenty species of fish that could be introduced into the Hudson Bay watershed as a result of the GDU were identified. Nine of these species are considered as problem species in that each could be introduced, become established and have adverse impact on Manitoba fish populations. All but one of these species, gizzard shad, occur in the Missouri River system in or above Lake Sakakawea and could be introduced via the McClusky Canal. Six of the nine species, including the gizzard shad, occur in the lower James River. The potential for each of these problem species to impact Manitoba fish populations is summarized in Table VIII-2. Expected impacts of each of these problem species on important native species are summarized in Table VIII-3. Some species such as Utah chub, smelt and young gizzard shad would serve as forage for walleye, sauger and northern pike. They would, however, displace other forage species and it is unlikely that the overall forage conditions in most Manitoba waters would be improved by these introductions.

Rainbow smelt have been identified as one of the more serious problem species. Analyses of the significance of the GDU project as a means for introducing the species into Manitoba is complicated by the fact that it has already been introduced into the headwaters of the Rainy River system in Ontario and Minnesota. Smelt have been in these headwaters for at least seven years and have not been reported in the Rainy River or farther downstream. In some other waters smelt have dispersed rapidly from the point of introduction. All 5 Great Lakes were occupied within 25 years and smelt moved at least 250 miles downs the Missouri River within 4 years of being introduced into Lake Sakakawea. Smelt may or may not reach Lake Winnipeg via the Rainy River; however, the GDU provides a second direct route for the transfer of smelt and once the interbasin connection is completed the transfer is expected to take place within a relatively short time.

Carp were identified as the 10th problem species. They already occur in Manitoba sections of the Souris River; however, with increased flows and oxygen levels in the Souris it is predicted that the species will be introduced, established and have adverse impact in North Dakota and Saskatchewan reaches of the river.

The impact of introductions of foreign fish will probably become apparent within 10 years of completion of the interbasin connection and full impact of the introductions is likely to occur within 25-50 years of completion of the project. None of the problem species that are likely to be introduced as a result of the GDU project are expected to have a positive impact on commercial species of fish and commercial fisheries in Manitoba. Paddlefish and smelt could have a minor beneficial impact on recreational fishing in Manitoba.

Existing physical barriers between the Missouri-Hudson Bay and the St. Lawrence-Hudson Bay watersheds presently prevent the upstream movement of GDU potential problem species to all but one of the areas where interbasin connections have or are known to occur. There is a possibility of transfer of two foreign fish species, shortnose gar and gizzard shad, between the Missouri and Hudson Bay watersheds. The potential for transfer occurs at Lake Traverse-Big Stone Lake during times of very high flows in the Little Minnesota River or extremely high water levels in Lake Traverse. Distribution records indicate that one species, the stoneeat, may have moved into the Red River system through this linkage sometime during the last 10,000 years. A dyke separating the two watersheds has been constructed; however, a culvert that was later added to the dyke reestablished the potential for interbasin flow. Shortnose gar occur in Big Stone Lake and gizzard shad are present in the Minnesota River downstream of the Granite Falls Dam. This very intermittent connection has not resulted in the movement and establishment of shortnose gar across the divide.

The McClusky Canal fish screen is currently under construction. Its purpose is to prevent the interbasin transfer of fish, fish larvae and fish eggs from the Missouri River watershed into the Hudson Bay watershed. The structure, as designed, will not prevent the interbasin transfer of all fish, fish fry or fish eggs. For example, larvae of rainbow smelt and Utah chub can pass through the screens and because of spaces between screen panels, fish eggs, fish larvae and perhaps even adults could pass around the screens.

Two fish diseases are likely to be introduced into Canada as a result of the interbasin transfer of Missouri River waters to the Red and Souris Rivers. Infectious hemopoietic viral necrosis (IHVN), and enteric redmouth (ERM), a bacterial disease, have a high probability of being introduced to Manitoba waters. These pathogens can be carried directly by a water medium although the usual mode of transfer is through the transfer of diseased fishes. The greatest incidence of disease usually occurs where stress conditions are present. Hatchery stocks of whitefish and trout are particularly vulnerable. A paddlefish parasite, Polypodium sp. may be introduced and infect lake sturgeon of the Hudson Bay watershed. The potential for other fish diseases and fish parasites to be introduced and have impact appears to be low.

There is little likelihood that the GDU project will result in the introduction of plant diseases, terrestrial noxious weeds or aquatic plants into Manitoba as alternate, more effective methods of introduction already exist.

Operation of the GDU project will result in the introduction of invertebrate species into the Hudson Bay watershed. Examples include caddisflies of the genus Rhyacophila and the mayfly, Hexagenia bilineata which will probably be introduced in the Assiniboine, Souris and Red Rivers. They are of concern because adult swarms of some of these species have often resulted in increased incidence of asthmatic and allergenic problems in human populations.

Four reptile species and one amphibian species may be introduced into Manitoba as a result of GDU. The probability that the prairie rattler and the bull snake would be introduced could not be estimated and it seems unlikely that the GDU project would result in the introduction of the yellow-bellied racer or the Great Plains toad. On the other hand there is a high probability that the project will result in the introduction of the western spiny softshall turtle to Manitoba waters. This species have an adverse impact on fish populations in the Souris, Red and Assiniboine Rivers.

Changes in water quality and water quantity are likely to have some effects on Manitoba fish populations, especially those in the Souris River where the relative impact of GDU-derived waters will be greatest. Changes in water quality and water quantity are also expected to alter species composition and abundance of aquatic invertebrates in the Souris River and increased flows may increase present blackfly problems on the Souris River. Some changes in the composition of aquatic plants are also expected to occur, primiarily as a result of increased salinity. Changes in flood stage and duration are too minimal to affect upland species of wildlife along Manitoba waterways.

GDU-derived nutrients will contribute to the nutrient load entering Lakes Winnipeg and Manitoba and will help to accelerate eutrophication of these waters.

INTRODUCTION POTENTIAL OF FOREIGN FISHES INTO THE HUDSON BAY WATERSHED

Species	Potential for introduction	Potential for survival in Hudson Bay basin	Potential for biological impact	Potential for negative impact on Manitoba	Availability of information for evaluation
Pallid sturgeon	Low	High	Medium	Low	Low
Shovelnose sturgeon	Low	High	Medium	Low	Low
Paddlefish	Medium	High	Medium	Low	Medium
Shortnose gar	Medium	High	Medium	Medium	Low
Gizzard shad	High	Medium	High	Medium	High
Rainbow smelt	High	High	High	High	High
River carpusucker	Medium	High	Medium	Low	Low
Smallmouth buffalo	Medium	High	Medium	Low	Low
Utah chub	Low	High	High	Medium	Low

Source International Garrison Diversicn Study Board Report, 1976, at 11

PREDICTED IMPACT OF FOREIGN SPECIES ON MANITOBA FISHES

[Percent reduction in population size of commercially important Manitoba freshwater tish species, lowest/most likely/maximum]

	Lake whitefish	Lake herring	Walleye and sauger
Lake Winnipeg:			
North basin	25/50/75	50/75/99	25/50/75
South basin	0/5/10	0/5/10	25/50/75
Lake Manitoba	10/30/50	50/75/99	50/75/99

Source: International Garrison Diversion Study Board Report, 1976, Appendix C (Report of the Biology Committee), at 124.

MORATORIUM ON BANK ACQUISITIONS

Mr. PROXMIRE. Mr. President, I am pleased to join in support of legislation introduced by Senator GARN last Thursday establishing a moratorium on the acquisition of so-called nonbank banks and savings and loan associations by nonbanking firms. The moratorium would also stop bank holding companies from expanding into areas not functionally related to banking by taking advantage of favorable State laws such as the one recently enacted in South Dakota.

Normally I am reluctant to support a moratorium on new developments in the marketplace, especially when they involve innovative changes that will lead to improved goods and services for the people. But I do not think the recent developments in the banking industry can accurately be called innovations. Instead, they more closely resemble the actions of clever attorneys attempting to find a way around established public policy. To be sure, these policies need to be reassessed in the light of our modern economy. But if there is to be change, it should come as a product of careful deliberation by the Congress and not through the creative exploitation of loopholes by expansionist firms and their regulatory allies.

The basic policies that are threatened with erosion are those which seek to separate the business of banking from other commercial endeavors and especially the securities business. Why do we have such policies in the first place? One reason, of course, is to maintain the safety and solvency of our banking system by limiting risk. But equally important, in my judgment, is the desire to avoid a conflict of interest between the function of banking and other commercial and industrial activities. Banking is clearly an industry affected with a public purpose. The essence of banking is to allocate a scarce resource—credit—to those enterprises where it can be most productively employed. If bankers do their job well, the entire society benefits through higher economic growth. If bankers do poorly, society loses through lower rates of growth and productivity. Thus we all have a stake in seeing that bankers make their important credit judgments based solely on the economic merits of a project and not on the basis of some other competing consideration such as a desire to protect their own equity investment in a company.

This is why we do not permit banks to buy stocks and why we confine their activities to areas that are closely and functionally related to banking. We want to be sure that bankers are as impartial as they can possibly be in allocating credit among alternative uses.

The two laws which implement these concerns are the Glass-Steagall Act and the Bank Holding Company Act. The central purpose of Glass-Steagall is to separate the business of commercial banking from investment banking. The law grew out of the abuses during the 1920's when many large banks established securities affiliates. This was a nice arrangement for the bank, but it proved to be disastrous for the public. If, for example, a large New York bank made too many loans to a company or foreign government overburdened with debt, it did not have to run to the IMF of the Federal Government for a bail-out. It could bail out its own bad loans by refinancing them as bonds and selling them to their unsuspecting customers and correspondent banks. When the Great Depression came, many country banks found themselves loaded down with worthless paper sold to them by the security affiliates of their big city correspondent bank. The Congress decided to avoid such conflict in the future by separating the business of commercial banking from the business of investment banking.

Likewise, the Bank Holding Company Act is designed to keep commercial banks in the business of banking. The Bank Holding Company Act came about because banks and their attorneys had figured out a way to get around the direct restrictions placed on banks by the States and the Congress. For example, the National Banking Act limits national banks to certain enumerated powers plus all other powers incidental to the business of banking. Holding companies were formed primarily to enable banks to do indirectly through a holding company affiliate what they could not do directly as a bank—namely engage in activities that were not incidental to the business of banking.

Congress reacted to these developments in the marketplace by passing the Bank Holding Company Act of 1956 with amendments in 1970. The major thrust of the Bank Holding Company Act is to limit the activities of bank holding companies to those that are functionally related to banking. Thus while the powers available to bank holding companies are somewhat broader than the the powers of individual banks, there is still a fairly strict separation between banking type activities and other types of businesses.

I believe the major purposes behind these laws were valid when they were enacted and that they remain valid today. This is not to deny that these acts should not be broadened to permit a somewhat broader range of activities. Indeed, I have supported legislation permitting banks to underwrite municipal revenue bonds and to offer mutual funds. However, these decisions must be made carefully by the Congress on a case-by-case basis in order to preserve the underlying objectives these acts were designed to achieve. I certainly would not favor a wholesale repeal of the Bank Holding Company Act or the Glass-Steagall as some officials of the Reagan administration have suggested.

It is always possible, of course, that those who favor repeal are right in their contention that these laws no longer serve any legitimate public policy purpose. However, if this is what a majority in the Congress really believes, then these laws should be repealed directly by the Congress in a straightforward and upfront manner. The Congress should not by its silence or inaction be presumed to sanction the wholesale erosion of these laws by those who seek to get around them. In the absence of a definitive judgment by the Congress, the policies embodied in existing law must be deemed to be legitimate and valid.

This, then, brings me to the need for a moratorium to close several loopholes in our banking laws that have emerged in recent months. One loophole is the so-called nonbank bank whereby a nonbanking firm can acquire a bank outside the framework of the Bank Holding Company Act if the bank refrains from either making commercial loans or accepting demand deposits. When this occurs, the bank is deemed to be not a bank for purposes of the Bank Holding Company Act. This means any corporation in any line of business can acquire, own, and operate a bank as long as the bank does not accept demand deposits or does not make commercial loans. It would thus be entirely possible for a bank to raise money other than through demand deposits—while engaging in a full-scale commercial lending business and avoid regulation under the Bank Holding Company Act. General Motors could buy Chase Manhattan and legally operate it by converting its demand deposits to some other type of account or liability.

The second loophole is the dangerous precedent created by a South Dakota law allowing its State chartered banks to engage in all forms of insurance activities as long as the activities are conducted outside the State of South Dakota. South Dakota law also permits out-of-State bank holding companies to buy a State-chartered bank in South Dakota. The effect of these two laws is to allow a large bank holding company such as Citicorp to buy a South Dakota bank and use that bank to acquire a large insurance company that operates in the other 49 States.

The South Dakota law is especially egregious because it retains the traditional separation between banking and insurance within its borders. The potential for anticompetitive tie-in sales is, in effect, exported by South Dakota to the other 49 States. This is tantamount to a selective repeal of the Bank Holding Company Act by one State for the other 49. If other States follow this precedent, the Bank Holding Company Act will become a toothless shell.

I believe the Congress can and should address these issues on a permanent basis. But in the meantime, I believe we need a little time to preserve our options while we are considering legislation to further restructure the financial services industry. The Senate Banking Committee is nearing completion of a comprehensive series of oversight hearings on the financial services industry with particular attention being given to the need to update Glass-Steagall and the Bank Holding Company Act in the light of today's economy.

It is not my intention to use the moratorium as an excuse for avoiding decision on these difficult issues. Indeed, I believe a moratorium could have just the opposite effect of giving Congress a fixed deadline by which to complete action on whatever legislation may be needed to liberalize Glass-Steagall and the Bank Holding Company Act. In the meantime, we should not allow the actions of a few expansionist firms to foreclose or preempt the right of the Congress to reach a reasoned and deliberate judgment.

GOLDEN FLEECE AWARD FOR JUNE

Mr. PROXMIRE. Mr. President, I gave my Golden Fleece of the Month Award for June to the National Institute of Education (NIE). They failed, and failed badly, to keep tabs on a $900,000 Government contract. This failure resulted in about $500,000 of the taxpayers' money being blown on everything from unsecured personal loans to purchasing a disco and promoting a rock concert. Instead of doing their homework, the NIE bureaucrats were caught napping.

In my grade book, the NIE gets an F– for protecting the Nation's taxpayers but an A+ for promoting waste, fraud and abuse. They should be given a dunce cap, a good rap on the knuckles, and made to stand in the corner for a fiscal year.

This month's fleece, like most, has a humorous twist to it, but this one also merits review by the Justice Department. Therefore, I am sending the Attorney General a copy of the internal audit reports done by the Education Department. These reports are the basis of this fleece.

The NIE sponsors a number of conferences each year on topics such as Urban Superintendents Network and National State-of-the-Art Conference on Principalship. They hire consulting firms to arrange these conferences—a doubtful idea in itself.

These consultants are responsible for setting up the meetings, reimbursing those who attend for their travel costs, and paying honoraria when earned. The consultants submit their bills to NIE which should review them for accuracy and only then pay the tab. This is how things should work. But here is what the NIE let happen between January 1980, and May 14, 1981, when a bankruptcy spilled the dirty linen.

The NIE stood by while over $100,000 in personal loans were made. According to the Education Department auditors, "Our review showed that—the consulting firm—loaned three of its corporate executives $100,676 which was not repaid."

They turned a blind eye while Federal funds were used to support private, profitmaking businesses. At least nine unrelated firms were run from the same offices paid for through the NIE consulting contract. Yet up to 98 percent of overhead costs, including travel and pay costs, incurred by these unrelated businesses were charged to the NIE and, ultimately, to the taxpayer.

The auditors said that these businesses added to the Government's cost by using "administrative staff, space, communications, and so forth, at little or no cost to themselves." In addition to rock concerts and discos, these firms were involved in real estate speculation, mining ventures in Greece, and aircraft sales to Bangladesh.

The NIE handed over more than $70,000 to cover travel costs and honoraria for several conferences. Investigators discovered that this money did not go to the intended recipients. Because the NIE later had to pay these overdue bills, the poor taxpayers were socked twice with the same bill.

The NIE had received numerous indications that the contract had problems. They received five earlier warnings that travel costs were not being paid but continued with business as usual.

How could the NIE watch this mess develop and not stop it? The answer: the Contract Division thought the project officers, who were responsible for supervising the conferences, should also check the bills to make certain they were proper. The project officers—guess what—thought the Contract Division should be doing the checking. The bills, of course, were not checked, only paid.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I inquire if there is an order for morning business?

The **PRESIDING OFFICER.** There is. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 5 minutes each.

LA FESTA ITALIANA IN OMAHA, NEBR.

Mr. ZORINSKY. Mr. President, one of the truly special things about my hometown of Omaha is its ethnic diversity. Thanks in part to the railroad and meatpacking industries, Omaha is blessed with large populations of Poles, Lithuanians, Czechs and Croatians, among other groups.

The foundation of fiber of Omaha reflects the culture of these groups and their contributions to the city have been most noteworthy. Their presence gives Omaha a diversity and international flavor that is both significant and unique.

One of the most active of Omaha's ethnic groups is its American Italian community. More than 44,000 city residents are of Italian descent and Omaha's American Italian population has a consistent record of service to the city and its people.

The pride of Omaha's American Italians was demonstrated a year ago with the staging of a major Italian festival by the city's American Italian Heritage Society. "La Festa Italiana" ex-

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plored Italian culture and heritage through songs, dances, food and handiwork.

So successful was the festival that more than 20,000 people attended and an even greater turnout is expected July 15 to 17 when the second annual La Festa Italiana is scheduled.

In honor of this event, Mayor Mike Boyle has proclaimed the week of July 11 "American Italian Heritage Week" in Omaha. I certainly join Mayor Boyle in this effort to say a small "thank you" to Omaha's American Italian community for its very considerable contribution to our city over the years.

Mr. President, the British orator and stateman, Edmund Burke, wrote that, "People will not look forward to posterity who never look backward to their ancestors." During the week of July 11 and especially during La Festa Italiana July 15 to 17, Omaha's American Italian community will be pausing to remember and revere its Italian roots. In doing so, I have no doubt it will also be going a long way toward assuring a permanent place in Omaha's future for this very special segment of the city's population.

LEGISLATIVE BRANCH APPROPRIATIONS BILL

Mr. MATHIAS. Mr. President, the provision in the legislative branch appropriations bill passed last Thursday by the Senate which provides for the procurement of computer equipment by Senators' offices is an example of legislation on an appropriations bill that often results in unintended consequences because adequate opportunity is not provided for the committee of substantive jurisdiction to consider the matter. It is ironic that this action has been taken when we are midway in a test or experiment that will lead to new computer acquisition policy.

The amendment opens up the possibility for monumental waste of money and time, unless there are adequate administrative safeguards.

The purchase of computer equipment which is both economical and suitable for an office's requirements requires technical knowledge that some Senators may have and some may not. As in any field, advertisements and demonstrations are often not adequate to provide a basis of comparison between different options. It is only through extended use that the differences become clear and some products are revealed to be suitable and others not.

Computer equipment is more expensive and the technical considerations more complex than is the case with other supplies and equipment that Senators have discretion to purchase. These procurements can amount to hundreds of thousands of dollars. In the case of supplies and equipment that Senators can now purchase, if a mistake is made, the dollar impact is not disastrous. Mistakes in the purchase of computers could run in the millions of dollars. Also, no one in the Government has the option of large purchases without adhering to fair and competitive consideration of all legitimate suppliers, and it should remain necessary for the Senate to continue to follow the same kinds of procedures.

Under the proposed provision, I can foresee individual staff members persuading their office managers to buy the latest gadget they have seen advertised, only to find out that it does not do much of anything useful for them or work out as they expected. After the novelty wears off, we might not have enough warehouse space to store the discards from this new process.

I am aware that some offices are unhappy with the current correspondence management system. We know that CMS, which was once among the most advanced systems, has been superseded by new technology, and we are now in the process of providing for a replacement. Like CMS, the replacement will be the most advanced and most economical system available and will be tailored to the needs of the Senate. We also are in the middle of a test of office automation equipment to address the other needs of Senators' offices. Twelve offices are experimenting with equipment from six vendors and we will be evaluating the results in a few months. Then we will move to acquire office automation systems for Senators. With the help of the offices participating in the test and of other Senators and committees, we are confident that this process will produce systems that meet Senators' requirements in an economical manner. This could be a single system or it could be multiple systems from which offices could choose.

The provision in the legislative appropriations bill does not distinguish between Washington and home State offices. As Senators know, there is no inventory control over equipment in home State offices, and the potential for scandal in the diversion of such equipment to private use should be of great concern. If anyone doubts this possibility, I refer them to an article in a recent Washington Post about large scale losses of equipment at the University of the District of Columbia as a result of similar procedures.

The diversity of equipment that could result would greatly complicate training and support. Operators skilled on one system would not necessarily be able to use systems in other offices, thus restricting employment opportunities and destroying the pool of expertise that helps all offices through the exchange of information among users.

I am concerned about the far-reaching potential for waste and inefficiency. Fortunately, the provision requires that such purchases have the prior approval of the Committee on Rules and Administration. The Rules Committee has always taken seriously its reponsibilities to insure that appropriate and cost-effective services were provided to the Senate, in ways that were fair to all potential vendors of such services, and in ways designed to protect the Senate from the kinds of procurement scandals that one so often reads about in government agencies. We will, of course, continue to do so. The Rules Committee will meet soon to consider what procedures and criteria should be applicable to these procurements. I invite Senators to share their views on this subject with us.

MAXIMUM ALLOWABLE RATES FOR USE OF PRIVATELY OWNED AUTOMOBILES

Mr. MATHIAS. Mr. President, I wish to announce that as of June 19, 1983, the maximum allowable rate for use of privately owned automobiles is 20.5 cents per mile instead of the current 20 cents per mile. I ask unanimous consent that a copy of a letter I have sent to all senatorial offices explaining this order be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON
RULES AND ADMINISTRATION,
Washington, D.C., June 17, 1983.

DEAR SENATOR: This is to inform you that the Administrator of General Services has, under the provisions of Section 5707 of title 5 of the United States Code, issued regulations which have increased the maximum allowable rate for use of privately owned automobiles from 20 cents per mile to 20.5 cents per mile for all travel on and after June 19, 1983.

Under the authority vested in this Committee by subsection 8 of section (n)(1) of rule XXV of the Standing Rules of the Senate and by section 68 of title 2, United States Code, the above increased rate is hereby made effective for Senate travelers for all travel on or after June 19, 1983.

Please note that the rates for use of privately owned motorcycles and privately owned airplanes will continue to remain at 20 cents per mile and 45 cents per mile respectively.

Your attention is again called to the fact that, as in the past, the above rates are the maximum allowable rates and that it is the responsibility of each Senator and Chairman to set such rates as will most nearly compensate the traveler for necessary expenses.

Sincerely,
CHARLES MCC. MATHIAS, Jr.,
Chairman.

TRUCK SIZE AND WEIGHT LIMITS

Mr. SYMMS. Mr. President, last December Congress passed the Surface Transportation Assistance Act of 1982 (STAA), a much needed law that will raise more than $72 billion over 5 years to help restore and rebuild our Nation's highways. The groundwork for this legislation had been established over a period of more than 1 year in the Surface Transportation Committee of Senate Public Works, which I chair. Given its size and scope, the STAA was one of the most important pieces of legislation this body considered and passed last year.

One of the key provisions in STAA was the establishment of nationwide uniform truck size and weight limits which included the mandatory gross vehicle weight limit of 80,000 pounds to be applied in all States and the requirement for all States to allow the use of twin trailers. It should be noted that most States already had similar size and weight provisions. In the case of the weight, for example, all but three States already allowed 80,000 pound trucks; regarding the twin trailer requirement, 36 States were permitting their operation. The STAA size and weight requirements were necessary to being the remaining States into the prevailing norm and thereby produce a system of contiguous interstate size and weight requirements, as well as to enhance for a free flow of commerce in our country.

These changes were also important to help boost productivity and efficiency in our beleaguered trucking industry. Indeed, these productivity improvements were widely regarded as a trade-off for the steep tax increases that were levied on the trucking in the STAA—increases that in the heavy vehicle use tax alone exceeded 800 percent.

To implement the new law, the Federal Highway Administration announced on April 6 an interim network of Federal aid highways to which the new size and weight laws apply. After the announcement, a few States objected, and in most cases, their objections are now being addressed by FHWA. One, though, Connecticut, took the extreme action of defiantly passing a State law banning twin trailers within the State, effective April 5. This led the Justice Department to take Connecticut to court, challenging their unilateral ban, on May 27.

I, for one, am glad to learn that on June 13, U.S. District Court Judge Jose Cabranen issued an injunction on the ban. In part, his decision reads, "Where federal and state statutes conflict, the Supremacy Clause of the United States Constitution, Article VI, provides that the State statute must give way," he stated. "In general, the power of Congress to pre-empt state legislation affecting interstate commerce is sweeping."

Mr. President, I applaud Judge Cabranen's decision, which upholds the integrity of our interstate system of commerce and respect the recent work of this body in the Surface Transportation Assistance Act of 1982.

As a reflection of my feelings on this matter, I would like to share with my colleagues an editorial from the June 15 edition of the Journal of Commerce which further elaborates on the decision, and encourages Connecticut of rejoin our interstate system. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A FOREGONE CONCLUSION

Could anyone have doubted that Connecticut's ban on tandem-trailer truck rigs would be found unconstitutional, as it was this week in a federal court in Hartford? Can anyone believe that the higher courts to which Nutmeg State officials appeal will find otherwise?

The answer to each question has to be an emphatic "no." It is difficult to believe that even politicians in Connecticut think their ban on interstate commerce—in direct violation of a new federal law—does not violate the Constitution.

But those politicos vow in ringing tones to take the case all the way to the Supreme Court. They already have begun the process, which could take months.

And that strikes us as rather cynical conduct. For there can be only two beneficiaries of such litigation: the Connecticut politicians, who can make political hay even if they know they will lose the case, and the lawyers who handle the litigation.

To recap briefly, the Surface Transportation Assistance Act of 1982 was passed to raise more than $5 billion for the nation's deteriorating highway system.

Most Americans will feel the law only through its nickel-a-gallon increase in the federal gasoline tax. The act hits recession-battered truckers, however, with crushing tax hikes—for example, raising the current highway user tax of $240 to a new tax of $1,900 for the heaviest trucks.

As quid pro quo, the equity of which truckers still question loudly, the act increased nationwide limits on truck size and weight and authorized small twin-trailer rigs to help truckers boost productivity. Most states already had similar limits; 36 allow the twin-26-foot tandem rigs the law authorizes and a number allow triple rigs and twin-45-foot tandems.

The Federal Highway Administration unveiled April 6 an interim network of interstate and other primary federal-aid highways on which the new truck-size limits apply. A handful of states objected. Most have been talking it out with federal government; not so Connecticut, which acted pre-emptively on April 5 with a law banning tandem rigs. After attempting to negotiate, the federal government went to court May 27.

U.S. District Judge Jose Cabranes best summed up the situation this week as he issued his injunction against the ban. It was not a difficult constitutional question, he said.

"Where federal and state statutes conflict, the Supremacy Clause of the United States Constitution, Article VI, provides that the state statute must give way," he said. "In general, the power of Congress to pre-empt state legislation affecting interstate commerce is sweeping."

Clearly, it is time for Connecticut to back off, follow the law that even its own congressmen favored, and work with the federal government in trying to fine-tune the law's provisions.

THE LEGISLATIVE VETO AND U.S. TRADE LAW

Mr. DANFORTH. Mr. President, last week's Supreme Court decision striking down the so-called legislative veto is likely to have a profound impact on several provision of U.S. trade law. Among these are provisions of the Trade Act of 1974 relating to relief from injurious imports and extension of nondiscriminatory (MFN) trading status.

In the coming months, it is my intention to reexamine those provisions of trade law affected by the Supreme Court's decision. As chairman of the Subcommittee on International Trade of the Committee on Finance, I would expect to hold hearings and, as necessary, seek changes in U.S. trade law to insure that they continue to function as intended by Congress.

As with all matters related to the regulation of commerce, the Constitution grants the power to regulate foreign trade to the U.S. Congress. Congress has chosen, over the years to delegate much of the responsibility for the administration of our trade laws and the negotiation of trade agreements to the Executive. Instruments, such as the legislative veto, have been used by Congress to safeguard its interests in the operation of our trade laws. Whether with respect to the granting of import relief under section 201 of the Trade Act, the freedom of emigration provisions relating to East-West trade, or other parts of trade law, it is of paramount importance that Congress retain control over the process.

Mr. President, that said, I look forward to working with my colleagues in the reexamination of those provisions of U.S. trade law affected by the recent Supreme Court decision.

Mr. HEINZ. Mr. President, I think the Senator from Missouri is quite right in his concern about the implications of the Supreme Court's decision on our trade laws, particularly section 201. The last three Presidents have a nearly unbroken record of deviating from International Trade Commission recommendations, invariably to the detriment of the domestic industry.

Despite that record, the legislative veto in the escape clause provision has never been successfully used. In fact, to my knowledge, it has been attempted only twice, both during the Carter

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administration. On one occasion the Subcommittee on Trade of the House Ways and Means Committee voted to override a Presidential decision on industrial fasteners. The matter got no farther than that when a compromise was worked out which involved initiating a national security investigation under section 232.

The second case involved the President's decision in 1980 not to provide any relief beyond adjustment assistance in the leather wearing apparel case, despite a unanimous commission vote. The Senate overrode that decision, but the Subcommittee on Trade of the Ways and Means Committee failed to do so by one or two votes.

Despite this modest history, the presence of this provision has clearly had an impact in encouraging the President to adhere more closely to Commission recommendations. The leather apparel close vote, for example, I am convinced was an influential factor in the President's decision on mushrooms a month later.

As the Senator from Missouri knows, I have long been a critic of the interagency process used to produce deviations in these cases. My observation—and I have watched these episodes very closely—has been that the various agencies take predictable positions for or against import relief and that the bargaining that ensues produces satisfactory political compromise between agencies but loses sight of what makes economic sense for the affected industry. The result, more often than not, has been less than half a loaf which creates the illusion of relief but provides no real help and promotes no real adjustment.

Last year, in an effort to solve that problem I included in my omnibus trade bill (S. 2497) a requirement that Congress authorize, by resolution, any action the President proposed to take that differed from the ITC recommendation.

This year my industrial revitalization Act (S. 849) requires the imposition of the ITC recommendation, although it also includes a major, even decisive, role for the Government in fashioning the proposed relief at an earlier point in the process.

Mr. President, those are longer term solutions that will need the study and hearings the Senator from Missouri suggests. Right now, however, we have a more immediate problem, and that is the pending specialty steel 201 case. The President must make a decision in that matter by July 5.

This decision will be a critical test for the statute, not to mention the industry. The President himself initiated this case last November, and came close to determining its outcome as well in his public statement. The President said:

> The injury to the domestic industry is clear. The specialty steel industry is an efficient, technologically up-to-date and export-oriented branch of the steel industry. Its output is used in a wide range of demanding applications critical to an industrial economy and thus commands a price far higher than ordinary steel.
>
> A partial remedy against unfair imports can be rendered meaningless by a substitution of new foreign suppliers for those whose shipments are affected. Thus, the specific subsidy complaints could lead to a remedy that fails to resolve the overall import problem. Moreover, dealing with the specific subsidy problem itself probably would not have a great impact on world steel trading environment in which our industry must compete. Subsidies are only one of a wide range trade restrictive and trade distortive practices that many of our trading partners engage in to protect their industries and to stimulate exports. If we are ever to put an end to constant trade disputes in steel, we must stop dealing with discrete import and export issues in insolation and instead begin a coordinated approach to the problem.

Mr. President, if ever there were an appropriate candidate for the use of the escape clause mechanism, it is the specialty steel industry. The President asked for the case. Injury is clear—the Commission was unanimous except for one product. There is also no dispute that the imports coming into the United States are unfairly traded. The industry has initiated and won a series of dumping and subsidy cases against most of the major producers. Unfortunately those actions will not provide sufficient relief. The subsidizing producers will simply subsidize all the more: which, by the way is the argument against tariffs and for quotas as a form of relief. In addition, our laws move so slowly, a number of the cases have only recently been completed.

The industry effectively utilized its last period of import relief, from 1976 to 1980, to modernize, install new technology, and make itself competitive with any producer in the world, as long as they play by the same rules. Unfortunately during that same period 500,000 to 700,000 tons of new capacity was built elsewhere in the world, much of it subsidized, most of it for exports. Thus the U.S. industry, despite doing everything it was supposed to do, finds itself similarly threatened today by producers uninterested in the free market and uninterested in where real comparative advantage lies.

Mr. President, I have in the past spoken at length on the Senate floor on the specialty steel industry, its problems, and its importance to our economy and our national security. I will not repeat those remarks now.

I do want to make clear, however, what will happen if adequate relief is not approved.

First, there will be a serious, and I expect successful effort to restore the specialty metals clause to the defense appropriation. The industry acquiesced in the weakening of this clause, through the inclusion of the so-called NATO waiver, in the supplemental appropriation. In doing so, they gave up permanent and significant protection in the expectation of temporary but GATT-consistent import relief. If they do not get it, the specialty metals clause will return.

Second, the Congress will have to act to reverse the President and impose appropriate relief. The Supreme Court decision makes the use of the existing legislative veto problematical. Accordingly I am today introducing legislation to amend the escape clause mechanism to provide that the President must either implement the ITC recommendation, or, if he chooses to do something else, he must submit it to Congress as legislation which would be considered in 30 days under the fast-track procedures in section 151 of the Trade Act of 1974. Under these procedures the President's proposal could neither be delayed nor amended. A vote would be guaranteed. At the same time Congress would continue to have the role provided by the legislative veto. I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. Section 203(a) of the Trade Act of 1974 (19 U.S.C. 2253) is amended to read as follows:

"(a)(1) If the President proclaims the import relief recommended by the Commission, or announces his intention to negotiate one or more orderly marketing agreements pursuant to the Commission's recommendation, the President shall on the date such proclamation is made transmit to Congress a document setting forth the action he is taking under this section.

"(2) If, on the basis of advice received under section 202(b), the President determines that the provision of the import relief recommended by the Commission is not in the national economic interest of the United States and that there are alternative recommendations which offset the material injury or threat thereof to the industry to the same extent to which the Commission's recommendations offset such injury or threat thereof, the President shall transmit to Congress a document which sets forth—

"(A) such determination,

"(B) the reasons why providing that import relief recommended by the Commission is not in the national economic interest,

"(C) information with respect to—

"(i) what actions (other than adjustment assistance programs immediately available) the President proposes to take to help the industry overcome material injury or threat thereof and the workers to find productive employment, and

"(ii) how such actions will overcome such material injury or threat thereof to the same extent as the Commission's recommendations, and

"(D) proposed legislation to implement the President's recommendations.".

SEC. 2. Section 203(b) of the Trade Act of 1974 (19 U.S.C. 2253) is amended to read as follows:

"(b)(1) The President's proposal under subsection (a)(2)(D) shall be treated as an implementing bill pursuant to the provisions of section 151, except that, for purposes of section 151(c)(1), no trade agreement shall be required and the day on which the implementing bill is submitted shall be treated as the day on which the trade agreement is submitted; and for purposes of section 151(e) (1), and (2) the 45-day period shall be reduced to 15 days.

"(2) The President shall no later than the 31st day after the submission of such proposal—

"(A) proclaim the actions recommended by the Commission under section 201(d) if Congress fails to enact legislation under paragraph (1), or

"(B) take the action recommended by him if the Congress has enacted the legislation under paragraph (1).".

Mr. HEINZ. Mr. President, I believe this proposal can stand on its own merits. However, I would also like to see it enacted in time to respond to an unsatisfactory specialty steel situation, should that prove necessary.

Can the Senator from Missouri provide some encouragement in that regard?

Mr. DANFORTH. I certainly appreciate the concerns expressed by the Senator from Pennsylvania. Should import relief be denied in the specialty steel case—particularly in view of the virtually unanimous ITC recommendation—the operation of section 201 without the veto provision would immediately be called into question.

Although I have not had the opportunity to examine the Senator's legislative proposal, it seems to me that his or a similar arrangement may turn out to be the way to proceed. In any event, I, too, will be watching the specialty steel decision and would expect it to influence the actions of the Congress as we move to reexamine section 201 in the coming months.

As I indicated in my initial comments, I will do my best to schedule hearings on the impact of the Supreme Court's decision as soon as practicable.

PRESIDENTIAL CLASSROOM

Mr. GLENN. Mr. President, as someone deeply concerned about the quality of American education, I am particularly pleased to congratulate the 1983 Presidential Classroom of Young Americans, especially the six students selected from the State of Ohio.

They are: Craig Aaron Kaiser, Teays Valley High School, Ashville; Lisa C. Young, West Jefferson High School, West Jefferson; Darrin N. Chatman, Malabar High School, Mansfield; Kevin Todd Kinsey, Mansfield Senior High School, Mansfield; Kristin Lyn Lutz, Malabar High School, Mansfield; and Sarah Stahlheber, Mansfield Senior High School, Mansfield. Each of these students compiled as impressive record as leader, scholar, and participant in school and community activities.

As they prepare for careers, I know these students will continue a commitment to the same high-quality performance that merited their selection for the Presidential classroom program. It is refreshing to know that some students still place a high value on academic excellence. As we look to the future, these students remind us that inquisitive young minds represent our best hope to harness knowledge for human purpose. Just as they have learned to demand so much from themselves, these young leaders will be expected to contribute much to their society. I know they are equal to the challenge.

Again, I say congratulations to these outstanding students, but also to the families, friends, and teachers who contributed to their achievement.

TIMOTHY Q. KIME—A VERY SPECIAL OHIOAN

Mr. GLENN. Mr. President, on Thursday, June 30, the American Optometric Association will meet here, in Washington, to confirm a very special Ohioan, Timothy Q. Kime, O.D. of Toledo, to its highest elective office. It is a pleasure for me to join his friends and colleagues in honoring Dr. Kime on his election as president of this fine organization.

Dr. Kime has served his profession and the people of Ohio with great distinction for over two decades. Since graduating from the Ohio State University College of Optometry in 1961, Dr. Kime has devoted much of his time to the advancement of optometry and eye care at the local, State and national levels. At the same time, Dr. Kime has given freely of himself to many noble civic endeavors. His many hours of community and professional service include serving as president of the McKinley School PTA, member of the board of directors of the Conlan Center for the Severely Handicapped, secretary of the Health Planning Association of northwestern Ohio, president of the Maumee Valley Optometric Association and president of the Ohio Optometric Association.

Throughout his career in the health care field, Dr. Kime has exhibited an overriding commitment to improving the vision care and health of all Americans. It is most fitting that this commitment has been recognized and rewarded by his colleagues. I am proud that a fellow Ohioan has reached the top of this important health care profession, and I wish Dr. Kime great success during his tenure as president of the American Optometric Association.

PRESIDENTIAL SCHOLARS

Mr. GLENN. Mr. President, as someone deeply concerned about the quality of American education, I am particularly pleased to congratulate the 1983 class of Presidential scholars, especially the two selected from the State of Ohio. Brian D. Bryant, Walnut Hills High School in Cincinnati, and Jan Fischer, Upper Arlington High School in Columbus, compiled impressive records as leaders, scholars, and participants in school and community activities to earn this recognition. The highlight of National Recognition Week was the awards of Presidential medallions to the 141 distinguished young men and women during special White House ceremonies.

As they prepare for careers, Brian at Stanford University and Jan at Wake Forest University, I know these graduating seniors will continue a commitment to the same high-quality performance that merited their selection as Presidential scholars. It is refreshing to know that some students still place a high value on academic excellence. As we look to the future, Brian and Jan serve to remind us that inquisitive young minds represent our best hope to harness knowledge for human purpose. Just as they have learned to demand much from themselves, so the Presidential scholars will be expected to contribute much to their society. I know that Brian and Jan are equal to the challenge.

Again, I say congratulations to these outstanding students, but also to the families, friends, and teachers who contributed to their achievement.

DISABLED PERSONS

Mr. GLENN. Mr. President, I would like to express my strong support for amendment No. 1400 to the supplemental appropriations bill. This amendment suspends periodic reviews of disability beneficiaries having mental impairments until the Social Security Administration reforms the disability determination process. It is the same as S. 1144, a bill I have cosponsored. This temporary moratorium is urgently needed to protect mentally disabled persons who are particularly vulnerable and defenseless under the continuing disability review program.

In 1980, Congress passed amendments to the Social Security Act to tighten up eligibility for the disability program. The law requires the Social Security Administration to review the cases of disabled workers at least once every 3 years. Reports by the General Accounting Office and the Social Security Administration indicated that many beneficiaries in the program, perhaps 20 percent, were not really disabled.

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Congressional action to improve the disability program by weeding out nondisabled persons was necessary and sincere. However, the Administration's implementation of the 1980 amendments has been overzealous. Since the review process began 2 years ago, the Social Security Administration has terminated 45 percent of the beneficiaries reexamined. Investigations by several congressional committees indicate that many severely disabled persons are being erroneously terminated from the disability insurance program, only to wait, without benefits, through the lengthy appeals process. In my State of Ohio during 1982, 18,000 disabled beneficiaries were reviewed by the Social Security Administration and 42 percent of these persons were terminated from the rolls. However, if the terminated beneficiary appeals his case to the administrative law judge level, disability benefits are reinstated at a 67-percent rate. In the meantime, these persons suffer financial hardship and emotional trauma. Some disabled persons have committed suicide, others have died of medical conditions that were ruled "non-disabling," and others have lost their homes after being terminated from the disability program.

Many of the persons terminated from the disability program have been mentally impaired persons. At the request of the Special Committee on Aging, the General Accounting Office (GAO) examined 75 cases and interviewed about 200 disability examiners in Ohio and three other States. The results of the GAO study were presented at a hearing of the Aging Committee and indicate that the procedures used to review the cases of mentally ill people are seriously flawed. Among the shortcomings in this process, GAO found that 10 States did not employ any psychiatrists for use in the review process, mentally ill persons were not given a realistic evaluation of their ability to work, and examiners were encouraged to stress the positive activities that a beneficiary could do—such as feeding a cat or watching TV. Severely ill persons without the capacity to relate to other human beings have been terminated from the disability rolls because of their ability to boil an egg or attend a movie. The GAO findings parallel the ruling of a Federal court which decided in favor of a group of mentally disabled persons. The court found the Social Security Administration procedures to be arbitrary, capricious, and irrational.

Last week the Department of Health and Human Services announced a series of disability reforms which include a temporary moratorium on the reviews of about two-thirds of the mentally disabled. This action will apply to persons suffering from psychotic disorders. While this moratorium is helpful, it does not go far enough. Other persons with severe nonpsychotic disorders, such as mental retardation and suicidal depression, should also be exempt from the reviews. This amendment will halt the reviews of all mentally impaired persons for a 6-month period until the Social Security Administration, in consultation with psychiatric experts, revises the criteria used to determine mental disability.

While this amendment addresses the critical problems faced by mentally impaired individuals during the disability review process, additional comprehensive reforms are needed in the review process for all disability beneficiaries. I have cosponsored S. 476, a bill which corrects the most serious shortcomings in the review process. I urge my colleagues to adopt both of these bills so that we can improve the disability program and more effectively remove nondisabled persons without unfairly hurting truly disabled persons.

AIRCRAFT SAFETY

Mr. GLENN. Mr. President, the recent tragedy which resulted in the loss of human life aboard an Air Canada flight despite the outstanding performance of the flightcrew and the air traffic control service in bringing the aircraft down at the Greater Cincinnati Airport has drawn attention to the need for action to enhance prevention, detection and control of fire aboard aircraft.

On Friday of last week, President John A. Gannon of the International Association of Firefighters (AFL-CIO) noted in a Washington news conference that 10 years have passed since an onboard fire took 124 lives despite another successful landing at Paris, France. He asserted that "years of neglect" have gone by without effective action, and added that a pending recommendation could result in reduced crash and fire protection at numerous domestic airports.

Mr. President, I am pleased that hearings have begun before the Transportation, Aviation and Materials Subcommittee of the House of Representatives on aircraft cabin fire safety research and other critical safety issues. And I commend the International Association of Firefighters and especially its president, Jack Gannon, for forcefully pressing this issue, and I ask unanimous consent that Mr. Gannon's statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement on the Need for Congressional Hearings on Aircraft Crash/Fire Safety, in Flight and at Airports by John A. Gannon

On behalf of the membership of the International Association of Firefighters, AFL-CIO, we strongly urge Congress to hold hearings immediately to determine why the Federal Aviation Administration has not taken action to enhance aircraft safety regulations in the following areas: aircraft interiors, smoke detector systems, crash/rescue manpower/training, firefighter protective clothing, firefighter respiratory protection, extinguishing agents.

While public attention has recently been focused on the airplane fire problem as a result of the recent Air Canada tragedy, the problem is not a new one. Ten years ago, in 1973, an aircraft made an emergency landing in Paris, France, after a fire in a plastic waste basket near the lavoratory was discovered. Despite a successful landing, some 124 people died from inhaling toxic fumes given off by the burning synthetic materials used in the aircraft's interior.

While the FAA has lagged behind in issuing regulations to enhance the fire safety of aircraft interiors, it is considering taking actions that could further jeopardize the safety of aircraft passengers during an emergency situation. The FAA has been reviewing various recommendations in a contract study which, if and when adopted, would permit airports to keep existing certification without crash/fire rescue units stationed at the airports. Consideration of this proposal is based on a false idea of "Economy". These actions could eliminate all crash/fire protection services for several hundred class AA, A and B airports. In an emergency, there might not be any professionals present to put out a fire, or save the victims of a crash.

Furthermore, training of flight crews frequently requires knowledge only of the extinguishing systems onboard without provision for any practical experience with the systems.

Effective interior aircraft fire fighting and rescue efforts are also hindered by the fact that the FAA has not kept up with advances in protective clothing and equipment for fire fighters. There is no national standard for airport fire fighter protective clothing: coats, pants, gloves, and hoods. As a result, varying protection is afforded fire fighters, depending upon which airport they serve. Many current protective garments are currently made of asbestos, which poses a cancer risk to the fire fighters, even though safer materials, such as aluminized kevlar, are now readily available.

Likewise, there is no FAA requirement for firefighters to wear self-contained breathing apparatus and as a result it is not usually furnished. Firefighting and rescue efforts in the interior of the aircraft are thus severely limited, due to the smoke and other toxic products of combustion produced by the burning of synthetic materials present in aircraft interiors. Furthermore, most aircraft firefighting protective clothing is not designed to interface properly with self-contained breathing apparatus.

It is also evident that the extinguishing systems most commonly utilized by the airline industry have particular problems. For example, Halon 1211 when heated decomposes into toxic substances that could result in death. Further research efforts are needed to produce extinguishing systems that are both effective and nontoxic.

Materials used in airplane interiors include polycarbonate, polypropylene, polyurethane and polyvinylchloride, which when burned break down into various chemical fumes which may be odorless and colorless and are sometimes toxic and carcinogenic. Often, these toxic fumes begin to be

given off long before the plastic actually catches fire.

The FAA has been researching materials which can reduce toxicity and flammability since the early 1970's. Yet, there are still no requirements for airlines to install materials that are nontoxic and nonflammable. FAA has also refused to issue regulations requiring smoke detectors in all aircraft lavoratories despite recommendations to do so from the National Safety Transportation Board about 10 years ago.

Years of neglect have gone by without action from the FAA. It is time that our elected representatives in Congress demand that FAA take actions to improve aircraft safety.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. Will the Chair inquire if there is further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CONSTITUTIONAL AMENDMENT ON ABORTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate Calendar No. 235, Senate Joint Resolution 3.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 3) to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on the Judiciary with an amendment, as follows:

On page 2, strike line 6, through and including line 10, and insert "Constitution":

So as to make the joint resolution read:

S.J. Res. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article. —

"Section . A right to abortion is not secured by this Constitution.".

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the reason for the delay this morning, after laying before the Senate the resolution, was the hope that we might be able to get a unanimous-consent agreement that would provide against any amendment to this resolution, which I understand is the wish of the principal sponsors and the principal opponents, and that we might get a time certain for final passage or limitation on the time for debate.

It would be a little short of a miracle if we got that, but I wish to report that on our side at least it looked as if we may be able to do that. I hope we will be able to get such an agreement a little later, but it is not possible for a variety of reasons relating to the presence of Members in the Chamber to do so now.

Therefore, the managers on both sides have agreed to go forward with their opening statements and the beginning of debate.

I wish to say, however, that it is my intention to try to get such an agreement sometime during the course of this morning.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, a decade ago, the Supreme Court inaugurated our nationwide policy of abortion on demand, an abortion policy more radical than that of any nation with the possible exception of the People's Republic of China. Moreover, this decision changing the life of every American was neither the product of a vote of our people nor enacted by our legislators. Nor a single State had such an unrestricted abortion doctrine before the Court decreed such to be our single national policy of January 22, 1973. The consequences of this act are undeniable: the death of more than 15 million unborn children is a grim monument in this country.

In the intervening years since that judicial edict, this body has often convened to discuss tangential aspects of the questions raised, but not disposed of, by the Surpeme Court. We have discussed Federal funding of abortions; we have discussed limitations on Federal court jurisdiction relative to abortion; we have even discussed insurance coverage for abortions. Today, however, we are embarking on an historic debate. For the first time, the Senate will examine directly the merits of our radical abortion policy. This is the debate amongst representatives of the people that was not held 10 years ago when America fell subject to this indulgent policy. This is the chance America did not have then to carefully weigh all the implications of permitting wholesale abortions. This is the opportunity Americans did not enjoy then to participate in the decision by apprising their Senators of their own unique and informed vantage points. This is the occasion America did not have to consider what other options might guarantee maternal safety while protecting the unborn. This is our national opportunity to reconsider *Roe* v. *Wade,* 410 U.S. 113 (1973).

Roe against Wade and its companion case, *Doe* v. *Bolton,* 410 U.S. 179, (1973) granted abortion the elevated status of a fundamental constitutional right and invalidated almost all effective restrictions on abortion throughout the 9 months of pregnancy. The only apparent restriction in Roe's abortion policy, permission for a State, in the third trimester of pregnancy, to regulate abortion, unless necessary to preserve the "health of the mother," 410 U.S. 132, was simultaneously withdrawn by Doe which defined the health exception broadly enough to encompass the mother's physical, emotional, or psychological well-being. 410 U.S. at 192. In the words of Prof. John Noonan of the University of California Law School, the absolute and plenary right to abortion created by the Court was curbed in the final stages of pregnancy only by the "necessity of a physician's finding that she needed an abortion." Noonan, Private Choice, 12 (1979). In short, no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy. Any lingering misconceptions about the extreme scope of the right to abortion created by the Court were laid to rest on June 15, when the Court struck down even simple State laws requiring a 24-hour waiting period for elective abortions and requiring the attending physician to inform the patient of the risks and effects of abortion.

Frankly, it is this rule of abortion on demand imposed upon a citizenry whose values are sharply at variance that has caused a decade of intensive divisions and passions on the issue of abortion. I have said that we are embarking on our first true debate of the abortion controversy, but in a sense, we are only continuing a debate that has already raged amongst the people of the United States for more than 10 years. The focus of the Senate aspect of this intense national confrontation will be Senate Joint Resolution 3, the human life Federal amendment. Senate Joint Resolution 3 is a modest measure, in that it merely overrules Roe against Wade without establishing a national policy on abortion.

I heard on network news this morning that this amendment's purpose is to overrule abortion. This amendment makes no such claim.

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The only claim of this amendment is to overrule Roe against Wade without, and I emphasize "without," establishing a national policy on abortion.

Senate Joint Resolution 3 simply reverses Roe and thus restores the status quo that existed for nearly two centuries. The States could replace the Supreme Court's extreme policy with policies tailored to respect, to the maximum degree possible, both maternal health and the life of the unborn.

I will return to explain more fully the legal operation of Senate Joint Resolution 3.

Meantime, we are left to contemplate the policy which Senate Joint Resolution 3 will replace, namely the Roe decision. Its effects are painfully apparent. The primary effect is, of course, the loss of more than 10 times more American lives than were lost in all of our Nation's wars lumped together.

We prepared this first chart to show that. We have left off a few wars, but basically even if you add those to the wars already listed, very few casualties would be added to the total. The war on the unborn has cost 10 times the human lives of all of our wars put together. It is a stark fact, and I think the American people need to know that there have been 15 million abortions in this country since Roe against Wade. I think that is pretty important to understand.

Of course, when the cost of Roe in terms of lives is at stake, I must unequivocally reiterate my utmost dedication to preserving the life of the mother, even to the point of denying the unborn child's right to life if absolutely necessary. Preserving a mother's life is hardly at stake, however, when abortions are performed in America at the rate of over 4,000 per day, nearly 170 per hour, and 3 per minute. Preserving the life of the mother is hardly at stake, when in some American cities, like the Nation's Capital and its largest city, more children are aborted than are permitted to be born alive. Nor can preserving the life of the mother be the explanation for the skyrocketing increase in total abortions since Roe.

This chart shows how the increase of abortion has dramatically skyrocketed since the 1973 decision of Roe against Wade. A significant aspect of this particular chart shows that illegal abortions still continue.

The information on this table has been gathered from the U.S. Center for Disease Control, from Alan Guttmacher Institute, and Syska, Hilgers, and O'Hare, "New Perspectives on Human Abortion," chapter 13.

I might emphasize these are very conservative figures; they are not liberal figures. I personally believe, and there is much evidence of the fact, that we are aborting the unborn at a rate of almost 2 million, if not more, annually.

The next chart to which I wish to draw my learned colleague's attention should put into perspective some inflated claims regarding total numbers of abortions before and after the Supreme Court's abortion rulings of 1973. The claim has been made that over 1 million illegal abortions were performed annually before the legalization of abortion, and therefore that legal abortions have simply replaced those previously performed without sanction of the law. This chart shows that legalization has actually led to a remarkable increase in the total number of abortions.

The lower broken line on this chart represents the estimated number of illegal abortions from 1952 to 1978. Illegal abortions, by their very nature, cannot be directly recorded, and the debate on this issue has been plagued by wild guesses. In 1958, for example, a Planned Parenthood conference in the United States concluded that the number could be "as low as 200,000 and as high as 1.2 million * * * there is not objective basis for the selection of a particular figure between these two estimates."

More recently, however, Dr. Thomas Hilgers of Creighton University and his colleagues have arrived at a way of determining the number more objectively. These researchers recognized that while there were no records of illegal abortions as such, there were fairly complete records of maternal deaths due to illegal abortion. It may be easy to hide an abortion, but it is certainly not easy to hide a woman's dead body, and it is impossible to mask the fact that she died of a badly performed abortion. If anything physicians who favored legalization in the 1960's had a vested interest in reporting illegal abortion deaths conscientiously, so the figure could be used to argue for liberalized abortion laws.

The researchers' other working assumption was this: Illegal abortion was more dangerous than natural pregnancy. This, again, was an assumption shared by supporters of legalized abortion. Why else campaign to make abortion "safe and legal," unless illegal abortion is an unusually dangerous procedure—much more so than the alternative of childbirth?

Based on statistical estimates that illegal abortion was between 3 and 15 times more dangerous to the woman than natural pregnancy, Dr. Hilgers calculated a possible range for the total number of illegal abortions. The line on the graph is his maximum figure, based on the estimate that illegal abortion was only three times more dangerous than pregnancy. If illegal abortion were more dangerous than this, then the maternal deaths from abortion would have been produced by a smaller total number of abortions performed. So this is the highest reasonable estimate.

The other two lines represent legal abortions, beginning with the first major trend in liberalized abortion laws in the late 1960's. After 1973, we have two lines because the U.S. Centers for Disease Control and the Alan Guttmacher Institute both published abortion statistics after this point. It is widely acknowledged that even the Guttmacher Institute's figures provided a mimimum figure—that a significant number of legal abortions may still go unreported. So the discrepancy between abortions before and after legalization as shown here is as conservative as I can make it.

With official legal approval of abortion as a solution to social and personal problems, the total number of abortions has increased at an alarming rate and still continues to rise. In some cities, such as Washington, D.C., abortions outnumber live births. My colleagues will also note that despite the virtually unrestricted legalization of abortion by the Supreme Court, some illegal abortions—that is, abortions performed by a nonphysician—continue to be performed every year. And every year, these abortions continue to claim the lives of some American women.

Dr. Hilgers' study group estimates that the most likely average figure for illegal abortions in the prelegalization era is 98,000 a year, with a maximum of 210,000 in 1961—"New Perspectives on Abortions," 69 (1981). This is based on a moderate estimate of the risk of death from illegal abortion. In that case, the total number of abortions has increased exponentially since legalization by a factor of sixfold to elevenfold. Hilgers found that legalization did result in a modest decrease in illegal abortions from 1971 to 1974, but that no further decrease in illegal abortions has taken place since 1974 despite the continued sharp increase in legal abortions. It has taken as many as 18 legal abortions to eliminate each illegal abortion. If that figure is translated into financial terms, than at a rate of $200 per legal abortion, it costs about $3,600 to eliminate a single illegal abortion. In any event this chart shows that the number of abortions has skyrocketed upward.

This obvious and dramatic rise in the incidence of abortions can hardly be attributed to any of the so-called hard cases; namely, abortions necessary to preserve the life of the mother or to terminate pregnancies caused by rape or incest. As a result of Roe, a right to abortion was effectively established for the entire term of the pregnancy for virtually any imaginable reason, including for the sake of personal finances, social convenience, or individual lifestyle.

One ardent proponent of abortion, Dr. Irvin Cushner estimated that only 2 percent of all abortions could be justified as medically expedient—hearing on constitutional amendments, 97th Congress, 1st session (1981). Even increasing his liberal estimate by 50 percent still means only 3 percent of all abortions are really necessary to prevent medical complications. Several other qualified physicians have averred that never in their lengthy medical careers had they encountered an abortion necessary to save the life of the mother.

Chart 3 asks the question "Why do American women have abortions?" Ninety-seven percent of all abortions are performed for social, emotional, financial, and other reasons unrelated to the mother's life or the mother's health, or as a result of rape or incest.

Our second chart gives an idea of the reasons why abortion is sought so frequently at present. The figure of 97 percent is, I believe, a reasonably conservative estimate. This is based on several sources, but I would like to cite two in particular.

The first is our experience with medicaid funding of abortion from 1977 to 1981. When the Hyde amendment began restricting these funds to those circumstances generally regarded as "hard cases"—for example, damage to physical health, life of the mother, rape, and incest—medicaid reimbursement claims for abortion swiftly dropped by over 99 percent.

The second source is testimony presented by Dr. Irvin Cushner before the Senate Subcommittee on the Constitution on October 14, 1981. Dr. Cushner is employed by the school of medicine and the school of public health of the University of California at Los Angeles; his testimony leaves no doubt that he supports unrestricted legalization of abortion. But Dr. Cushner also testified:

> Something on the order of 2 percent of all of the abortions in this country are done for some clinically identifiable entity—physical health problem, amniocentesis and identified genetic disease or something of that kind. The overwhelming majority of abortions in this country are performed on women who for various reasons do not wish to be pregnant at this time—hearings, supra, at 158.

No other witness at our subcommittee hearings expressed as exact a numerical estimate, but many expressed agreement that the number of abortions performed in one of the "hard cases" is a very tiny percentage of the total number.

For example, Dr. Barnard Nathanson, who estimates that he himself has presided over about 75,000 abortions during his lifetime, could recall only one case in which the mother's life could reasonably be said to have been at stake. For various reasons, pregnancy from rape is so rare that it is difficult to pin down a percentage figure for its occurrence, but most studies indicate that it could only be a tiny fraction of 1 percent of the current abortion rate.

Abortion for fetal handicap is a tiny subset within the minority of abortions performed around or after the 20th week of pregnancy—amniocentesis can only be performed beginning around the 16th week, and test results can take weeks to obtain because of the time needed to culture the cells obtained in the procedure. Dr. Nathanson testified that these eugenic abortions were "a tiny, insignificant and vanishingly small fraction of the total number of abortions done in the United States."—hearings, supra, at 169.

Another practicing obstetrician-gynecologist, Dr. Jasper Williams of Chicago, testified that "the number of medical cases in which abortion is an indicated and appropriate part of the treatment is practically nil."—hearings, supra, at 266. Dr. Williams said he had not seen a case of abortion necessary to save a woman's life since 1953.

Even Bella Abzug, testifying before our subcommittee to oppose legal restrictions on abortion, defended abortion primarily as a "method of birth control"—though, to be sure, she described it as "the least desirable method of birth control"—hearing, supra, at 1174.

By emphasizing how "soft" the reasons for the great majority of abortions are, I do not intend in any way to imply that women take this in a frivolous way. In fact, one of the most striking features of the published interviews with women having abortions is that, in one way or another, the abortion is something she is going into with outside influence and even a certain amount of pressure.

In many cases, the offer of an abortion has become a way for men to escape responsibility for their own sexual behavior. It has become a way for parents and relatives to avoid the burden and scandal of a pregnant but unwed family member. It has become an escape valve for married couples who face serious personal and financial problems of various kinds but who, instead of confronting those problems squarely, are persuaded by the mores of our society to place the burden of those very real problems on the defenseless unborn child. The blame for this scandalous situation must fall upon all of us.

This chart is particularly relevant to the constant debate over the public opinion polls on abortion. It is very easy to find polls that claim to show majority support for abortion being "between a woman and her physician." The problem here is that the survey question implies a genuine medical consultation for some health-related condition—and as we see from this chart, that is a very rare occurrence indeed. The Supreme Court has just told us that the city of Akron cannot even require that the woman talk with the physician before he performs an abortion upon her. When ABC-TV broadcast the documentary called "Abortion Clinic," hosted by Jessica Savitch, one of the most revealing comments made by the young abortion counselor at the clinic was that even she did not know which abortionist would be performing a particular abortion until the pregnant woman was already lying on the operating table and the physician walked into the room for the 10-minute procedure. In this context, the "woman and her physician" slogan seems a hollow phrase.

Fortunately, the Gallup organization has conducted much more precise and impartial set of polls on this question; and because the same questions have been asked from 1975 to 1981, with remarkable consistency in the answers, these polls should be given special attention. The people surveyed were simply asked whether abortion should be illegal in all, some, or no circumstances. Those who supported legalization were asked further about those particular circumstances and the stage of pregnancy in which the abortion should be allowed.

Consistently, a majority of Americans wanted even early abortion to be legal only under very specific circumstances: Danger to the mother's life or physical health, or pregnancy due to rape or incest. Less than 25 percent want legalization for all reasons, even in the first trimester—which is our present situation. According to this series of five careful surveys taken over the last 8 years, about 97 percent of the abortions now performed would not be permitted if the majority of Americans had their say in the matter. And if I may anticipate a possible objection about the "gender gap," Gallup found that women were more opposed to legalization than men were.

I hasten to add, however, that we must not allow these statistics about the extent to which abortion has become a tool of convenience to obscure the individual tragedy of each abortion. Consider the case, based on fact, of a woman weighing the consequences of the pregnancy of which she has just learned. She announces to her physician that her husband is an alcoholic with a syphilitic infection; that one of her children was born dead, another is blind, and another had tuberculosis. Finally she confesses that her family has a history of deafness. Given the absence of standards in Roe, there is no question that the physician could recommend termination of her present pregnancy. Indeed when this hypothetical situation was posed for classes of medical students, they reached that conclusion almost without exception. This hypothetical fifth child of the woman seeking medical advice perfectly describes Ludwig Von Beethoven. Moreover who can question that every child is really an irreplaceable Beethoven able to make his own unique contribution to his family, community, nation, and indeed to all mankind? We will hear much about the nebulous principle of "freedom of choice" later in this debate. I will ask further questions: "Freedom to choose what? Freedom to choose to deny life to Beethoven or any human being?" In essence, this frames the real abortion dilemma, posed concisely by President Reagan:

> *Roe* v. *Wade* has become a continuing prod to the conscience of the nation. * * * We cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide. * * * Americans do not want to play God with the value of human life. It is not for us to decide who is worthy to live and who is not.—Human Life Review, spring 1983.

The President's characterization of the abortion crisis is not overstated. Our Nation has regrettably witnessed hundreds of thousands of late-term abortions since 1973. Experts verify that 15,000 abortions a year are performed after the child's 20th week, the verge of viability when the child could be delivered and live on its own. Abortions after this point are more accurately described as judicially legalized infanticides.

I might mention that of the 1,400 or more who are aborted after the 26th week 400 to 500 are born alive during abortions and are allowed to die unceremoniously.

(Mr. MATTINGLY assumed the chair.)

Mr. HATCH. Mr. President, I might mention that this chart concerns late term abortions. On the left is the gestational age. The next column would be developmental landmarks by this age. The next column would be appearance, the average size and weight of an unborn child. The last column is the approximate number of abortions performed annually after this age.

Again, I emphasize that these are very conservative figures. When we say 15,000, we are talking really about many more than 15,000.

At 12 weeks gestational age, this chart shows developmental landmarks of brain waves and the ability to feel pain. That is already well established. The heartbeat is easily recorded on an electrocardiograph. All organ systems are formed and functioning; fingernails are present; and thumbsucking is common.

I might add that we hear the audible heartbeat after 8 weeks of gestation. The average size and appearance of the unborn child is 3 to 4 inches and 1 ounce. There are an approximate number of abortions performed annually after this age of about 133,200.

At 20 weeks gestational age, the child can punch, kick, go through the motions of crying, and its movements are felt by the mother. Appearance is identical to that of a newborn infant. Fetal surgery is possible for a number of ailments, and it is on the verge of viability.

Children born at 21 to 22 weeks have survived abortion. They are 7 to 8 inches long, and 1 pound in weight. We are aborting on an annual basis in excess of 13,900 of these normally formed infants.

After 26 weeks gestational age, most children can survive. All development after this point is simple growth.

At that stage, the baby is 10 inches long, generally, 1½ to 2 pounds, and, as I mentioned before, even with abortions, 400 to 500 are born alive during the abortions that are performed.

These are based on the figures from the Alan Guttmacher Institute and from the U.S. Centers for Disease Control.

The present characterization of the abortion crisis, I think, is not overstated. Our Nation has, regrettably, witnessed hundreds of thousands of late-term abortions since 1973.

Although the 15 million abortions performed legally since 1973 are all tragedies, there is a special horror to the hundreds of thousands of late-term abortions which the Court's policy has permitted. Biologically, the life of each human individual comes into existence at conception; but even the most unsophisticated glance at an unborn child after the 12th week recognizes him or her immediately as a distinctive member of the human family. All of these children have distinctively human brain waves, easily recorded heartbeats, and a full array of formed and functioning organ systems. They can move spontaneously, manipulate their limbs, and react immediately to painful stimuli.

As the Supreme Court noted in its recent abortion rulings, the most popular method of abortion after the 12th week is something called dilation and evacuation, in which the unanesthetized unborn child is literally torn to pieces with a strong forceps. This is done because at this late stage, cartilage and bone have begun to harden too much to allow for complete success with the suction curette. The body parts are removed from the womb—sometimes the skull and rib cage must be crushed to accomplish this—and manually reassembled on a nearby table to insure that none is missing.

When dilation and evacuation is used, of course, the chances for the child's survival are nil. But other techniques—most notably the use of saline and prostaglandin and the surgical removal of the child by hysterotomy—are known to result at times in live births. The U.S. Centers for Disease Control estimate that this occurs more than once every day in the United States. These newborn children usually die soon after they leave the womb, due to the effects of the abortion technique and their low birth weight. In 1979, a Pennsylvania law which required life-saving treatment for abortion survivors who might be viable was knocked down as unconstitutional by the Supreme Court, *Collautti* v. *Franklin*, 439 U.S. 379 (1979). A few days ago, the Court ruled that a State has discretion as to whether or not to require a second physician in the case of abortions performed well after viability, so that these children will not die of neglect after birth. Akron, supra. The Court seems to be saying that even newborn infants, if their live birth is unintended, are not legal persons demanding equitable treatment. Can there be any doubt that the Court's extremism has brought us to the brink of legalized infanticide?

Once again, we need to be specific about what is being aborted. I was very deeply impressed by the impactful story of an atheist obstetrician who presided for years over the largest abortion clinic in New York City. Indeed he was one of four founders of the National Abortion Rights Action League (NARAL). A skillful and able physician, he began to study an advancing new field of medicine, fetology, study of the unborn human. He can describe in detail his growing awareness of the humanity of the unborn. At 3 weeks, the new life has already developed its own blood cells; at 4 weeks, a muscle may flex—this will become a beating heart within a few weeks, a heart which is fully audible at 8 weeks; at 6 weeks, the child's skeletal system is complete; at 7 weeks, electrical brain patterns are discernible; at 12 weeks, all organ systems are functioning—stomach, liver, kidney, brain—in fact, some infants will have already acquired a thumb-sucking habit; at 20 weeks, the fetus is punching, kicking, swimming, and hears his mother's voice; at 22 weeks, he can survive outside the womb. With these observations at his disposal, Dr. Nathanson, for medical reasons, abandoned his earlier point of view, stopped performing abortions, and began actively campaigning to acquaint the Nation with the scientific reasons that the fetus is a distinct, living human. In the doctor's own words:

> I changed my mind because of advances in the field of fetology which have allowed us to understand the fetus much more completely and much more carefully than we ever did before. This has posed a very severe philosophical problem, in that you can't be operating on the fetus and giving it drugs to cure it, and at the same time be destroying it. (Washington Times, 3C, Jan. 17, 1983.)

This brings to mind comments by two notable persons, separated in time but not in respect for life. The first, Justice Sandra Day O'Connor, aptly noted in her remarkable dissent last week, that:

> The *Roe* framework is clearly on a collision course with itself. * * * As medical science becomes better able to provide for the separate existence of the fetus, the point of viability is moved further back toward conception. *Akron*, — U.S. —, June 15, 1983. Slip. Op. at 7.

The other spokesman is Dr. Martin Luther King. At one point when jailed for seeking civil rights in another human cause, he was asked, "Why are you in jail?" Given the circumstances, his telling reply was "Why are you not in jail?" Given the undeniable scientific evidence about the unique humanity of each unborn infant, I feel compelled to reply to those who question "Why are you bothered by abortion?" with the same logic employed by Dr. King: "Why are you not bothered?" And again, to those who employ the slogan "freedom of choice," I ask, "Freedom to choose what?" Freedom to choose to terminate a being that science identifies as a separate, living individual.

Because our fellow citizens have been confronted with the irrefutable findings of fetology and have been informed by their President of the "excruciating pain the unborn must feel as their lives are snuffed away," speech to National Religious Broadcaster's Convention, January 31, 1983, it is very understandable why reliable opinion polls demonstrate that 80 to 90 percent of Americans see abortions at some stage as the destruction of a living being. On the question of when the fetus becomes a living being, there is a gender gap. Most women believe life begins at conception.

I call to the attention of the body the fifth chart which shows that a majority of American women believe that life begins at conception. The blue line shows where the men are and the pink line shows where the women are.

Fifty-eight percent of the women believe that life begins at conception; 43 percent of the men.

At quickening: 16 percent of the women believe that life begins at quickening and 15 percent for the men.

At viability: 11 percent of the women believe life begins at viability; 14 percent of the men.

At birth: Only 10 percent of the women believe life begins at birth, while 20 percent of the men do.

Those who do not know: 5 percent of the women and 8 percent of the men.

These are brought forth by Judith Blake in her article "Supreme Court's Abortion Decisions and Public Opinion in the United States," in the Population & Development Review.

This chart shows there certainly is a "gender gap" on abortion. But that gap is in the opposite direction from the current stereotype. Women, making up that segment of the population which actually experiences pregnancy, "quickening," childbirth and abortion, have a much stronger conviction than men do that life begins at conception. A similar gap has been demonstrated in many other surveys: Women are more likely to say that abortion is morally wrong, and more likely to oppose unrestricted abortion, than men are.

Since we have drawn special attention to the woman's point of view, we should also examine the claim of those who will maintain that this is actually an issue involving primarily the right of life of pregnant women. This argument maintains that only legalized abortion can protect women from the merciless knife of the back-alley abortionist. To the contrary, legalization should receive little credit, if any, for saving women's lives. Since 1941, the biggest factors leading to a drop in women's abortion deaths have been simple medical advances: Sulfa drugs, penicillin, and finally the widespread use of the safer suction curette instead of the sharp curette, a 1970 innovation. The regime of elective abortion is intended to secure far different values than those associated with maternal safety. Every State's body of law prior to 1973 acknowledged and permitted abortion necessary to save the life of the mother.

As you can see, abortions were reduced dramatically as we developed these lifesaving drugs. As you can also see, this chart dispels one of the leading myths with regard to abortion, that thousands of women annually lose their lives in back alley abortion parlors. None of us want back alley abortion parlors. None of us want any woman to lose her life; none of us want any woman to go through that type of procedure.

On the other hand, since 1973, you can see there are still deaths from abortion. Even since 1973, there were about 50 known deaths in this country.

A common argument used to justify Roe, is that legalization has saved women's lives, by replacing dangerous illegal abortions with "safe and legal" abortions. Our fifth chart shows the situation is not so simple. Maternal mortality from abortion has been dropping at a rapid rate since 1940, chiefly because of medical advances of various kinds. By far the largest number of abortion-related deaths has always been due to infection, and these deaths have been averted by the development of better drugs to treat or prevent sepsis—first by the development of sulfa drugs, then by the discovery of penicillin. After these two advances produced their effect, abortion deaths essentially leveled off again until the late 1960's, and took a sharp drop again in 1970. This is the year that abortion on demand was legalized in New York—but it is also the year when the sharp curette, which had previously been the method used in most abortions, was largely replaced nationwide in the practice of both legal and illegal abortion by the suction curette. The sharp curette, which had been used to scrape the uterine wall, had been responsible for many a perforated uterus and therefore many dangerous infections; suction curettage used a soft plastic instrument and induced abortion by a vacuum action, eliminating many of the risks from the older procedure.

Dr. Bernard Nathanson, testifying before the Senate Subcommittee on the Constitution in 1981, emphasized that it was this technological advance and not legalization that caused the sudden further decrease in maternal abortion deaths. Dr. Nathanson emphasized in his testimony that the specter of unsafe "back alley" abortions in the event of renewed restrictions on abortion is a myth based on outdated assumptions about the available technology.

It is of interest that after 1973, when the Supreme Court legalized abortion on demand throughout the country, maternal deaths did not continue to drop but leveled off instead. They actually went up again slightly in 1975, and again in 1977. There seems to be general agreement among statisticians that, even if abortion is now safer than ever before, total maternal deaths from abortion are not continuing to drop because the total annual number of abortions continues to rise alarmingly. Some abortion clinic scandals in recent years, most notably in Chicago and Miami, indicate another possible reason: some "safe and legal" clinics operate no more conscientiously than the old "back alley" abortionists did, and the Federal courts have placed serious obstacles in the way of State and city authorities that try to regulate these clinics to protect women's lives and health. Some illegal abortions continue to be performed every year and to result in some women's deaths.

If 10 years ago, the Supreme Court had possessed the same scientific and medical data we have today, it is difficult to conjecture whether they would have made the same finding as appears in Roe. And since they based their most recent ruling on the judicial principle of stare decisis, it is difficult to conjecture whether they might have reversed Roe if they had reconsidered its holding on the merits. Nonetheless it is clear that the American citizenry has the scientific evidence at its disposal. This, again, is reflected in their rejection of abortion as an acceptable ethic for a moral life. Moreover, they reach this conclusion in nearly the same proportions regardless of political persuasion.

The two-thirds majority opposed, on moral grounds, to abortion is by no means a "soft number." This majority is clearly willing to back up its convictions with meaningful action when a loved one faces the question of abortion.

Chart No. 7 shows that the majority of each political party believe that abortion is morally wrong. Sixty-two percent of the independents of this country believe it to be morally wrong. Sixty-four percent of the Republicans believe it to be morally wrong. Sixty-eight percent of the Democrats believe abortion to be morally wrong.

This was compiled by the Connecticut Mutual Life report on American values in 1981.

According to this finding, two-thirds of those surveyed said they would not recommend abortion if a 15-year-old daughter were pregnant. Another way of handling the problem would be found.

Of course, statistics show that almost half of the unwed teen pregnancies do end in abortion at present. One factor here is that since 1976, the Supreme Court has consistently invalidated any law which might be construed to provide what the Court calls a "parental veto" of an unwed minor's abortion. It insists that the minor must be given the alternative of a court hearing, at which a judge can decide she is mature enough to get the abortion without her parents' knowledge or that an abortion is in her "best interests"—this last could potentially become a very large hook on which to hang the judge's personal predilections about abortion. On June 15 of this year, the Supreme Court ruled it was unconstitutional even to require parental involvement in the abortion decision of an unemancipated minor under the age of 15, Akron, supra. In other words, the parents surveyed in this poll would most likely never have the opportunity to counsel with their 15-year-old daughter to find an alternative to abortion under the law as set forth by the Supreme Court and under this recent Supreme Court decision.

This chart shows the ABC News-Washington Post poll in 1981 that demonstrates the majority of the people in this country would not advise abortion for their 15-year-old daughter, 23 percent would advise, and 11 percent are other answers.

In most States, a minor is still required to have parental consent before marrying, getting a job, undergoing surgery, attending an adult movie, or, in some cases, even getting her ears pierced.

In order to get her ears pierced she has to have her mother with her and get her mother's consent.

If the counselors in school want to give our kids aspirin because they have a headache or are not feeling well, or because they have a cold, as a general rule in almost every State in the Union they have to call the parents and get their consent.

By Court decree, however, a 15-year-old can have an abortion without any parental consultation whatsoever. This logic even contradicts the reasoning of Roe. Roe placed great importance on the woman's decision to have an abortion. Yet a 15-year-old minor may not have the capacity to make such decisions in their own best interest without parental involvement. For precisely this reason, States have traditionally sought to protect children from their own immature decisions by requiring parental consent for a wide variety of activities. Yet abortion, notwithstanding its remarkable consequences, can be performed on a minor without the slightest parental participation.

It really makes you stop and pause and wonder. It is not very difficult to understand why our Nation is considered the most permissive in regard to abortion in the world today, yet this Nation has been founded on Christian principles.

The two-thirds majority opposed to abortion on moral grounds is by no means a soft estimate. This majority is clearly willing to back up its convictions when a loved one faces the question of abortion.

This next chart is the New York Times-CBS poll of August 18, 1980. It shows that a majority of our people want a constitutional amendment to protect the life of the unborn. Fifty percent say there should be a constitutional amendment, 39 percent say there should not be, and 11 percent are undecided. This was taken before the latest Supreme Court decision that virtually outlawed any restraint upon abortion in America. I suspect that if the American people knew these facts—I hope this debate will help to bring the facts to their attention—that this 50 percent would go up. I believe it will rise if people realize how bad the situation in America is.

Finally—and I suppose this could be called the punch line—this strong personal opposition to abortion does translate into support for a constitutional amendment to protect the unborn child, even when it is not specified in question whether the proposed amendment would constitute a total ban on abortions or a neutral proposal like Senate Joint Resolution 3 which adopts no national policy on abortion.

I would like to show the next chart. This chart basically says, as we explained before, that people are seriously concerned, that they are prepared to consider a constitutional amendment. Unlike the others, it is not 66 percent, but it is a pretty hefty margin over the others who feel otherwise.

This is perhaps an appropriate time for me to describe briefly the history and operation of Senate Joint Resolution 3 because I think some of our national media have not realized what Senate Joint Resolution 3 is.

I do not blame them because it is such a difficult, complex issue to understand. People think it is a simple issue. I do not think it is simple. I think it is difficult and I think it is difficult for both sides.

Senate Joint Resolution 3 which states, in its entirety, that "A right to abortion is not secured by this Constitution," has already been the subject of extensive examination and consideration in the Senate Judiciary Committee. In the last two Congresses, the Constitution Subcommittee has held 11 days of hearings and entertained over 80 witnesses to ascertain the constitutional, philosophical, legal, moral, medical, and social aspects of the controversy created by Roe against Wade.

On March 24, 1983, the Subcommittee on the Constitution voted to report out Senate Joint Resolution 3 after adopting an amendment. This change was the recommendation of Senator Thomas Eagleton, Senator Eagleton suggested striking the second sentence of Senate Joint Resolution 3, as introduced, which included language giving the Federal Government a role in legislating and setting policy with respect to abortion. Senator Eagleton noted that limiting the amendment to its first 10 words would "wipe out the legal status afforded to the 'abortion right' by Roe against Wade and return us to the status quo ante" when abortion was a matter for the people in each of the States to decide through their elected representatives. By adopting Senator Eagleton's suggestion, the subcommittee established its intent to remove Federal institutions from the policymaking process with respect to abortion and reinstate State authorities as the decisionmakers for this sensitive issue.

As I have mentioned, the genesis of this constitutional dispute was a controversial and ill-conceived decision of the Supreme Court. Senate Joint Resolution 3 is carefully crafted to nullify that decision and restore the balance it upset. In the decade since Roe, Federal courts have faced a flood of abortion litigation, Congress has spent countless hours trying to correct tangential problems relating to abortion, and the number of unborn aborted annually has increased to over 1.5 million. These violent disruptions of our social fabric were accomplished by an equally wrenching disruption of our constitutional fabric. In short, Roe did not carry out the intent of the Constitution, but upset the Constitution's intended balance.

Although, in the words of Prof. John Hart Ely, the constitution "simply says nothing, clear or fuzzy about abortion," Ely, "The Wages of Crying Wolf," 82 Yale L.R., 920, 947 (1973). The Supreme Court created a constitutional right to abortion. This upset the preexisting constitutional balance that for nearly 200 years had allowed State legislative processes to carry out the will of the people with respect to this sensitive social policy.

The new right created by Roe overturned the Texas abortion statute and related laws in each of the 50 States. Not only did this decision upset the federalistic balance between State and National institutions, it also disturbed the constitutional separation of powers between legislative and judicial functions. Prof. Lynn Wardle of Brigham Young University Law School makes this point very eloquently:

> By giving the right to choose abortion the status of a fundamental right, the Supreme Court substantially restricted the authority of the Legislative branch to legislate concerning the subject and substantially increased the responsibility of the judiciary for defining and monitoring regulation of the fundamental right. (Statement of Feb. 28, 1983).

In essence, Roe made abortion a constitutional doctrine. Despite my great reluctance to amend the Constitution, Roe upset the constitutional balance. Thus, it is incumbent upon this Senate in my view, to take the appropriate constitutional steps to restore that balance.

The most simple, direct, and effective way to accomplish that objective without disturbing other established constitutional doctrines is to nullify the Roe ruling. If Roe were fully deprived of legal significance, the constitutional balance that existed prior to 1973 would be restored. The people in the States would be reenfranchised to shape abortion policy through their legislators. Policymaking that for a decade has been centralized in the nonrepresentative judicial branch would be subject again to democratic processes. Only by restoring this constitutional balance and permitting the people to participate directly in this policymaking process will the Nation ever achieve a consensus on this divisive question.

The primary effect of the Roe decision was to make abortion a legal entitlement deserving of the strict constitutional protections afforded fundamental liberties. 410 U.S. at 728.

The right to abortion became, by court edict, a fundamental liberty which a State's legislature could limit even in the slightest degree only by demonstrating a compelling justification. 410 U.S. at 728. This compelling State interest standard is very exacting. *Kramer,* 395 U.S. 621 (1969). Even such seemingly inconsequential State regulations as a 24-hour waiting period prior to an abortion failed to meet this standard of review. Akron, supra. Although the Supreme Court has repeatedly conceded that protecting maternal safety and the life of the unborn are legitimate State interests, *Roe,* 410 U.S. at 732, Akron, etc., these profound interests have not risen to the level of compelling in the eyes of the Court. Accordingly, the right to abortion has operated time and again to strike down the will of State legislatures. Protected by the Court's constitutional interpretation, one absolute extreme on abortion, namely abortion on demand throughout all 9 months of pregnancy, has become enshrined as an unassailable tenet of American law.

This amendment, Senate Joint Resolution 3, removes the abnormally elevated status afforded the right created in Roe. After ratification of this amendment, a State statute concerning abortion would be subject to ordinary standards of constitutional review. This standard requires a State to demonstrate a rational relationship between its policy and a legitimately protectible State interest, the rational basis test. Since the Court has already acknowledged at least two legitimate State interests, maternal safety, and unborn human life, any statute rationally related to these objectives would pass constitutional muster. Thus, the will of the people, as reflected in State legislatures, would be respected. The traditional constitutional balance which governs other aspects of domestic relations law, namely State regulation in practically all aspects, would be restored.

In short, this amendment removes the right created in Roe. The removal of this impediment to the traditional operation of the Constitution permits the framework of our Nation's foundational document to govern in this sensitive area of social policy as it did for nearly two centuries until 1973. Hence, our vote may be construed as a vote to endorse the system of governance created by the framers of the Constitution in 1787 or the special right created by the Supreme Court in 1973.

Some critics of Senate Joint Resolution 3 will, I suppose, accuse Senator Eagleton, myself, and the other proponents of this amendment of attempting to impose our personal moral values upon others with this proposal. Frankly the amendment itself rebuts that assertion. It does not contain my personal position on the question of abortion at all. If I could ratify an amendment reflecting my personal moral values, it would contain a guarantee for the right to life of the unborn, except when necessary to preserve the life of the mother. This amendment does nothing of the kind. Instead it merely eliminates one absolute extreme moral position, abortion on demand as legalized by Roe, and frees the people in the States to set their own standards of governance on this subject, instead of making the whole Nation subject to the outdated doctrines of a few men in black robes. I would have said "men and women in black robes," but the woman in question should not be associated with the majority of the men on the Court on this issue.

No doubt some critics will also raise a hue and cry about this amendment injecting Government into the bedrooms of America. On the contrary, this amendment was carefully crafted to avoid any jeopardy to doctrines of privacy. The term "right to abortion" is specifically limited to affect only legal entitlements for abortion, not the right to privacy. Other extensions of the right of privacy, such as in contraception birth control, or family privacy cases, would not be affected in the slightest by the narrow language of the amendment.

In a more general sense, abortion can hardly be classified as a matter of privacy in the sense of something done alone, at home, in a confidential manner. The abortion right is exercised with the help of a trained professional and depends on a large medical support staff. This is a right that has required over 100 lower Federal court decisions and 18 Supreme Court decisions to guarantee its continued effectiveness. This is a right which, its champions maintain, cannot be exercised without public funding. This is a right, ultimately, whose effect is not private at all in the sense of touching upon only intimate personal matters of the one exercising the right, instead it has a devastating impact on at least one other, the unborn child. To call this right private is to convolute that term. As stated by the 78th national convention in 1976 of the Union of Orthodox Jewish Congregations of America: "Abortion is not a private matter between a woman and her physician. It infringes upon the most fundamental right of a third party—that of the unborn child."

This amendment will remove the misleading character of this entire question as well as the special right created by Roe. The removal of this impediment to the traditional operation of the Constitution permits the framework of our Nation's foundational document to govern in this sensitive area of social policy as it did for nearly two centuries until 1973. Hence, our vote may be construed as a vote to endorse the system of governance created by the framers of the Constitution in 1787 or the special right created by the Supreme Court in 1973.

By deconstitutionalizing the issue of abortion, the proposed amendment would allow the States a wide variety of options with respect to this matter. In their best judgment, the States might choose to have no policy regarding abortion or might restrict and condition it in a variety of ways.

For example.

First. They could place restrictions of some form upon late-term abortions;

Second. They could impose obligations upon physicians to save the lives of fetuses capable of surviving an abortion;

Third. They could place limitations upon genetic engineering and other experimental and medical research involving the use of human embryos and fetuses;

Fourth. They could require that women contemplating abortions be fully apprised of the risks of abortion and the alternatives to abortion;

Fifth. They could require some form of parental consent to abortions performed upon minors;

Sixth. They could require some form of spousal consent to abortions;

Seventh. They could establish some minimum waiting period before an abortion could take place or require some form of professional consultation prior to an abortion;

Eighth. They could establish rights of refusal to perform abortions by physicians or nurses, or in entire hospitals;

Ninth. They could limit the commerce in abortifacient devices;

Tenth. They could prohibit abortion generally subject to certain well-defined exceptions and safeguards; or

Eleventh. They could undertake any other form of restriction or regulation upon the abortion procedure.

For the sake of clarity, I would like to list what this amendment would and would not do. Ratification of Senate Joint Resolution 3, as amended, would accomplish the following:

First. It would nullify the special right to abortion created by the Supreme Court in 1973. Even the Supreme Court has referred to the right created in Roe as the "right to abortion." *Conn.* v. *Menillo,* 423 U.S. 9, 10. More than 80 Federal court cases have also used this phrase as shorthand for the new Roe right. This amendment simply, cleanly, directly, conclusively states that: "A right to abortion is not secured by this Constitution."

Second. It would prevent the creation of any other right to abortion in the harbor of the Constitution. The article "a" makes the scope of the repeal broader than if the article "the" were used. "The" might be construed as limiting the repealer to the particular doctrine or doctrines that have developed in Roe and its progeny as a justification for abortion. Use of the article "a" makes it clear that no other "right to abortion," however conceived or justified, is provided by the Constitution. Under Senate Joint Resolution 3, there would exist no constitutional authority for any right to abortion.

Third. It would avoid any unnecessary repudiation of the doctrine of privacy. The use of the careful phrase "right to abortion" clarifies that the amendment only repeals the abortion decisions. Other extensions of the right to privacy, such as in contraception or family privacy cases, would not be affected by the narrow language of the amendment.

Fourth. It would mean that State statutes concerning abortion would be subject to ordinary standards of judicial review, that is, the rational basis test instead of the compelling State interest test. An obvious point of explanation is needed at this point to clarify a higher standard would still apply to a State enactment that infringed some other constitutional rights unrelated to the "right to abortion" question—for example, a law prohibiting only black women from obtaining abortions would still be examined under a compelling standard—or strict scrutiny—due to the obvious racial classification, not due to any remaining right to abortion.

Fifth. It would restore to the States their general police power to restrict and prohibit abortion, or—and I think this is important for those who are against my position—elect to refrain from doing so. The States would be restored to the legal status they enjoyed prior to Roe.

Sixth. It would reenfranchise the people, acting through their elected State representatives to participate in the formation of abortion policy. Abortion policymaking that has been centralized in the nonrepresentative judicial branch will be returned to State legislative discretion. This will facilitate the kind of compromises and consensus formation that is impossible in the judicial branch.

Seventh. It would restore the constitutional balance of powers between the States and Federal Government and between the legislative and judicial branches. In sum, it would restore the status quo ante Roe insofar as the power and responsibility to resolve abortion issues is concerned.

Senate Joint Resolution. 3, as amended, would not do the following:

First. It would not establish any new constitutional right favoring either an absolute right to life or an absolute right to abortion. It would simply restore the operation of the constitutional system, favoring States' rights to resolve abortion issues that existed prior to 1973.

Second. It would not compel the adoption by any State legislature of any legislation restricting abortion.

Third. It would not preclude judicial review of abortion laws or prevent a court from holding abortion laws unconstitutional. A court could hold abortion laws invalid if they failed to comply with the Constitution except to the degree that such a ruling would create a "right to abortion." Thus, racially discriminatory abortion laws would be invalidated, but not ordinary abortion restrictions.

Fourth. It would not affect State constitutions. It would not prohibit the citizens in any State from adopting—or, for that matter, any State supreme court from fashioning—a right to abortion under the State constitution.

Fifth. It would not grant Congress any power to directly restrict or prohibit abortion. Congress would retain its authority under its enumerated constitutional powers to regulate interstate commerce and other areas that might tangentially touch upon abortion. This limited authority is nothing more than exists for every other form of domestic relations law—or any other law for that matter—which is subject to the plenary jurisdiction of the States.

Sixth. It would not give to the States any new authority to regulate abortion. Their general police powers to regulate abortion would be restored, but would not be enhanced.

Seventh. It would not alter the constitutional allocation of power between the State and Federal Governments, or between the legislative and judicial branches.

In conclusion, I think we would profit by measuring the abortion regime established by Roe against the basic tenets that animated the creation of our Republic. Those principles were best articulated by Thomas Jefferson in the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.

Thus, our infant Nation established the protection of human life as the foremost duty of Government. Roe's blatant conflict with this fundamental national value is apparent. In the words of President Reagan: "We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life." Human Life Review, supra at 8. Perhaps only one act of our Government has conflicted more with the founding tenets of our Republic than Roe and that was the last infamous Supreme Court case that denied the value of certain classes of humanity, the Dred Scott case. Dred Scott was not easily corrected either. It took more than a decade and an intervening war to secure a constitutional amendment reinstating constitutional protections for blacks. Indeed, securing a constitutional amendment is never an easy process. The women's suffrage amendment, the 19th, was

first rejected by the Senate in 1868 and failed twice more to gain approval in the Senate before its adoption in 1919 and ratification in 1920. Nonetheless correction of the Dred Scott error serves as an excellent analog for our consideration of the modern civil rights disagrace, Roe against Wade.

In his farewell address, President George Washington remarked that: "It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government." His insightful thesis that the strength of our freedoms springs from the shared morality and convictions of our people lies at the heart of this great historic debate. This is a great moral issue. This is a great human rights issue. I posit with President Washington that, in ways more fundamental than we may now realize, the future of our free Nation may depend upon the outcome of this debate. Consider for a moment the role of the family as an institution promoting respect for other people, their dignity, and inherent rights. Consider for a moment that if the family fails to teach principles of decency, our governments—already struggling to maintain civil order in the face of a crime epidemic—will be compelled to use more force to protect our liberties. Consider for a moment the essential role of individual responsibility in parents for raising their children. Consider for a moment an ethic that treats a child's entrance into his or her own family as if it were a matter of whether he were wanted. Consider for a moment whether such callous attitudes and practices as are fostered by the abortion regime promote a society in which the instinctive acceptance of others is supplanted by a more self-centered and grudging attitude. Combined with the Federal courts tendency to treat abortion in terms of the totally isolated pregnant woman and her decision, this aspect of legalized abortion on demand could have long-term effects on the strength of those interpersonal bonds which hold our society—indeed any society—together.

Consider as well these insightful comments by national leaders:

> It seems to be as clear as daylight that abortion would be a crime.—Mahatma Gandhi.
>
> * * * The child, by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth.—Declaration on the Rights of the Child, United Nations, 11/20/59.
>
> It is a very great poverty to decide that a child must die so that you may live as you wish.—Mother Teresa.
>
> We will stand up every time that human life is threatened. When the sacredness of life before birth is attacked, we will stand up and proclaim that no one even has the authority to destroy unborn life.—Pope John Paul II.
>
> No woman is the final arbiter about the disposition of her body and the embryonic human life flourishing therein. Doctors, too, must face up to the moral dilemma whether they can play havoc with the basic worth and dignity of human life when they freely perform abortions at all stages of pregnancy * * *.—Rabbi Bernard L. Berzon, President of the Rabbinical Council of America.
>
> No right is more fundamental than the right to life itself and no innocent human life already begun can be deliberately terminated without offense to the author of all life.—National Conference of Catholic Bishops.
>
> I fear the power of choice over life or death at human hands. I see no human being whom I would ever trust with such power—Not myself nor any other. Human wisdom and human integrity are not great enough.—Pearl S. Buck.
>
> Social acceptance of abortion has begun to dull society's respect for all human life, leading to growing occurrences of infanticide, child abuse, and active euthanasia.—Resolution, Southern Baptists Annual Convention, 1981.
>
> The unborn belongs neither to father nor mother, and not even to the self, but to God.—Very Rev. Thaddeus P. Wojcik, a Priest of the orthodox Church in America.

This is a moral issue, a moral issue literally, of life and death. Life and death of a society as well as countless unborn children.

Perhaps the foremost objective of the proposed amendment is to facilitate the development of a social consensus on the difficult issue of abortion. The abortion issue, if it is to be elevated into an issue of constitutional proportions, should be elevated only through the normal consensus-building procedure of the article V amending process rather than through the process of judicial reinterpretation. Senate Joint Resolution 3 would reenfranchise all the people in fashioning a solution to the abortion controversy or, if not a solution, at least an equilibrium. This can only be done by placing this issue back within the representative branches of State governments where it should have remained all along.

I might add that there are those who believe that the country has changed and that the majority of people are in favor of abortion on demand today as announced by the Supreme Court of the United States. Even if that were true—and it is not—why then would they be afraid of having the debate take place among elected representatives in a consensus-building manner? I think the reason is because they know the American people would rise up and make changes in the status quo. They might not make them the way I would like them to be made, and they may not make them the way that the Right to Life Committee would like to have them made. Maybe they will. But at least they would have a right to participate in the process, a right to participate and help to change the process, to make it better and to help to resolve this issue.

If the result is that difficult legislative compromises are reached through bitter sessions of negotiation and give-and-take—compromises that are not entirely satisfactory to those on either end of the spectrum on this issue—then the issue of abortion will have been dealt with in the same manner that most other difficult matters are dealt with in a democratic system of government.

If the social divisions that have beset this country since the Roe decision are to be overcome, they will have to be overcome through a process in which all shades of opinion are considered and weighed, not simply those of a small minority of the citizenry. There is no more appropriate forum in a free society for these kinds of controversies to be debated and resolved than in State representative, legislative forums. Although some may observe—correctly—that basic issues of individual rights are not subject to referendum in a free society, this, of course, begs the basic question, which is precisely what those rights are and what their relative priorities are. It is the resolution of these precise questions that is unlikely to occur in the absence of a constitutional amendment of the sort of the human life federalism amendment.

I state, in conclusion, that this Nation, with the possible exception of Communist China, has the most radical abortion laws of any nation in the world. The values of our people are different from those laws. The only way to change it now is for the people to let their elected Representatives know of those values.

I am very grateful for the kindness of my colleague who is on the other side of this issue, who has waited through this rather lengthy explanation of this constitutional amendment, and some of the things I had on my mind with regard to it.

I am grateful to the distinguished Senator from Oregon for working to allow this amendment to come up so that we could have this historic debate on the floor of the Senate. I know that he is sincere in his beliefs, and he knows that I am sincere in mine. That is why elected representatives can sometimes help to build a consensus better than unelected judges who are accountable to nobody but themselves.

I am grateful that we have this opportunity, and I thank my learned colleage for his forbearance.

Mr. President, I ask to have printed in the RECORD a poem entitled "Abortion."

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

ABORTION

Abortion is a frightening occurrence,
One that makes even hard hearts soft,

It's a mixed up thing—It is misconstrued,
There are many who fathom nothing about it,
It's shocking to me and personally abhorrent,
That 35 to 50 million unborn are killed each year,
A million and a half here in the freest land of all,
In this nation built upon religious liberty,
With laws protecting almost everybody else.

In the old days, women claimed offense,
Because of clandestined abortion mills,
Because Planned Parenthood had nowhere to recommend
Young girls to go and find relief,
Young women to find rationalization,
Women to have excuses for absolving themselves
Of the inconvenient.

New technology has frightened everyone more,
Sonograms show fetuses alive and well,
Sonograms are amazing things—they show a formed life,
Almost from day one,
By day 64 the outlined head, shoulders, body, legs,
Arms, fingers, feet and toes are clearly visible,
I saw a baby with hand in mouth, pop it out
As real babies sometimes do,
And then suck on it again.

Trimesters become reality to some,
Especially for 15,000 little ones,
Either separated from the placenta,
And allowed to suffocate to death,
Or with crushed skulls within the doctor's bare hands,
The stark reality of it all,
Even the feminists blanched,
Even they gasped with fear and shock.
How could a doctor reach inside the mother,
And crush the infant's skull
Within hands made by God?

I don't think all people who abort,
Or have abortions, for whatever reason,
Are bad or ungodly people,
I do sometimes wonder, however,
What they think, when quiet thoughts come,
Concerning the act or even acts they have done,
Do you feel good, do they wonder, do they worry?

I think so,
I don't know how they could help but worry,
"Have I done the right thing?"
"Have I pleased my God—and my Lord?"
"Have I hurt my spiritual and physical being?"
One would think that unless such questions come,
The person, not thinking them, is hard,
A supreme rationalist, or a blunted conscience,
Perhaps a wanting or wanted soul.

Whence cometh from afar, that little one,
Why life at all, if not God there be,
How inter-connected, the little one and God,
How bright our glory, once realization
Dawns upon our souls,
Now or part of life,
With all the zest for life,
And hope of eternal things.

Mr. PACKWOOD. Mr. President, I congratulate my colleague from Utah for a very erudite and learned statement. I also thank him for the manner in which he has dealt with me during this issue.

In this business, we very seldom deal with each other in writing. Your word is your word, literally, and your bond. On many, many occasions, people will make agreements which they may wish they had not made, but will stick with them. In the 1 year Senator Hatch and I have been working to get a vote on this amendment, he has never misled me, I have understood his position exactly, and he has acted as a gentleman and a peer in every respect, and I appreciate it very much.

Mr. President, this is the 15th year I have been in the Senate, and I have seen many great issues come and go in that time—Vietnam; the SST; the antiballistic missile system; Haynsworth and Carswell; the resignation of Vice President Agnew; Watergate, and the resignation of President Nixon—but no issue has been as long standing and as passionately felt as has been the issue of whether or not a woman has the right to decide for herself whether she wants an abortion.

It goes back longer than 10 years. It goes back prior to the Supreme Court's decisions of 1973, because in many States you had movements toward legalized abortion. You had four States that legalized it prior to 1973, and I think you would have had more legalize it but for the decision by the Supreme Court in Roe against Wade.

However, at last, today, we are met and joined together in what promises to be a meaningful and significant debate concerning a major issue that has faced this country for many years. That is the issue of whether or not a woman, without fear for her health or safety or her privacy, shall be allowed to make a decision for herself as to whether or not she wishes to have an abortion. As I say, it is a controversy that has swirled in this country for many years prior to Roe against Wade in 1973. In that decision, the right to have an abortion was delineated and established. When I say "delineated," I mean it exactly in that term.

I emphasize that Roe against Wade does not allow abortion on demand. Despite statements to the contrary—despite the fact that the President, in an article he has written for a major publication, says that the Supreme Court has allowed abortion on demand for 9 months—that simply is not true.

The Supreme Court has said, in essence, that for the first 3 months of a pregnancy, it is a woman's decision as to whether or not she wants to have an abortion, and the State can put no limitation on that. In the second 3-month period, the State can put certain limitations on that, although those limitations cannot demean or limit her fundamental right to decide whether or not she wants the abortion. But the State can decide, for health reasons, medical reasons, or others, to improve certain limitations.

In weighing the balance of a woman's privacy on one hand versus fetal rights on the other in the third trimester the court, came down on balance on the side of fetal rights and said they would allow abortions only in very unusual circumstances.

Two weeks ago, in the case of Akron against the Akron Center for Reproductive Health, the Court said the following:

> Since Roe was decided . . . the Court repeatedly and consistently has accepted and applied the basic principle that a woman has a fundamental right to make the highly personal choice whether or not to terminate her pregnancy.
>
> Arguments continue to be made . . . that we erred in interpreting the constitution. Nonetheless, the doctrine of stare decisis . . . is a doctrine that demands respect in a society governed by the rule of law. We respect it today, and reaffirm Roe against Wade.

I say to my distinguished colleague and my fellow Senators that if the Supreme Court had wanted to reverse Roe against Wade, they could have done so in the case they decided 2 weeks ago. Instead, they chose the other option once again, a decade later, of reaffirming that basic right.

Today, we are debating Senate Joint Resolution 3, which is a constitutional amendment and which overturns Roe against Wade and the cases following it, including the Court's recent decision of 2 weeks ago.

Before proceeding further in this debate, however, I compliment Senator Hatch for proceeding in the proper constitutional way for overturning a Supreme Court decision.

If someone disagrees with a Supreme Court decision which is based on the Constitution, the way to change it is through a constitutional amendment. It allows those who agree and those who disagree with the decision of the Court to debate it on the merits and on the substance. It is a fair, open, and honest challenge to a decision with which one disagrees.

Many, many constitutional amendments have been offered to overturn Supreme Court decisions in the almost 200-year history of our Congress. Those offered amendments are normally an emotional response to a court's decision disliked by a number of Members of Congress. As time passes and passions cool, the support for such amendments usually withers. However, four times in our history we have passed constitutional amendments to overturn Supreme Court decisions.

We did it with the 11th amendment, in Chisholm against Georgia, which related to lawsuits against a State by a citizen of another State.

The 14th amendment overturned the decision in the Dred Scott case.

The 16th amendment was in response to Pollock against Farmers Loan & Trust Co., in which the Supreme Court had said that a national income tax was unconstitutional. We did it again in the 26th amendment, not too many years ago, when we overturned a Supreme Court decision which said that an act of Congress which lowered the voting age to 18 for State elections was unconstitutional.

Senator Hatch and I are diametrically opposed on the Court's decision legalizing abortion. I agree with it. He opposes it. But I totally agree with him and laud him for the procedures and the process he has followed in an effort to change that decision.

There are others who have attempted to undermine the Supreme Court's decision by attempting to statutorily redefine what the Court has defined constitutionally or by attempting to limit the Court's jurisdiction to hear certain types of cases.

These kind of attacks do harm to our constitutional processes and endanger the liberties of every one of us in a variety of areas far beyond the subject of abortion.

So disagree though I may with Senator Hatch on this amendment, I compliment him for following the procedure outlined in our Constitution and the one most guaranteed to assure our liberties rather than trying to subvert or undermine the Constitution by nefarious statutory means.

As I said before, Mr. President, Senator Hatch's amendment, Senate Joint Resolution 3, is a constitutional amendment which overturns Roe against Wade and cases following it. It negates the constitutionally protected right of a woman to choose whether or not to have an abortion.

Senator Hatch has worked hard, diligently, and patiently to get a vote on this amendment. He has waited for well over a year to get a vote on this constitutional amendment. He deserves a vote on this amendment, and it is not my intention to delay a vote on this amendment.

I hope my fellow Senators will grant Senator Hatch the right to vote on this amendment without delaying it or altering it.

Mr. President, it is important to understand at the start of this debate one fundamental fact. Senate Joint Resolution 3 is not a States rights constitutional amendment nor does it return the law to the status that it occupied prior to Roe against Wade.

Let me explain, if I might, why I think we have this type of amendment before us. There is a split in the antiabortion movement between those who want a federally preemptive constitutional amendment, one that would simply say abortion is illegal throughout this country, and those who want a States rights constitutional amendment. The federally preemptive amendment has utterly no chance of passage in this Senate now or, I think, in the foreseeable future.

There are those, therefore, who say let us take the best we can get. Let us have a genuine States rights amendment and attempt to turn the law back to what it was prior to Roe against Wade, although I will emphasize the amendment before us does not do exactly that. The problem with that amendment, however, is if you are a genuine right-to-lifer, if you really believe deep in your heart that abortion is murder, then in good conscience you cannot support a States rights amendment. If you really deep down are convinced that abortion is the unjustified taking of innocent human life, then you cannot bring yourself to say, "But I will vote for an amendment that says it is OK in New York but not in Pennsylvania; it is OK in Oregon but not in Idaho; it is OK in California but not in New Mexico." If you truly believe that abortion is murder and wrong, it is hypocritical to support that kind of an amendment.

The amendment that we have before us is an artfully devised device to attempt to bridge the gap between Federal preemption and so-called States rights.

This amendment does not turn over to the States and solely to the States the right to pass legislation and make judicial interpretations involving abortion. All that Senate Joint Resolution 3 does is say that a right to abortion is not secured by this Constitution and even if we were to adopt that, that is not the law prior to Roe against Wade.

Mr. President, as I indicated, this amendment does not return the law to the status it occupied prior to Roe against Wade. At that time there were no words in the Constitution similar to this amendment that says a right to abortion is not secured by this Constitution. State courts were free to interpret in their States as they chose the U.S. Constitution and decide for themselves what they thought should be the law in that State as they interpreted the U.S. Constitution.

Consequently, those States were free to weigh the right of privacy, on one hand, versus fetal rights, on the other, and reach what conclusions they wanted in balancing the scale.

If we adopt the language that is in this amendment we are destroying the balance and we are saying that, henceforth in weighing a case in a State court in which a Federal constitutional argument is raised, the State courts may not consider whether a right to abortion is secured by the Constitution, and that is something they could consider prior to Roe against Wade.

So make no mistake. This not a States rights amendment nor do I think it was intended to be a States rights amendment. We have had other States rights amendments considered in past Congresses. If you wanted to draft a States rights constitutional amendment one could be drafted.

But in passing this kind of an amendment I think it is clear what some groups hope, let me read from the National Right to Life News of April 28, 1983, an article by James Bopp, Jr., who is an attorney active in the right-to-life movement and an occasional adviser to Right to Life. This is in their newsletter. They are talking about the amendment as it has come out of committee, and this article says:

THE HATCH/EAGLETON AMENDMENT: ITS LEGAL IMPACT

> On April 9, 1983, National Right to Life Committee endorsed the Hatch/Eagleton Amendment, S.J. Res. 3, as the first amendment in a two amendment process of restoring legal protection to the unborn. The second amendment is NRLC's Unity Amendment, S.J. Res. 9.
>
> On March 24, 1983, the Senate Subcommittee on the Constitution unanimously approved the Hatch/Eagleton Amendment. On April 19, 1983, the full Senate Judiciary Committee voted it out for floor debate.
>
> The Hatch/Eagleton Amendment provides as follows:
>
> "A right to abortion is not secured by this Constitution."
>
> The Hatch/Eagleton Amendment, while similar in wording to the Hatch Federalism Amendment is fundamentally different from SJR 110. This Amendment is a reversal type amendment which is intended, according to its author, Senator Thomas F. Eagleton (D-Mo.), to "wipe out the legal status afforded to the 'abortion right' by *Roe v. Wade* and return us to the legal *status quo ante.*".
>
> Thus, there would be no constitutionally protected right to abortion which provides the most substantial impediment to regulation of abortion by the states and Congress and would return the power to regulate abortion to the states and Congress.
>
> This reversal type amendment formulation was originally suggested by Senator Eagleton in a speech to the Annual Prolife Convention of the Archdiocese of St. Louis, Missouri on October 3, 1982. This amendment is the first sentence of the original Hatch Federalism Amendment. It deletes the second sentence of the Hatch Federalism Amendment which specifically provided that Congress and the several state shall have concurrent power to restrict and prohibit abortion and provided that a provision of a law of a state which is more restrictive than a conflicting provision of a law of Congress shall govern.
>
> In his testimoney before the Subcommittee on the Constitution February 28, 1983, Senator Eagleton recommended that this formulation be adopted. The testimony of other witnesses before the Subcommittee on February 28 and March 7 was directed at a careful examination of the effect of this proposed amendment. As a result of this testimony, the Subcommittee on the Constitution reported out the Hatch/Eagleton Amendment in accord with Senator Eagleton's suggestion.
>
> A reversal type amendment, such as the Hatch/Eagleton Amendment, is fundamentally different in approach from a legislative authorization type amendment such as the Hatch Federalism Amendment. A reversal type amendment abolishes the constitution-

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ally protected right to abortion found originally in *Roe v. Wade* and *Doe v. Bolton* and subsequently expanded in later decisions. This constitutionally protected right, found by the Supreme Court in the consitutional right of privacy, prevents effective state or federal regulation of abortion.

While a reversal type amendment does not restore to the unborn the status of person under the 14th Amendment, it would remove the consitutional impediment to effective protection of the unborn. A second amendment restoring personhood, such as the Unity Amendment, is necessary to restore personhood.

A reversal type amendment, therefore, does not imply or suggest that there is no obligation in another part of the Constitution requiring protection for the unborn. Indeed, it invites one to examine other parts of the Constitution to determine if such protection is mandated. If such protection is not found, it invites—almost demands—its restoration by a subsequent step, either by another amendment or by other legislative acts.

In this way, the Hatch/Eagleton Amendment is philosophically quite different from the original formulation of the Hatch Federalism Amendment. Some have argued that by its second sentence, the Hatch Federalism Amendment implies that the question of the regulation of abortion is settled: i.e. it is within the discretion of the state legislatures and Congress. While most authorities find this argument unconvincing, under this reasoning a second amendment after the Hatch Federalism Amendment would almost contradict the first by creating an obligation to protect. The Hatch/Eagleton Amendment, as the first amendment in a two step strategy, creates no such possible contradiction and thus would be more suitable for a first step amendment.

In addition, any legislative authorization type of amendment grants power to the state and/or Congress to regulate abortion specifically. It reverses *Roe v. Wade* only as a practical effect, but does not reverse *Roe v. Wade* in principle. Thus, a legislative authorization type amendment leaves *Roe v. Wade* intact but renders it ineffective by granting power to the states and Congress to act.

A reversal type amendment, however, specifically reverses *Roe v. Wade* in principle, with the practical effect of restoring to Congress and the states the power to protect unborn life. The nature and extent of that power is examined below.

The intent of the Hatch/Eagleton Amendment is to fully reverse the *Roe v. Wade* Supreme Court decision which grants to a woman a constitutional right of privacy to decide whether or not to terminate a pregnancy. The purpose of Hatch/Eagleton is to preclude reliance upon any provision of the Constitution as authority for recognition of any right to abortion, and thus abrogates this right, whatever its alleged constitutional basis.

In particular, this amendment is intended to reverse *Roe v. Wade* and its companion *Doe v. Bolton*, insofar as these cases hold that the Constitution protects that abortion liberty. The testimony of Senator Robert Packwood and Professor Lawrence Tribe, both testifying at the hearings against the amendment, agreed that the Hatch/Eagleton Amendment would be fully effective in accomplishing the results.

The importance of this foundation was high-lighted by the testimony of Rhonda Copelon, Esq. of the Center for Constitutional Rights in her testimony before the Subcommittee during the 1983 Hearings. In her testimony, she identified a lengthy series of constitutional bases for a right of privacy.

These include "the right of bodily integrity," "the constitutional right of association" which "embraces the right to form a family, to choose our most intimate associates and guide the raising of children." The First Amendment which protects the right of women to "speak" with their bodies in childbearing which protects the "right to follow religious and conscientious convictions," and the 13th Amendment which prevents involuntary servitude which, Copelon said entitles women "to say no to the unparallelled labor demanded by pregnancy, childbirth and childrearing and to the expropriation of her body and services for the sake of another." But the adoption of the Hatch/Eagleton Amendment would ensure that no right to abortion could be found in any provision of the Constitution.

Removal of the last two sentences of the Hatch Federalism Amendment to form the Hatch/Eagleton Amendment, therefore, changes its essential nature and character. The Hatch/Eagleton Amendment, therefore, is in principle a reversal amendment rather than a legislative authorization type. Removal of a specifically granted power to the states or Congress in the amendment itself, however, raises the question of the power that would exist in Congress and the states to regulate abortion after its adoption. As pointed out by Professor Rosenblum, "the slate would be wiped clean: as far as judicial precedent is concerned, it would be as if *Roe* and its progeny had never existed."

With regards to state legislation, according to Prof. Rosenblum, "the nullification of '(a) right to abortion' accomplished by the Amendment would allow legislative proscription of abortion."

States, acting within the traditional spheres of jurisdiction, could, Rosenblum said, "legally proscribe or regulate abortion practices on behalf of their continuing, already judicially recognized, legitimate interest in protection of fetal life. This means that those laws that proscribe abortion which remain codified could be revived, and that new laws could be enacted . . . to proscribe or to restrict abortion." The states, in exercise of their police power could certainly prohibit abortion except in those cases where an abortion is required to save the life of the mother.

A more substantial concern is the effect of the Hatch/Eagleton Amendment on the scope of federal powers that could be brought to bear to restrict or prohibit abortion. In this respect, according to Prof. Rosenblum, the Hatch/Eagleton Amendment "would not so fully effectuate the opportunity to protect the unborn on a national basis as would the Hatch Amendment's grant to the Congress of full plenary to restrict and prohibit abortion."

It would, however, restore to Congress those powers it had prior to *Roe v. Wade* to do so.

In this respect, other parts of the Constitution must be examined to determine whether or not there is power there to directly or indirectly restrict or prohibit abortion. This power may not now be exercised due to the constitutional right to abortion found by the Supreme Court in *Roe v. Wade*. After the adoption of the Hatch/Eagleton Amendement, however, this right to abortion would be removed and the residual powers of Congress could be exercised.

There exists in the Constitution both direct and indirect powers which may be brought to bear on abortion. Any *direct* power that Congress might have to regulate abortion, i.e. private killing, could be found in Section 5 of the 14th Amendment.

This section, activated on behalf of the unborn by the adoption of a Human Life Bill—which would define the unborn as a human being for the purpose of protecting the right to life under the 14th Amendment—would bring to bear the 14th Amendment's protections of persons for the unborn.

Currently, a Human Life Bill's constitutionality is threatened by the Supreme Court decision in *Roe v. Wade*. Once that decision were removed, the likelihood of a Human Life Bill's constitutionality is much more secure. Such a bill, properly drafted, could include the power to restrict or prohibit private abortions in addition to limiting state government involvement in abortion. Such a bill is a logical second step after the adoption of the Hatch/Eagleton Amendment.

In addition there are indirect ways by which abortion may be regulated. These include the exercise of the commerce clause, the taxing power, and the power of the purse. These have been fully examined by other authorities.

The Hatch/Eagleton Amendment is a newly formulated and novel approach directed at abortion. This Amendment is the first of the reversal type amendments to be offered in Congress. Its adoption would clearly repudiate the Supreme Court's finding of the constitutional right to abortion and prevent its recreation in any other portion of the Constitution. The full plenary powers of the state and other preexisting federal power would be restored to restrict and prohibit abortion. With the adoption of the second step, either a life protection amendment or a Human Life Bill, the obligation to protect unborn life would be fully restored.

This amendment we have is a hybrid. Indeed, it would allow the States to act in matters of abortion and it would allow the Federal Government to act in matters of abortion, but as all constitutional scholars know, the U.S. Constitution and acts thereunder are supreme and, therefore, Congress could pass any act it wanted to so long as it acted under the commerce clause or the 14th amendment section 5 or some other provision in the Constitution and preempted State laws, and very clearly that is what Right to Life has in mind.

(Mr. TRIBLE assumed the chair.)

Mr. PACKWOOD. They knew they could not get a Federal preemptive constitutional amendment so what they want is a constitutional amendment that in essence allows either Congress or the States to operate and then try to get a statute passed through Congress to achieve the same thing they are unable to get by a constitutional amendment.

I do not want any Senator to think if Senate Joint Resolution 3 is passed we are done with this subject forever in Congress. We are not. If this resolution is passed, and if it passes the

House and is ratified by the States, we will still be faced with human life bills in Congress, we will still be faced with bills prohibiting the shipment in interstate commerce of medicine and instruments used in abortions, we will still be faced with bills prohibiting Federal funding of hospitals that allow abortions, and we will be faced with other efforts at the Federal level to pass legislation prohibiting choice nationwide.

Everyone who participates in this debate, everyone who casts his or her vote on this resolution should be under no illusions they are shedding themselves of this subject at the congressional level if this amendment is ratified. They are not.

If Senate Resolution 3 is adopted, both State legislatures and Congress shall have the right to legislate in the field of abortion

Mr. President, since the Supreme Court's decision in Roe against Wade in 1973, public opinion poll after public opinion poll have been taken on the subject of abortion. The question has been asked over and over, "Do you support the Supreme Court's decision on abortion?" Now we all know that pollsters allegedly can be found to give any answer to any question. In my experience most pollsters are honest, and if most good pollsters are given identical questions to ask, they come up with results that are reasonably close to each other.

There is no question but that about two-thirds of the American public, when posed the question year after year after year, "Do you support the Supreme Court's decision of 1973?" say yes.

But that is the last time I am going to argue that statistic because I do not think basic civil liberties should be determined by a majority vote. The basic liberties enshrined in our Constitution were put there by our Founders to protect the minority against public opinion. They are designed to protect minorities against the transitory blowing to and fro of the winds of public opinion. Those rights are too precious to be put to a majority vote. I will argue instead that a constitutional amendment should be the result of a developed consensus on an issue, and we should not change the Constitution unless there is a long and strong showing of a consensus for that change.

Rather than a consensus for the change proposed in Senate Joint Resolution 3, the consensus is the opposite. The consensus is that there should be no change in the Supreme Court's decision regarding abortion.

Mr. President, I could continue indefinitely with my discussion of the constitutional, legal and civil liberty ramifications of Senate Joint Resolution 3. The humanistic ramifications are the most moving response, however, to defeat this amendment. The gravest consequences of this amendment if it were passed would fall on women. By seeking to force all women into childbearing, Senate Joint Resolution 3 undermines their ability to control their bodies and their lives. No other Supreme Court decision has meant more to the health, well-being, freedom and dignity of women than Roe against Wade. That decision recognizes women's rights to make childbearing decisions and those are rights fundamental to equality for women in this society. Without that decision there can be no equality for women in this society.

A woman's right to make childbearing decisions is part of her right of bodily integrity. The right of bodily integrity is one of the foundations of the right to privacy, and I might add here that the right to privacy is not a right mentioned in the Constitution either. My good friend and distinguished colleague from Utah indicated that abortion is not mentioned in the Constitution—nor is privacy. The Constitution is an ongoing document I have heard no great outcry we should somehow reverse the Supreme Court's decision on privacy because most of us agree that when the Supreme Court started to move in that area, and the decisions go back many, many decades, they are not recent, the bulk of the country felt they were moving in a direction that was proper, and that our founders would have approved.

The Supreme Court held in 1891 that no right is more sacred than the right of every individual to the protection and control of his own person, free from all restraint or interference of others. This same right was strongly reaffirmed 2 weeks ago in the Akron decision. Those who critieize Roe show little concern for the massive invasion of physical integrity and privacy that denial of choice involves.

Most significantly Senate Joint Resolution 3 will not prevent abortion. History proves that women will do anything to rid their bodies of unwanted pregnancies, and all Senate Joint Resolution 3 will do is restore illegal, unsanitary, and lethal backstreet abortions resulting in thousands of deaths to the women, and to no benefit to society.

Now, Mr. President, why is it we are involved in a debate about the Supreme Court's decision on abortion when we are not involved very often in a discussion about Supreme Court decisions in other areas where the argument is made that the Court has moved into an area that had previously been left to the States, and that decision should be reversed? Mr. President, you can come to only one conclusion as to why. Those who are pursuing the overturning of the Supreme Court decision do not like the morality of the decision. It offends their personal or religious or other very deeply held views, and they want to impose their morality on others who do not share those very deeply moving and personal and religious views. Because they do not have the votes to do it by an outright amendment that simply bans abortion nationwide, once and for all, period, they will try to do it with some artifice that attempts to bridge the gap between so-called Federal and States rights.

And why do I say their motivation stems basically from moral, deeply held convictions? Because in a whole variety of areas in the last 20 years the Supreme Court has struck down a variety of State actions and Congress has done little or nothing. There have been a few amendments introduced, and within a few weeks or months the passion passes to overturn the court decisions. Miranda in the criminal field, where we finally said that a defendant must be advised of his constitutional rights to self-incrimination, and if he is not so advised, statements that the defendant makes to the police officer or others before advised are probably inadmissible in court. With that decision we wiped out roughly 150 or 160 years of State law that said that did not violate self-incrimination. There were a few complaints from police chiefs, a spate of irritated speeches in Congress, but no reversals.

What about Gideon where the Supreme Court finally said that the States could no longer deny to an indigent defendant the right to counsel in a criminal trial and if the defendant could not afford counsel for himself or herself, the State had to pay for it. This overturned the better part of a century of constitutional law because we said the States no longer have the right to deny that liberty? No serious complaint from Congress.

What about the reapportionment decisions? You talk about the Court getting into a decision it had never been in before? In the reapportionment decisions the Court, the U.S. Supreme Court, from time immemorial had not only faced up to the issue, they had faced up to it and said it is a political issue and it is not one that the Court should be involved in. And every time a case would come up saying, "Must the State legislatures and must the U.S. Congress be apportioned on the basis of population?" they said, "No, that is not a judicial issue." Then in the midsixties they simply flipped and said, "Whatever the decisions in the past may have been, they are overruled, and henceforth legislative bodies must be reapportioned on the basis of population," with the exception, of course, of the U.S. Senate which, in the Constitution, is apportioned on the basis of two Senators per State.

Now, we had again a spate of irritation in the Congress and State legislatures, a few constitutional amendments offered and some attempts to overturn the Court statutorily, and it died out. It died out, I suspect, because, once the new districts were created and once some incumbent had been defeated and new Members had been elected under the new districts apportioned barely, they obviously had no desire to change the districts.

So let us not say by this argument that the Supreme Court has moved into an area for the first time that it never had moved into before and the precedent of moving into it is justification for reversing it. If that is going to be the theory of the operation of this Congress, then we better start going down a lot of Supreme Court decisions and laws for the last century and deciding which ones the Court moved into for the first time and whether or not we like them and reverse them on that basis. That is not justification for overturning a Supreme Court decision. Let us argue this on the merits.

Again, I compliment my colleague from Utah for being willing to argue it on the merits. I say to him I will not filibuster this. I have no intention of speaking at length. I hope he gets a vote on the merits up or down on his amendment that he has labored so long and so hard to get.

I yield the floor.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks about me. I feel good about the fact that we are taking time to debate what both of us consider to be an extremely important issue in the U.S. Congress.

He raised a couple of issues about whether or not this is a States rights amendment. I think I would like to respond to that, at least to this extent.

This is a States rights amendment in the sense that any area of law under our Constitution is reserved to the States. The States, under our constitutional system, govern every body of law not found within the enumerated powers of the Federal Government in articles I through III, primarily article I, section 8 which defines and confines Congress power to legislate. Nowhere in those enumerated powers is there any mention of domestic relations, or familial relations, or general police powers, or any other designation that would suggest a Federal power to regulate abortion. Thus, the States have plenary authority over the subject, just as the States enjoy plenary authority, within the obvious limits of the Constitution such as the first amendment, to regulate corporation and business association laws, property laws, trust and estates laws, insurance laws, and any other potential topic of legal concern outside of the specific Federal powers granted by the Constitution.

In recent debates, some Senators have attempted to redefine the concept of "States rights" which is as old as the Constitution in an effort to make this amendment appear to be something it is not. For the duration of our Republic, States rights has meant nothing more nor less than what our Constitution defines; namely, the extensive power of the States to govern within their constitutional jurisdiction as qualified by the power of the Federal Government to govern within its constitutional jurisdiction. This is the traditional, indeed, the only definition of "States rights" because it is the definition given by the defining document, the Constitution.

Those who would redefine the concept of "States rights" for the purposes of this debate maintain that this is not a States rights proposal because it permits the Federal Government to continue to act within the limits of its jurisdiction. Those who would redefine the concept of States rights overlook a most vital point. Allowing the Federal Government to act within its jurisdiction still does not authorize it to prohibit abortion. Although the Federal Government may exercise its authority to regulate interstate commerce in a manner that tangentially relates to abortion; that is, placing conditions on interstate transport of abortifacients, it still is not exercising any authority over abortion but only regulating interstate commerce.

As long as our Constitution has set up two tiers of government, the State and the Federal, to act within their specified parameters, there has been some limited interface between their respective powers. This is true of all matters reserved to the States, domestic relations, wills, criminal laws, and so forth, and all matters ennumerated as within Federal control, interstate commerce, postal authorities, authority to coin money and raise armies, and so forth. The States, acting within their jurisdiction, may influence the Federal Government and vice versa. For instance, when some States legalized gambling, they had an obvious effect on interstate commerce, a Federal power. These tangential impacts on each other's authorities, however, are no reason to say that the States rights or the Federal rights have ceased to exist. Yet those who would redefine "States rights" using something other than the Constitution as their dictionary maintain that this is not a States rights amendment solely because the Federal Government may continue to operate within its jurisdiction. If this argument prevails, it will be a new and terribly sad chapter in our constitutional history.

Let me list again the reasons that this is undeniably a States rights amendment:

First. The amendment simply deprives the special constitutional right created by the Court in Row against Wade of any further legal significance. Thus, abortion would be henceforth regulated as it was prior to 1973, namely, within the reserved powers of the States.

Now, I have to admit that we are not going to go right back to the legal status of 1973 because those State laws will not all be resurrected. I have to admit that it will be a new day. But the States will have the power and the right to act as they did before Roe was handed down.

Second. The legislative history of this amendment has stated repeatedly that our objective is to return to the legal status quo ante Roe when States governed the abortion questions. The States had enjoyed plenary power to set and alter their own abortion policies prior to Roe. Indeed, in the 5 years prior to Roe, 18 States had changed their abortion laws—all in the direction of more liberal allowance of abortion, nevertheless, much less than what Roe against Wade has imposed upon the American people and upon the lives of the innocent unborn.

Third. Senate Joint Resolution 3 was deliberately amended in committee to delete language that granted the Federal Congress concurrent authority to restrict abortion. By this action, the committee, and indeed the whole Senate which will ratify that action, established its intent to remove Federal institutions from the policymaking process with respect to abortion and to reinstate State authorities as the primary locus of decisionmaking for this sensitive issue.

Fourth. By simply nullifying the right created in Roe, this amendment allows the Constitution to operate as it did before Roe to vest authority over abortion in the States. If Federal authorities possess some limited residual authority to the extent that some enumerated Federal power tangentially touches upon abortion policy, this limited residuum of authority is nothing that does not exist with regard to every other field of law under our Constitution.

Fifth. In the absense of special constitutional status for abortion, it would be treated as any other domestic relations law. The Supreme Court has clarified that treatment on numerous occasions: "The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the States, and not to the laws of the United States." In re Burris 136 U.S. 586, 593, (1889) (This principle was reaffirmed in 1930, 1944, 1979.)

Sixth. An alternative line of constitutional reasoning reaches the same result with respect to the extent of State authority in the absence or Roe. State power to set criminal standards

is unquestioned. Justice Frankfurter explained:

> Broadly speaking, crimes in the United States are what the laws of the individual states make them, subject to the limitations of Art. I § 10, cl. 1 in the original Constitution prohibiting bills of attainder and ex post facto laws and of the Thirteenth and Fourteenth Amendments. *Rochin* v. *Cal.*, 342 U.S. 165, 168 (1952).

With Roe overturned by this amendment, abortion would not be subject to the protections of the fourteenth amendment or any other provision of the Constitution. Accordingly, abortion misdemeanors, such as the States had enacted prior to 1973, would be again "what the laws of the individual States make them." Id.

Seventh. Finally, I state again for the Record and as my intent as the author of this amendment in conjunction with Senator Eagleton who shares my view on this point: We understand this amendment to restore to the States full authority to restrict, prohibit, or refrain from restricting and prohibiting abortion.

The Federal Government is to have no authority over abortion per se, but only authority within its established constitutional limits. This is a States rights approach to the abortion controversy in the sense that anything in our Constitution can be said to be a States rights matter. Moreover, beyond the terms of the Constitution, a popular understanding or misunderstanding of States rights has no meaning. Those who argue that this is not a States rights proposal have not consulted the document which defines all States rights.

That is the Constitution of the United States. I think this would be an improvement over what we have and it would return this mater to the elected representatives of the people. A lot of people in this body are happy to have the courts decide things because it takes Congress off the hook. But, frankly, that is what we are here for, to be on the hook, to have to debate and stand up for our constituents' beliefs.

If, as my distinguished colleague and friend from Oregon asserts, the polls show that people support the Supreme Court decision, I suspect if you ask the average person whether or not he supports the Supreme Court decision they will say yes because very few people fully understand the implications, the import, the many aspects of this Supreme Court decision.

But if it were true even as he interprets it, then what does he have to fear? Why not let the elected representatives act for the people? I think we do act, for the most part, on these issues with regard to the way the people have said.

I yield to the distinguished Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator from Utah for yielding. I commend him for his leadership on this very sensitive issue.

Mr. President, few issues prompt the depth and intensity of feeling as does abortion. On either side of the question, the ardent protagonist seems more frequently compelled by thoughtless passion and even vindictiveness than by sensitive reason. Such fervor and fury are understandable, for this issue touches on the most personal of beliefs and affects in the most intimate way of lives of women.

An issue marked by such intensity and divisiveness invites public neutrality on the part of the politicans, quite candidly; it usually seems pragmatically imprudent to become strongly and unapologetically committed on either side of this controversy.

I have wrestled with my beliefs about abortion—morally, legally, biologically, sociologically, and theologically. In doing so, convictions that I find totally compelling have been deeply affirmed. Moreover, I am persuaded that how society regards this question directly relates to whether we will choose to nourish and enhance all life, for the development of full humanity, or whether we shall make quiet compromises about the sacredness of human life, until the fundamental worth of any life becomes subject to society's discretion.

It would be simple if one concluded that convictions about abortion, however deeply felt, were "personal" beliefs that should be followed individually, but not applied to society. But the belief in life's fundamental right to be has inevitable consequences. I do not, after all, believe merely in my right to be; I believe in the right of all life to be. It would be hypocritical cowardice to hold such a conviction, but not to propose, as a legislator, that society embrace this view. We have suffered so many assaults on the sacredness of human life that our conscience is insensitive and numb. The dominant materialism of our culture is eroding our respect for the quality and value of human life. Our consumptive society sells us a lifestyle that emphasizes getting and having. The frequent result is that things become valued more than people; "possessions" become more important than "relationships." If our lives are held captive to the values of materialism, we can never give priority to the sanctity of human life.

Such values, and the patterns of depersonalization, have eroded the bonds of family, and the quality of our relationships. The warmth and primacy of the family strikes many as being obsolete. There is a tendency to keep relationships, both inside and outside the family, "second" to the primary demands of job, ambition, a sense of personal freedom, the accumulation of money and of possessions. The malaise that strikes at the heart of our times is the fear of responsibility in and to human relationships; this force cripples us as humans and has devastating effects on our society as a whole. If people cannot extend mutual responsibility and care within a relationship, they will be unlikely to demonstrate concern for society, and the well-being of one's fellow citizens. If people are afraid and unable to deal with the complexities of interpersonal relationships and to build strong family units, they become so self-oriented that they can be immune to tragedy.

The evidence of how life can be degraded, cheapened, and dehumanized by forces and attitudes in our society is painfully obvious. Should it come as any surprise, then, that our society has come to regard abortion as an increasingly permissible and acceptable form of human behavior? Is it any wonder that people should believe that liberal abortion laws, which make it easier and legal to take human life, will somehow liberate us and make our society more humane?

Abortion is a form of violence. It is condoned by a society that has become callous and indifferent to the ultimate value of human life. It is undergirded by a whole moral climate that elevates selfish personal convenience to a supreme status in human decisionmaking. This attitude, when applied by individual citizens to decisions concerning the neighborhoods in which they live, the schools to which they send their children, the use to which they put their material resources, and the way they regard their families and relationships, can only result in social deterioration. When expressed in our national character, this same attitude results in oppression against minority groups, exploitation and misuse of our natural resources, and reckless, destructive foreign policy.

Abortion is symptomatic of a retreat from mutual responsibility toward one another to self-seeking personal perogatives as the ultimate norm. Let us recognize that, often, abortion is submitted to by women who have been dehumanized, by relationships lacking either commitment or responsibility. These same abortions are ignored, or even encouraged, by the men who caused the pregnancy since the convenience of abortion eliminates the necessity to view that woman, and the relationship, as an integral part of his life, calling for responsibility and care.

The dehumanization of life in much of our society has led us to the dehumanization of sex. An exploitive attitude toward sex flourishes in society, reducing men and women to objects and things. Once having dehumanized the act of sex, it becomes easy to dehumanize the result, and destroy that life by resorting to abortion.

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There is a tendency to approach the essential questions about life from purely sociological, or legal framework, without reference to biological realities. Sociologically, we discover that unwanted children can often face severe and debilitating burdens. We find that mothers with an unwanted pregnancy may not properly nourish themselves, and thus, the life of their developing child. Retardation of that child may be the consequence. Further, we see that society leaves a man who is the cause of an unwed mother with no responsibility, and barely even any guilt. Yet the mother faces the emotional and physical demands of a 9-month pregnancy, plus the psychological pain that can result, and then the guilt from a judgmental society. Also, we know that our planet, as well as a poverty-stricken family, has limits to the amount of life that can be fully nurtured and sustained. These are all tragic, terrible realities. But despite the harshness of such truths, these are not the criteria for determining when human life begins, or whether the existence of that life has value.

The landmark Roe against Wade decision revolutionized American abortion law and, in essence, overturned 50 State statutes, thereby imposing what may be the most permissive abortion policy in the world on the Nation. In that decision, the Supreme Court created a new right that is not inferable from the Constitution, in any values derived from provisions in it or in the intent of its Framers. Legal scholars noted that the Court's decisions had been controversial before—but never had their reasoning been so spurious, so lacking in careful scholarship, or so overtly based on a philosophy of relativism.

The Court sets limits to the legal definition of personhood—limits which cannot be justified by more fundamental biological reality. The Court, and our Nation, have dealt in the past with the legal definition of personhood. The truth of history is that the most tragic consequences have directly resulted when we, or another nation, have taken a too restrictive view of personhood and the value of all human life. The institution of slavery, reducing human beings to the level of economic commodities, the ovens at Auschwitz, and the slaughter at all the My Lais of Indochina demonstrate what becomes possible, tolerable, and even legal from a philosophy of human life and personhood too narrowly conceived. The Nation's definition of personhood, as set forth by its system of law, has potentially profound and crucial consequences on the rights of every citizen. To set a legal precedent for restricting the view of personhood according to certain artificial criteria is to open the way for the abuse of our most fundamental and treasured ideals.

We are obligated to formulate and to defend a system of law that guarantees the freedom and safety of persons within the public domain that we are called to serve. But we must not view the range of that "public" to nearsightedly. In our collective memory, we honor most those lawmakers of the past who were able to hear and think beyond the vocal din of their day and to reflect justly on the needs and plight of those who had no public voice. It is difficult to bring to mind an advocate of justice whom history has condemned for a too "liberal" view of the range of human life and personhood.

The point is this: What the lessons of history teach us is that where societies have erred, they have erred on the side of bigotry and narrowmindedness. They have more often than not erred in the direction of failing to grant rights where those rights were subsequently recognized to be legitimate.

I recognize that everyone may not agree about the certainty of where personhood begins, but I suggest that, if we are to err, then let us err on the side of being too liberal about the definition of human life. Even if one is unsure about when personhood originates, that does not automatically condone adopting a more restricted, limited view regarding what constitutes a human being. For if one is to argue that unborn life may be taken, more or less at will—outside of the case where there is a threat to the life of the mother—then there must be convincing certainty that a human being does not exist when that life is eliminated. The burden of proof lies with those who would advocate abortion to demonstrate conclusively that they are not taking human life. It is hard to imagine where the evidence exists—biologically, philosophically, or in any way—to confirm certainty to that belief. Our commitment to life's ultimate, intrinsic value dictates that we never be careless with so crucial a question, whatever our initial views may be. The task must be to safeguard and preserve human life, rather than rationalized its expendability.

Mr. President, that is the liberal position on the question of abortion. That is why I reject the proabortion position as being anything other than a conservative position.

The reason is that, throughout history, Mr. President, those who have sought to expand the rights of life have been the liberals in the political movements. It has been the conservatives who have wanted to maintain the status quo of maintaining property rights over human rights. I am proud to stand on this floor and take the liberal position on the question of abortion.

The reason why it has become so difficult and even perilous to discuss the issue of abortion is because of the growing realization by women that they have inner gifts to express, and roles in society to explore, that have previously been disregarded and resisted by society—or more specifically, by men. Women have suffered deeply and even been dehumanized by society's discrimination of them and the socially enforced stereotypes every woman has been expected to fulfill. A review of our country's lamentable history in granting to women the very same right we have been discussing—full personhood under the law—makes us realize how tragically we have contradicted our ideals about human rights as far as women are concerned. Further, the depth of the culture's discriminatory attitudes, as also in the case of racism, makes this problem far more complex than merely one of legal injustice.

Many women today believe deeply that their worth is defined in ways that far transcends their ability to bear children. They see new possibilities vocationally, and new ways to express their gifts and capabilities to society. In the process, they reject the notion that the only normal, worthy, and respectable role they should play is that of being a mother. Rather, that is an option that can be chosen and embraced, if desired, rather than arbitrarily imposed by society's expectations. I believe they are right.

I fully respect these feelings, for I deeply believe that every person who comes into this world has unique gifts which only he or she can give to others. There must be an atmosphere of freedom to allow their expression—freedom from arbitrary roles, rules, and expectations, which means freedom from prejudice.

In pursuing these convictions, some believe that the woman's choice over whether or not to become a mother must be guaranteed not just by the preventive techniques of contraception, but by an unquestioned right to abortion. They further buttress this claim by pointing out that society, as well as biological reality, makes the women's life bear the full weight, burden, and guilt of an unwanted pregnancy, rather than the father.

The harsh and reprehensible treatment, and the deep suffering, that can be inflicted upon the unwed mother, or a life unwanted by its parents, is painfully obvious in many instances. But the crimes of society do not exempt an individual from moral responsibility; they cannot be invoked to numb the conscience and rationalize what is wrong into something easily excusable or inherently justifiable. Sociological tragedy does not alter the biological reality of a life's existence.

Further, I cannot condone any liberation movement that demands the sacrifice of innocent human life. You

do not liberate life by destroying life. The goal, after all, is the human liberation of all humankind. It is a tragic and frightful delusion to believe that goal will be enhanced by granting the right to take life at will, claiming this can make one more fully human. The humanization of mankind will never come through condoning the slaughter of unborn life. Ghandi's words apply directly: "The means is the end in the making."

Many cases where abortion is considered are lives faced with compounded personal tragedy. In human terms, nothing can totally erase depth of tragedy from such lives; that is the province of religious faith. But society can and must take steps to at least alleviate this tragedy, and assume responsibility for the nurturing of all life.

Let me simply outline society's obligations, which have yet to be assumed with true faithfulness and commitment. Every unborn life has a birthright; for life that is unwanted by unwed parents, society must insure that right. This necessitates maternal care and support so that the psychological, medical, nutritional, and financial needs of the mother are fully cared for, with compassion and acceptance. It means that adoption laws need substantial revision, so especially the mixed-blood or handicapped child will find the warmth and love of a family. Our whole approach to foster care must be humanized.

To prevent the tragedy of unwanted pregnancies, we must promote an uncompromising commitment to sex education and family planning services. Destroying the myths and teaching the truth about sex, and origin of life, can instill the fundamental reverence for the miracle of new life, preventing tragic pregnancies and scarring of lives.

Further, we must recognize the plurality of sexual morality that exists in our society. That is not likely to change. But the result need not be unwanted life. Thus, there should be widespread knowledge and availability of contraceptive options. This should be steadfastly and forthrightly pursued so that life will not be created unless it is desired.

Those who advocate abortion often cite their genuine concern for the plight of the poor. It is felt that those who are poverty stricken should not be subject to the burden of trying to support children they may not have planned to bear. Yet I believe the dispossessed should be listened to, and allowed to speak for themselves about their needs. The truth is that in general they have not been the ones asking for abortion laws to be liberalized. Quite to the contrary, the Rev. Jesse Jackson has termed abortion a form of genocide practiced against blacks. He condemned "the moral emptiness and aloofness that comes when protecting human life is not considered sacred."

When we realize that society has been more ready to provide assistance for the poor to have abortions than for the poor to have children, maintained by an adequate standard of living, we recognize the truth spoken by those who view abortion as another form of our oppression of the poor.

The reality we face is our reverence for life. On many fronts today we are being asked and urged to save life. We want to save endangered species from extinction; we are asked to spare animals the abuse they suffer at rodeos or from experimentation; we hear pleas to find homes for the thousands of stray dogs populating our dog pounds; we all know the urgent demand to preserve our natural life—to nurture the rare species of plants, to reverence the value of nature's beauty, and to protect and enlarge major portions of our natural habitat from man's destructive encroachment.

Why should this urge to reverence life, based as it is on a recognition of life's transcendent value, exclude a commitment to save unborn human life? I only plea that we recognize and seek to preserve and nurture the sacredness of life in all its forms.

Abortion is a form of violence. This is the undeniable reality. It is the destruction of life. It futhers the dehumanization of life. It cheapens life.

Let me echo the sentiments expressed by C. Eric Lincoln in the Christian Century:

> I, for one, am sick of blood and blood-letting—in the streets, on the battlefields and in the safe aseptic privacy of a doctor's office. In our continuing retreat from responsibility, we are too ready to wipe out the consequences of our private and public acts with a shrug and a resort to blood. But there are consequences to human behavior—economic, political, social, psychological, and sexual; and neither the bayonet nor the scalpel is the ideal means of setting things straight.

The Hatch/Eagleton human life amendment would overturn Roe against Wade allowing States to once again regulate abortion as they choose. I feel that Senate Joint Resolution 3 is a constitutional and realistic approach for changing this country's abortion policy. Passage and ratification of this constitutional amendment would allow the people in the States to shape abortion policy through their elected officials. Only by restoring this direct citizen participation in the formulation of abortion policy can the Nation expect to achieve a moral consensus on this sensitive social question. Therefore, I support passage of Senate Joint Resolution 3.

Mr. JOHNSTON. Mr. President, once again we are gathered to discuss an issue of great controversy, this time, abortion. Very few issues have consistently demanded the attention or stirred the inner emotions of the public as much as abortion has since the Supreme Court first handed down its decision in Roe against Wade 10 years ago. This emotion has just been rekindled to an even higher degree due to the Court's decision in three abortion related cases just a couple of weeks ago. In these cases, the Justices reaffirmed their decision in Roe and, in some respects, even broadened the right of a woman to have an abortion.

The most significant of these cases is Akron against Akron Center for Reproductive Health. In Akron, the Supreme Court invalidated as unconstitutional an Akron city ordinance which attempted to place reasonable restrictions on both abortion and the disposal of the fetus.

I have been a strong critic of the 1973 Supreme Court decision legalizing abortion. I believe it was wrong in 1973 and the Court's recent affirmation of that decision convinces me that it is wrong now. Consequently, Mr. President, today I am pleased to express my support for Senate Joint Resolution 3.

Due to the Court's action in Akron, passage of this resolution is needed now more than ever. The approach of Senate Joint Resolution 3 is short and simple. This proposed amendment specifically states that "The right to an abortion is not secured by the Constitution." Clearly if this amendment is approved, one may draw the obvious conclusion that if an abortion is not a "right" then our legislatures are free to set policy on the matter. Consequently, a vote for the Hatch-Eagleton amendment could mean any number of things. For example, it could result in an absolute opposition to abortion. Or, it may result in the conviction that abortion is a matter capable of being treated in the legislative forum. However, a vote against this amendment means only one thing because it tells the world, "I accept and I ratify the current abortion policy as it has been created by the judiciary." A vote against Hatch-Eagleton will reaffirm the Supreme Court's decisions because the Court has let it be known that even State laws enacted with the intent of increasing the safety of the mother during the abortion process will be judged under a test of the strictest scrutiny.

Due to the Court's reaffirmance of the Roe decision, I think it is important to review the current status of abortion policy. It is only after such a review that all present will understand exactly what it is that we are being asked to vote on.

In handing down its decision in Roe against Wade in 1973, the Court created a new right under the prenumbra of a number of constitutional provisions, the most important of which is the 14th amendment. Claiming that abortion is encompassed under the right to privacy, the Court created for women an almost unqualified right to abortion. Equally important to the creation of this right, the court broke the term "pregnancy" into three equal parts, called trimesters, and it then claimed to find inherently in the Constitution some very specific rules for each trimester.

During the first trimester; that is, up to about the 12th week of pregnancy, the Court said that "the abortion and its effectuation must be left to the medical judgment of the pregnant woman's attending physician." That may sound reasonable in theory, but in order to understand the hallowness of these words one must look at the actual abortion procedure.

There is no requirement that the attending physician be the woman's own physician. Rather, the physician can be, and very often is, a full time abortionist operating out of a free standing abortion clinic. Consequently, it is likely that the physician has never seen the woman before, and, unless she comes back for a second abortion, will never see her again. The first time he sees her may well be when he enters the room to perform the abortion.

This probability was just heightened by the Court's decision in Akron where the Court held as unconstitutional, a city ordinance that required the physician performing the abortion to tell the patient before she consents to abortion such fundamental facts as the status of her pregnancy; the development of the fetus; the date of viability of the fetus; the physical and emotional complications after abortion; the availability of birth control, adoption, or childbirth information; or the risks of pregnancy and the abortion technique to be used. Consequently, it appears that the only counseling constitutionally given to the woman is the pep talk she is likely to receive from nonmedical staff who have usually had abortions themselves.

In short, the "woman and her physician" phrase is nothing more than a euphemism for something much more like an assembly line than a medical procedure. This conclusion was affirmed at Senate Judiciary Committee hearings where physicians who support abortion agreed that less than 2 percent of the 1.5 million abortions performed each year have anything to do with an identifiable clinical indication.

In 1978, investigative reporters at the Chicago Sun-Times discovered just how unregulated a first-trimester abortion is under Roe against Wade. Their investigation of several abortion clinics in downtown Chicago uncovered numerous and sometimes ghastly abuses. Abortions were performed before the anesthetic had even taken effect on the woman, because the physicians were racing to see how many procedures they could do in an hour; they were performed on women who were not even pregnant; they were done in such a quick and shoddy manner than a number of previously unreported complications and even deaths were found to have occurred as a result. As the investigation proceeded, it came to light that the city of Chicago had been aware of some of these abuses and had tried to regulate the clinics, but a Federal court had invalidated the regulations as unduly burdening the right to a first trimester abortion. An appeal from this decision was denied by the Supreme Court.

Consequently, it appears that a State cannot even cross the threshold of these clinics in any regulatory way which might affect the right of a woman to have an abortion, even if that regulation is enacted to help preserve the woman's health. It appears that the only allowable requirement is that the abortionist be a doctor. However, the State may not go so far as to require that he be either a good or responsive doctor.

Under Roe against Wade, the States were allowed to begin regulating the abortion procedure in order to protect the woman's health during the second trimester. However, they could not take any action that might be construed as expressing an interest in the survival of the unborn child. Abortion still had to be allowed for any reason. Even regulations banning particularly painful and risky abortion techniques have been investigated by the court with the strictest scrutiny and invalidated. Furthermore, just the other day, the Supreme Court in Akron, invalidated as unconstitutional that part of a city ordinance that required all abortions performed after the first trimester of pregnancy to be performed in a hospital. The Court said this requirement imposed a heavy and unnecessary burden on a woman's access to inexpensive, accessible and safe abortions. According to Justice Powell, improved medical technology allows safe abortions outside of hospitals. However, as Justice O'Connor points out in the dissent, that same medical technology has also made it easier for fetuses to survive earlier outside the womb. Consequently, the Akron decision has now expanded "assembly line" abortion clinics to operate at least into the middle months of pregnancy.

Finally, in Roe, the Court drew the line at viability—the point at which the unborn child is capable of surviving outside the mother's womb—and said that the State was allowed to regulate or even forbid abortion unless the mother's "life of health" was at stake. Superficially this, too, seems like a substantial qualification on the "right of abortion," but the Court then went on, in Doe against Bolton, to stipulate that a threat to "health" in this context should be understood "in the light of all factors—physical, emotional, physchological, familial and the woman's age—relevant to the well-being of the patient." The decision of whether a woman's emotional or "familial" health was actually threatened by the failure to provide an abortion in the last weeks of pregnancy was to be left up to the physician performing the abortion.

In 1979, the Court expanded its ruling further by explaining that this same physician must be allowed to determine for himself whether a particular fetus is viable in the first place. This ruling also invalidated a law requiring life-saving treatment for a possibly viable child born alive during an abortion, because this requirement might have a "chilling effect" on the right to have a late-term abortion. To add insult to injury, in Akron, the Supreme Court invalidated as violating due process principles an ordinance which required the physician performing the abortion to insure that the fetal remains were disposed of in a "humane and sanitary manner."

This "right" then, has already been assessed as more important and fundamental than the protection of life itself, even after birth in some circumstances. This radical character of the Supreme Court's abortion policy is hard to overemphasize, since the very idea of a "postviability" abortion was created by the Court in 1973. Up to then, induction of labor after viability was medically defined simply as premature childbirth, and the fatal neglect or direct killing of a child born in this way was considered infanticide. Yet our abortion statistics now report that almost 1 percent of abortions—about 12,000 a year—are performed after the 20th week of pregnancy. According to the Center for Disease Control, about 400 to 500 babies are born alive during abortions every year, only to find that the law cannot protect them against fatal neglect by the doctor attempting to abort them. Furthermore, as we have seen, the Court is not even willing to grant them a humane burial.

To put it quite bluntly, in many ways the policy which the Supreme Court claims is required by the U.S. Constitution is the most radical in the world. No other country requires by law that abortion be so unregulated, and no other country has gone so far in defining the new category of "postviability abortion." This policy has not been reached by democratic consensus, nor is it a bit of temporary legislative experimentation. Rather, by a radical Supreme Court ruling it has been locked into the most fundamental law of our land as the necessary unfolding of a newly discovered constitutional "right."

I hope my colleagues will think long and hard before casting a vote against Senate Joint Resolution 3. Is virtually unrestricted abortion until birth worth defending as a permanent and fundamental element of our legal system? Or is it, at the very least, a matter on which reasonable people can differ, and on which some degree of regulation or restriction may be appropriate? This is the question raised by Senate Joint Resolution 3 as an alternative to the status quo.

Mr. President, I ask unanimous consent to have printed in the Record a summary of Supreme Court decisions.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Supreme Court Decisions, June 15, 1983

AKRON V. AKRON CENTER FOR REPRODUCTIVE HEALTH

Significantly, this decision contains language largely reaffirming the Roe decision of 1973. Following are the findings of the Court with respect to an Akron, Ohio, city ordinance on abortion:

1. The requirement that all abortions performed after the first trimester of pregnancy be performed in a hospital is unconstitutional except in the interest of protecting the woman's health. This requirement imposes a heavy and unnecessary burden on women's access to inexpensive, accessible, and safe abortions.

2. The requirement that a minor under the age of 15 must obtain the consent of a parent or an order from a court before a physician may perform an abortion is unconstitutional. This requirement makes a blanket determination that all minors under 15 are too immature to make an abortion decision or that an abortion is never in the minor's best interest.

3. The following requirements with respect to "informed consent", or what a physician must tell a patient before she consents to an abortion are unconstitutional:

(a) Status of pregnancy;

(b) Development of fetus;

(c) Date of viability of fetus;

(d) Physical and emotional complications after abortion;

(e) Availability of birth control, adoption, and childbirth information;

(f) Risks of pregnancy and abortion technique to be employed.

The Court states that a State may not adopt regulations designed to influence the woman's informed choice between abortion and childbirth.

4. The requirement of a 24 hour waiting period after a woman signs an abortion consent form is unconstitutional. There is no legitimate state interest in an arbitrary and inflexible waiting period.

5. The requirement that physicians dispose of fetal remains pending abortion be done so in a human and sanitary manner is unconstitutional. This violates the Due Process Clause by failing to give a physician fair notice that his contemplated conduct is forbidden.

The decision was 6-3, justices Powell, Burger, Brennan, Marshall, Blackmun, and Stevens concurring and Justices O'Connor, White and Rehnquist dissenting.

PLANNED PARENTHOOD ASSOCIATION OF KANSAS CITY, MISSOURI V. ASHCROFT

In this 5-4 decision, the Court found the following with respect to Missouri abortion laws:

1. That requirements for parental or court consent are constitutional only in the interest of protecting immature minors. However, here the Missouri statute provided a judicial alternative, whereas the Akron statute provided for blanket consent for all minors under 15;

2. That requirements that a second physician be present during an abortion is constitutional with respect to health-related state concerns;

3. That requirements for pathology reports are constitutional as not significantly burdening a woman's abortion decision.

Here, there was no majority opinion, there was only a majority judgment.

SIMOPOULOS V. VIRGINIA

In this decision, the Court held states cannot require abortions to be performed in full-service hospitals, but have the right to demand that such operations take place in licensed outpatient clinics. Here, the Court upheld a Virginia doctor's conviction for performing an abortion in a clinic not licensed for surgery.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. ZORINSKY. Mr. President, 10 years ago the Supreme Court in the case of Roe against Wade handed down a decision which identified for the first time a constitutional right to abortion. This decision resulted in overturning 31 State laws which totally protected the life of the unborn child. Of the remaining 19 State laws, all but 4 allowed abortion only under certain limited circumstances.

Since then, the number of abortions has increased dramatically so that it is now the most common medical procedure performed on adults. Approximately one in four pregnancies is terminated by abortion. It has become so easy to obtain that it is not even a procedure of last resort in most cases. Although for some women it is only way they perceive to solve the problem of an unwanted pregnancy, in reality it is now being used as a substitute for contraception. According to one study by Planned Parenthood, prior to abortion 45 percent of the women had not used contraception at any time in the previous 3 or 4 months, and 83 percent had not acted consistently to prevent conception. Another area of concern is the increasing number of women having repeat abortions. This year it is expected that 50 to 60 percent of all abortions will be performed on women who have had at least one previously.

How can we hold such a callous view of the taking of human life at any stage? What has happened in our society that the slaughter of baby harp seals arouses more concern than the slaughter of innocent lives in the womb? I believe that in order to justify their arguments, advocates of abortion must allow themselves only to think of the unborn child as an unformed, abstract mass that has no relationship to a living person. They do not want to face the reality of a developing fetus with recognizable human characteristics. What is worse, they ignore the fact that the fetus is not without feeling—that the procedures used in an abortion can cause real pain and suffering. These procedures result in dismemberment by suction, or later in the pregnancy by the use of forceps, and burning away of the outer skin by injecting a salt solution into the sac surrounding the fetus. This is not a pleasant subject for discussion, but we cannot in good conscience continue to ignore it either. Although the unborn child is not able to communicate pain, there is ample scientific evidence that it can experience pain as early as 8 to 10 weeks gestation, and definitely by 13½ weeks.

If those persons who are prochoice will come to grips with these facts, perhaps they will begin to weigh the reality of life within the womb against the hardships to women of having a child they do not want. I do not mean to appear callous about the traumatic effect upon a woman of an unwanted pregnancy, but when she rids herself of that pregnancy, she denies another's right to life. Her "right" is based upon another's death. We have not focused on this fact. Abortion has become a matter of course for many persons. It has become so easy to obtain that other choices are not given the consideration they might otherwise receive. There are tens of thousands of persons who want babies desperately—who would find the greatest joy in the world in being able to adopt the baby that the mother-to-be considers a tragic occurrence in her life.

Mr. President, this legislation is intended to preclude reliance upon the Constitution as authority for recognizing any right to abortion. It rightfully restores to the States the authority to legislate with respect to abortion and will enable the people once again to determine abortion policy through their elected Representatives. I urge my colleagues to support this resolution.

I commend Senator Hatch and Senator Eagleton for their continued support of prolife.

Mr. HATCH. Mr. President, I thank my esteemed colleagues from Oregon and Nebraska for the sound and intellectually proven statements they have made here today. It means a lot to me, and I appreciate their kind remarks, and I am very grateful that they participated with us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I should like to ask my esteemed colleague from Oregon one or two questions.

After the Akron case, which came down just a week or so ago, which said that even a 24-hour waiting period and informed consent statutes are unconstitutional, what limits does the Senator find on abortions under Roe? The Senator indicated in his opening remarks that Roe does limit abortions and that it is not abortion on demand, but I would like to know what limits he finds.

Mr. PACKWOOD. In the third trimester, in weighing the balance against privacy and fetal rights, the Court, by and large, has tilted on the side of fetal rights. In the third trimester, only in very unusual circumstances does the Court tilt on the side of allowing the woman to have the abortion.

In the second trimester, they pretty much affirmed what they said in Roe about the State's rights to set conditions. But in Akron they found the real reason for the conditions, and in some of the other cases—they were not motivated in their passage nor in their actions by concern for the health or welfare of the woman. They were attempting to persuade the woman not to have an abortion, and the Court said you cannot do that. You can lay down reasonable restrictions in the second trimester, but these were not reasonable.

To the extent a State—or a city, I assume—can issue reasonable restrictions that generally relate to the health and safety of the woman, I think the Court would find them in the second trimester constitutional. But they simply did not do so in those cases.

Mr. HATCH. I submit that it is easy in most any case for a woman or the doctor to claim that the life or health of the mother is involved and thus justify an abortion under Roe. In no State are abortions, even in the third trimester, forbidden. This is because even in the ninth month the physician who performs the abortion is the one who decides that an abortion is necessary within the broad health definition of Doe.

I think Akron makes the case that Roe places few, if any, limits on abortion rights. I cannot imagine anything more reasonable than a 24-hour waiting period to allow a woman to stop to consider what she is going to go through. Nonetheless, the Court knocked out informed-consent statutes.

Mr. PACKWOOD. I do not know if the Senator from Utah has had a chance to read the newspapers at the time of the passage of the Akron legislation. It is very clear what the opponents of the legislation had in mind. They were trying to stop the woman from making a decision to have an abortion. That was motivating it—not her safety or health, but hoping she would change her mind by virtue of whatever pressures might be brought by the doctor or otherwise.

Mr. HATCH. I believe there were people who wanted that to be the result, but I also believe there were sincere people who felt that if the woman could have 24 hours to reflect, once she made the decision to have an abortion, she might change her decision, based upon fact and maybe upon emotion. I think that this 24-hour waiting period had more substance than merely trying to stop abortion. In fact, it was trying to make sure that the decision to have an abortion, of which Roe talks extensively, is a well-considered election by the woman.

Mr. PACKWOOD. The Court also said that in abortions, the longer you wait, the more dangerous it is to the health of the woman. They found that a woman who is going to have an abortion has already weighed the circumstances over a long period of time. It is not something she leaps into willy-nilly, without thought. On balance, they could find no justification for this 24-hour waiting period.

Mr. HATCH. I appreciate the Senator's comments.

I have some other questions. I notice Senator RANDOLPH is here and he has agreed to speak. I am happy to yield to Senator RANDOLPH.

Mr. RANDOLPH. Mr. President, I thank the concerned Senator from Utah, Mr. HATCH, and I also thank all Senators participating in this debate, including Senator PACKWOOD who has engaged in a helpful colloquy with Senator HATCH.

There are many of us who join in support of this legislation whose two principles sponsors are Senator HATCH of Utah and Senator EAGLETON of Missouri. Oftentimes we think of this body as being divided on issues between the majority and the minority. We have the dividing line down the center and from time to time there are more desks on this side and less desks on that side. But there are many, many occasions when the subject matter debated here in this historic forum is not one that is influenced by the party to which Members hold their allegiance. The abortion issue is one such matter in which a position taken, one way or another, is not based on political affiliation, but it is a matter that is of bipartisan concern, with positions taken on an individual basis—as this is a subject that affects individuals, mothers in particular, families, and ultimately the entire structure of our American life.

I had a dear friend long years ago who wrote a book of poems and he called it "The Light of a Baby's Smile." I remember the first poem that he included in that book of poems, and I shall not give all of the lines of the poem, except to say that Tipton Tolbert I think caught the spirit of the newborn child when he said: "The world will never grow worthwhile except in the light of a baby's smile."

I think there is more here than just the rhythm of a poetic line. This poem illustrates for us the joy and the faith that comes when children come into a family, when children come into a community, and when children come into this country of yours and mine.

I am grateful that my statement is included in the RECORD, as will be the statements of others on both sides of this issue, because the debate should, if possible, produce not only the factual, but should spark the emotional feelings that are held by Members of this body.

So it is not only a privilege for me to join with Senator HATCH and Senator EAGLETON, and the others who sponsor this amendment, but it is also my responsibility to do so.

There are many times during Senate consideration of the hundreds of bills that pass before us in subcommittee, in committee, and ultimately during floor debate, when we feel that we should make the record very clear as to how we stand upon a matter. The ultimate, of course, is when we cast a vote for or against a proposal that we have here in the Senate.

Today you have the opportunity—and I say this to Senator HATCH, also, to Senator HELMS who is in the Chamber, and also to our very able Presiding Officer, Senator HUMPHREY in the chair—to use your vote, in this Senate to let it be known to your constituencies how you and how the membership of the Senate will act on this measure. Our action I hope will be positive.

The votes that we shall make upon this amendment are not transferable. These are decisions that must be made. A vote that is not cast ceases to exist. The position of a Senator in this Chamber, must be expressed but it is not always necessary, for Members to speak here on a subject. But when the time comes to be recorded upon the measure, let your constituency know how you feel. If you feel strongly about a matter, certainly stamp it, by the casting of your vote.

(At this point in the proceedings there occurred a colloquy regarding a proposed unanimous-consent agreement, which by unanimous consent is printed in the RECORD following Mr. RANDOLPH's remarks.)

Mr. RANDOLPH. Mr. President, I would like to ask one of the authors of the amendment whether or not the

life of the mother is protected in this measure, specifically when the medical profession determines that the life of the mother is endangered.

Mr. HATCH. Mr. President, this amendment certainly would enable the life of a mother to be fully protected. Prior to 1973, every State's body of law fully protected the life of the mother. Given the sensitivity of the States to the need to protect the life of the mother and the fact that the States fully protected this interest prior to Roe, the mother's life is certain to be fully protected under the State statutes permitted by this amendment.

Mr. RANDOLPH. I thank Senator HATCH and others who support this amendment.

I have been requested to yield the floor for Senator THURMOND, of South Carolina, who wishes to speak, although I had thought to take perhaps 10 minutes more.

Mr. President, I have joined my concerned colleagues, Mr. HATCH and Mr. EAGLETON and other Members, in expressing strong support for Senate Joint Resolution 3, the human life federalism amendment—a proposed constitutional amendment that would reverse the Roe against Wade Supreme Court decision, restoring to our States, authority to legislate with respect to abortion.

By simply stating that: "A right to an abortion is not secured by this Constitution", this proposed amendment would strike the High Court's 1973 decision, a decision which was again upheld by the Court in recent weeks, that guarantees a woman, as her constitutional right, the right to choose to terminate her pregnancy during its first trimester, free of the restraints imposed by State law—and allowing States to regulate access to abortions during the second trimester only if the limits are designed to protest the woman's health. In addition to the reversal of Roe against Wade, passage and ultimate ratification of this amendment would prevent the creation of any other right to abortion in the harbor of any other provision of the U.S Constitution, at some future date.

Mr. President, the time for such a constitutional amendment is now. It has become evident that the Supreme Court will continue to uphold its Roe against Wade interpretation of the Constitution—protecting a woman's rights to abortion, as indicated by their June 15 rulings. Although I vehemently disagree with this interpretation of our Constitution, I am more convinced than ever that a constitutional amendment, such as that proposed in Senate Joint Resolution 3, is the necessary vehicle for clarifying that our U.S. Constitution does not guarantee the right to abortion. I, along with countless other Americans, do not feel that our forefathers who wrote the Constitution to protect the rights of our people, envisioned the inclusion of the right to abortion as one of our inalienable rights. I do not believe that they would have totally ignored the rights of the millions of unborn Americans who are senselessly deprived of life each year due to a right to abortion. Thus, I feel that ratification of this proposed constitutional amendment, clarifying that "a right to an abortion is not secured by this Constitution"—incorporating this language into our Constitution—is the only sure way of reducing if not ending this plague of readily available abortions on our Nation.

Mr. President, it cannot be argued that the legalization of abortion has drastically increased the number of induced abortions in our Nation since the 1973 decision. Statistics are hard to clarify in this regard, as prior to Roe against Wade, abortions in most States were illegal, and thus not recorded. However, in recent years, many studies have been conducted, one of which estimated that the number of abortions since its nationwide legalization have increased six to elevenfold. In a study conducted by the Alan Guttmacher Institute, it was determined that 1.5 million abortions were performed in 1979 alone. In my home State of West Virginia, statistics show that over 3,000 abortions were performed in the State in 1980 and that 5,490 residents of West Virginia received abortions either in or outside of the State. Even more tragic, these numbers are increasing, and are expected to continue to do so as abortion becomes more readily available and is seen as an acceptable form of dealing with an unwanted pregnancy. It has also been found that repeat abortions accounted for 29 percent of all abortions performed in 1978, with 21,000 performed on women who had had three or more abortions. These numbers are also increasing—and I might add, that this is a frightening fact.

Mr. President, the record shows that I have always, and will continue to be opposed to abortion on demand. I am opposed to abortion under any circumstances except in cases where it is necessary to save the life of the mother, or in special instances such as in pregnancies resulting from rape or incest. Futhermore, my voting record proves this position, as I have consistently supported measures such as the Hyde amendment to appropriations bills since 1976, prohibiting medicaid funds to be used for the purpose of performing abortions, except in saving the life of the mother. There have been many proposals since the 1973 decision ranging from measures seeking to restrict Federal funding for abortions, to measures seeking to outlaw abortion on demand, nationwide. Again, I have in the past and will continue to support legislation seeking a reduction if not total elimination of abortions where not necessary to save the life of the mother or under the other special circumstances stated above. However, it is my sincere belief that this proposed constitutional amendment is the surest way to reach our goal of stopping this tragic plague on our country—a plague that is robbing us of millions of unborn Americans.

I again commend the Senators from Utah and Missouri for their foresight in introducing this legislation and I am a cosponsor and ardent supporter of this amendment as we consider it in this Congress. Let us carry it through to its ratification in the States and its eventual incorporation into our Constitution.

I only close on this personal thought. A little more than 2 years ago, Mary, my wife, was taken away by a cruel plague called cancer. We were together for more than 48 years.

During those years, we had the opportunity, which we felt was the most wonderful privilege that we shared, in bringing two sons into this world. She was the mother of Jay, 48, and Frank, 44, our two sons. She talked about them and worked with them. She gave them strength as they grew from babyhood through childhood into young manhood where they took on many new responsibilities, including parenthood.

I look back upon it. I only hope that as we act on this matter today and tomorrow, we will consider our individual responsibilities, and do what we truly feel is right. After intense deliberation on this issue and particularly this amendment, it is this Senator's determination that a favorable vote on Senate Joint Resolution 3 is the right and the only action that I could take.

I thank the Chair.

(During Mr. RANDOLPH's statement, the following occurred:)

Mr. RANDOLPH. Mr. President, with the understanding of the Chair, I would like to cease talk and yield for a request from the majority leader (Mr. BAKER). I thank my colleague, the minority leader also.

Mr. BYRD. And let this occur without interruption of the speech of the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I thank the Senator from West Virginia for his characteristic and consistent courtesy in this matter.

We have been working now for some time to try to get a program for the final consideration and disposition of both the abortion amendment and the tax cap, and I believe we have such an agreement now, and I would like to state a unanimous-consent agreement

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which contemplates an arrangement for both matters to be dealt with.

Mr. President, first I ask unanimous consent that during the Senate's consideration of Senate Joint Resolution 3, a joint resolution to amend the Constitution to establish legislative authority in Congress and in the States with respect to abortion, that the amendment reported from the Judiciary Committee without recommendation be considered as agreed to, and that Senate Joint Resolution 3, as amended is as follows: "A right to abortion is not secured by this Constitution" and it be considered under the following time agreement: 10 hours on the joint resolution, as amended, to be equally divided between the Senator from Utah (Mr. Hatch) and the Senator from Oregon (Mr. Packwood) or their designees; that no amendment be in order; that there be 30 minutes equally divided on any debatable motions, appeals, or points of order if they are submitted to the Senate; that no tabling motion be in order against the resolution.

I further ask unanimous consent that when the Senate reconvenes on Tuesday, June 28, that at the hour of 9 a.m. on Tuesday, June 28, the Senate resume consideration of the abortion amendment, and that debate thereon continue for a period of 1 hour under the same terms and conditions.

I ask unanimous consent then, Mr. President, at the hour of 10 a.m., the Senate temporarily lay aside Senate Joint Resolution 3 and turn to the consideration of H.R. 1183, the Tax Equity Act of 1983, and that that measure be considered under the following time agreement: That all time between the disposition of Senate Joint Resolution 3 and 8 p.m. on Tuesday, be equally divided between the majority leader and the minority leader or their designees, and that no amendment be in order.

I further ask unanimous consent that following the conclusion or yielding back of time on H.R. 1183, the Senate proceed to vote without any intervening debate, motion, appeal, or point of order, and that such vote occur not later than 8 p.m. on Tuesday, June 28.

Mr. President, I further ask unanimous consent that on Tuesday from the hour of 10 o'clock until 12 o'clock that debate proceed on the tax cap proposal so-called, and that the time be equally divided between the majority leader and minority leader or their designees; that at the hour of 12 noon on Tuesday, the Senate stand in recess to accommodate the caucuses of Senators on both sides of the aisle which are held away from the floor, until the hour of 2 o'clock.

Mr. President, I ask unanimous consent at the hour of 2 o'clock, the Senate resume consideration of the abortion amendment, Senate Joint Resolution 3, under the same terms and conditions, and that a vote occur on the abortion amendment at 4 p.m., and that following the disposition of that matter, the Senate resume consideration of the tax cap measure as aforesaid.

Mr. BYRD. Mr. President, reserving the right to object——

Mr. BAKER. Mr. President, one thing I think I said, but anyway I meant to say, that all of the time on the tax cap debate will be equally divided. I do know I said that as concerns the 10 to 12 noon time tomorrow, but I wish that to extend throughout the entire period allowed for debate on that measure.

The PRESIDING OFFICER. Does the Senator also ask to waive paragraph 4 of rule XII?

Mr. BAKER. I cannot remember whether it is paragraph 4, rule XII, or paragraph 12, rule IV. I cannot remember which one it is. I ask that it be waived.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, just a moment.

Mr. HELMS. Mr. President, reserving the right to object, I wonder if I might ask the indulgence of the distinguished majority leaders, Mr. Hatch, and Mr. Packwood if I might proceed for a couple of minutes, and then I would like to make the majority leader a proposition that I hope he cannot refuse.

Mr. BAKER. Mr. President, I am perfectly willing for the Senator from North Carolina to do that on this reservation or by unanimous consent.

Mr. HELMS. I thank my friend, I would emphasize that I do not want to impose on the Senators, and I will not be long. As the Senators know, I am opposed to Senate Joint Resolution 3 both on its substance and in its strategy. I will discuss my objections to its substance at a later time. It is, however, my view that any attempt to pass a constitutional amendment at this time is doomed to frustration. I have in the past proposed statutory remedies, and it is my intentions to do so again. However, Mr. President, I see no reason why there should be two protracted debates on the right-to-life issue. It is the wish of the Senator from North Carolina that we could go ahead and resolve the matter by voting on both a constitutional amendment and a statutory remedy at this time and be done with the issue this year.

Let the record be clear that the reason that the unanimous-consent proposed by the distinguished majority leader is possible is because Senator Packwood knows that there is nowhere near 67 votes for the pending proposed constitutional amendment. So the propounding of this unanimous-consent motion is a victory of sorts for the distinguished Senator from Utah in that the Senate is at least discussing a constitutional amendment. But nobody is deceived or misled concerning the situation that exists on the floor today. The votes simply are not here for a constitutional amendment, and especially this one. I have some problem with the pending proposal myself, I will remind the Senator from Oregon.

About 3 weeks after I had the honor to be sworn in as a U.S. Senator in 1973, the Supreme Court declared war on unborn children. With one stroke of the judicial pen, the Court in Roe against Wade reduced a class of living human beings to a status no better than that of chattel. Over 12 million legal killings have thus far resulted.

When I ran for the Senate in 1972, I never dreamed that over the next decade Congress would be called upon to restore traditional legal protection for unborn children. I assumed that the question of such legal protection had been settled long ago. To me, the right to life for all living human beings seemed part of the fixed landscape of our American heritage. It was we Americans, after all, who had declared in 1976 that all human beings are endowed by their Creator with the unalienable right to life.

My assumption in 1972 proved wrong. It was wrong, however, not because of the American people and our democratic process, but because of an elite on the Supreme Court determined to import an alien view of law and society into American culture. Discarding the moral compass that Judeo-Christian ethics had always provided American law, the Justices of the High Court overrode the democratically enacted laws against abortion in all 50 States and invented a right to abortion nowhere mentioned in the Constitution.

Since that January day in 1973 when Roe was decided, I have felt compelled in conscience to do what I could in the Senate to restore legal protection for the unborn. Recently the National Abortion Rights Action League—thinking that it was leveling a damaging attack on me—instead paid me an unwitting compliment when it wrote in a fundraising letter:

> No one individual has done more in the last 10 years to endanger the right to reproductive freedom of choice than the notorious Jesse Helms.

Notorious or not, I do strongly believe that the law should protect the unborn as well as the born, and while I am in the Senate, I will continue to make this case with my colleagues.

As a result of my commitment on this issue, I am all the more distressed that I cannot support the constitutional amendment proposed by the distinguished Senators from Utah and Missouri. I would like to be able to support any measure to improve the prospects for protecting the right to life. The unfortunate fact is Senate Joint Resolution 3 does not advance the principle that human life is inviolable. Instead, it surrenders forever this principle in exchange for the illusory hope that some lives may be saved.

Without impugning the conclusions reached by others, my personal judgment is that Senate Joint Resolution 3 is defective constitutional theory. Its ratification would represent at best a Pyrrhic victory for the unborn.

Before detailing the reasons for my opposition to Senate Joint Resolution 3, I want to express my gratitude to all those, both my colleagues in the Senate and my fellow citizens, who have worked long and hard and in good faith on behalf of Senate Joint Resolution 3. Their efforts speak for themselves. Furthermore, their sacrifices for the sake of the unborn will ultimately be counted on the side of justice and will help pave the way for effective laws to protect the unborn. Alerting the public to the evils of legalized abortion remains central to the success of the prolife movement, and the proponents of Senate Joint Resolution 3 have done much in this regard. No matter how any of us come out on the merits of Senate Joint Resolution 3, we can all acknowledge that its advocacy has raised the general level of understanding about abortion one notch higher. For this result we should all be grateful.

The basic problem with Senate Joint Resolution 3 is that, instead of recognizing the unborn child's inalienable right to life, it merely rebuts the concept of a right to abortion. After ratification, the Federal and State governments apparently may or may not, as they choose, secure the right to life for unborn children. In this regard, Senate Joint Resolution 3 would institutionalize in the text of the Constitution, the idea that abortion is a matter of choice for the governing authorities. Moreover, it would thereby undercut the correct understanding that the 5th and 14th amendments protect all human persons including the unborn. In short, Senate Joint Resolution 3 runs contrary to the animating moral principle of the prolife movement that no government ever has the authority to sanction the destruction of unborn human life.

The fact that freedom of choice is at the root of Senate Joint Resolution 3 is confirmed by this language on page 7 of the Judiciary Committee's report:

> Unlike many other proposed amendments on the subject of abortion, it would not obligate the States to legislate; it would simply restore to them the authority to do so. By "deconstitutionalizing" the issue of abortion, the proposed amendment would allow the States a wide variety of options which respect to this matter. In their best judgment, the States might choose to have no policy regarding abortion or might restrict and condition it in a variety of ways. For example—
>
> (1) They could place restrictions of some form upon late-term abortion;
>
> (2) They could impose obligations upon physicians to save the lives of fetuses capable of surviving an abortion;
>
> (3) They could place limitations upon genetic engineering and other experimental and medical research involving the use of human embryos and fetuses;
>
> (4) They cold require that women contemplating abortions be fully apprised of the risks of abortion and the alternatives to abortion;
>
> (5) They could require some form of parental consent to abortions performed upon minors;
>
> (6) They could require some form of spousal consent to abortions;
>
> (7) They could establish some minimum waiting period before an abortion could take place or require some form of professional consultation prior to an abortion;
>
> (8) They could establish rights of refusal to perform abortions in physicians or nurses, or in entire hospitals;
>
> (9) They could limit the commerce in abortifacient devices;
>
> (10) They could prohibit abortion generally subject to certain well-defined exceptions and safeguards; or
>
> (11) They could undertake any other form of restriction or regulation upon the abortion procedure.

Obviously this statement in the committee report reflects an understanding that ratification of Senate Joint Resolution 3 would allow abortion in the discretion of the governing authorities. Such understanding is inconsistent with the traditional concept of American law that all human lives have intrinsic worth and equal value. It is also inconsistent with the proper meaning of the 5th and 14th amendments. My position is, therefore, that it would be unwise and imprudent to seek some legal protection for the unborn at the expense of abandoning the principle upon which the protection of all human life depends. In this sense, ratification of Senate Joint Resolution 3 would indeed be a pyrrhic victory.

The position that approval of Senate Joint Resolution 3 would be a setback is held by many legal scholars, including John S. Baker of Louisiana State University Law School, Robert M. Byrn of Fordham University Law School, Charles E. Rice of Notre Dame University Law School, and Joseph P. Witherspoon of University of Texas Law School. Without elaboration, let me briefly quote from these gentleman. Their statements were first made about Senate Joint Resolution 110 in the 97th Congress but apply to the current Senate Joint Resolution 3 as well.

Professor Rice has written as follows:

> [S.J. Res. 110] wholly accepts this basic premise of Roe v. Wade, that the unborn child is a nonperson. The amendment subjects his right to life to the total discretion of Congress and state legislators.—Charles E. Rice, "The Hatch Amendment Is Not the Answer," The Wanderer, page 6 (Nov. 26, 1981).

Professor Baker has stated the following:

> Not only does [S.J. Res. 110] not establish "personhood," it impliedly affirms the judgment of the Supreme Court in Roe: because one could not allow the States or Congress to permit abortions if the unborn child is a Fourteenth Amendment "person."—John S. Baker, The Hatch Amendment: A Legal Analysis, page 11 (National Committee of Catholic Laymen, Inc., 1981).

Professor Witherspoon has written the following:

> The proposal does not recognize the personhood of the unborn child. Indeed, [S.J. Res. 110] makes the holding of the Supreme Court that the unborn child is not a person protected by the Constitution an integral part, a central girder of the Constitution itself. It accomplishes this result not only by failing to overrule that fundamentally evil and legally erroneous holding of the Supreme Court and leaving it wholly intact as an interpretation of the Constitution but also by giving to Congress and State Legislatures the absolute discretion to provide no protection to unborn children against abortion.—Joseph P. Witherspoon, "Constitutional Protection of Unborn Children: An Examination of the Hatch Amendment," page 4 (Memorandum of Feb. 3, 1982).

Professor Byrn has stated the following:

> The amendment institutionalizes in our fundamental law the notion promulgated by the Court in Wade that some human beings may be categorized as rightless things. Were it otherwise, Senate Joint Resolution 110 would be prohibitory not permissive. Fundamental rights would not be put at the disposition of legislatures.—Robert M. Byrn, "Memorandum in Opposition to Senate Joint Resolution 110," page 2 (undated).

I am not unaware of certain statements in the report of the Judiciary Committee on Senate Joint Resolution 3 to the effect that the proposed amendment does not preempt a finding of personhood under the 14th amendment. For example, the report states on page 57:

> Senate Joint Resolution 3 does not deny that the unborn are "persons" within the context of the 14th amendment and, as such, entitled to the protections of that amendment.

Despite such statements, however, it is clear that the fundamental purpose of Senate Joint Resolution 3 is to allow governmental choice on abortion, and such choice is inherently inconsistent with personhood. As an amendment coming after the 5th and 14th amendments, Senate Joint Resolution 3 would be subject to the customary rule of construction that a later specific enactment controls an earlier general enactment relating to the same subject. Hence, the report's assurances about retaining personhood in the text of the Constitution after ratification of Senate Joint Resolution 3 are not persuasive.

In addition to the above problems, Senate Joint Resolution 3 suffers from another serious flaw. Many proponents of Senate Joint Resolution 3 seem to believe that ratification of this measure would turn the abortion issue over to State legislatures where it would be subject to the normal democratic process. In one major way, this understanding is not correct.

Since the abortion decision in 1973, a body of case law has grown up extending the jurisprudence of Roe against Wade. Where State courts have used this jurisprudence to find a right to abortion under State constitutions, the State legislatures will be severely limited in their discretion to enact State statutes. Indeed, State restrictions on abortion in those cases will not be possible despite Senate Joint Resolution 3 unless State constitutions are amended as well.

The American Law Division of the Library of Congress has made this point clearly in its own analysis of Senate Joint Resolution 3 dated May 9, 1983. On page 9 of that analysis, the following statement appears:

> (W)hile in terms of the relative balance of federal and state authority in the abortion area, the amendment may restore the status quo ante in Roe, this does not necessarily mean that the state legislatures will be writing on a clean slate in those states where a "right to abortion" has been judicially found to inhere in the state constitution. Rather, those legislatures may remain subject to the same state constitutional constraints that presently limit their powers to restrict abortion, or those that may emerge in the future as the result of the continued evolution of judicial doctrine.

For the above reasons, I have regretfully concluded that I cannot support my good friends, Senators HATCH and EAGLETON, in their advocacy of Senate Joint Resolution 3. It pains me to take this position because of the support Senate Joint Resolution 3 has received in some quarters of the prolife movement. I respect these individuals, I admire their hardwork and dedication, and I look forward to working with them in the future on this vital cause. As I believe Senators HATCH and EAGLETON have acknowledged, their proposed constitutional amendment will not come close to the necessary two-thirds vote.

As to the future, the recent Akron case demonstrates beyond argument that the Supreme Court has made abortion purely a matter of power politics. What Justice White called "an exercise of raw judicial power" in Roe in 1973 has been repeated by the Court in Akron in 1983. The fact remains that the Constitution does not sanction a right to abortion despite these corruptions by the Court.

Accordingly, the tasks before the President and Congress, in restoring the integrity of the Constitution and protecting the unborn, remain clear. The President must continue to nominate Supreme Court Justices who respect the text and history of the Constitution, and Congress must press for passage of statutes that contradict the interpretation in Roe and Akron. This process of checks and balances, applied to the Court by the President and Congress, holds out the best hope for coming up with effective legal protection for the unborn in the near future. To this process I am unalterably committed.

But, however, the Senate decides to proceed, Mr. President, I hope we can divorce ourselves from rancor in the discussion. I noticed the distinguished Senator from Oregon a while ago referred to—and I wrote down the words—"nefarious statutory means." He was obviously referring to my various proposals to limit the jurisdiction of the Supreme Court and the Federal courts with respect to right to life. I have also made the same proposal with respect to the tragic decisions by the Supreme Court in the early 1960's with regard to school prayer. I hope the Senator from Oregon will not contend that article III, section 1 and section 2 of the Constitution are nefarious statutory means. In any case, I want to assure the Senator from Oregon that I shall never, never impugn his motives nor his character when he and I strongly disagree on this issue or any other.

Having said that, I hope, first of all, that we can agree to have one debate this year, and only one debate on the issue. I would like to do that either by offering the star print of S. 26 as a substitute amendment to the pending proposal or by having the vote on Senate Joint Resolution 3 immediately followed by freestanding consideration of the star print of S. 26.

So, Mr. President, I wonder if the majority leader would be willing to ascertain the desires of the Senator from Utah and the Senator from Oregon as to whether there could be a vote on the language of the star print of S. 26, which relates to this matter? I will be delighted to have a time agreement of 30 minutes, 15 minutes on a side.

Mr. BAKER. Mr. President, let me answer the question this way. I have said on the floor previously, and will repeat now, that nothing in this agreement in any way precludes the opportunity of the Senator from North Carolina to offer another amendment on this subject, including the star print of S. 26. But I cannot say to the Senator when that will be done. I could simply say that I will not make any effort to avoid it happening and, indeed, I fully expect that it will happen.

Now, whether it happens as an amendment or whether it happens as a freestanding measure I suppose is a matter that we still must discuss. But there is nothing in this proposal that would in any way circumscribe the opportunity of the Senator from North Carolina to exercise his full rights, which I will jealously protect, to offer that proposal as an amendment to some other measure or as a freestanding bill.

Mr. HELMS. But the Senator is referring to a later time on another piece of legislation—not the pending Senate Joint Resolution 3?

Mr. BAKER. Yes, I am referring to a later time.

Mr. HELMS. Because this proposed unanimous consent stipulates no amendments would be in order on Senate Joint Resolution 3.

Mr. BAKER. Yes; not to this bill. Mr. President, I am referring to some future time. It would not be in order under this agreement at this time.

Mr. HELMS. The majority leader does understand that the Senator from North Carolina does not want to tie up the Senate unnecessarily in consideration of the legislation remedy which he feels would better address the right-to-life question. There was some misunderstanding last year and I do not want a recurrence of that. The unanimous-consent request propounded by the distinguished majority leader would leave the Senator from North Carolina no option except to offer the language of S. 26 as an amendment to another piece of legislation later on.

I want to emphasize again that I will be willing to enter into a time agreement on my proposal, whenever it occurs, whether it is on the measure now pending or some subsequent measure. But the point is, Mr. President—and I make this observation as courteously and agreeably as I know how—that we have a very good chance of a majority vote on the proposal that I intend to offer later on.

Now, the Senator from Oregon can count votes, and so can I. He knows, and I know, that there are not nearly enough votes to approve the pending constitutional proposal. And I understand the Senator's strategy in consenting to this debate on the Hatch-Eagleton proposal.

I do want to say to the majority leader that I shall not object to this unanimous-consent request, but I do want him to understand, and I want my fellow Senators to understand, that it will not be my desire to tie up the Senate with respect to this issue at some future time. If the Senate is tied up, it will not be my doing. I will be willing to enter into whatever time agreement Senator PACKWOOD and Senators who support his point of view are willing to make with the majority leader. If they are unwilling to limit the debate, it will confirm my assessment that there very well could be a majority in favor of the language of star print S. 26.

Mr. BAKER. Mr. President, I thank the Senator. I understand fully. As I have already indicated, while this agreement, if granted, would preclude that amendment to this resolution, it would not preclude it to any future measures that come before the Senate.

Mr. HELMS. I thank the Senator. With that understanding, I do not object.

Mr. BAKER. Mr. President, I have been advised by Senators that the second half of my request dealing with the tax cap is maybe not ripe yet. It has not yet matured to the place where we can safely agree to the arrangement I suggested. Therefore, I withdraw that portion of the request.

For the sake of clarity, let me repeat the request now in its revised form.

Mr. President, I ask unanimous consent that on today, Monday, June 27, during the Senate's consideration of Senate Joint Resolution 3, a joint resolution to amend the Constitution to establish legislative authority in Congress and in the States with respect to abortion, the amendment reported by the Judiciary Committee without recommendation be considered as agreed to; and that Senate Joint Resolution 3, as amended as follows: "A right to abortion is not secured by this Constitution," be considered under the following time agreement:

Ten hours on the joint resolution, as amended, to be equally divided between the Senator from Utah (Mr. HATCH) and the Senator from Oregon (Mr. PACKWOOD), or their designees;

That no amendments be in order;

That there be 30 minutes equally divided on any debatable motions, appeals, or points of order, if so submitted to the Senate; and

That no tabling motion be in order against the resolution.

I further ask unanimous consent that, when the Senate reconvenes on Tuesday, June 28, following a period for the transaction of routine morning business, the Senate resume consideration of Senate Joint Resolution 3, as amended, and that following the conclusion of debate on Senate Joint Resolution 3, as amended, the Senate proceed to vote on Senate Joint Resolution 3, as amended, without any intervening debate, motion, appeal, or point of order, and that such vote will occur no later than 3 p.m.——

Mr. BYRD. Could you make that 5 p.m.?

Mr. BAKER. No later than 5 p.m. on Tuesday, June 28.

Finally, Mr. President, I ask unanimous consent that paragraph 4 of rule XII be waived.

Mr. President, before the Chair puts the request, might I also include in the request that time from the beginning of debate on this measure today until the granting of this order be divided equally charged against the time allowed by this order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Wait a minute. What is so ordered? The Senator had two requests pending.

Mr. BAKER. Mr. President, I wish to amend the request again in this respect:

First, the amendment to the request that I have already stated; that is, the time between the beginning of consideration of this measure and this moment be charged equally against the parties and against the 10 hours granted by this order; second, Mr. President, that the vote occur at 5 p.m., rather than no later than 5 p.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. The Chair has granted the entire request; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I thank all Senators.

Let me say I still hope we can work something out on the tax cap. If we cannot, we cannot. But, to tell you the truth, I think we could finish this measure, finish the tax cap, and finish the agriculture appropriations bill in time to get out of here Thursday, and maybe Wednesday. I do not mean to hold a carrot out for Senators, but if they see one out there, I will not dispute their vision. [Laughter.]

Mr. BYRD. Mr. President, it never hurts to hold the carrot out.

Mr. BAKER. I thank the Senator.

Mr. BYRD. Mr. President, I wish to thank my distinguished senior colleague for his kindness and patience in yielding as he has.

Mr. RANDOLPH. I thank both the majority and minority leaders who know that I can always wait for those necessary procedures within this body that have to do with legislation being considered.

(Conclusion of earlier proceedings.)

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, while we are waiting for Senator THURMOND to arrive in the Chamber, let me just embellish to a degree one of issues raised by the distinguished Senator from Nebraska when he spoke. He addressed himself to the pain an unborn child must experience during an abortion.

Mr. President, during the past year or two, increasing attention has been paid to the "animal rights" movement. There are a number of sizable organizations which are seeking Federal and State legislation to curb what they see as various forms of unnecessary suffering imposed on animals. For example, legislation has been introduced in Congress to regulate the use of animals in medical research. Some of these groups seek to protect baby seals from fur hunters, to ban certain types of animal traps, and so on.

Now, I perhaps would not go as far as some of these groups on certain points. But certainly, their humane concern for the suffering of animals is commendable. I do find it rather curious, however, that many people who express great concern about the suffering of our furry friends, seem to show much less concern for unborn humans and the pain they experience in abortion.

For example, I read last year that my distinguished colleague from the State of Oregon (Mr. PACKWOOD), publicly expressed outrage that certain American scientists were planning to kill, with harpoons, a number of porpoises for research purposes.

In his 1981 essay, "The Experience of Pain by the Unborn," Prof. John T. Noonan, Jr., of the University of California-Berkeley Law School, wrote:

> Can those who feel for the harpooned whale not be touched by the situation of the salt-soaked baby? We should not despair of urging further the consciences of those who have curtailed their convenience to spare suffering to other sentient creatures. ["New Perspectives on Human Abortion," University Publications of America, 1981.]

I have given some thought to this matter. Perhaps those who worry about cruelty to animals, but would permit greater cruelties to unborn human beings, are ignorant of the functional capacities of unborn children at various stages of development. They are perhaps unaware of the persuasive evidence that unborn children can and do experience organic pain from an early stage of development.

This is not a particularly pleasant subject to discuss, Mr. President. Perhaps there will be some who characterize this discourse as "emotionalism." But I believe that we must attempt to strip away some of the dehumanizing euphemisms which often surround abortion, and examine objectively the reality behind the rhetoric.

Advocates of legal abortion stress the hardships—in many cases, the genuine hardships—which unwanted pregnancy can bring on a woman. They argue that every woman should have the right to avoid such suffering through abortion. But in order for these arguments to be compelling, abortion advocates must first dehumanize the unborn child. The child must be reduced to a mere potentiality, a blob of tissue or even, in the words of the then-chief of the abortion surveillance branch of the Federal Center for Disease Control, "the No. 2 sexually transmitted condition" (the No. 1 sexually transmitted condition was gonorrhea).

Mr. President, I ask unanimous consent that an article entitled "Abortion as a Treatment for Unwanted Pregnancy: The No. 2 Sexually-Transmitted Condition," as it appeared in Ad-

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vances in Planned Parenthood, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ABORTION AS A TREATMENT FOR UNWANTED PREGNANCY: THE NUMBER TWO SEXUALLY-TRANSMITTED CONDITION*

(By Willard Cates, Jr., M.D., M.P.H., David A. Grimes, M.D., and Jack C. Smith, M.S.)

(From the U.S. Department of Health, Education, and Welfare Public Health Service, Center for Disease Control, Bureau of Epidemiology, Family Planning Evaluation Division, Atlanta, Georgia.)

ABSTRACT

Using data from national surveys of reproductive behavior, we estimated that unwanted pregnancy was the second most prevalent sexually-transmitted condition in the country in 1974; gonorrhea was the first. For women who wish to terminate their unwanted pregnancies, the preferred approach is legal abortion by suction curettage. This procedure compares favorably in efficacy and safety with the available treatment for other sexually-transmitted conditions.

Basándonos en datos nacionales relacionados con el comportamiento en el área de la reprodución, hemos podido determinar que durante el año 1974 el embarazo no deseado fué, en frecuencia, la segunda condición más común de transmisión sexual; la gonorrhea fué la primera. El tratamiento de elección para el embarazo no deseado es el aborto legal mediante la succión durante el primer trimestre del embarazo. La morbilidad y mortalidad de este procedimiento se compara favorablemente en cuanto a su eficacia y grado de seguridad con los tratamientos de que se dispone para las otras condiciones de transmisión sexual.

INTRODUCTION

Sexually-transmitted diseases are currently epidemic in the United States (1). In 1974 there were almost 900,000 reported cases of gonorrhea and about one-tenth that number of syphilis (2). During the same year, unwanted pregnancies were also epidemic. To provide epidemiologic perspective on this problem, we will consider unwanted pregnancy as a sexually-transmitted condition, estimate its incidence in the United States, and compare the treatment of unwanted pregnancy with that for gonorrhea.

UNWANTED PREGNANCY AS A SEXUALLY TRANSMITTED CONDITION

Although rarely classed as a venereal disease, unwanted pregnancy is transmitted sexually, is socially and emotionally pathologic (3), and has many other characteristics of the conventional veneral diseases. The incubation time, defined as the period between exposure (mid-cycle coitus) and the development of initial symptoms (usually missed menses), averages approximately 2 weeks. As with sexually-transmitted diseases, there appears to be intrafamilial predisposition to unwanted pregnancy (3). Moreover, 10 percent recurrence rate has been reported (4), and prevention is more effective if simultaneous treatment of sexual partners is undertaken through contraceptive counseling (5).

As with other sexually-transmitted conditions, unwanted pregnancy occurs primarily in the most sexually-active age groups. Both unwanted pregnancies and venereal diseases seem to have seasonal variations (6). Finally, the barrier methods used to prevent unwanted pregnancy also serve to prevent venereal diseases (7).

INCIDENCE OF UNWANTED PREGNANCY

Having suggested that unwanted pregnancy be considered a sexually-transmitted condition, what do we know about its epidemiology? One way of determining the incidence of unwanted pregnancy is to extrapolate data from surveys about reproductive behavior (Table I). When stratified by marital status, these studies demonstrate remarkably similar percentages of mistimed, unwanted, and unplanned pregnancy, especially considering the multiple differences among regions studied, dates covered, populations interviewed, and questions used. For example, marital unplanned pregnancy ranged from 35-43 percent, while unmarried unplanned births ranged from 73-79 percent. Although most of these studies have concentrated on unplanned or unintended pregnancy, for our estimates we will focus only on unwanted births, defined as failures in "number" rather than "timing". Therefore, our data probably tend to underestimate the true incidence of undesired pregnancy.

The 1970 National Fertility Study revealed that between the years 1966 and 1970 14 percent of births to married women were unwanted (8). The Albany Area Survey of 1974 found the same percentage of marital unwanted pregnancy in the years 1969-1974 (9). On the other hand, the National Natality Study of 1972 determined that only 8 percent of marital births that year were unwanted (10); differences in how the questions were asked may have accounted for the discrepancy between the studies.

TABLE 1.—PERCENTAGE OF BIRTHS UNWANTED, MISTIMED, AND/OR UNPLANNED FROM STUDIES OF REPRODUCTIVE BEHAVIOR, BY MARITAL STATUS

Study	Region	Date	Marital status	Percentage of births: Mistimed (1)	Unwanted (2)	Unplanned (3)=(1)+(2)
NFS [1]	National	1966–70	Married	29	14	43
Albany [2], [3]	Albany	1969–74	Married	27	14	41
			Unmarried	74	5	79
Teen-agers [4]	National	1971	Unmarried	—	—	78
Hawaii [5]	Hawaii	1970–71	Married	—	—	39
			Unmarried	—	—	73
Atlanta [6]	Atlanta	1966–71	Married	—	—	36
National natality study (NCHS) [7]	National	1968	Married	28	13	41
		1969	Married	26	12	38
		1972	Married	27	8	35

[1] Westoff CF: The decline of unplanned births in the United States. Science 191: 38–45, 1976.

[2] Anderson JE, Morris L, Geshe M: Planned and unplanned fertility in upstate New York. Fam Plann Perspect 9:4–11, 1977.

[3] Morris L: Sexual activity, contraceptive usage, and source of contraception among never married women: Albany (NY) Health Region. Presented at the Annual Meeting of the Population Association of America. Montreal, Canada, April, 1976.

[4] Zelnik M: Personal communication, July 15, 1975.

[5] Steinhoff PG, Palmore JA, Smith RG, et al: Pregnancy planning in Hawaii. Fam Plann Perspect 7:138–142, 1975.

[6] Anderson JE, Smith JC: Planned and unplanned fertility in a metropolitan area: Black and white differences. Fam Plann Perspect 7: 281–285, 1975.

[7] Weller RH: Number and timing failures among legitimate births in the United States: 1968, 1969, and 1972. Fam Plann Perspect 8:111–116, 1976.

Because the surveys dealt primarily with the years prior to 1974, they are outdated for our current estimates. Using a linear extrapolation from the 1969 and 1972 National Natality Study, adjusted for birth order, we estimate conservatively that about 6.7% of births to married women in 1974 were unwanted (11), for a total of 185,300 (Table II).

Unwanted births also occur to unmarried women. The Albany Survey determined that 5% of out-of-wedlock births were unwanted; another 74% of births were unplanned (12). If the conservative 5% figure is applied to the out-of-wedlock births in 1974, an additional 20,900 births can be estimated to have been unwanted among unmarried women, for a total of 206,200 unwanted births. If we assume that each unwanted birth equals 1 unwanted pregnancy, there were at least 206,200 unwanted pregnancies in 1974. However, this estimate takes into account only births and does not include those unwanted pregnancies that were terminated prior to a birth.

The best available indicator of unwanted pregnancies not resulting in birth is the annual incidence of legally-induced abortion in this country. Although many abortions, especially those to unmarried women, terminate pregnancies resulting from failures in timing rather than number, we will consider them as operationally unwanted for the purposes of estimation. In 1969, the Center for Disease Control (CDC) initiated national surveillance of legal abortion. CDC's data come from the central health agencies in most states and from individual hospitals and clinics in those states without reporting systems (13). Nearly 763,500 legal abortions were reported to CDC by these sources in 1974. This number of reported abortions was probably less than the actual number performed. A nationwide survey of abortion facilities by the Alan Guttmacher Institute (AGI) found that an estimated 900,000 abortions had been performed during 1974 (14). In public health surveillance, survey data and reported cases frequently differ, with the reported cases reflecting a lower number.

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*Presented at the 14th Annual Scientific Meeting of the Association of Planned Parenthood Physicians, Miami Beach, Florida, Nov. 11-12, 1976. The opinions or assertions contained herein are the private views of the authors and are not to be construed as official or as reflecting the views of the Department of Health, Education, and Welfare.

TABLE II.—ESTIMATED NUMBER OF UNWANTED PREGNANCIES, REPORTED GONORRHEA, AND REPORTED SYPHILIS—UNITED STATES, 1974

Category	Number of births [1]	Number of births, unwanted: Number	Percent	Estimated number of unwanted pregnancies
In-wedlock	2,741,900	185,300	[2] 7	
Out-of-wedlock	418,100	20,900	[3] 5	
Legal induced abortions				[4] 763,500
Total		206,200		969,700
Reported gonorrhea—1974				[5] 898,900
Reported syphilis—1974				[6] 83,800

[1] National Center for Health Statistics: Final Natality Statistics—1974. Monthly Vital Statistics Report 24:11, Supplement, February 13, 1976. All numbers rounded to nearest 100.

[2] Weller RH: Number and timing failures among legitimate births in the United States: 1968, 1969, and 1972. Fam Plann Perspect 8:111–116, 1976. Estimate of unwanted in-wedlock births for 1974 from parity-adjusted linear extrapolation of 1969 and 1972 data by John E. Anderson.

[3] Morris L: Sexual activity, contraceptive usage, and source of contraception among never married women: Albany Health Region. Presented at the Annual Meeting of the Population Association of America. Montreal, Canada, April, 1976.

[4] Center for Disease Control: Abortion Surveillance—1974, issued April 1976.

[5] Center for Disease Control: Morbidity and Mortality Weekly Report, Annual Supplement—1974, 23(53), July, 1975.

As shown in Table II, when the smaller CDC figure of 763,500 abortions in 1974 is added to the estimate of unwanted pregnancies based on birth data, a total number of 969,700 unwanted pregnancies can be estimated for the United States during that year. Wc emphasize that this represents only a crude minimum estimate of unwanted pregnancy because: we used the most conservative percentages from surveys of unwanted fertility; we did not consider mistimed births, but dealt only with births in excess of the desired number; as emphasized above, we used only the reported number of abortions and not the more realistic estimate by the AGI of the actual number performed; and we made no upward adjustment for those unwanted pregnancies terminated by spontaneous abortion.

How does the estimate of unwanted pregnancy compare with the incidence of sexually-transmitted diseases? In 1974, 898,000 cases of gonorrhea were reported to CDC: thus, even our conservative estimate of unwanted pregnancy is over 70,000 cases higher than that for gonorrhea (Table II). However, because of the large amount of underreporting which occurs with gonorrhea, a more likely estimate of the total number of gonorrhea cases for 1974 is in the 2 million range (1). Therefore, figuring conservatively, unwanted pregnancy appears to be the second most prevalent sexually-transmitted condition in our country.

One important qualification should be made. Several sexually-transmitted infections are not routinely reported to public health authorities. Such conditions as nongonococcal urethritis and salpingitis and vaginal trichomoniasis are sexually transmitted (15), but no reporting system exists for them. Therefore, it is not possible to estimate accurately the incidence of these diseases within the United States. Authorities have suggested that each of these conditions involves more individuals than individuals with gonorrhea (1, 15). Nevertheless even if inclusion of other sexually-transmitted diseases lowers the ranking of unwanted pregnancy, the absolute magnitude of this condition throughout the nation remains remarkably high.

TREATMENT OF UNWANTED PREGNANCY

What about the outcome of unwanted pregnancy? Without treatment, the natural history of unwanted pregnancy involves either a spontaneous abortion or a term delivery. Approximately 1 in 6 of all pregnancies will spontaneously abort, most in the first 2 months (16). If the pregnancy is unwanted and carried to term the mother is often faced with the difficult choice of either keeping the child or putting it up for adoption. Moreover, term birth carries risks of morbidity (17) and mortality (18). The risk of death from term birth is 9 times greater than the risk associated with first-trimester abortion (13).

For women who want to end an unwanted pregnancy, the preferred approach is legal abortion by suction curettage during the first trimester. In 1974, the typical woman choosing abortion was young, white, and unmarried (13). Pregnancy terminations for females under 20 years of age comprised almost one-third of all abortions; the 20-to 24-year-old age group accounted for another one-third, and the other one-third were 25 years of age or older. The age-specific abortion ratios indicate that pregnant women less than 19 and over 40 were more likely to have abortions than women of other ages, averaging 1.2 abortions for every 2 live births. This is a function of the large number of unwanted pregnancies occurring at both ends of the reproductive age spectrum.

Between 1972 and 1974, the perentage of abortions obtained by women of races other-than-white increased from 23 percent to 30 percent. This changing distribution continues the trend noted since 1971 which may indicate the increasing availability of abortion for the other-than-white population.

In 1974, the distribution of abortions by marital status and number of living children was very similar to the pattern for previous years. Over two-thirds of the women were in the unmarried category, which includes women who are widowed, separated, or divorced and women who have never married. Nearly 50 percent of abortions were performed on women with no living children.

There is a definite geographic variation among patients treated by legal abortion, when analyzed both by the state where the abortion occurred and the state of residence. In 1974 all 50 states and the District of Columbia reported that abortions had been performed within their boundaries. As in the past several years, New York and California were the largest providers of abortion in 1974, accounting for 39 percent of all reported procedures. However, because the Supreme Court decisions of 1973 led to a redistribution of abortion services, the combined percentage for these 2 states had declined markedly over the last 2 years. As expected, fewer women tended to get abortions outside their state of residence as availability of abortion services increased in their own states. In 1974, 13 percent of women went out-of-state to obtain an abortion, compared with 44 percent in 1972.

The overwhelming majority of women obtaining legal abortion for unwanted pregnancy are having it performed by the preferred approach—legal abortion by suction curettage. In 1974, 78 percent of all abortion procedures were performed by suction curettage, 12 percent by sharp curettage, 8 percent by saline instillation procedures, and only 0.6 percent by hysterotomy or hysterectomy. Moreover, 8 of 9 women who obtained abortions did so prior to 13 menstrual weeks' gestation. Thus, it appears that for the nation as a whole, women who choose abortion when faced with an unwanted pregnancy are obtaining the preferred medical treatment.

LEGAL ABORTION AND PENICILLIN AS TREATMENTS FOR SEXUALLY TRANSMITTED CONDITIONS

When evaluation any therapy, the 2 main criteria are effectiveness and safety. Therefore, it is important to consider these factors for legal abortion. Just how effective and safe is first-trimester suction curettage?

To put this question into some perspective, we compare first-trimester abortion as a treatment for unwanted pregnancy with intramuscular penicillin as a treatment for gonorrhea (Table III). Based on results from 2 multicenter prospective studies of abortion complications, the first conducted by the Population Council in 1970 and 1971 (19) and the second by CDC in 1971-1975 (13), first-trimester suction abortion has a failure rate of 0.3 percent or 3 per 1,000 procedures. This contrasts with a 3.2 percent failure rate or 32 per 1,000 cases for intramuscular penicillin in treating gonorrhea (20). Thus, abortion is 10 times more effective for treating unwanted pregnancy than penicillin is for treating gonorrhea.

TABLE III.—COMPARISON OF LEGAL ABORTION AND PENICILLIN AS TREATMENTS FOR SEXUALLY-TRANSMITTED CONDITIONS

	Legal abortion for unwanted pregnancy	Penicillin for gonorrhea
Method of treatment	Suction curettage at 13 < weeks' gestation.	Intramuscular procaine penicillin.
Efficacy (failure rate)	0.3 percent [1]	3.2 percent [2]
Morbidity:		
Minor	5.0 percent [1]	0.3 to 10 percent [2] [4]
Major	0.4 percent [1]	0.001 to 0.04 percent [3] [4]
Mortality	1.8/100,000 [1]	1.4 to 2.0/100,000 [2] [4]
Cost/treatment	$186 [5]	$17.70 [6]

[1] Center for Disease Control: Abortion surveillance—1974, issued April, 1976.

[2] Kaufman RA, Johnson RE, Jaffe HW, et al: National gonorrhea therapy monitoring study: Treatment, results. N. Engl J Med 294:1–4, 1976.

[3] Idsoe O, Guthe T: Nature and extent of penicillin side-reactions with particular reference to fatalities from anaphylactic shock. Bull WHO 38:159—188, 1968.

[4] Rudolph AH, Price EV. Penicillin reactions among patients in veneral disease clinics. JAMA 223:499—501, 1973.

[5] American Civil Liberties Union Foundation: Abortion Clinic Directory. New York, October, 1975. Number represents the mean cost of suction curettage from clinics listed in the directory.

[6] Venereal Diseases Division, Center for Disease Control: Personal communication October, 1976.

Comparison of the safety of these 2 therapeutic entities is also revealing. Suction abortion, a surgical procedure employing either local or general anesthesia, would be expected to hold more dangers than the ubiquitous penicillin, an antibiotic of low toxicity. However, suction curettage has a 5 percent total-complication rate and a 0.4 percent major-complication rate (13). Penicillin, on the other hand, causes mild allergic manifestations in 0.7 percent—10 percent of cases and leads to severe anaphylactic reactions in 0.001—0.04 percent of patients treated (21, 22).

Moreover, the risks of death from abortion and intramuscular penicillin are also similar. The death-to-case rate for first-trimester suction curettage is 1.8 per 100,000 abortions (13) compared with the World Health Organization and CDC estimates of 1.4—2.0 deaths per 100,000 patients treated with intramuscular penicillin (21, 22). Therefore, in terms of morbidity and mortality risks for the 2 treatments, abortion compares favorably with penicillin.

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Although suction curettage is more efficacious than, and as safe as, penicillin, it costs more. The average cost per patient treated with suction abortion is roughly 10 times higher than the per-patient cost of gonorrhea treated with penicillin (Table III). However, case-finding costs are not included in the penicillin-treatment estimates, and thus the penicillin costs are minimum figures. Moreover, although legal abortion is more expensive than penicillin, it is less costly than the non-treatment of unwanted pregnancy, usually a term birth. Thus, the cost-benefit ratio of legal abortion is probably favorable (23).

In summary, unwanted pregnancy is the second most prevalent sexually-transmitted condition in this country. Women who have had legal abortion as a treatment of unwanted pregnancy are more likely to be young, white, and unmarried. Eight of 9 women have had their abortions in the first trimester, a time when the risk of death from the procedure is similar to that of penicillin for gonorrhea. Therefore, we conclude that unwanted pregnancy should be considered a sexually-transmitted condition of epidemic proportions; Moreover, legal abortion is an effective, safe, curative treatment for that condition.

ACKNOWLEDGMENTS

We acknowledge the following individuals for their contributions to this paper: John E. Anderson, Ph. D., Leo Morris, M.S., William Darrow, Ph. D., Roger W. Rochat, M.D., Susan Barnes, and Loraine S. Good.

REFERENCES

1. Center for Disease Control: VD fact sheet 1975, Ed. 32. Atlanta, U.S. Dept. Health, Education, and Welfare, 1976.
2. Center for Disease Control: Morbidity and Mortality Weekly Report, Annual Supplement 1974, 23(53), issued July 1975.
3. Kimball CP: Some observations regarding unwanted pregnancies and therapeutic abortions. Obstet Gynecol 35:293-296, 1970.
4. Pakter J, Nelson F, Svigir M: Legal abortion: a half-decade of experience. Fam Plann Perspect 7:248-255, 1976.
5. Hatcher RA, Stewart GK, Guest F, et al: Contraceptive Technology 1976-1977. Irvington Publishers Inc, New York, 1976.
6. Weisner PJ, Holmes KK: Current view of the epidemiology of sexually transmitted diseases in the United States. In: Genital Infections and Their Complications (Eds. Danilsson D, Jühlin L, Marda T-A). Almqzst and Wiksell International, Stockholm, 1975, pp 15-24.
7. Hart G: Role of preventive methods in the control of venereal disease. Clin Obstet Gynecol 18:243-254, 1975.
8. Westoff CF: The decline of unplanned births in the United States. Science 191:38-45, 1976.
9. Anderson JE, Morris L, Geshe M: Planned and unplanned fertility in upstate New York. Fam Plann Perspect 9:4-11, 1977.
10. Weller RH: Number and timing failures among legitimate births in the United States: 1968, 1969, and 1972. Fam Plann Perspect 8:111-116, 1976.
11. National Center for Health Statistics: Final Natality Statistics—1974. Monthly Vital Statistics Report 24:11 Supplement, Feb. 13, 1976.
12. Morris L: Sexual activity, contraceptive usage, and source of contraception among never married women: Albany Health Region. Presented at Annual Meeting of Population Association of America, Montreal, Canada, April 1976.
13. Center for Disease Control: Abortion Surveillance, Annual Summary 1974. April 1976.
14. Weinstock E, Tietze C, Jaffe FS, Dryfoos JG: Abortion need and services in the United States, 1974-1975. Fam Plann Perspect 8:58-69, 1976.
15. Rein MF. Chapel TA: Trichomoniasis, candidiasis, and the minor veneral diseases. Clin Obstet Gynecol 18:73-88, 1975.
16. French FE, Bierman JM: Probabilities of fetal mortiality. Public Health Rep 77:835-846, 1962.
17. Hern WM: The illness parameters of pregnancy. Soc Sci Med 9:365-372, 1975.
18. National Center for Health Statistics: Final Mortality Statistics—1974. Monthly Vital Statistics Report 24(11): Supplement 2, 20, 1976.
19. Tietze C, Lewit S: Joint program for the study of abortion: Early medical complications of legal abortion. Stud Fam Plann 3:97-122, 1972.
20. Kaufman RA, Johnson RE, Jaffe HW, et al: National gonorrhea therapy monitoring study: Treatment, results N Engl J Med 294:14, 1976.
21. Idsoe O, Guthe T: Nature and extent of penicillin side-reactions with particular reference to fatalities from anaphylactic shock. Bull WHO 38:159-188, 1968
22. Rudoloph AH, Price EV: Penicillin reactions among patients in veneral disease clinics. JAMA 223:499-501, 1973.
23. Robinson M. Pakter J. Svigir M. Medicaid coverage of abortions in New York City: Costs and benefits. Fam Plann Perspect 6:202-208, 1974.

Mr. HATCH. Those who employ such euphemisms are naturally reluctant to consider the question of fetal pain. I believe that columnist George F. Will said it well in his 1981 column titled "Abortion Does Cause Pain to Its Victims."

> Most pro-abortion persons have a deeply felt and understandable need to keep the discussion of abortion as abstract as possible. They become bitter when opponents use photographs to document early fetal development. The sight of something that looks so much like a child complicates the task of trying to believe that there is nothing there but "potential" life. And if fetal pain is acknowledged, America has a problem: its easy conscience about 1.6 million abortions a year depends on the supposition that such pain is impossible.

Mr. President, well over 100,000 abortions a year are performed after the first trimester of pregnancy. At this stage they can no longer be performed with the powerful vacuum device used during the first trimester, because the unborn child is large and has a well-developed skeletal structure. The abortion method now preferred by most abortionists for abortions after the 12th week is called dilatation and evacuation or D&E, for short.

The D&E procedure basically consists of the dismemberment of the living unborn child with powerful forceps. An article coauthored by the former chief of the abortion surveillance division of the Center for Disease Control described the D&E procedure this way:

> Ossified parts, such as the skull, must often be crushed. The bone fragments must be extracted carefully to avoid tearing the cervix. Reconstruction of the fetal sections after removal from the uterus is necessary to ensure completeness of the abortion procedure. [Rooks and Cates, "Emotional Impact of D&E vs. Instillation," Family Planning Perspectives, Nov.-Dec. 1977]

Dr. Walter Hern, an abortionist and a nationally recognized expert on the D&E procedure, described it this way in a 1978 address:

> There is no possibility of denial of an act of destruction by the operator. It is before one's eyes. The sensations of dismemberment flow through the forceps like an electric current . . . some part of our cultural and perhaps even biological heritage recoils at a destructive operation on a form similar to our own. [Address, Association of Planned Parenthood Physicians, October 1978]

As the U.S. Supreme Court noted in its June 15, 1983, decision in Planned Parenthood Association against Ashcroft, some abortionists now use this technique "on 28-week pregnancies, well into the third trimester." The technique is considered to have several advantages over the salt-poisoning method, which had formerly been preferred. For one thing, the D&E method never produces the dreaded complication of late-term abortions—a live baby.

Now, obviously being dismembered in such a manner would cause pain—excruciating pain—to all of us. All of us are aware that newborn infants are sensitive to pain. Indeed, long before an infant smiles or speaks, she cries. The infant does not hesitate to communicate to us her distress at hunger pangs, a misplaced diaper pin, or whatever.

The unborn child cannot communicate her pain to us in this way. But there is ample evidence that from an early stage of development—at least by 13½ weeks after conception, and perhaps 1 month earlier—the unborn child is capable of experiencing organic pain.

Mr. President, the State of Illinois has enacted a statute which requires that, in certain circumstances, women seeking abortions be advised of the availability of drugs which could alleviate the pain which the abortion will cause to the unborn child. In defense of this law, several medical experts have submitted affidavits on fetal pain to the U.S. District Court for Northern Illinois (*Charles* v. *Carey*, Nos. 79-C-4541, 79-C-4548). I would like to read a few excerpts from those compelling affidavits.

Consider, first, the following statement by Prof. Vincent J. Collins. Dr. Professor Collins is a leading authority on pain. He is professor of anesthesiology at the University of Illinois Medical Center in Chicago, and chairman of the department of anesthesiology at Cook County Hospital in Chicago.

Dr. Collins told the district court:

> As early as eight to ten weeks gestation, and definitely by thirteen and a half weeks, the human fetus experiences organic pain. Between the eighth and tenth weeks the thalamus starts emitting special brain waves in response to noxious stimuli. At that time thalamic function is thereby indicated. Because a functioning thalamus evokes organic suffering, the fetus between eight to ten weeks thus may suffer when exposed to noxious stimuli. But certainly by thirteen and a half weeks the fetus aversively reacts to noxious stimuli with integrated responses at all nervous system levels. The total organic response at that point is more sophisticated than mere reflex. Thus, it is certain that a fetus senses organic pain at least by thirteen and a half weeks gestation.
>
> Induced abortion will cause pain to a fetus with a functioning central nervous system if the method used stimulates the pain receptors and excites the neural pathways. Dilatation and evacuation (D&E) or saline instillation are two abortion methods capable of stimulating pain receptors and exciting neural pathways.

Mr. President, I ask unanimous consent that Professor Collins's entire affidavit be entered into the RECORD.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

AFFIDAVIT OF VINCENT J. COLLINS, M.D., COOK COUNTY, ILL.

Vincent J. Collins, M.D. being duly sworn, deposes and states as follows:

1. I am currently Chairman of the Department of Anesthesiology at Cook County Hospital, Chicago, Illinois, and a Professor of Anesthesiology at the University of Illinois Medical Center in Chicago. I have researched and written extensively on the subject of pain, *i.e.*, its causes, physiology, and control. I am a board-certified Anesthesiologist. A copy of my curriculum vitae is appended to this affidavit.

2. I have read and am familiar with section 6(6) of the Illinois Revised Abortion Statute regarding fetal pain.

3. The statements in this affidavit are based on my medical experience and knowledge, and best medical judgment. As an Anesthesiologist, I am qualified to make judgments concerning the presence of pain and about ways to abolish or alleviate pain.

4. The purpose of this affidavit is to characterize and discuss the presence of organic pain in the fetus and to describe those safe, effective methods available to abolish or alleviate organic fetal pain caused by abortion.

5. In general:

(a) Organic pain results when a noxious force of substance stimulates special pain receptors and that stimulus passes through the neural pathways of the central nervous system to the thalamus;

(b) Noxious stimulation of the central nervous system may produce a reflexive response or a more sophisticated aversive response. Reflexive responses involve only the spinal column: the reaction is simple and direct, i.e., of the type which occurs in the leg when the knee is tapped with a light hammer. The thalamus and cortex are not involved in reflexive responses. On the other hand, aversive responses involve the whole central nervous system, including the thalamus. Aversive responses are the body's attempt to escape from or avert painful stimuli. For a fuller description of these and other aspects of organic pain, see my book Principles in Anesthesiology (Philadelphia: Lea & Febeger, 1976), pp. 906-934.

(c) When an individual reacts aversively to noxious stimuli, it must be concluded that the pain structures of the central nervous system are functioning and that organic pain has been registered.

6. As early as eight to ten weeks gestation, and definitely by thirteen and a half weeks, the human fetus experiences organic pain. Between the eighth and tenth weeks the thalamus starts emitting special brain waves in response to noxious stimuli. At that time thalamic function is thereby indicated. Because a functioning thalamus evokes organic suffering, the fetus between eight to ten weeks thus may suffer when exposed to noxious stimuli. But certainly by thirteen and a half weeks the fetus aversively reacts to noxious stimuli with integrated responses at all nervous system levels. The total organic response at that point is more sophisticated than mere reflex. Thus, it is certain that a fetus senses organic pain at least by thirteen and a half weeks gestation.

7. Induced abortion will cause pain to a fetus with a functioning central nervous system if the method used stimulates the pain receptors and excites the neural pathways. Dilatation and evacuation (D&E) or saline instillation are two abortion methods capable of stimulating pain receptors and exciting neural pathways.

8. Pain can be abolished through the use of anesthetics and analgesics. Anesthetics are drugs which prevent the central nervous system from registering pain in either of two ways. First, general anesthetics prevent pain by acting directly on the spinal column, thalamus, and cortex. Robert D. Dripps, James E. Eckinhoff, and Leroy Vandam, Introduction to Anesthesia (Philadelphia: W. B. Saunders Company, 1977), p. 250. Second, local anesthetics act directly on the pain receptors, thus blocking the entrace of painful stimuli into the central nervous system altogether. *Id.* at 251.

9. General anesthetics are an effective means to anesthetize a fetus in utero. In abortions such as D&E, where the procedure is relatively short, a general anesthetic will abolish organic pain for the length of the abortion. Importantly, general anesthetics will cross the placenta from the maternal bloodstream when given to a woman with child. It is known that anesthetics supplied to a woman before childbirth will reach and effect the fetus. As a result, anesthesiologists have developed special methods to resuscitate anesthetized fetuses after birth. Robert D. Dripps, et al., pp. 349-353. Thus, before an abortion, a woman could be given a general anesthetic (such as nitrous oxide, pentothol, or halothane) which is readily available and safe for the woman. The anesthetics, after crossing the placenta, would then act to abolish fetal sensitivity to noxious stimuli and could be effectively used during the course of a D&E abortion.

10. In addition, narcotic analgesics are available to alleviate, if not abolish, fetal organic pain. Demerol, for example, is a safe, effective analgesic; when given orally to the woman, Demoral crosses the placenta and reaches the fetus the same way an anesthetic would. In abortions like saline amnio-infusion, where the fetus is exposed to the corrosive, burning effect of the saline solution for 24 to 48 hours and where anesthetics could not be employed because of the duration of the procedure, Demerol could be effectively and safely employed. If given in 50 milligram amounts to the woman every four to six hours, Demerol will control fetal organic pain throughout the length of the abortion. Again, like anesthetics, narcotic analgesics, including Demerol, would pose no significant health risks to the woman if used properly.

11. In fact, both analgesics and anesthetics are offered routinely to women before childbirth. It would, therefore, be logical and consistent to offer available analgesics and anesthetics to women who abort.

12. In sum, a fetus is sensitive to noxious stimuli at least by thirteen and a half weeks, if not by eight to ten weeks. Abortions such as D&E and saline instillation, if done after thirteen and a half weeks, will certainly cause organic fetal pain. Furthermore, anesthetics, especially general anesthetics and analgesics will cross the placenta and abolish or alleviate fetal sensitivity to noxious stimuli. Effective anesthetics such as nitrous oxide, halothane, and pentothol are widely available, and are safe for the women. Effective analgesics, such as Demerol, are also available and are safe for the woman. Therefore, it is logical, consistent, and good medical practice to offer anesthetics and analgesics to women before those abortions certain to cause fetal pain.

Respectfully submitted,
VINCENT J. COLLINS, M.D.

Mr. HATCH. Also submitting an affidavit to the district court was Dr. William Natviuw, a board-certified obstetrician-gynecologist in Illinois. I would like to read from Dr. Matviuw's affadavit:

> In view of the fact that fetal sensitivity to pain exists at least as early as eight weeks, it is obvious that any form of induced abortion which excites pain receptors and/or stimulates the neural pathways will cause organic fetal pain at any time thereafter.
>
> For example, abortions by dilatation and evacuation and saline amnio-infusion represent noxious stimuli capable of causing organic pain in a pain sensitive fetus.
>
> D&E abortions are performed after the 12th week of pregnancy (and are performed up to and including the period of viability) when fetal bones are too large and brittle and the size of the fetus is too great for standard first trimester abortion techniques. D&E involves the progressive dismemberment of the fetus prior to extraction to facilitate removal of the fetal parts from the uterus. The slicing and crushing involved in dismemberment of the fetus in D&E abortions would obviously excite pain receptors and stimulate the neural pathways, thereby evoking an aversive response in a fetus whose central nervous system is functioning.
>
> Abortions by saline amnio-infusion are performed after the 14th week up to and including the period of fetal viability. The procedure involves the insertion of a hypodermic needle into the amniotic sac to remove the amniotic fluid. In return, a hypertonic (highly concentrated) solution of sodium chloride is injected into the sac. The solution disrupts the placenta, causing fetal expulsion in up to 48 hours after the time the solution is injected. During that period, the corrosive effects of the saline burn away the upper skin layers of the fetus. The esophagus and mouth are burned as well when the fetus swallows the saline. By the time the fetus is expelled there is extensive edema and submembranous degeneration.

By changing the surface of the fetus in this fashion, saline would excite pain receptors and stimulate the neural pathways of a functioning central nervous system for the length of the abortion or until the fetus dies * * *.

In sum, the fetus at eight weeks possesses at least some of the requisite organic pain structures. By thirteen and a half weeks, the fetus responds aversively to noxious stimuli. The averse response involves the total central nervous system, and is more sophisticated than a mere reflex. Thus, by thirteen and a half weeks, and certainly by the time D&E or saline amnio-infusion abortions are performed, the fetus senses organic pain.

Mr. President, the court also received an affidavit from Dr. Thomas D. Sullivan, who is a board-certified neurologist in the State of Illinois. Dr. Sullivan told the district court:

Any form of abortion which excites nociceptors and/or stimulates neural pathways is a noxious stimulus. Thus, such an abortion would exact organic pain if done on a fetus whose central nervous system is functioning. Dilatation and evacuation, for example, where fetal tissue is progressively punctured, ripped, and crushed, and which is done after 13½ weeks when the fetus certainly responds to noxious stimuli, would cause organic pain in the fetus. Saline amnio-infusion, where a highly concentrated salt solution burns away the outer skin of the fetus, also qualifies as a noxious stimulus.

I, therefore, conclude, based on my best medical judgment: (a) that the human fetus suffers organic pain at least after 13½ weeks of gestation, and (b) that any abortion which excites nociceptors is a noxious stimulus, and (c) dilatation and evacuation and saline amnio-infusion are types of abortion that can and do inflict organic pain.

I ask unanimous consent that the affidavits of Drs. Matviuw and Sullivan be entered into the Record.

There being no objection, the affidavits were ordered to be printed in the Record, as follows:

State of Illinois, County of Cook:
Affidavit

William Matviuw, M.D. being duly sworn, deposes and states as follows:

1. I am a board certified Obstetrician-Gynecologist. My practice is in the State of Illinois. A copy of my curriculum vitae is appended to this affidavit.

2. I have read and am familiar with section 6(6) of the Illinois Revised Abortion Statute regarding fetal pain.

3. The statements in this affidavit are based on my medical experience and knowledge and best medical judgment.

4. I have read Drs. Sullivan's and Collins' affidavits and agree that organic pain occurs when pain receptors are stimulated and neural pathways within the human central nervous system are excited by noxious stimuli, thereby causing an aversive physiological response.

5. I also agree with Drs. Sullivan and Collins that organic pain can be diagnosed in a non-communicative patient when an aversive physiological response to noxious stimuli is detected.

6. Thus, a fetus can sense organic pain when the pain structures within the central nervous system are developed and functioning. As an Obstetrician, I am qualified to describe pre-natal development of the central nervous system, the pre-natal behavior of the fetus, and those procedures which may affect the fetal central nervous system.

7. The purpose of this affidavit is to describe the pre-natal development of the central nervous system and to detail those aspects of fetal behavior that indicate that a fetus may register organic pain. Finally, the effect of abortion on the fetal central nervous system is discussed.

8. As described in Dr. Sullivan's affidavit, the sensory structures of the central nervous system include nociceptors (pain receptors), neural fibers or pathways, spinal column, thalamus, and cortex. Sensory nerves, including nociceptors, reach the skin of the fetus by the ninth week of gestation. The first detectable brain activity in response to noxious stimuli occurs in the thalamus between the eighth and tenth weeks. The movement of electrical impulses through the neural fibers and spinal column takes place between eight and nine weeks gestation. Stanislaw Reinis and Jerome M. Goldman, The Development of the Brain (Springfield: Charles C. Thomas Publishers, 1980), pp. 223-235. (Appended hereto.)

9. Concurrent with the development of the sensory structures is the emerging sensory behavior of the fetus. By the end of the seventh week, a tap on the mouth of the fetus will cause the lips to draw back. By ten weeks, the palms of the hands are sensitive to touch, and at eleven weeks the face and extremities likewise respond to tactile stimuli. Reinis and Goldman, p. 252. By thirteen and a half weeks, organic response to noxious stimuli occurs at all levels of the nervous system, from the pain receptors to thalamus. Thus, at that point, the fetal organic response to pain is more than a reflexive response. It is an integrated physiological attempt to avert the noxious stimuli. V. J. Collins, Principles of Anesthesiology, (Philadelphia: Lea & Febiger, 1976), pp. 922-923.

10. Thus, various parts of the central nervous system function at least as early as eight weeks, and by thirteen and a half weeks the central nervous system functions as a whole in all parts of the body (except in the skin at the back of the head). Therefore, at least by eight weeks, and definitely by thirteen and a half weeks, the fetus is sensitive to organic pain. Reinis and Goldman, p. 232. See also Bjorn Westin, Rine Nyberg, and Goran Enhoring, "A Technique for the Perfusion of the Previable Fetus," Acta Paediatrica, 47:339 (1958), for a description of fetal responses to painful experiments performed on twelve to sixteen week old fetuses. The responses observed included movements of the head, body, and limbs. These movements were vigorous, and consisted of ventro- or dorsoflexion of the trunk, flexion of the limbs, and turning of the head. This indicates the presence of acute fetal pain.

11. In view of the fact that fetal sensitivity to pain exists at least as early as eight weeks, it is obvious that any form of induced abortion which excites pain receptors and/or stimulates the neural pathways will cause organic fetal pain at any time thereafter.

12. For example, abortions by dilatation and evacuation and saline amnioinfusion represent noxious stimuli capable of causing organic pain in a pain sensitive fetus.

(a) D & E abortions are performed after the 12th week of pregnancy (and are performed up to and including the period of viability) when fetal bones are too large and brittle and the size of the fetus is too great for standard first trimster abortion techniques. D & E involves the progressive dismemberment of the fetus prior to extraction to facilitate removal of the fetal parts from the uterus. Ralph C. Benson, Handbook of Obstetrics and Gynecology (Los Altos: Lange Medical Publications, 1980), p. 434; Willard Cates, Jr., "D & E after 12 Weeks: Safe or Hazardous?," Contemporary OB/GYN, 13:23 (1979). The slicing and crushing involved in dismemberment of the fetus in D & E abortions would obviously excite pain receptors and stimulate the neural pathways, thereby evoking an aversive response in a fetus whose central nervous system is functioning.

(b) Abortions by saline amnio-infusion are performed after the 14th week up to and including the period of fetal viability. "Second Trimester Abortion: A Symposium by Correspondence," The Journal of Reproductive Medicine, 16:2 (1976), 47, 56. The procedure involves the insertion of a hypodermic needle into the amniotic sac to remove the amniotic fluid. In return, a hypertonic (highly concentrated) solution of sodium chloride is injected into the sac. The solution disrupts the placenta, causing fetal expulsion in up to 48 hours after the time the solution is injected. Ralph C. Benson, Handbook of Obstetrics & Gynecology, p. 437. During that period, the corrosive effects of the saline burn away the upper skin layers of the fetus. The esophagus and mouth are burned as well when the fetus swallows the saline. By the time the fetus is expelled there is extensive edema and submembranous degeneration. By changing the surface of the fetus in this fashion, saline would excite pain receptors and stimulate the neural pathways of a functioning central nervous system for the length of the abortion or until the fetus dies.

13. In other procedures besides abortion, where the procedure may pose risk of harm or discomfort to the fetus, it is standard medical practice to provide the woman with information on analgesics and anesthetics, and advise her of ways available to minimize harm or discomfort. For example, the woman is customarily provided with information on methods to abolish or alleviate pain in childbirth. It would, therefore, be logical and consistent to provide a woman with information concerning fetal pain and ways to abolish or alleviate pain before abortions certain to cause organic fetal pain.

14. In sum, the fetus at eight weeks possesses at least some of the requisite organic pain structures. By thirteen and a half weeks, the fetus responds aversively to noxious stimuli. The averse response involves the total central nervous system, and is more sophisticated than a mere reflex. Thus, by thirteen and a half weeks, and certainly by the time D & E or saline amnio-infusion abortions are performed, the fetus senses organic pain.

Respectfully submitted.

William Matviuw, M.D.

State of Illinois, County of Cook;
Affidavit

Thomas Sullivan, M.D., being duly sworn, deposes and states as follows:

1. I am a board-certified Neurologist with a subspecialty in Pediatric Neurology. I practice in the State of Illinois. A copy of my curriculum vitae is appended at the end of this affidavit.

2. I have read and am familiar with section 6(6) of the Illinois Revised Abortion Statute regarding fetal pain.

3. The statements in this affidavit are based on my medical experience and knowledge and best medical judgment.

4. The purpose of this affidavit is to describe how a Neurologist determines if and when a non-communicative subject, such as a human fetus or infant, senses organic pain.

5. It is relatively simple to conclude pain exists if the subject is able to verbalize to a physician that "it hurts here or there." But if the subject cannot communicate his or her pain through words—i.e., if it is a dog or cat, or if human, he or she is an infant or is comatose—then the physician faces a problem: how can pain be detected in a non-communicative subject?

6. To overcome this problem physicians must rely on other criteria to detect pain. Specifically, physicians must look for organic, as opposed to psychological, pain. Psychological pain results when individual can anticipate or imagine harmful or unpleasant sensations. Organic pain is a physiological and neurological response to noxious stimuli. John S. Liebeskind and Linda A. Paul, "Psychological and Physiological Mechanisms of Pain, "American Review of Psychology 28 (1977): 42.

7. Neurologists conclude that a non-communicative subject, such as a fetus, sense organic pain when: a) the requisite structures are present to sense noxious stimuli, and b) the subject reponds aversively to noxious stimuli.

8. The requisite pain structures are in the central nervous system. Special pain receptors (nociceptors) are located in free nerve endings and are scattered throughout the body. Nociceptors are sensitive to pressure, mechanical stress (i.e., stress that results when body tissue is punctured, crushed, or broken), heat, and chemical invasion. When a nociceptor is excited by a noxious stimulus, it discharges. As a result, an electrical impulse passes through a connecting nerve fiber and travels to the spinal cord. Neurons within the spinal cord act as elevators, lifting the incoming signal to the brain. Upon arrival to the brain, the impulse enters the thalamus and eventually may reach the cortex. (The thalamus is the end organ for the sensation of organic pain. The cortex may participate, but only to supply the psychological reactions and directed physical responses to pain.) The thalamus, and sometimes the cortex, fire new impulses outward. These signals spur motor nerves into action to initiate the body's response to pain. See generally, Vernon B. Mountcastle, "Pain and Temperature Sensibilities" in Medical Physiology, Volume 1, Vernon B. Mountcastle, ed. (St. Louis: The C.V. Mosky Company, 1980), pp. 391-427. The requisite pain structures of the central nervous system exist in a human fetus perhaps as early as eight weeks, but certainly by 13½ weeks. See Affidavit of Dr. Matviuw.

9. Noxious stimulation of the central nervous system causes a response. This neurophysiological response occurs even when the subject cannot react psychologically. There are two types of responses: reflexive and aversive. Reflexive responses involve only the nociceptors, nerve fibers and spinal column. Organic pain may not accompany reflexive responses. An example of a reflexive response is a "gagging reflex" induced when endo-tracheal tubes or fingers, for example, are inserted into the back of the mouth. On the other hand, aversive responses involve all the levels of the central nervous system from the nociceptors to thalamus. Aversive responses are far more sophisticated and complex than reflexes—they involve the whole body's attempt to escape or avert noxious stimuli. Aversive responses, therefore, indicate that the pain stimulus has reached the brain, where organic pain is perceived. Thus, when a subject reacts to noxious stimuli with an aversive, as opposed to a reflexive, response, the central nervous system, including the thalamus, is necessarily functioning and it must be concluded that the subject suffers organic pain. W. F. Ganong, Review of Medical Physiology, 9th ed. (Los Altos: Lange Medical Publications, 1979) p. 77.

10. It is clear that a fetus responds to noxious stimuli as early as eight weeks. See Affidavit of Dr. Matviuw. By 13½ weeks, the fetal response is aversive, not merely reflexive. Thus, the fetus perceives organic pain by at least 13½ weeks of gestation.

11. Any form of abortion which excites nociceptors and/or stimulates neural pathways is a noxious stimulus. Thus, such an abortion would exact organic pain if done on a fetus whose central nervous system is functioning. Dilatation and evacuation, for example, where fetal tissue is progressively punctured, ripped, and crushed, and which is done after 13½ weeks when the fetus certainly responds to noxious stimuli, would cause organic pain in the fetus. Saline amnio-infusion, where a highly concentrated salt solution burns away the outer skin of the fetus, also qualifies as a noxious stimulus.

12. I, therefore, conclude, based on my best medical judgment: (a) that the human fetus suffers organic pain at least after 13½ weeks of gestation, and (b) that any abortion which excites nociceptors is a noxious stimulus, and (c) dilatation and evacuation and saline amnio-infusion are types of abortion that can and do inflict organic pain.

Respectfully submitted,

Thomas Sullivan, M.D.

Mr. HATCH. Finally, Mr. President, I would also like to quote briefly from testimony presented last month to a committee of the Florida Senate by Dr. Denis Cavanagh, who is professor of obstetrics and genecology at the University of South Florida.

Some years ago a Swedish gynecologist called Westin made a film documenting that during the second trimester of pregnancy, that is the 12th-24th week, the fetus responded to electrical stimulation. During these experiments, electrodes were introduced into the mother's uterus, with the violent response of the fetus to the pain stimulus photographed through a fetoscope. Thus, there is not question that the fetus feels pain, and Westin has recorded this on film.

Second-trimester abortions are often preformed by injecting strong salt solution into the amniotic sac surrounding the fetus. These are legal in the State of Florida and approximately 1,000 are done every year. If any of this salt solution gets into the tissues of the mother, she complains of severe pain. Thus it is logical to assume that the fetus suffers pain, but like the "dumb animal" cannot tell us. Further evidence that the unborn suffers severe pain is the fetal response with convulsive movements and an increased heart rate. As the fetus dies over the course of several hours, the movement become less, and the heart finally stops as in the case of any human victim of strangulation.

In this State, most first trimester abortions are done by suction curettage. During this process, a vacuum pump sucks out the fetus in pieces and a sharp instrument called a curette cleans out the remnants. There are uncertainties about the precise time in fetal development at which particular types of sensation are experienced. However, observations using ultrasonography indicate that by the 56th day a fetus can move. Between the 8th and 9th week, tactile stimulation of the mouth produces reflex action. By the 11th week, the fetus develops sensitivity to touch on hands, feet and gential areas. At this time too it begins to swallow, and as Professor Liley has demonstrated in swallows more slowly if a bitter tasting substance is injected into the amnotic sac. Beginning with the presence of sense receptors and spinal responses, there is as much reason to believe that the unborn are capable of feeling pain as they are of responding to other sensory stimuli.

Now, in spite of such expert testimony, some will protest that we cannot really know what an unborn child experiences pain while being aborted. Well, we cannot absolutely know that animals or newborn infants experience pain either—but nevertheless we have laws against cruelty to animals and child abuse.

In the case of unborn children, I think that the difficulty is not lack of evidence, but rather, an unwillingness to confront the reality.

The unborn child is not a mere abstraction. Once one squarely faces the fact that the unborn child is a unique, living, growing individual, who can experience physical agony when brutally dismembered or poisoned in the womb, then it is much more difficult to consider the abortion issue only in terms of the hardships to women connected with unwanted pregnancies. For one realizes that there is more than one person's suffering to consider.

Mr. President, I believe that as more and more Americans become aware of the realities of human life within the womb, and the capacities and sensitivities of that life, there will be increasing opposition to abortion as a supposed solution to various social problems. I believe there will be a turning to genuine solutions which are more in keeping with the humane principles which we apply in other areas of life.

Mr. President, when we vote on this amendment, we vote on the question of whether unlimited abortion is to remain the law of the land. Those who favor permitting essentially unrestricted abortion, at any stage of development, should vote against this amendment. But those who believe that unborn children should be protected from the brutalities which I have described, should vote for this amendment.

Mr. President, I ask unanimous consent to enter certain printed materials into the Record, as follows:

BEST COPY AVAILABLE

"Abortion Does Cause Pain to Its Victims," by George F. Will, the Washington Post, Nov. 5, 1981;

"What I Saw at the Abortion," by Richard Selzer, M.D., Esquire, January 1976; and

"Emotional Impact of D&E vs. Instillation," by Judith Bourne Rooks and Willard Cates Jr., Family Planning Perspectives, November-December 1977.

A poem entitled "Abortion Hearings."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 5, 1981]

ABORTION DOES CAUSE PAIN TO ITS VICTIMS

(By George F. Will)

In the eight years since the Supreme Court nationalized the abortion controversy, one facet of that subject has been neglected: pain. Abortion is painful for the aborted.

The neglect is explainable. To opponents of abortion, death, not pain, is the paramount issue. And proponents of abortion need (emotionally or logically, or both) to deny the possibility of fetal pain.

In its 1973 decision legislating abortion on demand, the Supreme Court announced that fetal life is not alive. At least that is what the court seems to have meant (if it can be said to have meant anything) when it described the fetus as "potential life." Those who support the 1973 decision are committed to the idea that a fetus, being only "potential" life, cannot feel pain, pain being an attribute of actual life.

Thus does a legal absurdity breed a biological falsehood. This intellectual train wreck is the subject of an essay in The Human Life Review by Prof. John Noonan of the University of California (Berkeley) Law School. There are, he notes, four principal means of abortion.

Sharp curettage involves a knife killing the fetus (if the amateur embryologists on the court will allow us to speak of "killing" life that is merely "potential"). In suction curettage, a vacuum pump sucks out the fetus in bits (and a knife cleans out any remnants). In second trimester and later abortions, a saline solution is injected into the amniotic fluid. The salt seems to act as a poison; the skin of the fetus, when delivered, resembles skin soaked in acid. If by accident the solution leaks into the body of the mother, she experiences pain that is described as "severe." The fetus can be in this solution for two hours before its heart (a stubborn bit of "potential" life) stops beating. Alternatively, the mother can be given a dosage of a chemical sufficient to impair the circulation and cardiac functioning of the fetus, which will be delivered dead or dying.

A fetus, like an infant or an animal, has no language in which to express pain. But we infer, and empathize with, the pain of creatures, such as baby seals, which lack language to express pain.

There are uncertainties about the precise points in fetal development at which particular kinds of sensations are experienced. But observations of development and behavior indicate that by the 56th day, a fetus can move. Discomfort may occasion the movement. Tactile stimulation of the mouth produces reflex action about day 59 or 60. By day 77 the fetus develops sensitivity to touch on hands, feet, genital and anal areas, and begin to swallow. Noonan believes that the physiological literature teaches that "beginning with the presence of sense receptors and spinal responses, there is as much reason to believe that the unborn are capable of pain as that they are capable of sensation."

Americans are proud of their humane feelings and are moved by empathy. Thus, we regulate the ways animals can be killed. Certain kinds of traps are banned. Cattle cannot be slaughtered in ways deemed careless about pain. Stray dogs and cats must be killed in certain humane ways.

But no laws regulate the suffering of the aborted. Indeed, Planned Parenthood, the most extreme pro-abortion lobby, won a Supreme Court ruling that it is unconsitutional to ban the saline abortion technique. That's right: the court discovered that the "privacy" right to abortion, which right the framers of the Constitution neglected to mention, even confers a right to particular abortion techniques.

Most pro-abortion persons have a deeply felt and understandable need to keep the discussion of abortion as abstract as possible. They become bitter when opponents use photographs to document early fetal development. The sight of something that looks so much like a child complicates the task of trying to believe that there is nothing there but "potential" life. And if fetal pain is acknowledged, America has a problem: its easy conscience about 1.6 million abortions a year depends on the supposition that such pain is impossible.

Magda Denes, in her book, "In Necessity and Sorrow: Life and Death in an Abortion Hospital," brought to her subject not anti-abortion convictions but a reporter's eye for concrete detail. Examining the body of an aborted child, she described the face as showing "the agonized tautness of one forced to die too soon." That is a description to bear in mind this day, as many thousands of abortions occur.

[From Esquire Magazine, January 1976]

WHAT I SAW AT THE ABORTION

(By Richard Selzer)

I am a surgeon. Particularities of sick flesh is everday news. Escaping blood, all the outpourings of disease—phlegm, pus, vomitus, even those occult meaty tumors that terrify—I see as blood, disease, phlegm, and so on. I touch them to destroy them. But I do not make symbols of them.

What I am saying is that I have seen and I am used to seeing. We are talking about a man who has a trade, who has practiced it long enough to see no news in any of it. Picture this man, then. A professional. In his forties. Three children. Lives in a university town—so, necessarily, well—enlightened? Enough, anyhow. Successful in his work, yes. No overriding religious posture. Nothing special, then, your routine fellow, trying to do his work and doing it well enough. Picture him, this professional, a sort of scientist, if you please, in possession of the standard admirable opinions, positions, convictions, and so on—on this and that matter—on abortion, for example.

All right.

Now listen.

It is the western wing of the fourth floor of a great university hospital. I am present because I asked to be present. I wanted to see what I had never seen. An abortion.

The patient is Jamaican. She lies on the table in that state of notable submissiveness I have always seen in patients. Now and then she smiles at one of the nurses as though acknowledging a secret.

A nurse draws down the sheet, lays bare the abdomen. The belly mounds gently in the twenty-fourth week of pregnancy. The chief surgeon paints it with a sponge soaked in red antiseptic. He does this three times, each time a fresh sponge. He covers the area with a sterile sheet, an aperture in its center. He is a kindly man who teaches as he works, who pauses to reassure the woman.

He begins.

A little pinprick, he says to the woman.

He inserts the point of a tiny needle at the midline of the lower portion of her abdomen, on the downslope. He infiltrates local anesthetic into the skin, where it forms a small white bubble.

The woman grimaces.

That is all you feel, the doctor says. Except for a little pressure. But no more pain.

She smiles again. She seems to relax. She settles comfortably on the table. The worst is over.

The doctor selects a three-and-one-half-inch needle bearing a central stylet. He places the point at the site of the previous injection. He aims it straight up and down, perpendicular. Next he takes hold of her abdomen with this left hand, palming the womb, steadying it. He thrusts with his right hand. The needle sinks into the abdominal wall.

Oh, says the woman quietly.

But I guess it is not pain that she feels. It is more a recognition that the deed is being done.

Another thrust and he has speared the uterus.

We are in, he says.

He has felt the muscular wall of the organ gripping the shaft of his needle. A further slight pressure on the needle advances it a bit more. He takes his left hand from the woman's abdomen. He retracts the filament of the stylet from the barrel of the needle. A small geyser of pale yellow fluid erupts.

We are in the right place, says the doctor. Are you feeling any pain? he says.

She smiles, shakes her head. She gazes at the ceiling.

In the room we are six: two physicians, two nurses, the patient, and me.

The participants are busy, very attentive. I am not at all busy—but I am no less attentive. I want to see.

I see something!

It is unexpected, utterly unexpected, like a disturbance in the earth, a tumultuous jarring. I see something other than what I expected here. I see a movement—a small one. But I have seen it.

And then I see it again. And now I see that it is the hub of the needle in the woman's belly that has jerked. First to one side. Then to the other side. Once more it wobbles, is *tugged*, like a fishing line nibbled by a sunfish.

Again! And I *know!*

It is the *fetus* that worries thus. It is the fetus struggling against the needle. Struggling? How can that be? I think: *that cannot be.* I think: the fetus feels no pain, cannot feel fear, has no *motivation. It is merely reflex.*

I point to the needle.

It is a reflex, says the doctor.

By the end of the fifth month, the fetus weighs about one pound, is about twelve inches long. Hair is on the head. There are eyebrows, eyelashes. Pale pink nipples show on the chest. Nails are present, at the fingertips, at the toes.

At the beginning of the sixth month, the fetus can cry, can suck, can make a fist. He kicks, he punches. The mother can feel this, can *see* this. His eyelids, until now closed, can open. He may look up, down, sideways. His grip is very strong. He could support his weight by holding with one hand.

A reflex, the doctor says.

I hear him. But I saw something. I saw *something* in that mass of cells *understand* that it must bob and butt. And I see it again! I have an impulse to shove to the table—it is just a step—seize that needle, pull it out.

We are not six, I think. I think we are *seven.*

Something strangles *there.* An effort, its effort, binds me to it.

I do not shove to the table. I take no little step. It would be . . . well, madness. Everyone here wants the needle where it is. Six do. No, *five* do.

I close my eyes. I see the inside of the uterus. It is bathed in ruby gloom. I see the creature curled upon itself. Its knees are flexed. Its head is bent upon its chest. It is in fluid and gently rocks to the rhythm of the distant heartbeat.

It resembles . . . a sleeping infant.

Its place is entered by something. It is sudden. A point coming. A needle!

A spike of daylight pierces the chamber. Now the light is extinguished. The needle comes closer in the pool. The point grazes the thigh, and I stir. Perhaps I wake from dozing. The light is there again. I twist and straighten. My arms and legs push. My hand finds the shaft—grabs! I grab. I bend the needle this way and that. The point probles, touches on my belly. My mouth opens. Could I cry out? All is a commotion and a churning. There is a presence in the pool. An activity! The pool colors, reddens, darkens.

I open my eyes to see the doctor feeding a small plastic tube through the barrel of the needle into the uterus. Drops of pink fluid overrun the rim and spill onto the sheet. He withdraws the needle from around the plastic tubing. Now only the little tube protrudes from the woman's body. A nurse hands the physician a syringe loaded with a colorless liquid. He attaches it to the end of the tubing and injects it.

Prostaglandin, he says.

Ah, well. prostaglandin—a substance found normally in the body. When given in concentrated dosage, it throws the uterus into vigorous contraction. In eight to twelve hours, the woman will expel the fetus.

The doctor detaches the syringe but does not remove the tubing.

In case we must do it over, he says.

He takes away the sheet. He places gauze pads over the tubing. Over all this he applies adhesive tape.

I know. We cannot feed the great numbers. There is no more room. I know, I know. It is woman's right to refuse the risk, to decline the pain of childbirth. And an unwanted child is a very great burden. An unwanted child is a burden to himself. I know.

And yet . . . there is the flick of that needle. I saw it. I saw . . . I felt—in that room, a pace away, life prodded, life fending off. I saw life avulsed—swept by flood, blackening—then out.

There, says the doctor. It's all over. It wasn't too bad, was it? He says to the woman.

She smiles. It is all over. Oh, yes.

And who would care to imagine that from a moist and dark commencement six months before there would ripen the cluster and globule, the sprout and pouch of man?

And who would care to imagine that trapped within the laked pearl and a dowry of yolk would lie the earliest stuff of dream and memory?

It is a persona carried here as well as person, I think. I think it is a signed piece, engraved with a hieroglyph of human genes.

I did not think this until I saw. The flick. The fending off.

We leave the room, the three of us, the doctors.

"Routine procedure," the chief surgeon says.

"All right," I say.

"Scrub nurse says first time you've seen one, Dick. First look at a purge," the surgeon says.

"That's right," I say. "First look."

"Oh, well," he says, "I guess you've seen everything else."

"Pretty much," I say.

"I'm not prying, Doctor," he says, "but was there something on your mind? I'd be delighted to field any questions . . ."

"No," I say. "No, thanks. Just simple curiosity."

"Okay," he says, and we all shake hands, scrub, change, and go to our calls.

I know, I know. The thing is normally done at sixteen weeks. Well, I've since seen it performed at that stage, too. And seen . . . the flick. But I also know that in the sovereign state of my residence it is hospital policy to warrant the procedure at twenty-four weeks. And that in the great state that is adjacent, policy is enlarged to twenty-eight weeks.

Does this sound like argument? I hope not. I am not trying to argue. I am only saying I've *seen.* The flick. Whatever else may be said in abortion's defense, the vision of that other defense will not vanish from my eyes.

What I saw I saw as that: a *defense,* a motion *from,* an effort *away.* And it has happened that you cannot reason with me now. For what can language do against the truth of what I saw?

EMOTIONAL IMPACT OF D&E VERSUS INSTILLATION

(By Judith Bourne Rooks and Willard Cates, Jr. (CDC)

Morbidity and cost are but two of the factors to be considered when decisions are being made about which technique to use to terminate a pregnancy. Abortions, especially those performed at more than 12 weeks' gestation, also have an emotional impact on the women who undergo them and on the professionals who are involved in their performance.[1] Although the emotional benefits of abortion generally outweigh the emotional risks,[2] the risks should not be ignored. This article considers the emotional impact on both the patient and the physician of D&E compared with instillation.

IMPACT ON THE PATIENT

D&E usually takes about 20 minutes longer than suction in the first trimester. It often causes harder cramps than a first-trimester procedure. the patient is brought to the operating room draped and washed, and is given local or general anesthesia. If she is awake, she may feel a tugging sensation when the fetal parts are being extracted; women appear to feel more pain if awake than during an early suction abortion. After the procedure is completed, the patient is taken from the operating room and recuperates, under observation, for two to four hours; she is then sent home if all is well.

In contrast, a woman having an abortion induced by instillation of saline or prostaglandins (PG) faces a one-to-three-day experience. After undergoing the amniocentesis and instillation procedures, she returns to a hospital bed to wait from 12 hours to two days for the onset of labor.[3] If her abortion is induced by PG, she is probably nauseated and may vomit and/or have diarrhea during much of this time.[4]

Under the best of circumstances, the patient will spend her 4-12 hours of active labor away from the sights and sounds of normal obstetrics. She will receive care from nurses who are not already busy with term obstetric patients; she will be given enough anesthesia or analgesia to diminish her pain; she will have someone with her when she expels her fetus, and it will be removed from her bed quickly.

Under the less ideal but not uncommon circumstances, instillation patients experience labor in environments in which they are confronted with such sounds as newborns' crying and, sometimes, the sights associated with childbirth. They may have to compete with women delivering term babies for the time and attention of labor and delivery room nurses, on whom they are dependent for pain medication, physical care and emotional support. Since abortion patients frequently cannot compete successfully for professionals' attention in these circumstances,[5] they may not always receive pain medication when it is needed, and they may not receive the close observation necessary for a nurse to predict accurately when the fetus will be expelled. If the expulsion occurs when the woman is unattended, she will have to spend some time with her fetus between her legs before a nurse removes it. What seems like a minute to a busy obstetric nurse could be a long time for any woman—and especially for a very young girl in this situation. There is also a small but real risk that the fetus will show some fleeting signs of life, a risk which is increased in abortions induced with prostaglandins.[6]

THE PHYSICIAN'S VIEWPOINT

A physician who induces an abortion by instillation needs only to perform the instillation—a 15-minute procedure which involves placing a needle into the woman's uterus through her abdomen, withdrawing amniotic fluid, and injecting a solution of saline or prostaglandins. Usually, he then signs a sheet of standard 'orders' prescribing the care that nurses are to give the patient until the abortion occurs. If the placenta is not expelled completely, the physician may also perform a curettage after the fetus has been removed. He may never see the fetus at all.

In contrast, a physician performing a D&E must deal with the second-trimester fetus in an intimate, physical way, using methods of evacuation that often take longer than amniocentesis and that may be distasteful to the medical staff.[7] Ossified parts, such as the skull, must often be crushed. The bone fragments must be extracted carefully to avoid tearing the cervix. Reconstruction of the fetal sections after removal from the uterus is necessary to ensure completeness of the abortion procedure. Clearly, D&E transfers much of the possible psychological trauma of the abortion from the patient to the professional.

During the brief history of legal abortion in the United States, abortion practitioners have been quick to adopt a wide variety of technical innovations. The initial clinical recommendations were that abortions be

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performed as inpatient hospital procedures using general anesthesia, cervial dilation and sharp curettage.[8] The majority of abortions induced in the United States today are performed without general anesthesia, on an outpatient basis in freestanding clinics.

Acceptance of D&E by American clinicians has been limited by their fear that the risks of second-trimester uterine instrumentation are too hazardous. However, the JPSA/CDC study (see p. 266) found that D&E procedures are not only as safe as, but are even safer than, instillation procedures. Even if the two procedures were only equally safe, S&E must be judged the better procedure because it takes much less time to be completed, is less expensive, is less painful and is less emotionally traumatic for the patient. Health professionals must be guided by what is in the best interests of the patient.

I. D. Allen, "Factors to Consider in Staffing An Abortion Service Facility," Journal of Nursing Administration, 4:22, 1974; J. P. Bourne, "Influences on Health Professionals' Attitudes," Hospitals, 46:80, 1972; H. Branson, "Nurses Talk About Abortion," American Journal of Nursing, 72:106, 1972; W. F. Char and J. F. McDermott, "Abortion and Acute Identity Crisis in Nurses," American Journal of Psychiatry, 128:66, 1972; S. H. Fishman, "Issues and Problems That Confront Nursing in Delivering Family Planning Services," in D. V. McCalister, ed., Readings in Family Planning, C. V. Mosby, St. Louis, 1976; H. D. Kibel, "Staff Reaction to Abortion: A Psychiatrist's View," Obstetrics and Cynecology, 39:128, 1972; J. F. McDermott and W. F. Char, "Abortion Repeal in Hawaii: An Unexpected Crisis in Patient Care," American Journal of Orthopsychartry, 40:620, 1970; C. A. Nathanson and M. H. Becker, "The Influence of Physicians' Attitudes on Abortion Performance, Patient Management and Professional Fees," Family Planning Perspectives, 9:158, 1977; and A. Sclars, "Termination of Pregnancy: The Nurses' Attitudes," Nursing Mirror, 140:59, 1975.

2. J. D. Osofsky, H. J. Osofsky, R. Rajan and M. R. Fox, "Psychologic Effects of Legal Abortion," Clinical Obstetrics and Gynecology, 14:215, 1971; and K. R. Niswander, J. Singer and M. Singer, "Psycological Reaction to Therapeutic Abortion: II, Objective Response," American Journal of Obstetrics and Gynecology, 114:29, 1972.

3. C. Tietze and S. Lewit, "Early Medical Complications of Abortion by Saline: Joint Program for the Study of Abortion (JPSA)," Studies in Family Planning, 4:133, 1973.

4. W. E. Brenner, "The Current Status of Prostaglandins as Abortifacients," American Journal of Obstetrics and Gynecology, 123:306, 1975.

5. J. P. Bourne, 1972, op. cit.

6. G. Stroh and A. R. Hinman, "Reported Live Births Following Induced Abortions: Two and One-Half Years' Experience in Upstate New York," American Journal of Obstetrics and Gynecology, 126:83; 1976.

7. A. A. Hodari, J. Peralta, P. J. Quiroga and E. B. Gerbi, "Dilatation and Curettage for Second-Trimester Abortions," American Journal of Obstetrics and Gynecology, 127:850, 1977; and M. S. Burnhill, "Vaginal Second-Trimester Abortion," paper presented at the Workshop on Risks, Benefits and Controversies Fertility Control, sponsored by the Program for Applied Research on Ferility Regulation, Arlington, Va. Mar. 13–16, 1977.

8. R. W. TeLinde, Operative Gynecology, J. B. Lippincott, Philadelphia, 1982, p. 574.

ABORTION HEARINGS

Bizarre, revealing, difficult to hold,
Wide-ranging feelings, opposite indeed,
Vitriolic prose, out of the mold
Of non-involvement, while fetuses bleed,
With blood everywhere, incredible gore,
You'd think not a soul would fail to deplore
The wanton killings, now more and more.

How excited pro-abortionists become,
Especially, for whales and sweet harp seals,
Homeless dogs, cats, almost any scum,
But a careful analysis clearly reveals
A callous neglect of societal ills,
The wholesale slaying they carefully conceal
Until life itself becomes more unreal.

Mr. HATCH. Mr. President, I understand the distinguished Senator from South Carolina would like to take the floor next. I suggest the absence of a quorum until he arrives.

The PRESIDING OFFICER. On whose time?

Mr. HATCH. To be charged equally to both sides.

Mr. PACKWOOD. I object to charging a quorum call to our time.

Mr. HATCH. I will charge it to my time.

The PRESIDING OFFICER. The time will be charged to the time of the Senator from Utah. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I yield such time to myself as I might require.

Mr. President, the object of an abortion is a living human being not yet born.

The purpose of an abortion is to kill that living human being.

Before an abortion, there is a living human being. After an abortion, that human being is dead.

The question at the heart of the abortion debate, is whether the unborn human being, like other human beings, can look to the State to protect his life.

The answer should be, "yes." The Declaration of Independence set out as a fundamental purpose of government the protection of human life. In Jefferson's words:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights governments are instituted among men . . .

Who endows us with the right to life? Executive bodies? No. Legislative bodies? No. Judicial bodies? No. We are endowed by our Creator with the inalienable right to life. To secure that right, is the fundamental purpose of government.

There are those who deny the humanity of the unborn. they use words like fetus and product of conception to avoid the humanity of the unborn. Is an unborn baby a human being? Of course. The offspring of human beings are human beings. To state otherwise is illogical.

Human life is a continuum from generation to generation to generation. And, if it is wrong to take the life of an individual human being at the midpoint, it is wrong to take it at the end or the beginning. It is wrong to take life at any point on the continuum.

Since the unborn are human beings and since it is the fundamental purpose of government to protect the right to life, how did the Supreme Court justify its 1973 decision invalidating State laws which protected the lives of unborn human beings? The Court decided it had no way of determining when a human being became a person. By default the Court decided that the unborn are not persons. Therefore, the unborn were not entitled to the protection of the 5th and 14th amendments to the Constitution, which protect a person from deprivation of "life, liberty and property, except by due process of law."

The Supreme Court decision has been ranked by many as no less outrageous and fundamentally flawed as the 1857, Dred Scott decision, in which the Court found that black human beings, even free blacks, were not citizens of the United States. It was necessary to amend the Constitution to overcome that Court decision. In a like manner, those who believe the Court's 1973 decision in Roe against Wade was fundamentally flawed seek, to amend the Constitution to correct the grievous injustice inflicted on unborn human beings.

The Hatch-Eagleton amendment is far from what is needed to restore for all unborn human beings in our country the right to life which they effectively enjoyed prior to 1973. Far preferable, would be an amendment to the Constitution that explicitly made clear that the unborn are entitled to the protection of their lives. But something is better than nothing, when nearly 2 million unborn human beings each year are being killed.

I believe we can win the battle for the right to life for the unborn in the legislatures of the States. Presently, we cannot win it conclusively in the Congress. Nor can we hope for a Supreme Court decision soon which would overturn Roe against Wade. Therefore, I urge my colleagues to support the Hatch-Eagleton amendments as the best that can be had under the circumstances.

Apart from all the sophistry, the hair-splitting, apart from all the euphemisms, the harsh truth is that abortion kills. Abortion kills human beings. The destruction of helpless human beings violates the right to life with which each is endowed by his Creator.

Failure of the State to protect the life of each individual unborn human being is destroying our heritage and will destroy our country. So let us begin to repair the calamitous damage done by the Roe against Wade decision to that fundamental right with which each human being is endowed by his Creator, the right to life.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, while we are awaiting the arrival of the Senator from South Carolina, I would like to point out that this amendment does not explicitly deal with what are concededly the "hard cases" of abortion. It would permit States to enact statutes banning abortions even to protect mother or in case of rape and incest.

First. The question of rape, incest, mother's life, and eugenic abortions are really beyond the scope of this debate. It is true that this amendment will restore to the State authority to legislate with respect to abortion. It will restore to the States the same authority they exercised wisely for nearly 200 years before the Roe interruption. In that time, no single person, according to exhaustive studies in search of such cases, was ever prosecuted for performing an abortion in one of these hard cases. We simply must not assume that the States will be so callous. In fact, their record is precisely the opposite.

Second. With authority to legislate respecting abortion, States could, of course, make foolish policies. States now have the authority of regulate marriage, divorce, adoption, and the like. A State could conceivably pass a law abolishing adoption or outlawing divorce. The same applies to Congress. It possesses the authority to declare war, but that does not make it likely that we will initiate a nuclear conflict tomorrow.

Third. Finally, even after this amendment is ratified, a State will still have to show a rational basis for their enactments relative to abortion, just as they must for marriage, divorce, adoption, and other laws of this kind. We are not giving the States authority to run wild, but merely restoring to them the authority they had prior to 1973 and the authority they possess now with respect to marriage, divorce, and adoption. In the absence of a rational basis for a statute, it would still be subject to a ruling of invalidity in the courts.

I notice the distinguished Senator from South Carolina is here, so I yield such time as he may need.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, today, we begin the debate on Senate Joint Resolution 3, a proposal that the U.S. Constitution be amended to declare that a right to abortion is not secured by this Constitution. The debate which we begin today represents the first time that the issue of a right to an abortion has been presented for public discussion on this floor.

Perhaps even more important than the matter of the abortion procedure itself, however, is the landmark decision in the case of Roe against Wade, handed down by the U.S. Supreme Court in February 1973. I refer to that case as landmark decision for two reasons: First, that opinion represents the first time in the history of this great Republic that the Supreme Court found for women a constitutional right to decide whether or not to terminate a pregnancy. Second, the Roe decision represents a striking example of judicial activism at its worst. There is no specific right to an abortion mentioned in any portion of the Constitution proper or in any amendment adopted thereto. Rather, the abortional right is the product of judicial development by the U.S. Supreme Court.

The word "abortion" is not to be found in the Constitution and it is, therefore, to be concluded that the Court did not even make a pretext of basing its decision in Roe upon textual considerations. In fact, the Court chose to anchor the right to an abortion in the elusive right to privacy which constitutional scholars have yet to pin down.

Moreover, there is no evidence that the authors of the Constitution ever intended for the freedoms protected by it to include the freedom to decide to have an abortion. In failing to draw upon the "intent of the legislature," the Court failed to utilize one of the strongest bases for judicial interpretation.

Only 2 weeks ago, the Supreme Court decided two cases which explicitly reaffirm the Roe decision. Although the Court admits that the Constitution does not specifically identify a right to abortion, a majority of the Court persists in expanding the parameters of the 14th amendment's due process clause to include a right to an abortion. Ostensibly, it is upon the cornerstone of "freedom of personal choice" that the Court bases the right to an abortion.

Frankly, as a long-time defender of States rights, this train of judicial reasoning frightens me. It does so because such legal thought is tantamount to ignoring the 10th amendment which clearly states that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." If the hand of the Federal Government is allowed to reach down into the realm of decisionmaking on matters of procreation and childbearing, there will be no end to the incursion of the Federal Government into our personal lives—those incursions coming through the activist decisions of the Federal judiciary. It should be realized that up until the Roe decision in 1973, the power to legislate on the subject of abortion lay entirely with the States.

Our Founding Fathers very wisely left many fields of action with the States. Tremendous diversity exists between the States and public opinion differs from one area of this country to another. The people of South Carolina, for example, often think differently from the people of New York or California on social matters. For this reason, it is wise that social issues, especially great ones like abortion, be left with the States and not decided at the national level.

It is, therefore, imperative that we grasp this opportunity to send a message to the Supreme Court that it is the people of this country, acting through their elected assemblies, who will set policy in the areas of our lives that were not granted to the National Government. The only sure tool available to us with which to adhere to the mandates of the 10th amendment now appears to be a constitutional amendment clearly stating that the right to an abortion is not guaranteed by the Constitution.

Mr. President, the decision that this body will make by voting on this proposed amendment is a difficult one. It is difficult because it deals with a matter of life and death, and such decisions are always infused with emotion. I encourage you to consider our great charter, the U.S. Constitution, and the erosion that has been wrought upon it by the Roe decision. With Senate Joint Resolution 3, we have an opportunity to partially repair the damage caused by a continually rising tide of activist court decisions.

As I stated earlier, this is the first opportunity that this body has had to speak to the issue of abortion and to the concomitant problem of the constitutional erosion which was most recently evidenced by the decisions of the Supreme Court handed down just 2 weeks ago. As public officials sworn to protect and defend the Constitution, we cannot allow this erosion to continue. We must not let this opportunity elude us. I strongly urge you to vote in favor of Senate Joint Resolution 3.

Mr. President, while I am talking, it is not this question alone; it is a question in other fields, too. Congress has gone into many fields of activity where it had no authority to do so, and the Supreme Court has gone into fields of activity where it had no authority to do so. For instance, some years ago, the Supreme Court handed down a decision on the question of insurance. The word "insurance," is not even found in the U.S. Constitution. Therefore, this field has never been delegated to the Union. Congress passed an act that immediately took them out of it. Now, the subject of insurance is a matter for the different States of the Nation.

Unless a field has been delegated to the Union, it rests with the States.

This happens to be a field that has never been delegated to the Union, and therefore the people of each State ought to make the decision on it. They will do this through the legislatures of the States representing the people.

Conditions are different. On the matter of gun control, for instance, New York City has a law against having a gun that would not work in Wyoming. There are various other subjects. Some things are practical in one place that are not practical in another. That is the reason we have a Union. We have States with all the powers except those that have been delegated to the Union in the Constitution or in some amendment to the Constitution.

Mr. President, for that reason I feel there is a great principle involved. Let us turn back to the States' areas of jurisdiction that have not been properly delegated to the Union. That is the question we have to decide.

I thank the Senator from Utah.

Mr. HATCH. I thank the distinguished Senator from South Carolina.

Mr. President, I yield such time as the distinguished Senator from Missouri needs.

The **PRESIDING OFFICER** (Mr. RUDMAN). The Senator from Missouri is recognized.

THE CONSTITUTIONAL IMPERFECTIONS OF ROE AGAINST WADE

Mr. EAGLETON. Mr. President, our Constitution has been amended only 26 times in the 195 years since its adoption. This is fitting for, in my view, we should not casually or capriciously tinker with the Constitution. Rather, we should amend it only where there is a clear need either to provide an essential governmental procedure or to protect a vital substantive right. By definition, the protection of human life is a vital matter. Therefore, I strongly believe that the Supreme Court created one of those rare cases in which a constitutional amendment is absolutely proper and essential when, on January 22, 1973, the Court handed down its decision in the case of Roe against Wade.

In the majority opinion for the Court, Justice Blackmun wrote that the State did not have a compelling right to intervene on behalf of an unborn child until it reached "viability," the point at which it could sustain "meaningful life" outside the mother's womb—at about the beginning of the seventh month of pregnancy. Then, in a sweeping order, the Court struck down various antiabortion laws adopted by the States.

It is my profound moral conviction, Mr. President, that life is a continuum, from first beginnings in the womb to the final gasp of the dying, and that the first function of society, the primary responsibility of government, is to protect life and to create conditions which permit each person to flourish and to reach his or her fullest potential. I cannot comprehend how our Nation's highest court could find that it was unnecessary to consider the humanity of the unborn. Their humanity, from my point of view, is the entire question.

Given my position on this subject, and my evaluation of the interests at stake, I cannot simply say that I disagree with the decision of the Supreme Court in Roe against Wade and let the matter rest there, as I might do in another case where my opinion and that of a majority of the Court do not coincide. The result reached by the majority's opinion is so inimical to my view of the nature of life and of the fundamental role of government that I am compelled by logic—not theology—to speak out in favor of an amendment to the Constitution.

THE NEED FOR THE AMENDMENT WE ARE CONSIDERING TODAY

Mr. President, this is not the first time I have supported an amendment to the Constitution to deal with the tragic results of Roe against Wade. Before lending my name to this amendment, I have supported and spoken out for adoption of other proposed amendments to eliminate the legal basis for abortion under both Federal and State law and drastically curtail its availability. I am a supporter of the Garn amendment, which would ban abortions except in an exceptional situation: to save the life of the mother. I supported the Hatch amendment considered in the last Congress. That amendment would have reversed the ruling in Roe that the Constitution guarantees the right to an abortion, given States and the Federal Government concurrent jurisdiction over abortion, and provided that, in case of conflict, the more restrictive of the two laws would govern. Frankly, if I were free to choose among the variety of options for setting forth binding law on the availability of abortions in this country, I would choose the most restrictive formulation.

Obviously, however, we are not writing on a clean slate with this matter. In the more than ten years that the Roe against Wade decision has been controlling law, a variety of proposals have been advanced for overturning its holding and restricting abortion. For many reasons, it has been very difficult to get a serious hearing in the Congress for these proposals. They have been subjected to numerous criticisms, including the argument that they are overinclusive in their prohibitions or strike an erroneous balance between the role of the Federal Government and the States in the regulation of abortion matters. Other proposals have been hobbled by dubious theories about the ability of Congress to overturn Supreme Court opinions through means short of constitutional amendment.

Meanwhile, as the arguments have swirled around various remedial proposals, the Supreme Court has decided a series of cases on Roe's periphery which extend and enshrine the "abortion right" originally found in 1973. Perhaps some of the most distressing of these are the cases the Supreme Court just handed down 2 weeks ago. I say these are particularly distressing because the cases dashed the hopes of many that the Supreme Court would reexamine and perhaps adjust some of the underlying theories of the Roe case.

Instead, in the case of Akron v. Akron Center for Reproductive Health, and companion cases, a substantial margin of the Court extended the Roe decision's stricture on State regulation of aspects of the abortion procedure to new heights—or perhaps I should say new depths. In seeking, as Justice Powell put it in the Akron case, "to define the limits of a State's authority to regulate the performance of abortions," the majority of the Court not only struck down some seemingly reasonable exercises of traditional State power, but also reaffirmed in no uncertain terms that it would not deflect from the basic holding of Roe.

As Justice Powell characterized the Akron case and its companions:

> These cases come to us a decade after we held in Roe against Wade . . . that the right of privacy, grounded in the concept of personal liberty guaranteed by the Constitution, encompasses a woman's right to terminate her pregnancy . . . [A]rguments continue to be made, in these cases as well, that we erred in interpreting the Constitution. Nonetheless, the doctrine [that past decisions should be followed], while perhaps never entirely persuasive on a constitutional question, is a doctrine that demands respect . . . We respect it today, and reaffirm Roe against Wade."

Even before the Supreme Court made it clear that Roe against Wade's reversal would have to come from sources outside the Supreme Court Chamber, I had begun to reflect on the distressing state of the law on abortion and the equally distressing situation facing those, such as myself, who believe it must be changed to promote respect for life. I began to wonder whether a constitutional amendment could be crafted which would not be susceptible to some of the arguments that had been made, whether in good faith or not, against previous proposals, but would nevertheless make an important contribution to stopping the de facto access to abortion on demand which Roe and subsequent cases have produced. I am a principal sponsor of Senate Joint Resolution 3 in the hope that it will be such an amendment, one which will command assent because it responds with appropriate and precise reach to the core of the problem now facing efforts to protect the life of the unborn: the holding of Roe against Wade that the U.S. Constitution provides a federally protected right to abortion. I support the amendment because, by wiping out the legal status afforded to the "abortion right" in Roe, and returning us to the status quo ante, when abortion was a matter for each of the States to decide, the amendment will effectively eliminate a legal decision that is a moral abomination as well as a legal embarrassment.

THE SERIOUS LEGAL AND JURISPRUDENTIAL FLAWS OF ROE

I want to spend the bulk of my statement on the legal flaws of Roe against Wade because I believe it is a dimension that can easily get lost in a debate often carried out on other levels. I also believe that a full and careful analysis of the legal basis of the Roe decision is directly related to an evaluation of the merits of reversing it by Constitutional amendment. Thus, while I stated at the outset that the moral and ethical dimension of an erroneous Court ruling can alone justify its reversal by amendment—as I believe is the case here—I view the case for reversal as even stronger when, as here, the underlying case is found to be fundamentally flawed by errors of legal reasoning, jurisprudential theory, and the Court's conception about its role in deciding the controversy.

Today, I want to examine the reasons I believe the Roe against Wade case to be fatally flawed on all these dimensions. And I want to explore that assessment from three basic perspectives. First, I want to put the Roe case in the context of the time in which it was decided in order to illustrate how surprising and truly radical its pronouncement was. Second, I want to canvass the major legal scholarship on and criticism of the case. Third, I want to turn to the very telling statements and comments of two of the learned Justices who dissented from Roe or criticized it in the subsequent cases.

ROE AGAINST WADE AS A LEGAL "BOLT OUT OF THE BLUE"

One important indication of the illegitimacy of a Supreme Court case—and, therefore, inversely, of the validity of efforts to overturn it by constitutional amendment—is when it comes as a complete and total surprise in the legal and social context in which it is rendered. In saying this, I am not equating "controversial" with "surprising." Landmark decisions about matters stirring passions on all sides may shock and scandalize some of the partisans and yet still be viewed appropriately as flowing logically and naturally in terms of how the law and the society are progressing.

Roe against Wade does not appear to me to be such a decision. In the bulk of my statement today, dealing with the legal underpinnings of the Roe case, one major theme I will sound will be the extent to which the "abortion right" and the Court's balancing of it against the other rights at stake can draw no logical justification from predecessor cases. I would like to make the point now, however, that Roe against Wade was in another important sense a "bolt out of the blue" when it was handed down. I refer to the great extent to which the Roe Court appeared to reach out, with no prior warning, into an ongoing public policy debate, interject Federal constitutional considerations previously unanticipated, and completely foreclose further consideration of this sensitive issue in other forums across the land.

State law with respect to abortion was undergoing serious reconsideration and ferment in the several years before the Court decided the Roe case. As indicated in the Judiciary Committee report on the amendment now before the Senate, most States considered law changes in the 5-year period from 1967 to 1972, and nineteen States made changes, some minor and some major. Obviously, this reconsideration and change was accompanied by widespread discussion and debate in the medical and legal professions and the public at large. I think it is safe to say that this debate and discussion, though marked by controversy, was carried out under certain common and implicit assumptions, including that abortion policy was a subject within the province of the legislative branch, that it was largely a matter for state law (although there were some proposals that the Federal Government enact a law preempting State laws) and that the Federal Constitution (and, particularly, the due process clause) had little to say about State legislation in this area, as in other areas of State health regulation.

This means it is also safe to say that Roe against Wade came as a shock, even to those who supported the result of an unfettered right to abortion. For, in one swift edict, the Supreme Court federalized a largely State law issue, judicialized a matter previously thought to be within the domain of legislative discretion and took the extraordinary step of finding that a provision of the Federal Constitution, one little discussed as applicable to the context of the controversy, required the invalidation of every State's abortion law. (The invalidated laws included, I might add, some of the very-recently changed laws resulting from the process of public debate and discussion I have described.)

But perhaps the best indication of how Roe was a legal "bolt out of the blue" comes from the total lack of any indication from the Supreme Court itself that a broad federalization of abortion was forthcoming. Indeed, only a year and half before handing down Roe against Wade, the Supreme Court upheld a District of Columbia law punishing as a criminal act performance of an abortion except where necessary to save the mother's life or preserve the mother's health. In U.S. against Vuitch, the Court split both on the question of whether the appeal should have been heard and whether the statute's term "health" was unconstitutionally void for vagueness. However, there is not even a hint in the case that a statute prohibiting many abortions would meet with general court displeasure or a broad ruling that the due process clause foreclosed State preclusion or regulation of so-called nontherapeutic abortions. One is struck in reading the various opinions by the extent to which the Justices realized, assumed, and were not moved to comment upon the reach of the statute, even though, as Justice White put it, "It is absolutely clear that [under the statute] a doctor is not free to perform an abortion on request without considering whether the patient's health requires it. No one of average intelligence could believe that under this statute abortions not dictated by health considerations are legal."

In short, far from stemming from a logical progression of forces in the law and society, Roe against Wade constituted a breathtaking departure. I believe it is useful to keep this in mind as we proceed to consider the legal and jurisprudential merits of the case, to which I will now turn.

SERIOUS DEFICIENCIES IN THE REASONING AND LEGAL LEGITIMACY OF ROE AGAINST WADE

Mr. President, some of the most respected constitutional scholars—including several who state specifically that they favor the outcome of the Roe case—express serious concern about the logical and jurisprudential flaws in the case.

One of the earliest and most influential of these critics is the distinguished Dean of Stanford University School of Law, Prof. John Hart Ely, who wrote a

Yale Law Journal article on Roe shortly after it was decided. I believe that Professor Ely's treatment is entitled to great deference for a number of reasons, not the least of which is the fact that he critiques Roe despite his clear statement that, were he a legislator, he would support a scheme for handling abortion rights very much like the one the Court developed. Professor Ely's critique also reflects a sophisticated appreciation of the difficulties the Court faces in interpreting the Constitution. It is clear that Ely thinks little of the automatic cries of "judicial activism" that greet any new Supreme Court decision tackling "difficult questions" and yielding "controversial answers." Professor Ely recognizes that legitimate application of an almost 200-year-old Constitution to modern problems requires some reasonable inferences beyond the Constitution's actual wording.

THE ELY CRITIQUE

Given his general approach, Professor Ely's conclusion about the Roe against Wade case is particularly disturbing. After a sober and measured analysis of Roe's intricacies, the Professor found the case susceptible to "a charge that can responsibly be leveled at no other [Supreme Court] decision of the past 20 years"—namely, that the right to abortion enunciated in it is "not inferable from the language of the Constitution, the Framers' thinking respecting the specific problem in issue, any general value derivable from the provisions they included, or the nation's governmental structure." To Professor Ely, the Roe case is, in the final analysis, "a very bad decision," because "it is bad constitutional law, or rather because it is not constitutional law, and gives almost no sense of an obligation to try to be."

I recognize that my colleagues may not be familiar with the analytical steps that led Professor Ely to the conclusion that Roe against Wade represents a low watermark in constitutional jurisprudence. Therefore, I think it is useful to set out in some detail the Professor's multipronged critique of Roe's flaws. (Again, I do not concentrate on Professor Ely's views because he alone holds them; rather, I find his work in this area to be a cogent and methodical statement of objections that have been stated as well by other respected legal scholars.)

AN UNCONVINCING ASSERTION THAT PRIVACY RIGHTS EQUATE TO ABORTION RIGHTS

Professor Ely clearly believes that the Supreme Court got off to a bad jurisprudential start in Roe by fundamentally mishandling its definition of the constitutional rights asserted by women seeking abortion. As Ely explains it, the Court held

> that there is a general right of privacy granted special protection . . . by the Fourteenth Amendment, and that this right "is broad enough to encompass" the right to an abortion. The general right of privacy is inferred . . . from various provisions of the Bill of Rights manifesting a concern with privacy, notably the Fourth Amendment's guarantee against unreasonable searches, the Fifth Amendment's privilege against self-incrimination, and the right, inferred from the First Amendment, to keep one's political associations secret.

Professor Ely does not dispute the constitutional basis for a right to privacy in appropriate cases. He notes that in a variety of right to privacy cases, the courts have had to go beyond the original, literal meaning of the constitutional guarantees to ensure that they have continued vitality in a changing world. For example, Professor Ely notes that in Katz against United States, the Supreme Court used good commonsense in striking down unauthorized wiretaps, even though they did not technically constitute a "search" or "seizure" under the terms the Founders used. The Professor believes that in other cases, as well, the Court must look to the underlying purpose of the constitutional provisions—and not just to the words—to achieve a result in concert with the Founders' intent. As Ely put it, "it seems to me entirely proper to infer a general right of privacy, as long as some care is taken in defining the sort of right the inference will support."

It is measured against this standard that the Roe Court's definition of its "abortion right" seemed as lacking to Professor Ely as it does to me. For, the "right to privacy," as enunciated in previous cases, is not easily accommodated to the fact situation or right in Roe. The Court fell woefully below the Ely standard of applying "some care" in defining how the "abortion right" was derived from the right to privacy.

Professor Ely notes that prior cases gave no readily available analog for the "abortion right" found to exist in Roe. To begin with, the Court could point to no previously announced general "right to contraception." Let me quote from the professor's discussion of Griswold against Connecticut, a "right to privacy" case upon which Roe relied:

> *Griswold* is a long step, even a leap, beyond [previous right to privacy cases more directly related to the First, Fourth and Fifth Amendments], but at least the connection is discernible. Had it been a case that purported to discover in the Constitution a "right to contraception," it would have been Roe's strongest precedent. But the Court in Roe gives no evidence of so regarding it, and rightly not. [T]he Court in *Griswold* stressed that it was invalidating only that portion of the Connecticut law that proscribed the *use*, as opposed to the manufacture, sale, or other distribution of contraceptives. That distinction (which would be silly were the right to contraception being constitutionally enshrined) makes sense if the case is rationalized on the ground that the section of the law whose constitutionality was in issue was such that *its enforcement would have been virtually impossible* without the most outrageous sort of governmental prying into the privacy of the home. No such rationalization is attempted by the Court in Roe—and understandably not, for whatever else may be involved, it is not a case about governmental snooping.

Further, Professor Ely notes that, just as the Court was unable to point to any general right to contraception, it could not in good faith accept the theory of some of Roe's litigants that the right to choose an abortion was part of a moral general "right to do as one wishes with one's body." As the professor states: "it is difficult to find a basis for thinking that [this] theory was meant to be given constitutional sanction; surely, it is no part of the 'privacy' interest the Bill of Rights suggests." And, as Ely further elucidates, if one phrases the alleged "right to do as one wishes with one's body" as part of a general "freedom to live one's life without governmental interference," as some defenders of Roe have done, the assertion is even more far afield from "privacy in the Bill of Rights sense or any other the Constitution suggests." Ely points out that the Court has never used privacy in this broad sense, because:

> Our life styles are constantly limited, often seriously, by governmental regulation; and while many of us would prefer less direction, granting that desire the status of a preferred constitutional right would yield a system of "government" virtually unrecognizable to us and only slightly more recognizable to our forefathers.

Given the lack of an appropriate analogy for an "abortion right," it is not surprising—although it is very, very distressing—that the Court was not explicit in how the supposed "abortion right" related to the right to privacy. Professor Ely describes the Court's failing in this way:

> Unfortunately, having thus rejected [the *Roe* litigants'] attempt to define the bounds of the general constitutional right of which the right to an abortion is a part . . . the Court provides neither an alternative definition nor an account of why *it* thinks privacy is involved. It simply asserts that the right to privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

Clearly, Professor Ely believes—and I agree—that before taking the extreme step of striking down State enactments as violative of the Federal Constitution, the Court owes a better effort to articulate the constitutional provision affronted. The Court's utter failure to make an adequate identification of the source of the "abortion right"—indeed, its utter failure to even try such an identification—is what leads Professor Ely to observe that, "At times the inferences the Court has drawn from the values the Constitution marks for special protection have been controversial, even shaky, but never before has its sense of an obligation to draw one been so obviously lacking." It is this failure that buttresses Ely's conclusion, quoted earlier in my statement, that Roe is susceptible to charges "that can responsibly be leveled at no other decision" of the two decades before Ely wrote in 1973.

AN ERRONEOUS LEVEL OF CONSTITUTIONAL PROTECTION AFFORDED TO AN ALREADY DUBIOUS "RIGHT"

Professor Ely's critique that the "abortion right" asserted in Roe has no tenable basis in any of the legitimate sources of constitutional interpretation is damaging enough. But it is by no means the only sobering criticism he levels against the Roe case. Even if one assumes for purposes of discussion that there is a constitutionally derivable "abortion right," the question remains how the right is to be implemented and balanced against other competing rights. On this dimension, as well, the Roe case comes in for some very incisive criticism from Professor Ely.

Of particular significance to me, given my view about the humanity of the unborn, are Professor Ely's objections to the manner in which the Court treats—or, more accurately, denigrates—the interest of the State in protecting unborn life. This is an interest that the Roe Court purports to recognize and accommodate, by developing a sliding scale of values attached to the interest involved in State regulation of abortion. In the Court's sliding scale, the interest in protecting the unborn only becomes theoretically "compelling" enough to countervail the exercise of the "abortion right" after the point of fetal "viability."

Professor Ely finds three basic faults with the way the Roe Court defined the legal significance of the "abortion right" it purported to find in the right to privacy. First, Ely believes that the point of "viability" was an arbitrary and unconvincing one at which to begin to give the interests in protecting the unborn status as a "compelling" interest. Second, the professor believes that the Court's reconciliation of the competing rights before the point of "viability" was erroneous and afforded too little importance to the interests of the State in protecting the unborn. Third, Professor Ely finds much to criticize in the Court's division of pregnancy into three neat trimesters, each with its own rules and regulations about what, if any, State regulation is appropriate.

To begin with the first Ely criticism of the way the Court balances competing rights in the abortion context, there is the question of how the Court determines when the State's interest in protecting unborn life can become sufficient—at least theoretically—to justify restrictions on the newly asserted "abortion right." As Professor Ely sees this matter:

> The Court's response here is simply not adequate. It agrees, indeed it holds, that after the point of viability (a concept it fails to note will become even less clear than it is now as the technology of birth continues to develop) the interest in protecting the fetus is compelling. Exactly why that is the magic moment is not made clear; viability, as the Court defines it, is achieved some six to twelve weeks after quickening. (Quickening is the point at which the fetus begins discernibly to move independently of the mother and the point that has historically been deemed crucial—to the extent *any* point between conception and birth has been focused on.) But no, it is *viability* that is constitutionally critical: the Court's defense seems to mistake a definition for a syllogism.

Obviously, to the extent one believes, as I do, that line-drawing in this area involves decisionmaking directly inimicable to the life of the unborn, the criticism that an illogical, indefensible point was chosen by the Roe Court is a damning criticism indeed.

But this is not the only criticism Professor Ely directs against the Court's balancing of competing interests in Roe. He notes that the Court's answer that State interests are only "compelling" at "viability" leads to another question: why cannot the State interest in promoting "potential life" prior to viability, an interest the Court itself called "important and legitimate," justify some State curtailments on the abortion right enunciated in Roe? Professor Ely's judgment on how the Court dealt with this difficulty is that "the opinion is even less satisfactory" than on the question of why "viability" was chosen as the point at which the balance of interests is fundamentally altered.

As Professor Ely notes, the Court's basic argument is that before viability the unborn have no constitutionally-recognized rights under general legal doctrine, or, specifically, under the 14th amendment. I will not repeat Professor Ely's cogent criticisms of the Court's reasoning on the nonexistence of a legal basis for the rights of the unborn. Rather, I will move on to the heart of Professor Ely's criticism on this score, that "the argument that fetuses lack constitutional rights is simply irrelevant." Professor Ely explains his point as follows:

> It has never been held or even asserted that the state interest needed to justify forcing a person to refrain from an activity, *whether or not that activity is constitutionally protected*, must implicate either the life or the constitutional rights of another person. Dogs are not "persons in the whole sense" nor have they constitutional rights, but that does not mean the state cannot prohibit killing them: It does not even mean the state cannot prohibit killing them in the exercise of the First Amendment right of political protest.

In conjunction with Professor Ely's criticism about the Court's failure to recognize the right to protect the life of the unborn until the point of viability, the criticism just quoted adds up to the inescapable conclusion that the "abortion right" in *Roe* was treated as, to quote the professor, a "super-protected right" afforded a "frightening" degree of protection. As Ely sums it up: "What is unusual about *Roe* is that the liberty involved is accorded a far more stringent protection [than that normally afforded Fourteenth Amendment rights]." It is a protection "so stringent that a desire to preserve a fetus' existence is unable to overcome it—a protection more stringent, I think it is fair to say, than the present Court accords the freedom of the press explicitly guaranteed by the Constitution."

Professor Ely's third major set of objections to the Court's balancing of interests is that the results drawn are illogical and that the entire process of line-drawing is questionable from the standpoint of constitutional jurisprudence. Ely found the scheme of three neat trimesters, each with its own sliding scale of rights, full of distinctions that were "largely illusory." He stated specific objections to the balancing of rights in the first trimester of pregnancy, noting that "The Court seems * * * to get carried away on the subject of remedies: Even assuming the case can be made for an unusually protected constitutional right to an abortion, it hardly seems necessary to have banned during the first trimester all State regulation of the conditions under which abortions can be performed." Professor Ely also found the Court's statements about "the permissible scope of health regulations" during the second trimester full of "confusing signals." From hindsight, we know that these "confusions" were addressed in scores of subsequent litigation, most of it affording little leeway for State regulation during this time period.

Still, the most disturbing objection to the trimester scheme—particularly given that Professor Ely is not quick to make standard objections about Supreme Court "judicial activism"—is that the Roe Court produced a sort of "guidebook, addressing questions not before the Court and drawing lines with an apparent precision one generally associates with a commissioner's regulations." Professor Ely clearly feels that significant jurisprudential questions are raised when, in seeking to "second-guess legislative balances" during constitutional adjudication, the Court substitutes its own apparently precise scheme in an area where such precision is fraught with difficulty.

OTHER SCHOLARS CRITICIZE ROE ON SIMILAR GROUNDS

Mr. President, while I have devoted substantial attention to Professor Ely's criticisms of Roe against Wade, they are, as indicated earlier, far from idiosyncratic. Rather, they are shared by other legal scholars of national repute. Writing about the same time as Professor Ely, Yale Law School Dean Harry H. Wellington agreed that the Roe Court's assertion of the right of privacy "obfuscates, rather than elucidates the concept of liberty" at issue in the abortion setting; Wellington found "no explanation" for the "Pickwickian usage" of the Court in this regard. Stating that "the Court has failed to make its case," Dean Wellington also disputed its insistence that the abortion right could not be limited by States in any meaningful way during the first trimester of pregnancy.

The constitutional source of the Court's division of pregnancy into three neat trimesters, with a sliding scale of values assigned to the interest of the mother and of the State, similarly eluded the highly respected Yale Law School professor, the late Alexander Bickel. Bickel believed that the Roe against Wade Court never gave an adequate justification for its intricate scheme: "it simply asserted the result it reached." Writing in his book, "The Morality of Consent," Bickel found it "astonishing that only two Justices dissented from the Court's decision" in Roe.

Further, a variety of well-known scholars have offered more succinct, but no less telling characterizations of Roe against Wade. For example, University of Texas Law School Professor, Charles Allan Wright called the Roe decision fundamentally unpersuasive. Harvard professor, Arthur B. Miller wrote that, in Roe against Wade, "the Supreme Court found a right to abortion without pointing to any specific words in the text of the Constitution." Former Solicitor General, now U.S. circuit judge, Robert Bork, in testimony on the Helms human life bill, called the Roe against Wade decision "unconstitutional action by the Court" involving "the deformation of the Constitution."

Finally, no discussion of the legal reasoning and jurisprudence of the Roe case would be complete without a reference to another former Solicitor General and noted Harvard law professor, Archibald Cox. In a 1976 work on the "Role of the Supreme Court in American Government," Professor Cox stated that, in Roe, "the Justices read into the generality of the due process clause of the 14th amendment a new 'fundamental right' not remotely suggested by the words." He further criticized Roe as employing the wrong standard of scrutiny to the newly derived right to abortion. Professor Cox added that "neither historian, layman, nor lawyer will be persuaded" that Roe's scheme of rights according to trimester is "part of either natural law or the Constitution." And Professor Cox criticized Roe for a failure that goes to its basic legitimacy in our constitutional system—the failure to "articulat[e] a precept of sufficient abstractness to lift the ruling above the level of a political judgement based upon the evidence currently available from the medical, physical and social sciences." This failure is particularly damning, in Professor Cox's view, because such "political judgments" are the province of the democratically elected legislatures of this country.

COGENT CRITICISMS OF ROE FROM DISSENTING SUPREME COURT JUSTICES

It would be amiss, Mr. President, to conclude a discussion of the legal and jurisprudential failings of Roe against Wade without devoting some attention to the cogent criticisms made by those very members of the Supreme Court who dissented from Roe or from subsequent cases expanding upon its holding. These dissenting views are far from being merely the rejected views of "the losing side" in a court case. They are the well-considered and well-formulated views of some members of the Court who heard all the arguments, read all the pleadings and considered all the jurisprudential dimensions of Roe and/or its subsequent applications. Indeed, we have a tradition in constitutional adjudication whereby today's minority may become, by the force of their arguments and the new thoughts which calmer reconsideration often brings to cases of first impression, tomorrow's majority. In that light, I think it is particularly important to consider the failures of Roe as they have been expressed by dissenters on the Court.

Partly in response to Roe's ambiguities, partly due to the continued volatility of the abortion question, there have been scores of subsequent Supreme Court cases on the permissible scope of State and Federal regulation of the abortion decision. The arguments by Justices who have been less kindly disposed to Roe and its embrace of a broad "abortion right" constitute an impressive body of legal commentary and criticism. In the context of this statement, however, I do not propose to canvass it in great detail. Rather, I want to illustrate the extent to which Roe has come in for sustained, methodical criticism on the Court by concentrating first on the views expressed in the most recent City of Akron case and companion cases, and then by returning to the dissenting views expressed so well in the original dissent of Justice White in Roe against Wade.

Given the tendency of some to assume that no self-respecting woman could speak disparagingly of Roe against Wade and the abortion right it enshrined in the Federal Constitution, Justice Sandra Day O'Connor's dissent in the Akron case caused quite a stir. Yet, a look beyond the political symbolism, if any, of her dissenting words into their legal merits reveals the dissent to be very much in the mainstream of academic criticism of Roe, as I explored in detail a little earlier. Like Professor Ely and his colleagues, Justice O'Conner's reexamination of Roe from the fresh perspective of a newcomer to the Court leads her to conclude as follows:

> Even assuming that there is a fundamental right to terminate pregnancy in some situations, there is no justice in law or logic for the trimester framework adopted in Roe and employed by the Court today on the basis of stare decisis. That framework is clearly an unworkable means of balancing the fundamental right and the compelling state interests that are indisputably implicated.

Perhaps the most interesting element of Justice O'Connor's critique of the trimester system and its sliding scale of rights is that, given that the competing values are defined with respect to the current state of medical technology, the sliding scale is a constantly varying slippery slope. To quote Justice O'Connor:

> The Roe framework is clearly on a collision course with itself. As the medical risks of various abortion procedures decrease, the point at which the State may regulate for reasons of maternal health is moved further forward to actual childbirth. As medical science becomes better able to provide for the separate existence of the fetus, the point of viability is moved further back toward conception.

Justice O'Connor notes that the inherent link between the Roe Court's decision and the medical art of the possible creates problems for both the legislatures and the courts.

Particularly in light of the Akron Court's holding that the appropriateness of State regulation may vary even within one trimester period, the Roe scheme requires, says Justice O'Connor, that "the State continuously and conscientiously study contemporary medical and scientific literature in order to determine whether the effect of a particular regulation is 'to depart from accepted medical practice' insofar as particular procedures and particular periods within the trimester are concerned." Justice O'Connor sees this constant monitoring responsibility as beyond the normal bounds required in constitutional jurisprudence. She says: "Assuming that legislative bodies are able to engage in this exacting task, it is difficult to believe that our Constitution requires that they do it as a prelude to protecting the health of their citizens."

The need to refer to the state of medical technology in applying the Roe balance of interests also presents some troublesome problems for the Federal courts. As Justice O'Connor said in her dissent:

> It is even more difficult to believe that this Court, without the resources available to those bodies entrusted with making legislative choices, believes itself competent to make these inquiries and to revise these standards every time the American College of Obstetricians and Gynecologists (ACOG) or similar group revises its views about what is and what is not appropriate medical procedure in this area. As today's decision indicates, medical technology is changing, and this change will necessitate our continued functioning as the nation's ex officio medical board with powers to approve or disapprove medical and operative practices and standards throughout the United States.

This demand on the Supreme Court—and the lower Federal courts as an initial matter—concerns Justice O'Connor not only from the standpoint of the institutional capabilities of the courts, but also from the standpoint of the interests of our democracy. As Justice O'Connor writes, quoting the words of Archibald Cox I quoted earlier, "it is clear that the trimester approach violates the fundamental aspiration of judicial decisionmaking through the application of neutral principles 'sufficiently absolute to give them roots throughout the community and continuity over significant periods of time' * * *"

Further, given my views on the sanctity of human life, it is just as important for me, if not more so, that Justice O'Connor echoes the criticism of Professor Ely and others that the Roe balancing act accords insufficient importance to the interest of the State in protecting the life of the unborn. Again, let me quote from the O'Connor dissent:

> In Roe, the Court held that although the State had an important and legitimate interest in protecting potential life, that interest could not become compelling until the point at which the fetus was viable. The difficulty with this analysis is clear: potential life is no less potential in the first weeks of pregnancy than it is at viability or afterward. At any state in pregnancy, there is the potential for human life. Although the Court refused to resolve the difficult question of when life begins, the Court chose the point of viability—when the fetus is capable of life independent of its mother—to permit the complete proscription of abortion. The choice of viability as the point at which the state interest in potential life becomes compelling is no less arbitrary than choosing any point before viability or any point afterward.

The consistent denigration of the interest in protecting unborn life, along with a similar consistent denigration of the State's interest in promoting maternal health by reasonable regulation of the abortion procedure, adds up to the following assessment by Justice O'Connor: "Neither sound constitutional theory nor our need to decide cases based on the application of neutral principles" justifies the scheme of abortion rights begun by Roe and continued through the Akron case.

Although separated from it by more than 10 years in time, Justice O'Connor's dissent sounds many of the themes contained in Justice White's original dissent in the case of Roe against Wade. Justice White's opinion uses relatively few words to set out the major flaws in the reasoning of the Roe opinion, but his conclusion is no less telling for its brevity. Justice White clearly placed himself with those who have seen Roe as possessing two main legal flaws: the identification of a constitutionally based abortion right nowhere tied to the Constitution itself and an unjustified balancing of that right against the other important rights at stake. Justice White put it this way:

> I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions and announces a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing state abortion statutes. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus on the one hand against a spectrum of possible impacts on the mother on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view, its judgment is an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this Court.
>
> The Court apparently values the convenience of the pregnant mother more than the continued existence and development of the life or potential life which she carries. Whether or not I might agree with that marshalling of values, I can in no event join the Court's judgment because I find no constitutional warrant for imposing such an order of priorities on the people and legislatures of the States. In a sensitive area such as this, involving as it does issues over which reasonable men may easily and heatedly differ, I cannot accept the Court's exercise of its clear power of choice by interposing a constitutional barrier to state efforts to protect human life and by investing mothers and doctors with the constitutionally protected right to exterminate it. This issue, for the most part, should be left with the people and to the political processes the people have devised to govern their affairs.

CONCLUSION

In another context, Professor Cox included the Roe against Wade case in the category of "wrongheaded decisions [that] can be changed by time and debate, or by constitutional amendment." Now that Roe against Wade has been with us for more than a decade, I believe it is obvious that "time and debate" have afforded little relief from this most wrongheaded of decisions. The Supreme Court has decided a number of cases on Roe's periphery—some of which favor abortion, some of which are mildly restrictive—but the basic holding of Roe that the Constitution establishes an abortion right remains solidly intact. And, as I stated before, Akron and its companion cases involved a very recent reendorsement of Roe against Wade's continued vitality. This distressing fact makes all the more important our vigorous pursuit of the other avenue Professor Cox identified for the curing of this defective decision: a constitutional amendment.

I stated at the outset of my speech that we should be very hesitant in amending the U.S. Constitution. I also pointed out why I believe that general hesitancy should be overcome in the case of an amendment to overturn Roe against Wade.

I do want to point out, however, that use of an amendment to the Constitution to overturn an erroneous Supreme Court opinion is by no means unprecedented. Four of our constitutional amendments were specifically crafted to reverse Supreme Court decisions. The 11th amendment to the Constitution, prohibiting the Federal judicial power from being exercised in suits by citizens of one State against another State, came in response to an action of one Supreme Court in accepting jurisdiction over such a case. The 14th amendment was proposed to the Constitution in response to the infamous Dred Scott decision, which found that black individuals were noncitizens under the Constitution. The 16th amendment, permitting the imposition of a Federal income tax, was a response to a Supreme Court decision that a tax unapportioned by State violated article I of the Constitution. Finally, the 26th amendment, which accorded 18-year-olds the right to vote in Federal and State elections, was proposed as a reaction to the Court's decision that Congress lacked authority to impose such an obligation by statute on States.

Therefore, Mr. President, I urge my colleagues to follow this precedent in approving the amendment now before the Senate.

Mr. METZENBAUM. Madam President.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Who yields time?

Mr. METZENBAUM. Madam President, on behalf of Senator PACKWOOD, I yield to the Senator from Ohio such time as he needs.

The PRESIDING OFFICER. Without objection, the Senator from Ohio is recognized.

Mr. METZENBAUM. Madam President, the fundamental right to an abortion is well established and should not be tampered with.

Yet, the facts are that, today, we again return to the subject of abortion. This country presently has 13 million people unemployed, but we will spend a number of hours debating the issue of abortion. My guess is that before the session is concluded, we will spend many more hours debating the issue of abortion.

I do not mean in any manner to denigrate the issue of abortion as it relates to the concerns of millions of Americans and the rights of those who believe in free choice as well as those who oppose it and who are for so-

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called right to life. The facts are that this issue has been debated and redebated and litigated and relitigated. Ten years ago, in the case of Roe against Wade, the Supreme Court held that there was fundamental constitutional right of privacy, which included the right to have an abortion. Just 2 weeks ago, the Court reaffirmed that principle in no uncertain terms.

(Mr. GORTON assumed the chair.)

Mr. METZENBAUM. The question is, How often are we going to come back to the same issue and debate it, argue about it, attempt to legislate with respect to it? Now we are asked to consider more legislation, this time a constitutional amendment to strip women of this fundamental right.

As a matter of fact, I would say that this proposal sets an extremely dangerous precedent. Never before in the history of this country have we amended the Constitution to deprive individual citizens of a fundamental right. It is a fact that we have amended the Constitution time and time again to grant individuals fundamental rights, constitutional rights. But it is unprecedented to move in the direction of denying a right presently enjoyed under the Constitution.

Very frankly, it is even more dangerous for us to contemplate or consider taking such a step where there is no national consensus in support of it.

Traditionally, constitutional amendments have reflected the consensus reached by the American people on a specific issue, but no such consensus exists regarding abortion.

Polls show that since 1973, the year Roe against Wade was decided, a majority of Americans have consistently opposed a constitutional amendment to prohibit abortion.

This is not the first time in our Nation's history that a constitutional amendment has not only been proposed but enacted into law without a consensus. I specifically refer to the ill-fated 18th amendment.

Prohibition did not work. It bred disrespect for the law and it was repealed a decade and a half later.

Query: Does anybody seriously believe that if we enacted a constitutional amendment that was ratified by the States, that would bring to a halt all the abortions in this country? Or would we just drive those who need and seek an abortion into a kind of subterranean culture?

Furthermore, the process which this amendment would use to change the law is constitutionally offensive. It uses a back door approach in an effort to throw decisionmaking about a fundamental constitutional right into the hands of State and Federal legislative majorities.

Senate Joint Resolution 3 states what? It says that the right to abortion is not secured by this Constitution. Let us stop to think about that for a moment. Is that not unusual, to put into the Constitution of this country or any other nation a provision saying that a right is not secured by that Constitution? It is almost unbelievable that we are debating the possibility of putting such language into the Constitution of the United States.

This is not an outright prohibition of abortion. Frankly, I doubt that two-thirds of either House of Congress or three-fourths of the States would adopt such a blanket prohibition. But that is not what we have here. We have an effort to do indirectly that which, in all probability, could not be done directly.

What this amendment would do if enacted into law as a part of the Constitution is invite State legislatures to pass laws that would infringe on this fundamental right recognized by the Supreme Court and to do so with simple legislative majorities.

Let us not kid ourselves. Let us not be fooled by that which might be described as some kind of legerdemain, some kind of sleight of hand.

What kind of precedent are we setting here? What if the term "free speech" were substituted for the word "abortion" in the amendment?

The amendment would then read, "Free speech is not secured by the Constitution." Would we want a simple majority in any legislative body to have the power to negate such a fundamental right? Or freedom of religion? Or any of the other freedoms that are spelled out in the Constitution? Would we really want to start a precedent and say that the right of peaceable assembly shall not be protected by this Constitution? Or the right of the people to be secure in their persons against unreasonable searches and seizures shall not be a right protected by the Constitution?

Mr. President, we are proud of the Constitution. We are proud of the Bill of Rights. We are looked upon by peoples throughout the world for the freedoms we have enunciated in the Constitution, for the constitutional rights that the people of this Nation share and that we are so proud of. Now we are talking about a constitutional amendment that specifically denies that such a fundamental right is protected by the Constitution.

Would we then become the laughing stock of the peoples of the world for having put into the Constitution the fact that there is a denial of a particular fundamental right that had heretofore been recognized by the courts? And what are we going to do in denying those rights?

We would turn such questions over to 50 State legislatures and the U.S. Congress to resolve and in the process make a mockery of our constitutional system of government.

What a picnic that would be—50 States, each on their own, trying to legislate on this subject. And what politics would come into play.

No, we are talking about a fundamental constitutional right and neither today nor tomorrow nor 1 month from now nor 1 year from now should the Constitution of our United States ever be amended to spell out particularly that a certain right is not protected by the Constitution.

Turning it over to the various State legislatures would only be ducking the issue.

The courts have spoken to the issue. Congress has spoken to the issue time and time and time and time and time again. Frankly, I see little difference between this approach, turning it back to the legislatures, and all of the so-called court stripping bills that we saw in the last Congress where the attempt was made to rob the courts of their power to decide significant constitutional questions.

As I get older, I keep hearing, year after year, one assault after the other upon the Constitution of the United States—one effort after another to deny the courts the right to act with respect to those rights, and now we have a new approach which says that the right to abortion is not secured by the Constitution.

I sort of wonder what our Founding Fathers would have said if somebody had proposed such an amendment at the time the Bill of Rights became a part of the Constitution. I think they showed great wisdom when they structured our constitutional system of government, and we should not lightly cast that system aside.

Moreover, if what the proponents of this amendment want to do is settle the abortion question once and for all, this is not the way to do it. As a matter of fact, I do not know how often we have to settle the abortion question. I do not know how many times the Supreme Court has to speak to the issue before we have settled it once and for all, but I will say without any reservation that Senate Joint Resolution 3 settles nothing. It really adds nothing to the issue. If anything, it makes the issue a national cause celebre in 50 State legislatures, each one of which can deal with the matter in their own way, if that be their inclination. There would be endless legislation, there would be endless litigation over what is and is not permissible.

All the amendment tells legislators is what right is not guaranteed by the Constitution. It says nothing about what laws would or would not be constitutional. It would result in an abundance of untested State and Federal legislation and years of litigation.

Mr. President, this is no way to resolve this issue. It is once again calling upon the Members of this body to be counted in connection with that oft-repeated issue of abortion. I have heard of a lot of different proposals, a lot of different legislation, and the ingenuity of those who support the denial of the right to abortion to women is beyond compare, because about every year or two we get a whole new thrust of how we shall deny the right of abortion to a woman. This is explicit. This is very explicit—a right to abortion is not secured by this Constitution. What a magnificient way to attack the problem. To this Senator it is far less than magnificient. I think it is rather sad that we are called upon today to indicate by our votes that a particular fundamental right now available to all in this Nation is to be denied as a specific part of the Constitution. I cannot believe that this body will indicate its approval. I hope that it will not. If we did, it would be a sad commentary for all of us.

Mr. DeCONCINI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield such time as the distinguished Senator from Arizona needs.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DeCONCINI. I thank the Senator from Utah.

Mr. President, abortion is an issue about which I have deep moral convictions. I have always spoken forthrightly about this matter, and I feel quite simply, that the needless taking of human life is wrong. Both philosophically and morally, I am opposed to abortion on demand. The ultimate question is whether we believe that a fetus has life and an immortal soul. After deep reflection, I must concur with those who conclude that life begins at the moment of conception. Therefore, I will support any measure that will enable us to restrict abortion. I support the Hatch-Eagleton amendment which declares that no right to abortion is secured by the Constitution.

Abortion is an extremely volatile, devisive, and emotional issue. Feelings run deeply on both sides. I have struggled long and hard with moral dilemmas that abortion presents. The most obvious conflict is between the right of a woman over her own body and the rights of an unborn fetus. One's position on this issue depends upon whether one believes that the unborn fetus is a live human being. I have concluded that once conception occurs, life with all its implications exists. The fetus is truly a physical and spiritual being. The unborn child is incapable of making decisions regarding its destiny. Thus, society must protect the unborn child as we protect all other human life.

The abortion controversy erupted just over 10 years ago. On January 22, 1973, the Supreme Court handed down a decision which has generated social divisions only rivaled in our Nation's history by the violent reaction to the infamous Dred Scott case of 1857. In the case of Roe against Wade, a majority of seven members of the Court found for the first time in the 14th amendment to the Constitution, a unqualified right to abortion. Despite the absence of any clearcut constitutional basis for the right to abortion, Roe declared that the due process clause of the 14th amendment of the Constitution includes the right of woman to abort her offspring if she so chooses. This new right, defined by the majority opinion of Justice Blackmun was expansive enough to overrule the Texas abortion statute in question, as well as related laws in all 50 States.

The effect of the Roe decision is as pervasive as it is saddening. In 1972, the year before the Roe against Wade decision, there were 600,000 legal and an estimated 200,000 plus illegal abortions. In 1980, the most recent year for which figures are available, there were 1,553,900 legal abortions. This represents an increase of almost 100 percent.

In Roe, the Supreme Court made four important points. First, the Supreme Court announced a new constitutional right: the right of abortion. Second, the Court held that generally the States have no compelling interest to prohibit abortion. Third, the Court concluded that States must permit abortion on demand, at least until viability. Finally, the Supreme Court effectively declared that all laws limiting abortion are unconstitutional.

In place of the State regulations which Roe pronounced unconstitutional, the Court supplied standards for abortion regulation that divided pregnancy into trimesters.

In the first trimester of pregnancy, the right of abortion is plenary. As the Court stated:

> For the stage prior to approximately the end of the first trimester of pregnancy, the abortion decision and is effectuation must be left to the medical judgment of the pregnant woman's attending physician.

In the second trimester, a State's authority to regulate abortion is limited to insuring the safety of the abortion procedures. Again, in the words of the Court:

> For the State subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonable related to maternal health.

In the final trimester, the State acquires an interest in protecting unborn life. That protective role, however, is subject to a significant exception. The Court states that a State "may, if it chooses, regulate, and even proscribe abortion except where it is necessary, in appropriate medical judgment for the preservation of the life or health of the mother." This "health of the mother exception" has effectively consumed the rule because maternal health interests were defined by Roe's companion case, Doe against Bolton, to include "all factors—physical, emotional, psychological, and the woman's age—relevant to the well-being of the patient." In the words of Prof. John Noonan, the woman's absolute right to an abortion is curbed in the third trimester only by the "necessity of a physician's finding that she needed an abortion." It would be a rare physician who would be incapable of defending an abortion on the grounds that in his best medical judgment the "well-being" of his patient demanded it.

In Roe and Doe the Supreme Court established a national policy allowing abortion without legal restrictions of any significant kind. This act of "raw judicial power," as Justice White called it in his vigorous dissent, prevents the States from balancing concern for the mother and concern for the unborn in the many ways that are clearly possible and which the citizens of the various States clearly prefer. Our nationwide policy of abortion on demand through all 9 months of pregnancy, recently upheld in the Akron case, was neither voted for by the people nor enacted by legislators. It is significant that not a single State had such unrestricted abortion laws before the Supreme Court decreed abortion on demand to be national policy in 1973.

In Roe, the especially sensitive abortion issue, which had been addressed by the people of the United States through the process of representative democracy, was removed from the parameters of legislative decisionmaking and usurped by the judicial branch. By this action, the Supreme Court upset the constitutional balance that had existed for nearly 200 years and had allowed State legislatures to carry out the will of the people with respect to this sensitive social policy. Without sound constitutional basis, Roe upset the federalistic balance between State and national institutions. As Prof. John Hart Ely notes, the Constitution "simply says nothing, clear or fuzzy, about abortion." Nor is there any support whatever in the legislative history of the Constitution to warrant the conclusion that it was intended to secure a right to abortion.

Roe disturbed the constitutional separation of powers between legislative and judicial functions. Prof. Lynn Wardle states this point very eloquently:

> By giving the right to choose abortion the status of a fundamental right, the Supreme Court substantially restricted the authority of the legislative branch to legislate concerning the subject, and substantially increased the responsibility of the judiciary for defining and monitoring the regulation of that fundamental right.

For the past 2 years, the Judiciary Committee has undertaken a particularly exhaustive examination of the subject of abortion. Hearings have been held which considered the legal ramifications of constitutional amendment proposals with the specific goal of reversing Roe against Wade and restoring the status quo. Nearly 80 expert witnesses from a broad cross section of academic and professional disciplines have testified.

As a result of this study and work, this Congress has for its consideration a constitutional amendment to nullify the Roe decision and explicitly restore to the States and Congress the authority to legislate with respect to abortion.

This amendment reverses Roe cleanly, completely and in a manner that conforms with the basic constitutional tenets adopted by the framers. While fully respecting the authority of the Supreme Court to interpret the provisions of the Constitution, I recognize also the authority reposed in Congress under article V of the Constitution to recommend amendments in response to what it views as wrongful or inappropriate decisions. Indeed, there is ample precedent for such a response to a Supreme Court interpretation.

The 11th amendment to the Constitution, prohibiting the Federal judicial power from being exercised in suits by citizens of a State against another State, came in response to an action of the Supreme Court in accepting jurisdiction over such a case.

The 14th amendment to our Constitution was enacted in response to the decision of the Supreme Court in the Dred Scott case, finding that black individuals were noncitizens under the Constitution and, as such, not fully entitled to the protection of the Constitution.

The 16th amendment to the Constitution, permitting the imposition of a Federal income tax, was a response to a Supreme Court decision finding that an unapportioned—by State—tax was in violation of article 1 of the Constitution.

Finally, the 26th amendment, according 18-year-olds the right to vote in Federal and State elections, was added following the Court's decision that the Congress lacked the authority to impose such an obligation statutorily upon the States.

An appropriate respect for the complex nature of our constitutional system does not require that Congress shrink from every confrontation with the other coequal branches of the Federal Government. Rather, a proper regard for our constitutional system of checks and balances will compel Congress to respond when the Supreme Court unilaterally and repeatedly acts in such a manner that the constitutional balance is threatened. Such a threat exists in the present circumstances.

Senate Joint Resolution 3 states simply that "a right to abortion is not secured by this Constitution." The purpose of this sentence is to preclude reliance upon any provision of the Constitution as authority for recognition of any right to abortion.

Expert witnesses on both sides of the abortion controversy who testified before the Constitution Subcommittee, were in agreement that these 10 words would overturn the abortion right created in Roe. The abortion controversy centers around the right of the pregnant woman to control her own body, and the right of the unborn to life itself. The Hatch-Eagleton amendment does not purport to resolve the persistent issue of "which of these conflicting 'rights' is paramount." But rather it establishes a balancing process for determining how this conflict will be resolved, a process to take place in the legislature—as it should be—and not solely in the courts.

Under this amendment, the decision in Roe would be deprived of legal significance. The pre-1973 constitutional balance of powers would be restored. People in the States would be reenfranchised to shape abortion policy through their legislators. Policymaking would be taken from the nonrepresentative judicial branch and returned to the elected legislative branch. In short, Roe and Doe would be reversed insofar as these cases hold that the Constitution protects an abortion liberty.

Under the proposed amendment, the States would have the power to legislate with respect to abortion. States would be free to deal with abortion policy as they see fit. Congress would possess a limited residuum of authority to act within constitutional bounds. Congress could indirectly regulate abortion as it had done before Roe. Federal courts would no longer be able to expound a constitutionally protected right to abortion, the proposed amendment would confer no legal status upon the unborn but would permit legislators to protect their lives.

While I would personally favor an amendment that would impose a duty upon the States to prohibit most abortions, I must stress that this is not the objective of the present amendment.

This Senator is well aware that there are a variety of views on the issue of abortion. Many people, including friends of mine in Arizona, sincerely hold positions on this issue different from my own. I fully recognize these differences and I do not doubt for a moment that those who differ with me hold their views in complete good faith. This amendment allows both sides of this troubling issue to debate their views in the proper pubic forums. This amendment will allow the citizenry of this country to democratically resolve the abortion crisis and develop a solution.

It is my profound moral conviction that life is a continuum from the first beginnings in the womb to the final breath of the dying, and that the first function of society, the primary responsibility of government, is to protect life, and to create conditions which permit each person to flourish and to reach his or her fullest potential.

I support this amendment because I believe it offers a reasonable solution to this critical problem.

I commend both Senator HATCH of Utah and Senator EAGLETON for their dedication and their effort in putting together the amendment before us today.

Mr. HATCH. Mr. President, I thank my dear colleague from Arizona for the excellent remarks made here today. They have been enlightening to all concerned.

I yield such time as he may need to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSELY. Mr. President, I thank Senator HATCH for yielding to me and appreciate this issue being brought to the floor.

I appreciate it being scheduled as was promised 1 year ago so we can move forward with this very important issue.

Mr. President, we have finally come to the bottom line: The outcome of this debate will tell the American people what the U.S. Senate currently thinks about one of the most important issues of our time. So in my judgment, this is truly a historic moment.

Since the abortion issue first came to public consciousness and forced its way into the legislative arena, I have always felt that the unborn needed some kind of constitutional protection. While my stated preference has been for an absolute assurance for the safety of all human life, I am content at this time to support a simple reversal of Roe against Wade. As a vital first step on the road to complete protection, the institution of abortion must itself be destroyed. Senate Joint Resolution 3 will allow the elected representatives of the people to do exactly that.

In the discussion of competing rights, it is obvious that Roe against Wade gives all the preference to the woman and none to her unborn child. For any reason or no reason at all, a women, with the convenience of an abortion, can destroy a human life. This is known as abortion on demand. As you will know, in our form of government, the exercise of an inherent right can be demanded by the citizen. And this is as it should be.

What is perhaps most ominous is that this unfettered right was promulgated not by elected representatives of the people, but by seven elderly men who sit on our highest Court. To continue Roe against Wade is to perpetuate all its abuses and provide no governmental remedy. This, Mr. President, is an intolerable situation. Whoever votes against this amendment has voted to continue an institution that is as wrong as slavery's protection in the Dred Scott case, and what is more important, abortion cannot even be regulated. To date, all attempts at simple regulation have met with complete failure. Our court system has closed the door to any effective control, helping to perpetuate a wide-open system. The abortion industry in this country, Mr. President, is ungovernable.

The first right secured by any government ought to be the right to life. Our representative democracy is built upon a hierarchy of values. It was no accident that our Declaration of Independence speaks of life, liberty, and the pursuit of happiness. This progression makes complete sense to me. Without life there can be no liberty, and without both life and liberty, there can be no true happiness. The unfettered abortion freedom turns this logical hierarchy on its head and says that happiness comes first and that any other right must be a subsidiary. I reject this thinking as inimical to the health of our society.

Mr. President, instead of denying unborn human life a constitutional protection, our system of government ought to be expanding the whole area of human rights. Ever wider circles of humanity must be incorporated within a system which guarantees their existence. This has been our Nation's major thrust and ought to be perpetuated and increased.

Mr. President, I have no sophisticated statistical analysis to support my beliefs. What I can do, however, is to speak from deep conviction. This I have done and will continue to do.

Mr. President, I come from the heartland of this great Nation and from a proud and honorable occupation. Most of my life has been spent in rural America as a working farmer. I supported my growing family from what the rich soil of which Iowa has an abundant amount and all that that soil could produce. As a young boy I came to know and appreciate the mysterious workings of nature. I was taught to believe that nature was good—that Mother Earth, if properly attended and if we were good stewards of it, would yield an increase. I still believe this simple truth and I believe it for all the Earth. I believe not only that nature is good but also in the seamless web of life which dictates that to intercept nature's normal activity with violence will one day bear bitter fruit. No one can ever convince me otherwise. No one will ever convince me to accept the abortionists' philosophy that death is better than life or that we can assault nature with impunity.

Those who live close to the land know these things. The generation of new life is the privilege of all those who till the soil.

I have carried those teachings of rural life with me through a quarter of a century of public life and I feel that I would be derelict in my duty as a Senator if I did not speak out on this great issue. I would be turning my back on all I have been taught and hold dear were I to remain silent. I believe that all human life is sacred and I believe the Biblical injunction to choose life that we and our descendants may live. I would be unfaithful to myself and God if I did not say these things.

Mr. President, the abortion question is one of those great universal issues concerning our deepest values. It is first and foremost a human issue. As a legislator, I feel that human life even in its earliest forms cannot be denied constitutional protection. But even more importantly, the Constitution must not be used as the instrumentality to deny that life its right to exist. Thus, I strongly support the Hatch-Eagleton proposal which would reverse Roe against Wade.

Before concluding, I would like to thank all who have participated in this debate on both sides of the question. I was impressed with the agreement to forgo any amendments and attempts to filibuster. This, I think, speaks highly of us as a legislative body and is a distinct achievement on such a volatile issue.

I also extend my gratitude to Senator THURMOND as chairman of the Judiciary Committee and Senator HATCH as the chairman of the Constitution Subcommittee for their diligence in bringing an amendment on this subject before the Senate.

To all those of good will I would like to say that the vote we take on Senate Joint Resolution 3 will not be the end of our public dialog. Until our next major legislative encounter much can be done on a short-term basis to protect unborn human life, and I hope to remain in the forefront of such an important effort.

Mr. HATCH. Mr. President, I would like to thank the distinguished Senator from Iowa. I appreciate his remarks and I appreciate the sincerity and deep-felt convictions he has expressed here on the floor.

Mr. President, there were a couple of issues raised by, I think, the distinguished Senator from Ohio. I think one of them was basically would we be comfortable in allowing the States to regulate other fundamental liberties such as freedom of speech.

I think that question presupposes that abortion is a fundamental right. This amendment is based on the principle that abortion should never have been elevated to the status of a fundamental liberty such as freedom of speech.

The framers of the Constitution and its amendments had no intention whatsoever to raise abortion to the status of free speech. In fact, several of these same State legislatures that ratified the 14th amendment enacted during the same session strict prohibitions on abortion. It can hardly be maintained that the drafters of the 14th amendment intended the question to become equal with free speech.

This amendment, therefore, reverses Roe and returns abortion to the place it occupied in American jurisprudence for nearly 200 years before Roe, namely in the discretion of the State legislatures, subject to the ordinary standards of constitutional review.

This amendment does not assert that States should be able to regulate free speech, but only that abortion is not deserving of treatment as a fundamental liberty.

Free speech was approved by two-thirds of both Houses of Congress and three-quarters of the States. Can the same be said of the abortion right which was created by seven out of nine judges?

Another issue that was raised by the distinguished Senator from Ohio I believe was, is it really appropriate to subject fundamental rights to democratic processes, and really fundamental rights of individuals should not be determined by referendum?

The problem, of course, is that few can agree on what precisely are these "individual rights" that are involved with the abortion issue. Critics in the prochoice movement see these as being the right of the pregnant woman to determine how her body is used, while critics in the prolife movement see this as an even more fundamental right of the unborn to life itself. In other words, there is just as much disagreement on the issue of what constitutional rights are involved here as there is on the issue of the morality of abortion itself.

It thus begs the question to attack the immediate amendment as one restricting rather than expanding rights.

The purpose of the Hatch-Eagleton amendment then is not to resolve the persistent issue of which of these conflicting rights is paramount, but rather to establish a balancing process for determining how this conflict will be resolved in the context of individual circumstances.

In short, this balancing process will take place in the same forum in which it takes place in the context of most other controversial public policy issues, within the legislative process.

Essentially, this question presupposes that the abortion right is a fundamental liberty, but that the right to life of the fetus is not. In other words, you are saying you agree with the Supreme Court, not that this is necessarily the way that the framers of the Constitution meant this question to be resolved. When substantial numbers of our citizenry hold irreconcilable positions on what constitutes a right, then how are we going to resolve the conflict? This amendment solves the problem the way it was solved for nearly 200 years before the Supreme Court intervened.

Mr. President, I reserve the remainder of my time.

Mr. PACKWOOD. Mr. President, will the Senator yield for a question?

Mr. HATCH. I would be glad to yield.

Mr. PACKWOOD. Twice in the comments of my good friend from Utah just recently he mentioned the law 200 years ago and at the time of the founding of this country.

Let me read you a statement and ask for your comments on it. This is from the issue brief, abortion legal control issue brief, No. IB74019, Arthur Morton Rosenberg, American Law Division, and James Hall, American Law Division, Library of Congress:

> It is generally acknowledged that at common law abortion performed before quickening (the first recognizable movement of the fetus in utero) was not an indictable offense. Whether abortion of a quick fetus was a felony at common law is still disputed. The later and more predominant view is that the quick fetus is at most a minor offense.
>
> In this country, the law in all but a few states until the mid-19th century was the preexisting English common law. It was not until after the Civil War that legislation began to replace the common law.

Does my colleague agree with the statement of the Library of Congress as to what the status was?

Mr. HATCH. While the vast majority of the States retained the common law distinction that abortion before quickening was not a crime, no State held that there was no crime of abortion after quickening.

Mr. PACKWOOD. Pardon, say that again.

Mr. HATCH. Certainly, no State held anything other than that there was a crime of abortion after quickening. Later in the 19th century, several States interpreted the common law to mean that abortion was a crime at any time during pregnancy.

Almost all of the States enacted abortion statutes during the 19th century. Connecticut adopted the first State abortion statute in 1821. The Connecticut statute retained the quickening distinction for the abortion crime. Quickening, however, soon began to disappear as the practical distinction to determine criminality. The intention behind enactment of those statutes is illustrated by the Maine Supreme Court which, in interpreting the Maine statute, abrogated the quickening requirement in the abortion crime; the court pointed out that if the pleading did not allege the destruction of the child, it would be fatally defective for not charging the essential element of the crime.

In 1859, the American Medical Association Committee on Criminal Abortion criticized the quickening distinction in criminal abortion laws for the "grave defects of our laws, both common and statute, as regards the independent and actual existence of the child before birth, as a living being," and called upon State legislatures to revise their abortion laws. This position of AMA seems to have had its impact because during this period many States abolished the requirement that an abortion had to follow quickening to be a crime. At the time of the ratification of the 14th amendment, in 1868, at least 28 of the 37 States had made abortions before quickening a crime. In the next 15 years, seven more of these States incriminated prequickening abortional acts. By 1871, the AMA could quote with approval from Archbold's Criminal Practice and Pleadings with regard to the new consensus:

> It was generally supposed that the foetus becomes animated at the period of quickening; but this idea is exploded. Physiology considers the foetus as much a living being immediately after conception as at any other time before delivery, and its future progress as the development and increase of these constituent principles which it then received. It considers quickening as a mere adventitious event . . . Indeed, no other doctrine appears to be consonant with reason or physiology but that which admits the embryo to possess vitality from the very moment of conception.

Further evidence that at least one motivation behind these laws was the protection of the life of the fetus, is seen in several court decisions interpreting these statutes.

For instance, in Bowlan against Lunsford, an Oklahoma decision, the Court held:

> We hold that the antiabortion statutes in Oklahoma were enacted and designed for the protection of the unborn child and through it society.

So my contention is that the Court's decision in Roe, resulting in a practical situation of abortion on demand, was clearly contrary to the whole of American law on the subject of abortion, and that the common law was contrary to what the Court interpreted it to be in the Roe against Wade decision.

Mr. PACKWOOD. Mr. President, let me go back again. My distinguished colleague made reference to Blackstone, and I am familiar with that 13th century acknowledgment. Although that was not, as I recall it, a court case. Judge Coke, the great English jurist, referred to abortion, although it is unclear whether he meant before or after quickening, as a great misprison.

Mr. HATCH. That was Blackstone who did that. I think Coke did it, too.

Mr. PACKWOOD. But the term was not known to common law, this great misprison. But it is almost a moot point.

I would very specifically ask this question. In 1787, at the time of the founding of the Constitution in this country, or in 1791, the adoption of the Bill of Rights, was there a single State that had on its statute books laws punishing abortion prior to what they called quickening?

Mr. HATCH. Before when?

Mr. PACKWOOD. Quickening. You are right, medical science was not very advanced. Normally quickening was roughly defined as when a woman could feel a fetus move. How they ever came to an initial distinction of 40 days for women and 80 days for men is beyond me. It is unusual distinction science no longer bears out.

> What I am saying is there was a distinction in their minds that did not vary too much from the trimester concept that the Supreme Court uses now or the four States that we had prior to Roe against Wade that legalized abortion.

So I will ask my question again. The common law concept was quickening and prior to quickening there was no crime. Was there any State that had any statute that punished abortion as a crime if the abortion was done prior to quickening in either 1787 or 1791?

Mr. HATCH. There were a number of States, as I understand it, that had laws regulating midwifery including abortion prior to quickening.

Mr. PACKWOOD. Before quickening?

Mr. HATCH. Yes.

Mr. PACKWOOD. I do not think so.

Mr. HATCH. I will attempt to confirm that.

Mr. PACKWOOD. I think our founders never really turned their attention to the subject because they never thought they would need to. Abortion was common in the Colonies. It was common at common law and it simply was not punished.

Mr. HATCH. The common law inherited by our Republic was the common law of Blackstone and Bracton and Coke and Fleta, all of whom looked askance at abortion. I believe that their legacy was reflected in the laws of the new Republic.

Mr. PACKWOOD. If that is the case, then why was there the passage of all of the statutes during the 1900's? We did not need to pass them if it was illegal in common law.

Mr. HATCH. Let me quote from Prof. Cyril H. Means, on whom the Supreme Court relied in the decision of Roe against Wade. He was, of course,

an advocate of legalized abortion. Based upon his analysis, the majority in Roe concluded:

> It is thus apparent that at common law, at the time of the adoption of our Constitution, and throughout the major portion of the 19th century, abortion was viewed with less disfavor than under most American statutes currently in effect. Phrasing it another way, a woman enjoyed a substantially broader right to terminate a pregnancy than she does in most States today.

Mr. PACKWOOD. Will the Senator read that again?

Mr. HATCH. Yes.

In trying to justify its position, the Court in Roe, concluded, based upon Prof. Cyril H. Means' analysis:

> It is thus apparent that at common law, at the time of the adoption of our Constitution, and throughout the major portion of the 19th century, abortion was viewed with less disfavor than under most American statutes currently in effect. Phrasing it another way, a woman enjoyed a substantially broader right to terminate a pregnancy than she does in most States today.

Mr. PACKWOOD. I think that is the point I am making, unless I misunderstood what the Senator has read.

Mr. HATCH. That is the point Roe made, but I am saying that point is much criticized. This is discussed in the committee report, for example, at page 22.

The court's treatment of the development of abortion as a crime at common law and its uncritical acceptance of the work of Prof. Cyril Means has been severely and repeatedly criticized.

I cite, for example, Bryn's work in "An American Tragedy: The Supreme Court on Abortion," and Destro in "Abortion and the Constitution: The Need for a Life-Protective Amendment."

I do not know that it is necessary to go into an exhaustive analysis of the treatment of abortion as a crime at common law. I think that it is simply enough to point out that the majority's sweeping decision in Roe was clearly contrary to the way abortion was viewed at common law with respect not only to maternal health but also to the protection of the life of the fetus.

In his signal work, "A Private Choice," John Noonan, who has to be recognized as one of the leading authorities on this issue in this country, says:

> The makers of the Constitution of the United States do not appear to have contemplated the subject of abortion. There is no mention of it by name or by circumlocution in the original articles or in the Bill of Rights or in any of the later amendments. If a Martian were told to examine the document carefully for a clue to the framers' intention regarding abortion, he would have to admit himself baffled. The Constitution within its four corners, says, nothing.
>
> A Martian with a sense of history might say, "Tell me what the laws and practices and beliefs were when the Constitution was made. From them I shall infer what was intended by the framers". He would find.
>
> 1, that in 1789 whem the original articles were adopted, Blackstone was the bible of American lawyers, and Blackstone taught that a "person" was one "like us" who had been "formed by God" in the womb.
>
> 2, that abortion, although not widely practiced because of medical difficulties in doing it safely, was a crime at common law if the pregnancy had reached the stage where movements by the child were perceptible; and if the child in the womb was injured by an abortifacient, was born alive and died from his injury, the crime was murder.

Mr. PACKWOOD. What did the Senator say before that?

Mr. HATCH [reading]:

> Abortion, although not widely practiced because of medical difficulties in doing it safely * * * and if the pregnancy had reached the stage where movements were perceptible.

Mr. PACKWOOD. And it was not a crime?

Mr. HATCH. Let me go on:

> 3, that the articles gave the new government no power to disturb the administration of the common law by the states.
>
> 4, that in 1790, when the first 10 amendments or Bill of Rights were adopted, the common law and the beliefs expressed by Blackstone were unchanged.
>
> 5, that fifth amendment declared the life, liberty, and property of no person should be taken by the national Government except by due process of law.
>
> 6, that the 9th amendment declared that all powers not expressly conferred upon the national Government belonged to the people, thereby leaving to the people the protection of life, liberty, and property through the legislatures and courts of each State.
>
> 7, that "the most important burst of antiabortion nation's history" occurred between 1860 and 1880, and that the 14th amendment, adopted in 1868, belongs to that era of American politics.
>
> 8, that in 1868, when the 14th amendment was adopted, the common law made abortion a crime after quickening and a number of States, including such leading Northern States as Connecticut and Pennsylvania, made abortion a crime from conception.
>
> 9, that in the 1860s the federal territories of Arizona, Colorado, Idaho, Montana, and Nevada had all made it a crime to abort "a woman then big with child,"[5] and such territorial legislation was subject to the approval of the same congressmen who adopted the Fourteenth Amendment.
>
> 10, that the Fourteenth Amendment imposed upon each state the obligation already imposed upon the national government not to take life, liberty, or property without due process of law.

I think the Senator's point in some respects is well taken.

Finally, let us not only focus upon the state of the law in 1789, but in 1973 as well. That is a lot more certain today, I believe.

The Supreme Court's decision in Roe held every State's criminal abortion statute unconstitutional. Between 1967 and 1972, most of the State legislatures had considered changing their abortion laws. Nineteen States did make changes in their abortion laws. All of these 19 States changed their law to permit abortion to prevent grave health damage to the mother. In addition, some of the States permitted abortions when the unborn child was conceived in rape or incest or where the child would be born with substantial deformity. Four States required no grounds at all. But all States limited abortions in terms of age of the fetus.

For example, the State of Washington had a limit of 4 lunar months. The other 31 States did not change their abortion laws despite the fact that abortion legislation was introduced in most all of them.

In two States, Michigan and North Dakota, proposed liberalized abortion statutes were rejected by referendums by majorities of 61 and 77 percent. In 21 States the abortion statutes in effect in 1868, the year the 14th amendment was ratified, were still in effect at the time of the Roe decision.

In sum, no State, including the four States which allowed abortion on demand, made abortion legal for the entire 9 months. None of the States had abortion laws as expansive as that created by the Court in Roe against Wade.

ABORTION AS MURDER

Mr. President, on another point, those who favor the continuation of unrestricted abortion have often engaged in extravagant hyperbole regarding the legal effects of various prolife proposals. Too often, the press has been willing to uncritically adopt these polemical claims and to accept them as matters of fact.

Here is one good example of such a widely circulated red herring: The claim that if abortion is again made illegal, as it was in most States prior to 1973, then women will be imprisoned for procuring abortions.

Some time ago a full page ad appeared in the Washington Post [Apr. 27, 1981], paid for by the Planned Parenthood Federation. The ad depicted a well-dressed woman behind bars, under a headline which shouted, "If You Have a Miscarriage You Could Be Prosecuted for Murder." Well, that was so ludicrous that even some proabortionists must have objected, because when the ad appeared later in the New York Times [Oct. 11, 1981], the headline was changed to, "In 1983, If You Have an Abortion You Could Be Prosecuted for Murder."

However, that claim is also without foundation. Leaders of the major prolife organizations have often explained that they have no desire to seek criminal sanctions against women seeking abortions—who, they say, should often be regarded as victims of the abortion industry. They say that they seek restoration of the types of antiabortion laws which existed prior to Roe against Wade. They note, correctly, that under these laws women were not imprisoned, or even prosecuted, for

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procuring abortions. Abortionists were prosecuted—but even they were not prosecuted for murder.

Under most antiabortion laws in effect prior to Roe, it was a felony to perform an abortion, but it was not "murder." John S. Baker, professor of law at Louisiana State University Law Center at Baton Rouge, testified on this subject during the hearings conducted by the distinguished Senator from North Carolina, Senator EAST, in 1981. Professor Baker said:

> Prior to 1973 and Roe v. Wade, every state provided some protection to an unborn child in the form of either their abortion statutes or a manslaughter statute (usually entitled "willful killing of an unborn quick child"). The abortion statutes usually carried a penalty of less than five years imprisonment and fines no greater than $2,000. The vast majority were felony statutes falling under the Title of Offenses to the Family. A very few were listed under Offenses to Persons, but even here the penalty being no more than manslaughter (see, for example, Connecticut and Kansas). [J-97-16, Vol. I, p. 754]

One may ask, if indeed the States were intent on protecting the lives of unborn children, as claimed, why was the offense not deemed to be "murder"? Well, States have always recognized in their statutes that human beings are killed by other human beings in a wide variety of circumstances, some of which are considered criminal, some not criminal, and some more criminal than others. States have always been free to establish different penalties for different types of homicide. Professor Baker explained in his testimony:

> Murder is only one form of homicide, indeed only one form of *criminal* homicide. Note that thus far, I have generally referred to "homicide," which simply means the killing of a human being. An accidental, noncriminal killing of a human being, for instance in an automobile accident, is a homicide." Further, among criminal homicides, there are various types, depending on each state's scheme of criminal law. Within the category of criminal homicide, the seriousness (e.g., whether murder or manslaughter) and, therefore, the punishment will depend on the defendant's "mens rea" or guilty mind. In order to prove any of the forms of criminal homicide, the state must prove a harm (the death of a human being) caused by the defendant, while acting with a certain criminal state of mind. [J-97-16, Vol. I, p. 752]

Prior to Roe, the State legislatures chose to designate performance of an illegal abortion as a serious offense, but less serious than murder. But what, then, about the women who procured abortions?

Last year the American Center for Bioethics published an excellent study by Paul D. Wohlers, J.D., titled "Women and Abortion: Prospects of Criminal Charges." Mr. Wohlers studied the abortion statutes which existed in every State, from their inception through subsequent revision, up to Roe against Wade in 1973. He also reviewed every State and Federal court decision bearing on those statutes. His findings were as follows:

> (1) No woman has ever been prosecuted for murder for procuring an abortion.
>
> (2) Prior to 1973, 17 states had laws which theoretically permitted a woman to be prosecuted for the lesser crime of soliciting or submitting to an abortion, but no case can be found in which a woman was actually brought to trial under any of those laws. Again, the prosections were brought against abortionists, not the women who aborted.
>
> (3) In 40 states, courts considered the question of whether a woman who obtains an abortion was an accomplice to the abortionist. This issue would arise when an abortionist would seek to have a woman declared an accomplice so that she could not testify against him. In 39 of those 40 states, the courts decided that the woman was not an accomplice. Only in Alabama did the courts rule otherwise, and even there, the woman's criminal guilt was not the issue. Mr. Wohlers writes, "Most courts in fact regarded the woman as the victim in abortion cases, as the object of protection and not the object of prosecution."
>
> (4) Some state courts did hold that a woman could be considered a "co-conspirator" with an abortionist. Again, the issue was the admissability of her evidence against the abortionist. No woman implicated as a co-conspirator was ever prosecuted.

Mr. Wohler summarized his exhaustive survey as follows:

> No evidence was found to support the proposition that women were prosecuted for undergoing or soliciting abortions . . . There are no documented instances of prosecution of such women for murder or any other species of homicide; nor is there evidence that states that had provisions enabling them to prosecute women for procuring abortions ever applied those laws. The vast majority of courts were reluctant to implicate women even in a secondary fashion, through complicity and conspiracy charges. Even in those rare instances where an abortionist persuaded the court to recognize the woman as his accomplice, charges were not filed against her. In short, women were not prosecuted for abortion. Abortionists were.
>
> Given the American legal system's reliance on precedent, it is unlikely that enforcement of future criminal sanctions on abortion would deviate substantially from past enforcement patterns.

Now, the question may arise, well, if in fact every abortion kills a living human being, then why should women not be prosecuted? Again, it is a case of the law recognizing extenuating circumstances. A woman with a problem pregnancy is often under many emotional pressures. Abortion may seem like the easiest way to solve her problems. Generally speaking, the legislatures prior to Roe appear to have made the judgment that most women in such circumstances did not have the "mens rea," or "guilty mind," of which Professor Baker spoke. Failure to prosecute women for abortion did not and would not imply a devaluation of the victim of abortion—the unborn child—but rather a recognition of the mitigating circumstances.

In the future, as in the past, the most effective way to diminish the number of abortions would be to threaten the livelihood of abortionists through criminal prosecution. Even with respect to abortionists, of course, Senate Joint Resolution 3 would permit States total discretion to determine what penalties to impose. For example, doctors convicted of performing illegal abortions might have their licenses suspended, or be assigned to perform community service, rather than being incarcerated.

Mr. President, women with problem pregnancies do not need legal abortion, and they do not need the threat of criminal prosecution, either. They need help. They need alternatives to abortion. A network of more than 1,000 alternatives-to-abortion centers has grown up since Roe v. Wade to assist women with problem pregnancies. These agencies are nearly all privately funded and staffed by volunteers—unlike the clinics of Planned Parenthood. This is an arm of the prolife movement which has received insufficent recognition.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I think it is obvious that the Senator from Utah and I basically agree as to what the common law is.

I will not dwell on it at length because I do not think it is overwhelmingly relevant to the debate today or to the Roe against Wade decision of 10 years ago. I mention it because of those who want to go back to the time of the founding of this country, saying that we should have the morality and the family we had at that time.

At that time, abortion was not a crime if done before quickening. If you translate that into months of pregnancy, that would be somewhere between 3½ and 5 months. It was not punished as common law. It was not punished in this country. That is part of the reason that many of our States adopted statutes in the 1800's, because they found in common law it did not prohibit abortion.

All that the Supreme Court did, and it was a very cautious Supreme Court, in the Roe against Wade decision was reach a decision in a case of first instance. I emphasize that. The only other case they ever had in the history of the Court was the decision out of a Washington, D.C., case in which the statute of Washington was challenged as unconstitutionally vague.

That is a common attack on criminal statutes by constitutional lawyers, and it is an attack that is frequently upheld.

The court in the Vuitch case, which was decided about 18 months prior to Roe against Wade, found that the Washington, D.C., statute was not constitutionally vague, and that is all they decided. But they very specifically said in that case that they were reserving for further judgment a decision about privacy and abortion.

Mr. HATCH. Will the Senator yield at that point?

Mr. PACKWOOD. Yes.

Mr. HATCH. I am not saying that I want to go back to the common law or the medical science of 1789.

The Senator is correct. The States have gradually changed their position from time to time on the issue of abortion.

What I am saying is that I would like to go back to the constitutional structure that existed in 1789 and 1973. I believe that if we did, we could achieve a national consensus on this issue. Otherwise, will continue in the present polarized situation.

Mr. PACKWOOD. I do not think it is advantageous to take us back to the situation prior to Roe against Wade. It adds a new element to the Constitution that was not there.

Mr. HATCH. Only to the extent that all of the laws that existed in 1972 would not just automatically be reenveloped in the law in 1983 or 1985. But we would go back to the point of constitutional law where the States would have the right to act firmly and responsibly in this area, with the Federal Government only having the residual right and not a plenary right. The States would have the plenary right, not the Federal Government.

Mr. PACKWOOD. That right is a broad term.

Mr. HATCH. But it applies in every case of constitutional law.

Mr. PACKWOOD. And where there is a conflict, the residual Federal right is paramount, whether we operate under section 5 of the 14th amendment or the commerce clause. If we chose to act, we would be paramount. That is where I quarrel with the Senator's amendment.

Mr. HATCH. I would point out to the distinguished Senator that the Federal Government would not, should we go back to the status quo ante, be able to directly regulate abortions. They would only be able to reguate collateral matters pertaining to abortion that are within the Federal ambit. They would not be able to outlaw abortion.

Mr. PACKWOOD. Let me read again a memorandum from Karen Lewis, of the Library of Congress, dated May 13, 1983. This is on Senate Joint Resolution 3.

> Questions arise as to what would remain for the Federal Government to do regarding abortion as well as what States could actually do.
>
> Specifically, what types of abortion legislation could Congress enact in the face of S.J. Res. 3? What would be the nature of the shift in the balance of power between the federal government and the states?
>
> For example, some of the traditional "states rights" constitutional amendment resolutions that have been introduced in earlier Congresses would effectively free abortions from federal constitutional constraints by explicitly lodging exclusive legislative power over abortion in the states.

Then she said assuming Senate Joint Resolution 3 passed, and asks about three issues. We will address the following: Funding, substantive laws, then the authority of State legislatures to regulate abortion.

I would concede, at least as to the last, that this amendment would give the States concurrent power.

On funding, she very clearly concludes that there is nothing in the Senator's amendment that would impede Congress from passing amendments saying no abortions shall be funded by Congress.

The very interesting one is the one on substantive law.

Mr. HATCH. I do not necessarily differ with the Senator. Issues such as domestic relations—marriage, divorce, and child support—may also be subject to Federal regulation through the commerce clause.

Mr. PACKWOOD. This is her position on substantive legislation:

> S.J. Res. 3 would make the regulation of abortion a state matter essentially; however, in instances where interstate commerce is involved, under Article I, Section 8 of the U.S. Constitution, Congress would have authority to legislate.
>
> Such a practice based on this constitutional authority could similarly be extended to legislatively regulate or even prohibit other abortion-related activities affecting commerce, e.g. the operation of abortion clinics which we mentioned earlier.
>
> Another potential source of congressional power to legislate with respect to abortion may be found in Congress' Article III authority over federal court jurisdiction.
>
> Since S.J. Res. 3 would eliminate the constitutional protection for the woman's right to terminate her pregnancy, Congress would arguably be free to pass "pro-life" legislation pursuant to Section 5 of the Fourteenth Amendment.

It is very clear that there is a fair body of authority—good authority—that think this lays down a great deal of power for Congress to act.

Most importantly, in 1975, 1976, and 1977, we had straightout States rights amendments, drafted very specifically. This is not one. I think what has happened and only what has happened here is that the Supreme Court has made a decision in an area that they have not previously made a decision in that offends the sensibilities of some of the Members of Congress and some people in the country. It is not the first time the Court has done it. I pointed out other instances in my statement—Miranda, Gideon, and apportionment.

Apportionment would be the best analogy where the Court, which had a history of saying we will not act in this matter, it is a political decision, we will not get into that thicket, suddenly turned and said our past decisions are no longer relevant; even though we have considered them before, we are now reversing and saying that henceforth, legislative bodies other than the Congress must be apportioned on the basis of population. That was the Supreme Court reversing itself completely from past decisions.

In Roe, they never reversed themselves. In the entire history of the Supreme Court, they had never had a constitutional question posed involving abortion and privacy. It was not posed in Vuitch, and they did not go beyond the Vuitch case which was on the issue of whether or not the District of Columbia statute was unconstitutionally vague. But when finally faced with the constitutional issue of privacy and abortion, they, for the first time, made a decision. They did not reverse themselves, they did not suddenly step into a thicket they had not been in before. They had never been there. They never reversed themselves.

The reason that this country and some Members of this Congress get so "het up" on this particular action of the Supreme Court is not that it is unique. It is not unique. It is that they do not like the decision. And they are attempting to reverse it by citing legal precedents when, in fairness, the argument ought to be, "We don't like the moral conclusion they have come to."

That is a fair argument. I support the conclusion they have come to; the Senator from Utah does not. But to say that the Supreme Court did something that was unheard of, to say that the Supreme Court took an act that they have never taken in any other area—

Mr. HATCH. Will the Senator yield?

Mr. PACKWOOD. Yes.

Mr. HATCH. The Supreme Court overturned 50 State laws in the 1973 decision.

Mr. PACKWOOD. Did they overturn any decision they made before?

Mr. HATCH. No, but they did overturn the laws of 50 States.

Mr. PACKWOOD. What did they do in Miranda?

Mr. HATCH. If I may just add, citing the commerce power is a very apt illustration. The Federal Government, including the Supreme Court, especially the Supreme Court, has utilized the commerce power to justify any Federal law it wants to create. That was so before Roe against Wade; that will be so after Roe against Wade; and it will be so assuming this amendment passes on the floor.

There is no doubt in my mind that under the commerce power, Congress could hypothetically preempt almost all regulatory powers left to the States. Congress could find that babysitting affects interstate commerce and set national standards governing babysitting. In other words, any problem with Congress broad exercise of its commerce power is not a problem

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with this constitutional amendment. This amendment simply allows the Constitution to operate as it did prior to 1973.

Mr. **PACKWOOD**. But does the Senator agree that we could craft an amendment very specifically that could prohibit this Congress from—an amendment——

Mr. **HATCH**. No, I do not agree. I think we could craft an amendment that would be more stringent, but calling that more States rights than this is not constitutionally sound. The Constitution defines the rights of the States. This amendment is based fully upon letting those rights of the States operate with respect to abortion.

Mr. **PACKWOOD**. We could craft an amendment that would be specifically States rights and not prohibit abortion at all.

Mr. **DANFORTH**. Mr. President, I wonder if the Senator from Oregon would mind my asking him a question.

Mr. **PACKWOOD**. Certainly.

Mr. **DANFORTH**. Mr. President, I did not enter this colloquy earlier. I know Senator Symms is waiting to make a speech, as am I. But I do have a question.

I was struck by one comment Senator Packwood made, which was that one thing Congress did not like was the particular moral conclusion reached by the Supreme Court. I am curious to know when the Supreme Court got into the business of making moral conclusions?

Mr. **PACKWOOD**. There are those who disagree with their decisions who say they make moral conclusions all the time. There are those who agree with them who call them legal decisions.

Mr. **DANFORTH**. I hope we can all agree that, insofar as the Supreme Court purports to decide constitutional issues, those decisions are based on a reading of the Constitution and they should not reflect a moral conclusion on the part of the Court.

Mr. **PACKWOOD**. I was reflecting, when I used the word "moral," the argument of the critics that they made a moral rather than a legal decision. I find the decision legal.

The main point I was making is that the objection to this decision is not that, for the first time in 160 years, they entered into this area. They did that in Miranda, they did in Gideon, they did in apportionment.

Mr. **DANFORTH**. It is clear that there are many, many people in the United States who are against abortion and many people in the United States who, as reflected by their elected representatives in State legislatures, would pass laws against abortion. I take it the argument before us right now is not an argument on whether or not we are for or against abortion; rather, it is a question as to what is encompassed within the Constitution and what should be encompassed within the Constitution, insofar as there is an alleged right to an abortion created by the Constitution, the establishment of such a right moving the matter outside of the realm of the State legislatures and outside of the realm of whatever the people or their elected representatives happen to think about the matter.

Mr. **PACKWOOD**. That is correct. All I am saying is that for those who want to overturn the decision, they should not use the argument that the Supreme Court has done something unique in its history. It has not. They have reversed themselves in other cases. They have found new law that they did not find before. I think it is an unwise precedent to say that this is the only time the Court has ever done it and therefore, and only for that reason, it should be reversed.

Mr. **HATCH**. If the Senator will yield, that is not what we are saying.

Maybe we can allow these two Senators to express themselves, but I would like to ask the Senator this question in advance, then we shall chat about it later.

He has suggested that the amendment is a non-States-rights amendment. I would like to ask him to share with me án area of law that he does believe to be the subject of the concept of States rights. We can discuss this further later.

I yield at this time to the distinguished Senator from Idaho and then after the distinguished Senator from Idaho I yield to the distinguished Senator from Missouri.

Mr. **SYMMS**. I thank the distiguished Senator from Utah. I rise in support of his amendment, would like to address a few elements of this important issue.

Mr. President, I ask unanimous consent to revise and extend my remarks and to insert at the end of my remarks a page of footnotes to material that I will mention.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **SYMMS**. Mr. President, the recent Supreme Court decisions on abortion have demonstrated once again just how extreme the Court's position on abortion really is. We should all by now be aware of the facts that the Federal judiciary has imposed a policy of abortion-on-demand for the entire 9 months of pregnancy. The only other country with such a permissive national policy is Communist China.

The courts have prohibited any legislative response to some things that I really think we can all agree need to be addressed.

Late-term abortions result in hundreds, perhaps thousands, of children who are born alive but dying from the trauma of the abortion. Girls as young as 14 or 15 are required to have access to abortion even when their parents are convinced that abortion is not in their daughter's best interests. Courts have ordered nonvoluntary abortion for mentally retarded women. Some of these women have died as the result of their abortions. And now we are told, in the latest Court decree, that States cannot even require that women be informed of the medical risks of abortion, or of the stage of development of the fetus they wish to abort.

In effect, the courts have substituted their judgment for the judgment of legislatures, of parents and now even of the women who seek abortion without sufficient information to make an informed choice.

One of the most troublesome, and indeed horrifying, consequences of the judicially imposed abortion "right" is the growing practice of sex-selective abortion. More and more parents are utilizing prenatal tests to discover the sex of their unborn child, and aborting that child when it is found to be the "wrong" sex.

If this seems rather farfetched to my fellow Senators, I would ask them to consider this: Prenatal testing is readily becoming standard medical practice—not only for women thought to be at increased risk of bearing a handicapped child, but for any woman who seems concerned about her pregnancy. More alarming is the fact that many physicians and geneticists are perfectly willing to assist patients in their efforts to identify and abort children of the unwanted sex. The prevailing policy is to give the parents this information if they wish to have it. At New York Hospital, for example, requests for amniocentesis solely for sex determination are fairly frequent. And at least one specialist in amniocentesis there admits that there is no way to prevent patients from using such information to abort the "wrong" sex. Nor can any legislature fashion a law to prevent this practice so long as the Supreme Court's right to abortion is allowed to stand.

In a special report on the ethical, social, and legal issues surrounding prenatal diagnosis, the Genetics Research Group of the Hastings Center argued that there should be no legal interference with parental choice in the area of sex-selective abortion. The report stated that abortion performed because the child is the wrong sex can appear justifiable to some parents and should be respected.

The head of the genetics unit at George Washington University Hospital has said that he has no hestitation about helping parents choose the sex of their children via abortion—he says that he just does not recognize any absoluted here.

Perhaps Tabitha Powledge of the Hastings Center summed it up best:

"* * * does it make sense at all to talk about limits of any sort of prenatal diagnosis followed by abortion in cultures where abortion-on-demand, for any reason whatever, is both legal and widely acceptable?"

Earlier I alluded to Communist China's permissive policy on abortion. The Chinese have developed a new test which can determine the sex of the fetus as early as the 7th week. This has greatly facilitated sex-selective abortion in that country, and interestingly, out of every 30 children aborted, 29 are female. For a variety of reasons, in China the wrong sex is the female sex. The same is unfortunately true in our own country. According to studies at Princeton and Cleveland State Universities, such a preference for male children also exists in the United States, though to a somewhat lesser extent. It is sadly ironic that abortion—which is so often mistaken for a women's rights issue—poses a disproportionately large threat to female children.

Perhaps no two Senators share exactly the same position on abortion. But I think that nearly all of us can agree that we ought not to have a policy which allows late-term abortion for no other reason than that the child is of the wrong or unwanted sex. How can we make any pretense of supporting equal rights for women if we allow sex-selective abortion to continue? The issue of abortion is inarguably a difficult one for this Senate to deal with, but we have a responsibility to deal with it. The necessary first step to any legislative involvement in the abortion issue is an amendment overruling Roe against Wade. The Hatch-Eagleton amendment does just that—and nothing more. There is no neutral position on this issue; to do nothing is to allow the Court-imposed abortion policy, including sex-selective abortion, to continue unabated.

I urge all Senators who recognize that there are some abortions which should be restricted or regulated to vote for the Hatch-Eagleton amendment.

EXHIBIT 1

FOOTNOTES

[1] Martin, L., "Your Child's Sex—Can You Choose?", Parents, Oct. 1981, p. 73, 77.

[2] Powledge, T. & Fletcher, J., Guidelines For The Ethical, Social, And Legal Issues In Prenatal Diagnosis, The New England Journal of Medicine, Jan. 25, 1979, p. 168, 172.

[3] Restak, R., "The Danger of Knowing Too Much", Stimulus Response, Sept. 1975, p. 21, 92.

[4] Powledge, T., "Prenatal Diagnosis—Now the Problems", New Scientist, Feb. 12, 1976, p. 332, 334.

[5] Martin, supra, p. 77.

[6] News Articles, Washington Post Service, The Milwaukee Journal.

A DECISION FOR "A WOMAN AND HER DOCTOR"?

Mr. **LAXALT**. Mr. President, groups which advocate legal abortion quite often invoke a slogan to the effect that abortion should be "A decision made between a woman and her doctor." Even some professional pollsters have used this phrase in seeking to measure public opinion on whether or not abortion should be legal.

I submit that it is a very misleading slogan. It is misleading because it conjures up the image of a caring physician, advising a woman who has some sort of medical problem as to whether it might be advisable to have an abortion.

This image has almost nothing to do with the reality of abortion in America.

Dr. Bernard Nathanson, now a professor of obstetrics at Cornell University, was a founding director of the organization which is now known as the National Abortion Rights Action League (NARAL). Dr. Nathanson was for a time the director of the world's busiest abortion clinic, in New York City. After that Dr. Nathanson became very involved in fetology, the medical study of the unborn child, and this led him to rethink his position on abortion. In 1979 he wrote a book, "Aborting America," describing his change of mind.

Nathanson has pointed out that the doctor who performs an abortion is almost never involved in the decision to perform the abortion. Dr. Nathanson states:

> A doctor does not participate in the making of the decision except in very restricted circumstances—perhaps 1 percent of all abortions, or less.

Doctors are seldom involved in the abortion decisions because abortion decisions seldom involve any genuine medical reasons. When the Hyde amendment first went into effect in 1977, it permitted continued medicaid funding of abortion for rape, incest, to save the mother's life, or to prevent severe and long lasting physical health damage. Under this language, the number of abortions funded under medicaid immediately dropped by over 99 percent.

The more candid abortion advocates admit that a genuine risk to the mother's health is involved in very few abortion decisions.

For example, a leading prochoice spokesman, Dr. Irvin M. Cushner of the University of California Medical School, a former deputy assistant secretary for population affairs in the Department of Health and Human Services, testified before the Subcommittee on the Constitution on October 14, 1981. Senator Hatch asked a question regarding reasons for abortions. Dr. Cushner responded:

> The data with which I am familiar would indicate that something on the order of 2 percent of all abortions in this country are done for some clinically identifiable entity—physical health problem, amniocentesis, and the indentified genetic disease or something of that kind.
>
> The overwhelming majority of abortions in this country are performed on women who for various reasons do not wish to be pregnant at this time. Some of them do not wish to have children ever, but the overwhelming majority do not wish to be pregnant at this particular time. Their reasons are a mixture of social, economic, educational, or whatever (Hearing record, vol. 1, p. 158).

Senator Hatch then asked, "How often, in your experience, are abortions truly necessary to save the life of the mother or to insure her physical health?" Dr. Cushner responded, "In this country, it is about 1 percent." And he said, "My reasons for supporting the other 99 percent have nothing to do with physical health" (hearing record, vol. 1, pp. 158-159).

Testifying on the same day was Dr. Jasper Williams, chairman of the Department of Obstetrics and Gynecology at Barnard Hospital in Chicago and one who has practiced in low-income areas of Chicago since 1953. In that time, Dr. Williams testified, "I have never seen a case that required therapeutic abortion."

To return to my original point, Mr. President: The rulings handed down by the U.S. Supreme Court on the 15th of this month demonstrate very clearly that this slogan about abortion being "A decision between a woman and her doctor" is a canard.

The city of Akron, Ohio, had enacted an ordinance which required that, prior to an abortion, the abortionist must provide the woman or the minor girl seeking the abortion, with certain information, including the information that the unborn child is a human life from the moment of conception. The Court struck down this requirement, ruling that it was unconstitutional to seek in this way to influence the woman's decision.

I wish to focus at the moment, however, on another section of the ordinance, which was examined separately by the Court. Under section 1870(C) of the Akron ordinance, the attending physician was required to inform the woman seeking an abortion

> . . . of the particular risks associated with her own pregnancy and the abortion technique to be employed including providing her with at least a general description of the medical instructions to be followed subsequent to the abortion in order to insure her safe recovery, and shall in addition provide her with such other information which in his own medical judgment is relevant to her decision as to whether to have an abortion or carry her pregnancy to term.

The Supreme Court noted that "the information required clearly is related to maternal health and to the State's legitimate purpose in requiring informed consent." The Court further noted that the section "merely describes in general terms the information to be disclosed. It properly leaves the precise nature and amount of this

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disclosure to the physician's discretion and 'medical judgment.' "

Nevertheless, the Supreme Court declared this section of the Akron ordinance to be unconstitutional. Why? Because the ordinance required that the information—which the Court acknowledged was important information—be given to the woman by the doctor. The Court said that there was no need for the State to require that "the physician performing the abortion, or for that matter any physician, personally counsel the patient in the absence of a request." Yet this is precisely the kind of information one would expect the doctor to supply if the decision to abort the baby is indeed made by the mother and the doctor.

So, Mr. President, I suggest that it is time to retire the slogan that abortion should be "A decision between a woman and her doctor." For it is nothing more than an attempt to cloak with the prestige of the healing profession a practice which has nothing to do with healing. And it is a device for concealing the manner in which the assembly-line abortion industry actually functions.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield such time as the Senator from Missouri needs.

I thank the Senator from Idaho for his comments.

Mr. DANFORTH. Mr. President, I rise today in support of Senate Joint Resolution 3, the human life federalism amendment, which would amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

At the outset, let me state that I personally oppose abortion. However, the issue in Senate Joint Resolution 3 does not depend on one's personal view of the question of abortion itself. It is perfectly consistent for one to advocate legalized abortion and yet to support this resolution. This is so because the issue before us is not whether abortion should be legal, but rather whether the decision itself is properly legislative or judicial.

This proposed amendment to the Constitution would restore the status quo ante that existed prior to Roe against Wade with respect to the power and responsibility to resolve abortion issues. This amendment would restore the constitutional balance of power between the States and the Federal Government, and between the legislative and judicial branches of Government.

Even many who support legalized abortion are critical of the Supreme Court's decision in Roe against Wade. They challenge the decision because in creating a new constitutional right to abortion it greatly reduced powers traditionally held by State legislatures.

As the political commentator George Will has noted, the Supreme Court's Roe against Wade decision forged from a "privacy right" a "scythe" to mow down State laws of 50 States that expressed community judgments about the issue of abortion. Those who opposed these judgments had them overturned by judicial fiat—not by democratic persuasion.

The result has been a substantial disenfranchisement of the people and a significant shift of power from State legislatures to the Federal courts. The licensing and practice of medicine, matters of public health and morals, the terms and conditions of marriage, and the special protection granted minors have all been historically within the province of State legislatures. So has the regulation of abortion itself. Indeed, community standards for health, safety, and morals have always been within the power of State governments and have been determined by the legislative branch—the elected representatives of the people.

The process of transferring this power from State legislatures to the Federal courts was accomplished by the Supreme Court in but a short period of time. The right to abortion, nowhere found in the Constitution was based on the right to privacy, itself nowhere found in the Constitution.

Senate Joint Resolution 3 would restore authority to the State legislatures with respect to abortion. It would restore the constitutional balance upset by Roe against Wade, and reenfranchise the people to fashion a solution to the abortion problem—returning the issue to the representative branches of government and the democratic process.

Mr. President, in the framework of our Constitution, such issues as abortion—so fundamentally linked to health, medical concerns, and family relations—have traditionally been matters to be addressed by State legislatures. Indeed, the whole subject of domestic relations, husband and wife, parent and child, belongs within the scope of the laws of the States, which have had broad authority to protect minors and to regulate the status and obligations of marriage.

Like general police powers, regulation of medicine, domestic relations law, property law, as well as trusts and estates, authority over abortion is outside the specific enumerated powers of the Federal Government set forth in the Constitution and, prior to Roe against Wade, was within the purview of primary State authority.

This State authority would be restored by Senate Joint Resolution 3, but this amendment would not create any new constitutional rights or prohibitions. It would not require legislative action, and it would not compel or prohibit the State legislatures or Congress from adopting a prohibition on abortion. The States would be allowed a wide variety of options with respect to this matter. The people would be reenfranchised to shape, through their elected representatives, an abortion policy that is reflective of their community judgments and values.

These policies may vary from State to State. That is as it should be. Respect for such local community consensus and the virtues of diversity are fundamental to the vitality and strength of our Federal system. The values of a country develop from the consensus of its people, evolving in the legislative process. Values are not served by stripping legislatures of their power and by informing the people that there are no valid community standards.

Mr. President, I urge all my colleagues to support this amendment—even those who do not share my view of abortion. I call upon them to join in this effort to restore the constitutional balance between State and Federal government—between the legislative and judicial branches. This amendment returns authority with respect to abortion to the democratic legislative process and it respects the principles of federalism upon which our Nation was founded.

Mr. HATCH. Mr. President, I thank my distinguished colleague from Missouri for the excellent statement he has presented and for the point of view he has eloquently expressed.

I yield at this time to the distinguished Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I thank Senator HATCH for the outstanding leadership he has given on this matter, together with Senator EAGLETON and others.

Also, I compliment the leadership of the Senate for their efforts in working with those who are in favor of this measure and those opposed, particularly Senator PACKWOOD, and for their cooperation in allowing this issue to be brought before the Senate and to be voted on by the Senate.

Mr. President, today I join a number of my colleagues in support of Senate Joint Resolution 3, the Hatch-Eagleton amendment to the Constitution. The amendment says simply this: "A right to abortion is not secured by this Constitution." The fundmental purpose and effect of the amendment is to return the sensitive and controversial issue of abortion back to the people of this country, through their elected representatives.

Ten years ago, the Supreme Court was asked to rule on the issue of abortion in the decision of Roe against Wade. A pregnant single woman, under the pseudonym of Jane Roe, challenged the State of Texas' prohibition against abortion, except when it

was necessary to save the life of the mother. At the time that this case was being considered by the Court, there were 31 States of the Union with statutes that protected unborn human life. In 19 other States, abortion was legal under very limited circumstances, such as rape, incest, or when there was a likelihood that the child was going to be handicapped. Even the State with the most liberal laws on abortion—New York—abortion on demand existed only through the first 6 months of pregnancy. In no State of the Union had a majority of the populace recognized an unlimited right to abortion.

Undaunted by this consensus of the country, in one fell swoop the Supreme Court established abortion-on-demand as the law of the land. Many people do not understand that the Court did, indeed, legalize the taking of unborn life, right up to the last month—even the last week—of pregnancy. But that is, in fact, what the Roe against Wade decision did. Finding some medical significance in dividing up the development of the child into three stages, the Court established legal policy at each stage of pregnancy. According to seven Justices, during the first 3 months of pregnancy, the Constitution gives the right to a woman and her physician to make a decision about abortion without any legal hindrance. During the second trimester of pregnancy, the Court acknowledged a public interest in protecting and preserving the life of the mother, certain licensing requirements for abortion facilities could be required by the States. During the last 3 months of the pregnancy, the Court noted the "potentiality of human life" and said that the State may regulate abortion with one exception. If a physician agrees with a woman that her life or health is endangered by the pending birth of this very viable infant, then abortion is, again, a private choice. The Court later defined the term, "health of the mother" to include emotional or psychological well-being. The bottom line of this interpretation was and is that a woman can attain an abortion at any time during the baby's life within the womb as long as she and her physician agree that there might be physical or emotional stress or hardship caused by the birth of the child.

In addition to pointing out the very radical change of policy that this decision represented for our country in 1973, I should also like to point out the absurdity of the ruling from a medical and scientific viewpoint. It is very difficult to understand the Court's rationale for even attempting to address the viability question. At the time that Roe against Wade was decided, infants were surviving birth at 28 weeks or 7 months, today infants can survive premature birth at 22 weeks or 5½ months. Tomorrow viability will be even earlier. In this context, it becomes clear that "viability" is only a measurement of the life support systems around the baby. It is not a measurement of the humanness or aliveness of the baby, as the Court seemed to indicate.

Indeed, this question leads to the very basic flaw in the Court's Roe against Wade decision. To rule on the legality of abortion, one has to decide two things: First, what right the woman has to make a decision about having an abortion; and, second, what rights are to be accorded to the developing child that the woman carries. On the first question, the Court decided that the woman has a "right to privacy." On this point, we all would agree. None of us wants any part of the Government to regulate our personal choices like marriage, procreation, or family relationships. For any right to supersede such basic liberties would have to be most compelling.

In addressing the second question, however, the Court avoided the most fundamental issue. Two arguments were made in support of the developing child's right to legal protection. First, that the "fetus" is a person, as protected under the 14th amendment, which states that, "Nor shall any state deprive any person of life, liberty, or property without due process of law . . ." In response to this argument, the Court acknowledged that if personhood were established, then the fetus' right to life would then be guaranteed. However, based on a reading of history and their understanding of the word "person," the Court found that unborn children do not qualify as "persons."

The second argument given to support the right of the developing child to be protected was simply this: that life begins at conception and the state has a compelling interest in protecting life from and after conception. Now, it does not take a scholar to discern that this is the fundamental question in the debate on abortion. There is no doubt about a woman's right to privacy, we all agree on and cherish that right and privilege. However, if and when the right to privacy is placed in competition with the right to life, them we must affirm the higher and more fundamental right of an unborn child to live. Freedom has been and should be granted to all of us, as long as our practices do not infringe upon or abridge the rights of others. And so, what did the Court do with the key question of whether the "fetus" is life, with its tremendous implications on the outcome of the ruling? They did nothing.

They did not address the issue. Instead, they pointed to the divergence of views as to when life begins and thus declined to resolve the question. To me, this is astonishing. It is incomprehensive that the Court, when left with apparent uncertainty about whether a developing child is a life or not, would go ahead and OK the aborting of some 1.5 million children a year. If we are to err in this most crucial issue, should we not err with the possibility of protecting life?

And so, 10 years later, here we stand. The issue has not gone away. And unlike some others, I think that even regardless of the outcome of tomorrow's vote, I do not think it will go away with this debate.

Despite the powerful teaching effect of the law, that generations of Americans are now being raised to not bat an eye about abortion, there are still those who will not, indeed cannot, rest while the taking of innocent life is sanctioned in this land. The ramifications of the abortion decision in America are serious and far-reaching. Certainly, it is inevitable that once we allow the rights of one class of citizens to be eroded, then all of our rights are endangered.

For this reason, I implore my colleagues to support Senate Joint Resolution 3. The Hatch-Eagleton amendment simply brings the issue of abortion back to the people, by allowing elected representatives to respect and respond to the public's views on abortion. The amendment would allow Americans the opportunity to develop a consensus on the issue of abortion, something that Roe against Wade suppressed wholly and completely. This amendment represents a far more moderate measure than the Court's action which, as I mentioned earlier, usurped all existing State law in the Nation. It has become clear that the Court is not yet ready to reconsider the Roe against Wade decision from their most recent affirmation of that ruling. Therefore, it is my hope that Congress will take this issue out of the arena of the Court and place it before the people, so that the many divergent views alluded to by the Court can have their expression on this issue.

I also add to my colleagues that it is my desire that we would not even need the amendment that we have before us today. Certainly, the first preference of this Senator and probably many who desire to protect the life of the unborn children would be for the Court to reverse its ruling. Then we would not be wrestling with the various constitutional amendments or bills of those who have been working for this. But right now this is the best opportunity I think that we have to allow States the opportunity to protect the lives of unborn children.

So I urge my colleagues to join me in supporting Senate Joint Resolution 3.

Mr. HATCH. Mr. President, I thank the great Senator from Oklahoma for his excellent remarks and tell him I personally appreciate it.

I now yield to the distinguished Senator from Utah, Senator GARN.

Mr. GARN. I thank my colleague from Utah.

Mr. President, of all the slogans that dominate the national debate on abortion, the most commonly used are the words "prochoice" and "freedom of choice." The very fact that the "abortion rights" lobby insists on calling itself prochoice instead of proabortion is of some interest. The National Rifle Association, which favors the choice to carry firearms without legal restrictions, is universally called the gun lobby or gun-owners lobby; those who favor the choice of voluntary school prayer are referred to simply as advocates of school prayer; and so on. Only in this one area do the advocates of a particular practice and institution shy away even from naming the substantive issue involved, instead hiding behind the euphemism that they favor "choice." But of course, what is really being defended is a particular set of unpopular and widely disputed Supreme Court decisions determining the legal status of abortion. In fact, if one investigates the consequences and apparent direction of those decisions, "free choice" is the last thing one could come up with as a description of what they promote.

Certainly they do not promote the choice of the American people to rule themselves through their elected representatives. The Supreme Court has invalidated virtually all substantial restrictions on abortion, establishing a permanent policy of abortion on demand which extends in practice up to the point of birth. This is clearly a policy which was not chosen by the American people in 1973—for not a single State had an abortion law this radical—and it is one which would not be chosen by them now.

Nor do these decisions promote the free choice not to support practices one finds abhorrent. In 1980, the Supreme Court narrowly avoided imposing a nationwide policy of court-ordered abortion funding by a 5-to-4 decision, after years of court battles and the filing of an amicus curiae brief by hundreds of Members of Congress. Yet several State supreme courts, most notably in Massachusetts, California, and New Jersey, have applied the "right" of abortion to the appropriations process with greater zeal, invoking various provisions in State constitutions to force taxpayers and legislators to fund elective abortions. In Illinois, a Federal court has invalidated a law subsidizing charitable groups which offer alternatives to abortion, because that law did not also provide funds to promote abortion. Public hospitals have been told by some courts that they do not have the choice of promoting the Hippocratic Oath—that is, they cannot refuse to open their facilities to the practice of elective abortion. So even in States where public funding of abortion is prohibited, the taxpayers are still forced by Federal courts to subsidize nontherapeutic late-term abortions through the taxes which support public hospitals. Last week the U.S. Supreme Court refused to hear an appeal from a ruling of this sort involving the city of Virginia in Minnesota.

Some of my colleagues may wish to point out that people often have to pay taxes for things they do not like. I would like to ask them if there is any other situation in which taxpayers are forced to pay for a practice which was a felony only a few years ago throughout the Nation. I would like to ask them if public hospitals are now forced to perform any procedures that doctors have been solemnly vowing never to perform for the last 2,500 years.

Even religious groups which condemn abortion as an unspeakable attack on human life are forced to involve themselves in the abortion industry. Some religious employers have had to file suit in Federal court to defend their own first amendment rights, because a Pregnancy Discrimination Act enacted in 1978 would force them to pay for abortions and for sick leave to obtain an abortion in violation of their consciences.

This year we find ourselves debating a Fair Insurance Practices Act (H.R. 100) which would go even further—if passed without amendment, it would force all men and women in the United States to buy insurance coverage for elective abortion whenever they purchase a health insurance plan of any kind. This is a logical, if absurd, extension of the principle that abortion is just an ordinary medical procedure like any other—the road from abortion as "right" to abortion as legal obligation seems very short. Interestingly, proabortion groups—they surely do not deserve the title prochoice in this context—have unanimously denounced any effort to amend this bill to allow women to choose whether they want abortion coverage or not. These groups claim that such a respect for the woman's freedom of choice would be an insult to her and a violation of civil rights. In other words, "choice" is OK, as long as it's a choice to subsidize abortion; no other choice is morally or legally acceptable.

This trend toward coercion of conscience can be traced back to the legal rationale of the 1973 abortion rulings themselves. In 1975, an article in the Columbia Journal of Law and Social Problems observed that conscience clauses allowing a refusal to perform abortions on "free exercise of religion" grounds are "not without difficulties" since 1973. This is partly because "many denominational hospitals are recipients of governmental aid, and arguably are State institutions for fourteenth amendment purposes"—an argument now strengthened by court rulings in Bob Jones and other cases. Attorney Harriet Pilpel, general counsel to the Planned Parenthood Federation of America, has argued that Roe against Wade means that abortion is "sound medical practice" as a matter of law, and therefore that doctors who refuse to perform abortions violate the American Medical Association's Code of Ethics because they practice medicine in accordance with sectarian "dogma." I would like again to add that the "dogma" in question is one shared by the Hippocratic Oath which every physician was required to swear to until recently. It seems obvious that if the current judicial trend continues, Federal courts will soon be deciding whether the fundamental "right" of abortion makes this procedure into a fundamental matter of "public policy" which overrides claims based on the first amendment. Private church hospitals could then be forced to open their facilities to abortion services under pain of losing their tax-exempt status, their medicare and medicaid reimbursements, and so on. It is clear that the self-styled prochoice movement considers this as part of its agenda.

Even as currently enforced, Federal laws protecting the consciences of health care personnel are clearly inadequate; 7 years ago an obstetrical nurse in Florida was dismissed from her job because of her refusal to participate in abortions. She was reinstated when an appeals court invoked the State's "conscience" law; but even this court noted that the dismissal would have been justified if retaining this nurse created any undue hardship in providing elective abortion services. Similarly, the aforementioned law review article observed:

> Since public hospitals are under a constitutional duty to provide physicians willing to preform abortions, State laws prohibiting discrimination in employment cannot be invoked as an excuse for failing to comply with affirmative efforts necessary to provide abortion services.

But how does a hospital fulfill this affirmative duty to hire abortionists without discriminating in its hiring practices against people unwilling to perform abortions? Apparently this part of the prochoice agenda has begun to be accepted by our Highest Court; for in refusing to grant certiorari in city of Virginia against Nyberg last week, it seemed to affirm that some public hospitals do have a constitutional duty to provide facilities for abortions.

Yet another coercive edge to the prochoice agenda can be found in the growing tendency to recognize claims for wrongful life and wrongful birth. In many of these cases, physicians have been penalized with enormous monetary damages for failing to perform or counsel abortion when there is a chance that a child may be born with a mental or physical disability. In one case, a physician was penalized for failing to advise abortion although abortion was illegal in that State at the time the woman in question was pregnant—the court observed that the physician should have facilitated the woman's journey to another State so she could exercise her right to an abortion. A California State appeals court has suggested that a handicapped child should be able to sue her own parents for wrongful life, because they failed to destroy her before birth. Is there any doubt that both the physician's free choice and the dignity of so-called imperfect life are being denied here?

The idea that abortion is now a matter for free decision arrived at by "a woman and her physician" therefore ignores the fact that the physician himself—or herself—is being pressured into a proabortion stance by the law in various ways.

But leaving aside the last-mentioned court ruling—which fortunately has not yet been followed by other courts—some of my colleagues will say they are standing up for the "free choice" of the individual woman faced with an unwanted pregnancy. After all, they will say, our law does not force a woman to have an abortion against her will. Each woman is free to make her own choice. This was clearly part of the Supreme Court's own rationale in deciding Roe against Wade. Yet I fear it is not so simple. Current abortion policies actually provide little or no protection for the freedom of the woman's choice.

This is at least partly because of the absolute character of the Supreme Court abortion decisions themselves. During the first trimester they allow legislatures to do very little more than assure that the abortionist has a license to practice medicine. Again and again, the States' efforts to protect the health and the free decisionmaking of the woman involved have been crippled by judges following the Supreme Court's lead. The States cannot prohibit abortion—but they also cannot step in effectively to regulate or license abortion counselors, to prevent quiet coercion of boyfriends and relatives, or to limit exploitation by unscrupulous abortionists. The "informed consent" provisions enacted by the city of Akron, and now invalidated by the Supreme Court, are a case in point. The Court has rejected every one of these provisions as unconstitutional, even where they provide simple medical information about the size and physical characteristics of the fetus. This providing of information from a medical textbook has been denounced by some in the prochoice movement as an imposition of religious dogma and an attack on constitutional liberties. The Supreme Court's majority opinion in the Akron case has even rejected as unconstitutional a text informing women about possible complications of abortion and about the availability of alternatives to abortion, because such provisions are "designed to influence the woman's informed choice between abortion or childbirth." The principle at work here seems to be that a woman is more free the more ignorant she is. In other words she has the right to decide on an abortion, but no right to the information necessary to make that decision. This is an attack on informed consent which would not be tolerated with regard to any other potentially hazardous medical procedure—and where there is no informed consent, there is no real deliberation or choice. Even the idea of a "waiting period," to allow the woman time for a considered decision, is under attack by the Court: it claims that the attending physician—that is, the abortionist himself—must have full discretion as to whether a waiting period would be beneficial to his patient.

An even more ominous judicial trend involves court orders for abortion in the case of children and mentally incompetent adults. The Supreme Court has told us that parents cannot veto their minor daughter's abortion decision. Even under the age of 15, a judge must be available who can order the abortion if it seems to be in her best interests. But some of those involved in this area of law apparently want judges to mandate abortions even when it is not at all certain that the woman involved wants that abortion. When a probate judge in Michigan refused 2 years ago to rule that a late-term abortion was in the best interests of a pregnant 11-year-old girl, even the ACLU admitted that there was no clear-cut evidence that the girl involved even wanted an abortion; yet the NOW and other local prochoice groups publicly denounced the judge and circulated a petition to have him removed from office.

Last year, a Pennsylvania judge invalidated the informed consent section of that State's abortion law as unconstitutional, so that abortion could be performed on a comatose woman who had never expressed any desire whatsoever to have one. This judge decided that even if only the woman's social or emotional well-being were at risk, a physician could unilaterally decide the abortion is necessary when the woman's own consent cannot be obtained.

In a similar case, Chief Justice Warren Burger has refused to block an abortion ordered by the court-appointed guardian of a woman in a semicatatonic state, although no evidence was presented to show a medical need for the abortion. This woman had been fully competent earlier in her pregnancy and had not sought an abortion.

A 38-year-old woman named Mary Doolittle, not comatose but under treatment for schizophrenia in a State facility, narrowly averted being forced to undergo an abortion she definitely did not want in 1981, but only after her Catholic family went to court to fight the State of California for 3 weeks and offered to adopt the child when born. A mandatory abortion was avoided because the State hospital's physicians had not provided solid evidence that the abortion would be beneficial. Ms. Doolittle's family later told reporters that the State's aggressive struggle in the courts to require her to undergo an abortion had frightened her greatly and added to her mental stress.

Are cases like these the beginning of a new stage in the development of the abortion right? The pro-choice activists themselves seem to think so. The fourth annual meeting of the National Abortion Federation in 1980 featured not one, but two key addresses advocating mandatory abortion for teenagers under a certain age. Abortionist Jane Hodgson asked rhetorically, "Does freedom of choice really apply to the very young? * * * Shouldn't we * * * mandate against continuing pregnancy in the very young, say, those less than 14 years?" Another speaker, Lonnie Myers, endorsed this suggestion and remarked that "it's time we had the guts to say that 14 is too young to have a baby." These two are among the people who pushed for exclusion of parents from teenagers' abortion decisions a few years ago; now it seems that this is a way of making room for State coercion, not for the teenager's own decision.

The judicial framework for such coercion is already in place, for it has already been developed in the context of medical treatment decisions for mentally incompetent adults. The courts can affirm that teenagers have a constitutional right of privacy, including a right to choose abortion, but that they are too immature to exercise it on their own behalf. The courts must exercise it for them, using a doctrine of substituted judgment.

These trends are not part of a progressive trend toward greater personal liberty. They are part of an increasingly coercive use of badly thought-out court rulings to impose the acceptance of abortion on a reluctant society.

About a century ago, this country went through a conflict over the moral and legal status of black Americans that has some instructive parallels to our current crisis. Then, as now, an unjust practice was defended under the banner of free choice, for people opposed to slavery were told that they need not own slaves themselves if they did not choose to do so. Then, as now, it was not so simple: People who abhorred slavery were coerced into tolerating it as a public institution, and into cooperating with it through laws for the return of runaway slaves to their owners. Then, as now, the unjust institution had its own internal dynamic; it insisted upon public acceptance from all Americans until the basic moral issue could no longer be ignored. When Abraham Lincoln was asked what would convince the slaveholders of the good will of his party, he replied:

> This, and this only: cease to call slavery wrong, and join them in calling it right. And this must be done thoroughly—done in acts as well as in words. Silence will not be tolerated—we must place ourselves avowedly with them. . . . All they ask we could readily grant if we thought slavery right; all we ask they could as readily grant, if they think it wrong. Their thinking it right and our thinking it wrong is the precise fact upon which depends the whole controversy.

This is no less true of abortion than it is of slavery. The principles of Roe have taken on a life of their own, involving a dynamic which pushes toward universal acceptance of abortion as a positive value, as a required component in good medical practice, and as a preferred—even obligatory—solution to an ever-expanding list of personal and social problems. The self-proclaimed advocates of abortion choice will not rest until we are all forced, by word and deed, to treat abortion as an ordinary and morally unimpeachable aspect of American life.

The insane logic of the Supreme Court's abortion decisions should not be allowed to extend further into the coercion of American consciences. If we must continue to disagree on abortion, let us at least agree that its promotion is not a suitable area for constitutional mandate. Let us restore some balance and some sanity to our legal system. I urge my colleagues who value civil liberties to support Senate Joint Resolution 3.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Utah for his remarks and I appreciate having my colleague who has been at the forefront of this battle for so many years with us, and I appreciate what he said in the Chamber today.

I now yield such time as she may need to the distinguished Senator from Florida.

Mrs. HAWKINS. Mr. President, I rise in support of the Hatch-Eagleton constitutional amendment regarding abortion.

I am deeply disturbed over the tragic results of botched legal abortions in this country. I am doubly disturbed when these problems involve the people of Florida. Each horror story is a human tragedy caused by our Government's failure to protect the health of its citizens. Abortion has become an essentially unregulated business. The right to an abortion today does not mean the right to a safe abortion.

Recently this tragedy was brought home to me with a kind of grisly impact. In my home State of Florida, a doctor in an abortion clinic lost his license to practice medicine by endangering the life of a 12-year-old girl. The abortionist in question, who was described in the press as having performed thousands of abortions did such a hatchet job that a hysterectomy and colostomy were required to save the girl's life. In a 3½-year period, four women died at his hands.

Examples like these have plagued legal abortion since Roe against Wade. Good investigative reporting always seems to uncover clinic corruption. This happened in Dallas and El Paso and most recently in the city of Chicago. A 5-month investigation of Chicago abortion clinics by the Chicago Sun-Times in 1978 led to a lengthy series of exposés.

The Chicago Sun-Times investigation uncovered 12 maternal deaths in four Chicago abortion clinics, none of which had shown up in the official compilations of abortion-related deaths.

And in its report on the original form of the Hatch amendment, published last June the Judiciary Committee noted:

> The Chicago experience is also instructive in shedding light on the implications of the Supreme Court's rulings on first-trimester abortion: Public health officials in the city were aware of numerous abuses at these clinics, but their attempts at licensing and regulating them had been ruled unconstitutional by the United States Court of Appeals for the Seventh Circuit, which pointed to Roe and Doe's ruling that regulations designed to protect the pregnant woman during an abortion are invalid until after the first trimester of pregnancy. The Supreme Court refused to review this decision.

Dr. Bernard Nathanson was a founding director of the National Abortion Rights Action League (NARAL). At one time he directed the Nation's busiest abortion clinic, in New York City. After that he became heavily involved in neonatology, and this led him to reevaluate his position on abortion. In his 1979 book, "Aborting America," Dr. Nathanson writes of the shoddy workmanship of many a clinic doctor. His exposé is corroborated by such organizations as Women Exploited by Abortion (WEBA), each of whose members has been victimized by abortionists. These women are living proof of abortion's hazards and its demeaning assembly line atmosphere.

Inevitably, these tragedies will continue because Roe against Wade effectively prevents abortion clinic regulation. My own State of Florida is a case in point. In 1978, the Florida Legislature adopted our abortion clinic licensing statute. The Florida Department of Health and Rehabilitative Services also adopted rules and regulations, which were minimal. Both legislative and departmental actions were in reponse to a series of scandals in Miami and were designed to protect the health and safety of women who were clinic patients. A Federal district court, however, was not favorably disposed. The regulations were enjoined in early 1979 and have never been in effect. Thus, in Florida a woman's fundamental right to an abortion prevents the enforcement of standards that can protect her health.

This is not only true of Florida, it is true whenever and wherever the State has tried to protect the health of its citizens from the hazards of abortion clinics. In Illinois, the Chicago Board of Health was prevented from regulating any abortion clinics within its jurisdiction. When a lower district court decided in favor of regulation, however, its decision went unimplemented through a successful appeal to a higher court, the U.S. Court of Appeals, Seventh Circuit.

As a legislator I resent the Court's intrusion into a legitimate exercise of the power of the State. Our State governments must retain the right to protect the health of their citizens. If the people deem that abortions should be legal, we must at the very least, assure that the abortions performed are safe. And if under the Hatch-Eagleton amendment to the Constitution, my State of Florida decides to allow abortions, its citizens will finally enjoy the privilege of State regulations of an extremely delicate and sensitive operation. The people of this country—and the women of Florida—surely deserve that.

Mr. President, I urge my Senate colleagues to join me in supporting this amendment. I ask unanimous consent that a series of articles from the Miami Herald on this subject be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Jan. 7, 1983]

ABORTION CLINIC'S FILES SEIZED

FOUR HAVE DIED AFTER OPERATIONS AT MIAMI CENTER

(By Steve Sternberg and Bob Lowe)

Soon after the controversial Women's Care Center opened in 1978, a patient died of post-abortion complications.

Over the next three years, another woman died and several others nearly bled to death. Though the signs were clear that there were problems at the abortion clinic, state and local regulations left the clinic open.

Thursday, 48 hours after the fourth abortion death and 19 days after the third, a team of investigators from the Miami Police Department and the State Attorney's Office seized evidence for a possible manslaughter case.

Police had spent the day staked out at the clinic, which was closed for the day. Young women continued showing up trying to keep

their appointments at the center at 5601 Biscayne Blvd.

Records in Dade Circuit Court and state regulators' files disclose botched abortions and accusations that clinic personnel practiced medicine without a license.

One of the targets of the continuing allegations has been Hipolito Barreiro, the 52-year-old owner of the firm. At least two former patients have accused him of practicing medicine without a license.

"It's very unfortunate," said Barreiro before he accompanied investigators to the State Attorney's Office for questioning Thursday night.

"We are very, very, sorry. It's circumstances beyond our control."

Barreiro labeled as "propaganda" accusations that he participated in abortions and that the clinic provides substandard care.

"Four thousand operations in two years and only two complications," said Barreiro, referring to the record complied by Dr. Orland Zaldivar, his clinic's physician. "That is [better than] the statistics."

Medical experts disagreed.

"Abortion is one of the safest operations in medical practice," said Dr. David Grimes, an abortion expert at the federal Centers for Disease Control in Atlanta.

Between 1972 and 1978, abortion mortality in the United States was 2.2 deaths per 100,000 operations, he said.

"Three deaths in three years is certainly an epidemic," said Grimes, interviewed before the death of Shirley Payne Tuesday. "It's more than you would expect even at a large facility."

Indications that something was wrong at the clinic date back to Ruth Montero's death three and a half years ago.

One former clinic doctor lost his license after the Florida Department of Professional Regulation [DPR] alleged that he was legally blind in one eye, high on Quaaludes and had helped clinic personnel practice medicine without a license.

Through it all, the clinic stayed in business—helped by a high turnover of physicians and Florida's weak regulation of abortion clinics.

Then Myrta Baptiste, 26, died Dec. 19. Shirley Payne, 33, died after an abortion Tuesday.

Miami police, the State Attorney's Office and representatives from various other agencies met Thursday to coordinate a criminal investigation into the deaths. Officials indicated that the probe into the two recent fatal abortions is focusing on Barreiro.

"Our principal target in this case is Hipolito," said Ray Havens, an investigator for the State Attorney's Office during the meeting.

In addition to the four abortion-related deaths since August 1979. Dade County court records show six medical malpractice lawsuits have been filed against the clinic, its doctors and Barreiro since 1980, three of them in 1982.

Three have been settled out of court for various sums. Three others are pending.

In addition to those lawsuits, claims by two other patients have resulted in payments to them by the clinic's insurer, say state officials.

The center and its doctors deny the malpractice allegations, often pointing to the fact that patients have signed forms indicating that they understand the risks of surgery.

They also contend in most of the lawsuits that the women failed to return for required post operative examinations after the abortions and have failed to inform clinic doctors of complications.

Jane Carroll, 22, was paid $50,000 by the clinic's insurer without any court action after an abortion a year ago resulted in an emergency hysterectomy at Hialeah Hospital.

"I'm lucky to be here," said Carroll, who nearly bled to death because of a perforated uterus. Surgeons also had to remove fetal parts left inside Carroll, medical records show.

"I can't have kids ever, ever!" Carroll said.

Carmen Neumann alleged in her lawsuit that the clinic took her to a hospital three days after an abortion resulted in a perforated uterus and bowel. She arrived too weak to sign an admission form and required immediate surgery to stop internal bleeding, the suit alleged.

"It was a nightmare," said Neumann. "I think it [the clinic] should be closed."

Her case was settled for $3,000 after she left the state and her lawyer concluded the then-uninsured Barreiro had few assets at the time that could be recovered.

Other plaintiffs' lawyers say they have opted for quick, modest settlements because the clinic's insurance coverage is minimal—$25,000 per claim for the center and a like amount for each of its doctors.

"It's the minimum we write," said Alan Shiver, director of the Florida Medical Malpratice Joint Underwriters Association, which provides the insurance.

A COMMON THEME

Joel Kaplan, who represented two clients who have sued the clinic, said he considers Barreiro "bulletproof," meaning that corporate laws and other methods of protecting assets would make it difficult to collect on a large jury award.

Allegations in the lawsuits have this theme in common: Abortions botched or incomplete, leaving the patient with a perforated uterus that isn't detected or treated properly.

Since the clinic opened about four years ago, the center has performed 7,000 abortions, said Barreiro. He said the deaths and cases of perforated uteruses are unremarkable.

National statistics show "roughly one out of every 100 operations results in perforation," he said Thursday.

Physician Grimes, however, said recent reports indicate that perforation of the uterus occurs in about one out of 500 cases. Sometimes the perforations are minimal, resulting in minimal bleeding, and heal by themselves, he added.

He said cases where the perforation damage is so great that it requires a hysterectomy are "very, very rare," and happen about once in every 10,000 abortions.

NEVER PARTICIPATED

Although some of the suing patients indicate in the lawsuits they believe Barreiro participated in their surgery, they also admit that they were unconscious during the procedure. Barreiro admits being present during abortions, but said he never participated in them.

Former patient Carroll said Barreiro gave her an injection to put her to sleep before her operation.

"He gave me the injection and I went out," she said.

Neumann alleged in her suit that Barreiro gave her several injections without supervision after her surgery. That would violate state law prohibiting unlicensed persons from practicing medicine.

Barreiro contended in the suit that he limits his involvement with patients to "counseling" them. Only licensed personnel practice medicine at his clinic, he said.

Some of the allegations of malpractice were passed on to the state Department of Professional Regulation [DPR] and the State Attorney's Office, say plaintiffs and their lawyers.

"I can say the DPR was . . . fairly interested and the assessment was they couldn't do anything about it," said Miami lawyer Howard Kay, who represented Neumann. "The same for the State Attorney's Office."

"It's kind of sad because maybe if they had, two people would be alive today."

The DPR did take action against clinic doctor Alfred C. Pin, however.

Pin was named as a defendant in one suit settled for an unknown sum and his insurance paid for half of an out of court settlement for in a second case.

Pin voluntarily relinquished his license last June after the DPR alleged a wide range of misconduct, including exposing himself to female patients at another job, prescribing 38,690 Quaalude tablets improperly during a four-month period and being under the influence of Quaaludes during a physical examination.

One finding was that when Pin was told a patient in a dermatology clinic was experiencing a rapid heart beat, he disconnected an electrocardiogram monitor and asked everyone to pray.

The DPR also accused Pin of helping clinic personnel practice medicine without a license.

During that investigation, complainant Brenda F. Maultsby alleged that clinic owner Barreiro prescribed her drugs. Barreiro, Pin and another clinic employe denied the allegation.

After Pin relinquished his license and returned to Argentina where he received his medical training, the case was turned over to the State Attorney's Office, said DPR officials.

State Attorney Janet Reno said the file was returned because the allegations could not be proven.

DPR officials said they could take no action concerning Barreiro because he is unlicensed and the department has jurisdiction only over licensed physicians. Barreiro, trained in medicine in Argentina, is not licensed to practice in Florida.

Regulation of abortion clinics in Florida is slight. The only licenses required to open one are routine business and occupation licenses obtained from the city and county, the same ones needed for a laundry or shoe store.

Nursing homes are tightly regulated in comparison. Restaurants are inspected regularly for sanitation. Abortion clinics are not. Outpatient surgical clinics must have proper life-saving equipment and quick access to a nearby hospital for emergencies. Abortion clinics have no such requirements.

Abortion clinics are only required to employ licensed physicians to perform abortions, keep adequate records and properly dispose of fetal matter, say state officials.

State standards for abortion clinics governing cleanliness, patient care and hospital backup were struck by a 1980 court order.

CHRONOLOGY OF CLAIMS AGAINST WOMEN'S CARE CENTER

This chronology details lawsuits and other claims filed against the Women's Care Center in the past 3½ years:

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Carmen Neumann underwent an abortion at the clinic on Aug. 4, 1979. Over the next three days, clinic doctors repeatedly visited her at her hotel because she was experiencing increasing pain.

Finally, on Aug. 7, clinic owner Hipolito Barreiro and an employe rushed her to International Hospital, where surgeons found she was bleeding internally, her uterus and bowel perforated, Neumann's suit alleged.

Her recovery took months, including 15 days in the hospital.

The suit, which named the clinic and Barreiro as defendants, was eventually settled out of court for an undisclosed sum.

Ruth Montero, a 23-year-old Davie resident, died on Aug. 7, 1979, after an abortion at the clinic.

Digna Harris nearly died after having an abortion on May 21, 1980, according to her lawyer, Joel Kaplan.

She and her husband sued the center and Barreiro four months later, alleging that the defendants operated in an "unskilled manner," perforating her uterus and bowel, and that they failed to realize she had been injured. The suit was settled for $39,000.

Avis Quarrel, a nurse, sued the center and Dr. Alfed Pin, a doctor at the center, alleging that the abortion in October 1980 failed to terminate her pregnancy and caused other injuries.

The defendants argued that Quarrel never reported any problems after the operation and that she failed to appear for a post-operative examination. The case was settled for an unknown sum.

Moura Morales, 25, died after an abortion on May 8, 1981, at the clinic. Her husband and son sued a year and a half later, blaming the center for her death, and naming the center, Barreiro, Pin and Dr. Elisa Nieto-Avila as defendants. The case is pending.

Linda McKinnon nearly died after having an abortion on July 10, 1981, according to her lawyer.

She and her husband filed suit a year and a half later, against the center and Barreiro. The court action alleges that the defendants failed to diagnose her post-operative problems and failed to consult with other physicians.

Lawyer Kaplan said he has discussed a settlement in the pending case of about $50,000.

Jane Carroll, 21, had an abortion on Dec. 29, 1981, and was then rushed to the Hialeah Hospital.

Surgeons found that her uterus was ruptured and that parts of the fetus remained inside of her, according to medical records. They performed a hysterectomy to stem the profuse bleeding and save her life.

Carroll never sued, but her lawyer negotiated a settlement of $50,000 with the clinic's insurer. Records indicate that Dr. Orlando Zaldivar performed the abortion.

Ivonne Bruno, 25, arrived at American Hospital on May 9, 1982, suffering from abdominal pain and chills after an abortion at the clinic the previous day.

At American Hospital, surgeon Pedro Ramos performed a total hysterectomy after finding a "large" slit in the uterus, according to medical records. Ramos said parts of the fetus were still in Bruno's body.

She sued the clinic, Barreiro and clinic physician Zaldivar, who allegedly performed the abortion. The lawsuit contends that Zaldivar is incompetent to perform abortions and that the clinic failed to monitor Bruno for a long enough time after the operation. The pending suit asks for $5 million.

Myrta Baptiste, 26, died on Dec. 18, 1982, following an abortion at the clinic. Police launched a criminal investigation into the case.

Shirley Payne, 33, died on Jan. 4, 1983.

[From the Miami Herald, Thursday, Jan. 6, 1983]

ABORTION CLINIC SHUT FOR DAY AS HRS OK'S PROBE OF DEATHS

(By Bob Lowe and Steve Sternberg)

The white stucco building that houses the Woman's Care Center bore a scrawled note Wednesday, taped to the front door.

"Sorry, the clinic is closed today. All previous appointments will be rescheduled for tomorrow."

The abortion clinic at 5601 Biscayne Blvd. was closed after the death of 33-year-old Shirley Payne Tuesday. She was the second woman to die following an abortion at the clinic in 17 days, the fourth since August 1979.

Police on Wednesday would not disclose the identity of the Doctor who had performed Payne's abortion.

Outside the clinic, feminist activist Roxcy Bolton greeted more than a dozen would-be patients in little more than an hour. None was aware of the controversy surrounding the clinic.

"I'm not saying that you should not come here," she said, "I'm saying that it is not safe. It's a butcher shop."

Several of the women were Haitian and unable to read the newspaper article she handed. Bolton told them not to come back and to relay the message to their friends.

The unusually high number of deaths at the clinic prompted state legislator and physician Rep. David J. Lehman (D., Hollywood) to call Wednesday for an investigation into the center and state regulation of other abortion clinics not affiliated with hospitals.

"It's shocking to me," said Lehman. "I think it's incumbent on the department [Florida Department of Health and Rehabilitative Services] . . . to make an investigation."

Robert Daniti, HRS general counsel, said, "We are authorizing an inspection."

Meanwhile, the Miami homicide detectives probing the two most recent deaths were scheduled to meet with State Attorney Janet Reno and officials of the Florida Department of Professional Regulation, which monitors licensed physicians.

Clinic owner Hipolito Barreiro, 52, was unavailable for comment Wednesday. Phone calls to the clinic and his home went unanswered.

On a state application for a Florida medical license examination, Barreiro stated he was born in Havana, had trained in medicine in Argentina for nine years and practiced medicine in West Africa for seven years.

Barreiro never took the exam, state officals say, because he was lacking an educational requirement. Barreiro has told police that only licensed physicians operate in his clinic.

Mr. HATCH. Mr. President, the distinguished Senator from Oregon earlier asked if any early abortion statutes extended to abortions performed before quickening.

I have to admit there are allusions in the common law, and writers on the common law say that it did. But I personally agree with the Senator that there is a real question of whether before quickening there were criminal statutes applicable.

I think the reason for that is that the States in the 18th century and before did not have, as we all know, the sophisticated medical knowledge we have today and, therefore, they had a problem of proof in abortion cases in showing that a living being had been killed. So I do not think anybody can take any comfort in the fact that the common law is unclear in that area.

The only time in the pregnancy that clearly indicated life was present to them was at the time of quickening and, therefore, the States set their prohibitions to operate beginning at that point.

I might add, if the States at that time had possessed sonograms, amniocentesis, or a number of other items of medical technology, the problem of proof would have been obviated, and the statute probably would have been extended to all stages of pregnancy, and I think even in the medieval times that would have happened. Indeed, in the mid-1800's, science began to advance to show the existence of human life, and at that time the statutes were expended to cover the entire term of pregnancy, and that is the point I was trying to make before.

I make these points realizing that I have interrupted the question that I did ask the distinguished Senator from Oregon. Let me repeat it. The distinguished Senator from Oregon has suggested that the present amendment is not a States' rights amendment.

I would like to ask him if he would be kind enough to share with this body an area of law that he believes to be subject to the concept of States' rights.

Mr. PACKWOOD. I am not sure I understand the question. What I said about this amendment is, it is not a pure States' rights amendment, and if you wanted to draft one that would be a pure States' rights amendment, it can be drafted.

Mr. HATCH. I think the Senator is correct. We can draft an alternative amendment that would seem to some more pure from a "States' right" perspective, but I would reject the Senator's contention that it would or could operate any differently than the present amendment.

Mr. PACKWOOD. There is a misunderstanding among a number of people involving this amendment as to whether this is a States' rights amendment, and I do not want anyone to think if this amendment passes, Congress is precluded from acting. Congress will indeed have power to act under what you call residual powers. But, indeed, we will have the same power to act we had prior to Roe against Wade. We just chose not to act, and I think Congress—many Members of the Senate—think if we pass this, we are not going to have any more fundamental debates and anymore abortion debaters, and I fear we are.

Mr. HATCH. I also hasten to point out that if we drafted an alternative "States' right" amendment, as the Senator has suggested, we would still be in the same position where residual powers would be left in the Federal Government, with far-reaching interpretations of the commerce clause, the spending clause, and the taxing clause.

It seems to me that such a reservoir of power would necessarily exist under virtually any legislative formulation. In reality the present amendment is as thoroughly consistent with the traditional notion of "States' rights" as any amendment could be on this subject. Further, it conforms precisely to the constitutional concept of "States' rights" that characterizes so many other areas of our legal system. To go beyond this—and eliminate even a residuum of Federal power—is to do something unprecedented within our constitutional structure.

I might add that if you look at some of the areas that have been expressly said to be "States' rights" areas, such as domestic relations, there would be at least a residuum of Federal authority. The FBI, for example, is now involved in searching for children who have been taken from one parent by another. Domestic violence between spouses is now the subject of Federal legislation. There are Federal statutes relating to bigamy and adultery. There are Federal income tax laws that relate to alimony and child support.

There is no question in my mind that Congress has residual powers over virtually anything under the commerce and the taxing and spending clauses of the Constitution.

Mr. PACKWOOD. Let me say this so that whoever is listening understands: If this amendment passes, Congress will not be precluded from passing a human life bill, and we will be right back with that jackpot with or without this amendment, and I do not want Senators to think they are going to avoid that problem by our passing this amendment.

Mr. HATCH. I understand the Senator's point.

Mr. President, I now yield such time as he may need—Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to have printed in the RECORD a list of organizations that are in opposition to Senate Resolution 3. I do this because they are a broad cross-section of religious, medical, civil libertarian, and other kinds of organizations. In addition, there is a great deal of material, both statistical and narrative, involving issues relating to abortion and choice, and much of the information coming both before and after some of the Supreme Court decisions that are relative. I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS OPPOSED TO S.J. RES. 3

Abortion Rights Mobilization.
The Alan Guttmacher Institute.
American Academy of Child Psychiatry.
American Association of University Women.
American Civil Liberties Union.
American Jewish Congress.
American Medical Association.
American Psychiatric Association.
American Public Health Association.
Americans for Democratic Action.
Association for Women in Psychology.
B'nai B'rith Women.
Catholics for a Free Choice.
Center for Constitutional Rights.
Center for Population Options.
Coalition of Labor Union Women.
Committee for Abortion Rights & Against Sterilization Abuse.
Committee to Defend Reproductive Rights.
Family Law Workers.
Federation of Organizations for Professional Women.
Friends of Family Planning.
International Ladies Garment Workers Union.
League of Women Voters of the U.S.
Ms. Foundation.
National Abortion Federation.
National Abortion Rights Action League.
National Assembly of Religious Women.
National Association of Commissions for Women.
National Association of Social Workers.
National Coalition Against Domestic Violence.
National Coalition of American Nuns.
National Conference of Black Lawyers.
National Council of Jewish Women.
National Council of Negro Women.
National Education Association.
National Emergency Civil Liberties Committee.
National Family Planning and Reproductive Health Association.
National Federation of Temple Sisterhoods.
National Lawyers Guild.
National Organization for Women.
National Organization of Legal Service Workers—District 65, UAW.
National Urban Coalition.
National Women's Health Network.
National Women's Political Caucus.
Newspaper Guild.
Physician's Forum.
Planned Parenthood Federation of America.
Reproductive Rights National Network.
Union Wage.
United Church of Christ—Coordinating Center for Women in Church and Society.
U.S. Women's Health Coalition.
The Voice of Reason.
Voters for Choice.
Women and Health Roundtable.
Women for Racial and Economic Equity.
Women's Equity Action League.
Women's International League for Peace and Freedom.
Women's Legal Defense Fund.
Women's National Democratic Club—PAC.
Women, USA.
YWCA of the USA, National Board.
Zero Population.
Religious Coalition for Abortion Rights.
American Baptist Churches, National Ministries.
American Ethical Union.
American Humanist Association.
Church of the Brethren—Women's Caucus.
Christian Church (Disciples of Christ), Division of Homeland Ministries.
Episcopal Urban Caucus.
Episcopal Women's Caucus.
Federation of Reconstructionist, Congregations and Havurot.
North American Pioneer Women/Na'amat.
Presbyterian Church (USA), Commission on Women's Concerns.
Presbyterian Church (USA), Council on Women and the Church.
Presbyterian Church (USA), General Assembly Mission Board.
Presbyterian Church (USA), the Program Agency.
Union of American Hebrew Congregations.
Unitarian Universalist Association.
Unitarian Universalist Women's Federation.
United Church of Christ—Board for Homeland Ministries.
United Church of Christ, Office for Church in Society.
United Methodist Church, Board of Church and Society.
United Methodist Church, Women's Division, Board of Global Ministries.
United Synagogue of America.
Women's League for Conservative Judaism.

THE PROPOSED CONSTITUTIONAL AMENDMENT ON ABORTION—WHAT IT WOULD DO AND WHAT IT WOULD NOT DO

INTRODUCTION

Congress has been presented once again with a proposed constitutional amendment that in design and effect would abolish the constitutional right to abortion. The proposed amendment, however, contrary to what many assume, would not vest control of abortion in the states; federal power in the field still would be supreme. Neither would the proposed amendment conclude the national controversy surrounding abortion; rather it would set off a new round of political and legal battles. And where this might lead—the ultimate effect of the proposed abortion amendment—cannot be predicted.

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Background

Since the Supreme Court's landmark decision in *Roe* v. *Wade*[1] in 1973, women in the United States have had a constitutionally protected right to abortion. In *Roe*, the Court held that the "right of privacy . . . founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."[2] Simply stated, *Roe* proscribed practically all government regulation of abortion during the first trimester of pregnancy; allowed government regulation of abortion procedure during the second trimester only as reasonably related to the health of the pregnant woman; and during the third trimester, permitted government regulation or even prohibition of abortion (except where necessary to preserve the life or health of the pregnant woman) for the purpose of promoting potential human life.

The following constitutional amendment has been voted out of the Senate Judiciary Committee, without recommendation: "A right to abortion is not secured by this Constitution." The stated purpose of the proposed amendment is to nullify *Roe;* there is also an implicit assumption that the state—and only the states—then would be free to legislate on the subject of abortion.

THE PROPOSED AMENDMENT IS NOT A STATES RIGHTS MEASURE

There can be little doubt that the proposed amendment would eradicate the federal constitutional right to abortion recognized in *Roe*. But the proposed amendment is no mere states' rights measure—it opens the field of abortion to regulation by the federal as well as the state governments.

In other words, if the proposed abortion amendment were duly ratified and became part of the United States Constitution, the federal government—not the states—still would have supreme power to permit or forbid abortion. The states would have authority to allow, restrict, regulate or prohibit abortion only to the extent not inconsistent with federal law. The Supreme Court continues to make this point crystal clear:

"Notwithstanding the limited application of federal law is the field of domestic relations generally, . . . this Court, even in that area, has not hesitated to protect, under the Supremacy Clause, rights and expectancies established by federal law against the operation of state law, or to prevent the frustration and erosion of the congressional policy embodied in the federal rights. . . . While "[s]tate family and family-property law must do 'major damage' to 'clear and substantial' federal interests before the Supremacy Clause will demand that state law be overridden," . . . "[t]he relative importance to the State of its own law is not material when there is a conflict with a valid federal law, for the Framers of our Constitution provided that the federal law must prevail."[3]

If the proposed abortion amendment were enacted, Congress would be free, for example, to enact laws declaring that life begins at conception, thereby pitting the rights of the unborn against the rights of women. Another possibility might be congressional invocation of the commerce power to prohibit all interstate shipments of any medications or instruments used to cause or induce abortions. Such federal legislation effectively would preclude states that wanted to allow abortion from doing so, since no means for performing abortions would be legally available. Or, the federal government, again pursuant to the commerce power, might require all hospitals "in or affecting commerce" to provide abortion services.[4] Such federal legislation, by virtue of the supremacy clause, would preclude states that wished to ban or more strictly limit or regulate abortions from doing so.

Similarly, pursuant to the spending power, the federal government might condition all hospital funds provided to a state on that state's providing—or prohibiting—abortion services in its hospitals.[5]

The states too, in the exercise of their police powers, pursuant to their own constitutions, legislation, regulations, and court and agency adjudications, might act to permit, restrict, regulate or prohibit abortions. Again, of course, to the extent that state and federal regulation were inconsistent, federal power would prevail by force of the Constitution's supremacy clause.

In short, the proposed constitutional amendment virtually would guarantee that the debate over abortion would become more rather than less intense at all levels of government.

THE PROPOSED AMENDMENT WOULD LEAD TO LITIGATION

Moreover, although the proposed abortion amendment would eliminate the constitutional right to abortion, it would leave the Constitution otherwise intact. Any state or federal attempt to regulate the field could be challenged as violative, for example, of substantive due process or equal protection. Thus, for example, a state's permitting abortions only in hospitals, but not in less expensive clinics, might be challenged on the equal protection ground that once a state has determined to permit abortions under certain circumstances, there is no rational basis for permitting them in hospitals only. Or a state's conditioning the right to abortion on parental or spousal approval could be attacked on the First and Fourth Amendments grounds that once a state has decided to allow abortions in certain situations, it cannot condition that right on coerced communication with a parent or spouse, particularly given the highly private nature of the communication. Or a state's making the performance of an abortion criminal except to preserve the life of the pregnant woman might be challenged on vagueness grounds. Would such a statute include a woman's threat to commit suicide if not given an abortion? Would it include a situation where the statute include a woman's threat to commit suicide if not given an abortion? Would it include a situation where the woman's life expectancy would be two years shorter if she had a child than if she had an abortion?

Could a state that did not allow abortion also forbid within its borders advertisements of the availability of abortions in another state—or would this violate the First Amendment's freedom of speech clause?[6] Could the federal or a state government require even hospitals with religious affiliation to provide abortions—or would this violate the free exercise clause of the First Amendment? Could a state condition the right to abortion on a residency requirement?[7]

CONCLUSION

Such questions, and litigation, would proliferate if the proposed abortion amendment became the law of the land. In short, the proposed amendment would create more problems than it would solve; it would not put to rest the national controversy surrounding abortion. Inevitably, it would prompt all manner of federal and state legislation and regulation, which in turn certainly would lead to an endless series of confrontations in the courts.[8]

Some Replies to "Some Questions and Answers on the Hatch-Eagleton Amendment to the Human Life Federalism Amendment" by Senators Hatch and Eagleton, Dated May 3, 1983

1. How does the Hatch-Eagleton Amendment alter S.J. Res. 3?

The Hatch-Eagleton Amendment deletes the second sentence of S.J. Res. 3. The second sentence would have granted Congress and the States concurrent authority to restrict and prohibit abortion and stipulated that a state law more restrictive of abortion would govern over a conflicting law of Congress. Without this second sentence, the proposed amendment is comprised of ten words: "A right to abortion is not secured by this Constitution."

Proponents would argue: Silence on this question. They tell us only that the second sentence of S.J. Res. 3 will be deleted, leaving 10 words negating, rather than affirming, a basic right: "A right to abortion is not secured by this Constitution." That second sentence of the originally-proposed amendment would have made clear that Congress and the states possess concurrent authority to restrict and/or permit abortions but that in the case of conflict, the more restrictive state law would govern.

Reply to Q & A No. 1: The deletion of the second sentence of S.J. Res. 3 means that the Congress would not have the same power to legislate with respect to abortion as the states, acting under their traditional police powers. But since Hatch-Eagleton is the first proposed amendment to the Constitution negating aright and the scope of that negation is very unclear, it is difficult to predict what powers would reside in Congress to regulate abortion. Proponents of the Amendment would be sure to claim after ratification that if a woman argued that a federal statute was invalid, her argument would amount to one for "[a] right to abortion," because it would be based on the Constitution. While women seeking abortion would vigorously dispute such a broad reading, the outcome is far from clear.

2. What is the purpose of the ten-word Hatch-Eagleton proposal?

This proposed amendment would preclude reliance upon any provision of the Constitution as authority for recognition of any right to abortion. In particular, this amendment would nullify Roe v. Wade and its companion Doe v. Bolton insofar as these cases hold that the Constitution protects an abortion liberty. Thus, the Hatch-Eagleton proposal would restore the status quo ante Roe.

Proponents would argue: That the proposed amendment would merely restore the status quo ante the Supreme Court decisions, holding that the Constitution embraces a right to an abortion.

Reply to Q & A #2: S.J. Res. 3 does not restore the status quo ante Roe v. Wade. Though abortion cases would be back before state courts, the 1973 version of the Constitution would not be. Clearly some constitutional theories and arguments open to litigants in 1973 are meant to be eliminated by S.J. Res. 3. But which ones? It is not certain what the deleted right—the right to abortion—connotes. A woman could no longer argue her right to privacy as a rationale for abortion, but it is unclear whether other claims by a woman to life and health would be excluded, where these asserted rights, and not the right to abortion, are the basis for the woman's attempt to obtain an abortion.

One argument certain to be made is that whatever the basis for a woman's claim—a due process right to health or an equal protection argument against an interspousal consent statute or other claims—they all amount to a "right to abortion." If this version of the amendment were accepted by the courts, the effect on women's rights would be very considerable.

3. What is the holding of Roe v. Wade, Does it only protect first trimester abortions?

In the case of Roe v. Wade, the Supreme Court identified for the first time a right to abortion within the terms of the Fourteenth Amendment to the Constitution. This right was defined with sufficient breadth to result in the overturning of the laws on abortion in each of the fifty states of the Union. In place of these state restrictions, the Court supplied standards for abortion regulation that divided the pregnancy into trimesters.

In the first trimester of pregnancy, the right to abortion is plenary. As the Court stated,

For the stage prior to approximately the end of the first trimester of pregnancy, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physican.

In the second trimester, a state's authority to regulate abortion is limited to ensuring the safety of abortion procedures. Again, in the words of the Court,

For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

In the final trimester, the state at length acquires an interest in protecting unborn life. That protective capacity, however, is subject to significant exception. The Court states that a State "may, if it chooses, regulate, and even proscribe, abortion, except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." This "health of the mother" exception has effectively consumed the rule because maternal health interests were defined by Roe's companion case, Doe v. Bolton, to include "all factors—physical, emotional, psychological, and the woman's age—relevant to the well-being of the patient." In the words of Professor John Noonan, the absolute entitlement to an abortion is curbed in the third trimester only by the "necessity of a physician's finding that she needed an abortion." In practice, this is not much of a barrier.

In sum, the standards of the Supreme Court have established a national policy on abortion without legal restrictions of any significant kind.

Proponents would argue: The right to an abortion is merely one of public policy and that that right is virtually unrestricted.

Reply to Q & A No. 3: The essence of this Q & A is that Roe v. Wade provides for abortion on demand during nine months of pregnancy. Neither abortion statistics nor the post-Roe caselaw confirms the right to abortion on demand for nine months of pregnancy.

4. Is the Hatch Eagleton amendment sufficient to completely reverse Roe's finding of an abortion right derived from the Constitution?

Yes. On this point, expert witnesses on both sides of the abortion controversy who testified before the Constitution Subcommittee, were in agreement. The ten words, if ratified as part of the Constitution, would overturn the abortion right created in Roe and subsequent cases based upon Roe.

Proponents would argue: Yes, absolutely, without anything more.

Reply to Q & A No. 4: The Eagleton-Hatch answer to this question—and indeed the question itself—postulates a "right to abortion" grounded in the Constitution. No Roe, no right, so gross this answer. But Roe v. Wade does not declare a single right. It weighs the rights of the woman and the fetus and the duty of the state during the three trimesters of pregnancy. If the Hatch-Eagleton answer to this question is that after Roe no provision of the Constitution can be cited in support of a woman's right to obtain an abortion, the amendment does much more than reverse Roe. If a woman may still rely on rights asserted under the Constitution, it will be necessary to sort out what those rights would be after S.J. Res. 3. It makes no sense to bypass these unknowns—and the litigation that will be required to make them knowns—with the catchall phrase "to completely reverse Roe's finding of an abortion right derived from the Constitution."

5. What would the amendment do?

It would restore that status quo ante *Roe* when the states possessed authority to legislate with respect to abortion. The people in the states would be reenfranchised to shape abortion policy through their elected representatives. Policy-making which for a decade has been centralized in the nonrepresentative judicial branch would be subject again to democratic processes. Only by restoring this direct citizen participation in the formulation of abortion policy can the nation expect to achieve a consensus on this sensitive social question.

Proponents would argue: That this policy matter would be returned to the electorate for decision, rather than remaining in the "non-representative judicial branch".

Reply to Q & A #5. (1) See Reply to Q & A #2.

(2) It is inappropriate to suggest that the problem with the abortion issue is the "non-representative judicial branch" or that the problem ought to be assigned to the keepers of the "democratic process." This kind of answer confirms that the approach of the Hatch-Eagleton Amendment, where there is insufficient consensus to amend the Constitution, is to make the abortion issue statutory, changeable by this or that legislative majority. The argument is an echo of the court-stripping bills on abortion, school prayer, and busing offered in the past to reverse Supreme Court decisions. It seeks to resolve an intense division in the country by berating the judiciary and extolling the legislative branch. Both are equally necessary in the democratic process.

6. Is it appropriate to subject the fundamental rights at issue in Roe to democratic decision-making?

In general, fundamental rights of individuals should not be determined by referendum. the problem in the Roe case is that the Supreme Court placed severely restrictive limits on State authority without giving any satisfactory explanation of what percisely are these "individual rights" that are involved with the abortion issue. Critics in the "pro-choice" movement see these as being the right of the pregnant woman to determine how her body is used, while critics in the "pro-life" movement see this as the even more fundamental right of the unborn to life itself. In other words, there is just as much disagreement on the issue of what constitutional "rights" are involved here as there is on the issue of what constitutional of abortion itself. It thus begs the question to attack the immediate amendment as one "restricting rather than expanding" rights.

The purpose of the Hatch-Eagleton Amendment then is not to resolve the persistent issue of which of these conflicting "rights" is paramount, but rather to remove the legal basis for the Supreme Court s dubious resolution of competing interests and allow the States to resolve this controversy in the legislative forum.

Proponents would argue: Yes. And, for the first time, they recognize that there are many and possibly competing "rights" at issue.

Reply to Q & A #6: The logic of the 6th Q & A by Hatch/Eagleton is as follows:

(a) In general, fundamental rights of individuals should not be determined by referendum. (Query: Are the Senators sanctioning the determination of personal rights by the nonrepresentative judicial branch?)

(b) But Roe v. Wade, though dealing with rights, does not explain what those rights are. It's resolution of the conflict between a

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[1] 410 U.S. (1973).

[2] 410 U.S. at 153.

[3] *Ridgway* v. *Ridgway*, 454 U.S. 46, 54-55 (1981) (citations omitted).

[4] *See, e.g., Katzenbach* v. *McClung*, 379 U.S. 294 (1964), upholding Congress' power pursuant to the commerce clause, in enacting Title II of The Civil Rights Act of 1964, to require all public accommodations to make goods and services available to all persons regardless of race, color, religion or national origin. Arguably, Congress could not, pursuant to the commerce power, require state owned and operated hospitals to provide abortions. *See National League of Citjes* v. *Usery*, 426 U.S. 833 (1976), holding that pursuant to the commerce power, Congress could not amend The Fair Labor Standards Act so as to prescribe a minimum wage a state must pay its employees; in our federal system, the commerce power does not empower Congress to force decisions on states affecting integral government functions. *But see E.E.O.C.* v. *Wyoming*, 51 U.S.L.W. 4219 (March 2, 1983), holding that pursuant to the commerce power, Congress could amend The Age Discrimination in Employment Act so as to proscribe states from discriminating against their employees or potential employees on the basis of age.

[5] Such legislation pursuant to the spending power should be applicable to private and state hospitals alike. *National League of Cities, supra*, 426 U.S. at 852 n. 17, itself acknowledged that Congress' power to regulate under the spending power is broader than under the commerce power.

[6] *See Bigelow* v. *Virginia*, 421 U.S. 809 (1975), holding that a state cannot proscribe advertising within its borders of the availability of abortions in another state.

[7] *See Doe* v. *Bolton*, 410 U.S. 179 (1973), striking down a state's residency requirement for abortion as violative of the right to travel inherent in the privileges and immunities clause of the Constitution.

[8] Contrary to its sponsor' contentions, the proposed abortion amendment would not merely return the law to the *status quo* before the *Roe* decision. Before *Roe*, the Constitution had not authoritatively been held to either affirm or deny a right to abortion. If the proposed amendment were adopted, a right to abortion would be expressly written out of the Constitution, although as this memorandum indicates, passage of the proposed amendment would lead to great confusion about the Constitutional validity of any future federal and state efforts to regulate abortion.

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woman's rights and those of the fetus is dubious.

(c) Therefore the Court's jurisdiction over the matter should be removed and be replaced by state legislative power.

Boiled down even further, the argument of Hatch/Eagleton is that an unsatisfactory Supreme Court decision justifies removal of the subject matter of the decision and the reassignment of decision-making authority to another branch of government. If you are unhappy with a case and you can't change it through amendment, dismantle the constitutional mechanism that permitted the decision.

7. What could states do under the proposed amendment?

The states would have plenary power to legislate with respect to abortion. In their best judgment, the states might choose to have no policy restricting abortion or might substantially restrict abortions. They could enact civil, regulatory, or criminal sanctions. They might elect, for example, to limit late-term (post viability) abortions, require parental notification or consent for abortions performed on minors, restrict experimental research involving the use of fetuses, regulate abortion procedures for safety, specify that women be apprised of alternatives to abortion, establish a waiting period for abortions, and so forth.

Proponents would argue: The states could do anything or nothing with respect to abortion.

Reply to Q & A #7: It is far from clear that the states would have the powers enumerated in this answer, though it is clear that the co-sponsors think so. The answer is purely result-oriented: Any reliance on a provision of the U.S. Constitution in support of a woman's claim to elect abortion is to seek "(a) right to abortion" and is therefore barred. Under this broad theory—which would be vigorously contested in the courts—the "negative right" declared in S.J. Res. 3 would override any possible use of the Constitution that would result in a judgment permitting abortion. If this is an overstatement of the Hatch/Eagleton position (which hardly seems possible in light of the first two sentences in their Q & A #10), and the Court would be able to consider claims under other provisions of the Constitution, the negative right at the heart of S.J. Res. 3 offers no guidelines whatsoever for the courts and guarantees endless and excruciating litigation.

It is interesting to note that the principal criticism of Roe is that it lacks any clear basis in law and is made up from whole cloth. S.J. Res. 3 guarantees that future case law will do no better.

8. Would this allow states to adopt differing policies?

Yes. Since the Supreme Court's interpretation of the Constitution would no longer mandate a single national policy, states would be free to deal with abortion policy as they see fit. Abortion would be among the many subjects not specifically delegated to the federal government by the Constitution and thus left to the states and the people themselves. Abortion would be restored to its proper place with other subjects regulated by the powers reserved to the states. General police powers, domestic relations laws, insurance laws, corporation and business association laws, property laws, trust and estates laws and any other potential topic of legal concern outside of the specific federal powers enumerated by Article I, Section 8, are all within the purview of primary state authority, as indeed abortion policy was until 1973. All of these policies may and do vary from state to state.

These variances are often beneficial because it allows the states to experiment with different approaches to a legal problem. Thus, as the state legislatures deliberate, a consensus will form around the best solution to the problem. Indeed, this hypothesis was evidenced with abortion policy prior to the interruption by the Supreme Court. In the 5 years preceding Roe, 18 states had changed their abortion laws—all in the direction of more liberal allowance of abortion.

Respect for community consensus and the virtues of diversity have been a vital aspect of the vitality and strength of our federal system.

Proponents would argue: Yes, and that this diversity, even with respect to a fundamental right, is beneficial.

Reply to Q & A #8: There is a deep irony in this paean to diversity and experimentation. One point that both sides in the abortion controversy agree on is that the rights involved are fundamental. Would the proponents of S.J. Res. 3 feel comfortable letting the states experiment with freedom of speech, the right to travel, due process, the free exercise of religious belief, or equal protection of the laws? If abortion is morally repugnant in all circumstances, then is it not so in every state in the union? If the right to choose abortion is a matter for a woman and her doctor in early pregnancy, then is that right properly negotiable from state to state?

On issues of constitutional dimension, diversity cannot take the place of consensus.

9. What authority, if any, would the Federal Government retain with respect to abortion?

Congress would possess a limited residuum of authority to act within constitutional bounds. The Constitution grants the federal government no specific authority to regulate abortion. In all the years prior to Roe, virtually the only direct federal legislation related to abortion was 14 U.S.C. 1461 and 1462 which restricted the interstate transport of abortifacient drugs and devices.

Proponents would argue: "A limited residuum, of authority to act within constitutional bounds". What this means is exceedingly unclear—which is one of the problems with S.J. Res. 3.

Reply to Q & A #9: The answer suggests a limited power in Congress to act on abortion, based on the pre-Roe years. But the pre-Roe years never presented the question of the limits of federal power, and after S.J. Res. 3, those limits might be very different. Would a woman arguing that the Congress had exceeded its authority in an anti-abortion statute be claiming a "right to abortion" by making that argument? Though it would be vigorously contested, the argument would surely be made that any use of the Constitution in support of a claim of right to abortion would be barred because "(a) right to abortion is not secured by this Constitution."

Writing in the National Right to Life News on April 28, 1983, James Bopp, Jr. said that after S.J. Res. 3 Congress could pass a bill "to restrict or prohibit private abortions in addition to limiting state involvement in abortion." While Prof. Lynn Wardle appeared to disagree with Bopp in the same paper and on the same date, at the very least it is fair to say that no one can fairly predict the scope of federal authority over abortion after S.J. Res. 3.

10. What would be the role of the Federal courts under the proposed amendment?

Federal courts would no longer be able to expound a constitutionally protected right to abortion, because the amendment would remove the asserted Constitutional basis for such a right. The Federal judiciary would continue to have responsibility for determining the meaning of the amendment. Other general provisions of the Constitution, e.g., the First Amendment, would continue to limit legislative enactments, as on other matters. State courts would continue to have authority to interpret the provisions of State laws and Constitutions.

Proponents would argue: The federal courts, although no longer able to rely upon a constitutional right to abortion, would still have the responsibility for interpreting S.J. Res. 3. This would clearly be necessary if S.J. Res. 3 were enacted, since litigation would abound.

Reply to Q & A #10: This reply seems to confirm that the proponents of S.J. Res. 3 see the Constitution as providing no basis to assert a right to obtain an abortion. The answer does state that "legislative enactments" would still be subject to [o]ther general provisions of the Constitution, e.g., the First Amendment * * * " But whether the "other" provisions of the Constitution could still be urged in support of a woman's right to have an abortion in given circumstances, as asserted by Rhonda Copelon before the Constitution Subcommittee on March 7, 1983, would be a matter endlessly litigated should S.J. Res. 3 be adopted and ratified.

11. Does the proposed amendment seek to answer the question of when life begins?

No. The proposed amendment would confer no legal status upon the unborn except to the extent of permitting their lives to be protected through state legislation.

Proponents would argue: No, that no legal status is confirmed upon the unborn by S.J. Res. 3.

Reply to Q & A #11: We agree. But if Mr. Bopp is correct (See Reply to Q & A #9) that Congress can enact legislation pursuant to Section 5 of the Fourteenth Amendment, then S.J. Res. 3 confers authority on the Congress to treat life as beginning at conception, even though the Amendment itself does not so declare.

12. How would the amendment treat such matters as rape or incest or abortions related to the health of the mother?

The amendment does not speak to these issues. These would be issues within the competence of the representative branches of the various states.

Proponents would argue: Not at all, that these are matters left to state competence.

Reply to Q & A #12: Again, the proponents assume that no provisions of the Constitution, even a provision not relied upon by the majority in Roe, can be cited in support of a woman's claim to an abortion after S.J. Res. 3. If a woman cites a danger to her health, but not her life, the proponents assume that her due process rights under the Fourteenth Amendment will be subordinate to a State statute that limits abortions to life-threatening situations. An excellent argument to the contrary was made by Rhonda Copelon in her March 7, 1983, testimony before the Constitution Subcommittee.

13. Is this a states right amendment?

Yes. Abortion would be primarily regulated under the reserved powers of the states, as it was for nearly two centuries prior to Roe. The federal government would possess some limited residual powers specified by the strict parameters of Article I, Section 8, of the Constitution. This is a classic example of the constitutional scheme of federalism.

Proponents would argue: Yes, this is a "classic example of the constitutional scheme of federalism."

Reply to Q & A #13: We have dealt earlier with the state/federal issue. See replies 7-9.

What should be added is the point that S.J. Res. 3 is not a "classic example of the constitutional scheme of federalism." Federalism protects state powers and interests, duties, rights, and remedies from federal encroachment. It does not protect the states from federal laws adopted under Congress' enumerated powers (Art. I, Sec. 8), nor does it permit the states to encroach on personal rights enjoyed by all persons under the Constitution. Federalism talks about basic needs of states and the federal government under a single constitutional instrument. It talks of shared powers and accommodation. S.J. Res. 3 has nothing to do with federalism.

14. How would the amendment become part of the Constitution?

Before becoming a permanent part of the Constitution, the proposed amendment would get to earn the support of two-thirds of the Members of each House of Congress and the approval of three fourths (38) of the State Legislatures.

Proponents would argue: The constitutional amendment reprocess would govern.

Reply to Q & A #14: Agreed.

Testimony of Rhonda Copelon—Center for Constitutional Rights on Constitutional Amendments To Negate Roe v. Wade

Mr. Chairman and members of the subcommittee: I appreciate the Subcommitte's invitation to appear and discuss the implications of the proposed amendments to overturn the Supreme Court's recognition of the right to abortion in Roe against Wade,[1] by restoring state power or creating federal power to restrict abortion legislatively.

I will address my remarks to the constitutional foundations and significance of the *Roe* v. *Wade* decision and the inefficacy as well as the dangers of the proposed effort to repeal it. I have been asked to focus on Senator Eagleton's proposal to re-empower the states to restrict abortion. Much of what I will say, however, applies as well to Senator Hatfield's so-called "federalism" amendment.

No decision of the Supreme Court has meant more to the lives, the health, the well-being, the freedom and the dignity of women than the decision in *Roe* v. *Wade.* While this decision alone can hardly remedy the historic inequality of women, recognition of the right to make childbearing decisions is fundamental to the attainment of equality and the realization of women's full capacities as human beings.

Roe v. *Wade* ranks with other great decisions that have moved this nation forward on the path toward liberty and equality. Like Brown against Board of Education,[2] it has drawn much criticism and wrought great, but long overdue change.

Roe v. Wade is not, as some of its critics like to contend, a departure from constitutional tradition. It applied to women some of the basic concepts upon which this nation was founded, repudiating the historic disregard for the dignity and personhood of women and the relegation of women to a separate sphere and second-class citizenship. It brought legal theory, developed by and for men, closer to encompassing the existence of women.

Consider for a moment, the relation of some of our most fundamental constitutional principles to the issue of compulsory pregnancy and childrearing:

We all hold as sacred the physical privacy of the home. If we guard so jealously our physical environment and possessions from intrusion by the state, how can we accord lesser status to the dominion and control over our physical self. Indeed, the right of bodily integrity is one of the foundations of the right to privacy.[3] We insist on the right to informed consent to medical treatment; we recognize each individual's right to refuse to donate their organs to save the life of another whole person;[4] we consider the forcible extraction of the contents of a suspect's stomach to be conduct that "shocks the conscience."[5] And yet, those who criticize Roe v. Wade show little concern for massive invasion of physical integrity and privacy that forced pregnancy entails.

The constitutional right of association embraces the right to form a family, to choose our most intimate associates and guide the raising of children. This is an aspect of privacy protected by both due process and the first amendment. The state cannot force or fix marriages nor can we force an unwilling parent to care for a child. It is not for the state to mandate intimate association; and yet the power to block abortion denies to women this right accorded to others.

The first amendment protects thoughts, beliefs, and verbal as well as symbolic expression; we can neither be restrained from speech nor forced to break silence. The Constitution protects these rights not only because of a utilitarian view that a marketplace of ideas serves the public good, but also because of the place of expression in the development of individual identity and the fulfillment of human aspirations. Is not the commitment to bring a child into the world and to raise it through daily love, nurture and teaching an awesome form of expression, a reflection of one's beliefs, thoughts, identity and notion of what is meaningful? Men and women speak with their bodies on the picket line and in demonstrations; women likewise "speak" in childbearing.

The first amendment also protects the right to follow religious and conscientious convictions. It demands that we respect diverse beliefs and practices that involve worship, ritual and decisions about everyday life.[6] We recognize as religious, matters of life and death and of ultimate dimension. We therefore respect conscientious objection to military service. Likewise, the decision whether to bear a child is one of consicentious dimension. The religions of this country are deeply divided over the propriety and, indeed, necessity of abortion. While for some any consideration of abortion is grave evil, others hold that a pregnant woman has a religious and moral obligation to make a decision and to consider abortion where the alternative is to sacrifice her well-being or her family's or that of the incipient life.[7] The right to abortion is rooted in the recognition that women make conscientious decisions too.

Few would dispute that the constitution recognizes the right to work as part of fundamental liberty. And although we have failed to properly implement that right by providing jobs for millions of unemployed people, we deem fundamental the principle, enshrined in the thirteenth amendment, that no person should be forced into involuntary servitude as a result either of private conspiracy or public law. Does this right not extend to woman, entitling her to say no to the unparalleled labor demanded by pregnancy, childbirth and childrearing and to the expropriation of her body and service for the sake of another? If we strip away the sentimentalism that has rendered invisible the work of childbearing and rearing,[8] forced pregnancy must surely be recognized as a form of involuntary servitude.[9]

And what of the equality of women? Not to apply the foregoing constitutional principles to the question of the liberty to choose abortion is to deny to women equal respect and dignity in the most fundamental sense. At the same time, to deny the right to abortion ensures that women will be excluded from full participation in society. Without the ability to decide whether and when to bear children, women lack essential control over their lives. Unexpected pregnancy and involuntary motherhood can preclude education, shatter work patterns and aspirations, and make organizational and political involvement impossible. A woman is no more biologically required to remain pregnant than a cardiac patient is to die of a treatable heart condition. Forced pregnancy is legally imposed by denying access to safe technology which, in myriad other spheres, we applaud as enhancing the possibility for human freedom and endeavor.

In sum, the criticism of Roe v. Wade has less to do with judicial excess than with a view of woman as less than a whole person under the constitution; as someone whose self and aspirations can and should be subordinated to the service of others. It has to do with a failure to understand the gravity with which women view the responsibility of childbearing and the violence of forced pregnancy to human dignity.

To the extent that the effort to overturn Roe v. Wade stems from religious convictions about the personhood and supremacy of the fetus, it imperils a pluralistic society which demands of us all respect for differing and often mutually abhorrent views. One of the nation's great jurists, Judge

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[1] 410 U.S. 113 (1973).

[2] *Brown* v. *Board of Education*, 347 U.S. 483 (1954).

[3] In *Union Pacific R.R. Co. v. Botsford*, the Court wrote: "No right is held more sacred, or is more carefully guarded, by the common law than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law. . . ." 11 S. Ct. 1000, 1001.

[4] *McFall* v. *Shimp* (unpublished, Ct. 51 Common Pleas, Allegheny County, Pa., Civil Division, July 26, 1978).

[5] *Rochin v. California*, 342 U.S. 165, 172 (1952).

[6] *Wisconsin v. Yoder*, 406 U.S. 205 (1972)

[7] For a description of different religious positions, see *McRae v. Califano*, 491 F.Supp. 630, 690-702, 741-42.

[8] As the Court said in *Frontiero v. Richardson*: "There can be no doubt that our Nation has had a long and unfortunate history of sex discrimination. Traditionally, such discrimination was rationalized by an attitude of "romantic paternalism" which, in practical effect, put women, not on a pedestal, but in a cage." 411 U.S. 677, 685 (1973).

[9] In *Bailey v. Alabama* Justice Hughes summarized the purpose of the Thirteenth Amendment: "The plain intention [of the thirteenth amendment] was to abolish slavery of whatever name and form. . . .: to make labor free, by prohibiting the control by which the personal service of one man is disposed of or coerced for another's benefit which is the essence of involuntary servitude." 219 U.S. 219, 241 (1911).

John F. Dooling, Jr., was right when he said "[t]he irreconcilable conflict of deeply and widely held views on this issue of individual conscience excludes any legislative intervention except that which protects each individual's freedom of conscientious decision and conscientious non-participation."[10]

Thus to give to Congress or the states the power to dictate what shall be orthodox on a matter of this dimension is anathema to our constitutional tradition. Fundamental liberty and respect for individual conscience transcend geographical and political boundaries. That is the meaning of being one nation.

Nor could it satisfy opponents of the right to abortion to have their claims on behalf of the fertilized egg or the fetus determined on a state-by-state basis or subject to political compromise in Congress. It is totally inconsistent with the claim that the fetus is a person to allow what they see as murder in some places and under some conditions. The testimony previously given before this committee demonstrates that Senator Eagleton's proposal lacks principle and is acceptable to no one. It should also be clear that just as it will satisfy no one, it will not put to rest or remove from Congress the abortion issue.

Moreover, it is not at all clear that the proposed amendment can accomplish even the checkered goal it sets for itself. The declaration that "[a] right to abortion is not secured by this Constitution" can not undo the entire foundation of the right to abortion. Privacy, bodily integrity, the rights of conscience, the rights of women to life, liberty and equal treatment under law, and the right to due process, if only in the procedural sense—these rights should not be disturbed by an amendment negating the right to abortion itself.

For example, assuming there is no right to abortion secured by the Constitution, can a state pass a law wholly outlawing abortion? I doubt it. Even Justice Rehnquist, dissenting in Roe v. Wade considers it irrational to prefer the life of the fetus over that of the pregnant woman.[11]

Or to ask the next question: Can a state pass a law which permits abortion only to save the life of a woman? I think there would be great doubt on that score as well. The other dissenter in Roe v. Wade, Justice White, indicated that where abortion is needed to preserve health the rationality of outlawing abortion is in question.[12] For the Court to require that abortion be available where a woman's life and health is at stake is not grounded on the right to abortion; it has rather to do with the right of self-preservation, and, even more fundamentally, with the right to be treated within the bounds of reason.

To limit abortion to life-saving circumstances would also raise other questions under the due process clause. The abortion law at issue in Roe v. Wade, which allowed abortion only where a woman's life was at stake, was invalidated by the district court on vagueness grounds.[13] Can a meaningful distinction be made between life and health or between physical and mental health?[14] I think not.

Last week, Mr. Chairman, you asked Senator Eagleton a series of questions about the impact of his amendment. He answered these in the affirmative. Today I suggest, precisely because Roe v. Wade is so deeply grounded in our fundamental constitutional traditions, that Senator Eagleton's confidence about the restrictive impact of his amendment is misplaced.

For example, you asked, Mr. Chairman, whether the amendment would permit a state to condition abortion on the consent of a woman's husband. The answer is far from clear. A woman's right, married or single, to determine what medical care is necessary and what shall be done to her body, is not grounded on the right to abortion, but on the right of bodily integrity and on the principle that law cannot enforce personal service. A husband has no right to compel the birth of a child, just as he has no right to the law's assistance in compelling his wife's sexual submission to satisfy this or any other desire. And unless the hypothetical consent law were to give the wife a concomitant right to insist on insemination or veto her husband's vasectomy, sexual affairs or financial decisions, all of which equally affect the marriage, spousal consent to abortion would present equal protection problems wholly apart from whether a right to abortion is secured by the Constitution.

You also asked whether this amendment would permit states to pass the so-called "informed consent" statutes. This issue, which is presently before the Supreme Court,[15] would also raise serious constitutional questions apart from the right to abortion. For a state, in the guise of informed consent, to require as the Akron ordinance does, that doctors tell women that the fetus is "human life" raises issues about forced speech and propagation of belief under the first amendment that are not likely to be affected by the proposed amendment. Moreover, the absence of a right to abortion cannot empower a state to require that women be given false, misleading and on-sided information about the risks and benefits of abortion and childbirth. If in the abortion context, a state could compel the telling and hearing of lies, what dangerous power would we have ceded to the state in other areas?

You asked further whether a state would be able to protect the life of a viable fetus or shield doctors and nurses from compelled participation in abortion. No amendment is necessary to accomplish these purposes. The federal goevernment and at least 42 states protect the right of individual conscience to refuse participation in abortion, and the Court has made clear that under a properly drawn statute (and not one that is vague or overbroad) a viable fetus, born as a consequence of an abortion procedure, can be protected.[16]

All this is not to say that I think that your amendment or that of Senator Eagleton will have no effect. To take away the right to abortion, to permit a patchwork quilt of abortion laws, to empower medical committees or courts to second-guess the decisions of a woman and her doctor—any or all of these would deny the fundamental humanity and equal personhood of women.

The practical effect will be devastating although it will not stop abortions. The wealthly will find legal abortions, at added risk to their health, by travelling to states or countries that recognize the right to abortion or by paying the layers of doctors that restictive law would resurrect. The tragic impact of the amendment would fall on the poor, who are disproportionately black and third world, on the working class, and on the young, because they would not have the wherewithal to obtain a safe, legal abortion. The amendment and the legislation it would spawn would consign hundreds of thousands of women each year to the life-threatening risks of illegal abortion, to desperate measures of self-abortion, to life-and-death struggles against complications, and to the health damage, emotional scars and sterility created by criminalization; or, in the alternative, it would relegate them to the life-shattering, and life- and health-threatening prospect of forced pregnancy and involuntary motherhood.

It is also possible that the proposed amendment will undo more of our constitutional tradition than many of its sponsors and supporters might wish. If the amendment revokes the right to privacy insofar as it involves abortion, then what of the right to obtain contraceptives to prevent pregnancy? The most common forms of contraceptive—the low-estrogen birth control pill, the IUD and morning after pills—might be outlawed. Could privacy be further invaded by compulsory pregnancy surveillance and reporting requirements for physicians? Will basic concepts like due process, notice, equal protection and the like be swept aside wherever abortion is at issue?

Never before has this nation—despite great outcry against certain decisions of the Supreme Court—passed a constitutional amendment that took away a fundamental constitutional right. Once before, with the Eighteenth Amendment, we approved an amendment that invaded the private sphere. Prohibition was a disaster: it bred violence, death and disrespect for law; it created huge profits that built a criminal trade; it made criminals of decent people, and it caused the watering down of other constitutional safeguards. To amend the constitution to augment rather than limit the power of government over the personal aspects of people's lives invites these dire consequences. And to do so in an area which is not simply a matter of lifestyle, but affects the right which is a cornerstone of liberty and equality for women, can only produce massive resistance and unforgiveable carnage.

In sum the effort to recriminalize and thereby stop abortion must ultimately fail because it can alter neither the conviction of women that abortion is our inalienable right, nor the fact that it is a necessity in our lives. I urge, Mr. Chairman and members of the subcommittee, that you recognize that any amendment which seeks to deny the right to abortion will consign women to enormous suffering and threaten the foundations of our pluralistic society. No amendment will put the issue to rest or take it out of the halls of Congress. It can only assure its supporters a place of ignominy in the annals of history.

EXECUTIVE SUMMARY

The Senate Judiciary Committee on April 19, 1983 reported S.J. Res. 3 proposing an amendment to the U.S. Constitution to provide "A right to an abortion is not secured by this Constitution." While this amendment may be designed to restore the power formerly exercised by the states prior to *Roe* v. *Wade* to prohibit or regulate abortion, ambiguities in the wording of the proposal, particularly the "is not secured" language, make any assessment of its impact uncertain at best. Thus, depending on how the courts read its legislative history, the amendment could be read to imply a prohibition on abortion, or alternatively, to accord fetal rights a heightened level of constitutional recognition in competition with the rights of the mother. In either case, however, the proposal might impose limits on the legislative discretion of the states and/or federal government not operative prior to *Roe*. Also possible, and perhaps somewhat more likely, is a judicial construction of the amendment that would preclude the federal government, though not necessarily the states, from recognizing a right to abortion based on legislative or judicial action under the U.S. Constitution. Under this interpretation, because of the explicit reference to "this Constitution," the states would remain free under their state constitutions to legislate in the area of abortion. However, in those states, including Massachusetts, California, and New Jersey, where the highest state courts have found the "right to abortion" affirmatively protected by state constitutional provisions, the legislatures may remain subject to the same legal constraints that presently limit their power to restrict abortion.

LEGAL ANALYSIS OF SENATE JOINT RESOLUTION 3, PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION RELATIVE TO ABORTION, AS REPORTED BY THE SENATE JUDICIARY COMMITTEE

(By Charles V. Dale, legislative attorney, American Law Division)

On April 19, 1983, the Senate Judiciary Committee on a divided 9 to 9 vote, reported without recommendation a proposal to amend the U.S. Constitution with respect to abortions. That measure, S.J. Res. 3, as sponsored by Senator Hatch et al. and reported from committee provides simply that "A right to an abortion is not secured by this Constitution." The amendment is actually the first sentence of the Hatch proposal as introduced which also included language granting the states and Congress concurrent power to restrict abortion, with the more restrictive regulation governing. The latter language, however, was stricken by the committee.

The apparent objective and one possible effect of the amendment proposed by S.J. Res. 3 would be to essentially restore the *status quo* that prevailed prior to the Supreme Court's 1973 abortion decisions.[1] That is, a woman would have no individual right, protected by the Due Process Clause or other federal constitutional guarantee, to choose to terminate her pregnancy free of the restraints imposed by state law.[2] In addition, the courts would be precluded by the proposed amendment from predicting such a right at some future date upon any provision of the U.S. Constitution. As discussed at length *infra*, however, the effect of the amendment may be limited to federal constitutional interpretation and thus not directly bind the state courts or legislatures in the construction of state constitutional protections. Accordingly, the states may remain free to legislatively restrict or expand the right to an abortion, subject only to state constitutional limitations, without regard to the wording of the proposed amendment.

While this describes one possible set of outcomes, however, they are not the only ones, given the ambiguity of the amendment's language. For example, the phrase "is not secured" could conceivably be read to imply a prohibition on abortion and to accord some heightened degree of protection to fetal interests. Depending on the courts' perception of the level of recognition thus conferred, they could read the amendment as erecting an absolute ban on all abortions or, in the alternative, to require simply that fetal interests be reckoned in the balance with those of the mother and the state in determining the legality of abortion under any given circumstances. If the former, both the states and the federal government would effectively be denied any legislative discretion in the abortion controversy since all abortions would be forbidden and the amendment would represent far more than a simple return of the *status quo* prior to *Roe*.

If, on the other hand, the amendment is read only to require that fetal interests somehow be factored into the abortion decision, the outcome becomes far less certain since the standards to be applied by the courts in striking a balance are nowhere apparent from the fact of the amendment. Must the justification for abortion in any given set of circumstances be "compelling" or merely "rational" or does some altogether different standard apply? Could the courts find that state interference with abortion where necessary to safeguard the physical or emotional health of the mother violates due process (under either the state or federal constitution or both) notwithstanding the amendment? Without a fully developed legislative history, which must necessarily include ratification history before the states, it is virtually impossible to predict the ultimate outcome of these and numerous related issues, and they are related here only to underscore the necessarily tentative nature of the discussion that follows.

Because neither Congress nor the states would be granted express authority to legislatively enforce the reported amendment, it may effect a less drastic shift in the balance of power between the federal government and the states than some alternative formulations. For example, some of the traditional "states rights" amendment proposals that have come before the Congress would largely free abortions from federal constitutional constraints by lodging exclusive legislative power over abortion in the states.[3] Proposals like S.J. Res. 3, as originally introduced, on the other hand, would effect a contrary result by augmenting the power of Congress *vis-a-vis* the states to enact laws for the protection of the fetus.[4] By contrast, the reported version is silent on the question of legislative enforcement and might thus reinstate the police powers traditionally exercised by the states with respect to abortion prior to *Doe*.

However, congressional authority to protect fetal existence pursuant to other specific grants of consitutional authority may be enhanced by the proposed amendment because of its denial of a right to procreative choice. For example, under section 5 of the Fourteenth Amendment, Congress has the power to enforce the equal protection and due process guarantees by appropriate legislation.[5] Congress' section 5 enforcement authority has been held by the Supreme Court to encompass the legislative definition of remedies for constitutional violations, and possibly even the definition of protected rights in at least some circumstances.[6] Weighing against congressional reliance on section 5 to support enactment of "pro-life" legislation, however, has been the argument that because these measures "abrogate" or "dilute" rather than implement the women's right to procreative choice recognized in *Roe*, they are not valid enforcement of section 5.[7] Since the reported amendment would effectively extinguish the right to procreative choice in *Roe*, the argument favoring Congress' power to regulate or prohibit abortion under section 5 may be correspondingly strengthened.[8]

Other potential sources of congressional power to legislate in regard to abortion may be found in the commerce clause of Article I, Section 8 of the Constitution, the spending clause, and Congress' Article III authority over federal court jurisdiction. Congressional exercise of the commerce power is akin to the police power of the states, and has been sustained as the basis for legislation unrelated to the purely commercial aspects of commerce, such as the prohibition of discrimination[9] and criminal law.[10] Indeed, the commerce power was invoked by Congress along with the postal power prior to *Roe* to outlaw the mailing of abortifacients[11] and could likewise be extended to legislatively regulate or prohibit other abortion-related activities that affect commerce, for example, the operation of abortion clinics. The spending clause in Article I, Section 8 has repeatedly been employed since 1975 to enact so-called "Hyde amendment" restrictions on the use of federal funds to perform abortions except to save the life of the mother. Finally, Congress' Article III power to "ordain" the lower federal courts and "regulate" the appellate jurisdiction of the Supreme Court has been relied upon as support for bills to eliminate federal court jurisdiction to review state anti-abortion legislation. If anything, reliance on any of these sources of congressional power would be buttressed by the reported amendment's elimination of constitutional protection for a right to abortion.

The implications of the reported amendment for state legislative authority is complicated, however, by the fact that the courts of various states have interpreted state constitutional protections of the right to privacy more expansively than the corollary protection afforded by federal court decisions based on the federal constitution. For example, the U.S. Supreme Court has upheld, as an indirect burden on the exercise of the fundamental right to obtain an abortion, restrictions on governmental funding for abortions under the Medicaid program. In upholding both federal and state legislative restrictions on Medicaid allocations for nontherapeutic and therapeutic abortions, the Court rejected substantive due process and equal protection challenges to the statutes, even while acknowledging that the funding restrictions would probably preclude most indigent women from exercising their right to obtain an abortion.[12] Nonetheless, Massachusetts, Connecticut, and New Jersey courts have held that the due process provisions of their respective state constitutions require those states' Medicaid programs to fund therapeutic abortions, despite the lack of federal reimbursement.[13] The California Supreme Court has ruled that the State may not condition the receipt of a governmental benefit on the abdication of the state constitutional right to an abortion.[14]

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[10] *McRae v. Califano*, 491 F. Supp. 630, 742 (E.D.N.Y., 1980).

[11] "If the Texas statute were to prohibit an abortion even where the mother's life is in jeopardy, I have little doubt that such a statute would lack a rational relation to a valid state objective under the test stated in *Williamson, supra*" 410 U.S. 113, 174 (1973) (Rehnquist, j. dissenting)

[12] 410 U.S. 113; 223, (1973) (White, j. dissenting)

[13] *Roe v. Wade*, 314 F.Supp. 1217 (N.D. Texas, 1970) The *per curiam* opinion stated that, "It is apparent that there are grave and manifold uncertainties in the application of Article 1196. "How *likely* must death be? Must death be certain if the abortion is not performed? It is enough that the woman could not undergo birth without an ascertainably higher possibility of death than would normally be the case? What if the woman threatened suicide if the abortion was not performed? How *imminent* must death be if the abortion is not performed? Is it sufficient if having the child will shorten the life of the woman by a number of years? These questions simply cannot be answered."

[14] In *United States v. Vuitch*, 402 U.S. 62 (1971) a statute was saved from vagueness by recognizing that "health" encompasses both physical and mental health.

[15] *City of Akron v. Akron Center for Reproductive Health*, Nos. 81-746 and 81-1623. *Ssub judice.*

[16] *See, Planned Parenthood of Central Missouri V. Danforth* 428 U.S. 52 (1976), where the Supreme Court distinguished between criminal penalties for neglect of a live-born infant and that of a non-viable fetus. *See also, Colautti v. Franklin*, 439 U.S. 379 (1979) where a standard for fetal protection was struck down on the grounds of vagueness and overbreadth, not because protection of a viable fetus is impermissible.

In *Moe* v. *Secretary of Administration & Finance* [15] the Supreme Court of Massachusetts examined the legality under the state constitution of statutory funding restrictions that limited state Medicaid funding to cases in which an abortion was necessary to prevent the woman's death. It found that the restrictions constituted an impermissible burden on the right to abortion in violation of the state's constitutional guarantee of due process. Once the state elects to fund a benefit, the court reasoned, it may not allocate funds in a manner that directly or indirectly discriminates against an individual's exercise of a fundamental right. The discriminatory funding of the expenses incurred in the medical treatment of pregnancy constituted just such an unwarranted intrusion into the constitutionally protected zone of privacy encompassing the abortion decisions. Furthermore, the court concluded, the state's primary interest in protecting potential human life does not justify so severe an intrusion into a woman's privacy as compelling her to bear an unwanted child. The Massachusetts constitution thus affords indigent women greater constitutional protection of the right to privacy than judicial interpretation of similar federal constitutional provisions.

In California, the state's constitutional protection of the right to privacy has been held to prohibit state imposition of Medicaid funding restrictions on nontherapeutic as well as therapeutic abortions. In *Committee to Defend Reproductive Rights* v. *Myers* [16] the California Supreme Court invalidated state budget acts excluding funds for elective abortions as an unconstitutional intrusion into protected areas of private choice. The *Myers* court characterized the constitutional issue as the protection of procreative choice from discriminatory governmental treatment. It refused to extend to the California constitution the *Maher* and *McRae* majorities' reasoning that the refusal to fund abortions is not a state imposed obstacle to an indigent woman seeking to exercise her constitutional right to an abortion. The court acknowledged that the state has no constitutional obligation to fund medical care for the poor, but placed a heavy burden on the state to justify a discriminatory or restrictive government benefit program.

Similarly, in *Right to Choose* v. *Byrne* [17] the Supreme Court of New Jersey struck down on state equal protection grounds a statute that prohibited Medicaid funding for abortions except to save the mother's life. The court there agreed with its Massachusetts and California counterparts that a woman's right to protect her health by terminating a pregnancy, even though non-life threatening, outweighed the state's asserted interest in preserving potential life. In so doing, however, it distinguished elective nontherapeutic abortions which do not involve the life or health of the mother, and held that the state may exclude those abortions from the Medicaid program.

"Our holding is not that the state is under a constitutional obligation to fund all abortions. Rather, we hold that the state may not jeopardize the health and privacy of poor women by excluding medically necessary abortions from a system providing all other medically necessary care for the indigent. A woman's right to choose to protect her health by terminating her pregnancy outweighs the state's asserted interest in protecting a potential life at the expense of her health. Therefore, we hold that the restriction of funding to abortions necessary to save the life of the mother violates the New Jersey Constitution." [18]

These rulings are significant because, as noted earlier, the reported amendment may be limited in its effect to interpretation of the federal constitution and would not alter the effect of these or other state consititutional adjudications. Moreover, the United States Supreme Court has itself long recognized that state constitutions may provide more expansive protection of individual liberties than the United States Constitution.[19] Accordingly, while in terms of the relative balance of federal and state authority in the abortion area, the amendment may restore the *status quo ante* in *Roe*, this does not necessarily mean that the state legislatures will be writing on a clean slate" in those states where a "right to abortion" has been judicially found to inhere in the state constitution. Rather, those legislatures may remain subject to the same state constitutional constraints that presently limit their powers to restrict abortion, or those that emerge in the future as the result of the continued evolution of judicial doctrine.

However, while the reported amendment might not of its own force compel the courts in these or any other state to alter the course of state constitutional jurisprudence, it may indirectly lead to this result. For, if following ratification, the U.S. Supreme Court were to reverse itself by finding affirmative protection for the fetus in the due process clause or other federal constitutional guarantee, or Congress were to enact such protection pursuant to any of its enumerated powers,[20] state decisional law in conflict would be superceded under general constitutional principles. In other words, state judicial authority to ground a right to abortion in state constitutional law could be effectively voided by federal judicial or legislative action following ratification that affirmatively establishes a right to fetal existence. The state ruling would presumably then be preempted or superceded by the contrary federal law under the Supremacy Clause of the U.S. Constitution.[21]

FOOTNOTES

[1] *Roe* v. *Wade*, 410 U.S. 113 (1973); *Doe* v. *Bolton*, 410 U.S. 179 (1973). In *Roe* and *Doe* the Court first analyzed the constitutional rights and restraints relevant to the abortion decision. This analysis required the Court to balance three fundamental interests which it had identified—the woman's constitutionally protected right to privacy, the state's interest in protecting maternal health, and the state's interest in protecting potential human life. Accordingly, during the first trimester of pregnancy, the Court held, the state's interests are minimal, and it cannot intervene in the decision about terminating pregnancy. The decision is one to be made by the woman and her doctor. During the second trimester of pregnancy, the state, in promoting its interest in the health of the mother, may if it chooses regulate the abortion procedure in ways reasonably related to protecting maternal health,. so that safety standards may be prescribed on abortions limited to licensed facilities. After viability of the fetus, in the third trimester, the state, in promoting its interest in protecting the potentiality of human life, may if it chooses regulate or even prohibit abortion except when it is necessary to preserve the life or health of the mother.

[2] For a description of the status of state abortion laws in effect on the date of the Supreme Court's abortion rulings, see *Roe* v. *Wade*, 410 U.S. at 118-19.

[3] See, Proposed Constitutional Amendments on Abortion, Hearings Before the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee, 94th Cong., 2d Sess. (1976).

[4] See, Caron, Wilfred R., "The Human Life Federalism Amendment—An Assessment," 27 Catholic Lawyer 87, 97 (1982).

[5] This authority has been asserted to support fetal protective measures like S. 158, the "Human Life Statute" of last Congress, which sought to define "person" for due process purposes as originating with conception.

[6] See, e.g., *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). But cf., *Mississippi University for Women* v. *Hogan*, 102 S. Ct. 3331 (1982).

[7] See, Estreicher, Samuel, "Congressional Power and Constitutional Rights: Reflections on Proposed 'Human Life' Legislation," 68 Va. L. Rev. 337, 453 (1982).

[8] It should be noted, however, that S.J. Res. 3, as reported, might effectively override only the Supreme Court's holding in *Roe* that a woman's right to privacy comprehends the decision to terminate a first trimester pregnancy. It does not explicitly reverse the Court's subsidiary finding that the fetus is not a "person" protected by the Fourteenth Amendment. See, 410 U.S. at 41-47. Accordingly, while the reported amendment might eliminate one obstacle to congressional exercise of its Fourteenth Amendment enforcement authority to prohibit abortions, it might not resolve the equally serious issue of Congress' power to legislatively confer personhood on the fetus in the face of the Court's contrary determination in *Roe*.

[9] *Heart of Atlanta Motel* v. *United States*, 379 U.S. 241 (1964); *Katzenbach* v. *McClung*, 379 U.S. 294 (1964); *Daniel* v. *Paul*, 395 U.S. 298 (1969).

[10] Eg., *Perez* v. *United States*, 402 U.S. 146 (1971).

[11] * * *

[12] *Harris* v. *McRae*, 448 U.S. 297, 314-315 (1980); *Maher* v. *Roe*, 432 U.S. 464, 474 (1977).

[13] *Moe* v. *Secretary of Administration & Finance*, 81 Mass. Adv. Sh. 417 N.E. 2d 387 (1981); *Doe* v. *Maher* 8 Fam. L. Rep. (BNA) 2006 (Conn. Super. Ct. 1982); *Right to Choose* v. *Byrne*, 91 N.J. 287, 450 A. 2d 925 (1982).

[14] *Committee to Defend Reproductive Rights* v. *Myers*, 29 Cal. 3d 256, 625 172 Cal. Rptr. 866 P. 2d 779, (1981).

[15] See note 13 (supra).

[16] See note 13 (supra).

[17] See note 13 (supra).

[18] 450 A.2d at 937.

[19] See, e.g., *Pruneyard Shopping Center* v. *Robins*, 447 U.S. 74, 81 (1980); *Oregon* v. *Haas*, 420 U.S. 714, 719 (1975); *Copper* v. *California*, 386 U.S. 58, 62 (1967). Also, Galie, Peter J., "The Other Supreme Courts: Judicial Activism Among State Supreme Courts," 33 Syracuse L. Rev. 731 (1982).

[20] See discussion, pp. 4-6 (supra).

[21] Art. VI, Cl. 2.

THE ALAN GUTTMACHER INSTITUTE,
Washington, D.C., September 18, 1981.

To: Jeannie, Cory.
From: Rachel.
Subject: Possible Implications of a States' Rights Amendment.

Recently, opponents of abortion have expressed renewed interest in a "states' rights" type of constitutional amendment. Rather than prohibiting abortions nationwide, such an amendment would allow each state to enact its own laws concerning the legal status of abortion within its boundaries. This was essentially the situation that

existed prior to the 1973 Supreme Court decisions in *Roe* v. *Wade* and *Doe* v. *Bolton*. An examination of the conditions facing a woman needing an abortion prior to 1973 might therefore be useful in predicting the types of things that could be expected if a states' rights amendment were to be adopted.

As a result of the varying state laws during the years immediately preceding 1973, legal abortions were widely available only in the four states (Alaska, Hawaii, New York and Washington) that had repealed their stringent anti-abortion laws and in jurisdictions like the District of Columbia whose restrictive laws had been declared unconstitutional. Some abortions were also available in 13 other states that had adopted laws generally permitting abortions if the woman's life would be endangered if the pregnancy were carried to term, if her physical or mental health was jeopardized, if the fetus was at risk of being born with significant defect or if the pregnancy had resulted from rape or incest. In only one of these states, California, were abortions available except to a very limited number of women.

Prior to 1973, a woman needing an abortion who did not live in one of the few jurisdictions where legal abortions were available faced four options:

1. She could attempt to obtain a "therapeutic" abortion in her own state by meeting one of the exceptions to her state's law.
2. She could travel to one of the states or jurisdictions that placed fewer restrictions on legal abortions; she could also travel to places like Japan or Great Britain where legal abortions were available.
3. She could attempt to obtain an illegal or self-induced abortion.
4. She could carry her unwanted pregnancy to term.

While accurate documentation is available only for the women who chose the first two of these options, the evidence indicates that all four were utilized widely. The price tag for each was high, both to the woman and her existing family.

1. OBTAINING A "THERAPEUTIC" ABORTION

The Center for Disease Control (CDC) began its surveillance of legal abortions in the United States in 1969, CDC's Abortion Surveillance Report for 1972 shows that 586,760 women obtained legal abortions in the United States in 1972. As Table One shows, almost 323,400 or 55 percent of the procedures were performed in the four "repeal" states. An additional approximately 200,000 (34 percent) were performed in the 13 states that had adopted laws, similar to the American Law Institute's (ALI) Model Penal Code, that permitted an abortion if the life or physical or mental health of the woman would be endangered if the pregnancy were carried to term, if there was substantial risk that the child would be born with a severe defect or if the pregnancy resulted from rape or incest. Nearly 139,000 or 70 percent of these procedures were obtained in California, one of the "ALI" states. While the remaining 63,000 abortions were performed in states and jurisdictions that had prohibited almost all abortions, nearly 40,000 of them were performed in the District of Columbia where the restrictive law had been invalidated in 1969. Fully 23 of the 33 "restrictive" states did not report any legal abortions at all during 1972.

In many of the states that either adopted "ALI-type" laws or laws that prohibited abortion unless necessary to preserve the life of the woman, a woman needing an abortion usually was required to obtain the advance consent of a hospital abortion committee. These committees were charged with reviewing requests submitted by women's personal physicians. They frequently, either as a matter of state law or hospital policy, required that other physicians, in addition to the woman's own doctor, examine the woman and corroborate the finding that an abortion was necessary. Several committees, if not most, required a licensed psychiatrist to certify that an abortion was necessary on mental health grounds or a law enforcement officer to certify that the woman had in fact been the victim of rape or incest.

These hospital panels exercised wide latitude over the number of abortions that would be performed and the conditions under which approval given. Several studies indicate that some committees established quotas that made approval conditional not only on the vagaries of the individual committee and its members but also on the number of previous abortions that had been approved.[1] A woman seeking an abortion was dependent, therefore, not only on the state law, but also on the individual hospital committee.

A 1959 analysis dramatically shows the variation among hospital committees and the latitidue taken by these committees to approve some abortions that fell outside the strict legal parameters.[2] The authors surveyed the chief of the obstetrics and gynecology departments at 29 hospitals in the San Francisco and Los Angeles areas. At that point, California law permitted an abortion only to preserve the woman's life. The number of abortions permitted at the 26 responding hospitals between 1952 and 1956 varied widely. These differences can be seen in the differing birth to abortion rates:

Number of hospitals	Birth-to-abortion rate
8	Less than 300:1
9	300:1 to 600:1
2	600:1 to 1,000:1
3	1,000:1 to 2,000:1
3	More than 2,000:1

The average rate for the hospitals was 418 births to one abortion. The survey then asked the abortion committees to examine 11 hypothetical cases and determine whether an abortion would be approved in each situation. The authors, both faculty members at Stanford University Law School, indicated in their analysis (but not on the survey itself) their own interpretation of whether each case met the rigid requirements of California's "life only" law. The variation among committee responses is striking:

	Legal status	Abortion would be denied	Abortion would be permitted	Affirmative response
(a) Abortions for "medical indications"				
1 Rheumatic fever and heart murmur	Yes	1	21	95
2. Diabetes	Yes	4	17	81
3 Hodgkin's disease	([1])	11	10	48
(b) Abortions for "psychiatric indications"				
1 Severe depression	No	12	10	45
2 15-year-old rape victim	No	7	15	68
3 Severe psychotic depression	No	13	8	38
4 Suicide attempt	([1])	4	17	81
5 "Can't afford"	No	20	1	5
(c) Abortions for "fetal indications"				
1 Rubella while pregnant	No	16	6	27
2. 2 previous Tay-Sachs children	No	14	8	36
3 Rh incompatibility	No	17	5	23

[1] Questionable

None of the hypothetical requests received approval by all of the committees that responded to this section of the survey. The case that received the closest to unanimous approval was the woman with rheumatic fever and heart murmur. In all cases, even those where the abortion did not meet a strict reading of the state law, at least one hospital was willing to approve an abortion. Of the cases that the authors said did not meet the law's requirements, that of the rape victim received the greatest approval. Requests for abortions based on substantial risk to the fetus received generally lower levels of approval than did abortions for psychiatric reasons.

The authors also asked the committees to indicate, for those abortions that they did not approve, if they felt that approval could be obtained at another reputable hospital in the state.

Cases by legal status	Percent approved by committees	Percent approved plus percent could be approved elsewhere
Legal (2 cases)	88	93
Questionable (2 cases)	64	83
Illegal (7 cases)	35	59

While those cases considered by the authors to be within the requirements of the law met the highest number of affirmative responses, 59 percent of the hospitals either approved themselves, or said another hospital would approve, abortions in those cases considered outside the state's "life only" law.

Obtaining a "therapeutic" abortion in either the "ALI" or the "restrictive" states was costly, both financially and potentially in terms of the woman's health. This burden was created in large part by the process that needed to be followed to obtain approval for a "therapeutic" abortion. As descriptions of hospital abortion committees show, several medical personnel including the woman's own physician, independent physicians and often licensed psychiatrists as well as committee members, participated in the decision. In addition, the procedures that were approved were performed on an inpatient basis, requiring the woman to pay for inpatient hospital care as well. No studies exist of the socio-economic background of women who did obtain "therapeutic" abortions, but it is probable that only affluent women would have had sufficient resources.

What is known is that a disproportionate number of white women obtained "therapeutic" abortions. A review of "therapeutic" abortions performed in New York City between 1951 and 1962, before the liberalization of the state law, found that 93 percent of the 4,703 abortions were obtained by white women. The abortion to live birth ratio for white women was five times that of non-whites and 26 times that of Puerto Rican women.[3] A study of abortions per-

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formed in general hospitals from 1963 to 1965 found that 94 percent of the abortions were to white women and that the abortion to live birth ratio for whites was double that of non-white.[4]

Along with inflating the monetary costs of the abortion, the detailed procedures necessary to obtain the assent of the hospital abortion committee can inflate the potential health costs by delaying the abortion procedure. One study of abortions at a municipal hospital in Georgia found that the introduction of a Therapeutic Abortion Committee by the hospital was associated with a delay by almost 30 percent of the women for whom abortions were approved.[5]

According to the CDC data, while nearly 80 percent of all abortions performed in the four "repeal" states were performed at less than 13 weeks gestation, only 73 percent of the abortions performed in the "ALI" states were done at less than 13 weeks. Since the risk of both morbidity and mortality increase with length of gestation, delays that result from cumbersome administrative procedures unnecessarily inflated the health risks to the women.

2. TRAVEL

The second option available to women needing abortions was to travel to a country, state or jurisdiction where the procedures were available. In 1967, England liberalized its abortion law to permit any woman to have an abortion with the written consent of two physicians. During the last three months of 1969 alone, 615 women made the trip from the United States to Great Britain to obtain abortions.[6] By 1970, package deals that were advertised in the United States offered round-trip air fare, passports and vaccination, limousine service to and from the airport, hotel and meals for four days and the procedure itself.[7] Since the cost of making an international trip was high, many more women chose the option of going to one of the few places in the United States where abortion services were accessible once New York liberalized its law in 1970. Of the four "repeal" states, only New York had no residency requirement. Abortions could also be obtained by non-residents in the District of Columbia and California.

The 1972 CDC data indicate residence for 503,000 of the approximately 587,000 women who obtained legal abortions. As Table One shows, of those 503,000 women, approximately 200,000 or nearly 40 percent, received abortions outside their own states. More New Jersey residents traveled out of state (presumably to New York) than did those of any other state.

Number of women traveling out of State

	State of residence
Over 20,000	New Jersey.
15 to 20,000	Ohio, Texas.
10 to 15,000	Missouri, Michigan, Massachusetts, Illinois.
5 to 10,000	Florida, Maryland, Virginia, Connecticut, Indiana.

The CDC data also show that all of the women from 23 states (Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Texas, Utah, West Virginia and Wyoming) who received legal abortions in 1972 had to travel out of state to do so.

The CDC data do not show where these women went to obtain their abortions. However, data collected by the New York City Department of Health shows that of the over 203,000 women who obtained abortions in New York City in 1972, over 116,000 or almost 60 percent, were residents of other states. As Table Two shows, over 22,000 women came from New Jersey alone. Between 10 and 20,000 women came from Pennsylvania, Illinois, Michigan and Ohio; five to 10,000 women came from Connecticut, Massachusetts and Florida; and 10 to 15,000 women traveled from as far as Maine, New Hampshire, Rhode Island, Indiana, Wisconsin, Iowa, Minnesota, Georgia, South Carolina, Kentucky, Tennessee and Louisiana. A breakdown by census regions gives an indication of the distance traveled:

Number of nonresident women who received abortions in New York City, 1972

Census region of residence:	
New England	16,080
Mid-Atlantic	33,287
East North Central	39,765
West North Central	4,446
South Atlantic	14,659
East South Central	4,860
West South Central	2,644
Mountain	491
Pacific	164

Women who were able to arrange for abortions in New York paid a significant price. The woman was required to pay not only for the abortion procedure itself but also for the travel costs and a minimum of one night in a hotel (unless she came from a near-by state such as New Jersey or Connecticut). For women receiving abortions after the first trimester, the costs would be even greater, both for the procedure and the additional nights in a hotel. These costs could easily have been prohibitive to all but the affluent. Student groups at two large universities, the University of Illinois (Chicago Circle) and the University of Maine, established loan funds to assist students needing abortions.[8]

Public funding generally was not available for indigent women needing non-resident abortions. New York and California did include coverage of abortions in their state medical assistance programs, Medicaid in New York and Medi-Cal in California. However, this coverage was available only to indigent state residents who were eligible for assistance. Indigent residents of other states, regardless of whether they were eligible for Medicaid in their home states, were required to obtain the necessary funds individually.

The only data that confirm the hypothesis that only the affluent could afford the long-distance travel are scarce and indirect. Although large numbers of Georgia residents received legal abortions in New York between 1970 and 1972, the number of complications resulting from admitted illegal abortions at Grady Memorial Hospital in Atlanta, a large public facility serving the medically indigent, remained relatively constant from 1969 until the second quarter of 1972.[9] Thus, although safe, legal abortions were being obtained in New York by Georgia residents, this option apparently was not widely utilized by the indigent clientele of Grady Memorial but by other, more affluent residents of the state. More direct data do exist to show the racially discriminatory effect of requiring women to travel long distances: of the women who obtained abortions in New York City between July 1971 and July 1972, 24 percent of the residents were white while 85 percent of the non-residents were white.[10]

The legitimate costs of obtaining a non-resident abortion in New York were frequently supplemented by any of a number of illegitimate costs. The New York City Taxi Commission received numerous reports of taxi drivers charging excessive rates to women seeking rides to abortion clinics from airports and bus terminals.[11] The State Attorney General also prosecuted several referral agencies for charging exhorbitant fees for referring out-of-state women to abortion providers and for illegally engaging in fee-splitting with the abortion providers.[12] As a result, at least two for-profit abortion referral agencies were closed down.[13] Eventually, the state prohibited all for-profit abortion referral agencies in July of 1971.[14]

Assembling the funds and making the long-distance arrangements to obtain a New York abortion could delay a woman's obtaining the procedure. A conservative estimate of this delay can be seen in data compiled by the New York City Department of Health on the gestational ages of women who obtained abortions in New York City in 1972.[15] For residents of New York, the mean gestational age was 10.14 weeks, with approximately 82.5 percent of all women who obtained abortions obtaining them at less than 13 weeks gestation. As shown below, the mean gestational age increased as the travel distance increased, while the percentage of abortions performed under 13 weeks gestation decreased.

	Mean gestational age	Percent of abortions under 13 weeks
Census division of residence:		
New England	9.7	86.2
Mid-Atlantic	9.9	84.1
East North Central	10.5	78.3
West North Central	10.7	71.1
South Atlantic	10.9	75.5
East North Central	10.5	78.5
West South Central	11.3	71.5
Mountain	11.9	63.2
Pacific	12.2	66.3

Nearly 83 percent of all New York State residents and 85 percent of all women from states contiguous to New York who obtained abortions in New York City in 1972 did so before the 13th week of gestation; only 77 percent of the women from non-contiguous states obtained abortions before the 13th week.

Travel to a distant state can increase the health risks to the woman directly by rendering impossible any continuity in her medical care. Most complications that arise from early abortions do not become evident for 2 to 30 days following the procedure.[16] Dr. Jane Hodgson's experiences at Washington D.C.'s Preterm Clinic confirm this fact. According to Dr. Hodgson, of the 20,000 women who received abortions between May 1972 and September 1973, 10 required blood transfusions. Of these 10, none were required during the first week.[17] By the time that complications arise, an out-of-state woman will be home and unable to receive care from the doctor who performed the procedure. As Dr. Hodgson notes,

"All patients who received more than two units of blood lived in distant states and received the transfusions from eight to 30 days following the abortion. A direct relationship apparently existed between the distance traveled by the patient, delay in medical care and the seriousness of the complication. Fragmented care was probably a factor in these later transfusions. No transfusions were required by any patient from the District of Columbia, where help was immediately available."[18]

Dr. Hodgson cites one case of an unmarried 20 year old who refused to inform her own physician that she had had an abortion, even when she began to experience abdominal pain. Her pain was diagnosed as appendicitis and an unnecessary appendectomy was performed.[19] Studies conducted by the Joint Program for the Study of Abortion (JPSA) confirms Dr. Hodgson's concerns about the relationship between the necessity of travel and fragmented medical care. According to the JPSA, while 62.5 percent of the local patients who obtained abortions in hospitals between July 1970 and July 1971 had some kind of medical follow-up, only 43.7 percent of the non-residents had some medical follow-up. Only "relatively minor" differences in follow-up were found for clinic patients: 46.4 percent for residents and 49.5 percent for non-residents.[20]

3. ILLEGAL AND SELF-INDUCED ABORTION

The third option available to women in need of abortions was to obtain illegal or self-induced abortions. Although precise data on the number of illegal procedures do not exist, estimates can be made. Based on his examination of the change, or lack of significant change, in the birth rate in New York City following the legalization of abortion, Dr. Tietze has estimated that 70 percent of the abortions performed subsequent to legalization replaced procedures that previously had been performed illegally. Multiplying this out yields an estimate of 50,000 illegal abortions per year in New York City alone.[21] Using a different method based on the death-to-case ratio for deaths resulting from known illegal abortions, CDC estimates that 130,000 illegal abortions occurred in 1972 when nearly 600,000 women received legal procedures.[22]

In a study based on a series of interviews conducted in 1965 and 1967, Steven Polgar and Ellen Fried examined the conditions under which illegal procedures were performed. Of the nearly 900 women studied, 8.3 percent said that they had attempted to terminate at least one pregnancy by abortion; 38 percent said that one of their friends, relatives, or acquaintances had attempted to procure an abortion.[23] Of the women who said that they themselves had had an abortion, 80 percent said they attempted a self-induced procedure.

"Only two percent of the respondents who attempted an abortion said that a doctor had been involved in any way. Regarding the attempted abortions reported for the respondents' friends, relatives and acquaintances, 6 percent were said to have been performed by doctors; 18 percent by "just ordinary women"; and 33 percent were said to have been self-induced."[24]

It is therefore unsurprising that CDC estimated that the death-to-case rate for illegal abortions in 1972 was 30 per 100,000 compared with 3.2 per 100,000 for legal procedures.[25]

Little is known about the women who obtained illegal abortions. From its surveillance of abortion-related deaths, CDC found that of the 39 deaths resulting from illegal procedures in 1972, 25 or 64.1 percent were to non-white women. For the years 1972 to 1974, the rate of illegal abortion deaths per million women aged 15 to 44 was 0.2 for white women and 2.4 for nonwhite women.[26]

Large numbers of illegal abortions are known to have been obtained by poor women prior to legalization. At Harlem Hospital Center in New York City, for example, nearly 1,600 women were admitted for incomplete abortions in 1962 alone.[27] In 1968, the University of Southern California-Los Angeles County Medical Center admitted 701 patients with septic abortions.[28] As the experiences of both of these hospitals, which serve primarily indigent populations, show, indigent women were willing to resort in large numbers of illegal abortions. Since "therapeutic" abortions or legal "non-resident" abortions essentially were available only to more affluent women in 1972, the logical conclusion is that most of the less affluent and minority women who terminated their pregnancies in 1972 did so illegally.

4. CARRYING UNWANTED PREGNANCIES TO TERM

Even less is known about the women who were unable to obtain any abortion and carried unwanted pregnancies to term. Out-of-wedlock births to both teenagers and women of all ages has generally decreased in New York since the legalization of abortion in 1970.[29] So have the number of out-of-wedlock babies and teenagers entering foster care and the rate of deaths associated with pregnancy and childbirth.[30]

If a state's rights amendment were to be adopted, the situation would be similar to that which existed prior to 1973. It is probably reasonable to assume that, at a bare minimum, abortion would remain legal in most of the nine states (Alaska, Colorado, Hawaii, Maryland, Michigan, New York, North Carolina, Oregon and Washington) and the District of Columbia that voluntarily are continuing to fund medically necessary abortions for women on welfare. Abortions would most likely be severely restricted in most other states and even virtually prohibited in some.

Abortions would once again be widely available only to those women who lived in states that did not enact restrictive laws. The total number of legal abortions performed would, of necessity, fall from the estimated 1.5 million performed in 1979. However, as was the case prior to 1973, and almost independent of the number of states in which abortion remained legal and available, large numbers of abortions, both legal and illegal, would continue to be obtained by women confronting unwanted pregnancies.

A woman needing an abortion who did not live in one of the states where abortion was legal would face the same array of choices as prior to the Supreme Court decisions. She could obtain a legal "therapeutic" abortion in her home state or travel out of state to do so. In reality, however, those options would be open only to the more affluent. Obtaining a legal "therapeutic" abortion was an expensive proposition, once the procedural costs of the hospital abortion committee are added to the cost of the operation itself. That this took place is indicated by the disparity between the abortion to live birth rates for white women and non-white women in the years prior to 1973.

The second option, traveling to a state where legal abortions are available, would likewise be within the reach only of the more affluent. While the problem of locating reputable abortion providers could be mitigated to some extent by the establishment of a good national referral network, only the more affluent could afford the transportation and hotel costs as well as the costs of the procedure. Table Three lists the current roundtrip train, bus and air fares between 31 cities and New York City. (The cities selected were the largest cities in the states from which more than 500 women obtained abortion in New York in 1972.) As Table Three shows, when the transportation and hotel costs are added to the cost of the abortion, the total cost easily would be beyond the reach of all but a small percentage of the women in need. For only eight of the 31 cities listed, would the total cost, even if the woman were to take the train rather than fly, be under $400.

Even those women who could afford either to obtain "therapeutic" abortions or the travel to one of the "non-restrictive" states potentially could have to pay a far greater price than the financial one. Here again the pre-1973 experience is instructive. Prior to 1973, women who obtained either "therapeutic" or non-resident abortions were found to have obtained the procedures later in gestation. The delay was closely related to the distance the woman was required to travel. Even minimal delays beyond the eighth week, inflate the risk of either complications or death. Even further, the fragmented care received by women who had to travel long distances to obtain abortions was seen, prior to 1973, to have been associated with subsequent medical difficulties and, in a few cases, even death.

As was the case prior to 1973, the only real option open to the less affluent and to many teenagers, would be illegal or self-induced abortions or carrying unwanted pregnancies to term. As many as 70 percent of the abortions performed after legalization have been shown to have replaced clandestine procedures. Although the health risks of these procedures have been well-documented, as many women could be expected to resort to them if abortions were criminalized. Numerous other women would not obtain either legal or illegal procedures and would be forced to carry their unwanted pregnancies to term.

Thus, a states' rights amendment would not be successful in preventing abortions from occurring. Many affluent women would be able, as they were prior to 1973, to either obtain a "therapeutic" abortion or to travel to one of the states, in which abortion remained legal. Less affluent women would be driven, as they also were prior to 1973, to obtain illegal and self-induced abortions. Regardless of which of these options is exercised, the health risk to thousands of American women would be increased far above those that exist at present.

FOOTNOTES

[1] Erhardt, Tietze and Nelson, "United States: Therapeutic Abortions in New York City," Studies in Family Planning, March, 1970, p. 8; Gold, Erhardt, Jacobziner and Nelson, "Therapeutic Abortions in New York City: A 20-Year Review," American Journal of Public Health 55:964 (1965); Packer and Gampell, "Therapeutic Abortion: A Problem in Law and Medicine," Stanford Law Review 11:417 (1959), and Hendricks, "Pregnancy Termination: The Impact of New Laws," The Journal of Reproductive Medicine 6:45 (June, 1971).

[2] Packer and Gampell, op. cit.

[3] Gold, Erhardt, Jacobziner and Nelson, op. cit. p. 966.

[4] Tietze, "Therapeutic Abortion in the United States," American Journal of Obstetrics and Gynecology 101:784 (July, 1968).

[5] Baker and Freeman, "Statistical Analysis of Applicants and of the Induced Abortions Workup," Journal of the Medical Association of Georgia 60:392 (December, 1971).

[6] New York Times, 5 April 1970, p. 26.

[7] New York Times, 22 March 1970, p. 30 and 26 January 1970, p. 20.

[8] New York Times, 21 March 1971, p. 68 and Chicago Tribune, 17 February 1972, sec. N1A, p. 6

[9] Kahan, Baker and Freeman, "The Effect of Legalized Abortion on Morbidity Resulting from Criminal Abortion," American Journal of Obstetrics and Gynecology 121:115 (January 1, 1975).

[10] Tietze, "Two Years' Experience with a Liberal Abortion Law: Its Impact on Fertility Trends in New York City," Family Planning Perspectives 5:10 (Winter, 1973).

[11] New York Times, "Cabbies Accused of Fleecing Abortion-Case Women, September 9, 1971.

[12] New York Times, 19 December 1970, p. 21; 5 April 1971, p. 26; 20 February 1971, p. 45; 12 February 1971, p. 38 and 14 May 1971, p. 1.

[13] *State of New York* v. *The Abortion Information Agency, Inc.*, 323 N.Y.S. 2d 597 and *State of New York* v. *Mitchell*, 321 N.Y.S.2d 756.

[14] Sprague, Jane, "The Impact of Legalized Abortions Upon Hospitals in New York State," Department of Sociology, University of North Carolina, unpublished Ph.D. dissertation, 1974.

[15] The estimate of the difference in gestational age between residents and non-residents is conservative because of differences in the populations being compared. The non-residents who obtained abortions in New York were all private patients but are being compared with private and non-private resident patients. Non-private patients comprised nearly 47 percent of all women who obtained abortions in New York City between July 1971 and July 1972. Non-private patients had a lower percentage of abortions performed before the twelfth week of gestation (89.3 percent of private patients and 74.4 percent of non-private patients received abortions before the twelfth week).

[16] Margolis and Overstreet, "Legal Abortion Without Hospitalization," Obstetrics and Gynecology 36:481 (September, 1970).

[17] Hodgson, "Major Complications of 20, 248 Consecutive First Trimester Abortions: Problems of Fragmented Care," Advances in Planned Parenthood 1975:54.

[18] Ibid., p. 54.

[19] Ibid., p. 58.

[20] Tietze and Lewit, "Joint Program for the Study of Abortion: Early Medical Complications of Legal Abortion," Studies in Family Planning 3:109 (June, 1972).

[21] Tietze, "Two Years' Experience," op. cit., p. 13.

[22] Cates and Rochat, "Illegal Abortions in the United States: 1972-74," Family Planning Perspectives 8:92 (March/April, 1976).

[23] Polgar and Fried, "The Bad Old Days: Clandestine Abortions Among the Poor in New York City Before Liberalization of the Abortion Law," Family Planning Perspectives 8:125 (May/June, 1976).

[24] Ibid., p. 126.

[25] Cates and Rochat, op. cit., p. 92 and Center for Disease Control, Abortion Surveillance Report 1972, p. 5.

[26] Cates and Rochat, op. cit., p. 88.

[27] Swartz, "Abortion Services in a Municipal Hospital," Bulletin of the New York Academy of Medicine 47:846 (August, 1971).

[28] Seward, Ballard and Ulene, "The Effect of Legal Abortion on the Rate of Septic Abortion at a Large County Hospital," American Journal of Obstetrics and Gynecology 115:336 (February 1, 1973).

[29] The Alan Guttmacher Institute, Safe and Legal: 10 Years' Experience with Legal Abortion in New York State, (New York, 1980), p. 28.

[30] Ibid., pp. 22 and 30.

TABLE 1.—LEGAL ABORTIONS PERFORMED IN THE UNITED STATES, 1972

States, by legal status of abortion	Abortions by occurrence			Abortions by residence		
	Number	Percent of total abortions	Percent less than 13 weeks	Number with known residence	Performed out of State	
					Number	Percent
Repeal States	323,377	55.1		124,124	107	0.1
Alaska	1,172	2	75.7	1,166	9	.8
Hawaii	4,547	.8	83.2	4,534	12	.3
New York	299,891	51 1	78.5	100,615	44	.1
Washington	17,767	3 0	94.9	17,809	42	.2
AL I States	200,054	34 1		189,142	34,164	18.1
Arkansas	793	.1	89 5	1,555	762	49 0
California	138,584	23 6	U	106,307	152	.1
Colorado	5,260	.9	49.9	5,428	573	10 6
Delaware	1,342	2	U	2,193	914	41.7
Florida	[1] 3,378	6	U	11,624	8,246	70.9
Georgia	2,509	4	68 4	7,070	4,561	64.5
Kansas	12,248	2.1	89 0	4,843	331	6.8
Maryland	9,093	1.5	67.9	14,929	6,022	40.3
New Mexico	5,989	1.0	U	1,962	100	5.1
North Carolina	8,365	1.4	68 6	11,810	3,539	30.0
Oregon	7,143	1 2	81.3	7,178	49	.7
South Carolina	854	1	80 8	3,056	2,208	72 3
Virginia	4,496	8	62.0	11,187	6,707	60.0
Restrictive States	63,329	10 8		190,157	165,218	86.9
Alabama	[2] 1,156	.2	U	2,100	948	45.1
Arizona	[2] 275	([4])	U	2,865	2,590	90.4
Connecticut	2,579	4	U	8,333	5,757	69.1
District of Columbia	38,868	6 6	U	7,352	145	2.0
Idaho	U		U	20	20	100.0
Illinois	U		U	14,091	14,091	100.0
Indiana	U		U	5,481	5,481	100 0
Iowa	U		U	2,356	2,356	100.0
Kentucky	U		U	3,132	3,132	100.0
Louisiana	U		U	1,210	1,210	100.0
Maine	U		U	1,690	1,690	100.0
Massachusetts	[3] 3,394	6	U	17,581	14,187	80.7
Michigan	U		U	14,626	14,626	100.0
Minnesota	U		U	2,227	2,227	100.0
Mississippi	61	([1 4])	U	870	809	93.0
Missouri	U		U	6,953	6,953	100.0
Montana	U		U	172	172	100.0
Nebraska	[2] 789	1	U	1,797	1,008	56 1
Nevada	U		U	1,630	1,630	100.0
New Hampshire	U		U	1,483	1,483	100.0
New Jersey	U		U	22,832	22,832	100.0
North Dakota	U		U	148	148	100 0
Ohio	U		U	16,666	16,666	100.0
Oklahoma	U		U	2,843	2,843	100.
Pennsylvania	[2] 8,540	1.5	U	22,772	14,232	62.5
Rhode Island	U		U	1,869	1,869	100.0
South Dakota	U		U	116	116	100.0
Tennessee	[2] 9		U	4,288	4,279	99 8
Texas	U		U	16,022	16,022	100.0
Utah	U		U	730	730	100.0
Vermont	231	([4])	U	1,052	859	81.7
West Virginia	U		U	1,491	1,491	100.0
Wisconsin	[2] 7,427	1.3	U	3,090	2,347	76.0
Wyoming	U		U	269	269	100.0
U S Total	586,760	100 0		503,423	199,489	39 6

[1] Abortions for Florida are for April-December, 1972

[2] Data reported from 1 or more hospitals in State

[3] Data are for October 1971-September 1972

[4] Less than 0 1 percent

Note U indicates data unknown

Source Center for Disease Control, Abortion Surveillance Report, 1972 Data are from state health agency unless indicated

TABLE 2.—NONRESIDENT ABORTIONS IN NEW YORK CITY, 1972, TOTAL AND BY GESTATIONAL AGE

	Total nonresident abortions performed in New York City, 1972		Abortions for which gestational age is known		
	Number	Percent of total	Total	Number under 13 weeks	Percent under 13 weeks
New England (total)	16,080	13 7	15,263	13,153	86 2
Connecticut	5,237		4,986	4,189	84 0
Maine	1,297		1,212	1,019	84 1
Massachusetts	6,501		6,206	5,543	89.3
New Hampshire	1,208		1,107	937	84 6
Rhode Island	1,566		1,492	1,243	83.3
Vermont	271		260	222	85 4
Mid-Atlantic (total)	33,287	28 3	31,852	26,798	84 1
New Jersey	22,491		21,505	18,676	86 8
New York					
Pennsylvania	10,796		10,347	8,122	78 5
East North Central (total)	39,765	33 9	37,306	29,222	78 3
Illinois	12,075		10,823	8,533	78 9
Indiana	3,327		3,168	2,497	78 8
Michigan	11,413		10,961	8,442	77 0
Ohio	11,311		10,792	8,560	79.3
Wisconsin	1,639		1,562	1,190	76 2
West North Central (total)	4,446	3 8	5,571	3,961	71 1
Iowa	1,471		1,396	1,146	82 1
Kansas	225		212	148	69 8
Minnesota	1,789		1,699	1,434	84 4
Missouri	167		1,494	597	40 0
Nebraska	606		583	502	86 1
North Dakota	121		121	85	70 2
South Dakota	67		66	49	74 2
South Atlantic (total)	14,659	12 5	13,805	10,416	75 5
Delaware	522		495	414	83 6
District of Columbia	129		124	69	55 6
Florida	7,202		6,649	5,336	80.3
Georgia	2,284		2,168	1,681	77 5
Maryland	437		425	242	56 9
North Carolina	926		910	604	66 4
South Carolina	1,594		1,533	1,125	73 4
Virginia	991		959	575	60 0
West Virginia	574		542	370	68 3
East South Central (total)	4,860	4 1	4,629	3,632	78 5
Alabama	649		639	477	74 6
Kentucky	1,360		1,282	976	76 1
Mississippi	618		583	454	77 9
Tennessee	2,233		2,125	1,725	81 2
West South Central (total)	2,644	2 3	2,559	1,830	71 5
Arkansas	490		484	368	76 0
Louisiana	1,127		1,090	817	75 0
Oklahoma	346		335	236	70 4
Texas	681		650	409	62 9
Mountain (total)	491	4	473	300	63 2
Arizona	42		37	29	78 4
Colorado	104		101	74	73 3
Idaho	17		17	10	58 8
Montana	167		165	82	49 7
Nevada	29		28	21	75 0
New Mexico	70		65	40	61 5
Utah	27		25	14	56 0
Wyoming	35		35	30	85.7
Pacific (total)	164	1	160	106	66 3
Alaska	9		9	7	77.8
California	104		101	63	62 4
Hawaii	12		12	9	75 0
Oregon	17		16	11	68 8
Washington	22		22	16	72.7
United States (total)	116,396	100 0	111,618	89,418	80 1

Sources. Pakter, Nelson and Suigir, "Legal Abortion: A Half-Decade of Experience," Family Planning Perspectives 7:248 November/December 1975 and special tabulations by the Bureau of Maternity Services and Family Planning of the New York City Department of Health.

TABLE 3.—ESTIMATED TRANSPORTATION AND TOTAL COSTS FOR NONRESIDENT ABORTIONS IN NEW YORK CITY, 1981

Place of origin	Travel by rail [1]		Travel by bus [3]		Travel by air [4]	
	Transportation cost	Total cost [2]	Transportation cost	Total cost [2]	Transportation cost	Total cost [2]
Birmingham, Ala	240	490	239	489	370	620
Bridgeport, Conn	26	276	23	273	50	310
Wilmington, Del	38	288	32	282	([5])	
Jacksonville, Fla	222	472	212	462	362	612
Atlanta, Ga	212	462	186	436	344	594
Chicago, Ill	200	450	190	440	178	428
Indianapolis, Ind	[6] 248	498	188	438	312	562
Des Moines, Iowa	([7])		244	494	468	718

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TABLE 3.—ESTIMATED TRANSPORTATION AND TOTAL COSTS FOR NONRESIDENT ABORTIONS IN NEW YORK CITY, 1981—Continued

Place of origin	Travel by rail [1]		Travel by bus [3]		Travel by air [4]	
	Transportation cost	Total cost [2]	Transportation cost	Total cost [2]	Transportation cost	Total cost [2]
Louisville, Ky	(7)		190	440	178	428
New Orleans, La	318	568	268	518	432	682
Portland, Maine	(7)		85	335	176	426
Boston, Mass	65	315	60	310	90	340
Detroit, Mich	172	422	166	416	253	503
Minneapolis, Minn	[8] 300	550	240	490	422	672
Jackson, Miss.	354	604	259	509	450	700
St. Louis, Mo	264	514	211	461	378	628
Omaha, Nebra	332	582	269	519	510	760
Manchester, N H	(7)		79	329	104	354
Newark, N J	2	252	4	254	(5)	
Buffalo, N Y	102	352	102	352	70	320
Charlotte, N C	160	410	141	391	254	504
Cleveland, Ohio	144	394	130	380	124	374
Philadelphia, Pa	31	281	28	278	110	360
Providence, R I	58	308	53	303	102	352
Columbia, S C.	186	436	163	413	310	530
Memphis, Tenn.	316	566	237	487	402	652
Houston, Tex	488	738	324	574	460	710
Norfolk, Va.	(7)		92	342	156	406
Charlestown, W Va	155	405	147	397	234	484
Milwaukee, Wis.	[9] 220	470	205	455	354	604

[1] Cost is regular round trip coach fare as of August 1981

[2] Total cost is transportation cost plus an estimated $175 for the abortion procedure and an estimated $75 for 1 night's hotel accommodations

[3] Cost is regular round trip coach fare as of August 1981, special excursion fares not used

[4] Cost is regular round trip coach fare as of August 1981, special fares and packages or 1st class not used

[5] No available plane service

[6] No direct train route Cost shown is for train from Indianapolis to Chicago and then from Chicago to New York

[7] No available train service

[8] No direct train route Cost shown is for train from Minneapolis to Chicago and then from Chicago to New York

[9] No direct train route Cost shown is for train from Milwaukee to Chicago and then from Chicago to New York

[Memorandum]

To: Jeannie Rosoff, Cory Richards, Jo Blum.
From: Rachel Gold.
Subject: Abortion after viability.
Date: February 26, 1982.

The Supreme Court gave the states great latitude in enacting legislation restricting the performance of late abortions: "For the stage subsequent to viability, the state . . . may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." The attached table shows that nearly half of the states have chosen to restrict late abortions according to the Court's guidelines.

1. DEFINITION OF "THIRD TRIMESTER"

States have adopted varying definitions of when the third trimester of pregnancy begins. Three states have adopted laws concerning abortions performed "during the third trimester;" the laws in two states concern abortions performed after the second trimester of pregnancy. Twelve states define third trimester in terms of viability and their laws concern abortions performed after a medical determination that the fetus may be viable. The remaining seven states with laws define this period in terms of weeks: five states restrict abortions performed after 24 weeks and two states restrict procedures after 20 weeks.

2. CONDITIONS UNDER WHICH ABORTIONS MAY BE PERFORMED

The laws in 23 states restrict the conditions under which third trimester abortions may be performed. Fifteen states permit abortions if the life or health of the pregnant woman would be endangered if the pregnancy were carried to term. Two states (Indiana and Utah) restrict abortions to those procedures necessary to preserve the woman's life or physical health and two states' laws (Massachusetts and North Dakota) permit abortions if her physical or mental health is in jeopardy. New York and Washington permit third trimester abortions only if the woman's life is endangered and Idaho permits abortions when the women's life is endangered or if "the fetus is incapable of survival." North Carolina's laws permit abortions after 20 weeks of pregnancy only if the woman's health is endangered. Four states (Florida, Georgia, North Dakota and South Carolina) require that a physician, aside from the one who performs the procedure, certify that the woman's life or health is endangered.

3. NUMBER OF POST-VIABILITY ABORTIONS PERFORMED

Columns five and six of the attached table give the number of abortions performed at 21 weeks and over in 1978 and the percentage of all reported abortions that were performed at or beyond 21 weeks.[1] Even though they contain some pre-viability abortions, the data indicate that the number of abortions performed during the third trimester is extremely small. Nationally, according to the Centers for Disease Control, 0.8 percent of all abortions were performed after 20 weeks. In only three of the states that reported to the CDC were more than 2 percent of all abortions performed after the 20th week; in two additional states, the number of procedures after 20 weeks was more than 1 percent. There appears to be no relationship between the percent performed after 20 weeks and whether the state has any explicit statutory language or, if the state has a law, the specific restriction contained in the statute.

4. OTHER LEGAL REQUIREMENTS

Fourteen states require that a live-born infant resulting from an abortion is entitled to all medical care that would be given an infant born prematurely. Three of these states (Maine, Ohio and Texas) require this standard of care although their laws do not specify the conditions under which post-viability abortions may be performed. Indiana requires that all post-viability abortions be performed in hospitals with special intensive care units for newborns. Four states (Minnesota, New York, North Dakota and Oklahoma) require that a second physician be in attendance to provide care for a newborn infant. In other states, similar requirements may exist as a result of regulations promulgated by state health agencies in the absence of specific statutory language.

ABORTIONS AFTER VIABILITY: STATE LAWS AND NUMBER PERFORMED, 1978

	Time period	Permissible conditions	Second physician in attendance	Live born fetus entitles to full care	Number performed, 1978	Percent of all abortions, 1978
1 Alabama						
2 Alaska					2	0.3
3 Arizona					5	.1
4 Arkansas					28	.6
5 California						
6 Colorado					377	2.4
7. Connecticut	3d trimester	Life, health		X	16	.1
8. Delaware						
9. District of Columbia					151	.5
10. Florida	3d trimester	Life, health		X		
11. Georgia	After 2d trimester	Life, health		X	1,026	3.0
12. Hawaii					38	.6
13. Idaho	After viability	Life [1]			2	.1
14. Illinois	After viability	Life, health			182	.3
15. Indiana	After viability	Life, physical health		X	1	0
16. Iowa	After 2d trimester	Life, health		X [2]		
17. Kansas					230	2.5
18. Kentucky	After viability	Life, health		X		
19. Louisiana					7	.1
20. Maine				X		
21. Maryland					134	.5
22. Massachusetts	After 24 weeks	Life, physical or mental health			266	.7
23. Michigan						
24. Minnesota	After 24 weeks		X		65	.4
25. Mississippi					0	.2
26. Missouri	After viability	Life, health		X	79	.5
27. Montana	After viability	Life, health				
28. Nebraska					19	.4
29. Nevada	After 24 weeks	Life, health		X	3	.1
30. New Hampshire					3	.2
31. New Jersey					104	.4
32. New Mexico					3	.1
33. New York	After 24 weeks	Life	X [3]		2,698	1.8
34. North Carolina	After 20 weeks	Health			192	.7
35. North Dakota	After viability	Life, physical or mental health	X	X		
36. Ohio				X		
37. Oklahoma	After viability	Life, health	X	X		
38. Oregon					77	.6
39. Pennsylvania	After viability	Life, health			327	.5
40. Rhode Island					0	0
41 South Carolina	After 24 weeks	Life, health			20	.2
42. South Dakota	After 24 weeks	Life, health			21	1.5
43. Tennessee	After 24 weeks	Life, health			41	.2
44. Texas				X		
45. Utah	Viability [4]	Life, physical health			0	.0
46. Vermont					3	.1
47. Virginia					156	.5
48. Washington	3d trimester				116	.4
49. West Virginia						
50. Wisconsin						
51. Wyoming	After viability	Life, health	X			
52. American Samoa						
53. Guam						
54. Puerto Rico						
55 Trust Territory						
56 Virgin Islands						
Total					6,401	.8

[1] Idaho—life or "if baby could not survive"

[2] Iowa—every effort must be made to save the life of a fetus showing sustainable life after 20 weeks.

[3] New York—second physician is required after 20 weeks.

[4] Utah—reasonable possibility of survival

METHODS OF ABORTION

VACUUM ASPIRATION (SUCTION)

First trimester procedure involving local anaesthesia, dilation of the cervix, insertion of a small hollow tube attached to a vacuum machine which empties the uterus by gentle suction; normally takes a few minutes and patient recovers within a few hours.

DILATION AND CURETTAGE (D&C)

First trimester procedure with local or general anaesthesia, dilation of the cervix, removal of fetal material from the uterine wall using a small, spoon-shaped curette; may take a few minutes and patient recovers the same day.

[Due to increased danger of uterine perforation, there is no adequate abortion procedure between the 13th and 16th weeks of pregnancy (15–18 weeks from last menstrual period).]

AMNIOTIC FLUID REPLACEMENT

Second trimester procedure usually performed between the 16th and 20th weeks of pregnancy (18–22 weeks from last menstrual period) in which a small amount of amniotic fluid is withdrawn from the uterus and replaced with a concentrated saline solution which causes contractions within 12 to 24 hours and eventual miscarriage; may require a hospital stay. Another method of inducing miscarriage is the injection of a hormone (prostaglandin) into the uterus.

HYSTEROTOMY

Second trimester procedure considered major surgery, involves Caesarian removal of the fetus through the abdominal wall under general anaesthesia; may require a hospital stay of 4 to 7 days and recovery of several weeks; future deliveries must be by Caesarian.

METHOD OF ABORTION BY FREQUENCY

Center for Disease Control: 1974 Yearly Report Out of 160,809 abortions (the total number for which CDC has adequate data, and presumably representative of the whole)

Method	*Percentage rate*
Suction/curettage	85.1
Sharp/curettage	4.7
Saline	6.4
Prostaglandin instillation	0.5
Hysterotomy	.4
Hysterectomy	.4
Other	1.2
Unknown	1.8

Rate of saline abortions

Weeks of gestation	*Percentage rate*
<8	0.3
9–10	.3
11–12	.9
13–15	25.3
16–20	70.6
+21	68.7
Unknown	8.4

TABLE 3.—DEATH-TO-CASE RATE FOR LEGAL ABORTION, BY TYPE OF PROCEDURE, UNITED STATES, 1972–74

Procedure	Deaths	Cases [1]	Rate [2]	Relative risk [3]
Curettage	35	1,748,558	2.0	1.0
Suction	26	1,436,120	1.8	0.9
Sharp	9	312,438	2.9	1.4
Intra-amniotic instillation	32	183,906	17.4	8.7
Hysterotomy/hysterectomy	5	13,126	38.1	19.0
Other	1	20,477	4.9	2.4
All methods	73	1,966,067	3.7	1.8

[1] Based on distribution of 1,531,984 abortions (77.9 percent of total) in which gestational age was known.

[2] Deaths per 100,000 abortions

[3] Relative risk based on index rate for curettage of 2.0 per 100,000 abortions.

STAGES OF GESTATION

Development during the roughly 40 weeks prior to normal human birth is divisible into three phases. The first, which may be called the period of the ovum, lasts from fertilization until the time the fertilized egg is implanted in the wall of the uterus, a process that typically takes 10 to 14 days. A second phase, lasting from the second to the eighth week after conception, is called the period of the embryo, and is characterized by differentiation of the major organs that normally are present in the newborn. The last phase, from the eighth week to delivery, called the period of the fetus, is characterized by dramatic growth in the size of the organism.

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[1] The number and percent of abortions are from the Centers for Disease Control 1978 Abortion Surveillance Report. Data do not exist for all states. Neither the AGI not CDC data give a more explicit breakdown of abortions performed after 21 weeks. The AGI data do not give a state-level breakdown of gestational age.

Prenatal development is extremely rapid. By the 18th day the embryo already has taken some shape and has established a longitudinal axis.

By the 8th week facial features are well-defined; arms, legs, hands and feet have appeared, and rudimentary toes and fingers can be distinguished. The sex organs, along-with bone cartilage have begun to form. Size: ⅞ inches; $\frac{1}{30}$ ounce or 1 gram (less than an aspirin tablet).

By 13½ weeks nails form, ears are completely formed and there are sex organ differences. The brain signals, the muscles respond, and the fetus kicks. The brain is not sufficiently organized, however, to control movement reflexes and won't be till after birth. Size: 3 inches; 1 ounce or 30 grams.

By 18 weeks fetal movements can be felt by the pregnant woman; the heart can be heard with a stethoscope; fine down hair covers the body; the skin is pinker; eye lashes have grown. Size 8½ inches; 6 ounces or 180 grams.

By 22½ weeks there is hair on the head, fat has deposited under the skin though the fetus is very lean. Size: 12 inches; 1 pound or 453 grams.

By 27 weeks the fetus is covered with a cheese-like secretion. The skin is wrinkled. Hair on the head is fairly well-developed. Eyes are open. If born at this stage, most fetuses only live a few hours. Size: 14 inches; 2 pounds or 906 grams.

(Source: The New Encyclopedia Britannica: Pregnancy Birth and Family Planning, Alan Guttmacher, 1973)

PROBABILITY OF SURVIVAL

Grams	Chance for survival
601 to 650	1 in 276,531
951 to 1,000	1 in 14,544

Note.—Based on reports considered reliable, the youngest fetuses known to survive, even with the best medical care, have been no less than 24 weeks and 600 grams.

Source: Behrman Report to the National Commission for the Protection of Human Subjects.

[From Issues in Brief, Vol. 1, No. 9, October 1981]

Abortion and Public Health: The Facts

In 1978, 3.1 million American women found themselves facing pregnancies they had not intended. Of these women, 1.3 million chose to carry their pregnancies to term and give birth, 400,000 had miscarriages and 1.4 million, or about half, chose to exercise their constitutionally protected option to terminate their pregnancies through safe and legal abortions.[1] For more than seven in 10 of these women, these were their first abortions. More than 90 percent of the abortions were performed during the first trimester of pregnancy, very soon after the women realized they were pregnant.

WOMEN WHO OBTAIN ABORTIONS

About three percent of all American women aged 15 to 44, and 25 percent of those who became pregnant, had abortions in 1978. Although most women who chose to terminate their unintended pregnancies were young, white and childless, more than 200,000 were over age 30 and nearly 350,000 had had at least two children. Nearly four out of every 10 abortions were to the women for whom the health and social consequences of unintended childbearing are the greatest—women over 35 and teenagers.

The parents of over half the teenagers obtaining abortions knew of their daughters' abortions. In the majority of cases in which the parents knew, their daughters told them voluntarily; in many instances, an abortion was obtained at the parents' suggestion.

The number of teenagers terminating unintended pregnancies by abortion has been increasing since 1973 at a rate similar to that for women of all ages. But the increase in abortions to teenagers has been in part responsible for a noticeable decline in the teenage birth rate. In 1973, nearly 60 of every 1,000 women aged 15 to 19 gave birth; by 1978, that number had fallen to 52.

Each year since 1973, women have been obtaining abortions earlier in pregnancy when the health risks to the woman and the costs of the procedure are at their lowest. In 1973, less than 40 percent of all women obtaining abortions did so before nine weeks of pregnancy. By 1978, over half of all abortions were performed before nine weeks; and more than nine in 10 abortions were performed during the first 12 weeks, or during the first trimester.

At the far end of the spectrum, less than one percent of all abortions in 1978 were performed after 20 weeks and fewer than four percent were performed between 16 and 20 weeks. As a result, only a small proportion of abortions were performed by saline injection. Although already small, the number of abortions between 16 and 20 weeks may be reduced even further when abortion services become better distributed geographically.

However, there are several serious medical conditions that pose significant risks to the life and health of the pregnant woman that either do not arise or cannot be diagnosed until after the first 15 weeks of pregnancy. For example, many women who have normal blood pressure before pregnancy develop hypertension of pregnancy, or pre-eclampsia, after the 20th week of gestation. For many who do not respond to other treatment, a late abortion may be a necessity. Renal or kidney failure may also be experienced late in pregnancy. In some cases, if an abortion is not performed, the woman will suffer permanent kidney damage. In addition, amniocentesis to determine if a woman is carrying a fetus afflicted with a severe genetic disorder cannot be performed until the middle of the second trimester of pregnancy.

In 1978, 30 percent of the women obtaining abortions were having a second or subsequent procedure. An increase in both the number and percent of women having repeat abortions is almost totally due to the fact that as the number of women who have ever had a first abortion increases each year, so does the pool of women who are at risk of having another abortion.

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[1] S. Henshaw, J.D. Forrest, E. Sullivan and C. Tietze, "Abortion in the United States, 1978-79," Family Planning Perspectives, Vol. 13, No. 1 (Jan./Feb. 1981), p. 6.

TABLE 1.—NUMBER AND PERCENTAGE DISTRIBUTION OF LEGAL ABORTIONS, BY SELECTED CHARACTERISTICS, 1973, 1977 AND 1978

Characteristic	November			Percent distribution		
	1973	1977	1978	1973	1977	1978
Total	744,610	1,316,700	1,409,600	100.0	100.0	100.0
(1) Age						
<15	1,630	15,650	15,110	1.6	1.2	1.1
15 to 19	232,440	396,630	418,790	31.2	30.1	29.7
20 to 24	240,610	449,660	489,410	32.3	34.2	34.7
25 to 29	129,600	246,680	265,990	17.4	18.7	18.9
30 to 34	72,550	124,380	134,280	9.7	9.4	9.5
35 to 39	40,960	61,700	65,350	5.5	4.7	4.6
[illegible]	16,820	22,000	20,670	2.3	1.7	1.5
(2) Race						
White	548,790	888,780	969,410	73.7	67.5	68.8
Nonwhite	195,820	427,920	440,190	26.3	32.5	31.2
(3) Marital status						
Married	216,210	299,710	350,550	29.0	22.8	24.9
Unmarried [1]	528,400	1,016,990	1,059,050	71.0	77.2	75.1
(4) Number of living children						
0	375,240	661,280	798,070	50.4	50.2	56.6
1	137,400	268,350	271,270	18.5	20.4	19.2
2	102,160	193,990	198,050	13.7	14.7	14.1
3	61,650	99,710	83,290	8.3	7.6	5.9
≥4	68,160	93,370	58,920	9.1	7.1	4.2
(5) Prior induced abortions						
0	U	966,720	994,520	U	73.4	70.5
1	U	267,830	315,480	U	20.3	22.5
2	U	55,250	71,860	U	4.2	5.1
>3	U	26,900	27,740	U	2.1	2.0
(6) Weeks of gestation [2]						
≤8	284,280	657,850	707,750	38.2	50.0	50.2
9 to 10	221,550	361,170	388,370	29.7	27.4	27.6
11 to 12	130,630	179,500	187,730	17.5	13.6	13.3
13 to 15	44,360	52,110	63,130	6.0	4.0	4.5
16 to 20	53,340	54,110	50,720	7.2	4.1	3.6
>21	10,450	11,960	11,900	1.4	9	8
(7) Method						
Instrumental evacuation [3]	667,720	1,236,380	1,338,930	89.7	93.9	95.0
Saline instillation	66,610	53,990	50,540	8.9	4.1	3.6
Hysterotomy/hysterectomy	4,120	2,630	1,260	.6	2	1
Other [4]	6,160	23,700	18,870	8	1.8	1.3

[1] Never married, separated, divorced or widowed

[2] Weeks since last menstrual period

[3] Suction and sharp curettage, includes dilatation and evacuation at 13 weeks' gestation and later

[4] Includes prostaglandin, urea, etc

Note. U = unavailable

Source: S. Henshaw, J. D Forrest, E Sullivan and C Tietze, "Abortion in the United States, 1978–1979," Family Planning Perspectives, Vol 13, No 1 (January/February 1981), p 17.

The increasing number of repeat abortions does not indicate widespread carelessness about contraceptive use. Neither contraceptives nor the human beings who use them are perfect. For example, four of every hundred women who start to use the IUD to prevent pregnancy become pregnant in a single year. As Table 2 shows, for women using other methods of contraception, the rates of unintended pregnancies are higher.

After 10 years of experience with legal abortion, 52-61 percent of all abortions will be repeat procedures even among a population using contraceptive methods with a high level of effectiveness. Even if all women used the pill fairly consistently, 31-40 percent of abortions could be expected to be repeat procedures after a decade.[2] When these figures are used for comparison, the nation's repeat abortion rate suggests a high level of effective contraceptive use.

Thus, there is no evidence that the increased availability of legal abortion has led to any decrease in contraceptive use. National surveys of ever-married women show steady increases in the number using contraception (and using the most effective methods) both before and after abortion legalization. Indeed, contraceptive use among these women is now virtually universal. Among sexually active unmarried U.S. teenagers, too, the use of contraception increased sharply throughout the 1970s.

THE RISKS OF ABORTION

Like all surgical procedures, abortions carry a risk of medical complications, or morbidity. The risk of abortion-related complications is influenced by the abortion method, the woman's age and the number of children she has borne. The main risk from abortion, however, result from delay. In the first trimester of pregnancy, when 90 percent of all abortions in 1978 were performed, less than half of one percent of all abortion patients experienced complications of any kind. Between the eighth and 12th weeks, the risk of major complications doubles from two per 1000 to four per 1000.[3]

Although the number of abortions performed annually has increased steadily, the number of deaths attributable to legal abortions has declined. Eleven deaths from legally induced abortions were reported to the federal Center for Disease Control (CDC) in 1978 (as compared to 26 in 1973), a rate of 0.6 deaths per 100,000 abortions.[4] To put abortion mortality into perspective, according to the most recent published data, the risk associated with other common surgical procedures was nine deaths per 100,000 tonsillectomies and 225 deaths per 100,000 appendectomies in 1974 and 1975.[5] The risk of dying from induced abortion during the first 15 weeks of pregnancy is one-seventh the risk of dying from pregnancy and childbirth.[6]

However, deaths from abortion do increase with the length of gestation. In the first eight weeks of pregnancy, when half of all legal abortions are performed, the mortality rate is only 0.5 deaths per 100,000 abortions. Between the ninth and the 13th weeks of pregnancy, when an additional 41 percent of abortions are performed, the rate rises to 1.9 deaths per 100,000 procedures.[7]

Much concern has been expressed about the effect of abortions on a woman's future childbearing capability. According to a five-year study conducted at the Boston Hospital for Women, a single induced abortion did not result in a decreased ability to carry subsequent pregnancies to term. The study did find, however, that women who had had two or more abortions had an increased risk of miscarriage in subsequent pregnancies. However, characteristics of the women obtaining repeat abortions (such as time between pregnancies and smoking), as well as the type of abortion procedures used in previous abortions, are probably more important factors than the number of abortion procedures, as shown by other conflicting American studies.

Table 2.—Percent of women who experience unintended pregnancies within one year of contraceptive use

Contraceptive method:	*Percent*
Oral contraceptives	2.3
Intrauterine devices	3.8
Condoms	8.5
Foams, creams, jellies	15.7
Diaphragms	16.1
Rhythm method	21.2

THE EFFECTS OF LEGAL ABORTION

A large majority of the legal abortions obtained in the United States after the 1973 Supreme Court decisions on abortion replaced procedures that had been performed illegally prior to 1973. American women and their families paid a steep price for those illegal procedures, many of which were carried out by nonmedical personnel or the woman herself in unsanitary surroundings with no facilities for dealing with emergencies. In the 1960s, complications from abortions accounted for almost 20 percent of all pregnancy-related admissions to municipal hospitals in New York and California.[8] In 1965, 235 deaths, or 20 percent of all deaths related to pregnancy and childbirth, were attributed to abortion.[9]

This toll dropped steadily during the 1960s as a result of advances in contraception and medical care and the increased availability of legal abortion after 1967 when states began to relax their stringent antiabortion laws. By 1972, when 587,000 legal abortions were reported nationally, only 39 women died from illegal or self-induced procedures. In 1973, the year of the Supreme Court decisions, illegal abortion deaths fell to 19; in 1977 to four.[10] In 1978, the number of deaths from illegal abortions rose slightly to seven, partially because restrictions on the use of public funds for abortions for indigent women on welfare forced some women who would have obtained publicly funded abortions to resort to self-administered or illegal procedures instead.[11]

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[2] The Alan Guttmacher Institute, *Safe and Legal: 10 Years' Experience with Legal Abortion in New York State,* New York, 1980, p. 35.

[3] W. Cates, K. Schulz, D. Grimes and C. Tyler, "The Effect of Delay and Method Choice On the Risk of Abortion Morbidity," Family Planning Perspectives, Vol. 9, No. 6 (Nov./Dec. 1977), p. 267.

[4] Center for Disease Control, Abortion Surveillance 1978, pp. 47, 61.

[5] National Center for Health Statistics, DHHS, Final Mortality Statistics, 1975 and Commission on Professional and Hospital Activities, 1974-75 PAS Hospital Mortality Data.

[6] W. Cates, "Legal Abortion and Women's Health: Gains and Losses in the 1970s," unpublished.

[7] CDC, *Abortion Surveillance 1978,* p. 48.

[8] E. C. Moore-Cavar, *International Inventory of Information on Induced Abortion,* New York, 1974, pp. 520, 593-5, 603-6, 642.

[9] *Ibid.*

[10] CDC, *Abortion Surveillance 1978,* p. 61.

[11] F. Jaffe, B. Lindheim, and P. Lee, *Abortion Politics: Private Morality and Public Policy,* New York, 1981, p. 157.

The widespread availability of legal abortion has had a profound impact on the lives and health of millions of American women and their families. Thousands of American couples at high risk of bearing children afflicted with severe and often fatal genetic disorders have been willing to conceive and have families only because of the availability of safe and accurate prenatal diagnosis and legal abortion. Almost all amniocentesis procedures are reassuring to parents; only about three percent result in abortion.

Thousands of teenagers have been able to prevent the frequently adverse health, social and economic consequences of teenage births because of legal abortion.

Babies born to teenage mothers are more likely to die in the first year of life than those born to mothers over age 20. The risks of medical complications and of having a low-birth-weight infant, are also considerably greater among teenage mothers.

The most far-reaching consequence of teenage childbearing is the truncation of education among the young parents, and the resulting limitation of opportunities to gain skills necessary to compete effectively in a modern, highly technical society. Largely because of educational deficits, teenage parents are frequently unable to get decent jobs, and their family incomes tend to be much lower than those earned by other families. Whether or not the young parents marry, most of the youngsters born to teenage mothers tend to end up in single female-headed households. And when they grow up, they are more likely than others to become teenage parents themselves.

Many of the women who, since 1973, have chosen to terminate their unintended pregnancies by legal abortion were women who would have been at high risk of health damage to themselves or of bearing unhealthy children. The widespread use of legal abortion was therefore accompanied by a dramatic reduction in neonatal, or newborn, mortality. Legal abortion is associated with a reduction of 1.5 neonatal deaths per 1000 live births among whites and 2.5 among blacks.[12] Legalization of abortion, according to data collected by the New York City Department of Health, was also accompanied by a 50 percent decline in the maternal mortality rate.[13] In addition, the availability of legal abortion has been associated with a dramatic reduction in the number of children and teenage mothers being placed in foster homes and institutions.[14]

It is impossible to measure what society or individuals must pay in terms of the lost potential of young women who suffer educational, economic, social and health deprivation because they must carry unwanted pregnancies to term at a time when they are unprepared physically, socially or financially to take care of the child. What can be measured are some of the medical and social welfare costs that must be borne by government to pay for those unwanted births that women would otherwise have averted through abortion.

A minimum of about 300,000 of the women who received legal abortions in 1978 were women eligible to receive subsidized medical care and other public benefits. If legal abortions were unavailable and if only one-third of these women carried their unintended pregnancies to term rather than obtaining illegal abortions, the cost to the government and the American people would be $386 million in the first year alone. If abortion opponents were successful in preventing all women from obtaining any abortions at all, the public cost would be $1.3 billion. And, these are only the costs to the public in the first year alone. Economists have calculated that the public sector cost of raising a child on welfare is $75,000.[15] If one-third of the women eligible for public assistance carried their unintended pregnancies to term, the American public would incur a future obligation of $6.8 billion each year.

CONCLUSION

In the years before the 1973 Supreme Court decisions, thousands of American women were willing to risk the sometimes staggering health and economic costs of obtaining illegal abortions. Since 1973, many more women have been able to terminate their unintended pregnancies safely and legally. For some of these women, the costs have remained high. A large number of women needing abortions, unable to obtain them locally, have been willing to travel often great distances. Poor women on welfare, unable to obtain publicly funded abortions, have been willing to undergo severe hardship for themselves and their families to finance needed abortions. Of those women surveyed who said that they themselves had had an abortion, 80 percent felt they were better off today than they would have been if they had chosen to carry their pregnancies to term.[16] As all the numbers and sacrifices endured by women obtaining abortions show, safe and legal abortions are wanted and needed in the United States.

[From Issues in Brief, Vol. 2, No. 4, January 1982]

Abortion in the U.S.: Two Centuries of Experience

The human life federalism amendment, S.J. Res. 110, seeks to overturn the 1973 Supreme Court decisions on abortion by giving the states and the federal government concurrent power to restrict or entirely prohibit this medical service.

Supporters of the measure contend that the U.S. Supreme Court, by finding that a woman's right to choose an abortion is part of the fundamental and constitutionally protected right of privacy, usurped the rightful prerogative of the legislative branch of government. According to Sen. Orrin G. Hatch (R-Utah), chairman of the Senate Judiciary Subcommittee on the Constitution and the sponsor of the measure, "Quite apart from the merits or demerits of this abortion right, much of the controversy that has been generated about it has stemmed from the manner in which it has been achieved. It has emerged, not through the representative legislative processes, not through the newly developing social consensus, not through an amendment to the Constitution and not in response to any revolution in moral and ethical principles that might have been reflected through evolving federal and state policies."

Such an interpretation of the Court's action is a gross misreading of the history of abortion in the United States.

Abortion has had a long social and legislative history in this country; it was not "created" by fiat by the Supreme Court in 1973. Abortion early in pregnancy were permitted by traditional common law and were not prohibited in the United States until the middle of the 29th century. By the time the Court issued its decisions, 17 states had reformed or repealed their antiabortion laws, and similar legislation had been initiated in almost every other state in the nation. Even before 1973, several national medical, legal, religious and social welfare organizations issued calls for abortion law reform, and public opinion polls showed that the majority of Americans opposed making abortion illegal. In 1972, the year before the court's action, nearly 600,000 women received legal abortions in the United States. Rather than "creating" abortion in its 1973 decisions in *Roe v. Wade* and *Doe v. Bolton*, the Court appropriately ratified an emerging national consensus on the issue.

WHAT WAS THE LEGAL STATUS OF ABORTION UNDER ENGLISH COMMON LAW?

English common law, the cornerstone of American jurisprudence, did not recognize the legal existance of a fetus in criminal cases until "quickening," the first perceptible fetal movement which usually occurred after the fourth month of pregnancy. As a result, abortions performed prior to "quickening" were not criminal offenses. Since no state enacted conflicting legislation during nearly the first third of our nation's history, this traditional common law principle prevailed. The medical literature of the day, both popular and professional, included frequent references to methods of abortion.

WHEN AND WHY DID THE LEGAL STATUS OF ABORTION CHANGE

An 1821 Connecticut statute making abortions illegal after "quickening," and similar ones enacted in 10 states during the following 20 years, did not change the legal status of abortion, they merely codified the common law tradition. The first state law to deal separately and explicitly with abortion was not passed until 1845, when Massachusetts made abortion, or attempted abortion, a criminal offense at any point in pregnancy.

A nationwide campaign to restrict abortion was led by medical professionals out of a dual concern for public health and for establishing medicine as a profession peopled by formally trained "regular" physicians rather than the untrained "irregulars" and lay-healers who frequently performed abortions. According to James Mohr, author of Abortion in America, "By raising the abortion question and by highlighting the abuses and dangers associated with it, regular physicians could encourage the state to deploy its sections against their competition."

WHAT RESTRICTIVE LAWS WERE ENACTED

By the turn of the century, almost all states had followed the example set by the 1845 Massachusetts law. In the early 1960s, although only Pennsylvania prohibited all abortions, 44 states allowed abortions only if the life of the pregnant woman would be endangered if the pregnancy were carried to term. Alabama, Colorado, New Mexico, Massachusetts and the District of Columbia permitted abortions if the life or physical health of the pregnant woman was in jeopardy; Mississippi allowed abortions in cases of life endangerment or rape. In nine states, the laws included criminal penalities for aiding, assisting, abetting or counseling a woman in obtaining a criminal abortion. Fourteen states explicitly made obtaining an abortion, as well as performing one, a crime.

DID LEGAL RESTRICTIONS PREVENT ABORTIONS?

The exact number of illegal abortions cannot be determined. Nevertheless, several studies indicate that abortion was widespread despite the legal restrictions. In a nationwide study conducted in the 1940s, Dr. Alfred Kinsey found that 22 percent of the married women interviewed had had one or more abortions in marriage by age 45. Further, 88-95 percent of the premarital pregnancies in his study were terminated by abortion.

Experts convening at the 1955 Arden House Conference on Abortion in the United States concluded that a reasonable estimate of the annual number of abortions could be as low as 200,000 or as high as 1.2 million. Another analysis, extrapolating from data obtained in North Carolina, estimated that 699,000 illegal or self-induced abortions occurred nationwide in 1955 and 829,000 in 1967. Based on his examination of the change, or lack of significant change, in the birthrates in New York City following the legalization of abortion, Dr. Christopher Tietze of the Population Council has estimated that 50,000 illegal abortions, 70 percent of the procedures performed subsequent to legalization, had been performed annually in New York City.

One indicator of the extent to which abortions were performed is the death toll. In 1930, abortion was reported as the cause of death for 2,700 women in the United States, 18 percent of all maternal deaths. By 1940, the number decreased to just under 1,700 and further to 316 in 1950. Mostly because of advances in the technology of providing abortions, the number of deaths due to abortions in 1965 fell to 235, but still comprised 20 percent of all deaths related to pregnancy and childbirth in that year.

Along with the number of women who died, the number of women who suffered severe complications from illegal abortion shows the prevalence of the illegal procedures. At Harlem Hospital Center, only one of many New York City hospitals, nearly 1,600 women were admitted for incomplete abortions in 1962, a rate of one abortion-related admission for every 42 deliveries at the hospital. In 1968, the University of Southern California-Los Angeles County Medical Center, another large public facility serving primarly indigent patients, admitted 701 women with septic abortions.

DID ANY NATIONAL ORGANIZATIONS SUPPORT REFORM OF ANTIABORTION LAWS BEFORE 1973?

Well in advance of the 1973 Supreme Court decisons, many national health, legal, religious and social welfare organizations issued either calls for reform or repeal of state antiabortion laws or declarations that abortion was a matter to be decided by an individual woman and her physician. One of the first national calls for a change in abortion laws came in 1962 from the American Law Institute (ALI) with the publication of its "Model Penal Code on Abortion," which called for abortion to be legal when the pregnant woman's life or health would be endangered if the pregnancy were carried to term, if the pregnancy was the result of rape or incest and when the fetus had been diagnosed as afflicted with a severe defect. This recommendation, a model for abortion reform legislation in several states, was accepted by the American Bar Association in a 1972 resolution.

By the time the Supreme Court issued its decisions, numerous other organizations had joined the call for reform. Among the health and social welfare organizations to support reform were the American Association of University Women, American College of Obstetricians and Gynecologists, American Home Economics Association, American Public Health Association, National Association of Social Workers and the Young Women's Christian Association. In June 1970, the American Medical Association passed a resolution stating that abortion is a medical procedure to be performed by duly licensed physicians in conformance with the standards of good medical practice and the laws of their states. At least 19 state medical societies also voted to recommend that the antiabortion laws of their states be reformed or repealed.

Many national religious organizations called for reform or repeal laws before 1973. A 1965 resolution passed by the American Ethical Union urging reform of abortion laws was followed by similar action by the American Baptist Churches (USA), Church of the Brethren, Lutheran Church in America, National Council of Jewish Women, Presbyterian Church in the United States, Unitarian Universalist Associaton, Methodist Church, United Presbyterian Church (USA) and the United Synagogue of America.

DID THE AMERICAN PUBLIC SUPPORT ABORTION LAW REFORM BEFORE THE SUPREME COURT DECISIONS?

Even before the Supreme Court's 1973 abortion decisions, a majority of Americans supported legal abortion under at least some circumstances. In 1972, the National Opinion Research Center found that 87 percent of the public felt that a woman should be able to obtain a legal abortion if her health was endangered while a Gallup poll the same year found that 64 percent of all Americans felt that the decision to have an abortion should be solely by a woman and her physician. Since the 1973 decisions, despite years of antiabortion activity, attitudes toward abortion have remained remarkably constant. While support for abortion among Protestants and Jews has remained consistently high since 1973, approval among Catholics has been growing. By 1979, according to a New York Times-CBS poll, 64 percent of all Catholics felt that "the right of a woman to have an abortion should be left entirely to the woman and her doctor."

WERE ANY STATE ABORTION LAWS REFORMED OR REPEALED PRIOR TO 1973?

In 1967, Colorado reformed its antiabortion law to permit abortions in cases of life endangerment, if the pregnant woman's physical or mental health would be imperiled if the pregnancy were carried to term, if the fetus would be born with a severe physical or mental defect or if the pregnancy had resulted from rape or incest. By 1972, the year before the U.S. Surpreme Court abortion decisions, Arkansas, California, Delaware, Florida, Georgia, Kansas, Maryland, New Mexico, North Carolina, Oregon, Sourth Carolina and Virginia had adopted similar laws. In nine of these states, the new law did not specify a point of gestation until which abortions could be performed.

Beginning in 1970, four states (Alaska, Hawaii, New York and Washington) repealed their antiabortion laws, substituting statutes permitting an abortion if the woman and her physician felt the procedure was necessary. All of these states essentially permitted abortions only if performed prior to viability, the point in pregnancy at which a fetus can survive outside of the womb, unless the woman's life were in jeopardy. Washington's antiabortion law was repealed following passage of a statewide referendum on the question.

WERE THESE 17 STATES THE ONLY ONES TO TAKE LEGISLATIVE ACTION TO REFORM ANTIABORTION LAWS?

Although the remaining 33 states enacted no legislation on abortion between 1967 and 1973, at least 124 bills to reform or repeal abortion laws were introduced in at least 28 of these states. Only in Alabama, Lousiana, South Dakota, West Virginia and Wyoming were no bills introduced. Eleven of these bills did pass at least one house of the state legislature. Of the 11 that passed at least one house, three would have permitted abortions by licensed physicians in Arizona, Michigan and Nevada and two were abortion law repeal measures in Arizona and Kansas. Two bills to reform abortion laws even further in states that had already enacted limited reforms in the 1960s also came close to being approved. In North Carolina, a bill to permit abortions performed by licensed physicians passed the House but was defeated by the Senate. A similar reform of Maryland's law passed both houses of the legislature but was vetoed by the governor.

WERE LEGAL ABORTIONS PERFORMED IN THE U.S. AS A RESULT OF THE LAWS ENACTED BETWEEN 1967 AND 1973?

According to the federal Center for Disease Control, 586,760 women received legal abortions in the United States in 1972, the year before the U.S. Supreme Court decisions. While nearly 55 percent of these abortions (323,400) were performed in the four states that had repealed their antiabortion laws, 34 percent of the procedures were performed in the 13 states that had enacted more limited reforms of their antiabortion laws. Although nearly 600,000 women obtained legal abortions in 1972, the Center for Disease Control estimates that 130,000 women were unable to obtain legal abortions and resorted to illegal or self-induced procedures during that year.

DID WOMEN WHO LIVED IN STATES WHERE ABORTION WAS ILLEGAL TRAVEL TO OBTAIN LEGAL ABORTIONS IN 1972?

Approximately 200,000 women who could afford transportation costs traveled outside their home states to obtain abortions in 1972. Twenty-two thousand women from New Jersey obtained abortions in a different state, presumably New York. Over 10,000 women left Illinois in order to terminate their pregnancies legally in other states, as did equal numbers of women from Massachusetts, Michigan, Missouri, Ohio and Texas. More than 5,000 women traveled out of state from Connecticut, Florida, Indiana, Maryland and Virginia. In 23 of the states where the abortion laws remained unchanged, all of the women who obtained legal abortions in 1972 had to cross state lines to do so.

Many women traveled great distances to obtain legal abortions. Nearly 40,000 women from the East North Central states (Illinois, Indiana, Michigan, Ohio and Wisconsin) traveled to New York City to obtain legal abortions in 1972. More then 7,000 Floridians also made the trip, as did 2,200 from Tennessee and Georgia, nearly 1,800 from Minnesota, 1,600 from South Carolina, 1,500 from Iowa, 1,300 from Kentucky and 1,100 from Louisiana. Altogether, over 116,000 women crossed state lines in 1972 to obtain abortions in New York City.

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[12] "Legal Abortion, Family Planning Services Largest Factors in Reducing U.S. Neonatal Mortality Rates," *Family Planning Perspectives*, Vol. 13, No. 2 (March/April 1981), p. 84.

[13] J. Pakter and F. Nelson, "Abortion in New York City: The First Nine Months," *Family Planning Perspectives*, Vol. 3, No. 3 (July 1971), p. 5.

[14] *Safe and Legal*, p. 30.

[15] *Ibid.*, p. 32.

[16] *Washington Post*/ABC News poll, June 8, 1981.

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DID THIS LONG-DISTANCE TRAVEL HAVE ANY EFFECTS ASIDE FROM INCONVENIENCE AND COST?

Many women in need of abortions and who lived in states where antiabortion laws had not been reformed sought the assistance of referral agencies to arrange for abortions in other states. While many were assisted by reputable agencies, thousands fell prey to unscrupulous profiteers. Several of these agencies ultimately were prosecuted and closed down by the attorney general of New York for charging excessive prices and illegally engaging in fee-splitting.

For women who did not go through referral agencies, making the long-distance arrangements often resulted in a delay. As seen in data compiled by the New York City Department of Health on women who obtained abortions as private patients in New York City in 1972, the farther a woman had to travel, the greater the delay. For New York City residents, the average gestational age was 9.4 weeks of pregnancy. Women who lived in states that were not contiguous to New York obtained abortions, on the average, over a week later, at 10.6 weeks. Nearly 90 percent of all New York City residents who obtained abortions in New York City in 1972 did so before the 13th week of gestation; only 77 percent of the women from states that are not contiguous to New York were able to have abortions before the 13th week.

Travel to a distant state can increase the health risks to the woman by rendering impossible any continuity in her medical care. Most complications that arise from early abortions do not become evident for 2–30 days following the procedure. By the time complications arise, an out-of-state woman would be home and unable to receive care from the physican who performed the abortion. As a result of this fragmented medical care, Dr. Jane Hodgson, former executive director of Washington, D.C.'s Preterm Clinic, found that "a direct relationship apparently existed between the distance traveled by the patient, delay in medical care and the seriousness of the complication."

S.J. RES. 110: A GIANT STEP BACKWARD

Supporters of S.J. Res. 110 contend that this proposed amendment to the Constitution simply would return the legal status of abortion to that which existed prior to the 1973 Supreme Court decisions and once again allow each state independently to determine its policy on abortion. In fact, S.J. Res. 110 would do much more. It would give Congress a power to restrict abortion that it never had. States would be free to enact only legislation more restrictive than federal law, thereby losing a power that they had had—and exercised—to make abortion legal and available before the 1973 Supreme Court decisions. Rather than freeing federal and state legislatures from the long divisive battles over the abortion issue, S.J. Res. 110 would guarantee at least an annual battle in every legislative body in the nation.

While the specific results of passage of S.J. Res. 110 are uncertain, the general parameters can be predicted. Congress would likely pass legislation severely restricting abortion. Although some states would adopt this federal policy, others undoubtedly would enact laws even more restrictive. Women from these states would once again be forced to travel, often at great risk and expense, to obtain needed abortions. Others, unable to arrange or afford travel, would resort, as they did prior to 1973, to dangerous clandestine procedures. Whether legal or illegal, abortions would continue to occur.

[From Issues in Brief, Vol. 3, No. 1, February 1983]

TEN YEARS AFTER ROE v. WADE—RESPONSES TO CONCERNS RAISED ABOUT ABORTIONS

Abortion has been legal throughout the United States for a decade. In that time, an estimated 9.4 million American women have chosen to terminate 13 million unintended pregnancies by abortion. Legal abortion is supported by an overwhelming majority of Americans, regardless of age, race, sex, political affiliation or religion. Despite this clear support for legal abortion and the fact that millions of women have been able to avoid the physical, emotional and financial scars of unintended childbearing, abortion continues to raise troubling questions in the minds of many. Some of these concerns can be dispelled by an examination of the realities of a decade's experience with legal abortion. Others await the development of policies that, by improving access to early abortions, can reduce the number of abortions performed late in pregnancy. Yet, it is also clear that many of these concerns will not be alleviated entirely until unintended pregnancies are eliminated and the need for abortion obviated.

Did the Supreme Court legalize unrestricted "abortion on demand" for all nine months of pregnancy?

The Supreme Court's rejection of "abortion on demand" was explicit: "Some . . . argue that the woman's right is absolute and that she is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses. With this we do not agree." Even during the first few months of pregnancy, when almost all abortions occur, the abortion decision does not rest solely with the woman. Instead, according to the Court, the decision to terminate a pregnancy is "primarily, a medical decision, and basic responsibility for it must rest with the physician."

Furthermore, the Court did not render the state powerless to enact restrictions concering abortions. States may regulate the conditions under which abortions are performed during the first trimester of pregnancy (approximately the first three months) provided that they treat those procedures as they treat all other medical procedures. For example, a state may require that abortions be performed only by licensed physicians and only in licensed facilities. In addition, the state board of medical examiners has the power to issue licenses to practice medicine as well as to revoke them if any irregularities or breach of ethics occur, among abortion providers as well as other medical practitioners. State medical societies work closely with the boards of examiners to assure that appropriate standards are met by licensed physicians.

According to the Court, states have the power to regulate abortions performed once pregnancy has progressed to a point that abortion is more dangerous to the woman than childbirth. States may adopt regulations concerning abortions after this point—which, in 1973, was reached at approximately the end of the first trimester—that serve to protect the health of the pregnant woman. Based on this principle, 20 states require, for example, that all abortions performed after the first trimester be performed in hospitals.[1] However, medical advances and accumlating evidence that inpatient procedures are no safer than outpatient procedures during the early weeks of the second trimester have led to a reexamination of these laws, and the Supreme Court is considering whether, given current technology, these laws continue to serve the states' interest in the protection of the health of the woman.[2]

Once a pregnancy reaches a point that, in the appropriate medical judgment of the physician, the fetus may be viable, or capable of sustained independent existence, states have wide latitude to restrict abortion in furtherance of their interest in potential human life. In fact, 22 states have chosen to prohibit all abortions after this point unless the procedure is necessary to protect the life or health of the pregnant woman. [3] Two additional states have gone further than the Court specified and prohibit all abortions after this point unless continuing the pregnancy would threaten the life of the pregnant women.[4] Except in severe medical emergencies, abortions are rarely performed near the point of viability; deviation from this standard is subject to close scrutiny not only by the medical profession but also potenially by state authorities who have the power to revoke medical licenses. As a result, the number of abortions performed when viability is even a remote possibility is small, even in those states that have not legislated a specific prohibition.

Unfortunately, the techniques for estimating the gestational age of a fetus are imprecise. In very rare cases a physician may miscalculate gestational age and perform an abortion on a fetus that may be viable; in a minuscule fraction of these cases, a liveborn infant may result. Again, however, professional and legal controls govern these few but undeniably traumatic occurrences. Basic principles of medical ethics require that if a fetus capable of sustained independent life is born alive in the course of an abortion, if is to be treated identically to all other permature infants and given all care necessary to sustain its life. Twenty-six states have restated this professional tenet in legislation; in these states, the internal sanctions of the medical profession may be supplemented by either criminal or civil penalties.[5]

Are American women careless about contraception and using abortion as birth control?

Studies have shown that American women are vigilant in their use of contraception. According to a 1978 study, an estimated 75 percent of all sexually active, fertile women used a method of contraception, with nearly half using sterilization, oral contraceptives or IUDs. Of the 25 percent—9.4 million women—who were not using a method of contraception, more than half were already pregnant or had just given birth, while many others were trying to become pregnant.[6] Even with this continued high level of contraceptive use, some unintended pregnancies are inevitable. For example, nearly five of every 100 women who use the IUD will become pregnant in a single year. Even with careful use, more than two of every 100 women using the pill will become pregnant within a year. For other prescription methods, such as the diaphragm, and nonprescription methods, such as condoms, creams and jellies, the failure rates are much higher.[7]

Unintended pregnancies as a result of contraceptive failure account for a significant percentage of the abortions that are performed annually. Almost half of the women over 20 who obtained abortions in 1978 were

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Footnotes at end of article.

using some method of contraception at the time they conceived; 16 percent were using the most effective reversible methods, the pill and IUD.

Many other unintended pregnancies that result in abortions occur, however, to women who are not using contraception at the time they conceive. A disproportionate share of these pregnancies occur to young women, often during the first year of sexual activity, when, statistics indicate, many teenagers have not yet begun to use effective methods of contraception.[8]

Almost all women who were not using a method of contraception before an abortion use one after an abortion. A study of abortion clinic patients in Illinois found that 97 percent of the postabortion patients were prescribed some method of family planning; nearly three-fourths planned to use either oral contraceptives or IUDs.[9] This same study found that only a small fraction, 8 percent, of abortion patients had had at least two abortions and routinely used no method of contraception at all.

If contraception is used, why are there so many abortions and why are repeat abortions increasing?

Each year since 1973, both the total number of abortions and the abortion rate (the number of abortions per 1,000 women of childbearing age) have increased. However, while the abortion rate increased rapidly in the years immediately following legalization, the rate of increase has stabilized; the abortion rate increased 18 percent from 1973 to 1974, but only 2 percent from 1979 to 1980. Much of the rise in the number of abortions and the abortion rate in the first years after legalization was likely due to the rapid diffusion of abortion services to most large metropolitan areas during that period. Since 1975, the most important factor in the abortion rate rise has probably been an increased rate of unintended pregnancy due largely to a sizable shift in the methods of contraception being chosen by women. A significant proportion of women who had been using the most effective methods, either oral contraceptives or IUDs, have changed from these methods to other less effective methods that, although perceived to have a lower risk of method-related complications, have significantly higher failure rates. In addition, the number of sexually active teenagers and unmarried women, the populations most likely to terminate unintended pregnancies by abortion, has increased.

Since 1973, the number of repeat abortions also has risen. In 1974, 15 percent of all abortions were obtained by women who already had had at least one previous abortion; in 1980, repeat abortions accounted for one-third of the total. The principal reason for the growth in the number and percentage of repeat abortions is the increase in the number of women already having had abortions. In 1974, 2.2 million American women had had legal abortions; by 1982, 9.4 million women had had abortions. As the number of women who have had an abortion rises, the number of women at risk of having a subsequent abortion also increases. As a result, the number of repeat procedures can be expected to rise and become an even more substantial percentage of all abortions performed. In addition, a woman who has already had at least one abortion is more likely to have a subsequent abortion than a woman who has never had an abortion is to have a first abortion. In contrast to women who have never had abortions, women with abortion experience are all sexually active, able to conceive and, by definition, have already accepted terminating a pregnancy by abortion.[10]

Does having an abortion adversely affect a woman's ability to have children in the future?

Many of the one and a half million American women who obtain abortions each year are young and/or unmarried; most intend to have children in the future. As a result, concern has been expressed, by both supporters and opponents of legal abortion, about the possible effects of abortion on the ability of a woman to bear healthy children in future. Recently, researchers from the Population Council and the federal Centers for Disease Control (CDC) reviewed extensive literature from 21 countries, including the United States, on the effect of abortions on future childbearing ability, focusing on whether abortion increases a woman's risk of future infertility, ectopic pregnancy, miscarriage, premature delivery, low birth weight infants and complications of pregnancy or delivery.[11] The researchers found no significant increase in the risk of infertility, ectopic pregnancy or premature delivery resulting from abortion. A single induced abortion performed using the methods most frequently employed in the United States today does not increase the risk of either suffering a future miscarriage or bearing a low birth weight infant. The study did find a possible increased risk of miscarriage and low birth weight infants following an abortion performed by the dilation and curettage (D&C) method using a general anesthetic. While potentially a problem abroad, the risk, if it does exist, is minimal in the United States because the D&C method has almost completely been replaced by vacuum aspiration. As a result, the study concluded that a single abortion performed using the modern surgical techniques almost always used in the United States today will not adversely affect a woman's capacity to bear children in the future.

The researchers also felt the studies "of the effects of multiple abortions do not support a firm conclusion about whether the number of induced abortions per se produces any increased risk of adverse outcomes in subsequent . . . pregnancies." While some studies have linked multiple abortions with future difficulty in bearing children, the abortions most frequently implicated were also performed using the D&C method. Thus, while a single abortion does not appear to have adverse health consequences, additional research is necessary to determine whether multiple abortions performed using modern surgical procedures have an impact on subsequent childbearing.

Why are there so many "late" abortions and what can be done to reduce their occurrence?

Almost all abortions performed in the United States take place during the first 12 weeks of pregnancy. Although the total number of abortions performed annually has increased since 1973, the number of procedures occurring after the 15th week of pregnancy has actually decreased. By 1980, only 4 percent of all abortions occurred at or beyond 16 weeks, compared with 8.6 percent in 1973. Nonetheless, 49,600 abortions were performed between the 16th and 20th weeks in 1980 and 12,900 were performed at or beyond the 21st week. These procedures are troubling to the women, their families, their physicians and to society as well. Unfortunately, current research indicates neither precisely who is obtaining these procedures nor the reasons for their occurrence. We do know, however, the general characteristics of women who obtain abortions after the first trimester of pregnancy. Data from England indicate that women receiving second-trimester abortions tend to be of low socioeconomic status. Data from the United States indicate that the women obtaining second-trimester abortions are disproportionately young, black and unmarried.[12]

While not shown conclusively by the data, abortions likely occur after the 15th week of pregnancy for five major reasons:

Many of the abortions performed after the 15th week take place to prevent severe impairment to the pregnant woman's health. Several serious medical conditions that pose significant risks to the life and health of the pregnant woman either do not arise or cannot be diagnosed earlier. For example, many women who have normal blood pressure before pregnancy develop hypertension of pregnancy, or preeclampsia, after the 20th week of gestation. For many who do not respond to other treatment, a late abortion can be a necessity. Renal, or kidney, failure may also be experienced late in pregnancy. In some cases, if an abortion is not performed, the women will suffer permanent kidney damage.

Many of the late abortions that occur to young women take place because of the special problems facing these women in obtaining abortions. Some very young women do not recognize, or acknowledge, their pregnancies. Others are young women who live in the 16 states where parental consent or notification is required before a minor can obtain an abortion.[13] This may cause a significant delay by further complicating an already-complex decision and, in some cases, by leading a teenager to seek an out-of-state facility willing to perform the procedure in the absence of mandatory parental involvement.

Some abortions may be delayed because a woman is unable to locate a facility willing to perform an abortion. Seventy-eight percent of all U.S. counties, where 28 percent of all women of childbearing age live, had no identified abortion provider at all in 1980; nearly 90 percent of all nonmetropolitan counties had no abortion services. As length of gestation increases, the problem of availability of services becomes greater. Only one-third of all abortion providers will perform an abortion after 12 weeks and only 20 percent will perform the procedure after 14 weeks. Thus, a significant percentage of women live in areas where no facilities exist to perform abortions after the very early weeks of the second trimester.

Some late abortions may occur because a poor woman has to delay the procedure while she tries to assemble sufficient funds for the procedure or locate a provider willing to perform an abortion for a reduced fee. Public funds are available for abortions for indigent women on welfare only in 15 states and the District of Columbia.[14] Even in those jurisdictions, not all abortion providers will serve Medicaid recipients.

One of the most significant reasons for abortions after the 15th week of pregnancy is the diagnosis of a fetus afflicted with a severe genetic defect. As a result of astonishing medical progress in recent years, scientists are now able to detect nearly 200 metabolic defects and congenital disorders as well as most of the hundreds of chromosomal aberrations that result in a range of physical and mental impairments. Some of the disorders that are now diagnosable prenatally—including anencephaly, Potter syndrome, Tay-Sachs disease and hypophotasia—either result in stillborn infants or kill their victims within the first few years of childhood. Amniocentesis, the most conclusive diagnostic procedure currently available, cannot be performed until the 14th week of pregnancy, and a diagnosis of a severe defect usually cannot be made until the 19th week. Since only a minuscule percent of all abortion providers offer procedures that late, an abortion frequently is then further delayed because of difficulty in finding a facility. Thus, an abortion performed as a result of a diagnosis of a severe fetal defect could easily be delayed until the 21st or 22nd week of pregnancy, or even later.

Abortions performed after the 15th week of pregnancy are both more dangerous to the woman and more emotionally disturbing than earlier procedures. The dilemma posed by these procedures will not fade with time, but only with the elimination of the need for late abortions. First, greater priority can be placed on developing techniques for earlier diagnosis of genetic abnormalities and for reducing the amount of time needed to arrive at a diagnosis. Second, medical research, now only in its infancy, to provide treatment alternatives for fetuses diagnosed as afflicted with severe disorders can be continued and expanded. Third, the number of facilities that perform abortions during the first half of the second trimester can be expanded to reduce delays in obtaining abortions that result from an inability to locate abortion providers. Last, conclusive research on the reasons for late abortions is essential; only once the causes for these procedures are known can they be eliminated.

Do nonhospital abortion facilities provide high-quality, comprehensive medical care?

Since the legalization of abortion, both the number and percent of abortions performed in nonhospital facilities have been increasing; in 1980, the network of 531 freestanding abortion clinics performed 1.1 million abortions, 74 percent of all abortions performed in that year. In the years since legalization, concern has been expressed that these freestanding clinics might provide less than adequate care. These concerns are substantiated neither by the data on the safety record of freestanding clinics nor by studies of the comprehensiveness of the care they provide.

Abortions performed in clinics do not pose any greater risk than those performed in hospitals. A study conducted by researchers from the CDC of first-trimester abortions performed from 1974 through 1977 found clinic abortions to be at least as safe as hospital abortions.[15] A more recent CDC study found no difference in the safety of early second-trimester procedures between those performed in clinics and those performed in hospitals.[16]

A 1981 study of 240 abortion clinics nationwide found that clinics provide the services necessary to assure not only that the procedures performed are safe and necessary but also that they are performed only with the voluntary and informed consent of the patient. As a matter of policy, 68 percent of clinics provide a pregnancy test before performing an abortion. The other clinics said they accept the results of outside pregnancy tests; in some instances they require that the tests be performed by certain approved sources. In addition, pelvic exams are routinely performed before the abortion procedure. The abortion counseling that is provided by all clinics, at a minimum, consists of describing the abortion procedure and explaining its risks, obtaining informed consent, providing birth control information and confirming that it was the patient's own decision to have an abortion. Nearly nine in 10 clinics reported that they include "decision counseling," helping a woman explore the various factors that are involved in making an informed decision whether to terminate the pregnancy or carr it to term, in the counseling session. A separate study of abortion facilities that are affiliated with the National Abortion Federatin (NAF), a nationwide organization of abortion providers, found that counseling usually is provided by specially trained professionals and that 87 percent of the facilities offer counseling to both the woman and her partner.[17] Abortion clinics are also well prepared to handle the infrequent medical problems that arise. In 97 percent of the clinics, at least one physician has hospital admitting privileges; in 92 percent, the medical director has admitting privileges.

A postabortion clinic visit is routinely offered by 93 percent of the facilities. At the remaining facilities, most of the patients either are from out of town or receive follow-up care from their own physicians. Ninety-eight percent of clinics reported providing contraceptive services, either on the day the abortion is performed or at the followup visit.

In addition to standards developed by the individual facilities to assure that high-quality medical care is provided, many clinics are also subject to external standards. Over two-thirds of the abortion facilities are licensed by state, county or local governments. Licensing procedures typically require that both the staff and physical facilities of the clinic are adequate to provide quality care. In most cases, the licensing procedure entails on-site inspections of the clinic; in all cases, licenses may be revoked if any indications of inadequate medical care are found.

In addition to adhering to these licensing requirements, many clinics are also subject to the standards established by national organizations with which they are affiliated. The 230 members of NAF, who provide almost half of all abortions performed in the United States annually, are required to adhere to a rigorous set of national standards governing counseling, nursing care, pre-and post-operative care, surgical procedures, drugs and medication, equipment and physical plant and the qualifications of counseling and medical personnel.[18] These standards and voluntary compliance by abortion facilities assure that NAF affiliates safely and adequately provide all necessary medical and support services.

An affiliate of Planned Parenthood Federation of America (PPFA) may offer abortion services only after the abortion facility is inspected and approved by the organization's National Medical Division.[19] In order to provide abortions, an affiliate must have appropriate and adequately trained staff and its physical facilities must meet strict national standards.

While PPFA affiliates perform only a small percent—approximately five percent in 1981—of all abortions performed in the United States each year, they do play a much larger role in referring women for abortions. A PPFA affiliate is required periodically to review all facilities to which it makes abortion referrals to assure conformance with national standards. When possible, this review is done in conjunction with the appropriate local health agency.

Since nearly seven in 10 abortion clinics in the United States are profitmaking facilities, much concern has been expressed over whether the desire to make a profit interferes with the obligation of the facility to provide quality comprehensive medical care. In abortion, as in the provision of all medical services, there have been cases of practitioners failing to adhere to appropriate medical standards. These cases, although well-publicized, are extremely rare. The 1981 survey of abortion clinics found fears of abuse by profit-making abortion providers to be largely unsubstantiated. Profit-making facilities are as likely as nonprofit agencies to counsel all first abortion patients, offer "decision counseling," provide birth control counseling and supplies and have a staff physician who has hospital admitting privileges. While for-profit facilities are slightly less likely to require in-house pregnancy tests (and therefore more likely to accept test results from referring physicians, for example), they are more likely than "not-for-profits" to offer routine followup care. The survey found no difference in the fees charged by profit-making and nonprofit abortion facilities. While all of PPFA's affiliates are "nonprofits," approximately one-half of NAF's members are "for-profits." These agencies are required to adhere to the strict national standards established by that organization.

Does the United States have the "most liberal" abortion law in the world?

Almost every nation has adopted a policy concerning abortion. By 1981, 38 percent of the world's population lived in countries that had laws that, at least during the early weeks of pregnancy when almost all abortions are performed, permitted abortions without requiring that the reasons for the procedure be specified.[20] These countries include the United States as well as several Western European nations, such as Denmark, Finland, France, Norway and Sweden. Another 24 percent of the world's population lived, in 1981, in countries in which the laws were only slightly more restrictive. In these nations, which include the United Kingdom, the Federal Republic of Germany and Japan, "social factors, such as inadequate income, substandard housing, unmarried status, and the like could be taken into consideration [by physicians] in the evaluation of the threat to the woman's health or where adverse social conditions alone, without reference to health, could justify termination of pregnancy." [21]

Despite the similarities in abortion laws, the United States has an abortion rate (the number of abortions performed per 1,000 women of childbearing age) significantly higher than most of these other nations. Research has yet to provide us with a conclusive explanation for the difference in abortion rates. Most likely, the explanation lies in the interaction of a complex set of factors and is largely due to the reasons why women face unintended pregnancies rather than why they choose abortion once they become pregnant:

Many European nations have established national health services that provide comprehensive medical care to all citizens, regardless of income. Most of these systems include contraception as one of the services provided and, together with other factors in European society, foster a milieu in which the use of birth control by all sexually active women is widely accepted. In contrast, the United States has no comparable arrangements for the provision of comprehensive health care to the entire population.

While most American teenagers do receive some form of sex education, most of the classes currently being taught focus on anatomy and physiology and place little emphasis on contraception and responsible decision-making. As a result, most of the instruction leaves teenagers unprepared to deal responsibly with sexual activity.

When unmarried teenagers in the United States become sexually active, they usually delay using effective contraceptive methods for approximately one year.[22] It is during this period that most unintended pregnancies to teenagers occur. When they do start using contraception, however, teenagers ultimately choose the most effective methods.

While most adult women in Europe and in the United States are consistent users of contraception, a significant difference exists in the methods of contraception that are chosen. In recent years, a significant drop in the number of American women using the most effective reversible methods, the pill and IUD, has occurred, largely due to widely publicized reports of potential adverse effects of these methods. No comparable shift in the contraceptive methods used by European women has been observed.

As a result of these factors, a high percentage of American women and especially teenagers confront unintended pregnancies. In order to reduce the abortion rate in the United States, the frequency of unintended pregnancy must first be decreased.

CONCLUSION

While policies to reduce the number of late abortions as well as continued improvement in the safety of the procedure itself will alleviate some fo the serious concerns about abortion, only the elimination of the need for abortion would dispel all concerns. Unintended pregnancies can be prevented through the development of better contraceptives, unimpeded access to contraceptive services to all women in need regardless of age or income and sex education to increase the awareness of teenagers of the responsibilities that accompany sexual activity.

FOOTNOTES

[1] Seventeen states (Georgia, Hawaii, Idaho, Illinois, Indiana, Massachusetts, Michigan, Missouri, Montana, Nevada, New York, North Dakota, Oklahoma, Pennsylvania, Tennessee, Utah and Virginia) have passed laws requiring all abortions after the first trimester to be performed in hospitals; enforcement of these laws has been enjoined temporarily in Illinois, Missouri, Pennsylvania and Nevada. In addition, three states (Connecticut, New Jersey and Wisconsin) have promulgated regulations limiting these procedures to hospitals.

[2] *Akron Center for Reproductive Health, Inc.* v. *City of Akron*, 651 F.2d 1198 (6th Cir. 1981), *cert. granted*, 50 U.S.C. U.S.L.W. 3934 (U.S. May 24, 1982) (No. 81-1172); *Ashcroft* v. *Planned Parenthood of Kansas City, Mo., Inc.*, 664 F.2d 687 (8th Cir. 1981), *cert granted*, 50 U.S.L.W. 3934 (U.S. May 24, 1982) (No. 81-1623); and *Simopoulos* v. *Virginia*, No. 801107 (Va. Sup. Ct. Apr. 24, 1981), *prob. juris. noted*, 50 U.S.L.W. 3934 (U.S. May 24, 1982) (No. 81-185).

[3] Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia and Wyoming.

[4] Idaho and Indiana.

[5] Arizona, California, Delaware, Florida, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, Washington and Wyoming.

[6] The source for these data as well as other data for which specific references are not given is The Alan Guttmacher Institute. Data may be found in J. G. Dryfoos, "Contraceptive Use, Pregnancy Intentions and Pregnancy Outcomes Among U.S. Women," Family Planning Perspectives, Vol. 14, No. 2 (March/April 1982); S. K. Henshaw, "Freestanding Abortion Clinics: Services, Structure, Fees," Family Planning Perspectives, Vol. 14, No. 5 (Sept./Oct. 1982); S. K. Henshaw, J. D. Forrest, E. Sullivan and C. Tietze, "Abortion in the United States, 1978-1979," Family Planning Perspectives, Vol. 13, No. 1 (Jan./Feb. 1981); S. K. Henshaw, J. D. Forrest, E. Sullivan and C. Tietze. "Abortion Services in the United States, 1979 and 1980," Family Planning Perspectives, Vol. 14, No. 1 (Jan./Feb. 1982); and S. K. Henshaw and K. O'Reilly, "Characteristics of Abortion Patients in the United States, 1979 and 1980," Family Planning Perspectives, Vol. 15, No. 1 (Jan./Feb. 1983).

[7] A. L. Schirm, J. Trussell, J. Menken and W. R. Grady, "Contraceptive Failure in the United States: The Impact of Social, Economic and Demographic Factors," Family Planning Perspectives, Vol. 14, No. 2 (March/April 1982).

[8] L. S. Zabin and S. D. Clark, "Why They Delay: A Study of Teenage Family Planning Clinic Patients," Family Planning Perspectives, Vol. 13, No. 5 (Sept./Oct. 1981).

[9] C. F. Westoff, J. S. DeLung, N. Goldman and J. D. Forrest, "Abortions Preventable by Contraceptive Practice," Family Planning Perspectives, Vol. 13, No. 5 (Sept./Oct. 1981).

[10] C. Tietze, "Repeat Abortions—Why More?" Family Planning Perspectives, Vol. 10, No. 5 (Sept./Oct. 1978).

[11] C. J. R. Hogue, W. Cates and C. Tietze, "The Effects of Induced Abortion on Subsequent Reproduction," Epidemiologic Reviews, Vol. 4, 1982.

[12] C. Tietze, "Second-Trimester Abortion: A Global View," in Second-Trimester Abortion: Perspectives After a Decade of Experience, G. Berger, W. Brenner and L. Keith, Eds., 1981.

[13] Parental consent requirements have been passed in Kentucky, Louisiana, Massachusetts, Missouri, North Dakota, Pennsylvania and Rhode Island; requirements have been temporarily enjoined in Kentucky, Pennsylvania and Rhode Island. Parental notification requirements have been passed in Arizona, Idaho, Indiana, Maryland, Minnesota, Montana, Nebraska, Nevada and Utah; requirements have been temporarily enjoined in Nebraska and Nevada.

[14] Ten states (Alaska, Colorado, Hawaii, Maryland, Michigan, New York, North Carolina, Oregon, Washington and West Virginia) and the District of Columbia have chosen to continue to provide public funding for abortions for Medicaid recipients; five states (California, Connecticut, Massachusetts, New Jersey and Pennsylvania) are under court order to do so.

[15] D. A. Grimes, W. Cates and R. M. Selik, "Abortion Facilities and the Risk of Death," Family Planning Perspectives, Vo. 13, No. 1 (Jan./Feb. 1981).

[16] W. Cates, K. F. Schultz, D. A. Grimes, A. J. Horowitz, F. A. Lyon, F. H. Kravitz and M. J. Fritsch, "Dilation and Evacuation Procedures and Second-Trimester Abortions: The Role of Physician Skill and Hospital Setting," Journal of the American Medical Association, Vol. 248, No. 5 (Aug. 6, 1982).

[17] U. Landy and S. Lewit, "Administrative, Counseling and Medical Practices in National Abortion Federation Facilities," Family Planning Perspectives, Vol. 14, No. 5 (Sept./Oct. 1982).

[18] National Abortion Federation, National Abortion Federation Standards, 1981.

[19] Planned Parenthood Federation of America, Manual of Medical Standards and Guidelines.

[20] C. Tietze, Induced Abortion: A World Review 1981, 1981.

[21] Ibid.

[22] Zabin and Clark, op. cit.

[From Issues in Brief, Vol. 3, No. 2,
February 1983]

10 Years After Roe v. Wade—Myths and Realities About Attitudes Toward Abortion

Almost since the inception of modern techniques to measure public opinion, pollsters have attempted to assess attitudes toward abortion. Yet, despite frequent and continued scrutiny, numerous myths about the public's view of abortion—namely, that blacks, women, Catholics and so-called "single-issue voters" oppose abortion—remain. These myths are not substantiated by the extensive public opinion data that have been collected.

Considerable confusion also exists about Americans' views of abortion as a moral issue compared to their views about abortion as a matter of legality. While many Americans have moral questions about abortion, an overwhelming majority—regardless of race, sex, religion or political affiliation—believe that abortion should remain legal. Moreover, while many believe that abortion is morally wrong in some circumstances, for no specific circumstance does a majority believe that abortion is morally impermissible.

A LONG TRADITION OF SUPPORT

Many opponents of legal abortion believe that the 1973 Supreme Court decisions upholding the constitutional right of a woman to terminate her pregnancy served to generate public support for legal abortion. Hence, their reasoning goes, if those decisions can be eliminated or sidestepped through a constitutional amendment, such as that proposed by Sen. Orrin G. Hatch (R-Utah) to give Congress and the states authority to enact legislation prohibiting abortion, public support for legal abortion will in time evaporate. However, as the Supreme Court did not "create" legal abortion (almost 600,000 women obtained legal abortions in 1972 before the Court's rulings) neither did it "create" public support for legal abortion. This is validated by major studies of public opinion predating the Court decisions. Data collected by Princeton University in the National Fertility Survey (NFS) and by the National Opinion Research Center (NORC) from as far back as 1965 indicate that "[w]hile the 1973 Supreme Court decisions appear to have boosted levels of approval further, the sharpest changes had by then already taken place."[1] In fact, both the NFS and NORC data show that the greatest increase in support for legal abortion occurred before 1970.

Almost immediately after the Supreme Court decisions in 1973, antiabortion advocates began pressing for a constitutional amendment to make abortion illegal. While the numerous proposals that have been put forth differ slightly—some would permit abortions if the life of the pregnant woman were endangered while others would not—they all seek to make abortion illegal. None of these proposals has ever enjoyed the support of more than a small minority of the American public. According to a poll taken by Cambridge Survey Research in 1975, only 27 percent favored a constitutional amendment to make abortions illegal. By 1977, that number had risen to 34 percent but, according to a study conducted by Harris, support for a constitutional amendment fell to 31 percent in 1982. A similar poll taken by the New York Times/CBS News in 1982 found only 28 percent of all Americans favor a constitutional amendment making abortion illegal.

MYTHS AND REALITIES

While these polls might differ slightly on the exact number of Americans who approve of outlawing abortion, they agree that support for legal abortion is widespread among all Americans, regardless of race, sex, religion or political affiliation. Yet, despite this unusual consensus among professional analysts of American public opinion, several myths remain about support for legal abortion.

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[1] D. Granberg and B. W. Granberg, "Abortion Attitudes, 1965-1980: Trends and Determinants," Family Planning Perspectives, Vol. 12, No. 5 (September/October 1980).

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DO CATHOLICS OPPOSE ABORTION?

Historically, the Catholic Church has been adamant in its opposition to abortion. This position, however, fails to reflect the views of most Catholics in this country, whose attitudes are similar to those held by most non-Catholic Americans. In the November 1979 New York Times/CBS News poll, 64 percent of Catholics agreed that the right of a woman to have an abortion should be left entirely to the woman and her doctor. The more recent 1982 New York Times/CBS News poll found that 63 percent of all Catholics oppose a constitutional amendment banning abortion. A 1982 Associated Press/NBC News poll found that more than seven in 10 Catholics oppose the Hatch amendment which was endorsed by the National Conference of Catholic Bishops in 1981.

Studies of public opinion trends suggest that there is "more systematic variance among Protestant subgroups than between Protestants in the aggregate [70 percent of whom oppose outlawing abortion according to the New York Times/CBS News poll] and Catholics." [2] While members of some Protestant denominations historically have tended to be more supportive of legal abortion than members of others, the polls have found only one subgroup, the so-called evangelicals, in which opposition to legal abortion is frequent. Even among the evangelicals, however, opposition to legal abortion is a minority view. According to a 1980 Gallup poll, 57 percent of the evangelicals opposed a ban on all abortions, compared with 67 percent of the total U.S. population. (Evangelicals are those who indicated they were "born again" or had had a "born again" experience and they have "tried to encourage someone to believe in Jesus Christ or to accept Jesus Christ as his or her saviour" and believe "the Bible is the actual word of God and is to be taken literally word for word.") Rather than religious affiliation, public opinion studies suggest that intensity of religious beliefs is related to a person's view on abortion. For both Protestants and Catholics, approval of abortion decreases as "religiousness" increases. The 1982 New York Times/CBS News poll found that 80 percent of those who, in terms of religion, classified themselves as "not observant" opposed a constitutional amendment, compared with 56 percent of those who consider themselves as "observant." While this relationship is also present among Jews, 90 percent of whom oppose banning abortion according to the 1982 Harris survey, it is much weaker.

Do blacks oppose legal abortion?

Antiabortion literature frequently seeks to portray "Whites [as] more permissive about abortion than Blacks/Nonwhites." [3] Opposition to abortion by blacks and other minorities is linked, according to antiabortion publications, to the "not-so-subtle possibility that abortion is being used as an instrument of genocide." [4] According to the 1982 Harris and New York Times/CBS News surveys, however, no differences exist in the attitudes of blacks and whites, with clear majorities of both opposing a constitutional amendment to ban abortion. The Harris survey found that 62 percent of the whites and 61 percent of the blacks oppose outlawing abortions. (The poll also found that 62 percent of the Hispanics oppose an amendment.) The New York Times/CBS News poll, however, found even less support for banning abortion; according to this study, 68 percent of the whites and 71 percent of the blacks oppose a constitutional amendment.

Do women oppose abortion?

Similarly, the polls found little difference in the attitudes of men and women. The 1982 Harris survey found that 63 percent of the men and 61 percent of the women oppose an amendment prohibiting abortion. Although women are slightly more supportive than men of a constitutional amendment, according to the 1982 New York Times/CBS News study, the poll still found that almost two-thirds of all women oppose banning abortion. A 1981 study of women's attitudes conducted by Yankelovich, Skelly and White found that two-thirds of all women agreed that any woman who wants an abortion should be legally permitted to obtain one and that almost all women believed that abortion should be legal under certain circumstances. The Yankelovich poll found that a larger proportion of black women than white women supported legal abortion. The same study found little connection between women who identified themselves as either Republicans or Democrats and only a small difference between Catholics and Protestants. The Yankelovich study also found that over 90 percent of the women who themselves had had abortions felt the procedure should remain legal. Similarly, a 1981 Washington Post/ABC News poll found that 80 percent of the respondents who had had abortions felt that they were better off today than they would have been if they had chosen to carry the pregnancies to term.

Do Republicans oppose abortion?

At the 1980 Republican National Convention, the platform committee voted to endorse an antiabortion constitutional amendment; Ronald Reagan, both as a candidate and as president, repeatedly has reaffirmed his opposition to abortion. Statistics show, however, that both the party's 1980 position and President Reagan's advocacy of a constitutional amendment do not reflect the views of the rank-and-file membership of the Republican party. A survey of delegates to the 1980 convention conducted by the Washington Post found that only 28 percent supported a constitutional amendment banning abortion. Recent polls have obtained similar results. Both the 1982 Harris and New York Times/CBS News surveys found that the position of the party leadership continues to be at odds with the rank-and-file memberships; both studies found that less than one-third of all Republicans favor a constitutional amendment. In contrast, the Democratic 1980 platform, which firmly "supports the Supreme Court decisions on abortion rights as the law of the land and opposes any constitutional amendment to restrict or overturn these decision," does reflect the views of the party's membership. In 1982, Harris found that 62 percent of the Democrats oppose a constitutional amendment and the New York Times/CBS News poll found that 74 percent of the Democrats would oppose such a provision.

Harris' 1982 poll also found that substantial majorities oppose a constitutional amendment regardless of political outlook. While the poll shows that three-fourths of all liberals oppose such legislation, a constitutional amendment to outlaw abortion is opposed by six in 10 people who describe themselves as either conservative or "middle-of-the-road." Thus, support for banning abortion is clearly a minority view, regardless of either political affiliation or outlook.

TABLE 1.—ATTITUDES TOWARD A CONSTITUTIONAL AMENDMENT BANNING ABORTION, 1982

[In percent]

	Harris [1]			New York Times/CBS [2]		
	Favor	Oppose	Not sure	Favor	Oppose	Not sure
U.S. total	31	62	7	28	68	4
Men	30	63	7	24	72	4
Women	33	61	7	31	65	4
White	31	62	7	28	68	4
Black	32	61	7	27	71	2
Hispanic	38	62	0	([3])	([3])	([3])
Protestants [4]	31	61	8	26	70	5
Catholics [4]	36	58	5	34	63	2
Jewish	11	90	0	8	87	5
Republican	32	61	7	32	63	5
Democrat	33	62	5	22	74	4
Independent	28	65	7	28	68	3
Conservative	35	59	6	32	65	3
Middle of the road	32	61	6	26	68	6
Liberal	23	74	3	22	77	1

[1] August 1982 Harris poll. Question asked: Do you favor or oppose a constitutional amendment to ban legalized abortion? (May not add to 100 percent due to rounding.)

[2] September 1982 New York Times/CBS News Poll. Question asked: There is another proposal for a constitutional amendment which would make all abortions illegal. Do you favor such an amendment? (May not add to 100 percent due to rounding.)

[3] Data not available.

[4] Data from the Harris poll are white Protestants and white Catholics only.

Are opponents of abortion more likely to be single-issue voters?

Until recently, abortion opponents have been more likely than abortion supporters to cast a vote solely on the basis of a candidate's position on abortion. The 1981 Washington Post/ABC News poll found that three-fourths of those who opposed abortion felt the issue was an important consideration in their voting decisions, compared with just under half of those who supported legal abortion. This distinction, however, now appears to have faded, and possibly has been reversed. The 1982 Harris poll found that 71 percent of those who support a constitutional amendment to outlaw abortion and 63 percent of those who oppose such an amendment would oppose a candidate because of his or her position on abortion. Because a much greater percentage of the electorate, 62 percent according to the study, oppose the amendment (compared with only 31 percent who favor it), the numbers work decisively against those who believe abortion should be outlawed. According to Harris, "The pro-abortion forces are able to count on 39 percent of the total electorate taking their side, while the anti-abortion cause can muster no more than 22 percent." [5] The New York Times/CBS News poll taken two months later, however, shows even greater support for legal abortion. According to that study, 7 percent of the electorate feels that the abortion issue is important enough for them to change their vote, but by a three-to-two margin, these "single-issue voters" support legal abortion. (In 1978, the New York Times/CBS News poll found that an identical 7 percent would vote according to the abortion issue, but that at least 80 percent of them opposed legal abortion.) Thus, the results of these studies clearly show that a candidate's support of legal abortion will increase, rather than diminish, electoral support, and will do so in increasing numbers.

Recent studies of public opinion show that a significant majority of all Americans, regardless of sex, race, religion, political affiliation or political out-look, support legal abortion. In no category, except perhaps Protestant "evangelicals," does significantly more than one-third of the population support a constitutional amendment to outlaw abortion. In addition, Americans oppose other "back-door" approaches to achieve that end. The Associated Press/NBC News poll found that only 19 percent of the respondents support the Hatch amendment and, according to the 1981 Washington Post/ABC News poll, only 29 percent would favor a law, such as the so-called "Human Life Statute," that would "make all abortions murder."

Results obtained by public opinion polls are widely acknowledged to be affected by the nuances of the questions asked. Thus, while the polls show that Americans overwhelmingly oppose attempts to make abortion illegal, they also show that not all Americans support unlimited access to abortion. The 1981 Harris poll found that while 56 percent supported legal abortion up to three months of pregnancy, 41 percent were opposed. The comprehensive analysis of women's opinions toward abortion conducted by Yankelovich found that 67 percent of all women felt abortion should be legal and only 29 percent felt that abortion, in general, should be illegal. However, more than 8 in 10 of the women who felt that abortion, in general, should be outlawed also felt that abortion should be permitted in at least some situations. Further, women did not agree on the situations in which abortion should be prohibited. As a result, despite feelings about abortion in general, only 21 percent of all women felt abortion should be illegal in cases of a married woman using a contraceptive that did not work, a welfare mother who cannot work and an unwed teenager.

ABORTION AND MORALITY

The 1981 Yankelovich study found that while two-thirds of all women believed abortion should be legal, many had moral qualms about the procedure. Only a small minority (5 percent), however, considered abortion to be morally wrong under all circumstances. Approximately 6 in 10 women took the middle position that abortion is sometimes justified. However, while most women agreed that abortion sometimes is morally wrong, they did not agree on the circumstances in which it is wrong. Under none of the circumstances did a majority consider abortion morally wrong.[6] Thus, while most women believe abortion is morally wrong in "some" of these circumstances, and might therefore favor legislation making it illegal under "some" circumstances, it would be impossible to devise legislation that would prohibit abortion only in those circumstances in which a majority consider it to be morally wrong. Any attempt to prohibit abortion, for any reason, would always be seeking to prohibit abortion in circumstances in which a majority of American women consider the procedure morally acceptable. Any attempt to restrict abortion would thus conflict, rather than coincide, with the moral beliefs of the majority of Americans.

Despite marginal differences among them, a wide variety of opinion polls taken over the years shows that an overwhelming majority of Americans believe abortion should remain legal. Opposition to outlawing abortion is widespread and cuts across racial, sexual, religious and political lines. In fact, in increasing numbers, those who favor the continued legality of abortion are willing to make that issue central to their voting decisions.

While only a small minority of Americans believe that abortion should be illegal, many have moral questions about abortion. However, for no specific circumstance does a majority of Americans believe that abortion is morally wrong. Nonetheless, the small yet vocal and well-organized minority that opposes legal abortion has been able to make abortion a political issue and poses a real threat to the continued legality and availability of this procedure that is supported by a clear majority of all Americans.

FEDERAL FINANCING OF ABORTIONS

Although the overwhelming majority of Americans oppose a law or constitutional amendment to make abortion illegal, until recently a small majority opposed federal financing of abortions for poor women. This attitude has changed. Apparently, however, this change in attitudes has not yet penetrated the halls of Congress, which continues to ban virtually all federal funding of abortions for indigent women eligible for Medicaid, members of the armed forces, Peace Corps volunteers and patients served by the Indian Health Service. A September 1982 Public Opinion Referendum by the Gallup Poll found that 56 percent of Americans oppose a ban on federal financing of abortions. Among some subgroups, opposition to such a ban is much more substantial: 70 percent of nonwhites, 63 percent of the college-educated, 61 percent of those under 30, 62-63 percent of those with incomes of $5,000 a year and under and 61-62 percent of those living in cities with populations of one-half million or more oppose a federal funding ban.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FALLACIES OF ROE

Mr. HATCH. Mr. President, at issue today is the Supreme Court decision of Roe against Wade. In effect, the Senate of the United States is asked by this proposed constitutional amendment to sit as justices of the Supreme Court and decide whether, given all the legal, constitutional, philosophical, social, moral, ethical, and jurisprudential facts available to this body after 10 years of elective abortion resulting from the Court's rulings, to reverse or retain Roe against Wade. The vote of this body will be its judgment of the Roe decision.

If we are to judge the judgment of the judges in Roe, I propose now to examine their reading of history, law, the Constitution, and all other elements that influenced that decision. Based on an disinterested view of these factors, I can recommend without reservation that the Senate reject the abortion right created in Row.

Before undertaking a more rigorous legal analysis of Roe we might profit by measuring it against the basic tenets that animated the creation of our Republic. Those principles were articulated by Thomas Jefferson in the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.

Thus, our infant Nation established the protection of human life as the foremost duty of Government. Roe's blatant conflict with this fundamental national value is apparent. In the words of President Reagan:

> We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life (Human Life Review, vol. IX, No. 2, p. 8, 1983).

Perhaps no act of Government has conflicted more with the founding tenets of our Republic since the last infamous Supreme Court case that denied the value of certain human lives, the Dred Scott case. In both Dred Scott and Roe, one class of less-privileged human beings were denied the full protections of the Constitution. At length, the Dred Scott case was corrected by constitutional amendment. The correction of this Supreme Court error serves as an excellent analog for our consideration of the modern Dred Scott case, Roe against Wade.

In the case of Roe against Wade, a majority of seven on the Court identified for the first time in the Constitution's history a right to abortion within the terms of the 14th amendment. This right was sufficiently powerful to overturn the abortion restrictions of every single State in the Union. The right created in Roe, which even the Supreme Court has labeled the "right to abortion" *Conn.* v. *Menillo*, 423 U.S. 9, 10 or the "right to an abortion" *Singleton* v. *Wulff*, 428 U.S. 106, 115, has further proven strong enough to override most State attempts to place reasonable restraints on abortion practices. For example, the right to abortion has been invoked to strike down State statutes attempting to protect the child in a late abortion who might be born alive, *Colautti* v. *Franklin*, 439 U.S. 379 (1979); to void State statutes requiring use of the safest abortion techniques, *Danforth*, 428 U.S. 52; to invalidate State statutes intended to give parents the ability to counsel with their minor children and give consent prior to an operation that deeply involves their minor child's physical and psychological health, Danforth, supra; to hold that a 24-hour waiting period prior to performance of this medical procedure is unconstitutional, Akron against Center, June 15, 1983, to declare that a father—although he has a constitutional right to share in procreating (*Skinner* v. *Okla.*, 315 U.S. 555 (1942))—has no right whatsoever to protect the unborn child he has joined in procreating; and even to invalidate a State statute requiring abortions after the first term to be performed in hospitals, Akron, supra. Of course, the most important aspect of Roe is that it has established a regime of elective abortion in America.

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[2] R. J. Adamek, "Abortion and Public Opinion in the United States," National Right to Life Educational Trust Fund, 1982.

[3] D. Mall. "Toward an Understanding of the Abortion Debate: Rhetoric as a Reticular Structure," in T. W. Hilgers, D. J. Horan and D. Mall, eds., New Perspectives on Human Abortion (University Publications of America, 1981).

[4] D. Granberg and B. W. Granberg, op. cit.

[5] L. Harris, "Conservatives Get 'No Confidence' Vote on Social Issues," Aug. 12, 1982.

[6] Respondents were asked their opinion on the morality and legality of abortion in 10 circumstances: a woman has been raped, a woman's health is at risk, a woman is the victim of incest, a woman is carrying a fetus with a severe genetic defect, a physically handicapped women becomes pregnant, an unwed teenager becomes pregnant, a welfare mother who can't work becomes pregnant, a married woman already has a large family, a single woman was using a contraceptive that didn't work. Yankelovich study is cited in S. K. Henshaw and G. Martire, "Abortion and Public Opinion Polls: Morality and Legality," *Family Planning Perspectives*, Vol. 14, No. 2 (March/April 1982).

ROE AS CONSTITUTIONAL LAW

Almost immediately after Roe was decided, criticism of the opinion began to emerge from the Nation's top jurisprudential and constitutional scholars. These renowned scholars charged that the Roe decision has no basis in constitutional law. In the words of Prof. John Hart Ely:

> Roe is a very bad decision. It is bad because it is bad constitutional law, or rather because it is not constitutional law and gives almost no sense of an obligation to try to be. 32 Yale L.R. 920 1973).

Prof. Archibald Cox echoes this opinion when he asserts that:

> Neither historian, layman, nor lawyer will be persuaded that all the details prescribed in Roe v. Wade are part of either natural law or the Constitution. The Role of the Supreme Court. (1976).

It is important to note as well what these scholars are not saying. They are not criticizing the Court for taking a controversial position on a sensitive issue, nor are they disputing the morality of legalized abortion. As a necessary consequence of its position in the legal system, the Supreme Court is often confronted with difficult questions in the context of legal dispute. In the words of Professor Ely, "These difficult questions yield controversial answers." In most cases, however, the Constitution provides some guidance for the proper resolution of even the most controversial of these decisions. For example, the fourth amendment guarantees to all citizens, the innocent and guilty alike, freedom from unreasonable searches and seizures. This overriding value leads to controversial decisions involving restraints on police officers in the apprehension of criminals. While all may not agree with the Court's particular application of the fourth amendment, Professor Ely points out, one cannot easily make the claim that the Court's decision lacks any foundation in the Constitution.

In the case of Roe against Wade, however, Professor Ely notes the claim is entirely justified, for the Constitution "simply says nothing, clear or fuzzy, about abortion." Nor is there any support whatever in the legislative history of the Constitution to warrant the conclusion that it was intended to secure a "right to an abortion."

Despite the absence of constitutional warrant to find a right to abortion, Roe declares that the due process clause of the 14th amendment confers a right of privacy which includes the right of a woman to abort her offspring if she so chooses. Nowhere in the decision does the Court define the right of privacy; its only discussion of the subject is an assertion that the Constitution does not confer "an unlimited right to do with one's body as one pleases." Yet if the right of privacy does not entitle one to do with one's own body what one pleases, how can it be said to protect activity that ends the life of another member of the human species? Even if the human fetus is not a person in the whole sense of the law, Ely emphasizes, "it is certainly not nothing." Ely's aphorism illustrates an essential truth "that should have been obvious to the Court—that there is nothing private about an abortion."

Although the right of privacy is not mentioned in the text of the Constitution, many legal scholars would agree that the courts may find such a right in the general values which certain specific provisions of the Constitution aim to protect. However, these scholars also stress that the right of privacy must be carefully defined and limited; thus, Professor Ely writes that it is entirely proper for a court to infer a general right of privacy, "so long as some care is taken in defining the sort of right the inference will support."

Roe, however, provides neither a definition for the right to privacy nor an explanation of how that right is implicated by restrictions upon abortion. Rather, the Court simply declares that the right is broad enough to encompass a woman's decision whether or not to terminate her pregnancy. Apparently, the Court thinks that this outcome is supported by the detriment imposed upon the pregnant woman by statutes which prohibit her from aborting her child. As Professor Ely notes, these detriments ought to be taken very seriously. But, he adds, all this has nothing to do with privacy in the Bill of Rights sense or any other the Constitution suggests. Whatever one's philosophical views on the issue, it is genreally agreed that the Constitution does not provide such an unrestricted right to privacy.

The irony of this aspect of the Roe decision was concisely articulated by Prof. John Noonan during our Constitution Subcommittee hearings on this amendment. He noted that for most of us what is private is what can be done alone, at home, or with anyone's family. It would strike most people as bizarre that something so private—as abortion is under Court rulings—depends on and cannot be effected without public funding. Yet that is the announced position of the supporters of abortion. Hearings, October 5, 1981. Professor Noonan summarized his position on the connection of abortion to privacy by stating: "We can all agree that sexuality is private and reproduction is private, but when it comes to taking the life of the unborn we are no longer in the domain of the private. We are dealing with a social act—what is now a social act amounting to an American atrocity." Id.

In her recent dissent to the Akron case, Justice Sandra Day O'Connor recognized other fallacies in Roe. Justice O'Connor pointed out that the Roe Court identified a legitimate State interest in protecting "the potentiality of human life." 410 U.S. 149, 150. She approved this finding, but questioned how the Court could ignore the implications of their own conclusion: "I agree completely that the State has these interests, but in my view, the point at which these interests become compelling does not depend on the trimester of pregnancy. Rather these interests are present throughout pregnancy." Akron, page 8 of dissent.

With clarity and skill, Justice O'Connor thus exposes the arbitrariness of the Roe Court's trimester framework. Under the Roe opinion, the State may not take laws to protect "potential human life" until the third trimester. Yet, if the Court acknowledges the presence of "potential human life" worthy of State protection in the third trimester, why not protect that same "potential human life" a day before the third trimester? In the words of Justice O'Connor, "potential life is no less potential in the first weeks of pregnancy than it is at viability or afterward. At any stage of pregnancy there is the potential for human life." To those who might argue that the third trimester is the point of viability—a questionable point with advancing medical technology—

and thus a logical place to grant the States authority to protect unborn life, Justice O'Connor poses the same unanswerable dilemma: "The choice of viability as the point at which the State interest in potential life becomes compelling is no less arbitrary than choosing any point before viability or any point afterward." If indeed the Court were compelled to choose some arbitrary point to demark when States could legally protect human life, it would seem far more logical to choose the earliest possible point to grant the maximum possible protection to the value identified by the Declaration of Independence as the primary purpose for the formation of governments; namely, the protection of human life. In the words of President Reagan, "Doesn't the constitutional protection of life, liberty, and the pursuit of happiness extend to the unborn unless it can be proven beyond a shadow of a doubt that life does not exist?" Address to National Religious Broadcasters, January 31, 1983.

Justice O'Connor also explained a second major flaw in the Roe reasoning; namely, the trimester formula of Roe has "no justification in law or logic." Akron dissent at 8. The Roe decision dividing the term of pregnancy into three equal parts is necessarily tied to the current state of medical technology. Viability, the point at which an infant can live outside the womb and a State may legislate to protect the unborn, is clearly pushed back as technology advances. Even the Court has acknowledged the "flexibility of that then." *Danforth*, 428 U.S. at 64. At the same time, advances in medical technology have made abortions generally safer and have reduced the State's authority to require hospitalization or other safety regulations. Akron, supra. Thus, as the Justice points out, Roe's framework "is clearly on a collision course with itself. As the medical risks of various abortion procedures decrease, the point at which the State may regulate for reasons of maternal health is moved further forward to actual childbirth. As medical science becomes better able to provide for the separate existence of the fetus, the point of viability is moved further back toward conception." Akron dissent at 7. Justice O'Connor is correct: The logic of this framework is difficult to assert.

The logic is not the only flaw of this trimester breakdown, however. Its legal wisdom is also lacking. To be predictable and enforceable, the law should demonstrate some degree of continuity over time. Under the Roe formulation, the States must continually guess about the current state of the medical art and other factors that coud cause their authority to legislate to fluctuate. For a conscientious legislature, the Roe decision imparts no sure standard as to the limits of their authority. Justice O'Connor explained the uncertainty imposed upon the legislatures in these terms: "Although legislatures are better suited to make the necessary factual judgments in this area, the Court's framework forces legislatures, as a matter of constitutional law, to speculate about what constitutes 'accepted medical practice' at any given time. Without the necessary expertise or ability, courts must then pretend to act as science review boards and examine those legislative judgments." Akron dissent at 7.

While these arguments are compelling, they are by no means the only attacks on the reasoning of Roe. Perhaps I could simply list a few more of the unanswered questions raised by Roe:

The question of when life begins, according to the Court, is beyond the competency of the judiciary to answer. Nevertheless the Court effectively answers the question for the legislatures and citizens of all 50 States by declaring that States can protect unborn life only after "viability."

The Court conceded that if the unborn were "persons" they would be afforded 14th amendment protections. Yet both reasons the Court offers for rejecting the "personhood" of the unborn were wholly inadequate. In the first place, the Court suggests that none of the other uses of the term "person" in the Constitution appear to apply to the unborn. As a matter of fact, however, none of the other uses of the term appear to apply to anyone under the age of 24. All other uses of the term apply to adults. Surely adolescents could not thus be stripped of personhood. The second reason given by the Court is the absence of case law indicating the unborn should be persons. This only proves a well-known fact: This question was before the Court for the first time. It is unseemly that an issue which could have disposed of the case was given such shallow consideration.

Although the Court maintained that it could not determine when life begins, it nonetheless divided a pregnancy into three separate trimesters with different legal implications for each subdivision. One looks in vain for any reasoning from constitutional, legal or scientific sources for a guiding principle underlying this division process.

When finding a right to privacy, the Court employed imagination and innovation to find a never-before-identified right to abortion within the due process clause of the 14th amendment; when finding "person" does not include the unborn, the Court was literalistic to a fault. Without reaching the merits of appropriate judicial construction techniques, vascillating between two extremes inspires little confidence that the decision was based solely upon purely neutral criteria of constitutional interpretation.

Even if the unborn have no rights under the 14th amendment, this is irrelevant to the question of whether a State may restrict abortion. Professor Ely uses a particularly enlightening analogy to illustrate this point:

> Dogs are not "persons in the whole sense" nor have they constitutional rights, but that does not mean the state cannot prohibit killing them: It does not even mean the state cannot prohibit killing them in the exercise of the First Amendment right of political protest.

LEGAL CONTEXT OF ROE

The Supreme Court's decision in Roe against Wade should be viewed in its proper legal and historical context. The Court's sweeping decision resulting in abortion on demand is clearly in opposition to the treatment of abortion at common law, early American abortion laws, laws enacted by the legislative bodies of the States at the time of the decision, and even the abortion laws of most other countries of the world.

ABORTION AT COMMON LAW

After reviewing the development of abortion as a crime at common law, relying heavily on the analysis of Prof. Cyril H. Means, an advocate of legalized abortion, the majority in Roe concluded:

> It is thus apparent that at common law, at the time of the adoption of our Constitution, and throughout the major portion of the 19th Century, abortion was viewed with less disfavor than under most American statutes currently in effect. Phrasing it another way, a woman enjoyed a substantially broader right to terminate a pregnancy than she does in most States today. 410 U.S. at 140.

The Court's treatment of the development of abortion as a crime at common law has been severely and repeatedly criticized for both its conclusions and its uncritical acceptance of the common law analysis of Professor Means. See, for example, Byrn, "An American Tragedy: The Supreme Court on Abortion," 41 Fordham L. Rev. 807 (1973); "Abortion and the Constitution: The Need for a Life-Protective Amendment," 63 Calif. L. Rev. 1250 (1975). It is not necessary at this time for me to engage in an exhaustive analysis of the treatment of abortion as a crime at common law. It is enough simply to point out that the majority's sweeping decision in Roe was clearly contrary to the way abortion was viewed at common law, with respect not only to maternal health but also to the protection of the life of the fetus.

In the 13th century, Bracton wrote that abortion by blow or poison was homicide if the fetus was "already formed and animated, and particularly if it be animated." 2. H. Bracton, De Legibus et Consuetudinibus Angliae 29 (Twiss ed. 1879). Another authority

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later in that century, Fleta, also condemned abortion of a "formed and animated" fetus as homicide, "Justifiable Abortion—Medical and Legal Foundations," 49 Geo. L.J. 395, 431 (1961). At that time, biologists taught that a new life came into being when the fetus assumed recognizable human form, which was thought to occur 40 days after conception. See Means, "The Law of New York Concerning Abortion and the Status of the Fetus; A Case of Cessation of Constitutionality," 14 N.Y.L.F. 411, 411-12 (1968).

A difficulty encountered with the abortion crime at common law was the impossibility of proving the cause of the child's death. This severe evidentiary problem led to a paucity of indictments for abortion and led some 16th century writers to conclude that, as a practical matter, abortion was not a crime. Modern L. Rev. 203 (1937). Seventeenth century abortion reform tried to resolve the proof problem by declaring that an abortion was murder if the child was born alive with marks of the abortion and then died. If the child was stillborn, there was no murder because it could not be known "whether the child was living at the time of the batterie or not, or if the batterie was the cause of the death * * *." *R.* v. *Sims*, 75 Eng. Rep. 1075 (K. B. 1601).

Coke attempted, later in the 17th century, to resolve the problem further, and, in so doing, again indicated the concern the common law attached to the life of the fetus—a concern which Roe totally abandoned:

> If a woman be quick with childe, and by a Potion or otherwise killeth it in her wombe; or if a man beat her, whereby the childe dieth in her body, and she is delivered of a dead childe, this is a great misprison, and no murder; but if the childe be born alive, and dieth of the Potion, battery, or other cause, this is murder: for in the law it is accounted a reasonable creature, in rerum natura, when it is born alive. E. Coke, Third Institute 50 (1664).

The majority in Roe, relying on Professor Means' interpretation of the sketchy reports of two cases from 1327 and 1348—three centuries before Coke wrote—suggested that Coke was either mistaken or intentionally misstated the status of abortion as a common law crime, 410 U.S. at 134. Other commentators such as Bryn and Destro strongly dispute Means' analysis of those cases and suggest that the cases stand for the opposite conclusion. The great common law scholars clearly indicated that abortion was a crime with respect, at the very least, to a quick fetus. Blackstone stated:

> Life is the immediate gift of God, a right inherent by nature in every individual; and it begins in contemplation of law as soon as an infant is able to stir in the mother's womb. For if a woman is quick with child, and by a potion or otherwise, killeth it in her womb; or if any one beat her, whereby the child dieth in her body, and she is delivered of a dead child; this, though not murder, was by the ancient law homicide or manslaughter . . . But (Coke) doth not look upon this offence in quite so atrocious a light but merely as a heinous misdemeanor. Black's Law Dictionary, 5th Ed. (1979) at 1122.

Finally, as Blackstone indicated, the common law recognized the life of the fetus at the time of quickening. The first English abortion statute, recognizing this understanding of human generation, provided for greater penalties for an abortion of a woman "quick with child" than a woman "not being, or not being proved to be, quick with child." 43 Geo. 3 ch. 58 & 2. (1803). This statute was changed by a new statute, enacted in 1837, which imposed a penalty for all abortional acts without distinction. 7 Will. 4 & I. Vict., c. 85 (1837). A possible motive for this change was the discovery of the ovum, and a more accurate idea of the nature of conception, in 1827.

The decision in Roe, which, as discussed previously, eliminated any consideration for the life of the fetus, was clearly contrary to the thrust of the common law understanding of abortion.

19TH CENTURY AMERICAN ABORTION LAW

The abortion law in effect in this country, in most States, until the mid-19th century was derived from English common law, 410 U.S. at 138. While the vast majority of the States retained the common law distinction that abortion before quickening was not a crime, no State held that there was no crime of abortion after quickening. Bryn at 827. Later in the 19th century, several States interpreted the common law to mean that abortion was a crime at any time during pregnancy. For example, *Mills* v. *Commonwealth*, 13 Pa. 630 (1850).

Almost all of the States enacted abortion statutes during the 19th century. See 410 U.S. at 175-76 notes 1 and 2 (dissenting opinion). Connecticut adopted the first State abortion statute in 1821. Conn. Stat. Tit. 20, Sec. 14 (1821), The Connecticut statute retained the quickening distinction for the abortion crime. Quickening, however, soon began to disappear as the practical distinction to determine criminality. The intention behind enactment of these statutes is illustrated by the Maine Supreme Court which, in interpreting the Maine statute, abrogated the quickening requirement in the abortion crime; the court pointed out that if the pleading did not allege the destruction of the child, it would be fatally defective for not charging the essential element of the crime. *State* v. *Smith*, 33 Me. 48, 60 (1851).

In 1859, the American Medical Association Committee on Criminal Abortion criticized the quickening distinction in criminal abortion laws for the "grave defects of our laws, both common and statute, as regards the independent and actual existence of the child before birth, as a living being," and called upon State legislatures to revise their abortion laws. 12 transactions of the Am. Med. Assn., 73-78 (1859). This position of the AMA seems to have had its impact because during this period many States abolished the requirement that an abortion had to follow quickening to be a crime. At the time of the ratification of the 14th amendment, in 1868, at least 28 of the 37 States had made abortions before quickening a crime. Quay at 447-520. In the next 15 years, seven more of these States incriminated prequickening abortional acts. By 1871, the AMA could quote with approval from Archbold's Criminal Practice and Pleading with regard to the new consensus:

> It was generally supposed that the foetus becomes animated at the period of quickening; but this idea is exploded. Physiology considers the fetus as much a living being immediately after conception as at any other time before delivery, and its future progress as the development and increase of those constitutent principles which it then received. It considers quickening as a mere adventitious event . . . Indeed, no other doctrine appears to be consonant with reason or physiology but that which admits the embryo to possess vitality from the very moment of conception. 22 Transactions of the Am. Med. Assn. 250 (1871).

Further evidence that at least one motivation behind these laws was the protection of the life if the fetus, is seen in several court decisions interpreting these statutes.

> We hold that the anti-abortion statutes in Oklahoma were enacted and designed for the protection of the unborn child and through it society. *Bowlan* v. *Lunsford*, v76 Okla. 115 (1936).

Thus, again, the Court's decision in Roe, resulting in a practical situation of abortion on demand, was clearly contrary to the early American law on abortion.

STATE ABORTION LAWS AT THE TIME OF ROE

The Supreme Court's decision in Roe held every State's criminal abortion statute unconstitutional. 410 U.S. at 118, note 2.

Between 1967 and 1972, most of the State legislatures had considered changing their abortion laws. Nineteen States did make changes in their abortion law. 1972 Univ. of Illinois L.F. 177. All of these 19 States changed their law to permit abortion to prevent grave health damage to the mother. In addition, some of the States permitted abortions when the unborn child was conceived in rape or incest, or where the child would be born with substantial deformity. Four States required no grounds at all. But all States limited abortions in terms of age of the fetus; for example, Washington had a limit of 4 lunar months.

The other 31 States did not change their abortion law despite the fact that abortion legislation was intro-

duced in most of them. In two States, Michigan and North Dakota, proposed liberalized abortion statutes were rejected by referendum—by majorities of 61 percent and 77 percent respectively. In 21 of the States, the abortion statutes in effect in 1868—the year the 14th amendment was ratified—were still in effect at the time of the *Roe* decision. 410 U.S. at 176 note 2.

In sum, no State—including the four States which allowed abortion on demand—made abortion legal for the entire 9 months. None of the States had abortion laws as expansive as that created by the Court in Roe against Wade.

INTERNATIONAL ABORTION LAW

Not only was the Court's creation of an abortion right more permissive than the law that had been enacted by the representatives of the people of the 50 States, but the abortion right found in Roe was one of the most permissive in the world.

In 1981, according to one study, the United States was one of 7 percent of the countries of the world in which something approximating abortion on demand was legal. Tietze, "Induced Abortion: A World Review" (1981) (the Population Council). But the current status of abortion in the United States may be more extreme than that figure indicates since many of the other countries in that category have enforceable time limits on the legal availability of abortions. Other countries in this category include the U.S.S.R., the People's Republic of China, Denmark, France, Singapore, Sweden, Yugoslavia, and Vietnam. The vast majority of countries of the world have at least some effective legal control over the performing of abortions. As Prof. Richard Stith has observed about Roc against Wade,

> As a teacher of comparative law, I find this decision unique in the world. No other modern domestic state or foreign nation has ever, to my knowledge, privatized the value of new human life to this degree. No one, except our Court has ever left the unborn entirely without public protection even just before birth. Moreover, this extremist position has been imposed on our country not as a matter of temporary legislative experimentation, but by practically unchangeable judicial fiat—and this with scarcely any principled basis in the Constitution. Senate hearings, November 12, 1981, Professor Richard Stith, Valparaiso University School of Law.

Indeed, the single judicial decision in western law which is most directly comparable to Roe on terms of the issues presented has come to almost diametrically opposite conclusions. In 1975, the Federal Constitutional Court of West Germany handed down its own decision on abortion, in which the majority opinion of the court (a) accepted as fact the position that human life exists at least within a few days after conception, (b) rejected the view that this life could legitimately be classified as having little or no value under the law, and (c) invalidated as unconstitutional a policy of unrestricted abortion during the the first 3 months of pregnancy. See generally, Robert Jonas and John Gorby, "West German Abortion Decision: A Contrast to *Roe* v. *Wade*," 9 John Marshall J. Practice & Procedure (1976).

Thus, it can be seen that the Court's decision in Roe against Wade had a devastating impact on existing law. This far-reaching decision was clearly contrary to at least part of the purpose behind the treatment of abortion as a crime at common law and the development of 19th century abortion law in America. The abortion right found in Roe was broader than any existing State abortion law, and, finally, was one of the most permissive, if not the most permissive, in the world.

CONCLUSION

This speech has attempted only to portray some flavor of the jurisprudential criticism that has been directed at the Roe and Doe decisions. In large part, this criticism has come from individuals who do not look with disfavor upon the substantive policies generated by these decisions. They simply question how these policies came suddenly to be mandated by a Constitution that had never been thought prior to 1973 to contain anything approaching the "rights" set forth in Roe and Doe. As Professor Ely again has observed,

> What is frightening about Roe is that this super-protected right [to abortion] is not inferable from the language of the Constitution, the Framers' thinking respecting the specific problem in issue, any general value derivable from the provisions they included, or the Nation's governmental structure. . . . At times the inferences the Court has drawn from the values the Constitution marks for special protection have been controversial, even shaky, but never before has its sense of an obligation to draw one been so obviously lacking. Ely at 935-7.

As Professor Epstein has similarly concluded, the Roe decision is "symptomatic of the analytical poverty possible in constitutional litigation." Epstein at 184.

Among other constitutional scholars who have been sharply critical of the jurisprudence in Roe are the late Alexander Bickley of the Yale Law School, Arthur Miller of the Harvard Law School, Harry Wellington, former dean of the Yale Law School, and Archibald Cox, former Solicitor General of the United States. A. Bickel, "The Morality of Consent" (1975).

Perhaps even more compelling criticism of the Roe decision, however, has come from the Justices themselves who were in dissent in that case. In a dissent far stronger than normally seen on the Supreme Court, Justice White stated:

> I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action invests that right with sufficient substance to override most existing State abortion statutes. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus, on the one hand, against a spectrum of possible impacts on the mother, on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view its judgment is an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this Court. 410 U.S. at 221-22 (Justice White Dissenting).

Justice Rehnquist similarly observed:

> The decision here to break the term of pregnancy into three distinct terms and to outline the permissible restrictions the State may impose in each one, for example, partakes more of judicial legislation than it does of a determination of the intent of the drafters of the Fourteenth Amendment. 410 U.S. at 174 (Justice Rehnquist dissenting).

While fully respecting the authority of the Supreme Court to interpret the provisions of the Constitution, supporters of this amendment recognize also the authority reposed in Congress under article V of the Constitution to amend the document in response to what it views as wrongful or inappropriate decisions. To this end, this amendment amends the Constitution to overcome the effects of Roe against Wade and its progeny and to restore authority in the States to legislate with regard to the practice of abortion.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield such time as he may require to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. Thank you, Mr. President.

Mr. President, no issue is more important than the one before us today. The sanctity of human life, so brutally disregarded in the act of abortion, is fundamental to our human nature. It expresses humankind's deepest strivings. Respect for human life is essential to the future of our Republic.

I feel privileged to participate in this great debate. Not since the downfall of slavery has our Nation so starkly confronted its deepest values. Abortion

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strikes at the heart of what it means to be a member of the human family. And I profoundly believe that the issue of abortion, more than any other issue facing us today, will determine what we are as a people.

Mr. President, it is said that one of the greatest turning points in human history was the Hippocratic Oath. I believe that, and I believe it completely. For most of human history, no distinction was made between killing and curing. But the Hippocratic Oath put an end to that. It made a vital distinction between the physician and the sorcerer—a distinction which is now being threatened by abortion on demand. It is tragic, Mr. President, that we may be returning to the age of the sorcerer by denying the basic facts about when human life begins.

Abortion is ignoble. The world's great religions condemn it. Every known culture has treated it with disdain. And no amount of statistical trickery or verbal blandishment can transform it into something good.

This is what humankind has said most recently about abortion: at the Nuremburg International Military Tribunal for the trial of war criminals, the promotion of abortion among minority populations was considered a crime against humanity; the Declaration of the Rights of the Child of the United Nations affirmed that every child needs appropriate legal protection before as well as after birth; and the American Convention on Human Rights of the Organization of American States asserted that every person has the right to have his or her life protected by law from the moment of conception and that no one shall be arbitrarily deprived of life. The judgment of mankind on the matter of abortion is quite clear.

I believe that every abortion represents a human injustice, a failure to solve a human problem in a positive and constructive way.

Mr. President, induced human abortion is part of an antilife syndrome which, like some deadly contagion, is slowly eroding our deepest values. I fear what abortion on demand can lead to. Already we have witnessed the emergency and acceleration of infanticide as an option in neonatal care. Recent polls indicate that many of our doctors who have repudiated the Hippocratic Oath now want to expand flexibility to kill defective newborns. Where will this kind of thinking end? How far down this anguished road must we travel before we start killing those with incurable diseases or even the institutionalized elderly? I contend that we took the first step down that road when we began to kill our offspring. It is no accident that as the number of abortions has increased, so has the incidence of child abuse.

Ideas have consequences. As surely as night follows day, a disrespect for life in one area will inevitably lead to a disrespect for it in others. To me, the prospect is terrifying, a single abortion on demand is a tragedy, but 10.5 million abortions are a national calamity.

Mr. President, the basis of Western civilization has been its principles, not its productivity. All our vaunted technology, our imposing production of material goods, can never equal the realization we once came to that all human life is sacred. The human spirit made more progress when it listened for the cries of abandoned infants on the trash heaps of ancient Rome than when it sent its first satellite into orbit. Advances in technology can never compete with advances of the human spirit. That we help those who are silent and hurting, the handicapped, the widow and the orphan, or the woman with the problem pregnancy, will speak more highly of us as a nation than if we were to launch a thousand rocket ships to the farthest reaches of the universe. Our values should be our most cherished possessions.

If we do not respect human life, then what will we respect? Everything in our culture derives its value from the value we place on human life. It is the bedrock of Western civilization and of any society morally based. Induced human abortion decreases the value we place on life. It erodes our value structure and deflates the price tags on whatever else we value.

Who can defend Roe against Wade in light of all its abuses and human misery—the clinic corruption, the killing for profit, the damaged women, and most importantly, the millions of dead babies? How can a rational human being countenance this outrage? History will judge how we respond; whether we have the initiative to solve our problems in a positive way or simply give up. Any society that cannot produce alternatives to abortion is a society that lacks commitment and imagination. It is a society that is self-centered, hedonistic, and sick, and it certainly does not reflect the compassion that characterized our Nation's people.

The Roe against Wade decision never received a mandate from the American people. The Supreme Court should never have intruded into this issue.

Mr. President, all the sophistry in the universe will never convince me that induced human abortion can ever be a human good, or, except to save the life of the mother, even a lesser evil. When human life is in the balance, I firmly believe that everything else is secondary.

We are engaged in one of the most important discussions of values since this Nation was founded. I speak as one knowing that, in voicing my own deepest convictions, I also voice the will of my constituency. The people of Iowa do not want what Roe against Wade has given them: abortion on demand. And if those who reject this constitutional amendment have not come to this realization, I predict that one day they will. I believe that the right-to-life movement will never die, but will gain in strength with each passing day.

It is important for all of us to remember that the vote on this amendment does not take place in a political vacuum. The Senate, indeed, the Congress is not the only institutional check upon the Supreme Court. The Presidency, as well, was given by the Founding Fathers its own means of balancing the Court's powers and, when necessary, of righting its wrong decisions.

President Reagan addressed this matter a few days ago, in a meeting not covered by the news media, with members of the Knights of Columbus in the auditorium of the Old Executive Office Building. The President surprised some observers with his typically forthright and candid statements about the Supreme Court's abortion decisions.

Five members of the Court's proabortion majority, Mr. Reagan noted, are 74 years of age or older. And that means, he pointed out, that whoever is President for the next 5½ years will be able to turn the Court around on this issue.

I have no doubt who will be president of the United States for the next 5½ years. And I have no doubt that the author of that powerful and moving article in the Human Life Review will use the nominating power of the Presidency to right the most tragic wrong of our lifetime.

Roe against Wade will be overturned, and with it, all the juridical deformities that have been based upon it. It is only a question of whether this Senate will take the lead in doing so, or whether our President—sustained in the future as he was in the past by Americans who choose life—will reshape the Court as he has promised.

Mr. President, the cause of those who respect and defend human life is right. I believe, along with millions of other Americans, the simple truth that everyone has a right to be born, that everyone has a right to exit from the womb and cast a shadow on the Earth.

I long for the day when the sanctity of human life is once again enshrined in our Constitution. Toward that end, I urge my colleagues to join with me in voting for this amendment.

Mr. HATCH. Mr. President, I thank my colleague for his interesting and good remarks and for the leadership that he exhibits in the prolife movement in America. It is not easy to debate or argue these issues, but he

has constantly been in the forefront. I personally appreciate it.

At this time, Mr. President, I yield such time as he may need to the distinguished Senator from Colorado.

Mr. ARMSTRONG. Mr. President, the subject under discussion today—abortion—is a topic which makes most of us distinctly uneasy. In fact, the very mention of the word causes a great many people to be uneasy. For many thoughtful persons, the prospect of antiabortion legislation arouses powerful feelings of the most personal nature—fear, dread, sometimes anger.

Many women are nearly terrified by the prospect of being required to continue a pregnancy against their will. They feel very personally threatened by legislation which would deny or limit their now legally established right to abortion and feel that it is an invasion of their personal privacy and an intolerable threat to their personal freedom. Many sympathetic men share this perception. This reaction is completely understandable, in my judgment.

At the same time, many other persons contemplate with horror the abortions which they see as taking the lives of millions of innocent and defenseless unborn children.

I deeply regret that this issue must come before Congress. From a purely personal standpoint, I am reluctant to assume the responsibility of attempting to weigh and choose between two such fundamental rights—personal privacy, which Justice Brandeis once characterized as the right most cherished by civilized persons—and the sanctity of life, certainly one of the most ingrained—perhaps the most ingrained—of all human values.

The task of making such a decision is forced upon Congress by the Supreme Court's decision in the case of Roe against Wade. As a result of that case, more than 15 million legalized abortions have been performed in recent years and it is estimated that a million more are occurring each year. In some areas, there are now more abortions than live births. Thus, Congress must either act to restrain this trend or, by failing to do so, acquiesce in a national policy of abortion-on-demand.

Swirling around the abortion controversy are many complex ethical and legal arguments, but it seems to me there is one central issue on which all else depends: Is the fetus within a pregnant woman a living baby human being. Or is it not?

Few, if any, of those who believe the fetus is a baby would object to some degree of legal protection for the unborn child. While recognizing the very strong presumption against interfering with the privacy and right of personal choice of individual women, few persons who acknowledge that the fetus is a baby would nonetheless object to some form or degree of legal protection for the unborn child. If, as advocates of antiabortion legislation contend, a fetus is a human being, it is very hard to dispute the claim that the unborn child is entitled to the same human compassion and legal protection afforded other human beings, particularly helpless and dependent humans.

Prochoice advocates oppose antiabortion legislation because of their concern for the freedom of choice of the woman and, in most instances, precisely because they deny the humanity of the fetus which they view as prehuman or as having human potential. They do not agree that a fetus is a true human being in the normal sense and, therefore, they deny that the fetus, or unborn child, as prolife persons prefer to say, is entitled to either the compassion or legal protection accorded to true human beings.

To a large extent, the Supreme Court sidestepped this issue when it struck down State antiabortion statutes in the case of Roe against Wade. In that decision, the Court ruled that the 14th amendment right of personal privacy precludes the State from interfering with a woman's right to terminate pregnancy through abortion. The Court indicated that a fetus is not a "person" within the meaning of the 14th amendment and is, therefore, not entitled to constitutional protections. Significantly, however, the Court did not attempt to determine the humanity of the fetus nor to define when human life begins. The Court characterized this issue as "sensitive and difficult" and noted "wide divergence of thinking" on this question and that the judiciary "is not in a position to speculate as to the answer."

But for individual persons who must decide the moral permissibility of abortion and for the Congress, faced with a momentous policy issue, this fundamental question may not be avoided.

The exact instant at which life begins remains the subject of some disagreement. Not everyone would agree with Prof. Hymie Gordon, chairman of the Department of Medical Genetics at the Mayo Clinic who stated: "The question of when human life begins is an established fact. All life, including human life, begins at the moment of conception." However, it does appear that the great preponderance of evidence, as well as expert testimony and opinion, support Professor Gordon's view.

Dr. Francis A. Schaeffer, a leading philosopher and theologian, and Dr. C. Everett Koop, U.S. Surgeon General and well-known author in the field of medical ethics, have persuasively summarized the life-begins-at-conception argument:

> THE GROWTH OF HUMAN LIFE
>
> Our reasons against abortion are logical as well as moral. It is impossible for anyone to say when a developing fetus becomes viable, that is, has the ability to exist on its own. Smaller and smaller premature infants are being saved each year! There was a day when a 1000-gram preemie had no chance; now 50 percent of preemies under 1000 grams are being saved. Theoretically, there once was a point beyond which technology could not be expected to go in salvaging premature infants—but with further technological advances, who knows what the limits may be! The eventual possibilities are staggering.
>
> The logical approach is to go back to the sperm and the egg. A sperm has twenty-three chromosomes; even though it is alive and can fertilize an egg, it can never make another sperm. An egg also has twenty-three chromosomes, and it can never make another egg. Thus, we have sperm that cannot reproduce and eggs that cannot reproduce unless they get together. Once the union of a sperm and an egg occurs and the twenty-three chromosomes of each are brought together into one cell that has forty-six chromosomes, that one cell has all the DNA (the whole genetic code) that will, if not interrupted, make a human being.
>
> Our question to a pro-abortion doctor who would not kill a newborn baby is this: "Would you then kill this infant a minute before he was born, or a minute before that, or a minute before that, or a minute before that?" At what point in time can one consider life to be worthless and the next minute precious and worth saving?
>
> Having already mentioned the union of sperm and egg to give forty-six chromosomes, let us briefly review the development of a baby. At twenty-one days, the first irregular beats occur in the developing heart, long before the mother is sure she is pregnant. Forty-five days after conception, electroencephalographic waves can be picked up from the baby's developing brain.
>
> By the ninth and tenth weeks, the thyroid and the adrenal glands are functioning. The baby can squint, swallow, and move his tongue. The sex hormones are already present. By twelve or thirteen weeks, he has fingernails; he sucks his thumb and will recoil from pain. His fingerprints, on the hands which have already formed, will never change throughout his lifetime except for size. Legally, it is understood that an individual's fingerprints distinguish him as a separate identity and are the most difficult characteristic to falsify.
>
> In the fourth month the growing baby is eight to ten inches long. The fifth month is a time of lengthening and strengthening. Skin, hair, and nails grow. Sweat glands come into being; oil glands excrete. This is the month in which the mother feels the infant's movements.
>
> In the sixth month the developing baby responds to light and sound. He can sleep and awaken. He gets hiccups and can hear the beat of his mother's heart. Survival outside the womb is now possible. In the seventh month the nervous system becomes much more complex. The infant is about sixteen inches long and weighs about three pounds. The eighth and ninth months see a fattening of the baby.
>
> We do not know how anyone who has seen the remarkable films of the intrauterine development of the human embryo can still maintain that the product of an abortion consists of just some membranes or a part

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> of the woman's body over which she has complete control—or indeed anything other than a human life within the confines of a tiny body. At the very least we must admit that an embryo is not simply an extension of another person's body; it is something separate and uniquely irreplaceable. Another good reason we should not view the unborn baby as an extension of the woman's body is that it did not originate only from the woman. The baby would not exist without the man's seed.
>
> We are convinced that the reason the Supreme Court decision for abortion-on-demand never came to grips with the issue of the viability of the human fetus is that its viability (that is, ability to live outside the womb on its own) is really not the important point.
>
> Viable or not, the single-celled fertilized egg will develop into a human being unless some force destroys its life. We should add that biologists take the uniform position that life begins at conception; there is no logical reason why the pro-abortionist should try to arrive at a different definition when he is talking about people, the highest form of all biological creatures. After conception, no additional factor is necessary at a later time. All that makes up the whole adult is present as the ovum and the sperm are united—the whole genetic code!

The reasoning of Dr. Schaeffer and Dr. Koop seems to me not only solid and convincing but also directly pertinent to the Roe against Wade decision. In that case, the Court held that only a "compelling State interest" could justify limiting a woman's 14th amendment right to abortion. The "compelling" point with respect to the State's interest in the potential life of the fetus "is at viability." Following viability, the State's interest permits it to regulate and even proscribe an abortion except when necessary, in appropriate medical judgment, for preservation of the life or health of the mother.

The Schaeffer-Koop observations about medical viability are especially impressive in view of Dr. Koop's vast experience and expertise. He is the former surgeon-in-chief of the Children's Hospital in Philadelphia where the entire surgical center is named in his honor. A pacesetter in the field of pediatric surgery, Dr. Koop has developed many new an highly successful procedures in surgery on the newborn. He is a well-known author in the field of medical ethics and the founder and editor-in-chief of the Journal of Pediatric Surgery.

If doubt yet remains, the strong prolife presupposition of heritage strenuously argues for resolving doubt in favor of caution and restraint when human life is at stake. And so on this point I must agree with the Schaeffer-Koop observation that:

> We do not know how anyone who has seen the remarkable films of the intrauterine development of the human embryo can still maintain that the product of an abortion consists of just some membranes or a part of the woman's body over which she has complete control—or indeed anything other than a human life within the confines of a tiny body.

In brief, Mr. President, it is plain to me that a fetus is a human life and that willful termination of that life, except under compelling circumstances to the contrary is, per se, morally wrong. Whether or not it is a proper subject for legislation, however, is an entirely separate question which I would like to briefly address it at this time.

Recognizing the great diversity of our Nation and the divergence of opinion about this controversial issue, as well as our longstanding tradition of State jurisdiction in such matters, a strong case can be made against Federal intrusion in this area. Our federal system leaves to the States vast areas of complete independence. The States define, adjudicate and punish most crimes; protect the safety, welfare, and property of their citizens; establish licensing standards for physicians, lawyers, and other professional persons; regulate health and provide education. Indeed, the States provide the legal framework within which most of life's day-to-day activity takes place. More to the point, State law, not national law, governed abortion until the Roe against Wade decision of 1973.

Unfortunately, however, Roe against Wade has precisely the effect of overruling the States and recasting the abortion controversy as a truly national issue for the first time. On purely legal grounds, the Supreme Court's decision is highly questionable. In his dissent, Justice White termed the Court's action "an exercise in raw judicial power" and "an improvident and extravagant exercise of the power of judicial review." Pointing out the impropriety of overturning longstanding State statutes, as a matter of constitutional interpretation, Justice White observed:

> At the heart of the controversy in these cases are those recurring pregnancies that pose no danger whatsoever to the life or health of the mother but are nevertheless unwanted for any one or more of a variety of reasons—convenience, family planning, economics, dislike of children, the embarrassment of illegitimacy, etc. The common claim before us is that for any one of such reasons, or for no reason at all, and without asserting or claiming any threat to life or health, any woman is entitled to an abortion at her request if she is able to find a medical advisor willing to undertake the procedure.
>
> The Court for the most part sustains this position: During the period prior to the time the fetus become viable, the Constitution of the United States values the convenience, whim or caprice of the putative mother more than the life or potential life of the fetus; the Constitution, therefore, guarantees the right to an abortion as against any state law or policy seeking to protect the fetus from an abortion not prompted by more compelling reasons of the mother.
>
> With all due respect, I dissent. I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions and announces a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing State abortion statutes. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus on the one hand against a spectrum of possible impacts on the mother on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view its judgment is an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this Court.
>
> The Court apparently values the convenience of the pregnant mother more than the continued existence and development of the life or potential life which she carries. Whether or not I might agree with that marshalling of values, I can in no event join the Court's judgment because I find no constitutional warrant for imposing such an order of priorities on the people and legislatures of the States. In a sensitive area such as this, involving as it does issues over which reasonable men may easily and heatedly differ, I cannot accept the Court's exercise of its clear power of choice by interposing a constitutional barrier to state efforts to protect human life and by investing mothers and doctors with the constitutionally protected right to exterminate it. This issue, for the most part, should be left with the people and to the political processes the people have devised to govern their affairs.

Many legal scholars share Justice White's skepticism about Roe against Wade. But whatever one may think of the legal scholarship on which this decision rests, it remains the law of the land. With the States preempted, what was formerly an issue of State jurisdiction must now be considered at the national level even for the minimal purpose of restoring State jurisdiction by overturning Roe against Wade. This is exactly the purpose of Senate Joint Resolution 3.

A second objection to antiabortion legislation is the oft-repeated contention "you can't legislate morality." At one level, this notion is demonstrably true. Human nature does not seem to change from one millenia to the next; despite legislative intervention, character flaws which humans exhibit today are not noticeably different from those observed at the dawn of history.

Nonetheless, the purpose of much legislation is precisely to make moral judgments—in effect, to legislate morality. Laws are the means by which civilized societies protect and foster that which is right and forbid what is wrong. Underlying legal prohibitions against murder, theft, fraud, and perjury are moral judgments. It is the collective decision of society that such actions are wrong. Murder, fraud, perjury, and the like are deemed not merely inconvenient, untimely, or useless, but actually wrong in the sense that they

violate fundamental principles upon which our civilization rests.

As Russell Kirk points out:

> At the heart of every culture is a body of ethics, of distinctions between good and evil.

Within the Judeo-Christian heritage, the sanctity of life is among the foremost of values cherished by civilized persons and nations. Protection of human life has traditionally been recognized as one of the paramount functions of government within a civilized society. Indeed, history largely judges prior civilizations by the extent to which human life is valued and protected.

Nonetheless, critics who contend that "you can't legislate morality" have a point. The human impulse to brutalize and exploit other human beings remains just below the surface in even the most civilized persons and societies.

What is significant, however, is the extent to which wise legislation can curb the expression of such impulses. Legislation implementing moral judgments ended slavery, protect freedom of speech, publication and workship, assure voting rights, and so forth.

This is not to say that every moral judgment ought to be the subject of legislation. On the contrary, Congress and the States are wise to exercise restraint in making fundamental changes based on moral judgments.

Moral issues are, by their very nature, highly emotional. Debates that disturb the spiritual and ethical foundations of a person's concept of the purpose and meaning of life arouse powerful passions, and it is our experience that decisions reached in highly emotional circumstances are decisions that we frequently regret.

Moreover, moral issues do not readily lend themselves to compromise, which is a distinctive strength of the American system. Our Nation derives much of its resiliency and unity from the very fact that we are able to compromise differences on many issues. Ordinarily, decisions within our political process are not so one-sided that those who are defeated at the polls or in a legislative battle are left utterly without consolation. More commonly, the views of the minority are accommodated, in greater or lesser degree, and there is a general recognition that those who form a political majority today will be in the minority at some future time, thereby fostering an attitude of tolerance and compromise. Obviously, however, it is much easier to work out a compromise on matters of purely practical application, such as budgets and taxes, than on fundamental moral questions about which notions of right and wrong leave less room for conscientious maneuvering.

The need for restraint in implementing moral judgments through legislation is also emphasized by the fact that moral issues often bring fundamental values into conflict. The delicate balance between moral order and personal liberty must be preserved.

Nonetheless, abortion is a proper subject for legislation, for two significant reasons.

First, because of the intrinsic importance of the issue. The 15 million or more abortions which have occurred since—and in many instances because of—Roe against Wade are not mere surgical procedures. They are human lives lost. In this perspective, abortion is the greatest human rights issue of our time. I agree with Prof. John T. Noonan's observation:

> Of all the subjects relating to the erosion of the sanctity of human life, abortion is the keystone. It is the first and crucial issue that has been overwhelming in changing attitutes toward the value of life in general.

Second, proposals to overturn Roe against Wade are not drastic in nature. They do not, in and of themselves, establish a nationwide antiabortion policy. On the contrary, both the statutory and constitutional proposals now pending before the Senate contemplate further legislative action to prohibit or regulate abortion, providing circumstances under which abortions would be permitted, and establishing legal procedure, including those needed to safeguard personal privacy which would remain a constitutionally protected right, albeit weighed against other constitutionally protected rights including those of the unborn. Reasonable implementing legislation would, in effect, reestablish the legal framework which existed prior to Roe against Wade. Such legislation need not and should never be permitted.

As to the exact form of appropriate legislation to curtail abortion, I have sought to remain reasonably flexible in order to seek a moderate solution, a solution which would be respectful and, to the extent possible accommodating to persons whose basic views are different from my own.

I have also tended to favor incremental legislative approaches rather than sweeping or drastic changes, although in this case, in which we are confronted with a drastic policy change resulting from unexpected court decision, it is difficult to fashion such legislation.

One such approach, which seems reasonable to me, is a statutory proposal which would make permanent the ban on Federal funding of abortions, contains a congressional finding of fact that life begins at conception, and provides for expedited Supreme Court review of State antiabortion statutes based on this congressional finding.

This statutory approach rests on the theory that the Supreme Court has declined to decide when life begins and has, in effect, deferred to the legislative branch of Government to reach this decision as part of its factfinding and policymaking function. If Congress investigates and determines that life begins at conception, then the unborn will automatically be protected by the 14th amendment of the U.S. Constitution and the States will again be empowered to protect these lives through appropriate—though probably differing—State statutes, advocates contend.

Although this legal theory seems reasonable to me, whether it will, in fact, be sustained by the Court is open to question. I see the reality of the situation in these terms: In Roe against Wade, the Supreme Court wandered far from precedent and reasonable interpretation. If members of the Court, upon reflection and further study, are looking for an opportunity to retreat from Roe, then the statutory approach provides sufficient reason to do so. If, on the other hand, the Court is comfortable with Roe, the Court can find much to easily justify striking down State statutes, premised on the congressional finding that life begins at conception. Very recent decisions do not lead me to believe the Court is particularly looking for a reason to overturn or retreat from Roe.

If this is true, then Senate Joint Resolution 3 is an appropriate and, under the circumstances, a moderate approach. It does not establish a nationwide ban on abortion, as some might wish, but merely overturns Roe against Wade and restores the authority for policymaking to the State legislatures where it previously resided.

I am not entirely satisfied with this solution. Many objections can and will be raised. But on balance it seems to me a reasonable and practical approach and one which will, if enacted, undoubtedly reverse the tragic trends of the last decade. At the same time, however, by its very formulation, Senate Joint Resolution 3 avoids freezing into the Constitution a specific ban which might be itself subject to unforseen interpetation. Therefore, I will vote for this proposed amendment while remaining open to further thought and study and other proposals that may at some future time be forthcoming.

In conclusion, I wish to acknowledge my gratitude to the literally thousands of persons throughout Colorada, and others as well, who have shared their views with me. This is an issue about which thoughtful persons do not agree. And because of its sensitivity, the prospect of abortion legislation tests the intellectual humility and patience of all who care deeply about the outcome. I am gratified that the vast majority of those with whom I have had contact about this matter have expressed their opinions in a serious and dispassionate manner and in a way that is respectful of differing opinions.

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I have tried to explain my own thinking in the same spirit.

Mr. PACKWOOD. Mr. President, I yield such time as the Senator from Ohio will need.

Mr. GLENN. Mr. President, I thank the distinguished Senator. I will only need about 5 minutes.

Mr. President, because I support a woman's right to choose to have an abortion, I am opposed to attempts to reverse the Supreme Court's Roe against Wade decision which legalized most abortions under the constitutional right to privacy. Roe against Wade—which was recently reaffirmed by the Supreme Court's rulings that State and local laws restricting abortion are unconstitutional—was a major step forward in insuring equality for women in our society. This equal protection, under the constitutional right to privacy, must not be taken away.

As I have stated many times before, I respect the heartfelt views of those who are opposed to abortion. However, I do not believe that their views should be forced on others who feel every bit as strongly that a woman has a right to terminate a pregnancy. I believe that this is a decision which should be reached by a woman in consultation with her physician, husband, pastor, priest, rabbi, or whomever she chooses; and should be based on her own moral and religious convictions.

Today, I rise to oppose Senate Joint Resolution 3, which proposes an amendment to the Constitution stating that, "A right to abortion is not secured by this Constitution." I oppose this amendment because it would act to repeal Roe against Wade. I also do not believe that enactment of Senate Joint Resolution 3 could resolve the national debate regarding abortion. Rather, I believe it would heighten the controversy surrounding this issue.

Senate Joint Resolution 3 is a negative amendment, the first proposed amendment to the Constitution declaring the nonexistence of a right. As such, it proposes to transfer the authority and responsibility for deciding about abortion from the Constitution and the judicial system to statutes passed by the legislative branches of government. However, its full impact is unclear. Supporters claim its passage would restore the status quo ante Roe against Wade, and would give individual States the opportunity to do anything or to do nothing with respect to abortion. In fact, the status quo would not be restored since the amendment would change the Constitution from what it was in 1973.

The unanswered question remains exactly how the Constitution would be changed. The Roe against Wade decision is based on the 14th amendment's constitutional right to privacy, not on any constitutionally found right to abortion. It is difficult to determine how the phrase "a right to abortion", as contained in Senate Joint Resolution 3, would affect specific rights granted under different sections of the Constitution. Although States would have the authority to legislate with regard to the practice of abortion, their attempts might be challenged on the basis of a variety of constitutional rights including a due process right to health or an equal protection argument against an interspousal consent statute.

Again, I oppose Senate Joint Resolution 3 and urge its defeat. It would set a bad precedent for amending the Constitution. I support a woman's right to make childbearing decisions—a view supported by a majority of Americans—and I will continue to oppose legislation limiting a woman's freedom of choice with respect to abortion.

Mr. PACKWOOD. Mr. President, I thank my colleague from Ohio very, very much for those warm statements. I appreciate the fact he is able to give them and tell him again that we vote tomorrow afternoon at 5 p.m.

I yield such time as the Senator from Vermont needs.

Mr. LEAHY. I thank my friend from Oregon. I advise him I shall be only a few minutes. I understand that the Senate is anxious to go out of session and I shall not hold it long.

Mr. President, what is before the Senate today has been widely billed as a long-awaited debate on the issue of abortion. But Senate Joint Resolution 3 is about much more than abortion. It is about the way we amend the Constitution of the United States.

Article 5 of the Constitution is very explicit in requiring special majorities to amend its carefuly drafted provisions, two-thirds of each body of this Congress and three-quarters of the States.

This requirement of supermajorities is essential for the protection of personal liberties in a democracy. Without it legislative majorities could easily sweep away protections that individuals and minority groups have enjoyed under the Bill of Rights for nearly two centuries.

Although in the form of an amendment to the Constitution, Senate Joint Resolution 3 is, in substance, a statutory solution to a constitutional problem.

People may honestly differ over the wisdom and morality of the current legal formula by which the rights of women and the rights of unborn are weighed against each other at various stages of pregnancy.

The range of views among my colleagues on the substantive issue of abortion is considerable but no one can deny that the issue is a fundamental one, that the issue is privacy and autonomy for women, on the one hand, and the rights of unborn life, on the other, which are issues of constitutional dimension. They are.

But the outcome of this fundamental question can no more be left to 50 individual State legislatures than can the issues of free speech, freedom of religion, or scores of other questions raised under the bill of rights and the 14th amendment.

If abortion is morally repugnant in all circumstances, then it is so in every State in the Union, not just some. If the right to choose abortion is a matter for a woman and her doctor in early pregnancy, then that right is not negotiable from State to State. To hold otherwise is to misapply the notion of federalism and do profound injury to the idea of a Constitution that applies to all without regard to geography.

Senate Joint Resolution 3 will allow in one State abortions on women, and in another State only for rape and incest, in the next State not at all, even to save the life of the mother, and so on. That is really not the way the Constitution should be amended.

The response of Senate Joint Resolution 3 to the deep division and public opinion is to use the amending process with its requirements for a supermajority in Congress and the States not to declare that the right to abortion is extinguished because it does not say that but rather that the right to abortion is downgraded.

Senate Joint Resolution 3 declares there can be no national consensus on prohibiting abortion. It is a fair compromise to make the issue statutory rather than constitutional, changeable by this or that legislative majority.

If we accept that principle, then we have to say that this sort of compromise could be offered to solve any number of knotty issues arising under the Constitution. Two-tier amendments could lead to the legislative branch acting alone on the difficult issues of separation of church and State, freedom of expression, protection of individual rights in criminal cases, and the rights of minorities, just to name a few.

The adoption of Senate Joint Resolution 3, like its predecessor Senate Joint Resolution 110, would make a definite statement about how controversial rights ought to be changed. If you do not like a right currently protected by the Constitution and you do not have the right to amend it away, then amend the Constitution, eliminate the power of courts to enforce it by declaring that the Constitution no longer protects that right.

This is the message of Senate Joint Resolution 3 and it is unacceptable as a model of how the Constitution should be changed.

Mr. President, in this country we have a very short Constitution; we have a long history of democracy. Our

country exists now today longer than any other democracy in existence today. There are many reasons for that, of course—the will of our people, the indomitable spirit of America itself, but also because of our Constitution.

I doubt very much, in fact I know that our country would not still be in existence today had it not been for the remarkable document of our Constitution drawn 200 years ago.

Without that Constitution we could not have balanced the rights and the desires and the needs of a growing pluralistic society. Without that Constitution we would not have gotten through Presidential assassinations, the civil war, two world wars, and all the other problems that we have seen as a growing and expanding nation. We would not have gotten through even the problem of our own growth as a nation.

Throughout all of that we have done it with a very short, a very concise, a very precise Constitution. Our body of rights has grown up within that small document.

If we follow the ideas of Senate Joint Resolution 3, then we open the door to start amending the Constitution this way for every single problem facing us, much less the issue of abortion, Mr. President. Our purpose is to develop a society where abortion is not an acceptable alternative, where people do not look for abortion but look instead to life.

In doing that, in reaching for that society, a society which I strongly think is possible, let us not ruin the basis of our own society by amending our Constitution in a way in which we should not.

Therefore, I will vote against this proposal and I hope my colleagues will not vote to amend the Constitution in some unprecedented way.

I yield back to my friend from Oregon.

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Wisconsin (Mr. KASTEN).

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, I am pleased to rise in support of Senate Joint Resolution 3. After months of silence, the Senate now has the opportunity to address the abortion issue and to restore rights for the unborn.

Senate Joint Resolution 3 simply states "A right to abortion is not secured by this Constitution." Adoption of this language would reverse Roe against Wade, the landmark decision which protects abortion rights, and would restore the power of the States to restrict or prohibit abortion.

This amendment would not repeal any other rights guaranteed under the Constitution. Rather, it would clarify that abortion, which somehow has been construed as part of a woman's privacy, is no longer a guaranteed right.

Today, only a little more than 10 years after the Supreme Court decision in Roe against Wade, well over 12 million abortions have been performed legally in this country. When over one-third of the pregnancies in this country end in abortion, it is clear that somewhere along the way our policy has been misguided. How can we, as a nation founded upon the principles of life, liberty, and the pursuit of happiness, permit such a situation to continue?

In one sweeping decision, the Court made legal one of the most controversial medical procedures of our time. Under the cloak of privacy, the justices reasoned that a woman's freedom of choice included the right to terminate the life of her unborn child.

It is important to underscore the fact that the 1973 decision was not made by elected officials, but by judges. As Justice O'Connor noted in her dissenting opinion on the recent abortion rulings, an issue of this magnitude should be subject to the democratic processes. Abortion policy should be shaped by the people themselves, who are spoken for by our representation in Congress and by officials at the State and local level.

Mr. President, in Senate Joint Resolution 3, we have the vehicle necessary to reverse the Court's ruling. At last, we can allow the American people to register their disagreement with unrestricted abortion as an accepted public policy.

Passage of this resolution would restore the States authority to restrict or prohibit abortion. This is a very moderate and sensible approach and one which I believe reasonable men and women with different opinions about abortion can support.

Let us take this opportunity to resolve this matter and restore the balance of power between the people, the States, the courts, and the Federal Government.

LEGAL OPERATION AND ROE'S PROGENY

Mr. HATCH. Mr. President, once again, I would like to take this opportunity to remind my distinguished Senate colleagues of the significance of the historic vote which approaches this body. We are, in essence, voting to reaffirm our confidence in the constitutional framework drafted in convention in 1787 and ratified by the States in 1788. We are voting to follow the pattern of government which has served this Nation nobly for nearly two centuries, or in the alternative, to endorse a fundamental alteration of the constitutional structure—moreover an alteration adopted without recourse to the supermajorities required for amendment in article 5.

The framers of the Constitution gave careful consideration to the appropriate means to resolve divisive social disputes. They elected to confer upon the Federal Government a limited number of specific powers covering subjects that demanded a national solution, such as national defense, interstate commerce, post offices, and the like. All powers not specifically delegated to the Federal Government were to be exercised by the States. Thus most sensitive social issues would be subject to community consensus and the virtues of diversity. In the words of Madison:

> The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, such as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all objects which, in the ordinary course of affairs concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State. Federalist Papers, No. 45.

Alexander Hamilton, noted for his defense of a strong National Government, concurred in Madison's explanation of the operation of the Constitution:

> The Federal Government's jurisdiction extends to certain enumerated objects only, and leaves to the States a residuary and inviolable sovereignty over all other objects. Federalist Papers, no. 39.

These statements fairly present the intent of the framers with regard to the balance between the State and Federal Governments. Consistent with this intent, States regulated abortion almost exclusively until 1973. On January 22 of that year, as I have earlier explained, the Supreme Court created a special constitutional status for abortion. The right to abortion became, by Court edict, a fundamental liberty which a State's legislature could limit even in the slightest degree only by demonstrating a "compelling" justification. 410 U.S. at 728. This compelling State interest standard is very exacting. *Kramer,* 395 U.S. 621 (1969). Even such seemingly inconsequential State regulations as a 24-hour waiting period prior to an abortion failed to meet this standard of review. Akron, supra. Although the Supreme Court has repeatedly conceded that protecting maternal safety and the life of the unborn are "legitimate State interests," *Roe,* 410 U.S. at 732, Akron, and so forth, these profound interests have not risen to the level of "compelling" in the eyes of the Court. Accordingly, the right to abortion has operated time and again to strike down the will of State legislatures. Protected by the Court's constitutional interpretation, one absolute extreme on abortion; namely, abortion on demand throughout all 9 months of pregnancy, has become enshrined as an unassailable tenet of American law.

This amendment, Senate Joint Resolution 3, removes the abnormally elevated status afforded the right created in Roe. After ratification of this amendment, a State statute concerning abortion would be subject to ordinary standards of constitutional review. This standard requires a State to demonstrate a rational relationship between its policy and a legitimately protectible State interest, the rational basis test. Since the Court has already acknowledged at least two legitimate State interests, maternal safety and unborn human life, any statute rationally related to these objectives would pass constitutional muster. Thus, the will of the people, as reflected in State legislatures, would be respected. The traditional constitutional balance which governs other aspects of domestic relations law; namely, State regulation in practically all aspects, would be restored.

In short, this amendment removes the right created in Roe. The removal of this impediment to the traditional operation of the Constitution permits the framework of our Nation's foundational document to govern in this sensitive area of social policy as it did for nearly two centuries until 1973. Hence, our vote may be construed as a vote to endorse the system of governance created by the framers of the Constitution in 1787 or the special right created by the Supreme Court in 1973.

For the sake of clarity, I would like to once again, as I did earlier, list what this amendment would and would not do. Ratification of Senate Joint Resolution 3, as amended, would accomplish the following:

First, it would nullify the special right to abortion created by the Supreme Court in 1973. Even the Supreme Court has referred to the right created in Roe as the "right to abortion." *Conn.* v. *Menillo,* 423 U.S. 9, 10. More than 80 Federal court cases have also used this phrase as shorthand for the new Roe right. This amendment simply, cleanly, directly, conclusively states that "A right to abortion is not secured by this Constitution."

Second, it would prevent the creation of any other right to abortion in the harbor of the Constitution. The article "a" makes the scope of the repeal broader than if the article "the" were used. "The" might be construed as limiting the repealer to the particular doctrine or doctrines that have developed in Roe and its progeny as a justification for abortion. Use of the article "a" makes it clear that no other "right to abortion," however conceived or justified, is provided by the Constitution. Under Senate Joint Resolution 3 there would exist no constitutional authority for any right to abortion.

Third, it would avoid any unnecessary repudiation of the doctrine of privacy. The use of the careful phrase "right to abortion" clarifies that the amendment only repeals the abortion decisions. Other extensions of the right to privacy, such as in contraception or family privacy cases, would not be affected by the narrow language of the amendment.

Fourth, it would mean that State statutes concerning abortion would be subject to ordinary standards of judicial review, that is, the rational basis test instead of the compelling State interest test. An obvious point of explanation is needed at this point to clarify a higher standard would still apply to a State enactment that infringed some other constitutional rights unrelated to the "right to abortion" question—for example, a law prohibiting only black women from obtaining abortions would still be examined under a compelling standard—or strict scrutiny—due to the obvious racial classification, not due to any remaining right to abortion.

Fifth, it would restore to the States their general police power to restrict and prohibit abortion, or elect to refrain from doing so. The States would be restored to the legal status they enjoyed prior to Roe.

Sixth, it would reenfranchise the people, acting through their elected State representatives to participate in the formation of abortion policy. Abortion policymaking that has been centralized in the nonrepresentative judicial branch will be returned to State legislative discretion. This will facilitate the kind of compromises and consensus formation that is impossible in the judicial branch.

Seventh, it would restore the constitutional balance of powers between the State and Federal Government and between the legislative and judicial branches. In sum, it would restore the status quo ante Roe insofar as the power and responsibility to resolve abortion issues is concerned.

Senate Joint Resolution 3, as amended would not do the following:

First, it would not establish any new constitutional right favoring either an absolute right to life or an absolute right to abortion. It would simply restore the operation of the constitutional system, favoring States rights to resolve abortion issues, that existed prior to 1973.

Second, it would not compel the adoption by any State legislature of any legislation restricting abortion.

Third, it would not preclude judicial review of abortion laws or prevent a court from holding abortion laws unconstitutional. A court could hold abortion laws invalid if they failed to comply with the Constitution except to the degree that such a ruling would create a "right to abortion." Thus, racially discriminatory abortion laws would be invalidated, but not ordinary abortion restrictions.

Fourth, it would not affect State constitutions. It would not prohibit the citizens in any State from adopting—or, for that matter, any State supreme court from fashioning—a right to abortion under the State constitution.

Fifth, it would not grant Congress any power to directly restrict or prohibit abortion. Congress would retain its authority under its enumerated constitutional powers to regulate interstate commerce and other areas that might tangentially touch upon abortion. This limited authority is nothing more than exists for every other form of domestic relations law—or any other law for that matter—which is subject to the plenary jurisdiction of the States.

Sixth, it would not give to the States any new authority to regulate abortion. Their general police powers to regulate abortion would be restored, but would not be enhanced.

Seventh, it would not alter the constitutional allocation of power between the State and Federal Government, or between the legislative and judicial branches.

PROGENY OF ROE

As I have mentioned earlier, Roe against Wade and Doe against Bolton created for the first time in the Constitution's history an enforceable right to abortion which overturns the abortion laws of every State in the Union. These Supreme Court cases basically opined that the right to seek an abortion is a fundamental liberty, one of those handful of rights so sacred that any State regulations of the right must show a compelling justification. This standard of judicial review is so strict that very few, and only very inconsequential, limitations on the Court-created right have been held constitutionally sufficient in the decade since Roe.

Although the Court has stated that the right to abortion is not absolute and unqualified, *Maher* v. *Roe,* 432 U.S. 464, 473, it has nonetheless proven powerful enough to strike down State attempts to protect the dual interests of maternal safety and the life of the unborn. For example, the right has overridden State policies requiring spousal consent to an abortion, parental consent for an abortion performed on a minor, use of abortion techniques other than saline aminocentesis in the interest of safety, the same care to save an abortion fetus as would be used to save a child intended to be born alive—*Danforth,* 428 U.S. 52—hospitalization for abortions performed after the first trimester, a physician to notify his patient of the risks and effects of abortion, a 24-hour waiting period before performance of the operation, and humane and sanitary

disposal of the remains of the aborted child—Akron.

In cases which the Supreme Court analyzed under its compelling State interest standard, States have been allowed to require that women consent to an abortion in writing and that abortion clinics keep records of their activities. Danforth, supra. States have also been allowed, under limited circumstances, to require parental notification of abortions performed on a minor, *H.L.* v. *Matheson,* 101 S. Ct. 1164. And just recently, States were allowed to require the presence of a second physician when late-term abortions are performed. Planned Parenthood against Ashcroft, June 15, 1983. In cases analyzed by the Court independent of the compelling State interest test, restrictions on funding of abortions have been upheld, *Maher* v. *Roe,* 432 U.S. 464; *Harris* v. *McRae,* 448 U.S. 297.

The subsequent development of the abortional right promulgated by the Court in Roe against Wade has largely been one of expansion of the right to its fullest possible limits through the gradual elimination of virtually all possible impediments to its exercise. Review of the opinions of the Court which followed Roe against Wade demonstrates this development.

In Doe against Bolton, the court invalidated, on 14th amendment grounds, various procedural requirements contained in a recently enacted criminal abortion statute of the State of Georgia. Before reaching these procedural aspects of the statute, the Court considered and upheld against a vagueness challenge the requirement that the physician find the abortion to be "necessary." 410 U.S. at 191-92. Citing its decision in *United States* v. *Vuitch,* 402 U.S. 62, 71-72 (1971), the Court found that such a standard left latitude for the physician to consider all factors relating to "health" and therefore was within the ambit of "judgment(s) that physicians are obviously called upon to make routinely whenever surgery is considered." 410 U.S. at 192. The broad applicability of the term "health" as the Court defined it—

> Allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman. 410 U.S. at 192.

The Court found the statute's requirement that permissible abortions be performed in hospitals accredited by the Joint Commission on Accreditation of Hospitals was constitutionally invalid on the ground that such requirement was not "based on differences that are reasonably related to the purpose of the act in which it is found." 410 U.S. at 194. The Court recognized the permissibility of the States adopting standards for the licensing of all facilities where abortion may be performed after the first trimester so long as the standards are "legitimately related" to permissible State objectives. Nevertheless, it felt compelled to agree with the appellants that the State had failed to justify a requirement that such abortions be performed in a licensed hospital, as opposed to a facility—such as a clinic—with all staffing and services necessary to perform abortions safely—including means of handling complications—Id. at 195. The Court also found the hospital requirement per se invalid because of its failure to exclude the first trimester of pregnancy. Id.

The Court also struck down the Georgia statute's requirements of prior approval of an abortion by both a committee of the hospital's medical staff in which the operation is to be performed and two other licensed physicians. It found such requirements to be "basically redundant" and without rational connection to a patient's needs, as well as unduly restrictive of the physician's right to practice. Id. at 197, 199. The statute' requirement of residency within the State was found to be unrelated to any legitimate State interest—such as conservation of limited State-supported medical resources for residents of the State—Id. at 200. In short, the compelling State interest test operated to invalidate State limitations on abortion. In the dissenting voice of Justice White:

> The common claim before us is that for any one of such reasons, or for no reason at all, and without asserting or claiming any threat to life or health, any woman is entitled to an abortion at her request if she is able to find a medical advisor willing to undertake the procedure. The Court for the most part sustains this position.

The Court next adverted to the matter of abortion in a very different context. In *Bigelow* v. *Virginia,* 421 U.S. 809 (1975), the Court considered a Virginia statute which had made it a misdemeanor for any person to encourage or promote the procuring of abortion or miscarriage by publication, lecture, advertisement or sale or circulation of any publication, or in any other manner. In 1971, before the decision in Roe against Wade, the appellant had been convicted under the statute for running an advertisement in a Virginia newspaper which advised its readers of the availability of legal abortions in New York and supplied the particulars as to whom to contact for assistance in obtaining an abortion. The Court held that the kind of speech involved, notwithstanding its commercial character, was fully protected under the first amendment. Relying upon its holding in Roe against Wade, the Court further justified its holding upon the ground that "the activity advertised pertained to constitutional interests." Id. at 822.

Justice Rehnquist pointed out the inconsistencies in the majority opinon by noting that the primary reason the advertisement is given more constitutional protection than other commercial speech is that the ad related to "abortion, elevated to constitutional stature by the Court." Rehnquist further captured the inconsistency by noting that if the first amendment were the only basis for the holding, the subject matter of the ad ought not to make any difference.

In *Connecticut* v. *Menillo,* 423 U.S. 9 (1975), the Court corrected a misunderstanding of the scope of its holding in Roe against Wade which had arisen in the highest courts of some States. In reliance on certain language in Roe against Wade, the Supreme Court of Connecticut had held that State's criminal abortion statute to be "null and void" in its entirety, so as to preclude its enforcement even against a nonphysician who had attempted to procure an abortion. Id. at 9-10. Upon appeal by the State, the Supreme Court explained in a per curiam opinion that it had not held the Texas statute involved in Roe against Wade to be unenforceable against a nonphysician abortionist for the case did not present the issue." 423 U.S. at 10, Rather, the Court indicated, the "right to an abortion recognized in Roe against Wade was entirely contingent upon its being performed by a competent licensed physician under conditions insuring maximum safety for the woman. Id. at 11.

In *Planned Parenthood of Central Missouri* v. *Danforth,* 428 U.S. 52 (1976), a case which it described as "a logical and anticipated corollary to Roe against Wade * * * and Doe against Bolton," Id. at 55, the Court dealt with some of the secondary issues which were forecast and reserved in those earlier opinions. At issue were various provisions of a comprehensive statute for the control and regulation of abortion which was passed by the Missouri Legislature in 1974, shortly after invalidation of its previous abortion legislation under the authority of Roe against Wade. Id. at 55-56.

The portion of the statute which defined "viability" as "that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems" was held not to circumvent, or be violative of, the limitations on State regulation outlined in Roe against Wade. Id. at 63-65. The Court rejected the appellants' contentions that the statutory definition was defective by reason of its lack of reference to a gestational time period or the three states of pregnancy, and its use of the term "indefinitely." It found that the prescribing of a specific point in the gestation period as the point of viability is not the function of the courts or legisla-

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tures, but, rather, that the determination that a particular fetus is viable is a matter for the professional judgment of the "responsible attending physician." Id. at 64-65.

The Court upheld a requirement of the statute that the woman, prior to submitting to an abortion during the first 12 weeks of pregnancy, certify her consent to the procedure in writing and that such consent be "informed" and freely given and not the result of coercion. Id. at 67. The Court invalidated, however, the statute's requirements of prior written consent to an abortion within the first 12 weeks of pregnancy by the spouse or by one parent—or a person in loco parentis—of an unmarried minor under the age of 18 years. In both instances, that of spouse or parent, the Court took the position that any power a family member might have to veto a contemplated abortion would have to be a delegation of State power. Under this analysis, the Court concluded that the State could not delegate such a power to spouse or parents because it lacked the power itself. 428 U.S. at 70, 74. While recognizing the "deep and proper concern and interest" of a husband "in his wife's pregnancy and in the growth and development of the fetus she is carrying," the Court found that in cases of disagreement a wife's decision must govern because "the view of only one of the two marriage partners can prevail. Inasmuch as it is the woman who physically bears the child and who is the more directly and immediately affected by the pregnancy, as between the two, the balance weighs in her favor." Id. at 69, 71.

Three dissenting justices noted that the Court had assumed the State was delegating power it did not possess. Instead the State was trying to protect the interest of the father in preserving the life of his offspring. "A father's interest in having a child—perhaps his only child—may be unmatched by any other interest in his life." 428 U.S. at 93.

While reiterating the principle that "minors, as well as adults, are protected by the Constitution and possess constitutional rights," the Court also gave recognition to the State's "somewhat broader authority to regulate the activities of children than of adults." Id. at 74. Nevertheless, weighing the State's interests in the safeguarding of the family unit and of parental authority against the right of privacy of the "competent minor mature enough to have become pregnant," the Court found that it could not conclude that "providing a parent with absolute power to override a determination made by the physician and his minor patient, to terminate the patient's pregnancy will serve to strengthen the family unit" or that "such veto power will enhance parental authority or control where the minor and the nonconsenting parent are so fundamentally in conflict and the very existence of the pregnancy already has fractured the family structure." Id. at 75.

The dissent again raised questions. In their view, the parental consent statute merely protected the decision to have an abortion. Minors may not have the capacity to make such decisions in their best interest without parental involvement. States have traditionally sought to protect children from their own immature decisions by requiring parental consent.

The Court also found unconstitutional the statute's prohibition of the use of saline amniocentesis as a method of abortion after the first 12 weeks of pregnancy. Id. at 75-79. This requirement of the statute had been based upon an express legislative finding that such technique was deleterious to maternal health." Id. at 76. But the Court rejected the validity of this finding based upon its own assessment of the record. A majority of the Justices found that prostaglandin injection—apparently the only indisputably safer abortion technique for the woman—was not in fact generally available in the State of Missouri. Thus, the practical effect of the prohibition was, by forcing the woman and her physician to terminate her pregnancy by methods more dangerous to her health, to inhibit unreasonably or arbitrarily the vast majority of abortions after the first 12 weeks of pregnancy. Id. at 78-79, 101-02.

Another provision of the statute required the physician performing an abortion to exercise the same degree of care to preserve the life of an aborted fetus as would be exercised if the fetus had been intended to be born alive. Both criminal—manslaughter—and civil liability were imposed if the physician failed to take measures "to encourage or sustain the life of the child, and the death of the child results." Id. at 82. The Court held the provision to be invalid by virtue of its failure to limit its applicability to the period after the viability stage has been reached. Id. at 83. The dissent noted that read in any way except through a microscope, this section was only meant to apply to fetuses capable of surviving outside the womb, the requirement imposed by Roe.

The Court was presented with another State statute requiring parental consent for an abortion to be performed on a minor in *Bellotti* v. *Baird* (Bellotti 1), 428 U.S. 132 (1976). The Massachusetts statute involved there required the consent of both parents, as well as the pregnant minor, for any abortion to be performed on wealth, after hearing, "for good causes shown," if one or both parents refused to consent. Id. at 134-35. The attorney general of Massachusetts urged that the statute was not one which allowed the parents to veto their minor child's decision to have an abortion solely on the ground of their own preferences. Rather, it was urged, it merely gives preference to parental consultation and consent, but permits a mature minor capable of giving informed consent to obtain a court order permitting an abortion without parental consent or consultation, and allows a minor not capable of giving informed consent to obtain an order without parental consultation where there is a showing that an abortion would be in her best interests. Id. at 144-45. Accepting the proffered interpretation as one which might very well be applied by the courts of Massachusetts, and as one which would not unduly burden the right to seek an abortion, the Court, decided the case was a proper one for abstention. So long as the Supreme Judicial Court of Massachusetts could interpret the statute so as not to unduly burden the abortion decision, in a manner consistent with the interpretation proffered by the Massachusetts attorney general, review of the constitutional issues would be, the Court felt, unnecessary. Id. at 148.

In *Beal* v. *Doe,* 432 U.S. 438 (1977), the Court was presented with the issue of whether title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (1970 ed. and Supp V), which establishes the medicaid program, requires participating States to fund the cost of nontherapeutic abortions. Under Pennsylvania's federally approved medicaid plan, financial assistance for abortions was to be provided only upon certification by physicians that same were "medically necessary." 432 U.S. at 441. Fastening upon the distinction between necessary and unnecessary medical treatment, as well as The State's "valid and important interest in encouraging childbirth," the Court held that, absent a clear mandate in the language or legislative history of title XIX, there was no federally imposed obligation upon the States to fund nontherapeutic abortions. Id. at 444-46.

In the companion case, *Maher* v. *Roe,* 432 U.S. 464 (1977), the Court considered the related question of whether the Constitution requires a participating State which pays for childbirth to pay also for nontherapeutic abortions. Similarly to the Pennsylvania regulation involved in Beal, Connecticut medicaid regulations limited benefits for first trimester abortions to those that were "medically necessary." The regulation was challenged on the ground that it violated the equal protection clause of the 4th amendment. The Court held that notwithstanding its impact on indigent women desiring abortions, the regulation involved no discrimination against a suspect class.

> This Court has never held that financial need alone identifies a suspect class for purposes of equal protection analysis. Id. at 471.

The Court further held that the regulation placed no obstacles in the pregnant woman's decision to abort, and thus did not impinge upon the fundamental right recognized in Roe against Wade.

> The State may have made childbirth a more attractive alternative, thereby influencing the woman's decision, but it has imposed no restriction on access to abortions that was not already there. Id. at 474.

In support of its holding, the Court emphasized that it was not retreating form its holding in Roe and its progeny, but that—

> There is a basic difference between direct state interference with protected activity and state encouragement of an alternative activity consonant with legislative policy . . . A State is not required to show a compelling interest for its policy choice to favor normal childbirth. Id. at 475, 477.

Although the State did not have a similar requirement of a showing of medical necessity for other medical procedures, the Court upheld the validity of the distinction, since such procedures "do not involve the termination of a potential human life." Id. at 480.

In a decision issued on the same day as Beal and Maher, the Court, in *Poelker* v. *Doe,* 432 U.S. 519 (1977), gave consideration to the refusal by the city of St. Louis to provide publicly financed hospital services for nontherapeutic abortions. Finding the constitutional principle involved to be identical with that involved in Maher, the Court found no constitutional violation by the city in electing, as a matter of policy, to provide public hospital services for childbirth while denying such services for nontherapeutic abortions.

The Court returned to the matter of State statutes which impose a standard of care on person performing an abortion in *Colautti* v. *Franklin,* 439 U.S. 379 (1979). A Pennsylvania statute required that every person who performs an abortion make a determination of whether or not the fetus is viable and, upon a finding of actual or possible viability, exercise the same duty of care to preserve the fetus' life and health as if the fetus had been intended to be born alive. The statute also required the use of the abortion technique most conducive to the fetus being born alive so long as a different technique is not necessary to preserve the mother's life or health.

The Court found the viability determination requirement of the statute to be constitutionally void for vagueness. Id. at 390. If found a double ambiguity in the statute. The first ambiguity was found to flow from the statute's requirement that the prescribed standard of care be applied where there is "sufficient reason to believe that the fetus may be viable." This phraseology, the Court found, left unclear whether the determining factor was to be the physician's subjective judgment or "the perspective of a cross section of the medical community or a panel of experts." Id. at 391. The second ambiguity stemmed from the statute's use of the phrase "may be viable." The Court found that it could not merely mean "viable" since the statute used that term in juxtaposition to "may be viable". If one term ("viable" or "may be viable") meant "viable" as the term used in Roe against Wade, the Court felt, the other term could be construed to relate to some other indeterminate stage of fetal development. Id. at 392-93. These uncertainties, the Court felt, left the physician subject to potential criminal liability predicated on "confusing and ambiguous criteria." Id. at 394.

The Court also held the standard-of-care provision itself to be impermissibly vague. Id. at 397-401. The defect was found to flow from the provision's failure to make clear which interest is dominant, that of the mother or that of the fetus, or whether the physician is required to make a "trade-off" between the two interests. Such a conflict of cuties, the Court felt, requires the State to proceed with greater precision. Id. at 400-01. The three dissenters noted that Roe had allowed States to protect the unborn after viability, but this ruling withdrew a substantial measure of the State's ability to protect fetal life in the third trimester.

Bellotti v. *Baird* ("Bellotti II"), 443 U.S. 622 (1979), returned to the Court in 1979. On the basis of rulings by the Supreme Judicial Court of Massachusetts construing various aspects of the statute, the Court found the statute to be unduly burdensome to the right to seek an abortion and, therefore, unconstitutional. Four of the Justices were of the opinion that if a State decides to require parental consent for a minor's abortion decision, it must, in order to insure that the requirement for parental consent does not in fact, confer on the parents an "absolute, and possible arbitrary veto," also make available an alternative judicial procedure whereby authorization may be obtained. Id. at 643-44. The Massachusetts statute, as construed by the State's highest court, failed they held, to meet these requisites in two respects: First, by virtue of its requirement that in all events the minor seek parental consent, Id. at 646-48, and second, to the extent it allowed the State court to disregard the abortion decision of a minor who has been determined to be mature and fully competent to assess the implications of the choice she has made based upon its own assessment of the best interests of the minor. Id. at 649-50. With respect to the first defect, the minor must have, the Justices felt, the opportunity to go directly to court without first consulting or notifying her parents, and the court must authorize her to act without parental consultation or consent if it finds her mature and well-informed enough to intelligently make the decision to abort. Id. at 647. If it finds her not to be competent to make such decision independently, she must nevertheless be permitted to show that an abortion would be in her best interests, and if the court is persuaded, it must order the abortion. Id. at 647-48. Once again the Court rejected any notion that minors heed parental consultation if the abortion decision is to be meaningful.

The Court turned again to the issue of abortion funding in 1980 in the companion cases of *Harris* v. *McRae,* 100 S. Ct. 2671 (1980), and *Williams* v. *Zbaraz,* 100 S. Ct. 2694 (1980). Harris involved challenges to the continuing prohibitions by Congress—usually referred to as the "Hyde Amendment"—since 1976 to the use of Federal funds to reimburse the cost of abortion under the medicaid program except in certain specified circumstances. Several pregnant women and others challenged the Hyde amendment as violative of the due process clause of the fifth amendment and the religion clauses of the first amendment of the Constitution. It was also contended that despite the Federal funding restriction, the States were required under their medicaid programs to pay for all medically necessary abortions.

The Court looked first to its holding in Maher against Roe and concluded that the funding restrictions of the Hyde amendment did not impinge upon the freedom of a woman to decide to terminate her pregnancy. Id. at 2685-87. The Court was unmoved by an attempt to distinguish the holding in Maher on the ground that the case dealt with a refusal by the State to pay for nontherapeutic abortions, whereas the Hyde amendment extended the denial of the use of Federal funds to therapeutic abortions also. After reexamining the health interest of the woman which served as a basis for the abortional freedom recognized in Roe against Wade, the Court nevertheless stated that

> It simply does not follow that a woman's freedom of choice carries with it a constitutional entitlement to the financial resources to avail herself of the full range of protected choices. Id. at 2688.

The Court also rejected the argument that the Hyde amendment contravenes the religion clauses of the first amendment. The appellees asserted that the Hyde amendment incorporated doctrines of the Roman Catholic Church concerning the sinfulness of abortion, in violation of the establishment clause. In response, the Court stated that

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> It does not follow that a statute violates the Establishment Clause because it "happens to coincide or harmonize with the tenets of some or all religions." Id. at 2689.

Finally, the Court rejected the argument that the Hyde amendment violated the equal protection component of the fifth amendment by making Federal reimbursement available under medicaid for medically necessary services generally but not for medically necessary abortions. Citing Maher, the Court could find no suspect classification by virtue of the statute's effect on the indigent; further, it found the statute to be rationally related to the Government's legitimate interest in protecting the "potential life of the fetus." Id. at 2691-92. On this analysis, the Court could find no constitutional infirmity with the Hyde amendment.

Williams v. *Zbaraz*, 100 S. Ct. at 2694, the companion case to Harris, dealt with an Illinois statute which prohibited State medical assistance payments for all abortions except those necessary to save the life of the pregnant woman. The Court found the case to be fully governed by the principles enunciated in Harris against McRae, and thus held that such a State enactment was not in violation of the 14th amendment. Id. at 2700-01.

The Court's next decision in the abortion area came in 1981 in *H. L.* v. *Matheson*, 101 S. Ct. 1164 (1981), another case involving the issue of parental notification for the abortion of a minor. The Utah statute at issue required, in relevant part, that the physician "notify, if possible, the parents or guardian of the woman upon whom the abortion is to be performed, if she is a minor." Id. at 1166-67.

The Court limited its consideration of the issues to the effect of the statute upon minor daughters who, first, were living with and dependent upon their parents, second, were not emancipated by marriage or otherwise, and third, have not made a claim or showing as to their maturity or relations with their parents. Id. at 1169-70. Reiterating the rule enunciated in Bellotti II "that a State may not constitutionally legislate a blanket, unreviewables power of parents, to veto their daughter's abortion," the Court nevertheless held that a "mere requirement of parental notice" would not violate the constitutional rights of the minor if she were immature and dependent. Id. at 1171. The Court grounded this ruling in "the important considerations of family integrity and protecting adolescents," as well as the State's significant interest in "providing an opportunity for parents to supply essential medical and other information to a physician." Id. at 1172. Looking again to the State's interest in encouraging childbirth, the Court found no deficiency in the statute by virtue of its disparate treatment of minors who elect to carry the child to term as compared with those who choose to abort; and the Court found no valid basis for voiding the statute simply because it might inhibit some minors from seeking abortions. Id. at 1173. Accordingly, as applied to the extremely narrow class before it, that is, of unemancipated minors who are dependent upon and living with their parents, and who have made no claim or showing as to maturity or relations with parents militating against notification, the Court upheld the Utah statute. Id.

This brings our survey to the most recent Supreme Court pronouncements on abortion, Akron against Center for Reproductive Health, Planned Parenthood against Missouri, and Simpoulos against Virginia, all of which were decided on June 15, 1983. Akron, the centerpiece of this trilogy of cases, began by citing stare decisis, which the Court conceded is "perhaps never entirely persuasive on a constitutional question," as justification for reaffirming Roe against Wade. The Court further clarified that "the right to choose an abortion, as with other fundamental rights subject to searching judicial examination, must be supported by a compelling state interest." Slip Op. at 9. Justice O'Connor called this standard "unduly burdensome." Once again, the Court used language to describe the right created in Roe that closely approximates the language of Senate Joint Resolution 3, "the right to choose an abortion."

Based on the exacting standards of the "compelling state interest" test, the Court declared four Akron City ordinances invalid. The first of these ordinances had required hospitalization for abortions performed after the first trimester of pregnancy. Justice Powell, speaking for the majority of six, noted that Roe had indeed stated that a State's interest in maternal safety becomes "compelling" at approximately the end of the first trimester. Nonetheless, the Court found that "present medical knowledge convincingly undercuts" Akron's argument that their ordinance promoted maternal safety. Accordingly the Court declared the hospitalization requirement unconstitutional as an "unreasonable infringement upon a woman's constitutional right to obtain an abortion." Slip Op. at 20. The effect of this action was to place the statutes of 21 States, which required hospitalization beyond the first trimester, in jeopardy.

Justice O'Connor, speaking for the three dissenters, attacked these conclusions on several grounds. In the first place, the Court was depriving States and localities of the discretion to weigh what requirements are necessary to protect maternal health within their jurisdictions:

> In determining whether the State imposes an "undue burden" we must keep in mind that when we are concerned with extremely sensitive issues, such as the one involved here, "the appropriate forum for their resolution in a democracy is the legislature." We should not forget that "legislatures are ultimate guardians of the liberties and welfare of the people in quite as great degree as the courts."

She also noted that hospitalization is not an "unreasonable means of furthering the State's compelling interest in preserving maternal health." Slip Op. at 16.

The next aspect of the Akron case dealt with parental consent. The Akron ordinance provided for parental consent for abortions performed on minors under 15 or, in the alternative, the consent of a juvenile court. Based on a finding that the juvenile court statute of Akron did not specifically confer authority to provide abortion consent or weigh the maturity of a minor to make such a decision alone, the majority declared the Akron statute unconstitutional. Justice O'Connor criticized this conclusion in strong language:

> In light of the Court's complete lack of knowledge about how the Akron ordinance will operate, and how the Akron ordinance and the state juvenile court statute interact, our "'scrupulous regard for the rightful independence of state governments" counsels against unnecessary interference by the federal courts with proper and validly administered state concerns, a course so essential to the balanced working of our federal system.

The Court next acted to invalidate the ordinance requiring a physician to inform his patient of the risks, effects, and alternatives associated with abortion prior to performing the operation. The majority based their ruling on the conclusion that "only a physician is competent to provide the information and counseling relevant to informed consent." Slip Op. at 31. To prescribe a recitation of risks and effects of abortion would thusly, in the opinion of the Court, place the physician in an "undesired and uncomfortable straitjacket." Id. at 27. This action by the Court places in jeopardy statutes in 24 of the 50 States which require that women be provided with some form of information prior to undergoing an abortion. The gist of Justice O'Connor's dissent is that providing additional information to a woman can only enhance her opportunity to make a truly informed decision. Information, per se, imposes "no undue burden or drastic limitation on the abortion decision." Slip Op. at 21.

The next aspect of the Court's decision struck down an ordinance requiring a 24-hour hiatus between the signing of a consent form and the performance of the abortion. The Court found that this requirement placed unacceptable encumbrances upon the woman's abortion decision. Justice O'Connor, once again, propounded an effective response: "The waiting period is surely a small cost to impose to insure that the woman's decision is well considered in light of its certain and irreparable consequences on fetal life, and the possible effects on her own." Id. at 23.

The final aspect of the Akron case invalidated an ordinance similar to several State statutes requiring humane and sanitary disposal of the remains of the aborted child. The Court concluded that this requirement was vague and uncertain because it seemed to "suggest a possible intent to mandate some sort of decent burial." Slip Op. at 33. Justice O'Connor noted that the real intent of this ordinance was to "preclude the mindless dumping of aborted fetuses on the garbage piles," Slip Op. at 24, and that the statute indicated no intent to require that physicians provide "decent burials." Id.

The Planned Parenthood case allowed States to require the presence of a second physician at the abortion of a viable fetus, to require submission of pathological reports following abortions, and to require a juvenile court to grant a minor consent for an abortion "for good cause" unless the court finds that the minor is not mature enough to make her own decisions.

Finally, in the Simpoulos case a Virginia doctor was convicted for performing an abortion during the second trimester of pregnancy outside of a licensed hospital. This Virginia hospitalization requirement differed from the requirement in Akron because Virginia also allows abortions to be performed in licensed outpatient clinics. In this case, the physician injected an unmarried minor with a saline solution and then concurred in her announced intention to deliver the fetus alone in a hotel room. At no time did the physician urge the pregnant minor to seek appropriate medical care or report to a hospital when labor began.

Thus, as shown by this brief survey of the progeny of Roe against Wade, the Court's treatment of the right of abortion which it promulgated in Roe has been essentially one of reaffirmation and extension of that right, and of protection of it from virtually all possible competing interest, private or public. Covering as they do almost a decade of carefully considered opinions dealing with every possible aspect of the matter. It is clear that these opinions evince a firm and unequivocal commitment by the Court to continued recognition and protection of a right to abortion. Thus, so far as the courts are concerned, such right has now become an indelible part of the fundamental law of the land.

In light of the extent to which the right to abortion has been stretched to limit State discretion, I once more urge my colleagues to vote for Senate Joint Resolution 3. Senate Joint Resolution 3 will reverse Roe and discredit any of the progeny of Roe based on the right to abortion. The amendment, as I have explained earlier, does not replace the absolutist and extreme right in Roe with any kind of a value judgment on the appropriateness of a woman's interest in seeking an abortion or the right of the unborn child to life. These judgments are left exclusively to the States. This is not to say, however, as I have also clarified, that the amendment will immunize abortion-related State legislation from the other general structures of the Constitution insofar as they do not protect abortion itself. Thus, for instance, a law prohibiting individuals from advocating abortion on demand would clearly be in violation of the first amendment, while a law making distinctions with respect to when an abortion might be performed based on a woman's race would clearly run afoul of the equal protection clause. Such actions would not have the effect of restoring even a minor way any constitutional impediments to the right of the representative branches of State governments to restrict and prohibit abortion.

I ask unanimous consent that a list of prolife churches and their approximate populations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PROLIFE CHURCHES

1. Southern Baptist (13½ million members) (ban, except life of mother).
2. Catholic (50 million).
3. Church of Jesus Christ of Latter-day Saints (4 million).
4. Eastern Orthodox (4 million).
5. Orthodox Judaism (1 million).
6. Lutheran Church Mission Synod (2.7 million).
7. Assembles of God (1.3 million).
8. Churches of Christ (4 million).
9. National Association of Evangelicals—36,000 Protestant churches in 74 denominations.

Mr. HATCH. Mr. President, I believe that concludes our efforts for this day. We will be back tomorrow.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business during which Senators may speak therein, and the time not to extend beyond 6:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

FEDERAL ACTIONS WITH RESPECT TO CONSERVATION OF PETROLEUM AND NATURAL GAS—MESSAGE FROM THE PRESIDENT—PM 60

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Pursuant to the requirements of Section 403(c) of the Powerplant and Industrial Fuel Use Act of 1978, I hereby transmit the fourth annual report describing Federal actions with respect to the conservation and use of petroleum and natural gas in Federal facilities and conservation of petroleum and natural gas by recipients of Federal assistance.

RONALD REAGAN.

THE WHITE HOUSE, *June 27, 1983.*

ANNUAL REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY—MESSAGE FROM THE PRESIDENT—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I am pleased to transmit to the Congress the Thirteenth Annual Report of the Council on Environmental Quality.

I hope that those who read this report will recognize the progress that this country continues to make in its long-standing commitment to a clean and healthy environment for all our people.

Americans have long recognized that this nation has been blessed with abundant natural resources and a clean and healthy environment. Beginning with the early pioneers and continuing today, Americans consider clean air and water, fruitful farmlands, beautiful mountains and rivers, and plentiful energy and mineral resources to be treasured parts of their national heritage. As President and as an American citizen, I am deeply con-

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cerned that present and future generations be protected from the adverse health effects of toxic chemicals and hazardous wastes, that their water be fit to drink, their air fit to breathe, and that their natural resources be protected. As we strive for economic progress and the promise of a better life, we recognize that a clean and healthy environment is a vital part of that promise.

To ensure our natural resource heritage, the United States has enacted the most far-reaching and comprehensive environmental and natural resource legislation of any nation in history. Our laws protecting air and water quality are used as models by other countries, because they have worked. Air quality in the United States today, especially in our cities, is much better than it was ten years ago. Streams, rivers, and lakes all across the country are becoming cleaner. The United States has passed legislation to control the manufacture, storage, transportation, and disposal of hazardous substances. We recently created a nationwide fund of over a billion and a half dollars to clean up abandoned chemical dump sites. We have enacted a program to evaluate new and existing chemicals. In 1981, private businesses and government spent over 60 billion dollars in order to comply with U.S. environmental laws.

No other nation has set aside as many acres of parks, wilderness and wildlife refuge areas, or as many miles of scenic rivers and natural trails, for the enjoyment of present and future generations. Our national park system has grown to 77 million acres, and almost 7,000 miles of river are included in our national wild and scenic rivers sytems.

As President, I am committed to continue this record of achievement. As we learn more and more about the causes and alternative solutions to environmental problems, we are learning how to solve them. We are applying the economic and technical lessons we have learned during the past decade in order to continue our environmental improvement into the future.

During the past two years we have worked to manage our natural resources more efficiently. We have increased state government involvement in programs ranging from water allocation to new source permit processing. We have reduced federal subsidies for economic development which contributed to environmental degradation. We have expanded innovative programs which allow industry the regulatory flexibility and economic incentives to clean up pollution. We have increased research to determine the causes and effects of acid rain, which was not a widespread public concern ten years ago.

We can be very proud of our environmental achievements. As we address the pressing environmental issues now confronting us, we will continue to move toward our common national goals: the preservation of scenic beauty, the protection of wilderness areas and parklands, and a future that is both economically prosperous and environmentally safe.

RONALD REAGAN.

THE WHITE HOUSE, *June 27, 1983.*

MESSAGES FROM THE HOUSE

At 2:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BEVILL, Mrs. BOGGS, Mr. CHAPPELL, Mr. FAZIO, Mr. WATKINS, Mr. BONER of Tennessee, Mr. WHITTEN, Mr. MYERS, Mrs. SMITH of Nebraska, Mr. RUDD, and Mr. CONTE as managers of the conference on the part of the House.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 14. A concurrent resolution in commemoration of the bicentennial of the birth of Simon Bolivar, hero of the Independence of the Americas.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1183. An act to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981; and

H.J. Res. 308. Joint resolution increasing the statutory limit on the public debt.

HOUSE MEASURE REFERRED

The following bills were READ the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 308. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

HOUSE MEASURE HELD AT THE DESK

The following bill was read the first and second times by unanimous consent, and held at the desk pursuant to the order of the Senate of today, June 27, 1983:

H.R. 1183. An act to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1323. A communication from the Secretary of the Department of the Interior transmitting, pursuant to law, the Annual Report on the Youth Conservation Corps (YCC) program in the Department of the Interior; to the Committee on Energy and Natural Resources.

EC-1324. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the Report to Congress on the Progress of Regulation to Protect Stratospheric Ozone; to the Committee on Environment and Public Works.

EC-1325. A communication from the Deputy Secretary of the Treasury transmitting a draft of proposed legislation "To authorize the Secretary of the Treasury to obtain certain services and facilities and incur certain administrative expenditures"; to the Committee on Finance.

EC-1326. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-265. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on the Judiciary:

"SENATE RESOLUTION 134

"Whereas, the State of Georgia is currently celebrating the two hundred and fiftieth anniversary of its founding, and the Governor and the General Assembly were conscious of the upcoming two-hundredth anniversary of the Constitution of the United States; and

"Whereas, the Constitution of the United States is predicated on a set of values based upon the inherent worth, dignity, responsibility, and sovereignty of the individual; and

"Whereas, the Constitution of the United States, having stood the ruthless test of time, is the venerable patriarch of the world's written chapters of government; and

"Whereas, there are indeed few documents of American history which offer so rich a reward to the citizen who reads with care and thoughtfulness; and

"Whereas, it is only fitting that the renewing and reviving of one's commitment to these basic values is the greatest gift that every citizen of the United States can give in this celebration. Now therefore, be it

"Resolved by the General Assembly of Georgia that the members of this body acting on behalf of the people of Georgia urge the Congress of the United States to make plans for the historic celebration of the two-hundredth anniversary of the Constitution of the United States and to have such plans include a call to all people to renew and revive their allegiance to the values for which this country stands."

POM-266. A resolution adopted by the Senate of the State of Georgia; to the Committee on the Judiciary:

"RESOLUTION

"Whereas, in 1973, the Georgia General Assembly, responding to and reflecting the overwhelming public sentiment present within this state, enacted legislation providing for the imposition of the death sentence for persons convicted of the commission of certain heinous crimes; and

"Whereas, since 1973, more than 100 persons have been convicted and sentenced to death for the commission of various horrible and violent crimes; and

"Whereas, if citizens of the State of Georgia are to maintain confidence in the judicial and criminal justice systems and if capital punishment is to serve as an effective deterrent, there must be a certainty that the sentence of death will be imposed and carried out expeditiously for persons found guilty of the commission of these abhorrent acts; and

"Whereas, in 1980, the Georgia General Assembly, responding to the sense of frustration of the public in the matter of the imposition of the death sentence, took appropriate and needed steps to streamline the review processes of the death sentence in the state judiciary; and

"Whereas, this body, while recognizing the appropriateness of each defendant's constitutional right to pursue all legal remedies available to test the legality of his conviction and sentence in criminal cases, recognizes that it is nevertheless not in the public interest that such challenges be pursued in any manner other than timely, with the courts resolving in an expeditious manner all such proceedings. Now, therefore, be it

"Resolved by the Senate that this body does urge the United States Congress to enact appropriate federal legislation establishing in the federal judiciary an efficient and expeditious unified appeals process regarding all challenges to the imposition of the death penalty so that in all death penalty cases the people of the State of Georgia may be assured that there will be swift and sure punishment for persons convicted of those horrible and violent crimes within this state for which the death penalty may be imposed. Be it further

"Resolved that the Secretary of the Senate mail a copy of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the United States House of Representatives, to the chairmen of the United States Senate and United States House Judiciary Committees, to the members of the Georgia Congressional Delegation, and to each appellate and district court judge of the 11th U.S. Judicial Circuit."

POM-267. A resolution adopted by the Senate of the State of Georgia; to the Committee on the Judiciary:

"SENATE RESOLUTION 69

"Whereas, by order of a Federal Court Judge, a Federal Monitor has been appointed to oversee operations of the Georgia State Prison; and

"Whereas, the stated purpose of the appointment of the Federal Monitor is to ensure the responsible, secure, and humane operation of the Georgia State Prison; and

"Whereas, the Federal Monitor receives fees that provide him with a salary in excess of that which the Governor of this state receives; and

"Whereas, the Federal Monitor also receives payment for expenses which provides him with an even higher compensation figure; and

"Whereas, the Federal Monitor is authorized to utilize experts whose fees and expenses are added to the already astronomical cost associated with his work; and

"Whereas, these unusually high fees and expenses establish major economic incentives for the Monitor not to complete his work and thus deprive him and his experts of their unique source of income; and

"Whereas, this exorbitant and irresponsible use of the tax moneys of Georgia's citizens works an undue hardship on the people and the economy; and

"Whereas, these unreasonable costs associated with the Federal Monitor's work constitute an almost criminal disregard for the economic realities of our nation and especially of the State of Georgia; and

"Whereas, the people and leaders of Georgia are tired of being used and criminally abused by having to bear the burden of highly inflated costs of $75.00 per hour or $400.00 per day associated with the work of a Federal monitor; and

"Whereas, the Federal Court Monitor has presently received far in excess of $600,000.00 for his work since June, 1979.

"Now, therefore, be it

"Resolved by the Senate that the members of this body call upon the Congress of the United States of America to take the necessary action to ensure that the acts of any Federal Judge or Federal Monitor do not allow for the charging of fees and expenses which are so clearly irresponsible as to border on being criminal in their disregard for the economic conditions and realities of any state and which appear to be punitive in their intent and are certainly punitive in their effect. BE IT FURTHER

"Resolved That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to each member of the Georgia Congressional Delegation."

POM-268. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on the Judiciary:

"H.R. No. 399

"Whereas, Honorable George Bush, the President of the United States Senate, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Presidents of State Senates, county commissioners, and members of the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens for the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations. Now, therefore, be it

"Resolved by the House of Representatives that the members of this body express our gratitude and appreciation to Honorable George Bush, the President of the United States Senate, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to keep harmful and illicit drugs away from our children. Be it further

"Resolved that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable George Bush, President of the United States Senate."

POM-269. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on the Judiciary:

"H.R. No. 403

"Whereas, Honorable Thomas P. "Tip" O'Neill, the Speaker of the United States House of Representatives, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Speakers of State Houses, county commissioners, and members of city councils, and which treaty is to serve as evidence that the Stop Drugs at the sources Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

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"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, The Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of State Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations. Now, therefore, be it

"*Resolved by the House of Representatives* that the members of this body express our gratitude and appreciation to Honorable Thomas P. "Tip" O'Neill, the Speaker of the United States House of Representatives, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to work together to keep harmful and illicit drugs away from our children. Be it further

"*Resolved* that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable Thomas P. "Tip" O'Neill, the Speaker of the United States House of Representatives."

POM-270. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on the Judiciary:

"H.R. No. 404

"Whereas, Honorable Ronald Reagan, the President of the United States, has signed the Response to the People Executive Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Governors, county commission chairmen, and mayors, and which treaty is to serve as evidence that the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations. Now, therefore, be it

"*Resolved by the House of Representatives* that the members of this body express our gratitude and appreciation to Honorable Ronald Reagan, the President of the United States, for having signed the Response to the People Executive Treaty to Stop Drugs at the Source and request the President to sign the International Treaty to Stop Drugs at the Source and to request that leaders of all nations cosign the International Treaty to work together to keep harmful and illicit drugs away from our children. Be it further

"*Resolved* that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable Ronald Reagan, President of the United States."

POM-271. A resolution adopted by the Senate of the State of Georgia; to the Committee on Armed Services:

"SENATE RESOLUTION 23

"Whereas, the Colony of Georgia was founded on February 12, 1733, as a military buffer between the English colonies north of the Savannah River and the Spanish territory of Florida; and

"Whereas, Governor Ohlethorpe organized the militia which for the past 250 years has brought honor, security, and an outstanding military tradition to the great state of Georgia; and

"Whereas, the 101st Separate Coast Artillary Battalion of the Georgia National Guard was organized on October 12, 1940, incorporating Georgia's oldest military units, the Georgia Hussars of Savannah, dating from 1736 as Battery A, the Liberty Independent Troop of Hinesville dating from 1775 as Battery B, the Governor Horse Guards of Atlanta dating from the late 1800's as Headquarters Battery and the new Battery D from Bainbridge; and

"Whereas, the 101st Battalion was ordered to active federal service on February 10, 1941, and assigned to Camp Stewart, Georgia; and

"Whereas, the 101st Battalion was one of the very few National Guard units to go overseas intact in World War II; and

"Whereas, the 101st Battalion was the first complete unit of American ground combat troops to enter combat with the Japanese in New Guninea before the Coral Sea Battle and was shooting down Japanese planes within hours of the fall of Corregidor in May 1942; and

"Whereas, the 101st had the honor of raising the first American flag on New Guinea; and

"Whereas, the 101st fought well and gallantly in the East Indies, Papua, New Guinea, and Philippine Liberation Campaigns; and

"Whereas, the 101st was cited for "outstanding performance of duty in action" during the Papuan Campaign by the President of the United States; and

"Whereas, the 101st was cited for "outstanding performance of duty in action" during the Philippine Liberation Campaign by the President of the Republic of Philippines; and

"Whereas, the 101st battle honors are a continuing legend of gallantry above and beyond the call of duty as exemplified by the continued service to Georgia in the United States Army National Guard by its historic units; and

"Whereas, the World War II veterans of this historic command meeting in Savannah for their annual reunion during the two hundred fiftieth anniversary year of Georgia's founding: Now, therefore, be it

"*Resolved by the Senate* that this body goes on record as recognizing the long service, many sacrifices, and gallant actions of these citizen soldiers of the 101st Separate Coast Artillery Battalion and the continued service of its historic units in peace as well as war which has brought honor and glory to the State of Georgia and to themselves. Be it further

"*Resolved* that the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Honorable Ronald Reagan, President of the United States; to the Honorable Joe Frank Harris, Governor of Georgia; to each member of the Georgia congressional delegation; and to Col. Lindsey P. Henderson, Jr. (Ret.), President of the 101st Battalion Association."

POM-272. A concurrent resolution adopted by the General Assembly of the State of Indiana; to the Committee on Labor and Human Resources:

"RESOLUTION

"Whereas, across America there is much unskilled work that is not now offered to potential workers because of the minimum wage requirements; and

"Whereas, much of this potential unskilled work could and would be performed by the youth of America if an exception to the minimum wage requirements was made for the employment of certain young people; and

"Whereas, the President of the United States has recommended that the minimum wage be lowered as applied to certain jobs and certain young people: Therefore, be it

"*Resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives Concurring:*

"SECTION 1. That we endorse the recommendation of the President of the United States that the minimum wage be lowered as applied to certain young people doing certain jobs.

"SECTION 2. That a copy of this resolution be sent by the Secretary of the Senate to the President, the Vice President, the leadership of both parties in both houses of Congress and to each member of the Indiana Congressional delegation."

POM-273. A resolution adopted by the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Veterans' Affairs:

"RESOLUTION

"Whereas, a great majority of Vietnam veterans have problems and needs that have been ignored, including the need for programs of medical treatment, therapy and disability benefits, as well as vocational and disability rehabilitation; and

"Whereas, the American public believes Vietnam veterans should receive the same respect and favorable treatment accorded veterans of earlier conflicts; and

"Whereas, some Vietnam veterans have suffered severe physical effects, including cancer, nervous system disorders and skin diseases, as a result of their exposure to the defoliant, Agent Orange, while serving in the Republic of Vietnam and reports have been substantiated that unusually high numbers of Vietnamese women and Vietnam veterans' wives have given birth to children with birth defects; therefore be it

"*Resolved (the House of Representatives concurring)*, That whereas the Federal Government, through the Department of Defense, was responsible for the spraying of the defoliant, Agent Orange, the Federal Government, then, through the Veterans' Administration should be responsible for the funding and administration of individual screening programs in order that those veterans suffering the effects of Agent Orange may receive full medical benefits, therapy, disability benefits and rehabilitation training; and be it further

"*Resolved*, That the General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States and the Veterans' Administration to coordinate activities in conjunction with the State Vietnam Herbicides Information Commission; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress, the appropriate committee chairman in the House and Senate of Congress and to each member of Congress from Pennsylvania."

POM-274. A resolution adopted by the Senate of the State of Georgia; to the Committee on Veterans' Affairs:

"SENATE RESOLUTION 192

"Whereas, the State of Georgia has one of the largest veteran populations of any state in the United States; and

"Whereas, the age and infirmities of the older veterans and the disabilities suffered by the younger veterans indicate the need for expanded care facilities; and

"Whereas, outpatient treatment clinics have been established by the Veterans' Administration in Alabama, Florida, South Carolina, North Carolina, and Tennessee; and

"Whereas, the outpatient treatment clinic formerly located in Savannah, Georgia, was phased out by the Veterans' Administration. Now, therefore, be it

"*Resolved by the Senate*, That the members of this body hereby urge the administrator of the Veterans' Administration to reestablish the Outpatient Treatment Clinic in Savannah, Georgia. Be it further

"*Resolved*, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the administrator of the Veterans' Administration, the chief of the Department of Medicine and Surgery of the Veterans' Administration, and to each member of the Georgia Congressional Delegation."

POM-275. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on Agriculture, Nutrition, and Forestry:

"SENATE RESOLUTION 140

"Whereas, in the closing days of the last Congress, certain provisions were added to the Omnibus Reconciliation Act of 1982, H.R. 6955, to authorize the United States Secretary of Agriculture to charge an assessment of $1.00 per hundredweight of milk; and

"Whereas, that assessment will first be imposed April 1, 1983;

"Whereas, the assessment was intended to discourage increasing milk production, thereby decreasing the federal government payments for milk price supports for excess milk products; and

"Whereas, Georgia has contributed less than the national average to the increase in milk production, since for the years 1975 through 1981 Georgia's production increased by 7 percent, the nation's production increased by 9.1 percent, and California's production increased by 20 percent; and

"Whereas, Georgia receives few milk support benefits from the federal government since these supports are only available for milk which can be stored in the form of butter, cheese, and powdered milk and Georgia's production of such storable forms of milk is negligible; and

"Whereas, Georgia dairymen are already contributing 12¢ per hundredweight to create milk markets in this state to absorb any increased production of milk in the state; and

"Whereas, notwithstanding the fact that Georgia dairymen have contributed little to the problems the assessment was designed to remedy, the assessment will have a devastating impact on dairymen in the state; and

"Whereas, for 1981 diarymen nation-wide had a profit margin of $1.97 per hundredweight, the upper Midwest dairymen had a profit margin of $2.43 per hundredweight, and Georgia dairymen only had a profit margin of 70¢ per hundredweight; and

"Whereas, an assessment of $1.00 per hundredweight on Georgia milk on which there is only 70¢ per hundredweight profit will wipe out many of the state's dairymen and impose severe financial hardships on the survivors. Now, therefore, be it

"*Resolved by the General Assembly of Georgia*, That this body urges Congress to repeal those provisions of the Omnibus Reconciliation Act of 1982 which authorize assessments on milk. Be it further

"*Resolved*, That this body also urges the United States Secretary of Agriculture, the Honorable John R. Block, not to proceed with plans to require the milk assessment which will so devastate the dairymen of this state. Be it further

"*Resolved*, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Georgia Congressional Delegation and to the Honorable John R. Block, Secretary of Agriculture."

POM-276. A resolution adopted by the Board of Supervisors of the County of Madera, Calif., urging passage of the Wine Equity Act of 1983; to the Committee on Finance.

POM-277. A resolution adopted by the Commissioners of the County of Beaver, Pa. urging Congress to impose a 5-year period of quantitative restrictions on alloy tool steel and stainless sheet, strip, plate, and rod steel at the levels requested by the U.S. specialty steel industry and the U.S. steel workers of America and urging Congress to extend such quotas to additionally cover carbon steel products; to the Committee on Finance.

POM-278. A resolution adopted by the Senate of the State of Washington; to the Committee on Environment and Public Works:

"SENATE RESOLUTION 1983-79

"Whereas, International and domestic trade is important to the economic health of the Pacific Northwest; and

"Whereas, The Columbia/Snake river system is the major transportation route for Washington-produced products, including grain, forest products, and manufactured goods, moving to international markets; and

"Whereas, The volume of cargo moving on the Columbia/Snake river system amounted to more than thirty million tons in 1982 and has the potential to triple by the end of this century; and.

"Whereas, For the river system to meet its full potential by the year 2000, the bar crossing at the mouth of the Columbia river must be deepened to fifty-five feet to make it compatible with the forty foot channel that extends one hundred ten miles from Ilwaco to Vancouver; and

"Whereas, The United States Army Corps of Engineers has determined an 11.1 to 1 benefits-to-cost ratio for the deepening of the mouth of the Columbia river project; and

"Whereas, Deepening of the mouth of the Columbia river would enhance navigational safety and prevent ship time delays at the bar; and

"Whereas, The completion of this project would make Washington's Columbia river ports more competitive in attracting waterborne commerce in the future; Now, therefore, be it

"*Resolved by the Senate of the State of Washington:*

"(1) That the Congress of the United States be urged to appropriate funds to complete the United States Army Corps of Engineers' recommended deepening of the mouth of the Columbia river to fifty-five feet at the bar crossing; and

"(2) That the Congress of the United States also be urged to move ahead on authorization of this project; and be it further

"*Resolved*, That copies of this resolution be immediately forwarded to the Honorable Ronald Reagan, President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives and each member of Congress from the State of Washington."

POM-279. A resolution adopted by the Senate of the State of Washington; to the Committee on Environment and Public Works:

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"Senate Resolution 1983-71

"Whereas, the Port of Grays Harbor is the only deep water port on the coast of the State of Washington; and

"Whereas, many counties rely on the Port of Grays Harbor for the transportation of the tremendous renewable timber resources in the area; and

"Whereas, increased shipments of forest products are being made to Pacific rim nations, including Japan, Korea, and the People's Republic of China; and

"Whereas, shipments of these commodities will contribute significantly to this nation's balance of trade; and

"Whereas, the United States Army Corps of Engineers has just completed a feasibility study on the improvement of navigation facilities in Grays Harbor including the deepening of navigation channels from 30 to 38 feet; and

"Whereas, present harbor conditions prevent larger and more cost-effective vessels in the trade from departing fully laden from Grays Harbor; and

"Whereas, on December 14, 1982, the Board of Engineers for rivers and harbors of the United States Army Corps of Engineers recommended the modification of existing federal navigation projects at Grays Harbor, incuding the deepening and widening of channels, replacement of bridges, and the construction of new turning basins; Now, therefore, be it

"Resolved by the Senate of the State of Washington, That the federal government be urged to approve the proposed modification of existing federal navigation projects at Grays Harbor; and be it further,

"Resolved, That the Congress of the United States also be urged to appropriate adequate funding in fiscal years 1984 and 1985 to continue the planning and engineering of channel improvements in Grays Harbor while formal authorization of the project is being sought; and be it further

"Resolved, That copies of this resolution be immediately forwarded to the Honorable Ronald Reagan, President of the United States; the President of the United States Senate; The Speaker of the United States House of Representatives, and each member of Congress from the State of Washington."

POM-280. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources:

"House Joint Memorial No. 4

"Whereas, Hydroelectric energy constitutes a clean, renewable, and domestically controlled energy resource; and

"Whereas, There are a great many attractive sites for hydroelectric development remaining in the country, some at existing dams where the environmental impact has already been expected and economics are generally favorable; and

"Whereas, although federal and state hydroelectric permitting procedures have been considerably revised in recent years with the aim of simplification, potential developers are stilll; encountering cumbersome, conflicting, and uncertain procedures; and

"Whereas, Within the many interlocking federal and state requirements and the many people necessarily involved in the permitting processes, it is unrealistic to expect that procedures can be simplified to an appropriate extent; and

"Whereas, the delegation by the federal government to the states of all permitting authority for small scale hydroelectric facilities would improve the timeliness and thoroughness of both the federal and state permitting processes and would guarantee a quicker response to applicants; Now, therefore

"Your Memorialists respectfully pray that the federal government totally delegate all permitting authority to states for hydroelectric facilities with a capacity of one hundred kilowatts or less.

"Resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-281. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation:

"Resolution

"Whereas, fire poses a serious and potential threat and every resident of this Commonwealth and to every citizen of the United States; and

"Whereas, fire and its hazards present a complex problem involving ignition time, speed of growth, the rate of heat released by burning objects, the quantity and density of smoke, and combustion toxicology generally; and

"Whereas, the National Bureau of Standards' Center for Fire Research has for many years been the leader in conducting impartial and independent research studies on the causes of fire and the prevention of its spread and related injuries and damages, which studies have been relied upon by local governments and industry generally, including the plastics industry throughout the United States; and

"Whereas, the Office of Management and Budget of the executive branch of the Federal Government has proposed the elimination of all funding for the National Bureau of Standards' Center for the Fire Research to save $5.9 million in the Federal budget for fiscal year 1984; now therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the President of the United States, and the Congress of the United States to support the resolution of funds for the continuation of the critically-important fire research carried on by the National Bureau of Standards' Center for Fire Research in the fiscal year 1984 budget; and be if further

"Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of Congress and to the Members thereof from this commonwealth."

POM-282. A resolution adopted by the General Assembly of the State of Tennessee; to the Committee on Appropriations:

"Senate Joint Resolution No. 40

"Whereas, Funding for the Clinch River Breeder Reactor was deleted from the budget submitted to Congress, January 22, 1979, for the fiscal year commencing October 1, 1979; and

"Whereas, on December 4, 1982, the Energy and Water Development Appropriations Bill, approved by both houses of Congress and signed by President Reagan set project funding for the 1982 fiscal year; and

"Whereas, members of the Tennessee General Assembly have repeatedly urged Congress to continue their appropriations to the Clinch River Breeder Reactor and in 1982 Governor Lamar Alexander signed Senate Joint Resolution Number 14 urging Congress to restore funding for such reactor; and

"Whereas, the breeder reactor is one of this country's most viable options for contributing to a solution to the energy crisis in that it provides for an inexhaustible supply of electrical energy; and

"Whereas, any country possessing the technology necessary for construction of the breeder reactor has the potential to become energy independent for the production of electrical energy; and

"Whereas, the United States has been the leading exporter of nuclear technology, but is not the world leader in the production of the breeder reactor and therefore cannot complete in trade with France, Russia, or West Germany, countries which have already developed the breeder reactor, and

"Whereas, the power developed the breeder reactor on a commercial scale will be economically competitive with coal and lightwater fission reactors for the production of electrical energy and will be a boost to the economy of Tennessee, as well as the nation; and

"Whereas, The Clinch River Breeder Reactor program was begun in Oak Ridge, and the research facilities, the educated personnel, and the technologists are there already; and

"Whereas, at a time when concern over nuclear power production is an issue, the community of Oak Ridge has become accustomed to and has accepted the existence of nuclear experimentation; now, therefore, be it

"Resolved by the Senate of the Ninety-Third General Assembly of the State of Tennessee, the House of Representatives Concurring, That the members of this General Assembly urge the Congress to continue funding for the Clinch River Breeder Reactor in Oak Ridge, Tennessee. Be it further

"Resolved, That a copy of this resolution be sent to President Reagan, to Vice President Bush, to House Speaker O'Neill and to each member of the Tennessee congressional delegation."

POM-283. A resolution adopted by the Senate of the State of Washington; to the Committee on Foreign Relations:

"Senate Resolution 1983-96

"Whereas, in the past four years, the Iranian government has executed thousands of persons for their religious beliefs; and

"Whereas, members of the Baha'i faith in Iran have suffered the loss of property and jobs as a result of their religious convictions; and

"Whereas, in addition to executions and the loss of property and jobs, members of the Baha'i faith in Iran have been subjected to extreme governmental harassment, persecution, and imprisonment; and

"Whereas, at least one hundred twenty-five Baha'is were arrested in Shiraz in a single month this year, and these arrests continue; and

"Whereas, those Baha'is arrested are often executed without the benefit of a trial and without being convicted of any crime except their refusals to renounce their religious beliefs; and

"Whereas, the members of the Baha'i faith in Iran have been specifically excluded from civil protection under the current Iranian Constitution; and

"Whereas, the Baha'i faith is recognized around the world and its members are a

peace loving people who believe in the basic principles of justice, equality, and unity; and

"Whereas, the denial of religious freedom of all people; Now, therefore, be it

"Resolved, by the Senate of the State of Washington, That we support United States Senate Concurrent Resolution No. 73 which condemned the Iranian persecution of the Baha'i community; and be it further

"Resolved, That we urge Congress and President Ronald Reagan to persevere in their efforts to halt the persecution of members of the Baha'i faith in Iran; and be it further

"Resolved, That copies of this resolution be forwarded to President Ronald Reagan; the President of the United States Senate; the Speaker of the House of Representatives; and to the members of the congressional delegation from Washington State."

POM-284. A resolution adopted by the Senate of the State of Washington; to the Committee on the Judiciary:

"Senate Resolution 1983-80

"Whereas, a recent case brought in the United States District Court for the Western District of Washington involved an alleged violation of both federal laws and the laws of the State of Washington for actions occurring within the Olympic National Park in the State of Washington; and

"Whereas, the case involved a possible violation of the Federal Mann Act, for interstate transportation of a female child for immoral purposes, as well as a possible violation of the indecent liberties statute of the State of Washington, brought under the Federal Assimilative Crimes Act; and

"Whereas, the case is of great concern to the citizens of the State of Washington; and

"Whereas, a jury trial was held and the defendant was found not guilty by reason of insanity and, as required under current federal law, the defendant was unconditionally released; and

"Whereas, many of the jurors who found the defendant not guilty by reason of insanity later stated that they did not realize that a finding of not guilty by reason of insanity would result in the unconditional release of the defendant; and

"Whereas, had the defendant been prosecuted in the courts of the State of Washington, a finding of not guilty by reason of insanity would have likely resulted in further treatment of the defendant for the defendant's mental condition and problem; and

"Whereas, the citizens of the State of Washington are greatly concerned about federal laws which release people who represent a threat to society, when such defendants would undergo further treatment had they been found guilty by reason of insanity in the courts of the State of Washington; now, therefore, be it

"Resolved by the Senate of the State of Washington, That the federal government be urged to examine the federal laws as they relate to the disposition of those found not guilty by reason of insanity, particularly as they relate to the disposition of similar individuals at the state level; and be it further

"Resolved, That copies of this resolution be forwarded to President Ronald Reagan; the President of the United States Senate; the Speaker of the United States House of Representatives, and each member of Congress from the State of Washington."

POM-285. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolution

"Whereas, the Tamils of Eelam, who number three million Hindus, Christians and Moslems and occupy eight thousand square miles, live as an oppressed minority in Sri Lanka, where the majority is composed of ten million Sinhalese, most of whom are Buddhists; and

"Whereas, from ancient times two nations, the Sinhalese and Tamils possessed distinct languages, religions, cultures and clearly demarcated geographic territories until the British, who were characteristically oblivious to the differences between these two separate nations, imposed one rule for the purpose of colonial administrative unification; and

"Whereas, since 1948, when the British departed the island and two unwilling nations were consequently left under a unitary governmental structure, the majority Sinhalese faction has subverted democratic principles to become the new masters of the Tamil-speaking people; and

"Whereas, further evidencing the discriminatory and intimidating policies of the majority, security forces recently went on a rampage in the northern provincial capital of Jaffna, burning shops and more than one hundred fifty houses, almost all of which were owned by Tamils, who make up approximately twenty per cent of the population of the island once called Ceylon, thereby leaving more than five hundred people homeless; and

"Whereas, at least one civilian was killed by crossfire in overnight fighting between naval troops and unidentified people, and at Paranthan, on the rail line between Jaffna and Colombo, policemen attacked a crowd of train passengers headed north for the Tamil-speaking area, injuring an undetermined number of civilians; and

"Whereas, according to the International Commission of Jurists, many of the provisions of the Sri Lankan Prevention of Terrorism Act and Public Security Act are contrary to accepted principles of the rule of law, internationally accepted minimum standards of criminal procedure, and also appear to be contrary to the provisions of the Sri Lankan constitution; and

"Whereas, the Massachusetts House of Representatives does not wish the Commonwealth to contribute to the revenues of Sri Lanka because of its violations of the human rights of the Tamils; and

"Whereas, the Massachusetts House of Representatives does not wish the Commonwealth to invest in Sinhalese interests or in those of any other party that practices discrimination against the Tamil inhabitants of Eelam; and

"Whereas, consistent with its condemnation of moral wrongs done in the name of the Sinhalese people by their government, the Massachusetts House of Representatives hereby endorses a policy of financial boycott by the Commonwealth, thereby dissociating itself from the abiding evil of Sinhalese oppression in Sri Lanka; therefore be it

"Resolved, that the Massachusetts House of Representatives urges the immediate divestment and withdrawal of all public funds or pension revenues from any business organizations that are owned by interests based in Sri Lanka, and urges all officers of the Commonwealth to exercise their best offices to accomplish said objective with the greatest sense of urgency; and be it further

"Resolved, that copies of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, Secretary of State, U.N. Ambassador, presiding officer of each branch of Congress and the Members thereof from this Commonwealth, President Jayewardene of Sri Lanka, Prime Minister R. Premadasa and the presiding officers of the Parliament of Sri Lanka."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science and Transportation; with an amendment in the nature of a substitute.

H.R. 2065. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

S. 880. A bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters. (Rept. No. 98-165).

By Mr. COHEN, from the Committee on Armed Services, with amendments:

S. 338. A bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. ROTH, from the Committee on Governmental Affairs:

David H. Martin, of Maryland, to be Director of the Office of Government Ethics.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for himself and Mr. Nunn):

S. 1541. A bill to authorize the presentation on behalf of the Congress of a specially struck bronze medal to the families of American personnel missing or otherwise unaccounted for in Southeast Asia; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSTON:

S. 1542. A bill to increase the column 1 rate of duty on melamine; to the Committee on Finance.

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By Mr. McCLURE (for himself and Mr. Wallop):

S. 1543. A bill to amend the Federal Land Policy Management Act of 1976, relating to the authority of the Secretary of the Interior to accept volunteer services in aid of the work of the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DeCONCINI (for himself, Mr. Bingaman, Mr. Domenici, and Mr. Melcher):

S. 1544. A bill to direct the Administrator of General Services to acquire domestic copper for the National Defense Stockpile; to the Committee on Armed Services.

By Mr. HEINZ:

S. 1545. A bill to clarify the oversight role of the Congress with respect to Presidential decisions under section 203 of the Trade Act of 1974; to the Committee on Finance.

By Mr. JOHNSTON (for himself and Mr. Long):

S. 1546. A bill to amend the Deepwater Port Act of 1974, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ARMSTRONG (for himself and Mr. Hart):

S. 1547. A bill to amend the conditions of a grant of certain lands to the town of Olathe, Colo., and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 1548. A bill to establish an improved program for extra long staple cotton; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ARMSTRONG (for himself, Mr. Long, Mr. Durenberger, Mr. Wallop, Mr. Grassley, Mr. Symms, Mr. Bentsen, Mr. Baucus, Mr. Boren, and Mr. Pryor):

S. 1549. A bill to amend the Internal Revenue Code of 1954 to permit individual retirement accounts, qualified retirement trusts and certain educational organizations to invest in working interests in oil and gas properties without incurring unrelated business taxable income; to the Committee on Finance.

By Mr. CHAFEE:

S. 1550. A bill to amend the Internal Revenue Code of 1954 to relieve international double taxation of overseas construction projects of U.S. contractors; to the Committee on Finance.

By Mr. DANFORTH (for himself and Mr. Eagleton):

S.J. Res. 123. A joint resolution to commemorate the 40th anniversary of the establishment of the George Washington Carver National Monument in Diamond, Mo.; to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. Cranston, and Mr. Proxmire):

S.J. Res. 124. A joint resolution calling for negotiations to halt the production of separated plutonium; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself and Mr. Nunn):

S. 1541. A bill to authorize the presentation on behalf of the Congress of a specially struck bronze medal to the families of American personnel missing or otherwise accounted for in Southeast Asia; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. Byrd on this legislation appear earlier in today's Record.)

By Mr. McCLURE (for himself and Mr. Wallop):

S. 1543. A bill to amend the Federal Land Policy and Management Act of 1976, relating to the authority of the Secretary of the Interior to accept volunteer services in the aid of the work of the Bureau of Land Management, and for other purposes; to the Committee on Energy and Natural Resources.

VOLUNTEER IN THE BUREAU OF LAND MANAGEMENT

● Mr. McCLURE. Mr. President, I send to the desk for appropriate reference a bill relating to volunteer service in aid of the work of the Bureau of Land Management.

The bill would round out the authority of the BLM to effectively utilize the contributed services of volunteers in work projects on the public lands. It would place the BLM on the same footing as other Federal natural resources agencies—notably the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service—which have long had this authority.

Congress already has provided authority to the Secretary of the Interior to use volunteer services in aid of the work of two Interior agencies, and to pay expenses incidental to accepting these contributed services. This authority was provided for the National Park Service in the Volunteers in the Parks Act of 1969 (84 Stat. 472; 16 U.S.C. 18 g-j), and for the U.S. Fish and Wildlife Service in the Fish and Wildlife Improvement Act of 1978 (92 Stat. 3112; 16 U.S.C. 742f). In addition, comparable authority was provided to the U.S. Forest Service in the Volunteers in the National Forests Act of 1972 (86 Stat. 147; 16 U.S.C. 558 a-d). Similar legislation would facilitate and enhance the work of the BLM in managing, protecting, and developing the public lands

While section 307 of the Federal Land Policy and Management Act of 1976 authorizes acceptance of services contributed to the BLM by volunteers' work, the draft bill is needed to supplement that basic authority. The draft bill would authorize BLM to provide for incidental services and expenses such as supplies for the volunteers' work, and transportation of volunteers to and from work sites.

As is the case with the other agencies, BLM's volunteers would not be considered Federal employees, except for purposes of the tort claims provisions of title 28, United States Code, and statutes pertaining to compensation for on-the-job work injuries (5 U.S.C. 8101-8151).

The BLM has a backlog of conservation, development, and other resource management work for which volunteers would be useful. Volunteers would not be used for policymaking activities or for hazardous duties such as hazardous aspects of firefighting or law enforcement. Nor would volunteers be permitted to displace any BLM employee.

As shown by the years of experience in the similar Park Service, Forest Service, and Fish and Wildlife Service programs, expenses for a volunteer program by the BLM are expected to be minor in relation to value of services to be contributed. Because the Bureau would pay the incidental expenses involved from regular appropriations categories and levels, enactment of this legislation would not result in added Government outlays.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows;

S. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2766; 43 U.S.C. 1737) is amended by adding at the end thereof the following new subsections:

"(d) The Secretary may recruit, without regard to the civil service classification laws, rules or regulations, the services of individuals contributed without compensation as volunteers for aiding in or facilitating the activities administered by the Secretary through the Bureau of Land Management.

"(e) In accepting such services of individuals as volunteers, the Secretary—

"(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

"(2) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

"(f) Volunteers shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.".●

By Mr. DeCONCINI (for himself, Mr. Bingaman, Mr. Domenici, and Mr. Melcher):

S. 1544. A bill to direct the Administrator of General Services to acquire domestic copper for the national defense stockpile; to the Committee on Armed Services.

COPPER STOCKPILE PURCHASE

Mr. DeCONCENI. Mr. President, we are today introducing legislation which addresses our security concerns and at the same time our poor economic conditions. We believe we have a rare opportunity to actually take advantage of the currently low markets

while improving economic conditions which have caused the declines.

Our specific concern is with the depleted state of the national critical and strategic minerals stockpile. For example, we have a long-established stockpile goal of 1 million tons of copper, but we have on hand less than 30,000 tons of copper. I repeat, Mr. President, we have an existing national stockpile goal of 1 million tons. The need to stockpile copper for strategic purposes for national security is firmly established and undisputable.

It is also beyond dispute, Mr. President, that it is in the Nation's interest to operate the stockpile—to buy and sell commodities—in an economically responsible manner. Economic health is no small part of national security, and is totally compatible with military access to strategic minerals.

What we are proposing is very direct. Copper is now selling at about 78 cents a pound and even lower in large quantities. There is up to $240 million available in the transaction fund established by Public Law 96-41, the Critical and Strategic Minerals Stockpile Revision Act. The administration is currently recommending that $120 million be appropriated for fiscal year 1984. After commitments, the fund will have between $135 to $240 million left.

Mr. President, these moneys are the proceeds from the sale of excess commodities in the stockpile. These funds are earmarked by law, for the purchase of needed materials and can be used for no other purpose. This bill directs the General Services Administration to use these additional funds, the $135 to $240 million, to purchase copper as soon as possible.

It is estimated that the sum which will be available to the fund, in addition to that amount requested by the President for the purchase of other commodities, will buy at least 85,000 to 150,000 tons, and by all probability much more. Although it is less than one-quarter of the established goal, it is probably the realistic quantity which could be purchased in a short period of time.

When additional purchases are feasible, we believe moneys could be shifted to the fund from other accounts; preferably from the aggregate request for foreign assistance, and without additional burden on the American taxpayer. In the meantime, I will ask the General Accounting Office to study the need to stockpile certain commodities and our foreign assistance priorities.

Mr. President, we suggested this bill would also improve domestic economic conditions. The price of copper, adjusted to inflation, is close to its lowest level in decades. It is for this reason that copper right now is a good buy but it is also for this reason that the copper industry is still in its worst shape since the depression. While very limited recovery is expected, buying now will clear up the "glut" market and help the industry to get back to work. When we say industry, we, of course mean people. It is the people who are employed by the industry, and the towns they live in, which are devastated. In Arizona alone, over 8,000 copper workers are out of work. The impact of this disaster on top of other crippling blows to the economy over the last few years, such as the virtual collapse of the housing industry, and the greatest number of business failures since the Great Depression year of 1932 will send a paralyzing shock wave through many of our communities and will have a multiplier effect throughout the Southwest. However, the purchase of 150,000 tons of domestic copper at this time, with funds already on hand and earmarked for this purpose, will stabilize the copper industry and will put thousands of workers back on the job. This, Mr. President, is the essence of national security.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Defense Stockpile Copper Acquisition Act of 1983".

Sec. 2. (a) The Administrator of General Services shall acquire such quantities of copper from domestic producers as may be acquired for the amount of funds available for such purpose under section 9(d) of the Strategic and Critical Materials Stock Piling Act (as added by section 3 of this Act) (50 U.S.C. 98h(d)).

(b) The acquisition of copper under authority of subsection (a) shall be made in accordance with subsection (b) of section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), but without regard to the provisions of subsections (c) and (d) of such section.

(c) Copper acquired under authority of subsection (a) shall be added to and made a part of the National Defense Stockpile described in section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b (a)).

Sec. 3. Section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) is amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding subsections (b) and (c), the moneys in the fund shall be available to carry out section 2 of the National Defense Stockpile Copper Acquisition Act of 1983 in an amount calculated as provided in paragraph (2).

"(2) For the purpose of paragraph (1), the amount available shall be the greater of—

"(A) the amount necessary to acquire 200,000 short tons of copper; or

"(B) the excess of the amount of moneys in the fund on the effective date of this subsection over $120,000,000.".

By Mr. ARMSTRONG (for himself and Mr. Hart):

S. 1547. A bill to amend the conditions of a grant of certain lands to the town of Olathe, Colo., and for other purposes; to the Committee on Energy and Natural Resources.

CHANGE IN CONDITIONS OF A CERTAIN LAND GRANT

● Mr. ARMSTRONG. Mr. President, today I am introducing a brief and straightforward bill to amend the conditions of the land grant to the small town of Olathe in western Colorado.

Olathe was founded in 1882 and incorporated in 1907. Because of a typhoid outbreak 4 years later, the town sought to buy land at fair market value to build a domestic water system that would be a secure and dependable supply of drinking water. Olathe subsequently acquired title to 640 acres of Federal land by act of Congress in 1919 and, over the years, has invested $540,000 in improvements to the property—including reservoirs, pipelines, diversion headgates and roads—most of which were built by hand in extremely rugged terrain.

The system has served the community well but now requires substantial further expenditure to update and maintain the aging pipeline. Several hundred thousand dollars may be required. Due to other expensive capital investments and the town's legal debt limits, Olathe has no funds available for this purpose, no substantial remaining bonding capacity and no assets that would yield sufficient collateral for an adequate loan. I should note here that Olathe is a rural community of 1,250 people, which has doubled its population in the last 10 years, and this has greatly complicated its financial problems.

The town would like to pledge its property rights in the reservoirs and its water rights as collateral for a loan to do the necessary maintenance and modernization work. Unfortunately, the 1919 act provided that the land will revert to the United States if sold or used for any purpose other than supply of municipal water. Paradoxically, this reverter makes the land ineligible for use as collateral, even though Olathe has no intention to use the land for anything other than securing its water supply.

Unless this problem is quickly resolved, the town of Olathe faces the very serious prospect of losing its municipal water supply altogether. Its water rights are only "storage decrees"; that is, the town is only entitled to store surplus water during the spring runoff. Obviously, without a functioning storage and distribution facility, these rights are worthless and will legally fall through disuse to junior appropriators. Moreover, the town's other water supply—an exchange contract with the Uncom-

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pahgre Valley Water Users Association—will also be turned off if it no longer has any water to exchange.

The legislation I am introducing will allow the town to mortgage the property for public purposes directly related to the maintenance and modernization of its water system. The proceeds of any other sale or alienation of the property during the next 10 years would still have to be paid to the United States. An additional benefit of loosening this restriction of uses is that the town would be able to develop the reservoirs for recreational purposes. Colorado has a new lottery program for recreational development and Olathe expects to receive up to $10,000 annually from this fund. If the use restrictions of the 1919 act are lifted, these moneys could be used to develop a popular recreational resource for this rural community.

For these reasons, Mr. President, I urge the favorable consideration of this measure and its early passage. I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to grant certain lands to the town of Olathe, Colorado, for the protection of its water supply", approved March 3, 1919 (40 Stat. 1317) is amended by—

(1) striking out "to have and to hold said lands for the purpose of the protection of the reservoirs and water supply pipelines and waterworks system of said town";

(2) striking out *"And provided further,* That title to the land shall revert to the United States should the same or any part thereof be sold or cease to be used for the purposes herein provided."; and

(3) adding at the end thereof the following: *"And provided further,* That in the event that the lands or any part there of are sold or otherwise alienated by the town of Olathe on or before January 1, 1994, except as a consequence of a judgment at law or equity to recover sums owed by the town pursuant to a mortgage, sale to trustee, or similar agreement entered into by the town in order to secure funds for public purposes, directly related to repair, maintenance, or modernization of the reservoirs, water supply pipelines, or waterworks system of the town, the proceeds of such sale (excluding the value of any improvements made by the town) or the fair market value of the lands or part thereof (excluding the value of any improvements made by the town) at the time of such sale or alienation, whichever amount is greater, shall be paid to the United States by the town.".●

By Mr. COCHRAN:

S. 1548. A bill to establish an improved program for extra long staple cotton; to the Committee on Agriculture, Nutrition, and Forestry.

PROGRAM FOR EXTRA LONG STAPLE COTTON

● Mr. COCHRAN. Mr. President, at the request of the Secretary of Agriculture, John R. Block, I introduce a bill to establish an improved program for extra long staple cotton.

This legislation would repeal authority for marketing quotas, suspend provisions relating to acreage allotments and penalties, establish a minimum loan level, and eliminate a maximum loan level. The bill would establish a loan period and an acreage base. The bill would authorize an acreage reduction program, a paid land diversion program, and sale of CCC-owned cotton for unrestricted use at price levels approved by the Secretary of Agriculture.

Mr. President, I ask unanimous consent that the transmittal letter from the Secretary of Agriculture as well as the bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Extra Long Staple Cotton Act of 1983."

SEC. 2. Section 347 of the Agricultural Adjustment Act of 1938, as amended, and section 101(f) of the Agricultural Act of 1949, as amended, are repealed effective beginning with the 1984 crop of extra long staple cotton.

SEC. 3. Sections 342, 343, 344, 344a, 345, 346 and 377 of the Agricultural Adjustment Act of 1938, as amended, shall not be applicable to the 1984 and subsequent crops of extra long staple cotton.

SEC. 4. Effective beginning with the 1984 crop of extra long staple cotton, section 103 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new subsection as follows:

"(h)(1) For purposes of this subsection, extra long staple cotton means cotton which is produced from pure strain varieties of the Barbadense species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which American upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types and which is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

"(2) The Secretary shall, upon presentation of warehouse receipts reflecting accrued storage charges of not more than sixty days, make available to producers nonrecourse loans for a term of ten months from the first day of the month in which the loan is made at a level which is not less than 50 per centum in excess of the loan level established for each crop of Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States. If authorized by the Secretary, nonrecourse loans provided for in this subsection may, upon request of the producer during the tenth month of the loan period for the cotton, be made available for an additional term of eight months. The loan level for any crop of extra long staple cotton shall be determined and announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective and such level shall not thereafter be changed.

"(3)(A) Notwithstanding any other provision of this subsection, the Secretary may establish a limitation on the acreage planted to extra long staple cotton if the Secretary determines that the total supply of extra long staple cotton, in the absence of such limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable prices and to meet a national emergency. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each extra long staple cotton-producing farm. Producers who knowingly produce extra long staple cotton in excess of the permitted acreage for the farm shall be ineligible for extra long staple cotton loans with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as a result of a limitation under this subparagraph shall be the average acreage planted on the farm to extra long staple cotton for harvest in the three crop years immediately preceding the year prior to the year for which the determination is made. For the purpose of the preceding sentence, acreage planted to extra long staple cotton for harvest shall include any acreage which the producers were prevented from planting to extra long staple cotton or other nonconserving crops in lieu of extra long staple cotton because of drought, flood, or other natural disaster or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. A number of acres on the farm determined by dividing (i) the product obtained by multipling the number of acres required to be withdrawn from the production of extra long staple cotton times the number of acres actually planted to such commodity, by (ii) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary, shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion. The number of acres so determined is hereafter in this subsection referred to as 'reduced acreage'. The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the reduced acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such provision is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

"(B) The Secretary may make land diversion payments to producers of extra long staple cotton, whether or not an acreage limitation program for extra long staple cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of extra long staple cotton

to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(C) The reduced acreage and the diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purpose of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(4) An operator of a farm desiring to participate in the program conducted under paragraph (3) of this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe. The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(5) The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis.

"(6) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(7) If the failure of a producer to comply fully with the terms and conditions of the program formulated under this subsection precludes the making of loans and payments, the Secretary may, nevertheless, make such loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(8) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this subsection.

"(9) The Secretary shall carry out the program authorized by this subsection through the Commodity Credit Corporation.

"(10) The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act (relating to assignment of payments) shall apply to payments made under this subsection.

"(11) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.

"(12) In order to encourage and assist producers in the orderly ginning and marketing of their extra long staple cotton production, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act.

"(13) References made in sections 402, 403, 406, 407 and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the level of loans for extra long staple cotton under this subsection; and references to the terms 'price support', 'price support operations', and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan operations for extra long staple cotton under this subsection.".

SEC. 5. Section 407 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, beginning upon the enactment of the Extra Long Staple Cotton Act of 1983, the Commodity Credit Corporation may sell extra long staple cotton for unrestricted use at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton.".

SEC. 6. Section 1101(1) of the Agriculture and Food Act of 1981 is amended by deleting "and rice" and inserting in lieu thereof "extra long staple cotton, and rice".

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 26, 1983.

Hon. GEORGE H. W. BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a proposed bill "To establish an improved program for extra long staple cotton."

The Department of Agriculture recommends enactment of the proposed bill.

The current extra long staple (ELS) cotton legislation is continuing legislation that provides for acreage restrictions through outdated acreage allotments, marketing quotas and penalties, and price support by means of nonrecourse loans. The loan level must be established between 75 percent and 125 percent in excess of the upland cotton loan level. Loans at this level have resulted in U.S. ELS cotton prices which are not competitive in world markets or with synthetic fibers. As a result, both domestic use and exports of ELS cotton have declined, stocks have increased and large volumes of ELS cotton are being pledged as collateral for price support loans, much of which will be forfeited to the Commodity Credit Corporation (CCC). The current minimum sales price restrictions will prevent CCC from selling its stocks in the foreseeable future. All these factors are resulting in continued increases in Government outlays.

Effective for the 1984 and subsequent crops of ELS cotton, the proposed bill would:

(1) Repeal authority for marketing quotas.

(2) Suspend provisions relating to acreage allotments and penalties.

(3) Establish the minimum loan level at 50 percent in excess of the upland cotton loan level and eliminate the maximum loan level.

(4) Establish a 10-month loan period with an optional 8-month extension at the discretion of the Secretary.

(5) Establish an acreage base for each ELS cotton producing farm each year equal to the average of acres planted and considered planted to ELS cotton in the three crop years immediately preceding the year previous to the year for which the determination is made, with authority to make adjustments necessary to assure fair and equitable bases.

(6) Authorize an acreage reduction program (ARP) for any crop of ELS cotton for which it is estimated that the supply of ELS cotton would otherwise be excessive. The acreages reduction would be achieved by applying a uniform percentage reduction to the acreage base of each ELS cotton-producing farm. Producers would have to comply with any ARP to be eligible for loans.

(7) Authorize a paid land diversion program (LDP), if needed, to assist in adjusting the total national ELS acreage to desirable goals. Diversion payments could be made whether or not an ARP was in effect.

(8) Authorize sale of CCC-owned cotton for unrestricted use at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton. This provision would be effective upon enactment of the proposed bill.

Repeal of marketing quotas and suspension of acreage allotments would permit greater freedom by farmers in determining the most effective use of their resources. They would have the opportunity to meet the needs of the marketplace with less governmental intervention. The lower minimum loan level would permit ELS to again compete with synthetic fibers and in world markets while still providing price protection and permitting orderly marketing. Elimination of the minimum sales price restriction on CCC sales would permit movement of CCC stocks to the marketplace. Government outlays would be reduced.

The enclosed table shows projected loan levels and government outlays through the 1987 crop under current legislation and with the proposed changes.

An identical letter and draft bill have been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accordance with the President's program.

Sincerely,

JOHN R. BLOCK,
Secretary.

U.S. DEPARTMENT OF AGRICULTURE—PROPOSED LEGISLATION FOR EXTRA-LONG STAPLE COTTON, ESTIMATED LOAN RATES AND OUTLAYS

	Current legislation	Proposed legislation
Estimated loan rates (cents/lb.)		
1984 crop	96.25	82.50
1985 crop	96.25	82.50
1986 crop	96.25	82.50
1987 crop	96.25	82.50

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U.S. DEPARTMENT OF AGRICULTURE—PROPOSED LEGISLATION FOR EXTRA-LONG STAPLE COTTON, ESTIMATED LOAN RATES AND OUTLAYS—Continued

	Current legislation	Proposed legislation
Estimated outlays (thousands dollars):		
Fiscal year 1985	$4,039	−$13,451
Fiscal year 1986	4,162	−5,137
Fiscal year 1987	4,369	−1,670
Fiscal year 1988	1,941	−511
4-year cost	14,511	−20,769

Note.—Minus sign denotes net receipt from sale of CCC inventory ●

By Mr. ARMSTRONG (for himself, Mr. LONG, Mr. DURENBERGER, Mr. WALLOP, Mr. GRASSLEY, Mr. SYMMS, Mr. BENTSEN, Mr. BAUCUS, Mr. BOREN, and Mr. PRYOR):

S. 1549. A bill to amend the Internal Revenue Code of 1954 to permit individual retirement accounts, qualified retirement trusts and certain educational organizations to invest in working interest in oil and gas properties without incurring unrelated business taxable income; to the Committee on Finance.

UPDATING THE UNRELATED BUSINESS INCOME TAX

● Mr. ARMSTRONG. Mr. President, legislation I am introducing today with Senators DURENBERGER, LONG, WALLOP, GRASSLEY, SYMMS, BENTSEN, BAUCUS, BOREN, and PRYOR could, once enacted, increase profits earned by pension plans and college endowments at, at the same time, infuse new and badly needed capital in domestic oil production.

This legislation is nearly identical to H.R. 7217, a House bill introduced by Representatives JENKINS, MATSUI, GEPHARDT, and FRENZEL and is simple in concept. It permits pension plans and college endowments to treat, for tax purposes, income from oil and gas production exactly like income earned from stocks, bonds, and royalties. Once enacted, an additional investment pool of more than $500 billion would be available for investment in oil and gas production, and at the same time give pensions and endowments possibly higher rates of return on their holdings.

Some background on current tax law will explain the need for this legislation. Most college endowments and private pension plans are granted tax exempt status. Even if they are tax exempt, some sources of income received by pensions and endowments can, under current law be taxable. For Federal tax purposes, there are two sources of income—passive and unrelated business—for pensions and endowments. Passive income—not taxed—usually is interest and dividends earned on stocks, bonds, and royalties. Unrelated business is income taxed at corporate rates because, in theory, the income is derived from a business or investment not related to the purpose of the pension or endowment for which it received its tax exempt status.

This tax theory is 30 years old, and it makes sense. It seeks to eliminate unfair competition to taxpaying businesses by taxing their competitors controlled by tax organizations on the same basis. For example, an endowment owning controlling interest in a manufacturing plant should be taxed on the same basis as the manufacturer's competitor.

Generally, endowment and pension income that is exempted from the unrelated business income—or UBTI—will not be taxed. The problem is that in the past 30 years there has been precious little updating of UBTI. The result is not surprising. Changing economic conditions and new investment opportunities have somewhat outdated the unrelated business income tax. For example, it used to be that stocks and bonds enjoyed high rates of return and tax exempt organizations invested in them heavily. But the past 10 years have found the traditional equities—stocks and bonds—have been hard pressed to maintain an economic rate of return.

Simultaneously, however, direct investments in oil and gas producing properties have proved to be low risk, consistently performing assets that have brought yields outpacing inflation rates. Solomon Bros. reports that annual rates of return for oil assets have outpaced return rates on real estate, stocks, gold, and silver.

But the problem is that the current UBTI taxes earnings from most oil and gas production holdings of pension plans and private investments. The inevitable result is that pension and endowment trustees do not invest in oil and gas production and are foreclosed from higher investment returns than are available from stocks and bonds. Concurrently, oil and gas producers lose access from a large investment pool, estimated to be about $500 billion.

The bill I am introducing today is the solution to this problem. This bill permits pension and college endowments to invest through limited partnerships in working interests in oil and gas properties without being subject to the unrelated business income tax. This legislation is consistent with the underlying theory of the UBTI because it permits these funds to only passively invest in oil and gas production * * * meaning that the pension and endowment trustees cannot take part in the control of the business of producing oil and gas.

The bill has important safeguards that should make this bill noncontroversial:

First. Pension plans and endowments can only invest as a passive owner in a limited partnership, meaning they cannot exercise control in business decisions. In fact, limited partners exercise even less control over business decisions than stockholders do.

Second. Only qualified pension funds and educational organizations, as already defined in current tax laws, are covered under this legislation.

Third. These funds can only invest in working interests in oil and gas properties, meaning they must pay a share of the development and operating costs to receive a share of income. The definition of working interest is the same now used in current law.

Fourth. Pension plans and endowments will receive no benefit from income tax credits and deductions available to taxable limited partners. The bill also precludes allocations of these deductions and credits to taxable partners.

Fifth. Pensions and endowments will not receive exempt income from working interests held by a limited partnership if either organization is related to the general partner.

There are a number of reasons why this bill should pass, and soon. First, the bill has no revenue loss since investments in oil and gas production will only augment investments otherwise made in currently tax-exempt investments.

Second, the bill encourages portfolio diversification by pension plans and endowments that control nearly $500 billion.

Third, this bill offers the promise of higher rates of return than these pensions and endowments now presently receive.

Fourth, it will infuse new and badly needed capital in oil and gas production without raising energy prices. In fact, capital expenditures this year in oil and gas activity has decreased 35 percent this year.

Fifth, the legislation is consistent with the underlying theory governing unrelated business taxable income.

Sixth, this legislation corrects an anomaly in the current UBTI law. Currently, pensions and endowments can receive tax free income from oil royalties—simply investments in oil and gas activities where the investor pays none of the development costs—but cannot receive tax free income from working interests in oil producing properties. In both types of oil investments—royalty and working interest programs—investors are passive * * * exercising no control over business decisions. Thus, partnerships owning working interests should be subject to the same tax rules as are applied to oil royalties.

This legislation is nearly identical to legislation I introduced in 1982. A number of important provisions have been added to address issues raised since the bill was first introduced. These provisions, about four in number, address concerns raised about partnership allocation, abusive sale-leaseback arrangements, and the use of debt in buying shares in a limited partnership.

Mr. President, I welcome further consideration of this bill, and urge its enactment.

Mr. President, I ask unanimous consent that a more technical and detailed summary of this bill be inserted at this point in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM—LEGISLATION TO PERMIT RETIREMENT TRUSTS AND COLLEGES TO TREAT INCOME FROM OIL AND GAS WORKING INTERESTS AS PASSIVE INCOME

BACKGROUND

The Internal Revenue Code makes a distinction in the treatment of investment income earned by qualified retirement trusts and educational organizations between passive income and unrelated business taxable income. Passive income from sources such as stocks, bonds and oil royalties is exempt from the Unrelated Business Taxable Income (the "UBTI") imposed by I.R.C. section 512. All income not specifically exempted from section 512 is taxed at corporate rates. Over the thirty years since the enactment of the UBTI, the investment objectives of the tax exempt organizations have had to adapt to changing economic conditions to deal with inflation and increased funding. The past ten years have found the traditional equities—stocks and bonds—hard pressed to maintain an economic rate of return equal to the rate of inflation. Simultaneously, direct investments in oil and gas activities from non-industry sources have occurred in large scale over the past twelve years and have proved to be consistent performing assets generating rates of return in excess of the rate of inflation. As a consequence of this experience, the pension plans and college endowments are increasingly interested in investments in the domestic oil and gas industry. Since the organizations are interested in domestic petroleum activities as an investment option, their objective conforms with the intent of the UBTI, i.e., to permit passive investment and penalize through taxation active management of unrelated businesses. The legislation would update the UBTI to acknowledge the changed economic and investing environment of the 1980's while maintaining the integrity of the UBTI concept.

DESCRIPTION OF LEGISLATION

The legislation introduced in Congress amends Internal Revenue Code sections 512 and 514 to permit qualified retirement trusts and educational organizations to receive income from limited partnerships that own working interests in domestic oil and gas wells without incurring income tax liability under the UBTI. The legislation includes a limited authorization for the partnerships to borrow funds to engage in oil and gas activities. The objectives of the legislation are:

1. to facilitate portfolio diversification by the retirement trusts into investments generating oil and gas income;

2. to provide a means for colleges and educational organizations to retain gifts of oil and gas working interests without having to arrange forced sales to avoid the UBTI; and

3. to make available additional sources of capital for the domestic oil industry in a manner consistent with the exercise of the prudent investment responsibilities of the retirement trusts and the educational organizations.

ISSUES RAISED BY THE LEGISLATION

Six issues have been raised concerning the legislation. These are—

1. the modification of the current policy to tax the earnings of tax-exempt entities from active trade or business endeavors;

2. the question of allowing certain tax-exempt institutions to invest in oil and gas working interests that include drilling activities;

3. the obstacles for educational organizations in owning and investing in oil and gas working interests;

4. the potential for tax sheltering through partnership allocations;

5. revenue impact for the Treasury; and

6. the use of acquisition indebtedness.

1. *UBTI Tax Policy Modification.* The UBTI was enacted to protect taxable enterprises from unfair competition arising out of the ability of tax-exempt organizations to accumulate capital in "for-profit" businesses free of federal taxation. The statute looks to the underlying activity of a partnership to determine whether the owner-partners are engaging in an active trade or business. The ownership of oil and gas working interests is considered an active trade or business. The legislation amends the UBTI by adding an exemption for limited partnerships that own working interests in oil and gas wells. The modification proposed conforms with the policy objective of the UBTI by—

a. permitting the tax-exempt entities to own working interests only as passive limited partners who are legally prohibited from engaging in management of the partnership;

b. prohibiting control of the managing general partner by the tax-exempt limited partners;

c. requiring that the general partner be a taxable entity; and

d. denying the tax incentives arising from the acquisition and development of oil and gas working interests to the tax-exempt limited partners, thereby creating the situation that these partners must look to distributions to earn a rate of return.

Additionally, it is relevant to note that the retirement trusts are interested in investing in oil and gas because of the rate of return represented by current cash flow that are available from the investment. The pension plans need to fund beneficiary distributions from investments; stagnant investments that do not distribute satisfactory rates of return have little attraction. Finally, the current exemption from section 512 for royalties and net profits interests does not preclude tax-free accumulations of capital by tax-exempt investors. Abuses using this exemption have not occurred because of the need of the tax-exempts for distributable cash flow.

2. *The Prudence of Oil and Gas Investments by Tax-Exempt Institutions.* A certain degree of risk is inherent in investments in the drilling, developing and producing of oil and gas. However, risk is also inherent in many activities in which tax-exempt institutions currently invest without incurring UBTI liability. Thus, the tax code does not preclude tax-exempt institutions from taking risks as long as their investments are in corporate or certain other passive forms. Under present law, tax-exempt institutions can invest in oil and gas properties in the form of royalties and net profits interests which expose them to the same dry hole risks that investments in working interests do. As Congress has recognized, the prudent investment rules applicable to fiduciaries of exempt institutions and qualified trusts, not the UBTI, are the appropriate vehicle to police investment policies.

3. *Role of Educational Institutions.* Under present law, the UBTI provisions frustrate the ability of colleges and educational organizations to obtain contributions of income producing working interests by penalizing the retention of such contributions. This unintended effect of the UBTI forecloses the upside potential of oil and gas ownership for educational institutions and prohibits their participation in the long-term growth of the industry.

4. *Tax Shelter Potential.* While the term "working interests" as used in the bill includes drilling activities, the bill precludes sheltering of income of taxable limited or general partners through allocations to them from expenditures made by tax-exempt limited partners. Specifically, the bill requires that items of deduction, credit and loss be allocated in the same percentages as items of income and gain. Further, it directs the Secretary of the Treasury to prescribe rules to preclude tax sheltering. The bill would permit sharing arrangements to change over the life of the partnership to reward the service partner as economic events occur in the life of the partnership. The technical explanation of the bill also specifies that the general partner may allocate items of deduction, credit, or loss to the limited partners; the federal government gains revenue from this exception since at least some of the limited partners to whom the deductions are allocated are tax-exempt and unable by the terms of the bill to claim the items. Additionally, any drilling activities undertaken by a limited partnership subject to the legislation will reduce the tax expenditure loss that would otherwise be occasioned by the Treasury if the drilling was done by taxable parties.

5. *Federal Revenue Effect.* The legislation will not create a revenue loss for the federal government. Since the tax-exempt entities do not invest in taxable activities, the UBTI generates minimal revenue for the federal treasury. The legislation expands the options of the retirement trusts and educational organizations to deploy their assets into non-taxed investments.

6. *Use of Borrowing.* The provision in the legislation extends to oil and gas investments the same treatment as is available for the acquisition of real estate by retirement trusts and prohibits collusive sale and leaseback arrangements.

TECHNICAL EXPLANATION (REVISED MAY 9, 1983)

The bill amends Section 512 of the Internal Revenue Code of 1954 (relating to the unrelated business taxable income of exempt organizations). The Bill would permit qualified retirement trusts and certain educational organizations to invest in domestic working interests in oil and gas properties without incurring unrelated business taxable income, if such interests are held by such trust or organization as a passive investor (i.e., a limited partner) in a qualifying limited partnership. The amendment applies to pension funds and individ-

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ual retirement accounts ("qualified trusts") described in Sections 401(a) and 408(a) of the Internal Revenue Code and exempt organizations ("qualified exempt organizations") described in Section 170(b)(1)(A)(ii) (generally, schools, colleges and universities) and in Section 170(b)(1)(A)(iv) (generally, exempt organizations created by public educational institutions with the purpose of holding an investment property for their benefit).

The definition of a working interest incorporates that which is contained in the regulations of the Internal Revenue Service, that is, an interest where the owner "is not relieved of its share of the development costs by the terms of any agreement with an operator." Treas. Reg. § 1.512(b)-1. The amendment is limited to investments in domestic oil and gas wells and is intended to employ the same description for those wells as is used in IRC § 613A, subject to application of IRC § 638. For purposes of the amendment to Section 512 and the related amendment to Section 514, the term "working interest" includes equipment associated with the development and operation of oil and gas interests.

To assure that partnership income is received by a qualified trust or qualified exempt organization as a passive investor, the Bill requires that the income must be allocated to such trust or organization in its capacity as a limited partner, which means a limited partner for tax purposes.

A limited partnership described in the amendment is one subject to a statute corresponding to the Uniform Limited Partnership Act, both as originally adopted in 1916 and as revised by the National Conference of Commissioners on Uniform State Laws in 1976 (and, in the case of Louisiana, to equivalent partnerships subject to the In Commendam Law, as amended). A common aspect of the status of a limited partner under such laws is that such partner cannot take part in the control of the business of the partnership without becoming liable as a general partner. It is intended that the Bill will not apply to any qualified trust or qualified exempt organization that fails to maintain its status under state law as a limited partner by virtue of having taken part in the control of the business of the partnership.

Income from a working interest held by a partnership may carry with it certain deductions—such as the partnership's administrative costs and the deduction for intangible drilling costs and the investment tax credit—that are allocated to all partners, including limited partners, under the partnership agreement. The amendment provides that all such deductions and credits, and any item thereof, will be excluded or disallowed in the case of any qualified trust or qualified exempt organization to which such item is allocated. Therefore, no such item would be available as a deduction or credit with respect to other taxable income of any trust or organization or to any taxable partner in the partnership. For example, a qualified trust or qualified exempt organization that qualifies under the provisions of this bill would not be entitled to use the investment tax credit with respect to equipment held by a limited partnership even though taxable limited partners in such limited partnership would be so entitled.

The Bill precludes potential abuse through use of certain special partnership allocations. Allocations of larger amounts of deductions, losses or credits, relative to allocations of income or gain, would not be permitted to be made to taxable partners instead of exempt limited partners. The Bill provides three conditions that must be met by the limited partnership with respect to the allocation of income, gain, losses, deductions and credits among partners. First, under the partnership agreement, the partnership cannot allocate a lesser share of any item of deduction, loss or credit to the limited partners than their share of each item of income or gain. This requirement is intended to prevent the partnership agreement from allocating larger deductions, losses, or credits in relation to income or gain from the limited partners as a whole (who may consist in part or entirely of qualified trusts or qualified exempt organizations) to a general partner or partners; however, it is not intended to prevent special allocations of deductions under Section 704(b) that may have substantial economic effect from being allocated from the general partner or partners to the limited partners as a whole or to prevent the allocation of revenues to a general partner for services rendered to the partnership. Also, the Bill is not intended to prohibit the use of sharing arrangements common in the oil and gas industry between a general and the limited partners whereby differing amounts of income, deductions and credits are allocated between the general and limited partners before and after "pay-out." The bill would, however, prevent such a clear cut abuse of exempt status as a materially disproportionate allocation of income and deductions from drilling to a taxable partner in years when drilling operations are being conducted and a subsequent shift to a disproportionate allocation of income and deductions to exempt partners in years when the partnership is realizing income from producing properties.

Second, the Bill requires that, as between limited partners, there can exist no different allocation of any item of deduction, loss or credit. This is to assure that it will not be possible to allocate deductions that are available to the limited partners as a whole to taxable instead of exempt limited partners. However, this limitation does not apply to disproportionate deductions between partners arising as a consequence of the partners having different bases in their partnership interests or in their partnership properties, as, for example, resulting from a Section 754 election.

Third, cash distributions must be made in no different manner from the allocation of income or gain.

The Bill further provides that disproportionately lesser allocations of deductions, losses or credits to exempt limited partners cannot, subject to regulations to be prescribed by the Secretary, be effectuated indirectly, by use of multi-tier partnerships or other arrangements such as trusts or Subchapter S corporations. This limitation is intended to apply only to situations in which a partnership or other entity is used as a purposeful device primarily to achieve a material misallocation of tax benefits from exempt to taxable investors. It is not, for example, intended to prevent a limited partnership that otherwise meets the conditions of the Bill from entering, directly or indirectly, into a general partnership, joint venture, operating agreement or "farm out" arrangement for the acquisition, exploration or development of oil and gas properties under the terms of which the other partner, venturer or operator bears the economic burden of paying all or part of the costs of such acquisition, exploration or development and is allocated or assigned the deductions or credits associated with the costs borne by it.

The Bill further provides that qualified trusts and qualified exempt organizations will not receive exempt income from working interests held by a limited partnership if either organization is related to any general partner. The purpose of the related party provision is to assure that a qualified trust or qualified exempt organization (or a group of such trusts or organizations) cannot control, directly or indirectly, the activities of a limited partnership by means of a related entity without becoming subject to tax on income from such activities. Under the Bill, income from a limited partnership interest would not be excluded from unrelated business taxable income if the combined holdings of all such trusts and organizations in a general partner were to represent 35 percent or more of the total interest in the general partner. For purposes of making this determination, the holdings of the qualified trusts and qualified exempt organizations.

Many limited partnership drilling programs often, for administrative reasons, employ more than one tier of partnerships to effect investment in operating properties. For example, the investors may invest in an upper tier partnership (which may be either a general or a limited partnership) which in turn invests all its assets as a limited partner in a lower-tier partnership. It is intended that the amendment will apply to investors in such "two tier" partnerships, if the income is distributed to them either as a limited partner or as a partner in a partnership that is itself a limited partner (subject to the limitations of the Bill on the disproportionate allocation of losses, deductions and credits).

The Bill also contains a conforming amendment to Section 514(c) (relating to unrelated debt-financed income) which provides that acquisition indebtedness in the case of a qualified trust or a qualified exempt organization does not include indebtedness incurred by the limited partnership to acquire, develop, or operate oil and gas properties. This amendment provides that the objectives of the Bill in Exempting income from working interests will not fail to be achieved because the partnership has incurred debt for purposes of acquiring or developing its properties, as is customary in the oil and gas industry. However, qualified trusts and organizations that borrow to finance the acquisition of limited partnership interests will continue to be subject to the acquisition indeptedness rules as to such borrowings.

The amendment incorporates the safeguards contained in section 514(c)(9), which exempts real estate investments by trusts qualified under section 401 from the acquisition indebtedness rules. These safeguards protect against abuses such as the sale-leaseback involved in Commissioner v. Clay Brown, 380 U.S. 563 (1965). The amendment will not, however, preclude non-abusive sales, leases, farmouts or other transfers between limited partnerships and parties related to the general partner (e.g., affiliated programs), a practice customary in the oil and gas industry, from qualifying for exemption from the acquisition indebtedness rules. A transfer will be considered non-abusive if its terms are consistent with the terms of similar transfers in the geographic area. This geographic-area standard is consistent with the guidelines employed by the North American Securities Administrators Association to evaluate transfers of this

type between sponsors of oil and gas drilling programs and related parties.

It is not believed that the Bill will result in any material revenue loss, since, to the extent qualified trusts or qualified exempt organizations choose to invest in oil and gas drilling programs as a consequence of it, they will forego other investments producing dividend, interest and other passive income that would also be exempt in their hands. In addition, deductions, losses and credits allocated to an exempt limited partner will not be available to reduce the taxable income of that partner or any other partner..The Bill will take effect with respect to partnership taxable years beginning after December 31, 1982.●

By Mr. CHAFEE:

S. 1550. A bill to amend the Internal Revenue Code of 1954 to relieve international double taxation of overseas construction projects of U.S. contractors; to the Committee on Finance.

PREVENTION OF DOUBLE TAXATION

● Mr. CHAFEE. Mr. President, I am today introducing with my colleague, Senator SYMMS, a bill to prevent the double taxation of income earned by U.S. construction firms doing business abroad.

Under existing law, U.S. constructors are inhibited in competing with non-U.S. firms for foreign projects. This situation occurs when both foreign countries and the U.S. tax construction contract services that support foreign construction projects but are performed in the United States. The kinds of services involved are architectural, engineering, design, and construction management. This form of double taxation creates a trade barrier hindering U.S.-based corporations in bidding and obtaining foreign contracts.

Our bill would permit a U.S. firm to deduct as a cost of doing business the foreign tax on U.S. "construction contract services." Such treatment is consistent with our longstanding policy of eliminating double taxation, and with the practice of foreign governments such as the Netherlands and United Kingdom. Also, the bill would place American construction firms on a competitive par with non-U.S. firms competing in international construction. This bill should raise U.S. revenues because U.S. firms could more effectively compete for foreign construction projects, thus realizing the purposes of this bill—to provide more jobs for Americans.

A similar bill, H.R. 1609, has been introduced in the House by Congressmen FRENZEL and GIBBONS.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELECTION TO DEDUCT CERTAIN FOREIGN TAXES.

(a) IN GENERAL.—Paragraph 4 of section 275(a) of the Internal Revenue Code of 1954 (relating to deduction of certain taxes) is amended by inserting "(other than amounts with respect to which an election under subsection (b) has been made)" after "United States".

(b) ELECTION TO DEDUCT CERTAIN FOREIGN TAXES.—Section 275 of such Code is amended by redesignating subsection (b) as subsection (c) and any inserting after subsection (a) the following new subsection:

"(b) ELECTION TO DEDUCT CERTAIN FOREIGN TAXES.—

"(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to deduct the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or possession of the United States which is imposed in connection with construction contract services rendered in the United States which are directly related to a construction project located (or proposed for location) in such foreign country or possession.

"(2) DEFINITION OF CONSTRUCTION CONTRACT SERVICES.—For purposes of this subsection, construction contract services shall mean engineering, architectural, design, project management, procurement, cost estimating, scheduling, construction planning or construction mobilization services, or other services, including financial, administrative, clerical, data processing or reproduction services, which are related and subsidiary to any of the foreign services.

"(3) MANNER AND TIME OF ELECTION.—

"(A) IN GENERAL.—An election under paragraph (1) for the taxable year shall be made in such manner and at such time as is provided for the election to credit foreign taxes under section 901.

"(B) DISCRIMINATORY TAXES BY FOREIGN COUNTRY.—Whenever the Secretary finds that under the laws of a foreign country, citizens of the United States or domestic corporations are being subjected to a higher effective rate of tax than are nationals, residents, or corporations of any other countries with respect to income of the kind described in paragraph (1), the election under this subsection shall not be allowed to be made.".

(c) CREDIT DISALLOWED.—Section 901 of such Code (relating to taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) CERTAIN FOREIGN TAXES DEDUCTED.—The amount of any income, war profits, and excess profits taxes deducted by a taxpayer pursuant to an election under section 275(b) shall not be allowed as a credit under subsection (a).".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply to taxable years ending after December 31, 1982.●

By Mr. HART (for himself, Mr. CRANSTON, and Mr. PROXMIRE):

S.J. Res. 124. Joint resolution calling for negotiations to halt the production of separated plutonium; to the Committee on Foreign Relations.

PLUTONIUM PRODUCTION FREEZE

● Mr. HART. Mr. President, 20 years ago, President Kennedy said:

> Every man, woman, and child lives under a nuclear sword of Damocles hanging by the slenderest of threads, capable of being cut at any moment by accident, miscalculation, or by madness. The weapons of war must be abolished before they abolish us.

Seeking to remove this terrible sword of Damocles from our lives, Americans from every walk of life, of every creed and color, from every corner of this land for over a year have been crying out for an end to the madness of a nuclear arms race. And the movement to freeze and reverse it continues to gain strength.

The idea of a nuclear weapons freeze has mobilized public opinion and sent it into battle against an arms race that daily brings us closer to annihilation.

Yet, although an important first step, efforts to freeze, limit, or reduce strategic nuclear weapons address only part of the nuclear threat: The continued United States-Soviet nuclear arms buildup. A second and equally grave problem is the spread of nuclear weapons to nations not now possessing them or to terrorists.

Nuclear proliferation is the new nightmare that haunts the world. Not just nation making war on nation, but isolated terrorist groups blackmailing the world. Not armies of scientists working with ultrasecret technologies, but a few individuals building a bomb with some basic physics and a few pounds of plutonium. Not weapons hurled thousands of miles on complex rockets—but a bomb the size of a suitcase in some American or European city. Not the superpowers of the world restrained by the balance of terror, but unstable outlaw nations—Libya or Pakistan—threatening their neighbors with a handful of nuclear bombs.

Mr. President, we must do everything in our power to prevent the use of nuclear weapons by the superpowers. But we must also work to prevent the detonation of a nuclear bomb by any country or terrorist group, against any country, for any reason.

The joint resolution I am introducing today addresses the fundamental precondition for efforts both to control strategic nuclear weapons and to prevent the further spread of nuclear weapons: halting the production of separated plutonium.

This "plutonium freeze" resolution calls for all countries with the technology to produce separated plutonium—including the United States and the Soviet Union—to enter into immediate negotiations toward a verifiable end to both the production of separated plutonium and the export of the technology for such production.

Separated plutonium is the basic material for nuclear weapons. It has also been considered as a possible fuel

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not only for existing nuclear power reactors, but also for the breeder reactors currently under development in several countries.

If separated plutonium becomes an accepted fuel for nuclear power reactors, we will soon see tons of this dangerous material moving each year in international commerce. One can almost imagine a time when, on world commodities exchanges, futures on plutonium are traded along with futures on pork bellies. And with each transaction, the risk of diversion or theft for weapons-building will grow. Indeed we will have begun to traffic in global annihilation.

Mr. President, this resolution does not call for the United States to halt unilaterally the production of separated plutonium. Rather, it calls for all plutonium-producing nations to negotiate a halt to all plutonium production, for whatever purpose. Such an agreement could be verified by inspections by the International Atomic Energy Agency (IAEA), the agency responsible for administering the safeguards applied to civilian nuclear activities around the world.

A U.S. proposal for a plutonium production freeze, verified by the IAEA, might meet with a favorable Soviet response. Last month, Milton Benjamin reported in the Washington Post that the Soviet Union had indicated a willingness to accept onsite inspections by the IAEA of its nuclear facilities. To date, it has not accepted onsite inspection under the IAEA regime of any of its nuclear facilities. But this new development might prove an important first step toward a plutonium agreement on a plutonium production freeze.

I ask unanimous consent that the text of Mr. Benjamin's article appear in the RECORD at the end of my statement.

Beyond a negotiated halt in the production of plutonium and on the export of its means of production, this resolution calls for the United States and other nuclear supplier and consumer nations to reject the commercial use of separated plutonium as a nuclear power reactor fuel. Civilian nuclear power technology can be based on non-weapons-usable fuel, such as natural and low-enriched uranium, especially if supplier nations make abundant, secure, and economic supplies available.

There is no economic justification for using separated plutonium in the world's nuclear power reactors. World uranium reserves greatly exceed demand and will last well into the next century. During the past decade, the price of uranium dropped from $60 per pound to today's price of approximately $20 per pound. Only an eightfold increase in uranium prices would economically justify the reprocessing of spent fuel and use of the resulting separated plutonium in power reactors.

Mr. President, I recognize that several countries, particularly Japan and the Euratom countries, believe their energy security rests on recycling separated plutonium in existing reactors and on breeder reactors, which produce more plutonium than they consume. Despite the obvious dangers of such plans, this administration has not tried to dissuade our allies from them, for fear of jeopardizing our relationships. It is hard to believe that our relationships with these countries could not withstand such efforts—particularly when secure, reliable supplies of natural and low-enriched uranium would be available. The risks of nuclear proliferation created by going the plutonium route jeopardize the security not only of the United States, but of these countries as well. Their short-term interest in using separated plutonium for fuel should not obscure the longer term interest of the world in avoiding nuclear annihilation.

All serious analysts of nuclear arms control recognize the strong link between effects to reduce the size of strategic nuclear arsenals and efforts to curb the spread of nuclear weapons. Nuclear "have-not" nations will not agree to refrain from acquiring nuclear weapon's so long as nuclear "have" nations resist disarmament. In fact, article VI of the Nonproliferation Treaty explicity recognizes this relationship. It requires signatories not possessing nuclear weapons to forgo them; in return, nuclear weapons countries must in good faith cease the nuclear arms race and work toward nuclear disarmament.

This joint resolution takes a modest step toward this goal—for once current stockpiles of plutonium are exhausted, no new nuclear weapons would be built. It not only would make it more difficult for nonnuclear weapons states and terrorists to join the nuclear club. It also would have a profound impact on the arms race between the superpowers—a race that threatens the survival of the world.

Moreover, this resolution complements another resolution I have introduced calling for United States-Soviet strategic talks on prevention (STOP), with the explicit goal of reaching an agreement on preventing the use of nuclear weapons.

Mr. President, this joint resolution gets to the very core of the nuclear threats we face today. It would, by preventing international commerce in separated plutonium, reduce the risk that nonnuclear weapons countries or terrorist groups will acquire the means to detonate a nuclear bomb. Unless we halt the worldwide expansion of nuclear weapons arsenals, unless we end our nuclear madness, none of us will be around to mourn the consequences.

Mr. President, I urge the Senate promptly to consider and pass this joint resolution.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the RECORD along with the letter earlier mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 124

Whereas nuclear war would kill and maim millions of persons, devastate industrial and technological bases, and threaten civilization;

Whereas the use of nuclear explosives by subnational or terrorist groups or irresponsible governments would destroy population centers and spread chaos and could lead to a nuclear war between nuclear weapon states;

Whereas both the expansion of existing nuclear weapons arsenals, and the spread of nuclear weapons to countries or terrorist groups not now possessing them, would increase the probability that such destruction and devastation could occur by design, accident, or miscalculation and thus would pose the gravest risk to the security of the United States and the world;

Whereas separated plutonium is both a basic ingredient for making nuclear weapons and an alternative fuel for nuclear power reactors;

Whereas if separated plutonium is used as a nuclear power reactor fuel, thousands of pounds of separated plutonium eventually could move each year in international commerce;

Whereas the world's existing uranium resources and uranium enrichment capacity easily can meet all requirements for nuclear power fuel for the foreseeable future, thus rendering economically unjustifiable the use of separated plutonium as a nuclear power reactor fuel;

Whereas separated plutonium cannot be adequately protected or safeguarded against diversion or theft to build nuclear weapons;

Whereas there have been no further negotiations since 1975 among the countries that possess the technology for producing separated plutonium to limit the future export of such technology; and

Whereas the continued and increasing production and use of separated plutonium not only would permit nuclear weapon states to expand their nuclear weapons arsenals, but also would increase the chance that new countries or terrorists groups would acquire the means to detonate a nuclear bomb: now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the United States, the Soviet Union, and other countries that have the technology to produce separated plutonium for military or civil purposes should, without delay, enter into negotiations leading to a mutual and verifiable halt in the further production of separated plutonium for any purpose and the export of technology for such production, in order to prevent separated plutonium from becoming an article of domestic and international commerce, reduce the risk that nonnuclear weapon states or terrorist groups will acquire the means to detonate a nuclear bomb, and halt the expansion of nuclear weapons arsenals around the world; and

(2) the United States and other nuclear suppliers and consumer nations should

promptly begin negotiations leading to an agreement to reject the commerical use of separated plutonium as a nuclear power reactor fuel, to base civilian nuclear power technology only on nonweapons usable fuel, and to make abundant, secure, and economic supplies of natural and low enriched uranium available for that purpose.

[From the Washington Post, May 20, 1983]

SOVIETS INVOLVED IN A-PLANT SITE INSPECTION TALKS

(By By Milton R. Benjamin)

SEATTLE, May 19.—An International Atomic Energy Agency team is in Moscow negotiating an agreement for on-site inspection of civilian nuclear facilities that Director-General Hans Blix said could set a precedent for verifying a U.S.-Soviet arms control pact in the future.

"I think a new perspective has been opened with the Soviet Union's voluntary offer to us to come and safe guard some of their peaceful nuclear installations," Blix said in an interview. "This clearly raises the question to what extent the safe guards technique could be employed in a nuclear disarmament context."

A team of four atomic energy agency officials flew to Moscow on Monday to discuss which Soviet facilities will be opened to international inspection, sources said. The Soviets so far have agreed only to permit inspectors to visit atomic power plants and research reactors, the sources said.

Blix conceded that Soviet willingness to permit inspection of "peaceful, identified installations" was not the same as agreeing to let monitors of a disarmament agreement "roam, the territory."

Nevertheless, State Department officials said they believe that Moscow's reversal of its longstanding refusal to open any of its atomic program to international inspection—and its acceptance of the principle of institutionalized on-site inspection and related verification measures—represent at least a modest step forward.

Blix, who has been attending an IAEA conference on radioactive waste management here, said he found it "very interesting that in a number of recent Soviet statements they have placed a great emphasis on safeguards as a model for verification methods in the field of disarmament."

Though he conceded that the current arms control climate does not appear to be a "very hopeful one" he suggested that a future approach might be for the United States and the Soviet Union to agree to cease further production of the plutonium and highly enriched uranium needed for nuclear weapons.

"We now have the experience, and are increasing our experience, in safeguarding reprocessing plants and enrichment plants, which are the installations that produce weapons-grade material," Blix said, "So if one day the great powers wish to ask themselves, could we have a cutoff of fissionable material for weapons puposes, the techniques are there to monitor it," he said.

This approach to arms control is similar to the "plutonium freeze" proposal currently being circulated in Congress by Sen. Gary Hart (D-Colo.) and Rep. Richard L. Ottinger (D-N.Y.)

Verification of U.S.-Soviet arms agreements never has included on site inspection, but always has relied on monitoring from outside the country and satellite reconnaissance.

Nevertheless, Blix said he felt that "the more recent Soviet statements on verification and control" suggest that Moscow is open to this approach.

The United states, Britain and France for some time have permitted the IAEA to inspect some of their civilian nuclear facilities. China, the fifth nuclear weapons state, does not have a civilian atomic program and is not open to IAEA inspectors.●

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DOLE, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 50

At the request of Mr. COHEN, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 50, a bill to provide access to trade remedies to small businesses, and for other purposes.

S. 338

At the request of Mr. COHEN, the names of the Senator from Nebraska (Mr. EXON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mr. WILSON), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 338, a bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts, and for other purposes.

S. 422

At the request of Mr. JEPSON, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mr. HAWKINS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. TRIBLE) were added as cosponsors of S. 422, a bill to amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance.

S. 591

At the request of Mr. INOUYE, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 873

At the request of Mr. LUGAR, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 891

At the request of Mr. CHAFEE, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 891, a bill to develop additional procedures for Federal land sales.

S. 1080

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Texas (Mr. BENTSEN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Georgia (Mr. MATTINGLY), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1090

At the request of Mr. WALLOP, the names of the Senator from Virginia (Mr. TRIBLE) and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

S. 1306

At the request of Mr. MATHIAS, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1325

At the request of Mr. MCCLURE,, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mr. EAGLETON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 1325, a bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year.

S. 1469

At the request of Mr. SPECTER, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1469, a bill to amend title 18 of the

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United States Code relating to the sexual exploitation of children.

S. 1498

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1498, a bill to amend title 23, United States Code to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System.

SENATE JOINT RESOLUTION 3

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 48

At the request of Mr. MCCLURE, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Joint Resolution 48, a joint resolution to amend the Constitution of the United States to limit budget outlays for a fiscal year to not more than 20 percent of gross national product for such fiscal year.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Alaska (Mr. STEVENS), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month."

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theater Week."

SENATE JOINT RESOLUTION 116

At the request of Mr. KASTEN, the names of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Ohio (Mr. GLENN), the Senator from Idaho (Mr. SYMMS), the Senator from Connecticut (Mr. DODD), the Senator from Rhode Island (Mr. CHAFEE), the Senator from North Carolina (Mr. HELMS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Florida (Mrs. HAWKINS), the Senator from Arizona (Mr. DECONCINI), the Senator from Alabama (Mr. HEFLIN), the Senator from Florida (Mr. CHILES), the Senator from Ohio (Mr. METZENBAUM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. JEPSEN), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 116, a joint resolution to designate the week of September 4, 1983, through September. 10, 1983, as "Youth of America Week."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE RESOLUTION 137

At the request of Mr. KASTEN, the names of the Senator from Montana (Mr. MELCHER) and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of Senate Resolution 137, a resolution expressing the sense of the Senate that Taiwan should retain full membership in the Asian Development Bank, and that it should not be expelled as a precondition for membership in that body by the People's Republic of China.

AMENDMENTS SUBMITTED

EXTENSION OF EDUCATION FOR THE HANDICAPPED ACT

BYRD (FOR EAGLETON) AMENDMENT NO. 1436

Mr. BYRD (for Mr. EAGLETON) proposed an amendment to the bill (S. 1341) to revise and extend the Education of the Handicapped Act, and for other purposes; as follows:

On page 3, between lines 9 and 10, insert the following:

BYPASS PROVISION

SEC. 4. Section 613 of the Act is amended by adding at the end thereof the following new subsection:

"(b)(1) If a State educational agency is prohibited by law from providing for the participation in special programs for handicapped children enrolled in private elementary and secondary schools as required by subsection (a)(4), the Secretary shall waive such requirement, and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a)(4).

"(2)(A) When the Secretary arranges for services pursuant to this subsection, the Secretary shall, after consultation with the appropriate public and private school officials, pay to the provider of such services an amount which may not exceed the amount provided per child to all handicapped children enrolled in the State for services for the fiscal year preceding the fiscal year for which the determination is made.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

"(C) Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(4).

"(3)(A) The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least forty-five days after receiving written notice thereof, to submit written objections and to appear before the Secretary or his designee to show cause why such action should not be taken.

"(B) If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A) of this paragraph, it may within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(C) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) Upon the filing of a petition under subparagraph (B), the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.".

Redesignate the succeeding sections accordingly.

STEVENS (FOR THE COMMITTEE ON LABOR AND HUMAN RESOURCES) AMENDMENT NO. 1437

Mr. STEVENS proposed an amendment to the bill S. 1341, supra; as follows:

On page 2, between lines 6 and 7, insert the following:

(c)(1) Section 604(a) of the Act is amended by striking out "Office" and inserting in lieu thereof "Department".

(2) The fourth sentence of section 604(b) of the Act is amended to read as follows: "The Secretary shall transmit each such report, together with such comments and recommendations as the Secretary may deem appropriate, to the Congress.".

NATIONAL NEEDS AND OBJECTIVES IN THE ARCTIC

STEVENS (FOR MURKOWSKI) AMENDMENT NO. 1438

Mr. STEVENS (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 373) to provide comprehensive national policy dealing with national needs and objectives in the Arctic; as follows:

On page 12, line 17, strike "1984", and insert in lieu thereof: "1985".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public oversight hearing before the Committee on Energy and Natural Resources to continue the review of the geopolitics of strategic and critical minerals. The hearing will be held on Friday, July 22, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room SD-360, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Bob Terrell of the committee staff at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, June 27, at 10 a.m., to hold a hearing on the Export Administration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, June 27, to mark up fiscal year 1984 Department of Defense military authorization, S. 675.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Securities, of the Committee on Banking and Urban Affairs, be authorized to meet during the session of the Senate on Tuesday, June 28, to receive testimony from John Fedders of the Securities Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, June 28, at 2 p.m., to hold a hearing on S. 1090, the Outdoor Recreation Resources Review Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet in executive session, during the session of the Senate on Tuesday, June 28, at 4 p.m., to hold a closed session briefing on Central America.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 28, at 11 a.m., to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 28, at 10 a.m., to hold a hearing on the nomination of Lang Horne A. Motley, of Anchorage, Alaska, to be Assistant Secretary of State for Inter-American Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 28, to hold a hearing on S. 1324, the Freedom of Information Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, June 27, in order to receive testimony concerning Senate Joint Resolution 73, a proposed constitutional amendment relating to voluntary school prayer.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WELCOME HOME

● Mr. BENTSEN. Mr. President, all Americans are proud of the *Challenger* crewmembers and the success of their mission, but as the representative of several constitutents who have completed one of history's most ambitious and significant adventures in space I wanted to take just a few moments of the Senate's time to offer congratulations on a job well done.

The *Challenger* mission is more than an American triumph; it had been an international event, made possible by the combined efforts of four nations—Canada, West Germany, Indonesia, and the United States. Working together, we were able to design and complete a mission that set new standards of achievement and helpled establish the shuttle as a viable commerical and scientific undertaking.

Challenger astronauts Robert Crippen, Frederick Hauck, John Fabian, Sally Ride, and Norman Thagard performed with distinction and have earned their status as contemporary heroes. Dr. Sally Ride, the first American woman in space, has become a celebrity, and deservedly so.

For my part, I am not impressed so much by the fact that Dr. Ride was "first" but that she is so highly qualified for her position, so obviously able, and performed so well on the mission. In joining the millions of Americans who offer their congratulations to Dr. Ride, I would only say that I hope we can look beyond her singular achievement to the day when there will be no more "firsts" for the women of America, no more barriers or prejudices that deny them opportunities that are their birthright as American citizens. One further thought, Mr. President: Should Dr. Sally Ride ever decide to abandon science for a career in politics, I hope she will turn out to be a Democrat.

I think there is a tendency to see successful space missions, especially one as dramatic as *Challenger*, as a national triumph. In this case, however, I think we should also emphasize the role of the *Challenger* mission in international cooperation in space. While orbiting the Earth, *Challenger* placed a Canadian and an Indonesian communication satellite into orbit. Carried in *Challenger's* cargo bay was OSTA-2, one of the first joint research projects to be conducted on the space shuttle. NASA and the Federal Republic of Germany developed OSTA-2 as the first in a series of planned orbital investigations of material processing in space. The results of these experiments will significantly benefit the semiconductor industry and enhance our understanding of metallurgy and glass technology.

The flight of *Challenger* also demonstrated the commercial potential of the shuttle program. Using a 50-foot-long arm, the astronauts lifted the shuttle pallet satellite out of the cargo bay and let it go in space. *Challenger* and the satellite then flew in formation for 8 hours. Cameras aboard the satellite recorded the spectacular exercise on film and gave America's TV audience its first view of the shuttle's flight around the Earth. While in

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flight the shuttle pallet satellite conducted eight scientific experiments. When the maneuvers were complete the crew used the robot arm to retrieve the space platform and lock it inside the cargo bay.

These maneuvers were no mere exercise. The successful performance of the remote manipulator arm is critical to future missions when the shuttle will operate like a flying service station. Next year, the tests performed this week will enable the crew of the 13th flight to retrieve a damaged satellite called the solar maximum mission, pull it back into the cargo bay, repair

about two dozen of the Nation's leading economists asking for their views and concerns about the Congress inability to restrain Federal spending and thereby reduce Federal deficits. These economists represent the views of both the private sector and the academic world.

I commend these responses to my colleagues as relevant reading during the present budget deliberations. Although I do not necessarily agree with all the views expressed, I nonetheless feel the view of these economists provide ample food for thought which will hopefully provoke serious consid-

ation, a 5-percent broad-based energy use tax would help to maintain conservation efforts and also noticeably boost revenues to the tune of nearly $90 billion over the next five fiscal years by some estimates. In addition, as painful as this may be, Congress needs to reconsider or delay the enactment of income tax bracket indexation in 1985. Since Administration policies have succeeded so well in lowering inflation, there has been less bracket creep than initially anticipated when the cumulative 25-percent tax cut was passed back in 1981. As a result, the average effective tax rate will be reduced somewhat more than initially anticipated by the 25-percent tax cut. Consequently, the case for further near-term tax relief

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PRESENT AND FUTURE IN AN UNCERTAIN WORLD

(By Allan H. Meltzer)

In the two decades that followed World War II, real per capita income probably increased at a higher rate, in more countries and for more people than at any other time in recorded history. The achievement is not diminished by the qualifications. There are, of course, more people, and the recorded history for much of the world is relatively brief. It remains true, however, that in these two decades, there was considerable material progress for much of the world's population.

The progress of the fifties and the sixties

Growth occurs when people sacrifice current consumption in anticipation of increased future consumption. Output and consumption increase if the resources released from current consumption are invested in productive assets, in useful training, or in improvements of technology. Properly calculated measures of the return on these investments depend on the rate of interest. The higher the rate of interest, the smaller is the present value of returns received in future years; the lower the rate of interest, the larger the present value of returns received in future years. Projects with a given current cost become more profitable as the rate of interest falls. A rise in the rate of interest reduces investment, the accumulation

rates. This is the pattern observed in recent years.[4]

The mismanagement of monetary control by the Federal Reserve increased the variability of both money growth and interest rates after 1979. Instead of trading increased variability of interest rates for greater certainty about money growth and inflation, Federal Reserve policy added to the risks in the economy. The increased risk is reflected by the higher levels of short- and long-term rates and by the failure of rates to respond fully to the substantial decline in current and expected future rates of inflation.

The increase in risk premiums helps to explain several features of recent experience flight the shuttle pallet satellite conducted eight scientific experiments. When the maneuvers were complete the crew used the robot arm to retrieve the space platform and lock it inside the cargo bay.

These maneuvers were no mere exercise. The successful performance of the remote manipulator arm is critical to future missions when the shuttle will operate like a flying service station. Next year, the tests performed this week will enable the crew of the 13th flight to retrieve a damaged satellite called the solar maximum mission, pull it back into the cargo bay, repair it, and put it back to work in space.

During the course of this flight, shuttle astronauts began working toward the day when the shuttle could be a factory and laboratory in space. The crew conducted 28 experiments, almost three times as many as any previous mission. These experiments covered a wide range—from separating the protein components in human blood to observing the reaction of a colony of carpenter ants to weightlessness in space.

Challenger has proven that it is a vehicle of unsurpassed performance. In only 64 days, the fastest turnaround ever, the spacecraft was recommissioned and ready for launch. On Friday morning, *Challenger* landed smoothly at Edwards Air Force Base. Unfortunately, inclement weather in Florida prevented the shuttle from making another first and landing at Kennedy Air Force Base.

Challenger carried the largest and perhaps one of the most distinguished crews ever flown in space. With the return of *Challenger*, Mission Comdr. Robert Crippen becomes the first astronaut to make two flights aboard the shuttle, having been a pilot on the maiden voyage of orbiter *Columbia*. Hauck, Ride, Fabian, and Thagard are the first members of NASA's class of 1978 to fly aboard the space shuttle. This exceptional group of individuals was recruited for their outstanding performance in a variety of disciplines and specifically trained for the shuttle mission.

I would like to add that two of *Challenger's* crewmembers, Crippen and Fabian, are native Texans. Although he prefers to think of himself as a Washingtonian, Colonel Fabian was born in Goose Creek, Tex. Dr. Thagard had the good sense to attend one of Texas' finest medical schools.

I commend these individuals for their extraordinary contribution to the space program and for the humor and grace with which they have shared their historic mission.●

INABILITY OF CONGRESS TO RESTRAIN FEDERAL SPENDING

● Mr. ARMSTRONG. Mr. President, several weeks ago, I wrote to you about two dozen of the Nation's leading economists asking for their views and concerns about the Congress inability to restrain Federal spending and thereby reduce Federal deficits. These economists represent the views of both the private sector and the academic world.

I commend these responses to my colleagues as relevant reading during the present budget deliberations. Although I do not necessarily agree with all the views expressed, I nonetheless feel the view of these economists provide ample food for thought which will hopefully provoke serious consideration of the present fiscal problems facing our country. I ask that the responses be printed in the RECORD.

The responses follow:

PAINE WEBBER,
New York, N.Y., May 3, 1983.

Senator WILLIAM L. ARMSTRONG,
U.S. Senate, Dirksen Building, Washington, D.C.

DEAR SENATOR ARMSTRONG: In response to your letter of April 19, I too am dumbfounded by the statement that our economy can "assimilate these deficits with no sweat." In fact, the financial markets currently are experiencing some difficulty absorbing large Federal borrowings; witness the unusually high level of real or inflation-adjusted interest rates for this stage of the business cycle. And looking ahead, the bond market's ability to handle continued Federal deficits in the $200 billion per year neighborhood will become even more difficult as private credit demands eventually accelerate over the coming business cycle.

The first of your three specific questions was whether the deficts "constitute a serious threat to the Nation's economic stability?" My answer is a definite "yes." Partly reflecting exceptionally high current and projected deficits, we are beginning the current economic recovery with exceptionally high real rates of interest. For example, the last long-lived economic recovery beginning in 1975 started with short-term interest rates about equal to the rate of inflation. By comparison, today short-term rates are 3-4 percentage points above current inflation. This disturbs me since we never have mounted a sustained, strong economic recovery at these levels of real interest rates. And real growth should be a primary national objective now. For example, I understand that some studies suggest that the industrial countries need to expand at just over a 4 percent real annual rate during the next few years for the Third World debtor nations to be able to expand their exports enough to repay their debts. This required real rate of growth is roughly equal to the growth seen in the 1976-78 period throughout the industrial world. However, the difference this time around is that, as indicated earlier, real interest rates are much higher. Thus, the huge deficits and the related high real interest rates do pose a serious threat not only to the sustainability of the recovery but also to the world banking system.

You also asked what actions should be taken by Congress to bring the deficit situation under control. Specifically, you wanted to know whether Congress should look primarily to spending cuts or increased taxes to close the budget gap. My judgment is that Congress must work on both the spending and revenue sides. With regard to taxation, a 5-percent broad-based energy use tax would help to maintain conservation efforts and also noticeably boost revenues to the tune of nearly $90 billion over the next five fiscal years by some estimates. In addition, as painful as this may be, Congress needs to reconsider or delay the enactment of income tax bracket indexation in 1985. Since Administration policies have succeeded so well in lowering inflation, there has been less bracket creep than initially anticipated when the cumulative 25-percent tax cut was passed back in 1981. As a result, the average effective tax rate will be reduced somewhat more than initially anticipated by the 25-percent tax cut. Consequently, the case for further near-term tax relief through indexation is not as strong as it was at the time of the 1981 tax act.

On the spending side of the ledger, the recently proposed reductions in the growth rate of real defense spending from the 10-percent area to nearer the 5-percent annual rate of increase area is certainly a step in the right direction. On nondefense spending in the entitlements area, I fully understand the difficulty of further significant cuts for fiscal 1984 with current unemployment around 10 percent. However, as the economy recovers and the jobless rate recedes, further cuts in "social spending" should be more politically aceptable. One idea is to "trigger" future cuts to falling unemployment in the mid-1980's with legislation this year. In that way, the capital markets might breathe more easily about the longer-run deficit picture.

I hope that my comments have been helpful. They represent not only my views but the views of the hundreds of professional investors with whom I regularly consult. If I can be of further help in answering questions from you and your colleagues on the Senate Budget Committee, please feel free to contact me.

Yours very truly,

DR. MAURY N. HARRIS,
Chief Economist, Paine Webber, Inc.

CARNEGIE-MELLON UNIVERSITY,
Pittsburgh, Pa., May 10, 1983.

Senator WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR ARMSTRONG: I am responding to your letter of April 19 on the subject of budget deficits. Like you, I am dismayed by the willingness of the administration and the Congress to tolerate extremely large deficits for the indefinite future. These deficits shift resource use from investment to consumption. They contribute to the pattern of recent years: weak recoveries, prolonged recessions, stagnation.

I have signed the bi-partisan proposal prepared by former Secretary Peter Peterson and the five former Secretaries of the Treasury. I believe that proposal, though not ideal, is a distinct improvement over our current and prospective position. It is a beginning. On pages 11 to 18 of the enclosed paper, I comment on some of the institutional changes that are required to bring our economy back to high growth with low inflation.

I will be happy to help in any way that will contribute to the re-establishment of procedures that will assure orderly growth with low inflation.

Sincerely,

ALLAN H. MELTZER,
John M. Olin Professor of Political Economy and Public Policy.

PRESENT AND FUTURE IN AN UNCERTAIN WORLD

(By Allan H. Meltzer)

In the two decades that followed World War II, real per capita income probably increased at a higher rate, in more countries and for more people than at any other time in recorded history. The achievement is not diminished by the qualifications. There are, of course, more people, and the recorded history for much of the world is relatively brief. It remains true, however, that in these two decades, there was considerable material progress for much of the world's population.

The progress of the fifties and the sixties continued in the seventies. Estimates by the World Bank show that between 1970 and 1977, nearly 50 percent of the world's population lived in countries that experienced growth of real per capita incomes of 4 percent or more.[1] Many of these gains are real gains in standard of living that do not vanish when we mentally make the more obvious adjustments for erroneous and imprecise reports, effects of the oil cartel on the reported income in oil producing countries, and differences between consumption and average per capita income reported or produced. Much of the world may remain poor on some absolute standard, but most of the world is less poor than a generation ago. And progress appears to have been more rapid and widespread than in earlier periods of comparable length.[2]

By the end of the seventies, however, growth and development slowed in many countries. Reduced growth in several of the major developed countries necessarily slowed the growth in other, less developed, countries that rely on the growth of their exports to maintain or increase growth of domestic output and income. Growth rates remained below the level of the sixties in many countries during the first two years of the eighties. Although the world economy has grown more slowly and many countries have experienced temporary recessions or stagnation, there is no general decline that is in any way comparable to the decline from 1929 to 1933 or even the decline of 1920-21.

It is common, now to assign major responsibility for slower growth to some recent political personalities or their policies. Reaganomics and Thatcheritis are often described as causes of slower growth, stagnation or even depression in the world economy. Such statements are imprecise and inaccurate. Slower growth did not begin in 1980 or 1981. The growth rate of output for 1977-80 had fallen below the rates achieved earlier in the decade. A substantial decline in reported growth for 1977-80 relative to 1970-77 occurred in many countries, including the U.S. and the U.K., but also including Canada, Spain, New Zealand, Belgium, Brazil, Korea, France and the Netherlands.[3]

Growth occurs when people sacrifice current consumption in anticipation of increased future consumption. Output and consumption increase if the resources released from current consumption are invested in productive assets, in useful training, or in improvements of technology. Properly calculated measures of the return on these investments depend on the rate of interest. The higher the rate of interest, the smaller is the present value of returns received in future years; the lower the rate of interest, the larger the present value of returns received in future years. Projects with a given current cost become more profitable as the rate of interest falls. A rise in the rate of interest reduces investment, the accumulation of capital and the level of future of output.

The rate of interest relevant for these comparisons is the so-called real rate of interest. This rate differs from quoted market rates by the rate of inflation that borrowers and lenders anticipate. The higher the anticipated rate of inflation, the higher is the market rate that is required to maintain a given real rate of interest.

The critical role of the real rate of interest in allocating resources between present and future suggests that we look to the present level of real rates to explain the slower growth of output experienced in many countries during recent years. All computations of the real rate of interest—whether by subtracting the past average rate of inflation, the current rate of inflation or some measure of expected future inflation—show a marked rise in the computed real rate in recent years.

I believe that increased risk or uncertainty is a principal reason that interest rates, after adjusting for inflation, have remained above their postwar norms in recent years. One principal cause of the increased uncertainty is the greater variability of money growth that we have experienced in recent years. Although the Federal Reserve announces targets for money growth, the targets bear little relation to the actual rates of money growth. No one can guess whether monetary policy will produce another round of inflation, a severe deflation, or a period of disinflation. Interest rates and exchange rates reflect this uncertainty.

Unstable U.S. monetary policy is not the only source of increased uncertainty. Trade policy and fiscal policy are difficult to forecast also. Countries repeatedly use and threaten to use tariffs, quotas, subsidies and regulations to protect or support domestic industry or to retaliate against real or alleged harm done by others. Recent tax cuts in the United States did not increase certainty about fiscal policy or make future tax rates more predictable. Future tax rates are no more certain.

Increased uncertainty about the future discourages investment in real assets and encourages people to hold relatively safe assets such as currency, insured bank deposits and short-term debt. The attempt to shift from long-term debt, land, common stocks and other real assets to these safer assets raises the real rate of interest on long-term debt and on real assets. In principle, the increased demand for money and short-term securities may raise or lower the real rate of interest on short-term securities. If long-term debt is a closer substitute for short-term debt than for money, real rates on short-term debt rise with long-term rates. This is the pattern observed in recent years.[4]

The mismanagement of monetary control by the Federal Reserve increased the variability of both money growth and interest rates after 1979. Instead of trading increased variability of interest rates for greater certainty about money growth and inflation, Federal Reserve policy added to the risks in the economy. The increased risk is reflected by the higher levels of short- and long-term rates and by the failure of rates to respond fully to the substantial decline in current and expected future rates of inflation.

The increase in risk premiums helps to explain several features of recent experience other than interest rates and the increased demand for "safe" financial assets. The increased demand for money lowered the increase of the price level and contributed to the decline in inflation. The reduced demand for real capital contributed to the persistent stagnation of real output from 1979 through 1982. The rise in real rates of interest attracted foreign capital and contributed to the higher exchange value of the dollar.

Technical economic analysis contributes to an understanding of our past and current position and the effect of policy procedures on risk. It does not explain why destabilizing and inefficient procedures are adopted and maintained or why policymakers do not adopt more stable policies. To explain the choice of policy procedures, we must join the political to the economic aspects of policy.

WHY GOVERNMENT POLICIES ARE OFTEN VARIABLE AND UNPREDICTABLE [5]

Every predictable policy is a policy rule. Policy rules may be complex or simple. They may call for predictable changes in response to observable events. Or, they may specify a constant level, a constant ratio or a constant rate of change. The essential feature of a policy is that action is predictable.

The alternative to a policy rule is random, haphazard, unpredictable action. No one chooses to defend haphazard or unpredictable policies, so the case for unpredictable policy is presented instead as a defense of discretionary action by a policymaker. The traditional argument for discretion presupposes that the central bank or government can predict future changes well enough to offset them and reduce variability. The traditional case against discretionary policy is that, in practice, discretionary policy increases variability and reduces stability.[6] At issue, is the degree to which discretionary changes in policy can be used to offset unforseen changes arising from other sources. A rule that requires policies to remain predictable denies to governments the opportunity of responding to unforseen events but

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[1] See World Bank Atlas 1979.

[2] Persistent declines in output for both the periods 1960-70 and 1970-77 are found in only five countries reported by the World Bank. The five are: Cuba, Ghana, Niger, Somelia and Kuwait. Data are from World Bank Atlas 1972 and 1979.

[3] See Appendix, Table 1 for the reported growth rates in these and other countries. A few countries on the list—Mexico, Italy, Switzerland, Germany and Swedan—reported substantially higher growth in the later period. For 8 of the 23 countries, the relative growth rates do not differ by more than 10 percent up or down in the two periods. The list includes most of the market economies of North America, Europe and Asia but excludes the Comecon countries and others for which comparable data is not available in the sources used.

[4] Technical details of this argument and estimates of the increased risk premium are in Angelo Mascaro and Allan H. Meltzer, "Long- and Short-term Interest Rates in a Risky World," unpublished December, 1982. This study suggests that the risk premiums in short- and long-term rates increased by 3½ and 1½ percentage points during the period 1979-81.

[5] This section is partly based on Alex Cukierman and Allan H. Meltzer, "A Postive Theory of Credibility and Monetary Inflation," unpublished November 1982.

[6] See Milton Friedman, "The Effects of a Full Employment Policy on Economic Stability: A Formal Analysis," in Friedman (ed.) Essays in Positive Economics Chicago: University of Chicago Press, 1973, pp. 117-33.

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also prevents governments from making errors.

There are probably specific examples of discretionary policy that reduced variability and, on the other side, some mistakes that increased variability. A recent very approximate calculation, for the period 1953-80, suggests that, on balance, discretionary monetary policy in the United States slightly increased the variability of the economy. In the more recent period, 1969-80, a monetary rule that held the growth of the monetary base constant would have eliminated 60 percent of the variability in growth of nominal GNP.[7]

Computations of this kind, or more exact computations that give broadly similar re-

Discretionary policies give policymakers the opportunity to respond to shifts in voter preferences and to make exaggerated claims about the short-run effects of their actions. Public opinion polls that ask people about their "priorities" show positive association with current problems. When unemployment is high, the polls report that the public gives higher priority to reducing unemployment than to reducing inflation. When the rate of inflation rises, the reported "priorities" change.

Public opinion polls do not inquire about the public's long-term preferences or ask whether the public is willing to increase the maintained average rate of inflation or the size of government to speed the reduction in

control errors. The reason is that, at times, control errors have a function for the policymaker. If control is poor, the policymaker can attribute his mistakes to errors in the control process. Since the public cannot separate control errors from unannounced changes in policy, they learn, gradually, that actual policy differs from the announced policy. They observe the deviation but cannot be sure whether they have observed a control error that will be corrected or an unannounced policy change that will persist. When policies change, some are fooled into believing that policy has not changed. The policymaker who chooses to increase current output and employment by choosing more expansive policies than he

Argentina offers an example of a country where political institutions and a history of monetary and fiscal instability hamper development by increasing uncertainty and reducing capital formation. Bolivia is rich in resources but has a history of coups and revolutions. Per capita income in Bolivia is the lowest in South America. Hong Kong, with few natural resources is one of the richer countries of Asia and one of the most stable. Stable political and economic arrangements are not the only factor determining whether economic development occurs, but the absence of political stability and high uncertainty about tax rates, inflation and other economic policies increase the real rate of interest that projects must

timing of the breakdown of the system was uncertain.

Many people look back on the Bretton Woods system nostalgically. They would like to restore some type of fixed exchange system to recapture some of the stability that enabled countries to achieve the benefits they associate with that system. There are several proposals. Some want to establish a world central bank that would issue a common money to be used as reserves and for settlements between national central banks. Others propose a return to some type of gold standard.

These and other proposals for a return to fixed exchange rates misinterpret the experience under Bretton Woods. Fixed ex-

Fifth, central banks are required to control the liabilities on their own balance sheets, a task which is within their capability and can be achieved with precision. They do not forecast or base policies on forecasts by others.

Trade and capital movements

A stable monetary framework encourages people to hold a smaller share of wealth in precautionary balances and to invest a larger share in capital. By reducing present uncertainties, the monetary system contributes to lower real interest rates, a larger capital stock and increased output.

The monetary framework should be supplemented by rules that strengthen trade in capital and reduce the risk of exchange con-

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also prevents governments from making errors.

There are probably specific examples of discretionary policy that reduced variability and, on the other side, some mistakes that increased variability. A recent very approximate calculation, for the period 1953-80, suggests that, on balance, discretionary monetary policy in the United States slightly increased the variability of the economy. In the more recent period, 1969-80, a monetary rule that held the growth of the monetary base constant would have eliminated 60 percent of the variability in growth of nominal GNP.[7]

Computations of this kind, or more exact computations that give broadly similar results, are not likely to persuade central bank or governments to adopt a monetary rule. The experience with monetary targets shows that legislation requiring the Federal Reserve to announce money growth rates has not been followed by tighter control of money growth. Deviations from announced targets are large and variability of quarterly growth rates has increased. Studies completed by the staff of the Federal Reserve show that many of the errors, and much of the variability, is avoidable if improved control procedures are adopted.[8] Most of the required changes have not been made.

Experience in several other countries that have announced monetary targets has not been studied in as much detail. In many of these countries, however, there are substantial differences between the announced and actual growth rates. The Bank of Canada announced monetary targets for several years but often pursued exchange rate policies that were inconsistent with the announced monetary targets. The Bank of England publicly accepted the monetary policy of the government but strongly resisted any effort to adopt procedures that would improve monetary control.[9]

None of these experiences is inconsistent with the propositions that governments, and their central banks, resist policy rules, fail to adopt procedures that would make rules work effectively and prefer discretionary policies even if these policies increase variability and uncertainty. The problem is to explain why governments often resist policies that reduce uncertainty and favor discretionary policies that increase uncertainty.

The reason, I suggest, is that government policymakers gain from discretionary policies. The gains arise from the effects that unanticipated policy changes have on employment and output. Unanticipated increases in money increase spending, output and employment. Fully anticipated changes in money increase prices but have no effect on output and employment. Anticipated and unanticipated changes in tax rates have different effects on the timing of spending.

Discretionary policies give policymakers the opportunity to respond to shifts in voter preferences and to make exaggerated claims about the short-run effects of their actions. Public opinion polls that ask people about their "priorities" show positive association with current problems. When unemployment is high, the polls report that the public gives higher priority to reducing unemployment than to reducing inflation. When the rate of inflation rises, the reported "priorities" change.

Public opinion polls do not inquire about the public's long-term preferences or ask whether the public is willing to increase the maintained average rate of inflation or the size of government to speed the reduction in unemployment. Economists recognize that there is no permanent trade-off between unemployment and inflation. Increases in the growth rate of money increase the rate of inflation but have no lasting effect on employment or the growth of output. Increases in the budget to stimulate spending often become permanent programs and lead to higher tax rates. We can only guess at the extent to which public opinion polls reflect these long-term effects or the public's preferences for stable long-term policies instead of shifting priorities.

Suppose policymakers respond to the poll results. If they respond immediately, changes in policy are predictable. The polls would be an accurate index of the timing (but not the magnitude) of policy changes. People would learn to anticipate a shift to inflationary or disinflationary policy or a change in tax rates or government spending and could take action to protect themselves. To increase the effectiveness of discretionary policy, there must be a very loose relation between reported changes in opinion and policy changes. People must remain uncertain about the timing and magnitude of policy changes and the duration of policies.

Although uncertainty increases the effectiveness of policy changes, it has a cost to the policymaker as well as to the public. Large, frequent differences between announced and actual policy reduce the credibility of announced policies. Low credibility means that the public puts low weight on policy announcements. The public remains skeptical about commitments to reduce inflation or to keep inflation from rising or to reduce taxes.

Widespread skepticism about policy announcements raise the cost of slowing inflation and the cost of shifting resources from consumption to investment. Skepticism reduces the gains to the policymaker from announcements or campaign promises. The greater is the skepticism, the slower is the response by the public to policy announcements. People take a wait and see approach. They delay increases in investment and are hesitant to make long-term commitments based on the belief that the announced policies will continue. We have seen some recent examples of the high social costs of skepticism and the low credibility about the degree to which tax rates and inflation will remain low in the future. These social costs differ from the costs borne by the policymaker, but the two are related. The public blames the policymaker for the persistence of "high" interest rates, unemployment, slow growth and falling real income that are consequences of the low credibility, skepticism and disbelief about the announced policies or about commitments to "stay the course" which leave "the course" uncertain.

The policymaker has no lasting interest in perfecting policy operations to eliminate control errors. The reason is that, at times, control errors have a function for the policymaker. If control is poor, the policymaker can attribute his mistakes to errors in the control process. Since the public cannot separate control errors from unannounced changes in policy, they learn, gradually, that actual policy differs from the announced policy. They observe the deviation but cannot be sure whether they have observed a control error that will be corrected or an unannounced policy change that will persist. When policies change, some are fooled into believing that policy has not changed. The policymaker who chooses to increase current output and employment by choosing more expansive policies than he announces raises the cost of slowing inflation that he, or his successor, bears in the future.

Abstract arguments about credibility and control errors may seem far removed from practical affairs, but they are not. Currency devaluations are almost always preceded by commitments to maintain the exchange rate. Control errors make it difficult to separate the thrust of actual policy from random fluctuations. President Johnson chose to hide the increase in expenditures for the Vietnam war in the monthly budget variances. The Federal Reserve, the Bank of England and other central banks resist changes that can reduce the errors in monetary control and the variability of money growth to a fraction of their current values. They choose poorer to better control. Opportunities for discretion are increased, but uncertainty is increased also.

REDUCING UNCERTAINTY

Risk and uncertainty cannot be eliminated. The timing of productive innovations, epidemics, weather conditions, other natural occurrences, wars and political events abroad introduce variability into current prices and output. The future is uncertain because we do not know what will occur or how long the changes we have observed will persist.

The institutions, voting and market arrangements that societies adopt can alter the risks and uncertainty that people bear. Insurance is an example of a market arrangement that reduces risk and the cost of risk bearing by pooling risk. The invention of checks, double entry bookkeeping, and credit cards are additional, familiar examples of innovations that reduce risk for the buyer, the seller or both.

Many social and political arrangements reduce risk and uncertainty. Others increase risk. Countries with a history of political instability generally have less capital per worker and less durable capital than countries with greater political stability. In countries with a history of instability, the productivity of new capital may be very high, but the return on investment in durable capital is uncertain.

Where risk and uncertainty are above the attainable minima, the risk premiums in interest rates are above the minimum. Interest rates are increased. People hold more of their wealth in assets that earn returns quickly, or they hold a substantial fraction of their wealth in gold, other precious metals, diamonds or foreign assets that are not dependent on domestic political uncertainty. The risk premium for investments in long-term capital reflects the social and political instability. The stock of real capital is reduced to a level at which the after-tax, risk adjusted real return compensates for bearing uncertainty.

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[7] See Karl Brunner and Allan H. Meltzer, "Strategies and Tactics for Monetary Control," Carnegie-Rochester Conference Series on Public Policy, 18, Spring 1983, Table 1.

[8] Errors of 1 percent per year, or less are attainable according to Federal Reserve estimates. See Board of Governors, New Monetary Control Procedures vols. I and II. Washington 1981 and also J. Johannes and R. H. Rasche, "Predicting the Money Multiplier," Journal of Monetary Economics 5, (July 1979) pp. 301-25.

[9] There is simply no factual basis for James Tobin's claim that the "central bank fraternity embraced monetarism," and Tobin offers none. See James Tobin "The Monetarist Counter-Revolution Today—An Appraisal," Economic Journal 91 (March 1981) p. 30.

Argentina offers an example of a country where political institutions and a history of monetary and fiscal instability hamper development by increasing uncertainty and reducing capital formation. Bolivia is rich in resources but has a history of coups and revolutions. Per capita income in Bolivia is the lowest in South America. Hong Kong, with few natural resources is one of the richer countries of Asia and one of the most stable. Stable political and economic arrangements are not the only factor determining whether economic development occurs, but the absence of political stability and high uncertainty about tax rates, inflation and other economic policies increase the real rate of interest that projects must yield and, thus, hinder economic development.

In countries with a history of political stability, like the United States or Britain, the political system increases variability in a number of ways that are less dramatic and less apparent than the coups and disruptions of Bolivia and Argentina. In Britain a small change in the vote has shifted power from those who favor nationalization of industry or confiscatory taxes on wealth to those who favor denationalization and reduced taxes. Throughout the nineteenth century, the tariff was a major issue in U.S. politics. Small changes in the vote were capable of producing major changes in the real returns to investment in steel and agriculture. Currently in Britain, the United States and other western countries, voters may change their commitment to disinflation or price stability and have done so on a number of occasions.

Voters' right to change policy is a principle of democracy. Our choice of policies must always be subject to change as majority opinion changes. Within that framework of a political democracy, we can increase stability, lower the real rate of interest and increase real output by removing the instability introduced by unanticipated policy changes and adopting policy rules. To illustrate, I will suggest a set of monetary, fiscal and trade rules that provide greater certainty than current arrangements.

Monetary arrangements

From 1947 to 1964, the United States maintained a relatively stable monetary framework under which many countries developed, recovered and prospered. Inflation remained low in the United States and in many other countries that tied the values of their currencies—their exchange rates—to the dollar. The framework and monetary policy procedures were not ideal, but they produced greater stability than the monetary regimes that preceded or followed.

The system of fixed exchange rates based on the dollar, known as the Bretton Woods system, formally ended in 1971 when President Nixon allowed the exchange value of the dollar to be set by market forces. Holders of dollars and dollar securities could, no longer have any certainty about the long-term values of the dollar. Long before the Bretton Woods system ended, however, uncertainty about monetary policy, inflation and the future value of the dollar had increased. Inflationary policies after 1964 eroded much of the credibility of the U.S. commitment to a fixed exchange rate system and a non-inflationary monetary policy. The unwillingness of the U.S. to change its policies and the unwillingness of other countries to increase their rates of inflation made certain that the Bretton Woods system would not survive. Only the timing of the breakdown of the system was uncertain.

Many people look back on the Bretton Woods system nostalgically. They would like to restore some type of fixed exchange system to recapture some of the stability that enabled countries to achieve the benefits they associate with that system. There are several proposals. Some want to establish a world central bank that would issue a common money to be used as reserves and for settlements between national central banks. Others propose a return to some type of gold standard.

These and other proposals for a return to fixed exchange rates misinterpret the experience under Bretton Woods. Fixed exchange rates were not a cause of increased stability and the relatively high growth of the world economy during those years. They were a result of the relatively stable policies followed in major trading countries and, particularly, the relatively stable monetary and fiscal policies in the United States. In the years 1953-1964, when the Bretton Woods system flourished, deficits remained small on average and the most common measure of the U.S. money stock—currency and checking deposits—rose at an average annual rate of less than 2½ percent. In the succeeding seven years, that the breakdown of the system, average U.S. money growth rose to 5 percent and the variability of money growth increased.

To restore monetary stability, I propose a monetary arrangement that builds on past experience. I do not suggest that the proposal would eliminate uncertainly, for I believe that is not possible. I do not claim that the proposal would reduce uncertainty to some theoretical minimum, but I believe there is much to be gained from the reduction of uncertainty that the proposal brings.

The proposal calls on the central banks and governments of the leading economies—the United States, Japan and Germany—to maintain the growth rate of their monetary liabilities, known as the monetary base—currency and bank reserves—in relation to the average rate of growth of domestic output (measured in real terms) during the preceding three years. The relation would be set to maintain a zero average rate of inflation in each of the countries. Other countries that wish to do so could make a similar commitment, or could fix their exchange rates in relation to one of the three currencies, or could remain outside the system.

Price levels would continue to fluctuate in the three countries, and exchange rates between the dollar, the yen and the mark would fluctuate. Fluctuations would remain bounded by the commitment of major trading countries to maintain policies that aim at non-inflationary money growth. Each country would gain from its own policy even if other countries did not honor theirs. The gain to participants increases, however, as the number of countries in the agreement rises.

The proposal increases stability in five main ways. First, there is a stable framework for policy that reduces uncertainty about the future price level. Second, exchange rates are free to fluctuate, but long-term changes are constrained by the commitment to non-inflationary and non-deflationary policies. Third, the system adjusts, gradually, to changes in the growth of output or in the demand for money. Fluctuations in prices or output arising from these sources are not eliminated, but they do not cumulate. Fourth, monitoring is relatively easy, so the credibility problem is reduced. Fifth, central banks are required to control the liabilities on their own balance sheets, a task which is within their capability and can be achieved with precision. They do not forecast or base policies on forecasts by others.

Trade and capital movements

A stable monetary framework encourages people to hold a smaller share of wealth in precautionary balances and to invest a larger share in capital. By reducing present uncertainties, the monetary system contributes to lower real interest rates, a larger capital stock and increased output.

The monetary framework should be supplemented by rules that strengthen trade in capital and reduce the risk of exchange controls. The right to own foreign currencies and invest in foreign assets, like the right to own gold, is a valuable right. The fact that people choose to exercise the right suggests that they perceive risks that can be reduced by the maintenance of rules that make policies more predictable. Restrictions on capital movements attempt to block the operation of this mechanism. Fear of restrictions encourages people to diversify into short-term foreign assets or into diamonds and precious metals. This reduces investment in long-term capital and lowers real output.

The growth of world trade during the past three decades provided a major stimulus to economic development, the growth of income in many countries and the increase in standards of living. Without rules for trade and agreements (or rules) that reduced tariffs and non-tariff restrictions, growth would have been lower and the increase in standards of living smaller.

The Hawley-Smoot tariff of 1930, and the prompt retaliation to the tariff by many countries lowered world real income. Restrictions on trade were an important factor converting the 1929 recession into the period known as the Great Depression and contributing to the avoidable monetary collapse of 1931 to 1933.[10] The well-intentioned policies of fiscal and monetary stimulus contributed to recovery, but did not restore real output to the level reached in 1929 until 1935 for major European countries and until 1939 in the U.S. Absent the restrictive trade practices, the recession and the monetary contraction would have been smaller and the depression less severe and long lasting.

Governments can contribute to the expansion of the world economy by reaffirming their commitment to the rules guiding trade polices during the last three decades and by reducing many of the remaining restrictions on trade and capital movements. By removing barriers to trade and capital the principal market economies of the world work to expand output and standards of living. The expansion of world trade is one of the main ways that permanent gains in living standards can be achieved.

A rule for fiscal policy

Rules for money, trade and capital movements cannot assure that resources are used efficiently. Government tax and spending policies in many countries encourage the transfer of resources from future to current consumption. Variable fiscal policies that increase uncertainty about future tax rates on labor and capital also encourage current consumption and leisure.

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[10] I have discussed this issue in great detail in "Monetary and Other Explanations of the Start of the Great Depression," Journal of Monetary Economics, 2, pp. 455-71. See, also, Anna J. Schwartz, "Understanding 1929-1933," in K. Brunner, ed., "The Great Depression Revisited." Boston: Martinus Nijhoff, 1981.

A monetary rule without a fiscal rule cannot assure stability. The reason is that budget deficits must be financed either by increasing money or by selling debt to savers. When deficits become large relative to saving or output, the saving rate may be too low to finance the deficit and pay the interest on the outstanding debt. Governments typically rely on inflation, under these circumstances, to reduce the real value of outstanding debt and to tax wealth owners.

A rule for fiscal policy that fixes the relative size of government, or the relative growth of government, increases certainty about future tax rates. Several years ago, I proposed a rule that ties the growth of government spending to the growth of nominal output and ties tax collections to the average level of government spending. A rule of this type produces a cyclically balanced budget, more predictable average tax rates and limits the growth of government.

A common objection to any fiscal rule is that legislatures meet annually and can, if they wish, set an annual limit to spending, taxes, and deficits. Governments have not chosen to limit the growth of spending. In all democratic countries, government spending has grown faster than output for several decades.

A main purpose of a fiscal rule is to provide a common understanding of the outcome of collective decisions. A spending rule is an agreement under which everyone agrees to limit the demands he places on government in exchange for a promise by others to limit their demands. A rule that limits the growth of spending affects the demands made by all groups and individuals. In the absence of the rule, no one can be certain whether others will agree to limit the demands they make. The outcome of elections decide how the spending is allocated. The purpose of a spending rule is to provide greater certainty about the demands that others can make and the taxes that everyone pays.

CONCLUDING REMARKS

In recent years, interest rates after adjustment for inflation have remained higher than in the past and growth of the world economy has slowed. A common response to these, related events is to urge a change in the mix of policies in many countries and particularly in the United States. Coordinated monetary expansion in the United States, Germany, Japan and other countries and higher tax rates in the United States are proposed to reduce interest rates and increase output.

The recommended change in the policy mix ignores lessons that can be learned from the experience of the past decade and many previous periods. Faster growth of money will be followed either by higher inflation or by another recession. Higher inflation will be the inevitable result of faster money growth; recession is the likely outcome if money growth is reduced at some time in the future. And, both will occur if money growth remains at recent levels then quickly drops to less inflationary levels. No lasting improvement will be achieved if we continue the variable policies of the past two decades.

Proposals to adjust the mix of policies ignore learning, anticipations and risk. Years of experience with variable policies has brought higher inflation and higher average unemployment. Many people have learned that periods of monetary stimulus are followed, first, by higher inflation, then by attempts to slow inflation and by higher unemployment. They have learned, also, that the large budget deficits incurred during recessions are usually followed by higher tax rates and by monetary policies that raise tax rates by making an increased share of income subject to higher marginal tax rates.

Skepticism about attempts to steer the economy from quarter to quarter or year to year by varying fiscal and monetary policy are a cause of current high interest rates and stagnation. Variable policies increase variability of the prices of assets and output and increase uncertainly. People demand higher risk premiums for investing in durable capital. Investment is lower, so the capital stock is lower, and output is lower. A larger fraction of wealth is held in relatively safe short-term assets or in gold.

This paper suggests a very different program to increase output and employment. Emphasis is on long-term stability, on policy rules and on policies that increase information, reduce uncertainly and restore credibility. I argue that acceptance of policy rules that reduced uncertainty about trade, payments and inflation were much more important, and shifts in government policy much less important, than proponents of finely structured mixes of policy recognize or concede when they survey the past or exhort us, currently, to raise taxes, end tax indexation and inflate away the budget deficits that are in large part a result of past efforts to redistribute income.

Each of the principal market economies can contribute most effectively to lower interest rates and increase output permanently by adopting rules for monetary, fiscal and trade policy to replace the rules that provided stable growth and relatively low interest rates in the fifties and sixties.

The monetary rule that I propose calls for the U.S., Germany and Japan to fix the growth rates of domestic money stocks in relation to the average growth of output so as to maintain price stability on average. Exchange would be permitted to fluctuate, but the range of fluctuation would be reduced by the commitment to maintain long-term price stability in each of the countries. A rule of this kind combines the benefit of relatively stable prices that each major country can achieve alone to the benefit of relatively stable exchange rates that countries cannot achieve alone.

A monetary agreement of this kind is not a panacea. I propose additional steps to reduce uncertainty about fiscal policy and steps to expand trade by reducing tariffs, other trade restrictions and restrictions on capital movements. Still other steps to provide rules for lenders of last resort can also reduce uncertainty.

Opponents of policy rules typically argue that activist policies are required to offset shifts in the rate of use of money, or monetary velocity. This argument is not compelling, as Friedman showed long ago.[11] Discretionary policies conducted with the best of intentions, can increase rather than reduce variability. The fact that there are changes in monetary velocity does not establish that discretionary policies will offset instability. Large or poorly timed policy changes may—and indeed have—increased variability during the seventies, in the depression of the thirties, in the recovery of 1937 and in the past five years.

The Federal Reserve, and other central banks and governments, make the mistake of identifying most, and perhaps all, instability with changes in the public's willingness to hold money. They want to offset such changes by varying money growth. They fail to recognize that they cannot forecast many of the changes that occur or their duration. They fail to recognize that some of the variability is the result of weather, innovation and other random events. By varying policy, they often increase variability and uncertainty, add to the risk premiums and cause us all, rationally, to discount the future more heavily and to be poorer as a result.

APPENDIX TABLE 1.—GROWTH RATES OF REAL OUTPUT

[Compound annual rates of growth in percent]

	1970–77	1977–80	Ratio of col. (2) to (1)
	(1)	(2)	(3)
Belgium	3.4	2.3	0.68
Brazil	9.6	6.4	.67
Canada	4.7	2.2	.47
France	4.0	2.9	.73
Germany	2.6	3.3	1.27
Italy	2.8	3.8	1.36
Japan	4.8	5.0	1.04
Mexico	5.8	8.6	1.48
Netherlands	3.3	1.8	.55
Spain	4.8	1.5	.31
Sweden	1.8	2.3	1.28
Switzerland	.9	2.4	2.67
United Kingdom	2.2	1.0	.45
United States	3.4	2.6	.76
Hong Kong	8.9	9.4	1.06
Indonesia	8.0	7.3	.91
Korea	10.2	5.5	.54
Malaysia	8.0	7.6	.95
New Zealand	2.4	1.2	.50
Philippines	6.5	6.0	.92
Singapore	9.0	9.4	1.04
Taiwan	9.4	9.5	1.01
Thailand	6.8	7.3	1.07

Source: "International Economic Conditions," Federal Reserve Bank of St. Louis, June 1982, and "Pacific Basin Economic Indicators," Federal Reserve Bank of San Francisco, September 1982.

American Enterprise Institute
for Public Policy Research,
Washington, D.C., May 2, 1983.
Hon. William L. Armstrong,
U.S. Senate, Washington, D.C.

Dear Senator Armstrong: I share your concern about the deficits implied by current policy. They may not kill us, but they will make us terribly unhealthy.

As I see it, the main effects of deficits are as follows:

1. If we continue on the current path, federal government deficits will be equivalent to a far higher portion of net national saving than anything experienced in our postwar history. The resulting increase in real interest rates will damage business capital formation, housing and consumer durable industries.

2. The interest rate increase will be held down to the extent that we can borrow abroad. But that raises the value of the U.S. dollar making it harder for our exporters and import-competing industries to compete with foreigners. Note that many of our traditional smokestack industries cannot win. They sell to markets that are sensitive both to interest rates and to foreign competition.

Unfortunately, many do not understand the intimate link between our budget deficit and the trade deficit. The latter is often blamed on "unfair" foreign competition and calls for protectionism are intensifying. If we succumb and grow ever more protectionist, other countries are sure to retaliate and

chances for a worldwide recovery will evaporate.

3. Financial markets fear that our political system will not tolerate the high real interest rates related to the deficit. The Fed may be forced to buy more and more of the bonds issued by the Treasury. This would cause bank reserves to soar and ultimately would be inflationary. To protect themselves against this eventuality investors are demanding higher interest rates on long-term bonds than is warranted by current inflation or the current demand for funds.

4. We must service the debt in the hands of private investors. As this grows 15 to 20 percent per year, the interest bill of the government can become a budget problem by itself. This problem is masked in all official budget projections by the assumption that interest rates will fall in the future. They may, but if they do not, we are significantly understating the budget totals implied by current policy. Ultimately, there is a danger of an explosion as we borrow to pay interest and borrow to pay the interest on that borrowing and so on.

If the chronic deficit problem is to be attacked on the spending side, little will be accomplished unless we focus on three major program categories. Defense, pensions (mostly social security), and health along with interest on the debt will constitute about 80 percent of total spending over the next few years. Significant structural changes must be made in these program areas to alter the future spending path significantly.

If we decide that we really like those programs more or less as they are, we must raise taxes. I do not wish to imply that there are no possible economies in the other 20 percent of the budget. However, it would be unrealistic to think that a significant dent can be made in a $200 billion deficit by cutting the rest of the budget which now totals less that $200 billion. (There is a bit of a conceptual problem in knowing how to categorize offsetting receipts but it is not worth going into here.)

If we raise taxes, we must be careful. Some tax increases are worse than the deficit. We should try to avoid increases in marginal tax rates which are the source of the disincentives inherent in our tax system. We must instead engage in tax base broadening undertaking a critical examination of the deductions, credits, exemptions, and rate concessions which so complicate our system. Interest deductions on consumer loans, the President's health insurance "cap" proposal, our policies toward industrial revenue bonds, and local housing bonds are but a few examples of the sort of thing that would be high on my list of things that require critical analysis.

Best wishes,

Rudolph G. Penner,
Resident Scholar.

Mellon Bank N.A.,
Pittsburgh, Pa., May 11, 1983.
Hon. William L. Armstrong,
U.S. Senate,
Washington, D.C.

Dear Senator Armstrong: My apologies for the delay in responding to your letter of April 19.

First of all, I am alarmed that the approach of a major election year along with illusory hopes that the economic recovery might in some way solve the problem has made the Congress—and the Administration—even more reluctant to seek politically unpopular cuts in spending—and tax increases.

Those who seem relatively unconcerned that the federal budget is virtually out of control point to the fact that over the past year or more large deficits have been successfully financed without putting upward pressure on rates or producing any other painful side effects. They argue that in the past, worries about big budget deficits and the crowding out of private investment proved groundless. Why then should we worry about the projected deficits for 1985 and beyond?

The difference, of course, is that the budget problem is now structural, meaning that steady progress toward full employment will not bring about a significant reduction of the deficit. We should all be very concerned that annual deficits in the $200 billion zone will hold up long-term interest rates and, by soaking up much of the nation's savings and available credit, preclude the level of investment which is needed for a sustained and balanced economic expansion. It is important to recognize that recent deficits have been readily accommodated by the credit markets only because private-sector credit demands have been extemely weak. Before long however—within the next year or so—the resurgence of private credit needs associated with a developing recovery will inevitably collide with the Treasury's enormous borrowing requirements and, in all likelihood, drive interest rates sharply upward.

Unless these projected deficits are substantially reduced, there will be a serious risk that progress toward stable, noninflationary growth—and full employment—will be either halted or reversed. It is much easier, of course, to diagnose the problem than prescribe an effective remedy. My own preference would be to reduce the growth of government spending, but should election year politics preclude action on the expenditure front, then I think we must find the will to seek increased revenues. Above all, we should not be lulled into thinking that, because of the recent surge in stock prices and falling interest rates, big budget deficits don't, and won't matter.

If there is anything else I might do, please let me know.

Sincerely,

Norman Robertson.

Dean Witter Reynolds, Inc.,
New York, N.Y., May 10, 1983.
Hon. William L. Armstrong,
U.S. Senate,
Washington, D.C.

Dear Senator Armstrong: Enclosed is a report that we published in January of this year which states that big budget deficits cause enormous problems for real activity, both domestically and internationally. Large budget deficits and high interest rates are negatives for the U.S. economy, especially through the international channels, by keeping the dollar high and thus hurting U.S. export sales/jobs and causing sharp growth in imports manufactured abroad which helps job creation there.

With our projections of potential annual deficits of $450 billion through the end of the decade, we strongly urge a reduction in the government's spending share of GNP which is at an all-time record high of 24 percent. We also strongly urge sharp cutbacks in spending over the next several year. An alternative but less acceptable method to curb the deficits would be to raise taxes only to the extent that they impact consumption rather than income or investment.

If you would like to further discuss our budget and spending projections, please feel free to get in touch with me.

Sincerely,

Arnold X. Moskowitz.

A Trillion Here, a Trillion There

Senator Everett McKinley Dirksen was quoted as having said during the early 1960's that, as Congress "spends a billion here, a billion there, after a while, it adds up to real money." For the Reagan Administration, and particularly Senate Majority Leader Howard Baker, Dirksen's son-in-law, an updated quote might read, "A budget deficit of $100 billion here, $100 billion there adds up to real financing dollars." In recent weeks the credit markets were surprised by the Council of Economic Advisers' projection that, if present laws are not altered, the annual budget deficit would rise to $300 billion in 1988. Our own estimates are not nearly as optimistic. With income-tax indexing in 1985, the budget deficit will rise to $450 billion a year. That does not include the deficit projection from Reagan's special Social Security commission, which is unlikely to balance even with the latest compromise. Given present policies, by the late 1980's we could have a cumulative federal deficit of $3.1 trillion, up from almost $1.5 trillion now. So a trillion here and a trillion there, and after a while these deficits add up to real money.

If our projections seem high, remember it was two years ago, in February 1981, that we said, "Given present Reagan policies, $100 billion annual deficits are likely through 1984." At that time the Kudlow/Stockman budget deficit estimates from the Office of Management and Budget called for a balanced budget by 1984 at the latest. These officials of the Office of Management and Budget pushed the twin policies of tight money (Kudlow) and big budget deficits (Stockman)—the latter to force sharp social spending cuts by Congress. This plan backfired, since Congress couldn't cut spending as fast as the deficits were piling up. Therefore, huge permanent deficits for several years were the only likely result of OMB policy. The Kudlow/Stockman budget fiasco is history, and the only relevant issue now is the coming 1984 budget. The budget outlook continues to be bleak.

In last month's Money and Credit Memorandum, we laid out our budget projections through 1985. We include them again in Table A. If we take the most optimistic assumptions on real economic growth (3-4 percent real GNP gains in the 1983-84 fiscal years) and make optimistic assumptions on spending cutbacks ($30 billion a year for the next two years), then the deficit for the Treasury alone will be $167-169 billion. With off-budget financing added to the Treasury's needs, the total federal credit deficit will rise to $192-199 billion (Table B).

If we make the additional optimistic assumption that in 1985 personal income-tax indexing to inflation will be eliminated from present law, we get a $178 billion Treasury deficit; with off-budget financing added in, total federal financing in 1985 will be about $220 billion. The first point to note is that there is no danger of the budget being anywhere near in balance in the next three years and certainly not near the Administration's $150 billion political target. The second point worth noting is that Treasury expenditures as a percentage of gross na-

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[11] Milton Friedman, op. cit.

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tional product will remain at a post-World War II record level of 24–25 percent. Therefore, contrary to the Reagan Administration's stated policy of reducing the size of government in the economy, it is higher now than in the past 40 years. The last point is that just the Treasury deficit as a proportion of GNP will be at a record 4-5%; add in off-budget financing and it is 5-6% of GNP. These numnbers are dismal. The rejoinder from some observers is that the large deficits are a result of the recession and low levels of economic activity. In Table B we show why that argument is wrong.

The projected deficits in Table B are less a product of our forecasted levels of economic activity than they are a result of structural deficits, which result from the original Reagan tax cut and the subsequent tax increase in September 1982 (TEFRA). In Table B we show the net Reagan tax cut. By and large individuals got the largest net tax cut, $143 billion, while business received a minor $19 billion in 1985. The net loss of revenues to the Treasury is $75–157 billion annually over the next three years, an amount impossible to make up by increased economic activity. In the column marked "Economic Deficit Independent of Reagan Policies," we see that for fiscal 1983 the deficit with recession would have been $92 billion, not $167 billion, and by fiscal 1985 the deficit would be $22 billion, not $178 billion. Therefore, economic activity is not responsible for the deficits, but wrong-headed fiscal policies are. In fact, under the most optimistic assessment of DWR estimated deficits, the Treasury's cumulative deficit for the next three years is $514 billion and the total amount of federal financing is $610 billion. If our $30-billion-per-year spending cut doesn't materialize for the next three years, then $700 billion of net new money will have to be raised. So much for the domestic deficit side. We now turn our attention to the international side.

As clearly stated by Martin Feldstein in his congressional testimony, large domestic budget deficits cause permanent, high real interest rates and negatively impact the U.S. trade deficit. Not surprisingly, our view over the past year has been that large budget deficits and financial deregulation would keep real interest rates, measured on high-grade corporate bonds, in the 6-8% range. (See our Economic Memorandum dated April 15, 1982, "The New Reality of the 1980's: A Vastly Different Financial Structure.) As of December this is where they were trading, well above the 2–3% historical norm. (See accompanying chart.) It is interesting to note that the present 6–8% real interest-rate level is significantly higher than the real rate levels seen at comparable bottoms of the 1975 and 1980 recession periods, when they hovered between minus 0.5% and minus 1% levels.

We had expected the present high real interest rate to keep the dollar relatively strong in the international markets and contribute to a worsening U.S. trade deficit, reinforcing slow growth in the rest of the world. The first part of our expectation of a worsening trade deficit has indeed occurred. What was surprising was a collapse in the financial structure in the developing countries, which led to a shutdown to U.S. exports by these countries. This shows that huge deficits have secondary impacts in the international area well beyond present policy makers' views. This has continued to a much higher U.S. trade deficit, $65-70 billion, and to a huge jump in U.S. international lending through the IMF and direct bailouts to these countries. We estimate the U.S. financing requirement in the bond market will rise $15-20 billion in 1983 and another $20 billion in 1984 for international lending.

This amount of Treasury, international, and off-budget agency financing should raise net new funds to $192 billion this year and place gross funding at a record $242 billion. From our monthly flow-of-funds forecast, we estimate $64 billion in financing this quarter, up sharply from $43.1 billion in last year's first quarter. Furthermore, we estimate the second quarter's financing requirement at $48 billion, up $21 billion from 1982's second quarter. The prospect of $112 billion of first-half financing this year is $40 billion higher than last year's first half, and with second-half financing still higher, clearly the bond market's near-term prospects are not favorable. Also, our forecast for first-half real economic activity to rise by 3–5%, as measured by GNP, should put some modest increase into private credit demand coming from autos, housing, and inventory building.

While the government's budget deficits mushroom, the monetary authorities have been under increasing political pressure to lower short-term rates. Ironically, the Administration's monetarists, Messrs. Kudlow and Sprinkel, who were vigorously attacking the Federal Reserve Board last year, when the money supply was slightly above its 5.5% M–1 target, are now strangely quiet while money growth has been expanding by 12% since July. However, relatively soon the domestic bond market will begin to worry whether or not Fed policy will ever be allowed to tighten in face of these expanding deficits. Financing these deficits via easy money will raise inflationary expectations in the bond market. Investors, both domestically and internatinally, will withdraw funds from the bond market, causing interest rates to rise significantly. These higher rates will put a brake on economic expansion and reinforce slow growth, underscoring a disinflation trend. Therefore, inflationary fiscal or monetary policies will be checked by the capital markets. Ironically, therein lies our long-term bullish posture on bonds: the quicker interest rates rise to head off rising deficits, the quicker government policies will be forced to change.

TABLE A.—DWR ESTIMATES FOR FEDERAL REVENUES, OUTLAYS, AND DEFICITS

[Dollar amounts in billions]

	Revenues	Outlays	Percent gain in outlays	Expenditures as percent of GNP	Treasury's deficit	Deficit as percent of GNP
Fiscal year:						
1983	$661	$828	11.9	25.1	$167	6.1
1984	711	880	6.3	24.1	169	4.6
1985	752	930	5.7	24.0	178	4.6

TABLE B.—NET REAGAN TAX CUT AND DWR ESTIMATED DEFICITS

[Dollar amounts in billions]

Fiscal year	Net Reagan tax cuts	Economic deficit independent of Reagan policies [1]	DWR expected	
			Deficits	Federal financing
1983	$74.7	$92	$167	$192
1984	112.2	57	169	199
1985	156.6	22	178	218

[1] Assuming 3 to 4 percent real GNP growth.

FIRST BOSTON,
New York, N.Y., April 26, 1983.

Senator WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: Although you probably will not be pleased with the reply, thank you for including me among the economists to whom you sent your recent letter.

The issue of the forthcoming budget deficit is, I am afraid, a dead horse. As you know, of approximately $850 billion in annual Federal expenditure, approximately $600 billion consists of military outlays, old age pensions, medical care expenses, and interest. There is no possibility of reducing the remaining $250 billion sufficiently to make a meaningful dent in the deficit. As to the "core" outlays of $600 billion, recent political decisions and nondecisions make it clear that growth will continue largely unimpeded.

Whether these outlays are to be financed by taxes or borrowing is, in my judgment, of relatively minor importance for the economy and financial markets as compared with the impact of the spending itself. Military and old-age related expenditures absorb real resources that otherwise would be available for use by the working age population. Surely when times are good and even when they are bad, that population will endeavor strenuously at least to maintain its current standard of living against such inroads. Tax them more heavily, and they will save less and borrow more. Federal borrowing will be replaced by private borrowing. But for financial markets and interest rates, it makes little difference whether additional demand for credit arises from private or governmental credit demands.

Like the foreign countries frequently cited as economic paragons, Germany and Japan, we probably have already learned to live with enormous budget deficits. While these may be intrinsically undesirable, they threaten neither renewed inflation or recession. To the contrary, a drastic tax increase or expenditure reduction sufficient to balance the budget within a few years might well trigger massive bankruptcies.

MERRILL LYNCH ECONOMICS INC.,
New York, N.Y., May 10, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: Your letter asked for comments on the economic consequences of large deficits, both currently and prospectively. Moreover, comments were requested on how best, economically speaking, fiscal policy should be adjusted in order to achieve a better balance between federal expenditures and federal revenues.

We have for some time now stressed the importance of reducing the size of government. Unless reduced, the growing size of the federal deficit, in both absolute and relative term, threatens either (a) a reacceleration of inflation via monetization or (b) to siphon off funds from the private sector. Either development is troublesome in the sense that higher interest rates would follow and seriously impair the sustainability of economic recovery.

Perspective on the federal deficit in relation to the economy can be obtained by comparing the absolute size of the federal deficit to the level of nominal GNP. In fiscal year 1983, we are projecting the federal deficit will reach a postwar record 6.1 percent of nominal GNP. To zero in on the potential "crowding out" effect of high dollar federal deficits one should compare the deficit to the amount of gross private saving, i.e., the sum of personal saving, undistributed corporate profits and depreciation allowances. The importance of this latter measure is that a relatively large absorption of gross private saving by the federal government would limit the amount of credit available for private sources, and, as a result, would restrain economic growth prospects. In fiscal year 1983, we are projecting that the federal deficit absorption of gross private savings will total 35.3 percent, a postwar record.

An outyear downward trajectory in these ratios is essential to reducing the extremely high level of real interest rates and to achieve a course of secular disinflation. Critical in achieving these objectives is a more credible fiscal policy. Addressing deficits via incessant revenue raising measures, e.g. attacking the July tax cut and the 1985 indexing provision, may seem to lessen prospective deficits, but these tax law repeals would tend to raise government's relative role in the economy and that is counterproductive. While some enhancement of the tax base may be necessary, the focus must be on restraining the growth of government spending. The financial markets would, in our view, react very positively to a lessened relative role of government in the economy.

In sum, reducing the federal deficit is critical to the well being of the economy, both in the sense of the sustainability of the economic recovery and the future pace of inflation. In addition, the specific composition of fiscal policy adjustments is important. To approach the deficit problem in a credible manner requires reducing the size of government, i.e., slowing the growth in federal spending. This must include national defense and Social Security.

Sincerely,

JACK W. LAVERY.

ALAN GREENSPAN,
New York, N.Y., May 3, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR BILL: I do, as you might suspect, consider the huge pending deficits a serious threat to the nation's economic stability. Ideally the deficit should be brought down from the expenditure side. Certainly tax rate increases, in and of themselves, raise the possibility of financing increased outlays rather than closing the deficit. However, some form of negotiated package of expenditure cuts and tax increases may be the practical way to resolve this question. Clearly, the sooner the better.

Best regards.

Cordially,

ALAN GREENSPAN.

BANKERS TRUST CO.,
New York, N.Y., May 5, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR ARMSTRONG: I appreciate this opportunity to comment on the mounting Federal budget deficit and its implications, as I share your deep concern over the recent course of events in the fiscal area. It is all too clear from studies by the Congressional Budget Office and The Conference Board that our mammoth Federal deficit is largely structural in nature, not simply a cyclical phenomenon associated with the recession, and therefore cannot be brought down significantly, even under the most favorable conditions, without specific action by the Congress. Unless some legislative steps are taken this year that assure a meaningful and permanent reduction in the budget deficits that currently loom ahead as far as can be seen, their effect on the financial markets and on the U.S. economy in general stands to be more serious than seems generally recognized.

Persistent Federal budget deficits of the enormous size in prospect, because of the upward pressure they will exert on long term interest rates, threaten the health of the economy in several ways. First of all, there is a risk that the upturn in business activity, which has just gotten under way, may not become sufficiently broadly based to reduce unemployment to satisfactory levels, and also that this economic recovery will not prove sustainable. Indeed, the economic recovery so far is turning out to be subnormal by historical standards, in spite of the tax cuts and the dramatic headway achieved this past year in slowing inflation. This is, in part, because of the damage inflicted by the earlier protracted period of high interest rates, yet it is also because of business and investor fears that private sector borrowing, as economic recovery takes hold, but that they will inevitably force the Federal Reserve to "monetize" the expansion in Government debt, thereby eventually restimulating inflation and pushing up interest rates.

While interest rates have come down enough to generate an impressive rebound in home building, it seems doubtful that the housing industry, which has been largely responsible for sparking this economic recovery, can climb much higher in the absence of a further decline in mortgage rates, and certainly any sustained uptrend in long-term interest rates would soon lead to a cutback in residential building, along with a reduction in activity in other interest-sensitive, consumer-related sectors of the economy. Meanwhile, the still relatively high cost of financing obviously is hindering the revival of business capital investment. And by helping to keep the dollar overvalued in the international exchange markets, the existing high interest rates are contributing to a worsening in our foreign merchandise trade deficit.

More important, however, is that the persistence of mammoth Federal budget deficits of the size indicated is likely to retard economic growth through the balance of the 1980s, as the Government's huge borrowing requirements absorb most of the limited available private savings required for investment in new plant and equipment and needed for infrastructure. The shortfall in investment, in turn, will act as a drag on the growth of the nation's productivity, and result in a further loss of world markets for our exports while bringing increased import competition for many of our lagging basic industries.

Though many contend that the awesome Treasury financing can be handled without giving rise to such economic problems, and even with interest rates continuing to decline, the fact is there is no precedent in recent U.S. financial history for assessing the impact on the money and capital markets of such huge and relentless Government borrowing as is now in sight. Though it is normal for Federal budget deficits to increase during recessions, typically in economic recoveries the deficits shrink automatically, thereby freeing up funds for the private economy; it is frequently forgotten—and not without some significance—that in the first year of economic recovery following the severe 1974-75 recession Treasury financing receded, which is in marked contrast to the trend today. Moreover, as a result of the experience thus far during the 1980s with rapid inflation and high and volatile interest rates, a great aversion to risk has developed among our major investing institutions. Unless these investors become convinced that the Federal budget deficits are really going to narrow in the out years, long-term interest rates are bound to stay high, the present encouraging performance of inflation notwithstanding.

As to what steps are needed to deal with the Federal budget situation, the first priority is for Congress to gain control over Government spending. This means enacting legislation both to reduce the gigantic defense program and to curb the rapid growth of the Federal entitlement programs, which together account for the greater part of controllable Government spending. As things stand, there is no alternative. While there may be room for additional cuts in other nondefense areas, most objective observers, I think, are inclined to believe that some of these cuts may have already gone too far. And interest on the public debt can, of course, only be reduced by cutting the total budget deficit.

As a start, and to allow proper time for the development of bipartisan support and an effective approach, I would favor a one-year freeze on benefit payments under Social Security, Veterans programs, civil service and military pensions and other subsidies and payments that are not means-tested. Thereafter, limits must be placed on the automatic inflation indexing of these benefit payments, which drive such expenditure programs upward, through capping these adjustments. In the case of the defense budget, spending authorizations need to be trimmed to provide for an overall increase in real terms of no more than 7 per cent over the next couple of years, rather than 10 per cent, and perhaps only 5 per cent thereafter.

Even if these difficult steps to curb Government spending are taken, being realistic, it is hard to escape the conclusion that, in time, additional Federal revenue will be necessary, if the budget deficits are to be reduced appreciably; the fact is the Federal revenue base was seriously undermined by the 1981 tax cuts. It is important, however, that the additional revenue come from consumption-based taxes, such as a tax on oil, and by imposing user fees for Federal services and not from taxes that discourage savings and investment. In short, the road out of our current fiscal dilemma promises to be long and trying, and will require patience and stamina. But failure to come to grips with the Federal budget problem is almost certain to bring even greater economic difficulties.

I hope these thoughts prove helpful in your deliberations and debate on the Fiscal 1984 budget. Thinking you might find it relevant and of interest, I am enclosing a copy of Credit and Capital Markets 1983, which I co-authored, which comments at some length on the Treasury financing this year.

Sincerely yours,

DONALD E. WOOLLEY,
Senior Vice President
and Chief Economist.

IRVING TRUST,
New York, N.Y., April 27, 1983.

Hon. WILLIAM D. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: I very much share the concerns in your recent letter about the Federal deficit. Most worrisome of all is the fact that the budget is not projected to come into balance as the economy moves toward full employment. If nothing is done, some projections even show the deficit increasing as the economy recovers. Clearly something must be done.

Any deficit which remains as the economy nears full employment will all end up as inflation. Financing this deficit will clearly crowd out private needs for capital just as the need for private investment becomes critical to expand capacity restraints and prolong the recovery.

Logically, of course, the deficit can be reduced either by cutting spending or raising taxes. Nevertheless, it seems clear that most of the deficit reduction must occur through cuts in spending. Otherwise, we will erode incentives to work and save, which are necessary if productivity is to grow. Productivity growth is necessary if Americans are going to enjoy in the 1980s rising real per capita income.

If the budget is brought into balance largely through tax increases, it will mean that the Government is channeling an increasing share of our national output to those who benefit from it. As people work to enjoy the fruits of their labor, there is no question but that this erodes the incentives necessary for economic growth.

Best regards.

Cordially,

GORDON PYE.

FORD MOTOR CO.,
Dearborn, Mich., April 27, 1983.

Senator WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: In response to your letter of April 19, I agree that the huge budget deficits are a serious threat to the nation's long-run economic growth. There is a danger, however, in mis-stating the case, because if the economy continues to recover at a moderate pace, with no significant resurgence of inflation, then the big spenders can point to the absence of an economic collapse or raging inflation and persuade themselves and others that large deficits do no harm. The harm deficits inflict is not in their inflationary impact (if it were, inflation would have gotten worse rather than better during the past three years); nor is the harm in forcing the economy to stall out in the present recovery (that is very unlikely). The harm deficits inflict is twofold: they allow continued expansion of government as a percentage of GNP, taking income from the private sector; and they crowd out private capital spending, thus reducing the long-run rate of economic growth. Put another way, it is less damaging that the deficits are large than that government spending is a growing percentage of GNP. Though deficits and increased spending often go together, they need not.

This leads to your second question regarding whether the remedy for the forecasted deficits is lower expenditures or higher taxes. Expenditures, in my opinion, should be cut, especially for social programs and social security. These, in my opinion, are already too high, partly because they are inequitable and partly because they are ineffective or counter-productive. Those of the poor who are trapped into welfare are more likely to get out of the trap if welfare grows less and the economy grows more. Further, the intergenerational transfer of income via social security, medicaid and medicare has gone too far. I fear a reaction by the younger people who are being asked to bear a greater burden than they think is right.

I do not speak of reducing national defense expenditures for two reasons—though I suspect that cuts in the Administration's budget can, and undoubtedly will, be made. I've read a good deal about the subject and have opinions, but I hesitate to second-guess the Administration, which I believe has a good perception of our international problems. Also, I believe we can afford the defense we need, even if it should cost as much as the Administration is saying. I'm not against defense cuts, but I have a feeling that many in Congress think that, above a low minimum, defense is a kind of luxury that is perhaps less important than, say, an increase in spending for food stamps or public housing.

I welcome your inquiry and hope you find this letter responsive to your needs.

Sincerely,

JOHN V. DEAVER,
Economic Director.

THE UNIVERSITY OF MICHIGAN,
GRADUATE SCHOOL OF BUSINESS
ADMINISTRATION,
Ann Arbor, Mich., April 29, 1983.

Senator WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR BILL: This is in response to your letter of April 19.

In this uncertain world, and with economic matters such as federal spending and deficits seeming to go beyond the boundaries of normal limits, one can apparently never be sure about anything. I do believe, however, that the deficit path we are on will cause us trouble down the way. The fact is that these deficits, even if financed through normal market processes, do preempt funds which will not then be available for housing and other activities. If these pressures in financial markets are too severe, they will inevitably tend to crowd monetary policy off the course and toward a more inflationary mode of policy. This is the normal process by which large government deficits historically, and around the world, have been associated with inflation. (Since there would not then be enough savings, political pressures force printing new money.)

The real question is whether we can act in advance or whether we have to land in the middle of the problem before action will occur. Obviously I would hope that in government and on the part of intelligent and thoughtful citizens generally, there will be enough prudence to take the former course.

Regards.

PAUL W. MCCRACKEN.

THE CHASE MANHATTAN BANK, N.A.,
New York, N.Y., May 4, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ARMSTRONG: Thank you for your letter of April 19. My view also is that the inability of Congress and the Administration to come to grips with spending policy is a serious threat to our economy.

As we all know, spending must be paid for eventually by higher taxes. The growing federal deficit is evidence that Congress has not faced this fact. Until (1) spending becomes controllable and forecastable and (2) the method—income, excise, or inflation—of taxation is forecastable, then the economy faces a rough road. The debate is not whether taxes are going to be raised to cover expenditures but about how, when, and by whom they will be paid.

You are correct that interest rates will reflect these uncertainties emanating from the fiscal authorities, though I disagree with the view that deficits necessarily cause higher interest rates and inflation. The deficit may or may not have this effect, but it surely will increase the likelihood of inflationary financing. This "risk" is sufficient to retard the growth of real economic activity in the near term, resulting in sustained unemployment and larger future deficits. Indeed, this recovery is weaker than usual precisely because of uncertainty about the future course of government spending and taxation.

Congress must deal with these fiscal issues now, if the economy is to achieve its potential. Merely closing the current "gap" by imposing new taxes will not solve the problem. The American taxpayer will logically forecast that this is just the prelude to yet another round of increases in expenditures and taxes. Thus, the solution to this fiscal crisis must be a resolution of the fundamental question of "who is going to own the economy"—the government or the people. As long as government expenditures outpace the growth of the economy—as they are doing now—it is easy to understand why the incentives to work, save, and pay one's taxes are diminishing. Spending must be controlled; raising taxes without cutting expenditures merely means that the solution will be postponed and the problem worsened.

Sincerely,

J. RICHARD ZECHER,
Senior Vice President
and Chief Economist.

MANUFACTURERS HANOVER TRUST CO.,
New York, N.Y., May 3, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR ARMSTRONG. Many thanks for your letter of April 19. I, too, have great concern about the budget deficit. I have written quite extensively on the subject, as you undoubtedly know from reading my Economic Reports. While I am enclosing several recent issues, for your information and guidance, I plan to write more extensively on the subject in the May issue and will send that to you as soon as it is available.

Your interest in Manufacturers Hanover is deeply appreciated.

Sincerely,

IRWIN L. KELLNER,
Senior Vice President.

Enclosure.

[Economic Report, Manufacturers Hanover, March 1983]

WHY INTEREST RATES ARE HIGH

(By Irwin L. Kellner, Senior Vice President and Economist)

Bankers must be very responsible people. For whenever anything goes wrong in the economy—we seem to be responsible. Don't take my word for it, ask Treasury Secretary Donald T. Regan. He said last month that the banks were responsible for high interest rates: "I think that banks, faced with a lot of problem loans, both domestic and international, are doing their utmost to keep their earnings up by keeping their interest rates up." This was followed by several articles in the financial press which added credence to the Secretary's remarks by comparing the rates that banks charge to prime business customers with a money market rate in percentage point terms alone, without regard to other factors.

I have discussed the subject of interest rates many times before, so some of what follows will not seem new to regular readers of the Economic Report. However, I feel constrained to respond to these allegations, for they are misleading, to say the least. Let me tell you why I think interest rates are high, and whose responsibility it is to bring them down.

BANK LENDING SPREADS

Superficially, it does appear that the spread between the rates banks charge on money they lend and pay for money they attract has widened dramatically in recent years. In 1977, for example, little more than one percentage point separated key money market rates from the banks' lending charges on prime business loans. Today that spread is as high as three percentage points. However, because of the rising interest rate environment we have had in recent years, it is inaccurate to look at spreads in percentage point terms alone. This is because banks, like any other business, set their prices in relative terms compared with their costs, not absolute terms. Between 1977 and 1982 short-term interest rates about doubled. Obviously, charging the same absolute spread in 1982 as in 1977 would have resulted in a percentage markup only half as great. In relative terms, then, the spread between the prime rate and the banks' cost of funds did not increase as much as it seems.

But this is not all. For while the posted prime is an important benchmark rate, it does not accurately represent the interest rates that banks charge on many short-term loans. According to the Federal Reserve Board, the weighted-average interest rate on short-term commercial and industrial loans today is as much as one percentage point lower than the posted prime. This reflects the growing tendency of large, top-rated corporations to be able to negotiate rates below the posted prime because of their ability to access the domestic and international money markets, where rates are lower. Looking at bank's lending charges this way discloses that the average rate on short-term loans was not unusually high in 1982, when compared with money-market rates in either absolute or relative terms.

As for the banks' cost of funds, I would like to point out another misconception. This is that the latest interest rate on Federal funds, commercial paper, or certificates of deposit represents the average cost of funds to banks at a given moment in time. It does not, since banks obtain money from a variety of sources with maturities ranging from overnight to several years in duration. One must combine these sources into a blend, or weighted average cost of funds to get the true picture of a bank's money costs. If one does, one will find that these costs are even closer to the average rate charged on short-term business loans—both in absolute as well as in relative terms.

* * * ARE LESS THAN THEY SEEM

Even this does not tell the entire story. For a bank's interest cost structure reflects more than simply a spread between the average rate earned on earning assets (loans) and the average rate paid for interest-bearing funds. You see, spread is not the same as yield, which takes into account not only interest-bearing funds but interest-free sources as well, such as demand deposits. And in recent years, as a result of both deregulation and a change in corporate deposit habits, banks have seen a dramatic decline in the amount of interest-free funds available to them.

At Manufacturers Hanover, the percentage of funds coming to us interest-free that we use to finance our assets has been cut in two since 1976, from nearly 20 percent then to only about 10 percent today. Add to this the deregulation of consumer deposits, which replaced interest-free checking accounts and low-interest savings accounts with NOW accounts, money market accounts and Super NOWs and you can see the addition of another sizable cost to the interest cost structure of the banking system. And the banks are not only relying more on interest bearing deposits, they have to make sure they are paying competitive rates, since these interest bearing deposits are becoming increasingly market-rate sensitive.

NET YIELD ON EARNING ASSETS AT 20 MONEY CENTER BANKS

[In percent]

Year	Earning asset yield	Interest bearing liabilities cost	Interest rate spread	Cost of all funds	Net yield on earning assets
	(1)	(2)	(1)-(2)=(3)	(4)	(1)-(4)=(5)
1975	8.91	6.76	2.15	5.43	3.48
1976	8.16	5.91	2.25	4.72	3.43
1977	8.13	5.87	2.26	4.75	3.38
1978	9.50	7.26	2.24	5.96	3.54
1979	11.81	9.82	1.99	8.26	3.55
1980	13.60	11.97	1.63	10.14	3.46
1981	16.11	14.67	1.44	12.72	3.39
1982 [1]	14.82	12.93	1.89	11.20	3.63

[1] Average of first three quarters.

Source: Robinson Humphrey/American Express, Inc.; MHT.

The bottom line is quite different from the top line. As you can see from the table, while there was a 45 basis point improvement last year in the interest rate spread at 20 money center banks, the figure that affects profits, net yield on earning assets, showed an improvement of only 24 basis points. And these are in absolute terms; in relative terms, on both the interest rate spread and net yield basis, the difference between what we charge and what we pay was lower in 1982 than seven years earlier!

Critics of bank lending charges might have more of a leg to stand on when they look at consumer lending rates. For unlike the prime rate and other lending rates to business, which have come down considerably from their recent peaks, consumer lending rates have hardly budged at all—and in some cases are higher today than one and two years ago.

Here, too, there is an explanation. For one thing, consumer loans tend to be smaller than business loans, thus involve more paperwork (loan applications, credit checks and so forth) per million dollars, for example, than a business loan. Obviously this is a cost which has to be factored into the price of the loan. And, unlike business loans, loans to consumers tend to be at fixed rates of interest for several years at a time. This means that a loan which is profitable when it is initially approved, may eventually become unprofitable if money costs rise above the return on the loan—as has been the case so many times in the past. There are greater risks involved in loans to consumers than to businesses so this must be factored into the cost of the loan. Until recently, most consumer lending operations were not profitable because of interest rate ceilings. These have been lifted in most states, suggesting that the high rates on some types of consumer loans may be just

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an immediate after-effect as these departments seek to make up for lost profitability.

One thing must be remembered in discussing the banks' pricing policies. This is the fact that the banks are not the only source of funds for both individuals and business. What is more, the commercial banks may be losing ground to other companies in the financial services industry which suggests that bank loan pricing cannot get too far out of line with these other sources.

INTEREST RATES ARE HIGH * * *

Let me turn from bank lending rates to interest rates in general. For in the final analysis, the banks can only squeeze their interest rate spreads so far in bringing down the cost of borrowing to business and consumers. If the cost of money, itself—in other words, the general level of interest rates in the money markets—is high, then there's no way that bank lending charges can get down low enough to satisfy the Administration, or anyone else, for that matter.

Therefore, it is necessary to consider why market rates of interest are still high—not only in nominal or quoted terms, but in real terms, when measured against the current rate of inflation. For it has been the high real rates of interest that have been largely responsible for slowing the economy. Indeed, when real interest rates hit 50-year highs between mid-1981 and mid-1982, they were subsequently followed by a rise in business failures to half-century highs which produced the worst recession since the 1930s.

Of course, real interest rates have come down somewhat from these half-century records. However, they are still well beyond the boundaries that both business and consumers have grown accustomed to over the last several decades. The December Economic Report offered the following explanation: "The greater volatility of both interest rates and the money supply following the Federal Reserve's shift to monetarism three years ago seems to have added a 'volatility premium' to the level of interest rates besides the inflation and rent premiums, both of which had been embodied in interest rates for many years. In the summer of 1981, another premium might have been added, one that, for lack of a better term, could be called a 'fear' premium.

"The markets got scared beginning in the summer of 1981 when Washington revealed that the government's budget deficits were not going to get smaller and eventually disappear by mid-decade, but rather, were going to get bigger and expand into the 12-digit territory. The fear was that either these deficts and their associated borrowing requirements would overwhelm the money and credit markets, driving up interest rates in the process—or that they would not; that the Federal Reserve would monetize these deficits, but in the process, set the stage for a new round of inflation."

* * * BECAUSE BUDGET DEFICITS * * *

I would say that these fears are very much in evidence today. The volatility premium no doubt has shrunk because the Federal Reserve since July 1982 appears to be focusing more on managing interest rates and less on managing the quantity of money. Indeed, short-term interest rates have become extemely stable day-to-day—notwithstanding their precipitous decline last summer. But the fear premium is still very much in evidence. In the money markets, there is a fear of a renewed credit squeeze if the Federal Reserve once again becomes concerned over money supply growth and seeks to slow it down. And the bond markets are concerned about the higher rate of inflation that seems likely to arise sometime down the road if the Fed does not concern itself with money supply growth, and allows recent hefty rates of increase to continue.

Before you conclude that there is a Catch-22 here suggesting that interest rates are bound to rise one way or another, let me point out that they need not. However, this would require action by the Administration and the Congress. The key to lower interest rates deals with current and prospective borrowing by the Treasury to meet its huge, unprecedented budget deficits. No matter how you look at it, the deficit is far too large, given the state of our economy, the financial markets, and the availability of savings to finance them. Whether you compare the deficit with the gross national product, or total Federal borrowings with the supply of savings, you must conclude that we are in uncharted territory.

To make matters worse, the underlying imbalance between our spending programs and the revenue-generating capacity of the tax system at reasonable levels of employment (the structural deficit) promises to increase as fast as the cyclical portion of the deficit declines. This means that we cannot count very much on economic recovery to reduce the deficit and get the Federal Government out of the way of the private sector in the competition for funds in the financial market place. The implication is that a new clash between government financial needs and the needs of business, home buyers, farmers and consumers is on the horizon. Since the government is an insensitive borrower (it borrows what it needs, when it wants to, regardless of the cost), the financial markets, in anticipation of the higher interest rates that will result from this clash, are keeping interest rates high today in order to protect themselves against tomorrow.

In criticizing the banks for keeping interest rates high, the Administration is trying to deflect public opinion from its own economic mistakes. This year's budget document contains the same amazing revelation as last year's concerning the revenue impact of the Economic Recovery Tax Act (ERTA) of 1981. The Office of Management and Budget estimates that between 1982 and 1988. ERTA alone will cost the Federal government $609 billion in tax revenues. That's 72 percent of the $850 billion cumulative deficit that the Administration believes it will run during this time! The balance, I am sure, can easily be accounted for by the impact that these deficits had on the level of interest rates and the subsequent recession that these high interest rates caused. High interest rates, of course, added to government spending and subtracted from government tax revenues, while the recession cut further into Federal tax revenues while increasing Federal expenditures on unemployment insurance, and so forth.

CONTINUE TO GROW

The time has come for the Administration to stop blaming others for its misdeeds and start looking at its own policies. It should be clear by now that the original plan to boost government revenues by cutting taxes has not worked and will not work. It should also be obvious that using lower revenues as a club to force Congress to cut spending has only a limited effect. If you don't believe me, look at the record: With only two budget surpluses in the past quarter of a century, when did lack of revenues ever constrain the government from spending?

Bankers may indeed by very responsible people—but it is the Administration that is responsible for keeping interest rates high, not us.

AUBREY G. LANSTON & CO., INC.,
New York, N.Y., April 26, 1983.

Hon. WILLIAM L. ARMSTRONG,
U.S. Senate,
Washington, D.C.

DEAR BILL: I'm honored by your request for advice on the Federal budget problem. The problem is a big one, but with men of your high caliber and dedication working on it, the chances of a solution are improved. I have the highest admiration for you, both as a Senator, and, based on our meetings at the Colorado Bankers, as a friend.

There is no question that the out-of-control budget deficit has profoundly disturbing implications for our economy. For the first time in our post World War II experience, the Federal deficit threatens to increase even as the economy recovers. This "structural" deficit stands in sharp contrast with the budget's behavior in past expansions when the deficit gap has been sharply narrowed by improving tax receipts (based on rising incomes and profits) and moderating spending on unemployment compensation and other counter-recession measures.

The dismal prospect is that without dramatic deficit-cutting measures, the deficit gap by which spending exceeds revenues would almost certainly soar to a $200-300 billion range in fiscal years 1984 and 1985. Most disturbing, this would push the Federal deficits as a percent of GNP above 6 percent (2 percent is normal). To be sure, this fiscal stimulus should serve to initially strengthen consumer spending. Nevertheless, our recovery would be modest and uneven as interest rates remain high owing to the clash between recovery-related increases in consumer and business spending and excess Federal borrowing demands.

This outcome assumes that the Federal Reserve will maintain monetary discipline by sticking to its already established targets for 1983. If the Fed instead tries to fully accommodate the combined private and Government credit demands, interest rates may initially fall, but the resulting excessive monetary growth will promptly renew inflationary expectations and will eventually push longer-term interest rates higher.

The major victim of the current irresponsible budget policy would be depressed business spending on new plant and equipment. This is because the massive structural Federal deficits and related borrowing needs will mop up most of the net private savings usually available in support of private investment. It is estimated that net private savings available for new business capital investment will, as a result of projected excessive Federal borrowing demands, fall to a disasterously low 3.2 percent of GNP by 1985, barely half the 6.0 percent figure for savings availability to meet capital spending needs in the 1970's and less than half the 7.0 percent in savings availability in the 1960's.

An appropriate longer-term Federal budget objective would be in my view, not only to balance the Federal budget and eliminate the deficits, but also to reduce Federal receipts and spending in relation to GNP. This would set the stage for prolonged and, hopefully, noninflationary economic growth, founded upon, as a result of an increased private share of economic activity, increased individual initiative, rising productivity, more creative innovation, and a wave of energetic entrepreneurship, particularly in high technology areas. While such measures as tax indexing can help in principle with attaining such an objective, the simple practical fact is that the only way to achieve this objective is to link tax cuts directly and irreversably to Federal spending cuts.

The point is that the attainment of the commendable objective of reducing the Federal government's share of total economic activity must involve cuts in both defense and nondefense spending. The failure of the Reagan fiscal program has come not because it was wrong in principle, but because it was wrong in execution. Given the difficulties in controlling social entitlement programs arising from decades of fiscal irresponsibility, there was simply no way for the President to cut taxes, on one hand, and sharply increase defense spending, on the other, without disasterous budget deficit consequences.

There are only a few ways out of this mess. Just tinkering won't do; the solution must be radical and we need action fast. Three possible solutions that would be both credible in the financial markets and supportive of sustained and noninflationary economic expansion are listed below, along with my related revenue and spending estimates (beyond those stemming from the President's fiscal 1984 budget proposals):

[In billions of dollars]

	Fiscal 1984		Fiscal 1985	
	Revenues	Outlays	Revenues	Outlays
Choices:				
(1) Keep tax cuts but deep freeze all defense and nondefense spending		-30		-60
(2) Impose a 5 percent surcharge on corporate and individual tax payments, and a $10 a barrel tax on imported oil; limit defense spending to 5 percent real growth but keep Reagan's nondefense spending proposals	+25	-3	+30	-12
(3) Eliminate the third year of the tax cut, but keep indexing; allow for a 7½ percent increase in real defense spending, but deep freeze nondefense spending	+30	-22	+33	-41

My preference would be for choice #3 above. Its favorable psychological impact on the financial markets could push the longer-term Treasury bond rate, say 2 percentage points below its current 10½ percent level. A second-best alternative would be choice #2 which might improve psychology sufficiently to push the longer-term Treasury bond rate as much as 1 percentage point below current levels. Of course, roughly corresponding declines could be expected in mortgage rates and obviously this would help our recovery.

I hope these views are helpful.

With best regards,

Sincerely,

DAVID L. JONES,
Senior Vice President and Economist.

P.S.—Enclosed is my latest Lanston Letter on this subject.

AUBREY G. LANSTON & CO., INC.,
April 25, 1983.

Prices of Government securities lost ground last week, bringing to a halt the upward momentum of the two preceding weeks. Investors appear to be increasingly disturbed by the dim prospects for concrete budget deficit-cutting actions as Presidential election politics come into view. Also serving to dampen market optimism is a growing realization that the Federal Reserve is unlikely to help spur the market with further near-term easing moves, especially now that an appropriately moderate and non-inflationary recovery seems to be underway.

The monetary authorities have every reason to continue to hold to a stable policy stance in the weeks immediately ahead. The Fed moved in mid-March to slightly snug bank reserve availability, in response to excessive monetary growth. However, the monetary officials are unlikely to see any immediate need to tighten further, assuming that monetary growth slows significantly in April, as is widely expected.

Since mid-March the Fed appears to have been aiming at approximately a 0 free (net borrowed) reserves target, down from a free reserves level of about $250 million. (Net borrowed reserves have averaged $65 million over the past six bank statement weeks.) This degree of Fed pressure on bank reserves would seem to be consistent with a Federal funds rate centering on 8¾ percent, and most trading remaining within a relatively narrow 8½-9 percent range. (The Federal funds rate has averaged 8.84 percent over the past six weeks.)

The lack of an agreement between Congress and the Reagan Administration on substantial Federal deficit-cutting measures for fiscal year 1984 and beyond is likely to depress market psychology in the weeks ahead. Perhaps the most frustrating prospect is that neither new revenue-increasing measures nor significant Federal spending cuts can be counted on to trim the out-of-control deficit. For example, with the influence of next year's Presidential election increasing day-by-day, it seems most unlikely that Congress will either do away with the already scheduled tax cuts or pass any new significant tax increases (such as an oil import tax).

On the Federal spending side, deficit-cutting prospects are not much better. The President is fighting for his originally requested 10 percent increase in real defense spending in fiscal 1984 and he seems unlikely to settle for anything below 7½ percent, if that. On the non-defense side, Congress is actually increasing spending, relative to the President's 1984 budget proposals, on the grounds that social programs have already been cut too much.

In the previously inconceivable, but now possible, event that no new deficit-cutting measures for fiscal year 1984 will be agreed upon, the following results are likely:

(1) The Federal deficits will soar to a $200-300 billion range in fiscal years 1984 and 1985. Federal deficits as a percent of GNP will climb above 6 percent (2 percent is normal).

(2) Consumer spending will eventually be strengthened by excessive fiscal stimulus.

(3) The economic recovery will be modest and uneven as interest rates remain high owing to the clash between recovery-related increases in consumer and business credit demands and excessive Federal borrowing demands. This outcome assumes that the Federal Reserve will stick to its already established monetary targets for 1983. If the Fed instead tries to fully accommodate the combined private and government credit demands, interest rates may initially fall, but the resulting excessive monetary growth will promptly renew inflationary expectations and will eventually push longer-term interest rates higher.

(4) Business spending on new plant and equipment will remain weak, lagging the recovery much longer than normal. This is because the massive structural Federal deficits and related borrowing needs will mop up most of the net private savings usually available in support of business capital spending.

AUBREY G. LANSTON & CO., INC.

TREASURY NOTES AND BONDS 10 YEARS AND UNDER

[Prices as of Apr. 22, 1983, for delivery on Apr. 26, 1983]

Amount held by private investors [1]	Issue		Offered price	Yield before taxes	Yield after taxes long-term gain basis	Approx corporation taxable equivalent yields	Price change during week	1983 price range		Yield value of 1/32
	Coupon	Maturity						From	To	
4.2	14½	4/30/83	100-3	5.61		5.61	-1	101-27	100-3	2.6395
2.5	7⅞	5/15/83	99-30	8.76		8.76		99-31	99-25	.5779
2.7	11⅝	5/15/83	100-5	8.21		8.21	-2	101-5	100-6	.5674
4.2	15⅝	5/31/83	100-23	7.62		7.62	-3	102-25	100-23	.3058
.9	3¼	[2] 6/15/83-78	99-16	6.84		6.84		99-16	98-0	.2280
2.7	8⅞	6/30/83	100-2	8.29		8.29		100-13	100-2	.1716
4.1	14⅝	6/30/83	101-3	8.07		8.07	-3	102-31	101-3	.1669
4.6	15⅞	7/31/83	101-27	8.45		8.45	-5	104-2	101-29	.1141
3.5	9¼	8/15/83	100-5	8.57		8.57	-1	100-19	100-5	.1026
3.2	11⅞	8/15/83	100-30	8.54		8.54	-2	102-2	100-30	.1013
4.8	16¼	8/31/83	102-18	8.40		8.40	-4	104-24	102-18	.0887
2.5	9¾	9/30/83	100-15	8.56		8.56	-1	101-1	100-15	.0746
4.8	16	9/30/83	103-0	8.65		8.65	-6	105-6	103-0	.0725
4.8	15½	10/31/83	103-10	8.74		8.74	-5	105-10	103-10	.0618
2.2	7	11/15/83	99-4	8.65		8.65	+1	99-4	98-22	.0595
3.8	9⅞	11/15/83	100-19	8.75		8.75	-1	101-6	100-15	.0587
4.8	12⅛	11/30/83	101-29	8.78		8.78		103-2	101-29	.0539

TREASURY NOTES AND BONDS 10 YEARS AND UNDER—Continued

[Prices as of Apr. 22, 1983, for delivery on Apr. 26, 1983]

Amount held by private investors [1]	Issue		Offered price	Yield before taxes	Yield after taxes long-term gain basis	Approx. corporation taxable equivalent yields	Price change during week	1983 price range		Yield value of 1/32
	Coupon	Maturity						From	To	
2.4	10½	12/31/83	101-1	8.91		8.91	−2	101-29	101-0	.0478
4.8	13	12/31/83	102-19	9.00		9.00	−2	104-2	102-18	.0473
5.7	15	1/31/84	104-14	8.89		8.89	−3	106-11	104-14	.0416
4.5	7¼	2/15/84	98-25	8.84		8.84	−1	99-5	98-6	.0412
5.3	15⅛	2/29/84	104-29	8.98		8.98	−3	106-27	104-29	.0377
5.6	14⅛	3/31/84	104-15	9.01		9.01	−2	106-5	104-15	.0346
2.4	14¼	3/31/84	104-17	9.06		9.06	−2	106-5	104-17	.0346
5.0	13⅞	4/30/84	104-19	9.02		9.02	−3	106-5	104-19	.0319
2.5	9¼	5/15/84	100-11	8.90		8.90		100-21	99-24	.0316
3.8	13¼	5/15/84	104-6	9.00		9.00		105-14	104-4	.0308
3.0	15¼	5/15/84	106-22	8.96		8.96	−1	108-17	106-22	.0302
5.6	13¾	5/31/84	104-24	9.11		9.11	−2	106-5	104-24	.0295
3.2	8⅞	6/30/84	99-27	9.02	4.91	9.09	+1	100-5	99-4	.0285
5.5	14⅜	6/30/84	105-22	9.19		9.19	−2	107-16	105-21	.0274
6.1	13⅛	7/31/84	104-19	9.20		9.20	−2	105-25	104-16	.0259
1.8	6⅜	8/15/84	97-2	8.80	5.39	9.97	−2	97-6	96-4	.0263
2.5	7¼	8/15/84	97-27	9.03	5.35	9.90	+1	98-8	97-2	.0262
3.8	13¼	8/15/84	104-24	9.31		9.31	−2	106-6	104-24	.0251
6.9	11⅝	8/31/84	102-28	9.31		9.31	−2	103-26	102-17	.0247
10.1	12⅛	9/30/84	103-20	9.36		9.36	−3	104-22	103-10	.0233
7.3	9¾	10/31/84	100-18	9.34		9.34	−1	101-6	99-26	.0226
5.1	14⅜	11/15/84	106-30	9.47		9.47	−2	108-20	106-28	.0211
4.6	16	11/15/84	109-8	9.46		9.46	−2	111-10	109-6	.0208
7.0	9⅞	11/30/84	100-19	9.47		9.47	−4	101-12	99-30	.0214
7.3	9⅜	12/31/84	99-28	9.46	5.13	9.50	−3	100-18	99-5	.0206
3.3	14	12/31/84	106-25	9.54		9.54	−5	108-31	106-25	.0197
7.7	9¼	1/31/85	99-18	9.53	5.22	9.66	−4	100-2	98-30	.0197
2.8	8	2/15/85	97-30	9.26	5.34	9.88	+2	98-18	96-26	.0194
5.6	14⅝	2/15/85	108-1	9.68		9.68	−7	110-8	108-1	.0183
7.8	9⅝	2/28/85	100-5	9.53		9.53	−2	100-22	99-11	.0188
8.5	9⅝	3/31/85	100-5	9.53		9.53	−3	100-10	98-30	.0181
3.4	13⅜	3/31/85	106-14	9.64		9.64	−4	108-8	106-10	.0174
8.1	9½	[3] 4/30/85	99-28	9.57	5.19	9.61		99-28	99-28	.0176
.4	3¼	[2] 5/15/85	92-16	7.25	4.96	9.18		92-16	89-0	.0175
.6	4¼	[2] 5/15/85-75	93-16	7.73	5.09	9.42		93-16	92-0	.0175
2.5	10⅜	5/15/85	101-20	9.49		9.49	−6	102-18	100-30	.0169
5.3	14⅛	5/15/85	108-1	9.72		9.72	−8	110-1	107-26	.0163
2.5	14⅜	5/15/85	108-20	9.65		9.65	−5	110-18	108-12	.0162
3.1	14	6/30/85	108-10	9.68		9.68	−6	110-2	107-30	.0154
3.2	8¼	8/15/85	97-7	9.62	5.56	10-29	−9	98-4	96-15	.0157
3.2	9⅝	8/15/85	99-31	9.64	5.21	9.65	−7	101-0	99-10	.0154
6.1	13⅛	8/15/85	106-28	9.73		9.73	−5	108-12	106-4	.0148
3.6	15⅞	9/30/85	112-31	9.75		9.75	−4	114-30	112-18	.0136
6.3	9¾	11/15/85	100-1	9.74		9.74	−9	101-5	99-5	.0141
3.1	11¾	11/15/85	104-14	9.75		9.75	−9	105-25	103-18	.0137
3.3	14⅛	12/31/85	110-1	9.78		9.78	−7	111-28	109-13	.0127
6.9	9⅞	2/15/86	100-8	9.77		9.77	−8	100-30	99-17	.0130
3.2	13½	2/15/86	108-24	9.86		9.86	−11	110-2	107-28	.0123
3.9	14	3/31/86	110-8	9.89		9.89	−6	111-20	109-4	.0118
4.1	7⅞	5/15/86	95-4	9.76	5.76	10.67	−10	96-2	93-24	.0125
3.4	13¾	5/15/86	109-28	9.92		9.92	−6	111-4	108-24	.0114
4.4	14⅞	6/30/86	112-28	10.05		10.05	−8	114-22	111-28	.0108
7.5	8	8/15/86	95-3	9.77	5.74	10.63	−6	96-0	93-24	.0116
5.7	12¼	9/30/86	106-13	10.00		10.00	−9	107-22	105-2	.0106
.9	6⅛	11/15/86	88-14	10.08	6.47	11.99	−10	91-8	88-14	.0115
3.2	13⅞	11/15/86	111-10	10.01		10.01	−2	112-16	109-28	.0100
3.3	16⅛	11/15/86	117-20	10.10		10.10	−8	119-14	116-20	.0096
5.5	10	12/31/86	100-16	9.84		9.84	−4	101-10	98-30	.0103
4.6	9	2/15/87	97-10	9.86	5.55	10.29	−10	98-8	96-0	.0102
3.4	12¾	2/15/87	108-6	10.11		10.11	−8	109-10	106-24	.0096
6.2	10¼	3/31/87	101-0	9.94		9.94	−7	101-11	100-0	.0097
2.0	12	5/15/87	106-8	10.08		10.08	−8	107-10	104-26	.0092
3.5	14	5/15/87	112-12	10.20		10.20	−10	113-18	110-24	.0089
4.1	13¾	8/15/87	111-30	10.25		10.25	−16	113-8	110-10	.0085
1.8	7⅝	11/15/87	92-8	9.77	5.84	10.81	−8	93-0	90-12	.0091
5.4	12⅝	11/15/87	108-11	10.28		10.28	−16	109.26	106.22	.0083
2.7	12⅜	1/15/88	107-18	10.31		10.31	−15	109-4	105-28	.0081
5.0	10⅛	2/15/88	100-4	10.09		10.09	−14	101-8	98-14	.0084
2.9	13¼	4/15/88	110-30	10.38		10.38	−12	112-8	109-4	.0077
2.4	8¼	5/15/88	92-30	10.07	5.91	10.95	−12	94-2	91-8	.0084
5.9	9⅞	5/15/88	99-12	10.03	5.46	10.11		100-16	98-8	.0081
3.5	14	7/15/88	114-4	10.43		10.43	2	115-8	112-0	.0073
3.3	15⅜	10/15/88	120-6	10.44		10.44	+1	121-4	117-20	.0068
2.3	8¾	11/15/88	94-28	9.97	5.71	10.57	−4	95-20	92-22	.0077
3.5	14⅝	1/15/89	116-25	10.64		10.64	−11	118-0	114-22	.0067
3.3	14⅜	14/15/89	116-19	10.56		10.56	−1	117-4	113-24	.0065
2.2	9¼	5/15/89	96-16	10.04	5.63	10.42	−2	97-20	94-12	.0072
4.7	14½	7/15/89	117-14	10.60		10.60	−10	118-10	114-24	.0063
4.2	11⅞	10/15/89	106-16	10.47		10.47	−16	107-24	103-30	.0065
3.8	10¾	11/15/89	102-0	10.32		10.32	+8	103-4	99-16	.0066
4.5	10½	1/15/90	100-30	10.30		10.30	−14	102-0	98-10	.0065
1.1	3½	[2] 2/15/90	93-16	4.62	2.79	5.17		93-16	87-0	.0056
5.0	10½	4/15/90	101-1	10.29		10.29	−14	101-24	99-18	.0064
9	8¼	5/15/90	91-12	9.98	5.84	10.82	−12	93-0	89-8	.0067
2.6	10¾	8/15/90	102-0	10.35		10.35	−20	103-2	99-14	.0061
5.1	13	11/15/90	112-6	10.61		10.61	−20	113-8	109-10	.0057
1.7	14½	5/15/91	119-28	10.75		10.75	−16	120-26	116-14	.0052
2.4	14⅞	8/15/91	122-4	10.78		10.78	−20	123-0	118-18	.0050
2.5	14¼	11/15/91	119-4	10.77		10.77	−16	120-8	115-16	.0050
2.7	14⅝	2/15/92	121-20	10.76		10.76	−20	122-16	117-28	.0049
9.0	13¾	5/15/92	117-2	10.76		10.76	−24	118-16	113-12	.0049
1.0	4¼	[2] 8/15/92-87	92-28	5.23	3.08	5.70	−28	93-24	86-0	.0045
1.6	7¼	8/15/92	82-16	10.21	6.28	11.64	−24	84-0	79-16	.0060
4.1	10½	11/15/92	110-24	10.37		10.37	−20	101-20	97-16	.0052
.1	4	[2] 2/15/93-88	93-8	4.87	2.86	5.30	−16	93-24	85-0	.0042
.6	6¾	2/15/93	79-24	10.04	6.28	11.64	−16	80-12	75-24	.0059
1.4	7⅞	2/15/93	86-0	10.16	6.09	11.27	+4	86-16	82-16	.0056
4.5	10⅞	2/15/93	102-28	10.40		10.40	−20	103-30	100-18	.0051
1.4	7½	8/15/93-88	83-8	10.16	6.18	11.45	−8	84-4	79-24	.0056
1.6	8⅝	8/15/93	89-8	10.35	6.04	11.18	−16	90-24	86-4	.0054

TREASURY NOTES AND BONDS 10 YEARS AND UNDER—Continued

[Prices as of Apr. 22, 1983, for delivery on Apr. 26, 1983]

Amount held by private investors [1]	Issue		Offered price	Yield before taxes	Yield after taxes long-term gain basis	Approx. corporation taxable equivalent yields	Price change during week	1983 price range		Yield value of 1/32
	Coupon	Maturity						From	To	
1.3	8⅝	11/15/93	89-4	10.34	6.04	11.18	−16	90-20	86-4	.0053
2.9	9	2/15/94	91-12	10.34	5.94	11.00	−16	92-24	88-4	.0052
.7	4⅛	[2] 5/15/94-89	92-16	5.02	2.95	5.45	−24	93-8	85-8	.0039
1.5	8¾	8/15/94	89-14	10.36	6.01	11.14	−18	90-28	86-4	.0051
1.5	10⅛	11/15/94	98-16	10.35	5.65	10.47	−16	99-24	94-28	.0047
.3	3	[2] 2/15/95	92-16	3.79	2.26	4.18	−20	93-8	84-16	.0035
1.5	10½	2/15/95	100-24	10.39		10.39	−16	101-28	96-28	.0046
1.5	10⅜	5/15/95	99-18	10.44	5.66	10.48	−22	100-28	95-28	.0046
1.2	12⅝	5/15/95	113-12	10.63		10.63	−20	114-16	108-28	.0043
1.5	11½	11/15/95	106-8	10.59		10.59	−24	107-20	101-26	.0044
.5	7	5/15/98-93	74-28	10.32	6.44	11.93	−20	77-24	72-16	.0051
1.3	3½	[2] 11/15/98	92-16	4.16	2.42	4.49	−28	94-0	84-16	.0029
1.4	8½	5/15/99-94	85-4	10.43	6.14	11.36	−12	86-24	81-16	.0046
2.2	7⅞	2/15/00-95	79-20	10.48	6.34	11.74	−24	81-0	75-8	.0047
2.6	8⅜	8/15/00-95	83-8	10.49	6.22	11.52	−20	85-0	78-24	.0046
1.5	11¾	2/15/01	108-0	10.73		10.73	−24	109-8	102-0	.0037
1.7	13⅛	5/15/01	118-8	10.81		10.81	−22	119-8	112-0	.0035
1.1	8	8/15/01-96	80-4	10.46	6.29	11.65	—	81-24	76-0	.0046
1.7	13⅜	8/15/01	120-0	10.84		10.84	−1-4	121-12	114-0	.0034
1.6	15¾	11/15/01	139-14	10.79		10.79	−26	140-20	133-24	.0030
1.8	14¼	2/15/02	127-16	10.80		10.80	−24	126-20	121-4	.0032
2.8	11⅝	11/15/02	107-0	10.76		10.76	−28	109-20	101-24	.0037
3.0	10¾	2/15/03	100-22	10.67		10.67	−1-2	101-28	96-0	.0038
3.3	10¾	5/15/03	100-22	10.66		10.66	−1-6	102-12	99-0	.0038
2.8	8¼	5/15/05-07	81-16	10.41	6.18	11.45	−1-4	84-0	77-16	.0043
2.9	7⅝	2/15/07-02	76-24	10.25	6.22	11.52	−1-4	79-28	72-24	.0044
1.2	7⅝	11/15/07-02	78-24	10.26	6.16	11.41	−1-0	82-8	74-24	.0043
1.4	8⅜	8/15/08-02	82-4	10.39	6.14	11.36	−1-0	84-24	77-16	.0042
3.7	8¾	11/15/08-03	84-28	10.46	6.10	11.29	−1-4	87-16	80-4	.0041
4.0	9⅛	5/15/09-04	88-0	10.48	6.01	11.14	−1-0	90-16	82-8	.0039
3.4	10⅜	11/15/09-04	98-18	10.54	5.74	10.62	−1-8	101-8	93-0	.0036
2.1	11¾	2/15/10-05	108-20	10.72		10.72	−1-8	112-4	102-16	.0035
1.9	10	5/15/10-05	95-20	10.49	5.80	10.73	−1-4	98-16	90-0	.0036
4.2	12¾	11/15/10-05	116-8	10.81		10.81	−1-16	119-16	109-28	.0033
3.9	13⅞	5/15/11-06	125-20	10.83		10.83	−1-20	128-4	118-12	.0031
4.4	14	11/15/11-06	127-4	10.80		10.80	−1-16	130-4	120-0	.0030
6.5	10⅜	11/15/12-07	98-28	10.50	5.71	10.56	−1-6	100-16	93-20	.0035

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[1] Latest available, in billions of dollars.
[2] Redeemable at par in payment of Federal estate taxes.
[3] When issued.

FEDERAL AGENCY ISSUES SOLD RECENTLY

	Amount outstanding [1]	Issue		Offered price	Price change during week	Yield before taxes
		Coupon	Maturity			
Agency:						
FFCB	0.9	9.20	8/1/83	100-2		8.57
FFCB	1.7	8.55	9/1/83	99-31	+1	8.53
FFCB	.6	8.85	9/1/83	99-31	−1	8.64
FFCB	.9	8.70	10/3/83	99-31		8.54
FFCB	1.5	9.20	10/3/83	100-8		8.56
FFCB [2]	.8	8.70	11/1/83	99-30	+1	8.64
FFCB [2]	1.1	8.70	12/1/83	99-30	+1	8.63
FFCB [2]	.8	9.25	1/3/84	100-10		8.57
FNMA-RI	N.A.	8.95	4/17/84	99-29		9.05
FFCB	5	10.00	7/22/85	100-28	−4	9.56
FNMA	4	10.15	10/10/85	101-4	+10	9.63
FNMA	1.0	14.90	12/10/85	111-4	−8	9.98
FNMA	.5	13.25	9/10/86	108-20	−12	10.17
FNMA	.5	10.10	10/10/86	100-4	−4	10.06
FFCB	.9	9.95	10/20/86	100-0	−2	9.95
FNMA	.8	10.95	11/10/86	102-12	−4	10.14
FNMA	.5	10⅛	12/10/86	100-4	−3	10.06
FFCB	.8	9.90	1/20/87	99-24	−8	9.98
FNMA	.7	9.90	2/10/87	99-14	−4	10.08
FFCB	.7	10.55	6/1/87	101-6	−10	10.19
FHLB	.4	10.30	6/25/87	100-28	−2	10.04
FFCB	.6	10⅛	9/1/87	100-4	−7	10.09
FNMA	.8	10.85	11/10/87	101-30		10.31
FHLB	.3	10.65	11/25/87	101-24	−4	10.16
FNMA	1.0	10.90	12/10/87	102-4		10.29
FNMA	.7	10.45	1/11/88	100-10		10.36
FNMA	.5	10.30	2/10/88	100-0		10.30
FNMA	1.0	10.40	3/10/88	100-8		10.33
FHLB	.5	10.20	3/25/88	100-4		10.17
FNMA	1.0	10.45	4/11/88	100-9	+1	10.38
FHLB	.5	10.15	4/25/88	100-1		10.14
FNMA	4	11.30	12/11/89	102-24	−8	10.71
FFCB	4	10.85	2/1/90	101-16	−4	10.53
FNMA	.3	10.90	11/12/90	101-20		10.58
FHLB	.7	10.90	12/26/90	101-24	−2	10.56
FHLB	.8	11.10	8/26/91	102-14	−14	10.65
FFCB	.9	10.60	10/21/91	99-30	−5	10.61
FHLB	.6	11.10	11/25/92	102-16	−8	10.68
FNMA	.5	10.90	1/11/93	100-24	−8	10.77
FFCB	.7	10.65	1/20/93	100-4	−6	10.63
FHLB	.5	10.70	1/25/93	100-6	−6	10.67
FNMA	.5	10.95	3/10/93	101-0	−2	10.78
FHLB	.6	10.80	3/25/93	100-20	−8	10.70
FNMA	.5	10⅞	4/12/93	100-20	−10	10.77
FNMA	.3	10.75	5/10/93	100-0		10.75

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[1] Latest available, in billions of dollars.
[2] Interest not payable on semi-annual basis; yield is adjusted to semi-annual coupon equivalent.

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TREASURY BILLS

Maturity	Amount issued[1]	Days to maturity	Offered rate (percent)	Yield after taxes	Coupon-equivalent yields	Change during week
Apr. 28, 1983	14.6	2	8.10	4.37	8.22	+0.10
May 5, 1983	11.6	9	8.05	4.35	8.18	−.05
May 12, 1983	11.7	16	8.10	4.37	8.24	+.10
May 19, 1983	17.4	23	8.10	4.37	8.26	
May 26, 1983	11.8	30	8.00	4.32	8.17	−.05
June 2, 1983	12.0	37	8.15	4.40	8.33	+.10
June 9, 1983	12.0	44	8.15	4.40	8.35	+.10
June 16, 1983	17.8	51	8.15	4.40	8.36	+.10
June 23, 1983	12.0	58	8.15	4.40	8.37	+.10
June 30, 1983	12.0	65	8.10	4.37	8.33	+.05
July 7, 1983	12.0	72	8.15	4.40	8.40	+.05
July 14, 1983	11.8	79	8.10	4.37	8.36	
July 21, 1983	12.2	86	8.15	4.40	8.43	+.05
July 28, 1983	6.0	93	8.15	4.40	8.44	+.05
Aug. 4, 1983	6.0	100	8.15	4.40	8.45	+.05
Aug. 11, 1983	12.3	107	8.15	4.40	8.47	+.05
Aug. 18, 1983	6.2	114	8.15	4.40	8.48	+.05
Aug. 25, 1983	6.2	121	8.15	4.40	8.50	+.05
Sept. 1, 1983	6.2	128	8.15	4.40	8.51	+.05
Sept. 8, 1983	13.3	135	8.20	4.43	8.58	
Sept. 15, 1983	6.2	142	8.20	4.43	8.59	
Sept. 22, 1983	6.2	149	8.20	4.43	8.61	
Sept. 29, 1983	6.2	156	8.20	4.43	8.62	
Oct. 6, 1983	13.2	163	8.20	4.43	8.63	
Oct. 13, 1983	6.2	170	8.20	4.43	8.65	−.01
Oct. 20, 1983	6.2	177	8.20	4.43	8.66	
Nov. 3, 1983	7.0	191	8.20	4.43	8.68	
Dec. 1, 1983	7.0	219	8.20	4.43	8.69	
Dec. 29, 1983	7.1	247	8.20	4.43	8.71	
Jan. 26, 1984	7.5	275	8.20	4.43	8.74	
Feb. 23, 1984	7.8	303	8.20	4.43	8.78	
Mar. 22, 1984	7.8	331	8.20	4.43	8.82	−.03
Apr. 19, 1984	7.8	359	8.20	4.43	8.86	−.03

[1] Latest available, in billions of dollars.

FIILB CONSOLIDATED DISCOUNT—RATES AS OF APR. 22, 1983

	Days to maturity—				
	30–87	88–99	100–179	180–239	240–360
Discount (per annum)	6.00	8.15	7.75	8.30	7.75
Bond equivalent[1]	6.11	8.43	8.03	8.78	8.21

[1] Shortest maturity in each category used in yield computation. For 360 days equivalent rate is 8 35 percent.

MONTHLY MONETARY AGGREGATES AND FED ANNUAL TARGETS

[Daily averages; in billions of dollars]

1982–83	Actual			Fed annual target ranges					
	M1	M2	M3	M1		M2		M3	
				Lower	Upper	Lower	Upper	Lower	Upper
January	482.1	2008.2	2401.5	476.8	479.9	NA	NA	2392.2	2404.1
February	491.1	[1] 2047.4	2427.4	478.3	483.1	NA	NA	2405.1	2422.8
March	[1] 497.4	[1] 2065.8	[1] 2443.0	479.9	486.2	NA	NA	2417.9	2441.5

[1] Revised.

AVERAGE AUCTION RATES—TREASURY BILLS

Auction dates	3-mo.		6-mo.		364-day	
	Rate	Maturity	Rate	Maturity	Rate	Maturity
Mar. 28	8.680	June 30, 1983	8.705	Sept. 29, 1983		
Apr. 4	8.664	July 7, 1983	8.705	Oct. 6, 1983		
Apr. 11	8.165	July 14, 1983	8.248	Oct. 13, 1983		
Apr. 14					8.275	Apr. 19, 1984.
Apr. 18	8.030	July 21, 1983	8.200	Oct. 20, 1983		

SELECTED INTEREST RATE DATA—WEEKLY AVERAGES OF DAILY DATA

Week ended	Federal funds[1]	Treasury bills[2,3]			3-mo Eurodollars[3]	3-month CD'S, secondary market[3]	90-day dealer placed commercial paper[3,4]
		3-mo	6-mo	364-day			
Apr. 21, 1982	10.18	12.53	12.77	12.49	15.25	14.53	14.17
Jan. 19, 1983	8.49	7.63	7.72	7.82	8.76	8.15	8.01
Apr. 6, 1983	9.43	8.55	8.59	8.53	9.59	9.04	8.92
Apr. 13, 1983	8.76	8.25	8.33	8.32	9.30	8.70	8.56
Apr. 20, 1983	8.70	8.12	8.24	8.27	9.14	8.58	8.46

[1] Seven-day averages. [2] Discounted basis; bid rates. [3] Averages of business-day data. [4] Discounted basis; offered rates.

SELECTED WEEKLY FINANCIAL INDICATORS—AVERAGES OF DAILY DATA

Week ended	Reserve position of depository institutions (millions)		Large New York City banks—Borrowings (millions)			Aggregates seasonally adjusted (billions)			Business short-term credit (billions)[3]
	Adjustment borrowings at Fed[1]	Free reserves[2]	At Federal reserve bank	From all other banks	Total borrowings	M1	Total reserves (adjusted)	Nonborrowed reserves (adjusted)	
Apr. 21, 1982	$1,246	−$1,075	$147	$10,653	$10,800	$449.4	$38.9	$37.5	$265,468
Jan. 19, 1983	324	+349	191	14,198	14,389	482.2	41.4	41.0	265,102
Apr. 6, 1983	1,359	−631	0	14,170	14,170	[4] 499.2	41.1	39.7	[4] 263,850
Apr. 13, 1983	160	[4] +375	0	[4] 14,401	[4] 14,401	487.9	[4] 40.5	40.3	262,313
Apr. 20, 1983	183	−17	68	12,948	13,016	NA	41.4	41.2	NA

[1] Excludes seasonal borrowings and extended credit.
[3] Excess reserves minus adjustment borrowings.
[3] Includes WRMB C&I loans and bankers' acceptances, and all nonfinancial commercial paper—Wednesday data.
[4] Revised.

SELECTED WEEKLY ECONOMIC INDICATORS

Week ended	Steel production (thousands of net tons)	Electric power (Mills of Kw hrs)	Vehicle production (units)		State initial unemployment claims (in thousands seasonal adjustment)	CRB index of sensitive commodity prices
			Autos	Trucks		
April 17, 1982	1,573	40,079	114,596	40,445	577	244.6
January 15, 1983	1,252	44,732	101,236	28,460	491	229.1
March 26, 1983	1,651	42,734	134,975	49,354	498	243.6
April 2, 1983	1,676	40,863	101,145	36,953	487	245.9
April 9, 1983	1,651	40,125	[1] 125,699	[1] 41,959	499	247.6
April 16, 1983	1,687	40,841	137,541	51,070	N.A.	248.7

[1] Revised.

SELECTED WEEKLY REPORTING COMMERCIAL BANK DATA

[In millions of dollars]

Week ended	Commercial and industrial loans—ex. B/A and comm. paper				Investments—ex. trading acct.				Time certificates of deposit			
	Total	New York City	Chicago	All others	Total	New York City	Chicago	All others	Total	New York City	Chicago	All others
April 14, 1982	199,885	55,375	22,944	121,566	108,242	21,739	5,302	81,201	130,861	33,049	14,885	82,927
January 12, 1983	212,092	59,620	22,415	130,057	115,470	22,737	4,730	88,003	124,456	33,699	11,292	79,465
March 30, 1983	211,741	58,084	22,246	131,785	116,785	22,674	4,624	89,485	107,072	28,382	11,194	67,496
April 6, 1983	[1] 212,559	58,676	22,162	[1] 131,721	117,765	23,222	4,641	89,902	[1] 103,565	27,308	10,940	[1] 65,317
April 13, 1983	211,354	57,653	22,191	131,510	117,749	23,237	4,630	89,882	4,101	27,183	10,752	66,166

[1] Revised.

FEDERAL RESERVE TRANSACTIONS IN U.S. GOVERNMENT AND AGENCY SECURITIES—NET

[In millions of dollars]

Week ended	Outright transactions (Wednesday to Wednesday changes)								R P agreements[1]	Matched sale purchase transactions[1]
	Bills	Other government	Agency issues	Net change	1 year and under	Over 1 year to 5 years	Over 5 years to 10 years	Over 10 years		
March 23, 1983	+111			+111	+111					−837
March 30, 1983	+237			+237	+237					+2,011
April 6, 1983	+46			+46	+46					−1,780
April 13, 1983	+69			+69	+69					−170
April 20, 1983	+2,192			+2,192	+2,192					−152

[1] Changes in daily average data ●

SENATE CONCURRENT RESOLUTION 46—ARMS CONTROL RESOLUTION

● Mr. DOLE. Mr. President, last week, I testified before the Foreign Relations Committee on a subject of urgent importance to all Americans—arms control, and how we might achieve an equitable agreement with the Soviet Union. My contribution to this debate, Senate Concurrent Resolution 46, would address the problem through a full agenda of negotiated reductions according to the nuclear triad at both the strategic and intermediate-range levels of nuclear weapons.

The Senator from Kansas was gratified to learn of the testimony the following day of a distinguished American and recent Director of the Arms Control and Disarmament Agency, Dr. Eugene Rostow. Dr. Rostow was asked for his assessment of the numerous arms control resolutions that are now before us. I am gratified by his analysis of the Dole resolution, and I ask that Dr. Rostow's comments on this point be printed in the RECORD.

The comments are as follows:

COMMENTS OF DR. EUGENE ROSTOW

The last question put to me asks for comment on the various freeze and build-down proposals before you.

The analysis I have presented here and in the package of speeches I have submitted makes my response to your question obvious.

The basic premise of the administration's negotiating position and of the Scowcroft Commission report is that the most serious problem we face is the Soviet lead in ground-based ballistic missiles—a lead we have allowed to develop in the last 10 years. That Soviet advantage is incompatible with deterrence and stability. And it is the source of the nuclear anxiety now transforming political attitudes throughout the West.

It follows as a matter of arithmetic that a freeze at current levels or a scheme involving equal reductions on each side cannot solve the problem. Such an approach would confirm and legitimize a position of strate-

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gic inferiority for the United States, and make real arms control impossible. Stability can be restored only by agreeing to parity for each side—that is, to equal levels, especially in the area of the most destabilizing classes of weapons. Of course, an agreement should take all parts of the nuclear arsenal into account, on a weighted basis which reflects the destructive capacity of each category of weapons.

The freeze proposals fall into two groups. Some, like the draft offered by Senators Jackson and Warner last year and by Senator Dole this year, propose freezes at equal and lower levels of deterrent nuclear power. They would support the administration's approach, and give it additional weight. When Congress and the President are together on a policy, there is a full national consensus. A much stronger negotiating position is then possible. Others—despite a good deal of ambiguity—seem to favor a freeze at current levels. They would eliminate any incentive the Soviets might have to negotiate at all. The Soviet negotiators are practical and experienced bargainers. They cannot be expected to give up their advantage in ground-based ballistic missiles unless the alternatives are unattractive.

Soviet spokesmen argue vehemently that in proposing a standard of equality between the Soviet Union and the United States we are asking them to make unequal concessions, indeed to disarm unilaterally. They offer instead the criterion of "equality and equal security," which would require us to accept their right to a force equal to the sum of the United States, British, French, and, ultimately, Chinese forces. This is not a claim for equality, but for dominion.

In the context of this analysis, the objection to build down proposals is equally apparent. Equal reductions in the ballistic missile forces of the two sides could make the critical Soviet advantage even more significant than it now is. Build-down proposals could make a contribution to a balanced and effective agreement as part of it. Of themselves, however, build-down proposals are, in my view, of dubious merit.

The Soviet claim is that our proposals would require them to disarm unilaterally. There is nothing inequitable about unequal reductions to reach equal ceilings. During the 1920's, the United States sank more naval tonnage than the other naval powers to reach the limits set in the Washington Treaty of 1922.

The United States should, of course, be alert to every possibility for a fair agreement, and flexible in its negotiating tactics, but it can never agree to the Soviet version of "Equal Security." Our guiding principle must be that of parity. Soviet-American nuclear parity would in itself be a major contribution to world political stability. Once that is achieved, multilateral agreement among all the nuclear powers should become more feasible.●

VIETNAM VETERANS PARTICIPATE IN DEATH VALLEY MARATHON

● Mr. HART. Mr. President, it has recently come to my attention that 13 Vietnam veterans participated in the Death Valley Marathon this past February. These 13 Vietnam veterans demonstrated the determination, dedication, and "Can Do!" spirit of our veterans and I believe symbolizes the collective energy and courage of the Vietnam veteran to turn the spirit of this country from the "energy to war" to "energy of peace".

This 100-mile run was a symbolic achievement of which each participant can be proud. The positive media generated by this significant event will surely serve to focus the Nation's attention on the continuing and uncharted roads facing this very special group of citizens. It is especially noteworthy that the "team" had earned every award this country bestows for combat heroism from the Medal of Honor to the Army Commendation Medal.

It is extremely gratifying to know that the aftermath of the Death Valley Marathon has been to foster the birth of the Vietnam Veterans Marathon Foundation. Plans are already underway for next year's run.

Mr. President, I ask my colleagues to salute the symbolic run of the Vietnam veterans. The participants were: Gary Beikirch, Greece, N.Y.; Bob Cook, Madison, Wis.; John Deacy, Miramar, Fla.; James Donahue, E. Amherst, N.Y.; Gene Gagliardi, Las Vegas, Nev.; Gene Imes, Las Vegas, Nev.; Scott Lyon, Las Vegas, Nev.; Lionel Pinn, Las Vegas, Nev.; Chuck Popelka, Vienna, Va.; Bill Price, Buffalo, N.Y.; Larry Rader, San Diego, Calif.; Robie Stevenson, Rochester, N.Y.; and Scott Whitting, Glen Head, N.Y.●

LAWRENCE, KANS., SUMMIT

● Mr. DOLE. Mr. President, I rise today to draw the Senate's attention to a fine and worthy offer that could have a marked benefit for peace. The citizens of Lawrence, Kans., motivated by the desire to make a practical contribution toward reducing world tensions, have offered their college community as the site for a meeting between President Reagan and General Secretary Andropov. I understand that that early gesture has been marked by successive meetings and practical planning. Clearly the kind generosity of Mayor David Longhurst and the commissioners of Lawrence sets a tone that would bode very well indeed for the summit.

The Senator from Kansas would also like to mention, Mr. President, that the invitation proceeds from the highly successful experience of the Kansas relays, where Russian and American athletes recently competed in track events. Key to the organization of this successful event was the Athletes United for Peace group, whose members have also, I understand, been instrumental in the current Lawrence summit initiative.

In the belief that this effort was worth supporting fully, I wrote in support of it to President Reagan, and I ask that my letter, and the replies which I have received from Assistant to the President Kenneth M. Duberstein and Assistant Secretary of State Powell A. Moore, be included in the Record.

Mr. President, cynicism about peace and about summits and their possible achievements is a ready commodity. But I know personally that much can be accomplished through personal initiative and good will. I would hope that something of that Kansas spirit would stay with the participants in a Lawrence summit long enough for a real contribution to a more peaceful world to be made. In the meantime, the offer itself and the hard work that is going forward in Lawrence are praiseworthy reflections of American generosity and concern for peace at their very best.

The material follows:

U.S. Senate,
Washington, D.C., May 18, 1983.

The President,
The White House, Washington, D.C.

Dear Mr. President: I am pleased to endorse the invitation that you have received from the Mayor and Commissioners of Lawrence, Kansas, to meet with General Secretary Yuri Andropov in their community.

Their invitation proceeds from the conviction, which I entirely share, that the warm and friendly Kansas hospitality which all participants in an historic summit could expect in Lawrence would contribute greatly to the summit's success. Clearly the timing for the summit would depend upon many factors, but one of them—the belief that a personal meeting between yourself and General Secretary Andropov would itself generate a more productive atmosphere for peace—is a persuasive argument for an early meeting. I therefore hope that you will be able to meet with the Soviet leader soon, and that you will give favorable consideration to Lawrence, Kansas as the location for the summit.

Sincerely yours,

Bob Dole,
U.S. Senate.

Dole Releases Responses on "Sunflower Summit" From White House, State Department

Dear Senator Dole: Thank you for your May 18 letter endorsing the invitation from Mayor Longhurst for the President to meet with Soviet leader Yuri Andropov in Lawrence, Kansas.

We appreciate having your comments and recommendation regarding this very thoughtful invitation to the President. I assure you that most careful consideration will be given to this request.

With best wishes,

Sincerely,

Kenneth M. Duberstein,
Assistant to the President.

Dear Senator Dole: Thank you for forwarding the invitation, on behalf of the citizens of Lawrence, Kansas, for a U.S.-Soviet summit in their city. The President's office referred your letter of May 18, 1983 to the Department of State for careful consideration.

We appreciate the concern of your constituents and their efforts to better the climate of U.S.-Soviet relations. On our part, we have made clear to General Secretary Andropov that the U.S. will continue to be firm in its response to unacceptable Soviet actions, such as the continuing occupation of Afghanistan. But we are also ready and willing to resolve outstanding problems with the Soviet Union. These points have been and will continue to be transmitted to the Soviet side through the Soviet Embassy here, by our Embassy in Moscow, and in other bilateral fora. Concerning the general question of a future U.S.-Soviet summit, President Reagan has said on many occasions that he would be willing to meet Secretary Andropov, but that this would require careful preparation and the expectation of tangible results.

We are continuing an active dialogue with the Soviets to find opportunities for constructive and genuine progress on specific problems, but we must be realistic. It is likely to be a slow and difficult process.

With cordial regards,

Sincerely,

Powell A. Moore,
Assistant Secretary for Legislative and Intergovernmental Affairs.●

DRUNK AND DRUGGED DRIVING

● Mr. HATCH. Mr. President, we as a nation suffer tragedies each day on our highways and in our neighborhoods from drivers who misuse alcohol and drugs. In the last few years, a growing awareness of the carnage caused by drinking and driving has called forth a rapidly developing national consensus that the time is now to get tough on the drunk and drugged driver.

The problems posed have rightfully stirred national outrage among our citizens—and now Congress should enact the Senate joint resolution, sponsored by Senator Gordon Humphrey and I, which designates the week December 11-17, 1983, as "National Drunk and Drugged Driving Awareness Week." This week would acknowledge the importance of citizens, business, and Government activity that has been undertaken to deal with this national tragedy. Drunk drivers are finding they no longer can get away with tacit acceptance. Instead they face an increased likelihood of being caught, prosecuted, and punished. Last year I joined Senator Humphrey in introducing a resolution designating December 12-18, 1982, as "National Drunk and Drugged Driving Awareness Week." This week proved enormously successful, and I am confident this year's "National Drunk and Drugged Driving Awareness Week" will prove to be as successful as last year's efforts.

Drunk and drugged driving is a national epidemic, transcendent of State boundaries. Drunk and drugged drivers are the leading cause of death and injury on the road. The victims are often innocent drivers, passengers, and pedestrians; no one can safely count themselves immune to the effect of this carnage. Misuse and abuse of alcohol and drugs pose a most serious threat to the economic, social, and emotional health of our society.

About 1.3 million of the 146 million licensed drivers in the United States are arrested annually for driving while intoxicated. But what can we as concerned citizens do?

The greatest protection we have against drunk and drugged drivers are seatbelts. Drivers should buckle up seatbelts every trip and insist their passengers do so.

Report any suspicious driving to the police, especially on the weekends.

Petition local officials to establish task forces to study driving while under the influence (DWI) problems and to recommend necessary local solutions.

We are all potential victims when a drunk gets behind the wheel of a car. The statistics alone offer a grave reminder of the magnitude of this serious problem. Each year 26,000 Americans die and 1.5 million are injured by drunk drivers. The tragedy is even greater when you add the losses suffered as a result of drugged drivers. Society's loss in wages, productivity, medical, and legal costs caused by deaths and injuries in drunk driving crashes exceed $24 billion each year. More than 25 cents of every auto insurance dollar goes to pay for damage done by the drunk driver.

Let me pose some long-range strategies to effectively rid the roads of the driver who drinks.

First, I urge all States to legislate and enforce strict laws against drivers who drink. Statistics show that a large percentage of drunk drivers are or will be repeat driving-while-intoxicated (DWI) offenders. Too many DWI offenders still have their licenses because the laws are too lenient. Too often even repeat offenders are held under court probation or supervision, or plea bargained to a lesser charge.

Second, I support changes in existing drunk driving laws in all 50 States from presumptive level to illegal per se statutes, making it illegal per se for a driver to be in control of an auto when his blood alcohol content is 0.10 percent (B.A.C.) or higher. These per se laws help arresting officers to structure a more reliable drunk driving case. Accurate, scientific tests that measure the percentage of alcohol in a person's bloodstream have proven that hazardous intoxification exists when there is a concentration of 0.10 percent or higher. Half of all drivers killed each year have blood alcohol concentrations in excess of the limit of 0.10 percent.

Third, prevention activities must begin in the home. Families must continue and intensify their efforts to educate their children on the various problems associated with overuse of alcohol and drugs. I would like to commend the grassroot parent's organizations that have so successfully encouraged parents to become role models for their children. They recognize that the key to preventing children's involvement with alcohol and drugs is communication.

Fourth, we must support continued funding of research in alcohol- and drug-related problems to tackle the problems of substance abuse in our country. President Reagan and the Congress has set forth an array of Federal progams to battle the tremendous problems of alcohol and drug misuse. Through continuation of support for the National Institute on Alcoholism and Alcohol Abuse and the National Institute on Drug Abuse, we can better understand the myriad of issues surrounding alcohol and drugs in our society.

Working in cooperation with all States and community efforts to develop and implement their own strategies is the National Highway Traffic Safety Administration (NHTSA), a division of the U.S. Department of Transportation. NHTSA was instrumental last year in coordinating the weekly activities of the Drunk and Drugged Driving Awareness Week. The NHTSA program provides the States and their communities with the latest technology in solving the drunk and drugged driver problem acts as a catalyst to move States and communities into action in an organized and systematic manner; and educates members of society as to the magnitude of the problems and the possible solutions to ultimately significantly reduce the toll of alcohol-related deaths, injuries, and property damage. NHTSA officials stress that "even though drunk driving is a national problem, it can be solved only at the local level."

Let us as a nation briefly pause and remember the victims and their families. But after our solitude, let us then push ahead with renewed vigor to initiate and support any and all action that may end further suffering. Sandy Golden in "How To Save Lives and Reduce Injuries—A Citizen Activist Guide To Effectively Fighting Drunk Driving" writes: "We have to get the word out that we will no longer tolerate drunk (and drugged) driving in our communities and mean it."●

THE AMERICAN POLITICAL SCIENCE ASSOCIATION'S CONGRESSIONAL FELLOWSHIP PROGRAM

● Mr. DOLE. Mr. President, I rise today to mark the 30th anniversary of the American Political Science Association's congressional fellowship program. Over the years, the program has evolved from rather modest beginnings to the established program that we see today.

Congressional fellows are chosen through a careful selection process on the basis of merit. They represent a number of different professions. For example, some are political scientists and journalists, and these fellows are selected following a national competition, and receive a fellowship stipened from the American Political Science Association itself. There are also participants who are outstanding health professionals, whose program was first established by the Institute of Medicine, with a grant from the Robert Wood Johnson Foundation. Several international fellows now also participate annually, including this year two West German fellows, as well as a Malaysian journalist and professionals from the Philippines and Sri Lanka, that have been sponsored by the Asia Foundation.

There is particularly rigorous competition for career executive branch officials, who serve as either Federal or foreign affairs fellows. The latter have a special 8-week orientation on "Foreign Policy and the Congress" before entering the congressional fellow program. I have been pleased to welcome a foreign affairs congressional fellow from the State Department, Bill Shepard, as a member of my personal staff this year.

The congressional fellowship program, Mr. President, is bipartisan in the best sense. Fellows serve with both Democrats and Republicans, liberals and conservatives. Usually, a congressional fellow will split his time, serving in both Houses of Congress in turn, often switching the party affiliation of the Member of Congress for whom he works, in the process. Some also work first as a personal staff member, and then later on a committee staff. The variety is there for a productive work experience, a variety as entensive as the backgrounds of the Members of Congress themselves. And through weekly lecture sessions which feature Senators, Representatives, staff members, journalists, and lobbyists, the program insures a broad exposure to the problems of the Congress.

One of the best points about the program, Mr. President, is that nobody places the congressional fellows. Their task has just begun when they have been awarded their fellowships. Then comes the difficult—and, I am sure, in some cases ego-deflating—job of landing assignments. The interviewing process often turns out, though, to be remembered as a particularly valuable part of the fellowship experience.

The payoff for the Congress and the congressional fellows themselves is substantial, Mr. President. For one thing, congressional fellows bring a new and sometimes vital practical dimension of work experience to their congressional offices. The Senator from Kansas hears that a rather substantial library on the Congress could now be put together on the basis of the books that former congressional fellows have written—books that reflect the Congress with greater accuracy and depth for the experiences that their authors have had on the job. There is, after all, no substitute for practical experience to understand the Congress as a living institution. I am told that this greater understanding cuts both ways. When a Member of Congress is tempted to grouse about the way in which his constituent interests have been handled by an executive department, he may also remember a more helpful association with that same department that his office once had through the congressional fellow program.

So, Mr. President, I support this program. It is economical, it is productive, and it works. And after 30 years, there are not many programs of which that can be said. I hope, therefore, that other Senators will join the Senator from Kansas in taking a good hard look at the congressional fellows who will be knocking on our doors next fall. The results can be well worth the effort for both the Senator and the congressional fellow.●

THE REFUGEES ARE COMING

● Mr. KENNEDY. Mr. President, those of us who have closely followed over many years the tragic flow of refugees around the world, and the critical foreign policy and humanitarian issues they represent, cannot help but be dismayed over the administration's flippant and scaremongering comments on the Central American refugee crisis.

Contrary to the President's recent statement, the crisis of refugees from Central America is not a crisis of the future—it is a crisis that is already here, with nearly half a million refugees already displaced within their country or fleeing across borders to neighboring countries.

They are fleeing violence and escalating conflict. A policy of pouring more arms and more military personnel into the region, without engaging in serious diplomatic negotiations to end the conflict, will only prolong this violence and produce more refugees.

If this administration is genuinely concerned over the plight of refugees from Central America, then let it engage in policies that will bring them peace and relief today—not more war tomorrow.

If we are concerned over the flow of Salvadoran refugees to our borders, then let us demonstrate some concern and help for them when they seek safe haven in Mexico, in Honduras, and elsewhere.

Mr. President, it is long past due for us to support regional and international initiatives to assist those countries of first asylum, such as Mexico, to help them cope with the rising tide of refugees that have come from Guatemala and El Salvador.

Last week, the New York Times succinctly stated the issue and, I believe, properly took this administration to task for shouting "the refugees are coming"—which is a cry that "is neither a humane refugee policy nor a persuasive argument for Mr. Reagan's larger policy." I ask that this editorial be inserted in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, June 24, 1983]

The Refugees Are Coming!

For weeks, officials in Washington have been muttering darkly about a potential tidal wave. Unless the public supports more military spending to combat troublemaking communists in Central America, then watch out: hordes of poor refugees will start pouring in. Now, the muttering is no longer low-level or anonymous. It's coming straight from the President.

If the flood of Southeast Asian boat people was a problem, he says, just imagine what it will be like when the "feet people" start marching north from Central America. That's scare-mongering, and a contradictory sort. The surest way to avoid a refugee tide is to keep it from arising in the first place. The present Reagan policy risks creating more refugees, not fewer.

Some of the portents emanate from the Army. Three weeks ago, The Washington Post reported that an unnamed general has been warning that so many Latin Americans will flee communism that we'd need to recall some troops from Europe to seal our southern border.

The State Department's Refugee Affairs office has been ringing a similar alarm. In a paper dated May 17, H. Eugene Douglas injected figures into the fears. It estimates the refugee potential at 2.33 million. Not 2 million, not 2½ million, but 2.33 million. Such precision means sophistication, and credibility, right? The figure, it turns out, is what you get if you make the dubious assumption that 10 percent of the region's population will take flight.

Such fanning of fears was unattractive at lower levels. But this week, President Reagan joined in. Speaking in Mississippi, he said, "We must not listen to those who would disarm our friends and allow Central America to be turned into a string of Marxist dictatorships. The result could be a tidal wave of refugees—and this time they'll be 'feet people' and not 'boat people' . . . ."

There is some basis for expecting new refugee pressure. Continuing violence has already pushed hundreds of thousands across one border or another. Mexico has just tightened its borders against Salvadorans, Guatemalans and others, using the same logic that the United States uses against illegal migrants from Mexico. An accelerating flow of migrants to this country would strain our law enforcement—and conscience.

The surest way to avoid a refugee tide is prevention, and that means caring about more than military assistance. Arms alone would, if anything, increase the number of refugees. Which side do frightened people typically take? The side of safety. The longer the combat goes on, the more people who will be scared out of their wits, homes and countries.

To shout, "The refugees are coming!" is neither a humane refugee policy nor a persuasive argument for Mr. Reagan's larger policy.●

PRESIDENT REAGAN'S TRIBUTE TO SENATOR JESSE HELMS

● Mr. McCLURE. Mr. President, our colleague, Senator Jesse Helms, received a remarkable tribute recently from the President of the United States. Speaking at a dinner in the Senator's honor, President Reagan praised his role in standing against great odds to oppose the dangerous and destructive policies of the past. Along with the President, many of us here can say, "We'll never forget how he battled, especially during those first lonely years, to protect our liberties, preserve our family values, and keep America strong." For those who may have forgotten, I recommend the reading of Mr. Reagan's remarks, and I ask that they be printed in the Record.

The remarks follow:

Remarks of the President at a Dinner in Honor of Senator Jesse Helms

The President: Thank you very much.

And, Jesse, from the bottom of my heart, thank you for those wonderful thoughts and words. Now I know why people say, "Let Helms be Helms."

Jesse was in Washington before I arrived. In fact, let me say this straight off. Thanks to Jesse Helms, his friendship and commitment, we can say tonight our grassroots movement is alive, well and getting stronger every month as America strides forward on the road to greatness again.

You've heard that a faithful friend is the medicine of life. Emerson said, "The only gift is a portion of thyself." Well, I happen to know this is true. I know it because Jesse proved it to me. There was a time in 1976 when many people were writing off my candidacy and Jesse Helms didn't. He came to me and said, "Governor, if you would just speak on the issues to the people of North Carolina, I will get that message broadcast and personally send it to every corner of the state."

Well, I did what the doctor ordered—and Jesse really came through. I'll never forget that Saturday before the Tuesday primary. The press was asking only one question: when would I quit the race? We didn't quit and, thanks to Jesse, we won big, big enough to come close and then come back to win it all in 1980.

You don't forget how a man like Jesse cares about you and the people of North Carolina. You don't forget this kind of courage and compassion—like when he helped rescue a fellow citizen's wife from Poland after imposition of martial law, like when he cut through red tape to bring home from China another citizen stricken with a blood clot on the brain, like when he helped a North Carolina woman locate and contact her injured husband serving with the Marines in Lebanon.

We'll never forget how he battled, especially during those first lonely years, to protect our liberties, preserve our family values and keep America strong. There he was, standing day after day to a government Goliath, crying out like a voice in the wilderness. He was a trailblazer who trusted Andrew Jackson's words that, "One man with courage makes a majority."

And gradually, his amendments that had won only 5, 10 and 15 votes were winning 30 and 40 and 50. And bit by bit, he became more than a lonely crusader. He grew into a lionhearted leader of a great and growing army. So, Jesse, we just want you to know the reinforcements are here, the Cavalry is ready, and we intend to march with you until victory is yours on Election Day, 1984.

You know, Sam Ervin, a great Democrat and patriot, said of Jesse, "I admire Senator Helms very much because he's one of the few men in public life who's got the courage to stand up for what he honestly believes. Courage is the rarest trait among public men I know of. Many of them are intelligent, but there are very few of them courageous."

We've seen the kind of courage that Sam Ervin speaks about. Here in Washington, there is great sympathy for practically any scheme to spend more money. But for years, Jesse Helms has been telling the truth—government can only spend what it borrows or taxes away. And working Americans who pay this nation's bills need higher taxes like they need a plague of locusts.

If the liberals in the Congress had their way, the American people would never have received any tax cut—no first year, no second year, no nothing. If we had followed their definition of compassion, the average family of four would be paying nearly $799 in higher taxes in 1983. But they don't have to. With the unwavering support from Jesse, we passed the first decent tax rate reduction for every working American since 1964. I promise you the final 10 percent reduction will go into effect July 1st—and it will be followed by indexing in 1985.

Indexing is an historic reform. It's our promise to every working man and woman that their future will be better than their past. There will be no more sneaky midnight tax increases by a government which uses bracket creep so it can spend, and spend and spend. To pretend that eliminating indexing is somehow fair to wage earners reminds me of Samuel Johnson's comment about the fellow who couldn't see any difference between virtue and vice. Samuel said, "When he leaves our house, let us count our spoons."

If ever there was a litmus test on fairness for the average American taxpayer, indexing is it. Indexing will not help those who are already in the top brackets. It will protect working people from being pushed by inflation into those same high brackets. And that's why I think it's important for the people of North Carolina to know that Jesse Helms has given a rock-solid pledge to defend indexing.

But his likely opponent has already said that it's probably a good idea, this eliminating indexing. So you tell me—who's determined to protect the people's real interests?

You know, there's little figure that I'd like to give here right now because I asked for it the other day. You know, there's some talk about that usual breaking point—$50,000 a year. It's all right to clobber anyone that's making $50,000 or up and it's been that way for many, many years. That's been the sort of dividing line between big money and just ordinary money. But there's been a thing for a number of years, thanks to some people we won't mention here, called inflation. And I got a little curious. How long are we going to keep using that figure? And I said, "Tell me something. Find out for me what is $50,000 a year now as to what it was 10 years ago. Is it still that same breaking point between big money and little?" And do you know how much you have to make today to be where you were at $50,000 10 years ago—$113,850.

So when they start telling you, "We can do something for everybody below $50,000 but not above," you've talking about clobbering an awful lot of people that are out there in the middle income and lower income brackets, trying to send the kids through school and stay even with what inflation has done to them.

Jesse, I hope the good people of North Carolina won't mind if I tell them how effective you've been as Chairman of the Senate Agriculture Committee—the first chairman from North Carolina in nearly 150 years. Without you, there probably would be no tobacco program.

I also want to thank you, Jesse, for your great help in strengthening our foreign policy and standing up for a strong national defense, making America second to none. You and I both know that this debate on defense is about more than deficits and rooting out waste, as important as they are. It's about protecting lives and preserving freedom because that's the source of all our other blessings. What occurred during the last decade when the Soviets raced ahead militarily while we stood still was dreadfully wrong. We believe it's immoral to ask the sons and daughters of America to protect this land with second-rate equipment and weapons that won't work. We can only keep our families safe and our country at peace when the enemies of democracy know America has the courage to stay strong. And Jesse Helms and I intend to make sure they know that.

Jesse is Chairman of the Senate Subcommittee on Western Hemisphere Affairs. He understands that we have vital interests in helping our neighboring countries in Central America. Either we pay a small price now with mostly economic but some military assistance so we can prevent a crisis, or we listen to the do nothings and risk an explosion of violence and millions of refugees on our doorstep later on. Make no mistake—the United States must and will support our friends who are building and defending democracy in Central America. We will not permit dictators to ram Communism down the throats of innocent people in one country after another.

You know, the other day the Soviet paper, Pravda, actually said something I support. It said that peace in Central America is possible only on the basis of respect for the right of each people to choose itself its way of life. Well, I would only add this—that two perfect places to begin are Cuba and Nicaragua where free and democratic elections are not permitted.

You know, to those dictators we say, "Prove to the world your system is legitimate. Prove you're not afraid of your own people. Put down your guns. Permit a free press. Let your people vote." And then we'll see if they truly desire the endless repression and regimentation or the chance for a new life with dignity and opportunity and freedom.

We Americans are blessed in so many ways. We're a nation under God, a living and loving God. But Thomas Jefferson warned us, "I tremble for my country when I reflect that God is just." We cannot expect Him to protect us in a crisis if we turn away from Him in our everyday living. But, you know, He told us what to do in II Chronicles. Let us reach out to Him. He

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said, "If my people, which are called by my name, shall humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from Heaven and will forgive their sin and will heal their land."

Jesse understands this. That's why he's worked so hard and will deserve so much credit when two blessed days arrive, finally arrive—the day when we welcome the Lord back into America's classrooms and the day when we protect the life of the unborn child.

Jesse, I know that you feel within you a sense of calm. You have placed your life in His hands. And with your faith, honor, and good works, it is we who can be thankful to say, "Jesse Helms is my friend."

Thank you very much and God bless you all.●

MSGR. BELA VARGA

● Mr. MOYNIHAN. Mr. President, recently the last speaker of the free Hungarian Parliament, Msgr. Bela Varga, who resides in New York, celebrated his 80th birthday.

Monsignor Varga has been distinguished as a Catholic clergyman and as a democratic leader in Hungary. For his ecclesiastical services, Pope Paul VI awarded him with the title of Papal Proto-Notary and for his services in helping escaped French prisoners of war during World War II, President Charles DeGaulle awarded him with the French Legion d'Honeur, the highest order of France.

During the war, Monsignor Varga, at the time a parish priest in the small Hungarian town of Balatonboglar and a Member of Parliament, opened his parish house and concentrated his energies upon helping the unfortunate victims of nazism. To quote the story in Time magazine of February 8, 1960:

> In the dark, early days in World War II, the Hungarian village of Balatonboglar became a haven for hapless victims of the crushing Nazi advance—50,000 Polish officers and civilians, fleeing the Nazis and the Soviets, and later some 2,000 French soldiers who escaped from Nazi Prison camps after the Battle of France. All found a firm, resourceful friend in the pastor of Balatonboglar, a Father Bela Varga, whose church of the Sacred Cross became the center of refugee relief. Others, especially imperiled Jews, got forged documents from Father Varga that enabled them to settle down in Hungary.

After World War II, while democracy was still tolerated by the Soviets, Varga resumed a leading position in the Smallholders Party and became a member of the Presidential Council of Hungary. In Hungary's only free election after World War II, Varga's party won a majority and Monsignor Varga was elected Speaker of the Hungarian Parliament.

In 1947 when Hungarian democracy came to an end, Varga and other Hungarian leaders fled to freedom in the West. Even in exile, Monsignor Varga did not abandon the fight against totalitarianism. In 1948 he founded the Hungarian National Committee in New York with other exiled Hungarian leaders and represented the cause of Hungarian freedom internationally.

Msgr. Bela Varga is still officially the head of the Hungarian committee, although many of the former members have died. He is a leader of free Hungarians, a symbol of Hungarian democracy, Catholicism, and tradition, and a living testimony to the spirit of a nation that continues to aspire to freedom and national independence.

I congratulate Msgr. Bela Varga, on the occasion of his 80th birthday, for his tireless work and devotion to the ideals of Christianity, democracy, and true humanism.●

REPEAL THE FUEL USE ACT

● Mr. COCHRAN. Mr. President, I am pleased to join in cosponsoring S. 512, introduced by Senator Nickles, to repeal the Powerplant and Industrial Fuel Use Act of 1978, which prohibits the use of natural gas or petroleum as the primary fuel source in new electric utility powerplants and in new major industrial facilities. It further permits the Secretary of Energy to prohibit the use of natural gas or petroleum in any existing major fuel-burning installation.

The Powerplant and Industrial Fuel Use Act was passed at a time when this country was experiencing shortages of natural gas. Residential consumers, schools, and others were faced with curtailments of natural gas supplies. Concerned about maintaining adequate supplies of natural gas for homes and schools and decreasing our dependence on imports of petroleum, Congress responded to that time of crisis by enacting this law.

Today, this law is no longer needed. In fact, it is my belief that it has contributed to the increased costs to consumers of natural gas supplies. Consumers not only bear the cost of an industrial facility's conversion to an alternate fuel, but also the increased transportation costs to the pipeline when its industrial users reduce or eliminate their natural gas take. Residential and industrial consumers are concerned about these increased costs and the governmental regulations that have created this distorted natural gas market. I share these concerns, and I urge my colleagues on the Senate Energy and Natural Resources Committee to act to end these needless prohibitions on the use of natural gas.●

CONGRESSIONAL VIGIL FOR SOVIET JEWS

● Mr. NICKLES. Mr. President, as part of the congressional vigil for Soviet Jews, I would like to bring to the attention of my colleagues the oppressed condition of many Jews in the Soviet Union and of those who have intervened on their behalf. Two such men are Yuri Federov and Alexei Murzhenko who have been imprisoned in the Perm labor camp since 1970 because of their attempts to fly an airplane to Israel. Thirteen years have passed since these men went to prison for this offense. It is difficult for us as U.S. citizens to fully understand the plight of those being denied the right to emigrate and being imprisoned by the Government of the Soviet Union with seemingly no hope of freedom.

Both Yuri Federov and Alexei Murzhenko are suffering from serious illnesses and are being denied proper medical treatment. They have a remaining 2 to 3 years to serve in the labor camp. Naturally, their families fear that these men will not survive their sentences in the Perm labor camp unless they receive immediate attention.

We who live in a country of freedom and opportunity must do all that we can to insure freedom and opportunity for the oppressed. Mr. President, I am sure all the Members will join me in urging the Soviet authorities to release Yuri Federov and Alexei Murzhenko, as well as the many others they are holding as prisoners. I believe it is time for them to be allowed to go home.●

THE RETIREMENT OF CHARLES M. COPLEY, JR.

● Mr. DANFORTH. Mr. President, the retirement of Charles M. Copley, Jr., as commissioner of the St. Louis City Air Pollution Control Section is a milestone for him and for the city he has served so well.

Mr. Copley's important contributions to the improvement of air quality in St. Louis have been recognized nationally and internationally. There remains a big job to do, but the air quality in St. Louis today is vastly improved from the "Black Tuesday" levels of years past. Mr. Copley has had a great deal to do with the improvement.

It is a privilege to recognize the professionalism and dedication of Mr. Copley to the cause of cleaner air. Because of his work over so many years, hundreds of thousands of St. Louisans can breathe easier.●

DECADE OF THE DISABLED

● Mr. STAFFORD. Mr. President, the U.N. General Assembly has declared 1983-92 as the U.N. Decade of Disabled Persons. In conjunction with this international decade, I join my distinguished colleagues in supporting the Senate Concurrent Resolution (S. Con. Res. 22) on the U.S. Decade of the Disabled.

This resolution will reinforce our commitment to this Nation's 35 million disabled individuals by emphasizing, for example, the need for improved access to housing, buildings, and transportation; enhancing the opportunities for employment and to increase the application of technology to ameliorate the effects of disabling conditions.●

ETHIOPIAN FAMINE

● Mr. KENNEDY. Mr. President, over a decade ago a famine swept across Ethiopia, claiming the lives of hundreds of thousands of men, women, and children. At that time, the government of Emperor Haile Selassie attempted to ignore the crisis and to suppress reports about it.

Today, another famine has struck Ethiopia. And once again the Government of Ethiopia—a Marxist regime—is failing to respond adequately, refusing to seek emergency assistance from all quarters, including the United States.

As the Record will show, Mr. President, I spoke out strongly in 1973 against the callous policies of the Selassie government. And today we should be no less reticent to express deep alarm over the policies of the government of Col. Mengistu Haile Mariam.

The regrettable difference, however, is in the response and policies of the U.S. Government when clear information on famine conditions has come to our attention.

In 1973 we reacted strongly and positively, and we responded to the appeals of international and voluntary agencies.

Today, this administration is silent. No serious offer of emergency humanitarian assistance has been made, even though the evidence of mass famine has been known for many weeks. And only token response has come to the pleas of the church agencies and others working in northeast Ethiopia.

Mr. President, this is a silence that speaks loudly of a humanitarian policy that is cruelly selective—that picks and chooses between starving men, women, and children. It is a silence that is contrary to every humanitarian principle for which this Nation has stood. And it is a silence that turns our back on our proud history of responding to famine emergencies—no matter on what side of a border or on what side of an ideological line they occur.

My office some weeks ago learned of the urgent appeals of voluntary and international agencies for assistance to avert mass famine in Ethiopia. We have waited for more than a token response—for a serious commitment to join in an international effort to deal with the escalating human crisis in Ethiopia.

I believe it is long past due for us to do what our country has always done throughout our history, and that is to help starving people wherever and whenever we can.

Mr. President, I ask that two important press dispatches from the field, prepared by Jay Ross of the Washington Post, as well as an editorial from today's edition, be printed in the Record.

They speak for themselves, and I hope they also speak to those in this administration who have the power to offer America's helping hand to people in Ethiopia—as we did a decade ago.

The material follows:

[From the Washington Post, June 26, 1983]

Famine, War Threaten Thousands in Ethiopia

(By Jay Ross)

Addis Ababa, Ethiopia.—Tens of thousands of Ethiopians, mostly women and children, are threatened with starvation in the next few months in a famine that could become one of the most catastrophic in African history.

Despite urgent appeals for international assistance while there is still time to save thousands of lives, the United States, the world's largest source of surplus food, has virtually turned its back on the potential disaster.

About 50 to 100 children are already dying daily, according to Trevor Page, a United Nations World Food Program official who recently toured areas of northern Ethiopia where the government and relief agencies say 3 million people are affected by drought and 1 million are in dire need.

Most relief officials think that the death toll is likely to increase sharply until the next harvest in November unless foreign donors provide emergency food supplies and massive assistance in transportation to bring food to isolated areas.

Some say the toll could approach the 200,000 who died in the same area a decade ago in Africa's worst famine. Unlike that drought, which Emperor Haile Selassie's government tried to hide, this time Ethiopia's military government has provided ample warning and has sought to organize international aid. These efforts can prevent a major disaster if assistance is provided, officials say.

The relief effort, however, has been made much more difficult by wars that have engulfed Eritrea and Tigray provinces and have spilled over into the other two drought-affected provinces in the north, Gondar and Welo.

Several guerrilla groups have been fighting the central government for the independence of Eritrea for 22 years in Africa's longest war. In Tigray, the region hit hardest by drought, the Tigray People's Liberation Front guerrilla organization claims to have captured most of the countryside in its struggle for autonomy. The Ethiopian government denies the claim.

The intermingling of famine and war has made the Ethiopian drought a classic example on both the domestic and international level of the politics of starvation.

With the government and the guerrillas jockeying for international aid, the Tigray Front has charged Ethiopia with diverting food assistance from the needy—charges that Ethiopia and international aid organizations have strongly denied.

Meanwhile, the United States has virtually bowed out of its customary role of providing humanitarian relief to the starving because of Ethiopia's close ties to the Soviet Union.

This series will examine the politics of starvation and its impact on millions of people in a country where hunger is a permanent fact of life, the only difference being whether scores die or tens of thousands, depending on the vicissitudes of nature.

Relief officials interviewed in Washington, London, Rome, Ethiopia and elsewhere in Africa say the Reagan administration is putting politics ahead of humanitarian considerations.

Ethiopia, the closest ally of the United States in black Africa until a Marxist revolution overthrew Haile Selassie in 1974, is now a firm friend of the Soviet Union, its arms supplier, and host to about 12,000 Cuban troops. The military government in the East African nation is sharply critical of the United States, professes a common ideology with the Soviet Union and shares another Soviet trait—an inability to feed its people without importing food.

A western diplomat said it was clear that the United States was not going to provide major assistance unless others fail to do so.

"There is not much inclination [for the United States] to feed Ethiopians while the Russians arm the country and direct it against the United States," he said.

Most of the emergency food aid has been provided by the U.N. World Food Program, the European Community and individual European nations.

"European countries are quite prepared to differentiate between economic aid needs and humanitarian needs of starving people," another western diplomat said.

In general, that has also been the policy of the United States. The diplomat noted the long-standing tradition of such American humanitarian assistance given despite political considerations, recalling that in the 1920s, under conservative Republican leadership, the U.S. government organized a massive relief effort to overcome a famine in the Soviet Union even while Washington refused to recognize the new Communist government.

Some western donors have pointed out to Ethiopian officials that their Soviet Bloc allies give them very little food assistance.

"You can't give what you don't have," said Shimelis Adugna, until recently the head of the Ethiopian Relief and Rehabilitation Commission.

The Soviet Union, a major food importer, recently pledged to give Ethiopia 9,500 metric tons of rice because of the crisis, almost twice the U.S. total of about 5,500 tons. The current U.S. allocation includes about 4,000 tons distributed through Catholic Relief Services in an annual program that is being eliminated and 1,500 tons of emergency supplies. The most visible aid was the airlift this month requested by the World Food Program of almost 100 tons of instant corn soya milk, used in feeding undernourished children.

[An Agency for International Development spokesman in Washington rejected the criticisms of the U.S. response to the famine in Ethiopia. Besides the responses to Catholic Relief Services and the World Food Program, he said the United States is providing food aid to the refugees who are moving from the area into Sudan. Ethiopia

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is "fairly well taken care of with all the other donors," he said, in reference to European and other international programs.]

Shimelis, who worked closely with U.S. officials in setting up an early warning system to prevent famine after the 1973-74 drought, called the U.S. assistance "insignificant" for such a major donor nation.

"To help Ethiopia establish the early warning system and then do nothing about the warnings is illogical, to say the least," he said.

So politically charged is the issue that American Embassy officials refuse to speak for attribution about the U.S. policy except to hand out a release that outlines the limited emergency assistance and says the government "is continuing to monitor the situation."

Most of the U.S. assistance will be provided through Catholic Relief Services, which made the emergency request last December. It took five months for the U.S. government to approve the emergency aid.

Not mentioned in the U.S. Embassy press release is the fact that while the seriousness of the famine was becoming apparent early this year, the Reagan administration cut out of the fiscal 1984 budget an annual relief appropriation of $2 million to $3 million that had been channeled through the Catholic organization for the past several years.

"In the past the U.S. policy has been to give more to favorable countries but not to cut out food aid at times of famine," said the Rev. Thomas Fitzpatrick, Catholic Relief Services director in Ethiopia. "This is the first time our program has been cut out for political reasons, but we are not accepting that the program will remain cut.

"The fact that the program is not in the budget means somebody made a decision against Ethiopia," Fitzpatrick added.

More than 70 members of Congress have asked the Agency for International Development to restore the cut funds and also to respond favorably to a United Nations appeal for $35 million worth of food, transportation, shelter and medicine. So far, AID has not reacted.

A U.S. aid official in Africa pointed out that Ethiopia is the only country among the 39 on the continent receiving U.S. food grants to be deleted from the program.

"It sticks out like a sore thumb," he said as he looked at the list of recipients. "It has almost always been the policy that Title II food aid in emergency situations is apolitical." Under Title II, the United States pays all costs of food aid, including transportation.

The only exception he could think of happened two years ago when the Reagan administration cut off food grants to Mozambique for six months after the government expelled U.S. diplomats and their spouses, accusing them of being CIA agents. Ironically, Mozambique is the number one recipient of direct U.S. food aid under the Title II program this year.

The aid official also pointed out that Title II aid to Africa has been cut sharply from $85 million in 1982 to a proposed $71 million in fiscal 1984, despite widespread drought on the continent and significant increases in transportation costs.

Ethiopia, however, does not make it easy for Washington to give aid. Col. Mengistu Haile Mariam, the country's military ruler, routinely attacks the United States in the harshest terms.

Last September, Mengistu called the United States "arrogant" accused it of using "mercenary proxies in economic sabotage" and said Washington was "arming bandit gangs to pollute peace." In contrast, he said, the Soviet Union "earnestly stands for peace."

Those kinds of remarks and Ethiopia's anti-American votes at the United Nations have particularly irked Jeane J. Kirkpatrick, U.S. ambassador to the world organization.

In addition, the Ethiopian military government has a poor record in the human rights field, coming under criticism in the State Department annual report and from Amnesty International. Many opponents of the government have been imprisoned for years without trial, and thousands were killed in a bloody campaign of suppression in the late 1970s.

"No one in the U.S. government wants to do anything" about the Ethiopian famine, a Washington source said. "They just want the problem to go away because they don't see any political benefits and they don't want to antagonize the lady in New York."

Kirkpatrick, he added, has had "a chilling effect" on U.S. humanitarian policies.

Maj. Dawit Wolde Giorgis, the new director of the Ethiopian Relief and Rehabilitation Commission, made a plea for U.S. help but acknowledged in an interview that help was unlikely to be forthcoming.

"U.S. transportation assistance would save many lives," he said, calling the lack of serviceable vehicles the most serious problem.

There is currently enough grain in the country to feed the drought-stricken people in the north. This is so because the government has released marketed stocks needed later in the year in urban areas. Those stocks are to be replaced by similar amounts of international relief supplies when they arrive.

Supplies in the distribution areas, however, are insufficient because of lack of vehicles and poor roads. Relief officials say the transportation problem is urgent: if the rainy season starts on schedule before the end of the month, it will make distribution all the more difficult for the limited trucks available.

The U.N. Disaster Relief Office has issued an appeal for 100,000 tons of food, 140 trucks and about 75 trailers, which would cost about $35 million. It also called for an airlift, if three planes capable of landing and taking off on short dirt airstrips can be provided.

So far no nation has provided transportation, although the European Community has pledged $500,000 worth of vital spare parts, some to be airlifted, to get disabled vehicles back on the road. The relief commission has almost 300 vehicles to cover a country twice the size of France, but only about 170 are operational.

Ethiopia, Africa's second most populous country with more than 40 million people, "has less roads per square miles than any other African country," a western diplomat said.

About 60 percent of the U.N. appeal for food has already been pledged or sent, a U.N. official in Geneva said in a telephone interview.

"It is disappointing to have the grain and no way to transport it," said Dawit, the Ethiopian relief official, who has a law degree from Columbia University in New York.

Although he was critical of U.S. policy toward Ethiopia, he said the government appreciated a recent U.S. allocation of $900,000 to assist in resettling Ethiopian refugees returning from Somalia, Sudan and Djibouti.

He concluded the interview by saying, "Get us something from the United States."

"Undoubtedly, if the United States pulled out all the stops the effect would be massive because you have the transport, you have the supplies," the European diplomat said.

That will certainly not happen, however, since it would probably go beyond the definition of humanitarian aid. U.S. assistance to the country is legally limited to the humanitarian field because Ethiopia has not compensated American companies that it nationalized in the 1970s.

Page, the World Food Program official heading the relief effort, was philosophical about the U.S. attitude.

"The U.S. has taken the approach that it doesn't like the Ethiopian government so let some other countries bail out Ethiopia. So, if the U.S. doesn't want to bail them out, that's its business. There are other sources for food," he said in Rome.

The possibility that the Reagan administration was using food for ideological purposes was another matter.

"People who are in need of food don't care about Marxism or capitalism," Page said. "They just have empty bellies that need to be filled."

Martin Mock, a World Food Program official in Ethiopia said, "You cannot just close your eyes. If you think, 'Let them die because they are socialists,' then you should say that, or you should do something."

Ethiopia's Marxist line or even its close ties to the Soviet Union, however, are probably not reason enough by themselves for the U.S. reluctance to assist.

Marxist Mozambique has a friendship treaty with the Soviet Union but in this fiscal year Maputo has already received 43,500 tons of free food from the United States valued at almost $10 million, that is, almost twice the amount originally allocated. The southern African country is also in the throes of a serious drought but without the life-threatening dimensions of the drought here.

Mozambique is bound to get more help since the administration announced earlier this month that $25 million in emergency food aid would be made available to 10 southern African nations even while it maintained silence on the pleas to assist Ethiopia.

The Reagan administration is seeking to use the good offices of Mozambican President Samora Machel in its attempt to negotiate the independence of South African-controlled Namibia.

The politics with Ethiopia, however, are all negative. Ethiopia has Cuban troops, provides port facilities for the Soviet Navy and has an alliance with Libya's Col. Muammar Qaddafi, all black marks in the Reagan administration's book.

Ethiopia has paid for its strident anti-American policy. Under Haile Selassie it was one of the leading recipients of western aid. Now it receives about $250 million a year, only $6 per capita, the least amount of any developing country.

Meanwhile, the future of tens of thousands of starving people depends on international aid.

Until the next harvest in November, "there is no possibility of improvement in the food situation without international assistance," said Kokebie Asres, head of early warning and planning services in the Relief and Rehabilitation Commission.

"Warnings were issued in September, October and March, each one a little more frightening," he said. "But as I open my report on responses for the last nine months, I must say it is not very encouraging."

ETHIOPIAN FAMINE CLAIMS CHILDREN FIRST

(By Jay Ross)

ZWI HAMUSIT, ETHIOPIA.—By the time you read this article, Bezuayhe Tesema, a 2-year-old wisp of skin and bones, is certainly dead.

When I saw her at the Zwi Hamusit "shelter" late last month, Bezuayhe weighed less than 9½ pounds and was only 24 inches long. The average healthy American baby usually reaches that weight a month or two after birth and would be three times her weight by age 2.

Suffering from pneumonia, often one of the harbingers of death in childhood malnutrition, Bezuayhe had lost more than 10 ounces since her last weighing two months before. Her tiny ribs protruded against her shriveled skin; her arms were like toothpicks. Flies covered her eyes and almost as much of Bezuayhe's body as her ragged clothes. They also crawled in the cup of milk she was too weak to drink, despite her mother's pleading efforts.

Nutritionist Birtukan Metefiria, of the World Vision International relief team, made it clear that life was slipping away.

Bezuayhe was simply one of the worst cases of malnutrition I saw during a four-day tour of several relief centers here in northern Ethiopia, where tens of thousands of people, mainly women and children, face starvation in one of Africa's worst famines.

She was one of 84 severely malnourished children at the makeshift camp receiving "intensive" feeding in an effort to keep them alive, according to Deneke Wayu, a health assistant for World Vision, a voluntary relief organization headquartered in Monrovia, Calif.

Another 384 children were receiving "supplementary" feeding for a less critical state of malnutrition. Children are put on the intensive feeding program if the circumference of their arms is five inches or less.

Most of the children under 5 in the camp were classified as malnourished, meaning their height and weight are less than 80 percent of the norm.

The situation here at Zwi Hamusit could well be a forerunner of widespread starvation unless massive international food and transportation assistance are provided soon. So far, the food-rich countries of the world have been slow in reacting to repeated Ethiopian warnings that a disaster could be in the offing.

The United States government, despite a tradition of humanitarian aid without political considerations, has virtually turned its back on the starving Ethiopians beccause of their government's strong ties to the Soviet Union.

Ethiopia, although making efforts to organize drought relief, has been slow in arranging transportation and sometimes inefficient in providing available food to the hungry.

If governments continue to hesitate or debate the merits of assistance, however, it seems certain that tens of thousands of Ethiopian children will not live until the next harvest in November. The crisis period is expected to be in October, when people will need more energy to start bringing in the food.

Some starvation is common in Ethiopia, where pockets of famine are an enduring part of life even in years of fair harvests. However, poor rains for two years followed by a disastrous 60 percent decline in precipitation in many of the northern areas last year have made the situation critical.

In a society that normally lives on the margin, drought can push it over the edge.

The burial ground at Zwi Hamusit shows part of the toll so far. Each grave on the hillside is marked by a small pile of stones. The piles are very close together, indicating that most of the deaths have been infants or young children. Tegegne Wobet, a resident of the camp, said about 150 children had been buried there in the past two months.

The reasons for the toll were easy to discern following a walk around the camp, which is 52 miles from the provincial capital of Gonder but almost a full day's trip by four-wheel-drive vehicle.

The dusty, parched camp was set up by the Ethiopian Relief and Rehabilitation Commission with the assistance of World Vision, but it was closed this month because of a guerrilla attack and lack of adequate water resources and supply routes. On an almost treeless plain at 6,500 feet altitude, the camp was one of only two shelters where people living too far from food distribution points were able to settle and receive regular relief supplies.

Many families split up, with some staying at the shelters and others remaining in their highlands villages, so there would be fewer people sharing the meager supplies. What happens to the children left behind, Deneke, the World Vision health assistant, was asked.

"Nobody know," he responded glumly.

Last month more than 2,000 people were living in Zwi Hamusit in primitive squalor, with a few sticks shaped as a hut for shelter, no sanitary facilities, limited water and little food, because the only means of supply, a Twin Otter turboprop plane owned by World Vision, was grounded awaiting spare parts from Canada.

Because food was running out, each person was limited to one cup of grain a day. Too little to grind, it was simply roasted, a method that makes it almost indigestible for undernourished children.

Although he minimizes the possibility of mass deaths, Maj. Dawit Wolde Giorgis, the head of the Ethiopian Relief and Rehabilitation Commission, said he fears that unless international assistance for the transportation problems is provided soon, thousands of people will stream out of the mountains seeking food. "It will take years to rehabilitate them," he said.

With the expected onset of the rains by the end of the month, there were fears that the camps would become centers of epidemics. People were deemed to be better off remaining in their villages and walking out several days once a month to get food at distribution centers, if it can be provided.

After two days of unseasonable rain last month, measles and dysentery swept the shelter at Zwi Hamusit and 10 children died in a week. Seven partially dug wells were destroyed.

The only remaining shelter is at Ibnet, south of Zwi Hamusit, and most of the 5,000 population there last month also has returned to the bush, leaving only about 800 residents.

Although the two sites are 50 miles apart, it takes three hours to drive the distance in a four-wheel-drive vehicle.

They are separated by the Balesa Mountains, whose eerie shapes could be right out of a Hollywood western if it were not for the abject poverty of the people.

The name has a touch of irony: In Amharic, the main language of Ethiopia, *balesa* is a special word for the apple tree in the Garden of Eden. It is hard to imagine any place further removed from paradise than Zwi Hamusit and Ibnet.

A report by Dr. Paul Shears, of the British relief organization Oxfam, outlined the deterioration in nutrition among children at Ibnet between March and May. By May, 12 percent of the children were severely malnourished and 33 percent were moderately malnourished. The corresponding figures in a March survey had been 3 percent and 20 percent.

Shears said the cause of the deterioration was simple: regardless of size, families were given 25 kilograms, or 55 pounds, of grain a month because, without scales, it was easier to divide a 100-kilogram sack into four parts rather than provide each person with the recommended 15 kilos that results in a 1,750-calorie standard daily subsistence diet. A family of four receiving 55 pounds a month would only be getting 750 calories a day per person.

"The situation has deteriorated because of a lack of objective assessment or planning and of relatively inexperienced staff at the field level," Shears said in his report.

It is apparent that the badly stretched Relief and Rehabilitation Commission does not have enough trained personnel in the field to cope.

The director of the Ibnet center is a man of 22 who was equipped with reams of statistics but seemed oblivious to the fact that many people had been waiting three days for food distribution. Grain was stored in the open, subject to rot with the oncoming rains, while bags of Soviet cement dated 1971 were kept in a warehouse.

"What they give us is not enough," one recipient with a family of seven said.

Those arriving at the shelter often said they had to sell their oxen and eat their seeds to survive—thus compounding the disaster for the next season. If they did not sell their cattle, however, the animals would die for lack of grazing before the next rains.

So far, the government has not managed to get seeds and implements to many of the people in advance of the planting season next month.

A man waiting for food distribution said it takes "two days for the strong, three days for the weak" to walk from his village to Ibnet. About two more days will have to be added after the rains because people will no longer be able to ford the rivers.

At the current pace of distribution it will take half a month of walking and waiting for people to get a month's food supply.

The U.N. Disaster Relief Office has appealed for trucks and the use of aircraft capable of landing and taking off on short airstrips to speed distribution. So far, however, there has been no response to the appeals for transportation assistance.

"The only thing to do is to get people out of the camps, because if they stay, they will die," said nurse Vivian Walden of Danish Church Aid before the number of people at Ibnet was reduced to the more manageable total of 800.

Walden said 26 of the 115 children in the intensive feeding center had died. Asked how many had died outside the center, she said, "I don't know but certainly more. We live near a church and there are funerals every day. I've stopped counting." Children are most endangered because they are the weakest, Walden said. Often the most at risk is the second youngest child in a family, since he or she is no longer being breast-fed.

Under current conditions at the camp, Walden said, "Each family will lose one or two children."

Children in supplementary feeding programs receive *fafa*, a mixture of grain, milk, vitamins and minerals intended to be eaten as porridge. But families are so short of grain that they often use the *fafa* to make the pancake, called *injera*, that is the staple of the Ethiopian diet.

In that form it is difficult for malnourished children to digest and impossible for infants to get enough calories. In addition, it means the child's ration is being shared with adults.

In front of a typical hut, a woman was cooking five *fafa* pancakes over her dung-fueled fire to feed her family of seven for the entire day. She said they never had meat. A sauce to eat with the *injera* was being prepared with "burberrie," a hot-spice, that she had bought in exchange for some grain.

The people were lucky in one sense since water was trucked in from a nearby river. Often village women spend half the day walking to get water. But there was only enough for one to two gallons a day per person, far less than recommended subsistence level in refugee camps.

In Africa, it is rare to hear infants cry because of the attention they get from their mothers, but in Ibnet the sound of wailing, hungry children could be heard everywhere.

Twenty-five miles to the northeast in the village of Quallisa, people were much healthier, according to Anne O'Mahony, a nurse for the Irish relief agency Concern.

By staying in their village they have maintained their independence and thus do not have the defeated looks of those in Ibnet, she said. The people have terraced many of the fields to prevent erosion under a government-run food-for-work program in which they get 6.6 pounds of food for each day worked.

Everywhere in Gondar province, there are plowed, terraced but bone-dry fields awaiting the rains for planting, a testament to humanity's eternal hope that next year will be better.

There are three distribution centers for food north of Gonder, the provincial capital.

At Amba Giyorgis, 25 miles from Gonder, Abahoy Aduna and his two children would wait three days for their 88 pounds of food to take back to his wife and two other children, a two-day walk away.

The need to get food overrides development plans, so Abahoy was missing his literacy classes and his children were absent from the school, only recently provided.

Asked about his possessions, he shrugged and answered that he had no food, no seeds, no oxen, no money and no clothes but the ragged shirt and pants he was wearing. He pointed proudly, however, to a scarf his daughter had made.

Farther north in Debark, Aselef Fanta hoisted a 55-pound sack of grain onto her back and started to set off on a four-day trek into the mountains to bring food to her three children.

She said she was 50 but, shriveled and dressed in rags, she looked at least 70 as she bent under the weight of the sack. She was wearing one rope sandal; the other foot was bare.

She had left her three teen-age children behind in school.

"It is easy for me to bring the food because I am old and do not go to school," she said through a translator.

Her walk would be particularly arduous because she had to skirt the nearby 15,150-foot Mount Rasdajan, Africa's third highest mountain.

For the past two years her crops dried up because of the drought. She said she survives by making clothes and exchanging them for food.

As bad as the current drought is, she said it does not compare with one in 1966 and 1967.

"That was unforgettable. Many people died," she said.

That was a famine the world never heard about.

TRANSPORT DIFFICULTIES STYMIE FOOD DELIVERY IN ETHIOPIA

(By Jay Ross)

GONDER, ETHIOPIA.—The difference between surviving or dying in this year's Ethiopian famine could well depend upon how close a peasant lives to transportation routes and distribution points.

Hugh Goyder, the British Oxfam relief agency representative, described the famine as "an avoidable disaster" if enough food can be delivered to thousands of people isolated from the country's transportation system.

At present there is enough grain in the country, said Hussein Rahman of the United Nations World Food Program. The food offloading capacity of Ethiopia's two ports of Aseb and Mitsiwa is only 500 tons a day, meaning that it would take six months for the country to absorb the 90,000 tons requested by the U.N. Disaster Relief Office unless there is an expensive airlift.

The problem is to get the food to distribution centers near enough for people to travel to them and then return to their villages.

That task is formidable because of lack of transportation equipment and roads. Tens of thousands of those afflicted must walk for many days to get to a distribution center.

In one of the world's poorest countries, the Ethiopian Relief and Rehabilitation Commission faces the mind-boggling job of feeding more than a million widely scattered people.

A few numbers in Gondar administrative region, which is not the hardest hit of the four drought-affected northern provinces, paint a grim picture.

It is estimated that between 300,000 and 500,000 people in the province need food relief but only about 200,000 are being reached at nine distribution centers, according to Adenou Mumuye, the relief commission's director in Gonder.

Last month only six relief commission trucks were in operating condition to deliver food supplies, although some newly repaired vehicles are expected soon. Trailers, which would greatly increase each delivery, are not available. The commission says it needs 10 more heavy-duty trucks in the province.

Two months ago, a commission official said, more trucks were running but there was no food to deliver. Now there is a warehouse full of grain at Addis Zemen, southeast of Gonder and not enough vehicles to deliver it.

"Half a dozen mechanics and some spare parts could do wonders," Rahman said.

World Vision International of Monrovia, Calif., mounted an expensive airlift to the Zwi Hamusit shelter before it was closed. Up to 12 round-trip flights a day by a Twin Otter turboprop plane, costing $600 each, were sent to the camp carrying 1.9 metric tons of food each. The high-cost project, however, was of dubious value because plane breakdowns twice delayed deliveries for long periods. No substitute method of supply was available.

Sometimes a small expenditure can go a long way toward bringing food to thousands of people. Some privately owned vehicles are available in the province but lack of money for the commission and a frustrating government bureaucracy have stalled their use.

Then last month Oxfam appropriated about $11,500 to hire trucks that moved 500 tons of food into the distribution centers over a 10-day period.

That small outlay means that 28,000 people will received subsistence rations for one month, a move that could save many lives.

Similarly, rebuilding a 15-mile road from Nefas Mochas south to Arbagay would mean 25,000 more people could be reached, and another 50 miles of road to Moja to the southwest would feed another 50,000 people, the commission said.

The crude roads, which would only last for one rainy season, would be built by manual labor, employing thousands of peasants who would be paid in food. The commission, however, has not managed to organize the road projects yet.

We just need trucks, we need to get food and we need to get going," a frustrated international relief official said. "But I guess we will have to have a few more study missions before we get that message across."

[From the Washington Post, June 27, 1983]

HELP STARVING PEOPLE

Some 50 to 100 children are already dying daily in northern Ethiopia as the result of a famine that could become one of the worst in African history, Post correspondent Jay Ross reported from Addis Ababa yesterday. This staggering prospect is the product of factors familiar in Ethiopia and many other states in Africa and elsewhere in the Third World. The margin is very narrow in most of those countries. Things must go well for them just to subsist. If even one big thing goes wrong, the price is heavy. In Ethiopia, on top of the usual suspects—poverty, underdevelopment, drought—local wars and the policies of the Ethiopian government have combined to put the country on the brink of an immense catastrophe.

In the wars going on in Eritrea and Tigray provinces, food is a weapon of war. This is especially true of the Ethiopian regime, whose efforts to pry local populations out of their support for rebellion often seem to center on depriving them of food and the means of a normal existence, such as it is.

In the past, Ethiopia turned first to the United States for emergency food aid. But the repressive Marxist regime now in power has cast its lot with the Soviet Union and its clients, Cuba and Libya. These friends of Ethiopia choose to leave it pretty much on its own when it comes to food. Col. Mengistu Haile Mariam, the country's leader, cannot bring himself to interrupt even briefly his political attacks on the United States and to ask for relief for his suffering people. This task has been delegated to

relief officials in his government or assigned to the international relief agencies.

The United States has done relatively little to help Ethiopia meet its growing crisis. Essentially taking the view that the Ethiopian government has made its own choices, the Reagan administration suggests it is up to that government to exhaust all other sources of food aid, European and international, before making further requests of Washington.

We can understand the reason for the United States' giving first call on its available resources to friendlier governments. And there is an irony in the United States' being expected to show more compassion for starving Ethiopians than their own government shows. But it's not as if we were running out of the resources with which to help those desolate people. And surely there is something beyond irony at stake here: there is something desperately wrong when the United States does less than it could to help keep a dying population alive. This country could be especially useful if it were to provide trucks or aircraft to distribute supplies inside Ethiopia, and it could certainly send more food. Whatever the politics, the moral choice is not complicated at all—this country must help the starving Ethiopians and help them now.●

HONORING DOMINIC JACOBETTI

● Mr. LEVIN. Mr. President, the Upper Peninsula of Michigan has been represented by a long line of superb leaders. In recent years, State Representative Dominic Jacobetti has continued that tradition. "The Godfather," as he is known to many, has served his area, and indeed the entire State, for almost 30 years. As chairman of the house appropriations committee in the State legislature, he has never failed to bring home the bacon to his constitutents and support economic development efforts in the region.

On Saturday, June 25, the Upper Peninsula Commission for Area Progress recognized Representative Jacobetti's accomplishments by making him the Upper Peninsula Person of the Year. It is a well-deserved honor. A recent editorial in the Ironwood Daily Globe summarizes his many accomplishments, and I include it at this point in my remarks. I ask it be printed in the RECORD.

The editorial follows:

[From the Ironwood Daily Globe]

"THE GODFATHER" RECEIVES DESERVED HONOR

The Upper Peninsula has contributed many outstanding leaders to the Michigan Legislature through the years. One of them is Rep. Dominic Jacobetti, chairman of the powerful House Appropriations committee.

Jacobetti, the longest serving member of the present Legislature, will receive the well-deserved acclaim of an appreciative region later this month in his hometown of Negaunes. He has been named the Upper Peninsula Person of the Year by the Upper Peninsula Commission for Area Progress.

Jacobetti's service to the U.P. sounds like the record of a renaissance man.

First elected to the state house in 1954, Jacobetti has served on the appropriations committee for 14 years and has been chairman since 1975.

As chairman, Jacobetti oversees the multibillion dollar state budget, including revenue, expenditures and program implementation. In addition, Jacobetti serves as chairman of the governing board of the House Fiscal Agency.

He knows the political arts as few other legislators. He understands the levers of power and has the energy to use them. His knowledge of pending legislation is monumental, and he always knows exactly where he stands and precisely why.

Jacobetti has been legislatively and personally involved in a wide range of issues aimed at benefitting the region and our entire state.

He's been controversial and at times dictatorial. Yet his unflagging commitment to the betterment of the U.P. has been influential in unifying the at-times refactory U.P. region.

Jacobetti has an uncanny perception of the diverse needs of the region and can be expected to bring clear vision of what state government must do now and in the future to contine to efficiently and effectively serve the people.

He seems to do the right thing, to say the right thing, before most lawmakers had even thought about the issue, let alone come to a conclusion.

The tribute is well deserved.●

SCHOOL AGE CHILD CARE BILL

● Mr. CHILES. Mr. President, I am glad to be a cosponsor of the school-age child care bill, S. 1531. This legislation seeks to address an issue that is of growing concern to American families: The issue of child care for the school age children of working parents.

There are at least 13 million children age 13 and under whose mothers are employed full time. By 1990, it is expected that 60 percent of school-age children will have mothers in the labor force. The children of working parents require care and adult supervision during the after school hours before their parents return home from work. Unfortunately, our Nation's existing child care resources are not nearly sufficient to meet the needs of these children. For many families, there are few good, affordable child care options. Many have only been able to arrange inadequate, makeshift care for their school-age children. Some children have only the irregular care of a relative or sitter. Others are under the supervision of older siblings. Over 1.8 million are known to be latchkey children who care for themselves without any supervision. The actual number of latchkey children is thought to be much greater.

The economic realities of today, which dictate that all the adults in a family must work full time, place a great strain upon children who come home to an empty house every afternoon and upon parents who feel uneasy about their child-care arrangements. The Senate Children's Caucus recently held a policy forum on the issue of latchkey children where children talked about the fear and boredom they experience when they are at home alone. Rather than acquiring a sense of independence, children who must care for themselves, or for younger children, may feel overwhelmed by their responsibilities if those responsibilities come too early. Their anxiety is not unfounded. Many children who are unsupervised do find themselves in dangerous or emergency situations. In Newark, N.J., one in six calls received by the fire department involve children at home alone.

Fortunately, the children who spoke before the children's caucus are no longer latchkey kids. They are now involved in after school programs located at their schools. Programs are beginning to appear all over the country which strive to provide quality, inexpensive care for school-age children. Some are sponsored by schools themselves, others by nonprofit organizations that take advantage of school facilities. In after school programs, children are able to play safely with other children under adult supervision. They are able to receive extra help with their studies, lessons, and other learning opportunities they might otherwise miss as the children of working parents. Parents are given the security of knowing that their children are well cared for and safe.

The school-age child care bill would encourage the development of more after school programs by providing $15 million in Federal grants to public agencies and private nonprofit organizations involved in providing child care services in school facilities either before or after school hours. The bill would also establish a clearinghouse to provide information, training, and technical assistance to organizations involved in providing child care services for school-age children and those hoping to establish such programs.

The money that this Nation spends to improve the environment and education of children is well spent. Today's children will literally determine our country's future. The money we spend today in assuring that the needs of children are met will yield an enormous return as those children reach adulthood.

I commend S. 1531 to my colleagues as a bill which will answer a growing need of our Nation's children.●

FOR DEMOCRACY AND HUMAN RIGHTS IN URUGUAY

● Mr. KENNEDY. Mr. President, today marks the 10th anniversary of the coup d'etat in Uruguay—10 years of military rule, 10 years of human rights abuses, 10 years of press closures and harassments, and for tens of thousands of Uruguayan citizens, the beginning of years of exile from their homeland.

Despite some recent events in Uruguay which appear to point toward the restoration of democracy in that country, I remain deeply concerned with continued abuses of human rights and the serious harrassment of Uruguayan writers, journalists, and editors.

Last April the Committee to Protect Journalists and the PEN American Center sent a delegation to Uruguay to investigate the situation facing journalists in that country. Their report, portions of which I submit for the RECORD at the conclusion of my remarks, gives disturbing testimony that the tentative move toward democracy in Uruguay has not been accompanied by a corresponding relaxation of restrictions on freedom of the press. Indeed, since the announced "transition to democracy" more than 2 years ago, the regime in Uruguay has taken over 35 punitive actions against the press. These actions range from the arbitrary closing of newspapers to the harrassment and detention of writers, journalists, and editors.

As the report convincingly details, many opposition papers have been temporarily closed for periods of 2 to 6 months. La Democracia, a weekly newspaper with ties to the opposition National Party, has alone been shut down five times since its first publication in June 1981. Though some topics forbidden in the past can now be discussed, it is still a criminal offense in Uruguay to criticize any aspect of the Government or any action by military personnel. Papers can be penalized for publishing information about Government policies, police practices, health programs, prison conditions, or social problems, and though there is no prior censorship, the ambiguity of measures related to publications and the threat of closings and detentions encourage severe self-censorship. Such restrictions have a chilling effect on free expression and represent a deplorable limitation of freedom of the press. This is in sharp contrast to the long tradition of press freedom that was so much a part of Uruguay's democratic history—and is particularly disturbing in light of the upcoming general election scheduled for 1984. Freedom of expression and its reflection in a free and open press are essential to achieving the return to democracy so clearly called for by the people of Uruguay in the 1980 plebiscite.

Repression in Uruguay does not stop at temporary closings and shutdowns of the press. Currently there are 1,000 political prisoners in Uruguay who, according to the International Committee of the Red Cross, are held under inhumane and degrading conditions that are bringing about their physical and mental breakdown.

The people of Uruguay desire an immediate return to democracy. The delays, the timetables, the restrictions on the press, and the chilling effects of political classification systems have made a mockery of the return to democracy. The May demonstration—the largest in Uruguayan history, shows how strongly the Uruguayan people demand democracy.

I believe we must continue to speak out for the return of a true democratic government in Uruguay. We must speak out against the torture and the summary shutdowns of opposition papers. We must speak out against the oppression of trade unions. We must continue to denounce the antidemocratic character of the Government of Uruguay until these gross violations of human rights and civil liberties are brought to an end.

We must do all we can to insure that fundamental political and human rights are practiced in Uruguay. This anniversary should inspire us to support the struggle for freedom, democracy, and an immediate return to civilian, democratic rule in that country and throughout the world.

The report follows:

A REPORT BY THE COMMITTEE TO PROTECT JOURNALISTS AND THE PEN AMERICAN CENTER, URUGUAY: DOES DEMOCRACY INCLUDE FREEDOM OF THE PRESS

SUMMARY AND RECOMMENDATIONS

The transition to democracy in Uruguay has not freed the press from repression. While discussion is now allowed of some topics forbidden in the past, newspapers continue to be closed frequently, and journalists are still detained and harassed.

Uruguay's press remains fettered in various ways. Decrees make it a criminal offense to:

Refer to the military regime as a dictatorship;

Attack the morale of the military, an offense that includes criticism of any aspect of the government or any action by military personnel;

Provoke contempt for the nation or its authorities;

Divulge false notices that could cause public alarm, threaten order, or prejudice national economic interests or credit;

Apologize for wanted, tried or condemned persons when that implies an indirect apology for their crimes; and

Attack moral values and the sanctity of the home.

Penalties may result from the publication of information about, among other matters, government policies, police practices, prison conditions, health issues, security operations, the activities of the military, economic policies, proscribed political leaders, disappeared citizens, social problems, crime and suicide.

There is no prior censorship, but the ambiguity of measures related to publications and the threat of closings and detentions encourage severe self-censorship.

The government's sophisticated system for classifying citizens deemed a threat to the state chills sources and limits access to information.

The government can use economic levers against the press, partly because it places much of the advertising in the nation's daily newspapers.

Virtually all professional associations and unions of journalists are banned. Recent efforts to set up an independent press organization were severely repressed.

At least 15 journalists seized since the early 1960s remain in prison; two of these were jailed after the transition was announced. Several hundred journalists have fled into exile; some were among the more than 100 Uruguayans who were murdered or "disappeared" in Argentina.

Limited discussion occurred in the press during the campaign preceding the plebiscite for the military-sponsored constitution, but several newspapers were closed for overstepping boundaries that had been left undefined. In the two-and-a-half years since, there has been a rash of newspaper closings and detentions of journalists.

Transition plans include no provision for the liberalization of press laws or for the release of imprisoned journalists.

Therefore, it is the recommendation of the Committee to Project Journalists and PEN American Center that

The government of Uruguay should lift all restrictions on the press, restoring to it the rights and privileges enjoyed under Uruguay's democracy prior to 1967.

The government of Uruguay should grant freedom and amnesty to all imprisoned journalists and immediately lift sanctions on those journalists currently subject to other restrictions.

The government of Uruguay should grant the press access to government meetings, forums and debates, and the right to report fully on these activities.

The government of Uruguay should end the proscription of the newspaper guild and accord journalists the right to form professional organizations.

The government of Uruguay should assure that journalists have access to professional training based on the principle of democratic standards and ethics.

The U.S. government should encourage the restoration of a free press and vigorously oppose all forms of repression against journalists in Uruguay.

The U.S. government should step from behind its stated policy of "quiet diplomacy" and be consistent in its Latin American foreign policy so that it vigorously protests rights violations of press freedom and other human rights in one country as it does in another and thereby make clear its commitment to those democratic ideals that are the foundation for a well-informed, enfranchised citizenry.

RECENT GOVERNMENT ACTIONS AGAINST THE PRESS

The approach of a new decade, and the proposed return to civilian government, brought a promise of change. With the setting of a timetable for approving a new constitution and holding elections, it seemed that press restrictions would be loosened as well. The only opposition publication, La Plaza, founded in November 1979, was allowed to appear during the 1980 plebiscite campaign. Press debate on the constitutional plebiscite was allowed in the 29 days preceding the vote, but all of the big dailies supported the military's proposed constitution. Some smaller papers, however, were closed for overstepping undefined boundaries.

However, a government-authorized television and radio debate on the plebiscite raised hopes for renewed freedom. And

after the plebiscite, a liberal faction of the Colorado Party started Opinar. Other publications followed: Carreo de los Viernes, also representing the Colorado liberals; La Democracia, voice of the liberal wing of the Blanco Party; Opcion, speaking for the Christian Democrats; Busqueda, a conservative economic weekly; and El Dedo, a magazine of political satire. Some daily journalists became bolder in their questions and commentaries. The Socialists or other groups on the left, however, remained without a voice.

Enrique Tarigo, editor of Opinar, observed, "The government says that this is a period of transition and that they will gradually lift restrictions. We say that by now, half the time has passed, and they haven't lifted any of the restrictions on the press."

Most journalists believe that the government is continuing its harsh controls over the press in order to control and limit the "opening." Dailies must still present the names of new employees to the police. DINARP, the National Office of Public Relations, still calls jounalists with instructions about what to write and what to spike. Dozens of incidents of arbitrary harassment, threats and closings have occurred since the transition to democracy began.

Still, there have been some improvements. Luis Hierro, deputy editor of Opinar, said that "between 1973 and '78 or '79, the dailies could say practically nothing. Then the weeklies appeared. Now one says much more than three or four years ago—and yet today there are more closings than before."

The publications closed and harassed since 1980 include some of the best in the country. Many are political weeklies seeking to expand the margins of acceptable debate. A chronology of the more serious actions follows.

CHRONOLOGY

November 1980: Radio Carve barred from broadcasting news for 48 hours.

November 1980: Editor of La Nueva Idea, a daily, detained for more than six hours.

April 1981: Luis Antonio Hierro, deputy editor of Opinar, a weekly, jailed for 17 days.

April 1981: Opinar closed for four editions.

September 1981: La Democracia, a weekly, closed for four editions.

October 1981: La Democracia, a weekly, closed for eight editions.

October 1981: Opcion, a weekly, closed for four editions.

January 1982: La Democracia closed for eight editions.

March 1982: Ramon Diaz and Danilo Arbilia, editors of Busqueda, a weekly, detained for questioning.

April 1982: Opcion closed for eight editions.

May 1982: La Plaza, a monthly, closed for eight editions; later closed permanently and its editors placed on trial.

July 1982: La Democracia closed for 24 editions; two editors placed on trial.

July 1982: La Razon, a weekly, closed for eight editions; later permanently closed.

August 1982: Julio Sanguinetti and Walter Nessi, editors of Correo de los Viernes, a weekly, detained.

August 1982: New trial against editor of La Democracia.

September 1982: La Democracia editor Alberto Zumaran jailed for nine days and stripped of political rights.

September 1982: Accreditation of El Dia journalist assigned to cover the Council of State withdrawn.

October 1982: Opcion closed permanently.

January 1983: Police interrogate Opinar journalists.

January 1983: Busqueda closed for five editions.

January 1983: Official "suggestion" that reports by various publications on the unhealthy state of Montevideo beaches not be published.

February 1983: El Dia editor and journalist placed on trial after 14-hour police grilling.

February 1983: El Dedo, a monthly, closed permanently; editor placed on trial.

March 1983: Radio Carve threatened by court action.

March 1983: Lealtad, a monthly, closed permanently.

DETENTIONS

There are currently almost 1,000 political prisoners in Uruguay. Despite the "opening," no move has been made to lessen any of the sentence of the 15 journalists in prison. Furthermore, the military is firmly opposed to a future amnesty for political prisoners.

The delegation was not given permission to visit any prisoners.

The International Red Cross, after its 1980 prison visit, said the prisoners were held under inhumane and degrading conditions aimed at bringing about their physical and moral breakdown. Following unofficial release of the report, Red Cross visits were barred until April 1983 when representatives of the organization were admitted back in.

Amnesty International reports the common use of torture and psychological abuse of prisoners.

Prisoners' relatives told the delegation of continuing abusive treatment, including the restriction of all speech, frequent prolonged solitary confinement, torture and systematic prison cell "inspections," during which guards literally tear cells apart, destroying family pictures and the few possessions and food supplies prisoners have been allowed to receive from the outside. Bedding is often left wet and unusable.

Three immediate family members are allowed to visit twice a month for 45 minutes. No private conversations are allowed; a guard is present at all times, and conversations are recorded. Visitors talk by telephone to prisoners seated behind glass or converse through a screen. Children under 13 may visit once a month, alone, for 45 minutes. Families say no physical contact is allowed except with children under two.

The delegation requested information about the imprisoned journalists from Major Juan J. Sosa, director of the Central Office of Information about [Imprisoned] Persons. He discussed several of the cases and agreed to mail information about the others. He maintained that jailed journalists were imprisoned for criminal, not political, activities.

Released prisoners, prisoners' families and human rights groups, including Amnesty International, report that prisoners have great difficulty obtaining medical care, cannot discuss their cases with doctors, and are forced to take medication distributed by untrained prison authorities. Sosa, however, praised the medical treatment provided prisoners, saying that they were taken to the best military hospital.

Prisoners are allowed little reading material; everything is censored by authorities. Philosophy, economies, psychology, physics and social and political science are forbidden subjects. Prisoners are not allowed to speak or leave their cells except for a one-hour recreation period. Even these rights are arbitrarily and regularly cut off. All mail is censored and frequently withheld.

The imprisoned journalists are:

Jaime Daniel Aljanati Beneditto (mid-20s), a correspondent for Noticias Aliades, a socialist magazine. In 1981, he returned to Uruguay from Peru, where he was living in exile and working as a sociologist, and was charged with "meeting with groups to commit crimes" because he had with him some reports about economic and social conditions in Uruguay.

Elsa Altuna Fernadez (66), former president of the newspaper guild, was kidnapped in Buenos Aires in 1976, kept "disappeared" for two years and then officially arrested in Uruguay on charges that included "subversive association" and "conspiracy against the constitution."

Helvecio Bonelia Arias (60s), a member of the last board of directors of the newspaper guild, was imprisoned, released, then arrested again in 1981 for trying to organize a new journalists organization. He was charged with "subversive association" and "attacking the constitution."

Jose Ruben Bottaro Giordano (early 50s), a member of the board of the newspaper guild and a writer for various left-wing newspapers, was arrested in 1972 on eight charges including "conspiracy against the constitution" and "delinquent association".

Miguel Carvajales, a photographer and journalist, worked for several papers, including the daily Ya.

Hiber Conteris (49), a journalist and playwright, was correspondent and editor for Marcha and won numerous international writing awards. A former Methodist minister, he was arrested on his return to Uruguay following attendance at a Christian Peace Conference meeting in Czechoslovakia. He was severely tortured.

Ester Gerber (mid-60s) wrote mostly for women's magazines. The government says it has no record of her.

Sigifrido Guridi Rodriguez was a journalist for El Diario and La Mañana and was on the board of directors of the press association.

Rita Ibarburu de Suarez (66), editor of Nosotras, a women's magazine, and editing secretary of Estudios, a Communist Party publication, was arrested in 1975 for "subversive association." She has been severely tortured and suffered a heart attack in 1978 and a stroke in 1981, which left her partially paralyzed.

Francisco Laurenzo Pons (35), a cartoonist for Marcha, was first arrested in 1973 and, after severe torture, released. In 1976 he was denounced on radio and television as a wanted communist. He lived underground for two years, then was arrested in 1978 and charged with "subversive association." He suffers from general ill health and, since 1979, a recurrent kidney infection that causes him almost constant pain and fever.

Lazaro Carlos Maman Ganone (42), a movie and theater critic for a radio station, was arrested in 1973 on eight charges, including Subversive association" and "conspiracy."

Jose Jorge Martinez (late 40s), deputy editor of El Popular, professor of economics at the University of Montevideo and author of The Banking Web, a book about the relationship between North American and Uruguayan banks, was arrested in 1975 and accused of publishing clandestine newspapers opposed to the military government.

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Margarita Michelini (mid-20s) worked with her father, former Senator Zelmar Michelini (later murdered in Buenos Aires), on Hechos, a magazine he published. When the magazine was closed in the last 1960s, she worked for several publications on the left.

Hermino Osorio, a member of the National College of Journalists, was imprisoned in 1977.

Jose Posamay, worked as a cartoonist and graphic designer for several publications.

THE ROLE OF THE UNITED STATES

The 1973 coup, coming in the wake of growing anti-American sentiment in the southern cone, did not seem to displease the U.S. government. And, in its aftermath, charges surfaced tying the U.S. to the increased repression in Uruguay. Ernest Siracusa, U.S. ambassador in Montevideo at the time, was implicated in coups in Honduras, Guatemala, Peru and Bolivia. The Uruguayan congress accused the U.S. of helping establish a military death squad. And the U.S. Office of Public Safety, a division of AID, sent police experts to Uruguay and brought Uruguayans to the United States to study anti-terrorist techniques.

The Nixon and Ford administrations defended the Uruguayan government, continued to request military aid for it and argued before congressional committees that military rule in Uruguay was a temporary but necessary phenomenon in the fight against subversion. Congress' decision to cut military assistance in 1976 was strongly opposed by the Ford State Department.

American policy changed dramatically under the Carter administration. It ended U.S. aid to Uruguay because of human rights violations, even though there was then no congressional requirement for human rights certification. Jorge Batlle, leader of the Colorado Party, told the delegation, "All around the world, the Americans appear as champions of slavery and colonialism. Carter was the first one who changed that image. If you ask anybody in the streets what they think about the Carter government, they will say the Carter policy was good for us and for democracy all around the world."

Uruguayans still highly praise John Youle, political officer in the U.S. Embassy there under Carter. A leader of the National Party told the delegation, "John Youle was a great official. We went to him, and he intervened. In Libertad Prison, they were torturing a man. We told Youle. After the next visit, the family came to tell me the conditions of the prisoner had improved. When Youle left the embassy, we gave him a plaque in recognition of his services." Some Uruguayans felt differently. Before he left, Youle was attacked by thugs who tore a tendon in his shoulder, causing him permanent injury.

On taking office, President Reagan changed U.S. policy toward Uruguay once again, announcing that the United States would not withhold approval for loans from the Inter-American Development Bank or the World Bank to Urguay, Paraguay, Chile or Argentina, which, he said, were no longer considered gross violators of human rights.

The U.S. State Department's annual human rights report noted that the Uruguayan government had made 100 "national security" arrests in 1982, an increase over 1981. However, embassy staff have stopped pressing Uruguayan authorities on human rights violations. Opposition leaders, once welcomed at embassy functions, are now excluded.

Enrique Tarigo, a leader of the Colorado Party and editor of *Opinar* said human rights efforts are carried out by the International Red Cross and by European diplomats, "who visit jails and talk to prisoners and show the government that they are being watched."

John Graves, public relations counselor at the U.S. Embassy in Montevideo, told the delegation that the U.S. had sent critical notes to the Uruguayan government after incidents of press closings and said copies were available from the State Department. However, Paula Kuzmich, public affairs officer for the State Department's Bureau of Human Rights in Washington, said she knew of no public statements by U.S. officials about freedom of the press in Uruguay and that private communiques could not be released.

The U.S. administration takes credit for the announced opening to civilian rule. In May, Assistant Secretary of State for Human Rights Elliot Abrams said at a seminar sponsored by the Woodrow Wilson Center in Washington, D.C., "All the Carter administration did produced nothing; but now, there's going to be a return to democracy." He said, "We've got a better policy, because it works and what counts is not standing up and making speeches or inviting people to July 4th."

But there is a consensus among many of the people the delegation interviewed that the United States has significantly backed away from the defense of human rights. Batlle said the military was very happy at President Reagan's election. "When Carter was defeated, the commander-in-chief of the navy said, 'Finally, this devil is leaving the American government!'" He said the military was pleased by the appointments of General Vernon Walters as a roving ambassador to Latin America and of Jeane Kirkpatrick as ambassador to the United Nations.●

U.S. RELATIONSHIP WITH NATO AND JAPAN—SHARING THE BURDENS OF THE COMMON DEFENSE 1983 BURDEN-SHARING REPORT RELEASED

● Mr. LEVIN. Mr. President, this afternoon the Defense Department is releasing the unclassified version of the report on allied commitments to defense spending for 1983. As author of the statutory requirement for this annual report on defense burden sharing, I would like to comment on its findings.

As the United States continues its struggle toward economic recovery, it is both understandable and appropriate for American taxpayers and their elected representatives in the Congress to question increasingly whether this Nation is paying a disproportionate share of the common defense burden. These questions, and the pressures to encourage our allies, especially Japan, to increase significantly their mutual defense contributions, only will become more intense in the future.

There are great complexities in measuring the contributions to the common defense by ourselves and our allies. Major differences in the manner in which each of these nations structures and maintains its defense establishment and disparities in exchange rates and other economic measures of input, are but a few of these. Contributions may be more easily identifiable and direct, such as the size of a nation's annual defense budget; or they may be more subtle and indirect, such as the provision of land for military bases. However, when all is said and done, I believe that an examination of what nations have formally committed to doing for the common defense, in comparison to what they actually are doing, is a most useful way for Congress to assess relative burdensharing efforts.

In the case of our NATO allies, this commitment is represented by the solemn promise each member of the North Atlantic Alliance made in 1978, and reaffirmed yearly since then, to increase annually its defense budget by 3 percent after inflation and to undertake many initiatives in the long-term defense program (LTDP). With Japan, this commitment is embodied in the policy established in May 1981, by the government of then-Prime Minister Zenko Suzuki, that Japan would defend the air/sea lines of communication out to 1,000 miles from its home islands as part of its responsibilities under the Treaty of Mutual Cooperation and Security between our two countries. That commitment was forcefully reaffirmed earlier this year by the country's new Prime Minister, Yasuhiro Nakasone.

Measured against their commitments, the burden-sharing performance of our allies is, at best, mixed. At worst, especially in the case of Japan, it is both extremely disappointing and worrisome. There have been a few positive developments, but these have been more than offset by much more negative trends and occurrences. For example.

On a positive note, in 1982, the Federal Republic of Germany agreed to provide 93,000 reservists under the wartime host nation support program to perform essential stevedore, transportation, runway repair and other service functions for U.S. troops dispatched to Europe during mobilization. In 1983, NATO defense ministers approved a $500 million increase in the infrastructure program to fund important military construction projects benefiting all the allies. There have been positive developments in the contributions of our NATO allies to compensate for added American responsibilities for our mutual defense in the Persian Gulf/Indian Ocean, including direct contributions by the United Kingdom, France, and more recently Italy, through joint planning projects and force deployments to the region.

On the other hand, West Germany has refused to provide additional

personnel for the peacetime host nation support program and has prevented meaningful progress in negotiations for satisfactory and equitable cost-sharing for the master restationing plan to redeploy American troops closer to the invasion corridors from East Germany. The Federal Republic also has refused to train and equip an additional 80,000 reservists to help defend its territory should American soldiers be redeployed for Southwest Asia duty. NATO's agreed to increase in infrastructure funding was only about half the amount recommended by the alliance's military committees and supported by the United States.

NATO's most disturbing burdensharing development was the persistent failure by most allies to keep consistently their commitment to increase annual defense spending by 3 percent after inflation, I will comment at length about this failure in a moment.

In the case of Japan, the forceful words and leadership on defense matters displayed by the new Prime Minister, Yasuhiro Nakasone are welcome. His statements during both his initial visit to the United States last year and during the recent Williamsburg economic summit stand in bold contrast to the vague formulations about Japan's defense responsibilities usually delivered by his predecessors. However, after the disappointing increases in Japan's defense budgets during the past 4 years for which Mr. Nakasone can only be held partially responsible for one, Japan is long overdue to back up her commitments with the commensurate financial resources. The magnitude of the forces Japan needs to develop to fulfill its 1,000-mile self-defense commitment is substantial. Unless Mr. Nakasone demonstrates a recognition of this by providing significant real increases in defense spending in 1984 and succeeding years—increases averaging 10 to 12 percent in real terms—the American people will be forced to conclude there is no difference between the new Prime Minister and his predecessors, and that Japan remains a nation unwilling to meet its solemn, sovereign commitments.

I also will address Japan's dismal burden-sharing performance, and the magnitude of the security tasks before it.

NATO'S 3-PERCENT COMMITMENT

Since 1978, when the 3-percent commitment was undertaken by the heads of government of NATO member nations, only the United States and Luxembourg have kept that promise each year. Three of NATO's richest nations—Denmark, Norway, and Belgium—have never achieved such annual real growth, and in any 1 year, at least half of the NATO membership has failed this basic test of political and military will.

Moreover, latest information from the Defense Department in testimony and in the 1983 burden-sharing report shows a deteriorating trend. The weighted average increases for all non-U.S.-NATO nations combined has steadily declined annually since 1981 and is expected to reach a new low; 2.2 percent in 1979, 2.7 percent in 1980 and 1981, 1 to 1.6 percent in 1982, and 0.7 to 1 percent in 1983. Besides those relatively prosperous nations already mentioned, the Federal Republic of Germany and the Netherlands showed particularly poor defense spending efforts in 1982.

This unhappy situation must be changed. In this regard, I should like to underscore the recent statements of U.S. Assistant Secretary of State for European Affairs, Richard R. Burt:

> * * * Europeans cannot choose when they wish to enjoy the fruits of alliance and when they do not. There is room for disagreement and difference within the alliance but not for selective commitment.

JAPAN'S COMMITMENT AND THE TASK BEFORE HER

Japan's extremely disappointing burden-sharing performance has been highlighted by particularly strong testimony before our Armed Services Committee and by unsettling information contained in the latest version of the burden-sharing report.

Simply quoting this testimony and appropriate excerpts from the burden-sharing report can leave no doubt in the mind of any American or Japanese citizen, that Japan has failed to meet even its earlier commitments under the Treaty of Mutual Cooperation and Security, to say nothing of how much it must improve its present forces just to be able to carry out the 1,000-mile air/sea lane defense policy.

As it has in each of the two previous reports, the Defense Department declared:

> Japan, the non-NATO country included in this report, ranks last or close to last on all the ratio measures surveyed and, thus, quite clearly appears to be contributing far less than its fair share.

For the first time, the report contains a severely critical assessment of Japan's past and present defense efforts, including the fact that that nation's adequate self-defense goal has never been achieved, even though it was formally adopted as national policy 27 years ago:

> Despite sometimes impressive annual growth-rate in defense spending (almost 8 percent average real growth rate in the 1970s and at least 3 percent real growth in the 1980s), Japan started from a very low base and has never been willing to address defense expenditures from the point of view of actual requirements. The 1983-1987 Mid-Term Defense Plan (MTDP) is a good example. Japan's Ground Self-Defense Force has obsolete equipment. Its Ground, Maritime and Air Forces all have only token levels of ammunition, making them unable to sustain themselves in combat and therefore unable to defend Japanese territory against any serious incursion. The Air and Maritime Forces are too small to provide for defense against the large air threat which proximate Soviet Far East Forces pose and to protect the sea-lanes to 1,000 miles, respectively. The latter mission was put forth by Prime Minister Suzuki as national policy in 1981 and has been reaffirmed as such by his successor.
>
> Until the advent of Prime Minister Nakasone's Cabinet in late November 1982, the government of Japan maintained that the MTDP would allow Japan to accomplish the goals of the 1976 National Defense Program Outline (NDPO). Any plan for review of that program's adequacy was denied. Ironically, the MTDP itself states that the world situation has greatly changed since 1976 and the international situation has seriously worsened. The 1976 NDPO did not address the serious issue of sustainability of Japan's defense forces; the requirement for sea-lane defense protection, and has otherwise also grown seriously out of date. The new Prime Minister has clearly affirmed the Japanese people's strong concern over the growing Soviet threat, whereas his predecessor shied away from doing so, less Japan be compelled to act.
>
> The goal of adequate self defense was formally stated as Japan's national policy in 1956, but is yet to be achieved.

Separate testimony before our committee by senior U.S. civilian and military officials confirmed that, despite previous positive-sounding declarations from the executive branch, Japan's present self-defense improvement plans are hopelessly out-of-date and its 1982 and 1983 defense budget increases "were disappointing, despite their relatively large size compared to the increases of other Japanese ministries and agencies." After delivering the preceding evaluation, Assistant Secretary of Defense (International Affairs) Richard Armitage said this about the current Japanese 5-year defense plan:

> The 1983-1987 Mid Term Defense Plan aims to accomplish the goals of the 1976 National Defense Program Outline which the U.S. judges to be outdated. The 1983 budget puts the Defense Agency behind schedule in achieving the 1976 levels. The 1983 budget does create slightly larger force levels, but the rate of progress is not adequate.

The commander-in-chief of all U.S. air, land, and naval forces in the Pacific region, Adm. Robert Long, USN, confirmed to the committee that Japan's 1983 defense budget increase actually represented the following negative developments:

Procurement of fewer F-15's for homeland air defense than were in both the 1982 and 1980 Japanese defense budgets, when an even lower percent of a lower GNP was devoted to defense;

Fewer major aircraft procured than in both 1980 and 1982; and

Lowest number of ships to be procured in the last 4 years.

After reviewing these statements, it is clear that Japan should accelerate its efforts to increase its contributions toward the common defense and to de-

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velop the self-defense capabilities to keep its 1,000-mile commitment by deploying fully sufficient forces by 1990, at the latest.

As Assistant Secretary Armitage, stated, "Significant budget increases would be necessary to achieve the requisite capability by 1990." Japan would have to increase defense spending annually by about 10 to 12 percent after inflation for the remainder of this decade to accomplish this necessary task. Such increases would raise the portion of Japan's gross net product devoted to defense from 0.9 percent now to well over 1.5 percent annually. To achieve the capabilities to defend the air and sea lanes out to 1,000 miles, Japan would have to add the following, and other, forces to its present forces and to those improvements contained in the now-outdated 1976 program:

What Japan needs to add to achieve capabilities to defend self and sealanes of communication out to 1,000 miles—to present forces as to 1976 program:

Three to four squadrons with about 100 more F-15's as to same.

Six to eight squadrons with about 200 more F-15's as to same.

Two squadrons with 8 to 10 AWACS equivalent aircraft and 10 to 14 KC-10 equivalent tankers as to half this capability.

Three to four squadrons with 60 to 90 jets as to same.

Three to seven SAM groups with/improved HAWK and Patriot missiles as to same.

Ten to twelve subs or 8 to 10 subs.

About 20 frigates or destroyers as to frigates/destroyers.

About 130 high performance P-3C aircraft to replace entire existing force as to about 50 P-3C's.

Twenty-five thousand active plus about 30,000 reservists as to same.

Thousands of tons of ammo. Thousands of mines torpedoes, air-to-air missiles.

Mr. President, it is time for the executive branch to better delineate the direct role U.S. forces stationed in Japan have in the defense of that nation's territory, as opposed to the role these forces play in helping defend other Asian nations whose security is viewed as important to the United States. Congress should gain a better understanding of whether possibilities exist to limit the growth in the deployment of U.S. forces to Japan without negatively affecting our own security and that of other Asian nations allied to the United States. Congress should begin focusing, in the future, on the question of whether the force levels in Japan are appropriate for defending U.S. interests or whether they are contributing more to defending Japan alone than to maintaining our mutual security interests.

The patience of American taxpayers toward Japan's continued failure to contribute equitably to the common defense has been stretched close to the breaking point. The Senate's unanimous approval late last year of Senate Concurrent Resolution 46, which I authored, is a prime example of this. I hope that annual Japanese defense budgets reflect a recognition of this before more drastic legislative proposals are forthcoming.●

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders are recognized under the standing order, that there be special orders granted to the Senator from Washington (Mr. Gorton), and the Senator from Pennsylvania (Mr. Specter) for not to exceed 15 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SMALL BUSINESS ACCESS TO FEDERAL PROCUREMENT INFORMATION — CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on S. 272 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 272) to improve small business access to Federal procurement information, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of June 23, 1983.)

Mr. WEICKER. I am delighted that the Senate is today considering the conference report to S. 272, and I would like to congratulate Senator Pressler on bringing this bill to this point. This is his first bill as a member of this committee, and I compliment him on the fine work he has done in its behalf.

Briefly, the purpose of the bill is to improve small business access to Federal procurement information by changing the procedures for advertising in the Commerce Business Daily (CBD). S. 272 seeks to guarantee small business contractors their fair share of the Federal procurement dollar by establishing statutory time limits for publishing advance notice of government contracts and for bidding on them. This legislation also revises many of the current law exemptions from advertising in the CBD and addresses a longstanding need to make sole source contracting a more accountable process.

Mr. President, I would like to take this opportunity to point out the key differences between the Senate-passed version of S. 272 and the conference report on the bill. Let me just say, that while the bill does differ in several areas, the major provisions of this legislation are still the same. I wholeheartedly support the conference package before us today and urge my colleagues to do the same.

S. 272 basically restates existing law (Section 8(e) of the Small Business Act) concerning the publication of proposed procurement actions in the CBD. That law empowers the Secretary of Commerce to obtain and publish all proposed competitive and noncompetitive procurements for property, supplies, and services.

The House conferees receded to the Senate language which establishes a uniform threshold of $10,000 for such notices. Current law requires that military procurements in excess of $10,000 be synopsized, while the threshold for publication of civilian procurements has been $5,000 and over. The conferees believe that $10,000 is a proper threshold, but that any higher threshold would be totally unacceptable.

The Senate Committee on Small Business has created an extensive record on this issue. At three separate hearings, small business representatives were united in opposition to any increase of the synopsis threshold beyond $10,000. This continues to be the case.

Although it is true that the small business purchase threshold was recently raised by Congress to $25,000, this does not necessarily mean that the CBD threshold must follow. Some contracts in the range of $10,000 to $25,000 are precisely the ones on which small contractors can best compete, and since small purchase procedures are generally noncompetitive, it is critical in my opinion that all small contracts be advertised to promote more small business involvement in the procurement process.

Mr. President, the Senate conferees agreed to recede to existing law (the

House position) with slight modifications relating to exemptions from synopsis for utility services on a more limited bias and various types of orders against existing contracts. The House agreed to maintain the Senate provisions deleting current law exceptions from advertising professional and personal services.

The conferees then agreed to modify the existing law exemption for advertisement of procurements made to educational institutions by retaining the exception only for unsolicited sole source contracts that demonstrate a unique or innovative research concept. Language in the report of the conferees also directs Federal agencies to use their discretion to protect the originality of thought and innovativeness of unsolicited proposals submitted from other sources, especially small research and development firms. Awards made pursuant to the Small Business Innovation Development Act of 1982 are also exempt from the notice provisions of S. 272.

For all procurement notices not eligible for one of these exceptions, the legislation establishes two time periods for advertising and bidding on Federal contracts. Specifically, the bill prohibits a Federal department, agency, or establishment from issuing a solicitation for at least 15 days after the date of publication of the synopsis in the CBD. For contracts categorized as research and development procurements, this 15-day period is extended to 30 days.

Mr. President, S. 272 then provides that the Federal Government may not foreclose competition for an additional 30 days after either the issuance of the solicitation or—in the case of basic ordering agreements—the date of publication of a notice or intent to place the order. In the case of sole source contracts, the legislation provides that the procuring entity cannot begin negotiations for the award of the contract until at least 30 days have elapsed from the date of publication of a proper notice of the intent to contract. The conferees, however, have made it very clear that this particular provision in no way prohibits an agency from responding to individual requests for information about the procurement.

Mr. President, unlike the House-passed version of the legislation, the Senate-passed bill contained a provision relating to the content of CBD notices. The conferees elaborated on the requirements by stipulating that agencies must include the name, address, and phone number of the Federal employee who may be contacted to obtain a solicitation. The conferees also agreed to require agencies to include a statement saying that for sole source contracts, interested parties are invited to state their interest or to submit proposals within the timeframes established by this legislation. I believe that this provision will help make the notice procedures more accountable and provide small business owners with accurate information about individual contracts.

Mr. President, perhaps the most discussed provision of the bill is that relating to the award of sole source contracts. In response to concerns expressed by several departments and other congressional committees, the conferees agreed to increase the original dollar threshold over which sole source procurements must be approved by the head of a procuring agency. The original threshold of $100,000, offered by Senator Levin—the provision's sponsor, was increased in conference to $1 million for the first year, $500,000 for the second year, and $300,000 for the third year. The purpose of this compromise is to allow agencies time to phase in this sole source approval process, which the conferees firmly believe will make the sole source award process a far more accountable one. The conferees wish to make it clear, however, that this entire process will be reviewed after 3 years to ascertain if the original $100,000 mark is a realistic and perhaps better goal.

The conferees also agreed to a somewhat higher threshold for the postaward notice provisions in the bill. Unlike the synopsis requirement of $10,000, the committee believes that the requirement to publish notice of possible subcontracting opportunities is better set at $25,000 than $10,000. There are not many contracts between the $10,000 and $25,000 range that offer subcontracting opportunities. Again, let me emphasize, however, that in no way would I or the conferees consider a threshold over $10,000 for the original notice requirements.

Finally, the conferees agreed to exempt the Tennessee Valley Authority (TVA) from the provisions of the legislation only insofar as its procurements are made from ratepayer moneys. Contracts procured from federally appropriated funds will be covered by all of the provisions.

Mr. President, this concludes my brief description of S. 272 as agreed to by the conferees. I am extremely pleased that we are at the final stage in passing this much-needed legislation. Again, I thank my colleagues on the Senate Small Business Committee as well as my good friends on the House Committee for helping to make this bill a reality for the thousands of small business contractors who will benefit from it.

Mr. BOSCHWITZ. Mr. President, I rise in support of the conference report on S. 272—legislation which will improve the ability of small business to compete for Government contracts. I am proud to be a cosponsor of S. 272, and commend my colleagues on the Small Business Committee for the prompt action on this bill. As a conferee, I am particularly pleased with the leadership of the chairman of the committee and the ranking minority member in guiding this bill through conference.

We are all aware of the importance of small business to our national economy, and the competitive ability they bring to producing the goods and services that the Government buys. The Federal Government is a big buyer of goods and services from the private sector—over $100 billion a year. About 25 percent of that goes to small businesses. The primary way Government advertises its procurement contracts is through its publication, the Commerce Business Daily.

The Commerce Business Daily is used extensively by both large business contractors and small business contractors. Because of their greater resources and sophistication, big businesses are better able to respond to solicitation notices in the Commerce Business Daily in a timely manner. Small businesses, on the other hand, are often unable to prepare and submit timely bids for Government procurement contracts.

This legislation will provide small businesses better access to Government contracts in two ways. First, the bill requires agencies to advertise more contracts in the Commerce Business Daily. Under current law, agencies have used a number of broad exemptions as reasons for not advertising contracts in the Commerce Business Daily. This bill limits those exemptions, thus requiring agencies to advertise contracts unless they are:

First. Classified for national security reasons;

Second. Contracts for utilities;

Third. Contracts with another agency or where a mandatory source of supply is required by law;

Fourth. Contracts where the head of the contracting agency and the Administrator of the Small Business Administration both agree that advertising is not appropriate;

Fifth. Contracts that must be awarded because of an ususual and compelling urgency;

Sixth. Contracts for perishable goods;

Seventh. Contracts for research and development that have been awarded to small businesses under the small business innovation bill passed in 1982; and

Eighth. Contracts where foreign suppliers are required and specified by the terms of an international agreement or treaty.

I believe these exemptions are narrow enough to give small businesses better access to Government contracts. In my view, the narrow exemption for foreign suppliers is a great im-

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provement. Under current law, advertising these contracts was not required if the agency only asked foreign suppliers to submit bids. When the Small Business Committee considered the bill, I offered an amendment to eliminate this exemption which I am pleased to say the committee adopted.

In the conference, we agreed that contracts with foreign suppliers do not have to be advertised if an international agreement or treaty required that the contract be awarded to foreign suppliers. As a result, the decision to award U.S. contracts to foreign suppliers has been raised to the level of an agreement between two governments—instead of a decision by an agency.

In addition, the legislation requires that all contracts over $25,000 be published if there are potential subcontracts. So, small businesses will benefit by the mere fact that their contracts with foreign suppliers will be published. Small businesses will have greater knowledge of Government contracts and the opportunity to identify potential subcontracts. Small businesses, not a Government agency, will decide whether the contract is worth pursuing. And, perhaps most important, small businesses will have the basic information necessary to challenge the propriety of contracts with foreign suppliers.

Second, small businesses will have a better chance to overcome the difficulties and complexities of Government contracts.

This legislation provides small business contractors the opportunity to submit timely bids. Small businesses will have 15 days to request copies of contracts advertised in the Commerce Business Daily. Small businesses then have an additional 30 days to submit their bid on a particular contract. In addition, it will be harder for agencies to award sole source contracts—without competitive bidding.

This legislation will allow small businesses a better opportunity to compete for Government contracts. As a result, small businesses will benefit by improving the market for their products and services, while the Government should realize a savings through increased competition for their contracts. I join my colleagues on the Small Business Committee in urging the Senate to adopt the conference report.

Thank you, Mr. President.

Mr. PRESSLER. Mr. President I am very pleased that the Senate is considering the conference report on my bill, S. 272, today. I believe this bill will provide important assistance to small businesses seeking Government contracts.

Small businesses account for approximately 90 percent of all businesses in this country, yet they receive only a quarter of all Government contracts. I believe that the changes resulting from my bill not only will benefit small businesses by expanding Federal procurement opportunities, but the increased competition will benefit American taxpayers as well.

The problem for small businesses is not that they cannot compete with larger businesses, but rather that they are too often denied the opportunity to compete altogether.

My legislation addresses three problems which have plagued small businesses attempting to bid on Government contracts. Small businesses depend heavily on the Commerce Business Daily (CBD) for news of available contract opportunities. Yet, small businesses, particularly in States like South Dakota, often have received notice of these opportunities after it is too late for them to bid. My legislation will increase the notice period from 10 to 15 days and the bid period from 20 to 30 days. These changes will allow small contractors adequate time to prepare their bid documents.

Second, bid information in the CBD has often been incomplete or inaccurate. My legislation will expand the reporting requirements and will mandate that the name and address of a contact person in the procuring agency be included for further information or questions.

Finally, more Government contracts will be advertised in the CBD as a result of my legislation. Currently, exemptions to the advertising requirement are loosely written and are seriously abused by procuring agencies. With tighter exemptions, small businesses will be notified of many more contracting opportunities.

I think these changes can be handled by Federal procuring activities. It will place on them certain added responsibilities. But in the long run, it will ensure that Federal procurement is conducted in a much more effective manner.

As a new member of the Senate Small Business Committee, this is my first piece of legislation reported out of the committee and passed by the Senate. I want to thank Senator Weicker and his staff for their excellent assistance. I think it is an important piece of legislation and I hope my colleagues will join me in supporting it.

Mr. NUNN. Mr. President, I rise in support of the conference report on S. 272, a bill to amend the Small Business Act to improve small business access to Federal procurement information, and urge its adoption.

This is the second Congress that the Senate Small Business Committee has reported legislation amending the requirements of the Small Business Act relating to the notice of procurement required in the Commerce Business Daily. I believe this legislation is necessary to increase the opportunities for competition for the $150 billion spent annually in purchases of goods and services by the Federal Government. It is my expectation that, as a result of this legislation, competition for those procurements will increase, the Federal Government will get a better product at a better price, and the American taxpayer will see direct savings resulting from the Federal contracting process.

Mr. President, I want to compliment the chairman of the Senate Small Business Committee, Senator Weicker, for his leadership on this important matter for the past 2 years. In addition, Senator Levin has been working tirelessly within the Small Business Committee, as well as within the Senate Armed Services and Governmental Affairs Committees, as an advocate for competition and for increasing the opportunities for small business participation in Federal procurement.

The requirement for publication of the Commerce Business Daily was begun in 1961. Under the law, the Secretary of Commere is directed to obtain information from each of the Federal procuring agencies on procurement actions that exceed a stipulated dollar threshhold. Working with the Government Printing Office for the production of the document, the Department of Commerce publishes this daily report on millions of dollars of Federal procurement opportunities that are open for competition.

This daily report has been very useful to the precurement community as the only regularly available, and reasonably priced, source of information on upcoming Federal procurements. Regrettably, the law has never been amended to take into account the rapidly expending Federal procurement effort, or the changes in contracting that have taken place since the first Commerce Business Daily issue was published in 1961. In my judgment, the amendments to the Commerce Business Daily that we have provided for in this conference report will fully meet the needs of the Federal procurement agencies in obtaining quality goods and services on time, and will greatly increase the likelihood that more small businesses will be able to compete for Federal contracts.

Mr. President, I believe that the statement of managers accompanying the conference report, and the statement by Chairman Weicker in his opening remarks on this conference report, fully explain the changes that have been made to this legislation in conference. I did want to highlight just a few of the more important issues from my perspective.

The first issue that I would highlight is the time periods in the bill. Time after time, contractors and potential contractors complain about the

Federal procurement system; its complexities and regulations; its paperwork and detail. Certainly, a considerable amount of information is necessary for the procuring agency to insure that it is getting the product or service asked for, and that the potential contractor is fully complying with the various Federal statutes which have become an integral part of the Federal procurement process. However, for those thousands of Federal contractors who do not ~~have~~ Washington representatives, and must rely on the Commerce Business Daily as their prime, if not only, source of information, the present law is silent on the amount of time that contractors should have to learn of these procurement requests. Current Federal regulations do not provide much greater relief.

The notice requirements that we have established in this legislation are designed to insure that there is an equal and reasonable opportunity for all who are interested in doing business with the Federal Government to learn of the existence of Federal contracting opportunities, and have adequate time to collect the information and prepare the response to the Government notice of procurement opportunity in a timely fashion.

Time after time, procurement after procurement, General Accounting Office report after General Accounting Office report, we have documented instances where there is a preference to continue working with previous prime contractors, or a preference for relying on the large business against the small business, when neither proposition is justified by the facts of the specific procurement. These provisions will increase the market search for the Federal Government, provide information to potential contractors that the Government does buy a particular good or service, and may stimulate new entrants into that area of Federal procurement.

The second item of interest to me is the requirement for a more careful review of the authority to enter into sole-source contracts, and to insure that there is a process by which interested potential contractors can let the contracting officer know that there are others who have the interest and capability to meet the Government's needs.

This amendment was first adopted in our committee last year through an amendment Senator Levin and I offered. The Senator from Michigan has done a considerable amount of work on this important issue with us in the Senate Small Business Committee during the past 2 years. I believe that the results of those efforts will show a measurable decrease in the number of contracts that will be awarded on a sole-source basis without meaningful competition, but at the same time not unduly burdening procurement officials or delaying the procurement process.

According to information provided by the Federal Procurement Data Center, the executive branch entity which keeps track of procurement statistics, in fiscal year 1982, the Federal defense agencies spent almost $62 billion in sole-source awards, through a total of over 19,000 individual contracts; $58.6 billion was spent using just over 4,500 contracts in excess of $1 million. In the civilian agencies for fiscal year 1982, over $15 billion was awarded in sole-source contracts, with more than $14 billion awarded in a mere 827 contracts in excess of $1 million each.

The framework that we have established in this legislation for review and approval by senior level policy officials of the authority to enter into a sole-source contract on these major contracts is fully justified. In fact, the Senate has twice previously approved a more stringent version of this provision.

The improvements that the legislation makes in the treatment of exemptions from publication, in the establishment of minimum time periods between notice of procurement opportunity and the distribution of solicitations, and between soliciation and bid opening, accommodates the legitimate requirement that Federal agencies use the Commerce Business Daily as a means of meeting their procurement needs, while improving the Commerce Business Daily as a resource tool for the private sector contracting community.

With respect to the treatment of perishable subsistence, these purchases are not generally made by issuing orders under requirements or similar contracts by the Defense Department's Defense Logistics Agency, but rather by individual competitive purchases. DLA already provides an extensive outreach to the marketplace to insure the greatest competition for its purchases—and small business does provide a considerable share of DLA's requirements. In my view, any individual procurement action for perishable subsistence supplies in excess of $10,000—the statutory threshold for publication in the Commerce Business Daily—would be justified in relying on the exemption from publication under the proposed exemption for unusual and compelling urgency.

Mr. President, this legislation has been considerably strengthened from the version that passed the Senate last February. I regret that it has taken this long to bring back a conference report on it, but I believe the results fully justify the wait. The bill will increase the usefulness of the Commerce Business Daily to the entire procurement community. The bill will greatly increase the opportunities for small business participation in the Federal procurement process. The bill will help to reduce unnecessary sole-source contracting. The bill should save precious Federal dollars committed to the procurement process.

For all of these reasons, Mr. President, I urge my colleagues to support this conference report, and to assist in getting this legislation enacted quickly into law.

Mr. LEVIN. Mr. President, as a cosponsor of S. 272, I am pleased to rise in support of the conference agreement on the bill. This bill, with its provisions for publication of notice in the Commerce Business Daily of all Federal Government procurement actions, will enhance the present procurement process for both the Federal Government and for small business. From my vantage point on the Governmental Affairs Committee and the Senate Armed Services Committee, I have studied the procurement laws of both the Department of Defense and the civilian agencies, and as a member of the Small Business Committee I have become keenly aware of the fervent desire of thousands of businesses in this country simply to be able to compete for Government contracts. I have been involved in trying to find some way to inject more competition into all Federal Government procurements.

The publication and increased notice requirements in S. 272, combined with restrictions making it more difficult to award Government contracts on a sole-source basis, should result not only in more small business participation in Government procurement, but should result in lower prices for goods and services bought for the use of the Government.

In addition to two basic notice provisions there are two provisions in the bill related to sole-source procurements which I offered last Congress. First is a requirement that whenever an agency intends to award a sole-source contract, that agency must first comply with a 30-day notice of the impending awards and an opportunity to submit a bid to the appropriate contracting officer in the agency.

I have been fighting for this provison for years, along with Senator Cohen and Senator Nunn. It is a critically needed amendment.

For instance, in fiscal year 1982, Federal Government contracts worth $159 billion were awarded. Yet only 37 percent of this amount was awarded competitively; 63 percent or some $100 billion worth of Federal Government contracts were awarded on a sole-source basis. This amendment should help reduce the amount of wasteful, sole-source, noncompetitive contracts.

Second, whenever the value of the sole-source contract is over a certain threshold it must be approved by the

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head of the procuring activity in the agency.

The conference committee compromised on a threshold for sole source contract approval of $1 million for the first year after enactment of the bill, $500,000 in the second year, and $300,000 in the third year. After that time the conferees have reserved the right to review the $300,000 permanent threshold with an eventual threshold goal of $100,000, the threshold contained in my original amendment and the Senate-passed version.

These two provisions, combined with the expanded notice provisions for sole-source awards, should work to decrease the number of sole-source contracts granted in the future.

Mr. President, I commend Senator Pressler for reintroducing this bill and Senator Weicker, as chairman of the Small Business Committee and Senator Nunn as ranking minority member for guiding this bill along for two consecutive Congresses. I think the Small Business Committee, and the small business community in general is fortunate to have their leadership and wisdom. In addition, the committee staff of Senator Weicker and Senator Nunn have been most helpful. I also want to thank my colleague on the Governmental Affairs' Subcommittee on Oversight, Senator Cohen for his excellent work on this legislation.

Mr. STEVENS. I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move that the Senate disagree to the House amendment to the title.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SMALL BUSINESS ACT AMENDMENTS—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on S. 273 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 273) to amend section 8(a)(1) of the Small Business Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of June 23, 1983.)

Mr. WEICKER. Mr. President, I am pleased that the Senate is today considering the conference report on S. 273. It reauthorizes two Small Business Administration minority business development pilot programs: specifically, the 8(a) pilot procurement program and the pilot surety bond waiver program. Both programs expired in September 1981; the conference report would reauthorize them until September 30, 1985.

Under the regular 8(a) program, certified minority and disadvantaged small businesses are eligible to receive contracts offered by participating Federal agencies. The pilot program, however, gives the SBA the additional authority to go in and select contracts for 8(a) firms from among all of those offered by a Federal agency. The concept of the pilot program is to give the SBA greater say in the types of contracts chosen and to allow them to select contracts not normally offered for the 8(a) program in order to develop minority businesses in areas with high growth potential. As an experimental concept, this program has been limited to only one agency within the Federal Government.

Mr. President, the bill as passed by the Senate required the President to designate a civilian agency to participate in the program within 60 days of enactment, and it authorized the program for 20 months. The House bill would have extended the program for 2 years, beginning on October 1, 1983, and would not have limited the agencies from which the President could select. The compromise agreement reached in conference held to the Senate language on the matter of a civilian agency, accepted the 2-year authorization asked for by the House. The operative dates for the authority are from October 1, 1983, to September 30, 1985. Conferees agreed that this will allow the Congress time to examine the effectiveness of the pilot concept in a civilian agency.

The second pilot program, the surety bond waiver program, is also extended by the conference report. The Senate bill contained no language for extending this program. However, the House bill did. Under this authority the Administrator of SBA can waive surety bond requirements for 8(a) contractors in cases where the firms are startup businesses, which have not been participating in the 8(a) program for more than 1 year. During the program's initial 3-year authorization, the administration was slow to issue final regulations and the program was never, in fact, implemented. With this extension of the program Congress will have an opportunity to evaluate the effectiveness of this program in meeting the goal of developing minority contractors' businesses.

As some of my colleagues may be aware, last December 17 in a ceremony at the White House, President Reagan issued a statement on this administration's plans for promoting minority business development. In that speech he set a goal of $15 billion in Federal procurements of goods and services from minority businesses over the next 3 fiscal years. I understand that very soon he will issue an Executive order which will establish the framework for achieving these and other laudable goals set forth in his December statement. While these two pilot programs have limited scopes, they can be valuable tools for enhancing the skills of minority businesses and thus, will go far in aiding this administration to reach its goals.

Mr. President, I urge my colleagues to support the passage of this conference report.

8(a) PILOT EXTENSION

Mr. NUNN. Mr. President, I rise in support of the conference report on S. 273, a bill to amend section 8(a) of the Small Business Act, and urge its adoption by the Senate.

Mr. President, in February the Senate passed this legislation by voice vote. That bill extended a pilot procurement program giving the Small Business Administration authority to select contracts from another Federal procuring agency for use in SBA's 8(a) minority business development program.

Under the regular 8(a) program, procuring agencies are voluntarily permitted to contract with the Small Business Administration for their procurement needs; SBA is then given explicit statutory authority to subcontract that work to minority businesses which are determined by SBA to be eligible for participation in the 8(a) program. Under the 2-year pilot authority first enacted in 1978 in Public Law 95-507, and in 1980 extended for an additional year in Public Law 96-481, the Small Business Administration was given the authority to select contracts for a Presidentially designated agency for subcontracting under the 8(a) program to qualified participants. In 1978, the President chose the Army as the designated pilot agency.

Mr. President, the Small Business Committee has carefully reviewed the progress that SBA and the Army made in carrying out this pilot program. While I am a strong supporter of the regular 8(a) program, I believe that the 3-year test of this authority demonstrated that it was not in the best interest of the 8(a) program, or of the Army's procurement effort, to shift the authority for selecting contracts for the 8(a) program from the procuring agency itself to the Small Business Administration.

However, SBA Administrator Sanders, in his testimony before the Senate Small Business Committee earlier this year when we considered S. 273, was emphatic that he believed that the problems with the earlier pilot program would not be repeated, and he asked the committee, and the Congress, for an opportunity to operate the pilot program under his leadership.

With the inclusion of specific language in the Senate bill that the pilot program would be continued for another 18 months, but only in a nondefense agency, the bill was reported by the Small Business Committee, and passed the Senate on a voice vote.

The conference report that we are considering today continues the prohibition on the President's selection of a defense agency for the implementation of this extension of the 8(a) pilot program. Furthermore, it would be my expectation that the SBA Administrator would first work with the designated agency to increase the number, and change the nature of, the contracts that are voluntarily offered by that agency to SBA. Only then should the Administrator judiciously use his authority, if at all, to select a contract from the designated civilian agency.

However, there has been some uncertainty about the purpose of the 8(a) pilot program. Repeated testimony indicates that the program is to be an addition to the regular 8(a) program, not a substitute for it. It is my view that the Small Business Administration should limit the use of the authority in this pilot procurement program to technically sophisticated procurements not traditionally offered by the designated agency through the regular 8(a) program.

I believe that the timeframes established in this bill for the designation of the agency to participate with SBA in the pilot program, and the duration of the experiment, should clearly and finally determine whether Congress should permit this method as an appropriate way for the Small Business Administration to obtain contracts for the 8(a) program.

In addition, this conference report extends an additional pilot program on surety bonds that was established in 1978. Under that law, the Small Business Administration was given authority to waive a surety bond that may be required on a Federal contract for certain participants in the 8(a) program. In the 3 years that this program authority was in force, the Small Business Administration did not waive a single surety bond for an 8(a) contract. The failure to waive any bonds was caused in part by the Small Business Administration's delay in establishing rules and regulations for the pilot program. There was a disagreement within the agency itself as to which division, minority small business or surety, had responsibility for this program.

This provision was not in the bill that passed the Senate in February, but this provision has been included in the conference report.

Again, Mr. President, it would be my expectation that the Small Business Administration would carefully establish the procedures and safeguards under which this pilot authority may be used, and would be very careful in selecting those instances where the authority to waive a surety bond for an 8(a) contractor is invoked.

Mr. President, I urge my colleagues to adopt this conference report.

Mr. LEVIN. Mr. President, I would also like to say a few words in support of the conference agreement on S. 273, the Minority Small Business Pilot Procurement Act of 1983. Under this agreement, the SBA's 8(a) pilot procurement program would be reopened for an additional 2 years beginning October 1, 1983. It would further require the President to designate a new Federal agency, other than the Department of Defense or a component thereof. However, in keeping with an amendment I offered in the Small Business Committee, the conference agreement would require the President to designate that agency within 60 days of enactment. This should provide SBA and the newly designated agency with a limited amount of time to develop an interagency agreement setting forth the formal terms for the joint implementation of the program prior to the October 1 starting date, and thereby avoid a repetition of the difficulties that shortened the duration of the original pilot program with the Department of Army—the first Federal agency designated by the President.

In closing Mr. President, I believe the conference agreement is a good one. It will provide the SBA with another opportunity to test its ability to select and negotiate contract requirements with a newly designated Federal agency, other than one within the Department of Defense. I urge Senate passage.

Mr. STEVENS. Mr. President, I ask for the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1983

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar No. 219, S.1341.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1341) to revise and extend the Education of the Handicapped Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1436

(Purpose: To provide for a by-pass for handicapped children enrolled in private elementary and secondary schools)

Mr. BYRD. Mr. President, on behalf of Mr. Eagleton, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. Byrd), on behalf of Mr. Eagleton, proposes an amendment numbered 1436.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, between lines 9 and 10, insert the following:

BYPASS PROVISION

Sec. 4. Section 613 of the Act is amended by adding at the end thereof the following new subsection:

"(b)(1) If a State educational agency is prohibited by law from providing for the participation in special programs for handicapped children enrolled in private elementary and secondary schools as required by subsection (a)(4), the Secretary shall waive such requirement, and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a)(4).

"(2)(A) When the Secretary arranges for services pursuant to this subsection, the Secretary shall, after consultation with the appropriate public and private school officials, pay to the provider of such services an amount which may not exceed the amount provided per child to all handicapped children enrolled in the State for services for the fiscal year preceding the fiscal year for which the determination is made.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

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"(C) Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer by any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(4).

"(3)(A) The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least forty-five days after receiving written notice thereof, to submit written objections and to appear before the Secretary or his designee to show cause why such action should not be taken.

"(B) If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A) of this paragraph, it may within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(C) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) Upon the filing of a petition under subparagraph (B), the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.".

Redesignate the succeeding sections accordingly.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1436) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1437

(Purpose: To make a technical correction in the bill)

Mr. STEVENS. Mr. President, on behalf of the Labor Committee, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. Stevens) proposes an amendment numbered 1437.

On page 2, between lines 6 and 7, insert the following:

(c)(1) Section 604(a) of the Act is amended by striking out "Office" and inserting in lieu thereof "Department".

(2) The fourth sentence of section 604(b) of the Act is amended to read as follows: "The Secretary shall transmit each such report, together with such comments and recommendations as the Secretary may deem appropriate, to the Congress.".

Mr. WEICKER. Mr. President, today I am very pleased to recommend to my colleagues passage of S. 1341, Education of the Handicapped Act Amendments of 1983.

This legislation is the result of 2 days of hearings held earlier this year by the Subcommittee on the Handicapped. Throughout these hearings the necessity of maintaining and improving special education support and demonstration activities was fully established and I am pleased to report, Mr. President, that S. 1341 was reported unanimously by both the Subcommittee and the Labor and Human Resources Committee.

In addition to extending the life of these discretionary programs for 3 years, the amendments expand the range of children served, both in terms of age and type of disability. Provisions are made for intervention beginning at birth under the preschool and early childhood programs, while postsecondary programs are broadened to include all disabilities.

A new demonstration activity dealing with the critical transition from school to employment has been established and the need to train parents to participate in their children's special education has been emphasized.

Federal data collection and evaluation responsibilities are strengthened and provisions for reporting to the Congress are improved. Overall authorizations have been increased to account for inflation both for special education and the special institutions such as Gallaudet College and the National Technical Institute for the Deaf.

More than 4 million disabled youngsters are receiving services under our Nation's special education law. The law focuses on these youngsters' abilities and seeks to develop them fully. The education of the handicapped amendments will continue these services, improve them and at the same time give new opportunities for us to learn how these services can be further strengthened.

I ask, Mr. President, that the technical amendments to S. 1341 be accepted with the bill as well as an amendment requested by Senator Eagleton clarifying the existing passthrough provisions of the act.

I urge my colleagues to support S. 1341.

Mr. HATCH. Mr. President, I request permission to consider S. 1341, a bill to extend and revise the Education of the Handicapped Act (EHA). Although this bill deals only with section 618 and 619 of part B and discretionary programs, they are essential in guaranteeing that a comprehensive range of services are available for all handicapped children. By targeting areas that warrant special consideration, these discretionary programs complement the other provisions contained within Public Law 94-142, the Education for All Handicapped Childrens Act and allows successful implementation of the statute.

S. 1341 as approved by my Labor and Human Resources Committee extends the authorization for Federal activities relating to the evaluation component of part B, the incentive program of part B and the discretionary programs of parts C, D, E, and F which includes regional resource centers, centers and services for the deaf-blind, early childhood programs, and postsecondary education program, training of personnel and parents, recruitment and information, and instructional services. The authorization level for fiscal year 1984 have been raised 5.3 percent above the 1981 reconciliation ceiling to allow for increased child count while other programs have been adjusted for inflation and other factors. For the other 2 years, authorization ceilings have been adjusted for inflation.

This legislation has recognizable bipartison support as evident by the fact that it was unanimously approved by both the Subcommittee on the Handicapped and my full committee. In addition, I remind by colleagues that a vote in the affirmative for S. 1341 is a vote for providing services to 4 million handicapped children of our Nation.

At this time, I would like to commend Senator Weicker for his efforts in initiating this legislation. His fine leadership deserves our recognition. I now yield the floor to my colleague from Connecticut.

Mr. STAFFORD. Mr. President, as a cosponsor of the education of the Handicapped Act Amendments of 1983, I wholeheartedly support the Senate passage of this legislation. Since the enactment of this landmark bill in 1975 millions of handicapped school-aged children and youth have gained access to a free and appropriate public education. The Federal mandate that this legislation represents has helped school districts around the country to provide vital services to children who were previously denied them.

The progress that has been made in the past 7 years has been noteworthy. Disparities, however, still exist. These amendments include new initiatives in the areas of early intervention, programs for secondary students, and provision of technical assistance that bring us closer to our goal.

I look with pride to my own State of Vermont, which has been a leader in providing public education services to

handicapped children for many years now. The specific programs authorized under these amendments have been particularly successful. The regional resource center located in Vermont has given invaluable technical assistance to State education agencies throughout the New England region. Similarly, the early education outreach projects have enabled special education personnel to serve handicapped preschoolers early enough in their lives to dramatically affect their future educational success.

The discretionary programs serve a unique purpose within the context of the education of the Handicapped Act. They are the vehicle through which educators are able to conduct vital research; disseminate information about successful practices and new technologies; and receive the necessary training to provide the full range of services needed by handicapped children and youth. The programs reauthorized by these amendments help to insure that services provided to handicapped students nationwide are of the highest quality.

The Federal commitment to these programs has been substantial in the past. Their success has been well documented. Our passage of this legislation today will allow them to continue in their efforts toward providing appropriate education services to all children.

Mr. DOLE. Mr. President, I rise in support of the passage of S. 1341, the extension of the Education of the Handicapped Act—Public Law 94-142. The Senator from Kansas is pleased to be a primary cosponsor of this legislation and to have had the opportunity to work with members of the Senate Committee on Labor and Human Resources on some constructive changes in part B and the discretionary programs contained in this act.

PROGRAMS EXTENDED

S. 1341 extends discretionary programs and project grants authorized under the Education of the Handicapped Act. These programs provide supplemental services to handicapped children served under part B. This includes in-service and special education training for teachers and classroom assistants. It also provides funds for regional resource centers.

About 4 million children in this country are being served by programs under this act at the preschool, elementary and secondary school levels. A new feature of this extension is that S. 1341 establishes a transitional secondary education program which emphasizes services to secondary school children in order to help them make the necessary transition to higher education or the employment world. The Senator from Kansas views this as a very positive change. Also this extension includes a change in the preschool incentive grants program that would allow children from birth on to participate in this program—the earliest age for participation now is 3 years old. There needed to be some kind of rational continuum of services, and these changes have been made.

APPROPRIATE FEDERAL ROLE

Mr. President, although primary responsibility for educational policy should remain with State and local governments, there is a need for a Federal role in the American education system. I believe that assisting States in providing educational services for children with special needs—like handicapped children and those who are gifted and talented—is an appropriate role for the Federal Government. One of the major areas for Federal responsibility lies in promoting and assuring equal access to educational opportunity for all American children. Because providing educational opportunity for children with special needs often requires special services and specialized teacher training, the Federal Government has given its support to State and local efforts to enhance educational services for handicapped children, and it should continue to do so.

CONCLUDING REMARKS

If we do not help handicapped children at the beginning stages of their lives, they will never be able to catch up to those who were born without disabilities. Dealing with these children requires a special understanding of their needs and potential, and teachers who specialize in this area are to be commended for their dedication. Through programs under this legislation, handicapped children are given the assistance they need in order to become integrated in our society—and later to participate as productive adults who have managed to overcome their handicaps through the learning process.

I commend the distinguished chairmen and ranking minority members of the Labor and Human Resources Committee and the Handicapped Subcommittee, as well as all those members who have actively participated in this program reauthorization—especially the distinguished Senator from Vermont, Mr. Stafford, and the Senator from West Virginia, Mr. Randolph. It has always been a pleasure working with these colleagues on issues affecting handicapped Americans.

Mr. RANDOLPH. Mr. President, I am pleased to support Senate bill 1341, a measure to revise and extend the Education of the Handicapped Act. The bill extends the discretionary programs of the act for 3 years through fiscal year 1986 and establishes new program initiatives to improve special education services for handicapped children.

These discretionary programs, centers, and services to meet special needs of the handicapped, training for the education of the handicapped, research, and demonstration projects, and instructional media and materials are a valuable component in the Federal strategy to assure all handicapped children an opportunity to receive a free appropriate public education. The supportive services and activities authorized by the discretionary programs undergird the State grant initiative and assist the States in their efforts to provide a free appropriate public education to all handicapped children.

I commend the chairman of the subcommittee, the Honorable Lowell Weicker, the chairman of the Labor and Human Resources Committee, the Honorable Orrin Hatch, and the other members of the committee, for their efforts on behalf of this Nation's handicapped children.

The measure before us today takes under consideration the changes that have come about in this country since the enactment of Public Law 94-142 in 1975. That landmark law established as a goal the provision of special education and related services to all handicapped children. As the years have gone by and the States have increased their capacity to provide services to these handicapped children, State needs for assistance and resources have in some instances shifted. This bill responds to the need for additional initiatives in the education of handicapped children.

Amendments have been made to the evaluation section of the Education of the Handicapped Act to focus evaluation activities more on assessing the quality of special education services being provided. In addition the measure amends the incentive grant authority to permit States to provide special education services to children from birth to 3 years of age. Changes have also been made to Part C: Centers and Services To Meet Special Needs of the Handicapped, so that resources can be targeted more effectively on the present needs of State and local educational agencies, handicapped children, and parents of handicapped children and youth. Part C also now contains a new initiative entitled "Secondary Education and Transitional Services for Handicapped Youth" which addresses the unique needs of handicapped youth as they move toward adulthood and greater independence.

Another major initiative, the parent training and information program, is established under the Part D: Training Authority. This new program is to be designed to inform and train parents of handicapped children and youth so that they may participate more effectively with professionals in meeting the special educational needs of their handicapped children and youth.

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The Education of the Handicapped Act is an important law, and the activities authorized by the act have over the years resulted in the development of many programs and services for our handicapped children. This measure will continue our efforts to provide a quality special education program to the handicapped children of this Nation.

The **PRESIDING OFFICER**. Without objection, the pending amendment is agreed to.

The amendment (No. 1437) was agreed to.

Mr. **STEVENS**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **BYRD**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **STEVENS**. Mr. President, third reading.

The **PRESIDING OFFICER**. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 1341) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education of the Handicapped Act Amendments of 1983".

ADMINISTRATIVE AMENDMENT

SEC. 2. (a) The Education of the Handicapped Act (hereafter in this Act (other than section 10) referred to as the "Act") is amended by striking out "Commissioner" wherever it appears and inserting in lieu thereof "Secretary".

(b)(1) Section 602(2) of the Act is repealed.

(2) Section 602(14) of the Act is amended by striking out "the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "the Secretary of Education".

(c)(1) Section 604(a) of the Act is amended by striking out "Office" and inserting in lieu thereof "Department".

(2) The fourth sentence of section 604(b) of the Act is amended to read as follows: "The Secretary shall transmit each such report, together with such comments and recommendations as the Secretary may deem appropriate, to the Congress.".

DESIGNATION OF AN AGENCY FOR SPECIAL EDUCATION PROGRAMS

SEC. 3. Section 603 of the Act is amended to read as follows:

"DESIGNATION OF THE AGENCY FOR SPECIAL EDUCATION

"SEC. 603. (a) There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs which shall be the principal agency in the Department for administering and carrying out this Act, and other programs and activities concerning the education and training of the handicapped.

"(b)(1) The Office established under subsection (a) of this section shall be headed by a Deputy Assistant Secretary who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services. The position of Deputy Assistant Secretary shall be in grade GS-18 of the General Schedule under section 5104 of title 5, United States Code, and shall be a Senior Executive Service position for the purposes of section 3132(a)(2) of such title.

"(2) In addition to such Deputy Assistant Secretary, there shall be established in such Office not less than six positions for persons to assist the Deputy Assistant Secretary, including the position of Associate Deputy Assistant Secretary, and such positions shall be in grade GS-15 of the General Schedule under section 5104 of title 5, United States Code.".

BYPASS PROVISION

SEC. 4. Section 613 of the Act is amended by adding at the end thereof the following new subsection:

"(b)(1) If a State educational agency is prohibited by law from providing for the participation in special programs for handicapped children enrolled in private elementary and secondary schools as required by subsection (a)(4), the Secretary shall waive such requirement, and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a)(4).

"(2)(A) When the Secretary arranges for services pursuant to this subsection, the Secretary shall, after consultation with the appropriate public and private school officials, pay to the provider of such services an amount which may not exceed the amount provided per child to all handicapped children enrolled in the State for services for the fiscal year preceding the fiscal year for which the determination is made.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates would be necessary to pay the cost of such services.

"(C) Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirement of subsection (a)(4).

"(3)(A) The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least forty-five days after receiving written notice thereof, to submit written objections and to appear before the Secretary or his designee to show cause why such action should not be taken.

"(B) If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A) of this paragraph it may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court of the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which be based his action, as provided in section 2112 of title 28, United States Code.

"(C) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) Upon the filing of a petition under subparagraph (B), the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.".

EVALUATION

SEC. 5. Section 618 of the Act is amended to read as follows:

"EVALUATION

"SEC. 618. (a) The Secretary shall collect data, and conduct studies, investigations, and evaluations—

"(1) to determine the progress of implementation of this Act, the impact of this Act and the effectiveness of State and local efforts to provide free appropriate public education to all handicapped children and youth; and

"(2) to provide Congress with information relevant to policymaking and provide the Federal, State, and local educational agencies with information relevant to program management, administration, and effectiveness with respect to such education.

"(b)(1) The Secretary shall carry out the provisions of this section directly or by grant, contract, or cooperative agreement.

"(2) In carrying out the responsibilities under this section, the Secretary shall provide to the appropriate committees of each House of the Congress and to the general public, on at least an annual basis, information concerning programs and projects assisted under the Act and other Federal programs relating to the education of handicapped children and youth, and such information from State and local educational agencies and other appropriate sources as is necessary for the implementation of the Act, including—

"(A) the number of handicapped children in each State, within each disability, by age group who require special education and related services;

"(B) the number of handicapped children in each State, within each disability, by age group receiving a free appropriate public education and the number of handicapped children who need and are not receiving a free appropriate public education in each such State;

"(C) the number of handicapped children in each State, within each disability, who are participating in regular educational programs, consistent with the requirements of section 612(5)(B) and section 614(a)(1)(C)(iv), and the number of handicapped children who have been placed in separate classes, separate school facilities, or who have been otherwise removed from the regular education environment;

"(D) the number of handicapped children who are enrolled in public or private institutions in each State and who are receiving a free appropriate public education, and the number of handicapped children who are in such institutions and who are not receiving a free appropriate public education;

"(E) the amount of Federal, State, and local expenditures in each State specifically

available for special education and related services; and

"(F) the number of personnel, by disability category served that are employed in the education of handicapped children, and the estimated number of additional personnel needed to adequately carry out the policy established by this Act.

"(3) In developing and furnishing information under clause (E) of paragraph (2) of subsection (b), the Secretary may base such information upon a sampling of data available from State agencies, including the State educational agencies, and from local educational agencies.

"(c)(1) The Secretary shall, by grant, contract, or cooperative agreement, provide for indepth evaluation studies (both quantitative and qualitative) to determine the impact of this Act. Each such evaluation shall include recommendations for improvement of the programs under this Act. The Secretary shall submit not later than January 30 of each year a set of evaluation priorities to the appropriate committees of both Houses of the Congress for review and comment.

"(2)(A) The Secretary is authorized to enter into cooperative agreements with State educational agencies to carry out studies to assess the impact and effectiveness of programs assisted under the Act.

"(B) Such agreements shall—

"(i) provide for the payment of not to exceed 60 per centum of the total cost of studies conducted by a participating State educational agency to assess the impact and effectiveness of programs assisted under the Act; and

"(ii) be developed in consultation with the State Advisory Panel established under this Act, the local educational agencies, and others involved in or concerned with the education of handicapped children and youth.

"(C) The Secretary shall provide technical assistance to participating State educational agencies in the implementation of the study design, analysis, and reporting procedures.

"(D) In addition, the Secretary shall disseminate information from such studies to State educational agencies and, as appropriate, others involved in, or concerned with, the education of handicapped children and youth.

"(3)(A) At least one evaluation study shall be a longitudinal study of a sample of handicapped students encompassing the full range of handicapping conditions examining their educational progress while in special education and their occupational, educational, and independent living status after graduating from secondary school or otherwise leaving special education.

"(B) At least one study shall focus on obtaining and compiling current information available through State educational agencies and local educational agencies and other service providers, regarding State and local expenditures for educational services for handicapped students (including special education and related services) and gather the information needed in order to calculate a range of per pupil expenditure by handicapping condition.

"(d)(1) Not later than 120 days after the close of each fiscal year, the Secretary shall publish and disseminate an annual report on the progress being made toward the provision of a free appropriate public education to all handicapped children and youth. The annual report is to be transmitted to the appropriate committees of each House of the Congress and the National Council on the Handicapped and published and disseminated in sufficient quantities to the education community at large and other interested parties.

"(2) The Secretary shall include in each annual report—

"(A) an index and summary of each evaluation activity and results of studies conducted under subsection (c);

"(B) a compilation and analysis of data gathered under section 618(b)(2);

"(C) a description of findings and determinations resulting from monitoring reviews of State implementation of this Act;

"(D) an index of all current research projects being conducted under part E (including the name of each research project and the name and address of the funded organization);

"(E) data reported under sections 635 and 653;

"(F) an analysis and evaluation of the effectiveness of procedures undertaken by each State educational agency, local educational agency, and intermediate educational unit to assure that handicapped children and youth receive special education and related services in the least restrictive environment commensurate with their needs and to improve programs of instruction for handicapped children and youth in day or residential facilities; and

"(G) any recommendations for change in the provisions of the Act or any other Federal law providing support for the education of handicapped children and youth.

"(e) There are authorized to be appropriated $3,100,000 for the fiscal year 1984, $3,270,000 for the fiscal year 1985, and $3,440,000 for the fiscal year 1986 to carry out the provisions of this section.".

INCENTIVE GRANTS

SEC. 6. Section 619(c) of the Act is amended by adding before the period at the end thereof a comma and the following: "and for providing special education and related services for handicapped children from birth to 3 years of age.".

CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

SEC. 7. Part C of the Act is amended to read as follows:

"PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

"REGIONAL RESOURCE CENTERS

"SEC. 621. (a) The Secretary is authorized to make grants to, or to enter into contracts, or cooperative agreements with institutions of higher education, State educational agencies or combinations of such agencies and institutions, combinations may include one or more local educational agencies, within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional resource centers. Each regional resource center shall provide technical assistance, including but not limited to consultation and training, to State education agencies and to local educational agencies relating to educational programs and services for handicapped children and youth. The State educational agency shall disseminate information obtained through such technical assistance to appropriate local educational agencies. In order to assure that State and local educational policies and procedures result in quality educational programs and services for handicapped children and youth, each center established or operated under this section shall—

"(1) assist State educational agencies and local educational agencies in identifying and solving persistent problems in providing quality educational programs for handicapped children and youth;

"(2) assist State educational agencies and local educational agencies in developing, identifying, and replicating successful programs and practices which will improve educational and related services to handicapped children and youth and their families; and

"(3) gather and disseminate information and coordinate its activities with other centers assisted under this section and with other relevant projects conducted by the Department of Education.

"(b) In determining whether to approve an application for a project under this section, the Secretary shall consider the need for such a center in the region to be served by the applicant and the capability of the applicant to fulfill the responsibilities stated in this section.

"CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH

"SEC. 622. (a) It is the purpose of this section to provide, through a limited number of model centers for deaf-blind children and youth, a program designed to develop and bring to bear upon such children and youth, beginning as early as feasible in life, those specialized, intensive professional and related services, methods, and aids that are found to be most effective to enable them to achieve their full potential for communication with and adjustment to, the world around them for useful and meaningful participation in society, and for self-fulfillment. Each such center may also serve individuals with other handicapping conditions of the greatest degree of severity.

"(b) Upon such terms and conditions as the Secretary deems appropriate to carry out the purposes of this section, and subject to the provisions of subsection (d)(1) of this section, the Secretary is authorized to make grants or contracts with public or nonprofit private agencies, organizations, or institutions to pay all or part of the cost of the establishment and operation of centers for deaf-blind children.

"(c) In carrying out this section the Secretary shall take into consideration the need for a center for deaf-blind children and youth in the light of the general availability and quality of existing services for such children and youth in the part of the country involved.

"(d)(1) A grant or contract pursuant to subsection (b) shall be made only if the Secretary determines that there is satisfactory assurance that the center will provide such services as the Secretary by regulation prescribes, including—

"(A) technical assistance to public agencies and private organizations which are involved in the education or care of deaf-blind children and youth;

"(B) comprehensive diagnostic and evaluative services for deaf-blind children and youth;

"(C) a program for the adjustment, orientation, and education of deaf-blind children and youth which integrates all the professional and related services necessary therefor; and

"(D) effective consultative services or specialized training for parents, teachers, interpreters for deaf-blind individuals, and other individuals who play a direct role in the lives of deaf-blind children and youth to enable such parents, teachers, and interpreters of such pupils to understand the special problems of such children and youth

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and to assist in the process of their adjustment, orientation, and education.

"(2) Any such services may—

"(A) be provided to deaf-blind children and youth (and, where applicable, other handicapped individuals) regardless of whether they reside in the center,

"(B) be provided at some place other than the center, and

"(C) include the provision of transportation for any such children (including an attendant) and for parents.

"EARLY EDUCATION FOR HANDICAPPED CHILDREN

"Sec. 623. (a) The Secretary is authorized to arrange by contract or grant with appropriate public agencies and private nonprofit organizations, for the development and implementation by such agencies and organizations of experimental preschool and early education programs for handicapped children which the Secretary determines show promise of promoting a comprehensive and strengthened approach to the special educational problems of such children. Such programs shall be distributed to the greatest extent possible throughout the Nation, and shall be carried out both in urban and in rural areas. Such programs shall include activities and services which—

"(1) are designed to facilitate the intellectual, emotional, physical, mental, social, and language development of such children;

"(2) encourage the participation of the parents of such children in the development and operation of any such program; and

"(3) acquaint the community to be served by any such program with the problems and potentialities of such children.

"(b)(1) Programs authorized by this section shall be coordinated with similar programs in the schools operated or supported by State or local educational agencies of the community to be served by such a program.

"(2) No arrangement pursuant to this section shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

"(c) The Secretary is authorized to—

"(1) arrange by contract or grant with State educational agencies for developing and implementing a State plan to provide special education and related services to handicapped children; and

"(2) disseminate information on successful models and practices of the programs authorized under this section in order to promote the basis for other early education programs for handicapped children.

"(d) For the purpose of this section, handicapped children includes children from birth to 8 years of age.

"RESEARCH, TRAINING, AND DISSEMINATION ACTIVITIES IN CONNECTION WITH CENTERS AND SERVICES FOR THE HANDICAPPED

"Sec. 624. (a) The Secretary is authorized, either as part of any grant or contract under this part or by separate grant to, or contract with, an agency, organization, or institution operating a center or providing a service which meets such requirements as the Secretary determines to be appropriate, consistent with the purposes of this part, to pay all or part of the cost of such activities as—

"(1) research to identify and assist in meeting the full range of special needs of handicapped children and youth;

"(2) development or demonstration of new, or improvements in existing, methods, approaches, or techniques, which would contribute to the adjustment and education of such children and youth;

"(3) training of special education and related services personnel engaged in programs specifically designed for such children and youth; and

"(4) dissemination of materials and information about practices found effective in working with such children and youth.

"(b) In making grants and contracts under this section, the Secretary shall insure that the activities funded under such grants and contracts will be coordinated with similar activities funded from grants and contracts under other parts of this Act.

"(c) In carrying out the provisions of this section the Secretary is authorized to address the needs of the severely handicapped.

"POSTSECONDARY EDUCATION PROGRAMS

"Sec. 625. (a) The Secretary is authorized to make grants to, or contracts with, institutions of higher education, including junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development and operation of specially designed programs of postsecondary, vocational, technical, continuing, or adult education for handicapped individuals.

"(b) The Secretary shall make grants and enter into contracts under this section on a competitive basis. In making grants or contracts under this section the Secretary shall give priority consideration to four regional centers for the deaf and to model centers and programs for individuals with handicapping conditions other than deafness—

"(1) for developing and adapting programs of postsecondary, vocational, technical, continuing, or adult education to meet the special needs of handicapped individuals; and

"(2) for programs that coordinate, facilitate, and encourage education of handicapped individuals with their nonhandicapped peers.

The total amount of payments in any fiscal year under this subsection for the four regional centers for the deaf shall not be less than $2,000,000.

"(c) The Secretary shall make grants or enter into contracts for a national clearinghouse on postsecondary education for handicapped individuals for the purpose of providing information on available services and programs in postsecondary education for the handicapped.

"SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH

"Sec. 626. (a) The Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, State education agencies and local education agencies and other appropriate public and private nonprofit institutions or agencies to—

"(1) strengthen and coordinate education, training, and related services for handicapped youth to assist in the transitional process to postsecondary education, vocational training, competitive employment, continuing education, and adult services; and

"(2) stimulate the improvement and development of programs for secondary special education, including—

"(A) specially designed vocational programs which will increase the potential for competitive employment for handicapped youth; and

"(B) research and development projects for exemplary service delivery models and the replication and dissemination of successful models.

"(b) Projects assisted under this section may include—

"(1) developing strategies and techniques for transition to independent living, vocational training, postsecondary education, and competitive employment for handicapped youth;

"(2) establishing demonstration models for services and programs which emphasize vocational training, transitional services, and placement for handicapped youth;

"(3) conducting demographic studies which provide information on the numbers, age levels, types of handicapping conditions and services required of handicapped youth in need of transitional programs;

"(4) initiating collaborative models between educational agencies and adult service agencies, including vocational rehabilitation, mental health, mental retardation, public employment, and employers which facilitate the planning and development of transitional services for handicapped youth to postsecondary education, vocational training, employment, continuing education, and adult services; and

"(5) developing appropriate procedures for evaluating vocational training, placement, and transitional services for handicapped youth.

Projects described under clause (4) shall be coordinated with projects developed under section 311 of the Rehabilitation Act of 1973.

"(c) An evaluation of this section shall be conducted in a manner consistent with section 627 of this part and shall be submitted to the appropriate committees of each House of Congress not later than January 1986.

"(d) For the purpose of this section, 'handicapped youth' means any handicapped individual who has attained 12 years of age or is enrolled in the seventh or higher grade in school, and has not attained 22 years of age, except when State law permits attendance in secondary schools for handicapped individuals over 22 years of age.

"EVALUATIONS

"Sec. 627. The Secretary shall conduct, either directly or by contract, a thorough and continuing evaluation of the effectiveness of each program assisted under this part. The results of the evaluations shall be analyzed and submitted to the appropriate committees of each House of Congress.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 628. There are authorized to be appropriated to carry out the provisions of section 621, $5,700,000 for the fiscal year 1984 and for the succeeding fiscal year, $6,000,000 for fiscal year 1985, and $6,300,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 622, $16,000,000 for fiscal year 1984, $16,000,000 for fiscal year 1985, and $16,000,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 623, $21,100,000 for fiscal year 1984 and $22,200,000 for fiscal year 1985, and $23,400,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 624, $5,000,000 for fiscal year 1984 of which $3,000,000 shall be available for subsection (c) of such section, $5,300,000 for fiscal year 1985 of which $3,200,000 shall be available for subsection (c) of such section, and $5,600,000 for fiscal

year 1986 of which $3,300,000 shall be available for subsection (c) of such section. There are authorized to be appropriated to carry out the provisions of section 625, $5,000,000 for the fiscal year 1984, $5,300,000 for the fiscal year 1985, and $5,500,000 for the fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 626, $6,000,000 for the fiscal year 1984, $6,330,000 for the fiscal year 1985, and $6,660,000 for the fiscal year 1986.".

TRAINING FOR THE EDUCATION OF THE HANDICAPPED

Sec. 8. (a) Section 631 of the Act is amended to read as follows:

"GRANTS TO INSTITUTIONS OF HIGHER EDUCATION AND OTHER APPROPRIATE INSTITUTIONS OR AGENCIES

"Sec. 631. (a) The Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education and other appropriate nonprofit institutions or agencies to assist them—

"(1) in providing training for preparation as special education personnel and related services personnel for service to handicapped children and youth (including a limited amount of special education training for regular education personnel) such as—

"(A) teachers of handicapped children and youth,

"(B) adaptive physical education and recreation personnel,

"(C) personnel serving the speech, language, and hearing impaired children and youth,

"(D) personnel preparing to engage in related services to handicapped children and youth,

"(E) special education personnel preparing to engage in educational research for handicapped children and youth,

"(F) special education personnel as part of an interdisciplinary team for use in the university affiliated facilities program under the Rehabilitation Act of 1973 and the satellite network of the developmental disabilities program, and as part of an interdisciplinary team for use in research and training centers under section 204(b) of the Rehabilitation Act of 1973; and

"(2) in providing demonstration and model programs for the preservice training described in clause (1);

"(3) in providing demonstration and model programs for inservice training of special education personnel, including classroom aides, related services personnel and regular education personnel who serve handicapped children and youth; and

"(4) in establishing and maintaining scholarships, with such stipends and allowances as may be determined by the Secretary, for training personnel engaged in or preparing to engage in educational services, educational research, or employment as teachers of the handicapped or as related services personnel serving handicapped children and youth.

The Secretary shall reserve not to exceed 5 per centum of the amount appropriated and available in each fiscal year for this subsection for contracts to target training personnel in underserved areas.

"(b)(1) The Secretary is authorized to make grants to private nonprofit organizations for the purpose of establishing and operating parent training and information programs. Each program established under this section shall be designed to inform and train parents so that the parents can participate effectively with professionals in meeting the educational needs of their handicapped children. In order to receive a grant under this section each private nonprofit organization shall—

"(A) be governed by a board, the majority of which is parents of handicapped children and include professionals from special education and related fields who serve handicapped children and youth;

"(B) serve the parents of children with the full range of handicapping conditions; and

"(C) demonstrate the capacity and expertise to effectively conduct the training and information activities authorized under this section.

"(2) The Secretary shall assure that grants under this subsection will—

"(A) be distributed to the greatest extent possible throughout the United States; and

"(B) be targeted to parents of handicapped children in both urban and in rural areas, or on a State, or regional basis.

"(3) The parent training and information programs assisted under this section shall assist parents to—

"(A) understand better the nature and needs of the handicapping conditions of their children;

"(B) provide followup support for their handicapped children's educational programs;

"(C) communicate more effectively with special and regular educators, administrators, related services personnel, and other relevant professionals;

"(D) participate in educational decision-making processes including the development of their handicapped child's individualized educational program;

"(E) obtain information about the program's services and resources available to their handicapped child, and the degree to which the program's, services and resources are appropriate; and

"(F) understand the provisions for the education of handicapped children as specified under part B of this Act.

"(4) Each private nonprofit organization operating a program receiving assistance under this subsection shall consult with appropriate agencies which serve or assist handicapped children and youth and are located in the jurisdictions to be served by the program.

"(5) The Secretary shall provide by grant or contract technical assistance for establishing, developing, and coordinating parent training and information programs.

"(6) The Secretary shall reserve 10 per centum of the funds appropriated and available for this section in each fiscal year for the activities authorized under this subsection.".

(b) Section 633 of this Act is amended to read as follows:

"RECRUITMENT OF EDUCATIONAL PERSONNEL AND THE PROVISION OF INFORMATION CONCERNING THE EDUCATION OF HANDICAPPED INDIVIDUALS

"Sec. 633. (a) The Secretary is authorized to make a grant to or enter into a contract with a public agency or institution or a private nonprofit organization or institution for a national clearinghouse. The national clearinghouse shall—

"(1) disseminate information on a national basis to parents, professionals, and other interested parties about—

"(A) the programs authorized under this Act and other relevant provisions of Federal law; and

"(B) how to participate in such programs including referral of individuals to appropriate national, State, and local agencies and organizations that can provide further assistance; and

"(2) encourage students and professional personnel to seek and obtain careers and employment in the various fields relating to the education of handicapped children and youth.

In awarding the grant under this section, the Secretary shall give particular attention to the demonstrated experience at the national level to carry out the functions established in this section and ability of grant applicants to conduct the clearinghouse, communicate with the intended consumers of information and maintain the necessary communication with other agencies and organizations.".

(c) Section 635 of the Act is amended to read as follows:

"REPORTS TO THE SECRETARY

"Sec. 635. (a) Each recipient of a grant under subsection (a) of section 631 during any fiscal year shall, after the end of such fiscal year, prepare and submit a report to the Secretary. Each such report shall be in such form and detail as the Secretary determines to be appropriate, and shall include—

"(1) the number of individuals trained under the grant, by category of training and level of training; and

"(2) the number of individuals trained under the grant receiving degrees and certification, by category and level of training.

"(b) Each recipient of a grant under subsection (b) of section 631 during any fiscal year shall, after the end of such fiscal year, prepare and submit a report to the Secretary. Each such report shall be in such form and detail as the Secretary determines to be appropriate and shall include the number of parents trained under the grant.

"(c) The data required by this section shall be included in the annual report required under section 618(d) of this Act.".

(d) Section 636 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 636. There are authorized to be appropriated to carry out the provisions of this part (other than section 633), $58,000,000 for the fiscal year 1984, $61,150,000 for fiscal year 1985, and $64,370,000 for fiscal year 1986. There are authorized to be appropriated to carry out the provisions of section 633, $1,000,000 for fiscal year 1984, $1,050,000 for fiscal year 1985, and $1,110,000 for fiscal year 1986.".

(e) The heading of part D is amended to read as follows:

"PART D—TRAINING FOR THE EDUCATION OF THE HANDICAPPED"

RESEARCH IN THE EDUCATION OF THE HANDICAPPED

Sec. 9. (a) Section 641 of the Act is amended to read as follows:

"RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN

"Sec. 641. (a) The Secretary is authorized to make grants to, or enter into contracts with, State and local educational agencies, institutions of higher education, and other public agencies and nonprofit private organizations for research and related activities, to assist special education personnel, related services personnel, and other appropriate persons, including parents, in improving the education and related services for handicapped children and youth. Research and related activities assisted under this section shall be designed to—

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"(1) increase knowledge and understanding of handicapping conditions and teaching, learning, and education-related practices and services for handicapped children and youth;

"(2) develop techniques and devices for improving the education and related services for handicapped children and youth;

"(3) demonstrate exemplary educational programs and practices; and

"(4) disseminate appropriate information on the research and related activities conducted under this part to interested individuals and organizations.

"(b) The Secretary shall publish a proposed set of research priorities in the Federal Register every 2 years and allow a period of 60 days for public comments and suggestions. After analyzing and considering the public comments the Secretary shall publish a final set of research priorities in the Federal Register not later than 30 days after the close of the comment period.

"(c) The Secretary shall provide an index (including the title of each research project and the name and address of the researching organization) of all research projects conducted in the prior fiscal year in the annual report described under section 618(d). The Secretary shall make reports of research projects available to the education community at large and other interested parties.

"(d) The Secretary shall encourage the coordination of research priorities established under this section with research priorities established by the National Institute of Handicapped Research and shall assure that information as to research priorities established under this section is provided to the National Council of the Handicapped.".

(b) Section 643 of the Act is amended to read as follows:

"PANELS OF EXPERTS

"SEC. 643. The Secretary shall from time to time appoint panels of experts who are competent to evaluate various types of proposals for projects under parts C, D, E, and F, and shall secure the advice and recommendations of one such panel before making any grant or contract under parts C, D, E, and F of this Act. The panels shall be composed of—

"(1) individuals from the field of special education for the handicapped and other relevant disciplines who have significant expertise and experience in the content areas and age levels addressed in the proposals; and

"(2) handicapped individuals and parents of handicapped individuals when appropriate.".

(c) Section 644 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 644. For the purposes of carrying out this part, there are authorized to be appropriated $20,000,000 for the fiscal year 1984, $21,100,000 for the fiscal year 1985, and $22,200,000 for the fiscal year 1986.".

INSTRUCTIONAL MEDIA

SEC. 10. Section 654 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 654. For the purposes of carrying out this part, there are authorized to be appropriated $19,000,000 for the fiscal year 1984, $20,000,000 for the fiscal year 1985, and $21,100,000 for the fiscal year 1986.".

AMENDMENTS TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1981

SEC. 11. (a) Section 602(a)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "each of the fiscal years 1983 and 1984" and inserting in lieu thereof "the fiscal year 1983, and $1,071,850,000 for the fiscal year 1984".

(b) Section 605 of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $5,500,000 for fiscal year 1984".

(c) Section 605(b) of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $56,000,000 for the fiscal year 1984".

(d) Section 605(c) of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $28,000,000 for the fiscal year 1984".

REPEALERS

SEC. 12. (a) Section 634 of the Act is repealed.

(b) Part G of the Act is repealed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ARCTIC RESEARCH AND POLICY ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 255, S. 373.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 373) to provide comprehensive national policy dealing with national needs and objectiyes in the Arctic.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with amendments:

On page 1, line 4, strike "1982"." and insert "1983"."

On page 2, line 22, after "human" insert "health and".

On page 9, line 7, after "biological," insert "health,".

On page 12, line 16, strike "March 31, 1983," and insert "September 30, 1984,".

On page 16, line 4, strike "(d)(1) There is authorized to be appropriated for the Arctic Research Fund for the fiscal year beginning October 1, 1983, and for each succeeding year thereafter, $25,000,000." and insert "(d)(1) there is authorized to be appropriated for the Arctic Research Fund an amount not to exceed $25,000,000 per fiscal year for the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989."

Mr. STEVENS. Mr. President, I move that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

AMENDMENT NO. 1438

(Purpose: Technical amendment)

Mr. STEVENS. Mr. President, I send to the desk a technical amendment on behalf of Mr. MURKOWSKI.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. MURKOWSKI, proposes an amendment numbered 1438.

On page 12, line 17, strike "1984", and insert in lieu thereof: "1985".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1438) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I rise in support of passage of the Arctic Research and Policy Act of 1983, S. 373. The adoption of this bill by the Senate is an important step for both Alaska and the Nation.

I want to commend my colleague from Alaska, Senator MURKOWSKI, for his initiation and pursuit of this legislation both this year and during the past Congress. He has been a driving force behind legislation to establish an Arctic policy since his arrival in the Senate.

Passage of this bill, which is similar to S. 1562 which we passed in the closing days of the 97th Congress, signifies again the Senate's commitment to the development and adoption of a comprehensive Arctic policy. This bill is the culmination of an objective the Alaska congressional delegation has since the mid-1960's. At that time, then Senator E. L. "Bob" Bartlett urged the establishment of a policy. Here we are almost 20 years later and Congress is now taking up legislation which will provide the framework for establishment of an Arctic policy.

This legislation is significant in that it does not attempt to dictate an Artic policy, rather it sets up a framework for the involvement of Federal, State, and local officials involved in the Arctic to work together with the people of the Arctic to develop a policy which allows development but takes into account the needs and heritage of the people.

It should also be noted that the House of Representatives Committee on Science and Technology is considering similar legislation. I take this as an encouraging sign that the Congress may finally be on the way to establishing an Arctic research and policy.

Mr. MURKOWSKI. Mr. President, I rise in support of the Arctic Research and Policy Act, S. 373. This important legislation will provide the framework for the scientific research effort we need to undertake in the Arctic.

There are three major reasons the United States must embark on a sustained, policy guided, comprehensive research effort in the Arctic:

First, the Arctic represents our last, great storehouse of strategic and energy minerals. It is also a unique, hostile, and fragile environment that challenges responsible exploration and development. If we intend to continue the development of these Arctic resources, we must undertake a research initiative that will provide the data and information needed to insure that development will proceed in an expeditious yet environmentally sound manner.

Second, the development of a sustained, comprehensive Arctic research effort will help provide answers to some of the global problems that are just beginning to be recognized in the Arctic. For example, the Arctic air mass has been found to contain a surprising amount of industrial pollutants which originate in the Soviet Union and Northern Europe. Some scientists believe these pollutants, together with the increasing amounts of carbon dioxide known to be collecting in the atmosphere, could produce a catastrophic "greenhouse effect" which could warm the Arctic, melt portions of the Arctic icecap, raise sea levels, and alter global weather patterns. We need to know more about these phenomena, and a comprehensive Arctic research effort is a step in the right direction.

Third, the strategic significance of the Arctic is enormous. The Arctic represents our only common border with the Soviet Union. And yet, the Navy has closed the only full-scale research facility we have in the true Arctic—the Naval Arctic Research Laboratory near Barrow, Alaska. What research, for instance, is being done relevant to the defense of the Trans-Alaskan Pipeline and the Prudhoe Bay oil facilities? We have done a superb job of equipping our Armed Forces to fight in the desert climate of the Persian Gulf, from which we are currently receiving about 500,000 barrels of oil daily. But what have we done to prepare our Armed Forces to defend the facilities and the pipeline that supply us with over 1½ million barrels of our own oil daily? Are we simply hoping that combat will never take place in the Arctic?

Mr. President, we have no real policy and no approach toward Arctic research. Fifteen or more Federal agencies are involved in a number of ad hoc research efforts—while those efforts are individually useful, can they provide a complete, comprehensive data base on which we can base decisions of immense financial and strategic consequence? To what extent do these independent, uncoordinated Federal research efforts duplicate one another or those in the private sector? Since no clearinghouse dedicated to the collection and cataloging of Arctic scientific data exists, what means other than informal channels are available for an Arctic researcher to discover what other researchers are doing?

It is also very troubling to compare our Arctic research program with those of other circumpolar nations. Of all the countries bordering on the Arctic, only the United States lacks a national institute, laboratory, or any other central organization dedicated to the sustained planning and support of Arctic research. Most of the Arctic is composed of ice-covered seas. how many ice-worthy research ships does the United States have exclusively available for research efforts? The Soviet Union has more than 20 such vessels; Canada has 9; Norway, 8; Denmark and Japan each have 2; East Germany has 3, and the United Kingdom, 4. How many do we have? One wooden trawler which operates solely in the Antarctic. We have actually had to use Soviet research vessels for United States federally funded research.

Mr. President, together with Senators STEVENS, JACKSON, GORTON, and Congressman YOUNG, I introduced this legislation to address these vital needs. Our bill, the Arctic Research and Policy Act, would create an Arctic Science Policy Council and an Arctic Research Commission. The Policy Council would be made up of five members appointed by the President and charged with development of and responsibility for a comprehensive Arctic research policy.

Responsibility for implementation of the policy articulated by the Council would lie with a nine-member Arctic Research Commission. The Commission would survey the existing research undertaken in both the public and private sector, establish a central data collection and retrieval center to serve as a clearinghouse for nonproprietary and unclassified research data, and make research grants in an effort to fill the gaps in our knowledge of the Arctic.

The bill authorizes $25 million per year to fund the Council, the Commission, the Data Center, and the research grants that would be targeted toward filling the gaps in our knowledge of the Arctic. I want to stress that $25 million is a minimal investment when compared with the value of Arctic resources and the Federal revenues which are derived from those resources. The U.S. Treasury receives $3 for every $1 of Federal money spent in Alaska. In any given year more than $3 billion accrues to the Federal Treasury as a result of the petroleum income taxes and windfall profit taxes resulting from Alaskan oil production. Nearly $3 billion additional went to the Federal Treasury as a consequence of the past three Alaskan OCS lease sales held in the past 8 months. This type of return will only continue so long as Alaskans are convinced that the development of the State's resources are proceeding in a responsible manner.

Now you may ask, what good will it do to create another governmental entity to address the fragmented nature of our approach toward Arctic research? One important answer lies in the fact that many significant Arctic research needs do not always fall logically into existing funding and organizational structures. It is a rule of thumb that if something that requires funding does not lie within the responsibility of a single Federal agency, it will be ignored. Even more shortsighted is the notion that since Alaska is the only State of the Union with territory in the Arctic and Subarctic, research may be written off as being of purely local interest, and funding is expected to come from State sources.

For these and other reasons, I believe a separate entity must be created which is dedicated to the development and implementation of an Arctic research plan. I do not believe we could strengthen existing programs in say, the National Science Foundation, and expect to attain the same result. Funding and resources for Arctic research would be easily diverted to other research initiatives—perhaps in the Antarctic and elsewhere. I believe that research in the Arctic, where our citizens live and our resources lie, has been shortchanged in favor of the comprehensive, policy guided research program we do undertake in the Antarctic. I feel that our dedication to research in the Antarctic is motivated by the mere existence of the Antarctic treaty. The judgments which have shifted research moneys away from the Arctic and toward the Antarctic have been based on diplomatic considerations rather than scientific criteria. The policy, and the mandate for the continuation of the Antarctic research program, appears to come from the executive level in the pursuit of foreign policy. I hope my remarks are not misinterpreted—I am not a critic of the Antarctic research program. I do believe, however, that the Arctic deserves better for all the reasons I have given.

I wish to commend Senator ROTH, chairman of the Governmental Affairs Committee for the fine job he and his staff have done on the legislation. I would also like to thank Senator STE-

VENS, Senator JACKSON, and Senator GORTON for their assistance and guidance. Senator STEVENS and his staff have spent many hours in hearings, markups, and other preparations in anticipation of this day, and I am deeply indebted to him and his staff for assisting me in moving this bill along to its final Senate passage.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I ask for a third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Arctic Research and Policy Act of 1983".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the Arctic, onshore and offshore, contains vital energy resources that can reduce our dependence on foreign oil and improve the national balance of payments;

(2) as our only common border with the Soviet Union, the Arctic is critical to national defense;

(3) the renewable resources of the Arctic, specifically fish and other seafood, represent one of the Nation's greatest commercial assets;

(4) Arctic conditions directly affect global weather patterns and must be understood in order to promote better agricultural management throughout the United States;

(5) industrial pollution not originating in the Arctic region collects in the polar air mass, has the potential to disrupt global weather patterns, and must be controlled through international cooperation and consultation;

(6) the Arctic is the only natural laboratory for research into human health and adaptation, physical and psychological, to climates of extreme cold and isolation and may provide information crucial for future defense needs;

(7) atmospheric conditions peculiar to the Arctic provide a unique testing ground for research into high-latitude communications, which is likely to be crucial for future defense needs;

(8) Arctic marine technology is critical to cost-effective recovery and transportation of energy resources and to the national defense;

(9) most Arctic-rim countries, particularly the Soviet Union, possess Arctic technologies far more advanced than those currently available in the United States;

(10) Federal Arctic research is fragmented, uncoordinated and undercapitalized at the present time;

(11) such fragmentation has led to the neglect of certain areas of research and to unnecessary duplication of effort in other areas of research;

(12) there is an immediate need to formulate a comprehensive national policy to organize and fund currently neglected scientific research with respect to the Arctic;

(13) the Federal Government, in cooperation with State and local governments, should focus its efforts on the collection and characterization of basic data related to biological and geophysical phenomena in the Arctic, directing special attention to the broad accumulation of data related to sea-ice dynamics;

(14) research into the long-range health environmental and social effects of development in the Arctic is necessary to mitigate the adverse consequences of such development to the land and its residents;

(15) Arctic research has significant value for expanding knowledge of the Arctic which can enhance the lives of Arctic residents, increase opportunities for international cooperation among Arctic-rim countries and foster a national policy for the Arctic; and

(16) the Alaskan Arctic provides essential habitat for marine mammals, migratory waterfowl, and other forms of wildlife which are important to the Nation and which are essential to Arctic residents.

(b) The purposes of this Act are—

(1) to establish an Arctic Science Policy Council and an Arctic Research Commission to promote Arctic research;

(2) to establish a centralized system for the collection and retrieval of scientific data with respect to the Arctic; and

(3) to establish priorities and provide financial support for basic and applied scientific research with respect to the Arctic that is currently being neglected and is essential to our Nation's needs.

ARCTIC SCIENCE POLICY COUNCIL

SEC. 3. (a) There is established a council to be known as the Arctic Science Policy Council (hereafter in this Act referred to as the "Council").

(b) The Council shall be composed of the following members:

(1) A chairperson appointed by the President, with the advice and consent of the Senate.

(2) Two individuals from the State of Alaska who have demonstrated a knowledge and interest in the field of Arctic research, appointed by the President from a list of individuals submitted by the Governor of the State of Alaska. The President in his or her discretion may request additional names to be submitted.

(3) Two individuals who have demonstrated a knowledge and interest in the field of Arctic research, appointed by the President from lists submitted by the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, the Secretary of the Department of Energy, the Secretary of State, the Secretary of Transportation (on behalf of the Coast Guard), and the Director of the National Science Foundation. The President in his or her discretion may request additional names to be submitted.

(c) Each member shall have an equal vote on matters decided by the Council.

(d)(1) Except as provided in paragraph 2, the term of office for a member of the Council shall be two years.

(2)(A) Of the members of the Council originally appointed under paragraphs (2) and (3) of subsection (b), one member appointed under paragraph (2) of such subsection, and one member appointed under paragraph (3) of such subsection shall be appointed for a term of one year.

(B) A member may serve after the expiration of his term of office until the President appoints a successor.

(e)(1) A member of the Council not otherwise employed by the United States shall be compensated at a rate equal to the daily equivalent of the rate for level V of the Executive Schedule under section 5318 of title 5, United States Code, for each day such member is engaged in the actual performance of his duties as a member of the Council.

(2) A member of the Council who is an officer or employee of the United States or of the State of Alaska shall serve without additional compensation.

(3) All members of the Council shall be reimbursed for travel (in accordance with 5 U.S.C. 5701) and other necessary expenses incurred by them in the performance of their duties as members of the Council.

(4) No member may be compensated for more than ninety days of service each year in performance of his or her duties as a member of the Council.

DUTIES OF COUNCIL

SEC. 4. (a) The Council shall—

(1) facilitate cooperation between the Federal Government and State and local governments with respect to Arctic research;

(2) coordinate and promote cooperative Arctic scientific research programs with other nations (in consultation with the Secretary of State);

(3) develop and supervise an integrated national Arctic science policy (except with respect to the areas of authority specifically reserved to the Arctic Research Commission under section 7 of this Act);

(4) appoint the members of the Arctic Research Commission; and

(5) cooperate with the Governor of the State of Alaska and with such agencies and organizations of the State as the Governor may designate with respect to the formulation of Arctic science policy.

(b) Not later than January 31 of each year, the Council shall—

(1) publish a statement of goals and objectives with respect to Arctic research to guide the Arctic Research Commission in the performance of its duties; and

(2) submit to Congress a report describing the activities and accomplishments of the Council during the immediately preceding calendar year.

COOPERATION WITH THE COUNCIL

SEC. 5. (a)(1) The Council may acquire from the head of any Federal agency unclassified data, reports, and other nonproprietary information with respect to Arctic research which the Council considers useful in the discharge of its duties.

(2) Each such agency shall cooperate with the Council and furnish all data, reports, and other information requested by the Council to the extent permitted by law.

(b) The Council may utilize the facilities and services of any Federal agency (with the consent of the appropriate agency head, with or without reimbursement), taking every feasible step to avoid duplication of research and effort.

ARCTIC RESEARCH COMMISSION

SEC. 6. (a) There is established a commission to be known as the Arctic Research Commission (hereafter in this Act referred to as the "Commission").

(b)(1) The Commission shall be appointed by the Arctic Science Policy Council and shall be composed of the following members:

(A) Four members shall be appointed from among individuals with expertise in representative areas of research relating to the Arctic (including, but not limited to, the physical, biological, health, and social sciences), at least one of whom shall be employed by the University of Alaska.

(B) Two members shall be appointed from among residents of the Arctic who are representative of the needs and interests of Arctic residents and live in areas directly affected by Arctic resource development.

(C) Two members shall be appointed from among individuals familiar with the Arctic and representative of the needs and interests of private industry undertaking resource development in the Arctic.

(D) One member shall be appointed from among individuals familiar with the Arctic and employed by the United States Coast Guard.

(2) Upon the appointment of the members of the Commission pursuant to paragraph (1), the Council shall designate a member of the Commission to be chairperson of the Commission.

(c)(1) Except as provided in paragraph (2), the term of office for a member of the Commission shall be four years.

(2) Of the members of the Commission originally appointed under paragraph (1) of subsection (b)—

(i) two shall be appointed for a term of one year;

(ii) two shall be appointed for a term of two years;

(iii) two shall be appointed for a term of three years; and

(iv) three shall be appointed for a term of four years.

(3) A member may serve after the expiration of his term of office until the Council appoints a successor.

(d)(1) A member of the Commission not otherwise employed by the United States shall be compensated at a rate equal to the daily equivalent of the rate for GS-16 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of his duties as a member of the Commission.

(2) A member of the Commission who is an officer or employee of the United States or the State of Alaska shall serve without additional compensation.

(3) All members of the Commission shall be reimbursed for travel (in accordance with section 5701 of title 5, United States Code) and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(4) No member may be compensated for more than one hundred and eighty days of service each year in performance of his or her duties as a member of the Commission.

DUTIES OF COMMISSION

SEC. 7. (a) The Commission shall—

(1) survey Arctic research conducted by Federal and State, and local agencies, the University of Alaska and other universities, and other private and public institutions to determine priorities for future Arctic research, and make recommendations thereon to the Council and other interested parties;

(2) establish a data collection and retrieval center for Arctic research (which shall be located in the State of Alaska) and promulgate guidelines for the use and dissemination of Arctic research information;

(3) make grants for such Arctic research as the Commission deems necessary and desirable to further the goals and objectives published annually by the Council pursuant to section 4(b)(1), with special consideration being given to studies in neglected areas of Arctic research; and

(4) consult the Council with respect to—

(A) all proposed, ongoing, and completed research programs and studies funded by the Commission,

(B) recommendations proposed by the Commission with respect to future Arctic research, and

(C) guidelines for awarding and administering Arctic research grants.

(b)(1)(A) Not later than December 31 of each year, the Commission shall transmit to the Council a report describing the activities and accomplishments of the Commission during the immediately preceding calendar year and making recommendations with respect to future Arctic research policy.

(B) Such report shall be available for public inspection at reasonable times.

(2) Not later than September 30, 1985, the Commission shall submit to Congress and to the Legislature of the State of Alaska a report making recommendations with respect to the continued operation of Government-operated laboratory facilities conducting Arctic research, taking into account the efficiency and effectiveness of such facilities and the degree to which the operation of such facilities would result in the duplication of research and effort.

(c) The Commission shall cooperate with the Governor of the State of Alaska, and with such agencies as the Governor may designate with respect to—

(1) the recommendations proposed by the Commission pursuant to section 7(a)(4)(B);

(2) the planning, funding, and logistical support of Arctic research; and

(3) the storage, transfer, and dissemination of Arctic scientific and technological knowledge and data.

ADMINISTRATION OF THE COMMISSION

SEC. 8. The Commission may—

(1) in accordance with civil service laws and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and such additional staff personnel as may be necessary;

(2) procure temporary and intermittent services as authorized by section 3109 of title 5, United States Code;

(3) enter into contracts and procure supplies, services, and property; and

(4) enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Commission and the Administrator of the General Services Administration.

STATE ELECTION

SEC. 9. (a) The State of Alaska may elect to participate or not to participate in the activities of the Council and the Commission.

(b) Failure of the State of Alaska to contribute to the Arctic Research Fund (established by section 10 of this Act) for a fiscal year an amount equal to one-quarter of the amount appropriated to such Fund by the United States for the previous fiscal year shall constitute an election by such State not to participate in the Council and the Commission.

(c) Upon an election by the State of Alaska not to participate in the Council and the Commission pursuant to subsection (b)—

(1) appointments to such Council or Commission which are required to be made from among individuals—

(i) employed by the State of Alaska, or

(ii) nominated by the Governor of the State of Alaska

shall be vacated; and

(2) an appointment to fill a vacancy created by such election shall be made in such manner and from among such individuals as other appointments to such Council or Commission are required to be made (as determined by the chairperson of the Council or Commission).

(d) An election by the State of Alaska not to participate in the Council and the Commission pursuant to subsection (b) shall not affect the powers or duties of those bodies.

(e) Should the State of Alaska wish to reinstate its participation following an election not to participate, it may do so by meeting the funding requirement for the year in which reinstatement is sought.

ARCTIC RESEARCH FUND

SEC. 10. (a) There is hereby created a trust fund to be known as the Arctic Research Fund (hereafter in this Act referred to as the "Fund"), to be available for the support of the activities of the Arctic Science Policy Council and the Arctic Research Commission.

(b) Such Fund shall consist of—

(1) amounts appropriated to such Fund;

(2) amounts contributed to such Fund by the State of Alaska; and

(3) amounts contributed by private individuals and organizations.

(c) Amounts in the Fund shall be available, until expended, for the purposes of this Act, to the extent and in such amounts as are provided for in advance in appropriation Acts.

(d)(1) There is authorized to be appropriated for the Arctic Research Fund an amount not to exceed $25,000,000 per fiscal year for the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989.

(2) In determining the amount contributed to such Fund by the State of Alaska for a fiscal year—

(A) the fair market value (as determined by the Council in good faith) of all facilities, services, materials, and other support contributed to the Fund by the State of Alaska during such fiscal year, and

(B) all amounts contributed by private individuals and organizations,

shall be taken into account.

DEFINITION

SEC. 11. The term "Arctic" shall mean all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and the Aleutian chain.

Mr. STEVENS. Mr. President, may I inquire from my good friend from West Virginia if he has anything further to come before the Senate?

Mr. BYRD. Mr. President, I thank the distinguished acting majority leader for his inquiry. I have nothing further.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. STEVENS. Mr. President, when we convene tomorrow at 9:30, the two leaders will be recognized under the

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standing order and then there will be two special orders.

I ask unanimous consent that following the two special orders, there be a period for the transaction of routine morning business, not to extend beyond the hour of 10:15 a.m. in which Senators may speak for not to exceed 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until tomorrow at 9:30 a.m.

The motion was agreed to, and the Senate, at 6:14 p.m., recessed until Tuesday, June 28, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 27, 1983:

In the Air Force

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Leo Marquez, 525-70-7698FR, U.S. Air Force.

In the Navy

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Thomas J. Bigley, 010-20-3124/1110, U.S. Navy.

United Nations

Jose S. Sorzano, of Virginia, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Department of Housing and Urban Development

Warren T. Lindquist, of Maine, to be an Assistant Secretary of Housing and Urban Development, vice Geno Charles Baroni.

In the Air Force

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard E. Merkling, 557-20-9153FR, U.S. Air Force.

In the Air Force

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be colonel

Guyse, Barry D., 569-58-5091
O'Connor, Paul B., 253-56-5517
Scheyd, Fredric J., 044-30-4811
Smith, Ronald E., 264-66-7001
Sparks, Robert C., 531-42-3540

In the Air Force

The following officer for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be lieutenant colonel

Cobean, James E., 502-40-1530

In the Army

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 3366, 3367 and 3370:

To be colonel

Basista, James P., 292-30-2580
Geriner, Henry B., 259-44-8926
Mencer, John F., 210-22-8098
Morris, Charles B., 075-30-7301
Orr, Thomas L., 270-32-5867
Pixley, Morris H., 538-28-5073
Stauber, Jerome E., 390-30-2601
Stevens, Jack D., 536-34-3558
Vitzthum, Edward F., 529-40-9388
Wiltshire, James R., 226-42-9540

CHAPLAIN

To be colonel

Bershon, Richard, 518-32-0928

ARMY NURSE CORPS

To be colonel

Godby, Jack L., 313-32-6257

DENTAL CORPS

To be colonel

Bakland, Leif K., 325-34-5246
Culbreath, Huel M., 429-30-1600
Shields, William N., 298-14-1403

MEDICAL CORPS

To be colonel

Bowling, Roert S., 424-22-3959
Craver, William L., 062-28-0379
Drake, Richard C., 096-12-3659
Ellis, Robert G., 253-42-9925
LeFemine, Armand A., 048-16-9866
Malee, Thomas J., 703-09-0303
Marshall, John Q., 722-01-1000
Parmelee, Norman H., 382-20-8526
Payne, John W., 496-09-7954
Sanders, Harold L., 515-34-2073
Sobel, Harold L., 085-24-7856
Weaver, Clyde M., 559-50-2537

MEDICAL SERVICE CORPS

To be colonel

Green, Emmanuel B., 031-20-2679
Hardin, James E., 405-42-5007
Newman, Jack H., 231-32-9274

VETERINARY CORPS

To be colonel

Malm, Gerhard A., 514-32-2108

ARMY PROMOTION LIST

To be lieutenant colonel

Clark, Herbert, 001-28-0964
Gailey, Richard W., 204-30-2781
Noyes, Oliver R., 009-26-0661
Timberlake, Vaughn, 303-46-7946

CHAPLAIN

To be lieutenant colonel

Holmen, John A., 470-46-3149

ARMY NURSE CORPS

To be lieutenant colonel

Chittick, Elizabeth, 004-28-9024
Mitchell, Marla K., 399-30-2042
Richardson, Loma Ann, 518-50-6061
Young, Kenneth E., 028-26-7852

DENTAL CORPS

To be lieutenant colonel

Buchanon, William T., 429-84-9223

MEDICAL CORPS

To be lieutenant colonel

Henry, Hector H., 241-54-7763
Von Felt, Francis J., 472-44-0161

MEDICAL SERVICE CORPS

To be lieutenant colonel

Hughes, Henry M., Jr., 123-28-4306
Lassiter, Wright, 425-62-2577

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3383:

ARMY PROMOTION LIST

To be colonel

Mitchell, Richard L., 520-32-4180
Tankel, Leslie F., 314-42-7480

CHAPLAIN

To be colonel

Hendrick, Kenneth E., 386-30-0452

ARMY NURSE CORPS

To be colonel

Klapinski, B. A., 390-26-7735

MEDICAL CORPS

To be colonel

Vaughan, Milton C., 240-62-0320

ARMY PROMOTION LIST

To be lieutenant colonel

Abdalla, Sidney J., 425-92-0832
Adams, George C., 385-44-2151
Adams, Joel M., 258-56-9380
Armstead, Earl, 329-26-5499
Atherton, Peter L., 577-64-4388
Bailey, Mark R., 178-36-2673
Baker, Gordon, 251-82-1477
Baldwin, Robert R., 137-34-3156
Batey, Robert W., 313-42-9910
Battles, James E., 310-40-8264
Baugh, William T., 549-74-6804
Beasley, Michael W., 231-68-5949
Beck, Marvin X., 227-58-4669
Bessler, Robert M., 320-28-5572
Brautigan, Roger L., 517-58-1521
Brevelle, Clement T., 438-50-5244
Broadfield, William, 342-34-8399
Bryant, Hugh S., 418-62-9541
Buechsenschuetz, W., 354-32-9794
Buffa, Patrick J., 232-70-4484
Burns, Rex C., 364-44-1835
Cardinali, Richard, 037-24-1675
Carlson, Stanley E., 330-40-3486
Chaudoin, William J., 312-46-7634
Clark, Kenneth W., 440-40-3278
Clyborne, William L., 454-74-2718
Cooper, Robert S., 171-36-5094
Crawford, Michael D., 485-50-0228
Cremin, Daniel J., 078-34-4005
Currie, Aubrey G., 246-50-2568
Davenport, Peter M., 402-60-2584
Davolio, Gerard D., 022-28-1435
Deris, William G., 435-64-2393
Dillon, Wilburn, Jr., 513-40-3234
Dulak, Robert M., 068-40-5453
Dwyer, Donald D., 503-48-8485
Elliott, Randall T., 265-56-4385

Eschen, Andrew J., 558-70-9207
Ferguson, Walter, Jr., 288-40-7605
Franks, Richard E., 202-34-8043
Frazee, Thomas E., 514-44-6584
Futrell, Albert M., 226-50-5570
Glennon, John W., 443-42-4362
Gray, Charles A. Q., 272-34-9341
Greenberg, Robert B., 052-32-6748
Griffiths, William, 371-36-3086
Gudgel, Robert B., 578-58-6509
Harper, James A., 460-50-0595
Hedrick, Don J., 244-46-2524
Heigert, Richard A., 359-34-6225
Higginbotham, J. J., 422-56-0070
Hill, Gerald E., 310-44-1359
Howard, Jerrod F., 250-62-3717
Hunt, Charles M., 525-84-2765
Ingram, Charles A., 422-62-5875
Jones, Warren R., 250-56-3072
Keesee, Herbert L., 407-60-4051
Knickerbocker, R. J., 333-32-4053
Lind, George M., 509-44-0891
Linke, Donald R., 494-46-3279
Loyd, Gerald E., 546-54-7472
Maxwell, Marvin J., 416-60-7006
McCoy, John A., 062-32-8184
McDonald, Louis M., 450-64-3385
Mezey, Albert G., 092-40-9145
Miller, Glendon E., 562-42-2395
Moody, Frank E., 342-34-0915
Morgan, Kelly M., 381-42-7954
Morris, Stephen A., 309-46-9868
Morrison, James E., 307-46-4755
O'Connell, John M., 471-50-0097
Peters, Wayne L., 383-36-9805
Petro, William M., 280-38-7934
Porter, John W., 423-54-9071
Rash, David J., 545-66-0780
Ridge, Harry R., Jr., 036-28-5990
Ruddock, Rodney D., 192-34-9485
Rzeminski, Peter J., 350-38-1367
Saddoris, Gary G., 481-50-4455
Sanchez, Richard M., 526-54-9760
Sanders, Gerald J., 374-42-6630
Schodowski, Leonard, 363-40-9958
Seitz, Quentin L., 207-30-7047
Shaffer, DeWayne M., 209-30-6450
Shepherd, William J., 116-30-6804
Sills, Kenneth F., 374-40-7041
Smith, Ronald M., 370-38-2220
Smothers, James R., 408-62-7845
Thiewes, John F., 470-50-5462
Townsend, Louis C., 433-62-3675
Van Boxtel, Roger K., 390-44-5300
Van Eaton, Errol H., 532-48-9733
Verne, Lawrence R., 301-32-2649
Wands, Bruce B., 083-34-5325
Ward, Denis M., 501-44-5680
Weyhenmeyer, Charles, 332-38-8010
Whitehead, Ronnie O., 444-40-1465
Williamson, Kenneth, 426-84-5100
Wilson, Jackie W., 413-64-3490
Wishart, Ronald K., 154-32-2248
Wolf, Roger W., 438-62-7542
Wright, Brian K., 378-44-7039
Zyko, Eddi Z., 046-32-2794

MEDICAL CORPS

To be lieutenant colonel

McDonald, Thomas W., 402-64-7149
Stabenow, David L., 498-46-4345

MEDICAL SERVICE CORPS

To be lieutenant colonel

Baker, Robert L., 404-46-9398
Trout, John T., 544-38-5673
Vanderbaan, John P., 374-44-5398
Williams, Leslie M., 276-38-0114

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 716:

MEDICAL CORPS

To be colonel

Beirne, Clinton, 559-22-1119

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3353:

MEDICAL CORPS

To be colonel

Jensen, Gordan D., 539-18-0767
Sanford, Jay P., 381-24-4225
Stackpole, James W., 007-22-6282

DENTAL CORPS

To be lieutenant colonel

Anderson, Walter L., 450-34-2458
Sarbin, Alan Gary, 298-26-2550

MEDICAL CORPS

To be lieutenant colonel

Bayme, Lloyd G., 077-28-2509
Bregman, Robert U., 336-24-8610
Bernstein, Morris M., 338-18-9510
Boehrer, Philip M., 394-26-0074
Brandlin, Frederick, 091-20-6355
Carroll, Charles P., 120-30-5660
Compagno, John, 557-70-8451
Dibart, Leonard A., 097-14-0637
Dimanin, John V., 371-26-1493
Eichman, Peter L., 207-14-9113
Fodor, Richard L., 288-22-4159
Fortini, Glenn E., 529-58-3875
Freund, Bernard W., 224-40-1653
Jackson, Benjamin T., 265-20-5849
Jordan, Robert A., 088-20-3521
Karakuc, Raymond J., 367-46-1820
Karsh, Richard B., 058-36-5237
Kelly, Thomas J., 206-14-5817
LaRoche, Fritz, 339-38-4338
MacDonald, Richard, 556-76-4828
Morelli, Robert J., 559-34-5294
Munson, Wayne M., 391-26-9637
Obert, Gerard J., 201-20-3621
O'Brien, John F., 013-26-0900
Parlato, George S., 123-26-3501
Reilly, Charles J., 074-26-7583
Rutland, Eugene P., 409-54-5308
Skogland, Herbert L., 462-44-3482
Stackpole, James W., 007-22-6282
Stewart, William W., 433-34-2725
Sullivan, Philip G., 028-24-4705
Wander, Harry J., 519-32-7979
Wolterbeek, Jacob C., 366-30-1914
Wood, Courtney B., 126-22-6331
Woodruff, Gerald G., 423-20-4956
Zlotsky, Norman, 045-24-9153

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Affeldt, Ronald D., 501-24-5413
Baca, Edward D., 525-74-2555
Baysinger, Howard E., 528-48-4819
Bookout, Jerry P., 491-36-1193
Crocker, Barry D., 247-46-9711
Drummond, Robert T., 012-28-9204
Gaynor, John S., Jr., 232-64-6172
Gibson, James L., 544-32-3938
Goble, Manuel G., 233-58-1606
Grundy, Charles R., 530-24-9618
Harris, Robert A., 490-40-2011
Jones, Milton O., 261-48-3188
Jones, Ward S., 518-38-5372
Kemnitz, Ralph A., 502-44-2523
Kirkland, Wesley R., 266-40-4651
Knutsen, Darwin H., 355-24-3371
McKenzie, Donald W., 530-26-2606
McLarty, William I., 485-30-4637
Malcom, Otis C., Jr., 253-48-8735
Marden, Donald H., 007-34-4207
Meek, James G., 251-42-3775
Michaels, Darwin D., 541-28-2194
Murphy, James L., 577-44-0605
O'Donnell, William, 055-26-3765
Parker, Joseph M., 224-40-4173
Reilly, Donald F., 012-26-1243
Scott, Charles E., 246-48-5841
Shaw, Randall F., 003-22-6769
Shigezawa, Haruo, 575-32-3254
Silva, Gerald J., 576-36-7086
Siu, Lawrence W. J., 575-34-5731
Smith, Harold L., 171-30-6116
Vaccarino, Isadore, 213-32-7120
Voight, Gustav C., 577-46-6102
Watts, John E., 427-66-5892
Whelan, Raymond D., 543-32-6261
Williams, Louis R., 261-54-1504
Young, Stell B., Jr., 417-34-1477

To be lieutenant colonel

Amick, Vernon E., 251-50-0731
Attaway, Charles L., 430-78-7886
Axelson, Tony E., 539-34-8597
Babb, Heinrich N., 216-42-6017
Ballington, Charles, 250-62-6198
Barbone, Anthony F., 221-28-3253
Bauer, Steven J., 387-34-7673
Beckham, Ronald E., 247-74-3075
Blessin, Thomas C., 121-38-7206
Bringol, Donald J., 433-50-0815
Burden, Roger E., 296-36-5254
Butterfield, Richard, 124-34-6841
Carroll, Thomas C., 574-16-6223
Carmona, James, 508-50-2221
Cheney, Harry E., 525-68-1609
Clark, Glen D., 527-50-2829
Correa, Edward L., 575-42-2290
Craig, Ronald A., 506-46-1940
Creasman, Ronnie E., 415-66-4497
Deliva, Wilfred L., 511-40-1150
Diaz, Jose A., 527-68-9634
Dorton, Cecil L., 406-58-5121
Dougovito, James P., 384-48-1088
Dowling, Donald E., 039-26-3890
Dunnavant, Robert G., 236-58-6776
Eason, Richard A., 248-58-9736
Edwards, Ernest T., 503-34-0399
Elgee, John O., 518-58-2546
Elliott, James L., 524-52-0154
Ellsworth, Steven K., 529-62-0294
Everett, Leslie T., 241-64-2836
Ewing, Donald M., 528-50-0390
Fairchild, Robert P., 392-44-9259
Foy, Joseph D., 140-30-4303
Gagnon, Daniel D., 070-34-5804
Gay, Walter R., Jr., 438-54-1392
Gebhardt, Paul G., 327-32-4975
Gustafson, David A., 570-54-1234
Hall, Ashley J., 528-58-6845
Hanus, Theodore R., 356-28-3875
Hara, Horace S., 575-42-3802
Hering, David L., 274-40-8385
Hutchison, Richard, 518-48-7101
Israel, James L., 002-30-7954
Jackson, Robert A., 530-24-1931
Jay, Elton E., 426-68-0359
Jenkins, Richard L., 396-38-7429
Kaiser, James E., 316-36-7854
Laden, Francis A., 505-48-3928
Larsen, Kris E., 549-68-8404
LeFevre, William F., 213-42-2866
Lewis, Howard C., 032-30-6731
Lewis, Robert H., Jr., 242-60-4104
Lichtenstein, Jack, 261-64-6429
Littlejohn, Ellis R., 445-40-9584
McClintock, Charles, 167-34-1014
McCourt, Michael T., 005-46-2153
Manly, Charles L., 225-50-9295
Mansfield, John L., 480-52-4095
Meetze, Donald K., 247-60-2487
Miley, Pete G., 249-76-0614
Morris, John K., 110-38-0437
Murphy, Gerald L., 577-60-7693
Nolley, Edmond B., 217-46-2096

Norman, Edward C., 227-60-1051
Orton, Donald D., 576-36-6869
Partin, Charles M., 439-50-8672
Pearce, Robert L., 158-38-9007
Pelka, Paul F., 148-28-0494
Pierce, Harry R., 155-34-2598
Pierson, Jeffrey L., 145-32-9148
Prestridge, Leslie, 436-54-7312
Respicio, James B., 575-34-5106
Rhyne, Garland R., 353-32-6010
Ribble, George D., 520-44-1066
Richardson, James M., 247-48-0155
Rodriguez-Ruiz, R., 580-94-7901
Sagsveen, Murray G., 501-54-1156
Shapard, Charlie B., 237-64-7386
Simich, Jon A., 355-38-7196
Solano, Delfino F., 504-30-8312
Soyka, Richard J., 473-44-7993
Stewart, Walter L., 156-32-9581
Taylor, Jimmy J., 251-60-1304
Thomas, Norman A., 542-40-1089
Thompson, Frank L., 334-30-6810
Thomson, Jerry L., 484-48-0045
Tuttle, David M., 345-34-7885
Tyra, Thomas O., 434-42-7029
Vander Kolk, Bruce, 366-48-9934
Vines, Walter F., 123-30-9577
Von Linden, Edwin H., 143-28-8290
Warren, Bruce W., 038-28-9436
Whipple, Gary J., 433-54-7116
Wigington, Edward H., 425-88-2607
Williamson, Ronald, 504-46-3536
Wyatt, John W., 411-66-5315

ARMY NURSE CORPS

To be lieutenant colonel

Brown, Helene F., 042-26-5650

DENTAL CORPS

To be lieutenant colonel

Walker, George W., 227-50-0607

MEDICAL CORPS

To be lieutenant colonel

Brockman, Ronald C., 283-32-6546
Cargille, Charles M., 154-26-8661
Delaney, Lawrence J., 020-24-9262
De Lee Jesse C., 459-72-1139
Henry, Thomas S., II, 178-26-2911
Reynolds, Norman C., 047-32-7945
Urbauer, Craig L., 508-54-0978

MEDICAL SERVICE CORPS

To be lieutenant colonel

Canady, Ray B., 406-44-8372
McKnight, Dennis P., 168-34-3408

In the Navy

The following named lieutenant commanders of the line of the Navy for promotion to the permanent grade of commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER (11XX/13XX)

To be commander

Abruzzo, Dianne Marie
Addison, Christopher Lynwood
Alberts, Christopher
Alexander, David John
Alford, Ralph Mart, Jr.
Allen, Gary William
Allen, Mark Edward
Allison, Harry Kent
Alpeter, William Charles
Altizer, Robert Dale
Amundson, Robert James
Andersen, Richard Francis
Anderson, Jonathan Lee
Anderson, Kenneth Noel
Anderson, Marc Eric
Anderson, Samuel Kaaloa
Anderson, Terence Lee
Anglim, Edward Patrick
Antrim, Stanley Robert, Jr.
Arbiter, Jerome Lawrence
Archambo, Hubert Edward, Jr.
Armstrong, William Eric
Athow, Lewis Keith
Augustus, James Robert
Auriemma, John Charles
Avila, Richard Frank
Bacon, William Bradley
Baker, Stephen Hall
Balke, Phillip Lynn
Ballew, William Thomas
Banks, Richard Allen
Bankston, Victor Joseph
Barasha, Lewis Michael, Jr.
Barbero, Mark
Barker, Frank Elmer, Jr.
Barnes, John Roger
Barnes, Thomas Daniel
Barrett, Frank Oliver, III
Barrow, Ronnie Lee
Bathgate, John Craig
Batteen, Earl R., Jr.
Baylis, Robert Owen
Beaugureau, Denis Francis
Bell, Howard Franklin
Bellamy, Malcolm Edwin, Jr.
Bennett, Albert Eugene, Jr.
Benson, Rodney Lingo
Bepko, John Joseph, III
Bergo, Dennis Michael
Bernsen, Thomas Jerome, Jr.
Berree, Norman G.
Berthiaume, William F. Halsey
Bertsch, Roger Brian
Bethea, William Dallas
Bianco, Bernard Michael
Bieda, George Edward
Biggers, Edward Milton
Bingay, Charles Pierson
Blanchard, Frank Medford, Jr.
Bogosian, David Edward
Bohman, Richard Bursey
Bolt, Billy Frank
Bone, John Francis
Bonnett, John William
Bouchoux, Donald Robert
Boucree, Raymond John
Bounds, Lee E.
Boyd, William Linwood
Bozin, William George
Branch, Malcolm Parker
Bratzler, David Karl
Breese, Jack Richard
Brenner, William Rush, Jr.
Briggs, Steven Eric
Brink, Gale Dean
Brookbank, Michael Andrew
Brown, Fred Douglas
Brown, Gregory Charles
Brown, James Michael
Browning, Jonathan Edward
Bryant, Stanley Walter
Buelow, John Peter
Bunnell, David Lee
Burbrink, Roger Ronald
Burlin, David Stevenson
Burr, Richard Henry
Burson, Jacquelyn May
Bush, Frank Joseph, Jr.
Butler, Charles Thomas, III
Byrne, Neil Francis
Byrne, Thomas Michael
Callahan, Roy Howard
Campbell, Craig Vanharten
Campbell, Robert Stephen
Capansky, Mark Alan
Carey, Goeffrey M.
Carroll, Charles Richard
Carroll, James William
Carter, Dennis Charles
Carter, John Michael
Cash, Paul David
Cassidy, John Alexander, Jr.
Cast, Frederick Allan, Jr.
Cataldi, Richard Anthony
Cech, Kenneth Charles
Chambless, James Earl
Champney, Robert Keith
Chaplin, Robert Charles
Chewning, Warren Craig
Christensen, Sandra Lynn
Christenson, Ronald Lee
Christian, Roy Calvin
Church, Albert Thomas, III
Cipriani, Alfred Louis
Clapsadl, Michael Ray
Clark, George Chester
Clark, Frederic T., Jr.
Clayton, Richard Eldon
Clement, Orrin Pierce
Cleverdon, Thomas Frederick
Cochrane, John Mackay
Colantoni, Anthony Vincent
Coleman, Richard George
Coll, William Francis
Commons, Norbert Anthony, Jr.
Compton, James Lawrence, Jr.
Conallen, Michael James
Conrad, John Woeppel
Consaul, Harry Parker, III
Conway, Michael R.
Cook, Virgil Griffith, Jr.
Corbin, Ridgeway W., II
Corbitt, James Allen, Jr.
Corcoran, Thomas Joseph
Corley, Gwinn Ellis
Cottle, Joseph Archie, Jr.
Covington, Clifford Craig
Cox, Richard Stedman
Coxe, William Kenneth, Jr.
Coyle, Barry John
Crandall, Charles Kenneth, Jr.
Crandall, Scott Michael
Crecelius, Frederick E.
Creekman, Charles Todd, Jr.
Crenshaw, Keith Virgil
Crisp, Dale William
Croake, John Michael
Cruser, Thomas Paul
Culpepper, James Clayton
Culwell, Joe Mark
Cummings, Walter James
Curry, Dennis Patrick
Curtis, John MacRae
Curtis, Kendall William
Dahl, Donald Leon
Dame, Roderick Winstead
Daniels, James Norman, Jr.
Darling, Larry Wayne
Davis, Robert Bewick
Davis, Roderick Franklin
Davis, William Oris
Davison, Henry Gordon
Dawson, Donald Ray
Day, Robert Stephen
Dean, Thomas Roger
Demlein, John Joseph, Jr.
Dempsey, Peter Michael
Despain, William Michael
Devries, Peter Joseph, Jr.
Dews, Edwin Walter
Dickey, James Allen
Dickover, David George
Diddlemeyer, Lawrence, F.
Dionizio, Augusto James, Jr.
Dodge, Kenneth Edward
Dolquist, John Dean
Dreesen, Robert Wells, Jr.
Duckworth, Eddie Lee
Dudley, Harrison Grover, Jr.
Dugan, Kathleen Mary
Duke, Russell Alexander, Jr.
Dunn, Carl Boulter
Dysart, Barry Justice
Eason, John Wayne
Eason, Richard Alexander
Eby, Ronald George
Edmonds, Carl Harvey
Edwards, Daniel Dexter
Egan, Dennis James
Ehemann, David Arthur
Elliott, Larry Roscoe

Engler, Brian David
Epley, Clinton Earl
Erickson, Donald Philip
Ertlschweiger, John Thomas
Eseman, Thomas Scott
Etheridge, Melvin Rheul, Jr.
Etter, Thomas Harold
Evermann, George Stephen
Faneuf, Leo Joseph, III
Fant, Glenn Ernest, Jr.
Fargo, Thomas Boulton
Farley, James Michael
Farley, John Francis
Farrar, James Stephen
Farrell, Gerard Michael
Feder, John Heard
Fedyszyn, Thomas Raymond
Felkema, Brian David
Ferguson, Paul Frederick
Ferriman, Robert Lemoine
Ferver, Robert Greer
Fike, Raymond Frederic
Fincher, Walter Keith
Finley, Jeffrey Allen
Fitzgerald, Dennis John
Flaherty, Mark Ostrom
Foley, John Baptist, III
Foster, Jeffrey Rand
Foster, Robert Eugene
Fought, Earl Jay
Fowler, Thomas Vance
Francisco, Larry Jon
Freeman, James Dale
Gaenslen, Carl Eric
Gagliardi, Dennis Lloyd
Gallagher, John Joseph
Gannon, Harvey John, Jr.
Gano, Richard Dale
George, Danny Louis
Giannotti, Louis John
Gibbens, Richard James
Gibbs, Thomas Ryan
Gibson, Robert Lee
Giesemann, Frank Tyler
Gillespie, Thomas Rex, II
Goldberg, Allan Theodore
Goninan, Harvey Glenn
Goodmundson, Gary Carl
Goodwin, Hugh Gibson
Gore, Charles Frederick
Gorthy, Alan Robert, Jr.
Graner, William Ross
Grant, Fredrick Irving
Gray, Robert J.
Greene, Joseph Michael, Jr.
Greer, Richard Earl
Gritzen, Edward Frederick, II
Groff, Melvin Alan
Guilfoyle, Kenneth Gordon
Gurke, Lee Samuel
Hacker, Daniel Mark
Haddock, Joseph William, III
Hager, Alan Richards
Hahnfeldt, Don Fogts
Hall, Stephen James
Hallett, Michael Thomas
Halwachs, Thomas Eugene
Hamburg, James Warren
Hamilton, Baker Robert
Hamilton, Leon Bollie, Jr.
Hammes, Richard Kenneth
Hansell, Ross Chesney
Hansen, Gregory Lee
Harms, Alfred Glen, Jr.
Harris, James Leroy
Harris, Robert Curran
Harrison, Jeffrey
Harry, David Allan
Hartman, Charles Ricks
Hartzell, Gerry Richard
Hastings, James Jeffrey
Havel, Richard William
Hawkings, John Braddock, Jr.
Hayball, Robert Matthew
Heath, Terrill Sullivan
Henderson, John Lewis
Hendricks, Robert Linae
Henry, Joseph Gerard
Henson, Earl Oneal
Hersh, David Sidney
Heuring, Joel Norman
Hickman, William Fredrick
Higgins, James Bruce
Higgins, Simeon Guy, Jr.
Hilburn, John Ernest
Hill, Roger Dale
Hillmann, Leo C.
Hills, Ronald Edward
Hillyer, Richard Scott
Hinman, Harry Thornton, III
Hoff, Norman Lee, Jr.
Hoffman, Vernon Arden, Jr.
Hoge, Donald Carter
Holbrook, Wade Dennis
Holden, Harvey George
Holder, Paul Bernard
Holland, Barry Stephen
Hollis, John Richard
Hooper, James Albert, IV
Horton, John William
Howard, Philip Graham
Huffman, Robert Lee
Hull, Gerald Wayne
Hull, Lee Blanton
Humphreys, Mary Margaret
Hunt, Conway Lansdowne
Hunter, Harry Stephen
Hunter, Robert Sandgran
Hutchison, John Rudolph
Imphong, Thomas Miller
Ingram, Carl Edward
Isele, Charles Pattie
Issi, Dominick Frank, III
Jadryev, James Mark
James, Gary B.
Jamison, Michael Edward
Jamison, Philip Charles
Jarrell, James Robert, IV
Jennings, David Bailey
Johnson, John Michael
Johnson, Wade Cook
Jones, Harland Wilber, Jr.
Jones, Talmadge Craig, II
Jordan, Joseph Elbert, Jr.
Jorgensen, Alfred Christian
Joslin, Charles Loring, III
Judd, William Hart, III
Jung, Frederick Eugene
Jurand, George Walter
Kalb, Richard William
Kaler, Herbert Charles
Kearley, John James
Keefe, George Edwin, Jr.
Keenan, Michael Francis
Kelly, Richard Anthony
Kengla, Donald Clark
Kennedy, Kraig Michael
Kibler, Rex William
Kilmer, Milo Jethroe, II
Kirby, James Denis
Kirk, Douglas Craig
Kline, Howard Keith
Klinger, James Edward
Klocek, Thomas Edward
Klosterman, Robert Charles
Kockler, Frank Richard
Kolarov, George Wayne
Koller, John
Kramer, Dennis Arthur
Kratt, Clifford Leo
Kukulski, Dennis Reginald
Lahren, Jack Wesley
Lalli, Louis Patrick
Lame, Philip Charles
Lang, Norman Wayne
Lanoux, Steven Michael
Larson, James Rogers, Jr.
Latham, James William
Laturno, Raymond John, III
Lauermann, Michael Matthew
Lawler, Thoams Peter
Laz, William Joseph, Jr.
Leake, Laurence Wayne
Lear, Richard Bruce
Leclaire, Robert James
Leitzel, Robert Lee
Lenfant, Phillippe Maurice
Lentner, Russell Wade, Jr.
Lewis, Billy Laroy
Liebe, William Charles
Lieberman, Stephen Leslie
Lind, Stephen McCall
Lines, David Freeman
Lippincott, Lincoln H., II
Lloyd, Thomas Drew
Logan, Robert John
Londot, Jack Lane
Longaker, Chester Case
Lund, Jon Robert
Lyle, John Michael
Lyon, Martha Sue
MacDougall, Joseph Stewart
Mackey, Jesse Milford, Jr.
Mackin, Patrick Charles
Magyar, David James
Maher, Dennis Edward
Malone, Michael John
Manning, Lorraine Florence
Markwell, Gregory Allen
Masica, John Michael
Matthew, Henry F.
Matthers, Victoria Saroch
Maurer, Heinz Gunther
Maxwell, George Gary
Mayo, Robert Ernest
McCain, William Terry
McClellan, Malcolm W., Jr.
McCrory, Kenneth Lee
McCullough, David Garth
McCune, Michael Owen
McFarland, Thomas Baron
McFillin, James Francis, Jr.
McInchok, George Steve, Jr.
McInnis, Richard Dennis
McKee, Thomas Edward
McKinney, Douglas Lloyd
McLain, John Herman
McManus, Richard Irvine
McNulty, Patrick Leo
McTigue, James John
Merrick, Walter Forrest, II
Merritt, Jerry Darious, III
Messing, James Arthur
Meteer, Thomas Dewey
Metzger, Paul Charles
Metzger, William Robert
Michaelis, Frederick H., Jr.
Miller, David Valjean
Miller, Gary Arthur
Mitchell, Donald Edward, Jr.
Mitnik, John
Mock, Jesse Ivan, Jr.
Modlin, Stephen Earl
Mohn, John Gordon
Monroe, John Frazier
Montgomery, Robert Edward
Moore, Eric Cleveland
Moore, George McCullar
Moore, Keith Tennant
Moore, Mitchell Dee
Moran, Gary Ward
Moran, Marlene L.
Moreland, James Wesley, III
Morgan, Michael Carter
Morgan, Newton Henry, Jr.
Moriarty, Richard James
Morin, Paul Roland
Morrell, Michael Francis
Moser, Thomas Griffith
Moses, William J. C.
Motta, Gerald Annibale
Moussette, David King
Mrowczynski, Ronald Matthew
Mullins, Robert Dennis
Munninghoff, Jay Maurice
Murphy, Richard Terrence
Murray, Michael Anthony
Nash, Donald Hendrix

Nation, Charles William, Jr.
Nelson, Gary Steven
Newman, Michael Scott
Newsome, Larry Don
Nichols, Pamela Sue
Nickels, Lowell Hadley
Nifontoff, Gerald Karl
Nolan, Terry Randall
Noland, David John
Norton, John Alden
Nykamp, Bruce Ronald
O'Connell, Brian John
O'Connor, Theodore John
O'Donnell, Gerald James
O'Donnell, James Robert
O'Donnell, Robert Bernard
Ogden, Frank Edmond, II
O'Hara, Stephen Paul
Ohlinger, John Frederic
Olmstead, David E.
O'Neill, Bruce Michael
O'Neill, John, Jr.
Osborn, Lawrence Edward
Oskam, Margaretha Isabella
Otjen, Fred Morris
Overheim, David Charles
Padgett, John Bramwell, III
Paleck, Robert Harold
Papineau, Paul William
Park, David Vance
Parker, Daniel Matthew
Parker, Travis Wood, Jr.
Parsons, Clarence Leslie
Patterson, Paul Linton
Peck, David Lyman
Peck, Michael Lawrence
Pelt, Chester Hayne, Jr.
Perry, Comadore Arthur James
Peterson, Charles Cooper
Peterson, Craig Allen
Petruska, Andrew Michael, III
Petty, John Charles
Piland, Richard Alan
Pillittere, Robert George
Pinnell, Robert Brian
Piotrowski, James Michael
Pittman, Alan Ralph
Pitts, John Lee IV
Plant, Joseph Miers, III
Plett, John Robert
Plummer, Rudy Edward
Poh, Lawrence Charles J., Jr.
Ponton, Robert Glenn
Porter, James Robert
Porterfield, Craig
Potter, Richard Wayne
Prescott, Leonard F., III
Proses, William Albert
Pullen, Lynn Damaris
Quinn, Richard Andrew
Rachor, Robert Lee, Jr.
Ray, Judith Youngstrom
Reaghard, James Anthony
Recame, Bartholomew Joseph
Rector, Jack Brown, Jr.
Regula, Stanley John, Jr.
Reid, James Armstrong
Reid, John David
Reinhardt, William Henry, III
Renfree, Peter Rodman
Rhodes, George Samuel
Richards, Nicholas Ladell
Richards, Richard Noel
Richards, Thomas Russell
Richardson, James Julian, III
Richey, Stephen Thomas
Riddile, Andrew Spencer
Riegel, Michael Glenn
Rieth, Joseph Charles, Jr.
Riley, Benjamin Price, III
Rioux, Michael Francis
Ritzert, Bernard Urban, Jr.
Robbins, Richard Alan
Roberts, Francis Albert
Rodes, Joann
Roe, John Allen
Roeder, John Alexander
Rogers, Mark Allen
Roosa, Roger Keith
Root, Barth James
Roper, Daniel Clark
Rose, David Owen
Rose, Raymond Parks
Rowley, Arthur Norman, III
Rowley, Dennis James
Ruddock,. David Hugh
Russell, Houston Roy, Jr.
Russell, Thomas Gordon
Ryan, Franklin Terrence
Sablowski, Michael Robert
Sadler, William Henley, III
Samuels, Arthur Michael
Sanderson, Robert John
Sassen, Grant William
Sauntry, Thomas Frederick
Schaefer, Charles Alfred
Scharnus, Robert Michael
Schellhaas, Richard Begue, Jr.
Schlichting, Helmuth Carl, Jr.
Schmidt, Alden Duane
Schneider, Anthony Joseph
Schwartz, Albert Zalig
Schwier, Edward George
Schwoerer, Barry Frederick
Scott, Bonnie McCulloch
Scott, Gary Everett
Scrapper, John Christopher
Scull, John Corson
Scurria, James F.
Sedun, Peter John
Selby, Michael Ray
Seymour, Hubert Elmo, III
Shelton, Thomas Leroy
Sheridan, John Joseph
Sherrange, Daniel Thomas
Shie, Barbara Frances
Shupack, Mary Anderson
Shuster, Don Byron, Jr.
Sidnor, Theodore Lathers
Sim, Richard William
Simpson, Robert G.
Singleton, Jerry Brian
Sinz, James Patrick
Sjostrom, Nils Alfred
Slaght, Kenneth Duncan
Slaight, James Butler, IV
Sledge, Loyd Dane
Slocum, Winfield Scott, IV
Small, Warren Edgar
Smith, Burton Dunn
Smith, John Vincent, Jr.
Smith, Kenneth Raymond
Smith, Milton Wayne
Smith, Peter Brooks
Smith, Stephen Gary
Sniffin, Edward McKim
Solberg, James Lee
Sottile, George Vincent
South, Brian James
Souza, Philip Eugene, II
Speer, James Walter
Spicer, Virgil A.
Spires, Nelson Lee
Spolarich, Martin Michael, Jr.
Sprigg, Robert Gary
Stafford, Robert Harry
Stampe, Lawrence Edward, Jr.
Stankowski, Barbara Jo
Stansel, Michael Jerome
Stanton, Bruce Wayne
Stebbings, Stuart Karl
Stecher, Brian Eugene
Steele, Dean Lee
Steffens, Thomas William
Stenstrom, Frank Ernest
Stephenson, James Mell
Stepien, John Zigmand
Stevens, James Douglas
Stewart, Hamilton Michael
Stewart, Joseph Stanley, II
Stewart, Wilton Richard
Stine, Emmett W.
Stoll, Ralph Heston
Stone, Daniel Joseph
Story, Alfred Douglas
Stroop, Patrick Allen
Stubblefield, Gray Leslie
Suhr, James William
Sullivan, Patrick Dennis
Swain, Philip Frank
Sweet, James Franklin
Taggart, John Laughlin, Jr.
Tankersley, Carl Mark
Tarantino, Paul Salvatore
Taylor, Russell Maxfield, II
Temple, Billie Leon
Teves, Arthur Gregory
Therrell, Thomas Stephen
Thiele, James Frederick
Thomas, Robert Michael
Thomas, William Curtis
Thompson, John Anton
Thornton, Sydney Donetta
Tinsely, Steven Garland
Tolhurst, Robert Alfred, Jr.
Tomanelli, James Rocco
Trainor, William Gerald
Trethewey, Thomas George
Tull, Carl Ashby
Turunen, Robert Louis
Utegaard, Thomas Eric
Vanbrunt, Tommy Harris
Vanbuskirk, Dennis James
Vance, William Donald
Vanderberg, Mark Tompkins
Vanhorn, Gary Roy
Vaughan, Steven Andrew
Vincelette, Paul Louis
Vinson, Robert K.
Vivoli, John Bernard
Voss, Philip Dane
Waddell, John William
Wallace, James Young, III
Wallfred, James Gordon
Wanner, Terry Scott
Ward, Clement Harry
Ward, James Geary
Warren, David Franklin
Warren, John Willard
Washer, William Lee
Waterman, Ralph John
Watters, Paul Andrew
Weavil, Mary Ruth
Weber, Robin York
Wein, Michael Clark
Weir, Michael William
Weisberg, Neal William
Wells, Robert Runkle
Wesselhoff, Stephen Thomas
Whall, David Gerald
White, John Stanton
Whitford, Daniel Lee
Widhalm, Kennteh Charles
Wilkins, Stephen Vincent
Willey, James Fletcher
Williams, Harold Aldrich
Williams, John Forrest
Williams, Thomas Cloud, Jr.
Wilson, George Michael
Wilson, Philip Barry
Winters, Keith Allen
Witherspoon, Lewis James
Witkowski, Christopher J.
Wolfe, Charles Darwin
Womack, Lee Thell, Jr.
Wood, Larry Ronald
Wood, William Bob, Jr.
Woodworth, Richard Alden
Wooten, Charles Edwin
Word, Ross Alan
Worley, Michael Jesse
Wright, Thomas Baxter, Jr.
Wrobel, Richard August
Xefteris, Constantine Louis
Young, John Robert
Young, Richard Andrew
Young, William David
Yunker, John Michael

Zavadil, Stephen Wayne
Zia, Ralph Khan
Ziemer, Robert Timothy
Zimmer, Larry W.
Zinser, Harry Jack
Zorbach, Gregory Michael
Zullinger, Charles Frederick

ENGINEERING DUTY OFFICER (14XX)

To be commander

Bassett, William Frederick
Bermudes, Euglogio Conception
Beuerlein, Alan F.
Brands, Robert Keith
Bruninga, Robert Ervin
Burgess, David Ross
Carver, Bobby Wayne
Cassedy, William Augustus, IV
Cassidy, Richard Michael, Jr.
Chance, Thomas Henry
Clifford, William Francis
Collins, Neil Jon
Ellin, Charles Robert
Evans, Steven Roy
Fiske, Richard Paul
Gauss, John Anthony
Gauthier, Maurice Alfred
Hamly, Richard Dana
Holyoak, Joseph Glade
Howarth, Gary L.
Jacobs, John William
Johnson, Charles Michael
Klemm, William Raymond
Kolman, Jerry Dean
Larson, William Douglas
Lemke, Robert James
Locke, John Sinclair
Mancini, Anthony Joseph
Marsh, Michael Thomas
McNamee, John Robert, Jr.
Miller, William Richard
Molloy, James William
Moore, Wesley Harold
Musby, David Cottrell
Olson, John Stephen
Orr, George Harold
Smith, Daniel Earle
Turner, Ronald David
Vittum, David Arthur
Warner, Thomas George
Watkins, William Allen
Wells, John Timothy

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL ENGINEERING) (151X)

To be commander

Alfrieri, Paul Allen
Arnold, Michael James
Ayers, Douglas Pierce
Barrett, Michael Dennis
Batdorf, Richard Earl
Boudreaux, Joseph Clent, III
Butler, Charles Lynn
Dibble, Ronald Alan
Dyer, Joseph Wendell, Jr.
Ferris, Richard Lee
Gordon, Vernon Curtis
Hintz, Edward Joseph, Jr.
Hollis, Michael Kenneth
Johannsen, Michael Kenneth
Lawson, Dale Bruce
Mackenzie, Gordon Alexander
Mertz, Albert George
Milchanowski, Michael John
Saraniero, Michael Anthony
Schroeder, Rodney Clark
Snoody, Donald Eugene
Thompson, Charles Douglas
Turner, Archie Andrew, III
Umbarger, Ray Mckenna
Vehorn, Roger Paul

AERONAUTICAL ENGINEERING DUTY OFFICER (AVIATION MAINTENANCE) (152X)

To be commander

Bicknell, Robert Stephen
Bond, King Charles Pruitt, Jr.
Branum, Jerome Scott
Clark, Donald Bartlett
Darnell, Thomas Richard
Hall, Dane Robert
McCauley, William Collings
Merrill, Dean Reese, Jr.
Moeller, Robert Leon, Jr.
Mullen, George Augustine
Neel, Robert Warren
Reagan, Martin William
Robers, Thomas Wayne
Shelby, John Daniel
Smiley, Philip Titcomb
Svec, James Hynek
Thomsen, Leoin Fredric
Woods, Bennett Richard, Jr.

SPECIAL DUTY OFFICER (CRYPTOLOGY) (161X)

To be commander

Barnett, James Harris
Brewer, Roger Donald
Cosgriff, Robert William
Edwards, Gilbert Spencer
Glenn, Phillip Lee
Heim, Robert Joseph
McCluskey, Richard Joseph
Reglein, Thomas Arthur
Rowe, Richard Robert
Thomas, George Guy
Whitney, David Michael

SPECIAL DUTY OFFICER (INTELLIGENCE) (163X)

To be commander

Baird, W. Dean, Jr.
Brady, Donald Robert
Christianson, David Laurence
Funkhouser, Lenore Marie
Goode, Thomas Gilligan
Hayes, Timothy Paul
Horton, John Vreeland
Kelly, James Brian
Knecht, Jacob Frederic, Jr.
Lautenschlager, Jack Allen
Lawing, Charles William
Liles, John Underwood, Jr.
Lyda, William Walter
Lynn, Warren Douglas
Maclaren, William Francis
Mazzafro, Joseph Michael, Jr.
McKeldin, Charles Edward, Jr.
McKinney, Arlie Benjamin, III
Mohr, April Doreen
O'Malley, Barry Pierce
Perkins, Richard King
Pope, Edmond Dean
Sams, John Lawrence
Sommers, Sidney Gordon
Steshko, William Nicholas, Jr.
Swanson, Eldon Carl, Jr.
Tower, Dennis Ray
Weik, Thomas Anthony
Williams, John Charles
Wilson, Thomas Ray

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS) (165X)

To be commander

Baker, Mark Conway
Gillies, Dugald Lochlin M.
Graw, Julius Arwet
Hilton, Hugh Anthony
Leeder, Frederic Glenn
McGrath, Joseph William

SPECIAL DUTY OFFICER (GEOPHYSICS) (180X)

To be commander

Bub, Frank Lee
Colomb, Herbert Palfrey, Jr.
Elias, William Theodore
Maas, Edwin, Jr.
Mautner, Donald Alan
Spaeth, Warren Theodore, Jr.

LIMITED DUTY OFFICER (LINE) (61XX/62XX/63XX/64XX)

To be commander

Beck, Allen Earl
Boor, Leo John
Campbell, Cager Wayne
Curry, Samuel Grayson, II
Davis, Neil C.
Detwiler, Donald Vernon
Finfrock, Partrick
Glover, Thomas James
Rockwood, Donald James, Jr.
Sears, James Arthur
Shelton, Lynn Dale
Stephan, Herbert Adam
Turner, Jack Eugene
Werling, Robert

In the Marine Corps

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of colonel, under provisions of title 10, United States Code, section 5912, subject to qualifications therefor as provided by law:

Adair, Tommy L., 7998
Aldridge, John R., 0692
Anderst, James L., 6845
Askey, David H., 7072
Axtell, Enos A., Jr., 0766
Badiner, Samuel, 1198
Baldwin, Claude, III, 1548
Ballantyne, Robert L., 7914
Bartlett, Gilbert A., 9293
Bieberbach, Leonard C., 9912
Billik, Dean S., 0851
Brewster, Thomas E., 6172
Carlton, John G., Jr., 0181
Carter, Marshall N., 0230
Chase, William E., 0389
Cook, William H., Jr., 8661
Cooper, Thomas M., 3861
Davis, Ronnie O., 5823
Dunlavy, Kenneth P., 4366
Eddy, Michael F., 3217
Farnell, Crockett, 9694
Fisher, Jospeh T., 0907
Fitts, Darrell S., Jr., 0528
Fowler, Michael D., 9651
Fraim, Jackie W., 2599
Gallaway, James W., 9189
Gill, George K., 2612
Gillespie, Gary L., 0345
Godwin, Robert A., Jr., 8966
Gorgos, Paul A., 5998
Gosnell, Harold C., Jr., 1378
Graves, Melvin T., 1203
Hanke, George F. R., 4513
Hemenez, Richard L., 5615
Hicks, Richard D., 7814
Kenworthy, David M., 6954
Krulak, William M., 8570
Leite, John C., 5550
Lersch, William F., Jr., 4046
Lowrey, John J., 7186
Mangiarelli, Richard D., 3287
McGee, James L., 5983
Milling, Francis W., 7300
Muir, David W., 1164
Noel, Normand L., 4110
Norton, John J., 1236
Partee, Richard A., 9389
Pitzl, Gerald R., 1296
Posluszny, Donald A., 6143
Pyle, John M., 4215
Rathert, Robert H., 4596
Regan, Brian C., 4672
Rice, William R., 9909
Rimer, Frank D., III, 1543
Robinson, Frank J., 6106
Rogers, Lewis, F., 0251
Romine, Richard A., 9817
Sanders, Walter L., 7419
Shoemaker, Harry S., 3191
Smith, Richard N., 3401
Stell, Cecil I., Jr., 9676
Sullivan, Harold R., 5463
Taylor, Larry S., 8930
Winkelbrandt, Ehrhard K., 8634
Woodall, George S., Jr., 4068
Zolomij, Stephen W., 6479

EXTENSIONS OF REMARKS

AMEND THE BANKRUPTCY CODE WITH REGARD TO CERTAIN REPURCHASE AGREEMENTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. FAUNTROY. Mr. Speaker, I have today introduced legislation which I believe is critically needed to assure the continued smooth functioning of the Nation's Government security markets and the open market operations of the Federal Reserve System. This legislation would amend the Bankruptcy Code to exempt from its automatic stay provisions certain repurchase agreements.

These amendments to the Bankruptcy Code (the "Code") regarding repurchase agreements (sometimes referred to herein as "repos") [1] have been proposed to deal with the considerable uncertainty that has arisen in recent months as to how repos may be treated in a bankruptcy proceeding. This uncertainty was emphasized by Anthony M. Solomon, president of the Federal Reserve Bank of New York—the New York Fed—in testimony, April 25, 1983, before the Subcommittee on Domestic Monetary Policy of the House Committee on Banking, Finance and Urban Affairs.

Use of repos has grown rapidly in recent years. Repos are now considered to be a principal means of financing the market for U.S. Government securities and money market instruments. As Mr. Solomon testified, repos have emerged over the years as a particularly useful tool in conducting Federal Reserve open market operations. A diminution in the liquidity of the repo market could hamper the conduct of monetary policy.

Recently, however, a serious question has arisen whether the securities and commodities amendments to the Bankruptcy Code (the "Code"), enacted last year as Public Law 97-222, adequately cover the repo market. As a first step, the proposed amendments to the Code would address this question:

First, by providing new definitions of "repo participant" and "repurchase agreement" in section 101, and

Second, by creating a new section at the end of chapter 5 and making conforming amendments to sections 362(b), 546, 548(d)(2) and 553(b)(1) of the Code to insure there is no question that repo participants are afforded the same treatment with respect to the stay and avoidance provisions of the Code in connection with repurchase agreements, as newly defined, which Pubic Law 97-222 explicitly provided stockbrokers, securities clearing agencies, commodity brokers, and forward contract merchants in connection with securities contracts, commodity contracts and forward contracts.

These amendments would taken an important first step in resolving the recent uncertainty about whether the provisions of Public Law 97-222 adequately cover the repo market. This uncertainty largely stems from litigation in the Lombard-Wall case, as described below, and has introduced considerable confusion in the use of repo transactions in financial markets.

These amendments are offered as an emergency measure to deal with the effect of the present uncertainty on the repo market only in respect of U.S. Government and agency obligations, certificates of deposit, and eligible bankers' acceptances.

II. DESCRIPTION OF THE REPO MARKET

As indicated above, repo transactions provide one of the major mechanisms for limited-term investment involving all U.S. Government and agency securities, mortgage-related instruments, commodities and all money market instruments—for example, certificates of deposit, bankers' acceptances, and commercial paper.

The volume of repo transactions is very large. The 36 members of the primary dealers committee of the Public Securities Association (the "Primary Dealers") alone engage in repo transactions amounting to about $25 billion to $30 billion each day. It is difficult to determine the total size of the repo market, but one can safely estimate that the aggregate daily amount of repo transactions amounts to several hundred billion dollars. This should come as little surprise, since the financial assets that are the subject of repos include a substantial part of the approximately trillion dollar U.S. public debt.

The repo market serves a crucial function for both parties to the repo transaction. The country's major institutional and fiduciary investors make heavy use of repos. For these investors, including such entities as State and local governments, public and private pension funds, money market and other mutual funds, banks, thrift institutions, and large corporations, repos have become a vital tool of cash management.

The repo is particularly well-suited to the needs of these investors. Receipts of taxes and the proceeds of bond issues in the case of State and local governments, cash flows from corporate operations, and liquidity needs of thrift institutions and money market funds often fail to coincide with the planned expenditures of such funds, thereby creating the need for such entities to invest idle funds for short periods in as risk free a manner as possible.

Repos generate income for the supplier of funds while at the same time providing flexibility, since they can be arranged for periods which match the supplier's cash flow needs, including periods as short as 1 day. Few, if any, other investment vehicles have this feature. Government securities or other financial assets can be bought and held for short periods other than in repo transactions, but the transaction costs can be relatively high. Moreover, the possibility of capital loss due to market rate volatility or the risk of reinvestment at a lower rate of return significantly reduces the attractiveness of investment alternatives.

For the primary dealers in the Government-related securities market, the repo market has become the principal means of financing their positions. Repos provide dealers with the financing that is essential for them to buy newly issued Government securities. Repos also enable other dealers to obtain these newly issued securities from the primary dealers. If repo financing becomes unavailable or more costly due to adverse interpretations of the code, the distribution system for newly issued Government securities and the Federal Government's ability to raise funds in a cost-effective manner will be adversely affected. This would in turn increase the cost of Government borrowing and the level of interest rates generally.

Wide public and private sector participation is important to the reliable functioning of the repo markets and permits the U.S. Treasury and other Federal agencies to finance the country's public debt at rates of interest lower than otherwise would be possible. Moreover, it provides additional incentive for foreign central banks and other foreign holders of U.S. dollar reserves to participate in financing the Nation's public debt.

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[1] A repo represents a transfer of a financial instrument—often government securities—by one party to another party for payment, with a simultaneous agreement by the second party to retransfer securities to the first party on demand or on a date certain against payment which reflects a rate of interest. A reverse repo is the mirror image of a repo, generally initiated by the party originally transferring the securities.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Just as important, the repo market plays an important role in the conduct of monetary policy. The Federal Open Market Committee, through the trading desk at thė New York Fed, makes extensive use of repos in regulating the supply of funds in the execution of monetary policy. Repos have become a highly flexible and effective short-term tool for the Federal Reserve System, allowing the System to adjust reserves for short periods of time without disruption of the Government securities market. The effectiveness of the repo market as a tool of monetary policy depends in turn upon broad-based public participation.

As indicated above, the efficient functioning of the repo market also facilitates substantial involvement by foreign central banks, monetary authorities, and international institutions in financing the U.S. public debt. The New York Fed maintains accounts for approximately 140 foreign central banks, monetary authorities, and international institutions. With such large international holdings of the dollar, it has become important to the orderly financing of the public debt that these institutions purchase U.S. Government securities. In 1982, for example, the dollar volume of investment activity for these foreign accounts alone at the New York Fed exceeded $1.4 trillion, most of which involved U.S. Government securities. A substantial amount of this activity was in repos.

Finally, the existence of an efficient repo market in U.S. Government securities enhances the attractiveness of the U.S. dollar as an international reserve currency. The dollar is the principal reserve currency in the world.

III. REPO MARKET IN JEOPARDY

The effective functioning of the repo market can only be assured if repo investors will be protected against the risk of open-ended market loss arising from the insolvency of a dealer or other counterparty in the repo market. As Mr. Solomon testified on April 26, 1983, the possibility that market participants might prove incapable of using either their funds or their securities upon the insolvency of a counterparty weakens confidence in the repo market.

The repo market is as complex as it is crucial. It is built upon transactions that are highly interrelated. A collapse of one institution involved in repo transactions could start a chain reaction, putting at risk hundreds of billions of dollars and threatening the solvency of many additional institutions.

Since the repo market is important to the health of the country's financial system, it is desirable that the Code be interpreted and implemented in a manner which protects that market without creating an unfair result for debtors. Similar concerns led to Public Law 97-222. Despite Public Law 97-222, investors in the repo market have in the last several months found themselves faced with considerable uncertainty about the treatment of repos in bankruptcy proceedings. The provisions of Public Law 97-222 are not believed adequate to protect liquidations of repos in the event of the insolvency of a dealer or other participant in the repo market, even though the principal objective of Public Law 97-222 was to prevent the insolvency of one commodities or securities firm from spreading to other firms and possibly threatening the stability of the affected market. H.R. Rep. No. 97-420, 97th Congress, 2d Session 1 (1982).

The uncertainty was highlighted by the filing in the Bankruptcy Court in the Southern District of New York of a chapter 11 bankruptcy petition by Lombard-Wall, Inc., in August 1982.[2] A bench decision in the Lombard-Wall case held that the holder of securities subject to a repurchase agreement was subject to the automatic stay of the Code, and that this holder was precluded from closing out its position with the debtor without approval of the Court. *Lombard-Wall Incorporated v. Columbus Bank & Trust Co. et al.* (In re Lombard-Wall, Incorporated), No. 82 B 11556, Bankr. Ct., S.D.N.Y., bench decision, September 16, 1982. This holding made clear the risks to the market created by the Code's stay and avoidance provisions and demonstrated that Public Law 97-222 is not sufficient in scope to protect the market from major dislocations caused by bankruptcy of market participants.

The Lombard-Wall proceedings and their extensive press coverage have had an adverse impact on the financial markets and undermined the primary purposes of Public Law 97-222 because the repo market is subject to the same ripple effect as other securities markets.[3]

President Solomon of the New York Fed testified that if the interpretation in the Lombard-Wall decision were to prevail, he is confident that some deterioration could result in the Government securities market. He added:

> Indeed, there has already been some deterioration [in the market], which might well have gone further but for the anticipation by many market participants that the legal questions overhanging the status of repos will be favorably resolved. At the least, the market would lose a significant measure of liquidity as some risk-averse participants withdrew or reduced their exposure; the interest rate paid on such transactions would rise to reflect the greater risk and lessened willingness of temporary investors to participate; and the market participants with less-established track records would experience some loss of business and higher financing costs.

Uncertainty as to the scope of coverage of Public Law 97-222 with respect to the repo market has already caused special problems for certain categories of investors. The U.S. Department of Housing and Urban Development has recently decided not to permit further investment in repos by Public Housing Authorities, Indian Housing Authorities, and FHA-Approved Mortgagees for Multifamily Projects. Standard & Poor's has indicated that it will not rate "structured municipal issues," which permit investment of municipal bond or note proceeds in repurchase agreements, with stockbrokers, other than those subject to a liquidation under the Securities Investor Protection Act of 1970, unless they themselves are rated by Standard & Poor's because of the questions raised by the Lombard-Wall bankruptcy about the ability of a bond or note trustee to liquidate, in a timely manner, securities held under a repurchase agreement where the seller-repurchaser files for protection under the Code.

Open-ended mutual funds, particularly the money market funds, use repos on a short-term basis to assist in managing their portfolios, to provide flexibility and to provide higher return with relative safety. As of April 30, 1983, money market funds held repo agreements totaling approximately $13.5 billion.

The recent focus on safety and liquidity of repos in the event of a bankruptcy filing by a participant to a repo has raised concerns about their use by the mutual fund industry in light of the regulatory standards under the Investment Company Act of 1940. On February 2, 1983, in Investment Company Release No. 13005, the Securities and Exchange Commission announced the revision of a previous "no action" position taken by the Division of Investment Management regarding repos. Under its revised policy, the Division requires that investment company boards of directors evaluate the creditworthiness of the brokers or dealers with which they propose to engage in repo transactions. In addition, the Division indicated, in a November 4, 1982, memorandum to Chairman Shad, that it would require that Government securities money market funds which advertise that their portfolio securities are Government guaranteed to disclose substantial investments in repos.

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[2] Some question about the legal status of repos in the bankruptcy context had also been raised earlier in 1982 with the collapse of Drysdale Government Securities, Inc., even before the enactment of Public Law 97-222. Drysdale's failure has also had a wide impact on the repo market and in fact contributed to Lombard-Wall's problem.

[3] See Carrington, "Securities in Lombard-Wall Case Termed Loan Collateral by a Bankruptcy Judge," Wall St. J., Sept. 20, 1982, at 10, col. 2.

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While these concerns are currently being addressed within the mutual fund industry, the proposed amendments to the Bankruptcy Code would assure protection to mutual funds which engage in repos. If a bankruptcy filing does occur, the proposed legislation would protect the liquidity of a fund's repo with a debtor, and permit the fund to achieve its bargained-for contract rights.

Safety and the ability to specify term are the key elements of repos which make them attractive to funds. Both elements promote liquidity for funds. Money market funds, by their nature, are required to be highly liquid and are used by millions of investors on a daily basis for investment in and redemption of fund shares. The ability to redeem promptly, at net asset value, is crucial to the operation of these funds and the maintenance of investor confidence. The filing of a case under the Code by a Government securities dealer, or other party which holds a repo with a fund, puts these key elements in some doubt. Although there is little likelihood that bankruptcies involving fund repos would occur with any frequency, the mere possibility, under present law, raises significant issues as to the safeguards and circumstances under which funds should utilize repos in their investment portfolios.

The proposed amendments to the Code, described below, will help assure that the objective of Public Law 97-222 to minimize the displacement caused in the commodities and securities markets in the event of a major bankruptcy (128 Congressional Record 1262 (daily ed. February 9, 1982) (statement of Republican Edwards)) is carried out be expressly providing the repo market the same protection.

IV. PROPOSED REPO AMENDMENTS

The proposed amendments will take an important first step toward meeting the full objective of Public Law 97-222 by expressly providing that similar protections apply to the crucial portions of the repo market involving U.S. Government and agency obligations, certificates of deposit, and eligible bankers' acceptances. The structure of the proposed amendments is based upon the addition to the Code of new definitions of "repo participant" and "repurchase agreement" and the making of conforming changes in relevant provisions of the Code. The proposed amendments are intended to afford participants in the repo market the same treatment with respect to the stay and avoidance provisions of the Code that Public Law 97-222 explicitly provided stockbrokers, securities clearing agencies, commodity brokers, and forward contract merchants in connection with securities contracts, commodity contracts, and forward contracts.

The amendments would apply only to certain repurchase agreements, namely, those involving certificates of deposit, eligible bankers' acceptances, or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States. These amendments are not intended, however, to affect the status of repos involving securities or involving commodities as securities contracts, commodity contracts, or forward contracts, and their consequent eligibility for similar treatment under other provisions of the Code, such as the provisions giving protection to stockbrokers, securities clearing agencies, commodity brokers, and forward contract merchants for liquidation and setoff in respect of securities contracts, commodity contracts, or forward contracts. In particular, a repurchase agreement as defined in the amendments, insofar as it applies to a security, would continue to be a securities contract as defined in the Code and thus also would be subject to the Code provisions pertaining to securities contracts. Similarly, insofar as a repurchase agreement as defined by the amendments applies to a commodity, it would continue to be a forward contract for purposes of the Code and would be subject to the Code provisions pertaining to forward contracts.

H.R. 3418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Repurchase Agreements Bankruptcy Amendments of 1983".

Sec. 2. Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraphs (35), (36), (37), (38), (39), (40), and (41), as paragraphs (37), (38), (39), (40), (41), (42), and (43), respectively,

(2) by inserting after paragraph (34) the following new paragraph:

"(35) 'repo participant' means an entity that, on any day during the period beginning 90 days before the date of the filing of the petition, has an outstanding repurchase agreement with the debtor;", and

(3) by inserting after paragraph (35) the following new paragraph:

"(36) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement) means an agreement, including related terms, which provides for the transfer of certificates of deposit, eligible bankers' acceptances, or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, or securities with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, or securities as described above, at a date certain not later than one year after such transfers or on demand, against the transfer of funds;".

Sec. 3. Section 362(b) of title II, United States Code, is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) under subsection (a) of this section, of the setoff by a repo participant, of any mutual debt and claim under or in connection with repurchase agreements that constitutes the setoff of a claim against the debtor for a margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, arising out of repurchase agreements against cash, securities, or other property held by or due from such repo participant to margin, guarantee, secure, or settle repurchase agreements;".

Sec. 4. Section 546 of title 11, United States Code, is amended by inserting after subsection (d) the following new subsection:

"(e) Notwithstanding sections 544, 545, 547, 548(a)(2), and 548(b) of this title, the trustee may not avoid a transfer that is margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, made by or to a repo participant, in connection with a repurchase agreement and that is made before the commencement of the case, except under section 548(a)(1) of this title.".

Sec. 5. Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking out "and" at the end thereof,

(2) in subparagraph (B) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new subparagraph:

"(C) a repo participant that receives a margin payment, as defined in section 741(5) or 761(15) of this title, or settlement payment, as defined in section 741(8) of this title, in connection with a repurchase agreement, takes for value to the extent of such payment.".

Sec. 6. Section 553(b)(1) of title 11, United States Code, is amended by inserting ", 362(b)(7)," after "362(b)(6)".

Sec. 7. (a) Chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new section:

"§ 557. Contractual right to liquidate a repurchase agreement.

"The exercise of a contractual right of a repo participant to cause the liquidation of a repurchase agreement because of a condition of the kind specified in section 365(e)(1) of this title shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by order of a court or administrative agency in any proceeding under this title, unless, where the debtor is a stockbroker or securities clearing agency, such order is authorized under the provisions of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa *et seq.*) or any statute administered by the Securities and Exchange Commission. In the event that a repo participant liquidates one or more repurchase agreements with a debtor and under the terms of one or more such agreements has agreed to deliver assets subject to repurchase agreements to the debtor, any excess of the market prices received on liquidation of such assets (or, if any such assets are not disposed of on the date of liquidation of such repurchase agreements, at the prices available at the time of liquidation of such repurchase agreements from a generally recognized source or the most

recent closing bid quotation from such a source) over the sum of the stated repurchase prices and all expenses in connection with the liquidation of such repurchase agreements shall be deemed property of the estate, subject to the available rights of setoff. As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw, applicable to each party to the repurchase agreement, of a national securities exchange, a national securities association, or a securities clearing agency, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.".

(b) The analysis of sections for chapter 5 of title 11, United States Code, is amended by adding at the end thereof the following new item:

"557. Contractual right to liquidate a repurchase agreement."

Sec. 8. The amendments made by this Act shall become effective upon the date of the enactment of this Act, except that such amendments shall apply only to cases commenced on or after such date.

Section-by-Section Analysis

SECTION 1—SHORT TITLE

Section 1 provides that the act may be cited as the "Repurchase Agreements Bankruptcy Amendments of 1983."

SECTION 2—DEFINITIONS

Section 2(1) makes conforming redesignations of subsequent definitions.

Section 2(2) provides a new definition for "repo participant" in section 101. "Repo participant" includes any entity that, on any day during the period beginning 90 days before the date of the filing of the petition, (has one or more outstanding repurchase agreements with the debtor.) The 90 day period is based on the preference period set forth in section 547 of the Code. This definition is intended to include an entity acting for its own account or for the account of one or more other entities (whether as custodian, trustee, fiduciary, agent or in any other capacity).

It is not intended by the provisions of this definition to affect the status of repurchase agreements under other provisions of the Code, such as those, for example, protecting securities contracts and forward contracts.

Section 2(3) provides a new definition for "repurchase agreement" in section 101. "Repurchase agreement" means any agreement which provides for the transfer of certificates of deposit, eligible bankers' acceptances or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, or securities with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, or securities as described above, at a date certain not later than one year after such transfers or on demand (regardless of by whom made), against the transfer of funds. This definition also applies to a reverse repurchase agreement. It also covers any related terms in a repurchase agreement (such as mark-to-market provisions). For purposes of this definition an "eligible bankers' acceptance" is either (i) an acceptance by any institution of a draft or bill or exchange drawn on itself which, if drawn on a member bank, would be eligible for acceptance under the criteria established in subparagraph (A) of the seventh paragraph of section 13 of the Federal Reserve Act, 12 U.S.C. § 372, or (ii) an acceptance which, on the date the repurchase agreement is entered into, is eligible for purchase under the rules of the Federal Open Market Committee.

While repurchase agreements may be open to various kinds of characterizations and are characterized in market practice under various legal relationships, it is intended by this section that any agreement that meets the terms of the definition of repurchase agreement shall receive the treatment in bankruptcy that is provided for in this subtitle.

The definition does not require (or prevent) the original and reverse transfers to be provided for in separate agreements or confirmations. A repurchase agreement may be either written or oral.

In accordance with market practice, some repurchase agreements permit certain substitutions of the assets subject to the repurchase agreement. Accordingly, under agreements covered by this definition, the transferor may make certain substitutions of assets, but only assets of at least equal market value to those originally transferred and falling within the same one of the three enumerated categories (i.e., certificates of deposit, eligible bankers' acceptances, or U.S. government and Federal agency issued or guaranteed securities). The transferee may return only assets that are the same in all material respects as those last transferred or substituted by the transferor.

Repurchase agreements for only certificates of deposit, eligible bankers' acceptances, and U.S. government and Federal agency issued or guarenteed obligations are afforded the amendment's treatment under the Code. As provided in section 102(5) of title 11, United States Code, the enumeration of the underlying types of property in the alternative is not exclusive; a repurchase agreement can involve the transfer or re-transfer of a combination of the enumerated kinds of property. It is not intended by the enumeration in this definition to affect in any way the status of repurchase agreements for any item, whether or not covered by the definition, under other provisions of the Code, such as those, for example, protecting securities contracts and forward contracts.

In particular, a repurchase agreement as defined in this subtitle, insofar as it applies to a security, would continue to be a securities contract as defined in the Code and thus also would be subject to the Code provisions pertaining to securities contracts. Similarly, insofar as a repurchase agreement as defined in this subtitle applies to a commodity, it would continue to be a forward contract for purposes of the Code and would be subject to the forward contract provisions of the Code.

The reference to "direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States" is based on section 14(b) of the Federal Reserve Act, 12 U.S.C. § 355, and is intended to include all obligations of, or that are fully guaranteed as to principal and interest by, any entity whose obligations are determined by the Board of Governors of the Federal Reserve System to be eligible for purchase by Federal Reserve banks under the similar language of section 14(b) of the Federal Reserve Act.

SECTION 3—AUTOMATIC STAY

Section 3(1) makes conforming redesignations of subsequent paragraphs.

Section 3(2) is intended to clarify that, despite the automatic stay of section 362(a), a repo participant may set off a claim for a margin or settlement payment arising out of repurchase agreements against the repo participant's obligations to the debtor in respect of cash, securities or other property that the repo participant is holding, or that is due to the debtor, to margin, guarantee, secure or settle repurchase agreements, notwithstanding the bankruptcy of the party for whose account such cash, securities, or property is held. This provision is essentially parallel to the one in existing Code section 362(b)(6).

This section refers to settlement payments as defined in section 741(8). It is intended for purposes of this section and the other provisions added by this subtitle that any amount paid or payable with respect to any interest, dividend or other distribution in respect of the certificate of deposit, eligible bankers' acceptance, or security that is the subject of the repurchase agreement and any amount paid or payable with respect to any interest, rebate or other fee in respect of the repurchase agreement, regardless of whether the amount is paid or payable on a settlement date or a different date, constitute a settlement payment within the meaning of that term as defined in section 741(8). Such items serve the same function as other, more conventional types of settlement payment and are commonly used in the securities trade. This assures consistency of treatment, since it is understood that similar amounts paid or payable with respect to securities contracts likewise come within the definition of settlement payment as defined in section 741(8) for purposes of the Code provisions relating to securities contracts.

SECTION 4—AVOIDING POWERS

Section 4 creates a new subsection to section 546 which, together with provisions of section 548, clarifies that a trustee is prohibited from avoiding a transfer that is a margin payment or settlement payment made by or to a repo participant in connection with a repurchase agreement, except where the transfer was made with actual intent to hinder, delay or defraud other creditors and the property transferred was not taken in good faith. This prohibition is parallel to the one in existing Code section 546(d).

SECTION 5—PAYMENTS TAKEN FOR VALUE

Section 5 creates a new subsection to section 548(d)(2) to clarify that all margin or settlement payments made in connection with a repurchase agreement are taken for value to the full extent of such margin payments. This new provision is parallel to the one in existing Code section 548(d)(2)(B).

SECTION 6—SETOFFS

Section 6 makes a conforming change in Section 553(b)(1) of the Code.

SECTION 7—PROTECTION FOR LIQUIDATION OF A REPURCHASE AGREEMENT

Section 7(a) adds a new section to the end of Chapter 5 of title 11 to clarify that the exercise of a contractual right of a repo participant to cause the liquidation of a repurchase agreement, because of a condition of the kind specified in section 365(e)(1) of title 11, shall not be stayed, avoided or otherwise limited in any proceeding under title 11 by a court or administrative agency, unless, where the debtor is a stockbroker or securities clearing agency, such order is authorized under the provisions of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) or any statute administered by the Securities and Exchange Commission. This provision would confirm that the liquidation would terminate any right of the debtor's trustee to affirm an executory contract in respect of a repurchase agreement. The prompt liquidation of an insolvent's position is generally desirable to minimize the potentially massive losses and chain reaction of insolvencies that could occur if the market were to move sharply in the wrong direction. This provision is parallel to the one in existing Code section 555.

The amendment also contains an excess proceeds provision applicable in the event that a repo participant liquidates one or more repurchase agreements with a debtor and under the terms of one or more such agreements has agreed to deliver assets subject to such agreement or agreements to the debtor. In such an event any excess of the market prices received on liquidation of such assets (or if any such assets are not disposed of on the date of liquidation of such repurchase agreements, at the prices available at the time of liquidation of such repurchase agreements from a generally recognized source or the most recent closing bid quotation from such a source) over the sum of the stated repurchase prices and all expenses (including such items as brokerage fees, bank charges or fees for legal services) in connection with the liquidation of such repurchase agreements shall be deemed property of the estate, subject to the available rights of setoff. It is intended that the rights of setoff and other remedies permitted elsewhere in the Bankruptcy Code and under other law are not to be limited by this provision.

The new section includes a definition of the term "contractual right" in respect of repurchase agreements to make explicit that this term includes rights arising under common law, under law merchant or by reason of normal business practice whether or not evidenced in writing, as well as a right set forth in a rule or bylaw, of a national securities exchange, a national securities association, or a securities clearing agency that is applicable to each party to the repurchase agreement. It is understood and intended that such a rule or bylaw would be applicable to each party to the repurchase agreement only if each of them is a member of the exchange, association or agency promulgating the rule or bylaw or has agreed to be bound by such rule or bylaw.

Section 7(b) makes a conforming change.

SECTION 8—EFFECTIVE DATE

Section 8 provides that these amendments shall become effective on the date of enactment but shall not apply to cases commenced before the date of enactment.●

AMERICAN IDEALS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. PORTER. Mr. Speaker, I am proud to share with my colleagues the speech of Walter Cherry, a long-time Winnetka, Ill., resident and former village trustee, delivered at the Winnetka 1983 Memorial Day observance on the green. Mr. Cherry's speech underscores the importance of our most cherished American ideals; patriotism, progress, and sacrifice, and in so doing, most eloquently reaffirms the meaning behind our observance of Memorial Day.

Memorial Day Address by Walter L. Cherry

Good morning to my neighbors of Winnetka, and welcome to any visitors who may be with us. I am deeply honored to join with you in celebrating this important occasion.

Memorial Day is a very special kind of religious observance. It possesses a marked difference from traditional religious holidays, which commemorate events and honor people from distant lands and ancient times. Memorial Day commemorates America's own sons and daughters, members of our own families, or our forefathers' families, who gave their lives for their country. It is a solemn and tender time.

Those whom we honor today died for America, for you and me. They gave their lives that we might live ours. There is no way any of us can directly repay their gift, of course. But we can strive to make America, the country they gave to us, a better place each day.

All of us, at various times, have entertained thoughts on the strengths and weaknesses of our country and her people, and what might be done to improve our land to the benefit of all. I have collected some of these and would like to present them to you. I'm sure you will recognize many of them as your own. Please join me now in this, a Layman's Prayer for America.

Lord, you have given us a land endowed with unmatched natural resources and singular beauty. For the benefit of those millions among us who have not yet achieved a full life may we discover sensible means to exploit these resources, while retaining nature's grandeur. Neither the unbridled lust for financial reward, nor the tyranny of those who have already arrived and would do nothing, should determine our actions. Reasonableness must prevail.

We are a land of many races, many origins. In our ethnic diversity resides our vitality. Few of our families have been American for more than a generation or two. Yesterday's penniless immigrants are today's leaders. It has been, and always will be thus. Yet each succeeding generation of us has found a social group to rail against and to exploit. Instead of welcoming them as equal partners, we still fear them and look down upon them. But we have made great headway. Surely our outstanding progress of the last three decades was not marked by the development of the computer, trips to the moon, or unlocking the secrets of genes. Incredible as these towering achievements were, they were dimmed in importance by an event that was almost totally non-intellectual—the beginning of the true emancipation of America's disenfranchized, and a general acceptance into brotherhood of all whose skin is other than pure white. We have far to go. Speed us in our quest for fair play and equal opportunity, first, because it is morally right, and second, because it is simply practical. But in our quest for equanimity and equal opportunity, let us not stifle the gifted and dedicated, upon whom we depend to lead our country to greatness.

America has slipped from its position of eminence. We lack the credibility and substance, both domestically and internationally, that we once possessed. Our leaders, and we citizens in our daily lives, must reestablish this position. Help us to make decisions based not on expediency and ideologies, but on high principals, truth, and sound judgement, even though we may risk loss of popularity in so doing. Guide us, lest we substitute opinion for fact, and demagoguery for true leadership. Lead us in the quest for excellence.

We are a vital and dynamic people. Our urge to succeed is strong, and our opportunities to do so are great. We are competitors. Show us how to use our competitive vigor to rebuild America and bring a rewarding life to all her people. Divert us from the current non-productive vogue of adversarial personal relationships with any who may disagree or compete with us.

May all of us seek not a life of ease. We were never supposed to have all our problems solved, have no right to expect it, and, in the final analysis probably wouldn't even want it. Let the less burdened share the load of the afflicted.

Give to each of us a sense of humor. Laughter is a tonic, when done at oneself and not at the expense of another. Let us not take ourselves too seriously, but make certain we assume full responsibility for the duties which befall us. To each of us grant self esteem seasoned with humility.

We thank you, dear Lord, for our great country. Care gently for its fallen sons and daughters, who have given to it its greatness. Make each of us daily mindful of the unpayable debt we owe to our departed loved ones. Lead us in our eternal quest for excellence for America, in their name. May our dedication ultimately lead to peace and dignity for all humanity, for only then will we know they have not died in vain.

Amen.●

SOLARZ ATTACKS SOVIET USE OF YELLOW RAIN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. FRANK. Mr. Speaker, our colleague, the gentleman from New York (Mr. SOLARZ) published in today's Washington Post a compelling analysis of the use of chemical warfare by the Soviet Union and its ally, Vietnam. The Soviet Union and Vietnam must be told that their inhuman tactics are widely condemned, and all possible pressure must be brought to bear by those who oppose the use of chemical weapons. In particular, those of us who voted last week to prevent the development of chemical weapons in the United States have, in my view, a particular responsibility to speak out as strongly as we can against the terror now being inflicted on the people of Southeast Asia and Afghanistan.

It is typical of the strong leaderhip which Mr. SOLARZ has provided in defense of human rights across the globe that he has spoken out so clearly on this issue. I ask that his article be reprinted here so that all of our colleagues may benefit from it.

Make No Mistake: They're Using Yellow Rain

(By Stephen J. Solarz)

There may be reasons for doubting that the Soviet Union is involved with illegal chemical warfare in Asia, but the facts of the case aren't among them. No matter how hard those who prefer to see and hear and speak no evil may try, the evidence simply cannot be explained away.

It is not just the United States but also Canada, Britain, Australia, China and Thailand, among others, which have found that illegal chemical warfare is being used in Asia. Even the Socialist foreign minister of France, who is no enemy of Vietnam, recently announced that France on its own had "firm and convincing evidence" of the use of these weapons in Southeast Asia and Afghanistan.

Yet it is to understand why so many good people resist this conclusion. When former Secretary of State Alexander Haig first aired the charge that the Soviet Union was violating treaties prohibiting chemical and biological warfare, his publicly presented evidence—a twig—seemed so thin that Haig's claim appeared to be more an exercise in Cold War propaganda than a presentation of carefully compiled scientific data. Many people here and abroad also worried that Haig's accusation was part of a Reagan administration attempt to justify its hostility to arms control agreements with the Soviet Union.

The initial skepticism which greeted Haig's accusation notwithstanding, the use of chemical warfare by the U.S.S.R. and Vietnam has now been established beyond doubt. Not only is there persuasive, if highly classified, technical data indicating Soviet involvement in the manufacture, supply and use of chemical weapons, but peer reviews of the U.S. evidence by a panel of American scientists and a leading Japanese authority on the subject have independently confirmed that the chemical agents discovered were indeed man-made, prohibited substances. In addition, there is publicly available medical testimony, hundreds of firsthand reports from the victims of "yellow rain," and laboratory analysis of samples taken from areas in which these prohibited toxins have been found.

Doctors from France, India, the United States, the Philippines and Canada who work with refugees along the borders to which the victims of chemical warfare have fled almost uniformly report finding symptoms in victims of attacks which aren't consistent with any known disease, but which do conform to symptoms associated with illegal chemical weapons.

The stories of the victims are compelling in themselves. Contrary to what some doubters imply, these reports do not come from a handful of able-bodied, politically committed Meo leaders, but from a wide variety of Khmer, Hmong and Afghan refugees, ranging from little children to the elderly.

Their accounts of "yellow rain" attacks are particularly convincing in that they are usually not volunteered, but are revealed only when a doctor asks the refugees directly about their symptoms.

Refugee reports are dismissed by many people as inherently unreliable. This is exactly what happened when the first stories began to come out of Nazi-occupied Europe about the Holocaust. In fact, refugees have a record of being excellent sources of information on inaccessible societies and situations.

The Chinese who fled to Hong Kong in 1962 carried reports of mass famine. Even experts dismissed their testimony. Yet it is now known that at least 10 million people perished.

Cambodian refugees fleeing Pol Pot's minions after the fall of the Lon Nol regime in 1975 related harrowing accounts of autogenocide. Many people dismissed the bloody truth as a Cold War lie invented to discredit Vietnam, which was seen as supporting Cambodia. Yet we now know that about a third of the Khmer people lost their lives during Pol Pot's brief period in power.

The reports of Afghan refugees fleeing Soviet tyranny and of Guatemalan refugees fleeing their own army, which has gone on a rampage in the countryside, are now widely accepted. It strains credulity to believe that the refugees escaping "yellow rain" in Asia, alone among all the victims of repression, are uniquely engaged in a monumental hoax.

For those not fully convinced by the testimony of independent doctors or the reports of victimized refugees, even more definitive proof is available in the form of laboratory analysis. Samples obtained from areas in which "yellow rain" has been reported reveal combinations of trichothecene toxins not found in nature. Since Hanoi doesn't have the scientific or technical capacity to manufacture these illegal substances, it is clear that Vietnam must be receiving them from the Soviet Union.

The only explanation of these manmade poisons that would exculpate the Soviet Union is that the CIA or some other foreign agency planted the evidence. But not even the U.S.S.R. has suggested such a conspiracy theory as a way of explaining the undeniable existence of these toxins.

In its formal response to the U.S. charges, the Soviet Union has acknowledged the existence in Laos and Cambodia of these prohibited chemicals. But it has claimed that they are due to U.S. use of Agent Orange in Vietnam, which, according to the Soviet argument, destroyed the natural vegetation and led to the growth of elephant grasses that produced the toxins in question. These deadly poisons, the Soviets go on to claim, are being carried into hostile Hmong and Khmer regions by monsoon winds that, somehow or other, deposit them nowhere else. So far not a single serious independent scientist, or even Rube Goldberg, has lent any credence to this Soviet invention of inherently implausible interrelations, and a U.N. team of experts found no validity in the Soviet hypothesis.

The latest effort to explain away the damning evidence asserts that the trichothecenes found in Southeast Asia grew on bee defecations. Since bees have presumably long been indigenous to the region, it is odd that these deadly manifestations show up only now. The incredible bee hypothesis, unlike the one advanced by the Soviet Union, does not even pretend to explain why these poisonous substances did not appear in earlier years or in other places.

Some people resist the compelling evidence of Soviet violation of chemical and biological arms accords out of a fear that such a conclusion would jeopardize prospects for reaching future arms control agreements. But the conclusion which the evidence compels is not that the United States should refrain from entering into such agreements with the Soviets, but that any such treaties must have adequate provisions for verification, in contrast to the chemical-war conventions which lack them.

Arms limitation agreements with the Soviets are essential if we are going to bring the arms race under control. But it is absolutely imperative that, in the midst of such efforts, we don't turn our backs on another helpless group of victims. Otherwise the crime will spread. Reports are now coming in of similar chemical attacks in Eritrea. This outrage must end.●

STAR WARS

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. LOWRY of Washington. Mr. Speaker, I take this time to bring to the House of Representatives attention an outstanding sermon given by the Reverend Peter Raible at University Unitarian Church in Seattle this past May 29.

Star Wars

Of a recent week, our President enunciated a new approach to the Cold War. In a speech to the nation, he declared:

"I have become more and more deeply convinced that the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence. Feeling this way, I believe we must thoroughly examine every opportunity for reducing tensions and for introducing greater stability into the strategic calculus on both sides. One of the most important contributions we can make, of course, is to lower the level of all arms and particularly nuclear arms. . . .

"Would it not be better to save lives than to avenge them? Are we not capable of demonstrating our peaceful intentions by applying all our abilities and our ingenuity to achieving a truly lasting stability? I think we are—indeed we must." (page 8, New York Times, March 24, 1983)

At first blush, these remarks seem pointed toward a dramatic turn away from the dominant doctrine of mutually assured destruction, which has been the capstone of the Cold War for three decades. What a fresh breeze into moldering closets of thought that we should, as the President suggested, rise above dealing with other nations and human beings by treatening their existence. Our President brought us new hope of turning away from the sterile and dangerous policies of neclear deterrence.

But the new promise the President extended with one hand, he more than swept away with the other. He was not announcing bold initiatives for arms control; instead he suggested a vast new military program. He wants a massive effort for a defense system against Soviet missiles, which basically means the ability to destroy the Russian weapons as soon as they are launched. What this would mean is the creation of dozens of United States' space stations, which could hone in on Soviet missiles and be ready to blast them from the skies, probably through the use of laser beams. The result, of course, would be a mammoth new escalation of our military preparedness and the full utilization of space in that effort. Certainly, the Soviets would not sit idly by, as we set new weapons into an array of space stations.

Besides a fearsome new weaponry and vast increases in our military spending, what the President signaled is that space is about to become the new frontier in our planning for battle—a Star Wars scenario! What the President brought into the open is the mostly secret planning for a space war. Before we tumble willy-nilly into this dangerous policy we need public discussion and debate, for the arming of space promises only to increase the awesome dangers of all out war (pages 200-01, Thomas Karas, "The New High Ground"; Simon and Schuster, 1983).

Back in the Eisenhower era, the United States supported the doctrine of "freedom of space"—an equivalent to the old "freedom of the seas," once staunchly upheld by this nation. In essence, freedom of space meant that it should be an international ocean and not the domain of earthly powers with the most sophisticated weaponry. In 1961, the United Nations adopted unanimously a resolution on the uses of outer space. Both superpowers pledged that they would not put weapons into space. The glaring loophole was, however, that there was no ban on military systems in orbit, only weapons. The International Outer Space Treaty of 1967 left open the way for launching all kinds of weapons into space, as long as they contained no nuclear explosives (Chapter V, "Let Our Foes Know" in David Ritchie, "Space War"; Atheneum, 1982).

The most immediate military development of space was for spy satellites, which have now reached a sophistication, which virtually makes it possible for a space camera to read the headline on Pravda, as held by a reader in Moscow's Red Square (ibid., page 4). All in all, the spy satellites were in themselves a good development, since they markedly reduced the possibility of surprise military build-ups, the hidden production and deployment of new weapons, or sudden attacks without the other side having ample warning. But in military preparedness, one system leads to another. The next development was in killer satellites, weapons that could be launched to knock the opponent's spheres from the skies. This is a system in which the United States is far advanced over the Soviets and poses a dual danger (ibid., Chapter VII, "The Shooting Gallery" and Karas, op. cit., pages 149ff).

First, killer satellites are hardly defensive, since their aim is to prevent intelligence through spy satellites by the other side. Such a move would be necessary only if one power was about to attack the other. So with good reason, the Soviets see our increased work on killer satellites as an offensive move, going hand-in-hand with the growing idea among United States military leaders that a nuclear war can be won. Second, killer satellites can be aimed not just at spy satellites, but at anything in space, thereby threatening communications systems and any space vehicle. The destroying of satellite communications poses a dire threat to control of our widespread nuclear forces, particularly our nuclear submarine forces, which might be left in the peculiar quandry of suddenly being left without means of knowing what was taking place in the rest of the world. The potential peril in knocking out space vehicles with their human crews needs no further discussion, for it would simply lead to escalation into all out war. As famed astronomer, Carl Sagan, recently urged: "the United States and Soviet Union act immediately to head off an arms race in space. This may be the last moment in which this can be done." (Post Intelligencer, May 13, 1983, page A2).

But the killer satellite is only the tip of military thrusts into space. The Air Force has recently codified its space work into a new Space Comman and the Pentagon budget requested for space work is eight and a half billion dollars, up fifty percent from a year ago (Karas, op. cit., pages 19-20). At one time, some years back, the creation of the National Aeronautics and Space Administration seemed to assure that our moves into space would be guaranteed to civilian control. But in recent years, the NASA budget has been such that it has become a liege vassal to the Pentagon. Our primary program at the moment, the space shuttle, is more and more a military mission. Those perceptive about our space program have said that only the support of the Pentagon is keeping NASA alive at all (Ritchie, op. cit., page 143). As one writer puts it:

As a result of this shift in resources, not only our space exploration programs but also research and development in communications and earth resources monitoring satellites are suffering. . . . As we struggle to pull ahead in the military race in space, we are in danger of falling behind in the civil one." (Karas, op. cit., page 203).

Utilizing technology we developed, the French and Japanese, free of space military programs, are moving ahead in the commercial uses of space; so that we are threatened once again with our nation lagging badly in international economic competition (ibid.).

The major potential horror, however, was that suggested by the recent speech of the President—the stationing of military weapons in space. The possibilities are almost endless, for even though nuclear arms are banned in space, there is no bar to the development of nuclear space weapons, which could be quickly launched should war seem in the offing. But what seems to dominate military thinking at the moment is space lasers. Since the research is secret, the public knows not how advanced is our research in surmounting the formidable technical issues of laser weapons. Simply put, lasers attempt to concentrate intense light in a way so that missiles could be destroyed or thrown off course, once they are launched. The President's speech suggests that at the highest levels of our government, there is belief that the technology is possible. In turn, lasers lead to anti-laser efforts—ways to protect against the beams through decoy missiles and weapons to destroy laser stations in space. The basic idea of defensive lasers, as suggested by our president, would require scores of permanent satellites, posed to knock out Soviet missiles as soon as they are launched, or perhaps before they are launched (Karas, op. cit., page 180). Besides being costly in ways beyond reckoning, there is no guarantee that such a system would be fully effective and every probability that it would not (Richard Garwin, defense expert and professor of physics at Columbia University, quoted in Post-Intelligencer, May 13, 1983, page A2). If even one percent of the missiles reached their targets, the destruction would be immense. Such a defense system also encourages the opponents to deploy more missiles and to develop new tactics, say via submarines, to launch their missiles close in to the prime targets of the other.

What is so ultimately dangerous in the whole Star Wars approach goes far beyond costs, dangers, and escalation. What the arming of space underlines is the increasing belief that we can move out of mutually assured destruction to a nuclear war that can be won. Pentagon thinkers relish the thought that we might have the capacity to launch our weapons against the Soviets, while protecting ourselves from theirs. This concept is undoubtedly absurd, given the history of the Cold War in which each new supposed advantage on one side is countered by some new development by the other. But absurd or not, it is deluded, for it shows how riveted our whole national policy is on military preparedness and thus the constant search for initiatives by which nuclear war might be won. Our total approach remains bogged in the fetid swamp of thought about how to win wars, rather than to prevent them. Our government gives vast attention to new military weapons and virtually none to disarmament and control. What this declares, more than anything else, is that we will not try to explore fully the alternatives to military preparedness. As long as this is so, I foresee little hope that we can break the deadlocks of the Cold War.

Our President is absolutely right that we must rise above dealing with other nations and human beings by threatening their existence. Yet, he is insane if he thinks some new weapons system will open the way. Such approach is madness, simply madness, madness! Our President has set the issue clearly, as he puts it, "We must reach beyond assured destruction if we want peace to prevail." But there has been and remains only one fundamental way of moving assured destruction and that is removing the instruments of destruction. How ironic that President Reagan sees the issue so clearly, but is so warped in his thinking that he cannot see the obvious pathway to his goal. We should continue to press him and all our elected officials to pursue vigorously, the arms limitation and disarmament talks.

In the last century, the British statesman, William Gladstone declared: "We have no adequate idea of the predisposing power which an immense series of preparations for war has in actually begetting war." (Ritchie, op. cit., page xi)

Our problem is that we keep preparing for war, while mouthing words of peace. Thereby, slowly but irrevocably, war comes to dominate our thought. Since no one not psychotic could advocate all out destructive war, our military leaders have to believe that war is winnable, and so they more and more look to hopeful, even if silly, scenarios in which the United States could emerge from nuclear battle, as a functional, mainly preserved nation. The Nazi propaganda minister, Goebbels, once noted that if you tell people something often enough and long enough, they come to believe it. Our military leaders, today, are entrapped by their own propaganda and thus are a menace to us all.

The delusion that war is winnable is a growing threat; and it is coupled with a second delusion right out of Orwell's 1984, namely that "War is Peace!" We have an administration, which again and again has enunciated the doctrine that every other aspect of our government must give way before the priority of arms. The carnage in human suffering caused by this approach is immense, but it reaches even further. We are slowly sapping our technology, or governmental viability through giant deficits, our concerns for education, transport, health, and environment, all to feed the Moloch of the military. We will soon reach the point, where the fabric of our government is rent asunder by this terrible misplacement of national priorities. To let people go hungry or suffer in pain or accept the humiliation of being without a job in order to embark upon vast new weaponry systems in space is such a bizarre inversion of intelligence that future historians will wonder if we, as a people, did not share some self-destructive urge.

Finally, we talk in aeseptic words about weapon systems, destruction, preparedness, as if we were never speaking of human lives. Within the last few days, the World Health Organization of the United Nations reported that half the world's population would be immediate victims in an all out nuclear war. The first death toll would be over one billion persons, and WHO noted that this did not include extreme views. The report said further, "Money, banking, investments and all the trappings of advanced economies would disappear" (Seattle Post-Intelligencer, May 11, 1983, page A2). This might suggest that those of conservative mien, who are often concerned with property rights, ought to be as worried about nuclear war as those of more humanitarian bent.

How can anyone reading such warning hold an iota of faith in a winnable nuclear war? We must see that we are all human beings embraced within the ecology of this globe. We are together on spaceship earth and we cannot risk mortal wounds to it. No wonder that religious leaders of all persuasions are increasingly coming to the fore to warn of the futility of nuclear preparedness. We must move in new ways! In his recent speech, the President called on us to have "the purpose of changing the course of human history" (New York Times, March 24, 1983, page 8). He must harken to his own words and cease saber-rattling and ambitious new arms plans. What we need is leadership in destroying the instruments of destruction, which are ever a peril to every human being and all life, as long as they stand poised at the ready.

We know in our own very personal lives, as well as from history, that hatred, destruction, and anger are easy responses. What is harder, yet ever more fulfilling and life-sustaining is to seek solutions, new possibilities, and human reverence. But only as we have the capacity to see the creative can we open the roadways to peace and enable our selves to have life and life more abundantly.●

THE POPE'S MESSAGE TO POLAND

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. FASCELL. Mr. Speaker, as Chairman of the U.S. Helsinki Commission, I am pleased to join Congresswoman KENNELLY and our other colleagues in expressing support for the extraordinary message of truth, liberty, justice, and social solidarity, which Pope John Paul II brought home to the Polish people during his pilgrimage. The Pope's inspiring words speak to the essence of the Helsinki Final Act, which recognizes that true peace cannot exist without respect for human rights and fundamental freedoms.

It is clear that the people of Poland have rejected the assertions of their military rulers that freedom must be sacrificed in order to achieve social peace; that economic progress can be gained only at the expense of workers' rights; that military dictatorship and not representative government is the answer to Poland's current crisis. Instead, the Polish people overwhelmingly have embraced the Pope's peaceful prescription for national salvation—social peace through social justice; economic recovery through request for the dignity of human labor; restoration of public trust through honest dialog between rulers and ruled.

In newscast after newscast we have witnessed Poles who lack basic necessities demanding justice as well as bread. The Polish nation defiantly exercises its moral independence and spiritual freedom despite externally and internally imposed repression. Living in the midst of lies, Poland and her Pope courageously bear witness to the truth.

We in the West, who cherish freedom, have a moral obligation to follow John Paul II's righteous example. We must continue to speak out strongly against violations of human, civil, and trade union rights; demand the release of prisoners of conscience; call for a return to the social reforms begun under Solidarity; and, urge the renewal of dialog between the State and society in Poland. To do less would be to betray the very values we hold most dear.●

SPECIAL ACTION ON TORTURE IN CHILE

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. PATTERSON. Mr. Speaker, as many of the Members are aware, Amnesty International is currently undertaking a special international action on Chile. Amnesty International is an international organization which examines and reports on human rights conditions in virtually every country in the world, ranging from Afghanistan to Zaire and from Cuba to Argentina.

In May 1983, Amnesty published a report on the findings of its delegation sent to investigate human rights conditions in Chile in 1982. The report was based on extensive medical examinations of former Chilean prisoners as well as on written testimonies and other evidence provided by people who told Amnesty that they had been tortured. The report, "Chile: Evidence of Torture," includes several detailed discussions of specific cases of torture and other mistreatment of prisoners. I would like to include, for the RECORD, one specific case of mistreatment discussed in the report. In my view, this case, while not unique, demonstrates that torture and mistreatment of prisoners in Chile continues to be a serious problem.

CHILE: EVIDENCE OF TORTURE—CASE NO. 2

ANONYMOUS

Personal details

He is 21, unmarried and lives with his parents. He went through high school and is now doing a course in journalism. While he was a student he was also for a time a telephone operator but was dismissed before being detained. He is supported by his parents.

State of health before arrest

When he was two he had tonsillitis, which was apparently complicated by endocarditis. Prophylactic penicillin was prescribed during the subsequent 10 winters.

Time and place of arrest and detention

He was arrested in the first quarter of 1982. He was held at the CNI centre in Santiago for 19 days then transferred to the *Cárcel Pública* (Public Prison), where he stayed until his release on bail, 45 days after arrest.

Duration of alleged torture

He said he was tortured on 19 days. On the last 14 the torture was exclusively psychological.

Interrogation and torture

His account of events was as follows:

About 12 people in civilian clothes broke into his home in the first quarter of 1982. No arrest-warrant was shown. They searched the premises for two hours and arrested him, his father and another relative. They hooded and handcuffed him, then drove him to the CNI centre.

For the first five days he was interrogated several times a day, and simultaneously tortured, mainly physically. He was slapped and struck on the head, mouth, body and genitals, and his buttocks and extremities were kicked. He was also electrically tortured on two occasions, each lasting five minutes. He was made to sit on a chair and electric current was applied to his back via a cable conducting current from a machine he thought was hand-driven.

The interrogations continued for the next 14 days he spent at the CNI centre. They included threats, including threats of execution (a pistol was aimed at his temple) and threats to arrest his family.

He often heard his father and relative screaming while they were being tortured. And he heard the voice of a woman who was not his mother, although he was told it was her voice so frequently that eventually he believed it was. (She has not been imprisoned.)

He was held incommunicado throughout the 19 days in a 2m by 2m concrete cell containing a concrete bunk plus a thin mattress. He wore overalls and *zapatillas* and was forced to wear a mask except when alone in his cell. His cell light was always on.

Medical examination and/or attention during detention

Both before he was tortured at the CNI centre and before he left he was given a superficial medical examination, by a doctor, he thought. It included measurement of blood pressure and auscultation of the chest.

His pulse was taken every day he was at the CNI centre. On one occasion he was given tablets for diarrhea.

Early symptoms described

He had aches and pains and felt weak all over, especially in his arms and legs.

After being hit on the mouth he lost an upper tooth, No. 24, and the frenulum of his lower lip bled.

He had diarrhea for three or four days while at the CNI centre. He had pain in the buttocks and near the anus (as a result of kickings, he said). His left testicle too was painful (because of the beatings, he thought).

Throughout his detention he had headaches every day. After being allowed to remove the mask he found his vision was impaired. Periodically he had double vision and his eyes got tired when he read (the letters began to blur after about 10 minutes).

He got retrosternal pain several times a week, and palpitations of the heart lasting for about 15 minutes, when resting. (This was related to anxiety, he thought.) He had never had such symptoms before. While he was at the CNI centre he lost his sense of time—could not tell night from day. He felt suicidal because of anxiety lest he reveal information. He suffered from insomnia and nightmares and was gloomy, emotionally labile and indifferent.

Present symptoms described

He feels unusually tired and weak and still has pain in his left testical, although this is diminishing. He gets headaches starting at about noon every day. They are exacerbated by reading, and he still has vision problems: periodic double vision and blurring of letters on the page after he has been reading for about 10 minutes.

He still feels gloomy, emotionally labile and indifferent. He stays at home most of the time and is not involved in anything (partly because he is under surveillance and cannot meet his former friends outside his home).

He suffers from continuing, though less frequent, episodes of precordial pain and palpitations of the heart while resting (probably due to anxiety), and from serious insomnia and nightmares.

Clinical examination

He seemed depressed. Although prepared to cooperate, he was passive, slow and hard to make contact with. He had difficulty expressing himself.

The clinical examination revealed bad teeth, many of them decayed. There was a large cavity in No. 24 and the crown was almost completely gone (see photograph). The lower frenulum of the lip was irregular and had small sores on it. He had muscular pains in the left flank and tenderness in the epididymis.

Conclusion

The medical delegates found consistency between the torture alleged, the symptoms described and the results of the physical examination.

As a long-time observer of human rights conditions in Chile and elsewhere, I find Amnesty's latest report especially troubling. During this time of civil disturbance in Chile, I urge my colleagues to watch very closely for human rights violations within that country.●

1983 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. KOSTMAYER. Mr. Speaker, I am honored to participate in this year's congressional call to conscience vigil for Soviet Jews. As elected representatives in the world's guardian nation of freedom, we have the moral responsibility to keep the flame of hope brightly burning for the most persecuted group of people in the history of the world.

Less than 40 years after the near total annihilation of European Jewry in the Holocaust, we are now witnessing a renewal of persecution of people in the Soviet Union who are asking for nothing more than to be permitted to emigrate to their ancient homeland of Israel to freely exercise their religious faith and, in a great many instances, to be reunited with members of their family.

The number of Soviet Jews who are affected by the cruel and inhumane system that their country's political system subjects them to is very significant as evidenced by the sharp decline in the number of these refuseniks permitted to emigrate in the last few years. In 1979, more than 51,000 Soviet Jews were granted emigration visas while last year only 2,670 were permitted to leave. The difficult circumstances faced by individual refuseniks are often blurred by the large numbers and statistics involved, but the case of one refusenik family, whom I have adopted and written to, serves to illustrate the agonizing plight of all refusniks.

Yakov Kogan, his wife Tatiana and their daughter Olga presently reside in Leningrad and have applied to emigrate to Israel to be reunited with Tatiana's parents, Mr. and Mrs. Efim Zagnitovsky and with her sister. Yakov had served in the Soviet Army in the rocket division, completing his military service in 1969. At the time he signed a document stating he would not go abroad for 5 years because of his prior access to secret military information. Yakov complied with the provisions of that document but when he and his family applied for permission to emigrate to Israel in 1976, they were refused when authorities cited his previous army service. The Kogans were told to reapply again in 6 months and after having done so, they were again refused without any reason given. Yakov is a mechanic by trade but has had to work at odd jobs, when he can get them, since his army service. Tatiana lost her position at a scientific research institute when it was learned that she had applied to emigrate. Thus denied of their livelihood and having complied with the requirement that they not travel abroad for 5 years after Yakov completed his military service, there is no reason why the Kogan family should not be permitted to emigrate. I wrote to the Soviet Ambassador, Anatoly Dobrynin, requesting his assistance in gaining a favorable ruling on the Kogans' application for a visa allowing them to emigrate to Israel. I subsequently received a terse, unsigned, one sentence reply informing me that the Soviet Embassy in the United States does not involve itself in the cases of Soviet citizens who apply to emigrate to Israel.

I hope that at least in some small way, the attention I have drawn to the plight of Yakov, Tatiana, and Olga Kogan today will help to bring their freedom one step closer. Their release and that of all refuseniks is essential to gaining the peace and understanding that we in the United States and the people of the Soviet Union must have for the survival of all mankind.●

WATER SUPPLY SYSTEM VITAL TO WISE-NORTON RESIDENTS

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. BOUCHER. Mr. Speaker, the House Appropriations Committee has approved a 1984 appropriations bill for the Department of Interior and related agencies. The report accompanying that bill is of crucial importance to the citizens of Wise County and the city of Norton, Va.

I would like to thank the distinguished chairman of the Interior Appropriations Subcommittee, the gentleman from Illinois, Mr. YATES, for assisting my request for funding of the Wise County regional water project.

For nearly a decade, the citizens of Wise County and Norton have been seeking moneys to replace a water supply system badly damaged by past mining practices. One obvious source of assistance, the Office of Mining's abandoned mine reclamation fund, has previously been denied to these residents. Language approved by the Appropriations Committee now clears past impediments to the use of this fund and directs the expenditure of $1.3 million for the Wise water project.

This southwest Virginia community, which has contributed so substantially to satisfying the Nation's energy needs through its long history of coal production, is now presented with a critical need for a clean and reliable source of drinking water. The lack of potable water for residents of Wise County and the city of Norton constitutes both a severe impediment to economic

development and a pressing public health concern.

Surface and underground mining in this the third largest coal producer of the Appalachian counties has had an adverse effect on the area's water resources. Previously unregulated mining and some 14,000 acres of abandoned mine workings have degraded surface waters with siltation and heavy metals. Disruption of underground water sources has dried up private wells and damaged community reservoirs. The extent of the damage is such that construction of a new water system is the only viable option.

With determination and dedication, the citizens of Wise County and Norton have been seeking a solution to their water supply problem. The community has committed itself to alleviating the shortage by identifying the most cost-effective solution and obligating $3.6 million of its own funds. Another $1.2 million has been secured from the Appalachian Regional Commission and community services block grant program.

When I met with representatives of the Wise County Public Service Authority earlier this year, it was clear that the project had strong support from both the local community and the State, and I was pleased to pledge my efforts to help find additional funding for the water project.

I am pleased to support the Interior appropriations measure, which includes $1.3 million for the Wise County water supply project, and I commend the Appropriations Committee for its sensitivity to the needs of this deserving community.●

FRED HARTMAN'S WRITING

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. FIELDS. Mr. Speaker, for years the residents of Baytown, Tex., have awakened each morning with Fred Hartman's daily column on the front page of the Baytown Sun. Hartman, who for over four decades has been a major force in the shaping of Texas journalism, recently went into semiretirement. While he will continue to write in an emeritus capacity, Hartman has stepped down as chairman of the board of Southern Newspapers, Inc., a corporation that at one time owned more newspapers than any other in the State.

Hartman's writing abilities emerged during his school days at Baylor University in Waco, Tex. He and his roommate, Price Daniel, Sr., who went on to become Governor of Texas, worked on the student newspaper together, where Hartman eventually became editor. Four years later, in 1935, Hartman joined the Baytown Sun, and in 1944 was made editor of the Baytown paper. When the Sun was purchased by Southern Newspapers, Inc., Hartman worked his way up through the operation until he became chairman of the board of that company.

During these years, Hartman actively participated in community and statewide affairs. He has received numerous honors, including Baylor's Distinguished Alumni Award, and has served on important State committees under five Texas Governors. The following article, written recently in the Houston Chronicle, tells of Mr. Hartman's accomplishments through the years as a journalist, editor, and Texan.

The article follows:

FRED HARTMAN, 75, FIRST A PRINTER, NOW HE "OWNS THE PLACE"

(By Cindy Horswell)

It was 1929, Prohibition, when the four students at Baylor University—a Baptist school sometimes dubbed Jerusalem on the Brazos for its religious strictness—decided to "manufacture some fun."

The young men smuggled into a dorm room whiskey that had been homemade at an out-of-town moonshine still. When the party spilled out into the nearby courtyard, the four were caught.

"Dean W. S. Allen never exactly kicked us out," recalls one of the conspirators, Fred Hartman of Baytown. "He just said Baylor would be better off if we were some place else."

Today, 75, Hartman jokes that he's the only one of the conspirators, who were forgiven and readmitted to Baylor the next semester, who did not amount to anything. It's not really true. Until this month, he was board chairman of a corporation that at one time owned more small newspapers in Texas than any other corporation.

The other three students were James Roberts, a U.S. Air Force general, now deceased; Dr. Clarence Haden, a retired Episcopal bishop of the northern California diocese; and Price Daniel Sr., who has held five different elected Texas offices, including governor and state Supreme Court justice.

In addition, both Daniel and Hartman have since been named Distinguished Alumni of Baylor—one of the school's most prestigious honors.

Hartman says he learned something from the drinking episode: Thou shalt not disobey anyone who owns the place.

And since then, he and his corporation have always tried to "own the place." Southern Newspapers Inc. has bought and sold as many as 75 different small newspapers in the South over the last three decades, he says.

A portly man, recognizable by his ever-present bow tie and Will Rogers style wit, Hartman celebrated his 75th birthday May 20, and this month he officially went into semi-retirement.

He was born in Marlin, the son of a dry goods store clerk who later became a Presbyterian missionary in the Ozarks.

His inclination for journalism first surfaced in high school in Springfield, Mo. It was his junior year and he needed an elective.

"I had no aptitude for woodworking. So I took a printing course that was being offered," Hartman recalls. "I got some ink under my fingernails and I've been involved up to my ears ever since."

After high school, he worked his way through college as a journeyman printer. He never really learned to type properly, still relying on a hunt-and-peck method. But he says he has developed lightning speed with his two index fingers.

Hartman began college at Southwest Missouri State College, before transferring to Baylor where he received both a bachelor's and master's degree in journalism.

Ten years later, he also earned a law degree from Houston Law School.

While at Baylor, Hartman went from sports editor to editor of the student newspaper, the Lariat.

Like all young editors he sometimes tried to buck the university administration. Once he wrote editorials demanding that female students be allowed to ride a train to the Baylor-Arkansas football game along with the male students.

In those days, Hartman said, female students were not even allowed to be in an automobile with a male student after 6 p.m. Actually, Hartman says the car rule was "a godsend" for him because he didn't own a car. He felt, however, that the train rule had breached the rule of reason.

But, the college president had his way and Hartman was again reminded that he wasn't the one who "owned the place."

It is a lesson he's interpreted to fit journalistic realities. "If the publisher, in this case the university president doesn't want to print something, that's not censorship, to me; but if some guys from the outside try to tell the owner not to print it—that is censorship."

Hartman and Price Daniel worked on the Lariat together, becoming best friends and roommates. Daniel recalls: "It was Fred who convinced me to use the same Price. I was using my initials, M.P., when I came to Baylor."

Fred said the initials just didn't sound right on a byline and that no one would go very far using those initials. So he told me to use Price.

Even so, Hartman never called his friend "Price." "I always called him 'governor' because that was always his ambition," recalls Hartman. "I still call him that."

Hartman—a staunch Democrat—has always been in the thick of politics. He is fond of saying that he could never get elected to anything but he won appointments under five Texas governors.

He has been on the Lamar University board of regents, Texas Historical Commission, Texas Library Commission and San Jacinto Battleground Commission. And today, he still serves as a Texas Air Control Board member and board chairman of the Harris County Appraisal District.

His biggest political coup probably was when he urged the late Albert Thomas to run for a seat in the U.S. House of Representatives against then-Houston Mayor Oscar Holcombe. At that time, Thomas was an assistant U.S. attorney with no money and his only newspaper backing came from small papers like the Baytown Sun.

"He was the darling of Baytown and opened his campaign here and in the end he won. It was the little guys against the big guys," says Hartman, noting Thomas went on to serve 28 years in the House and have a Houston convention center named after him.

Hartman has been a friend to presidents, like Lyndon Johnson, and even had an audience with a pope. He recalls that though

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most of the others meeting Pope Pius XII were kneeling and kissing his ring. Hartman didn't feel comfortable doing that. He simply said he was from Texas and shook the pope's hand.

After Hartman was graduated from Baylor, he did a short stint as the university's business manager of student publications and taught an introductory course in journalism.

When that job ended, in 1931 Hartman landed what he felt was "about the only job on the planet," becoming editor-business manager of a news publishing company in La Porte. It printed for the area along the Houston Ship Channel six newspapers: La Porte News, Pasadena Record, Harrisburg Pilot, Baytown News, Pelly Herald and Goose Creek Tribune.

"I was a jack-of-all trades. I'd sell the ads, write stories and make up the pages. We only had a total staff, including secretaries, of about seven," he recalls.

Then four years later, he joined the staff of the Baytown Sun as sports editor. He wanted to get on a daily newspaper and sports had always held a special fascination for him.

"His love affair with sports started when he was a boy," says Hartman's son, Bill, now president of Hartman Inc. which owns a string of nine Texas newspaper. "He would walk the railroad tracks to the ball park in Marlin every day to watch John McGraw and the New York Giants in spring training."

To this day, the elder Hartman rarely misses an Astros game and until recently traveled to Florida to write about their spring training camp every year for the Baytown Sun. Of all his honors, Hartman is probably proudest of his charter membership in the Houston Chapter of the Baseball Writers of America.

In 1944, Hartman was made editor of the Baytown newspaper—an accomplishment he says probably was the turning point in his career.

Carmage Walls, now of Houston, who is a newspaper investor with a fortune estimated at $10 million, offered to buy the Baytown paper to add to his collection. The owners agreed to sell, but insisted Hartman be kept on as editor.

Hartman says he and Walls seemed to have "the same chemistry." When Walls needed somebody to manage his Texas holdings, Hartman got the job and gradually worked his way into the Walls operation until he was board chairman of Southern Newspapers Inc. and had a minor interest in most of the Texas holdings.

His recipe for success was simple: Don't spend more than you take in.

He also stressed that each newspaper should be autonomous and emphasize hometown news—not try to compete with big city dailies for national coverage.

At the corporation's peak, it owned more than two dozen papers in Texas alone.

The biggest news story of Hartman's career, he says, occurred in the late 1930s when his newspapers promoted the idea of the east end of Harris County seceding and forming a separate county from the San Jacinto River to the Trinity River. "We kept it going wild for nearly a month. But it never made it past the headlines because the Harris County auditor showed us a tremendous bonded indebtedness that we would also have to assume. That killed it."

Another editorial crusade by Hartman's Baytown Sun that took five years, however, was successful. That was when three separate communities were consolidated in 1948 to form what is now the city of Baytown.

Today, Hartman says his battle days are over. This month he has stepped down as head of Southern Newspapers, and traded his interest in a dozen newspapers for controlling interest in four—the Brenham Banner-Press, Port Lavaca Wave, Rockport Pilot and Madisonville Meteor.

"I'm through with expansion," said Hartman, who professes not to know the amount of his wealth, "and I'm looking forward to horizontal retirement."

His new chain is called Port Lavaca Newspapers Inc. and will be managed for him by Charles Moser of Brenham.

Hartman will still be writing some in an emeritus capacity for the Baytown Sun. He will continue writing his daily quip which has appeared on the Baytown Sun's front page for years. "If I see something funny, I write it down and then try to give it a Baytown twist," he says.

"If you go to the library and copy what a dozen people say, that's research. If you only take down what one person says, then that's plagiarism!"

Also, he will occasionally cover sports events at the Astrodome. "I started out as a sports writer and now, I guess, I'm graduating back to one."●

CONSERVING ENERGY ON COLLEGE CAMPUSES

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. CORCORAN. Mr. Speaker, as a member of the Energy and Commerce Committee, I was recently heartened to learn that, even though we are not now in the midst of an energy crisis, some college campuses are seriously and systematically trying to conserve.

Twelve colleges and universities around the country, including Lincoln Land Community College in Springfield, Ill., are participating in a demonstration energy management and financing program that is expected to cut their exorbitant energy costs by up to 25 percent. Sponsored by the Higher Education Energy Task Force, the program will be transferred to other campuses nationwide at the end of the development period next year.

In recent years higher education's energy and other costs have soared. As a result, tuition is so high that many bright students simply cannot afford to attend college. Conserving energy is one important way campuses can keep down their costs.

Printed in the March 25 Chicago Tribune, the following article by Chris Crittenden, director of the Energy Task Force, tells more about the need and opportunity for colleges to embark on a course of conservation.

[From the Chicago Tribune, Mar. 25, 1983]

EDUCATION'S HIGH COST OF ENERGY

(By Christopher E. Crittenden)

Our nation's 3,250 colleges and universities are in trouble financially. Their energy costs rose from $700,000 in 1974 to $3.2 billion last year, an increase of 457 percent. Despite the temporary oil glut, their energy bill this year is expected to be upwards of $3.5 billion. Compounding higher education's financial problems have been inflation and the recent drastic cuts in Federal aid.

When our campuses suffer financially, students also suffer. The $3.2 billion they spent on energy last year would have been enough to pay the salaries of 129,000 full-time teachers. It is one-and-a-half times what higher education spends for libraries each year, and more than is spent on scholarships and student services.

Saving energy on a college campus is particularly hard: Students in dormitories burn the midnight oil; libraries and laboratories must be heated and lighted seven days a week; the academic year runs through the coldest and darkest months. This constant drain on energy resources is aggravated by the configuration of the typical campus: many scattered buildings, some designed in the last century with no thought to saving energy.

Despite soaring costs, most campus administators have taken a piecemeal approach to energy conservation. Much more can be done than just turning down the thermostats and dimming the lights. They need an overall energy management plan.

Through a demonstration energy management and financing program funded by the John A. Hartford Foundation of New York City, the Higher Education Energy Task Force is helping 12 colleges and universities develop energy master plan of their own. The plan is expected to save them up to 25 percent of their energy costs.

Chosen as a representative sample, the campuses include both public and private, large and small, from New Hampshire to California. Lincoln Land Community College in Springfield is one of those participating in the program.

The Energy Task Force is helping the campuses monitor and reduce their energy use at modest additional expense, largely through coordinated management and a computerized energy information management system. At the same time, the project is developing some innovative methods to assist campuses to afford the expensive equipment and controls they will need to achieve maximum energy efficiency.

At the end of the demonstration period late next year, the comprehensive energy management and financing system will be transferred to other campuses nationwide through publications and workshops for campus administrators.

Overall, the program is designed to enable campus administrators to embark on an efficient, systematized approach to energy management. In light of soaring costs in every area of their budgets, our nation's campuses can no longer afford to let extra dollars go up in smoke.●

REVITALIZE INDUSTRIAL BASE

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, I am today introducing legislation with my colleague from New York (Mr. CONABLE), aimed at revitalizing our Nation's industrial base, where the need for plant and equipment rebuilding is greatest and unemployment is highest.

Our legislation, the Work Opportunities and Renewed Competition Act of 1983 (WORC), is designed to make certain that the nescent economic recovery we have underway will be built and sustained by growth in capital investment. WORC will allow companies to modernize now so that we can emerge from the recession with a competitive industrial and service economy.

History tells us, Mr. Speaker, that if we are to retain our position as the world's leading industrial power, ready to flex our economic muscles, we cannot be a land of smokeless smokestacks. We must explore entrepreneurial frontiers, but we must also retool our vital, basic industrial foundation. To accomplish this goal, we are proposing a one-time program structured to unlock earned, but unused, investment tax credits when there is reinvestment in new equipment and plants.

The reason we need this legislation is quite simple. Today, the investment tax credit is not functioning as an incentive for capital investment for many companies, particularly those in the basic industries. The problem is that while these companies have continued to make heavy investment which generate the credits, in fact $94.64 billion in 1981, the companies have not had sufficient profits recently to absorb the credits against their tax liability. Indeed, nearly 20 percent of the top 500 industrial corporations and two-thirds of the major transportation industries have not been able to utilize fully all of the investment tax credits which have been earned through 1982. By restricting these companies from access to the ITC's, the after-tax cost of their capital is increased and they are placed at an automatic competitive disadvantage.

WORC would end this inequity by allowing companies with unused investment tax credits prior to 1983 to obtain 85 percent of the value of their credits if and when they reinvest in new plants and equipment. In order to insure immediate help to the economy, the reinvestment would have to be made between October 1, 1983, and December 31, 1984. WORC contemplates that the remaining 15 percent of the credit value be dedicated for assistance to workers in industries affected by the recession. WORC requires that companies which obtain these funds pay back to the Treasury not only 85 percent, but the other 15 percent as well. The principal steps in the operation of the new reinvestment credit mechanism can generally be described as follows:

First. Reinvestment credit election. Anticipating its inability to use its accumulated ITC's in 1983 through 1985, the company elects to treat all of its 1982 carryovers as the reinvestment credit. These ITC's then cannot be used as carryovers in such years even if the company's tax liability increases due to higher profits.

Second. Reinvestment. As the company reinvests in kinds of machinery and equipment in which it has previously invested—not in new business ventures—the Treasury will pay the company an amount equal to 85 percent of the costs of such reinvestments, but not more than 85 percent of the total reinvestment credit relinquished to Treasury.

Third. Mandatory repayment. Beginning in 1986 and continuing through 1990, the company must repay the full amount of the reinvestment credit—not just the 85-percent payments—at a rate of 20 percent per year. It is possible that the company will repay a portion of the reinvestment credit prior to the 5-year payback schedule. This can result from an increase in profits in the mid-1980's that raise tax liability in the absence of the foregone ITC's. This higher tax will reduce the mandatory taxes payable in 1986 through 1990.

Fourth. Reinstatement of credits. As the company makes its mandatory repayments in 1986 through 1990, an equal amount of the reinvestment credit will be reinstated as ITC's. However, such reinstated ITC's will have lost the same number of years from the normal 15-year carryover period as though they had been available in every year since 1982.

Fifth. Penalties. Companies claiming more reinvestment credit than the amount to which they are entitled will be penalized. Companies that elect less than the maximum reinvestment credit will also be penalized.

The concept is that of a discounted loan through the tax system. The payback mechanism insures higher revenue—which would be reflected in the budget—in the later years—at a time when it is critical that we contain and conquer our massive Federal deficits.

Mr. Speaker, the legislation we are introducing today can swiftly and decisively turn around the decline in our aging industrial sector. It responds to the fear that our Nation is losing the battle for our economic future. The proposal is important for a variety of reasons.

A defense force second to none can only be realized if we are an industrial power second to none. It is folly to think that we can rely on other countries to supply our material demands in times of national emergency. Our defense posture must be built on an industrial base that is capable of quick expansion to support the mobilization required for national security needs.

Second, as the many newfound gurus of high-tech policies trumpet their buzzwords about how our future lies in the aggressive pursuit of high-technology industries, I think it is abundantly clear one sector cannot survive or flourish without the other. High tech is not a panacea. Our Nation is one of goods and services, and we must create an environment where both work together in harmony.

Moreover, 4½ million Americans rely on jobs in the basic industry sector; writing off the basic industries such as steel, automobiles, mining, transportation, and chemicals will mean writing off millions of jobs. Other employment sectors in our economy cannot absorb most of these workers.

This legislation is vital to all industries in our effort to regain our competitive edge in world markets. Years of anemic productivity, sagging profits, and protractedly high interest rates have led to a decline in our ability to compete abroad. The call for trade restrictions to protect our industry from foreign competitors will make our industry less competitive and may cut off the fragile recovery we are seeing globally. Our bill will allow us to meet our competitors outright with better products and technology.

The legislation we are introducing today is not a veiled attempt to give industry a tax break. It is nothing more than a proposal which unlocks earned tax credits and creates more jobs, making these American industries more productive.

WORC has been widely endorsed by both labor and management. The House Steel Caucus has already endorsed our bill, and I expect many other groups and organizations to come forward with their comments on how the proposal will foster a healthier, more productive industrial and service economy.

I hope we will act quickly on the legislation so that we may put the tools in the hands of the millions of Americans who want to work now.●

DR. KARL PLATH: A TRIBUTE TO AN EDUCATOR COMMITTED TO EXCELLENCE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. PORTER. Mr. Speaker, on June 30, 1983, Dr. Karl Plath will resign after 17 years as superintendent of Deerfield and Highland Park High Schools.

Throughout his distinguished career, Dr. Plath has devoted considerable time and energy to bettering the high schools of School District 113 by developing programs which have given students, staff, and other community members a greater opportunity to participate in the different phases of educational process.

These accomplishments include initiating summer workshops for teachers and administrators to improve existing courses and develop new ones, formulating a staff development program, and adding student and teacher representatives to the board of education. Dr. Plath has also overseen additions to and remodeling of both high schools, encouraged community involvement in the schools through volunteers, advisory councils, and adult attendance of high school classes, as well as establishing the Lake County Area Vocational Center and developing the Northern Suburban Special Education District.

More than these accomplishments, the tenor of excellence and the obvious personal commitment that has characterized all that Dr. Plath has done in an area of our country known for quality public education is the real legacy he leaves to his profession. I first knew Dr. Plath at the beginning of his career when he was coaching football and teaching at Evanston Township High School. Throughout his exemplary career, I know of no person more highly respected for his dedication to making things better. No better inheritance to those who follow him could possibly be left. I commend to my colleagues in the Congress the record of understanding accomplishment in public education of Dr. Karl Plath and honor and pay tribute to him for a job well done.●

NATIONAL ACID DEPOSITION CONTROL ACT OF 1983

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. SIKORSKI. Mr. Speaker, this morning I joined with Congressman Henry Waxman, chairman of the House Subcommittee on Health and Environment, and Congressman Judd Gregg in introducing H.R. 3400. I believe the introduction of this bill is an historic occasion in the battle to protect our environment. We can control acid rain without cutting jobs or causing skyrocketing utility rates.

I urge my colleagues to review this proposal and join me in advocating its adoption.

Statement of Congressman Gerry Sikorski

"Compressed and placed on the balance tray of a mammoth, imaginary scale, the daily North American emissions (of the oxides of sulfur and nitrogen) would weigh in at more the 165,750 tons—the equivalent, by weight, of 4,144 railroad freight cars fully loaded with potentially caustic material being levitated into the air every 24 hours."

Acid rain has been called the most serious environmental problem facing the North American continent. It affects our lakes and streams, our forests and farms, our wildlife and the health of our citizens. We've lost hundreds of lakes, thousands of trees, and now threaten millions of acres of land. According to the National Academy of Science, it costs Americans over $5 billion a year. Recently, acid rain was linked to brain degeneration and premature deaths, and the scientific evidence that acid rain is a major environmental, economic and health threat mounts daily. That is why I am joining today with Congressman Henry Waxman, Chairman of the Health and Environment Subcommittee of the Energy and Commerce Committee, and Congressman Judd Gregg to introduce legislation to control this devastating problem. It is the "National Acid Deposition Control Act of 1983".

The sponsorship of Congressman Waxman of California, Congressman Gregg of New Hampshire, and myself shows that concern about acid rain crosses party lines and regional boundaries. I believe there is a growing consensus that it is time to enact acid rain control legislation. In the past few days, according to press accounts, senior officials of the Environmental Protection Agency, including Administrator Ruckelshaus, have begun moving towards a serious acid rain control strategy. I welcome the Administration's willingness to work with the Congress to enact an acid rain bill—now, before it is too late.

Our legislation recognizes that acid deposition is a national problem. For too long the debate has construed the problem as solely one facing states in the Northeast, and the solution an Eastern one. We are now beginning to see the impact of acid rain beyond the Northeast, and into the Midwest, including my home state of Minnesota. According to even the Reagan Administration's Interagency Task Force on Acid Precipitation, vast areas of the South, Southwest and Western regions of the country are also vulnerable to acid rain.

Our bill goes beyond previous legislative proposals in other important aspects. Other solutions would address the problem in a manner that would lead to skyrocketing utility rates while adding tens of thousands to the unemployment rolls. Our bill protects jobs and spreads the costs of acid rain control.

Our proposal has five basic components:

(1) The 50 utility plants that are the largest emitters of sulfur dioxide will be required to install scrubbers to reduce these emissions. These scrubbers will reduce sulfur dioxide emissions by 7 million tons by 1990.

(2) The 48 contiguous states will be required to make an additional 3 million ton reduction of SO_2 based on each state's proportion of the total American SO_2 emissions. States could decide how they would meet these reduced levels, in a manner similar to Senator George Mitchell's acid rain legislation of last year.

(3) Funding for this program will be provided by imposing a 1 mill per killowatt hour user fee on non-nuclear electricity generation. A trust fund would be established that would be used to reimburse utilities for 90 percent of the capital costs of installing pollution control technology on the 50 specified plants and for part of the costs of pollution controls on other power plants.

(4) The New Source Performance Standard (NSPS) for stationary sources of nitrogen oxide will be reduced to .3 pounds per million BTUs for bituminous coal and .4 pounds for subbituminous coal. This will bring about an additional 1.5 million tons reduction of NO_x by 1995.

(5) Tightened standards will be codified for light and heavy truck emissions of nitrogen oxide. This provision, which will begin with the 1986 model year, will reduce 2 to 3 million tons of nitrogen oxide by 1995.

The total sulfur dioxide and nitrogen oxide emission reductions provided for by our legislation are about 14 million tons.

This bill, therefore, meets the goals which we had when we began developing new acid rain control legislation:

It is a national bill which addresses the problem of acid rain for the entire continental United States;

No region will suffer from dramatic increases in utility rates because of the cost of reducing emissions (our bill will increase the average consumer's monthly utility bill by only fifty cents to one dollar);

Jobs in the coal industry and related industries will be protected because utilities will not be switching to low-sulfur coal to achieve reduced sulfur dioxide emissions.

I'd like to turn now to the various graphs which illustrate the provisions of our bill. I have had prepared a number of charts to display some of the features of this bill. One chart, titled, "Total Tons of Sulfur and Nitrogen Oxide Reduced," compares our bill to the Mitchell bill and the Reagan Administration position. We are hoping that we can shortly remove the question mark and hear from the Administration concerning its plans to combat acid rain.

A second chart compares the total production of high sulfur coal under our proposal to the 1980 production level. As you can see, we believe that we have achieved a level of high sulfur coal production under our bill that will ensure 1980 employment levels. In fact, the Office of Technology Assessment information indicates that we might even improve upon the 1980 levels, perhaps significantly.

The final chart sets forth the schedule of compliance under the bill for existing stationary sources. As you can see, we have set an ambitious schedule for achievement of the reduction goals. By 1990 about 7 million tons of sulfur dioxide will be removed from the air and additional three million tons will be removed by 1993. A revised New Source Performance Standard for power plants will also achieve an added 1½ million tons of nitrogen oxide reductions by 1995. Finally, we can expect about 2½ million tons of nitrogen oxide reductions by codifying the standards for light and heavy trucks.

Summary of Sikorski/Waxman/Gregg Acid Rain Control Program

The program would require a fourteen million ton reduction in emissions of sulfur dioxide and nitrogen oxides through the following steps:

(1) Federally-mandated emission limitations for the largest sources of sulfur dioxide. The fifty largest emitters among power plants that burn medium- or high-sulfur coal would be required to install scrubbers by 1990. This would reduce sulfur dioxide emissions by about seven million tons. Scrubbers are now required of new plants, and have been installed on many existing plants. The use of scrubbers to reduce emissions would mean that utilities would have no incentive to switch to low-sulfur coals. Thus, current employment levels in the high-sulfur coal mining industry would be largely preserved, and could be increased

with projected growth in electricity generation.

(2) State-developed strategies to reduce further sulfur dioxide emissions. States would have until 1995 to reduce emissions by ten million tons below 1980 levels. (States would not be required, though, to obtain costly and possibly unavailable offsets for growth.) Each State would be assigned a required share of reductions in proportion to its present emissions. A State could take credit for the reductions achieved by the Federally-mandated program above.

(3) Nation-wide financing of pollution control equipment. A fee of one mill (one-tenth of a cent) would be levied on the generation or import of a kilowatt hour of most electrical energy. For the average family using 500 kilowatt hours of electricity each month, this would mean approximately fifty cents extra on a monthly bill. This fund would pay ninety percent of the capital costs of installing scrubbers or other control equipment required of utilities to reduce emissions. The fee would automatically end in 1995.

(4) Tougher standards for new power plants. The New Source Performance Standard would be tightened for nitrogen oxide emissions from new power plants. This tightening would reduce nitrogen oxide emissions by about one and one/half million tons by 1995. A study by the Congressional Research Service indicates these tighter levels can be achieved at minimal cost.

(5) Tighter standards for new trucks. Beginning in model year 1986, new light-duty trucks and heavy-duty trucks would have to meet tighter standards for nitrogen oxide emissions. The levels required for light-duty trucks would be comparable to those already being achieved by new cars. For the first time, controls to reduce nitrogen oxides would be required on heavy-duty trucks. These standards would reduce projected nitrogen oxide emissions by two and one/half million tons by 1995.●

THE POPE'S VISIT TO POLAND

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. OBERSTAR. Mr. Speaker, all people who value democracy, human rights, freedom of religion, and the right of workers to organize free trade unions have drawn great inspiration and encouragement from the visit of His Holiness Pope John Paul II to Poland. Speaking as a priest, religious leader, and Pole, the Pope offers a message that transcends political ideologies and nationalist confrontation.

The Pope's pilgrimage and the emotional response of the people of Poland have shamed the Governments of Poland and of the U.S.S.R. The oppression of Solidarity and the denial of worker rights and basic freedoms is a disgrace of the civilized world. That oppression contrasts starkly with the message of hope offered by His Holiness and by the people of Poland.

The Pope's visit offers inspiration to all of us who live in hope for a world where governments respect the spiritual and political integrity of their peoples.

I want to commend the gentlewoman from Connecticut (Mrs. Kennelly) for her sensitivity in leading this special order today. It offers all of us in this House who care about the future of Poland and about human rights to express our deep concern for the people of Poland and to pay tribute to a very remarkable man, His Holiness, Pope John Paul II.●

COLLECTION PROGRAM UNFAIR TO DISABLED MINERS

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. BOUCHER. Mr. Speaker, in recent months, the Social Security Administration has identified some 1,800 individuals nationwide whose social security disability benefits were not reduced when they began receiving additional benefits under the black lung program. These individuals are now receiving orders for repayment involving amounts in the thousands of dollars. According to the notices sent by the Social Security Administration, repayments must be made within 30 days in order to avoid the substantial reduction or elimination of future benefits.

The overpayments in question were made to disabled miners suffering from black lung disease over a period of many years and were received through no fault of the recipients. Now, these individuals are receiving from the Social Security Administration a frightening notice ordering the repayment of the full amount within 30 days. If payment is not made in full within 30 days, the Social Security Administration threatens to reduce or eliminate the benefits of these individuals who are suffering from black lung disease, who are unable to work, and who depend for their family's income almost entirely on their benefit payments.

Since these former coal miners received the overpayments through no fault of their own, since they had no prior notice of the offset requirement, and since repayment of these substantial sums would be virtually impossible given their already difficult financial circumstances, I have asked Mr. John A. Svahn, the Commissioner of the Social Security Administration, to suspend immediately the repayment program and to relieve those who have already received orders for repayment of the obligation to reimburse the Federal Government for the amounts in question.

The individuals receiving disability payments never had the benefit of reasonable notice from the Social Security Administration of any requirement that black lung benefits must be reported to the Social Security Administration or that their disability benefits should be reduced upon the receipt of black lung benefits.

Nowhere on the social security disability claim form used prior to 1975 is there any suggestion that social security disability benefits will be reduced if the claimant is also awarded black lung benefits, and nowhere does the form advise the claimant to report the receipt of black lung benefits to the Social Security Administration.

Between 1975 and 1979, a second form was used which asks the disability claimant if a black lung claim has been filed, but it also fails to advise the claimant either to notify the Social Security Administration if black lung benefits are received or that disability benefits may be reduced when black lung benefits are awarded.

Beginning in 1979, a third form was used for filing disability claims. This form, which replaced the earlier forms, is also silent with respect to any offset of black lung benefits against disability benefits. The form does state in two places that the application for award of black lung benefits should be reported to the Social Security Administration. These provisions are inconspicuous and are placed among five pages of other provisions and questions. It is little wonder that the provision was not brought to the attention of applicants for disability benefits.

Whichever form was used by the disability claimant, no notice of the offset provision was ever given. Moreover, the Department of Labor gave no notice of the offset requirement when black lung benefits were awarded. Therefore, it is apparent that these claimants received overpayments without notice of the offset and through no fault of their own.

It was, or should have been, the responsibility of the Federal agencies involved to compute disability benefits correctly. In no case is there any justification for ordering individuals who are disabled victims of black lung disease to repay to the Government amounts averaging $10,000 and in some cases exceeding $30,000.

The Veterans' Administration sends a yearly questionnaire to VA benefit recipients asking whether any additional governmental benefits are being received. Proper adjustments are then made by the Veterans' Administration in the veterans' VA benefit award. This is the procedure which the Social Security Administration should have followed to insure the proper and timely adjustment in disability benefits due to the receipt of black lung benefits. Such a procedure would prevent the surprise, anguish, and monumental financial hardship which the

Social Security Administration's current procedure imposes.

The basic question is fairness. I believe it is unfair to send a threatening order to reimburse the Government for thousands of dollars in overpayments to a disabled coal miner who through no fault of his own has received overpayments for several years.

I believe it is unfair to subject these individuals to the emotional and financial trauma associated with the receipt of so severe a notice from the Social Security Administration.

For these reasons, I sincerely hope that the Social Security Commissioner will suspend immediately the collection program and issue a general forgiveness of all amounts allegedly received in excess of the benefit to which these individuals and others similarly situated were entitled.

An editorial in the June 22 Roanoke Times & World-News stated that expecting a disabled former coal miner to understand the legal complexities associated with black lung and social security disability benefits is as unreasonable as expecting a lawyer to descend into a mine and to emerge with a full day's production of coal. The Roanoke Times editorial supporting my call for an immediate suspension of the collection program is reprinted below:

[From the Roanoke Times & World-News, June 22, 1983]

Treating Coal Miners Like Lawyers

You wouldn't hand a lawyer a coal miner's gear, send him down the shaft and expect him to emerge safely with a full day's production of high-grade coal. It's just as unreasonable to expect a coal miner to dig clear-cut guidelines out of lawyerly regulations.

But the feds seem willing to place that burden on about 1,800 black-lung sufferers. They are expected to cough up an average of $10,000 apiece in money the Social Security Administration paid them by mistake over a period of years. Not only that, the Social Security Administration sent out letters demanding reimbursement in full within 30 days.

9th District Rep. Frederick Boucher has asked the Social Security Administration to forgive the miners their debts. The forgiveness would cost Social Security $12 million. Money has been poured down less deserving drains.

The problem arises because a miner may be eligible for both Social Security disability benefits and black-lung benefits. The Social Security Administration sends him one check. The Labor Department sends him the other. When a miner receives both Social Security and black-lung benefits, a portion of his black-lung payment is supposed to be deducted from his Social Security check.

This isn't accomplished by Social Security computers talking to labor Department computers. The miner is supposed to remember. This requires great feats of recall and comprehension on his part. Although the miner may apply for both benefits simultaneously, the black-lung application takes longer to process. In some cases it may be years before the miner gets his first check for black lung.

At that point he is supposed to remember signing a form certifying that he had no other income or workman's compensation coming. He is supposed to know that black-lung benefits are a form of workman's compensation. He is supposed to know, therefore, that he is legally required to tell the Social Security Administration to start adjusting his benefits. He is supposed to know and remember the kind of things corporations hire legal staffs to know and remember.

We are not talking about people growing fat on government largesse. Black-lung benefits come to $533.60 a month for a miner with a wife and child. Social Security benefits vary, depending upon a miner's earnings in the years before he becomes disabled. A range of $400 to $500 a month is not uncommon.

The offset against Social Security is computed by one of a number of complicated formulas. What it comes down to is a final benefit that may be on the order of $600 to $1,000 a month. That doesn't leave much room for reducing benefits to compensate for past overpayment.

Boucher suggests that a cutoff date be set and all overpayments prior to that date be forgiven. It's not an outrageous suggestion. Collecting the money from those disabled miners would be costly, time-consuming and mean-spirited. Forgiving them would be unfair to others who have been drawing the proper amount of Social Security disability benefits. But it's too late to be fair. The proper course is the one that would result in the least human suffering.

We could deduct token amounts from the disability benefits—not enough to inflict real pain but enough to make the point that the recipient is legally liable for repayment. or we could identify the bureaucrats responsible for the oversight, hand them picks and shovels, and let them dig coal until they had repaid the $12 million. That might impress upon them the fact that they are dealing with humans, not statistics.●

MODERNIZE AMERICA'S BASIC INDUSTRIES

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. CONABLE. Mr. Speaker, I am today joining with the gentleman from Oklahoma (Mr. JONES) in the introduction of legislation which should help America's basic industries become more modern in order that they can be more competitive.

The legislation simply would allow companies with unused investment tax credits accumulated prior to 1983 to obtain 85 percent of the value of these credits if they reinvest in new plant and equipment prior to 1985. It further requires that the companies which elect to use these credits pay back to the Treasury the basic 85 percent used and an additional 15 percent as well.

Beginning in 1986, the electing companies would pay back this amount at the rate of 20 percent per year, and this repayment could not be offset by any other tax benefits—such as net operating loss carryovers—which the company might possess. The payback feature assures higher revenue to the Government in the critical later budget years.

Mr. Speaker, this legislation is important for a number of reasons.

First, it is apparent to all that our industries—particularly basic manufacturing—have serious competitive problems vis-a-vis their foreign counterparts. Lower labor rates, government subsidies, less stringent antitrust laws, and more favorable tax provisions in other countries all have contributed to this competition problem. Many sectors of our economy have called for trade restrictions in an effort to protect the domestic market against foreign competition. I don't believe that is either an answer or a solution. Protectionism will not make American industry more competiitive; it will make it less competitive. Only when our businesses are as modern and efficient as their competitors will they be able to compete.

Efficiency requires modern equipment and plant, and that costs money. Many of our basic industries have been in a declining mode for some years, and they have simply not been able to finance the kind of new plant and equipment needed to modernize. One of the reasons for this has been historically high, long-term interest rates. The other, in my opinion, is the lack of access many of these firms have had to tax incentives like the ITC. The legislation I have today introduced will give these companies the ability to utilize the unused ITC credits they have accumulated as long as they reinvest it. As a result, it should be a stimulus to new investment.

Second, we must have basic industries to remain a strong economic society. No country can be a world political and military force in the absence of a strong industrial sector. In the case of the United States, basic industries in 1981 contributed 14 percent to our GNP; shipments by basic industries provided $977.1 billion to our economy. These companies exported 20.7 percent of our total exports and employed 4.5 percent of our people. If they were to close down completely, 4½ million Americans would be unemployed—more than the combined populations of Atlanta, Buffalo, Dallas, Milwaukee, and San Francisco.

Third, this legislation is important to focus attention on a serious tax and economic question we have not completely addressed.

For many companies, the investment tax credit, and to an extent, accelerated depreciation really works backwards. These companies must spend money on capital equipment to survive, and they do. In 1981, basic industries spent $42.4 billion—10 percent—of the total capital expenditures made in America. Yet, ironically, because of declining profits, they were unable to utilize the ITC or accelerated depreciation. While they can carryover these tax benefits into future tax years, these benefits continually decline in value, and their nonutilization increases the cost of capital thus rendering the products of these companies less competitive. Our proposal deals with part of this problem by giving these firms partial access—at a cost—to these tax benefits. The greater question is how ultimately to neutralize the economic effects of these tax benefits. I am hopeful that the debate which will ensue will shed some light on this serious problem and bring forth some solution.

Finally, Mr. Speaker, we are facing a world economic restructuring in which we are no longer the sole preeminent power. Our laws and our attitudes just as our private sector factories must be modernized if we are to continue to be a competitive world power. The proposal embodied in the legislation I am today introducing is a necessary and important step in achieving those dual goals.●

ADDRESS BY JUDGE HAROLD H. GREENE AT THE DISTRICT OF COLUMBIA JUDICIAL CONFERENCE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. EDWARDS of California. Mr. Speaker, the principal speech at the recent District of Columbia Judicial Conference was delivered on June 3, 1983, by U.S. District Court Judge Harold H. Greene. His speech criticized both Attorney General William French Smith's position that the courts should abdicate much of their judicial roles and defer to political judgments, and the bills to restrict the jurisdiction of Federal courts, as being efforts to subject constitutional rights to transient political majorities. He pointed to the many areas—such as those involving race discrimination, reapportionment of voting districts, criminal cases, and so forth—where individual rights guaranteed by the Constitution were, and are being, protected judicially, but which political action could not, or would not, protect.

Judge Greene's speech also discussed the importance of confidentiality in communications between attorney and client, and emphasized that the American legal system helps to improve not only the Nation's economy and its system of justice, but also the freedoms and well-being of the American people.

Judge Greene's speech received a standing ovation from the hundreds of judges and lawyers who participated in the District of Columbia Judicial Conference. I believe Judge Greene's message will interest and help Members of Congress, as well as the general public, in their thinking about these issues. I therefore request that his speech be printed at this point in the CONGRESSIONAL RECORD.

Judge Greene's speech of June 3 follows:

Address by Judge Harold H. Greene

I expect to talk to you for the next few minutes about the status of the legal profession in our society. One might think that the significance of the profession and its status are selfevident, and I am certain that to this audience they are. However, many influential opinion-makers, probably reflecting the views of a considerable part of the public, question that conclusion. Three recent events bring that attitude forcefully to our attention.

There is, first of all, a speech made last fall by Attorney General William French Smith which dealt with the responsiveness or lack of responsiveness of the courts to public sentiment. Next, I would like to consider the public and media reaction to rules adopted by the American Bar Association's House of Delegates which require confidential treatment of statements made by a client to his attorney. Finally, we have the report made last month by the President of Harvard University which bemoaned the fact that many outstanding students elect the study of law rather than such disciplines as science or engineering. I believe that all of these statements and events betray a disturbing lack of confidence in our profession, and should be examined on that basis.

Let us first consider the speech of the Attorney General. Basically, what he said was that courts should stay our of many subjects which they currently consider and leave their decision instead to the political branches, and that if they do become involved, they should more closely than now follow the wishes of the electorate as it may have been most recently expressed. According to the Attorney General, should such an approach be followed in the future, the courts would reconsider their decisions which define fundamental rights as including the right to marry, to procreate, to have sexual privacy, and to travel; they would cease applying strict equal protection tests to distinctions based on gender, legitimacy, national origin, and alien status; and they would curtail their practice of fashioning broad remedies in the areas of employment, schools, prisons, and public housing.

Attorney General Smith is obviously not alone. Bills pending in Congress to restrict the jurisdiction of the courts and the tenure of federal judges likewise have as their purpose the limitation of the role of the Judiciary. A similar attitude prevails at the local level: when a question arose recently about a lawsuit in a politically sensititive area, the Mayor was quoted as commenting that he did not want the courts to run the city.

All of this amounts to an attempt to keep the courts out of contentions areas in which they have long exercised jurisdiction. To evaluate the soundness of that effort, we must ask ourselves first of all why the courts are involved with these various subjects. One answer is—and I do not mean here to comment on the legal issues involved in regard to specific matters—because the Constitution says so. It does not say so specifically, to be sure, but ever since the days of Chief Justice Marshall and the decision in *Marbury v. Madison* it has been recognized that the interpretation of the Constitution and laws is judicial business.

But there is a reason that is perhaps even more important, and it revolves around the question—what would happen if the courts stayed out of these controversies? The Constitution, including the Bill of Rights, is just a piece of paper unless someone enforces it. We may note, for example, the Soviet Constitution, which is impressive in language but of little practical meaning because there is no real power to enforce it when enforcement is opposed, either in a particular case or in general, by powerful interests, such as the Party or the government.

In theory, enforcement of our Constitution could be vested in the Congress rather than in the courts. Britain, France, and a number of other western nations operate under just such systems; their basic charters, whether written or unwritten, mean essentially what the legislature says they mean. However well such an arrangement may work in relatively small countries with homogeneous peoples, it is not practical in a national spanning a continent, with a broad distribution of population, differing regional interests, and enormous differences in ethnic, religious, and racial backgrounds. If the rights of all these groups were at the mercy of transient political majorities, neither those rights nor indeed the nation would have lasted very long.

Yet if the courts were to follow the political will, we would wind up in practice with just such a system. The Judiciary would then tailor its decisions to the majority in Congress, or perhaps even to the wishes of a President with a strong electoral mandate. The effect of such a change would be as dramatic as it could be detrimental, particularly where courts had to define ultimate rights and responsibilities—prayers in schools, abortion, busing, the rights of criminal defendants, to name some current topics.

A few examples from the past will illustrate what I mean. Take *Brown* v. *Board of Education.* Surely, there was no political majority in 1954 for doing away with segregation in schools and other public institutions. Yet such a step was clearly right and necessary, and it was called for by any sensible interpretation of the equal protection clause in light of twentieth century conditions. Another example is *Baker* v. *Carr* and the related reapportionment and redistricting decisions. Again, no political measures were and would have been available to deprive sitting politicians of their "rotten boroughs" and gerrymandered districts; legislators would hardly have reapportioned themselves on their own out of their safe seats.

Fair treatment for criminal defendants and for prison inmates is another, and continuing example. The right to such treatment should not be solely at the mercy of a political process which, by and large, focuses on two aspects: the public clamor for law and order and budgetary considerations. These factors are not insubstantial by any means, and they are worthy of the most serious consideration; but at the same time the rights of individuals to be protected from improper conduct must remain a prime factor. Realistically, only the courts can ensure that procedures will be applied which embody that protection, and the courts are more likely than other institutions to see to it that funds are made available for jails which meet civilized standards to house those whom the public wants incarcerated.

When the Attorney General advocates that we should leave all these issues and problems to the political process, he is essentially saying that nothing needs or should be done about them. That is not the way in which the system has traditionally worked, and such a course would not accord to the laws the place they were intended to occupy.

I do not mean to suggest that the courts should make all or most of the difficult decisions in this Republic—far from it. Courts, too, make mistakes. To verify that, we need only to remind ourselves of such disastrous decisions as *Dred Scott* which extended slavery and helped bring about the Civil War; *Plessy* v. *Ferguson* which enshrined the separate-but-equal doctrine in our laws; *Lochner* v. *New York* which held that the states lack the power to set maximum hours of employment; and many others. Beyond that, in a democratic society, policy matters should be decided by legislators and executive officials ultimately responsible to the electorate rather than by non-elected judges.

Contrary to what we are often told, that is what we have now, for judicial decisionmaking is far less pervasive than the public imagines. The courts do not get involved—and properly so—in matters relating to inflation, unemployment, budgets, appropriations, interest rates, foreign policy, defense, tax rates, highways, city planning, to name but a few. All of these involve policy considerations and the making of value judgments for which the courts are ill-equipped, and for which they have no constitutional power or jurisdiction.

By the same token, where under the Constitution the courts have a legitimate role they should not hesitate to play it. A principal purpose of the Bill of Rights is to protect the minority, often a small and unpopular one, from the tyranny of the majority. The potential for action by an intolerant majority is always present, and it is particularly acute when economic troubles or powerful emotions sweep the country for one reason or another. Instant emotional decisions are made especially likely by instant communications, such as nationwide television, which may shortly include even the capability of viewers to vote approval or disapproval of a powerful speech or program simply by pushing a button, in decisionmaking not unlike that which prevailed in the Coliseum in ancient Rome.

What we need is a sturdy brake, not directly responsive or responsible to a transient majority, which is able to safeguard fundamental rights in the face of these pressures, and the Republic is ill-served by suggestions from our leaders to the contrary. It is especially ironic that these suggestions often come from what is generally regarded as the conservative side of the ideological spectrum, for it is precisely conservative thinkers—from Alexander Hamilton on—who have insisted on brakes on the potential excesses of majorities. Those who seek to undermine the balance weight that the legal process and legal decision-makers provide do not understand their value to our society.

Let me go on to my second example. In February, the ABA House of Delegates recommended retention in the code of ethics of the prohibition on revelations by an attorney of confidences imparted to him by his client, with the exception only where there is a threat to life or serious bodily injury. If the potential injury is to property, the attorney must keep silent.

There was a tremendous hue and cry. Patt Derian, former Assistant Secretary of State for Human Rights, wrote that she thought an attorney who learned that his client was committing a crime or a fraud should "act like a good citizen and turn the rascal in to the authorities." Talking about lawyers she went on to say, "those birds have been on their own long enough. These officers of the court belong in the regular system of accountable statute-making and out of their squalid world of separate morality." The *Washington Post* chimed in by way of an editorial that the vote in the House of Delegates "offends 'common sense and common morality,' " and that there is still time for the ABA "to do the right thing and adopt a code that puts the public interest first."

There are a couple of things to be said about that. It is strange that a leading human rights crusader would feel that informing on someone who provides confidential information is the highest form of morality. One may wonder whether Ms. Derian believes that a physician or minister should be guided by the same principle in Chile, or that a journalist should betray his sources in Argentina or El Salvador if he learns that they may have plans to commit an offense.

It is equally wondrous that the media—which see a danger to the First Amendment in any effort to ascertain the identity of a confidential source under any circumstances—should be so cavalier about deciding that such protections are not necessary in the attorney-client context and so ready to ascribe selfish motives to lawyers who advocate preservation of the principle that client confidences should remain confidential. Mark Twain said, "To do good is noble. To advise others to do good is also noble, and much less trouble."

The idea that there is no pressing need for a confidential relationship between lawyer and client is just plain wrong. Absent confidentiality, many individuals would be inhibited from seeking legal advice, and they certainly would not be candid—as they must be if they are to be properly assisted by counsel—if they felt that the conversation would be, or might be, reported to the authorities. Just as First Amendment rights are "chilled" when a burden is placed on their exercise, so the right to counsel would be chilled if the client had to be constantly on guard that what was said could be construed as leading to a future criminal act and on that basis reported to the district attorney. We do not impose such a burden on the priest-penitent relationship or on that between a physician and his patient; there is no reason why it should be otherwise in the legal context. Here again, the fact that such a distinction is being advocated indicates a pattern of scepticism regarding the values of the law and of lawyers that appears to be as entrenched as it is unreasoned.

That brings me to my third example, one that illustrates perhaps most vividly how little the role of the legal process in American society is appreciated by some segments of the intellectual community.

President Derek Bok of Harvard submitted a report earlier this year to the Board of Overseers of that institution in which he wrote that far too many outstanding individuals become lawyers rather than business executives, engineers, or teachers. In this view, the net result of such choices is a massive diversion of exceptional talent into pursuits that "add little to the growth of the economy, the pursuit of culture, or the enhancement of the human spirit." Quoting a Japanese source, President Bok said that engineers make the pie grow larger; lawyers only decide how to carve it up.

There is some problem with this assertion even in its most immediate sense. The antitrust laws, for example, have far broader consequences than the division of a particular pie. Lawsuits based on the Sherman Act are designed to bring about more competition and hence lower prices, better quality, and more demand, and to contribute in this way to the expansion of the economy. Similarly, one might wonder whether the president of Harvard would feel that the New Deal laws, which put America back to work and its stagnant economy on its feet, did nothing more than to divide an existing pie. These examples could of course readily be multiplied. The point is that these statutes, which assist in economic growth and well-being, largely depend for their vitality on enforcement by legal talent—private and government counsel, administrative law judges, and courts.

Laws and lawyers generate something else that also has economic consequences even if that something is more difficult to quantify. I speak of rights, of equality of opportunity, and of plain fairness. I do not know precisely what these intangibles are worth in financial terms, but I suspect that it is far more than many would assume. In fact, we do have some circumstantial evidence to support that contention. Why is it that scientists such as Einstein, engineers such as Roebling who designed and built the Brooklyn Bridge we heard so much about last week, and many, many other productive individuals came to this country and continue to come from all corners of the world? Economic considerations are not the only answer, because if they were, there would be a flood of immigration into Switzerland or West Germany or wherever else the gross national product happened to be highest at the moment or where it was most likely to rise in the future, as perhaps in Hong Kong or Taiwan. These people came in the past and they continue to come now because of the intangibles I have mentioned, and after arriving they add to American society, including its economy.

More fundamentally, I venture to suggest that people who live in this country and have always lived here produce better, more efficiently, more contentedly because they feel that they are part of a just society. The relative prosperity of the United States and its industrial and agricultural output are not merely products of size and natural resources. Brazil, Argentina, China, to name just a few, have similar advantages, yet they never matched the American economic achievements. The difference, I submit, lies in not inconsiderable part in a secure system of justice, in rights, and in equality. In short, contrary to the thesis of the president of Harvard University, there is a close relationship between what lawyers and judges do and the economic pie that is available for the cutting.

But even if we completely lay aside the economic benefits, is there nothing to be said for the legal process and the profession which serves that process? Man does not live by bread alone. This is a time when people have become increasingly disenchanted with purely material things, when they want what is called a better quality of life, what President Bok describes as the enhancement of the human spirit. This broad category includes not merely matters of pleasure, entertainment, arts, and culture but also the great abstractions which are most aptly summarized under the general heading of freedom—the environment which leaves individuals to be what they want to be.

President Bok—and he is far from alone—castigates the adversary process which is a part of the general system of competition and individualism. It is fashionable these days to long instead for the Japanese model where everyone seems to work harmoniously together for joint goals or for the traditional British attitude where the legal process is controlled by respect for authority and there is accordingly less dissension and contentiousness.

There are drawbacks to the broad availability of access to courts and to relatively open judicial procedures. Some lawsuits are brought or maintained which are silly or vexatious. Civil discovery is often misused, not as a tool to secure information but as a means for wearing out a less affluent adversary. Some manage to trivialize even the most solemn laws, by suits such as the one brought here some time ago which charged unlawful discrimination because men but not women were required to wear jackets in certain restaurants. But these deficiencies—and others—are the price we pay for a larger good, just as in the name of academic freedom we tolerate professors who teach or write rubbish, and as in the name of the First Amendment we protect alike the National Enquirer, The New York Times, and Hustler magazine.

The Japanese, surely, are doing very well with their joint enterprises and cooperative efforts. However, I suspect that even in that country, as affluence spreads and as the memory of the defeat and deprivation of World War II dims, there will be growing demands for greater recognition of the individual and his private needs and wants. In any event, what works elsewhere will not necessarily work in America. History is on the side of the individual assertion of individual rights; they will triumph when not artificially held back. And the protection of these rights depends to a not insignificant degree on the processes of the law, with the assistance of the legal profession.

The streamlining that the Attorney General would have us do by eliminating in important areas the cumbersome check of possible lawsuits, thus centralizing power in the political branches, or that the president of Harvard would have us do, by cooperation Japanese-style, might in the short run be more efficient, but surely these changes would involve the abandonment of values which have been on this continent from the days a handful of individualists first arrived from England in the 17th century, and which have been perpetuated by other individualists who since then left more structured, more traditional ways behind.

Much of what judges and lawyers do, and the reasons why they do it, has always been misunderstood. It requires the study of history to appreciate why there is a need for the separation of church from state, and that to allow the police to search a drug dealer's house on mere suspicion will endanger the privacy of all our homes. What is troublesome today is that those who should know better—some of our leaders—have joined in the chorus which minimizes the basic tenets of the legal profession. We have an obligation, of course, not to be influenced by the clamor, but to do our best to carry out the responsibilities entrusted to us, whether as lawyers or judges. We likewise have an obligation to keep trying to educate the public on values which not only are dear to us as members of the legal profession but which are also a vital ingredient in the way of life in America as we know it.●

SECRETARY OF THE INTERIOR JAMES G. WATT'S 5-YEAR OIL AND GAS LEASING PLAN FOR THE OUTER CONTINENTAL SHELF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. MARKEY. Mr. Speaker, this morning I released a report on Secretary of the Interior James Watt's 5-year oil and gas leasing program for the Outer Continental Shelf, prepared by the staff of the Subcommittee on Oversight and Investigations, Committee on Interior and Insular Affairs.

The results of this study show clearly that the Secretary has based this vital program on false economic assumptions, has misrepresented important energy policy and national security issues, has fostered an atmosphere of confrontation with the States, and has violated the spirit of the Outer Continental Shelf Lands Act Amendments. His program will result in delay and uncertainty in Outer Continental Shelf development, rather than in the expedited and evenly paced exploitation Congress envisioned when it passed the amendments in 1978.

This report will allow the Congress to embark on extensive oversight and legislative activities relevant to the exploitation of energy resources on submerged public lands. To this end, legislative recommendations are included.

A summary of the report follows:

A STAFF REPORT OF THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The Subcommittee on Oversight and Investigations of the House Committee on Interior and Insular Affairs has reviewed the Secretary's 5-year leasing plan for the Outer Continental Shelf since he submitted his proposed program to Congress in July, 1981. Five hearings on the plan and on specific lease sales have been held since October, 1981.

The Subcommittee repeatedly invited Secretary Watt to explain his program and answer his critics before the Congress. Chairman Markey opened the Subcommittee calendar to the Secretary's convenience. The Secretary refused to appear personally, and approved the controversial plan without addressing the concerns presented to the Subcommittee by articulate representatives of states, local governments, environmental groups, industry, and academia. The leasing plan has not come before the Congress for formal approval.

The Subcommittee has reviewed the testimony presented before it, and has made the following findings:

Secretary Watt has failed to develop a leasing plan that conforms with the guidelines and requirements of the Outer Continental Shelf Lands Act Amendments.

The Secretary has refused to cooperate with coastal states and to allow them the meaningful participation in decisionmaking that the law requires.

The plan is unlikely to assure fair market value for public resources, and may result in massive losses to the Treasury.

The Secretary has manipulated the balancing of environmental and energy needs mandated by law to justify an accelerated leasing program throughout all areas of the Outer Continental Shelf.

The program is not based on a rational economic or energy policy.

The Secretary's intransigence will produce an avalanche of litigation, which will delay the expedited exploitation of OCS resources the Congress envisioned when it passed the Outer Continental Shelf Lands Act Amendments.

BALANCING OF ENERGY AND ENVIRONMENTAL CONCERNS MANDATED BY SECTION 18 OF THE OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS

Secretary Watt has improperly given more weight to his stated desire for rapid oil and gas development on the OCS than to the interest in preserving and protecting the environment.

The Watt program does not designate the size and location of proposed lease sales as precisely as possible. It fails to notify state and local governments of impending OCS activities off their shores in order to enable them to prepare for the impacts of development.

Secretary Watt did not properly consider other uses of the sea—including the needs fo the commercial fishing industry, the tourism industry, the subsistence culture of Alaskan natives, and the National Marine Sanctuaries program—when he scheduled sales on the OCS.

Section 18 of the Outer Continental Shelf Lands Act Amendments requires the Secretary to achieve a proper balance between the potential for environmental damage, the potential for discovery of oil and gas, and the potential for adverse impacts on the coastal zone. To obtain this balance, the Secretary must weigh the benefits of leasing against its costs. Secretary Watt apparently designed his cost-benefit analysis to reach a predetermined conclusion—that leasing should take place everywhere on the OCS, and that it should be done at an accelerated pace. The Secretary made two major errors—first, he did not properly consider the effects of delaying sales, and second, he did not measure costs and benefits on the same basis. These errors created a bias in favor of accelerated leasing.

STATE AND LOCAL GOVERNMENT PARTICIPATION IN DECISIONMAKING

Secretary Watt is violating the intent of Congress that states and local governments be allowed meaningful participation in the OCS policy process. During the development of his leasing program, and during the individual lease sales held under his supervision, the Secretary has done only the bare minimum required under the law to allow state participation, and has fostered an atmosphere of confrontation with the coastal states.

The Secretary has pursued a policy of brinkmanship with the coastal states over individual lease sales, by refusing to delete

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tracts the states request, therefore forcing the states to delay sales with litigation.

The process by which the Secretary has consulted with the states has been a meaningless exercise. Merely receiving state and local government recommendations is quite different from actually incorporating them into the decision-making process. It appears that the Secretary's "good neighbor" policy of cooperation with the states is largely rhetoric, and that the idea of states' rights is applied only when the state is already in agreement with the Secretary's decisions.

The Secretary's attitude only serves to inspire litigation and unnecessarily delay the development of OCS resources.

LITIGATION

The major stated goal of Secretary Watt's leasing program is to accelerate and expedite leasing of resources on the Outer Continental Shelf. It is therefore ironic that the Secretary's attempts to insure acceleration result in major delays from litigation and confrontation with the coastal states and environmental groups. Because the Secretary has failed to properly interpret the requirements of section 18 of the Outer Continental Shelf Lands Act Amendments and to involve the states in meaningful participation in the OCS decision-making process, his intent and the intent of Congress that OCS leasing be expedited is thwarted.

Secretary Watt is not allaying the fears and concerns of groups affected by his program. He has been obstinate and unyielding, and has seemed to encourage a fight with his critics. The Secretary's attitude has apparently compelled critics of the program to resort to the courts so their concerns may be heard.

FAIR MARKET VALUE

Secretary Watt's plan floods the marketplace with large offerings and changes the bid acceptance procedures formerly used to determine fair market value. These changes will reduce competition on individual tracts, will not give the government revenues equal to those the Department of the Interior would have considered appropriate under past practice, and may not assure fair market value for the resources leased. These problems will threaten congressional and public confidence in the program and will impair the expedited leasing Congress intended in the Outer Continental Shelf Lands Act.

It is obvious that the Department will have less knowledge of the value of OCS resources under the new procedures than it had under the traditional method of evaluating bids. It is highly questionable whether this lessened knowledge will enable the Department to be a knowledgeable seller under its own definition of fair market value. This doubt will likely shake the confidence of the public that the Secretary's program will indeed assure a fair return for publicly-owned resources. The Congress should carefully study the new procedures to insure that fair market value is in fact obtained.

ECONOMIC JUSTIFICATIONS FOR THE 5-YEAR PLAN

Secretary Watt has repeatedly claimed that his program will increase Treasury revenues (and thus lower the national deficit), will result in lower energy prices for consumers, and will increase production of oil and gas on the Outer Continental Shelf. These economic justifications for accelerated leasing are based on questionable assumptions and overly optimistic estimates of Treasury revenues, market prices, and industry capabilities. In fact, the Secretary's program may well result in fewer revenues to the Treasury than a prudent program would produce; no real impact on consumer oil prices; and little or no effect on the production of OCS oil and gas.

ENERGY POLICY AND NATIONAL SECURITY

The Secretary has misinterpreted the nation's energy and national security concerns. His plan is not grounded in sound energy policy.

The Secretary has claimed that the only alternative to increased dependence on foreign oil is the development of oil and gas production on public lands. This view inflates the value of OCS resources to the nation's energy future.

It is clear from the testimony presented to the Subcommittee that the Watt program will have serious consequences to the nation's energy future. There are many alternatives to increased dependence on foreign oil. These alternatives range from increased offshore production to greater energy efficiency. No one energy source provides an answer to the nation's energy problems.

The Watt program propagates the myth that there is no energy problem in the world today. Americans own plenty of resources, the Secretary claims; what is needed is the will to develop these resources. This attitude ignores reality. It is significant that as the Reagan Administration promotes expedited exploitation of public resources, it has cut back on plans and budgets for the development of alternative sources of energy.

A more rational approach would be the development of a diversified, balanced portfolio of energy options. OCS resources could be an important element in a rational energy mix. They are not the sole solution to our energy problems, however, and it is dangerous for the Secretary to advertise them as such.

The Secretary has gained media attention by repeatedly questioning the patriotism of his critics. Such statements are irresponsible. When made by a United States Cabinet Secretary, they are outrageous. Secretary Watt's ad hominem attacks on his critics betray a deepseated lack of confidence in the substance of his arguments, and demonstrates that his plan is based on ideology rather than on the law or on rational economic and energy justifications. Such attacks preclude a reasoned debate on the issues.

RECOMMENDATIONS TO THE CONGRESS

Congress must address the questions raised by Secretary Watt's five year oil and gas leasing plan quickly and comprehensively. The Subcommittee on Oversight and Investigations therefore makes the following recommendations to be undertaken by the Committee on Interior and Insular Affairs and presented to the Congress as a whole:

The Outer Continental Shelf Lands Act must be amended to narrow the scope of discretionary determinations currently reserved to the Secretary. The Congress should clarify the procedures required to achieve a proper balance between energy and environmental concerns, and should retain authority to veto the plan if important considerations are not reconciled and the spirit of the law is circumvented.

The Congress must ensure, through legislative and oversight measures, that coastal states are allowed meaningful participation in OCS policy and decision-making. The provisions of the Outer Continental Shelf Lands Act which have been narrowed by court decisions must be broadened by Congress to restore the protections of the original aims to the statute.

Continuing oversight should be undertaken to assure the American people that the Department of the Interior's method of assuring fair market value for OCS resources is reasonable and workable. In the event that such oversight demonstrates that the new screening procedures will not assure an adequate return for public resources, the Committee and the Congress should consider legislation which establishes a fair and equitable procedure.

Finally, the Congress should mandate a return to the use of the nomination procedure previously used to choose tracts for leasing. This procedure encouraged industry to focus its resources on high potential areas, while at the same time allowing states and other affected parties to request that certain tracts be withheld from the sale. The nomination process provided conflict resolution at a very early stage in the leasing process. A return to this procedure would allow industry to conduct an adequate inventory of OCS resources while at the same time insuring that the environment and marine resources are protected.

Oil and gas from the Outer Continental Shelf will be a part of our nation's energy mix until alternative sources of energy are developed. In order to provide these resources, it is essential that a rational leasing program be developed which fairly weighs environmental concerns, allows states to participate in the planning process, and insures responsible stewardship of public resources.

It is clear that Secretary Watt's 5-year schedule is not such a plan. It is apparent, therefore, for the reasons outlined in this report, that Congress must act surely and decisively to correct serious deficiencies in the Secretary's five year oil and gas leasing program.●

PROMOTING CULTURAL UNDERSTANDING

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. RICHARDSON. Mr. Speaker, there are certain people who do special things for others and many times their work does unnoticed. Eliu Martinez of Alcalde, N. Mex., in my district has made a hobby out of promoting cultural understanding among native Americans and Hispanics in his community.

Mr. Speaker, on July 9 the people of Espanola, N. Mex., and surrounding communities will celebrate the annual Don Juan De Onate Fiesta. It is a festival that has been observed in northern New Mexico for the past 50 years. It has come to my attention that this year's fiesta committee chairman, Eliu Martinez, has a vision of making the fiesta a day for members of the San Juan Pueblo, Santa Clara Pueblo, and Espanola community to celebrate living together in harmony as one. Espanola Mayor Consuelo Thompson and other members of the Onate Fiesta Committee share in the spirit

of making the fiesta a time for community unity.

When Don Juan De Onate arrived at the San Juan Pueblo in 1598 the Indians received the Spanish explorer with open arms. It is that initial spirit of openness that Eliu Martinez would like the Onate Fiesta to recapture today—Hispanics and native Americans living together as one.

The best avenue to understanding, compassion, and cooperation today is by learning from the past. Eliu Martinez' idea is for people to reach out to each other and acknowledge both the respect they have for each other as human beings and to appreciate the unique contributions of differing cultures in their communities.

Mr. Speaker, today in our schools very little is mentioned about the role of native Americans or Hispanics in American history. That history is something that Eliu Martinez is trying to promote. I applaud his efforts to educate his community on the early history of the area and his determination to point out the special relationship shared by native Americans and Hispanics in Espanola, N. Mex.●

THE CHAPPELL/BADHAM BOMBERS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. CHAPPELL. Mr. Speaker, I rise today to salute an achievement of which I take great pride. I share this pride with my colleague and good friend, Congressman BOB BADHAM of Florida's sister State, California.

All too often we in Congress fail to note the good works of our staff members, both in the office and in the community. I should like therefore, to enter into the RECORD at this time, the following tribute to a group of brave competitors:

While the President and Mrs. Reagan were sitting down to dinner at the White House . . .
While the Supreme Court labored over the making of a landmark decision striking down decades of legislative veto . . .
While His Holiness Pope John bade farewell to millions of his Polish faithful . . .
While the Congress of the United States sat in late-night session, diligently at work upon the Budget and the Tax Cap . . .
On the Mall in front of the Air and Space Museum, at the corner of Jefferson Drive and 7th . . . a truly momentous event took place.

The softball team known as "The Chappell/Badham Bombers" took on the very best team that the entire Florida delegation could muster. There, upon the field of spherical combat, the stalwart Bombers, in a last-minute, breathtaking thrust of undeniable athletic prowess, beat the living daylights out of the gargantuan opposition: 13 to 10.

This, for the benefit of any who may question this entry, is included as a matter of morale; a record of staff member accomplishment in which we may take justifiable pride.

We salute each member of the championship Chappell/Badham Bombers. Well done. My compliments to the all-Florida team of which I am always a member both in spirit and in fact. To the players: This was truly a bipartisan effort.●

FAULTY TEST DATA: THE PUBLIC MUST BE PROTECTED

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. LEVITAS. Mr. Speaker, I would like to bring to the attention of my colleagues an article which appeared in the Atlanta Journal/Constitution, on June 19, 1983, which describes the horrors of faulty and invalid laboratory testing which is sometimes submitted as evidence on the health and safety effects of drugs, pesticides, and other chemical products. During the debate on the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) last year, the concerns over the validity of tests on the health and safety effects of pesticide products was a major issue, and was one of the reasons why the House voted to assure adequate public disclosure of health and safety testing data. Without public disclosure, the falsified and fraudulent studies could go undetected. We cannot take such risks.

I would like to submit for the RECORD, the article, "Scientists' Trial Questions System of Regulating Labs." This article emphasizes the need for scientists and the public to scrutinize test data.

[From the Atlanta Journal/Constitution, June 19, 1983]

SCIENTISTS' TRIAL QUESTIONS SYSTEM OF REGULATING LABS

The toxicology lab was cold and humid, the result of a chronically malfunctioning watering system that drenched some test animals while leaving others to die of thirst.

Technicians at Industrial Bio-Test Laboratories, once regarded as the biggest and best independent lab in the United States, called the dank and disagreeable room "the swamp" and refused to work there without rubber boots and masks to filter the stench of dead animals. Many test mice ran free in the lab after escaping from their cages. And when white-smocked workers mounted periodic mouse hunts armed with chloroform spray containers, they could not be certain to which scientific study the recaptured mice belonged.

"The whole thing was a mess," testified Manuel Reyna, a former toxicologist who worked in the swamp.

Hundreds of studies conducted at the Chicago-area lab were ruled scientifically invalid when federal regulatory agencies finally investigated. The government found tests riddled with flaws, tests that were supposed to determine whether new drugs and pesticides might, for example, cause cancer or birth defects, tests the government relied upon when it approved uses of the potentially dangerous products.

Perhaps most troubling to investigators was the discovery that scientists, attempting to protect the lab's reputation and avoid costly retesting, had falsified test data.

Today, four of the laboratory's top scientists are on trial in a Chicago federal court, accused of fraud in a criminal case that is expected to last through the summer.

But on trial with them is the system that is supposed to protect the public from health and environmental hazards, the regulatory system that for several years failed to spot fraudulent or shoddy lab work not only at Industrial Bio-Test but at other testing facilities across the country.

"Consumers are exposed to hundreds of pesticides whose safety has yet to be proven," said Adrian Gross, senior toxicologist with the Environmental Protection Agency. The former Food and Drug Administration official, who was one of the original investigators to uncover conditions at Industrial Bio-Test, said also the EPA has "done very little" to protect the public from rogue laboratories.

"A lot of labs do shoddy work," he added. "But it is more often stupidity, not out-and-out fabrication."

Among public interest groups, there is growing outrage with the regulatory system that allowed lab conditions at Industrial Bio-Test to go unchecked for years.

INCREDIBLY GROSS MESS

"Why did it take so long to find such an incredibly gross mess?" asked Dr. Ellen Silbergeld, chief toxicologist for the Environmental Defense Fund in Washington and a critic of the EPA's role in the Industrial Bio-Test scandal.

The Industrial Bio-Test case sent shock waves through the scientific community, but it turned out to be but one in a series of lab scandals brought to light through the late 1970s. They were uncovered by accident.

Gross, then with the FDA, was conducting random audits of drug toxicology tests and stumbled upon a new drug for treating arthritis that had been tested prior to public sales at Industrial Bio-Test labs. To Gross, the final test reports appeared to be "too good to be true." He looked deeper into the test data and found "outright falsification." Tumors found in some test animals, for example, were not mentioned in final reports.

Based on his investigation, the FDA declared the lab tests invalid and advised physicians treating arthritis patients to use other drugs until new tests could be completed.

Such discoveries inspired sweeping review of work done by the nation's 380 testing laboratories and prompted a Senate investigation into pesticide and drug regulation.

"Inaccurate science, sloppy science, fraudulent science, these are the greatest threat to the health and safety of the American people," asserted Sen. Edward M. Kennedy (D-Mass.), who chaired the hearings.

Testimony at the hearings described widespread problems in the testing industry. For example:

Biometric Testing Inc., of Englewood Cliffs, N.J., tampered with test data, switched test animals and invented results

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for tests that were never conducted, according to federal prosecutors. The company and two of its officers were found guilty of fraud charges.

G. D. Searle & Co. of Skokie, Ill., was accused in a 1976 FDA report of withholding potentially adverse test results. An FDA task force that investigated the lab reported finding an "attitude of disregard" for public safety and "a pattern of conduct which compromises the scientific integrity of the studies."

LABS COULDN'T BE TRUSTED

Subsequently, an EPA investigation of laboratories from Glendale, Calif., to Florida found deficiencies so serious that the agency announced that tests conducted by numbers labs could not be trusted without first being confirmed by another source.

The Chicago trial of Industrial Bio-Test scientists has disclosed that officials at some companies hiring the lab knew about the conditions there. Congressional critics contend that the chemical and drug industries should more carefully monitor the work of contract labs.

But industry officials complain that they, too, are victims of the poor work of outside labs. Monsanto, for example, a major client of Industrial Bio-Test, says it will spend more than $12 million to replace invalidated tests. It also says that the lab scandal has cost it more than $50 million in lost sales.

A number of inadequately tested toxic products are being sold, according to a former EPA official, who blames not only poor lab work but outdated studies and inadequate government review procedures.

"There are too many pesticides out there that do not have an adequate data base," said Steven Jellineck, former head of the EPA's pesticide and toxic stustances division during the Carter administration.

Private labs are the wellhead of scientific information upon which federal regulators set the acceptable levels of public exposure of drugs and pesticides. The Government does not conduct its own tests on new products, so it relies on the scientific integrity of reseach done by industry labs such as Monsanto and Dow and by independent contract labs such as Industrial Bio-Test.

The role of the EPA and FDA is to monitor the labs and to analyze and validate test results. However, in the early 1970s the understaffed EPA decided to leave the test evaluations up to industry, according to Senate investigators.

Governments around the world use test results from American labs to measure the safety of potentially hazardous compounds. That has sometimes proved to be an international mistake.

DRUG FOUND DANGEROUS

Phosvel, for example, an insecticide that Industrial Bio-Test analysis indicated was safe, was used by Egyptian cotton farmers more than 10 years ago until hundreds of water buffalo were paralyzed and died. Farmers exposed to Phosvel use brought reported hallucinations, slurred speech and vision problems. And populations of entire villages were affected, according to American researchers who alerted the EPA.

The chemical compound was being used in 25 countries at the time although it was not yet licensed for use in America where it was being manufactured in a Texas plant. Still, U.S. consumers were eating Phosvel residue on tomatoes imported from Mexico.

Just as the EPA was about to license the hazardous compound, even in the face of the Egyptian experiences and because of favorable test results primarily from Industrial Bio-Test, a number of Phosvel factory workers were stricken with severe neurological damage. With their nerve systems and muscle coordination impaired, they became known as "the Phosvel zombies" and launched legal action against the pesticide maker.

At that point, the EPA refused to approve domestic use of the pesticide.

Industrial Bio-Test helped keep the fungicide Captan on the market, providing pivotal testing data that government regulators used to set acceptable public exposure levels when it is used on crops such as strawberries, tomatoes, lettuce and spinach.

CANCER FOUND DESPITE OK

National Cancer Institute test data provided the first clue that Industrial Bio-Test studies were flawed when it reported that Captan-fed mice developed cancers, contrary to earlier findings by the Illinois laboratory. And after the EPA subsequently ruled that Industrial Bio-Test's Captan studies were scientifically invalid, new tests confirmed the cancer institute's troubling results.

"There is no question it is a carcinogen," said the EPA's Gross.

Now, environmentalists and public interest groups are trying to have Captan banned—along with hundreds of other pesticides that were approved for use based on invalid lab tests—until it is proved safe.

"Fraud and data gaps are enough to invalidate a pesticide's (license) under California law," contends Ralph Lightstone, an attorney for California Rural Legal Assistance, a public interest law firm that represents farm workers.

But an official of the California Department of Food and Agriculture said that the state lacks the resources to prove that the pesticides tested by Industrial Bio-Test are not safe.

Today, a $100 million industry retesting program is under way to fill the data gaps. The 7-year-old effort is only half complete, according to EPA officials, who point out that under U.S. law the agency cannot ban a pesticide without first proving it is hazardous—even if it was licensed for use based on invalid testing.●

SURVEY REVEALS YOUTHS' FEAR OF NUCLEAR WAR

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. SEIBERLING. Mr. Speaker, the Akron Beacon Journal of Tuesday, June 21, contains a very interesting article about the way the presence of nuclear weapons has altered the way children view the world.

The survey was conducted by Stephan Douglas Hanna, the chief resident in family practice at Akron City Hospital. He interviewed 700 Akron students between the ages of 11 and 19 and concluded that adults must address the fears expressed by their children.

The survey showed that more than 50 percent believe a nuclear war will occur in their lifetime and more than 75 percent believe that civil defense will not help. One student responded, "Civil defense is a hollow sham." I can only agree with him.

Dr. Hanna concluded that if adults deal with the threat of nuclear war "in a healthy, constructive way, we offer hope to our children."

Mr. Speaker, I can think of nothing more important for Members of Congress than to deal with the threat of nuclear war in a healthy, constructive way. I am sorry to say that the kind of militaristic rhetoric, as well as action, that all too often accompanies the Congress approach to dealing with that threat is not the kind of constructive action that is needed. Children are not easily deceived. The hope that we hold out must be a hope based on affirmative action toward peace and disarmament.

The full text of the Akron Beacon Journal article follows these remarks:

[From the Akron Beacon Journal, June 21, 1983]

SURVEY REVEALS YOUTHS' FEAR OF NUCLEAR WAR

(By Jim Carney)

More than half of the Akron youths questioned in a recent survey believe there will be a nuclear war in their lifetime.

Seventy percent think they would not survive a nuclear war and 60 percent believe the United States would not survive one.

"The presence of nuclear weapons in the world has altered the way children view the world," concluded Stephan Douglas Hanna, who conducted the survey of youths' attitudes toward the threat of nuclear war.

Hanna, chief resident in the family practice residents' program at Akron City Hospital, interviewed 700 Akron students and concluded that adults must address the fears expressed by their children.

Hanna, who is active in Physicians for Social Responsibility, a group dedicated to education about the medical consequences of nuclear war, questioned students ages 11 to 19 at five Akron schools in February and March.

Here are some results of the survey:

Of the more than 50 percent who believe a nuclear war would occur in their lifetime, about 33 percent thought it would occur within 10 years.

More than 75 percent said civil defense would not help in a nuclear war. "Civil defense is a hollow sham," one student responded.

Most students said their plans for marriage, children and the future have not been influenced by the threat of nuclear war. Many said there was no use in worring about nuclear war because there was nothing they could do about it.

More than 75 percent said nuclear weapons have affected their way of thinking about the future.

"I am afraid for my future and wonder how we as a country, could let this self-destruction go on," one participant said.

"I just want to say if (President Ronald) Reagan is going to have a war, just let him think about how many dreams he will shatter," another said.

Hanna found it significant that so many children felt civil defense would not help. A study in Massachusetts three years ago found only a small percentage of children questioned the value of civil defense.

"This shift in attitude once again probably reflects the increasingly sophisticated exposure of children to the knowledge of the destructiveness of nuclear weapons," Hanna said.

He added that if adults deal with the threat of nuclear war "in a healthy, constructive way, we offer hope to our children."●

DOC HOLLAND, "FATHER OF ROWING," HONORED IN ATLANTIC CITY, N.J.

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. HUGHES. Mr. Speaker, an overwhelming number of people will gather on Thursday evening, June 23, at Resorts International Hotel & Casino in Atlantic City to honor a true one-of-a-kind human being.

Dr. John Holland, a native of the South Jersey Shore, will be joined by over 1,000 of his friends at a testimonial dinner in his honor. As a man who has devoted over 35 years of his life to youth development, Doc Holland is loved and respected by a great number of people.

Born in Ventnor in 1916, Doc Holland graduated from Franklin & Marshall College and Hahneman Medical College. As an Army captain, he served in World War II and in the Korean conflict. He is a general practitioner in Margate and is a former chief of the Atlantic City Medical Center staff.

But to thousands, Doc Holland is best known as the father of rowing in southern New Jersey. It was his inspiration, enthusiasm, and generosity which brought interscholastic and club-type sculling and crew competition into the area. He founded the Viking Rowing Club and donated the club headquarters, once his personal property, for youth development projects and rowing purposes.

An athlete himself, Doc Holland is enshrined in both the Ocean Rowing and the Boardwalk Running Halls of Fame. In December 1982, at the age of 67, he completed the Atlantic City Marathon in his first attempt, with the respectable time of 4 hours and 41 minutes. His famous row to the ocean bell buoy—2.5 miles out—which he still practices 6 days a week, is a legend up and down the coast.

A genuinely humble man, Doc Holland put up a struggle with the dinner committee before granting his consent to this tribute. His selfless dedication and service to others have earned him a venerable position in his community and I am pleased to see tribute paid to this remarkable man.●

HOW CAN WE BEAT THE UPCOMING INCREASES IN LOCAL PHONE BILLS?

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 1983

● Mr. MARKEY. Mr. Speaker, on the past two Mondays I have offered suggestions for possible congressional action to beat the upcoming increases in local phone bills. Today, I offer a third recommendation for a House initiative to deal with this pressing problem.

First, we must take a look at what a local phone bill is. In fact, most consumers see a lot more than just a basic monthly rate when they pay their bills. They see message unit billing, equipment charges, and fees for directory assistance calls. They also see something that may make them see red—a bill for local and intrastate toll calls.

Why would this enrage them? Because these rates are ridiculously inflated. Though this is true of many States, let me use my home State as an example. An evening call from Boston to Springfield—across the State—is more expensive than a call from Boston to Seattle—across the country. During the day time, it costs more to call from Boston to Cape Cod than it does to call from Boston to Colorado. In fact, the Bell intrastate rate runs 10 to 25 times as high per mile as the Bell interstate rate. For consumers who use one of the long distance competitors—like MCI or Sprint—the differential is even higher.

These toll calls—often within the same area code, sometimes even within the same metropolitan area—are regulated by State public utility commissions, or PUC's. PUC's have agreed to inflate these rates at the request of local phone companies under the presumption that such inflation helps keep down the cost of basic monthly service.

The cure for this rate inflation is simple: competition. Anyone who uses a competitive long-distance phone company knows what such competition has done for his or her long-distance phone bill—it has driven it down multifold. The call for competition, then is not some theoretical approach based on economic principles alone. It is not a call for competition based on a "model" of a free market. It is a demand which is the product of the success of competition in the market for long-distance service.

Now, the same competition should be brought to local toll calls. The restructuring of local areas in the Bell System divestiture into new divisions known as LATA's provides the perfect opportunity to undertake steps to bring this part of local phone bills under control.

What then can we do?

My suggestion, one which has been embodied in the initial draft of every major common carrier bill considered by the Congress in the past few years, is to move regulatory authority away from State PUC's to the Federal level. For while the FCC has often been slow in bringing about competition, the State PUC's have been even slower.

I urge the Congress to transfer jurisdiction for ratemaking on inter-LATA, intrastate routes to the FCC. This would be a critical first step in bringing down the overall local phone bill. And while a purist might claim that this is not a local phone bill issue, and that such calls are actually long distance in nature, I contend that to consumers, a call from Quincy to Brockton looks local and costs too much—semantic differences notwithstanding.

Competition must be introduced into the local toll call market. Its absence has contributed to outrageous intrastate phone call rates, and consumers will not stand for being told that this is not a local phone bill problem. If we take action to address the phone rate issue, and exclude this matter, we will have a serious day of reckoning with our constituents ahead. As competition develops for federally regulated services, like international calling, prices for such service will continue to drop. How will we explain our failure when someone can call from Boston to Dublin for less than they can call from Boston to Pittsfield?

And for those of you who doubt that we will see a day when this comes to pass, let me point out that right now—without major international competition—3 minutes from suburban Boston to Dublin—at night—costs $2.40. Three, 1-minute daytime calls across Massachusetts cost $2.31.

Providing for competition in the intrastate markets, through changes in the location of regulatory authority for such markets, is the third thing we can do to beat the upcoming increases in local phone bills.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

BEST COPY AVAILABLE

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 28, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 29

8:30 a.m.
Labor and Human Resources
To hold oversight hearings on the Department of Labor's law enforcement activities, focusing on the organized crime and racketeering section of the Department of Labor's Office of Inspector General's investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Judiciary
To hold hearings on S.737, S. 568, and S. 1383, proposed Joint Research and Development Ventures Acts.
SD-226

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction, focusing on tax expenditures.
SD-215

Foreign Relations
To hold hearings on the nomination of David M. Abshire, of Virginia, to be U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.
SD-419

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on the proposed Uniform Single Audit Act of 1983.
SD-342

2:00 p.m.
Appropriations
Defense Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

Judiciary
To hold hearings on pending nominations.
SD-226

3:00 p.m.
Judiciary
Courts Subcommittee
Business meeting, to mark up S. 645, proposed Court Improvements Act.
SD-226

JUNE 30

9:30 a.m.
Labor and Human Resources
Business meeting, to resume consideration of S. 564, to establish the U.S. Academy of Peace.
SD-430

Rules and Administration
Business meeting, to consider H.R. 3034, to provide for the appointment and education of Congressional pages, Senate Resolution 150, to authorize the printing of additional copies of the Joint Economic Committee print entitled "Changing Economics of Agriculture: Challenge and Preparation of the 1980's," and pending legislative and administrative business.
SR-301

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 1101, to authorize funds for fiscal years 1983, 1984, 1985, and 1986 for certain fishery programs, and S. 663, to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.
SR-328A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
Business meeting, to mark up proposed legislation to extend the revenue sharing program for local governments.
SD-215

Judiciary
Business meeting, to consider pending calendar business; to be followed by the Subcommittee on Separation of Powers to mark up S. 462, to clarify certain provisions of the Hobbs Act relating to Federal jurisdiction over labor extortion matters.
SD-266

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 1

9:30 a.m.
Judiciary
To hold oversight hearings on the effects of antitrust laws on the domestic steel industry.
SD-226

JULY 12

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders involved in serious and violent crimes.
SD-226

Labor and Human Resources
Told hold oversight hearings on activities of the Legal Services Corporation.
SD-430

2:00 p.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 13

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1148, to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Community, Montana by the U.S. Court of Claims
SD-628

9:30 a.m.
*Commerce, Science, and Transportation
To resume hearings on S. 1108, proposed Highway Safety Act, focusing on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials.
SR-253

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Foreign Relations
Business meeting, to consider certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concurrent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

Labor and Human Resources
To hold hearings on home health care services.
SD-430

Veterans' Affairs
To hold oversight hearings on certain health issues affecting veterans, focusing on the recruitment and retention of VA medical staff, and to examine the location of certain VA facilities to rural areas.
SR-418

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

2:00 p.m.
Foreign Relations
Business meeting, to continue consideration of certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concurrent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

JULY 14

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on future directions in nursing home health care.
SD-430

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

3:00 p.m.
Select on Ethics
Closed meeting to consider pending committee business.
S-207, Capitol

JULY 15

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings to examine trends in the projected life expectancy of U.S. citizens.
SD-215

JULY 19

8:30 a.m.
Small Business
To hold oversight hearings on the Small Business Administration's small business development center program.
SR-428A

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 752, to provide for certain measures to reduce the salinity of the Colorado River.
SD-366

2:00 p.m.
Small Business
To continue oversight hearings on the Small Business Administration's small business development center program.
SR-428A

JULY 20

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to explore problems affecting the quality of education.
SD-430

JULY 21

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rate of dependency and indemnity compensation for surviving spouses and children of veterans, and related proposals, including S. 859, S. 995, S. 1187, S. 1318, S. 1371, S. 1401, S. 1402, and S. 1403, and other pending calendar business.
SR-418

JULY 22

9:30 a.m.
Labor and Human Resources
To hold hearings to receive a task force report on the vaccine for pertussis.
SD-430

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a government dam or other structures owned by the United States.
SD-366

JULY 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to discuss pending business matters.
Room to be announced

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal mine safety and health amendments.
SR-485

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine the problem of runaway and homeless children.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1520, to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-562

JULY 28

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

9:30 a.m.
Labor and Human Resources
To resume hearings on health care cost issues.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

JUNE 30

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to resume markup of S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

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SENATE—*Tuesday, June 28, 1983*

(*Legislative day of Monday, June 27, 1983*)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

*Eternal God, "who made the world and all things therein * * * Lord of heaven and earth * * * who giveth to all life and breath and all things * * *"* (Acts 17: 24, 25), we need Thy counsel as the Senate considers a very heavy matter. Our forebears believed that Thou art the Lord of Life: "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty * * *". Jefferson understood this when he said, "God who gave us life, gave us liberty."

Now Lord, the Senate confronts head-on the basic issues of life and liberty. Make Thy presence felt here and let Thy will be done in the Senate today. We pray in the name of Him who is the Way, the Truth and the Life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SENATE SCHEDULE

Mr. BAKER. Mr. President, let me outline the program as I see it at this moment.

I hope that, after the two leaders are recognized and the special orders are executed and morning business has expired, we get on with the business of debating the abortion amendment without delay. There are 2 hours and 49 minutes remaining under the order previously entered.

ORDER FOR RECESS TODAY FROM 12 NOON TILL 2 P.M.

Mr. President, today is Tuesday. I feel like the sailor who is tied to the mast on Tuesdays because there is so much going on and so little time in which to do it. One of the things we must do.is conduct the regular weekly caucuses of Senators on both sides of the aisle. Those caucuses are of a quasi-official nature. They are held away from the Senate, though they are instrumental in setting the policy by both parties on matters which are debated in the Senate. In order to accommodate those caucuses, Mr. President, it has become our custom of late to recess the Senate for 2 hours. Therefore, today, I ask unanimous consent that the Senate stand in recess from the hour of 12 noon until 2 p.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, according to my calculations, we will either finish or just about finish the debate on the abortion resolution by the time we recess. That is going to leave us a lot of time between then and 5 p.m. For a man who is hungry to do as much as he can before we go out for the Fourth of July recess, I find that a disturbing prospect. When the minority leader returns, I intend to consult with him, as indeed I have done privately before this, as to the possibility of doing one or the other or at least beginning one or the other of the two remaining items which must engage our attention before we go out for the Fourth of July recess.

One is the so-called tax cap sent us by the House of Representatives, which we almost got a time agreement on yesterday. The other is the agriculture appropriations bill, which may or may not be a highly controversial item.

I get mixed signals on that. I see the distinguished Senator from Mississippi here. He has a particular interest in that matter and he advised me last evening, as I recall, that he thought there was some possibility that the differences could be worked out and we could pass it in fairly short order. I prefer that interpretation to a later one I received from the minority leader, who thought there might still be problems.

In any event, Mr. President, I would propose, 'if we may do so, that if we run out of time for debate on the abortion resolution before 5 p.m., and we vote at 5 p.m.—it is not later than 5 p.m., but at 5 p.m.—that we fill in that time on the agriculture appropriations bill or on the tax cap. So Members should be aware of that possibility—that is, that the time between 2 p.m. and 5 p.m. may be devoted in part, at least, to debate on some other matter besides the abortion resolution, since the time for debate will have expired and the time for the vote will not have arrived.

I have no desire to shorten the time for debate on the abortion resolution. I suppose if there is a substantial reason to extend the time for debate, the leadership on both sides will consider that. I hope that will not occur. I think the time we have remaining is short enough that we could serve the purposes of the country and the Senate well by using the remaining time this afternoon to get started, at least, on one or the other of the two items.

Mr. President, I announced yesterday that it was the hope and ambition of the leadership on this side that we could finish for the Fourth of July break on Thursday instead of Friday. Far be it from me to entice Members to do anything against their will, but let me suggest that if we can finish the agriculture appropriations bill and the tax cap proposal, we might go out of here Wednesday. Having baited that trap, Mr. President, I shall await eagerly the response of my distinguished and outstanding colleagues.

ORDER TO VITIATE ORDER FOR RECOGNITION OF MR. GORTON

Mr. BAKER. Mr. President, I am advised that the distinguished junior Senator from Washington (Mr. GORTON), who has a special order this morning, has no need for that order. I ask unanimous consent that the time allocated to the Senator from Washington be vitiated.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

WILLIAM E. MILLER WILL BE REMEMBERED AND MISSED

Mr. BAKER. Mr. President, today at Arlington Cemetery, William E. Miller, former Congressman and former Republican nominee for Vice President, will be laid to rest, and on behalf of my colleagues, I want to extend to his wife Stephanie, and the rest of his family, my deepest sympathies. Bill Miller was a good man and a fine public servant—he will be missed.

I listened over the weekend to reports of the death, and I heard my good friend Senator GOLDWATER call Bill Miller one of the greatest men I have ever known. BARRY GOLDWATER does not talk like that about everyone.

Bill Miller served in Congress with my father, and I remember watching him avidly play cards. He was an outstanding bridge player, and he loved golf and billiards.

In 1960, Bill Miller was elected chairman of the Republican Congressional Campaign Committee, and that year, the Republicans gained 22 seats in the House. The following year, Bill became the Republican National Chairman, and was according to Senator GOLDWATER one of the best chairmen we ever had.

In 1975, Bill made a television commercial in which he joked that he was not recognized without his American Express card. My only reflection today is that he will be remembered and missed regardless.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I have no need for my time.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, there is a remaining order in favor of Senator SPECTER, who is not yet here. He is depending, I am sure, on the Senator from Washington speaking first. Therefore, on the time remaining to the two leaders, I am about to suggest the absence of a quorum, which we shall not charge against the Senator from Pennsylvania.

Mr. President, on the time remaining for the two leaders and in order to gain time to permit the Senator from Pennsylvania to arrive, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL JULY 11, 1983

Mr. BAKER. Mr. President, I have consulted with the minority leader on the matter I am about to address, and he is agreeable to the course of action I will now propose.

I have before me a Senate concurrent resolution dealing with adjournment. I now send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 48) providing for an adjournment of the Senate from June 29, 1983, June 30, 1983, or July 1, 1983 to July 11, 1983, and an adjournment of the House from June 30, 1983 to July 11, 1983.

Mr. BAKER. Obviously, the meaning of this resolution is that the Senate has the option of adjourning tomorrow, Thursday, or Friday, until July 11. The House has the option of adjourning from June 30 until July 11.

As I said, I have consulted with the minority leader, who is agreeable to the passage of this resolution. I ask the Chair to put the question.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The concurrent resolution reads as follows:

S. CON. RES. 48

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Wednesday, June 29, 1983, Thursday, June 30, 1983, or Friday, July 1, 1983, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12:00 noon on Monday, July 11, 1983, and that when the House adjourns on Thursday, June 30, 1983, it stand adjourned until 12:00 noon on Monday, July 11, 1983.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the Senator from Pennsylvania is now present. May I inquire if he is ready to claim his time for the special order?

Mr. SPECTER. Yes, Mr. President, I am pleased to respond to the majority leader that I am.

Mr. BAKER. I thank the Chair.

Mr. President, I yield the floor.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. SPECTER) is recognized for not to exceed 15 minutes.

PRESIDENT URGED TO ADOPT RECOMMENDATIONS OF THE INTERNATIONAL TRADE COMMISSION ON SPECIALTY STEEL

Mr. SPECTER. Mr. President, I rise today to urge action by the President on a matter now pending before him involving the specialty steel industry of the United States. By July 5, a week from today, the President must act on certain recommendations on specialty steel which have been presented to him by the International Trade Commission.

I wish to focus attention on this matter because it is of urgent interest to 30,000 Pennsylvanians once employed in the specialty steel industry centered in my State, and also because it is of great importance to all Americans in all States in all industries in which U.S. companies lose money and U.S. workers lose jobs because of unfair competition from foreign firms that are subsidized by their governments. The recommendation of the International Trade Commission to the President is to limit imports of specialty steel. Then U.S. firms could use their respite to complete their modernization programs.

After 18 months of painstaking review, the Commission found that these imports have been substantially subsidized for years and have materially injured U.S. companies. The President must decide by July 5 whether to accept or reject the Commission's recommendation for a 3-year period of restricted imports. The industry asserts that it needs 5 years.

At the outset, it is vital to note that the issue before the President is not a request for protectionism, but a request that specialty steel enjoy the benefits of free trade uninhibited by subsidies of foreign governments which now create unfair competition with specialty steel.

Last Friday, I took the occasion of our day off from the Senate to visit the Allegheny-Ludlum steel mill in Brackenridge, Pa.

Allegheny-Ludlum is the largest U.S. producer of specialty stainless and electrical steels. I saw a modern continuous caster installed recently as a result of earlier limitations on unfair foreign trade practices. This enormous device provided cost savings that minimized layoffs and kept the company competitive with foreign producers. It represents the state of the art. With a further period of limits on imported specialty steel, which now holds 20 percent of the U.S. market, the company would be justified in completing the second stage of its modernization with a $100 million investment that would buy a second continuous caster which would greatly increase the plant's output. Then the company could hope to reemploy its furloughed workers, increase its sales, recapture part of the domestic market from foreign suppliers, and expand its exports.

Yesterday, when there were no votes, I took the occasion to visit the Bethlehem Steel mill in Steelton, Pa., in order to be in a better position to comment on these issues and to make these requests to the President which I shall do formally by letter today.

The distinction between protectionism and free trade, in my judgment, is absolutely vital because there are sound reasons why free trade should be maintained. But free trade means fair trade and that means the absence of foreign government subsidies. But today American specialty steel is being victimized by subsidized European, Brazilian, and Japanese importers, in a way which makes it an impossibility for them to compete fairly on the international market.

I will paraphrase the famous statement of President Kennedy and put the proposition this way: As to specialty steel and the entire American steel industry, they ask not what protection their Government can give them; they ask only that their Government not permit or assist others to engage in unfair and illegal trade practices.

Specialty steel is not asking for protection from competition. Specialty steel is asking only that the U.S. Government not permit or assist foreign competitors to engage in unfair and illegal trade practices that inevitably result from government subsidies. That there are massive foreign subsidies is plain beyond any doubt.

So the specialty steel industry is not asking for protection but is asking only that the Government not permit the unfair competition which results when foreign companies receive subsidies from their governments but domestic companies do not receive subsidies from our Government.

Beyond merely permitting illegal practices, regrettably, the U.S. Government actually assists in these unfair trade practices through policies which we have adopted concerning the International Monetary Fund.

It is a fact of record that Brazil has subsidized steel with funding obtained from the International Monetary Fund and, as a result, has put American steelworkers out of work. Nothing, in my judgment, could be more unfair. Consider that you have this situation: A steelworker at a plant such as Allegheny-Ludlum's in Brackenridge, Pa., is paying taxes to the U.S. Government. The U.S. Government is then appropriating money for the International Monetary Fund, as we did in the supplemental appropriations 2 weeks ago—$8.5 billion. The International Monetary Fund is then advancing money to Brazil. Brazil is then giving subsidies to its steel industry; and its steel industry, including specialty steel, is then exporting steel to the United States and causing that steelworker at Allegheny-Ludlum to lose his job. That cycle is factual, that cycle is complete, and that cycle is fundamentally unfair.

When Treasury Secretary Regan appeared before the Appropriations Committee, I asked him that specific question. I urged that the International Monetary Fund, if it is to be supported by the U.S. Government, not permit those subsidies. Treasury Secretary Regan responded that it would cause thousands of Brazilian steelworkers to be thrown out of work. My reply to that was, "Well, how about thousands of American steelworkers?"

Treasury Secretary Regan replied that there were other factors involved in the problems of the American steel industry—all of which is true. But if even one American steelworker is losing his job because of subsidies which are permitted by the U.S. Government through the International Monetary Fund going to Brazil, then that should be stopped. Simply stated, it is unfair and immoral.

That is why I rise today to focus attention on this matter, which I believe is of great national concern. In urging that these considerations be met by the executive branch, I speak as a U.S. Senator as well as a Senator from the Commonwealth of Pennsylvania. I make the distinction because it is in the national interest that the steel industry in the United States be strong. If we are to be prepared on national defense—and the steel industry is vital to the national defense—then we will have to maintain a strong steel industry. If we permit the steel industry to disintegrate, then we can expect ourselves to be at the mercy of foreign steel producers. In the mode of OPEC oil, when the going gets tough, they will raise prices and exploit the United States, and we will find ourselves without a steel industry to provide the necessary national defense or domestic production.

I speak also as a Senator from the Commonwealth of Pennsylvania, which is enduring massive unemployment, especially in western Pennsylvania and other parts of the State which rely on the steel industry. Steel in the United States has traditionally been concentrated in western Pennsylvania, particularly in the Pittsburgh area, but we also have steel mills in the Johnstown and the Harrisburg areas, as well as Coatesville, near Philadelphia, and in Fairless Hills and Bethlehem. So it is a matter of tremendous importance throughout the State of Pennsylvania, where steel has been the No. 1 industry which in its heyday has employed some 14 percent of the Pennsylvania work force.

In looking toward this decision which the President of the United States must make by July 5, I submit that there must be a proper focus and fairness as applied to the specialty steel industry.

On Monday when I visited the Bethlehem Steelworks at Steelton, Pa., it was represented to be the oldest steel mill in the United States, a source of rail since the mid-1800's, which provided the track for the expansion of the American rail industry. At this aged Bethlehem steel plant, I was pleased to see massive new machines, representing an investment of some $85 million, and high technology equipment being applied with computerization to increase the production of steel from that plant and to produce a superior product.

While that is not an illustration of the specialty steel industry, it is an illustration of a part of the American steel industry which has also been victimized by unfair foreign competition from subsidized companies, such as British Steel Corporation, which the International Trade Commission last year found to be subsidizing steel at the rate of some $250 a ton.

I am going to ask the President of the United States to meet personally with representatives of the specialty steel industry before reaching his decision because of the apparent controversy among Cabinet level officers. It has been reported that a debate among Cabinet level officers is taking place over the fate of the specialty steel industry, with representatives of the Justice Department, the Treasury Department, the State Department, and the Council of Economic Advisers urging that the President place no restrictions on specialty steel imports.

It is further reported that some members of those departments feel that restrictions should not be imposed because they do not wish to alienate U.S. allies who make money here by selling specialty steel here. Mr. President, this is another example of the sacrifice of vital American industrial interests on the altar of foreign policy. More than steel is involved. Involved is virtually every product which is made in the United States.

We have seen the demise of many of our industries because foreign governments are exporting their unemployment to the United States. Stated simply, the U.S. Government is not only letting them get away with it, but the United States is also aiding and abetting and conspiring in that effort.

Markets in third countries are also affected. Recently, I had an opportunity to look at the imports of poultry into Egypt. There again, the practice was the same: Brazilian poultry was being exported to Egypt, defeating an opportunity for American farm products because of subsidies being given by the Brazilian Government to its poultry industry.

Similar incidents could be related almost endlessly. It is not just Pennsylvania's problem. It is the problem of every State in the United States. It is not just steel's problem. It is the problem of every industry which makes products, seeks to sell them in competition with foreign firms, and is being victimized by these unfair foreign trade practices.

Thus, on this early morning in the Senate, where, in accordance with our custom, only two of us are present—our colleagues being busy with committee work and the other endeavors of the U.S. Senate—I urge those who will review this RECORD, as many of our colleagues customarily do, and I urge those who can hear these comments on the radio system, to join in this appeal to the President, to assure fundamental fairness for the specialty steel industry in the United States. It is an industry which is not asking for favors, but which is asking only for fairness. That fairness requires the stopping of those unfair foreign trade practices which are threatening to destroy the specialty steel industry and are threatening to destroy the steel industry generally in the United States.

Mr. President, American specialty steel achieves quality unexcelled any-

where in the world. Its equipment is not outmoded. The industry has made excellent use of the respite provided by an earlier decision of the International Trade Commission and ratified and continued under two prior administrations. Companies invested in plant and installed state-of-the-arts equipment like the continuous caster I saw in operation.

Companies like Allegheny-Ludlum ask only for enough further time to complete their modernization programs. Unlike their foreign competitors, they are not asking for subsidies. The money they want to invest in additional new equipment is their own. They have done and want to continue doing just what the Government should expect of them: modernize so they can compete effectively. Under these circumstances, what more do we want from them? Do they not deserve temporary protection from unfair competition?

Mr. President, when you drive around communities like Brackenridge, Pa., and talk to the residents, you cannot fail to see that the entire economy of the area is dependent on the prosperity of the local steel mill. In Pennsylvania, as throughout many States, particularly in the northeast and midwest regions, there are scores of communities like Brackenridge. When there are layoffs at the mill, everyone in the community suffers; businesses of all types are harmed.

It is fundamentally unfair for these Americans to suffer when the cause is the policy of foreign governments to subsidize basic industries like steel. Why should our country allow foreign nations to export unemployment, along with subsidized steel, to the United States? Why should we tolerate unemployment levels of 20 percent and higher in steel communities while subsidized foreign firms steal 20 percent of the U.S. specialty steel market?

Mr. President, I urge all my colleagues to recognize the general threat to all represented by this case.

S. 1551—PREVENTION OF CRIMINAL INFILTRATION OF LABOR UNIONS REPRESENTING CASINO EMPLOYEES

Mr. SPECTER. Mr. President, I am today introducing a bill to permit States which have legalized casino gaming to impose measures to aid in the prevention of criminal infiltration of labor unions representing casino employees.

This legislation is prompted by a recent U.S. Court of Appeals ruling that the State of New Jersey may not impose rules and regulations designed to prevent criminal elements from infiltrating legitimate casino operations through labor unions representing casino employees. The court ruled that Federal labor law statutes preempt the field in this area, to the exclusion of State law.

I cannot disagree with that portion of the court's opinion which emphasizes the need to preserve a fundamental principle of Federal labor law: the employees' right to form their own organization and select their own leadership. Yet what New Jersey and other similarly situated States are attempting to do is not inconsistent with that principle. The State laws in question cannot be viewed as attempts to regulate labor unions in a manner inconsistent with Federal law. In fact, these State laws are not even labor laws at all, but comprehensive casino control laws that impose the same standards on management as on labor in pursuing the important State goal of keeping all elements of casino gaming free from criminal influence. In New Jersey, for example, the law is not only written evenhandedly, it is administered that way as well. Major officers and shareholders of casinos have been required to disassociate themselves from some companies; in one instance a company even was ordered to turn over to another company the operation of its casino.

There is no question that casino gambling is particularly attractive to organized crime because of the vast amounts of cash and gaming chips that are constantly changing hands on the casino floor. We can count on organized crime to look for any avenue of infiltration, be it in management, labor, or related operations. States legitimately require all those involved in the unique business of legalized casino gaming to subject themselves to strictest scrutiny, precisely to avoid this danger and to keep the industry clean. New Jersey has simply retained the right to disqualify union officials who have associations with organized crime. Maintaining the public's trust requires no less.

Surely Congress, in enacting Federal labor laws, did not intend to preclude the States from adopting comprehensive and nondiscriminatory rules designed to keep all elements of casino operations free from criminal infiltration. My bill simply makes clear that States are not barred by Federal law from applying those rules in these special circumstances.

Mr. President, in submitting this proposed legislation I join with my colleague, the distinguished Congressman from New Jersey (Mr. HUGHES), who has introduced such legislation in the House of Representatives.

It is a bill which has national importance. The issue is one which has been the subject of many decisions in the constitutional law field. Pennsylvania has a special interest in this issue because of the proximity of Atlantic City, N.J., to Pennsylvania. There is a national interest as well, since New Jersey's experiment with legalized gaming casinos in the effort to revitalize that part of New Jersey provides a national example.

And on a personal note I might say I have had a special interest in New Jersey. I took the bar examination there in 1979, some 23 years out of law school, with an interest in practicing law in Atlantic City, N.J.

Then I found the superior profession of U.S. Senator in 1980, and that has occupied my time instead. Nonetheless, I have observed rather closely the proceedings in progress in New Jersey, and I submit to this body that this legislation is very important.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the bill on the Atlantic City casino issue.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this section or in any other Federal labor law shall be deemed to preclude any State from enacting, as a part of a comprehensive statutory system for regulating the operations of licensed casinos and casino hotels, standards which—

(1) govern service in any position described in paragraph (1) or (2) of subsection (a) with respect to a labor organization representing employees of such a casino or casino hotel;

(2) are based on criminal conduct or associations; and

(3) are more restrictive than those which would apply under this section, or would impose different sanctions than this section would impose.".

S. 1552—OPERATION OF PASSENGER VESSEL "HIAWATHA" ON THE SUSQUEHANNA RIVER

Mr. SPECTER. Mr. President, today I am introducing legislation to allow the Williamsport-Lycoming County Chamber of Commerce of Williamsport, Pa., to operate its passenger vessel, *Hiawatha*, on the Susquehanna River.

The *Hiawatha*, a 65-foot, diesel-driven, replica of a 19th century paddlewheeler initiated tourist traffic on the west branch of the Susquehanna River last summer. Operating only 10 weeks, the vessel carried 15,000 passengers and raised $18,981.50 last year. The Williamsport community raised nearly $500,000 in materials, labor, services performed and cash to build the *Hiawatha* and inaugurate service. During construction of the vessel, the Pennsylvania Fish Commission, which inspects 17 similar vessels throughout the Commonwealth, periodically checked to insure that the chamber

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met commission standards. Subsequently, the fish commission certified the *Hiawatha* to operate passenger service for hire on the Susquehanna.

In December of 1982, the Philadelphia Inquirer published an article noting the success of the *Hiawatha*, and applauding the chamber's ability to gather community support for the project. Coincidentally, a Coast Guard official noticed this piece, and questioned whether the Pennsylvania Fish Commission had appropriately exercised jurisdiction over the *Hiawatha*.

The Coast Guard retains jurisdiction over the navigable waters of the United States. The west branch of the Susquehanna has been determined to be navigable and subject to Coast Guard supervision. Hence, the *Hiawatha* was designated as Coast Guard responsibility and required to meet its regulations before serving passengers for hire.

Since this determination, the Williamsport-Lycoming Chamber of Commerce has pursued Coast Guard certification without success. While review has proceeded steadily, analysis of the vessel's hull structure remains an obstacle to timely certification. The chamber has already spent nearly $30,000 to produce detailed blueprints of the hull and to continue operating the *Hiawatha* without charging admission.

As an alternative to these extensive hull review procedures, the Coast Guard, within the scope of its regulations, may accept evidence demonstrating that comparable vessels have operated under similar conditions with a time-honored record of safety. In accordance with these regulations, the chamber has provided the Coast Guard information regarding several craft of approximately the same size, power and displacement that have carried passengers with at least 5 years without significant complications.

In spite of this compliance, final certification has not been granted. The chamber projects its costs to be $83,000 in the course of the *Hiawatha's* 6 months of operation this season. Originally, the chamber expected to recoup its expenses through passenger admissions; however, its protracted negotiations with the Coast Guard have drowned these expectations.

According to information provided to me by the chamber, the *Hiawatha* has operated safely and without complication. Based on this record, and the past certification by the Pennsylvania Fish Commission, I am asking the Congress to resolve this jurisdictional dispute and permit the *Hiawatha* to run, for hire, on the west branch of the Susquehanna—so long as it continues to maintain the standards established by the fish commission.

The *Hiawatha* has served to promote tourism in a county that suffers from 16-percent unemployment. I am confident that continued operation will only spur economic development in the area, and ask my colleagues to give speedy relief to the community of Williamsport.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 2 and 4 of the Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", approved May 10, 1956 (46 U.S.C. 390a and 390c) and section 3 of such Act (46 U.S.C. 390b) as regards inspection and certification, the Williamsport-Lycoming County Chamber of Commerce of Williamsport, Pennsylvania, may operate the passenger vessel *Hiawatha* on such segment of the west branch of the Susquehanna River as may be designated by the Pennsylvania Fish Commission, Bureau of Waterways, if the Williamsport-Lycoming County Chamber of Commerce prior to the operation of such vessel—

(1) complies with any inspection and certification law or regulation of the State of Pennsylvania applicable to the operation of a passenger vessel; and

(2) maintains certification for the *Hiawatha* as required by the State of Pennsylvania for the operation of the vessel.

Mr. SPECTER. Mr. President, I thank the Chair and I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to extend beyond 10:15 a.m. with statements therein limited to 2 minutes each.

CONFERENCE ROUNDTABLE

Mr. THURMOND. Mr. President, I want to take a moment to direct the Senate's attention to an article which appeared in the June 23, 1983, New York Times concerning the public affairs television program, "Conference Roundtable," produced by the Senate Republican Conference.

The Times article provides an accurate assessment of the purpose of "Conference Roundtable": to keep the American people well informed of the activities of the U.S. Senate.

Senator MCCLURE, Chairman of the Senate Republican Conference, is to be commended for his leadership in this effort, as well as the other vital communications activities of the Conference.

Mr. President, I ask unanimous consent that the Times article appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 23, 1983]

SENATE G.O.P. PLAYS CABLE TV CIRCUIT

WASHINGTON, JUNE 22.—A pop version of one of the Brandenburg Concertos plays in the background as the camera pans to portraits of John C. Calhoun, Henry Clay and Abraham Lincoln and moves to shots of the Capitol. "This," the announcer says in a grave voice, "is Conference Roundtable."

It is also the latest effort to mix politics and television on Capitol Hill. For the last year, the Senate Republican Conference has sponsored a television show resembling interview programs produced by the commercial networks, including the appearance of questioners from some of the nation's leading newspapers and magazines. The only difference is all but one of the guests have been Republicans.

These shows, produced fortnightly in the Senate recording studio in the basement of the Capitol, are offered without charge to 333 cable stations and 60 Public Broadcasting System stations, which can use them on their menu of public affairs broadcasting. The programs usually are identified only as productions of the "Senate Conference of the Majority," subtly avoiding the word Republican.

NEW AVENUES OF INFLUENCE

"Conference Roundtable" constitutes an early thrust in the battle to harness the power of cable television and satellite communication for partisan politics, a process that may transform how the parties and members of Congress communicate with constituents and bid for their approval.

"It's an interesting use of public monies, and it's one we may be forced to emulate," said Robert A. Neuman, director of communications for the Democratic National Committee. "It may raise questions of propriety, but state-of-the-arts communications being what they are, Democrats will probably take to using such a thing."

The shows have considerable appeal to local cable television stations because they are free and provide them with rare noncommercial public affairs programming from Washington. The interchange has included journalists from publications such as The Washington Post, The Baltimore Sun and, for a debate on gun control last week, a magazine called Gun Week. The reporters are not paid for appearances and some publications, including The New York Times, do not permit their correspondents to appear as a matter of policy.

"The television stations need public affairs programming," said Senator Richard G. Lugar of Indiana, who is to to appear on a program on the International Monetary Fund, "and we always benefit from the exposure."

Television executives are impressed with the shows, but some are troubled that the programs, which are financed by the office expense funds of Senate Republicans, are not balanced because they are produced by a Republican organization and leave out the point of view of the Democrats.

"It would be nice if it were more of a balanced treatment," said Mark F. Roehm, studio and remote operations supervisor for Syracuse New Channels, which has broadcast the program since it began in March 1982. "But I'm concerned with presenting good public affairs programming, and this is good programming. We're always looking for programming that tells about Washington."

ALMOST ALWAYS REPUBLICANS

Beth Huggins, program director of Cable TV-Puget Sound, which reaches 80,000 households south of Seattle, also has reservations. "It's good technically and the show does deal with controversial subjects, but I'm concerned that the picture isn't as complete as it might be," she said. "It is almost only Republicans."

The programs are not, however, dry recitations of ideology. A program on prayer in public schools, for example, presented a showdown between two Republicans of vastly different perspectives, Senator Lowell P. Weicker Jr. of Connecticut, part of the party's liberal wing, and Senator Jesse Helms of North Carolina, one of the leaders of the so-called new right in Congress. In the course of the debate, Mr. Helms, in an allusion to Mr. Weicker's education at the Lawrenceville School and Yale University, said, "I don't know if Lowell even went to public school" and then challenged Mr. Weicker, "Name me one child who has ever been harmed by prayer."

Senator James A. McClure of Idaho, chairman of the Senate Republican Conference, said that the programs do not stress a party line on issues but demonstrate the breadth of thinking within the Republican Party. "It gives the public a chance to hear different viewpoints and to see Republicans in action," said Mr. McClure, who has appeared on the program six times. "It's good for Republicans, even if sometimes we disagree."

NO REAL OPTION TO THE NUCLEAR FREEZE

Mr. PROXMIRE. Mr. President, one of the most depressing stories to come along in quite a while was reported Thursday from West Berlin by Allan Otten of the Wall Street Journal. Mr. Otten wrote that about 30 specialists in arms control from the United States and Western European countries have just spent 2 days privately assessing the chances of reaching an arms control agreement between the United States and Russia this year. One of the participants—an American official—said he estimated the chances of reaching such an accord to be about 10-to-1 against. He added that was his estimate and he added that he is the optimist of the group.

And as they say—that is the comparatively good news. For the bad news consider Otten's last paragraph. It reads:

> And what if, against all odds, there are agreements on limiting both intermediate and long-range missiles? "No conceivable agreement," one American said, "is going to reduce the U.S. Soviet arms competition very much, going to save military costs very much, going to reduce the risk of war very much." Sadly, practically everyone around the table nodded agreement.

Now Mr. President, it would be a mistake to assume that this is the sole fault of either side. In fact Otten reports that U.S. negotiators have been sincerely trying to reach an agreement with the Soviet, but had run into a barrage of nyets. It now appears fairly certain that we will indeed begin installing our intermediate nuclear missiles in Europe at the end of this year. Our position is complicated by the flip-flop of the West German Social Democratic Party which had been leading advocates of the missile deployment. In fact its leader Helmut Schmidt more than anyone else had led the international fight for them. Now—out of power—the party has swung to the other side and opposes the deployment. As some of the participants in the recent West German discussion noted this is precisely the kind of conduct that makes it unlikely we will reach an agreement in time to forestall the deployment.

Mr. President, the sorry state of these arms negotiations, as I say, is not an indictment of President Reagan's sincere desire to succeed in negotiating. It is more profound and serious than that. It represents an example of how very difficult and probably impossible are arms negotiations based on limited, fragmented objectives. Those who oppose the nuclear freeze have argued that we can do far better than we would do if we tried to negotiate a compromising nuclear freeze if we take short steps. Their advice: Aim at limited agreements. Slowly, patiently build on those limited agreements. Then rely on the confidence, the momentum, the process to permit us to bring the arms race under control. Nice theory. Obviously it does not work.

Mr. President, it may be necessary to wait until after the Reagan administration has left office to push for a comprehensive, mutual, verifiable freeze on nuclear weapon testing, production, and deployment. Presidential leadership and Presidential conviction is probably critical if we are to have any real chance of success. Let us hope and pray that in the meanwhile, the hair trigger power that could shoot this world into the ultimate tragedy of nuclear war today, tomorrow, next week, next month can somehow hold off.

Anyone still skeptical about a nuclear freeze should ponder long and hard on the alternative: a stalemate that the experts say probably cannot be reconciled at Geneva. And even if somehow we reach an agreement with the Soviet Union, the assurance that we and the Russians, too, will proceed pell-mell with the arms race at breakneck speed. That means we will spend the immense sum of $50 billion per year for each of the next 5 years refining and extending our nuclear arsenal, and the Russians will do the same. Negotiations like the START talks—no matter how successful cannot halt that. Then what can? The answer: The nuclear freeze, which is now supported by an overwhelming majority of the American people.

Mr. President, I ask unanimous consent that the Wall Street Journal article by Alan Otten appearing in the June 23 issue headlined "U.S.-Soviet Arms Control Pact Unlikely This Year, West Berlin Parley Reasons" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 23, 1983]

U.S.-SOVIET ARMS CONTROL PACT UNLIKELY THIS YEAR, WEST BERLIN PARLEY REASONS

(By Alan L. Otten)

WEST BERLIN.—About 30 government officials and nongovernment arms control specialists from the U.S. and four major West European nations have just spent two days here privately assessing the prospects for U.S.-Soviet arms control agreements this year. The consensus: pretty bleak.

That means the deployment of American Pershing 2 and cruise intermediate-range nuclear missiles will probably begin in Western Europe later this year, with—a prediction the meeting also seemed to accept—large protest demonstrations in West Germany and possibly elsewhere as well. Some participants foresaw new strains on the Atlantic alliance, while others predicted nasty Soviet countersteps, such as accelerated development of new missiles or moving big missiles right up to the German border.

"The chances for agreement are about one out of 10," an American official said, "and I'm the optimist in my group."

"I am pessimistic about the Soviet desire for an agreement," a West German diplomat declared. "They may even want deployment to preserve this as a destabilizing element within the alliance."

The meeting, held in the home of the Aspen Institute Berlin, was cosponsored by the Aspen Arms Control Consortium, headed by Prof. Paul Doty of Harvard, and the German Institute of Foreign Affairs, directed by Karl Kaiser. Attending were officials and private experts in the arms control field from West Germany, France, Italy and Britain as well as from the U.S.

Discussion centered on the INF intermediate-range nuclear missile negotiations going on in Geneva between the U.S. and the Soviet Union, but the two-day talks also ranged across such other topics as the START negotiations in Geneva on strategic nuclear missiles, the nuclear-freeze movement in the U.S., and a possible buildup in the conventional forces of the North Atlantic Treaty Organization.

KOHL VISIT TO MOSCOW

Most participants seemed to agree that Paul Nitze and his delegation to the INF talks had been making serious efforts to reach some acceptable compromise agreement but had met with a consistent Soviet *nyet*—and that it's now up to the Soviets to give some sign that they're interested in an agreement. People at the meeting were told that, with the Soviets until now completely preoccupied with the just-concluded meetings of the ruling Politburo and central committee, no Soviet move could be expected at the arms control talks before September, though some inkling of Soviet intentions might emerge when German Chancellor Helmut Kohl visits Moscow early next month.

The few optimists in the crowd suggested that the Soviets' need for Western technology and other help in modernizing the Soviet economy might yet bring sugnificant concessions. They had to admit, though, that there was certainly no sign of that yet anywhere—either in the two sets of Geneva negotiations or in U.S. Discussions with Kremlin officials about U.S.-Soviet tensions in other parts of the world.

Others argued it wasn't realistic to expect significant Soviet moves towards agreement. "It might be in the Soviet relations," one French participant said, "but the Soviets aren't ready to take any dynamic initiatives. This is a transition government—and a paralyzed transition, partly due to the resistance from the old Brezhnev followers partly due to the state of Mr. Andropov's health."

MERGING THE GENEVA TALKS

Participants frequently suggested that it would be necessary at some point to merge the two sets of Geneva negotiations—INF and START—since each had problems whose solution would depend on developments in the other. However as Prof. Doty told a news conference after the meeting, there was general agreement that political and technical difficulties ruled out such a merger at least until next year.

Considerable worry was expressed by many of those present over the way the German Social Democratic Party has turned against missile deployment now that it has lost control of the government, even though it was SDP's own Helmut Schmidt who first suggested that NATO needed new missiles and even though it was an SDP government that agreed in 1979 to have Pershing 2 and cruise missiles based in West Germany.

One German government official complained that the SDP flip-flop was exactly the sort of thing that would encourage the Russians to continue to resist any arms control agreement. "The success of the negotiations," he said, "depends on our (the Europeans) being able to convince Moscow that we won't be deterred from deployment by promises or threats."

SDP officials concede that the party will probably wind up opposing deployment if no arms control agreement has been reached by late this year, even if it's clear that it was the Soviets who blocked agreement. Party members at the meeting here warned of major protest actions by young people, church groups and others when deployment begins.

"In the long run," said one, "you might have the weapons in Europe but lose quite a bit of support for the alliance. If many young people turn away from the alliance, won't the alliance be worse off?"

NO SURPRISES, PLEASE

European government officials at the meeting generally applauded the way the U.S. has been keeping its allies informed on the Geneva talks, but even those friendliest to the U.S. complained that President Reagan frequently creates problems for his European friends with extreme anti-Soviet rhetoric and unexpected announcements.

"It is important that there be no surprise moves in this delicate field, like the Star Wars speech," a German said, referring to President Reagan's recent statement on researching space-based ballistic defense systems. A French participant declared that "Mr. Reagan gave a very great bonus to the Soviets in his Star Wars speech and opening the ABM defense issue again."

And what if, against all the odds, there are agreements on limiting both intermediate and long-range missiles? "No conceivable agreement," one American said, "is going to reduce the U.S.-Soviet arms competition very much, going to save military costs very much, going to reduce the risk of war very much." Sadly, practically everyone around the table nodded agreement.

UNKNOWN WAR, FORGOTTEN VICTIMS

Mr. PROXMIRE. Mr. President, Parade magazine recently published an article on the aftermath of the conflict in East Timor.

The situation in East Timor, one half of an island 400 miles north of Australia, is a case which falls into the cracks in international law. In August 1975, Portugal yielded its sovereignty over this territory. On December 7, of that same year, shortly after East Timor declared its independence, Indonesia invaded.

President Suharto's blitz of East Timor was an attempt to annex this region and present the world community with a fait accompli. Stiff resistance by nationalist guerrillas foiled this attempt. However, it has also prolonged the conflict. Today, Indonesia exercises only nominal control over the island.

As a consequence of the struggle between Indonesian and nationalist forces, the population of East Timor has fallen from 600,000 persons to as few as 350,000. The survivors risk disease, torture, and death in internment camps. Despite the gravity of the situation, food shipments from abroad have been permitted only intermittently since 1979; 1982 saw the first visits to political detainees by representatives of the Red Cross.

Mr. President, the Genocide Convention will not eliminate the horrors which persist in East Timor. Nor will it provide the solution to the world's problems in general. The Convention will, however, provide a first step toward the protection of various national groups which may be threatened by genocidal conduct. If only for this reason, we Americans have a moral obligation to condemn the actions of the Indonesian Government in East Timor and to give our support to the Genocide Convention. I urge my colleagues to join me in this effort.

REMARKS OF GOVERNOR BILL SHEFFIELD AT POSTMASTER GENERAL'S DINNER

Mr. STEVENS. Mr. President, on June 1, I hosted a dinner for Postmaster General William Bolger and his staff at the Captain Cook Hotel in Anchorage, Alaska. Our Governor, Bill Sheffield, was scheduled to attend but, unfortunately, at the last minute had to remain in Juneau on State business.

As his representative, Dan Casey, Commissioner of Alaska's Department of Transportation and Public Facilities, was kind enough to join us and present the Governor's talk. We were so impressed not only with Governor Sheffield's comments but the manner in which Dan Casey delivered them that I felt I should share the Governor's words with my friends in Congress.

I ask unanimous consent to insert at the end of my remarks the text of Alaska Governor Bill Sheffield's speech to those assembled at the Postmaster General's dinner.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF GOVERNOR BILL SHEFFIELD

It's my honor and pleasure on behalf of the Governor, to welcome you to Anchorage, Alaska. Or as a mailman might say—welcome to 99501.

The Governor sends his best regards. I can assure you he would much rather be here than battling the House Leadership over confirmations.

Even though we in Alaska are at the end of the zip code, it's comforting to know that we are not at the end of the line when it comes to improvements in mail service. Your announcement yesterday about upgrading service in Alaska is great news and we commend you for it.

During a visit by Postmaster General, prior to statehood, the Postmaster General happened to walk into the Girdwood Bar for a relaxing respite from his tour. As he stepped up to order a drink—there laid out at the end . . . was all the local mail for residents to stop by and pick out. I'm sure Girdwood service has come a ways since then, but many a mailman's kitchen counters in rural villages still have the mail laid out.

The creation of a separate postal service district in our state is yet another chapter in the 116-year history of the post office in Alaska. Those of you in the audience who are from Alaska may know the opening chapter—that was the creation of our first post office in 1867.

In fact, the opening of that post office in Sitka occurred while the territory was still in the hands of Russia. The Postmaster who was appointed to Sitka set up shop three months before Alaska was formerly transferred to American hands. His name was John Kinkead, and he later became the first Governor of the territory.

As far as I know, Mr. Kinkead was the first and only mailman to make a jump from the postal service to politics in Alaska. Before he did that however, Mr. Kinkead laid the foundation for what has evolved into a long and colorful history for the postal service in Alaska.

That history includes unique characters, as well as unique operating conditions. When the gold rush brought thousands of people thousands of miles to Alaska, some way had to be made for them to stay in touch with their friends and family. At least, most of them wanted to stay in touch.

So, the post office began expanding into Western Alaska. Dog teams, and sometimes reindeer, were used to haul the mail across the territory. Because of that, some rather interesting requests for mail-hauling contracts were advertised by the postal service.

For example, in July of 1913, the Post Office Department published this request of bids. I'll paraphrase it:

"Wanted: Anyone interested in hauling the mail between Valdez and Fairbanks. A distance of 358 miles. The contractor will leave Valdez every Monday, Thursday and Saturday. Each mail run to Fairbanks shall be completed in 12 days by dog team. Three extra days will be allowed when the ice is forming in the fall and breaking up in the spring. You must be at least 21 years of age. Married women need not apply."

I suppose, considering Roxie Wood's recent dog sledding championships, we'd do well to drop that last qualifier today.

As you can tell from that advertisement, mail delivery in Alaska was unlike mail delivery anywhere else in the United States. Today, it doesn't take 12 days for the mail to get from Valdez to Fairbanks. At least I don't think it does. Otherwise, Bob Opinsky would be out of a job.

By the way, congratulations Bob on your new appointment.

But you should keep in mind that the days of delivering the mail by dog team and skin boat are not that far gone. In fact, it was just 20 years ago this month that the last mail route handled by a dog musher was phased out. That mail route was on Saint Lawrence Island.

The man who delivered the mail on Saint Lawrence was Chester Noongwook. And after he made his last mail run in June of 1963, the Postal Service presented an award to him. And with that, the last dog mushing mailman was replaced by an airplane.

As you may know, mail delivery by airplane was pioneered in Alaska by a mid-west farm boy named Ben Eielson. Eielson became famous around the world in 1928 for making the first non-stop flight over the North Pole, from Point Barrow to Norway. For this flight, he received aviation's highest award, the Harmon Trophy. That's the same trophy that Charles Lindberg received after his solo flight across the Atlantic in 1927, a year before Eielson's polar flight.

I mention Eielson and Chester Noongwook because they represent two very important parts of Alaska history, and the history of the mail service in our state. And because one man represents the beginning of an era and the other the end of an era, on behalf of the Governor, we think it's only appropriate that each be considered for a commemorative postage stamp.

I understand that Ben Eielson's name already has been submitted for consideration by the Post Master General and the Citizen Stamp Advisory Committee. If a postage stamp honoring Ben Eielson is approved, that would be great. We only hope that equal consideration can be given to the last dog-mushing mailman, Chester Noongwook.

With that request, I'll finish my welcome to you. Just let me say that it's my hope that your convention is going well and that you enjoy your stay in Alaska. The Governor wanted to make sure that you know all Alaskans appreciate your efforts to keep us in touch with ourselves. We are a big land, with mountain ranges and oceans separating our communities. But still the mail goes through, and for that we are all very grateful.

Thank you.

THE B-1 BOMBER

Mr. KENNEDY. Mr. President, I am concerned about the way the Armed Services Committee was used this morning by the Office of Management and Budget to ram through the B-1 bomber on the basis of new figures, that suddenly and conveniently arrived here at the last minute. The defense authorization bill, as it now stands, is the product of shameless budgetary manipulation.

I believe in a strong national defense. When I joined the committee, I also believed that we could work together in the spirit of cooperation, with the national security as our foremost concern. For the last week, we proceeded in that spirit—and although I had my strong disagreement with specific provisions of the bill, I was fully prepared to vote for it.

But suddenly this morning, Mr. David Stockman, whose reputation for integrity with respect to budget numbers is not as high as one might wish, sent over a new and convenient estimate of inflation. That estimate just happens, presumably by sheer coincidence, to accommodate the administration's fierce desire for multiyear funding of the B-1 bomber—without any offsetting reductions in other areas.

Faced with imminent defeat on the B-1, the administration rushed forward with this expedient. If, indeed, there is more money available, because a decline in inflation will lower the cost of certain weapons, we should decide rationally whether to allocate it to other defense systems, to readiness, or to reductions in a massive Federal deficit.

I share the attitude of one of my Republican colleagues on the committee, when he asked this morning after hearing Mr. Stockman's new estimate: "What did you know, and when did you know it?"

I am appalled by this flimflam. I regard this process as bad defense policy, bad budgetary policy, and an insult to the hard work of this committee over the past week.

I can understand why Mr. Stockman, who has practiced it before, seeks to engage in government by statistical trickery. I do not think we should permit this to happen once again.

I, therefore, object to the meeting of the committee scheduled for this afternoon, in order that all the members of this committee may have the opportunity to assess this development.

HAROLD WILLENS TESTIFIES FOR A NUCLEAR WEAPONS FREEZE

Mr. KENNEDY. Mr. President, an important contribution to the upcoming Senate debate on the Kennedy-Hatfield nuclear freeze and reductions resolution has been made by Harold Willens, a business executive and the leader of the successful California Bilateral Nuclear Weapons Freeze campaign, in testimony before the Senate Foreign Relations Committee. As a member of the board of the Nuclear Freeze Foundation in Washington, Mr. Willens has provided valuable experience and leadership on this critical issue in recent months.

In his testimony, Mr. Willens makes a strong and compelling case that if the Members of the Senate are truly to represent the American people, they should support a mutual and verifiable nuclear weapons freeze as the first step toward major reductions in the nuclear arsenal of both the United States and the Soviet Union. As Mr. Willens told the committee:

> The evidence is unequivocal and undeniable: regardless of party affiliation, the American people want a nuclear weapons freeze—and they want it now! The question is: Will Congress be accountable to the will—and the wisdom—of the people?

Mr. President, as we move toward Senate debate on the nuclear freeze and reductions resolution which Senator HATFIELD and I have introduced, I urge my colleagues to consider Mr. Willens remarks. A bilateral and verifiable nuclear weapons freeze will enhance America's security and reduce the risk of nuclear war. This proposal has the broad support of the American people, and it is up to the Senate to act.

I ask unanimous consent to have Mr. Willens' statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF HAROLD WILLENS BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

I am honored to testify today as a businessman, as the leader of the California Bilateral Nuclear Weapons Freeze Campaign, as a delegate to the 1978 U.N. Special Session on Disarmament, and as a strong supporter of the Kennedy-Hatfield Nuclear Freeze and Reductions Resolution.

To me it seems the bottom line question before you is this: Will the Senate Foreign Relations Committee betray the right of the American people to have their elected representatives actually represent them? The people have made their position very clear. And I cannot believe this Committee would even consider rejecting what the American electorate so strongly favors. That would be a denial of democracy.

In the largest de-facto referendum on a single issue in our country's history, 60% of approximately 20 million Americans voted last year for a verifiable Soviet-American nuclear weapons freeze. This year—not many weeks ago—a Harris poll showed that by a 79 to 16 percent margin the American people want Congress to pass a resolution calling upon the U.S. to negotiate a nuclear freeze agreement with the Soviet Union. Republicans in that poll favor the freeze by a 72 to 23 percent margin. The evidence is unequivocal and undeniable: regardless of party affiliation, the American people want a nuclear weapons freeze—and they want it now! The question is: Will Congress be accountable to the will—and wisdom—of the people?

As head of the California Campaign, in which close to 4 million voters supported the freeze, I saw first-hand evidence of the deep concern felt by ordinary citizens in President Reagan's home state; citizens who

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realize the arms race reduces our national security and weakens our national economy. I experienced the honor of a personal meeting with President Reagan to discuss the nuclear freeze. I regret to say that while he welcomed me graciously it was clear that the common sense case for a freeze had not been made clear by those around him. Mr. Reagan also seemed unaware of how strongly the American people feel that the way to stop the arms race is not build more, but to end it now, on both sides, across the board.

As part of the U.S. delegation to the 1978 U.N. Special Session on Disarmament, I was actively involved in discussing different alternatives for arms control. The distinguished chairman of this Committee also participated in the 1978 Special Session. This is the first time since then that I have had the opportunity to express my respect publically and directly to Senator Percy, who took the time to come to New York and participate actively in our discussions. I know how carefully he will listen and weigh the testimony and debate now underway before this Committee. And based on the concern he expressed then, I hope that Senator Percy himself will decide to support the freeze. I can personally testify to his real concern about the arms race—and as a leader on this issue, your Chairman and your Committee can open the path toward a businesslike, conservative, risk-free way to stop spending precious resources in a race that can't be won by either side. Senate approval of the nuclear freeze can be a historic first step toward incremental reduction of Soviet and American arsenals that are far too great even now.

I do not believe that any member of this Committee would want to tell the American people: despite the support millions of you gave to this issue at the ballot box and in subsequent opinion polls—I will not even vote to send the nuclear freeze resolution to the Senate floor. You have a rare opportunity to do both what is popular and what is right. I urge you to join with the people you represent by supporting the Kennedy-Hatfield Nuclear Freeze and Reduction Resolution.

FEW'S RESOLUTION ON EQUAL PAY

Mr. KENNEDY. Mr. President, more women are in the paid labor force than ever before. In 1965, only 39 percent of women were working, but the rate is 52 percent today and may well reach 65 percent by 1995.

Despite the passage of the Equal Pay Act and the Civil Rights Act, the pay cap between women's and men's wages has not decreased in the last 20 years.

The economic status of women and its effect on family income was the subject of congressional hearings before the Labor and Human Resources Committee, the Joint Economic Committee, and the Senate Finance Committee during the last Congress. These committees are considering legislative proposals meant to reduce or eliminate economic inequities American women are experiencing at home, at work, and in retirement.

The millions of women who joined the work force in the past decade have forced us to confront the reality of pay discrimination. Pay equity is not only a question of economic justice—it is a matter of economic necessity for women struggling to support themselves and their families.

A woman's rightful place in our society is wherever her talents can take her. And a woman's pay should be a full and fair share of the worth of her work. The women who constitute more than half of our whole country must no longer be treated as less than whole citizens in our economy.

Federally Employed Women, Inc., as a national organization representing over 800,000 Federal women workers has set as its goal, achievement of pay equity for women in both the public and private sectors by the end of the decade. I ask unanimous consent to have printed in the RECORD FEW's resolution, approved by its national board of directors calling for equal pay for work of comparable worth, and I urge my colleagues to consider it carefully.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION: EQUAL PAY FOR WORK OF COMPARABLE WORTH

Whereas, pay for women workers throughout the public and private sectors of the United States is not commensurate with pay for male workers in jobs involving equal work, similar work or work of comparable worth; and

Whereas, women workers are not compensated in an equitable manner for their expertise, knowledge, and responsibilities; and

Whereas, women workers of America earn 59¢ for every dollar men workers earn and this represents a regression from 1955 earnings when women earned 64¢ for every dollar men earned; and

Whereas, women workers in both the public and private sectors are segregated into some 20 plus occupations while male workers have access into over 400 occupations; and

Whereas, women workers retire and must live on annuities based on their lifetime of work within the federal government, an annuity which averages over $400 less per month than male retirees from the federal government; and

Whereas, in almost all white collar federal occupations, male workers out-earn women workers ranging from $2,000 to $12,000; and

Whereas, even in federal occupations where women workers outnumber male workers by large margins, male workers almost always earn substantially more (i.e., the library series); and

Whereas, the Heads of EEOC and OPM admitted at Congressional Hearings held on pay equity for women on September 30, 1982 that women are discriminated against in wages; and

Whereas, the Equal Pay Act of 1963 and the Civil Rights Act of 1964 have failed to eradicate the pay inequity suffered by women in the public and private sectors of the workforce; and

Whereas, enforcement of the Equal Pay Act of 1963 and the Civil Rights Act of 1964 seems to be deemphasized and there is dismantlement of the equal opportunity programs within various Executive Branch Agencies/Departments with a general trend to a structural organization from whence equal employment opportunity evolved and where it did not work years ago: Now, therefore, be it

Resolved, That Federally Employed Women, Inc. (FEW) fully supports the concept of equal pay for work of comparable worth, and supports all legal and legislative efforts to achieve this concept; and be it further

Resolved, That FEW encourages litigation, either in individual cases or class action cases, to force employes (the federal government) to compensate women workers for equal work, similar work, or work of comparable worth, in both the white collar and blue collar occupations.

Approved by FEW National Board of Directors, Indianapolis, Indiana, February, 27, 1983.

NATIONAL OUTDOOR RECREATION RESOURCES REVIEW ACT

Mr. PERCY. Mr. President, earlier today I submitted testimony to the Intergovernmental Relations Subcommittee which held a hearing on S. 1090, the National Outdoor Recreation Resources Review Act. This legislation was introduced by Senator WALLOP on April 19. I am a cosponsor of this bill and have urged in my testimony that the Intergovernmental Relations Subcommittee, chaired by Senator DURENBERGER, act swiftly in reporting this important measure to the full Governmental Affairs Committee for action.

Many of the major policy elements of outdoor recreation now in law are a result of a nationwide assessment of recreation undertaken in 1958 and completed in 1962. That assessment was done by the Outdoor Recreation Resources Review Commission (ORRRC), a bipartisan body consisting of eight Members of Congress and seven private citizens appointed by the President. Laurance S. Rockefeller served as Chairman of the Commission.

Since that time, there have been considerable changes in demographics, economic resources, and technology. There is a great deal of interest in creating a new Commission to make a comprehensive survey of recreation resources in the United States. Many people in Illinois have expressed an interest in this legislation; it enjoys strong bipartisan support.

Mr. President, I ask unanimous consent that my testimony before the subcommittee be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR PERCY

Mr. Chairman, I am delighted to offer a few brief remarks regarding S. 1090, the National Outdoor Recreation Resources Review Act of 1983. I am pleased to be a cosponsor of this important legislation which will create a forum for assessing alternative strategies for meeting our healthy appetite for outdoor recreation.

Recreation is part of the American character. Whether through the spectacular scenery of our western national parks or the trails in the forest preserves in Cook County, Illinois, more than 175,000,000 of us participate in outdoor recreation each year. The diversity of our outdoor fun is astonishing . . . from birdwatching to fishing, waterskiing to snow skiing, frisbee throwing to golf.

I've reviewed the statistics on recreation participation and come away struck by the fact that participation has increased faster than population growth, faster than the growth in discretionary income, faster than the growth of recreation facilities. Part of the reason is advances in technology, adding new recreation forms and making old recreation forms more enjoyable, safer and—in many instances—less expensive.

As economic recovery comes to our nation and consumer confidence rises, we are seeing a sharp upturn in purchases of recreational equipment and in visitations to recreation sites. Companies like Outboard Marine Corporation, Winnebago, Huffy, Coleman and many others are adding employees because consumers want the products which make leisure time fun for families. The Disney organization finds itself hard-pressed to serve the surge of people visiting EPCOT in numbers well above that corporation's expert projections.

Our national love affair with outdoor recreation is indeed demonstrated in the marketplace. In my state, we have a wide variety of recreation-based jobs. I once served on the Board of Directors of one fine Illinois company whose recreational products are household names: Outboard Marine Corporation, makers of Evinrude and Johnson engines. That one company employs some 10,000 persons and helps make recreational boating popular around the world. And it probably will soon be employing more people, since outboard motor shipments are running 11.4 percent ahead of 1982.

But we have a problem. Growing demand needs to be matched with growing opportunities. Yet today, we can see obstacles to expanded opportunities.

One key element is public recreation program budgets. Our national, state, and local parks and forests are key recreation sites. Today, funding for these programs must compete with the need for funding for education, and social security, and defense and medicare, and a multitude of other legitimate public programs. It is a competition where recreation is often disadvantaged, declared nice but not essential.

The result is a 16 percent closure of Corps of Engineers recreation sites last year—closures which resulted in protests and even a lawsuit in Texas—and shorter campground seasons in many national parks and national forests. The result is a deferral of capital improvements on public lands, improvements like boat ramps needed to facilitate recreation activities on public lands and waters. The result is a reduction in manpower in many recreation areas.

We need creative new responses to the challenges of outdoor recreation. And we learned through the Outdoor Recreation Resources Review Commission which worked from 1958 to 1962 that a bipartisan national commission can uncover and highlight creative responses. That is why the proposed legislation, S. 1090, makes sense.

The commission structure is a good one. It provides for direct Congressional involvement from both chambers, a pattern which has proven helpful to legislative consideration of resulting recommendations of the commission. It focuses Administration attention on recreation by establishing Presidential appointment of the non-Congressional commissioners, facilitating the necessary assistance of Executive branch officials as the commission proceeds. And it creates an advisory council which will help assure the widespread involvement of those who understand the workings of the recreation system today—public and private providers, equipment manufacturers and recreational enthusiasts, among others.

I close by noting the widespread support for the bill Senator Wallop has crafted. The co-sponsors include those probably most knowledgeable about federal outdoor recreation programs—including the senior Senator from Washington, who served on the first national commission on outdoor recreation twenty five years ago. It also includes top leaders of this chamber from both sides of the aisle. It is an idea whose time is at hand, providing us with a vehicle for good long-range policy-making and opening the door to improved understanding of the roles which can be played by government, by industry and by others to assure a rosy future for recreation in America.

I hope the Congress will act quickly so that the commission can be created and begin work soon, reporting back to us and to the Administration in early 1985 so that the 99th Congress can have adequate time to consider the commission's recommendations.

THE FFG-7

Mr. MITCHELL. Mr. President, in the current issue of the Proceedings of the U.S. Naval Institute, Lt. Comdr. Bruce R. Linder questions the utility to today's Navy of the *Oliver Hazard Perry* class (FFG-7) frigate. When Commander Linder's journal article recently was brought to my attention, I was concerned because, as most of my colleagues are aware, Maine's Bath Iron Works is the lead shipyard in the FFG-7 production effort. Other commercial shipyards involved in the production of FFG's are the Todd Corp.'s Seattle, Wash., yard and its San Pedro, Calif., yard. Those of us familiar with the program believe that the class is an effective one in which the U.S. Navy and U.S. people can be proud.

Commander Linder's article, entitled "FFG-7's: Square Pegs?" does not suggest that the builders of the class have erred in any way, or that the vessels are insufficient to fulfill the primary escort mission for which the Navy intends them. His point in the article is that during peacetime when they have no convoys to escort, FFG-7's are routinely deployed in carrier battle groups or surface action groups. He notes that the group's warfare commanders have difficulty integrating the vessels effectively into the group because the FFG's do not possess the hardware, personnel, and equipment redundancy necessary for them to contribute appreciably to the group's capabilities. Moreover, Commander Linder suggests that:

> Nagging questions remain. * * * Were our design presumptions correct? Does she have the right mix of capability and flexibility to be included as a functioning member of our deployed forces?

I applaud Commander Linder and the U.S. Naval Institute for questioning the existing rationale for deployed weapons systems, but I would remind everyone that the FFG's were designed in response to a specific, serious, deficiency in U.S. forces which began to develop during the Vietnam war. Capt. Walter R. Thomas—USN retired—in a September 1982 Seapower article described this situation well.

> In the period from 1970 to 1978, because of the Vietnam War, the U.S. Navy was depleted to an almost skeleton force of modern ships that could be dedicated exclusively to anti-submarine warfare and convoy tasks. These limited roles, in view of the Soviet submarine threat would become priority efforts to protect convoys in the event of a land war in Europe. There also was an increasing number of ocean zones to be covered as the United States became heavily committed to freedom of the seas and safe transit in and around the Indian Ocean, as well as in the Caribbean area, where insurgencies threatened the stability of southern neighbors.
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> Although the FFG is not a capital warship . . . it enhances the credibility of decision makers who have been previously criticized for not preparing adequately for the vagaries of conventional war. . . . The FFG is a sorely needed weapon that has been developed and produced to accomplish certain necessary missions, and because of its availability in numbers it can accomplish them more readily than can other types of ships.
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> In sum guided missile frigates can relieve capital ships in certain environments so that cruisers and carriers can do the tasks that capital ships do better, such as anti-air warfare and shore bombardment.

The FFG-7 is not a capital warship and was never intended to be. If Commander Linder is correct when he claims that existing surface-force-wide training, deployment and force structure objectives require the increasing FFG involvement in carrier battle groups and surface action groups, then perhaps some of the *Perry* class will have to be structurally altered and their systems supplemented or replaced. However, in the course of any modification effort, neither the Navy nor the Congress should lose sight of the fact that the builders of the FFG class have successfully built vessels which accomplish the program's identified objectives and fulfill the mission for which the class was designed. The vessels operate effectively and are among the soundest in the Navy. If our national security needs justify a change in the FFG's, then I will certainly support such a change. But in the meantime, let us not forget how successful the FFG-7 program has been and the degree to which this program has contributed to the rejuvenation of the U.S. fleet.

FOR DEMOCRACY AND HUMAN RIGHTS IN CHILE

Mr. KENNEDY. Mr. President, in recent weeks there has been a renewed outpouring of support for a return to democracy and respect for human rights in Chile. Labor and democratic political leaders have joined with workers, students and other sectors of Chilean society to demand an end to the repressive dictatorship of the military regime of General Pinochet. Although the copper workers and truck operators have ended their strike action, there should be no mistake as to the historic importance of current developments in Chile, and there should be no doubt as to the strong support of the American people and Congress for freedom and democracy in Chile.

While welcoming the decision to permit the repatriation of 128 Chilean political exiles, we must make clear that this and related actions are not enough. Thousands of exiles are denied the right to return to their homeland. Nineteen labor leaders—including Rodolfo Seguel who heads the nation's largest union, the Copper Workers Confederation—are imprisoned for exercising legitimate labor rights guaranteed under the American Convention of Human Rights and the Universal Declaration of Human Rights. Their detention constitutes additional evidence of the antidemocratic character of the Pinochet government.

For 10 years trade unions in Chile have struggled for the right to elect freely their own officers and to bargain collectively in behalf of individual workers; and now they are not only uniting in this struggle but in the fight for a return to democracy. We admire the courage and hope that inspires the workers of Chile, and we urge unwavering international support for their cause and their commitment.

The unrest in Chile goes much deeper than economic concerns. It is widespread, affecting virtually every segment of Chilean society. Even El Mercurio, the nation's largest newspaper and traditionally a strong supporter of the Pinochet regime, acknowledges that the people of Chile are demanding an end to dictatorship and the restoration of democracy.

It has been nearly 10 years since the popularly elected government in Chile was overthrown by the military. Since that time gross violations of human rights and civil liberties have become commonplace. In 1976 and again in 1981, the Congress enacted legislation making clear that significant human rights progress would be necessary for any resumption of U.S. assistance for Chile. Nevertheless, the human rights situation in Chile has continued to deteriorate. The Chilean Commission on Human Rights reports that there were twice as many political arrests in 1982 as in 1981. Arbitrary detention, torture, internal exile and banishment remain common practices.

The regime in power in Santiago was found by a U.S. Federal district court in 1979 to be responsible for the Letelier-Moffitt terrorist murders on the streets of Washington. The court ordered the Pinochet government to pay the Letelier and Moffitt families $5 million in damages, a judgment which the Chilean regime continues to ignore. Administration spokesmen have acknowledged in public testimony that the Government of Chile has failed to investigate fully or prosecute those implicated in these brutal assassinations.

Together with others in Congress I have consistently opposed bailouts and back door efforts to assist this repressive, dictatorial regime. I have repeatedly brought my views to the attention of this and previous administrations. Whenever the administration acquiesces in or tacitly supports repression in Chile, it only emboldens the military dictators and signals to the people of Chile that the United States is against their cause. The recent arrests of union officials represent only the most recent of many examples. We must continue to do all we can to insure that U.S. policy assists in the promotion of democracy in Chile, not in its suppression.

Mr. President, the situation in Chile has reached yet another critical stage. Now, more than ever, we must stand behind the democratic forces in Chile, and we must insure that U.S. policy toward that country is squarely in support of their efforts.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

CONSTITUTIONAL AMENDMENT ON ABORTION

The PRESIDING OFFICER. The Senate will resume consideration of the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 3) to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

The Senate resumed consideration of the joint resolution.

Mr. PACKWOOD. Mr. President, I yield such time to the Senator from Connecticut as he may need.

(Mr. PRESSLER assumed the chair.)

Mr. WEICKER. Mr. President, I thank my distinguished colleague from Oregon, both for the time yielded and also for the very consistent and courageous role that he has played in this matter over the years. I think it should be pointed out that even though this is probably the most publicized event in the sense of the constitutional amendment of the distinguished Senator from Utah, the fact is that the Senator from Oregon over the years has been the guardian of the privacy rights of women of this Nation and at times when that placed him into considerable political jeopardy. Therefore, this is just not a matter of the moment for him, but rather one of the years. There has been no one more articulate or eloquent in the sense of the position which he espouses.

Mr. President, during the 97th Congress, open season was declared on some of our fundamental rights, including the right of privacy. The attack came in the form of several legislative proposals to strip the Supreme Court of jurisdication where busing, school prayer, and abortion were concerned.

Again, I remind my colleagues this morning that even though this is the most publicized of the forums in the sense that we are debating a constitutional amendment, I fully expect before this Congress is over that we will have many legislative proposals not just in the sense of abortion but in the sense of these other "social issues," as well.

Fortunately, some of my colleagues in this Congress are now heeding that portion of George Washington's Farewell Address which states that:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates.

I therefore commend the authors of this resolution for realizing that Congress cannot amend the Constitution via a simple legislative majority. Perhaps the best thing I can say about this debate is that we now have the procedurally correct vehicle for attacking a woman's fundamental right to privacy. Now we must ask whether it is wise to pursue it on the basis of substance.

Mr. President, the amendment before us today is deceptive in its simplicity. It states simply this: "A right to abortion is not secured by this Con-

stitution." Why not? Because a majority of the American people want to ban abortion? No, that is certainly not the case. Every Harris, Gallup, New York Times, ABC—you name it—poll since 1973 has elicited roughly a 2-to-1 majority against a constitutional amendment to ban abortion. Whether or not these same respondents would choose abortion for themselves or a family member is another question—and one that might get a different answer. But they support the right to choose.

I cite these results not because I believe in deciding every issue via national referendum. Indeed, most of the times I stand on the floor of the Senate are in direct contravention as to what the national polls indicate on any position. Indeed, if we were poll takers, then my colleagues and I could all pack up our consciences and go home. It just seemed to me that many of the proponents of these measures have in the past been quick to cite the polls in support of school prayer and those against busing. Yet they fail to mention public opinion on abortion.

In the absence of majority support, this amendment must then cater to certain minorities, many of whom hold beliefs that are religiously based. If so, then the more direct tack to take would be to amend the first amendment, removing the language prohibiting the establishment of religion. As Justice Blackmun noted in Roe against Wade:

> One's philosophy, one's religious training (if any), one's attitude towards life . . . family and their values, and the moral standards one establishes and seeks to observe, are all likely to influence and to color one's thinking and conclusions about abortion.

One look at the long list of organizations belonging to the Religious Coalition on Abortion Rights will tell you that even the religious community in America does not speak with one voice on this issue.

If the opinions of any "minority" or subset of the American people deserve special emphasis in this instance, it should be the outlook of women, who, after all, have the most to lose if this amendment becomes law. And like the public at large, women surveyed have opposed an abortion ban by 2 to 1.

The papers lately have been full of talk about the so-called gender gap. Even those in the highest Government circles are beginning to acknowledge that it exists. Surely that gap widens every time a legislature overwhelmingly made up of men makes a law that primarily affects women. The decisions we make about abortion certainly fall into this category.

If we determine that this is a religious issue, then we must adhere to the constitutional requirement of separation of church and state. If we determine that this is a secular issue, then we must recognize that we are talking about public policy, and thus the balancing of conflicting interests. The issue, therefore, is not when does life begin or whether abortion is morally wrong. The ultimate issue is who decides if and when women will carry their pregnancies to term. Public policy is not based on one set of beliefs, but rather it encompasses the plurality of our citizens—including those women whose lives will be changed by it.

The proponents of this amendment have stated clearly that their purpose is to reverse the decision in Roe against Wade and its progeny in so far as those cases hold that the Constitution protects an abortion liberty. History is replete with attempts by Congress to "get at the Court's decision" or to "teach the Court a lesson." This tampering undermines the intent of our tripartite system of Government, a concept reiterated by the Court itself just last Thursday. The majority opinion found that:

> The Constitution sought to divide the delegated powers of the new Federal Government into three defined categories—legislative, executive, and judicial—to assure, as nearly as possible, that each branch of Government would confine itself to its assigned responsibility. The hydraulic pressure inherent within each of the separate branches to exceed the outer limits of its power even to accomplish desirable objectives must be resisted.

Congress is subject to popular elections and the pressures of countless interest groups. A neutral body it is not. We should not subject the courts to a popularity test simply because some Members of Congress are offended by their decisions. I am of the same school of thought as Judge Jose Cabranes, a distinguished judge from Connecticut, who commented recently that:

> When the Supreme Court has acted in a role seen as activist, it is because the States failed in the task of protecting individual rights even as they failed for generations to meet other articulated needs in an industrial democracy.

We need to remember why the Federal courts frequently go against the grain of popular sentiment. More often than not, they are doing what they alone among U.S. institutions were designed to do—safeguarding the fundamental rights of the individual against the potentially tyrannical attitudes of the majority—and in this particular case against the tyrannical attitudes of the minority.

Even if we could assume that the States and the Congress could be trusted to safeguard individual rights, that assumption would not be sufficient to justify the Congress in limiting the role of the judiciary. For to do so would be to overlook one of the strengths of our federal system—that it provides a two-tiered source of protection for our citizens, one State and one Federal. Federalism is not served when the Federal half of that protection is crippled. All three of its branches must be left intact.

The court is our barrier against tyranny. If that barrier is removed in this instance, we will have established a precedent for a series of amendments that would continue to undermine the independence of the judiciary.

Some people in this country found the Court's decision on miscegenation objectionable. Will we now have an amendment stating that a right to interracial marriage is not secured by this Constitution? Many found the decisions on equal protection objectionable. Will we now have an amendment saying that a right to equal employment opportunity or equal education opportunity is not secured by this Constitution? Do we now tell the handicapped that a right to be mainstreamed or to live independently is not guaranteed by this Constitution? If the constitutional right to privacy is declared to be objectionable, will we then have amendments stating that the right to contraception or private consensual sexual activity is not guaranteed by this Constitution and ad infinitum. As long as the Supreme Court is interpreting the Constitution, the possibilities are endless. One objective of the proponents appears to be to make Congress the final arbiter of the Constitution.

The other stated purpose of this amendment is to return us to the status quo before Roe against Wade. Perhaps the proponents will enlighten us as to which status quo we are returning to. When the Court decided Roe, it took a look at the history of abortion and how it had been treated by different cultures at different times. It found, for instance, that in ancient Greek and Roman times abortion was practiced and resorted to without scruple. In English common law, abortion performed before quickening—the first recognizable movement of the fetus in utero—was not an indictable offense. We in America initially adopted the common law approach—and thus the opportunity for a woman to make a choice was present in this country until well into the 19th century.

According to the Heritage Foundation, by the end of the 19th century all the several States had criminal penalties of some kind for abortion. And these, historians have shown, were largely the result of the antiabortion policy the American Medical Association enunciated in 1859. The AMA, it seems, was concerned about abortions administered by incompetent practitioners. In any case, abortion mortality was high and the States acted to protect the life of the pregnant woman from a procedure that placed her life in serious jeopardy. The Supreme Court in Roe reaffirmed this role as proper for the States. But medical practice has changed and so has the mortality rate from abortion. And today, the American Medical Association supports a woman's right to privacy, as the Court has interpreted it to include the right to choose abortion.

It is only when women are forced to resort to back-alley abortions that mortality again becomes a concern. During the period 1958 to 1962, 350 women are known to have died from illegal abortions. We do not know how many others have died, since most of them do not have access to medical care where the statistics would have been recorded.

I repeat my question: To which status quo are we returning? Are we returning to the status quo when women died of illegal abortions? Are we returning to the status quo when the right to privacy surrounding procreative choices depended on which State a woman lived in? Or are we returning to the status quo when women had broad choices as to whether and when to have children? I submit to you that if abortion is illegal or immoral, it should be that way in every State of this Nation. If it is a private matter between a women and her physician, as the Court has held, then it should be that way in every State of this Nation.

The proponents of this amendment argue that its strength lies in its ability to clear from the legal landscape the dubious and objectionable holding in Roe against Wade. That the proponents find the holding objectionable, there is no doubt. That the holding is dubious is subject to personal interpretation. Even assuming for a moment that it is dubious, there is nothing in this amendment to clarify it.

The Supreme Court based its decision in Roe on the Constitution. The Court stated that the Constitution does not explicitly mention any right to privacy, but it is recognized that a right of personal privacy or a guarantee of certain zones of privacy does exist under the Constitution. The roots of that privacy are found in five amendments: the 1st, 4th, 5th, 9th, and 14th. Only personal rights that are deemed fundamental or implicit in the concept of ordered liberty are included in the guarantee of personal privacy. This right to personal privacy extends to activities relating to marriage, procreation, contraception, family relationships, child rearing, and education. It is certainly broad enough to include the decision whether to terminate a pregnancy.

However, the Court went on to say this right to choose is not absolute. That is why we do not have abortion on demand, despite assertions to the contrary by everybody, from the President on down, who is on the other side of this issue. We do not have abortion on demand in the United States of America. What we do have is guidance as to how and when the States may interfere in a woman's fundamental right to privacy.

This some may find objectionable, but it is certainly not dubious. As Justice Stewart said:

> The full scope of the liberty . . . cannot be found in or limited by the precise terms of the specific guarantees elsewhere provided in the Constitution. It is a rational continuum . . . which includes a freedom from all substantial arbitrary impositions and purposeless restraints. Great concepts like . . . liberty were purposely left to gather meaning from experience.

The concept of privacy underpins the entire notion of freedom and liberty. If the State can invade the most intimate sphere of a woman's life, then there is no such thing as privacy. No area of personal decisionmaking can be free from the threat of governmental interference. (3) It still amazes me, Mr. President, that many of this measure's proponents are the same people who have been talking about getting the Government off people's backs ever since they got into politics.

The prochoice rationale behind Roe squares fully with this system's broad philosophy of government. That philosophy is subservience to the people, freedom on the part of every individual, and liberty for all. Against that history, the only system with a chance to work is one with room for diverse moral choices on abortion by the woman faced with that decision. Under this system, abortion is barred to none who want it in the reasoned frame offered by the Court and forced on none who do not, and there is a role for the States to regulate it where there is a compelling interest.

The ultimate irony in this situation is that there are two possible interpretations to this amendment—and the Supreme Court will have the responsibility of determining just what it means. That is, of course, it will unless my colleagues come up with another amendment to preclude it from doing so. One possible interpretation is a total ban on abortion. This is favored by the proponents of this amendment. They may say otherwise.

I have heard them in the media of late. I have seen the graphs here, on the Senate floor. They may say otherwise. They may say that exceptions could be made here and there, but the truth is they have not voted that way in recent years. Little by little, this Congress has taken away the availability of medicaid abortions. To rape and incest victims too poor to pay for an abortion, this Congress has said, in effect, "tough luck."

I do not want to see any graphs and or statements by proponents of the measure giving the impression to the American people that, well, in the case of rape or incest, this is different. In their voting records, it is not different. They want a total ban. They want to sort of soften the public relations image right now, while we are debating this amendment. For they have stood up time and again on this floor and voted amendment after amendment to take the abortion argument to its ultimate limit—no abortion for anybody under any circumstances.

So, Mr. President, make no mistake about it: The proponents want a total ban. But since they do not have the votes for it, they have worded their amendment in this vague way.

Another possible interpretation is that the interests of the fetus would be weighed against those of the mother and the State in determining the legality of abortion. No one would suggest that either prior to or after Roe was the interests of the fetus considered. Under our Constitution, the legal status of the fetus is yet to be declared.

Mr. President, I oppose this amendment because it fails the fundamental test of any proposed amendment; it leaves the perceived problems unsolved and cannot possible culminate in the sense of resolution that an amendment ought to promote. (5)

The amendment is silent as to the matter of enforcement. Deleted are the earlier provisions which stated that "the Congress and the several States shall have concurrent power to restrict and prohibit abortion." Perhaps the enforcement provisions are deleted because they emphasized the court-stripping purpose of this amendment. All previous amendments to the Constitution have attempted to put in place an affirmative principle of constitutional law. This amendment attempts to remove a right that the Supreme Court has interpreted to be embodied in the Constitution in the right of privacy.

Harm to constitutionally protected interests occurs when controversial rights are singled out for exclusion from Federal jurisdiction. Where the specific circumstances surrounding Congress deliberations conspire to send an apparent message of congressional disapproval of Federal judicial doctrine, the harm is aggravated, especially when the motivation is political, not constitutional. I urge my colleagues to embrace another portion of George Washington's Farewell Address which reminds us that:

> It is important that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres avoiding in the exercise of the powers of one department, to encroach upon another.

I urge my colleagues to oppose Senate Joint Resolution 3.

The additional sources referred to are as follows:

REFERENCES

New York Times, July 17, 1981 and September 28, 1981.

2. New York Times, September 28, 1981.
3. Harvard Law Review, November 1981.
4. The Gazette, Cedar Rapids, Iowa.
5. St. Louis Post Dispatch, Mo.
6. Time magazine, September 1981.

Mr. PACKWOOD. Mr. President, I thank my distinguished colleague from Connecticut with whom I have shared so many battles. I wish I could say to him that I think this is the last, but he and I have been involved in these struggles for a long time, and I am afraid his opening remarks were accurate; we may or may not win this afternoon, but I am afraid we shall be faced with court stripping amendments on other issues which may not involve abortion, but, one way or another, are attacks on the individual liberties of this country. I welcome his support now, but I assure him, we shall be back again and again, battling on this same question.

Mr. HATCH. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, when he appeared before my Subcommittee on the Constitution, Senator EAGLETON gave a concise definition of the purpose of the amendment before the Senate today. He stated that—

> Senate Joint Resolution 3 is intended to reverse Roe against Wade and its companion Doe against Bolton insofar as these cases hold that the Constitution protects an abortion liberty.

He further explained that—

> This amendment would wipe out the legal status afforded to the abortion right by Roe against Wade and return us to the legal status quo ante, when abortion was a matter for each of the States to decide.

Mr. President, I have listened to my dear colleague from Connecticut and his remarks were most interesting. I have been interested in the remarks of my friend and colleague from Oregon (Mr. PACKWOOD). Both of these fine Senators have indicated that we do not have abortion on demand in America today. Yet I suspect that it is very difficult for them to show me any cases which have granted the States rights to inhibit or limit any form of abortion at any time during a woman's pregnancy.

In the case of Akron against Akron Center for Reproductive Health, an abortion case decided by the Supreme Court in the last few weeks, Justice Sandra Day O'Connor articulated a strong argument in favor of the constitutional approach of Senate Joint Resolution 3:

> We must keep in mind that when we are concerned with extremely sensitive issues, such as the one involved here, the appropriate forum for their resolution in a democracy is the legislature.

The Justice's next sentence provides a thoughtful response to those who might contend that returning abortion to the State legislatures would jeopardize important values:

> We should not forget that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts.

Indeed, for nearly two centuries of life under the Constitution the welfare of the mother and the unborn infant and any liberties at stake in the abortion question were governed solely by laws made by State legislatures.

This provides a compelling legal case for reversing Roe and restoring to the States authority to legislate. The social and moral cases for reversing Roe are just as compelling. That case was presented yesterday by the graphic visual charts which describe the extent of what some have called appropriately the American holocaust.

Once again, I would like to focus the attention of this body, which, for the first time, is debating the merits of abortion on demand, on those illustrations.

The effects of the tragic Roe decision are apparent from the numbers of unborn children whose lives were being terminated before they even had a chance to make a contribution to their families, to their schools, their industries, governments, and churches of America. More than 10 times the number of Americans lives lost in all of our Nation's wars lumped together have been taken by the abortion regime.

My distinguished opponent in this debate will try to maintain that Roe against Wade is a moderate compromise which permits some limitations on abortion. Our friend from Connecticut has indicated this as well. The abortion death rate in itself is enough to dispel that notion. We are daily performing abortions at a rate of nearly 5,000. That is hardly a figure that suggests moderacy in abortion policy.

Since Roe, the number of abortions has skyrocketed.

As I stated yesterday, only Communist China has a more permissive policy on abortion of all countries in the world today.

As I have stated earlier, this great loss of life can hardly be understood in other terms used in this debate to justify abortion; namely, the need to protect maternal life and health. Even ardent opponents of abortion such as Dr. Irvin Cushner confess that no more than 3 percent of all abortions have some link to maternal health.

I might add that this figure is obtained by construing maternal health in the broadest possible terms. The greatest numbers of abortions are performed solely for social, financial, or emotional reasons. They are performed because it is inconvenient to have the child, because it may be embarrassing, because it is expensive, because sonograms reveal the child to be a girl rather than a boy; 97 percent of all abortions are performed, not to preserve maternal health, but for a whole variety of other reasons, many of which are frivolous in nature.

A particularly tragic aspect of this spectacle is that many of those children killed by abortion are on the verge of viability when they can live outside the womb if delivered normally. These are children near their 20th week of growth.

The next particular chart, chart 4, displays the number of late term abortions.

Now, again, these are very conservative figures. Nonetheless the chart shows nearly 15,000 third-trimester abortions or abortions of infants in the last months of pregnancy. Their hearts have been beating for 12 weeks already. They have probably been sucking their thumbs for 8 weeks or more. They are appropriate candidates for fetal surgery to preserve their lives from natural threats.

Unfortunately, little can be done with present legal doctrines to preserve their lives from legal policies. These legal policies imposed by the court are particularly questionable when we realize how little they reflect the values of the American people. Eighty to ninety percent of all Americans see abortion at some stage as destruction of the human being. Most Americans women believe that life begins at conception.

I found it interesting today that the distinguished Senator from Connecticut feels that one of the major justifiable reasons for destroying human life is that present science technology might show that the fetus is handicapped. I hate to think what this world would be like without some of the greatest people that have lived who have, unfortunately, had handicaps.

Some argue that perhaps not many people really support this type of an amendment, but I suspect, when you look at this chart which says that a majority of American women say life begins at conception. 58 percent feel life begins at conception, 16 percent at quickening, 11 percent at viability, 10 percent at birth, and 5 percent do not know.

Some have argued, as I mentioned earlier, that legalization of abortion is necessary to prevent women from falling victim to crude back-alley abortions. The specter of American women suffering under the hand of back-alley abortionists, of course, is very frightening. But, in fact, legalization has had little to do with the reductions in abortion mortality. They are basically leveling off, and this next chart shows that. The reductions in abortion mortality occurred for the most part

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before 1973. The reason they occurred is a result of medical advances that have protected women.

I might add that the major factors causing a drop in the mother's abortion mortality have been medical advances, sulfa drugs, penicillin, and the widespread use of the safer suction curette instead of the sharp curett.

Nonetheless women still die due to abortions.

I heard at one time early in my tenure in the Senate, that as many as 10,000 women a year died in back alleys before 1973 made the right to abortion on demand law.

This is simply not true as shown by this chart. Any loss of life, whether the mother's or the unborn child, is unacceptable to me.

Sadly there are still deaths occurring as a result of abortion, even though the policy of legalization is 10 years old.

The inappropriateness of this court-created legal edict as a governing tenet of our Nation is particularly apparent in the over-whelming rejection of abortion on moral grounds. This conclusion has nothing to do with political persuasion. The Connecticut Mutual Life report on American values in 1981, just 2 years ago, shows that a majority of all political persuasions believe that abortion is morally wrong—62 percent of the independents, 64 percent of the Republicans, and 68 percent of the Democrats.

Moreover, this moral judgment is not an idle conviction. The majority is clearly willing to stand behind their beliefs when a loved one faces the questions of abortion, and I think the next chart will show that. A majority of Americans I think stand up for their belief.

As next chart shows, a majority of Americans would not advise abortion for their 15-year-old daughter.

The fact that most Americans would not advise abortion, but seek some alternative, such as adoption, for their own 15-year-old daughter is particularly ironic. Just last week the Supreme Court ruled that a statute requiring 15-year-olds to consult with their parents prior to having an abortion was unconstitutional. Although, in many States, a minor must have parental consent to get her ears pierced, the Court said that a court may substitute for the parent in granting permission for an abortion.

Finally, the strong personal values of Americans do translate into support for a constitutional amendment to protect the unborn child. If those same people had been offered a moderate constitutional amendment that allowed them to participate in the formation of abortion policy in their States, their support may have been even higher.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATCH. Mr. President, I ask unanimous consent that I be given 6 more minutes.

Mr. PACKWOOD. Mr. President, I am not going to object, but may I make an announcement about the time?

Mr. HATCH. Yes.

Mr. PACKWOOD. Mr. President, I do not intend to object to the request of the Senator from Utah, but the majority leader has indicated that he wants us to finish all our comments by 4 o'clock this afternoon. Both the Senator from Utah and I want about 20 minutes apiece to close. So I can say to his supporters and mine that if they wish to speak—realizing that there will be a recess from 12 noon until 2 p.m.—they should get to the floor as soon as possible.

Mr. HATCH. Mr. President, I ask unanimous consent that the period between 3:15 and 4 o'clock be divided equally between the distinguished Senator from Oregon and me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATCH. I thank the Senator from Oregon for his patience. We have taken most of the time, and there are other Senators who want to address this issue today. We certainly want to make sure that speakers on the side of the Senator from Oregon have a right to speak on this matter.

At this point, I should like to address myself to the legal basis for governmental authority under Senate Joint Resolution 3. My intent is to demonstrate how the simple and direct formulation of Senate Joint Resolution 3 will operate to reverse Roe and restore to the legislatures of the various States the authority to set policy with respect to abortion, a function centralized in Federal courts for the past decade.

The 10 words of this proposed amendment, if ratified, would remove any constitutional basis for finding any kind of right, absolute or qualified, to procure an abortion. Abortion, governed by State statute or not at all until 1973, would no longer be a matter of constitutional prerogative. Accordingly, States would again possess plenary authority to regulate, or refrain from regulating, abortion policy.

In the absence of a national constitutional edict, the authority of Federal institutions to regulate abortion would be vitiated. Federal institutions could be said to possess a residual authority with respect to abortion to the extent that some tangential aspect of abortion policy may fall within the parameters of an independent source of Federal authority. For example, Congress would still be able to regulate interstate commerce to the degree of prohibiting interstate transport of abortifiacient drugs and devices. In fact, this was vitually the only Federal regulation tangentially related to abortion in the United States Code prior to 1973. (14 U.S.C. 1461, 1462.) In a more correct sense, however, this was not regulation of abortion at all, but regulation of matters clearly permitted to Congress by the Constitution. It can, therefore, be correctly maintained that Federal authorities would have no power to regulate abortion per se under Senate Joint Resolution 3, such regulation would be solely within the purview of State authorities.

Defining the nature of State authority with respect to abortion under Senate Joint Resolution 3 was a primary focus of the hearings held on the resolution. Prof. Lynn Wardle of Brigham Young University described the constitutional imbalance created by Roe and effect of the correction found in Senate Joint Resolution 3:

> As a direct result of the Supreme Court's decision in *Roe* v. *Wade,* two profound changes have occurred in the delicate balance of powers of government. First, there has been a significant shift of power and responsibility from the states to the federal government, which has substantially increased Congressional involvement in and responsibility for abortion policy. Second, there has been a significant shift of policy-making power from the legislative branch generally to the judicial branch * * *
>
> (S.J. Res. 3) would restore to the states their general police power to restrict and prohibit abortion. The states could enact legislation to the same extent that they could prior to *Roe* * * * It would not compel or prohibit the adoption by any state legislature or by Congress of any legislation restricting abortion * * * It would not give Congress any power directly to restrict or prohibit abortion * * * It would restore the Constitutional balance of power between the states and the federal government and between the legislative and judicial branches of government. In sum, it would restore the status quo ante *Roe* insofar as the power and responsibility to resolve abortion issues is concerned. (Senate Hearings, Feb. 28, 1983, Statement of Professor Lynn Wardle.)

This legal analysis by Professor Wardle was echoed and approved by other noted scholars in the Judiciary Committee hearings, including Prof. Victor G. Rosenblum of Northwestern University. (Senate hearings, March 7, 1983, statement of Prof. Victor Rosenblum.)

The conclusion reached by several witnesses in our hearings that Senate Joint Resolution 3 would restore to the States their exclusive authority to regulate abortion is supported by sound constitutional reasoning. In the first place, if abortion is no longer elevated to the status of a fundamental liberty deserving of special constitutional protection, then regulation of abortion would be subject to the same treatment accorded other doctrines of domestic relations. Even the Supreme Court concedes that the abortion issue

is essentially a question of domestic relations law, which has been elevated to the status of a fundamental liberty by the Roe decision. The Akron decision characterized the abortion right as a question of "personal choice in matters of marriage and family life." I mention this point because if the abortion issue were stripped of any protections afforded fundamental constitutional liberties, it would remain a "matter of marriage and family life." The locus of authority to regulate domestic relations has never been in dispute. As early as 1889, the Supreme Court had clarified that:

> The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of that State, and not to the laws of the United States. *In Re Burris,* 136, U.S. 586, 593 (1889).

Time after time, the Supreme Court has reiterated this elemental principle of constitutional interpretation. (For instance the Court repeated this language word for word in *Ohio ex rel Popvici* v. *Agler,* 280 U.S. 379, 383 (1930); *Williams* v. *North Carolina,* 325 U.S. 226, 233 (1944); *Ridgway* v. *Ridgway,* 454 U.S. 46, 73 (1981) (Stevens, J. dissenting).) Most important among the reaffirmations of this principle, however, is the recent case wherein Justice Blackmun, the author of the Roe decision, quoted the above language from the Burris opinion verbatim. *Hisquierdo* v. *Hisquierdo,* 439 U.S. 572, 581 (1979). As long as abortion has enjoyed the special constitutional status conferred by the Court in the Roe decision, abortion has not been treated as other "relations of husband and wife, parent and child" with respect to the allocation of constitutional power and authority. Federal institutions, primarily the courts, have assumed primary authority and responsibility relative to abortion. With Roe and its progeny reversed, however, abortion policy would once again "belong to the laws of the States and not to the laws of the United States." (Supra note 285 and accompanying text.)

An alternative line of constitutional reasoning reaches the same result with respect to the extent of State authority in the absence of Roe. State power to set criminal standards is clearly plenary. Justice Frankfurter stated the law on this subject:

> In our Federal system the administration of criminal justice is predominantly committed to the care of the States. The power to define crimes belongs to Congress only as an appropriate means of carrying into execution its limited grant of legislative powers. U.S. Const. Art. I, 8 cl. 18. Broadly speaking, crimes in the United States are what the laws of the individual States make them, subject to the limitations of Art. I, 10, cl. 1, in the original Constitution, prohibiting bills of attainder and ex post facto laws, and of the Thirteenth and Fourteenth Amendments. *Rochin* v. *Calif.,* 342 U.S. 165, 168 (1952).

With Roe overturned, abortion would not be subjected to the protections of the 14th amendment or any other provision of the Constitution. Accordingly, an abortion misdemeanor would again be "what the laws of the individual States make them." Professor Lynn Wardle states this same principle very succinctly:

> There is no general Federal law of crimes. That is, if Congress were to pass a law generally outlawing abortion in this country, such a law might be found to be unconstitutional, even without reference to *Roe* and its progeny. (Wardle, L., A Lawyer Looks at Abortion 187.)

Just as abortion was governed by mild State criminal sanctions against the abortionist in the years prior to Roe, the traditional and constitutional allocation of police powers would prefer States, to the exclusion of Federal authorities, as the power focus of abortion regulation after ratification of Senate Joint Resolution 3.

In a broader context, the discussion of the extent of State authority over abortion in the event Senate Joint Resolution 3 becomes part of the Constitution is a discussion of the limitations written into that great document. The very first section of the very first article of the Constitution states that the legislative powers of Congress are limited to those "herein granted." Nowhere in the specific grants of legislative authority found in section 8 of article I is Congress granted any power to govern criminal justice, domestic relations, or any other general category into which abortion might fall. James Madison explained the framers' reasons for denying such power to Congress:

> The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the state government are numerous and indefinite. The former will be exercised principally on external objects, such as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the *lives, liberties, and properties* of the people, and the internal order, improvement, and prosperity of the state. (The Federalist Papers, No. 45.)

Roe upset this balance. With Roe nullified, this balance will once again operate in the manner defined by the framers of the Constitution.

Senate Joint Resolution 3's legislative history also enlightens this subject. As introduced in this Congress, Senate Joint Resolution 3 was identical to Senate Joint Resolution 110 from the 97th Congress. In addition to overturning Roe, Senate Joint Resolution 3 provided the Federal Government and the States concurrent authority to restrict or prohibit abortion. On March 24, after considering many of the points mentioned herein, the Constitution Subcommittee unanimously accepted Senator THOMAS EAGLETON's advice to strike the language granting the Federal Government concurrent authority to restrict abortion. As specifically indicated by the subcommittee's action the Federal Government will possess no concurrent authority to restrict or prohibit abortion. Senate Joint Resolution 3, as amended, reverses Roe and thus insures that the Constitution's limitations properly operate to reserve to the States any authority to regulate abortion. Under this amendment the States would have plenary authority to legislate with respect to abortion. In their best judgment, the states might choose to have no policy respecting abortion or might choose to impose some restrictions. The subcommittee undertook to amend Senate Joint Resolution 3 to establish that it meant to remove Federal institutions from the policymaking process with respect to abortion and reinstate the State authorities as the focus of decisionmaking for this sensitive issue.

It is the intent of the authors, supporters, and Senators who brought this to the floor to recognize the state of the law relative to abortion prior to 1973 and to restore that balance. We understand this to aptly describe the expansiveness of State authority prior to 1973 and the constitutional inability of the Federal Government to regulate abortion. We feel that States would have full authority to restrict, prohibit, act or refrain from acting with respect to abortion. If Federal officials have some limited residual authority to the extent that abortion touches tangentially upon some other Federal powers, this limited residuum is nothing that does not exist in every other field of law. It does not include the power to do what is committed to the States, namely regulate abortion per se.

Mr. President, although I have attempted to clarify this point on several previous occasions, let me comment one more time on the issue of whether or not the proposed amendment, Senate Joint Resolution 3, is a States rights amendment.

Senate Joint Resolution 3 is indisputably a States rights amendment. It is a States rights amendment every bit as much as any other amendment that has ever been offered on the subject of abortion. It is a States rights amendment in the area of abortion every bit as much as any other area of the law is governed by the concept of States rights. It is a States rights amendment in the proper constitutional sense of the term.

Opponents of the amendment—who of course would not be any more supportive if the northern lights shone down from the sky with the message that this was a States rights amendment—argue that it is not a States rights amendment because there is residual power to legislate in the Federal Government under this amendment. There is, we are warned, residual power in the Federal Government to legislate through its commerce authority, its spending authority, and its taxing authority. With all due respect, Mr. President, this argument is utter nonsense.

The Federal Government has such residual authority over any area of the law, with or without this or any other constitutional amendment. My friends on the other side, in short, are concerned about Federal power generally, not about Federal power in the context of Senate Joint Resolution 3. I welcome most of them to the fold of those concerned about such power. I am pleased to see so many of my friends on the other side of this issue express, for the first time, their concern with the existence of excessive Federal power within our constitutional structure.

My question to the distinguished Senator from Oregon yesterday remains unanswered. I should like to direct it to my distinguished colleague today: would he be kind enough to share with me an area of the law that he does believe to be governed by the true concept of States rights? If this amendment is not satisfactory, in his view, to achieving this, what other area of the law would he have it emulate? Where does his conception of States rights exist in the law?

Mr. President, the opponents of legislation such as the measure which this body is currently debating frequently argue that it is futile to attempt to restrict abortion by law.

They argue that the legalization of abortion did not greatly increase the number of abortions performed in the United States, but merely resulted in a shift from dangerous, illegal, unreported abortions, to safe, legal, reported abortions.

They also argue that passing laws to render abortion again illegal in most circumstances would not greatly reduce the number of abortions, but would only drive the practice underground, or would merely shift the abortions from States with restrictive laws, to those without restrictive laws.

I would like to briefly address these arguments, both of which I believe to be largely erroneous.

Until the late 1960's, abortion was illegal in every State except under extreme circumstances—generally only being permitted to save the life of the mother. Wildly conflicting guesses were made as to the number of illegal abortions performed annually. In 1967 the First International Conference on Abortion, held in Washington, concluded that "no way has yet been found of obtaining reliable statistics" on this question.

Nevertheless, the unfounded figure of 1 million illegal abortions a year became popular among abortion advocates, and it is still heard today, even at times in congressional debates. In the light of data accumulated since the Supreme Court legalized abortion, the 1 million a year figure seems grossly exaggerated.

There are two major compilers of data on the incidence of legal abortion. They are the Federal Center for Disease Control in Atlanta, and the Alan Guttmacher Institute, a private entity connected to the Planned Parenthood Federation of America. The CDC relies mainly upon reports from State health departments, while the Guttmacher Institute conducts an annual survey of known abortion providers. The Guttmacher Institute annually reports higher figures than the CDC, because the Guttmacher Institute survey uncovers many legal abortions which are not reported to the CDC. The CDC acknowledges, in its own reports, that the Guttmacher figures are more complete.

According to both Guttmacher and CDC, the number of legal abortions performed in the United States began a steep climb after the 1973 Supreme Court decision which legalized abortion on demand nationwide. The following numbers of legal abortions were reported to the Guttmacher Institute for each year, beginning in 1973:

1973	744,600
1974	898,600
1975	1,034,200
1976	1,179,300
1977	1,316,700
1978	1,409,600
1979	1,497,700
1980	1,553,900

Let me underscore that last figure, Mr. President; 1.55 million reported legal abortions in 1980—a shocking and terrible toll. Incidentally, the CDC reports indicate that over one-third of the annual total is now accounted for by repeat abortions—a percentage which increases each year. Recently a professor of medicine at the University of California estimated that by the end of 1983, 50 to 60 percent of all abortions will be repeats.

Yet the question remains, to what extent does this figure represent a genuine increase, rather than just a gradual shift from illegal to legal abortions?

When the Constitution Subcommittee examined this matter, it heard testimony from Dr. Thomas W. Hilgers, professor of obstetrics and gynecology at Creighton University School of Medicine and a well-known authority on human reproduction. Professor Hilgers is coauthor of a landmark 1981 study which sheds some light on the question of how many illegal abortions were performed prior to the Supreme Court decision.

Dr. Hilgers estimates that the total number of abortions performed in the United States—legal and illegal—approximately tripled between 1969 and 1972, due mostly to the legalization of abortion in a number of large States, including New York and California. This sharp upward trend was given another boost when Roe against Wade legalized abortion in every State in January, 1973. I will discuss the post-1973 figures in a moment.

Dr. Hilgers' methodology was too involved to describe in detail here. But in brief, it began with the number of maternal deaths resulting from illegal abortion for each year, which is data available from the National Center for Health Statistics (NCHS). Dr. Hilgers compared this figure to the annual death rate per 1,000 cases of pregnancy from natural causes (also available from NCHS). He then took as a premise that illegal abortion during those years was at least five times as hazardous to the mother as natural pregnancy. From this data, Professor Hilgers extrapolated that the number of illegal abortions annually, prior to the Supreme Court decision, never exceeded 210,000 per year. Professor Hilgers readily conceded that there are certain deficiencies in data, but argued that if anything, he overcompensated for these in his study.

Dr. Hilgers concluded:

> With legalized abortion, there has been an exponential increase in the total number of abortions each year in the United States, in the range of 6- to 11-fold from the prelegalization era. This increase is directly attributable to the legalization of abortion. (New Perspectives on Human Abortion, University Publications of America, 1981, p. 178).[1]

The legalization of abortion has permitted the active promotion of abortion through propaganda directed at adolescents, through manipulative "counseling" services, through Yellow Pages ads and billboards, and so forth. Legalization has diminished the social stigma associated with abortion. It has often been observed that in a secular society such as our own, the law is a very important teacher with respect to great issues of social justice—which is one reason that the civil rights legislation of the 1960's was so important.

Now, does anyone wish to argue seriously that legalization of abortion, and the nationwide network of assembly line abortion clinics which legalization has allowed to grow up—has not resulted in a marked increase of the number of abortions performed?

The organizations which are most zealous in the promotion of abortion refute such a notion in their own studies. The Alan Guttmacher Institute publishes annual reports in which it argues that hundreds of thousands of women need abortions each year but do not get them simply because there

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[1] The Hilgers study appears in the subcommittee's hearing record, immediately following his testimony.

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are no clinics in the counties in which they reside. In the AGI's Family Planning Perspectives (September/October 1978), AGI research director Jacqueline Darrouch Forrest wrote:

> For some, the barriers imposed by travel are so great that the woman cannot obtain an abortion at all. It has been shown that the farther a woman must travel to obtain an abortion, the less likely she is to get one.

This point was developed at length in a study published in the January/February 1981 issue of Family Planning Perspectives, written by AGI senior research associate Stanley Henshaw and three other researchers. This study concluded:

> There were 1.4 million legal abortions in 1978 and a projected 1.5 million in 1979. The number of abortions increased by seven percent between 1977 and 1978 and by nine percent between 1978 and 1979. Nevertheless, an estimated 736,000 women in 1978 and 641,000 in 1979 were unable to obtain the abortion services they wanted and needed, and went on to have unintended births. Thirty-four percent of women estimated to be in need of abortion services where unable to obtain them in 1978, and 29 percent could not get them in 1979.
>
> Part of the reason so many women have been unable to obtain abortion services is the continued inaccessibility of abortion facilities: Eight out of 10 U.S. counties have no facility in which legal abortions are performed, and only five percent of abortions are performed in nonmetropolitan areas, where 26 percent of women in need live. In addition, federal funds to subsidize abortions for indigent women have virtually been withdrawn as a result of the Hyde Amendment; most states have followed suit, refusing state Mediciad funds for abortions.

Other studies substantiate the contention that when abortion becomes less easily accessible—geographically or economically—the number of abortions (legal and illegal) drops markedly.

For example, the Texas State Department of Health conducted a study to measure the effects of the Hyde amendment, restricting medicaid funding of abortion. The study, published in the CDC's Morbidity and Mortality Weekly Report (June 6, 1980), concluded:

> The present study in Texas found more than one-third of the legal abortions expected among Medicaid-eligible women were not obtained in the postfunding restriction period. . . .
>
> In Texas, pregnant, low-income women who do not have federal or state funds for abortions do not appear to be resorting to illegal abortions to terminate unwanted pregnancies. These findings are consistent with those from a national monitoring system, which also could not document that the restriction of public funds for abortion caused a large percentage of Medicaid-eligible women to choose self-induced or non-physician-induced abortions.
>
> This decrease in expected legal abortions, the absence of an increase in illegal abortion, and the rising fertility rate among Medicaid-eligible women in Texas all imply that a substantial portion of women who would have obtained a publicly-funded abortion before the restriction are now more likely to continue their pregnancies to term.

Mr. President, I submit that if the Alan Guttmacher Institute is correct, and 641,000 abortions were prevented in 1 year merely by lack of geographical or financial accessibility, then it stands to reason that State laws which directly restrict abortion will save the lives of a great many children. If thousands of women are dissuaded from having an abortion merely because there is no convenient abortion clinic in their county, then many, many more will be dissuaded from having an abortion when there is no abortion clinic open anywhere in the State.

If the proposed amendment which we are discussing is passed and ratified, many States will promptly shutdown the abortion industries in their States. The clinics will close. The ads in the Yellow Pages will disappear. Accessibility to abortion will be drastically diminished and the total number of abortions will be greatly reduced—although to be sure, there will be some increase in illegal abortions. No law against acts of violence is completely effective, whether we are speaking of rape, or child abuse, or abortion (and abortion is, in point of fact, the ultimate child abuse).

The greatest effect of restricting abortion will be an increase in the number of unborn children who are allowed to live. If abortion is illegal, then there may be renewed emphasis on the adoption option—which will be welcomed by the hundreds of thousands of couples who now wait for years—and in some cases forever—for infants to adopt.

Now, the Alan Guttmacher Institute regards abortion as a medical service, and it laments that so-called unmet need which 641,000 women had in 1979. Perhaps some of my colleagues share this view. But I am speaking at the moment to those of my colleagues who honestly regard abortion as a great evil, but who have wondered whether making abortion illegal would actually have much effect on the number of abortions performed. I believe that the best evidence suggests that the effect of legal restrictions, even if only in some States, would be the preservation of hundreds of thousands of innocent human lives each year.

HISTORY OF AMERICAN ABORTION LAW

Mr. President, yesterday Senator PACKWOOD and I engaged in an extended colloquy about the history of American abortion law. As I noted, the Supreme Court relied on some historical myths in reaching its conclusion that abortion should be permitted, practically without restriction, throughout all 9 months of pregnancy.

The historical myth of which I speak holds that Roe against Wade restored a right to abortion that was recognized at common law prior to the enactment of stringent antiabortion statutes by the States in the mid-19th century. The proponents of this theory contend that the common law right was reversed by these State laws primarily because it was believed that abortions, as practiced that, were dangerous to maternal health. By 1973, the theory maintains, abortions in the first trimester of pregnancy were safer than carrying the child to birth. The principal reason for the antiabortion laws ante-Roe, therefore, no longer existed. Hence, they argue, Roe against Wade.[3] Roe, in fact, accepted this theory.

Mr. President, the myth that the 100 years of restricted abortion in this country was a historical anomaly that resulted only because abortions once were unsafe is false. The common law right to an abortion early in pregnancy was based on the scientifically ignorant premise that the unborn child is not alive until her mother perceives her movement in the womb. Thus, abortions before this point were legal because the child was not thought to be yet alive. Once mid-19th century physicians learned that that was untrue, however, they sought to proscribe abortions before, as well as after, the quickening of the unborn child. Very restrictive abortion laws in each of the 50 States granted a significant degree of protection to the unborn child before Roe against Wade[4] stripped that protection away.

The quickening doctrine that I have described was grounded in the ancient scientific understanding of Aristotle, who identified life with the animation of the formed fetus.[5] Thus, the English common law created penalties for the performance of an abortion after quickening. This principle, which is known first to have been stated by the eminent British legal commentator Lord Coke, was recognized by Blackstone in 1769 in his noted "Commentaries on the Laws of England." "Life * * * begins in contemplation of the law," said Blackstone, "as soon as an infant is able to stir in the mother's womb."[6]

As Northwestern University professor of law, Victor G. Rosenblum noted during his testimony before my subcommittee, we know now that the unborn child actually moves long before her mother can feel that movement. Quickening, then, is really quite irrelevant to the humanity of the unborn child because it depends not on the objective degree of development, but rather on the subjective perception of the mother. As Professor Rosenblum observed:

> Our ancestors * * * had to judge by the best information available at the time, and so they protected unborn life under the criminal law from quickening onward—

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when with their best, but comparatively primitive, scientific understanding they believed individual human life actually began.[7]

As of 1800 in the United States, no legal jurisdiction had adopted a criminal abortion statute. The common law quickening doctrine, which criminalized only postquickening abortions, remained in force through 1840. In the meantime, the abortion industry flourished. Both surgical and drug-induced methods of prequickening abortion were in use.[8]

According to abortion historian James C. Mohr, who also testified before my subcommittee, there was a great surge in the incidence of abortion between 1840 and 1870. During that period, reports Professor Mohr, abortion became employed increasingly as a method of birth control by white, married, Protestant women of comfortable economic means. With that rise in the demand for abortion, especially by economically privileged women, the business of abortion became more lucrative. Some physicians adopted the abortion trade as a specialty.[9]

But this significant upsurge in the practice of abortion produced a powerful reaction. Professor Mohr's book "Abortion in America" [10] describes and documents a physician's crusade against abortion that reached a peak between 1857 and 1860. Its principal goals, Mohr contends, were to turn the tide of public opinion firmly against abortion and to promote the passage of strong antiabortion legislation. Professor Mohr posts three theoretical motivations behind the doctors' crusade. First, these physicians believed abortion to be morally wrong because they valued the life of the unborn child. Second, such doctors were alarmed that respectable Americans—largely economically privileged Protestant women—seemed to comprise a large segment of those having abortions. Finally, says Mohr, doctors were alarmed at the new rise of feminism, which posed a threat to the traditional ordering of sex roles.[11]

Mohr's unmistakable tendency—in his book as well as in his testimony before my subcommittee—was to emphasize the latter two motivations, as well as a concern for maternal health, at the expense of the belief that abortion is wrong because it kills unborn children. This emphasis on factors other than the all-important concern for the sanctity of life is endemic not only to Mohr, but to other abortion history revisionists, such as Cyril Means,[12] as well.

The truth of the matter—as both Professor Rosenblum and Prof. William Marshner of Christendom College [13] demonstrated in their testimony before my subcommittee—is that the energizing force behind the physicians' campaign against abortion in the 19th century was the belief that the unborn child is a human being from the point of conception who deserves the protection of the law. This campaign, then, resulted from the realization that the old quickening doctrine was scientifically wrong.

Only in the period of 1825 to 1850 did biological research progress to the point of understanding the actual mechanism of human ontogeny. The 19th century witnessed a gradual, but profound, evolution of scientific knowledge about the beginning of human life. Although the existence of sperm was known by 1677, the ovum was not indentified until 1827. It was not until 1839 that the cell was recognized to be the basic structural unit of organisms. The sperm and egg were discovered to be cells in the two decades that followed.[14] As Professor Rosenblum noted:

> These developments were brought to the attention of * * * State legislatures * * * by those professionals most familiar with their unfolding import—physicians.[15]

It was these new research findings that convinced the doctors that biologically human life begins at conception—when the chromosomes of the sperm and egg fuse to form a new human life—and not at quickening.

Based on this reasoning, the American Medical Association, which was founded in 1847, actively opposed abortion.[16] According to Professor Mohr, much of the impetus behind the AMA's stance came from the doctors' belief that the quickening doctrine had been discredited. By 1857, it became almost universally accepted in the medical community that quickening is a scientifically and biologically insignificant point in pregnancy. A New York State Medical Society resolution that was passed that year stated that:

> From the moment of conception, there is a living creature in process of development to fully maturity . . . and . . . any . . . interruption to this living process always results in the destruction of life.[17]

An 1872 quotation from a Dr. Hodge, who was one of the leaders of the antiabortion campaign, confirms the causal effect of the new scientific information:

> If * * * the profession in former times, from the imperfect state of their physiological knowledge, had, in any degree, undervalued the importance of foetal life, they have fully redeemed their error and they now call upon the legislatures of our land * * * to stay the progress of this destructive evil of criminal abortion.[18]

Professor Mohr's "Abortion in America" identifies the period of 1860 to 1880 as the one in which the physicians' antiabortion campaign produced the most significant flood of antiabortion legislation in the Nation's history. In that era, reports Mohr, 40 antiabortion laws of various kinds were adopted by States and territories. Of these, 13 proscribed abortion for the first time, while 21 revised old antiabortion laws by making them apply before, as well as after, quickening.[19] New laws generally prohibited abortions strictly in all cases except those threatening the life of the mother.

Though he resists the conclusion to which the evidence that is documented in his book points, Professor Mohr's scholarship establishes that the physicians' crusade against abortion of the 19th century in general, and the obsolescence of the quickening doctrine in particular, were the key factors in persuading the States to pass tough antiabortion legislation. Mohr does concede, however, that medical doctors' opposition to the quickening doctrine was based on their belief in the inherent difficulties of determining any point at which a steadily developing embryo somehow becomes more alive than it had been the moment before.[20]

Mohr's study of the physicians' antiabortion movement of the 19th century effectively discredits the earlier theory, propounded by Cyril Means, and accepted by the Supreme Court when it legalized abortion, that the antiabortion laws that were passed in the 19th century were designed to protect maternal health principally rather than to protect the unborn. His work confirms the historical conclusion of Professor Sauer, who, like Mohr, is not identified with the prolife cause, that:

> One can infer from an analysis of nineteenth century abortion laws that the safety of the foetus was a major concern of many State legislatures. A law which has maternal health as its sole or main consideration is not likely to be worded in such a way that the human status of the foetus is recognized, since that recognition would also require that the foetus be given human rights protected by law. In a law where the concern is with the woman's health, a woman is likely to be labeled as pregnant rather than as being with child or some other phrase which gives a human status to the foetus. Although a number of the initial State laws contained a distinction based on quickening which gave lower value to early foetal life, the large majority of State laws never made this distinction, and most of these laws referred to a woman as being with child or some similar phrase which attributed a human status to the foetus. Furthermore, many of the States which initially had this distinction written into their law later dropped it and also referred to a woman at any stage of her pregnancy as being with child.

It is clear from Mohr's book that the campaign the doctors orchestrated persuaded State legislatures that first, the unborn child is a human being at all points in gestation, that second, therefore all abortions kill human life, and that third, therefore the quickening doctrine needed to be abolished in favor of a comprehensive abortion ban. The life-protective motive of the State legislatures is unmistakably clear.

As Professor Marshner argued before my subcommittee, revisionist histories of antiabortion legislation largely ignore the life-protective motive and concentrate on a variety of other, less important, factors. All forms of this revisionism challenge the standard history, observes Marshner:

> (1) by replacing the protection of unborn life with other, more transient motives for the rise of American abortion statutes, and (2) by positing a primordial, common law liberty of abortion, which the Supreme Court could plausibly reinvigorate, when the transient motives lost their point.

In conclusion, Mr. President, it is Roe against Wade that is the historical anomaly. Our national history was one of progression toward greater respect and protection for unborn human life until Roe against Wade wrought a radical reversal of that history. Where once the lives of nearly all unborn children were protected by laws in all 50 States, now, under the Court's ruling, no unborn child can be afforded the most basic right to life in any State. No revisionist historian can change those facts.

DATES AMENDMENTS WERE INTRODUCED

The 11th amendment was introduced in 1794 and ratified by 1795.

The 12th amendment was introduced in 1797 and ratified in 1804.

The 13th amendment was introduced 1818 which failed to receive the consideration of the House of Representatives. In 1839 three amendments were introduced on the abolition of slavery. In 1863 and again in 1864 amendments were proposed 1864 it was rejected by the House but reconsidered in 1865 and passed. It was finally ratified in 1865.

The 14th amendment was introduced in 1866 and ratified in 1868.

The 15th amendment was introduced in 1868 and ratified in 1870.

The 16th amendment was introduced in 1896 and ratified in 1913.

The 17th amendment was introduced 1826 then in 1894 passed in House, lost in Senate subcommittee in 1898 passed in House and lost in Senate subcommittee in 1900 passed in House and came to a vote on the Senate floor 1911 and failed. In 1912 it finally passed and was ratified in 1913.

The 18th amendment 1866-1919.

The 19th amendment original tacked on to the 13th amendment in 1866 but was voted down. In 1914 is succeeded to both houses for a vote but failed in the Senate. In 1918 it came up for a vote again and failed in the Senate. It was resubmitted in 1919 and voted down again. It was reintroduced in 1919 and barely passed. It was ratified in 1920.

The 20th amendment introduced in 1840. Then 1866 another amendment was introduced in 1923 but was blocked by the House. This happened again in 1924 and 1926. In 1928 it passed the Senate but did not pass the House. In 1929 it passed the Senate and House but Amendment expired when they could not agree on compromise. 1932 it passed the Senate for the sixth time and finally passed the House. It was ratified in 1933.

The 21st amendment.

The 22nd amendment it began in 1787. Proposed in 1823 then 1824 passed by Senate, no action by House. 1826 passed by Senate, no action by House. 1913 passed by Senate no action by House. 1928 passed by House. 1947 passed by House and Senate. Ratified 1951.

The 24th amendment was introduced in 1947 and ratified in 1964.

FOOTNOTES

[3] See Cyril C. Means, Jr., "The Law of New York Concerning Abortion and the Status of the Fetus, 1664-1968: A Case of Cessation of Constitutionality," *New York Law Forum* XIV, no. 3 (Fall, 1968) and "The Phoenix of Abortional Freedom: Is a Penumbral or Ninth Amendment Right About to Rise from the Nineteenth Century Legislative Ashes of a Fourteenth Century Common law Liberty?" *ibid.* XVII (1971).

[4] Roe v. Wade, 410 U.S. 113, 151-52 (1973).

[5] Aristotle, *History of Animals*, 7.3.583b.

[6] 1 Blackstone, *Commentaries on the Laws of England* 124 (1769).

[7] Hearings (statement of Victor G. Rosenblum) at 473-474.

[8] James C. Mohr, *Abortion in American: The Origins and Evolution of National Policy, 1800-1900* (New York: Oxford University Press, 1978), pp. 3-12.

[9] *Ibid.*, p. 46.

[10] *Ibid.*, *op. cit.*

[11] *Ibid.*, p. 110.

[12] See note 3, *supra.*

[13] Hearings (statement of William Marshner) at 449-63.

[14] L. Arey, *Developmental Anatomy [:] A Textbook and Laboratory Manual of Embryology* 45 (6th ed. 1954).

[15] Hearings (statement of Victor G. Rosenblum) at 474.

[16] Mohr, *ibid.*, at 157.

[17] *Ibid.*, at 218, n. 22.

[18] H. Hodge, *Foeticide or Criminal Abortion* 5 (1872).

[19] Mohr, *ibid.*, at 200.

[20] *Ibid.*, at 165., n. 22.

Mr. ABDNOR. Mr. President, the Senate is at a crossroads. We have an opportunity to say affirmatively that human life has value. It is imperative we take advantage of this opportunity today.

On June 16, 1983, a person, upon surveying newspaper headlines in South Dakota, could only shake their head in disbelief.

A front page story featured Interior Secretary Watt decrying the slaughter of 23 bald eagles and announcing the climax of a 2-year "sting" operation aimed at curbing illegal trafficking in endangered species. The picture cutline stated: "Anger, indignation swells at sight of 23 birds killed for profit."

On the same front page was another story reporting the latest decisions by the U.S. Supreme Court related to abortion. The decisions removed State and local requirements which a majority of the Court determined impeded the rights regarding abortion set down in the infamous 1973 Roe against Wade decision.

Where endangered species are concerned we are outraged at the slaughter.

Where human beings are concerned, it appears to be quite another matter.

It is a tragic commentary on our modern times that respect for life has become so skewed.

Abortion, rather than being seen as the destruction of human life, has been given the respectability of a constitutional right. Cloaked in phrases designed to obscure the reality of the act, life becomes a "fetus" or "tissue"; killing of this life is reduced to a mere "procedure."

While some still cringe at the recollection of Auschwitz or Buchenwald, there is little repugnance at the human slaughter which accompanies abortion on demand which has become part and parcel of acceptable conduct today.

Where is our outrage at the human life killed for profit—for convenience—for economic concerns—for "choice"—for whatever reason can be conjured up to justify this travesty.

Mr. President, we must begin to reorder our priorities where respect for human life is concerned. We must restore dignity and respect for life at all stages—beginning with the unborn.

It is clearly evident a constitutional amendment must be enacted to address the findings of Roe against Wade.

Senate Joint Resolution 3, in my judgment, is inadequate. I would much prefer to be voting upon language such as is found in Senate Joint Resolution 4, but this is not the opportunity afforded us today.

Nonetheless, it is imperative a stand must be taken if respect for life is to be restored, and the Senate must take this stand.

In voting for Senate Joint Resolution 3, we are taking a stand not only in behalf of the unborn, but in behalf of all life.

Mr. PACKWOOD. Mr. President, without the time being charged to either side, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATTINGLY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I ask unanimous consent for a call of the quorum with the time chargeable to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, earlier unanimous consent was granted, I believe, to extend the time for debate on the abortion resolution to 4 p.m. Through a misunderstanding, Mr.

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President, that was not cleared on both sides. I was not on the floor and was not aware of it.

Mr. President, I ask unanimous consent that that order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Alabama be given 20 minutes at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Alabama.

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mr. DENTON. Yes.

Mr. BAKER. Mr. President, let me made sure we understand what is happening here. On the allocation of time the time will expire at 3:49 p.m., and Senators speaking on whatever basis, except by unanimous consent, which will be objected to, will not change that time.

May I inquire most respectfully then who is yielding time to the Senator from Alabama?

The PRESIDING OFFICER. The Senator just obtained 20 minutes by unanimous consent.

Mr. BAKER. In addition? Mr. President, may I ask the managers, please, if they will yield time to the Senator from Alabama because I really do not wish to change that time and had I been on the floor when that request was made I would have objected to it.

Mr. HATCH. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. It is our understanding as managers of this bill that my time has expired. Senator Packwood, the distinguished Senator from Oregon, has time remaining. Both of us have agreed to try to accommodate any colleagues on either side on this issue who come to the floor. Yet we both understand this debate will end at 3:49 p.m. Therefore, is it correct for me when I ask unanimous consent for time to also state that that time should be taken out of whatever time is available up to 3:49 p.m.? Would that be more correct?

The PRESIDING OFFICER. The Senator from Oregon would have to consent to yield the time.

Mr. HATCH. I guess first I should ask the distinguished Senator from Oregon to allot time as his time expires.

Mr. PACKWOOD. As I understand, there is no time but my time.

The PRESIDING OFFICER. There is no time but the time of the Senator from Oregon.

Mr. PACKWOOD. What I will try to do, and I wish to say this again to the Senator from Utah, I expect a number of supporters on our side to come and speak and, because the side of the Senator from Utah has had substantially more time, I would give them preference. I am still hoping he and I will have 15 or 20 minutes apiece to summarize.

Now, working backward from 3:49—and this is now my time now—it is clear to me that those on both of our sides who would want to speak are not going to get to speak. I will be as generous as I can with the time, but I may not be able to grant all of the requests that the Senator asks for.

Mr. HATCH. That is all I could ask for. I thank my distinguished colleague. We both understand that this debate will end promptly at 3:49.

Mr. BAKER. I thank the Senators for that. Let me make an inquiry of the Chair. This morning when we opened I inquired of the Chair, and there was a different Parliamentarian here at the time, how much time remained. At that time, I believe I stated that it would all expire at 3:49. That is what I was depending on. Perhaps that was an error, but that was the representation I made at the time.

Could I' inquire of the Chair at this time when the time for debate will expire, assuming there are no extensions of that time?

The PRESIDING OFFICER. There are exactly 2 hours and 13 minutes remaining.

Mr. BAKER. And there are no extensions? That is the way we started out this morning, is that right?

The PRESIDING OFFICER. There were 2 hours and 49 minutes remaining.

Mr. BAKER. There are 2 hours and 13 minutes remaining at this time and they all belong to Senator Packwood?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. The Senator from Utah, I am sure, will implore the Senator from Oregon to try to accommodate other speakers. I add my supplication to that. I really urge we not change that time.

Mr. PACKWOOD. I want to make sure where we are. We are recessing from 12 to 2 p.m., is that correct?

Mr. BAKER. That is correct.

Mr. PACKWOOD. How much time is remaining?

The PRESIDING OFFICER. Two hours and 12 minutes.

Mr. PACKWOOD. So that puts us done at about 3:30 p.m., is that correct? An hour and a half after 2 o'clock and 30 minutes now. I just want to know where we end up.

The PRESIDING OFFICER. The Chair calculates we have 30 minutes remaining and it puts us to 2:45 p.m.

Mr. PACKWOOD. Not if there are 2 hours and 12 minutes remaining. We are coming back at 2 p.m. with whatever time is remaining.

The PRESIDING OFFICER. Approximately 3:45 p.m.

Mr. PACKWOOD. Approximately 3:45.

I think I will grant the time in about 10 minutes blocks in case any of my speakers come in. So I yield 10 minutes to the Senator from Alabama.

Mr. HATCH. Mr. President, I ask my colleagues who speak on their time to use their 10 minutes and if they need more, we will ask the distinguished Senator from Oregon to grant it. If he does not, they can put the rest of their statements in by unanimous consent.

Mr. DENTON. Mr. President, it is my understanding that my staff has been in touch to arrange a time at which I might speak. I am advised that a time was arranged yesterday and that it was changed until 2:30 today. It has further been changed to 11:30 this morning. I do not want any of the people whom I represent to think that there has been any unwillingness or lack of eagerness on my part to address the subject by whatever result obtained from the discussion that just occurred.

Mr. BAKER. Mr. President, let me make sure that the Senator from Alabama understands and everyone else understands. All I am trying to do is to preserve absolutely and literally the agreement that was hard won and arrived at after difficult negotiations for 10 hours equally divided for debate on this very sensitive issue. I believe we have accomplished that. The Senator from Alabama clearly wishes to speak, should speak, and is dedicated to this issue and has now been given time in order to do so.

But let me say that no change at all has been made. This was exactly the way it was done yesterday.

Mr. DENTON. Mr. President, I am not questioning the majority leader's fairness or propriety in this. I am just making a statement for the Record that I was ready to talk about this beginning yesterday, and I hope that the 10 minutes will be extended 10 more if Senator Packwood's next speaker does not come in.

I will begin again.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DENTON. Mr. President, I do not take the pains or the time to speak today under the conventional wisdom that no one will change their views on this issue. That conventional wisdom has been echoed at our luncheons and caucuses and I disagree with it. I believe that views can change as the result of reasoned debate. I know mine have in the past. Indeed, I realize that some, and perhaps many, opinions have been shaped less on the substance of the issue than on such subjective matters as the personal abuse that at least one Senator from Oregon has had inflicted upon him by those who oppose abortion. Such acts have only blinded many to the merits of the case against the destruction of innocent life.

I and others who oppose abortion on demand do not have a monopoly on compassion. Many of those who oppose this amendment, including Senator Packwood, have a deep, and I believe sincere, concern for women and girls who find themselves facing a difficult decision. This does not in any way mean that I agree that abortion is the answer but I deeply respect Senator Packwood and others who are struggling to preserve what they view as the solution to these problems.

Moreover, if one views the constitutional process as a mechanism that preserves the fundamental rights of both the majority and minority, I think we can appreciate the importance of the role that Senator Packwood and others are playing. Amending the Constitution should not be easy. It should flow out of a societal consensus that the status quo is unacceptable and that change must be made.

In that spirit, Mr. President, I rise in strong support of Senator Hatch's amendment, Senate Joint Resolution 3. The real issue before us is not when life begins, nor is it abortion as an issue in isolation from other concerns. What we are discussing today is the confrontation between an ethic that respects the sanctity of all innocent life, and one that imposes variable values upon human existence depending on its usefulness to others, its alleged meaningfulness, or its quality.

I suggest to my colleagues that the proabortion position in general, and the line of judicial decisions beginning with Roe against Wade in particular, are based upon a quality of life ethic that denies the dignity and rights of handicapped children and others after birth just as surely as it denies the dignity and rights of all human life before birth.

I wish to be absolutely clear on that point. I am not saying only that abortion diminishes our respect for life and begins a slippery slope toward infanticide. I am saying that the precise philosophical and legal arguments used for the last 10 years to defend abortion are, by their very logic, already applicable to infanticide. The only thing that has thus far prevented those arguments from dominating our legal system is the remnant of the sanctity of life principle that we have retained from before the chain of decisions beginning with Roe against Wade. I do not know how much longer that remnant can withstand the corrosive effect of the abortion rulings from the Supreme Court and other courts. We must take action to reverse those decisions before they can do further damage.

Some of my colleagues may think that I am saying something controversial by positing a direct link between abortion and infanticide. They are gravely mistaken. I would like to present three statements to which most major thinkers on both sides of the abortion issue can subscribe. I repeat: these three statements have been made repeatedly by ethicists who support abortion on demand as well as those who oppose it.

The first statement is this: The abortion debate has nothing to do with the biological question of when a new living organism of the human species comes into existence. As a biological matter, each genetically complete human individual comes into existence at conception. All subsequent stages of development are just stepping-stones in the life cycle of the same human being: from embryo, to fetus, to infant, to child, to adolescent, to adult.

The second statement flows naturally from the first: What the abortion debate is really about is whether defenseless living members of the human species have lives worthy of respect, or whether we can dismiss some lives as being less worthy than others. In other words, all living members of the human race deserve the philosophical and legal title of "person," or are some human beings unworthy of that status because of their age, their location, their dependency on others, their inability to perform certain mental or physical tasks, and so on?

The third statement follows naturally from the first two. It is this: If one accepts the quality of life position, in which all human life is not of equal value, there is no intellectually defensible reason why one must cease to make the distinction at the moment of birth. Abortion and infanticide, therefore, rise or fall together.

I suspect that some will claim that my statements, especially the third one, are special pleading for the pro-life cause. I assure you that the point is acknowledged by the proabortion side in the scholarly debate. Let me give a few examples to illustrate the point.

All three statements are found in a proabortion editorial published in the journal California Medicine in 1970 under the heading "A New Ethic for Medicine and Society." In quick succession, the editorial said: First, it is absurd to deny the scientific fact, which everyone really knows, that human life begins at conception and is continuous, whether intra- or extra-uterine, until death. Second, that the real debate is between the old sanctity of life ethic and the new quality of life ethic, with both being applicable before and after birth. Third, that since the old ethic has not yet been fully displaced, it has been necessary to separate the idea of abortion from killing, even though it is irrational to do so.

Many other examples appear in the hearing record and subcommittee report on Senator Helms Human Life Bill last year. For example, geneticist Leon Rosenberg testified against the bill, saying that there is no way of telling objectively what is worthy of being called human life in the philosophical sense of the word: "Some say that life begins at conception," said Dr. Rosenberg, "but others say that life begins when brain function appears, or when the heart beats, or when a recognizable human form exists in miniature, or when the fetus can survive outside the uterus, or when brain development is completed at two years of age."

Acceptance of those statements except the last one, of course, would mean that at least some of the abortions legalized by the Supreme Court in 1973 are genuine homicides in the fullest sense of the word. Acceptance of the last one would mean that the killing of any child under two—and of some mentally retarded adults—would not really be homicide. Interestingly, Dr. Rosenberg dropped the last statement from his testimony when he delivered it orally. I imagine one of his politically astute proabortion friends told him at the last minute not to give the game away.

One could go on with examples for hours. Joseph Fletcher of the University of Virginia, for example, has published certain "indicators of humanhood" based primarily on mental abilities: An IQ of 40 for example, would make someone "questionably human," whereas anyone "below the 20-mark" is "not a person."

Michael Tooley, of Stanford University, admits that quickening, viability, and birth are all completely unconvincing as "cut-off" points for permitting abortion. He, therefore, concluded as early as 1972 that "infanticide during a time interval shortly after birth must be morally acceptable."

Nobel Prize Winner James Watson suggests that birth certificates should only be issued 3 days after birth so parents can decide whether they want their child to live.

H. Tristram Englehardt of Georgetown University argues, "Not only is the fetus not in the strict sense a person, neither is a child until a certain level of consciousness is attained. The infant is still more an 'it' than a 'he' or a 'she.'" Englehardt's 1975 essay carries the chilling title, "Ethical Issue in Aiding the Death of Small Children."

The link between abortion and infanticide is not abstract. It is not only a characteristic of ethical theory. With every advance in prenatal medicine, with every new technique for treating the unborn child as a patient like any other, it becomes more and more obvious to the layman that birth is simply a change of location, not a sudden change from "blob of tissue" to "human infant." It has little to do with age. We have, thriving in our hospital nurseries, premature infants, who are much younger than some of the children being destroyed by abortion and discarded like garbage in those same hospitals.

Doctors know that better than anyone else, and they draw the obvious conclusion: What matters is not so much your stage of development as your perfection or, more generally, your "wantedness." In a 1975 opinion poll, 75 percent of the leading pediatricians and professors of pediatrics surveyed said that some abortions are better described as "infanticide." About 15 percent said abortion is always the same as infanticide. Answers to other questions in the survey suggested that most of the respondents were in favor of infanticide in some situations.

Yet some of my colleagues will still claim that the moment of birth is the magic point at which a fetus with no standing under the law, becomes a full-fledged legal person with all the rights of a citizen of the United States. Indeed, they will claim, that is exactly what the Supreme Court affirmed in 1973. The Court gave a woman a right to control the fetus as part of her own body before viability, but reaffirmed the child's personhood at the moment at which it can leave the womb and survive on its own.

That is absolutely wrong. It is grossly, absurdly wrong. I do not doubt that, if one were building an abstract legal system from scratch, it would be possible to define birth, or viability, as the point when valueless life suddenly becomes a person with rights. To say, however, that the Supreme Court's abortion rulings did that is to display an abysmal ignorance of those rulings. To the contrary, the Court has already explicitly rejected all the best arguments one might use to keep its rationale for termination of life from extending beyond birth. The rational has been expanded and clarified over time to the point that now, in 1983, all the legal mechanisms are in place to make a dead letter of all the constitutional rights of handicapped infants.

I will outline briefly the stages of that development. First, the 1973 abortion rulings themselves contained three things that prepared the way for legalized infanticide: First, the Court rejected the proabortion plaintiff's argument that abortion should be allowed because a woman has a constitutional right to do what she wants with her own body. The Court knew that this was an absurd principle, and that it would, for example, make State vaccination programs unconstitutional. So instead the Court posited a "right of privacy" which, it claimed, gave constitutional protection to decisions about the begetting, bearing, and raising of children. Here the Court cited several cases involving the rights of parents over their children after birth.

Second, the Court decided that, even after viability, the unborn child was only a "potential life," not a legal person, and therefore could be destroyed if a live birth might have an adverse effect on the woman's social or emotional "well-being." That, in and of itself, can be described as an authorization for infanticide, for abortion is medically defined as the expulsion of the fetus from the womb before viability. Moreover, the Court used "viability" as the "capability of meaningful life outside the mother's womb." Since "meaningful" remained an undefined and subjective term, one was left to wonder whether a fetus, a baby, might clearly be alive outside the womb and still not be "viable."

Third, the Court denied 14th amendment "personhood" even to "viable" unborn children, because statutory and common law had never treated them as having all the rights and responsibilities of "persons," and because most uses of the term "person" in the Constitution—for example, in clauses on who is eligible to vote or to be a Member of Congress—were not applicable to the unborn. As some legal scholars have noted, newborn children might also fail those two tests. Most uses of "person" in the Constitution apply only to adults.

Two days after the Court's rulings in Roe and Doe, the New York Times printed a letter, from Prof. Paul Ramsey of Princeton University, which was surely prophetic. Professor Ramsey said in part:

> Justice Blackmun described the grounds for compelling state interest in the unborn as their "capability of meaningful life outside the mother's womb." Meaningful? Thus the Court opened the door to weighing human lives according to comparative worthiness, or something called "meaningfulness."
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> Ineluctably we pass from abortion to infanticide, whether the Justices know it or not. Ineluctably, because many of the reasons alleged to justify permissive abortion have equal force in justifying the killing of neonates in hospital nurseries.

I am sure that Professor Ramsey was saddened but not surprised to find himself testifying before my Subcommittee on Family and Human Services only a few weeks ago in a confrontation with medical groups that now openly oppose legal interventions to prevent infanticide in hospital nurseries.

In the second stage of the legal evolution, the courts overturned manslaughter convictions against various physicians who had neglected, or acted to kill, children born alive during late-term abortions. In reversing criminal charges against Dr. Kenneth Edelin in 1976, in a case involving the death of a child born alive during an abortion at the margin of viability, the supreme judicial court of Massachusetts suggested that the physician must not be held to the same standard of care during an abortion as if a live birth had been intended. Requiring adherence to ordinary standards of medical practice for premature newborns might infringe on the "constitutional freedoms" that protect the "right" of abortion. Dr. William Waddill was acquitted of similar charges in 1978, although an eyewitness claimed to have seen him actually strangling a child who unexpectedly left the womb alive and gasping for breath.

In these and other cases, as one commentator put it, the fact of a live birth became "somewhat like a State border, which an officer of one jurisdiction may disregard if he is following a fugitive in hot pursuit."

The third stage took place with the Supreme Court's 1979 ruling in Colautti against Franklin. The Court invalidated as unconstitutional a State law requiring medical treatment for infants born alive and possibly viable during abortions. The decision was made in large part because a vindication of the right of those children to reasonable care after they leave the womb would have what the Court called a chilling effect on the right to perform late-term abortions. With that decision, the U.S. Constitution was allowed to justify the neglect of even healthy newborns whose parents did not want them to survive.

The fourth stage came with the widespread practice of prenatal diagnosis followed by selective abortion of the handicapped child. State courts began to allow suits for "wrongful birth" and "wrongful life," so that a physician could be sued for failing to perform prenatal tests and to facilitate abortion. One State appeals court suggested that a handicapped child should be able to sue her own parents for not having destroyed her before birth. Some courts thus used the abortion rulings to create a new financial pressure toward infanticide.

Imagine the following scenario: A physician delivers a premature infant girl by cesarean section, and finds to his surprise that she has a severe mental or physical disability. He suddenly realizes that, since he did not expect this, he never advised the mother to get an amniocentesis to insure that the child was not "defective," so the child or her parents could sue him for the lifetime costs of raising, treating, and educating her. The parents now realize not only that they must assume the burdens of raising the child, but that they could be sued by the child for inflicting upon her what some commentators have called "the injury of wrongful existence." The obstetrician, however, realizes that the Supreme Court's abortion rulings have provided not only the motivation but also the means for eliminating the problem.

What is to prevent physicians and parents from neglecting the infant until she dies and then claiming that she was not "viable" in the first place, especially since the Supreme Court has ruled that the determination of "viability" must be left to the judgment of the individual physician? What is to keep the physician and the parents from saying that the handicapped girl, even though born at full term, is not "viable" because she is not capable of truly "meaningful" life?

Since a late-term abortion by hysterotomy uses exactly the same techniques as does cesarean section, except that the patient is not supposed to survive, what is to prevent the physician from changing one line on the medical record and retroactively labeling the entire procedure as an abortion? That would prevent all prying questions about the child's death, and would place the physician and the parents under the protective umbrella of a fundamental constitutional right.

Ten years ago, abortion advocates claimed that abortion was, tragically, necessary as a backup for "contraceptive failure." Have we already arrived at the point where infanticide is a tragically necessary "back-up" to unsuccessful abortions? Please note that "wrongful life" suits are not based only on the acceptability of abortion. They assume that a handicapped child's life after birth is a "wrong," justifying financial penalties, and abortion is proposed as a means of preventing this wrong before it happens. But if a child manages to sneak past that net, why not "cure" the wrong that was not prevented?

Why not, indeed? Last year, the Indiana State Supreme Court asked itself that question and, imbued with the slogans and the spirit of Roe against Wade, it could not think of an answer. So a child had to die. This is stage 5: Quite judicial approval of infanticide. The baby boy now known as Infant Doe was born with Down's syndrome and with a digestive blockage that called for routine surgery. The child's obstetrician and parents decided against lifesaving surgery. The child was then refused all intravenous food and water, wheeled to a dark and empty room in an adult ward, and left to die of dehydration. That took 6 days. Witnesses say the baby cried a great deal the first 3 days, whether from fear or loneliness, or hunger, or all of them, but was much quieter after that when hunger and dehydration made him too weak to cry.

Massive efforts to save the child's life, by the hospital, potential adoptive parents, State prosecutors, and legal defense groups, were to no avail. Infant Doe died after the Indiana Supreme Court affirmed his parents' right to insure his early death. The court has sealed the records in the case, but all reports indicate that the well-worn rationale of the abortion rulings was the decisive factor in the court's decision. The parents' attorney defended their "freedom of choice" and accused the State prosecutor of intervening in "medical judgments" which should be reached only between the parents and their physician.

The decision to end the child's life was an ideological, not a medical, decision, but then so are most decisions to abort, even in the late weeks of pregnancy. The real motivation was that the child's life would have been a burden on the parents and not sufficiently "meaningful." If he had been allowed to live, claimed the attorney for the parents on a TV talk show, "there would have been a horrific trauma—trauma to the child who would never have enjoyed a quality of life of any sort, trauma to the family, trauma to society." Let us note that the abysmal "quality of life" that effectively invalidated the equal protection clause of our Constitution in this case was that of a child who might have been simply a slow learner in school, or even of average intelligence. It is impossible at birth to predict the severity of a particular case of Down's Syndrome.

Mr. President, the Reagan administration responded to the "Infant Doe" case by reminding hospitals that under the Rehabilitation Act of 1973, handicapped people have the right to equitable treatment. That effort simply to reaffirm that 10-year-old civil rights law has been blocked in the courts. Although Judge Gesell of the U.S. district court based his April 14 ruling on procedural grounds, he also left no doubt about where he thinks the law should come down on the substantive issue. Gesell has provided us with stage 6: Explicit, written judicial arguments in favor of extending the "quality of life" ethic to deny equal protection to handicapped citizens. Gesell himself, of course, does not call the victims "handicapped citizens," he calls them "seriously defective."

Judge Gesell proposes a two-tiered system to determine a child's right to lifesaving treatment. Such treatment should clearly be ordered when it will cure all handicaps, allowing the child to "attain complete health and develop normally." He doubts, however, that a child should be saved when its "quality of life" and "chances for an independent existence" will still be "seriously impaired" by a handicap. Gesell finds fault with routine surgery allowing a retarded child to eat, because it "cannot alter the mental retardation caused by Down's." In other words, handicapped citizens have a clear right to medical treatment only if it will remove their handicap.

Gesell goes beyond denying that handicapped newborns should get the same standard of care as other newborns. He denies that any standard of care at all exists for handicapped newborns. He expresses doubt that Congress really intended to protect newborn infants when it enacted the Rehabilitation Act, as though it doubted that newborns are legal persons subject to civil rights protections.

Despite all that, the most provocative sentence in the ruling is the remark that regulations protecting handicapped newborns "may in some cases infringe upon the interests outlined in cases such as * * * Roe against Wade."

In light of that ruling, Columnist George Will's reaction last April to the "Infant Doe" case seems fully justified. In a tone of controlled anger, he wrote:

> In 1973 the Supreme Court created a virtually unrestrictable right to kill fetuses. Critics of the ruling were alarmed because the court failed to dispatch the burden of saying why the fetus, which unquestionably is alive, is not protectable life. Critics were alarmed also because the court, having incoherently emphasized "viability," offered no intelligible, let alone serious, reason why birth should be the point at which discretionary killing stops. Critics feared what the Indiana homicide demonstrates: the killing will not stop.
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> The values and passions, as well as the logic of some portions of the "abortion rights" movement, have always pointed beyond abortion, toward something like the Indiana outcome, which affirms a broader right to kill.

When Roe against Wade was handed down in 1973, it apparently emboldened pediatricians who had been quietly neglecting handicapped infants to go public in the medical journals, and even to recommend their approach to other physicians. Two of the trailblazers, Drs. Duff and Campbell of Yale-New Haven Hospital, reported that 43 percent of the deaths in their nursery were related to withholding of treatment; those included situations identical with that of "Infant Doe" in Indiana. Duff and Campbell closed their article by saying, "If working out these dilemmas in ways such as those we suggest is in violation of the law, we believe the law should be changed." Ten years later, thanks to Roe against Wade's rationale and Judge Gesell, I fear they are about to get their wish.

Mr. President, I want to be honest and frank. My colleagues know that I am against legalized abortion at any stage, and that I consider it an unjustified attack on an innocent child. Some of my colleagues disagree strongly with my position on the matter. With respect to the legislation before us, however, which simply removes from our books the 1973 abortion rulings, I think the alliances should line up a little differently.

There are some in our country who are simply unreachable on the matter,

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because they do not have much of a problem with either abortion or infanticide. Such people consider the starving of a handicapped infant as just another defense of civil liberties and of the right of parental privacy. I do not have much to say to those people. Those in this body who share their view must surely vote against the amendment, because they must defend the series of Supreme Court decisions that provide the only clear legal precedent for a constitutional right to infanticide. I want them to know, however, that the quality of life ethic to which they subscribe is, to my mind, no ethic at all. It is a flimflam. It is a batch of sophisticated mumbo jumbo designed to rationalize the oppression of the weak by the strong.

I think that most people who support the Supreme Court's decisions, in this Chamber and around the country, do so because, they do not fully realize their conceptual and legal implications. To my colleagues I want to say, please reflect very deeply and very carefully before you vote to uphold the Court's abortion rulings. Pray and agonize over it a little. Because if you think that those rulings pose no danger to those already born, if you think that a little thing like legal personhood is going to protect the rest of us from the acid that is now eating its way through the legal wall that protects us, I think that all evidence is against you.

As I said earlier, it may be possible in the abstract to arbitrarily define birth as a boundary between life that can be killed, through abortion, and personhood that justifies protection of the law, but it does not make any logical or moral sense. It is definitely not what the Supreme Court's rulings have done. All unwittingly, I think we risk affirming a legal trend whose destructive power we have only begun to witness, judicial support and justification for the attitude that being unwanted, whatever one's age, is a capital offense. That trend contradicts everything else we defend in terms of the civil rights of handicapped people and other defenseless minorities who, at one time or another have not been wanted by those in power.

I urge my colleagues to vote with me on the legislation before us to prevent more damage. I realize that many of us may continue to disagree on the extent to which our Government should take affirmative steps to protect the unborn, but perhaps we can agree that the right to kill is not a healthy thing to have elevated to the status of fundamental constitutional principle.

I commend my colleagues who agree with me on the abortion issue for their commitment to the defenseless, who cannot say "thank you" themselves. I urge them to support Senator HATCH's amendment with every bit of enthusiasm they might like to reserve for a stronger measure. Many would prefer to be voting on an amendment that would clearly affirm that every human being, regardless of age or condition, has the status of a person before the law. I beg my colleagues to consider how little good that principle can do as long as the right to kill the unwanted is allowed to take precedence.

The courts can decide that handicapped infants are persons. They can also decide that the measures taken to snuff out their lives are not acts of killing but simply medical judgments. The courts can decide that, because infants are persons, they have a fundamental right to die or a right to be free of the injury of wrongful existence. None of us wants to wait around to find out what imaginative and creative lines of reasoning will be used next to broaden the scope of the killing.

I urge my colleagues to help me put out some of the raging fire now, and not argue about the imperfections of the hose we are using. We will surely fight another day over other aspects of the right to life, but I fear that the fight will be over if the court rulings are allowed to work their way more deeply into our legal system.

Mr. President, I shall use the remainder of my 5 minutes to suggest to my esteemed colleagues that that group of men who were our Founding Fathers were praised by the British who wrote the Encyclopedia Britannica as perhaps the most fortuitous group to ever form a government—although the British, in that same publication, made light of our military effort in the Revolution, they praised those men. I believe we are abandoning their principles to the point that we are eroding the basis for our own rise to prosperity and threatening our survival. Those men said that all men are created equal, that they are endowed by their Creator—not by some psychologist, some sociologist, some medical doctor or pediatrician with a theory—by their Creator and, as most of the people in the Western World, I believe in that Creator. And that Creator gave them certain inalienable rights—inalienable rights—that among these are life, liberty, and the pursuit of happiness.

Are we regarding life as inalienable? Or are we making it an alienable right which judges, doctors, and pragmatist quibblers can dispense with, dispose of, as they see fit? If so, we are emulating the Chinese in deciding that girl babies are undesirable; if they are not wanted, we will destroy them.

We are emulating the chicken breeders down in Alabama who determine that if the sex of a chicken is male, it must be destroyed because we do not economically need that many male chickens.

We are treating life with a sort of "modern" alienability which is not in concert with the great thought regarding dignity of life, liberty, and the pursuit of happiness which were the foundations of this society.

Western law is derived from the Jewish, Christian, and Islamic belief in the God of Abraham. The right to life is an inalienable right endowed by that Creator. If we are so rude and arrogant as to denigrate that great principle, we are tampering with the natural law and the fundamental premise of our American democracy.

As chairman of the Subcommittee on Family and Human Services, I have to deal with the Down's Syndrome and infanticide. I do not claim to know all the answers to every question on infanticide. Because of the depth of immersion I have had in that issue, I am very aware of the rationale among German psychiatrists and doctors which convinced Germany that it had a right to destroy the Jews in the Holocaust. We are headed down a similar path. We are discarding that philosophy which brought us to a pinnacle of greatness from which we are now descending.

The history of our Nation is made up in part by efforts to extend to groups of individuals—freed slaves, American Indians, immigrants from around the world, and women of all races—the benefits of the inalienable rights of life and liberty. Only the unborn, the little children who are victims of infanticide, and the elderly who are "euthanased" out of existence, present an anomaly in the parade of the elevation of human dignity, and, indeed, the pursuit of happiness based on the principle that all men are endowed with some spark of the Divine.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DENTON. I thank the Chair. I thank Senator PACKWOOD for the time.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

Mr. HATCH. If the Senator will withhold, I thank the Senator from Alabama for his speech and the great contributions he makes and has made in the past on behalf of the unborn. I just wish to express the great appreciation I have for him on the floor.

I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll:

The bill clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. PACKWOOD. I yield such time as the Senator wants.

Mr. CRANSTON. Mr. President, the issue of abortion is one of the most difficult matters that comes before this body. There are very strong views on both sides, arising from deeply felt personal convictions, religious beliefs, and moral perspectives.

My own view is that abortion is a tragic result for everyone concerned. I believe that the real solution lies in the development of public policies to provide realistic alternatives that would help reduce the number of abortions. Throughout my career in the Senate, I have actively worked to develop such alternatives, particularly through support of programs to make safe and reliable family planning services available to those who seek services in order to avoid unintended pregnancies, to provide necessary medical services to those women who seek to carry a pregnancy to term, and to facilitate the availability of adoption for women who choose that option.

However, the real issue before us is not what the personal views of any Member of this body are with respect to abortion, but rather whether government—at any level—should be allowed to intervene in and limit the choices of individual women in this most personal, private, and difficult area. The Supreme Court held 10 years ago, and reaffirmed 2 weeks ago, that if the right to privacy means anything, it means the right to be free from unwarranted governmental intrusion in this area. Under the Constitution, at present, the question of abortion is a private one with the decision as to propriety and necessity left to the individuals and physicians concerned. That is how it should remain.

That is the view held by the vast majority of Americans. National public opinion polls repeatedly show that an overwhelming majority feel that decisions about abortion are best left to those involved, guided by their own personal beliefs and convictions, free from governmental interference.

Mr. President, the proponents of this amendment seek to impose the views of one side of the abortion issue upon those who hold different, but equally firm convictions. That goal is in fundamental conflict with the basic concept of individual freedom which Americans have always held dear.

It is also clear, Mr. President, that the proponents of this amendment will not achieve their goal, even if this amendment were added to the Constitution.

Passage and ratification of Senate Joint Resolution 3 will not resolve the abortion debate—it will only prolong it.

It will not halt abortions, but merely change the conditions under which they are performed and the price to be paid, both in human and economic terms.

The abortion fights which have repeatedly paralyzed Congress would become regular events in State legislatures and the rights of individuals would be subjected to continuous shifting majorities in State legislative bodies, with one side prevailing one year, and the other the next.

In those States where abortions became illegal, we would see a return to the days when unskilled abortionists preyed upon desperate women. The abortion mortality rate, which has almost disappeared would again rise. Legal and safe abortions, however, would remain an option for those women able to travel to other States or countries. The less affluent would be denied those choices.

Mr. President, once before in the history of this Nation, we adopted an amendment which attempted to impose the moral convictions of one segment of our society upon the rest. The 18th amendment was a miserable failure. It bred disrespect for the law among our people, made criminals out of otherwise law-abiding citizens, and created an industry of illegal profiteers and corruption. Adoption of this amendment would invite the same dire consequences.

Finally, Mr. President, there are substantial reasons to oppose this particular amendment irrespective of the abortion issue. Senate Joint Resolution 3 would establish a dangerous precedent for resolution of disputes over what are unquestionably fundamental and deeply controversial matters.

Unlike the various other proposed constitutional amendments related to abortion, Senate Joint Resolution 3 would not, by itself, outlaw abortion. Rather, lacking the consensus or public support necessary to achieve an outright ban, the proponents of this amendment seek to reduce a constitutionally protected right to one that could be limited or denied by a simple majority vote of a State legislature or the Congress. Citizens would be forced to negotiate on a State-by-State basis to assert what had been a fundamental right. What other fundamental rights might be subjected next to this approach? Should freedom of speech or assembly or minority rights be subjected to State-by-State determination?

Our Constitution stands as a safeguard against governmental intrusion into individual freedoms wherever one resides in the Nation. This amendment would alter that relationship and establish a precedent that could later be applied to other basic rights—an intolerable result, I believe.

Mr. President, Senate Joint Resolution 3 is a bad amendment and it represents bad public policy. I urge its defeat.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m. today.

Thereupon, at 12:05 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

CONSTITUTIONAL AMENDMENT ON ABORTION

The Senate continued with the consideration of Senate Joint Resolution 3.

The PRESIDING OFFICER. All time is now controlled by the Senator from Oregon (Mr. PACKWOOD); 1 hour and 43 minutes remain.

Who yields time?

Mr. PACKWOOD. Mr. President, it is my intention, in a moment, to yield to the Senator from Massachusetts, but I first yield to the Senator from Minnesota.

Mr. DURENBERGER. I thank the Senator from Oregon.

Mr. President, the issue before us today has become one of the most difficult questions facing Congress and our society. While the disagreement over the resolution of this issue runs deep, it is clear that few people are satisfied with the present state of uncertainty.

Despite repeated congressional attempts, State and local laws and judicial rulings, our society has failed to reach a consensus on the question of abortion. In fact, contradictory policies seem to be the rule rather than the exception.

A court in one State convicted a man of murder for shooting and killing a fetus in a woman who survived the wound. A court in another State declared that a fetus has the right to inherit property. State legislatures and city councils have passed laws to restrict abortions and guarantee rights to the unborn.

While some of these laws have been struck down by the Supreme Court and some of the judicial rulings may be overturned, they stand out as just a few of the many examples of contradictions in our society's policies on abortion. If anyone is arguing to maintain the status quo in order to clarify the question, then that person has been too far removed from the reality of how confused are our society's policies on abortion.

We are in desperate need of a societal consensus on abortion. I believe the Hatch-Eagleton amendment is the best vehicle to achieve that consensus, and I strongly urge my colleagues to support its passage.

I hope my words today and the arguments of the others who will speak in favor of this proposed constitutional amendment will not fall on deaf ears. Yet, I suspect that we could debate this issue for 10 hours or 10 weeks without changing a single vote in the U.S. Senate. I know that my colleagues on both sides of the question have not arrived at their positions without a lot of study, discussion, consideration and soul searching. I also know that their positions will not easily be changed.

Regardless of the fate of this amendment, I hope that my words today will at least cause opponents to reflect on their positions.

Mr. President, I believe that America is society at its best. I am only surprised when America fails to achieve the best. Sadly, that is the case with the untold number of unwanted children who are conceived every year.

Everything that caused me to get involved in public service years ago and caused me to become a candidate for the U.S. Senate in 1978 causes me to plea with this Congress to recognize our obligation to those children.

Abortion is not the answer. Some have argued that this human life federalism amendment sets a dangerous precedent: For the first time in our country's history, say opponents, an amendment to the Constitution would restrict a person's rights, namely a woman's right to privacy.

The basis of this amendment, however, is the rights of a severely disadvantaged group; the unborn. This amendment deals with one essential question: Does the unborn have the right to life? In my mind, the answer must be "Yes."

So, the crux of this debate is not whether we are taking away rights. Our society always has had to choose between competing rights. Throughout the years, interpretations of the very first amendment to the Constitution have recognized the need to balance rights. Americans are guaranteed the right to freedom of speech, until that speech is used to slander another person or incite lawless action. At that point, the right to freedom of speech is restricted because our society considers other rights to be more important.

Our society has even placed limits on the right to privacy, especially when the health and safety of an individual, a group of individuals or society as a whole are endangered. For example, Congress and Federal, State, and local agencies not only deem administrative inspections of private property to determine if health and safety standards are being met appropriate, but in many cases necessary.

The Hatch-Eagleton Human Life Federalism amendment clearly does not establish precedent, it follows a well-established and necessary pattern of balancing rights in a diverse society. This balancing of competing rights is vital if we are to remain a free society based on equality. Rights must not be accorded only to those who are articulate enough or wealthy enough to be heard by the policymakers of our country.

The only question that counts in this matter is whether or not the unborn should be guaranteed the right to life. Everything else, frankly, is a smokescreen. The scientific community cannot provide a certain answer any more than public opinion polls can. Both are divided on the issue.

In the end, it comes down to the obligations we, as elected representatives of this society, incurred when we were sworn into office. The most important of those obligations is to defend the rights of the helpless. And there is no person in our society today who is more helpless than the unborn.

If a court considers an unborn child a person who can be murdered, then certainly we must consider unborn children persons who have a right to a quality life.

Regardless of the fate of this amendment, I fervently hope all of us—proponents and opponents of this amendment—will commit to improving the quality of life for all children. Those of us who support the Hatch-Eagleton amendment must do more than say no to abortion. We must provide alternatives.

A study by the Alan Guttmacher Institute estimated that in 1981, 814,000 unintended pregnancies, including 423,000 among teenagers, were averted as a result of family planning services. More than half of these pregnancies would have ended in abortion.

Yet, title X of the Public Health Service Act is under attack by many. Rather than weakening this program, we should be doing everything in our power to strengthen it and expand its services.

In the same vein, this Congress has an obligation to assure appropriate funding for child welfare services, foster care and adoption services. Our children must not be on the front line in the battle to control the Federal budget. The same fervor we bring to protecting the unborn's right to life must be brought to funding programs that will provide the necessary health care for mother and child during pregnancy and the opportunity for a quality of life after birth.

Mr. President, let me conclude by saying that perhaps the greatest instrument in the Constitution of the United States is the system of checks and balances. It has served our Nation well, especially in protecting the rights of individuals.

The Supreme Court, as part of that system of checks and balances, has often broken new and important ground at times when Congress or the executive branch were unable or unwilling to lead.

Yet the Supreme Court is composed of people like us, like the public we serve. For all their years of study, for all their dedication to the issues and to the principles of our Nation, the Justices throughout the years of our Republic have occasionally erred. In 1857, 126 years ago, the Supreme Court majority erred in the infamous Dred Scott case when it declared blacks to be noncitizens. Congress responded, rightfully, by correcting that error and submitting the 14th amendment to the States for ratification.

In 1973 and again in 1983, I believe the majority of the Supreme Court has erred in declaring the unborn to be nonpersons. It is our duty today, as it was our predecessors' duty a century ago, to use the system of checks and balances to correct the Supreme Court's wrong and submit the Hatch-Eagleton Human Life Federalism amendment to the States for ratification.

Mr. PACKWOOD. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Senator from Massachusetts yield to me so that I can put further requests with respect to committee meetings?

Mr. KENNEDY. I yield.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, June 28, at 2:30 p.m., to hold a markup on the following bills:

S. 1168, trust lands for Kaw Tribe of Oklahoma.

S. 856, Indian housing bill.

S. 1224, judgment funds for Creek Nation.

S. 1249, Indian member of the Advisory Commission of Intergovernmental relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, June 28, to hold a markup of the Clean Water Act Amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Conservation, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, June 28, to hold an oversight hearing on soil and water conservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, did I correctly understand from the Senator from Massachusetts that he anticipated that there would be a request in respect to the Armed Services Committee?

Mr. KENNEDY. Yes.

Mr. BAKER. Mr. President, I mistakenly thought that was one of the three, and it is not. I do not put that request at this time. I note that the Senator has indicated that he would object if such request were put.

Mr. KENNEDY. The Senator is correct.

The meeting was scheduled for 2 o'clock, and I had anticipated that there would be such a request today. So I would make that objection, should such a request be made.

Mr. BAKER. I thank the Senator.

CONSTITUTIONAL AMENDMENT ON ABORTION

The Senate continued with the consideration of Senate Joint Resolution 3.

Mr. PACKWOOD. Mr. President, in yielding to the Senator from Massachusetts, I call attention to the fact that six Senators want to speak between now and 3 p.m. Senator BAUCUS will speak next. I would appreciate it if the Senator from Massachusetts would keep that in mind.

Mr. KENNEDY. Mr. President, I oppose the Hatch constitutional amendment on abortion. As we debate this issue again in the Senate, I am struck by an unusual irony. In recent years, a number of our colleagues—on the Senate floor, in committee meetings, and in the media—have regularly denounced excessive intrusion by Government into the lives of citizens. These colleagues have urged us to get Government off people's backs; they have extolled the virtues of less Government and greater individual liberty.

But as the years have passed, we have come to understand the true import of these slogans. To the reactionaries, less Government means more liberty for polluters to poison the air and water and despoil the wilderness. Getting Government off people's backs means tax cuts that primarily benefit the wealthiest individuals and corporations. Greater freedom means opposition to a constitutional guarantee of equal rights for women. To the reactionaries, less Government means fewer programs to help the most vulnerable in society—the elderly, the poor, the sick, the disabled, the unemployed, and the female heads of households who comprise an ever larger segment of our Nation's needy.

To paraphrase a famous aphorism, the proponents of this narrow view of liberty believe that the rich as well as the poor should be free to sleep under bridges, to beg in the streets, and to stand in unemployment lines.

These advocates of reaction disdain one of the greatest and most progressive principles ever established, not only in American history but in the long history of human freedom—the individual's right to privacy. As Justice Louis Brandeis wrote a half century ago:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness . . . they sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations.
>
> They conferred, as against the government, the right to be let alone, the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of this [Constitution].

The self-proclaimed opponents of less Government interference now stand before the Senate with a proposal that would increase the involvement of Government in the most private of all decisions. They talk of taking Government off people's backs—and then fight to put Government into people's bedrooms.

Where our Constitution affirms diversity of thought and freedom of belief, they seek conformity to a single vision of America. They are now demanding a Government-imposed regime of intolerance toward those whose religious creed may differ from theirs, and whose gender happens not to be male.

I know there are many sincere people of deep conviction who seek to outlaw abortion—but given my conception of America as a pluralistic society, I cannot in good conscience join them.

The issue before us touches some of the most deeply personal questions in individual life. I do not believe that any woman makes the decision lightly whether to have an abortion. This is an issue, perhaps above all others, on which decent people hold deep and widely differing beliefs and values. Men and women, lay persons and clerics, have conscientiously reached their own decisions as to when, if ever, abortion is permissible.

The question we face today is whether the U.S. Constitution should be amended to decide this intensely private decision for all Americans. I am convinced that the issue of abortion cannot appropriately or effectively be resolved by legislative action or by amendment of the Constitution. It is, and it must remain, a matter of individual conscience.

Therefore, I do not believe that Senate Joint Resolution 3, or any constitutional amendment or any statute, can settle the abortion controversy. In fact, instead of resolving the issue on the merits, Senate Joint Resolution 3 will only make the present situation worse, by authorizing Congress and the States to legislate future answers by statute. The result could well be endless controversy about this profoundly divisive issue—with 50 different solutions, 1 for every State, and perhaps with each solution changing repeatedly in response to the changing power of different pressure groups.

Finally, it is disturbing that so many proponents of this amendment have voted consistently against the help and support that can mean fewer abortions. They have cut funds for maternal and child health programs that prevent fetal disease and help a mother carry a child to term. They have cut immunization programs that protect against crippling birth defects. They have opposed education and job training programs that give the poor and disadvantaged an alternative to despair and dependency. They have sought to abolish programs that offer family planning services for those who wish them. In the name of less Government, they turn their back on proven alternatives to abortion, and then seek to resolve the problem by the most intrusive kind of Government of all.

I am proud to have stood for Government when it has brought better health care to parents and children, better education, better jobs, and a better future. I have sought less Government and more free enterprise when that means greater efficiency and the end of outworn programs. And I am proud to have stood for less Government when it means the defense of our priceless freedoms—of thought and religion, of speech and press, and

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assembly. Congress will never resolve the issue of abortion by Government fiat. But by defeating this amendment, Congress can begin to move beyond this issue and work to enhance American life in ways that are effectively and properly within the competence and scope of Government.

Mr. PACKWOOD. Mr. President, I thank my distinguished colleague from Massachusetts for support of this issue.

I now yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I first wish to commend the Senator from Oregon for his efforts on this issue. I also wish to thank Senator HATCH from Utah and Senator EAGLETON from Missouri for the way in which they are presenting this matter to the Senate.

Mr. President, as we all know, other Senators in previous sessions of Congress have recommended that we address this issue differently. They urged Congress to end run the constitutional amendment process. In so doing they urged us to pass statutes that would restrict the jurisdiction of the U.S. Supreme Court not only on this issue but also on a number of other significant matters.

At that time I strongly opposed those court-stripping proposals. I thought they were wrong then; I think they are wrong now. In my view, they are clearly unconstitutional.

Mr. President, courtstripping is not the issue before us today. Fortunately, Senator HATCH and Senator EAGLETON are not trying to end run the process. Instead, they are, to their credit, addressing this issue frontally, in a straightforward manner, and I commend them for so doing.

Mr. President, in these busy and difficult times, it is important that we not lose sight of the paramount status of our Constitution. The U.S. Constitution is the single most important document in this country. It embodies the supreme law of the land. It establishes and circumscribes the powers of the Government. It defines and protects the fundamental rights and liberties of American citizens. Each principle articulated in the Constitution has a profound effect on our Government, our society, and our individual lives.

Changing the Constitution is therefore a task that should be undertaken only with reluctance and only with a complete understanding of the consequences of such action. The potential impact of new constitutional principles should be clear. And they must be consistent with the basic notions of societal justice and individual freedom upon which this Nation was founded.

In my judgment, Senate Joint Resolution 3 does not meet either of these criteria.

The lack of clarity in Senate Joint Resolution 3 is alarming. The language of the proposal does not resolve significant policy questions that should be addressed. For instance, what effect does the absence of the right to abortion have on other fundamental rights that are not mentioned, like the right to due process, the right to equal protection of the laws, and the right to privacy? Are these rights left intact or are they too meant to be circumscribed? Under the proposed amendment, are the States given free rein to outlaw abortions altogether? May different States have different standards regulating the availability of abortions? And what can and should be the role of the Federal Government in dealing with the issue?

None of these questions is addressed or answered by the Hatch/Eagleton proposal. It offers no clear and overriding principle of constitutional proportions to give guidance to today's lawmakers or to future generations. In my view, our Constitution should not become a repository for vague and imprecise statements of nonrights, such as those set forth in Senate Joint Resolution 3.

While I am deeply troubled by the lack of clarity, I am even more troubled by the inconsistency of this amendment with the fundamental principles and purpose of our Constitution. The Constitution was written and ratified largely to prevent Government from unnecessarily interfering with personal freedoms. Amendments to the Constitution have historically been designed to give greater protection to these freedoms and clear articulation to individual rights.

Senate Joint Resolution 3 would accomplish just the opposite. Instead of enhancing or protecting basic liberties, it eradicates a right that has previously been recognized. Instead of keeping the Government at arm's length from our private lives, it invites governmental intrusion into the most personal of private decisions.

We, in Congress, have a solemn responsibility to protect and preserve the Constitution, the constitutional tradition, and constitutional rights of all Americans. In my view, the adoption of the Hatch/Eagleton amendment is incompatible with this responsibility.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, will the distinguished Senator from Oregon yield to me?

Mr. PACKWOOD. I Yield.

The PRESIDING OFFICER. Time is yielded by the Senator from Oregon to the Senator from Utah.

Mr. HATCH. Mr. President, the moral contradictions of legalized abortion become greater, not less, with each passing year. In our Nation well over 100,000 abortions a year are performed after the first trimester. Yet in modern neonatal units, younger and younger children are surviving.

I ask unanimous consent to have printed in the RECORD two recent press accounts of babies born, respectively, 16 and 18 weeks prematurely, who survived.

There being no objection, the press accounts were ordered to be printed in the RECORD, as follows:

[The Houston Post, June 9, 1983]

SMALLEST HUMAN ALIVE BREATHING ON HER OWN

VICTORIA.—A four-month premature infant—considered the smallest human being alive in the world—rested peacefully in a hospital incubator Wednesday breathing on her own, a doctor said.

"She is the youngest human alive in the world," said Dr. Wadieh El-Mahmoudi, the pediatrician for 14-ounce Melissa Maurer, born 4 months prematurely on June 1.

"They say in the Guinness Book (of World Records) that in England they had one baby born at 10 ounces, 14 years ago. Now, she (Melissa) is the youngest and the smallest human being alive in the whole world," he said.

The mother, Sandy Maurer, is optimistic her daughter will survive.

"I think she's going to make it. She's my miracle baby," Maurer said.

The tiny blond infant has breathed on her own since her birth. Nurses in the neonatal intensive care unit at the Citizens Memorial Hospital in Victoria, 50 miles south of Houston, said they keep a "watchful eye on her all the time."

Nurses have propped pillows around her to minimize any movements to prevent her from burning calories that could cause her to lose precious weight.

"The only thing near her is a bear that makes fetal noises like the womb," said one nurse.

"So far there are no complications that usually happen with prematurity," the doctor said.

Although El-Mahmoudi agrees the child is a miracle, he gives her only a 20 percent chance of surviving.

"As every day passes, I'm more hopeful. We go hour by hour. The more time passes, the better her chances are of survival," he said.

"So far she appears completely normal, just premature," the doctor said.

Maurer told doctors she was unaware she was pregnant until "several days prior to delivery," El-Mahmoudi said.

"She had two tests that were negative, and the third test was positive. When she knew she was pregnant . . . a couple of days later, she went into labor," the doctor said.

The tiny infant weighed one pound, two ounces at birth, but quickly dropped down to 12 ounces because she could not be fed.

Doctors inserted a tube through her navel to feed her a mixture of proteins, dextrose, and vitamins to keep her alive.

[From the Washington Post, Mar. 31, 1983]

INFANT BORN 18 WEEKS PREMATURELY AT 17 OUNCES SURVIVES AFTER 7 WEEKS

(By Jay Mathews)

LOS ANGELES, March 30.—A 1 pound, 1 ounce infant born 18 weeks prematurely has survived for almost two months in San Diego. She may be the smallest baby known to have survived such a premature birth.

The doctor caring for Ernestine Hudgins, who now weighs 1 pound, 14 ounces, said she has a 95 percent chance of survival.

"She is very special," said Dr. Morton L. Cohen, medical director of the neonatal unit at San Diego's Children's Hospital. "Her lungs should not have been developed at all, and her brain should not have been developed to the point where it could tell her to breathe."

The unprecedented survival of the child, born to San Diego housekeepers Gloria Patterson, 27, and Ernest Hudgins, 24, is expected to fuel controversy between pro-abortion and anti-abortion groups.

Ernestine was born after only 22 weeks of gestation. This is six weeks earlier than the 28-week point of "viability" suggested by the U.S. Supreme Court as the stage when the government might begin to regulate abortions.

"Viability is only dependent on the extent of the sophistication of the medical equipment available to keep these kids alive, and this goes to prove it," said Dan Donehey, spokesman for the National Right to Life Committee.

According to a spokesman for the American College of Obstetricians and Gynecologists, "There is no unambiguous documentation that an infant born weighing less than 601 grams at a gestational age of 24 weeks or less has ever survived." Ernestine, however, weighed 484 grams at birth, and both her mother and Cohen said today they were certain of the gestational age of 22 weeks.

Cohen cautioned against using Ernestine's case to justify massive efforts to save other children born prematurely. A baby born 17 weeks prematurely and also weighing pound, 1 ounce survived in San Diego in 1978, Cohen said, but remains severely retarded.

Cohen said Ernestine at birth in most ways fit the profile of an infant her age, showing, for instance, no calcification in her bones since that process begins at about 25 weeks.

However, her lungs were unusually well developed. He said she has developed chronic lung damage characteristic of premature babies, but the damage is considered minor. She is being kept on a respirator and is being fed high-calorie formula through a tube in her stomach.

Cohen said she would remain in intensive care for at least two more months, but so far gave every sign of developing into a normal child.

Patterson, Ernestine's mother, said in an interview that she was in pain the day before her baby's Feb. 8 birth and went to Sharp Hospital. The doctor there told her to expect a miscarriage, but she insisted on staying at the hospital. The child was born at 8:30 the next night.

The baby was transferred to Children's Hospital the next day, and doctors told her the chances of survival were not good.

"But she's still here," Patterson said, "and I am real happy."

BABY, DELIVERED AFTER MOTHER WAS LEGALLY DEAD, IS HEALTHY

SAN FRANCISCO, March 30.—A healthy 3-pound boy was born two months after his mother was legally dead, doctors at the University of California hospital said today.

The baby was nine weeks premature and suffered from a minor respiratory problem, but was otherwise healthy with "excellent" chances of survival, a doctor said.

After the cesarean delivery, the mother was removed from life-support systems and immediately stopped breathing.

A hospital spokesman said the mother was in her mid-20s and "very healthy" until a brain seizure Jan. 24. When her brain ceased to function, the woman was declared legally dead. Her husband and parents elected to keep her on life support until the baby's birth.

At the time of the mother's seizure, the fetus weighed 1 pound.

"The (Senate Judiciary) Committee observes that no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy."—Official report of the U.S. Senate Judiciary Committee on the Hatch Amendment, June, 1982.

EVERY CHILD A WANTED CHILD

Mr. HATCH. Mr. President, advocates of legal abortion often refer to unwanted children. The implication is that the value of a human being is somehow determined by others. I categorically repudiate this type of thinking for the following reasons.

Our psychological society has elevated the idea of wantedness to a primary condition for human happiness. As such, it has become a so-called social good that can justify almost anything. When applied to inanimate objects, those objects become prime candidates for the refuse pile. When applied to unborn children, they become candidates for abortion. At some point in human history, every brutalized minority has felt the sting of this word. Its full import was last witnessed in the slaughter of 6 million Jews. Those who bear its sign are marked for death.

Before blindly accepting this label, let us first consider some facts. To begin with, there is no correlation between an unwanted pregnancy and not loving the baby after birth. The reasons for this are simple and need no complicated academic explanation. A certain amount of anxiety and fear are common companions of pregnant women. Even under the best of circumstances, there is emotional upheaval and mixed feelings about a pregnancy. Feelings of depression during the early stages of pregnancy are not uncommon. What is uncommon, however, is to sail through a pregnancy with absolutely no feelings of inadequacy.

What should be carefully borne in mind is that how a woman may feel early in her pregnancy is not how she will usually feel late in her pregnancy. Consider the following information:

After studying a representative sample of 9,797 mothers who conceived in late 1973, the National Center for Health Statistics (HEW) found that one-fifth of the subsequent births were actually unwanted at the time of conception. Upon analyzing these unwanted pregnancies, the NCHA concluded that:

> Many unplanned or undesired pregnancies result in children who are cherished. It is incorrect to conclude that "unwanted births" are the same as "unwanted children." [1]

A 1967 Danish study of 180 women whose applications for abortion were denied, concluded that most were satisfied with having the child. Several of those who did not had severe psychological problems.[2]

As long as 30 years ago, the divergence of attitudes during and after pregnancy were noted. M. Zemlick and R. Watson demonstrated a spontaneous change from prepartum to postpartum acceptance of their children by a group of mothers.[3]

The argument runs that wantedness somehow produces happier or more successful people. While no objective measure of happiness has yet been devised, one thing is certain: human achievement is unrelated to how wanted a person may have been. In one study financed by Planned Parenthood no direct evidence was found linking unwanted conceptions with undesirable effects on either parents or children.

> This writer and others found it somewhat embarrassing to have to confess that there was little clear evidence that unwanted conceptions were in a worse light than other conceptions." [4]

Another researcher found no relationship between unplanned pregnancies and newborn deviant behavior.[5] In fact, no convincing body of scholarship has yet emerged which shows a direct causal relationship between happiness and achievement in later life. Success is not the exclusive offspring of happy children.

And really, what does wantedness mean? Unwanted by whom? Every infertile couple seeking adoption would dispute the idea that an unborn child could be unwanted. Thousands of such couples anxiously await an adoptable child and most are never satisfied. The demand for adoptable children far exceeds the supply, as all studies indicate. Emily Gardner of the Child Welfare League of America says:

> In this country we have so many couples wanting to adopt infants or children as close to infants as possible that they wait as long as five or six years for a child.[6]

Footnotes at end of article.

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I submit, Mr. President, that the question is not one of compelling a women to have a child who she does not want. A pregnant woman already has a child—the question is, Will she permit that child's life to be snuffed out, for any reason, or for no reason?

FOOTNOTES

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[1] Washington Post, Sept. 22, 1977.

[2] Hoffmeyer, Henrik, "Medical Aspects of Danish Legislation of Abortions," in Abortion and the Law, edited by David T. Smith (Cleveland: Western Reserve University Press, 1967.), p. 201.

[3] Attitudes of Acceptance and Rejection During and After Pregnancy," American Journal of Orthopsychiatry, Vol. 23, 1953, p. 570.

[4] Pohlman, E. H., "Unwanted Conception: Research on Undesirable Consequences," Eugenics Quarterly, Vol. 14 (1967), p. 143.

[5] Ferriera, A. J., "The Pregnant Woman's Emotional Attitude and Its Reflection in the Newborn," American Journal of Orthopsychiatry, Vol. 30 (1960), p. 553.

[6] Washington Post, April 8, 1975, p. A14.

PERSONALLY OPPOSED

Mr. President, one of the most effective arguments that has been used against legislation to restrict abortion is the now familiar phrase: "I am personally opposed to abortion, but I do not believe Government should legislate in this area." In no other matter of national concern does the personally opposed answer seem such an obligatory part of a public officeholder's response. Why do we find so few elected officials who are willing to stand up and say:

> I think abortion is very good, a necessary and proper adjunct to the good life in America and I will not rest until all have an equal opportunity to avail themselves of abortion services?

Perhaps abortion has so few avowed partisans and choice has so many because of what has been called the ambivalence of abortion. Few of us want to think too deeply about the impact of the abortion decision on our own families, on our own lives. We say we are personally opposed. Does that mean that we demand to be informed before our minor daughters can have abortions so that we can guide and support them and, perhaps, make our personal opposition meaningful? No. Being personally opposed cannot mean that. The Supreme Court does not allow for the personal opposition of parents to infringe upon the privacy rights of their daughters.

Regardless of the outcome of this debate, regardless of the decision of this body on the matter of this constitutional amendment, I believe that a great public good is being done here. We are clarifying the discussion. I believe that after this exploration of the whole subject of abortion, we will no longer hear the argument: "I am personally opposed, but I do not think the Government should legislate on abortion." I think this is because the vote on a constitutional amendment will divide this body. On one side will be those who sincerely believe that abortion is a positive good. They will in the future seek to defend abortion, to extend abortion, and to appropriate more taxpayer funds for the support of abortion. On the other side will be those of us who have come to see abortion as a great personal and political wrong. We will view it as a deep social conflict that cannot be resolved by an act of raw judicial power. If we are even to approach a desperately needed resolution of this problem, we will have to recognize that the public policy on abortion cannot be imposed by seven unelected judges on the American people. The elected representatives of the people must play a role in the achievement of a national consensus.

After this historic debate, those who have long said they are personally opposed to abortion will be asked not only how they have personally opposed it, but, much more importantly, why they are personally opposed to it. What is it about abortion that anyone could have any reservations about it at all? Can there be any other reason than the still quiet voice that tells us it is a human life that is being taken in every abortion? An irreplaceable, unreproducible human life? And once we give our attention to that small, almost embryonic conviction, how can we ever again trivialize the abortion issue by saying we are only personally opposed to a national policy that allows 1½ million human lives to be taken each year?

IMPOSING OUR BELIEFS

Mr. President, the question of whether some religious groups would use the processes of democracy to try to impose their own beliefs on others has been a lively one since the ratification of our Constitution. From the beginning, we decided that there would be no established religion. That decision was not half so difficult as the determination of what constituted the "free exercise of religion." Thomas Jefferson perhaps said it best when he argued in behalf of religious tolerance. "Whether my neighbor believes in one god or twenty, his belief takes no coin from my pocket." Quite true. And on this pragmatic basis we have tried to reach a pragmatic consensus on religious freedom.

But religious belief and religious practice are essentially different. We have tried to strike a balance with respect to religious practice that is based on religious belief. At times, the Government has compelled parents to send their children to school or to have them inoculated against disease despite the tenets of their faith. In other cases, this Government has come down on the side of pacifist sects by exempting their members from the full rigors of the military draft; similarly, the Government has supported the right of parents to choose a religious education for their children.

But suppose Mr. Jefferson's neighbor did believe in 20 gods, and suppose 1 of those 20 gods required the ritual sacrifice of the neighbor's first-born child? We would not expect even the tolerant "Sage of Monticello" to pretend that, since his own pocket was still full of coins, the religious practice of his neighbor was a matter of personal and public indifference to him. Here we, with Jefferson, would recognize a different issue.

Recently, an extravagant claim for unhampered religious practice was made in a Federal court by the Religious Coalition for Abortion Rights. This organization maintained that for the Federal Government to deny taxpayer funds for the performance of elective abortions constituted an abridgement of their religious freedom. (Check your pockets, Mr. Jefferson.)

Clearly, the religious practices of some can have a profound impact—financial and social—on the entire community. So it is that we must be very careful to avoid, wherever we can, imposing offensive practices on anyone. Just as clearly, however, we cannot avoid the responsibility to legislate merely because some of those affected argue that we are trying to impose our religious beliefs on them. The fact that many of us attend churches and synagogues where it is taught that murder and theft are wrong in no way makes constitutionally suspect the statutes we pass forbidding murder and theft as a matter of public policy.

Another questionable argument for not legislating about abortion is the one we often hear about consensus. Since there is no consensus about when human life begins, it is claimed, Government should not attempt to legislate protection of the unborn child. That was the position of the Supreme Court in the case of Roe against Wade. But that argument falls of its own weight. The question has never been when human life begins. There is no question. As the proabortion journal, California Medicine said in a now famous editorial of 1970:

> [It is a] scientific fact which everyone really knows . . . that human life begins at conception and continues, whether intra- or extra-uterine until death.

The question is what value do we place on unborn human life.

"No consensus, no policy"—certainly we would not accept this argument in other areas of our concern. What is a Senate debate other than an attempt to come to a consensus? And while it may be easier to let unelected Federal judges decide all consequential questions of public policy, they certainly have not succeeded in building a national consensus on this issue.

The very fact that we are now debating a constitutional amendment on abortion indicates that the American people have not ratified the Supreme Court's 1973 decision.

ABORTION AND FAMILY LAW

Mr. President, Roe against Wade and its progeny have had a drastic and pernicious effect on family relationships in America, particularly parent-child relationships. Of these progeny, one of the most extreme was Planned Parenthood of Central Missouri against Danforth, handed down in 1976.

At issue was a law requiring for abortion, in most cases, the written consent of a woman's spouse or the written consent of one parent of any unmarried woman under the age of 18.

The Supreme Court struck down both these provisions for the astonishing reason that since the State had no power, under Roe against Wade, to regulate first-trimester abortions, the State could not "delegate" such power to husbands or parents.

I find outrageous the notion that family members have no rights with respect to one another except those rights granted to them by the State. Such an idea turns upside down our Nation's traditional view of the family as the fundamental building block of American society, and of Government as the servant rather than the master of its citizens.

As Justice White protested in his dissent to Danforth:

> The state is not . . . delegating to the husband the power to vindicate the State's interest in the future life of the fetus. It is instead recognizing that the husband has an interest of his own in the life of the fetus which should not be extinguished by the unilateral decision of the wife.

Professor Vincent Rue of UCLA, in his testimony before the Constitution Subcommittee on November 4, 1981, noted some devastating emotional effects that abortion can have on a man who has protective feelings toward both the woman and the child which he has conceived with her. Dr. Rue referred to a study by A. Shostak which noted that:

> A sizable minority of males find their abortion experience more frustrating, trying, and emotionally costly than public and academic neglect of this subject would suggest. Shostak also noted that three out of four male partner respondents stated they had a difficult time with the abortion experience, that most relationships did not survive the abortion stresses, and that a sizable minority reported persistent day and night dreams about the child-that-never-was, and considerable guilt, remorse, and sadness.

Professor Rue adds that these finding are corroborated by research by Jaffe, Luker, Luscutoff, and Elms, and Zorabedian. Case histories are also noted in books such as Linda Bird Francke's "The Ambivalence of Abortion" and Magda Denes' "In Necessity and Sorrow."

The emotional pain of abortion can be even more pronounced in the case of sensitive adolescent girls. In Danforth, the Court recognized the State's "somewhat broader authority to regulate the activities of children than of adults."

Nevertheless, weighing the State's interests in the safeguarding of the family unit and of parental authority against the right of privacy of the "competent minor mature enough to have become pregnant," the Court found that it could not conclude that:

> Providing a parent with absolute power to override a determination, made by the physician and his minor patient, to terminate the patient's pregnancy will serve to strengthen the family unit.

Mr. President, I sincerely doubt that by giving their teenage daughter the right to abort her child against the will of her parents, the Court has strengthened the family unit.

Three years after ruling in Danforth that States may not require parental consent for abortions on unmarried minors, the Supreme Court again addressed the issue in Bellotti against Baird. In this case, the Court upheld the State's right to require parental consent—but only if a mechanism is established whereby a judge may authorize an abortion for a minor without any parental involvement whatever. I would like to quote from that decision:

> We conclude, therefore, that under state regulation such as that undertaken by Massachusetts, every minor must have the opportunity—if she so desires—to go directly to a court without first consulting or notifying her parents. If she satisfies the court that she is mature and well-informed enough to make intelligently the abortion decision on her own, the court must authorize her to act without parental consultation or consent. If she fails to satisfy the court that she is competent to make this decision independently, she must be permitted to show that an abortion nevertheless would be in her best interest. If the court is persuaded that it is, the court must authorize the abortion. . . . If, all things considered, the court determines that an abortion is in the minor's best interests, she is entitled to court authorization without any parental involvement.

Earlier this month, the Court declared unconstitutional an Akron, Ohio, ordinance which contained the presumption that girls under age 15 are not mature and thus must obtain parental or judicial consent for abortion.

Thus, parents, who are ordinarily asked to sign their consent for a daughter's school field trips, for surgical care, perhaps even to have her ears pierced, may not even be notified as an abortionist tampers with her delicate reproductive organs. Although these same parents must sign for minors who drive, minors who purchase firearms, minors who marry, although they must accept responsibility for this minor's financial obligations, and despite the fact that common law has long recognized the parents' right as well as responsibility to nurture and to guide and to educate, at the very hour when she may need their love more than ever they are ostracized by the edicts of the Court.

I would like to remind my colleagues that I am speaking here of young teenage girls—some as young as 11 or 12 years old. Can we honestly believe that a judge who has never seen the young girl before, and will never see her again; who knows nothing about her other than what she volunteers in support of her request for an abortion, often after having been coached by an abortion counselor who has a financial ideological stake in her decision to abort; can we honestly say that this judge will make a decision which is better for this young girl than her parents, who have known and cared for her all her life and who will continue to do so for the rest of their lives? Perhaps the proabortion social planners feel that these decisions are best made by supposedly impartial judges and counselors. But I happen to feel, and I truly believe that the vast majority of American parents would agree with me, that parents are the best source of protection and guidance a young girl has when facing what is perhaps the greatest trauma and most difficult decision of her life. How many times did we, or our children, strenuously resist a parental decision, only to come back months or even years later to thank them for protecting us from making enormous mistakes?

What could be more ridiculous than to say to parents, who conceived, bore (in the case of her mother), nurtured, educated, guided, loved this child for all of her life, that suddenly their right to protect her from a decision which could literally result in her death, and will almost certainly affect her in her psychological being and her future relationships, that this right dissolves in the fact of the private right to kill another human being?

Justice Stevens, himself a member of the proabortion majority in Roe against Wade, commented, in his dissent to Danforth:

> Even doctors are not omniscient; specialists in performing abortions may incorrectly conclude that the immediate advantages of the procedure outweigh the disadvantages which a parent could evaluate in better perspective.

Just 2 years ago, Mr. President, the Supreme Court addressed the issue of whether a State could even require that parents simply be notified if their underage daughter intended to have an abortion. In the case of H.L. against Matheson, the Court upheld the Utah law which required that an abortionist "notify, if possible" the minor girl's parents or guardian before performing the abortion. The Court cautioned, however, that its consideration was limited to the effect of the law upon the circumstances presented in the particular case before it: An un-

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emancipated minor who was living with and financially dependent upon her parents and had not made a claim or showing as to her maturity or relations with her parents. The Court has not ruled upon the constitutionality of a notification requirement when applied to minors in other circumstances. And the Court reaffirmed in Matheson that "a State may not constitutionally legislate a blanket, unreviewable power of parents to veto their daughter's abortion."

Mr. President, all of these decisions spring from one common root: The absolute right to abortion created by the Supreme Court in Roe against Wade. It seems strange to me that this sweeping right went unnoticed for almost two centuries. But time and time again, in subsequent decisions the Court has stressed that Roe's right of a women (or girl) to abort her unborn child is so fundamental that it overrides what have been among the most sacred rights in our society: The rights of husbands to make decisions about their children in conjunction with their wives, the rights of parents to guide and care for their children, the rights of children to be protected by their parents.

The amendment before us today would erase that Court-created right to abortion, and with it would vanish the distortions of family law which have multipled in its wake.

Mr. President, we have not discussed adequately during this debate the health risks of abortion to women. I have found a very concise and useful compilation of those risks in an affidavit submitted to the Federal District Court for Northern Illinois in a case involving a State abortion-regulation law.

I ask unanimous consent that the affidavit of Dr. Richard G. Moutvic be printed in the RECORD.

There being no objection, the affidavit was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS,
County of Cook, ss:

AFFIDAVIT OF RICHARD G. MOUTVIC, M.D., PROFESSOR, LOYOLA UNIVERSITY, STRITCH SCHOOL OF MEDICINE

I, Richard G. Moutvic, M.D., do hereby state under oath and upon personal and professional knowledge as follows:

1. I am a Board certified specialist in Obstetrics and Gynecology. My practice is in the State of Illinois. I was twice Chairman of the Department of Obstetrics and Gynecology at St. James Hospital, Chicago Heights, Ill. (1966-67, 1976-78). I am currently Vice-President and President-Elect of the medical staff at St. James. A copy of my curriculum vitae is included with this affidavit and made a part hereof.

2. I have reviewed S.B. 47, the Illinois Abortion Law of 1975, enacted as amended, on October 30, 1979 (S.H.A. Ill. ch. 38 §§ 81-21 to 81-35), and declare that if called to testify in this action, I will state as follows:

3. It is my professional medical opinion that the abortion procedure, as properly performed by licensed medical practitioners employing methodology approved by prevailing medical authority and in general use in the State of Illinois, presents a greater than *de minimis*, indeed rather significant, risk to the pregnant woman's future procreative capacity. The abortion techniques in use in Illinois consist of the following:

a. Curettage.

(1) Suction aspiration—the cervix is dilated, an aspirator introduced into the uterus, and a powerful suction produced. The suction pulls the conceptus from the uterine wall.

(2) Dilation and curetage (D&C)—the cervix is dilated and a curette (looped steel knife) is entered into the uterus. The practitioner then scrapes the conceptus from the uterine wall.

(3) Dilatation and evacuation (D&E)— the cervix is dilated and the uterine contents removed either with curette, suction, or ovum forceps, or some combination of these. D&E is distinguished from other curettage techniques because it is employed at a later stage of pregnancy (after the first trimester) and because hardening of fetal bones and increased fetal size require progressive dismemberment of the fetus in order to facilitate the extraction of fetal parts (Reference 14).

b. Instillation.

(1) Saline amino-infusion—a hypodermic needle is entered into the amniotic sac via the woman's abdomen. Fluid in the amniotic sac is removed and replaced with a hypertonic (highly concentrated) saline solution, which induces the death and expulsion of the fetus (Reference 20).

(2) Prostaglandin instillation—the chemical substance prostaglandin is introduced, usually into the amniotic sac, in order to promote labor and delivery.

c. Hysterotomy—intra-abdominal surgery is employed to open the uterus and remove the developing child, as in a Caesarian section.

d. Hysterectomy—pregnancy termination may also be effected by removal of the uterus. Since this operation sterilizes the woman, I need not further discuss the possible impact of this operation on the woman's reproductive capacity.

4. Each and all of these procedures involves a significant risk to the woman's procreative potential. The threat posed by induced abortion takes two main forms:

a. The procedure may injure the woman in such a manner as to impair her ability to successfully beget and bear children, either by causing:

(1) Subsequent sterility or sexual dysfunction;

(2) Subsequent incapacity to maintain a proper pregnancy, as evidenced by an increased incidence of ectopic (tubal) pregnancy, and of miscarriage/spontaneous abortion;

(3) Subsequent incapacity to deliver a healthy baby at term, as evidenced by increases in:

(a) Stillbirth/perinatal mortality,
(b) Prematurity,
(c) Iso-immunization, and
(d) Delivery complications.

b. The procedure may cause the subsequent death of the woman.

5. The most common threat induced abortion poses to a woman's reproductive capacity arises from complication which affects the incidence and outcome of future pregnancies. Some American studies claim that induced abortion does not contribute to subsequent reproductive difficulties (References 1, 2). But foreign studies which are based upon longer and more extensive experience, and which employ a vastly superior reporting system, establish conclusively the fact that abortion by dilatation and evacuation of the uterus, by whatever method, is conducive of a large variety of procreational impairments (References 3-8). More recent American studies are beginning to reflect this conclusion (References 9-13), and the advocacy of second trimester dilatation and evacuation (References 14, 15) with its "more frequent and more severe" complications (Reference 27), should hasten this trend and worsen the risks for American women.

a. Studies indicate that induced abortion increases the incidence of secondary sterility (sterility subsequent to previous pregnancy) (References 3, 5). It is a statistical fact that some women only become pregnant once. The pregnancy a woman aborts may be her last. Sterility would also result when complications necessitated hysterectomy (removal of the uterus). More frequently reproduction would be impaired and possibly prevented because of blockage in the Fallopian tubes (Reference 16). The damage could also result from either scar tissue, uterine adhesion, or infection following induced abortion. One study concluded that 46% of all cases of secondary infertility may be attributed to prior induced abortions (Reference 5).

Procreative impairment need not result in total sterility (Reference 16). More common conditions, such as partial tubal blockage, will reduce a woman's procreative capacity. A similar effect arises from disorders of the menstrual cycle, which have been associated with induced abortion (Reference 3).

b. Impairment of sexual functioning may also result from induced abortion (Reference 3), brought about by chronic or latent inflammatory condition of the genital organs or by functional sexual disorders or related psychiatric sequelae.

c. Induced abortion has been associated with an increased incidence of ectopic pregnancy (References 4, 7) and placenta previa (implantation over or near the cervix) (References 7, 16). Damage done by prior abortion increases the likelihood that the conceptus will not implant properly (i.e., on the uterine wall) (Reference 3). One study concluded that 45% of all ectopic pregnancies may be the consequence of prior induced abortion (Reference 4).

d. Spontaneous abortion occurs more frequently in women who have had one or more previous abortions (References 6, 7, 9, 16, 17). This is largely due to cervical incompetence (References 7, 16) brought about by the artificial cervical dilatation, laceration, or infection (References 13, 17), but may also result from damage to the uterine wall impairing implantation or placentation (Reference 9) and causing placenta abruptio (premature separation of placenta from uterus) (References 7, 16).

e. An increased incidence of stillbirth occurs among women with past abortion (References 3, 6). This may represent a malfunctioning of the placenta secondary to damage or scarring of the uterine wall.

f. Other studies show an increased probability of premature birth subsequent to induced abortion (References 7, 17, 18). Prematurity threatens the life and health of the infant. Indeed, induced abortion has been associated with a subsequently increased likelihood of neonatal mortality (References 7, 16-18). Those infants which survive a premature birth faced increased

risks of physical or mental handicap (Reference 3).

g. Induced abortion also tends to increase the chance of iso-immunization (Rh or ABO) (References 7, 16, 19). Antibodies in the maternal bloodstream can cross the placenta and attack fetal red blood cells. Before this danger can be realized, however, the woman must develop the appropriate antibodies. Since any obstetric event entails a high risk of the sensitization which will produce these antibodies, the woman has the greatest chance of avoiding iso-immunization with her first pregnancy. Termination of this first pregnancy, be it through birth, miscarriage, or induced abortion, will multiply the risk to future offspring.

h. Finally, abortion increases the likelihood of difficulties in later deliveries. Extended duration of labor, an unusually adherent placenta, and extensive hemorrhaging all have been associated with past abortion (Reference 16). The abortion procedure damages tissues and muscles and thereby impairs the delivery process. These difficulties subject the child to increased risks of death or injury.

6. Induced abortion, like any surgical procedure, involves a definite risk to the life of the patient. This risk stems from a variety of factors:

a. Hemorrhage—The blood loss involved in surgery presents both a direct threat (death from blood loss) and an indirect threat (death from complications associated with transfusion, i.e., hepatitis, incorrect blood type, etc.) to the life of the surgical subject.

b. Infection—Surgery, by its very nature, exposes the subject's body to a substantially increased likelihood of infection. Since the resultant sepsis is often internal, it may not be discovered until serious complications have developed.

c. Embolus—Pulmonary thromboembolism (blood clots) accounted for 16.3% of the deaths following first trimester curettage procedures, according to the Centers for Disease Control (CDC). Predispositional factors included obesity, previous thrombophlebitis, use of oral contraceptives, and type A blood (Reference 10).

7. Aside from the standard surgical risks, the specific procedures involved with induced abortion present additional risks of maternal death.

a. The abortion practitioner performs essentially blind surgery (with the exception of the hysterotomy procedure). The woman aborted consequently faces heightened risks.

(1) The curettage methods (suction curettage, dilatation and curettage, dilatation and evacuation) used for first- and second-trimester abortions involve the trans-cervical and intra-uterine manipulation of various surgical instruments (suction canulae, sharp curettes, ovum forcepts, etc.). Since the practitioner cannot observe these manipulations, he must rely solely upon his sense of touch. Thus these procedures involve the ever-present risk of uterine perforation (Reference 13), a risk which persists despite the experience (References 8, 12) or care (Reference 16) of the operator. The rate of uterine perforation for suction curettage (the safest curettage procedure) may range as high as 21 per 100 percedures (Reference 10). Perforation, aside from being a dangerous complication in itself for both the woman and her future offspring (Reference 17), can be followed by damage to other organs. Watson, for example, has documented the urologic complications of induced abortion (Reference 20). Acute renal failure, massive sepsis, or shock, any of which may be fatal, can result from uterine perforation.

The curettage methods also involve heightened risks of hemorrhage and infection (Reference 13). The uterus is especially soft and blood-rich during pregnancy. These characteristics make it highly susceptible to bleeding when undergoing the physical trauma of curettage abortion. Moreover, cervical perforation during dilatation "continues to occur" (Reference 21) and may cause death through laceration of the uterine artery (Reference 22).

Normally sterile, the uterus must face a septic assault upon the introduction of foreign instruments during an abortion. Since the trauma weakens the normally powerful antiseptic capacities of the uterus, infection becomes an especially likely sequela. Furthermore, if the abortion is incomplete, residual feto-placental tissue provides a "fertile field for bacterial invasion" (Reference 12). One study found postabortal infection and incomplete abortion to bring about 61% of suction abortion-related hospitalizations (Reference 11).

All of these risks are multipled for second trimester curettage (D&E). "Complications from surgical evacuation techniques performed after 12 weeks' gestation are similar to those of curettage procedures performed at earlier gestational ages; however, the complications are more frequent and more severe" (Reference 27). The death-to-case rate for D&E increases with gestational age from 7.6 (13-15 wks.) to 43.1 (>21 wks.) deaths per 100,000 procedures (Reference 27).

(2) The instillation methods of abortion have been widely recognized as particularly dangerous (Reference 23). If the hypertonic solution used in saline abortions accidentally enters a maternal vein or artery, for example, death ensues almost immediately (Reference 3). More common serious complications include changes in maternal coagulation factors (leading to severe bleeding) (Reference 23), myometrial necrosis (requiring hysterectomy), and formation of a posterior uterovaginal or cervicovaginal fistula (an abnormal hole connecting organs) (Reference 26). The prostaglandin method, while less frequently directly lethal, has a higher rate of major complications than the saline method. The CDC reports a death-to-case rate almost ten times as high for prostaglandin abortions as for suction curettage abortions (Reference 15).

b. Hysterotomy abortion, used in second- and third-trimester abortions, is far and away the most dangerous method of abortion, since it constitutes major surgery. Mortality estimates range from 44.7 to 271 maternal deaths per 100,000 procedures (References 27, 28).

c. Instances have also been documented in which gravidae die from undiagnosed ectopic pregnancy following attempted induced abortion (Reference 24). The practitioner performs a curettage which, regardless of its technical perfection, fails to remove the pregnancy (which is not located in the uterus). The woman then goes home, thinking she has had an abortion, only to die days or weeks later from a tubal rupture or other complications of ectopic pregnancy.

d. Figures from CDC and the National Center for Health Statistics (Reference 25) indicate that the death per case rate for abortions performed at or after the 16th week of pregnancy surpasses the maternal mortality rate. A greater understanding of the danger of abortion arises from the recognition that a variety of factors bias this comparison in favor of the relative safety of abortion.

(1) The abortion mortality rate formulas uses as the denominator the total number of cases, whereas the maternal mortality rate (MMR) formula [Maternal Mortality Rate = Total Maternal Deaths/Total Live Births] uses live births, i.e. a fraction of the total number of non-aborted pregnancies. A more accurate comparison would replace "live births" with "live births plus stillbirths plus spontaneous abortion plus ectopic pregnancies." This substitution would significantly increase the denominator and thus produce a lower MMR.

(2) Likewise the numerator must be adjusted to exclude deaths resulting from induced abortion—otherwise a safety comparison between aborted and non-aborted pregnancies will always favor the former. This change would reduce the numerator and further decrease the MMR.

(3) Still other adjustments should be made to reduce the biases resulting from the fact that:

(a) Every legal abortion is performed while the woman is under a physician's care, whereas nonaborted women need not be under a physician's care in order to be included in the maternal mortality statistics. Indeed most women who die from pregnancy related complications are not under a doctor's care.

(b) A woman who undergoes an abortion has already safely passed through a number of weeks of pregnancy; but the MMR reflects the deaths occurring throughout the entire pregnancy (including those women who died before obtaining an abortion).

Both these factors tend to increase the MMR relative to the abortion mortality rate. A more accurate analysis of the data would reveal a greater danger in legal abortions than appears from the CDC report (Reference 25).

(4) The data used to calculate the abortion mortality rate, because of incompleteness, further underestimates the danger of abortion. Families or doctors, seeking to protect their reputations, may be unwilling to report an abortion death as such. Furthermore, deaths arising from abortion-related complications may be listed as due to these complications (be they fatal hepatitis or suicide-provoking psychosis), and not to abortion. Thus the extand abortion mortality figures do not present the whole picture (Reference 13) but rather lend to the abortion procedure an appearance of lesser danger. Although the statistics necessary to perfect the MMR are not available, known statistical estimates suffice to substantially reduce the reported MMR.

8. In light of all of the above, it becomes apparent that induced abortion at any stage of pregnancy poses a definite and substantial threat of impairment of the woman's procreative potential. Naturally, the degree of the threat will vary with the quality of the procedure, the state of pregnancy, and the particular features of the woman aborted. It is important to remember, however, that the very nature of the abortion procedure entails certain risks which are inescapable, given present technology (Reference 16). It is my firm medical conclusion that current, approved abortion procedures, properly performed, significantly threaten a woman's future ability to successfully bear children, a conclusion abundantly supported by the medical literature.

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REFERENCES

1. Quick, *Liberalized Abortion in Oregon: Effects on Fertility, Prematurity, Fetal Death and Infant Death,* 68 Am. J. Pub. Health 1003 (1978).

2. *5 Studies: No Apparent Harmful Effect from Legal Abortion on Subsequent Pregnancies; D & C is Possible Exception,* 10 Fam. Plan. Persp. 34 (1978).

3. Kotásek, *Medical Consequences of Induced Abortion and Its Effect on Subsequent Pregnancy,* 2 Hum. Life Rev. 118 (1976) (presented to the Fourth International Congress on Perinatal Medicine in Prague, January 1975).

4. Panayotou, Kaskarelis, Miettinen, Trichopoulos & Kalandidi, *Induced Abortion and Ectopic Pregnancy,* 114 Am. J. Obstet. Gynecol. 507 (1972).

5. Trichopoulos, Handanos, Danezis, Kalandidi & Kalapothaki, *Induced Abortion and Secondary Infertility,* 83 Brit. J. Obstet. Gynecol. 695 (1976).

6. Pantelakis, Papadimitriou & Doxiadis, *Influence of Induced and Spontaneous Abortions on the Outcome of Subsequent Pregnancies,* 116 Am. J. Obstet. Gynecol. 799 (1973).

7. Iffy, Frisoli & Jakobovits, *Perinatal Statistics: The Effect Internationally of Liberalized Abortion,* in New Perspectives on Human Abortion 92 (1981).

8. Beric, Kupresanin & Kapor-Stanulovic, *Accidents and Sequelae of Medical Abortions,* 116 Am. J. Obstet. Gynecol. 813 (1973).

9. Levin, Schoenbaum, Monson, Stubblefield & Ryan, *Association of Induced Abortion With Subsequent Pregnancy Loss,* 243 J.A.M.A. 2495 (1980).

10. Cates, Jr., Schulz, Grimes & Tyler, Jr., *Short-Term Complications of Uterine Evacuation Techniques for Abortion at 12 Weeks' Gestation* or *Earlier,* in Pregnancy Termination 127 (1978).

11. Burnhill, *Reducing the Morbidity of Vacuum Aspiration Abortion,* in Pregnancy Termination 136 (1978).

12. Peterson, *Dilatation and Evacuation: Patient Evaluation and Surgical Techniques,* in Pregnancy Termination 184 (1978).

13. Bulfin, *Complications of Legal Abortion: A Perspective from Private Practice,* New Perspectives on Human Abortion 145 (1981).

14. Grimes, Schulz, Cates, Jr. & Tyler, Jr., *Mid-Trimester Abortion by Dilatation and Evacuation,* 296 New Eng. J. Med. 1141 (1977).

15. Cates, Jr., Schulz & Grimes, *Dilatation and Evacuation for Induced Abortion in Developing Countries: Advantages and Disadvantages,* 11 Stud. Fam. Plan. 128 (1980).

16. Lembrych, *Fertility Problems Following an Aborted First Pregnancy,* in New Perspectives on Human Abortion 128 (1981).

17. Richardson & Dixon, *Effects of Legal Termination on Subsequent Pregnancy,* Brit. Med. J. 1303 (1976).

18. Harlap & Davies, *Late Sequelae of Induced Abortion: Complications and Outcome of Pregnancy and Labor,* 102 Am. J. Epidemiology 217 (1975).

19. Keith & Berger, *Prevention of Rh Sensitization After Abortion,* in Pregnancy Termination 294 (1978).

20. Watson, *Urologic Complications of Legal Abortion,* in New Perspectives on Human Abortion 135 (1981).

21. Stubblefield & Bentov, *Alternatives for Cervical Dilatation: Work in Progress,* in Pregnancy Termination 115 (1978).

22. Lowensohn & Hibbard, *Laceration of the Ascending Branch of the Uterine Artery: a Complication of Therapeutic Abortion,* 118 Am. J. Obstet. Gynecol. 36 (1974).

23. Beller, Rosenberg, Kolker & Douglas, *Consumptive Coagulopathy Associated with Intra-Amniotic Infusion of Hypertonic Salt,* 112 Am. J. Obstet. Gynecol. 534 (1972).

24. Rubin, Cates, Jr., Gold, Rochat & Tyler, Jr., *Fatal Ectopic Pregnancy After Attempted Legally Induced Abortion,* 244 J.A.M.A. 1705 (1980).

25. Cates, Jr., *Legal Abortion: The Public Health Record,* 215 Sci. 1586 (1982).

26. Gordon, *Cervicovaginal Fistula as a Result of Saline Abortions,* 112 Am. J. Obstet. Gynecol. 578 (1972).

27. Cates, Jr., Schulz, Gold & Tyler, Jr., *Complications of Surgical Evacuation Procedures for Abortions After 12 Weeks' Gestation,* in Pregnancy Termination 206 (1978).

28. *Second Trimester Abortion: A Symposium by Correspondence,* 16 J. Reprod. Med. 47 (1976).

Respectfully submitted,

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Mr. HATCH. Mr. President, Columnist George F. Will has admirably critiqued the Supreme Court's latest abortion decisions in a column which appeared in June 19 Washington Post.

I ask unanimous consent that this column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 19, 1983]

ABORTION: THE COURT'S INTELLECTUAL SCANDAL

(By George F. Will)

Last Tuesday, the day before the Supreme Court compounded the travesty it has made of abortion law, a California court convicted a former sheriff's deputy of murder in the shooting death, during an unauthorized drug raid, of a fetus in a woman who survived the wound. Because of the Supreme Court's 1973 abortion ruling, no state could forbid the woman to kill the child by abortion, even though it was in the third trimester. But how can anyone "murder" something the Supreme Court says is only "potentially" human and has the legal status of hamburger in the woman's stomach?

In last week's decisions, the court discovered that the Constitution forbids Akron's requirement that other than first-trimester abortions be performed in a hospital; forbids Akron's requirement that physicians perform abortions on unmarried women under 15 only with certain parental permission or court orders; forbids Akron's requirement that physicians tell women seeking abortions the developmental status of their fetuses, the date of viability, physical and emotional complications that can result from abortion, and alternatives to abortion; forbids Akron's requirement of a 24-hour interval between a request for and performance of an abortion; forbids Akron's requirement that abortionists dispose of aborted fetuses in a "humane and sanitary manner."

To see the intellectual scandal of the court's position in 1983, consider Wednesday's ruling that Missouri can require the presence of a second physician during an abortion performed after "viability."

With 1.6 million abortions annually, it regularly happens that an abortion procedure results in a live birth and the inconvenient life is "terminated" by suffocation or aggressive neglect. However, Missouri requires (when the requirement does not increase the woman's risk) a late abortion to be performed by the method most likely to preserve fetal life—that is, the method most likely to fail, least likely to kill the fetus, which is the aim. Now the court says Missouri can require the presence of a second physician because if the fetus survives the attempt to kill it, the state "may" protect "the lives of viable fetuses," meaning "a fetus born alive."

Well.

The "viable fetuses" who the second physicians serve are often called, quaintly, "children." A "fetus born alive" is, in the vernacular, a "baby."

Concerning abortion, the justices use words and categories the way babies use forks and spoons: with gusto, but sloppily. In 1973 the court made much—or thought it did—of "trimesters." But regarding pregnancy a trimester is a demarcation without moral or medical significance, and without much legal significance, in spite of the court's attempt to give it such. The court, which does not yet seem to know what it did in 1973, said then that no state can prevent even a third-trimester abortion that any physician says is necessary for a woman's health. And "distress" (which can be caused by denial of an abortion) can be a health hazard.

In 1973 the court thought it made much of "viability," the point at which a fetus can lead a "meaningful" life outside the womb. Actually, viability made no significant difference concerning permissible regulation of abortion. The court gave no meaning to the word "meaningful." And the point at which a fetus could survive outside the womb was unclear then and has moved since, thereby demonstrating the folly of linking constitutional law to a dynamic science.

Two years ago a Georgia court in effect took custody of a fetus, holding that an unwilling woman must undergo a caesarean section for the fetus's safety. Evidently, the fetus had a right to protection.

In Baltimore, a pregnant drug abuser has been placed under court jurisdiction to protect the health of the fetus. She may not injure the fetus with drugs. Of course, she retains a right to kill it with an abortion.

In Maryland, a fetus has a right to inherit property if the fetus is conceived before the death of the person from whom the property will be inherited. Prenatal medicine can perform wonders for fetuses that can be aborted at any stage. Malpractice cases are establishing that a child born injured as a result of negligent prenatal medicine can claim violation of rights it had as a fetus.

Fetuses, it seems, have various rights—but no right to life.

Cut adrift by its 1973 decision from constitutional and bio-medical realism, the court manufactures ever finer distinctions from never relevant categories. The justices should pray—not in a public building, of course—for Sen. Orrin Hatch's amendment ("A right to abortion is not secured by this Constitution"). That would restore the status quo ante 1973, thereby restoring to the states responsibility for dealing with an issue that clearly is beyond the court's competence.

ABORTION AND CHILD ABUSE

Mr. HATCH. Mr. President, I would also like to address an argument which has been the basis of a great deal of misguided support of the Supreme Court rulings.

I refer to the problem of child abuse, and the claim that legalized abortion helps solve this problem by eliminating the unwanted child. The Court's opinion in Roe against Wade itself justified legalized abortion by appealing to "the distress, for all concerned associated with the unwanted child, and * * * the problem of bringing a child into a family already unable, psychologically and otherwise, to care for it" (410 U.S. 113 at 153). The implicit claim here is that the particular children who will be aborted under a permissive abortion policy because they are unwanted months before birth are the very children who would have been abused after birth because of the same unwantedness.

Now, one part of this claim is certainly true in a simple-minded sort of way—no child can be abused if he is no longer alive, and there would be no postnatal child abuse if every child were destroyed prenatally. It is equally true that there would be no abuse of the elderly if all adults were quietly done away with at the age of 60. But the rest of the Court's rationale is completely erroneous, as is obvious from the frightening rate at which cases of child abuse have increased since its ruling. National statistics estimated the number of cases as being in the area of 100,000 10 years ago, now the estimates range between 1 and 2 million annually. To find out why this policy has failed so completely, one need only listen to what our national experts on child abuse have to tell us.

One of the first experts to confront this rationale for the Court's legalization of abortion was a professor of clinical pediatrics who was then serving as chairman of the Mayor's Task Force on Child Abuse and Neglect of the city of New York. Dr. Vincent Fontana was hailed by the New York Times as a national authority in the problem of child abuse when he published his classic analysis of the problem, "Somewhere a Child is Crying," in 1973; yet his analysis suggested that abortion, legalized by the Supreme Court that very year, was no solution at all to the problem of child abuse. As Fontana pointed out:

> Many maltreated children are children who were very much wanted before birth. Perhaps they were wanted for the wrong reasons: to prove to the man or woman that he or she is normal and able to have a child; to give the mother something of her own to love and give her love in return; to cement a couple on the verge of separation; to present a picture of a conventional family unit because for one reason or other that is the expected or respectable thing to do. Immature people, lonely people, emotionally starved people, abused people, more often than not, sincerely want their children. It is only after the children arrive that the doubts set in and the problems surface. It is not just a question of saying ahead of time, well, this one isn't wanted; let's not have it. It's just not that easy. People's motivations are much too complex for the problem to be solved in this way; and their own assessments of themselves, their needs, their wants, and their capabilities are often sadly wrong. Who is to know and who is to tell them how wrong they are, and that they must not have their wanted children? We should also remember that a good many parents, in the act of abusing their children, are in the grip of an uncontrollable anger and a love-hate emotion that has nothing to do with wanting the children or not wanting to love them. Their reasons for striking out are as distant from the unwanted-child theory as it is possible to be.

Another professor of pediatrics and researcher in the area of child abuse, Dr. Edward Lenoski, has confirmed the validity of Dr. Fontana's remarks. In his 1975 study of child abuse, Dr. Lenoski found that 91 percent of the abused children had been wanted by their parents:

> Significantly high among these parents Lenoski observes: was the desire for the pregnancy. Mothers tended to wear maternity clothes an average of 2 months earlier than necessary. A higher percentage of the children were named after one of the parents. All of these seemingly capable parents escalated to violence because of certain similar characteristics that prevented them from effectively coping with their children.

One common characteristic noted by Lenoski was an intense, even neurotic, desire for a child which led to an excessive degree of expectation for his or her accomplishments; when those expectations were not fulfilled, violence sometimes arose out of the parent's frustration. Lenoski found the typical child abuser to be in the late twenties, married, and of better than average education. More recent studies have underlined the fact that the well-to-do are well-represented among child abusers. Poor people do not necessarily abuse their children more often; they are just more easily found out, because they do not have private physicians who might be willing to keep quiet about the matter.

If it is true that children wanted before birth are often abused after birth, it is no less true that a child unwanted at some stage of a pregnancy usually becomes wanted afterward. Virtually every pregnant woman has ambivalent feelings toward a pregnancy in its early stages, and psychologists consider this a perfectly normal phase in the process of adjusting to the responsibilities of a new child. When this process is cut short by an abortion during a moment of ambivalence, the results are always irreversible and often tragic. Having obtained an abortion easily in a society which encourages it as a solution to unwanted pregnancy, some women find themselves wanting their child very intensely after it is too late. One psychologist has observed that a third of the women entering into surrogate motherhood contracts—in which they offer to bear a child by artifical insemination and give it away to an infertile couple—are women who somehow want to make up for a previous abortion by giving a child to others.

Since the Supreme Court's opinion in Roe against Wade made special mention of the problems of adolescent unwed pregnancy, it is worth noting that abortion has failed in a particularly spectacular way in this area. Unwed teen pregnancies and births have both increased dramatically since Roe. One problem here is that our teenagers are presented under current social policy with two choices: Either the pregnancy is unwanted, and then abortion is the preferred solution; or it is wanted, and then the girl is expected to keep and raise the child herself.

One study has noted that while almost half of the unwed teenagers who became pregnant in 1978 had abortions, only 4 percent of those who carried to term offered the baby for adoption. Abortions among unwed teens are not eliminating the children who would have been raised by single parents in unstable circumstances; for the most part, they are eliminating the unwanted children who would have been given up for adoption to couples who want them.

Most ominous of all is the role which abortion on demand may play in directly contributing to child abuse.

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Studies by at least one researcher, Dr. Philip Ney of the University of British Columbia, indicate that women who have had abortions are more likely to abuse subsequent children. Dr. Ney has suggested that abortion cuts short the fragile maternal-infant bonding process which begins long before birth, and that this makes it more difficult for that bond to form again in subsequent pregnancies. "Permissive abortion," says Dr. Ney, "diminishes the social taboo against aggressing the defenseless." He says that abortion has diminished the value of children in our society, by endorsing the principle that their value is dependent on their being wanted. And to the extent that abortion contributes to feelings of guilt and depression in women, it intensifies the low self-esteem which is a common factor in parents who abuse their children. Dr. Ney's concern over the psychological aftermath of abortion is well-grounded: Testifying before the Senate Subcommittee on the Constitution in 1981, Psychologist Vincent Rue presented the results of 34 different studies, showing that negative reactions following an abortion span anxiety and depression to psychosis and suicide. Difficulty in relating to existing and subsequent children, as well as in maintaining marital stability in general, was found in many of these women after an abortion.

Abortion's role in short-circuiting our acceptance of children is not confined to individual women, however. It is a problem of social magnitude.

Abortion advocates defend their position by declaring, we affirm the right to life when wanted. Others speak directly of a right to be wanted, and say this right of the unborn child would be violated if we allowed it to live. How do we keep this attitude from expanding to children already born?

There are really only two basic approaches our society can take with regard to unwanted children, because one can mean two different things when one says, every child is a wanted child. These are mutually exclusive. We might mean that every child is a unique and unrepeatable gift of inherent worth, and therefore that no child should ever be branded as unwanted and dismissed by society. If that child is not wanted by his or her parents, the rest of us should support those parents to make sure they have the emotional and financial resources that will encourage them not to see their child as an unwanted burden. If that fails, we should say, your child is a precious gift to the world. We want him, if you do not. We can give him to loving adoptive parents who have been waiting for him for years. Please do not rob the world of him. We can place our society as guarantor behind the statement that no child will be born truly unwanted.

Or, we can mean our slogan in the diametrically opposite sense. We can say, every child is a wanted child, and mean that every child whose parents do not want him at a given point in time must not be allowed to live and grow up. Is it not a grudging and unloving attitude toward children that is both reflected and strengthened here? Is it not likely that as this attitude sinks more deeply into our collective psyche, more and more frivolous reasons will be found for unwanting children after they are born? Having used abortion to plan and screen our children, so that only the wanted and the perfect see the light of day, how ready will we be to accept their imperfections later on, when we discover that they are, after all, only flawed human beings like ourselves?

By allowing abortion to be written into our Constitution as a fundamental right, we have helped to substitute a harsh and unloving legalism for the spontaneous love and acceptance of others which should be the central dynamic of the family and an overriding goal for civilized society. By erasing this tragic error, we can perhaps set out anew on the road toward a more enlightened and constructive attitude with regard to all our Nation's children.

ABORTION AND THE CONSCIENCE OF THE NATION

Mr. President, the President of the United States recently wrote a powerful and important essay entitled "Abortion and the Conscience of the Nation," which appeared in the Spring, 1983 issue of The Human Life Review. I hope that all of my colleagues will take the time to study this compelling essay.

I ask unanimous consent that it be printed into the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

ABORTION AND THE CONSCIENCE OF THE NATION

(President Ronald W. Reagan)[1]

The 10th anniversary of the Supreme Court decision in *Roe* v. *Wade* is a good time for us to pause and reflect. Our nationwide policy of abortion-on-demand through all nine months of pregnancy was neither voted for by our people nor enacted by our legislators—not a single State had such unrestricted abortion before the Supreme Court decreed it to be national policy in 1973. But the consequences of this judicial decision are now obvious: since 1973, more than 15 million unborn children have had their lives snuffed out by legalized abortions. That is over ten times the number lost in all our nation's wars.

Make no mistake, abortion-on-demand is not a right granted by the Constitution. No serious scholar, including one disposed to agree with the Court's result, has argued that the framers of the Constitution intended to create such a right. Shortly after the *Roe* v. *Wade* decision, Professor John Hart Ely, now Dean of Stanford Law School, wrote that the opinion "is not constitutional law and gives almost no sense of an obligation to try to be." Nowhere do the plain words of the Constitution even hint at a "right" so sweeping as to permit abortion up to the time the child is ready to be born. Yet that is what the Court ruled.

As an act of "raw judicial power" (to use Justice White's biting phrase), the decision by the seven-man majority in *Roe* v. *Wade* has so far been made to stick. But the Court's decision has by no means settled the debate. Instead, *Roe* v. *Wade* has become a continuing prod to the conscience of the nation.

Abortion concerns not just the unborn child, it concerns every one of us. The English poet, John Donne, wrote: ". . . any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee."

We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life. We saw tragic proof of this truism last year when the Indiana courts allowed the starvation death of "Baby Doe" in Bloomington because the child had Down's Syndrome.

Many of our fellow citizens grieve over the loss of life that has followed *Roe* v. *Wade*. Margaret Heckler, soon after being nominated to head the largest department of our government, Health and Human Services, told an audience that she believed abortion to be the greatest moral crisis facing our country today. And the revered Mother Teresa, who works in the streets of Calcutta ministering to dying people in her world-famous mission of mercy, has said that "the greatest misery of our time is the generalized abortion of children."

Over the first two years of my Administration I have closely followed and assisted efforts in Congress to reverse the tide of abortion—efforts of Congressmen, Senators and citizens responding to an urgent moral crisis. Regrettably, I have also seen the massive efforts of those who, under the banner of "freedom of choice," have so far blocked every effort to reverse nationwide abortion-on-demand.

Despite the formidable obstacles before us, we must not lose heart. This is not the first time our country has been divided by a Supreme Court decision that denied the value of certain human lives. The *Dred Scott* decision of 1857 was not overturned in a day, or a year, or even a decade. At first, only a minority of Americans recognized and deplored the moral crisis brought about by denying the full humanity of our black brothers and sisters; but that minority persisted in their vision and finally prevailed. They did it by appealing to the hearts and minds of their countrymen, to the truth of human dignity under God. From their example, we know that respect for the sacred value of human life is too deeply engrained in the hearts of our people to remain forever suppressed. But the great majority of the American people have not yet made their voices heard, and we cannot expect them to—any more than the public voice arose against slavery—*until* the issue is clearly framed and presented.

What, then, is the real issue? I have often said that when we talk about abortion, we are talking about two lives—the life of the mother and the life of the unborn child. Why else do we call a pregnant woman a mother? I have also said that anyone who doesn't feel sure whether we are talking about a second human life should clearly given life the benefit of the doubt. If you don't know whether a body is alive or dead, you would never bury it. I think this consideration itself should be enough for all of us to insist on protecting the unborn.

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[1] This article first appeared in the Spring 1983 issue of The Human Life Review.

The case against abortion does not rest here, however, for medical practice confirms at every step the correctness of these moral sensibilities. Modern medicine treats the unborn child as a patient. Medical pioneers have made great breakthroughs in treating the unborn—for genetic problems, vitamin deficiencies, irregular heart rhythms, and other medical conditions. Who can forget George Will's moving account of the little boy who underwent brain surgery six times during the nine weeks before he was born? Who is the patient if not that tiny unborn human being who can feel pain when he or she is approached by doctors who come to kill rather than to cure?

The real question today is not when human life begins, but, What is the value of human life? The abortionist who reassembles the arms and legs of a tiny baby to make sure all its parts have been torn from its mother's body can hardly doubt whether it is a human being. The real question for him and for all of us is whether that tiny human life has a God-given right to be protected by the law—the same right we have.

What more dramatic confirmation could we have of the real issue than the Baby Doe case in Bloomington, Indiana? The death of that tiny infant tore at the hearts of all Americans because the child was undeniably a live human being—one lying helpless before the eyes of the doctors and the eyes of the nation. The real issue for the courts was not whether Baby Doe was a human being. The real issue was whether to protect the life of a human being who had Down's Syndrome, who would probably be mentally handicapped, but who needed a routine surgical procedure to unblock his esophagus and allow him to eat. A doctor testified to the presiding judge that, even with his physical problem corrected, Baby Doe would have a "non-existent" possibility for "a minimally adequate quality of life"—in other words, that retardation was the equivalent of a crime deserving the death penalty. The judge let Baby Doe starve and die, and the Indiana Supreme Court sanctioned his decision.

Federal law does not allow Federally-assisted hospitals to decide that Downs' Syndrome infants are not worth treating, much less to decide to starve them to death. Accordingly, I have directed the Departments of Justice and HHS to apply civil rights regulations to protect handicapped newborns. All hospitals receiving Federal funds must post notices which will clearly state that failure to feed handicapped babies is prohibited by Federal law. The basic issue is whether to value and protect the lives of the handicapped, whether to recognize the sanctity of human life. This is the same basic issue that underlies the question of abortion.

The 1981 Senate hearings on the beginning of human life brought out the basic issue more clearly than ever before. The many medical and scientific witnesses who testified disagreed on many things, but not on the scientific evidence that the unborn child is alive, is a distinct individual, or is a member of the human species. They did disagree over the value question, whether to give value to a human life at its early and most vulnerable stages of existence.

Regrettably, we live at a time when some persons do not value all human life. They want to pick and choose which individuals have value. Some have said that only those individuals with "consciousness of self" are human beings. One such writer has followed this deadly logic and concluded that "shocking as it may seem, a newly born infant is not a human being."

A Nobel Prize winning scientist has suggested that if a handicapped child "were not declared fully human until three days after birth, then all parents could be allowed the choice." In other words, "quality control" to see if newly born human beings are up to snuff.

Obviously, some influential people want to deny that every human life has intrinsic, sacred worth. They insist that a member of the human race must have certain qualities before they accord him or her status as a "human being."

Events have borne out the editorial in a California medical journal which explained three years before *Roe* v. *Wade* that the social acceptance of abortion is a "defiance of the long-held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition, or status."

Every legislator, every doctor, and every citizen needs to recognize that the real issue is whether to affirm and protect the sanctity of all human life, or to embrace a social ethic where some human lives are valued and others are not. As a nation, we must choose between the sanctity of life ethic and the quality of life ethic.

I have no trouble identifying the answer our nation has always given to this basic question, and the answer that I hope and pray it will give in the future. America was founded by men and women who shared a vision of the value of each and every individual. They stated this vision clearly from the very start in the Declaration of Independence, using words that every schoolboy and schoolgirl can recite:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights that among these are life, liberty, and the pursuit of happiness."

We fought a terrible war to guarantee that one category of mankind—black people in America—could not be denied the inalienable rights with which their Creator endowed them. The greater champion of the sanctity of all human life in that day, Abraham Lincoln, gave us his assessment of the Declaration's purpose. Speaking of the framers of that noble document, he said:

"This was their majestic interpretation of the economy of the Universe. This was their lofty, and wise, and noble understanding of the justice of the Creator to His creatures. Yes, gentlemen, to all His creatures, to the whole great family of man. In their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on. . . . They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children and their children's children, and the countless myriads who should inhabit the earth in other ages."

He warned also of the danger we would face if we closed our eyes to the value of life in any category of human beings.

"I should like to know if taking this old Declaration of Independence, which declares that all men are equal upon principle and making exceptions to it where will it stop. If one man says it does not mean a Negro, why not another say it does not mean some other man?"

When Congressman John A. Bingham of Ohio drafted the Fourteenth Amendment to guarantee the rights of life, liberty, and property to all human beings, he explained that *all* are "entitled to the protection of American law, because its divine spirit of equality declares that all men are created equal." He said the rights guaranteed by the amendment would therefore apply to "any human being." Justice William Brennan, writing in another case decided only the year before *Roe* v. *Wade*, referred to our society as one that "strongly affirms the sanctity of life."

Another William Brennan—not the Justice—has reminded us of the terrible consequences that can follow when a nation rejects the sanctity of life ethic:

"The cultural environment for a human holocaust is present whenever any society can be misled into defining individuals as less than human and therefore devoid of value and respect."

As a nation today, we have *not* rejected the sanctity of human life. The American people have not had an opportunity to express their view on the sanctity of human life in the unborn. I am convinced that Americans do not want to play God with the value of human life. It is not for us to decide who is worthy to live and who is not. Even the Supreme Court's opinion in *Roe v. Wade* did not explicitly reject the traditional American idea of intrinsic worth and value in all human life; it simply dodged this issue.

The Congress has before it several measures that would enable our people to reaffirm the sanctity of human life, even the smallest and the youngest and the most defenseless. The Human Life Bill expressly recognizes the unborn as human beings and accordingly protects them as persons under our Constitution. This bill, first introduced by Senator Jesse Helms, provided the vehicle for the Senate hearings in 1981 which contributed so much to our understanding of the real issue of abortion.

The Respect Human Life Act, just introduced in the 98th Congress, states in its first section that the policy of the United States is "to protect innocent life, both before and after birth." This bill, sponsored by Congressman Henry Hyde and Senator Roger Jepsen, prohibits the Federal government from performing abortions or assisting those who do so, except to save the life of the mother. It also addresses the pressing issue of infanticide which, as we have seen, flows inevitably from permissive abortion as another step in the denial of the inviolability of innocent human life.

I have endorsed each of these measures, as well as the more difficult route of constitutional amendment, and I will give these initiatives my full support. Each of them, in different ways, attempts to reverse the tragic policy of abortion-on-demand imposed by the Supreme Court ten years ago. Each of them is a decisive way to affirm the sanctity of human life.

We must all educate ourselves to the reality of the horrors taking place. Doctors today know that unborn children can feel a touch within the womb and that they respond to pain. But how many Americans are aware that abortion techniques are allowed today, in all 50 states, that burn the skin of a baby with a salt solution, in an agonizing death that can last for hours?

Another example: two years ago, the Philadelphia Inquirer ran a Sunday special supplement on "The Dreaded Complication." The "dreaded complication" referred

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to in the article—the complication feared by doctors who perform abortions—is the survival of the child despite all the painful attacks during the abortion procedure. Some unborn children do survive the late-term abortions the Supreme Court has made legal. Is there any question that these victims of abortion deserve our attention and protection? Is there any question that those who don't survive were living human beings before they were killed?

Late-term abortions, especially when the baby survives, but is then killed by starvation, neglect, or suffocation, show once again the link between abortion and infanticide. The time to stop both is now. As my Administration acts to stop infanticide, we will be fully aware of the real issue that underlies the death of babies before and soon after birth.

Our society has, fortunately, become sensitive to the rights and special needs of the handicapped, but I am shocked that physical or mental handicaps of newborns are still used to justify their extinction. This Administration has a Surgeon General, Dr. C. Everett Koop, who has done perhaps more than any other American for handicapped children, by pioneering surgical techniques to help them, by speaking out on the value of their lives, and by working with them in the context of loving families. You will not find his former patients advocating the so-called quality of life ethic.

I know that when the true issue of infanticide is placed before the American people, with all the facts openly aired, we will have no trouble deciding that a mentally or physically handicapped baby has the same intrinsic worth and right to life as the rest of us. As the New Jersey Supreme Court said two decades ago, in a decision upholding the sanctity of human life, "a child need not be perfect to have a worthwhile life."

Whether we are talking about pain suffered by unborn children, or about late-term abortions, or about infanticide, we inevitably focus on the humanity of the unborn child. Each of these issues is a potential rallying point for the sanctity of life ethic. Once we as a nation rally around any one of these issues to affirm the sanctity of life, we will see the importance of affirming this principle across the board.

Malcolm Muggeridge, the English writer, goes right to the heart of the matter: "Either life is always and in all circumstances sacred, or intrinsically of no account; it is inconceivable that it should be in some cases the one, and in some the other." The sanctity of innocent human life is a principle that Congress should proclaim at every opportunity.

It is possible that the Supreme Court itself may overturn its abortion rulings. We need only recall that in *Brown v. Board of Education* the Court reversed its own earlier "separate-but-equal" decision. I believe if the Supreme Court took another look at *Roe v. Wade*, and considered the real issue between the sanctity of life ethic and the quality of life ethic, it would change its mind once again.

As we continue to work to overturn *Roe v. Wade*, we must also continue to lay the groundwork for a society in which abortion is not the accepted answer to unwanted pregnancy. Pro-life people have already taken heroic steps, often at great personal sacrifice, to provide for unwed mothers. I recently spoke about a young pregnant woman named Victoria, who said, "In this society we save whales, we save timber wolves and bald eagles and Coke bottles. Yet, everyone wanted me to throw away my baby." She has been helped by Sav-a-Life, a group in Dallas, which provides a way for unwed mothers to preserve the human life within them when they might otherwise be tempted to resort to abortion. I think also of House of His Creation in Coatesville, Pennsylvania, where a loving couple has taken in almost 200 young women in the past ten years. They have seen, as a fact of life, that the girls are *not* better off having abortions than saving their babies. I am also reminded of the remarkable Rossow family of Ellington, Connecticut, who have opened their hearts and their home to nine handicapped adopted and foster children.

The Adolescent Family Life Program, adopted by Congress at the request of Senator Jeremiah Denton, has opened new opportunities for unwed mothers to give their children life. We should not rest until our entire society echoes the tone of John Powell in the dedication of his book, *Abortion: The Silent Holocaust*, a dedication to every woman carrying an unwanted child: "Please believe that you are not alone. There are many of us that truly love you, who want to stand at your side, and help in any way we can." And we can echo the always-practical woman of faith, Mother Teresa, when she says, "If you don't want the little child, that unborn child, give him to me." We have so many families in America seeking to adopt children that the slogan "every child a wanted child" is now the emptiest of all reasons to tolerate abortion.

I have often said we need to join in prayer to bring protection to the unborn. Prayer and action are needed to uphold the sanctity of human life. I believe it will not be possible to accomplish our work, the work of saving lives, "without being a soul of prayer." The famous British Member of Parliament, William Wilberforce, prayed with his small group of influential friends, the "Clapham Sect," for *decades* to see an end to slavery in the British Empire. Wilberforce led that struggle in Parliament, unflaggingly, because he believed in the sanctity of human life. He saw the fulfillment of his impossible dream when Parliament outlawed slavery just before his death.

Let his faith and perseverance be our guide. We will never recognize the true value of our own lives until we affirm the value in the life of others, a value of which Malcolm Muggeridge says: ". . . however low it flickers or fiercely burns, it is still a Divine flame which no man dare presume to put out, be his motives ever so humane and enlightened."

Abraham Lincoln recognized that we could not survive as a free land when some men could decide that others were not fit to be free and should therefore be slaves. Likewise, we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide. My Administration is dedicated to the preservation of America as a free land, and there is not cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.

Mr. HATCH. Mr. President, I commend to my colleagues the following outstanding analysis by Prof. John T. Noonan, Jr., on the recent Supreme Court abortion ruling, that will be published in the summer 1983 edition of the "Human Life Review."

Mr. President, I ask unanimous consent that the above-mentioned article appear at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Akron: A Pragmatic Politician's Parody of Solomon

(By John T. Noonan, Jr.)

Pragmatists who believe that in any dispute you can split the difference have looked at the life and death issue of abortion and have come up with what they think is a workmanlike, democratic, sensitive compromise. The abortionists get the unrestricted right to legal abortion. The anti-abortionists get the right not to fund it. A fair division they suppose. Half a loaf they say. Half a baby they imply. They would have resolved the trinitarian conflict of the fourth century by believing in one and one-half persons. Here the pragmatists say, they can kill, you don't have to pay for it; or, they get the blood, you can keep the money. This nice division of nonnegotiable demands is the explanation of *Akron v. Akron Center for Reproductive Health*, the Supreme Court's latest decision in the matter of abortion.

I speak of a decision "in the matter of abortion" advisedly, for like the Court's other decisions in the area, this decision has a curiously abstract air as though it were not determining a contest between real persons but were the draft of a legislative program. An actual woman seeking an abortion is not before the Court; the actual abortion clinic with the Orwellian name which is the plaintiff—its business methods, its business motives—is never mentioned; the party most at interest, the unborn child, is unrepresented. Abstractly structuring the pragmatist compromise, the Court affects the lives of millions of human beings. It does so not as judges deciding a concrete controversy but as designers of a political solution—a "final settlement" as James Buchanan said of *Dred Scott*.[1]

Written by Lewis Powell on behalf of himself and five of his male colleagues, *Akron* shows that the old *Roe v. Wade* majority has not only learned nothing but has paid almost no attention to contemporary discoveries in medicine, currents in politics, or critiques of judicial imperialism. Locked into the medicine of a decade ago, uncomprehending of the present political climate, disdainful of conscientious remonstrance and academic criticism, the entrenched majority declares that a "fundamental right to abortion" is to be found in the Constitution.

Unworkmanlike, undemocratic, insensitive—these are the principal characteristics of the opinion. Let us look at *Akron* in terms of these characteristics.

UNWORKMANLIKE

Justice Powell begins by noting "legislative responses" and "arguments" that "we erred in interpreting the Constitution." He continues, "Nonetheless, the doctrine of *stare decisis*, while perhaps never entirely persuasive on a constitutional question, is a doctrine that demands respect in a society governed by the rule of law. We respect it today, and reaffirm *Roe v. Wade*."[2]

What does Justice Powell mean when he says that *stare decisis*—that is, the obligation to follow precedents—is "perhaps never entirely persuasive on a constitutional question"? Fifty years ago Justice Brandeis compiles a list of over a dozen instances on which the Court had reversed itself on constitutional questions—where the principle of *stare decisis* had not been observed.[3] The Court since the 1930's has been more cavalier with precedent than the pre-New Deal Courts. Explicitly of *sub silentio* it has discarded many more constitutional decisions than its predecessors had done. Conservatively estimated, at least forty times the Court has corrected itself on the meaning of the Constitution.

Footnotes at end of article.

"Perhaps never entirely persuasive"! An accurate historian would say, "Often unpersuasive." Surely Justice Powell knows this. And why does he qualify his already qualified acknowledgement with a "perhaps"? The same judicial stutter appeared in *Roe v. Wade* where Justice Blackmun suggested that "perhaps" the liberty he was inventing could be found in the Ninth Amendment.[4] "Perhaps" in these contexts is a telltale mark of a judicial conscience struggling against an implausible assertion. For Justice Powell, a learned and experienced member of the Court, to state flat out that precedent was "not entirely persuasive" was too much for him to do when a candid sense of his craft required him to acknowledge, "On constitutional issues, the question is never settled until it is settled right."

Having overplayed the place of precedent, Justice Powell makes a truly desperate maneuver—he links the observance of precedent to "the rule of law." If observing precedent were essential to the rule of law, the institution of which Justice Powell has been a prominent member would have to be pronounced subversive. It has smashed precedents right and left—one need only read its decisions on marriage, divorce, and the family to see how careless it has been in preserving them. *Akron* itself announces three new requirements of the Constitution different from those stated in earlier abortion cases. Justice Powell's linkage gives us no choice—we either do not have the rule of law or the Supreme Court has not been doing what it has been reported to be doing for the past four decades. Either alternative is unacceptable. Justice Powell fails to make a valid equation between preserving the rule of law and not overruling an outrageous decision.[5]

A footnote answering the dissent adds two special reasons for not abandoning *Roe*. (1) *Roe* was argued one year, put over, and reargued the next. Justice Powell does not note that the first year was a presidential election year and that, like *Dred Scott*, *Roe* by re-argument was moved to a year when the political consequences of a political decision would be less immediately damaging to the decision-makers. (2) *Roe* has been applied "repeatedly." Justice Powell does not observe that the reason it has had to be repeatedly applied is because of the general detestation in which elected legislatures have held it.[6]

Special irony attends the appeal to precedent in *Akron*—it overrules a case decided only two years ago. If the Court is going to flip and flop, one would think it could flip the same way two years running. Such, however, is not its course with abortion. In 1981 it decided *Gary-Northwest Indiana Women's Services, Inc. v. Orr.* There a three-judge District Court had held that Indiana could constitutionally require hospitalization for second-trimester abortions. The Supreme Court summarily affirmed. The District Court, after all, had merely applied *Roe v. Wade*.[7]

Two years later the *Akron* majority finds that *Roe* and *Gary* have been "misinterpreted." Accepted medical practice is now said not to require hospitalization during "the early weeks of the second trimester." The change in medical practice requires the Court to change the constitutional requirement. The underlying fact on which the medical practice depends is that the safety of second-trimester abortion "has increased dramatically." Such abortions now kill only 7 women per 100,000 abortions instead of 14 women. A change of survival rate of seven is greeted as a dramatic increase, an increase so dramatic that the Court's recent precedent must be formally overruled. To make matters even more embarrassing for Justice Powell the statistics he cites so triumphantly must have been available when the Court went the other way in 1981. Respect for the rule of law is indeed endangered when the Court in 1981 cannot find the statistics it dredges up in 1983 to reverse itself on a requirement of the Constitution.[8]

Precedent is usually thought of as not merely the bare holding of a case but the reasoning which underlies the holding. Six years ago Justice Powell wrote the opinion upholding the right of a state not to fund abortion. In the course of that opinion Justic Powell declared that the state had a "strong and legitimate interest"—"an interest honored over the centuries"—in "encouraging normal childbirth." The state also had, he wrote, "a strong interest in protecting the potential life of the fetus."[9]

In *Akron* Justice Powell finds it unconstitutional for the law to set up a twenty-four hour waiting period in which a woman seeking an abortion might have a chance to weigh the consequences of her choice. Twenty-four hours is not very long to be asked to wait. It is, no doubt, a small encouragement to a choice in favor of the child and choice in favor of birth. If the state has strong interests in these subjects, one would suppose a day was minimal acknowledgment. Not so Justice Powell. Tacitly repudiating his own reasoning, he describes the day wait as "arbitrary and inflexible" and, speaking as if he were the Constitution, condemns it.[10]

Six years ago, upholding the state's choice not to fund, Justice Powell wrote, "We should not forget that 'legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts'." Justice Powell's reminder was a quotation from Justice Holmes, stating what became the accepted wisdom of the law schools: judges have no business reading their private social views into the meaning of "liberty" in the Constitution. It is in repudiation of this accepted doctrine, far older and far more than fundamental than *Roe v. Wade*, that Justic Powell lets his predilections determine that that liberty prohibits the small restraints Akron attempted to put on abortion.[11]

Unworkmanlike failure to achieve consistency with recent decisions and his own opinions—the glaring deficiency is excellently illuminated in the skillful dissent of Sandra O'Connor, joined by Byron White and William Rehnquist. Justice O'Connor, begins by quoting Justice Powell's own standard in the funding case—a regulation is not unconstitutional unless it "unduly burdens the right to seek an abortion." She cannot see how such regulations as the day wait can be found undue burdens. She thinks it extraordinary that the Constitution requires the States constantly to readjust their health regulations to conform to medical practice. She wonders if the Court, to carry out this concept of the Constitution, will have to function as "the nation's *ex officio* medical board." She points out the Court's double standard—health includes emotion and psychology when abortion is to be justified; it means only physical safety when law regulating abortion is to be justified. She shows how Justice Powell's invalidation of Akron's parental consent requirement for the abortion of girls under 15(!) does not square with the Court's 1977 decision in *Bellotti v. Baird*. She indicates that Justice Powell's invalidation of Akron's informed consent requirement in effect holds three other cases expounding the Constitution were wrongly decided. She quotes back to Justice Powell his reminder from Holmes that legislatures too, are guardians of liberty, and, what Justice Powell himself had once believed that, "in a democracy," the appropriate forum for the resolution of such "extremely sensitive issues" is the legislature. She demonstrates that the whole shaky trimester division of *Roe v. Wade* has collapsed in the face of medical improvements. She makes mincemeat of the opinion of Justice Powell.[12]

With the shoddiness of the majority opinion made apparent by the dissent, Justice Powell cannot resist adding a footnote bent on refuting Justice O'Connor. Her dissent, he writes, "rejects the basic premise of *Roe* and its progeny." Justice Powell has some difficulty pointing to where this basic rejection occurs. The nub of his accusation appears to be that Sandra O'Connor defends the waiting period out of a belief that the abortion decision "has grave consequences for the fetus." Quoting her observation, Justice Powell remarks, "This analysis is wholly incompatible with the existence of the fundamental right recognized in *Roe v. Wade*."[13]

A day to think over the grave consequences for the child is "wholly incompatible" with the abortion liberty. In this brusque denunciation of the dissent, Justice Powell reveals his mind openly. He wants nothing to inhibit the choice of abortion. Every restriction is an "interference." He is impatient with the lines carefully drawn by the Akron ordinance. The raw abortion right he and his colleagues invented is not to be curbed at all.

The *Akron* legislators, respectful of the rule of law, had worked within the space apparently left open by *Roe v. Wade*. The three-judge District Court, mindful of the precedents set by higher authority, had followed *Gary-Northwest Women* and upheld hospitalization. The O'Connor dissent, relying on Justice Powell's own recent reasoning, finds the Akron regulations valid. Justice Powell has patience for none of this close reading of *Roe*, this conscientious application of precedent, this craftsmanlike invocation of his own ideas. Inhibition of the abortion choice in the smallest degree becomes denial of the fundamental right. The unworkmanlike character of his opinion follows on the zeal of the judge to sweep the board.

UNDEMOCRATIC

Akron compels the state to accept the standard prevailing in the medical profession. Indeed it compels the state to do somersaults to keep up—the American College of Obstetricians and Gynecologists changed its standards on hospitalization *after* the Akron trial; the Court holds that the new standards determine the constitutionality of the Akron rule. In the past, the states have set the standards for medical practice, incorporating professional standards where the state has found them appropriate. *Akron* subordinates the decision of the lawmaker

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to the judgment of the interested professional.[14]

We are using "the model" of "a conscientious physician," writes Justice Powell (for him as for Blackmun, doctors are always conscientious and always "physicians"). Why is the government compelled to accept this fantasy as the basis for its regulations? Any aware citizen knows that a large number of abortions are performed in mills. The modern abortionist is not the family doctor by his patient's bedside. The well-known expose of modern abortionists in Chicago by the *Sun-Times* put before everyone the kind of doctor—careless of his patients, callous to their sufferings, greedy for his money—that the Akron regulations were aimed at. Ignoring the real world and insisting on the dream doctor of the judges, the Court tramples on the experience reflected in the democratic legislative process.[15]

The Court makes a great deal of this exemplary fellow, the conscientious doctor. Nothing is to be interposed between him and his adult patient. *Roe* itself, Justice Powell admits, had pointed to "the central role of the physician" in "consulting" with the patient about an abortion. He himself writes, "It remains primarily the responsibility of the *physician* to ensure that appropriate information is conveyed to his patient" (emphasis supplied). But where the Akron ordinance requires that the physician give consulting advice about the operation to his patient, he strikes a different note. The critical factor for Justice Powell becomes that the patient obtain "the necessary information and counseling from a qualified person, not the identity of the person from whom she obtains it." It becomes unconstitutional to insist that the physician give counsel. Wonderfully overlooking the kind of halfbaked social workers or past victims of abortion likely to be willing to take such lowpaid work, the Court grandly and vaguely holds that "qualified" persons can be required to do the counselling. The Court fails to make clear why the judges have the expertise to say that a class of qualified non-doctors exist to inform potential abortion patients what awaits them and their child.[16]

Putting the professional abortionist above the lawmaking processes of democracy, using an unrealistic model of the ideal abortionist, inconsistently setting the doctor aside when he became an inconvenience, the Court does not even pay lip service to judicial self-restraint. Not once does Justice Powell ask how he has the knowledge or experience to decide the care necessary for a woman's health or the encouragement she needs to protect her baby's life or the information she should have to make an intelligent decision. The fiction is maintained that Justice Powell is merely "interpreting" the Constitution.[17]

In the year 1983, on the brink of *1984*, this kind of fiction is peculiarly unpersuasive and peculiarly unappealing. Anyone who can read knows that the Constitution does not say one word about abortion. There is no liberty of abortion in the Constitution. To say there is such a liberty one has to believe that the judges are free to make up the meanings they like and engraft them in the manner of constitutional amendments to the original text.

No one doubts, of course, that genuine interpretation can expand general concepts to cover new discoveries, for example, to bring television within the Freedom of Speech. No one doubts that experience incorporated in American laws and reflected in American beliefs and tradition can provide a gloss on ambiguous provisions. The pre-1972 cases which Justice Powell, following *Roe*, invokes for "freedom of personal choice in matters of marriage and family life" reflect the sacredness of marriage and the authority of parents, values older than the Constitution and deeply engrained in American experience. When an action has been criminal in every state, when American traditions of the family and American beliefs in the sanctity of life have run exactly counter to the action, when the action is no new discovery but an ancient and barbarous way of killing the helpless—to say that this action is protected by the Constitution's pledge of liberty is to add a new clause to the Constitution, to amend our basic law by the undemocratic method of judicial command.

Roe v. Wade, of course, wrote the new amendment. *Akron* merely reaffirms it. But after ten years of relentless criticism of the constitutional fallacies in *Roe v. Wade*, did the Court not have an obligation to explain itself, defend itself, state what the basis of its extraordinary assumption of power was? For a decade, critics of all persuasion on abortion had been unable to discover a rational basis for *Roe*. Did not even minimal respect for the rule of law and the decent opinion of mankind call for the Court to assert a basis other than arbitrary power? The judges must be powerfully insulated if all they know of are "legislative responses" and "arguments" suggesting they erred. The nakedness of their assertion of power in *Roe* has been exposed to the view of everyone. They now have nothing better to offer than *Roe*. Nothing better than *Roe*? Then they have nothing at all. They exercise the power of their office without reason and with profound injury to the rule of law.

Akron strikes one new blow against democratic government. It muzzles the legislative organs of the people. *Roe* declared that the state could not choose what the Court was pleased to call a "Theory of life" in protecting the unborn child by the criminal law. *Akron* declares that the state cannot even choose to have the truth spoken that the child is a child, is human, and is alive. To prescribe that the physician speak these words is, according to Justice Powell's opinion, "inconsistent" with *Roe v. Wade's* teaching that a state "may not adopt one theory of when life begins to justify its regulation of abortion." Or, as Justice Powell puts it in his own words, a state may not have "regulations designed to influence the women's informed choice between abortion or childbirth." [18]

By the same token, it would appear impermissible for the State to educate its children in modern biology, for modern biology teaches that the distinctive human karyotype is present at conception and that the newly-conceived being is alive. If the transmission of this information impedes a decision in favor of abortion—as it surely does—it must be an interference with the Court-proclaimed fundamental right. Such information certainly influences the informed choice of all who reject abortion. It would be instructive if the American Civil Liberties Union would seek an injunction prohibiting the use in the public schools of textbooks containing this harmful information. The Court might gag on Powell's principles logically applied. Its present holding that the Constitution acts as a censor and prevents a regulation requiring disclosure of the facts is only a little less extreme.

INSENSITIVE

The first kind of sensitivity all of us have is sensitivity to pain—to our own pain first and then, as we become civilized, to the pain of others. Insensitive persons are insensitive to the pain of others, do not want to know about it, care to do nothing about it. The majority of the Court in *Akron* reveal a startling insensitivity to others' pain.

A substantial body of physiological evidence indicates that the unborn child reacts to pain—moves to avoid discomfort, distinguishes bitter sensations from sweet. The Akron regulation required that a woman be informed of the child's "tactile sensitivity, including pain." The District Court said that there was "much evidence" that the sensitivity to pain was "impossible to determine." [19]

Instead of consulting the relevant medical literature, instead of using such a well-known handbook for pregnant mothers as William Liley's *Modern Motherhood*, the Court treats the District Court's conclusion as final. The Court, which felt free to rely for other medical data on such partisan productions as the National Abortion Federation Standards does not discuss the findings of standard physiological investigations of uterine life. The person who deliberately denies himself knowledge that others are in pain which he could alleviate is fairly described as lacking in elementary sensitivity. What shall one say of a Court that denies the states the opportunity to inform their citizens of pain they may not want to inflict upon their own children? [20]

On a different level, the Court shows itself insensitive to the politics of the country even as it engages in open politics—for a decision lacking in constitutional bases, undefended by reasoning, can only be called political. The Court has not noticed how much most of the country deplores an anti-family stance. The majority of the Court has not read the opinion polls that show the great majority of the country do not want the radical abortion right conferred upon them—do not want it for themselves, do not want it as an amendment to the Constitution. The Court majority has not observed that a majority of both Houses of Congress and the Chief Executive do not believe in the abortion amendment the Court has constructed.[21]

In deciding *Akron*, it may be said the Court is playing politics in a minor league. It is knocking down a city ordinance alone. Yet the Court did have the benefit of a brief from the Solicitor General of the United States solidly on the side of the city. The Court, even within its insulated walls, was surely aware that the President of the United States had declared that "we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide." The Court had been unresponsive to the several States of the United States which have tried to find ways of shielding their unborn children only to have their laws struck down by the Court or its surrogates. The Court is now unmoved by the Executive Branch.[22]

Unfeeling about pain, deaf to the voices of the people's representatives, the Court is curiously uninterested in medical advances on behalf of the unborn. Viability now comes earlier than the seventh month which *Roe* said was usual. Justice O'Connor told the majority that an infant could be viable at 22 weeks, and stated bluntly, "The *Roe* framework, then, is clearly on a collision course with itself." [23]

As viability moves backward, *Roe* should permit the States to protect the life of the unborn at earlier and earlier stages. If the *Roe* rationale is accepted, if precedent is respected when it works against abortion, the *Akron* regulations are constitutionally salvageable just because they do safeguard the state's interest in viable life. Justice Powell, with Justice O'Connor's facts in front of him, did not care to take note of them or say a word as to how the new information on viability shattered *Roe*'s restriction of any protection of the child to the last two months.

There is only one explanation for this kind of blindness when the information is spread out before one—the parti pris of ideology. How awkward it finds that new medical data tells against abortion, how embarrassing to say the states must study medical literature and to discover that, if they do, they will regulate abortion earlier. If one is convinced that one has invented a fundamental right, it is certainly easier not to believe that the fundamental right will be eroded by medical technology. It may even be necessary not to acknowledge the facts that would support such a belief.

Ideology, too, accounts for the grim determination not to admit in any way that abortion involves the killing of a human being. "Terminate her pregnancy" is Justice Powell's opening locution. "Unborn child" in the Akron ordinance is at times translated "fetus." He religiously applies the rubric "potential" to life in the womb. (If a moving, kicking, urinating baby is only potential life, it would be instructive to know what actual life is). He once, as we have seen, falls back on the *Roe* language which reduces the real child still further to a kind of ghostly existence as a "theory of life." At no point is he sensitive to the maternal language that speaks of the child as a baby.[24]

Ideology blocks out the accents of our mother tongue. It leads to one final enormity. The Akron ordinance required abortionists to dispose of "the remains of the unborn child" in "a humane and sanitary manner." In *Franklin* v. *Fitzpatrick* the Court in 1976 had upheld such a standard. Unfortunately for the respect due the role of law, the majority were prepared to strike down all the works of the Akron City Council. They overruled *Franklin* and threw out this provision with the others. Their ingenious reason was that the statute might be construed to "mandate some sort of 'decent burial' of an embryo at the earliest stages of formation." [25]

As the use of the phrase "decent burial" in quotation marks suggest, it is repugnant to the judges to consider that humane human beings might want to bury decently even a very young child destroyed by abortion. As the Court is here quoting the Sixth Circuit, it is inferable that Justice Powell has no appetite for considering the grisly reality of what should be done with the dead. If decent burial is too good for the early embryo, Justice Powell seems to reason, then the whole statute is void for vagueness. The conscientious doctor cannot tell what he is supposed to do.

In a case decided the same day, *Simopoulos*, and abortion was described in which an aborted child of five and one-half months was deposited in the wastebasket of a motel. Even the majority might concede that that was not humane and sanitary disposal. Normally courts construing a statute are satisfied if they can say specifically what the statute prohibits. What criminal statues are without grey areas of uncertainty? It required no speculation for the Court to say that wastebaskets and garbage dumps could not be availed of by abortionists obeying this ordinance. The judges themselves add the gloss "decent burial" in order to impute vagueness.[26]

The real offense of the ordinance on humane disposition was that, however weakly, it suggested that the slaughtered being was not vegetable or animal to the run through the disposal; not a theory of life to be written off in a sentence; not mere potential, which had no actual beating heart and functioning brain; but flesh like ourselves. Asking for a humane manner of disposal, the ordinance was sensitive to the fact that abortion was a way of visiting death on a human being. The Court is not.

Solomon's famous decision was designed to discern who really loved the child. He did not suppose the child would be actually divided. Possessed of less than Solomonic wisdom, the Court seems to suppose that its unworkmanlike, undemocratic, insenstive solution will actually be carried out; that the country will accept the division.[27] The Court could not be more mistaken. Prayer and love, work and education, action by the Congress, leadership by the President, constitutional response by the people will right the wrong now written into law.[28]

FOOTNOTES

[1] James Buchanan, Third Annual Message to Congress, December 17, 1859, *Messages and Papers of the Presidents*, ed. J. Richardson 4, 3085.

[2] *Akron v. Akron Center for Reproductive Health*, Slip Opinion, June 15, 1983, p. 2.

[3] *Burnet v. Coronado Oil and Gas Co.* 285 U.S. 393 (1932) at 407-409 (dissenting opinion by Brandeis, J.).

[4] *Roe v. Wade* 410 U.S. 113 at 154.

[5] Akron announces a new requirement of the Constitution on hospitalization contrary to *Roe v. Wade supra*, n. 4 and *Gary-Northwest Indiana's Women Services, infra*, n. 7; on humane burial of a child killed by abortion contrary to *Franklin, infra* n. 25; and on informed consent contrary to *Bellotti, Planned Parenthood*, and *H.L., infra*, n. 12. For a discussion of constitutional changes in family law, see Noonan, "The Family and the Supreme Court," *Catholic University Law Review* 23 (1978) 255-262.

[6] *Akron* at p. 2, n. 1. for the *Dred Scott* parallel see Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 1978) 290.

[7] *Gary-Northwest Indiana Women's Service, Inc. v. Orr* 451 U.S. 931 (1981), *affirming* 496 F. Supp. 894 (N.D. Ind. 1980). As Justice O'Connor points out, Justice Powell's attempt to distinguish this case "simply ignores" what the district court held. Slip Opinion, Dissent 5, n. 3.

[8] *Akron* at 14 ("misinterpreted"); at 17 ("has increased dramatically"). The statistics depended on are cited in footnote 22; they are for 1977 from a book published in 1981 and presumably as available to the Court as to the book's authors.

[9] *Maher v. Roe* 428 U.S. 464 (1977) at 478.

[10] *Akron* at 32.

[11] *Maher v. Roe* at 479 quoting Holmes, J. in *Missouri, Kansas and Texas Ry. Co. v. May* 194 U.S. 267 (1904) at 270.

[12] *Akron*, Slip Opinion, Dissent at 2, 12-13 (unduly burdens); 2-3 (trimester framework "completely unworkable"); 5-6 (nation's medical board); 12 (double standard); 14 (legislature the right forum); 21 (indicates that *Planned Parenthood of Central Missouri v. Danforth* 428 U.S. 52; (1976); *Bellotti v. Baird* 443 U.S. 622 (1977); and *H.L. v. Matheson* 450 U.S. 398 (1981) are now held to be "incorrect" on informed consent.)

[13] *Akron* at 2, n. 1.

[14] *Akron* at 18.

[15] Compare the *Chicago Sun Times* November 12, 1978 through November 22, 1978.

[16] *Akron* at 25 ("primarily the responsibility of the physician"); at 29 (identity does not matter).

[17] *Ibid.* at 2.

[18] *Ibid.* at 25 ("designed to influence"); and 26, citing *Roe v. Wade* at 159-162.

[19] *Akron Center for Reproductive Health v. Akron* 479 F. Supp. 1172 at 1203 (N.D. Ohio 1979) (per Leroy J. Contie, J.). Unfortunately District Judge Contie did not state what the "much evidence" consisted in. Citing Judge Contie, Justice Powell has no more information than other readers of his opinion as to what he had in mind. Compare Noonan, "The Experience of Pain by the Unborn," *Human Live Review* 7 (Fall 1981) 7-19.

[20] National Abortion Federation Standards are invoked by the Court at 29, n. 387.

[21] On the opinion polls, see Noonan, *A Private Choice* (New York: The Free Press, 1979) 73.

[22] Ronald Reagan, "Abortion and the Conscience of the Nation," *Human Life Review*, 9 (Spring, 1983) 16.

[23] *Akron*, Dissent at 7.

[24] *Akron* 1 and 2 ("terminate her pregnancy"); "potential human life"; 13, n. 15, ("fetus").

[25] *Ibid.* at 32, citing 651 F.2d at 1211 (6th Cir. 1981). Technically the Court "distinguished" *Franklin v. Fitzpatrick* 428 U.S. 401 (1976) affirming 401 F. Supp. 554 (E.D. Pa. 1975) because *Franklin* did not involve a criminal statute. Realistically and practically, the *Franklin* precedent was discarded, as Justice O'Connor makes plain in her dissent, p. 24.

[26] *Simopoulos v. Virginia*, June 15, 1983, Slip Opinion, p. 2 (opinion by Powell, J.).

[27] In footnote 33 of *Akron*, Justice Powell offers the compromise explicitly: "A State is not always foreclosed from asserting an interest in whether pregnancies end in abortion. In *Maher v. Roe* 432 U.S. 464 (1977) and *Harris v. McRae* 448 U.S. 297 (1980) we upheld governmental spending statutes that reimbursed indigent women for childbirth but not abortion."

[28] Compare President Reagan, "Abortion and the Conscience of the Nation" at 15: "Prayer and action are needed to uphold the sanctity of human life."

Mr. HATCH. Mr. President, I thank the Chair and thank my colleague from Oregon.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, will the Senator yield to me to propound a unanimous-consent request?

Mr. PACKWOOD. I would be glad to yield.

Mr. BAKER. It will come as no surprise to the Members of the Senate that for some hours, indeed for a day, we have been trying to arrive at a series of unanimous-consent agreements that will provide for final disposition of the tax cap as well as the abortion amendment, which has already been dealt with. I believe now we have an agreement that has survived both caucuses, it appears to be acceptable to both sides. I would like to state the request now for the benefit of the minority leader who is here and on the floor, and the managers of this resolution, and all Senators.

Mr. President, I ask unanimous consent that after the time for debate on Senate Joint Resolution 3, the abortion amendment, has expired, which parenthetically will be at 3:43 this afternoon, that the Senate then tem-

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porarily lay aside Senate Joint Resolution 3 and proceed to the consideration of the so-called tax cap bill from the House of Representatives; that debate continue on the tax cap bill from that moment until 5 p.m. today, and the time to be equally divided between the majority and minority leaders or their designees; that at the hour of 5 p.m. the Senate resume consideration of Senate Joint Resolution 3 and, at that time, under the order previously entered, a vote occur on that resolution.

After the conclusion of that vote, Mr. President, I ask unanimous consent that the Senate resume consideration of the tax cap bill, with debate thereon.

Mr. President, I will also say parenthetically I am prepared to ask the Senate to stay as long as necessary this evening to accommodate the wishes of Senators with respect to debate.

ORDER FOR RECESS UNTIL 8:45 A.M. TOMORROW

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 8:45 a.m. on tomorrow.

ORDER REDUCING LEADERSHIP TIME TO 5 MINUTES AND PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. President, I ask unanimous consent, with the concurrence of the minority leader, that on tomorrow the time allocated to the two leaders under the standing order be reduced to 5 minutes each, and that after the time for the recognition of the two leaders has expired that any time remaining before the hour of 9 a.m. be devoted to the transaction of routine morning business in which Senators may speak for 1 minute each.

ORDER FOR RESUMING CONSIDERATION OF TAX CAP BILL AND VOTE THEREON ON TOMORROW

At the hour of 9 a.m. in the morning, the Senate will resume consideration of the tax cap bill, and that the time between 9 and 10 a.m. be divided equally between the majority and minority leaders or their designees; that at the hour of 10 a.m. the vote occur on or in relation to the tax cap bill.

Mr. President, I further ask unanimous consent that no amendment be in order to the tax cap bill today or tomorrow.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, will the majority leader add two elements to this request? One, that the time on debate following the vote on the now-pending matter be also equally divided and under the control of the two leaders or their designees; and, second, that no call for the regular order will bring the tax cap bill down.

Mr. BAKER. Yes, Mr. President, I started to do that on equal division of time after 5:15 approximately, and I could not quite figure out how to do that since we do not have a particular time we are going to go out, but let me put this request.

Mr. BYRD. What about not later than 3 hours?

Mr. BAKER. Mr. President, I ask unanimous consent further that when the Senate resumes consideration of the tax cap bill after the Senate Joint Resolution 3 vote, that a period of not more than 3 hours of debate be equally divided and under the control of the majority and minority leaders or their designees.

I further ask unanimous consent, Mr. President, that the call for the regular order will not bring back a bill temporarily laid aside in order to accommodate provisions of this order, and that the provisions of paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection? The Chairs hears none, and it is so ordered.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. BAKER. I thank the minority leader.

Let me say I had hoped at this time to have an argument to take up and dispose of the agricultural appropriations bill after we finish the tax cap bill tomorrow. We are still working on that, and I remain hopeful we can do that. It is entirely possible that we can finish that appropriations bill tomorrow, and I would urge Senators who are involved in that to think kindly of that proposition.

Mr. President, if we finish these matters and if we can dispose of any conference reports on appropriations bills that are brought to us from the House of Representatives it would be my intention under the resolution previously passed by the Senate, and assuming it is passed by the House of Representatives, to adjourn on Wednesday until July 11.

I thank the Senator for yielding to me for this purpose.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I yield 10 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. I thank the Senator from Oregon.

I was presiding yesterday when the Senator from Missouri (Mr. EAGLETON) gave, I thought, a very thoughtful analysis of the constitutional history of this very troubling issue. I am not a lawyer so I am not able to speak to the legal aspects of this issue, but I am addressing my colleagues today as a colleague and as a mother.

The national debate over abortion began long before I entered the Senate in 1979. Knowing this to be an issue about which feelings on both sides run deep and believing it important that my position not be misunderstood, I stated my views on this issue at the outset of my campaign for the Senate. As I said then and have repeated many times since, I believe that abortion is seldom, if ever, the right moral choice, but it should nevertheless be a choice.

I understand and respect the opinions of those who disagree with me. Nonetheless, I remain firm in my conviction that this issue is not one which is appropriately addressed in any legislative forum. The tragedy of abortion in one which should be dealt with in the home and church, not in Congress.

In my view, one of the primary responsibilities of parenthood is instilling in one's children a sense of moral values. This is not the responsibility of Government—an institution which is clearly unsuited for such a function. Success or failure rests with the family, which is the single most important influence on the formation of the principles followed by an individual throughout his or her lifetime. If the family fails, it is folly to suggest that governmental fiat will make a measurable difference.

An ordered society rests upon the concept of individual responsibility. As the Government itself assumes greater responsibility, its citizens are moved further from acknowledging responisiblity for their own actions. I am one who believes that Government has already gone too far in intervening in areas better left to personal decisionmaking.

This type of Government interference will serve only to further restrict personal choice and to invite the flouting of our laws. There are many times during which we as individuals must acknowledge responsibility for our actions—be they right or wrong. There are times when we need to think through the choices ourselves and arrive at independent decisions based not on outside mandates, but upon the values we hold from our own upbringing and our sense of moral rightness. Making a decision about abortion ranks in these categories.

Many suggest that those who support choice are somehow endorsing abortion as a preferred option. This is ridiculous. Abortion is a tragedy which no one is actively promoting. There is no constitutional decision that makes abortion mandatory. I urge my colleagues to join me in opposing the amendment before us.

Mr. PACKWOOD. Mr. President, I thank my colleague from Kansas. I know how long she has considered this subject and agonized over the conclusion she has come to. I thank the Senator very, very much for that statement.

Mr. RIEGLE. Will the Senator yield to me at this point?

Mr. PACKWOOD. Yes, I can yield 3 or 4 minutes. We have four speakers to work in between now and 3 o'clock.

Mr. RIEGLE. I will just take 1 minute.

Mr. PACKWOOD. I yield to the Senator from Michigan.

Mr. RIEGLE. I thank the Senator.

I was greatly moved by the comments of the Senator from Kansas, who I think has spoken with great eloquence and meaning on this subject. I share very much the views she has expressed and I think her remarks are as important as any we have heard on this subject.

I just wanted to make that observation. I thank the Senator.

Mr. HATCH. Will the Senator yield?

Mr. PACKWOOD. I yield to the Senator from Utah.

Mr. HATCH. Mr. President, during the debate several questions have been raised about the operation of Senate Joint Resolution 3 and the wisdom to amend the Constitution to nullify the right to an abortion. I would like at this time to dispel those questions.

I will state the objections to this proposal as questions and give my numbered responses.

What is the holding of Roe against Wade? Does it only restrict first trimester abortions?

First. In the case of Roe against Wade, the Supreme Court identified for the first time a right to abortion within the terms of the 14th amendment to the Constitution. This right was defined with sufficient breadth to result in the overturning of the laws on abortion in each of the 50 States of the Union. In place of these State restrictions, the Court supplied standards for abortion regulation that divided the pregnancy into trimesters.

In the first trimester of pregnancy, the right to abortion is plenary. As the Court stated,

> For the stage prior to approximately the end of the first trimester of pregnancy, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.

In the second trimester, a State's authority to regulate abortion is limited to insuring the safety of abortion procedures. Again, in the words of the Court,

> For the stage subsequent to approximately the end of the first trimester, the State in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

In the final trimester, the State at length acquires an interest in protecting unborn life. That protective capacity, however, is subject to significant exception. The Court states that a State "may, if it chooses, regulate, and even proscribe, abortion, except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." This "health of the mother" exception has effectively consumed the rule because maternal health interests were defined by Roe's companion case, Doe against Bolton, to include "all factors—physical, emotional, psychological, and the woman's age—relevant to the well-being of the patient." In the words of Prof. John Noonan, the absolute entitlement to an abortion is curbed in the third trimester only by the "necessity of a physician's finding that she needed an abortion." It would be a rare physician who would be incapable of defending an abortion on grounds that in his best medical judgment the "well-being" of his patient demanded it.

Does this amendment put the Government back in the bedroom?

First. In the first place, this amendment is carefully crafted to prevent any adverse effect on the right of privacy. The Supreme Court in 1965 enunciated a constitutional right to privacy that protects the "sacred precincts of the marital bedchamber" with regard to family life and contraception. Griswold against Conn., 381 U.S. 479 (1965). This amendment only repeals the "right to abortion" created by Roe in 1973. The privacy interests of the bedchamber remain untouched by this amendment.

Second. What we are discussing today is not what kind of government we will have in the bedchamber, but what kind of government we will have in the abortion clinic. It would be absurd to deny that government, indeed big government, is already there. We have 13-year-old girls going into these clinics with a permission slip from the local judge, saying that—even though they would need parental consent to have their ears pierced—they do not have to tell their parents that they are about to destroy their grandchild. In some States, we have State vehicles driving up to the clinic door to drop off wards of the State for their government-approved abortions. We have Federal courts telling public hospitals that it is unconstitutional for them to act in accordance with the hippocratic oath, because they have an affirmative duty to open their facilities to elective abortions. We have a right whose champions contend may not be exercised without public funding. In short, the most fundamental law of our land has been placed at the service of the abortion industry, and I, for one, consider that a flagrant misuse of our Constitution. On top of all this, abortion totally denies the rights of the unborn. How can a right be private that harms another?

Third. Any Senator who wants to remove big government from the abortion issue has an opportunity to do just that by voting for this amendment. Senate Joint Resolution 3, will not prohibit abortion—it states no single substantive policy on this matter—but it will remove the most powerful and least accountable branch of our Government from what can only be called an extremely active role in using the Constitution to promote abortion.

Would this allow States to adopt differing policies?

Yes. Since the Supreme Court's interpretation of the Constitution would no longer mandate a single national policy, States would be free to deal with abortion policy as they see fit. Abortion would be among the many subjects not specifically delegated to the Federal Government by the Constitution and thus left to the States and the people themselves. Abortion would be restored to its proper place with other subjects regulated by the powers reserved to the States. General police powers, domestic relations laws, insurance laws, corporation and business association laws, property laws, trust and estates laws, and any other potential topic of legal concern outside of the specific Federal powers enumerated by article I, section 8, are all within the purview of primary State authority, as indeed abortion policy was until 1973. All of these policies may and do vary from State to State.

These variances are often beneficial because it allows the States to experiment with different approaches to a legal problem. Thus, as the State legislatures deliberate, a consensus will form around the best solution to the problem. Indeed, this hypothesis was evidenced with abortion policy prior to the interruption by the Supreme Court. In the 5 years preceding Roe, 18 States had changed their abortion laws—all in the direction of more liberal allowance of abortion.

Respect for community consensus and the virtues of diversity have been a vital aspect of the vitality and strength of our Federal system.

After ratification, what other general constitutional rights will limit State enactments relative to abortion?

First. The Federal judiciary would continue to have responsibility for determining the meaning of the amendment. Other general provisions of the Constitution would continue to limit State enactments. For example, a State statute prohibiting only black women from having abortions would run afoul of the equal protection clause. A statute prohibiting only Catholics from having abortions would violate the first amendment. Under the due process clause, a statute permitting abortions only at the discretion of a State agency that operates without standards in determining who gets an abortion would be invalid. In general all of the provisions of the Constitution would still be applicable to State enactments, just as they were prior to 1973. No general clause could operate, however, to elevate abortion to the elevated stature of a fundamental liberty. This would be creating a "right to abortion" such as was created by Roe and would be prohibited by this amendment.

What if a State constitution contains a right to abortion?

First. The specific language of this amendment is limited to "this Constitution," meaning the U.S. Constitution. It has no applicability to State constitutions. State statutes will still be subject to the provisions of their own constitutions, therefore any States whose constitutions contain a right to abortion would have to abide by that policy. This amendment respects the State's right to shape its own policy through constitutional or statutory processes.

How is this a "States rights" proposal if Congress will retain powers to prohibit abortion?

First. This amendment is a States rights amendment in the sense that any law under our Constitution is left to the reserved powers of the States. The objections about the extent of the residual Federal authority to regulate abortion are really not objections to this amendment at all, but objections to other constitutional clauses granting Congress broad authority. This amendment simply restores to the States and to the Federal Government the powers they possessed prior to 1973. If the Senate is displeased with the extent of the Federal commerce clause power or the powers of section 5 of the 14th amendment, it should consider constitutional amendments to deal with those perceived problems as I have proposed a constitutional amendment to deal with the Roe problem. This amendment confers no new power on the State or Federal Governments.

Second. In the Constitution Subcommittee and later in the Judiciary Committee, we struck language from Senate Joint Resolution 3 to clarify that the Federal Government has no special power with respect to abortion. The legislative history of this amendment is intended to direct all legislative concern with the abortion question to the States.

Third. From the standpoint of precedents, Congress did not regulate abortion in the nearly 200 years prior to Roe. In fact, the only statute that seems to have any intent with regard to abortion prior to 1973 would have prohibited interstate transport of abortifacients.

Does this amendment impose a particular morality on the country?

First, this amendment does not impose morals, it seeks to remove a Court ruling at one extreme poll of moral values and replace it with a position of neutrality. The Supreme Court, although at a loss to find any plausible reference to abortion in the Constitution, has ratified a very specific set of value judgments and required every State and local authority in the country to act as though it agreed with those judgments. Consider these moral positions: Since the Court decided that abortion is a specially protected medical practice, public health care facilities may no longer act as though the hippocratic oath—which dates back to 500 B.C. still has some meaning. Parents may not even consult with their pregnant minor daughter about abortion under recent Court rulings. This is not imposing morals, but reversing the gross imposition of morals.

Second, my amendment would reverse this very narrow and unrepresentative situation. It would reenfranchise all the people in our country, so that some kind of working consensus on the morality of permitting abortion in our society can be worked out. In and of itself, it states no dogma, takes no moral position, suggests no ethic. It simply says that our national morality does not warrant making abortion into a fundamental right. Testifying in favor of an amendment like this in 1981, Prof. Richard Stith of Valpariso University stated:

> Under this amendment, he said, (those who oppose abortion) may be in the minority, but they will not be excluded from debate by prior stipulated definitions of the beings whose interests are at issue. They may disagree with their fellow citizens, but they will not be alienated from the fundamental law of our land. And even in disagreement there is a bond to our neighbors in the hope of persuasion: Political dialogue and accommodation become once again worthwhile because local political decisions can and must be made. Free speech itself can again matter because it can be effective speech.

Third, every law ever enacted—at least, any law worth taking seriously—has a moral component. Every law says something about the values and ideals of the country that frames it, and in turn teaches the members of that society what it stands for. The question before us is whether our Constitution stands foursquare for abortion, or allows for a more pluralistic approach to this issue.

Would you be comfortable allowing the States to regulate other fundamental liberties, such as the freedom of speech?

This question presupposes that abortion is a fundamental right. This amendment is based on the principal that abortion should never have been elevated to the status of a fundamental liberty like freedom of speech. The framers of the Constitution and its amendments had no intention whatsoever to raise abortion to the status of free speech. In fact, several of the same State legislatures that ratified the 14th amendment enacted in the same session, strict prohibitions on abortion. It can hardly be maintained that the drafters of the 14th amendment intended abortion to become equal with free speech.

This amendment therefore reverses Roe and returns abortion to the place it occupied in American jurisprudence for nearly 200 years before Roe; namely, a matter within the discretion of the State legislatures subject to ordinary standards of constitutional review.

This amendment does not assert that States should be able to regulate free speech, but only that abortion is not deserving of treatment as a fundamental liberty. Free speech was approved by two-thirds of both Houses of Congress and three-quarters of the States. Can the same be said of the abortion right which was created by seven of nine judges?

Does this violate a woman's freedom of choice?

This amendment does nothing to declare policy on abortion. This amendment will derive any woman of any alternative. It does not say anything about abortion per se. It simply reverses one extreme resolution of a conflict between important societal values. I agree that freedom of choice is an important value. But in this instance, that value is in conflict with an even more important value, the fundamental right to life of defenseless human beings who are not yet born. Therefore, I must pose a further question: Freedom to choose what? Freedom to choose to kill an unborn infant in the third trimester simply because it is a girl instead of a boy, or simply because the mother decides it would be more convenient to wait another year or two? How about the freedom to choose to kill 1.6 million infants a year for such reasons? Moreover if choice is really the issue, then how can we justify the lack of concern over minors of perhaps 13 or 14 years being permitted to receive abortions without consulting with their parents? Every State recognizes that minors must be protected against the consequences of immature choices by requiring parental consent for marrying, attending adult movies, or in some cases, even getting her ears pierced. Yet abortions are allowed without concern for making the choice really free of immature factors. As I said, freedom of choice is an important value. But freedom to choose to kill unborn infants at almost any state of pregnancy is ignoring that another's choice may be at stake as well; namely, the unborn

child's. Where is the child's freedom of choice?

Would not this proposal affect Congress power to remove the jurisdiction of Federal courts—all jurisdiction from lower Federal courts, appellate jurisdiction from the Supreme Court—under article III and thus prevent courts from hearing abortion cases?

First, in the first place, this amendment does not affect the jurisdiction of the Federal courts at all. The power of the courts to hear and decide cases will not be altered in the slightest. The standards used to decide abortion cases in those courts will be altered. The abortion right will no longer be a fundamental liberty which the States can only limit by showing a compelling public interest. Instead a State may regulate abortion by showing a rational reason for doing so. As always, the determinations of rational basis will be made by courts. Since the States already have been granted at least two such rational bases—maternal safety and fetal life protection—State statutes are sure to be preserved.

Second, Congress article III power is not altered by this amendment. Congress could conceivably be debating an article III bill to alter Federal court jurisdiction today. That, however, would not change Roe which would remain binding on State courts even if lower Federal courts had no jurisdiction and the Supreme Court had no appellate jurisdiction over abortion.

If a Senator has objections to this Federal power, he should remember that this Federal power is not related at all to this amendment. It existed prior to 1973 and after 1973 when the Court created the abortion right.

Why could Congress not simply regulate abortion out of business under its taxing power?

For several reasons, such an attempt by Congress to regulate abortion under the guise of raising revenue is highly suspect and likely to be unconstitutional.

First, the Supreme Court has not been fooled by such subterfuges in the past. In 1922, the Court struck down a special tax on the profits of concerns employing child labor on the ground that the act was not a bona fide attempt to raise revenue but an attempt to control matters reserved to the States. *Bailey* v. *Drexel Furniture*, 259 U.S. 20 (1922). Moreover in 1935, the Court held invalid a statute attempting to tax liquor dealers in violation of State law because it was "an invasion of the police power inherent in the States." *U.S.* v. *Constantine*, 296 U.S. 287 (1935).

I recognize that the law in this area is not uniform. Sawed-off shotgun dealers, for instance, may be taxed at the prohibitory rates. *U.S.* v. *Sanchez*, 340 U.S. 42 (1950). Nonetheless, the taxing power is not without limits. If Congress attempts to expand its jurisdiction to cover a matter clearly reserved to the States, such as abortion will once again become after this Amendment, its attempt may well be struck down as unconstitutional.

Second, the argument that Congress could tax abortion out of existence admits too much. Under this rationale, Congress could also tax swimming pools or movie theaters or any other business for that matter. As John Marshall noted, "The power to tax involves the power to destroy." I hardly think that any Senator in this Chamber wants to start down the path of selectively destroying businesses with the power to tax. Once again, I come back to my statement that this amendment restores abortion to the plenary jurisdiction of the States to the extent that anything is within the plenary power of the States. We would all agree that regulating swimming pools or movie theaters—for safety—is within the States' exclusive control. Yet taken to its extreme, the power of taxation could totally override the States by taxing these interests out of existence. Abortion would be solely within the powers of the State in the same sense that anything under our Constitution is solely within State power.

Third, the taxing authority of article I is not an independent, freestanding power without bounds. The permissible scope of taxation is defined by the delimitation of the specific tasks delegated to Congress by article I, section 8. Thus, Congress may tax "to raise and support armies," "to establish a post office," "to constitute tribunals," or to accomplish any of the other specific congressional duties. Regulation of abortion or other criminal matters do not fall within those delegated powers and are, consequently, reserved to the States.

Fourth, one final limitation on this authority: While Congress has been allowed to use its power to tax to require gamblers and marijuana dealers to identify themselves by purchasing tax stamps, but this cannot operate in a fashion that permits violations of the privilege against self incrimination in the fifth amendment. *Marchetti* v. *U.S.*, 390 U.S. 39 (1968). Thus if abortion were illegal in a State, Congress could not fashion a tax that might cause someone performing abortions to incriminate himself by paying the tax. This could be an important limitation.

Could Congress use its authority to dispense money, the spending clause, to require publicly funded medical schools to ban abortion, to require publicly funded hospitals to ban abortions except for life of mother, to require any State receiving welfare funds to ban abortion?

First, this raises once again a fundamental constitutional interpretation controversy that traces its origins to the two primary expositors of the document, Madison and Hamilton. The Constitution says that the money Congress raises by taxation may be spent "to pay debts and provide for the common defense and general welfare of the United States." The phrase in question is "general welfare of the United States" Madison, in Federalist Papers No. 41, contended that this meant Congress was only empowered to spend to the extent necessary to carry out the other specific powers enumerated in serial fashion after the semicolon that follows the general welfare language. In addition to generally benefiting the United States, he maintained, any spending measure would have to be related to one of the specific delegations of power that followed. Thus, under Madison's reading, Congress could not cut off all funding for States that failed to ban abortion because none of the specific delegations of Federal authority is concerns abortion. My reading of the Constitution supports Madison's thesis that the spending authority must be subject to some restraints. This is the basic theme of the Constitution: to provide a limited Federal Government. Choosing Madison's option would preclude this problem from arising, if the courts wish to reach this result.

Hamilton's argument was that Congress power to spend for the general welfare was a power in addition to its other specific authorities. This, I must confess, is the interpretation that currently commands the majority in the Federal courts. Since *U.S.* v. *Butler*, 297 U.S. 1 (1936), Congress has enjoyed broad spending authority. Based on this current case law, I would expect that a congressional spending limitation intended to ban abortions could be upheld by the Supreme Court.

Second, because Congress has the power does not mean its exercise would be likely or prudent, however. After all, Congress has the power to declare a nuclear war, but such an exercise is unlikely. Nor is it likely that Congress would shut down necessary hospitals to prevent abortions, nor would it shut down medical schools or other vital services in the interest of banning abortions. This is particularly true because abortion will already be regulated by the States under this amendment. It makes no sense for Congress to risk shutting down lifesaving services to save lives, particularly when the States will enjoy the option to protect lives on their own without Federal help.

Third, in nearly 200 years prior to 1973, the Federal Government never found it necessary to take such a drastic action. The States sufficiently regulated abortion. It is unlikely that Congress should find it necessary to depart from this precedent. Since

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1976, Congress has probably exercised as much spending authority as it is likely to ever employ by its enactment of the Hyde amendment. The Hyde amendment specifically limits its prohibition on spending to a ban on any Federal spending under medicaid for the purposes of performing abortions other than those necessary to save the life of the mother.

Could Congress not, under the Commerce Clause, regulate abortions?

First. The commerce power is broad in that it allows Congress to regulate anything affecting interstate commerce as well as the commerce itself. *Gibbons* v. *Ogden,* 22 U.S. 1 (1824). Under this authority, Congress has made Federal crimes of acts which were traditionally governed by State criminal statutes. For example, the Dyer Act punishes interstate transport of stolen autos and the Lindbergh law punishes interstate transport of kidnapped persons, 18 U.S.C. 2312 and 1201. The commerce power, though very broad, is not without limits. For example, in *U.S.* v. *Five Gambling Devices,* 346 U.S. 441 (1953), the court did not enforce a criminal statute forbidding interstate shipment of gambling devices and requiring every dealer to register his place of business. The court said: "No precedent of this court sustains the power of Congress to enact legislation penalizing failure to report information concerning act not shown to be in, or mingled or found to affect commerce." 346 U.S. at 446. Thus, a Federal abortion statute under the commerce power would still be required to show a definite effect on interstate commerce, which in the case of a local medical operation may be difficult.

Second. Once again, I must stress that under its commerce power, Congress could hypothetically preempt almost all regulatory powers left to the States. Congress could find that babysitting affects interstate commerce and set national standards governing babysitting. In other words, any problem with Congress broad commerce power is not a problem with this constitutional amendment. This amendment simply allows the Constitution to operate as it did prior to 1973.

If some Senators are unsatisfied with the way the Constitution's commerce clause operates, they should propose a constitutional amendment to solve that problem; they should not attribute that problem to this narrow issue of the right to abortion.

Third. As I have repeatedly said, this amendment does nothing but restore the legal status quo ante Roe. Therefore, Congress will have no authority to enact prohibitions on abortion than it possessed in the entire life of the Republic up until 1973. In that time, Congress enacted virtually no laws governing abortion, with the exception of a law proscribing the interstate transport of abortifacients. 14 U.S.C. 1461, 1462. Thus, the precedent for Congress to abuse its authority and enact broad bans on abortion are scarce.

Because this amendment is silent on legislative authority, is it ambiguous on who may legislate and to what degree?

There is no ambiguity about who may legislate and to what degree with respect to abortion in this amendment. This amendment operates in conjunction with the rest of the Constitution. Therefore, the Federal Government may act within its jurisdiction, which means it may act very little because the Constitution gives Congress no specific legislative authority over abortion, and the States may act within their jurisdiction, which means they will have plenary authority reserved to them to set abortion policy. In fact, there is far more ambiguity about how Roe works than there is about how the Constitution works relative to abortion. Since Roe, there have been more than 100 Federal court cases, 15 of these decided by the Supreme Court, trying to ascertain the meaning of Roe. In nearly 200 years prior to Roe, there were fewer than five cases that reached the Supreme Court dealing with abortion. We have nearly 200 years of precedent governing how the amendment would work. Roe is far more ambiguous than is this amendment.

Is it not true that under this amendment a State may ban all abortions, including those necessary to save the life of the mother?

First. Technically yes, but to suggest that the States were ever in the past, or would ever in the future, be so callous is to overlook that the States too are fully capable of protecting the lives and liberties of their people. In fact, no State's body of law prior to 1973 failed to recognize a life of the mother exception. Most States protected that interest by statute; the rest protected the interest in their courts to such a degree that a statute was not necessary. Wardle, "A Lawyer Looks at Abortion," 39. The States clearly would recognize that right again.

The same might be said of rape and incest, namely that the States had provided some appropriate means of dealing with the problem in most cases.

Second. In a sense, this is more a rhetorical than a real problem. Under this amendment, the States would have plenary authority to regulate abortion as they now regulate marriage, divorce, or hospital cleanliness. Of course, a State could be so ignorant as to outlaw divorce or to permit a sewage treatment plant to be placed next to a hospital, but these are highly unlikely outcomes. It is similarly unlikely that a State is going to ignore the interest in life of the majority of its population capable of bearing children.

Third. As I have described, it is incomprehensible that a State would adopt, after 10 years under Roe, a policy that would be as callous as you suggest. But if, as you suggest, the majority of the people really do support the extreme policies of Roe, why do you fear to let the States legislate? Would not the majority rule in the States to bring about the policy you desire without continued Federal involvement?

Fourth. To posit that the States could adopt an abusive, callous, or unconsidered statute on abortion is to overlook that the States, too, operate on a system of checks and balances that will prevent abusive legislation. States, too, have vetoes, supermajority requirements, judicial review in State courts, and the like to prevent dislocations due to unwise policies.

Is the language "is not secured" ambiguous as the CRS memorandum mentioned by Senator PACKWOOD insinuates?

First. The memorandum prepared by Mr. Dale raised several questions without explaining his reasoning for even posing the questions. None of the witnesses from either poll of the abortion debate saw the supposed ambiguities that Mr. Dale purported to discover. I asked Prof. Lynn Wardle of the Brigham Young University to give his legal analysis of the paper prepared by Mr. Dale. He stated, "Conclusory assertions are always begrudged by legal analysis. And in this case, there is no support given for the conclusion that the language is ambiguous. If there is any ambiguity, it has not been revealed."

Second. Allow me to read from the Wardle memo a few thoughts dispelling the notion that there is some hidden ambiguity:

> Mr. Dale suggests that the phrase "is not secured" could conceivably be read to mean that abortion is prohibited or that abortion is protected subject to a minor countervailing consideration. These speculations are fun to engage in, and evidence a fruitful, creative mind. But legal analysis they are not. The author simply says that these interpretations "could conceivably" be made; he never says how the language could be given such translation or why such mental speculations should be given serious consideration.
>
> For instance, the author might have refered to a dictionary to show that the word "secure" has several meanings. Among the definitions given in Webster's Third New International Dictionary are guarantee, assure, to make safe, and to shield or make secure from * * * destruction or hostile interference. Or he might have referred to the Preamble to the Constitution where the same word is used in the phrase "to secure the blessings of liberty to ourselves and our posterity." But Mr. Dale does neither of these things. In fact, he gives no justification or explanation whatever for his bare conclusory assertion that "is not secured" is ambiguous and could be given creative constructions like he suggests. Legal analysis is a discipline; lawyers and judges must reason every inch of the way from identifying an issue to reaching a conclusion. Mr. Dale's interesting speculation about how the bare words of S.J. Res. 3 might be construed lacks this discipline.
>
> It is worth noting that Mr. Dale candidly admits that his speculations are necessarily tentative because he was working without the benefit of a fully developed legislative history. CRS at 3. Since the intent of the framers is crucial to the subsequent interpretation of constitutional amendments, Mr. Dale correctly noted that it was virtually impossible for him, writing a month before the Senate Judiciary Committee Report was published, to predict the proper construction of the language of S.J. Res. 3. The subsequent publication of Senate Report 98-149 supplies the crucial information Mr. Dale was lacking. It specifically states:
>
> > The phrase "not secured by this Constitution" is simply meant to clarify that the proposed amendment seeks to disestablish any theory of constitutional law upon which the existence of a right to abortion can be predicated. It is primarily designed to establish a new locus for decisionmaking authority, i.e., legislatures, not the courts.
> >
> > S.J. Res. 3 merely affirms the power of legislatures to legislate with respect to abortion and denies the existence of any constitutional protection for "abortion."
>
> Senate Report 98-149, at 57. Coming a month after Mr. Dale's memorandum and emphasizing so pointedly what the phrase "is not secured" was intended to connote, the Senate Report neatly clarifies the "ambiguity" which Mr. Dale saw earlier when he labored under the handicap of not having the legislative history.

Could this language result in the ban on contraceptives?

First. The 10 words of Senate Joint Resolution 3 will have absolutely no effect on the current protections afforded for contraception under our laws. This proposed amendment simply and directly reverses the abortion right created in Roe. It does not affect the privacy doctrines that have provided legal protections for contraception.

The 10 words of Senate Joint Resolution 3 were carefully chosen to avoid any impact on privacy doctrines other than abortion. This amendment simply removes abortion from the practices that can be protected by the privacy right. To be specific, this amendment reverses Roe against Wade, not *Griswold* v. *Connecticut,* 381 U.S. 479 (1965) (marital privacy prevents State anticontraception statute), nor *Eisenstadt* v. *Baird,* 405 U.S. 438 (1972) (statute forbidding dispensing of contraceptive to single persons invalid because State has no rational basis to distinguish between married and unmarried), nor *Carey* v. *Population Services,* 431 U.S. 678 (1977) (right to privacy strikes down statute requiring contraceptives to be distributed by licensed pharmacist and only to adults).

The undisturbed right of privacy will continue to protect contraception as it did prior to the reversal of Roe by this amendment.

Second. Once again, the committee report makes clear the intent of the authors and supporters of this amendment to avoid any impact at all upon formulations of the right to privacy other than abortion. See page 56 of the committee report.

Third. If some form of contraception is in fact an abortifacient, then this amendment still does not ban it. It merely means that that particular abortifacient is not protected by the fundamental liberty protections of the Constitution. Thus, the States would be free to legislate, or refrain from legislating, with respect to that abortifacient. Moreover, any State statute concerning such an abortifacient would not be immune from constitutional review. The State would still have to show some rational relation to a legitimate State interest before its law could be held valid. Fisenstadt has already said that such a rational basis does not exist to distinguish between marrieds and unmarrieds. Moreover, Griswold and Carey have discredited most any interests a State may posit as "legitimate" for purposes of contraception regulation. In short, even if a contraceptive acted as an abortifacient, States, if they venture to legislate at all, are unlikely to have success meeting the rational basis test. Therefore, we are quite safe in stating that all forms of contraception are beyond the purview of this amendment that reverses Roe.

Fourth. Even if all these hurdles are passed, abortifacient contraceptive bans are not likely to result in prosecution due to problems of proof. Most of these abortifacient contraceptives operate before a pregnancy can be proven. Therefore, there is no way to show that a pregnancy was in fact terminated by such a device.

Under this amendment, would a State be free to enact a statute that banned abortion even in cases of rape or incest?

First. The Hatch amendment does not prohibit abortions after rape or incest. Even prior to Roe when our consciousness of the problems associated with abortion was not as sophisticated as today, many States had statutes which allowed abortions in the case of rape or incest. The rest of the States, in effect, recognized such an exception because no one was ever prosecuted for performing an abortion under such circumstances. In the words of one legal commentator on the subject:

> Although such abortions [for rape or incest] were not within the law as written [in some States], they were clearly within the law as applied. . . . As a practical matter, abortions performed by doctors in the three categories of hard cases were not considered to be criminal abortion by the 1960s.
>
> Wardle, A Lawyer Looks at Abortion, 39.

In fact, despite diligent searches by my committee and witnesses before my committee, no one has ever been able to locate an instance where someone was actually prosecuted for performing an abortion to terminate a pregnancy caused by rape or incest.

In sum, I think we can be reasonably secure that the States will not act more unreasonably than they acted prior to 1973 when they did not prosecute for rape and incest abortions. In fact, I think we can trust them to be more responsible in protecting their own citizenry.

Second. In the 5 years prior to Roe, 19 States had changed their laws to permit abortions in instances where a mother's health might be endangered. If Roe had not interrupted the orderly development of the law, most if not all States would probably have such exceptions today.

Third. While a very emotional issue, this is hardly a major problem in terms of numbers of pregnancies caused by rape or incest. As I have mentioned, in those cases that might have occurred, we have no instance of prosecutions for an abortion.

Studies across the country attest to the fact that pregnancies from rape or incest are rare. In Chicago, a 1967 study found no pregnancies caused by rape over 9 years. In Buffalo, N.Y., a 1969 study found no pregnancies from confirmed rape in over 30 years. And a 1977 study in Philadelphia found no instance or pregnancy over a period of 19½ years (Judge Della Porta study).

Nonetheless States have not abused the trust placed in them on this issue.

Is this the first time in our history that the Constitution has been used to negate, rather than affirm, a right?

First. This really begs the question. This assumes that abortion is a fundamental right deserving the constitutional protection. This point totally ignores the other rights at stake in this matter, namely the fundamental right to life of the unborn child. The whole reason for this debate is that two important ideologies have collided. This collision was caused by the Supreme Court's adoption of one extreme poll of the debate without apparent constitutional justification. The whole purpose of this amendment is not to resolve the persistent issue of which of these interests are paramount, but rather to remove the legal basis for the Supreme Court's dubious holding and allow the States to resolve this controversy in the legislative forum.

Second. This statement is not factually correct. The 22d amendment, for instance, took away a person's right to be elected President more than twice.

Depending upon how the amendment is construed, every amendment

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probably denied some kind of right and expressed a preference for another right.

Third. Like you, I am interested in maximizing individual rights. In this case, however, there is no consensus as to what those rights are. Even a decade under Roe, which adopted one answer to the question of rights, has not produced a consensus. This amendment facilitates the formation of such a consensus and the discovery of what the rights are to be protected in this case.

Is it appropriate to subject fundamental rights to democratic processes?

Fundamental rights of individuals should not be determined by referendum. The problem, of course, is that few can agree on what precisely are these individual rights that are involved with the abortion issue. Critics in the prochoice movement see these as being the right of the pregnant woman to determine how her body is used, while critics in the prolife movement see this as the even more fundamental right of the unborn to life itself.

In other words, there is just as much disagreement on the issue of what constitutional rights are involved here as there is on the issue of the morality of abortion itself. It thus begs the question to attack the immediate amendment as one "restricting rather than expanding" rights.

The purpose of the Hatch-Eagleton amendment then is not to resolve the persistent issue of which of these conflicting rights is paramount, but rather to establish a balancing process for determining how this conflict, will be resolved in the content of individual circumstances. In short, this balancing process will take place in the same forum in which it takes place in the context of most other controversial public policy issues within the legislative process.

Mr. President, we often hear the argument from so-called liberal quarters that those who oppose abortion are lacking in concern and compassion for genuine human needs. We prolifers are often pictured as morel blue-noses who will encourage the births of children but won't take care of them after they are born.

I must respond that we would like to take care of all helpless and vulnerable, the widow, the orphan, all those set upon by life's vicissitudes. But the simple fact of the matter is that we cannot when they are not allowed to live. Why hold out the prospect for food stamps and school lunches when you kill the potential recipients first?

Abortion is no answer to any of our social ills. It is a negative response to complex problems that demand more positive answers.

A major argument used against restrictions on abortion is the matter of protecting maternal life and health. For instance, the following arguments have often surfaced:

> I am unwilling to return the country to the barbarous conditions under which abortions were obtained when not permitted by law . . . by unqualified personnel, often in less than sanitary conditions.
>
> Others relied before *Roe* on self-induced or even illegal abortions. I do not want to see a return to that tragedy that was caused by illigal abortrions. We have all heard too many horror stories about that, and we have seen the difficulties with it.

These comments were made by some of my colleagues in debate on the Senate floor. In addition to Senate debate, we all remember the prediction from the Center for Disease Control that implementation of the Hyde amendment would cause between 44 and 90 women to die within the year from botched abortions.

For my part, let me state unequivocally that I am motivated in my pursuit of a constitutional amendment by a deep concern for life—and that means the life of the mother as well as the life of the unborn. The picture often painted about the danger to pregnant women deserves to be clarified. The reality is, and both sides should admit it, that whether abortions are restricted or not, some women will be hurt and some will die during abortions. This is tragic, but it happens. The fundamental question to ask respecting maternal life and health is not whether some women will be hurt under various proposals, but whether women will be better off when States can regulate abortions or when abortion on demand exists. When posed in that light, the question changes. Under laws protective of the lives of the unborn and the mother, the protections for the life and health of women are greater.

Roe against Wade, by precluding regulation of abortion clinics to any reasonable degree and by drastically increasing the number of women obtaining abortions and by permitting extremely dangerous late-term abortions, has actually resulted in more women being hurt than prior to 1973. A 1978 Chicago Sun Times investigation uncovered a gruesome picture of legal abortion. The paper documented—

> * * * how women are deceived, maimed, crippled, and even killed by abortion profiteers.

It found an alarming number of women who, because of unsterile conditions and haphazard clinic care, suffered debilitating cramps, massive infections, and such severe internal damage that all their reproductive organs had to be removed. On November 19, 1978, their headline read "12 Dead After Abortions in State's Walk-In Clinics." And on January 5 of this year, the Miami Herald reported "Fourth Woman Dies After Abortion in Miami Clinic."

Now lets look at the actual data respecting maternal mortality and morbidity both before and after Roe against Wade. In 1942, 1,231 women died from abortion. In 1952, 320 women died from abortion, and by 1969, the number of deaths was down to 128. This dramatic decline occurred during a period when practically every State had a very restrictive abortion law. For this reason it is assumed that improvements in health care are chiefly responsible for the decline.

This decline in abortion-related maternal deaths continued after the Supreme Court decisions on abortion. But is was expected to continue, whether the Court acted or not, following a pattern that had been well established over the preceeding three decades.

According to a leading U.S. obstetrician writing in the February 1, 1978 issue of the American Journal of Obstetrics and Gynecology:

> There has been no major impact on the number of women dying in the United States since liberalized abortion was introduced.

In fact, he continues—

> * * * there has been less improvement in maternal mortality in the 1973-to-1975 period than in any other 2-year period since 1965. This suggests that approximately 1 million fetuses are being sacrificed each year with no evidence that it is contributing significantly to the reduction of maternal deaths in this country.

In 1977, when legal abortions reached 1,320,000, the decades downward trend in abortion maternal deaths reversed and continued upward through 1979—last year for which data is currently available.

Respecting maternal health, the total number of abortion complications treated in U.S. hospitals has increased since the legalization of abortion on demand. In 1969, the number of abortion-related complications being treated in U.S. hospitals stood at 9,000; by 1979 the number had more than tripled.

And not only did the projected Hyde amendment deaths not materialize, but in November 1980, the CDC reported that restricting public funds for legal abortion—

> (a) * * * has not increased the number of illegal abortions, (b) had no significant change in the number and proportion of publicly funded hosptializations for complications of illegal * * * abortions, and (c) resulted in * * * a marked decrease in publicly funded hospitalizations for complications of legal abortions.

Restricting abortions then, making them less accessible, is not detrimental to the lives and health of women, and is of course very beneficial of unborn children. I am prolife, prounborn, and prowomen.

At this point, I would also like to provide a poem on this subject for my colleagues:

As of today a million more are dead,
They weren't allowed to even lift their heads,
As silently the days go on and on,
No care that 15 million now are gone,
Since justice in the highest court we know
Repetitively rule—they have to go—
In subtle ways in brutal ways as well,
Without the slightest thought they work like Hell
For diminution of the human race,
For social inconvenience in this place,
Or Life Styles which are never like the past,
Or for their gender reasons—it's a blast,
Or for the other countless reasons now,
Innumerable frivolous we bow,
Before the godless shrines of argument—
We weep as almost helpless dissident.

Life, Liberty, pursuit of happiness,
The words of Jefferson are now impressed,
Upon the minds of all concerned for life,
Who hazard midst the everlasting strife
In this great land where feelings for our dogs,
Prohibits killing them like slaughtered hogs,
And yet the states are powerless today,
To grant the slightest help along the way—
To innocents, the unborn human lives,
Sucked out of mothers' wombs by sharpened knives,
And slopped in buckets like our garbage filth,
Forgotten as they're sluiced without a chill,
Which moral human beings used to feel,
But now we rationalize with no ill,
As though that tissue never lived at all,
I wonder how much more we have to fall—
Before the curtain slams into the stage
We call this life, now written on the page—
Kept by the angels watching daily deeds,
Of blood red hands from tissue that still bleeds.

The Dred Scott case denied the blacks their rights,
It took a decade to remove the slights,
Restoring Constitutional import—
To lesser privileged souls in the retort
I wonder thus how long we'll have to wait
To limit unborn killing and to state—
Protections to the tiny little souls,
Whose only offense is their silent roles—
Now played as though they never really die,
Or lived at all, they're wisps up in the sky.
Yet at three weeks, the blood cells are intact,
At four weeks muscles flex the heart beats fast,
The heart, at eight weeks is so audible,
At six weeks, we see formed—the skeletal
Upon which, if he lives, will bear him hence—
To 12 weeks where all organs now commence,
At 20 weeks, he kicks, he swims, he hears—
His mother's voice through all the many tears
Week 26 means he can now arrive
Outside the womb where he can then survive.

The right of choice, seductive in its sound,
A freedom now demanded does abound,
The termination of a life to me,
Relieves the one, the other is not free—
To live and die or daily contribute—
To all who live, to all who search for truth;
Snuffed out before the spark of life begins,
A future which could save the world from sins,
Or lovely music sweet he might compose,
Or scientific gifts he might have those,
To build a better world, a simpler hope—
That all may better magnify their scope
Of all the world everyone's request—
For peace and tranquil needs We could now rest,
And in the end be happier than now,
We lost it all when death destroyed the plow,
He might have held, to plant for you and me—
That we might live in health and harmony.

Mr. President, I might also add that my esteemed colleague, Senator KENNEDY, expressed his strong feelings on this subject. He has made earlier statements on the abortion issue, which I ask unanimous consent to be printed in the RECORD along with a news article on this subject so that they may be shared with our colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 3, 1971.

MR. THOMAS E. DENNELLY,
Great Neck, N.Y.

DEAR MR. DENNELLY: I appreciate your letter containing your views on abortion. There are many moral and legal aspects arising from this complex issue which is gaining the acceptance of large numbers of women faced with unwanted pregnancies, while disturbing the consciences of a great many other Americans.

Opponents maintain that abortion is wrong from every theological, moral and medical aspect. Proponents are firmly convinced that the woman, alone, has the right to decide.

While the deep concern of a woman bearing an unwanted child merits consideration and sympathy, it is my personal feeling that the legalization of abortion on demand is not in accordance with the value which our civilization places on human life. Wanted or unwanted, I believe that human life, even at its earliest stages, has certain rights which must be recognized—the right to be born, the right to love, the right to grow old.

On the question of the individual's freedom of choice there are easily available birth control methods and information which women may employ to prevent or postpone pregnancy. But once life has begun, no matter at what stage of growth, it is my belief that termination should not be decided merely by desire.

I share the confidence of those who feel that America is willing to care for its unwanted as well as wanted children, protecting particularly those who cannot protect themselves. I also share the opinions of those who do not accept abortion as a response to our society's problems—an inadequate welfare system, unsatisfactory job training programs, and insufficient financial support for all its citizens.

When history looks back to this era it should recognize this generation as one which cared about human beings enough to halt the practice of war, to provide a decent living for every family, and to fulfill its responsibility to its children from the very moment of conception.

Sincerely,

EDWARD M. KENNEDY.

[From the Boston Globe, Sept. 27, 1982]

THE REASON FOR KENNEDY'S FLIP-FLOP ON THE ABORTION ISSUE

(By David Farrell)

The people of Massachusetts can always get a new senator, but I can't get a new set of convictions and values."—Sen. Edward M. Kennedy speaking on one of his new television commercials now being aired to bolster his re-election campaign against Republican Ray Shamie.

For nearly two decades, I have served in the Senate and heard my colleagues debate whether Congress can or should decide this intensely private decision for others. I have listened carefully and thought long. And I am convinced that the issue of abortion cannot appropriately or effectively be resolved by statute or by constitutional amendment. It is, and it must remain, a matter of individual conscience."—Sen. Kennedy addressing the Senate Sept. 15 just before it voted to shelve antiabortion legislation for the current session.

While the deep concern of a woman bearing an unwanted child merits consideration and sympathy, it is my personal feeling that the legalization of abortion on demand is not in accordance with the value which our civilization places on human life. Wanted or unwanted. I believe that human life, even at it earliest stages, has certain rights which must be recognized—the right to be born, the right to love, the right to grow old . . . Once life has begun, no matter at what stage of growth, it is my belief that termination should not be decided merely by desire . . . When history looks back to this era. It should recognize this generation as one which cared about human beings enough to halt the practice of war, to provide a decent living for every family and to fulfull its responsibility to its children from the very moment of conception."—Sen. Jesse Helms of North Carolina? Sen. Orrin Hatch of Utah?

Neither. It was Sen. Kennedy in an Aug. 3, 1971 letter to a constituent Kennedy says the subsequent change in his attitude toward the abortion controversy was made necessary by the Supreme Court's 1973 decision legalizing abortion on demand.

But if he had strong feelings and meant what he said in 1971, he would not be leading the opposition to a proposed constitutional amendment that would protect the unborn he said he thought so much of 11 years ago. His change indicates that his personal convictions are not nearly as deep as his new campaign advertising would have the voters believe.

Kennedy's flip-flop on abortion is strictly political and is explained by his desire to remain in the good graces of the ADA and various women's organizations which have been championing abortion as the No. 1 women's issue of this era.

The senator's long-range goal is the presidency. He assumes that his prospects of capturing the Democratic party's nomination—the essential first step in the elusive quest—will be enhanced if he uses his powerful leadership position on the Senate to block pro-life forces from changing the Constitution and negating the Roe-Wade abomination.

As the Globe's Thomas Oliphant pointed out last Friday, Kennedy's new television commercials constitute a trial run to meet the major hurdle facing him across the nation in 1984—the character issue. The TV ads are designed to elicit positive feelings about Kennedy as a person, a father and head of a family.

The sad aspect of Kennedy's effort to improve his image is its transparency. No lavish expenditure of funds is going to gloss over his switch on abortion or Chappaquiddick and its unanswered questions. Both will be waiting for Ted again a year from now

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when the battle for the 1984 nomination gets going.

The Senator need refer only to the experience of Gov. Edward J. King who in recent multimillion-dollar advertising campaign failed to win him renomination. King's TV ads were well done and stressed the idea that the governor was a warm man with very close ties to family. But large numbers of voters obviously were not persuaded.

Kennedy, of course, will have no problem winning reelection this fall. The GOP's Shamie who has been doing everything he can to draw him into a debate has been unable to make a dent in Kennedy's powerful position with voters here.

Shamie also will make a mistake if he interprets the large number of voters who blanked Ted in the recent Democratic primary as a forerunner of good news in November. Despite Ted's liberal positions on many issues—a posture which places him at odds with sizable segments of the Massachusetts electorate—more Democrats are likely to support the senator in the voting booth.

But Iowa in 1984 presents a much tougher hurdle.

Mr. TSONGAS. Mr. President, I am here today to oppose passage of Senate Joint Resolution 3, an amendment to the Constitution of the United States to establish legislative authority in Congress and the States with respect to abortion. This amendment, proposed by Senators Hatch and Eagleton, is but a mere 10 words:

> A right to abortion is not secured by this constitution.

These 10 words, however, would seek to reshape our Constitution in a manner with implications far beyond the relatively narrow question of whether abortions should be sanctioned or denied. All other amendments to our Constitution declare affirmative principles of law. Senate Joint Resolution 3 negates the force of an existing right. It would be the first constitutional amendment to take express powers away from the judicial branch and confer them on the legislative branch. As such, the amendment is little more than a subtle, court-stripping mechanism similar to those proposed in previous debates on abortion, busing, and school prayer.

In that sense, this amendment would set up an unacceptable precedent for amending the Constitution by eliminating the established procedure—two-thirds of each House and three-fourths of the States—and placing power in the legislative branches of the 50 States. Think what that might mean in other areas. Under a simple majority rule such difficult issues as protection of individual liberties, protection of minorities, and the freedom of expression might all forfeit the traditional guardianship of the courts.

I, along with many of my colleagues who oppose Senate Joint Resolution 3, find this precedent unacceptable as a method for changing the Constitution, and one which could undermine other precious liberties. Today it is proposed that a woman's right to abortion be subjected to the struggles of the political and legislative arenas. Tomorrow, perhaps, we will be asked to allow the shifting and temporary majorities of popular opinion to determine which religions should enjoy the protection of the first amendment. These questions, I submit better belong to the calm and reflective judgment of the courts than to the sturm and drang of political organizing and intensive lobbying.

Mr. President, I am confident that the proponents of Senate Joint Resolution 3, know full well that a straightforward human life amendment would have an extremely difficult chance of passage either here or among the States under the normal ratification process, but that process would at the very least insure a clarity and a fair reading of public views. Elected Representatives here in the U.S. Congress and in the various legislatures would know what they were voting for or against. If successful, that customary procedure would result as well in the establishment of consistent and uniform enforcement procedures nationwide.

Senate Joint Resolution 3 does just the opposite. Passage of this amendment would result in endless litigation, with 50 different and widely varied sources of law for guidance and, at best, extremely limited Federal review for clarification. It virtually guarantees that the debate over abortion will become more rather than less intense in State legislatures, in the courts, and in Congress. It would seem that this scenario produces precisely the opposite effect from the one desired by proponents of the amendment, a clear and uniform prohibition of abortions on a nationwide scale.

In short, Mr. President, if the Supreme Court's reading that the U.S. Constitution prohibits restrictions on abortion is to be reversed, it would best be accomplished in a direct, unambiguous manner. We should vote up or down on whether to definitively prohibit abortion. I do not wish to fly under false colors here: I would vote against such a proposal.

But at least it would provide us with an unmistakable rule of law. At its best, Senate Joint Resolution 3 means continued confusion and ambiguity, widely varying and conflicting statutes and court interpretations, and an even more bitter and divisive abortion debate than we have now.

The adoption of Senate Joint Resolution 3 would result in greater pressure to expand the scope of Federal indirect controls. It certainly would invalidate the 1973 Roe against Wade decision, eliminating the part of the holding that denies personhood to the fetus, leaving that question open once more. Members of Congress could reintroduce bills like the human life statute with the understanding that they would not violate declared principles of law under the Constitution. Senate Joint Resolution 3 does not restore the status quo before Roe against Wade, as proponents have claimed. A woman could no longer claim her right to privacy as a rationale for abortion, nor could she depend on other claims to life and health, such as due process and equal protection, where these asserted rights are the basis for her attempt to obtain an abortion.

No law could prohibit a woman from traveling from one State, where abortion is illegal, to a State that permits abortion. The result would be that the rich would continue to have safe, legal abortions, an option not made available to poor women living in States that might ban abortion. No one seriously believes that enacting a constitutional amendment such as Senate Joint Resolution 3 would stop all the abortions in the United States, but would only make them more dangerous to obtain.

Much of what I have said, Mr. President, and much of the debate on Senate Joint Resolution 3, has necessarily involved abstract constitutional analysis and legalistic fine points. That is obviously to be expected in a debate over a proposal that makes a major alteration in the charter of the Nation.

But underlying all of this argument is a question of fundamental values. The essential reason this amendment should be rejected is that it fosters an intrusion by political brokers in areas of personal discretion. I continue to believe that decisions on abortion ought to be made by women themselves, based on convictions of conscience and religious judgment, assisted by the medical advice of their physicians, and not imposed by Government—at any level.

Mr. DOLE. Mr. President, I intend to vote in favor of the proposed constitutional amendment sponsored by the distinguished Senator from Utah. However, I wish to clarify for the record my reasons for doing so.

EVOLUTION OF THE ABORTION CONTROVERSY

In 1973, the Supreme Court handed down the Roe against Wade decision. This decision generally held that a State could no longer prohibit abortions during the first 6 months of pregnancy. Rather than having conclusively resolved the abortion question, the Roe decision sparked a national protest movement. And in each Congress since the Roe decision, proposed constitutional amendments have been introduced in both Houses seeking to overturn its effect.

THE PROPOSED AMENDMENT

Ten years later, the U.S. Senate is now, for the first time in history, debating a proposed constitutional amendment on the abortion question. The proposed amendment does not seek to shape abortion policy, but rather simply states that "no right to abortion is secured by the constitution." The purpose of the amendment is to restore the status quo ante Roe, when the States possessed authority to legislate with respect to abortion.

CONCERNS ABOUT THE AMENDMENT

It has been said that the primary strength of the amendment is that by returning the abortion question to State legislative bodies, it does not have to address the delicate and controversial questions relating to whether, and under what circumstances, abortion should be legal. Rather, these decisions would be made by the representative branch in each of the States, who many feel could be expected to shape abortion policy in a manner more responsive to the views of the people.

But the primary strength of the amendment may also be its primary weakness. In light of the fundamental rights involved in the abortion issue, I question whether they should vary in accordance with the political whims of each of the 50 State legislatures. Moreover, I have serious reservations about the divisive influence which the amendment could have on the Nation.

Under the proposal, one State could decide to place no restrictions on abortion whatsoever; another could decide to prohibit all abortions. Every State legislature could be confronted with annual battles over abortion laws. Further, because the status of the law prior to Roe was unclear as to whether Congress had jurisdiction over the abortion question, the issue might be a recurring source of controversy in Congress as well.

CONCLUSION

Because of these concerns, I am unable to give my unequivocal support for this amendment. However, I will vote for it as a reaffirmation of my continuing opposition to Roe against Wade and its progeny. I commend the principal sponsors for their time and effort in bringing the amendment to the floor and making this historic debate possible. The high quality of debate that we have seen on Senate Joint Resolution 3 has greatly contributed to an understanding and awareness of the complexities involved in this difficult issue. Only by engaging in this kind of debate will we ever be able to seek out and find the right solution to the abortion question.

Mr. ROTH. Mr. President, the national debate on abortion continues to be one of the most emotional and controversial issues that we face today.

My position has always been that the Federal Government should not be involved in determining abortion policy.

Unfortunately, Senate Joint Resolution 3 does not completely remove Congress from determining abortion policy.

The passage of this constitutional amendment may, in the end, raise more questions than it resolves. Rather than eliminating the discussion of abortion at the Federal level, Senate Joint Resolution 3 may simply continue the disjointed debate on abortion that has been conducted over the past 10 years within the Halls of the Federal Congress.

For these reasons, I will vote against Senate Joint Resolution 3.

Mr. PACKWOOD. Mr. President, I yield 7 minutes to the Senator from Michigan (Mr. Levin).

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while I shall vote against the Hatch-Eagleton compromise proposed constitutional amendment on abortion, Senate Joint Resolution 3, I happen to personally oppose abortions which are not the result of danger to the mother's health, rape, incest, or other unusual circumstances. Were I asked by a woman for advice regarding an abortion, I would advise her against it, absent such unusual circumstances. My views are the product of my personal beliefs and morals. They differ from the views of other persons, as is evident by the lack of consensus among religious groups and the medical profession on the underlying questions relative to abortion. In the absence of such a consensus, I believe that the woman's right to make a private decision concerning abortion should prevail as public policy, regardless of our personal views on the matter.

Mr. President, my objections to this amendment are based principally upon the views I have just outlined. There are, however, other reasons why I cannot support this amendment.

The proposed amendment will not put to rest the abortion controversy. On the contrary—assuming it does have the effect intended by the sponsors of the amendment—it would subject the American public to a battle over the abortion issue in each of the 50 States, since it would leave to the determination of State legislatures the question of whether abortion should be restricted or prohibited altogether.

Nor would it remove the issue from the Congress. Presumably, the proposed amendment would not affect other possible sources of Federal authority over the regulation of abortion, such as the commerce clause or the spending powers. Since the amendment is silent on the delegation of powers between the States and Congress, should it be approved, it is anybody's guess what the rule of Congress with respect to abortion will be.

Mr. President, whatever the resolution of our differences over the abortion question, the law should be uniform among the States. In Roe, the Supreme Court recognized two important societal interests involved in the abortion decision—the interest in "protecting the potentiality of human life" and the interest in "safeguarding health and maintaining medical standards." The Court's trimester approach to determining when States have authority to regulate abortions attempted to balance these sometimes competing interests.

While we might disagree with the way the Court has balanced those interests, I think we would all agree that each of the interests identified by the Court in Roe is important. Because the interests are so important, I believe Americans have a right to uniformity in the way the interests are weighed. Under the Hatch-Eagleton amendment, the States would be free to balance these interests as they see fit, depending upon the views of a majority in each State legislature. This approach to the abortion issue would result in different rules in different States and would be particularly unfair to low-income women. We would be returned to a situation where women with money could travel to States where abortions are legal and therefore safer, while women who could not afford to travel might again resort to the "back-alley" abortion.

Our people are divided on the abortion issue. But I believe most feel that the same rule should be applicable as a practical matter to all our people wherever they live and whatever their financial circumstances.

I am wondering, Mr. President, if I might ask my friend, the Senator from Utah (Mr. Hatch), two or three questions relative to his resolution, the constitutional amendment he has offered? The first question is: Is there any implication in the sentence, "A right to abortion is not secured by this Constitution," that abortion is prohibited by the Constitution?

Mr. HATCH. No, Mr. President, the language of this constitutional amendment would neither encourage nor prohibit the issue of abortion within the Constitution. It is no secret that I personally would prefer a stronger amendment to the Constitution that would restrict abortion, but this particular amendment would allow the State legislatures to go any way they want to on the issue.

I might add, if I could, that the purpose of the amendment is to allow a consensus-building process within the elective branch of Government to resolve this very, very divisive issue.

Mr. LEVIN. Second, is it the intention of the proponents of this amendment that the Constitution remain neutral on the legality of abortion?

Mr. HATCH. Again, Mr. President, in my own personal viewpoint, I would not have the Constitution be neutral. I would prefer to see the Constitution establish the right to life of the unborn, except in cases necessary to save the life of the mother. This particular amendment, however, removes the current Court-created right to abortion without replacing it with any value judgments. It leaves it up to the elected representatives of the State legislatures. Thus, this amendment is neutral.

Mr. LEVIN. Is it the intention, then, that as a result of the adoption of this amendment, if it were adopted, the Constitution would be neutral on the legality of abortion?

Mr. HATCH. Mr. President, this amendment, if adopted, would leave it up to the State legislatures to legislate on the issue.

Mr. LEVIN. I am trying not in any way to ignore what the Senator has said.

Mr. HATCH. I believe Senate Joint Resolution 3 is neutral.

Mr. LEVIN. This would leave the Constitution neutral if this amendment were adopted.

Mr. HATCH. What it would do is take away the right to abortion, thus restoring the neutrality of the Constitution which allowed States to govern abortion policy. It would do away with the present right decreed by the Supreme Court of the United States. It would then allow the States to set their own policies.

The Constitution then would not impose upon the States one way or the other what they must do. It would be their own elected State legislators who would resolve this issue as elected officials through the normal legislative processes.

Mr. LEVIN. Mr. President, let me slightly rephrase the question. Is it the intention of the proponents of the amendment that if this amendment were adopted, the Constitution would at that stage be neutral on the issue?

Mr. HATCH. Yes. It is the intention to do away with the right to abortion. This would restore the Constitution's neutrality. The right to abortion created by the Court disrupted this neutrality which this amendment will restore.

The PRESIDING OFFICER. The time yielded to the Senator from Michigan has expired.

Mr. PACKWOOD. I yield 2 more minutes.

If I might enter into this discussion, the Senator from Utah and I do not have the same view as to what his amendment seeks to do. It does not take us back to the situation prior to Roe against Wade with respect to the regulation of abortion because it inserts into the Constitution the words of the amendment, henceforth, any Federal or any State court decision has to take into account the fact that abortion is not a right guaranteed by the Constitution. That was not part of the Constitution as decided by Roe against Wade.

Mr. HATCH. I agree with what the Senator has said.

Mr. PACKWOOD. Second, Mr. President, I contend that this amendment is not neutral in any sense. I think it absolutely tilts against choice. It is neutral because it leaves to the State legislatures or the Federal Congress the right to legislate on abortion. I use the word, "legislature" in the exact sense: This is not a States rights amendment, it was not drafted as a States rights amendment and in deliberation it was not considered as a States rights amendment.

Mr. HATCH. Mr. President, let me add to what the Senator from Oregon said, I believe the people in this country do not want the widespread abortion on demand situation we have today in this world, especially in this country—as I have said, the most permissive in the world except for Communist China. That being the case, should this amendment pass, I believe there is no question that there would be restraints brought about on the widespread practice of abortion on demand by State legislatures. There is no further question that it is my intention as a sponsor of this amendment, and I believe Senator Eagleton's intention, that we want restraints on the widespread practice of abortion. So, in that sense, it is not neutral.

It is neutral in the sense that we leave this issue up to the State legislature as the Constitution clearly intended before the ill-conceived 1973 decision.

It restores neutrality in the sense that we take away the right to abortion as a part of the Constitution, abortion as decreed by judges in the Supreme Court. Permit me to explain how this amendment will operate. The Roe decision made the right of abortion a legal entitlement deserving of the strict constitutional protections afforded fundamental liberties, like freedom of speech. This heightened standard of constitutional review means that a State must show a compelling justification for any statute limiting abortion. This "compelling public interest" test for validity of State statutes is very exacting. Even such seemingly inconsequential State regulations as the 24-hour waiting period before performance of abortion requiring a physician to warn a woman of the risks of abortion have failed to meet this demanding standard of review.

In those cases, as in Roe, the Court acknowledged that the State has a legitimate interest in protecting maternal safety and the life of the unborn. Nonetheless, these profound interests did not rise to the level of "compelling." Thus, the standard operated to strike down the will of the State legislature in those particular instances.

This amendment removes the abnormally elevated constitutional status afforded the right created by Roe against Wade. After ratification of this amendment, a State statute concerning abortion would be subject to ordinary standards of judicial review. The same standards used to assess the constitutional sufficiency of other domestic relations statutes or insurance statutes or business association statutes would apply to abortion laws. This standard requires a State to show a rational relationship between its law and a legitimately protectible State interest, the rational basis test.

Since the court has acknowledged at least two legitimate interests, maternal safety and the profound interest in unborn human life, any statute rationally related to these purposes would be upheld. Since this standard is easily satisfied by State enactments, the will of the people as reflected in State statutes would be respected by the courts. The Constitution would remain neutral and allow the States to create any policy in this area. I believe that answers the Senator's inquiry.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I yield 2 minutes to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I thank the Senator from Oregon for yielding. Mr. President, the legislation before us is very brief—only one sentence: "A right to an abortion is not secured by this Constitution." It is designed to overturn the Supreme Court's 1973 decision in Roe against Wade which held that State laws unreasonably restricting a woman's right to an abortion were unconstitutional. I oppose Senate Joint Resolution 3. It is likely to result in legislation in each State that would still be subject to constitutional challenge and it would force women to return to the days of unsafe and illegal abortions.

I have said many times that I feel uneasy, as a man, determining for women whether they will have the right to a legal abortion since it is a decision I will never be asked to make. It is one of the most deeply personal decisions an individual can make. It involves one's personal, religious, moral, ethical views, as well as an assessment of one's health and future life. I recognize that there are sincerely and deeply held views on both sides of the issue. And, it is for this reason that I believe the Supreme Court was correct when it held that the right to an abor-

tion was inextricably tied to the right to privacy.

But the Supreme Court also struck down many State abortion laws for reasons other than the fact that they violated the right to privacy. And it is important to recall those reasons in order to understand why Senate Joint Resolution 3 is not the right way to go.

Prior to Roe against Wade, many States prohibited abortion except where it was necessary to save the life of the mother. While there is no record of these laws being enforced against the women who had abortions, there was frequent prosecution of doctors who performed them. And the Supreme Court held that the standard—to save the life of the mother—was unconstitutionally vague. How close to death does a woman have to be before it is lawful to perform an abortion? Does it have to be certain death if an abortion is not performed? Or merely high risk? Such legislation put doctors at risk for criminal actions without a clear standard to guide them. Senate Joint Resolution 3 does nothing to resolve this problem. So if Roe against Wade were merely overturned and States adopted the old laws they had before 1973, those laws would still be subject to challenge on the grounds of unconstitutional vagueness. Those laws would also be subject to challenge on the basis of State constitutional protections which have upheld the right to abortion in many States. The one thing certain is that there would be considerable litigation.

What are the practical consequences of returning to the old standards of preserving the life of the mother or even the life and health of the mother? No one can contend that the old abortion laws prevented women from getting abortions. Women who could afford it went to private hospitals and received abortions under the guise of other medical procedures. Poor women went to back-alley apartments without adequate professional care and with no provision for emergency care. It is no accident that the maternal death rate has plummeted since Roe against Wade. So the question will be as it has always been; not whether women will have abortions, but where and under what conditions. As a matter of privacy, I cannot and do not wish to decide for any one whether an abortion is appropriate for that individual. As a matter of public policy, however, I want to insure that women who chose this option will have access to safe medical care. Senate Joint Resolution 3 goes precisely in the opposite direction.

Mr. President, when we are dealing with our criminal laws, I am concerned that we must have a set of clear and simple rules which are strictly enforced. It does us no good to have volumes of laws which are ignored. That breeds contempt for the law. I have heard no one argue that the women—or children—who have become pregnant—as victims of rape or incest—should be sent to jail for having an abortion. Nor can anyone contend that abortions will not occur as a result of making them illegal once again. To return to the pre-1973 laws will not eliminate abortions; it will only make them unsafe for those who are most in need of support and help. The only thing this constitutional amendment will accomplish is to shut the doors to the hospitals.

I see no reason to turn back the clock. This most personal decision is precisely where it should be—as a private matter between a woman and her doctor.

Mr. PACKWOOD. I thank my colleague from New Jersey, with whom I have shared so many battles in a variety of areas, and I look forward to sharing with him more on the same side.

Mr. President, Senator Hatch and I have worked out between ourselves the method in which we will close. He will close for about 15 or 20 minutes. I will have rebuttal, whereafter he will have 5 or 6 minutes for surrebuttal. I will yield at this time 20 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank my dear colleague from Oregon for his kindness.

Mr. President, in 1857 this Nation was rocked by an edict from the highest Court of the United States. In disbelief that these learned men would actually hold that some human beings deserve no protection from the same Nation that declared that "all men are created equal and endowed by their Creator with inalienable rights to life and liberty," the United States sank into the despair that produced the great War Between the States. In 1973 the Supreme Court once again declared that some human beings are not deserving of the full protections of this humane and generous Nation. In the decade since that infamous decision, this Nation has been locked in a great debate over civil rights, a great debate over human rights. That great debate reached the floor of this body yesterday in the form of the first constitutional amendment to reverse the Roe against Wade decision and restore to the people in the States the power to resolve this issue as they see fit.

This has been the debate over abortion that the American people did not have before the Supreme Court's decree. The momentous scope of this debate has been evident in the subjects of great constitutional and moral concern addressed by the John Calhouns, Henry Clays, and Daniel Websters of our era. I cannot express enough the great respect I have for the Senator from Missouri (Mr. Eagleton). He deserves credit in history for his devotion to the rights of all men, particularly those yet to be born. A similar credit should be extended to Senator Thurmond and Senator DeConcini. At the same time, I feel it appropriate to compliment the distinguished Senator from Oregon (Mr. Packwood) for the fairness and fervor with which he has defended his views and dealt with me and others on the floor of this Chamber. I respect him. I know he is sincere, and I know he believes in what he is saying and what he is doing.

In a few minutes—frankly, at 5 o'clock—we are going to vote on this issue. I would remind this body that at that time the Senate, unlike any other entity created by our Constitution, can at times be called upon to exercise two of the basic functions of Government. The Senate is a legislative body, but in certain unique circumstances such as impeachments, it also becomes a judicial body. Although we are today acting as a legislative body under article V of the Constitution, I would like to invoke that comprehensive judgment demanded of judges. I urge my colleagues to consider themselves in the role of justices called upon to render judgment in a capital case. This vote will ask you not only to decide whether to reverse the modern Dred Scott decision, but also to pronounce a sentence of life or death for countless unborn children.

In respect to your judicial task of weighing the jurisprudential merits of Roe, I could cite the reasoning of John Hart Ely, Archibald Cox, Alexander Bickel, and many other talented constitutional scholars, who although they favor the outcome of Roe, confess that it is bad constitutional law or not constitutional law at all. These legal merits, however, are not the most compelling impeachment of Roe. The most compelling case against Roe, in my opinion, is the regime of callous disregard for the sanctity of human life it has produced.

Since Roe, 15 million unborn children have perished. I mentioned earlier that the Supreme Court's dreadful Dred Scott decision helped precipitate the bloody Civil War. Yet, the horrors of that war, combined with the dead from every other war, is less than one-tenth of the deaths in the war against the unborn. Ten times as many Americans have died from abortions as from all wars put together.

Moreover, the death rate is still climbing. Nearly 2 million abortions a year are performed in America. Nearly one in every three pregnancies ends in abortion.

Two cities in this country have more abortions than they have births, and this is one of those two cities. The other is the largest city in the country.

This great civil rights movement is motivated by a concern for all life.

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The life of the mother, when jeopardized by a pregnancy, must be preserved, even at the terrible cost of the life of the infant. On occasion, those choices are necessary. When necessary, appropriate medical procedures must be available to protect the mother. Indeed, every single State, prior to 1973, protected the mother's life by law. But protecting the mother's life has little to do with today's regime of permissive abortion. Only 3 percent of all abortions performed can be justified by the need to protect the mother's life or health.

All other abortions are performed, more or less, for reasons of convenience.

A particularly tragic aspect of this disgrace is that many of those children killed by abortion are on the verge of viability when they could live outside the womb normally. These are children near their 20th week of growth.

At 20 weeks, their hearts have already been beating 12 weeks; they have been sucking their thumbs for 8 weeks; they are appropriate candidates for fetal surgery to preserve their lives from natural threats; finally, their fully formed nervous systems are capable of experiencing anguishing pain at the moment their lives are torn asunder. Nobody disagrees with that.

Throughout this debate we have heard much about the "freedom to choose." Freedom to choose is an important value. But in this instance it is in conflict with an even more important value, the fundamental right to life of a defenseless human being. Can freedom of choice justify killing an infant in the third trimester, fully capable of life, only because she is a girl instead of a boy or because of some convenience for the mother or because of some other factor related to the well-being of the mother. If freedom of choice is the only principle to govern this situation, who will step forward to defend the child's freedom to choose to live?

No doubt the medical facts about the development of the child—its ability to recognize its mother's voice in the womb, its ability to respond to music and touch—have been the primary reasons most Americans see abortion at some stage as destruction of a living being. On this point, there is a gender gap. More American women than men believe life begins at conception.

Since we have drawn special attention to the woman's point of view, we should examine one other argument of this debate, that women will be driven back into the alleys if States are allowed to regulate abortion. This argument suggests that legalized abortion deserves credit for saving women's lives. To the contrary, legalization should receive little, if any credit, for saving lives. Advances in medicine, principally penicillin and use of the safer suction curetter, deserve credit for maternal safety during abortions. I think the second chart at the rear of the Chamber shows that.

In terms of morals, Americans, by overwhelming majorities, feel abortion is wrong. This judgment is nearly uniform amongst people of all political backgrounds—62 percent of the Independents, 64 percent of the Republicans, and 68 percent of the Democrats, for two-thirds of the American people.

Moreover, this is not an idle judgment. If allowed, most Americans would stand behind their convictions and seek an alternative to abortion for their own 15-year-old daughter. We have heard people who have come to the floor today say, "I would never want this to happen in my family. I would never want this to happen in my life. I would not go through this myself." Nevertheless, the vast majority of people are very concerned about the widespread, indiscriminate abortion on demand that is going on in this country today.

Ironically, the Supreme Court stated a few weeks ago that 15-year-olds may get permission for an abortion without ever consulting their parents.

Finally, the strong personal values of Americans do translate into support for a constitutional amendment to discard Roe against Wade. If the Americans polled for this chart had known of Senate Joint Resolution 3, which would allow them to participate in forming a humane abortion policy, this number may have even been higher than the 50 percent who think there should be an amendment to the Constitution of the United States.

Mr. President, let me summarize the pending constitutional amendment one final time. The principle purpose of the human life federalism amendment is to deconstitutionalize the issue of abortion. Instead of issues relating to abortion being decided only by Federal courts—their exclusive forum for the past decade—the proposed amendment would restore authority over this issue to the elected representatives of the people. Once again, the matter of abortion would be subject to debate and discussion and deliberation among the elected legislators of each State.

I would respectfully ask my colleagues: What are the alternatives to this amendment? What are the ultimate alternatives to the resolution of the abortion issue proposed in Senate Joint Resolution 3? Will we tolerate forever the social divisions that have been created by the Court's decision in Roe against Wade? Will we tolerate forever a substantial share of the American people believing themselves to be totally without a voice on a controversy of this dimension? Will we tolerate forever a situation in which only Federal judges are allowed to influence public policy on abortion, while the people and their elected representatives are permanently rendered impotent? Will we tolerate forever a society in which the unborn child is to be accorded all the rights and protections of law of a tumor or a mass of diseased tissue?

Mr. President, I do not believe that we can tolerate any of this. Nor do I believe that the abortion controversy is likely to silently go away as would be desired by those who are pleased by the present state of affairs. These same individuals—inside and outside Congress—thought that the abortion issue would silently go away 10 years ago. They thought that the passions generated by the Roe against Wade decision would subside and ultimately disappear as abortion became a day-to-day reality. They thought that, as more women themselves experienced abortion, or as people came to know women who experienced abortion, that this issue would fade into the constitutional recesses of history.

Those who have taken this view have been wrong and they will continue to be wrong. Indeed, as more and more people come to know the horrors of abortion firsthand, as the platitudes of freedom of choice and reproductive rights run up against the realities of the destruction of the innocent life within the womb, the movement against abortion will grow in this country. As the myths of abortion come to be understood, as the American people come to know that maternal health and rape and incest are factors involved with an infinitesimal number of abortion and that social covenience and lifesytle and sex selection are the principle motivating factors, the prolife movement will grow in this country.

Whatever takes place later this afternoon—and I have no illusions—the effort to restore protection for the unborn will continue. I do not believe that this Nation will even become to oblivious and so numbed to the loss of life involved in our present constitutional policy of abortion on demand that this issue will simply disappear into the stealth of the night. If we do not succeed today, it is not because we do not speak to the values and sensibilities of the American people—I know that we do—rather, it is because we have not yet done the necessary work in explaining to them the realities of abortion.

Mr. President, despite my own deeply felt views on the matter of abortion, the proposed constitutional amendment represents the first serious effort since Roe against Wade to fashion a consensus approach to this difficult issue. It does not adopt the perspective of either extreme—abortion on demand or outlawing all abortion—and that is why those of the most extreme persuasion on both sides

will vote against this measure. But, the majority of my colleagues, as with a majority of the people in this country, I believe are looking for this kind of solution. They may wish to preserve the opportunity for abortion in the hardest and most difficult cases, but they do see the need for some restrictions upon access to abortions.

These may be restrictions upon late abortions. These may be requirements that doctors attempt to save the lives of aborted infants who remain alive. These may be requirements that minors discuss the abortion decision with their parents, or that wives discuss the abortion decision with their husbands. Whatever these restrictions be, I believe that the broad consensus of opinion in this country is that, at the very least, there are conflicting rights involved in the abortion procedure that deserve to be respected. That is not possible under the present court decision.

Once more, Mr. President, I ask what are the alternatives to Senate Joint Resolution 3. Are there any alternatives? If ours is to remain a decent and compassionate society, if ours is to remain a representative and democratic system of government, if ours is to remain a society in which the views of all citizens are respected and entitled to influence national public policy, I believe that there are no alternatives. With as much sincerity and as much passion as I can, I ask my colleagues—whatever their announced positions on this measure, to cast their vote in favor of Senate Joint Resolution 3 this afternoon. There are no enduring alternatives.

I thank my colleague from Oregon for this time.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Oregon is recognized.

Mr. PACKWOOD. Madam President, for the last 2 days Senator HATCH and I and many of our supporters have been debating this subject. I think 33 or 34 Senators have spoken on this subject which, as the President and others know, is a great number of Senators to speak on any particular topic. It is a topic that moves all of us in one fashion or another.

I thought to myself how, in my closing comments, there would be any way to influence one, two, or three Senators who may not have yet made up their minds on this subject. We cannot return to our home States without the question coming up. We are either lauded or criticized by different groups depending on our position on this subject. We are flooded with letters.

No Senator will be coming in to vote at 5 p.m. without having done a lot of thinking on this issue and, in most cases, without reasonably strong feelings on it.

I am not sure there is any point in returning to the substantive arguments that the Senator from Utah and I have made about the merits or the demerits of whether or not a woman should have a right to make a choice.

Nor am I convinced there is any point in reiterating the common law at the time this country was founded. There are a few people in this Chamber who have made reference to the morality of this country at the time of our founding and that the Roe against Wade decision has undone that morality.

But both the Senator from Utah and I agreed yesterday that at the time of the founding of this country at common law, by which we are governed today, at the time of the founding of this country, abortion, at least prior to quickening when a woman can feel the fetus move within her body—normally around 3½, 4, or 4½ months—was not a crime, and it was commonly practiced in Great Britain and the United States.

So when our founders drafted the Constitution, they saw no particular need to make any reference to abortion. It was common in our country. It was common to their knowledge. It was, if not morally approved, at least acquiesced in without overwhelming disfavor. So they saw no need to legislate on it one way or the other.

Brilliant as our founders were, they did not foresee a time when the country would try to prohibit abortion as at that time they saw no need to write into the Constitution a protection so that the woman could make the choice for herself.

But I do not think that argument will sway any votes.

Nor do I think that the argument that Roe against Wade does not allow abortion on demand will sway any votes. That is a comment that has been made over and over by the supporters of this amendment. They full well know that Roe against Wade does not allow abortion on demand through an entire 9 months of pregnancy. At best it allows it on demand, if you want to call it that, for the first 3 months of pregnancy, and then after that puts very significant limitations on it and in the last 3 months of pregnancy puts almost onerous limitation on it until the law is very strongly on the side of the fetus rather than on the side of the woman.

But again I do not think that will sway any votes.

Madam President, I am not sure that there is any merit in trying to argue the law and the constitutional decision of Roe against Wade because I think that will change no views.

It is not unusual—it is not frequent but it is not unusual—for the Supreme Court from time to time to either reverse itself, as it has in the case of Plessy against Ferguson, which had to do with separate but equal school facilities, or in the case of reapportionment where for years they said it was a political plan and the Court not intervene and in the midsixties reversed themselves and said the previous decisions were no longer valid.

And the Supreme Court has from time to time extended itself into State areas that it did not previously extend itself into. It certainly did it in the case of Gideon when it finally said to the States you can no longer under certain circumstances deny to an indigent defendant the right to counsel because it denies him the right of fair trial. They had not said that before, and they imposed upon the States an obligation, a Federal right, if you will. They certainly did it in Miranda where they finally said to the States that the self-incrimination clause will be extended to mean that the defendant must be advised of his or her rights against self-incrimination at the time of being picked up by a police officer or arraignment and if not so advised, statements made to the police officer or to the arraigning judge may be found to be inadmissible in evidence.

These were both new conditions imposed upon States, both, if you want to call it that, newfound Federal rights that had not previously existed.

I say to my fellow Senators that we are a common law country. That is the genesis of our law, and common law was judge-made law and for years Great Britain operated on that basis and in this country to this day we still operate under the common law and to the extent that legislatures or Congress have not acted in certain areas the courts are still free to make law, if you want to call it that. What the common law judges call it is finding law.

So court changes are not unique and they are well known to our history.

But I think the thing that has bothered those who dislike the Roe against Wade decision is not what they regard as inadequate legal reasoning or not what they regard as an effort by the court for the first time to take an action they had not taken in other fields. What bothers people about Roe against Wade is that many people do not like the decision they have reached and I can assure that Right to Life, Americans United for Life, the Life Amendment Political Action Committee, and all the others that operate under the umbrella of what I call right to life, would not be here complaining and crying about inadequate reasoning of the Court, if the Court had come to the conclusion they wanted it to come to.

But all of those arguments are not going to change any votes. The one argument that may have some effect on some of our fellow Senators is whether or not this is a return to the law prior to Roe against Wade or whether or

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not this is a pure States right amendment.

Now clearly it is not a return to the law prior to Roe against Wade. At that time the Constitution was silent in terms of the use of the word abortion as it is silent on the use of the word privacy.

So if we add this amendment to the Constitution which will read: "The right to abortion is not secured by this Constitution." What we are saying is that we are not going back to Roe against Wade where the Constitution said nothing. We are going to go back to a situation where State court judges would no longer be able to look at the U.S. Constitution and reach a decision that they would now be precluded from reaching. So it is not a return to the status quo.

Is it a pure States-rights amendment? Madam President, and my fellow Senators, it clearly is not, and understandably not, because the Senator from Utah and the others were posed with the problem of how to straddle a dilemma. There is a split in the right to life ranks, and again I use that term generically, as there is in almost all coalitions as to what their position ought to be.

One part of the group feels that the right to choose or not to choose an abortion is such an abomination that it should be banned nationally altogether forever throughout the country and they want to preempt the Federal amendment that says: "No abortions in this country shall be legal, period," as we tried with prohibition to say: "Alcohol in this country is illegal, period."

There is another part of that coalition that says: "We have no chance of getting that amendment, let us try for a pure States rights amendment," because that might attract some votes who would be willing to give the decision to the States but not be willing to vote for a pure Federal amendment.

You can see the dilemma the two groups find themselves in. If you really honestly, conscientiously believe that abortion is murder then you cannot at the same time vote for an amendment that is a pure States-rights amendment that in essence says: "Well, OK, murder in New York is OK but not in Pennsylvania. Murder in Oregon is but not in Idaho."

So what they were faced with is trying to find an amendment that would appear to be a States right amendment but is not.

Now they could have found a pure States rights amendment, and this was fortunately called to my attention by one of the members of the Judiciary Committee, because in 1975 and 1976 the Judiciary Committee had hearings on this subject and they had four different constitutional amendments before them. Three of them read very similarly, they all have a preamble and then they conclude by saying: "Congress and the several States," and then they go on "shall have the power to prohibit abortion."

The last one reads, however, "the power to regulate the circumstances under which pregnancy may be terminated is reserved to the States."

Madam President, that is a States' rights amendment and that amendment could have been drafted by this committee and sent to this floor but they will lose five or six votes of pure Right-to-Lifers who will not vote for that kind of an amendment, and if they send us a pure straight out federalism ban abortion amendment then they lose five or six people who might vote for States rights, and they wondered "How can we straddle it," and they tried to make the argument on the floor that the Federal Government will have nothing but residual power, residual power if this amendment is passed.

Well, ladies and gentlemen, residual power is all of the other power that you do not give away. Residual does not mean less. Residual just means everything else, and unless you have given away to the States and only to the States the right to legislate abortion then you have reserved for yourself whatever powers remain.

Several analyses of this amendment have been done—two I am going to cite have been done by the Congressional Research Service which is a legislative arm of the Congress, nonpartisan, unbiased, it has no vested interest in Senate Joint Resolution 3 for or against. All of us use them frequently for opinions, for research. It is an arm of the Library of Congress, an extraordinary organization.

Charles Dale of the Congressional Research Service in his analysis of May 9, 1983, states as follows, after he goes through what Senate Joint Resolution 3 is and is not and he says it is not a pure States rights amendment and he cites the States rights amendment I read. He concludes by saying:

> Since the reported amendment would effectively extinguish the right to procreative choice in Roe, the argument favoring Congress' power to regulate or prohibit abortion under section 5 may be correspondingly strengthened.

Similar language in a memo of May 13 by Karen Lewis, also of the Congressional Research Service, in which she says:

> If you add a States rights amendment, it would effectively free abortions from Federal constitutional constraints by explicitly lodging exclusive legislative power over abortion in the States.

And then she cites the same amendment that I have read and goes on to say but Senate Joint Resolution 3 is not that kind of an amendment. She goes on to say:

> Since S.J. Res. 3 would eliminate the constitutional protection for the woman's right to terminate her pregnancy, Congress would arguably be free to pass "pro-life" legislation pursuant to Section 5 of the Fourteenth Amendment.

Now you can say those are objective, unbiased opinions from parties who have no interest in this, and that is true.

Let me read to you what the parties that do have an interest in this say. At the request of the Senate Constitution Subcommittee, four legal analyses were prepared by Americans United for Life, a group that is opposed to a woman's right to choice. One of those articles was by Prof. Lynn Wardle, in which he says, and I am quoting:

> Senate Joint Resolution 3 would restore congressional power to restrict and inhibit abortions mostly through indirect means as necessary and appropriate to perform its constitutional responsibilities to control interstate commerce, Federal lands, Federal taxation, spending et cetera.

Or the article by James Bopp, Jr., in Right-to-Life News, April 28, 1983, which more carefully lays out what Right-to-Life has planned than any other article that I have seen. And again I am quoting:

> The Hatch-Eagleton amendment reverses Roe v. Wade with the practical effect of restoring to Congress and the States the power to protect unborn life. There exists in the Constitution both direct and indirect powers which may be brought to bear on abortion. Any direct power that the Congress might have to regulate abortion, i.e., private killings, could be found in section 5 of the 14th amendment.

And listen to this:

> Once Roe v. Wade is removed the likelihood of a human life bill's constitutionality is more secure. Such a bill properly drafted could include the power to restrict or prohibit private abortions in addition to limiting State governments, in addition to limiting State involvement in abortion. Such a bill is a logical second step after the adoption of the Hatch-Eagleton amendment.

That is the part that Right-to-Life has tried to play down because they know if this full Senate thinks they are not getting rid of this subsection forever and sending it out to the States, they are not going to support this amendment and they are not because every Senator might as well be on notice because if this amendment passes we are going to be back here voting on statutory human life bills and funding of hospitals and a whole variety and panoply of other subjects relating to abortion that this amendment will allow us to vote on.

Make no mistake, all I ask my fellow Senators to grasp is that they are not shedding themselves of this subject, and giving it to the States, and solely to the States. All they are going to succeed in doing if this amendment is passed and adopted by the Congress, and ratified by the States is absolutely dividing this country for a generation

because the fight that we have had in the U.S. Congress is now going to be a fight in the U.S. Congress, and the State legislatures, and in every campaign, in every legislature, in every session for the next decade or the next generation, and in this Congress for the next generation we are going to fight, and refight, and refight those battles. That is not a plague that should be visited upon this Nation. It is bad enough that we have to discuss this topic, year after year, after year, but at least with the law the way it is those at the State legislative level can say "The Supreme Court has granted to every woman in this country the right to make a decision for herself whether or not she wants an abortion, and therefore we cannot legislate to prohibit it," and that saves at least every State legislator from this pernicious battle.

So, let me conclude once more by saying to my fellow Senators: If you want to continue to vote on human life bills and funding bills and abortion restriction bills, and prohibitions on medicine or instruments being shipped in interstate commerce that could be used for abortions, support this amendment because that is what you are going to get.

If, on the other hand, you either support a woman's right to choice or, at a minimum might—might—vote for a genuine States rights amendment, this is not it, and you should vote against the amendment as proposed by the Senator from Utah.

Mr. HATCH. Madam President, I once again have been interested in my colleague's eloquent remarks. My colleague mentioned a memo by a CRS attorney with regard to States rights. I asked a law professor to comment on this particular analysis, and I ask unanimous consent that his remarks, plus some additional remarks, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM REGARDING THE "LEGAL ANALYSIS OF SENATE JOINT RESOLUTION 3 . . ." PREPARED BY CHARLES V. DALE FOR THE CONGRESSIONAL RESEARCH SERVICE

(By Lynn D. Wardle)

The "Legal Analysis of S.J. Res. 3, Proposing An Amendment To The U.S. Constitution Relative To Abortion, As Reported By The Senate Judiciary Committee" is an interesting, if mistitled, document. It is interesting in part because of the creative and original constructions it suggests for some of the language contained in S.J. Res. 3. It is mistitled for the same reason, i.e., because in some critical passages of the memorandum creative writing was used in lieu of legal analysis.

The substitution of creativity for legal analysis is especially apparent in the first three pages of the memorandum. In those pages, the author focuses upon the phrase "is not secured." This section of the memorandum starts well enough with the author conceding the plain meaning of S.J. Res. 3:

> The apparent objective and one possible effect of the amendment proposed by S.J. Res. 3 would be to essentially restore the status quo that prevailed prior to the Supreme Court's 1973 abortion decisions. That is, a woman would have no individual right, protected by the Due Process Clause or other federal constitutional guarantee, to choose to terminate her pregnancy free of the restraints imposed by state law. In addition, the courts would be precluded by the proposed amendment from predicating such a right at some future date upon any provision of the U.S. Constitution.

CRS at 1,2. But then the author proposes several "creative" alternative constructions which are possible "given the ambiguity of the amendment's language." But legal analysis does not "give" such fundamental matters as purported "ambiguity" without more than the bare assertion that ambiguity exsists. Conclusory assertions are always begrudged by legal analysis. And in this case, there is no support given for the conclusion that the language is ambiguous. If there is any ambiguity, it has not been revealed.

Mr. Dale suggests that the phrase "is not secured" could "conceivably" be read to mean that abortion is prohibited or that abortion is protected subject to a minor countervailing consideration. These speculations are fun to engage in, and evidence a fruitful, creative mind. But legal analysis they are not. The author simply says that these interpretations "could conceivably" be made; he never says how the language could be given such translation or why such mental speculations should be given serious consideration. For instance, the author might have referred to a dictionary to show that the word "secure" has several meanings. (Among the definitions given in Webster's Third New International Dictionary are "guarantee," "assure," to "make safe," and "to shield or make secure from . . . destruction or hostile interference.") Or he might have referred to the Preamble to the Constitution where the same word is used in the phrase "to secure the blessings of liberty to ourselves and our posterity." But Mr. Dale does neither of these things. In fact, he gives no justification or explanation whatever for his bare conclusory assertion that "is not secured" is ambiguous and could be given creative constructions like he suggests. Legal analysis is a discipline; lawyers and judges must reason every inch of the way from identifying an issue to reaching a conclusion. Mr. Dale's interesting speculation about how the bare words of S.J. Res. 3 might be construed lacks this discipline.

It is worth noting that Mr. Dale candidly admits that his speculations are "necessarily tentative" because he was working without the benefit of a fully developed legislative history. CRS at 3. Since the intent of the framers is crucial to the subsequent interpretation of constitutional amendments, Mr. Dale correctly noted that it was "virtually impossible" for him, writing a month before the Senate Judiciary Committee Report was published, to "predict" the proper construction of the language of S.J. Res. 3. The subsequent publication of Senate Report 98-149 supplies the crucial information Mr. Dale was lacking. It specifically states:

> The phrase "not secured by this Constitution" is simply meant to clarify that the proposed amendment seeks to disestablish any theory of constitutional law upon which the existence of a right to abortion can be predicated. It is primarily designed to establish a new locus for decisionmaking authority, i.e., legislatures, not the courts. . . . S.J. Res. 3 merely affirms the power of legislatures to legislate with respect to "abortion" and denies the existence of any constitutional protection for "abortion." . . .

Senate Report 98-149, at 57. Coming a month after Mr. Dale's memorandum and emphasizing so pointedly what the phrase "is not secured" was intended to connote, the Senate Report neatly clarifies the "ambiguity" which Mr. Dale saw earlier when he labored under the handicap of not having the legislative history.

The remainder of Mr. Dale's memorandum assesses the possible effect of S.J. Res. 3 upon the balance of powers, i.e., the power of the states and of Congress to restrict abortion. On the whole, this section of the memorandum underscores the point that S.J. Res. 3 will restore the constitutional allocation of power to deal with abortion that existed prior to *Roe*. Thus, with respect to the power of the states Mr. Dale initially notes that "[b]ecause neither Congress nor the states would be granted express authority to legislatively enforce the reported amendment it may effect a less drastic shift in the balance of power between the federal government and the states than some alternative formulations." CRS at 3. After this begrudging admission, the author later concludes that "in terms of the relative balance of federal and state authority in the abortion area, the amendment may restore the *status quo ante* in *Roe*. . . ." *Id.* at 9. In fact, he never suggests that S.J. Res. 3 would not restore the pre-existing power of the states to restrict and prohibit abortion. He does suggest that S.J. Res. would not do any more than this, i.e., that it would not of its own force override state constitutional, state legislative, or state judicial interpretations (of local law) which afford some protection for the practice of abortion. It would only restore to the states the federal constitutional authority to restrict abortion. Whether any particular state exercised that power or not would not be controlled by the Amendment. The Senate Report is in complete agreement. Quoting one of the witnesses who testified, it notes: "S.J. Res. 3 would restore to the states their general police power to restrict and prohibit abortion. The states could enact legislation to the same extent that they could prior to *Roe*. . . . It would not compel or prohibit the adoption by any state legislature or by Congress of any legislation restricting abortion." Senate Report at 58.

Regarding the power of Congress to legislate regarding abortion, Mr. Dale's memorandum again confirms that even before the Senate Report was prepared it was obvious that S.J. Res. 3 would not add to or take away from any of the legislative powers vested in Congress by the Constitution. Mr. Dale points out that the full extent of those powers, as they relate to abortion, are not known. Of course, the full extent of all powers of Congress is not yet defined. (For example, the extent of Congress' power to create new legal rights under section five of the Fourteenth amendment is a matter of uncertainty today generally, and not just with respect to abortion. See *E.E.O.C.* v. *Wyoming*, 51 U.S.L.W. 4219 (Mar. 2, 1983).) What is important is that S.J. Res. does not curb, enhance, or modify in any way those constitutional powers which Congress has. Only the limiting doctrine of *Roe* is repealed. Again, this notion is in accord with the Senate Report. See Senate Report at 55-60. With respect to Mr. Dale's specula-

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tion as to various provisions of the Constitution which might justify congressional legislation dealing with abortion, the only noteworthy point is that all of those provisions and all of those powers are pre-existing powers, i.e., they are traceable to provisions of the Constitution that will be unaffected by S.J. Res. 3. If Mr. Dale's notions abut congressional power under the Fourteenth Amendment or the interstate commerce clause have validity it is because they stand on their own as valid interpretations of those other provisions. S.J. Res. 3 does not affect them.

In the final analysis, Mr. Dale's memorandum provides a contrast which clarifies the meaning of S.J. Res. 3. It was published May 9, 1983. A month later Senate Report 98-149, the Report of the Committee on the Judiciary of the United States Senate was published. Mr. Dale hypothesized about what might have been meant. Mr. Dale suggested several different theories of interpretation. The Senate Report discloses precisely what the Committee intended. Inasmuch as Mr. Dale's suggested "possible" interpretations were published well before the Committee Report was completed and published, where his speculations differ from the Committee Report that provides a reasonably clear indication of what was not accepted or intended by the Committee, and, therefore, what construction will not be given S.J. Res. 3 by the courts.

Mr. HATCH. I might mention that, without question, this is a States rights amendment, but also we have talked about the residuum of rights that would be in the Federal Government, which is neither more nor less than there would be under the language that he has suggested. The Federal Government can always act in those areas where it is capable of acting so much for States rights. This amendment does that.

Madam President, the annual Gallup polls since 1975 have shown that never more than 25 percent of all Americans have felt that abortion would be legal in all circumstances, which is the case today. Similarly, never more than 22 percent have felt that abortion should be outlawed in all circumstances. A majority oppose the current policy of abortion on demand.

In 1979, Gallup found that a majority believes that some abortions should be permitted during the first trimester in cases of rape, incest, or endanger to the mother's life or health. Beyond the first trimester, a majority of Americans believe that only a legitimate threat to the mother's life should be considered as justification for an abortion.

Madam President, the Declaration of Independence talks about inalienable rights. Life is one of the first of those inalienable rights, and we are taking away 2 million lives a year in this country and, I might add, in the process we are demoralizing this country and hurting this country beyond repair.

We are the most permissive country in the world in killing the unborn, with the possible exception of Communist China. What an indictment. And yet we have arguments to keep this present monstrosity alive.

Madam President, this is a moral issue, literally an issue concerning life and death, life and death of a society as well as countless unborn children.

I might add, Madam President, that there are over 100 lower court decisions and 18 or 19 Supreme Court decisions and the courts have not resolved this issue at all. In the eyes of a majority of the people in this country, they are ill equipped to do so. This is a great moral issue. It is a great human rights issue. It is a great civil rights issue. It is a family issue. It is an ethical issue. It is a social and societal issue.

Even if, as is claimed, the human fetus is not a person in the whole sense of the law, John Hart Ely, the professor at Harvard who agrees with the courts on the decision, said that early the fetus is certainly not nothing. He went on to say that dogs are not persons in the whole sense, nor have they constitutional rights, but that does not mean the State cannot prohibit killing them. It does not mean the State cannot prohibit killing them in the exercise of the first amendment rights of the political process. Even dogs have protection in this society. They have more protection than these 2 million unborn children that are destroyed every year.

What seems to be the greatest anamoly of all is that those who think that this should continue, many of them, have such concern for animals and dogs and harp seals, and you could go on and on, and virtually no concern at all for unborn human life.

Well, I think it is time to express that concern. That is what this debate is all about. I hope that my colleagues will vote for this constitutional amendment as a statement that Roe against Wade is not only a bad decision, it is an unconstitutional decision and it is a demoralizing decision that has hurt this country and will continue to hurt this country until it is resolved.

I hope my colleagues will give every consideration to their vote today because this is not an insignificant vote.

Again, I wish to thank my colleagues for forbearing, the leadership for allowing this debate to take place, and my dear friend from Oregon with whom I differ greatly on this issue for being as courteous and as decent as he has been.

Mr. PACKWOOD. Madam President, let me also thank the Senator from Utah for the gentlemanly fashion in which he has conducted himself. I would like to think I have done the same. This is a difficult, emotional, and passionate issue on all sides. Yet, in almost a year it has taken the Senator from Utah to get his amendment to a vote—and, believe me, he had a difficult time getting it here for a vote—in almost a year that he and I have talked and negotiated, there has never been an acrimonious word or acrimonious thought. I am delighted to say that he is going to get his chance, without impediment and without amendment, for something that he has worked at as sincerely and as deeply and as fervently as I have seen anyone in Congress in my career work on any subject.

I wish to take this opportunity to thank just a few groups that have helped me tremendously in the preparation of materials and research. They include Planned Parenthood, the National Abortion Rights Action League, the Religious Coalition for Abortion Rights, the American Civil Liberties Union, the National Organization of Woman, the Alan Guttmacher Institute for some very excellent briefs; Nancy Buc and Janet Benshoof, who did yeoman's work on this; from the Judiciary Committee, Ben Scotch and Marge Baker; and from other staffs, Steve Moore, from Senator Weicker's staff; Carolyn Kamlet, from Senator Hart's staff; Susan Martinez, from Senator Cranston's staff; Mary Bea Troland, from Senator Baucus' staff; and Mike Epstein and Susan Manes, from Senator Byrd's staff.

Madam President, I wish to say to Senator Hatch how gracious his staff has been in working with us on this. We would not have had the time agreement without our staffs working together and we would not have had a chance to have what I think has been an extraordinary debate in the Senate that 33 people have participated in. I think we would not have been able to achieve it without our staffs working together.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PACKWOOD. I yield back the remainder of my time.

TAX RATE EQUITY ACT OF 1983

The PRESIDING OFFICER. The time for debate having expired, under the previous order, the Senate will now proceed to the consideration of H.R. 1183, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 1183) to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The time between now and 5 p.m. will be equally divided and controlled by the majority and minority leaders or their designees.

If neither side yields time, time will be charged equally.

Mr. EAGLETON. Madam President, I suggest the absence of a quorum with the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I designate the distinguished chairman of the Finance Committee (Mr. Dole) to manage the time on this side of the aisle with respect to the pending legislation.

Madam President, I ask unanimous consent that I may suggest the absence of a quorum, with the time to be charged equally against the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, in conformity with the terms of the agreement, I designate Mr. Bradley to control the time on this side of the aisle.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, I am going to speak briefly, and then I understand the distinguished designated manager on the other side, Senator Bradley, will speak. I believe Senator Hatch would also like to speak briefly on this matter. I assume there will then be other speakers.

As I understand, we are talking about equity here. We want to come out on the side of fairness, equity, all those good things that come to the fore when we want to appeal to the voters. In this cast we are doing it 2 days before this tax cut is supposed to take place. It is supposed to take place on July 1. There has already been, I do not know how many, but millions of dollars spent by the Government to notify people, to change withholding, tables and to do a lot of things.

I do not object to efforts to have fairness and equity. We are going to need a lot of that in the next few weeks in our committee. We have to raise $73 billion in revenue. So I hope we do not deposit all of our fairness and equity into this measure because this would only raise $6 billion in 1984 and maybe a total of $20 billion over a 3-year period.

But, again, it is taking money away from people who are paying their taxes. It is, in effect, increasing taxes for workers and others, whether they make $30,000 or $40,000 or $50,000.

It is still taking money away. This Senator just happens to believe that there is plenty of room in the Tax Code to tighten up loopholes without taking away any tax cuts from the American people. I remind my colleagues that the bill we are trying to dismantle now passed this body by a vote of 89 to 11 in 1981. We have had almost continuous assaults on the rate cuts—first on the second year, then on the third year. Finally, now, we have given up on all that and we are now down to just part of the third year, a proposal to just put a cap on it, a $720 cap.

Madam President, it just seems to me that there are a lot of things we could do. Certainly, if we are talking about fairness and equity and making certain that upper-income Americans pay their fair share of tax, there are a lot of different provisions of the Tax Code that ought to be tightened up. Maybe there are new ones that ought to be added. In my view, this is not one of those. This is simply a political effort to indicate that, somehow, President Reagan and those who supported his program—in fact, almost everybody who voted for the 1981 tax bill—somehow favored the rich.

Now, somehow recognizing that they voted to favor the rich, they want to vote against it. I do not know who the rich are. We shall probably hear about that today, too. Evidently, everybody who makes over $30,000, even though it may be a man and wife working, if it is somewhere over $30,000, they are rich.

Madam President, I hope this effort by Tip O'Neill, which was successful in the House, where he has a 101-vote margin, where he lost 29 Democrats is not successful—but the majority leader did make a promise to the distinguished minority leader that he would bring this matter up. It is up now.

I do not quarrel with the Democrats for wanting to play politics. We are going to have to be exposed to that for several hours—I hope not too long, because there are other important things that need to be done. By tomorrow morning, everybody will have said all they want and we shall vote on it. In my view, the effort will be defeated.

Before I yield the floor let me say that Secretary Regan told us just last week in the Committee on Finance that many, many middle-income taxpayers would be affected by this proposal. I know we are going to hear that and we shall have some examples.

Madam President, as the Senate takes up H.R. 1183, the so-called Tax Rate Equity Act, I trust that on consideration, our Members will agree that this legislation is anything but the measure of equity that it purports to be.

Last week Congress finally adopted a budget resolution for fiscal year 1984. After 6 months of effort Members finally concluded that the only way to reduce the deficit was to order $73 billion in new revenues over the next 3 years, and to scale back the President's defense program. Now many of us have argued for some time that some defense adjustments were in order, and that some revenue changes might be necessary, in the context of an overall agreement that also included real, significant restraint on domestic spending. But this budget misses on two important points: It leaves domestic spending virtually untouched, even provided for new spending under a so-called contingency fund. What is more, it calls for a tax increase that is unlikely to materialize in any event. Members who have the will to vote for a budget sometimes lack the will to implement it, particularly if it requires politically painful decisions on the eve of an election year.

So as we consider the particular tax increase called for by H.R. 1183—for this is a tax increase, pure and simple, and nothing but—we ought to realize in the first instance that this measure lacks any kind of meaningful context. We do not really know where we are going on the budget, or whether we will restrain spending in any significant way. Yet, out of the blue, we are asked to raise tax rates on 8.1 million returns by withholding tax relief scheduled to go into effect this Friday. That is right—we are asked to reverse a policy adopted in 1981, just a few days before that policy takes effect.

Madam President, this is not just bad planning and bad policy; it is hypocrisy. This is not a sincere deficit reduction measure. It is an attack on the President and on our own endorsement of the President's programs. It has nothing to do with the budget. It has everything to do with elections.

But, proponents of the $700 cap proclaim, this bill raises $6 billion. That will help cut the deficit, and go halfway toward meeting the 1984 revenue target in the budget resolution. What is more, it taxes the wealthy rather than the average taxpayer. What could be more reasonable?

First of all, it is hard to claim that these revenues are earmarked for deficit reduction when the budget resolution we just adopted allows for $8.5 billion in new spending in fiscal year

1984 alone, under the contingency fund. If we really want any new revenues to cut the deficit, we should first stop talking about new spending. But it is also a mistake to call this a tax on rich people.

As the Secretary of the Treasury, Don Regan, told the Finance Committee last week—and as he and the President have said repeatedly—many, many middle-income taxpayers would be affected by this proposal. For example, the cap proposal would raise taxes beginning at income levels of around $29,800 for taxpayers who are single and do not itemize deductions. The comparable figure would be $39,200 for joint returns. These people are by no stretch of the imagination wealthy. The fact is that this cap proposal would have very little impact on taxpayers with incomes over $100,000, inasmuch as those taxpayers generally already pay tax at the maximum 50 percent rate and would not get a further benefit from the third year rate cut in any event.

OTHER CONCERNS

Madam President, there are many other reasons to be concerned about the impact of this proposal, both in terms of equity and in light of our economic goals. The cap would undermine the marriage penalty relief enacted in 1981, and nearly half the revenue raised would come from two-earner couples: A disincentive to additional work and savings if ever there was one. Around 2.4 million small businesses would experience a tax increase, at a time when we want to encourage risk taking and entrepreneurship—that is what creates jobs and greater wealth for everyone. In addition, the third-year cap creates odd anomalies and distortions in the income tax rate structure. The abrupt cut-off at $700 requires steep rate rises above that level, and these would be permanent changes. At $35,200 of income, rates would suddenly jump by 9 percentage points, from 28 to 37 percent. Some of us thought there was a consensus for keeping tax rates down to minimize economic disincentives—that is what the proponents of the so-called fair tax, and the flat tax movement in general, have been telling us. But such concerns apparently do not trouble the proponents of this legislation, which gives them an easy opportunity to take a shot at the President's program.

POLITICS

Madam President, it should be clear to everyone that this is a political amendment. If we want to raise taxes on the wealthy—and we all agree, at least in principle, that we want the wealthy to pay their fair share—then we have fair and sensible ways to do that. But it must be for the goal of deficit reduction, and it must be tied to real restraint on spending. Anything else is an illusion and a deception. We certainly can improve tax compliance and cut tax preferences to raise revenue. The Finance Committee has been exploring those options in an extensive way. We are looking at compliance, we are looking at tax shelter abuses, we are looking at tax breaks that help those in the know reduce their taxes while Joe Public has to pay higher tax rates. If you vote for this amendment, that is what you are voting for: Higher tax rates to help maintain special tax privileges. That is not fair, and it is not progress. It is yesterday's politics, and it will not deceive the American people for one minute. The people will get their full tax cut July 1, and they will keep it.

So let us have the debate, let us air all the issues, and get all the rhetoric out of our systems. But when the smoke clears, and we get down to the substance of our problems—the nitty-gritty, as it were—we will still confront the need to pare the deficit with spending restraint, and such revenue measures as we can agree to as we come out of recession. The people understand who is really for fairness and who is really for deficit reduction. The people understand that there is a right way and a wrong way to do things. The right way is to stand up and say, "We know that government programs are popular, and we know it is difficult to cut them. We know that special tax breaks have strong constituencies, and we know that it is tough to modify them. But we also know that we have to do both those things, not just to reduce the deficit, but to make government more efficient and to make our economy function more effectively." The wrong way is to take a piecemeal approach and reverse the progress made in recent years in tax policy. We have many budget fights ahead of us: The lines are being drawn, and the voters will remember which side we were on. Unless we draw the line here, the prospects for real action on the deficit are dim indeed. But once this side issue is set aside, I hope that we can work together to tackle our real problems. That is what the public expects.

Madam President, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of the Treasury dated June 27, 1983.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., June 27, 1983.

HON. HOWARD H. BAKER, JR.,
U.S. Senate, Washington, D.C.

DEAR HOWARD: The Senate will consider this week H.R. 1183, which, under the guise of a $700 cap on future tax reductions, actually imposes a retroactive and permanent tax increase on millions of taxpayers. The Administration strongly opposes this bill and urges its defeat.

A $700 cap on the third year of the tax cut is an ill-conceived and unfair proposal which is both bad economics and bad tax policy. Raising taxes now would be particularly harmful to the economic recovery now taking place. And although proponents of the cap claim it would affect only the wealthy, it would in fact result in increased taxes for millions of middle-income families, working married couples, small businesses, and family farms.

A $700 cap, which would increase taxes for 8.1 million tax returns by an average of $654, would hit squarely at our great middle-income class. About half of the tax returns facing a tax increase under this proposal have income of less than $50,000 a year. Some single taxpayers who do not itemize would be affected, even though they earn no more than $30,000 of gross income. In addition, since the top tax rate has already been reduced to 50 percent, the cap would have little effect on taxable income brackets in excess of $109,400.

Compared to pre-ERTA law, marginal tax rates applying to taxable income below $35,200 and above $109,400 would be reduced by about 23 percent under the cap. But the marginal tax rates applying to taxable incomes between $35,200 and $109,400 would be reduced by only 14-15 percent. The result is a tax rate schedule that is particularly onerous for middle-income families. A $700 cap would create a rate schedule that reaches its steepest point—a 9 percentage point increase—at $35,000 of taxable income. At this level of income the marginal rate would jump from 28 percent to 37 percent. And while millions of taxpayers would be affected initially, more and more taxpayers would be subject to these same steep tax rates as the whole distribution of income gradually moves upward.

The $700 cap would also hit hard at two-earner married couples. Millions of taxpayers would be affected by the cap simply because both the husband and wife work. According to our data, 4 million of the 8.1 million tax returns facing a tax increase under this bill involve two-earner married couples. In addition, nearly half of the revenue raised by the proposal would come from two-earner married couples. As a result, this proposal would offset to a significant degree the marriage tax relief enacted in Congress in 1981.

Small businesses and family farms would also be affected by the $700 cap. Small businesses, which are a vital source of jobs and investment, are almost always taxed at individual tax rates. Nearly 2.5 million small businesses, including 350,000 family farms, would be subject to a tax increase under this bill.

Finally, some proponents of the cap claim it is needed to reduce budget deficits. But deficits are not caused because taxpayers do not pay enough taxes. Long-term deficits exist because government spending has grown a lot more rapidly than receipts over the past twenty years. And as many of your colleagues recognize, a tax increase without an accompanying cap on spending would only result in more government spending and bigger budget deficits.

Therefore, I urge the Senate to defeat this proposal.

With best wishes.

Sincerely,

DONALD R. REGAN

Mr. DOLE. I might say as recently as this morning, the Senate Finance Committee held hearings. We will hold hearings again tomorrow. We are going through the tax preferences, tax expenditures, they add up to $296 billion. They should be reviewed. We have had some outstanding witnesses, including Alice Rivlin, Director of the Congressional Budget Office, go through a list of preferences they have been focusing on. I do not share all of her views, but she has a number of, I think, rather good suggestions.

It is my hope that the Committee on Finance, when we face up to the budget resolution, can come to grips and find some areas of agreement to comply with the budget resolution, or at least do the best we can.

I hope that we might be able to do it by looking at tax preferences and compliance and not go back to the third year of the tax cut or tax indexing which we just passed in 1981 and which many people believe was about the best thing we did in the 1981 Tax Act.

I suggest that we have the debate. Again, I do not quarrel with it. It is a political move and I say that in the positive sense, not in any negative sense. It is a political move. In my view, the Democrats feel that this action will demonstrate to someone, many people, millions of people, that they are fair and Republicans are unfair, that they want to tax the rich, however they may be defined and we want to tax another group, apparently. But in the final analysis, I am not certain next year who is going to remember who wanted to take whose tax cuts away. I am not going to remind people that Democrats only wanted to increase taxes for the rich. I assume we will want to point out that the Democrats wanted to take the tax cut away from everyone, or at least do violence to the tax cut. I think that would be a fair way to characterize the debate.

We do have to reduce the deficit. I hope there is some indication that should this measure fail, my colleagues on the other side will be willing to join us in raising revenue. This cap would provide $20 billion over a 3-year period. We need $73 billion to comply with the budget resolution. I do not think that is possible unless we have some spending reduction.

If that is the case, if this is going to be a commitment by, hopefully not a majority, but a near majority of Senators, 40-some Senators, indicating they are willing to raise the revenues at least $20 billion over a 3-year period—some indicated last week they are willing to raise $73 billion over a 3-year period—then there will be other votes on other occasions. If, in fact, we bring a revenue bill to the floor, we hope our colleagues who now seek to raise taxes on working people will be willing to help us in that effort.

It seems to this Senator that we may as well go about the business of debating this issue. There are no amendments in order. I had hoped to bring up tuition tax credits. It seemed to me if we are going to have this little loophole in this little time on the floor, we should be considering some constructive legislation. I had a substitute prepared, still have it with me, but I am instructed by the majority leader that under the unanimous-consent agreement, amendments are not in order. We will have to bring up tuition tax credits on another day. I am sure it is noncontroversial, will probably slip through here in 30 to 40 minutes.

I am pleased to yield the floor, Madam President.

(Mr. SPECTER asssumed the Chair.)

Mr. BRADLEY. Mr. President, I think at the beginning, we might address why we are bringing this particular matter up at this time. The reason is that when we sought to do it on the debt limit, we were asked to please refrain from doing it on the debt limit in exchange for a time certain to debate this issue. From the outset, we should be very clear about what this bill does.

There has been a lot of rhetoric, a lot of confusion, and a lot of misinformation about this legislation. So let us start with 10 facts. The first fact is that the bill will limit the amount of tax reduction available to some taxpayers under the third year of the Economic Recovery Tax Act.

The second fact—and Senators are going to hear a lot of numbers in the next couple of hours today and tomorrow and the numbers are going to have shifting bases, but this is the most important fact to remember throughout this whole debate; it was confirmed as late as the day before yesterday by the chairman of the Finance Committee on a morning television show—the second fact is that 90 percent of all taxpayers will receive the scheduled tax cut in full—90 percent of all taxpayers will receive the tax cut in full. So this broad middle class that the opposite side is defending is the top 10 percent of the American taxpayers. That is fact No. 2.

Fact No. 3. Even those taxpayers whose tax cut is reduced will still benefit. Married taxpayers will get a maximum of $720, single returns will get a maximum of $637.

Fact No. 4. The bill will raise $38.8 billion over the period fiscal year 1983 through 1988.

This means that the deficit will be reduced by about $39 billion, which in turn means that we will be able to reduce the amount we have to borrow to finance that deficit. So on top of the $39 billion in additional revenues is an interest savings of about $7.5 billion. Thus, over a period of 5 years we have a deficit reduction of close to $45 or $46 billion. That is fact No. 4.

Now, fact No. 5. Of this $38.8 billion, 89 percent comes from taxpayers earning over $50,000, who represent only 6 percent of all taxpayers.

Fact No. 6. The cap will not affect married taxpayers with adjusted gross income under $46,500 or single taxpayers with adjusted gross income under $35,700.

Fact No. 7. The cap will affect less than 5 percent of all taxpayers earning under $50,000. Only 11 percent of the $39 billion will come from the group with incomes below $50,000.

Moreover, the effect on taxpayers earning under $50,000 will be minimal. For example, taxpayers with incomes between $30,000 and $40,000 who are affected by the cap will lose no more than a couple of dollars a week from their tax cut. On the other hand, people earning between $100,000 and $200,000 will lose about $2,500 a year because of the cap. That difference, a couple of dollars a week versus $2,500 a year, is why the bulk of the revenue this cap raises comes from the wealthiest members of our society.

Finally, the cap's effect clearly is confined to taxpayers in the highest income groups. Middle- and low-income families will get their tax cut in full. Remember the fact that 90 percent of all taxpayers will get their full tax cut. Only 10 percent will be affected by the cap. This "broad middle class" that we are hearing defended on the floor today is not the middle class at all. On the contrary, it represents the top 10 percent of incomes in the country.

Mr. President, that is how the tax cap works. Now let us look at why it is needed. Congress and the administration, Democrats and Republicans, liberals and conservatives, all agree that the enormous deficits projected for fiscal year 1985 and beyond threaten a sustained economic recovery. Under these circumstances, it simply makes no sense to go deeper and deeper into debt to pay for a tax cut that we clearly cannot afford. We are borrowing from everybody and pushing up interest rates to finance a deficit so that the top 10 percent of our taxpayers can have their full July tax.

Mr. President, failure to confront this reality threatens the recovery and jeopardizes the tax base. Worse, I think it erodes public confidence in Government's ability to manage the economy and to restore fiscal integrity.

Given this reality, the cap is undoubtedly the fairest way to raise revenues right now. It is certainly fairer than the regressive energy taxes the administration proposed in their standby tax plan. It is certainly fairer than the proposed surcharge that affects all taxpayers including those in lower income groups who have already borne the brunt of the administration's economic program. It is even fairer than isolating one or two tax expenditures that will disproportionately burden the working men and women

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of this country, like capping health insurance.

Mr. President, I know that the other side will say, "Well, those tax increases that the President proposed were contingent." Indeed, contingent on the deficit, which is now about 5 percent of GNP, dropping to about 2.5 percent of GNP. That means the deficit would have to fall to $100 billion. The President's own program projected that we would not achieve that goal. So to argue that even though we have proposed these tax increases we really do not think we are going to have to implement them in my view flies in the face of reality and of the evidence from virtually every source including the administration.

Some people are also going to argue that the cap will abort the recovery. That is just nonsense. The $6 billion in 1984 revenue increases is simply not big enough to stifle a genuine recovery. Even the President's chief economic adviser, Martin Feldstein, says the same thing. If the recovery is not genuine, if it is so fragile that giving away less to the top 10 percent of the population is going to catapult us into a deep, deep recession, then we have problems that far dwarf this debate.

Mr. President, many of the same people are going to say to you and to the Senate that notwithstanding the facts we have just covered, this tax cap is not fair. Why is it not fair? Because a few taxpayers making between $46,000 and $50,000 get slightly smaller tax cuts than they otherwise would.

What I want to know, Mr. President, is where were these people in 1981 when most of us on this side offered amendment after amendment to give more of the 3-year tax cut to people making less than $50,000? Where were they then? Voting "no" against giving a bigger tax cut to people with incomes under $50,000. Where were they in 1982 when we offered similar amendments to give greater tax relief to the middle class? Voting "No." And the reason they voted "no" is because they were squarely behind cutting taxes for the wealthy and letting the benefits trickle down through the country—trickle down supply side. That is the basis of the 3-year tax cut.

I think those arguments have been completely discredited by the recent recession. But notwithstanding that they have been discredited, trickle down supply-side rhetoric fuels the opposition that is at the bottom of this debate today. From the beginning, we questioned both trickle down and supply side. Many of us on this side did not believe it in 1981 when we voted against the Economic Recovery Tax Act. We are just as skeptical today.

I believe that all income groups should pay their fair share of the tax revenues needed to run this Government. That is what this tax cap is about—a fair share of tax revenues from the affluent and a fair shake for those who are truly in need.

Mr. President, I know that my distinguished colleagues from Arkansas and Florida would also like to speak at this point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BRADLEY. On the time of the Senator from New Jersey.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand that we are going to debate until 5 p.m., and then there will be a vote; and if anyone wants to debate after that, they can talk for as long as they wish, I suppose, and tomorrow morning between 9 and 10 there is to be 1 hour of debate, equally divided. Is that correct?

The PRESIDING OFFICER. As of this point, 3 hours are scheduled for debate, to follow the vote on the constitutional amendment.

Mr. DOLE. Mr. President, I do not know how many requests there will be on this side. We are on the high ground, so we do not need to talk about it. If you do not have anything to sell, you talk a lot, so I assume that most of the speakers will be on the other side.

The best thing I have heard today has been the calling of the names during the quorum call. That made more sense than most of what we have heard up to now.

I hope that some of those who are going to talk about this great effort for equity and fairness will recall how they voted last year on the 1982 tax reform bill, when we went after a lot of people in upper brackets. I do not recall getting a single vote on the other side until the conference report came back; and then, fortunately, there were 11 Democrats who voted for that bill.

In my view, that is where we should be looking now for equity and fairness, trying to broaden the base of the system, so that we can lower marginal rates.

A tax cut is a tax cut, and if you have to earn more money to pay more taxes and there is a tax cut, you should not be penalized because you are above a certain level. If you want to do that, we should look at tax shelters and other areas where taxpayers with a lot of money and income shelter a lot of it and pay very little tax or have a very low effective tax rate.

A tax cut should be designed so that whatever tax you have, if there is a tax cut, you get the same cut as everyone else. This is not a welfare program we are trying to design.

We are not trying to arbitrarily choose who is high and who is low income.

I am just advised that a lot of the housing projects for low- and moderate-income families are for those who earn $37,000 to $39,000. If that is low income, why is it high income when we are talking about it on the tax side?

So I would simply challenge my friends on the other side to join with us. In the next few weeks it is going to get fairly difficult to raise $73 billion, particularly unless some on the other side are willing to vote not just for budget numbers—that was the quarrel the Senator from Kansas had with the whole budget resolution. It did not mean anything. Anyone can vote for numbers.

But I can already hear it now, that we are for raising revenue but not this particular revenue.

The best way to raise revenue is go back and look at tax compliance which reminds me of the great rush to repeal withholding on interest and dividends, most of it coming from the other side. They were talking about people with a lot of interest and dividend income who are not paying any tax at all. But, now, we cannot collect taxes from those people. No, if we have to withhold on interest and dividends that would be unfair. Unfair to whom? Unfair to the rich; unfair to the working people?

So I just believe it is pretty hard to sell this rhetoric today, based on the fact that there is not any record of votes for tax fairness on the other side.

Every time we have had a tax bill out that calls for reform and tightening up loopholes no one wants to be heard. But there is something about the Reagan tax approach that distresses my colleagues on the democratic side. But we are in a recovery period, even though the Carter recession lasted longer than we had hoped. We are starting in the recovery, and the recovery is in full bloom. If we can figure out some bipartisan way, I might suggest to my colleagues, to put together a revenue and spending reduction package, we are going to have a long sustained recovery. But I would hope that those who are speaking would at least check their votes on previous tax efforts to broaden the base and to try to close some of those loopholes that affect the "rich" and we did a number of those as far as pensions and a number of areas where people had not paid much tax at all, and we are going to collect $100 billion in revenue because of what was done in Congress in 1982.

There were about 25 different items in that tax bill. In addition the compliance provision added about 20 to 25 additional items.

So far we have lost only one. We have lost half of that. That is the withholding on interest and dividend provision which for some reason we will hear a lot of rhetoric about fairness but somehow that was unfair because there we were asking the people to pay taxes who were not paying any tax at all on interest and dividends. It is unfair to ask people to pay taxes they owe, but is not unfair to say we are going to increase your taxes because you are making $32,000 or $39,000 and therefore you are "rich" and you should have a tax increase. This is the folly of the cap.

Good politics—I think that is questionable. Good policy—obviously not, for all the reasons we have stated.

But that does not mean there cannot be an agreement here later on this year on both sides of the aisle to bring down the deficits, and I would just say to my colleagues, my Democratic friends, that we are prepared in the Finance Committee to try to put together a package. But there are not going to be any easy choices in that package. I guess the easiest way is just to take it away from the people. Do not worry about the loopholes. Do not close the loopholes. Do not collect taxes on interest and dividend income that is not being reported. But go after the people, the working people and others who might make $32,000 or $39,000, raise their taxes. Do not close the loopholes. Do not broaden the base of the tax system. And to me that in my view is not the best tax policy.

But again I do not quarrel with my friends who want to get all the mileage that they can out of this debate.

Therefore, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield time to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, it will come as no surprise to anyone in this Chamber that I rise in very strong opposition to the tax cap proposal. I do so not out of any sort of pride of authorship—although I am proud to have my name attached to this very significant tax cut—but rather because it is a bad idea offered at the very worst possible time.

This tax cap amounts to nothing more than a legislative mugging of the middle class. Despite all the rhetoric about rich people, the fact of the matter is that this year's tax cut will bring needed relief to middle-income wage earners. The truly rich have already gotten their tax cut, thanks to the actions of this Congress 2 years ago when it lowered immediately the maximum tax rate from 70 to 50 percent—a proposal which not incidentally was offered by my Democratic friends. Now that the wealthy have gotten their breaks, we now are asked to stick it to working Americans.

Make no mistake—by capping the tax cut you will raise taxes for millions of middle-income taxpayers, two-earner married couples, small businesses, and family farms.

Let us look at the facts for a moment.

The $700 cap would increase taxes for 8.1 million tax returns by an average of $654 per return per year.

Nearly half of the tax returns affected by the cap are filed by taxpayers earning less than $50,000 a year.

Nearly half of the revenue raised would come from two-earner married couples; 2.4 million small businesses, including 350,000 family farms, would have their taxes raised. Let me remind the Senate that 86 percent of all small businesses pay only the individual income tax.

So, if you love raising taxes on married individuals, farmers, and small businessmen, then this bill is for you.

Mr. President, I might also say that in all my years in the Senate I do not think I can ever remember a proposal so surrounded by misstatements and half-truths.

It has been advertised as a "richman's tax," that unless you are a cousin of J. R. Ewing, you will not have anything to worry about with this tax cap.

That, in a word, is baloney. I do not think married couples with a taxable income of $37,200 are rich. Yet to hear some of my friends talk who support this idiotic tax cap plan, you would think that those people are living in the lap of luxury. Nothing could be further from the truth. Yet those are the people who are going to be hit, and hit hard, by this tax increase. For those in the $35,200 to $45,800 family income range, nearly 40 percent of their third year tax cut will be taken away by this legislation. However, if you make more than $109,400 the tax cap will have little if any effect. That is not taxing the rich—that is taxing the middle class of this country.

Let me remind my colleagues why we passed this 3-year tax cut in the first place.

You might recall that the purpose of this reform was to restore badly needed incentives to our economic system—to remove some of the penalties inherent in our tax system. As the current recovery gains strength, it is essential that the Tax Code not throw any artificial barriers in the way of investment, work effort, and all forms of productive activity. We need to maintain the natural incentives that the 3-year tax cut provided—and we especially need to maintain them for the most productive sector of our economy. We need to make sure that married couples with joint incomes of $37,000 have plenty of incentive to try to get $47,000. If the tax cap passes, much of that incentive will be removed and that would be terribly, terribly unfortunate. Because, Mr. President, it is when couples that make $37,000 try to make $47,000; and individuals that make $32,000 try to make $42,000 or $43,000 or even heaven forbid, $50,000, that this country prospers and thrives. It is then that jobs are created and technology advances. We must not artificially remove the incentives to growth.

Mr. President, we are now seeing an economic recovery taking place that has astounded most observers. The tax cuts are a major reason for that recovery. For that reason, and for the reasons of equity that I have outlined, I urge the defeat of this unfair and highly damaging legislation.

I yield back the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to address a point that was made by the Senator from Kansas about whether or not this bill was political. The Senator from Kansas said he did not care whether it was political or not and I believe him. If it is political to notice that a family of four with a $100,000 income is getting almost 15 times as much tax relief, if this bill is defeated, as a family with an income of $20,000 a year, then I stand guilty of playing politics.

If it is political to believe that a $220 billion deficit this year, that a doubling of the national debt in 5 to 6 years is likely to sink this country's economic ship, and that we ought to do something about it, I stand accused and I plead guilty of playing politics.

If it is political to believe that the people in this country who make $20,000 a year are having a tougher time making ends meet than people making $100,000 a year, if that is political and I am charged with being political, I plead guilty.

If you believe, as I do, that the families in this country who make over $50,000 a year are not part of the middle class, if it is political to believe that, I am guilty, because I happen to come from a State where the median family income is about $17,000 a year. That means half the people in my State make less than $17,000 a year, and half the people make more than that; 1.9 percent of the households in my State make over $50,000 a year, so I invite the President to come to Arkansas and tell the people that those making over $50,000 a year are the great middle class.

Mr. President, in 1981, when we went through this orgy of tax cuts, I

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said on the Senate floor, along with 10 other Senators, that if you think you can cut taxes by $750 billion and spend $1.6 trillion on defense at the same time and balance the budget, you are asking me to repudiate everything my second-grade arithmetic teacher taught me, so I voted against it. If you want to read a brilliant speech made on the Senate floor that day, write my office, because I said that tax cut would produce the most staggering deficits this country has ever known.

I said it would be impossible to get our interest rates down to a level where ordinary people, some of those lower middle income people, could own a home. You remember the promises? In our political system people are supposed to be accountable. The Senators in this body have to go home every 6 years and defend themselves and give an accounting of their stewardship, and that is the way it ought to be. It has worked well for us, and I can tell you if this proposal is as politically motivated as the President says it is, I will take my risk; I will take my chances. As a matter of fact, if I were running in 1984, every time I got on the stump and no one raised the question about the fairness of taxes, I would pay somebody to bring it up, because I feel so strongly about it.

The President said we should cut all the taxes, giving 38 percent of the cut to the wealthiest 4 percent of the people in the country, in order to create a big savings pool so that business can borrow money and invest. That was supposed to provide a booming economy which would pay for the tax cuts and balance the budget all at the same time.

Has that been the case? Should the President be called to account for his promises? What has resulted? The stock market fell badly, unemployment went up, and we went into the biggest depression we have had since the Great Depression of the 1930's.

The supply-siders gathered around the Georgetown cocktail circuit and said: "Well, we forgot to go back to the gold standard, that is what is wrong with this."

Somebody else spoke up and said: "No, that is not the problem. We did not cut taxes enough."

At about that time Paul Volcker literally choked off the money supply, guaranteeing the depression which was already underway. Then a third supply-sider spoke up and said: "No, it is not the gold standard and it is not that we did not cut taxes enough; it is that crazy chairman down at the Federal Reserve Board with his tight money policy."

Is it not interesting that 1 year later the distinguished Senator from Kansas and the Senator from Tennessee (Mr. BAKER) agreed that we had to increase revenues or else the deficits would be absolutely out of control.

I applauded them then and I applaud them now. Who was it who said if we did this, then there would not be any chance of supply-side economics working? None other than the President of the United States. He said the same thing about the Dole-Baker bill in 1982 that he is saying now about this tax cap.

What happened after the Dole-Baker tax bill passed in 1982? Why, the stock market took off, people began to think maybe Congress is going to do something about the deficits, and now we have a little embryonic recovery going. Unemployment is still unacceptably high, real interest rates are higher than ever, and if you saw the Post this morning, you saw Treasury bills have gone up 1½ percent from about 8.1 to 9.5 in the last 2 months. If you have been studying the newspapers, you have also read that the U.S. Treasury had to borrow $19 billion in May, the most money ever borrowed in 1 month, the biggest deficit ever run in 1 month. Also, for the first time in history, I believe, we ran a deficit in April, and that is the month of the year when everyone pays taxes.

The President now says we have a recovery beginning and if we impose a tax cap, we will abort the recovery. Do you know how much revenue is involved in this? Six billion dollars. Do you know what the gross national product is supposed to be this year? Almost $3.5 trillion. My point is simple: If a $6 billion cap is going to abort the recovery, we do not have a true recovery. Have you heard the President or anybody else mention the OPEC price cut? The Senator from New Jersey (Mr. BRADLEY) follows this subject very closely. When the OPEC cartel reduced the price of oil by $6 a barrel, it reduced gasoline prices enough to give the consumers of this country almost as much benefit as the third year of the tax cut.

One effect of the depression was that people quit using gasoline because they did not have a job to drive to. Finally, the OPEC cartel fell into a state of disarray and prices tumbled $6 or $7 a barrel.

Even after the President got a gas tax of 5 cents per gallon passed—which just devastates the people of my State—there was still almost a windfall of $20 billion that went into the pockets of the consumers in this country. And now the President says, "If you put the cap on, it will be $6 billion the people do not have to spend and that will destroy the recovery." I do not believe it. I think if the recovery is not stronger than that, then the sooner we find out about it, the better off we will be.

Mr. President, there are two things that I want to reiterate. and that is, first, that $6 billion more in revenue is not going to stop a recovery. No man believes that. Second, nobody believes that people who make over $50,000 are the great middle class. Those are the two arguments the President is making, and they are not good enough reasons to vote against this proposal. Maybe there are some other reasons, but do not vote against this bill for those two reasons.

Did you know that the tax cut in 1981 was so bad that the Congressional Budget Office reported that people of this country who make less than $10,000 a year have actually had a tax increase? Considering bracket creep and the increase in social security taxes, people who make $10,000 a year have had a 24-percent increase in their taxes. Was that fair?

There are a lot of people here today who say that nobody makes $10,000 a year. That is true. A lot of people in my State do not make that much. A lot of people in my State, probably about 30 percent, make $10,000 or less. The 1981 tax cut has put a 24-percent-tax increase on them already, and that does not count what they have lost in the spending cuts in the programs of which they are the principal beneficiaries.

The people making $100,000 a year have had a 14-percent-tax cut. The people making $200,000 a year have had a 17-percent-tax cut, worth $26,000. Is that fairness?

The President has a third argument. He says, "The rich have already gotten theirs." That first year when the top bracket was cut from 70 to 50 percent, he says that took care of the rich people then and they have already gotten theirs.

I agree that they have gotten the lion's share of tax relief. Can you think of a better argument not to give them any more? I do not want to punish the rich. I have been trying to join them all my life. But I do not believe in giving more money to the wealthy and more power to the powerful, and that is what we have seen unabashedly for the past 2½ years.

I have said before, "We don't want to punish the rich or the powerful, but we don't want those at the top of the ladder stepping on the hands of those who are reaching for the first rung, either."

The PRESIDING OFFICER. All of the time of the Senator from Arkansas has expired. Under the order, the remaining time until 5 o'clock is under the control of the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, does the Senator need another minute?

Mr. BUMPERS. I am willing to wait until after the vote and take it up again.

Mr. DOLE. Well, I think what may happen here, I may take 10 minutes and I understand Senator HELMS would like to have 5 minutes on abortion, which sort of fits into this debate. [Laughter.]

Mr. BRADLEY. On which side? [Laughter.]

Mr. BUMPERS subsequently said: Mr. President, another argument, indeed another deception, that the President has engaged in on this issue, he has consistently told the American people that we should not raise taxes.

Surely the President knows that this bill has nothing to do with raising taxes. On the contrary, everybody in the country is going to get a tax break. Ninety percent of the people in the country are going to get exactly the tax cut the President wants them to have. Everyone will get a $720 tax cut. So we are not raising anybody's taxes, we are cutting the taxes of every single taxpayer in the United States.

Mr. President, never in our history has the U.S. Government gone out into the credit markets and borrowed money, borrowed money to pay for a tax cut of such staggering proportions. If this bill is not adopted, the Treasury Department will have to borrow $2.5 billion on July 1 to finance the third year of the tax cut. If the bill is adopted at least it will only have to borrow $2 billion a month instead of $2.5 billion, and though that amount seems small by comparision, every little bit counts.

Mr. President, the point has been made repeatedly during this debate about the inequity of this tax cut. The fact is that the people in the lower income categories literally have had no tax cut; their taxes have been raised. They have been ravished by this administration, and the issue in summary is one of fairness.

How can the President in good conscience say that this proposal harms the middle class when we know it does not? How can the President urge us to give working people a tax cut and then propose a tax on health benefits. Here is the chart that shows his health benefits tax which is about as regressive as any tax that can be conjured up. It will be taking away from them any benefit from the third year of the tax cut and more.

If his health benefits tax becomes law, even people making $30,000 a year are going to pay $213. A tax for 1984 on health care benefits will wipe out the tax benefit that everybody in this country gets that makes less than $30,000 a year. The same song. second verse. Put the tax on the little people. There is the chart. It speaks for itself.

Consider the proposed contingent energy tax which would equal 12 cents a gallon of gasoline which he has proposed for 1984. Since an average driver uses about 1,000 gallons a year, a 12-cent-per-gallon tax would be another $120 tax. People making $100,000 a year could not care less about the $120.

But even that 12-cent-a-gallon gas tax takes up most of the $164 that the President proposes in the third year for people making $20,000.

How long, America, can we go on betraying our national character with any such proposal as that? Maybe we do not have any national character left. Maybe those Judeo-Christian principles that I learned about at the feet of my parents, to be concerned about my fellow man are being forgotten. Maybe we have become so cynical in this country they do not really matter any more. One would almost have to conclude that, based upon what has happened in the past 2½ years and what continues to happen unabated.

Mr. President, the first 3 or 4 months of this year I toyed with the idea of running for President myself. A sagacious man told me, "Maybe you shouldn't run, but I will tell you one thing: There is no divine decree or duty that you be President, but there is a divine decree that you be right."

Henry Clay one time said, "I'd rather be right than President." I never really believed that, incidentally.

However, if the Senators want to do what is right, they will ignore all of the things the President of the United States has said about this proposal. They are erroneous, unfair, deceptive, and distorted. If you want to do what is right, you will vote for this bill.

Mr. DOLE. That is a judgment we will have to make later.

I want to confess to the Senator from Arkansas that it has taken a little longer to get out of the Carter depression than the President planned, but we are doing our best. I will put the Senator from Arkansas down as noncommittal on the President's policy, or at least undecided.

I say this in all sincerity. I appreciate the Senator's commendation of our efforts last year for tax reform, but I would have appreciated his vote more. The point is, Are we really going after the wealthy and the powerful and all these people who are described as rich? I do not know who is rich. It makes a great stump speech, but we have to deal with facts. Who is rich? I do not know who is rich. A lot of people are wealthy, some rich, so I think we have to be specific. I assume most everyone else thinks somebody else is rich and they are not, and I do not want to quarrel with that.

It just seems to me that this is a political exercise. I do not fault that. After all, the Democrats have one view and the President has another view. I have not always agreed with the President. So I do not think we should apologize for trying to get a little political mileage out of increasing taxes.

But I really believe that the answer ought to come in real tax reform. We can quarrel all day about who is going to be hurt and who is not going to be hurt.

I just suggest that last year we repealed the favorable treatment of modified coinsurance that allowed large companies to escape billions in taxes. We restricted the use of foreign tax credits by multinational oil companies. We restricted the use of an accounting method that allowed large defense contractors to escape the corporate income tax almost entirely. We put limits on the amount of money the wealthy can put away tax free in pension plans and lend back to themselves. We tightened up the individual minimum tax to make certain the wealthy pay their fair share.

We scaled back a variety of corporate tax preferences, including intangible drilling costs of large oil companies by 15 percent. We put the brakes on safe-harbor leasing, where we have these giant corporations buying and selling unused tax credits. I just suggest we also put limits on the tax benefits arising from corporate mergers and acquisitions.

That is only 8 of the things we did; there were 25. One we did suggest was that people who were not paying their taxes ought to have the tax withheld on interest and dividend income. But, again, that was repealed, or at least we have lost half of that. I will not argue that, because the Senate has spoken on that.

But the point the Senator from Kansas makes is, with all these crocodile tears about all this for the rich, it just seems to me we are going to have another opportunity, maybe not by July 22—it seems rather impossible to report out a tax bill with $73 billion between now and 1986 by July 22—to revisit this question.

But, in my view, there are still a number of areas we ought to tap, called tax preferences and compliance, to make certain that those who shelter their income or somehow benefit from the Tax Code where there should not be a benefit, and in a lot of cases there should be a benefit, that is what we ought to really go after in a bipartisan way—someone who escapes taxes altogether or some who may pay very little, and I am talking about individuals, corporations, individual partnerships, whatever it may be.

It just seems to this Senator that we have a lot of things we are going to have to hammer out. I agree with the Senator from Arkansas that deficits are intolerable. I never did understand supply-side economics fully. I have said so so many times. I never understood the Laffer curve. I never really wanted to understand the Laffer curve.

In any event, we do have a problem. The problem is we have big deficits up there. Everyone has different ways to correct this.

Mind you, we have to reduce spending. There are many areas we have to reduce spending, such as starting with agriculture.

That is very important in Kansas, but it has gotten out of hand. We have one program, the PIK program, that pays you to take land out of production, and you have another program asking farmers to produce more. You have conflict there.

You tell the farmer one time to take the land out of production and, on the other hand, you tell him to produce more, to put more fertilizer on the land and to have more production.

There are a number of areas that we ought to address.

It just seems to the Senator from Kansas that my colleague on the House side, the chairman of the Ways and Means Committee, was not too anxious to bring this bill to the House floor, but the Speaker wanted it there. The Speaker had the votes and the Speaker prevailed. Obviously, it was apparently by some polling device, or whatever, but it indicated that this was good politics. If you say you are going to tax the rich, a lot of people do not know who the rich are, but they think that must be the guy across the street. "If they are going to tax that guy, I will vote for whoever says that."

We have a lot of candidates here running for office, a lot of Presidential candidates that come in and out of the Chamber, who visit here from time to time. They will all vote to tax the rich. That is popular, to tax the rich, unless we define who the rich are.

We have to deal with realities, as I indicated before. I would hope that when the vote comes at 10 o'clock tomorrow, we will indicate we are going to keep the third year of the tax cut and then, hopefully together, we are going to hammer out some revenue along with some spending restraints to bring down those deficits and sustain the recovery.

Finally, let me add that despite all the comments, the interest rates were 20 percent, or over 20 percent in 1980, and they have been cut in half. The inflation rate has been cut by more than half. The growth of Federal spending has been reduced sharply since President Reagan took office.

So, we can stand up and denounce the President. I know we are getting close to 1984. There is every indication that he is going to be a candidate in 1984. So that is understood.

We do have to bring down the deficit. If the economic program works, it will be good news for the President. If it does not work, it will not be so good.

So, Mr. President, I am prepared to yield the remainder of my time to the distinguished Senator from North Carolina.

CONSTITUTIONAL AMENDMENT ON ABORTION

The Senate continued with the consideration of the joint resolution (S.J. Res. 3).

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Senator from Kansas.

Mr. President, I ask unanimous consent that the vote on Senate Joint Resolution 3 appear immediately following the conclusion of the debate on that issue.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask that the statement I am about to make appear just before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, Senate Joint Resolution 3 fails the fundamental test of a constitutional amendment: It will leave unsolved the problems it purports to address. It does not promote a sense of resolution as should an amendment to the Constitution. But more than that, Senate Joint Resolution 3 undercuts a secure and vital constitutional right, women's freedom of choice.

However artful its designers might obscure the intent of this amendment behind philosophies of States rights or federalism—all of us should be able to agree that Senate Joint Resolution 3 aims to eliminate the right to abortion. This right was first recognized by the Supreme Court 10 years ago in the Roe against Wade decision; that historic decision was amplified and reconfirmed a few weeks ago with the Akron decision.

The sponsors of this amendment would like to sweep the Constitution clean of any argument supporting a right to abortion. But the right to abortion is central to the realization of due process for 51 percent of our population. Rhonda Copelon of the Center for Constitutional Rights has well articulated the reasons behind the right to abortion:

> No decision of the Supreme Court has meant more to the lives, the health, the well-being, the freedom and the dignity of women than the decision in (Roe). While this decision alone can hardly remedy the historic inequality of women, recognition of the right to make childbearing decisions is fundamental to the attainment of equality and the realization of women's full capacities as human beings.

This amendment aims to eliminate that constitutional right.

Mr. President, it would be bad enough if Senate Joint Resolution 3 were limited in its distinction to ending a constitutional right, but to limit a constitutional right without, in any appreciable degree, resolving the debate over this issue is even worse. Passage of Senate Joint Resolution 3 will not end the abortion debate. But it will bring great harm to our system of federalism and to historic principles of constitutional rights.

This amendment would increase litigation, confusion, and complexity at all levels of government. The sponsors are aiming for a States rights solution—giving each State the right to pass its own abortion laws. But nothing in this proposed amendment would prevent resolution in this area by both the State and Federal Governments. States would be permitted to regulate abortion as with any other area, only to the extent their statutes do not conflict with Federal law. Such complications, particularly if State and Federal law differ, portend a future of massive litigation if this amendment becomes part of our Constitution.

It does not take a great deal of imagination to guess the many areas of future conflict—conflicts which will require further adjudication by the courts if this amendment passes the Congress and the majority of the State legislatures. What if the Federal Government passes a restrictive abortion statute and a State passes a liberal abortion statute? What if someone argues for a right to abortion on grounds other than the due process clause the Court used in Roe. If this amendment passes the Congress, the debate will become more intense throughout our Federal system. Those looking for a resolution of the abortion debate should not be fooled by this amendment.

Worst of all, passage of this amendment will promote the concept of "50 different U.S. constitutions." If, as the sponsors of this amendment wish, passage leaves the States free to pass restrictive abortion statutes, we will have created a situation in which the fundamental concerns of privacy, due process, and autonomy for women mean one thing in Colorado, and another thing in Utah, something else in another State. If we are dealing with constitutional rights, as I believe we are, they must be applied equally throughout our Nation. If not, the unity of our National Constitution is broken. To think otherwise is to misread the notion of federalism. If abortion is wrong in all circumstances, it should be allowed nowhere. If abortion is right, it should be permitted in all the States. That is the traditional application of a constitutional right.

Passage of this amendment will encourage a balkanized bill of rights in which each State possesses its own attitudes on which rights are constitutional. The danger in this approach was best raised by Abraham Lincoln over 120 years ago when he said that "our Nation cannot endure half slave and half free." Similarly, we cannot have two different nations with respect to the fundamental right to abortion.

Mr. President, this amendment should be opposed by all Americans who support civil rights and traditional processes for changing the Constitution.

If this amendment becomes part of our Constitution, the message will be clear to future generations: If you do not like a constitutional right change it by legislative majorities. The sponsors of this amendment are suggesting that if you do not like a constitutional right, simply amend the Constitution to eliminate the powers of the court by saying that something is no longer a right. Today it is abortion. Tomorrow it might be free speech or assembly. Such court-stripping is offensive to our constitutional traditions.

I opposed such court stripping efforts last year and I will continue to fight them this Congress. The legislative, whether in Washington or the State capitals, should not have the power to nullify a right by saying that it is no longer a right. That is not the way our system is supposed to work.

Mr. President, I urge my colleagues to vote against this amendment. In opposing Senate Joint Resolution 3, we are not simply voting on the issue of abortion—we are also voting on the type of Constitution we want to live under. This amendment will not promote the constitutional change compatible with our fundamental freedoms. In closing, I wish to quote from Rhonda Copelon, who succinctly and clearly provides moral ammunition to all those who hope that with this vote, the Senate will put the abortion debate behind it and start protecting—rather than denying—the basic rights of the American people:

> Never before has this nation—despite great outcry against certain decisions of the Supreme Court—passed a Constitutional amendment that took away a fundamental Constitutional right. Once before, with the 18th amendment, we approved an amendment that invaded the private sphere. Prohibition was a disaster: it bred violence, death, and disrespect for law; it created huge profits that built a criminal trade; it made criminals of decent people; and it caused the watering down of other Constitutional safeguards. To amend the Constitution to augment rather than limit the power of government over the personal aspects of people's lives invites these dire consequences. And to do so in an area which is not simply a lifestyle, but affects the right which is a cornerstone of liberty and equality for women, can only produce massive resistence and unforgivable carnage.

Mr. BOSCHWITZ. Mr. President, I rise as a supporter and cosponsor of Senate Joint Resolution 3, the Hatch amendment, that states "the right to an abortion is not secured by this Constitution."

Some years ago, prior to being elected to public office, I scheduled a series of meetings with fellow Minnesotans on both sides of the issue who I felt would help me review the complexities and controversies surrounding the abortion issue. I met with medical doctors, biologists, theologians, feminists, geneticists, and others. I came away from those meetings with a much better understanding and I also came away from those meetings with the firm conviction that human life begins at conception.

Therefore, the basis of my support for this amendment and my opposition to abortion is that life begins at conception. And just as we would not terminate the life of an elderly person whose life's work may be done, we must protect human life at every stage of development.

Previously I referred to the many meetings I had to help me in reviewing this issue. I spoke on several occasions with Dr. Hymie Gordon, chairman and professor of medical genetics and physician at the famed Mayo Clinic in my home State. Dr. Gordon, in testimony before a subcommittee of the Senate Judiciary Committee stated:

> I think we can now also say that the question of the beginning of life—when life begins—is no longer a question of theological or philosophical dispute. It is an established scientific fact. Theologians and philosophers may go on to debate the meaning of life or the purpose of life, but it is an established fact that all life, including human life, begins at the moment of conception.

Dr. Gordon further stated:

> I have never ever seen in my own scientific reading, long before I became concerned with issues of life of this nature, that anyone has ever argued that life did not begin at the moment of conception and that it was a human conception if it resulted from the fertilization of the human egg by a human sperm. As far as I know, these have never been argued against.

Once I came to the conclusion that life begins at conception, the issue of abortion was no longer as complex or as controversial. Because, if at conception there is life, then an abortion ends a life. Our society forbids one human from ending another's life and I support that vow.

I will vote for the amendment sponsored by Senator HATCH. It is not a perfect solution to this problem, but we must start somewhere to guarantee the protection of human life.

Mr. SPECTER. Mr. President, after much deliberation, I am voting against Senate Joint Resolution 3 because of my deep-seated view that it is unwise to amend the Constitution in response to specific Supreme Court decisions.

I have long held that view. When I was the district attorney of Philadelphia, I was outraged by U.S. Supreme Court decisions on confessions and other subjects which made law enforcement very difficult; nevertheless, I opposed amending the Constitution as a means to overturn those decisions. If we amend the Constitution in response to specific Supreme Court decisions, we initiate a process which would call into question decisions affecting very basic rights such as freedom of speech, religion, and press.

In addition, I find particularly troublesome the fact that the effect of Senate Joint Resolution 3 would be to create the setting for 50 separate State laws on abortion. I believe that a State-to-State divergence on such an issue of fundamental national importance is unacceptable. Any law on such a fundamental issue should be uniform throughout the land.

Mr. HEINZ. Mr. President, I address the Senate as one personally opposed to abortion, convinced that its use as a commonplace method of birth control is contrary to values of human life and dignity held in common by myself and many Americans. It is for this reason that I have consistently voted to restrict Federal funding of abortion to only those cases involving the life of the mother, rape or incest, or instances of severe physical health damage to the mother. I also count myself among those troubled by the Roe and Doe decisions, and the most recent Supreme Court decisions which have invalidated many duly enacted State laws aimed, in some cases, at improving even in a minimal way information available to pregnant women seeking an abortion.

But, I am also troubled by the amendment before us, which, according to its sponsors, would return the issue of abortion to each of the 50 States to decide for themselves and would restore abortion to the legal status existing prior to 1973 and the Roe decision.

Subsequent to the Roe decision, I said in a 1976 interview with the Pennsylvania Catholic Conference concerning my views as a candidate for the U.S. Senate, to quote from their transcript, "I don't think something having the moral or civil rights implications that abortion has should be left to the discretion of the States."

The proponents of Senate Joint Resolution 3 have argued forcefully that this is exactly what they seek to achieve by this amendment. Inasmuch as my view remains unchanged today, I am obliged to oppose the resolution on the grounds that having 50 different State laws, irrespective of one's moral view of abortion, cannot be justifiable public policy.

Although I would vote against the proposed amendment to the Constitution solely on the basis of its failure to insure and confer nationwide equal protection under the law on an issue of profound national significance, I am also concerned about the amendment because of significant disagreement about the actual effect and consequences of it following ratification. Fully one-half of the Senate Judiciary Committee voted against favorably reporting Senate Joint Resolution 3. All nine of these Senators concluded that—

> The resolution leaves unresolved the problems it purports to address and cannot possibly culminate in the sense of resolution that (constitutional) amendments ought to promote in our diverse society.

Also cited was the testimony of Prof. Laurence H. Tribe, a constitutional scholar, who testified that—

> The amendment poses as many questions as it answers, falls considerably short of its apparent purpose, and would contribute to further litigation.

Mr. President, I am not a lawyer, let alone a constitutional scholar, and I will not claim to be the final legal authority on how the words of the Hatch-Eagleton amendment would be translated by the courts in the course of history. However, I do believe that the Congress should have a reasonable certainty about the expected outcome of a new law proposed for enactment. It does seem to me that the wording of the amendment—"A right to an abortion is not secured by this Constitution"—has generated significant disagreement among respected legal authorities on both sides of the abortion issue, and, therefore, I cannot conclude that the proponents of the amendment have met what I believe to be both a reasonable and necessary test of clarity of effect of the amendment. This, too, weighs against its enactment.

I have stated before that I do not agree with the extreme position taken by the Supreme Court on the issue of abortion. Absent a change of constitutional interpretation by the Court which seems unlikely with the recent Akron decision, the only method of achieving any change from Roe is by changing the Constitution through the prescribed process of a constitutional amendment. I am willing to support appropriate change. But, that should not be misunderstood as a willingess to support any constitutional amendment, and, for the reasons I have indicated, Senate Joint Resolution 3 is not an amendment I can support.

Mr. HOLLINGS. Mr. President, I rise today in opposition to Senate Joint Resolution 3. My colleagues who also oppose Senate Joint Resolution 3 have amply described and documented the various infirmities of this amendment. There is no need for me to further reiterate the specific problems it poses.

The issue of abortion is one that always has and always will invoke a high emotional reaction among proponents and opponents alike. It is an issue which involves one of the most fundamental rights enjoyed by U.S. citizens. That fundamental right, of course, is a constitutional right to privacy.

Ten years ago, the U.S. Supreme Court, in Roe against Wade, held that the right to privacy founded in the 14th amendment's concept of personal liberty protected a woman's decision whether or not to terminate her pregnancy. However, the Supreme Court did not fail to recognize the competing interests at stake when it handed down this decision. Rather, it tried to strike a reasonable balance between the individual woman's right to privacy and the society's interest in the preservation of life.

Simply stated, the Court in Roe against Wade held that the individual has the right to choose during the first trimester of pregnancy. After the first trimester, a State may regulate the abortion procedure in ways that are reasonably related to maternal health. Once fetal viability has been reached, a State may regulate and even forbid abortion except when the life of the mother is endangered. I firmly believe that this decision strikes the proper balance between the competing interests.

This delicate balancing of interests is the best solution available when one considers the divergent opinions of leading experts in the medical, legal, philosophical, and theological fields on the issue of abortion. The differences are most pronounced theologically. The record will show that in medieval times St. Thomas Aquinas and St. Augustine, two of history's leading theologians, separately considered the issue of the beginning of life. Their inquiries narrowed the issue to the question, "When did the soul join the body to become a human?" St. Augustine took the very reasoned position that this occurred when there was the first breath of life—at the time of birth. St. Thomas Aquinas analyzed the development from embryo or fetus, from stages of the seed, the plant, the animal, the human, and concluded that the soul joined the body 3 months before birth. If even these two great theologians could not decide this issue, surely the politicians in Congress should refrain from any attempts to do so. Senate Joint Resolution 3 is such an attempt and I must oppose it.

Mr. President, I stand today in support of the individual's constitutional right to choose whether or not to have an abortion. As the Supreme Court has recently reaffirmed its protection of this right in the Akron case, so do I reaffirm my commitment to oppose any congressional attempts to curtail that right. There is nothing more precious than an individual's right to privacy and a woman's right to make decisions affecting her body and welfare must not be jeopardized by the resolution before us or by any similar future legislation.

Mr. MATTINGLY. Mr. President, I regret that the issue of abortion must come before this Congress. However, as many difficult decisions must be made here, so, also, must this one be made. The difficulty is that in making this decision we must make a judgment regarding two fundamental rights—the right of privacy of the individual and the sanctity of life. It is not a question of politics and it is not a question of government.

The prochoice forces in this debate argue that it is not appropriate for the Federal Government to intercede in the abortion question. Yet, it was the Roe against Wade decision that made abortion a national issue. I support Senate Joint Resolution 3 because it would return us to the pre-Roe status when States, not the Federal Government, would be able to legislate with respect to abortion.

I have studied this issue and corresponded with, met, and talked to many people about it. People from all walks of life find it an emotional subject and one which is discussed with fervor. Honestly speaking, there have been many occasions when I wished the issue would just go away, but it will not.

The vote which each of us will cast today is one on which we all have thought long and hard. For me, my decision to vote yes is based on two conclusions. First, the Constitution of the United States does not secure the right to abortion and, therefore, the Federal Government should not shape abortion policy. Second, the mother's right to privacy must not override the right to the protection of the life of the fetus. Both the mother and the unborn child are human beings who should be afforded every protection of the laws of this land.

In closing, I should like to quote one of our Founding Fathers, Thomas Jefferson. This quotation was taken from an address he made to the Republican citizens of Washington County, Md., in March 1809. Mr. Jefferson said, "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government." I trust that we will all vote accordingly.

Mr. BUMPERS. Mr. President, a decade has elapsed since the Supreme Court decided Roe against Wade. The fact that abortion continues to be the focus of an emotional national debate, however, reflects the continuing and unresolved moral and ethical issues that are involved. Many Americans continue to hold fast to the concept that a "person" in the constitutional sense should include a fetus from the moment of conception. Others hold fast to the notion that the question of abortion raises overriding concerns of personal privacy protected by the concept of "liberty" guaranteed by the 14th amendment to the U.S. Constitution.

Emotional and strident arguments are made on both sides of the issue. I appreciate the sincerity with which many of my colleagues are approaching these difficult questions. I appreciate the sincerity of the motives of many of those who vigorously support Senate Joint Resolution 3. I recognize that their support for this constitutional amendment flows from deeply held moral convictions about a very controversial matter.

First of all, let me say that I agree that the appropriate manner by which to overturn the Supreme Court's opinion on the constitutional issue is by constitutional amendment. The constitutional amendment process set out in article 5 of the Constitution is indeed a "leadenfooted" process, and it was intended to be so. After all, the sovereign people of the United States have chosen to amend this almost sacred document only 26 times since the Constitution was ratified in 1789. Aside from the merits of the underlying issue—be it abortion or whatever—the appropriate way to overturn an interpretation of the Constitution by the highest Court in the land is by constitutional amendment. This method is infinitely preferable to passing a mere statute which purports to strip the courts of jurisdiction over the question of abortion, a method the Senate soundly rejected last year. I do not think that the Constitution can be properly amended by the backdoor "court-stripping" method, and I am pleased that the Senate is debating a straightforward proposal to amend the Constitution. I frankly do not believe that there is a consensus in this country for overturning the Roe decision, but should we decide to do so, we should carry out our intent in a way that will not violate the integrity of the Supreme Court and the power of the Court spelled out in Marbury against Madison to determine ultimately what the Constitution means.

Nevertheless, I cannot in good conscience vote for this measure. First, if made part of the Constitution, this measure undoubtedly would result in a quiltwork of State laws. One State might ban abortion completely, another State only in certain circumstances, and still another State might allow abortions in all circumstances. The right to an abortion would depend upon whether one lived in Texas, Idaho, Michigan, or Florida. in my judgment, the result would be that pregnant women who were desperate for abortions would flock to those States with the most liberal abortion laws. Pregnant women who happened to be poor might well resort to illegal or unsafe means for abortion out of sheer desperation. In this sense, we would probably end up with a situation similar to that which existed before Roe against Wade. The availability of safe abortions would be determined by one's State of residence and economic status. According to estimates from the Centers for Disease Control, in 1972, before Roe, nearly 200,000 women living in States where abortions were illegal crossed State lines to obtain legal abortions. The same thing would happen if this constitutional amendment is adopted. Again according to the Center for Disease Control, there were an estimated 130,000 illegal abortions in 1972 and 39 deaths as a result of "homemade" abortions, and in my judgment there is every reason to believe that indigent women in restrictive States would again resort to unsafe homemade abortions if this amendment is adopted.

Second, I am also deeply concerned that the amendment is too broad. In providing that no right to an abortion would be protected by the U.S. Constitution, the amendment would allow any State to prohibit abortion absolutely, even in cases of rape, incest, or where the mother's life would be endangered by childbirth. Under this amendment there would be nothing to prohibit a State from denying a woman the right to an abortion absolutely. Many of the questions related to abortion are extremely difficult for most of us, but I am absolutely and firmly convinced that a woman should not be forced by a State to give birth after a conception forced by rape or incest or in circumstances in which the mother's life would be endangered by birth. To me, it is no answer to argue that most States probably would allow abortions in these circumstances. After all, we are debating a constitutional amendment which would change the fundamental law of the land, and we should not, in the hope that States will uniformly act rationally, place a provision in the Constitution that gives them the freedom to act irrationally.

There are deeply held views by responsible men and women on both sides of the abortion issue, but I am simply not persuaded that a consensus exists for completely erasing any constitutional protection for the right to an abortion.

Mr. LUGAR. Mr. President, today I offer my strong support of Senate Joint Resolution 3, the Hatch-Eagleton amendment, declaring that a right to abortion is not secured by the U.S. Constitution. Recent decisions by the U.S. Supreme Court reaffirm the need to address the issue of abortion through a constitutional amendment, and I compliment the Senators from Utah and Missouri for pursuing that approach.

I share the belief of many of my colleagues that the Roe against Wade decision was an ill-founded one which went far beyond appropriate judicial discretion. The result of that decision has been a tragic "abortion on demand" policy which has cost millions of lives during the past 10 years.

Today, as in the coming years, my vote will reflect my belief that the unborn fetus is a living human being who deserves full protection of the right to life.

Mr. MITCHELL. Mr. President, abortion is a serious issue which deserves our most serious concern. During the past 3 months, I have met with numerous individuals and groups, in Maine and in Washington, to listen to and consider their views on the issue before us. I have read many statements, articles, and pamphlets, as well as a number of books on the subject. I have listened to and studied the debate yesterday and today in this Chamber. After much deliberation, and with deep concern, I have concluded that I must vote against Senate Joint Resolution 3, the Eagleton-Hatch amendment, the so-called human life federalism amendment.

I have a deep personal and religious conviction against abortion. As a Catholic I am keenly aware of the importance my church attaches to the issue. But I am also aware that as a public official, my obligation is to all of the people, and especially, the Constitution.

It is to that fundamental, national document to which I first turn. There are extremely complex questions of constitutional law presented by an effort to amend the Constitution, which is intended to embody our Nation's most fundamental and lasting values. It expresses basic principles, with respect to the structure and procedures of Government and the rights of individuals, on which we as a country have reached a national consensus. As such, the Constitution speaks as a voice of unity for our people.

Social, economic, and political issues which we debate always arise in our public forums. But we generally do not, and should not, look to amend our Constitution in an attempt to force an artificial consensus on the controversial issues at hand. While the original text of our Constitution was written almost 200 years ago, it has been amended very sparingly, only 26 times.

This fact helps to explain why our Constitution, unlike that of many other nations, has been so durable over time. I am personally inclined, for that reason, to be very conservative about amending a Constitution which continues to prove its basic soundness nearly two centuries after its adoption.

Within our society, abortion remains a highly emotional issue on which there is widespread disagreement as to both its moral and medical aspects. Millions of Americans strongly believe that abortion is equivalent to murder and should be outlawed by the Government. Millions of Americans believe just as strongly that abortion is not an issue in which Government should be involved, that it is a pro-

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foundly personal matter, to be decided only by a woman in consultation with her family and her doctor.

This is not an issue on which there is anything even remotely resembling a national consensus.

Moreover, the amendment does not even purport to impose a single, uniform national standard.

The intent of the amendment is clear: To overturn the 1973 Supreme Court decision in Roe against Wade, thus restoring the situation which existed prior to that decision. States would then be free to deal with abortion policy as they see fit and abortion laws would vary from State to State. People can and do differ over the wisdom and morality of the current legal formula by which the rights of women and the rights of the unborn are considered. But if our Constitution does indeed express basic principles on the rights of individuals, then the rights at stake in this issue should not be left to the differing views of 50 State legislatures.

If abortion is to be restricted, then it should be so in every State in this Union. If the right to choose abortion is a matter between a woman and her doctor, then it should be so in every State in this Union. So I oppose this amendment because it attempts to force an artificial consensus into the Constitution while at the same time it fails to insure that the effects of the amendment reach across this country and touch all citizens equally.

I also oppose this amendment because I fear it will not accomplish what its supporters hope for, a significant reduction in the number of abortions performed annually in this country.

This Nation tried once before to amend the Constitution on a social issue on which there was no broad consensus. I refer, of course, to the ill-fated 18th amendment enacting prohibition. Prohibition was a bitterly divisive issue. Nevertheless, strong social pressures led Congress to adopt the 18th amendment forbidding the manufacture and sale of all intoxicating beverages. Because that amendment did not express the kind of broad, enduring principle that belongs in the Constitution, it was neither respected nor enforced. Drinking not only increased, but became more fashionable during the next decade. Organized crime prospered by making liquor available to the public, and disrespect for the law increased dramatically. In the end, Congress proposed what is now the 21st amendment to repeal the 18th.

The unfortunate experience with the 18th amendment should teach us all a lesson: We must carefully consider the implications of amending the Constitution—especially when dealing with an issue which is deeply emotional and on which no national consensus exists. This was essentially the problem with the 18th amendment—no one stopped to consider its implications. Instead, our Nation was forced to live and learn them. I fear this will also be the case if we move now to amend the Constitution to overturn the Roe against Wade decision.

There are now about 1½ million abortions a year in this country.

But 10 years ago, when abortion was illegal in almost every State, estimates of abortions performed ranged from a quarter million to as high as a million a year. The law was not enforced. It simply drove the practice underground, where women performed abortions on themselves or had them performed by unqualified persons in unsafe places. As a result, many women died.

Passing this constitutional amendment will not by itself end abortion.

Our lawbooks are filled with laws that were passed by legislators who did not think through the implications of their actions. It is not enough just to pass a law. We must consider what will happen after it is passed.

The supporters of this amendment openly intend that it will be followed by legislation at the National and State levels prohibiting abortions. What will happen then?

If we do not enforce those laws, we will simply push the practice back underground and we will create disrespect for the law. That always happens when you pass a law that is not enforced.

The result will be a pervasive disrespect for the law in general and for the Constitution specifically. This can only cause great harm to our society, especially with our younger citizens, who already see widespread disobedience of the laws involving drug use. I see no sense in seeking a constitutional amendment if a major byproduct of its enactment will be adverse to the law of our land.

At the same time, I believe enforcement of laws prohibiting abortion poses an insolvable social problem. It just could not be done. To be enforceable, a criminal law must reflect a consensus of society. There is no such consensus about abortion. Indeed, if the resulting State laws were rigorously enforced, the possibility exists that a large number of women would be prosecuted for criminal activity. Yet those so prosecuted would be considered by many as morally correct and fully responsible members of the community. Indeed, if history is any guide, the most likely offenders of State abortion laws would be terrified teenagers ignorant of birth control techniques, or women with families who cannot afford either another child or the cost of travel to another State with less restrictive abortion statutes.

The impact on our criminal justice system would be severe. We would have to build new courthouses, hire more prosecutors and appoint more judges, all to try to accommodate the avalanche of "criminals" created by antiabortion laws, most of whom would not be viewed by a large segment of society as being criminal. Indeed, the underlying dilemma is that what we would define as criminal is conduct which many of our citizens view as acceptable private behavior.

Of course, even then, abortions will continue to be performed, though under much less safe and sanitary medical conditions. In short, I think it is likely that any attempt to enforce any subsequent antiabortion laws passed by the States would contribute to social unrest and turmoil. I might add that enforcing the various States' antiabortion statutes will also increase the control of government over the affairs of the American people. In a time when we hear so often the need to "get government off our backs," the Eagleton-Hatch abortion amendment would have just the opposite effect. It would promote further interference by the Government in our private lives. It is ironic that many of those who so fervently condemn the Government's intrusion into our lives now seek to force the full weight of the Government's criminal power into an area of conduct which is so personal and private.

I am personally opposed to abortion. I am also deeply troubled by the complex ethical questions involved. I would very much prefer that no abortion ever be necessary. If I were a physician I could not, in conscience, perform an abortion. Ultimately, I hope abortion becomes an obsolete issue as better contraceptive methods are developed and made more readily available to an increasingly well-informed adult population.

I also know many abortions are performed because of the most compelling personal urgency and I am hesitant to impose upon others my personal religious convictions even though I am convinced that those convictions, have a sound base as a matter of private ethical judgment.

I know many people in good faith disagree with my conclusion. I respect that. But I must act in what my conscience and my judgment tell me are the best interests of the people of Maine and the Nation.

It is ironic that a legislative body that is 98 percent male should be making a decision of such fundamental importance to women. It is, ultimately, women who will bear the burden of our decision, whatever it is.

In a very real sense it is their bodies, their rights, their liberties at stake here.

But no matter the irony, the choice is upon us. By out votes we must decide. Let us hope that our decision is informed with guidance from the Supreme Being who has created and cares for us all, men, women and children alike.

Mr. HELMS. Mr. President, I have listened to the debate on this amendment very carefully. What I have been hearing is a great deal about abortion and the right to life, but very little about the far-reaching implications of this specific constitutional amendment, Senate Joint Resolution 3. What I have been hearing instead, from both sides in this debate, is that this is a referendum on the right-to-life issue.

Mr. President, I cannot view the proposition before us as a referendum on the right to life. The constitutional issues involved are too complicated to reduce it to a simplistic yes or no. I am convinced that any group that attempts to use the outcome of this amendment as a litmus test on the issue of prohibiting abortions will be doing a disservice to the prolife movement. The fact is that this amendment, by the admission of all on both sides, does not prohibit abortions, nor does it return the legal situation to the status that existed before Roe against Wade.

As I said yesterday,

> The unfortunate fact is S.J. Res. 3 does not advance the principle that human life is inviolable. Instead, it surrenders forever this principle in exchange for the illusory hope that some lives may be saved.

Mr. President, let me reiterate the central point which I sought to make in my statement yesterday, and it is in the RECORD of yesterday.

> The basic problem with S.J. Res. 3 is that, instead of recognizing the unborn child's inalienable right to life, it merely rebuts the concept of a right to abortion. After ratification, the Federal and State Governments apparently may or may not, as they choose, secure the right to life for unborn children. In this regard, S.J. Res. 3 would institutionalize in the text of the Constitution, the idea that abortion is a matter of choice for the governing authorities. Moreover, it would thereby undercut the correct understanding that the Fifth and Fourteenth Amendments protect all human "persons" including the unborn. In short, S.J. Res. 3 runs contrary to the remaining moral principle of the prolife movement that no government ever has the authority to sanction the destruction of unborn human life.

Mr. President, that is the nub of it. Senate Joint Resolution 3 would allow government to have the authority to authorize the destruction of unborn human life. I listened in amazement yesterday as the distinguished Senator from Oregon framed the argument correctly. Obviously Senator PACKWOOD and I disagree on the abortion question; more fundamentally, we are diametrically opposed to each other's positions on it. Yet, I commend him for making my point for me when he said:

> There are those, therefore, who say let us take the best we can get. Let us have a genuine States rights amendment and attempt to turn the law back to what it was prior to Roe against Wade, although I will emphasize the amendment before us does not do exactly that. The problem with that amendment, however, is if you are a genuine right-to-lifer, if you really believe deep in your heart that abortion is murder, then in good conscience you cannot support a States rights amendment. If you really deep down are convinced that abortion is the unjustified taking of innocent human life, then you cannot bring yourself to say, "But I will vote for an amendment that says it is OK in New York but not in Pennsylvania; it is OK in Oregon but not in Idaho; it is OK in California but not in New Mexico." If you truly believe that abortion is murder and wrong, it is hypocritical to support that kind of an amendment.

Mr. President, this was the statement of Senator PACKWOOD. On this point, and this point only, I agree with him. No one has been able to demonstrate to me that abortion is not the taking of an innocent human life. Yet the distinguished Senator from Utah (Mr. HATCH) acknowledges that his amendment would allow some States to permit abortion and others to restrict it. Mr. PACKWOOD is exactly right when he points out the contradiction that Mr. HATCH's proposed amendment involves.

Indeed, Mr. President, with all due respect for the motives of the distinguished Senator from Utah, he has led us to a Hobson's choice. I am convinced that a tactical error has been made in bringing up a constitutional amendment without having the necessary votes or being in striking distance. I have not opposed his efforts, but I cannot support them.

Therefore, I am in a dilemma. If I vote "yes" on Senate Joint Resolution 3, then I am in the position of supporting a proposal that, if ratified, would allow the States to sign the death warrants of the unborn. If I vote "no" on Senate Joint Resolution 3, then the news media of this country will attempt to make it appear that I have sided with the anti-life movement in the United States.

It is my intention, therefore, to vote "present" on Senate Joint Resolution 3. Let my vote "present" show that I respectfully disagree with both sides in this debate.

Finally, Mr. President, the prolife movement should look where the votes are. We should look first to the passage of a statutory remedy, such as S. 26, or any other suitable statutory remedy. I believe that we can get a majority vote in this Senate for abortion reform. Second, we should look to the Supreme Court for the votes. The three dissenting votes, led by Justice O'Conner, form the cornerstone of abortion reform. I note also, Mr. President, that five of the six justices favoring the taking of innocent human life are all over 74 years of age. The prolife movement should look to the votes on the Supreme Court and support as President in 1984 whichever candidate is pledged to support the sanctity of unborn human life.

(The following occurred later:)

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Will the Senator yield me 15 or 20 seconds for a unanimous-consent request?

Mr. BYRD. I yield to the Senator from Utah.

Mr. HATCH. I thank the distinguished minority leader.

Mr. President, today the Senate of the United States will conclude—I ask unanimous consent that the balance of my remarks be printed in the RECORD immediately before the vote on abortion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I thank the Chair, and I thank my colleague from West Virginia.

Mr. President, today the Senate of the United States will conclude this small part of a debate that has already been raging amongst the people of the United States for more than a decade. The question before this body and the entire United States is whether to retain the Supreme Court's current reading of the Constitution that requires a right to abortion on demand.

Senate Joint Resolution 3, which states in its entirety that "A right to abortion is not secured by this Constitution," has already been the subject of extensive examination and consideration over two Congresses in the Senate Judiciary Committee. In the 97th Congress, the Constitution Subcommittee held 9 days of hearings on proposed amendments to the Constitution relating to abortion. The product of these comprehensive deliberations was Senate Joint Resolution 110 which overturned the Supreme Court's Roe against Wade decision and granted both the Federal Government and the States concurrent authority to restrict abortion, provided, however, that a State law more restrictive of abortion would govern over a conflicting law of Congress. This amendment became the first constitutional amendment relating to abortion ever approved by a congressional committee when the Senate Judiciary Committee reported it favorably by a vote of 10 to 7.

In the 98th Congress, the Constitution Subcommittee held two more hearings to examine the legal ramifications of proposed constitutional amendments relative to abortion. Senate Joint Resolution 3, the primary focus of these additional hearings, was identical to Senate Joint Resolution 110 of the 97th Congress.

On March 24, 1983, the Subcommittee on the Constitution voted to report out Senate Joint Resolution 3 after having adopted an amendment offered by myself which changed the amendment to its current succinct form. This change was the recommendation of Senator Thomas Eagleton in his persuasive testimony on February 28. Senator Eagleton had suggested striking the second sentence of Senate Joint Resolution 3, as introduced, which included language giving the Federal Government a role in legislating and setting policy with respect to abortion. Senator Eagleton noted that limiting the amendment to its first 10 words would "wipe out the legal status afforded to the 'abortion right' by Roe against Wade and return us to the status quo ante" when abortion was a matter for the people in each of the States to decide through their elected representatives. By adopting Senator Eagleton's suggestion, the subcommittee established its intent to remove Federal institutions from the policymaking process with respect to abortion and reinstate State authorities as the decisionmakers for this sensitive issue.

In April of this year, Senate Joint Resolution 3 became the second constitutional amendment on abortion to emerge from a congressional committee when the Judiciary Committee gave its consent for this debate to take place. Thus, this debate begins; in a larger sense, this is not the beginning of this historic debate, but merely the climax of a constitutional, philosophical, legal, moral, and social debate that has raged with such fervor amongst the people of the United States that we in the Senate can no longer allow the questions to go unaddressed in this hallowed forum.

Although in the past, this body has discussed cures for some of the problems created by the abortion ruling of the Supreme Court, such as Federal funding for abortions, this is the first time the Senate has addressed itself to a cure for the central cause of the controversy.

THE GENESIS OF THE CONSTITUTIONAL DISPUTE

As I have mentioned, the genesis of this constitutional dispute was a conversial and ill-conceived decision of the Supreme Court. Senate Joint Resolution 3 is carefully crafted to nullify that decision and restore the balance upset by that holding. In the decade since Roe, Federal courts have faced a flood of abortion litigation, Congress has spent countless hours trying to correct tangential problems relating to abortion, and the number of unborn aborted annually has increased to over 1.5 million—the total number of abortions since Roe is approaching 15 million. These violent disruptions of our social fabric were accomplished by an equally wrenching disruption of our constitutional fabric. In short, Roe did not carry out the intent of the Constitution, but upset the Constitution's intended balance.

Although, in the words of Prof. John Hart Ely, the Constitution "simply says nothing, clear or fuzzy about abortion," the Supreme Court created a constitutional right to abortion. This upset the preexisting constitutional balance that for nearly 200 years had allowed State legislative processes to carry out the will of the people with respect to this sensitive social policy. Thus the new right created by Roe overturned the Texas abortion statute and related laws in every one of the 50 States. Not only did this decision upset the federalistic balance between State and National institutions, it also disturbed the constitutional separation of powers between legislative and judical functions.

Professor Wardle made this point very eloquently:

> By giving the right to choose abortion the status of a fundamental right, the Supreme Court substantially restricted the authority of the legislative branch to legislate concerning the subject and substantially increased the responsibility of the judiciary for defining and monitoring regulation of the fundamental right. (Statement of February 28, 1983).

In essence, Roe made abortion a constitutional doctrine. Despite my great reluctance to amend the Constitution, this Roe decision upset the constitutional balance. Thus, it is incumbent upon this Senate, in my view, to take the appropriate constitutional steps to restore that balance.

The most simple, direct, and effective way to accomplish that objective without disturbing other established constitutional doctrines is to completely nullify the Roe ruling. If Roe were fully deprived of legal significance, the constitutional balance that existed prior to 1973 would be restored. The people in the States would be reenfranchised to shape abortion policy through their legislators. Policymaking that for a decade has been centralized in the nonrepresentative judicial branch would be subject again to democratic processes. Only by restoring this constitutional balance and permitting the people to participate directly in this policymaking process will the Nation ever achieve a consensus on this divisive question.

ROE V. WADE

Since this amendment's avowed intention is to reverse Roe, I would like to review the basic propositions of that ruling.

On January 22, 1973, the U.S. Supreme Court handed down a decision that has since generated social divisions in this Nation virtually without precedent. In the case of *Roe* v. *Wade*, (410 U.S. 113 (1973)) a majority of seven on the Court identified for the first time a right to abortion within the terms of the 14th amendment to the Constitution. The nature of this right, outlined in great detail in Justice Blackmun's opinion, was such as to result in the overturning of the laws on abortion in each of the 50 States of the Union.

Prior to the Roe decision, 31 States of the Union had enacted statutes that totally protected unborn human life from the time of conception. Of the remaining 19 States that permitted abortion under limited circumstances, abortion was legal only, as a general rule, where necessary to protect the life of the mother, in cases of rape or incest, or in cases where there was a likelihood that a child would be born with a substantial mental or physical deformity. In only four States did anything approximating abortion-on-demand exist and in each of these States there were temporal limits to such a right. The most liberal of these provisions was probably that existing in the State of New York, in which abortions without restrictions were permitted until the sixth month of pregnancy.

As a result of Roe however, a new regime was created in this country on the abortion issue—a regime more permissive with respect to abortion than had existed in any one of the 50 States prior to January 22, 1973. As a result of the Roe decision, a right to abortion was effectively established for the entire term of a pregnancy for virtually any reason, whether for sake of personal finances, social convenience, or individual lifestyle.

Despite misconceptions on this issue, there is relatively little informed disagreement that Roe has established a national policy on abortion without legal restrictions of any significant kind. During the first trimester or pregnancy, the plenary right to abortion is made express by the terms of Roe. As the Court stated:

> For the stage prior to approximately the end of the first trimester of pregnancy, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician. 410 U.S. at 164.

During the second trimester, a public interest in abortion arises an interest in protecting and preserving the health of the mother. This interest may be expressed through governmental requirements that such abortions be performed within hospitals, clinics, or other licensed facilities. As the Supreme Court again stated:

> For the stage subsequent to approximately the end of the first trimester, the State in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health. 410 U.S. at 164.

During the second trimester, however, there remains an absence of legislative authority to do anything more than insure the safety of the procedures of abortion. There are no protections whatsoever for the unborn child during this stage of pregnancy.

During the final trimester of pregnancy—or approximately at that point at which the fetus reaches "viability"—a compelling interest finally arises in protecting unborn life. As the Court stated.

> For the stage subsequent to viability in the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother. 410 U.S. 164-65.

The exception to this authority in the State to limit abortion following "viability—in cases where the mother's "life or health" were involved—effectively consumed the rule, however. The critical element was the term "health of the mother."

According to the Court in the companion case of *Doe* v. *Bolton*, 410 U.S. 179 (1973) whether or not the "health of the mother" necessitated an abortion was a medical judgment to be made:

> In the light of all factors—physical, emotional, psychological, and the woman's age, relevant to the well-being of the patient. Id. at 192.

In other words, to quote Prof. John Noonan of the University of California Law School, the absolute and plenary right to abortion was curbed during the final trimester only by the "necessity of a physician's finding that she needed an abortion." J. Noonan, A Private Choice 12 (1979). It would be a rare physician who would be incapable of defending an abortion decision on the grounds that in his best medical judgment the "well-being" of the mother demanded it.

As Professor Noonan has summarized the nature of the restrictions placed upon the abortion right in Roe and Doe:

> For the 9 months of life within the womb, the child was at the [pregnant woman's] disposal—with two restrictions: She must find a licensed clinic after month three; and after her child was viable, she must find an abortionist who believed she needed an abortion. Id.

Thus, no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy.

It is this rule of abortion-on-demand imposed upon a citizenry whose values were sharply at variance that has created nearly a decade of intense divisions and passions on the issue of abortion. During this decade, the social views of a relatively small number of individuals have reigned as the law of the land immune from even the most modest efforts of reform. In judicial decisions subsequent to Roe, the Supreme Court has expanded upon its decision in Roe by striking down statutes to require the consent to an abortion by the father of the unborn, statutes to require parental consent to abortion performed upon minors, statutes to insure that pregnant women are fully apprised of alternatives to abortion, and statutes to protect live-born fetuses.

The proposed human life federalism amendment is addressed to the Roe decision as well as the progeny of Roe. The objective of the proposed amendment is relatively simple—it would reverse completely Roe against Wade, thus restoring the status quo that existed prior to the Roe decision when the States possessed authority to legislate with respect to abortion. Unlike many other proposed amendments on the subject of abortion, it would not obligate the States to legislate; it would simply restore to them the authority to do so. By "deconstitutionalizing" the issue of abortion, the proposed amendment would allow the States a wide variety of options with respect to this matter. In their best judgment, the States might choose to have no policy regarding abortion or might restrict and condition it in a variety of ways. For example:

First, they could place restrictions of some form upon late-term abortions;

Second, they could impose obligations upon physicians to save the lives of fetuses capable of surviving an abortion;

Third, they could place limitations upon genetic engineering and other experimental and medical research involving the use of human embryos and fetuses;

Fourth, they could require that women contemplating abortions be fully apprised of the risks of abortion and the alternatives to abortion;

Fifth, they could require some form of parental consent to abortions performed upon minors;

Sixth, they could require some form of spousal consent to abortions;

Seventh, they could establish some minimum waiting period before an abortion could take place or require some form of professional consultation prior to an abortion;

Eighth, they could establish rights of refusal to perform abortions by physicians or nurses, or in entire hospitals;

Ninth, they could limit the commerce in abortifacient devices;

Tenth, they could prohibit abortion generally subject to certain well-defined exceptions and safeguards; or

Eleventh, they could undertake any other form of restriction or regulation upon the abortion procedure.

In removing the abortion controversy from the Federal judicial branch, the people in the States would be reenfranchised to shape abortion policy through their elected representatives. By its very nature, the judiciary is the wrong forum within which to resolve the abortion issue. Because they cannot control the specific types of cases that come before them and because they are limited in their ability to fashion compromise solutions to difficult issues, the courts are an inappropriate place within which to debate abortion.

The all-or-nothing legalization of abortion-on-demand in Roe has done nothing but exacerbate the tensions already created by the abortion controversy. Unlike most legislative solutions, in which some element of deference is paid to all major political or social or occupational groupings, the abortion decision involved a small group of seven men who were totally able to disregard the passionately held views of a large segment of the American people. They did this not in response to the unequivocal demands of the operative document of our Nation, but through a decision whose jurisprudence and whose textual and historical foundations are at least as suspect as the policies that it fostered.

Perhaps the foremost objective of the proposed amendment is to facilitate the development of a social consensus on the difficult issue of abortion. The abortion issue, if it is to be elevated into an issue of constitutional proportions, should be elevated only through the normal consensus-building procedure of the article V amending process rather than through the process of judicial reinterpretation. Senate Joint Resolution 3 would reenfranchise all the people in fashioning a solution to the abortion controversy or, if not a solution, at least an equilibrium. This can only be done by placing this issue back within the representative branches of State governments where it should have remained all along. If the result is that difficult legislative compromises are reached through bitter sessions of negotiation and give-and-take—compromises that are not entirely satisfactory to those on either end of the spectrum on this issue—then the issue of abortion will have been dealt with in the same manner that most other difficult matters are dealt with in a democratic system of government.

If the social divisions that have beset this country since the Roe decision are to be overcome, they will have to be overcome through a process in which all shades of opinion are considered and weighed, not simply those of a small minority of the citizenry. There is no more appropriate forum in a free society for these kinds of controversies to be debated and resolved than in State representative, legislative forums. Although some may observe—correctly—that basic issues of individual rights are not subject to referendum in a free society, this, of course, begs the basic question, which is precisely what those rights are and what their relative priorities are. It is the resolution of these precise questions that is unlikely to occur in the absence of a constitutional amendment of the sort of the human life federalism amendment. I urge my colleagues to support Senate Joint Resolution 3.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Is it not part of the order that, once this vote is completed, the Senate will go back to the tax cut cap and there will be up to not more than 3 hours for debate thereon today?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Will the minority leader yield to me?

Mr. BYRD. Yes, Mr. President, I yield.

Mr. BAKER. While we are on that subject, Mr. President, I wonder if the two managers can give me some idea of how much of the 3 hours they plan to use this evening. I am sure many Members would like to plan the remainder of their day. If we use it all, it will be sometime past 8, around 8:30. I suspect, canvassing this side, that there probably is not a shrill demand for that much time this evening, but we are going to stay here as long as we need to stay.

Mr. BRADLEY. Mr. President, I say to the majority leader that we are allotted 1½ hours. I do not know if we will use it all. My speculation is that we might. We will not know until the next half hour.

Mr. BAKER. Mr. President, I estimate, then, that we shall be here until at least 7, perhaps a little later.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution.

Mr. BOSCHWITZ. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this vote, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. HELMS (when his name was called). Present.

The result was announced—yeas 49, nays, 50—as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—49

Abdnor
Andrews
Armstrong
Baker
Boschwitz
Chiles
Cochran
D'Amato
Danforth
DeConcini
Denton
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Huddleston
Humphrey
Jepsen
Johnston
Kasten
Laxalt
Long
Lugar
Mattingly
McClure
Melcher
Murkowski
Nickles
Nunn
Pressler
Proxmire
Quayle
Randolph
Stennis
Symms
Thurmond
Trible
Warner
Zorinsky

NAYS—50

Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chafee
Cohen
Cranston
Dixon
Dodd
Glenn
Goldwater
Gorton
Hart
Heinz
Hollings
Inouye
Jackson
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
Mathias
Matsunaga
Metzenbaum
Mitchell
Moynihan
Packwood
Pell
Percy
Pryor
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stevens
Tower
Tsongas
Wallop
Weicker
Wilson

ANSWERED "PRESENT"—1

Helms

The PRESIDING OFFICER (Mr. PRESSLER). On this vote, the yeas are 49, the nays are 50, and 1 Senator voted "present." Two-thirds of the Senators present and voting not having voted in the affirmative, the joint resolution fails of passage.

PERSPECTIVE

Mr. HATCH. Mr. President, while I would have preferred it if the present amendment would have received several more votes, let me take strong issue with those in the so-called prochoice movement who have been so quick to read the obituary of the antiabortion movement.

Slightly less than 3 years ago the human life federalism amendment was conceived. Since then, the Senate Subcommittee on the Constitution has conducted 11 days of hearings on this amendment, the most thorough and balanced set of legislative hearings ever on the issue of abortion. In the process, we have established the most comprehensive record on the issue of abortion ever prepared by a committee of the Congress. We have heard from the Nation's leading constitutional scholars, medical and psychological doctors, theologians and religious leaders, philosophers and sociologists, and citizen's organizations—from all perspectives.

During the past 2 years, the human life federalism amendment has become the first constitutional amendment—indeed the first legislative measure of any kind—on the subject of abortion to be reported out of, first, a subcommittee of the Congress and, then, a full committee. The human life federalism amendment has become the first constitutional amendment on the subject of abortion ever to be subject to a favorable report by an official body of the U.S. Congress. The report of the Committee on the Judiciary, during both the 97th and 98th Congresses, is one of the most compelling documents on the subject of abortion and Roe against Wade ever prepared.

During the past 2 years, the human life federalism amendment has been the subject of unprecedented public debate and media commentary. Finally, this week it has become the first constitutional measure on abortion ever to be considered on the floor of either House of Congress in the history of the country. The debate did not involve public funding of abortion, or Federal employee abortions, or Peace Corps abortions, or courtstripping; rather, the debate involved abortion as a national public policy and Roe against Wade as an expression of that policy. We have had 2 full days of debate in the Congress, and we have had nearly two dozen U.S. Senators physically come to this floor to argue in support of a constitutional amendment to overturn Roe against Wade. Indeed, we have had a near majority of the entire U.S. Senate cast their votes in favor of a constitutional amendment to overturn this decision.

Finally, Mr. President, we have done all this with honor. We have conducted a high level of debate—as have opponents—and we have argued the issues as clearly and as rationally as we are able. We have gone through the entire legislative process in bringing the human life federalism amendment to this floor—not once but on two occasions. We have never attempted to shortcut the regular legislative process nor unfairly exploit the procedural and parliamentary rules of this body. We have fought to obtain a debate on the issue of abortion on this floor not a debate on procedural tactics or on the constitutionality of exotic legislative proposals. We have succeeded in this, in my opinion.

Mr. President, we have also cleared some of the smoke that has existed on this issue for many years. We have framed the issue of abortion as clearly and as directly as I believe that it can possibly be framed, and we have allowed each elected Representative in the Senate to choose their position. As a result, Members of this body will—as they ought to be—be fully accountable to their constituents on what has proven the most controversial and divisive issue of the past decade. There is, in my respectful opinion, no longer any credible argument that can be made by opponents of Senate Joint Resolution 3 that they are, in fact, seriously concerned about the legal structure of abortion on demand that has been erected in this country as a result of a single decision of the Supreme Court.

In conclusion, while some may be eager to write the obituary of this movement, I would suggest that this

week's debate is, on the contrary, evidence of unprecedented life. Despite the loud cries of a small number of unrepresentative groups that claim to be prolife, the prolife movement is more united in behalf of Senate Joint Resolution 3 than it has ever been on any measure to reverse Roe against Wade.

What we have achieved during the past 2 years is merely the start of renewed efforts by the prolife movement to deal with the tragedy of abortion in an effective and responsible manner. The death notices of the movement, to say the least, are premature. For opponents of today's constitutional amendment to argue that the support of a majority of United States Senators for overturning the Supreme Court's decision in Roe against Wade is the movement's death knell is wishful thinking of the most extreme kind. Rather, it is simply the first effort in what will be an ongoing effort to restore full protection to unborn life.

At this point I would like to thank those whose untiring efforts in this cause deserve special commendation. While any list like this risks missing some important people, I feel it represents the major contributors to this historic effort.

Mark Gallagher; Ernie Ohlhoff; Douglas Johnson; Sue Burke; Dr. Jack Willke; Prof. Lynn Wardle; Prof. Richard Stith; Prof. John Noonan; Dennis Horan; Prof. Victor Rosenblum; Pat Truman; Tom Marzen.

Dave Osteen; Darla St. Martin; Jan Carroll; David Mall; and Prof. Bill Marshner.

Senators: Eagleton; DeConcini; Thurmond; Grassley; Rep. Weber; and Rep. Ashbrook (memoriam).

Staff: Marcia Verville (Eagleton); Bob Feidler (DeConcini); Sherri Flans; Marci Anderson; Sharon Peck; Steve Markman; and Randall Rader.

SENATE SCHEDULE

Mr. BAKER. Mr. President, there is an order now that provides for a vote on the Tax Rate Equity Act tomorrow at 10 o'clock. The Senate will come in at 8:45 and resume consideration of that measure at 9.

The Senate is free to continue debate as long as necessary this evening, for not to exceed 3 hours, the time to be equally divided. No amendments are in order, by unanimous consent.

It is clear, then, Mr. President, that there can be no votes, unless they are procedural votes, for the remainder of this day. Therefore, I wish to announce that I do not anticipate any more record votes during this calendar day.

AUTHORITY FOR COMMITTEE ON ARMES SERVICES TO MEET TODAY

Mr. GOLDWATER. Mr. President, will the Senator give us an approximate time when we might adjourn or recess?

Mr. BAKER. Mr. President, I think there will not be any more votes today. There will be debate which will continue for not more than 3 hours, and the next vote will occur tomorrow at 10 a.m.

Mr. GOLDWATER. I am wondering if I might get unaniomus consent for the Armed Services Committee to meet at 7 p.m. tonight.

Mr. BAKER. Mr. President, I yield to the minority leader on that subject.

Mr. BYRD. I do not think we have any problem. I will have to check. We will be back to the majority leader shortly.

Mr. GOLDWATER. The reason I asked is if we do not and the Senate will be in recess by 6:30 p.m., we will be prevented from having a meeting this afternoon. We have to wrap it up. If we have to stay 3 hours, it sort of shoots the whole thing down.

So I wish to have permission to hold the hearing.

Mr. BAKER. Mr. President, let me confer with the minority leader to see if we cannot work that out.

Mr. GOLDWATER. I thank the majority leader.

Mr. BAKER. I thank the Senator.

Mr. President, I am advised by the minority leader that there is no objection to the request I am about to put. I will put it now for his consideration and that of all Members.

Mr. President, I ask unanimous consent that if the Senate is still in session at 7 p.m. today, notwithstanding, the Committee on Armed Services may be authorized to sit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Senator.

TAX RATE EQUITY ACT OF 1983

The PRESIDING OFFICER. The Senate will continue with the consideration of H.R. 1183, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1183) to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981.

Mr. BYRD. Mr. President, may we have order in the Senate and in the galleries?

The PRESIDING OFFICER. There will be order in the galleries.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I yield to the Senator from Hawaii.

May we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Hawaii.

Mr. BYRD. Mr. President, I beg the Senator's pardon for interrupting, but he is entitled to be heard.

The PRESIDING OFFICER. The Senator makes a good point. Those conversing will retire to the cloakroom. The Senate will be in order.

Mr. INOUYE. Mr. President, I rise to support passage of H.R. 1183, the Tax Rate Equity Act. This legislation marks the last in a series of efforts we have made to correct the mistakes of President Reagan's misguided tax policies.

What are these mistakes?

A short look back into the history of the Reagan administration's tax policy will reveal how the policy misfired.

The Senate first considered the notion of across-the-board tax cuts in October 1978. Although the proposal was soundly defeated, 36 to 60, the so-called Kemp-Roth proposal was slowly seeping into mainstream Republican politics.

The basic concept of the proposal was simple: The notion was that you could cut taxes across the board and pay for these massive tax cuts with a boom in economic growth. The idea sounded wonderful: It was the magic key to unlock the door to our future growth and prosperity.

These ideas continued to gain momentum. By July 1980, the Republican Party's platform committee had endorsed the Kemp-Roth proposal. In September, candidate Reagan endorsed the proposal and projected that, if elected, he would produce a budget surplus in 1983.

In March 1981, President Reagan introduced his tax cut plan and by August it had passed the Senate. During consideration of that measure, Members on this side of the aisle tried to tie the third year to the level of interest rates and deficits. We were defeated. Shortly thereafter the trouble began.

In October, 2 short months after the Economic Recovery Tax Act was passed into law, OMB Director David Stockman projected a budget deficit of $60 billion for the coming fiscal year.

By December, all the mirrors around Reaganomics began to break. OMB Director Stockman, in a publicized magazine article, admitted that the Reagan tax cuts are nothing more than trickle down economics. By January we began seeing press reports that the White House staff was lobbying the President to increase taxes. The President, however, was reluctant to tamper with his program.

In February 1982, the administration forecast a budget deficit of $91.5

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billion for 1983. Keep in mind that we were supposed to have a surplus in 1983. By April, that deficit projection had ballooned to over $101 billion. By June, it had grown to $104 billion.

These alarming deficit increases led to the passage of the Tax Equity and Fiscal Responsibility Act in the summer of 1982. Although this act left the basic structure of the Reagan tax cuts in place, it raised revenues by about $99 billion over 3 years.

Despite these efforts the deficit continued to careen out of control. In December of last year another effort was made to modify the third year of the tax cut. The proposed reform would have partially delayed the tax cut for persons with incomes between $50,000 and $65,000 and would have fully delayed the tax cut for 3 years for persons earning over $65,000. The proposal was defeated 44 to 53.

Now we come to the last chapter of this battle to correct the mistakes of Reaganomics. Deficits continue to grow. Early this year the deficit was projected to be $201 billion in 1984 and to grow to $268 billion by 1988.

Clearly, Reaganomics has not worked. Now we are faced with trying to eliminate the distortions in our fiscal policy caused by the mistaken policies of the past. Clearly, these distortions cannot be corrected overnight. We cannot wish away $200 billion deficits.

What we need is not more pie-in-the-sky promises, but a reasonable and balanced fiscal policy that provides for a gradual and sustained reduction in the deficit.

This bill makes a first step in that direction. We raise $6 billion by limiting the tax cuts available to the wealthiest 10 percent of our taxpayers. This is a fair way to raise revenue; 89 percent of the revenue generated by this proposal comes from taxpayers earning over $50,000. Alternatives like the tax on oil that the administration has proposed will tax everyone, and it will raise revenue in a far more regressive fashion. Fully 75 percent of the revenue raised from an oil tax will come from people earning less than $40,000.

It is time we stop pretending that there are easy answers to the problems of budget policy and economic growth. We need a long-term strategy to insure prosperity through the balance of this decade and beyond. The first step in that strategy must be to correct the mistakes of Reaganomics.

This bill takes a first step on that journey. It is a modest step, but it is a journey that we must make.

Mr. HATCH. Mr. President, putting a $700 cap on the third year of the tax cut is an ill conceived and unfair proposal. It is bad economics and it is bad policy. This proposal, which comes to us from the liberal House Democrats under the totally inaccurate label of a means to make the wealthy pay their fair share and reduce deficits, must be defeated.

Do not be fooled by the terms "revenue enhancement" or "merely capping a tax cut." This proposal, pure and simple, increases the taxes which must be paid by those who would be hit with the tax cap. This proposal must be enacted, according to proponents, in order to reduce the horrendous Federal deficits. But raising taxes has, in the past, failed to reduce deficits. There is no reason to believe that raising taxes now will be any more successful than in the past at reducing deficits.

As a matter of fact, raising taxes will probably do now exactly what it has done in the past—that is, raising taxes will only result in more Government spending. Taxes are now about 19 percent of GNP, their historic level in the 1970's before their boost under the Carter administration. Thus, all the 1981 Reagan across-the-board tax rate reductions did was return the taxpayer's burden to its more traditional level and, thereby, unmask increases in Federal spending.

For it is overspending, not undertaxing, which causes our huge deficits. Government spending has grown a lot more rapidly over the last 20 years than have receipts. Government spending is running over 25 percent of GNP, whereas spending levels in the 1970's averaged less than 21 percent of GNP. So, President Reagan's tax-rate reductions lowered the tax burden to its historic level. The Congress should join the President in enacting spending cuts which would also reduce spending to its traditional level. Congress should join in reducing spending and not once again raise taxes. Cutting Federal spending will reduce deficits; raising taxes, no matter the proclamations of tax-cap proponents, will not. Certainly the recently passed congressional budget calling for greater increases in domestic spending, and under which we are enjoined to raise more revenues, confirms this conclusion.

This proposal is a well bad economics because raising taxes at this time would be particularly harmful to the economic recovery just now underway. Although many economic indicators predict a strong recovery, we still have a long way to go for a full recovery. Unemployment remains over 10 percent. Factories still operate at under 72 percent of capacity. The level of real output is still no higher than it was at the end of 1979. Raising taxes risks reducing consumer confidence. Instead, the full third year of the President's tax cut is a necessary impetus for consumers in order to invigorate and maintain our economic recovery.

In addition, the claim that this tax cap will affect only the wealthy, will make them pay their fair share of economic recovery, is patently erroneous. The tax cap will scarcely affect the wealthy. However, it will result in tax increases and unfairness for millions of middle-income taxpayers, two-earner married couples, and small businesses and family farms.

It is precisely the middle class, not the rich, whom the liberal Democrats will soak with this proposal: Nearly one-half of the returns which would be socked with this tax increase report incomes of less than $50,000. A full 46 percent of the returns reporting incomes between $30,000 and $50,000, and 43 percent of returns reporting between $50,000 and $100,000, would have to hand over more in hard-earned tax dollars as a result of a $700 cap. I find it hard to believe that a couple earning between $30,000 and $50,000 trying to buy a new home and facing college expenses would consider themselves "rich" and deserving thereby of a greater tax burden.

Likewise, the proposed cap would produce a taxrate schedule particularly onerous for this middle class. Under the 1981 tax law combined with the proposed cap, tax-rate reductions would remain about 25 percent for those earning below $35,000 and above $109,400. But capping the return for middle-income returns in between these incomes would mean squeezing their 1981 tax-rate reductions down to only about 14 to 15 percent. As a result of the increased marginal rates effected by the cap, not only would middle-income families have higher tax burdens, but also the rate of progression, or steepness, of their tax brackets would be exaggerated. These are precisely the same taxpayers who have already been hurt most by inflation-induced "bracket-creep," Why should they be hit once again?

Note as well that the proposed cap hits particularly hard at two-earner married couples, most of them in this middle-income range. It is estimated by the Treasury that almost one-half of the 8.1 million tax returns which the cap would affect are the returns of two-earner married couples. Likewise, the Treasury estimates that nearly one-half of the estimated $5.3 billion netted in 1984 would come from these couples. Let's face it, the proposed cap would offset a considerable portion of the marriage tax relief enacted by Congress in 1981 to help maintain incentives for two-earner families and eliminate the unfairness of the previous tax schedules which operated to penalize marriage.

Hit as well by the proposed cap would be small businesses and family farms—a group not of the wealthy, but of our good, solid middle class. It seems that those proposing the cap have forgotten that small businesses are almost always taxed at individual income tax rates. In fact, 86 percent of all small businesses are partnerships, sole proprietorships, or small corporations which pay only the individual income tax. As a result, nearly 2.5 million small businesses, including 350,000 family farms, would have to cough up more taxes under the cap. Have those proposing the cap while decrying unemployment and calling for the Government to "do something" about unemployment thought about the perverse effect their own proposal would have for unemployment? Small businesses are traditionally a vital source of employment and investment. Increasing their taxes would siphon off the very money that they could use to hire and to invest. Our economic recovery needs them to hire and to invest.

Let us dispose of this measure quickly. It is only another attempt to raise taxes—and a not very well-concealed attempt at that. Furthermore, raising taxes is not the solution to reducing deficits. Only cutting Government spending will do that. As well, raising taxes now is a sure-fire measure to abort economic recovery. And, finally, this cap would not, as its proponents would have you believe, affect only the wealthy. It would attack the middle class, particularly two-earner families, and small businesses and family farms. How unfair and how foolish.

The tax cap proposal is bad economics and bad policy. It must be defeated.

CAPPING THIRD-YEAR TAX CUT

Mr. SASSER. Mr. President, the Tax Rate Equity Act we are considering today achieves two very important objectives. First, it helps reduce our staggering budget deficit. But perhaps more significantly, H.R. 1183 restores much of the equity and fairness to our tax system which has been lost during the past few years.

The tax package enacted in 1981 reduced revenues to the Treasury by $1.1 trillion from fiscal year 1982 through fiscal year 1988. Last summer's tax increase bill recouped some of this loss but left a staggering revenue loss of $881 billion for the 7-year period.

When the 1981 tax bill was enacted, the administration assured us that the revenue loss would be more than offset by increased business investments and increased savings. Yet the predicted economic boom never came to pass. Instead, we have been saddled with the worst recession in this country in 40 years. Deficit levels are astronomical.

In fact our problems with the Federal deficit may actually be getting worse. The Wall Street Journal reported last week that the Federal deficit totaled $29.29 billion for the month of May. The deficit level for May 1982, reached $18.9 billion. Administration officials indicated that this year's figure suggests a higher deficit level for the year than originally forecast. Indeed, administration officials now suggest that the fiscal 1983 deficit could reach $215 billion.

H.R. 1183 raises a significant amount of revenue in the least painful way available. It would raise $6.2 billion in fiscal year 1984. It would raise $38.8 billion through fiscal year 1988. H.R. 1183 produces prompt action to stop the budget hemorrhage caused by this administration's budget policies.

It is clear that a $700 cap on the third-year tax cut is the fairest means of reducing the deficit. The cap on the tax cut restores some of the equity taken out of the tax system by this administration and spreads out the burden of economic sacrifice across all segments of society. For too long this administration has asked for sacrifices to help us through our economic crisis, but only from low- and middle-income families.

The administration contends that a $700 cap would drown the middle class. This is curious when we consider what has happened to America's middle-income earners under the Reagan tax and budget packages thus far. The Reagan tax cuts, when offset by tax increases from social security taxes and inflation, have resulted in a 22-percent increase in the tax burden of those persons earning below $10,000. Persons in the $10,000 to $15,000 income group will see a 7-percent increase in taxes. And those earning from $20,000 to $30,000 will shoulder a two-tenths of 1-percent increase. Yet, if you manage to make over $200,000 and you will receive a 15-percent decrease in your tax liability.

Further evidence of the administration's bias toward the well-to-do is found in studies done by the Congressional Budget Office on the administration tax and budget changes for fiscal years 1982 through 1985. These changes will take more than $20 billion from households with incomes below $10,000, yet increase after-tax income of households earning more than $80,000 by $64 billion. An even more glaring figure is the fact that fully 35 percent of the benefits generated by the 1981 tax cut go to the wealthiest 5 percent of American taxpayers.

Is this concern for the middle-income earners of America? I think not, Mr. President. I think it is a continuation of the inequitable trickle-down approach which has guided this administration. The administration has supported increases in gasoline taxes which are clearly regressive, having a greater impact on the spending power of low-income groups. It has supported increases in telephone excise taxes which have a detrimental impact on our Nation's small businesses. It has asked sacrifices of those who wish to apply for student loans. It has asked sacrifices from our military personnel. I feel that it is time we ask our Nation's most prosperous citizens to sacrifice a portion of their tax cut and to bear a fair measure of the burden of cuts needed to sustain economic recovery.

I think we should stress, Mr. President, that nobody is giving up their tax cut. Our proposal retains the tax cut. We are only advocating reducing the size of the tax cut. As the Joint Tax Committee's figures point out, this proposal would reduce the size of the tax cut only for an estimated 8.1 million individual taxpayers in 1984. This is roughly 10 percent of all U.S. taxpayers. Thus, a full 90 percent of our taxpayers would continue to receive the full amount of the tax cuts enacted in 1981.

The administration has argued that many persons other than high-income earners would be affected by this measure. The figures dispute this claim. Only 9 percent of those earning between $30,000 and $40,000 would be affected by a $700 cap. Yet fully 93 percent of those earning between $75,000 and $100,000 would see a reduction in the amount of their tax cut.

The fairness of this approach can also be seen by looking at where the revenue raised by the cap would come from; 89 percent of the revenues raised by this bill would come from taxpayers earning over $50,000; 60 percent of this sum comes from those earning over $75,000.

Now, these may be middle-income earners in the circles the administration travels in, but a person with an income level above $50,000 is still considered an upper income earner by Tennessee standards. Our median family income in 1979 stood at $16,245 and only 4 percent of Tennessee families were earning more than $50,000 in that year.

H.R. 1183 also allows the Federal Government to raise revenues without stalling our economic recovery. The tax cap still results in a tax cut of $24 billion in fiscal year 1984. This $24 billion will go far in providing the increased purchasing power needed to continue our budding economic recovery. As my colleagues know, low- and middle-income earners tend to consume a greater portion of their incomes than high-income earners and these groups account for most of the increase in demand spawned by tax cuts.

Nor would a cap adversely affect the backbone of our economy, the small business community. Sole proprietorships, the epitome of the American entrepreneur, accounted for 76 percent of the total business establishments in America in 1979. Partnerships made up 8 percent of the total while corporations represented 16 percent of the overall figure.

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Using the $50,000 cutoff point for being affected by the tax cap, we see that most small businesses are not hurt by this measure; 82 percent of the sole proprietorships have income levels below $50,000, while only 28 percent of all corporations earned less than $50,000 according to Department of Commerce figures.

In sum, Mr. President, H.R. 1183 sustains our economic recovery while taking positive steps to reduce the Federal deficit. It also restores considerable equity to our income tax system. I urge a strong vote for this measure.

Mr. KENNEDY. Mr. President, the outcome of tomorrow's important vote will be determined on the basis of our answers to two fundamental questions:

First, are we prepared to insist that our Nation's tax system meet a simple standard of fairness and equity?

Second, are we prepared to firmly resist the prospect of endless massive deficits; and insist that, even though the President has turned his back on the massive deficits we face, the U.S. Senate will take a crucial first step toward fiscal discipline and responsibility?

The facts are indisputable and have been well documented by many of our colleagues. The President claimed that massive tax cuts skewed toward the very wealthy would yield a surge of investment and a balanced budget. The only part of the President's claim that has been borne out is the skew toward the wealthy.

A family earning $100,000 has already had their taxes reduced by over $3,400 a year. A family earning only $20,000 a year—one fifth as much—has seen their tax bill reduced by only $300—one-tenth the reduction received by the $100,000 household. And to make matters even worse, inflation and the social security tax increases have already wiped out that modest $300 reduction. Proceeding with the third year will make a bad situation worse. The $100,000 households' new tax reduction will be more than 14 times the size of the $20,000 households' cut.

For the first time in the history of the Republic an administration has made the widening of income gaps its explicit policy.

On equity grounds alone this body ought to stand with our colleagues in the House and reaffirm our commitment to a tax system that fairly distributes the burdens.

But there is another issue as well. After 2½ years of economic mismanagement, our country is confronted with an unprecedented problem—massive deficits with no end in sight; deficits that show no sign of coming down even as the ecomomy recovers; deficits that threaten to choke off even the tepid recovery we are now experiencing; deficits that threaten to cause turmoil in credit markets and to push interest rates even higher.

Economists as diverse as Council of Economics Advisers Chairman Martin Feldstein and his predecessor, Walter Heller, warn that the continuation of these deficits is the most important threat to our efforts to restore prosperity and sustained growth.

Yet the President urges that nothing be done. I reject that advice.

By voting to cap the third year—an action that will insure that 90 percent of all taxpayers receive their full reduction—we can take a crucial step toward fiscal responsibility without raising anyone's taxes. By merely insisting that further reductions for the well-to-do be scaled back, we can reduce the projected deficit by almost $40 billion between now and 1988.

Make no mistake, if we do not take this action today, we will soon find ourselves back in this Chamber debating whose taxes to raise. Mr. President, today we have an opportunity to send a clear message that the U.S. Senate intends to combine fiscal discipline with fairness. I urge my colleagues to stand firm.

Mr. DECONCINI. Mr. President, I ask the floor manager to yield me 5 minutes.

Mr. JEPSEN. Mr. President, I ask the floor manager to yield me 5 minutes.

The PRESIDING OFFICER. Does the Senator yield time?

Mr. JEPSEN. I am trying to get a little time myself.

Mr. DECONCINI. Who has the floor.

The PRESIDING OFFICER. The control of the time is under the Senator from New Jersey and the Senator from Kansas.

Who yields time?

Mr. BRADLEY. Mr. President, I yield 5 minutes to the Senator from Texas.

Mr. BENTSEN. Mr. President, the administration's opposition to any proposal to cap the tax cut exemplifies the constant inconsistencies within this administration. President Reagan had endorsed a constitutional amendment to balance the budget, yet the budget deficits under his administration are the highest in our Nation's history. It is estimated that over a 5-year period our national debt will increase from just under $1 trillion to over $2 trillion.

In another inconsistency, the Reagan administration has said it is for increasing our commitment to better education. The facts, notwithstanding the President's statement to the contrary, are that this administration has actually reduced the level of funding for education.

Last week Secretary Regan testified before the Finance Committee that the administration was opposed to capping the third year of the tax cut. He said the cap proposal was "unfair," particularly as it impacts on the middle class and that this administration was opposed, for economic reasons, to any tax increase this year. The truth, Mr. President, is that this administration is not opposed to increasing taxes on the middle class. In fact, this administration has actually proposed increasing the taxes of the poor and middle class.

Let us look at the record; this bill will affect 3½ million Americans with incomes of less than $50,000. Of the $6 billion raised, 12 percent or $720 million is from this group. The day before Secretary Regan testified, HHS Assistant Secretary Dr. Rubin, presented to the Finance Committee testimony, including a chart, which set forth the tax impact of the administration's proposal to cap employer provided health benefits. The chart, which HHS said was prepared by the Department of the Treasury, shows the average tax increase, by income class, of the administration health cap proposal. The administration's proposal would not only increase taxes of individuals making between $30,000 and $50,000 it would raise the taxes of individuals making less than $10,000 by an average of $139. According to Dr. Rubin's testimony, the administration's tax increase would raise $27 billion over fiscal years 1984-88. It would affect between 35 and 45 million working men and women, increasing their taxes by an average of $228.

It offends me that the Reagan administration continues to seek caps on the health care tax benefits of the poor and middle class while opposing a cap on the tax cuts of $4,300 that go to people earning over $200,000 a year. Meanwhile the President keeps telling the American public that he is opposed to increasing taxes.

The truth is that the cap proposal before us today does not raise anyone's taxes. It does limit the July 1 tax cut for 4½ million upper income Americans who are the only people to receive a real tax cut in the last 2½ years. In the last year we have raised excise taxes and social security taxes. Because of the fixed rates applicable to excise taxes they are regressive in nature and have their most adverse impact on lower income individuals. The increases in the social security tax, which is wage based, also primarily affects low- and middle-income individuals because of the $35,700 income limit on which it is applied. This administration supported each of these tax increases and as I noted earlier, proposed yet another tax increase on workers this year. But tell this administration that you are considering a bill to limit, not take away, but limit the tax cut going to the wealthy and this President, before ever seeing the proposal, threatened to veto it. I believe it is time for this administration to be more bipartisan in its approach to government and evenhanded in its policies.

The tax area is not the only one in which this administration has sought to shift or increase the burden on the poor and middle class. Examples are not hard to come by, particularly in the Finance Committee where we have jurisdiction over one-third of the $43 billion in cuts sought by the administration.

The administration wants to cut medicare by almost $11 billion in the period 1984-86, with 63 percent of the cuts to be imposed on sick beneficiaries. These cuts come on the heels of OBRA and TEFRA cuts in medicare totaling $13 billion.

The administration is trying to force older people to be more "prudent" purchasers of health care by increasing patient copayments and deductibles. Mr. President, the staff of the Finance Committee has produced data showing that the average medicare patient would already be $1,925 out of pocket during a year in which he or she would have to be hospitalized. I should think a tab of that size would be quite enough to encourage prudence.

Child neglect and child abuse are on the increase in 33 of the 50 States, but the administration proposes to freeze child welfare funding at the level of 2 years ago and seeks to eliminate staff training funds.

At a time when studies show 79 percent of divorced men fail to make their child support payments, the administration wants to eliminate Federal incentive support for States that aggressively collect delinquent child support. Apparently, they believe it makes more sense to add these children to the welfare rolls, that sounds like a false economy to me.

The administration want to cap the foster care program in a misguided effort to save $126 million. We should be asking who will bear the brunt of that savings—will it be the children forced to remain in an abusive setting?

The CBO has recently estimated that there are 10.7 million families who lack health insurance because of the high rates of unemployment that are projected to continue into next year. Yet the administration wants to freeze maternal and child health block grant funding at $373 million—an 18-percent reduction from 1981. We are talking about a program that served 12 million mothers and children in 1980—a classic block grant with States having absolute control over how they structure and spend the funds. The kind of program the administration is supposed to admire.

The budget resolution requires the Finance Committee to raise $12 billion in fiscal year 1984. I intend to work with the Committee to try and fulfill our obligation. An obligation that not only applies to tax increases but to spending cuts. But I intend to work as hard as I can to make sure that those spending cuts and tax increases are fair and evenhanded. The bill before us today requires that for each dollar of revenue raised we must cut spending by an equal amount. I think this is a fiscally responsible provision. While I have reservations about the way this cap proposal is designed I intend to vote for it because I believe it is one of the fairest ways to raise the revenue the Committee is instructed to raise. I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JEPSEN. Mr. President, I rise in opposition to the proposed tax cap. This tax increase measure would hurt middle income Americans and undermine the current economic recovery.

It is just another manifestation of the old tax-and-spend political philosophy that got us into the current budget mess we are in now. It must be remembered that there is no way we can tax our way into prosperity.

This proposed tax cap is supposed to increase the fairness and equity of the Tax Code. In this respect the proposed cap is a sham. The tax cap hardly affects the very rich at all. Two-earner couples with taxable incomes of $35,200 would be hit with a 9-percentage point increase in their tax rates. As we all know, $35,200 earned jointly is not really that much money: this level of taxable income is typical of middle income taxpayers.

Moreover, about 3.9 million taxpayers with adjusted gross income under $50,000 would be hit with a tax increase. Altogether, about half the returns taxed more heavily under this proposal would report annual incomes under $50,000. The tax cap is just a large tax increase on the middle class.

The negative effects on wage and salary income are bad enough, but the tax increase on small businesses might be even worse.

Everyone in both Houses of Congress likes to point out, quite correctly, how important small businesses are to innovation and job creation. Here is an opportunity to practice what we preach.

Around 86 percent of American small businesses are taxed as individuals, as are most farmers. This tax cap proposal strikes very hard at small businesses. Its practical effect is to increase the tax burden of small firms and thus make their competition with big business more difficult.

At a time when small businesses are getting back on their feet all throughout this country, this tax proposal would pull the rug out from under them.

This measure is a discriminatory attack on small business and its innovation and job creation.

All the economic news signals that a robust recovery is now underway. Auto sales, housing starts, income, output, productivity, and employment are all up strongly.

In fact, for the first time in 17 years beginning in the month of February every economic indicator that measures the health of an economy was in place pointing to the right direction with positive action taking place.

Now is not the time to enact a counterproductive and unfair tax measure. We do not want to do anything that could choke off the hard won economic recovery.

It is really incredible we are considering this proposal now, even as things are finally getting better.

Supporters of this political "turkey" suggest that more revenues are needed to reduce the deficit. The same supporters have shown year in and year out now for over a quarter of a century that they spend every dime and one dime more than any revenue that is ever taken in in the Halls of Congress. But Congress has proven repeatedly that it will spend every dime of additional revenues raised, and then some. Witness the recent budget passed over in the House where they had some $30 billion in additional revenue and they increased by over $30 billion.

More revenues will only fuel more Federal spending, and might result in even larger deficits. Already plans are being made to spend additional money we do not have with the incorporation of the so-called reserve fund in the budget resolution.

In summary, Mr. President, this proposed tax cap would be unfair to millions of Americans, many millions of small businesses, and would also reduce incentives to work and to save and invest in all of the things the 3-year tax cut, as has been alluded to earlier by some of the folks who did vote for it originally, believed in, when they voted for it and supported it.

The proposed tax cap would endanger the recovery, it would jeopardize the trend of increased employment and, Mr. President, I oppose this measure and I urge my thinking colleagues to do likewise.

Mr. BRADLEY. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. DECONCINI. I thank the Senator. Mr. President, I am alarmed to see that interest rates are creeping up, that last month's inflation rate was 6 percent on an annualized basis, and that this administration continues to insist on a deficit in excess of $184 billion dollars. But most of all, I am alarmed that this administration is not alarmed. The administration that talked about a balanced budget in 1984 and 1983 seems to have thrown that to the winds. I can recall statements I made on the floor of this Senate 3 and

4 years ago, appalled at deficits of $50 and $60 billion, and now this administration has come to the conclusion that $184 billion is acceptable. Mr. President, $184 billion is not only unacceptable, but it should be unthinkable.

I will not try to contend that the sole cause of this outrageous deficit is the 3-year across-the-board tax cut, but I do believe that it has had a substantial impact on raising the deficit, and now is the time to admit a mistake and back off. Frankly, if I had my way, I would prefer to see the third year eliminated altogether, or at least deferred until we can get some semblance of control over a Federal budget gone wild. But I recognize that this is not a popular notion, and does not stand a chance of success. So I will support the next best option, a cap on the third year of the tax cut.

The cap on the third year of the tax cut is not a tax increase, Mr. President, as the President has said or the Senator from Iowa just said. All taxpayers will still get a tax cut for the third year. In fact 90 percent of all taxpayers will receive the full 10 percent tax cut. Only 10 percent—the wealthiest 10 percent—will receive a reduced tax cut. Over the next 5 years, the cap on the tax cut will raise an estimated $38.8 billion. Of this additional revenue, 89 percent will be raised by taxpayers earning over $50,000 foregoing part of the 10-percent tax reduction. While the President would have us believe that taxpayers making $100,000 a year are middle-income, that simply is not the case. Less than seven-tenths of 1 percent of the American public earn in excess of $100,000. In fact, less than 4.5 percent earn in excess of $50,000. So let us be frank, these are not middle-income Americans; they are the taxpayers who have already benefited the most from the President's tax cuts and they are the ones most able to weather a lesser tax reduction.

However, we cannot stop with a cap on the third year of the tax cut, we must continue our effort to get this budget under control. The International Monetary Fund is one area where cuts can be made. The $8.4 billion cost to the United States of the administration's recommended increases in IMF and the general arrangements to borrow (GAB) raises serious questions of priority and equity. I find it hard to justify such enormous sums to help other countries, however difficult their particular problems, or to help big banks which have reaped enormous profits from their foreign lending operations.

Foreign aid and wasteful, duplicative domestic programs should also be targets of spending cuts. But clearly spending cuts alone cannot bring deficits down to an acceptable level. Therefore, I will support the cap of the third year of the tax cut, as one of the least painful ways to reduce the deficit. However, I caution my colleagues that we cannot take these revenue increases as a sign to spend these additional revenues before they are in hand. It is imperative that these revenue gains be applied directly to reducing the deficit.

I thank the Senator from New Jersey.

Mr. DOLE. Mr. President, I yield 5 minutes to the distinguished Senator from Washington (Mr. Gorton).

Mr. GORTON. Mr. President, I thank my distinguished friend, the Senator from Kansas.

I speak, perhaps, as the first Member on this side of the aisle who favored the budget resolution which was passed by the Congress last week and, at the same time, strongly opposes this so-called tax cut cap.

I do so because I feel it to be highly unfair, because I feel it to be unproductive of improvement in our economy, and because I believe there are far better ways to find revenues which I think are necessary for an appropriate balance between revenue increases and spending cuts.

I have listened in vain over the many weeks of debate over this tax cap in both the House and here in the Senate for the slightest discussion by its proponents over whether or not it will help this economy grow, whether or not it will help create employment or will simply frustrate it.

I have listened in vain for any discussion of the obvious impact of tax cuts during the course of the last 2 years which have been to increase receipts from those who were the greatest dollar beneficiaries of those tax cuts rather than decrease them. That increase has taken place, of course, because the reforms of the last 2 years, which include the anticipation of this tax cut, have made a number of unproductive tax shelters less appealing, and have even in the time of a recession tended to create more jobs, more employment, more activity, and thus more taxes under the present system.

Perhaps one of the proponents of this cap will discuss that subject at some time in the future. Certainly they have not done so so far in the course of this debate. Nevertheless, I am concerned most of all with their presentation that this cap is somehow being fair. So I am going to ask the distinguished senior Senator from Louisiana, who is the second most senior Member in this body, the very distinguished minority leader, who has been here for a number of terms, perhaps the senior Senator from California, all of those who have been on the other side of the aisle during the time of Democratic majorities, who have set tax policies for this country over the course of the last 30 years, when was the last time, for that matter when the first time was, when they were increasing taxes that they proposed a cap on that increase? I will ask any one of them to say whether or not when they proposed that taxes should go up either here on the floor of the U.S. Senate or in any public place whatsoever, they said "But nevertheless, even though there has got to be a 10-percent tax increase next year we do not think it will be fair to ask any citizen to pay more than $700 in addition to what he or she is paying at the present time?"

I will warrant, Mr. President, there has not been a single occasion on which any of the proponents here this afternoon of capping a tax cut has ever proposed to cap a tax increase. Certainly they did not do so during all of the inflation in the late 1970's when American after American were forced into higher tax brackets simply by operation of inflation. I do not remember their doing so when tax increases were proposed during the end of the Vietnam war.

Bluntly I say to those who promote this cap what was fair when taxes were going up is fair when taxes are going down, most profoundly fair. Unless they believe that no individual should ever have a tax increase of more than a modest $700 a year, it is very difficult for them to present the case for going down in taxes other than as a percentage of total tax liabilities.

In fact, the tax cut in this respect voted in 1981 was the fairest of all possible tax cuts, because it treated with a tax liability and by what share or proportion it should be reduced.

The Senator from Kansas, the distinguished chairman of the Finance Committee, has spoken eloquently on this floor, both in proposing changes in our Tax Code and in bringing them to the floor, about cutting back on tax loopholes, preferences, credits, exemptions and the like. And yet when he brought such a proposal to the floor last summer, he had very little support from the other side of the aisle. And I suspect that if he brings such a proposal to the floor this summer, he is likely to have very little support from the other side of the aisle. Even though most of these credits, exemptions, loopholes, and the like do apply only to upper income groups, they simply do not have the romance or the superficial attractiveness of a cap on a tax increase.

Mr. President, I believe that we have a tax system in the United States of America which is in trouble. It is in trouble because people perceive it to be unfair. It is in trouble because people perceive it to be unfair because those with equal incomes do not pay the same amount of tax due to loopholes and preferences and the like.

To the extent that we need additional revenues—and I believe that we do—I much prefer the route proposed by the Senator from Kansas, that we examine the Tax Code from beginning to end, make it more fair, make it more equitable, have lower rates but fewer preferences, rather than simply to put on a superficial cap on a cut, which has never been proposed by any of its proponents as a cap on increases in taxes from the beginning of the income tax until this day.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, President Reagan says everyone must sacrifice to reduce Government spending and reduce his record deficits. So as he cuts programs to help the elderly, he tells them they must share in the sacrifice in order to cut spending.

President Reagan says poor people must sacrifice, children must sacrifice, disabled people must sacrifice, veterans must sacrifice—all supposedly to bring about economic recovery.

But what happens when the Democrats say that it is time for the rich to sacrifice just a small portion of this year's tax? President Reagan cries, "foul." He believes the rich should not be asked to make the same sacrifice all the rest of America is making.

A $700 cap on the tax cut would save $6 to $7 billion—and still give low- and middle-income taxpayers the tax cut they deserve.

A cap would reduce the horrendous Reagan deficit that is keeping interest rates high and threatens to snuff out the recovery before it really begins.

The Democratic Party stands united on this issue.

The Kemp-Roth tax cut came to the floor in 1981 as part of an omnibus package. Besides Kemp-Roth, the package contained a number of good provisions—provisions designed to boost productivity and savings. And I played an important part in developing several of these productivity provisions and strongly supported them.

But every time the issue of Kemp-Roth itself came up for a vote, I voted against it. Every single time.

I and most Democrats voted no fewer than 11 times—8 times in 1981 and 3 more times in 1982—in favor of floor amendments to kill, defer, or limit Kemp-Roth.

We tried to limit it to a 1-year tax cut targeted to middle- and low-income families.

The Republicans said no.

We tried to make it a 3-year tax cut targeted to middle- and low-income families.

The Republicans said no.

We wanted to eliminate the third year of the cut.

The Republicans said no.

We wanted to make the third year of the cut contingent on reduced deficits.

The Republicans said no.

We wanted to make the third year of the cut contingent on a balanced budget.

The Republicans said no.

We tried to make the third year of the tax cut contingent on lowered interest rates.

The Republicans said no.

On each vote we were beaten down by a Republican majority determined to push through the Kemp-Roth cut—even though everybody knew it would throw us into deeper and deeper deficits and confront us with the threat of higher and higher interest rates.

Now, for the 12th time in 3 years we Democrats are trying to put some fairness and some sense into Ronald Reagan's unfair economic policies.

A cap on a tax cut for the wealthy is fair.

It makes sense.

Once again we Democrats will say "Yes" on fairness, "Yes" on cutting the deficit.

Are the Republicans—for the 12th time—again going to say No?

Speaker O'Neill has asked why a family making $100,000 needs a tax break of $2,368 on July 1, and why a family making $200,000 needs a tax break of $4,436. And he has asked why these people cannot make it on the same $720 tax break that a family making $50,000 will receive.

I join Speaker O'Neill in asking those questions and I also ask this: Why should every family earning more than $50,000 get a larger tax cut than every family earning less than $50,000?

For all these reasons—and more—I will cast my 12th consecutive vote against Kemp-Roth. I will vote to limit the tax break for the wealthy. I will vote for the pending proposal to put a $700 cap on Kemp-Roth.

Mr. BRADLEY. Mr. President, I yield 5 minutes to the Senator from Maine (Mr. Mitchell).

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, the American people have come to expect misuse of the English language by persons involved in the political process. We here in the Senate have become almost immune to misuse of the English language. But I submit that we have here a case where the English language is being misused in a manner more egregious than ordinary even by the standards of this Chamber.

Last week, the Secretary of the Treasury came before the Senate Finance Committee and said that he opposed this tax cap because, in his words, "It hit squarely at the middle class in this country." That statement has been repeated over and over again and we can confidently expect that tonight the President will use the same language: "The tax cap hits squarely at the middle class in America."

First, let us make clear what we are talking about. The tax cap provides that everyone who is entitled to a tax cut will get a tax cut. It provides only that those in the very highest income brackets in our society will get a cut of no larger than $720 for a joint return and slightly less than that for an individual return. So no one's taxes are going up. Everyone's taxes are going down.

Now, as to the assertion that this affects the middle class, first, as the figures provided by the previous speakers and these charts in the rear of the Senate Chamber make clear, 90 percent of all taxpayers will be unaffected by the cap—90 percent. The only persons affected by the cap will be those at the top end of the income scale, those in the top 10 percent of incomes in our society.

Now, how can that be described as the middle class? How can those in the top 10 percent of income in our society be described as the middle class?

Webster's Dictionary, which I have before me, defines the middle class as: "A class occupying a position between the upper class and the lower class." And, as every American schoolboy can tell you, middle suggests between two extremes.

The fact of the matter is that this tax cap does not hit squarely at the middle class. It hits squarely, to the extent that it provides a lesser reduction in taxes, at those at the very top level in income in our society.

Ninety-five percent of all tax returns filed in this country report incomes of less than $50,000—95 percent. And while the Secretary of the Treasury and others here who oppose the tax cap argue that a person who makes $50,000 does not think of himself as rich, that may be true, but it is irrelevant to the issue before us because the fact of the matter is that if someone in this country has an income of $50,000 a year, they are in the top 5 percent in our society, 95 percent of all tax returns being for a lesser amount.

There may be valid reasons to oppose a tax cap, although I have not heard any here in the Chamber. Surely the argument that the cap hits squarely at the middle class is not an argument against the tax cap. It is completely false. It is preposterous, in fact, for anyone to stand with a straight face and suggest that a proposal that affects only the very highest income earners in our society is a proposal that strikes at the middle class.

The middle class in this country has been punished by the tax policies of this administration, which has proposed, supported and pursued policies related to the ability to pay, while at the same time increasing taxes that

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are unrelated to the ability to pay, excise taxes, the gas tax, the social security payroll tax, and now, under the contingency a surtax, and an oil import fee that will raise the gasoline tax by an additioinal 12 cents a gallon.

The consequences of these policies has been less of a tax reduction and more of a tax distribution. In our society, the burden now falls primarily and in increasing degree upon those in the true middle class, those whose incomes range between $20,000 and $50,000 a year. It is that class of Americans who are suffering the most under the tax policies of this administration because overall their taxes are going up. The only group in our society whose taxes overall are going down are those at the very upper end of the income scale, that 5 percent of Americans whose incomes exceed $50,000 a year.

It is no secret that among that group of Americans this President's popularity is higher than any other President in modern times. And rightly so, because the policies he has pursued have benefited that class to the almost total exclusion of the other 95 percent in our society.

This tax cap is a modest effort to redress the inequity and unfairness of the tax policies that have been prusued by this administration.

I conclude as I began: It does not hit the middle class. It hits only those at the top end of the income scale, and by no reasonable use of the English language can the top 5 or 10 percent in our society in terms of income be described as the middle class. They are not. In terms of income, they are the higher income persons in our society. The true middle class, the great majority of Americans, will be unaffected by this reduction, except to the extent that they will benefit from the reduction in the deficit that will ensue from this cap.

I was interested to hear someone suggest that farmers will be adversely affected. How many farmers do we know who have incomes between $50,000 and $200,000? The farmers in my State do not make $50,000, $75,000, $100,000 a year.

And it is going to affect small businessmen, we are told. How many small businessmen are making $75,000 and $100,000 a year? The small businessmen in my State do not make that.

The tax policy of this administration has one category of beneficiaries, the upper income persons, the top 5 percent in our society. All this tax cap does is to try, in a very modest way, to redress that inequity, to redress that imbalance, and to restore some fairness to American society.

Thank you, Mr. President. I thank the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. I thank my friend.

Mr. President, there is a $200 billion deficit for this year, and next year, even with the hard fought, scrapped over budget resolution of the Congress, there will likely be a $170 billion to a $180 billion deficit. Under either the congressional budget projections or the President's budget projections—and by the way, the President would have us spending more and have larger deficits—under either one, over the next 5 years there are huge deficits, far exceeding $100 billion a year.

When the public reacts to the debate over whether or not this scheduled tax cut is fair, they have a right to be confused.

First of all, there is the question of whether or not they are going to have much of a tax cut when the deficits are that large. And, if so, what does it mean to me?

That is the question the taxpayer is asking himself in trying to draw a conclusion out of all of the debate that has been going on over whether or not they are really going to get a tax cut, and whether or not Congress should modify it.

A comparison has been drawn between this coming tax cut and the withholding of taxes on savings accounts. We listened to the chairman of the Senate Finance Committee draw a parallel between the two.

He says you do not want to tax those who are supposed to be paying taxes on savings accounts, but now you are trying to take a tax cut away from middle-income people.

Let us set aside the objections to the withholding of taxes on savings, and those objections are based on whether or not the taxes are actually due, whether they have to pay them and then ask for a refund because there was not that much tax involved—and there were a lot of people involved in all this—whether or not it would really cost more to administer than the additional revenue that would be raised. That is the basis on which we ought to evaluate the withholding of taxes on savings accounts.

Setting all that aside, we can understand this particular tax cut due July 1. It is a 10 percent tax cut. That is easy to calculate. Anyone can clearly understand that and can calculate what it means to them based on their last year's earnings and they can project how much tax this year's earnings and they can project how much tax this year's earnings would require.

The bill before us is easy to understand, too. It just says that the tax cut you are going to get on July 1 will be no more tha $720. You can count on that, no more.

The confusion really arises over whether or not this tax cut, if it were capped at $720, really affects the middle-income family.

The President said the middle-class American workers or families would be hurt if there was only a $720 tax cut. Who is this middle-income group he is talking about? I ask, what are we to call the middle-income group? Using the table provided by the Joint Committee on Taxation, the $720 cap would begin to affect those families who are making $40,000 or more, somewhere bewteen $40,000 and $50,000 based on families of only two, a husband and a wife, who have that level of income and itemize their deductions.

Maybe we should not assume they itemize their deductions but I can assure you that the Joint Committee on Taxation finds that indeed families of two in that income bracket certainly do itemize, so that is where the impact would come.

If we are going to base this on what is fair for the middle-income families, I think middle America is going to be surprised that the middle-income families, according to the President, are somewhere above $40,000. Of course, if they had more deductions, it would be greater. But that is still pretty high on the tax schedule.

The comparison is drawn between these families and those that make more or those that make less. Whatever confusion there is on what is middle-income American and where this tax cut cap would apply, there is one thing that is absolutely certain: The President has done a very fine snow job in claiming this bill hurts middle-income people. I can tell you some large groups of middle-income Americans who are not in that income tax bracket—farmers and ranchers across this country. The statement has been made by several of my distinguished colleagues, of whom I have great fondness and with whom I have great friendship, that if we capped this at $720, it would have a drastic effect on farmers and ranchers of this country. In fact, our farmers and ranchers simply do not make that kind of money. There are only 4 to 5 percent of the total agricultural producers in this country that fall into that range of $50,000 income and above.

Another group, a large group is small business. How many small businessmen make more than $45,000 a year? So they fall into that group. And how about truckers and retirees.

In fact, everybody but the top 10 percent of the people with earned income in this country are below the $45,000 to $50,000 income area.

The scheduled tax cut can be quite big—$4,456. That is if you have an income of a quarter of a million dollars a year. I will acknowledge that there is a great difference between a cap of $720 and $4,456. That is the group that the President is fighting for, is bleeding for, on this snow job, and those, my friends, are not middle-income Americans.

Who gets enough to be affected by the tax cut? Senators, I guess, can fit in there; at least Senators with outside income or Senators with a fair amount of honoraria. We got a pay increase last week; some might say we might as well have a tax cut this week of a meaningful nature.

There are others, of course, in that category—athletes, actors, network TV news commentators. This tax cut is overly fair to those with the high incomes.

Where does the real rub come? The rub comes in the $200 billion deficit and in years to come, $150 billion, $170 billion, $125 billion or perhaps even higher, of Federal deficits. To cover these deficits there are going to have to be tax increases. We know that. Where is it going to come from? Those are the taxes that are going to come from the middle-income and the lower-income people. They are going to come out of farmers, ranchers, out of small business, they are going to come out of retirees, truckers, and other people, the mass of the taxpayers below the $40,000 bracket. That is where the additional taxes are going to come from. That is exactly the rub. That is why we are taking this time on this floor to debate the tax cap now.

Those people who are going to get the benefit of what we are talking about tonight are the ultra-high income people of this country, that top 10 percent.

I shall not bleed for them. I shall not swallow the President's snow job. We are going to have to raise additional taxes after this is over, and it is going to come out of those people who are earning less than $40,000 a year and that, indeed, is the big rub. It is only fair that before asking the real middle class for more tax money, we first limit the tax cut that will go to the wealthy if we do not pass this bill.

Mr. President, I do not believe that any of us here in the Senate or throughout the country really want to accuse President Reagan of misleading the public; that is, of deliberately misleading the public. But it does give us alarm when we hear this consistent chorus coming from the President and from his administration that it is unwise at this point to change the law regarding this upcoming tax cut of July 1, because he gives as a basis of that that it would interfere with middle America and the tax cuts that they feel that they will be receiving.

While we would strive not to infer on the President improper motives, it is extremely difficult to understand the President's line of thinking and his rationale in describing middle-class America as people of incomes of $40,000, $45,000, or $50,000 a year.

It would not hurt us so much to see that distortion if it were not for the fact that we will have to be voting very soon in this Chamber on additional taxes to be imposed upon the taxpayers of this country. We know it from the budget resolution. We know it from the President's own recommendations. We know it has to be done. When those tax proposals come before this Chamber, we are going to find that they do indeed hurt the average taxpayer in this country.

And so what we are trying to do with this bill is to simply say to everybody: "Well, you are not going to get more than $720 tax cut out of this July 1 tax cut, because if you do, we have to imposed additional tax burdens on everyone and they will not come across as fair taxes and equitable taxes for the average taxpayer."

Mr. BRADLEY. Mr. President, I yield 10 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, the subject before the Senate today is the same one that has been with us throughout the lifetime of this administration: taxes. But hovering over our vote today—and, more important than the specific issue of tax rates—is the far larger question of how long and how strong the economic recovery will be.

Nearly 2 years ago, Congress agreed to the President's idea of a 3-year, 25-percent cut in individual tax rates. The President told the Nation that cutting taxes to this extent would actually bring in more revenues. His idea was that people would have more income, and would put the extra money in the bank if only taxes were lower. Business would borrow this money, expand operations, and the expansion would produce more jobs. With more people working and paying taxes, the Treasury would end up with more revenue, not less.

It was a great idea, Mr. President. I went along with that idea, as the vast majority of people in this Chamber and in both Houses of Congress. The President's plan just did not quite work the way he said it would.

Now, we have an economic recovery under way and the White House says the plan has worked. Frankly, it is clear to me that we have an economic recovery in spite of what we have done, rather than because of what we have done.

The question is: How do we keep the economic recovery going? I think it is cyclical in nature, and we have to keep it from sputtering out.

By 1988, the President's tax cut will reduce revenues by a total of $860 billion. When you add in the $285 billion in additional defense spending the President requested, you end up with a gap of more than $1.1 trillion between what we take in and what we spend. This is new deficit. It is all borrowed money, extra debt piled on top of the debt we would have had with the economy operating at full capacity and near full employment. Even after the Congress cut domestic spending by $387 billion—the level proposed by the President—you still have extra deficits totaling over three quarters of a trillion dollars by 1988.

This extra deficit threatens economic recovery by virtually guaranteeing high interest rates. We see this happening already. Just when the economic recovery is getting up a head of steam—just when business is finally getting ready to borrow—high and climbing interest rates generated by growing Federal deficits will stop the recovery in its tracks.

The tax cap bill before the Senate today is not an attempt to raise taxes. It is, instead, a small step—consistent with the budget adopted last week—to contain Federal deficits. The budget we approved calls for $73 billion in additional revenues. Of that amount, $46 billion would come in 1986—the same amount in the same year—requested in January by the President.

The budget resolution Congress approved last week is the blueprint for lower deficits. Now we must actually begin the work. This tax cap legislation we consider today is a good place to start. If enacted, the $700 cap on the third year of the tax cut will produce $21 billion over the next 3 years, or well over a quarter of the extra revenues specified in the budget resolution. And the amount will be the result not of raising taxes as planned by the President but, rather, by limiting the extent to which taxes have already been reduced.

If the President's economic program has proven anything, it is that you cannot reduce Federal deficits by shutting off revenues. You cannot erase deficits solely by cutting spending. Congress has already gone a long way in the battle against deficits by cutting spending nearly $390 billion. Whoever would have thought the U.S. Congress would actually cut spending that much? We have actually done that.

The problem is that those cuts lost their effectiveness in the face of an administration policy that added more than $2 to the deficit in the form of red ink tax cuts for every $1 that we saved in our spending cuts.

So, if you wonder why deficits are so high, it is not because Congress boosted spending; it is because the President insisted on reducing taxes too far, too fast. As a result of the budget we passed last week, entitlement spending as a share of the gross national product will decline from 12.1 percent in 1983 to 10.4 percent in 1988. Total Federal spending as a share of GNP is going to decline from 25.1 percent in 1983 to 23 percent in 1986. Over the same period, taxes will rise to 20 percent of GNP, actually a lower tax burden than the 20.6 percent endorsed by the President in his January budget. The spending contribution to reducing the structural deficit is 2.1 percent of GNP by 1986. That is almost twice the tax contribution of 1.2 percent.

Mr. President, I ask unanimous consent to print our explanatory table in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MAJOR COMPONENTS OF THE BUDGET AS PERCENT OF GNP

	Fiscal year—				
	1983	1984	1985	1986	Change fiscal year 1983–86
National defense	6.7	6.8	6.9	7.0	+0.3
Nondefense.					
Entitlements	12.1	10.9	10.6	10.4	−1.7
Discretionary plus pay	4.6	4.4	4.2	4.0	−0.6
Net interest	2.8	2.7	2.7	2.5	−0.3
Total outlays	25.1	24.0	23.5	23.0	−2.1
Revenues	18.8	19.2	19.4	20.0	+1.2
Deficit	6.3	4.8	4.0	3.0	−3.3

Mr. CHILES. Mr. President, if we are going to cut deficits, if we are all going to profit from a sustained economic recovery, everyone will have to play a part. No one can be immune from the effort necessary to protect the recovery. That, for example, is why defense spending in the fiscal 1984 budget will rise a healthy 5 percent rather than the 10 percent asked by the President and deemed too high by the Congress. That is also why, in the interests of fairness, the tax cap we vote on today is a reasonable measure.

Ninety percent of all taxpayers will still receive their full, scheduled tax cut under the terms of this bill. Of the revenue the bill would raise, 89 percent would come from taxpayers earning over $50,000 annually. I believe this is a fair approach. If you want to see the fairness question in sharper focus, all you have to do is look at the shape of the President's tax cuts.

The tax changes thus far, matched with spending cuts, will actually mean $310 less in income to a worker whose annual income is less than $10,000. If the annual income is between $20,000 and $40,000, the tax cut will add just over $700 to that income. But if a person's annual income exceeds $80,000, that person has already received a $14,000 windfall from the tax cuts. Moreover it will cost everyone who makes less than $80,000 a year about $21 billion just to pay for the cuts given the wealthy.

For too long, the administration has been trying to persuade the public that Congress wants to raise taxes, and that raising those taxes is unfair. What is really unfair, Mr. President, is trying to persuade the taxpayer that a tax cut comes without cost. The truth is that the taxpayer has paid for those tax cuts—and then some—every time he or she has tried to buy something on credit. It has been like a revolving charge account. The taxpayer will pay. So the administration policy has not really been a taxectomy. It has only been a tax transplant, exchanging a drop in personal tax rates for an increase in interest rates.

The tax cap legislation we will vote on today is fair and an effective first step in redeeming the pledge we made in the budget resolution. We promised then to cut deficits. We can start today. What we can begin now and continue in the weeks ahead and will determine whether we can preserve the economic recovery. That is the key question. I hope the Senate will approve this tax cap bill in the interest of fairness, in the interest of deficit reduction, and in the interest of overall economic improvement.

Mr. BRADLEY. Mr. President, I yield 10 minutes to the Senator from Kentucky.

Mr. HUDDLESTON. I thank the distinguished chairman.

Mr. President, the Tax Rate Equity Act now before the Senate would limit the third year of the individual tax reductions enacted in 1981 under the Reagan economic program. This legislation is important for two reasons. First, it represents an important beginning to establishing a more balanced fiscal policy for the rest of this decade. Second, it saves needed revenues in a way that is fair to all Americans. Because this tax proposal has been drafted to be fair to all taxpayers, it represents a marked departure from the tax policy embodied in the Economic Recovery Tax Act, a policy that has been consistently tilted to provide the greatest benefits to our wealthiest citizens.

When President Reagan proposed in his campaign that the way to economic salvation in this country was to make drastic tax cuts, virtually everyone outside his own party was skeptical. How could you cut taxes, raise defense spending, and balance the budget all at once? The answer, we now painfully have learned, is that you cannot do all three. There is no magic to fiscal policy, despite the optimistic promises of President Reagan and his economic advisers.

We are now left with the specter of enormous budget deficits for the balance of this decade.

I think it is well to reflect that it took this Nation 205 years to accumulate $1 trillion in debt. Under the policies now promulgated by the White House and under the submissions to this Congress for the next 5 years, this country would match that trillion dollar indebtedness in just 5 years.

President Reagan promised that we could pay for his massive tax cuts with economic growth. That clearly has not happened. Two months ago the Congressional Budget Office estimated that these deficits will be over $200 billion in fiscal year 1984, over $210 billion in fiscal year 1985, and rising to over $267 billion in fiscal year 1988.

The failure of the administration's policies has left us with three fundamental problems in fiscal policy. First, how do we provide adequate domestic spending to assist the victims of the worst recession in 40 years and meet the needs of those needy citizens who must look to their Government for help? Second, how do we provide for a responsible and credible program to rebuild our defenses? Finally, how do we provide for a gradual, sustained reduction in budget deficits?

The budget resolution which has recently been adopted on a bipartisan basis gives us responsible answers to these questions. An important part of the solution to these problems must include additional revenues. That is not simply a Democratic Party position. That is the conclusion of extensive deliberations and negotiations between Democrats and Republicans in both Houses of Congress.

The budget resolution calls for an additional $12 billion in revenues for fiscal year 1984. This legislation, if it is enacted, will provide $6 billion, and it will generate this revenue in a fair and balanced way.

Critics of this proposal claim that the tax cap is unfair to the middle class. Yet, what are the alternatives, and how do these alternatives affect the middle class?

If we look at the Reagan administration's own proposal for an income surtax to raise revenue beginning in October 1985, we find that 62 percent of the revenue comes from people earning under $50,000. By contrast, the tax cap is much more progressive: 89 percent of the revenue it raises comes from those earning over $50,000 and only 11 percent of the revenue from this proposal comes from taxpayers earning less than $50,000.

The second major proposal the Reagan administration has made to raise revenue in order to reduce the deficit is a standby tax on oil. Seventy-five percent of that tax will be paid by people earning under $40,000. Clearly, this oil tax is much more regressive than the tax cap we are now considering.

In short, there are no good alternatives to the tax cap. To criticize the cap proposal as unfair to the middle class simply distorts the issue. The central fact is that the fairest solution is to impose the tax cap on the third year.

Critics of the tax cap proposal have focused on two sets of arguments. First, they argue that raising taxes at the early stages of a recovery will jeopardize the prospects for growth.

Second. they argue that the tax cap is not really fair at all because it places additional burdens on the middle class. Both arguments rest on faulty assumptions.

On the first issue it is simply wrong to suggest that the tax cap represents a tax increase. The fact of the matter is that a $700 tax cut is a $700 tax cut. The question is not whether to cut taxes, but rather how big should the third year tax cut be? If we do nothing, there will be a $30 billion tax cut on July 1. If we modify the tax cut by adopting a cap, we will still provide everyone with a tax cut, but the total magnitude of the tax cut will be smaller. Instead of a $30 billion tax reduction we will be providing a $24 billion tax reduction. To suggest that a difference of $6 billion in a $1.5 trillion economy will jeopardize recovery is simply specious.

We need a balanced fiscal policy to sustain growth through the rest of this decade. The budget resolution which we adopted last week provides the blueprint for that policy. The resolution calls for a gradual and sustained reduction in the deficits with a moderate package of spending restraint and revenue increases. The tax cap stands as a first step to fulfilling our institutional commitment to the budget plan we have adopted.

Critics of the tax cap do not stop with fiscal policy, however. They go on to criticize the tax cap as inequitable to the middle class. To make their case, opponents of the tax cap generate a smokescreen of confusing statistics and distorted images. All this rhetoric should not obscure three basic facts about the tax cap:

First, everyone still gets a tax cut under a tax cap. The only impact of the tax cap is to reduce the size of the tax cut to wealthier individuals.

Second, the tax cap will affect the wealthiest 10 percent of all taxpayers.

Third, while the tax cap will affect some taxpayers with incomes as low as $29,800, the impact is minimal. The tax cap is truly a progressive proposal; 89 percent of the revenue comes from people earning over $50,000. Meanwhile, the taxpayers earning between $30,000 and $40,000 will have their tax cut reduced by about $111 or about $2.13 a week. That is hardly an action that will drown the middle class.

The tax cap is a modest proposal. It will not bankrupt small business or family farmers. It will not impose special burdens on working couples. It will not destroy incentives to work and save.

All these arguments have been raised in a serious effort to discredit the proposal. They are based on confusing and distorted statistics, and they serve only to obscure the basic issue: In this time of record budget deficits, should Congress borrow even more money to provide the wealthiest 10 percent of our citizens with more than $700 in additional tax cuts?

We are facing an unprecedented budget crisis with our projected deficits. No one can forecast the consequences of this looming imbalance in our budget policy. Faced with this prospect, the only responsible and prudent course to follow is to take a series of difficult but modest actions over the next few years to regain control of the budget.

The tax cap represents the first step along that path.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. How much time does the Senator need? He may have as much time as he wants.

Mr. EXON. Mr. President, I have looked carefully at the tax cap bill and concluded that its passage would be in the best interest of Nebraskans and the Nation as a whole.

The key requirement in this deficit reducing, spending reduction measure is on line 1 of page 10:

> The changes in the individual income tax contained in this act will be accompanied by dollar-for-dollar reduction in outlays in fiscal year 1984 by an amount which is at least equal to the revenue projected to be collected by these changes in the individual income tax.

What this means is that there will be a dollar of spending cuts for each dollar of additional revenue which is raised by the tax cut cap in 1984. Any time the Senate can get a dollar in spending cuts for a dollar that will not have to be borrowed to finance a future tax cut, it should jump at the chance. In terms of total dollars, this would mean a deficit reduction in 1984 of $12 billion—$6 billion in spending reductions and $6 billion in less borrowing for financing a portion of the July 1 tax cut.

At a time when most thoughtful people are nearly scared out of their wits by deficits and the skyrocketing national debt, we are financing a tax cut by borrowing even more and accelerating deficits and the national debt further.

Last week, when the budget conference report was debated in the Senate, the distinguished chairman of the Senate Finance Committee made some interesting observations about the ratio of spending cuts in reconciliation compared to the revenues that would have to be raised by the Finance Committee. One reason I voted against the budget conference report was because there was too much emphasis on revenue increases and not enough on spending cuts. For example, in 1984 the budget resolution calls for about $3 of revenue increases for every $1 of spending cuts. Over the next 3-year period, the ratio is even worse: Only $1 of spending reduction for each $4.50 of revenue increases.

That is why I say that when the Senate has a chance to cut a dollar of spending for a dollar of revenue increased, we should take it.

Mr. President, I did not decide to support this bill without first looking at the arguments for and against it. I received information from the Treasury Secretary, as all Senators did, regarding the administration's opposition. When I reviewed the administration's case against this bill, however, I could not put out of my mind a statement the Treasury Secretary made just last month: "I will offer a prize to anyone who can show me the connection between high interest rates and high deficits." That was a takeoff on JACKIE KEMP's recent famous quote, "The Republican Party no longer worships at the altar of a balanced budget."

I had always respected that great political party's forthright stand for balanced budgets. Now they have traded it in for a new slogan, "Unbalanced budgets forever." With that kind of approach to the subject of deficits, it is not hard to see why the administration opposes this bill. Such an attitude is also bound to color the various statistical arguments that the Treasury Secretary has used against this effort which would cut the deficit in 1984 by $12 billion.

Allow us to separate fact from fiction. First, this is not a tax increase bill, despite the claim by the administration. Second, everybody in every income group is guaranteed a further tax cut. This bill simply specifies that no taxpayer gets a tax rebate of more than $720 for 1984. That is the reason it is correctly called a tax cap * * * limiting the amount any taxpayer can claim as a refund. Third, despite the tragically false claims by the administration that this tax cap hits hardest at middle Americans, it is simply nonsense.

This tax cap and spending reduction measure does not affect in any way 90 percent of all Federal taxpayers. Nine out of every 10 taxpayers will receive the full tax rebate as incorporated in the present law. Can any reasonable person buy the argument that the remaining 10 percent of Federal taxpayers make up the bulk of "middle America?"

While crying crocodile tears for "middle America" the administration cleverly indeed hit devastatingly and directly at "middle America" last year with the $98 billion tax increase in the so-called Tax Equity and Fiscal Responsibility Act of 1982 and the additional $46 billion in the 5 cents gas tax increase to say nothing of the tremendous additional tax increase on every "middle American" in the Social Security measure which raised payroll taxes. This Senator voted against all those measures because they were truly burdensome on "middle America."

To repeat, there are approximately 80 million Federal taxpayers. Only 10 percent or about 8 million are affected by the "cap."

One of the Secretary of the Treasury's arguments which is misleading is the allegation that about half of the 8 million taxpayer returns which would be affected by a cap are filed by those earning less than $50,000. But what the Treasury Secretary fails to point out is that the amount by which such taxpayers would be affected is relatively small. When one knows that 89 percent of the revenue raised by this bill would come from taxpayers earning over $50,000 a year, it puts an entirely different light on the matter. Moreover, I have had letters from a great many Nebraskans who would very willing give up a few dollars of their tax cut in order to make progress in reducing huge Federal deficits.

At the opening of my remarks I said that this is a good bill for Nebraskans. Nebraska is a State in which neither government nor business pays high salaries in comparison with many other States in the Union. So while it may be true that 1 out of 10 taxpayers in the country would be affected by this tax cut cap, the fraction is much smaller in Nebraska.

According to the Nebraska Department of Revenue, for the latest year that data are available, only about 4.5 percent, or 1 return out of 22 taxpayers showed an income above $45,000. Only 9.9 percent or approximately 1 in 10 of the returns in Nebraska, represent an income of $35,000 or higher. Since the tax cap would affect family incomes of approximately $46,500 and above, and single taxpayers with an income of approximately $35,700 and above, far fewer Nebraskans would be affected by this legislation than would taxpayers nationally. Although data are not available to break down Nebraska taxpayers by joint or single filing status, my rough calculations indicate that this legislation would affect only about 1 of every 19 returns in Nebraska. This measure is fair and it is reasonable.

The Treasury Secretary has used some interesting national averages on salaries to try to show how this legislation would hurt middle-class taxpayers such as police officers, registered nurses, secretaries, engineers, and teachers. Let me use police officers as an example. The Treasury Secretary said $23,260 was an average salary. But, in Omaha, Nebr., $23,160 is in fact the top pay for police officers. In Lincoln, Nebr., the top is $21,500 and the average is another $2,000 lower than that. For Greater Nebraska, although I do not have figures, I am quite certain that police officers are paid a lower average.

Mr. President, I am only trying to put this into perspective as I must as a Senator from Nebraska. It is true that we are legislating for a whole Nation, not any individual State, but our agricultural economy in Nebraska has been extremely hard hit by this recession which has been heightened, if not caused, by huge Federal deficits. Large deficits have kept upward pressure on interest rates, regardless of what the Treasury Secretary thinks, and these high interest rates have caused an appreciation of the dollar such that our agricultural export markets have been severely affected if not irretrievably lost in foreign markets.

Those who wish to may argue against this legislation so as to preserve 89 percent of the tax breaks in question for people making over $50,000. But I say let us cut $12 billion off the deficit, get interest rates down, and start to recapture our export markets. This may be only a beginning point to reduce this administration's run-away deficits but its about time we start.

Mr. MATSUNAGA. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. Mr. President, I wish to yield both to Mr. Pell and Mr. Matsunaga.

Mr. MATSUNAGA. How much time will the Senator need?

Mr. PELL. Four or five minutes.

Mr. MATSUNAGA. I will wait. I withdraw my request.

Mr. BYRD. I thank the Senator from Hawaii and I will yield time to him following Mr. Pell.

I yield to Mr. Pell such time as he requires.

Mr. PELL. I thank the minority leader very much.

Mr. President, I rise to support the proposed $700 cap on the tax-cut scheduled for July 1. I do so not out of any sense of pleasure at the prospect of curtailing tax relief but out of a sense of deep concern for our Nation's economy.

The fact is that we must make some hard decisions to redress the grievous imbalance in our national fiscal policies. Many of us on this side of the aisle who wished the President well when his term began in 1980, watched with increasing dismay as his economic program was unfurled. The 1981 tax law was, in retrospect, an unmitigated disaster from the point of view of fiscal integrity. Even after the correction of the 1982 tax act, the net revenue drain resulting from the 1981 law is estimated at $851 billion over the 1982–88 fiscal years.

To engage in a massive military buildup at the very time revenues are being slashed so drastically can only be described as utter folly. Yet that is what this administration has done, with the recklessness of an improvident householder using a giant credit card. They have charged it all to the future. I was appalled to see the figures which showed that the budget policies of the Reagan administration could add nearly $1.5 trillion to the national debt between 1982 and 1988, which is more than the total debt accumulated by all previous administrations over the past 192 years.

The disastrous economic consequences of such deficit financing has become patently clear over the past year to citizens in all walks of life in every corner of the country. This past May I sent a newsletter to my Rhode Island constituents which stated in part:

> The defense budget has soared, the Federal deficit has mushroomed, and interest rates have remained too high for too long, squeezing buyers out of the market and shutting down construction projects across our land. As the economy headed toward disaster, the Administration persisted in dismantling the very safety nets that Americans have every reason to expect will be there in time of need. The nation was asked to "stay the course" right into the eye of a hurricane, all in the name of untested theories of trickle down economic growth that just didn't work.
>
> The tragedy of it all is that this is a recession which did not have to happen. It was not caused by economic or natural accidents beyond our control or by malfunction of our economic system. It was caused by the deliberate imposition of the misguided policies of the present administration in Washington, whose leaders lacked the wisdom to foresee the consequences of their policies or the compassion and flexibility to change once their errors became apparent.

There has been only marginal improvement since those words were written. Interest rates are still too high and recovery is still uncertain. Over 9 percent of the Rhode Island work force was still unemployed in May. Looming behind this continuing distress is the mammoth Federal deficit which casts such a long shadow of uncertainty across the economic landscape. We should seize every opportunity to reduce it and we should oppose whenever possible any action to increase it.

The tax-cut cap proposal now before us offers just such an opportunity. It would recoup some $38.8 billion in revenue over the next 5 years. And it would do so with a minimum of discomfort for the Nation's taxpayers as a whole. Everyone would receive some tax reduction and in fact 90 percent of all taxpayers would receive the full cut. Of the revenue raised under the bill, 89 percent would come from taxpayers earning over $50,000.

Mr. President, I have long argued for proposals to restore fairness and balance to our tax system. I believe the cap proposal is a step in that direction. Moreover, it is an equitable and sensible way to stem the tide of deficit financing. It is surely a preferable alternative to automatic tax reduction at a time when the Nation cannot pay its bills. I urge its adoption.

Mr. BYRD. Mr. President, I thank the Senator from Rhode Island, and I yield to the distinguished Senator

from Hawaii, my friend Sparky Matsunaga, whatever time he wishes. I believe we have 20 minutes remaining.

Mr. MATSUNAGA. I thank the Senator for yielding.

Mr. President, I rise in strong support of H.R. 1183, the Tax Rate Equity Act of 1983.

In voting for a measure, Mr. President, it is natural for those of us who are elected to office to ask ourselves where do the American people stand on this? Well, the fact, as has been pointed out time and time again by speakers before me, is that the tax cap would affect only 10 percent of the total taxpayers of America. Ninety percent of all taxpayers would receive the scheduled tax cut in full.

Now, let us take a look at the background of the tax cut. What needs to be remembered is that we are not by H.R. 1183 asking for any tax increase. We are merely asking for a reduction in the tax cut, and to place a cap on the tax cut at $720.

In 1981 the Congress enacted the Economic Recovery Tax Act, commonly referred to as ERTA, which provided for a 3-year program of individual tax cuts.

Under ERTA, individual income tax rates were reduced 5 percent on October 1, 1981, and 10 percent on July 1, 1982. A further reduction of 10 percent is scheduled to go into effect on July 1, 1983. It is this tax cut of 10 percent we are talking about here. We are proposing under H.R. 1183, to limit that tax reduction to $720. Unless H.R. 1183 is passed, a family of four earning $100,000 a year would get a tax cut of $2,368, while a family of four earning $20,000 would receive a tax cut of only $164. In all fairness, let us limit the tax cut to a reasonable $720 for all taxpaying families, regardless of income.

As a result of the passage of ERTA in 1981, Treasury revenues will be reduced by an estimated $507 billion over the 3-year period between 1984 and 1986, and by a total of $1.1 trillion over the 7-year period from fiscal year 1982 through 1988. Even after the enactment of the 1982 Tax Equity and Fiscal Responsibility Act, the projected revenue loss under ERTA is staggering.

Mr. President, I have been talking with many businessmen not only in Hawaii but in other parts of the country where I have had speaking engagements, and I have learned, and I am thoroughly convinced that the prime concern, even of those 10 percent of taxpayers who will be affected most by H.R. 1183, is the prevailing high interest rates—interest rates which are sure to escalate with increased Federal deficits.

Under the House and Senate passed budgets, the total deficits over the next 3 years, although less than under the Reagan budget, will exceed $450 billion.

With this kind of projected deficit, interest rates are bound to rise for the Federal Government will be competing with the private sector to borrow what little money there is available on the market. We must do everything possible to keep interest rates down and to reduce interest rates if we are to see any economic recovery.

H.R. 1183, which proposes to put a $720 cap on the tax cut, will be a step in the right direction. By its adoption, we will save $6 billion. In other words, we will have $6 billion additional in the Federal Treasury by adoption of H.R. 1183.

This is what we are talking about, Mr. President, to keep deficits down, to reduce deficits, if at all possible, and not to go in the direction that the present administration is taking us; $6 billion saved would be $6 billion in the right direction, and by so doing we will help to keep deficits down and by so doing we will keep interest rates down, which would be the prime factor toward economic recovery.

Given the true facts and a choice of consequences, I am confident all American taxpayers would be willing to accept a maximum tax cut of $720 on July 1, 1983, if it means lower interest rates, leading to economic recovery.

So, Mr. President, with that I urge my colleagues to vote for the adoption of H.R. 1183.

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes remain.

Mr. BYRD. Does Senator Melcher wish to take that 3 minutes?

Mr. MELCHER. Yes.

Mr. BYRD. I ask unanimous consent that the remarks of Mr. Melcher be joined with his earlier remarks in the Record so as to show no interruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Melcher at this point are printed at the conclusion of his earlier remarks, in accordance with the foregoing order.)

The PRESIDING OFFICER. The Senator's time has expired. All time has expired for the proponents.

Mr. DOLE. Mr. President, as I understand the parliamentary situation as far as time, the time for the proponents of the amendment has expired, is that correct?

The PRESIDING OFFICER. The Senate is correct.

Mr. DOLE. How much time is remaining on the opponents' side?

The PRESIDING OFFICER. The Senator has 76 minutes and 7 seconds remaining.

Mr. DOLE. I will assure the Chair that I do not intend to use 76 minutes or even 6 minutes. There will be another hour of debate tomorrow morning starting at 9 o'clock and we will again discuss this issue.

Again, I hope that the amendment will be defeated. As Senator Melcher has indicated, we are going to have an opportunity later on this year and I can assure the Senator we are looking in our committee at preferences and compliance in areas that really talk about fairness, you ought to see some of the things that some taxpayers get away with. You talk about fairness, we are going to give everybody a chance to vote for fairness, for broadening the base of the Tax Code, and for equity.

This was a tax cut that was enacted. Let us face it, if we had a tax increase, if you made more money, you would pay more taxes. If you have a tax cut and you make more money, you get a bigger tax cut. That is what it is all about. It does not mean anybody is going to get rich over the tax cut. Some people earn more money and pay more taxes. If there is a tax reduction, they get a larger reduction. That is one of the details that has been overlooked in all of this debate.

So I just suggest that, again, we go back to the $100 billion tax bill last year. Not many of the people who have spoken supported that measure, and that really was aimed at closing loopholes and tax shelters and at big oil companies and big insurance companies and others who were getting away with paying very little tax. That was real tax reform.

But the first time we voted, not a single member of the Democratic Party voted for that $100 billion tax reform bill. The conference report, I say to the credit of the 11 who supported that, was vital.

So I hope that we understand that this is probably a total political exercise, maybe political on both sides. The President says he does not want the cap; the Democratic leadership says they do want a cap. So you have a Republican President who says, "No cap," and the Democratic leadership that is pretty well united saying, "We want a cap." So that makes it political. And I hope that it is understood in that way.

If, in fact, the amendment is not adopted, that does not diminish our responsibility to try to follow through with a budget resolution, though I think it is a lousy resolution, and I have said so. All it does is raise taxes and very little spending reduction. They even came up with some new invention called fencing in new programs that have not been approved, 10 billion dollars worth.

If you put that in the mix, in fact, there is an increase on the spending side rather than a decrease in nondefense domestic spending.

In the Senate Finance Committee, I guess we are fortunate, we get 88 percent of the responsibility for that. We are going to try to face up to that responsibility if the President of the United States indicates his support and if there is an indication that the

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House and the membership of the House is willing to move on the budget resolutions. I assume they will be.

Mr. President, I have no quarrel with those who feel that there should be a cap. I disagree that that is an argument of whether you are fair or unfair. No one has ever defined what rich means in this Chamber. Everybody is rich, if there are political arguments. They say, "Well, we are going to tax the rich." That makes everyone feel good. I do not know anybody who will admit they are rich. Well, maybe 500 or 5,000 people in the country.

So it is a patently political argument. It may be good politics but it is certainly not good tax policies.

There will be other opportunities when this amendment is defeated to indicate our concern that the system is fair.

Six million people did not file tax returns last year we are told, and many of those because they do not think the system is fair.

The system is not fair. It is not because of the tax cuts. Everyone agrees that the marginal tax rates are too high. All we did with the so-called Reaganomics or tax cut was to reduce those marginal rates over a 3-year period.

So far as this Senator knows, no one is quarreling with that. But there is every right to quarrel, by Democrats, Republicans, and everyone else, that there is a lot of fat in the Tax Code that ought to be examined and ought to be tightened up.

Some companies and some institutions pay hardly any tax at all. In fact, we were told today that some of the large companies actually got refunds. They had a negative tax because of a lot of loopholes that have not been addressed for 10, 20, or 30 years.

In the process of the debate, let us not lose sight of our final responsibility, to try to reduce the deficits and certainly some of that must come from the revenue side.

I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

Mr. **STEVENS.** Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond the hour of 7:30 p.m., during which Senators may speak therein.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

FORMER ACDA DIRECTORS ON ARMS CONTROL POLICY

Mr. **CRANSTON.** Mr. President, on June 23, I submitted for reprinting in the RECORD arms control policy statements of former ACDA directors. Inadvertently, the Honorable Paul Warnke's name was omitted from the printing of this statement by the RECORD. I hereby resubmit these statements in their entirety and ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GERARD C. SMITH

I

I have been asked to speak about some arms control aspects of the relationship between the U.S. and the USSR, including the effect of and on the ABM Treaty of the President's recent proposal for a major long-range effort to develop strategic defenses sometimes called his "star wars" dream.

II

First let me speak about the recent change in the "START" position which is said to reflect the findings of the Scowcroft Commission and presumably is the Administration's first move to keep its end of the bargain with Congress which led to the affirmative vote on the MX program last month.

If it is merely considered as an "opener" for a genuine negotiation, the Administration's move to raise the permitted levels for ballistic missile launchers seems a positive step.

If one can take literally the White House assurance that "everything is on the table," some movement in START may be possible. But we have heard this assurance before. Our chief negotiator's recent statement that he now has authority to listen to Soviet proposals makes one wonder about the nature of the START negotiations over the past year, when we were assured that progress was being made.

A fair inference from the Scowcroft Commission report is that the "window of vulnerability" never existed and that claims that the United States was a second class nuclear power based on alleged vulnerability of our ICBMs were unfounded. The Scowcroft Commission surprisingly reported "reasonable survivability of fixed targets, such as ICBM silos, may not outlast this century." But the latest START proposal seems to disregard the Scowcroft conclusions, which clearly state that we have no immediate or near term problem of vulnerability. It still seems to be trying to close that "window of vulnerability."

The proposal continues past effort to get the Soviets to shape their strategic forces after the United States model. If the Soviets accept, it would require vast new expenditures to reconstruct their forces. It has been reported that the Administration believes that Soviet economic difficulties will encourage them to bargain seriously. If our idea of a successful bargain is that the Soviets would have to invest large resources to alter their force posture, dependence on this economic motivation seems illusory.

In the past, progress in strategic arms negotiations was made when they were private. The publicity surrounding the new proposal suggests that its main purpose is propaganda—to appear to meet domestic and foreign pressures for change.

The one new element is to raise ballistic missile launcher ceilings from 850 to a level reported to be in the range of 1100/1200. That alteration seems aimed as much to ease American force planning as to limit Soviet forces. If we are to have 100 MXs and Midgetmen, the 850 limit would have been too tight.

Apparently all the other provisions of the earlier START position are retained—the 2500 ICBM warhead ceiling, the 210/100 Soviet MIRVed missiles limit. Ambiguity, if not silence, persists about our ideas on limiting cruise missiles—systems of special concern to the USSR. We apparently are willing to discuss any Soviet proposals. Proposed bomber limitations seem somewhat unequal—400 for the U.S. not including FB-111s, and 350 for the USSR including Backfires and the new bomber we call Blackjack.

The Soviets have to reduce ICBM warheads by about 3500—the U.S. could increase by about 250.

The Soviets would have to reduce MIRVed ICBMs by about two-thirds, while the United States could build 100 MIRVed MXs and some MIRVed Trident II missiles with hard target kill capability.

It has been calculated that Soviet missile throw weight would have to be reduced from 8.8 million to 4.2 million pounds.

All of this would result in substantially increased vulnerability of Soviet ICBMs and substantially decreased vulnerability of U.S. ICBMs.

It would tend to result in parity in ICBM throw weight while continuing United States superiority in bombers and cruise missiles. The proposal seems to add up to an offer that the Soviets can easily refuse. Have we not learned by past SALT experience that one-sided proposals cannot work and will only kill time, which is a wasting asset?

This criticism of the new START position is based on news reports about its content. But it would not be surprising if in addition the Geneva delegation had been made aware of possible other areas where concessions might be made if the Soviets engaged in serious negotiations. The most likely candidates would be the proposed ceiling for ICBM warheads and the sublimits on Soviet MIRVed warheads.

If such fallbacks were foreshadowed, prospects for realistic negotiation would be somewhat brighter. But a bargain seems unlikely if the U.S. remains equivocal about limitations on cruise missiles.

Until then the new proposal's main purpose seems to be to get MX safely underway, with public and Congressional anxieties tranquilized for a while. I wonder how long such a palliative will work. With the deepening public commitment to arms control and election year bearing down, more substantive moves seem called for.

I would say that the present status of the Administration-Congress bargain is that the Administration got what it wanted on MX. So far the Congress has only obtained a change of tone in the arms control rhetoric.

Criticism of the Administration's arms control policies should be tempered by recognition that the USSR bears a good part of the onus for lack of progress. Even if we refrain from express linkage of arms control to other aspects of Soviet-American relations, the somber messages of Afghanistan and Poland cannot be forgotten. Unanswered charges of possible Soviet violations of SALT and other arms control arrangements do not help. Soviet treatment of dissenters continues to shock even the most ardent American proponents of agreements to control arms. We would not be interested in negotiating with Soviet leaders but for the supreme urgency of controlling nuclear weapons.

III

The new proposal seems to reflect an attitude about strategic arms control that might be characterized as "well, if we can't get it, too bad—let the chips fall where they may." Contrast this with the conclusion of the Scowcroft Commission that effective arms control is essential to the nation's security.

I think we tend to overlook what a sharp setback for arms control was the failure to ratify SALT II. Coming on the heels of our failure to ratify two earlier control agreements, this collapse of a seven-year effort is still having prejudicial effects. Tacit honoring of SALT II, which the Administration found fatally flawed, is no substitute for embedding the treaty in international law by ratification. START was supposedly an effort to correct the "fatal flaws" of SALT II. So far it has not.

I think it is not unfair to say that our present national security managers bear a good part of the responsibility for SALT II's failure. And it is perhaps understandable that the USSR is now somewhat cautious about seriously negotiating for a fourth arms control agreement. In the face of our past failures, talk by high Administration officials about the need to prod or encourage the Soviets to negotiate must sound somewhat ironic to Soviet ears. They must wonder what prods are available to them to get America to ratify past agreements. The situation is not improved by the Scowcroft Commission's findings that serious flaws existed in our first START proposals—flaws which President Reagan quickly admitted.

Are these flaws corrected by the revised START proposal? Aside from its tone, which is said to reflect greater flexibility, the only change is in one number. I agree with Secretary Shultz' statement before this Committee last week that the prospect for early progress is not bright.

I believe that the Soviet greater interest now is in the INF negotiation where there is a year-end deadline. I doubt that they will work seriously on START until they have a better idea as to how the INF negotiation is going to come out.

The arrangement which the INF delegation leaders reportedly worked out last year where Soviet reductions in SS-20s would be matched by cancellation of proposed Pershing deployments but under which some U.S. cruise missiles could be deployed begins to look better as the date approaches for the Pershing deployment. Although both governments disclaimed interest in this deal, the circumstances are as yet unclear as to which was first to react.

The Administration's conviction that the Soviets will soon start negotiating in earnest will be put to a final test as winter approaches. If that belief proves wrong, we will face the likelihood of deployment of additional Soviet missiles targetted on the U.S. and Soviet withdrawals from the INF and perhaps even from the START talks. That would promise a cold winter and a collapse of hopes that some control of nuclear arms might be accomplished by this Administration. Calls are being heard in responsible quarters in Europe for reconsideration of the Nitze/Kvitsinsky bargain. Clarification for the Congress of the reasons for and timing of our rejection of this arrangement may be in order.

I do not sense in Washington even the beginnings of any alarm about a possible crisis. We are so sure it won't come to that—that the Soviets will concede to our views when the first Pershings appear in Germany. But are the Soviets bluffing in saying that they will counter-deploy some new system to put U.S. targets under similar time urgent duress? Their interest in negotiating any arms controls with this Administration will be reduced if the Pershings are deployed. No wonder some informed people here and abroad believe that it was a mistake to start down the "double track." I was struck by the statement in the recent staff report for this Committee that something along the lines of the Nitze-Kvitsinsky bargain may perhaps be the best chance of reaching agreement. Not since the Berlin crises of the 50s and 60s have the two sides faced similar challenges. I question whether a policy of "let the chips fall where they may" is either sufficient or appropriate for what may well develop into a major Soviet-American crisis.

IV

I was also asked to comment on the relation of the President's "star wars" proposal to the ABM limitation Treaty of 1972. On this score, I would like to submit for the record an analysis prepared by John Rhinelander who was legal advisor to the SALT I delegation and a participant in the ABM negotiation.

Very briefly, my understanding of the ABM Treaty is that (a) All ABMs were banned in 1972 except two fixed land-based systems having 100 launchers each to defend a nation's capital or one ICBM field; (b) In 1974 it was agreed to reduce the limits to one system for each side; (c) An ABM system was defined as then made up of launchers, radars and missiles; (d) Development testing and deployment of sea, air, space or mobile land-based systems was banned: (e) If land-based systems are developed using so-called "exotic" components—lasers, particle accelerators, etc.—they could not be deployed unless the Treaty was amended.

Any major program to implement the President's "dream" would very quickly run afoul of the ABM Treaty's constraints. Even engineering work to develop a space-based system is banned under the Treaty. Perhaps the machinery of the Standing Consultative Commission set up under the Treaty should be resorted to in the first instance in an effort to clear up ambiguities as to just how far the signatories can go without violating the Treaty.

We hear much these days about the importance of the stability of the strategic balance. Arms control treaties have an important part to play in this respect. By foreshadowing a program which would inevitably violate the ABM Treaty, I believe that we are introducing uncertainty which cannot fail to have a prejudicial impact on the current strategic balance. Gromyko's statement on June 16 contained language indicating Soviet concern on this score.

What the President had in mind, apparently, were defensive systems to protect not just the United States but all of its allies from attacks by ballistic and cruise missiles as well as bombers. Many have had the dream that the nuclear threat could be laid to rest by effective defensive systems. Mutual invulnerability would be a much better deterrent to war than the present mutual vulnerability. But I am told by knowledgeable scientists that the technical prospects for developing such systems are minimal to non-existent. If we seriously set out on a long-term quest for an impervious defense for our populations, serious near-term threats to the national security will arise. (One prejudicial effect may already be in train. It seems likely that U.S. refusal to negotiate controls over anti-satellite systems is motivated by an aim to avoid further restraints on exotic "star wars" components of defensive systems which would use similar technology.)

Not only would going for "star wars" systems signal our intent to annul the ABM Treaty, which for 11 years has staved off a superpower competition in defensive systems to match the present only informally and incompletely regulated race in offensive systems, it would signal to the Soviets a likely U.S. aim to neutralize their retaliatory capability to respond to any American first strike. The President himself recognized this danger by saying that, paired with offensive missiles, an effective defense could be viewed as fostering an aggressive policy, and he added that we did not want to give that signal.

But regardless of good intentions, could an effective defense of North America, Western Europe and our Far Eastern allies send any other signal to the Soviets? There seems to be no prospect that the United States or the USSR, if they ever mounted such defenses, would abandon offensive forces. Would the resultant strategic balance be more stable than the present?

Unmentioned in the talk of defenses (which presumably would be conveniently deployed out of sight in far away space) is the question of the consequential clear need for massive civil defense programs for populations. Unless the unwarranted assumption is indulged that an impermeable defense system could be mounted, it must be assumed that some attacking warheads would reach targets. Pressures would mount for gigantic blast and fall-out shelter programs to protect these unpredictable targets.

It seems a sure thing that an American program to try to realize the President's dream would promptly be matched, not only by a similar Soviet program, but by their development of new offensive systems designed to penetrate defenses. I am afraid that the President's dream would generate a more tense strategic relationship with the USSR while never attaining the defensive posture contemplated.

V

In 1969 a number of us tried in vain to persuade the government that a ban on MIRVs would advantage the nation's security. That was when we were beginning to test MIRVs and before the Soviets had tested theirs. Now 14 years later it is recognized that MIRV is a source of strategic instability that advantages the Soviets more than us because of their larger missiles. The Soviets in SALT II reportedly proposed that any new class of ICBMs have only one warhead. We did not accept because we wanted MX.

Now we are faced with somewhat similar situations. The Soviets have tested and we are soon to test systems to destroy satellites in space. It would seem to be all to America's advantage to ban such systems since we are more dependent than the Soviets on satellites for peacetime intelligence and communications and for controlling wartime operations. But the negotiation looking to controlling this threat has been suspended by the U.S. Such controls may be as important as those over strategic weapons. I urge the Commission to press for resumption of the negotiation.

Another decision we may well live to regret is to allow a free competition in long-range SLCMs. Simple geography suggests that the American homeland will be more vulnerable than the Soviets' to this system. Deploying them in attack submarines can only prejudice the effective fulfillment of the normal role of such vessels. Verification problems will become much more complex if such systems are not banned at an early date.

As a former director of the Arms Control and Disarmament Agency, may I make a plea on behalf of this orphan. The various purges since 1973 have left ACDA weak. Its staff has minimal influence, although in years past ACDA members played key roles in developing and implementing arms control policy. More than in any other field of national security policy, it seems to me that bureaucratic memory is indispensible to the management of arms control affairs. What has happened to ACDA in the last decade has been prejudicial to the nation in this respect. I don't think it is too much to say that we cannot expect to have sound, strong, and vigorous arms control policies until ACDA's position in the bureaucracy is restored to something approximating that of the past. It is too much to expect that arms control programs engineered by Pentagon people, whose main and proper responsibilities are for weapons programs, will be sufficient to meet the arms control needs of the country which are now being recognized as essential, not just possibly useful. Let's face it, a basic asymmetry in the Soviet-American relationship is the fact that they have a foreign minister who has conducted arms control negotiations for over thirty years, since before some of our people working on arms control matters were born. What an advantage. At least we should have the institutional substitute for such long-term experience which was one of the reasons for the formation of ACDA. We do not have it.

What is needed:

(A) A strong staff, which means a larger budget and more positions. Restoration of ACDA computer facilities and library.

(B) A greater ACDA role in the national security bureaucracy—perhaps with the Director becoming a member of NSC.

(C) Clarification of the relation between the Director and the Secretary of State.

I urge the Congress to take a fresh look at ACDA to see if its legislative basis needs fortifying.

VII

The deeper we get into the valley of death of nuclear confrontation the more obvious it should be that solutions do not lie in more or better weapons systems. We should accept as literally true the conclusion of the Scowcroft Commission that effective arms control arrangements are essential to the security of the United States. And I think that term covers more than just strategic arms limitation. The security of the U.S. is also threatened by the prospective proliferation of nuclear weapons to additional nations—a threat which would be moderated if a comprehensive test ban were in place. And I am persuaded that such arms control arrangements are attainable, given the necessary political will—on both sides.

Testimony of Paul Warnke

TECHNOLOGICAL DEVELOPMENTS AND THE FUTURE OF ARMS CONTROL

Current developments in nuclear weaponry are inimical to our national security and increase the risk of nuclear war. New weapons systems are being developed, by both the United States and the Soviet Union, that will pose a greater threat to the survivability of the nuclear arsenals of each side and therefore erode the deterrent. Both nuclear superpowers seem bent on acquiring nuclear weapons with war-fighting capability, while the leaders of both sides purport to recognize that neither country could fight, survive and win a nuclear war.

Moreover, there is nothing in prospect, either in the form of more survivable and less threatening weapons or in the form of arms control proposals, that shows any promise of relief from this grim prospect. Neither in the INF talks, on intermediate range nuclear forces in Europe, nor in the START talks, on ICBMs, SLBMs and strategic bombers, is there any sign of progress. And given the proposals that have been made public, this lack of movement is not surprising.

There are some who express hope that greater "flexibility" is becoming apparent in the arms control stance of the Reagan Administration. Some profess to see movement toward the recommendations of the President's Commission on Strategic Forces. But here again I must say that I see only a greater rhetorical flexibility and that I find in the recommendations of the Scowcroft Commission nothing that will stop or even slow the slide toward nuclear confrontation.

If its recommendations can be ignored, as I believe they should be, the report of the Scowcroft Commission makes a lot of sense on strategic policy. It recognizes that intercontinental ballistic missiles with multiple independently targettable reentry vehicles, or warheads, with great accuracy create the greatest risk and are inherently destabilizing. No minimally rational leader of either country would initiate a strategic nuclear exchange as a matter of deliberate, reasoned decision. But with the growing counterforce capability of missiles that can launch 10 warheads against the missile silos of the other side, along with other destabilizing developments, the point could come at which a nuclear war starts because one side panics and strikes in desperation, from fear that adequate retaliatory forces could not survive a preemptive strike by the other.

Indeed, it is our concern with the Soviet MIRVed ICBMs that forms the basis for our START proposals asking that the Soviet SS-17s, 18s and 19s be cut back by 75%. Possibly we are tabling in the closed discussions in Geneva some suggestions that would give the Soviets some constraints on American forces that could lead them to consider this massive restructuring of their strategic arsenal. But no such quid pro quo can be seen in the proposals that have been made public. Nor do Soviet public reactions indicate that any such inducements have been made known to them.

Instead, the Administration appears insistent on building 100 MX missiles with 10 accurate warheads each, going ahead with thousands of air, sea and ground launched cruise missiles and developing and deploying the D-5 or Trident II submarine-launched missile. The Scowcroft Commission endorses both the MX and the Trident II, on the ground that they will enable us to put "Soviet hard target at risk." This is not a formula for restraint.

The apparent theory is that we can scare the Soviet Union into making sensible moves toward stabilizing systems by deploying destabilizing systems of our own. The rationale is expressed in terms of bargaining chips. But the theory seems to be that we can make the Soviet Union cry uncle at the bargaining table by, for example, deploying 100 MXs and threatening to build still more. But this is not bargaining. It is, instead, the arms race theory of arms control and it won't work.

The fact is that there exists today rough strategic equality. This has been recognized by the Joint Chiefs and even in posture statements of the Secretary of Defense. And this is the best that can be achieved, the situation most conducive to avoidance of nuclear war. It is for this reason that efforts should be made to achieve a mutual verifiable freeze. This freeze would of course have to be obtained on a step-by-step basis. An effort to stop everything at the same time would mean that nothing would be stopped for the indefinite future.

The Committee for National Security, of which I am the Chairman, proposed some weeks ago an approach to strategic arms that I believe does hold promise of improving, rather than reducing our national security. This would involve building on the provisions that were agreed upon in the SALT negotiations and moving away from greater emphasis on MIRVed counterforce missiles.

Instead of the MX, there would be a mutual ban on any new MIRVed ICBM—a ban that would stop testing of the Soviet solid fueled MIRVed SS-X-24. There would also be a 50 percent cut in the SALT II ceilings on MIRVed missiles. The total number would be cut from 1200 to 600, MIRVed ICBMs would drop from 820 to 410 and the Soviet SS-18s would be reduced from 308 to 154.

The Reagan Administration proposal of a limit of 5000 warheads on long range ballistic missiles would be retained, with a consequent reduction of about one-third of the currently deployed Soviet warheads.

The total number of strategic nuclear delivery vehicles would be cut from the SALT II ceiling of 2250 to 1650. Since this total would include strategic bombers, the missile numbers would be reduced as the Reagan Administration has proposed.

Finally, new MIRVed sea-launched missiles, both ballistic and cruise, would be subject to a moratorium which would retain their potential for bargaining leverage.

There are, of course, other formulas that might be equally effective. But, in contrast to the START proposals, both as originally presented and as modified, this approach would result in equivalent restraints and greater security for both sides. As publicly presented, the START proposals would require the Soviet Union to scrap the core of its strategic arsenal, while allowing the United States to proceed virtually unchecked with our plans for modernization of our strategic forces.

This is clearly not negotiable. And even if we could indulge this unreasonable hypothesis it would not be desirable. In the curious but inescapable logic of the nuclear age the security of the United States is not advanced by putting the strategic nuclear forces of the Soviet Union at risk. At a time of serious international crisis, this can only lead Soviet leaders to wonder whether and when they should launch their weapons to avoid their destruction.

Greater security and lower risk of nuclear war requires movement toward strategic forces that are the most survivable and the least threatening to the survivability of the other side's deterrent. Any new weapons programs and arms control proposals should be designed to move nuclear dependence away from MIRVed land-based ballistic missiles and toward submarine-launched ballistic missiles. Neither the report of the Scowcroft Commission nor the current START

proposals as publicly presented can have that desired effect.●

SOVIET CITIZENS' VIEW OF NUCLEAR WAR

Mr. PELL. Mr. President, I recently read in the May 29 issue of the Santa Barbara, Calif., New-Press a very moving interview with Mr. Frank Kelly of that city, following his return from a 10-day trip to the Soviet Union.

The author of the article, Sally Davis of the News-Press staff, has done an excellent job of capturing Mr. Kelly's insights as he reflected on his experiences as 1 of 29 participants in a U.S.A.-U.S.S.R. citizens' dialog. Mr. Kelly is an officer of the Nuclear Age Peace Foundation and a board member of the National Peace Academy Campaign here in Washington. He was deeply involved in the establishment of the Center for the Study of Democratic Institutions.

According to the article, Mr. Kelly left the Soviet Union convinced that the people of the two countries will see to it that nuclear war does not occur. The Soviets he encountered, Mr. Kelly said, possess a really deep desire to prevent a nuclear war.

As Mr. Kelly told one Russian mother who asked whether her 10-year-old son would be destroyed in a nuclear war, "No; I have hope."

I have known Frank Kelly for a number of years, and I have come to admire the drive, energy, and intelligence he brings to the quest for peace. He knows there are problems, but he knows also that our future is at stake, and he will never falter in his search for peace in the world.

Mr. President, I commend the News-Press article to my fellow Senators and ask unanimous consent that it be printed in the Record following my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Writer Finds, Soviets Share Nuclear War Fears—Peace Advocate Frank Kelly Returns From Visit to Russia

(By Sally Davis)

The woman, a reporter for a Soviet radio station, looked for a quiet spot to talk with Frank Kelly. She found one.

"I'm the mother of a 10-year-old boy," she confided. "Is there any hope for my son? Won't he be destroyed in a nuclear war?"

"No," replied Kelly. "I have hope."

He meant it.

The woman reporter, heartened, then turned her tape recorder on and chatted with him about lighter things—his impressions of the country, the visits to cathedrals, museums and the theater, the trip to Estonia.

Kelly, who lives in Santa Barbara, recountered the conversation after his return from a recent 10-day trip to the Soviet Union because to him it illustrates that the Soviets are just as frightened as Americans—if not more so—about the possibility of nuclear annihilation.

The Soviets possess "a really deep desire to prevent a nuclear war," he said.

The Santa Barbara writer said he left the USSR convinced that the people of both countries will see to it that nuclear war doesn't happen.

Kelly was a delegate at the U.S.A.-U.S.S.R. Citizens' Dialogue, and American organization that since 1979 has arranged exchange visits to promote "trust and understanding" between citizens of both countries.

An officer of the local Nuclear Age Peace Foundation, and a board member of the National Peace Academy Campaign based in Washington, D.C., Kelly was one of 29 participants who made the 10-day trip to the Soviet Union in April.

Kelly said he has long been an opponent of war.

"My father was badly wounded in World War I, and I've seen the devastation of Europe," he said. Kelly, who interrupted his Nieman Fellowship at Harvard to enlist in the Army during World War II, was a war correspondent for Stars and Stripes, the Army's newspaper.

After an impressive career that included a stint writing speeches for President Truman, Kelly helped his friend Robert Hutchins establish the Center for the Study of Democratic Institutions, partly because he hoped the center could devise ways of achieving world peace. He was a vital part of the center for 16 years, and has published a book about its sometimes controversial history entitled "Court of Reason.")

Ever since he was a teen-ager, when he began to write and publish science fiction stories, Kelly said he has been aware of the Earth as a single "planetary civilization." In other words, he said, he became proponent of the "Spaceship Earth" concept.

Subsequent strides in space exploration convinced him that for civilization to survive and prosper, there would need to be unity on the planet and peace between the two world leaders.

When a Soviet cosmonaut became the first to orbit the earth in 1961, Kelly proposed that a statue be presented to the Soviet Union as a gift from the United States to "celebrate man's leap toward the stars," just as the gift to the U.S. of the Statue of Liberty from France symbolizes the friendship between the two countries, he said.

When the Americans landed on the moon, and photographs from the moon's perspective were transmitted of the planet, Kelly said he became even more aware of the need to preserve "the fragile blue ball on which we live."

He discussed his feelings about the importance of world peace in the speech he gave at the dialogue. He spoke of the strong support American voters gave to the proposed nuclear arms freeze, and of the myriad peace movements being organized by churches and other groups.

Kelly recently published a book summarizing the history of efforts by Americans to establish a National Peace Academy. The academy would be "dedicated to the education and training of professional peacemakers and to the dissemination of information about the developing art of peaceful conflict resolution."

In his speech, he said the academy is likely to be approved by Congress this year, and that it "will be a signal to the world that the United States is dedicted to the peaceful resolution of all conflicts."

He said the part of his speech that aroused the most interest was a proposal that either the United States or the Soviet Union dismantle half of its nuclear weapons and invite the world to witness the event.

"Would not that nation open a new era in history, with humanity set free from the nightmare of a nuclear war?" he asked his audience.

Afterward, he recalled, a Soviet writer approached him and said he approved the idea. "But," the man said, "wouldn't that be interpreted as a sign of weakness?"

Kelly replied that leaders in Washington felt the same way. Yet, "somebody's got to take the initiative."

Despite his long-held desire for peace, and his interest in establishing friendly relations with the Soviet Union, Kelly said at first he was hesitant to accept the dialogue's invitation to be a delegate.

"Because relations are so complicated and so difficult, I wondered whether I could make a contribution," he said, attempting to explain the reasons for his reluctance. "I decided to do the best I could."

The dialogues were informational and inspiring, Kelly said. Yet what impressed him most about his trip was the chance to meet the Soviet people. None of them showed any hostility toward Americans, he said.

He admitted he was surprised to find their delegation greeted by "smiling people holding bunches of yellow daffodils," and that wherever they went, people "beamed at us and wished us well."

He said Russians are exceptionally interested in Americans and equally concerned about peace. On the train to Estonia, he and two other Americans shared a compartment with a Russian man who could not speak English.

At some point during the night, Kelly awoke, freezing, and the Russian somehow realized it. "He got a blanket without saying a word. It was really very touching, I thought."

They talked through an interpreter, and the man said Kelly reminded him of his father. The relations between the two countries, the man told him, are like the relations between "brothers in a family. We're not going to kill each other."

Kelly also had the opportunity to speak with a bishop for the Russian Catholic Church, and he told him he had heard that there had been more Christian baptisms in the Soviet Union than in the U.S. recently. He asked the church leader if that were true.

"Oh you Americans," laughed the bishop, Kelly recalled. "You're always so interested in numbers. Are you trying to start a baptismal race, too?"

RHODE ISLAND

Mr. PELL. Mr. President, the Wall Street Journal this morning carried a story about the State of Rhode Island which calls for a prompt public response. The article by Stephen P. Morin recites a lengthy catalog of the qualities—including many of the faults—of my home State. Much of what Mr. Morin says is true.

It is true, as he says, that Rhode Island is very small and that it is an intimate place. It is also true that Rhode Island has had its share of blemishes, that it has the patina of age and that, for a variety of reasons, its economy is still evolving to new stages of vitality.

Those who do not know the State might think there is no more to be said. But speaking as one who has known and loved Rhode Island all my life and represented it in this body for more than two decades, I know Mr. Morin tells only half the story.

Rhode Island is as big as Alaska in terms of the wealth of its human resources and its rich cultural heritage. These are a part of its charm. It asks no favors because of its size. And it stands ready to compete on equal terms with States dozens of times larger.

Those who would still doubt should come and see for yourself. Walk the ancient streets of Newport or Providence. Regard the statute of the Independent Man atop the statehouse and contemplate the heritage of Roger Williams that still infuses our community with a spirit of compassion. Stand at Point Judith and look to the sea and reflect on the fact that this smallest of States was founded on the largest of principles.

In fact, come for the Fourth of July weekend and you will want to stay for the summer.

RHODE ISLAND'S MANY CHARMS

Mr. CHAFFEE. Mr. President, today's Wall Street Journal carries an article that is highly uncomplimentary to the State of Rhode Island.

Nobody who has visited Rhode Island needs to be convinced of its beauty and pleasant living conditions.

Our State has economic problems which we freely acknowledge and are working to solve. It is pleasing that our unemployment has remained less than the national average during the current recession.

We do not have to trumpet to the world that Brown University received more applicants this year than any Ivy League colleges including Harvard and Yale.

Our Trinity Square Theater has received international acclaim, and Narragansett Bay's beauty and sailing conditions make it the prime east coast yachting center.

We are delighted that Newport is one of the outstanding naval education centers in our Nation and produces more naval ensigns than all the naval ROTC's and the Naval Academy combined.

Cross pens, Gorham silver, Bostitch staplers, Brown & Sharpe machine tools, Trifari jewelry, American Tourister luggage, General Dynamics submarines, all these and many more are products of Rhode Island.

There is no need to dwell on the attributes of the ocean State.

The Wall Street Journal did not harm Rhode Island by its sour article. Instead, the reputation of the Journal for objectivity has been brought into serious question.

A LEGACY TO THE POOR

Mr. MATSUNAGA. Mr. President, recently we were called upon to disclose our outside earnings apart from our salaries as Members of Congress. It is with a degree of ambivalence that I so comply since my share of the world's goods tends to pull down the median personal worth of my colleagues. I take solace, however, in the Sermon on the Mount regarding the poor and their eventual inheritance. It was with keen and especial interest, therefore, that I read of the plans of Mr. Harry Weinberg, said to be Hawaii's richest man, to give his vast holdings, estimated to be far in excess of $200 million, to the poor.

As one who was born into a poverty-stricken family, but whose personal holdings today may not be sufficiently paltry to qualify me for any part of Mr. Weinberg's largess, I am intrigued that the Aloha State is home to a modern-day Andrew Carnegie. Since Mr. Weinberg has acquired his wealth in business dealings in Scranton, Pa., Baltimore, Md., and in the State of Texas as well as California and Hawaii. I thought a number of my colleagues would be interested also. Earlier in his career his interest in public transit stocks brought him to public attention.

With your permission, Mr. President, I would like to insert into the Congressional Record two articles from the May 18 issue of the Honolulu Star-Bulletin, one a news story on the financier's plans, and the other a column by the retired and contributing editor of the paper, Mr. A. A. "Bud" Smyser, so that people familiar with Mr. Weinberg outside of Hawaii may learn of his current plans and views at the age of 74. I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Honolulu Star-Bulletin, May 18, 1983]

Weinberg Leaving Estate to Charity

(By A. A. Smyser)

Harry Weinberg, reported to be Hawaii's richest man, says he will leave his entire estate to charity when he dies.

Weinberg, now 74 and suffering from bone cancer, said yesterday he even may turn his wealth over to trustees before he dies to be used "all to the poor, not to the rich."

The single exception, he said, is that he will provide for his wife. But when she dies, all of her wealth also will go to charity. Weinberg said he already has given to other family members all that he plans to give to them. He said he made his son a millionaire a long time ago.

Hawaiian Trust Co. has the documents establishing the trust, he said. Weinberg has in mind trustees he hopes will follow his financial principles, but only for the benefit of the poor.

Weinberg's comments were made at the annual stockholders meeting yesterday of HRT Ltd., a public corporation whose stock is more than 95 percent controlled by Weinberg.

Forbes Magazine last year placed Weinberg among the 400 richest people in America. It estimated his personal fortune at "far in excess of $200 million."

Contributing Editor A. A. Smyser relates details of the meeting in an editorial column on Page A-16.

Weinberg Makes His Plans

Since I own five shares of HRT, Ltd., and am not too busy these days, I turned up at the company's annual meeting yesterday.

When I bought my HRT shares it was a bus company, but now it is pretty much the personal property of Harry Weinberg, who probably is Hawaii's richest resident.

He and his family own over 95 percent of the shares and use the company as an investment vehicle—he once described it as a "mutual fund" for shareholders.

But since it is a public corporation, HRT, Ltd., still must hold public annual stockholder meetings. It occurred to me that this shareholder might quiz management or comment on it in much the same way Weinberg has sounded off at meetings of other corporations in town.

A few years ago his public mutterings of dissatisfaction presaged the restructuring of Dillingham Corp. that gave shareholders around $45 for shares that then had been selling for only about $10.

This year Weinberg enlivened the annual meeting of one of Hawaii's Big Five companies, Alexander & Baldwin, Inc., with sharp criticism of management for taking big pay increases while denying increases to A&B sugar workers. He is A&B's largest stockholder.

I thought I might ask Weinberg about his own salary at HRT, Ltd., and whether he thought he was worth it.

HRT, Ltd., operates from an unpretentious office at 373 N. Nimitz Highway in a warehouse district.

Weinberg's cluttered office, which was barely big enough to accommodate all nine stockholders who showed up, resembles an office at a construction job site. No frills. Just plain, simple work-space with some personal mementos hanging on the wall.

HRT regularly pays its shareholders a dividend of 50 cents a share, but that isn't the half of it. It earned $4.41 a share last year and $21.53 the year before that, the 1981 figures reflecting big gains from the spin-off of Dillingham Corp. assets.

Weinberg had to check his accountant to find out what his salary is—$110,000 a year "and if I got a million a year it wouldn't be too much." He added that no one else in his family is on the payroll.

The salary he particularly objected to at A&B was President Robert Pfeiffer's gross at $470,000 in salary, fees and bonuses for 1982.

That represented a $149,000 increase from 1981. To Weinberg it was a case of the rich taking away from the poor since A&B that year had obliged its sugar workers to settle for no pay increases.

To show that he wasn't against any and all salary increases, Weinberg produced a letter Pfeiffer of A&B had written him in 1980. That expressed "many thanks for your kind support" in initiating a "generous

increase in my salary" which Pfeiffer then had just received. But 1980 was a good year for the company, Weinberg said, whereas the 1982 situation was very different.

Weinberg ventured that A&B directors are frittering away their company's assets on a succession of bad deals whereas he is building the assets of HRT, Ltd., in a strong annual growth pattern.

"Who in the state of Hawaii comes in my class?" he asked, meaning as a businessman. And the answer that he sees is clearly no one. It is an answer with a record of developing wealth through sound investments that is hard to dispute.

Weinberg is 74 and has health problems—bone cancer. He walks with a cane and has learned to live with pain. "I wouldn't be here today if it were not for modern medical advances," he says. He makes periodic visits to Johns Hopkins Hospital in Baltimore for outpatient treatment and appears to be doing quite well. He remains robust and in full mental vigor.

So long as he is around he said, HRT, Ltd., will continue "going good". After that only God can tell, he says.

But then he made a disclosure he has never discussed in public before. All of the wealth represented by his HRT, Ltd., holdings—upwards of $30 million, well upwards probably, plus all the rest of his personal wealth will go into a trust for the poor when he dies.

Hawaiian Trust Co. has the documents already. He may even turn some of his wealth over to the trust before he dies.

A Forbes Magazine article last year listed Weinberg as one of America's 400 richest citizens with wealth probably far in excess of $200 million. Weinberg said HRT is a very small part of his total assets.

He sees himself as working now to make money for the poor since that is where all of his estate will go except for a sum to go to his wife. After she dies, that, too, will go to the trust, he said. The trustees will be directed to use the assets for helping the poor.

Weinberg said other family members already have received all he intends to give them. There will be no more from his estate. He contrasted this with other families keeping their wealth to themselves.

At the end of the meeting, Weinberg followed his annual custom of inviting the shareholders to join him afterward at lunch at the Tahitian Lanai restaurant in Waikiki.

But before he departed I got into an argument with him over whether he is a tough guy. I said he is. He said he is a soft touch for anyone who is poor.

Would you settle for calling yourself a tough guy with a soft spot? No, he said, he really isn't tough at all.

People think he is, he said, because he can't stand to see money frittered away, companies wasting their assets. Directors get angry at him and jealous, he said, when he shows up their foibles.

But, no, he isn't tough, he contends. He's just a man gifted with a good brain who wants to use it to make money for the poor.

Considering where his wealth is going, maybe he is calling that right, just as he built that wealth by calling so many other things right.

U.S. POLICY TOWARD CENTRAL AMERICA

Mr. CRANSTON. Mr. President, I am speaking today to indicate my strong support for two measures relating to U.S. policy toward Central America.

The first is the proposal of Senators Mathias and Jackson to establish a bipartisan commission to consider long-range approaches for U.S. policy toward the crisis in Central America.

The second is an amendment I intend to offer to the fiscal year 1984 foreign aid bill barring any continued U.S. military aid to El Salvador unless Congress affirms that the Salvadoran Government has demonstrated its willingness to pursue an unconditional dialog with opposition groups and has made significant progress toward key human rights, judicial and land reform goals.

KEY U.S. INTERESTS AT STAKE

The United States has vital interests at stake in Central America. We want to see democratic institutions develop in the nations of that region. We want to advance human rights and economic development. And we want to thwart the spread of totalitarian governments.

I do not believe these interests are being served by President Reagan's continued pursuit of primarily military solutions to what are fundamentally economic, social, and diplomatic problems.

It should be clear that Reagan administration policies toward El Salvador are not working. For more than 2 years Congress has granted most of the administration's Salvadoran funding requests. Over $1 billion in U.S. taxpayers' dollars has been sent or is on request from the Reagan administration for the civil war in El Salvador.

What are the results of this enormous infusion of guns and ammunition? More than 30,000 civilians have been killed in El Salvador, the majority of them by Government security forces and assassination squads armed with American guns and bullets. We have already spent more than $140,000 for each of the estimated 7,000 armed Salvadoran guerrillas. And today American dollars are reportedly flowing out of El Salvador faster than President Reagan can send them in—flowing to Miami real estate and to Swiss bank accounts.

I am convinced that the administration's current course in El Salvador increases the chances for a takeover by pro-Marxist guerrillas hostile to American interests. The administration remains committed to a course which ignores the words of President John Kennedy, who warned, "Those who make peaceful revolution impossible will make violent revolution inevitable."

We have a national interest in countering Soviet influence in this hemisphere. But the greatest and most immediate threat to U.S. interests in Central America is not potential Soviet aggression. Our greatest enemies are poverty, injustice, underdevelopment, and murder-by-government. This is the legacy of decades of oligarchy that has left the vast majority of people hungry for change. It has left El Salvador and other nations vulnerable to the violent appeals of leftist guerrillas.

I believe the only way the United States can hope to prevent a takeover by pro-Communist rebels in El Salvador is to press relentlessly for reform. The Salvadoran military must stop indiscriminate killing by its forces. Land reform must move forward. And means must be devised for including all Salvadorans in elections without imminent threat of assassination.

There are too many similarities between El Salvador and Vietnam—where we backed totalitarian Saigon and got totalitarian Hanoi. The policy has failed repeatedly in this hemisphere; we backed Cuban dictator Batista—and got Castro; we backed Nicaraguan dictator Somoza—and got the Sandinistas.

REGIONAL APPROACH NEEDED

Mr. President, in recent weeks the Reagan administration has pursued a two-track approach to Central American policy. It has pursued a public relations campaign at home designed to build support in Congress and among the general public for increased military aid and use of U.S. military personnel in Central America. And it has pursued an inflexible course in discussions with key Central American governments, a course that, unless changed, threatens to widen the military conflicts in the region.

The first track saw the dispatch of Ambassador Richard Stone to regional capitals without any apparent shift in the administration's position on key issues. And it saw the establishment of not a new policy, but a new acronym, the Central American Policy Outreach Group (CAPOG), as a means of selling the White House position to the American public.

The second track saw the dismissal of Assistant Secretary of State Tom Enders and Ambassador Deane Hinton, who were said by certain White House aides to be too willing to consider negotiation options. It was the shift of 100 U.S. military trainers to Honduran bases. It was the dispatch of more Army medical personnel to El Salvador. It saw the stepping up of cooperation with the Honduran military on construction of several airfields near the Nicaraguan border. And it saw no progress toward involvement of key regional powers in any negotiations to reduce the danger of a widened military conflict, a danger that grows every day the administration continues its "secret" war in Nicaragua.

I see serious danger ahead in the administration's increased willingness to take irresponsible risks. There is danger that a border conflict between U.S.-funded Somocistas operating out of Honduras and Sandinistas in Nicaragua will drag Honduras into war. There is danger of greater American military involvement—including eventually the deployment of combat troops—in the regional conflict. There is danger of further advances for pro-Communist forces as the gross abuses of human rights and political liberties perpetrated by U.S.-backed repressive regimes continues.

These are among the many reasons that I recently joined with Senators MATHIAS and JACKSON to cosponsor their proposal that a fair, bipartisan U.S. commission be established to present a full range of recommendations to encourage democratic development in Central America. I wholeheartedly endorse this proposal to work with leaders in this country and Central America to promote diplomatic solutions to regional tensions and to reduce the risk of a widening war.

I believe we may need nothing less than a Marshall plan for Central America—a commitment to use our economic and diplomatic resources across the board to build a more firm basis for democracy in Central America. We should use our economic resources in a multilateral development program worthy of the support of the American people.

The approach of a bipartisan commission must not be to legitimize open-ended spending of taxpayer dollars to support any rightwing dictatorship that resists changes in the status quo. Such a commission should explore all options for involving key nations in the region that share American concerns in a negotiation process. It should critically examine policies that turn a blind eye to the failure of the military rulers of Guatemala to hold elections but which back secret wars against the authorities in Nicaragua who have not met pledges for elections. And it should offer a comprehensive policy to spur democratic development throughout the region.

AID TO EL SALVADOR

While the goal of a commission on Central America must be to devise policies that can lead us far into the future, the immediate obligation of Congress is to vote on pending requests for Central American aid programs. We have been deluged by Reagan administration requests for more and more funds for military aid to El Salvador. I recently joined with colleagues on the Senate Foreign Relations Committee to trim the Reagan administration's military assistance request by some $70 million for fiscal years 1983 and 1984. The committee also forged an important bipartisan consensus regarding the critical need for reforms and dialog in El Salvador as the best hope of averting an ultimate takeover by forces hostile to U.S. interests and the best means of advancing a policy that is consistent with our national principles.

I believe it is now incumbent upon the full Senate to write into law our conviction that negotiations toward a cease-fire and free and secure elections should be given a chance in El Salvador.

When the Senate takes up the foreign assistance legislation for fiscal year 1984, I will offer the attached amendment placing strict conditions on any further military aid to El Salvador.

The purpose of my amendment is to tie any continued U.S. military assistance for El Salvador to a congressional finding (by joint resolution) that significant progress is being made on judicial and land reforms, as well as human rights goals, and that Salvadoran authorities have offered to undertake an unconditional dialog with opposition forces for the purpose of achieving an equitable solution to the conflict, two essential elements of which would be first, free and fair elections, and second, provisions to assure the physical security of all participating political groups before, during, and after elections.

This amendment outlines the same reform, human rights and negotiation objectives as the provision adopted in the House Foreign Affairs Committee by a 36 to 1 vote in May.

However, my proposed amendment goes one crucial step further. It conditions any continued U.S. military assistance on an affirmative congressional decision that a negotiating initiative has in fact been made on key human rights and reform goals. I believe this additional provision is essential, given our experience on previous certification procedures, where serious questions have been raised regarding the credibility of administration claims of progress toward key Salvadoran reform goals.

For 2 years, the Catholic Church in El Salvador, along with the democratic governments of Mexico, Colombia, Venezuela, and Panama have urged the United States to join in the effort to produce a negotiated cease-fire, secure elections and a just settlement to regional disputes. The U.S. Government should heed their concerns and press for a cease-fire under the supervision of appropriate organizations such as the Organization of American States.

The guerrillas and other opposition forces in El Salvador have asserted their willingness to participate in negotiations. Many of us are skeptical regarding the willingness of some members of the divided Salvadoran opposition to discuss anything other than powersharing under arrangements that would subvert a democratic electoral process. We should test the willingness of the opposition to pursue a negotiated cease-fire. We should test their sincerity and their willingness to pursue a democratic, nonmilitary solution. We should put the ball in their court and see if they are able to produce a consensus from within their divided ranks in support of such a solution.

I also believe it is incumbent upon the Congress to accept the responsibility for affirming that satisfactory progress is being made in El Salvador on key objectives. I believe it is essential for Congress to accept this responsibility if the conditions we place on U.S. aid are to have any meaning and if our goals in El Salvador are to be achieved.

I have joined with members of the Foreign Relations Committee and others in Congress in the successful effort to enact the present limited certification requirements on aid to El Salvador. But these limited certification requirements have been circumvented by Orwellian reports from the Reagan administration that have distorted the reality of the worsening situation in El Salvador. To achieve congressional objectives, these certification requirements need greater specificity and need to condition any further military aid on an affirmative congressional finding that an offer for unconditional negotiations has been made by the Salvadoran Government and that significant progress is being made on human rights as well as key judicial and land reforms.

I believe the full Senate should thus adopt my amendment to halt any and all U.S. military aid to El Salvador 90 days after enactment of the foreign aid bill—including aid in the pipeline—unless Congress enacts a joint resolution finding that the Salvadoran Government has demonstrated its willingness to pursue an unconditional dialog with opposition groups and has made significant progress toward key human rights, judicial, and land reform goals.

The alternative is continued bloodshed, continued compromise of basic American principles, and an increasing likelihood that the worst-case scenario of a Communist takeover in El Salvador will come true.

I ask unanimous consent that the text of my proposed amendment be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

CRANSTON AMENDMENT ON EL SALVADOR

SEC. . (a) Not later than 45 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report fully describing steps taken by the Government of El Salvador to achieve the following objectives:

(1) Active preparation by the Government of El Salvador for an engagement (commencing within 90 days after the date of enactment of this section) in a dialogue, in good faith and without preconditions, with all major parties to the conflict in El Salvador for the purpose of achieving an equitable solution to the conflict, two essential elements of which would be (A) free and fair elections, and (B) provisions to assure the physical security of all participating political groups before, during, and after elections.

(2) Establishment of effective control by the Government of El Salvador over the military, security, and police forces and the paramilitary groups of the country so as to end the involvement of members of such forces and groups in indiscriminate violence as well as secret detention, abduction, torture, and murder.

(3) Establishment by the Government of El Salvador of an effective judicial system which promotes respect for human rights and protects participants in the judicial system from intimidation.

(4) Completion of a successful land reform program, including the payment of fair compensation to previous landowners, the prompt issuance of provisional and definitive land titles, the furnishing of necessary credits, administrative support, technical assistance and services to beneficiaries, the safeguarding against illegal evictions, and the providing for the restoration of lands of those who have been illegally evicted.

(5) Involvement of the Organization of American States or, as appropriate, other international organizations or countries interested in facilitating the discussions among all major parties to the conflict in El Salvador.

(b)(1) Unless, at the end of a 90 calendar day period beginning on the date of enactment of this Act, Congress enacts a joint resolution confirming that the Government of El Salvador has made significant progress toward the achievement of each of the goals enumerated in paragraphs (2-5) of subsection (a) and is actively engaged in a dialogue, in good faith and without preconditions, described in paragraph (1) of subsection (a) (unless it has been unable to enter into such a dialogue because of the refusal of the major opposition groups to participate in such a dialogue), delivery of any and all U.S. military assistance to El Salvador—including all arms sales, deliveries and credits, all U.S. military education and training, and all deployment of United States Armed Forces personnel in El Salvador—shall immediately be suspended.

(2) A joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601 of the International Security Assistance and Arms Export Control Act of 1976.

(3) For the purpose of expediting the consideration and adoption of a joint resolution under this subsection, a motion to proceed to the consideration of such a resolution after it has been reported by the Committee on Foreign Affairs shall be treated as highly privileged in the House of Representatives. If the Committee on Foreign Affairs has not reported a resolution under this subsection within 10 days after such resolution is referred to that committee (excluding days on which either House is not in session because of an adjournment of more than three days to a day certain), it shall be in order to move to discharge that committee from further consideration of that resolution, except that no motion to discharge shall be in order after the committee has reported a resolution to the same effect as that resolution. A motion to discharge under this subparagraph is highly privileged.

MILITARY AND INTELLIGENCE LEADERS AFFIRM VERIFIABILITY OF NUCLEAR FREEZE

Mr. CRANSTON. Mr. President, one of the principal assertions made by opponents of the nuclear freeze resolution has been that such a freeze would not be verifiable.

Those of us who have led the fight for the nuclear freeze have made clear that this charge is spurious, that U.S. satellites, ground monitoring stations, and other intelligence gathering capabilities are quite sufficient to detect any strategically significant violation of a nuclear freeze. We have also noted that under the freeze resolution, any nuclear arms developments which could not be adequately detected could not be frozen. We have further noted that a freeze would be far easier to verify than either the Reagan START proposals or the build-down concept endorsed by some Senators.

The fact that a nuclear freeze can be verified adequately was underscored in most impressive fashion last week in the Senate Foreign Relations Committee hearing on the freeze. The committee was privileged to receive testimony from two distinguished former national security officials who support the freeze, Adm. Noel Gayler (ret.), former commander in chief for all Naval Forces in the Pacific and William Colby, former Director of the Central Intelligence Agency. Their unimpeachable testimony based on decades of experience in the national security field was that a freeze is, of course, verifiable. The bottom line here is that the risk of a strategically significant violation of a nuclear freeze is far, far smaller than the risks and costs entailed by a continued, unrestrained nuclear arms race. As Admiral Gayler and Mr. Colby also made clear, the freeze is the best means of halting the qualitative arms race while we continue efforts to reduce the bloated United States and Soviet nuclear arsenals. This point was underscored by the following exchange:

Senator CRANSTON. It is also argued that a freeze might undermine the Administration's efforts in START. What comment do you have on that?

Admiral GAYLER. A freeze is a way of maintaining the status quo while making serious efforts in arms negotiations to make cuts. These are not exclusive ideas. It is only the commonsense idea that we do not add to weapons while we are negotiating cuts in them. So my reaction is it would not mitigate against serious arms reduction proposals.

Mr. COLBY. Quite the contrary, Senator, I believe a freeze would assist the process of reduction because without a freeze then the momentum of development of new weapons, of testing of new weapons—in our case the MX, in the Soviet case a new intercontinental weapon—will complicate any attempt to work out reductions, and a freeze would stop it so that you could work out a sensible system of reductions.

Mr. President, I ask unanimous consent that the opening statements of Admiral Gayler and Mr. Colby be printed in the RECORD at this point, along with excerpts from committee questioning of these distinguished witnesses.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADM. NOEL GAYLER, U.S. NAVY (RET.), ON BEHALF OF THE AMERICAN COMMITTEE ON EAST-WEST ACCORD

Admiral GAYLER. What I will do, Mr. Chairman, then, is to tic off the principal points, but in the order in which they appear in my statement.

The first is, we have to have arms control in order to improve the security of the United States, as well as to reduce the risk of nuclear war.

Second, we can define that security as freedom from war or threat of war or military action.

Third, that we have to reduce the risk of nuclear war to the vanishing point, and that it is entirely possible to do that, given the political will to do it.

The first point, as George Kennan has said, is that there is no issue at stake in our relations with the Soviet Union which is worth a nuclear war. This is not a doctrine of red nor dead. We do not have to be either one, because in my judgment, by the proper support of competent sea, land and air forces, we can defend ourselves and our allies and our interests without resort to nuclear weapons or the threat of nuclear weapons.

There are measures that we can take, any one of which is good, all of which together will in my judgment reduce the risk of nuclear war practically to zero. One is that we knock off this insulting and pointless rhetoric between the two countries principally involved, the United States and Russia.

The second is that we renounce once and for all all nuclear war-fighting and counterforce doctrines, and this will force profound changes in the physical world, in our weapons programs and deployments.

That we stop attempting to injure each other. It is simply not true that what injures the Soviet Union helps the United States and vice versa. There are many things which are helpful to both of us, and an end to this nuclear arms race is the prime such thing.

The fourth measure is that we should redeploy shorter range weapons out of range of each other, in order to mitigate the hair-trigger situation that exists, for example, in Europe.

That we should adopt a policy of no first use of nuclear weapons. This of course would be a reciprocal policy to that of the Soviet Union, and I want to point out that it would result in real difference in weapons supplied, in the deployment and position of those weapons, in the doctrines, the training, the exercises. In effect, it would have results in the real world, not be merely a paper declaration.

That we should—and I am choosing my words carefully now, in light of the freeze testimony—declare a moratorium on the development, testing, and deployment of new nuclear weapons, so long as the other side exhibits similar restraint. A moratorium, of course, need not be negotiated but can be simply declared and observed along the lines of the moratorium on open air testing

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that President Kennedy and Chairman Khruschev had many years ago.

Finally and most important, that we accomplish deep and continuing cuts in the nuclear stockpiles by the actual and verified destruction of the weapons and their fissionable material.

Now, the American Committee on East-West Accord for which I am appearing here, has developed, with the help of nuclear scientists, with the help of industrialists, particularly with the help of political scientists and under the leadership of George Kennan, a proposal that the U.S. and the U.S.S.R. turn in to a depot large numbers of nuclear weapons, verify, weigh, extract the fissionable material, dilute that to power plant material, burn it up irrevocably in electric power plants, the military elements of the weapons ground up beyond reverse engineering and disposed of.

That each side choose the weapons that it turns in. Now this has the advantage that it accomplishes actual destruction of weapons, it is verifiable—you see this thing happening, and that these agonizing questions of definition are done away with. Particularly the question of equity as between the two powers is taken care of by the fact that each continuously chooses its own strategy as it goes along in turning in these weapons.

We think that the proposal is equitable and practical and verifiable, and we have some reason to believe that it may well be negotiable. The point there is that it can support any other arms reduction measure or it can stand on its own.

To that, add a complete stop on the production of weapons-grade fissionable material and inspection to international standards of electrical power plants against diversion of material from them.

Now, are the Soviets ready for an agreement of this kind or any similar agreement which reduces nuclear weapons? You have just had testimony from probably the most astute and experienced observer of the Soviet scene living in America, Averell Harriman, who has just talked to the Chairman, Mr. Andropov. And what Governor Harriman reports as the Chairman's statement is:

"Today the Soviet people and the American people have a common foe—the threat of a war incomparable with the horrors we went through previously."

And Governor Harriman's comment on that statement is that, while he does not believe that Chairman Andropov will pursue Soviet goals and objectives with any less vigor, that he, Andropov, realizes that the avoidance of mutual destruction is the foremost Soviet objective.

We and the Soviet Union have two very important interests in common: One is that we not be blown up: and the other is that we not see nuclear weapons proliferated around the world in the hands of irresponsible governments or even terrorist groups.

On these two powerful common interests we can build agreement, but only if we separate nuclear weapons control from all other issues between us. We cannot expect the Soviets to shape up by our standards on every difference that we have. We can reasonably expect that we can reach agreement on these two matters of such overwhelming importance to us both.

Let me end, Mr. Chairman, by expressing my conviction that real nuclear arms reductions require only political will to succeed. There is no technical obstacle, no security problem, no military consideration that cannot be handled safely, given the will to do so.

Statement of William Colby, Former Director of Central Intelligence, on Behalf of the Committee for National Security -

Mr. Colby. Thank you, Mr. Chairman.

On behalf of the Committee for National Security, I would like to urge that this Committee report out favorably the Kennedy-Hatfield resolution and that we proceed to a mutual and verifiable freeze on the production, testing and deployment of nuclear weapons.

I think it is my particular contribution to this effort to assure you—let me assure you that if you do this that it is a practical step and that any such agreement can be verified adequately to protect the security of our country. That requires a couple of summary points.

First, we are going to be following the development of Soviet weaponry whether there is an agreement between us or not, because we have to protect our country. The Defense Department's recent booklet on Soviet military power shows the comprehensive nature of our knowledge of their weapons systems, including many weapons which are in essence nonverifiable: the numbers of tanks, the numbers of pieces of artillery and all that sort of thing.

Now, any of those can be hidden under barns, developed in factories in the Urals, and yet we have perfectly adequate estimates of the total numbers of those weapons. Now, that, as I say, we are going to be doing whether there is an agreement between us or not.

If there is an agreement, that process becomes easier, not harder, because these agreements in recent years have all contained provisions which make it easier to monitor the matters limited by the treaties. This includes restrictions on concealment, non-interference with the other side's collection capabilities, declarations of forces, notification of tests.

There are even in some of these treaties provisions for the exchange of geological information, for the implantation of black boxes or sensors, and in one of them the development of the idea of the inspection team, which was the phobia which caused the failure of our first nuclear freeze proposal in 1946, when Stalin rejected it as a form of American espionage.

Now, the fact is that the Soviets in recent years have been forced by the development of technology and by the development of communications, transportation and so forth, toward greater visibility of their affairs, and that in these treaties they have shown a willingness to take steps that will help this process when a treaty is in their interest. They are never going to have an open society, I do not think, and there is never going to be a Moscow edition of Aviation Week.

But nonetheless, we are going to know the size and development of their forces sufficiently to protect our country, whether there is an agreement between us or not, and it will be easier with one.

The second point is that a freeze makes this process easier. The more comprehensive a restriction, the easier it is to monitor it. If you get into these complex numerical numbers games, then you require a lot of cross-checking, a lot of examination of all different elements in order to see whether the totals come out right.

A freeze which says stop, you merely look to see if there is any activity in violation of the freeze. Therefore, a freeze by definition is easier to monitor than one of these complex reduction arrangements and formulae.

Thirdly, the fact is that with a treaty, with a freeze treaty, there is an additional feature to our benefit and that is the opportunity for communication about ambiguous Soviet behavior. If we see some activity going on in the Urals today and we wonder what it is and we go over and ask the Soviets to help us resolve that bit of ambiguity, they tell us it is none of our business, and it is not because they have not agreed to any supervision over there.

But the SALT I experience indicates that when we see ambiguous activity, we have raised it with the Soviets and we have been able to ascertain what that activity is, either that it is not in violation of the treaty, as some of them turned out, or that actions were taken which were apparently leading to violations of the treaty, and the effect of it was to stop that action.

In other words, an agreement between us allows us not only to know more about the Soviet activity, but to influence their behavior in a positive manner and in a way to protect our security.

Now, the fourth major point is that an agreement between us is a better form of protecting our security than continuing this arms race. We protect our country better by causing the Soviets not to develop additional weapons than by developing the weapons on our side to shoot them down if they are launched against us.

Now, the fact is that what we are interested in is the protection of our country, not legal evidence for a court of law in a breach of contract suit. We are collecting this information, and will be under a freeze agreement, to protect our country.

Now, when you consider the reality of these weapons systems, you must realize that any violation which would give a substantial strategic advantage would have to be of a size and a complexity which would make it literally impossible to be done on a hidden basis. There could be marginal violations, let us admit it, although the evidence, as I say, in the Defense Department's booklet does not indicate that there are going to be very much and that our coverage is indeed comprehensive.

But if we do reach an agreement with them, then it is plain that any marginal agreement cannot threaten our country as much as a development of additional weapons systems, that indeed the marginal violation will undoubtedly be caught long before it becomes a strategic threat to us.

Now, I think these are the key points. There is one additional fact. If we reach a freeze agreement with the Soviets it will be touted on both sides as a great contribution to the safety of our countries and of the world. If the Soviets decide to launch some program of treachery in violation of that agreement, they would have to have literally thousands of Soviet citizens involved in that.

I think one can say that among those thousands there would be at least a few who would be so repelled by that kind of treachery that they would do what Colonel Oleg Penkovsky did in the late 1950's—make contact with American intelligence to alert them. Now, he paid with this life for doing that, but he contributed to the safety of the world in the Cuban missile crisis, and I think you will find other brave Soviet citizens would also undertake that kind of action if they saw any substantial program of violation by the Soviet Union.

For these reasons, then, Mr. Chairman, let me urge you not to be paralyzed by the problem of verification. Let me urge you not to be stopped by those who would take an absolutist view toward it. Let us move toward protecting our country by a freeze agreement better than we can by continuing to build arms.

Thank you.

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Senator Cranston. I pose this question to either Admiral Gayler or Mr. Colby. Critics have charged that a nuclear freeze would preserve nuclear instability and perpetuate Soviet advantages. What is your comment on that?

Admiral Gayler. I do not think the Soviets have an advantage of any kind and if there were in fact a discrepancy between the nuclear forces at this level it would not make any difference anyway. I think it has no political utility. It has no military utility.

I think a freeze which actually stopped the weapons growth on both sides would simply adhere to the advantage of both sides.

Senator Cranston. It is also argued that a freeze might undermine the Administration's efforts in START. What comment do you have on that?

Admiral Gayler. A freeze is a way of maintaining the status quo while making serious efforts in arms negotiations to make cuts. These are not exclusive ideas. It is only the common sense idea that we do not add to weapons while we are negotiating cuts in them. So my reaction is it would not mitigate against serious arms reduction proposals.

Mr. Colby. Quite the contrary, Senator, I believe a freeze would assist the process of reduction because without a freeze then the momentum of development of new weapons, of testing of new weapons—in our case the MX, in the Soviet case a new intercontinental weapon—will complicate any attempt to work out reductions, and a freeze would stop it so that you could work out a sensible system of reductions.

Senator Cranston. Critics in the Administration argue that a freeze would undercut whatever Soviet incentives there are to negotiate arms control and arms reduction agreements. What is your comment on that?

Mr. Colby. The Soviets have the same incentive after a freeze as right now without one. Their incentive is to lessen the danger of nuclear war to themselves, aside from to us, and I think that would continue, that a freeze would actually lessen that danger because of the restriction it would place on the development of the new more destabilizing weapons, the higher accuracies and the other features of the newer weapons that are making it more dangerous rather than less.

Senator Cranston. Mr. Colby, do you see any risks in a freeze and do any of them exceed the risks that are inherent in the arms race itself?

Mr. Colby. I see the risk of a minor marginal violation in a freeze. There are certain elements that might be a little more difficult to verify than others, but the major danger is the continued growth of these weapons, and I cannot see the possibility of a strategic advantage to either side in the result of a freeze.

Senator Cranston. I thought your statement on verifiability at the outset was very, very helpful. What problems are we likely to face in verification if the arms race continues? What problems specifically do we face with regard to cruise missile verification?

Mr. Colby. There is a problem on how you distinguish a nuclear-armed cruise missiles from a conventionally-armed cruise missile, but we have that same problem with respect to bombers and we work our way through that by various indicators in the bombers, by the support structure for nuclear weapons as against conventional weapons that surround the airfields from which they fly—that sort of control that you look at to determine whether they are nuclear-armed or not.

We are going to be doing that whether there is a treaty between us or not. A freeze would make that process easier.

Admiral Gayler. I think I would add to that, sir, if I might, that the growth of a very large cruise missile component on either side cannot make verification of reduction agreements very much more difficult.

Senator Cranston. Admiral, do you have any suggestions as to ways to improve the concept of the freeze?

Admiral Gayler. I think that as a practical matter to treat it perhaps as a moratorium, a restraint by mutual informal agreement would avoid the otherwise necessity for a long negotiating period, and that might be a good thing to do. I think that would improve it without changing its thrust.

Senator Cranston. What about incremental approaches?

Admiral Gayler. There are some elements of the freeze proposition, such as comprehensive test ban, which are highly understandable, highly negotiable, highly verifiable, and I think you could proceed with those incrementally in a formal way. But I would advocate an overall moratorium on new things at the same time.

Senator Cranston. What do you say to those who say, "well, how can we safely cut back on any of the weapons we have after a freeze?"

Admiral Gayler. I think we can safely cut our arsenals on both sides to a minimum invulnerable deterrent against nuclear attack, a nuclear deterrent against nuclear attack, and if we design our weapon systems on either side for that purpose they would not in any way resemble what we have now. They might be a tenth or less, of a special invulnerable kind.

And if that were to take place through mutual agreement, the world would be a much safer place and this country would be a much safer place.

Senator Cranston. What do you say to those who say one cannot trust the Russians?

Admiral Gayler. I say that you can trust the Russians to act in the Russian interest and that we have a long record under SALT I of Russian adherence to agreements which are in their interest and which are written in specific and concrete terms. You do this; we will do that—not vague expressions of good will or the spirit of Camp David or something, but simply simple, concrete agreements the Russians will live up to because it is in their interest.

Mr. Colby. I would like to add to that, Senator, that I do not trust the Russians. I do not think you have to. You can watch them and you can catch them long before they can do anything that would be of substantial danger to us.

Senator Cranston. Do you feel that nuclear weapons are really militarily usable under any circumstances?

Admiral Gayler. No, sir, I do not. I have looked for many years at the possibility of the useful military employment of nuclear weapons—at sea, in the Pacific theater for which I used to be responsible, in the Middle East, and in the defense of Europe. I cannot see any way in which we could use them that would not result in shooting ourselves in the foot and their boomeranging against us as well as taking the terrible risk of escalation to total war.

Senator Cranston. You spoke in your opening testimony about no-first use and your advocacy of American adoption of that policy. Some people question whether it really serves any significant purpose since neither side is really apt to believe that the other side under all circumstances would stick to a no-first-use policy.

How do you respond to that question?

Admiral Gayler. A first-use policy over a period of some time will result in concrete physical changes in the weapons that are made available because some will be inappropriate except for first-use against a conventional attack, in the deployment of all nuclear weapons, in the doctrines and training for the employment of forces on land and at sea and in the air, in the exercises that we observe and in many other ways.

So it would not be a mere paper declaration which could be overturned but would actually result in a change in the forces involved, which could not be overturned overnight.

Senator Cranston. The Soviets have made a no-first-use declaration. I presume they have not made any noticeable changes as a consequence of that up to now. If not, why not? Is that because we have not reciprocated?

Admiral Gayler. Certain Soviet spokesmen have said that they are in fact making such changes and that if we keep our eyes open we will see them. I think we should adopt a wait-and-see attitude on that.

Senator Cranston. Do you believe that that is the case at present?

Admiral Gayler. I think it is plausible. As I say, I think we should adopt a wait-and-see attitude, and if they do in fact make these changes in doctrine, weapons deployment and everything else, we will see them.

Senator Cranston. I want to be clear we were talking about a "no-first-use" policy.

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Mr. Colby. May I suggest, Senator, that it is pretty clear in that booklet that the Defense Department put out. It just covers a whole lot of things, and if you read the preface of it, it shows you what the Soviets have done in the last year and a half since the first edition of that booklet, and if that is not verification, I do not know what is.

Senator Glenn. A lot of them are estimates, and estimating the numbers of tanks and so on that you estimated a little while ago, that is a little different ball game. If we are off by 20 percent there, it is maybe not as cataclysmic in its potential as if we were off 20 percent on the estimates of nuclear weaponry.

Mr. Colby. I respectfully wish to differ on that, Senator. If we are talking about more than enough of these weapons on both sides to destroy the world many times over, a 20 percent error, which I say is not a reasonable percentage, that we can come much closer than that on these weapons. A 20 percent error is a great deal safer for our country than to continue to build more and better of these weapons.

Senator Glenn. Thank you.

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Senator Pressler. Senator Cranston?

Senator Cranston. The thrust of your testimony seems to be that the risks of verification failure are really far outweighed by the risks of the arms race. With regard to on-site inspection, if the two powers continue with modernization and more and more complicated weapons systems are developed, do you believe we will come to a time when on-site inspection will be imperative, or is it more likely that we will always be able to verify safely by other means?

Mr. Colby. I think that on-site inspection can assist the process of verification. I do not think it can provide it alone. And I do not think without it the process of verification is impossible. It is one of those additional sources of information that can help you.

Senator Cranston. Is it not true that with regard to on-site inspection, the U.S. is probably just as unwilling to have communists running around our defense plants as the Soviets are to have capitalists running their defense plants?

Mr. Colby. Well, I am not sure that Lockheed would particularly like to see Soviet colonels walking through their secret skunk works.

Senator Cranston. Can either of you conceive of a rational, deliberate, calculated decision by either side to launch a first strike?

Admiral Gayler. I cannot.

Mr. Colby. I cannot. The retaliation is absolute on both sides.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 1982—MESSAGE FROM THE PRESIDENT—PM 62

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for fiscal year 1982, pursuant to the provisions of Section 7(b)6 of the Railroad Retirement Act, enacted October 16, 1974, and Section 12(l) of the Railroad Unemployment Insurance Act, enacted June 25, 1938.

The Railroad Retirement Board informs me that despite major changes in railroad retirement negotiated by rail labor and management and enacted in the Omnibus Budget Reconciliation Act of 1981, the railroad retirement system faces a serious funding shortfall. In addition, the continuing decline of railroad employment has left the railroad unemployment and sickness system deeply in debt. Prompt legislative action is needed to resolve the serious financial problems facing these systems and assure continued payment of benefits.

Ronald Reagan.

The White House, *June 28, 1983.*

AGREEMENT ON SOCIAL SECURITY BETWEEN THE UNITED STATES AND BELGIUM—MESSAGE FROM THE PRESIDENT—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act as amended by the Social Security Amendments of 1977 (P.L. 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and Belgium on Social Security and the Final Protocol to the Agreement, both signed on February 19, 1982, and the Administrative Agreement for the Implementation of the Agreement and Additional Protocol, both signed on November 23, 1982.

These United States-Belgium agreements are similar in objective to the social security agreements already in force with Italy, the Federal Republic of Germany, and Switzerland. Such bilateral agreements, which are generally known as totalization agreements, provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreements and provides data on the number of persons affected by the Agreements and the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the United States-Belgium Social Security Agreement and related documents.

Ronald Reagan.

The White House, *June 28, 1983.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1008) to make certain technical amendments to improve the implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes (Rept. No. 98-166).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

H.R. 1271. An act with regard to Presidential certifications on conditions in El Salvador.

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 66. Resolution to establish regulations to implement television and radio coverage of the Senate (with minority views) (Rept. No. 98-167).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 157. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1746.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Peter H. Raven, of Missouri, to be a member of the National Museum Services Board for a term expiring December 6, 1987.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Lee M. Thomas, of South Carolina, to be an Assistant Administrator of the Environmental Protection Agency.

By Mr. PERCY, from the Committee on Foreign Relations:

Langhorne A. Motley, of Alaska, to be an Assistant Secretary of State;

Robert Brendon Keating, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Democratic Republic of Madagascar and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States to the Federal and Islamic Republic of the Comoros:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert Brendon Keating.

Post: Ambassador of United States to Madagascar.

Contributions, amount, date, donee.

1. Self: Yes, $1,000, April 8, 1980, Ronald Reagan for President campaign.
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: None.
5. Grandparents names: None.
6. Brothers and spouses names: None.
7. Sisters and spouses names: None.

L. Paul Bremer, III, of Connecticut, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United Kingdom of the Netherlands:

Contributions are to be reported for the period beginning on the first day of the

fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: L. Paul Bremer, III.

Post: Netherlands.

Contributions, amount, date, donee.

1. Self: None.
2. Spouse: None.
3. Children and spouses names: Paul Bremer, none; Leila Bremer, none.
4. Parents names: Father (deceased), Nina Bremer, none.
5. Grandparents names: Deceased, none.
6. Brothers and spouses names: Duncan and Michelle Bremer, none; Mike and Mari Bremer, none;
7. Sisters and spouses names: Margaret Bremer, none; Lynette Bremer Chivvis, $5, October 26, 1982, New Canaan Republican committee; Arthur Beecher Chivvis, none.

Hume Alexander Horan, of New Jersey, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Democratic Republic of the Sudan:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Horan, Hume A.

Post: Sudan.

Contributions, amount, date, donee.

1. Self: None.
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: None.
5. Grandparents names: None.
6. Brothers and spouses names: None.
7. Sisters and spouses names: None.

Robert E. Fritts, of Maryland, a career member of the senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Ghana:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert E. Fritts.

Post: Ambassador to Ghana.

Contributions, amount, date, donee.

1. Self: Robert E. Fritts, none.
2. Spouse: Audrey N. Fritts, none.
3. Children and spouses: Susan A. Fritts, none; Robin L. Fritts, none.
4. Parents: Mrs. D. M. Fritts, about $20 annually 1978-82, Republican National Committee.
5. Grandparents: Deceased.
6. Brothers and spouses: Garland G. Fritts, $150 total, 1978-82, Zell Miller (Lt. Gov., GA); $25, 1978-82, Joe Frank Harris (Gov., GA); $75 1978-82, Ben O'Callaghan (Candidate, Co. Commissioner); $50, 1978-82, Richard Guthman (Atlanta City Council); Ruth Fritts, none.
7. Sisters and spouses: None.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1551. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to permit States to impose measures for the prevention of criminal infiltration of unions in casino hotels; to the Committee on Labor and Human Resources.

S. 1552. A bill for the relief of the Williamsport-Lycoming County Chamber of Commerce of Williamsport, Pa.; to the Committee on Commerce, Science, and Transportation.

By Mr. STENNIS:

S. 1553. A bill for the relief of Col. John R. Vincent, U.S. Air Force Reserve; to the Committee on Armed Services.

By Mr. STAFFORD (by request):

S. 1554. A bill to provide for the recovery of certain capital and operation and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and to authorize construction in specified circumstances; to the Committee on Environment and Public Works.

By Mrs. HAWKINS (for herself, Mr. D'Amato, Mr. Dodd, and Mr. Garn):

S. 1555. A bill to amend section 134 of the Truth in Lending Act and section 916 of the Electronic Fund Transfer Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURENBERGER (for himself and Mr. Boschwitz):

S. 1556. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income grants paid by the U.S. Forest Service as a result of restricting motorized traffic in the Boundary Waters Canoe Area; to the Committee on Finance.

By Mr. CHAFEE (for himself and Mr. Bentsen):

S. 1557. A bill to amend the Internal Revenue Code of 1954 to repeal the 30 percent tax on interest received by foreigners on certain portfolio investments which operates as a tariff to prevent such investments from entering the United States; to the Committee on Finance.

By Mr. DeCONCINI:

S. 1558. A bill to amend chapter 25 of title 18, United States Code to provide penalties for the forging of endorsements on, or fraudulently negotiating, U.S. checks or bonds or securities, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. Dole, and Mr. Matsunaga):

S. 1559. A bill to amend sections 2314 and 2315 of title 18, United States Code, relating to stolen archeological material; to the Committee on the Judiciary.

By Mr. DODD:

S. 1560. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount of death benefits payable to public safety officers; to the Committee on the Judiciary.

By Mr. DOLE:

S. 1561. A bill entitled "The National Joint Research and Development Policy Act of 1983"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DeCONCINI (for himself, Mr. Percy, Mr. Pell, and Mr. Tsongas):

S. Res. 168. Resolution expressing the sense of the Senate with respect to the provision of emergency assistance to the people of Ethiopia; submitted and placed on the calendar.

By Mr. STEVENS (for Mr. Huddleston (for himself and Mr. Helms)):

S. Res. 169. Resolution to express the sense of the Senate that July 15, 1983, should be observed as "National Ice Cream Day"; submitted and placed on the calendar.

By Mr. STEVENS (for Mr. Baker (for himself and Mr. Byrd)):

S. Res. 170. Resolution to authorize the testimony of Carol Mantle in the trial of *United States of America* v. *Kenneth Travis Bynum*, Cr. No. 83-00408 (N.D. Fla.); considered and agreed to.

By Mr. BAKER:

S. Con. Res. 48. Concurrent resolution providing for an adjournment of the Senate from June 29, 1983, June 30, 1983, or July 1, 1983 to July 11, 1983, and an adjournment of the House from June 30, 1983 to July 11, 1983; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1551. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to permit States to impose measures for the prevention of criminal infiltration of unions in casino hotels; to the Committee on Labor and Human Resources.

(The remarks of Mr. Specter on this legislation appear earlier in today's Record.)

By Mr. SPECTER:

S. 1552. A bill for the relief of the Williamsport-Lycoming County Chamber of Commerce of Williamsport, Pa.; to the Committee on Commerce, Science, and Transportation.

(The remarks of Mr. Specter on this legislation appear earlier in today's Record.)

By Mr. STAFFORD (by request):

S. 1554. A bill to provide for the recovery of certain capital and operation and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and to authorize construction in specified circumstances; to the Committee on Environment and Public Works.

INLAND WATERWAY IMPROVEMENT AND COST RECOVERY ACT OF 1983

● Mr. STAFFORD. Mr. President, the administration recently developed a new proposal involving the controversial issue of inland waterway user charges. This proposal, a variation on legislation that it introduced during the 97th Congress, calls for 70 percent cost recovery from the commercial users of the Nation's inland waterways, payments that are intended to offset Federal expenditures for these waterways. This bill was received by the Senate as executive communication No. 1292, on June 16, 1983.

In its letter to the Congress transmitting this proposal, the administration stated that it was "committed to recovery of a substantial portion of Federal expenditures for the construction, operation, and maintenance of our Nation's inland waterway system from the commercial barge industry."

In my view, it is most helpful that this proposal has been sent up to allow it to be the subject of hearings on inland waterway issues before the Subcommittee on Water Resources. I commend the administration.

Mr. President, it is an honor for me to introduce this bill, by request, on behalf of the administration. I ask unanimous consent that a copy of the bill, together with the transmittal letter, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as: "The Inland Waterway Improvement and Cost Recovery Act of 1983."

Sec. 2. As used on this Act:

(a) "Commercial waterway transportation" means any use of a vessel on the inland waterway system of the United States—

(1) in the business of transporting persons or property for compensation or hire, or

(2) in transporting property in the commercial business of the owner, lessee, or operator of the vessel (other than fish or other aquatic animal life caught on the voyage);

(b) "Corps" means the United States Army Corps of Engineers.

(c) "Inland waterway system" means the following inland and intracoastal waterways and associated harbors of the United States:

(1) the Mississippi River and its natural and manmade tributaries and connecting channels upstream from Baton Rouge, Louisiana;

(2) all waterways of the United States and their tributaries with an authorized depth of 14 feet or less emptying into the Gulf of Mexico west of the Mississippi River;

(3) the Gulf Intracoastal Waterway from Saint Marks River, Florida, to Brownsville, Texas;

(4) the Apalachicola River and its tributaries upstream from its junction with the Gulf Intracoastal Waterway;

(5) the Columbia River and its tributaries upstream from a point immediately downstream of the Bonneville Lock and Dam project;

(6) the Pearl River and its tributaries upstream from the junction of the West Pearl River with the Rigolets;

(7) the Mobile River and its tributaries, including the Tennessee Tombigbee Waterway project, upstream from the Mobile Harbor project;

(8) the Atlantic Intracoastal Waterway between Norfolk, Virginia, and Miami, Florida, via both the Albemarle and Chesapeake Canal and Great Dismal Swamp Canal routes; and

(9) the portions of the Willamette River and its tributaries with authorized depths of 14 feet or less.

(d) "Secretary" means the Secretary of the Army.

Sec. 3. (a) The Secretary, in consultation with the Secretary of Transportation, shall levy ton-mile fees on commercial waterway transportation on the inland waterway system as follows:

(1) system-wide fees, adequate to recover annually 70 per centum of anticipated operation and maintenance expenditures of the Tennessee Valley Authority and of the Corps, irrespective of the source of such funds, assigned to commercial waterway transportation. Fees will be set at an initial rate of 1.1 mills per ton mile on shipments originating after September 30, 1983.

(2) segment-specific fees, starting after September 30, 1984, to provide for the recovery of 70 per centum of the capital expenditures of the Tennessee Valley Authority and of the Corps, irrespective of the source of such funds, assigned to commercial waterway transportation on projects, or physically separable project features or activities, as determined by the Secretary, for which construction is initiated after September 30, 1983. Expenditures to be recovered for such work shall be limited to funds appropriated for fiscal year 1984 and thereafter, with interest, over the economic life of the improved facility, but not to exceed a period of fifty years from the date of: (A) through traffic for construction of new waterways; and (B) completion of the work for other improvements or modifications including, but not limited to, rehabilitation or replacement of existing structures.

(b) The Secretary, in consultation with the Secretary of Transportation, shall adjust fees authorized under this section at least every five years on the basis of (1) anticipated Tennessee Valley Authority and Corps expenditures for the inland waterway system and segments thereof; (2) corrections for actual expenditures and amounts recovered; (3) the expected volume of commercial traffic; and (4) any other factors that the Secretary finds reasonable and equitable.

(c) The Secretary, in consultation with the Secretaries of Agriculture and Transportation, is authorized to levy congestion fees, on all users of specific facilities, designed to reduce delays in order to improve the efficiency of the inland waterway system.

(d) Fees collected under this section shall be credited to the Inland Waterways Trust Fund established by Section 203 of the Inland Waterways Revenue Act of 1978 (Public Law 95-502). Amounts in the Trust Fund shall be available as provided by appropriations acts for making capital improvements and operation and maintenance expenditures on the inland waterway system as defined in this Act.

Sec. 4. (a) For the purposes of developing or assisting in the development of any schedule of fees and determining whether any person is in violation of any requirement of this Act—

(1) the Secretary may require any person engaged in commercial waterway transportation, who is subject to the requirements of this title, to establish and maintain such records, submit such reports, and provide such other information, as the Secretary may reasonably require;

(2) the Secretary may utilize any documents or other information obtained under section 11 of the Act of September 22, 1922 (33 U.S.C. 555); and

(3) upon presentation of credentials, the Secretary or an authorized Federal representative shall have a right of entry to, upon, or through any vessel or any other premises owned or operated by any person engaged in commercial waterway transportation, who is subject to the requirements of this title, and may, at reasonable times, have access to, and make copies of, any records.

(b) Section 11 of the Act of September 22, 1922 (33 U.S.C. 555), is amended by inserting "no more than $200,000" in lieu of "$100".

Sec. 5. (a)(1) Whenever, on the basis of any information available and after opportunity for a hearing, the Secretary finds that any person or entity is in violation of any requirement of this Act, the Secretary shall order the person or entity to comply with the Act, including payment, with interest, of any fees which the Secretary determines to have been wrongfully withheld. Thirty days after the date of an order from the Secretary to a person or entity to be in compliance with this Act, it shall be unlawful for that person or entity to engage in commercial waterway transportation during any period when that person or entity is in violation of any requirement of this Act.

(2) The interest rate used in computing the payments required by this section shall be determined annually by the Secretary of the Treasury as a rate equal to 150 percent of the average interest rate on 13-week Treasury bills auctioned during the preceding three months.

(b) Upon request of the Secretary, the Attorney General may bring a civil action for a permanent or temporary injunction, to assess and recover a civil penalty of not more than $200,000, or both, whenever any person or entity violates any requirement of this Act or fails or refuses to comply with any order issued under subsection (a) of this section. Such penalty shall be deposited in the general fund of the Treasury.

(c) Any action under this section may be brought in the United States District Court for the district in which the defendant resides, does business, or is engaged in commercial waterway transportation. Such courts shall have jurisdiction to require compliance, assess appropriate fees or civil penalties, and grant injunctive or other equitable relief. Any vessel or watercraft on account of which any user fee shall have accumulated shall be liable for such fees and may itself be arrested and proceeded against upon principles applicable to Admiralty actions in rem.

Sec. 6. Expenditures for operation and maintenance and for construction and rehabilitation of inland waterway projects subject to recovery in accordance with Section 3 of this Act shall be as follows:

(1) for projects authorized only for navigation, costs assigned to commercial navigation will be 100 per centum of costs remaining after subtracting any specific costs for recreation;

(2) for multiple-purpose projects for which costs have been assigned to navigation, costs assigned to commercial waterway transportation will be in accord with that assignment or any subsequent reassignment;

(3) for other multiple-purpose projects providing navigation benefits but for which

there have been no cost assignments, costs assigned to commercial waterway transportation will consist of all specific navigation costs, plus 10 per centum of joint-use costs; and

(4) for the Mississippi River and Tributaries project, harbor improvement features shall be considered as individual projects pursuant to the above provisions of this section. For other features of the Mississippi River and Tributaries project, costs assigned to commercial waterway transportation will consist of (A) all specific navigation costs of the Channel Improvement feature consisting of: (i) maintenance dredging, and (ii) construction and maintenance of dikes, and (B) one-third of the joint-use costs consisting of: (i) construction dredging and construction, operation and maintenance of revetments of the Channel Improvement feature, and (ii) construction, operation and maintenance of the Old River control feature. Expenditures on construction and rehabilitation for the Mississippi River and Tributaries project, except for harbor improvement features, will be considered maintenance.

(5) Costs assigned pursuant to this section may be adjusted to reflect project modifications or other work for which reimbursement is provided under other provisions of law.

Sec. 7. Title II of the Inland Waterways Revenue Act of 1978 (92 Stat. 1696) is amended by deleting Section 204 and renumbering Sections 205 and 206 as Sections 204 and 205, respectively, and by amending the Table of Contents to be consistent with this section.

Sec. 8. Except as otherwise provided in Section 5(a), the interest rate used pursuant to this Act shall be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the reimbursement period of the project, during the month preceding the fiscal year in which funds for the construction of the project are first disbursed.

Sec. 9. (a) After coordination with affected Federal agencies and non-Federal public interests, the Secretary, acting through the Chief of Engineers, is authorized to study, plan, design, construct, and operate and maintain such new improvements and rehabilitations and modifications of existing improvements on the inland waterway system as the Secretary determines to be reasonable and desirable for commercial waterway transportation.

(b) Capital and operation and maintenance expenditures of the Corps for work undertaken pursuant to this section, irrespective of the source of such funds, shall be subject to recovery through fees levied on commercial waterway transportation pursuant to Section 3 of this Act.

(c)(1) Before the Secretary, acting through the Chief of Engineers, may initiate construction on a plan of improvement authorized by subsection (a) of this section the Secretary shall submit to Congress—

(A) a final environmental impact statement for the plan of improvement, if the Secretary determines that the statement is required by the National Environmental Policy Act of 1969; and

(B) a statement of the Secretary's compliance, at that time, with the Clean Water Act, the Fish and Wildlife Coordination Act and other statutory requirements applicable to the improvement.

(2) The statements required under paragraph (1) of this subsection and any other actions required by the National Environmental Policy Act of 1969 and other applicable statutes shall be completed on an expedited basis pursuant to schedules, established by the Secretary after consultation with other Federal and State officials having responsibilities therewith. Thereafter, these officials shall make any necessary decisions and provide data and comment, as they deem appropriate, in accordance with the Secretary's schedules.

(3) A plan of improvement, addressed by an environmental impact statement that is submitted to Congress, in accordance with paragraph (1) of this subsection, shall be eligible for construction appropriations and implementation, under subsection (a) of this section, and may be undertaken unless Congress passes and the President approves a Joint Resolution disapproving the environmental impact statement within one hundred and eighty calendar days of its receipt by the Congress.

(d) An environmental impact statement, which is submitted to Congress in accordance with subsection (b)(1) of this section and is not disapproved pursuant to subsection (b)(3) of this section, shall be deemed to satisfy the requirements of section 102(2) of the National Environmental Policy Act of 1969.

(e) Claims, alleging that work authorized by this section will deny rights under the Constitution of the United States or that the work is beyond the scope of authority conferred by this section, shall be filed only in a United States District Court for a district where the work is located or to be located, or where the alleged injury occurs. Such courts shall have original jurisdiction over the proceedings and shall assign them for hearing at the earliest possible date. Such courts shall not have jurisdiction to grant any injunctive relief against any actions pursuant to this section except—

(1) in conjunction with a final judgment entered in a case involving a claim filed under this section, or

(2) where the petitioner presents a clear and convincing showing that the petitioner is likely to prevail on the merits, that without such an injunction the petitioner will suffer irreparable harm, and that issuance of an injunction will not lead to unreasonable harm to other parties and is in the public interest.

Sec. 10. The Secretary, in consultation with the Secretaries of Commerce, Transportation, Treasury, Energy and Agriculture, the Attorney General of the United States, the Administrator of the Environmental Protection Agency and the Director of the Office of Management and Budget, may promulgate, and may from time to time revise, regulations and guidelines to govern the programs authorized by this Act, including but not limited to the determination of inland and intracoastal segments and associated harbors for purposes of establishing a system of segment-specific fees implemented pursuant to Section 3(a)(2).

Sec. 11. There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

Department of the Army,
Washington, D.C., May 19, 1983.

Hon. George Bush,
President of the Senate,
Washington, D.C.

Dear Mr. President: As you know, the Administration is committed to recovery of a substantial portion of Federal expenditures for the construction, operation, and maintenance of our Nation's inland waterway system from the commercial barge industry. This commitment is founded not only on budgetary considerations, but also on a conviction that charging the actual beneficiaries will result in greater efficiency in the operation and future development of the Nation's commercial transportation system.

Accordingly, the Department of the Army transmitted to the 97th Congress proposed legislation for recovery of costs assignable to commercial waterway transportation for major navigation channels handling the bulk of the Nation's commercial barge traffic. The Administration has continued to analyze and refine its inland waterway cost recovery legislation. We have sought to establish a meaningful dialogue with members of Congress, the public, and industry. On the basis of these discussions, the proposal has been revised and is submitted as part of the Army Civil Works legislative program for the 98th Congress. The Office of Management and Budget advises that enactment of the proposal would be in accord with the program of the President. The Department strongly recommends that Congress enact the proposed legislation.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is similar to our earlier proposals. That is, it provides for the recovery of certain capital, operation, and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and it authorizes construction in specified circumstances.

Unlike our previous proposals, which would have authorized recovery of 100 percent of operation and maintenance (O&M) and new construction costs assigned to commercial navigation, this legislation would provide for recovery of 70 percent of these costs. It is hoped that by reducing the level of recovery to 70 percent we can achieve a workable compromise to allow early enactment of this legislation and thereby provide a firm financial basis for continued development and rehabilitation of the inland waterway system to accommodate future traffic growth.

Ton-mile fees would be used to recover costs. This mechanism is both equitable and easy to administer. The information needed to administer the program is generally available from waybills and other data currently collected as part of the Corps of Engineers Waterborne Commerce Statistics System.

Operation and maintenance costs would be recovered on a system-wide basis, while future construction costs (construction initiated after September 30, 1983) would be recovered on a segment-specific basis. System-wide O&M fees would minimize disruption of existing traffic patterns and would avoid imposing the burden of operating and maintaining existing improvements, constructed with general revenues, on any particular group. On the other hand, recovery of future capital improvement costs on a segment-specific basis means that, in the future, commercial operators would pay for improvements on stretches of the river which they actually use and would have to weigh their desire for those improvements against the costs for which they would ultimately be responsible. By requiring the direct beneficiaries to pay for the portion of the costs of future investment expenditures, we believe that the Federal government would receive better advice from users as to the type and timing of capital improvements to the system than is certainly now the case, where improvements are made at no cost to the users, or would be the case were these costs to be shared with waterway shippers who do not directly benefit from the improvements.

Any projects, or physically separable features or activities of larger projects, initiated after September 30, 1983, would be subject to cost recovery under this proposal. Costs would be recovered for all future projects or physically separable features or activities.

The proposed legislation would also authorize imposition of congestion fees on all users of specific facilities to improve efficiency in the operation of the system.

In addition, it would provide for specific enforcement powers to allow the Secretary of the Army to insure accurate reporting and collection. The primary enforcement mechanism would be authority to prohibit violators from using the inland waterway system until all delinquent fees are paid, including realistic interest. The bill would also provide civil penalties of up to $200,000 for violations of the Act and increase the maximum penalty under existing reporting requirements to $200,000.

Furthermore, the proposed legislation includes streamlined authority for the Secretary of the Army to study, construct, operate, and maintain new navigation improvements and to rehabilitate and modify existing navigation facilites. Such improvements would be premised on the ability, and willingness, of commercial users to determine the need and pay for future projects and would be undertaken in compliance with the substantive provisions of all applicable laws.

Prior to the construction of such an improvement, the Secretary would submit to Congress any final environmental impact statement required by the National Environmental Policy Act of 1969 (NEPA) and a statement of the Secretary's compliance, at that time, with other statutory requirements applicable to the improvement. These statements and other necessary actions to comply with NEPA and other applicable statutes would be subject to schedules, consistent with existing laws, established by the Secretary, after consultation with other responsible Federal and State officials, that would govern the requirements for administrative review and decision-making. The plan of improvement would be eligible for construction funding and implementation, unless the environmental impact statement were disapproved by Joint Resolution approved by the President within 180 calendar days of its receipt by the Congress. Congress would also continue to exercise its important oversight responsibility through the appropriations process since expenditures from the Inland Waterways Trust Fund would continue to require Congressional appropriation.

Environmental impact statements for such improvements submitted to Congress prior to authorization, unless disapproved by the Congress, would be deemed to satisfy the requirements of NEPA. Specified Federal judicial jurisdiction and review would be limited to claims alleging that construction of the improvement would deny rights under the Constitution of the United States or would be beyond the scope of the authority conferred by the proposed legislation. In such a proceeding, injunctive relief could not be issued prior to a final order, unless the petitioner makes a clear and convincing showing that "the petitioner is likely to prevail on the merits; that without such an injunction the petitioner will suffer irreparable harm, and that issuance of the injunction will not lead to unreasonable harm to other parties and is in the public interest."

COST AND BUDGET DATA

Enactment of the enclosed draft legislation would require reimbursement to the Federal government for certain navigation expenditures of the Tennessee Valley Authority and the Army Corps of Engineers for waterway transportation on the inland and intracoastal waterways of the United States. This would result in significant savings to the Federal government.

Sincerely,

WILLIAM R. GIANELLI,
Assistant Secretary of the Army (Civil Works).●

By Mrs. HAWKINS (for herself, Mr. D'AMATO, Mr. DODD, and Mr. GARN):

S. 1555. A bill to amend section 134 of the Truth in Lending Act and section 916 of the Electronic Fund Transfer Act; to the Committee on Banking, Housing, and Urban Affairs.

CREDIT CARD FRAUD

● Mrs. HAWKINS. Mr. President, today I am introducing a bill to strengthen the current credit and debit card fraud provisions of title 15 of the United States Code in behalf of myself and Senators D'AMATO, DODD, and GARN. Hearings that I chaired on May 18, 1983, before the Senate Consumer Affairs Subcommittee dramatically illustrate the need for this legislation.

THE SCOPE OF THE PROBLEM

According to witnesses appearing before the subcommittee, credit card fraud in the United States now exceeds $1 billion annually. The fraudulent use of credit cards over the past few years has spiraled to incredible heights, far out of proportion to the increase in the legitimate use of the cards. And although individual consumers have limited liability if they quickly report the misuse of their cards, that is not true in the aggregate. This $1 billion is passed on as a cost of doing business to all consumers. For this reason, credit card interest rates would be a full percentage point lower if fraud were eliminated. The purpose of my bill is to deter those who are considering engaging in credit card fraud by stiffening penalties received if convicted.

CREDIT CARD SCAMS

Formerly, credit card fraud generally occurred only after cards were lost or stolen. Those bold enough to try using these cards continued doing so only until they felt that knowledge of the theft had been widely distributed. As reporting and authorization systems improved, reducing the period during which stolen cards were usable, more sophisticated approaches were devised.

Fundamental to most scams today is obtaining valid credit card account numbers then listing these numbers on manufactured cards that appear valid. Witnesses testified that there are several methods for fraudently obtaining credit card numbers:

First, some search merchants' trash and recover carbon sheets from valid card transactions that contain legible cardholder information.

Second, others buy stolen cards, frequently from prostitutes.

Third, another technique requires posing over the telephone as a card company representative or legitimate businessman and persuading cardholders to give their account numbers.

Fourth, finally, rings often use confederates in banks, post offices, or retail establishments to obtain cardholder information.

Once account numbers are obtained, they are embossed on pieces of plastic and used in various fraudulent schemes. The following examples illustrate the increased sophistication of scams as criminals strive to stay ahead of industry efforts to protect against losses.

SHAVE AND PASTE

The "shave and paste" scheme requires manually altering credit cards. Account-holder information on the face of lost or stolen cards is removed using a razor blade. New numbers removed from other credit cards are then glued on to the credit cards using fast-drying cement. Attempts have been made to change validation and expiration date lines as well as account numbers.

WHITE PLASTICS

A more sophisticated scheme requires manufacturing "white plastics." "White Plastics" are made from plain plastic and they fit in sales draft embossing equipment widely available. These blank cards are embossed with an account number, cardholder name, and expiration date; without any issuer's name. These frauds require the cooperation of collusive merchants who submit bogus sales slips for transactions that never took place to their banks.

OTHER ABUSES

Recently banks and credit card holders in Florida experienced a serious problem with a credit card registration service based in the State. The company maintained a telephone solicitation staff who called consumers to sell them a form of credit card insurance. By paying a fee, a customer could call up this company if their cards were misplaced. The company then notified all card issuing firms that no charges should be processed using the customer's account numbers until further notice.

Although many consumers declined the offer, they were nevertheless billed for the service. The company had purchased lists of credit card holders' names, addresses, credit card numbers, and used this information to process phony credit card charges for their unwanted service. Of course, there was an enormous number of consumer complaints. Although the Florida Department of Legal Affairs issued an emergency order for the firm to cease and desist from these fraudulent activities, this group, and I am sure others, are continuing their activities in other parts of the country under other business names.

PREVENTIVE ACTION NECESSARY

Testimony from the Department of Justice highlighted that counterfeiting and unauthorized access to account information is due in large part to the lack of security built into the charging system. The Department urged the credit card and electronic fund transfer industry to improve security at all steps in the process. In addition, the Department felt card issuers need to be more selective in their application and approval processes. In the past, credit card issuers provided cards for anyone and everyone.

Industry witnesses testified that they agree and are taking steps to make counterfeiting or alteration more difficult. One card issuer has announced plans to have all cards issued in his system include holograms, fine line printing, and ultraviolet inks. This will require anyone who wishes to defraud them to surmount a new technological barrier of a significant magnitude.

The American Bankers Association Task Force on Credit Card Fraud is taking steps to safeguard account number access. They are urging banks and processors to restrict access to account information or use only that portion of an account number necessary to identify the account in in-house activities. Merchants are counseled to use perforated carbons and carbonless sales slips and to take other precautions in disposing of carbons and duplicate sales slips. Consumers are cautioned to safeguard account numbers and sales receipts.

NEED FOR LEGISLATION

While these initiatives are commendable, private sector efforts alone are insufficient to combat credit card fraud. Credit and debit cards are replacing checks and cash as the principal means of exchange in retail transactions. Therefore, credit card fraud jeopardizes the national payments system. A Federal, not a State or a local, response is necessary because credit card fraud is usually interstate in nature. In addition, groups operating in one State respond to local enforcement activity by moving to another State to perpetuate their frauds.

The hearings illustrated the need for an immediate attack on credit card fraud. The first step would be to modernize and strengthen the current credit and debit card fraud statutes in the Truth in Lending and Electronic Fund Transfer Acts found in title 15 of the United States Code. Many of the card-related abuses were—unimaginable—when these crime laws were enacted. Only fraud involving stolen cards were thoroughly treated. The bill I am introducing today contains amendments to close the loopholes in these statutes. For example, courts have held that misuse of account numbers does not technically constitute fraudulent use of a "credit card," and is therefore not prohibited by the existing criminal provisions of the Truth in Lending Act. My bill closes this loophole by defining "credit card fraud" to include misuse of an actual or fictitious account number. The bill also covers for the first time schemes where criminals obtain credit cards or account numbers for fraudulent purposes. It includes, for instance, obtaining an account number directly from cardholders over the telephone or in person in order to use their numbers to incur fraudulent charges. It also makes it a crime to obtain account numbers in unauthorized fashion from sales receipts or carbons obtained collusively or by theft from merchants. And it prohibits selling lists of account numbers for fraudulent purposes. The penalty for a subsequent violation would be increased from the current sanctions of a fine of not more than $10,000 and an imprisonment of not more than 10 years to $100,000 and 20 years respectively.

It is essential that these statutory loopholes be closed so that we can begin vigorous enforcement against credit card fraud immediately. The loss of $1 billion annually to sophisticated thieves is unnecessary.

I request unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 134 of the Truth in Lending Act (15 U.S.C. 1644) is amended to read as follows:

"§ 134. Fraudulent use of credit card

"(a) Whoever—

"(1) knowingly in a transaction affecting interstate or foreign commerce, uses or attempts or conspires to use any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card to obtain money, goods, services, or anything else of value which within any one-year period has a value aggregating $1,000 or more;

"(2) with unlawful or fraudulent intent, transports or attempts or conspires to transport in interstate or foreign commerce a counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained;

"(3) with unlawful or fraudulent intent, uses any instrumentality of interstate or foreign commerce to sell or transport a counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained, credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained;

"(4) knowingly receives, conceals, uses, or transports money, goods, services, or anything else of value (except tickets for interstate or foreign transportation) which (A) within any one-year period has a value aggregating $1,000 or more, (B) has moved in or is part of, or which constitutes interests or foreign commerce, and (C) has been obtained with a counterfiet, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card;

"(5) knowingly receives, conceals, uses, sells, or transports in interstate or foreign commerce one or more tickets for interstate or foreign transportation, which (A) within any one-year period have a value aggregating $500 or more, and (B) have been purchased or obtained with one or more counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit cards;

"(6) in a transaction affecting interstate or foreign commerce furnishes money, property, services, or anything else of value, which within any one-year period has a value aggregating $1,000 or more, through the use of any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained;

"(7) in a transaction affecting interstate or foreign commerce, knowingly furnishes, transfers, or obtains a credit card for use in connection with a scheme to defraud a consumer or any other person; or

"(8) in a transaction affecting interstate or foreign commerce, with unlawful or fraudulent intent, furnishes, acquires, or uses any actual or fictitious credit card account numbers or identification or other access codes, whether alone or together with names of credit card holders, or other information pertaining to a credit card account in any form, and as they may be reflected or retained in any medium.

shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b)(1) In determining the aggregate value for the purpose of any provision of subsection (a), there shall be included the dollar value of all transactions by a person using one or more credit cards in a course of conduct in violation of such provision.

"(2) As used in this section, the term 'credit card' includes account numbers or any other means of account access that can be used, alone or in conjuction with another means of access to obtain money, goods, services, or any other thing of value.

"(c) Any person who is convicted of a violation of any provision of subsection (a) or section 916 shall, for any subsequent violation of a provision of subsection (a) or section 916, be fined not more than $100,000 or imprisoned not more than 20 years, or both.".

SEC. 2. (a) Section 916(b) of the Electronic Fund Transfer Act (15 U.S.C. 1693n(b)) is amended by striking out "obtained—" in paragraph (6) and inserting in lieu thereof the following: "obtained;

"(7) in a transaction affecting interstate or foreign commerce, knowingly furnishes, transfers, or obtains a debit instrument for use in connection with a scheme to defraud a consumer or any other person; or

"(8) in a transaction affecting interstate or foreign commerce, with unlawful or fraudulent intent, furnishes, acquires, or uses any actual or fictitious account numbers or identification or other access codes, whether alone or together with names of account holders, or other information pertaining to a debit instrument in any form, and as they may be reflected or retained in any medium—".

(b) Section 916(c) of such Act is amended by inserting after "card, code," the following: "account number, other means of account access (that can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other things of value or for the purpose of initiating a transfer of funds (except a transfer originated solely by a paper instrument)),".

(c) Section 916 of such Act is amended by adding at the end thereof the following:

"(d) In determining the aggregate value for the purpose of any provision of subsection (b), there shall be included the dollar value of all transactions by a person using one or more credit cards in a course of conduct in violation of such provision.

"(e) Any person who is convicted of a violation of any provision of subsection (b) or of section 134 shall for any subsequent violation of a provision of subsection (b) or section 134, be fined not more than $100,000 or imprisoned not more than 20 years, or both.".●

● Mr. D'AMATO. Mr. President, I am proud to join my distinguished colleague, Senator Hawkins, as an original cosponsor of this much needed legislation. The credit and debit card industries have greatly expanded, mainly as a result of technological advances in the communications field. These advances have, for the most part, facilitated the free flow of commerce in this country and provided consumers with a high quality of service in the provision of credit and debit card services.

Unfortunately, those same technological advances that have made it possible for the credit card industry to flourish have been turned against the industry. Sophisticated criminals have utilized technologically advanced and innovative methods in the commission of crimes which were beyond the imagination of the most clever draftsman of applicable criminal statutes.

At hearings held by Senator Hawkins, chairman of the Consumer Affairs Subcommittee, on May 18, 1983, testimony revealed the drastic need for the tightening of certain provisions in both the Truth in Lending Act and the Electronic Fund Transfer Act to give our enforcement officials the statutory authority and flexibility to address this more innovative and advanced criminal behavior. One provision of particular interest to me in this legislation is one that would include, in the definition of credit card, an account number or other means of account access used to obtain money, goods, or services. I, personally, have been the victim of a crime in which my credit card number was misappropriated—probably from a carbon imprint—and an unauthorized charge was made to my credit card account. I was surprised to hear that a Federal circuit court had ruled such fraudulent use of account numbers would not be covered by criminal provisions of the truth in lending law as the tangible credit card was not used in the commission of the crime. I am pleased to say that this legislation will correct this and other glaring deficiencies in current law.

Mr. President, I have a special interest in seeing these revisions written into law. New York, I am sorry to say, has the dubious distinction of being the credit card fraud capital of the world, especially in the area of counterfeiting credit cards. VISA estimates that nearly 50 percent of its losses due to counterfeiting occur in New York State. If this behavior is not swiftly and adequately addressed we can be certain of its proliferation to other States throughout the Union.

I believe the changes mandated by this legislation, especially the increased penalties, will go far to deter the spread of this criminal activity, the burden of which is ultimately borne by the consumer through increased costs for credit and debit card services. As a member of the Senate Subcommittee on Consumer Affairs, I urge my colleagues to support swift passage of this legislation.●

By Mr. DURENBERGER (for himself and Mr. Boschwitz):

S. 1556. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income grants paid by the U.S. Forest Service as a result of restricting motorized traffic in the Boundary Waters Canoe Area; to the Committee on Finance.

TAXATION OF BWCA GRANTS TO SMALL BUSINESSES

● Mr. DURENBERGER. Mr. President, the bill I introduce today will settle a question that should never have arisen. In the 1978 Boundary Waters Canoe Area Wilderness Act, Congress curtailed motorized access to much of the million-acre wilderness along Minnesota's border with Canada. This act had a significant impact on resort owners and outfitters because they had substantial investment in motorized equipment. To help compensate these small businesses for their direct economic losses, and to help them conform to the new law, Congress authorized the U.S. Forest Service to develop an adjustment assistance program to aid those affected in shifting from motorized to nonmotorized operations.

The Internal Revenue Service now wants to tax these compensatory payments. Clearly, it makes little sense for the Federal Government to help defray, in a very small way, the cost of complying with legislation that we thrust upon them and then taking this money back through the tax system. With one hand the Government is reaching out to help these small businesses, while slapping them down with the other hand.

It was not the intent of Congress that these payments be taxed. Taxation of these payments violates the spirit of the agreement reached and substantially nullifies the effect of the adjustment assistance Congress authorized.

In comparison to total Federal spending and taxing, we are not talking about a great deal of money. Between 1980 and 1982 about $1.3 million has been distributed. Individual businesses have received between $2,500 and $52,500 in 3 years.

But to the businesses affected, these funds are crucial. The grants can be the difference between surviving the changes thrust upon them by Congress and ceasing to exist.

The resort owners and outfitters who received adjustment assistance payments are bitter and angry over what they feel is a betrayal by the Federal Government. The Federal Government has changed the basis of the bargain. If these business people had known that these payments were to be taxed, many may have taken another option included in the 1978 bill—to sell their places to the Government and pull out of the area.

This bill will make it clear that adjustment assistance payments pursuant to section 19 of the Boundary Waters Canoe Area Wilderness Act will not be taxed. The faith these business people had, that the Federal Government would keep its bargain, should be restored. The intent of Congress when enacting the legislation in the first instance should be carried out. I ask my colleagues to give this measure their rapid and favorable consideration.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There beng no objection, the bill was ordered to be printed in the Record, as follows:

S. 1556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. EXCLUSION FROM GROSS INCOME OF PAYMENTS FROM THE U.S. FOREST SERVICE AS A RESULT OF RESTRICTING MOTORIZED TRAFFIC IN THE BOUNDARY WATERS CANOE AREA.

(a) In General.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income), is amended by redesignating section 132 as section 133 and by inserting after section 131 the following new section:

"SEC. 132. PAYMENTS BY THE U.S. FOREST SERVICE AS A RESULT OF RESTRICTING MOTORIZED TRAFFIC IN THE BOUNDARY WATERS CANOE AREA.

"(a) Exclusion From Gross Income.—Gross income does not include amounts received by the taxpayer from the U.S. Forest Service as a result of restricting motorized traffic in the Boundary Waters Canoe Area.

"(b) Definition.—For the purpose of this section, the term 'payments by the U.S. Forest Service' shall mean any payments made by the U.S. Forest Service pursuant to Sec. 19(a) of P.L. 95-495, An Act to Designate the Boundary Waters Canoe Area Wilderness, to Establish the Boundary Waters Canoe Area Mining Protection Area, and for Other Purposes", approved October 21, 1978.

SEC. 2. CLERICAL AMENDMENT.

The table of sections for part III of subchapter B of chapter 1 is amended by striking out the item relating to section 132 and by inserting in lieu thereof the following items:

"Sec. 132. Payments by the U.S. Forest Service as a result of restricting motorized traffic in the Boundary Waters Canoe Area.

"Sec. 133. Cross references to other Acts."

SEC. 3. EFFECTIVE DATE.

The amendments made by this section 1 shall apply to taxable years beginning after December 31, 1979 and before January 1, 1984.●

By Mr. CHAFEE (for himself and Mr. Bentsen):

S. 1557. A bill to amend the Internal Revenue Code of 1954 to repeal the 30 per centum tax on interest received by foreigners on certain portfolio investments which operates as a tariff to prevent such investments from entering the United States; to the Committee on Finance.

REPEAL OF TAX ON INTEREST ON CERTAIN FOREIGN INVESTMENTS

Mr. CHAFEE. Mr. President, today Senator Bentsen and I are introducing legislation amending the Internal Revenue Code of 1954 to repeal the 30-percent tax on certain interest payments received by foreigners.

This bill exempts foreign persons and corporations from U.S. income and withholding taxes on interest income from debt obligations guaranteed by domestic corporations.

Current law levies and withholds a 30-percent income tax on nonresident aliens and foreign corporations receiving interest payments from U.S. corporations. This 30-percent tax effectively operates as a tariff, preventing the influx of foreign capital to help finance American business.

One result of the current law is that in order to sell bonds and other obligations abroad, U.S. corporations must assume the cost of the withholding tax by increasing the rate of interest. Accordingly, to blunt the effect of the withholding rule, U.S. corporations have established offshore finance subsidiaries that take advantage of favorable tax treaties. The most prominent of the tax havens is the Netherland Antilles. These financing subsidiaries erode confidence in the integrity of the U.S. tax system, promote treaty shopping, and may interfere with treaty negotiations.

Foreign investments provide needed capital for our own domestic business expansion and for the creation of new jobs. It is important to have access to this source of capital. Repeal of the withholding requirements would benefit the U.S. economy in the following ways:

First. More capital at lower long-term rates, increasing investment, R&D, jobs, and lowering Treasury borrowing costs;

Second. Reassertion of U.S. control of a large part of the offshore dollar bond market;

Third. Allow all U.S. companies and Treasury access to the worldwide dollar bond market, thus effectively ending the use of tax havens for tax avoidance; and

Fourth. Revenue increase to Treasury, estimated to be as much as $50 million.

The bill applies to the following three categories of U.S. issuers:

First. Interest paid on obligations sold to foreign persons by finance subsidiaries prior to the enactment of this bill and later assumed by a domestic corporation.

Second. Interest paid on new obligations sold directly or through underwriters under arrangements designed to insure their initial sale only to foreign persons.

Third. Interest paid on obligations not in bearer form where the withholding agent has received a statement to the effect that the beneficial owner of the obligation is a foreign person.

Exempted from the bill is interest on commercial bank loans with foreigners.

This bill has had bipartisan support in the House and Senate; Congressmen Gibbons and Conable have introduced a similar bill this year. The Treasury Department's support is demonstrated by its letter to Congressman Gibbons, which I ask be printed in the Record following my remarks. Moreover, the Finance Committee unanimously reported this measure in 1979.

I request unanimous consent that the bill appear in the Record following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN INTEREST

(a) In General.—Subsection (a) of section 871 of the Internal Revenue Code of 1954 (relating to income not connected with United States business—30 percent tax) is amended by adding at the end thereof the following new paragraph:

"(4) Income of Nonresident Alien Individuals Received From Certain Portfolio Debt Investments.—No tax shall be imposed under subsection (a)(1) on interest (including original issue discount) received by a nonresident alien individual if—

"(A) the interest is paid on an obligation which resulted from the assumption after the date of enactment of this Act by a domestic corporation of an obligation which was issued on or prior to such date and which when issued, was guaranteed by a domestic corporation and was sold pursuant to arrangements described in section 163(f)(2)(B)(i),

"(B) the interest is paid on an obligation which is not in registered form and which is described in section 163(f)(2)(B), or

"(C) the interest is paid on an obligation which is in registered form, the United States person who would otherwise be required to deduct and withhold tax from such interest under section 1441 (a) has received a statement that the beneficial owner of the obligation is not a United States person and such statement meets the requirements of subsection (g),

but in the case of interest paid on an obligation described in subparagraph (B) or (C) only if (i) in the case of interest received from a corporate, the nonresident alien individual does not own, and is not considered as owning (within the meaning of subsection (h)), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such corporation, or (ii) in the case of interest received from a partnership, the nonresident alien individual does not own and is not considered as owning (within the meaning of subsection (h)), 10 percent or more of the capital or profits interest in such partnership. For purposes of this paragraph the term 'registered form' has the same meaning as when used in section 163 (f).".

(b) Certain Statements; Constructive Ownership.—Section 871 of such Code (relating to tax on nonresident alien individuals) is amended by redesignating subsection (g) as subsection (i) and by adding after subsection (f) the following two new subsections:

"(g) Certain Statements.—A statement with respect to the ownership of an obligation shall meet the requirements of this subsection if such statement represents that it is from the beneficial owner of the obligation or such statement is from a securities clearing organization, a bank, or other financial institution that holds customers' securities in the ordinary course of its business, and within the period ending 1 month prior to the payment of interest the Secretary has not published a determination to the effect that statements from such securities clearing organization, bank, or other financial institution, or any class of such persons, may not be accepted for the purposes of this subsection.

"(h) Constructive Ownership.—Section 318(a) (relating to the constructive ownership of stock), other than paragraph (1) thereof, shall apply for the purposes of determining ownership of stock of the corporation under subsection (a)(4) and section 881(c), and similar rules shall apply for the purposes of determining ownership of an interest in a partnership under subsection (a)(4) and section 881(c). For the purposes of the preceding sentence, section 318(a)(2)(C) shall be applied without regard to the 50-percent limitation contained therein, and stock of the corporation or an interest in a partnership owned by a person by reason of the application of section 318(a)(4) shall not, for the purposes of applying paragraphs (2) and (3) of section 318 (a), be considered as actually owned by such person.".

(c) CONFORMING AMENDMENT.—Section 871(a)(1) of such Code (relating to income other than capital gains) is amended by striking out "There" and inserting in lieu thereof "Except as provided in paragraph (4), there".

SEC. 2. FOREIGN CORPORATIONS

(a) IN GENERAL.—Section 881 of the Internal Revenue Code of 1954 (relating to tax on income of foreign corporations not connected with United States business) is amended by redesignating subsection (c) as subsection (d) and by adding after subsection (b) the following new subsection:

"(c) INCOME OF FOREIGN CORPORATIONS RECEIVED FROM CERTAIN PORTFOLIO DEBT INVESTMENTS.—No tax shall be imposed under subsection (a) on interest (including original issue discount) received by a foreign corporation if—

"(1) the interest is paid on an obligation described in section 881(a)(4)(A),

"(2) the interest is paid on an obligation described in section 871(a)(4)(B), or

"(3) the interest is paid on an obligation which is in registered form, the person who would otherwise be required to deduct and withhold tax from such interest under section 1442(a) has received a statement that the beneficial owner of the obligation is not a United States person, and such statement meets the requirements of section 871(g),

but in the case of interest paid on an obligation described in subsection (2) or (3) only if (i) the interest is not interest received by a controlled foreign corporation, (ii) except for interest paid on an obligation of the United States, the interest is not interest received by a bank on an extension of credit made pursuant to a loan agreement entered into in the ordinary course of its banking business, (iii) in the case of interest received from a corporation, the corporation receiving the interest does not own, and is not considered as owning (within the meaning of section 871(h)), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such corporation, and (iv) in the case of interest received from a partnership, the corporation receiving the interest does not own, and is not considered as owning (within the meaning of section 871(h)), 10 percent or more of the capital or the profits interest in such partnership. For purposes of this subsection the term 'registered form' has the same meaning as when used in section 163(f).".

(b) CONFORMING AMENDMENT.—Section 881(a) of such Code (relating to imposition of tax) is amended by striking out "There" and inserting in lieu thereof "Except as provided in subsection (c), there".

SEC. 3. AMENDMENT OF SECTION 864(c)(2).

Paragraph (2) of section 864(c) of the Internal Revenue Code of 1954 (relating to effectively connected income, etc.) is amended by striking out "section 871(a)(1) or section 881(a)" and inserting in lieu thereof "section 871(a)(1), section 871(a)(4), section 881(a) or section 881(c)".

SEC. 4. REMOVAL OF EXEMPTION FROM TAX IN CASE OF INADEQUATE EXCHANGE OF INFORMATION.

(a) Subpart C of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 898. REMOVAL OF EXEMPTION FROM TAX IN CASE OF INADEQUATE EXCHANGE OF INFORMATION.

"Whenever the Secretary determines that the exchange of information between the United States and a foreign country is inadequate to prevent evasion of the United States income tax by United States persons, the exemption from tax contained in section 871(a)(4) and section 881(c) shall not apply to any payment or payments addressed to or for the account of persons within such foreign country after the date specified in the Secretary's determination. Any such removal shall not apply to interest on obligations issued on or before the date of publication of such determination. The removal of the exemption from tax contained in section 871(a)(4) and section 881(c) shall continue until the Secretary determines that the exchange of information between the United States and the foreign country of such information is adequate to prevent the evasion of the United States income tax by United States persons.".

(b) The table of sections for such subpart C is amended by adding at the end thereof the following new item:

"Sec. 898. Removal of exemption from tax in case of inadequate exchange of information.".

SEC. 5. AMENDMENT OF SECTION 2105.

Subsection (b) of section 2105 of the Internal Revenue Code of 1954 (relating to property without the United States) is amended to read as follows:

"(b) BANK DEPOSITS AND CERTAIN OTHER DEBT OBLIGATIONS.—For purposes of this subchapter—

"(1) amounts described in section 861(c), if any interest thereon would be treated by reason of section 861(a)(1)(A) as income from sources without the United States were such interest received by the decedent at the time of his death,

"(2) deposits with a foreign branch of a domestic corporation or domestic partnership, if such branch is engaged in the commercial banking business, and

"(3) debt obligations, if, without regard to whether a statement meeting the requirements of section 871(g) has been received, any interest thereon would be eligible for the exemption from tax under section 871(a)(4) were such interest received by the decedent at the time of his death,

shall not be deemed property within the United States.".

SEC. 6. WITHHOLDING.

(a) NONRESIDENT ALIENS.—Subsection (c) of section 1441 of the Internal Revenue Code of 1954 (relating to withholding of tax on nonresident aliens) is amended by adding at the end thereof the following new paragraph:

"(9) INCOME EXEMPT FROM TAX.—No deduction or withholding shall be required in the case of interest (including original issue discount) described in subparagraph (A), (B), or (C) of section 871(a)(4) unless the person otherwise required to deduct and withhold shall know, or have reason to know, that such item of income is not exempt from tax because of clause (i) or (ii) of section 871(a)(4).".

(b) FOREIGN CORPORATIONS.—The last sentence of section 1442(a) of such Code is amended—

(1) by striking out "and" after "section 881(a)(4),"; and

(2) by inserting ", and the reference in section 1441(c)(9) to clauses (i) and (ii) of section 871(a)(4) shall be treated as referring to clauses (ii), (iii), and (iv) of section 881(c)" after "section 881(a)(3)".

SEC. 7. EFFECTIVE DATES.

(a) The amendments made by this Act (other than section 5) shall apply to amounts paid after the date of enactment of this Act.

(b) The amendment made by section 5 shall apply to the estates of decedents dying after the date of enactment of this Act.

DEPARTMENT OF THE TREASURY,
Washington, D.C., May 23, 1983.

Hon. SAM M. GIBBONS,
House of Representatives,
Washington, D.C.

DEAR MR. GIBBONS: I am writing to reiterate the Administration's support for your proposal to exempt foreign persons from U.S. tax on certain interest payments, which had been introduced by you and Mr. Conable in the last Congress as H.R. 4618, and to urge that a similar measure be introduced in the present Congress.

Such a measure would improve access to foreign capital markets for American business. We believe that such access is an important element in achieving increased capital formation and sustained economic growth in this country. As you are well aware, access to the Eurobond market on a competitive basis requires that interest be paid free of tax in the source country.

Presently, access to these capital markets is possible, but American companies must establish complex and costly mechanisms, generally by interposing a financing subsidiary in a treaty-protected jurisdiction such as the Netherlands Antilles, to attempt to eliminate the 30 percent U.S. tax on interest. Furthermore, some uncertainty now surrounds the U.S. tax consequences resulting from these structures. Legislation, such as H.R. 4618, would permit Americans to borrow directly in these capital markets, thereby obviating the need to create "backdoor" routes, and eliminating the uncertainty.

Direct issuance of Eurobond obligations by U.S. issuers, as envisioned by your proposal, would result in a net gain in U.S. revenues. More specifically, based on the factors of (1) the current level of Eurobond issuances by Netherlands Antilles finance subsidiaries, and the resultant U.S. and Netherlands Antilles tax consequences (particularly the allowance of a foreign tax credit in the United States for the Antilles corporate tax imposed on the finance subsidiaries), and (2) the tax collected under present law on interest payments to foreign persons, the net revenue gain from such an amendment to the Internal Revenue Code would on a conservative basis be $35 million, and could well be as much as $50 million.

I would be pleased to discuss these matters further with you.

Sincerely,

JOHN E. CHAPOTON,
Assistant Secretary
(Tax Policy).

By Mr. DECONCINI:

S. 1558. A bill to amend chapter 25 of title 18, United States Code to provide penalties for the forging of endorsements on, or fraudulently negotiating, U.S. checks or bonds or securities, and for other purposes; to the Committee on the Judiciary.

PENALTIES FOR FRAUD CONNECTED WITH GOVERNMENT CHECKS AND BONDS

● Mr. DECONCINI. Mr. President, the legislation that I am introducing today will, if adopted, correct certain omissions in current law and prescribe penalties for forging endorsements on Treasury checks, bonds, or securities

of the United States, passing such obligations bearing forged endorsements, or possessing, selling, or exchanging such obligations, if they are stolen or bear forged endorsements. This legislation will make it possible for the Justice Department to prosecute both forgeries of endorsements and related crimes involving obligations of the United States under one section of the United States Code, and greatly assist the U.S. Secret Service—the agency with primary jurisdiction in this area—to investigate crimes involving obligations and securities of the United States.

Specifically, Mr. President, here is what this legislation would do and why it is needed. Presently, violations for forgery of endorsement or fraudulent negotiation of a Treasury check or bond or other security of the United States are being prosecuted under section 495 of title 18, United States Code, which specifically covers contracts, deeds, powers of attorneys, and applies to the forgery or altering of "other writings." However, that section was not specifically drafted to deal with Treasury checks or bonds or other obligations. The basis for using section 495 to prosecute these violations is the provision therein which penalizes the forgery or altering of "other writings." Sections 471 and 472 of title 18 are concerned with forgery and uttering forged obligations or securities of the United States. However, these sections apply to forgery of the security, not forgery of endorsements. Because section 495 was not drafted to deal with Treasury checks, bonds, or other obligations of the United States, many of the variations of offenses involved with the forgery of obligations are not included under section 495. Case in point: Presently, it is possible for a thief to steal a Treasury check endorsed by a payee, endorse his own name and obtain the proceeds without violating section 495. It is also possible for a thief to steal one or more Government checks or bonds and sell or exchange them to a middle man and not violate section 495. These kinds of situations require the prosecutors to "hunt around" for a statute which often does not fit the crime. As a result, these cases are often either not prosecuted or the charges are dismissed.

The creation of section 510 to title 18, United States Code, would make it a felony: First, to forge an endorsement or signature on a U.S. Treasury check or bond or security of the United States; or second, to pass or attempt to pass such an obligation with the knowledge that it has been forged. It would also make it a felony to knowingly exchange or possess such an obligation of the United States which has been stolen or bears a forged endorsement. Furthermore, the penalty for such violation would be a fine of not more than $10,000 or imprisonment not to exceed 10 years, or both. While section 495 is strictly a felony statute, the proposed section 510 also allows for prosecution as a misdemeanor for those obligations which do not exceed $500. This will greatly enhance the judicial process since the great majority of such cases are under the $500 amount.

Mr. President, back on April 2, 1981—only 2 days after the tragic assassination attempt on President Reagan at the Washington Hilton—the Subcommittee on Treasury, Postal Service, and General Government held a hearing on the Secret Service' fiscal year 1982 budget request. As the ranking minority member on that subcommittee, I asked then Secret Service Director Stu Knight to provide for the record a package of recommended statutory changes that would enhance the Secret Service's investigative authorities and improve their ability to carry out their important criminal investigative and protective responsibilities. One of several proposed legislative changes that was submitted by the Secret Service to the committee for its review was the creation of the new section 510 in title 18 of the United States Code I am proposing in this bill today.

On June 18, 1981, I introduced the Secret Service Reform Act of 1981 which included, among other things, the new section 510 provision and appropriate penalties, as recommended by the Secret Service in their prepared responses to questions raised during the April hearings before the Appropriations Committee. Unfortunately, the bill was not reported out of the Judiciary Committee on which I serve. Certain provisions in that bill have subsequently passed as amendments to other legislative vehicles; however, the section 510 provision has not been approved by the Congress. It is my understanding that the administration supports the creation of the new section 510 under chapter 25 of title 18 of the United States Code and has submitted such legislation to Congress. It is this identical legislation that I am introducing today.

Mr. President, the Treasury Department and I are not the only ones who feel that the passage of this forgery legislation is long overdue. The General Accounting Office has recently prepared a draft report on forgery of U.S. Treasury checks and recommended that a Federal misdemeanor law be enacted by the Congress. According to GAO, Secret Service and U.S. attorneys' offices throughout the country generally agreed that various benefits would result if a Federal misdemeanor forgery statute were enacted, including the following specific benefits:

First. Result in more forgers being prosecuted by U.S. attorneys;

Second. Eliminate the need for creating "legal fictions" which result from prosecuting under misdemeanor laws that may not directly address the forgery offense;

Third. Increase plea negotiation flexibility and guilty pleas;

Fourth. Increase use of the U.S. magistrates in check forgery cases and reduce the number of felony trials, thereby reducing the burden on the Federal district courts;

Fifth. Provide more accurate conviction records which may be useful in future prosecutions of repeat offenders; and

Sixth. Provide a realistic penalty structure.

So the legislation that I am introducing today would address these concerns and the other concerns of the administration that the law regarding forged Government securities be clarified for use in Treasury investigations and prosecutions by the Justice Department.

Mr. President, the Secret Service has been involved in assuring the integrity of Government obligations for well over 100 years and has obviously accumulated more than a century of experience and operational knowledge in the area of forged and stolen Government securities. Section 510 will undoubtedly ameliorate many of the judicial problems and bridge some existent gaps in current law that allow hundreds of important cases involving forged and stolen Government obligations to fall through the cracks. The Secret Service investigates thousands of Treasury check forgery cases. In fiscal year 1982 alone, the Secret Service closed almost 83,000 cases involving checks totaling $26.5 million, with check forgery cases resulting in 4,652 arrests. Add to this, the hundreds of cases involving other forms of Government securities and it is clear that Secret Service has a major investigative workload in the area of forged and stolen Government securities to go along with its other crucial protective functions. The legislation that I am introducing today, if enacted by Congress, will take a significant step in the direction of improving our Federal law enforcement effort in the area of Government securities. I urge the prompt passage of this legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at the end of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 25 of title 18, United States Code, is amended by adding the following new section:

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SEC. 510. FORGING ENDORSEMENTS ON TREASURY CHECKS OR BONDS OR SECURITIES OF THE UNITED STATES.

(a) Whoever, with intent to defraud—

(1) falsely makes or forges any endorsement or signature on a Treasury check or bond or security of the United States; or

(2) passes, utters, or publishes, or attempts to pass, utter, or publish, any Treasury check or bond or security of the United States bearing a falsely made or forged endorsement or signature shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

(b) Whoever, with knowledge that such check or bond or security of the United States is stolen or bears a falsely made or forged endorsement or signature buys, sells, exchanges, receives, delivers, retains, or conceals any such check or bond or security of the United States that in fact is stolen or bears a forged or falsely made endorsement or signature shall be fined, not more than $10,000 or imprisoned not more than 10 years, or both.

(c) If the face value of the Treasury check or bond or security of the United States or the aggregate face value, if more than one Treasury check, bond or security of the United States, does not exceed $500, in any of the above-mentioned offenses, the penalty shall be a fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

SEC. 2. Section 3056(a) of title 18, United States Code, is amended by inserting in the fifth clause the number "510," after "509,".

SEC. 3. The analysis of chapter 25, of title 18, United States Code, immediately preceding section 471 of such title, is amended by adding at the end thereof the following:

"510. Forging endorsements on Treasury checks or bonds or securities of the United States."●

By Mr. MOYNIHAN (for himself, Mr. DOLE, and Mr. MATSUNAGA):

S. 1559. A bill to amend sections 2314 and 2315 of title 18, United States Code, relating to stolen archeological material; to the Committee on the Judiciary.

STOLEN ARCHEOLOGICAL MATERIAL

● Mr. MOYNIHAN. Mr. President, I am pleased to introduce, with Senators DOLE and MATSUNAGA, legislation to amend the National Stolen Property Act as it applies to imported archeological and ethnological materials.

This bill is a companion piece of legislation to title II of H.R. 4566, a miscellaneous tariff bill reported on September 21, 1982, by the Finance Committee and signed into law by the President January 12 of this year. That title contains the implementing legislation for the 1972 UNESCO Convention on the means of prohibiting and preventing the illicit import, export, and tranfer of cultural property. This new Cultural Properties Act presents a clear and comprehensive statement of our national policy concerning the importation of cultural property. Its passage came after a long and arduous process of compromise; this important implementing legislation has properly balanced all competing interests, public and private.

During the course of the Finance Committee's consideration of H.R. 4566 we became convenced that Congress should establish a definitive policy for controlling the import of archeological and ethnological material and that any inconsistent provisions of law should be brought into accord. The Finance Committee, however, was unable to act in as comprehensive a fashion as warranted because doing so would have involved legislative changes that are within the jurisdiction of the Judiciary Committee. Consequently, Senators DOLE, MATSUNAGA, and I introduced a separate bill to resolve the one remaining problem.

We did so late in the 97th Congress in the form of S. 2963; today we are reintroducing that legislation. We hope that hearings will be scheduled promptly and the bill will be enacted into law this year.

The need for this bill arises from a controversial decision construing the National Stolen Property Act by the Court of Appeals for the Fifth Circuit in United States against McClain. That decision, Mr. President, appears to be flatly inconsistent with traditional American common law jurisprudence. It has created widespread confusion in the American art community and represents an intrusion by the courts into an area of international policymaking best left to the Congress. But, most fundamentally, it is inconsistent with Congress recent policy judgment in passing the Cultural Properties Act.

Under McClain, it appears that one might be convicted of stealing cultural property without any proof whatsoever that the property was in fact stolen in any traditional understanding of the word. That decision permits cultural property to be considered stolen under our laws simply because a foreign country declares that it owns all art objects found within its boundaries—even though citizens of that country may possess and trade in the objects.

We should not permit our citizens and institutions to be subject to criminal prosecution by substituting declarations of foreign ownership for the time-tested requirement that an owner have a real possessory interest in property before it can be considered stolen.

Moreover, I want to insure that the U.S. Customs Service does not use McClain to interpret our laws in a way that will enforce the legislative decisions of foreign nations.

The McClain decision is inconsistent with a basic principle of the UNESCO Convention implementing legislation—specifically, that U.S. participation in controlling the international movement of cultural properties shall be part of a concerted international effort. The McClain decision represents a unilateral rather than multilateral, response to the problem of the illegal pillage of cultural property.

Finally, as a result of the broad sweep of the McClain decision, the interpretation of the National Stolen Property Act effectively turns on the meaning of foreign law (largely unavailable in translation) and on legal concepts alien to American common law. Our Federal law should embrace American—not foreign—legal principles.

As part of the compromise discussions last fall that led to the passage of the Cultural Properties Act, it was agreed by all parties, public and private, that the McClain decision should be overturned by statute. Indeed, I considered that commitment to be an essential element of the understanding that led to the uncontested passage of the act. Enactment of that law and repeal of McClain were a package.

The bill we are introducing today rejects the puzzling judicial interpretation of stolen. It sets forth the principle that restrictions on the import of cultural property will be established in accordance with the policies of Congress as expressed in the UNESCO Convention implementing legislation. Our bill rejects the notion that one who brings an antiquity or other cultural property into the United States may be subject to criminal prosecution—or be faced with a de facto Customs embargo—simply because a foreign country supplements its restrictions on exports with a broad-based claim to ownership of all such property.

Mr. President, this clarification of American law goes hand in hand with, and is essential to, the successful implementation of the Cultural Properties Act. I trust that hearings on the bill will reflect the broad support for the repeal of McClain pledged last fall by all parties.

These hearings will also afford an opportunity to explore a recent Customs directive based largely on the McClain decision which appears to be grossly inconsistent with congressional policies regarding the Cultural Properties Act. I understand that that directive can lead to a virtual embargo of pre-Columbian objects. This seems to flaunt the procedures we established in the Cultural Properties Act. Specifically, the customs embargo is a unilateral U.S. program, while the Cultural Properties Act authorized U.S. participation in a multinational effort. Also, the Customs embargo enforces a foreign nation's declaration of ownership; the Cultural Properties Act rejects that approach and directs our officials to make independent determinations of what is in our own best interests. Finally, the Customs policy is an across-the-board embargo of all pre-Columbian objects. This is inconsistent with Congress declaration that a

U.S. import ban would respond to the problem of pillage of specific sites or objects. These glaring contradictions—and their lack of any proper foundation in the McClain decision—should be fully explored in the hearings on this bill.

Mr. President, last year Congress produced a comprehensive statement of policy on the importation of cultural property. The bill we are introducing today is consistent with—indeed, integral to—that policy. I urge its speedy passage.●

By Mr. DODD:

S. 1560. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount of death benefits payable to public safety officers; to the Committee on the Judiciary.

PUBLIC SAFETY OFFICERS' BENEFITS

● Mr. DODD. Mr. President, I am today introducing legislation to increase the benefit paid to the families of public safety officers killed in the line of duty. This bill is identical to one introduced in the House of Representatives by Representative BARBARA KENNELLY of Connecticut, and would raise that payment from $50,000 to $100,000.

When Congress enacted the Public Safety Officers Benefit Act in 1976, the death benefit was created in recognition of the many risks and dangers these officers face daily on our behalf. It was intended to help offer assurances that their families would be provided for in the event of tragedy.

The debt we owe to these officers and their families can never be fully paid, certainly not with money alone. The stresses faced by survivors are severe, both emotional and financial. Congress did commit itself, however, to make an effort to comfort the families in such situations, and to provide some financial relief for them. Unfortunately, the amount set for this purpose 7 years ago no longer insures the same security today, due to inflation in the intervening years. This legislation proposes to raise the benefit payment to $100,000 to bring it up to date with current economic reality.

I hope that the Senate will be able to act swiftly and affirmatively on this legislation.●

By Mr. DOLE:

S. 1561. A bill entitled "The National Joint Research and Development Policy Act of 1983"; to the Committee on the Judiciary.

NATIONAL JOINT RESEARCH AND DEVELOPMENT POLICY ACT OF 1983

● Mr. DOLE. Mr. President, I am pleased to introduce today the National Joint Research and Development Policy Act of 1983. This legislation is designed to encourage and promote joint research and development ventures by providing limited antitrust protections to those ventures which meet the bill's simple disclosure requirements.

Joint research and development ventures play an important procompetitive function. Research and the development of new ideas into marketable products, services, or technology are expensive and speculative undertakings, the profits of which may not emerge for several years. As a result, joint ventures, which permit firms to pool their resources and share the risks, can lead to important advances in new technology, which otherwise would not be achieved because of excessive risk or cost to the individual firm. Joint R&D ventures can, in particular, enable smaller businesses to stay competitive in new or technologically evolving markets, and stimulate productivity growth, enabling the United States to maintain leadership in world trade.

Despite these procompetitive benefits, many businesses, ironically, may be reluctant to engage in joint R&D activities out of fear of an antitrust challenge.

As a general rule, courts have carefully analyzed and weighed the risks and benefits of such ventures in resolving antitrust challenges. Nevertheless, a few earlier cases seem to imply that joint ventures might be viewed as unlawful, per se, under the antitrust laws. Thus, a perception of uncertainty as to the lawfulness of such ventures may still linger.

Second, if a court were to determine that a joint research and development venture violated the antitrust laws, the consequence could be the imposition of mandatory treble damages in a private suit, or even possible criminal liability. Faced with lingering uncertainty about the appropriate legal standard to be applied to joint R&D ventures, coupled with the possibility of such severe penalties, the sound business judgment of many firms may strongly suggest that such ventures should not be undertaken.

This bill would address these problems by providing that joint ventures formed to engage in joint research and development programs shall not be deemed unlawful, per se, under the antitrust laws. It should be emphasized that this provision would not permit anticompetitive behavior to escape condemnation. Rather, it would simply oblige the courts to consider the actual economic effect of the venture's activities before ruling on their legality under antitrust laws.

The bill would also provide immunity for joint R&D ventures from criminal liability under the antitrust laws, and limit recovery in private civil suits to actual damages.

Unlike other proposals, this bill would not require a joint business venture to meet detailed and complex self-certification requirements, nor to undergo cumbersome regulatory review procedures. Rather, to avail itself of these antitrust protections, the venture would simply have to file a disclosure statement with the Justice Department upon formation, and submit annual reports updating where necessary the information required in the statement.

I am introducing this proposal because I believe that joint R&D ventures can play a unique and critical role in this country's continued ability to maintain leadership and competitiveness in the production of new technology. Our antitrust policy should encourage, not retard, this vital activity.

On the other hand, I am sensitive to the concern that joint R&D ventures can assume a variety of forms and that it is impossible to predict in each and every case that their procompetitive benefits will outweigh possible anticompetitive harm. For example, industrywide research projects that include most or all firms in a line of commerce may present serious antitrust problems. Thus this legislation does not seek to grant total antitrust immunity, nor does it foreclose an injured party from recouping actual damages.

Mr. President, uncertainties and misperceptions about the application of antitrust law to joint R&D ventures may be discouraging investment in joint projects, which could lead to important advancements in new technology. I hope the Congress will act swiftly to pass legislation which will remedy this problem.●

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. DOLE, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 17, a bill to expand and improve the domestic commodity distribution program.

S. 155

At the request of Mr. INOUYE, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 155, a bill to amend subchapter I of chapter 73 of title 38, United States Code, to provide for the payment of incentive special pay to Veterans' Administration psychologists who obtain certain board certification in a professional specialty.

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 540

At the request of Mr. GOLDWATER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 540, a bill to amend

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the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 564

At the request of Mr. Matsunaga, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 564, a bill to establish the U.S. Academy of Peace, and for other purposes.

S. 719

At the request of Mr. Thurmond, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 873

At the request of Mr. Lugar, the name of the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 905

At the request of Mr. Eagleton, the names of the Senator from Massachusetts (Mr. Kennedy), the Senator from Florida (Mrs. Hawkins), the Senator from Nebraska (Mr. Exon), the Senator from Montana (Mr. Melcher), the Senator from North Dakota (Mr. Andrews), the Senator from Arkansas (Mr. Pryor), and the Senator from Mississippi (Mr. Stennis) were added as cosponsors of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983."

S. 994

At the request of Mr. Pryor, the names of the Senator from California (Mr. Cranston) and the Senator from Kansas (Mrs. Kassebaum) were added as cosponsors of S. 994, a bill to prohibit the production of lethal binary chemical munitions by the United States and to call on the President to continue and intensify recently begun efforts in the Committee on Disarmament with the Government of the Union of Soviet Socialist Republics and other countries to achieve an agreement establishing a mutual, verifiable ban on the production and stockpiling of chemical weapons.

S. 1005

At the request of Mr. D'Amato, the name of the Senator from Montana (Mr. Melcher) was added as a cosponsor of S. 1005, a bill to provide assistance for the construction, acquisition, and renovation of State and local correctional facilities.

S. 1090

At the request of Mr. Wallop, the name of the Senator from Illinois (Mr. Percy) was added as a cosponsor of S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

S. 1145

At the request of Mr. Denton, the names of the Senator from Maine (Mr. Cohen) and the Senator from Tennessee (Mr. Sasser) were added as cosponsors of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1194

At the request of Mr. Danforth, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 1194, a bill to amend the Internal Revenue Code of 1954 to encourage the contribution of scientific equipment to elementary and secondary schools and institutions of higher education and to foster university research and scientific training.

S. 1226

At the request of Mr. Cranston, the name of the Senator from Ohio (Mr. Glenn) was added as a cosponsor of S. 1226, a bill to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services to respond to public health emergencies.

S. 1244

At the request of Mr. Packwood, the names of the Senator from Vermont (Mr. Stafford) and the Senator from Colorado (Mr. Hart) were added as cosponsors of S. 1244, a bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care.

S. 1305

At the request of Mr. Packwood, the name of the Senator from Massachusetts (Mr. Tsongas) was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes.

S. 1306

At the request of Mr. Mathias, the name of the Senator from Kentucky (Mr. Huddleston) was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1400

At the request of Mr. Percy, the name of the Senator from New York (Mr. D'Amato) was added as a cosponsor of S. 1400, a bill to enhance the detection of motor vehicle theft and to improve the prosecution of motor vehicle theft by requiring the Secretary of Transportation to issue standards relating to the identification of vehicle parts and components, by increasing criminal penalties applicable to trafficking in stolen vehicles and parts, by curtailing the exportation of stolen motor vehicles and off-highway mobile equipment, and by establishing penalties applicable to the dismantling of vehicles for the purpose of trafficking in stolen parts, and for other purposes.

S. 1434

At the request of Mr. D'Amato, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1434, a bill to amend the Internal Revenue Code of 1954 to provide that a spouse having compensation shall not be disqualified from having a spousal individual retirement account.

S. 1465

At the request of Mr. Lugar, the names of the Senator from Delaware (Mr. Roth), the Senator from Tennessee (Mr. Baker), the Senator from Kansas (Mr. Dole), the Senator from North Carolina (Mr. East), the Senator from Arizona (Mr. Goldwater), the Senator from Utah (Mr. Hatch), and the Senator from Florida (Mrs. Hawkins) were added as cosponsors of S. 1465, a bill to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building."

S. 1475

At the request of Mr. Wallop, the name of the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1545

At the request of Mr. Heinz, the names of the Senator from Pennsylvania (Mr. Specter) and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of S. 1545, a bill to clarify the oversight role of the Congress with respect to Presidential decisions under section 203 of the Trade Act of 1974.

SENATE JOINT RESOLUTION 1

At the request of Mr. Long, the names of the Senator from Texas (Mr. Bentsen), the Senator from Kentucky (Mr. Ford), the Senator from Georgia (Mr. Nunn), and the Senator from Arkansas (Mr. Pryor) were added as cosponsors of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States with respect to fixing the compensation of Members of the Congress.

SENATE JOINT RESOLUTION 5

At the request of Mr. Thurmond, the name of the Senator from California (Mr. Wilson) was added as a cosponsor of Senate Joint Resolution 5, a joint resolution proposing an amendment to the Constitution relating to Federal budget procedures.

SENATE JOINT RESOLUTION 19

At the request of Mr. Inouye, the names of the Senator from Minnesota (Mr. Boschwitz), the Senator from North Dakota (Mr. Burdick), the Senator from Florida (Mr. Chiles), the Senator from Rhode Island (Mr. Chafee), the Senator from Kansas (Mrs. Kassebaum), the Senator from Kansas (Mr. Dole), the Senator from Ohio (Mr. Glenn), the Senator from Arizona (Mr. Goldwater), the Senator from Washington (Mr. Gorton), the Senator from Pennsylvania (Mr. Heinz), the Senator from North Carolina (Mr. Helms), the Senator from Wisconsin (Mr. Kasten), the Senator from Massachusetts (Mr. Kennedy), the Senator from Michigan (Mr. Levin), the Senator from Hawaii (Mr. Matsunaga), the Senator from Georgia (Mr. Nunn), the Senator from Mississippi (Mr. Stennis), the Senator from Indiana (Mr. Quayle), the Senator from West Virginia (Mr. Randolph), the Senator from Maryland (Mr. Sarbanes), the Senator from California (Mr. Wilson), and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of Senate Joint Resolution 19, a joint resolution to authorize and request the President to designate the period August 26, 1983, through August 30, 1983, as "National Psychology Days."

SENATE JOINT RESOLUTION 54

At the request of Mr. Nickles, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of Senate Joint Resolution 54, a joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month."

SENATE JOURNAL RESOLUTION 77

At the request of Mr. Dole, the name of the Senator from Kansas (Mrs. Kassebaum) was added as a cosponsor of Senate Joint Resolution 77 a joint resolution designating "National Animal Agriculture Week."

SENATE JOINT RESOLUTION 97

At the request of Mr. Boschwitz, the names of the Senator from Utah, (Mr. Hatch), the Senator from Colorado (Mr. Armstrong), and the Senator from Indiana (Mr. Quayle) were added as cosponsors of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public ground in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 98

At the request of Mr. Tower, the names of the Senator from Arkansas (Mr. Bumpers), the Senator from Texas (Mr. Bentsen), the Senator from Louisiana (Mr. Johnston), the Senator from Kentucky (Mr. Huddleston), the Senator from North Dakota (Mr. Burdick), and the Senator from Virginia (Mr. Warner) were added as cosponsors of Senate Joint Resolution 98, a joint resolution to designate October 2 through October 9, 1983, as "National Housing Week."

SENATE JOINT RESOLUTION 106

At the request of Mr. Simpson, the names of the Senator from Arkansas (Mr. Pryor), the Senator from California (Mr. Cranston), the Senator from Maryland (Mr. Sarbanes), and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of Senate Joint Resolution 106, a joint resolution designating August 3, 1983, and "National Paralyzed Veterans Recognition Day."

SENATE JOINT RESOLUTION 112

At the request of Mr. Inouye, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 113

At the request of Mr. Wilson, the names of the Senator from California (Mr. Cranston) and the Senator from Hawaii (Mr. Matsunaga) were added as cosponsors of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 117

At the request of Mr. Huddleston, the names of the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), and the Senator from California (Mr. Wilson) were added as cosponsors of Senate Joint Resolution 117, a joint resolution to authorize and request the President to designate July 15, 1983, as "National Ice Cream Day."

SENATE RESOLUTION 115

At the request of Mr. Pressler, the name of the Senator from New York (Mr. D'Amato) was added as a cosponsor of Senate Resolution 115, a resolution to express the sense of the Senate on the need to facilitate U.S. exports by opposing international restrictions on the marketing and distribution of such exports.

SENATE RESOLUTION 126

At the request of Mr. Wallop, the names of the Senator from Mississippi (Mr. Cochran) and the Senator from Texas (Mr. Tower) were added as cosponsors of Senate Resolution 126, a resolution to express the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.

SENATE RESOLUTION 127

At the request of Mr. Andrews, the name of the Senator from Michigan (Mr. Riegle) was added as a cosponsor of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate.

SENATE RESOLUTION 149

At the request of Mr. Dodd, the name of the Senator from Maine (Mr. Cohen) was added as a cosponsor of Senate Resolution 149, a resolution to express the sense of the Senate that the laws which insure equal rights with regard to education opportunity for women should be maintained.

AMENDMENT NO. 1299

At the request of Mr. Boschwitz, the names of the Senator from New York (Mr. D'Amato), the Senator from South Dakota (Mr. Pressler), the Senator from Ohio (Mr. Glenn), the Senator from Utah (Mr. Hatch), the Senator from Iowa (Mr. Grassley), the Senator from Massachusetts (Mr. Tsongas), the Senator from North Carolina (Mr. East), the Senator from Maine (Mr. Cohen), the Senator from Kentucky (Mr. Huddleston), the Senator from North Carolina (Mr. Helms), the Senator from Alabama (Mr. Heflin), the Senator from Wisconsin (Mr. Kasten), the Senator from Indiana (Mr. Lugar), the Senator from Minnesota (Mr. Durenberger), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of amendment No. 1299 intended to be proposed to S. 869, a bill to amend the Export-Import Bank Act of 1945.

AMENDMENT NO. 1316

At the request of Mr. Glenn, the names of the Senator from Minnesota (Mr. Boschwitz) and the Senator from Tennessee (Mr. Sasser) were added as cosponsors of amendment No. 1316 intended to be proposed to S. 869, a bill to amend the Export-Import Bank Act of 1945.

SENATE RESOLUTION 168—EMERGENCY ASSISTANCE TO ETHIOPIA

Mr. DeCONCINI (for himself, Mr. Percy, Mr. Pell, and Mr. Tsongas) submitted the following resolution; which was placed on the calendar:

S. Res 168

Whereas hundreds of thousands of Ethiopians are presently threatened with starvation:

Whereas tens of thousands of Ethiopian children will not live until the November harvest unless emergency food assistance is provided them in the immediate future;

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Whereas existing supply routes and transportation facilities are inadequate to get emergency food aid to relief distribution points in Ethiopia;

Whereas the United States has a longstanding policy of providing emergency humanitarian relief to the people of a foreign country threatened with starvation regardless of the political differences the Government of the United States may have with the Government of that foreign country; and

Whereas the humanitarian assistance programs of the United Nations and European countries cannot adequately meet the extraordinary needs of the Ethiopian people without the help of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should exercise the authority vested in him by law to make available immediately to the starving people of Ethiopia emergency food supplies and other emergency supplies and to take such actions as may be necessary to insure that the food and other emergency supplies made available by the United States are transported to those areas of Ethiopia that are experiencing famine.

Mr. DeCONCINI. Mr. President, the people of the United States have always taken great pride in our will and ability to help poor and needy people all over the world. Our Nation is based on the principle of helping both those who come to our shores in need as well as those who are homeless or hungry residing abroad. Sadly, this principle seems to have fallen victim, at least in one instance, to our desire to make a small gain in our ongoing struggle with the Soviet Union.

I refer to the severe famine in Ethiopia. The dimensions of the problem are staggering. It is a tragedy that is costing the lives of 50 to 100 children a day, a tragedy which experts predict will ultimately take the lives of at least 200,000 people. The United Nations and our European allies have joined together to provide emergency assistance, but knowledgeable observers agree that adequate relief cannot be provided to the 3 million in dire need without the assistance of the United States.

What is holding us back? The United States has the largest food surpluses of any nation in the world. We have a long history of giving humanitarian assistance regardless of political considerations. In fact, we once provided extensive assistance to the Soviet Union in the 1920's to help them fight a famine, even though we did not even recognize their newly formed Communist government. So what is keeping us from putting our wealth and our good hearts to work to help the desperate people of Ethiopia?

Basically, Mr. President, it seems that we are using the hunger of the Ethiopian people to teach their government a lesson. The lesson is that they should not have switched their friendship to the Soviet Union and away from the United States in 1974. I, too, ardently wish that Ethiopia had remained alined with the West. I pray that that present government will recognize its mistake and return to the Western fold. But I do not wish for the United States to contribute—through inaction—to the deaths of tens of thousands in Ethiopia—many of whom are women and children—to teach them a lesson. The United States can make its point in a much better way by helping these starving people; by showing the Ethiopians that their Soviet ally is, at best, impotent and, at worst, heartless in terms of providing anything but military assistance.

Mr. President, I am submitting a resolution today which calls upon the administration to apply our longstanding policy of helping the world's poor to the crisis in Ethiopia. The resolution urges that we undertake immediate efforts to supply food and to assist in transporting supplies to the many needy but difficult to access regions of Ethiopia. I hope that my colleagues will join with me in this effort to send a message to the administration that assisting the people of Ethiopia is not only consistent with our Nation's heritage and in keeping with our current foreign policy goals, but, most important, it is an action which will save the lives of thousands.

Mr. President, I ask unanimous consent that the resolution be held at the desk until the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 169—NATIONAL ICE CREAM DAY

Mr. STEVENS (for Mr. HUDDLESTON and Mr. HELMS) submitted the following resolution; which was ordered placed on the calendar:

S. Res. 169

Whereas ice cream is a nutritious and wholesome food enjoyed by millions of people throughout the United States;

Whereas the ice cream industry uses nearly 10 percent of the milk produced by United States dairy farmers, thereby contributing substantially to the economic wellbeing of the Nation's dairy industry;

Whereas the ice cream industry has annual sales of over $3,000,000,000 and provides jobs for thousands of U.S. citizens; and

Whereas the Nation's dairy farmer-owned cooperatives will hold a National Ice Cream Celebration during the week of July 10 through 16, 1983: Now, therefore, be it

Resolved, That it is the sense of the Senate that July 15, 1983, should be celebrated as "National Ice Cream Day", and that all citizens should be encouraged to observe such day with appropriate ceremonies and activities.

Sec. 2. The Secretary of the Senate shall transmit copies of this resolution to the President and the Secretary of Agriculture.

● Mr. HUDDLESTON. Mr. President, the resolution will express the sense of the Senate that July 15, 1983, should be observed as National Ice Cream Day. I urge my colleague to join me in voting to approve the resolution.

Ice cream is a nutritious and wholesome food that is the favorite dessert of many Americans.

The ice cream industry uses nearly 10 percent of the milk produced by U.S. dairy farmers, thereby contributing substantially to the economic wellbeing of the Nation's dairy industry. And, with annual sales of over $3 billion, the ice cream industry provides jobs for thousands throughout the Nation.

By making it the sense of the Senate that July 15, 1983, should be observed as National Ice Cream Day, we will be saluting this important agricultural product and honoring the dairy farmers and others responsible for making ice cream available to us for our enjoyment.

A national ice cream celebration has been held in each of the past 5 years by our Nation's dairy farmer-owned cooperatives. The celebration this year will be held during the week of July 10 through July 16. the theme of the celebration will be "America loves ice cream."

I believe it appropriate that tribute be paid to the ice cream industry in conjunction with the dairy farmers' special celebration.

Mr. President, the resolution I am introducing today is similar to Senate Joint Resolution 117, which I introduced on June 16, and which 45 Senators have joined me in cosponsoring.

It now appears that Congress will be unable to complete action on Senate Joint Resolution 117 before July 15, the day planned to be celebrated as National Ice Cream Day.

The resolution I am introducing will, however, enable the Senate to act in a timely manner on this noncontroversial matter. It merely puts the substance of Senate Joint Resolution 117 into the form of a sense of the Senate resolution. I urge my colleagues to support the resolution.●

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Urban and Rural Economic Development will hold a hearing on July 13, 1983, at 10 a.m. in room 428A, Senate Russell Office Building on various small business capital formation proposals and their job creation potential. For further information please contact Steve Williams of the committee staff at 224-5175. Senator D'AMATO will chair the hearing.

Mr. President, I would like to announce that the Senate Small Business Committee will hold a full committee markup on pending legislation

on July 14, 1983, at 9:30 a.m. in room 428A, Senate Russell Office Building. For further information please contact Mike Haynes of the committee staff at 224-5175.

Mr. President, I would like to announce that the Senate Small Business Committee will hold an oversight hearing on the Small Business Administration's program delivery, on July 21, 1983, at 9:30 a.m. in room 428A, Senate Russell Office Building. For further information please contact Robert Dotchin of the committee staff at 224-5175.

SUBCOMMITTEE ON INNOVATION AND TECHNOLOGY

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Innovation and Technology hearing on the IRS ruling dealing with computer software for July 15, 1983, in Boston, Mass., has been postponed until further notice.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a field hearing which will focus upon issues related to the reauthorization of the Indian Health Care Improvement Act, as well as issues of general concern affecting the health of American Indians. The hearing is scheduled to commence at 10 a.m., on July 8, 1983, in the Granite Room at the Sheraton Hotel at 27 North 27th Street, Billings, Mont. Those wishing to testify or submit written testimony should contact Max Richtman of the Select Committee on Indian Affairs at 202-224-2251.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a continuation of hearings on trade reorganization on Wednesday, June 29, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Mike Mitchell at 224-4751.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mrs. HAWKINS. Mr. President, the Subcommittee on Consumer Affairs will hold a hearing on July 13, 1983, on S. 1152, a bill to amend the Consumer Credit Protection Act with respect to consumer leases and rental-purchase agreements. The hearing will be held at 9:30 a.m. in room SD-538 of the Dirksen Senate Office Building.

For further information, please contact Linda C. Zemke at 224-1566.

SUBCOMMITTEE ON PULBIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of public hearings before the Senate Subcommittee on Public Lands and Reserved Water, on Thursday, July 21, 1983, in Bend, Oreg., and on Thursday, August 25, 1983, in Salem, Oreg. The subcommittee will receive testimony on H.R. 1149, to designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes.

The July 21 hearing will be held at the Central Oregon Community College, Northwest College Way, Bend, Oreg., from 9 a.m. to 4 p.m. Those wishing to testify in Bend should contact the office of Senator HATFIELD, room 114, Pioneer Courthouse, Portland, Oreg. 97204, phone (503) 221-6374. Those wishing to testify in Bend must sign up no later than July 11, 1983.

The August 25 hearing will be held at the Kresge Auditorium, Willamette University, 400 State Street, Salem, Oreg., from 8 a.m. to 4 p.m. Those wishing to testify in Salem should contact the office of Senator HATFIELD, room 114, Pioneer Courthouse, Portland, Oreg. 97204, phone (503) 221-6374. Those wishing to testify in Salem must sign up no later than August 15, 1983.

Oral testimony will be limited. Witnesses will be placed in panels. Because of the number of witnesses expected to testify, individuals are requested to choose which day of hearings they would like to present their testimony. Witnesses are requested to bring 15 copies of their testimony with them to the hearing.

For further information regarding these hearings, please contact Senator HATFIELD's office at the above listed numbers or Mr. Tony Bevinetto of the subcommittee staff at (202) 224-5161.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to receive testimony on the subject of enhanced coal technology: coal's market for the 1980's. The hearing will be held on Saturday, July 16, beginning at 1 p.m. and ending at 5 p.m., in the auditorium of the Donaldson Brown Center for Continuing Education, Virginia Polytechnic Institute, Blacksburg, Va.

Those wishing to testify or who wish to submit written statements for the hearing record should contact Mr. Roger Sindelar, Subcommittee on Energy and Mineral Resources, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Telephone: 202-224-5205.

Witnesses are requested to submit 25 copies of their testimony to Mr. Sindelar at the above address prior to July 15, or on the day of the hearing to Dr. Dick Harshberger, VCCER, Virginia Polytechnic Institute, 1617 North Main Street, Blacksburg, Va. 24060. Telephone: 703-961-5242.

For further information regarding the hearing you may wish to contact Mr. Sindelar at the above number.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 29, to continue a hearing on trade reorganization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet at 10 a.m. until 12 noon on Wednesday, June 29, to hold a business meeting to consider S. 615, Natural Gas Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 29, in order to receive testimony on the following nomination:

Mr. Stephen Trott, of California, to be Assistant Attorney General for the Criminal Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 29, in order to receive testimony concerning S. 568, S. 737, and S. 1383, legislation to allow businesses to jointly perform research and development.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 29, at 1:30 p.m., to hold a hearing on the Uniform Single-Audit Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AMENDMENT NO. 1434 TO S. 1287, PROVIDING 1984 AUTHORIZATIONS OF PUBLIC BUILDING PROJECTS

● **Mr. STAFFORD.** Mr. President, last Thursday, the Committee on Environment and Public Works considered and approved an amendment to S. 1287. On behalf of the committee, I have introduced the amendment (No. 1434) and wish to explain its provisions, in effect supplementing Senate Report 98-114.

This action by the committee completes this year's authorization of the General Services Administration's public buildings program. As reported to the Senate on May 16, 1983, S. 1287, the Public Buildings Authorization Act of 1983 (S. Rept. 98-114), provided only monetary authorizations for fiscal year 1984 without specification of individual major construction, acquisition, and repair and alteration projects. The committee was unable to evaluate these projects in time to meet the May 15 reporting deadline established by the Budget Act, because the submission by GSA of its fiscal year 1984 budget and supporting committee documentation was tardy and incomplete.

On May 24 and June 7 the committee held hearings to obtain additional information on individual public buildings and on GSA's overall management of the program. Testimony by officials of GSA and other Federal agencies has been instrumental in defining the views of the committee on projects and issues addressed in this amendment.

One such specific issue is the disposition of the old General Post Office Building currently referred to as the U.S. International Trade Commission Building. An interest in this building has long been expressed by the Smithsonian Institution in order to expand the public space available for the collections of the National Museum of American Art, the National Portrait Gallery, and the Archives of American Art. These collections, only 5 percent of which can be displayed at one time, are currently housed in the Patent Office Building, directly across F Street from the General Post Office Building and connected to it by an underground tunnel. Both buildings were designed by architect Robert Mills in the mid-19th century.

Section 7, added to S. 1287 by this amendment, mandates the transfer of the General Post Office Building—now occupied by the U.S. International Trade Commission and the U.S. Postal Service—to the Smithsonian Institution for use by its art galleries. This transfer is to take place without reimbursement.

The decision which has been reached in this case is intended to satisfy the needs of both the International Trade Commission and the Smithsonian Institution, for both seek quality space suitable to their respective missions. The General Post Office Building does not contain efficiently configured, modern office space of sufficient dimensions to house all of the headquarters operations of the International Trade Commission. On the contrary, the arrangement of space in this historic building and the architectural heritage it shares with the Patent Office Building suggest the appropriateness of awarding its stewardship to the Smithsonian. Only then can the building and art collections it would house receive the public exposure both so richly deserve.

The relocation of the offices of the International Trade Commission is a priority concern. Section 7 charges the Administrator of General Services with finding the agency a quality building, conveniently located in downtown Washington, which facilitates the carrying out of its mission. Progress in meeting this goal will be carefully monitored by the Committee on Environment and Public Works and the other congressional committees specified as recipients of the reports required on this matter.

Also addressed in section 7 are the maintenance and rehabilitation of the General Post Office Building itself. The Administrator is charged with undertaking repairs and preventive maintenance sufficient to arrest building deterioration prior to transfer. After transfer of the property to the Smithsonian, the Administrator is authorized to renovate the building to house art galleries and related activities on a reimbursable basis.

Another issue to which the committee has responded in this amendment is the housing of the Social Security Administration's functions in Wilkes-Barre, Pa. SSA's Data Operations Center in Wilkes-Barre is one of three facilities in the Nation which process earnings information from 5 million employers and maintain files for the retirement and survivors insurance, disability insurance, and supplemental security income programs. The Wilkes-Barre facility handles 8.5 million SSI folders, 62 million annual wage reports (W-2's and W-3's), and 9.2 million social security number applications. Notwithstanding the permanent nature of its functions and extensive documentation of its need for secure records storage space, the Wilkes-Barre DOC has been housed in leased space. The inadequacy of this space had been recognized for several years before 1977, when SSA first formally requested additional space. GSA leased additional space to accommodate the expansion of the Wilkes-Barre operation, but the expansion space is not contiguous to the original operation. Further demands will be imposed on the Wilkes-Barre DOC in August 1983 with transfer of active storage of 8 million SSI folders from the Chicago Federal Records Center.

GSA's initial inability to find a long-term solution to the Wilkes-Barre DOC problem prompted the committee to respond by reporting Senate Resolution 514, directing the Army Corps of Engineers to seek alternatives. The resolution passed in the lameduck session of the 97th Congress. The corps submitted a study which identifies a building available for purchase, the Luzerne Products Plant, located 4 miles from downtown Wilkes-Barre and suitable with alteration to meet SSA's long-term DOC needs.

I believe that the potential purchase of the Luzerne facility is a viable though not exclusive alternative for meeting the Social Security Administration's needs. Because GSA has funds available from its fiscal year 1983 appropriations for the opportunity purchase of buildings, this amendment authorizes $14 million for renovations and repairs of buildings so acquired, subject to prior approval by the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation. By authorizing renovation of a purchased building on a contingent basis, the Luzerne Products Plant or any other facility acquired by GSA can be expeditiously made ready for occupancy by the Wilkes-Barre Data Operations Center.

GSA has recently emphasized the role of opportunity purchases as a means to increase its inventory of Government-owned space. A well-constructed commercial building offered for sale can provide such space more rapidly than Federal construction and facilitates the elimination of expensive leasing arrangements. GSA's approach is a sensible one and thus $60 million has been included in this amendment for selected purchases of buildings. However, it is expected that GSA will provide complete and timely information on all pending transactions.

NEW CONSTRUCTION

Portland, Oreg., Federal Building $67,475,000

The Bonneville Power Administration's headquarters office is currently dispersed in six separate locations on the east side of Portland. Insufficient office space exists in the Federal Building at 1002 N.E. Holladay Street, where BPA is the principal tenant. To consolidate the agency's operations, GSA proposes to construct a new Federal Building on Government-owned land at a site adjacent to the Holladay Street facility with which it would share conference, cafeteria, and parking space. The proposed Federal Building will have 385,000 square feet of office and related space and 130,000 square feet of basement parking.

This construction project is intended to remedy the inefficiencies resulting from fragmentation of BPA's operations and to provide expansion space anticipated in conjunction with increased agency responsibilities. Relocation from the existing Holladay Street Federal Building will also make available, after a recommended building renovation project has taken place, sufficient office space to consolidate the operations of the Department of the Interior currently housed in multiple leased locations.

GSA has requested $67,475,000 for fiscal year 1984 to fund construction and associated costs for the new Federal Building to house BPA's operations; $3,300,000 has already been provided in fiscal year 1982 for building design. By directly and indirectly facilitating consolidation of the operations of two Federal agencies and eliminating the need for over 300,000 square feet of leased space, this project addresses the requirements of GSA's client agenices and contributes to GSA's own goal of improving the ratio of Government-owned to leased space.

Knoxville, Tenn., Federal Building $14,990,000

GSA proposes to construct a 107,898 occupiable square foot Federal building to house the offices of 12 Federal agencies currently located in leased space scattered throughout the city of Knoxville. At the present time 86 percent of all Government space controlled by GSA in Knoxville is leased resulting in a very high dependency upon a rental market subject to cost escalation. Contruction of a Federal office building would substantially reduce the number of leases and consolidate the housing arrangements for Federal agencies in the central business area of the city making public access to Government offices more convenient.

GSA estimates that the proposed facility will house 567 employees, with interior parking for 30 and exterior parking for 75 vehicles.

WALTHAM, MASS., FEDERAL ARCHIVES AND RECORDS CENTER (EXTENSION)

A 32,000 occupiable square foot extension to the existing 92,135 occupiable square foot building will be needed to house incoming records. By October 1984 it is estimated that 98 percent of current storage capacity will be filled.

The proposed extension will be a single story masonry structure with fire sprinklers and a design which emphasizes energy conservation. It can be constructed without disruption to current parking and driveway configurations. Costs are based on a construction start date of March 1985.

SEATTLE, WASH., FEDERAL ARCHIVES AND RECORDS CENTER (EXTENSION)

GSA proposed to construct a 53,000 occupiable square foot extension to existing 122,595 square foot facility. It is estimated that the present building will be filled to capacity by the end of 1984. The special responsibility of this center is the long-term retention of corporate tax records for all of the United States west of the Mississippi River.

The proposed extension would be constructed on the existing Government-owned site, woud extend from the south end of the existing building at the same width and would be designed in accordance with the special National Archieves and Records Service firesafety requirements.

DEMOLITION

Los Angeles, Calif., Warehouses .. $599,000

In a real estate exchange with the city of Los Angeles GSA acquired two warehouses adjoining the parking area behind the Federal Building at 300 North Los Angeles Street. Both warehouse buildings are structurally unsafe and pose a significant fire- and lifesafety hazard. GSA proposes the demolition of the two buildings and the immediate interim use of the site for additional official parking for the adjacent Federal Building and the nearby U.S. Courthouse.

The warehouse property covers 178,600 square feet. When combined with the buildable portion of the Federal Building parking area, the result is a 291,000 square foot construction site. From the northeast portion of the site 50,000 square feet will be made available to the Veterans' Administration for the construction of an outpatient clinic and regional office. The remainder of the site will be held in reserve for construction of a future Federal building.

RENOVATIONS, REPAIRS, AND ALTERATIONS

The following major renovation, repair, and alteration projects have received prior partial authorization as components of the fiscal year 1983 program. In each case the level of funding requested for fiscal year 1984 is required for project completion.

Little Rock, Ark., Post Office-Courthouse $4,269,000

Since its original construction in 1932 and its extension in 1940, this building has not been upgraded by means of a major repair and alteration project. Many of the building systems have deteriorated beyond repair that can be provided by day-to-day maintenance and suffer from basic uncorrected operational deficiencies. Funds have already been appropriated to construct a new buildilng extension in order to provide expansion space for the U.S. courts.

GSA proposes renovation work which will rectify inadequacies in plumbing, lighting, electrical, and air-conditioning systems. Modifications of the existing structure will also respond to firesafety and energy conservation requirements.

Of the $1,570,000 requested for fiscal year 1983, $1,269,000 had been reprogramed to the rental of space activitiy. Therefore this amount has been included in the $4,269,000 authorization for fiscal year 1984.

Washington, D.C., Liberty Loan Building $2,757,000

GSA has requested $2,757,000 for work planned during fiscal year 1984 in order to complete this $7,217,000 project. Repairs and alterations to be performed include replacement of elevators, upgrading of office space, and restrooms, upgrading of electrical and domestic water systems, and the provision of exterior landscaping.

Baltimore, Md., Middle River Federal Depot. $1,892,000

In order to complete planned work on this $4,756,000 project, GSA has requested $1,892,000 for fiscal year 1984. Proposed repairs and alterations include replacement of the underground electrical distribution system and freight elevators, improvement of stairways, and resurfacing of the parking area.

Detroit, Mich., Federal Building-Courthouse $4,957,000

For diverse repairs to this monumental building, GSA has requested $4,957,000 to be obligated during fiscal year 1984, an amount sufficient to complete this $7,806,000 project. Work to be performed includes repairs to the roof and the heating, ventilating, and air-conditioning system; provision of space for the bankruptcy courts; and the installation of firesafety equipment.

Cincinnati, Ohio, Post Office-Courthouse $1,138,000

GSA has requested $1,138,000 to complete this $6,485,000 project. Upgrading of office space, installation of firesafety equipment, and the provision of facilities for the handicapped are among the work items to be performed during fiscal year 1984.

Ogden, Utah, Internal Revenue Service Center $3,036,000

To correct the problem responsible for roof deterioration, GSA proposes to install a drainage system. Also required to complete this $5,815,000 project is the modification of the heating, ventilating, and air-conditioning system for energy conservation and the resurfacing of the parking lot.

Yakima, Wash., Federal Building-Courthouse $1,025,000

This monumental building, listed on the National Register of Historic Places, had been purchased from the U.S. Postal Service. GSA has requested $1,025,000 for fiscal year 1984 to complete this $2,363,000 project. Remaining work includes plumbing repairs, interior painting, extension landscaping, office space upgrading, and firesafety system installations.

RENOVATION OF HISTORIC BUILDINGS

Washington, D.C., Blair House	$6,500,000

Last June, the Blair House complex, the President's guest house for foreign dignitaries, was closed due to conditions potentially dangerous to human safety. On August 5, the committee approved on an emergency basis a prospectus to authorize the renovation of Blair House based on cost estimates then available. Total project costs were to be limited to $7,020,000. For fiscal year 1983 GSA received an appropriation of $2 million for the Blair House project. GSA has applied part of these resources to architectural and engineering studies in order to establish with greater precision the estimated cost of the renovation.

On May 24, 1983, at a committee hearing on public buildings, GSA testified on the Blair House project and proposed to amend its scope to include the construction of a new primary suite to accommodate foreign heads of state. The security of these dignitaries could be provided more readily in such a new wing than in the renovated portions of the existing structure. Subsequent to the hearing GSA has provided new cost estimates inclusive of the primary suite addition. The amount approved in this legislation reflects the increased scope of the project. Total project costs (including $2 million appropriated in fiscal year 1983) are $8,500,000.

District of Columbia, Pension Building	$2,650,000

The Pension Building has long been a topic of committee interest and concern. Renovation of the building and its utilization as a museum for the building arts were proposed as the subject matter of preliminary studies authorized by Public Law 95-596, (S.J. Res. 160, as reported by the committee) on November 4, 1978. Two years later the National Historic Preservation Act Amendments of 1980, Public Law 96-515, authorized renovation of the Pension Building and the establishment of a National Museum of the Building Arts.

Recognizing the complexity of a project to renovate a historically and architecturally significant building, last year the committee included in S. 2451, the Public Buildings Authorizations Act of 1982, $1,750,000 for the preliminary design of work on the Pension Building. This amount was appropriated in the continuing resolution for fiscal year 1983. The estimated total cost of building renovations is $24 million.

GSA and the National Building Museum have recently discussed accelerating some of the work in order to enhance the Museum's ability to implement its programs. These are renovations which can be undertaken immediately without prejudicing other work that must await the architects' detailed designs. Some of the accelerated work will provide ancillary benefits for the 1985 inaugural ball by upgrading the appearance of the building.

The committee approves this accelerated schedule and authorizes the following specific work items at a total cost not to exceed $2,650,000.

A. Interior work including restoration of Presidential reception rooms and renovation of the provisional gallery and conference rooms.

B. Replacement of roof level D with lightweight concrete planks, reconstruction of fourth floor ceiling and lighting, and replacement, restoration, and reattachment of all modillions.

C. Restoration and cleaning of exterior brick work and terra-cotta detailing.

HEALTH AND SAFETY

California, San Francisco Appraisers Building	$1,290,000
Colorado, Denver Federal Center No. 20	6,427,000
Illinois, Chicago, J. C. Kluczynski Federal Building	3,319,000
Boston, Mass., John F. Kennedy Federal Building	2,499,000
Detroit, Mich., Patrick V. McNamara Federal Building	5,474,000
Cleveland, Ohio, Anthony J. Celebrezze Federal Building	3,951,000

Four of the buildings listed above—the Kluczynski, Kennedy, McNamara, and Celebrezze Federal Buildings—are structures in excess of 20 stories which do not meet recognized life- and firesafety code requirements. Project proposals for each building were originally submitted to the committee in February 1982. It was assumed then that authorization and funding would be sought to include these projects in the fiscal year 1984 program.

The potential danger to Federal workers and other occupants of these buildings in the event of fire makes the installation of needed firesafety equipment a priority concern. Last year, the committee acted to reduce the risks involved by including these four firesafety projects in S. 2451, the bill to authorize the fiscal year 1983 public buildings program. No funds, however, were appropriated to commence work on these projects.

GSA now proposes to include the four projects in its fiscal year 1985 program and has submitted escalated cost data based upon this deferred scheduling. It is recommended that these projects be included instead in the fiscal year 1984 program to facilitate their rapid completion and to avoid the escalation of costs that postponement would cause. Authorized amounts for each project therefore reflect GSA's original cost estimates.

The Appraisers Building in San Francisco also requires the installation of firesafety equipment. However, GSA has proposed the costly replacement of the exterior terra-cotta veneer of the building as well. Compelling evidence in support of this replacement has yet to be presented.

The two components of the proposed renovation of the Appraisers Building are completely independent of each other and therefore are separable. Installation of an automatic sprinkler system to protect this 17-story structure and its occupants is essential. Replacement of the exterior facing of the building has lower priority and should be deferred pending more persuasive advocacy of the need to do so. The amount included in this amendment—$1,200,000—is to be obligated during fiscal year 1984 solely for work related to firesafety.

Last year the committee authorized the expenditure of $10,287,000 for the first phase of a renovation project in Federal Center Building 20 located in Denver, Colo. GSA proposed the conversion of this building into laboratories for the Food and Drug Administration and the U.S. Geological Survey. The laboratories of both agencies are currently housed in office buildings that are totally unsuitable for laboratory operations and are rendered unsafe by their presence. Rapid completion of this project is imperative to eliminate these hazardous conditions.

The remaining $6,427,000 of this $16,514,000 project is to be used to complete laboratory space and supporting office space and to provide firesafety improvements.

VACANT SPACE ALTERATIONS

Atlanta, Ga., Federal Annex	$9,193,000
Pittsburgh, Pa., Post Office-Courthouse	8,975,000
San Antonio, Tex., Post Office-Courthouse	6,190,000

GSA has purchased or is negotiating the purchase of each of the above buildings from the U.S. Postal Service. Renovation of the space thus acquired will enable it to relocate Federal agencies presently housed in leased space into Government-owned space, resulting in long-range savings for the Federal Government. Housing plans for these three buildings propose the collective accommodation of 2,216 employees above their current occupancy levels. In approving the listed amounts for renovation, it is assumed that the transfer of title to these buildings will occur in sufficient time for work on the projects to commence during fiscal year 1984. Presently only the San Antonio facility has been transferred to GSA's inventory.

BASIC REPAIRS

District of Columbia, Auditors Building	$9,294,000
Asheville, N.C., Grove Arcade Federal Building	8,364,000

As a part of the fiscal year 1983 public buildings program, the committee authorized $656,000 for the preliminary design of major repair and alteration work needed to facilitate the continued use of the historic Auditors Building. To complete this project $9,294,000 is required. Work to be performed during construction includes structural repairs, replacement of mechanical systems, installation of a heating, ventilating, and air-conditioning system, and upgrading of office space.

Also, as a component of the fiscal year 1983 program, the committee had approved $550,000 for the preliminary design of the Grove Arcade facility. During this fiscal year GSA reprogramed to the rental of space activity the funds appropriated for this purpose in order to cover a shortfall in revenues of the Federal buildings fund. The amount approved in this legislation, $8,364,000, therefore covers all project costs including design.

The Grove Arcade Federal Building was originally built as a shopping mall in 1929 and is listed on the National Register of Historic Places. Its continued use by Federal agencies requires the renovation of its architectural, electrical, mechanical, structural, and firesafety systems and components.

SPECIAL PROGRAM NEEDS

Suitland, Md., Naval Intelligence Command Building No. 1	$9,760,000

This repair and alteration project is required to meet the needs of the U.S. Naval Intelligence Command for a secure facility. Work to be performed includes upgrading the heating, ventilating, and air-conditioning system, upgrading the electrical system, provision of fire- and life-safety items, replacement of windows, and upgrading office space. Much of this work is directly or indirectly required to convert this building into a restricted-access facility sufficiently secure to handle classified materials.

Originally included in the fiscal year 1983 public buildings program for partial funding, this project received no appropriation. Taking into account its importance for national security, the $9,760,000 authorized by this legislation covers all renovation costs.

DESIGN OF RENOVATIONS, REPAIRS, AND ALTERATIONS

District of Columbia, Steam Distribution System	$886,000
New Orleans, La., Hebert Federal Building	611,000

The District Heating System currently serves 117 buildings, approximately 42 million gross square feet of space, and 110,000 Federal workers. About 25 percent of the steam produced is supplied to non-Federal buildings in the District of Columbia. GSA has proposed a $37,825,000 renovation project for the three major components of the District Heating System—the Central Heating and Refrigeration Plant, the West Heating Plant, and the Steam Distribution Complex.

To design repairs and alterations for the steam distribution complex, GSA has requested $886,000 of the total $15,200,000 project cost. Proposed work includes tunnel repairs and the upgrading of mechanical and electrical systems.

For design of renovations to the Hebert Federal Building GSA has requested $611,000. Total project costs of $9,265,000 include upgrading of existing office space and plumbing, electrical, heating, ventilating, and air-conditioning systems; installation of fire- and life-safety equipment; and conversion of U.S. Postal Service workroom space to office space. On completion 153 Federal employees will be moved from leased space into this building, increasing its occupancy to 667.

PROJECT NOT RECOMMENDED FOR AUTHORIZATION

New York, N.Y., Federal Building, 252 7th Avenue	$577,000

GSA has requested authority for the preliminary design of a renovation project having a total estimated cost of $39,500,000. This building houses the Regional Office, Prosthetics Center, and Outpatient Clinic of the Veterans' Administration, its primary occupant agency. The Veterans' Administration has recently informed GSA of its plans to relocate its Prosthetics Center in 1985 and its Outpatient Clinic in 1990 to the Veterans' Administration Medical Center, Manhattan, upon completion of planned construction projects at that site. The VA has also expressed its willingness to relocate its Regional Office if GSA decides that the renovation of the 252 Seventh Avenue facility is not economically feasible.

The impending relocation of the primary tenant agency of this building to whose needs proposed renovations were to be tailored makes this project unnecessary. GSA must determine what future role this building is to play in meeting Federal space requirements in New York City and advise the committee accordingly. Since the relocation of VA facilities to its Medical Center is to occur over an extended period of time, it is recommended that GSA use minor repair and alteration funds to maintain the building in a habitable condition.

MECHANICAL SERVICES

Section 8 would prohibit GSA from firing mechanics employed in GSA controlled buildings and contracting out their services to the private sector. Last year the Congress passed legislation to limit contracting of guards, elevator operators, messengers, and custodial services, but mechanics were not included in the series of jobs referenced by the legislation.●

BELLEVILLE'S BASEBALL AMBASSADORS

● Mr. DIXON. Mr. President, it is, indeed, an honor for me to rise today to pay tribute to a group of 8- and 9-year-old boys who will soon represent the United States on a good will tour to Japan. On July 25, 1983, 12 young men, all from my hometown of Belleville, Ill., will be going to Japan as good will ambassadors. I am proud of these young men who have demonstrated great talent in our Nation's favorite sport, baseball.

At a time when much is written about Japan's success in technology and trade, I would venture that we Americans remain unsurpassed on at least one field—the baseball field. Baseball is a part of the United States heritage and these young men from Illinois are keeping the tradition strong. It is important to me, as well as other Americans, to see such traditions preserved. America may be a melting pot of all cultures, but one aspect of our culture, baseball, is distinctively our own.

I know the representatives from the Khoury League of Belleville will prove themselves worthy diplomats for the United States. While serving as representatives from America, these young men will have the opportunity to enrich their own lives by travel. Opportunities like this are not handed out, they are earned. The Khoury League has achieved honored recognition through hard work and determination.

I am sure these outstanding young people will make the most of this trip and will remember it in the years to come as a highlight of their early years. I wish them the best of luck, and commend them to you for their accomplishments.●

LEGISLATIVE VETOES AND THE TRADE LAWS

● Mr. DOLE. Mr. President, a Supreme Court decision last week in Immigration and Naturalization Service against Chadha requires all of us to reflect very deeply on the practical manifestations of our constitutional system of checks and balances. The Congress has sought in many ways to maintain its legislative preeminence in the past 50 years of increasing Government regulation. By broadly declaring that one-House vetoes of decisions by the Attorney General regarding deportations constitute an unconstitutional manner of legislating, the Court called into question an extensively utilized tool by which the Congress has sought to insure the adherence by administrative agencies to congressional intent across a wide spectrum of subjects.

The ultimate sweep of the Court's decision is not now determinable, al-

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though it clearly casts doubt on the constitutionality of all legislative vetoes. Nor does it necessarily follow that the loss of this controlling device must portend a diminished congressional role in the governance of this country to the detriment of those caught in the ever-widening web of agency intrusions into private lives and the marketplace. As Justice White noted in his dissent, the legislative veto was spawned in response to the growth of the Federal Government's size and complexity. One must wonder whether the availability of this device has led the Congress to contribute unwittingly to this vast growth under the illusion that it retained significant oversight of the results. I hope that the Chadha decision at least will cause us to examine much more carefully any delegations of authority to the executive branch; by taking greater legislative responsibility ourselves, perhaps we can control Government costs more effectively and restrain the bureaucratic imperative to accrete authority at every opportunity.

While we sort out the breadth and effects of the Supreme Court's decision, I wish to assure my colleagues that the Committee on Finance will examine closely the continuing validity of provisions in various trade laws that are comparable to the one-House veto struck down in Chadha. Over the years, the Congress has delegated to the President broad authority to negotiate trade agreements and to proclaim import restraints, pursuant to certain standards and subject in some cases to subsequent legislative override. Examples include the Jackson-Vanik amendment, under which the President extends most-favored-nation status to Communist countries if certain emigration practices are observed, and title II of the 1974 Trade Act, pursuant to which United States Industries may obtain temporary relief from injurious surges of imports. These trade laws and others like them embody a fine balancing of interests in increased trade and the protection of U.S. firms and workers. I know that Senator DANFORTH, chairman of the Subcommittee on International Trade, and other members are vitally interested in seeking to maintain the congressional purposes with regard to these laws through some mechanism, if not the legislative veto. The Finance Committee will make every effort to accomplish this purpose in the months ahead.●

JIM CAPUTO STEPS DOWN

● Mr. GARN. Mr. President, last month a great participant and supporter of the CYO in the State of Utah retired. After 56 years of serving the youth of Utah, Jim Caputo has stepped down as the director of CYO activities.

He exemplifies the volunteer spirit that President Reagan has spoken so much of recently. I feel that Jim Caputo deserves special thanks for all that he has done for the betterment of youth in Utah. In this connection, I submit an article from the Salt Lake Tribune praising Mr. Caputo to be printed in the RECORD.

The article follows:

[From the Salt Lake Tribune, May 1, 1983]

JIM CAPUTO STEPS DOWN

(By John Mooney)

Jim Caputo had played two games in the White Sox' Comiskey Park years before Walker Cooper, the St. Louis Cardinal catcher, was introduced to rookie umpire Augie Guglielmo and made the comment, "Guglielmo, Passarella, Pinelli, Dascoli, Donatelli and Paparella. Does every Eyetalian get a dark suit, a whisk broom and a chest protector when he gets off the boat?"

Cooper and many of those "Eye-talian" umpires hung up their gear many years ago, and Caputo joined the retirement corps Saturday night when he stepped down as director of CYO activities after fifty-six years of serving the youth of the state.

His square monicker is A. James Caputo, and he boasts of Italian ancestry not only on his father's but also on his mother's side of the family. But to thousands of boys in the valley, he's been "Jay" over all those years.

It all started back in 1927 when two brothers, Father Pat Kennedy at St. Patrick's church and Father Bill Kennedy at the Tooele church formed baseball teams, which evenutally became the Catholic Youth Organization, which flourished under Caputo's guiding hands for almost 40 years.

Caputo was a member of that first baseball team, representing St. Pat's.

So spirited was the rivalry that after the baseball season, it was natural the two church groups continued the competition in basketball, at the old Police gym on First South and at Tooele High School.

Jay was a baseball player and kept active in the Amateur Federation as a player and manager for many years with the Pullman Railroad team managed by H.O. Turville (the founder of Utah soccer), and later with the S & H Green Stamps, the Sugarhouse team and finally the CYO.

He also began coaching the St. Pat's CYO basketball team in his spare time.

"That basketball team got me into almost a lifetime job," Caputo recalled.

"I had my brothers Roy and Frank, John McGurk, Leo Pignanelli and Larry Pagnanelli, Bill McKague, Ralph Smith and the Barber brothers, Bill and Gene, on those teams and we beat everyone."

TURNING POINT

Actually, CYO baseball received its biggest boost when the late Duane G. Hunt, the Catholic bishop of the Salt Lake diocese, wangled an invitation for the Utah boys to play in a national baseball tournament in Comiskey Park in Chicago during the 1933 World's Fair.

Since few of the Utah boys had been out of the state, this was quite an experience for Jay, Roy and Frank Caputo, Larry Brennan, Johnny Vaughan, Cy Bodgen, "Lefty" O'Brien, Jack Argentos, Jack Guthrie, Ralph Smith, Ralph Jerome, Tony Salazar and "Spongey" Pagnotta.

"Art and Dan Connole raised a lot of the money to finance the trip and we had our own private pullman on the train," Caputo recalled. "They put us up at the Illinois Athletic Club and we played in the tournament in the White Sox Park.

"Afterwards, each of us got $2 to attend the World's Fair. That wasn't too bad because we could get a meal for that and many of the exhibits were free. The thing I remember most about the Fair was the booths with the new dial telephones, where you could call anyone in the country free.

"I waited in line to call my girl friend, Josephine, but everyone could listen to the conversation. But 'Spongey,' who had all the angles, fooled the crowd by speaking to his mother in Italian," Jay laughed.

Next year, the CYO team took a trip to San Francisco.

Over the years, Caputo had lots of volunteer helpers, but every Saturday and Sunday for the basketball months, for 37 years, Jay was on hand directing the league and tournament play.

In addition, during the week he had the job of collecting entry fees, contacting and hiring officials and generally keeping the organization running, in addition to doing all the printing and mailing for the leagues.

In retrospect, Jay laughed, "I had a chance to play semipro baseball, but I couldn't take the time from my job at the Salt Lake Hardware (where I spent 42½ years). I guess you could say I never lost my amateur standing."

Which was a good thing for thousands of youngsters who grew up in clean sports and saw their children and grandchildren play in the same leagues, under the direction of Jay Caputo.

OBSERVATION WARD

My baseball scouting report read, "He hits right-handed, left-handed, and seldom."●

TECHNOLOGICAL INNOVATION BY FLUID CONSERVATION SYSTEMS

● Mr. DURENBERGER. Mr. President, at a time when many are questioning America's ability to maintain its international edge in technological innovation, it is a great pleasure to witness breakthroughs in American technology. It is an even greater pleasure when those breakthroughs originate in Minnesota.

Several weeks ago I had the pleasure of reading an article on leak detection in the May 1982 edition of American City & County magazine. That article was authored by Douglas S. Greeley, P.E., chief of the repairs section of the New York City Department of Environmental Protection. It dealt with New York City's experience in utilizing a Minnesota invention designed to locate leaks in underground water systems in the most efficient manner possible.

American cities are currently losing millions of gallons of water through leaks in underground waterpipes. New York City loses an estimated 100 million gallons per day, 15 to 20 percent of the city's supply. Boston may lose 2 gallons of water through leaks for every 1 gallon delivered. The State of California recently determined that it loses 80 billion gallons per year, costing Californians more than $16 million per year. In Philadelphia, 15 percent of the city water disappears before reaching homes and factories. Nearly all of our cities face the same problem as aging waterpipes decay. Nationally, it is estimated that 20 percent of our municipal water supply is lost through leaking pipes. With our urban areas facing water system maintenance bills estimated at $75 to $100 billion over the next 20 years, it is essential that economical ways be developed to pinpoint and repair municipal water leaks.

In the past, underground water leaks had to be located in what amounted to a hit or miss manner. It was an expensive, inconvenient, and inefficient system. A group of engineers in Duluth, Minn., set out to find a better way. Their development—which they call the locate a leak and detect a leak systems—is now being used by 42 municipalities across the Nation.

In his article, Mr. Greeley credits the system with saving an estimated 43 million gallons per day in 1 year of use, no small feat in a city which typically excavates 500 dry holes annually in attempts to find leaking pipes. The West Virginia Water Co. reports saving nearly 12 million gallons per month, and the Western Pennsylvania Water Co. reports that in the first 4 days of use, the system pinpointed nine leaks which together were losing an estimated 720,000 gallons of water per day.

I am hopeful that other Senators will enjoy reading about these developments as much as I did, and I ask that the article from American City & County magazine be printed in the RECORD.

The article follows:

[From the American City & County magazine, May 1982]

LEAK LOCATION ENTERS COMPUTER AGE

(By Douglas S. Greeley, P.E., Chief, Repairs Section, NYC Dept. of Environmental Protection, Bureau of Water Supply)

(Faced with drought conditions, New York City turned to a computerized leak detection patrol to stop wastage of valuable water. After one year, some 43 mgd in leaks were found and fixed thanks to its high-tech leak location unit)

The Drought of 1980-81 hit the City of New York at a particularly bad time. Just recovering from its fiscal problems of the late 1970s, the city was being pressured to maintain or increase municipal services in order to stem the departure of its tax paying residents, as well as to stimulate economic growth by persuading businesses to remain and even expand.

In the Department of Environmental Protection, as well as other agencies, this pressure was compounded by a seriously depleted work force and a discontinuous flow of knowledge and on-the-job experience from senior to junior personnel. Many of the "Old Masters" in all job titles had departed for better wages, or had simply retired.

This problem was especially true for the Bureau of Water Supply's leak detection effort. The ability to accurately pinpoint leaks using the traditional methods of sounding bars, geophones and aquaphones takes years of practice and experience in a city like New York with its complex subsurface environment. When the drought struck, the few remaining leak detection experts were not able to train younger workers in time to mount a productive leak detection program.

During the early fall of 1980, when the warning signs of the impending drought became apparent, the Commissioner of the Department of Environmental Protection and the Director of the Bureau of Water Supply became aware of a new leak pinpointing device which had been successfully used in other large cities. The Locate-A-Leak system was successfully demonstrated for the Bureau engineering staff, and when the city reservoir system storage fell below 50 percent of capacity, orders were placed for two of the computer-based systems.

To fast-track deployment time, the manufacturer, Fluid Conservation Systems of Houston, Texas, was requested to procure van-type vehicles and install its equipment to provide the city with a fully functioning leak detection van, rather than have the city assemble its own units. Despite, or in the spite of, the rigors of governmental purchasing, the units were delivered one month after the specifications were written.

As part of the city's Drought Emergency Plan, which included the establishment of valve and regulator maintenance units, reducing system pressures to breakpoint, the letting of leak and vacant building shutoff contracts and the installation of hydrant restriction devices, the Bureau developed a leak detection unit consisting of a district foreman, four foreman and 22 heavy duty laborers under the direction of a civil engineer.

When the first mobile leak detection van was delivered in mid-December of 1980, the manufacturer provided an intensive classroom training session to familiarize the laborers with the New York City water supply system, fundamentals of leak detection and the principles behind the Locate-A-Leak system. Using tape recordings of leaks which had been pinpointed in various municipalities across the country, the class was able to learn the operation of the system in the classroom, without the distractions of traffic or pedestrian interference.

After the class had mastered the operation of the equipment and what leak noises sounded like, FCS instructors trained the personnel in how to make proper field connections and how to shorten scan distances to improve the accuracy of leak pinpointing. At the end of the one week session, the class had gone five-for-five in pinpointing leaks which had defied location through the use of conventional means.

Since the Leak Detection Unit was to play a part in promoting public awareness of the drought and was to act as the "flagship" in conservation efforts, the leak detection vans and support vehicles of the unit became the first in the Bureau's fleet to be painted in a new color scheme. In addition, the vans were supplied with press releases and handouts concerning conservation to pass out to interested passersby and school children.

The equipment and the unit proved so successful that three more leak detection vans were purchased in June 1981 as the effects of the drought intensified.

The Detect-A-Leak unit, which is about the size of a portable radio, enables a surveyor to listen to line valves, hydrant valves, and service lines along a water main. When a leak noise is picked up, the surveyor brackets the leak by identifying the points of maximum noise on the main. When the surveyor brackets the leak, he then marks the distribution system map and continues surveying. The maps of each surveyor are referred to a follow up crew in a leak detection van which wires the Detect-A-Leak's transducer connections into the Locate-A-Leak console inside the van.

The operator, using the microprocessor and an oscilloscope and knowing the diameter of the water main, the centerline distance between the transducers and the required scanning time will get an oscilloscope trace of water main noise. The point or points of maximum amplitude, which resemble an "explosion" of dots, is a characteristic leak picture. By lining the cursor dot up with the point of maximum amplitude, the operator is able to pinpoint the exact location of the leak.

The operator has the ability to alter the spanning distance to key in on a particular segment of main without changing transducer settings. This improves the accuracy of the leak location. The operator may also change the length of scanning time to eliminate the effects of ambient noise, such as car horns. This scanning time change acts much like the shutter speed of a camera. If you were to pass your hand in front of a camera set at a speed of 1/100 of a second at the exact time the shutter tripped, the picture would appear blurry. However, if the camera was set for a time exposure, your hand would not affect the picture as much, if at all.

The van-mounted leak location system enables the operator to tape-record leak sounds as "heard" by the equipment. This permits the operator to communicate with a follow-up crew or to further refine the leak's location back at the shop.

The Locate-A-Leak system also provides the ability to rapidly evaluate long sections of water main and to detect and pinpoint multiple leaks. And, in the event that the operator does not bracket the leak the first time, the system will indicate in which direction the operator should then move. In one residential neighborhood in Staten Island, the unit "chased" a leak detection crew three blocks before the leak was finally bracketed.

The first concern of the city's Leak Detection Unit was to assist the department's public relations experts in esablishing that the city was undertaking a credible conservation effort. In short, this meant the resolution of longstanding leak complaints which had previously defied location, particularly on or near department facilities. In some cases, as we were to learn, the leaks had been running for years. These old "in-house" leaks had to be found and fixed to convince city residents that water conservation was a reality.

Our next priority was to assist city repair forces in minimizing the leak complaint backlog. Since we were able to stay with a leak until it was located, rather than be called away as in the case of complaint investigators from the repair shops, we were able to reduce the repair time for leaks requiring excavation.

Our next priority was to deal with other bureaus within the Department of Environmental Protection and other New York City agencies.

At the onset of the drought, the Department of Housing Preservation and Development had furnished the Bureau with computer lists of vacant and abandoned buildings. These lists were given to contractors to have services shut off. These buildings tended to be concentrated within certain parts of the city, and we knew that the lists did not provide a complete picture of the abandonment problem.

In the one year of the leak detection unit's existence, in addition to training approximately two-thirds of the personnel, the unit has pinpointed more than 500 leaks, saving an estimated cumulative total of 43 mgd.

Concurrent with the city's conservation public relations efforts, our sewage treatment plants noted significant drops in sewage inflows within most treatment plant districts. However, in certain instances the flows did not drop appreciably, and the areas coincided with those of high abandonment. By surveying these areas on a block by block basis, we were able to sweep the areas clean of leakage. In one district, that of the 26th Ward Water Pollution Control Plant, the leak detection unit was able to resolve approximately 150 leaks and reduce average plant inflow by 1 mgd, about 13 percent.

Finally, as a result of the actions taken to minimize the effects of the drought, the city has been able to reduce the average daily demand on the water supply system from a pre-drought 1.5 billion gallons per day to the safe system yield of 1.29 billion gallons per day.

Our next objective is to more closely align the unit with the repair forces to minimize the excavation of dry holes. These presently account for about 10 percent of our street openings, limiting crew productivity, as well as unnecessarily disturbing pavement. To justify the procurement of the leak detection vans, we found that if each of our five vans could eliminate 100 "dry" openings, then the purchase would be economical, without any consideration of water saved, treatment and pumping cost reductions, or reduced water damage to property, utility structures and transportation systems.

The leak detection effort was only one part of overall drought strategy, however. As the effects of the drought wane, many drought actions may not prove to be efficient or cost effective. However, we feel that the Leak Detection Unit, equipped with the Locate-A-Leak system, will continue to provide material savings and increased labor productivity.●

DEATH OF MIKE MANATOS

● Mr. SARBANES. Mr. President, America lost a fine public servant with the death of Mr. Mike N. Manatos on May 27, 1983. Mike Manatos had a distinguished record both on Capitol Hill and in the White House during his 46-year career of public service.

Born in 1914 in Rock Springs, Wyo., the son of Greek immigrants from the island of Crete, Mike Manatos arrived on Capitol Hill in 1937 and in the ensuing 24 years, served in senior staff positions with five U.S. Senators from his home State. In 1961, Mr. Manatos was appointed by President John F. Kennedy as Administrative Assistant to the President for Congressional Relations and was one of the few top Kennedy aides to continue in his position through the entire Johnson administration. During his service in the White House, Mr. Manatos presided over what is historically known as the most productive legislative period in American history.

Mr. Manatos holds the distinction of being the first American of Greek decent to hold senior staff positions both in the Congress and the White House and was extremely active in Greek-American affairs and on behalf of Greek Americans throughout his career.

Mr. President, I submit the following articles regarding Mr. Manatos' fine career in public service for inclusion in the RECORD.

The articles follow:

[From the Washington Post, May 30, 1983]

MIKE N. MANATOS, DEAD AT 68

Mike N. Manatos, 68, a White House legislative aide during the Kennedy and Johnson administrations who later was a lobbyist for Procter & Gamble here for 10 years before retiring in 1979, died of congestive heart failure May 27 at Georgetown University Hospital. He lived in Sumner.

He joined the White House staff in 1961, serving under Lawrence F. O'Brien, the president's special assistant for congressional relations.

During the next eight years Mr. Manatos worked as a liaison with the Senate's Democrats, and contributed to the passage of landmark legislation in the fields of civil rights, housing and transportation.

Mr. Manatos was a native of Wyoming. From 1937 to 1961, he was an administrative and legislative assistant to several Wyoming senators. He also had served as president of the Senate Administrative Associates Association.

He was a member of the St. Sophia Greek Orthodox Cathedral in Washington, and was a grand archon of the Greek Orthodox Church, the highest position a layman can reach. He was a member of the Pan Cretan Association and AHEPA. Presidents Johnson and Carter both assigned him to missions in Greece.

Mr. Manatos was a past president of the Association of Former Senate Aides, and a member of the Business Government Relations Council, and the Jefferson Group of Washington.

Survivors include his wife, Dorothy V., of Sumner; three children, Kathy Shand of Salt Lake City, and Ann Sikand and Andy Manatos, both of Bethesda; two brothers, George, of Modesto, Calif., and Tom, of Rock Springs, Wyo.; two sisters, Sylvia Johannessen of Arlington, and Tina Mamalis of Rock Springs, Wyo., and nine grandchildren.

[From the Hellenic Times]

MIKE MANATOS IS DEAD AT 68

Mike Manatos, the first Greek-American to hold positions of major influence in Washington, D.C., died of congestive heart failure on May 27, 1983 in Washington, D.C. Mr. Manatos served as Administrative Assistant for Senate Liaison to Presidents Jack Kennedy and Lyndon Johnson. He was the first Greek-American to hold senior staff positions in the United States Senate, where he worked from 1938 to 1961.

For the last twenty years, Mr. Manatos had been on a first-name basis with the nation's Presidents, Speakers of the House, Majority Leaders of the Senate, Cabinet Members, Supreme Court Justices and others in Washington's policy process.

Throughout his career, Mr. Manatos played a major role in America's policy toward Greece and Greek-Americans. He was involved in the actions of President Johnson which stopped the Turkish invasion of Cyprus in the late 1960's. With his son Andy, who was Legislative Assistant to Senator Thomas Eagleton during the consideration of the Cyprus/Turkey issue in Congress and Assistant Secretary of Commerce in the Carter Administration, they played pivotal roles on the Greece-Turkey-Cyprus issue.

He played a critical role in substantially increasing America's immigration quota from Greece. He helped numerous Greek-Americans to get into the U.S. and with their problems with the government. For many years he provided the country's Greek-American leadership with access to the White House.

Most recently, President Carter invited Mr. Manatos to serve as a member of the American delegation to bring to the United States the Olympic flame for the 1980 Winter Olympics held in the United States. President Johnson appointed Mr. Manatos and former President Truman to represent him at the funeral of King Paul of Greece.

Mr. Manatos was a Grand Archon of the Greek Orthodox Church, a member of the AHEPA, and past-President of his local chapter of the Pan-Cretan Association.

Mr. Manatos was most well-known in Washington for his work on non-Greek related matters. He was recognized as one of the nation's leaders with regard to his ability to shape American public policy. He was credited by Presidents Kennedy and Johnson with having played a major role in the enactment of the plethora of legislation from 1961 to 1968—the most legislatively productive period in American history.

For ten years subsequent to his work in the White House, Mr. Manatos was the Director of Government Affairs in Washington, D.C. for the Proctor and Gamble Corporation. Since 1981, he had been involved in his son's consulting business.

Mr. Manatos was born in 1914 in Rock Springs, Wyoming to Nicholas and Anna (former Anezakis) Manatos. His father was from Chiliomoudou, Crete and his mother was from Lakous, Crete.

He is survived by his wife, Dorothy of Bethesda, Maryland; his son, Andy, also of Bethesda, Maryland and his four children, Mike, Nick, Tom and George; his daughter, Kathy Shand, of Salt Lake City, Utah, and her three children, Dori, Nathan and Rebecca; his daughter, Ann Hatsis Sikand of Bethesda, Md., and her children, Chuck and Julie Hatsis; his brothers, George Manatos of Modesto, California; and Tom Manatos of Rock Springs, Wyoming; and his sisters, Sylvia Johannessen of Arlington, Virginia, and Tina Mamalis of Rock Springs, Wyoming.

[From the Hellenic Chronicle]

MIKE MANATOS, AIDE TO PRESIDENTS, 69

WASHINGTON.—Mike Manatos, the first Greek-American to hold positions of major influence here, died recently of congestive heart failure. He was 69.

Mr. Manatos had served as administrative assistant for Senate liaison to Presidents John F. Kennedy and Lyndon B. Johnson. He was the first person of Greek descent to hold senior staff positions in the Senate,

working there from 1938 to 1961, when he joined the Kennedy Administration.

For the past 20 years, Mr. Manatos had been on a first-name basis with presidents, speakers of the House, Senate majority leaders, members of the Cabinet, Supreme Court justices and others in positions his authority in the capital.

Throughout his career, Mr. Manatos had played a major role in the policy of the United States toward Greece and toward Greek-Americans. Among these actions was his role in the Johnson Administration which led to the halting of potential invasion of Cyprus by Turkey by President Johnson.

Some years later, along with his son, Andrew, who was legal assistant to Sen. Thomas F. Eagleton, he was involved in the consideration of the Cyprus-Turkey question in Congress. Young Manatos was assistant secretary of commerce in the Carter Administration. He and his father played a critical role in substantially increasing the immigration quota for Greece in this country.

Mr. Manatos helped numerous Greeks in their efforts to gain admission into the United States. For many years, he provided the only leadership for Greek-Americans seeking access to the White House and other power centers here.

In 1980, President Carter invited Mr. Manatos to serve as a member of the American delegation bringing the Olympic flame from Greece to the winter games at Lake Placid, N.Y.

President Johnson had appointed former President Truman and Mr. Manatos to represent him at the funeral of King Paul of Greece, and Mr. Manatos, his father, Nicholas, and brother, Tom, were honored guests at the White House during the Kennedy Administration for a dinner honoring King Paul.

President Kennedy also had appointed Mrs. Manatos, the former Dorothy Varanakis of Salt Lake City, to coordinate for him the government-sponsored open heart surgery being afforded to a critically ill young Greek girl.

Mr. Manatos was also active in the Greek Orthodox Church laity and in various fraternal and civic activities. He was a grand archon of the Order of St. Andrew the Apostle and a past president of the Pan Cretan Association chapter. He belonged to AHEPA as well.

His influence extended beyond the Greek community as he was recognized here as one of the leaders in shaping American public policy. He was credited by Presidents Kennedy and Johnson with having played a key role in the enactment of much legislation from 1961 to 1968, called by many the most legislatively productive period in U.S. history.

For the decade subsequent to his work in the White House, Mr. Manatos was director of government affairs here for Proctor and Gamble Corp. Since 1981, he had been involved in the consulting business established by his son. Shortly before his death, the Manatoses had established Manatos & Manatos Inc. here.

Born in 1914 in Rock Springs, Wyo., a son of Nicholas and Anna (Anexakis) Manatos, he was brought up in that region and had resided with his wife, Dorothy, in Bethesda, Md. His father was a native of Chiliomoudou, Crete, and his mother, Lakous, Crete.

Besides his wife and son, also of Bethesda, he leaves two daughters, Mrs. Kathy Shand of Salt Lake City and Mrs. Ann Hatsis Sikand of Bethesda; two brothers, George Manatos of Modesto, Calif., and Tom Manatos of Rock Springs; two sisters, Sylvia Johannessen of Arlington, Va., and Tina Mamalis of Rock Springs; 6 grandsons and 3 granddaughters.

MANATOS MAKES MARK

Among all the Greek-Americans with influence in the United States capital none has left a greater administrative imprint than Mike Manatos, and his was the first influential Greek-American voice.

Mike Manatos died recently at 69, active almost to the end. He died of congestive heart failure. His heart just plumb gave out; but before it did, it had propelled him to a mountain of achievement.

Mike Manatos came to Washington in 1938 when most Greek-Americans were still trying to pull themselves out of the Depression and worrying about Hitler.

He came as a member of a senator's staff and he remained such until 1961, when President Kennedy tapped him for his liaison assistant to the Senate. For the next eight years, he served Kennedy and his successor, Lyndon Johnson, from the White House, becoming involved in presidential assignments that took him to many places doing many things, including representation of Mr. Kennedy at the funeral of King Paul of Greece. On this occasion, he was accompanying President Truman as well.

Mike Manatos was on a first-name basis with all of the presidents since 1960 and with the leaders of the House and Senate.

He was always a willing participant in endeavors to help his fellow Greek-Americans. He was there when the first representatives of Greek descent were elected to the Congress. He was there and ready to help. He was helpful to the cause of Greece and Cyprus; and it was his and his son Andy's great assistance that got Sen. Thomas F. Eagleton involved on the side of the Cypriots in the period of the embargo. He passed along his public service record to his son, Andy, who became assistant Commerce Secretary under President Carter.

Many others from among Americans of Greek descent have come to Washington since 1938, but it is safe to say that few have amassed as great a store of service credits as Mike Manatos had.

May God keep his memory eternal.●

REMARKS ON RISK ASSESSMENT BY THE HONORABLE WILLIAM D. RUCKELSHAUS

● Mr. QUAYLE. Mr. President, as you know the Labor and Human Resources Committee has been conducting hearings recently on the application of the law to assure food safety by the Food and Drug Administration. Of particular interest to the committee, of which I am a member, has been the processes used by the Food and Drug Administration to assess the safety of newly developed food additives. Relevant to the committee's examination of this issue are remarks made on Wednesday, June 22, 1983, by the Honorable William D. Ruckelshaus, Administrator of the Environmental Protection Agency, to a group of scientists and engineers at the National Academy of Sciences.

In his talk Mr. Ruckelshaus called for a Government-wide new process for assessing and managing the health, safety, and environmental risks posed by contaminants threatening the American people. The points made by Mr. Ruckelshaus further the discussions of this important issue. I commend his talk both to my colleagues on the committee and the Senate as a whole, therefore, I ask that the full text of Mr. Ruckelshaus' speech be printed in the RECORD.

The speech follows:

SCIENCE, RISK, AND PUBLIC POLICY

(By William D. Ruckelshaus)

We are now in a troubled and emotional period for pollution control; many communities are gripped by something approaching panic and the public discussion is dominated by personalities rather than substance. It is not important to assign blame for this. I appreciate that people are worried about public health and about economic survival, and legitimately so, but we must all reject the emotionalism that surrounds the current discourse and rescue ourselves from the paralysis of honest public policy that it breeds.

It is no accident that I am raising this subject here in the house of science. I believe that part of the solution to our distress lies with the idea enshrined in this building, the idea that disciplined minds can grapple with ignorance, and sometimes win: the idea of science. We will not recover our equilibrium without a concerted effort to more effectively engage the scientific community. Frankly we are not going to be able to emerge from our current troubles without a much improved level of public confidence. The polls show us that scientists have more credibility than lawyers or businessmen or politicians and I'm all three of those. I need your help.

Those of you who are scientists may think you have heard this before, but this is not a naive plea for science to save us from ourselves. Somehow our democratic technological society must resolve the dissonnance between science and the creation of public policy. Nowhere is this more troublesome than in the formal assessment of risk—the estimation of the association between the exposure to a substance and the incidence of some disease, based on scientific data.

Here is how the problem emerges at the Environmental Protection Agency. EPA is an instrument of public policy, whose mission is to protect the public health and environment in the manner laid down by its statutes. That manner is to set standards and enforce them; and our enforcement powers are strong and pervasive. But the standards we set, whether technology or health-related, must have a sound scientific base.

Science and the law are thus partners at EPA, but uneasy partners. It's a shotgun wedding. The main reason for the uneasiness lies, I think, in the conflict between the way science really works and the public's thirst for certitude that is written into EPA's laws. Science, as you all know, thrives on uncertainty. The best young scientists flock into fields where great questions have been asked but nothing is known. The greatest triumph of a scientist is the crucial experiment that shatters the certainties of the past and opens up rich new pastures of ignorance.

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But EPA's laws often assume, indeed demand, a certainty of protection greater than science can provide at the current state of knowledge. The laws do no more than reflect what the public believes and what it often hears from people with scientific credentials on the 6 o'clock news. The public thinks we know what all the bad pollutants are, precisely what adverse health or environmental effects they cause, how to measure them exactly and control them absolutely. Of course, the public and sometimes the law are wrong, but not all wrong. We do know a lot about some pollutants and we have controlled them effectively using the tools of the Clean Air Act and the Clean Water Act. These are the pollutants for which the scientific community can set safe levels and margins of safety for sensitive populations. If this were the case for all pollutants, we could breathe more easily (in both senses of the phrase); but it is not so.

When I left EPA over 10 years ago as its first Administrator, we had the Clean Air Act, the Clean Water Act, a solid waste law, a pesticide law and laws to control radiation and noise. Yet to come were the myriad of laws to control toxic substances from their manufacture to their disposal—but that they would pass was even then obvious.

When I departed a decade ago, the struggle over whether the Federal Government was to have a major role in protecting our health safety and environment was ended. The American people had spoken. The laws had passed, the regulations were being written. The only remaining question was whether the stautuory framework we had created for our journey made sense or whether, over time, we would adjust it.

Ten years ago I though I knew the answer to that question as well. I believed it would become apparent to all that we could virtually eliminate the risks we call pollution if we wanted to spend enough money. When it also became apparent that enough money for all the pollutants was a lot of money, I further believed we would begin to examine the risks very carefully and structure a system which forced us to balance our desire to eliminate pollution against the costs of its control. This would entail some adjustment of the laws, but really not all that much, and it would happen by about 1976. I was wrong.

It may be that God is repaying me for my error by causing me to be reincarnated as Administrator of EPA. Whether God or President Reagan is the cause this time around, I am determined to improve our country's ability to cope with the risk of pollutants over where I left it 10 years ago.

It will not be easy, because we must now deal with a class of pollutants for which a safe level is difficult, if not impossible, to establish. These pollutants interfere with genetic processes and are associated with the diseases we fear most: cancer and reproductive disorders, including birth defects. The scientific consensus has it that any exposure, however small, to a genetically active substance embodies some risk of an effect. Since these substances are wide-spread in the environment, and since we can detect them down to very low levels, we must assume that life now takes place in a minefield of risks from hundreds, perhaps thousands, of substances. No more can we tell the public: you are home free with an adequate margin of safety.

This worries all of us, and it should. But when we examine the premises on which such estimates of risk are based, we find a confusing picture. In assessing a suspected carcinogen, for example, there are uncertainties at every point where an assumption must be made: in calculating exposure; in extrapolating from high doses where we have seen an effect to the low doses typical of environmental pollution; in what we may expect when humans are subjected to much lower doses of the same substance that caused tumors when given in high doses to laboratory animals; and finally, in the very mechanisms by which we suppose the disease to work.

One thing we clearly need to do is insure that our laws reflect these scientific realities. The Administrator of EPA should not be forced to represent that a margin of safety exists for a specific substance at a specific level of exposure where none can be scientifically established. This is particularly true where the inability to so represent forces the cessation of all use of a substance without any further evaluation.

It is my strong belief that where EPA or OSHA or any of the social regulatory agenices is charged with protecting public health, safety or the environment, we should be given, to the extent possible, a common statutory formula for accomplishing our tasks. This statutory formula may well weigh public health very heavily in the equation as the American people certainly do.

The formula should be as precise as possible and should include a responsibility to assess the risk and to weigh that, not only against the benefits of the continued use of the substance under examination, but against the risks associated with substitute substances and the risks associated with the transfer of the substance from one environmental medium to another via pollution control practices. I recognize that legislative change in the current climate is difficult. It is up to these of us who seek change to make the case for its advisability.

I did not come here today to plead for statutory change. My purpose is to speak of risk assessment and risk management and science's role in both. It is important to distinguish these two essential functions, and I rely here on a recent National Academy of Sciences report on the management of risk in the Federal government. Scientists assess a risk to find out what the problems are. The process of deciding what to do about the problems is risk management. The second procedure involves a much broader array of disciplines, and is aimed toward a decision about control.

Risk management assumes we have assessed the health risks of a suspect chemical. We must then factor in its benefits, the costs of the various methods available for its control, and the statutory framework for decision. The NAS report recommends that these two functions be separated as much as possible within a regulatory agency. This is what we now do at EPA and it makes sense.

I think we also need to strengthen our risk assessment capabilities. We need more research on the health effects of the substances we regulate. I intend to do everything in my power to make clear the importance of this scientific analysis at EPA. Given the necessity of acting in the face of enormous scientific uncertainties, it is more important than ever that our scientific analysis be rigorous and the quality of our data be high. We must take great pains not to mislead people regarding the risks to their health. We can help avoid confusion both by the quality of our science and the clarity of our language in explaining the hazards.

I intend to allocate some of EPA's increased resources, which everyone seems determined to give us, toward these ends. Our 1984 request contains significant increases for risk assessment and associated work. We have requested $31 million in supplemental appropriations for research and development and I would expect that risk assessment will be more strongly supported as a result of this increase as well.

I would also like to revitalize our long-term research program to develop a base for more adequately protecting the public health from toxic pollutants. I will be asking the advice of the outside scientific community as how best to focus those research efforts.

I am sure that in the future, this being an imperfect world, the rigor and thoroughness of our risk analyses will be affected by many factors, including the toxicity of the substance, the populations exposed, the pressure of the regulatory timetable, and the resources available.

Despite these often conflicting pressures, risk assessment at EPA must be based on scientific evidence and scientific consensus only. Nothing will erode public confidence faster than the suspicion that policy considerations have been allowed to influence the assessement of risk.

Although there is an objective way to assess risk, there is, of course, no purely objective way to manage it, nor can we ignore the subjective perception of risk in the ultimate management of a particular substance. To do so would be to place too much credence in our objective data and ignore the possibility that occasionally one's stomach is right. No amount of data is a substitute for judgement.

Further, we must search for ways of describing risk in ways the average citizen can comprehend. Telling a family living close to a manufacturing facility that no further controls are needed on the plant's emissions because, according to our linear model their risk is only 10-6, is not very reassuring. We need to describe the suspect substances as clearly as possible, tell people what the known or suspected health problems are and help them compare that risk to those with which they are more familiar.

To effectively manage the risk, we must seek new ways to involve the public in the decision-making process. Whether we believe in participatory democracy or not it is a part of our social regulatory fabric. Rather than praise or lament it, we should seek more imaginative ways to involve the various publics impacted by the substance at issue. They need to be involved early on and they need to be informed if their participation is to be meaningful. We will be searching for ways to make our participatory process work better.

For this to happen, scientists must be willing to take a larger role in explaining the risks to the public—including the uncertainties inherent in any risk assessment. Shouldering this burden is the responsibility of all scientists, not just those with a particular policy end in mind. In fact all scientists should make clear when they are speaking as scientists—ex cathedra—and when they are recommending policy they believe should flow from scientific information. What we need to hear more of from scientists is science. I am going to try to provide avenues at EPA for you to become more involved in the public dialogue in which the scientific problems are described. Our country needs the clear unbiased voice of science. Now is not the time to jeer as the "ship of state" floats by. Now is the time to get into the boat and row.

Lest anyone misunderstand, I am not suggesting that all the elements of managing risk can be reduced to some neat mathematical formula. Going through a disciplined approach can help. It will assist in organizing our thoughts to include all the elements that should be weighed. We will build up a set of precedents that will assist later decision-making and provide more predictable outcomes for any social regulatory programs we adopt.

It is clear to me that in a society in which democratic principles so dominate, the perceptions of the public must be weighed. Instead of objective and subjective risks, the experts sometimes substitute "real" and "imaginary" risks. There is a certain arrogance in this—an elitism which has ill served us in the past. Rather than decry the ignorance of the public and seek to ignore their concerns, our governmental processes must accommodate the will of the people and recognize its occasional wisdom. As Thomas Jefferson observed:

"If we think (the people) not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

Up to this point I have been suggesting how risks should be assessed and managed in EPA. Much needs to be done to coordinate the various EPA programs to assure a consistent approach. I have established a task force with that charter.

I further believe we should make uniform the way in which we manage risk across the Federal regulatory agencies. The public interest is not served by two Federal agencies taking diametrically opposed positions on the given health risks of a given toxic substance and then arguing about it in the press. We should be able to coordinate our risk assessment procedures across all Federal agencies. The risk management strategy that flows from that assessment may indeed differ, depending on the agency's statutory mandate or the judgment of the ultimate decision maker.

But even at the management stage there is no reason why the approaches cannot be coordinated to achieve the goal of risk avoidance or minimization with the least societal disruption possible. In the last few weeks I have been exploring with the White House and the Office of Management and Budget the possibility of effecting a better intragovernmental coordination of the way in which we assess and manage risk.

To push this one step further, I believe it is in our nation's best interest to share our knowledge of risks and our approach to managing them with the other developed nations of the world. The environmental movement has taught us the interdependencies of the world's ecosystems. In coping with the legitimate concerns raised by environmentalism we must not forget that we cope in a world with interdependent economies. If our approach to the management of risk is not sufficiently in harmony with those of the other developed nations, we could save our health and risk our economy. I don't believe we need abandon either, but to insure it does not happen, we need to work hard to share scientific data and understand how to harmonize our management techniques with those of our sister nations.

Well, I have gone from the particular to the sublime. Let me avoid moving out into space by summing up.

I didn't return to EPA to get a before and after picture on the wall. I want to help achieve a better conceptual, statutory and societal framework to cope with risk in our country.

To do that we need to get the emotion out of and the scientist into the process:

I need science's help.

I'll try to make it easier to access what we're doing at EPA.

But if I can't do that, I need your help anyway.

What I'm after is a government-wide process for assessing and managing health, safety and environmental risks.

This will take coordination, cooperation and good will within EPA, within the Executive Branch agencies and between the Congress and the Administration.

In other words, this will take a miracle.

Now I know science doesn't believe in miracles, but I need your help if this one's going to happen.

What's at stake is no less than whether this country works. It's worth the effort of all of us.●

A MONROE DOCTRINE FOR THE EIGHTIES

● Mr. EAST. Mr. President, have the men and women of the United States lost the will to live? Are we so blinded and corrupted by our prosperity and creative comforts that we will meekly allow our southern neighbors to fall to Communist aggressors?

I believe that the American people will rally around the President when they understand the enormity of the Soviet threat in our hemisphere. In the June issue of Conservative Digest, Mr. Richard A. Viguerie succinctly describes the threat and recommends some strong, yet peaceful, measures to counter that threat. I hope all of my colleagues will read what Mr. Viguerie has to say. I ask that his article entitled "A Monroe Doctrine for the 1980's" be printed in the RECORD.

The article follows:

A MONROE DOCTRINE FOR THE 1980's

(By Richard A. Viguerie)

Americans are without doubt the most sophisticated people in the world. We are light-years ahead of anyone else in the development of manned spaceflight. Our agricultural system is the most productive ever known. In millions of American homes, six-year-olds are learning how to program computers.

But when it comes to understanding the communists, we are woefully ignorant. Some of our leaders seem to have formed their opinions about communism a hundred years ago, when it was just a theory.

Since then it has been put into practice.

In the last 65 years, the communists have conquered 43 sovereign nations with a current combined population of 1.6 billion.

Although the Soviets have the most powerful army in the world, they seldom engage in direct military action. So far, they have used nuclear weapons only for intimidation. For the most part, they keep their own boys out of war, letting others do their fighting for them.

Today a Soviet-supported revolutionary movement will use fighter pilots trained by the PLO and weapons supplied by Vietnam. Most of its military advisers are Cubans. And, once the existing government is overthrown, the communists maintain control with secret police trained by the East Germans.

The Soviets carefully undermine their adversaries by the use of infiltration, espionage and propaganda. They constantly cultivate "agents of influence" at every level of society to erode the support of the people for their national institutions.

During the Vietnam War, the communists conducted a public relations campaign designed to discourage our support for the people of South Vietnam. They recognized that the object of war is to break the enemy's will, and they used every means at their disposal to do so.

Their diplomats met regularly with our diplomats, convincing them that a negotiated settlement was possible, that the communists would settle for less than total victory. Repeatedly, they raised our hopes and then dashed them.

That psychological warfare continues today. Each year, the Soviets and their puppets send hundreds of performing arts groups, sports teams, scientists, diplomats, bureaucrats and many thousands of others to the Western nations.

On any given day the Soviet-block countries have over 3,000 government personnel in the U.S., including over 300 Soviets based at the U.N. It is estimated that as many as 40 percent may be engaged in espionage.

During the last 15 years, the Soviets bought or stole our most sophisticated computers, oil and gas drilling technology, and ball bearings for missiles. On credit guaranteed by the American taxpayer, U.S. firms built the world's largest truck factory in the Soviet Union; many of the trucks built there are used to carry soldiers to Afghanistan to crush the freedom fighters there.

As Lenin said, "When the time comes to hang the capitalists, they will gladly sell us the rope with which to do it."

Americans are sophisticated, all right, but that sophistication is limited. They know a lot about home computers but almost nothing about modern warfare as practiced by the Soviet Union.

Probably no nation on earth has risen to challenges as the United States has. We have faced war, depression and disease with unparalleled vigor and determination. But we as a nation simply do not understand the challenge that faces us now.

We are involved in a prolonged conflict with an adversary who is ready and willing to fight us on any battlefield, at any time, by any means. The question is: Will the American people realize that we are engaged in this war before we have lost it?

In our own hemisphere the Soviet pattern of takeover is well underway. Communist-supported terrorists now control Cuba, Nicaragua, Guyana, Grenda and Suriname with aid and/or comfort from left-leaning regimes in Mexico, Belize, Panama, Venezuela and Colombia.

The communists are working and fighting to topple pro-Western governments in El Savador, Guatemala, Honduras and Costa Rica.

Since 1962 the Soviet Union has shipped nearly 700,000 tons of arms to Cuba—131,000 tons in just the last two years.

Soviet economic assistance to Cuba totals $9-14 million a day.

There are at least 2,600 Soviet soldiers in Cuba, plus 8,000-10,000 Soviet military and civilian advisers.

At the present time the Soviets have in the Western Hemisphere at least two Foxtrot attack submarines and at least four bombers capable of destroying any city in the continential United States. In Cuba alone, the Soviets have more than 650 tanks, 555 combat aircraft, and 50 torpedo and missile attack boats; 140 surface-to-air missiles were delivered just last December.

We will be defeated unless we act now to meet the Soviet threat. If we allow the Soviets to complete the conquest of Central America, the people of Texas, Arizona, New Mexico and California will be face-to-face with the Soviet military within 3-4 years.

In 1823, President James Monroe set forth a policy that became known as the Monroe Doctrine. Partly in response to Russian activity, Monroe pledged that any attempt by a European power to create or maintain a colony in the New World would be opposed by the U.S. as "dangerous to our peace and safety."

The United States would steadfastly oppose foreign interference in the affairs of the nations of the Western Hemisphere "for the purpose of oppressing them, or controlling in any other manner their destiny . . ."

It is time for the United States to recognize once again that keeping this hemisphere free of our enemies is vital to our national security. It is time to restate and update the Monroe Doctrine.

Therefore, I propose that, as long as the Soviet Union is involved in the affairs of any country in the Western Hemisphere, the United States will:

Cut off any financial aid, including credits and loan guarantees, that benefits directly or indirectly a Soviet-bloc country.

End U.S. participation in any international organization that lends money to the Soviet bloc.

Forbid the sale to the Soviet bloc of any item that could be used for military purposes.

Give material aid and encouragement to any group fighting a communist government (for example, Nicaragua, Angola, Mozambique, Afghanistan, or Ethiopia).

Immediately expel all citizens of Soviet-bloc nations except the ambassadors and their immediate staffs.

Require that the United Nations headquarters be located outside the U.S. by 1986.

Aggressively broadcast the truth into all communist countries (for example, telling the Cuban people about the large number of their sons who are fighting and dying as Russian surrogates in Africa).

Finally, it should be the policy of the United States to promote democracy, peace and freedom throughout the Western Hemisphere and to take all steps short of military action to ensure free elections for all the peoples of the Americas.

The steps I have outlined do not involve military action by the U.S. They are peaceful means of achieving the important result of protecting the men, women and children of this hemisphere from becoming Soviet slaves.

U.S. policy on Central America will be a major issue of the 1984 campaign and the American people have clearly demonstrated that they will not elect any Democrat who is perceived as "weak" on foreign policy. Those Democrats who have opposed the President's efforts in Central America are reversing the anti-Communist stance that was traditional in the Democratic party before McGovern. They have put themselves out on a very long limb and that sound you hear from the White House may be President Reagan sawing the limb off.

But I hope that no one gets the chance to make political hay out of the question: Who lost Central America? That is a human tragedy that is within our power to prevent.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under the act in excess of $50 million, or in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that three such notifications were received on June 20, 1983.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, room SD 427.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 20, 1983.
In reply refer to: I-20094/83ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian recipient tentatively estimated to cost in excess of $50 million.

Sincerely,
PHILIP C. GAST,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 20, 1983.
In reply refer to: I-20093/83ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian recipient tentatively estimated to cost in excess of $50 million.

Sincerely,
PHILIP C. GAST,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 20, 1983.
In reply refer to: I-20095/83ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian recipient tentatively estimated to cost in excess of $50 million.

Sincerely,
PHILIP C. GAST,
Director.

PROPOSED ARMS SALES

Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annex referred to in one of the covering letters is available to Senators in the office of the Foreign Relations Committee, room 4229 Dirksen Building.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 22, 1983.
In reply refer to: I-01927/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-39 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Egypt for defense articles and services estimated to cost $20 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,
WALTER B. LIGON,
Acting Director.

[TRANSMITTAL NO. 83-39]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Egypt

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$18
Other	2
Total	20

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: One hundred fifty AIM-9L Sidewinder air-to-air missiles with repair parts and support equipment.

(iv) Military department: Navy (AAJ).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending March 31, 1983.

(viii) Date report delivered to Congress: June 22, 1983.

POLICY JUSTIFICATION

EGYPT—AIM-9L SIDEWINDER MISSILES

The Government of Egypt has requested the purchase of 150 AIM-9L Sidewinder air-to-air missiles with repair parts and support equipment at an estimated cost of $20 million.

This proposed sale will contribute significantly to U.S. foreign policy and national security objectives by helping to increase the security of a friendly country of vital interest to the United States.

The Government of Egypt will use the AIM-9L Sidewinder air-to-air missiles on Egyptian Air Force (EAF) F-16 aircraft which have already been procured. The missile has the capability of a head-on attack against high speed hostile aircraft, enhancing the ability of the EAF to deter or destroy attacking aircraft before they can reach vital areas of the country. EAF personnel will be able to absorb this missile into the inventory inasmuch as they already operate and maintain Sidewinder missiles.

The sale of this equipment will not affect the basic military balance in the region.

The prime contractor will be the Raytheon Company of Lowell, Massachusetts.

The implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 27, 1983.
In reply refer to: I-01994/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-41 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $26 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,
PHILIP C. GAST,
Director.

[TRANSMITTAL NO. 83-41]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$22
Other	4
Total	26

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or Services Offered: A quantity of 2,538 Improved-TOW anti-armor missiles.

(iv) Military department: Army (VFE).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: June 27, 1983.

POLICY JUSTIFICATION

SAUDI ARABIA—IMPROVED-TOW MISSILES

The Government of Saudi Arabia has requested the purchase of 2,538 Improved-TOW (I-TOW) anti-armor missiles at an estimated cost of $26 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the U.S. to support Saudi Arabia which is an important force for moderation in the region.

The I-TOW missiles will be used to maintain war reserve stock levels and will support the modernization of the Saudi Arabian Land Forces (SALF) by enhancing its anti-armor capability. The SALF will have no difficulty in absorbing these items.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Company of Canoga Park, California.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., June 27, 1983.
In reply refer to: I-02151/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-47, concerning the Department of the Army's proposed Letter of Offer to Lebanon for defense articles and services estimated to cost $57 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,
PHILIP C. GAST,
Director.

[TRANSMITTAL NO. 83-47]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Lebanon.

(ii) Total estimated value:

	Millions
Major Defense Equipment [1]	$46
Other	11
Total	57

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 220 tracked vehicles (102 M113A2 armored personnel carriers, 25 M577A2 command post carriers, and 93 M125A2 mortar carriers) with communications equipment, M2 .50 caliber machine guns, spares, and ancillary support equipment.

(iv) Military department: Army (UTE and UTK).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: June 27, 1983.

POLICY JUSTIFICATION

LEBANON-TRACKED VEHICLES

The Government of Lebanon has requested the purchase of 220 tracked vehicles (102 M113A2 armored personnel carriers, 25 M577A2 command post carriers, and 93 M125A2 mortar carriers) with communications equipment, M2 .50 caliber machine guns, spares, and ancillary support equipment at an estimated cost of $57 million.

This sale will contribute to the foreign policy objectives of the United States by enabling Lebanon to increase its capability to provide for its own security and defense. As the Lebanese Government reasserts itself in the wake of recent hostilities, well equipped and trained armed forces are essential to assure the nation's sovereignty.

These M113 derivative tracked vehicles will be used to upgrade the brigades of the Lebanese Army. The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the FMC of San Jose, California.

Implementation of this sale will require the assignment of four additional U.S. Government personnel to Lebanon for 56 days.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

UNGLAMOROUS GUERRILLAS

● Mr. ARMSTRONG. Mr. President, there is an inexplicable—and ugly—tendency among some elements of the news media to lionize guerrillas fighting for totalitarianism, for expansion of the Communist empire, but to ignore or deprecate guerrillas who fight for freedom against Communist imperialism. The New Republic magazine took note of this phenomenon in

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an editiorial, entitled "Unglamorous Guerrillas," in its edition of June 13, 1983. Meanwhile, Newsweek magazine, in a report published in its issue of June 6, 1983 entitled "The Betrayal of a Revolution," provides additional information about why so many former Sandinistas have taken up arms to turn out the regime they helped bring to power. I ask that these articles be printed at this point in the RECORD, and I urge each of my colleagues to read them both carefully.

The articles follow:

UNGLAMOROUS GUERRILLAS

There are few intellectual and political spectacles more satisfying to see than the transformation of a piety into a perplexity. Sloganeers, after all, deserve to squirm. Some of them may be squirming soon, for history is playing a cruel and confounding joke upon one of the pieties of American political culture of the past two decades, which is the moral glamor of the guerrilla. The guerrilla seems to be slowly changing sides. He is still struggling with imperialism, to be sure, but more and more the imperialism is not American. It is Russian. The figure that a lot of the left most loved is fighting for the faith that it most hated; the guerrilla, in brief, is an anti-Communist.

Not everywhere, certainly. Soviet-sponsored guerrilla movements, which disguise national repressions as national revolutions, have not passed from the earth; the Sandinistas and the P.L.O. are the most obvious examples. But a different pattern of guerrilla activity has emerged. Many of the most stirring guerrilla struggles now take place against Soviet power, or Soviet proxy power. In Afghanistan, Cambodia, Nicaragua, and Angola the art of revolutionary warfare has been turned against those who rule in the name of revolution. Of course there is no single type of anti-Communist guerrilla; the dreams and the objectives of all these forces are not the same. In Afghanistan the fighters in the mountains seek sovereignty. In Nicaragua the fighters in the forests seek democracy. And the West must not deceive itself that every enemy of communism is a friend of Western institutions. Still, the West has a new kind of friend, and the East a new kind of enemy. The geopolitical consequence of guerrilla movements are no longer horrible for the West to contemplate. They are horrible for the other side.

The debate about the proper American attitude toward this phenomenon rages. "Isolationists" confront "interventionists." There are practical reasons for carefully calibrating the nature of American aid to these various guerrilla forces; a big stick in Central America may damage us, as it may not in Afghanistan. But in the matter of morality we should be clear. All of these guerrilla forces—Son Sann's, Edén Pastora's, Jonas Savimbi's, and the Pathan tribesmen's—are fighting the good fight. They are fighting colonialism or totalitarianism or a mixture of both. These are greater abominations than covert operations. While the political calculus of the American people may be complicated, then, its moral calculus may be simple. In the opinion of this country, these men and women, resisting Russian domination almost without arms and almost without sleep, should be high.

Perhaps there was no image more emblematic of the political exfoliation of the 1960s than the acrylic poster of Ché Guevara, which was hung first in dorm rooms and later in storefronts. Will there be a poster of Edén Pastora? It is not likely. Part of the reason is that times have changed, and posters are no longer about political subjects. But this is not the whole reason. The lionization of the anti-Communist guerrilla goes against a cultural grain. For a large segment of the progressive population of this country, a pro-American insurrectionary movement is an oxymoron.

The history of the political prejudices of the children of the American middle class will be of little interest in the Central American jungles or the Central Asian hills. There help is needed, and deserved. If it comes, and when it comes, and how it comes, and why it comes, remains to be seen.

THE BETRAYAL OF A REVOLUTION—FOUR STORIES OF HOPE, TRIUMPH AND DISENCHANTMENT UNDER THE SANDINISTA REGIME

(By Beth Nissen)

July 19, 1979, was a "day of dreams" for Juan Francisco López García. The 15-year-old Sandinista rebel could not believe the news—that the dictator Anastasio Somoza had fled, that the invincible National Guard was surrendering to farm boys like him. the bitter war was over, after two years and 40,000 deaths. "Now we'll have peace and plenty and freedom, just like the revolution promised," he told his mother. "Nicaragua belongs to the people!"

But almost four years later, the dreams of that giddy day have not come battles with stubborn remnants of the old guard and U.S.-backed counterrevolutionaries. There is no plenty: the country is short of jobs, money and food. Freedom of press, speech and assembly is sadly restricted. In the U.S. Congress, in Europe and throughout Nicaragua, there are serious questions about whether the "people's revolution"—under the hardening Marxist leadership of the Sandinistas—still represents the people of Nicaragua. "Ask the people themselves—they are the only experts on their own revolution," Sandinista coordinator Daniel Ortega challenged me during the first days of the revolution. "Nicaraguans will tell you the truth."

UNLIKELY ALLIES

I decided to follow his advice. For the past four years, as assignments took me to Nicaragua, I have been keeping in touch with different Nicaraguans: Jaime Montealegre, a wealthy businessman; Alberto Flores Murillo, an illiterate servant; Juan Francisco López García, the son of an impoverished family in the town of Boaco, and Ximena Barreto, a clean-cut daughter of Managua's bourgeoisie. They were unlikely allies at the start of the revolution, united then by their common hatred of the repressive 46-year Somoza dynasty. Now they are divided by politics and by borders. One has become a strident Sandinista; another is in exile. One has profited from the revolution; another is leaving it. Collectively theirs is the story of the unraveling of one of the most broad-based, genuinely popular insurrections of our time.

For Juan Francisco López García, the summer of '79 was an exciting time. All remnants of the old repressive authority were gone. Juan Francisco strutted through Boaco, brandishing a captured M-16 and searching with exaggerated bravery for any last holdouts of the hated National Guard.

Juan Francisco had lived in terror of the Guardia all his life. He had heard terrifying stories about Somoza's soldiers—how they would spread animal fat on the gentials of suspected Sandinista sympathizers and then set hungry dogs on them, how they would scalp men alive with razors. Now that 7,500 members of the Guardia were the prisoners, Juan Francisco thought they should be tortured and killed, but the Sandinistas said no. "Why did we make this revolution if we are going to do the same things they used to do?" declared the new Sandinista minister of the interior, Tomás Borge. Juan Francisco saw the logic and the humanity in that. He volunteered to help organize Sandinista neighborhood committees; he joined the new militia. "This revolution is like a wonderful fever," he said then.

Ximena Barreto was also entranced by the revolution. A 26-year-old advertising executive, she had been a passive spectator during the fighting. But for her, July 19 was "like a religious vision—everybody was loving everybody else." Pregnant with her first child, she said that the revolution was also "something beautiful growing inside me." She quit her job to work at the new Ministry of Culture; she wanted her baby born "to a mother who was working for the people." Ximena's husband, Carlos, was not so enthusiastic. A lawyer and small landowner, he and Ximena argued about the new government's real intentions.

Alberto Flores Murillo, a 54-year-old house servant in the northern countryside near Estelí, was baffled by the new postrevolutionary world. "Suddenly, nothing is the way it used to be," he told his eldest son, Roberto. For 22 years Alberto had worked for Doroteo Rodriguez Castillo, the political boss of Estelí and a close friend of Somoza's Don Doroteo gave expensive parties. "They would kill a whole cow, just for the dinners of a few," Alberto remembers.

CAMPESINOS

Don Doroteo and his family fled to Miami in the last days of the war. The Sandinistas expropriated his land—along with 2.5 million other rich acres that had once belonged to the Somoza family and its associates; they turned it over to the campesinos. Alberto was now part owner, with 19 other workers, of his master's old farm. That new situation raised a disturbing question in Alberto's mind. If Don Doroteo was gone, who would tell him what to do?

Jaime Montealegre was also worried about the changes the revolution might bring. A well-educated financier from a prominent Nicaraguan family, Montealegre, 35, had joined many other members of the private sector in opposing the corrupt Somoza regime. The Sandinista revolutionaries had promised to hold Nicaragua's first free elections in a hundred years. Jaime knew that some of the Sandinistas were avowed Marxist-Leninists; still, the revolution's five-member junta was an eclectic group that even included a businessman, Alfonso Robelo. Robelo had personally assured Jaime that the revolution needed a strong private sector and the talents of businessmen to rebuild the bankrupt and broken country.

Jaime and other business leaders soon found that the Sandinistas' actions in the first months of the revolution "spoke in a louder voice than the comandantes." The Government of National Reconstruction nationalized private banks, as well as the fishing, forestry and mining industries. And national elections were postponed indefinitely. The private sector, said Jaime, "was trying desperately to discuss with the Sandinistas

the 'deviations' we were observing. But their doors were closing on us." By the end of 1979, Jaime already felt shut out of the revolution.

THE CHILLS OF 1980

What happened the following spring was called, simply, la crisis. Alfonso Robelo, the key moderate in the junta, abruptly resigned to protest the Sandinistas' decision to enlarge the newly formed Council of State and give themselves control of the majority. (Violeta Chamorro, the only other moderate on the junta, resigned for health reasons.) Jaime Montealegre agreed with Robelo's angry charges that there was an "excessive" communist influence in the revolutionary regime.

But to Jaime's surprise, the Sandinistas then took steps that temporarily quelled the fears of the private sector. The government named two other respected moderates to the junta, announced an end to arbitrary confiscation of land and companies and promised to give a date for municipal elections during the first anniversary celebrations on July 19, 1980. As Jaime said, the weeks following Robelo's resignation were "when I had the most hope for the revolution." Jaime agreed to accept the vice presidency of the Council of State. "The council had no real power, but that didn't matter," he said. "There were going to be elections soon."

The first anniversary of the revolution was a momentous day for Alberto Flores. He had ridden a crowded bus for four hours from Estelí to the huge, dusty Plaza of July 19 on the outskirts of Managua so that he could celebrate and "see Fidel and the heroes of the revolution." In the vast sea of people and flags, Alberto strained to get glimpses of the elaborate parade of high-stepping soldiers, armored trucks and polished jeeps; he heard Castro praise the revolution as "an example to the rest of Latin America."

The revolution seemed a very fine thing to Alberto. It had given him land and work he could finally be proud of—and young teachers, some Nicaraguan, some Cuban, had come to his house and taught him to read. "Imagine that they would bother with these old eyes!" Alberto said. Every morning, he painstakingly read the headlines about the imperialists in Barricada, the government newspaper. Alberto heard a lot about imperialists that day in the plaza as well. It made him feel a chill, even in the oppressive July heat, to hear Comandante Tomás Borge speak about the threats to his revolution from the United States, and to hear about a candidate for the American presidency named Ronald Reagan. "He wants to weed the revolution from the earth," Alberto said.

Jaime Montealegre had other things on his mind. He was sitting on the reviewing stand directly behind Fidel Castro. He was bothered by all the hammer-and-sickle flags. With sinking hopes, Jaime listened to Borge's speech for the promised announcement about elections. There was none. Jaime was now convinced that the Sandinistas were interested only in complete control of the country. His friend Jorge Salazar, the president of the Nicaraguan Coffee Growers' Association, told Jaime not to worry. The revolution "would be rescued" from the Sandinistas, Jorge said cryptically; Jaime should wait for the news.

The news came on Nov. 17, 1980: Jorge was killed near Managua by government security police. The Sandinistas claimed he had been at the center of a counterrevolutionary plot; they said they had no choice but to kill him. Jaime Montealegre was stunned. Why had his friend not been put on trial? Even the Guardia had been given that much. It would be years before Jaime knew the truth—that Tomas Borge and Cuban advisers had attempted to entrap Robelo and other leaders of the private sector in a fake coup plot against the Sandinista leadership, and that Salazar alone had been taken in.

THE EXCESSES OF 1981

By the start of the following year, Ximena Barreto had become a vigorous defender of the revolution, even of what she called its "necessary" excesses. "One has a right to fight back when attacked," she argued—and the revolution was certainly beset. The second pair of moderates on the junta had resigned. The newly inaugurated Reagan administration had stopped aid to Nicaragua and was releasing statements "full of lies," Ximena said, about Nicaraguan support of the guerrillas in El Salvador. Ximena herself was willing to fight. She had been among the first to volunteer for the militia.

Her husband, Carlos, was losing patience with what he described as the "empty" word and "inconsistent" actions of the Sandinistas. If production was so important to the revolution, he asked Ximena, why did the government hinder it with so much arbitrary bureaucracy? The comandantes were asking the people to make sacrifices, but Carlos didn't see the comandantes sacrificing much; they had fine houses they had taken over from the Somocistas and new Mercedeses. Carlos hated the Sandinistas' propaganda—and was angered to hear it echoed by his wife. "How can you rant about the bourgeoisie?" he asked her during one argument. "We have a nice house and car; we own a farm—we *are* the bourgeoisie!" Carlos was especially worried about his baby son. "I don't want him growing up brainwashed," Carlos grumbled.

In the autumn of 1981, it was clear to Jaime Montealegre that "the worst fears about the revolution were its truths." The Sandinistas, in the name of "popular power," had begun confiscating any land they deemed "idle." They had sentenced three business leaders and four trade unionists to seven months in prison for criticizing the government. Minister of Defense Humberto Ortega announced that the revolution's "doctrine is Marxist-Leninist"—and that those who opposed the Sandinistas "will be hanging from the lampposts."

Scores of Jaime's friends had left Nicaragua. On Oct. 20, Jaime himself left for a meeting in Caracas. There, he was warned that the Sandinistas had ordered his arrest in Nicaragua. "I have accomplished all I can in the revolution, and I have had the fortune to come out in one piece," he said. Jaime went to Costa Rica to start a new life. He has never been back to Nicaragua.

THE WORRIES OF 1982

As last year began, Juan Francisco López García, the young farm boy from Boaco, was sorely worried about the future. He was living in Managua, attending university on a Sandinista scholarship. He had just married Josefa Migdalia Delgado, and they wanted to start a family, but he was afraid he might have to go to war. If there was a war, Juan Francisco thought, it would be the *Yanquis'* fault; everyone knew how the Americans were letting the contras train in Florida and helping them strike inside Nicaragua. Even so, he did not want to fight. "I hate the idea that the beast of the Guardia might come back," he said. "But I hate the idea of war more."

Ximena Barreto was also worried about American intervention and a war with Honduras. What did Washington want? she demanded. The Sandinistas had released the private-sector leaders from jail after they had served only half their terms; they had announced new economic incentives that would help the private sector. As Ximena saw it, the revolution was being damaged "by men without revolutionary minds"—men like Edén Pastora, the revolution's popular Commander Zero, who had defected from the Sandinistas and called his former colleagues "traitors and assassins." Ximena felt betrayed; she had once admired Pastora.

By early 1983, Ximena's husband, Carlos, was threatening to go. Carlos told her that if the Sandinistas took over his farm he would leave for Costa Rica, or "wherever a decent man could work." Ximena said she would not leave the revolution when it was facing growing threats from the imperialists. The couple's "pluralistic" marriage was under heavy strain. Their son Gerónimo, now an impressionable three-year-old had heard so many disputes that he called his mother *compa*—short for the revolution's all-purpose address of *compañero*—and called his father "the reactionary."

NO MONEY

Juan Francisco was also making plans to leave Nicaragua. He lost his Sandinista scholarship to the university then lost his job as a bus inspector; with roughly half the work force, he was now unemployed. He and his wife, Josefa, and their newborn baby daughter were living on Josefa's meager salary as a policewoman. Only 19 years old, Juan Francisco had the sunken cheeks and rickety walk of a person who had lived too long on an insufficient diet of rice and beans. "I understand that the revolution has to spend money on defense, on fighting the imperialists," Juan Francisco told a visitor recently. "But the revolution promised progress—and all I have for three years' work is a wood shack, no money for rice and a hungry baby."

In contrast, Alberto Flores had done well since the revolution. His cooperative was flourishing. Still, Alberto admitted there were "rocks in the path." Four of his eight children were in the militia; his son Roberto had served two tense months at the border. Alberto was also torn by the enmity between the revolution and the church. He was a good Roman Catholic, and he was deeply disturbed by the way the Sandinistas had shouted down the pope when he came to Managua. "If I ever break with the revolution, it will be because someone made me choose between my revolution and my church," he said. "I could never choose against God."

The revolution has already forced countless Nicaraguans to make difficult choices. Jaime Montealegre decided to leave the country he still loves out of fear for his safety. Both Juan Francisco and Ximena Barreto are confronted with a choice between family and nation: Juan Fransisco would leave Nicaragua to make a better life for his wife and child. Ximena is willing to see her marriage break up rather than abandon her commitment to the Sandinistas. None has made the more dramatic choice some Nicaraguans have—of going into the jungles to fight another war for another change of government. Yet whatever

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positions Nicaraguans take, uncertainty, defensiveness and disillusionment now pervade the country—a country of increasingly divided loyalties. "There is no pluralism, there is no democracy, there isn't even much of a revolution," Ximena Barreto's husband says bitterly. "There are only Sandinistas in place of Somoza." Just so, the revolution's bright promise has faded into a sad old story.●

ERRATA AND CORRECTIONS IN CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 91

● Mr. DOMENICI. Mr. President, I submit for printing in the Congressional Record the following errata and corrections in the conference report on House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984. These changes are to reflect printing errors, and represent what was agreed to in each House of Congress when the budget was approved on June 23, 1983.

Copies of the errata and corrections are available from the House and Senate Budget Committees.

The material is as follows:

Errata and Corrections [1]

(Conference Report to accompany H. Con. Res. 91, the First Concurrent Resolution on the Budget for fiscal year 1984)

S. REPT. 98-1SS, JUNE 20, 1983

H. REPT. 98-248, JUNE 21, 1983

Page 5.—In section (6)(A), the word "sections" on the second line should be "section".

Page 6.—In the section on National Defense, for each of fiscal years 1984 and 1985 add "(E) New secondary loan guarantee commitments, $0.".

Page 13.—In section (11)(i), the heading should read "Health (550), including amounts reserved pursuant to section 2:".

Page 20.—In section (20) Allowances, there should be a period at the end of line (E) in fiscal year 1983 and fiscal year 1984.

Page 25.—In Miscellaneous Provisions, Sec. 4, on the sixth and twelfth lines after the words "Congressional Budget Act" add ", made pursuant to section 302(a) of such Act,".

Page 25.—In Miscellaneous Provisions, Sec. 5(b) third line, "jurisdication" should be "jurisdiction".

Page 26.—In Miscellaneous Provisions, Sec. 6: In subsection (1) first line, "betweeen" should be "between". In subsection (2), the period at the end of the second line should be a comma. In the second line of the full paragraph after subsection (6), the word "committee" should be capitalized.

Page 27.—In the table, fiscal year 1983 outlays ("O") for function 350: Agriculture should be "24,450".

Page 31.—In the table in the Economic Assumptions section:

The first line should be "Gross national product:".

The fifth line from the bottom should be "Three-month Treasury bill rate (percent)".

Page 32.—In the table, the Revenue change for Fiscal year 1986 should be "+46.0".

Page 33.—In the section on Function 570: Medical Insurance and Function 650: Social Security, in the third line from the bottom "surviviors" should be "survivors".

Page 33.—In the section heading "Function 920. Allowances", the period should be a colon.

Page 33.—In the table:

The correct amount for Senate-passed Revenues is "603,325" and the correct amount for Conference substitute Revenues is "604,300".

For function 270—Energy, House-passed Budget authority should be "4,050".

Page 34.—In the table, for function 920—Allowances, Second budget resolution Outlays should be "−2,816".

Page 35.—In the table, for function 300—Natural resources and environment, House-passed Budget authority should be "11,550".

Page 36.—In the table at the top of the page, the title of the last function should be "950—Undistributed offsetting receipts:".

Page 44.—In the table, for function 950—Undistributed offsetting receipts, House-passed Outlays should be "−23,550".

Page 45.—In both tables, under "Total FY 1984-86", the heading above the left-hand column should be "BA".

Page 45.—In the table showing Conference Substitute Reconciliation Instructions for House Committees:

The sixth line should be "Small Business".

On the Total spending reductions line, FY 1984 budget authority ("BA") should be "−1,986".

Page 46.—In the Deferred Enrollment section:

The last word in the third line of the second paragraph should be "the".

The last word in the third line of the third paragraph should be "procedures".

Page 47.—In the section on Monetary Policy, in subsection (4) of the conference substitute, the period at the end of the second line should be a comma.

Pages 52 and 53.—The heading on the table that begins on page 52 and ends on page 53 should read as follows: "Fiscal Year 1984—Credit Budget Aggregates and Functional Categories Excluding Credit Budget Impact of Amounts Reserved Pursuant to Section 2".

Page 53.—In the table that begins on page 53, the title of the third functional category should be preceded by "300—".

Page 57.—In the table, for function 500—Education, training, employment, and social services, House-passed New primary loan guarantee commitments should be "6,650" and Senate-passed New primary loan guarantee commitments should be "6,600".●

S. 1400, THE MOTOR VEHICLE THEFT LAW ENFORCEMENT ACT

● Mr. D'AMATO. Mr. President, it is with great pleasure today that I add my name as a cosponsor of S. 1400, the Motor Vehicle Theft Law Enforcement Act. This bill adds new and needed strength to our battle against the pressing national problem of motor vehicle theft. I commend my distinguished colleague, Senator Percy, for his leadership in developing this comprehensive initiative.

Motor vehicle theft represents a major crime problem in the United States today. Every 32 seconds a car is stolen in this country. That means that there are over 1 million auto thefts annually. The average value of each car stolen exceeds $3,000. Unfortunately, while auto theft has become a well-organized and profitable criminal activity, our laws combating it have not changed since the days when car theft was the province of amateur "joy riders." Ten years ago, 80 percent of all stolen vehicles were recovered. Today, that percentage is down to 52 percent. In some communities, of course, the recovery rate is even lower.

In my own State of New York, approximately 140,000 motor vehicles are reported stolen annually. The value of the vehicles stolen in New York approaches $500 million every year.

Even those who never have their cars stolen, however, are the victims of motor vehicle theft. They pay for these crimes in the form of inflated insurance premiums. For example, the average annual insurance premium for a driver in New York City is approximately $300 above the national average. Although there are no precise figures indicating how much of that amount is due to auto theft, it is a fact that New York City drivers pay far more in car insurance because 104,000 instances of auto theft took place in New York City last year alone. In the New York City metropolitan area, it is estimated that 80 percent of comprehensive automobile premiums charged are attributable to theft losses. Although there are fewer car thefts in the rest of the State, 30 percent of comprehensive premiums are attributable to car thefts in those areas.

S. 1400 addresses the problem of automobile theft in two ways. First, it improves our ability to trace stolen vehicles and vehicle parts by requiring the Secretary of Transportation to issue new identification regulations. These new rules will require motor vehicle manufacturers to place a vehicle identification number on major vehicle components, provided that the cost of this identification program not exceed $10 per vehicle and that the entire program be found cost effective.

Second, S. 1400 improves our ability to prosecute motor vehicle theft cases. Under current law, once a component or part has been separated from a stolen vehicle, it is almost impossible to trace it back to that vehicle. This bill remedies this deficiency in our law. It also increases Federal criminal penalties for trafficking in stolen motor vehicles and vehicle parts. It provides for criminal penalties of up to $25,000 in fines or 10 years' imprisonment, or both.

Mr. President, 3,000 motor vehicles worth close to $10 million are stolen in this country every day. S. 1004 is a major effort to halt this highly profitable criminal activity. I urge all my colleagues to support this important legislation.●

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[1] Includes corrections to reflect the resolution as agreed to by the House and Senate.

UNIFORM SINGLE FINANCIAL AUDIT ACT OF 1983

● Mr. DURENBERGER. Mr. President, on Tuesday, June 21, 1983, my good friend and colleague from Illinois, Senator Dixon, addressed the National Association of Governmental Accountants at their annual conference in Chicago.

The topic of Senator Dixon's speech that Tuesday morning was the Uniform Single Financial Audit Act of 1983, of which I am the author and which Senator Dixon is cosponsoring. Mr. President, this speech explains very effectively the purpose and need for this legislation, and how this approach, the single audit approach, is by far superior to the fragmented system which we have today.

Mr. President, I ask that the text of that speech be printed in the Record.

The text follows:

National Association of Governmental Accountants, June 21, 1983

Good morning. I appreciate the opportunity to speak to you today. I want to thank your officers and my good friend, Bob Cronson, for inviting me. Bob and I have worked together in Government over many years. He is an outstanding public servant and leader who has served with distinction as auditor general in Illinois.

This week, I am joining with my good friend and colleague, Senator Dave Durenberger of Minnesota, who ably serves as chairman of the Subcommittee on Intergovernmental Relations, in introducing legislation establishing uniform single financial audit requirements for State and local governments and nonprofit organizations receiving Federal funds. The bill is called the Uniform Single Financial Audit Act of 1983.

All of you are aware of the single audit concept, because it has been floating around for some time. The Senate, as a matter of fact, has previously passed similar legislation. The House, for a variety of reasons, has balked in the past at this idea. Chances on the House side this session, however, seem to be much more favorable than at any time before.

So perhaps the long quest to inaugurate the single audit is finally on the verge of fruition. Let us hope so. Anything you can do to make your personal views known to your Senators, and later, your Congressmen, will be very helpful.

Just yesterday, I received from Doug Norton, president of the National State Auditors Association, a copy of that organization's resolution endorsing our bill.

One can readily see the need for single audit legislation by simply examining the audit requirements currently contained in existing law or similar provisions proposed in legislation pending in Congress. These audit requirements are diverse and confusing.

Because you work with them all of the time, you are well aware that the Federal Government's auditing standards are specified in the General Accounting Office's so-called yellow book, known more formally as Standards for Audit of Governmental Organizations, Programs, Activities and Functions.

Despite the existence of these guidelines and requirements, however, the General Accounting Office still reminds us that most legislation introduced in Congress requiring audits contains incomplete and insufficient audit language. The problem is compounded if the faulty language eventually becomes law.

Our legislation is designed to solve this and other problems. We steer away from the requirements and compliance regulations implemented by the Office of Management and Budget. OMB's position is that every grant, no matter what size or dollar amount, must be audited and comply with all Federal requirements and regulations. Such a complicated approach is very burdensome and costly to State and local governments—as you all know, since you deal with these situations almost daily.

Federal grants to State and local governments have, of course, been traditionally audited on a grant-by-grant basis. Numerous studies conducted over the past several years, however, have sharply criticized this approach to auditing as uncoordinated, inefficient, and ineffective in insuring accountability in the use of Federal funds. As long ago as 1977, the joint financial management improvement program set up an audit improvement project. This undertaking involved the General Accounting Office, the Office of Management and Budget, the Treasury Department, and the Office of Personnel Management.

This agency's report ended on a critical note of our audit procedures involving Federal funds. The report concludes by saying, "Our study corroborates the findings of previous studies by other organizations that considerable duplication and overlap of effort exist in auditing federally assisted programs and that there are substantial gaps in audit coverage. Also, there is limited coordination of audits between Federal auditors or with State and local auditors and public accountants hired by recipients."

That language pretty clearly states the case for our legislation. The report went on, of course, to examine in detail what the problems are. In reviewing the causes of audit gaps, duplication, and overlap, for example, the report noted that under the grant-by-grant approach, there is limited coordination even among Federal auditors. This lack of communication occurs because each Federal agency typically audits its own grants with little or no concern for the grant funds of other Federal agencies, thus requiring separate audits by each.

Such an uncoordinated approach results in rather substantial gaps in compliance audit coverage or the need for additional audits by Federal auditors. The overall picture confronting us on the audit scene is one of a lack of coordination, a lack of communication, and a lack of effectiveness.

Our bill is aimed at overcoming these problems by introducing the single audit concept. Senator Durenberger's subcommittee will be holding hearings on this proposal on June 29. He has asked me to say to you that he will be more than happy to receive any written comments you may want to submit on this legislation. He tells me the subcommittee record will probably be held open for 30 to 60 days. I have brought a copy of the bill with me today, and I am sure my good friend, Bob Cronson, will see to it that copies are made available to those of you who are interested.

This legislation will, we hope, lessen audit confusion on Federal, State, and local levels, while simultaneously saving governmental agencies money at a time when many governmental bodies are cutting back. All of us must, however, stick to our determination to perform important essential services for our citizens. Auditing ranks right up there on the list, to assure that our tax dollars are spent honestly, wisely, and well.●

EXPORT-IMPORT BANK

● Mr. BOSCHWITZ. Mr. President, today I am pleased to add a number of my distinguished colleagues as cosponsors of amendment No. 1299, which will require the Export-Import Bank to do more business with small business. When I introduced the amendment on May 25, Senator D'Amato and Senator Pressler were inadvertently omitted as original cosponsors. I have asked unanimous consent that they be added as cosponsors and that the Record be corrected to show them as original cosponsors. Since that time, the amendment has gained momentum and bipartisan support. Senators Glenn, Hatch, Grassley, Tsongas, East, Cohen, Huddleston, Helms, Heflin, Kasten, Lugar, Durenberger, and Randolph are welcome additions as cosponsors of the amendment.

I am especially pleased that Senator Glenn has cospsonsored my amendment because he has introduced an amendment that seeks the same goal. I believe that now is the time for us to join forces and demonstrate early on that there is strong, bipartisan support for giving small business better access to Exim's programs.

I just want to say one more thing about Senator Glenn's amendment. It is a good amendment that contains some provisions that will strengthen small business participation in Exim's programs. I am pleased to join forces with him and cosponsor his amendment. I will continue to work with Senator Glenn, so that when my amendment is considered on the Senate floor, his concerns will be addressed satisfactorily.

I thank the Senators who have cosponsored my amendment and urge my other colleagues to join us in our efforts.●

NATIONAL FITNESS ACADEMY

● Mr. LUGAR. Mr. President, I bring to the attention of my colleagues an important event for the health of this Nation that occurred in my hometown of Indianapolis on June 18.

George Allen, the chairman of the President's Council on Physical Fitness and Sports, announced that Indianapolis will be the site of the National Fitness Academy.

Coach Allen said at a news conference:

> We're doing something we should have done 40 years ago. This is a great undertaking.

While many other countries have maintained national fitness academies, and sports and physical fitness has always been as American as apple pie, we had never established an educational institution to train fitness leaders to sponsor research of fitness programs and equipment, and to offer reliable information on exercise, nutrition, and health. This is the mission of the National Fitness Academy.

The National Fitness Academy will be constructed and operated by the nonprofit National Fitness Council, on which I have the privilege of serving. In addition to the President's Council on Physical Fitness, the National Fitness Academy is also receiving support from our Armed Forces, the national sports governing bodies, the various multisports agencies, the U.S. Olympic Committee, the American Alliance for Health, Physical Education, Recreation and Dance, and the National Recreation and Sports Association.

I believe that the National Fitness Academy, which will be supported by both private and public funds, will be a vital tool in our continuing efforts to build a strong and healthy America. For too long America has been without an educational institution dedicated to helping the thousands of private and public physical fitness programs in our country, and especially the many volunteers who coach youth sports programs.

Over the years I have shared the enthusiasm of many of my Senate colleagues in promoting and participating in sports and fitness activities. Several weeks ago I had the opportunity to run with some of our troops stationed in West Germany along the East German border. I can assure you they are fit and ready. I have also had the pleasure of running with many high school and college students in my state. Earlier this month in Indianapolis, thousands of Hoosiers attended my fifth annual health fair and run, which was consponsored by Hooks Family Drug Stores and WRTV Channel 6.

Despite the number of Americans who are actively involved in sports and fitness programs, new national statistics show that our youth may actually be less fit than earlier generations. A decline in fitness has dangerous consequences for our Nation. As health fitness declines, medical expenditures grow unnecessarily large.

One of our major objectives in Congress should be to encourage sound programs of preventive medicine, nutritional research, and exercise programs which will make a substantial difference in the health of all Americans. The National Fitness Academy will go a long way toward the success of that endeavor.●

CLINCH RIVER—THE RAND REPORT IS IN

● Mr. HUMPHREY. Mr. President, by withholding funds until industry contributes more, the Senate last week took a major step toward resolving the controversy surrounding the Clinch River breeder reactor project. I think that as soon as industry's plan is presented and hearings are held, the difficulty of such schemes vis-a-vis the State public utility commissions will become clear. Given industry's lack of venture capital and utilities' difficulties in completing construction work in progress, the last thing State utility commissions are going to want their utilities to do is invest more money into distant demonstration efforts such as Clinch River. Certainly, it would be embarrassing if Congress approved alternative financing only to find 2 years later that the public utility commissions are unwilling to allow any industry funds to move.

There are, however, more substantial reasons for Congress to refuse to participate in alternative financing for the project. In specific, demonstrating commercial-sized breeders now is both economically and technically premature.

I have argued this before but it is frequently brushed aside. It ought not to be. Indeed, recently Senator HEINZ and I asked the Rand Corp. to evaluate the merits of proceeding with the project. We did this because so many claims have been made by both sides and because the Rand Corp. was the one consultant firm both sides saw fit to cite.

The Rand Corp.'s reply, authored by its president, Dr. Donald Rice, was blunt and to the point. Arguments about how technically advanced the project is are largely irrelevant and ultimately leads down blind policy alleys. Nor should the debate focus on how the project's design compares to that of its foreign competitors. "This issue," Dr. Rice notes, "should not be permitted to distract attention from more serious matters that bear directly on whether to continue the project."

Again, the key question with regard to Clinch River is whether or not it is the "best path to meeting long-term national energy goals and a sound strategy for insuring that nuclear energy supply options are available." The Rand Corp.'s answer here is no and the reason why is simple: Before the project might make sense, five conditions would need to be met and none are yet present.

The first condition is that there be high growth in electricity demand for the next 20 years, as high as estimates made in the early 1970's. The second is that there be a large and growing fleet of light water reactors. When Clinch River was first conceived the assumption was that there would be nearly 1,200 reactors on line by 2000, not 150. The third is substantially higher uranium prices than those now current or projected through the year 2020. The fourth is the availability of inexpensive light water reactor fuel reprocessing plants, none of which now exist. And finally the absence of better breeder alternatives, which now even Secretary Hodel has expressed doubt about.

Mr. President, I think it is important that Congress understand that what justified Federal support for the Clinch River breeder reactor back in the early 1970's no longer makes sense. I ask that the Rand Corp.'s evaluation of the project's merits, the original request that Senator HEINZ and I made, and the joint "dear colleague" we sent out last Friday concerning the report be printed in the RECORD.

The material follows:

RAND,
Santa Monica, Calif., June 9, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: Your letter of 13 May asked that we assess the adequacy and sophistication of the technology demonstrated in the Clinch River Breeder Reactor Project and estimate its importance to a national breeder reactor program. The discussion that follows reflects the views of several of our experienced staff on these issues. As you will see, we believe that the first issue is not the right question. The sophistication of the technology embodied in the Clinch River Breeder Reactor (CRBR) is discussed below. But it cannot settle the question of whether the CRBR project should be continued. Instead, the fundamental issue is whether the present CRBR project and LMFBR program are essential to and consistent with national energy requirements. I will first discuss why we feel that technological sophistication should not be the focus of Congressional concern, then suggest criteria for assessing the project's national importance and reaching a judgment on whether it should be continued.

TECHNOLOGY OF THE CRBR

Disagreements about the CRBR technical design have two dimensions. First, several of the design features that Westinghouse mentions are more advanced than comparable features of the five principal breeder reactor design favored elsewhere in the world. But it is also true that the general conceptual design of the CRBR stems from the late 1960s, although detailed design began only in 1974. Of course, the foreign designs all date from the same era.

Second, it is not the case that newer design features are necessarily better than older concepts. Incorporating such features entails a tradeoff between potential improvements and risks. For example, Westinghouse emphasizes that the upper intervals of the reactor vessels are Inconel clad, which substantially improves their life expectancy. The 1979 White House Paper argues that this innovation is a liability, pointing out that because the selected alloy cannot be welded with present technology, the system must incorporate mechanical fasteners that cost more and complicate the design. Both observations are basically correct and reflect the best technical judgments of different experts. Only time will tell whether higher cost and complexity outweigh longer component life, or vice versa.

The CRBR could undoubtedly be made to appear more attractive (less costly, more productive, safer, etc.) by incorporating different design features. But this is true of any new technology. At some point, any new project must freeze the key design features. Moreover, experience with nuclear installations in the U.S. and elsewhere suggests that the theoretical promise of new design features is often not fulfilled.

For these reasons, we believe that the Congress should not concern itself with how the CRBR design compares to that of its foreign competitors. In fact, this issue should not be permitted to distract attention from more serious matters that bear directly on whether to continue the project.

CRITERIA FOR ASSESSING NATIONAL IMPORTANCE

As suggested above, the fundamental issue is whether the CRBR project, and the program of which it is a part, constitute the best path to meeting long-term national energy goals and a sound strategy for ensuring that nuclear energy supply options are available as needed. Another way of stating the issue is to ask how the United States can best invest its R&D resources so as to ensure an adequate electricity supply in the next century. Only if we could reasonably expect the costs of electricity from the combination of LWRs and LMFBRs to be less than the cost of alternative systems of supply—nuclear or non-nuclear—does the CRBR project make sense. A number of conditions must be met if that lower cost of electricity criterion is to be achievable.[1] They include:

High growth in electricity demand the next two decades.

A large and growing number of light water reactors in operation during the '80s and '90s.

Uranium prices were forecast to be much higher than current prices.

Cost effective reprocessing capability for both LWRs and LMFBRs, and

The absence of better breeding alternatives.

At this time, neither we nor most observers believe that any of these conditions hold. I will discuss each in turn.

(1) Projections of national energy requirements have changed radically since the early 1970s. The Department of Energy (DoE) recently released data indicating that per capita consumption of energy fell last year to its lowest level since 1967. The DoE currently estimates that electricity consumption will grow at less than four percent a year for the remainder of this decade. That is roughly half the growth rate predicted by ERDA when the CRBR design was stabilized in 1974. These estimates reflected the classical (and erroneous) assumption that total energy demand was solidly coupled to GNP growth, independent of the relative price of energy. But the amount of energy needed to produce a specified increment of GNP growth has fallen appreciably since 1974, and by 1990 it promises to decrease by another 20 to 30 percent. As early as 1975 I reported to the head of ERDA that the electricity demand assumptions used in economic justifications of the CRBR project appeared to be much too high and suggested halving the estimates. Experience of the past eight years has indicated that my estimate still overstated growth in demand.

(2) If earlier demand projections had been correct, it is at least possible that the number of LWRs in the United States would have continued to grow at a rapid rate. In fact, however, the LWR industry has taken a profound and lasting downturn beginning in 1974—the last year in which a nuclear power plant was ordered in the United States. Since then, scores of reactor projects have been canceled, including some under construction. This downturn stems not only from the decrease in electricity demand but also from the relentless increase in LWR capital costs.[2] Thus the LWR population is not expanding. Without a large and expanding population of light water reactors, a breeder to produce fuel for LWRs loses its justification.

(3) The basic premise of the LMFBR program is the assumption that nuclear fuel will be needed for a large number of electricity-generating reactors in the early years of the next century. However, although estimates vary, the expectations of the early 1970s that economically accessible uranium sources would be largely exhausted by the 1990s have proved unfounded. If sufficient uranium to support the nuclear plant inventory of the early 21st century can be obtained more cheaply than the plutonium generated CRBR-type plants, there is no economic justification for continuing the present line of LMFBR development. An alternative technical approach that provided a higher assurance of sound economic return could be attractive.

(4) It is also necessary to acknowledge explicitly that a commitment to breeder reactors is also a commitment to reprocessing for both light water reactors and for breeders. Developing that essential reprocessing capability may be as difficult as developing the breeder reactor itself. The associated waste disposal, fuel transport, nuclear safety, accountability, and security issues all require demonstrated solutions, currently lacking.

Because economical LWR reprocessing is essential to breeder economics, it is reasonable to argue that a native reprocessing capability for nuclear fuel should have a higher priority than a breeder reactor. Such reprocessing can substantially extend the availability of fissile fuel, even without breeder development. Thus demonstrating the existence of acceptable solutions to reprocessing problems is at least as important as acquiring a functional breeder demonstration plant.

(5) Even if the first four conditions could somehow be met, it is still not clear that an LMFBR is the most promising nuclear power generation technology. Rand and other institutions have suggested several alternatives to the LMFBR. One is the accelerator breeder concept that would result in breeding plutonium from a uranium fuel cycle, or fissile uranium from a thorium-based fuel cycle. For the long term, an even more promising breeder concept may be the hybrid fusion system, which like the accelerator breeder could breed reactor fuel while not coupled to a power producing reactor. The uncoupled breeders also lend themselves to the support of improved fission power reactor systems of several types.[3] "Improved" fission reactors have, among other improvements, higher conversion ratios than current LWRs.

Since none of the five conditions has been met, we feel that the current strategy for breeder development cannot be justified on economic grounds and is also extremely problematic on grounds of energy security or "keeping options open."

As I mentioned briefly above, almost eight years ago the director of ERDA, concerned about the validity of the CRBR project, asked me to review its status and prospects. In response, I urged a cautions, sequential approach that, in time, could demonstrate whether the technology was appropriate, the need sufficient, and the potential cost reasonable. (See enclosed Paper) Time has passed, and the probable cost has grown, the national need for the project still remains to be confirmed, and the technology remains controversial. In addition, it seems apparent that the currently proposed schedule for the CRBR and follow-on LMFBR facilities is insufficiently consistent with the potential availability of reprocessing facilities. In view of the lessened apparent urgency of the CRBR project and its clearly diminished role in the national energy program, I would again urge that the nation explore its technical options and possibilities, and that we eschew committing ourselves to the CRBR and the strategy that it embodies.

I would recommend that the Department of Energy be asked to develop an alternative, lower cost R&D program that emphasizes step-by-step sequential development of several technical approaches, pointing toward a much later deployment time than that currently envisioned for the LMFBR.

Sincerely yours,

DONALD B. RICE,
President.

U.S. SENATE,
Washington, D.C., May 13, 1983.

Dr. DONALD RICE,
President, the Rand Corp.,
Santa Monica, Calif.

DEAR DR. RICE: During the last two years there has been considerable congressional debate over continued federal support for the Clinch River Breeder Reactor Project. One of the key issues in this controversy has been whether or not the project's design is obsolete. Those who are opposed to the project argue that the reactor's design is obsolete and that the project is not necessary to our breeder research and development program. Those who favor the project argue that it is the most advanced reactor design in the world and that the project is essential to our breeder reactor research and development efforts.

It is important that we have the best information possible on this question. We believe that the RAND Corporation can be of help. Your corporation has done extensive work for the Department of Energy and the Nuclear Regulatory Commission concerning the nuclear fuel cycle, nuclear safety, and licensing and safety issues associated with the liquid metal fast breeder reactor. Several of these studies—"Some Implications of the Three Mile Island Accident on LMFBR

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[1] The full set of conditions is presented and the relationships between them modeled in K. A. Solomon, "Valuation of Nuclear Reactor Spent Fuel: Method, Application, Analysis," The Rand Corporation, R-2239-DOE, February 1978.

[2] See William E. Mooz, "Cost Analysis of Light Water Reactor Power Plants," The Rand Corportion, R-2304-DOE, June 1978; and "A Second Cost Analysis of Light Water Reactor Power Plants," R-2504-RC, December 1979.

[3] See B. W. Augenstein et al., "An Examination of Alternative Nuclear Breeding Methods," The Rand Corporation, R-2267-DOE, July 1978.

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Safety and Licensing: The Design Basis Issue," "A Review of Cost Estimation in New Technologies," "Anticipated Transients Without SCRAM for Light Water Reactors: Implications for Liquid Metal Fast Breeder Reactors"—have been cited by both sides of the Clinch River debate. Given the fair and thorough work your corporation has done in these areas and the widespread respect its work is accorded, we hope your staff would comment on the enclosed materials.

The first set of materials—a white paper prepared for the Congress May 11, 1979 by the White House—argues that the Clinch River Breeder Reactor's design is obsolete. These materials also argue that the project is not essential to the U.S. having a sound breeder reactor research and development program.

The second set of materials—Department of Energy documentation along with materials presented by the Westinghouse Electric Corporation—argues that the Clinch River Breeder Reactor has the most advanced breeder design in the world and that the project is essential to our long-term breeder reactor research and development effort.

We are at a loss to evaluate these materials by ourselves—although we know that they could not all be correct—and would appreciate it if your staff would critique both sets of material. If this analysis could help us answer the questions of how advanced the project's design is and how essential the project is to our long-term breeder reactor research and development program, it would be of tremendous public service.

With warmest regards, we are

Sincerely,

GORDON J. HUMPHREY.
JOHN HEINZ.

U.S. SENATE,
Washington, D.C., June 24, 1983.

DEAR COLLEAGUE: During the last two years, there has been considerable Congressional debate over continued federal support for the Clinch River Breeder Reactor Project. Controversy has centered not only on the project's design but also on the basic question of the need for a breeder demonstration project at this time, considering the nation's real energy needs and rising budget deficits.

In an effort to answer several of the questions which have been asked about Clinch River, we recently asked the Rand Corporation to provide an independent assessment of the Clinch River Project. The findings of the Rand study (which is enclosed for your review) lead us to conclude that it would be difficult to justify continued federal funding for the Clinch River in the absence of a viable industry cost sharing plan.

The FY '84 Energy and Water Appropriations bill provides no funds for the Clinch River Breeder Reactor. The Senate report accompanying the legislation states, "Until an alternative financing arrangement is enacted no funds should be obligated or expended for additional major equipment orders or construction on any permanent structures or facilities." We believe this is good policy. Although it is necessary to maintain a balanced national energy program including important research and development activities for breeder reactor technologies, we believe industry must bear the burden of co-financing expensive demonstration projects.

We hope that the Rand study is informative and useful to you. If you have any further questions, please contact Henry Sokolski of Senator Humphrey's staff at x48766 or George Tenet of Senator Heinz's staff.

Sincerely,

GORDON J. HUMPHREY.
JOHN HEINZ.●

COURAGEOUS MEN

● Mr. ARMSTRONG. Mr. President, the Wall Street Journal of June 23 carried articles about two enormously courageous men whose lives prove the truth of Voltaire's assertion that "more powerful than the tread of a mighty army is an idea whose time has come."

I doubt that the 20th century has produced any greater men than Alexandr Solzhenitsyn or Karol Wojtla, Pope John Paul II.

Alexandr Solzhenitsyn is an embarrassment to many in the West, because he steadfastly refuses to call evil by anything other than its right name. He has nothing but scorn for the euphemisms which those in diplomatic, journalistic, political, and academic circles constantly use to describe the leaders of the Soviet Union and other Communist states. While others speak of "conciliation," and "accommodation," Solzhenitsyn speaks of good and evil, of right and wrong. And he makes many of us uncomfortable thereby.

Pope John Paul II is a man cut from the same bolt of cloth. Imprisoned by both the Nazis and the Communists for doing the work of God, he knows better than most how high the price can be for speaking the truth. Yet by quietly, but firmly, declaring a simple truth—that people everywhere have a right to be free—a truth that the leaders of the powerful nations of the West have been too timid to say—Karol Wojtla sent a shiver of fear down the spines of the dictators in Poland and their masters in the Kremlin. Joseph Stalin once asked, sardonically: "How many divisions has the Pope?" His successors are finding out.

Neither Alexandr Solzhenitsyn nor Pope John Paul II command armies or large public treasuries. But they command something far more important. They command respect.

The power of Solzhenitsyn and John Paul II comes not from the barrel of a gun, as it does for the rulers of the East, or from skill at combining special interest groups into an electoral majority, as it does for the rules of the West. Their power comes instead from moral courage, for their willingness to stand firm for what is right and true and good no matter how much pressure is brought to bear against them.

The ideas that drive Alexandr Solzhenitsyn and Pope John Paul II are not new, and there are some in the West—those whose historical memories extend little farther than yesterday's newspaper—deride them for that reason. But what matters most about ideas is not whether they are new or old, but whether they are good or bad, right or wrong, and whether or not we will stand firmly behind what we know to be right.

The behavior of the Western democracies vis-a-vis first Hitler, and then the Soviet Union and her satellites has lent bitter confirmation to the truth of Burke's dictum that: "all that is required for the triumph of evil is that good men do nothing." Alexandr Solzhenitsyn and Pope John Paul II, on the other hand, show that nothing so terrifies evil as good men who stand firm.

I ask that the articles entitled: "The Lonely Voice of Alexandr Solzhenitsyn," and "The Pope in Poland" from the Wall Street Journal of Thursday, June 23, be printed at this point in the RECORD.

The articles follow:

[From the Wall Street Journal, June 23, 1983]

THE LONELY VOICE OF ALEXANDR SOLZHENITSYN

(By John Train)

When Alexandr Solzhenitsyn came to America nine years ago, the then incumbent of the White House declined to see him. Such a gesture might annoy the Soviets, it was thought.

I recently accompanied Mr. Solzhenitsyn and his wife to England. What a difference! He was welcomed by the royal family, addressed over a thousand notables in London's Guildhall to acknowledge the Templeton Prize, spent an evening with the archbishop of Canterbury, was pictured on the front pages conferring with Prime Minister Thatcher and brought a roar of approval from the boys of Eton after addressing them in chapel. Television coverage was extensive. The Times of London printed his Guildhall address in full and carried a long editorial on it. Day after day the Times ran a stream of letters; its eminent editorialist Bernard Levin wrote a column, and later consecrated an entire page to an interview.

The American press, although present, virtually ignored these events. Indeed, says Mr. Solzhenitsyn, the Washington Post through selective editing misrepresented his message. What does he in fact have to say? And why are his words so differently received in the two countries?

The families of the Russian dissidents are exceedingly close to Mr. Solzhenitsyn's heart, and in his London talks he often turned, anguished, to their plight. In the Soviet Union a husband and wife can still barely support a family even if both work. When a dissident, exercising his rights under the Helsinki agreement (which Mr. Solzhenitsyn, has always warned the Soviets would ignore), is sent to prison, his wife alone may no longer be able to earn enough to feed the children and herself. Ordinarily, the wives are also deprived of work, and heavy official disfavor falls on any who help such families. So their situation is desperate.

REASONS OF CONSCIENCE

While still in Zurich in 1974, after leaving Russia but before coming to America, Mr. Solzhenitsyn, created the Russian Social Fund to help the families of Russian dissidents imprisoned, contrary to the Soviet Constitution, for reasons of conscience. To this fund of which his wife is president, Mr.

Solzhenitsyn assigned all the proceeds of "The Gulag Archipelago," his most valuable asset.

The fund has assisted many hundreds of families, including more than a thousand children. Its directors inside Russia, who look after the distribution of what is brought in (perforce unofficially), are heroes and martyrs, like a doctor who works on during a plague knowing that sooner or later he must fall victim himself. Such is the hatred of freedom in the Soviet Union that helping the families of prisoners of conscience to stay alive has been declared an act of treason. In 1981 Valery Repin, who ran the fund in Leningrad, was seized and flung into solitary confinement for over a year of the KGB's inimitable treatment, after which, broken, he was exhibited on television to "confess" that the fund was engaged in a witches' brew of anti-state machinations. It was all a fake, since the fund, a Swiss—i.e., neutral—foundation, is purely philanthropic. Mr. Repin has been tried and convicted. The fund's chief Soviet Union representative, Sergei Khodorovich, has just been arrested also. If he, too, can be broken, he may be subjected to a show trial. If, as seems more likely since he is a man of spiritual strength, he stands fast, then, condemned in secret, he will disappear. His only hope is Western public opinion. If we manifest enough concern in the media and in Washington, he may be saved.

A successor, Andrei Kistyakovsky, has stepped into Mr. Khodorovich's place, an act of extraordinary courage. Mr. Kistyakovsky's time of travail has yet to come.

"Do you believe," I asked Mr. Solzhenitsyn, "that the Soviet government is indeed a 'focus of evil,' to use President Reagan's words?"

"Of course. But nobody has a monopoly on evil or good. There is also evil in the West. Still, the Soviet government is the home of communism, and communism is the most dreadful engine of oppression on our planet. Besides bringing about the annihilation of tens of millions, and the physical and spiritual crushing of countless more, it has destroyed the Soviet economy. And no conqueror in history has taken over so much territory."

Does Andropov represent a change?

"Not in the least. I am constantly struck by the ignorance of so-called experts on Soviet matters, who seem to think that the change of one face, or many faces, in the Kremlin can possibly affect how Soviet communism will act. This is a naive view of communism, not based on observation. The only thing that would change the behavior of the Soviet Union would be the accession to power of a noncommunist leader. He would reverse Soviet policy, both domestically and internationally."

What have been the West's chief mistakes?"

"Since 1918, the West has made only mistakes, one after another, in dealing with the Soviet Union. Since the discovery of the atomic bomb it had just one good idea—the Baruch Plan, to put the atom under international control—which Stalin brushed aside.

"Sixty-five years ago Lenin pronounced a sentence of death on the Western world. Sixty years ago nobody seriously supported the Russian forces fighting communism. There was a torrent of fugitives, including some of the finest persons in the country, who testified that what was happening was unprecedented, horrible. Rather than listen to them, the West listened to Bernard Shaw. Forty years ago, after the war, there was a second wave of emigrants, bearing witness to Stalin's mass murders. Again, the West was indifferent. Thirty years ago, Kravchenko defected, revealing to the West the terrible things that were going on; people preferred to listen to Bertrand Russell. Eight or nine years ago I described what was really happening—and again, except for a few, the West paid no attention. At that time, I proposed specific political remedies for the desperate problems we face. Nothing was done. Now it is probably too late.

"The single worst mistake of the post-war era was relying on the 'nuclear umbrella.' False confidence in this 'umbrella' relaxed the West, sapping its strength, its moral qualities, its courage. Freedom does not depend on any 'umbrella,' it depends on stout hearts and steadfast men. Today the 'umbrella,' neutralized, no longer protects, but the habit of weakness, of lack of courage, persists. As a result, the West lies gravely weakened before the expansionist aims of the Soviet Union."

What next?

"It is far better to fight on your feet than on your knees, but you can still fight on your knees. The Russian people are still resisting after 65 years. One man in the Soviet Union wrote me to urge Western scientists to invent a do-it-yourself copying machine. In a dictatorship, that would be a lot more valuable than an arms cache."

What hope is there, then, for the West?

"The time when the West could save itself by its own exertions may already have passed. To save itself would require a complete change in its attitudes, when in fact these attitudes are still going the wrong way. Instead of girding itself for struggle, the West is still hoping for outside forces to save it, through some kind of miracle . . . perhaps a miracle in the Kremlin. Solidarity was hailed as such a miracle. But the only miracle that the people of the West can pray for is a profound change in their own hearts."

And what about Afghanistan?

"In the three years of Soviet aggression against that country, the West has in essence done nothing. Had it dared, it could by now have supported several regiments of ex-Soviet soldiers—defectors—who would be ready to fight against this aggression. Then things would look very different."

Could Western broadcasting to the Soviet Union be more effective?

"Yes. In fact, that is a matter of the greatest importance. Today, all broadcasts into the Soviet Union are shackled by the naive and idealistic concept that we need above all to have good relations with the Soviet government: not to vex the Kremlin. As long as this delusion is considered a prime policy objective, the Western governments will be responsible for undermining their own world. Such broadcasting is currently bound by a narrow limitation: It should say nothing against Lenin, it should never insult the Soviet government. This policy is insane. Almost every man, woman and child in Russia is sick of Leninism. The West, standing on the brink of catastrophe, has immensely strong allies of which it makes no use: the people of the Soviet Union, and, indeed, of the other subject nations. It must stretch out its hands to those oppressed people."

A NEED FOR SELFLESSNESS

Is the Soviet Union serious about arms control?

"There are two Soviet Unions. The people—millions of them—dream of an end to wars, to armaments. The government, on the contrary, does not contemplate that idea even for a minute. It does, of course, want the West to disarm. But not one item of Soviet military equipment will ever be given up."

What about our younger people and their concern for disarmament?

"It is normal to be afraid of nuclear weapons. I would condemn no one for that. But the generation now coming out of Western schools is unable to distinguish good from bad. Even those words are unacceptable. This results in impaired thinking ability. Isaac Newton, for example, would never have been taken in by communism! These young people will soon look back on photographs of their own demonstrations and cry. But it will be too late. I say to them: You are protesting nuclear arms. But are you prepared to try to defend your homeland with nonnuclear arms? No: These young people are unprepared for any kind of struggle."

Do we have a single main underlying moral ill that one can identify?

"Besides cowardice, selfishness. We hear a constant clamor for rights, rights, always rights, but so very little about responsibility. And we have forgotten God. The need now is for selflessness, for a spirit of sacrifice, for a willingness to put aside personal gains for the salvation of the whole Western world."

Such, then, is Mr. Solzhenitsyn's message. It was received in England as an inspiring evocation of ancient values.

In America, Mr. Solzhenitsyn is often taken as a repetitious Cassandra, whose concerns need not be faced, because even if true, they're not new. As the hostile tide rises around us, we would rather, as he says, hope to be saved by some miracle.

THE POPE IN POLAND

For the past week, the image of Pope John Paul II in Poland has been everywhere—on the evening news, on the front pages, on the covers of news magazines. It was a most impressive emotional experience to see upward of a million Poles spread out toward the horizon to glimpse or hear the pope as he stood beneath a towering floral crucifix.

It is surely correct to view the pope's trip to Poland as giving a huge lift to that country's fledgling free-labor movement, Solidarity. Nonetheless, as we watched these highly charged images and descriptions spill out of Poland, we found ourselves troubled at the thought that the pope and Solidarity were disappearing into the media's nether world of highly romanticized resistance movements. It is a world that lives more on the power of its images than the power of its ideas. We have been there before.

We were there in South and North Vietnam in the 1960s and 1970s, in the mountains of Bolivia with Che Guevara and in the streets of Uruguayan towns with the Tupamaro guerrillas. We fastened for months on the image of Ayatollah Khomeini seated on the floor of his apartment in Paris, and we watched a revolution sweep through the streets of Iran and later over the countryside of Nicaragua. In short, we have been in a situation for some time now where many of the world's great political upheavals remain in popular memory primarily as romantic or dramatic images.

Though one cannot help but be overwhelmed at the spectacle of John Paul's visit to Poland, we think it is extremely important to regard the details of what the pope has been saying in his speeches there. Poland is indeed yet another of the great political movements of the past 20 years, but it is becoming evident that Poland and this pope represent a distinct break with the theories of political change that have held the world's attention.

During the 1960s and '70s, an entire culture of support grew up around the idea of political change based on resistance, violence and the elimination of classes of people defined as oppressors. These notions became the basis for revolutionary movements in Latin America, Africa and Asia, and political writers in Europe and the U.S. defended these movements as essentially popular uprisings. While that definition was often inaccurate it gave them political legitimacy.

Revolutions in Cuba, Vietnam, Angola and Zimbabwe, which received enormous good will and moral support in the West, have resulted in repressive, one-party political systems in which elections are not held, however, this has in no way called into question the legitimacy of the claims of succeeding movements in countries like Peru, Colombia or El Salvador. These guerrilla movements are persistently described as civil wars based on indigenous local conditions, and little serious effort is made to explain the political ideas and power-seeking methods of guerrilla leaders. The political beliefs of the Nicaraguan Sandinista leaders Thomas Borge and the Ortegas were no secret before they took power but received scant attention. Can anyone recall reading a serious discussion of the beliefs or goals of el Salvador's Farabundo Marti coalition?

These unexamined ideas are important, because in the end the cameraman's or reporter's evocative portraits of armed struggle are replaced by ideas transformed into a political system. Vietnam and Nicaragua have two such political systems.

What we are seeing this week in Poland is a notion of political change whose philosophy is quite different from the revolutionary forms that have won the admiration of so many cafe liberals year in and year out.

The central idea coming out of Poland is self-determination—the belief that the individual citizens of a nation ought in some manner to contribute their ideas to a nation's politics, free of both internal and external forces of repression. Poland's Solidarity is a movement for which self-determination is the reason for being, and Pope John Paul II raised this idea repeatedly the past week. He has spoken of "the fulness of civic rights and the social structures which correspond to its just requirements," of a state that must fulfill its role with "the consent of the governed" and of his hope for "full participation in deciding common life."

What we have here, at its most basic level, is a call for the establishment of the right of free speech, which in turn is a prerequisite to the formation of political parties and popularly elected governments. Indeed before Poland imposed martial law, Solidarity was essentially an umbrella over a variety of political groupings, such as the KOR Group (social democrats), the Young Poland Movement (representing conservative Catholic intellectuals) and the Labor Party.

Additionally, John Paul has exhorted the Poles to resist violence and class conflict, notions central to Latin American "liberation theology." "Hatred is a destructive force," said the pope, "and we must neither destroy nor be destroyed by it."

We will not soon forget the image of John Paul II standing below the high cross in Katowice, but we hope it is not forgotten that in Poland this week the pope re-conferred legitimacy on ideas with few active defenders among the world's intellectual elites the past 20 years. But it should be clear by now that they still awaken powerful aspirations in the hearts and minds of the masses of people those elites have so often falsely claimed to represent.●

OCEAN DISCHARGE WAIVERS

● Mr. DODD. Mr. President, I ask that the following sectional analysis of S. 1536, a bill I introduced last week to strengthen the provisions of the Clean Water Act regarding ocean waivers, be printed in full in the RECORD.

The analysis follows:

SECTION-BY-SECTION ANALYSIS OF S. 1536

SEC. . (a) This section re-numbers the existing provisions in Sec. 301(h) of the Clean Water Act to facilitate inclusion of the proposed amendments.

(b) This section adds three new requirements that must be met for an applicant to receive an ocean discharge waiver.

PRIMARY TREATMENT

Paragraph (H) requires that discharges under a waiver achieve full primary treatment. As presently written Sec. 301(h) allows a variance of secondary treatment without specifying that full primary treatment must still be maintained (or attained), and the courts have decided that there is insufficient basis in the law for EPA to require such treatment. However, a 1981 amendment prohibiting the discharge of sewage sludge under a waiver suggests that Congress intended ocean discharges to receive the minimum of primary treatment. The proposed language explicitly defines the processes that primary treatment must include or be equivalent to, since it is not defined in the law.

CONTROL OF TOXICS

Paragraphs (I) and (J) are designed to strengthen control of toxic pollutants by specifying a particular level of treatment and of effluent concentration. Toxics from industries discharging into municipal treatment works are supposed to be controlled by the Act's pretreatment program, cited in 301(h)(5), but categorical standards for many industries have not yet been promulgated. The proposed language requires (a) that any large treatment works (those likely to have significant industry influent) have a pretreatment program in effect which, together with its own treatment, provides the equivalent of secondary treatment for toxics; and (b) that effluent from discharges under a waiver meet EPA marine water quality criteria for toxics after initial dilution. Since secondary treatment removes many toxics, this equivalency requirement ensures that waivers for treatment of less harmful biodegradable pollutants do not allow increased levels of toxic pollutants in coastal waters.

GEOGRAPHIC LIMITATION

(c) This section re-defines the geographic limitation on discharges which are eligible for waivers. The proposed language restricts eligibility to discharges into deep waters of the territorial sea or contiguous zone; to small discharges within the territorial baseline; or to other discharges within the baseline which are into deep coastal waters (saline estuarine waters, sounds, channels, or bays) with flushing action and other characteristics necessary to maintain water quality throughout the confined waters. This clarifies and strengthens the existing provision regarding near-coastal waters.

(d) This section adds two new provisions that mandate consideration of the environmental context in which an application is made.

CUMULATIVE IMPACTS

The first provision requires that explicit consideration be given to the cumulative effect of many discharges of less than secondary effluent in a particular area. This cumulative effect, the so-called "tragedy of the commons", could lead to degradation even when the discharge of any single treatment plant could not be shown to impair water quality. Under present law a waiver must not result in additional treatment requirements for other sources, but no explicit consideration is given to the cumulative effect of many waivers and no statutory basis is given for determining how waivers should be allocated among the eligible applicants in an area prone to degradation.

In the proposed language the Administrator is required to consider the collective impact of discharges under waivers from all eligible municipal treatment plants in an area which are of equal or lesser size to an applicant and to deny the applicant a waiver if the collective test fails. The consideration of discharges from plants smaller than an applicant ensures that smaller dischargers are not penalized by a few larger dischargers which significantly impact an area. However, an exemption from this restriction is allowed where all the plants in an area are administratively interrelated, as in a single municipality or in a regional compact among municipalities; in this case the municipality or regional entity can decide how best to allocate its treatment requirements and waivers as long as overall water quality is maintained.

STRESSED WATERS

The second provision prohibits the issuance of waivers in areas which are already significantly polluted from other sources for any significant portion of the year. While existing law is vague on this point, such a prohibition is necessary to prevent further degradation of stressed waters. Degradation is defined in terms of the biological community found in the waters, the recreation of potential of the waters, and the level of water quality. The presence of a "balanced indigenous population" is avoided as a criterion because of the difficulty of evaluating the impacts of existing sources on a hypothetical indigenous biological community; instead, the actual species present in the waters and their population structure are compared to those in similar waters which are known to be polluted.●

"STAR WARS" DEFENSE

● Mr. ARMSTRONG. Mr. President, the Detroit News, in an editorial published June 6, 1983, has made what I believe to be the finest and most succinct explanation why President Reagan's plans to shift our emphasis in nuclear strategy from offense to defense are sound, and how such a

homeland defense could be achieved. I ask that it be printed at this point in the RECORD.

The editorial follows:

[From the Detroit News, June 6, 1983]

"STAR WARS" DEFENSE

The skeptics who scoff at President Reagan's proposal to build space-age defensive systems would do well to read the "High Frontiers" thesis of Lt. Gen. Daniel Graham.

Gen. Graham, former deputy director of the CIA and a military adviser to Mr. Reagan during the campaign, developed the thesis for the Heritage Foundation last year. It is a benchmark work that is reflected in President Reagan's March 23 call for a switch to a defensive posture that could, by the turn of the century, render intercontinental ballistic missiles (ICBMs) impotent.

The general begins with the assertion that today's strategic doctrine is not defensive. The two superpowers possess sufficient missiles to destroy each other's society, and there is no defense against them except for the anti-ballistic missiles (ABMs) in place around Moscow.

The peace has been kept for 38 years by a "balance of terror" that holds civilian populations hostage. In theory, no nation could attack another without risking a retaliatory holocaust. This is the doctrine of Mutually Assured Destruction (MAD).

The old strategy has been invalidated by the Soviet Union because (says the presidential strategic arms commission) that country "probably possesses" enough weapons with sufficient accuracy to destroy America's 1,047 ICBM silos "using only a portion of their own ICBM forces." The United States can't do such damage to the Soviet Union using all of its weapons. This is what is meant by the "window of vulnerability."

Gen. Graham is against "MAD-ness." He says the United States and its allies can't hope to match the growing mass of Soviet weaponry, strategic and conventional, and would be foolish to play a quantitative game that the Soviet Union could win.

Instead, the United States should do an "end run" around Soviet global strategy, engaging Moscow on technological high ground where Moscow is weakest. This leads away from proliferation of nuclear weapons (it might even make the MX missiles unnecessary) to the acquisition of earth-orbit, non-nuclear defensive weapons designed to destroy nuclear warheads before they do harm.

"High Frontiers" postulates three main layers of defense, all of which employ known technologies:

A "point" defense system, batteries of launchers at ICBM sites that would throw out swarms of unguided rockets—small, steel-case projectiles with enough mass and velocity to smash a warhead just before it reaches detonation range. These could be in use within two or three years.

Space-borne "trucks" that orbit the earth, each with sensing, control and guidance devices, and numbers of non-nuke projectiles that knock out missiles just after launch. These could be operational in the 1990s.

Laser, particle-beam energy, or microwave weapons to destroy missiles in space. These technologies, now under intensive research here and in the Soviet Union, could be ready in a decade.

Back in 1962, the skeptics thought John F. Kennedy was daft when he committed the United States to put a man on the moon within the decade. But the goal was achieved seven years later. From that day, anything in space became possible.

Since then, we have witnessed faultless space shuttle flights, and most people are now indifferent to the everyday miracles of satellites that bring us TV programs, distant telephone calls, insights into our geography, more accurate weather forecasts, more accurate navigation for ships and planes, and even such spin-off products like better ovenware.

But what of the legal arguments?

Liberals decry space defense, arguing that the atmosphere should be sanitized of weaponry and, further, that the ABM treaty and resolutions of the United Nations prohibits militarization.

This is naive. Space is already militarized. Both sides use passive systems to "sky spy" the other side and the disarmament treaties forbid interference with such "eyes."

In addition, the Soviet Union has never shown much interest in far space. The USSR launches 75 satellites a year, four or five times more than the United States, all in low earth orbit. Seventy percent have purely military roles, 15 percent combine military and civil uses, and only 15 percent purely civil purposes.

The Soviet Union is the only nation that has successfully killed one satellite with another, a crude experiment that has no known peaceful applications.

On the second point, the ABM treaty is ambiguous and Gen. Graham's weapons are outside its definitions. In any event, the treaty sets up a forum for discussion of new issues and can be canceled by either side on six months' notice.

Space is the last arena where the Soviet Union wants a High Noon meeting with the United States. Why? Because the United States has the lead in miniaturization of components and can do infinitely more with one pound of freight. Further, the United States has the space shuttle delivery and maintenance capability the Soviet Union lacks.

Gen. Graham meets two other critical arguments head on. It would be foolish to demand a perfect, impermeable—and very costly—space defense system. A simpler system that can destroy, say, 20 percent of the first-strike missiles would cast doubt on the success of a pre-emptive strike, and that doubt could well prevent the attack. America's retaliatory power would be restored without building another ICBM. And space-borne non-nuclear weapons would be incapable of killing a single Russian because they are defensive, not offensive.

Gen. Graham's blueprint for "assured survival" is a doctrine of hope, the opposite of the despair and resignation implicit in an "assured destruction" policy.

President Reagan also believes it is better to build weapons that eat nuclear warheads than to build more warheads. But he also knows that one system can't be trashed until a better system is operational.

Gen. Graham's central message is this: It is wiser to don a bullet-proof vest than expose a bare chest to Moscow's military might.●

FAMINE IN ETHIOPIA

● Mr. MOYNIHAN. Mr. President, the northern provinces of Ethiopia are faced with a famine that threatens to become one of the worst in African history. The Washington Post reports that 50 to 100 children are dying every day and that the death toll could surpass 200,000 people. Unlike the disastrous famine Ethiopia suffered just over a decade ago—a disaster that was hidden from the world—we have a warning this time, a warning that could enable us to avert catastrophe and save thousands of lives. The mounting death rate and the appeals from international and private relief agencies must not go unheeded. The priority that this Nation has historically placed on humanitarian aid must not be subverted by the politics of the situation. We are a nation that responds to famine emergencies, and we must respond to this crisis with the needed assistance.

I commend my colleague from Arizona, Senator DECONCINI, for his rapid response to this urgent situation and join him in support of Senate Resolution 168. The United States must, without delay, respond to the appeals of international and private relief agencies and provide the necessary assistance to prevent mass starvation in Ethiopia.●

TRIBUTE TO BRIG. GEN. DICK SHARP

● Mr. HOLLINGS. Mr. President, on Wednesday, June 15, death claimed U.S. Army Brig. Gen. Dick Sharp while he was participating in morning physical fitness training at Hunter Army Airfield, Ga.

Those of us who had the privilege of knowing Dick Sharp when he was assigned as the Army liaison officer to the U.S. Senate mourn his passing. In every sense of the word he deserved the title of "soldier's soldier," and I want his wife, Pat, and his children, Ashley and Scott, to know that we in the U.S. Senate grieve for him and will miss him also. It is only appropriate that I request insertion in the RECORD the remarks of Maj. Gen. John R. Galvin, Commanding General, 24th Infantry Division (mechanized), as offered Monday during the burial services at Arlington National Cemetery.

BUT I REMEMBER . . .

Each man brings to earth
Certain influences,
Sustaining forces from Our God.

What a man says,
And what he does,
And the way other men see in him
What is in them:
These are the things.

Richard Harry Sharp was born in Kansas City, Kansas on the 4th of November 1934. He lived in Kansas all his young years until he joined the Army as a Private Soldier in 1957. From that time, according to all who knew him well, he was a Soldier—first, last, and always.

Dick was selected for Officer Candidate School, graduating as a Second Lieutenant of Infantry in 1959. He then went on to the Officer Basic Course at Fort Benning, and to Ranger and Airborne School. While at that post he met an "Army Brat," Pat

Richie, daughter of a Colonel who was stationed there, and on the 22d of July 1960 at the Chapel at Fort Benning, they were married.

They then went off to the first of Dick's company grade assignments in the United States and then in Korea. After a daughter, Ashley, was born, Pat finished her undergraduate work.

There are many Rangers here today and Dick knew these Rangers well. Not only had he graduated from the Ranger School, but he subsequently became a Ranger Instructor at the jungle camp in Florida. During his service with the Ranger Department, his son Scott was born. Dick was assigned to the Ranger Department from 1963 to 1965 when he went to the University of Nebraska at Omaha to finish his Bachelor's Degree in History.

In 1967 General Sharp went to Vietnam to the 9th Infantry Division in the Delta Region where, as a Major, he became the S3 Operations Officer for the 3d Battalion, 60th Infantry. There he served with great courage, being awarded—as a staff officer—the Silver Star, the Army Commendation Medal with V for Valor and the Vietnamese Cross of Gallantry. He was to go on to receive 23 other awards in his career.

After the year in Vietnam, he attended the Command and General Staff College at Leavenworth where he served with such distinction that he was sent to represent the United States Army at the British Staff College at Camberley.

1971 found the Sharp family in Germany with Dick serving as Executive Officer to the Chief of Staff of United States Army, Europe. He was promoted to Lieutenant Colonel during this tour and in 1973 he returned to his beloved "Old Reliables" of the 9th Infantry Division, now stationed at Fort Lewis, Washington. There, he commanded the 3d Battalion, 47th Infantry in the 3d Brigade.

After his command time with the 9th Division, Dick went to the Army War College at Carlisle Barracks, Pennsylvania. While studying there during the year 1976-1977 he obtained his Master's Degree in Public Administration from Shippensburg State College.

Dick Sharp went on to serve at the Pentagon in the Office of the Deputy Chief of Staff for Operations and also in the Office of Legislative Liaison. It was Major General Ed Peter who brought him into the latter after hearing how well he had done in the 9th Division as a commander.

After his Washington tour was over, Dick went to Korea where he commanded the 2d Brigade of the 2d Infantry under Major General Robert Kingston. General Kingston—who has never been known as a man given to hyperbole—called me this year to tell me how lucky I was to get a great soldier like Dick Sharp in the 24th Infantry Division.

When he returned from Korea, Dick became the Chief of Staff of the 5th Infantry Division (Mechanized) at Fort Polk, Louisiana. There, the Assistant Division Commander, Brigidier General Tom Kelly, said: "You have to see Dick Sharp in action to know what a Chief of Staff can really do." His Division Commander, Major General Peter, told me: "Dick Sharp will always be the greatest soldier that I have ever known."

Dick arrived to be Assistant Division Commander of the 24th Infantry Division in February of this year. I had not known him before but had heard these good things. I could see from the start that he was the broad-gauged leader. He was a team player. Right from the beginning it was amazing how quickly people came to know and like him, not only on the military side but also in the city of Savannah. He was happy as the Assistant Division Commander and the Commander of Hunter Army Airfield. He was proud of his new star and looking forward to his service with Victory Division. We felt lucky to have him.

All that a man brings
Comes as a drop falls to a pool
And the tiny ripples of his influence
Spread to other men and into time
And generations.

And the little drop,
Raising the level in the pool,
Cannot be found.

And so men go out
To what must be done,
Pushed on by what they have forgotten:
The quiet word, the nod,
The hour of companionship.

But I remember
And what had raised the level is not lost.
And though it is not necessary to remember
Or to understand,
I do, and missing him, it helps.●

THE CALENDAR

Mr. STEVENS. Mr. President, with the consent of my good friend, the distinguished Democratic leader, I would like to proceed with some calendar items.

I ask unanimous consent that the Chair lay before the Senate en bloc Calendar Order Nos. 245, 260, and 264, and that the Senate consider those items en bloc.

Mr. BYRD. Mr. President, before the Chair puts the question, these items have been cleared on this side of the aisle. I have no objection to their being considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC HEALTH EMERGENCIES

The bill (H.R. 2713) to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies, was considered.

Mr. MOYNIHAN. Mr. President, I rise in full support of H.R. 2713, a bill to establish the Public Health Emergency Fund. I support this important legislation for three reasons: It is the correct response to an immediate health emergency, AIDS; it points toward a long-term solution to the chronic problem of resource allocation during health emergencies; and it provides a needed Federal answer to a national crisis.

I would first examine the immediate problem. Acquired immune deficiency syndrome, known as AIDS, is a newly discovered disease that impairs the immune system, leaving the victim susceptible to certain types of cancer and a number of infectious diseases. As of June 27, there were 1,673 cases and 679 deaths, a mortality rate of 40.6 percent, and no known instances of a victim being cured of the disease. Once the victim has contracted AIDS, he or she can only treat the symptoms, knowing fully that death within months or weeks is inevitable.

I would second note that AIDS is a national problem: 38 States have reported cases. As the number of victims spirals weekly, the general population becomes increasingly concerned. One worrisome aspect of the disease is that over 6 percent of its victims belong to no apparent risk group. Simply put, we do not know how this disease is communicated, we do not know who is susceptible, we do not know how to prevent it, and we do not know how to cure it. What we do know is that more people are getting it, and more people are dying from it. Indeed, the Federal Government has an obligation to address forcefully a disease of this scope and complexity.

Finally, I would point out that to leave the primary responsibility for dealing with AIDS to the States and cities would be to ignore the national complexion of the disease. States and localities are ill-prepared to tackle the problem. San Francisco, in the first 5 months of 1983, has spent over 5 percent of its entire health budget on providing counseling and patient services to AIDS victims. The average cost per patient is over $100,000. How are public hospitals to finance such expenses? New York State proposes to allocate $5.2 million for AIDS research, but according to Governor Cuomo, the State has no idea where to find the money.

H.R. 2713 is the rational and humanitarian response to the short-term tragedy of AIDS and the long-term specter of public health emergencies. I urge most strongly that my colleagues in the Senate give it their unqualified support.

Mr. KENNEDY. Mr. President, I rise in support of H.R. 2713, a bill which would provide for the creation of a permanent revolving fund for use by the Secretary of Health and Human Services for response to public health emergencies.

It is clear that adequate resources must be available for research on diseases that are public health emergencies. Such diseases as Legionnaire's disease, toxic shock syndrome, and acquired immune deficiency syndrome (AIDS) have been both frightening to the American public and often fatal to their victims.

It is also clear that during a period of a public health emergency, the Public Health Service (PHS) must mount an effective campaign to respond to the health needs of the American people. While it is possible to plan for some unanticipated emergencies, it is not possible, however, to define the nature and complexity of any emergency beforehand. As a result, the PHS contingency fund has been inadequate to meet the unexpected health crises of the numbers, size, and complexity that America has faced in recent years.

When faced with exhausted contingency funds, the PHS has been forced to divert money from other activities or to act and then request supplemental appropriations to cover costs incurred, or simply to do the best it could, permitting problems to linger.

The time has come for the Congress to provide for a public health contingency fund similar to that used for disaster management or for overseas relief. H.R. 2713 authorizes to be appropriated to a fund of $30 million in fiscal year 1984. In succeeding fiscal years, there are authorized such sums as may be necessary to have the fund equal to $30 million at the beginning of each fiscal year.

The moneys from the Public Health Emergency Fund will be used not only for disease crisis but also for public health situations like the Tylenol incident or the Three Mile Island crisis. The PHS fund will not be used for routine agency or public health activity nor will it be a substitute for the normal reserves that an agency must have.

Mr. President, this country is now being threatened by the most significant epidemic since polio. Acquired immune deficiency syndrome (AIDS) is a deadly disease that destroys the body's immune deficiency system, leaving the individual highly susceptible to life threatening infections. There have been a number of newspaper and magazine articles about the epidemic proportions of this disease.

Although the majority of AIDS victims have been members of high-risk groups, the disease is spreading beyond those people in well-defined categories. While the disease does not appear to be transmitted by casual contact, those dealing with AIDS victims and the general public have grown more fearful of contacting AIDS. AIDS is possibly the most serious public health issue facing the country today.

As of June 20, 1983, 1,641 cases of AIDS have been reported to the Center for Disease Control; 644 people have died of AIDS since 1981. Four to five new cases are reported every day and the case rate is doubling every 6 months.

However, Federal response to the AIDS crisis has been slow and inadequate. Therefore, I have joined several of my colleagues in the consponsorship of S. 1226, a bill to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services to respond to public health emergencies and S. 971, a bill to authorize the Secretary of Health and Human Services to expedite research into a disease or disorder which constitutes a public health emergency.

S. 1226 would establish a public health emergency fund in order to help insure the availability of funds for prompt Federal response to public health emergencies. The language of S. 971 was incorporated in S. 773, the biomedical research, training, and medical library assistance amendments of 1983 when reported out of committee.

H.R. 2713 authorizes $10 million less than S. 1226. However, since it has passed the House, it represents a reasonable compromise. Thus, to expedite matters, I am supporting H.R. 2713 today, so that we can get action on this legislation.

While these bills are not specific to AIDS, they were written to specifically apply to AIDS. Research into causes and prevention of AIDS is vital for the protection of our citizens, The AIDS crisis demonstrates that we need an effective mechanism for responding to public health emergencies quickly and with adequate resources.

The fear that has developed around AIDS is discussed in the media almost every day. Hospital staff are afraid to treat AIDS victims. Patients are postponing surgery because of their fear that the Nation's blood supply has been contaminated with the blood for AIDS victims. And morticians are afraid to embalm the bodies of those AIDS victims who have died.

In the meantime, those people afflicted with AIDS are dying, often without compassion because of the public's fear. Until we know the cause and cure for AIDS, we should do everything to alleviate public fear and to promulgate current and accurate information about this disease. AIDS victims must not have inflicted upon them the double burden of the disease and unchecked public fear. Research is imperative.

H.R. 2713 will provide a genuine mechanism for an appropriate Federal role in addressing the problem of AIDS and other public health emergencies.

I urge my colleagues to support the passage of H.R. 2713.

Mr. President, I ask unanimous consent that the editorial in the New York Times of June 25, 1983, describing public fear of AIDS and the Reagan administration's response to this public health threat be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 25, 1983]

THE FEAR OF AIDS

The new disease known as AIDS, or acquired immune deficiency syndrome, has set loose a deadly epidemic. Morticians, prison guards and policemen have expressed an understandable but probably excessive fear of AIDS. The Reagan Administration, on the other hand, yawned through the first two years of the crisis and has now awakened to declare that no special efforts are needed. It could usefully imbibe a little of the public's panic.

AIDS is indeed a frightening disease: it kills many of its victims by sabotaging their immune systems. Its cause and cure have yet to be discovered. But it does not strike at random. It remains confined to male homosexuals, users of intravenous drugs, Haitian immigrants and, to a far lesser degree, the users of blood products, like hemophiliacs.

Those who are none of the above do not seem to be at risk. Of the 722 AIDS cases known to have occurred in New York City, according to Health Commissioner David Sencer, only four have not so far been assigned to one of the listed risk groups.

Nurses, doctors and laboratory workers who care for AIDS patients are the most obviously exposed persons. If AIDS were spread easily, by touch, coughing or sneezing, they would be the first casualties. So far there has not been one case of AIDS among health care workers who are not also members of the known risk groups. According to Edward Brandt, the top Federal health official, all present evidence indicates that "AIDS is spread almost entirely through sexual contact, through the sharing of needles by drug abusers and, less commonly, through blood or blood products."

A dozen AIDS cases have occurred among the 10 million people who have received blood in the last three years. In all but one, the donors appear to be free of AIDS. The evidently minuscule risk of acquiring AIDS from transfusions has been even further reduced by a recent requirement, agreed to by the homosexual community, that members of known risk groups who donate to blood banks will indicate that their blood be used only for research purposes.

An additional 13 cases of AIDS have occurred among people with the blood-clotting disorder known as hemophilia. They use not whole blood but plasma derived from thousands of donors, some of them paid. Their risk, though still very small, is inevitably higher than that of patients taking whole blood from a single donor.

The so-far unfounded fear that AIDS can be spread by casual contact has caused some of the victims to be doubly punished, once by a cruel disease, and again by landlords who evict them or friends who shun them. Homosexuals are afraid that the public's anxiety will revive discrimination and erode the civil rights they have gained.

AIDS patients need compassion. They should not be treated as lepers. When their disease is fully understood, the knowledge gained about immunology and cancer will benefit everyone. The homosexual community deserves support in its effort to combat the disease and to comfort its victims.

The Administration, saying it now considers AIDS the nation's No. 1 health priority, has diverted a small sum from existing budgets but wants no extra money appropriated for AIDS research. The meager amount that the National Institutes of Health has belatedly allocated from its $4 billion budget will not be dispensed for several months. One group of researchers has become so frustrated by the lack of Federal support that they have formed the AIDS Medical Foundation to raise private contributions.

BEST COPY AVAILABLE

"Some very promising research is taking place, but funding for that research is pitifully inadequate," says Mathilda Krim, a biologist at the Sloan-Kettering Institute of Cancer Research, who helped set up the foundation.

In caring for fellow citizens struck down by this bizarre and often lethal epidemic, the public has better lights to follow than the example of inattention and apathy that the Administration has set.

Mr. **CRANSTON**. Mr. President, I rise in support of H.R. 2713, a bill that would establish, and authorize appropriations for, a public health emergency fund to be used for research and investigations into the causes, treatment, and prevention of diseases or conditions that the Secretary of Health and Human Services determines present a public health emergency. S. 1226, a measure I introduced on May 5, 1983, along with Senators Moynihan, Kennedy, and Tsongas, is a companion to this House-passed bill.

This legislation is vitally needed to remedy a serious inadequacy in our Nation's health system—the lack of a Federal mechanism for dealing effectively and expeditiously with large-scale public health emergencies which occur suddenly and require immediate action, such as investigating and monitoring outbreaks of disease, removing contaminated products from the market, or undertaking new medical research. These bills are designed to insure the availability of funding for swift and effective Federal responses to public health emergencies—including funding for priority research into the causes, treatment, and prevention of diseases or disorders, such as acquired immune deficiency syndrome (AIDS) that constitute public health emergencies.

To this end, the legislation before us today would establish in the Treasury a public health emergency fund and authorize the appropriation to the fund of $30 million for fiscal year 1984, and for each subsequent fiscal year such sums as are necessary for there to be $30 million in the fund at the beginning of the fiscal year. The fund would be available for use in responding to an emergency if the Secretary of HHS, after consultation with the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, the Administrator of the Centers for Disease Control, or the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, determines either that a disease or disorder presents a public health emergency or that a public health emergency otherwise exists with respect to which the Secretary has authority to take responsive action. Following that determination, the allocation of moneys from the fund would be authorized for the purpose of appropriate responses to the emergency.

The House-passed bill differs from S. 1226 in only two significant ways. First, the authorization of appropriations for fiscal year 1984—and the authorized level of the fund in subsequent years—would be $30 million rather than the $40 million that S. 1226 would authorize. Second, the House bill would require the Secretary of HHS annually to report on the use of the funds to the House Committee on Energy and Commerce and the Senate Committee on Labor and Human Resources. I believe the reporting requirement is a good addition, and in the interest of the quick enactment of this legislation, I can accept the $30 million authorization in lieu of the $40 million. The authorized amount can be adjusted later based on experience under the legislation.

Mr. President, our Government needs to be better prepared to deal swiftly with public health emergencies. We have learned this lesson the hard way through the current AIDS crisis. Although the CDC has called AIDS the worst epidemic since smallpox and the Secretary of HHS recently declared that the investigation of AIDS has become the No. 1 priority of the Public Health Service, the initiation of a Federal response to AIDS, so critical for protecting the public health, was slow and inadequate. Had the Federal Government been able to respond faster to this emergency and applied its health resources more effectively to find some answers to this fatal disease, we might today be much closer to controlling the spread of AIDS and preventing this most tragic death toll from climbing higher. Also, by acting earlier and with greater visibility, we might have been able to allay some of the public hysteria that has grown around this disease by making sure that accurate information about AIDS was made widely available and thereby have discredited some of the ugly rumors that have been spread about the disease. Misinformation and groundless fears have resulted in a number of most regrettable incidents of discrimination to the point of the ostracism of AIDS victims.

Had we been better prepared, we might also have been able to supply faster the information needed by the Social Security Administration to act on applications by AIDS victims for social security disability insurance benefits and supplemental security income payments. This could have helped avoid the unnecessary suffering caused by the denial of such benefits. As the late Congressman Phil Burton noted in a March 25, 1983, letter to the Commissioner of the Social Security Administration, there were a number of cases in which AIDS patients were denied SSDI benefits despite the disastrous effects of this disease and the fact that the treatment for AIDS is itself often debilitating.

I am pleased that in response to the concerns raised by Congressman Burton, by me, and by others, the Social Security Administration ultimately took action to correct the unfair denial of social security disability benefits and supplemental security income payments to AIDS patients.

Mr. President, although several Government agencies have authority to address different aspects of public health problems, the costs, which can be substantial for public health emergencies, cannot be anticipated. Recent unexpected public health crises—such as Legionnaire's disease, toxic shock syndrome, the Tylenol poisonings, and three of the largest food recalls, salmon, mushrooms, and infant formula—have been of such numbers, sizes, and complexity that any funds budgeted for in advance have quickly been depleted. Without a contingency fund and coordinated effort, HHS, only way to react to these problems is by siphoning resources out of other programs to which the same immediacy may not attach but which are equally important in protecting the health of our Nation's citizens. Moreover, when those other resources cannot be found and diverted quickly, we experience dangerous delays in our efforts to stop the spread of diseases that can cause widespread suffering and death.

Mr. President, I want to thank the majority and minority leaders for their efforts—as I urged on the floor of the Senate on June 14, 1983—in having H.R. 2713 placed on the Senate Calendar and for enabling the Senate to take up the bill at this time. In a June 17 letter, I, together with the cosponsors of S. 1226, urged them to take this action, and I am delighted that the bill is now before the Senate. Enactment of this measure prior to consideration of the fiscal year 1984 Labor, HHS, Education and Related Agencies appropriations bill would greatly enhance the prospects for having a fully funded public health emergency fund operational early in fiscal year 1984.

The passage of this legislation will clearly demonstrate to the American people—and especially to those so very concerned about AIDS—that the Congress can respond comprehensively and in a bipartisan manner to a great public concern about a serious problem and act constructively to meet urgent national needs.

Mr. President, I ask unanimous consent that there be printed in the Record at this point the exchange of correspondence with the Social Security Administration regarding SSDI and SSI benefits for AIDS victims, as well as the letter that I, along with Senators Moynihan, Kennedy, and Tsongas, sent to the majority and minority leaders urging that H.R. 2713 be

placed on the Senate Calendar and considered as soon as possible.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., June 17, 1983.

Hon. Howard H. Baker, Jr.,
Majority Leader,
Hon. Robert C. Byrd,
Minority Leader,
U.S. Senate,
Washington, D.C.

Dear Howard and Robert: We are writing both to thank you for your efforts in having H.R. 2713—a bill to establish a public health emergency fund—placed on the Senate calendar and to urge that the bill be taken up and passed at the earliest opportunity if this can be done without the bill being amended.

As you know, S. 1226, which we introduced on May 5, 1983, is a companion to the House-passed bill. These bills respond in part to a very deeply felt concern of the American public that a major effort must be devoted to dealing with the acquired immune deficiency syndrome (AIDS) epidemic. They would establish, and authorize appropriations for, a public health emergency fund for research and investigation into the cause, treatment, and prevention of diseases or conditions which the Secretary of Health and Human Services determines present public health emergencies. Thus, this legislation would remedy a serious inadequacy in our Nation's health system—the lack of a mechanism for responding to large-scale public health threats, such as AIDS, that demand emergency action.

The House-passed bill differs from S. 1226 (which is described more fully in the enclosed copy of our May 27 letter to our Senate colleagues) in only two significant ways. First, the authorization of appropriations would be for $30 million rather than $40 million. Second, the House bill would require the Secretary of HHS annually to report on the use of the funds to Congress. We believe that the reporting requirement is a good addition, and, in the interest of quick enactment of this legislation, we would accept the $30 million authorization in lieu of the $40 million authorization at this point.

Enactment of this legislation prior to consideration of the fiscal year 1984 Labor, HHS, Education and Related Agencies appropriations bill would greatly enhance the prospects for having a fully-funded public health emergency fund operational at the outset of fiscal year 1984.

Therefore, we believe that the urgent need for enactment of this legislation warrants Senate action on it as soon as possible (if an agreement precluding amendments can be reached) and urge that H.R. 2713 be taken up as soon as it can be scheduled. This action would demonstrate to the American people—and especially to those so very concerned about AIDS—that the Congress can respond swiftly and in a bipartisan manner to meet urgent national needs.

We want to work with you on this matter in any way you believe would be helpful and very much appreciate your cooperation.

With warm regards,
Cordially,

Daniel Patrick Moynihan.
Edward M. Kennedy.
Alan Cranston.
Paul E. Tsongas.

U.S. Senate,
Washington, D.C., May 27, 1983.

Dear Colleague: On May 5, 1983, we introduced S. 1226, legislation to establish a Public Health Emergency Fund to help ensure the availability of funding for swift and effective responses to public health emergencies through the Department of Health and Human Services.

There is now no effective mechanism for responding to large-scale public health emergencies that occur suddenly and require immediate action in terms of investigating outbreaks of disease, removing contaminated products from the market, or undertaking new medical research. This deficiency was plain in a number of recent public health emergencies—Legionnaires' disease, toxic shock syndrome, the Tylenol poisonings, and three of the largest food recalls (salmon, mushrooms, and infant formula). Now the outbreak of acquired immune deficiency syndrome (AIDS) a fatal disease that destroys the body's immune system, leaving the individual highly susceptible to life-threatening infections, is rapidly becoming an uncontrolled epidemic and demands urgent action.

These types of public health problems cannot be planned for in advance. Their costs, which can be substantial, cannot be calculated into an agency's fiscal year budget. Without a contingency fund and coordinated effort to respond to public health emergencies, our only way to react to these problems is by siphoning resources out of other research areas and public health programs to which the same immediacy may not attach but that are equally important in protecting the health of our Nation's citizens. When those other resources cannot be found and diverted quickly, we experience dangerous delays in efforts to stop the spread of diseases that can fast reach epidemic proportion causing much suffering and death.

The concept of making contingency funds available to meet public emergencies is not unprecedented. The EPA and FEMA have funds available for use in emergencies. Nor is this specific proposal novel. In 1982, then HHS Secretary Schweiker proposed to establish a National Emergency Response Fund to provide the Department with the capability to respond quickly and resourcefully in critical situations that affect the Nation's health and welfare.

Our bill would establish in the Treasury a Public Health Emergency Fund and authorize the appropriation of $40 million to the fund in fiscal year 1984 and, in each subsequent fiscal year, such sums as are necessary for there to be $40 million in the fund at the beginning of the fiscal year. The funds would be available for use in responding to an emergency if the Secretary of Health and Human Services, after consultation with the Director of CDC, or the Administrator of ADAMHA, determines that a disease or disorder presents a public health emergency, or that such an emergency otherwise exists, with respect to which the Secretary already has authority to take responsive action. Following that determination, the allocation of fund moneys would be authorized for the purpose of supporting appropriate responses to the emergency, including grants or contracts for research into the cause, treatment, and prevention of such a disease or disorder.

We hope that you will join with us in helping to prepare our country to respond more quickly and more effectively to public health emergencies. If you have any questions, or if you would like to join as a cosponsor, please have your staff contact Nancy Barrand at 4-3553.

With warm regards,
Cordially,

Edward Kennedy.
Daniel Patrick Moynihan.
Alan Cranston.
Paul Tsongas.

House of Representatives,
Washington, D.C., March 25, 1983.

Commissioner John A. Svahn,
Social Security Adminstration,
Baltimore, Md.

Dear Commissioner Svahn: A number of constituents have recently asked my office to bring a matter of great urgency to your attention.

Because of the recent, and rapidly spreading, epidemic of A.I.D.S., a number of previously healthy young people have become afflicted with life-threatening and disabling accompanying illnesses such as Kaposi-Sarcoma and Pneumocystis Pneumonia.

In several cases these patients have been denied Social Security disability benefits despite the fact that the underlying syndrome is currently irreversible, the treatment (including chemotherapy) is often debilitating, the patients' vital health needs often require minimum stress and exertion, and the diseases are fatal in more than 80% of the patients after a two-year period.

It is clear that a firm diagnosis of KS or PCP should qualify a claimant for benefits under the equivalency concept. I was reassured to learn that this opinion is shared by Dr. Krajeski, the Chief Medical Advisor of the Program Branch of the Regional District in San Francisco, and by Gladys Vedros, the Director of the Regional Disability Programs Branch.

Other A.I.D.S. diagnoses, less obviously debilitating, could be handled on a case-by-case basis by workers familiar with the syndrome.

Both Dr. Krajeski and Mrs. Vedros have been extremely helpful to my office in this matter. However, some claimants with clear diagnoses continue to be denied eligibility on initial application, and sometimes again after appeal.

The unnecessary suffering caused by these denials, which are clearly inconsistent with existing criteria, could be avoided if the medical opinion of Dr. Krajeski and of all physicians treating these patients that a firm diagnosis of KS or PCP is a qualifying condition on equivalency grounds would be made a clear and undisputable matter of national policy, made clearly known to those responsible for initial evaluations.

The urgency of this matter for the individuals involved is obvious. For the larger society, it will become increasingly significant as these diseases occur in other areas. This is clearly a national problem.

I would like to stress that, in my opinion and in the opinion of all knowledgeable physicians of whom I am aware, this matter does not require any change in existing regulations. It requires only a clarification of existing regulations for front-line decision makers who, probably because of unfamiliarity with a very new and complicated medical problem, are unaware of the very clear qualification of these claimants.

I look forward to your response and to a prompt resolution of this matter in the interests of justice and sound medical practice.

Please reply to 11104 Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Sincerely,

PHILLIP BURTON,
Member of Congress.

U.S. SENATE,
Washington, D.C., April 22, 1983.

Hon. MARGARET M. HECKLER,
Secretary of Health and Human Services,
Washington, D.C.

DEAR MARGARET, I am contacting you in connection with a March 25 letter (copy enclosed) to you from the late Congressman Phil Burton regarding acquired immune deficiency syndrome (A.I.D.S.).

That letter expressed specific concerns about the denial of eligibility for social security disability insurance and supplemental security income benefits for certain individuals who have A.I.D.S. I have significant concerns regarding that matter and would, therefore, appreciate your providing me with your response to the issues he raised and the suggestions he made.

Thank you for your cooperation.

With warm regards,

Cordially,

ALAN CRANSTON.

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, D.C., June 7, 1983.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: Thank you for your inquiry supporting the late Congressman Burton's concerns about people with Acquired Immune Deficiency Syndrome (AIDS) being denied Social Security disability benefits and supplemental security income payments.

The Social Security Administration (SSA) has been monitoring the disability determination services (DDS) to determine if there are any problems with cases where the applicant is diagnosed to have AIDS. SSA recently found that some DDS' may not be deciding these cases properly.

As a result of this finding, SSA issued a notice to all DDS' pointing out the widely reported high mortality rates for people with AIDS and the associated infections and diseases such as Kaposi's sarcoma and Pneumocystic carinii pneumonia. Because of the high mortality rate, they advised the DDS' that a finding of medical equivalence will be appropriate if the condition is fully documented. Disability benefits would be paid in these cases, assuming all other eligibility criteria are met.

SSA's action is just one of a number of activities this Department has undertaken to combat AIDS. Since the first reports of AIDS cases in 1981, HHS has devoted the full range of assistance and expertise of its public health professionals—working with State and local public health officials, the practicing medical community, the academic and research communities, representatives of high risk groups, and the blood banking community. These early efforts have allowed us to identify high risk groups, to understand the spread of the syndrome, and to make recommendations to reduce the risk of spread of AIDS. Researchers within the Public Health Service, as well as in the major medical institutions of this country and around the world, are pursuing the cause of AIDS so that effective treatment and prevention measures can be developed and put in place.

I appreciate your interest and concern in this matter.

Sincerely,

MARGARET M. HECKLER,
Secretary.

DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
April 26, 1983.

Attention: Ms. Doris Thomas.
Fifth Congressional District of California,
Federal Building,
San Francisco, Calif.

DEAR MS. THOMAS: I am responding to your inquiry of March 25, 1983 about people with Acquired Immune Deficiency Syndrome (AIDS) being denied Social Security disability benefits.

We have been monitoring the disability determination services (DDS) to determine if there are any problems with cases where the applicant is diagnosed to have AIDS. Only recently did we find that some DDS's may not be deciding these cases properly.

We are, therefore, issuing a notice to all DDS's pointing out the widely reported high mortality rates for people with AIDS and the associated infections and diseases such as Kaposi's sarcoma and Pneumocystis carinii pneumonia. Because of the high mortality rate, we are advising the DDS's that a finding of medical equivalence will be appropriate if the condition is fully documented.

I share your concern in this matter and appreciate your calling it to my attention.

Sincerely,

JOHN A. SVAHN.

The bill was ordered to a third reading, read the third time, and passed.

RECORD RENTAL AMENDMENT OF 1983

The Senate proceeded to consider the bill (S. 32) to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings, which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 2, line 5, strike "copyright owners", and insert "owners of copyright in the sound recording and in the musical works embodied therein";

On page 2, line 7, strike "of a sound recording";

On page 2, line 8, after "dispose", insert "or authorize disposal";

On page 2, after line 11, insert the following:

SEC. 3. Section 115(c) of chapter 1 of title 17 of the United States Code is amended by renumbering paragraphs (3) and (4) thereof as paragraphs (4) and (5), respectively, and by adding after paragraph (2) the following new paragraph:

"(3) A compulsory license under this section includes the right to distribute phonorecords by rental, lease, or lending (or by acts or practices in such nature). Without prejudice to the royalty payable under paragraph (2) of this subsection and chapter 8 of this title, a royalty shall be payable by the compulsory licensee for every act of distribution of a phonorecord by or in the nature of rental, lease, or lending, by or under the authority of the compulsory licensee. With respect to each work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this paragraph equal to the proportion of the revenue received by the compulsory licensee from distribution of the phonorecord under paragraph (2) that is payable by a compulsory licensee under such paragraph and under chapter 8. The register of Copyrights shall prescribe regulations to carry out the purpose of this paragraph."

On page 3, line 9, strike "3.", and insert "4.";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Record Rental Amendment of 1983".

SEC. 2. Section 109(a) of chapter 1 of title 17 of the United States Code is amended by replacing the period at the end thereof with a colon and inserting thereafter the following: "*Provided, however,* That, unless authorized by the owners of copyright in the sound recording and in the musical works embodied therein, the owner of a particular phonorecord may not, for purposes of direct or indirect commercial advantage, dispose or authorize disposal of the possession of that phonorecord by rental, lease, or lending, or by any other activity or practice in the nature of rental, lease, or lending.".

SEC. 3. Section 115(c) of chapter 1 of title 17 of the United States Code is amended by renumbering paragraphs (3) and (4) thereof as paragraphs (4) and (5), respectively, and by adding after paragraph (2) the following new paragraph:

"(3) A compulsory license under this section includes the right to distribute phonorecords by rental, lease, or lending (or by acts or practices in such nature). Without prejudice to the royalty payable under paragraph (2) of this subsection and chapter 8 of this title, a royalty shall be payable by the compulsory licensee for every act of distribution of a phonorecord by or in the nature of rental, lease, or lending, by or under the authority of the compulsory licensee. With respect to each work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this paragraph equal to the proportion of the revenue received by the compulsory licensee from distribution of the phonorecord under paragraph (2) that is payable by a compulsory licensee under such paragraph and under chapter 8. The register of Copyrights shall prescribe regulations to carry out the purpose of this paragraph.".

SEC. 4. This amendment becomes effective upon its enactment.

Mr. THURMOND. Mr. President, when the Committee on the Judiciary organized at the beginning of this Congress, I proposed, and the committee ratified, the creation of a new Subcommittee on Patents, Copyrights, and Trademarks. The purpose of this subcommittee was to address, with developed expertise, the increasing need for legislative responses to the high technology advances of the 1980's.

S. 32, the Record Rental Amendment of 1983, is the first piece of legislation to be reported out of that subcommittee. The advantages of developed expertise are clearly demonstrated by the amendments offered to that bill by the distinguished Senator from

Utah, Mr. HATCH. The complexity of the issue is evidenced, not only in the changes made by S. 32 in our Federal copyright laws, but also by the changes it does not propose to make.

Mr. President, our committee report describes in detail the problem which S. 32 addresses in a farsighted manner. We are witnessing in this country the shadow of a phenomenon which has had a substantial adverse impact on the recording industry in Japan. Specifically, record rental stores lease record albums for a fee which represents a small portion of the purchase price. The lessee takes advantage of this opportunity to tape the rented record before its return. Thus, the rented record clearly displaces a potential sale. The fact that subsequent taping is clearly the motive behind the rental is demonstrated by the fact that some record stores even include a blank tape in the price of the rented record.

The first sale doctrine of our Federal copyright laws currently permits the rental of a record without the authority of the copyright holder. As a preventive measure, and in order to avoid the displacement of record purchases, S. 32 would modify that doctrine to prohibit the commercial leasing of records without the permission of the copyright owner. It would, however, preserve the ability of libraries to lend records.

Mr. President, I stress that S. 32 deals only with rental of records. It does not deal with the rental of video materials, which is a very different question. The committee concluded that the modification of the first sale doctrine proposed in S. 32 and the reasons for that modification cited in the committee report were appropriate in light of the unique problems presented by record rental and copying. The committee has under separate consideration legislation dealing with other aspects of the first sale doctrine.

Mr. President, I want to commend the sponsor of this bill, Senator MATHIAS, and our distinguished majority leader for their leadership on this legislation. As a fellow lover of country music, I recognize its importance to our national spirit and the contributions of the entire music industry to our economy. S. 32 is an attempt to protect that important industry from a potential, serious problem.

S. 32, THE RECORD RENTAL AMENDMENT OF 1983

Mr. MATHIAS. In 1909 Congress updated the copyright law and codified the first sale doctrine. As the report explains, the first sale occurs at the time the copyright owner conveys title to an unrelated person or company—be it a jobber, a distributor, a retailer, or the ultimate consumer. Congress originally adopted the doctrine to codify the common law rule against restraints on the alienation of tangible property. It focused on contract and commercial law, not on copyright law. It worked well until technology changed the record industry, and widespread home taping threatened to sap its strength by undermining its coin of the realm—copyright.

Record rental shops rent popular albums for 1 or 2 days for a dollar or two. This practice, which the copyright owners cannot prevent under the first sale doctrine, displaces sales since the customers go home and tape the records on their tape recorders. The industry's sales losses from home taping are estimated at $1 billion a year.

There are only 250 or so record rental stores in our country. But in Japan, where record rental originated in 1980, there are over 1,700 rental outlets—20 percent of the entire record retail industry. Conventional record sales in Japan in the vicinity of rental outlets have fallen by over 30 percent.

Under the provisions of S. 32, the copyright owners will regain some control over the way their products are marketed by retailers. The bill will allow the parties to work out between themselves how best to protect the interests we all have—retailers, the record companies, the artists and writers, and consumers alike—in keeping the music business healthy.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

The Senate proceeded to consider the bill (H.R. 2065) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause, and insert the following:

TITLE I

SEC. 101. That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1983:

(a) For "Research and development," for the following programs:

(1) Space transportation capability development, $2,009,400,000;

(2) Space transportation operations, $1,545,600,000;

(3) Physics and astronomy, $562,100,000;

(4) Planetary exploration, $220,400,000;

(5) Life sciences, $59,000,000;

(6) Space applications, $313,000,000;

(7) Technology utilization, $10,000,000;

(8) Aeronautical research and technology, $320,300,000;

(9) Space research and technology, $143,000,000; and

(10) Tracking and data systems, $700,200,000; and

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Space Shuttle facilities at various locations as follows:

(A) Modifications for additional chillers for mission control center, Lyndon B. Johnson Space Center, $2,300,000;

(B) Modifications to mobile launch platform, John F. Kennedy Space Center, $27,300,000; and

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $11,700,000;

(2) Space Shuttle payload facilities at various locations as follows:

(A) Construction of cargo hazardous servicing facility, John F. Kennedy Space Center, $9,000,000; and

(B) Modifications to spacecraft assembly and encapsulation facility for cargo processing, John F. Kennedy Space Center, $3,000,000;

(3) Construction of frequency standards laboratory, Jet Propulsion Laboratory, $2,700,000;

(4) Modifications to space flight operations facility, Jet Propulsion Laboratory, $1,600,000;

(5) Construction of fluid mechanics laboratory, Ames Research Center, $3,900,000;

(6) Construction of aeronautical tracking facility, Hugh L. Dryden Flight Research Facility, $800,000;

(7) Modifications and addition for composite materials laboratory, Langley Research Center, $5,100,000;

(8) Modifications to 30- by 60-foot wind tunnel, Langley Research Center, $4,400,000;

(9) Modifications for small engine component testing facility, Lewis Research Center, $7,000,000;

(10) Modifications to icing research tunnel, Lewis Research Center, $3,600,000;

(11) Relocation of 26-meter STDN antenna, Spain, $1,700,000;

(12) Repair of facilities at various locations, not in excess of $500,000 per project, $19,500,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $24,500,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,800,000; and

(15) Facility planning and design not otherwise provided for, $9,200,000.

(c) For "Research and program management," $1,242,500,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 101(g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in

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any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 101(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 101(a) and 101(c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection 101(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

Sec. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 101(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 103. Not to exceed ½ of 1 percent of the funds appropriated pursuant to subsection 101(a) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 101(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 101(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 104. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 101(a) and 101(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Sec. 106. The authorization for space transportation capability development includes provision for the production activities necessary to provide for a fleet of Space Shuttle orbiters, including the production of structural and component spares, necessary to ensure confident and cost-effective operation of the orbiter fleet, as well as provisions for maintaining production readiness for a fifth orbiter vehicle.

Sec. 107. Title III of the National Aeronautics and Space Act of 1958, as amended, is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME AND INITIALS

"Sec. 310. (a) No person (as defined by section 305) may (1) knowingly use the words 'National Aeronautics and Space Administration' or the letters 'NASA', or a combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters, as a firm or business name in a manner reasonably calculated to convey the impression that such firm or business has some connection with, endorsement of, or authorization from, the National Aeronautics and Space Administration which does not, in fact, exist; or (2) knowingly use those words or letters or any combination, variation, or colorable imitation thereof either alone or in combination with other words or letters in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that such product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the National Aeronautics and Space Administration which does not, in fact, exist.

"(b) Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.".

Sec. 108. Section 103(1) of the National Aeronautics and Space Act of 1958, as amended, is amended, by striking out "and (C)" and inserting in lieu thereof "(C) the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment, and (D)".

Sec. 109. Notwithstanding any other provision of law, there shall be transferred to NASA three government-owned tracts of NASA used land and improvements thereon (totalling approximately 33.5 acres) at Ellington Air Base, Texas, without any transfer of funds therefor.

Sec. 110. Any decision or proposed policy by the President or the National Aeronautics and Space Administration to commercialize some or all of the existing expendable launch vehicle technologies and associated facilities and equipment shall be presented to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or policy shall be implemented unless (A) a period of 30 days has passed after the receipt by each such committee of a full and complete statement of the decision or proposed policy and the facts and circumstances relied upon in support of such decision or proposed policy, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the decision or proposed policy.

Sec. 111. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1984".

TITLE II

Sec. 201. There is authorized to be appropriated $29,336,000 for the fiscal year 1984 for the purpose of operating the land remote sensing satellite system, including provision for storage of a backup satellite.

Sec. 202. Notwithstanding title II of the National Aeronautics and Space Administration Authorization Act, 1983, the Secretary of Commerce shall not transfer the ownership or management of any civil land, meteorological, or ocean remote sensing space satellite system and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as it deems appropriate for any such transfer.

Mr. GORTON. Mr. President, for the purpose of authorizing funds for fiscal year 1984 for the National Aeronautics and Space Administration (NASA), the Commerce Committee reported a substitute amendment which reflects an agreement reached between the members of the Senate Committee on Commerce, Science, and Transportation and the members of the House Committee on Science and Technology.

On April 26, 1983, the House passed its NASA authorization, H.R. 2065, which would authorize $7,268,220,000 for NASA in fiscal year 1984. On June 15, 1983, the Senate passed its NASA authorization, S. 1096, which would authorize $7,278,100,000 for NASA for fiscal year 1984.

The compromise legislation before us, H.R. 2065 as amended, authorizes $7,267,600,000 for fiscal year 1984 NASA activities. This figure is $10,500,000 below the authorization in S. 1096 and is $620,000 below the authorization in the original House legislation.

The major differences between this substitute amendment and the administration request are:

An additional $82 million for space transportation capability development, primarily for additional main engines for the space shuttle fleet and long leadtime spare part components for the orbiters.

An increase of $45 million for the Space Telescope for overrun costs estimated for fiscal year 1984 and $17.5 million for other space science programs.

An additional $30 million for space applications and technology utilization.

An increase of $20 million for aeronautical research and technology.

Reductions totaling $13.4 million in construction of facilities and research and program management.

NASA has just completed the launch and return of the space shuttle in what was the most successful mission so far. We can take great pride in the contribution which NASA's programs in space and aeronautics is making to our Nation's technological leadership and aspirations.

I ask unanimous consent that the following brief statement on behalf of myself and Senator Heflin, the ranking member of the Subcommittee on Science, Technology, and Space, explaining the provisions of the substitute amendment, be printed in the Record.

There being no objection, the explanatory statement was ordered to be printed in the Record, as follows:

Explanatory Statement of the Substitute Amendment

The NASA request for fiscal year 1984 totaled $7,106,500,000. The House authorized $7,268,220,000 and the Senate authorized $7,278,100,000. The substitute amendment provides a total authorization for fiscal year 1984 of $7,267,600,000 as follows:

SUMMARY OF ADJUSTMENTS TO H.R. 2065—NASA FISCAL YEAR 1984 AUTHORIZATION

	Budget request	House action	Senate action	Substitute amendments
Research and development.				
Space transportation capabilities development	$1,927,400,000	$1,999,400,000	$2,022,400,000	$2,009,400,000
Space transportation operations	1,570,600,000	1,570,600,000	1,535,600,000	1,545,600,000
Physics and astronomy	514,600,000	566,600,000	558,600,000	562,100,000
Planetary exploration	205,400,000	220,400,000	215,400,000	220,400,000
Life sciences	59,000,000	59,000,000	59,000,000	59,000,000
Space applications	289,000,000	306,000,000	321,000,000	313,000,000
Technology utilization	4,000,000	10,000,000	10,000,000	10,000,000
Aeronautical research and technology	300,300,000	311,600,000	328,300,000	320,300,000
Space research and technology	138,000,000	143,000,000	138,000,000	143,000,000
Tracking and data acquisition	700,200,000	700,200,000	700,200,000	700,200,000
Total	5,708,500,000	5,886,800,000	5,888,500,000	5,883,000,000
Construction and facilities	150,500,000	138,920,000	142,100,000	142,100,000
Research and program management	1,247,500,000	1,242,500,000	1,247,500,000	1,242,500,000
Grand total	7,106,500,000	7,268,220,000	7,278,100,000	7,267,600,000

The points in disagreement and the resolution of them are as follows:

1. NASA requested $1,927,400,000 for Space Transportation Capability Development activities.

The House authorized $1,999,400,000, a net increase of $72 million as follows: an increase of $70 million to increase funding for orbiter and engines spares and to maintain production readiness for a fifth orbiter; an increase of $10 million to continue contractor space station studies, to fund alternative concept studies, and to fund studies of a space platform serviced by an extended-duration orbiter; and a decrease of $8 million to reduce level of support for engineering and technical base activities.

The Senate authorized $2,022,400,000, an increase of $95 million as follows: an increase of $85 million for the initiation of procurement of a fifth Space Shuttle orbiter; an increase of $5 million for additional space station studies; and an increase of $5 million for the teleoperator maneuvering system.

The substitute amendment authorizes $2,009,400,000 for Space Transporation Capability Development activities including the following: an increase of $75 million for orbiter and engine spares, an increase of $10 million for space station studies, a decrease of $8 million in engineering and Technical Base, and an increase of $5 million for the teleoperator maneuvering system.

2. NASA requested $1,570,600,000 for Space Transportation Operations activities.

The House authorized the NASA request.

The Senate authorized $1,535,600,000, a reduction of $35 million in the level of support for operations.

The substitute amendment authorizes $1,545,600,000, a decrease of $25 million, for Space Transportation Operations activities.

3. NASA requested $514,600,000 for Physics and Astronomy activities.

The House authorized $566,600,000 which is $52 million over the request and includes: an increase of $45 million for the Space Telescope program to offset cost overruns; an increase of $6 million in Research and Analysis for experimental and theoretical research ($4M) and for instrumentation ($2M); and an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis.

The Senate authorized $558,600,000 a net increase of $44 million over the request. This budget includes an increase of $50 million in Space Telescope for cost overruns: an increase of $4 million in Research and Analysis for experimental and theoretical research and mission definition; an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis; and a decrease of $11 million in Shuttle/Spacelab Payload Development which is a net of a $16 million decrease for Solar Optical Telescope and an increase of $5 million for Space Plasma Lab.

The substitute amendment authorizes $562,100,000 for Physics and Astronomy ac-

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tivities including the following: an increase of $45 million for the Space Telescope program, a decrease of $4.5 million for Shuttle/Spacelab Payload Development and Mission Management (the net result of a decrease of $7 million for the Solar Optical Telescope and an increase of $2.5 million for the Space Plasma Lab), an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis, and an increase of $6 million in Research and Analysis.

4. NASA requested $205,400,000 for Planetary Exploration activities in fiscal year 1984.

The House authorized $220,400,000, an increase of $15 million over the NASA request. The increase is in Research and Analysis for university research support and instrumentation and to partially restore the activity to fiscal year 1980 purchasing power.

The Senate authorized $215,400,000 an increase of $10 million over the NASA request. The increase is for Research and Analysis for experimental and theoretical research and mission definition.

The substitute amendment authorizes $220,400,000, an increase of $15 million for Research and Analysis activities.

5. NASA requested $289,000,000 for Space Application activities in fiscal year 1984.

The House authorized $306,000,000 an increase of $17 million over the request. This amount includes an increase of $9 million in Solid Earth Observations—for Agristars ($2M) to continue NASA participation; for Research and Analysis ($4M) for Synthetic Aperture Radar and Global Resource Information Systems studies; for Technology Transfer ($3M) for Application System Verification Tests. Also included is an increase of $3 million in Environmental Observations for Research and Analysis to support mission definition studies for Origin of Plasmas in the Earth's Neighborhood ($2M) and a study of Sun-Earth interactions ($1M). The House also authorized an increase of $5 million in Materials Processing for a university center for research on the separation and purification of organic materials and to augment industrial research aimed at commercial applications.

The Senate authorized $321,000,000 an increase of $32 million over the request. This includes an increase of $12 million in Solid Earth Observations for future sensor development and data utilization activities in Agristars ($3M), Research and Analysis ($5M), and Technology Transfer ($4M). The Senate authorized an increase of $10 million for Environmental Observations in Space Physics-Advanced Technological Development for university research in the Origin of Plasmas in the Earth's Neighborhood program ($2M); for Upper Atmosphere Research Satellite experiments ($4M); for Atmosphere Dynamics and Radiation Research ($2M) for advanced microwave sounder; and for Ocean Processes Research ($2M) for an advanced scatterometer. The Senate also authorized an increase of $5 million in Materials Processing to continue developing technology including small scale hardware for preliminary flight experiments and validation of concepts and for research in the separation and purification of biomaterials. Finally, the Senate authorized an increase of $5,000,000 for the Communications program for research on advanced communications systems (beyond ACTS).

The substitute amendment authorizes $313,000,000 for space applications programs including the following changes: an increase of $9 million for Solid Earth Observation as provided in the House action; an increase of $7 million in Environmental Observations ($2 million to support mission definition studies for Origins of Plasmas in the Earth's Neighborhood and $5 million to be used at the agency's discretion for Upper Atomspheric Research Satellite Experiments, for Atmosphere Dynamics and Radiation Research, and for Ocean Processes Research with the expectation that NASA will be guided by the Committee comments in the Legislative Report accompanying S. 1096); an increase of $5 million for Materials Processing in Space activities for the establishing university centers for research on the separation and purification of organic materials, for small scale hardware for preliminary flight experiments and concept validation, and for industrial research aimed at commerical applications; and an increase of $3 million for advanced satellite communications technology development (beyond ACTS). Within available funds NASA is directed to undertake a study of Sun-Earth interactions as called for in the Legislative Report accompanying H.R. 2065. The Members also adopt the Senate provision calling for a study of the Space Applications program.

6. NASA requested $300,300,000 for Aeronautical Research and Technology activities in fiscal year 1984.

The House authorized $311,600,000 an increase of $11.3 million over the request. This increase is the net of an increase of $20 million for the Advanced Turboprop program, an increase of $14 million for civil systems technology, and a general decrease of $22.7 million in the Research and Technology base.

The Senate authorized $328,300,000, an increase of $28 million over the request. This increase is the net result of a general reduction of $15 million in the Research and Technology Base in an increase of $43 million in System Technology Programs. The Systems Technology increase would be applied as follows: Advanced Turboprop ($18M); Laminar flow control ($5M); Advanced Transport Operating System ($2M); Advanced Turbofan ($4M); General Aviation/Commuter Engine Technology ($3M); and $11 million for the following technologies, advanced composites, energy efficient engine, energy efficient transport, and aeronautical systems studies.

The substitute amendment authorizes $320,300,000. Within this amount, $20 million is authorized only for the Advanced Turboprop Program, including activities leading to a flight test by 1987. The total further reflects the net of a $22.7 million reduction in the Research and Technology Base and a $22.7 million increase to be applied at NASA's discretion to civil Systems Technology programs, including Advanced Transport Operating Systems, Laminar Flow Control, Small Engine Component Technology, Advanced Turbofan Research, Advanced Composites, Advanced Metallics, Energy Efficient Engine, Energy Efficient Transport and Aeronautical Systems Studies.

7. NASA requested $138,000,000 for Space Research and Technology activities in fiscal year 1984.

The House authorized $143,000,000, an increase of $5 million over the request. This increase is in the Research and Technology base for university instrumentation ($2.5M) and advanced chemical propulsion ($2.5M).

The Senate authorized $138,000,000 which was the level requested.

The substitute amendment authorizes $143,000,000 as provided by the House with the expectation that NASA will initiate steps, possibly through planning grants, to identify the needs of universities and colleges for modern research laboratories, instrumentation, equipment, student fellowships and faculty development in order to maintain a healthy university base to support our Nation's civil space program.

8. NASA requested $150,500,000 for Construction of Facilities activities in fiscal year 1984.

The House authorized $138,920,000 a decrease of $11,580,000 below the request. This decrease was the net result of a general reduction of $5 million, the deletion of $8.4 million for the Ellington Air Force Base property transfer and an increase of $1.82 million to provide for the disassembly of an Apollo Launch Umbilical Tower in a manner that would allow reassembly for historical preservation.

The Senate authorized $142,100,000 which would delete the $8.4 million in the request for the Ellington Air Force Base property transfer.

The substitute amendment authorizes $142,100,000 for Construction of Facilities activities reflecting the deletion of $8.4 million requested for the transfer to NASA of property at Ellington Air Force Base. The House and Senate authorization Committees agree that the Apollo Launch Umbilical Tower should be disassembled in a manner that would allow the tower to be reassembled for historical preservation. The House and Senate authorizing Committees further agree that the funding required to reassemble the tower should be the responsibility of government agencies or private groups having a direct interest in historical preservation.

9. NASA requested $1,247,500,000 for Research and Program Management activities in fiscal year 1984.

The House authorized $1,242,500,000 a general reduction of $5 million below the request.

The Senate authorized $1,247,500,000, the level of the request.

The substitute amendment would authorize $1,242,500,000.

10. The House included a language provision in Sec. 1(a)(8) related to funding amounts for the Advanced Turbo-prop program.

Senate bill had no comparable provision.

The substitute amendment would delete the language added by the House.

11. The House included a language provision in Sec. 1(b)(1)(B) related to preservation of an Apollo Launch Umbilical Tower.

The Senate bill contained no comparable provision.

The substitute amendment would delete the language added by the House since NASA has already exercised the contract option as specified using fiscal year 1983 funding.

12. The House included a new Section 109 authorizing transfer to NASA of property at Ellington Air Force Base without any transfer of funds therefor.

The Senate bill included a similar provision as Sec. 1(h) with some technical changes.

The substitute amendment includes the Senate language as Section 109.

13. The House added language at the end of Section 106 providing for maintaining production readiness for a fifth orbiter vehicle.

The Senate added language at the end of section 106 authorizing initiation of procurement of a fifth orbiter vehicle.

The substitute amendment adopts the House language but deleted the references to the size of the orbiter fleet as being four orbiter vehicles.

14. In adopting Section 107, a provision related to misuse of the agency name as proposed by the Administration, the House deleted the second sentence in subsection (b).

The Senate adopted as Sec. 108 the Administration provisions related to misuse of the agency name.

The substitute amendment would adopt the House language as Sec. 107.

15. The House included in a new Sec. 108 an amendment to the Space Act to include within the definition of aeronautical and space activities as specified in Sec. 203 of the Space Act the following: "the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment."

Senate bill had no comparable language.

The substitute amendment includes the new Sec. 108 amending the Space Act as included in the House bill to clarify the definition of aeronautical and space activities.

16. The Senate included a new Sec. 107 to provide that any decision and proposed policy related to the commercialization of expendable launch vehicles be presented to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Science and Technology for review and approval.

The House bill included no comparable language.

The substitute amendment includes a new Sec. 110 to provide that any decision and proposed policy related to the commercialization of expendable launch vehicles be presented to the Senate Committee on Commerce, Science and Transportation and the House Committee on Science, and Technology for review thirty days prior to implementation.

Mr. HEFLIN. Mr. President, I would like to join the chairman of the Subcommittee on Science, Technology and Space, Senator GORTON, in submitting this statement pertaining to the fiscal year 1984 NASA authorization. We have worked out a compromise with the House of Representatives. I am particularly pleased with the funds provided for a fifth shuttle orbiter, the teleoperator maneuvering system, space station studies, space science, materials processing, and aeronautics. I am also supportive of steps we will be taking to address the needs of universities and colleges to undertake space-related research.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider en bloc the votes by which bills were passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR TESTIMONY OF CAROL MANTLE IN THE TRIAL OF UNITED STATES OF AMERICA AGAINST KENNETH TRAVIS BYNUM, CR. NO. 83-00408 (N.D. FLA.)

Mr. STEVENS. Mr. President, I send to the desk a resolution in behalf of the distinguished majority leader and the distinguished minority leader and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 170) to authorize the testimony of Carol Mantle in the trial of United States of America v. Kenneth Travis Bynum, Cr. No. 83-00408 (N.D. Fla.)

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, this resolution would authorize testimony by Carol Mantle, an employee in Senator Hawkins' office, in the case of the United States against Kenneth Bynum, which is pending in the U.S. District Court for the Northern District of Florida. Counsel for the Government has requested this testimony at the trial, which is set for June 29. This criminal prosecution charges violation of the Federal statute against mailing threatening communications. This resolution would authorize Ms. Mantle to testify regarding the receipt and handling of the letter underlying the prosecution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 170) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 170

Whereas, the case of *United States of America* v. *Kenneth Travis Bynum*, Criminal Action No. 83-00408, is set for trial on June 29, 1983, in the United States District Court for the Northern District of Florida:

Whereas, counsel for the government has requested the testimony of Carol Mantle, a Senate employee in Senator Hawkins' Winter Park, Florida, office;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of an employee of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore be it

Resolved, That Carol Mantle is authorized to testify in the case of, *United States of America* v. *Kenneth Travis Bynum*, Criminal Action No. 83-00408 (N.D. Fla.), except concerning matters that are privileged from disclosure.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISCHARGING THE JUDICIARY COMMITTEE FROM FURTHER CONSIDERATION OF S. 650

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 650, a bill to raise the retirement age for superior court judges in the District of Columbia, and I ask that it be referred to the Committee on Governmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS HEALTH CARE AND PROGRAMS IMPROVEMENTS AMENDMENTS OF 1983

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 223, S. 578.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 578) to amend title 38, United States Code, to provide for adult day health care services for veterans, to authorize the Veterans Administration to administer a community residential care program, to establish a presumption of service-connection for former prisoners of war suffering from dysthymic disorder and to revise and clarify eligibility for reimbursement of expenses of travel for Veterans Administration health care, which had been reported from the Committee on Veterans' Affairs with an amendment.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert the following:

That (a) this Act may be cited as the "Veterans' Health Care and Programs Improvement Act of 1983".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' ADMINISTRATION HEALTH CARE PROGRAMS

ADULT DAY HEALTH-CARE SERVICES

SEC. 101. (a) Section 620 is amended—

(1) by adding at the end of the catchline a semicolon and "adult day health care pilot program";

(2) in subsection (a), by striking out "the jurisdiction" and inserting in lieu thereof "the direct jurisdiction";

(3) in subsection (b), by inserting "or adult day health care" after "nursing home care";

(4)(A) by redesignating subsection (e) as subsection (f), and inserting "(1)" before "For"; and

(B) by adding at the end of subsection (f) (as so redesignated) the following new paragraph:

"(2) For the purposes of this section, the term 'adult day health care' means health and social services furnished to individuals in congregate settings during daytime hours for the purpose of enabling such individuals to reside in supportive home environments rather than in nursing home care facilities. Such health and social services may include medical services furnished on an outpatient or ambulatory basis, midday meals, and transportation, including transportation between home and the facility providing such health and social services."; and

(5) by inserting after subsection (d) the following new subsection:

"(e)(1)(A) Subject to subparagraphs (B) and (C) of this paragraph, the Administrator may conduct a pilot program of adult day health care under which the Administrator, in the case of a veteran described in paragraph (1) of subsection (a) of this section who is eligible for transfer pursuant to such subsection, may transfer such veteran for the purpose of such veteran being furnished such care, at the expense of the United States, to any public or private facility not under the direct jurisdiction of the Administrator which furnishes such care. Such care may not be furnished under this paragraph at the expense of the United States for more than 6 months in the aggregate in connection with any one transfer, except (i) in the case of a veteran whose hospitalization was primarily for a service-connected disability, or (ii) where in the judgment of the Administrator a longer period is warranted in the case of any other veteran.

"(B)(i) The terms and conditions set forth in subsections (b) and (c) of this section applicable (I) to the transfer or admission of veterans to institutions for nursing home care under this section, and (II) to contracts for the provision of such care, respectively, shall apply to the furnishing of adult day health care under this subsection.

"(ii) The authorities provided in the final sentence of subsection (a) of this section and in the first two sentences of subsection (d) of this section with respect to furnishing nursing home care to certain veterans shall be available to the Administrator for the furnishing of adult day health care to such veterans under this subsection.

"(C) Adult day health care may be furnished to a veteran under this subsection only if the Administrator determines that the cost per week of such care will be less than the lesser of the cost per week of furnishing such veteran nursing home care under this section or the cost per week of furnishing such veteran nursing home care in a facility under the direct jurisdiction of the Administrator.

"(2) In exchange for the United States being relieved from paying all or part of the expenses that would otherwise be paid by the United States under paragraph (1) of this subsection to a facility providing care to an eligible veteran under such paragraph, the Administrator may, pursuant to a contractual arrangement with such facility, provide such facility with inkind assistance through Veterans' Administration employees and the sharing of other Veterans' Administration resources. In any such contractual arrangement, the Administrator may agree to provide such assistance for utilization solely in the furnishing of adult day health care and only to the extent that the cost of such assistance is equal to or less than the amount of the expenses that, under such arrangement, the United States will be relieved from paying.

"(3) The Administrator may, as part of the pilot program under paragraph (1) of this subsection, establish and conduct at each of four geographically dispersed hospital or outpatient facilities over which the Administrator has direct jurisdiction a program of adult day health care for veterans who are eligible for such care under paragraph (1) of this subsection.

"(4) To the extent that the pilot program authorized by this subsection is carried out, the Administrator—

"(A) shall plan and conduct such program and a study thereof so as to provide for the assessment and demonstration of (i) any medical efficacy and cost effectiveness of furnishing adult day health care as an alternative for nursing home care, and (ii) the comparative advantages and disadvantages of providing such care through facilities not under the direct jurisdiction of the Administrator and facilities that are under such jurisdiction; and

"(B) may not furnish adult day health care under this subsection after September 30, 1987.

"(5) In the annual reports to the Congress for each of fiscal years 1984, 1985, and 1986 as required by section 214 of this title, the Administrator shall include detailed descriptions of the activities carried out under this subsection. Not later than December 1, 1986, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing—

"(A) the results of any study conducted under paragraph (4)(A) of this subsection; and

"(B) any recommendations for legislative and administrative action that the Administrator considers appropriate.".

(b) The table of sections at the beginning of chapter 17 is amended by amending the item relating to section 620 to read as follows:

"620. Transfers for nursing home care; adult day health care pilot program.".

VIETNAM-ERA VETERANS' READJUSTMENT ISSUES

SEC. 102. Section 612A is amended—

(1) in subsection (a), by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985";

(2) in subsection (g)(1)—

(A) by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985"; and

(B) by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985"; and

(3) in subsection (g)(2)—

(A) by striking out "April 1, 1984" and inserting in lieu thereof "September 30, 1984";

(B) by striking out "on" after "report" and inserting in lieu thereof "containing (A) a description of"; and

(C) by inserting before the period a comma and "and (B) the Administrator's evaluation of the effectiveness of the readjustment counseling services provided pursuant to this section in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era, with particular reference to identification and treatment of post-traumatic stress disorder".

SEC. 103. (a) The Administrator of Veterans' Affairs shall design and conduct a comprehensive study of the prevalence, incidence, and effects of post-traumatic stress disorder and related problems in readjusting to civilian life among veterans who served on active duty during the Vietnam era, with particular emphasis on those who have service-connected disabilities and those who served in the Republic of Vietnam or elsewhere in the Vietnam theater of operations and with specific reference to women veterans.

(b) Not later than March 1, 1985, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the results of the study required by subsection (a). Such report shall contain (1) a description of the results of the study, (2) information regarding the capability of the Veterans' Administration to provide treatment to the number of veterans identified in such study as suffering from post-traumatic stress disorder and related readjustment problems, (3) a description of the policy and procedures of the Veterans' Administration with respect to providing disability compensation for such disorder and problems, (4) a description of the activities of the Veterans' Administration to attempt to coordinate Veterans' Administration health-care and compensation programs with respect to post-traumatic stress disorder, and (5) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of the study results.

(c) For the purposes of this section, the terms "veteran", "service-connected", "active duty", and "Vietnam era" shall have the meaning provided in section 101 (2), (16), (21), and (29), respectively, of title 38, United States Code.

PREVENTIVE HEALTH-CARE SERVICES

SEC. 104. (a) Section 601(6)(A)(i) is amended by inserting "(in the case of a person otherwise receiving care or services under this chapter), preventive health-care services as defined in section 662 of this title" after "podiatric services".

(b) Section 661 is amended—

1) by striking out "under which the Administrator may attempt to" and inserting in lieu thereof "in order to help";

(2) by inserting after "certain" the first place it appears "veterans otherwise being furnished care or services under this chapter, including";

(3) by striking out "for certain" the second place it appears; and

(4) by striking out "treatment" and inserting in lieu thereof "care or services".

(c) Section 663 is amended—

(1) in subsection (a)(1)—

(A) by striking out "may" and inserting in lieu thereof "shall, during fiscal years 1984 through 1988,";

(B) by inserting "otherwise being furnished care or services under this chapter" after "title";

(C) by striking out "and treatment" and inserting in lieu thereof "or services"; and

(D) by adding at the end the following new sentence: "In carrying out the pilot program under this subchapter, the Administrator may furnish such preventive health-care services to any other veteran described in section 612(f)(2) of this title.";

(2) by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking out "fiscal year 1984" and inserting in lieu thereof "each of fiscal years 1984 through 1988".

(d) Section 664 is amended by inserting "for each of fiscal years 1984 through 1988" after "Congress".

CHIROPRACTIC SERVICES

SEC. 105. (a)(1) Section 601 is amended by adding at the end the following new paragraph:

"(9) The term 'chiropractic services' means the manual manipulation of the spine performed by a chiropractor (who is licensed as such by the State in which he or she performs such services and who meets the uniform minimum standards promulgated for chiropractors under section 1861(r)(5) of the Social Security Act (42 U.S.C. 1395x(r)(5))) to correct a subluxation of the spine. For the purposes of this paragraph, such term does not include physical examinations, laboratory tests, radiologic services, or other tests or services determined by the Administrator to be excluded.".

(2) Subchapter III of chapter 17 is amended by adding at the end the following new section:

"§ 630. Chiropractic services

"(a) The Administrator shall, under regulations which the Administrator shall prescribe, reimburse a veteran eligible for medical services under this chapter for the reasonable charge for chiropractic services for which such veteran has made payment, or, in lieu of such reimbursement make payment of the reasonable charge for such chiropractic services directly to the chiropractor who furnished such services, if—

"(1) such chiropractic services were for the treatment of a service-connected neuromusculoskeletal condition of the spine,

"(2) the veteran is a veteran who has been furnished hospital care by the Veterans' Administration for a neuromusculoskeletal condition of the spine within a 12-month period prior to the provision of such chiropractic services, or

"(3) the veteran is a veteran described in section 612(f)(2) of this title who has been furnished hospital care or medical services by the Veterans' Administration for a neuromusculoskeletal condition of the spine, to the extent that such veteran is not entitled to such chiropractic services or reimbursement for the expenses of such services under an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement for the purpose of providing, paying for, or reimbursing expenses for such services.

"(b)(1) The Administrator shall, in consultation with appropriate public and nonprofit private organizations and other Federal departments and agencies that provide reimbursement for chiropractic services, establish a schedule of reasonable charges for such services, which schedule shall be consistent with the reasonable charges allowed under title XVIII of the Social Security Act (42 U.S.C. ch. 7).

"(2) The amount payable by the Administrator for chiropractic services furnished under this section shall not exceed $400 in any 12-month period in the case of any veteran.

"(c) Notwithstanding any other provision of this title, total expenditures for chiropractic services reimbursed under this section shall not exceed $2,000,000 in any fiscal year and no reimbursement or payment may be made under this section for chiropractic services furnished after September 30, 1987.".

(3) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 629 the following new item:

"630. Chiropractic services.".

(b) Not later than December 31, 1984, and not later than December 31 of each of the next 3 years thereafter, the Administrator of Veterans' Affairs shall prepare and submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the use made of the authority provided for in the amendments made by subsection (a) of this section. Each such report shall contain specification of—

(1) the number of requests by eligible veterans for reimbursement or payment for chiropractic services in the fiscal year preceding the fiscal year in which the report is submitted under section 630 of title 38, United States Code (as added by subsection (a)(1) of this section), and the number of such veterans who made such requests;

(2) the number of reimbursements or payments made by the Administrator of Veterans' Affairs under such section in such fiscal year and the number of veterans to or for whom such reimbursements or payments were made; and

(3) the total amounts of expenditures by the Administrator of Veterans' Affairs for such reimbursements and payments under such section in such fiscal year.

COMMUNITY RESIDENTIAL CARE

SEC. 106. (a) Subchapter III of chapter 17 is amended by adding at the end thereof the following new section:

"§ 630A. Transfers for community residential care

"(a) Subject to the terms and conditions set forth in this section and regulations prescribed by the Administrator under this section, the Administrator may assist a veteran to whom the Administrator is furnishing hospital, domiciliary, or nursing home care or medical services on an outpatient basis or has furnished such care or services within the preceding 12 months and for whom placement in a community residential-care facility is appropriate by referring such veteran for and aiding such veteran in obtaining placement in such a facility.

"(b)(1) The Administrator may not provide assistance under subsection (a) of this section with respect to a community residential-care facility unless the Administrator has approved such facility in accordance with paragraph (2) of this subsection.

"(2) The Administrator's approval of such a facility under paragraph (1) of this subsection shall be based upon the Administrator's determination, after inspection of such facility, that such facility meets the standards set forth in the regulations prescribed under this section. Such standards shall include:

"(A) health and safety criteria, including a requirement of compliance with applicable State laws and local ordinances relating to health and safety;

"(B) a requirement that the costs charged for care by a community residential-care facility be reasonable, as determined by the Administrator, giving consideration to such factors as (i) the level of care, supervision, and other services to be provided, (ii) the cost of goods and services in the geographical area in which the facility is located, and (iii) comparability with other facilities in such area providing similar services;

"(C) criteria for determining the resources that a community residential-care facility needs in order to provide an appropriate level of services to veterans; and

"(D) such other criteria as the Administrator determines are appropriate to protect the welfare of veterans placed in community residential-care facilities under this section.

"(3) Payment of the charges for any care or services provided to a veteran whom the Administrator has referred to a community residential-care facility under this section shall not be the responsibility of the United States Government or the Veterans' Administration.

"(c)(1) The Administrator shall provide for periodic inspection of community residential-care facilities to determine continued compliance with the standards set forth in regulations prescribed under this section. Such standards and any report of inspection of such facilities under subsection (b)(2) of this section or under this subsection made by or for the Administrator shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

"(2) If the Administrator determines that such a facility is not in compliance with such standards, the Administrator, in accordance with regulations prescribed under this section—

"(A) shall cease to refer veterans to such facility; and

"(B) may, with the permission of the veteran or the person or entity authorized by law to give permission on behalf of the veteran, assist in removing a veteran from such facility.

Regulations prescribed to carry out this paragraph shall provide for reasonable notice and, upon request made on behalf of such facility, a hearing before any action authorized by this paragraph is taken.

"(d) The Administrator shall prescribe regulations to carry out this section.

"(e) For the purpose of this section, the term 'community residential-care facility' means a residential facility that provides, at a minimum, room and board and such limited personal care for and supervision of residents as the Administrator determines, in accordance with regulations prescribed under this section, are necessary for such resident's health, safety, and welfare.".

(b) The table of sections at the beginning of chapter 17 is amended by adding after the item relating to section 630 the following new item:

"630A. Transfers for community residential care.".

STATE HOME PER DIEM INCREASE

SEC. 107. (a) Section 641(a) is amended by striking out "$6.35", "$12.10", and "$13.25" and inserting in lieu thereof "$7.30", "$13.95", and "$15.25", respectively.

(b)(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on April 1, 1984.

(2) With respect to months prior to September 1984, such amendments shall take effect only if adequate funds are specifically provided for such purpose in an appropriations Act.

PUERTO RICO

SEC. 108. (a) Section 601(4)(C)(v) is amended by striking out "September 30, 1983" and

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inserting in lieu thereof "September 30, 1984".

(b) Not later than December 1, 1983, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing the plans of the Administrator, and the reasons therefor, for meeting the health-care needs of veterans (as defined in section 101(2) of title 38, United States Code) in the Commonwealth of Puerto Rico and in the Virgin Islands who are eligible for health care under chapter 17 of title 38, United States Code, and, most particularly, the health-care needs of veterans (as so defined) in that population whose disabilities are service-connected (as defined in section 101(16) of such title). Such report shall (1) take into account the report by the Veterans' Administration's Office of Inspector General entitled "Report of Special Audit, Veterans' Administration Medical and Regional Office Center, San Juan, Puerto Rico (Report No. 3R2-A05-043)", dated February 22, 1983, and (2) include, with respect to each construction project (if any) that the Administrator recommends in such plans and for which a prospectus would be required under section 5004(b) of such title if such project were proposed to the Congress by the President or the Administrator, a prospectus that meets the requirements of such section.

RESOURCE REALIGNMENT

Sec. 109. (a) Section 111(e) is amended by adding at the end the following new paragraph:

"(5)(A) In order to achieve compliance with the limitation in subsection (b) of section 109 of the Veterans' Health Care and Programs Improvement Act of 1983 on certain obligations under this section in fiscal year 1984, the Administrator is hereby authorized to and shall prescribe regulations to be effective on October 1, 1983, restricting, to the extent necessary to achieve such compliance, the making of payments under this section to persons other than persons receiving benefits under this title for or in connection with a service-connected disability.

"(B) The substantive provisions so restricting such payments may be continued in effect in regulations after the end of such fiscal year.".

(b) Notwithstanding any other provision of law and subject to subsection (e), not more than $71,209,000 may be obligated in fiscal year 1984 from the Veterans' Administration medical care account (hereinafter in this section referred to as "the account") for payments under section 111 of title 38, United States Code.

(c)(1) Of the funds that are appropriated to the account for fiscal year 1984, the Administrator shall direct that a total of not less than $20,000,000 shall be made available for obligation in fiscal year 1984 for—

(A) the provision of nursing home care and adult day health care to eligible veterans under section 620 of title 38, United States Code (as amended by section 101 of this Act), and

(B) the provision of preventive health-care services (as defined in section 662 of such title) under sections 610 and 612 and subchapter VII of chapter 17 of such title (as amended by section 104 of this Act),

over and above the amount that was requested to be appropriated for such care and services in the President's budget transmitted pursuant to section 1105(a) of title 31, United States Code (hereinafter in this section referred to as "the President's budget"), for fiscal year 1984. In so directing, the Administrator shall allocate such total of not less than $20,000,000 so as to make available for such care or services under each such section and under such subchapter a significant portion of such total.

(2) If at any time during fiscal year 1984 the Administrator estimates that obligations in such year from the account for payments under section 111 of title 38, United States Code, will be an amount less than $71,209,000, the Administrator shall direct that such amount be obligated, as specified by the Administrator, for care described in clause (A) of paragraph (1), services described in clause (B) of paragraph (1), or otherwise authorized activities that are conducted by facilities over which the Administrator has direct jurisdiction and that are designed to avoid the need for, or to shorten the periods of, the institutionalization of veterans, or a combination of such care, services, and activities.

(3) Not later than September 15, 1983, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate (hereinafter in this section referred to as "the Committees") a report containing information specifying—

(A) the total amount that the Administrator estimates will be obligated in fiscal year 1984 from the account for such payments (taking into account the effect of the regulations described in paragraph (5)(A) of section 111(e) of such title (as added by subsection (a)));

(B) the amounts requested in the President's budget for fiscal year 1984 to be appropriated for the care and services specified in paragraph (1) under each section and subchapter there specified; and

(C) the amounts of the portion of the total, over and above amounts so requested to be appropriated, that the Administrator has directed be made available for obligation for such care and services under each such section and subchapter and the justification for each such amount.

(4) On the same day that the President's budget for fiscal year 1985 is transmitted, the Administrator shall submit to the Committees a report containing information (A) with respect to each month of fiscal year 1984, as to the amounts of the portion of such total that have been or are estimated to be obligated for such care and services obligated under each such section and subchapter, and (B) specifying (i) any revisions that the Administrator has made, since submitting the report required by paragraph (3), in the amounts of the portions of such total that the Administrator has directed to be made available for obligation under each such section and subchapter, and (ii) the justification for any such revisions.

(d)(1) Not later than August 1, 1984, the Administrator shall submit to the Committees and to the Comptroller General of the United States a report containing, with respect to each category of care and services described in subsection (c)(1)—

(A)(i) information, for each month of fiscal year 1984 for which such information is then available, as to the amounts obligated and the amounts by which such obligation have exceeded one-twelfth of the amounts requested to be appropriated in the President's budget for fiscal year 1984, and (ii) taking into account the information provided pursuant to subclause (i), the amounts that the Administrator estimates have been or will be obligated in each remaining month of fiscal year 1984 and the amounts by which such estimated amounts will exceed such one-twelfth; and

(B) the justification for the Administrator's estimates of the amounts that will be obligated in each such category in fiscal year 1984.

(2) Not later than September 1, 1984, the Comptroller General shall submit to the Committees a report containing—

(A) the results of an analysis by the Comptroller General, conducted in consultation with the Director of the Congressional Budget Office, of the report required by paragraph (1); and

(B) the Comptroller General's determination whether, on the basis of such analysis, the total obligations, for care and services described in subsection (c)(1) in fiscal year 1984 can reasonably be expected to exceed by a total of $20,000,000 or more the amount requested to be appropriated for such care and services in the President's budget for fiscal year 1984.

(3) If the Comptroller General's determination under paragraph (2) is that the amount by which such total obligations will exceed the amount so requested to be appropriated for such care and services in fiscal year 1984 cannot reasonably be expected to be $20,000,000 or more, subparagraph (B) of section 111(e)(5) of title 38, United States Code (as added by subsection (a)), shall lose effect on September 30, 1984, as if repealed by an Act of Congress.

(e)(1) If the Comptroller General of the United States determines, pursuant to paragraph (2), that the enactment of any law or any action of the Director of the Office of Management and Budget in connection therewith has made it impossible for the Administrator, based on the annual rate of appropriations that have been made to the account for fiscal year 1984 as of the date of such enactment, to comply with the provisions of subsection (c)(1) without causing to be diverted funds that have been appropriated to the account and intended by the Congress to be obligated for a purpose other than payments under section 111 of title 38, United States Code, then on the forty-sixth day after the date of the enactment of such law, the amendment made by subsection (a) and the provisions of subsection (b) shall lose effect as if repealed by an Act of Congress.

(2) Not later than 45 days after the enactment of each law making appropriations to the account for fiscal year 1984 or in any way restricting the obligation or expenditure of any funds appropriated to the account for fiscal year 1984, the Comptroller General, after consulting with the Administrator, shall submit to the Committees a report containing the Comptroller General's determination whether such law of such action so makes such compliance impossible.

(f) Not later than the date on which the President's budget for fiscal year 1986 is transmitted, the Administrator shall submit to the Committees a report containing (1) information as to the amounts actually obligated in fiscal year 1984 (A) from the account for payments under section 111 of title 38, United States Code, (B) for each category of care and services described in subsection (c)(1), and (C) any additional amounts obligated pursuant to subsection (c)(2) and the purposes for which they were spent; and (2) an explanation of the reasons for any significant differences between such actual obligations and the amounts of such expenditures during such fiscal year as estimated pursuant to subsection (d)(1).

TITLE II—PROVISIONS TO IMPROVE THE RECRUITMENT AND RETENTION OF CERTAIN PERSONNEL

Sec. 201. Section 4104 is amended—

(1) in paragraph (2), by striking out "physical therapists,";

(2) in paragraph (2), by striking out "bacteriologists" and inserting in lieu thereof "microbiologists";

(3) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new paragraph:

"(3) Certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses.".

Sec. 202. (a) Section 4105(a) is amended—

(1) in clause (1), by striking out "Physicians" and inserting in lieu thereof "Physician";

(2) by striking out clauses (8) and (9);

(3) by redesignating clause (10) as clause (8); and

(4) by adding at the end the following new clause:

"(9) Physician assistant, expanded-function dental auxiliary, certified or registered respiratory therapist, licensed physical therapist, licensed practical or vocational nurse, occupational therapist, dietitian, microbiologist, chemist, biostatistician, medical technologist, dental technologist, or other position—

have such medical, dental, scientific, or technical qualifications as the Administrator shall prescribe.".

(b) Section 4105(b) is amended by striking out all beginning with "as physician" through "auxiliary" and inserting in lieu thereof "to a position listed in section 4104(1) of this title".

Sec. 203. (a) Section 4106 is amended by adding at the end the following new subsection:

"(g)(1) The Administrator, upon the recommendation of the Chief Medical Director, may use (A) the authority in subsection (a) of this section to establish the qualifications for and, subject to paragraph (2) of this subsection, to appoint individuals to positions listed in section 4104(3), and (B) the authority in subsection (c) of this section for the promotion and advancement of Veterans' Administration employees serving in such positions.

"(2) In using such authority to appoint individuals to such positions, the Administrator shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5, United States Code.".

(b)(1) Not later than 90 days after the enactment of this section, the Administrator of Veterans' Affairs shall publish in the Federal Register, for public review and comment for a period of not less than 30 days, proposed regulations for the continued implementation of paragraph (2) of subsection (g) of section 4106 of title 38, United States Code (as added by subsection (a)).

(2) Not later than 180 days after the date of the enactment of this section, the Administrator shall publish in the Federal Register final regulations for such implementation.

Sec. 204. Section 4107 is amended—

(1) in subsection (f)—

(A) by striking out the comma after "regulations" and inserting in lieu thereof "(1)"; and

(B) by inserting before the period a comma and "and (2) notwithstanding any other provision of law, when the Administrator determines it to be necessary in order to obtain or retain the services of certified or registered respiratory therapists, licensed physical therapists, or licensed practical or vocational nurses, the Administrator may, on a nationwide, local, or other geographic basis, pay persons employed in such positions additional pay on the same basis as provided for nurses in subsection (e) of this section"; and

(2) by amending subsection (g)—

(A) by amending clause (A) of paragraph (1) to read as follows:

"(A) of individuals employed in positions listed in paragraphs (1) and (3) of section 4104 of this title; or"

(B) by amending paragraph (3) by inserting "and licensed physical therapists" after "anesthetists"; and

(C) by amending paragraph (4) by inserting "with respect to health-care personnel described in clause (B) of such paragraph" after "subsection".

Sec. 205. The second sentence of section 4110(a) is amended to read as follows: "The majority of employees on a disciplinary board shall be employed in the same category of position as the employee who is the subject of the charges.".

Sec. 206. Section 4111 is amended—

(1) by inserting "(a)" before "There";

(2) in subsection (a) (as so designated by clause (1)), by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (3)"; and

(3) by adding at the end the following new subsection:

"(b) Notwithstanding any other provision of law, the Administrator may, after considering an individual's existing pay, higher or unique qualifications, or the special needs of the Veterans' Administration, appoint an individual to a position in the Department of Medicine and Surgery providing direct patient-care services or services incident to direct patient-services at a rate above the minimum rate of the appropriate grade.".

Sec. 207. (a)(1) Not later than January 1, 1984, the Administrator of Veterans' Affairs and the Director of the Office of Personnel Management shall submit a joint report to the Committees on Veterans' Affairs of the House of Representatives and the Senate (hereinafter in this section referred to as "the Committees") regarding the status of efforts to carry out the recommendations made in the report prepared by the Veterans' Administration, pursuant to section 117 of Public Law 96-330, entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to title 38, United States Code" and transmitted to the Committees on September 1, 1982.

(2) Such report shall contain—

(A) with respect to each such recommendation, information on the decision that has been made as to whether such recommendation is being implemented in the manner described in the report and, if not, as to whether it is to be implemented in a modified form or not implemented and a statement of the reasons for such decision, and of the position of each agency with respect to such recommendation and such decision;

(B) the timetable for the actions planned for the implementation of each recommendation that is being implemented either in its original form or as modified;

(C) any further recommendations of the Administrator or Director or both for legislative or administrative action, or both, relating to the subject matter of such report; and

(D) such other information relating to the subject matter of such report as the Administrator or the Director or both consider appropriate.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the Committees a report on the implementation of the amendments made by this title, including the steps taken and planned to be taken (including the timetable therefor) and the justification therefor, to exercise the authorities provided by such amendments. Such report shall also contain a description and justification of the extent to which such authorities have not been or are not planned to be exercised.

(2) Not later than September 30, 1985, the Administrator shall submit to the Committees a report containing—

(A) descriptions of (i) the results of the exercise of the authorities provided in the amendments made by this title, and (ii) the efforts under section 4101(b) of title 38, United States Code, to develop and carry out programs of education and training for career advancement for nursing assistants, noncertified, nonregistered inhalation therapists, and other para-professionals employed in the Department of Medicine and Surgery who provide either direct patient-care services or services incident to direct patient-care services;

(B) an evaluation of the effects of both the exercise of such authorities and such programs on the recruitment and retention of Veterans' Administration employees, on such employees' productivity and morale, and on such employees' effectiveness in carrying out the missions of the Veterans' Administration; and

(C) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such evaluation.

TITLE III—WOMEN VETERANS

ADVISORY COMMITTEE ON WOMEN VETERANS

Sec. 301. (a) Chapter 3 is amended by inserting after section 221 the following new section:

"§ 222. Advisory Committee on Women Veterans

"(a)(1) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as 'the Committee').

"(2) The members of the Committee shall be appointed by the Administrator from the general public and shall include—

"(A) appropriate representatives of women veterans;

"(B) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women; and

"(C) appropriate representatives of both female and male service-connected-disabled veterans, including at least one female service-connected disabled veteran and at least one male service-connected disabled veteran.

The Committee shall also include, as ex officio members, the Chief Medical Director and the Chief Benefits Director, or their designees, and one public member and one military member of the Department of Defense Advisory Committee on Women in the Services selected therefrom by the Administrator after consultation with the Secretary of Defense. The Administrator may also invite representatives of such other departments and agencies of the United States as the Administrator considers appropriate to

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participate in the meetings and other activities of the Committee.

"(3) The Administrator shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Administrator, except that a term of service of any such member may not exceed 3 years. The Administrator may reappoint any such member for such additional terms of service as the Administrator considers appropriate.

"(4) The Committee shall meet not less than three times in fiscal year 1984 and thereafter at such times as determined by the Committee but not less than two times in each fiscal year.

"(b) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to (1) the administration of benefits under this title for women veterans, (2) reports and studies pertaining to women veterans, and (3) the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration.

"(c) Not later than July 1, 1984, and not later than July 1 of each year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that pertain to women veterans. Each such report shall contain (1) an assessment of the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration, (2) a review of the programs and activities of the Veterans' Administration designed to meet such needs, and (3) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate. Within 30 days after receiving each such report, the Administrator shall submit it to the Congress with any comments concerning the report that the Administrator considers appropriate. The Committee may also submit to the Administrator such other reports and recommendations as the Committee considers appropriate. The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator submitted to the Congress pursuant to such section.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 221 the following new item:

"222. Advisory Committee on Women Veterans.".

FEE-BASIS CARE FOR WOMEN VETERANS

SEC. 302. (a) Section 601(4)(C)(iv) is amended by inserting after "veterans" a comma and "and, until September 30, 1989, medical services described in section 612(f)(1)(A) of this title for a woman veteran if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that a disability of such woman veteran relating to her gender precludes appropriate treatment in facilities described in clause (A) or (B) of this paragraph".

(b)(1) At the time the President's budget for each of fiscal years 1985 through 1989 is transmitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator of Veterans' Affairs shall (as part of the documentation submitted by the Administrator in justification of such budget with respect to the Veterans' Administration medical care account) report to the appropriate committees of the Congress on (A) the Administrator's plans for, and estimated extent of, utilization in such fiscal year of (including estimated amounts of expenditures under) the authority provided by the amendment made by subsection (a), and (B) the activities undertaken and planned with respect to the utilization of (including estimated amounts of expenditures under) such authority in the fiscal year during which such budget is submitted. In so reporting with respect to fiscal years 1986 through 1989, the Administrator shall also provide information on activities undertaken (including amounts of expenditures) under such authority during the year or years preceding the fiscal year in which the report is submitted.

(2) Not later than September 30, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing (A) the Administrator's recommendations, and reasons therefor, with respect to whether the September 30, 1989, expiration date in such authority should be extended and, if so, the date to which such authority should be extended, or whether such authority should be made permanent, and (B) any other recommendations for legislative or administrative action that the Administrator considers appropriate with respect to the Veterans' Administration's meeting the gender-related health-care needs of women veterans. Prior to submiting such report to such Committees, the Administrator shall submit the proposed report to the Advisory Committee on Women Veterans, established pursuant to the amendments made by section 301(a) of this Act, and shall consult with the Advisory Committee which shall promptly advise the Administrator of its views on the Administrator's proposed report and its recommendations on the subjects covered therein, and the Administrator shall include such views in such report along with any comments the Administrator considers appropriate.

TITLE IV—PRESUMPTION CONCERNING DYSTHYMIC DISORDER

SEC. 401. Section 312(b) is amended—

(1) in clause (8), by striking out "or";

(2) in clause (9), by inserting after the comma "or"; and

(3) by adding at the end the following new clause:

"(10) dysthymic disorder (or depressive neurosis),".

TITLE V—STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

SEC. 501. (a) The Congress finds that—

(1) the Nation has an historic and deeply-rooted commitment to providing benefits and services to those who served in the Armed Forces;

(2) this commitment must be continued and maintained, both to fulfill moral obligations to those who served in the past and to assure those now in the Armed Forces and potential service men and women that the Nation's obligations to those who serve will always be honored;

(3) the Veterans' Administration is the principal Federal entity responsible for veterans' benefits and programs;

(4) the Veterans' Administration has a potential population of beneficiaries totaling nearly thirty million veterans and over sixty-six million survivors and dependents;

(5) the Veterans' Administration will distribute over $13 billion in income maintenance payments and approximately $1.7 billion in education, training, and rehabilitation assistance payments in fiscal year 1983; operates one of the Federal Government's two major home loan guaranty programs, with over 4 million loans currently guaranteed; administers the largest direct insurance program in the Nation; operates 108 national cemeteries and provides burial assistance for nearly 350,000 deceased veterans annually;

(6) the Veterans' Administration operates the largest centrally administered health-care system—consisting of, among other facilities, 172 hospitals, 226 outpatient clinics, and 99 nursing home care units—in the United States;

(7) the Veterans' Administration health-care system serves as the primary backup to the medical resources of the Department of Defense in time of war or national emergency involving the use of the Armed Forces in armed conflict;

(8) in terms of share of the annual Federal budget, the Veterans' Administration ranks sixth among Federal departments and agencies, and among Federal departments and agencies only the Department of Defense employs more personnel;

(9) the Administrator of Veterans' Affairs is the principal executive branch official responsible for the administration of the benefits, services, and programs of the Veterans' Administration and for seeking the coordination of veterans' programs administered by other Federal departments and agencies;

(10) there is a need for greater coordination between the Veterans' Administration and other Federal entities administering veterans programs and between the Veterans' Administration and other Federal entities providing similar benefits to individuals on a basis other than their status as veterans;

(11) by virtue of the Administrator of Veterans' Affairs not being included in the President's Cabinet, the Administrator generally is not included in Cabinet meetings and deliberations and generally does not have the ready access to the President and senior advisers on the President's staff that Cabinet members have; and

(12) as a consequence, Presidential decisions affecting veterans and the Veterans' Administration are made from time to time without an understanding of their full impact on veterans and on the Veterans' Administration's performance of its statutory missions.

(b) In view of the findings in subsection (a), it is the sense of the Congress that the Administrator of Veterans' Affairs should be designated by the President as a member of, and full participant in all activities of, the Cabinet and as the President's principal adviser on all matters relating to veterans and their dependents.

TITLE VI—RADIATION EXPOSURE STUDY AND GUIDE

SEC. 601. (a)(1)(A) Subject to paragraph (2)(B), the Administrator of Veterans' Affairs, through contracts or agreements with private or public agencies or persons (other than the Department of Defense or the Department of Energy) and in consultation with the Director of the Office of Technology Assessment, shall provide for the conduct of epidemiological study of the long-term adverse health (including psychological) effects of exposure to ionizing radiation from the detonation of a nuclear device in connection with the test of such device or with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning September 11, 1945, and ending on July 1, 1946, in persons who, while serving in the Armed Forces of the United States, may have been exposed to such radiation. Such study shall include, but not necessarily be limited to, a study of identifiable prevalent illnesses, including malignancies, in the persons potentially exposed and genetic and congenital problems suffered by the natural children of such persons.

(B) In the event that the Administrator determines that it is not feasible to conduct a scientifically valid study of any or all of the matters required under subparagraph (A) to be studied, the Administrator shall promptly notify the appropriate committees of the Congress of this determination and the reasons therefor.

(2)(A) The Director of the Office of Technology Assessment shall monitor the development of the protocol or protocols for and the conduct of study under paragraph (1)(A) and shall submit to the appropriate committees of Congress, at each of the times specified in the second and third sentences of this subparagraph, a report on such monitoring. Reports under the preceding sentence shall be submitted within 6 months after the date of the enactment of this Act, within 12 months after such date, within 25 months after such date, and annually thereafter until such study is completed, and shall contain a review of and comments on the most recent report of the Administrator required to be submitted under paragraph (5). In the event that the protocol for such study or any part thereof is not completed by the end of the 12-month period beginning on the date of the enactment of this Act, the Director shall submit to such committees, at the end of the 60-day period beginning at the end of such 12-month period and thereafter at the end of each succeeding 60-day period until such protocol is completed, a report on the status of such protocol.

(B) In the event that the Administrator notifies the Congress of a determination or determinations made pursuant to paragraph (1)(B), the Director, not later than 60 days after such notification, shall submit to the appropriate committees of the Congress a report evaluating and commenting on such determination and the reasons therefor. To the extent that the Director concurs in such determination or determinations of the Administrator, the matter or matters required under paragraph (1)(A) to be studied to which such determination or determinations apply shall, nothwithstanding paragraph (1)(A), not be required to be studied. In the event that the Administrator has determined under paragraph (1)(B) that, taken as a whole, study under paragraph (1)(A) is not scientifically feasible and the Director concurs in the Administrator's determination, the requirement in paragraph (1)(A) that the Administrator provide for the conduct of epidemiological study shall lose effect as if repealed by an Act of Congress.

(3) Not later than 12 months after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the development of a protocol or protocols for study under paragraph (1)(A) and, in the event that such a protocol has not been developed, an estimate of the completion date therefor together with an estimate of the cost to be incurred in developing such protocol.

(4) At such time as the Administrator has entered into a contract or agreement with an agency or person for the conduct of a study under paragraph (1)(A), the Administrator and such agency or person shall submit a joint report to the appropriate committees of the Congress containing detailed information on the proposed study, including estimates of the number of individuals to be studied, the length of the study (specifying significant milestones prior to its completion), and the total cost of the study.

(5) Not later than 24 months after the date of the enactment of this Act, and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report on the status of study under paragraph (1)(A). Such report shall contain (A) a description of the progress on and any results obtained under such study, and (B) such comments and recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such progress and results.

(6) Not later than 90 days after the submission of each report required by paragraph (5), the Administrator, based on the progress and results described in such report and the comments and recommendations thereon and any other available pertinent information, shall publish in the Federal Register, for public review and comment, a description of actions, if any, that the Administrator proposes to take with respect to programs administered by the Veterans' Administration. Each such description shall include a justification for any such action the Administrator proposes to take.

(7) The requirement in paragraph (5) for the submission of annual reports shall expire upon the submission of a report after the completion of study under paragraph (1)(A).

(b)(1) Not later than one year after the date of the enactment of this Act, the Administrator shall develop and publish an indexed reference guide, derived from existing pertinent research-result compilations, designed to provide appropriate Veterans' Administration personnel who either furnish health care or adjudicate claims for benefits under title 38, United States Code, with readily useable information regarding the state of medical and other scientific information on any long-term adverse health (including genetic and psychological) effects in humans of exposure to radiation, including nuclear-device, medical, and occupational exposures.

(2) Not later than 13 months after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the indexed reference guide developed under paragraph (1), together with such comments and recommendations for administrative or legislative action, or both, as the Administrator considers appropriate, including recommendations regarding (A) the need for any additional research that the Administrator considers necessary for the resolution of questions regarding adverse long-term health effects result from exposure to radiation, and (B) the departments, agencies, or instrumentalities that should carry out such research.

(3) The Administrator shall distribute (A) such guide to the Veterans' Administration personnel described in paragraph (1), and (B) such guide and such report to the departments, agencies, and instrumentalities described in subsection (c) and such other departments, agencies, and instrumentalities of the Federal Government as the Administrator considers appropriate and shall recommend to the appropriate such departments, agencies, and instrumentalities that they carry out any such additional research.

(4) The Administrator shall periodically review such guide and, to the extent the Administrator considers appropriate, update it based on the results of research completed after the guide was published or other available pertinent information.

(c)(1) For the purpose of ensuring that any study, research, or other activity carried out by the Federal Government with respect to adverse health effects in humans from exposure to radiation is scientifically valid and is conducted with efficiency and objectivity, the President shall ensure that—

(A) study under subsection (a)(1)(A), the development of the guide required by subsection (b)(1), and such additional research as may be identified pursuant to subsection (b)(2) are fully coordinated with studies or other activities which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to the adverse health effects in humans from exposure to radiation, including the radioepidemiological tables mandated by section 7 of the Orphan Drug Act (Public Law 97-414; 96 Stat. 2059); and

(B) all appropriate coordination and consultation is accomplished between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of study under subsection (a)(1)(A), in the design, conduct, monitoring, or evaluation of such radiation-exposure studies.

(2) Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of the Congress a report containing a description of the steps taken and plans made to ensure the coordination and consultation required by paragraph (1).

(d)(1) There are authorized to be appropriated for fiscal years after fiscal year 1983 such sums as may be necessary for the conduct of the study required by subsection (a)(1)(A).

(2) The authority to enter into contracts under subsection (a)(1)(A) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriations Acts.

TITLE VII—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 701. Clause (3) of section 610(a) is amended by inserting "(A)" after "(3)" and by inserting at the end "or (B) a person who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person's continuing eligibility for such care is provided for in the judgment or settlement described in such section;".

SEC. 702. (a) Section 203(b) is amended by striking out "not".

(b) Section 360 is amended by striking out "has suffered (1)" and inserting in lieu thereof "(1) has suffered".

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(c) Section 361 is amended by striking out "United States Code,".

(d) Section 719(b) is amended by striking out "subsections" and inserting in lieu thereof "sections".

(e) Section 1682(c)(1)(C) is amended by inserting a comma after "week)".

(f) Sections 2002 and 2002A are amended by striking out "a Assistant" and inserting in lieu thereof "an Assistant".

(g) Section 3005 is amended by striking "subchapter II of chapter 7 of title 42" each place it appears and inserting in lieu thereof "title II of the Social Security Act".

(h) Section 4118(g)(3) is amended by striking out the comma after "title 31".

(i) Section 4142 is amended—

(1) in subsection (f)(2), by striking out "section 3324(a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324"; and

(2) in subsection (i)(4), by striking out the comma after "not accepted".

(j) Section 5010(c)(2)(B) is amended by striking out "or" the first place it appears and inserting in lieu thereof "and".

Mr. SIMPSON. Mr. President, I am most pleased to rise now in support of S. 578, the proposed "Veterans' Health Care and Programs Improvement Act of 1983," which was unanimously reported by the Committee on veterans' Affairs on April 20.

On February 23, 1983, as chairman of the committee, I introduced S. 578. As originally introduced, S. 578 had a central purpose of providing the VA with certain specific authority to further address the growing strains placed on the present VA medical-care system by what has been referred to as "the graying of the American veteran." Mr. President, there are at present some 11.4 million veterans of World War II. On the average they are now 62 years old. And under the provisions of section 610 of title 38, United States Code, all veterans automatically become eligible for a broad range of medical care in VA hospitals and nursing homes at age 65, regardless of need, and regardless of whether service was during a period of war or the disability for which treatment is sought is service-connected.

Many veterans who are part of this aging veteran population may not need the intensity of acute inpatient services or the round-the-clock services afforded by institutional care such as nursing homes or domiciliaries and who have some personal and family resources. Three provisions which I introduced in my original legislation and which are included in the committee bill S. 578 are directed at meeting the special health-care needs of these older veterans. One provision would authorize the VA to conduct a pilot program of adult day health-care services; the second provision would provide the VA with the authority to administer a program for community residential care; and the third provision would realine VA health-care resources from the VA medical care account for beneficary travel expenses for fiscal year 1984 by making available $20 million for the provision of adult day health care and nursing home care.

I intend to go into a bit more detail regarding these provisions, but first I would wish to note a fourth provision which was in my orginal bill and is included in the committee version of S. 578. The purpose of this provision is to add "Dysthymic Disorder" (depressive neurosis) to the list of presumptions for certain mental disorders suffered by a most deserving group of veterans—those who were held as prisoners of war while defending their Nation. Details of this provision will also follow.

I would wish to note that I am pleased to speak today in favor of the other provisions of the committee bill which address the needs of a special group of our veterans—those who served during the Vietnam era—by extending the period in which eligible veterans may request readjustment counseling from the VA and by directing the Administrator to conduct a study of the incidence and prevalance of post-traumatic stress disorders, otherwise known as "PTSD," in Vietnam era veterans.

S. 578 would also address concerns of another important segment of our veteran population—women veterans. The bill would require the VA to establish an Advisory Committee on Women Veterans that would evaluate VA programs, services, benefits, and other activities as they relate to women veterans. The bill would also authorize the VA to provide on a "fee-for-service" basis certain outpatient care for a nonservice-connected gender-specific disability of a woman veteran when the VA is unable to provide appropriate in-house care for her gender-related disability.

As reported, S. 578 would increase assurance of the ability of the VA to compete effectively with other non-VA health care providers in attracting and retaining certain highly qualified health-care personnel. This would be achieved by giving the VA certain new authorities to determine the qualifications of applicants, for appointing individuals to positions in DM&S, for advancing and promoting individuals and for setting rates of pay including both basic pay and special pay for work outside of the regular workday or workweek, for the following three occupations while leaving them within the title 5 personnel system: licensed physical therapists, licensed practical/vocational nurses, and certified or registered respiratory therapists.

ADULT DAY HEALTH CARE

Mr. President, section 101 of title I of the bill would authorize the Administrator to operate on a pilot-program basis through fiscal year 1987, a program of adult day health care services, aimed primarily at meeting the needs of elderly veterans whose medical treatment requirements and home living situation will permit them to receive daytime care only, thus avoiding the need for more elaborate and costly institutionalization in a VA hospital, nursing home, or domiciliary. These adult day health-care programs would provide, in a congregate setting, during normal working hours, health-care services for patients thereby enabling them to be maintained at home in a supportive environment rather than be institutionalized in a nursing home or hospital. Under the bill, veterans who are eligible for nursing home care—generally veterans who have received hospital care but still require extended medical supervision—would be eligible for adult day health care. Thus, adult day health care under this provision would be a clear alternative to nursing home placement. While I—as well as other members of the committee—am aware that there are other categories of veterans who might also benefit from adult day health-care services, this limitation on possible participants is designed to facilitate thorough monitoring and evaluation of this pilot program regarding characteristics of the participants, staff, and health outcomes.

There is already considerable interest within the VA in the adult day health care concept. The VA has already initiated adult day health-care programs at four VA medical centers in North Chicago, Ill.; American Lake, Wash.; Palo Alto, Calif.; and Butler, Pa. The services that have been provided in these projects have been carried out under the general authority of chapter 17 of title 38, United States Code, and the health services research authority under section 4101(c)(1) of title 38. S. 578 as reported would provide the Administrator with specific authority under section 620 of title 38, United States Code, to conduct a pilot program of adult day health-care services. The authority would allow the Administrator to provide adult day Health-care services to certain veterans by contracting for adult day health-care programs at four VA medical centers. This authority would expire on September 30, 1987.

COMMUNITY RESIDENTIAL CARE

Section 106 of title I of the committee bill which is derived from the original bill, S. 578, which I introduced, would authorize the VA to set standards governing community residential care facilities—that is, private homes inspected by the VA but chosen by the veteran, where the veterans receive, at their own expense, room, board, personal care and supervision. Veterans who would be eligible for this program no longer require hospitalization but are not able to live independently because of their health-care needs and have no suitable family resources to provide the needed care.

Since 1951, the VA has been referring previously institutionalized veterans to residential care facilities—originally only certain psychiatric patients, but more recently, medical and surgical patients as well. However, the VA has no specific statutory authority to set standards for residential care facilities to which it refers eligible veterans. The committee joins me in a decision that it is important for the VA to be provided legislative authority to administer this program, and specifically to set program standards, establish guidelines for procedures involving the approval of the residences, conduct annual inspections, and examine services received by the veterans within the facilities. These standards would include criteria for health and safety; costs of care, supervision, and other services; resources that a facility needs in order to provide an appropriate level of services; and other factors which the Administrator would determine to be appropriate to protect the welfare of veterans placed in community residential facilities. This authority would affect only those facilities wishing to receive referrals from the VA. A facility's participation in a VA assessment of standards would remain entirely voluntary, and its operators would be under no obligation to accept any recommendation by the assessment team. Those facilities that do participate but are found not to comply with the VA standards would receive notice and an opportunity for a hearing prior to the cessation of referrals from the VA.

RESOURCE REALINEMENT

Section 109 of the committee bill which was part of my original bill, S. 578, would provide for the realinement of VA health-care resources by requiring that at least $20 million be added to the President's fiscal year 1984 budget for the provision of certain health-care services to eligible veterans and that the budget for beneficiary travel reimbursement payments be reduced by the same amount.

In order to avoid the need for, or shorten periods of institutionalization of veterans, not less than $20 million would be made available for fiscal year 1984 for adult day health care and community nursing home care services to eligible veterans. The Administrator would be required to prescribe regulations to effectuate this realinement in the VA medical care account by funds obligated for "beneficiary travel" or travel expenses to and from VA facilities. The bill would prohibit the restriction of payment of travel benefits to veterans receiving care for or in connection with service-connected disabilities. In developing the regulations, the VA is expected to take into account the primary missions of its health care system and the special circumstances of veterans in Alaska and Hawaii where there are no VA hospitals and where the geography poses particular travel problems for many veterans.

PRESUMPTION CONCERNING DYSTHYMIC DISORDER

Title IV of the committee bill which is derived from my original bill, S. 578, would clarify the original intent of Public Law 97-87, the Former Prisoners of War Benefits Act of 1981, by adding dysthymic disorder—or depressive neurosis—to the list of presumptive diseases which is used as a basis for disability compensation and for eligibility for VA medical care. The specific addition of this diagnosis will clarify the intent of Public Law 97-37 and thereby aid in its implementation.

I am very concerned that congressional intent in Public Law 97-37 is met. Certainly when that legislation was considered, the Senate recognized the need for some liberalization with respect to claims filed by former POW's for certain mental disorders. The complexity of "anxiety states," "anxiety neuroses," "post-traumatic stress disorder," and "dysthymic disorders" and their associated and sometimes interrelated diagnoses inadvertently resulted in a lack of clarity regarding the granting of service connection for depression, a lack of clarity documented by correspondence, by testimony received by the committee pursuant to hearings on this and other health care issues, and by the literature on mental health disorders. The specific addition of "dysthymic disorder" will eliminate this problem.

The cost of this addition will be quite modest as the number of claims is quite small but the benefit will be great because these worthy veterans, if they are diagnosed as having depressive neurosis, will now be granted the service connection they deserve.

VIETNAM-ERA VETERANS' READJUSTMENT ISSUES

The committee bill would extend by 1 year, to September 30, 1985, the period of eligibility to request readjustment counseling. It would also extend by 6 months, until October 1, 1984, the date by which the VA must report to Congress on the VA's plans for continuing to provide readjustment counseling after the expiration of the eligibility period.

Public Law 96-22, the Veterans' Health Care Amendments of 1979, provided the authority for the VA to provide readjustment counseling to Vietnam-era veterans. Under that law, eligible Vietnam veterans had 2 years from the date of their discharge or 2 years from a pre-October 1, 1979, discharge (the situation for the vast majority of Vietnam-era veterans), that is until September 30, 1981—to make an initial request for counseling.

In 1981, Public Law 97-72, the Veterans' Health Care, Training, and Small Business Loan Act of 1981, extended the period of eligibility to request readjustment counseling by 3 years, until September 30, 1984. In providing this extension, the Congress recognized that the VA's program for providing readjustment counseling—called the vet center program—had, of necessity, taken a considerable time to get underway and begin operating effectively and that there was a continuing need for the services offered by the program. Public Law 97-72 also mandated the VA to study how to meet the Vietnam-era veterans' readjustment needs after September 30, 1984, eligibility expiration date and to submit a report to Congress by April 1, 1984, on its plans in that regard.

Mr. President, I believe it is important to note that the first vet center did not open until January 1980 and that quite a few centers have now been open for less than a year. According to the VA, as of March 1983, the 136 vet centers and satellites have been open an average of 27.7 months. The agency further reported that 28 of these centers were opened in calendar year 1982 and that as of March 1983 those 28 had been open an average of only 10.5 months. The proposed extension would give the program at its present size the stability necessary to identify and serve the needs of eligible veterans as well as giving veterans in areas where vet centers have recently opened a fair opportunity to benefit from the program.

Extending the period between the due date of the VA's report, and the expiration of the period to make the initial request for counseling would give the Congress a better chance to review the various alternatives for the future. In connection with the extension of the readjustment counseling eligibility authority, the committee bill would require the Administrator to carry out a study on the issue of PTSD and related readjustment problems of Vietnam-era veterans. The purpose of this study would be to determine the prevalence, incidence, and effects of PTSD and related readjustment problems. The Administrator would be required to place particular emphases on veterans with service-connected disabilities, those who served in Vietnam or elsewhere in the Vietnam theater of operation (for example, on a Navy ship in the South China Sea or with an Air Force squadron in Thailand), and consider the problems of women veterans. These particular emphasis should insure that information is developed to assist the VA in evaluating the effectiveness of past efforts to provide assistance to veterans in the groups involved and, to the extent particular problems are identified in one or another of the specific groups, to fashion appropriate remedies.

HEALTH CARE PERSONNEL PROVISIONS

The committee bill contains a number of provisions that are designed to improve the VA's ability to attract and retain various health care personnel employed in the VA's Department of Medicine and Surgery (DM&S) and to insure that the VA is able to compete effectively with non-VA health care employers for the services of qualified health care personnel.

In response to the committee's longstanding concern that the VA was experiencing significant recruitment and retention difficulties with respect to certain DM&S health care personnel, Public Law 96-330 directed the VA to conduct a study and report to Congress on recruitment and retention problems of DM&S health care personnel that provide direct patient care services or services incident to direct patient care services. The DM&S task force report, entitled "Study of Feasibility and Desirability of Converting Selected Health Care Occupations to Title 38, United States Code," was a comprehensive survey of the current situation regarding title 5 health-care personnel with DM&S, and contained many recommendations. The task force found that certified or registered respiratory therapists, physical therapists, and licensed practical or vocational nurses experience "severe difficulties in recruitment, retention, and morale on a nationwide basis."

S. 578 would give the Administrator new authorities as to these occupations for determining the qualifications of applicants, for appointing individuals to positions in DM&S, for advancing and promoting individuals, and for setting rates of pay including both basic pay and special pay for work outside of the regular workday or workweek,

By giving the Administrator greater flexibility in these areas, the attractiveness of the VA as a career for the members of these occupations who are licensed, certified, or registered should increase. I am particularly pleased that special emphasis to promote career development and career ladders for other members of these occupations is included in S. 578.

Mr. President, I would wish to congratulate the current VA Administrator, Harry N. Walters, on his initiatives in the area of women veterans. His administrative establishment of an advisory committee on women veterans is surely a timely move for his group of our veterans and the proposed statutory establishment of such an advisory committee is not intended to unduly restrict his efforts.

Regarding the provision in S. 578 as reported which provides for the study of certain veterans who may have been exposed to low level ionizing radiation and development of a guide for VA health care and claims personnel on radiation exposure, Mr. President, I would wish to reiterate my concerns about the feasibility of such a scientific effort and the questionable benefit to be derived therefrom. While I agree that the idea of scientific feasibility can be conceptually separated from the idea of cost, I believe it is important that the anticipated value of any results should be carefully weighed against the anticipated cost and benefits to be derived. This is especially important in view of expert testimony received in committee hearings that the study might be "very expensive, very difficult to accomplish and of dubious value."

Therefore, my support for this provision depended on the following: First, that there be a specific determination of scientific infeasibility, and second, that a decision to appropriate funds to conduct the study include a careful comparative analysis of expected gains in scientific knowledge and the expected costs of the study.

Mr. President, in concluding I should wish to sincerely thank my friend, the distinguished ranking minority member from California, Senator CRANSTON, for his invaluable help and cooperation on this bill and the other committee members for their contributions.

In addition, I should like to recognize and to thank the very able members of the majority staff for their efforts—Tom Harvey, Julie Susman, Vic Raymond, Cindy Alpert, Becky Hucks and Laurie Altemiose, and our editorial director, Harold Carter, as well as members of the capable minority staff—Jonathan Steinberg, Ed Scott, Bill Brew, Katy Burdick, Ingrid Post, and Charlotte Hughes.

Mr. President, I believe the committee has reported out a bill which is well balanced, and one that meets the needs of our most deserving veterans. On behalf of the entire committee, I urge the Senate's favorable consideration of this bill. Thank you, Mr. President.

Mr. President, at this time I ask unanimous consent that excerpts of the committee's report on S. 578 be inserted in the RECORD to more fully explain and clarify the details of the committee's bill.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

INTRODUCTION

S. 578 was introduced on February 23, 1983, by the Chairman of the Committee, Senator Alan Simpson. As introduced, S. 578 would have, first, provided for adult day health-care services for veterans; second, authorized the VA to administer a community residential-care program; third, established a presumption of service connection for former prisoners of war suffering from dysthymic disorder; and fourth, revised eligibility for reimbusement of expenses of travel for VA health care.

On January 26, 1983, Senator Alan Cranston, the Committee's Ranking Minority Member, together with Committee members Senators Randolph, Matsunaga, DeConcini, and Mitchell, introduced S. 11. As introduced, S. 11 would have, first, established a VA Advisory Committee on Women Veterans; second, required and authorized certain preventive health-care activities; third, authorized the Administrator to provide certain outpatient care on a fee-for-service basis for a non-service connected gender-related disability of a woman veteran; fourth, extended the period for Vietnam-era veterans to request counseling under the VA's Readjustment Counseling Program; fifth, enhanced the VA's ability to recruit and retain certain health-care personnel in its Department of Medicine and Surgery; sixth, expressed the sense of the Congress with respect to the role of the Administrator of Veterans' Affairs; and seventh, required the Administrator to provide for the conduct of an epidemiological study of long-term health effects in veterans from exposure to ionizing radiation from nuclear test detonations and of a review and analysis of the literature relating to long-term adverse health effects from exposure to radiation.

On February 23, 1983, Senator Strom Thurmond introduced S. 567. As introduced, S. 567 would have authorized reimbursement for the reasonable charges for chiropractic services provided to certain veterans.

On March 1, 1983, Senator Cranston, with Senator Randolph's cosponsorship, introduced S. 629. As introduced, S. 629 would have increased the per diem rate payable by the VA to States providing domiciliary, nursing home, and hospital care to eligible veterans in State veterans' homes.

On March 3, 1983, Senator Alan Simpson introduced S. 664 at the request of the Administration. As introduced, S. 664 would have extended for three years the authority of the Administrator of Veterans' Affairs to provide certain contract hospital care and medical services in Puerto Rico, the Virgin Islands, and other territories.

On January 26, 1983, Senator Cranston, with the cosponsorship of Committee members Randolph, Matsunaga, DeConcini, Mitchell, Denton, and Murkowski, introduced S. Con. Res. 2. As introduced S. Con. Res. 2 expressed the sense of the Congress that the Administrator of Veterans' Affairs should be designated a member of the President's Cabinet.

On March 9 and 10, 1983, the Committee held hearings, chaired by Senator Simpson, to receive testimony on S. 578, S. 11, S. 567, S. 629, S. 664, and S. Con. Res. 2. Testimony was received on March 9 from Dr. Donald Custis, Chief Medical Director of the VA; James Morrison, Jr., Associate Director for the Compensation Group of the Office of Personnel Management; William Weissert, Ph. D., Senior Research Associate at the Urban Institute; Dr. Stanley Korenman, Chief of Medical Service at the VA Medical Center in Sepulveda, California; Sudie Goldston, Chair, the National Institute on Adult Daycare of the National Council on Aging; Glenn Gee, President of the American Association for Respiratory Therapy; R. Charles Harker, Director of Government Relations of the American Physical Therapy Association; and Paul Tendler, representing the National Federation of Licensed Practical Nurses.

On March 10 testimony was received from the Honorable Baltasar Corrada, the Resident Commissioner of Puerto Rico; Clyde Behney, Program Manager for Health of the Officer of Technology Assessment; Dr. Nora Scott Kinzer, Special Assistant to the Administrator of Veterans' Affairs; representatives of the American Veterans Committee; the Vietnam Veterans of America; the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and AMVETS; Robert Fitzgerald, International Chiropractors Association; and Lee Selby, American Chiropractors Association.

After carefully reviewing the testimony, the Committee met in open session on April 20, 1983, and voted unanimously to report favorably S. 578 with an amendment in the nature of a Committee substitute. S. 578, as reported consists of provisions derived with modifications from S. 578, S. 11, S. 567, S. 629, S. 664, and S. Con. Res. 2.

SUMMARY OF PROVISIONS

The Committee bill has seven titles: Title I, Veterans' Administration Health Care Programs; Title II, Provisions to Improve the Recruitment and Retention of Certain Personnel; Title III, Women Veterans; Title IV, Presumption Concerning Dysthymic Disorder; Title V, Status and Role of Administrator of Veterans' Affairs; Title VI, Radiation Exposure Study and Guide; and Title VII, Miscellaneous and Technical Amendments, as follows:

Title I: *Veterans' Administration Health Care Programs.*—This title would establish new health services programs for veterans and improve existing programs. Included in title I of the Committee bill are provisions that would:

1. Authorize an approximately 4-year pilot program of adult day health care—generally to be provided in non-VA facilities—as an alternative non-institutional form of care for veterans who are eligible for transfer to community (non-VA) nursing homes for care at VA expense.

2. Extend by 1 year the period within which eligible veterans of the Vietnam-era may request readjustment counseling from the VA.

3. Direct the Administrator to conduct a study of the prevalence and incidence of post-traumatic stress disorder in Vietnam-era veterans with particular emphasis on veterans with service-connected disabilities and those who served in Vietnam or the Vietnam theater, and with specific reference to women veterans.

4. Authorize the provision of preventive health-care services to persons otherwise receiving health care from the VA.

5. Make mandatory a discretionary pilot program of preventive health-care services; extend the program, with a $15 million annual cap on expenditures, through fiscal year 1989; and require the Administrator to provide through the program at least one preventive health-care service to all veterans with 50-percent-or-more service-connected disability ratings otherwise being furnished VA health care for any disability and to all veterans receiving VA care for their service-connected disabilities.

6. Provide for the reimbursement (or direct payment) of reasonable charges for chiropractic services, not otherwise covered by available health insurance or other reimbursement, provided by non-VA providers to certain veterans with neuromusculoskeletal conditions of the spine; limit the amount payable for authorized chiropractic services furnished an individual veteran to $400 per year and the total VA expenditures for chiropractic services to $2 million in any fiscal year; and establish a September 30, 1987, cutoff date for the provision of chiropractic services for which reimbursement or payment may be made.

7. Expressly provided the VA with authority to conduct a program of referring VA veteran-patients to, and helping them obtain placement in, private, VA-approved community residential-care facilities; and thus codify and clarify the authority for an existing program under which the VA provides veterans with this kind of help.

8. Increase by 15 percent the rates of per diem payments to States veterans' homes—to $7.30 for domiciliary care, $13.95 for nursing home care, and to $15.25 for hospital care—for eligible veterans.

9. Extend for 1 year, through fiscal year 1984, VA authority to provide certain contract health-care services to eligible non-service-connected veterans in Puerto Rico and the Virgin Islands, and require a report by the Administrator, not later than December 1, 1983, on the VA's plans for meeting the health-care needs of veterans in those places.

10. Realign certain resources within the VA health-care budget by requiring that $20 million in fiscal year 1984 funds be redirected from VA health-care beneficiary travel-expense reimbursements to the provisions of community nursing home care, adult day health care, and preventive health-care services to eligible veterans; require the Administrator of Veterans' Affairs to prescribe regulations that achieve the necessary reduction in beneficiary travel payments; and authorize the Administrator to keep those regulations in effect after fiscal year 1984 if this $20 million add-on in spending for community nursing home care, adult day health care, and preventive services were achieved as the result of the reduction in beneficiary travel costs.

Title II: *Provisions to Improve the Recruitment and Retention of Certain Personnel.*—This title would revise, extend, and improve various VA programs designed to recruit and retain sufficient and qualified health-care personnel in the VA's Department of Medicine and Surgery. Included in title II are provisions that would:

1. Authorize the Administrator, without regard to civil-service rules, laws, and regulations, to establish the qualifications for and appoint certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses in the VA's Department of Medicine and Surgery (DM&S); provide the Administrator with certain new authorities with respect to the promotion and advancement of DM&S personnel in those categories; but require the Administrator to observe principles of veterans preference in the hiring of personnel in those categories.

2. Authorize the Administrator, when and to the extent necessary for recruitment or retention purposes, to use the additional pay (overtime, weekends, and so forth) authorities for DM&S nurses in compensating personnel in the categories listed in item 1, above.

3. Authorize the Administrator, without the Administrator's action being statutorily subject to review by the President as under current law, to adjust minimum, intermediate, or maximum rates of basic pay for personnel in the categories listed in item 1, above, when necessary for recruitment and retention purposes in certain circumstances.

4. Authorize the Administrator, after considering a potential employee's existing pay or higher or unique qualifications, or the special needs of the VA, to appoint an individual to a position in DM&S providing direct patient-care services or services incident to such direct-care services at a rate of pay above the minimum of the appropriate grade.

5. Require the Administrator and the Director of the Office of Personnel Management to submit a joint report to the Congress on the efforts made to carry out the recommendations made by the VA in the September 1, 1982, report entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to title 38, United States Code."

6. Require that the majority of individuals serving on a disciplinary board considering charges against DM&S employees in certain categories be in the same occupational category as the employee who is the subject of the charges.

7. Require the Administrator, within 90 days after the date of enactment, to report to the Committees on Veterans' Affairs on the status of the implementation of the provisions summarized in items 1 through 5, above.

8. Require the Administrator, not later than September 30, 1985, to submit a report to the Committees on Veterans' Affairs on the results of the VA's use of the authorities provided in provisions summarized in items 1 through 5, above, and ongoing efforts to develop and carry out programs of education and training for career advancement for certain allied health professionals employed in DM&S.

Title III: *Women Veterans.*—This title would improve the Veterans' Administration's efforts with respect to women veterans. Included in title III are provisions that would:

1. Provide for the establishment by the Administrator Veterans' Affairs of an Advisory Committee on Women Veterans (ACWV) to advise the Administrator on the administration of VA benefits for women veterans and their needs for compensation, health care, rehabilitation, outreach, and other VA programs.

2. Require the ACWV to submit to the Administrator by July 1, 1984 and by July each year thereafter, a report which would include an assessment of the needs of women veterans for compensation, health care, rehabilitation, outreach, and other VA programs, a review of VA programs designed to meet those needs, and any recommendations for legislative and administrative actions that the Committee considers appropriate; and require the Administrator within 30 days after receiving each of these reports, to submit them (together with any comments the Administrator considers appropriate) to the Congress.

3. Authorize the Administrator, until September 30, 1989, to provide certain outpatient care on a fee-for-service basis for a non-service-connected, gender-related disability of a woman veteran, when the VA is unable to provide appropriate care for such disability.

Title IV: *Presumption Concerning Dysthymic Disorder.*—This title includes a provision that would add dysthymic disorder (or depressive neurosis) to the list of diseases which, in the case of former prisoners of war who were interned for not less than 30 days, are presumed to have been incurred or aggravated by active-duty service.

Title V: *Status and Role of Administrator of Veterans' Affairs.*—This title includes a provision that would express the sense of Congress that, in light of the size and importance of the Veterans' Administration, the Administrator of Veterans' Affairs should be designated by the President as a member of the Cabinet and be the President's principal advisor on all matters pertaining to veterans and their dependents or survivors.

Title VI: *Radiation Exposure Study and Guide.*—This title includes a provision that would direct the Administrator, through contracts or agreements, to provide for the conduct—except as determined by the Administrator, with the concurrence of the Director of the Office of Technology Assessment not to be scientifically feasible—of an epidemiological study (or studies) of the long-term adverse health effects from exposure to ionizing radiation from certain detonations of nuclear devices and to develop and publish an indexed reference guide, derived from existing research-result compilations, regarding the state of medical and other scientific information on any long-term adverse health effects in humans from exposure to radiation, including nuclear device, medical, and occupational exposures.

Title VII: *Miscellaneous and Technical Amendments.*—This title includes one substantive amendment, relating to eligibility for VA health care for certain individuals, and several technical amendments. The one substantive provision would provide for continuing VA health-care eligibility for an individual who suffered injury while receiving VA health-care or vocational-rehabilitation services and would, as a result, be entitled to disability compensation but for the fact that the individual has received a settlement or judgment, but such health-care eligibility would be provided only to the extent specifically provided for in the judgment or settlement.

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am delighted to join with my good friend, the distinguished chairman of the committee (Mr. Simpson), in urging our colleagues to give their unanimous approval to the pending measure, S. 578, the proposed Veterans' Health Care and Programs Improvement Act of 1983, as reported. This measure, which was reported by the committee on May 23, is a carefully developed compromise that includes provisions from a variety of measures, the two principal ones being S. 578 as introduced by the Chairman on February 23, 1983, and S. 11, which I introduced on January 26, 1983. If enacted, this measure will help maintain and improve the quality, scope, and efficiency of health-care services provided the Nation's veterans through the Veterans' Administration health-care system.

HEALTH CARE PROGRAMS

Title I of the pending measure, which I will refer to as the committee bill, contains a variety of provisions that would establish new health services programs for veterans and improve and extend existing programs.

PREVENTIVE HEALTH CARE

Mr. President, certain provisions in the committee bill, which are derived from S. 11 as introduced, are designed to promote the provision of preventive health-care services to veterans by the VA. As the author of current law provisions which authorize the VA to conduct a pilot program through which certain service-connected-disabled veterans can receive preventive health-care services through the VA and such services can be evaluated—an authority which has been almost totally unused since it was enacted in 1979—I am gratified that the committee has agreed to my proposal to make this pilot program mandatory. Taken together with the provision in the bill that would give the agency new discretionary authority to provide preventive health-care services to all veterans otherwise receiving VA health-care services, this pilot program mandate should insure major activity by the VA in providing these services. This in turn should insure that the VA will learn a great deal more about the cost effectiveness and practicality of various preventive health-care services. In this era of increasing emphasis on reducing the cost of medical care and increasing efforts in health programs in general in the United States to prevent disease and disability, gains by the VA in this area can be translated into improved health care for eligible veterans through the VA and, as a result of the VA's significant involvement in the medical community, increased understanding generally which will be to the benefit of the Nation as a whole.

VIETNAM VETERANS READJUSTMENT ISSUES

Mr. President, provisions in the committee bill would extend the period of eligibility for the VA's readjustment counseling program for 1 year—until September 30, 1985—and would also extend the due date for and modify the content of a report from the VA related to this program.

These provisions, which are derived from provisions in S. 11, are designed to give the VA the opportunity to perform a detailed evaluation of the readjustment counseling program and to report to the Congress on this evaluation. Also, this extension will give the Congress the opportunity to study the Agency's report in preparation for taking further action with respect to this program.

As the author of the legislation establishing the readjustment counseling program, I remain deeply committed to this program and will make every effort to insure that it is maintained as long as needed to meet the readjustment counseling needs of Vietnam veterans. Information is becoming available that suggests that a longer term extension will certainly be necessary, and I fully expect the VA's report to detail this information and recommend a significant extension. I view the extension provided for in the committee bill as an interim extension that will provide the basis for future action.

Mr. President, with further reference to the readjustment problems of some Vietnam veterans, the committee agreed to my proposal to include in the committee bill another provision which would mandate the VA to carry out a comprehensive study to determine the prevalence, incidence, and effects of post-traumatic stress disorder—PTSD—and related readjustment problems in Vietnam veterans. The information from this study, as well as other information on VA policies for providing benefits to veterans suffering from PTSD and other readjustment problems that would be required to be included in the report to Congress, should be of significant value to the committee and the Congress as we consider the future shape and direction of the VA's readjustment counseling program.

PROGRAMS FOR OLDER VETERANS

Mr. President, various provisions in the committee bill relate to the VA's ongoing efforts to meet the health-care needs of a veteran population that continues to age, particularly the large number of World War II veterans who are approaching an average age of 65.

First, the committee bill would authorize the VA to develop a 4-year pilot program of adult day health care. Under this program, the VA would provide noninstitutional health-care services, as an alternative to nursing home care, to veterans who are eligible under current law for nursing home care in a non-VA facility at VA expense. Adult day health care would be provided through contracts with private providers and through a limited number of in-house efforts. These services, which could include a wide range of medical and social services and would be provided during normal working hours, would be designed so that the veterans participating in the program could be maintained at home in a supportive environment rather than be institutionalized in a nursing home or hospital. Through the pilot program, the VA should learn a great deal about the effectiveness and efficiency of various methods of providing adult day health-care services and thus be able to recommend appropriate legislation to the Congress to support future VA efforts in the area of noninstitutional alternatives for older veterans. I am delighted to have been able to collaborate closely with the chairman in the provisions that were included in the committee bill on this point which were derived from his bill as introduced.

Mr. President, other provisions in the committee bill would clarify and codify the VA's authority to administer a community residential-care program. For a number of years, the Agency has supported programs through which patients who no longer need institutionalization are referred to community homes where they receive, at their own expense, room, board, personal care, and general health-care supervision. Because of the importance of this effort in the overall range of health-care programs and because there have been some instances in the recent past where some question has been raised about the VA's authority to monitor the status of veterans in community homes, the provisions in the committee bill would give the VA specific legislative authority to carry out such a program. Specifically, the bill would authorize the VA to set program standards, to establish procedures for approving the residences, to conduct annual inspections, to examine services received by the veterans within the facilities, and to assist in the removal of a veteran from a facility that has lost its approved status. Providing such specific legislative authority should insure that this important noninstitutional program for long-term care for veterans will be maintained and improved. I feel that the committee has effectively refined and clarified the legislation proposed by the VA for these purposes.

Mr. President, another provision in the committee bill, derived from S. 629, legislation I introduced with my good friend from West Virginia (Mr. Randolph) in which we were later joined by our committee member from Pennsylvania (Mr. Specter), and directly related to providing care to older veterans, would provide for a 15-percent increase in the per diem rates paid by the VA to State veterans homes for the care of eligible veterans. The State home program is a vital adjunct to the VA's overall efforts, both now and in the future, to meet the health-care needs of older veterans. It is vital that the Federal Government continue to contribute to the total cost of providing care to eligible veterans in the various State home facilities, and the buying power of the Federal contribution has been significantly eroded by inflation since October 1980, the effective date of the last increase in the per diem rates. In line with actions taken by the Congress this year regarding cost-of-living increases, the effective date for the increase has been postponed by 6 months and specific appropriations would be required before it could become effective prior to September 1984. I strongly support the State home program and am pleased that the committee included our proposed per diem increase in the committee bill.

HEALTH CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

Mr. President, a final health-care provision that I wish to comment on would provide a 1-year extension of the VA's authority to provide, on a contract basis in Puerto Rico, the Virgin Islands, and other territories of the United States, hospital care for non-service-connected disabilities and certain outpatient treatment. As stated in the committee report accompanying the committee bill—Senate Report No. 98-145, on pages 44-45—although this extension is necessary to insure the continuity of medical care for certain veterans in the areas concerned, it is essential that the VA develop and submit to the Congress a report containing plans for meeting the future health-care needs of veterans in Puerto Rico and the Virgin Islands. Since 1978, the issue of how to meet these needs has been discussed and studied and various alternatives have been developed. To date, however, the VA has been unable or unwilling to settle on a particular approach for addressing this issue and to take the necessary steps to implement it. As a result, the Congress has had to provide a series of short-term extensions of the contract authority. It is time to put an end to this lingering indecision, and I believe the provisions in the committee bill, together with the strong views of the members of the committee on this issue, should yield needed progress. Finally, I note that the action we have taken for a short-term extension and a VA report by December 1, rather than the VA's proposal for a 3-year extension, is directly responsive to the recommendations to our committee by the delegate from Puerto Rico (Mr. Corrada), and we are grateful for his participation and good counsel.

HEALTH-CARE PERSONNEL PROVISIONS

Mr. President, I am very pleased that the committee bill contains numerous provisions, derived from S. 11 as introduced, that are designed to improve the VA's ability to attract and retain various health-care personnel employed in the VA's Department of Medicine and Surgery—DM&S.

Mr. President, these provisions represent the latest step in a process that began in 1980, when the committee was considering legislation related to DM&S personnel matters. Because of concerns expressed to the committee at the time that the VA was experiencing significant recruitment and retention difficulties with respect to certain health-care occupations within DM&S, the committee reported a provision that I authored, later enacted as section 117 of Public Law 96-330, to direct the VA to conduct a study and report to the Congress on which additional categories of DM&S employees that provide direct patient-care services or services incident to direct patient-care services should be considered for conversion from the regular civil service personnel system under title 5, United States Code, to the special DM&S personnel system under title 38.

Mr. President, the mandated report, entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to Title 38, United States Code", was submitted to the Congress on September 1, 1982. This report is a well-documented and comprehensive evaluation of the current situation regarding nontitle 38 health-care personnel within DM&S. The task force that conducted the study found that three health-care occupations in DM&S—certified or registered respiratory therapists, physical therapists, and licensed practical or vocational nurses—experience severe difficulties in recruitment, retention, and morale on a nationwide basis and recommended that they be converted to the title 38 personnel system.

Mr. President, in response to this study recommendation, I included provisions in S. 11 to convert the three occupations to title 38 but continue to leave in effect with respect to them certain title 5 provisions relating to employee probation periods, performance appraisals, and termination and disciplinary actions. After reviewing various viewpoints on this issue at the committee's March 9 and 10 hearings and responses to followup questions, the committee decided that, although a legislative solution was needed to address the recruitment and retention problems facing these three occupations, a conversion to the title 38 personnel system was not the most appropriate solution. Rather, the committee chose an approach which leaves the three occupations in the title 5 system but gives the Administrator new authorities as to these occupations for determining the qualifications of applicants, for appointing individuals to positions in DM&S, for advancing and promoting individuals, and for setting rates of pay including both basic pay and special pay for work outside of the regular workday or workweek.

Mr. President, I proposed to the committee the solution included in the reported bill because of my concern that the conversions to title 38 might have had significant undesirable economic impact on both the VA and certain employees concerned as a result of differences between the title 5 and title 38 systems. Also, I am satisfied that the approach adopted in the committee bill should yield the same result—in terms of improving the VA's ability to attract and retain individuals in the three occupations—as conversions to title 38. Certainly, if my expectations in this regard prove not to be the result and the VA continues to experience the difficulties found by the task force as to these occupations, I will urge that the committee consider further legislative action.

I also want to note that the committee bill contains a number of provisions requiring the submission of reports that are designed to keep the committee informed about the use and the impact of the use of these new personnel authorities and also about joint VA-Office of Personnel Management efforts to implement other recommendations from the task force report that do not appear to require legislative action at this time. These reports are designed both to promote

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timely executive branch action and to insure that the committee remains advised about the status of efforts within DM&S to address pressing personnel issues, and I intend to review them carefully.

WOMEN VETERANS

Mr. President, as more women enter the armed services, serve, and ultimately leave the service, the number of women veterans continues to increase. This in turn brings more women to the VA seeking benefits and services as veterans. A 1982 GAO report—"Actions Needed to Insure That Female Veterans Have Equal Access to VA Benefits," GAO/HRD-82-98—concluded that, because the VA's target population has been so predominantly male over the years, there are various shortcomings at present in the agency's efforts to meet the needs of women veterans. The committee bill contains two provisions, both derived from S. 11, that are intended to remedy, in part, this current situation by improving the agency's ability to respond to the needs of women veterans.

ADVISORY COMMITTEE ON WOMEN VETERANS

Mr. President, one provision in the committee bill would require the Administrator to establish an Advisory Committee on Women Veterans that would have responsibility for evaluating VA programs, services, benefits, reports, and other activities as they relate to women veterans; to advise the Administrator on issues concerning women veterans; and to submit an annual report to the Congress on its views and findings.

This advisory committee is a very important element in the VA's efforts to recognize and respond to the needs of women veterans, and I look forward to its establishment.

In this regard, I note that the present VA Administrator, Harry Walters, has taken steps to establish such an advisory committee on an administrative basis, and congratulate him on taking that action. I feel very strongly, however, that there is a need for a statutory basis for this advisory committee—a viewpoint that received wide support at the committee's hearings—to ensure both that it will survive the tenure of the current Administrator and that it provides its recommendations and views to the Congress as well as to the Administrator.

FEE-BASIS OUTPATIENT CARE

Mr. President, the other provision in the committee bill directly focused on women veterans would authorize the Administrator to provide on a fee-for-service basis certain outpatient care for the non-service-connected gender-specific disability of a woman veteran when the VA is unable to provide appropriate in-house care. This authority would be time-limited—it would expire on September 30, 1989—and the VA would be required to report annually on planned and actual utilization of this authority.

During the committee's consideration of this provision, the VA opposed its enactment, based on the view that the agency has or would shortly have the ability to meet the health-care needs of women veterans, including gender-specific conditions. Without disputing the accuracy of the agency's projections on this point, I believe very strongly that fee-basis authority is needed until it is abundantly clear that the VA has reached the desired goal of being able to provide equal access to health care to both male and female veterans. Also, to the extent that the VA will be able routinely to provide needed treatment to women veterans, there will be no occasion to rely on this fee-basis authority because it is being made available for use only in those circumstances where VA-provided care is not available.

STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

Mr. President, a provision in the committee bill, derived from S. 11 and Senate Concurrent Resolution 2, which I introduced with broad, bipartisan cosponsorship on January 26, would express the sense of Congress with respect to the role of the Administrator of Veterans' Affairs—specifically that the Administrator should be designated a member of the Cabinet, should fully participate in Cabinet meetings, and should be the principal adviser to the President on all matters relating to veterans and their dependents.

Mr. President, for more than 50 years, the VA has been the principal Federal agency with responsibility for providing benefits and services to veterans. Today, there are more than 29 million veterans and about 66 million dependents or survivors of veterans. Among Federal departments and agencies, only DOD has more employees than the VA, and the VA's budget—around $25 billion—ranks sixth among Federal departments and agencies. The VA operates the largest centrally managed health-care system in the United States and administers the largest direct insurance program in the country. The VA will be distributing over $13 billion in income maintenance payments and approximately $1.7 billion in education, training, and rehabilitation assistance payments in fiscal year 1983; operates one of the Federal Government's two major home loan guaranty programs, with over 4 million loans currently guaranteed; and operates 108 national cemeteries and provides burial assistance for nearly 350,000 deceased veterans annually.

In light of the VA's size and importance, the agency and its programs should be accorded appropriate recognition, status, and treatment within the executive branch. Too often this has not been the case.

To preclude recurrence of the relegation of the VA to a relatively insignificant role within the executive branch, with the Administrator having little or no access to the President or other top officials in the White House, the VA should be elevated to Cabinet-level status. Such a step would insure that the head of the VA would participate in top administration discussions and decisions, which in turn should result in greater coordination and sharing of expertise between the VA and other Government departments. It would promote greater recognition of the impact of general governmental decisions on the VA's ability to fulfill its mission.

Mr. President, I want to point out that this provision would not mandate the designation of the Administrator as a Cabinet member. The Cabinet consists of executive branch department heads and certain other officials designated by the President. Neither the Cabinet nor its membership was established by the Congress. Thus, I believe it preferable at this time, in striking an appropriate balance between the prerogatives of the President and the Congress, to exercise congressional restraint with respect to the composition of the Cabinet. Legislation mandating a specific official's membership or participation in the Cabinet should, I believe, be considered an extraordinary remedy to be pursued only as a last resort.

However, I consider it entirely appropriate for the Congress to make its view known regarding the advisability and desirability of elevating a particular official to Cabinet membership. In the case of the Administrator of Veterans' Affairs, I believe that a very strong, clear case exists for such a view.

RADIATION EXPOSURE STUDY AND GUIDE

Mr. President, provisions in the committee bill, derived from S. 11, would require the VA to contract with an outside entity, other than the Department of Defense or the Department of Energy, to conduct an epidemiological study or studies, except as such study is determined to be scientifically not feasible, of veterans exposed in service to radiation from nuclear detonations. Also, the VA would be required to develop and publish an indexed reference guide, derived from existing pertinent research compendiums, in order to provide appropriate VA personnel—including both those providing health care and those adjudicating claims for benefits—with readily usable information regarding the state of medical and other scientific information on the long-term adverse health effects in humans of exposure to ionizing radiation. Finally, these provisions would provide a process for promoting Government-wide coordination of research activities related to radiation exposure. Under this process, the President would be required to direct the VA to consult and actively coordinate with other Federal Government entities involved in radiation exposure-related studies and to report to the Congress on that effort.

At the committee's April 6 hearing on issues related to veterans' exposure to ionizing radiation, it was most evident that two important issues remain unresolved regarding the population of veterans exposed to radiation during their service—estimated to include approximately 250,000 who participated in the nuclear weapons test program and approximately 130,000 who participated in the occupation of Hiroshima and Nagasaki or transited those areas shortly after the detonations. These two issues are, first, exposure information on the veterans is certainly not complete and, second, information about the health effects in humans of exposure to low-level ionizing radiation, the so-called dose-response relationships, is also incomplete. The committee bill addresses those issues in several ways.

EPIDEMIOLOGICAL STUDY

Mr. President, the study proposed in the committee bill is very similar to the one that the VA is required to conduct, pursuant to provisions I authorized in Public Law 96-151 as amended by Public Law 97-72, with respect to the exposure of our troops in Vietnam to agent orange. There is one key difference: Whereas the VA had the option of conducting the agent orange epidemiological study by contract—an option which, more than 3 years after enactment of that law, the VA only recently decided, as I and many others had urged, to pursue—the committee bill would require that the VA itself not carry out this radiation epidemiological study but rather contract with an outside entity for its design and conduct.

Although I am far from satisfied with the record of the VA's efforts on the issue of agent orange, I believe that those efforts now, at long last, come closer to what the VA should be doing to resolve such a very difficult and large-scale issue than does the agency's attention to dealing with the health effects in veterans exposed to radiation and the impact of such exposure on those veterans and their offspring. The attitude that has seemed to prevail among some within the VA on the radiation issue is that basically the matter is closed with no questions left unanswered. It is only when confronted with the legislative mandate proposed by S. 11 that the VA has shown some willingness to reexamine its position.

Certainly, there is an evergrowing body of information—most based on followup study of the health history of the Japanese exposed at Hiroshima and Nagasaki—about the health effects of radiation exposure caused by nuclear detonation. However, there is very little information specifically related to those veterans who were actually exposed during the weapons test program or, for that matter, to the nonmilitary personnel exposed to radiation from those tests, such as the citizens in Utah who are currently engaged in litigation on the question of the Government's liability for the health problems that they contend were caused by their exposure.

Mr. President, as I indicated earlier, there are two central questions relating to the veterans' exposure to radiation that must be answered—what was the level of their exposure and what are the probable health effects of that level of exposure. Scientifically valid epidemiological study such as is proposed in the committee bill can help supply part of the missing information—namely, data as to the current health status of the veterans who were present at the Pacific and Nevada test sites or in Hiroshima and Nagasaki, the health status of their natural children, and how the health of these veterans and their children compares to that of persons not exposed to radiation from nuclear weapons. Until such information is available or until there are irrefutable answers to the questions about the level of the veterans' exposure and the effects of such exposure, many of these veterans and their survivors will understandably continue to believe that they are not receiving appropriate treatment from the VA and the Federal Government in general.

Mr. President, as a final point with reference to the proposed study, I want to note that the committee bill includes provisions that require that judgments be made about the scientific feasibility of such study before it begins. Under this provision, if the Administrator determines that any portion of the study is not scientifically feasible, the Administrator would be required to notify the appropriate committees of the Congress promptly of this determination and of the reasons for it. If the Director of the Office of Technology Assessment—OTA—were to agree, that part of the study would not be required. If the Administrator determined that taken as a whole the mandated study is not scientifically feasible and the OTA Director agreed, the entire statutory requirement for the study would lose effect.

Mr. President, with respect to any preliminary determination regarding scientific feasibility, I want to express my strong view that the Administrator should approach the study with an open mind and with an intention to proceed with it and that the Administrator should overcome a heavy presumption of feasibility before deciding that some or all of the study is not scientifically feasible.

REFERENCE GUIDE

Mr. President, the record of the committee's April 6 hearing stands as strong testimony to the value of the VA developing and making available a compilation or summary of the scientific literature concerning the long-term adverse health effects in humans of exposure to low-level radiation. At that hearing, the VA confirmed that there are at present no internal VA guidelines for developing and adjudicating radiation-related claims—claims involving issues which can be very complex. Also, there has not been a clear process for providing up-to-date scientific and medical information to VA physicians who are treating veterans who were exposed to radiation.

Mr. President, VA personnel should have easy access to useful compilations or summaries of the scientific literature concerning health effects of exposure to low-level ionizing radiation. Such a guide, indexed so as to make the information readily accessible, would be a valuable tool, both to adjudication and health-care personnel, and I am very pleased that the committee bill would require the VA to develop such a guide.

COORDINATION OF GOVERNMENT ACTIVITIES

Mr. President, as I noted earlier, the provisions in the committee bill relating to radiation-exposure issues would also require the President to coordinate fully the efforts in this area—including the epidemiological study, development of the guide, and any further research undertaken by the agency—with studies or other activities pertaining to the adverse health effects in humans of exposure to radiation that are planned, ongoing, or completed by other entities in the Federal Government. This procedure should insure that the VA is fully informed of, and gives all appropriate consideration to, the available relevant scientific information regarding human exposure to radiation, and that all Federal efforts in this area are efficiently conducted and coordinated.

Mr. President, I note that the provisions relating to such coordination are very similar to the provisions in section 307(c) of Public Law 96-151 that deal with the coordination of Federal efforts relating to the effects of exposure to dioxin. Despite my strong efforts, both with this and the prior administration, to have the President delegate the dioxin coordination responsibility so that there could be an active coordination effort undertaken, no such delegation has taken place. In an attempt to avoid such a result with reference to the provision in the committee bill, a requirement is included that, not later than 90 days after the date of the enactment of the provi-

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sion, the President would be required to submit a report setting forth a description of the steps taken and plans made to insure the required coordination.

PUBLIC LAW 97-72 HEALTH-CARE TREATMENT

As I noted in a statement in the Congressional Record on the day of the committee hearing, April 6 at S. 4201—daily edition—the VA on that day finally revised its guidelines for implementing provisions that I authored in Public Law 97-72, enacted November 3, 1981, authorizing the VA to provide health care to veterans for disabilities which may be related to their exposure to radiation or agent orange.

Unfortunately, although the VA guidelines for implementing those provisions carried out congressional intent appropriately with respect to agent orange, they were unduly restrictive with respect to veterans who were exposed to radiation. Having raised the concerns I had in this regard with the chief medical director and both the previous and current Administrators, I was gratified when Administrator Walters indicated in a February 18 letter to me that the discrepancy was going to be eliminated.

CONCLUSION

Mr. President, as always, it has been a great pleasure to work with the chairman (Mr. Simpson) and all the members of the committee in the development of legislation to meet important needs of the Nation's veterans.

This bill, as it is before the Senate today, is the result of true bipartisan effort—the type of effort that we on the Veterans' Affairs Committee always strive to put forth. I want to note the hard work of, and to thank, the committee staff members who worked on this legislation: Vic Raymond, Cindy Alpert, Scott Wallace, Tom Harvey, and Julie Susman, on the majority staff; committee editorial director, Harold Carter and James MacRae who so ably provide editorial support to the committee; and, on the minority staff, Bill Brew, Katy Burdick, Ed Scott, Jon Steinberg, Charlotte Hughes, and Ingrid Post.

I believe S. 578 as reported is a well-balanced, fully appropriate measure that, if enacted, will be of substantial help to the VA in seeking to fulfill its health-care mission. It has the unanimous support of the members of the Veterans' Affairs Committee and has wide support among the Veterans' service organizations. I urge my colleagues to give this measure their full support.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 2920, a companion House bill which is being held at the desk.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (H.R. 2920), to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed with the consideration of the bill.

Mr. STEVENS. Mr. President, I move to strike all after the enacting clause of H.R. 2920 and insert in lieu thereof the text of S. 578 as amended by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. STEVENS. Mr. President, I call to the attention of the Senate that this is just another of the bills that has come to us under the chairmanship and the leadership of the Senator from Wyoming dealing with veterans' matters. It is very complicated but, working with his colleague, the distinguished ranking member of the committee (Mr. Cranston), he has produced another bill which will deal fairly with the rights of the veterans involved. The Senator from Wyoming is doing a magnificent job in handling this committee in a bipartisan way. I think the whole Senate should congratuate him for that.

I move the third reading of H.R. 2920, as amended.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 2920) was passed.

Mr. STEVENS. Mr. President, I send an amendment to the title to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

> Amend the title so as to read: "A bill to amend title 38, United States Code, to provide for adult day health care services for veterans, to establish a Veterans' Administration Advisory Committee on Women Veterans, to promote the recruitment and retention of certain health-care personnel in the Department of Medicine and Surgery of the Veterans' Administration; to extend the period of Vietnam-era veterans to request counseling under the readjustment counseling program, to establish a presumption of service-connection for former prisoners of war suffering from dysthymic disorder, to express the sense of the Congress with respect to the role of the Administrator of Veterans' Affairs, to require the Administrator of Veterans' Affairs to conduct an epidemiological study and develop a reference guide to long-term health effects in veterans of exposure to ionizing radiation; and for other purposes.".

The PRESIDING OFFICER. The question is on agreeing to the amendment to the title.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I move to indefinitely postpone consideration of S. 578.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask my friend from West Virginia if it would be agreeable at this point to go into executive session for the purpose of considering the nomination under new reports on page 2 of the Executive Calendar.

Mr. BYRD. Mr. President, there is no objection to proceeding with the single nomination under Department of Education on page 2.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed into executive session for the purpose of considering the nomination on the Executive Calendar under new reports, Calendar No. 210.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The clerk will state the nomination.

DEPARTMENT OF EDUCATION

The legislative clerk read the nomination of Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services.

Mr. PACKWOOD. Mr. President, I rise today in support of Mrs. Madeleine Will's confirmation by the Senate as Assistant Secretary of Education for Special Education and Rehabilitation Services. In all my years in the Senate, I have rarely had an opportunity to give my unqualified personal and professional support to a nominee of Mrs. Will's qualifications.

Georgie and I have known Madeleine Will, and her husband, George, for a number of years. We have spent time socially in each others' homes and have discussed at length the full range of issues facing this country. Each time I talk to Madeleine, my

original perception of her as an unusually knowledgeable and capable person is reinforced.

Madeleine acquires and analyzes information at a rate that would astound most people, but Madeleine's strength is her approach to problem solving. She looks at each question with an open mind and a determination that is unmatched. When I say she approaches a problem with an open mind, she rapidly assesses the situation and determines what should be done, then she goes all out to accomplish it.

Madeleine's interest in the handicapped stems from personal experience. She and George have a handicapped child. Most of her extensive volunteer activities have centered around public and private endeavors to aid the handicapped.

She has spent many hours lobbying the Maryland State Legislature for aid for the handicapped. Her success in lobbying the legislature has been extraordinary and is an example of what she can get done. A big part of Madeleine's success is that her answer to every problem is not more money. I know she supports necessary funding for programs for the handicapped. But Madeleine and I both believe more dollars will not solve all the problems. Rather, novel and appropriate approaches are her forte.

Madeleine is an advocate, but she is not an unquestioning one. Madeleine's work in numerous advocacy and professional organizations for the handicapped gives her a breadth of knowledge not easily equalled. She listens to all views and works to mold the good ideas into something better. But she will not countenance unreasonable demands.

The Office of Special Education and Rehabilitative Service needs Madeleine Will's skills and talents. The success of Public Law 94-142, the landmark Education for all Handicapped Children Act of 1975, and the Rehabilitation Services Administration require strong and effective leadership. While Madeleine Will is softspoken and polite, she is unusually effective. She will fight for her views and will not compromise her conscience.

In her statement before the Labor and Human Resources Committee, Madeleine stressed her view of partnership and excellence in pursuing the goal of full participation for the handicapped in our society. Her work at all levels of service delivery and her personal integrity assure the integration of services, and the leadership and direction this office needs. I can think of few people I would rather be working in partnership with for the rights of disabled people than Madeleine.

Madeleine is knowledgeable about the subject and programs she will have to administer. She is compassionate for the constituents she will serve without being maudlin and unquestioning about their demands. I am assured she will continue her success with this administration and with this Congress in carrying the banner for a cause in which she believes deeply.

Mr. President, Madeleine has been nominated because of her ability and competence. She starts with more knowledge and ability than most people will finish with. I am proud to support her nomination.

Mr. QUAYLE. Mr. President, today I have the honor to speak in favor of the nomination of Madeleine Will to be Assistant Secretary for Special Education and Rehabilitative Services in the Department of Education. It is a pleasure to join the chorus of support that has accompanied her nomination. The administration has chosen well in selecting Madeleine for this very important post as advocate for the handicapped.

Witnesses before the Labor and Human Resources Committee were enthusiastic and eloquent in their praise of Madeleine. Her strength of character and personal integrity are qualities that should be possessed by those who hold public office.

Madeleine has demonstrated her concern and interest for the handicapped through her role as an advocate at all levels of government. She is a member of the Association for Retarded Citizens, at the national, State, and local levels. She is the founder of an early intervention program for handicapped children in Montgomery County, Md.

In her official and voluntary capacities, Madeleine has proven to be an effective advocate and she understands the need to coordinate services at the local, State, and Federal levels. Based on her experiences, Madeleine has developed her own vision of the appropriate roles for institutions to play in assisting the handicapped to develop their capacities to the fullest. I know of Madeleine's special interest in the role of community-based programs for the handicapped and her belief in educating handicapped children in least restrictive environments (LRE).

I wholeheartedly endorse the nomination of Madeleine Will to be Assistant Secretary for Special Education and Rehabilitative Services. I believe her advocacy will erase the question mark concerning the administration's commitment to assisting the handicapped.

Mr. KENNEDY. Mr. President, it is a privilege for me to support the nomination of Madeleine Will as Assistant Secretary for Special Education and Rehabilitative Services.

Mrs. Will has been called to serve in a role that bears the critical responsibility of continuing to integrate special education programs and rehabilitation services under one department. I am confident that she will work to achieve full coordination of these components so that, along with the educational needs of handicapped children, the vocational training, and employment needs of disabled youth and adults will also be fulfilled.

Mrs. Will has been an active civil rights lobbyist for people who are handicapped and a member of the national governmental affairs board of the Association of Retarded Citizens. She has shown competence and confidence in both positions. I believe that Mrs. Will possesses knowledge, experience, and a professional as well as a personal commitment to people who are disabled.

In sum, I believe that Madeleine Will brings important strengths to her assignment as Assistant Secretary and that she will serve her constituency with wisdom and compassion. I am pleased to share with Mrs. Will a firm commitment to the interests of handicapped people. I commend her to the Senate and I urge her confirmation.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. STEVENS. I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the Senate has just confirmed a talented and dedicated woman for a demanding and vital position. Madeleine Will, President Reagan's new Assistant Secretary for Special Education at the Department of Education, is a bright new hope for the millions of handicapped individuals across the country.

Mrs. Will's efforts on behalf of the Maryland Association of Retarded Citizens won her praise from individuals in and out of the disabled community, and I want to commend President Reagan for appointing her.

Mr. President, I am privileged to know Madeleine Will, and I expect that her professionalism, intelligence, and compassion will make her one of the most effective and respected spokespersons in the country for the cause of true and guaranteed rehabilitation.

But, Mr. President, her job will not be an easy one. Assistant Secretary Will can look forward to a gauntlet of regulations. She will have to master her way through the infamous Washington bureaucracy, and she will no

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doubt experience a substantial amount of frustration.

Nonetheless, I am confident that she will meet this challenge, and that her appointment will continue to be viewed as a sign of relief for those who are all too aware that there is much to be done for the disabled American.

Mr. President, I ask unanimous consent that a column written by a relative of Mrs. Will's be printed at this point in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 23, 1983]

INCLUDE THE HANDICAPPED

(By George F. Will)

In the contemporary spirit of ruthless full disclosure, I herewith disclose that I am sleeping with a government official. Any day now the Senate will do its clear and pleasant duty, confirming Madeleine Will as assistant secretary of education for special education and rehabilitation.

Without dwelling indelicately on the erotic life of Washington, let me say that I now know what it is to sleep with the Federal Register. Madame Secretary, a veteran of service with the Maryland Association of Retarded Citizens, falls asleep talking, and wakes up talking, acronyms and numbers. Remember how approvingly Keats spoke about the Grecian urn? That is how Ms. Will speaks about P.L. 94-142 and Section 504.

P.L. 94-142, the Education for All Handicapped Children Act, is to parents of handicapped children what Social Security is to the elderly: their Magna Carta. It establishes a right to an "appropriate" education in the "least restrictive environment." Section 504 (of the Rehabilitation Act of 1973, requiring that programs receiving federal assistance be accessible to disabled persons) means nothing to most Americans but everything to millions of citizens. They are citizens who have been excluded from fair social participation not because of their handicaps but because of handicapping social attitudes.

Writing in Scientific American about architectural barriers, Gerben DeJong and Raymond Lifchez argue that Section 504 regulations are government power in the service of conservative values—the escape from dependency, the achievement of self-reliance. The most pervasive barriers are attitudinal, and the worst is the belief that disabled persons are helpless and inevitably are drains on public resources.

A conservative research institution here (the Heritage Foundation) has just published the factually preposterous and morally repulsive thought that a "key reason" why academic achievement standards have fallen is that the federal government has "dismantled an academically demanding curriculum" by catering to "special-interest groups" such as the handicapped, and has "favored the disadvantaged pupils at the expense of those who have the highest potential to contribute positively to society."

Leave aside the philistine social analysis: the idea that profound changes in society's educational expectations and achievements are the result of recent Washington decisions rather than of complex and autonomous cultural processes. But note this dangerous doctrine: handicapped persons are among those getting too much public assistance because, by some cost-benefit criterion, they do not have the capacity to make a sufficiently "positive" contribution to society. Note the nasty premise: an individual's enjoyment of rights is conditioned by the individual's social utility.

It is almost demeaning to assure such analysts that equity is economical. Institutionalization of the retarded is almost never necessary and almost always an expensive incarceration of potential taxpayers. And physically handicapped persons are seeking removal of barriers to self-help.

Handiapped citizens are as fully citizens as those of us who are mentally non-handicapped or temporarily able-bodied. They are just beginning to have access to social benefits that other citizens take for granted. When P.L. 94-142 was passed in 1975, 25 percent of all handicapped children were underserved and another 25 percent had no educational programs at all; they were more excluded from society's basic benefits than black children were in 1954. Now just eight years later, we are invited to believe that federal largess toward disadvantaged pupils is a threat to America's meritocracy.

The Reagan administration's most serious self-inflicted wound has been its failure to practice creative exceptionalism. It has failed to find an area for action that is an exception to its domestic austerity and deregulation—action that would announce:

Although we conservatives believe government has been irrationally intrusive, we nevertheless know there are persons who cannot help themselves until government helps them. And we know there are conservative values that are not vivified until the federal government affirms them with strong regulations.

Instead, acting in part from unconservative fidelity to ideological abstractions, the Reagan administration aroused the anxiety of an enormous constituency—the handicapped and their friends. It did so with some contemplated "deregulations" involving P.L. 94-142 and Section 504, changes that Congress would never permit.

Even just a generation from now we will, I hope, be mortified by the memory of our complacent acceptance of the social segregation of the handicapped—as mortified as we are today by the memory of racial segregation. We are barely at the beginning of the last great inclusion in American life, the inclusion of the handicapped, and especially the mentally handicapped. This should have been, and still could be, the field where the Reagan administration confounds its critics and shows a subtlety in its conservatism.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, does my good friend have anything further to come before the Senate?

Mr. BYRD. Mr. President, I thank my good friend for his characteristic courtesy. I have nothing more.

Mr. STEVENS. Mr. President, there is an order to convene in the morning at 8:45; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. And there is an order already entered for a period for the transaction of routine morning business. Is that correct?

The PRESIDING OFFICER. That is correct.

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent, in accordance with the previous order, that the Senate stand in recess until 8:45 a.m. tomorrow.

There being no objection, the Senate, at 7:24 p.m., recessed until tomorrow, Wednesday, June 29, 1983, at 8:45 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 28, 1983:

DEPARTMENT OF EDUCATION

Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Tuesday, June 28, 1983*

The House met at 12 o'clock noon.

The Reverend Anthony Failla, St. Finbar Catholic Church, Brooklyn, N.Y., offered the following prayer:

Lord God, all-giving and almighty, we ask You to help us perceive our deliberations in the full light of Your divine plan.

Our responsibility is great, for our power comes from Your people and our actions have far-reaching effects beyond our fondest intentions and expectations.

Help us to use all the resources and data at our disposal so that, where pertinent, we will be able to respond to emergencies and crises.

We ask You also to keep in mind that much of what we enact here has a result far beyond our mortal lifetimes. As we have received a bountiful and well-planned legacy, we ask Your guidance to bequeath to future generations the legal and programmatic foundation for a life of health, dignity for the individual, and a climate of freedom for all.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 366, nays 22, answered "present" 4, not voting 40, as follows:

[Roll No. 220]

YEAS—366

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
AuCoin
Badham
Barnes
Bartlett
Bateman
Bates
Bellenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
Dellums
Derrick
DeWine
Dicks
Dingell
Dorgan
Dowdy
Downey
Dreier
Duncan
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Flippo
Florio
Foglietta
Foley
Ford (MI)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harrison
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Lewis (CA)
Lewis (FL)
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Porter
Price
Pritchard
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Sawyer
Schaefer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Zablocki
Zschau

NAYS—22

Coughlin
Dickinson
Donnelly
Durbin
Eckart
Emerson
Evans (IA)
Goodling
Gramm
Harkin
Hawkins
Lipinski
Miller (OH)
Mitchell
Roemer
Sabo
Schroeder
Sikorski
Solomon
Walker
Yates
Young (AK)

PRESENT—4

Jacobs
Lundine
Oberstar
St Germain

NOT VOTING—40

Applegate
Barnard
Bedell
Breaux
Brooks
Clay
Collins
de la Garza
Dixon
Erlenborn
Fish
Ford (TN)
Forsythe
Gejdenson
Gregg
Hall (OH)
Hall, Ralph
Hansen (ID)
Heftel
Hillis
Jones (NC)
Jones (OK)
Kemp
Levitas
Livingston
Long (MD)
Martinez
Mavroules
McHugh
Ottinger
Owens
Pickle
Pursell
Scheuer
Simon
Smith, Robert
Towns
Waxman
Wilson
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Mr. ANNUNZIO changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 272) entitled "An act to improve small business access to Federal procurement information."

The message also announced that the Senate further disagrees to the amendment of the House to the title of the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 273) entitled "An act to amend section 8(a)(1) of the Small Business Act."

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 48. Concurrent resolution providing for an adjournment of the Senate from June 29, 1983, June 30, 1983, or July 1, 1983 to July 11, 1983, and an adjournment of the House from June 30, 1983 to July 11, 1983.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

June 27, 1983.

Hon. Thomas P. O'Neill, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

Dear Mr. Speaker: I have the honor to transmit herewith a copy of the Certificate of Election received from the Honorable March Fong Eu, Secretary of State of the State of California, indicating that the Honorable Sala Burton was elected to the Office of Representative in Congress from the Fifth District of California in a Special Election held on June 21, 1983.

With kind regards, I am,
Sincerely,
Benjamin J. Guthrie,
Clerk, House of Representatives.

State of California, Secretary of State,
Certificate of Election

I, March Fong Eu, Secretary of State of the State of California, hereby certify:

That according to the official returns of the Special Election held on the 21st day of June, 1983, and the statement of the result thereof on file in my office, Sala Burton was elected to the office of Member of United States House of Representatives, Fifth district, for the term ending on the third day of January, 1985.

In witness whereof, I hereunto set my hand and affix the Great Seal of the State of California, at Sacramento, this 24th day of June, 1983.

March Fong Eu,
Secretary of State.

SWEARING IN OF THE HONORABLE SALA BURTON OF CALIFORNIA AS A MEMBER OF THE HOUSE

The SPEAKER. Will the gentlewoman from California (Mrs. Burton) kindly step into the well of the House. She may be accompanied by the senior member of the California delegation, as well as other members of the delegation.

Mrs. BURTON of California appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentlewoman is now a Member of the Congress of the United States. Congratulations.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit tomorrow, June 29, 1983, should the House be proceeding under the 5-minute rule.

This request has been cleared through the minority.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FATHER ANTHONY J. FAILLA

(Mr. SOLARZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLARZ. Mr. Speaker, the prayer this morning was offered by Father Anthony J. Failla, the pastor of St. Finbar's Roman Catholic Church which is located in the Bath Beach neighborhood of my congressional district in Brooklyn.

In addition to his pastoral responsibilities, Father Failla, who was ordained 26 years ago, serves as executive director of the Amico Community Center for Family Living, which is one of the outstanding social service agencies in the city of New York.

Father Failla is also active in a wide variety of community and civic organizations, including the Italian Board of Guardians and the Executive Board of the Bath Beach Civic Improvement Association, and on both of these organizations he serves on their board.

But insofar as my constituents are concerned, Father Failla's greatest contribution involves the reach of his spiritual commitments.

The prayer he delivered and the message and inspiration he provided this morning gives the House a rare opportunity to see what Father Failla does on a daily basis in the Lord's house at St. Finbar's in Brooklyn.

I am delighted to have been able to share him with the Congress today.

THE PRESIDENT AND THE BUDGET

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, the President has attacked the bipartisan congressional agreement on the budget and continues to threaten that the will of the majority shall not prevail, insisting that his way is the only way.

His way was proposed in his 1984 budget. It was overwhelmingly rejected in the Republican Senate Budget Committee and never even offered by the Republicans in the House.

We all need to be reminded of what the President's way was for 1984. He would increase military spending levels by $35 billion. He would cut medicare benefits by $1,700,000,000. Education programs would be cut by $1,200,000,000, employment and training programs by over $3 billion, medicaid by $300 million, child nutrition by $300 million, low-income energy assistance by $675 million, other energy investments by $1,200,000,000, and housing for the elderly by $150 million, to mention a few.

If the President believes that he can dictate these specific results by the wielding of a veto pen, he has misread the sentiment of the American people.

□ 1230

VASHCHENKO FAMILY ALLOWED TO EMIGRATE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, along with millions of other free people around the world, we rejoice today on the release of the Vashchenko family, who had been guests in the American Embassy for a great number of years. I think there is an important lesson to be learned here. A U.S. delegation visited Russia last January. When calling upon a high official in the Kremlin, we raised the issue of the Vashchenko family and their freedom to emigrate. We were assured at that conference that the Vashchenko's would be allowed to emigrate if they would merely follow the Russian law which required them to return to there hometown and then to apply for an emigration permit.

We all know though they did eventually return to their own town and apply for an emigration permit and they have been allowed to emigrate.

It is a time that we can hope that this signifies that there will be a greater freedom of emigration from Russia. We hope that this is only the beginning of a whole string of favorable emigration matters that will be considered by the Russian Government and we all rejoice with the action that has been taken.

AMERICANS TO LOSE SOMETHING VERY PRECIOUS—"UNIVERSAL SERVICE"

(Mr. SWIFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWIFT. Mr. Speaker, Americans are about to lose something that is very precious, something that they take for granted, and something they use every day of their lives. Furthermore, they are going to lose it through a process that is virtually invisible.

What they will lose is called—in the jargon of the telephone industry—"Universal Service."

Universal service is the concept that everyone's telephone is more valuable to them if with it they can reach virtually everyone else in the Nation.

Policies have been adopted at the FCC that will wipe away universal service by loading new charges onto local rates that are so high many people—the poor, the elderly on fixed incomes, and so forth—will be forced off the telephone system. That hurts them. But it also hurts every other telephone user by reducing the number of people each of us can call.

Virtually every American has a mother or father, an aunt or uncle—someone whose income is so limited that sharp increases in rates for local telephone service would threaten their ability to continue owning a phone. But their telephone is a key means we use to keep in touch with them.

The FCC decisions will—by the Commission's own estimate—raise local rates by an average of $8 per month. It can be a much greater increase—up to $30 to $40 a month—in some high cost areas.

Some have said the solution should be a welfare system to see that the poor have basic service. That is just what we do not need: another welfare program, a system of phone stamps.

Right now, we have the finest telephone system in the world. We have universal service that works. We have affordable rates. And we all benefit from this system.

So today, I am introducing legislation that will deal with the very real issues growing out of technological and judicially dictated changes in our phone system in ways that will enable the United States to retain a superb phone system, keep telephone service universal for all Americans and do so in the context of the rapidly changing technology and marketplace in which the industry finds itself.

I commend this legislation to my colleagues for their study and consideration and urge their support on behalf of the local telephone consumers all over America.

DEPARTMENT OF AGRICULTURE REFUSES TO OPEN TO PUBLIC VIEW FOOD THAT BELONGS TO THE AMERICAN PEOPLE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise on behalf of all unemployed, elderly, and poor Americans who need food.

Yesterday, I tried to visit Inland Center Caves in Kansas City, the largest of 700 warehouses contracted by our Government to store surplus food commodities. The total cost to our taxpayers for storing surplus food is over $1 million a day.

Despite earlier guarantees to the contrary, I as well as other Members of Congress, were not permitted to enter the caves because of our desire to take broadcast media to record a revealing story.

Let me give you some sense of the dimensions of this single enormous facility. It encompasses an area the size of 88 football fields. Close to half of that area—40 football fields—is stocked with butter and cheese piled 16-feet high.

In Kansas City alone, there are 727 million pounds of surplus dairy products.

I ask simply why did the U.S. Department of Agriculture refuse to open to public view the food that belongs to the American people? I ask why is Ohio's cheese allotment being cut from 239 to 66 carloads of cheese per month?

I intend to continue working with my colleagues to obtain the release of this food for Americans who need it.

WHAT IS THE ADMINISTRATION TRYING TO HIDE?

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, the Republican administration obviously has something more to hide than briefing books. Yesterday, four Members of Congress along with our accompanying media were turned away from a factfinding mission to visit the world's largest storage of Government surplus foods run under Government contract by Beatrice Foods of Kansas City.

Beatrice Foods, which receives hefty sums from the taxpayers to store this commodity, interestingly enough just assured us on Friday that we could tour the facility. But, over the weekend someone caused Beatrice Foods to do an about-face. Yesterday they closed their doors to the American people.

Mr. Speaker, we do know what is going on there. Approximately 727 million pounds of surplus foodstuffs are sitting in warehouses in Kansas City, enough to feed the poverty-stricken Americans for a whole year.

I can understand why the administration might want to hide this. I would be embarrassed, too. But I do not understand what they are afraid of. Obviously someone is making a lot of money wasting a lot of food.

American people have a right to know and we have a right in this Congress to know what our Government is hiding. They are not building nuclear warheads, MX missiles, or nuclear submarines in those caves. They are storing Government cheese bought and paid for with U.S. taxpayers' dollars.

But then I guess four Members of Congress found out what Jimmy Carter recently discovered, that this administration is good at hiding a lot of things.

IT JUST ISN'T FAIR—IT'S DIRTY TRICKS

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, the date was October 28, 1980; there was a Presidential debate between former President Carter and then-candidate Ronald Reagan.

A newspaper columnist has written "I remember that night. Jimmy Carter wore a blue suit, Ronald Reagan wore a suit of armor."

The question is: Where did he get that suit of armor? Well, it turns out now that Jimmy Carter's question-and-answer briefing book that prepared him for that debate was well, it was purloined.

And the chief of staff at the White House, James Baker III has said, he received the briefing book. He got it, he remembers, from William Casey.

Casey is the head of the CIA. I wonder who is going to investigate this matter.

The point is it is dirty tricks. It is as dirty a trick as was overseen by another Republican President, Richard Nixon. And "It just isn't fair" for the Republicans to jam the telephone lines to prevent people from calling into the Democratic telethon; it "just wasn't fair" to break into Watergate and "it just isn't fair" to have stolen Jimmy Carter's briefing book and so prepared Ronald Reagan for those debates. "It just isn't fair."

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SALLY RIDE HAS PROVEN THAT NO FIELD OF EMPLOYMENT HAS TO REMAIN AN UNATTAINABLE DREAM FOR ANY WOMAN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, it is ironic that at the same time we have sent the highly educated Sally Ride into space, the Reagan administration is withdrawing support for educational programs that made it possible for her to be there. We cannot effectively explore the final frontier until we have conquered the frontier of equal educational opportunity for all of our children. Sally Ride has proven that no field of employment has to remain an unattainable dream for any woman. It is time to move forward with title IX, to improve the quality of education for all our children, to make sure the opportunities are there for any child's inquiring mind that wants to explore them.

Women are entering institutions of higher education at record rates. Yet the Reagan administration and the Department of Education have passed up opportunities to appeal restrictive court decisions of title IX. Reagan administration officials have criticized title IX. The Reagan administration is sending a message to our Nation and to the world that it does not care about the quality of education for half of our children. If Einstein had been a girl, the Reagan administration would have told her to go home and play with her dolls.

PRESIDENT REAGAN SHOULD ACT FORCEFULLY TO SAVE LAND REFORM IN EL SALVADOR

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I call on President Reagan to act forcefully to save land reform in El Salvador.

Yesterday, Christian Democrats charged that rightwing forces are trying to destroy the land reform program.

They fear that this would strengthen those who argue that violence is the only road to justice in Salvador.

Mr. Speaker, Central Americans have endured generations of oppression and degradation.

They are crying out for a victory of justice over greed.

The United States should heed the advice of the Pope, not the oligarchy.

We must not defend an unjust status quo, promoted by the privileged few.

We should reject those who would destroy land reform, and tolerate right wing death squads.

These reactionary forces mock our values.

They aid and abet communism, by creating the conditions that Communists exploit.

By keeping the heel of the boot on the necks of the poor, they are inviting "feet people" to America, in search of a better life.

MAINTAIN THE BROADEST POSSIBLE COMMITMENT TO TITLE IX

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, I welcome Congresswoman BURTON to the House, and it is fitting that today we speak about title IX.

Mr. Speaker, title IX of the Education Amendments of 1972 opened the door to educational quality for women. The choice of careers from science to sports would no longer be denied to women. Today we see attempts by this administration to narrow those opportunities.

The intent of Congress was clear; educational discrimination on the basis of sex is illegal. Title IX does not say discrimination in the lab is all right as long as women's sports are funded. It does not say no discrimination on federally funded research projects but no discrimination to women who want to take the basic sciences. It plainly and directly says discrimination on the basis of sex is illegal.

We must join the U.S. Commission on Civil Rights in urging the administration to maintain the broadest possible commitment to title IX. We must, I believe, by resolution of this body, make unmistakable our belief in and support for the broad opportunities title IX has provided for women and insist on their widest application.

Sex discrimination in education is illegal and immoral, and we are irresponsible if we do not act to end it now.

CONGRATULATING CONGRESSWOMAN SALA BURTON ON BEHALF OF THE PEOPLE OF GUAM

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker, nothing could please me more than to join with our colleagues today to congratulate Congresswoman SALA BURTON as she is sworn in to her new office.

My friendship with your late husband is well known as is his love for the territories. I am confident that SALA will carry on in the great tradition of her husband and also reflect her own strong feelings on a wide variety of issues facing this Nation.

SALA BURTON has won her seat by virtue of hard work. She deserves to represent her district and I know she will prove to be one of the best Members of Congress, regardless of gender.

I wish her the best of success as she begins the hard work of representing her congressional district. I welcome her to the Congress and to the House Interior Committee. I know that all of us look forward to working with SALA in the days and months ahead and I certainly stand ready to do all I can to help her in any way I can. SALA, on behalf of the people of Guam, welcome to the House.

Thank you.

REFORM RULE ON LIMITING RIDERS TO APPROPRIATIONS BILLS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I think the Supreme Court's decision on the legislative veto was a correct one but it does present a problem on how to oversee and control the bureaucracy.

Some have argued as will be argued today or tomorrow on the floor that what we need to do is pass a joint resolution and get a Presidential signature on every regulation that the Government offers. I think that is an unreasonable and unrealistic approach.

But I do suggest that the leadership review the issue carefully, and we again look at the rules we passed in the Democratic Caucus last year limiting riders on appropriations bills and further limiting those riders that can be offered to the Appropriations Committee.

The power of the purse is the primary method for this Congress to control the executive branch. By limiting riders on appropriations bills, and those may be good riders as well as uncomfortable ones, we unnecessarily give up a power constitutionally given to us.

By limiting this power to members of the Appropriations Committee only, as it is under current rules, this process excludes all other Members of Congress, except in very unusual circumstances, to have that oversight power over the bureaucracy.

So, I suggest we seriously consider revising our House rules to renew the power of any Member to offer a rider on an appropriations bill so that we let the bureaucracy know that we intend to exercise our power in a constitutional and effective manner.

IN SUPPORT OF TITLE IX

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, especially on this day when SALA BURTON has been sworn in as a Member of this House, I am proud to join my colleagues in cosponsoring House Resolution 190, which reaffirms congressional support of title IX of the Education Amendments of 1972. As we all know, title IX prohibits gender discrimination in educational institutions which receive Federal financial assistance.

Less than a week from today, everyone in the United States will celebrate Independence Day. On July 4, we recall our freedoms of association, speech, religion, choice of representation, and the right to pursue happiness. I think we should view title IX in the same context. Through this important statute, every American has the freedom to pursue his or her interests within our education system without discrimination based on sex.

Title IX works, and its results are borne out in statistics on gains that women have made in education and the professions. Since title IX was introduced in 1972, the share of professional degrees earned by women has quadrupled to 30 percent. By 1980, the percentage of female students in federally funded agricultural, technical trade, and industrial programs had risen from 8 percent (1972) to 28 percent.

In giving our youth an equal opportunity in education, we invest in the future of our country, insuring economic advancement and self-sufficiency for them and greater productivity and prosperity for our Nation. We must maintain a sound educational system by guaranteeing our Founding Father's call for equity and freedom from artificial restraints.

Regulatory or court-imposed attempts to limit the scope of title IX would be a giant step backward in the progression of our democracy.

The success of a broad interpretation of congressional intent in title IX was demonstrated by Sally Ride's magnificent performance on the space shuttle *Challenger* last week. Women are free to sharpen their talents through higher education and follow their dreams to the stars. It is our responsibility as legislators to make sure they have that chance.

□ 1245

WE DON'T NEED ANOTHER VIETNAM

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, yesterday I received a very, very short, but to the point letter which I believe is indicative of true grassroots and patriotic feeling in America. I cannot imagine any place more central to America than the Eighth District of Indiana. It comes from Princeton, Ind., deep down in Gibson County:

> PRINCETON, IND., *June 23, 1983.*
>
> CONGRESSMAN MCCLOSKEY: Please, please, don't vote on anything that gets us deeper into that stupid war in Central America.
>
> Please, make them sit down and talk!
>
> I know we are selling them arms, but put a trailer on them—they must talk before they get the arms.
>
> Something must be done. We don't need another Vietnam.
>
> Sincerely and loyally.
>
> BETTY MCCANDLESS,
> *Americanism Chairman,*
> *VFW Auxiliary 1147.*

Ms. McCandless, a true American, stresses these are her individual views.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. (Mr. BROWN of California). The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, I am just concerned with fairness. We have heard a lot about it on the floor here this morning, but I understand it is the Speaker's policy to recognize those Members who wish to address the House for 1 minute in the order in which they came.

We naturally give the Democrats first preference, but it seems in recent days we see Members sitting here, like myself, for an hour and 10 minutes now and then we have other Members coming in on the Democratic side in the last 5 minutes. I would hope that the Speaker would continue his policy of once the Democrats have been recognized in the order in which they came, followthrough with the Republicans in the act of fairness and then go back to those who came in later.

Is that the policy of the Chair, Mr. Speaker?

The SPEAKER pro tempore. It is in the discretion of the Chair to recognize Members as he sees fit; however, the Chair invariably seeks to be fair in his procedures. This Chairman certainly does seek to be fair.

Mr. SOLOMON. I knew the Chair would.

EVEN THE MOST VIGILANT HAS A BLIND SPOT

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, yesterday's Washington Times reported that hearing transcripts have been altered involving Government Operations Subcommittee investigations into the silver market and the synthetic fuels program. Both these investigations, together with the EPA hearings held last July in which altered transcripts have been previously discovered, were extensively covered at the time by the network news media. However, the networks have so far failed to give the American public any word of the criminal misconduct on the part of those who doctored these transcripts. The motto of this story is "Even the most vigilant has a blind spot."

CARGO PREFERENCE RESOLUTION

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, I would like to commend my distinguished colleague and good friend and neighbor from Nebraska for introducing this resolution today. It simply expresses the will of Congress that further expansion of cargo preference, is not in the interest of the United States and should not be imposed. The current cargo preference requirements are extremely burdensome to U.S. farmers and to U.S. agricultural exports. I urge my colleagues to cosponsor this resolution.

Let me say at the outset that I believe we need a strong merchant marine that can support our Navy and commerce during times of national emergencies. However, like most in the agricultural sector, I disagree with the use of cargo preference as a means to protect the national interest in a strong maritime industry at the expense of agriculture. Furthermore, I strongly object to any expansion of cargo preference.

Many of the legislative initiatives proposed this year would expand cargo preference to the blended credit program the USDA has implemented for export sales. This would be disastrous to our efforts to rebuild agricultural exports lost as a result of the U.S. grain embargo. The blended credit program is clearly a commercial program designed to meet foreign competition in interest rates on commercial exports sales. It does not fall under cargo preference requirements. Even during the heyday of subsidized U.S. agricultural exports in the 1950's and 1960's, commercial sales were traditionally exempt from cargo preference requirements whether subsidized or not. Expansion of cargo preference to the blended credit program would render it useless as a program to promote exports and continue the slump in export sales.

Given the current budget atmosphere of record deficits, it is unlikely that Congress would increase USDA appropriations to pay the increased cargo preference costs. Expanded cargo preference will be paid by the U.S. farmers at a time when they cannot afford the additional burden. Once again, I urge your support for this resolution.

TITLE IX—A FAIR SHOT AT ACHIEVING EQUAL OPPORTUNITY FOR EDUCATIONAL ADVANCEMENT

(Mrs. SCHNEIDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHNEIDER. Mr. Speaker, recently, efforts have been launched through the courts to restrict the enforcement powers of title IX. If allowed to continue, such efforts will in effect take the teeth out of title IX's ability to fight discrimination in our educational institutions.

In response to the decisions of this past year, 170 of my colleagues have joined me in support of my resolution which reaffirms congressional support for the original, comprehensive enforcement powers of the title IX regulations.

Among my colleagues, I have found a tremendous lack of understanding about what title IX does and does not do. For instance, few Members will argue against the goal of equality in education. In fact, with the recent success of Dr. Sally Ride, Members have praised and expressed pride in the fact that a woman has broken yet another barrier of achievement. Yet, when we get down to defending programs and policies which guarantee equality to women, many Members shirk away from action.

Much of the hesitation, I believe, is due to misconceptions. Somehow, Members support equality in admissions or equality in specific academic programs but cannot support title IX because they are afraid it will weaken the hometown football team or reduce the local university basketball scholarships. For example under title 9 in NCAA intercollegiate athletic departments, colleges spend $2,156 on every female athlete and $5,257 on each male—a 144-percent difference. And while women's athletic budgets in the past 5 years have grown, men's budgets have also increased some 20 to 30 percent. Title IX does not take dollars away from men's athletic programs.

Last, an argument I hear almost daily speaks to the fact that men's sports generate revenue that women's programs do not. The truth is that close to 65 percent of all men's athletic programs failed to generate the sufficient revenues to cover expenses. This included football and basketball revenues as well.

Skeptics—wake up. Title IX does not mean coed dorms, coed bathrooms, or unisex basketball teams. It does mean a fair shot at achieving an equal opportunity for educational advancement. Surely, the next generation of women and men are entitled to this.

CONDEMNING PROTEST AT VIETNAM MEMORIAL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, last week, I joined Congressman CHRIS SMITH and 22 other Members in signing a letter to Secretary of the Interior James Watt. We have asked him to keep this Saturday's protest against U.S. policy in Central America from being staged within obscenity-shouting and rock-throwing distance of our Vietnam Veterans Memorial.

The issue, Mr. Speaker, certainly cannot be free speech. Lord knows, any group of Marxists, peaceniks, and assorted sixties leftovers is certain to get their chance to mouth off in front of the TV cameras most any time they want.

But I, for one, resent seeing the polished black granite slabs of the Vietnam Memorial being used as the set for this anti-American extravaganza. Most of all, I resent seeing the names of 57,000 dead Americans used as silent extras in a loud and sordid production that will mock their patriotism and their sacrifice.

It is time to bring the curtain down on this mockery. It is really just a tired rerun of those street productions staged a few years back, with words and music by Daniel Berrigan and Abbie Hoffman.

This time, though, the arena is different. You can say what you want about the design and the setting of the Vietnam Memorial. But one thing is certain—we built it for our brave fallen soldiers, not Jane Fonda.

HOSPICES SHOULD BE ALLOWED TO SUBCONTRACT WITH MEDICARE CERTIFIED PROVIDERS

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, over the past few years, health care providers and the Government have been searching for more humane ways to care for the terminally ill. Hospices provide a unified approach to death that combines medicine with humanistic concern for patients, giving them the chance to die with dignity and less pain among those who care about them most. As part of that effort, the Congress last year passed legislation designed to promote hospice care by making it eligible for medicare reimbursement.

Much attention has been focused on proposed regulations—now being rewritten—that would have severely limited the amount of care medicare would pay for. But a less noticed provision in the actual law could have an equally debilitating effect.

Included in the Tax Equity and Fiscal Responsibility Act were provisions to extend reimbursement under medicare to hospices—but only to those able to provide all of four specific core services directly to patients. As the law is written, a majority of hospices in the United States are prohibited from medicare coverage because they subcontract health care services—a practice current HHS regulations does not permit.

The effect of this regulation in New York State would be to make 92 percent of the hospices participating in the State's 3-year demonstration program ineligible for medicare. Similarly, 53 percent of the hospital-based hospices in the State would be ineligible.

We should be doing all we can to enable the terminally ill receive humane care at home. I strongly support the efforts to change portions of existing law to allow hospices to subcontract with medicare certified providers. Each community has to determine its own needs, resources, and objectives while offering a decent, compassionate approach to the care of the terminally ill.

□ 1300

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

(Mr. McKERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKERNAN. Mr. Speaker, as we talk about title IX today, I would like to share with my colleagues a brief article which appeared in the June–July 1983, Women's Equity Action League "Washington Report" on women in education.

While the success of title IX is proven in the vastly increased higher education accomplishments of women students, the growth in student opportunities since the passage of title IV has not yet translated into professional advancement for women in education. This report indicates that in the fall of 1980, over half of the college population were women. Participation in nontraditional fields has skyrocketed. Women went from 4 to 25 percent of business students, from 9 to 23 percent of medical students, and from 7 to 31 percent of law students.

But also in 1980, women held only 26 percent of the full-time faculty positions, only 10 percent of the professorships, virtually the same as in 1970. Women on campus in 1982 were earning 85 percent of the salaries of their male coworkers.

Title IX has been a success. We need to continue with title IX, and I am proud to be a cosponsor of Congresswoman SCHNEIDER's legislation, and I encourage my colleagues to join me in this show of support for title IX.

EMPTY FIELDS, EMPTY STORAGE BINS, EMPTY STOMACHS

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I want to present to my peers today another pertinent paragraph in the preposterous panorama known as PIK. Today's paragraph is entitled "Empty Fields, Empty Storage Bins, Empty Stomachs."

Mr. Speaker, under the payment-in-kind (PIK) program, the taxpayers are paying for empty fields. As a result of that program, the taxpayers are also paying premium prices for empty storage spaces. In Oakland, and in many other parts of the country, there are empty stomachs.

The facts about taxpayer payment for empty storage bins is detailed in the latest issue of Farm Journal.

Last year, with huge surpluses looming, the USDA through the Commodity Credit Corporation began leasing large amounts of storage space to deal with the grain. Then came PIK, which gave farmers the surpluses for not planting. However, the storage space remained under contract:

> As a result, the CCC could end up paying millions of dollars for storage space even though it no longer owns any grain. . . . With PIK payments already beginning in some parts of the country, the future of the grain stored under these long-term contracts is uncertain. What is certain is that the CCC is obligated to continue paying.

I hope that the USDA can at least be innovative in the use of this empty space, rather than letting it go to waste. The bins could be used to house the tens of thousands of homeless. Perhaps the Department could rent them to the Pentagon so that the homeless MX could be temporarily housed in these "grain silos."

More seriously, Mr. Speaker, our Nation's farmers are in desperate straits. PIK has helped them to make it through another year. Though I think PIK has benefited the farmers, I believe it was more by accident than design and that a much less costly and more effective program could have been designed. The boondoggles that have and are occurring, such as paying for nonstorage costs, are going to continue to cost the taxpayers billions and do nothing to solve the root causes of the farm problem.

CHILDREN ARE DYING OF STARVATION IN ETHIOPIA

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, I am concerned that sometimes we get so involved in crossing the t's and dotting the i's that we really miss the important things happening in the world.

Fifty to a hundred children are dying a day in Ethiopia. Fifty to a hundred children are dying a day in Ethiopia of starvation. It is feared that there will be up to 200,000 people die this year in Ethiopia of starvation.

Now, I do not think there is any magical answer to the Ethiopian disaster. I am not saying the United States can move ahead and just eliminate starvation in Ethiopia overnight. The problems are complex. But we can certainly do much more about it than we are. And when you have that sort of a international disaster going on in this world, a great nation should be saying: "What can we do to try to correct that?"

There is no excuse for not trying to save 200,000 lives. We have a responsibility to do all within our power to help the starving people of Ethiopia.

FAMINE IN ETHIOPIA

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DASCHLE. Mr. Speaker, I rise to voice my deep concern for the starving people in Ethiopia and my anger over our Government's response to this tragedy.

It is estimated that 100 children a day are dying of starvation in Ethiopia. And the death toll is expected to increase until the November harvest. Many have expressed the fear that the famine may take the lives of at least 200,000 people.

And what has been the response of the U.S. Government? It has been very little indeed. Catholic Relief Services requested food for Ethiopia in December, and 5 months later, the American Government finally released 4,000 tons of grain. And a month ago 70 Members of Congress wrote the Agency for International Development asking that we help fill the United Nations' request for $35 million for emergency aid for Ethiopia. And what has been our Government's answer? The answer has been no answer. No response has been made to the 70 Members of Congress.

While it is proper for the United States to weigh political considerations in our foreign aid decisions, the starvation of thousands of people, most of them children, should not be viewed as a political situation. Dying children are not Marxists, Communists, capitalists, or Socialists. They are desperate, dying human beings. And we should help them. We have the ability to help them.

Many of you have been reading the series by Jay Ross in the Washington Post about the famine in Ethiopia. The picture and the account of the 2-year-old girl who weighed 9 pounds, and who is surely now dead, really says it all. As a parent of three children, I compare them to this child in Ethiopia and also think of what the parents of that child are enduring, and I have no patience for the silence of the State Department and the hedgings of Jean Kirkpatrick. They bring to mind the words of Bob Dylan, "How many times must a man turn his head and pretend that he just doesn't see?"

THE IMPORTANCE OF TITLE IX

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, last week I was privileged to witness the launch of the space shuttle *Challenger*, which among many other important achievements, carried the first American woman into space. The thrill of Sally Ride's accomplishment was shared by each and every American.

This achievement was possible in large part because of the extraordinary determination and talent on astronaut Ride. But it was also a tribute to the two-decade long struggle to break down the barriers to equal educational opportunity for women. Our progress has been substantial, but the struggle is far from over.

Unfortunately, many of our hard-won gains remain in jeopardy. By the end of this week, the Justice Department will offer an opinion on the scope of title IX of the Education Amendments of 1972, the most important legislation guaranteeing women equal access to educational opportunities. At issue is whether title IX's prohibition on sex discrimination applies only to a program receiving direct financial assistance or extends more broadly to any school receiving, Federal financial assistance. To limit title IX to only those programs receiving direct Federal assistance would be an unconscionable retreat on this country's commitment to equal educational opportunity for women.

BRIDGES AND HIGHWAYS SHOULD BE SAFE

(Mr. MORRISON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Connecticut. Mr. Speaker, last night in Connecticut we suffered a tragedy on one of our highways due to the collapse of a bridge on Interstate 95. At least three people are dead because of this tragedy, and I think it is important for the House to pause and reflect on why this has occurred.

Two things are important: First, the deterioration of our infrastructure around this country is not a minor matter. It is an emergency. The White House should not be asking us to defer spending on funds that are being collected from the highway trust fund. We need to move ahead on an emergency basis to make our highways and bridges safe again.

Second, much of the deterioration is caused by heavy trucks, a situation that will be further aggravated by the House's recent decision to override the views of States like Connecticut about the weight and size of trucks that should be traveling on these highways. States know best as to whether their highways are safe and can accommodate tandem trailers and larger trucks, and I hope this House will look favorably on reconsidering its mistake of last December in overriding the decision of States like Connecticut in this area.

HOUSE LEADERSHIP SHOULD COME CLEAN ON ALTERED TRANSCRIPTS

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, earlier today it was suggested that this administration might have something to hide. What I am convinced of at this point is that the leadership of this House must have something to hide, as well.

At least in the matter of the doctored and altered transcripts that have emerged from some of the committees of this House, we find that, stone by stone, the wall around here is getting higher and higher as the leadership does not allow a proper examination of that issue.

For example, some of us who feel that damage has been done by that incident asked that documents in the Government Operations Committee over the past 2 years be set aside for examination. That was done in a letter from the chairman of that committee. However, just today, just a few minutes ago, a member of the minority staff asked to begin review of those documents, to put them side by side and find out whether something has gone wrong. That was denied. These are public documents that we are asking to review, and it was denied.

We are dealing with criminal misconduct in this case, and the House evidently is not willing to be dealt in.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF THE COMMITTEE ON THE JUDICIARY TO SIT ON TODAY AND TOMORROW, DURING 5-MINUTE RULE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on June 28 and June 29, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of the meeting on the 28th is for markup on two public bills and several private bills, and the purpose of the meeting on the 29th is for a hearing on H.R. 2327, the Regulatory Reform Act of 1983.

The minority has been consulted and has agreed to this unanimous-consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was not objection.

THE RELEASE OF 15 PENTECOSTALS BY SOVIET UNION

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, a little over a year ago, while in Moscow visiting Jewish refuseniks, I had the rare privilege to meet with the then seven Pentecostal Christians who had taken refuge in our Embassy. After about an hour of enlightening but heartbreaking conversation through an interpreter, we had a time of prayer led by Peter Vashchenko. Peter's words were moving, inspiring, and courageous. Despite setbacks, obstacles, and apparent futility, Peter was convinced that persevering faith and abiding hope would prevail in the end. I think it is highly significant that during our prayer he not only prayed for himself and his family and friends, but he prayed for all of those who are suffering oppression and religious persecution in the Soviet Union. He even offered a word of prayer—of forgiveness—for those who were responsible for his exile. I do not think any better example of Christian charity is to be found anywhere.

Mr. Speaker, today's heartening news of the release of the 15 Pentecostals is compelling testimony to their perseverence and faith in Jesus Christ.

Finally, Mr. Speaker, I think the Soviets should know that we are truly grateful for this positive gesture and that we look forward to additional signs of goodwill that will do much to mend and repair relations between the United States and the U.S.S.R.

A $73 BILLION TAX INCREASE

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, last week the majority of this body passed the first budget resolution for 1984, and in the resolution were provisions that would increase taxes on the American people by $73 billion over 3 years.

Not one individual that I know took the well to explain in his own mind how best that $73 billion would be raised.

Mr. Speaker, I think this would be a better institution, I think Members would be a lot more intellectually honest with themselves and their constituents if, at the same time they voted to raise taxes by billions of dollars they came forward and explained to their constituents and the American people exactly what taxes they were going to impose and who would have to pay them.

A POINT OF PERSONAL PRIVILEGE

Mr. GREGG. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The gentleman will state the question.

Mr. GREGG. Mr. Speaker, on July 21 and July 22, of last year, I participated as a member of the Science and Technology Committee in joint hearings before that committee. The printed hearing record of those hearings was not received until April 27, of this year. Upon review of that official record, I discovered that several statements which I had made during the course of those hearings were materially altered in such a way as to reflect upon my integrity and conduct during those hearings.

While the falsification of a House document is clearly a matter involving the integrity of the proceedings of this body, the alterations of my remarks, without my permission, affects my rights as an individual Member in my representative capacity. I therefore rise to a question of privilege in order to clarify the record on this matter.

The SPEAKER pro tempore. The gentleman states an appropriate point of personal privilege, and the gentleman is therefore recognized for 1 hour.

Mr. GREGG. Mr. Speaker, I take this matter of personal privilege extremely seriously. It is the first one that I have ever sought on this floor and, quite honestly, I hope it will be the last. Personal privilege in and of itself reflects a seriousness of purpose and a recognition that something extraordinary has happened within the legislative process. And in this situation, the extraordinary occurrence is

one of extreme severity and one which reflects and seriously threatens the integrity of this House and the processes of the House of Representatives.

The hearings which I have referred to were hearings involving five subcommittees of three major committees of the House of Representatives into the activities of the Environmental Protection Agency. The subcommittees involved were two from the Government Operations Committee, two from the Science Committee and one from the Commerce and Energy Committee.

The Government Operations Committee subcommittee chairman, Mr. Toby Moffett of Connecticut, was the chairman of the hearing process. The Science and Technology Committee rooms were used as the location of the hearings. During that hearing process, there were numerous intense exchanges between the minority and the majority. There was a perception within the minority that we had been ill-advised and kept unadvised by the majority as to the manner and processes of the hearing, that witness lists were not made available, the testimony was not made available, that the direction and purpose of the hearings were not made available.

During one of these exchanges, when I was questioning the activities of the majority in this hearing—and let us remember that this hearing was taken down in a verbatim transcript by a court reporter who was serving the legislature at that time, and all witnesses were put under oath.

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I asked a question, or made a point which involved the following statement:

> I look at the staff over there, and I wonder how we have so many staff members on the majority side they did not have the time to get back to us.

That was what I said at the hearing. That is what appeared in an original transcript which we discovered. In the transcript as printed, which printing occurred under the auspices of the majority staff of the Government Operations Committee, Subcommittee on Environment, Energy and Natural Resources, that statement was reported in this manner:

> I look at the staff over there and I wonder how we have so many staff members on the minority side they did not have time to get back to us.

The term "majority" which I had used was turned around 180° and replaced with "minority."

Further in the hearing I was discussing the activities of the EPA and the State of New Hampshire where we have had considerable contact with the EPA over hazardous wastes. My statement in the record was as follows:

> There were no partisan attacks on the EPA's failure to come into New Hampshire.

That was my statement in the original record. I better make that clear. We are talking about two different records, what was the record that was actually created and what was the record as was alleged to have been created and printed. In the printed copy of the testimony as presented and put forward as the accurate statement of that hearing, that statement which I just read to you, the original statement being, "There was no partisan attack on the EPA's failure to come into New Hampshire," was changed as follows:

> There were no partisan aspects to the EPA's activities in New Hampshire.

The two statements bear almost no relationship to each other. One involves what we did relative to the EPA, how we as Members of Congress and also as people working in the State, the State-elected officials, related to the EPA; the other statement, just the opposite, involves how the EPA related to the State of New Hampshire when it was working in New Hampshire.

Those are two of the changes which occurred to my statements at that hearing in that transcript. There were, however, over 112 other changes in that transcript, at least 20 to 30 of which were substantive changes, the intention of which was to change the direction, the meaning, the purpose of the minority member making that statement or to add meaning and purpose, and in some cases entire phraseology to the majority member who was making a statement.

There were also, during that hearing, a number of documents submitted for the record, at least eight, which never appeared in the record as printed.

Now, there was an underlying theme to the changes also, and I think that is important. The theme of the changes was to make Republican members who were participating in that hearing appear less knowledgeable, less competent, and unfortunately, ineffective, and to make the majority members, at least in two instances, the chairman of the hearing and one other member, appear to be much more responsive to points which were raised by Republican members than they had actually been.

Further, there were changes which went to the witnesses' statements. Witnesses who had been called by the committee to testify before the committee, their statements were changed without their authority and in a rather dramatic way.

On top of this, specific hearings which many of us last week talked about on this floor, which we had hoped was a single incident and one which just was an aberration of the system, we now discover that other transcripts from other hearings have been altered in material and substantive ways. Again, the Government Operations Committee, Subcommittee on Energy, Environment, and Natural Resources, while holding a hearing under Congressman Moffett, this hearing involving the Synthetic Fuels Corporation, it now appears, although we have not been able to get access to the original documentation but we think we have enough access to be fairly confident, that that transcript was doctored.

Another situation on another subcommittee, the Government Operations Committee, Subcommittee on Monetary and Consumer Affairs, in a hearing involving the silver issues which were raised back in 1980, it now appears, and we have definite documentation that those transcripts were dramatically altered in relationship to one of the testimonies of one of the people brought up here from the executive department to testify before that committee. That committee was chaired by the late Benjamin Rosenthal.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I will yield to the gentleman from Pennsylvania for purposes of debate.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, if I understand the point that the gentleman is making, what we are now finding is that we are not dealing with an isolated matter here as originally was perceived; we are dealing with a systematic attempt to change records in a number of very controversial matters, things took place in this Congress, which are 180 degrees different from the actual fact.

Do I understand the gentleman is saying that it goes to at least three very controversial hearings that were held in the Government Operations Committee?

Mr. GREGG. That is correct.

Mr. WALKER. The silver hearing was given a lot of media attention, there was an awful lot of talk about that around the country. There was television and media attention on that. The same thing was true of the synfuels hearing. The same thing was certainly true of the EPA hearing.

In other words, the final public document then reflects something wholly different from what the public was led to believe along the way, or at least the majority is attempting for the sake of history to make something appear different than what actually took place?

Mr. GREGG. That is correct.

Mr. WALKER. If the gentleman will yield further, I thank the gentleman, because I think that this puts the whole issue into some new light. What we are now finding is that the matters that concerned us because we were directly affected by those original transcripts now go far beyond that and appear to be a systematic effort to change the record of this House.

That is a matter of the highest significance because it involves the very integrity of our proceedings, and I think the gentleman is to be congratulated for bringing this to us here on the floor, because we are dealing with a very serious matter that, as I mentioned earlier today, is a matter of criminal misconduct.

Mr. GREGG. The gentleman is absolutely right. It is a matter of criminal misconduct, and just to get the whole issue out on the floor, we are talking about a series of hearings which had substantive changes in the transcripts, and let us remember what these transcripts are used for.

First, they are used to establish legislative history, not only for this Congress as a body, but for all the court decisions which arise out of the laws which we create. The very essence of the system of this country is our laws, and yet the decisionmaking process on those laws is being threatened by the fact that we have changed, fundamentally changed, or somebody has changed in an organized manner, it would appear, the transcripts from these hearings.

Second, these transcripts as printed represent for us our history. This is the history of the U.S. Congress, the greatest deliberative body that has ever been brought forth on Earth, on civilization, and yet we, as a deliberative body, are finding that our transcripts have been changed and our purposes changed within those transcripts.

That goes to the fundamental issue of the integrity of this House.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. Yes, I would be happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, I believe that there is one further very serious issue that has not been given too much discussion, and that is the potential of someone being prosecuted and convicted of perjury based upon a doctored record.

In all of the EPA hearings held last July that the gentleman has raised his point of personal privilege on, the witnesses were sworn to tell the truth, and they gave their oral and written communications. However, if the oral and written communications were changed, as has been the case in some of the witnesses, then a witness could potentially subject himself to perjury based on a record saying something exactly the opposite of what he actually said.

This is a very serious offense, and given the emotionalism surrounding the Environmental Protection Agency during the administration of Ms. Burford, I think that we have got to look very seriously at the chilling effect that this will have on a witness wanting to come to appear before the Congress to tell us how an administrative agency is discharging its responsibilities under the law. If what appears in print is different from what is actually said and one is thus subjected to potential criminal prosecution as a result of this, certainly the Congress ability to conduct oversight investigations into executive branch functions is certainly going to be substantially hampered.

For that reason, I salute the gentleman from New Hampshire for bringing this issue to the floor because I believe that we are going to have to get through the wall of coverup that is coming around this issue, as the gentleman from Pennsylvania (Mr. WALKER) said earlier on today, and find out who has been doctoring these records, fire those people from the staff, and submit the matter to the Justice Department so that they can be prosecuted for what they have done.

Mr. GREGG. And it should be noted, of course, that the silver hearings were equally as controversial as the EPA hearings, and perjury could certainly arise out of either of these transcripts now that they have been doctored, and who knows what other transcripts? We have not had access yet to get into the other issues.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Speaker, the gentleman has been talking about altering of transcripts of hearing records, but I must tell the gentleman, as he was discussing this issue, it brought back to mind other things that we might look into, and that is the question of what reports show as opposed to what was discussed in committee. Let me give an example.

On some hearings that I am personally involved in, there was an attempt made to insert into the record for the purposes of the report matters that had not been discussed within that hearing. I also remember a couple of other instances where subcommittee staff has put out as subcommittee reports, studies that have been done elsewhere, and that they then published as subcommittee reports and the subject matter was not a matter of the hearings.

So it goes far beyond just that very serious changing of transcripts that the gentleman is talking about, but also the reports are read many times in order to develop the history of what happened and how the legislation came into being.

So it is my impression that with the discussions here this morning and the things that I am personally aware of, that staffs who put those reports together really take some tremendous liberties. It is a serious, serious matter and I am glad that the gentleman has taken this opportunity to bring it before the full House. I commend the gentleman.

Mr. GREGG. I appreciate the comments of the gentleman from New Mexico.

I was not aware of these instances that he is referring to. I think that just reinforces my concern that we have some open and affirmative investigation of this whole issue, because clearly, at least within the Committee on Government Operations we are seeing a fairly extensive situation, and now the gentleman is talking about other committees with the report issue. We have got to get into this in an open way, I believe.

Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Mr. Speaker, I think all of us naturally are quite concerned about what transpired in that particular EPA hearing last July, but I know the gentleman is also immensely concerned with other possible criminal conduct relating to other hearings.

I wonder if the gentleman might just bring us up to date on where the process stands in our trying to evaluate previous hearings and previous transcripts to check it with the printed record within the Government Operations Committee.

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Mr. GREGG. Mr. Speaker, we wrote the chairmen of the Committee on Government Operations, Committee on Science and Technology, and the Committee on Energy and Commerce, and asked all of them to make available to us records of not only this hearing, the EPA hearing, but, in the case of the Government Operations and Science and Technology Committees, extensive records on other hearings in which the subcommittee is involved, in the EPA hearings, or would have been involved in, such as the synfuels hearing.

At this time part of the records have been made available to us, but the balance of the records, as, I believe, one of the Members in the 1-minute speeches this morning alluded to, are not being made openly available to us and our staffs. They are being made available to our staffs or to ourselves in our controlled environments, but without staff participation, and clearly we do not have the capacity or the ability to go through and, page by page, compare the original transcripts with the printed transcripts, which is exactly what has to be done here. Thus we are being stonewalled a bit.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, is the gentleman from New Hampshire telling the House that the majority staff has got access to these transcripts and records but the minority staff does not?

Mr. GREGG. I could not allege who has access to them but clearly the minority staff does not.

Mr. HILER. Mr. Speaker, will the gentleman yield at that point?

Mr. GREGG. I am happy to yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, may I ask, are we talking about transcripts of the actual hearings that took place?

Mr. GREGG. We are talking about the original transcripts, which in our opinion are public documents.

Mr. HILER. We are talking about the original transcripts which are supposedly the verbatim recordings of what actually happened in the hearing, and those are not being made available to minority staff to look at?

Mr. GREGG. That is correct.

Mr. HILER. It seems rather phenomenal to me that we have a situation here where we are taking the official public record of what transpired in this House and it is not being made available to our duly appointed representatives in order to look at that material to determine whether our remarks have been altered, changed, or whatever, including anyone else's remarks. It seems rather incredible to me that our staff people would be denied access to look at the original transcripts of the hearings that took place over the last 2 years.

Does that not seem rather outlandish to the gentleman from New Hampshire?

Mr. GREGG. I do not see how we can get to the bottom of this issue and determine what other committee hearings may have been changed or may not have been changed unless we as the minority members who serve on those committees and who are grieved by this situation have access to the original transcripts so that we can make a side-by-side comparison through our staffs, because clearly we are not going to do it. We do not have the time nor the capacity probably to do it.

Mr. HILER. Mr. Speaker, will the gentleman yield further?

Mr. GREGG. Yes, I am happy to yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, it seems rather incredible to me that just today we had several 1-minute speeches taking place talking a great deal about whether the administration had access or did not have access to a briefing book in the debate several years ago—we have, I believe, one subcommittee that is currently having hearings on this matter—and we in the House of Representatives cannot even get the official transcripts of hearings that we participated in that have been altered.

Mr. GREGG. I agree that it certainly is ironic.

Mr. COATS. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Indiana.

Mr. COATS. Mr. Speaker, I am astounded to hear about the situation that exists here, and I think it certainly is a black mark on the proceedings of the House of Representatives that such a thing has taken place. It is apparently the epitome of arrogance that the committee staffs are exercising in terms of actually altering transcripts on a partisan basis to make the minority look bad. I think that is very regrettable. It is regrettable that this House has to even discuss such a situation.

I am curious about this. The gentleman has indicated that he apparently is currently undertaking his own personal investigation with his own staff; the Member himself has to make a side-by-side comparison between the original transcript and the altered transcript. Can the gentleman give me any indication of what official actions are taking place in this body in terms of an investigation in this matter?

Mr. GREGG. Mr. Speaker, the initial side-by-side comparison or the initial error which sparked the larger, more expensive discussion was found by a staff member of, I believe, the gentleman from Pennsylvania (Mr. WALKER). On the discovery of that, a written request was made to the chairman of the three committees involved or the subcommittees that were involved in this hearing to have a further, more extensive investigation, and the majority of the Committee on Science and Technology, under the direction of its chairman, the gentleman from Florida (Mr. FUQUA) on its own initiative, and aggressively, did a side-by-side review, which was totally accurate as far as we know—and I beleive it to be—and went the extra mile in trying to find out what type of errors had occurred.

Mr. COATS. And what about the other two committees?

Mr. GREGG. Well, at this time, once that had been done by the Committee on Science and Technology, we then asked for a hearing in the Science Committee, because the Science Committee had been the lead committee, although the chairman of the hearings had been Mr. Moffett from the Committee on Government Operations—the Committee on Science and Technology was technically the lead committee—we then asked for a hearing on the Science Committee, at which hearing the minority requested that we have a hearing on investigating further what happened so we could find out who made the changes and why they made the changes.

That request by the minority was defeated basically on a party line vote and replaced by a request by the majority to send the whole matter on this hearing, only the EPA hearing, to the Ethics Committee, at which time the monority requested that at least the Ethics Committee be directed to hold an open hearing, and that the documents which went to the Ethics Committee be still made available to the minority, because once the issue goes to the Ethics Committee, the document may not be available to anybody except the Ethics Committee.

That open hearing request was beaten on a party line vote, and the request for the documents was agreed to.

So we now stand with the Science Committee having passed a resolution to send the EPA hearing—not the synfuels or the silver hearing or any of the other Government Operations Committee activities, but the EPA hearing—to the Ethics Committee, and we have a request that we still be allowed access to the documents. But we have to remember that when it goes to the Ethics Committee, it becomes basically a closed investigation, and should the person or persons who are identified as having done this resign or quit, as long as they are a staff person and not a Member, then the Ethics Committee loses jurisdiction and the whole matter is mooted out.

So that is where it stands in the Science Committee. On the Government Operations Committee side, we have asked, as I was mentioning and as the gentleman from Pennsylvania (Mr. WALKER) mentioned, for access to more transcripts, original transcripts, of other hearings held by the two subcommittees which we have now identified as having changed transcripts, and so far our access to those transcripts has been limited in scope as to staff review of them, not in scope as to members' review.

Mr. COATS. Mr. Speaker, will the gentleman yield further?

Mr. GREGG. I yield to the gentleman from Indiana.

Mr. COATS. Mr. Speaker, did I hear the gentleman correctly to say that we have documented proof that original transcripts have been altered in such a way as to put the minority in a ludicrous position? We have documented proof of that, and yet when we asked the committee to undertake an investigation of this matter, the investigation was voted down on a partisan basis?

Mr. GREGG. Well, I would not say it was partisan. There was one Repub-

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lican who voted with the majority. But the matter was sent to the Ethics Committee on what was essentially—well, it was a party line vote, yes. I suppose that is partisan.

Mr. COATS. Mr. Speaker, will the gentleman yield further?

Mr. GREGG. I yield to the gentleman from Indiana.

Mr. COATS. Am I correct in thinking that there may be some criminal violation here?

Mr. GREGG. There is no question but there are criminal violations.

Mr. COATS. Has the matter been referred to the Justice Department?

Mr. GREGG. At this time it has not been referred to the Justice Department.

Mr. COATS. What has to take place for the matter to be referred to the Justice Department?

Mr. GREGG. We are not absolutely clear on that, but I would anticipate there will be some move to try to refer this matter to the Justice Department.

Mr. COATS. Mr. Speaker, if the gentleman will yield just one more time, for the sake of the integrity of this body, whether we are talking about a Republican matter or a Democratic matter, a majority matter or a minority matter, for the sake of the integrity of this body and the integrity of the Members who sit in this body, I would think that every Member, whether Republican or Democrat, would want to get to the bottom of this and would want a full investigation. If a criminal violation has occurred, it ought to be prosecuted to the fullest extent.

We cannot continue to command to the extent we should the confidence of the public if we are not willing to undertake an internal investigation or an external investigation of acknowledged, recognized wrongs that have taken place in this body.

I think a great deal is at stake here, and I commend the gentleman for bringing it to our attention. I regret very much that the gentleman has found a lot of stonewalling and a lot of putting it under the rug and a lot of covering up on what I think is a very important issue.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I have listened with great interest to the debate over this topic that was considered last week in reference to stonewalling and covering up and the like.

Would the gentleman advise me, is this not the same matter that we discussed for almost an entire day last week in the Committee on Science and Technology?

Mr. GREGG. Yes; it is.

Mr. DURBIN. Is it not the same matter that we voted to refer to the Ethics Committee?

Mr. GREGG. Yes; it is.

Mr. DURBIN. And is it not true that the Ethics Committee is equal in its partisan breakdown?

Mr. GREGG. That is correct.

Mr. DURBIN. So there is no party advantage in referring it to that committee; is that not correct?

Mr. GREGG. Well, there is significant party advantage in referring it to that committee. The party advantage—I am not sure that party advantage is correct, but there is a significant advantage or effect in referring it to that committee versus having an open investigation within the Committee on Science and Technology.

Mr. DURBIN. Would the gentleman question the ability of this committee, the Ethics Committee, to operate in a nonpartisan manner?

□ 1340

Mr. GREGG. No; I do not question the ability of that committee to operate in a nonpartisan manner.

Mr. DURBIN. Could I ask the gentleman further, when this debate is finished, will we not both be handed at some point during the day a copy of the transcript of our spoken remarks here on the floor?

Mr. GREGG. That is correct.

Mr. DURBIN. And will we not both then have an opportunity to add, delete, change, or make wholesale fabrications in that transcript, the official transcript of the U.S. House of Representatives?

Mr. GREGG, Well, that is absolutely correct, but as the gentleman mentioned, first, we will have the opportunity to do that. Should the gentleman do that, I do not know; but it will not be done by a majority staff member with the intention of changing the purpose of the remarks.

Mr. DURBIN. If the gentleman will yield further for just one second, if I might finish.

I do not for a minute attempt to justify what has happened with the committee proceeding; but as we discussed in the committee, when we look to the proceedings on the floor of the U.S. House of Representatives, every Member after they have spoken on the floor is given an opportunity to make wholesale changes in the transcript, to change not only what was said, how it was said, to add or delete as the Member sees fit, and that ultimately becomes part of the official record.

What I would like to ask the gentleman is, will he join me in a rule which I will propose that will require that we deal with verbatim transcripts, not only on the floor of the U.S. House of Representatives, but also in committee activities?

Mr. GREGG. I certainly intend to join with the gentleman in that. In fact, I intend to be a plaintiff in a case on exactly that issue. I am hoping the gentleman will join me in asking for a full, open, and fair investigation on this issue.

Mr. DURBIN. I am confident that the House Ethics Committee will provide that.

Mr. HILER. Mr. Speaker, will the gentleman yield on that point?

Mr. GREGG. I yield to the gentleman from Indiana.

Mr. HILER. The point is, the Members of this body, whether they should or should not, currently have the opportunity to alter or extend their own remarks. The point at issue is someone else altering their remarks. I do not have the opportunity to alter the gentleman's remarks, nor does the gentleman have the opportunity to alter my remarks. We only have the opportunity to alter our own.

I would be happy to support the gentleman's resolution to have our words taken down verbatim, but that is not the issue here. The issue is that someone else has taken the remarks of the gentleman from New Hampshire and changed them.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman from New Hampshire for yielding to me.

First of all, my recollection of the rules of the House very clearly says that no Member has the right to make wholesale changes of his own or someone else's remarks spoken on the floor of the House of Representatives under leave to revise and extend. To revise remarks allows certain grammatical and diction changes to be made and extension of remarks allows extraneous material to be inserted in the Record.

Mr. GREGG. If I can reclaim my time just briefly, the two issues are totally separate.

Mr. SENSENBRENNER. But be that as it may, if one Member in revising the remarks of a colloquy on the floor changes the remarks to totally reverse the thrust of that colloquy and to totally change what the other Member that he was engaged in the colloquy has said, that raises a question of privileges of the House.

I remember some time in the not too distant past a colloquy between our colleague, the gentleman from Indiana (Mr. Jacobs) and our colleague, the gentleman from California (Mr. Dannemeyer), did pose such a question of privileges of the House. The gentleman from Indiana (Mr. Jacobs) did rise once the Record was printed the next day and submitted a privileged resolution which was adopted reinstating the original meaning and thrust of the remarks that he had made on the floor; so I do not think that there is this wholesale changing of the Congressional Record under leave to revise and extend remarks; but there also is a way that this can be dealt with very quickly and very summarily, in effect the offending Member be publicly spanked on the floor through the adoption of a privileged resolution.

Mr. GREGG. Well, if I might just quickly respond to this issue of the Ethics Committee, I have the highest regard for the Ethics Committee. Certainly the membership is balanced and we have superb members on that committee, the best in the House.

But there are seven reasons why this matter should not go to the Ethics Committee, why we should have a different type of approach here. These seven reasons apply not only to the EPA issue, but, in fact, this goes beyond EPA now to two other hearings we are sure of, and we do not know how many others.

First is this issue of openness. The Ethics Committee by its own rules have to operate through a private investigation, it cannot move into an open arena until it has identified someone to charge, basically. The issue of openness here is critical, because we are talking about the credibility of the institution and we need to have an open hearing process to air this whole matter out so that the people who are relying on our transcripts can address the whole issue.

Second, there is the uniqueness of the situation. The Ethics Committee has not dealt with this issue before, where Members' remarks have been changed by staff. This is a unique situation. This is not a typical situation where the Member is dealing with a third party outside the institution.

Third is the scope and the question of how much scope the Ethics Committee would undertake. Well, I am sure they undertake a very broad scope; but if you were in a committee and trying to address your own House, I suspect you might even take a broader scope, because you would be maybe a little more aggressive in cleaning your own House.

Fourth is the effective resignation. If after going through the secret part of their investigation, the quiet part of the investigation, they identify someone who they think is responsible and bring a charge and that person resigns, that moots out the whole situation. The Ethics Committee no longer has jurisdiction; so you can theoretically have 3 or 4 months of investigation. They could, without any knowledge of what is happening, they could find that individual, that person could resign and the issue would have passed.

Fifth, we have the issue of the resolution which the Ethics Committee has tentatively drafted. As I understand it, it talks in terms of "may" instead of "shall." The Ethics Committee may report, instead of shall report, which I think should be firmer.

Sixth, we have the issue of what happens to the records. If the Ethics Committee takes jurisdiction under the rules of the House, everybody else loses access to these records. As aggrieved parties, the seven Members whose remarks have been changed in this hearing, and who knows how many other Members may be identified down the road, I think we should have access to these records.

Seventh, is the history of the Ethics Committee being just a quiet place, a place where you send things which basically dampen the whole issue down. Well, I do not think we should dampen this issue down. Quite honestly, I think until we get to the bottom of it, this issue should be blared forth.

I am a little disappointed to see that the national press has ignored it and especially some of the national press which is now making such a big thing our of another major issue, but one which is no more important than what we have here, which is a criminal issue.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. GREGG. Yes; I would be happy to yield.

Mr. LUJAN. Is it my understanding, or is my understanding correct, that the resolution that was passed out of the Science and Technology Committee to send it over to the Ethics Committee is only on that one hearing and the other two examples that the gentleman raised in the other subcommittees are not covered by that resolution, and so therefore if we just stick with the resolution that the Science and Technology Committee passed, those other two will go uninvestigated; is that correct?

Mr. GREGG. Both that resolution and the draft resolution that the Ethics Committee has worked on are confined to the July 20 and 21 hearings. They do not take up the synfuels or the silver hearings, or any of the others. We do not know what other hearings there are. We have to look at the record.

Mr. LUJAN. So that means that those two, the synfuels and the silver hearings, would go on and nobody would investigate them unless additional action is taken?

Mr. GREGG. That is correct, unless the committees took action, or the issue which the gentleman has raised so effectively, the issue of how reports are handled.

Mr. WINN. Mr. Speaker, will the gentleman yield?

Mr. GREGG. Yes; I yield to the ranking member of the Committee on Science.

Mr. WINN. Mr. Speaker, I thank the gentleman for yielding.

I have been in this House 17 years. I think this is a sad situation, that we have to have a Member bring up on the floor of the House a question of personal privilege.

I was one of those that was wronged. My testimony was changed in the one hearing on EPA.

The content of the hearing changes is what I think many Members of the House, particularly on the majority side, have completely ignored.

In my opinion, it is a blatant disregard for the Members' and witnesses' civil rights.

The gentleman in the well may well know that last week after the vote in the Science and Technology Committee, where as the ranking Republican I did not have enough support because my long-time friend and chairman of the Science and Technology Committee had the proxies in his pocket to make this basically a straight party line vote.

This situation that prevails now is affecting the reputation and the integrity of the U.S. Government through one of its representative bodies, the House of Representatives.

□ 1350

I started to say last week when we came back from that meeting, waiting in my office was a witness who read about this in the paper and presented me with an 11-page documented, underlined in red pencil and pen, the changes of the witness' testimony, his testimony that had been made in those EPA hearings. In my opinion that is why this is so important to the Members of the House of Representatives and our credibility.

Again I want to congratulate the gentleman from New Hampshire for taking this time on a question of personal privilege. In my length of service in this House, I think it is a sad commentary that we have to do this but it must be done and it must be brought out in the open. I congratulate the gentleman.

Mr. GREGG. I think that witness may have been subpenaed and he was certainly under oath when he testified. Think of the effect that this will have on other witnesses which this Congress tries to get before committees for the purposes of doing our business when they recognize that what they say may not even be printed correctly, even though they are under oath.

Mr. CARNEY. Will the gentleman yield?

Mr. GREGG. I am happy to yield.

Mr. CARNEY. I commend the gentleman for bringing up the point of changes in the statements that he made. It has become rather obvious that other Members' statements have been changed.

The gentleman from Kansas Mr. (Winn) points out the fact that witnesses, not Members of Congress statements have been changed.

I would also like to bring out another aspect of this, and that is the additions and deletions to the record that were asked for and eventually never came about.

For instance, I asked that the gentleman from New Jersey, Mr. Rinaldo's statement be entered in the Record. Indeed, the transcript shows that, but the final printing deletes the whole asking of the permission of the Chair, the Chair granting that permission, and the fact that Mr. Rinaldo's statement was not put in. That happened also to the gentlewoman from Rhode Island who was there personally, and in deference to time felt that the hearing would move along more rapidly if she could have entered her statement.

She asked for that general leave to do so and it was granted. Her statement did not appear in the Record.

However, on the other side we see where statements that were not asked to be put in the Record were put in the Record. The addition of comments made by the chairman, for instance, were added to the Record. There is no reference to that on the original transcripts, and I think that we have to look at that aspect of this as well.

Again I commend the gentleman for bringing this to the attention of the whole House.

Mr. GREGG. I thank the gentleman from New York.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

A few moments ago when you were discussing the whole issue with the gentleman from New Mexico, it occurred to me that the most serious part of this entire matter was contained in some of that discussion because what we are concerned about here is something that has concerned this House for some time as we have dealt with the executive branch.

Over a period of years now in our dealings with the executive branch we have been concerned about abuses of power where we have seen executive agencies or the President himself engage in practices which appear to be an abuse of the power given him by the people and provided by the laws.

We have been concerned and we have held indepth investigations around here and we have done an awful lot of going to the press and having open and public hearings when we are dealing with those kinds of abuses.

Now we find an abuse of power within this body. It may be an abuse of power that goes beyond one committee. It may be an abuse of power that goes beyond a few subcommittees. It may be an abuse of power that cuts across the board. We do not know.

But the further we get into this matter, the more we find that it is systematic, that is is widespread, that there are problems in this body that need to be dealt with.

The only way that we can deal with those is the same way that we have dealt with executive branch problems of the same kind; that is, an open, public hearing where the American people can find out what those abuses are so that they can be a part of the correction process, because that is what will ultimately happen.

When the American people understand what has happened around here, they will force the kind of corrections that will bring about real change.

As the gentleman discussed with the gentleman from New Mexico, I think it became clear that this is a matter that goes beyond maybe the few committees that we have already looked at. It goes to the whole question of whether or not power has become corrupt right here in this body.

Again, I congratulate the gentleman for raising this point of personal privilege because it seems to me that it is an extremely serious matter and one that the American people need to have brought to their attention in full detail.

Mr. GREGG. I thank the gentleman.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from New Mexico.

Mr. LUJAN. What I cannot understand is why this stonewalling. I do not see why this has become a minority and a majority dispute.

After all, the members of the majority, because there are more of them, have more to fear that their own testimony would be changed by staff. I really cannot understand why it has become a partisan issue, why there should be a partisan vote in committee and why there has been stonewalling on this problem.

Usually when you find stonewalling there is more there. I hope that the gentleman continues to dig. I would hope that he would hold off on introducing any kind of legislation just for a few days so that we can discuss this problem, bring more examples to his attention as we find them.

I will tell you for one that I am now dedicated to going and checking the Record. Where in the past I would get it and just initial it generally, and put it back, I figured that if my grammar was not perfect grammar that I could usually excuse it to other things, but I certainly now am going to look a little bit deeper into it.

I wish that all Members would look, both the majority and the minority, because I think that we have to bring out concrete examples, and maybe, maybe by bringing out several examples we can break that stonewalling.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I have been considering this problem as the discussion has gone on. Having lived with some similar incidents in the Government Operations Committee staffing over a period of 5 years, of the sort referred to by the gentleman from New Mexico, not the extreme situation that has confronted the gentleman from New Hampshire and others more recently, and perhaps the extreme situation develops because we did not do quite enough in years past to stop this trend developing, at least in that one committee staff.

But it occurs to me that in the face of the stonewalling that is occurring there is an unfair tactic with which to meet that unfair tactic. I do not like the idea. But I suggested to the gentleman for consideration if the stonewalling continues that we make a part of the Record the names of all of the people on the staffs involved, put it right there in the Congressional Record. That subjects all of those people to a certain amount more of public stress, unfairly in the case of some, or most of them, no doubt. Perhaps that will bring forth some expressions from those who are not to blame, who do know who is to blame.

Mr. GREGG. I thank the gentleman.

Mr. WINN. Will the gentleman yield?

Mr. GREGG. I will be happy to yield.

Mr. WINN. I think the gentleman from Ohio makes a very good point there. In my remarks earlier I was going to point out that we, maybe in a broad brush, have accused the majority staff in general, and I do not think that is probably the case.

In many, many cases the majority staff has been, down through the many years, very cooperative.

But obviously I think the gentleman from Ohio and I know the gentleman from Kansas, as ranking Republican on the Science and Technology Committee, has had staff come to me down through the many years and frequently complain about the arrogance and the lack of cooperation by certain members of the majority staff and by certain members of the majority staff on their subcommittee.

But certainly it is not a broad brush, I do not think. I certainly do not think it is all of the majority members of the various committees involved.

But if we do not, to answer the gentleman from Ohio, if we do not do something like he suggests, and I am not sure that I agree with printing all

of the names of the committee employees there, but if we do not have the right to open investigations—that is my problem with the Ethics Committee, and I think many other Members that have been here for years would express the same thoughts and the same reservations—that if we, as Members of Congress, are brought before the Ethics Committee, in many cases there is never any kind of a report saying that they were innocent: they were not guilty.

☐ 1400

But the papers and the other Members and our colleagues in the House know that they appeared before the committees down through the years. This is one of the weaknesses of our Committee on Standards of Official Conduct, Ethics Committee and we do not challenge the integrity of any of those individuals of the majority or minority.

I thank the gentleman for yielding.

Mr. GREGG. I thank the gentleman from Kansas. I would like to, in summing up, remind the Members that this now is not an isolated case. We are not only dealing with EPA hearings, we now are dealing with at least two other hearings that occurred, both of them in the Government Operations Committee.

That the severity of this, as a result of it, it is not only being isolated any longer but just because of what the intention was in the changes, threatens the ability of this Congress to function effectively, to get people to come to testify before us; it has a chilling effect as was mentioned on witnesses and even on executive department witnesses. And it clearly has a significant impact on those of us who are serving here and our ability to function effectively.

More importantly, I would like to sum up by saying that we need to have open hearings on this matter. We are going to suggest that a select committee be appointed. I think this is certainly appropriate when you consider the scope which I believe must occur in order to adequately discover and review this issue. It is not going to be defined or confined any longer to just one hearing and one transcript and who made the changes on that one hearing and one transcript. Having identified two other hearings and not having yet had access to the documents which would give us the ability to possibly identify other hearings if they exist, I believe it is essential that we move to a different type of forum, a forum which is specifically and uniquely charged to deal with this very, very serious issue. And within its unique charge, there must be openness, because this matter involves the public and the public's confidence in the Congress and the public must have access to the manner in which we redress that issue.

I thank those Members who participated with me today and I will yield before I close to the gentleman from New Mexico (Mr. Lujan).

Mr. LUJAN. There is one point I would like to make and I think that having brought this to light on the floor today is an excellent thing that the gentleman has done.

But I think we should make the call today to other Members who know about this sort of thing happening in their committees, to other staff people, to let us know. Certainly staff people know what other staff people are doing. Certainly staff people know who amongst them is one that is prone to do that.

So, I think we should let out the call today to have some of those people contact the gentleman from New Hampshire, if they know of any further wrongdoings so that we might be able to make our case; that while sending it to the Ethics Committee is perhaps a step in the right direction, it is certainly a very, very small step that has been taken and not an adequate step in order to address the problem; that the problem must be addressed by a select committee, by some special investigator who cannot just shut down the investigation when somebody quits or for some other reason.

So, I would, at this point, say to others, to other Members, to staff people, to contact the gentleman from New Hampshire (Mr. Gregg), and give him specific examples so that we may be able to make our case.

Mr. GREGG. I thank the gentleman. I yield to the gentleman from Indiana (Mr. Coats).

Mr. COATS. I would just hope that the leadership in both parties of this House have listened intently today to the discussion that has gone on because I think this is a matter that goes to the very heart of what this place should be about, what the American people expect us to be about. It is very regrettable that the gentleman even had to ask for the personal privilege in order to bring this out in the open.

I know of his many attempts to do so and the many times that he has been thwarted in doing so, and the many roadblocks placed in his way.

It just occurs to me that along with the other suggestions that have been made here that if we cannot resolve this problem, do it in the open and come to a successful resolution, whenever we conduct an oversight hearing, in addition to swearing in the witnesses, that the words he speaks be the truth, the whole truth and nothing but the truth so help him God, we are going to have to bring forth the transcribers from the majority, stand them up in front of the committee and raise their right hand, with the other hand on the Bible and swear they will transcribe the truth, the whole truth and nothing but the truth so help them God and I think that is a regrettable situation. But that may be what we are going to end up with if we do not get to the bottom of this.

Mr. GREGG. I thank the gentleman.

I have only been here 3 years, but my respect for this institution, Mr. Speaker, is tremendous and I look around this room. There are Members on both sides of the aisle and the vast majority of Members, those especially who have been here much longer have a certain love and commitment to what this institution stands for and to the fact that it is the greatest deliberative body ever put together by civilized man.

When something like this happens I would hope that we as a body could take action which would make it clear to the American public that we are capable of cleaning our own House and of effectively redressing the issue.

I thank the Speaker very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken at the end of the legislative business today.

REQUEST FOR PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 3021, HEALTH CARE FOR THE UNEMPLOYED ACT

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tonight, June 28, to file its report to accompany the bill, H.R. 3021, the Health Care for the Unemployed Act, which was sequentially referred to the Committee on Ways and Means.

The SPEAKER pro tempore (Mr. Kildee). Is there objection to the request of the gentleman from Florida?

Mr. KINDNESS. Mr. Speaker, reserving the right to object, I do so just for the purpose of timing, to determine whether the ranking minority member has had the opportunity to focus on this request. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York.

Mr. CONABLE. Mr. Speaker, I thank the gentleman for yielding.

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May I ask the gentleman if it is expected that this measure would be up this week as a result of the late filing.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

Mr. Speaker, I have no idea. I was just asked by the committee staff to do this because I think the time expires today and it is sequentially referred.

Mr. CONABLE. If the gentleman will yield further, I have no objection providing there is some understanding that the bill would not be brought up this week.

Mr. GIBBONS. Mr. Speaker, if the gentleman will yield, I do not control that, I am sorry; only the Speaker controls that, and the Rules Committee.

Mr. CONABLE. If the gentleman will yield further, without knowing more about it, Mr. Speaker, I would be constrained to object. I do not wish to cause problems for the gentleman from Florida.

Mr. GIBBONS. That is perfectly all right with me.

Mr. CONABLE. I am sorry we have not had the opportunity to discuss it before.

Mr. GIBBONS. Fine. I thought the request had been cleared with the gentleman. It is perfectly all right with me.

Mr. Speaker, I withdraw my request.

1984 OLYMPIC DUTY SUSPENSION

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the joint resolution, (H.J. Res. 290), to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984.

The Clerk read as follows:

H.J. Res. 290

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984, and members of the immediate families and servants of such participants, officials, and accredited members, shall be permitted the duty-free entry of their personal effects, their equipment to be used in connection with the games, and other related articles under such limitations and conditions as may be prescribed in regulations by the Secretary of the Treasury.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. Gibbons) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. Schulze) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. Gibbons).

□ 1410

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution (H.J. Res. 290) is a completely noncontroversial resolution, supported wholly by the administration, and will allow Customs to allocate their resources into areas such as security, rather than processing extensive amounts of paperwork connected with the import of equipment and personal effects to be used or consumed or later exported by those directly involved in the Olympic games of 1984.

This legislation is needed to allow Customs to efficiently handle all of the participants from the 112 participating countries in addition to the 20-percent increase in arriving traffic which is expected at the Olympics.

I would be happy to answer any questions my colleagues may have.

Mr. SCHULZE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 290, a bill providing duty-free entry into the United States of the personal effects, equipment and other related articles of foreign participants, officials and other accredited members of the 1984 Olympiad. The bill is designed to facilitate entry into this country for participants and others associated with the Olympic games and to free Customs Service officials to perform additional duties that will necessarily arise from the expected 20-percent increase in incoming passengers.

If the items covered by this bill were later taken out of the country, as would be expected, no duty would be assessed in any case. However, existing customs laws require that such items be formally declared and a bond posted for their temporary entry. This will mean considerable additional paperwork for customs officials at a time when demands on their time will be greater than normal.

As I noted earlier, the Olympic games are expected to increase the flow of visitors to this country by as much as 20 percent. The resources and competence of the Customs Service will be tested during a period when the United States will play host to 112 participating countries. Many will be visiting the United States for the first time, and the efficiency and professionalism they encounter from our customs officials will provide an important first testimony to our system of laws and self-government.

Although providing security for travelers to the games is not the primary responsibility of the Customs Service, their responsibilities at the border provide an effective complement to overall law enforcement efforts to guard against terrorist activities. Unburdening customs officials from needless paperwork, as House Joint Resolution 290 is designed to do, will allow the Service to direct resources in the best possible manner. I am confident that Customs will develop carefully ahead of time, plans for passenger facilitation and security assistance designed to meet effectively and efficiently the needs associated with the Olympic games.

Mr. Speaker, I urge my colleagues to approve House Joint Resolution 290.

Mr. Speaker, I have no further requests for time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. Gibbons) that the House suspend the rules and pass the joint resolution, House Joint Resolution 290.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

OMNIBUS MINOR TARIFF AMENDMENTS

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3398) to change the tariff treatment with respect to certain articles, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—TARIFF SCHEDULES AMENDMENTS

Subtitle A—Reference to Tariff Schedules

SEC. 101. REFERENCE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a schedule, item, headnote or other provision, the reference shall be considered to be made to a schedule, item, headnote or other provision of the Tariff Schedules of the United States (19 U.S.C. 1202).

Subtitle B—Permanent Changes in Tariff Treatment

SEC. 111. CLASSIFICATION OF TEXTILE FABRICS.

(a) Headnote 5 of schedule 3 is amended to read as follows:

"5. (a) Except as otherwise provided in subsection (b) of this headnote, for the purposes of parts 5, 6, and 7 of this schedule and parts 1 (except subpart A), 4, and 12 of schedule 7, in determining the classification of any article which is wholly or in part of a fabric coated or filled, or laminated, with nontransparent rubber or plastics (which fabric is provided for in part 4C of this schedule), the fabric shall be regarded not as a textile material but as being wholly of rubber or plastics to the extent that (as used in the article) the nontransparent rubber or plastics forms either the outer

surface of such article or the only exposed surface of such fabric.

"(b) Any fabric described in part 4C of this schedule shall be classified under part 4C whether or not also described elsewhere in the schedules.".

(b) The headnotes to subpart C of part 4 of schedule 3 are amended—

(1) by striking out clause (vii) in headnote 1; and

(2) by inserting "or value" after "quantities" in headnote 2(c).

(c) Part 12 of schedule 7 is amended by inserting immediately after headnote 1 of part 12 headnote the following new headnote:

"2. This part does not cover fabrics, coated or filled, or laminated, with rubber or plastics provided for in part 4C of schedule 3.".

SEC. 112. DUTY-FREE TREATMENT TO WARP KNITTING MACHINES.

(a) Subpart E of part 4 of schedule 6 is amended by striking out item 670.20 and inserting in lieu thereof the following:

"670.20	Warp knitting machines..	Free..........	....	.. 40% ad val.
670.21	Other...........................	5.9% ad val..	4.7% ad val	40% ad val"

(b) Item 912.14 of the Appendix to such Schedules is repealed.

(c)(1) The rate of duty in column numbered 1 for item 670.21 (as added by subsection (a)) shall be subject to all staged rate reductions for item 670.20 that were proclaimed by the President before the date of the enactment of this Act.

(2) Whenever the rate of duty specified in column numbered 1 for such item 670.21 is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in such "LDDC" column shall be deleted.

SEC. 113. CLASSIFICATION OF CERTAIN GLOVES.

Subpart C of part 1 of schedule 7 is amended—

(1) by amending headnote 1—

(A) by striking out "and" at the end of paragraph (a),

(B) by striking out the period at the end of paragraph (b) and inserting "; and", and

(C) by adding at the end thereof the following new paragraph:

"(c) the term 'with fourchettes' includes only gloves which, at a minimum, have fourchettes extending from fingertip to fingertip between each of the four fingers."; and

(2) by amending item 705.85 by striking out "textile fabric" and "or sidewalls".

SEC. 114. UNIFORM TARIFF TREATMENT OF PET TOYS.

Subpart A of part 13 of schedule 7 is amended by inserting immediately after item 790.55 the following new item:

"790.57	Toys for pets, of textile materials........	8.5% ad val	————	80% ad val"

Subtitle C—Temporary Changes in Tariff Treatment

SEC. 121. CRUDE FEATHERS AND DOWN.

Items 903.70 and 903.80 of the Appendix to the Schedules are each amended by striking out "On or before 6/30/84" and inserting in lieu thereof "On or before 6/30/87."

SEC. 122. CANNED CORNED BEEF.

Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following new item:

"903.15	Corned beef in airtight containers (provided for in item 107.48, part 2B, schedule 1)	3% ad val.	No change ..	On or before 10/29/89"

SEC. 123. HOVERCRAFT SKIRTS.

Item 905.40 of the Appendix to the Schedules is amended by striking out "6/30/83" and inserting in lieu thereof "6/30/86".

SEC. 124. DISPOSABLE SURGICAL DRAPES AND STERILE GOWNS.

Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following new item:

"905.50	Bonded fiber fabric disposable gowns, sterilized or in immediate packings ready for sterilization, for use in performing surgical procedures, of manmade fibers (provided for in items 379.96 and 383.92, part 6F, schedule 3) and bonded fiber fabric disposable surgical drapes, of manmade fibers (provided for in item 389.62, part 7B, schedule 3) ..	5.6% ad val	26.5% ad val	On or before 1/1/89"

SEC. 125. MXDA.

Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following new item:

"907.03	m-Xylenediamine (MXDA) (provided for in item 404.88, part 1B, schedule 4)	Free	No change	On or before 6/30/86
907.04	1, 3-Bis[aminomethyl] cyclohexane (1, 3-BAC) (provided for in item 407.05, part 1B, schedule 4)	Free ————	No change	On or before 6/30/86"

SEC. 126. 4,4-Bis(A, A-dimethylbenzyl) diphenylamine.

Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following item:

"907.06	4,4-Bis (a, a-dimethylbenzyl diphenylamine (provided for in item 404.88, part 1B, schedule 4)	Free	No change	On or before 6/30/86"

SEC. 127. FLECAINIDE ACETATE.

Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following new item:

"907.21	Flecainide acetate (provided for in item 412.12, part, 1C, schedule 4)	Free ——	No change	On or before 6/30/86"

SEC. 128. CAFFEINE.

Item 907.22 of the Appendix to the Schedules is amended—

(1) by striking out "6% ad val." and inserting in lieu thereof "4.1% ad val."; and

(2) by striking out "12/31/83" and inserting in lieu thereof "12/31/85".

SEC. 129. WATCH CRYSTALS.

(a) Subpart B of part 1 of the Appendix to the Schedules is amended by inserting in numerical sequence the following new item:

"909.40	Watch glasses other than round watch glasses (provided for in item 547.13, part 3C, schedule 5)	6.2% ad val	No change	On or before the 3-year period beginning on the date of the enactment of this item 6/30/86"

(b) During such time as item 909.40 (as added by subsection (a)) is in effect, the rate of duty on watch glasses provided for in such item that are products of a least developed developing country shall be 4.9 percent ad valorem.

(c) Effective with respect to articles provided for in item 909.40 (as added by subsection (a)) that are entered, or withdrawn from warehouse for consumption, on or after each of the dates set forth below, column 1 for such item is amended by striking out the rate of duty in effect on the day before such date and inserting in lieu thereof the rate of duty appearing below next to each such date:

Date:	*Rate of duty:*
January 1, 1984	5.9% ad val.
January 1, 1985	5.6% ad val.
January 1, 1986	5.2% ad val.

SEC. 130. UNWROUGHT LEAD.

(a) Item 911.50 of the Appendix to the Schedules is amended by striking out "6/30/83" and inserting in lieu thereof "6/30/88".

(b) Section 114 of Public Law 96-609 is amended by striking out "July 1, 1983" in subsection (b) and inserting in lieu thereof "July 1, 1988".

SEC. 131. FLAT KNITTING MACHINES.

Item 912.13 of the Appendix to the Schedules is amended—

(1) by striking out "(provided for in item 670.19 or 670.20," and inserting in lieu thereof ", and parts thereof (provided for in items 670.19, 670.20, and 670.74,"; and

(2) by striking out "6/30/83" and inserting in lieu thereof "6/30/88".

Subtitle D—Effective Dates

SEC. 141. EFFECTIVE DATES.

(a) As used in this section, the term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(b) Except as provided in subsections (c) and (d), the amendments made by subtitles B and C shall apply with respect to articles entered on or after the fifteenth day after the date of the enactment of this Act.

(c) The amendments made by sections 112, 123, 130, and 131 shall apply with respect to articles entered on or after the fifteenth day after the date of the enactment of this Act, and to articles entered after June 30, 1983, and before such fifteenth day.

(d)(1) The amendments made by section 121 of this Act shall apply to articles entered after June 30, 1984.

(2) The amendment made by section 122 of this Act shall apply with respect to articles entered on or after October 30, 1983.

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(3) The amendments made by section 128 shall apply with respect to articles entered after December 31, 1983.

TITLE II—CUSTOMS AND MISCELLANEOUS AMENDMENTS

Subtitle A—Amendments to the Tariff Act of 1930

SEC. 201. PACKAGING MATERIALS FOR MERCHANDISE ENTITLED TO SAME CONDITION DRAWBACK.

(a) Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended by adding at the end thereof the following new paragraph:

"(3) Packaging material that is imported for use in performing incidental operations regarding the packaging or repackaging of imported merchandise to which paragraph (1) applies shall be treated under such paragraph in the same manner as such merchandise for purposes of refund, as drawback, 99 per centum of any duty, tax, or fee imposed under Federal law on the importation of such material.".

(b) The amendment made by subsection (a) shall take effect on the fifteenth day after the date of the enactment of this Act.

SEC. 202. PUBLIC DISCLOSURE OF CERTAIN MANIFEST INFORMATION.

(a) Section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) is amended—

(1) by striking out the period at the end of the paragraph designated as "Third" in subsection (a) and inserting in lieu thereof "; and the names of the shippers of such merchandise."; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) Except as provided in subparagraph (2), the following information, when contained in such manifest, shall be available for public disclosure:

"(A) The name and address of each importer or consignee and the name and address of the shipper to such importer or consignee, unless the importer or consignee has made a biennial certification, in accordance with procedures adopted by the Secretary of the Treasury, claiming confidential treatment of such information.

"(B) The general character of the cargo.

"(C) The number of packages and gross weight.

"(D) The name of the vessel or carrier.

"(E) The port of loading.

"(F) The port of discharge.

"(G) The country of origin of the shipment.

"(2) The information listed in paragraph (1) shall not be available for public disclosure if—

"(A) the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure is likely to pose a threat of personal injury or property damage; or

"(B) the information is exempt under the provisions of section 552(b)(1) of title 5 of the United States Code.

"(3) The Secretary of the Treasury, in order to allow for the timely dissemination and publication of the information listed in paragraph (1), shall establish procedures to provide access to manifests. Such procedures shall include provisions for adequate protection against the public disclosure of information not available for public disclosure from such manifests.".

(b) The amendments made by subsection (a) shall take effect on the fifteenth day after the date of the enactment of this Act.

SEC. 203. VIRGIN ISLANDS EXCURSION VESSELS.

(a) Section 441(3) of the Tariff Act of 1930 (19 U.S.C. 1441(3)) is amended to read as follows:

"(3) Vessels carrying passengers on excursion from the United States Virgin Islands, and return, and licensed yachts or undocumented American pleasure vessels not engaged in trade: *Provided*, That such vessels do not in any way violate the customs or navigation laws of the United States and have not visited any hovering vessel: *Provided further*, That the master of any such vessel which has on board any article required by law to be entered shall be required to report such article to the appropriate customs officer within twenty-four hours after arrival.".

(b) The amendment made by subsection (a) of this Act shall apply with respect to vessels returning from the British Virgin Islands on or after the fifteenth day after the date of the enactment of this Act.

SEC. 204. UNLAWFUL IMPORTATION OR EXPORTATION OF CERTAIN VEHICLES.

(a) Part V of title IV of the Tariff Act of 1930 (19 U.S.C. 1581 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 627. UNLAWFUL IMPORTATION OR EXPORTATION OF CERTAIN VEHICLES; INSPECTIONS.

"(a)(1) Whoever knowingly imports, exports, or attempts to import or export—

"(A) any stolen self-propelled vehicle, vessel, aircraft, or part of a self-propelled vehicle, vessel, or aircraft; or

"(B) any self-propelled vehicle or part of self-propelled vehicle from which the identification number has been removed, obliterated, tampered with, or altered;

shall be subject to a civil penalty in an amount determined by the Secretary, not to exceed $10,000 for each violation.

"(2) Any violation of this subsection shall make such self-propelled vehicle, vessel, aircraft, or part thereof subject to seizure and forfeiture under this Act.

"(b) A person attempting to export a used self-propelled vehicle shall present, pursuant to regulations prescribed by the Secretary, to the appropriate customs officer both the vehicle and a document describing such vehicle which includes the vehicle identification number, before lading if the vehicle is to be transported by vessel or aircraft, or before export if the vehicle is to be transported by rail, highway, or under its own power. Failure to comply with the regulations of the Secretary shall subject such person to a civil penalty of not more than $500 for each violation.

"(c) For purposes of this section—

"(1) the term 'self-propelled vehicle' includes any automobile, truck, tractor, bus, motorcycle, motor home, self-propelled agricultural machinery, self-propelled construction equipment, self-propelled special use equipment, and any other self-propelled vehicle used or designed for running on land but not on rail;

"(2) the term 'aircraft' has the meaning given it in section 101(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(5));

"(3) the term 'used' refers to any self-propelled vehicle the equitable or legal title to which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser; and

"(4) the term 'ultimate purchaser' means the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases a self-propelled vehicle for purposes other than resale.

"(d) Customs officers may cooperate and exchange information concerning motor vehicles, off-highway mobile equipment, vessels, or aircraft, either before exportation or after exportation or importation, with such Federal, State, local, and foreign law enforcement or governmental authorities, and with such organizations engaged in theft prevention activities, as may be designated by the Secretary.".

(b) The amendment made by subsection (a) shall take effect on the fifteenth day after the date of the enactment of this Act.

Subtitle B—Miscellaneous Provisions

SEC. 211. FOREIGN TRADE ZONES.

(a)(1) The Congress finds that a delicate balance of the interests of the bicycle industry and the bicycle component parts industry has been reached through repeated revision of the Tariff Schedules of the United States so as to allow duty free import of those categories of bicycle component parts which are not manufactured domestically. The Congress further finds that this balance would be destroyed by exempting otherwise dutiable bicycle component parts from the customs laws of the United States through granting foreign trade zone status to bicycle manufacturing and assembly plants in the United States and that the preservation of such balance is in the public interest and in the interest of the domestic bicycle industry.

(2) Section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act (19 U.S.C. 81c)), is amended—

(A) by inserting "(a)" immediately before the first word thereof;

(B) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively; and

(C) by adding at the end thereof the following new subsection:

"(b) The exemption from the customs laws of the United States provided under subsection (a) shall not be available before June 30, 1986, to bicycle component parts unless such parts are reexported from the United States, whether in the original package, as components of a completely assembled bicycle, or otherwise.".

(3) The amendments made by paragraph (2) shall take effect on the fifteenth day after the date of the enactment of this Act.

(b)(1) Section 15 of such Act of June 18, 1934 (19 U.S.C. 810) is amended by adding at the end thereof the following new subsection:

"(e) Tangible personal property imported from outside the United States and held in a zone for the purpose of storage, sale, exhibition, repackaging, assembly, distribution, sorting, grading, cleaning, mixing, display, manufacturing, or processing, and tangible personal property produced in the United States and held in a zone for exportation, either in its original form or as altered by any of the above processes, shall be exempt from State and local ad valorem taxation.".

(2) The amendment made by paragraph (1) shall take effect on January 1, 1983.

SEC. 212. DUTY-FREE ENTRY FOR PIPE ORGAN FOR THE CRYSTAL CATHEDRAL, GARDEN GROVE, CALIFORNIA.

The pipe organ which was imported for the use of the Crystal Cathedral of Garden Grove, California, and entered in six shipments between April 30, 1981, and April 8, 1982, at Los Angeles, California, shall be considered to have been admitted free of

duty as of the date of each such entry. If the liquidation of any such entry has become final, the Secretary of the Treasury shall reliquidate each such entry and make the appropriate refund of any duty paid on such organ.

SEC. 213. DUTY-FREE ENTRY FOR SCIENTIFIC EQUIPMENT FOR THE ELLIS FISCHEL STATE CANCER HOSPITAL, COLUMBIA, MISSOURI.

Notwithstanding any provision of the Tariff Act of 1930 or any other provisions of the law to the contrary, the Secretary of the Treasury shall reliquidate, as duty free, the entries numbered 220286 (dated November 7, 1975) and 235380 (dated January 23, 1976) made at Chicago, Illinois, and covering scientific equipment for the use of the Ellis Fischel Cancer Hospital, Columbia, Missouri, in accordance with the decision of the Department of Commerce in docket numbered 76-00199-33-00530.

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHULZE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GIBBONS) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. SCHULZE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I explain this bill, I think maybe I had better explain the process a little.

For all those who have ever examined the Tariff Act of 1930, which is our basic document from which we work, you are going to be impressed by the tremendous number of individual items there are in those tariff schedules that were adopted at that time by Congress. I have never counted them, in fact, I do not know anyone who has ever counted them, but let me say they fill volumes thicker than the Holy Bible. And I would guess there would be at least hundreds of thousands of individual items, perhaps a million individual items.

So it is that spirit and sense that we approach this problem. Occasionally there arises within the commerce and the changes that take place in the United States a need to adjust some of those figures, to clarify them, and to express Congress latest wish on the matter.

This proposal that we are taking up now and asking the House to suspend the rules on is about as noncontroversial as we can make a bill and still have any substance in it.

This bill is designed and pulls together some 23 other relatively noncontroversial bills and puts them all in one package so that we can consider them here without unnecessarily tying up the House on considering each one of these bills.

Each of these bills has a cosponsor in the Senate. And some may ask, "Why is that necessary?" I have found from experience that when this bill or these bills go to the Senate that sometimes they languish over there for a long period of time. The gentleman from Pennsylvania (Mr. WALKER) may remember, because I think he was about the only one on the floor last year, that we finally passed most of the bills last year after the House had completed most of its formal business. You could almost hear the sleigh bells jingling as we finished working on this.

I hope that that will not occur again because we offer these to the Senate in good faith and hope that they will take appropriate and speedy action.

Full hearings were held on all of these bills and on other bills. And the administration took a position on all of the bills. We heard from the administration. We heard from the sponsor of the bills. We heard from the supporters of the bills. We heard from the opponents of these bills. We had a markup in the Trade Subcommittee of all these bills. We then took all the bills to the Ways and Means Committee where we went through that process again of markup and amendment.

Then we consolidated all the bills so that we could consider them here all at one time.

There are two technical committee amendments at the desk that I would ask that we consider along with this motion and I assume that the motion to adopt those will be put at the time the Chair puts the question on the bill.

The SPEAKER pro tempore. The Chair will advise the gentleman that the amendments are included in the gentleman's motion.

Mr. GIBBONS. I thank the gentleman.

I will be happy to go through this long list of items if anyone wants me to and to discourse on each one of them, but I think at this time it would be better that I reserve the balance of my time.

Mr. SCHULZE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague in support of H.R. 3398, an omnibus bill making miscellaneous changes in the tariff schedules and incorporating 23 separately introduced bills. Most of these provisions have encountered no opposition. They will offer duty relief to a wide range of domestic industries and thus will contribute to efficient and competitive domestic production. The combined impact of this whole package on the collection of Customs revenues is $4.23 million in 1984 and $7 million in 1985.

H.R. 3398 makes several types of changes. For example, it covers a group of products on which the duty will be permanently eliminated. These products are not produced in the United States and market studies show little evidence that they will be produced here in the future. For products that someday may be produced domestically, the bill provides temporary duty suspensions. In this way, Congress can review the effect of duty-free treatment on any potential for future domestic production.

A number of provisions adjust language in the tariff schedules in order to make classifications more uniform, equitable and easier to administer. Section 113 closes a loophole in the tariff distinction between work gloves and dress gloves and will save revenue by putting a stop to certain tariff evasions. Hence, the taxpayer and the consumer as well as domestic producers stand to benefit from this legislation.

H.R. 3398 is a good bill. It will reduce unnecessary tariff burdens on domestic industries and will thereby encourage economic expansion, especially in cases where domestic manufacturers of needed components only have the capacity to supply a limited segment of the domestic market. The provisions of this bill are important to the businesses involved and should be put in place without delay.

☐ 1420

And, as the chairman of the subcommittee stated earlier, this is a distillation of originally 54 bills. Some others were added to that as we went along. There were in the neighborhood of 60, they were all scrutinized; and these were the 23 with the least controversy which will, when put together in this form, make a meaningful package and a step in the right direction.

Mr. Speaker, I urge my colleagues to join in support of H.R. 3398.

Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I reserve the balance of my time.

Mr. SCHULZE. Mr. Speaker, I yield 7 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I thank the gentleman from Pennsylvania for yielding this time.

Mr. Speaker, I rise in opposition to H.R. 3398—not the whole bill, but that is the circumstance. We have the bill here under suspension of the rules, and there is a part of the bill which, it seems to me, needs to be focused upon. It is regrettable that it was included in H.R. 3398.

The report to accompany H.R. 3398 says that it is a bill which incorporates 23 noncontroversial tariff and trade bills. But, unfortunately, section 211(a) of the bill incorporates what used to be H.R. 657, a very controversial measure. Indeed, H.R. 657 was controversial enough that the Subcommittee on Trade deferred action on the bill when it came before that subcommittee earlier this month.

Section 211(a) is designed to do one thing: Single out bicycle manufacturers and prohibit them from enjoying the benefits of the laws that were enacted for all industries starting in 1934 and revised under the Celler bill of 1948.

The Foreign Trade Zones Act permits the establishment of foreign trade zones and subzones if certain statutory criteria are met. The act does not specify which company and which kinds of industries may apply to the Foreign Trade Zones Board for a zone. The act and the Board's regulations establish certain criteria and procedures for action upon a company's application.

Huffy Corp. has applied for a foreign trade subzone at its Celina, Ohio, bicycle plant in the Eighth Congressional District of Ohio. Its application has been pending before the Board for many months. The administrative procedure has not been completed. This bill would interfere with that.

Section 211(a) would shortcircuit the administrative process and deny benefits for which this one company would otherwise qualify under the law. It is blatantly discriminatory and unfair legislation. No commodity has ever before been excluded from foreign trade zone benefits by amendment to the Foreign Trade Zones Act. Historically, Huffy has produced its bicycles in American factories using American labor and predominantly American parts. Huffy is a major employer in Mercer County, Ohio, responsible for about 1,900 jobs in that part of the State. Unlike at least one major domestic manufacturer which has abandoned domestic production and now is a major importer of bicycles itself, Huffy has maintained its American production base.

Also, Huffy uses a lower percentage of imported bicycle parts on its domestically produced bicycles than do several of its domestic competitors. Unfortunately, the Huffy Corp. must import a substantial amount of bicycle parts. Some parts simply are not made in this country, while others are not made in sufficient quantity or lack the specifications required to satisfy Huffy and its customers' demands. Nevertheless, Huffy must compete against foreign bicycles that contain solely foreign parts which enter the United States at a lower tariff rate than the rates applicable to imported parts.

That is the problem. Huffy applied for a foreign trade zone subzone simply to reduce the cost associated with importing bicycle parts. The subzone would allow Huffy to pay bicycle duty rates on imported parts rather than the much higher bicycle parts rate. This duty, this saving in duty, should enable Huffy to produce more competitively priced bicycles. Frankly, I am interested in their producing more job opportunities without affecting job opportunities adversely in any other part of the United States.

The domestic bicycle industry is fighting a battle against imports, products that are built with 100 percent foreign parts. Unless leading companies such as Huffy can stay competitive, fewer domestic bicycles and fewer domestic parts will be sold. In fact, bicycle imports pose a much greater threat to parts producers than do imports of parts.

Incidentally, we are talking about the same situation here that brought Japanese car manufacturing into the United States. Only with the foreign trade zones and the applicability of the Foreign Trade Zones Act to the parts that they import into the United States could those Japanese manufacturers—Toyota, for example—produce cars in the United States profitably.

Now, if we were talking about excluding the automobile industry from the application of the Foreign Trade Zones Act, there would be a lot more people on this floor today, I am sure. But we are talking about bicycles today, an industry that is already hurt and hurting.

The National Association of Foreign Trade Zones presented testimony to the Ways and Means Committee on what is now section 211(a) of this bill. The association noted that the duty benefits available in foreign trade subzones as implemented specifically with the purpose in mind of encouraging employment and investment in the United States. In other words, it was the view of Congress and the executive branch that the tariff advantages provided by manufacturing in a foreign trade zone created employment and investment in the United States and that otherwise would be made in foreign countries. The association concluded that prohibiting the entry of bicycle parts into foreign trade zones would frustrate this policy objective, lending to more bicycles being manufactured overseas and imported, and fewer bicycles being manufactured in the United States.

Now, what has the Ways and Means Committee done with section 211(a) of the bill?

They have not categorically prohibited the application of the Foreign Trade Zones Act to bicycle manufacturing, no. It is approximately a 3-year hiatus. June 30, 1986, this provision would expire. Why is that? Because it is patently unfair to apply it at all, and certainly to apply it permanently; so we are just going to hurt them a little bit.

I ask you: Please do not support H.R. 3398. It needs to be brought to the floor under circumstances that allow its passage without the unfairness that is included in section 211(a).

□ 1430

I think it is quite clear that in the administrative procedure before the Board, Huffy has made an offer to limit application of the benefits the Foreign Trade Zone so that only the historical level of parts imported could be utilized. There would be no increase in imported parts, and I understand that several domestic parts manufacturers have indicated that they could not object to the Huffy application if amended in that manner. Indeed, two of the six parts-producing firms mentioned in the Ways and Means report have gone along with them, including Excel Corp. and Franklin Park, Ill.

Mr. SCHULZE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. Frenzel), a member of the committee.

Mr. FRENZEL. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to associate myself with the remarks of the distinguished gentleman from Pennsylvania (Mr. Schulze) and those of the distinguished chairman of the subcommittee, the gentleman from Florida (Mr. Gibbons).

This is the standard duty suspension amalgamation of bills which our committee brings to the House a couple of times a year. We have culled from the subcommittee's long list those that we thought were especially difficult. We have reserved them for further consideration and will present some of them later.

We are now presenting an amalgam of 23 bills for the consideration of the House.

In my judgment, the bill should be passed because, in general and on balance, it represents a needed extension of duty suspensions or initiations of duty suspensions that will benefit American manufacturers, American employees and American consumers.

However, Mr. Speaker, the gentleman from Ohio (Mr. Kindness), in my judgment, is correct in his complaints about the bill to which he objects. There is one other bill in there to which I would object, too. The gentleman from Texas (Mr. Pickle) will talk about it later.

Nevertheless, I think it is our duty to analyze the bill as a whole. As a package it is a worthy bill, and it should be passed.

Mr. SCHULZE. Mr. Speaker, I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. I thank the gentleman for yielding time to me.

Mr. Speaker, I want to state for the record my reservation about section 111 of H.R. 3398, the omnibus tariff

bill. This provisions reclassifies certain fabric and materials which are coated, filled, or laminated with rubber or plastics. In so doing, this section reverses the effects of a Customs Court decision which classified the materials and fabrics in question as plastics. The result of the court decision was to reduce the tariff on these goods, through the simple reclassifications of the materials from fabric to plastic.

My primary concern is for the manufacturers of my district, which though not large in number, are important to the pleasure boat industry, which is of course important to my central Texas district. These boat seat manufacturers use both domestic and imported coasted fabrics which are over 70 percent plastic or rubber by weight. They are not targeted by this legislation. This legislation seeks to restrict the importation of the lower plastic-weight materials, which have a higher fabric content. But in so doing—because, I understand that simple across-the-board reclassification eliminates the problems associated with revamping the TSUS according to weight, content, and value—we have taken away the lower tariff on the high plastic-weight goods, thus adversely impacting domestic manufacturers like those in my district.

At the same time, I have reservations about our actions in overturning the court decision. We have a two-track procedure for policymaking: The legislative and judicial branches. In this case, the court made a decision based on facts. For Congress to overturn this decision might be perceived as an unwise decision motivated by political factors. I am afraid that in approving this language we are casting doubt over the authority of the judicial branch to rule in such cases, and undercut the public's trust of judicial decisions. We should be careful in setting such precedent for Congress to question court decisions and for Congress to enact legislation designed to overturn decisions.

I hope the other body will take a close look at this reclassification bill to be certain that boat seat manufacturers, or automobile seat covering manufacturers will not be adversely affected.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Shannon).

Mr. SHANNON. I thank the gentleman for yielding this time to me.

Mr. Speaker, this is a very simple bill. Section 11 restores certain coated fabrics materials to schedule 3 of the Tariff Schedules of the United States. These materials have been erroneously classified in schedule 7 following a 1981 decision in the Customs Court (U.S. against Elbe Products). That decision was taken against the advice of the Customs Service, and ran counter to the interpretation of the tariff rates that have been applied by this body.

This is also a very careful bill. We worked out the language with the cooperation of the ITC so we could be certain that we were not effecting any material not previously classified in schedule 3. We believe that the language is tightly drawn, and that this is one reason the bill was received without objection by the administration in hearings before the Trade Subcommittee on April 27.

There is no substantial domestic opposition to the bill. It enjoys the support of every major industry association that is involved with coated or laminated fabrics. Users of these fabrics, who could be expected to benefit from the misclassification brought on by the Custom Court decision have not opposed the bill (furniture and footwear). The only domestic opposition to the bill, voiced by Brunswick industries at a hearing on May 5, was withdrawn when the company realized that they were not substantially effected. Their only concern is that they not be impacted by a change in GSP status by being classified in schedule 3. They realize that this bill does not raise the tariff on materials which they use by more than 0.3 percent, and have therefore withdrawn formally the substance of their testimony to the committee.

I can understand the interest of foreign manufacturers and some of their American distributors in preserving the windfall they received under the Customs Court decision. I submit however that their concerns are overwhelmingly outweighed by the interest of our domestic coated-fabric industry. These provisions are needed to preserve the tariff treatment on which the domestic industry has always relied, and to bring our tariff back into line with that which is imposed on our coated fabrics oversea. (Germany at 13 percent, Colombia at 75 percent.)

The only real opposition to these provisions has come from brokers representing foreign companies who would like to get into the American coated-fabrics market. I think our domestic interests far outweigh their concerns, particularly as the tariff in the very countries involved are prohibitively high against the same American product.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. Pease).

Mr. PEASE. I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to take a moment during this afternoon's debate on the miscellaneous tariff and trade bill package to alert my colleagues to two bills in this group which will have a positive effect on the ability of the United States to compete more successfully with imports.

By sheerest coincidence H.R. 2588 is a bill that I introduced. It would improve public access to information about imported goods coming into the United States. I have worked closely with the Joint Industry Group to fashion a legislative vehicle that will meet the needs of industry and the public. The import information provided in H.R. 2588 will assist U.S. shipping and related companies in identifying and contacting potential shipping customers and in marketing their services. U.S. manufacturers can use this information to identify importers who might be potential customers for domestically manufactured goods instead. In addition, almost every major U.S. port authority is dependent on the availability of import data for long-range planning, improving services, and competing for shipping business.

Unfortunately, current policies of the Customs Service serve to limit the import information publicly available and thus restrict the extent to which U.S. companies can benefit from the information. H.R. 2588 will correct this problem and at the same time will protect the legitimate needs for confidentiality of U.S. importers.

A second bill in this package, H.R. 1620, will extend the current suspension of duties on a particular kind of flat-knitting machine which is not manufactured in this country. This duty suspension has been beneficial to the domestic textile industry and, in my view, should be continued to help our domestic knitting industry in its efforts to withstand the very heavy import competition it is facing. H.R. 1620 serves to lower the cost of this certain kind of knitting machine which our industry must have if it is to retain a competitive position against the very heavy volumes of low-cost textile imports which enter the United States each year. As fixed expenses increase, modern equipment that is more versatile, efficient, and faster producing is the key to competing successfully in international trade and to holding on to vital jobs in this country.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the bill. I take the position of the distinguished chairman of the subcommittee, the gentleman from Florida (Mr. Gibbons).

H.R. 3398 contains a provision which will prevent the destruction of the bicycle component industry and prevent the loss of thousands of U.S. jobs to foreign competitors. This provision would amend the Foreign Trade Zones Act to exempt bicycle component

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parts which are not reexported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones until June 30, 1986.

The bicycle component parts industry in the United States has been fighting a long, hard battle against aggressive foreign competition in the domestic market. At the present time, virtually all bicycle component parts of types not currently manufactured in the United States can be imported duty free. That is, over 40 percent of the component parts of a finished bicycle enter the country with no duty at all. Only those parts which compete directly with domestically manufactured parts are dutiable. Over all, 67 percent of all bicycle parts sold in this country are imported. Domestic component manufacturers are struggling to maintain and to increase their 33 percent market share. Duty suspension legislation has been enacted several times in the past decade, carefully balancing the needs of the domestic bicycle industry, the component parts industry and the national interest of the United States in dealing with our international trading partners. Our concern here is that this careful balance, thoughtfully and painstakingly developed through legislation and international negotiation could soon be upset, and with disastrous results for the industry.

The present situation was brought to my attention in the fall of 1982 by officials of Wald Manufacturing Co., a maker of bicycle component parts in Maysville, Ky., in my congressional district. Huffy Manufacturing Corp., the leading manufacturer of completed bicycles in the United States, had made application to the Federal Trade Zones Board for grant of subzone status to facilitate importation and use of foreign bicycle parts, those parts which are not already imported duty free. Duty imposed on these parts would be levied upon departure from the subzone as parts of a completed bicycle and at the completed bicycle rate of 5.5 percent—a 60 percent reduction from the current 13.9 percent average duty on imported component parts.

The effects of this action on the component parts industry would be devastating. The protection offered by the existing tariff is desperately needed by domestic parts manufacturers who are already suffering severely from prevailing economic conditions. Tariff rates on these component parts are already scheduled for gradual reduction to 10 percent by the year 1987, and the time for adjustment is desperately needed. To drop the effective duty rate immediately to a rate far below that contemplated by the law would amount to putting domestic manufacturers of component parts out of business.

Without the protection offered by this measure, grant of foreign trade subzone status to Huffy Corp. or a major competitor would create a situation in which the two or three large manufacturers of completed bicycles, comprising nearly 70 percent of the domestic parts market, could obtain drastic reductions in tariff rates, at the expense of smaller manufacturers of completed bicycles and of the domestic component parts industry. It would only be necessary for foreign competitors to wait for the effects of decreased volume and demand to push the cost of doing business beyond the resources of American parts manufacturers. The wait would not be long. Despite creative streamlining of production methods, redesign, and modernization of facilities, the best efforts of domestic component parts manufacturers are keeping them just abreast of foreign competition. Grant of foreign trade subzone status within the bicycle industry at this time without the protection of this provision would deal a death blow to the domestic component parts industry.

The virtual destruction of a domestic industry is always a consequence of the gravest concern. At this moment in our history, with critical levels of unemployment and business failure, such a possibility is unconscionable. Most of these component parts manufacturers are small companies or small subsidiaries. They are located throughout the United States. Many are located in small communities where they are a major source of employment. Jobs lost through destruction of this industry will not be picked up elsewhere. The result will be more American workers in unemployment lines, more economic suffering and dislocation in American communities.

The ill effects do not stop with those companies and their employees. The bicycle component parts industry, unlike the completed bicycle industry, buys the vast majority of its parts and raw materials from U.S. suppliers. The decline of the component parts industry will have unmeasured ripple effects far beyond these companies and their employees. The demise of this industry will cost thousands of U.S. jobs.

Unemployment is certainly not a new issue to Members of the Congress. We are currently spending billions of dollars in an attempt to alleviate, at least temporarily, the staggering unemployment our citizens are facing at this time. To permit the irreparable and inevitable destruction of a domestic industry is an error we simply cannot afford.

The conditions that exist in the bicycle industry and the danger to the component parts industry threatened by the potential approval of Huffy Corp.'s application for subzone status led to development of this legislation. It is a temporary measure, drafted narrowly to cover only this industry and not to interfere with any actions taken or planned in other industries. There can be no doubt that each industry is unique, and is subject to a vast number of differing conditions domestically and abroad. This measure will prevent the destruction of the bicycle parts industry while the Congress takes a good look at the effects of foreign trade subzones generally on domestic industries and employment.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. Russo).

Mr. RUSSO. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 3398, and I would like to take this opportunity to specifically address that portion of the bill which would amend the Foreign Trade Zones Act by exempting bicycle component parts, not exported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones.

The domestic bicycle parts industry's existence is threatened by a pending application before the Foreign Trade Zones Board for a manufacturing trade subzone at the Huffy Corp.'s Celina, Ohio, facility. If the subzone application is granted to Huffy, the effect will be to reduce its tariff on bicycle parts by 60 percent. This will be accomplished through the manufacture and assembly of imported goods into the subzone into finished goods carrying a far lower duty rate 5½ percent—than the rate assigned to imported bicycle parts—averaging 13.3 percent. This tariff avoidance is clearly inappropriate where the Congress has already exempted virtually all bicycle components which are not produced domestically from any import duty—fully 42 percent of the dollar volume of imported parts. It would undermine the reasoned conclusions of the U.S. multilateral trade negotiations on bicycle parts and upset the balance between tariffs on bicycle parts and bicycles which this committee has enforced for many years. The relative import sensitivity of the two industries is clear: 67 percent of the bicycle parts sold in the United States are imports and 25 percent of the bicycles sold here are imports.

The current tariff schedules carefully balance the competing interests of the domestic bicycle parts industry and those of the domestic bicycle industry. If the pending subzone application is approved without the language in H.R. 3398, it will upset that balance and increase the importation of bicycle parts from Taiwan, Korea, Japan, India, and China. Present tariff schedules will be avoided as will the intent of Congress regarding those schedules as manifested in the duty

suspension bills. This language preserves congressional intent and yet will allow Huffy to benefit from the subzone if the end product is actually exported. If the Huffy subzone is granted without the approval of H.R. 3398, we will set the stage for the elimination of the U.S. bicycle parts industry and the crippling of small U.S. bicycle manufacturers, causing a significant job loss.

In recognition of these facts, 12 U.S. parts manufacturer's and 8 U.S. bicycle manufacturers have also filed in opposition to Huffy's application. Only one parts manufacturer and no bicycle manufacturer except Huffy has filed in support of this application. The Cycle Parts and Accessories Association has also filed in opposition to Huffy's application and is supporting H.R. 657. This is not a controversial bill when viewed from the perspective of Huffy being on one side of this issue while the rest of the bicycle and bicycle parts industry opposes this Huffy subzone.

Some may argue that this provision sets a precedent by amending the Foreign Trade Zones Act. But at the Trade Subcommittee markup, this proposal was amended to sunset on June 30, 1986, when the current duty suspension bill on bicycle parts terminates. Thus, this is only a temporary measure to preserve the bicycle parts industry while our committee studies the whole issue of foreign trade zones and subzones. Chairman Rostenkowski has asked the GAO to conduct an investigation of foreign trade zones and subzones, and it is anticipated that this body will hold hearings and possibly develop legislation dealing with the overall problem. Since the Foreign Trade Zones Board has never denied an application for a subzone, it is highly likely that Huffy's application will be granted unless we adopt the language contained in H.R. 3398. If a subzone is granted to Huffy, the rest of the bicycle industry will be compelled to apply for subzone status to preserve its competitive position. The result of these actions will be a sharp increase in imported bicycle parts and the demise of the domestic bicycle parts industry.

It has been suggested that Huffy has developed a compromise which the Foreign Trade Zones Board could incorporate as a restriction in the Huffy subzone. Huffy would reduce its tariff by 60 percent on the first $35 million of imported parts that it buys but would pay the regular bicycle parts tariff on purchases over that amount. This is no compromise. It would allow Huffy to more than double its imports while it pays substantially less tariff than it is now paying. The effect on the bicycle parts industry would still be devastating.

This is a narrowly drawn proposal and only temporary in effect. It is not likely to set any precedent because of its temporary nature and because of the unique position of the bicycle parts industry. I think it highly unlikely that any other industry would be in the same difficult position with respect to import penetration and the threat posed by Huffy's Foreign Trade Zones Board application. Again, I urge my colleagues to support this language by voting for the adopting of H.R. 3398.

Mr. KINDNESS. Mr. Speaker, will the gentleman yeild?

Mr. RUSSO. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Speaker, I would be glad to enlighten the gentleman as to the content of the legislative history about the Foreign Trade Zones Act which was specifically contemplated to provide for this sort of use.

Mr. RUSSO. I have to differ with my colleague, The Foreign Trade Zone was initially done to encourge exports. We could import foreign parts, put it together here and then ship them overseas, but what Huffy wants to do is bring in the foreign parts to our country, make them here, and then sell the product here.

If they would have to pay the tariff duty on the parts that they import, it would be about 13.3 percent, but if they assemble the parts in the subzone and create a bicycle out of it and sell it here in our country, they only pay 5½ percent. This was not the intention of the Foreign Trade Zone Act.

Mr. KINDNESS. Mr. Speaker, I just submit that that is the problem. People seem to have forgotten what the purpose of the Foreign Trade Zones Act was. It is very clear in the legislative history that this was contemplated as part of the system of increasing commerce and industry in the United States, because we are competing against those foreign bicycles coming in and they are taking the market.

Mr. RUSSO. May I indicate to the gentleman from Ohio that the big problem we have here is that if we allow Huffy to import parts from foreign countries, which are also made domestically and then allow them to assemble those parts in the United States, and then to be sold in our country, what we are doing is allowing Huffy to bring in foreign parts at a 60-percent reduction and put our domestic companies that also make those parts at a distinct disadvantage and eventually put them out of business.

Basically, as I indicated, if Huffy were to come before our committee and ask us for a 60-percent reduction in tariff on these bicycle parts, which would have a profound adverse effect on our domestic companies, we would not grant it to them, so why should we allow them to go to the Foreign Trade Zones Board to do the same thing.

Mr. GIBBONS. Mr. Speaker, may I inquire how much time we have remaining on this side?

The SPEAKER pro tempore. The Chair will state that the gentleman from Florida (Mr. Gibbons) has 10 minutes remaining.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is obvious that we are going, in the future, to have to pay greater attention to the foreign trade zone legislation. I must say to all my colleagues, it is not a matter that in the 20-plus years that I have been here that this Congress has ever discussed, that I can recall, but it will require greater attention. We think that we have made the appropriate response to the problem that was presented, and I assure the gentleman from Ohio (Mr. Kindness) that we will be happy to hear from him and listen to his arguments, and to those of Huffy, too.

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They are a fine company and do a great job in manufacturing equipment, and we do not want to penalize them. But we are concerned about its impact on the rest of the United States.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding, and I want to express my particular respect to the gentleman from Florida (Mr. Gibbons) for his interest in this matter and for the work that he does on the Committee on Ways and Means and this Subcommittee on Trade. It is most important work.

My arguments are not directed in any way toward anything that I consider to be a failing on the part of subcommittee or the full committee. What I do regret is that it did not occur to me to bring the legislative history of the Foreign Trade Zones Act more sharply into focus in the hearing.

Mr. GIBBONS. Mr. Speaker, we will give the gentleman plenty of opportunity to do that. We will listen very sympathetically to his request.

Mr. KINDNESS. Mr. Speaker, I thank the gentleman from Florida (Mr. Gibbons).

Mr. SCHULZE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylania (Mr. Goodling).

Mr. GOODLING. Mr. Speaker, normally kindness and good are compatible words, and normally kindness and good stick together on most issues, but in this particular case, if I am correct, I believe Huffy already uses 40 percent of imported parts, paying a minimal tariff, and they have talked a lot

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about a real compromise proposal, but I do not believe as yet there is anything concrete in writing that anyone could point out at this particular time.

Mr. Speaker, I would like to express my especial support for that provision of H.R. 3398 which exempts bicycle manufacturers from benefits under the Foreign Trade Zones Act until after June 1986. Without this provision, we would be contributing to the death of the bicycle industry in the United States. Should any one bicycle manufacturer begin to make use of a foreign trade zone in order to assemble bicycles with cheaper imported parts, that manufacturer would be able to undercut the price of all other American made bikes. As all the other companies collapsed, the one remaining company would be dependent on the foreign parts manufacturers in order to sell its product, but in that situation might not the foreign companies say why should we sell them parts when we could sell them the entire bicycle?

Of course, there are those who would oppose this measure as protectionist in nature and against the principles of free trade. But I do not think we are talking about free trade when the foreign companies concerned are either sweatshops in one country or another, or Government subsidized companies from other countries which are able to produce without regard to demand and thus undercut U.S. manufacturers in their own country. If it is all well and good to fend off a foreign military attack, why should we not also fend off foreign economic attacks? Is not the purpose of a government to protect its citizens?

My purpose here is to protect our constituencies, and without this provision, companies in many districts such as the Carlisle Tire & Rubber Co. will be hurt. Talk about free trade with foreign subsidized companies will do little to keep them from laying off employees if their market is undercut. Talk of free trade will not feed the families of men and women who have been laid off. And thus I voice my support for the bicycle parts provision of the omnibus tariff bill, and urge my colleagues to do the same.

Mr. Speaker, I would certainly think, since my chairman, the gentleman from Kentucky, Mr. Perkins, the gentleman from Illinois, Mr. Marty Russo, and I are all supporting this issue, it must be just and good and proper and, in fact, the way to do things.

Mr. SCHULZE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Green).

Mr. GREEN. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me time, and I rise in support of H.R. 3398, legislation making miscellaneous changes in tariff laws.

This legislation includes a change in the law governing the importation and exportation of motor vehicles that is the text of legislation, H.R. 1744, introduced by the gentleman from California (Mr. Stark). The gentleman from California and I have worked closely on this issue, and I have introduced onmibus auto theft legislation, H.R. 2235, that also incorporates this provision.

In the course of hearings by a subcommittee of the Committee on Energy and Commerce on my bill, it became apparent that one major problem law enforement law officials face is the exportation of stolen vehicles. It is generally agreed that the best way to stem this illegal trade is to require shippers to record the vehicle identification number and to file an export declaration before exporting. This information will enable customs officials to compare the declared vehicle identification numbers with the actual numbers on the vehicles and with lists of stolen vehicles. Also the importation or exportation of stolen vehicles would be made a Federal offense.

The gentleman from California and I both included these provisions in our bills, and I am pleased that these provisions are present in the pending legislation. I sincerely hope that this is the beginning of responsible congressional action on the issue of auto theft, and that the House will approve this bill today. Furthermore, I hope that this positive action today will be the catalyst for action on my comprehensive auto theft legislation.

Mr. SCHULZE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, and I yield myself the balance of my time.

Mr. Speaker, I think I ought to inform the House, those who are present and those who may be monitoring this, that the Committee on Ways and Means has requested formal studies of the Foreign Trade Zones by the General Accounting Office and by the International Trade Commission. Those reports are expected to arrive back here by February of next year, and shortly after that, after we have had a chance to review those reports, we will begin an oversight hearing on this and see where the process leads us.

● Mr. SENSENBRENNER. Mr. Speaker, today we are being asked to consider a measure under suspension of the rules which should, more appropriately, be considered on the regular calendar to allow the offering of amendments.

H.R. 3398, the omnibus minor tariff amendments, includes a provision (section 211(a)) to amend the Foreign Trade Zones Act to deny subzone benefits for the domestic bicycle industry. This provision was added as a response to the application for a foreign trade subzone by Huffy Corp., the leading domestic bicycle manufacturer. While fear has been expressed that the granting of subzone status to Huffy would hurt domestic bicycle parts manufacturers, Huffy has offered to amend its application, which is now before the Commerce Department, to reduce the benefits available to it under the subzone.

I take no position on the pending application of Huffy, but I must oppose section 211(a) in H.R. 3398. This provision is unprecedented and inappropriate for several reasons. First, such action would interfere with the authority of the Foreign Trade Zones Board, and circumvent the procedures outlined in the current Foreign Trade Zones Act. Second, the bill would, for the first time, amend the Foreign Trade Zones Act to exclude a specific industry from participating in the procedures set forth in that act. Third, as this provision would exclude an entire industry, it would affect all domestic bicycle companies, not just the Huffy Corp. This in itself is unfair when the relative market share of these companies is looked at in comparison to Huffy, and contradicts our policy of making trade decisions on a case-to-case basis.

For all these reasons, I will oppose H.R. 3398 under suspension of the rules to allow consideration of this legislation on the regular calendar at a future date when an amendment could be offered to strike section 211(a).●

● Mr. STARK. Mr. Speaker, I support H.R. 3398, the miscellaneous tariff amendments. Included as section 204 of this omnibus bill is H.R. 1744, a bill to fight the exportation and importation of stolen vehicles.

This legislation is a free-standing and valuable section of H.R. 2235, a comprehensive auto theft bill, introduced by our colleague, Congressman Bill Green. The Committee on Energy and Commerce Subcommittee on Telecommunications, Consumer Protection and Finance is considering the Green bill. As a cosponsor of Mr. Green's bill and as author of H.R. 1744, I think Congress is finally taking a serious look at the problem of auto theft. And finally, I think we are doing something about it.

H.R. 1744 will require shippers to record vehicle identification numbers (VIN) and to file export declarations with Customs before exporting. The bill makes it a Federal offense to import or export stolen vehicles, aircraft, or their parts, with knowledge that the vehicle or part was stolen. It also prohibits the importation or exportation of vehicles or parts whose identification number the importer or exporter knows to have been removed, obliterated, tampered with or altered. These offenses would be punishable by

a fine of $10,000, up to 5 years imprisonment, or both.

In testimony before the Ways and Means Subcommittee on Trade, Mr. Paul Gilliland, president of the National Automobile Theft Bureau, pointed out some valuable characteristics of the auto theft problem.

> The value of recovered stolen vehicles in recent years represents approximately 55 percent of the value of these vehicles at the time of theft. Recovery statistics for off-road vehicles and off-road equipment and boats and vessels are even worse. Part of the reason for this is theft of vehicles for their component parts, that is, chop-shop activity. However, this is only part of the reason for the low recovery rate. The low recovery rate can also be directly attributed to the practice of stealing vehicles in the United States and then exporting them elsewhere in the world. The exact volume of this illegal traffic is unknown. Estimates range from 25,000 upwards to 200,000 vehicles per year. These are only estimates; under existing practices, there is no way to determine the exact volume of this traffic. The reason is that no person or agency, at present, keeps records which identify exported property.
>
> Under present conditions, vehicles exported from this country are listed in a shipper's export declaration or the ship's manifest, if they are listed at all. There is no requirement that identifying numbers be included or listed. Where vehicle identification numbers are listed, often only a partial or incomplete vehicle identification number is listed. In addition, transposition or other errors are common. Exporters are not familiar with vehicle identification number structure and composition; they have no legal obligation that would cause them to be concerned with full and accurate vehicle description techniques. In other words, under present conditions, vehicles are not identified or are not adequately identified in export documents.

Under present conditions, there is no requirement that the export declaration be filed with Customs prior to shipment. H.R. 1744 will correct this problem. To see that export information is available to appropriate groups, the legislation authorizes Customs to cooperate and exchange information with Federal, State, and local law enforcement agencies and other groups engaged in auto theft prevention, as designated by the Secretary. Thus, the bill with a bark, finally has some bite.

Under present law, a thief needs only to drive a car to the dock, announce a desire to ship the vehicle and pay the freight charge. It is that simple. There is no verification that the car belongs to the shipper, or that the shipper is authorized to send the vehicle. In the case of vehicles driven across the land-borders, it is even simpler; there are no verification requirements for vehicle ownership at our borders.

As a cosponsor of H.R. 2235, I am proud that H.R. 1744, the freestanding section of the gentleman from New York's (Mr. Green) bill, has been met with such positive response. The Subcommittee on Trade of the Committee on Ways and Means heard the bill on May 5 and the administration appeared in support of the bill. Chairman Gibbons has taken a lead in moving the bill forward and it is also supported by the National Automobile Theft Bureau, the International Association of Chiefs of Police, the National Association of Independent Insurers, the Peace Officers Research Association of California, and the Automotive Dismantlers and Recyclers of America.

All of these groups have provided me with up to date, concise and valuable information on this issue. The National Automobile Theft Bureau has offered its expert assistance, stating that—

> NATB is not only willing to commit its resources and data processing capabilities to the implementation of this type of program, but is also committed to the full and complete support of this procedure.

Together, such groups as NATB, and our U.S. customs officers can take a step against auto theft.

I continue my strong and full support for Mr. Green's antiauto theft bill, and I hope the Committee on Energy and Commerce will move swiftly in its consideration of the bill. Mr. Green's bill addresses the "chop-shop" problem completely, and I stand ready to support this, and all other sections of the legislation. Improved identification number systems for motor vehicles, and especially their major component parts, addressed in the Green bill, is an important step. I urge me colleagues to take a look at this and other efforts to battle auto theft.

I am also pleased to have the support of Senator Percy, who has introduced companion legislation as S. 1399. Senator Percy has also introduced the companion to Mr. Green's bill as S. 1400, along with Senators Dixon, Lugar, Danforth, and Laxalt. Senator Percy has, for many years, taken great interest in antiauto theft legislation, and I am honored to work with him and Members of the Senate on this issue.

I ask my colleagues to join in supporting the antiauto theft provision of the omnibus tariff bill, H.R. 3398. The measure puts car thieves on notice that the American public will no longer tolerate the tremendous financial drain that stolen cars represent. The days of easy exportation or importation of stolen vehicles end when this bill is signed into law.●

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

Mr. SCHULZE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. Gibbons) that the House suspend the rules and pass the bill, H.R. 3398, as amended.

The question was taken.

Mr. KINDNESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD, FISCAL YEAR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Tuesday, June 28, 1983.)

AGREEMENT BETWEEN THE UNITED STATES AND BELGIUM ON SOCIAL SECURITY AND FINAL PROTOCOL TO AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-77)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, June 28, 1983.)

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WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3363, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 244 and ask for is immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 244

Resolved, That all points of order against the consideration of the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, for failure to comply with the provisions of section 303(a)(1) of the Congressional Budget Act of 1974 (Public Law 93-344), clause 2(1)(6) of rule XI, and clause 7 of rule XXI are hereby waived. During the consideration of the bill, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, rule XXI, are hereby waived: beginning on page 4, lines 4 through 20; beginning on page 9, line 1 through page 10, line 4; beginning on page 10, lines 13 through 17; beginning on page 12, line 5 through page 13, line 3; beginning on page 13, line 21 through page 14, line 15; beginning on page 15, lines 10 through 13; beginning on page 16, line 16 through page 17, line 16; beginning on page 18, lines 19 through 24; beginning on page 26, line 12 through page 28, line 9; beginning on page 37, lines 1 through 23; beginning on page 38, line 9 through page 40, line 15; beginning on page 41, lines 6 through 19; beginning on page 48, lines 17 through 25; beginning on page 54, line 1 through page 55, line 19; beginning on page 56, lines 4 through 9; beginning on page 56, line 11 through page 57, line 10; beginning on page 58, lines 9 through 25; beginning on page 60, line 12 through page 63, line 17; beginning on page 65, lines 9 through 12; beginning on page 65, line 21 through page 66, line 6; and beginning on page 67, line 10 through page 70, line 17; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6, rule XXI, are hereby waived: beginning on page 19, lines 2 through 16; and beginning on page 46, line 8 through page 47, line 7.

The SPEAKER pro tempore. The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Missouri (Mr. TAYLOR) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 244 waives certain points of order against H.R. 3363, the Department of the Interior and Related Agencies appropriation for fiscal year 1984, so that the House can proceed with the consideration of this important funding bill.

The rule waives points of order for failure to comply with section 303(a)(1) of the Congressional Budget Act, the provision requiring that the first concurrent budget resolution be adopted prior to floor consideration of general appropriations bills. At the time the Rules Committee considered the Interior appropriations bill, the budget resolution had not been given final approval by both Houses of Congress. Now that the budget resolution has been adopted, this waiver is, of course, no longer relevant.

House Resolution 244 also waives points of order against certain specific provisions of the bill for failure to comply with clause 2 of rule XXI, prohibiting in general appropriations bills the inclusion of measures not authorized and matter that would be deemed legislative in character. The authorizations for several programs funded by this bill are at various stages of the legislative process, and, in several cases, have passed either one or both Houses of Congress. Some of the provisions which might otherwise be subject to a point of order under clause 2 of rule XXI specify or limit certain actions by the Department of Interior.

The Appropriations Committee has recommended these provisions in order to guide the Interior Department's actions where such direction is clearly needed. For instance, the bill prohibits offering certain leases for sale in some environmentally sensitive tracts in the outer continental shelf and prohibits further coal leasing until an independent commission makes recommendations to insure fair market value is received. The matters at stake, which involve the protection of our Nation's precious and irreplaceable natural resources, are so vital that these provisions merit waivers of our rules. Mr. WHITTEN'S letter to the Rules Committee explaining the need for each waiver is hereby submitted for the RECORD:

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., June 21, 1983.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware, at the request of the Speaker we are continuing to move ahead with appropriation bills, though the Budget Committees have reached no agreement on a budget resolution and in most cases the authorizing committees have not yet completed authorization bills. Because of this situation, we must ask the Rules Committee to waive certain points of order so that the appropriation bills can be considered in an orderly manner and the work of the House can progress.

The Committee on Appropriations today reported the Department of the Interior and Related Agencies Appropriations Bill for the fiscal year ending September 30, 1984.

The bill includes appropriations for a number of programs in excess of authorizations or for which legislation has not yet been enacted for which a waiver of Clause 2, Rule XXI is requested. There are also several transfers of unexpended balances from one account to another which are reappropriations for which a waiver of Clause 6 of Rule XXI is requested. In addition, since the budget resolution for fiscal year 1984 has not yet been adopted, it is necessary to request a rule waiving the provisions of Section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344).

1. *Bureau of Land Management, Range Improvements.* Section 6(b) of Public Law 95–514 provides that not less than $10,000,000 per annum shall be available for range improvements on public lands administered by the BLM. Grazing receipts estimated to be available in fiscal year 1984 are $8,604,000. The Committee has included language setting aside the $10,000,000 minimum requirement.

2. *United States Fish and Wildlife Service, Resource Management.* The Committee recommended language requiring the Fish and Wildlife Service to use not less than $3,400,000 for high priority projects within the scope of the approved budget by Youth Conservation Corps as if authorized by Public Law 93-408. "The Omnibus Budget Reconciliation Act of 1981" precludes making appropriations for this Act.

3. *United States Fish and Wildlife Service, Migratory Bird Conservation Account.* The Committee has recommended an appropriation of $7,000,000 as an advance payment to this account. Authorization for this advance expires on September 30, 1983. Legislation extending the authorization has been reported in both the House (H.R. 2395) and in the Senate (S. 1284).

4. *National Park Service, Operation of the National Park System.* The Committee has recommended an appropriation of $602,065,000, including $500,000 for the Volunteers in the Park program. Public Law 91–357 as amended authorizes $250,000 for that program. Volunteers provide a valuable service in the area of interpretative services. The volunteers receive no salaries. The funds will provide uniforms, training, and expenses. The Committee recommended language requiring the National Park Service to use not less than $3,300,000 for high priority projects within the scope of the approved budget by Youth Conservation Corps as if authorized by Public Law 93-408. "The Omnibus Budget Reconciliation Act of 1981" precludes making appropriations for this Act.

5. *National Park Service, Construction.* The Committee has recommended an appropriation of $42,637,000, including $1,076,000 for construction of the Paul H. Douglas Environmental Center at Indiana Dunes National Lakeshore. Only $500,000 is presently authorized. Legislation to increase the ceiling has been introduced and referred to the Interior and Insular Affairs Committee. In addition, $300,000 is provided to remove a sewage treatment plant in Cuyahoga Valley NRA from within the boundary of the NRA. This is not authorized since it is not a Park Service treatment facility.

6. *National Park Service, John F. Kennedy Center for the Performing Arts.* The Committee has recommended an appropriation of $4,542,000. Legislation authorizing this appropriation passed the Senate (S. 778) on May 25, 1983 and was reported to the House (H.R. 2605) on May 16, 1983.

7. *Geological Survey, Surveys, Investigations, and Research.* The Committee recommendation of $374,951,000 includes $35,524,000 for the Earthquake Hazards Reduction program. Legislation authorizing this program (H.R. 2465) was reported by the Science and Technology Committee on May 16. The Senate passed similar legislation (S. 820) on April 7.

8. *Minerals Management Service, Transfer to General Fund.* The Committee recommends that $126,550,000 of Federal onshore mineral leasing receipts be transferred to the General Fund of the Treasury before the distribution of those receipts specified in 30 U.S.C. 191 occurs. This is not authorized.

9. *Territorial and International Affairs, Administration of Territories.* The Committee recommends an appropriation of $75,262,000 which includes $7,312,000 which would be authorized by S. 589. That legislation passed the Senate on April 7, 1983 and was reported by the Interior and Insular Affairs Committee on May 16, 1983.

10. *Department of the Interior, General Provisions.* The Committee recommends language (Sec. 109) permitting the Department to proceed on certain tracts in the Eastern Gulf of Mexico planning area (OCS Lease Sale No. 79) up to the point of offering the leases for sale. The language also does not permit any sale in the "military impact zone" until a memorandum of agreement has been signed by the Secretary of Defense and the Secretary of the Interior.

The Committee recommends language (Sec. 112) that requires the Secretary of the

Interior to appoint an independent commission to review the Department's coal leasing procedures and to make recommendations that will ensure fair market value is received. Coal leasing would not be permitted to continue until the commission had made a report and the Secretary and appropriate committees of Congress were in agreement on implementing the recommendations.

The Committee also recommended language (Sec. 113) permitting the Department to proceed on certain OCS tracts in the Southern California planning area (OCS Lease Sale No. 80) up to the point of offering the leases for sale.

11. *Forest Service, National Forest System.* The Committee recommended language requiring the Forest Service to use not less than $3,300,000 for high priority projects within the scope of the approved budget by Youth Conservation Corps as if authorized by Public Law 93-408. "The Omnibus Budget Reconciliation Act of 1981" precludes making appropriations for this Act.

12. *Department of Energy, SPR Petroleum Account.* The Committee recommends $1,686,000,000 for acquisition and transportation of petroleum for storage in the National Reserve as an off-budget item as proposed by the Department. The Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35) provided that appropriations and outlays for this purpose should be off-budget for fiscal 1982 but was silent on subsequent years. The Budget Resolution and the President's budget assume its continuation off-budget.

13. *Indian Health Services, Administrative Provisions.* The Committee recommends language prohibiting the Service from initiating any action to bill Indians in order to collect for health services from third-party payers until Congress authorizes such billing practices. In addition, Intergovernmental Personnel Act assignments may be extended if agreeable to all involved parties. These provisions are not authorized.

14. *Navajo-Hopi Indian Relocation Commission.* The Committee recommends an appropriation of $13,783,000 which includes $10,800,000 for relocation operations not authorized by law. H.R. 1746 passed the House on June 1, 1983.

15. *Smithsonian Institution, Salaries and Expenses.* The Committee recommends an appropriation of $156,533,000 which includes $936,000 for the National Museum program. Legislation (S. 840) authorizing appropriations for fiscal year 1984 passed the Senate on May 25, 1983 and was referred to the House Committee on the Administration which has not yet acted on the measure.

16. *Smithsonian Institution, Restoration and Renovation of Buildings.* The Committee recommends an appropriation of $9,100,000 which includes $100,000 for a study to examine the suitability of a site in East Saint Louis, Illinois, for a museum of American culture and anthropology. That study is not specifically authorized by law.

17. *National Foundation on the Arts and Humanities.* The Committee has recommended appropriations of $165,000,000 for the National Endowment for the Arts, $150,000,000 for the National Endowment for the Humanities, and $21,500,000 for the Institute of Museum Services. The Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35) authorized the following amounts for those programs in fiscal year 1984:

National Endowment for the Arts (sec. 523) …………	$119,300,000
National Endowment for the Humanities (sec. 524) …………	113,700,000
Institute of Museum Services (sec. 521) …………	9,600,000.

The Committee on Education and Labor on May 16, 1983 ordered reported legislation (H.R. 2751) repealing the provisions of the Reconciliation Act and establishing new levels for these programs.

18. *United States Holocaust Memorial Council.* The Committee has recommended an appropriation of $1,953,000. Section 1405 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35) provides that no more than $1,000,000 for this program may be appropriated for fiscal year 1984.

19. *Title III—General Provisions.* The Committee recommends language that prohibits the processing or issuance of permits or leases pertaining to exploration for or development of coal, gas, oil shale, phosphate, potassium, sulphur, gilsonite or geothermal resources within Bureau of Land Management wilderness study areas.

For items 1 through 19, a waiver of Clause 2 of Rule XXI is requested.

The following accounts include amounts derived by transfer of unexpended balances from prior appropriations. This is held to be a reappropriation. Thus, a waiver of Clause 6 of Rule XXI is requested for these accounts.

20. *Bureau of Mines, Mines and Minerals.* Funds in the amount of $5,064,000 which were appropriated in fiscal year 1982 for construction of a facility are made available for operating expenses of the Bureau of Mines.

21. *Department of Energy, Fossil Energy Research and Development.* Transfers of $42,040,000 are recommended to fund research and development programs. The funds are transferred from Fossil Energy construction ($26,000,000), Alternative Fuels production ($13,000,000), and the Energy Security Reserve ($3,040,000).

The Committee appreciates your continued cooperation.

Sincerely,

JAMIE WHITTEN,
Chairman.

In addition, House Resolution 244 waives points of order against specific provisions of the bill for failure to comply with clause 6 of rule XXI. Clause 6 of rule XXI states that no general appropriation shall be considered if it contains a provision reappropriating unexpended balances or appropriated funds. The Appropriations Committee bill contains two reappropriations that would be covered by the waiver. The first would derive $5 million from an amount appropriated for the construction of a new facility at the Bruceton, Pa., mine equipment test facility and directs that such amount be spent in the general mines and minerals programs of the Bureau of Mines. The second reappropriation in the bill would derive $42 million from the fossil energy construction account, the alternative fuels production account, and from fees collected on loan guarantees, to be spent on fossil energy research and development.

Finally, House Resolution 244 waives points of order against consideration of H.R. 3363 for failure to comply with clause 2(1)(6) of rule XXI and clause 7 of rule XXI. Clause 2(1)(6) prohibits the consideration on the floor of any reported measure prior to the third day after that measure has been reported; clause 7 of rule XXI similarly prohibits the consideration on the floor of any appropriations bill prior to the third day after the report has been filed by the committee. The Rules Committee recommended that these requirements be waived in order to allow the bill to be considered last week. Because the 3-day layover requirement in both cases has now been met, this waiver is no longer necessary.

The Rules Committee recommends the waivers contained in the rule before us so that consideration of this appropriations bill can proceed in an orderly and timely manner. The sooner the House completes action on the fiscal year 1984 appropriations bills, the less likely we are to find ourselves forced to resort to a continuing resolution to fund Government activities when the new fiscal year begins.

Mr. Speaker, H.R. 3363 would appropriate $8 billion in new budget authority for the Department of the interior—except for the Bureau of Reclamantion—and for a number of related agencies including the Forest Service, some offices under the Department of Energy, the Smithsonian Institution, and the National Foundation on the Arts and Humanities. The programs funded by this bill are those which provide for the critically important management of our Nation's lands and natural resources and which preserve our natural and cultural heritage. I urge adoption of House Resolution 244 so that the House may proceed with the consideration of H.R. 3363.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 244 waives certain points of order against the consideration of the Interior and Related Agencies appropriations bill for 1984.

The purpose of this rule is to allow timely consideration of the bill, H.R. 3363, and it therefore waives points of order that would otherwise lie against specified provisions of the bill for failure to comply with clause 2 or clause 6 of rule XXI.

As the gentleman from California (Mr. BEILENSON) has already pointed out, the rule we reported from the Committee on Rules contains three waivers that are no longer necessary. Passage of time and intervening action by the Congress to adopt the first budget resolution have made these waivers moot.

Clause 2 of rule XXI prohibits appropriations for any expenditure not previously authorized by law and it also prohibits legislation on an appro-

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priations bill. The waiver recommended by the Committee on Rules is necessary because some 19 provisions of H.R. 3363 have either not yet been authorized or do constitute legislation.

In addition, two items in the bill do constitute a reappropriation, and thus the Committee on Rules is recommending a waiver of clause 6 of rule XXI.

Mr. Speaker, the various provisions of the bill to which these waivers apply are specified in the resolution, and I ask unanimous consent to place in the RECORD at this point a copy of the letter from the distinguished chairman of the Appropriations Committee (Mr. WHITTEN) outlining and further explaining the need for these waivers.

There was no controversy about this rule in the Committee on Rules, and both the chairman and ranking Republican member of the Interior Appropriations Subcommittee appeared before the committee to make the request. In this regard, I do want to compliment both the gentleman from Illinois (Mr. YATES) and the gentleman from Pennsylvania (Mr. MCDADE) for their actions on this bill. As always, they have managed this bill with great fairness to those of us who have specific interests and they have once again brought us a bill that meets the stewardship requirements the Congress must set if we are to preserve our Nation's great resources.

Chairman YATES pointed out why each of these provisions needs the waiver provided by this rule, and Mr. MCDADE supported each and every one of the requests.

Mr. Speaker, I do want to point out that this rule does not preclude any Member from offering any germane limitation amendments and any Member from offering any amendments to reduce funding of specific accounts.

Mr. Speaker, I mention this last point so that it will be clear to all Members that if they have amendments, they should support this rule so that the House can proceed to consider the bill.

I urge adoption of the resolution recommended by the Committee on Rules.

Mr. Speaker, I include the following letter from the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi (Mr. WHITTEN):

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., June 21, 1983.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware, at the request of the Speaker we are continuing to move ahead with appropriation bills, though the Budget Committees have reached no agreement on a budget resolution and in most cases the authorizing committees have not yet completed authorization bills. Because of this situation, we must ask the Rules Committee to waive certain points of order so that the appropriation bills can be considered in an orderly manner and the work of the House can progress.

The Committee on Appropriations today reported the Department of the Interior and Related Agencies Appropriations Bill for the fiscal year ending September 30, 1984.

The bill includes appropriations for a number of programs in excess of authorizations or for which legislation has not yet been enacted for which a waiver of Clause 2, Rule XXI is requested. There are also several transfers of unexpended balances from one account to another which are reappropriations for which a waiver of Clause 6 of Rule XXI is requested. In addition, since the budget resolution for FY 1984 has not yet been adopted, it is necessary to request a rule waiving the provisions of Section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344).

1. *Bureau of Land Management, Range Improvements.* Section 6(b) of Public Law 95-514 provides that not less than $10,000,000 per annum shall be available for range improvements on public lands administered by the BLM. Grazing receipts estimated to be available in fiscal year 1984 are $8,604,000. The Committee has included language setting aside the $10,000,000 minimum requirement.

2. *United States Fish and Wildlife Service, Resource Management.* The Committee recommended language requiring the Fish and Wildlife Service to use not less than $3,400,000 for high priority projects within the scope of the approved budget by Youth Conservation Corps as if authorized by Public Law 93-408. "The Omnibus Budget Reconciliation Act of 1981" precludes making appropriations for this Act.

3. *United States Fish and Wildlife Service, Migratory Bird Conservation Account.* The Committee has recommended an appropriation of $7,000,000 as an advance payment to this account. Authorization for this advance expires on September 30, 1983. Legislation extending the authorization has been reported in both the House (HR 2395) and in the Senate (S. 1284).

4. *National Park Service, Operation of the National Park System.* The Committee has recommended an appropriation of $602,065,000, including $500,000 for the Volunteers in the Park program. Public Law 91-357 as amended authorizes $250,000 for that program. Volunteers provide a valuable service in the area of interpretative services. The volunteers receive no salaries. The funds will provide uniforms, training, and expenses. The Committee recommended language requiring the National Park Service to use not less than $3,300,000 for high priority projects within the scope of the approved budget by Youth Conservation Corps as if authorized by Public Law 93-408. "The Omnibus Budget Reconciliation Act of 1981" precludes making appropriations for this Act.

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The Committee recommends language (Sec. 112) that requires the Secretary of Interior to appoint an independent commission to review the Department's coal leasing procedures and to make recommendations that will ensure fair market value is received. Coal leasing would not be permitted to continue until the commission had made a report and the Secretary and appropriate committees of Congress were in agreement on implementing the recommendations.

The Committee also recommended language (Sec. 113) permitting the Department to proceed on certain OSC tracts in the Southern California planning area (OCS Lease Sale #80) up to the point of offering the leases for sale.

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National Endowment for the Arts (Sec. 523), $119,300,000.

National Endowment for the Humanities (Sec. 524), $113,700,000.

Institute of Museum Services (Sec. 521), $9,600,000.

The Committee on Education and Labor on May 16, 1983 ordered reported legislation (H.R. 2751) repealing the provisions of the Reconciliation Act and establishing new levels for these programs.

18. *United States Holocaust Memorial Council.* The Committee has recommended an appropriation of $1,953,000. Section 1405 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) provides that no more than $1,000,000 for this program may be appropriated for fiscal year 1984.

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For items 1 through 19, a waiver of Clause 2 of Rule XXI is requested.

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The Committee appreciates your continued cooperation.

Sincerely,

JAMIE WHITTEN, *Chairman.*

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Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, in addition to my concern that this bill is over budget and off target in other areas, several of the prohibitions against funding of offshore oil and gas leases are, in my opinion, ill advised. I can certainly understand the concern of various coastal communities over the possibility of oilspills, but this measure will not reduce the chances that oilspills will occur. In fact, by delaying OCS leasing in four areas for another year, this body is voting to place increased reliance on the import of foreign oil by tanker even though the danger of a tanker sinking and fouling coastal beaches is greater than of an oil well running wild.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to the gentleman.

Mr. YATES. That was the argument that was advanced in committee before the committee achieved a compromise on the leasing provisions. In committee it was agreed that all activities prior to sale could go forward under the leasing procedures of the Department of Interior. Only the sale itself was to be held up for the balance of the year.

Mr. DANNEMEYER. I thank the chairman for mentioning that, and that is precisely the point to which I object. That sale is scheduled to take effect in January of 1984, assuming there are bids or people that want to bid on it.

Let me say to the gentleman, very candidly, that if this Nation had energy independence today where we were not importing 35 percent of our oil every day, I think we could afford the luxury of preserving our coastal areas from the impact of Outer Continental Shelf leasing and drilling.

But the plain fact of the matter is, as the gentleman I am sure knows, we are not energy independent today. We are importing 35 percent of our oil, over 4.5 million barrels a day, which aggravates our balance of payment, much to our detriment, with the rest of the world. This is the whole thrust behind the administration's effort to open up the resources of this country through exploration and development.

Why? Not because we like to drill oil wells but because we think it is in America's interest to have energy independence. The way you get energy independence is explore and drill and produce from the territory under the American soil so that we do not have to buy and depend on the OPEC nations of the world.

Mr. YATES. Will the gentleman yield further?

Mr. DANNEMEYER. I am happy to yield.

Mr. YATES. I would agree with the gentleman in his statement. This is a minuscule portion of the leasing that is proposed to be held up and only temporarily.

The purpose is to permit States such as California to look at the question as to whether or not it wants to request that tracts be excluded based on environmental considerations. In California all we are doing is trying to marry the Federal portion of the lands to that portion within the State borders that the State itself has said it will not drill in.

In the Florida gulf we are waiting. There has not yet been achieved an agreement between three Air Force bases and the Secretary of the Interior for a portion of the gulf where U.S. Air Force activity occurs.

There was a similar difference of opinion on the east Florida/Atlantic coast. That was the subject of an agreement, and that is no longer being postponed. They are going forward with that.

We hope for the same kind of results, a cooperative agreement, in the Florida gulf as well, may I say.

Mr. DANNEMEYER. I would like to respond to my colleague, and let me say there is a split, frankly, within the California congressional delegation on this issue. Some of my colleagues from my home State of California do not want exploration and drilling on the Outer Continental Shelf. I respect that opinion. They are entitled to it and certainly to assert it here in the House of Representatives.

But let me also say to my colleague that opinion poll after opinion poll in my home State of California has indicated very clearly that the people of our State understand what is involved. By a large majority they support not only exploration but drilling right now, and that is the reason I am standing here. I am trying to give some visibility to this issue so that the people not only of California but of Texas and other States around the Union, where there are some in our society who say:

> Hey, we do not want to drill on our Outer Continental Shelf. We do not want to look at those oil wells out there because when we sit on the beach under an umbrella with our beach chair we do not want to have the obstruction of our view from an oil well interfering with the tranquility of our life.

I wish life were that simple. But the plain truth of the matter is if we do

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not get on with the development of our resources and establish energy independence we are going to be in a lot more serious trouble than we are today.

I also cannot help but note two other ironies with respect to these offshore leasing provisions. One involves the rule under which they are being considered. To put it mildly, the rule waives points of order—not just one but five possible points of order, including the one against legislating on an appropriations bill. As a consequence, Members find themselves in the position of being able to do today what they could not do on the Department of Transportation bill last week; namely, tailor the language to suit their specific needs. Now, in this case, I happen to think that including language permitting the Secretary of the Interior to go ahead with all preleasing procedures is a good idea, but if we are going to permit it by waiving points of order, then the very least we can do is throw out the recently adopted rule that says a funding limitation amendment cannot be offered on the House floor unless the motion to rise is first defeated. Otherwise, we will have a situation—if we do not already—wherein the majority can edit as well as offer appropriations riders while the minority cannot even be sure of being able to do the latter. To be fair, the same rules should apply to everybody, in practice as well as theory; if they do not, sooner or later, all Members will suffer the consequences.

The other irony involves employment. Time and time again these past few months, this House has been asked to vote on measures to stimulate employment and to provide extra benefits for those who are unemployed. Indeed, we have on the calendar for this Thursday a bill to provide health benefits for the unemployed at a cost of over $2 billion the very first year. Yet here we have, in these moratoriums on offshore leasing, provisions that will cost thousands of Americans jobs. The environmental impact statements for lease sale No. 79 in the Gulf of Mexico and lease sale No. 80 off southern California estimate that these two lease sales will add 33,000 jobs to the economy, jobs that are badly needed. Yet we will forfeit them until such time as we get on with the task of making this Nation more energy self-sufficent.

The goal of energy independence brings up one final point with respect to these lease sales that needs to be made, unpleasant as it may seem to some. And that point is that we, as a nation, cannot have our cake and eat it too, much as we might like to do so. We can either remain dependent on foreign oil, in the name of environmental protection or whatever, and take our chances with the possibility that those supplies of overseas oil might be cut off.

Or we can do what is necessary to reduce our dependence on foreign oil. At stake, of course, is the future of those who are serving or will serve in our Armed Forces. If we take the first option, the odds improve that those young men will one day have to go overseas to fight a war designed to maintain our access to foreign supplies of oil. But, if we achieve energy independence, as prudent leasing of OCS lands for oil and gas production will help us do, then those odds decline. As they should. It is bad enough that we are rapidly mortgaging the economic future of our children and grandchildren; to put them in a position of perhaps having to fight for their mobility is simply too much.

Mr. Speaker, I realize that some will say the choices are not so stark or so limited. While sharing their concern for the beaches and the oceans, I cannot agree. Solar energy is far from ready to pick up the slack, synthetic fuels are still extremely expensive, and both our population and our economy keep growing. Thus, we cannot overlook potential sources of oil under our control and I hope that, as this legislative process continues, Members will think twice about these delays in offshore oil and gas leasing, especially since they do not reduce the threat of oil spills.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I may include tables, charts, and other material, on the bill, H.R. 3363, Department of the Interior and related agencies appropriations, 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. McDade) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. Yates).

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Tennessee (Mr. Gore) as Chairman of the Committee of the Whole and requests the gentleman from California (Mr. Beilenson) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3363, with Mr. Beilenson (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous consent agreement, the gentleman from Illinois (Mr. Yates) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. McDade) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring the Interior and related agencies appropriation bill for fiscal year 1984 before the Committee. This is a good bill, Mr. Chairman. It represents views not only of our committee, but it represents the views of a great many Members of the House of Representatives.

Almost 200 Members of the House appeared before or wrote our committee with various viewpoints that they expressed, and the bill represents, in great measure, the viewpoints that they made available to our committee.

Let me say at the outset, Mr. Chairman, that the appropriations level for this bill is lower than the appropriations level for fiscal year 1983. I say that, Mr. Chairman, because David Stockman has sent a letter to various Members of the House in which he has said that this bill is $300 million above the appropriations level for the appropriations bill for the Department of the Interior and related agencies for the fiscal year 1983.

Mr. Chairman, that is just not true. I say this taking into consideration the fact that only the first appropriations bill we brought to the House for fiscal year 1983, is being compared with the bill for fiscal year 1984.

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And when one takes into consideration, Mr. Chairman, the supplemental bill for fiscal year 1983 and the jobs bill, I say to the House that the bill that we bring to the House today is approximately $600 million below the level of the total of those appropriations.

And, so, for those reasons I say that Mr. Stockman's computations are wrong.

This bill reflects our continuing investment in America, Mr. Chairman. It reflects our investment in the national heritage for all Americans; our public lands, our national parks, our national forests, the cultural well-being of our country, and the recognition of the historic preservation of the heritage we want to pass along to our children, our grandchildren, and the generations to come.

Insofar as its appropriations are concerned, it contains on-budget new budget authority of $8,081,573,000.

Although I must say, Mr. Chairman, the amount recommended within this bill is within the proposed 302 allocation under the new budget bill.

An indepth look at what constitutes this number will reassure the House, Mr. Chairman. The committee has prepared a bill that is in no way excessive but provides the funding which is necessary to support the American people's programs at levels which are most beneficial to the people.

It contains $3,929,165,000 for programs of the Department of the Interior; $1,328,404,000 for the Forest Service; $1,296,029,000 for the on budget programs for the Department of Energy; $1,527,975,000 for Indian health, Indian education, the Smithsonian Institution, National Endowment for the Arts and Humanities, and other related agencies in the bill.

Mr. Chairman, this bill more than pays for itself. It is anticipated that the returns to the Treasury from the activities in the bill will approximate $15 billion for fiscal year 1984.

This estimate does not include the revenue that will accrue to the Nation if and when it becomes necessary to dispose of the oil stored in the strategic petroleum reserve, which has an estimated value at today's prices of over $10 billion.

In the fossil energy area appropriations have been reduced from the fiscal year 1981 appropriation of $1,134,735,000 to a fiscal year 1984 program level of $327,000,000. The committee cannot agree that a further reduction to the administration's request of $138,000,000 is a responsible action if we are to insure a secure supply of energy. We have concurred in proposals to reduce the level of support below the 1983 levels for economic regulation and operation of the national forest system. In addition, the committe has continued the payments in lieu of taxes program at the 1983 level; $46,200,000 for fuel cell development and $30,000,000 for magnetohydrodynamics (MHD) have been included. Funds are also provided to insure that the Indian health services programs such as alcoholism, hospital and health clinics, and community health representatives address the critical problems facing the current population and that these programs in conjuction with the title IV, Indian education funding, will help insure that progress is made toward meeting the congressional mandate of self-determination.

The bill before the committee amends the wilderness protection language included in the 1983 Interior Appropriations Act, to extend its provision to BLM wilderness study areas (WSA's). This is done to insure that the unleased WSA acreage can be protected until Congress can consider it for wilderness designation.

I want to commend the subcommittee members for their unselfish efforts and contributions throughout the preparation of this bill.

The report in considerable detail explains the committee actions represented in the bill. The following table details the committee's recommendation:

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
TITLE I - DEPARTMENT OF THE INTERIOR					
LAND AND WATER RESOURCES					
Bureau of Land Management					
Management of lands and resources	330,226,000	352,563,000	348,852,000	+18,626,000	-3,711,000
Construction and access	2,243,000	1,200,000	1,200,000	-1,043,000	---
Payments in lieu of taxes	96,320,000	96,320,000	96,320,000	---	---
Land acquisition	311,000	130,000	2,189,000	+1,878,000	+2,059,000
Oregon and California grant lands (indefinite, appropriation of receipts)	56,963,000	49,136,000	51,536,000	-5,427,000	+2,400,000
Range improvements (indefinite, appropriation of receipts)	11,199,000	10,000,000	8,604,000	-2,595,000	-1,396,000
Service charges, deposits, and forfeitures (indefinite, special fund)	10,000,000	13,000,000	13,000,000	+3,000,000	---
Miscellaneous trust funds (indefinite)	100,000	100,000	100,000	---	---
Total, Bureau of Land Management	507,362,000	522,449,000	521,801,000	+14,439,000	-648,000
FISH AND WILDLIFE AND PARKS					
United States Fish and Wildlife Service					
Resource management	261,987,000	246,340,000	269,530,000	+7,543,000	+23,190,000
Construction and anadromous fish	16,665,000	14,400,000	21,816,000	+5,151,000	+7,416,000
Migratory bird conservation account (definite, repayable advance)	2,000,000	---	7,000,000	+5,000,000	+7,000,000
Land acquisition	27,200,000	---	42,316,000	+15,116,000	+42,316,000
National Wildlife Refuge Fund	5,760,000	5,760,000	5,760,000	---	---
Total, United States Fish and Wildlife Service	313,612,000	266,500,000	346,422,000	+32,810,000	+79,922,000
National Park Service					
Operation of the national park system	592,760,000	599,792,000	602,065,000	+9,305,000	+2,273,000
National recreation and preservation	9,887,000	---	10,924,000	+1,037,000	+10,924,000
Urban park and recreation fund	40,000,000	---	10,000,000	-30,000,000	+10,000,000
Historic preservation fund	51,000,000	---	26,500,000	-24,500,000	+26,500,000
Construction	159,096,000	78,275,000	42,637,000	-116,459,000	-35,638,000
Land acquisition and state assistance	182,505,000	54,671,000	161,471,000	-21,034,000	+106,800,000
John F. Kennedy Center for the Performing Arts	4,247,000	4,342,000	4,542,000	+295,000	+200,000
Total, National Park Service	1,039,495,000	737,080,000	858,139,000	-181,356,000	+121,059,000
Total, Fish and Wildlife and Parks	1,353,107,000	1,003,580,000	1,204,561,000	-148,546,000	+200,981,000
ENERGY AND MINERALS					
Geological Survey					
Surveys, investigations, and research	363,389,000	350,928,000	374,951,000	+11,562,000	+24,023,000
(By transfer)	(16,200,000)	---	---	(-16,200,000)	---
Barrow area gas operation, exploration and development	6,400,000	---	---	-6,400,000	---
Digital cartography	---	6,028,000	---	---	-6,028,000
Total, Geological Survey	369,789,000	356,956,000	374,951,000	+5,162,000	+17,995,000
Minerals Management Service					
Leasing and royalty management	196,506,000	155,518,000	155,103,000	-41,403,000	-415,000
(Transfer to general fund)	---	(-126,550,000)	(-126,550,000)	(-126,550,000)	---
Bureau of Mines					
Mines and minerals	143,053,000	117,583,000	127,865,000	-15,188,000	+10,282,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	60,461,000	63,497,000	65,900,000	+5,439,000	+2,403,000
Abandoned mine reclamation fund (definite, trust fund)	161,209,000	218,802,000	251,028,000	+89,819,000	+32,226,000
Total, Office of Surface Mining Reclamation and Enforcement	221,670,000	282,299,000	316,928,000	+95,258,000	+34,629,000
Total, Energy and Minerals	931,018,000	912,356,000	974,847,000	+43,829,000	+62,491,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
INDIAN AFFAIRS					
Bureau of Indian Affairs					
Operation of Indian Programs	893,508,000	836,515,000	844,461,000	-49,047,000	+7,946,000
Construction	131,700,000	41,325,000	56,320,000	-75,380,000	+14,995,000
Road construction	43,585,000	4,000,000	4,000,000	-39,585,000	---
Tribal trust funds:					
Definite amount	3,000,000	4,000,000	4,000,000	+1,000,000	---
Indefinite amount	60,000,000	59,000,000	59,000,000	-1,000,000	---
Revolving fund for loans (limitation on direct loans)	(19,970,000)	(13,075,000)	(13,075,000)	(-6,895,000)	---
Indian loan guaranty and insurance fund (limitation on guaranteed loans)	(15,800,000)	(19,000,000)	(19,000,000)	(+3,200,000)	---
Total, Bureau of Indian Affairs	1,131,793,000	944,840,000	967,781,000	-164,012,000	+22,941,000
TERRITORIAL AND INTERNATIONAL AFFAIRS					
Administration of territories	73,892,000	62,150,000	75,262,000	+1,370,000	+13,112,000
Trust Territory of the Pacific Islands	95,810,000	87,989,000	104,973,000	+9,163,000	+16,984,000
Total, Territorial Affairs	169,702,000	150,139,000	180,235,000	+10,533,000	+30,096,000
DEPARTMENTAL OFFICES					
Office of the Secretary	41,589,000	44,006,000	41,882,000	+293,000	-2,124,000
Office of the Solicitor	18,404,000	18,647,000	19,263,000	+859,000	+616,000
Office of the Inspector General	21,500,000	17,185,000	17,100,000	-4,400,000	-85,000
Construction Management	896,000	896,000	1,275,000	+379,000	+379,000
Office of the Secretary (Special foreign currency program)	---	420,000	420,000	+420,000	---
Office of Water Policy	8,118,000	1,532,000	---	-8,118,000	-1,532,000
Total, Secretarial Offices	90,507,000	82,686,000	79,940,000	-10,567,000	-2,746,000
Total, title I, new budget (obligational) authority, Department of the Interior	4,183,489,000	3,616,050,000	3,929,165,000	-254,324,000	+313,115,000
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	105,021,000	100,766,000	110,316,000	+5,295,000	+9,550,000
State and private forestry	62,328,000	25,058,000	64,169,000	+1,841,000	+39,111,000
National forest system	1,073,836,000	872,841,000	869,873,000	-203,963,000	-2,968,000
Construction	306,431,000	239,099,000	241,604,000	-64,827,000	+2,505,000
Timber receipts transfer to General Fund	(-64,514,000)	(-64,516,000)	(-64,516,000)	(-2,000)	---
Timber purchaser credits	(240,000,000)	(291,300,000)	(240,000,000)	---	(-51,300,000)
Youth Conservation Corps (transfer out) (non-add)	(10,000,000)	---	---	(-10,000,000)	---
Land acquisition	56,877,000	10,070,000	36,352,000	-20,525,000	+26,282,000
Acquisition of lands for national forests, special acts (special fund, indefinite)	753,000	780,000	780,000	+27,000	---
Acquisition of lands to complete land exchanges (special fund, indefinite)	147,000	20,000	20,000	-127,000	---
Range betterment fund (special fund, indefinite)	5,800,000	5,200,000	5,200,000	-600,000	---
Miscellaneous trust funds	90,000	90,000	90,000	---	---
Total, Forest Service	1,611,283,000	1,253,924,000	1,328,404,000	-282,879,000	+74,480,000
DEPARTMENT OF ENERGY					
Fossil energy research and development	217,514,000	94,000,000	265,914,000	+48,400,000	+171,914,000
(By transfer)	(73,700,000)	(39,000,000)	(39,000,000)	(-34,700,000)	---
Naval petroleum and oil shale reserves	222,000,000	266,100,000	256,100,000	+34,100,000	-10,000,000
Energy conservation	429,290,000	74,377,000	528,045,000	+98,755,000	+453,668,000
(By transfer)	(64,000,000)	---	---	(-64,000,000)	---
Economic regulation	35,106,000	22,591,000	30,330,000	-4,776,000	+7,739,000
Strategic petroleum reserve	242,118,000	158,770,000	158,770,000	-83,348,000	---
SPR petroleum account	(2,074,060,000)	(583,100,000)	(1,686,000,000)	(-388,060,000)	(+1,102,900,000)
Energy Information Administration	56,400,000	50,800,000	56,870,000	+470,000	+6,070,000
Total, Department of Energy	1,202,428,000	666,638,000	1,296,029,000	+93,601,000	+629,391,000

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Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Services Administration					
Indian health services	645,583,000	652,706,000	801,798,000	+156,215,000	+149,092,000
Indian health facilities	73,700,000	---	69,015,000	-4,685,000	+69,015,000
Total, Indian health	719,283,000	652,706,000	870,813,000	+151,530,000	+218,107,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	67,247,000	1,243,000	71,243,000	+3,996,000	+70,000,000
OTHER RELATED AGENCIES					
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION					
Salaries and expenses	7,665,000	16,896,000	13,783,000	+6,118,000	-3,113,000
SMITHSONIAN INSTITUTION					
Salaries and expenses	144,366,000	154,354,000	156,533,000	+12,167,000	+2,179,000
Museum programs and related research (special foreign currency program)	2,000,000	9,040,000	5,040,000	+3,040,000	-4,000,000
Construction and improvements, National Zoological Park	1,550,000	3,500,000	3,500,000	+1,950,000	---
Restoration and renovation of buildings	8,450,000	9,000,000	9,100,000	+650,000	+100,000
Construction	36,500,000	---	---	-36,500,000	---
Subtotal	192,866,000	175,894,000	174,173,000	-18,693,000	-1,721,000
Salaries and expenses, National Gallery of Art	32,878,000	34,915,000	34,209,000	+1,331,000	-706,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	2,321,000	2,568,000	2,568,000	+247,000	---
Total, Smithsonian Institution	228,065,000	213,377,000	210,950,000	-17,115,000	-2,427,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
National Endowment for the Arts					
Salaries and expenses	101,675,000	86,800,000	121,300,000	+19,625,000	+34,500,000
Administrative expenses	12,600,000	13,100,000	13,100,000	+500,000	---
Subtotal	114,275,000	99,900,000	134,400,000	+20,125,000	+34,500,000
Matching grants (indefinite)	29,600,000	25,100,000	30,600,000	+1,000,000	+5,500,000
Total, National Endowment for the Arts	143,875,000	125,000,000	165,000,000	+21,125,000	+40,000,000
National Endowment for the Humanities					
Salaries and expenses	90,432,000	72,840,000	107,750,000	+17,318,000	+34,910,000
Administrative expenses	11,700,000	12,290,000	12,750,000	+1,050,000	+460,000
Subtotal	102,132,000	85,130,000	120,500,000	+18,368,000	+35,370,000
Matching grants (indefinite)	27,928,000	27,070,000	29,500,000	+1,572,000	+2,430,000
Total, National Endowment for the Humanities	130,060,000	112,200,000	150,000,000	+19,940,000	+37,800,000
Institute of museum services: program operations	10,800,000	11,520,000	21,500,000	+10,700,000	+9,980,000
Total, National Foundation on the Arts and the Humanities	284,735,000	248,720,000	336,500,000	+51,765,000	+87,780,000
COMMISSION OF FINE ARTS					
Salaries and expenses	319,000	365,000	340,000	+21,000	-25,000
ADVISORY COUNCIL ON HISTORIC PRESERVATION					
Salaries and expenses	1,500,000	1,051,000	1,546,000	+46,000	+495,000
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	2,279,000	2,595,000	2,452,000	+173,000	-143,000
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION					
Salaries and expenses	---	20,000	20,000	+20,000	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION					
Salaries and expenses	2,350,000	2,275,000	2,275,000	-75,000	---
Land acquisition and development fund (borrowing authority)	---	4,000,000	---	---	-4,000,000
Public development	8,750,000	10,000,000	9,600,000	+850,000	-400,000
Total, Pennsylvania Avenue Development Corporation	11,100,000	16,275,000	11,875,000	+775,000	-4,400,000
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE					
Permitting and enforcement	6,125,000	9,115,000	6,500,000	+375,000	-2,615,000
UNITED STATES HOLOCAUST MEMORIAL COUNCIL					
Holocaust Memorial Council	820,000	1,953,000	1,953,000	+1,133,000	---
NATIVE HAWAIIANS STUDY COMMISSION					
Salaries and expenses	190,000	---	---	-190,000	---
Total, title II, new budget (obligational) authority, related agencies	4,143,039,000	3,084,878,000	4,152,408,000	+9,369,000	+1,067,530,000
Consisting of:					
Appropriations	4,143,039,000	3,080,878,000	4,152,408,000	+9,369,000	+1,071,530,000
Borrowing authority	---	4,000,000	---	---	-4,000,000
RECAPITULATION					
Total, new budget (obligational) authority, all titles	8,326,528,000	6,700,928,000	8,081,573,000	-244,955,000	+1,380,645,000
Consisting of:					
Appropriations	8,326,528,000	6,696,928,000	8,081,573,000	-244,955,000	+1,384,645,000
Borrowing authority	---	4,000,000	---	---	-4,000,000
(Limitation on direct loans)	(19,970,000)	(13,075,000)	(13,075,000)	(-6,895,000)	---
(Limitation on guaranteed loans)	(15,800,000)	(19,000,000)	(19,000,000)	(+3,200,000)	---
(By transfer)	(89,386,000)	(-152,066,000)	(-152,066,000)	(-241,452,000)	---
TITLE I -DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	507,362,000	522,449,000	521,801,000	+14,439,000	-648,000
United States Fish and Wildlife Service	313,612,000	266,500,000	346,422,000	+32,810,000	+79,922,000
National Park Service	1,039,495,000	737,080,000	858,139,000	-181,356,000	+121,059,000
Geological Survey	369,789,000	356,956,000	374,951,000	+5,162,000	+17,995,000
Minerals Management Serivce	196,506,000	155,518,000	155,103,000	-41,403,000	-415,000
Bureau of Mines	143,053,000	117,583,000	127,865,000	-15,188,000	+10,282,000
Office of Surface Mining Reclamation and Enforcement	221,670,000	282,299,000	316,928,000	+95,258,000	+34,629,000
Bureau of Indian Affairs	1,131,793,000	944,840,000	967,781,000	-164,012,000	+22,941,000
Territorial and International Affairs	169,702,000	150,139,000	180,235,000	+10,533,000	+30,096,000
Secretarial Offices	90,507,000	82,686,000	79,940,000	-10,567,000	-2,746,000
Total, Title I - Department of the Interior	4,183,489,000	3,616,050,000	3,929,165,000	-254,324,000	+313,115,000
TITLE II - RELATED AGENCIES					
Forest Service	1,611,283,000	1,253,924,000	1,328,404,000	-282,879,000	+74,480,000
Department of Energy	1,202,428,000	666,638,000	1,296,029,000	+93,601,000	+629,391,000
Indian Health	719,283,000	652,706,000	870,813,000	+151,530,000	+218,107,000
Indian Education	67,247,000	1,243,000	71,243,000	+3,996,000	+70,000,000
Navajo and Hopi Indian Relocation Commission	7,665,000	16,896,000	13,783,000	+6,118,000	-3,113,000
Smithsonian	192,866,000	175,894,000	174,173,000	-18,693,000	-1,721,000
National Gallery of Art	32,878,000	34,915,000	34,209,000	+1,331,000	-706,000
Woodrow Wilson International Center for Scholars	2,321,000	2,568,000	2,568,000	+247,000	---
National Endowment for the Arts	143,875,000	125,000,000	165,000,000	+21,125,000	+40,000,000
National Endowment for the Humanities	130,060,000	112,200,000	150,000,000	+19,940,000	+37,800,000
Institute of Museum Services	10,800,000	11,520,000	21,500,000	+10,700,000	+9,980,000
Commission of Fine Arts	319,000	365,000	340,000	+21,000	-25,000
Advisory Council on Historic Preservation	1,500,000	1,051,000	1,546,000	+46,000	+495,000
National Capital Planning Commission	2,279,000	2,595,000	2,452,000	+173,000	-143,000
Franklin Delano Roosevelt Memorial Commission	---	20,000	20,000	+20,000	---
Pennsylvania Avenue Development Corporation	11,100,000	16,275,000	11,875,000	+775,000	-4,400,000
Federal Inspector for the Alaska Gas Pipeline	6,125,000	9,115,000	6,500,000	+375,000	-2,615,000
Holocaust Memorial Council	820,000	1,953,000	1,953,000	+1,133,000	---
Native Hawaiians Study Commission	190,000	---	---	-190,000	---
Total, Title II - Related Agencies	4,143,039,000	3,084,878,000	4,152,408,000	+9,369,000	+1,067,530,000
Grand total	8,326,528,000	6,700,928,000	8,081,573,000	-244,955,000	+1,380,645,000

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Mr. Chairman, I recommend that the bill be approved.

I reserve the balance of my time.

Mr. DOWNEY of New York. Mr. Chairman, I rise in support of the fiscal year 1984 appropriations for the arts programs in the Interior appropriations bill. I applaud Subcommittee Chairman SIDNEY YATES for his stalwart support of the arts in America and his work in rejecting the serious cutbacks recommended by the administration. On behalf of the more than 170 members of the Congressional Arts Caucus, I would like to express our great appreciation for his efforts

GROWTH IN THE ARTS SINCE 1965

Since the 89th Congress when the legislation establishing NEA and NEH was passed, the arts in America have grown tremendously.

Figures documenting this growth have been presented at numerous hearings.

Orchestras, theaters, opera and dance companies, museums have multiplied.

Artists' spaces—almost nonexistent in 1965—now number in the hundreds.

In 1965 there were only 23 State arts agencies, now all States and jurisdictions have agencies—in 1965 no State had a council devoted solely to the humanities—by 1980 all States do.

Thousands of local arts agencies have also been established nationwide.

Strong network of public art and humanities because of NEA and NEH has created a cultural trickle-down effect providing economic and moral support for arts organizations across the country.

NEA seed money has helped thousands of arts groups increase their private support.

FISCAL YEAR 1982 BUDGET CUTS SLOW CULTURAL GROWTH

In 1981 the Reagan administration proposed the first drastic cuts to the Federal arts agencies which were a strong part of the growth in the arts in America.

Fortunately, Congress wisely kept these cuts to a minimum.

NEA appropriations dropped from $159 million to $143 million—sizes of grants decreased—numbers of grants decreased.

A distinguished small orchestra (Orchestra da Camera) serving my district found its regular NEA grant cut from $45,000 to $18,000—this grant was used for school concerts, many had to be cut—thousands of children will miss the opportunity to hear quality chamber music at this time.

At the same time arts-in-education funds from the Department of Education were absorbed into block grants and many States are reluctant to continuing funding arts programs.

Nonprofit postal rates also increased.

EFFECTS INCREASE IN FISCAL YEAR 1983

Once again the administration attempted to cut the arts, but Congress was able to hold funding level at $143 million for the arts and $130 million for the humanities.

But cultural organizations found the effect increasing.

Museum news: Museums have been forced to reduce or, in some cases, eliminate education programs and special exhibitions, thus curtailing their ability to serve a broad spectrum of the public. Fifty-two percent of museums lost Federal funds in 1982.

The Capitol Children's Museum in this city a few months ago could not meet its payroll because of decreases in all areas of support.

Orchestras, theaters, dance companies are not able to present new works.

Experimentation is being curtailed, dance touring is being cut back.

BUDGET PROPOSALS FOR FISCAL YEAR 1984

Yet the administration wanted to cut more from our Federal arts budget.

But with Chairman YATES' leadership, Congress will once again bring our Federal commitment to culture back on the right track.

The $165 million in the Interior bill for NEA, the $150 million for NEH, and the $21.5 million for the Institute of Museum Services represents a strong statement that the arts and humanities are an important aspect of our society.

A recent study by the Port Authority of New York indicated that the economic impact of the arts on New York City is $5.6 billion, 117,000 jobs, and 13 million visitors—this same effect is taking place in cities across our Nation.

The original NEA legislation stated: "World leadership must be solidly founded on respect and admiration for the Nation's high qualities as a leader in the realm of ideas"—the late Nanacy Hanks, form NEA Chairman, called this mandate: "Clear, direct, and timeless". I urge my colleagues to reaffirm that legislation and approve the funding contained in the Interior bill.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. McDADE).

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation making appropriations for the Department of Interior and related agencies and before I address myself to the bill, I want to express my gratitude to the distinguished chairman of our committee, Mr. YATES, for the skillful manner in which he conducted this bill and to all the members of the subcommittee, both sides of the aisle, who have, all of them, made a contribution to this bill. And I must also express my deep gratitude to the staff people who helped us bring you what is a very important and a good bill.

The bill provides about $8 billion in budget authority and that represents a figure about $1.3 above budget estimates if one chooses to use that as a mark that was submitted to the Congress. It is about $285 million above the fiscal year 1983 enacted levels. If we factor in the emergency jobs legislation totals into the bill, we are about $244 million below the enacted levels. But the administration has advised me that the bill is signable if we can reduce it to last year's enacted levels.

That represents about a $300 million reduction.

And despite the dispute about the numbers we bring you today a bill that is an excellent bill. As I say, it is the work product of a countless number of people. It gives us a balanced energy research program; it helps our national security by increasing funds for the strategic petroleum reserve; it meets our stewardship commitments to protect the land, the environment; it addresses the health, education, cultural and job-related needs of all Americans.

The bill, again, is self-liquidating bringing in $2 for every dollar we invest in the public lands and related assets. Receipts accruing to the Treasury as a result of actions in this bill total nearly $15.7 billion.

The major increases found in this bill are focused in the Department of Energy. Once again, we found ourselves in disagreement over the thrust and scope of the fossil and energy conservation programs.

The Members on both sides of the aisle believe we need a balanced energy program. Regrettably it has been left to us to provide the funds that would put our Nation on the cutting edge of new technologies to burn coal, and synthetic fuels in a clean, safe and acceptable way.

Yet the fossil energy budget we considered a shutdown budget, earmarking funds more to terminate research than to expand it. We did not find this acceptable.

So, we were forced to bring the funds back to what we considered an appropriate level for the national interests of this Nation. We took it from $138 million up to $305 million, that is a pretty good increase but in a very important area.

The Members will note that we made large increases in energy conservation, adding $243 million to weatherize 220,000 low-income elderly homes; we added $98 million to retrofit schools and hospitals and we made substantial expenditure in building, industrial, transportation and multisector research.

Our committee has taken testimony that our Nation has saved far more in real dollars from energy saved than we have spent on these programs. They

are tremendously beneficial from a cost-effectiveness point of view and regrettably we must carry the entire load to keep them alive but that is our job as Members of Congress and we accept the responsibility.

We have made different decisions with respect to the strategic petroleum reserve, too, because we have a bipartisan view about its importance. We have made additions to the Park Service, Fish and Wildlife Service. We did not close any of the fish hatcheries proposed for closure this year. We have kept 49 cooperative research programs alive that many of our colleagues supported. They are basic research institutions.

Mr. CONABLE. Will the gentleman yield?

Mr. McDADE. I yield to the gentleman.

Mr. CONABLE. I thank the gentleman.

I would like to express some thanks to the committee for the inclusion of the $500,000 acquisition fund for the Womens' Rights National Park in Seneca Falls, N.Y.

A very modest beginning has been made there in an area of some historic importance to women.

I think it is a fine thing this committee has put this $500,000 in the bill since it will permit the acquisition of the site of the first women's rights convention which is going to be on the market very shortly.

I am very pleased the committee has done this.

I want to thank my friend from Pennsylvania as a representative of the committee.

Thank you.

Mr. McDADE. I thank my colleague from New York and commend him for his intense interest in this important national event.

I again want to say that we added money for the National Park Service, Fish and Wildlife Service, we did not close any of the hatcheries. We also with the National Park Service have kept the State land and water conservation program funded at $75 million. We have added, as my friend from New York said, some $122,000,000 for Federal acquisitions which we thought were important and money for the urban parks program we felt so important to many of our areas around the Nation.

There is a $2 billion commitment in this bill to our Indian citizens and residents of the trust territories. Again, I want to pay tribute to my friend from Illinois, because he takes the time and the effort, and it is difficult, to try to understand these problems and try to deal with them. And it is a very, very hard problem. He deserves our congratulations and commendation for working so hard as he does in that area.

This year I am pleased to say that the administration began to lift the constraints that were on the abandoned mine land fund, funding it at $218,000,000.

We decided to add money for the RAMP program and for the Federal emergency projects.

I see my friend from Pennsylvania and friend from Ohio on the floor and both of them played a very important role in what we did with the RAMP program. So, we are going to try to repair the land from an earmarked source of Federal, a severance tax on coal, that produces a good deal of money to the Treasury and we are going to repair land that was orphaned and abandoned when we operated under a different ethic than we have now.

We also addressed Outer Continental Shelf oil and gas leasing and we tried to deal with those in an important way in respectful consideration of our national interest, balancing our energy needs with so many important provisions relating to the environment. I think we acted responsibly and we did so in a bipartisan and unanimous way.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. McDADE. Mr. Chairman, I yield to my friend from Illinois.

Mr. HYDE. I thank my friend for yielding.

I am aware of and I share the appreciation that my friend from Pennsylvania has for the arts and the humanities and I say that as preface to my chagrin at the inability of the subcommittee and the committee to cut. Now, that is a harsh word, cut spending.

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Let us abandon that for excessive harshness and use the word "hold" or "freeze" or "stay in place." And that, too, seems an unattainable goal.

In looking at the report I see artists in schools are going to get $1,600,000 more than last year; dance is up $2,450,000; design arts, $1,100,000, et cetera et cetera. Folk arts, they are very good, $1 million increase. There is nothing cut and there is nothing even the same as last year.

So we are increasing up and down the line. The same thing is true of humanities. And I know the Constitution requires us to provide for the common defense, but I do not know that the Constitution requires us to subsidize media arts, opera/musical theater, street theater and all of those good wonderful cultural things. I would hope in scanning, in getting eye-strain looking through the budget for some place to cut—I am sorry, I used the word "cut"—I mean hold the line, that I had hoped that in these arts and humanities that perhaps Stewart Mott, or the Ford Foundation, or the Rockefeller Foundation, so many of those foundations that have favorable tax treatment might pick up the slack so that we could at least hold the line.

I see that that is too visionary and for this Member I deeply regret that we were unable to hold the line.

I will not comment on whether the quality of theater has improved over the days of Shakespeare when there was no subsidies whatsoever, or even Edwin Booth, but I deplore our inability to hold the line at least in the arts and humanities. Poverty is supposed to be a great teacher to people of genius and help them suffer and I do not want that to happen. I think we can have geniuses who are adequately clothed, housed, and fed, but to increase by the millions—the total increase is 32 percent over what the President wanted and 14.7 percent over the last year on the National Endowment for the Arts, and 15.3 percent over last year for the National Endowment for the Humanities.

Well, I just want to share with my friend my disappointment and my chagrin and to say that maybe next year we will do better, but I shall not hold my breath.

Mr. McDADE. I thank my dear friend from Illinois. Of course, as always, when he addresses this body, there is wisdom in what he says. I cannot argue the fact that we did increase the budget, but I do think I need to share some thoughts with the gentleman.

The gentleman mentioned, for example, the Rockefeller Foundation and others that receive favorable tax treatment and they do. That is our style in this country. This amount of money that is in the bill is, relative to what they do, a pittance. Most of what happens in this Nation that supports the arts and the humanities comes through the private side and is individual giving.

If you took away individual giving, if we just change the Tax Code, that would be the end of it. And let me say through history, experience and history would teach us and if you go back through history you would be hard pressed to find any artist at any level of his career who did not receive some kind of a subsidy, be it the Medici Popes or some great king, or some great person.

Mr. HYDE. They found a sponsor.

Mr. McDADE. They found a sponsor. Most of the people who are involved here find sponsors. For example, the gentleman mentioned the Metropolitan Opera Co., which has brought to the American public by Texaco for some, I guess, maybe 40 years, I think it is some such figure like that.

Let me say to my friend that these are national assets too. Back in the Depression these people were totally

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out of work and they were in poverty. For example, in the Public Works Administration then, they decided that people who were artists and poets and writers ought not to be excluded from a public works program and so they were put into it. The results are that we have a library of that period of time that is one of the greatest historic documents written. If we had not let them be members of the WPA like the CCC people or others, it would not have happened. We have public buildings that have paintings in them that are treasures because we said, "Here is a gentleman who could use a job and we will give him a commission to do a mural on a given building." And they did superb work.

Now, I agree that when we are talking about the fact that we increase the budget the gentleman is right on point. And it is a value judgment that we made. My friend from Illinois played a great role in this as he has in others in attempting to get this to an appropriate level. We will try to watch it. Have faith in us.

Mr. HYDE. If the gentleman will yield further, we have deprived the wealthy of the opportunity to be patrons of the arts. As Michelangelo had his sponsors, we are depriving them of this by taking over.

Second, I take it from my friend's remarks that he is unequivocally opposed to a flat rate income tax then that would remove these deductions. Certainly in the arts and humanities we will see a cultural deprivation of our society if we get a flat rate tax.

Mr. McDADE. Mr. Speaker, I reclaim my time. I say to my friend I do not know how we got into a flat rate tax, but I look at the Internal Revenue Code as an engine that makes this Nation work. For example, my friend believes in home mortgage taxes, does he not?

Mr. HYDE. Do I believe in home mortgage taxes? No.

Mr. McDADE. The deductibility of a home mortgage. Does the gentleman believe in that?

Mr. HYDE. A deduction for the payment on the interest.

Mr. McDADE. Does the gentleman believe in that?

Mr. HYDE. Yes, to a limited extent.

Mr. McDADE. Where would that fit under a flat rate tax, for example?

Mr. HYDE. It would be eliminated. It may be worth it though.

Mr. McDADE. Well, then, I am not for that and I know the gentleman is not either.

Let me just say one thing to my dear friend, because he is such an able Member of the body and contributes to the level of the debate always, let me say that a lot of this money that goes out is a matching—sometimes a 3-to-1 match—on the private side.

When we look at this $100 million plus or minus figure, when we compare that to what the private side does, let me say to my friend that that is a $1 billion plus figure.

So I want to stand by my statement to say to my friend that it is the private side that makes culture and arts and humanities in this Nation thrive as it has been long before this was advanced, but this is just another effort to try to say, well, there is an appropriate role for the Federal Government to play, a minor role. I could not agree with the gentleman more. The day we have an arts tsar in the country is the day that I am off this program. As long as it interfaces with the private side and works creatively—and it works sometimes and it misses sometimes, as so many things do—then I am for it.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

The gentleman's criticism, I think, is appropriate, because there is not another Member of the House who has the gentleman's histrionic ability.

I want to say further to my friend that this budget was cut 2 years ago. It was cut drastically 2 years ago upon the theory that the loss in Federal funding would be made up by private contributions. Testimony before our committee and the statistics we have seen show that the private individual, whom the gentleman says should be given the opportunity to make up this difference, has not been able to step into the breach.

Large corporations, Exxon, Equitable Life Assurance Co., foundations have appeared before our committee and have told us they have been unable to make up the difference and that is the reason—and they all say that the Federal contribution is essential. And as my good friend from Pennsylvania says, this Federal contribution is a small portion of the total amount that goes to support the arts throughout the country, but it is a necessary portion, because it is the leader in the total prospect of giving to the arts.

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Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, I did want to take up with the gentleman a serious matter that is in the bill.

There is a reduction of $126,550,000 on Federal onshore mineral leasing, and that is really designed to take from the Federal mineral leasing moneys the amount that would go out in payment in lieu of taxes.

I will tell my friend that I was going to offer an amendment, but I did not. I was going to take some time to talk about this on the floor, but in the interest of time, let me just make a couple of short remarks on it.

These two programs are totally different. As the gentleman knows, one goes to State government, the mineral leasing moneys. The payment in lieu of taxes goes to the local government. There is no mechanism in State government to take that revenue loss and transfer it on over to local government. I will not offer the amendment and I will not take the time to go into it today. I can assure the gentleman that it is not practical, it is not fair, it is two different programs. But what I will ask the committee is that, when you get into conference, you look a little closer at this problem, because it is so vital to those Western counties.

Mr. McDADE. Mr. Chairman, let me say that I have the greatest respect for my friend. I know the tremendous job that he does on the authorizing committee on the Department of the Interior, and I am very grateful for his bringing this to our attention. I want to assure the gentleman that we will work it through conference, and I want to tell the gentleman how grateful I am that he has decided not to offer an amendment, in the interest of conveniencing the House. That means a lot to all of the Members. We owe the gentleman a debt of gratitude. I want to assure the gentleman that we are going to look very hard at the problem and try to work it out with the gentleman as the bill moves through conference.

Mr. LUJAN. I thank the gentleman.

Mr. Chairman, as I said previously, I was going to offer an amendment to H.R. 3363, the 1984 appropriations bill for the Department of Interior and related agencies, but have decided the best way to deal with the problem is in conference.

My amendment would have deleted the language which says that payments-in-lieu of taxes (PILT) payments be deducted from mineral leasing revenues prior to the distribution of these receipts to the States.

The whole idea behind this concept, Mr. Chairman, is faulty. The PILT Act was enacted to compensate local governments because of the loss of tax revenues due to Federal ownership of lands; whereas the Mineral Leasing Act amendments were designed to compensate State governments for mineral royalties collected in a given State.

I would like to give you a brief history on what led to the passage of the payments-in-lieu of taxes (Public Law 94-565) in 1976.

For years, counties and small municipal governments, in areas where there were large concentrations of Federal

lands, were called upon to provide services to these public lands even though these lands contributed nothing in local tax revenues.

These services, financed totally by local governments, included such things as roads—both construction and maintenance—along with police and fire protection.

This was an unfair burden for many of these local governments, so it was determined by the 94th Congress—following years of debate on the subject—that local units of government be compensated for the loss of tax revenue, which would have been generated had these lands been privately owned.

A formula was devised whereby these local units of government would be compensated in accordance with what similar privately owned lands would have provided in local tax revenues.

The PILT formula which was only fair and right, and long overdue at the time—represents a sizable part of the budgets of some of these local governments, especially in the West where there is large Federal ownership of lands.

In my own State of New Mexico, there is one county, Otero, which has 77 percent of its operating budget funded by PILT. In four New Mexico counties, PILT accounts for more than 50 percent of the budget, and one-half of all our counties get more than a one-third of their budgets from PILT.

Other Western States are similarly affected.

The important point to consider, Mr. Chairman, is that the PILT concept was a determination made by Congress, separate and apart from the Mineral Leasing Act.

At no time in the past was it ever determined that there is any relationship between payments-in-lieu of taxes and the Mineral Leasing Act. They are entirely two separate concepts—and they should remain that way.

I would like to point out, Mr. Chairman, that the combined effect of this language in H.R. 3363 on the State of New Mexico would be to reduce our revenues by approximately $9.5 million. Along with New Mexico, Wyoming is another State that would be hit extremely hard, as would several other Western States. And, there is also the matter of national honor.

During the first century of westward expansion, the U.S. Government entered into numerous treaties with various Indian tribes to induce them to give up their ancestral lands. Many tribes were shown large areas of the map encircled by blue pencil and were told that the land inside that circle would be their reservation, their home, their land, to use as they thought best for themselves and their prosperity.

Many tribes soon found that the Indian country and reservations shown on the maps belonged to them only if the white man found nothing of value on it. But let a few ounces of gold or silver be found inside the blue pencil lines and things started to change. The Indians found that the big white father in Washington had drawn new blue lines and they had to move to new lands which the Government considered worthless enough to give away.

The Appropriations Committee is now trying to do to the Western States exactly what was done to the Indians. As Western States were brought into the Union, the Federal Government drew lines around large areas of land and told the States, these are your boundaries. But then it drew more blue lines inside those boundaries and said, "We're going to keep these lands for the use of the other States." The idea, as we all know, was to sell or lease the Federal lands when they became valuable enough, and use the money to benefit the States which had joined the Union earlier. Later on, Congress acted to rectify this inequity by passing laws guaranteeing Western States 50 percent of the revenues from mineral production on these Federal enclaves within the State. And in another gesture, the Congress promised to make token payments to the States to partially make up what the States were losing in taxes from all these federally withheld lands. This gesture was called payment-in-lieu of taxes (PILT).

These two acts were sweeteners that were supposed to make it easier for the Western States to swallow the bitter pill of having the Federal Government as a permanent live-in guest, occupying up to 80 percent of the lands within our borders. If the Western States would have come into the union on an equal footing with the Eastern States, there would be no need for the sharing of mineral leasing proceeds or for payments-in-lieu of taxes. The minerals would be on State-owned land rather than Federal, and all of the proceeds would go to the States.

But half a loaf is better than none, and like the Indians, we accepted our 50-50 share, and the crumbs of in-lieu taxes tossed to us by the great white father.

Now what has happened to change the situation? The same thing has happened with our 50-50 share of mineral proceeds as happened to the Indian reservations in the last century. There have been more minerals found than had been expected, and our 50 percent share has risen to levels that make the Eastern States envious. They want to get their hands on some of that money * * * and so they want to cut our end of the deal. How do they do that? Very simply: all you do is combine the two lumps of sugar into one lump by deducting the payments-in-lieu of taxes from the State's share of the mineral proceeds.

It's the old pea under the shell game; now you see it, now you don't. It worked with the Indians, so why not try it with the States?

I suggest that such a reneging on a deal is beneath the dignity of the United States. I suggest that this transparent scheme should be recognized for what it is, and rejected out of hand.

We in the Congress must keep faith with the millions of Americans who live in those Western States, and who ask of their huge Federal guest only that he conduct himself as a gentleman and honor his commitments.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 3363, and I congratulate the committee for its outstanding work on putting this bill together. I want to point out to my colleagues a provision of this bill that is of major significance to my district—the 29th Congressional District of New York—and I believe, to the Nation as a whole.

Included in this bill is a $500,000 appropriation for land acquisition by the Women's Rights National Historic Park in Seneca Falls, N.Y. This money will be used to purchase and refurbish a building, the Wesleyan Chapel, which was the site of the first national women's rights convention held on July 19 and 20, 1848.

The principal organizer of the convention, Elizabeth Katy Stanton, was a resident of Seneca Falls; her house is also among the buildings being restored by the national park. As the birthplace of the women's movement in the United States, Seneca Falls, through the outstanding work of the Women's Rights National Historical Park, is a historical treasure that deserves enhancement for citizens of today and of generations to come.

I heartily support this legislation and the inclusion of this specific appropriation in the bill.

Mr. McDADE. Mr. Chairman, I just want to say to my friend that I am grateful for the lead role that the gentleman has played in helping us get established, and I am grateful for his taking the time to address the Committee.

Mr. MURTHA. Mr. Chairman, I yield 6 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, first of all, I would like to applaud both the chairman, the gentleman from Illinois, SID YATES, and the ranking minority member, the gentleman from Pennsylvania, JOE McDADE, for the manner in which this committee has conducted its business. It has been

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open, and it has been an attempt to pursue knowledge. We have had extensive hearings and, in most instances, the approach has been bipartisan. Indeed, the atmosphere has been refreshing. I wanted to comment on that publicly.

Mr. Chairman, I think this bill commends the support of all of us. It was referred to earlier that over 200 Members had interest in this bill. And I think that is the reality of it. Because this bill truly represents the width and breadth of America, this bill truly represents an attempt to preserve the quality of life in America and it says that public land shall be preserved for public purposes.

I have three specific areas that I would like to point to in marshaling my support for this very important legislation. One is the old question of alternative energy and conservation.

My fellow Members, it needs to be said that, were it not for this body—and I would applaud specifically this subcommittee—there would not be an energy policy in America. When we look at where we are, as far as the development of alternative energy, when we look at where we are going, as far as conservation, the major commitments do not come, sadly, from 1600 Pennsylvania Avenue; they come from the Subcommittee on Interior of the Appropriations Committee.

Let me be very specific. Earlier the gentleman from California (Mr. DANNEMEYER) was on the floor expressing concern about reservations in here about offshore drilling. I support those reservations, and one of the reasons I do is that in other parts of the bill we address ourselves very specifically, and I think we commit ourselves very substantially, to the development of alternative sources of energy.

When we look at the report, pages 82 and 83, we find in area after area a commitment to alternative sources of energy.

Coal liquification: I know the gentleman from Pennsylvania (Mr. MURTHA) has played a major role here. What is it? It is an attempt to develop alternative energy and to do so in order that coal can be burned in a clean fashion.

Fuel cells. That is very, very important as an alternative source of energy, again. And I would point out that in this particular area the funding recommended by this subcommittee is five times that called for by the administration.

Again, continuing in the report, heat engines, underground coal gasification, surface coal gasification. In all of these areas you will find a commitment that greatly excedes that called for by the administration. And this obviously is good news, because it says even though OPEC is in disarray, this country is not going to ignore its energy needs, it is going to respond to its energy needs both through legislation and through the commitment of this bill.

Second, and very importantly, the whole area of conservation. When the administration offered its budget in February of this year, there was zero funding for weatherization. Let me repeat that: Zero funding for weatherization in this country. Now, I do not have to tell you if we are going to conserve energy in America we need a strong commitment to weatherization. It is found in this bill.

In addition, the program for conservation in our public schools and hospitals, what did the February budget contain? A request for zero funding. In each of these instances there has been a response and a dollar commitment, and that is very, very important if this country is to develop an energy policy.

I would say to the Members that the development of that energy policy is critically contingent upon the passage of this legislation.

Then, to respond to the issue of offshore drilling, I would say that the committee, in looking at these areas—and I will talk specifically about Massachusetts—has been sensitive to both the energy needs and to the whole question of environmental needs.

In the case of the Georges Bank, there is no area on the Atlantic coast that is richer in fishing, there is no area off of Massachusetts that provides more as far as economic opportunity in fishing than the Georges Bank area. And what have we said here? We are restricting the area that will be open as far as lease sales in that part of our offshore area, not prohibiting it, but limiting it, and that is critical, I think, to preserving our environment and also seeing to it that there can at the same time be development of energy rights in that area.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. RATCHFORD. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, very briefly I want to take this opportunity to thank the gentleman in the well and to thank the distinguished chairman of the subcommittee, the gentleman from Illinois (Mr. YATES), for the leadership they have shown. This is a matter of concern not only for those who have the privilege of living in the coastal States of New England, but I think anyone in this Nation with a concern about the natural resources of the ocean, about the sanctity of the marine environment and about an infinitely renewable supply of food for this Nation and for the world if it is properly and wisely managed. We all owe an enormous amount of gratitude to this subcommittee for the work it has done.

Mr. Chairman, I rise in strong support of this appropriations bill and would like to note especially those provisions that impose certain restrictions on the Outer Continental Shelf oil and gas leasing plans of Interior Secretary James Watt.

The bill would preclude the Department from engaging in any preleasing or leasing activities in specified portions of the North Atlantic planning area and would protect those areas in the region cited in legislation I introduced earlier this year with Congressman PANETTA of California.

The Committee's actions—in the North Atlantic and in other regions of the OCS—constitute a strong rebuke to the ill-advised and confrontational leasing policies that have been instituted by Secretary Watt. Since final approval of the Secretary's 5-year plan in July 1982, five of nine sales proposed under the schedule have ended up in court. In enjoining lease sale No. 52 in the North Atlantic a Federal judge ruled that Mr. Watt had violated provisions of the Outer Continental Shelf Lands Act Amendments of 1978, the Coastal Zone Management Act, the National Environmental Policy Act, and the Endangered Species Act.

In implementing his plans for OCS development, Mr. Watt has failed to give sufficient consideration to the coastal environments and economics that it affects. The mean resource estimates for sale No. 52 are only 55.7 million barrels of oil and 280 billion cubic feet of natural gas. These figures reflect a reduction of over 95 percent from previous estimates of the available resources in the area. I do not believe that it would be advisable or appropriate to jeopardize the vitally important fishing and tourist industries of the North Atlantic for such a limited expected return. At the present time, oil companies hold leases to 63 tracts in the Georges Bank area and I believe it would be more prudent to continue to monitor and study the ongoing exploratory activity in order that any new data may be available to help shape future lease sales. This bill wisely permits such scientific studies to continue.

Mr. Watt has forced the Congress to play a more active role in determining those areas in which oil and gas exploration is appropriate. By its actions today, the House has the opportunity to show that it fully intends to assume this responsibility.

Mr. RATCHFORD. I thank the gentleman.

Mr. Chairman, finally, the issue of coal leasing needs to be addressed briefly. We held extensive hearings this year, after receiving an Appropriations Committee report and a General Accounting Office report that said the public lands were being opened up indefinitely to coal leasing. What have we done? We have called for the naming of an independent commission, we have called for an examination of coal leasing practices. Out of that, hopefully, will come new practices for coal leasing, but also practices that will provide a fair and reasonable yield to the taxpayer.

So, on balance, as far as quality of life, as far as energy development, as far as reasonable standards in the area of protection of public lands, it is a good bill, it is a balanced bill, and it deserves our across-the-board support.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Chairman, I rise in support of the fiscal year 1984 Interior appropriations bill. I certainly commend Congressman YATES for his efforts on this legislation and for the sensitivity and understanding he has shown to the needs of many people, Indian people in particular.

This legislation rejects the callous recommendations of the administration on a number of items. One of the most effective Indian programs is the community health representative program (CHR)—this is an outreach health care program and is the only reason that many Indian people, without transportation or telephones and living in remote areas, receive health care. The administration has proposed to eliminate the CHR program in fiscal year 1984. I am very pleased that the bill we are considering today contains $27.5 million for CHR.

Likewise, the administration would have eliminated funding for urban Indian health care centers, but this legislation wisely and humanely provides $9 million for urban Indian health care centers.

The members of the Rosebud Tribe have been fighting for years for a hospital—indeed, the Indian Health Service ranks Rosebud as the No. 1 priority on its list for hospital construction. Money has been appropriated a number of times for a hospital at Rosebud, but for various, and very poor, reasons the Government has never actually released the money for this purpose. This bill contains $11,090,000 for construction of the Rosebud Hospital. I am pleased to note the strong committee report language regarding the unnecessary delay in the release of the design money for the hospital at the Rosebud Reservation and the urgency with which the committee views the construction of this hospital.

The fiscal year 1984 Interior appropriations bill also contains other planning and design money for Indian health facilities: $1,360,000 for a hospital at the Pine Ridge Reservation, $200,000 each for outpatient care facilities in Kyle and Fort Thompson, S. Dak. and $360,000 for an outpatient care facility at Wagner, S. Dak.

In the area of Indian education, this bill shows the good judgment of the Appropriations Committee members in rejecting the administration's proposal to eliminate funding for the Indian Education Act, commonly referred to as title IV. H.R. 3363 contains $71 million for title IV. I particularly thank Chairman YATES for his strong support for the Indian Education Act.

Having detailed some of the reasons why I support the bill before us today, I must also just as strongly detail my concerns regarding two particular shortfalls in this legislation.

First, the bill is at least $10 million short of funding to pay indirect costs for 638 contracts. Tribes are increasingly contracting their own programs—a development which is, I think, supported by nearly all Indian people, as being in the best interest of Indian tribes. I understand that the Bureau of Indian Affairs has recognized that the money they requested for indirect contract support—$35 million—is insufficient. The BIA belatedly filed a budget amendment requesting more money. While $10 million may not sound like a great deal of money, it would make a considerable difference in helping tribes administer programs themselves. It is ironic that there can sometimes be money available for a program but at the same time the tribes cannot afford to administer them. I would strongly urge that the House accept the higher figure in conference with regard to indirect contract costs. If the Senate does not come in with a higher figure, we should look at this as something to include in a fiscal year 1984 supplemental bill.

And finally, I voice strong concern over the figure in this bill for the tribally controlled community colleges. The figure in this legislation, $5.5 million, is $600,000 less than was available to these colleges in fiscal year 1983. This $600,000 shortfall, when combined with the projected enrollment increases, puts tribal colleges in peril. Tribal colleges live on a very thin financial margin, and any less money could cause some of them to close their doors. These schools have done much with little financial resources. They must, however, have a stable source of funding in order to do the things necessary to gain accreditation. This past year Sinte Gleska College at the Rosebud Reservation became the first Indian college in the Nation to receive a 4-year accreditation at both the associate and bachelor degree levels. And the Oglala Sioux Community College at the Pine Ridge Reservation received word just last week of receiving its 4-year degree accreditation. There is well deserved pride at Pine Ridge and Rosebud in reaching this plateau, but it is really just a beginning in terms of what Sinte Gleska and Oglala Sioux Community College have to offer and want to achieve. And the same is true of the other tribally controlled community colleges who are all working toward accreditation.

Just to keep even, on a per student basis, with last year's funding, there needs to be $3 million more for tribally controlled community colleges than this bill contains. Frankly, I would like to do more than just keep even in funding for these colleges. There is some reason to believe that the Senate will come in with a higher figure for the tribal colleges. I strongly urge that, if the Senate bill contains more money for the tribal colleges, we accept the Senate level.

I and a number of colleagues who are particularly familiar with the tribal colleges and know firsthand of the great good that they do and of their promising future, will continue to work for a higher level of funding for the tribally controlled community colleges.

Mr. YATES. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. REGULA).

□ 1540

Mr. REGULA. Mr. Chairman, perhaps we should call this bill the American dream bill. I say that because we deal with the resources that are essential to the future of America.

We hear a lot today about high tech, and I believe we have a caucus on futuristic ideas. However, in this bill we are truly dealing with the future of America. We are dealing with the timber resources. Wood products at a reasonable cost are essential for the American dream of owning a home. We are dealing with the preservation and wise use of the mineral resources of these United States; and we are dealing with the productivity of its land.

I like to tell school groups when I meet with them that as citizens of the United States, their share of America is about 3½ acres. If we take the total amount of land that is owned by the Federal Government and divide by the total number of people in the United States, it comes out to something like 3½ acres of land. That is part of each person's heritage.

What we attempt to do in this committee is manage these assets wisely. This is one of the few bills that actually produces revenues on a net basis to the Federal Treasury because of the sale of timber and minerals plus land leases.

The key issue before us is the question as to whether the bill before us today represents wise stewardship of our public lands.

I want to commend the chairman and the ranking member of the committee. They worked diligently along with the rest of the members to do a good job of management. It is a very open committee. Each of us has an opportunity to present our ideas on this management procedure.

I regret that the bill is over the fiscal year 1983 levels. I think for the record, we ought to clarify exactly what the situation is, and that is that the bill is $287 million more than was signed by the President in the fiscal year 1983 bill excluding the off-budget SPR and the jobs bill, and that really should be our benchmark.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. Yes, I yield to the chairman, the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, may I say to my friend respectfully, that is not a correct statement. The bill that the President signed contained off-budget funding for the strategic petroleum reserve, and in doing so, just as we appropriate the money for the strategic petroleum reserve in this bill. On that basis this bill is more than $100 million below the level of that fiscal year 1983 bill. Those are the figures that are verified by our staff, and the gentleman knows the accuracy of their figures.

Mr. REGULA. Yes. I understand, Mr. Chairman, and actually, in comparing apples to apples, in taking comparative functions, what was signed for 1983 was $287 million less than we propose in this bill, and I see the gentleman is disagreeing with that point of view, therefore I yield again to the chairman for clarification.

Mr. YATES. I do not want to take more of the gentleman's time. I want only to say that I respectfully say his figures are wrong. We have the figures over here on our side and we will be glad to go over them with the gentleman after he completes his statement.

Mr. REGULA. As I say, Mr. Chairman, it depends on how you want to make the comparisons. But in any event, as was pointed out earlier by the gentleman from Illinois, we are over on both the President's estimates, as well as in many of the accounts for fiscal year 1983 levels.

Mr. Chairman, I do want to mention the arts, because that was a subject of an earlier colloquy. We in the United States are oftentimes said not to give adequate support to the arts. I would point out that if we take into account not only the Federal support for the arts and humanities, but what is supported by way of tax deductibility for the charitable contributions to these functions, that in all probability the total commitment of funding, Federal, State combined with the benefits of tax deductibility, would make our contribution to the arts and humanities in the United States on a per capita basis as much as any nation in the world.

I regret that in the disbursement of these funds that oftentimes they are not spread over as much of the area of the country as I would like to see. I think there is a tendency to concentrate the arts and humanities programs in some of the major population centers. I would like to see them reach out more.

On July Fourth, there will be a concert of the National Symphony on the Capitol steps that is receiving some financing through this subcommittee. This event will reach out to all Americans. I commend that part of the bill.

Mr. LOEFFLER. Mr. Chairman, I yield myself 5 minutes, and I yield to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. I thank the gentleman for yielding to me.

Mr. Chairman, I rise to express my opposition to the provisions in this bill which place a moratorium on leasing off certain areas of the Outer Continental Shelf on the east coast, the Gulf of Mexico, and California.

First, I want to commend the chairman and the subcommittee members and staff for the fine work they have done on the rest of this bill. In addition, the ranking minority member, Mr. MCDADE, must be complimented on his efforts in full committee to add provisions to the bill allowing the Interior Department to proceed with their preleasing activities up to the point of the actual notice of sale.

However, I must still oppose the restrictions in the bill against moving forward with the OCS sale or leasing in critical areas of our offshore lands. This 1-year moratorium and the threat of future moratoriums will effectively kill the sale for the eastern gulf scheduled in November and the southern California sale scheduled in February 1984.

As an Appropriations Committee member, I do not wish to deny our committee any leigislative prerogatives; however, as a former member of the House Select Committee on the Outer Continental Shelf, I can assure the House that the 1978 OCS Act and the Coastal Zone Management Act provide for lengthy and elaborate consultation and coordination procedures between the States affected by OCS leasing and the Department of the Interior. These procedures are specifically provided in sections 19 through 24 of Public Law 95-372 and include legislative mandates for:

First, coordination and consultation with affected States and local governments;

Second, environmental studies;

Third, safety regulations;

Fourth, enforcement;

Fifth, citizen suits, court jurisdiction, and judicial review; and

Sixth, remedies and penalties.

Mr. Chairman, I believe these procedures, mandated by law, allow for the detailed and proper review we desire. This is a review process which I believe has been sustained by the June 9 Court of Appeals for the District of Columbia's dismissal of a coastal State's suit against Interior's 5-year plan. While a formal opinion has not been issued yet, I believe it is safe to say the court's action establishes that the OCS 5-year plan has been implemented in accordance with the intent of Congress as expressed in the Outer Continental Shelf Lands Act of 1978; notwithstanding the House Interior Subcommittee on Oversight and Investigations report issued in a timely fashion this past weekend.

Mr. Chairman, by declaring OCS leasing moratoria on annual appropriations bills before the 1978 act safeguards and review procedures run their course, we raise the specter of many problems:

First, section 18 of the 1978 act mandates that there must be "an equitable sharing of development benefits and environmental risks among the various regions." It would be impossible to strike such a balance in the 5-year OCS program if additional areas are prematurely deleted from the leasing program. Barring major portions of the 5-year OCS program would mean that nearly all OCS leasing and production would continue to occur off the coasts of only three States: Alaska, Louisiana, and Texas. Yet, the U.S. Geological Service estimates that offshore drilling along the entire U.S. coastline will provide at least 26 to 59 percent of our country's future oil discoveries and 25 to 36 percent of our future natural gas. Therefore, other States should and must share the responsibility of keeping the United States energy independent.

Second, arbitrarily curtailing oil leasing on U.S. coastal regions also threatens the second largest source of revenue to the U.S Treasury. Federal OCS bonus, royalty and rent revenues of $11.2 billion are projected in fiscal year 1983, $11.9 billion in fiscal year 1984, and $12.2 billion in fiscal year 1985. The revenue impact on our Federal deficit and balance of trade deficit caused by the loss of this revenue need not be explained to this Chamber.

Third, the most devastating impact these moratoria cause is continuous uncertainty in the entire 5-year OCS program. This does not allow industry time to properly respond and plan effectively to meet our country's oil and gas needs. In Louisiana this not only means big industry, but hundreds of related support facilities and small businesses who provide supplies and services to the entire offshore infrastructure and employ thousands of people. These support-related businesses include administrative and financial centers in New Orleans to refining, processing, tooling, and catering businesses in small communities throughout south Louisiana. Moratoria anywhere in the United States but especially in the eastern gulf, will result in the loss of thousands of jobs in an already depressed industry.

Mr. Chairman, the Department of Interior recently completed an OCS lease offering to the oil and gas industry in the gulf that brought in a record $3.5 billion in bonus bids alone to the Federal Government. This most recent lease offering, and the promise of sale 79 in the eastern gulf in November, has raised hopes in our stagnant offshore industry and job market in the gulf. I certainly hate to see these hopes dashed by a moratorium on the eastern gulf area. Not moving ahead with this sale in the eastern gulf will mean that 3,000 much needed jobs will not be created.

On the important question of environment, offshore Louisiana is and continues to be the most intensively developed OCS area in the country and the gulf. From 1954 to 1981 a total of 19,908 wells were drilled in the Federal OCS. Over 84 percent or 16,734 of these were located in the Louisiana offshore areas. Despite all of this activity—with an average daily oil production rate of over 700,000 barrels per day—Louisiana has only experienced two significant oil well blowouts. Both of these were in 1970 and neither one resulted in any oil reaching the Louisiana coastline. More astonishing, Mr. Chairman, is the fact that over 26,000 wells have been drilled in all State and Federal waters since offshore drilling began at the turn of the century. Only three other significant oil well blowouts besides the two in Louisiana have occurred. The most infamous was the Santa Barbara oilspill in 1969, and studies have documented that the environmental damage there was only temporary. In fact, Mr. Chairman, we have had more major oilspills off our U.S. coasts and around the world as a result of tanker accidents; tankers which in many cases are carrying imported foreign oil into our country.

In Louisiana and throughout the southwestern gulf we have also found that sport and commercial fishing have benefited enormously from the presence of offshore rigs which act as artificial reefs. Studies by Texas A&M University may soon confirm these environmental benefits. Amazingly, the commercial fishing industry has increased its annual harvest from the same waters in which the petroleum industry operates. Since 1954 intensive offshore oil and gas activity has been a way of life in Louisiana. Yet, today the Gulf of Mexico is the largest producer of domestic fishery landings in the United States. The gulf area now produces 36 percent of volume and 26 percent of the value of all seafood landed in the United States. In fact, 1982 was a record catch year in the gulf. These two industries can coexist.

Mr. Chairman, I believe the 1978 OCS Act can work, and can provide the type of consultation and review process between States and agencies Congress intended when it passed this law. This process should be allowed to run its course before action by this committee or body on moratoriums is considered.

On the eastern gulf, three previous sales have been conducted; sale 65 in 1978 and sales 67 and 69 last year. In each case the 1978 OCS Act provided the mechanisms to resolve any problems associated with environmental or defense related concerns.

As for sale 79, I understand the proposed notice of sale will be signed shortly. Historically over 90 percent of all the problems and consultations associated with a lease offering are resolved during the comment period after a proposed notice of sale has been made. This was the intent and purpose of Congress when it passed the OCS Act in 1978.

However, in the case of sale 79, as in most other OCS lease offerings, consultations between the Interior Department, States and various agencies have already been conducted. In addition, lease stipulations beyond those normally approved have already been agreed to in some areas. A draft environmental impact statement is being circulated and has just been finalized. The Department, through the Mineral Management Services, is attempting to resolve Air Force and Navy problems with the lease offering and additional lease stipulations, beyond those historically granted in previous lease sales in the gulf, have been agreed upon.

Certainly there are additional problems to be worked out, but I hope in the future this Chamber will allow the normal process to work its will first before considering appropriations moratoria which might only lead to the terrible consequences I have outlined.

Mr. LOEFFLER. Mr. Chairman, I join the gentleman from Ohio (Mr. REGULA) in commending the distinguished chairman of the subcommittee, as well as the ranking Republican member, for working with both sides during the subcommittee process, as well as the full committee process. Both gentleman have been very fair and forthright in their presentations to us and the other Members on both sides of the aisle, and indeed to each, the chairman, the gentleman from Illinois (Mr. YATES), and the ranking Republican, the gentleman from Pennsylvania (Mr. MCDADE), I am grateful.

Just as the gentleman from Ohio rose in opposition to this appropriation bill, I, too, rise. At best, the bill is $300 million over the fiscal year 1983 appropriations level.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. LOEFFLER. I will be happy to yield to my distinguished chairman, the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, at the conclusion of the gentleman's statement, I would be glad to show the gentleman the figures. Mr. Stockman's letter is wrong. The bill that the President signed into law was higher than the bill that we have brought to the House.

Mr. LOEFFLER. I thank the distinguished chairman of our subcommittee for his comments, but I might point out, as he well remembers, 2 years ago we came out of a conference and both he and I were arguing very sturdily, based upon two different numbers which we believed in so very much, and in fact one had apples and one had oranges, and this time I suspect that we are dealing with that same process again.

I would, however, point out to my distinguished chairman that the Congressional Budget Office has just put out a document which says:

> Our Interior appropriations bill is $.3 billion or $300 million in discretionary budget authority; and $.4 billion, or $400 million in discretionary outlays over the assumptions of the 1984 budget resolution.

So earlier I believe my distinguished chairman said that we were within the budget resolution as passed on the floor of the House, a resolution which I did not support, and that leads to the credence of the fact that numbers are numbers, and now the gentleman from Illinois, our distinguished chairman, has problems.

Mr. YATES. If the gentleman will yield further, there are two things that must be kept in mind here, on-budget items and offbudget items.

SPRO, which we appropriate for every year because we are interested in filling the strategic petroleum reserve, is considered to be an offbudget item, and that is the basis for Mr. Stockman's assertion and the basis, too, for the Congressional Budget Office assertion. But including SPRO, which is part of the bill the President signed into law, and that was the basis of the statement by my friend from Pennsylvania, the bill that the President signed into law was still higher than the bill we bring to the House.

Mr. LOEFFLER. Reclaiming my time, Mr. Chairman, in an event, I wish to inform the Members of this body that if this bill were passed by the Congress and sent to the President with the current figures of what we deem to be $300 million over the fiscal year 1983 appropriation bill, it is a very strong veto candidate.

I urge my distinguished Chairman, as well as the Members of this body, to see that we reduce the appropriated amount so that it can be a bill which the President would sign. In the event it is vetoed, I have every confidence that we will sustain that veto and we would have to go back to the subcommittee process to address the fiscal problems that this appropriation bill gives us today.

Mr. Chairman, in addition to this bill being a budget buster and a strong candidate for a Presidential veto in its current form, it actually severs potentially significant Federal revenues by placing prohibitions on Federal coal and offshore oil and gas leasing programs.

Mr. Chairman, our Nation is an energy-dependent nation. We are today moving forward to release the shackles which OPEC has been able to place upon us through the decade of the 1970's. I do not wish to see our country once again suffer the demeaning gasoline lines, the lack of home heating oil, the lack of natural gas for home use as well as industrial use—all which we experienced during the decade of the 1970's.

□ 1550

In my judgment, the prohibitions that we have placed in this appropriation bill on lease sale No. 80 and lease sale No. 79 which are prohibiting the ability of those sales to go forward are not in our Nation's best interests.

Mr. Chairman, as we address our energy needs, in my judgment we have now a Department of the Interior that is working very closely with officials from the State of California, as well as with officials from Florida. This review is proceeding pursuant to the congressional mandates of the OCS Lands Amendment Act. In my judgment it should not allow or should not provide for the prohibitions that we now have on this sale.

Mr. Chairman, I urge the Members of the body to vote to reduce by $300 million the outlays that are in this bill and, if such a reduction is not achieved during its consideration, to reject this appropriations bill.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Chairman, I rise in strong support of the Interior appropriation bill for fiscal year 1984, and I want to commend the chairman of the subcommittee, the gentleman from Illinois (Mr. Yates), for the leadership he continues to show on this bill each year. I extend that same compliment to the ranking Republican member of the subcommittee, the gentleman from Pennsylvania (Mr. McDade).

It is a pleasure to work with both of them and with my colleagues on this committee, even on those few times when we find ourselves in disagreement—and those times are relatively few.

Mr. Chairman, there is probably no more important bill affecting the State of Oregon than this bill. Over 50 percent of Oregon is managed by the Federal Government. That fact alone makes this bill critically important to my State.

The budget of the Forest Service is of particular importance to the economy of my State, like the other States of the Pacific Northwest and the Western region. The Forest Service budget is important because most of the timber companies in my State are not large private landholders. Instead, these firms must rely on timber offered for sale by the Forest Service from the lands that agency manages.

This bill provides funding for 5.1 billion board feet of new green timber sales in region VI. Because of the increase in housing permits and starts, it is important that adequate levels of timber sales be provided, and this bill does so.

This bill provides a sound timber sales program in order to meet anticipated demand. Funding is also provided for reforestation and for timber stand improvement, two accounts that are highly labor intensive and add to the stability and productivity of our national forests in the region I represent.

Mr. Chairman, I would say to my colleagues that this bill also restores many of the cuts requested by the administration for forest research programs and State and private forestry programs. In addition, nearly $1.5 million has been added back to the soils and water account of the Forest Service program designed to protect the land during and after timber harvest. This is one of many examples, Mr. Chairman, of a particular program, a vital program within the Interior appropriations bill that we bring before the Members today which is an investment in the productivity of this country. Funds that we invest through this bill in our lands and in our natural resources will more than replenish that amount to the Treasury.

The bill before the House today does not include the money requested by the Forest Service for development activities in those areas included in the Oregon and California wilderness bills, as passed by the House earlier this year. It is important to resolve the controversy surrounding the wilderness issue so that the timber industry can have some degree of predictability in planning for future supply. This is central to future jobs in Oregon's forest products industry.

Just as important is the need for certainty for those who wish to see some of this Nation's last few acres of pristine wild lands protected from further development.

The legitimate demand for wilderness from those who want to protect some of Oregon's best spawning streams and elk herds should not go unheeded. It is important that we leave something of our natural heritage to our children.

In short, Mr. Chairman, the budget for the Forest Service represents a sound, balanced approach to resource management. It recognizes the important economic impact of the wood products industry on the Pacific Northwest and the Nation while, at the same time, protecting and enhancing the land which is the basis for that industry.

The Interior appropriations bill also includes $3.5 million for anadromous fish conservation grants. Fishing is Oregon's third most important industry, but its fair to say that the industry has seen better days. For the towns up and down Oregon's coast, it remains an industry of paramount importance. Funding for this program is critical if the fishing industry if to recover and maintain its contribution to Oregon's, and the Nation's economy.

Important land acquisition across the country are also included in this bill, as well as funding for the State side of the land and water conservation fund. I am pleased that our commitments has included funding for acquisition at Bear Valley, Cascade Head, the Rogue River, and parcels in the Mount Hood and Gifford Pinchot National Forests.

Mr. Chairman, I have focused on some of the items in this bill that are of direct benefit to the Pacific Northwest, but the bill is truly a national bill. Land acquisitions in the Santa Monica Mountains and Valley Forge and Cuyahoga Valley serve a national interest. The Forest Service budget not only means a stable level of timber supply for the Northwest, but needed assistance to small woodlot owners in the South. There are very few items as important as the payment in lieu of taxes program to the West, particularly the Intermountain and Rocky Mountain States.

Energy conservation has long been a value in my State of Oregon and the funding for those programs associated with energy conservation are a top priority. But those efforts are just as important in the East and the rest of the country as they are in the Northwest.

There will be much discussion of the budgetary impact of this, and other, appropriation bills. Let us be clear about this bill. The Interior appropriations bill for fiscal year 1984 is $245 million less than the fiscal year 1983 bill which was passed by the 97th Congress and signed into law by the President last December. This bill will generate receipts of $15.7 billion—nearly twice the amount we propose to expend. Mr. Chairman, this bill makes money—it helps to reduce the Federal budget deficit. Indiscriminate cuts to this bill will mean lost revenue to the Federal Treasury, States, and counties.

More important, it will mean lost opportunity for thousands of Americans who work and play on our national lands. This bill affects those who work on offshore oil rigs, those who work in the forests, and those who take their family on a vacation to Yellowstone.

Mr. Chairman, this is a balanced bill. It means jobs to thousands of Americans while protecting our precious natural resources from exploitation. This is a financially responsible bill. It spends less than the current fiscal year and it makes money to reduce the deficit. I urge my colleagues to support it.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to my colleague, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I want to compliment the gentleman from Oregon (Mr. AuCoin) for the work that he has done on this bill, particularly as it relate to the Forest Service aspects. I have enjoyed working with him over the last several years since he has become a member of the Interior Subcommittee.

I want to thank our colleagues, particularly our chairman and the ranking minority member, for the support they have given to a balanced forestry program.

In the Northwest we have had very difficult times recently because of high interest rates and what that has done to the housing industry, but I think the kind of budget we now have in place will help us deal with those very difficult economic problems that are still there.

I commend the gentleman from Oregon, who has spent a great deal of time mastering this subject matter. I commend him for the leadership that he has provided in making sure that we have a balanced program and making sure that our environmental concerns are protected as well.

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Tennessee (Mrs. Lloyd).

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 3363, and commend subcommittee Chairman Yates for his leadership in bringing to the floor responsible appropriations levels for fossil energy and conservation R&D programs. I also want to congratulate the subcommittee's ranking Republican, Mr. McDade, for his great efforts at arriving at funding levels which will provide stability to our Nation's R&D efforts. Furthermore, I would like to compliment my committee chairman, Mr. Fuqua, for his hard work in providing authorization levels for fossil energy and conservation R&D activities that are almost parallel to those contained in the legislation before us today.

The total program level for fossil energy of $327 million represents a positive increase over the administration's continued shortsighted requests for these R&D activities which are vital to our Nation's energy independence. This body has repeatedly denied these going-out-of-business budgets, and I am sure we will continue to provide adequate support for these critical energy programs.

I am grateful to Mr. Whitten, Mr. Yates, and the committee for providing $7 million for a comprehensive environmental monitoring program to be carried out by DOE in support of the Synthetic Fuels Corporation. My efforts to obtain support for this activity derive from a desire to see the concerns of Congress and the public addressed regarding the health, safety, water resources, and socioeconomic issues associated with the development of synfuels projects. By allowing DOE to operate in a technical consulting role supporting the SFC, we will insure that the Nation's best technical expertise is integrated and that the environmental monitoring programs will have technical program continuity regardless of the status of the Synthetic Fuels Corporation.

With regard to the funding provided for conservation programs, I am particularly pleased to note that the committee sustained DOE's request for $9 million to begin construction of a High Temperature Materials Laboratory at Oak Ridge. I believe that the research to be conducted at the HTML will provide valuable information and will lead to advancements in the use of materials critical to energy efficiency.

Mr. Chairman, I urge my colleagues to support this important legislation.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. Fowler).

Mr. FOWLER. Mr. Chairman, I want to take this opportunity to express my support for the 1984 Interior Department budget recommended by the Appropriations Committee.

In particular, I would like to thank Interior Appropriations Subcommittee Chairman Yates and his colleagues for approving $1.388 million in the U.S. Park Service budget for the M. L. King, Jr., National Historic Site and Preservation District.

The King Historic Site is an important asset to Atlanta and the Nation. Last year over 500,000 visitors came to the park, not only to pay homage to Dr. King but to learn more about the story of the civil rights movement.

The historic site covers a two-block area encompassing the birth home of Dr. King, his church, and his memorial gravesite. The preservation district is composed of the commercial and residential sections of the Sweet Auburn community in which Dr. King grew up.

The $1.388 million budget for next year will fund $500,000 for land acquisition to acquire historic structures in the area, $200,000 to restore the structures once acquired, $100,000 to develop visitors exhibits, and $588,000 to operate the park.

These funds are needed to continue adequate development of the park, which is a relatively new unit of the U.S. Park Service authorized in 1980 but first funded last year. For this reason, I strongly endorse the Appropriations Committee's recommended 1984 funding for the King site.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Panetta).

Mr. PANETTA. Mr. Chairman, I rise in support of the legislation, and I would like to take this opportunity to express my sincere gratitude to the chairman and ranking minority member of the Subcommittee on Interior—Mr. Yates and Mr. McDade, respectively—for their guidance in bringing this legislation to the floor today.

I know I speak for many in California—many members of the California delegation, county governments, costal businesses, and people who simply enjoy our State's attractive and productive coast—in offering my thanks to you for your efforts bringing this legislation to the floor. This legislation contains a provision which would exempt a small, but vital percentage of California offshore area from offshore oil and gas leasing during the coming fiscal years, while still enabling the Federal Government to continue to pursue energy leasing in most promising California offshore areas. In fact, this provision would exempt from OCS oil and gas leasing only 9.2 percent of the acreage currently under consideration for possible lease during the 1984 fiscal year, leaving over 12 million acres of Federal offshore land open for lease.

California has made in the past—and will continue to make—a significant contribution to OCS oil and gas production. During the third quarter of 1982, California produced on the average over 1.2 million barrels of crude oil per day from State and Federal onshore and offshore lands.

It is clear that some of our State's most promising oil-producing areas lie in Federal offshore waters. The one-half billion barrel Pt. Arguello field, Chevron's 100 million barrel Sockeye field strike, and the oil-rich Santa Barbara Channel are all certain to contribute to our Nation's energy security through the coming years. For this reason, none of these most productive areas would be affected by the OCS leasing provisions of this bill.

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Instead, these provisions would affect those few economically and environmentally sensitive areas in which the considerable benefits of OCS oil and gas leasing are outweighed by the risks. I am pleased that the committee was able to reach a compromise which balanced the certain benefits of offshore development with the risks to the economies and marine environments of these particularly sensitive areas.

Again, I thank the committee for its foresight and efforts.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the delegate from Puerto Rico (Mr. Corrada).

Mr. CORRADA. Mr. Chairman, I rise in strong support of H.R. 3363 which makes appropriations for fiscal year 1984 for the Department of the Interior. I want to commend the chairman of the Interior Appropriations Subcommittee, Sid Yates, and the ranking member, Joe McDade, and their able staff for their work in drafting this bill.

I want to address my remarks in particular to two items of great interest and concern to my constituents in Puerto Rico.

First, the Appropriations Committee included funding for the continuation of the restoration of El Morro Castle in the San Juan National Historic Site. The budget for the National Park Service was increased by $4.5 million to allow for a resumption of the most critical work. The work on the restoration of the walls surrounding El Morro was begun in 1976 but was suspended last year because of lack of funding. El Morro Castle was constructed by the Spaniards between 1540 and 1591 as part of a fortress to protect the island from invaders. It has become a major tourist attraction with over 1½ million visitors annually.

Over the centuries, the ceaseless pounding by the ocean as well as exposure to the elements have contributed to the undermining of the fortress' foundations. Huge caverns have been formed that threaten the structural integrity of the fortress.

Over $13 million has already been spent in restoring this national treasure, and it is important that the work be completed in an expeditious manner to avoid further damage to the structure.

Second, I am pleased to note that the State and private forestry program is being funded at a reasonable level. In 1982, Puerto Rico received $291,000 under the cooperative payments to the States, which was very important in our efforts to expand a program of reforestation on public and private lands. According to the U.S. Soil Conservation Service, more than 1 million acres—half of Puerto Rico's total area—require permanent tree cover to prevent erosion and protect watersheds. In addition, Puerto Rico has the potential to establish a commercial timber industry which could help create an estimated 30,000 semiskilled jobs by the end of the 20-year period of the first crop rotation.

In conclusion, Mr. Chairman, I urge my colleagues to act quickly to enact this important appropriations bill.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Harrison).

Mr. HARRISON. Mr. Chairman, I have spoken before about the plight of the 1,200 men and women who live in Centralia, Pa., under which a mine fire has been burning for 21 years. I want to commend and thank the distinguished subcommittee chairman and the members of the subcommittee for the interest which they have taken in that mine fire and in efforts to contain and extinguish it.

Two years ago, thanks to the efforts of the committee, a bore hole study was implemented to locate the fire and to come up with options for extinguishing it. I had very much hoped that we would have some provision in this bill or some appropriation in this bill to implement the recommendations of that study. Unfortunately, the study will not be available until July 9. The committee was, therefore, faced with the difficulty of being unable to appropriate money for a project which has not been outlined, but I want to thank the members for the report language contained on page 43 in which the committee stresses its concern with this problem and indicates that as soon as the options are available and a plan has been outlined, every effort will be made to appropriate the necessary funds to finally put an end to this tragedy.

Mr. Chairman, if I may, I would like to pay particular tribute to my colleague, the gentleman from Pennsylvania, Mr. Murtha, for having gone with me one Saturday morning and walked the streets of Centralia and smelled the smoke and seen the suffering in people's eyes. I would like to thank the distinguished gentleman from Pennsylvania, Mr. McDade, and the chairman of the subcommittee for what they have done.

Mr. Chairman, I would like to say, as they used to say in the movies, "Stay tuned for coming attractions," because we will be back. This is a problem that urgently cries out for solution.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. Oberstar).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 3363, and I urge an overwhelming vote of support by this body for this legislation.

The Interior appropriations bill is the single most important piece of conservation legislation for the management of America's natural resources that this body will consider during this session of Congress. The Subcommittee on Interior Appropriations and the full Committee on Appropriations have done an excellent job of correcting the glaring deficiencies of the Reagan administration's budget proposal.

In particular, I am pleased by the work that the subcommittee has done to increase funding significantly for energy conservation, for the Indian health program, for the National Park Service, for the Fish and Wildlife Service, for the National Forest Service, and especially I refer to the $39 million increase for cooperative State, Federal, and private forestry programs. Those are essential, as the gentleman from Oregon has already pointed out, for the future of the housing industry and for the future of America itself in that most essential part of our economy, the home building industry.

For each of the past 5 years I have had the pleasure of coming before this subcommittee to request additional funding for projects of importance in my district, in my State, and on a national level. On each occasion, I have been deeply impressed by the command that the chairman of the subcommittee, the gentleman from Illinois (Mr. Yates), and the ranking minority, the gentleman from Pennsylvania (Mr. McDade), have had of the subject matter under the jurisdiction of that subcommittee.

In my district alone, there are a number of nationally significant national resources:

Voyageurs National Park;

Superior National Forest;

Chippewa National Forest;

Boundary Waters Canoe Area Wilderness, the largest wilderness area east of the Rockies;

Grand Portage National Monument; and

St. Croix Wild and Scenic River.

In addition, as the chief House sponsor of the legislation which created the Minnesota River Valley Wildlife Refuge, I have long been keenly interested in the development of the refuge.

This appropriation bill directly affects all of these important national resources. Having Sid Yates as chairman of the subcommittee is all the assurance I need that the request which I make on behalf of the people of Minnesota will receive a full and fair hearing.

This year, the subcommittee approved most of the requests which I made on behalf of the Minnesota congressional delegation and the people of Minnesota. In addition, the subcommittee and the full House has approved construction funds for Voyageurs National Park in the fiscal 1983 supplemental now awaiting conference with the Senate. Obviously, I wish that the subcommittee had approved my entire request. It was a barebones, no-frills request. Nevertheless, I am very pleased and grateful for the subcommittee response. The legislation before us today includes the following additions to the President's budget request:

Boundary Canoe Area Wilderness Act (Public Law 95-495)—land acquisition, section 5 resorts and wilderness purchases, $3 million; and grant to State of Minnesota, $3 million.

This grant will enable the State to continue the intensified forest management program which it began following enactment of the Boundary Waters Area Wilderness Act of 1978. The State provides $750,000 annually to match on an 80-20 basis the Federal grant. The President's budget proposed elimination of this important grant which is an integral part of our State's forestry effort.

Voyageurs National Park, $4 million for land acquisition; Minnesota Valley Wildlife Refuge land acquisition, $2.5 million.

I very much hope that the Senate will vote to sustain the tremendous improvements which the House has made to the fiscal 1984 budget. In addition, during the upcoming conference on the fiscal 1983 supplemental, I hope that the gentleman from Illinois, the chairman of the subcommittee (Mr. Yates), will prevail and that the Senate will finally agree to begin funding construction of the essential visitors' center at Voyageurs National Park.

H.R. 3363 is legislation of which this House can be proud to pass. I urge it to do so without any weakening of the important environmental protection it provides.

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They know their subject matter down to the last detail and that makes for the effective kind of legislation they are able to bring to this floor. They are able to understand the fullness of the measure which is entrusted to them.

I am especially appreciative of the support that the subcommittee has given to Voyageurs National Park, the Superior National Forest, and other projects in the Eighth Congressional District of Minnesota—in my district alone, and so forth.

Mr. LOEFFLER. Mr. Chairman, I yield such time as he may consume to the distinguished ranking member of the committee, the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, the bill we have before us today, H.R. 3363, making appropriations for the Department of the Interior and Related Agencies for fiscal year 1984 is a good bill. Through the funding recommendations contained in this bill, the committee seeks to protect, enhance and properly manage the natural and cultural resources of this great Nation.

Included in this bill are funds for the preservation and restoration of millions of acres of forest and rangeland, funds for national parks and local recreation projects; for wildlife habitat preservation, for assistance to Indian tribes and the territories; for the continuation and extension of our cultural programs including the National Endowments for the Arts and Humanities, and the Smithsonian Institution, and funds for a variety of fossil energy development and conservation programs.

Unfortunately, the committee has done such a good job of trying to meet all of these varying needs that the bill we bring to the floor is considerably over the administration's budget request and our own fiscal year 1983 level if we exclude from that level those funds provided in the emergency jobs bill.

Mr. Chairman, as one who was privileged to participate in both the subcommitee and full committee deliberations on this bill, I know the careful consideration which went into each and every recommendation. In preparing its recommendations, the subcommittee heard from over 900 witnesses including agency officials, Members of Congress, State and local officials and private citizens. Indeed, so deliberate has the subcommittee been in making its recommendations only after reviewing all available facts that a special hearing was held after the initial subcommittee markup to gather additional information on the OCS lease program with respect to the planned eastern Gulf of Mexico and southern California sales so that a more informed decision could be made by the time of the full committee meeting.

Let me indicate to my colleagues just how difficult a task it is to reduce the number in this bill other than by an across-the-board reduction by mentioning just a few of the areas in which the committee bill exceeds the administration request.

For the Department of the Interior and the Forest Service, the committee has included $22 million for the continued operation of existing hatcheries throughout the country; $4.6 million to continue Federal participation in the cooperative fish and wildlife research program; $242 million for land acquisition for our national parks and wildlife refuges including some $9 million for the Appalachian Trail and $75 million for the land and water conservation fund State grant program; $7 million for the migratory bird advance loan fund to continue efforts to preserve our irreplaceable wetlands which are being lost to agriculture interests and other development purposes at an alarming rate and $26.5 million for the historic preservation program.

In the Department of Energy, the committee is recommending $243 million to continue the low income weatherization program at the 1983 level; $30 million to prevent closeout of Government support for continued development of the MHD technology and an increase of $36.7 million in the fuel cells program including $2.6 million for thermionics, a very promising advanced fuel concept with both terrestrial and space power applications.

And finally, the committee bill restores funding for the National Endowments for the Arts and Humanities to the fiscal year 1981 level providing $165 million for the National Endowment for the Arts and $150 million for the National Endowment for the Humanities.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. Kostmayer).

Mr. KOSTMAYER. Mr. Chairman, there exists in southeastern Pennsylvania a serious situation regarding the preservation of a historic segment of the Delaware River. A water project is to be built there, despite a referendum in which 56 percent of the voters of Bucks County, Pa., rejected that proposal.

Further, I have introduced legislation designating a 21-mile portion of the Delaware River from Uhlerstown, Pa., to Washington Crossing, Pa. as a wild and scenic study river. Hearings will be held on the bill sometime in the next 3 months and this July 23, members of the Subcommittee on National Parks and Public Lands, will travel to the site at Point Pleasant, Pa.

Now, would the gentleman from Illinois (Mr. Yates) agree to work to make $200,000 available from the National Park Service for a study of the 21-mile stretch of the Delaware River between Uhlerstown and Washington Crossing, Pa., as wild and scenic, at the time at which the bill is enacted into law?

In the meantime the National Park Service would work with State and local governments to assess the options available to preserve this nationally significant stretch of river.

Finally, I would request that a study by the U.S. Fish and Wildlife Commission be conducted on the diversification and location of shad spawning grounds and the impact of water intake structures on shad eggs and juveniles in the 21-mile stretch of river.

Would the gentleman from Illinois agree that within the funds available in the bill to the Fish and Wildlife Service, up to $40,000 could be made available for such a study?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

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Mr. YATES. Mr. Chairman, I yield I additional minute to the gentleman.

Mr. KOSTMAYER. Mr. Chairman, I thank the gentleman.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I will.

Mr. YATES. Mr. Chairman, answering the gentleman's second question first, let me say that the request appears feasible to make the amount available within the funds.

With respect to the $200,000 item, we are not sure of the amount, let me say to the gentleman, but we think that the study seems to be a very constructive one and we will give it every consideration.

Mr. KOSTMAYER. I thank the gentleman and finally I would like to commend the gentleman from Illinois for his work and also commend my colleague, the gentleman from Pennsylvania (Mr. McDade) for his work on this extraordinary and valuable piece of legislation.

With the passage of this bill in the House today, Mr. Chairman, the Point Pleasant pumping station and the efforts to terminate it have come to the attention of the Congress.

Here in the people's House, the will of the people as expressed in the referendum of May 17 in Bucks County has finally been heard.

Mr. McDADE. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Nebraska (Mr. Bereuter).

Mr. BEREUTER. Mr. Chairman, there are many comments I would like to make about this very important appropriations bill, since it affects so many parts of our country as well as my own State; however, having visited the Pacific Trust Territories 2 years ago, as a matter of conscience I want to follow through on a few personal commitments to myself and to residents of those islands.

First, I want to specifically commend the committee for the report with respect to the international section, specifically as it relates to the Pacific Trust Territories.

On page 62 of that report, I note with interest and full support the recommendation of the committee concerning the increase of $264,000 for the supplemental food program and support costs for Kili and Ejit. I think earmarking of appropriations that is highly important.

The committee has also included $4,000,000 to be transferred to the Secretary of Energy to implement the health care program in the Marshall Islands as well.

I think this too is a very appropriate step on the committee's part. I would hope and fully expect that the committee would give this vital health care and nutrition program very close supervision, so that in fact the people who are supposed to receive the food and the health care assistance in the Marshall Islands do receive it. The level of corruption that one finds in the government of the Marshall Islands should not stand in the way of delivering these kinds of services to the people of Ejit and other parts of the Marshall Islands.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. McDADE. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding.

So the people of the Marshall Islands should really receive the kind of assistance that the American taxpayer is providing through this appropriation.

I would be pleased to work with the chairman and members of the committee in any fashion that might be helpful in assuring that the delivery of such assistance is not impeded.

Finally, if the gentleman would be willing to respond, I would like to ask the chairman a question, with respect to the Federated States of Micronesia.

I noted with some interest the rather grandiose plans for a capitol complex for the FSM, and having seen the need for substantial economic infrastructure in the Federated States of Micronesia. It is my understanding that the committee specifically considered this proposed capitol complex expenditure and rejected it. Is my understanding correct?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the chairman.

Mr. YATES. The gentleman may be assured that his understanding is correct. The committee considered it and deleted the funding for the construction of the capitol.

Mr. BEREUTER. I thank the chairman for his comment. I think that was a very appropriate decision on the committee's part and for purposes of legislative history I wanted to make that decision a matter of the record.

I thank the gentleman for yielding.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, the committee has made many appropriate decisions.

Mr. BEREUTER. Yes, I would say to the chairman that I did not intend to imply otherwise. Thank you.

● Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 3363, the Interior appropriations bill for fiscal year 1984. I want to congratulate the chairman of the full Committee on Appropriations, Mr. Whitten, and the chairman of the subcommittee, Mr. Yates, for their work in bringing this bill to the floor.

Mr. Chairman, I am especially pleased to support and congratulate my good friend, Mr. Yates, for his subcommittee's recommendations with regard to earthquake prediction work conducted by the U.S. Geological Survey. I recently acquired the title of chairman of the task force on earthquakes of the California Democratic delegation. I know I speak on behalf of my colleagues in the delegation in thanking Mr. Yates for his support of the Survey's work. I think I speak for some of our friends across the aisle as well. As we all know, earthquakes do not recognize party affiliation.

While the administration proposed to reduce the Survey's level of effort by $6 million, the subcommittee restored the budget to $35.524 million. This funding level will allow the USGS to continue earthquake monitoring projects along major active faults in California, Nevada, Utah, and Washington. It is noteworthy that the recent earthquake in Coalinga, Calif., on May 2 of this year was along an unknown fault. We cannot hope to predict or prepare for earthquakes if we do not set up a network of monitoring devices—this is what I am urging my colleagues to support today.

I would like to insert for the Record an article which recently appeared in the Wall Street Journal which indicates the degree to which the news media are prepared for the big one. I only hope we can be as prepared ourselves for this event.

The article follows:

[From the Wall Street Journal, June 24, 1983]

News Crews, Expecting the Worst, Prepare To Cover a Major Earthquake in California

(By Scot J. Paltrow)

Los Angeles.—During the past month, residents of cities all over Southern California were mystified as CBS network news crews suddenly showed up to tape scenes of downtown areas and landmarks and then disappeared after interviewing no one.

The seemingly strange interest in unremarkable cityscapes was actually part of a secret, slightly macabre CBS mission. The network wants to be ready for the long-anticipated granddaddy of California earthquakes. The roving camera crews were adding to a hoard of stock footage, stored in New York, that will enable the network to show before-and-after pictures of devastation.

CBS may have the most elaborate battle plan for covering a major California earthquake, but it is by no means alone among the nation's news organizations in making preparations. All three major television networks and the Cable News Network have arranged to lease large satellite antennas and transmission facilities in the event that their own become inoperable.

United Press International and at least two of the TV networks have lists at their New York headquarters of Southern California amateur radio operators to contact in the event that phone communications with their Los Angeles bureaus is cut. And, according to CBS Los Angeles correspondent Terry Drinkwater, some news staffers have been given home video systems with cameras to use in case the network's regular cameramen can't make it to a transmission point.

A BIG, BIG STORY

The news organizations have good reason for making plans. Seismologists say there is at least a 50 percent chance that an earthquake measuring more than 7.0 on the Richter scale will occur here within 30 years. A report issued by the Federal Emergency Management Agency in 1980 states that the resulting casualties and destruction "would surpass those of any natural disaster thus far experienced by the nation" and would be a catastrophe comparable to the Civil War. And that would certainly make the earthquake, as Mr. Drinkwater puts it, "a big, big story."

Steve Loper, the Associated Press' news editor in Los Angeles, is expecting the worst. He anticipates that phone service and the bureau's link to the main Associated Press computer network will be cut, and that bureau staff members may be unavailable or injured.

According to a printed plan distributed to the AP staff here, an able-bodied reporter in the Los Angeles bureau is supposed to take an ordinary transistor radio and attempt to make his way eight blocks north to the building that houses Pacific Telephone's microwave transmission facilities. If phones are working anywhere in the city, Mr. Loper says, it's expected to be in that building. The reporter is supposed to listen to his radio for civil defense broadcasts and then go to the top of the building to survey the damage and phone in an eyewitness account to New York.

The plan is about to be revised, though, Mr. Loper says, because personnel changes at Pacific Telephone may mean the reporter wouldn't be let in.

Reporters in nearby AP and UPI bureaus are expected to try to make their way to Los Angeles. UPI has even given its Los Angeles staff members specific assignments. According to a plan drawn up by a former UPI reporter, bureau manager Douglas R. Dowie is supposed to climb out of the rubble and head for the low-income, south-central section of Los Angeles to see if looting erupts. Mr. Dowie says he intends to revise that plan.

CBS, in addition to relying on some staff members' home video cameras, insists that its cameramen take their professional camera equipment home with them.

At rival ABC, crew members are required to leave the equipment behind when they stop work. In addition, Mr. Drinkwater says, all staff members carry special radios with them at all times, and correspondents have been paired with crew members who live near them and ordered to rendezvous in the event of a quake.

The Wall Street Journal doesn't have an elaborate plan for covering the earthquake, but its Los Angeles bureau did buy a battery-powered radio and television set recently and it plans to buy some short-wave equipment.

Nature strongly reinforced the call to the planning table on May 2, when an earthquake measuring 6.5 leveled much of downtown Coalinga, Calif. That quake, perhaps more than the warnings of seismologists and disaster officials, drove home to the news organizations the logistical problems of covering a major quake.

Crews were quickly dispatched by Lear Jet, helicopter and car. But most aircraft had to be diverted after the Federal Aviation Administration closed down the Coalinga airport and surrounding airspace in case emergency supplies had to be flown in. Coalinga had no phone service for much of the next two days. And video crews at times found themselves cut off from the heavily damaged central business district by intransigent sheriff's deputies.

Yardena Arar, an AP reporter, was among the first AP staff members on the scene. Anxious to send an eyewitness description, she quickly surveyed the damage and then searched for a phone—only to discover that burly NBC News crew members had commandeered the sole working phone booth in town and weren't about to give it up.

Robert W. Semple, Coalinga's public and industrial information officer, says that when the airspace above Coalinga was reopened, helicopters with camera crews began flying over the city to get aerial shots. As one helicopter hovered, he says, the downdraft from the chopper's blades threatened to topple a cracked and teetering building directly below.

Anita Garcia, a spokeswoman for the State Office of Emergency Services, which has responsibility for dispatching ambulances, medical aid and rescue equipment, says that during the first few hours after the quake her office was swamped with calls from newspapers and television stations. If the situation had been more grave, she says, the media calls could have seriously interfered with rescue efforts.

DEMAND FOR INFORMATION

"If an 8.3 (quake) hits down there, we can see between 500 and 2,000 reporters coming in from all over the world," says Alex R. Cunningham, who until recently headed the Emergency Services office. James L. Holton, the Federal Emergency Management Association's director of public affairs, notes that networks probably would suspend regular programs, switching to continuous live reports on the earthquake, thus creating a tremendous demand for information. In addition, he says, local television stations in other cities would probably dispatch their own crews.

"They'll suddenly appear on the scene with no istructions, no idea what they're doing," Mr. Holton says. "The local authorities will be absolutely swamped."

FEMA and the state emergency services office have met with representatives of all the major news organizations here recently to plan for media coverage. But some skeptics say the planning is overly bureaucratic.

"They wanted to sit down and plan for the coverage of the Big One like it was a political convention or the Olympics," says UPI's Mr. Dowie. "It got to the point of details like who would get press credentials and where would the reporters eat, who would handle hotel accommodations. In the midst of discussion you would have to stop and shake your head and remember you're talking about a disaster in which thousands and thousands of people would be killed."●

● Mr. RICHARDSON. Mr. Chairman, a couple of months ago I had the pleasure of appearing before the gentleman from Illinois' subcommittee to oppose the administration's planned 50-percent funding cut for the Southwest Indian Polytechnic Institute, which is located in New Mexico and is the only Indian technical school in the country. At stake was $1.3 million, not a lot of money in the grand scheme of the Federal Government, but terribly important for hundreds of native Americans from across the Southwest who are in search of educational training which will bring them a productive job in the future.

I, of course, received a sympathetic ear from the chairman. And he has seen to it that funds for SIPI would not fall below their current appropriated level.

At the end of my testimony, I told the gentleman from Illinois that he is often times our last best hope. By "our" I meant those of us that care about the plight of our native Americans; those of us who want to see our Nation's public lands and national forests managed wisely and developed prudently; those of us who feel it is important that our pristine wilderness areas be preserved; those of us who think that historic preservation, urban parks and the Youth Conservation Corps are important Federal programs; and those of us who believe in a strong Federal presence in energy conservation and fossil fuels research and development at DOE.

The proof that Sidney Yates is a champion of all these groups lies in this bill. As during each of the past 2 fiscal years, he has sheperded through the Appropriations Committee a bill which has put the brakes on this administration's attempts to sell off our public resources at less than fair market prices, to cut back our Nation's commitment toward improving the welfare of our native Americans, and to eliminate all funding for energy conservation at DOE.

There are so many elements of this bill that I could speak in favor of if I had an unlimited amount of time on the bill. There is a $4 million increase from $67 to $71 million for Indian education under title IV, even though the administration proposed only $1.2 million to close out the program. And there is $149 million for the Indian Health Service, at a time when the administration again proposed a severe cut. But the issue I would like to highlight is the committee's proposed ban on coal leasing.

Last month, the House Interior Subcommittees on Mines and Public Lands came to New Mexico for a field hearing I requested on the proposed San Juan coal sale. This sale, which is scheduled to be held in my northern New Mexico district in December, involves 900 million to 1.5 billion tons of coal on Federal lands in the San Juan basin, thereby making it a sale almost as large as Powder River.

More than 500 persons attended the hearing, chaired by my good friend and colleague from Oregon, Jim Weaver. Testimony was received from Governor Anaya, State officials, several coal companies and public service of New Mexico, as well as from environmentalists, Navajo officials, archeologists, and prodevelopment groups.

After hearing more than 9 hours of testimony, I came to the conclusion that Secretary Watt's coal leasing program is a disaster, and no more Federal coal lease sales should be held until there has been a cooling off period of at least a year and until the Secretary of the Interior implements regulations designed to carry out each of the General Accounting Office's recommendations found in its report on the Powder River basin coal sale.

Mr. Chairman, the GAO concluded that the Powder River basin coal leases were sold $100 million below fair market value. There is a serious danger that the State of New Mexico could lose between $40 and $80 million if Secretary Watt goes ahead with his proposed San Juan sale this December during a glutted coal market when demand is down. That must not be allowed to happen.

I am not anticoal development. I believe our Nation's vast coal resources are a blessing that will insure our Nation's economic viability for generations to come. I do, however, want to make certain that New Mexico does not become the next Powder River, and that most of the strippable coal on Federal lands in my State is not sold off cheaply and hastily, thereby depriving the people of my district and my State of a fair return on their resources.

The proposed ban in this bill is a bit longer than I would have preferred, but I want my colleagues to know that as a westerner from a coal producing district which is the site of one of the next coal sales, I will support the proposed ban as the only prudent approach to bringing our Federal coal leasing program back under control. Hopefully, we can reform the program and restore confidence in it so that Federal coal leasing can begin anew on a more moderate, balanced, and responsible level.

I commend the gentleman from Illinois for his leadership and his courage on these issues year after year. I strongly urge my colleagues to vote in favor of this bill.●

● Mr. YATRON. Mr. Chairman, I would like to express my appreciation to the chairman of the Interior Appropriations Subcommittee (Mr. YATES), my colleague from Pennsylvania, the ranking minority member on the subcommittee (Mr. McDADE), and the chairman of the Committee on Appropriations (Mr. WHITTEN), for again authorizing appropriations to carry out the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

As the chairman of the Subcommittee on Human Rights and International Organizations, I am particularly concerned with the matter of international environmental cooperation. This convention, established in 1940, is one of the earliest efforts by our country to forge a concerted, global movement to protect the Earth's resources. Continued U.S. commitment to the convention is a vital demonstration of our leadership on world environmental issues.

Specific sites, like the Hawk Mountain Sanctuary which I am proud to have in my district, depend on the program's funding to protect migratory bird species. It is gratifying to see Members of this body resist the temptation to make short-term decisions which directly jeopardize one of our most important responsibilities, namely the health of this planet's environment.●

● Mr. PACKARD. Mr. Chairman, I want to stress my support for a provision within the fiscal year 1984 Interior appropriations bill that would place a temporary 1-year moratorium on new oil and gas leasing on certain nearshore areas off the coast of San Diego and Orange Counties.

I also want to commend the gentleman from Illinois (Mr. YATES), for his leadership role in holding hearings and in proposing the amendment which was adopted by the full committee. Chairman YATES' sensitivity to these problems, which not only affect our constituents in southern California, but everyone throughout the Nation who has enjoyed our beautiful beaches, as well as those concerned about our national defense, is a tribute to his insight.

These are areas of great environmental concern, which are also important to our strategic defense and the regional economy.

Briefly, let me illustrate the negative impact offshore development in this area would impose.

First, the U.S. Navy maintains a substantial training facility for the Marine Corps at Camp Pendleton, which is in the area I represent. It is not only the largest amphibious training operation in the country, but the only such operation on the west coast. The installation of oil drilling platforms and associated equipment within an area of intensive amphibious operations would seriously hamper, if not preclude, the conduct of the Marine Corps training activities.

Second, San Diego and many of the small communities which line the coast have heavily invested in recreation and tourism facilities, and an oilspill would dramatically and severely impact this industry.

Finally, the rapid changes in depth within this coastal area would preclude the oil and gas industry from using conventional techniques to drill in deepwater tracts. The geological problems on the ocean floor which played a role in prior decisions still exist, which include the ever-real threat of earthquakes.

A 1-year moratorium on leasing in these sensitive areas will give Congress time to give the California OCS issue the careful consideration needed to assure a policy that strikes the necessary balance between these numerous concerns.●

● Mr. OTTINGER. Mr. Chairman, I rise in support of H.R. 3363. I would like to commend the committee on its excellent work in the area of energy conservation, which has been the blind spot of this administration. As chairman of the Energy Conservation and Power Subcommittee in the House Energy and Commerce Committee, which authorizes the energy conservation programs in the Department of Energy, I am keenly aware of the need to maintain the Nation's effort in energy conservation. I am happy to say that, with this bill, the Appropriations Committee has demonstrated that it shares that concern. The amount proposed for energy conservation in this bill remains within the authorization for fiscal year 1984 contained in the Omnibus Reconciliation Act of 1981.

This bill will permit the continuation of the State and local energy conservation programs at the Department of Energy, which the Reagan administration has proposed to eliminate for the third year in a row. These programs include the low-income weatherization program, the schools and hospitals conservation grants program, the State energy conservation program and the Energy Extension Service. The bill would also fund the continuation of several regulatory programs: the appliance efficiency standards, voluntary building energy performance standards (VBEPS), and the Residential Conservation Service (RCS).

The Reagan administration's approach to energy conservation is in marked contrast to the bipartisan support enjoyed by these programs in the Congress. For fiscal year 1984, President Reagan proposed to cut energy conservation 86 percent from the current spending level.

Congress, on the other hand, has shown strong support for these programs. In fiscal year 1982, Congress restored the programs despite zero requests. In fiscal year 1983, Congress added $150 million for the weatherization and schools and hospitals programs in the emergency jobs supplemental. Ironically, even though President Reagan wants to end these programs, the National Republican Congressional Committee strongly supports increases of the type that were included in the jobs bill. In a March 9, 1983, press release issued shortly after passage of the jobs bill, Rich Galen, director of public affairs for the NRCC said, "How could any Member of Congress vote to deny money to keep hospital patients and school children warm in winter?"I can only add, "How indeed?"

In another show of congressional support this year, 150 Members of the House, from both parties, have joined me as cosponsors of a resolution (H. Res. 139) in support of a balanced energy program that continues programs in energy conservation and renewable energy. This resolution is an explicit criticism of the Reagan administration's national energy program, which increases funding for only one energy technology—nuclear energy—while cutting efforts in all other technologies—solar, fossil and energy conservation—by more than 50 percent. I think it is clear that Congress has no intention of putting all of its eggs in one basket—the nuclear basket.

For the low-income weatherization program, this bill contains the minimum acceptable level of appropriations, continuing the program at slightly lower than the fiscal year 1983 level of $245 million. I would note that I support increasing funding for this program even further. The Weatherization and Employment Act of 1983 (H.R. 2615), which I authored, and which was reported by the Energy and Commerce Committee on May 12, authorizes $500 million for the program in fiscal year 1984.

POSSIBLE AMENDMENT

I understand that an amendment may be offered to reduce programs in this appropriations bill across the board by 4 percent. I would like to point out that because of the small size of the energy conservation programs, such a cut could have a devastating effect—handing the administration the right to eliminate through the budget process the statutory programs which it continues to oppose.

A 4-percent cut in the conservation budget, amounting to $21 million, could for example, wipe out the entire Residential Conservation Service—which provides information about energy conservation to residential utility customers—the voluntary building energy performance standards, and the Energy Extension Service administered by the States.

A 4-percent cut in the low-income weatherization program would amount to almost $10 million, thus eliminating an estimated 10,000 low-income homes from the weatherization program.

The low-income weatherization program has an excellent track record. To date it has weatherized close of 1 million low-income homes, producing energy savings of 15 to 30 percent annually. In addition, hearings in the Subcommittee on Energy Conservation and Power show that the weatherization program has enormous employment potential. For every Federal dollar spent, this program generates about 65 percent more jobs than projected under last year's highway jobs bill financed by a 5-cent gasoline tax.

In closing, I would urge my colleague to vote against any amendment that would have the effect of reducing the conservation budget. The appropriation proposed for energy conservation in H.R. 3363 is about 33 percent less than the Congress originally approved for fiscal year 1981 during the Carter administration. This program has already sustained big cuts. Let us not make any more damaging reductions.●

● Mr. HEFTEL of Hawaii. Mr. Chairman, I would like to take this occasion to express my support for H.R. 3363, the 1984 Interior appropriations bill. Among its various energy provisions is a section I feel is particularly important. H.R. 3363 appropriates some $1.7 billion, $1.1 billion more than the administration requested to purchase oil for the strategic petroleum reserve (SPR). This level of funding would allow a fill rate of 220,000 barrels per day in 1984, the minimum required under the Energy Emergency Preparedness Act (Public Law 97-229). I hope that the Senate will sustain the House level during its deliberations. It is crucial that we maintain the momentum of the past few years in building our Nation's energy security through the SPR.

Mr. Chairman, there is one additional issue related to the SPR program which I would like to bring to the attention of our colleagues to this time. One of the inadequacies in our strategic energy planning involves our lack of a regional storage network which would service particularly vulnerable, oil dependent areas such as New England, Puerto Rico, and my own State of Hawaii.

The Government has studied the problem. Sections 154(d) and 157(a) of the Energy Policy and Conservation Act of 1975 require that the issue of regional petroleum reserves be addressed in the strategic petroleum reserve plan of the Department of Energy. The flaw in the various DOE plans is that they never specifically recommended sites for establishing regional reserves and successive administrations have failed to back funding for a regional reserve network.

Adding to the problems is the indifference of Congress in appropriating funds. The result is we still have no regional petroleum reserve in Hawaii, Puerto Rico, and New England.

The current administration contends that in an emergency Hawaii would be served by strategic petroleum reserves in Louisiana and Texas. Perhaps. The system has never been tested, and it assumes a smooth and unbroken supply line between the mainland and Hawaii.

The Hawaii State Energy Office has questioned how Hawaii could be protected under the current plans. Given the present scenario, the Federal Government would have to ship strategic petroleum oil some 6,000 miles from storage sites in the face of very uncertain tanker availabilities. Hawaii refineries would have to hope that an adequate number of U.S.-flag vessels would be available, and that the refineries would have access to the proper grade of crude oil.

Then there is the problem of getting the tankers priority passage through the Panama Canal. At the best of times, an estimated 57 days would pass before oil would reach here once the emergency had been identified. So even if the emergency plans work without a hitch, Hawaii's economy could be disrupted in the event of a significant national oil shortfall.

It is time Congress took action on this problem.

Along with several colleagues in the House of Representatives, I have introduced a resolution calling for a new round of congressional hearings on the question of regional reserves. Among other things, we need to know if the administration has met Federal requirements. It may be that legislation should be reintroduced later this session to authorize and appropriate funds for a regional reserve program.

Mr. Chairman, I hope that the Congress will reexamine the regional reserve program in the coming months. The question of national energy planning requires that we study particular regional as well as overall national concerns. I look forward to participating in this debate with our colleagues.●

● Mr. LOWERY of California. Mr. Chairman, I rise in support of the temporary moratorium on new oil and gas leasing on certain Federal lands off the southern California coast, as proposed by the Appropriations Committee in H.R. 3363, the Interior appropriations bill for fiscal year 1984.

Approximately 11.6 million acres between Point Conception and the Mexican border, extending seaward from the State's 3-mile limit to as far as 130 miles offshore, have been designated for study for inclusion in lease sale 80, scheduled for February 1984. The study area includes virtually all of the waters off the San Diego/Orange County coast, from Newport Beach south to the Mexican border.

I do not question the need to develop new domestic sources of oil and gas to reduce our dependence on foreign energy sources, and am pleased that the administration has placed such a high priority on achieving this goal. However, the economic necessity of developing our domestic energy resources must be balanced by our responsibility to protect the economies and environments of our coastal communities. Therefore, I am joining with the San Diego County Board of Supervisors, the San Diego City Council, the San Diego congressional delegation, and virtually every local government in the area in supporting a temporary

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ban on leasing in the nearshore areas off the San Diego coast.

The proposed moratorium on leasing off San Diego and Orange Counties would affect approximately 846,720 acres—7.3 percent of the total acreage designated for study for inclusion in lease sale 80, and 0.3 percent of the total OCS acreage under consideration for lease in fiscal year 1984. The ban would, in effect, create a "buffer zone," running parallel to the California coast from Newport Beach south to the Mexican border, and roughly 17 miles from the seaward boundary of the 3-mile State tidelands boundary. The proposed moratorium would only apply to the actual lease sale of nearshore tracts. All preleasing activities—preparation of environmental impact statements, public hearings, and so forth—would continue as scheduled.

While I generally support the OCS lease program as a means of increasing our domestic energy resources, I believe that priority should be given to the leasing of areas which have the highest yield potential balanced by a minimal risk to the environment and local economies. The potential disadvantages of leasing in the nearshore tracts off San Diego outweigh the national need for oil and gas potentially developable from the area. The nearshore San Diego tracts were, in fact, deleted from lease sale 48 by then Secretary of the Interior Andrus, and were also excluded from "calls for nomination" for lease sales 68 and 73 in 1979 and 1980 respectively.

The 26 nearshore San Diego tracts—from 3 to 25 miles offshore—excluded from previous lease sales were extensively studied in 1979. Resource estimates from the 26 tracts were 30 million barrels of oil and 45 billion cubic feet of gas. When computed against the 1980 national consumption figures, these resource estimates represented only 42 hours of oil and 17 hours of gas. The draft environmental impact statement for lease sale 80 recently released by the Department of the Interior projects an even lower resource yield. According to the latest report, the most likely resource estimate for the 138 tracts off San Diego is 20 million barrels of oil and 20 billion cubic feet of gas.

Drilling in these nearshore areas could potentially pose a severe threat to San Diego's greatest natural resource—its coastline and beaches. The tourist industry attracted by the natural beauty and recreational potential of San Diego beach areas makes a tremendous contribution to the local economy: Tourism is San Diego's third largest industry, bringing an estimated $1.3 billion into the local economy annually. Furthermore, the tourist industry will play an increasingly important economic role if San Diego proceeds with a proposed $100 million convention center and attendant $200 million of new hotel facilities. From an economic as well as environmental standpoint, it is important that we protect our nearshore areas from the risks that offshore drilling would impose.

The introduction of offshore drilling in nearshore areas would also interfere with military activities off the San Diego coast. San Diego is the Navy's principal west coast home port. It supports more than half the Pacific Fleet, serving as the training center for the 120 ships and approximately 500 planes homeported in San Diego and Long Beach. Comdr. Bill Salisbury, the Navy's representative of the San Diego Association of Government's OCS Task Force, stated in a June 4, 1983, San Diego Union interview that oil drilling platforms off the San Diego coast would cause a "very significant impact on the Pacific Fleet" because they would snarl "one of the most heavily used training centers in the world."

While the Navy is most concerned about hazards to navigation, Commander Salisbury says that they are also concerned about loss of training time. The ocean areas just seaward of the 3-mile limit—where oil companies have shown the greatest interest—receive the heaviest military use. Drilling platforms in these nearshore areas would force the fleet to move elsewhere. The time it would take these ships and aircraft to move to more distant practice ranges would then have to be subtracted from training time, which is already at a premium.

While the Navy has not yet taken an "official" position on the areas included in lease sale 80, it did voice official objection to the sale of nearshore tracts in the same area in 1979, prior to lease sale 48. It is important to note that military usage of these nearshore areas has increased since that time. The Navy currently has seven major training areas off the San Diego coast. The introduction of offshore structures to these areas would compromise the Navy's ability to carry out its mission, and would not be in the best interests of the Nation.

Finally, there is serious concern about the negative impact of offshore oil development and potentially significant hydrocarbon emissions on San Diego's efforts to comply with the ambient air quality standards required by the Clean Air Act. While we are making excellent progress, San Diego County is one of 218 nonattainment areas in the country. The introduction of petroleum development and its associated hydrocarbon emissions would potentially exacerbate San Diego's problems in meeting Federal air quality standards. In effect, offshore development and its adverse emissions would only add to the existing emission transport problem from the Los Angeles air basin.

Mr. Chairman, it is my belief that sensitive offshore areas, such as the nearshore areas off the San Diego coast, should be among the last, not the first, offshore areas to be developed. These areas are unique in their economic and environmental sensitivity to offshore development and should be protected. A 1-year moratorium on leasing in these sensitive areas will give Congress time to give the California OCS issue the careful consideration needed to insure a policy that strikes the necessary balance between economic and environmental concerns.●

● Mr. BEDELL. Mr. Chairman, I want to express my strong support for H.R. 3363, the appropriations bill for the Department of the Interior and related agencies.

I want to commend the chairman of the subcommittee and the members of the committee for their efforts to report a balanced and responsible bill. I am particularly pleased with the committee's strong endorsement of our energy conservation and research activities, as well as Federal wildlife and natural resource preservation efforts.

I also want to express my strong support for the language in the bill which establishes an independent commission to make recommendations for the formulation of a responsible coal leasing program. In my opinion, Secretary Watt's action to dump federally owned coal on a soft market should not have gone unchallenged, and thus I am very pleased with the action taken by the committee.

Mr. Chairman, I found it interesting to note that, in his after the fact defense of the Interior Department's action to solicit bids on vast coal deposits during a period of depressed coal prices, Secretary Watt offered as an explanation his interest in seeing that adequate coal supplies are available for consumption when needed 10 to 15 years into the future.

If Secretary Watt's explanation of his Department's coal leasing policy signifies a change in this administration's position on the need for a long-term energy policy, then I welcome it.

However, I must say that I remain unconvinced that Secretary Watt's explanation reflects a sudden interest on the part of this administration in guaranteeing our energy security. I remain unconvinced, Mr. Chairman, because of what I perceive to be the administration's shortsighted energy policy in a number of other areas.

For example, the very bill before us today requires that the Department of Energy spend the funds necessary to fill the strategic petroleum reserve at the minimum rate required by law. As we all know, this action was made necessary because the administration—in an attempt to hold down budget outlays today—has proposed a sharp reduction in the fill rate for the SPR—despite the fact that today's soft oil prices offer a prime opportunity to fill the reserve in a cost-effective manner. How can Secretary Watt justify selling Federal coal at fire sale prices at the same time this administration—for budgetary reasons—wants to drastically reduce the filling of the SPR with relatively cheap oil? If the administration is truly concerned about holding down deficits by maintaining Government revenues, it would not have dumped the coal; and if the administration is concerned about our energy future, it would be filling the SPR at the required minimum level.

And why, Mr. Chairman, does Secretary Watt want to dump Federal coal at less than its true value during a period when the administration is so adamantly opposed to efforts to preserve our energy conservation and research efforts; to extend available tax incentives for renewable energy development; or to maintain our energy development loan programs?

If Secretary Watt and others in the administration are sincere in expressing a new-found commitment to securing our energy future, then I challenge the administration to convince those of us who remain skeptics of this policy reversal.●

● Mr. LEVINE of California. Mr. Chairman, I would like to take this opportunity to commend Chairmen JAMIE WHITTEN and SID YATES for crafting an excellent Interior appropriations bill. I am particularly pleased with the inclusion of two provisions which directly affect my district—a 1-year moratorium on oil and gas leasing in the Santa Monica Bay and a $25 million appropriation for land acquisition in the Santa Monica Mountains National Recreation Area.

I represent 50 miles of our Nation's most beautiful and precious coastline which extends from Malibu to Redondo Beach and is silhouetted against the Santa Monica Mountains. Each year tens of millions of people flock to this area to enjoy the scenic beauty and partake in the scores of recreational activities.

For many years, we who live and work in the area have demonstrated to the Federal Government that oil and gas leasing in the Santa Monica Bay would be economically, environmentally, and aesthetically damaging and that it is not in the public interest. Four former Secretaries of the Interior, both Democrats and Republicans, have seen the wisdom of protecting the Santa Monica Bay from oil drilling and have chosen not to include tracts in the Santa Monica Bay in three prior lease sales. I appreciate Chairman YATES' interest in this important issue and his inviting me to testify before the Interior Subcommittee to express my strong support of protecting the Santa Monica Bay from oil drilling.

We must do all we can to lessen our dependence on foreign sources of energy and support actions to achieve that goal, including the expanded development of domestic energy resources. This important goal must transcend parocial local concerns. This may require some expanded drilling for oil off of our coast. However, it must be done in a safe and environmentally balanced manner.

Secretary James Watt's plan would increase by 30 times the area offered for lease despite comments from the oil industry and coastal States that such an increase is likely to prevent focused development of those areas of the Outer Continental Shelf with the greatest potential for finding oil and gas. The moratorium includes only 10 percent of the area that Secretary Watt is offering for lease in California. Considerable additional acreage will be available for development. We should first develop the areas which have been leased but not yet developed before opening new areas.

The economic and environmental risks we may incur as a result of drilling in the Santa Monica Bay far outweigh the benefits of the oil we might retrieve. Southern California beaches are among the most heavily used beaches in the country. In 1980 over 76 million people visited Los Angeles County beaches. Over half of the State of California's annual coast-related tourism revenues of $15 billion is generated in southern California. The city of Santa Monica alone generates approximately $100 million annually from tourism and recreation.

Economic losses amounting to hundreds of millions of dollars are likely to occur as a result of drilling in the bay and would be further compounded if an oil spill occurs. These costs include reduced beach use, tourism, tourist taxes, revenue from commercial fishing, revenue from pleasure boats, property taxes, and property values.

There is a great deal of seismic activity in the Santa Monica Bay. In the past 10 years alone 171 earthquakes have occurred in the Santa Monica Bay with magnitudes as great as 5.6 on the Richter scale. I am very concerned that an oilspill as a result of an earthquake during exploration or development would jeopardize the beaches, parks, and biological areas of the Santa Monica Bay. Complicating the issue of seismicity is the controversy over whether drilling operations, through the withdrawal of fluids, increases seismic risks.

An oilspill would seriously endanger the two remaining wetlands in Los Angeles County. The 10 acres of wetlands in Malibu Lagoon and the 70 acres of wetlands in the Ballona Creek Estuary are all that remain of Los Angeles County's 6,800 acres of wetlands. These wetlands serve as habitats for many animals including several endangered species. The Ballona Creek Estuary alone is estimated to include 20 percent of the State's nesting ground for the endangered least tern.

The Santa Monica Bay has become a popular place for animal viewing. Many people find pleasure in watching the many sea birds and marine mammals. A favorite pastime is whale watching during migration season. An oil spill could not only eliminate this recreational activity but force these magnificent mammals to alter their migratory patterns.

I am also concerned about the increased amount of air pollution which would result if oil drilling occurs. Los Angeles suffers from a legendary air pollution problem. Not only would the health impacts be dangerous, but onshore industries would be forced to bear a greater cost of control to achieve the increment of reduction needed to offset offshore emissions. Offshore drilling would retard our efforts to clean up our air.

Those of us who have been fighting oil drilling in the Santa Monica Bay for years have grown weary of Secretary Watt's efforts to endanger our coastal resources in an effort to prospect for oil in an area where studies indicate a low probability that any significant resources exist. It is time that we take action to recognize that these areas are not the places to be drilling for oil. A 1-year moratorium will give us time to study this issue more fully. I hope my colleagues will realize the importance of protecting this precious natural resource and join me in supporting legislation introduced by our colleague, Congressman LEON PANETTA, H.R. 2059, which would impose a moratorium on oil and gas leasing in environmentally sensitive areas including the Santa Monica Bay until the year 2000.

Since I represent most of the Santa Monica Mountains National Recreation Area funding for parkland acquisition is of particular concern to me. Therefore, I testified before the Interior Subcommittee to explain the importance of preserving this beautiful area to my colleagues who serve on that committee.

Each year more than 10 million residents of the Los Angeles urban area use the Santa Monica Mountains as a place to enjoy such recreational activities as biking, horseback riding, and swimming. It combines large undeveloped areas of mountains, woodlands, grasslands, and beaches—something increasingly rare in southern California.

In 1978 a bipartisan majority in Congress recognized the exceptional value of the area and the need to preserve it and designated the Santa Monica

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Mountains a national recreation area. Although the legislation included a $155 million for a 5 year land acquisition program, unfortunately, to date, only $41 million has been appropriated for land purchases—an amount far below Congress' original mandate.

This is a crucial time for the Santa Monica Mountains. Funding is needed now more than ever. The value of these lands is appreciating rapidly. Developers have expressed interest in construction projects in the area, and it is imperative that parkland purchases be made as quickly as possible.

We must continue to purchase parklands before any further price increase in land costs or new development makes it impossible.

The Interior appropriations bill is a reasonable approach to protecting and preserving our valuable natural resources. I urge my colleagues to support it.●

● Mr. JONES of North Carolina. Mr. Chairman, I rise in support of H.R. 3363, legislation to make appropriations for the Department of the Interior and its related agencies for fiscal year 1984. As chairman of the Merchant Marine and Fisheries Committee, which is the authorizing Committee for the U.S. Fish and Wildlife Service, I have a particular interest in seeing that the Service has enough operating money and adequate personnel ceilings.

H.R. 3363 addresses my committee's concerns about the future of the Fish and Wildlife Service. For instance, the Service is responsible for the cooperative research units program, which was zero funded by the administration. However, in H.R. 3363 this program is fully funded and the secretary is directed to provide enough Federal employees to run this valuable program.

Another program that was proposed for a cut in its budget was the fish hatchery program. The House Appropriations Committee rejected any further cuts in the hatchery budget and, therefore, rejected any more hatchery closures this year. The Merchant Marine and Fisheries Committee is now looking into Federal fish hatchery policy; however, until this policy can be fully examined and intelligent recommendations made, I feel that no hatchery should be closed for lack of funding.

Another concern addressed in H.R. 3363 is the need for additional land acquisition to assure the future of our rich fish and wildlife resources. Despite the administration's request for zero funds, the House Appropriations Committee has very wisely recommended $42 million for acquisition of critical habitat as well as $7 million for the migratory bird conservation account to acquire wetland areas. I feel it is imperative that we continue to acquire land for these purposes in fee title as well as through conservation easements or land exchanges. It is important to continue to preserve part of our dwindling habitat resource in its pristine state to protect our priceless fish and wildlife heritage.

Mr. Chairman, I strongly support H.R. 3363 and commend my distinguished colleague from Illinois and his subcommittee for their hard work on this appropriations bill. I thank them, as well as the chairman and members of the full Appropriations Committee, for listening to and addressing my concerns, which are shared not only by my committee, but also the American public, which recognizes the need for these valuable programs. I urge my colleagues to vote favorably on passage of H.R. 3363.●

● Mrs. KENNELLY. Mr. Chairman, I rise to express my support for H.R. 3363, the Department of the Interior and related agencies appropriation bill of 1984. I also would like to thank the chairman of the subcommittee, Representative Sidney R. Yates, for the assistance and consideration he has given my concerns during the development of this legislation.

I strongly support the 6-month moratorium on Federal coal leasing, included in H.R. 3363, until a Commission has studied the appropriate direction for this program. The current policy of Secretary Watt for wholesale leasing of Federal coal reserves, at a time when the coal market is severely depressed, is simply a massive giveaway to the major energy corporations. A few months delay devoted to a reassessment of the coal leasing program will not jeopardize our efforts to achieve energy independence—not at a time when a 180-year supply of Federal coal is already available to the utility market at current rates. Instead, this study Commission can help make possible a program that is more fiscally and environmentally responsible than what is now the case under Secretary Watt.

For many of the same reasons, I am pleased that H.R. 3633 also contains language barring all Outer Continental Shelf oil and gas leasing and preleasing activity in the Georges Bank fishing grounds. New England is an energy-importing region of the country, yet we do not see the economic sense in disrupting our richly productive fishing areas when the value of energy reserves likely to be recovered there are relatively small. A wise development of our Nation's resources would hold these valuable tracts back until absolutely necessary.

The Interior appropriations bill also makes a major commitment to assure the orderly development of fuel cell powerplants, in order to bring this technology into private-sector commercialization. A major part of the research into fuel cell technology takes place in South Windsor, Conn. I was gratified the funding level was set at $46 million, $37 million over the level requested by the administration.

Although fuel cells can currently be produced with a given performance at a specified cost, further research is necessary to make them available at a competitive price with the necessary durability and reliability. The Appropriations Committee's action should insure that progress toward this goal continues.

On a final note, the Appropriations Committee has included $26.5 million for the historic preservation fund and $10 for the urban parks program. These two programs are designed to breathe new life into existing facilities and are very important for many community development projects across the country. While I am one who would like higher funding levels for these programs, the committee is to be congratulated for rejecting the administration's request that the programs be terminated.

● Mr. RAHALL. Mr. Chairman, I rise in support of H.R. 3363, the Department of the Interior and related agencies appropriation bill for fiscal year 1984.

Under this appropriation, $193.9 million will be available for State reclamation program grants, $18 million for the rural abandoned mine program and $25.5 million for the Federal reclamation effort.

While I believe the States could use considerably higher levels of funding per the recommendation of the Committee on Interior and Insular Affairs—$320 million—the Appropriations Committee has recognized that a large unappropriated balance in the abandoned mine reclamation fund does little environmental good sitting idle in the U.S. Treasury and has provided for the greatest amount of funding to the States since the fund was authorized by the Surface Mining Control and Reclamation Act of 1977.

A vast inventory of abandoned coal mine lands still exists. I am talking about burning slag piles, dangerous mine openings, acid mine drainage and old tipples causing hazards to the health and safety of the people living in Appalachia and other coal-producing regions of our Nation.

The money being appropriated from the abandoned mine reclamation fund—which is supported by a fee assessed on every ton of mined coal—will not only make a dent in the extensive inventory of abandoned mine lands but will also help to battle unemployment through the jobs reclamation projects create. The Committee on Interior and Insular Affairs has received testimony which indicates that for every $1 million in reclamation money spent 50 full-time jobs are created.

For fiscal year 1984, the committee has wisely chosen to return the RAMP

program to its pre-fiscal year 1983 status. In fiscal year 1983, the committee accepted an administration proposal to change the RAMP money distribution system. Instead of flowing through the Soil Conservation Service to local soil conservation committees and districts—as authorized by the 1977 SMCRA—RAMP money in fiscal year 1983 went directly to State departments of natural resources (or similar agencies) which in turn dealt with the Soil Conservation districts. However, some States had problems with this delivery mechanism either because the State agencies were not prepared to deal with the RAMP program or because of the lack of contracting authority on the part of the conservation districts. Of major concern was the fact that the districts do not have the resources to plan future RAMP-type projects. The Soil Conservation Service has the resources and technical expertise to undertake the RAMP program and I quote from the report accompanying H.R. 3363:

> The Committee believes the program can more effectively and efficiently be managed by the Soil Conservation Service in cooperation with state RAMP committees and local conservation districts. The amount provided will also allow the Soil Conservation Service to resume design, planning and implementation of new projects.

Mr. Chairman, West Virginia has an estimated 181,000 acres needing reclamation; among them are 1,200 acres of burning coal refuse piles and 53,000 acres of nonburning but severely eroding gob piles. In addition, more than 3,100 miles of streams are affected by abandoned coal mines in the State. The bill we are considering today will lend great assistance toward efforts to reclaim these areas.●

● Mr. VENTO. Mr. Chairman, I rise in strong support of H.R. 3363, the Department of Interior Appropriations. This legislation is more than appropriation legislation. It is a reaffirmation of this House for the Federal commitment to a rational balance of natural resources. This legislation recognizes the value of our national resources in terms of their developmental and recreational values.

The policies enunciated in this bill, unlike this administration's proposal, balance preservation and development. It is a rejection of the Reagan-Watt policy of development—full speed ahead at any cost.

Mr. Chairman, I want to commend the committee and, in particular, the subcommittee Chairman, Mr. Yates, for their efforts. I particularly want to express my support and gratitude for the committee's action on behalf of several crucial projects in Minnesota. The subcommittee has recommended adequate funding for several key programs in Minnesota, programs which the administration sought to delete. Earlier this year, I appeared before the subcommittee to testify in support of these programs and presented a supportive letter signed by the entire Minnesota house delegation.

Located in northern Minnesota, the Voyageurs National Park and the Boundary Waters Canoe Wilderness Area are unique national resources, enjoyed by all Americans. By providing adequate funding for land acquisition in both areas, the Voyageurs Visitors Center and the cooperative forestry program, the committee has progressed toward several goals. The land acquisition funds are essential to the protection of these resources. They insure that the areas will be available for the enjoyment of future generations and help to promote tourism, an important economic component of the region. In addition, the cooperative timber program helps a region, drastically hit by the recession. These programs have a successful track record and are worthy of our continued support.

The committee has also approved $2.5 million for land acquisition in the Minnesota Wildlife Refuge. This area, near the metropolitan area, is an essential nesting area for a wide variety of waterfowl and offers the potential of a major recreation resource for the millions of Twin Citians who live near this resource.

Mr. Chairman, the Reagan administration, through its policies, has demonstrated its lack of commitment to a sound natural resource policy. This bill is an appropriate response. I urge my colleagues to support H.R. 3363.●

● Mr. FRENZEL. Mr. Chairman, the Interior appropriation bill, H.R. 3363, is over the budget targets approved in the fiscal year 1984 budget resolution. Moreover, it lacks any evidence of commitment to fiscal responsibility.

For discretionary programs, spending exceeds the 302 allocations of the budget resolution by $275 million in budget authority and $411 million in outlays. For mandatory programs it is slightly under the budget resolution in budget authority and outlays. However, funding for some programs not yet authorized by the Senate is not provided, and will require a spring supplemental.

Further, the bill exceeds the President's request by $1.38 billion. It exceeds the fiscal year 1983 appropriation level, as well, when the $500 million approved by Congress for fiscal year 1983 as part of this spring's jobs bill is discounted. In its current form, this bill exemplifies the congressional disregard for the economic health of the Nation.

To sustain the recovery we must improve our spending discipline. Where funding and program management would best be managed at the State or local level, the shift to State of local should be made.

This bill fails to make those shifts. Instead it increases the Federal funding levels for programs such as conservation and renewable energy research which would be more efficiently and effectively handled apart from the Federal Government.

The enormous deficits which threaten the economy in the long term are caused by Congress profligate spending in bills like this one. The Federal Government does not have infinite financial resources.

Unfortunately, H.R. 3363 fails the test of fiscal responsibility. Along with the other excessive appropriations bills already passed, it threatens the economic security of our country. It regards budget ceilings as floors. It relies on supplementals. It is a budget buster even when the budget it is busting is excessive.

H.R. 3363 should be resoundingly defeated. If passed, it should be vetoed.●

Mr. YATES. Mr. Chairman, I wanted to yield to the gentleman from Indiana (Mr. Sharp), but I do not see him on the floor.

I also have been requested to yield some time to the gentleman from New Mexico (Mr. Richardson), but I do not see him on the floor.

If they are not on the floor, I have no further requests for time, and I yield back the balance of my time.

Mr. McDADE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be read by titles, and that title I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title I?

Are there any amendments to title I?

Mr. YATES. Mr. Chairman, I move to strike the last word.

The portion of the bill to which the pro forma amendment relates is as follows:

TITLE I—DEPARTMENT OF THE INTERIOR LAND AND WATER RESOURCES

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $348,852,000.

Mr. YATES. Mr. Chairman, the Park Service land acquisition and State assistance appropriation does not reflect funds for the Point Reyes

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National Seashore, the Monocacy National Battlefield, or the Chattahoochee River National Recreation Area to be allocated as follows:

Point Reyes National Seashore: $1 million.

Monocacy National Battlefield: $3 million.

Chattahoochee River National Recreation Area: $1 million.

I would like to state that it is the committee's intention to provide the amounts for those units and to change the amount shown in the report for "slippage" from $0 to minus $5 million. The budget proposed by the Department assumed that $6,700,000 of the $61,371,000 requested in the budget would have slippage. The committee initially did not concur with that assessment, but it appears likely, in view of the general reluctance of the Secretary to follow congressional direction on Federal land acquisition, that at least $5 million in slippage will occur in fiscal year 1984. It is for that reason that this reallocation is made in order to permit funds to be provided to these three additional areas.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to call attention to section 113 of the general provisions of the Department of the Interior appropriations bill appearing on pages 38-40. Basically, these provisions would prohibit the Department of the Interior from going ahead with the scheduled January 1984 sale of Outer Continental Shelf Lease No. 80 located off the coast of southern California. I would like to voice my ardent opposition to these provisions of the bill and can effectively demonstrate that legislation of this nature is hazardous to the national and economic security of this great Nation.

The decision to accelerate development of oil and gas on the Outer Continental Shelf was made primarily to increase America's energy self-sufficiency, and thus to boost the economy and the national security of the Nation. In 1982, America imported 4.9 million barrels of crude oil per day which was equivalent to 36 percent of the country's oil supply last year. In addition, natural gas imports in 1982 were equivalent to 4,932 barrels of oil per day, and made up 4.8 percent of domestic consumption. So far in 1983, America's average imports have amounted to 3.8 million barrels of oil per day and the natural gas equivalent of 5,050 additional barrels per day.

Together, crude oil and natural gas imports created a merchandise trade deficit of $62.2 billion in 1982 and was the principal cause of America's $31.8 billion trade deficit last year. Because the trade balance is the most important factor in calculating the balance of payments, America's enormous energy imports were also the primary cause of the $47.7 billion balance-of-payments deficiency in 1982.

The consequences of these colossal deficits are devastating. According to C. Fred Bergsten, former Assistant Treasury Secretary, the $13 billion real deterioration in the U.S. trade balance from January 1, 1981, to January 1, 1982, accounted for 40 percent of the decline in real GNP in that period. Moreover, applying a common economic rule that equates $1 billion in U.S. exports with 40,000 jobs, the 1982 trade deficit cost the Nation 1.27 million jobs. In the southern California region, the Environmental Impact Statement for Lease Sale No. 80 estimated that the sale would create 13,000 new jobs.

Moreover, it should be emphasized that declaring any type of moratorium on OCS leasing will substantially enlarge the Federal budget deficit since revenues from OCS leasing represent the second largest source of Treasury revenue behind taxes. The Department of the Interior has predicted that between 1982 and 1987 the OCS leasing process would generate $48 to $80 billion in Federal revenues. Imposing a moratorium on Lease Sale No. 80 alone will deny the Federal Government $12 billion in revenues according to the Environmental Impact Statement. Furthermore, it is estimated that every $1 million spent on drilling expenditures in the southern California region results in economic gains to the region in excess of $2.5 million. The beneficial economic prospects for the region are thus virtually unlimited if we proceed with the OCS drilling process. Both the Orange County and San Diego County Chamber of Commerce recognize these facts and have endorsed proposals supporting Lease Sale No. 80.

Our extensive dependence on oil imports also causes an extreme vulnerability to oil supply disruptions, and hence is a potentially lethal threat to America's national security. Further, the prospect of continuing dependence on foreign crude oil significantly increases the possibility that some day in the future, American soldiers might have to fight and perhaps die on foreign soil in order to maintain access to energy resources. One cannot simply ignore these fundamental foreign policy considerations.

The Department of the Interior's decisions to accelerate energy development on the Outer Continental Shelf recognize the economic and defense needs of the Nation as well as America's vast energy resources. Nearly 85 percent of America's untapped oil wealth is on publicly owned lands, two-thirds of which is offshore. In the waters off our Nation's coasts, a 1980 geological survey estimated recoverable resources of crude oil at 32.6 billion barrels, while natural gas resources were estimated at 46.5 billion barrels of oil equivalency. Recoverable resources of petroleum for Lease Sale No. 80 alone is estimated at over 2.3 billion barrels. In 1981, only 280 million barrels of oil and the natural gas equivalent of 922 million petroleum barrels were extracted from Federal waters off our Nation's coasts. Off the coast of southern California, only 19.6 million barrels of oil and the natural gas equivalent of 2.4 million barrels were extracted from Federal waters in 1981. The people of California recognize this only too well. In a recent poll of California citizens by the Field Institute, a majority agreed that "oil companies should be allowed to drill more oil and gas wells" in lands along "the California sea coast." The views of the California citizen must be taken into consideration.

Furthermore, the Outer Continental Shelf's environmental record is outstanding. Offshore exploration and drilling operations in the last 10 years have contributed only 3 percent of the oil which has entered America's ocean waters compared to 86 percent from ships and tanker operations and 11 percent from natural seepage. Virtually none of this 3 percent was actually carried to shore. From those statistics, it can be concluded that the danger to the ocean and beach environment from oil spills from foreign tankers carrying foreign crude oil and manned by foreign crews is much greater than the threat of potential spills and OCS production. Since the Offshore oil pollution compensation fund was created in 1978, no Federal cleanup costs have been incurred and no damage claims have been made relating to offshore drilling operations. More than $280 million has been spent on environmental safeguards since 1950, and consequently America's oil safeguards are the best in the world. The people of California recognize this only too well. In a recent poll of California citizens by the Field Institute, 59 percent agreed that offshore drilling and concern for the environment were compatible considerations.

Given the economic, energy, and national security considerations, as well as the current environmental safeguards and public opinion on the issue, the Department of the Interior's OCS leasing process is both justified and necessary for the advancement of America's interests. Any legislation which attempts to repeal or delay the OCS leasing process goes contrary to America's long-term interests. Those who drafted the moratorium provisions of the bill cannot offer any substantial evidence that OCS leasing off the coast of California will have any significant detrimental economic or environmental effects. Their views are based on major misconceptions and factual fallacies hidden amidst an aura of political rhetoric. Considering the fact that the California coast is a well tested drilling region, do we really want to take what may be a first step toward banning all OCS production?

□ 1610

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, $10,924,000.

The Clerk read as follows:

Amendment offered by Mr. Yates: On page 13, line 8, strike "$10,924,000" and insert "$11,325,000".

Mr. YATES. Mr. Chairman, the purpose of this amendment is to correct an error. It conforms the bill to the actions taken by the subcommittee and the committee for the national recreation and preservation programs. It restores $151,000 for the natural landmarks program as requested by the administration and includes an additional $251,000 for national register programs. For national register programs the administration has requested $6,676,000, and with this action the amount now provided will be $5,476,000, a net reduction of $1,200,000.

I ask for approval of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Yates).

The amendment was agreed to.

Mr. CRAIG. Mr. Chairman, I move to strike the last word.

Mr. Chairman. I would like to draw the attention of the chairman of the subcommittee and the ranking member to, starting on page 4, line 4, of the bill and page 15 of the committee report. As I was reading down these pieces this morning I began to recognize that this appropriation legislation has substantial legislative change proposed in it outside just appropriation responsibility.

I say that because this particular section of this appropriation bill, in fact, changes law. It changes the 1978 Grazing Act that mandated program for establishing and monitoring grazing fees in the Western States and, in effect, by its presence creates a new fee structure.

When I began to question why the Appropriations Committee might in fact be legislating new law I found out that in the markup of this legislation under the BLM section, on the chairman's item 14, there was only a sentence saying something to the effect of range improvements. It was bill language providing that range improvements will be provided at 50 percent of receipts of $8,640,000 and establishing a grazing fee schedule.

What does this do? It changes the direction of Congress and the mandate the Congress established in the FLMPA Act of 1976 when it in fact mandated that Congress would proceed to create a flexible schedule for the grazing of livestock on the public lands of primarily our Western States.

Then, as a result of that study, we created the Rangeland Grazing Survey and the Public Rangelands Improvement Act of 1978.

In that act, Members of Congress, we were able to create a mechanism and use that mechanism in establishing grazing fees on an annual basis that in some way would correspond with the market price of cattle, to be allowed to get the maximum use from our grazing lands from the standpoint of revenue return to the Treasury.

In the passage of that improvement act in 1978 we used a base figure of $1.23 which was established by the 1966 western livestock grazing survey and is changed annually by multiplying the result of the forage value index added to the combined index of beef cattle index minus the price index, and so on, to establish a fee that the Department of the Interior vis-a-vis the BLM is allowed to charge.

Now, that new formula approach is under study. We are not, I am not committed to that yet, and we do not know for sure whether it is working. But Congress said let us examine this through 1985, and while we examine it let us ask the Bureau of Land Management, the Department of the Interior, the U.S. Forest Service, the U.S. Department of Agriculture, to conduct a study monitoring the formulas process throughout the Western States, in fact, to determine whether the fee represents a fair market value for the forage consumed by western livestock grazing on those public lands.

This report is due in Congress by January 1, 1985. In checking with Director Bob Burford, of the BLM, I am told that this report is in progress, the study by all of the Departments I have named are in fact underway.

But what we have now is an end run by this subcommittee to emplant upon BLM and the Department of the Interior a fixed schedule which in no way reflects the market trends or the values and the problems that we experience on our public grazing lands.

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I likened this to the problem that we get involved in with the Department of Agriculture and the U.S. Forest Service when we are talking about stumpage costs. If we would begin to look at the Canadian Government and how they handle the pricing of their timber, we might not have gotten ourselves in the problem we had in the western forest lands of this Nation and the southern forest lands, if not the whole country; in that we had companies locked into a very rigid schedule which in no way reflected the market trends at the time in the timber industry. What this committee is attempting to do by legislating in an appropriation bill is to return us to that kind of rigid structuring that we have had problems with in forest management that we will once again have.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Craig was allowed to proceed for 2 additional minutes.)

Mr. CRAIG. What we risk doing in this kind of legislating in an appropriation bill is creating that rigid structure. What States am I talking of? Arizona, California, New Mexico, Utah, Colorado, Idaho, Montana, Nebraska, Oklahoma, Oregon, and Washington.

And I would have to think that the authorizing committee, the Interior Committee, would in fact be quite upset by this process and willing to look at this in light of what all of the agencies that I have mentioned are at this time doing in the survey and in the study that was mandated by the 1978 law. As a member of that Interior Committee I resent this kind of an end run and I have to think that my colleagues on that committee do too. Certainly I wanted to place in the Record this statement so that when we get to conference we can be reflective of the fact that we are in fact legislating through an appropriation measure and that we are disregarding the extensive report that will be coming forth from all of these agencies that are charged with the management of these public lands and establishing fees for grazing of livestock on our western public lands.

It was the intent of Congress that the legislative fee in effect at the present time be given a trial period of 7 years during which time a study would be made and, upon receipt of the results of this study, Congress intended to act and adjust the grazing fee either by formula or as they saw fit for the year 1986 and subsequently. Action on this fee at the present time would be premature and should be postponed until the results of the study are in the hands of Congress.

BLM Grazing Fees

1973	$0.78
1974	1.00
1975	1.00
1976	1.51
1977	1.51
1978	1.51
1979	1.89
1980	2.36
1981	2.31
1982	1.86
1983	1.40

1982 Grazing Fee of Certain States

Arizona	$1.43
California	1.70

National Seashore, the Monocacy National Battlefield, or the Chattahoochee River National Recreation Area to be allocated as follows:

Point Reyes National Seashore: $1 million.

Monocacy National Battlefield: $3 million.

Chattahoochee River National Recreation Area: $1 million.

I would like to state that it is the committee's intention to provide the amounts for those units and to change the amount shown in the report for "slippage" from $0 to minus $5 million. The budget proposed by the Department assumed that $6,700,000 of the $61,371,000 requested in the budget would have slippage. The committee initially did not concur with that assessment, but it appears likely, in view of the general reluctance of the Secretary to follow congressional direction on Federal land acquisition, that at least $5 million in slippage will occur in fiscal year 1984. It is for that reason that this reallocation is made in order to permit funds to be provided to these three additional areas.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to call attention to section 113 of the general provisions of the Department of the Interior appropriations bill appearing on pages 38-40. Basically, these provisions would prohibit the Department of the Interior from going ahead with the scheduled January 1984 sale of Outer Continental Shelf Lease No. 80 located off the coast of southern California. I would like to voice my ardent opposition to these provisions of the bill and can effectively demonstrate that legislation of this nature is hazardous to the national and economic security of this great Nation.

The decision to accelerate development of oil and gas on the Outer Continental Shelf was made primarily to increase America's energy self-sufficiency, and thus to boost the economy and the national security of the Nation. In 1982, America imported 4.9 million barrels of crude oil per day which was equivalent to 36 percent of the country's oil supply last year. In addition, natural gas imports in 1982 were equivalent to 4,932 barrels of oil per day, and made up 4.8 percent of domestic consumption. So far in 1983, America's average imports have amounted to 3.8 million barrels of oil per day and the natural gas equivalent of 5,050 additional barrels per day.

Together, crude oil and natural gas imports created a merchandise trade deficit of $62.2 billion in 1982 and was the principal cause of America's $31.8 billion trade deficit last year. Because the trade balance is the most important factor in calculating the balance of payments, America's enormous energy imports were also the primary cause of the $47.7 billion balance-of-payments deficiency in 1982.

The consequences of these colossal deficits are devastating. According to C. Fred Bergsten, former Assistant Treasury Secretary, the $13 billion real deterioration in the U.S. trade balance from January 1, 1981, to January 1, 1982, accounted for 40 percent of the decline in real GNP in that period. Moreover, applying a common economic rule that equates $1 billion in U.S. exports with 40,000 jobs, the 1982 trade deficit cost the Nation 1.27 million jobs. In the southern California region, the Environmental Impact Statement for Lease Sale No. 80 estimated that the sale would create 13,000 new jobs.

Moreover, it should be emphasized that declaring any type of moratorium on OCS leasing will substantially enlarge the Federal budget deficit since revenues from OCS leasing represent the second largest source of Treasury revenue behind taxes. The Department of the Interior has predicted that between 1982 and 1987 the OCS leasing process would generate $48 to $80 billion in Federal revenues. Imposing a moratorium on Lease Sale No. 80 alone will deny the Federal Government $12 billion in revenues according to the Environmental Impact Statement. Furthermore, it is estimated that every $1 million spent on drilling expenditures in the southern California region results in economic gains to the region in excess of $2.5 million. The beneficial economic prospects for the region are thus virtually unlimited if we proceed with the OCS drilling process. Both the Orange County and San Diego County Chamber of Commerce recognize these facts and have endorsed proposals supporting Lease Sale No. 80.

Our extensive dependence on oil imports also causes an extreme vulnerability to oil supply disruptions, and hence is a potentially lethal threat to America's national security. Further, the prospect of continuing dependence on foreign crude oil significantly increases the possibility that some day in the future, American soldiers might have to fight and perhaps die on foreign soil in order to maintain access to energy resources. One cannot simply ignore these fundamental foreign policy considerations.

The Department of the Interior's decisions to accelerate energy development on the Outer Continental Shelf recognize the economic and defense needs of the Nation as well as America's vast energy resources. Nearly 85 percent of America's untapped oil wealth is on publicly owned lands, two-thirds of which is offshore. In the waters off our Nation's coasts, a 1980 geological survey estimated recoverable resources of crude oil at 32.6 billion barrels, while natural gas resources were estimated at 46.5 billion barrels of oil equivalency. Recoverable resources of petroleum for Lease Sale No. 80 alone is estimated at over 2.3 billion barrels. In 1981, only 280 million barrels of oil and the natural gas equivalent of 922 million petroleum barrels were extracted from Federal waters off our Nation's coasts. Off the coast of southern California, only 19.6 million barrels of oil and the natural gas equivalent of 2.4 million barrels were extracted from Federal waters in 1981. The people of California recognize this only too well. In a recent poll of California citizens by the Field Institute, a majority agreed that "oil companies should be allowed to drill more oil and gas wells" in lands along "the California sea coast." The views of the California citizen must be taken into consideration.

Furthermore, the Outer Continental Shelf's environmental record is outstanding. Offshore exploration and drilling operations in the last 10 years have contributed only 3 percent of the oil which has entered America's ocean waters compared to 86 percent from ships and tanker operations and 11 percent from natural seepage. Virtually none of this 3 percent was actually carried to shore. From those statistics, it can be concluded that the danger to the ocean and beach environment from oil spills from foreign tankers carrying foreign crude oil and manned by foreign crews is much greater than the threat of potential spills and OCS production. Since the Offshore oil pollution compensation fund was created in 1978, no Federal cleanup costs have been incurred and no damage claims have been made relating to offshore drilling operations. More than $280 million has been spent on environmental safeguards since 1950, and consequently America's oil safeguards are the best in the world. The people of California recognize this only too well. In a recent poll of California citizens by the Field Institute, 59 percent agreed that offshore drilling and concern for the environment were compatible considerations.

Given the economic, energy, and national security considerations, as well as the current environmental safeguards and public opinion on the issue, the Department of the Interior's OCS leasing process is both justified and necessary for the advancement of America's interests. Any legislation which attempts to repeal or delay the OCS leasing process goes contrary to America's long-term interests. Those who drafted the moratorium provisions of the bill cannot offer any substantial evidence that OCS leasing off the coast of California will have any significant detrimental economic or environmental effects. Their views are based on major misconceptions and factual fallacies hidden amidst an aura of political rhetoric. Considering the

fact that the California coast is a well tested drilling region, do we really want to take what may be a first step toward banning all OCS production?

□ 1610

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, $10,924,000.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 13, line 8, strike "$10,924,000" and insert "$11,325,000".

Mr. YATES. Mr. Chairman, the purpose of this amendment is to correct an error. It conforms the bill to the actions taken by the subcommittee and the committee for the national recreation and preservation programs. It restores $151,000 for the natural landmarks program as requested by the administration and includes an additional $251,000 for national register programs. For national register programs the administration has requested $6,676,000, and with this action the amount now provided will be $5,476,000, a net reduction of $1,200,000.

I ask for approval of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was agreed to.

Mr. CRAIG. Mr. Chairman, I move to strike the last word.

Mr. Chairman. I would like to draw the attention of the chairman of the subcommittee and the ranking member to, starting on page 4, line 4, of the bill and page 15 of the committee report. As I was reading down these pieces this morning I began to recognize that this appropriation legislation has substantial legislative change proposed in it outside just appropriation responsibility.

I say that because this particular section of this appropriation bill, in fact, changes law. It changes the 1978 Grazing Act that mandated program for establishing and monitoring grazing fees in the Western States and, in effect, by its presence creates a new fee structure.

When I began to question why the Appropriations Committee might in fact be legislating new law I found out that in the markup of this legislation under the BLM section, on the chairman's item 14, there was only a sentence saying something to the effect of range improvements. It was bill language providing that range improvements will be provided at 50 percent of receipts of $8,640,000 and establishing a grazing fee schedule.

What does this do? It changes the direction of Congress and the mandate the Congress established in the FLMPA Act of 1976 when it in fact mandated that Congress would proceed to create a flexible schedule for the grazing of livestock on the public lands of primarily our Western States.

Then, as a result of that study, we created the Rangeland Grazing Survey and the Public Rangelands Improvement Act of 1978.

In that act, Members of Congress, we were able to create a mechanism and use that mechanism in establishing grazing fees on an annual basis that in some way would correspond with the market price of cattle, to be allowed to get the maximum use from our grazing lands from the standpoint of revenue return to the Treasury.

In the passage of that improvement act in 1978 we used a base figure of $1.23 which was established by the 1966 western livestock grazing survey and is changed annually by multiplying the result of the forage value index added to the combined index of beef cattle index minus the price index, and so on, to establish a fee that the Department of the Interior vis-a-vis the BLM is allowed to charge.

Now, that new formula approach is under study. We are not, I am not committed to that yet, and we do not know for sure whether it is working. But Congress said let us examine this through 1985, and while we examine it let us ask the Bureau of Land Management, the Department of the Interior, the U.S. Forest Service, the U.S. Department of Agriculture, to conduct a study monitoring the formulas process throughout the Western States, in fact, to determine whether the fee represents a fair market value for the forage consumed by western livestock grazing on those public lands.

This report is due in Congress by January 1, 1985. In checking with Director Bob Burford, of the BLM, I am told that this report is in progress, the study by all of the Departments I have named are in fact underway.

But what we have now is an end run by this subcommittee to emplant upon BLM and the Department of the Interior a fixed schedule which in no way reflects the market trends or the values and the problems that we experience on our public grazing lands.

□ 1620

I likened this to the problem that we get involved in with the Department of Agriculture and the U.S. Forest Service when we are talking about stumpage costs. If we would begin to look at the Canadian Government and how they handle the pricing of their timber, we might not have gotten ourselves in the problem we had in the western forest lands of this Nation and the southern forest lands, if not the whole country; in that we had companies locked into a very rigid schedule which in no way reflected the market trends at the time in the timber industry. What this committee is attempting to do by legislating in an appropriation bill is to return us to that kind of rigid structuring that we have had problems with in forest management that we will once again have.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. CRAIG was allowed to proceed for 2 additional minutes.)

Mr. CRAIG. What we risk doing in this kind of legislating in an appropriation bill is creating that rigid structure. What States am I talking of? Arizona, California, New Mexico, Utah, Colorado, Idaho, Montana, Nebraska, Oklahoma, Oregon, and Washington.

And I would have to think that the authorizing committee, the Interior Committee, would in fact be quite upset by this process and willing to look at this in light of what all of the agencies that I have mentioned are at this time doing in the survey and in the study that was mandated by the 1978 law. As a member of that Interior Committee I resent this kind of an end run and I have to think that my colleagues on that committee do too. Certainly I wanted to place in the RECORD this statement so that when we get to conference we can be reflective of the fact that we are in fact legislating through an appropriation measure and that we are disregarding the extensive report that will be coming forth from all of these agencies that are charged with the management of these public lands and establishing fees for grazing of livestock on our western public lands.

It was the intent of Congress that the legislative fee in effect at the present time be given a trial period of 7 years during which time a study would be made and, upon receipt of the results of this study, Congress intended to act and adjust the grazing fee either by formula or as they saw fit for the year 1986 and subsequently. Action on this fee at the present time would be premature and should be postponed until the results of the study are in the hands of Congress.

BLM GRAZING FEES

1973	$0.78
1974	1.00
1975	1.00
1976	1.51
1977	1.51
1978	1.51
1979	1.89
1980	2.36
1981	2.31
1982	1.86
1983	1.40

1982 GRAZING FEE OF CERTAIN STATES

Arizona	$1.43
California	1.70

1982 GRAZING FEE OF CERTAIN STATES—Con.

New Mexico	1.60
Utah	2.36
Colorado	3.00
Idaho	4.25
Montana	3.47
Nebraska	14.00
Oklahoma	5.70
Oregon	2.50
Washington	3.37

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this appropriations bill and wish to acknowledge the fine work of the gentleman from Illinois (Mr. YATES). The bill which he brings before us today is both a difficult one and a very important one for our country. SID YATES and his subcommittee know the importance of maintaining and preserving the real wealth of our Nation. This bill takes care of our forests, many of our natural resources, and our environment. Without anything backing our money, all that we have to pass on to our children and our grandchildren is the vast beauty, and wealth of our natural resources.

I commend the work he has done, and the ranking minority member of this subcommittee, the gentleman from Pennsylvania (Mr. McDADE). These two gentlemen and the other members of this subcommittee have worked hard to bring this House a good bill; some have called it the all-America bill and I agree with that. All the Members of this House should support this bill.

Mr. CHAIRMAN. Are there additional amendments to title I? If not, the Clerk will read title II.

The Clerk proceeded to read title II.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

Are there amendments to title II?

AMENDMENTS OFFERED BY MR. HILER

Mr. HILER. Mr. Chairman, I offer amendments.

The portions of the bill to which the amendments relate are as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, $134,400,000 of which $121,300,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to section 5(g) of the Act, and $13,100,000 shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $30,600,000, to remain available until September 30, 1985, to the National Endowment for the Arts, of which $21,500,000 shall be available for purposes of section 5(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $120,500,000 of which $107,750,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and $12,750,000 shall be available for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and Humanities Act of 1965, as amended, $29,500,000, to remain available until September 30, 1985, of which $18,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years, for which equal amounts have not previously been appropriated.

The CHAIRMAN. Is it the Chair's understanding that the gentleman has two amendments?

Mr. HILER. Mr. Chairman, I have four amendments at the desk, and I ask unanimous consent to have them considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. YATES. Reserving the right to object, Mr. Chairman, I would like to know what the amendments are.

The CHAIRMAN. The Clerk will read all four amendments.

The Clerk read as follows:

Amendments offered by Mr. HILER:

On page 60, line 18, strike out "$134,400,000" and insert in lieu thereof "$114,275,000". On page 60, line 18, strike out "$121,300,000" and insert in lieu thereof "$101,675,000". On page 60, line 24, strike out $13,100,000" and insert in lieu thereof "$12,600,000".

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana that the amendments be considered en bloc?

Mr. YATES. Further reserving the right to object, Mr. Chairman, I understand the gentleman had four amendments. I thought that the Clerk read only three amendments.

The CHAIRMAN. The Clerk will report the additional amendments. It is the chair's understanding that was simply the first amendment that was read.

The Clerk read as follows:

Amendment offered by Mr. HILER: On page 61, line 4, strike out "$30,600,000" and insert in lieu thereof "$29,600,000".

Mr. YATES. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Without objection, the additional amendments will be considered as read.

There was no objection.

The additional amendments are as follows:

Amendments offered by Mr. HILER: On page 61, line 19, strike out "$120,500,000" and insert in lieu thereof "$102,132,000". On page 61, line 19, strike out "$107,750,000" and insert in lieu thereof "$90,432,000." On page 61, line 24, strike out "$12,750,000" and insert in lieu thereof "$11,700,000".

ON page 62, line 4, strike out "$29,500,000" and insert in lieu thereof "$27,928,000".

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes in support of his amendments.

Mr. HILER. Mr. Chairman, I offer these four amendments because I would like to take issue with a portion of the Interior appropriations bill which I find to be unconscionable in view of the many critical funding priorities facing the Federal Government. This legislation attempts to increase Federal spending for the arts and humanities by 15 percent in fiscal year 1984, an increase of absurd proportion when viewed in relation to funding requirements for Federal programs which meet more basic human needs.

I certainly do not attempt to minimize or belittle the important cultural role which the arts and humanities play in our daily lives, and I would not propose to advance the notion that the Federal Government should have no involvement in this area. However, it is important that we place the Federal role in perspective. During the past decade, appropriations for both the National Endowment for the Arts and the National Endowment for the Humanities have more than tripled. At the same time, legislation has been approved in Congress which provides tax deductions for contributions to many artistic and humanistic endeavors, and allows the owners of certain historic property to claim tax credits or depreciation for work done on that property. The loss in tax revenues to the Federal Government as the result of these laws is substantial, and should not be ignored when considering the amount of support which the Federal Government provides to the arts and humanities.

Perhaps what I find to be equally concerning about an increase of this nature is the trend which it would perpetuate. A trend which encourages reliance on the Federal Government as an ever-expanding and ever-available source of funding for artistic endeavor. We are all aware of the negative effects of government intrusion in our lives. If we want to encourage participation by our citizens in the arts we can do so without creating a nation dependent upon its government for providing its cultural needs. The private sector must remain at the center of this effort. Indeed, if we are to maintain the integrity and individuality of the artist, the Federal role must necessarily be of a limited scope.

The administration had requested a 13-percent spending reduction for NEA and NEH in fiscal year 1984. Instead, this legislation ignores that request and goes one step further. It adds more than $40 million in new spending at a time in which budget deficits loom larger and larger. My amendment provides an opportunity to reestablish the proper intent of Congress with respect to the arts and humanities, and at the same time preserve important funding for ongoing programs. Maintaining spending levels for these programs at their current levels will not jeopardize the future of the arts and humanities in our Nation. There is little that could be said to convince me that our Nation and its citizens will not continue to pursue quality experiences in the arts and humanities if not $1 of Federal funding was provided. However, that is not the case. The Federal Government is involved, and will likely continue to be involved in this area in the future. But let that involvement provide encouragement to our artists, not subsidization.

The four amendments I have offered would freeze spending at 1984 levels. What we would be saying is at a time of $200 billion deficits, at a time when we as a Congress must try to assess our priorities that we do not have in the budget, we do not have the Federal resources to allow a 15-percent increase in spending for the arts and humanities. This is a very simple series of amendments, it will freeze spending at last year's levels. Many people on that side of the aisle signed a letter several days ago asking the Speaker to consider when he proposed capping the tax cut, that he consider supporting an effort to freeze spending. Well, certainly if there is any area that spending could be frozen with little impact on the overall good of our country, this is one area that could be done. A $40 million increase at this particular juncture is not called for, it is not justified and I believe that we as a Congress should establish our priorities and should be willing to say this is one area where we will freeze spending; not cut spending, but freeze it. We will spend the same amount next year as we did this year. Last week, when the House passed the cap on the third year of the tax cut, many Members on the majority side voted for an amendment that would say that the Congress should try to find $6 billion in some type of spending reductions. What better place to start than this $40 million reduction from what would be budgeted under this Interior appropriations bill, what better place to start than in the National Endowment for the Arts and the National Endowment for the Humanities. A relatively simple $40 million reduction from the appropriations bill that would have the effect of freezing expenditures at last year's level. I think this amendment deserves your consideration.

□ 1630

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendments.

Mr. Chairman, for some time I have had a feeling that it was just a question of time when some Member of the House would take the floor to attack the arts and humanities appropriations. I never conceived that such a motion would come from a Member from the State which has such a remarkable and outstanding School of the Arts as Indiana University.

In 1981, the administration proposed cutting the arts budget.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

The gentleman mentioned Indiana University, but the gentleman should have mentioned my alma mater, the University of Notre Dame.

Mr. YATES. All right, I will mention that as well. I was not aware that Notre Dame had the reputation for arts that Indiana University has. I know it has for humanities.

Mr. McDADE. We cannot get toward Hogie Carmichel, but our football team is an art form.

Mr. YATES. So is Indiana's basketball team.

Mr. McDADE. Agreed.

Mr. YATES. Mr. Chairman, in 1981 the administration proposed to cut the arts budget. And it proposed cutting on the theory that any reduction in the Federal appropriation would be more than made up from private contributions. That just has not happened.

The large individual donors, the businesses, the foundations who make contributions to the arts have appeared before our committee and have told our committee that they just cannot make up the difference. They have such demands as a result of cuts in social programs that they cannot make up the difference between the cuts in the appropriations that were proposed and the amounts that would be available to the arts.

Whenever contributions from the State legislatures also have been cut, they, too, cannot make the difference.

The fact is that if the arts are to be encouraged and are to stay alive, Federal contributions must be strengthened.

The fact is that our Federal contribution is less per capita than that of any other Western country.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

As the gentleman knows, I pointed out earlier that that is not quite accurate in the sense of giving the whole story, because the tax deductability of charitable contributions is in effect an underwriting by the Government, but with decision resting in the taxpayer and the local community for the support of arts.

Mr. YATES. The gentleman is correct. We do have the additional subsidies to the arts, to education, to charities, as a result of deductions from income tax that donors do make, but as far as direct appropriations for the arts is concerned, the fact remains that the Government of the United States appropriations are much less than the contributions.

Mr. REGULA. If the gentleman will yield further, I think though—and I do not have my statistics here——

Mr. YATES. I have them here.

Mr. REGULA. Well, I understand that the gentleman is accurate in what he said, but totally allowing for State, local, Federal, plus the underwriting as a result of the Tax Code, the total per capita expenditure in the United States is greater than any other country. And it allows the individuals to make the choice, rather than the Central Government, under our system.

Mr. YATES. I think that is a good statement, except that I have tried for years to find out from IRS what the total deductions that had been granted for contributions to the arts has been. They have not been able to tell me. That such contributions are made, there is no doubt. That such deductions are permitted, there is no doubt, but as far as I have been able to find out from IRS, there are no valid statistics that would show that.

Mr. REGULA. I would just say that we have a classic example right down the street in the National Gallery, which was funded by the Mellon Foundation, if I am not mistaken, the construction of it. It is about a $100 million project that was not Federal money, but certainly was a contribution to the arts.

Mr. YATES. The gentleman is talking about the construction of the East Building.

Mr. REGULA. Yes.

Mr. YATES. The Mellon Foundation not only made those funds available, the Mellon Foundation has made funds available ever since the construction of the original building. There is no doubt that such contributions are made and such deductions are permitted.

The point I was making is that IRS has found no way of segregating that so that we have a valid set of statistics to indicate what that figure is.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. YATES) has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 5 additional minutes.)

Mr. RATCHFORD. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Connecticut.

Mr. RATCHFORD. I thank the gentleman for yielding.

The gentleman and I sat through several days of hearings where this whole issue came up and we had group after group. I recall a group that came in from Connecticut. We had the executive director of our State commission on the arts; we had the New Haven Arts Council; we had the Long Wharf Theater there; and in each and every instance they said it was getting more and more difficult to go out into the private sector to draw the funds that were necessary. Their concern was that if there was not leadership at the Federal level, if there was not commitment at the Federal level, if there was not a feeling that arts were important at the Federal level, that the private giving would not follow.

We heard also from State directors saying that because of what they had faced for economic reasons over the past several years, that the State commitments in these areas were dwindling.

Now if we have a diminishing private contribution, a dwindling State and local contribution, I think it is all the more critical for Federal involvement at this point.

We hear about the Smithsonian and we hear about Mellon, we need to talk about Main Street, America. And many of the activities involving dance and theater and the arts come to Main Street, America because of the endowments, because of the arts, because of the humanities. That simply is not going to -happen without a Federal role.

So the Chairman is absolutely correct. Leadership is essential. There are many ways of measuring it. One of the clearest ways is through dollar commitment.

Mr. YATES. I thank the gentleman.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

While the gentleman is correct that the Internal Revenue Service has never undertaken a study of where charitable contributions go, there are a number of charitable foundations that are very much interested in the disposition of charitable contributions. And the conclusion that they have reached, after careful study over a long period of time, is that the lion's share of the charitable contributions do not go to the arts, they go to religious organizations to the tune of 60 or 70 percent and that the next largest amount goes to educational institutions.

So to somehow suggest that because the charitable deduction is there that this is somehow going to infuse the arts where the Federal Government could not, is very much mistaken. Only a very small portion of the total of charitable contributions go to artistic pursuits.

Mr. YATES. I thank the gentleman.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

I concur completely with the gentleman's resistance to this amendment, which in fact is an attack on the quality of life in our country.

When I was in the Army, I was stationed in a town of 40,000 people, Coburg, Germany, where they have a professional opera company and professional orchestra. They assume that a town of-40,000 has these things.

We assume precisely the opposite. And I would add one other factor. Corporations today are multinational corporations and they are going to go where they see a healthy cultural life among other things. And for us, where we are already way at the bottom, to go even further down, is not even good economic sense, much less cultural good sense.

Mr. YATES. I thank the gentleman.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, I think the main question here is not whether we are always going to be able to find an orchestra in New York or Chicago or Detroit or Los Angeles. They will always have an orchestra. The wealthy in those communities will always be willing to support those orchestras and the arts in those cities.

What we are talking about are the smaller towns, the smaller communities in this country, that for the first time had a chance to build an arts base because of the National Foundation. That has eroded over the last few years. And it is in those communities where I think it is most essential to have Federal leadership on the issue.

Mr. YATES. The gentleman is right.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

□ 1640

Mr. WEISS. Mr. Chairman, I rise in opposition to the amendment and in support of the fiscal year 1984 appropriations for the arts and humanities contained in the Interior appropriations bill (H.R. 3363). I commend the Interior Appropriations Subcommittee and Chairman SIDNEY YATES for their efforts to respond to the demonstrated need to increase funding levels for the national endowments and other arts programs.

H.R. 3363 contains $165 million for the National Endowment for the Arts, an increase of about $21 million over the fiscal year 1983 level; $150 million for the National Endowment for the Humanities, an increase of about $20 million. These levels are less than 4 percent above the 1981 levels. The bill also includes $21.5 million for the Institute of Museum Services, a $10 million increase; and $26.5 million for the historic preservation fund.

This is the third consecutive year that we have had to repeal the administration's attacks on Federal funding for the arts and humanities. Among the administration's recommended reductions were $19 million less for the NEA and $18 million less for NEH. In testifying for these reductions, the Endowment chairman stressed their intentions of stretching public funding as far as it could possibly go.

The sad truth, however, is that public resources are already stretched to the breaking point in the arts world. The arts community has never recovered from the Reagan administration's drastic reductions of 1981 and has been further damaged by the recession and other budget pressures.

New York City's smaller nonprofit theaters, for example, are burdened by problems that jeopardize their very survival and the health and vitality of American nonprofit theater. In my district, which has perhaps the largest

concentration of such theaters in the country, rising operating costs, skyrocketing real estate values, and reduced revenues have created a crisis of serious dimensions. A number of theaters ended last year with substantial deficits. Their total expenses increased by 8.5 percent, while their grants and contributions grew by only 4 percent, according to a recent survey by the Theatre Communications Group.

The Nation's orchestras, museums, and other cultural institutions are struggling with similar difficulties. Their efforts to become more financially independent often prove to be counterproductive. Strenuous fundraising campaigns divert resources from creative efforts. Increases in admissions prices limit audiences to the wealthy, undermining one of the NEA's original purposes—to open the arts of a wider audience.

The administration, with its recommendations for continued cuts, refuses to acknowledge that the arts are a major industry in America. A recent study revealed that the arts generate $5.6 billion a year for the New York-New Jersey metropolitan area economy alone and a total of 117,000 jobs.

The fundamental reason for increasing public support for the arts, however, is that Americans place a very high value on cultural activity. Their increased participation in the arts has far outstripped the rise in leisure time during the past two decades. Opinion polls show strong public support for increasing funding to the arts.

The Interior appropriations bill is an important step in restoring the Federal commitment to the arts and helping the arts community recover from the recession. I urge my colleagues to support the funding levels in H.R. 3363 and to reject any attempts to reduce funding for the arts.

Mr. YATES. I thank the gentleman.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just want to respond to the gentleman from California. He made the point that the Endownment money is helping the small towns. That may be true. But as I said earlier, I think that is one of the weaknesses in the program. The gentleman in the well and I have discussed this at length, and I want to make that point. It ought to be spread around over more of the country and not go so much to the large population centers.

Mr. YATES. I agree with the gentleman, and that is being done.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to my distinguished friend, the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Chairman, I just want to certainly echo the comments that have been made here, that we are dealing with a very, very small amount of money when you consider the importance of the money that is spent here.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. YATES) has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 5 additional minutes.)

Mr. JEFFORDS. If the gentleman will yield further, I also want to echo the comments of the gentleman from California with respect to rural areas, also brought out by the gentleman from Ohio. We all visualize these gifts to things which everyone would give to anyway. But in my experience, what the Endowment has done so much to help is in the rural areas, the small towns and the schools and the ghettos of this country, where people see that there is something other than a food stamp line to stand in, that there is some hope at the end and some real feeling that this country has a heart and a soul. I think it is so critically important that we continue and that we bring these levels up to where the program can do what it should be doing.

Mr. YATES. I thank the gentleman.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I rise in strong opposition to this attempt to reduce funding for the National Endowment for the Arts. I urge my colleagues to reject it.

The Endowment has played an enormously important role in our country's cultural life. It has enabled many Americans, especially those with limited access to art programs, to enjoy them. And the value of these programs is unmeasurable—not only culturally but also in terms of economic stability and growth.

Two cities in my State of Oregon are perfect examples.

Ashland, Oreg., a small community near the California border, has developed one of the finest Shakespearean theater programs in the country. Beyond the obvious cultural dividends for the community, this has also created a very positive economic dynamic for the town.

Granted, not every town can be an Ashland, Oreg. But almost any city can follow the example of Eugene, Oreg. Eugene had the vision to launch a performing arts center in the downtown of the city. The result: economic rebirth of a deteriorating urban core. New private business investment has already been triggered within the area by this immaginative project.

These projects are examples of the dividends we earn with Federal aid to the arts. Financial support from the Government stimulates contributions from State and local governments and the private sector.

Members of the arts community bear testimony to this. During Interior Appropriations Subcommittee hearings earlier this year, witnesses described how important Federal support is.

I would like to quote from the testimony of Peter Hero, executive director of the Oregon Arts Commission, who pointed out that Oregon, as well as other States, look to modest public funds to leverage matching funds from the private sector. In Oregon, the match is running better than 5 to 1. The arts depend upon this leverge effect of public funds for their very survival.

Mr. Hero further commented that the incentive effect of public funds has become even more critical. Without it, arts organizations are finding it almost impossible to raise private funds for operating costs and other income statement budget items.

The National Endowment for the Arts is critical to the future of the arts in our country. I sincerely hope my colleagues understand the worth of the Endowment and reject this utterly reckless amendment.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Mr. Chairman, I think we ought to characterize this amendment correctly. We are not gutting the National Endowment for the Arts nor the National Endowment for the Humanities. We are not turning the Federal Government's back on the funding of arts and humanities, we are not saying we are going to go back to whatever it was 100 years ago, we are not saying that we are going to ignore the small communities or ignore the big communities. All we are saying is that, at a time of a $200 billion deficit, when people day after day after day take this floor and rail about deficits, this is one area that we can freeze spending at last year's level, not cut a dime out from what was spent last year, just keep it at the same amount, that the National Endowment for the Arts and Humanities does not need a 15-percent increase at this particular time.

The gentleman from Vermont commented that we were talking about a small amount of money; $40 million is not a small amount of money. It is not a small amount of money in Indiana, I can guarantee the chairman of that.

Mr. YATES. If I may reclaim my time, the gentleman is making the same point he made in his direct argument; namely, that he proposes to freeze it at what the level was last year.

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What the action of the committee is just returning the budget to what it was 2 years ago when it was about $159 million, and adding less than one-half of 1 percent for inflation, to $165 million.

But I do not think the gentleman was listening to my words. Let me use some words of a gentleman that the gentleman from Indiana might be willing to listen to. Let me quote from a former President of the United States, Richard Nixon, who said this in 1969. This is Richard Nixon speaking:

> The attention and support we give the arts and humanities, especially as they affect our young people, represent a vital part of our commitment to enhancing the quality of life for all Americans. The full richness of this nation's cultural life need not be the province of relatively few citizens centered in a few cities; on the contrary, the trend toward a wide appreciation of the arts and a greater interest in the humanities should be strongly encouraged, and the diverse culture of every region and community should be explored.

Now, let me just continue with what President Nixon said on the Federal role, if I may speak. He said:

> At a time of severe budget stringency—

This is his phrase—

> At a time of severe budget stringency, a doubling of the appropriation for the arts and humanities might seem extravagant. However, I believe that the need for a new impetus to the understanding and expression of the American idea has a compelling claim on our resources. The dollar amounts involved are comparatively small.

And that is true today, when you think of the whole budget that we are dealing with.

> The Federal role would remain supportive, rather than primary.

And that is true today, as well.

> The arts have attained a prominence in our life as a nation and in our consciousness as individuals, that renders their health and growth vital to our national well being * * *
>
> Our creative and performing artists give free and full expression to the American spirit as they illuminate, criticize and celebrate our civilization. Like our teachers, they are an invaluable national resource.
>
> Too many Americans have been too long denied the inspiration and the uplift of our cultural heritage. Now is the time to enrich the life of the mind and to evoke the splendid qualities of the American spirit.
>
> Therefore, I urge the Congress to extend the authorization and increase substantially the funds available to the National Foundation for the Arts and Humanities. Few investments we could make would give us so great a return in terms of human understanding, human satisfaction and the intangible but essential qualities of grace, beauty and spiritual fulfillment.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. Yates) has again expired.

(By unanimous consent, Mr. Yates was allowed to proceed for 2 additional minutes.)

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Indiana.

Mr. HILER. Mr. Chairman, I certainly would not want to question the remarks that President Nixon made in 1969.

Mr. YATES. And I am sure he would make them today.

Mr. HILER. Well, I am not sure about that.

Mr. YATES. I am sure he would.

Mr. HILER. Lest anyone think that we have not done anything for the arts and humanities, since 1973 we have tripled the amount of money we have spent on the arts and humanities.

Mr. YATES. Sure, you start from $2 million and you get $6 million.

Mr. HILER. We not only doubled it, as the President wanted to do in 1969, we tripled it in the last 10 years, and it is substantial, nearly $300 million.

Somehow, we talk about a relatively small amount of money; $40 million is not a small amount of money; $40 million is a substantial sum of money.

Mr. YATES. This is for enhancing the spirit of the people of America, and it compensates in a small measure for the amount of money that is going to make weaponry, may I say. The humanities give us the basis for making peace. The humanities give us the basis for making peace, and civilizations are known by the respect that they have for humanities and for the arts.

For those reasons, I think the amounts we are putting into this budget are well worth it.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendments.

Mr. Chairman, if I might have the attention of my friend, the gentleman from Illinois (Mr. Yates), I just want to indicate to my friend from Illinois that I am grateful, and I think we all should be, for the leadership that he has shown in addressing the problems of the National Foundation for the Arts and Humanities, and so many others, but this one in particular. It has been dear to his heart as long as I have known him.

Mr. YATES. Very dear.

Mr. McDADE. And the gentleman deserves great credit for all of the leadership that he has shown. I want him to know that. I think he has done a superb job.

Let me say to my friend from Indiana, who raises a good question, it is a value judgment, and we are all here with different values. That is what makes this body great. Dissent oftentimes shows us the way to truth. I happen to believe that the amendment, though it is eminently right from a judgmental point of view from my friend, is wrong from a value point of view. That is my subjectivity speaking. I believe the arts and humanities in this country should be nourished. I think the Federal Government has a role to play, and I think that we as a Congress do.

I agree with my friend, $40 million is not an insignificant amount of money in any account, and I want to commend him for bringing it to the attention of the House. It is important that we think about that $40 million. It is important to recognize what my friend from Illinois said, which was essentially that we have raised this budget back to where it used to be. We hope there is going to be a turn in the economy. We see it coming. We hope the budget deficits will close. But more importantly, we want to express ourselves, I think, as a nation that we believe in the Federal role for the arts and humanities, the tremendous importance to what it means to our national self-culture, to our national interest.

I recall being in Berlin not long after the war. I was a student. And Berlin was 98 percent rubble when I got there. We went, in the evening, to try to find a place where we might be able to talk to some people who had lived in Berlin during that horrible period, and we found them. It was a rathskeller, it was a cellar, because Berlin was nothing but cellars in those days. But as I opened the door to walk in, all you could hear them playing was American music.

If there is anything we have contributed to the world, it is American music, it is American film, it is American culture so many things. And we have transferred that back and forth among the nations of the world in a beautiful array that uplifts all of us.

□ 1650

Mr. Chairman, I reluctantly disagree with my friend. I respect his judgment. I appreciate his bringing this to our attention. I hope it is defeated.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank my friend for yielding.

Mr. Chairman, I would like to rise in opposition to the amendment. We are talking about a very small, yet very important allocation of funds for the arts and humanities. The entire funding in this bill for the arts and humanities amounts to approximately $1 for every person in this country, $1 for supporting the very quality of life and civilization that is so important to us. The arts and humanities are what make this country and this country's quality of life what it is.

There is a private role; indeed it will always be the predominant role. But there has never been a civilization, a great civilization, in the history of the world wherein the Government did

not play a leadership role in promoting the arts and culture of the Nation. Although small, the funding for the arts and humanities that is contributed by the Federal Government is essential because it is what drives the rest of the economy, the private sector, into making its contributions. Without this role, then we will fail in other areas.

Mr. Chairman, there is a statement by President John F. Kennedy emblazoned on the walls of the Kennedy Center, on the outside terrace, which says:

> I am certain that after the dust of centuries has passed over our cities, we, too, will be remembered not for our victories or defeat in battle or in politics, but for our contribution to the human spirit.

That is what we are talking about here. We are talking about a commitment to the human spirit, those ideals and those principles and those activities which uplift mankind and distinguish us from the beasts. It is for this reason that this investment in partnership with the private sector is so vital to this Nation, to its present, and even more important, to its future.

I rise in opposition to the amendment.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

I notice, Mr. Chairman, that there is money in here for the John F. Kennedy Center for the Performing Arts. I am a great admirer of that structure and have visited there several times, and almost could afford to purchase a ticket to some of the performances there for the ordinary people of America.

A commitment to the human spirit. I am all for commitments to the human spirit. The real question is, Does that commitment require a multimillion-dollar expenditure from money we do not have at this time? The question as to whether or not the Federal Government should even be in the business of subsidizing the arts and the humanities is an interesting question. That every poet does not get a subsidy, that every playwright, that every dancer, that every choreographer is not among the selected few is a problem. There is a problem of exclusivity here that is a subject for another discussion at some time.

But that there should be a Federal subsidy to the arts and humanities I suppose is a given, and let us accept that. The question is, at a time when we are lectured about deficits daily, hourly, by the minute, by the gentlemen from the other side, where we have the greatest deficits in history, where we are $200 billion in the red and the deficits are going to explode in the outyears, ought we not look for some place to cut?

The gentleman from Illinois, for whom I have the highest admiration and respect, and with whom I almost always agree—almost always—has said that bombs are too expensive and we ought to support music and folk arts perhaps in lieu of bombs. I suggest we need both. I suggest that reciting a poem to the arms-control people from the Soviet Union is not really going to get them to give up their SS-20's nor move them out of Afghanistan. It might, but I would not want to bet on it.

Is there no place in the budget where we can hold the line? Is there no place where we can say let us stay here until the deficits go down, and then let us indulge ourselves in feeling good by subsidizing the arts and the humanities. I do not think that they would dry up or wither on the vine. I think there are enough public-spirited people who will encourage embryonic poets, and choreographers, and street theater, and tabourine bands.

Mr. YATES. That just is not true.

Mr. HYDE. Well, the gentleman has not turned his persuasive abilities in that direction. He has been asking Congress all the time, instead of the private sector.

Mr. YATES. I will tell the gentleman that the National Endowment for the Arts has hired people specifically to try to encourage private giving. The President has a committee. He has a commission to encourage private giving for the arts and the humanities. They have not been able to make up the difference. The Federal role is still an important one, even though it is still the most minor one in the process.

Mr. HYDE. I yield to my friend, nunc pro tunc.

Mr. YATES. As of what time, may I say?

Mr. HYDE. Let me simply ask my friend whether the arts and the humanities have suffered a terrible loss in the last 2 years.

Mr. YATES. Yes.

Mr. HYDE. Have they declined?

Mr. YATES. Yes.

Mr. HYDE. The quality of theater is down?

Mr. YATES. Yes.

Mr. HYDE. The poems are not quite as moving and stirring as they might be?

Mr. YATES. There are not as many. There are not as many applicants. Fewer applications are being funded. The participants are not being recognized, may I say to the gentleman. That is the reason for the increase, may I say. We are returning to the level of appropriations the endowments had in 1981.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Georgia, who coined the phrase "a commitment to the human spirit," which I must say is very stirring.

Mr. LEVITAS. I thank my friend, the gentleman from Illinois, for yielding.

Mr. Chairman, the gentleman from Illinois knows that I share his same commitment to a strong national defense, and I have demonstrated that by voting for it, because I think one of the things I think we are defending is the type of lifestyle, civilization, and quality of life in the human spirit sector that we have here.

Mr. HYDE. But must the Federal Government be the font of all the quality of life and the arts and the humanities?

Mr. LEVITAS. Absolutely not, and if the gentleman will yield further, it is the smallest portion. It is the private sector. It is State and local government.

Mr. HYDE. Let us keep it small, then.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. Hyde) has expired.

(On request of Mr. Levitas and by unanimous consent, Mr. Hyde was allowed to proceed for 3 additional minutes.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Chairman, I want to take one other exception to what the gentleman said because I know in the interest of accuracy he would want this called to his attention.

The funding in this bill for the John F. Kennedy Center is not to support plays or concerts or performances in any way. The John F. Kennedy Center has two functions. One is its performing arts function, which is solely paid for and operated by gifts and ticket sales, and nothing from the Federal Government is provided in that regard.

But the Kennedy Center is also a memorial to a deceased President, just as the Lincoln Memorial or the Washington Monument. It is the nonperforming functions that are funded in here. It is operated by the National Park Service. They have to maintain the place; they have to police the place.

Mr. HYDE. If I may, I would say that we do not fund Mount Vernon, I believe, the memorial to the first President of this country.

Mr. LEVITAS. If the gentleman will yield further, the memorial to the first President of this country is the Washington Monument, and we do fund that, and we do have National Park Service police, and we do pay maintenance on that, just as we do at the Jefferson Memorial and at the Lincoln Memorial. Indeed, the performing arts function at the Kennedy Center contributes 24 percent of the cost of that upkeep to the Park Service.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Mr. Chairman, the discussion here is not whether we are going to have a National Endowment for the Arts or a National Endowment for the Humanities; the question is should it have a 15-percent increase this year.

I shudder to think that all these bad things that mankind and his cultural experience is going to go down the tube because we freeze spending at 1983 levels. Somehow it just flies in the face of reality to think that the arts are going to fall apart if we freeze spending at 1983 levels.

□ 1700

Mr. HYDE. Mr. Chairman, I will just suggest that if we cannot hold the line here, there is nowhere in the budget we can hold the line.

Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, as a member of the Congressional Arts Caucus, I rise in strong opposition to the amendment now before us which proposes to freeze funding for both the National Endowment for the Arts and the Humanities at their fiscal year 1983 levels, thereby saving approximately $40 million.

In fiscal year 1983, the National Endowment for the Arts was funded at $143.9 million. The Appropriations Committee has requested an increase of some $20 million, for a fiscal year 1984 funding level of $165 million. Similarly, the National Endowment for the Humanities has a fiscal year 1983 appropriation of $130.1 million, and was allocated by the committee an additional $20 million for fiscal year 1984.

Our society is measured by its compassion for the people around us. Those who would have us believe that these two fine institutions carry on work that only serves a small portion of our Nation's population are wrong. These two endowments enrich the lives of all of us, uplifting our culture heritage. Furthermore, they provide employment opportunities so very important to our economy.

Nations are judged by the amount of attention, respect, and support that they give to their artists and their scientists. While we profess to support their works, we must endorse those works with financial backing. The private sector does what it can, but it is Government sanction that initiates private support. Accordingly, I urge my colleagues to reject this amendment, thereby reiterating their commitment to the arts and humanities of our Nation.

● Mr. SCHEUER. Mr. Chairman, I rise in opposition to this amendment. As a member of the executive board of the Congressional Arts Caucus, I would like to take this opportunity to express my appreciation to the members of the Appropriations Committee for their fine work in support of the arts and humanities.

Under the farsighted leadership of Chairman JAMIE L. WHITTEN and Subcommittee Chairman SIDNEY R. YATES, the committee has set and approved funding at substantially higher levels than those recommended by the administration. By approving $572 million for the arts and humanities, the committee has displayed a prudent commitment to our Nation's arts and cultural programs.

The arts in the United States not only provide a tremendous cultural and educational value, but also provide significant economic benefits as well. In 1982, the arts had a $5.6 billion impact on the New York metropolitan area and generated over 117,000 jobs.

In addition, the arts generated $1.3 billion in revenues for New York City last year. An estimated 64 million people attended museums, galleries and other cultural events in the New York metropolitan area in 1982. One fifth of this audience came from outside the region. While millions take advantage of New York's cultural offerings while visiting the city for business or other purposes, last year over 5 million people came to New York specifically for the arts.

Increasing funding for the arts and humanities would, undoubtedly, provide a tremendous boost to the country's cultural organizations, particularly the small- and medium-sized institutions which depend heavily on assistance from the Federal Government.

In the New York metropolitan area there are 1,580 nonprofit cultural organizations, including theater, museums, music, opera, and dance. Fifty percent of these are small institutions which operate on budgets of less than $50,000 annually. These institutions depend on the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services for 14 percent of their income. Medium-sized institutions receive over 19 percent of their funding from these sources.

The funding levels approved by the Appropriations Committee would dramatically enhance the arts community's ability to provide cultural programs and exhibits to the public. Moreover, they would increase the substantial economic benefits our cities derive from the arts.

I urge my colleagues to support the committee's recommendations for arts and humanities funding, so that we may insure the continuation of these invaluable programs.●

The CHAIRMAN. The question is on the amendments offered en bloc by the gentleman from Indiana (Mr. HILER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HILER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1710

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana (Mr. HILER) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 271, not voting 12, as follows:

[Roll No. 221]

AYES—150

Andrews (TX)
Archer
Badham
Barnard
Bartlett
Bateman
Bennett
Bethune
Bevill
Bilirakis
Bliley
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carper
Chappie
Cheney
Coats
Coleman (MO)
Conable
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dickinson
Dreier
Duncan
Emerson
Evans (IA)
Fiedler
Fields
Forsythe
Franklin
Frenzel
Gekas
Gibbons
Gingrich
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Holt
Hopkins
Hubbard
Huckaby
Hunter
Hyde
Ireland
Jenkins
Kaptur
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Leath
Lewis (FL)
Livingston
Loeffler
Lott
Lungren
Mack
Madigan
Marlenee
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDonald
McEwen
Michel
Miller (OH)
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Nichols
Olin
Oxley
Parris
Pashayan
Patman
Paul
Petri
Pursell
Quillen
Ray
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Sawyer

Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shusler
Siljander
Sisisky
Skeen
Slattery
Smith (NE)
Smith, Denny
Snyder
Solomon
Spence
Slangeland
Stenholm
Stump
Sundquist
Taylor
Thomas (CA)
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whitley
Whittaker
Winn
Wolf
Wylie
Young (FL)

NOES—271

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Bereuter
Berman
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brown (CA)
Bryant
Burton (CA)
Byron
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
[illegible]
Flippo
Florio
Foglietta
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hamilton
Hammerschmidt
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hillis
Horton
Howard
Hoyer
Hughes
Hutto
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Latta
Leach
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Markey
Marriott
Martin (IL)
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Moody
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Packard
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pritchard
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)
Zablocki
Zschau

NOT VOTING—12

Alexander
Brooks
Erlenborn
Foley
Ford (MI)
Harrison
Heftel
Martinez
Morrison (CT)
Rose
Smith, Robert
Tauzin

□ 1720

Messrs. WILLIAMS of Montana, WILLIAMS of Ohio, WAXMAN, and McKINNEY changed their votes from "aye" to "no."

Mr. LEATH of Texas and Mr. SAWYER changed their votes from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. LEVITAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I seek the attention of the chairman of the subcommittee, the gentleman from Illinois, to inquire about a matter.

As I read the bill and the committee report that came to the House today there were no funds provided for the Chattahoochee River National Recreation Area. And as the gentleman from Illinois knows this is a very important national park which is being threatened by development and could very well result in loss of vital land.

But it is my understanding that the chairman, earlier today, made some reference to possible funding for the Chattahoochee River National Recreation Area. I would like to express my appreciation for that and ask if he could confirm the situation.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman.

Mr. YATES. The gentleman is exactly right. At an earlier point in the debate I stated to the House that out of the slippage that we feel will occur in connection with the acquisitions program, $1 million will be made available for acquisition for the Chattahoochee River National Recreational Area.

Mr. LEVITAS. I thank the gentleman from Illinois for his response and consideration. And millions of Americans today and in years to come will also be grateful for that action.

Mr. McDADE. Mr. Chairman, I move to strike the last word.

I wish to engage my chairman in a colloquy. He will recall our colleague, the gentlewoman from Rhode Island, CLAUDINE SCHNEIDER, spoke to us about the potential for an energy project which has merit.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman.

Mr. YATES. I remember the conversation very well and certainly with respect to the establishment of energy analysis and diagnostic centers of the kind the gentlewoman is interested in, new centers of high priority. I do favor the establishment of such centers. I think they are essential.

Mr. McDADE. As the distinguished Chairman knows, the Department of Energy currently operates five energy analysis and diagnostics centers in the Midsouth and Midwest at a total cost of about $700,000 per year. These are operating out of mechanical engineering schools, perform very intensive energy audits for small manufacturers, and have identified potential energy savings worth nearly $4 million a year to the 165 industrial plants that have already been surveyed.

As the Chairman knows, the Science and Technology Subcommittee on Energy Development recommended that this program be expanded to provide for five additional high priority EADC's. I understand that the Chairman has recommended fiscal year 1983 funding levels for the EADC program, which will provide funds to continue the existing centers. I appreciate the need for fiscal restraint that the Chairman has recognized in his recommendation.

The Chairman has, however, provided a healthy level of funding for the industrial conservation program. I would like to ask the Chairman if it would be consistent with his recommendation to support a redirection of $200,000 from the industrial process efficiency portion of the conservation program to support two new EADC's, with one to be established in the Middle-Atlantic States and one in the New England region. I believe there are three good reasons for supporting this redirection. First, it would involve less than 1 percent of the industrial conservation program to strengthen energy audit services for small manufacturers. Second, it would establish two new EADC's to serve the New England and Mid-Atlantic States. Finally, this is the region of the country that is most dependent on oil imports, and where energy costs are the highest. For example, New England is 80 percent oil dependent, most of which is imported, and our natural gas costs are 35 to 40 percent higher than those in the Midwest.

Mr. YATES. I thank the gentleman for raising this important issue. The energy diagnostics centers have proven extremely successful. As the gentleman knows, I have recommended continued funding to maintain this vital activity. I would support the establishment of two new centers in high-priority areas in the Northeast and New England, within the budget limits provided for the industrial process efficiency portion of the conservation program. I would, of course, expect the new centers to be thoroughly evaluated before they are established. Certainly, the Mid-Atlantic and New England regions warrant serious consideration, given their high energy costs and significant dependence on oil imports.

Mr. McDADE. I thank my colleague and yield back the balance of my time.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

I rise to engage the distinguished chairman of the subcommittee in a colloquy.

On page 84 of the report language the committee says the Department should not continue operations at Grand Forks, Laramie, and Bartlesville at the expense of other ongoing activities.

I am afraid that that language might lead to the erroneous impression that the committee does not support the continuation of the research activities at the energy center in Bartlesville which is in my district. The gentleman from Illinois has been very helpful to me on this matter. I wonder if he would join me in clarifying what was intended by that language.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman.

Mr. YATES. The gentleman is exactly correct. The committee has no intention of discontinuing funding at the Bartlesville, Grand Forks, or Laramie facilities. Rather, these activities are to be continued just as the important activities at the national laboratories are to be continued.

We are looking for a balance between the energy technology centers and the national laboratories.

Mr. EDWARDS of Oklahoma. I thank the chairman.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman, the ranking Republican member.

Mr. McDADE. I thank my colleague for yielding.

I concur wholeheartedly in the remarks of the chairman. I want to add my congratulations to my friend from Oklahoma. He has led this fight for 2 years, he brought it to our attention, has been diligent in protecting the rights of the workers. I agree with what was said by my friend, in no way, shape, manner or form do we wish to undo what you have been doing for 2 years. We do want an orderly procedure. We do not want that facility closed.

I congratulate my friend for bringing that to our attention.

Mr. SHARP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to commend the committee for its actions in appropriating sufficient funds to meet the minimum required fill rate for the strategic petroleum reserve at 220,000 barrels a day.

I wish to commend the committee and particularly the distinguished chairman of the subcommittee, the gentleman from Illinois, for a difficult job well done. There are a number of vital energy programs funded in this bill, and while not all have received the level of appropriations that I would have preferred the balance between fiscal restraint and adequate funding for critical programs is evident throughout this bill.

In particular I want to address the need for adequate funding for the strategic petroleum reserve. In light of the major reductions in oil purchases proposed by the administration, I commend the committee for recommending a reduction which, although substantial, still fulfills the mandate expressed by Congress in previous legislation.

Since the reserve's inception, the Congress has strongly advocated filling it rapidly. Last year, as part of the Energy Emergency Preparedness Act of 1982, Congress and the President agreed to a minimum fill rate of 220,000 barrels per day until the reserve reached the level of 500 million barrels.

This bipartisan compromise was not easily made. Some Members wanted a much higher fill rate, and authorizing legislation had provided for it. The compromise recognized the need for balance between projected budget deficits and The absolute requirement to have a credible Reserve, as quickly as feasible, to respond to energy security needs.

The bill before us today contains $1.6 billion, which is sufficient to achieve the 220,000 barrel-per-day rate for all of fiscal year 1984. This level of fill will not require the acquisition of interim steel tanks or floating storage; all oil can be stored at existing SPR sites. The cost of interim storage has previously been used as an argument against a rapid fill rate.

We can debate how large the ultimate Reserve should be, whether a regional reserve is needed, or how to draw down the Reserve in an emergency, but there should be no question about the immediate and absolute need for a larger Reserve. Almost everyone argues that the minumum size should be 500 million barrels or larger. But concern for the current deficit has caused the administration to argue for a delay in achieving this minimum. A 220,000 barrel-per-day fill rate should meet this level in late fiscal year 1985; the administration's proposed fill schedule would not bring us to 500 million barrels until the middle of fiscal year 1987.

Delay would be penny wise and pound foolish. The GAO has calculated that, even taking into account the cost of borrowing, filling the SPR earlier is cheaper than filling it later if oil prices remain level or increase. Cutting SPR oil purchases this year just puts off the day of reckoning while reducing our insurance against a shortage in the interim.

In vetoing the Standby Petroleum Allocation Authority Act, President Reagan referred to the SPR as our first line of defense against an oil shortage like those which plagued this Nation in the 1970's. SPR oil is an insurance policy. At today's prices, oil costs under $30 per barrel, but the Congressional Budget Office estimates that each barrel in the reserve protects against over $200 of possible lost GNP during a time of energy shortage. Estimates vary, but one economic model suggest that 21 months after the 1973 oil shortage GNP was 14 percent lower, unemployment was 4 percent higher, and prices were increasing 4 percent faster than if there had not been an embargo.

Despite the current oil glut and improvements in conservation, we have not achieved energy security. Our oil imports are currently lower than in the late 1970's, in large part because of the recession; but imports will increase with economic recovery. From March 1982 to March of this year, stocks in the private sector fell approximately 100 million barrels, mostly due to reduced demand and high inventory carrying cost. Yet during the same period only 50 million barrels of oil were added to the reserve. This leaves the Nation more, not less, vulnerable to an oil shortage than it was a year earlier.

The current glut in the world oil market could evaporate just as quickly as it did in 1979 when oil production in Iran shut down. The Middle East is a fragile balance of diverse religious, ethnic, and political interests. To suggest that we base the energy security of this Nation only on optimistic assumptions about maintaining this balance is foolish. The recent additional productive capacity of non-OPEC nations does not eliminate the danger of a shortage resulting from political or military events in the Middle East.

Recently, the GAO has declared a deferral of $800 million for oil purchases, saying that the administration has refused to spend the funds provided by Congress. Despite being called to task for ignoring the will of Congress in its fiscal year 1983 fill rate, the administration persists in recommending a dangerously low fill rate of 145,000 barrels per day in fiscal year 1984 and 100,000 barrels per day in fiscal year 1985 and subsequent years. There have even been threats of a veto of

this bill in part because it contains funding for the minimum fill rate in the law signed by the President just last year.

In considering the level of increased energy security obtained by the fill rate recommended by the administration, it is useful to consider also the sale of oil from the Government's naval petroleum reserve. Although the two reserves are not strictly comparable, they both bear on the deficit and on our energy security. Production and sale of oil from the naval reserve at the current rate of 100,000 barrels per day will offset two-thirds of the proposed strategic petroleum reserve purchases in fiscal year 1984 and all SPR purchases in fiscal year 1985 and subsequent years. Have we learned nothing from the shortages of the past? Do we really want to adopt a national policy of adding little or nothing to our national stockpile of oil?

The result of a recent simulation of an international oil crisis run by the Department of Energy and the International Energy Agency gives a further gloomy picture of our energy vulnerability. In a test designed to show the success of the administration's reliance on the free market and voluntary oil sharing, oil prices rose over 200 percent, to $98 per barrel, while the market adjusted to the simulated shortage.

Clearly, timely purchases for the SPR are a good way to protect against such rapid oil price rises and resulting increases in inflation and unemployment.

Mr. Chairman, the $1.6 billion for oil purchases in this bill recognizes both the requirement for improved energy security and the severe constraints on the budget. Again I commend the committee, and I urge my colleagues to support the bill and the 220,000 barrel-per-day fill rate it provides.

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words.

I ask that my distinguished colleague from Illinois engage in a brief colloquy with me, and I yield to him.

Mr. YATES. I will be glad to engage in the colloquy.

☐ 1740

Mr. SIMON. The committee recommends that a sum of $3 million be appropriated for the Carbondale Mining Technological Center and another national laboratory. The current appropriation is $1½ million for Carbondale. It is not the intent of the committee that the $1½ milllion—since it is not specifically designated for Carbondale—should be reduced in any way. Is that correct?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

The gentleman's impression is correct. It is not the committee's intention that such a reduction take place.

Mr. SIMON. I thank the gentleman from Illinois.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage the distinguished chairman of the subcommittee and the gentleman from Ohio, Mr. REGULA, a member of the subcommittee in a colloquy.

As the gentlemen know, some questions have arisen about the status of the Forest Service assessment work in the Wayne National Forest in Ohio.

In the Athens unit of that Forest, there are lands now held by the Sunday Creek Coal Co. The coal company has been discussing with the trust for public lands the possibility that the trust might acquire some of these lands, for future possible addition to the national forest.

Of course, such an addition, if it were to occur sometime in the future, would depend on whether the benefits of the addition were sufficiently great as compared to any costs that might be involved. But before such a comparison can be made, it is necessary that the professionals of the Forest Service make an assessment of the values of the lands and the resources involved.

Would the gentleman from Ohio and the chairman agree that the Forest Service should go ahead and carry out an appraisal of the Sunday Creek lands now under discussion so that all the parties, including the Government, will have the information needed to evaluate the merits of the possible addition of some or all of those lands to the Wayne National Forest?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Yes, I agree. I think that this is an essential prerequisite to establishing a value for this particular tract of land.

Mr. SEIBERLING. I thank the gentleman.

I wonder if the Chairman would agree.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

I find myself in agreement as well.

Mr. SEIBERLING. I thank the Chairman.

The CHAIRMAN. Are there additional amendments to title II? If not, the Clerk will read.

The Clerk proceeded to read title III.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

Are there any amendments to title III?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 308. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312 and section 603 of Public Law 94-579, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-Sixth Congress (House Document 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: *Provided*, That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further*, That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation

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of the wilderness environment: *Provided further*, That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further*, That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting, in conjunction with the Secretary of Energy, the national laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemcial techniques including stream sediment reconnaissance and X-ray diffraction analysis; land satellites; or any other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualified to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: *Provided further*, That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: *Provided further*, That funds provided in this act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of national forest or public land wilderness areas that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness or other nonsurface disturbing methods.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 67, line 12, after "96-312", strike "and section 603 of Public Law 94-579".

Mr. YATES. Mr. Chairman, this is merely a technical amendment that is inserted to correct the language that appears in section 308. That is the only purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 313. Notwithstanding any other provisions of law, the Secretary of the Interior and Secretary of Agriculture are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction. In addition, any contracts or agreements with the jurisdiction for fire management services listed above which are previously executed shall remain valld.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 71, line 18, after "law," insert "the Secretary of the Smithsonian Institution,".

Mr. YATES. Mr. Chairman, the purpose of this amendment is to extend to the Smithsonian Institution the authority to enter into contracts with local government entities for fire support. They cannot do it at the present time without legislative authority. The same authority is now available to the Secretary of Agriculture and the Secretary of the Interior.

This will permit the Smithsonian to enter into an agreement with Prince Georges County, Md., for fire assistance at the Smithsonian's Silver Hill, Md., support center.

The alternative would be to provide their own fire services.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The CHAIRMAN. Are there any further amendments to title III?

AMENDMENT OFFERED BY MR. M'DADE

Mr. McDADE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McDADE: On page 73, after line 4, add the following new section:

SEC. . Except as otherwise provided in this section, each dollar amount contained in this Act is hereby reduced by 4 per centum. This section shall not apply to amounts on page 24 line 1, page 26 line 15, page 27 line 1, page 27 line 4, page 11 line 21, page 15 line 25, page 18 line 21.

Mr. McDADE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McDADE. Mr. Chairman, I offer this motion for one reason.

I want this bill signed into law.

I deeply regret this disagreement with my good friend from Illinois.

But I do not want a veto.

In its present form this bill will be vetoed. That veto will be sustained by this House. And everyone will be the loser, including so many vital activities.

I have served on this subcommittee for 18 years. I have a strong personal conviction that these programs are essential for the development and the protection of our natural resources.

There is not a single program in this bill that would be seriously hurt by a 4-percent cut.

There are many programs that would be hurt if this bill is vetoed, and we have to operate under a continuing resolution.

So I say to my friend from Illinois, and my colleagues on that side of the aisle, this bill is too important to use as veto bait.

Vote for this amendment, and we will have a bill that would be signed by the President.

Vote for this amendment, and we will send a signable bill to the other body. It will be their responsibility to keep it that way.

Let us not play politics with our natural resources.

Let us get a bill, not an issue.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, I just want to support the gentleman. As a member of the subcommittee I think the gentleman said it very clearly and that is that there is not any one account in there that would be seriously injured by a 4-percent reduction.

I think this is a responsible way to get the total amount expended reduced to a level that is acceptable.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, this is not a question of 4 percent or 5 percent or 3 percent. It is a question of the work of the Appropriations Committee. Our committee sat for approximately 3 months hearing more than 900 witnesses. We heard from 200 Members of Congress, who wrote the committee or testified. And in great measure, the bill as finally drafted, reflects the wishes of the Members of Congress who testified before us.

It is very easy to come in here and offer a percentage amendment of this cut, but I want to say that it just does away with the work of the Appropriations Committee. I feel our committee performed a very serious function. It considered the testimony seriously. It considered the markup seriously and came to the results seriously.

I do not think that at this late stage a 4-percent cut can be taken, even though the gentleman says that any appropriation can take a 4-percent cut, that is not true.

☐ 1750

I know there are many programs that cannot take a 4-percent cut. I do not think that the Indian hospitals, for example, funding for which is in this bill, can take a 4-percent cut. I do not think that Indian education can take a 4-percent cut. I would not like the land and water conservation fund to have to take a 4-percent cut after having been stripped of its funding for so many years.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate very much the gentleman yielding to me, and I, too, rise in opposition to the amendment. Most of the accounts in this bill that represent big dollars are moneymaking programs. The dollars we invest in those programs come back in additional revenues to the Treasury. So it makes very little sense to this gentleman to have a 4-percent across-the-board cut on the Forest Service, on the BLM, on offshore oil drilling, and on accounts of that kind that will return to the Treasury $2 for every $1 that we invest.

So I hope very much that this amendment is defeated. I stand with the chairman. I think he is absolutely on target.

Mr. YATES. Mr. Chairman, I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. McDADE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LOEFFLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 209, not voting 13, as follows:

[Roll No. 222]

AYES—211

Andrews (NC)
Andrews (TX)
Anthony
Archer
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carper
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Feighan
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gaydos
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Horton
Hubbard
Hughes
Hunter
Hyde
Ireland
Jacobs
Johnson
Jones (OK)
Kaptur
Kasich
Kemp
Kindness
Kolter
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Myers
Neal
Nichols
Nielson
O'Brien
Olin
Oxley
Packard
Parris
Pashayan
Patman
Paul
Petri
Porter
Pritchard
Pursell
Quillen
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Slattery
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Valentine
Vander Jagt
Vucanovich
Walgren
Walker
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)
Zschau
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Young (MO)
Zablocki

NOES—209

Addabbo
Akaka
Albosta
Anderson
Annunzio
Applegate
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brown (CA)
Bryant
Burton (CA)
Byron
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Cooper
Coyne
Crockett
D'Amours
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fazio
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hightower
Howard
Hoyer
Huckaby
Hutto
Jeffords
Jenkins
Jones (NC)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Mrazek
Murtha
Natcher
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Reid
Richardson
Rodino
Roe
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Skelton
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vandergriff
Vento
Volkmer
Watkins
Waxman

NOT VOTING—13

Ackerman
Alexander
Brooks
Conyers
Erlenborn
Ford (MI)
Harrison
Heftel
Martinez
Morrison (CT)
Rose
Smith, Robert
Tauzin

Messrs. MOLLOHAN, GLICKMAN, FLIPPO, VOLKMER, BEVILL, and McNULTY changed their votes from "aye" to "no."

Messrs. SPRATT, DICKINSON, MOLINARI, GILMAN, and DAVIS, and Ms. FIEDLER changed their votes from "no" to "aye."

☐ 1800

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1810

The CHAIRMAN. Are there additional amendments to title III? The Chair hears none.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. GORE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. YATES. Mr. Speaker, I demand a separate vote on the so-called McDade amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 73, after line 4, add the following new section:

SEC. . Except as otherwise provided in this section, each dollar amount contained in this Act is hereby reduced by 4 per centum. This section shall not apply to

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amounts on page 24 line 1, page 26 line 15, page 27 line 1, page 27 line 4, page 11 line 21, page 15 line 25, page 18 line 21.

The SPEAKER. The question is on the amendment.

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 213, not voting 14, as follows:

[Roll No. 223]

YEAS—206

Andrews (NC)
Andrews (TX)
Anthony
Archer
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carper
Chandler
Chapple
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Feighan
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Horton
Hughes
Hunter
Hyde
Ireland
Jacobs
Jeffords
Johnson
Jones (OK)
Kaptur
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Moakley
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Neal
Nichols
Nielson
O'Brien
Olin
Oxley
Packard
Parris
Pashayan
Patman
Paul
Petri
Porter
Pritchard
Pursell
Quillen
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Slattery
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Valentine
Vander Jagt
Vucanovich
Walgren
Walker
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Winn
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NAYS—213

Addabbo
Akaka
Albosta
Anderson
Annunzio
Applegate
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brown (CA)
Bryant
Burton (CA)
Byron
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Cooper
Coyne
Crockett
D'Amours
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fazio
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hightower
Howard
Hoyer
Hubbard
Huckaby
Hutto
Jenkins
Jones (NC)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Mollohan
Moody
Mrazek
Murphy
Murtha
Natcher
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Reid
Richardson
Rodino
Roe
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Skelton
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vandergriff
Vento
Volkmer
Watkins
Waxman
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NOT VOTING—14

Ackerman
Alexander
Brooks
Conyers
Erlenborn
Ford (MI)
Harrison
Heftel
Martinez
Morrison (CT)
Rose
Smith, Robert
Tauzin
Wolf

□ 1820

Mr. KOLTER and Mr. SCHEUER changed their votes from "yea" to "nay."

Mr. DAVIS changed his vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LOEFFLER

Mr. LOEFFLER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LOEFFLER. In its present form I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LOEFFLER moves to recommit the bill, H.R. 3363, to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 272, nays 144, not voting 17, as follows:

[Roll No. 224]

YEAS—272

Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Berman
Bevill
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Cooper
Coughlin
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hefner
Hertel
Hightower
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Long (LA)
Lowry (WA)
Luken
Lundine
Markey
Matsui
Mavroules
Mazzoli

McCain
McCloskey
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Parris
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pritchard
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rogers
Rostenkowski
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)
Zablocki

NAYS—144

Andrews (TX)
Archer
Badham
Bartlett
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chapple
Cheney
Coats
Conable
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dickinson
Dreier
Emerson
English
Erdreich
Evans (IA)
Fields
Flippo
Forsythe
Franklin
Frenzel
Gingrich
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hubbard
Hunter
Hyde
Ireland
Jacobs
Jones (OK)
Kasich
Kemp
Kindness
Kolter
Kramer
Lagomarsino
Latta
Leach
Leath
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCandless
McCollum
McCurdy
McDonald
McEwen
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Nelson
Nichols
Nielson
Olin
Oxley
Packard
Pashayan
Patman
Paul
Petri
Pursell
Quillen
Ray
Ritter
Roberts
Robinson
Roemer
Roth
Roukema
Sawyer
Schaefer
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Slattery
Smith, Denny
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Thomas (CA)
Volkmer
Walker
Weber
Whitehurst
Whittaker
Winn
Wortley
Wylie
Young (FL)
Zschau

NOT VOTING—17

Ackerman
Alexander
Brooks
Conyers
Erlenborn
Ford (MI)
Harkin
Harrison
Heftel
Jeffords
Long (MD)
Martinez
Morrison (CT)
Rose
Smith, Robert
Tauzin
Wolf

□ 1840

Mr. HUGHES changed his vote from "nay" to "yea."

So the bill was passed.

The results of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on June 23, 1983, I was unable to cast my vote on rollcall No. 219, the Conte motion instructing the conferees to insist on the House position regarding the Garrison diversion project contained in the Energy and Water Appropriations for fiscal year 1984. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BROWN of California). Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

OMNIBUS MINOR TARIFF AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3398, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 3398, as amended.

The question was taken.

RECORDED VOTE

Mr. KINDNESS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 368, noes 43, not voting 22, as follows:

[Roll No. 225]

AYES—368

Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brown (CA)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clay
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (AL)
Edwards (CA)
Emerson
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Foglietta
Foley
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hawkins
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McDonald
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Packard
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Pritchard
Pursell
Quillen
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roemer
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler

/OL
129
PT
13
JE
23
—
30
983
JMI

Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Walgren
Walker
Waxman
Weber
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NOES—43

Applegate
Boland
Broomfield
Brown (CO)
Burton (IN)
Chappie
Clinger
DeWine
Eckart
Edwards (OK)
English
Florio
Gaydos
Gonzalez
Hall (OH)
Hertel
Hubbard
Hunter
Kasich
Kindness
Livingston
Martin (NY)
McEwen
Miller (OH)
Murphy
Ottinger
Oxley
Panetta
Pashayan
Rahall
Roe
Rogers
Rudd
Schaefer
Seiberling
Sensenbrenner
Solomon
Stump
Tauke
Vucanovich
Weaver
Whitehurst
Williams (MT)

NOT VOTING—22

Ackerman
Alexander
Biaggi
Brooks
Erlenborn
Ford (MI)
Gingrich
Harkin
Harrison
Heftel
Leland
Long (MD)
Martinez
Morrison (CT)
Owens
Parris
Price
Rose
Smith, Robert
Tauzin
Watkins
Wolf

☐ 1900

Mr. BOSCO changed his vote from "no" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PECOS RODEO, OLDEST RODEO IN THE ENTIRE WORLD

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I rise to salute an annual event in the 16th District of Texas, an event, that, like the Fourth of July, symbolizes the true pioneer spirit of west Texas. The Pecos Rodeo is not only the Nation's oldest rodeo but the oldest rodeo in the entire world. This Fourth of July will be its 100th anniversary, a landmark in the history of rodeo and of west Texas.

For those of you who are not from the West, rodeo has its roots in the original skills needed for survival on the frontier—horseback riding, lassoing, and steer roping. So it is no coincidence that "rodeo" is a Spanish word that denotes a gathering of cattle—literally a roundup.

The rodeo, then, had its origins in the development of the cattle industry. Once or twice a year, the cattle were rounded up on the ranges and driven to various market towns. After the hard work of the roundup, the cowboys were paid off, and they usually celebrated the occasion. Informal competitions were held in which the cowboys bet their wages on their individual skills, and from this beginning, standards of competition were developed.

Then, as now, the rodeo consisted of five standard events: bareback bronc-riding, saddle bronc-riding, bull riding, calf-roping, and steer wrestling, sometimes called bulldogging. In bareback bronc-riding, an untamed horse, called a bronco, tries to buck the rider off its back. Using only one hand, the rider tries to hold on to a special rigging for a specified period of time, usually 8 to 10 seconds. If the rider falls, or if his or her free hand touches any part of his or her body or that of the horse, the rider is disqualified.

Saddle bronc-riding is similar to bareback riding, except that a special lightweight saddle is used and the rider holds on to a single piece of rope. Again, the free hand cannot be used. Bull riding, because of the ferocity of the Brahma bull, is the most dangerous event in the rodeo. The rider holds on to a bull-rope that circles the trunk of the bull and, using just one hand, must stay on for a 10-second period.

In all three events, the spirit and strength of the animals are factors in the judging. In calf roping and steer wrestling, the contestants try to accomplish a set of maneuvers in the shortest possible time. In calf roping, a calf is released into the arena through a chute and the cowhand, mounted on horseback, pursues. The rider must throw the lariat, or rope, over the calf's neck, dismount, throw the calf to the ground, and tie its feet while the horse keeps the rope taut. In steer wrestling, a steer is released from the chute, and the mounted cowhand rides alongside it and then leaps from the saddle, grabbing the steer by the horns in midflight. By digging in with the heels, the cowhand must first halt the steer, then flip it over onto its back as quickly as possible.

Mr. Speaker, the sport of rodeo has its traditions in the courage of the men and women who only a few generations ago risked their lives to tame a wild land. Pecos, Tex., is in the middle of this historic area and its people have kept rodeo going and growing in this same pioneer spirit. Rodeo today is a multimillion-dollar sport, but back when the people of Pecos dedicated themselves to keeping this uniquely American tradition alive, they had nothing to lean on except their own frontier traditions and love of competition. As a result, their dedication has helped enshrine rodeo in our history and national symbols. I salute the people of Pecos who have kept rodeo going and growing, and ask that my colleagues join me in recognition of their contribution to our country.

SECONDARY MORTGAGE MARKET EQUITY ACT

(Mr. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATTERSON. Mr. Speaker, yesterday I introduced the Secondary Mortgage Market Equity Act, H.R. 3420. In brief, the bill provides a modest adjustment in the mortgage ceilings of the Federal National Mortgage Association (FNMA/Fannie Mae) and the Federal Home Loan Mortgage Corporation (FHLMC/Freddie Mac) to accommodate moderate-income home buyers in high-cost areas

In recent years, the secondary mortgage market institutions of Fannie Mae and Freddie Mac have become increasingly important in the delivery of affordable mortgage credit for our Nation's home buyers. Through their various mortgage purchase programs, Fannie Mae and Freddie Mac provide primary mortgage lenders—including banks, thrifts, and mortgages bankers—the liquidity they need to continue originating mortgages for low- to moderate-income people.

Today, unfortunately, we find that the capability of Fannie Mae and Freddie Mac to serve the national mortgage market on an equitable basis is distorted by the impediment of an artificially low maximum mortgage. Under current law, Fannie Mae and Freddie Mac may only buy or otherwise deal with mortgages no larger than $108,300.

As a national aggregate, this ceiling may be a reasonable cut-off point for what qualifies as a low to moderate priced home. However, when examined on an area-by-area basis, this ceiling is a very inaccurate standard because it fails to accommodate the wide variations across the country of moderate home prices.

According to the Nationwide Relocation Service—an independent company that provides home price comparisons for people contemplating moves to new areas—these home price variations are quite significant. If one examines their January 1983 brochure the following price variations on the same type home located in different cities can be made:

CITY AND PRICE

Albany, N.Y., $66,000.
Spokane, Wash., $78,500.
Nashville, Tenn., $89,000.
Atlanta, Ga., $93,500.
Wichita, Kans., $102,500.
Seattle, Wash., $110,000.
Billings, Mont., $115,000.
Miami, Fla., $126,000.
New York, suburban, $134,000.
Dallas, Tex., $140,000.
Anchorage, Alaska, $156,000.
Orange County, Calif., $160,000.
Fairfield, Conn., $190,000.

Honolulu, Hawaii, $199,000.
San Francisco/Oakland, Calif., $210,000.

The inequity of service to our Nation's homebuyers due to this single national standard is borne out by statistics generated by the Office of Management and Budget (OMB). In testimony presented to the House Banking Committee last month, OMB stated that the current ceiling serves 80 percent of the market nationwide, but in high cost areas it serves only 58 percent—thereby denying 42 percent of the home buyers in these high cost areas access to the national secondary mortgage market.

Clearly, a single national standard makes no sense. A reasonable adjustment in the ceiling is warranted to assure that homebuyers in all areas of the country are provided equitable access to Fannie Mae and Freddie Mac.

The proposal I am putting forward today allows a modest increase in the ceiling but only in targeted areas. It would tie mortgate limit increases to only high housing cost areas designated by HUD under the FHA section 203(b) program. The Fannie Mae and Freddie Mac ceiling increases would be the same percent increase provided under 203(b) and just as in the 203(b) program, in no case would the increase be higher than 33⅓ above the established Fannie Mae and Freddie Mac limit.

Let me walk through a couple of examples.

First. Cook County, Ill. Under the FHA program, Cook County is given a 24 percent increase above the basic FHA mortgage ceiling. Under my bill, this same 24 percent increase would be applied to the Fannie Mae/Freddie Mac ceiling of $108,300 resulting in a ceiling for this area of $134,300.

Second. Tulsa, Okla. Under FHA, Tulsa is given a 22 percent increase. So, applying this same 22 percent increase to the secondary market ceilings results in a $132,100 ceiling for Tulsa.

Third. Kings County, N.Y. FHA recognizes Kings County as eligible for the maximum increases of 33⅓. Thus, applying 33⅓ to the Fannie Mae/Freddie Mac basic ceiling results in a $144,400 ceiling for Kings County.

Fourth. Dade County, Fla. This county is given a 21-percent increase under the FHA program. When applied to the secondary market ceiling, this same 21-percent increase provides a $131,000 limit.

Fifth. Los Angles, Calif. Los Angeles, County is given the maximum increase of 33⅓ under FHA. Thus, under the formula provided in this bill, the Fannie Mae/Freddie Mac ceiling would be $144,400.

I believe this proposal is a reasonable mechanism for providing equitable access to the national secondary mortgage market. It would assure that the Fannie Mae and Freddie Mac ceilings are flexible enough to accommodate all homebuyers across the country regardless of whether they reside in high cost areas.

Mr. Speaker, the FHA section 203(b) high-cost accommodation system was approved by Congress in 1980 in recognition of the need for Government-insured housing programs to be made available for low and moderate income home buyers in high cost areas. For the same reasons that this public policy decision was made for primary market lenders to serve home buyers using FHA programs in high cost areas, the conventional secondary mortgage market also should be allowed to provide needed support to these markets.

Concerns have been raised that even a modest increase in the Fannie Mae and Freddie Mac loan limits will impede the entry and growth of private firms within the secondary mortgage market. It is not my intention to limit the growth of private sector secondary market corporations. In fact, I would like to encourage their entry. At the same time, however, I would like to assure that moderate income home buyers in all areas of the country are given equitable access to the national secondary market institutions.

This bill, nevertheless, is narrowly drawn so as to leave more than adequate room for growth and participation by both private sector firms as well as the federally chartered Fannie Mae and Freddie Mac. The size of the mortgage market above the current ceiling of $108,300 is estimated to be about 20 to 25 percent of all mortgage loans made. This amounts to $35 billion in 1983 and is projected to increase to more than $58.2 billion in 1985. It is estimated that even with my legislation, 17 percent of the mortgage market would continue to be out of the reach of Fannie Mae and Freddie Mac and available exclusively to the private secondary market corporations.

Another concern that has been raised is that if Fannie Mae and Freddie Mac begin dealing with mortgages higher than the current limit, they will tend to reduce their activity in lower cost mortgages. The concern is unwarranted. The vast majority of the mortgages bought by Fannie Mae and Freddie Mac are well below the limits. In 1982, for example, the average mortgage of Fannie Mae and Freddie Mac was $47,500 and $56,000, respectively—no where near the then-ceiling of $107,000.

It should be added that the Charter Acts of Fannie Mae and Freddie Mac commit them to serve the entire market up to their legal limits, and they have shown every willingness to do so. There is no reason to believe that this commitment to the entire range of mortgage sizes will change when the mortgage limit is adjusted as called for in my legislation.

Mr. Speaker, I urge my colleagues to look closely at this modest amendment to the Charter Acts of Fannie Mae and Freddie Mac. I would ask that each consider joining me and my 14 original cosponsors by supporting H.R. 3420 to restore fairness and equity to this most important source of housing finance.

The proposal is supported by the National Association of Home Builders, U.S. League of Savings Institutions, Mortgage Bankers Association of America, National Association of Realtors, National Savings and Loan League, American Bankers Association, and the National Association of Mutual Savings Banks.

Mr. Speaker, I submit the bill for printing in its entirety, as follows:

H.R. 3420

A bill to provide home buyers equitable access to the national secondary mortgage market

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Secondary Mortgage Market Equity Act".

Sec. 2. Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following new sentence: "Each maximum limitation set forth in this paragraph with respect to a one- to four-family residence (as adjusted in accordance with the annual adjustment required in this paragraph) shall be increased for any area, other than an area located in a jurisdiction referred to in the preceding sentence, by a percentage equal to the percentage by which the Secretary of Housing and Urban Development has increased the corresponding maximum limitation set forth in section 203(b)(2) of the National Housing Act for such area on account of limited housing opportunities due to high prevailing housing sales prices.".

Sec. 3. Section 302(b)(2) of the Federal National Mortgage Association Charter Act is amended by adding at the end thereof the following new sentence: "Each maximum limitation set forth in this paragraph with respect to a one- to four-family residence (as adjusted in accordance with the annual adjustment required in this paragraph) shall be increased for any area, other than an area located in a jurisdiction referred to in the preceding sentence, by a percentage equal to the percentage by which the Secretary of Housing and Urban Development has increased the corresponding maximum limitation set forth in section 203(b)(2) of the National Housing Act for such area on account of limited housing opportunities due to high prevailing housing sales prices.".

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INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 136 EXPRESSING THE SENSE OF CONGRESS IN OPPOSITION TO FURTHER EXPANSION OF CARGO PREFERENCE REQUIREMENTS

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SMITH of Nebraska. Mr. Speaker, I rise and join with 59 of my colleagues to introduce House Concurrent Resolution 136, expressing the sense of Congress in opposition to further expansion of cargo preference requirements.

This legislation is needed to alert the House that a sizable portion of its Members who have constituencies involved in export of U.S. products oppose further expansion of cargo preference.

Statutes mandating guaranteed business for U.S.-flag ship lines without regard for efficiency or competition are damaging to the agricultural, coal, fertilizer, chemical, forest, ore, metal, pulp and paper industries.

Present cargo preference laws as they apply to such programs as Public Law 480—food for peace—provide ample evidence of the uncompetitive state of our merchant marine. Currently, the difference between shipping grain on U.S.-flag ships versus foreign-flag ships is running at $52.88 per ton for Public Law 480, title I concessional sales programs. It is not uncommon to find U.S.-flag rates 300 percent higher than foreign-flag rates.

I hasten to add that most of these foreign-flag bulk vessels are controlled by U.S. companies and subject to requisition by the U.S. Government. Freed from antiquated U.S. maritime policy, these American shipping interests operate cometitively and profitably in world commerce.

Mr. Speaker, the years of direct and indirect subsidies to the maritime industry have not enabled it to recapture its prominence on the world's shipping scene. Instead, its steady decline has continued.

With the phaseout of direct cash subsidies due to their ineffectiveness and budget considerations, legislative initiatives to prop up the industry through guaranteed business are receiving more attention.

I submit that these cargo preference schemes are the worst remedy as they will hurt exports through increased costs and lost sales, increase consumer costs, eliminate jobs, and prolong recession in the nonmaritime sectors.

I urge Members to join us in our efforts to voice opposition to further expansion of Cargo preference by cosponsoring House Concurrent Resolution 136.

H. CON. RES. 136

Concurrent resolution expressing the sense of Congress in opposition to further expansion of cargo preference requirements

Whereas the United States balance of merchandise trade was a negative $31.8 billion dollars in 1982;

Whereas the United States share of world exports has declined from 15.4 percent in 1970 to 13 percent in 1982;

Whereas one out of every eight United States manufacturing jobs is for export production and 20 percent of our industrial production is exported;

Whereas agriculture is the nation's largest employer with approximately 1,300,000 export related jobs;

Whereas the value of agricultural exports has dropped 18.9 percent since 1981 and United States agricultural market share has dropped precipitously for such commodities as course grains, wheat, cotton, soybean meal and oil, rice, and poultry;

Whereas increased ocean shipping costs will negate numerous United States efforts to promote exports;

Whereas current world market conditions translate increased export prices into reduced income for domestic producers and lost United States sales abroad for such goods as agricultural products, coal, forest products, fertilizers, chemicals, ores and metals, and pulp and paper products;

Whereas increased import costs for such goods as petroleum and other bulk materials will increase energy costs and production costs for the agricultural, fertilizer, iron and steel, rubber, textile, chemical, non-ferrous refining, and paper industries;

Whereas trade barriers have proven harmful to United States industry, labor and consumers in the past;

Whereas world bulk shipping capacity is currently in excess and is expected to remain so for at least the next decade;

Whereas national defense interests will not be served by increased U.S.-flag bulk capacity;

Whereas the Effective United States Controlled Fleet, which is controlled by United States companies and subject to requisition by the United States Government, remains a strong and competitive force in the world's ocean shipping industry;

Whereas the U.S. Merchant Marine is uncompetitive in the world market with U.S.-flag bulk shipping costs as much as 300 percent higher than the world average;

Whereas ocean shipping costs comprise a significant portion of import and export costs and these costs will be increased by expansion of cargo preference requirements: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that further expansion of cargo preference, whether for commercial or other trade, is not in the interest of the United States and should not be imposed.

SUPPORT REAUTHORIZATION OF TITLE IX

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. JOHNSON. Mr. Speaker, last week millions of Americans witnessed with pride a truly remarkable achievement—the successful flight of the first American woman in space. Accomplishments of this magnitude do not come without hard work, commitment, and dedication. Most importantly, however, accomplishments such as this do not come without opportunity—the opportunity to strive to excel personally and professionally.

Thanks to landmark legislation passed some 10 years ago, women were guaranteed by title IX access to equal educational opportunities and we now have a generation of young women and girls for whom the achievements of an individual like astronaut Sally Ride are truly possible. Thanks to this law, which has singlehandedly provided women with solid legal protection from discrimination in education, women are now making tremendous gains in obtaining vocational, graduate and professional degrees to prepare them for meaningful lives.

I would like to draw to my colleagues' attention another remarkable accomplishment of a young woman from my district who, thanks to a lot of encouragement and support, has worked her way to the quarterfinals at Wimbledon. An outstanding athlete, she played on a men's team during her high school years, but now finds herself one of the best kept secrets in women's tennis. I will include at the end of my statement today's article in the Hartford Courant commending the achievements of Barbara Potter.

Mr. Speaker, we cannot allow the years of progress which have brought us the potential of a generation of Sally Rides and Barbara Potters to be compromised by indifference. Education, which for so many is the key not only for dramatic accomplishments like Dr. Ride's, is also the key to economic opportunity.

I can think of nothing more exciting than the events at Cape Canaveral last week, and nothing more exciting than Barbara Potter at Wimbledon today. I can think of nothing more tragic than turning back the clock on over half the population to an era of pernicious discrimination and stereotyping. I urge my colleagues to join me in supporting legislation to reauthorize title IX.

[From the Hartford Courant, June 28, 1983]

IT'S FRONT AND CENTRE FOR POTTER

(By Bob Sudyk)

WIMBLEDON, ENGLAND.—Barbara Potter has been the best kept secret of the tournament for the good part of The Fortnight.

Despite her reputation for having one of the best serves on the island, she couldn't get a job as a butler.

No references.

She is as recognizable as one of the chastised girls in the colorful, naughty knickers, driving the tennis players to the grounds for the matches in the sports cars.

Her autographs are restricted to her traveler's checks.

None of this, of course, is any of her fault. This isn't Miss Humpty Dumpty.

She began the tournament seeded 11th.

She has defeated Britain's Pat Medrado, America's Michele Torres, Camille Benjamin and Lisa Bonder in straight sets.

Today, Potter returns to the quarterfinals after losing to Chris Evert Lloyd last year in straight sets, 6-2, 6-1. She will face third-seed Andrea Jaeger in the third match on Centre Court.

Not once, after any of her victories here, has Potter qualified for an interview in the pressroom, which protocol requires that at least nine journalists must show interest enough to request her.

Otherwise, players, perhaps fearing loss of oxygen or brain death, are unavailable.

Meanwhile, the glamorous Carling Bassett, 15, who was eliminated Monday by Jaeger, has been in the showcase courts. She has been summoned to the news room and for radio and television appearances. Potter has been agate type in the program.

Her matches have been scheduled in the ghettos of Wimbledon, the scruffy courts in the low-rent district. The ones with the bad hops, the worst officials and spectators milling about just a few feet away from play.

Monday's victory over Lisa Bonder was on Court 6, Potter's poshest terrain.

Centre Court and Court 1, the showcase courts nestled inside the historic grandstand, are reserved, supposedly, for the headliners.

Potter has been as visible as the field of players who drift in and out of the grounds like a fog.

Except for her command appearances by tennis's All England Club, Scotland Yard, Interpol, FBI and KGB together couldn't find Potter secreted away in her London flat with her mother.

While Bassett lived in the luxury of the Savoy at $300 a day, Potter opted for seclusion with her mother and her thoughts.

"Dad doesn't even have my phone number here," said Potter, a resident of Woodbury, Conn., who consented to a private audience.

"Oh, wait, not talking to dad doesn't sound right. Says my brother. Actually, he doesn't have the number, either. It's just that someone might call and interrupt my schedule."

"My mom knows me better than anyone else," she explained, adjusting the precautionary ice pack on her left service shoulder and elbow.

"Mom cooks the right food for me (mostly fish and salads) and knows me well enough to say the right things to keep me right mentally.

"Wimbledon has an emotionally draining effect. The excitement and attention takes a toll. I do everything I can to lessen the hassle, save every ounce of energy for the court," Potter said.

"I've banked plenty of reserve for this tournament. I don't want to expend it carelessly."

This part of the players' Wimbledon Fortnight is hardly glamorous. It is a combination of important ingredients—practice, eating, icing the arm, taping, rest and sleep—all in just the right amounts.

Winning Wimbledon, or winning tennis, requires a delicate balance.

In Monday's 7-5, 6-4 victory, Potter's delicate balance was almost upset by several bad line calls. She correctly complained on three of them, supported by her opponent, Bonder. They were the kind of ghetto mistakes that can keep talented players from Centre Court.

Her driving service was no match for Bonder, however. This is Potter's main weapon, one that is dangerous to rely on entirely.

Potter, 21 is nearing maturity in the sport. She is taking the ladder one skillful step at a time, now ready physically and mentally to leap into the big time.

A Wimbledon victory over third-seed Jaeger would be a giant leap forward. Jaeger has won four of their six previous matches.

Getting mentally just right, choosing the exact moment to focus all energies on the moment of the match is the trick.

"When I have to wait for the court, it is important to be flexible. This takes experience," she said. "I learned a lot getting blown away in the quarters to Chris last year."

Very little separates the superstars from those on the fringe. So much of it is mental. Potter claims that, at this stage of the tournament, it is "10 percent skill and 90 percent will."

She talks of desire and will to win, not on the shots it will take. She has paid her dues and now she believes it is time to collect.

"I'm going to concentrate on my strengths. You will see me at the net a lot. Big thing is to hold my serve, the breaks (point) will take care of themselves.

Potter never has played in Centre Court or Court 1 before.

"It's my first time in the big hole," she said. "No need to be over-reverent about it, but I am excited."

She visited Centre Court early one morning the other day. She was alone in the empty theater. She tried to imagine what it would be like playing there before a crowd of 14,000.

Imagination becomes reality. She has paid her dues, and now it is time to collect.

"I see it as the beginning for me . . . a turning point . . ."

A TRIBUTE TO MAXIE ANDERSON

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, it is with sadness in my heart that I report the tragic death of my friend and constituent, Maxie Anderson. Maxie and his co-balloonist Don Ida were killed in West Germany yesterday doing what they loved best—flying a balloon.

Maxie Anderson has been my friend for many years. He achieved international acclaim 5 years ago when along with Ben Abruzzo and Larry Newman of Albuquerque, N. Mex., they became the first men to fly a balloon across the Atlantic Ocean.

When Maxie landed in France it was a reenactment of the hero worship accorded to Charles Lindbergh 50 years before. Maxie helped to lift the spirits and feelings of Americans as high and as beautiful as the balloons that he flew.

Maxie and his son, Kris again entered the ballooning record books 3 years ago when they became the first to fly across the North American continent from California to the east coast of Canada. Since that time, Maxie has made several attempts to fly around the world in a balloon.

The city of Albuquerque has become known as the balloon capital of the world in large part due to the efforts of Maxie Anderson. When you look into the sky over Albuquerque and see these spectacular splashes of beauty, Maxie Anderson comes to mind.

He was a devoted husband and father. His wife, Patti, children Kris, Tim, Stephanie, and Michael were all constantly involved with him, and he with them.

He was an astute and successful businessman. As president of ranchers exploration, he established a reputation as a knowledgeable leader and an expert in mineral exploration and development. There were those who frequently tried to convince Maxie to become a candidate for high political office. But, while involved as a public-spirited citizen, he preferred the serenity and peace when he was soaring high in his balloons.

His achievements, his competitive spirit, his search for challenge made Maxie Anderson a true American hero. Any visitor to the air and space museum here in Washington is struck by the imposing display of the Double Eagle II, the balloon in which he flew across the Atlantic. It proudly takes its place between Lindbergh's Spirit of St. Louis and the Apollo Moon Lander.

Maxie Anderson was a true hero. The courage and inspiration which he gave will live beyond us all. I have several times talked with Maxie about the risk and danger involved in the challenge which he took. Maxie would shrug it off and tell of the amazing and quiet perspective of watching the Earth turn under him as he floated among the clouds.

Maxie Anderson will be deeply and sadly missed. But, Maxie Anderson will be long and fondly remembered. I cannot help but feel that although he lived every minute of this life, he died loving what he was doing. Maxie, our hearts are up, up and away with you today.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2065. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

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GENERAL LEAVE

Mr. WISE. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks, and to include therein extraneous material, on the subject of the special order speech today by the gentleman from Washington (Mr. Swift).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

UNEMPLOYMENT—MY DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. Wise) is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I am most proud to be the sponsor of this evening's special order "Unemployment—My District." It is my hope that this late night session will focus the attention of this body, the other body, the President and the citizens of this country on the unemployment situation in our country—a situation that has gotten progressively worse over the last 2 years. This marathon special order will be a discussion of the unemployment situation in districts across our country—from California to New York, Minnesota to Arkansas.

The first reason for this special order is for us to talk directly to each other about unemployment in our districts, to discuss what the particular needs are that each of us faces. This way we learn from each other.

The second purpose is to reaffirm our commitment to the battle against unemployment. As economic indicators improve in some sections of the country, some members question the need for additional jobs legislation. Yet my State is not alone in still suffering high unemployment. Even in States with a relatively low rate of joblessness, there are large pockets of unemployment and despair. This Nation is undergoing massive technological and industrial readjustment. We must assist our Nation and our people to weather and adapt to these shock waves of change.

Mr. Speaker, we did not request this special order lightly. Nor is it our intention to inconvenience this House. But this is the best forum to have a frank and open discussion about the pressing tragedy of unemployment. And to those more than 11 million unemployed, many of whom no longer receive unemployment benefits, we must reconfirm our resolve to address their plight.

It is fitting that West Virginia's Representatives participate in cosponsoring this function. Our State's average unemployment last month was almost 20 percent. I represent 14 counties, 7 of them have unemployment exceeding 30 percent.

Let us get one thing straight. No one in West Virginia is asking for handouts. Nor is anyone here seeking pity for West Virginia. We are a proud, hardworking people who have repeatedly battled adversity. What we do seek is cooperation. We also seek some appreciation of our special problems.

In the third congressional district, many people make their living mining coal, supplying energy to this country. Unemployment in the coal mining industry is 40 percent; 27,000 members of the United Mine Workers of America are laid off. Several manufacturers have either closed or curtailed their operations.

We are not talking about some seasonal unemployment that will lift in the next few months. We are talking about frightening joblessness that threatens people's basic way of life.

When I was growing up, I cut brush in rural areas of West Virginia. A common sight then were commodity trucks—trucks bringing surplus food to welfare recipients. Then food stamps came. Our economy began to prosper. The commodity trucks became a distant memory.

Mr. Speaker, those trucks are running again. Two months ago, I rode a commodity Army Reserve truck on its weekly run to a hard hit area. Once again, hardworking people are not seeking handouts. Rather we seek work—and opportunity. Make no mistake—the recently passed jobs bill was not make-work. It meant that vital work on our Nation's infrastructure would be undertaken. Likewise a second phase jobs bill, H.R. 2544, would target money to high unemployment areas for short-term construction projects to be completed within a year. People go back to work while expanding the infrastructure necessary for economic development.

There are many other areas to explore. During the last week I have twice met with knowledgeable persons concerning small business programs for our State. Flexibility and ingenuity are essential elements to rebuilding our threatened economies. We must learn from each other.

This requires that this Congress not ignore the problems in each area. My State mines coal, and essential energy source. Coal research and development funds have been slashed 80 percent in 3 years. Yet funding adequate coal research programs will guarantee alternate and clean burning fuels.

Let me say that Federal dollars alone spent or loaned for water and sewer systems in West Virginia, in Boone County, for example, will be repaid many fold in economic development. Appalachian Regional Commission funds have brought the beginnings of an industrial park to Jackson County, a hard hit county determined to recover from the massive layoffs of a major manufacturer 2 years ago.

Mr. Speaker, on jobs, it cannot be business as usual, since business is not usual any more. We must resolve that 10 percent unemployment, double that in my State, does not become the usual.

At this point, I yield to the distinguished Speaker of the House.

Mr. O'NEILL. I want to thank the gentleman from West Virginia (Mr. Wise) and all his colleagues who have put this special order together tonight to talk about the unemployment of this country. Things are really bad.

President Reagan is a master of public relations. Whenever we get bad economic news, he passes the buck and blames it on someone else.

When his policies bring on the worst recession in 50 years, he blames his predecessor.

When his deficits rise higher than all other Presidents put together, he blames the Congresses of the past.

If more and more people think his administration is unfair, then he blames the media.

Tonight I would like to ask the President a question he cannot squirm out of.

Mr. President, you are having a conference tonight, a news conference. When we passed your program in 1981, you promised us it would create 13 million new jobs.

What about that promise? What about those 13 million jobs? We scheduled your program. It passed the Congress and became law; but today we have an unemployment rate of 10.1 percent—compared to a 7.2-percent jobless rate in July 1981, the month your program was adopted. Instead of having the 13 million new jobs as you promised; we now need to create 3 million new jobs just to get us back where we were when you came here a little over 2 years ago.

Tonight, Mr. Reagan, at your press conference, you will speak on prime time national television, on all three networks. Well, Mr. President, at the present time there are 13 million unemployed. There are another couple million out of the work market and there are 5 or 6 million working part time.

Mr. President, is the recession over when we still have 13 million out of work?

I want to thank the gentleman and I congratulate him for taking this time.

Mr. WISE. Mr. Speaker, at this point I yield to the distinguished gentleman from Tennessee (Mr. Ford).

Mr. FORD of Tennessee. Mr. Speaker, I appreciate the opportunity to join in this special order to discuss the plight of our Nation's unemployed. I want to especially thank our distinguished colleague from West Virginia for requesting this special order. As chairman of the Subcommittee on Public Assistance and Unemployment Compensation, I have become acutely aware of the human suffering behind the unemployment statistics that we hear about.

We have been able to alleviate some of the hardships faced by the unemployed by providing additional weeks of unemployment compensation through the Federal supplemental compensation program. We were able to enact phase 1 of the jobs bill. We will be acting soon on providing some minimal health care benefits for those individuals who have lost health care coverage. While we have been able to respond to the tragedy of unemployment in some respects, we have been able to do so only after overcoming the objections of the Reagan administration and watering down the help that these bills were designed to provide.

If there is a single roadblock to attacking the unemployment problem in this country, it is the policies of this administration. I do not make this statement lightly. I make it only after months of watching administration witnesses march up to Capitol Hill demanding a $1.6 trillion defense budget and then coming to my subcommittee and opposing $2 billion in unemployment benefits. I have watched the unemployment rate rise from 7.4 percent, when this administration took office to 10.8 percent. I have watched this rise in unemployment and I have seen the President of the United States point to the want ads in a Sunday newspaper as evidence that unemployment is really not a serious problem.

I have listened to unemployed steel workers from Pennsylvania describe the year long search for a job that simply is not there, and then heard the administration imply that an extension of 6 more weeks of unemployment compensation for those workers will act as a disincentive for them to seek work.

Over 11 million Americans are out of work. Another 2 million are so discouraged they have dropped out of the labor market. And what is the administration's answer to this crisis? Inflation is down. What is the administration's answer to an unemployment rate among black teenagers of nearly 50 percent? Inflation is down. What about the 19 million Americans who have lost health insurance coverage because of unemployment? Inflation is down.

What about the loss of extended unemployment benefits in Michigan, Ohio, Illinois, and other high unemployment States because of the changes in the President's 1981 budget cuts? Inflation is down. What about the increase in broken homes and child abuse that are a direct result of the desperation of men and women who can no longer provide for their families? Inflation is down.

This administration's absolute lack of sensitivity to the needs of the unemployed is surpassed only by its lack of shame in claiming credit for reducing inflation.

Inflation is down because we are in a recession. A recession that has resulted in the loss of jobs, health care, and security for millions of Americans. To read administration's press releases you would think that Ronald Reagan, David Stockman, and Paul Volcker have singlehandily wiped out the terrible scourge of inflation. I would like to issue a press release myself to commend those Americans who have helped reduce inflation. There are a couple of problems in doing that however. One is that the list would have over 11 million names on it, the names of those Americans who cannot find a job. The second problem is even more difficult and that is to tell them that the reward for their faithful service in whipping inflation is something called economic recovery, and I am not sure when it will arrive.

America's jobless cannot wait for the recovery to trickle down. They need help now. And it is my hope that tonight's examination of the true scope of the unemployment situation in this country will reaffirm this Government's commitment to provide that help.

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Mr. WISE. I appreciate very much the remarks of the gentleman. He might have been talking to Ed Cook, a county commissioner from Boone County, a coal mining county in my district, who wrote recently and said:

> The county is suffering because of unemployment. When people exhaust their unemployment they will hit the street and the crime rate will soar.

Then he went on to say:

> Sure, inflation is coming down. When you don't have money to spend it has to.

Mr. PEASE. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Speaker, I appreciate my colleagues gathering today to make a special point of discussing the tragic national unemployment situation that grips our country. While policymakers have grown accustomed to throwing around statistics of unemployment, the human dimensions of the problem are too often considered only secondarily.

Men and women in my northern Ohio district are not the deadbeats or freeloaders to which President Reagan often makes implicit reference. They are not trying to put something over on the system or avoid hard work—they grew up used to generations of hard work in the American auto and steel and other basic industries. They are hard-working Americans who have lost employment through no fault of their own.

After layoffs from jobs they have held for 10 to 20 years, many have looked for new employment for up to a full year, to no avail. Some have looked unsuccessfully for more than a year. They have begrudgingly depended on unemployment compensation or food stamps to try to maintain their families and the homes they can neither afford to leave or to keep. The dignity of people who have proudly and dependably worked as part of America's basic industries is close to or beyond the breaking point.

Workers have left Ohio, where unemployment was last 13.6 percent, to travel to Southwestern States to try to find work and income. Those efforts have too often meant divided families and frustrated job seekers with little success. But Ohio's declining heavy industry shows no signs of recovering to the vibrant and productive state it was formerly enjoyed.

Mr. Speaker, like reformed smokers critical of others who cannot quit, I think it may be easy for those who are employed, from the President and his cabinet on down, to find fault with unemployed workers. While the President seems to believe that a large number of unemployed workers can find work through a simple application of discipline, ambition and "willpower," I think the Congressmen participating in today's special order realize that drive is not what is lacking. It is employment opportunity that is missing.

There are currently millions of men and women who want jobs, Mr. Speaker, and there are millions more who are underemployed and capable of far more than they currently produce. The false notion that these people need only look at the classifieds to solve their problems is a plain insult to working Americans.

Mr. Speaker, I hope that the administration gets a clear message from this series of speeches. We regard unemployment as a critical and yet unresolved part of improving the economy—trading high inflation for high unemployment is no improvement. Lower prices are of no help to America's unemployed men and women.

Mr. ECKART. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Ohio.

Mr. ECKART. I thank my colleague for taking time to assemble this opportunity for us to share with the country the consequences of national policies that are of such great concern and importance to us.

Unemployment in the 11th Congressional District of Ohio is stil in double digits in each county. Ashtabula County has a jobless rate of 18.9 percent, according to the latest figures available; Lake County, 15.5 percent; Portage County of over 14 percent; and Trumbull County, of which I represent a portion, 16 percent; and Geauga County, over 11 percent.

Clearly what is going on in northeastern Ohio is not reflective of the rest of the country. It is worse.

My office has been deluged with letters from constituents who write me of the personal hardships they have had to endure and suffer as a direct consequence of the Reagan recession.

One woman was grateful in her thoughtful letter to me for at least having unemployment compensation. For her that long line was some form of a blessing to be thankful for, for in these difficult times at least she knew she had something to look forward to.

But now as a direct result of the Gramm-Latta budget forced down the throat of this Congress in 1981 in a blind-sided 1-hour no-debate, no-amendment process the State of Ohio finds itself losing this mere form of minor subsistence that this woman wrote of so gratefully.

A 59-year-old man wrote about losing his job as a machinist. He had been gainfully employed in that position since he was 19 years old; 40 years of work down the drain. "What am I to do?" he wrote. "I am too young to retire and too old to find another job."

Too many people write that sentiment. For them the Reagan recession and the prosperity deemed for us to be just around the corner is one corner too far.

Since acting on President Reagan's economic program just 2 short years ago we have discovered the folly of his supply side economic theory is that it really does not work. In reality, true prosperity does not trickle from the top down; it grows from the bottom up among the working men and women of this Nation. It is an economic program that is flawed, that fails to exercise any degree of foresight.

Look at the gargantuan deficits it has created.

Let us look at some of the consequences, but also let us look at how the Congress will deal with them.

Our auto industry is in a shambles. In northeastern Ohio unemployment among auto-related industries exceeds that of the national average; yet, the solution offered to those of us on the Energy and Commerce Committee in recent hearings in testimony on domestic content legislation was, in the words of the administration spokesman, "Give it time."

Mr. President, let me tell you that time is one thing the unemployed auto worker already has too much of in northeastern Ohio. I say to you that if these companies through their unrestrained export policies that have put Americans out of work continue to do so, while you stand idly by giving our industry more time, it can only result in a policy that will end in the result of us having no domestic auto industry.

I say if they want to sell here they ought to build here. We cannot fiddle while the auto industry burns. We need those jobs and America needs a vital auto industry.

As my good friend from West Virginia pointed out, why is it here in a country that can develop the economic resources and the ability to land a man on the Moon that we cannot develop the ability to burn our Appalachian coal cleanly, safely, and efficiently. Perhaps it has to do with, as the gentleman so properly pointed out, the gargantuan budget cuts that have been visited on alternative energy resource development and utilization of a natural resource of which we in these United States have more than the Saudi Arabian Government has in oil.

Let us focus for just a short moment on the educational crisis confronting this country today. Japan, called an ally by some and an economic adversary by others, graduated more engineers last year than our Nation did. We are being outcompeted and outeducated. Yet this administration hopes to solve the problem by asking children to pray in schools. To pray for what? To pray for a job? To pray for a degree? To pray for an opportunity that they, too, may be able to own a home someday.

At the same time, while the President travels around this Nation speaking so piously of education, he fails to remind the Nation of his deep budget cuts.

□ 1930

And while he stands in Kansas City tomorrow at the site of the largest food warehouse filled to the rafters with commodities purchased by American taxpayers' dollars, let him ask the hungry children why it is they cannot learn in the schools today. Does the President not realize that you cannot create a full mind on an empty stomach?

We in northeastern Ohio and indeed throughout the entire Great Lakes States are the victims of an economic civil war, perpetuated by the monetary, fiscal and budgetary policies of an administration that seeks to render apart the very fabric that binds this Nation together.

All we ask for is not for the Federal Government to do it for us, but to stop doing it to us.

We ask for targeted defense spending so that the Nation's taxpayers' dollars that came from our region return to our region to create jobs, for in Ohio for every dollar we send here to Washington we get less than 75 cents. We in the Great Lakes States ask for an opportunity to preserve and protect our freshwater for it is only in that context that we can offer some hope to the people of the future, for without freshwater we will fail to survive. Let us take a look at Congressman BILL RATCHFORD's legislation pending before the Education and Labor Committee, to create a truly community-based vocatonal education program, a GI bill of rights if you will, for the unemployed, so they can stay in their communities, relearn their skills, and remain as productive parts in our workplace.

The unemployed in this Nation, they do not want a dole, they want dignity and they want a job. Let us put them to work rebuilding our infrastructure, infrastructure that has been sadly neglected in the northeastern part of these United States. Let us talk about health care for the unemployed. The distinguished gentleman from Indiana who will be following us momentarily has worked hard in the areas of medicare and medicaid and knows full well the consequences of people taken to hospitals and asked, not, "What is your ailment?", but "How are you going to pay for it?"

This in a land of plenty. Yes, the Midwest and the Northeastern part of these United States are in the middle of an economic civil war, the consequences of which threaten to wreak havoc on our communities as we know them. Abraham Lincoln said just a few feet from where we stand this evening, "If we could first know where we are and wither we are tending, we could do a better job in what is to do and to know how to do it."

This administration has forgotten where we have come from and this administration does not know where we are going.

These wise words from a man filled with wisdom are sorely needed in the consequences of the economic debate before us today.

Our approach to solving economic problems has been upside down, dominated by squinty-eyed bureaucrats who do not care and cannot cry has resulted in economic policies the failure of which have brought untold horror and hardship to Americans of every color, of every economic background. Let us use this opportunity that the gentleman from West Virginia gives us to speak positively as we all will of programs designed to help our Nation. But let us not fail as Abraham Lincoln reminded us and as Harry Truman so eloquently spoke when he was our President in the White House just what seems like 25 or 30 short years ago; to fail to remember the history that we have lived through is to condemn us to live that history again.

The failed economic policies of trickle down economics condemns us and 11 million others of our American colleagues to the same kind of fate of the Great Depression. We in the Congress have the ability to make a difference. I hope that through the use of this special order and the programs we will be voting on in the weeks and months ahead we can hold out a greater hope for a better America and for a brighter future for ourselves and for our children. I thank the gentleman.

Mr. WISE. Mr. Speaker, I thank the gentleman.

The gentleman has given us much food for thought, not only explaining the problem in his district but also what we need to be looking at to bring about the long-term change which is so necessary.

I yield to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Speaker, I thank the gentleman for yielding.

And I want to commend the gentleman from West Virginia for taking the special order this evening. It provides all of us with an opportunity to focus attention on the continued economic stagnation in our districts and in the persistently high levels of unemployment that plague our respective constituencies.

In my home State of Michigan, the unemployment rate remains close to 15 percent; and in some cities in my district it exceeds 20 percent and in my minority communities it is twice that figure. It is not suprising then that my constituents are cynical about claims that economic recovery is already underway. Talk of recovery is only talk to 9,300 unemployed men and women in Lansing, 4,500 in Kalamazoo, 2,600 in Battle Creek.

It is only talk to the spouses and children of those who are still unemployed. It is only talk to the discouraged workers who have given up any hope of employment and it is only talk to the thousands who have uprooted their families, sold all their possessions in the desperate hope of finding work elsewhere.

Mr. Speaker, the national indicator may well be showing a mild upturn in the Nation's economy, but the faint image of that recovery is still only barely perceptible in my district. The Michigan economy, with its reliance on older heavy industries has been among the slowest to recover from the recession. Real recovery and increased employment will only come from efforts to renew, retool, and revitalize these industries. Recovery will also depend on efforts to train and retrain workers. Many people in my district have already been displaced by changes in industrial technology and consumer demand and many more have skills that will soon be outmoded.

I believe we all must commit ourselves now to insuring a well-trained work force in the future. But in the meantime, in the here and now, unemployment remains a problem of critical dimensions. The scope of the problem in my district and State is reflected in the statistics, but no statistic can fully explain the human impact of joblessness. The sense of failure, disillusionment of doubt in everything we have taught to believe about ourselves and about our country.

In Michigan the unemployment problem has manifested itself in dramatic increases in alcoholism, in spouse and child abuse, in mental disorders. But, again, these numbers only order and categorize the tragedy that cannot be quantified. How then do we really understand the impact of unemployment? Perhaps the best evocation of the problem I have ever seen came in a letter from one of my constituents, the handwriting and the wording make it clear the writer is a child, perhaps 10 years old, but the letter makes its point well. It reads:

> DEAR MR. WOLPE: We care about hungry people. We would like to know what you have done for the starving people in the world.
>
> P.S. Can you help get jobs in Kalamazoo, Michigan? Many people in Kalamazoo, Michigan do not have jobs.
>
> P.S.S. My dad needs a job. Can you please help get jobs in Kalamazoo?

Mr. Speaker, I cannot make a more eloquent plea. I implore the President of the United States, my colleagues in the House, in the other body, business leaders, and policymakers throughout the Nation to listen and take heed.

Again my thanks to the gentleman from West Virginia for providing this opportunity to allow this examination of the continuing unemployment crisis that faces our respective constituencies and the Nation.

Mr. WISE. Mr. Speaker, I thank the gentleman from Michigan very much. I now yield briefly to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I represent a district with some of the worst pockets of unemployment in the Nation, and I do not mean a few areas within some of my south Texas cities. I am speaking of the entire city of Eagle Pass, Tex., where the May unemployment figure was an even 37 percent—up 10 percent from the same month last year. I am speaking of Laredo, Tex., where the May unemployment figure was 28.4 percent—more than double the figure of the same month in 1982.

Much of this is attributable to the 1982 peso devaluations which had a severe effect on international trade and retail trade, forcing these industries to lay off hundreds of individuals. Spinoff effects resulted in public and private enterprises letting more employees go. The peso devaluation problems are compounded by all the other adverse economic conditions being inflicted upon our Nation, and I simply do not know how long our remaining small businesses can hold out, much less the children and senior citizens.

A total of 417 businesses failed and closed down in 1982 in Laredo. An additional 237 failed through May of this year. Before this disaster, the 1-percent sales tax was a major source of revenue for the city, which reduced the number of city employees by 200 this year in an attempt to absorb a 37-percent drop in sales tax income. At the same time, as you might suspect, crime is increasing at alarming rates.

So what else can happen? The city of Laredo contracts to provide child development services and family care services and works with Federal and State agencies to assist the elderly. Using various matching funds, Laredo has provided medical and dental exams, therapy, and feeding services for children and helped the elderly remain in their homes and maintain their dignity. There is a serious question of finding that local match next year, and the problem is directly attributable to what we are talking about here today.

The cruel irony is that unemployment is increasing the need for these services at the very time when there are less financial resources to invest in human needs.

Is it possible that American citizens in distress cannot look to the same Federal Government that speeds assistance to other people in need around the world? This month, the people of Laredo opened their newspapers to learn that the county nutrition education program will be phased out, apparently another victim of selected cutbacks by the Federal Government. To rub salt in the wound, they were told that the decision on which units to keep was made "primarily on the basis of where the majority of those living in poverty reside."

I would point out that in Laredo, where 11,400 of a total work force of 42,000 are unemployed and have little chance of finding employment, that going without paychecks is about as close as you can get to poverty.

There is unemployment compensation, of course, but a total of 3,800 people have already exhausted their unemployment benefits, and it is estimated that 1,800 or 1,900 more will lose their benefits each month. These are people, not statistics, and we cannot simply mark them off.

The people of south Texas are an independent lot, and they are used to hardship and taking care of themselves, but they simply cannot stand much more, and the children and elderly cannot stand much more.

I appreciate the members and the committee staffs who have studied these problems and the various task forces which have taken the time to examine them in person, but with all due respect, I think the time for looking and talking is over. The administration as well as Congress know what the problems are, but no one has been able to find a solution. The situation has been studied to death and it has not gone away.

The people of south Texas—and people across the country—are growing bitter. I am sure you have heard many people say that if they lived in another country, they could at least apply for foreign aid. Congress and the administration must respond to that call, and I suggest we should turn our attention to jobs, jobs, and more jobs.

☐ 1940

Mr. WISE. I thank the gentleman for his participation.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Coyne).

Mr. COYNE. Mr. Speaker, I rise in strong support of the goals of this special order and I thank the gentleman for taking this special order.

Mr. Speaker, often of late we have heard favorable comments on the condition of the economy, comments based on a comparison of an economic statistic of today to that of a year ago.

Let us consider the case of Pittsburgh's unemployment. A year ago, unemployment in the four-county Pittsburgh area was 10.6 percent. Today it is 16 percent.

A 50-percent rise in unemployment over a 12-month period in an already hard-hit area is a signal that something is dangerously wrong with our economy. If there are signs of hope for the economy in other regions of the country, such figures as in western Pennsylvania are all the more cruel.

Unemployment affects the economic livelihood of those without jobs and the stability of the communities in which they live. Perhaps the most devastating of its byproducts is the personal toll it takes on the physical and mental health of the jobless.

What does unemployment do in western Pennsylvania?

First, there is the immediate financial strain on those without work. Unemployment benefits help many for a period of up to 65 weeks. For thousands of western Pennsylvanians, this aid is now destined to expire with no job in sight. Fifty-five thousand people in Pennsylvania will exhaust all unemployment benefits next month. This is almost triple the monthly average of 15,000 to 17,000.

Receiving unemployment benefits often means the difference between keeping a home and losing one; 6.3 percent of outstanding mortgages in Pennsylvania are delinquent, the highest recorded number since the Mortgage Bankers Association of America began compiling statistics in 1953. According to Pittsburgh's Action Housing, between January and June 15 of this year more than 1,000 unemployed homeowners have received mortgage delinquency counseling through several local agencies. These agencies report that the number of calls for help is increasing and that the individual problems appear to be more serious. Requests for mortgage assignment have more than doubled in the past year at the Pittsburgh area office of the Department of Housing and Urban Development.

The House of Representatives has moved to address this problem by approving the Emergency Housing Assistance Act. It is now up to the Senate to act.

For some families, unemployment means having to face a new problem. I speak of the lack of food. Pittsburgh's Health and Welfare Planning Association reports in "Hunger in South-Western Pennsylvania:"

> The dramatic increase in unemployment in South-Western Pennsylvania and the projection of long-term unemployment for many due to non-transferrable skills has created a new group of people in need. Many people who have worked all their lives paying taxes, giving to charity and supporting the economic base of our community are now facing the immediate problem of how to obtain food for their families.

Second, long-term unemployment has a debilitating impact on the communities in the Pittsburgh area. In one Allegheny County town, more than 60 city employees have worked without pay to help the cash-strapped municipality meet its bills as tax revenues decline.

Neville Island, an Allegheny County township in the 14th Congressional District, was once called a floating factory. When unemployment was good, workers crossed the bridges to quintuple the township's population during work hours.

Township revenues last year were down some $20,000 in occupation taxes, and $25,000 in wage taxes. The per capita debt in the 1,200 person township is $666.37.

A Pittsburgh Press article included this observation from a restaurant operator on daily life in Neville Island these days:

> Our trade is way down and the people that come in aren't spending as much * * * I think the guys are only allocating themselves so much for lunch, and when that's gone, they just don't come in.

Third, unemployment directly affects mental and physical health, as well as family relations. While not easily documented, these are among the uglier aspects of joblessness.

As unemployment rises, so does suicide, homicide, infant mortality, cirrhosis, circulatory disease, and hospitalization for mental problems. National Institutes of Health research indicates that an individual's ability to cope with unemployment depends on whether he or she has adequate finances, is able to find another job at similar wages, and whether family and friends are there for support.

Thousands of people in the Pittsburgh area now face loss of unemployment benefits with little likelihood of becoming employed. Their ability to cope with that circumstance will be severely tested.

What does being without work do to a person's self-esteem? A Pittsburgh Press article included these comments from a 27-year-old, out-of-work engineer:

> When you're working, you feel that what you're doing is important. If you're not working, it's a blow to your ego. To do is to be . . . if you're not working as an engineer . . . are you an engineer?

Unemployment affects our communities and people who live in them in ways we can measure and in ways we cannot. I hope that those in the administration who now contend we are on an economic comeback trail will pause for a moment to reflect on the recorded and unrecorded measurements of unemployment in the Pittsburgh area.

Mr. WISE. Mr. Speaker, I yield to the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. Mr. Speaker, I would like to say for the record, too, that I am grateful to the gentleman from West Virginia and his colleagues for calling this special order. I especially want to note that I believe the gentleman from West Virginia is one of the hardest working Members I have had the privilege to know during my service in the Congress. You might even say Congress is doing very well, Robert Wise.

We are here on a very serious subject, unemployment. At the beginning of World War I, with most of the nations plunged into war, historians tells us that the German Chancellor Bethmann Hollweg turned to the former German Chancellor Prince Bulow and asked, "How did it all happen?" and Prince Bulow replied, "Ah, if only one knew."

Allusion has been made to the cause of the difficulty. The assertion is being made nationally that a great recovery is under way. In Indianapolis, Ind., that is not entirely detectable by experience. In the year 1982 there were 746 foreclosures of mortgages. This year, to date, already there are 514. Unemployment has risen in Indianapolis by six-tenths of 1 percent. If there is a recovery, it is for someone besides those who have been thrown out of work, but how did it all happen?

The gentleman from West Virginia has quoted a leader from his State as giving a hint as to how it happened. Traditionally it is said that the way to fight inflation is to throw people out of work. Well, how does that fight inflation?

It means really that if enough people at the bottom of the ladder are thrown out of work, do not have

enough money for the movies, do not have enough money for automobiles, do not have enough money for clothing, good clothing for their children, it simply means that many fewer people are competing for the goods and services in the country. And when fewer people are competing for those goods and services, obviously the goods and services that are available can go around better, meaning at a lower price.

The suicide rate in Anderson, Ind., has gone up dramatically in the last 20 months. That is a big auto worker town in my State.

It is a funny thing about suicide. You do not hear very much about it, maybe on the back pages of the newspaper, or some hint that the deceased went in that tragic way. But it happens because of proud people who are caught up in a machinery that is far more powerful than themselves as individuals, when they are caught up in this tragedy of unemployment and cannot make house payments. Well, that was just a statistic a moment ago about the foreclosures, but foreclosures mean that the sheriff comes to the door and puts you out. And only in a movie is there somebody to put you in some place. And when proud men and proud women can no longer support their children, sometimes it is too much. Who here can say, those of us who can say, "But for the grace of God there go I." But for the policies of this administration these people would not so extensively be in that situation. The consequence in some cases is deep depression and suicide. It is a deadly serious subject. These people are the casualties of the Laffer curve and they are pawns in an economic game plan.

There is only one thing that works as far as I have been able to figure in the years that I have been in the Congress, something that has never been tried. If you print the money to pay the bills that Congress has run up and does not have taxes for, it is inflation. If you do what the present outfit does, if you borrow the money, that drives up interest rates and drives people out of work.

In the first instance, it is like taking chloroform. It is a slow death to the economy. In this instance, it is like cyanide. It kills the economy immediately by throwing people out of work and throwing businesses out of business.

It seems to me that somewhere along the line we might all agree that the best way to pay the bills of this Congress is through the progressive net income tax, the ability to pay, and forget the laughable curve.

Mr. WISE. I thank the gentleman very much. During my brief time here in the Congress, the gentleman certainly always has been a voice for those who do not have a voice. And certainly in my mind, the conscience of the Congress.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Speaker, first of all, I would like to join in commending our colleagues, Bob Wise and Marcy Kaptur, for taking this time to discuss the most serious social problem facing this country.

I think it is particularly encouraging, however, that we have so many outstanding new Members of the House, of which you two are good examples. It makes me feel a lot better about the future of the country to know that people who come fresh from the electorate are taking the kind of initiatives and showing the kind of drive that you are showing.

Mr. Speaker, unemployment is no respecter of the careful way in which millions of men and women have ordered their lives. Unemployment is a tragedy for the world, for our Nation, for regions and localities, for individual men and women, and for their families. But those of us from the industrial Midwest know better than most how devastating unemployment can be. In my hometown of Akron, Ohio, unemployment went from 9.7 percent in October 1979 to 17.8 percent in January of this year, a phenomenal 84-percent increase. For Summit County, the unemployment rate jumped during that time from 8 percent to 14.5 percent, an 81-percent increase.

But these are only dry statistics. We need to have greater awareness of the misery of unemployed workers and their families. Consider the effect on health, for example. Dr. M. Harvey Brenner of Johns Hopkins University has pioneered in assessing the impact of unemployment on mental and physical health. He has shown that a great many physical illnesses, particularly cardiovascular disease, are psychologically related, and therefore are affected by economic status and changes in economic situations. His research reveals that a 1-percent rise in joblessness is accompanied by an increase of 650 murders, 920 additional suicides, 4,000 more admissions to State mental hospitals, and 3,300 criminal convictions and incarcerations in State or Federal prisons.

Dr. Brenner's studies link an increase of 37,000 deaths, including 20,000 from cardiovascular problems, with every 1-percent jump in joblessness. He says that with all the techniques available for projecting economic trends and providing career counseling, we ought to be able to develop programs which would not only do better at getting people trained and placed where they are needed, but also be far more sensitive to the implications of various economic policies on health and human development. Yet under the Reagan administration, our efforts in these areas have gone backward, not forward.

It is not difficult to trace the impact of these social problems on our national economy. The impact on our Federal budget, for example, is staggering. If the jobless rate were cut in half, the Federal deficit would be cut by more than $150 billion—far more than politically acceptable tax increases and spending cuts could be expected to produce. And the billions of dollars of wealth lost due to high unemployment can of course never be recovered.

Mr. Speaker, the Akron Beacon Journal recently ran a story on a constituent of mine which forcefully brings home the problems in our Nation's heartland of industrial decline, structural unemployment, and our unemployment safety net. Richard Forward worked 31 years at Firestone as a tire builder—a skilled occupation—before he was laid off in May 1981. Mr. Forward's skills fell victim to a combination of circumstances. Every imported auto purchased in the United States means five fewer tires from American rubber workers. In addition, cars these days are generally smaller than their predecessors and are increasingly likely to have front-wheel drive, factors which minimize wear on the rear tires and decrease the demand for replacement tires. Finally, consumers today prefer longer lived radial tires, again decreasing the need for replacement tires.

As the Akron Beacon Journal put it:

> Mr. Forward's layoff began an encounter with a jerry-built system of supplements and extensions further complicated by a dark maze of arbitrary cutoff dates and obscure terminology such as reachback provisions and trigger formulas.

His faith in the basic justice of our society has been shaken by the lack of work opportunities and by the capricious and wholly inadequate unemployment safety net through which he has fallen. That safety net was designed to take care of short-term economic disruptions, not the long-term structural problems which Mr. Forward is a victim of. But that explanation is of small comfort to him, to the 40 percent of all unemployed workers who have no unemployment insurance, or to the nearly 200,000 other Ohioans who, under the current system, will be without any jobless benefits by this October.

Mr. Speaker, the unemployment situation in Summit County, Ohio, is bad enough even without a reduced Federal commitment to provide reasonable levels of assistance to our jobless. But President Reagan has added insult to injury by actively seeking to cut many of the programs on which the jobless must rely for basic sustenance. Summit County workers have suffered the consequences of heavy import competition for a number of years. Until the Reagan Presidency, the United States provided some addition-

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al compensation to workers who lost their jobs because of import competition through the trade adjustment assistance program. In fiscal year 1982, the Reagan budget slashed the TAA program 91 percent. This year, the President proposed to terminate the program altogether. Two years ago, Summit County workers received more than $7 million in TAA benefits. Today, virtually no one receives benefits under the program in Summit County.

Despite its support for self-help measures to combat joblessness, the Reagan administration has done little to provide unemployed workers with the skills they need to get back into the job market. The administration has consistently sought cutbacks in job training funds, limiting the ability of programs to retrain workers to reenter the job market. And despite his professed support for effective job training, the President actually opposed the Job Training Partnership Act, which replaced the CETA program, until it became clear that Congress would pass the legislation with or without his support.

The grim employment prospects for older industrial States like Ohio is made worse by the reluctance of the administration to commit itself to a strategy to work with labor and business to develop a comprehensive industrial strategy. In my judgment, such a working partnership is vital if we are to regain our manufacturing lead in the global market. Ohio in particular has suffered a sharp decline in the number of existing manufacturing jobs. Factory employment dropped from an all-time peak in 1969 of 1.471 million to 1.234 million in 1981, a loss of 237,000 jobs in 12 years. Another 100,000 jobs were lost last year. That decline was most heavily concentrated in Ohio's largest counties, including Summit County.

The Reagan recession has been particularly hard on Ohioans. Ohio's unemployment rate has consistently risen above that of the Nation as a whole during years of recession. This is due to the fact that Ohio's share of employment in heavy industry is considerably greater than the Nation as a whole. Seven out of ten jobs in Ohio entail the production of durable goods, and when the economy slows down, as it has in the Reagan recession, purchases of durable goods are often deferred or canceled, with resulting increases in unemployment. The 1982 unemployment rates, both for Ohio and for the Nation, reached the highest peaks in more than four decades. For Ohio, that meant that one out of every eight workers was without a job. Even worse, the long-range employment picture for Ohio strongly suggests that employment in the manufacturing sector will not improve, even if the economy improves as a whole.

Given the decline in manufacturing jobs in older States like Ohio, it is crucial for the Federal Government to maintain its commitment to effective job training. The Government must also work to develop a consensus on the most effective means of reindustrialization. I do not agree that we can let our basic industries die and replace them with high-tech or service industries. Without auto, steel, tire, machine tool, appliance, and other basic industries, who is going to buy the high-tech products, the computers, the robots? And who are the service industries going to serve?

We must move ahead to develop a national industrial and full employment policy, with or without help from President Reagan.

☐ 1950

Mr. Speaker, sometimes people ask me how I came to be a Democrat, since my parents and all of my relatives, when I was a young man and first able to vote, were Republicans. Well, I grew up in the 1930's, and I saw the answer of the Hoover administration to unemployment. On every street corner there was a man trying to sell apples, and the slogan was, "Help the unemployed. Buy apples."

And along came President Roosevelt and put Americans back to work. He proved that unemployment was not necessary, that it was possible to give people a good, decent standard of living.

And I say to the same kind of thinking that we were coping with 50 years ago in this country that we can do it again, but we are not going to be able to do it unless we change the policies that are being followed by this administration.

I again want to commend the gentleman for taking up this cause, and we shall prevail.

Mr. WISE. Mr. Speaker, I thank the gentleman from Ohio for his words and his encouragement.

Mr. Speaker, at this time I yield to the gentleman from Michigan (Mr. LEVIN), who has been very active among new Members in seeking to deal with the causes of unemployment.

Mr. LEVIN of Michigan. I thank the gentleman for yielding.

Mr. Speaker, I rise today to discuss the grim grip of unemployment, and how it has been exacerbated by the 1981 Omnibus Reconciliation Act.

Throughout the relatively prosperous mid-seventies, from 1976 to 1979, Michigan's average unemployment rate was over 8 percent, 21 percent higher than the national average of 6.6 percent. Since the current recession began in 1980, Michigan's average unemployment rate has climbed to 13.6 percent, 64 percent higher than the national average of 8.3 percent. When the U.S. unemployment rate first hit double digits in September 1982, Michigan had already suffered 32 straight months of double figures. Today this disastrous count stands at 40 consecutive months; Michigan has had the highest unemployment rate in all but 10 of those months, when it was the second highest rate. The most recent statistics for May are 14.9 percent or 653,000 workers without jobs.

After 3 consecutive years of severe recession, the State has lost 400,000 jobs. Virtually every family and business have been affected. Manufacturing employment has declined by one-fourth and construction by about 40 percent between 1979 and 1982.

In November more than half of the unemployed workers were age 25 to 44, and more than two-thirds were male. The employment situation of females and minorities is catastrophic. For 1982, the female unemployment rate was 15.1 percent, the black unemployment rate was 32.8 percent, and the unemployment rate of black youth was a staggering 61.8 percent.

These statistics do not even begin to tell the human story—confronting debts without a paycheck, looking for work with no jobs available, and losing the dignity that comes from a steady job. The hardest job in Michigan today is looking for work.

Recent research provides indications of the impact of unemployment in Michigan.

In one of the greatest year-to-year increases since World War II, Michigan's infant mortality rate increased from 12.8 deaths per 1,000 live births in 1980 to 13.2 deaths in 1981. Some areas of the State have actually seen a 100-percent increase in 1 year;

Since October 1979, the AFDC unemployed parent caseload in Michigan has tripled. The general assistance caseload has doubled;

The number of persons receiving some form of cash public assistance has increased by 35 percent since 1979, or 350,000 persons. In January 1983 nearly 15 percent of the total Michigan population received some form of public assistance;

The loss of income and insurance benefits has decreased preventive medical care by physicians and clinics, while increasing hospital care, as people delay treatment until they are seriously ill;

Blue Cross and Blue Shield of Michigan report a drop of 557,000 participants since 1979. Medicaid rolls have increased by 106,000 since then;

Approximately 20,000 workers exhausted their regular unemployment benefits during every month of 1982. Well over 100,000 exhausted their extended benefit period;

Michigan hospitals report $142 million of unreimbursed care was given in 1982, up 29 percent from 1981. Some

community hospitals are threatened with insolvency;

A survey by the statewide nutrition commission indicates that reliance on emergency food providers is increasing and that most programs have experienced a doubling of their caseloads over the last year. The city of Detroit has experienced a fivefold increase in emergency food aid since 1980.

Since the late 1930's, the first line of protection for people who lose their jobs in this country has been unemployment insurance. Because of the highly cyclical nature of Michigan's economy, it has played a critical role in maintaining some stability in the State's work force. The magnitude and length of the current national recession have had a tremendous impact on Michigan's unemployment insurance program.

As of June 24, 1983, Michigan has been forced to borrow $2.4 billion from the Federal Government to pay jobless benefits. The basic reason for Michigan's debt is long-term high unemployment. Michigan had its last good year of unemployment in 1978 when the rate was a comparatively low 6.9 percent. I make this point because 6.9 percent is the rate that is now causing some States to borrow for the first time.

In 1981, the Omnibus Reconciliation Act first established the practice of penalizing those States with the highest unemployment rates. The Reconciliation Act first assessed interest charges on State loans originating after April 1, 1982, at a rate equal to the average interest rate paid on Federal securities—but not to exceed 10 percent. Currently this interest rate stands at the 10-percent maximum. In 1983 Michigan will pay $73 million interest charges. This is after the State repaid $348 million in May, reducing the interest payments by $100,000 a day.

The Reconciliation Act also began the unique practice of automatically raising the Federal unemployment insurance tax on a State's employers if the State has outstanding debt. In Michigan, employers, those with jobs to give, pay a payroll tax of 1.4 percent; 0.6 percent of this is effectively a penalty for employing workers in a high-unemployment State. This penalty tax will cost Michigan business $80 million this year. It will rise another 0.1 percent in 1984.

Against a backdrop of severe unemployment, the State has made extraordinary reforms in its unemployment compensation system. At the end of 1982, legislation was enacted which demonstrates the State's response to the tremendous burdens of the Reconciliation Act. Effective January 1 of this year, Michigan employers will have a maximum tax rate of 10.5 percent of payroll which will rise over 3 years to 12 percent. The State taxable wage base was increased from $6,000 to $8,000 and will continue to rise by $500 each year until 1986. Labor also made benefit concessions which will result in $1.1 billion in savings over 4 years. These include freezing maximum benefit levels, benefit reductions for most claimants, and eligibility modifications which will make it significantly more difficult to establish minimum qualifying requirements.

The net effect of Michigan's reforms was to raise an additional $530 million in 1983 alone, through benefit reductions and tax increases. This is an increase of over 80 percent in available revenues in a single year. It should again be noted that this action took place in the midst of the most severe recession since the 1930's.

In the recently passed social security law, Congress recognized the great lengths to which Michigan and other States have gone in order to maintain trust fund solvency. Two provisions in H.R. 1900 addressed the two concerns I have outlined above: States with very high unemployment rates may defer most of their interest payments; and the scheduled 0.3-percent increase in the penalty tax was reduced to 0.1 percent. Both of these actions were dependent on reforms similar to Michigan's. I applaud this small step toward a reasonable Federal policy for financing unemployment compensation. But I strongly believe that this Congress must recognize the extreme nature of the economic downturn in Michigan and other States such as Ohio, Pennsylvania, and Illinois by forgiving all or part of this accumulated interest. Only in this way will those areas hit hardest by the recession be able to move on to recovery.

The damage that the 1981 Reconciliation Act inflicted on Michigan's unemployment compensation system does not end here. It was with shocked disbelief that I watched the 13-week extended benefit program trigger off in Michigan the week of May 21. Because of a 3-week grace-period, the final benefit week was June 11. The last checks to 56,600 jobless workers were delivered 1 week ago today; 3,100 people were effected in my district alone. How does a State with the second highest unemployment rate in the Nation lose its extended benefit program? To understand this we must look at the extended benefit program itself. Prior to 1981, the combined number of individuals receiving both regular—insured unemployment rate—and extended benefits had to meet one of two criteria: The insured unemployment and extended benefit rate was greater than 5 percent or the insured unemployment and extended benefit rate was at least 4 percent and at least 20 percent higher than the average rate for the previous 2 years.

The Reconciliation Act slipped two changes into the law which brought about the May triggering off. First, the act eliminated workers receiving extended benefits from the trigger number calculations, as if their being unable to find work for 26 weeks meant that they were no longer unemployed. Second, it raised the unemployment rates which trigger on or off the extended benefit program to 6 and 5 percent, from 5 and 4 respectively. On May 21, Michigan's insured unemployment rate, not including those receiving extended benefits, fell below 6 percent. Because the State's unemployment rate has been high for so long, 20 percent above the 2-year average requires an insured unemployment rate of 7.6 percent. While overall unemployment now stands at 14.6 percent, this quirk in the law has deprived the citizens of Michigan of benefits specifically designed for the long-term unemployed.

You might ask why the insured unemployment rate is falling, with so many unemployed workers in the State. The insured rate is falling because people are exhausting the 26 weeks of the regular State program. Precisely because they need the extended benefit program they are falling outside of the statistics that make this program possible. If either of the two provisions in the Reconciliation Act were repealed, Michigan would now qualify for extended benefits. Some of the workers no longer receiving extended benefits will qualify for the third and final form of assistance, Federal supplemental compensation. In May, 135,000 people were receiving these benefits. Yet even before the termination of the extended benefit program, 40 percent of Michigan's unemployed did not qualify for any unemployment compensation. If one looks only 3 months down the road to the end of September, even the remaining supplemental program is scheduled to expire. Clearly there is a large and unmet need exacerbated by the inequities of the reconciliation.

Mr. Speaker, I have attempted to draw my colleagues' attention to the fragile condition of Michigan's economy and to pernicious provisions of the 1981 Reconciliation Act that have aggravated these problems in Michigan and many other States. I sincerely hope that once the facts are known, the Members of this body will quickly act to correct these failings.

☐ 2000

Mr. WISE. Mr. Speaker, at this time I yield to my colleague from the State next door whose district is so much like mine that we share many of the same problems, the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I thank the gentleman for yielding, and I join with the others here in commending my colleague, the gentleman

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from West Virginia and my colleague, the gentleman from Ohio for asking for this special order to enable us to highlight some of the very serious problems which the unemployed are experiencing.

Mr. Speaker, in recent weeks, President Reagan has been eager to proclaim the arrival of economic recovery and to announce the end of the deepest recession this Nation has experienced since the 1930's.

It is perhaps no surprise that the President is so vociferous in his premature proclamations of general prosperity. After all, Mr. Reagan's personal political fortunes are inseperately tied to the course of the American economy.

Unfortunately for Mr. Reagan, however, and unfortunately indeed for the 12 million Americans who remain out of work, not even a President can wish away unemployment. For 35,000 individuals in my congressional district alone, the pain and discouragement of joblessness remains very real; the financial chaos and the personal trauma of unemployment continues to haunt their lives.

According to the latest data available from the Virginia Employment Commission, the unemployment rate in Virginia's Ninth Congressional District is fully 50 percent above the national jobless rate. Four counties in my district have rates of unemployment that exceed 20 percent; one county has unemployment in excess of 30 percent.

From silent coal mines in Tazewell and Buchanan Counties to hollow factories in Bristol, from boarded up businesses in Blacksburg and Pulaski to depressed farm incomes in Floyd and Wythe Counties, my congressional district continues to suffer the effects of high unemployment, high interest rates, and a sustained recession.

Adding to the financial problems of those out of work is the fact that under the current structure of unemployment benefits imposed by the Reagan administration in 1981, no unemployed person in Virginia qualifies for the 13 weeks of extended unemployment benefits available to jobless people in other States.

The use of a statewide trigger for extended benefits, mandated by the administration's budget of 1981, discriminates against regions of high unemployment in States where the statewide unemployment rate has not activated the extended benefits program. Because of this inequity, the unemployed mine worker in Tazewell County is eligible for only 34 weeks of unemployment benefits while his counterpart across the border in West Virginia is eligible for up to 53 weeks of benefits.

To correct this inequity and to provide additional relief to those persons in southwest Virginia hardest hit by the recession, I have introduced legislation to alter the trigger mechanism for extended benefits and to provide for the payment of such benefits on a substate basis. This approach would target the benefits to those whose need is greatest.

The most severe unemployemnt in southwest Virginia is found in the coal-producing counties along the West Virginia and Kentucky borders. Beneath these mountains lie the richest coalfields in the world, and the health of the regional economy is tied directly to the health of the coal industry.

A worldwide recession, reduced steel demand, declining oil prices, a relatively mild winter, and increased competition in the export market have devastated the domestic coal industry. U.S. exports have fallen sharply, compounding the problems caused by our national economic difficulties. In 1982 alone, coal production in Virginia fell a full 1.5 million tons.

The recession in southwest Virginia is wide and it is deep. Only a broad based national economic recovery coupled with intensive economic development activities will afford substantial relief to the economy of my district. One key to sustained economic health is industrial development, but at precisely the time when localities need the most assistance with economic development, the Reagan administration is seeking to abolish the most effective Federal program assisting depressed regions in providing needed public facilities for commercial expansion. Since taking office, President Reagan has three times proposed termination of the Appalachian Regional Commission. Fortunately for southwest Virginia, the President has not been successful in this effort.

Since its creation in 1965, the ARC has served as a catalyst for improvements in public facilities and health and education services that have benefited the entire Appalachian region. Among the many southwest Virginia projects funded by the ARC are health clinics, vocational education centers, water and sewer projects, industrial parks, and vital transportation facilities. Without the support of the ARC, it would have been virtually impossible for our localities to undertake these job creation projects, and it will be extremely difficult for the region to enjoy any measurable recovery from the current recession without the continued assistance of the Appalachian Regional Commission.

It is indeed ironic that on the one hand President Reagan extolls the virtues of federalism and of decentralization, and on the other hand, he seeks to destroy the Appalachian Regional Commission, an agency that has been uniquely successful in working with States and localities in creating jobs for our citizens.

On the one hand, the President proclaims his patronage of American business while on the other hand he proposes the abolition of the Nation's premier industrial development agency. The President's program is wrong for southwest Virginia; ARC is still vitally needed.

For the 35,000 residents of southwest Virginia who are unemployed, the recession has not abated.

For their families, the trauma of unemployment and the uncertainty about the future remains very real.

For small businessmen and women, who depend on local patronage and who have contributed so much to the community by extending credit and by helping families in need, the crisis continues.

Perhaps America has grown tired of bad news about the economy.

Perhaps the President hopes we will forget the devastating impact of his economic program.

No, Mr. President, we cannot forget. Unemployment remains the No. 1 economic problem in southwest Virginia and throughout the country.

No, Mr. President, we can not close our eyes and wish the problem away.

This Congress has a responsibility to provide relief to the jobless, to assist with health care and mortgage payments, to enhance job training and to stimulate job creation.

□ 2010

Mr. WISE. I thank the gentleman from Virginia.

I yield to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I would like to congratulate the outstanding leadership that the gentleman from West Virginia (Mr. WISE) and the gentlewoman from Ohio (Ms. KAPTUR) have been able to exhibit.

Many reports indicate that the economy has taken a turn for the better. While this might be true at the national level, there are many pockets of unemployment where the economy has not improved. In fact, in some of these cases the economic situation is deteriorating, which, in turn, effects a chain reaction diminishing the quality of life for large numbers of people.

I represent the 27th District in Texas. This extends from Corpus Christi south along the gulf coast to Brownsville. In general, our economy revolves around fishing, farming, petrochemicals, and port-related activities with the Brownsville area more dependent on tourism and retail sales. The difference between these two major cities in my district—the two cities are 150 miles apart—is dramatic. While the unemployment rate in Corpus Christi is at near-record levels at 10 percent, the unemployment rate in Brownsville is a crippling 17 percent.

The border town of Brownsville has suffered incredibly with the peso devaluation. Before the devaluation in December 1981. At the height of the Christmas shopping season, over 800,000 Mexican nationals crossed the bridge to spend their pesos in Brownsville and surrounding communities. At Christmas last year, the figure had declined by over 200,000.

Let me give you an example of what has happened to a particular store. Revenues from a major department store have declined from $24 million in 1981 to $5 million in 1982. Just imagine the number of people laid off, the stores that have had to close.

In March 1982, in the Brownsville-Harlingen-San Benito area, the Texas Employment Commission reported that there were about 9,100 people unemployed and still looking for work. One year later the number of unemployed went from 9,100 to 15,100; this is a phenomenal increase of 66 percent.

These problems create others. For example, the revenue from sales taxes are down 43 percent. Specifically, in Brownsville, the city budget had to be cut from $27 to $25 million due to this decline. We all realize that city services, which are essential to meet basic human needs, have to be cut. Adding fuel to the fire is the fear that the situation will continue to deteriorate.

For just a moment, travel with me outside my district up the Rio Grande to Laredo. There the unemployment rate is a staggering 27 percent, and some 600 businesses have closed since last August. The city manager of Laredo has indicated to me that there is nothing on the horizon to improve the situation. He is begging for Federal help.

In every case, we must recognize that the quality of life has suffered. People simply do not have the money to buy the food they need, and to pay their medical bills.

How long will we continue to ignore these problems? How long will we continue to ignore the human misery created by these problems?

Mr. WISE. Mr. Speaker, I yield to the gentlewoman from Indiana (Mrs. HALL).

Mrs. HALL of Indiana. Mr. Speaker, I do want to thank my colleagues from West Virginia and Ohio for this opportunity. I am one who comes from Indiana's First Congressional District, which extends around the southern shores of Lake Michigan and it includes the heartland of America's steel industry, where 25 percent of our people do not work.

I should point out that the people do not work through no fault of their own. These are people who constitute what is known today as the new class of poor people in America, people who would like to work, people who want to work, and people who constantly seek the opportunity to work. They are the ones who are suffering. They are the ones who would like to continue to contribute and be in the mainstream of American society.

When people do not work, they suffer. Today in America suffering has taken on many forms. Many of these people are suffering as a result of unemployment. We know that when people do not work, social problems develop and they exist in far greater numbers than when people are working.

The most popular question I am confronted with in Indiana's First Congressional District is, "Mrs. HALL, can you help me get a job?"

I feel that in the most affluent country the world has ever known, where we enjoy the highest standard of living, if we are working and making a decent wage, there is no reason to have so many who want to work, who can work, and who are able to work, to suffer.

In my district, I am constantly confronted with mortgage foreclosures. Good people who would like to have a home, people who have worked extremely hard to provide a home for their families, find that they can no longer afford it.

Recently here in the House of Representatives, we adopted legislation to provide foreclosure assistance to those who were confronted with such a crisis, only to find it has not moved through the U.S. Senate.

In a district with high unemployment, we have a lot of potential students who have the skills and ability to seek higher education, who cannot do so because their families cannot afford for them to do so.

We have a high divorce rate.

We have a lot of mental illnesses.

We have many other crises which normally would not result in middle-class people.

I say tonight in the United States of America it is time for this Congress and the President to team up as partners and seek a solution. Unemployment is not in the best interests of anybody. If we want to have a prosperous society, if we want to continue to reign as the most advanced country in the world, we have to think about those millions of people who are suffering in the First District of Indiana and throughout these United States.

I rise tonight to join my colleagues in bringing an important message to Congress: that unemployment is still the most serious problem facing America today. I also commend my colleagues, particularly the members of the West Virginia delegation, for their efforts in focusing attention on this critical problem. I want to tell you how unemployment has affected the citizens of Indiana and of the deteriorating conditions in the First District of Indiana, which brings me to question whether a strong economic recovery is really beginning.

Indiana has in excess of 285,000 unemployed, or an overall seasonally adjusted percentage of 11.4. About 26,000 of these unemployed were the direct result of plant closings in the steel and automobile industries and are costing the State more than $100 million per year in unemployment benefits and lost State income taxes.

In the First District of Indiana, which is a highly urbanized, heavily populated, and industrial area in the northwestern corner of the State, unemployment in Lake and Porter Counties in April 1983 was 44,300. Unemployment in the Gary-Hammond-East Chicago area ranged from 15.2 to over 21 percent over the past 12 months, with a current level of about 21 percent.

The steel industry accounts for much of the industrial base and many of the jobs in northwest Indiana, and in recent years has experienced its worst economic conditions since the postwar period. In northwest Indiana:

First, Inland Steel laid off 2,000 of its 22,500 employees at its East Chicago mill, with another 3,000 to 4,000 employees working short weeks;

Second, American Steel Foundries East Chicago plant experienced a 30-percent decrease in unemployment at the end of 1982;

Third, Midwest Steel Division of National Steel Corp. reported that its plant operated at 75-percent capacity with 20 percent of its employees on layoff; and

Fourth, Bethlehem Steel announced its closure of tin mill operations at Burns Harbor in June 1983.

The Budd automotive plant at Gary and Pullman Standard of Hammond also closed their facilities.

Northwest Indiana saw its reliance on the metal industries result in the loss of one of every six jobs by the end of last year. Many of these layoffs in turn affected service industries dependent on steelworkers' and automobile workers' paychecks. Overall, approximately 30,000 steelworkers in northwest Indiana and south Chicago lost their jobs. Although the State of Indiana was recently ranked as the Nation's top steel-producer, its steel mills produce a third less than they did 5 years ago. Steel industry analysts predict that even with economic recovery, the industry will never return to its former strength. In any case, it is commonly acknowledged that the industrial sector will share much less in an economic recovery than has previously been the case.

Unemployment has many other devastating effects on the citizens of northwest Indiana. Many individuals have been unable to sell their homes for cash and have eventually sacrificed mortgages and self-esteem. Many exhausted their life savings, investments, and unemployment benefits. For others, unemployment meant crime, divorce, alcoholism, child and spouse abuse, and many other social problems.

Most people in the First District desperately want to work. Many of them represent "dislocated" workers—those on the unemployment rolls because their jobs have disappeared. Unlike welfare recipients and other long-term unemployed, these citizens have settled in northwest Indiana, are registered voters, pay taxes, and are active participants in their communities. They constantly approach me—not asking for handouts but for assistance in locating work. Unfortunately for some of these citizens, they may never be rehired, even after retraining, because of health and pension considerations.

The Job Training Partnership Act, effective in October of this year, may provide some relief for retraining needs and for some dislocated workers. It is questionable, however, what the success rate of the business community will be as it assumes the prime responsibility of placing the unemployed into a shifting and somewhat unstable labor market. The funds provided for dislocated workers are not enough to extend to all the unemployed in this category who are in need.

It is my belief that Congress has taken only tiny steps toward attacking the overall problem of unemployment. There are many legislative initiatives and suggestions to aid unemployment and the economy: One, directing moneys toward labor-intensive infrastructure needs; two, proposals protecting industry from imports; three, encouraging domestic exports; four, providing health insurance; five, emergency mortgage foreclosure assistance; six, proposals aiding education and immigration problems—but there is an imminent danger that these policies may not be implemented if Congress loses sight of the fact that curing unemployment must remain our primary goal.

And 44,300 unemployed citizens in the First District of Indiana is reprehensible. Our role as Members of Congress is to remedy that situation.

Again, I would like to thank my colleagues for this opportunity and I am hoping that all of us will join together to seek a solution to that great suffering circumstance that we are confronted with today, unemployment for Americans.

UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, I will defer my own remarks and, as a courtesy, allow other colleagues to speak first.

I would like to call upon our most distinguished and enlightened colleague, the gentleman from Illinois (Mr. SIMON), and I yield to him.

Mr. SIMON. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio, and I thank my colleague, the gentleman from Tennessee, both of them, for their leadership on this whole discussion.

I slipped into the cloakroom back here for just a few minutes and I heard the President of the Unites States say in the press conference that the economy is beginning to sparkle.

I welcome any improvement in the economy and I speak not as a partisan when I say to the President, I wish you could come with me to any one of my 21 counties:

Alexander County, 23.1 percent unemployment.

Franklin County, 22.6 percent.

Gallatin County, 23.5 percent.

Hardin County, 23.9 percent.

Pope County, 20.6 percent.

Union County, 20.5 percent, and I could go on. I have only one county that is below the national average on unemployment.

Mr. Speaker, at this point I will insert some other tables here in the RECORD, as follows:

[Figures given are in city blocks, 1 block equals 400 feet]

Alexander	174,420
Sidewalks	129.8
Roads	138.4
Clinton	368,100
Sidewalks	273.9
Roads	292.1
Fayette	280,260
Sidewalks	208.5
Roads	222.4
Franklin	655,380
Sidewalks	487.6
Roads	520.1
Gallatin	112,860
Sidewalks	84.0
Roads	89.6
Hardin	76,320
Sidewalks	56.8
Roads	60.6
Jackson	487,080
Sidewalks	362.4
Roads	386.6
Jefferson	539,820
Sidewalks	401.7
Roads	428.4
Johnson	102,240
Sidewalks	76.1
Roads	81.1
Marion	603,720
Sidewalks	449.2
Roads	479.1
Massac	180,900
Sidewalks	134.6
Roads	143.6
Monroe	186,480
Sidewalks	138.8
Roads	148.0
Perry	274,500
Sidewalks	204.2
Roads	217.9
Pope	51,840
Sidewalks	38.6
Roads	41.1
Pulaski	102,960
Sidewalks	76.6
Roads	81.7
Randolph	360,360
Sidewalks	268.1
Roads	286.0
St. Clair	2,773,620
Sidewalks	2,063.7
Roads	2,201.3
Saline	351,360
Sidewalks	261.4
Roads	278.9
Union	271,440
Sidewalks	202.0
Roads	215.4
Washington	183,060
Sidewalks	136.2
Roads	145.3
Williamson	781,560
Sidewalks	581.5
Roads	620.2
Total	8,918,280
Sidewalks	6,635.7
Roads	7,077.9

Estimated unemployment in the coal industry

Statewide	5,600
22d District	3,732

NUMBER OF PEOPLE WHO HAVE EXHAUSTED THEIR BENEFITS IN THE 22D DISTRICT

	January	February	March	April	May
Alexander	32	32	25	21	31
Clinton	61	86	61	45	40
Fayette	63	41	60	42	66
Franklin	102	106	86	184	115
Gallatin	39	18	10	15	15
Hardin	22	11	10	11	15
Jackson	114	77	93	142	80
Jefferson	131	98	89	112	132
Johnson	27	15	15	20	21
Marion	103	98	86	98	99
Massac	42	42	35	26	35
Monroe	26	18	16	17	16
Perry	73	63	74	67	42
Pope	15	6	7	12	7
Pulaski	20	20	13	13	13
Randolph	105	83	75	72	56
St Clair	529	414	421	383	388
Saline	223	69	65	80	73
Union	91	39	44	45	55
Washington	26	18	19	62	26
Williamson	184	157	143	180	169

APRIL 1983 UNEMPLOYMENT FIGURES

	Unemployed	
	Percent	Number
Alexander	23.1	969
Clinton	12.5	2,045
Fayette	14.3	1,557
Franklin	22.6	3,641
Gallatin	23.5	627
Hardin	23.9	424
Jackson	9.3	2,706
Jefferson	15.1	2,999
Johnson	17.0	568
Marion	15.1	3,354
Massac	17.2	1,005
Monroe	10.5	1,036
Perry	14.5	1,525
Pope	20.6	288
Pulaski	19.7	572
Randolph	11.9	2,002
St. Clair	11.7	15,409
Saline	19.8	1,952
Union	20.5	1,508
Washington	12.6	1,017
Williamson	16.5	4,342

It is not just simply statistics. Let me tell you about a little town that my colleagues from Ohio, New Mexico, Georgia, and Indiana have not heard of, Elizabethtown, Ill. I was down there for my open office hours and one of the men that came in, maybe 40 years old, was Ervin Price. He and his wife, Linda, came in. He has been out of work for a year. He is on welfare. Illinois welfare is among the more generous welfare systems, but he figures it averages $1.75 an hour for him. He said he is desperate for a job. He has three children, 15, 13, and 10.

I said, "If I could get a part time job for you in Harrisburg, Ill., which is about 30 miles away, could you get there?"

He said, "I would get there somehow. I might have to hitchhike. The tires on my car are so bad, I don't know if I could make it home."

It happened to be a cold day when I was there and I asked him, "How do you heat your house?"

And he said, "We bought a second-hand wood stove and my wife and my kids and I go along the highway and pick up wood."

That is real life for real people in the United States of America today. It is not simply statistics that we see.

Somehow, we have to respond. We have to respond and I have a long list of statistics of people who have run out of benefits in my district. We have 3,732 coal miners out of 'work in my district.

My staff—I would like to take credit myself, but my staff did the work on this—they took the manhours, the person hours, I should say, to my distinguished colleague, the gentlewoman from Ohio, the person hours in each county and said, "What could you do if you simply applied all this to building sidewalks and highways?"

You end up with 129 blocks of sidewalk and 138 blocks of street or highway in Alexander County.

You go all the way through St. Clair County, you could do in 1 month—these are monthly figures—2,063 blocks of sidewalk; 2,201 blocks of streets, if we started using people constructively.

In closing, what we have to do, I say to my distinguished colleague, what we have to do is to somehow turn the liability of unemployment into an asset.

About 50 years ago, this country made a decision that we are not going to let people starve anymore. Now we have to make another decision. Are we going to pay people for doing nothing or are we going to pay people for doing something?

I think it makes infinitely more sense to pay people for doing something.

I think one reality has not hit this Congress yet, and one of these days I think it will hit us, and that is that unemployment is going to be a permanent phenomenon in our country. I wish that were not so. I think it is the reality.

The reality is the demand for unskilled labor is going down. The pool of unskilled labor is going up and that means we have a permanent problem. We can live in the land of make believe that just around the corner the private sector is going to provide enough jobs and there will be no more unemployment. As one who used to be in business myself, I wish that could happen. It is not going to happen.

☐ 2020

So what we have to do as a nation I think is to find much more constructive answers than we have. We have to find better answers than just telling people you go home and sit at home and do nothing. That is no answer for them. It is no answer for the taxpayers.

I think the answer is doing some exciting things, letting people become part of our society, letting them teach people who do not know how to read and write, how to read and write, having day care centers, planting trees, doing the things that can make yours and ours a better country.

I hope one of these days we move in that direction, and I commend my colleague from Ohio and my colleague from West Virginia for their leadership in putting this together.

Ms. KAPTUR. I would like to thank my distinguished colleague from Illinois who has spent so many hard years working on these tough issues and now, after all of those years, facing a situation in this country where conditions are probably as bad as they have been since the Great Depression. To see you still fighting is truly an inspiration to all of us, including the new Members.

Mr. SIMON. I thank the gentlewoman.

Mr. RICHARDSON. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the distinguished gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, first of all I would like to commend the gentlewoman from Ohio and the gentleman from West Virginia for putting together this special order on so very timely a subject.

Mr. Speaker, we continuously hear reports the economy is recovering. Many key economic indicators are pointing up. But the unemployment rate, the indicator that measures human suffering, remains far too high. Too many Americans are without work, and until they are employed, we should stop the celebrations about recovery.

The unemployment rate has fallen slightly over the past few months. But what goes unnoticed is the employment rate, those who have a job, has not risen as fast as unemployment has decreased. What can account for the shruken labor force—discouragement. Millions of Americans have lost their most precious resource—hope. They have quit looking for jobs because there are simply none to be found. They look to their Government and find little reason to be encouraged.

Mr. Speaker, we did enact an emergency jobs bill a few months ago and I strongly supported this legislation which will provide roughly $8.5 billion for the creation of new jobs. But we can't stop now and just wait for the economy to improve. We must take affirmative action to restore hope and confidence in those who have been left behind by this cruel rescession.

The recovery may be underway on Wall Street, but it hasn't touched main street in the small towns and villages in my district in New Mexico. We are still suffering from an unemployment rate of 10 percent. More than 8,000 miners have lost their jobs in New Mexico over the last year. Manufacturers now operate their factories with 800 fewer employees than a year ago. And native Americans and Hispanics in my district have been especially hard hit by the recession. Unemployment on some Indian reservations is roughly 80 percent. The unemployment rate among Hispanic Americans was 13.8 percent in May—much higher than the national average.

These unemployed workers yearn for a job. They want to work and provide for their families. They resent, as I do, hearing their President proclaim economic recovery when they are struggling to survive. The unemployed in my district are tired of waiting for prosperity to trickle down to them. They want action. But the President has created the dangerous perception that the economy is better and the unemployment problem will take care of itself.

Mr. Speaker, I see things differently than our President who seems unconcerned with the plight of those who are suffering as a direct result of his policies. I will continue to advocate and support programs to put New Mexicans and all Americans back to work so that we can realize true economic recovery.

Again, I wish to thank the gentlewoman from Ohio for her leadership, not just on this issue but on the issue of the budget and taxes, on foreign policy and many other things on which this country desperately needs leadership.

Ms. KAPTUR. Mr. Speaker, I thank my colleague the gentleman from the great State of New Mexico, for pointing out to all of us how deep and how widespread the unemployment situation is in our Nation, affecting all ethnic groups in every corner of the Nation.

Mr. McCLOSKEY. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to our distinguished colleague the gentleman from Indiana.

Mr. McCLOSKEY. First I would like to commend the distinguished Representative from West Virginia (Mr. WISE) and also the distinguished Representative from Ohio (Ms. KAPTUR) for their tremendous contribution in putting together this special order tonight.

I think it is very significant that this is going on while the President of the United States has recently spoken. I would hope that perhaps in our continuity or continuous efforts and energy tonight we can receive a small bit of the attention for this issue that he will receive tomorrow with the American people.

I would like to say that it is obvious that the two Members that put this presentation on tonight, the gentleman from West Virginia, Mr. WISE, and the gentlewoman from Ohio, Ms. KAPTUR, are two of the more talented people in the Congress, and particularly the freshman class.

I might say, as to Ms. KAPTUR, I was recently talking to a Republican Chamber executive from her district who commended her wholeheartedly on her attention to the economy and the concerns of all of the people of her district. She could not speak highly enough of Ms. KAPTUR.

The recession has not ended in the Eighth District of Indiana. New unemployment claims increased last week. Counties in my district still have unemployment rates of over 15 percent. This is not prosperity.

Last Thursday, a major department store chain opened two branches in Evansville; 360 new jobs were advertised; 3,200 people applied. This is not prosperity.

In my district, coal miners still bear the brunt of the recession; 38 percent of coal miners in Indiana are unemployed. Last year that jobless number was 21 percent. Today, many miners are working only 2 or 3 days each week, in 7-hour shifts. This is not economic recovery.

One miner told me that when his friends first find out that they have been laid off, some worry first about their children's college education. But soon they must think about the financial obligations of the here and now. They may sell the car to meet house payments. But that may not be enough. They become threatened with mortgage foreclosures. Unpaid light bills mean darkened homes. Mr. Chairman, this is not economic recovery.

And the miners do not want to go to work in Hills Department Store. They want to dig coal.

In Evansville, directors of the miners relief fund, the Salvation Army, Catholic Charities, Hope, Inc., and Community Action programs all report that this year their clients are people who have always worked before. They are people who find it embarrassing to rely on charity. Often they do not know how to find or use charities they have contributed to in the past.

For the unemployed, the basic problems of food, shelter, and utilities are especially severe. From Bloomington to Evansville, sources of assistance are becoming scarce.

Utility costs in Indiana increased 40 percent this winter. Unpaid electric bills of $800 or $900 are not uncommon. Pigeon Township in Evansville has had to limit its utility relief to $250 per family. Even in the warm weather, jobless Hoosiers cannot afford their utility bills this year.

Those who can pay their light bill may not be able to keep up with their mortgage payments. Banks in the district are increasingly reluctant to defer foreclosure. Yet the need for mortgage relief has never been so great. Last year Hope, Inc., of Evansville, helped 45 families a month save their homes. This year 75 families a month come to the agency for the same sort of assistance.

Perhaps even more disturbing is the reappearance of hunger, the indecent consequence of recession in a land of plenty. A school nurse told me that her most common complaint from children this year was stomach aches; hunger. How can we stress education and expect a hungry child to be alert, bright, and creative? A minister in my district told me of babies suffering from malnutrition because their parents are watering down the formula to save money. Mr. Chairman, this is certainly not prosperity.

This is June 28, and we are in what the charities call the "Fourth Week Syndrome." This means that at the end of the month in the eighth district of Indiana:

The Salvation Army in Evansville used up its United Way allotment for June over 1 week ago.

Food stamps have run out for many families.

Facing a 500-percent increase in demands over last year, Catholic Charities, for the first time in its history, has run out of money for some programs. It has canceled its important transportation program, which gave people enough money to get to another town to look for work.

Construction workers in Evansville do not have enough money to pay for gas to drive to Vincennes, where a few road work jobs just opened up. Vincennes is only an hour away from Evansville.

Our problems will not disappear simply because interest rates briefly dip or because Congress passes a series of jobs bills. The Indiana labor force is competing in an international marketplace, without adequate support—in trade policy, monetary policy, tax policy, transportation policy, or education policy. Today, unemployment is over 10 percent nationally. I do not find this figure comforting. I do not believe that about 12 million people are expendable, or should be called surplus labor.

Mr. Chairman, this is not prosperity. I invite the President to come to the Eighth Congressional District and tell us that this recession is over.

□ 2030

Ms. KAPTUR. Mr. Speaker, I would like to thank our distinguished colleague, the gentleman from the State of Indiana, for his insightful remarks and leadership on so many issues on behalf of the people of his State.

I now yield to our distinguished colleague, the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. First, I thank my colleagues for holding this special order on unemployment, the need for jobs in America.

You know, I serve as chairman of the congressional rural caucus and many of the people from rural America across this great Nation. I do because of a strong personal feeling I have from what happened a number of years ago. Some people have not taken time to read, reflect, and feel the fact and meaning of the book "The Grapes of Wrath," by John Steinbeck. As a youngster I was one of the young people not once, not twice, but three times with my family who had to leave Oklahoma and worked our way to California, picking cotton, cutting grapes, picking up potatoes, in search for a job. My family worked as welders in the shipyards and saved money to return to Oklahoma.

We actually did not know we were poor because we left rural America and went to Oakland, Calif., to live in a third floor apartment where we had running water. We did not have running water in rural Oklahoma and in rural Arkansas. I would like to point out to my colleagues: During that period John Steinbeck wrote about throughout the thirties, forties, fifties, was the largest migration and movement of human beings ever recorded in the history of our country. The people moving to the large urban centers of this country in search for a job. They were not moving because they wanted to, but because they had to, in the search of some type of a job to support their families. That is what bothered me last year when President Reagan said during a time of great unemployment: "if the people do not like this situation, they could vote with their feet." He said basically said they could move with their feet. You know, it is quite disturbing to me when I realize that people have not understood that disastrous feeling, the turmoil, the great friction created in the hearts and the lives of a lot of people when they lose a job.

You know, for a President who talks about the value of the family, I do not

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think he understands and realizes during a time of unemployment, there is not a greater loss of esteem that the father has, than when he looks at his children in their eyes and says: "You have to do without because your daddy does not have a job," or "We cannot have adequate food or shelter because daddy is out of work." If he does realize, and does nothing, it is even worse. Every minister will tell you that the No. 1 reason for divorce in this country happens to be finances, unemployment, the lack of the means to provide adequate finances. And because of the lack of a job we also have a greater record number of families that are breaking up and going their separate ways. I think that is a tragic situation that is occurring because they need the job to be able to support their families.

Let me add, after this great movement of the people leaving their roots and going to areas to find jobs, our country, in the time after World War II, saw fit to write the Marshall plan to rebuild Europe; 20 years later they wrote a massive urban renewal program to try to help the urban cities. Our President is talking about the economic problem in South America and Central America and is proposing the Caribbean Basin program to help these people. I wonder if he does not understand that in my district, and many other districts, unemployment is creating undesirable attitudes toward the countries leaders. I know in my State we have unemployment at the highest rate it has been in years.

Even though Oklahoma as a State has done fairly well, in the chronic area of the rural depressed southeast Oklahoma, the tip of the Ozark region, I have had double-digit unemployment not just this year, not just last year, but for several decades.

In fact, since 1920 in every single county of the former district I represented at least 50 percent of the people left during the time of 1920 to 1970. Some of them retired and have come home between 1970-80.

That is why I am even for the Enterprise Employment and Development Act that the President proposes. I think we as Democrats should do everything we can to try to build jobs, whether it is proposed by the President of the United States or some congressional leader from the other party. I am cosponsor of the Enterprise Employment and Development Act, and I ask all my colleagues to become cosponsor of this bill and do everything that is necessary to build those needed jobs.

In my district today, 14 out of my 20 counties have unemployment above the national average. Coal County, a county that saw 68 percent of its people migrate out in the last 50 years, has 19.3 percent unemployed; Latimer County, 18 percent, Pushmataha County, Choctaw County, 17 and 14 percent, respectively, Hughes County, which lost one of its last major industries, has 17 percent unemployment now, Atoka County, 11.5 percent, Le Flore County, 11.5 percent and McCurtain County, over 11 percent. You know, just as bad as unemployment or nearly as bad is low-income economic conditions of our families.

In my area of the State of Oklahoma in a number of the counties I just named happens to be between $4,500 and $5,000 per capita. Family median income is somewhere in the neighborhood of $10,000 or so. I do not know how they can survive and make it on that. The gentleman from Ohio told the reason why he was a Democrat. You know, over the years things have been good in my lifetime. I think Ronald Reagan's policies has probably made me understand more why I am a Democrat than ever before in my life. I probably have a greater understanding why I am a Democrat. Under this administration, budget and tax program, there has been over $20 billion in budget cuts taken from the low-income citizens with less than $10,000 income.

In other words, those people who have $10,000 or below in median family income, received $20 billion in budget cuts. What happened to the tax cut? The families with $80,000 or more in income have received $59 billion from that tax cut benefit. So, what I am saying is the more wealthy families have received great benefits from the tax cuts, at the same time the families in the lower income level have also received the budget cuts which puts a greater strain on them. I would like to ask: "Who has Ronald Reagan taxed?" Remember, he has had a tax program. Do you know Ronald Reagan has taxed many of the lower income citizens? Ronald Reagan has taxed the little waitresses who have to pay withholding for their tips and most of them in my district do not receive 8 percent in tips that they have to pay on the gross amount of the food or meal that a customer purchases. Many of those waitresses are just trying to make minimum wage, but they are taxed today under his program. The small, independent truckers in my State of Oklahoma, who haul grain, cattle, and so forth, did pay approximately $250 a year in taxes on the trucks last year. Today, after the tax program, pushed through by Ronald Reagan, they are going to be paying, approximately $2,500 per truck whether they move that truck to haul grain or leave it unloaded.

□ 2040

A 1,000-percent increase in their taxes. Many of them are shutting down that vehicle because they cannot pay those taxes. They are going somewhere else to try to find a job.

Now let us not forget the withholding on savings. It is well known throughout this Nation today, that withholding on savings program is basically hitting those people who have the least opportunity to pay. This withholding tax is Ronald Reagan's program at trying to get to a few. Furthermore, let us not forget the 5 percent tax on gasoline. Every man, women, and child that drives a car or truck to work have to pay that 5 cents more. Those are the low-income working people or many of them unemployed, driving in search for a job. They have been taxed more and have to pay more. They are not wealthy but some of the lowest income families in America.

Let me say, there is one thing that this administration has created. Let there be no mistake about it, there is deep emotional concern for fairness and equity for the people of this country. Yes, there is one thing that this administration has created, without a shadow of a doubt that is not debatable, and that is the fact there has been created a greater division, and wider gap between the rich and the poor, the affluent and the less affluent. I think this is something that we must solve. We must address that fact with jobs because jobs are the key for holding our families and our country together. A deeper and wider division could result in a revolution in this country. In search for fairness and equity in the basic necessity of a job.

Ms. KAPTUR. Mr. Speaker, I would like to thank our colleague, the gentleman from the great State of Oklahoma, especially for his remarks regarding the impact of unemployment in the rural areas of our country. No other speaker has highlighted it to the same extent, and I think he has made a tremendous contribution to the record which the American people will be listening to tonight and reading in the newspapers.

I yield now to the gentleman from California (Mr. TORRES).

Mr. TORRES. Mr. Speaker, I wish to thank my colleagues who have requested this special order on unemployment. The President in his press conference commented on an economy that is starting to sparkle. Indeed we trust this is a large measure of hope. Mr. Speaker, today is a time of hope, but also fear and desperation. Hope is the product of improving economic indicators—inflation remains low and housing starts are going up. Fear is the result of the economist's reminder that even if the auto and steel industries rebound to prerecession levels, many thousands of laid-off men and women from those industries will never be called back to work. And desperation is what is left for those who today remain unemployed after so many months.

The Nation's industrial base is shrinking, and as it contracts the 11 million unemployed stay unemployed; the 6.1 million people underemployed continue to seek full-time work, and the 1.8 million discouraged jobless continue to sit idle.

Mr. Speaker, the 34th Congressional District in California, which I represent, is located in the southeast area of Los Angeles County. The people who live in cities such as Norwalk, Pico Rivera, West Covina, Baldwin Park, and the district's other communities are hard workers who leave their homes before sunrise to travel to the auto and steel plants in the area. These are the people whose hands work the machines at the aerospace corporations and drive the nails to construct new buildings. And these are the people who own the small businesses that sell the products that their neighbors help make.

Mr. Speaker, many of the people living in California's 34th District today rise in the morning only to stand in an unemployment line. The unemployment rate is 14.6 percent in Baldwin Park, 13.1 percent in Pico Rivera and South El Monte, 10.2 percent in La Puente and 11.7 percent in Norwalk. The unemployment rate continues to increase—not decrease—in these communities.

These many thousands in my district are unemployed because this Nation failed to define an industrial policy that offered a careful, coordinated program to rebuild industry and put people back to work. The rise in unemployment in this Nation is not a story of undocumented people taking the jobs away from citizens. Rather, unemployment is the result of two decades of imports rising faster than exports, corporations taking their profits to low-wage nations abroad, and long-term planning taking a back seat to short-range gains.

In the last two decades, imports of electrical components rose from 1 to 20 percent, imports of apparel items rose from 2 to 41 percent, imports of metal cutting machine tools rose from 3 to 31 percent, imports of cars rose from 4 to 28 percent, and imports of consumer electronic products rose from 6 to 95 percent. I repeat, in the last two decades.

Mr. Speaker, the people in the 34th district demand change. We, in Congress, must listen to our constituents to get America working again. Consider the words of Wayne Allen, unemployed, of Norwalk in my district.

Mr. Allen remarked that "even in elementary school, you are always taught to plan ahead. I wonder why the Government has never planned for the economy." Mr. Allen tells us that governmental job-retraining programs should be in place to train Americans for technological innovations. I agree with Mr. Allen.

And let us listen to our Governors who deal daily with their States' unemployed. At a hearing before the Subcommittee on Economic Stabilization on which I serve as a member, Gov. James Blanchard of Michigan argued in favor of a national strategic planning board so that the private sector, the labor unions, and the Federal, State, and local governments could coordinate economic policy, and determine how best to target economic development resources. This is a policy that makes sense to me.

And let us listen to the Nation's scholars such as Robert Reich at Harvard University. Mr. Reich recommends that the Federal Government establish regional banks to provide low-interest, long-term loans to promising industries within a region. He also recommends that 15 percent of employee pension funds be invested, either in the form of equity or long-term debt, in regional development banks where employees reside. These are suggestions that deserve serious examination.

Mr. Speaker, once again we hear the calls of the frightened, the talented, the poor, the working, and the small business people of this society. Once again, we search for a policy that can bind our Nation together on principles of economic justice, individual dignity, and security. I hope that we in Congress and the President can strengthen the Nation's industrial base and modify its trade policies to create an economy of abundance and employment for all Americans. I hope that in my district, unemployment rates will fall and workers will begin feeling hopeful rather than desperate.

□ 2050

Ms. KAPTUR. Mr. Speaker, I thank the distinguished gentleman from California for his remarks. I know that the gentleman has extensive experience in one of America's most basic industries, the automobile industry, and has travelled extensively. The gentleman's comments will make a tremendous contribution to our record here this evening.

Mr. Speaker, I yield to the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Speaker, I would like to thank those who organized this special order.

Mr. Speaker, I come before you today at a time when unemployment is said to be at 10 percent. The Reagan administration is proud to say that unemployment is down from 10.8 percent to its current levels and they take credit for the drop. They do not take the blame for the 3 to 4 percent increase in unemployment which took place since they took over.

And the 10-percent figure is not telling the whole truth. It does not tell you about the 1.5 million Americans who want jobs but have given up looking for work and are excluded from the "official" count. It does not tell you about the 5.5 million workers seeking full-time employment but who are forced to accept part-time jobs. It does not tell you of the shattered hopes and dreams, the loss of confidence, the permanent scars.

What is the result of this situation? Every cause has an effect. The effect is that for the first time people do not believe that they can improve their lives. For the first time, Americans do not believe that their children will be better off than their parents. For the first time, malaise has settled over the land, and it is causing people to despair that things will ever be better.

We, in this body, have passed legislation to try to alleviate the situation. However, today I want to call your attention to a byproduct of this crisis that certain Members of this body and the entire administration have exploited and used to their advantage.

The administration has met this crisis not with optimism but rather has tried to undermine the American dream—the belief that things can get better. In place of the optimism that full employment is a goal to go after, the administration has introduced the politics of retrenchment and selfishness, preying upon public pessimism and successfully blaming economic decline directly on those unemployed victims and the programs which are needed to assist them. Rather than reaching out to aid the jobless, Americans are being encouraged by this administration to pull back, to protect their past gains, to turn a deaf ear to their unemployed neighbors.

The most lasting legacy of the Reagan administration may not be its mismanagement of the economy, but its pernicious efforts to destroy public faith in the compatability of prosperity and a compassionate society.

Instead of a policy of government for people, the Reagan administration has used a crisis it created to convince the employed to be concerned only for themselves. (It was only after prodding, cajoling, and picketing that our President, agreed to phase I of a jobs program.) A 40-year belief that their Government should be an agency of relief in tough times has been trampled by an administration that used high unemployment to fight inflation then used unemployment to bludgeon social programs and social attitudes.

And the irony of all of this is that unemployment is the biggest cause of the deficit—$30 million for each 1 percent. The Reagan administration's policies of high unemployment have brought us a $90 billion addition to the Federal deficit.

I believe in the American spirit. I believe that an injury to one in our society is an injury to all.

I thank my colleagues for arranging this special order so that we can speak out to those who need our help and tell them they are not forgotten and that we will strive to assist them for the good of all of us.

Ms. KAPTUR. I thank the gentlewoman from California, whose district is very far away from my own and from many of the rest of the Members who have spoken this evening, but who has been a leader with new Members on behalf of all issues of conscience for the country. I thank her for waiting this evening to participate in this special order with us.

Mr. Speaker, I want to reiterate some of the remarks of other Members here—is it not coincidental that, at the time the Reagan administration is holding another one of its press conferences on television, we keep this body in session in order to deal with a major social problem facing our Nation? I am overwhelmed by the response of our colleagues who have taken time out of an extremely busy week to remain here long after most everyone has gone home, to be a part of the voice for the American people who desperately need it, to be a voice in this body, in our beloved House, for the social conscience of the Nation, at a time when that conscience seems to have disappeared at the other end of Pennsylvania Avenue.

I also applaud the leadership of the House for permitting and encouraging this special order to discuss the most urgent problem confronting our Nation—the historically unprecedented number of Americans out of work, and out of work for prolonged periods of time.

I have taken to the floor on numerous occasions on behalf of the unemployed because I believe their idleness is a tragic waste of both the human spirit and economic resources of this nation. It is a waste that an enlightened Nation such as ours should not tolerate. The resultant strain on our Nation's social fabric is something worthy of our deepest concern.

To those in this administration who have been spewing forth economic jargon attesting to the robustness and breadth of the economic recovery flourishing across this Nation, I say, let them tell it to the more than 50,000 people out of work in the greater Toledo area in northwest Ohio. Tell it to 1,500 glassworkers, nearly 5,000 teamsters, more than 7,000 autoworkers, hundreds of railroad workers, shipping and dock workers, and the thousands of building and other trades people in my district who have been laid off over the last 2½ years. Many have little hope of ever getting their jobs back. Tell it to the thousands of small business people who have watched their dreams destroyed because of bankruptcy. Mr. Speaker, our unemployment rate lingers at 13 percent, for the more than 50,000 unemployed people in the greater Toledo area, economic recovery is still a dream—one seemingly never to be realized without concerted and decisive action on the part of their elected officials.

It is especially distressing to me, as a representative of a district suffering from severe economic dislocation, to hear this administration crow about its economic record. It pats itself on the back each time new forecasts indicate that the economy is showing some signs of life. But I ask, should this administration really be pleased that, after grinding the economy to a halt and throwing nearly 5 million people out of work, a fortunate few are going back to work? Should anyone take pride in an economic program that has cost the permanent loss of tens of thousands of manufacturing jobs across this Nation? Should small business be made the victims of a movie studio economic program that sounds good but has no happy ending? Should the craftsmen of the Reagan economic program be proud of their product—more personal suffering, hardship, and misery than at any time since the Great Depression? And what do they propose for the millions of unemployed since no economist predicts unemployment will abate—not this year, not next year? Financial balance sheets may look better. Inflation may look better, the purchasing power of the wealthy may look better. But at what cost? And for how long must there people bear this cost? I know the victims. You know the victims. The Reagan program ignores the reality of human suffering. But this script can not be edited for convenience as some would wish. The facts speak loudly and clearly.

Mr. Speaker, the true economic indicators in this country are the words of the victims of this misguided economic program. Let me pass on to this administration the opinions of their economic program that come from America's heartland:

> Dear Congresswoman Kaptur, I have a real problem. I'm unemployed and have been for over a year and a half. I've applied for over 300 jobs. Usually for every opening there are hundreds of able bodied applicants. For one job, I stood in line for 5 hours. I am mad. I am tired, I am scared. How will I keep the car we have, and make the payments on our mobile home. I am a skilled craftsman. And have gone door to door to find odd jobs, and even that has slowed down to almost nothing. If President Reagan thinks this depression is over, he's only fooling himself. We know that it's still here, and it still hurts.

One glassworker with 18 years on the job, who has been out of work for nearly a year wrote:

> The recession is over and we are now in a depression. The trickle down theory (hasn't) worked too well, it has just trickled back down into the rich people's pockets.

One couple in my district wrote:

> There are so many in our area without jobs who really need work. Our son is a tool and die journeyman. He has been out of work for over a year. He did go for a retraining test and he did pass the test but got a call that he was not eligible because his wife works part time. My neighbor has been laid off from his apprentice job for about 6 months now. There is no future for these young people without jobs. I could go on and on and there is just no end.

After reading of Ohio's triggering off of the Federal extended unemployment benefits program because of calculation changes included in the 1981 Reagan and Gramm-Latta budget, one of my constituents wrote:

> How ridiculous and unfeeling can our own Government become? When I first read this article pertaining to the loss of unemployment benefits for the thousands of struggling Ohioans, I just could not believe it! Who can the 13 percent turn to?

A homemaker from Toledo recently wrote:

> My husband has a job, but with nine members in our family we barely manage to get through each month. I can only imagine how difficult it must be for the unemployed. Please support any efforts to increase Federal assistance. People can't be allowed to go hungry—no matter how much it costs.

To those in this administration who have been blinded to reality by their own press releases, I can only echo Franklin Roosevelt's words in his first inaugural address, "Only a foolish optimist can deny the dark realities of the moment."

Mr. Speaker, I reject completely and unequivocally the Reagan social doctrine which calls for the unemployed to vote with their feet, leave their homes and their families behind in search of work. My constituents are hardworking people who love the part of the country they live in, as do I. They and those who came before them helped build the industrial might and health of this Nation and in turn helped secure the freedom and blessings of liberty we all enjoy. I will not turn my back on them in their time of need and will challenge, at every step, those who would.

This body has taken small steps to reaffirm our commitment to the unemployed. There is a great, great deal more to be done. Legislation is before us—now let us take every necessary step to see it through for those who depend on us as their last hope.

EFFECT OF UNEMPLOYMENT ON WELFARE ROLLS IN OHIO'S NINTH DISTRICT

More and more of the unemployed in Ohio's Ninth Congressional District are exhausting their unemployment compensation benefits and are faced with finding other sources of income besides employment or employment insurance programs. Some of these long-term unemployed are turning to Government funding sources for assistance.

Fulton County in Ohio has had the largest increases in cases in the general relief assistance program and the ADC-U program. In the third quarter of 1982, the number of cases averaged around 120. From October to December of 1982, the number of cases increased by 145 percent—119 to 173 cases, respectively. The number of cases increased further in February to 208 cases, a 175-percent increase—almost doubled from October. By April of 1983, the number of cases had dropped somewhat—down to 185 cases. The ADC-U program increased roughly 128 percent from the October-December quarter to the January-April quarter. Food stamps, a nonwelfare assistance program, increased by 110 percent. Even some farmers are turning to welfare for assistance beyond the normal loan program available to them.

Lucas County has also shown increases in the use of social assistance programs. These increases are not as dramatic as those for Fulton County, but the outlook for the fall is gloomy if economic conditions do not improve. The welfare agency expects a large increase in the number of needy if conditions remain the same. For the ADC program there was a 110-percent increase in cases from February to April 1983 and no increase from April to May 1983. The increase in general relief assistance was approximately 102 percent from March to May 1983. The number of food stamp cases has remained stable over this time period.

The assistance rolls in the portion of Wood County in the Ninth District has remained fairly stable over the past few months. The lack of increase in the assistance rolls in this county could be due either to the lower unemployment rate in the area—about 10 percent, or to the increasingly tight restrictions on welfare eligibility which has eliminated the eligibility of many individuals' access to public assistance.

FULTON COUNTY

[Number of cases]

	1982			1983		
	October	November	December	February	March	April
ADC-U	75	69	71	96	88	92
Food stamps	629	657	668	726	720	703
General relief	119	124	173	208	188	185

LUCAS COUNTY

[Number of recipients]

	1983			
	February	March	April	May
ADC & ADC-U	11,371	12,218	12,467	(1)
Food stamps	8,696	(1)	8,405	(1)
General relief	—	8,808	8,896	8,970

(1) No change

Mr. Speaker, I include the following Bureau of Labor Statistics data in the RECORD as reported in the National Journal regarding the duration of unemployment:

OUT OF WORK: GOOD NEWS AND BAD

Unemployment in America is declining, but that may not be much consolation for those who are still out of work.

Although the civilian unemployment rate dropped from 10.4 percent of the work force in January to 10.1 per cent last month the duration of joblessness rose from a median of 11.5 weeks to 12.3 weeks in May. That is one of the lingering consequences of the recession. A year ago, when the jobless rate was 9.4 per cent, the median duration was only 8.6 weeks.

The Bureau of Labor Statistics reports that two-thirds of the 11.2 million jobless have been out of work for at least five weeks, and 41 per cent 15 weeks or longer.

The table shows the total number of unemployed (seasonally adjusted) for the first five months of this year and for may 1982 and the percentage unemployed for various periods of time and the median duration of unemployment.

U.S. TOTAL JOBLESS

[In millions]

	May 1982	January 1983	February 1983	March 1983	April 1983	May 1983
Duration of unemployment						
Less than 15 weeks	7,145	6,806	6,866	6,703	6,848	6,597
15 to 26 weeks	1,633	1,915	1,932	1,904	1,695	1,758
Over 26 weeks	1,633	2,679	2,703	2,793	2,757	2,834
Total	10,411	11,400	11,501	11,400	11,300	11,189
Median duration (weeks)	8.6	11.5	9.6	10.3	11.3	12.3

Mr. Speaker, I would like to have included in the RECORD an excellent report by the National Council for Employment Policy on "The Displaced Worker in American Society":

THE DISPLACED WORKER IN AMERICAN SOCIETY: AN OVERDUE POLICY ISSUE

A time bomb ticking away in the mind of every policy-maker should be the unknown number of laid-off workers in basic industries who will never be recalled, even when the recession at last loosens its chokehold on the economy. That those displaced workers are "out there" is now generally recognized. Although their precise number is unknown, the causes of their displacement are at least partly understood. The consequences have not been adequately probed. Solutions are immersed in dilemma. This policy paper seeks to provide both enlightenment and some modest proposals.

WHO AND HOW MANY?

These two questions are inseparable because the definition provides boundaries for the count. By the "displaced worker" term we mean those who (1) were previously employed in stable jobs with satisfactory pay and every reason to expect continued employment to retirement, (2) have been laid off with little chance of recall and (3) are unlikely to find new employment using their familiar skills at near their customary rates of pay. Stated that way, the burdened group is primarily operatives in capital intensive basic manufacturing industries. Well-paid operatives, when displaced, have nowhere to go except lower paid, more labor intensive (and less unionized) operative jobs, or into unskilled service work. Some craft workers as well as technicians and professionals whose skills are too closely restricted to declining industries may also prove to be part of the permanently displaced. Craft workers, even those in basic manufacturing industries, however, are more likely to possess transferable skills. With deep recession pervading the entire economy, displaced craft workers have few current alternatives, although some may be able to move to other industries when recovery occurs. White collar workers probably have skills sufficiently transferable to achieve inter-industry transition when recovery arrives.

If one used as surrogate for the number of displaced workers the number of operatives, craft workers and technicians from manufacturing industries unemployed 15 weeks or more, the resulting number would be over 3 million. Another approach is to look at the reasons for job loss to identify displaced workers.

According to the December 1982 BLS release, of the 12.0 million unemployed, 7.3 million had lost their last job. Only 2.5 million of these considered themselves to be on layoff with expectations of recall by their former employers and even for many of these the hope will prove illusory. In the broadest sense, if all those who have lost jobs to which they do not expect to be recalled are considered displaced, this would make the number of displaced workers close to 5 million. However, many of these 5 million would have held the jobs they lost for only a short time and many of the jobs would have been in the secondary labor market without lasting worth or hope of tenure. Whether or not the latter outnumber those futilely expecting recall is anyone's guess. Some estimates have limited

displaced worker status to those long-term unemployed previously employed in industries experiencing an overall long-term decline in the total numbers employed, an approach which reduces the number to about 1 million. Whatever the number one chooses, the problem is obviously of substantial magnitude.

THE CAUSES OF DISPLACEMENT

What is so different to make displacement a special concern in the 1970s and 1980s? Displacement is a continuous process in any dynamic setting. At any time, consumers are in the midst of changing tastes, populations are shifting locations, new technologies are replacing outdated ones, resource supplies are being exhausted, some businesses are dying from poor management and others are being born. But periodically that process intensifies. What is different now is the intensity of technological change and international competition. With the microchip, technology is cheap and getting cheaper. A reversion to capital intensity is a logical direction of movement. Only the combination of high interest rates and recession presently impedes that trend.

The nation's economy has also yet to fully absorb the oil shocks of the 1970s. A tenfold increase in the cost of the basic energy resource could not but cause major industry displacements which could only work their way slowly through the system. The "oil glut" has relieved the pressure but not returned the original energy cost relationships.

Even more unprecedented is the intensity of international competition. Industrialization has been a worldwide ambition since the second world war. Each nation yearns to pass beyond the dependency and subsistence incomes which are the lot of an uncartelized raw materials supplier. They begin with labor intensive industries such as textiles, clothing and shoes because people is their most abundant resource. But soon they tire of the low wages and seek to move up the capital intensive ladder to assembly operations and processing of their own raw materials. Advanced countries must keep running to stay ahead, the current sought after prize being described as high technology industries.

This, too, is an old pattern through which the U.S. has passed in its internal economic development. But now industrial capacity has outstripped the demand for industrial products. In 50 years the U.S. went from a potential domestic market wherein there were 20 people for every automobile to a supply of approximately one motor vehicle for every adult in the nation. The U.S. automobile industry could not expand its domestic sales appreciably even if it did not have to share its domestic market with its international competitors who supply one-third of the U.S. demand. The same can be said for steel, rubber, chemicals, refined petroleum products and other basic industries. Attempts to keep out foreign competition can restrict U.S. access to international markets and it is in the less-developed, low income third world that the potential exists for market expansion.

The volatility of that combination of expanding markets and overcapacity may create a situation in which the United States is at a relative disadvantage. The genius of American industrial expansion has been mass production. With a continental domestic market and a growing supremacy in international markets, U.S. industries could tool up to produce millions of identical items. Expensive capital equipment could be amortized into low unit cost for massive output. But mass production, to be efficient, requires not only large but expanding markets to absorb the results of technological change and increasing productivity.

The industrial operative has been a cog in that mass production machine. Trained and retrained rapidly on the job, the worker, too, could repeat a simple operation millions of times for high productivity and, often, high pay.

But a shared market with overcapacity cannot assure those long production runs. A diverse world population and the shifting fortunes of competition require more flexible production processes to meet changing demands. Computer-assisted design and manufacturing may be the leading edge of a shift from mass to batch production processes. Where once teams of craft workers were required to completely retool for model change, an engineer at a computer console with a stylus might sketch in a reprogramming which could occur almost automatically. Neither operatives or craft workers may be needed in the same supply.

THE DISPLACED WORKER IN SOCIETAL CONTEXT

The social implications are as profound as the economic ones. The United States has generally enjoyed reasonable social and political stability in a chaotic world largely because the average citizen perceived economic opportunity and social acceptance. In the years since the second world war, the unionized mass production industries have offered to many with limited education and no inherited wealth or status the opportunity to earn incomes and enjoy lifestyles through which they could consider themselves a part of the stable middle class. Central to that phenomenon has been the factory operative, surrounded by satellites of skilled trades and white collar workers who supported the production function.

For example, the worker accustomed to earning $12 to $25 an hour, buttressed by a favorable fringe benefit package, protected by seniority and a union contract, steadily employed for years and expecting to stay that way until a comfortable retirement. Laid off from the automobile, steel, rubber or other basic industries, what other comparable employment opportunities are likely to appear? The alternatives in the growing service sector for those with limited formal education and skill training pay nearer to the legally mandated minimum wage than to the accustomed negotiated scale. Multiple family workers may eke out something approaching the accustomed lifestyle but there may be social, psychological and familial consequences to frustrated expectations.

POLICY RECOMMENDATIONS

The displaced worker problem is a byproduct of a deep-seated and long-term restructuring of the world economy. There is much yet to be learned about problems, implications and solutions. Knowledge and experiences to date, however, are sufficient to support a few modest steps which can be usefully divided into short- and long-run approaches.

In the short run:

1. Incentives must be provided for employers to give to local labor market authorities advance notice of mass layoff or plant closing and to participate in a company/community planning process. Employers can be expected to cooperate to avoid unfavorable publicity and public relations and to sidetrack more punitive and obstructive legislative approaches. The State Job Training Coordinating Councils and Private Industry Councils of JTPA may prove to be persuasive recipients of such advance notice as well as useful loci for the planning. Amendment to the displaced worker title of that act, giving these entities the responsibility for seeking advance notice, augmenting the funding, eliminating the matching requirements for hard hit states and fully underwriting the costs of adjustment services the employer would not have provided and a portion of those which were an employer obligation may prove to be sufficient.

2. Federal legislation governing the funding and administration of unemployment insurance should be amended to:

(a) Shore up the funds of the states most heavily impacted by long-term unemployment and worker displacement, more equally sharing inequitably distributed burdens stemming from national and international causes.

(b) Require early assessment of the reemployment prospects of unemployment insurance recipients and formulation of a readjustment plan for those unlikely to be recalled or rehired in their customary occupation.

(c) Authorize continuance of unemployment insurance benefits while carrying out such an individualized readjustment plan, including retraining.

(d) Provide a federally funded limited extension of benefits for those successfully pursuing a promising readjustment plan requiring completion time beyond existing benefit eligibility.

3. The training needs of a displaced worker program may extend beyond the 26 week duration which became customary under MDTA and CETA in order to inculcate sufficient skill to come near to maintaining the earnings of a displaced industrial worker. Longer term training should be encouraged under JTPA's Title III. Also, for purposes of that title, JTPA's "window" of 10 percent nondisadvantaged will need to be widened because few displaced workers can meet those restrictive income requirements. However, meeting the challenge of global industrial competition will require more than retraining a few of the current work force. Something more like the magnitude of effort involved in the National Defense Education Act of 1958 may be needed to prepare the oncoming labor force for the growing international product market and labor market competition.

4. Relocation assistance should be explicitly authorized by displaced worker legislation to offset the long-term reluctance of political forces to endorse it.

5. The interstate clearance and job search training capabilities of the public employment service should be enhanced. In light of the budget restrictions of the past few years, added authority and upgraded and increased staff will be necessary to carry out the Job Service potential for individualized plans, for teaching job search skills, for referral to training and for facilitating relocation.

6. Over the long run, thought and study should be given to addition of a readjustment allowance to the package of payroll tax supported provisions of the Old Age Survivors Health and Disability program. Temporary joint employer-employee payroll tax contributions to accumulate an interest-bearing readjustment fund of a few thousand dollars for each employee has been suggested. Upon displacement without expectation of recall, the employee could draw

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upon that individualized account for readjustment assistance. If never drawn upon, each individual's fund would become an individual retirement account. The concept is attractive but the current problems of the social security system, the regressive burden of rising payroll taxes and the administrative complexities require careful study before full endorsement.

7. Important as they are, displaced worker provisions are not enough. Retraining is of little help unless there are jobs to be trained for; relocation assistance requires a reasonably prosperous destination; short-term income maintenance assumes an imminent recovery. This is no place to explore the subject except to flag the need to design displaced worker policies within the broader context of economic recovery and long-term growth and economic development.

□ 2100

UNEMPLOYMENT

The SPEAKER pro tempore (Mr. Torres). Under a previous order of the House, the gentleman from West Virginia (Mr. Rahall) is recognized for 60 minutes.

Mr. RAHALL. Mr. Speaker, I yield to the gentleman from Illinois (Mr. Durbin).

Mr. DURBIN. I thank the gentleman from West Virginia for yielding.

Mr. Speaker, tonight we are discussing a problem that has reached proportions unknown since the bleakest days of the Great Depression.

Though its economy is a mixture of agriculture and manufacturing, the 20th District of Illinois has not escaped this crisis. On the contrary, the numbers coming from central and western Illinois tell an all-too-familar story.

Along the Mississippi River in Adams County, 15.2 percent of the work force is unemployed, idled by plant closings and an economy that is immune to the smooth promises of recovery delivered by this administration.

To the south in Calhoun County, a place of breathtaking natural beauty, more than 23 percent of the work force is out of work. At the eastern end of the district, historic Shelby County suffers from an unemployment rate of 18.1 percent.

Decatur, the major city in Macon County and a community that builds tires and air-conditioners for the auto industry and earth-moving equipment for construction, has contributed heavily to the county's 16-percent-plus unemployment rate. The layoffs and plant closings here contribute as well to the joblessness in Shelby County, in Moultrie County where 13.1 percent are out of work, and in Christian County with a 15-percent unemployment rate.

More than 17 percent of workers are idle in Montgomery County, with its farms, coal mines, and small industry. In Pike County, the rate stands at 13.9 percent. Macoupin County workers are unemployed at a 12.6 percent rate. Jersey County suffers from 16.9 percent unemployment and adjacent Greene County has 12 percent of its work force without a job.

Only Sangamon of all the counties in the 20th District, has an unemployment rate of less than two digits. Dominated by the city of Springfield, where State government is the largest employer, Sangamon County unemployment stands at 9.2 percent. Yet it is surely a sad day for this country when a 9 percent unemployment rate is the object of envy.

All of these numbers, stark and starling as they are, do not tell the real story of unemployment. It is not a statistical problem confined to graphs and reports.

The problem of unemployment is a human one, a tragedy that reaches into homes, and families. Its effects should be measured not in rising or declining lines on a chart but in the pain of lost dreams, the bitterness of disappointed hopes and frustration born of futility.

Like my colleagues, I receive a large amount of mail on this problem—not form letters but the handwritten pleas of people desperate for a chance to work.

Returning to the 20th District every week, I meet the people behind these numbers face to face. We in Congress need no media specialists or communication directors to create opportunities to show concern about unemployment.

Listen with me to the voices of the 20th District. Writes a 58-year-old man from Pike County:

> I have been unemployed for going on three years. I want to work and not be on public aid. I've worked and paid taxes all my life, and all I'm asking for is an equal chance to provide for myself.
>
> It seems like when you get a few wrinkles in your face that no one wants to hire you.

Or hear a young man from Macon County, recently graduated from college with an advanced scientific degree. He writes:

> I have sought employment without success, sending out over 400 resumes. My feelings border hope and despair on a daily basis.
>
> I feel America has let me down. I have a highly technical skill, yet no one can use me.

From Macoupin County comes the concern of a mother and grandmother:

> My son and son-in-law both have been laid off 1½ years. Every time they hear of a job opening, however small and however little pay, they are there. Still no jobs for either of them. Their benefits are running out soon and what are they to tell their children?

Mr. Speaker, we are talking about a group of unemployed composed of people who followed the rules, who did everything that was asked of them, who paid their taxes, made sure their children received an education and were, to use the cliche, model citizens.

What was never supposed to happen to them did happen.

Unemployment is more than a problem, it is even more than a tragedy.

Unemployment is a national disgrace. It is inexcusable, it is intolerable, and it must be dealt with if our people are to retain their faith in this Government and our institutions.

Congress has responded to this need.

I joined with a majority of my colleagues in passing the jobs bill. We joined together to pass a realistic budget.

We have acted to put a realistic cap on taxbreaks for the wealthy.

But more remains to be done. There is an economy to be rebuilt, long-range policies to be determined, a multitude of steps to be taken if we are to put America back to work.

Our problems cannot be solved with a wry grin and weekends at Camp David. The unemployed of this country have little to smile about and are more concerned with keeping a roof over their heads than they are with vacation schedules.

To those who have given America their best, we owe our best. We owe it to them and, perhaps more importantly, to future generations. We must dedicate ourselves to this task, to restoring the opportunity, the dreams that we knew as children.

If we do not, if we fail to put this generation and future generations to work, we will face the terrible question posed by the woman from Macoupin County.

What will we tell our children?

□ 2110

Mr. RAHALL. Mr. Speaker, I thank my distinguished colleague the gentleman from Illinois, for his contribution to this discussion this evening. I also appreciate his efforts in regard to bringing coal back to the forefront of this Nation's national energy policy. The gentleman, like I, represents a district with many coal miners. We, of course, share many mutual concerns and the gentleman's work in this Congress on behalf of the coal miner and on behalf of the coal industry is much appreciated. Many of us are trying to turn the rhetoric of this administration into concrete action in regard to developing this Nation's coal resources, and I appreciate that.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. Cooper).

Mr. COOPER. Mr. Speaker, I appreciate the gentleman's role in helping to organize this special order tonight. It is through the gentleman's help and the help of the gentlewoman from Ohio and others that we are able to have this opportunity.

My district, the Fourth District of Tennessee, is also a district that has

been ravaged by unemployment. It is also a district that has suffered needlessly from the hardship that the unemployment situation creates.

Some may ask where my district is. It is not really important. It is somewhere in Tennessee. I characterize it as some of the best areas of the Sun Belt and some of the poorest counties of Appalachia. It is an area almost twice the size of the State of Connecticut. It is an area populated, as all our districts are, by some 500,000 people; but it is an area that has been among the hardest hit of any area in the Nation in terms of unemployment.

My feeling is that rural unemployment is the worst. Rural unemployment is the unemployment that goes unnoticed, uncharacterized, unchronicled. My district is typical in this regard; no television stations, few radio stations, weekly newspapers primarily. In fact, there are only two dailies in my entire area.

We have an unemployment rate that is worse than in Detroit, Mich. It is worse than in the cities that get on the national news in the evening. It has been 18 percent average for months. Recently it has just dipped to a 2- or 3-year low of 15 percent, and yet no matter what the rate is, it gets no attention, no treatment, no notice from the powers that be. Only two of my counties are fortunate enough to have a rate of unemployment that is even below the outrageous national average now of 9.8 percent. One of my counties, in fact, one of the largest, has the outrageously high rate of unemployment of 23 percent.

The statistics, of course, do not tell the story. The story is told in the hardships of the people. Now with the lowest rate of unemployment we have had in 2 or 3 years, there are still 33,280 unemployed people in my district and that is a conservative count. That means there are 33,280 broken individuals, most likely broken homes, deprived children, extreme hardship.

The misery and suffering that this unemployment has caused, as I said earlier, is going unnoticed and will go unnoticed, but the important thing is that whether we in the Congress now in the 98th Congress begin to devise programs to address their needs.

I hope that we can. I hope that we will be able to realize that this is a recession that did not need to happen. This is a recession that was caused by the Republican Party's own characterization, or at least some leading figures therein. In 1980, Vice President Bush, candidate Bush then, called it voodoo economics. The current Senate majority leader, Howard Baker, called it a riverboat gamble. Yet it was a gamble that this President took with our lives, took with the future of our current work force, and with the future of our children.

The President likes to claim victory for his program. He likes to claim that it has worked. It has not.

The cost, even if it had worked, would have been untold, unchronicled, as I say, in my area, because you can never replace the man-hours lost, the human dignity lost, the human self respect that has been forever lost.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Tennessee for his remarks this evening.

Mr. Speaker, I yield to the gentleman from California (Mr. Dymally).

Mr. DYMALLY. Mr. Speaker, I thank my very good friend, the gentleman from West Virginia, the chairman of the delegation.

Mr. Speaker, when I was informed that there would be a special order this evening and that we would have the opportunity to discuss unemployment in our various districts, I was eager to participate both because I wanted my colleagues to know about the employment outlook in the 31st District in southern California and because I wanted the chance to get an in-depth picture of unemployment across the Nation. National statistics have a way of blurring important regional differences in unemployment patterns. Unfortunately, as I began to probe for labor information about the 31st District, I discovered something that I think should be brought to the attention of my colleagues. I learned simply that good current information about unemployment at the local level is not available. We do not have a reliable way of finding out how many are unemployed in each of the major cities in most districts, certainly in the 31st District which I represent in Los Angeles County.

County level information is somewhat more accurate than local information, but gross figures of this sort are not sufficiently informative in large metropolitan areas. For example, statistics are collected for Los Angeles County, but Los Angeles County is made up of dozens of cities varying in population from a few thousand to millions. Some of the cities in the county are supported by strong industries, others have no industrial base to speak of. Some cities have a majority of blacks, others are mainly hispanic, some are white, some mixed. Does unemployment hit some groups more heavily than others? At the local level the statistics are silent on that matter.

There was a time when statistical information was collected by industry so that we could tell from the statistics what industries were most affected by the recession. That sort of statistic is not collected anymore. When I asked why, I found that the California office that collects such statistics has experienced a staff reduction of close to 60 percent in the past 4 years. When I went the next step up and called the western regional office of the Bureau of Labor Statistics I got a recording which said in essence that they are so short staffed that they have to use the recording because there are too few people around to man the phones. If we are to act responsibly to solve the unemployment problems, we must at least have sufficiently good data on which to base our decisions. I would like my colleagues to know that our ability to collect relevant data is eroding. We may soon reach a point where, far from being able to solve the problem, we will have too little information even to recognize its scope.

In fact, that day is upon us already. I was finally able to collect some statistics about local unemployment in my district. The officials my staff talked to told them over and over that the data were far from precise. One thing I was initially startled to find was that the labor force in my district had apparently shrunk by thousands since 1982. I asked the experts if this meant that the population of the district was shrinking. The answer is no. It is the statistic that shrank. It shrank because those who are out of work and are too discouraged to look for work disappear altogether from the statistical ranks of the labor force. This means that in some degree, our statistics underestimate the level of unemployment. Those unemployed the longest just get left out of the count.

Even though it must be granted that the statistics are flawed, the magnitude of differences in unemployment among the seven major cities in my district is striking. I represent a district with a high concentration of industry, especially aerospace and high technology industry. As you might expect, the overall rate of unemployment in my district is a bit below the national average. But that gross statistic hides some extremely important details. The second largest city in my district, a city where the vast majority of citizens are black had an estimated April 1983 unemployment rate of nearly 20 percent. If you add the discouraged worker which is 5 percent you get a total of 25 percent. At the same time, the city with the lowest unemployment rate in my district had only 6.9 percent unemployed. So, the picture in my district is of a relatively low overall unemployment rate, with a number of striking exceptions, exceptions that are more than twice the national unemployment rate in the district.

We often hear these days that power should be returned to the States and localities. The 31st District of California is, perhaps, in a better position than most to take control of its own destiny. While we have areas of extremely high unemployment, we also have a substantial industrial base. Ours is one district where it appears

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possible to forge an alliance between Government and industry. One manifestation of that alliance is a job training program we have created in the district. Its acronym is COTTI, Compton-OIC Technological Training Institute. This program which trains people at actual worksites has made use of small amounts of State and Federal funds, but most of the funding has come from the industries that would make use of the workers trained by the program. The program is a strong one because its structure comes as close as possible to guaranteeing that trainees will receive training in areas where a need for personnel actually exists. We know this to be the case because the industries in the area help to make the determination of need.

But I do not want to leave my colleagues thinking that those in the 31st District are on the verge of discovering the solution to high unemployment. Even the best of plans has striking obstacles to overcome. I think I will always remember the frustration I felt when COTTI was first getting started. We had found a business that was willing to offer training. We had even picked the first 20 trainees to go into the plant. Shortly before the trainees were to report for their first day of training the company began laying off workers.

The suddenness of that experience is repeated constantly on a more personal basis in my district. I now have an employee in my district office who was informed while she was in the middle of her vacation at her previous place of employment that she was being laid off. For many years, California has been seen as the land of milk and honey. That is not far from true. But occasionally, even in California, the milk goes sour.

□ 2120

Mr. RAHALL. Mr. Speaker, I thank the gentleman from California for his participation in this discussion on unemployment in my district this evening.

Mr. KOSTMAYER. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, contrary to the repeated contentions of the President, uenmployment is a grave problem in our country.

And contrary to those repeated contentions of the President, Mr. Speaker, the American people still care about the unemployment problem, and care about their neighbors who are out of work. Just last week Newsweek magazine published a poll in which respondents were asked which national issues they perceive to be most important. Overwhelmingly, the issue which was cited most often was unemployment, some 73 percent responding affirmatively that it was important. Significantly, the issue next most frequently cited was that of protecting American jobs, 62 percent.

In many ways, Mr. Speaker, the Eighth Congressional District of Pennsylvania can be viewed as a microcosm of the country as a whole. In my district, we are faced with severe unemployment problems, as well as a significant problem in protecting American jobs from unfair foreign competition. In Croydon and Bristol, in Perkasie and Sellersville, in Quakertown and Levittown, in Willow Grove and Doylestown in Huntingdon Valley and Yardley, in Dublin and Newtown, our people know what it is to want a job.

Pennsylvania on the whole has an unemployment rate over 12 percent according to the most recent statistics. Parts of my district have rates over 14 percent.

People want to work—of this I have no doubt. A short time ago, Mr. Speaker, I initiated a JOBS Telethon in cooperation with a major newspaper in Bucks County, Pa. In one weekend that JOBS Telethon, manned by scores of volunteers, took over 7,000 calls from unemployed individuals seeking help in finding work.

I am happy to say that we managed to help some of these hard working, but out-of-work men and women. I asked employers to phone in 1 week later and let us know what jobs they had available. We matched this employer data with the skills of our pool of unemployed, and managed to get a lot of jobs filled.

But not nearly enough, Mr. Speaker. There are simply not enough jobs out there, contrary to what the President says.

In southeastern Pennsylvania we are also faced with a crisis of protecting American jobs from foreign invasion. At the huge Fairless Works of United States Steel, 2,000 to 3,000 jobs may be lost due to the import of subsidized steel slabs from Europe. When this deal was announced I flew to England and Scotland to speak with British Steel officials, and labor leaders. It is clear that this steel is subsidized as other steel products were found to be just last year in an action brought by American steel companies. Yet it is unclear that the law will be adequately enforced to protect the American jobs at risk.

The American public is prepared to accept free and open trade, Mr. Speaker, but only trade that is fair. When a foreign government makes a conscious decision to protect its workers by subsidy, and the cost of that decision is jobs in the United States, something is wrong, contrary to what the President might say.

The American people, just like the people of Bucks and eastern Montgomery County, want action on employment and jobs—not promises—and I hope that the President gets the message.

Mr. MOODY. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Wisconsin.

Mr. MOODY. I thank the gentleman from West Virginia for yielding.

It is appropriate that we talk this evening about unemployment. We are now at the midway mark in 1983. We are now at the 30th month of the Reagan administration, five-eighths of his term having been consumed.

His policies are clearly set. Their imprint is now indelibly etched on the Nation.

We know how bad unemployment was when Jimmy Carter left office in 1980: about 7.7 percent. We know that Ronald Reagan promised that by 1983 his policies would bring unemployment down to 6.6 percent.

But how many of us guessed that by the beginning of 1983 unemployment would not be at 7.7 percent, but would have climbed to 11 percent?

There are now over 11.2 million Americans out of work, more than all of the people employed in the neighboring nation of Canada. Teenage unemployment is twice that of adults, and black teenage unemployment is twice that of white teenage unemployment.

There are over 4 million Americans out of work today who had their jobs when Ronald Reagan took office.

What is to blame for this terrible state of affairs?

Is it the policies of Jimmy Carter? If those policies were still in place that could be charged. But they are not. In 1981 and 1982 Ronald Reagan got everything he asked Congress for in terms of economic policy changes: domestic spending cuts of massive proportions, huge tax cuts, virtual elimination of the corporate income tax for certain companies, huge military spending increases. These policies which were supposed to balance the budget by 1984 and bring down unemployment. But they did not do that. They had the reverse effect. Unemployment went up and deficits skyrocketed.

Worst of all, the future remains very uncertain. The current slight upturn we are now experiencing is indeed very fragile. As the economy continues to improve high deficits are certain to crowd out private investments, raise interest rates and choke off the recovery.

Let me take just a moment to talk about what national unemployment means for my area of the country, Milwaukee and southern Wisconsin. Wisconsin Job Service has 200,000 job applications on file, or approximately 40 applications for every available job. Recently at the A. O. Smith Co. in Milwaukee 20,000 applicants showed

up to apply for 200 jobs, or 100 applicants for each job. No one can accuse the constituents in my district of not wanting to work, and I think the same is true all over the Nation.

Let me read just one of the hundreds of letters I have been receiving from my constituents regarding unemployment.

"Dear Mr. Moody:

"Can you assist me in finding a job, part-time or full-time? I am not choosy.

"Things are really bad in the inner city. People are tired of being pushed deeper and deeper into a dead-end life. Me, I am tired of being poor. I want to work, but no job.

"Welfare is a joke and crime has its bad points.

"Sooner or later things are going to blow sky high. I hope you 'fat cats' in Washington are ready to pick up the pieces.

"Good luck, sir. I hope you can help to bring about some form of change."

As this letter points out, unemployment cannot be measured in terms of statistical figures alone. It has real, tragic, human effects. It is destroying individuals. It is destroying families. It is destroying communities. Unless it is remedied soon, it threatens to destroy the fabric and cohesiveness of our Nation.

The people of my district are imploring the President to leave off his fixation with military spending, to leave off his flirtation with war in Central America, to leave off his pursuit of an expensive nuclear arms race, to leave off the pathetic effort of his Interior Secretary, James Watt, to pick up a few bucks toward the deficit by selling coal, gas, and oil leases for private use at bargain basement prices.

What the people of my district are imploring the President to do is redesign his budget and revenue policies to bring down real interest rates, reduce the budget deficit, spur the economy, and lead the Nation back to the policies of employment, growth, prosperity and domestic fairness that generally characterized the 1960's and 1970's.

Only then can my district, along with those of my colleagues here, begin the long, hard road back to jobs, to dignity, to material progress, and to hope.

□ 2130

Mr. RAHALL. On behalf of the organizers of this special order this evening, my colleagues from West Virginia, Congressman WISE, Congressman MOLLOHAN and Congressman STAGGERS and my colleague from Ohio, Congresswoman KAPTUR, we want to thank all of those who have participated thus far this evening in this special order and certainly those who have participated during the time that I control, I want to extend my congratulations on statements and remarks very well written and spoken from the heart and very well representative of their congressional districts.

Mr. Speaker, tonight we heard the President during his news conference say that the economy is strong and getting stronger. He went on to say that the American economy is beginning to sparkle. For many in West Virginia, the only sparkle that they will see during the months ahead may be the sparkles of fireworks next Fourth of July weekend. It is certainly not any sparkle in the economy that they are seeing. They have been without jobs for several years now; they have experienced not a recession but a depression. And it is not getting any better for them. The issue of unemployment has been a major topic of discussion on this floor of the House of Representatives, not only in the last several hours this evening but for the last several years. During 1 minute speeches, special orders, and debate on various pieces of legislation, Members have discussed the hardships of over 12 million Americans who are currently without employment.

President Reagan takes great pleasure in sharing with the public in speeches or at press conferences letters that he receives from citizens complimenting him on his work.

Rarely, if ever, have I heard him refer to a letter which is in disagreement with him.

For this reason, I am happy to participate in this special order and once again commend my colleague from West Virginia for taking the time this evening. I think it is important as many of my colleagues have already done during these special orders, to read what our constituents have to say about the state of our Nation's economy, letters that perhaps the President has received also but to which he has not referred in his press conferences or speeches to the American people. Before I do, however, I believe it is important to point out that in my district the unemployment rate has gone up in the last month. For that matter, in five of the eight counties that comprise the Fourth Congressional District in southern West Virginia the unemployment rate has increased. If unemployment is indeed one of the "unfortunate evils" of fighting inflation as this administration contends, then why have we not turned the corner if the economy is really here, if the American economy is truly gaining strength?

The decrease in the rate of inflation is advertised as the administration's proudest achievement. Yet, the facts show that the average American is actually losing ground in real terms, as per capita income in my State of West Virginia is 20.3 percent below the national average. Corresponding to the most recent statistics the percentage of unemployed persons has increased in southern West Virginia from 18.7 percent to 19 percent.

The number of those out of work has gone up from 29,130 to 29,390.

For the record, I would like to submit the unemployment totals for the Fourth Congressional District for May which show as follows:

In Cabell County the rate is 14 percent, Logan County, 21 percent, McDowell County, 30 percent. One of the highest if not the highest unemployment figures in the Nation for a county and many in that county who are affected would say that is on the low side. Many in respectful positions of leadership have said that the unemployment in that county is approaching 45 percent. Mercer County, 14.4 percent, Mingo County, 19.1 percent, Raleigh County, 15.2 percent, Wayne County, 12.9 percent and Wyoming County, 25.7 percent rate of unemployment for a district average of 19 percent.

The issue of unemployment is much more human than these cold statistics portray. From them we do not see the unpaid bills, the hungry faces, the uncertain futures and the shattered dreams. In recent months I have been saddened by many of the letters that I have received from the people in my district. They very clearly portray the hardship, frustration, sense of loss, and the absence of any hope.

These individuals have worked for a living before. They know what it is like to put in a hard day's work for a fair wage. They know what it takes to pay bills, make mortgage payments and to feed, clothe, and educate their children.

It may sound corny but they do not want handouts, they do not want to stand in a welfare line, they want to stand in a payroll line.

So, tonight, Mr. Speaker, for the President and for our colleagues who do not see the need to participate in this special order, I would like to read just a few of the many letters that I have received from constituents in the Fourth District. They explain the situation much better than I could this evening and from a much more human and personal standpoint.

From Accoville, W. Va., in Logan County, and I quote:

> Mr. RAHALL. I've been out of work 5 or 6 months . . . I'm married and have three stepsons that have to eat. And have utility bills that have to be paid . . . But tell me this, how am I suppose to pay them when you can't even buy a job in West Virginia? . . . All I ask for is a fair chance. Why can't I find some work? I have never been on unemployment before.

From my hometown of Beckley, W. Va., I quote:

> Mr. RAHALL. I've looked for jobs all over Beckley, up to Summersville. I have even made calls to Ohio, Pennsylvania, Indiana, and called some friends I have in Hawaii. I

have answered practically every ad in the paper with no positive reply . . . I have been told that they're only hiring college students, ha, I'd try to get in on this but I ain't got no money for college . . . I've also heard of jobs overseas but have no way of getting in contact with employers . . . Soon I will be kicked out of my trailer, which I've scrapped for 8 months to make payments. My electricity is going to be turned off as is my water. My phone has already been cut off. The grocer has given me credit, but I need to find a job to pay him and the others.

From Prichard, W. Va., in Wayne County.

Dear Congressman: I can't afford to buy gas for my truck to look for work anymore. My utilities, trailer payments and doctor bills come to $337 per month, plus I have two children in school . . . I've looked everywhere and there is no available work. I just can't find a job.

I might add here, Mr. Speaker, that that is an additional burden upon those who are unemployed and go to the unemployment offices. The first question that is asked is: "How many possible employers have you been to? Where all have you looked for work? Show us with whom you talked and what the responses were?" Many of these individuals, however, Mr. Speaker, because they are out of work and because they have no income can no longer afford the gas to travel around to the many employers which they are required to contact before they can receive unemployment compensation.

This is an additional burden upon them.

From Fort Gay, W. Va., in Wayne County:

Congressman Rahall: In nineteen years I have never had to receive unemployment compensation. I have been unemployed for weeks before, however this is the worst time of my life . . . I have three children in school and it is difficult to try to explain to them that you are unemployed and not receiving something. So I hope you understand my anxiousness concerning finding work.

That is a common phrase in many of the letters that I have received, "It is hard to explain to my children."

From Huntington, W. Va., in Cabell County:

Mr. Rahall: I have been out of work 11 months now and have not been able to find a job since I am 55 years of age . . . I want a job, but it looks like I will have to leave West Virginia to find one.

From War, W. Va., in McDowell County:

Dear Congressman Rahall: In April, 1982, my husband was laid-off. He is willing and able to work but with the state of the economy he can't find any type of work. It seems unfair that a God fearing family must suffer due to cuts in programs that are intended to help the American people . . . Our situation is a desperate one. I hope you will consider its seriousness. If there is something you can do we would be very grateful.

☐ 2140

From Anawalt, W. Va.:

Mr. Rahall: I am in desperate need. I do not have a job and cannot find one. I got a job last year in the mines and worked 2½ months and was laid off. I got another job and worked 2 months and was laid off again . . . I've tried everwhere to get a job. As you know, jobs are hard to find these days.

From Capels, W. Va.:

Mr. Rahall: I am a coal miner and that is the only work I have ever done. And I am sure you know there are not many places to go in McDowell County for a job. I have a wife and two children ages 6 years and 8 months. My trailer payment, phone payment, and ground rent are due now . . . Time is running out, and I don't know where else to turn.

From Davin, W. Va., in McDowell County, as I conclude reading from my letters.

This person states:

Sir: I am a coal miner. This is the first time in my 13 years working that I have been out of work for any significant period of time. I've been out of work since December, and have unemployment insurance coming in. I have friends and their families who have been off longer and their unemployment is running out . . . It is shameful that a nation as large as the United States has let Japan and smaller countries outdo our great nation in productivity . . . Pardon me if I sound bitter, but I have a deep sense of pride and am starting to wonder where I will go and what I will do after my unemployment insurance runs out.

Mr. Speaker, these are not isolated cases. I regret to say they are more the norm in the type of mail I receive in my five congressional offices.

I fear that if this depression—and that is what it is for many in West Virginia—continues much longer, the hearts of these fine people will be destroyed along with their hopes.

Over 20 years ago, President John F. Kennedy was so moved by what he saw in West Virginia, that he made the revitalization of the Appalachian region a priority.

And out of that commitment was born the Appalachian Regional Commission that has done so much good for West Virginia.

But what did we find the Reagan administration making as one of their top priorities upon entering office, nothing but the abolition of the Appalachian Regional Commission.

With the fine dedicated efforts of the West Virginia congressional delegation and with the understanding of this Congress and with the appropriate authorizing and appropriations committees here in the House and Senate, we have been able to save the Appalachian Regional Commission from total elimination as this administration has proposed.

We need that same type of understanding and commitment to this Nation's most current pressing ill—unemployment. Passing the blame, no; it will not put 12 million people back to work, nor will saying that all the economic indicators look good or that the American economy is beginning to sparkle. None of that is going to put these 12 million people back to work, nor will referring to statistic after statistic showing how interest rates have come down, or productivity is increasing, or other signs that the President points to, none of this will put the unemployed back to work.

A fair and energetic approach to this situation is what is needed and we have started right here tonight.

Again, in conclusion, I commend my colleagues from West Virginia, Congressman Bob Wise, Congressman Alan Mollohan, Congressman Harley Staggers, and also the gentlewoman from Ohio, Congresswoman Kaptur, for joining in taking out this special order this evening, and our many colleagues from across the Nation, who have tried to express this evening and have done so very eloquently and very effectively what the people of their districts feel in today's troubled times.

UNEMPLOYMENT

The SPEAKER pro tempore (Mr. Mollohan). Under a previous order of the House, the gentleman from West Virginia (Mr. Staggers) is recognized for 60 minutes.

Mr. STAGGERS. Mr. Speaker, I also commend my colleagues from West Virginia and Ohio for helping organize the special orders tonight, and I thank all who have participated.

I now yield to the gentleman from California (Mr. Bates).

Mr. BATES. Mr. Speaker, I want to thank the Speaker and the leadership for allowing this special order on unemployment and particularly the freshmen Congressmen from West Virginia, Congressmen Bob Wise, Alan Mollohan, Harley Staggers, Jr., and also the gentlewoman from Ohio, Congresswoman Marcy Kaptur.

I would like to take a few moments to address unemployment in California, the 44th Congressional District in San Diego.

We have been asked to report to the Congress and to the American people the state of unemployment in our districts. Unfortunately, I cannot report a rosy picture of a recession that has ended, business upturns, or long lines of unemployment growing shorter.

California's over 10-percent unemployment rate is translated into 1.2 million people looking for work. Black unemployment is twice that figure and increasing. In San Diego County alone, a haven of high technology industry, 72,000 people are looking for work and cannot find it.

It is important, I think, to reexamine just who makes up the unemployed. There is an inaccurate picture of America's unemployed as the hardcore welfare type. This is a tragically

false picture that makes solving the problem that much more difficult.

I have seen firsthand the effects upon the minority community of my district. Many of these people are the last-hired-first-fired men, women, and youth whose access to the great weath of this Nation was cut off before it began. Their rent payments, food, and medical bills are just as real as someone making $35,000 a year. The difference in their trauma of unemployment and lack of hope is concentrated in these communities and feeds upon itself.

Where is our commitment to reducing the misery of our people? Is the compassion we so often speak of, are they merely empty words? The great concentrations of unemployment in our Nation must wonder if we have a greater commitment to guns and aid for foreign nations than we do for our own people.

And there are a new kind of unemployed. We are seeing in my district of San Diego County a new kind of unemployed. The major layoffs and plant closures that have happened in California in recent months have resulted in men and women on the rolls who never before experienced unemployment. These people have had long-term, stable jobs, in effect, career. When this American worker finds himself without a job, we are forced to look to deeper causes and face far more serious consequences.

The San Diego region currently has over 9,000 people who have been laid off as a result of major plant closures. Their skills and long job experience simply serves to push those other unemployed categories further down the line.

The labor market analysts speak of these unemployed as dislocated. They have no experience at being without a job and the psychological traumas can be serious. We in this Nation have always looked at someone without a job as a person with something wrong with them. Other workers who still have jobs tend to avoid the atmosphere that surrounds the unemployed. And the isolation of these workers further damages their ability to seek and hold a job.

If this is the undeniable effect upon the stable workers in our society, what must be the long-term effects upon those further down the economic ladder.

It is crucial that we put American joblessness in this kind of perspective. The expectations of generations of Americans who look forward to a better tomorrow is breaking down. And the expectations of those who want to enter the middle class is being broken in its very formative stages. The black and brown communities of my district who have worked hard to enter the mainstream of American economic life have already suffered generations of job discrimination, high unemployment, poor public facilities, and second-rate education.

☐ 2150

Now, to have placed upon them another whole layer of jobseekers, who would get the first jobs available, is just another cruel reward for their years of patience and suffering.

Probably one of the most alarming new trends is the layoff in high technology industries and electronics. We have looked at these industries as a solution to future unemployment problems, and yet now it looks as if they are just another contributor to the overall unemployment. San Diego is a haven for such industries and should have been somewhat protected from the ravages of the recession, but that was not so. That it is not illustrates the danger of putting our hopes on new technology without first solving the fundamental problems of unemployment today.

The lessons of the recession and unemployment in my district is that many of the same people bearing the brunt of the cycles of our economic system simply serve to push them further down. Retraining and education are essential. We cannot continue to extend unemployment benefits and have workers stand by idly while those dollars are lost without job training, retraining, and even creating new jobs.

I recommend we see America's unemployment as not just a matter of massive layoffs that private businesses have deferred to Government in our major industries, but as a vast and dangerous social upheaval that is taking place from the ground up, and to solve the problem at the top does not solve the problem at all.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from California for his excellent job in articulating his insights to the solutions and problems of the unemployed.

Mr. Speaker, I yield to my colleague, the gentleman from New York (Mr. Weiss).

Mr. WEISS. Mr. Speaker, I truly appreciate the gentleman's yielding to me at this time, and I want to commend the delegation from West Virginia and the gentlewoman from Ohio (Ms. Kaptur) for having taken this evening to focus on the problem of unemployment across these United States.

I do not think there is any particular other issue that could be as meaningful to the people of this country as the concern with jobs and job prospects and the impossibility of finding them.

Mr. Speaker, no matter how much the Reagan administration extols the slight decline in unemployment as a signal of economic recovery, the fact remains that more than 11 million Americans are still unemployed, nearly 2 million more are too disheartened to even look for work anymore, and another 6 million work part time because they cannot find full-time jobs.

In New York City, the unemployment rate was 8.9 percent in May, a decline from 9.2 percent in April. Unfortunately, this dip does not signal new strength in the New York City jobs market. Rather, it was caused by a decline in the number of people seeking work, according to the Bureau of Labor Statistics. In fact, the number of city residents with jobs declined by 40,000 in May, and the size of the city's labor force decreased by 100,000.

Moreover, New York City has fallen behind the national average in the proportion of its population that is employed. Nationally, about 58 percent of the people are employed, whereas in New York City, fewer than 50 percent are.

Who are these people, and why are they dropping out of the labor force?

Some of them may be middle-aged workers who have spent decades in manufacturing jobs. Manufacturing employment in the city has declined steadily in the past couple of decades, culminating in a loss of 43,000 jobs during this recession. Among the largest losses have been jobs in textiles and the garment industry. Under pressure from imports and the recession, this entire industry is facing extinction. Most of these workers are women and minorities, whose skill and education level are too low to enable them to move easily into other areas of work.

Equally tragic is the phenomenon of youth who have dropped out of the labor market because there are no jobs for them. In New York City, as in most metropolitan areas across the country, thousands of minority youth have lost all hope of finding work. For 16- to 19-year-olds, the New York City jobless rate was 32.5 percent in the first quarter of 1983, far above the national rate of 24.6 percent. For minority youth, the unemployment level is in excess of 50 percent.

Most of these youths have few job skills and little education. The city's high school dropout rate is now a staggering 45 percent. Nearly 30 percent of New Yorkers between the ages of 18 and 24 and 40 percent of those over 24 have no high school degree.

Where will they find work? Only 17 percent of New York City jobs in 50 key occupations will accept applicants who have less than a high school education, according to BLS.

The administration's response to this tragic phenomenon has been to sharply reduce funding for education as well as youth employment and training programs at the same time the President travels the country in a sudden discovery that there is an educational problem in the country. The President's budget cuts have sliced into almost every program affecting the education and training of American youth, no matter how successful the program.

The President is perpetuating a cruel falsehood in his assertion that an expanding economy is the only real solution of youth unemployment. The economy, of course, is not expanding in the urban areas where youth unemployment constitutes one of the Nation's most serious social problems. Under the Youth Employment Demonstration Projects Act (YEDPA) of CETA, we acquired vital data on how to help young people enter the labor force. The administration's apparent belief that the Nation cannot afford youth employment and training programs reveals its inability to seriously consider the long-range implications of its actions or inaction. The truth is that we cannot afford not to establish special programs for youth. In simple terms, waiting for an expanding economy to solve youth employment problems means closing off the labor market to millions of young people. To do so would not only exacerbate the Nation's social problems but would also compound the national tragedy of untapped human potential.

Again, I want to thank the gentleman for yielding to me, and I wish to commend all of those who have been responsible for this special order this evening.

Mr. STAGGERS. Mr. Speaker, I would also like to thank my colleague, the gentleman from New York (Mr. Weiss), for being here at this late hour and sharing with us his concerns for those who are hardest hit by unemployment, especially the youth of our Nation.

Mr. Speaker, at this time I yield to our colleague, the gentleman from Pennsylvania (Mr. Kolter).

Mr. KOLTER. Mr. Speaker, I thank the gentleman from West Virginia for granting me this time to join my colleagues in a brief discussion on the greatest sin of the 1980's, that sin being unemployment.

Mr. Speaker, the American economy is like a huge ship. When times are good, there is clear sailing. When economic expansion comes to a halt, it is like a ship losing headway. The administration's solution to that problem is to start throwing people overboard. The result is to make the ship lighter and faster. But the price is millions of shattered dreams and millions of ruined hopes.

We keep hearing that recovery is on the way. The President has told us that the economy is on the mend. The Commerce Department has been reporting monthly increases in sales and production in many sectors of the economy. The news from Wall Street is all good. It seems that recovery is a certainty at least in some measure.

There are differences of opinion about the length and strength of the impending recovery. Some predict a prolonged and substantial rally, while others claim that rising interest rates and the looming Federal deficit will shorten the recovery and reduce its effect. But there is one disturbing aspect of the recovery that all the experts agree on: There will be no significant reduction in nationwide unemployment. I find this to be an accurate summary of the President's program: too little, too late.

There is no such thing as a recovery unless it is a recovery for all Americans. No one can be proud of an economic solution which denies millions of working men and women the right to share in the fruits of economic recovery. The burden of our economic problems should be shared equally by all members of our society, not laid squarely on the shoulders of our newly unemployed workers.

We need to address the problem of unemployment swiftly and directly. And, we need to reduce the effects of unemployment while we do everything we can to eliminate it. Emergency housing assistance, emergency health insurance assistance, increases in trade adjustment assistance, and unemployment compensation will help lessen the disastrous effects of unemployment. But these forms of Government assistance are only helpful. They are not what the majority of Americans want. Americans want jobs. They want to work. They want jobs, and the dignity and respect that come from earning an honest day's wages.

Billions of dollars are spent every year on mergers and acquisitions. United States Steel buys Marathon Oil. Du Pont buys Conoco. Peter buys Paul. But not one job is created by the expenditure of these billions of dollars. We in Congress must establish an industrial policy which stops this wasteful spending and funnels these billions into rebuilding our industrial base. We must catch up to the European and Japanese economies which were rebuilt after the war. Our industrial base is not the only thing that needs rebuilding. We must rebuild our deteriorating infrastructure. In 1965, we spent 4 percent of our Federal budget on public works. Today, we spend 2 percent. As a result our bridges, our highways, the municipal water systems, the prisons and jails, our ports, and our mass transit systems are rapidly becoming inadequate.

Forty billion dollars spent on MX missiles becomes a "bargaining chip"; $40 billion spent on public works becomes a lasting monument to improved efficiency and greater comfort for millions, as well as an opportunity for thousands to find meaningful employment, $40 billion is peanuts compared to the $1½ trillion that President Reagan proposes to spend on building up our defense. A trillion and a half, just to scare the Soviets. And virtually nothing to put Americans back to work or to restore our decaying public works.

There is work to be done. There are over 10 million Americans who are unemployed. There are over 10 million reasons why we should not increase defense spending quite so much. There are over 10 million reasons we should spend some of that money to rebuild America.

□ 2200

Mr. STAGGERS. Mr. Speaker, I thank my neighbor from the north, the gentleman from Pennsylvania (Mr. Kolter).

At this time I would like to say that I, too, have received many letters and comments from the unemployed in my district. However, to set the tone for this occasion, I would like to read part of a letter from an unemployed constituent, Mr. Ralph Cummings, Jr., of Masontown, W. Va. He had planned to be with us tonight, to travel down to be with us tonight. I hope this letter will help point out the despair that far too many of our people are feeling. I believe that this will show you that statistics reveal only a small part of the human injustice and misery brought on by unemployment.

Mr. Cummings writes, and I quote:

> Just put yourself in the place of the unemployed. A year ago, you were making 12 dollars an hour. One day you go to work and at the end of the shift, your crew is called into the mine foreman's office. He tells you that you are going to be laid off for thirty days. "But don't worry," he says, "as soon as we cut through rock we're in, you will be called back."
>
> At first, panic sets in. Then you start to think about how much you are going to lose in thirty days. You get in your car and drive home. On the way, you think about how you are going to compensate for the wages you're going to lose in those thirty days. You think about how you are going to tell your family that you have been laid off. You get home and sit down to dinner. You still haven't thought of a way to tell them as you sit there picking at your food.
>
> Your wife knows that something is wrong and finally asks. You tell her that you've been laid off, but don't worry, they said we would be back in thirty days. Maybe we should take our vacation early so that I can work through regular vacation to make up for what I'm going to lose this month. That sounds like a pretty good solution, so you pack up and head for the in-laws. You spend a week there and return home.
>
> You go to the mine the next day to see how things are going. "Not too good," the mine foreman says. Then he goes into his office and closes the door. You stand there wondering what you said that was wrong. Finally, you go out to your car in the parking lot. As you drive off, you notice that a few of your buddies' cars are there. Those guys are lucky—they're already back to work.

> Maybe it won't be too long before I'll get called back. A month passes and you finally get your first unemployment check. Out of this check, you have to pay the bills. A little bit of figuring tells you that there's no way you're going to make it on unemployment.
>
> Month after month goes by and you don't have a job. Every day, you go through the same routine. Get the newspaper and turn to the help-wanted section. Nothing is there unless you have some kind of degree. Sure, you could try one of those sales jobs, but you tried that before and proved to be a failure. You decided to go to this other coal mine down the road. You find a sign on the gate: "No help wanted."
>
> You come home discouraged, and try to think of something to do. You get the mail and find more bills stacking up. Later that day, Reagan comes on TV and says that all of these people laid off are now classified as displaced workers, and will probably never get called back to their former jobs.
>
> A few more months go by and you see this ad in the newspaper that says, "Learn how to drive a truck . . . start training locally; great future opportunity."
>
> You call the number and they tell you that you need some cash to go to school. You tell them you have a pretty good tax return coming and make an appointment. You go and talk to the guy and find out that there is a demand for truck drivers. He tells you that within a week after you finish school you'll be making at least $400 a week. You go to the school, and find five other men from West Virginia—all laid-off coal miners, doing the same thing you are doing. You graduate at the top of the class and come home. You go to a few trucking companies and find out that you have to have at least two years of experience to get a job.
>
> You call the school and ask for help, and they give you a list of companies to call. All of them are out of State. You don't really want to go out of State, but you call anyway. You get the same reply that the trucking company here gave you. You keep trying and trying to find a job, but nothing is there. Finally, you find a company that will hire you if you have your own truck.
>
> You go to a bank that has some repossessed trucks and explain your situation to them. They run a credit check on you. You have good credit and are given an appointment to see the bank vice president. You arrive at the bank 15 minutes early because you want to make a good impression. You sit there and wait.
>
> Finally, he arrives thirty minutes late and you go into his office. He goes over and sits at his big fancy desk and looks over your loan application. He pauses a few minutes and asks, "How much money do you have to put down on a truck?" Evidently, he didn't look at the application too closely. Common sense should tell him that if you've been laid off for a year, you don't have any money to put down. And it says in the application that you have been laid off. And besides, you don't think you would have to have something down on these trucks because they were just sitting there rusting and being vandalized. And here you are with a job waiting that would pay enough money to pay for the truck that wasn't being paid for before you came along.

□ 2210

The letter goes on, Mr. Speaker, but I believe that the point has been made.

Mr. Cummings' letter could have been written by any one of 11 million unemployed Americans. Unemployment is not just a problem—it is a national disgrace. It is time to combine conventional wisdom and new ideas to bring about a solution to an old problem.

The commitment I seek is not to outworn views, but to old values that will never wear out. Programs may sometimes become obsolete, but the idea of fairness always endures. Circumstances may change, but the work of compassion must continue.

Mr. Speaker, in 1932, Franklin Roosevelt said that Napoleon reportedly lost the battle of Waterloo because he forgot his infantry, staking too much upon the more spectacular but less substantial cavalry. The parallel made by Roosevelt to describe the Hoover administration's regard for the dire plight of millions of Americans snared in the economic trap known as the Great Depression can provide us with insight into our current economic dilemma. What Roosevelt said of the Hoover administration, as well could be said of the current administration: "It has either forgotten or it does not want to remember the infantry of our economic army."

Mr. Speaker, the Nation may well be on the mend, but "on the mend" does not provide sorely needed jobs for millions of Americans hit hardest during the recession. The recovery may well be a reality for the financial community, for the companies who have disinvested, merged or transplanted their production facilities outside of U.S. borders, but the recovery is not a reality in the coalfields of Webster County, W. Va., where unemployment is neary 30 percent; the recovery is not a reality in Fayette County, W. Va., where coalminers dominate the 22-percent unemployment number, the story is the same throughout the coalfields of West Virginia's Second Congressional District. Wherever coal is mined, you will find idled miners suffering the personal hardships that accompany long-term unemployment.

But the Second District is not only a land of coal, it is a land blessed with abundant farm lands, and here the uncertain economic fortunes have dealt the small farmer a devastating blow. He is forced by low prices to look for full-time jobs or look for work in the evenings and weekends just to hold on to a way of life that is the essence of the American spirit.

Throughout the Second District one can see the remnants of the boom, more evident of the bust . . . deteriorating coal camp communities, pitiful roads, and crime more characteristic of inner cities. The business cycles are the realm of economists, but the realities of boom and bust are borne by the people who Roosevelt termed the forgotten man at the bottom of the economic pyramid. The time is now to do something about the incessant business cycles that wreak havoc on those who least control the capital investments made in our country.

The recovery that will reportedly bring us out of the recession will not be that vigorous according to some economists and the administration, but this is good, we are told, because it will, Mr. Speaker, provide us a more stable economic footing. But the reality of the projections show that under the administration's current economic program of huge deficits there will remain some 8 million Americans unemployed in 1986. Eight million American workers will be denied the right to receive rewards from fruitful labor, will be denied the right to create a better life for their children, and they will be denied the right to provide for their own security in old age. A recovery that leaves 8 million Americans out of the work force is no recovery at all. The challenge facing us now is as great as the challenge faced and met during the dark days of the Great Depression. It was realized then that building from the top down did not work, and we must now realize that only by building from the bottom up can we hope to provide an economic order that reflects our democratic traditions . . . an economy constructed as if all Americans mattered, not just the few who squeeze the most profit out of each dollar.

Mr. Speaker, in addition, I would like to relate an incident that I was made aware of yesterday.

Three teenagers from my district, aware of the dire situation that the jobless in my district face, decided to take the matter into their own hands. It was yesterday that these three concerned individuals—Donald Green and Nancy and Rusty Grantham—pedaled down on bicycles to Washington to express their discontent with the unemployment situation.

They began their trek at noon yesterday, when they left from Martinsburg, W. Va., to bike about 100 miles to present me with a tee-shirt that I have here before me.

As we can see, Mr. Speaker, the front of the tee-shirt speaks of the pride West Virginians have in our State. It says: "Almost Heaven, West Virginia," and on the back, Mr. Speaker, it says, "Number One in Unemployment." That shows the tragedy that is happening in West Virginia today.

Mr. Speaker, I want to take this opportunity to commend those teenagers who feel so strongly about the current economic conditions in my district. Again I commend my colleagues who have taken part in these special orders tonight. I commend the gentleman from West Virginia (Mr. Wise), for helping organize the special orders, and I commend as well the gentleman from West Viriginia (Mr. Mollohan), the gentleman from West Virginia

(Mr. Rahall), and the gentlewoman from Ohio (Ms. Kaptur).

In closing, I would like to point out that the philosophy, "Live and let live," is OK philosophy, but I would submit that to "live and help live" is a better philosophy.

Mr. Speaker, I yield back the balance of my time.

UNEMPLOYMENT

The SPEAKER pro tempore (Mr. Wise). Under a previous order of the House, the gentleman from West Virginia (Mr. Mollohan) is recognized for 60 minutes.

Mr. MOLLOHAN. Mr. Speaker, I thank the Chair, and I yield to the gentleman from North Carolina (Mr. Valentine).

Mr. VALENTINE. Mr. Speaker, I want to take this opportunity to express my appreciation to those of my colleagues who have arranged for this special order on what is, without question, the greatest problem facing our country today.

The situation in the district which I have the honor of representing in the Congress—that is the Second District of North Carolina, Mr. Speaker—is, I believe, perhaps different from many places in the Union, in that we have in that district, side by side, a county with the lowest, or one of the lowest, unemployment rates in the Nation, and a county with one of the highest unemployment rates in the Nation. That, I think, is such a brutal contrast that it makes the problem that we are here discussing even worse because we see on one side of the county line the embodiment and the bloom and the fruition of the American dream, comparatively speaking, yet across the line we see the brutality of unemployment.

Unemployment is far more, I suggest, Mr. Speaker, than a set of statistics. When prolonged, it becomes a disease which affects human beings as much as cancer or any other grave illness. When no work is available, the trauma that results from loss of self-esteem can harm the individual who must act as head of a household and often destroys the very fiber that holds a family together.

In recent months joblessness in this country has reached the highest levels, as many speakers here tonight have stated, since the Great Depression, with millions of our fellow Americans out of work.

Yet high unemployment affects a lot more people than those in the unemployment lines. It hurts all of the members of a worker's family as they try to make ends meet against steadily rising prices and steadily shrinking savings. It hurts the local business people who depend on local payrolls to sell the goods and services that they have to offer. It hurts the manufacturers who rely on economic stability to make long-term decisions that in turn create jobs.

Most of all, it hurts the worker who depends on steady employment for his livelihood, his sense of self-respect, and his share of the American dream.

Two years ago President Reagan promised the creation of 13 million new jobs in this country by 1986, but his flawed economic policies have failed to create 1 additional job.

□ 2220

The fact is that 3 million more Americans are unemployed today than when this administration took office. The administration takes comfort in the fact that the civilian unemployment rate marginally dropped in May, down one-tenth of 1 percent, to a still staggering level of 10.1 percent; but, in truth, Mr. Speaker, this drop only reflects a declining labor force, not an increasing number of unemployed workers finding jobs.

For black workers, Mr. Speaker, and in the Second District of North Carolina I am happy to say that almost 40 percent of the registered Democrats are black, and among these, my brothers, the figures are much worse. Unemployment among black workers in May stood at 20.6 percent; among black teenagers, 49.4 percent; and among black male teenagers, an unbelievable 53.1 percent.

In my own district, the working people have had their share, Mr. Speaker, of this type of misery. The figure for unemployment in my district, even considering the fact that I alluded to when I first came to the well of the House that in that district among those 10 counties and 1 township is a county with one of the lowest rates in the Nation, but considering that, the average rate of unemployment in my district is 9.3 percent. Out of a total labor force of 270,000 people, more than 25,000 workers are unable to find work.

Mr. Speaker, in concluding my brief remarks, I want to say that I am one Member of Congress who is here to say and to confess that I believe it is sheer fantasy to think that the Government has sole responsibility to solve this enormous problem; but we do have, Mr. Speaker, a responsibility to create the proper atmosphere in which private enterprise can jump in with meaningful, lasting opportunities.

I urge my colleagues, those who are here, who see and hear what occurs this evening, I urge all of them, all of you, to join us who are here tonight in making employment a first priority of this legislative body.

Mr. Speaker, I again compliment the fair lady and the gentleman who have made all this possible.

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman from North Carolina who represents his district so well and who has spoken so eloquently on this subject of the special order tonight for participating in my hour of this special order. The gentleman spoke of the economic contrasts, high unemployment existing in close proximity to relative prosperity, that I think creates a certain confusion as to what approach we as a nation should take in addressing this economic quagmire in which we find ourselves.

I would suggest that while some sectors of the economy are enjoying relative prosperity today, that the Atari experience in California where we saw a high-tech industry moving out of this Nation in favor of Taiwan where it could take advantage of lower production costs, teaches us that the problems facing our Nation today are generic and will if they are not affecting today some industry, one day will affect those industries, and high interest rates and unfair foreign competition ought to be the concern of everybody, no matter what district they represent.

Mr. Speaker, I yield to my colleague, the distinguished gentleman from Pennsylvania (Mr. Ridge).

Mr. RIDGE. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I, too, want to sound very much like the echo in addressing the message that many of my colleagues have given and congratulations to you and to the rest of the West Virginia delegation and to the gentlewoman from Ohio.

I stand here not only in support of the focus of the special order, but also as a living testimony that both sides of the aisle were asked to participate and I am very pleased that that courtesy was extended to me. I am very pleased that I have been given an opportunity to share a few thoughts that I have on this extremely important, most important national problem.

As a Congressman who represents 3 cities in the top 10 in terms of metropolitan unemployment, those are Sharon, Pa., in excess of 20 percent; Erie, Pa., with almost 16 percent; and in a district that has almost 20 percent unemployment, I appreciate and am most grateful for that opportunity.

Many previous speakers, many of our colleagues have focused on particular problems that many of our constituents deal with because of their unemployment. I can focus because of personal experience from a father who worked two jobs to put two sons and a daughter through college and who left a part time job voluntarily because of corporate decisions, was involuntarily terminated from his regular full time employment after almost 30 years, and from a mother who entered the work force to assist in that particular effort to educate her family, who is also because of the decision and because of

the economy found herself in the unemployment lines.

I, too, would like to focus my remarks, not about the problems of unemployment, because they have been addressed eloquently not only through the remarks of many of our colleagues, but also from the written record and letters sent by many of our constituents.

You know, I have participated in some of the debate and, indeed, supported many of the targeted assistance programs that the Congress of the United States has deemed fit, necessary and proper and, indeed, they were to help the unemployed; the targeted jobs bill, the extension of unemployment benefits; the housing assistance, and various kinds of assistance. That is a small part of the puzzle; but I think from time to time—well, I do not think, I know—that in the long run, the long term, we do not want to deal with those anymore. We do not want to have those problems that require those kind of legislative answers. Until such time as we have relatively full employment, we are going to have to attack them and attack them we do, and I will continue to join in a bipartisan effort for well conceived legislation attacking those problems and I commend my colleagues for their efforts in that regard; but we have spent a lot of time focusing on these problems. I am not going to get into a partisan dialog blaming the administration for what it has done or what it has not done; but I would like to share a few thoughts with my colleagues, not about unemployment and unemployment statistics, but about jobs and jobs creation and how to put these people back to work. The focus of this evening is to demonstrate, and I again commend my colleagues because they have done it so well, a national concern about unemployment and putting people back to work. With your indulgence for a few minutes, I have listened to most of the debate, some people have focused on one side of the problem, that is, how can we support those people who are unemployed until we put them back on their feet and give them meaningful jobs. I would like to discuss and share a few thoughts with you about jobs, how we are going to put them back to work.

You know, I do not think, because there is a general understanding on both sides of the aisle, that we want or think that we can legislate them all back to work. If you take the 12 million people unemployed and you think you can legislate them into positions with minimum salaries of $15,000, plus benefits, you know you are going to double the deficit in 1 year and you are going to need a new allocation the next year and another allocation in the next year. Hopefully, there is just general agreement that while we may have a responsibility and an opportunity from time to time to help to put some of the people back to work through targeted economic assistance and programs, we are not going to legislate them all back to work.

□ 2230

It seems to me that we can ask them to retrain and to be reeducated and that is something that we want to help them do.

But in my view, and in my opinion, that again is just a small part of the problem because we cannot put the burden just on the unemployed men and women. Basically they are unemployed through no fault of their own, so when we are talking about jobs and we are talking about putting people back to work I am certainly hopeful that we are thinking in terms of readjusting our thinking as a country, we are thinking in terms of asking our corporate leaders to readjust their thinking and we are thinking in terms of asking our labor leaders to readjust their thinking and for our political leaders to reassess their thinking.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I would like to enter into a little discussion because I think it is a very legitimate type question to ask. I wish this was at the height of the day with the room full because I think these are serious questions that have to be asked on how do we resolve some of these problems.

I think the Japanese have moved out in the forefront and we have forfeited a great deal of our production and manufacturing and all to that country, not by accident, not by happenstance. But I think the Japanese have shown us what it means to sit down as labor leaders and as industrial leaders and government and to focus on a direction and reach a consensus on that direction on how to go.

I have submitted and am working on legislation in an area that I have been trying to perfect more or less in my rural, depressed area of southeast Oklahoma which is very similar to West Virginia and some of the other areas where there is no Fortune 500 going to move there. There is not going to be any major industries.

But I do not think that we have unleashed the ingenuity of the American people. In my area I have put together an industrial innovation center, going back to the basics, because I have chased smokestacks for all of these years, all of my adult life, and I have basically given up. I have finally said, "Hey, I don't think they are going to move there quick enough to save most of our people."

But through an industrial innovation effort, going back to the basics, realizing that everything you own, everything that you see in this room, everything that you touch, at one time was a product or a process which was an idea. We need to start developing ideas with a technology to develop not only high tech but low tech, new products and new processes, which means new businesses and new industries. New industries and new businesses mean jobs.

But every time we have looked at trying to initiate something the administration has cut back on it.

But I think it has to be a carefully parlayed partnership in order for us to move out of this situation of $200 billion deficits because we cannot get there by just more budget cuts. We cannot get there with just huge tax cuts. We have to unleash a partnership like we have never done before, but we have to go back to the basic situation of saying we have got the ingenuity, we have the mind. In fact, in my area we are teaching the first course in preentrepreneurship on the vocational technical level. Why? Because new products are not developed by MIT or the Fortune 500. They are developed by skilled workers, the housewife, the farmer, and the rancher, because they run into a crisis and crisis is the mother of invention.

That then becomes that product or process, that new product or process, and that then becomes a new business or industry. A new business or industry then means jobs.

But we are generating that in my district. We are not going to look to happenstance, because I have waited all of these years to try for someone else to do something for our area. I realized in my area, a rural, depressed, decayed area of America, that we cannot wait any longer. We are going to have to go out on our own. We are going to have to lift ourselves up by our bootstraps. We are going to have to use the ingenuity, the creativity, and we are going to have this free enterprise curriculum developed on the vocational tech level, because I am not an experienced or an intelligent person in the electronics or mechanics or many of those areas. But I want to get the best minds possible working in that area. They are the ones who are going to invent new products in electronics. They are the ones that are going to invent new things in mechanics.

But we have to go back to saying our people have got the ingenuity, they have the creativity, and they have the knowhow. They have the desire.

But we have got to offer them in that partnership a way to do it and I am convinced we can do it. But we cannot do it and say we are going to shut everything down in this country and we are going to pull everything out because that is going to cause a deeper division, a deeper split than we have ever seen before.

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I hope that sometime we can have this discussion at 3 o'clock in the afternoon so that many of our other colleagues, and hopefully some of our leaders, will listen because I do believe on the Democratic side and the Republican side we have to confront this if we are going to have the quality of life that we all approve of.

So I think there is a way, but we have to say that it cannot just occur by accident or happenstance, but we have to plan it and work toward it and stress it among all of the leaders of this country.

Mr. RIDGE. I thank the gentleman from Oklahoma for his comments and for his strong, positive statement in terms of getting back to basics and harnessing the energy of a very innovative and creative people. If the gentleman will set the time and place I will be happy to enjoy and participate in that colloquy with him on the floor.

I think you do highlight, if I might just briefly continue, Mr. Speaker, some of the concerns that I had and I just wanted to share in terms of the focus of what we are doing this evening.

We as Congress, as a legislative body, promote or discourage different kinds of conduct. We give incentives or disincentives to do or not to do something because of laws that we promote and promulgate.

It seems to me in terms of partnership as the gentleman from Oklahoma talked about, and the general thrust of what the focus of this evening involves, it is these kinds of incentives in terms of talking and convincing, and giving incentives for the corporate leaders of the world, and the planners, to look, long-term and to modernize.

There are going to have to be some significant readjustments in order to put people back to work, in order to make some of our basic industry more competitive. It may involve a different look in terms of short-term profit and loss statements and dividends.

There is going to have to be some rethinking and readjusting because in the 1950's and the 1960's when wages increased, productivity went down. That is just a general statement but there are some very definite cases that we could point out, and maybe as we are looking to turning the country around, and we are looking to putting people back to work in both labor and management, we have to take a look at creating different incentives for themselves, and make wage increases and profitsharing tied into increased productivity.

So what I am saying is that, as the gentleman just mentioned, there is plenty of opportunity because there is the challenge out there. Not only do we have to take a look and ask business and labor unions and nonunions to participate, but we as a body, Congress as an institution, has a responsibility and an obligation as well.

It is just not enough to tell the private sector and the unemployed men and women to do it and the empoyees of this country to do it. We have some responsibility.

I just hope that from time to time as we look at these incentives and what we are trying to do we look at the long-term implications of what we are trying to do.

The gentleman just mentioned we have a lot of ingenuity and we have a lot of creativity in this country and indeed we do. I was struck most by some committee hearings that we are having in the Economic Stabilization Subcommittee. The gentleman from New York, John LaFalce, a very able, capable guy, brought in witnesses and we have had all kinds of witnesses. An economist from MIT, Lester Thoreau, commented about the Hausian phase of American industry and the American society and said we enjoyed an effortless superiority, an effortless superiority, he said, because we really did not have any competition.

The industrial base of the other countries in Europe and Japan was laid waste because of World War II, so we do have to readjust our thinking because that kind of superiority is something we do not enjoy any more.

Congress will have a role in creating incentives to promote this kind of rethinking.

I think in terms of what we did just the other day, and I do not say it in terms of criticism, but as an observation, that there were some discussions and rhetoric on the floor that somehow people who earned over $35,000 should have a tax increase.

Some people thought it was necessary to have revenue enhancement. Other people thought it was necessary to promote small business.

When we are talking about the $35,000 bracket, we are talking about 2.2 million small business men. It is not as if the tooth fairy comes down every weekend and lays a paycheck at the side of their pillow. They are out there and they are investing. They are working 7 days a week, 14, 16, 18 hours a day.

We want to promote them to do that. We want to promote them, we want to encourage them to create jobs.

This body decided at this time, for whatever reason, that revenue enhancement was more important than perhaps giving an incentive to small business. I am not saying whether that is right. I am not saying whether that is wrong.

But hopefully as we look at the tax laws as incentives to do or not to do different things, we will take a look at the implications of creating jobs and the implications on the job market.

Finally, hopefully we as a body will consider, and I know it is very difficult because there are 1 out of 6 jobs in my district which depend on the international marketplace, 1 out of 6, and there are 5 billion people on the face of the Earth, and maybe by the year 2000 there will be 6 billion people on the face of the Earth.

☐ 2240

And if we structure our responses to unemployment, if we structure how we are going to try to put these people back to work and limit ourselves to a market of 235 or 240 million people, it is a short-term, not a long-term solution, and by no means will it be permanent. So, hopefully again and I implore my colleagues, as we are looking to address the problems with imports and the problems and indeed they exist with unfair competition, and that exists, and the problems with dumping, with subsidized products being sent into this country; they are problems, if we look for ways to resolve these problems, let us do what we are expecting the business community to do, or labor leaders to do, let us look long-term. If it is necessary for us to be protectionist from time to time in order to protect an industry so that it can retool and become competitive in the international marketplace, let us consider it, let us not dismiss it out of hand. But if that particular approach will only apply a band aid and will not make that industry more competitive, internationally, then let us consider the implications of that as well.

Mr. Speaker, once again, I want to thank you, our West Virginia colleagues, the gentlewoman from Ohio. I wanted to share a few thoughts with you about not only the problems our unemployed people have trying to get through in their day-to-day struggle to exist, but some of the responsibilities we have as a legislative body to come up with some meaningful, long-term, hopefully bipartisan solutions so that these people can find meaningful and productive jobs in the private sector.

I thank the Speaker very much.

Mr. MOLLOHAN. Mr. Speaker, I want to thank the gentleman from Pennsylvania for his remarks and for his observations and participating in my hour of this special order. I would like to echo and reinforce the thoughts that I heard him speak with regard to unfair foreign competition.

I think it is time, as I talked to in my remarks, for this country to recognize that there is such a thing as unfair foreign competition. And in its most obvious form, it is for subsidization, whether it is feedstock subsidization, direct-grant subsidization, predatory financing, no matter what extra advantage the foreign country has given to its producers, it is unfair because of the foreign government participation in the foreign manufacturing process

which allows them to dump, to sell products in this country at a cost less than the manufacturing price. That is exporting jobs. I certainly appreciate and echo the gentleman's comments along those lines. It is a problem deeply felt in my congressional district which is the heart of the West Virginia bituminous coalfields, which is heavily dependent upon the basic steel industry, which is heavily dependent on the chemical industry, on the glass industry, and on major manufacturing. Those are the kinds of industries, basic industries in this country, that are particularly sensitive to unfair foreign competition. They are also particularly sensitive, when you combine that problem with the national economic trend of high interest rates and the restrictive monetary policy, and I think that explains, Mr. Speaker, why, unfortunately, our State of West Virginia is suffering the highest unemployment in the Nation.

I think we have to get about those problems, and our colleague from Pennsylvania's comments are certainly pointed as they related to our State of West Virginia.

I want to thank the gentleman, my colleague, Mr. Wise from West Virginia, for organizing this tonight. It has been I think a very effective opportunity for Members of the Congress to bring this excruciating, personally felt problem home to the Congress and to reflect to those out in our districts that we are not forgetting them.

Mr. Speaker, over the past few months I have received repeated letters from a constituent—a man who has been unemployed for the better part of a year—who asks about unemployment legislation. I respond that the Government is terribly concerned about the unemployed. I mention the jobs bills; I mention the so-called phase II and phase III programs. The man continues to write to me. But his letters have become shorter and shorter, until his last correspondence was nothing more than a single question spelled out in large, block letters: "Why has the Government forgotten the unemployed?"

Mr. Speaker, I have begun to ask myself that question. Popular political wisdom now holds that the economic recovery—that elusive economic recovery, Mr. Speaker—will carry the President through a successful reelection campaign. The Nation's unemployment rate hovers around 10 percent, yet all of a sudden we are in an economic recovery. West Virginia's unemployment rate has accommodated the economic recovery by dropping from 21 percent in February to 19 percent in April, and my district is lucky, by West Virginia standards, to have only a 17-percent rate. Apparently the approximately 12 million unemployed persons in this country have been dismissed as nothing more than the one statistic that customarily lags behind other indices of economic recovery. This is why I have joined in this special order tonight: I would like to respond to my constituent, to assure him that he, and the 12 million others in his position, are not forgotten.

My constituent knows why he is unemployed. We are in a deep recession caused, largely, by high interest rates and unrealistic, ineffective international trade policies. These two factors have hit West Virginia particularly hard because the economy in my region rests on the basic industries of coal, steel, glass, chemicals, oil, and gas. Before the onset of this recession, West Virginia's industry looked forward to a bright future, with high growth projections in the utility industry; that high growth somehow turned into a marked decline. The largest consumer of raw steel is, of course, the automobile industry; my colleagues from Michigan have already mentioned the problems of automobile production. The glass and chemical industries, and basic manufacturing in my district also declined with the sagging economy. Some of the results: over 6,000 unemployed mineworkers, 2,800 workers laid off at Weirton Steel, 620 workers permanently laid off at Blaw Knox Foundry in Wheeling; 650 at the Wheeling-Pittsburgh foundry, 98 at the Cresent Glass Co. at Wellsburg, 107 at Celotex Roofing in Chester, and 455 at Anchor-Hocking Glass Co. in Chester. This is only a very partial list, Mr. Speaker; if I were to continue, I would use more than my allotted 60 minutes.

My constituent is aware of the problem. He may not particularly care about the problem's sources—high interest rates and unfair trade practices—but he is awfully interested in its solution. That the President has done nothing but aggravate these factors is another thing the constituent knows. Unemployment in the first district stood at 12.2 percent the month Ronald Reagan took the oath of office. The most recent figure was 17.3 percent in April. The President has engineered the largest deficits this country has ever seen, and my constituent knows that these deficits are the leading factor in high interest rates.

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Finally, the constituent knows that the President has dedicated his administration to pursuing, as Trade Representative William Brock phrased it, "the Holy Grail of free trade."

I would like my constituent to know that unemployment can be conquered. It will not happen by the trickle-down theory and tax gifts to the wealthy, but by a comprehensive Government restoration of the workingman's opportunity in the private sector. We need plans, as Franklin Roosevelt put it, "that build from the bottom up and not from the top down, that put their faith once more in the forgotten man at the bottom of the economic pyramid." We need short-term steps to alleviate the problem's symptoms, and we need to begin laying the foundation for more fundamental solutions, as well. As reflected by the many here tonight, our people back home are writing us and they are demanding nothing less, as evidenced by two letters from my constituents, which I would like to share.

The first is from an unemployed person who previously worked in the work force. He writes:

> Dear Congressman Mollohan: I am writing to you for help and support to get the people of West Virginia and the nation back to work. Create jobs, decrease dependency on foreign imports, such as oil, steel, and chemicals. We have the workers and technology. So, create bills to help our industries, not foreign industries.
>
> I am a proud West Virginian.
>
> Since President Reagan and his administration took office, unemployment has reached an all-time high. The President says to "stay the course", but how long is this course? When will the American workers start to recover from this "infinite" course of suffering, frustration, and extremely high unemployment?
>
> What happens when all the benefits are exhausted?
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> So, to you again, we the American working class asks: "Give us jobs. Give us back our pride!"
>
> Take care of the immediate needs of our state and nation. Uncle Sam can't carry the whole planet on his shoulders. We the American workers and voters elected you to represent us. Therefore, I respectfully and urgently request your help to getting West Virginia and the Nation back on top where we belong.

I do not think it could have been said much better, Mr. Speaker.

The second letter is from a teenager, not yet graduated from high school, from New Martinsville, W. Va., in my district. He writes:

> Dear Congressman Mollohan: I am concerned that West Virginia has the highest rate of unemployment in the United States.
>
> What is Congress doing at present to get people back to work in this state?
>
> I am still in high school, but I will be graduating in two years. Is there a chance that in the near future there will be more jobs for us? Or will I have to leave my home state in order to get a job?

Mr. Speaker, this House has already taken some necessary short-term steps, including adoption of the jobs bill. The American Conservation Corps to provide jobs for unemployed youth, like the one, whose letter just read, the Emergency Agriculture Credit Act to aid farmers facing bankruptcy or foreclosure, and the Emergency Housing Assistance Act to aid homeowners threatened with foreclosure because of unemployment or underemployment. The budget resolution adopted by both Houses of Congress last week includes further steps we must take, notably the Hawkins jobs bill.

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A final immediate step, included in the first budget resolution's reserve fund, is an extension of the Federal supplemental compensation program, which is due to expire September 30 of this year. The FSC program provides additional weeks of unemployment compensation to those persons who have exhausted their regular and extended benefits. I introduced a bill today authorizing the simple 6-month extension included in the budget resolution, and I urge my colleagues and request that they cosponsor this legislation.

Let me make it clear, Mr. Speaker, that I feel it is a shame that we have to deal with this type of legislation, this legislation that treats this unfortunate symptom. These are intermediate steps only; they do not restore the workingman's opportunity, but they do allow him to survive until we can implement the needed fundamental changes. Unemployment will not decline significantly until this country once again has a stable, productive economy and rejects its current self-destructive trade practice. I am amazed at our alleged economic recovery, not only because unemployment remains unacceptably high, but also because we continue to foster a national debt over $1 trillion. We will not recover from this recession until interest rates drop, and interest rates will not drop until we end this frightening deficit spending. The President argues that interest rates have declined since he took office. That is true, but so has inflation, thus real interest rates—taking inflation into account—have dropped only silghtly during his administration.

One of the reasons we voted for the budget last week was that it projected a deficit on "only" $169 to $179 billion. It makes me ill to say "only $169 billion," But the President's alternative of no budget resolution would mean a deficit in excess of $200 billion in the next fiscal year. The major good in this budget is that it exists at all and that it is the result of a serious bipartisan effort to curb deficit spending and restore a measure of fiscal sanity to this Government. The Democratic leadership of the House joined the Republican leadership of the Senate in this effort; the ball is now in the President's court: he can join us, or, if he chooses, he can probably destroy the budget process and any hopes of cutting deficit spending in the forseeable future. The result would be continued high interest rates that would stifle consumption at home and, by maintaining the artificially high value of the dollar on foreign exchange markets, contribute and exacerbate our current trade difficulties.

Our unemployment problems are not due solely to our domestic policies, however. The predatory foreign trade practices of other nations and this country's failure to effectively counteract those practices is having a disasterous effect on many U.S. industries, including many located in the First Congressional District of West Virginia. Steel, glass, and chemicals, major manufacturing, as I said previously, are particularly vulnerable to these practices.

The President, a self-described "unrestrained free trade advocate" seems unaware of the costs imposed by his position. A sobering example of the threat of unfair foreign competition is this country's response to Mexican subsidization of its carbon black industry. It is blatant.

Carbon black is manufactured in my district, among others across the country, by Cabot Corp., which employs over 100 people. These workers' jobs are threatened not by slack demand for the product, but by the actions of the Mexican Government and our failure to respond to those actions effectively. The Mexican Government heavily subsidizes its carbon black industry and discriminates against foreign purchasers of carbon black feedstock, the main component of carbon black. While U.S. companies must pay $25 per barrel for the feedstock, Mexican carbon black producers pay only $2 per barrel. American producers cannot long compete when they pay $23 more per barrel differential than their Mexican counterparts and competitors.

□ 2300

The Commerce Department, in a recent ruling, did not even recognize this subsidy because it is not a direct cash subsidy but a feedstock subsidy, which was sold to other industries in Mexico. Thus, the Government of Mexico is permitted to continue giving away its feedstock to Mexican producers for one-thirtieth of the world price, and American carbon black companies are not even allowed the meager countervailing duty as a remedy which they sought.

Examples of this problem dominate our foreign trade relations. We continue to grant large amounts of aid to countries that in turn subsidize their industries, and these industries, in turn, compete with American companies and threaten and take American jobs. We are exporting employment, importing unemployment, Mr. Speaker, by our trade policy.

Current foreign trade laws are an inadequate response to this problem. Months pass before a final decision is rendered after a petition is filed, months in which American companies struggle to keep alive against the inundation of foreign goods. Agency and Commission recommendations can, and typically are, rejected by the President. Meaningful relief from these practices is almost impossible to receive.

Our trade laws are indeed an anachronism in today's world. While other nations have closed their doors to our products, ours remain wide open. Other nations add sizable duties to U.S. products entering their borders, while we keep our duties low or remove them altogether on products which are in competition in regard to.

While other nations take action to protect their native industries and actually pursue the vulnerable and profitable U.S. markets, we stand idly by, unable to even pass domestic content legislation.

Our concern for America's industries has been falsely branded "protectionism" by the misinformed. Our flaccid response to the unfair foreign trade practices must be replaced by a vigorous, effective approach to a pervasive problem that endangers American business and industry across the board.

Mr. Speaker, I know all the words spoken by all of us here tonight will not give my constituents a job and will not, by themselves, do anything to alleviate the tremendous suffering endured by the millions of unemployed across this country. But they are not meaningless words, for they outline the substantive steps taken in total that we can and must begin to take.

Mr. Speaker, I appreciate the opportunity to participate in what I think is a particularly meaningful discussion of the No. 1 problem facing this country today. I commend my colleague, the gentleman from West Virginia, for organizing it, and I am pleased to have participated in sponsoring this hour with my colleague, the gentlewoman from Ohio, and my colleagues from West Virginia, Mr. RAHALL and Mr. STAGGERS.

● Mr. RODINO. Mr. Speaker, I am pleased and honored to be participating in this special order on unemployment. I wish to commend my distinguished colleague, BOB WISE, for his efforts to bring the problem of unemployment to the fore.

Unemployment in my district, the 10th Congressional District in New Jersey, is now almost the highest it has ever been. Unemployment in the country as a whole is now the highest since the Great Depression, over 10 percent, and that figure does not include discouraged workers and those who can only find part-time work. The largest city in my district, Newark, has 13.1-percent unemployment, three points above the national average. Newark's poverty level is the worst in the country, with one-third of its residents living below the poverty line.

Unemployment in the industrial Northeast/Midwest is now 11.5 percent, in large part due to the unfair penalization of the Northeast/Midwest, especially the cities, by the Federal Government. New Jersey only

gets $0.71 back for every tax dollar sent to the Federal Government—the second lowest amount in the country—while a State in the Southwest, such as New Mexico, gets back $1.74 back for every tax dollar sent to the Government.

The administration's tax policies contribute to the economic malaise of the Northeast in general and my district in particular. Our taxes are higher, because Washington's contribution to essential services is less. Industry becomes unwilling to reinvest in areas with high taxes and leaves for the West. All this is supported by our taxes—our resources going toward our decline. The President's budget, of course, only exacerbates the problem. Many of the services he cut went to the Northeast, while much of the defense budget that he increased goes to the West.

No wonder industry is unwilling to stay in the older cities of the Northeast. The President's cut in essential services increases poverty and unemployment in the cities. The tax base erodes further as the affluent leave the cities. Recently the Western Electric plant closed in Kearny, N.J., throwing 4,000 people of work. I have cosponsored a bill, The National Employment Priorities Act, which will help economically depressed areas which are suffering from plant closings and business failures.

Our No. 1 priority must be putting Americans back to work. We in the Congress must convince the President that 10-percent unemployment does not constitute a recovery, and try to make him realize that his policies have aggravated the unemployment problem. It is up to us in the Democratic Party and in the Congress to regain our commitment to full employment, to the Humphrey-Hawkins Act. We must develop effective legislation to help the problem of unemployment and the social problems caused by unemployment. The country cannot and will not recover until its people are working and its industrial base is restored.●

● Mr. UDALL. Mr. Speaker, I rise today along with many of my colleagues in an effort to draw attention to the issue of unemployment and specifically how it affects the second district of Arizona. While the national unemployment rate has dropped to 10.1 percent there are many areas of the country where the unemployment problem is even worse, including many areas in Arizona. The economy in Arizona's second district has been particularly hurt by the failing copper industry and the devaluation of the peso.

Troubles in the copper industry have brought about mass layoffs in Pima and Maricopa counties. In March 1983 Pima County had an unemployment rate of 11.4 percent and Maricopa County had 8.8 percent unemployment. Many of these people cannot be helped until the national economy improves, and the demand for copper picks up.

Towns along the United States-Mexico border in Arizona are suffering from another economic calamity, the peso devaluation. In Nogales, Ariz., and other nearby towns, the peso devaluation has caused a drastic decline in the trade industry with Mexico. Last summer I attended a task force meeting in Nogales and listened to statements made by the mayor, councilmen, local bankers, and merchants concerning the far-reaching effects of the peso devaluation. A year later, the problem has become even worse. Unemployment in Nogales has risen from 11.8 percent in February 1982, to 23.6 percent in February 1983, because of the peso devaluation. The only thing which has kept these towns alive are the few plants that have been able to survive. Yuma County, also affected by border trade, experienced an unemployment rate of 17.7 percent in March 1983.

It is apparent that recent improvements in the national unemployment rate are not reflected in all areas. While the national unemployment rate may continue to drop, this is not an indication that the entire Nation is going back to work. It will take a long time before a stable economy corrects all the damage caused in Arizona by the copper mine layoffs and the peso devaluation.

At the time of the peso devaluation I introduced an Economic Disaster Loan bill which was endorsed by Arizona merchants. And the Small Business Committee approved the bill, but more steps in this direction must be taken to aid economically depressed areas. We must work together to insure that a wide variety of measures to resolve our country's economic condition are considered. As individual representatives we must insure that the special needs of our districts are not forgotten.●

● Mr. DINGELL. Mr. Speaker, this past weekend I joined in the first Great Lakes Governor's Conference held in my home State of Michigan to discuss the very serious economic difficulties now confronting our region. It is a measure of the crisis facing the Great Lakes region and the Nation as a whole that these great industrial States are compelled now to consider joint action to relieve the suffering of their citizens and take steps to rebuild their shattered economies. The foremost concern of those attending the conference was the high rate of unemployment which currently besets our region.

Economic indicators and analysts are predicting a recovery, but unemployed workers in depressed segments of the economy, such as Michigan and, particularly, my 16th district cannot subsist on the thin nourishment provided by these rosy predictions.

In 1980 when President Reagan took office the unemployment level in Detroit stood at 13.1 percent. Today that figure has risen to over 17 percent. There are areas which have little hope for a sustained recovery in the near future and will require assistance to survive.

Like many other States, Michigan is hard pressed to continue providing basic services since long-term economic recession has reduced State revenues. States have been forced to drastically cut services causing great hardship. At the same time, the administration has continued to call for major reductions in social security and other vital domestic and human service programs.

Beyond the economic ramifications lie the deep personal tragedies experienced by the unemployed. The human cost, both mental and physical, has been tremendous. Public health officials have noted the dramatic rise in recent years of stress-related problems in these regions suffering from high unemployment. Many of the region's jobless have foregone essential medical treatment because their health insurance has expired. My own Energy and Commerce Committee has acted to provide help to these people through legislation to extend health benefits for the unemployed. This will help, but nothing will heal the scars borne by honest working men and women who, through no fault of their own, find themselves unable to find the jobs they need to provide for themselves and their families.

It is time to lay aside partisan bickering and ideological posturing and get behind a program to relieve the suffering of unemployment by providing jobs. Again, the Energy and Commerce Committee, which I chair, has taken a first step toward restoring the health of the American automobile industry which was for so long the backbone of our national economy. My committee has reported to the House H.R. 1234, the domestic content bill, which will require that significant American labor and American parts be included in cars sold in America. This will stop the hemorrhaging of American dollars and American jobs to Japan.

But more is required. We must have a national industrialization policy and a national trade policy to restore America as the economic leader of the world and revitalize our troubled economy. Never since the Great Depression did the American working man and woman need leadership as they need it today.●

● Mr. KILDEE. Mr. Speaker, I am joining this special order on the floor of the U.S. House of Representatives because of the unemployment crisis still confronting us. To say that I am pleased that the Nation has started on a modest recovery is a great understatement. It would be better to use the word "relieved," because of the suffering that has been inflicted on the people of my district by this harshest and longest recession since the 1930's. While the President boasts of the beginning of this recovery, we should not lose sight of the fact that the recovery is needed because of the recession that this President and his administration has brought upon us. The recession never had to happen. It occurred because this administration decided to fight inflation by sacrificing employment. We appear to have won a pyrrhic victory over inflation at the cost of the worst unemployment rate and the highest rate of business failures since the Depression, severe interest rates, the largest Federal deficits by far in our history, a disastrous situation in agriculture, and a diminishment of our industrial base.

To say that the economy is recovering is to talk in relative terms only. Recovery has a very long way to go in the Seventh Congressional District of Michigan where unemployment is still nearly twice the national average. In Genesee County, which makes up the bulk of my district, 33,575 jobless workers still were looking for employment in April, the last month for which statistics are available. That translates to an unemployment rate of 17.5 percent for Genesee County, and 22.8 percent in the city of Flint. Even these high rates represents an improvement from January, when the unemployment rates were 21.6 percent, 27.8 percent, respectively. And it certainly is an improvement from last year at the worst of the Reagan recession when unemployment in Flint went above 25 percent. However, such improvement has little meaning to the thousands and thousands of my constituents who are still without work or whose lives have been so disrupted by the policy of this administration.

The human suffering resulting from widespread and prolonged unemployment is not easily described, but I will say that the economic crisis brought on by this administration in my district is the worst I have seen in my adult lifetime.

I wish to commend the gentleman from West Virginia (Mr. WISE) for his efforts to focus more attention on the unemployment crisis with this special order. As the Congress acts to reduce the unemployment and to alleviate the hardships already incurred, let us be guided by President Franklin Delano Roosevelt's second inaugural address when he said: "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."●

● Mr. ROE. Mr. Speaker, I rise today to address what continues to be one of the major problems plaguing our society today: unemployment.

As we stand on this floor today, there are still more than 11 million of our fellow Americans who are out of work. That figure represents 10 percent of our work force.

When the current administration came into office, the Nation's unemployment rate stood at 7.4 percent. At that time, I considered that to be a totally unacceptable figure.

What we have seen over the past 2 years is a steady rise in unemployment to the point where it reached a record setting 12 percent.

Mr. Speaker, the national unemployment figures are shocking enough. But we all know only too well the devastating effect that unemployment has had on our home congressional districts. And that is especially true for those of us like myself who come from the older industrial areas of the East and Midwest.

In my own congressional district, the city of Paterson is reeling from a 16-percent unemployment rate. The figure among minority youths in that city has topped 20 percent in recent months.

Mr. Speaker, we are truly deluding ourselves if we believe that the current record sessions on Wall Street are a true indicator of how well the majority of people in this Nation are doing economically.

We in Congress have a mandate to do something for those 11 million unemployed. Through proper investments in rebuilding the crumbling infrastructure of our Nation, we can create long-lasting viable job opportunities for those unfortunate individuals who have a true desire to earn an honest day's pay.

Mr. Speaker, our States are running out of money to pay their unemployed. My own State of New Jersey currently owes millions of dollars in borrowed Federal unemployment benefits for its citizens.

Unless the unemployment situation is corrected, our Nation will never be able to sustain full economic recovery. The fact of the matter is for every 1 percent jump in the unemployment rate, the Federal deficit rises by $25 billion because of lost taxes and additional unemployment benefits.

I would like to extend a thank you to my colleagues for holding this special order today. It will send a message to the American people, especially those facing frustration in their job seeking efforts, that they have not been forgotten.●

● Mr. DE LA GARZA. Mr. Speaker, the 15th Congressional District of Texas, which I am honored to represent in the House, spreads from the Mexican border to the outskirts of San Antonio. While there are 15 counties in the district, close to half the population is in the 3 counties along the Rio Grande, bordering on Mexico.

Last night on the CBS news, Starr County was referred to as the poorest county in the Nation. During 1982 the average unemployment rate was 33.5 percent. So far in 1983, the unemployment rate has been close to 50 percent. This year, one out of every two people desiring gainful employment have not been able to find work.

The other two counties along the border have not fared much better. Hidalgo County, the largest in my district suffered a 15 percent unemployment rate in 1982, and is averaging close to 20 percent unemployment this year. Zapata County, also on the border, experienced 13.4 percent unemployment in 1982 and is averaging 17 percent unemployment this year.

Although the U.S. recession has certainly had a strong impact on the border economy, the greatest blow has come from the fall of the Mexican economy. Many of the border businesses depend on buyers from Mexico. The Mexican financial crisis has hurt sales so badly that many stores have been forced to close their doors, increasing the unemployment problem.

As one travels north from the border the situation appears to improve, but only because many of the counties are sparsely populated. The larger counties in the northern part of the district suffer unemployment rates above the national average.

While many can look forward to better times as the economy improves, I am afraid it will take a long time for the recovery to reach the people in my district, unless there is a rapid improvement in the Mexican economy. Though the problems of the border region may seem far away to those who represent the "industrial heartland," there is reason for concern. The stores on the border which are permanently closed will no longer serve as an export outlet for the manufactured goods of the rest of the country, thereby limiting the future sales of U.S.-made goods to Mexico and further slowing our economic recovery.

A somewhat ironic situation is presently developing along this part of the border with respect to the Job Training Partnership Act which goes into effect this year. Under the act, appropriated funds can only be used for job training; there is no allowance for public service jobs. While the President's desire to use Federal funds for industrial job training rather than what he considers make work jobs makes excellent press copy, it does not work so well in reality.

With their high unemployment rates the border areas in my district are certainly eligible for job training funds, but as there is little industry there, the President's dreams will be hard to fulfill. Contrary to the President's stated belief, the help wanted sections of my district newspapers are not filled with jobs for skilled workers. There are few jobs available, skilled or unskilled.●

● Mr. MITCHELL. Mr. Speaker. In the "Economic Report of the President," which was transmitted to the Congress in February 1983, President Reagan stated—

> The unemployment that many of our citizens are experiencing is a consequence of the disinflation. * * * In spite of the present high unemployment rate and the accompanying hardships, it is essential that we maintain the gains against inflation that we have recently achieved at substantial cost.

In other words, the President will continue to pursue his draconian economic program, which has already generated the largest unemployment rates since the Great Depression.

The prevailing philosophy among most of our chief policymakers is to continue in the tradeoff: keep unemployment high in order to fight inflation. President Reagan believes that oppressive interest rates will extirpate inflation and will lead the way to a sustained economic recovery. Indeed, the administration has referred to the recent increase in housing starts as evidence that an economic recovery has occurred.

The Nation's current 10-percent unemployment rate, however, indicates that the President's ill-founded economic policy continues to nourish the recession. Like many of the country's urban areas, Baltimore City's unemployment rate is higher than the national average. In Baltimore City, the unemployment rate is about 11 percent. However, Baltimore's unemployment problem is more severe for youths, minorities, and minority youths in particular. Unemployment rates in these categories are 24 percent, 17.9 percent, and 44.7 percent respectively.

The incredulous failure rate among small businesses is further testimony to the egregious impact of the President's economic program. In Baltimore City alone, more than 7,000 small businesses failed in 1982. For each small business failure, three to eight people are thrown into unemployment

To combat the current unemployment rate that threatens my district, and the district of my colleagues, Representative BARBARA MIKULSKI and I introduced H.R. 2653, the Public Works Employment Act. This bill allocates $7 billion to generate employment opportunities through the implementation of infrastructural development projects.

President Reagan has stated that he is opposed to public works programs. He believes that such programs will only shift unemployment from one industry to another at the cost of increasing the Federal budget deficit.

I strongly urge my colleagues to reject President Reagan's inherently flawed economic program—a program that attempts to improve the health of the economy by reducing the employment opportunities for the people of this Nation. The passage of a public works bill should be one of the critical components in an overall comprehensive approach to the problems of unemployment. Such an approach will reduce the above average unemployment rate, which the President's policies have generated in my district and others.●

● Mr. CLARKE. Mr. Speaker, the most pressing problem faced by our Nation today is unemployment. Over 11 million people were out of work in May. In some government and business publications, the decline in unemployment, compared to December's 10.6 percent level, is being heralded as a harbinger of recovery. Granted, there are fewer people in the unemployment lines than in December, but that should not blind us to the fact that unemployment is still at a higher level than it was 1 year ago.

My constituents in western North Carolina have little to cheer about. The unemployment rate in the 16 counties which I represent is 11.8 percent.

People suffer when they are out of work, and communities suffer. Marital difficulties, alcoholism, health problems resulting from tension and anxiety, and child abuse all increase in times of high unemployment. Discouraged workers lose their self-esteem.

What is behind these continuing high unemployment figures? The key is continued high interest rates. High interest rates discourage the long-term investments that the industrial community so urgently needs to refurbish and expand its facilities. As interest rates rise, companies are unwilling to seek and borrow the capital they need to modernize. Individuals can not afford to build homes and buy automobiles.

High Federal deficits place constant pressure on the credit markets. Federal borrowing absorbs much of the capital needed to finance retooling and modernization of America's industrial plants.

The human cost, of course, is unemployment.

I have cosponsored several measures to help the unemployed of my district and the country, H.R. 10 is one of these. Title I of this bill establishes a successor agency to the Economic Development Administration which will provide grants for public capital facilities, small business loans, and technical assistance planning. These grants will be available to States, economic development districts, units of local government, and Indian tribes.

H.R. 10, which amends the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, will help communities in especially distressed areas. It also provides funding for the Appalachian Highway System.

H.R. 999 establishes the American Conservation Corps. This program is much like the CCC of the 1930's. It will provide employment at the minimum wage for young men from 18 to 26 in national forests, national parks, recreation areas, and other public facilities.

H.R. 2544 establishes an emergency public works program primarily aimed at restoring the deteriorating infrastructure of our cities and States—roads, bridges, and so forth.

We must continue to explore these and all other avenues which will provide additional employment for our people.●

● Mr. SIKORSKI. Mr. Speaker, 11 million people unemployed; 10.2 percent of the work force without jobs; 1.6 million people unemployed more than 1 year. In Minnesota, labor force and employment levels are still below year-ago levels. In the nine-county Twin City metropolitan area, more than 11,000 people are unemployed this year than the same time last year.

Plants have shut down in Minnesota. Factories such a the Ashland Oil Co. and Tonka Toys in my own district may be closing their doors thanks to the administration's economic policies. Large corporations, with high-tech industries, thought they were immune to Reaganomics. Well, Honeywell, Control Data, and 3M have laid people off. No one is immune. These are not just numbers. These figures represent the lives of real people who are suffering due to Reagonomics.

President Reagan once said that unemployment insurance "provides prepaid vacations for a segment of our society which has made it a way of life." A way life. All I can say is that it is time to show Mr. Reagan a new way of life before more Americans are given the "luxury" of an enforced vacation from providing their families with the necessities of life.●

● Mr. ERDREICH. Mr. Speaker, the State of Alabama, once known as "the Industrial Center of the South," has suffered disproportionately greater hardship as a result of the recessionary period through which we all have struggled.

The State's economy, which is heavily reliant upon the manufacturing industry, has been beset by steel mill closings, layoffs at automobile plants, and declining demand for coal, oil, and natural gas.

Alabama has one of this country's highest jobless rates; only West Virginia and Michigan have more people who are without a substantive means of feeding, clothing, and housing their families.

Yet, it is true that we are seeing beginning signs of recovery from the recession * * * that the unemployment rate is, indeed, coming down.

In Jefferson County, Ala., my home district, unemployment has fallen consecutively for the past 4 months, from a record high of 16½ percent in January of this year to 12½ percent in May. Manufacturing employment has stabilized in Jefferson County * * * another welcome sign. But one need only look beyond surface indicators to find that these positive signs need to blossom much more to be of benefit to thousands of residents of the Sixth District of Alabama.

While manufacturing employment has stabilized, few of the workers who were laid off are being called back to the job. Thousands who have virtually spent all of their adult lives in the steel mills and coal mines in and around Jefferson County now find themselves with a skill that today is providing no regular employment.

According to the Alabama State Office of Employment, almost 15,000 people in Jefferson County were without jobs in 1982 for 15 weeks or longer. * * * and special problems encountered by the long-term unemployed somehow falls between the cracks of statistics and pronouncements of economic recovery.

During hearings held in Birmingham in March on hunger and malnutrition, I heard firsthand how depressed economics and limited employment had perpetuated widespread poverty and caused many families to give up any hope for a better future.

A representative of the Alabama Department of Pensions and Security testified during those hearings that 280,000 people in Alabama were without jobs. He noted that while one out of every five Alabamians lived below the poverty level at the time of the 1980 census, the economic times had certainly caused many more people to join the ranks of the needy and the jobless.

Reports that the economy is on the upswing have little meaning to those who have seen their period of unemployment go from weeks to months, and sometimes, even to years.

We in the Congress must not relax our efforts to see that these people have the opportunity to return to the mainstream of American life. Hope may be on the horizon, but let us in Congress enhance that hope through prudent action aimed toward relieving the short-term plight of these thousands of hard-working Americans, and more importantly, toward restoring this Nation's economy to the point where all persons wanting to work will have that opportunity.

● Mr. HERTEL of Michigan. Mr. Speaker, the pain and frustration of unemployment has affected more people in Michigan's 14th District for a longer period than almost any where else in the country. The stress affects not only those who lose their jobs, but people who fear the loss of employment and income.

Michigan has been in a depression for 3 years. We had double-digit unemployment long before the rest of the country even worried about reaching 9 percent. The long-term unemployed—those who have been jobless for more than 15 weeks—now comprise over two-fifths of all jobless workers.

The district I represent covers portions of three counties: Wayne, Macomb, and Oakland—the most densely populated area in the State. The latest unemployment figures show that over 100,000 people are out of work in Detroit—an unemployment rate of 21.2 percent, double the national average. In Macomb County 19.3 percent of the work force is without jobs. In the city of Warren, the third largest city in the State, one out of every five persons is out of work. And in Sterling Heights over 16 percent of the people are without jobs.

Last year, President Reagan acknowledge to then-Gov. William Milliken that Michigan was in the midst of a depression. At the time, the State unemployment rate was double the national average. More than 700,000 people were out of work and the State budget had been cut by over 20 percent. With the President's acknowledgement of our State's tragic unemployment problem, the Michigan congressional delegation—every Democratic and Republican Member signed a letter to President Reagan requesting a meeting to discuss the causes and possible solutions to Michigan's particular economic problems. The President could not find time in his schedule to talk about this problem.

During the 1980 campaign Reagan said he would put the people back to work. But unemployment has increased from 7 percent to over 10 percent in the last 2 years. And real unemployment is much worse than the official statistics show because the official rate does not include those who are forced to work part time or those who have given up entirely in their desperate and useless search for work.

The President's plan for economic recovery has further assaulted the unemployed worker. The disastrous job-destroying budget, tax and high interest policies of the Reagan administration are pushing vast numbers of American workers and their families lower down the economic ladder. The current recession has put people out of work who have never been out of work before in their lives. They are people who want to work. Yet, the Reagan administration is stripping them of the little dignity they have left.

Our Nation's factories, mines, and utilities are operating at less than 70 percent of capacity—a tragic waste of human and material resources, and a testimonial to the failure of President Reagan's supply-side economics. The economic cost to the Nation of this terrible waste of human resource and industrial capacity approaches $100 billion in lost production for every 1 percent of unemployment.

Last year, over one quarter of the work force—about 30 million workers—suffered some unemployment, and another quarter of the work force felt the impact of the recession through cuts in hours and earnings.

The lowest paid workers have been forced to live at a frightening level of poverty. They are being joined increasingly by workers with valuable, hard won skills who previously had a respected place in the community. For all groups, the damage is magnified by the deep budget cuts in social programs at the exact moment that the recession makes them so needed. These are the very programs workers have paid for all their lives.

The social cost of a recession is illustrated in an increase in heart attacks, alcohol abuse, suicides, divorce, child abuse, mental illness, and crime. Child abuse is three times greater in families where the breadwinner is unemployed and joblessness is the single most important factor whether abuse occurs.

Families affected by plant closings experience more childhood illnesses and less plentiful food, clothing, and medical care than those in "working" families. Children thrive on routine and continuity; changes present a great stress risk to them. In fact, the situation was so dire in Hamtramck, a Polish community in my distict, that the economically depressed Poland sent them CARE packages at Christmas time.

If the high rate of employment that exists in Japan were duplicated in the United States it would generate $400 billion, which in turn would yield $125 billion in Federal revenue.

Exposure to unemployment is so widespread that if it were an infectious disease like polio or measles, our Nation would vigorously pursue policies against it.

We should be debating how to go forward, to build a prosperous nation not how to allocate pain.●

● Mr. OTTINGER. Mr. Speaker, I commend the gentleman from West Virginia for calling this timely special order on unemployment. I believe it is important, at a time when we are discussing the enormous amounts of money involved in such issues as the budget, tax cap and our swollen deficits, that we take the time to remember the millions who are out of work. We need to regain our sense of reality and consider these people, who are the tragic evidence of the failure of President Reagan's economic program. All of the President's claims about economic recovery eventually come face to face with the misery his policies have inflicted on the jobless.

The district I represent, Westchester County, N.Y., does not depend on any single industry for its employment, as the most economically devastated areas of the country do. Many of my constituents commute to New York City, others run small businesses or work in the county. They need not depend on a particular industry such as coal or steel for employment. But Westchester has not been spared by the recession, or by the alarming decline in industry. The residents of such cities as Yonkers, Port Chester, New Rochelle, Mount Vernon, and Tarrytown remain dependent on industry. Many of them have already lost jobs to plant closings, while others anticipate the closing of their factories in the coming months. The impact of losing one's job security is devastating both economically and psychologically.

One of the major employers in my district is a General Motors plant in North Tarrytown. At its peak the plant employed 4,700 workers, but in September of 1982 the company eliminated the second shift, cutting the work force nearly in half to 2,600 workers. The plant is a major employer in both North Tarrytown and surrounding towns. The total annual payroll of the plant is $124 million. The company spends close to $82 million in the New York metropolitan area on parts, equipment, supplies and services. The overall employment impact of the Tarrytown operation totals 7,800 to 8,000 jobs. If the plant were to close the town could lose as much as half of their $4 million in revenues.

General Motors officials say the Tarrytown plant is no longer competitive with the company's other plants. They argue that the taxes and utility bills are far too high. They point out that it is the only GM assembly which cannot directly ship cars by rail but must instead truck them out. The plant's access to local highways is limited to a single route which the company insists must be expanded. Last, in order to comply with clean air requirements, the plant must spend $180 million to refurbish its paint shop.

Solving these problems requires investment; an estimated $270 million will be needed to renovate the paint shop, expand the plant as well as increase railway and highway access to the facility. Much of that will have to come from public financing. I, along with my colleagues Hamilton Fish and Benjamin Gilman, have been working with local and State officials, GM representatives and the Power Authority of the State of New York (PASNY) to find ways to meet the investment needs of the plant.

While we are exploring possible funding, we do so with some trepidation, beause we have been this way before. A decade ago Westchester County dealt with a problem similar to what we face today with the Tarrytown plant. In 1972, Otis Elevator Co. in Yonkers, with the assistance of $14 million in public funds, refurbished and expanded its plant to remain competitive with other elevator plants in the country. At the dedication of the new buildings, Otis officials announced that by 1980 the plant would increase employment from 1,400 to 1,900. By December 1982, after a series of layoffs and rumors that the plant would close, the new owner of the elevator company, United Technologies, announced that the plant would be shut down since it was no longer "economical" to operate. The city of Yonkers has filed suit against the company in an effort to recoup some of the funds the city lost in its efforts to save the Otis plant. Angelo Martinelli, the city's mayor, argues that Otis, in accepting the public funds, is obligated to remain in Yonkers; United Technologies claims it has no such obligations.

I believe it is vital that we in Westchester County do everything within our power to keep the GM plant in the region. I have sat through negotiations with local and GM officials, where we have explored solutions to save the plant. I sit on a finance committee, which has been searching for funds for the necessary investments. The State has all but committed $10 million to help raise bridges so the assembled cars can be shipped from the plant by rail rather than trucks.

But, I find I hesitate with the lesson of Otis hanging over our heads. I worry we could find ourselves in the same position with General Motors. And General Motors as yet has been able to do little to reassure us. Management in Detroit has neither expressed a commitment to the plant if renovated, nor encouraged our efforts to see if renovation is feasible. That lack of commitment serves no one's interests. It impedes our efforts to find investment funds. And as a local newspaper reported: "At GM where a shift produces 480 cars each 8-hour workday the impending layoffs and rumors—of closing—have dealt a severe blow to worker morale."

Many companies large and small are folding or losing large amounts of money due to both the recession and the increased international competitiveness of foreign products. Companies throughout the country are reacting by closing their less competitive plants. They decry the cost of renovating; I believe the alternative is more costly. The jobs sacrificed and the revenues lost can only hurt America in the long run. To retain our competitiveness we must refurbish as many of our plants as possible, not close them.

General Motors is a prime example of a company which must make the investment necessary to compete with imports. Its North Tarrytown plant requires investment to remain operating and they need financial commitment from State and local officials. We are prepared to make such a commitment, but no State, no region can risk that a company will take the money and run.

It is becoming apparent, as stiffening foreign competition threatens American economic stability, that government cannot stand by idly while American jobs disappear. It is in the public interest that government aid productivity improvements by business through both direct investment and improvements in public services and infrastructure. But such assistance cannot come without a mechanism to insure that public funds are not spent for naught.

If a community is willing to invest in the renovation of a facility in order to preserve jobs, the company must make a commitment to keep the plant open for a specified amount of time. These guidelines are absolutely necessary in assuring both parties involved that their investments will prove profitable. When a company concludes that no investment will make a facilty economical, and that the plant must be closed, a community needs sufficient time to prepare. Whether a community can find an alternative use for a plant, or merely needs time to find employment for those displaced, it cannot afford the huge cost of sudden and unexpected social and economic changes.

Some might argue that such mechanisms are too cumbersome, that they would impede the efficient operation of our companies. Some might argue that the cost of the such proposals is too high. The price we have paid without such protections is higher still. The waste of human potential and industrial capacity is enormous. Past experience dictates the need for a system where the local officials do whatever possible to insure that a plant remains in their community.

There needs to be more respect and more consideration of the worker, who will suffer the greatest when a plant is closed. While companies continually argue that it is economically more viable to close a plant than keep it in operation, I find the opposite to be true. The only way we can insure that America remains a healthy and strong environment, is to keep our workers employed and to continue producing internationally competitive goods. Closing plants is not the answer. Cooperation between corporate and public officials is.●

● Mr. OWENS. Mr. Speaker, unemployment is a plague that has descended upon us. It did not come from supernatural wrath or a sudden quirk of

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nature. It has come as the direct result of economic and social policies which ignore the strengths and needs of our people. There is nothing inevitable about massive unemployment.

As the representative of an urban constituency, I cannot ignore this disaster which has been visited upon us by the policies of the current administration. New York City is currently enduring an unemployment rate of 8.9 percent. The 12th Congressional District in Brooklyn, with a large minority population, suffers from an unemployment rate of 10.3 percent which is distributed unevenly throughout the population. The white adult unemployment rate is unacceptably high; however, the adult black and Hispanic rates, at 14 and 15.4 percent, respectively, are well beyond unacceptable. The black youth unemployment rate is more than 50 percent. These disastrous figures indicate a criminal neglect of people who could and would contribute to the society if they were but given the chance.

The reality of unemployment must be changed. Such a change will not happen unless we have a conscious Federal policy which establishes job creation as a high priority. The time has come for Congress to recognize the magnitude of disaster and to take active steps to change the situation. Government alone can have an impact on the present structural unemployment. Economic policies must be altered to reduce unemployment. The administration's unprecedented combination of monetary contraction coupled with fiscal expansion is a disaster that had deepened and extended a condition which might well have occurred anyway. This cynical neglect of employment generating economic policies must end. Even as other economic indicators show positive changes, the need for emergency employment programs remains critical. It is time to stop talking about the virtue of hard work and start passing legislation which provides jobs for the unemployed who stand ready, willing, and able to work. Society owes every adult human being the opportunity to earn an income which guarantees a dignified survival. It is the duty of the executive branch and Congress to create job opportunities for all who want to work.●

● Mr. HAWKINS. Mr. Speaker, I commend my freshman colleagues for calling this Special Order on Unemployment, the most pressing issue facing this Congress and this Nation. Many of us, including our new colleagues, ran and were elected on the basis of jobs. We told our constituents that it was time to stop the immoral, illegal, and dangerous economic policies of this administration and instead embark on a policy of economic and employment growth. We were right on election day 1982 and we are right today. We must move to attack this pernicious threat to our economy, our society, and our citizenry.

The administration's policy of deliberately creating massive unemployment is costly, dehumanizing, and dangerous. Every point of additional unemployment costs our Nation billions in lost production and billions in lost tax revenues while adding to the deficit. Indeed, the deficits the President criticizes are largely due to the unwarranted 1981 tax giveaways and the Reagan recession. The administration must bear the responsibility for this run of red ink.

Every point of additional unemployment results in dramatic increases in alcoholism, child abuse, stress problems, domestic violence, suicide, homicide, physical, and psychological maladies. The administration must accept the moral and political responsibility for this attack on the health of American citizens.

Every point of additional unemployment brings us closer to the day when the millions of frustrated unemployed Americans may strike out blindly against the society which is pressing them down. To be without a job in America is to be considered less of a person. The uncaring economic policies practiced by the administration are eroding the patience and the pride of millions of innocent Americans.

The current massive levels of unemployment are a direct result of the administration's fiscal and monetary policies. This administration deliberately created the most severe post-war recession in order to fight inflation. Yes, the inflationary dragon has been temporarily put at bay, but only through the sledgehammer approach which has slashed production, revenues, and employment. Inflation has been broken across the backs of the millions of innocent workers who have been thrown out of their jobs. Is it fair to punish these millions, disproportionately minority and lower income, in order for the wealthy to prosper? Is it good economics to reduce the purchasing power of millions of would be consumers by eliminating their jobs? Is it good for business to push up bankruptcy rates to all time highs? You and I know that the answers to these questions is a resounding no.

The human and economic carnage created by this administration's vendetta against America is clear to all. The rate of total unemployment has climbed to highs not seen since the darkest days of the Depression. Minority unemployment remains at absolutely staggering levels. The number of people out of work has risen to record levels as has the average length of unemployment. By any measure, the unemployment crisis we face is the most severe we have confronted in 40 years.

What response have we seen from the administration which has caused this disaster? The President wonders whether the plight of an unemployed worker in North Succotash should be worthy of news coverage. Mr. President, the unemployment crisis which you have created, which directly affected some 25 percent of the Nation's workers last year, is indeed worthy of coverage each and every night. Further, this crisis is worthy of our attention and consideration.

The hungry who line up for pitiful handouts of cheese are worthy of our attention. The sick who have lost their health insurance are worthy of our attention. The unemployed homeowner who can no longer afford his or her mortgage is worthy of our attention. The older worker whose skills are no longer adequate in a changing economy is worthy of our attention. The inner-city teenager who sees no future after school is worthy of our attention. Yes, Mr. President, these people are worthy of news coverage and of our consideration and attention. We represent these people. We must act now to address their needs.

There are three major steps we can take now to respond to this crisis. It is our responsibility to take action for we know that the administration will not respond to the Nation's needs. First, we must immediately enact legislation which will addess the dangerous side effects caused by massive unemployment. By this I mean nutrition, health, mortgage, training, and education assistance among other areas which will address some of the hardships caused by unwarranted unemployment. The House has begun to move on some of these matters but the needs are so great that speedy and substantial assistance is necessary.

Second, we must adopt macroeconomic fiscal and monetary policies which will promote stable, job producing economic growth. This means abandoning the administration endorsed tight money policy. This means a rational fiscal policy which assays fair taxes to pay for needed public outlays. Adopting proper macroeconomic strategies would allow a balanced and vigorous economic expansion. This is absolutely crucial, for only in a growing economy can we insure adequate supply of goods and services, employment for our workers and revenues to balance the budget.

Even with appropriate long-term economic policies, we will still be faced with the pressing matter of millions of people who need and desire employment now. Coupled with the tremendous service, repair, and rehabilitation needs our Nation faces, we have an ideal opportunity to remedy two severe problems at the same time. I have introduced legislation, H.R. 1036, the Community Renewal Employment

Act, which provides up to a million jobs for those who need them now providing necessary community repair and service work. The Education and Labor Committee has seen the virtues of this bill and has reported it out favorably. I urge my colleages to study and support this legislation.

Direct job creation is the most cost effective, timely and efficient means of stimulating employment during a recessionary period. The jobs created under this program will be targeted to the individuals and areas in greatest need and will be directed to provide crucially needed improvements in education and other essential community facilities and services critical to the public welfare. The need for such work is clear. The number of willing and able workers is overwhelming. H.R. 1036 meshes community and employment needs in an effective and efficient manner.

I urge my colleagues to respond now to the continuing employment crisis. Our Nation has created no new net jobs since the beginning of the Reagan administration. We need direct job creation now, coupled with remedial measures and proper long-term economic policies. This bottom up approach to economic growth will ease inflation, boost employment, and cut the deficit. Putting people back to work is the sanest way to economic recovery. The administration's deliberate misuse of unemployment as a means of fighting inflation borders on an unlawful abuse of public trust and accountability. It is up to responsible Members of Congress to act now in the national interest.●

● Mrs. COLLINS. Mr. Speaker, I would like to take the opportunity to thank my good friend Congressman Bob Wise and all my other colleagues who have risen to speak out against the gravest problems facing our Nation today—unemployment.

This year, the national unemployment rate has shot up to a level higher than any since the Great Depression. More than 10 percent of the American work force is unemployed. For minorities and the young, the rate is many times higher: 48 percent of the black teenagers who want to work cannot find a job.

In my own district, the problem of unemployment is particularly acute. Chicago is a great city, but it is an old city. Many of our industries must dismiss good workers simply in order to remain solvent in an increasingly competitive marketplace. Unfortunately, the workers often have no place to go: They have been trained to perform a task which is no longer needed.

Earlier this month I held a "Third Wave" forum in Chicago to discuss the future of the American economy. According to Alvin Toffler and other futurists, the United States is changing from an industrialized society to a high-technology, service-oriented new economy. While this shift may be both inevitable and desirable, I am concerned about its effects on the blue-collar and clerical workers who are displaced. We must retrain these workers to make sure they can survive in this new economy.

The Reagan administration, however, does not seem to care about these displaced workers. The President's policies have directly contributed to the worst recession since World War II. The unemployment rate in Chicago has risen 3 percentage points, to 10.8 percent, since President Reagan took office in 1981, only 2½ years ago.

The introduction of cheaper, subsidized foreign imports, especially in the auto and steel industries, has further damaged the economy in Chicago and the Nation. How can the American worker hope to keep his job if foreign corporations continue to undersell American companies?

These problems in the American economy have a trickling-down effect which hurts everyone involved. As the automobile manufacturers face decreased demand, they have less need for auto parts and steel from support industries, leading to increased unemployment throughout the economy. We in Congress have the power to offer these ailing industries Federal aid to break these vicious circles. We must work together to nurse these industries back to health, so that they in turn can give our citizens jobs again.

Administration officials tell us that we are already in the midst of a recovery, but even the most optimistic economists predict that the unemployment rate will remain above 10 percent for the rest of this year. For the men and women who still cannot find work, despite the supposed health of the economy, the recovery is a myth.

President Reagan gives tax cuts to the rich, but the poor only receive budget cuts. Social programs to help our Nation's unemployed and indigent have been eviscerated in the last 2 years. Despite record-high unemployment, the administration has proposed only $3.6 billion for employment programs and job training in fiscal year 1984, down 18 percent from fiscal year 1983, and an incredible 59 percent reduction from the $8.8 billion appropriated in fiscal year 1980.

If the unemployment rate is almost 50 percent higher under this President than under the last, then why does Reagan want to reduce funds for job training by more than 50 percent? Our President cannot hear the voices of the unemployed. Unlike big businesses and special interest groups, our Nation's jobless do not have a corps of lobbyists who speak up for their interests.

My colleagues, we in Congress are speaking out today. With this Special Order, we will give the jobless a voice, and we will shout so loudly that even the President will have to listen.

Reducing unemployment must be our Nation's top priority. Despite this so-called recovery, the jobless are not recovering. We can change that. By appropriating sufficient funds for job training, public works, and education, we can alleviate the current crisis. Congress must take the initiative now. We have seen what President Reagan has done for the unemployed. Now let's show him what we can do.●

● Mr. GRAY. Mr. Speaker, I appreciate having the opportunity to join my colleagues, this evening, to discuss what I feel is the No. 1 problem facing this country today—unemployment.

Today's widespread unemployment is a deliberate result of this administration's economic policy, and the price for that policy—nearly 20 million Americans in human terms—is too high to pay.

We can ill afford to allow this current crisis to continue unaddressed. It is time to put the jobs and lives of Americans first and foremost in all of our economic and fiscal policy decisions.

When this administration first took office, unemployment stood at 7.4 percent and was falling. Today, unemployment nationwide stands at 10.2 percent.

While nearly 11 million Americans are officially listed as unemployed, that figure only represents the tip of the iceberg.

Between 2 and 3 million unemployed Americans have become so discouraged by their failure to find work that they no longer appear on the official unemployment statistics.

Another 2 million American workers are forced to work part-time because they cannot find full-time work.

And 4 million other part-time workers say they need to work longer hours just to maintain themselves, but cannot because there is nothing available.

And in the Second Congressional District of Pennsylvania, which I represent, the unemployment picture is just as bleak. While overall unemployment in the city of Philadelphia officially stands at 10.4 percent, unemployment in my district stands at nearly 25 percent—or one out of every four adults.

Teenage unemployment is well over 60 percent and because of Federal budget cuts, there will be fewer summer jobs for our youth.

Unfortunately, this statistic does not reveal another stark reality of our local unemployment problem. Of the nearly 80,000 plus unemployed citizens of Philadelphia, nearly half are minority, the majority of whom live in my district.

Now there have been some who point to recent upturns in the econo-

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my as an indication that things are getting better. They say "we are on the road to recovery".

Well, in Philadelphia, it just is not so.

Greater Philadelphia was once one of the largest and most productive manufacturing and textile centers in the country. Today, however, the situation is quite different, as the city is now staggering under the impact of decades of substantial erosion in a once thriving manufacturing and textile base. In fact, Philadelphia has lost over 125,000 jobs in the last decade.

Real job growth and opportunities in recent years, both nationally and in Philadelphia, have tended to come from new technologies, services, and consumer product industries.

On the other hand, the manufacturing sector of our local economy has experienced a considerable decline.

For example, Philadelphia has experienced a decline of 15.2 percent in manufacturing jobs since 1979. At the same time, however, Philadelphia's service industry has not expanded at a pace strong enough to offset our manufacturing job losses.

Simply put, the expansion of the service sector of our economy, while vitally important, will not create enough new long-term jobs to meet the needs of our unemployed.

Personally, I have never been totally convinced that the service sector of our economy will indeed prove to be the "economic panacea" it is purported to be.

And if events such as the recent layoff by Atari of 1,000 white collar employees is indicative—the "technological renaissance" that so many predict, may be short lived.

As a member of the recent House/Senate conference on the budget, I fought extremely hard for inclusion of adequate funds to support phase 2 of our economic recovery program.

As a result, over $5.4 billion in fiscal year 1983 and $8.3 billion in fiscal year 1984 is reserved for House-initiated economic stimulus programs.

This money is specifically aimed at creating immediate employment opportunities and providing emergency relief for those suffering from the ravages of unemployment, and was supported by a majority of the Members of both Houses.

Mr. Chairman, in closing, it is my fundamental belief that this administration has turned its back on our unemployed citizens. Notwithstanding this tragedy, it is this Congress fundamental responsibility to address this issue, and in so doing, embrace a new economic policy that puts jobs and people first.

It is imperative that we continue to seek viable and cooperative solutions to the problems of our Nation and urban areas like Philadelphia. The costs of failure are too grim to imagine and too painful to permit and too criminal to ignore.●

● Mr. OBERSTAR. Mr. Speaker, none of us should be pleased to participate in this special order this evening. We are here out of necessity—the necessity of speaking out against the harsh economic adversities the people we represent are suffering.

The subject of tonight's special order is the economic, social, and personal tragedy of double-digit unemployment in the United States.

National economic policy has failed the unemployed. Unfairness, in fact, has been the characteristic of the budget and tax policies of the present administration for the past 2½ years. In 1981, the adminstration persuaded Congress, to its shame, to enact enormous tax reductions providing disproportionate benefits to the wealthiest of Americans. In that same year, again at the instigation of the administration, Congress enacted reductions in those programs specifically designed to alleviate the problems of unemployed Americans.

It is cruelly ironic that, at the commencement of a major recession, the administration requested and Congress granted, in the Reconciliation Act of 1981, changes in the Federal unemployment benefits program which sharply reduced the ability of the Federal Government to respond to sharply increased unemployment.

I opposed the Reconciliation Act because it eliminated the national trigger for extended unemployment benefits, raised individual State triggers, and changed the means of calculating the insured unemployment rate (IUR) so as to produce an artificially low IUR as the recession lengthened.

Record peacetime increases in defense spending and the enactment of the absurdly misnamed "Economic Recovery Tax Act of 1981" have left us with destabilizing Federal deficits and misdirected spending priorities. I represent a district, counties which have some of the highest unemployment rates in the United States.

At the end of March, the last month for which we have county-by-county figures, we had the following unemployment rates in the northeastern seven counties of my district:

Aitkin	26.1
Carlton	16.1
Cook	17.6
Itasca	22.4
Koochiching	15.4
Lake	24.4
St. Louis	23.0

In communities entirely dependent on the taconite industry for their livelihood, unemployment remains consistently over 50 percent. The Reagan administration's claim of economic recovery is only a mirage for the men and women whose tragedy is summarized by these statistics.

Full economic recovery will require some action by Congress. We must limit the defense spending increases which are shifting resources from productive private sector use into unnecessary and wasteful weapons while contributing to the devastatingly high Federal deficits.

We must stop the hemorrhage of Federal revenues resulting from the 1981 Tax Act. Congress began that process last year in approving the Tax Equity Act of 1982, legislation passed by bipartisan majorities in the House and Senate and signed by President Reagan in September. The House continued that effort last week by passing H.R. 1183, legislation which I was pleased to cosponsor, to cap the third year of the tax cut scheduled to take effect July 1.

Finally, we must end the delay in acting upon phase II of an emergency Federal jobs program. I chair the House Economic Development Subcommittee. In May, the subcommittee and the full House Public Works and Transportation Committee approved my bill, H.R. 2544, authorizing an emergency $3.2 billion public works job program. H.R. 2544, which the House must pass early this summer, will provide direct Federal assistance to local communities to employ unemployed Americans in the process of rebuilding our Nation's infrastructure. In addition, the House in July will act upon my bill, H.R. 10, which revises the Economic Development Act of 1965 to help local communities attract private sector investment for long-term economic development.

Until we achieve true economic recovery, we should continue to unravel the damage to the Federal unemployment compensation program done by the Omnibus Reconciliation Act of 1981. As a supporter of the Federal supplemental compensation program enacted last summer to provide emergency relief to the Nation's unemployed, I believe it is essential that we pass legislation extending the FSC program beyond the current expiration date of September 30, 1983. It is the minimum that we can do for the millions of Americans who, through no fault of their own, have lost jobs, savings, homes, and a great deal of their opportunity for the members of this House concerned about the unemployed in their districts to speak tonight on this critical problem. I very much hope that the expressions of concern tonight will lead to expeditious, expanded efforts to provide meaningful assistance to the unemployed, rather than just promises of eventual economic recovery.●

● Mr. LEVINE of California. Mr. Speaker, I regret the need for this special order on unemployment, but I very much appreciate having the opportunity to participate.

When President Reagan presented his economic program to the public shortly after being sworn into office in 1981, he promised that unemployment would be no higher than 6.4 percent by 1984. He promised that his program would create 13 million new jobs. Instead, we have a 10.1 percent jobless rate with 11 million people unemployed. Although the economy is showing signs of recovery, there is no indication that this recovery will significantly reduce unemployment in the near future.

But, Mr. Speaker, these statistics do not adequately tell the story of frustration, desperation, and fear experienced by the millions of Americans who find themselves unemployed. Many are unemployed for the first time in their lives. Worse, the statistics do not even include workers who have become so disillusioned that they have stopped looking for work. These people who want to work but feel they will not find a job are left out of the unemployment statistics. As a result, they do not appear in either the civilian labor force statistics or in the monthly unemployment data. Yet their numbers continue to grow. This threatens to create an invisible underclass of millions of Americans.

Between March 1982 and March 1983, California lost 130,000 jobs, with cutbacks in manufacturing industries accounting for over three-quarters of the reductions. From 1980 to 1982, there were 402 business closings and resulting job losses totaling 46,968 in Los Angeles County. This does not include plant relocations or job layoffs. From the end of 1980 to March of this year, Los Angeles County unemployment increased from 6.5 to 10.1 percent. In the city of Los Angeles it rose from 7.4 to 11.3 percent, and in Santa Monica from 6.8 to 7.4 percent.

Although these numbers by themselves are disturbing, they do not begin to reflect the chaos and human misery which accompany the sudden loss of employment. I have talked with and heard from many people in my district who are trying to readjust and cope in their period of joblessness. I have been particularly moved by the plight of Ivan Sanchez.

Mr. Sanchez once ran a profitable contracting business in Manhattan Beach, Calif. He points to the economic slowdown brought about by the Reagan administration's programs as the beginning of the end. Gradually, his business slowed and failed. He spent all his reserves, borrowed money and eventually was forced to sell his home. The IRS placed a levy on his personal, business, and savings accounts. Married with two daughters, he is now penniless.

His story is about more than the loss of a job, however. It is about the loss of pride. It is a painful account of the fear and frustrations felt by this man struggling to get back on his feet. To rebuild his life, his first priority is like that of so many others in similar positions: to get a job.

Mr. Speaker, I am inserting Mr. Sanchez' eloquent letter into the CONGRESSIONAL RECORD so that my colleagues will have the opportunity to read it. As he concludes, "Maybe together we can effect a change in policy and restore some dignity to our great country."

IVAN A. SANCHEZ,
GENERAL BUILDING CONTRACTOR,
Manhattan Beach, Calif., June 6, 1983.

MR. RON BLUMBERG,
Office of Mel Levine.

DEAR RON: On May 26, 1983, I was contacted by Rosa Alma of the Manhattan Beach branch of the Bank of America, and I was notified that the I.R.S. had placed a levy on my personal, business, and savings account, appropriating all my money leaving me penniless and destitute.

I am a general contractor who up to the time that the present administration came to power was busy and prospering, with offices and shop at Western Business Center, 20610 Manhattan Place, employing people, paying taxes, and proud homeowner of a house at 1705 Pacific Ave in Manhattan Beach.

Since this administration has been in power I began to notice the slow-down and immediate stoppage of business activity. Through all my efforts to solicit business of any kind I was unable to create any income. My reserves soon exhausted, and I lost my offices, and the worst that I did not imagine possible happened: I also lost my home after trying everything in my power to save it.

In order to keep from foreclosure, and bad credit, I had to borrow $6,000.00 to pay my second, and sell my house losing all my equity.

I am married to Letizia (Ebert) Sanchez, and we have two lovely daughters, Katrina, age 5½, and Erika, 2½. Katrina is a very gifted child who has been enrolled with Mrs. Goodin's Preschool at Ladera, and prior at Tuvia Preschool, also enrolled in ballet and tap dance classes.

It is very clear to me that entrepreneurs like myself by employing people and circulating large sums of money kept the government healthy, and that now, instead of supporting and nourishing the government, I am taking away from the government and the fibers of our society are deteriorating.

People with money have reaped the harvest of property that the hard-working have lost. The Big Corporations have made a laughingstock of the I.R.S. and the American tax payer by taking full advantage of the tax cut give-aways by this administration and the big bullies, at great expense to the tax payers, come and levy my bank account, a person's account who is unemployed collecting unemployment benefits. It makes me want to throw up.

I cannot be proud of a government that sends its youth to war, and then dishonors them, takes away from the old, helpless, disadvantaged, and poor, and gives more to those who already have more than they will ever be able to use. At this rate, the communists will not even have to fire a shot—just let us continue on this course, and the country will fall apart by itself.

My words are angry words, I know, but I am angry. I am in a position that is absurd. I owe more money now to the I.R.S. after paying $575.00 than my original tax bill was, having to deal with a big government that employs persons who use a small vocabulary and pass the buck. They conveniently forget that they are employed by tax payers, and place tremendous burdens on me in the form of paper work and running around compiling useless information just for the right to owe more money that I don't have. It does not make sense.

Ron, I am unemployed; my wife is working very hard, I have to take care of the house and the kids, we are falling more and more behind. My first priority is to find gainful employment. The I.R.S. expects me to file 3 years of complicated returns by June 9th. I am not an accountant, and do not know one that will do my work for free nor do I have the money. The I.R.S. is also threatening to ruin my credit by filing a lien on my future income at the County Recorder's office with absurd interest, thereby making it impossible for me to ever expect to regain my dignity as a self-employed person, or to be able to be employed without the threat of sometime in the future having my wages garnisheed, or my bank account levied.

Please use whatever power you have, and intervene on my behalf to ensure that a realistic solution to these problems take place instead of the impossible demeaning task I face now.

Thanks to you and my determination, I was able to lift the levy on my accounts at a cost of $50.00 which I will never see again. As I told you on the phone, I was threatened by two armed guards because I was understandably upset. This, I shall never forget.

With the slightest provocation I felt then that my wife could have been left a widow and my children fatherless. I would rather part with money, however, I do not have any to part with and the way the IRS adds interest I will never be able to pay their demands.

I am in the process of gathering documentation to provide to you of my condition so that you may see what a hopeless situation I am in. Maybe together we can effect a change in policy and restore some dignity to our great Country.●

● Mr. STARK. Mr. Speaker, our colleague, Mr. WISE recently circulated a "Dear Colleague" informing Members of the House that a special order would be held at the close of business today, so that Members could address the problems of unemployment—my district. Perhaps the most telling aspect of this letter was the speed with which more than 50 Members volunteered to participate. The Members are from all over the United States—from agricultural areas, urban centers, and U.S. territories.

In Alameda County, much of which I represent, unemployment remains high, at 9.4 percent. According to the University of California, Berkeley, Department of City and Regional Planning, more than 90 plants have closed in the last few years affecting more than 15,000 workers. In my own district, the closure of the General Motors plant in the neighboring district, has left many workers with mortgage problems, outstanding bills, and little hope. We wait anxiously for the Federal Trade Commission to make its final decision on the pro-

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posed joint venture plan between General Motors and Toyota, as it offers some ray of hope for hundreds of unemployed.

The administration's budget proposal estimated an unemployment rate of 10.7 in calendar year 1983, 9.9 percent in 1984, 8.9 percent in 1985, and 8.1 percent in 1986. To project these rates, while proclaiming that the economy is on the mend is unacceptable.

The fundamental changes in the nature of our industries signals the need for cooperation among all sectors of our society. The pains of unemployment and dislocation must be given serious attention. These two factors must be foremost in consideration of a program for economic recovery.

I am saddened that so many Members of this House have requested the opportunity to address the House on the unemployment tragedies of their districts. Yet, I am still encouraged—for we have not failed to notice these tragedies. And we will continue to fight unemployment—my district.●

● Mr. **STOKES**. Mr. Speaker, I appreciate the timely call for a special order on unemployment taken out by my distinguished colleague, Bob Wise from the State of West Virginia. West Virginians, like Ohioans, and like people nationwide, have a clear, first-hand knowledge of a fact that President Reagan and his administration have made every conceivable effort to define out of existence: the fact that unemployment has reached epidemic proportions in this Nation. It is a genuine scourge afflicting millions who rely on the administration and Congress to stop its spread.

The drop in the national unemployment rate from 10.3 percent in April to 10.1 prcent as of May 25 means that instead of 11,328,000 unemployed there are now only 11,192,000 unemployed. The Reagan administration is rejoicing. Only 11.2 million people are looking for work. The Reagan administration shamelessly justifies its maneuverings last September to change the method of calculation of the insured unemployment rate (IUR) which serves as the trigger mechanism to entitle a State to extended unemployment benefits.

Consequently, Mr. Speaker, in my State, Ohio, with the second worst unemployment rate in the country, 14 percent, over 60,000 people who are still unemployed and desperately searching for a job, have been defined out of existence. Removing them from the ranks of consideration as human beings who trust their Government to remember their plight has two drastic effects: first, it denies them unemployment benefits to meet their daily needs. Second, by removing them from the statistics used to trigger off extended unemployment benefits, the effects of denying benefits are compounded monthly.

The unemployment rate in the city of Cleveland, which I represent in conjunction with my esteemed colleague Mary Rose Oakar, is 12 percent for whites and 23.6 for blacks. Mr. Speaker, I have no intention of using cruel manipulations of statistics nor alterations of unemployment formulas to ignore out of existence people that our economy has rejected as expendable and that the Reagan administration has damned as uncountable. That is why I have joined another of my respected colleagues from Ohio, Don Pease, in cosponsoring two legislative measures which would insure that realistic unemployment figures would be used in determining unemployment benefits.

These two measures would extend unemployment benefits by, respectively, lowering the trigger mechanism by which a State such as Ohio may receive funds for extended benefits, and by affecting the computational formula in a way that expands the definition of who is eligible to receive extended benefits. The passage of this legislation is the very least that Congress can do to see to it that people receive the benefits they fully deserve in lieu of the jobs that they deserve but cannot find.

Mr. Speaker, I want to submit the most unequivocal evidence that a Congressional Representative can produce to demonstrate my point that there are real human beings in our Nation whose exclusion from our unemployment statistics does not mean that the scourge of unemployment is evaporating. This is a letter that was written to me on May 17 by Mrs. Charles H. Anderson who lives in my District:

> Dear Mr. Stokes: From the way I understand it, unemployment figures are based on the percentage of those who collect unemployment benefits. What about those souls whose benefits have run out, can no longer collect, yet cannot find jobs? Are they not still statistics?
>
> My husband and I, along with friends and family, are among the unemployed. I am 24 years old and have been laid off since August of 1982. My husband, a machinist, is 26 and has been laid off approximately 18 months of our nearly 3 years of marriage. The latest has been since April of 1982. We have a 19-month-old child to support. We love her dearly, she came at the wrong time but we do the best we can. We have no medical insurance, we cannot afford it. Welfare would not help us. Believe me, it is hard. With a child that age and all the trips to the doctor for shots and illnesses the bills are unbelievable. But we do the best we can. Now you want to cut down benefits? What are people like us supposed to do? Welfare? My husband and I would much rather be out making a living on our own. We would rather not need any help from the State or Government, but if it comes down to it, what other choices do we have? Who wants to sit around and stare at the four walls most of that time? There is only so much you can do to your home—we rent—before it's done.
>
> You probably think I should be grateful, there are others out there with worse problems than ours. I agree. People who have had our jobs for 10, 20 and 30 years and are laid off have built their lives with hopes of the future. All their dreams and hopes are shattering. People who have spent most of their lives building and paying on their dreams are losing them. Most young people like us cannot even afford to think about our dreams.
>
> Getting back to the reason of my letter which is the pending decision to reduce unemployment compensation to 38 weeks. My husband was told the middle of April he had 1½ to 2 months left of his benefits. Just like that, after he signs up for more extended benefits, he gets a notice saying he is no longer eligible for benefits but to keep on reporting. No warning, not anything. Sort of like a slap in the face. Jobs are scarce and hard to find. Good jobs. Have you ever tried raising a family on $3.35 an hour? With utility bills, rent every month and all the necessities plus a car payment it is financially impossible. When you apply for welfare they don't consider some of the necessities or even a car payment as part of it. Then what are we supposed to do. Get rid of your car. It costs almost as much to ride the bus as it does to put gas in your car anymore. I think you are doing a sad and unfair thing, reducing unemployment benefits because for most it has run out. It does not necessarily mean they have jobs. Try counting those who cannot find work. Dropping from making $8 to $10 to $13 an hour to $3, $4, and $5 an hour to absolutely nothing, all of a sudden, is a bit of a shock whether they knew it was coming or not.
>
> To find a job anymore both the older people and the young people just starting out have at least one strike against them. For the older people that have worked 20 years on their jobs—say, the 40-55 year-old bracket—that are out of work and looking for jobs, the employers they talk to realize either they are nearing retirement or after 20 years on the same job with better pay, good benefits, and seniority, there is the possibility they will go back to the old job so they look for younger people. As for the younger people, to get a good paying decent job, employers want 5 to 10 years experience. What do you do? Believe me, it's not like we aren't trying. It just gets discouraging.
>
> I realize my husband and I are only two of the thousands of people in the same boat. Yet I hear of divorces, attempted and apparent suicide, even if there are only a very few, it is still there, of people who just cannot cope anymore. Right now there is food on my table and a roof over my head. That's all that matters. I am thankful. But what about next year. What about those who don't have that now. The harder it becomes, the harder we will try.
>
> I, along with many others I'm sure, would like to see the extended benefits continue. But I'm sure we all would like to go back to work more, trying to make a decent living.
>
> I'm sure you get my letters like this, this is only my opinion and situation. I just wanted to get this off my chest. I appreciate your taking your time to hear me out.

Mr. Speaker, Mr. Wise, my esteemed colleagues, thank you for affording me the opportunity to let you know that our constituents have a far better grasp of the unemployment problem and its ramifications than the magician who sits in the White House. He is trying to recalculate out of existence the incalculable human pain that fills the vacuum of a job loss.●

● Mr. **FEIGHAN**. Mr. Speaker, I am extremely pleased to be participating in this special order on unemployment. I think it is an issue of vital importance to every Member of Congress. I commend my colleague from West Virginia for sponsoring it.

When Ronald Reagan took office he assured the American people that prosperity was just around the corner. That might have been an encouraging thought to the millions of Americans unemployed in 1980. But the fact remains that recovery from our current recession has not materialized as promised by the President. Unemployment has been, and remains, the issue of major concern for most Americans. It certainly is of major concern to my constituents in the 19th District of Ohio.

In my district, the disastrous effects of long term unemployment continue to take their toll. Too many of my constituents have already exhausted their unemployment benefits. They have already used up their savings as well. Increasing numbers of my constituents can no longer continue to meet their mortgage payments and risk losing their homes. In 1982, unemployment rates, both for Ohio and for the Nation, reached their highest peaks in more than four decades. In Ohio, that means that nearly one out of every eight workers was without a job.

In the counties that make up my district, unemployment is presently between 11.4 and 15.8 percent. Those percentages are not just numbers—they represent thousands of real people—who have contributed to the growth of our economy. Responsible, hard-working people—many of whom have served our country in the armed services. Unemployed people who would give anything for a chance to make their own way once again.

When I leave here for the Independence Day recess, I will be going back to my district, and I will hear from my constituents who are unemployed, what I hear each time I go home. I am going to hear that they do not want to collect welfare or even unemployment benefits. What they want are jobs.

I was recently able to help an unemployed constituent obtain a temporary position after he had been laid off a job he held for over 20 years, due to the closing of a business. He wrote to me: "It feels so good to have a feeling of accomplishment again at the end of a workday."

Another unemployed constituent who is still searching for work writes: "The American people are the strength of our Nation * * * 8 million people going back to work will diminish the deficit in toto * * *."

These comments are only two of many that I received urging Congress to do something to put people back to work. One letter after another expresses the heartfelt conviction of the letter writer that putting people back to work is the way to keep America strong.

Maybe there are not any easy solutions to the problems of unemployment—but we just cannot ignore the problems and hope they will go away. They have not and they will not.

In the meanwhile, we can take some actions right now to help ease the pain of unemployment for the hundreds of thousands of Americans who must face it. We can pass legislation to make it easier for unemployed Americans to keep their homes. We can also make it easier for them to obtain unemployment benefits.

I recently introduced legislation to make extended unemployment benefits available to States that have unemployment rates of 9 percent or more. Because of a flaw in the present unemployment compensation law, these benefits are being denied to workers in the very States hit hardest by the recession for the longest period of time. This situation is totally unacceptable to me, and I want to see it changed. I am hopeful that the Ways and Means Committee will see fit to address this unfair situation soon. In my view, until we are able to solve some of the larger problems that have contributed to the high unemployment rate throughout the Nation, passing legislation such as my bill, H.R. 3112, is the very least that we can do for the unemployed of this country.

Thank you, Mr. Speaker.●

● Mr. **SUNIA**. Mr. Speaker, I rise this evening to participate in this unique special order that is vital, relevant, and timely.

I would, first of all, like to thank the West Virgina delegation of Members, Wise, Rahall, Staggers, and Mollohan, and Ms. Marcy Kaptur—she has to be dedicated to join those wild and wonderful lads!

Unemployment in American Samoa is not quite the same as it is in the contiguous 48, the fabulous 50 or even some of the other territories.

It is especially unique since we do not qualify for unemployment insurance as do most of the other territories and, of course, the States.

Why then am I here? Largely as an educational endeavor to familiarize you with the uniqueness of our unemployment situation. Which is mainly boot-strapped by the local government, by the private sector and, of course, by our own Fa'a-Samoa of the Samoan way of life.

To say that many of the unemployed are really not unemployed by BLS standards would do disservice to my district and set a dangerious precedent—as Congressman Wise initiated and started us with: "Don't build that Dam-Dam in my District!"—not really addressing the problem nor the multiple solutions available.

We do, indeed, have unemployment—an intolerable rate predicted at about 9-10 percent of our approximate 12,000-plus work force out of an estimated 32,395 people.[1] Our Government—the ASG—American Samoa Government—cannot and should not absorb the unemployed as the latter day Interior Department-appointed Governors decided was a special form of Samoan unemployment insurance—"if you need two employees, hire four"—it is good for the economy. That kind of supply side idiocy has confounded the local government for the last decade—a bitter pill to swallow when, by attrition the "piper must be paid."

The democratically sponsored and successfully guided through Congress bill earlier this first session has the proper solution, this humble Member feels, and that lies in jobs creation and the retraining and redirection of our Nation's lifeblood—our work force. I am proud and grateful that our small island territory was and will be benefited by this progressive and farsighted legislation. We are fortunate to have leadership in the Speaker and majority leaders' offices as well as the whips that so masterfully guided this and other jobs legislation through our legislative Chambers, both this House and the other House, and convinced the President—if ever he can be convinced, that a Democratic position on anything is the correct one—to sign the measure when it reached his desk—he probably would have been unemployed himself had he not signed this most important piece of legislation.

In closing, I would like to thank the cosponsors of this special order for allowing me the opportunity of educating you all on the unemployment situation in my district—the territory of American Samoa—the only U.S. possession south of the Equator.

Thank you and Soifua.●

● Mr. **MORRISON** of Connecticut. Mr. Speaker, the President would have us believe that unemployment is no longer a serious problem. Once again, he claims that his stiff recessionary medicine has finally done its job against inflation and that economic indicators point to a quick recovery. While, on one hand, expressing compassion for the jobless, the President, on the other, suggests that jobs abound, and that anyone can get work who is willing to stop loafing, get off the Federal dole, and apply a little effort.

However, Mr. Reagan's cheery picture is cruelly wrong. By many measures, May unemployment was the worst since 1948. The country still suffers from what George Stigler, the Noble Prize-winning economist from the University of Chicago, calls a full-fledged depression. Yes, the administration has achieved some price stability, but at a cost, measured in lost production and in the suffering and misery of the unemployed, which is obscene.

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[1] 1980 unofficial census figure.

Connecticut, suffering a mere 7-percent May unemployment rate, has been fortunate in comparison to the rest of the Nation. Yet, Connecticut's success is only relative. The State's unemployment is now more than double what would have been considered acceptable in the past. In my district, recent unemployment figures have gone as high as 7.4 percent in Hamden, 9.1 in West Haven, 9.4 in East Haven, 9.6 in Stratford, 9.6 in Milford, and 9.4 in New Haven. However, these figures are misleading. For example, in New Haven, many of the city's residents have either given up hope of finding work and have left the labor force or have been forced into unskilled jobs at low pay. New Haven's relatively low official rate of unemployment is belied by the fact that it is the seventh poorest city in the United States, with over one-quarter of its people living below the poverty line.

As bad as the problems in my district and in Connecticut may be, the jobless in the Nation's industrial center have even less hope. American heavy industries which produce automobiles, basic steel, and rubber are in danger of becoming permanently uncompetitive with foreign competitors. The near failures of many of the industrial giants are not the results merely of the recent depression, but instead represent long trends. Worse even than the situation during the Great Depression, each of hundreds of thousands of workers in Michigan, Ohio, and Indiana has had to come to terms with the permanent loss of his or her job. After exhausting unemployment benefits, many have packed up their families and moved south, hoping to find employment in the thriving Sun Belt. Yet, the area already is saturated with willing workers. And for many a new arrival, the only alternative to the breadline is to become 1 of 2 million day laborers, doing, for minimum wage, the dangerous or filthy work that other workers refuse. Betrayed and disoriented, these economic outcasts have felt the death of the American dream.

Many, including those in the White House, do not comprehend the horrible wounds which current depression-level joblessness tears into our society. To lose one's job is not simply to have an enforced vacation with an unearned paycheck compliments of Uncle Sam. Each additional percent of unemployment means over 1 million new workers thrown out of their jobs; thousands of new cases of alcoholism; thousands of new cases of physical and mental illnesses caused by increased stress, anxiety, and depression; large increases in crime, thousands of ruined marriages; grotesque increases in cases of child abuse; thousands more children who require psychiatric care and thousands of premature deaths. Indeed, the impact of the present depression on health is so severe that, if it were an infectious disease, it would qualify as an epidemic killer, against which our Nation would pursue vigorous measures. Yet, during this period of high unemployment, when workers have desperately needed professional care and support, such care has rarely been available. Along with their jobs, most workers lose health insurance. In addition, during hard economic times, cities are hard pressed to fund agencies for health and human services.

The rough claw of unemployment reaches far beyond the 10.1 percent of the labor force now without work. When joblessness is high, many must accept menial or part-time work or must live in fear of losing their jobs. Others simply stop looking, giving up hope of finding work. Now, the average American has either lost his job, is in danger of losing his job, or has a family member without work.

Unemployment discriminates, hurting most severely those who already suffer our society's deepest inequities. Older workers, finding that employers refuse to retrain them for only a few years of service, are condemned to menial labor or are forced, bitter and discouraged, into retirement. Minorities, the young, and the unskilled have unemployment rates more than double the national level. Furthermore, because of the last-hired-first-fired policy of many employers, the recent depression has erased many of the job market gains which minorities and women had won. Indeed, over 50 percent of young black women are unemployed.

Our sick economy threatens to create in our society an underclass permanently excluded from the economic system. Most young members of minority groups now either are jobless or are employed in low-paying, short-term jobs with no hope for advancement. Unemployed or employed in menial labor, these young minorities are denied the training needed to get better jobs. The economic system, thus, sentences them and their children to poverty and exploitation.

The administration cites the strong stock market and a slight moderation in the unemployment rate as evidence that the U.S. economic tragedy will soon be behind us. Having passed its jobs bill, the Congress, too, is in danger of becoming complacent. Yet, can we accept an economic recovery in which the unemployment rate will not go below 9 percent before 1986? Can we accept a recovery where each week we read of thousands standing in line to apply for a handful of jobs? No; we must not believe that our problems are over and that we can go on to other matters. For paper profits on Wall Street do not mean jobs on Main Street.

The President has said that we should share equally in the sacrifices necessary to fix our economy. Yet those hurt most by the recent depression—the poor and powerless—have been least helped by the recovery. Auto company profits have increased, but mainly because operations have been streamlined by permanently firing thousands of assembly workers. Rising stock prices have enriched the wealthy, but more than 11 million workers still have no jobs. We are experiencing a tragic perversion of the trickle-down theory; problems cascade down on the disadvantaged while the rich hoard the trickle of benefits.

The Government must work to end the enormous waste represented by depression-level unemployment. We cannot rely on those in private business. For, according to polls, they do not care; a shocking proportion of corporation chairmen and bank presidents believes that large industrial companies should be allowed to fail even if such failures cause huge unemployment. We must support legislation to insure that laid-off workers continue to be covered by health insurance. We must support programs to retrain permanently laid-off industrial workers for other jobs. And we must help the unemployed to relocate to areas where they are needed. Without these programs, the administration's attempts at economic alchemy will further punish those who have already sacrificed the most.●

● Mr. WON PAT. Mr. Speaker, I am pleased today to join with my colleagues in this special order to discuss unemployment—in my district.

Congressman Bob Wise is to be congratulated for reserving this time to permit all of us to speak out about an issue which is of great importance to the Congress and to our constituents.

America is indeed waiting, as Congressman Wise says, for Congress and the President to do something about the growing rate of unemployment across the Nation. We read the papers daily and see glowing statements from the White House which say that interest rates are down and the economy is getting better. But I and millions of other Americans are wondering when the bright new future will trickle down to the workingman and workingwoman to provide them with the jobs they need so badly to feed their families.

Unemployment is a major problem in my own congressional district of Guam. While the official estimates fluctuate between 11 and 14 percent, these figures do not reflect the complete picture of unemployment in my territory. The sacrifice of human potential and individual self-worth point to the grimmer aspects of this problem.

I deeply fear for the future. The 1980 census indicated that 40 percent of Guam's population is under 19 years of age. This spring, nearly 2,000 students graduated from Guam's high schools. They face a future which is bleak and for many of them jobless. While these young people may have more mobility than their older counterparts seeking jobs, I fear that the best of the next generation of Guamanians will be drained off of the island by the chance for greater, or at least some, opportunity on the U.S. mainland. I see no viable program in the future to change their lot and this is a shame. It is a waste of valuable human resources.

Unemployment problems for Guam are compounded by the isolation of our island community. Our people cannot drive across a State line to seek greater employment opportunities. Relocating a family across an expanse of ocean is, of course, an often insurmountable expense. More importantly, I do not want the people of Guam to have to leave their homes and their families for adequate employment opportunities. I know that you, as my colleagues, can understand why lack of employment presents such a threat to our community and family traditions.

Additionally, our economy is very dependent upon the Military Establishment in Guam. It accounts for 20 percent of those employed. While the current administration emphasizes the need for personnel reductions, as well as pay and benefit cuts, I wonder where my people can turn to. The local government is undergoing a fiscal crisis just trying to provide basic services.

The people of Guam cannot survive additional cuts in programs which provide Federal assistance in job training or basic necessities. It is up to this Congress to lead the way for an economic recovery for all the citizens of this great Nation, not just the select few.

I hope and pray that the leadership gathered here can bring us back from the grip of this economic and spiritual depression.●

● Mr. RAY. Mr. Speaker, the Third District of Georgia is unique in many ways. Economically, it relies on the millions of dollars spent in purchases by the two military bases, Fort Benning and Robins Air Force Base. Another critical area, which I think we have overlooked on a national scale is our textile industry—an industry we are dependent on—yet one we have not protected from foreign competition.

Unemployment in Georgia's Third District textile-related industries can be traced to two major causes: The economy and imports. With housing starts low and a sizable decrease in automobile production, the carpets and other fibers usually needed in large quantities have not been purchased. In my district this has resulted in almost 20 percent of the workers in Third District mills laid-off, some permanently. The textile industry is the largest producer of goods in Georgia and is the 10th largest employer in the Nation. Of the recent 4.6-percent increase in the gross State product, 19.4 percent is attributed to the productivity of textile workers. Unemployment in this industry is felt even more deeply in several Third District counties where textile-related industries have scaled down production by 40 to 50 percent. Georgia statistics show that textile workers have suffered many layoffs, from 6.4 percent of the work force in 1977 to 4.7 percent in 1982.

Nationally, the textile industry reflects the problems felt by the Third District. Ten years ago the textile industry employed 1 million plus—now, the figure is down to 730,000. Currently, imports make up approximately 30 percent of the domestic market. This year's projected import growth could well amount to another 1 billion square yard equivalents—equal to another Hong Kong and eliminating another 100,000 jobs in the industry.

How can we help the textile industries rehire their workers in Georgia's Third District and in the Nation?

First I think we have to listen when they tell us we are losing out to foreign competition. I also think we need to prevent our textile companies from suffering the fate which our automobile manufacturers are facing. In short, we have got to get aggressive with our trade policy and help our textile producers produce.

Only by strengthening the markets and restoring the industry to maximum production can we hope to halt this disastrous economic slide in the Third District of Georgia and the Nation.

There are 92,000 unemployed textile workers nationally. Hundreds of my constituents would like to have their jobs back. They do not necessarily want Federal handouts. They want the Congress of the United States to protect the markets and the fledgling emerging economy.

I think we need a consensus here tonight—A bipartisan pledge of support to all our industries to find ways to help them provide the jobs we need so badly. Our workers are more than ready to work. All they ask is a chance. It is up to us to help them find it.●

● Mr. ALBOSTA. Mr. Speaker, I represent the 10th Congressional District in Michigan where during this supposed economic recovery period people still suffer from up to 22-percent unemployment. Nationally, Michigan has the dubious distinction of leading the Nation in joblessness with an unemployment rate of 14.7 percent. What I find especially disheartening is the fact that in addition to 11.2 million unemployed Americans, there is estimated to be 1.8 million discouraged workers who have stopped looking for jobs and have given up hope. Many such discouraged workers are in Michigan where we have suffered from an unemployment rate above 10 percent for 3½ years.

One of the shameful aspects of unemployment in Michigan is that the State no longer receives extended benefits due to the formula which is used to determine eligibility. At present, only those receiving regular unemployment benefits are included in the computation, while those receiving extended benefits or who have exhausted all their benefits are excluded. In my State alone, an estimated 200,000 people are in this excluded category. I encourage my colleagues to support legislation which would change the formula to reflect a State's unemployment situation.

In my district specifically, we are experiencing 15.4-percent unemployment, with a loss of jobs in a variety of occupations. Many of the people in the 10th District have worked in the auto industry; however, there is concern that this industry will never attain its previous levels of employment. Rural America forms the heart of my district, but family farms, an American tradition, are being foreclosed upon or are facing desperate financial problems. Young people simply cannot afford to start and maintain farms during the recession. Their efforts should be supported and encouraged to insure that this tradition does not suffer further and that families are removed from farming altogether. Perhaps most discouraging of all, graduates of schools in my district are often forced to seek their futures elsewhere. I would like to emphasize this last fact, for it is difficult to express the sadness of seeing our fellow Michiganders leave the State in search of employment. Michigan had an extremely low growth rate in the last decade: 4.3 percent, as compared to the Nation's average of 11.4 percent. Additionally, the State's population has declined since the 1980 census, with future growth predicted to be about a third of the national rate. Action must be taken to stem this exodus so that our strength as a region does not decline.

All is not despair in Michigan, however, because the State does have many things going for it: A large, competent work force that wants to work,

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fine education facilities, beautiful natural resources, and an established industrial base. Michigan is building on these good qualities to get people to work again, but the State's actions need to be complemented with Federal assistance because Michigan has been suffering in this economic depression for far longer than many other States. The Federal Government must not now sit back, claiming recovery, when high unemployment and the lingering effects of long-term unemployment continue. Michigan, with the greatest need for assistance, has consistently received the smallest return of its Federal tax dollars. This cannot be allowed to continue. Michigan has taken steps to get its economic house in order, and with targeted Federal assistance, the State will regain its proud status as an industrial leader.●

● Mr. LAFALCE. Mr. Speaker, I would like to thank my colleagues for organizing this special session of the House of Representatives on unemployment in America. Rarely do Members of Congress have the opportunity to spend an entire evening focusing on any single issue, let alone one as important and serious as the persistent high unemployment which continues to drain the economic and social vitality of our Nation.

This session, a chance to share and discuss the unemployment that we are experiencing in our own districts, could not have occurred at a better time—a time when we are seeing some signs of economic recovery; a time when many sectors of the economy appear to be on the mend.

Such indications of declining unemployment are a welcome sign—but, I hope that the decline will not reduce national concern. We as a Congress and as a nation must not allow the signs of recovery to lull us into a false sense of economic security. We must remain sensitive to the plight of the literally millions of individuals who remain out of work.

The unemployment rate in my own western New York area is horrendous. While some parts of the country may be on the road to recovery, large portions of New York's 32d Congressional District remain plagued by 10 to 20 percent unemployment rates. Many are the long-term unemployed who have lost their unemployment benefits, savings, and even homes. Indeed, the true levels of unemployment are much higher because the reported figures do not reflect those people who have been out of work for so long that they are not even counted among the Nation's or our communities' jobless. It is estimated that in the Erie/Niagara County region, which includes the city of Buffalo, that the number of these discouraged workers—unemployed, but not included in the actual unemployment rate—has risen to over 30,000 people in the past 3 years alone.

My district, from Buffalo to Niagara Falls, to Rochester has been ravaged by year after year of record high unemployment. In 1982, the average number of people out of work in the Buffalo area was 69,700. Twice during the year, the number exceeded 80,000 individuals. In the period from 1980 to 1982, the region's manufacturing sector entered an unprecedented tailspin. Of over 40,000 nonfarm jobs lost, 32,000, or 80 percent were in the manufacturing sector. Jobs lost in the auto and steel industries accounted for a full 60 percent of this manufacturing loss. Today, the unemployement rate is 12.9 percent, up from 11.8 percent a year ago. Of the 70,000 people out of work, 32,000 or 45 percent are displaced workers who, even in a recovery, cannot be expected to regain their employment. It is expected that these will be joined by an additional 5,000 displaced workers in the next several years.

In the Rochester region, which includes Monroe, Orleans, Wayne, and Livingston Counties, the average number of individuals out of work in 1982 was 34,425. On two occasions the number peaked at over 40,000, and today rests at 41,700 or 8.8 percent. This compares to only 6.2 percent or about 29,000 people out of work a year ago. Monroe County, which typically experiences much lower unemployment than the rest of the Nation is not only not far behind now, but is also experiencing unemployment rates for blacks and Hispanics that are much higher than the national average for these groups.

I am second to no one in welcoming the signs of recovery and rejoicing when a worker is able to return to his or her job. In fact, in each of the Buffalo and Rochester areas of my district about 5,000 individuals have gone back to work in the past month alone. But let us not forget that the 70,000 people out of work in the Buffalo area today is 5,000 more than were unemployed 1 year ago and 21,760 more than were unemployed just 2 years ago. In the Rochester area, the 41,700 out of work today is 12,400 more than a year ago and almost 16,000 more than 2 years ago. If we are indeed turning the corner toward economic recovery, as I hope we are, let us not turn our backs on or forget about the people, families, and communities that have been shaken by the distructive forces of unemployment.●

● Mr. LEHMAN of California. Mr. Speaker, my remarks today are those of a person frustrated by the claims of economic recovery so smugly being asserted by the White House, while at the same time, I represent a district where one out of five of my adult constitutents is now on the unemployment rolls rather than the payrolls they deserve.

In my district, the list of companies that have gone under since inauguration day 1980 reads like a "Who's Who" of what was once a vibrant Central Valley economy—Libbey-Owens-Ford, Fibreboard, California Canners and Growers, H. J. Heinz, Sperry-New Holland, and Fruehauf all have closed or substantially cut back their operations leaving hundreds of people without work.

My district is a diverse one. It includes beautiful mountains and lakes, small communities nestled in the foothills, agricultural communities, and large growing urban centers. Everywhere the message is the same—people are hurting, despite the hopeful signs, the bottom line is that people are not working.

I, for one, cannot say that we have a recovery or that this Government has lived up to its commitment to the people when so many men and women who have worked all their lives, saved their money, raised families and planned their retirements, are forced idle by the policy of recovery through recession.

The most eloquent statement that can be read on the extent of this problem is a recitation of the unemployment figures in my district:

Fresno, 15.5 percent; San Joaquin; 17.1 percent; Tuolumne, 17.5 percent; Calaveras, 17.1 percent; Mono, 13.9 percent.

We have an obligation to bring about economic recovery in this Nation. In fact, that issue alone will be the one by which history will judge this Congress. The Democratic program is designed to put our people back to work, to balance the budget, and to make our tax system more equitable. Unfortunately, rather than a bipartisan effort that looked possible a few months ago when this Congress worked with the President on the jobs bill and social security, we have an administration that now wants to grit its teeth and play politics with our Nation's economy, at the expense of our constituents who are looking for work.

We in Congress have always been willing to compromise, to seek solutions with the administration, to govern by reason. But we cannot tolerate a recovery that includes a permanent unemployment level of 10 percent, a $200 million budget deficit, and tax breaks for the rich that create no new jobs, but only raise the deficit and put more people out of work.

The question is fairness, and that is what the democratic program is all about.●

● Mr. COLEMAN of Texas. Mr. Speaker, I appreciate the efforts of my distinguished colleagues for bringing the critical topic of our Nation's unemployment to the House floor for our consideration.

Unemployment in my district and across the Nation has reached unprecedented proportions, and we must take the time and make the effort to correct this problem. I applaud the first concurrent budget resolution, as originally passed by the House of Representatives, for recognizing unemployment as a major stumbling block to our national economic recovery. Every percentage point of unemployment adds an additional $25 to $30 billion to our already skyrocketing deficit. While we have recently seen a decrease in the unemployment rates, both nationally and in west Texas, we should not become overconfident and disregard education and training programs—a mistake that seems to be endorsed by this administration. Effective funding levels for education and training programs are essential to a sound economic recovery, one that sees reduced inflation rates, reduced unemployment levels, and reduced interest rates to allow for substantial investment.

I would like to turn to discuss the situation in El Paso for a moment. West Texas is unique in that we share a substantial common border with Mexico. While unemployment in El Paso may be as high as 13 percent, that figure is still a substantial incentive for those individuals on the Mexican side of the border who face unemployment rates of more than 30 percent to cross over to El Paso. Native El Pasoans and west Texans who are seeking employment become undercut by the lower wage rates that undocumented aliens are willing to receive.

The spillover onto the El Paso economy takes place in several ways. First, a drain is placed on the economy because a greater demand is created for social services that are already strained by the increased numbers of individuals seeking health and welfare services. And the overall situation is exacerbated by the fact that as high as the official rates seem, they do not include discouraged workers or workers who have had their hours cut back. Furthermore, the Hispanic and youth unemployment rates have increased, and these two factors add to the toll taken on El Paso's border economy.

The jobs bill legislation that passed the Congress in March was warmly welcomed in west Texas. That bill initiated public works projects and put many of the unemployed back to work. The second phase of the jobs bill should be considered in the near future and is essential if we intend to put many of the structurally unemployed back to work. The recession has played havoc with the markets for many industries, and the second phase of the jobs bill is badly needed to retrain many individuals who may have to seek employment in a different field.

The recent emphasis on high technology is a case in point. High technology jobs require a level of expertise that we must be prepared for—a goal that can only be accomplished by funding our Nation's schools adequately and by providing an incentive for students to seek an academic career.

I am pleased that west Texas has seen an improvement in the unemployment situation. But I must emphasize that this improvement could be temporary. We must prepare for the worst or run the risk of losing our position as the best-educated, industrialized democracy in the world.●

● Mr. CORRADA. Mr. Speaker, it is with pleasure that I stand here tonight to talk about the unemployment situation in my district, Puerto Rico. As national unemployment figures rise above 10 percent and public attention focuses on the need for jobs, I watch the island suffer under a May unemployment figure of 23.1 percent. Over the course of the past 2 years, our unemployment rates have been as low as 17.7 percent and as high as 25.3 percent, and never acceptable.

Yet, the figures show little of the real impact of unemployment.

This past month, fully 217,000 persons were actively looking for work. This does not count those who have decided to return to school, those who have accepted part-time jobs earning abysmal salaries, or those who have simply given up hope and have stopped looking. Just as the construction industry is beginning to move here on the mainland, Puerto Rican statistics show that construction suffered the largest loss in job slots during May—over 5,000 jobs affecting mostly males ages 25 to 44. We are not losing the second household income, nor the wages in a single-person household, but our unemployment is hitting the major family breadwinner in his prime years.

Clearly, the private sector is not fully prepared to absorb the large unemployed workforce which so desperately needs an opportunity. In the context of an economic situation where almost one of every four adults is in search of work, sole dependence on the private sector is not feasible.

The economic and social costs of unemployment are staggering. It is estimated that every 1 percent of unemployment cost $25 to $30 billion in lost revenues and increased entitlement costs for social security, unemployment insurance, food stamps, medicare, and welfare. Additionally, unemployment worsens the real but immeasurable costs in mental health, family disruption, school dropouts, physical illness, and crime.

I urge my colleagues to strongly consider legislation now pending before this body which would provide Federal support for employment in areas of long-term unemployment. I believe that it is only through this type of intervention that we can ameliorate the present day economic situation, particularly in areas which are hardest hit, such as Puerto Rico.●

● Mr. YATRON. Mr. Speaker, I want to personally thank the gentleman from West Virginia for calling this special order so we can continue to focus on the chronic problem of unemployment.

Reducing unemployment is one of the greatest challenges facing our Nation. The high rate of joblessness is mainifest in the untold human misery for millions of Americans whose lives have been devastated by the lack of work. High unemployment has greatly exacerbated our economic problems by adding significantly to the budget deficit and reducing revenues for social security.

Although there are many positive signs pointing to a sustained upturn in economic activity, unemployment still exceeds 10 percent and is not expected to decline appreciably for several years. Compounding the problem is the fact that the baby boom generation has reached the adult age and is now entering the labor market.

While the problem of unemployment must be discussed in macro terms for the purpose of developing national initiatives to stimulate job creation, I believe it is critically important to examine the extent of the problem in each of our congressional districts. That is why this special order is so important.

Unemployment in the Sixth Congressional District of Pennsylvania is considerably above the national level. The overwhelming number of people affected by joblessness in my district are hardworking, honest citizens who do not look for, or want, Government handouts. They want jobs. They want the opportunity to earn a living, build a better life, and provide for themselves, their families, and their future. The lack of work has caused these people to lose their homes, their health, their dreams, and their self-respect. The social difficulties stemming from unemployment has victimized many good families.

It is absolutely essential that the Congress continue to address the serious unemployment situation, in all its ramifications, We need a balanced policy encouraging the growth of high technology and service industries, while maintaining a sound manufacturing base and preserving those basic industries which are vital to our economy and defense. Our trade laws must reflect our commitment to free and open commerce among nations. However, these laws must also promote exports and eliminate trade barriers to our goods and unfair competition from heavily subsidized Government imports. Moreover, we must work for an improved educational system to guarantee that future workers will possess employment related skills.

I will continue my efforts to reduce the level of unemployment in our country and I am confident that the Congress will initiate the necessary actions to stimulate job opportunities.●

● Mr. TALLON. Mr. Speaker, I would first like to thank my colleagues from West Virginia for providing this opportunity for a Special Order on Unemployment.

I know we have all seen firsthand the emotional side of unemployment. Fortunately, unemployment has dropped slightly in my district during the last 6 months. But it still continues to hover around 10 percent. Throughout my district in South Carolina, I see teenagers who have just graduated from high school with no opportunities in sight, men and women I grew up with who have been laid off with no idea of when they might be returning to work, and the older worker who has been phased out during their most productive years.

We know it is not fair. We know these people and their families are suffering. We know their despair runs to the core of their self-esteem. The promises of economic recovery provide little comfort for those still looking for a job.

There are over 30,000 people out of work in my district. The source of this unemployment runs the gamut from industrial workers who are laid off indefinitely, to small family-owned businesses who just could no longer make ends meet, to family farmers who face foreclosure.

This is the emotional, personal side of unemployment. And we should respond with compassion. But we should also search to the root of the problem, correct it, and get our economy turned around and our people back to work. We are wasting our most valuable natural resource—the American worker.

To find the realistic approach to getting American workers working again is to look to the history of this great Nation. Our free enterprise system and the development of the private sector was based on reasonable, stable and long-term interest rates. Any businessman knows that he must be somewhat able to forecast the future in terms of supply, demand, costs and hopefully, profit, to be successful.

To battle unemployment, we must lower interest rates. Consumers cannot make major purchases that require borrowing, so they do not buy, and demand for our goods drops. Businesses are unwilling to make investments when the cost of borrowing is so high. The high-interest rates raise exchange rates and increase the cost of American goods overseas, thereby making our goods less competitive and reducing exports.

The high Federal deficits we face feed high-interest rates which choke growth and investment, force businesses to cut back or close, and send workers from jobs to the unemployment lines.

For the first time we have a recession coupled with high-interest rates. Inflation has been reduced, but at a tremendous cost to our labor force and productive capacity.

In order to lower interest rates, we must agree now to lower the Federal deficit. We need to closely examine where each dollar is spent and not throw money recklessly at any program. As responsible lawmakers, we must make structural changes to expand the tax base, and reduce the rapid increases in health care costs and defense spending that are leading us to astronomical deficits.

By reducing the Federal deficit, we will be sending a message to the financial markets. Competition by the Government and the private sector for the supply of available credit will surely lead to further disaster.

The best jobs bill we can give this country is the assurance of long-term, stable interest rates that will restore the confidence of the financial community.

As we deal with the immediate problems of interest rates and deficits, we can begin the longer job of rebuilding a strong and competitive economy.

We must develop an industrial policy that will make our basic industries competitive again. This should include trade protection from foreign competition while American industries restructure, action to eliminate trade barriers set up by other Nations, legislation to create export trading companies so small business can compete in foreign markets. Industrial policy should also look to industries of the furture by expanding research and development.

The problems of unemployment in the personal and practical sense are clear. So are the solutions. I urge my colleagues to move toward real economic recovery that will not let the suffering of our work force and the decline of our economy continue.

POLICIES THAT LEAD TO UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I think we have had a very useful discussion by a number of Members on the floor tonight about the unemployment problem that the Nation faces. I am pleased to have been able to listen to most of it and to join with many of my colleagues in expressing, too, my belief that we must begin to work toward bringing down unemployment rates.

It seems to me that the one thing that we can assure ourselves of is that work is an essential part of what America is all about. We have long been a nation of growth. We know that we cannot grow without work. But conversely, we know that we cannot have work without growth.

Now, it seems to me that if I have a criticism of what took place here tonight it is that we have pretty much spent an evening listening to the doom-mongers and the nay-sayers. There is no doubt that what they say is true about unemployment. It is much too high. It has been too high, and it has been too high far too long.

We can go back and trace the unemployment problems not just to the beginning of this administration, or even into the years of Jimmy Carter. You can go back a decade or more and see where the problems of unemployment have begun to accrue to this society. And the fault rests not in the White House, for the most part. The fault rests right here. We are the people who have caused most of the unemployment that we now see across the country.

Now, we might have done it for all of the best reasons. The laws that we passed that brought about unemployment, the economic policies that we developed that brought about unemployment, all of those things may have been done for all of the best reasons; but the fact is that the unemployment that now plagues our society started right in this Congress and continues today because this Congress cannot respond.

There are literally about 2 million people in this country who are unemployed today because of what Government is doing to them. Because of the rules and regulations and policies and procedures of Government, 2 million Americans are not working today who could be working. And I think that is a tragedy. I think that is wrong. I think it is high time that if indeed employment is our No. 1 priority—and I believe it should be—then it is high time that we begin to stop the process of creating unemployment here in the Congress. And it is high time that we begin to change the laws, the rules, the regulations, the procedures, the policies that bring about unemployment.

I have no doubt at all of the tragic problems that were relayed by many of my colleagues here tonight, as they read letters from their constituents; I have no doubt that those tragic problems exist, and they exist in every one of their districts. They exist in mine. And I think that the question that we have to pose to ourselves is: What are we going to do about it?

It is not good enough to simply say that the problem exists. We know that. It has existed for a long, long

time. But what are we going to do about it?

Well, I submit that one of the things that we need to begin to look at first is the policies that we pursue in this body that lead to unemployment.

Let us talk about the budget, for instance. We had a budget bill up here on the floor last week. That budget bill has an awful lot to do with what happens on the employment front. What did the budget do that was ultimately passed by this body and by the other body? Well, it raised taxes, it raised spending, and it raised deficits.

Now, I wonder if any one or all of those things are good for employment. Does raising taxes help employment? No; because when you raise taxes, you take money out of the economy, just like you do with deficits. Taxes crowd out investment, just like deficits do. One is just as bad as the other.

And so when you raise taxes, well, indeed, you frustrate economic recovery, you frustrate growth; and when you frustrate growth, there cannot be any work.

Remember what I said originally? I believe it is true. You have got to have growth to have work. But work also must have growth.

Now, if we are going to have growth, we cannot do it by imposing higher taxes, particularly taxes which go to small businesses which are creating most of the jobs in this country. The vast portion of new jobs in this country are created not by the Fortune 500 companies but they are created by small businesses.

What was the first tax bill we brought to the floor the other day, after the madness of the budget proposal?

It was a tax bill designed to impact most on the small businessman. The people who were going to pay most of the additional taxes were small businessmen and farmers.

Do you think that is going to be an incentive for them to go out and hire a new employee? You see, if all of them would hire only one new employee, it would bring down unemployment considerably. But they cannot hire one new employee if we are taking the money and bringing it to Washington. And that is the problem. That is what we do when we raise taxes.

Does raising deficits help create jobs? Absolutely not. Just like taxes, that does crowd out investment. When you crowd out investment, you cannot have growth. When you cannot have growth, you cannot have jobs.

□ 2310

How about raising spending at the Federal level? Does that help create jobs? Well, there are people around here who would like to think so, people around here who think that we can increase spending levels here in the Congress and somehow some of those spending programs will create jobs and will do tremendous amounts of good for all people.

The problem is that the things that we create around here tend not to create jobs which help the unemployed. We passed a jobs bill. It has been referred to by some of my colleagues here earlier this evening. That jobs bill was supposed to help the unemployed. The fact is, we are already beginning to see the experiences rolling in from around the country as to what is happening with that jobs bill money.

The money is being spent; there is no doubt about it. But the spending has gone up, we are spending the money out there, and is it really helping the unemployed?

Well, I recently became familiar with a situation down in the State of Mississippi. They got a good deal of jobs money. Ninety percent of the money that they got is going to be used to pave streets and for drainage and recreation projects. The money is not going to give any unemployed, unskilled workers a job. The money is going to go to people who already had a job, skilled workers who were already, because of increased activity in the construction industry, plenty busy enough, but this is going to be a little bit more money that is going to go their way.

You see, that is not atypical of what has happened in the past with the same kind of programs. The last time, back about 1977 when we had a similar program, 2 percent of the money that we spent actually got to people who were unemployed when the bill passed, and 88 percent of the jobs that were created under that bill went to people who already had a job.

So history is repeating itself. The money we are spending here supposedly to help the unemployed is not going to the unemployed at all; as a matter of fact, it is going in the opposite direction.

That is why, when some of these bills came to the floor, I offered an amendment back awhile ago that said 90 percent of the jobs created under this bill have to go to people who were unemployed at the time of the enactment of that bill. It was based upon historic precedent. That particular proposal was not very popular in this body. Most of the people who spoke tonight on the issue of unemployment voted against that amendment—voted against it.

That raises a question in my mind. Are we more concerned with the spending or are we concerned about the unemployed? I think we ought to be concerned about the unemployed, and it seems to me if we are going to spend the money we ought to at least spend the money to make certain that it goes in the direction of helping people get work.

But we will not do it just by spending. The votes on spending around here consistently show that what the spending is doing is going toward special-interest programs, to special-interest groups; it is not helping on this No. 1 priority. We had a vote today that tried to cut 4 percent on a budget around here, 4 percent out of an $8 billion budget that was about $1.2 billion over what the President wanted to spend. First it won. It won by a couple of votes. But sure enough, a couple minutes later we had to revote it again and then it lost by 10 votes. It would have saved $300 million or $400 million, but it could not be sustained.

That kind of spending, those kinds of spending programs, that kind of money that adds to deficits, costs people jobs because it takes money out of investment, that takes money out of growth, and without growth we do not have work, and without work we do not have jobs.

What is happening out in the country as they have taken a look at this budget process that we have gone through around here? What has been the reaction of the people who have to create the jobs out there? Have they been impressed with what we did? No; the stock market has dropped since that budget passed. Interest rates are said to be going back up. Why? Well, they are responding to the fact that we do not have the will in this body to do what is necessary to put people to work.

For a period of some months, the financial markets began to get the feeling that we might have that kind of will. Now they find out that we do not, and there is beginning to be a negative reaction, and there is a good possibility within the next few weeks that interest rates will begin to go back up again, with all the economic devastation that that could cause, with the increased unemployment that that could cause.

Why? Because of something that the administration is doing? No; because of what we did right here when we designed an economic policy that had every tenet of it absolutely wrong.

Well, that raises a question. Why did we move off on this kind of an economic course when we see that an economic recovery was really underway? Was it politics? Well, I contended that it was, and I think there is some justification for that. I happen to think that there are some people who are getting worried about the fact that a strong economic recovery looking toward 1984 will not be very good politics in 1984 for people who are in opposition to this administration.

That may be, but the fact remains that there is an economic recovery underway. I heard it described this evening in a variety of ways. I heard it described as fragile, nonexistent, and several other terms. But I submit that it is a very noticeable economic recovery.

Let us take a look at civilian employment. Civilian employment reached 99.6 million in May. Since December, employment in this country has increased by over 500,000, with adult men up 370,000 and adult women up 270,000, accounting for most of the increase. At 99.6 million Americans working, total employment is 300,000 higher than the average 1980 level of employment. In other words, the last year of the Jimmy Carter administration, that 1980 time period was not exactly a time of boom in this country.

Right now, because of the policies of this administration—and sure, they have taken a while to work; it has taken a couple of years for them to really move into place—because of those policies, the employment rate is beginning to move up in this country. There are 300,000 more Americans employed today than was the average during the year of 1980.

How about industrial payroll employment? The total nonagricultural employment rose by 375,000 people in May, to 89.5 million total. Consequently, the unemployment rate has dropped by 0.7 percent since December. Now, that drop in unemployment is the fastest drop in the unemployment rate in the postwar era. To say that this recovery is not working, that the economic policies are not working when you have that kind of statistics is just plain foolishness. It is not only wrong; it is foolishness to say those kinds of things.

Unemployment is still too high. It is still not coming down as fast as we would like, but it is coming down faster than at any time during a recovery in the postwar era.

Those employment increases have been widespread. The Bureau of Labor Statistics diffusion index reached 70 percent in May. This is the index that the BLS uses to predict future hiring trends, and anything over the 50-percent threshold is considered to be a positive indicator. That 70-percent figure is one of the highest we have seen in a decade.

The construction industry added 80,000 jobs last month. Manufacturing employment increased by 105,000 jobs in May, after increasing by 113,000 jobs in April.

We are seeing factory hours go up. We are seeing hourly earnings go up. All of these things that are beginning to happen in the economy were happening as a result of some of the tough decisions that we made in 1981 and 1982. Now, we all know around here that the economy does not work instantaneously. It takes a period of months. It is usually about an 18-month cycle.

We are now beginning to see the results of what took place 18 months ago.

□ 2320

Those results are very positive. What is Congress doing to respond to that kind of positive trend? Are we building up on that positive trend in what we did in the 1981-82 time period? No, we are moving completely in the opposite direction. We are going back to the same policies that caused the devastation in 1980—precisely the same policies—and it is a tragedy.

It seems to me that what we ought to be doing, if we are really going to put people to work and if we are really going to make unemployment a No. 1 priority to get solved, is adopt some of the things that the economic recovery was all about—reduce Federal spending, reduce taxes, and bring about a situation where we have lower inflation which in turn can lead to lower interest rates. Those are all the kinds of things that we need to do in this Congress in order to get the economy moving again and put people back to work.

But we have some other things we ought to do, too. When we take a look at the unemployment figures, we find out that the unemployment figures are pretty well targeted. In my State of Pennsylvania unemployment is much different in some communities than it is in others. We have towns and cities in Pennsylvania where the unemployment rate is running 20 to 25 percent, and we have other communities where the unemployment rate is about 6 or 7 percent. That kind of disparity needs to be looked at because those high areas of unemployment obviously bring up the average.

So it seems to me that we need to begin to target some of our assistance toward those particular communities. That is the reason why I have introduced the Distressed Communities Act. One of the things that we can do under the kind of plan that I put forward is to let us get the Government out of the business of stopping people from working in those communities.

That is right, Mr. Speaker, the Federal Government is responsible in many of those communities for people not being at work because we impose standards on them—things like the Davis-Bacon Act, clean air standards, and all kinds of things which stop people from working in those communities.

Why not give those communities a waiver which would allow them to say, "If we have got unemployment averages in this town which are higher than the national average, we want to be able to waive those requirements for the period of time it takes us to get our unemployment down?" Why not get Government off their backs for a while? Why not let them put people to work rather than meet Government mandates?

That could produce something in the vicinity of 1 million jobs in this country in the areas that most need the jobs without one dime of Federal money being spent. That is the direction we ought to be going. That is one of the things we can do.

But the fact is that we do not like to think about doing things like that in this body because there are a lot of special interest groups out there that are tied to all those programs. Those programs did not just come out of nowhere. The things that are keeping people out of work just did not come out of nowhere. I submit that as soon as we begin talking about doing something about the Davis-Bacon Act that in itself costs 500,000 Americans their jobs, big labor will be here in droves telling us, "Oh, you can't touch Davis-Bacon."

I know that is true. We held some hearings on the revenue sharing bill, and I suggested that one of the things we ought to do in the revenue sharing bill is give communities the ability to waive Davis-Bacon if they could show that it would increase employment in their communities. Labor, which should be most concerned about employment, came in and testified against that amendment. I found it incredible. I said, "Do you mean to tell me that the AFL-CIO is testifying against jobs?" I asked that because the operative language in my amendment referred to jobs. It had nothing to do with the cost of Davis-Bacon or anything else. It just said, "Jobs," and they came in and testified against it.

The special interests in this country are far more concerned about their own little perks and the little institutions they have in society than they are about the No. 1 priority, putting people to work.

I think we also ought to begin to look in this body at what impact the legislation we pass has on jobs. I think our legislation ought to include job impact statements. I think when we bring a bill out here on the floor to debate it, we ought to know precisely how many jobs it is going to cost people. I think we ought to make that determination in the committees around here before we ever bring legislation to the floor so that we would know whether some of these bills we pass are going to lock so many Americans out of their jobs.

We have already had some of those bills out here this year. We had a couple of wilderness bills out here this year and we knew that several thousand people were going to lose their jobs because of the adoption of those bills.

Again I offered some amendments. I offered an amendment to a couple of those wilderness bills that said the

Secretary should be given the power to waive any of the requirements in those bills that would result in people losing their jobs. It was a fairly easy issue—trees versus jobs. I was asking, "What is more important to you? What is your No. 1 priority? Is it jobs or is it trees?"

I have got to say that an awful lot of Members who spoke on this floor tonight voted for trees instead of jobs. They said the trees were far more important to them than the jobs that were being lost. And it was on the record. It was a record vote, and anyone can check it.

Then I think we ought to move in the direction as well as more jobs for the actual unemployed. I think when we talk about jobs bills here and we run bills out here onto the floor that are supposedly aimed at the unemployed, we ought to have a mandate in them that says that the jobs can only go to people who are unemployed. We should not simply use the unemployed as a political kickball that we bring out here to pass all kinds of spending bills but the money never gets to them. I think it is high time that when we develop legislation around here that is supposedly going to help unemployed people, we make sure it goes to the unemployed and not again to a lot of special interest powers out across the country. The programs we have put together in the past have not done that, and I think that ought to be a mandate.

Finally, I think we have got to deal with this problem of unfair foreign competition, and I think that we can deal with it in a very meaningful way. We should simply start saying to countries around the world, "We will treat your products in this country precisely in the same way you treat our products in your country." We should say, "if you have limitations on our products coming into your country, you are going to find those same barriers in our country. Insofar as you are going to allow us to compete freely in your marketplace, we will allow you to compete freely in our marketplace."

That gives us two advantages. It shuts down our markets to unfair competition, and it also begins the process of opening world markets to our products.

I still think the American worker will turn out the best product in the world, the highest quality product, and a product that can be proudly inscribed with "Made in America." We have got to have access to those markets, though. A reciprocity type of approach would give us access to those markets and give us an opportunity to have our goods compete in the world market rather than just having foreign goods competing in our marketplace.

Then, finally, I think it is high time that we began to look toward the future as well. We have got to look toward where jobs are going to be in the future. We hear a lot of talk about high tech and all of that. That is really only a part of the story. High tech is going to offer some jobs, but not nearly enough to make up for basic industry losses. But there are some areas of the American adventure that are going to produce massive numbers of new jobs for people in the future.

I serve on the Committee on Science and Technology. We have had some experts testifying before our Space Subcommittee who tell us that if we would make the proper commitment to the industrialization and commercialization of outer space, we could create a trillion-dollar economy from outer space by the turn of the century. Now, when we break down a trillion dollar economy in 1983 terms of jobs, that is 35 million jobs that do not exist today.

We have got to begin to move in some of those kinds of directions. We have got to begin to take the opportunities we have to commercialize and industrialize that next frontier, outer space. It is not a dream. It is not "Buck Rogers" to say that. There are companies that are already beginning to work on this kind of process. This administration is trying to move us in that direction.

This administration has proposed, for instance, that we sell some of our satellites out there that have a potential for commercialization, like Landsat and the weather satellites. That is running into intense controversy and opposition in this Congress. Many Members oppose that idea of selling those satellites. They throw up all the concepts that somehow we are going to lose valuable information the Government should have and all that. The fact is that they do not want to give up the power of control of what we put out there, and yet that is the direction we have got to move if we are going to produce jobs. The opposition to commercialization of outer space is opposition to jobs in the future.

□ 2330

I go back to where I started, and that is what we need is growth. We cannot grow without work. We cannot have work without growth.

I think that the special orders taken by my colleagues this evening help say the unemployment is, indeed, a problem that spreads across America in far too many districts, that the solution is in a future filled with growth. We have got to develop the policies here in this body which allow growth to go forward.

ARTS AND HUMANITIES TAX REFORM ACT OF 1983

The **SPEAKER** pro-tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 10 minutes.

● Mr. GREEN. Mr. Speaker, I am pleased to be introducing today the Arts and Humanities Tax Reform Act of 1983. This legislation would amend the Internal Revenue Code to disregard, in the valuation for estate tax purposes of certain items created by the decedent during his or her life, any amount which would have been ordinary income if the item had been sold at its fair market value; to allow a charitable deduction based on the fair market value of a creation; and to establish new guidelines for deducting the business use of a place of residence.

Under present law, an artist's heirs pay an estate tax on the decedent's creative property which is based on its fair market value. Unfortunately, an artist will frequently request that the family destroy works of art at the time of his or her death in order to protect the heirs from exorbitant estate tax charges. I believe this is a great loss to the Nation, its artists, scholars, and historians, and to the decedent's heirs. Section 2 of my bill provides that, when an artist dies, the estate tax charged the heirs will be based on the cost of the materials in the work, and not the price at which the item could be sold.

I would add that a work or creative property may be defined as any copyright, musical or artistic composition, letter or memorandum, or any similar property which was in the decedent's possession at the time of his or her death, and was created through the efforts of the individual. Second, I would point out that creative work does not include any property which was held by a decedent who was at any time an officer or employee of the United States and which was created by the decedent in carrying out an official duty.

While, for estate tax purposes, works are valued at market price, a creative work is valued for charitable deduction purposes at the cost of materials in the work. Section 3 of my bill would allow artists to take a deduction for donations to nonprofit groups at the fair market value of the donated property.

In making these changes, we would promote rather than discourage creativity and advocate the sharing of artwork and creativity with the public. By providing a tax incentive for the contribution of works to charitable organizations—museums, libraries, and galleries—and a lighter estate tax charged an artist's family, we are encouraging wider distribution of artwork, development of artistic resources in individuals, and are recognizing the importance of preserving an artist's creation.

Section 4 addresses a problem which is voiced again and again by artists, particularly in New York City. Under current law, a taxpayer is allowed to deduct expenses attributable to the business use of his or her place of residence only when a portion of the home is used exclusively and on a regular basis as a place of business. Many artists and writers who seek to deduct expenses for the business use of their homes and live either in loft-type space in small quarters have a difficult time providing exclusive use of a portion of their home when it is not separated from the remainder of the dwelling by a wall. My bill addresses this problem and would allow the deduction in cases in which a portion of the home is used to a substantial extent and on a regular basis for business purposes, thus allowing a part of a room, not necessarily a separate room, to be considered a workplace for tax purposes. Section 4 also directs the Secretary of the Treasury to promulgate regulations in order to implement the substantial extent provision within 90 days of enactment of the legislation. Within 120 days of enactment, the Treasury must recommend to the House Ways and Means and the Senate Finance Committees legislation which would provide statutory standards to replace the substantial extent provision.

This legislation is designed to allow the artistic community to develop without fear of the tax burden which being an artist presently creates. In light of the severe budget cuts recently proposed by the administration in this area, I believe it is particularly important to provide these incentives to artists, and remove the disincentives to creativity which currently exist. I have submitted to the RECORD the text of my bill for review by ny colleagues:

H.R. 3429

A bill to amend the Internal Revenue Code of 1954 to disregard, in the evaluation for estate tax purposes of certain items created by the decedent during his life, any amount which would have been ordinary income is such item had been sold by the decedent at its fair market value, to allow a charitable deduction based on the fair market value of such items, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arts and Humanities Tax Reform Act of 1983".

SEC. 2. VALUATION OF CREATIVE PROPERTY FOR ESTATE TAX PURPOSES.

(a) IN GENERAL.—Part III of subchapter A of chapter 11 of the Internal Revenue Code of 1954 (relating to gross estate) is amended by inserting after section 2032A the following new section:

"SEC. 2032B. VALUATION OF CERTAIN ITEMS CREATED BY THE DECEDENT.

"(a) GENERAL RULE.—If the decedent was (at the time of death) a citizen or resident of the United States, then, for purposes of this chapter, the value of qualified creative property shall be determined under subsection (b).

"(b) VALUE OF QUALIFIED CREATIVE PROPERTY.—For purposes of subsection (a), the value of qualified creative property of the decedent shall not include any amount which would have been ordinary income if such property has been sold by the decedent at its fair market value (determined at the time of the valuation of such property).

"(c) QUALIFIED CREATIVE PROPERTY DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified creative property' means any copyright, any literary, musical, or artistic composition, any letter or memorandum, or any similar property—

"(A) which was held by the decedent at the time of his death, and

"(B) which was created by the personal efforts of the decedent.

"(2) CERTAIN PROPERTY EXCLUDED.—The term 'qualified creative property' does not include any property—

"(A) which was held by a decedent who was at any time an officer or employee of the United States or of any State or political subdivision of such State, and

"(B) which was created by the decedent in carrying out his official duties as such an officer or employee.".

(b) CLERICAL AMENDMENT.—The table of sections for such part III is amended by inserting after the item relating to section 2032A the following new item:

"Sec. 2032B. Valuation of certain items created by the decedent.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after January 1, 1983.

SEC. 3. VALUATION OF CREATIVE PROPERTY FOR CHARITABLE DEDUCTION PURPOSES.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL RULE FOR CERTAIN PROPERTY CREATED BY THE TAXPAYER.—

"(A) IN GENERAL.—The reduction under paragraph '(1)(A) shall not apply to any charitable contribution of property—

"(i) which is a copyright, a literary, musical, or artistic composition, a letter or memorandum, or a similar property, and

"(ii) which is contributed by a taxpayer whose personal efforts created such property.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any property—

"(i) which is contributed by any officer or employee of the United States or of any State or political subdivision of such State whose personal efforts created such property, and

"(ii) which was so created by such officer or employee in carrying out his official duties.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contributions made after December 31, 1982, in taxable years ending after such date.

SEC. 4. BUSINESS USE OF HOME.

(a) IN GENERAL.—Paragraph (1) of section 280A(c) of the Internal Revenue Code of 1954 (relating to exceptions for certain business or rental use; limitations on deductions for such use) is amended by striking out "exclusively used" and inserting in lieu therefore "used to a substantial extent and".

(b) REGULATIONS FOR LEGISLATION.—The Secretary of the Treasury or his delegate shall, not later than 120 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate recommendations for legislation which provide objective statutory standards, for allowing deductions in cases where a portion of a dwelling unit is used for business purposes on other than an exclusive basis.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years begining after December 31, 1982.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MARRIOTT) is recognized for 5 minutes.

● Mr. MARRIOTT. Mr. Speaker, I was unable to be present on the floor of the House of Representatives on Thursday, June 23, 1983, for rollcall vote No. 214. Had I been present I would have voted "nay" on the conference report on House Joint Resolution 91, revising the congressional budget for the U.S. Government for fiscal year 1983 and setting forth the congressional budget for the U.S. Government for fiscal years 1984, 1985, and 1986. This is just an extension of the old philosophy of tax, tax, spend, spend.●

SERBIAN COMMEMORATION OF THE BATTLE OF KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on June 28, Americans of Serbian descent and Serbs worldwide commemorate the courage of their countrymen who sacrificed their lives defending their homeland in the Battle of Kosovo in 1389. Actually fought on June 15, the battle is celebrated on June 28 under the Gregorian calendar. In this battle, the Serbians sought to protect their religion and national existence, but the force of the Turkish Army was overpowering and they were defeated.

In its efforts to conquer all of Europe in the 1330's, the Turkish Army began its campaign to take the Serbian state in 1371, defeating the Serbs at the Maritsa River. The fall of the Serbs as an independent people was completed in 1389 on the Plains of Kosovo. In the Battle of Kosovo, the Serbian Tsar, Prince Lazar and the Turkish Sultan, Murad I, were both killed. The Serbian knight, or voyvode, Milosh Obilich, who slew the sultan in his tent, has been immortalized in

national songs and legends, as has the battle itself. Although defeated, the heroic spirit of the Serbians' brave defense of their independence is a permanent part of their national heritage.

The Serbian people lived completely under Turkish domination beginning in 1459, when Serbia became part of the Ottoman Empire. For the next 400 years, the courageous Serbians were harshly ruled by Ottoman overlords, who subjected them to cruel, inhumane treatment. Nevertheless, throughout the years the Serbian people were united by the Serbian Orthodox Church which nurtured in them a sense of national pride and culture. The deterioration of the Turkish Empire in the late 18th and early 19th centuries led to a series of events that enabled Serbia to regain its autonomy in 1830 and its independence as a kingdom in 1882.

At the conclusion of World War I, under the direction of the Serbian royal dynasty, the Kingdom of Serbs, Croatians, and Slovenians was established. The name was changed to Yugoslavia 11 years later. In 1945, the monarchy was abolished when the Communists invaded and dominated Yugoslavia, and the official observance of the Battle of Kosovo was banned by the Communist government. Despite this effort to destroy the national pride and heritage of the Serbians, the Battle of Kosovo is a historic memory in the hearts of Serbs everywhere.

Mr. Speaker, the courage and determination to overcome tremendous odds in the name of freedom has for centuries strengthened the Serbian people and their cultural heritage. Americans of Serbian descent have made strong and lasting contributions to the strength and greatness of the United States.

I am proud to join with Serbian Americans in the 11th District of Illinois, which I am honored to represent, and throughout the Nation, who are commemorating the historic Battle of Kosovo. The dedication and patriotism displayed by these courageous people is inspiring to the entire world.●

LEGISLATION PROVIDING SUBSISTANCE ALLOWANCES TO CERTAIN LAW ENFORCEMENT OFFICERS ARE NOT TAXABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. SHELBY) is recognized for 5 minutes.

● Mr. SHELBY. Mr. Speaker, I introduced legislation today to exclude from gross income meal allowances paid to certain law enforcement officers by their employers.

For many years such meal allowances were interpreted to be excluded by section 119 of the Internal Revenue Code. That section excludes from an employee's gross income the value of employer-furnished meals if they are provided for the employer's convenience, on its business premises, and for substantially noncompensatory reasons.

In 1972 the Internal Revenue Service ruled that subsistence allowances provided to State troopers do not fall within section 119. The U.S. Tax Court upheld the IRS ruling; while conceding that the meal allowances were furnished for the convenience of the employer, the court held that section 119 excluded only meals in kind, not meal allowances. The U.S. Court of Appeals for the Third Circuit disagreed with the Internal Revenue Service and the tax court, but was subsequently reversed by the Supreme Court in the Kowalski decision, which held that these meal allowances are taxable income.

The IRS applied this ruling retroactively through 1971, creating severe financial hardship for State troopers by holding them liable for taxes on all meal allowances paid them back through that date. Senator Jim Allen of Alabama introducted legislation to alleviate this hardship by excluding the meal allowances from taxable income. As finally passed, however, the bill only overruled the retroactive effect of the Kowalski decision.

I do not believe Congress intended to omit these meal allowances from the exclusion provided for in section 119. The purpose behind this section is to allow an employer to provide meals to employees for substantially noncompensatory employment-related reasons. The regulations for this section state that a noncompensatory purpose exists where employees must be present to deal with emergencies during work hours. It is unfair and unjust to exclude a State trooper's subsistence allowance from the benefits of this important provision of the Tax Code simply because meals are not provided on official premises and are in the form of an allowance.

Alabama, and many other States, instituted the cash allowance system in order to permit troopers and other law enforcement officers to remain on call in their assigned patrol areas during their break. Often, the officers' law enforcement duties carry them far from home. Since these officers are assigned on a countywide basis, many cannot return to their offices or homes for meals because of their responsibilities. An officer cannot call for relief at mealtime if his duties demand his presence.

There can be little question that our law enforcement officers perform one of the most difficult and demanding jobs imaginable. Our citizens' safety and well-being depend on their swift action in enforcing the law. These officers take their meals only when and where the time allows because of the nature of their jobs. In essence, these officers must serve their State's needs before they can serve their own. I see no reason why this allowance for meals should not be excluded from their taxable income.

The bill I have introduced would simply amend section 119 to specifically provide that subsistence allowances to certain law enforcement offices are not taxable. I feel that this is important legislation, which will aid the State law enforcement officers of our Nation. Let me stress that this bill will benefit law enforcement officers of every State who receive subsistence allowances.

I urge the support of my colleagues for this legislation.●

UNIVERSAL TELEPHONE SERVICES AND RATEPAYER PROTECTION ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SWIFT) is recognized for 10 minutes.

● Mr. SWIFT. Mr. Speaker, in order to deal with the changing technologies and judicial and regulatory decisions that are affecting the telephone industry today in a way that will not force millions of Americans off the phone system, I have today introduced legislation, H.R. 3440, the Universal Telephone Service and Ratepayer Protection Act of 1983. As the House Subcommittee on Telecommunications begins its work in this vitally important area. I hope that my colleagues will examine closely the proposals outlined in this bill and give them careful consideration. Following is a section-by-section outline of the bill:

SECTION-BY-SECTION ANALYSIS

SHORT TITLE AND TABLE OF CONTENTS

Section 1. The title of the bill is the Universal Telephone Service and Ratepayer Protection Act of 1983. The bill has nine sections.

STATEMENT OF FINDINGS AND PURPOSE

Section 2. The fifty-year effort to bring affordable and universally available telephone service to the public has served the nation well. Universal telephone service has contributed to the Nation's economic, social, and political integration and development. Each telephone subscriber receives a more valuable service when anyone else in the country can be called. Universal service is threatened by pending rate increases that will impact especially hard upon the poor, elderly, handicapped and those living in high-cost urban and rural areas. The bill will assure nationwide availability of communications services at affordable rates that will allow full participation for all Americans in the nation's economic, political and social life; assure that the responsibility for achieving such nationwide availability is shared equitably by all current and emerging communications technologies; and will rely to the maximum extent possible upon state regulatory authority to assure

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availability of such services at affordable rates.

DEFINITIONS

Section 3. The bill defines certain specialized terms. The definitions are amended to the 1934 Communications Act as Section 153.

Exchange areas are the areas within which local telephone service is provided. Exchange transmissions include all communications within an exchange area. Exchange service is the provision of exchange transmission service by an exchange common carrier. An exchange common carrier provides transmission services on a universal common carrier basis within an exchange area and these services are provided with exchange facilities.

Interexchange transmission is between points in more than one exchange area. Interexchange service is interexchange transmission provided by an interexchange common carrier. An interexchange common carrier provides interexchange communications services on a common carrier basis between points in more than one exchange and these services are provided with interexchange facilities.

Exchange access is service provided by an exchange common carrier for the origination and termination of interexchange transmissions. The Universal Service Board is the state-federal joint board, created under Section 227 (Section 6 of the bill), which has three state regulatory commissioners and two FCC commissioners.

EXCHANGE ACCESS AND BYPASS

Section 4. The bill adds a new section to Title II of the 1934 Communications Act, Section 225.

Presently telephone companies use a system of separations and settlements that collects and distributes funds long distance service. Subsection (a) requires the Universal Service Board to create a new system of charges that will replace the present system in order to compensate exchange common carriers for their costs of providing access to their local exchange for interstate transmission. In doing so, the Board should work to achieve equitable treatment for all interexchange communication that connects to local exchanges; assure that payments and assignment of costs are carried out in a open fashion; compensate exchange carriers for their costs of providing exchange access; and ensure the continued availability of universally available exchange service at affordable rates. Further, the Board will establish a system of charges to be collected from those who own or operate services that do not connect with the exchange carrier but which provide comparable service. In determining these charges, the Board should consider the value to private systems and to the public in general of nationally available and affordable communication services; disincentives to interconnection that are created by access charges; the value to carriers and those carriers' ratepayers if those private systems were interconnected; and the need to encourage carriers to provide services which are available through non-interconnected services. Funds from these charges are to be maintained in a separate account, created under subsection 226(d). If necessary to administer this section, the Board will establish requirements that non-connecting systems will notify the Board.

Subsection (b) requires exchange carriers to file tariffs for their charges for providing direct and indirect connection to the local exchange. Under subsection (g), the FCC's authority under this subsection will be delegated to states that comply with the requirements of this section and with rules and procedures promulgated under it. Tariffs must be filed with the FCC (or state) and should include information on separate charges for each service, facility, or other supporting function that exchange carrier provides for access. Exchange carriers may file, and the FCC (or state) may require carriers to file, a single tariff for all areas they serve in a single state. If more than one carrier provides service to a single exchange, they may file joint tariffs and divide revenues in a manner approved by the FCC (or state). State commissions have authority to require all exchange carriers within their state to divide revenues from access charges. Exchange access and payment for it will be only allowed when it is according to applicable tariffs. The FCC (or state) is bound by formulas established by the Universal Service Board.

Subsection (c) requires that exchange carries supply only those services, facilities, and support for access that is requested; that tariffs specify separate charges on an element-by-element basis; and that differences in charges will be based on differences in costs. Each tariff will have four charges, three costs (charges for costs caused solely by exchange access; charges for other costs that are directly attributable to exchange access; and charges for a portion of costs for services, facilities or other factors that are used jointly or in common with providing exchange service) and a surcharge established by the Universal Service Board to fund the Universal Service Fund (created under section 226). Only these costs may be included in access charges. Other costs for interstate exchange access will be recovered by eligible carriers from the Universal Service Fund. Exchange access charges to customers must be proportional to their use of interexchange service.

Although subsection (c) requires that charges be based on costs of providing access, subsection (d) requires that for those interstate interexchange carriers that are offered inferior service to that received by other carriers will have their access charge discounted to reflect the lower value.

Subsection (e) requires that the FCC establish standardized methods for ascertaining and apportioning costs of services and facilities that are used jointly or in common between exchange service and exchange access. These decisions will be consistent with decisions of the Universal Service Board. The FCC will also establish standard forms for record-keeping.

Subsection (f). No exchange carrier is required to allow joint ownership of its switching facilities or required to allow other carriers to locate their equipment on its premises. Exchange carriers are not required to bill customers for other carriers; they are allowed to only if they include billing services as a separate tariff item. Exchange carriers with fewer then 50,000 customer lines may use statistical cost studies (that include other carriers in a similar class) to support their tariffs for exchange access.

Subsection (g). The FCC is required to delegate authority under subsection (b) to any state that complies with the provisions of this section and with rules adopted under it. For tariffs approved by a state, any carrier or customer that alleges that charges are not based on costs, that flat charges are being assessed on customers for access of that discounts are not being offered to reflect the lower quality of service offered may file a petition for review with the FCC. An identical petition must also be filed with the state commission and the FCC cannot act earlier than 60 days or after the state commission has issued an adverse ruling.

Subsection (h) requires that initial access charge tariffs will take effect before 1986 and will provide for a three-year transition.

Subsection (i) requires that each tariff submission by a carrier must include a certification that the carrier is complying with provisions of this section.

Section 4 of the bill also voids the access charge decision adopted by the FCC in December, 1982 and which is scheduled to go into effect in January, 1984.

UNIVERSAL SERVICE FUND

Section 5. The bill adds a new section to Title II of the 1934 Communications Act, Section 226.

To assure the continued availability of affordable telephone service on a universal basis, subsection (a) requires that the Universal Service Board establish a Universal Service Fund. This fund will have three accounts: to pay for costs for eligible carriers whose costs per customer access line exceed 115 percent of the national average (subsection (b)); to pay for costs that exceed 115 percent of the national average for connecting lines to and from an exchange area for interexchange service (subsection (c)); and to pay for costs caused by those bypassing the exchange carrier (subsection (d)). Funds in the third account may also be used to supplement the first two. These accounts will be funded by revenues raised from a surcharge on access charges and by charges assessed on non-connecting systems. The Board will determine the charges necessary to finance the payments required by this section.

Under subsection (b) eligible carriers may recover their costs for providing exchange service to the extent their cost per customer access line exceeds 115 percent of the national average. Eligible carriers are either those with fewer than 50,000 lines or who, although they have more than 50,000 lines, have REA telephone loans or guarantees approved prior to 1983. Those with more than 50,000 lines will only qualify for payments for those exchanges that have REA loans.

Those exchanges whose costs to connect to interexchange service exceed 115 percent of the national average will qualify under subsection (c) to recover their costs that exceed 115 percent.

Under subsection (d), the third fund, which is funded by charges on those that bypass the exchange carrier, will be used to offset costs caused by such nonconnection and to supplement the funds otherwise available under the first two funds.

Subsection (e) requires that the accounts will be administered with as few delays possible and on the basis of uniform and simple standards which are readily applied to the information included in each application. Payments will be subject to audit and adjustment by the Board to assure that they are proper and are used to maintain afforable rates.

UNIVERSAL SERVICE BOARD

Section 6. The bill adds a new section to Title II of the 1934 Communications Act, Section 227.

Within 30 days the FCC is required to establish a Universal Service Board, consisting of two FCC commissioners and three state commissioners. The Board will: 1) establish

and maintain formulas for funding the Universal Service Fund and distributing funds from it; 2) provide for a transition from the present system of separations and settlements to the new system of access charges; and 3) determine relative assignment of joint and common costs. In making its decisions on joint and common costs, the Board will encourage reliance upon exchange common carriers for distributing interexchange transmissions; promote the availability of exchange service at affordable rates; and take into account the costs of providing exchange service and exchange access, investment needed to meet demands for exchange service and exchange access, and the use of exchange facilities for exchange service and exchange access. Any determination by the Board is final, subject to judicial review. The Board may appoint staff and an administrative committee, made up of representatives of exchange and interexchange carriers and customers, to administer the Universal Service Fund accounts.

STATE COMMISSION AUTHORITY

Section 7. The bill adds a new section to Title II of the 1934 Communications Act, Section 228.

Although the FCC may adopt technical regulations, states have authority to regulate exchange service, interexchange service involves communications service to the extent that such service involves communication between points within the state (except communication that does not cross property lines or remains within a single site). Under this authority states may classify facilities used for such purposes even if they are also used for interstate communications and may determine depreciation methods for those portions of such facilities attributable to providing service within the state. Such decisions will be in accordance with guidelines established by the Universal Service Board and depreciation methods will promote the economic viability of the carriers involved. The states or the Universal Service Board may require any person providing communication to provide information needed to carry out their responsibilities and keep informed about technical developments.

PRESERVATION OF BASIC TELEPHONE SERVICES

Section 8. The bill adds a new section to Title II of the 1934 Communications Act, Section 229.

State commissions may require exchange carriers to lease and maintain basic one-line telephones and inside wirings to persons within the state under tariffs that include all costs of providing and maintaining them. A basic one-line telephone is defined by the FCC as the type of equipment essential for basic participation in nationwide telecommunications. In defining such equipment, the FCC may not reduce the quality of basic one-line telephones presently available.

EFFECTIVE DATE

Section 9. The amendments made by this Act will take effect on the date of enactment or January 1, 1984, whichever is later.●

● Mr. WYDEN. Mr. Speaker, I am delighted today to be able to introduce, along with my colleagues Mr. SWIFT and Mr. ALEXANDER, this much-needed legislation that will ensure that the poor, the elderly and rural residents are not priced out of basic telephone services.

We know that, given the events of recent months, we have a big job ahead of us. But it is a critical one.

America is in the middle of a technological revolution. The fruits of the marketplace—home banking, home shopping, in-home computer linkups, and other whizbang gadgetry and services—are just around the corner.

But AL SWIFT, BILL ALELXANDER, and I think it is wrong for some in our society to have access to micro-optics while our senior citizens may not be able to afford a telephone to call the doctor.

We want it understood that while we favor competition in the telecommunications industry, we simply will not let our most vulnerable citizens be cut off from society.

Recent actions by the Federal Communications Commission—including the access charge decision—could put basic phone service out of reach for millions of older Americans, the urban poor, and those who live in rural areas.

The implications are staggering. I was director of the Oregon Gray Panthers for 7 years before coming to Congress and I am still close to senior citizens groups. When I was home in my district this weekend the issue of phone rates came up repeatedly at my town hall meetings. And what I saw was raw fear: Fear that seniors would not be able to stretch meager savings far enough to cover the phone rates hikes. Fear that they would be cut off from their lifeline—their only link with the outside world.

Hundreds of thousands of elderly in this country are now walking an economic tightrope, balancing their food costs against their utility bills, and their utility bills against health care premiums. Major phone rate increases could push them off of that economic tightrope.

Because Mr. SWIFT and I do not believe Congress wants to create a social subclass of Americans who cannot afford a telephone, earlier this month we introduced a resolution (H.R. 231) which calls on the FCC to gather the data necessary to determine how many Americans will have to give up phone service as a result of its actions. Some 157 of our colleagues already have agreed to cosponsor our bill and the Telecommunications Subcommittee will mark it up tomorrow.

Today, however, we take a much larger bite out of the apple by introducing a bill that will restructure the phone rate system in a more equitable fashion. To this end, it overturns the Federal Communication Commission's access charge decision—a decision which was made with little apparent regard for the impact on the American telephone consumer.

Our bill also calls for the equitable sharing of charges and fees for telephone service. Those parties capable of bypassing local access, who could otherwise avoid paying their fair share of the costs, will be required to contribute toward the cost of maintaining local service. Long-distance companies will also be required to contribute. These provisions will insure that the costs of maintaining local service do not fall unfairly on small business and residential consumers.

A third provision of our bill provides for the establishment of a universal service fund. The purpose of the fund is to guarantee affordable service for those who live in high cost areas. A system of support would be available to those local phone companies whose operating costs were above 115 percent of the national average.

Finally, our bill places authority to regulate intrastate calls and service with the States—where it should be.

This bill may appear to be a menagerie of complicated terms and provisions. It talks about interexchange transmission, exchange access, separations and settlements, tariff submissions, and bypass.

Its goal, however, is straightforward: To guarantee that the principle of universal telephone service in this country is not tossed out the window.

We feel that it is high time Congress take the decisionmaking authority over telecommunications out of the hands of unelected administrators and judges. For more than 15 years, we have abdicated our responsibilities, and if we do not act now, Americans are going to pay dearly.●

H.R. 2760—COVERT ACTION IN NICARAGUA: EDITORIAL COMMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 10 minutes.

● Mr. BOLAND. Mr. Speaker, the House soon will be considering H.R. 2760, one of the more important measures to come before it in this or any other session of Congress.

H.R. 2760 would prohibit any further funding for military or paramilitary operations within Nicaragua and would authorize $80 million in overt security assistance funds to friendly Central American countries.

It has been carefully considered by the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs and reported favorably by each.

I urge all Members to carefully study the issues raised by H.R. 2760 in preparation for the forthcoming secret session of the House which will consider them.

In this regard I have found the following editorials helpful and commend them to all Members:

[From the Washington Post, Mar. 11, 1982]

NONINTERVENTION

Things are getting out of hand in respect to Nicaragua. The tone and, according to the latest news reports, the content of President Reagan's approach are getting progressively more threatening. Whether the Nicaraguans are intimidated is not clear. It is evident, however, that Mr. Reagan is moving rapidly toward the outer limit of the support he can reasonably expect from the American people and from this country's friends in the hemisphere. He badly needs to slow down, collect his thoughts and put them out in public view.

There is, we believe, a central ambiguity to the line the administration seems to be taking now, an ambiguity fed partly by design and partly by indecision and careless thinking. Is the American purpose merely to prevent the Sandinista rulers of Nicaragua from imposing on and disrupting the lives of their neighbors? Or is it to put an end altogether to Sandinista rule? The administratin has not openly professed that more ambitious second goal, but some of its private words, deeds and plans suggest it wishes to proceed toward it, or to get the Sandinistas to believe it will. In that latter purpose, by the way, it has succeeded. The Sandinistas do believe Mr. Reagan intends to try to do them in, and they are mobilizing their considerable diplomatic and propaganda resources to block him.

Should this country try to destroy the Sandinista revolution? The reasons to say yes may be seductive. The Sandinistas are lending themselves to the purposes of foreign countries hostile to the United States. They are double-crossing the many Nicaraguans who accepted their lead in the anti Somoza struggle. And the more the regime reveals these tendencies, the stronger the temptation in the United States to move, in one way or another, against it.

It would, however, be dangerous and wrongheaded to do so. Such an act would cut across the one principle that offers a basis on which the United States has a chance to avert far greater trouble than it has gotten into or even imagined so far. The principle is that of nonintervention.

It can never be forgotten that in Latin America, and especially in Nicaragua, the United States is viewed as the Great Intervenor. The right-wing police regimes of the hemisphere may join Washington in an effort, by open or covert means, to change the regime in Managua—but no other Latin government or element will. The substantial support the United States has received for its effort to build reform in El Salvador will inevitably fade away as Washington is seen to be returning to the role of intervenor in Nicaragua. The American public, plenty leery already, would not put up with such intervention; nor should it. The ground on which the United States stands as it asks others to oppose Nicaraguan intervention in El Salvador crumbles as the United States sponsors intervention in Nicaragua.

It can be argued that the purpose of the CIA's anti-Nicaragua operations is merely to give the Sandinistas second thoughts about their help in Salvador, not overthrow the regime. But you have to be pretty forgetful, or pretty dumb, to buy that argument. Anyway, if there is one thing that the United States has proved itself to be bad at in recent years, it is subverting Latin regimes. There has been no "success" in this department since Guatemala in 1954, and the results there are no advertisement for more of the same.

It follows that before President Reagan goes any further he should clarify the thrust of his policy. He could state that he regards the Sandinistas as bad news, for their international connections and revolutionary ambitions as well as for their repressive domestic proclivities, but that he has decided that in order best to influence them he will forswear an intent to unseat them. Instead he will honor the traditional hemisphere ideal of nonintervention and call upon others to join him to ensure that the Sandinista government respects that ideal in its practical affairs. The means will be hardheaded, legitimate and generally acceptable and will blunt the crippling allegation that he seeks to "intervene."

This will not tie up every loose end of American policy toward Nicaragua. But it will help remedy its central flaw. From the fundamental decision to abandon interventionism, everything else follows.

[From the Boston Globe, Aug. 12, 1982]

HONDURAS ON THE BRINK

For months, friends of Honduras have feared that its weak civilian government would be undermined by the US policy of "using" Honduras as a staging area and an agent in the widening Central American war.

Those fears are now coming true. A number of recent signs suggest that the Reagan Administration's insistence on a military victory in El Salvador, and on a continued war of nerves with Nicaragua, is beginning to spill the violence over into Honduras. There is a trend toward bombings, bank robberies and other guerrilla operations that are clearly acts of retribution.

Honduras could and ought to be an innocent bystander. It is the third poorest country in the western hemisphere and has a small wealthy oligarchy typical of the region. Class differences are more muted than in Salvador or Guatemala, however. The Honduran upper classes have not shared the vicious repressive instincts that provoked revolution elsewhere.

During the 1960s, under a moderate military dictatorship, Honduras embraced the goals of John Kennedy's Alliance for Progress and initiated significant land and labor reform. Allowed to stand aside from the troubles outside its borders—and provided sufficient economic assistance—Honduras could avoid the cycle of bloodshed and pull itself up.

It appears that Honduras will not have that opportunity. Although a civilian government took over last year, the power of the Honduran military is growing. U.S. military aid is being poured in, along with numerous overt and covert US military advisers and CIA personnel, and even some Argentine troops brought in to disguise the American presence. As always happens when civilian governments are not well established, this aid gives the military a disproportionate influence.

Honduras faces no threat that would justify all the aid. It is simply a payoff for doing the Administration's dirty work. For months, Honduran forces have allowed exiled National Guardsmen of the former Nicaraguan dictator Anastasio Somoza, and some counterrevolutionary factions of Miskito Indians, to launch counterrevolutionary raids across the Nicaraguan border.

Now, tense relations with Nicaragua are reportedly building toward war hysteria. Honduras could have eased those tensions months ago by accepting a Nicaraguan offer of joint border patrols, but, probably on a signal from Washington, it has turned a deaf ear. Meanwhile, to the west, Honduran forces have been cooperating with Salvadoran troops in a series of secret hammer-and anvil operations to trap Salvadoran guerrillas along the border.

The cost of being a spear carrier for the Reagan administration was breathtakingly evident in the earnest words of a Honduran officer in a recent radio interview: "The US will supply all the arms, equipment and body bags that we need, and all we have to do is supply the bodies."

[From the Miami Herald, Nov. 4, 1982]

SOMOZA'S GHOST

There's a constant temptation for U.S. officials to try quick-and-duty military solutions abroad when long-range American interests actually require the consistent application of pressure toward humane democracy. That temptation is rising once again in Central America, where military activity is escalating while most Americans are distacted by the more-visible drama of Lebanon.

It is clear that the four-year-old Sandinista revolution in Nicaragua has fallen into the tightening grip of its most extreme Marxist participants. Progressive Nicaraguans seeking elections and a mixed economy have felt increasing pressure. A top priority for U.S. Central American policy should be to bolster those moderate elements within Nicaragua.

Instead, the Reagan Administration is undermining them by virtually sponsoring the growth of an armed counter-revolution that includes hated remnants of the late dictator Anastasio Somoza's national guard. The presence of those unsavory elements, newly re-armed, just across the border in Honduras serves only the Sandinistas. It gives them an excuse to continue their own arms buildup and their internal repression, all in the name of "security".

Additionally, the buildup potentially threatens the newly elected civilian government of Honduras. Reagan Administration generosity to the Honduran military could shift the current delicate balance between the 15,000-man army and the trend toward civilian rule. Some Hondurans fear that their country is becoming "the Lebanon of Central America" as powerful external forces divide their nation. That fear is well-founded.

Few Americans, and certainly few congressmen, disagree with the goals of maintaining pluralism in Nicaragua, minimizing Cuban-Soviet influence in the region, and assuring the security of Nicaragua's non-Marxist neighbors. The re-arming of the former Somoza forces, however, cannot achieve those ends. Instead, it could serve to fuel resentment against the United States by Central Americans who believe that Washington cynically is willing to saddle their nations with any dictator who wraps himself in the banner of anti-communism.

There is no long-range benefit for the United States in such polarization. To the contrary, those resentments too often become kindling for the missionaries of Marxism who strap their own brand of dictatorship to the powerful yearning for freedom from tyrants.

The Reagan Administration should not be seduced into continuing this anachronistic confrontation across the Honduran-Nicaraguan border. It's counterproductive. Congress should tell the Administration so by requiring a clearly defined policy goal to

justify every shipment of arms and military expertise to Central America.

[From the New York Times, Nov. 5, 1982]

NOT-SO-SECRET WAR IN HONDURAS

"Bay of Pigs II?" was the cover headline on a June 1981 New Republic article on war games in Honduras by forces that seek to destabilize Nicaragua. Now a Newsweek cover story explores "America's Secret War," asserting that an American-managed covert operation in Honduras is nearly out of control.

Democracies do some things well, but dirty tricks are not conspicuous among them. Part of the difficulty—law and morality aside—is the inquisitive, competitive free press. It is doubtless tempting to abandon diplomacy and try for a quick fix by using exile armies as proxies to eliminate a vexatious regime. But it can only work in the unlikely event that the press joins in pretending there is no official complicity.

Once that pretense in exposed, Washington's pious censure of others for meddling across frontiers sounds like so much humbug. The United States now concedes supplying arms to insurgents; why then is it wrong for Nicaragua to do the same? If one superpower claims special exemption in trespassing against the sovereignty of smaller neighbors, can it plausibly deny its rival the same prerogative—in Poland, for instance?

Quick fixes, moreover, are rarely that. In 1954 an elected leftist regime in Guatemala was dispatched by an exile army, palpably under American sponsorship. The unintended result was grim: three decades of unstable government, spasms of brutal repression and a chronic insurgency.

There might still be compelling arguments for trying risky measures if no other choices remained, but the situation in Nicaragua is not that desperate. Nicaragua's Sandinist rulers have ignored promises to hold elections and harassed the surviving opposition. But the opposition does survive. Venezuela and Mexico urge talks on the crucial matters of foreign arms and advisers, a course that has yet to be put to a good-faith test.

The scale of American aid to insurgents is in dispute, but not the practice. It has a sadly familiar smell. In the absence of diplomacy, an ever-eager clandestine apparatus grows more active. In the absence of clear direction from Washington, those in the field take charge. So it was that joint U.S.-Honduran maneuvers were scheduled for Dec. 5, within hours of President Reagan's scheduled visit to Costa Rica. Someone had the good sense to notice; the maneuvers are now postponed, subject to reconsideration by a sobered State Department.

Let the Newsweek report serve as a warning bell to Secretary Shultz. He would do his boss a favor by asking the right questions about Honduras before President Reagan begins his good-neighbor visit to five Latin countries. One Bay of Pigs is enough.

[From the Los Angeles Times, Nov. 8, 1982]

GOING WRONG IN NICARAGUA

Reagan Administration officials have confirmed that the United States is involved with clandestine military operations against the Sandinista government in Nicaragua.

The admission comes as no surprise to knowledgeable observers of Central America, who have suspected that the cross-border raiders harassing the Sandinistas from Honduras had at least tacit support from the U.S. government. American officials have been worried about the revolutionary regime in Managua ever since the Sandinistas helped overthrow dictator Anastasio Somoza in 1979, then began an open flirtation with Cuba and the Soviet Union. U.S. concern turned to anger when some Sandinistas began aiding the leftist rebels fighting the U.S.-backed government in El Salvador. The initial aim of the clandestine operations against Nicaragua was to hamper the supply lines between Nicaragua and the Salvadoran insurgents.

Unfortunately for the United States, the original plan for undercover activity against Nicaragua may be getting out of hand, according to published reports.

The clandestine operations are not being conducted by well-meaning but disillusioned Nicaraguans who want to correct the course of a popular revolution that has gone awry. Most of them are the work of Somoza's former soldiers, who fled into Honduras as refugees after the rebellion. These somocistas are as widely detested in Nicaragua as the old dictator was. All the somocistas want is vengeance against the Sandinistas, and they could not care less about reform in Nicaragua.

The Sandinistas have been so heavy-handed and zealously Marxist in carrying out their revolution that there are plenty of disillusioned Nicaraguans for the United States to work with if it truly wants to promote a democratic alternative there. Respected political leaders and even former Sandinista military heroes like Eden Pastora are working against the Sandinistas from exile. Under these circumstances, it is simply crazy for the United States to be associated in any way with the hated somocistas.

The Reagan Administration can dispute published reports about the extent of clandestine activity against the Sandinistas. It can deny that the aim of the activity is to overthrow their government. But there is no denying that being linked with the somocistas is the single most counterproductive thing that the United States can do in dealing with Nicaragua. The United States should quit before it gets further behind.

[From the San Diego Tribune, Nov. 10, 1982]

THE NICARAGUAN BAY OF PIGS

The Secret is out about the covert war in Nicaragua, and the United States should pull back before it makes things worse.

The Sandinista regime is no friend of America. It came to power after a bloody civil war that polarized Nicaraguan society and pitted even moderate Nicaraguans against the tyrannical regime of Anastasio Somoza. When Somoza fled in 1979, it was as much because of a collapse of U.S. support as military defeat, so the Sandinistas owe at least that factor to their coming to power. But the Nicaraguan revolution soon started to consume its moderates, and the United States hardened its position against the Sandinistas.

In 1981 the civil war in El Salvador flared up, fueled, according to then Secretary of State Alexander Haig, by communist arms shipped from Nicaragua. And the domino theory was resurrected to justify sending U.S. military advisers and CIA operatives not only to El Salvador, but also to Honduras, which lies between El Salvador and Nicaragua.

But here the plan started getting out of control. As Newsweek magazine reported Nov. 8, U.S. Ambassador to Honduras John D. Negroponte "is overseeing an ambitious covert campaign to arm, train and direct Nicaraguan exiles to intercept the flow of arms to leftist guerrillas in El Salvador. But the operation has another objective: to harass and undermine the Cuban-backed government of Nicaragua."

According to U.S. officials quoted by Newsweek, the covert campaign involves backing supporters of the Somoza regime who are attempting to wage a guerrilla war of revenge in Nicaragua from bases in Honduras. It involves blowing up bridges, electrical facilities and other installations in Nicaragua. It involves joint U.S.-Honduras military maneuvers in the area, slated for next month, maneuvers that some officials believe could presage a Honduran invasion of Nicaragua.

If this sounds familiar, it is. The U.S. covertly armed and trained disgrunted Cuban exiles in Central America and gave support to their attempted invasion of Cuba in 1961. That fiasco was called the Bay of Pigs invasion, and it not only failed, but entrenched Fidel Castro more firmly in Cuba.

America has reason to be concerned about the Sandinistas. They are stifling dissent and spurring a large military buildup. But we are backing the wrong people in Nicaragua; the Somocistas are hated by nearly all Nicaraguans. We are increasing the military's power in Honduras, which has only had a civilian democracy for one year, and thereby breeding turmoil in the country we are trying to stabilize. And we are using anti-democratic methods which cause Central Americans, including our neighbors in Mexico, to question America's commitment to end interventionism.

Secretary of State George Shultz, who inherited Haig's plan but does not necessarily share his domino theory about Central America, was reported to be dissatisfied with the secret war operation in Nicaragua. A government source quoted by Newsweek said: "Only Shultz can change it if there is still time."

We hope he does. This administration cannot tolerate another Bay of Pigs-style invasion. And the alternative—U.S. participation in a full scale war in Central America—is unacceptable to this country. A better approach is to accept Mexico's offer to mediate in negotiations between Nicaragua, Honduras and the United States.

[From the Miami Herald, Dec. 8, 1982]

A COVERT WAR?

Is the United States waging a secret war against Nicaragua from within neighboring Honduras? President Reagan's ambassador to Honduras, John Negroponte, refuses to discuss the question with press or public. It is therefore time for Congress to exert its Consitutional authority to demand answers.

There's no doubt whatever that a contra movement of anti-Sandinista Nicaraguan exiles is camped along that border. Nor is there any doubt that the Central Intelligence Agency's staff in Honduras has increased dramatically in recent months. Additionally, several prominent U.S. news organizations have reported that Ambassador Negroponte personally is directing a covert CIA war against the Sandinista government. Elements of the late dictator Anastasio Somoza's hated National Guard are among the newly earned contra forces.

Ambassador Negroponte all but smirked as he refused to discuss the allegations with The Herald. He did acknowledge that it is widely perceived that such a war is under way. However, the ambassador even refused to discuss the potential reaction in other Latin American nations to the belief that Washington is attempting to subvert the Sandinista government.

The danger of such a secretive attitude by the Government official on the scene is clear. It is also reminisent of two generations of earlier secret wars that became major U.S. blunders. One was in Cuba, at the Bay of Pigs in 1961. Another was in Vietnam a few years later.

The United States and especially south Florida have a direct stake in Central America. A war there would send thousands of refugees fleeing north. Further, the armed, embittered remnants of whichever side loses are likely to become quasi-independent guerrilla bands that prey on their neighbors to survive. It is no exaggeration when Hondurans worry aloud that their nation could become "the Lebanon of Central America."

To what end is the Regan Administration fostering, or at least taking covert actions that would tend to foster, such a destructive course? The Administration and its ambassador refuse to answer. Let Congress then summon the officials involved from the State Department, the CIA, the Pentagon, and the White House itself to reply quickly, before this covert U.S. meddling ignites another overt U.S. disaster.

[From the St. Louis Post-Dispatch, Dec. 9, 1982]

Secret War Against Nicaragua

While piously protesting that Cuba and the Soviet Union, with the help of Nicaragua, are secretly shipping arms and ammunition to Salvadoran insurgents through Honduras, the Reagan administration is apparently engaging in a far more dirty form of intervention in Central America. The New York Times, in an article that has been confirmed by various sources, has reported that in Honduras the CIA is indirectly providing money, training and military equipment to paramilitary groups whose avowed aim is to overthrow Nicaragua's Sandinist government. The operation, said to involve 150 agents based in Honduras and dozens more in neighboring countries, is reported to be the largest covert CIA action in nearly a decade and to be funded by a $31.3 million military aid program to Honduras in fiscal 1982.

This proxy secret war not only violates international law but U.S. law as well. The U.S. Neutrality Act expressly forbids the raising of secret armies to unseat a regime that the United States recognizes as lawful. Moreover, the covert operation is likely to be counterproductive for U.S. interests. It will prompt leftist Nicaragua, fearful of invasion, to further build up its armed forces and become more dependent on support from the Soviet Union and Cuba. It will intensify Latin American animosity toward U.S. intervention in the region and heighten distrust of Washington.

Although the CIA's past covert operations in Cuba, in Angola, in Chile and elsewhere have been exposed and discredited, the Reagan administration seems to be relying more and more on the CIA's dirty tricks as a tool of foreign policy. The House has now voted to ban covert U.S. aid to exile groups for the purpose of overthrowing the Sandinist government or provoking a military clash between Nicaragua and Honduras. The Senate should do the same. The proper procedure for the pursuit of U.S. objectives in Latin America and elsewhere is open diplomacy, not secretly subsidized killing.

[From the Atlanta Journal, Dec. 10, 1982]

Congress Has Right, Duty To Limit Nicaragua Role

You don't have to be either a pacifist or a sympathizer with the Sandinista regime in Nicaragua to approve of the U.S. House action prohibiting the CIA and other agencies from supporting military training aimed at the overthrow of that government, or trying to provoke a war between Nicaragua and Honduras.

While we disliked the Somoza regime in Nicaragua, we have been disappointed that the Sandinistas seem to be more active in promoting Marxism in other countries than in restoring democracy in their own country.

Thus, we do not consider it wrong for the United States to assist El Salvador and Honduras in resisting infiltration by Nicaraguans and trying to stop arms shipments from Nicragua to rebels in those countries. As far as international law is concerned, intervention in the affairs of another nation is equally improper whether it comes from a leftist regime or a right wing one.

But it is another matter to attack Nicaragua itself, or to foment an attack upon it by another country. Let us be sure that we and our allies remain in the position of defending against aggression rather than appearing to be aggressors ourselves.

Some of the actions the United States is reported to have been supporting or at least considering amount to acts of war against Nicaragua. Sending troops across the border certainly is an act of war.

If and when the time comes that this kind of action really is necessary in the national interest of the United States, Congress should be involved in the decision. Under our Constitution the executive branch has primary responsibility for the conduct of foreign relations; we do not believe that Congress should make a habit of interfering in diplomacy. But the power to declare war belongs to Congress, and thus Congress must monitor closely foreign policy actions that could make war inevitable. It is both appropriate and timely for Congress to issue a warning against any kind of secret war against Nicaragua.

[From the St. Louis Post-Dispatch, Dec. 19, 1982]

A Self-Fulfilling Prophecy?

The Sandinista government of Nicaragua, still trying to discover where it should go politically and how far, faces increasing domestic difficulties. None of these, however, has much to do with the Reagan administration's blatant efforts to subvert that government.

A remarkable demonstration of domestic criticism has come from Nicaragua's ambassador to the United States, Francisco Fiallos Navarro. He called for a "dramatic change" in the direction of the government he represents. Mr. Fiallos asked for free elections, lifting of the state of emergency and unrestricted freedom of the press which, he said, was a condition of democracy.

Unfortunately, Mr. Fiallos did not get freedom of the press—the government prevented publication of his interview with La Prensa, an opposition newspaper which has been censored before. Government spokesmen say his statement shows "how flexible we are," meanwhile being inflexible about letting Nicaraguans know what he said.

The Sandinistas, however, are under some sever restraints as to how far they can go toward Marxist ideals. The Catholic hierarchy, which won public support by opposing the previous Somoza dictatorship, has been critical of the new regime, forcing it into an uneasy kind of truce with the church. Moreover, the government has had to secure short-term credits from American and western banks to meet a $40 million interest payment on its foreign debt.

In substance, Nicaragua has not yet fully determined its course or totally signed up with the communist bloc. But the Reagan administration, in its single-minded effort to block communist influence, is hardly helping its own cause.

Officials in Washington concede that the administration is supporting an effort to "destabilize" the Sandinista government. How? By supporting attacks into Nicaragua by well armed insurgents, usually operating from neighboring Honduras. Numerous reports have stated that the CIA is indirectly supplying these paramilitary groups, to the point where the program may be the largest CIA covert action in nearly a decade.

These paramilitary forces include many former National Guardsmen who served under the Somoza dictatorship. And the people of Nicaragua certainly know it. Nothing could be more effective in rallying them to their government than blatant outside interference in behalf of bands of Somozistas whom they threw out after decades of oppression. Even as to human rights, the present government is better than its predecessor.

The administration policy obviously cannot overthrow the Nicaraguan government; it is not even supposed to do so. The kind of minor harassment provided, from the sources providing it, is bound to be self-defeating. The policy offers Nicaraguans the propect of returning to a past that they have discarded. If this interventionism is supposed to demonstrate that Nicaragua represents a communist threat, the result could be a self-fulfilling prophecy.

[From the Christian Science Monitor, Dec. 22, 1982]

Nicaragua Need Not Copy Cuba

The occupational hazard of revolutions is to become mirror images, of the tyrannies they overthrow. Freedom-loving Nicaraguans are trying to stem the post-revolutionary extremism which is taking their country in this direction. They are dismayed at United States policies that they see as giving the extremists an excuse for repressive measures. By this reasoning, hard-line leftists are bolstered as Washington continues to avoid diplomacy in favor of supporting armed action by remnants of the old Somoza dictatorship's national guard and other opponents of the Managua regime.

For a time the US appeared to be opening the diplomatic door a crack. It would be wise to pursue this line and renounce any overt or covert backing of force against Nicaragua's Sandinista government. Even the most open Nicaraguan critics of the regime's excesses see US intervention as counterproductive.

But if Washington would be repaid by listening to these critics, so would the regime that has become a magnet for Washington's anticommunist efforts. The latest Nicaraguan to speak out is Francisco Fiallos Navarro, who has been ousted as ambassador to the United States for doing so. He was preceded by exile Edén Gómez, the redoubt-

able Commander Zero of the revolution against Somoza, who last spring denounced the radicalism of former fellow-Sandinistas seeking to "hold on to power at all cost."

Mr. Fiallos recognizes the Nicaraguan revolution as irreversible but warns against its taking the country from a rightist dictatorship to a leftist dictatorship. He calls for political pluralism, free elections, a lifting of censorship. By returning to such stated ideals of the revolution, its leaders would not only serve their own people but give the United States an offer it could hardly refuse. The Reagan administration has long spoken of such reforms as conditions for restoring relations.

One misapprehension to dispel is the equating of Nicaragua with Cuba as a domino certain to topple toward abject communism and Muscovite serfdom. So far, for example, foreign and many other private businesses carry on in Nicaragua; at this stage after the Cuban revolution almost all private enterprises had been expropriated.

Nicaragua is not down the drain. It can be saved from that future so long as there are Nicaraguans from its broad-based revolution willing to stand up to the self-seeking exploiters of it—and outside powers such as the US willing to respond to their heartfelt pleas.

[From the Los Angeles Times, Dec. 26, 1982]

Dangerous Course

The undercover operations that the Central Intelligence Agency is carrying out against the revolutionary government in Nicaragua may be the most overt "covert" actions in which the agency has ever engaged.

The initial reports on the activities, which involve U.S. support for paramilitary groups waging guerrilla warfare against the Sandinista-dominated government in Managua, portrayed them as being out of control and dangerously close to sparking a regional war in Central America. In an effort to counter the negative publicity, U.S. intelligence sources have begun leaking even more information about them. The latest reports indicate that operations along the Honduras-Nicaragua border are running smoothly and fit in with the Reagan Administration's policy for Central America.

Both versions are most likely overstated. But, considering the current political instability all over Central America, the potential damage that any obvious North American intervention there would do to future U.S. relations with the region's governments, and the nature of some of the people with whom the CIA is allied in the operations, we wonder if the Administration fully comprehends the dangerous course on which the CIA has embarked.

Covert action against Nicaragua is being justified on the ground that some Sandinista commanders are secretly aiding the leftist rebels trying to overthrow the U.S-supported government in El Salvador. The presidential order authorizing the covert action reportedly says that the CIA should "harass" the Sandinistas but not work to overthrow their government. The agency is following a "tit-for-tat" strategy, striking at Nicaragua with sabotage only when the Salvadoran rebels carry out similar operations.

"The message to Managua is that 'there's a price to aiding the rebels,' " A U.S. intelligence official was quoted as saying. "If you stop, we'll stop the groups harassing you."

Therein lies part of the problem. Some analysts, even within the Reagan Administration, seriously doubt whether the CIA can stop, or in any way control, the paramilitary forces that it is helping to train and supply. Those counter-revolutionaries have their own agenda, and were engaging in action against the Sandinistas before the United States stepped into the picture.

Some of the Sandinistas' opponents are unsavory people. The best-organized paramilitary groups are made up of former members of the National Guard run by the late Nicaraguan dictator Anastasio Somoza. These so-called somocistas are as hated by the average Nicaraguan as the old dictator was, and their activities are financed by wealthy Nicaraguan exiles who made their money under the corrupt Somoza regime. Intelligence sources insist that the presidential order on covert action specifically prohibits assistance to former followers of Somoza. That is laudatory, but what sounds like good policy in Washington can easily go awry in the jungles of Central America.

But the most ironic thing about these covert activities by the CIA is that, regardless of their military value, they may backfire politically. That will happen if they generate sympathy and public support for the Sandinistas at a time when their heavy-handed Marxism is costing them the support of democratic Nicaraguans like Francisco Fiallos, the ambassador to the United States who recently resigned in protest against the policies of the Sandinistas.

When Fiallos stepped down, he not only criticized the Sandinistas but also warned the Reagan Administration against working against them so hard that they will again become heroes inside Nicaragua. He urged the United States to let Nicaraguans settle their own problems. That is sound advice, even if it is hard to accept for an Administration that is understandably impatient with the Sandinistas revolutionary fervor.

[From the Atlanta Journal, Dec. 30, 1982]

Congress Should Prevail on Policy in Nicaragua

Administration officials say the Defense Department and the Central Intelligence Agency will comply with congressional action prohibiting the United States from supporting military operations designed to overthrow the government of Nicaragua.

They'd better. Since the U.S. Constitution gives to Congress the power to declare war, it would seem that executive agencies shouldn't commit what amount to acts of war without consulting Congress, particularly when there is no need for an emergency decision.

The situation in Nicaragua is complex. At about the time Congress was acting, the Nicaraguan ambassador to the United States was ousted by his government because he had criticized its policies and warned his people of the danger of a leftist dictatorship.

"To overthrow a rightist dictatorship does not give us the right to repress our people," said Francisco Fiallos Navarro. And when he spoke of "us", he meant the Sandinista regime he had been representing.

We share his concern about the trend toward a leftist dictatorship in Nicaragua, and that is precisely the trend which suggests to some people that we ought to intervene there.

But even after expressing alarm about the emerging trend in Nicaragua, Fiallos denounced any idea of U.S. intervention. "The worst things they (the Reagan administration) could do is help the Somozistas," he said.

Fiallos is right. He speaks for the substantial majority of Nicaraguans who wanted to see the right-wing Somoza dictatorship ousted but who did not want to see it replaced by a dictatorship of the left. He believes the democratic majority in Nicaragua can yet prevail if outside interference from all quarters is halted. "The problem of Nicaragua should be solved by Nicaraguans," in his view.

U.S. policy can properly seek to keep leftist Nicaraguans from interfering in El Salvador. In furtherance of Fiallos' idea of letting Nicaraguans solve the problem of Nicaragua, U.S. policy also can properly seek to get leftist Cubans out of Nicaragua.

But we should not go beyond that to try to impose our preference upon Nicaragua by force. And if we are still a democracy, the Defense Department and the CIA will certainly respect the authority of Congress to make decisions on war and peace.

[From the New York Times, Jan. 5, 1983]

Quit the Bay of Piglets

When Congress asked why the C.I.A. is waging a secret war to overthrow the leftist regime in Nicaragua, the Administration said it isn't; America is only trying to harass the Sandinist junta, not overthrow it. This spongy distinction failed to impress the legislators. At the bipartisan urging of its intelligence committees, Congress has now informed President Reagan that he may not use American arms or manpower against Nicaragua.

This constitutes a second warning to an Administration that seems to be sleepwalking into Credibility Gap. The Congressional resolution—adopted 411-0 by the House, and approved in conference by the Senate—followed many press accounts of United States help for clandestine forces raiding Nicaragua. The publicity proves that there is no way to hide such large-scale involvement with emigre adventurers.

Perhaps such covert action is justifiable after conventional diplomacy fails. But the Reagan Administration hasn't made that case even to sympathetic members of Congress.

New York's Senator Moynihan, vice chairman of the Senate intelligence committee, has said it is a serious question "whether or not the Administration is in violation of the law for the first time since the Gulf of Tonkin resolution." His doubts are shared by the Republicans' John Chafee of Rhode Island.

Any secret commitment of American forces to attacks in or against Nicaragua would violate both the Neutrality Act and the War Powers Act. The laws make no exception for mere harassment. There can now be no doubt about Congress' intent in this affair; its resolution forbids the use of "military equipment, military training or advice, or other support for military activities . . . for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras."

News reports have put the number of C.I.A. operatives among Nicaraguan rebels in Honduras as high as 150. But Congress is said to have been assured by C.I.A. Director Casey that fewer than 50 agents are involved. It seems to have been conceded that Nicaragua's borders may have been violated by the U.S.-assisted insurgents, whose raids are meant by Washington to punish the Managua regime for supplying arms to guerrillas in El Salvador.

The operation isn't large enough to achieve any military objective but it's too large to conceal or explain away. It's a Bay of Piglets. Let President Reagan heed the views of Congress and end this meddling before it turns into something worse than an embarrassment.

[From the Boston Sunday Globe, Mar. 27, 1983]

Reagan's Swamp of Pigs?

A US-sponsored cloak-and-dagger operation in Central America is showing signs of careening out of control, raising the possibility of a regional war.

Intensive "covert action" began at least a year ago along the Honduran-Nicaraguan border. House and Senate intelligence committees approved the plan with the apparent understanding that the CIA-Pentagon aim was merely to "interdict" arms allegedly being shipped from Nicaragua to leftists in El Salvador. Ancillary harassment by CIA-funded commandos now appears to be expanding into Made-in-USA counterrevolution.

Within the past week an exile group, many of whose members were associated with the regime of the former dictator Anastasio Somoza, reportedly launched widespread attacks inside Nicaragua intended to trigger civil war. The Nicaraguan government claims Honduran troops participated in at least one fight along the northern border, and tensions are also high on the Costa Rican border where the counterrevolutionaries threaten to open a southern front. Several hundred anti-Sandinista guerrillas are also reportedly operating in mountainous areas inside the country, about 60 miles from Managua, the capital.

Apparently congressional committees with oversight responsibility had worried from the outset that the operation would get out of control. They reportedly approved harassing operations, but stipulated no use of US funds either to overthrow the government of Nicaragua or to provoke a Honduran-Nicaraguan war. Last fall Rep. Edward Boland (D-Mass.), chairman of the House Intelliegence Committee, offered an amendment to the appropriations bill giving that distinction the force of law. For whatever reason, the line drawn by Congress appears to have been crossed.

Depending on what motives are assumed, the Administration has either naively created a Frankenstein monster or set the stage for deepening US involvement. With a false move, hostilities could spill across into Honduras or Costa Rica. If Nicaragua "goes to the source" of the counterrevolution, the Administration could be impelled to send troops to Honduras or Costa Rica, creating the critical mass for regional war. Meanwhile this adventurism gives the Sandinistas an excuse to turn to Cuba for additional aid and to continue the "state of emergency" that legitimizes a clampdown on the political opposition.

Cloak-and-dagger antics of the sort can never be adequately controlled. Even if the CIA and Pentagon seek to foment only a touch of chaos, the characters to whom they farm out the violence almost inevitably have other ideas. The Somocista agenda, a return to power in Managua, is an utterly unacceptable aim for the United States. Once guns and money are "in the pipeline" they can't be recalled.

If interdiction of arms traffic from Nicaragua to El Salvador were the aim, as claimed, there would be no need to sponsor any operations inside Nicaragua, other than intelligence gathering, and consequently there would be no need to act in secret stifiling congressional debate.

The secret aggression the Administration is facilitating is outlawed under the United Nations charter and the charter of the Organization of American States. US leaders such as Secretary of State George Shultz, who excoriate Salvadoran insurgents for wanting to "shoot their way into power," will be widely dismissed as hypocrites. The only certain result is a wave of justified resentment throughout the region and a hardening of the Sandinista regime.

Cynics would say the Administration wants the Sandinistas to overreact. If they harden their regime they'll alienate their people and prove the right-wing contention that democratic values cannot survive in leftist revolution. If they cross borders they'll provide an excuse to put US ground forces in the region.

Congress must pull the plug on the Nicaraguan operation before it is too late.

CARGO PREFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Ireland) is recognized for 5 minutes.

● Mr. IRELAND. Mr. Speaker, yesterday Congresswoman Virginia Smith introduced House Concurrent Resolution 136 which expresses the sense of Congress in opposition to any further, dangerous expansion of cargo preference. I am an original cosponsor of this measure.

The State of Florida produces more phosphate than any other in the United States. Phosphate is the key ingredient in fertilizer. The Florida phosphate industry exports about 19 million tons of bulk phosphate and related fertilizer materials each year on foreign vessels since freight rates for U.S. ships average 100 to 300 percent higher. The vessels employed are all bulk cargo ships—typically 30,000 to 50,000 tons.

Phosphate is a generic product, thus price is the most critical issue in sale. Florida producers would not be able to compete with foreign phosphate producers if forced to absorb these higher transportation costs.

It is estimated that as much as 40 percent of the 19 million export tons would be irretrievably lost if the cargo preference legislation currently before the Merchant Marine and Fisheries Committee was enacted. Such a reduction in production would result in the loss of 6,000 to 8,000 jobs in Florida, of the 75,000 now generated by the phosphate industry.

In more general terms there are a number of reasons why proposals which do advocate cargo preference have been rejected by Congress over the years. The proposed cargo preference legislation covers a wide variety of commodities shipped in international trade, including iron ore, coal, crude oil, petroleum products, chemicals, bauxite, aluminum, grains, soybeans, rice, sugar, sorghum, iron and steel scrap, and forest products in addition to phosphate rock and fertilizers. The substantially increased cost of ocean transportation for these products would be borne by the American consumer and those Americans seeking to sell their products overseas.

In addition, cargo preference totally violates any concept of free trade. The United States is currently a signatory to more than 40 treaties with foreign nations, including some of our closest allies, in which there are provisions to accord equal treatment and equal access to the vessels of the treaty partners. If the merchant vessels of treaty partners were denied the right to compete for certain dry bulk commercial cargoes in the U.S. export and import trades those treaty commitments would be violated.

Mr. Speaker, the implications of enactment of any further cargo preference legislation is that of a Government bailout of the U.S.-flag merchant marine and U.S. shipbuilders. We must prevail against cargo preference in order to underscore the reality that competitiveness must be earned, not legislated. At the same time, it will preserve the benefits of the open access, free market system for U.S. bulk exports and imports, and will assure the continuance of reliable, efficient and low cost ocean transportation that is critically important to the future state of the American economy. I urge my colleagues to support House Congressional Resolution 136.●

ERRATA AND CORRECTIONS IN THE JOINT STATEMENT OF MANAGERS WHICH ACCOMPANIED THE CONFERENCE REPORT ON HOUSE CONGRESSIONAL RESOLUTION 91

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, I submit for printing in the Congressional Record the following errata and corrections in the joint statement of managers which accompanied the conference report on House Congressional Resolution 91, the first concurrent resolution on the budget for fiscal year 1984. These changes are to reflect printing errors, and represent what was agreed to in each House of Congress when the budget resolution was approved on June 23, 1983. I am also submitting for printing the concurrent resolution as adopted by both Houses.

Copies of the errata and corrections are available from the House and Senate Budget Committees.

Errata and Corrections [1]

CONFERENCE REPORT TO ACCOMPANY H. CON. RES. 91, THE FIRST CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1984

(S. Rept. 98-155, June 20, 1983; H. Rept. 98-248, June 21, 1983)

Page 5: In section (6)(A), the word "sections" on the second line should be "section".

Page 6: In the section on National Defense, for each of fiscal years 1984 and 1985 add "(E) New secondary loan guarantee commitments, $0.".

Page 13: In section (11)(i), the heading should read "Health (550), including amounts reserved pursuant to section 2:".

Page 20: In section (20) Allowances, there should be a period at the end of line (E) in fiscal year 1983 and fiscal year 1984.

Page 25: In Miscellaneous Provisions, Sec. 4, on the sixth and twelfth lines after the words "Congressional Budget Act" add ", made pursuant to section 302(a) of such Act,".

Page 25: In Miscellaneous Provisions, Sec. 5(b) third line, "jurisdication" should be "jurisdiction".

Page 26: In Miscellaneous Provisions, Sec. 6:

In subsection (1) first line, "betweeen" should be "between".

In subsection (2), the period at the end of the second line should be a comma.

In the second line of the full paragraph after subsection (6), the word "committee" should be capitalized.

Page 27: In the table, fiscal year 1983 outlays ("0") for function 350: Agriculture should be "24.450".

Page 31: In the table in the Economic Assumptions section:

The first line should be "Gross national product:".

The fifth line from the bottom should be "Three-month Treasury bill rate (percent)".

Page 32: In the table, the Revenue change for Fiscal year 1986 should be "+46.0".

Page 33: In the section of Function 570: Medical Insurance and Function 650: Social Security, in the third line from the bottom "surviviors" should be "survivors".

Page 33: In the section heading "Function 920. Allowances", the period should be a colon.

Page 33: In the table:

The correct amount for Senate-passed Revenues is "603.325" and the correct amount for Conference substitute Revenues is "604.300".

For function 270—Energy, House-passed Budget authority should be "4,050".

Page 34: In the table, for function 920—Allowances, Second budget resolution Outlays should be "−2,816".

Page 35: In the table, for function 300—Natural resources and environment, House-passed Budget authority should be "11,550".

Page 36: In the table at the top of the page, the title of the last function should be "950—Undistributed offsetting receipts:".

Page 44: In the table, for function 950—Undistributed offsetting receipts, House-passed Outlays should be "−23,550".

Page 45: In both tables, under "Total FY 1984-86", the heading above the left-hand column should be "BA".

Page 45: In the table showing Conference Substitute Reconciliation Instructions for House Committee:

—The sixth line should be "Small Business".

—On the Total spending reductions line, FY 1984 budget authority ("BA") should be "−1,986".

Page 46: In the Deferred Enrollment section:

—The last word in the third line of the second paragraph should be "the".

—The last word in the third line of the third paragraph should be "procedures".

Page 47: In the section on Monetary Policy, in subsection (4) of the conference substitute, the period at the end of the second line should be a comma.

Page 52 and 53: The heading on the table that begins on page 52 and ends on page 53 should read as follows: "Fiscal Year 1984—Credit Budget Aggregates and Functional Categories Excluding Credit Budget Impact of Amounts Reserved Pursuant to Section 2".

Page 53: In the table that begins on page 53, the title of the third functional category should be preceded by "300—".

Page 57: In the table, for function 500—Education, training, employment, and social services, House-passed New primary loan guarantee commitments should be "6,650" and Senate passed New primary loan guarantee commitments should be "6,600".

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $604,300,000,000.

Fiscal year 1984: $679,600,000,000.

Fiscal year 1985: $750,500,000,000.

Fiscal year 1986: $835,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.

Fiscal year 1984: +$12,000,000,000.

Fiscal year 1985: +$15,000,000,000.

Fiscal year 1986: +$46,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.

Fiscal year 1984: $40,000,000,000.

Fiscal year 1985: $44,700,000,000.

Fiscal year 1986: $51,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disability insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,800,000,000.

Fiscal year 1984: $167,900,000,000.

Fiscal year 1985: $187,300,000,000.

Fiscal year 1986: $203,300,000,000.

(2)(A) The appropriate levels of total new budget authority, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $883,360,000,000.

Fiscal year 1984: $928,725,000,000.

Fiscal year 1985: $996,750,000,000.

Fiscal year 1986: $1,059,300,000,000.

(B) The appropriate levels of total new budget authority, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $877,200,000,000.

Fiscal year 1984: $919,500,000,000.

Fiscal year 1985: $990,500,000,000.

Fiscal year 1986: $1,054,600,000,000.

(3)(A) The appropriate levels of total budget outlays, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $812,850,000,000.

Fiscal year 1984: $858,925,000,000.

Fiscal year 1985: $911,600,000,000.

Fiscal year 1986: $966,635,000,000.

(B) The appropriate levels of total budget outlays, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $807,400,000,000.

Fiscal year 1984: $849,500,000,000.

Fiscal year 1985: $906,750,000,000.

Fiscal year 1986: $962,950,000,000.

(4)(A) Unless subparagraph (B) applies, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $203,100,000,000.

Fiscal year 1984: $169,900,000,000.

Fiscal year 1985: $156,250,000,000.

Fiscal year 1986: $127,150,000,000.

(B) If all of the adjustments provided for in section 2 of this resolution are made, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors shall not exceed:

Fiscal year 1983: $208,550,000,000.

Fiscal year 1984: $179,325,000,000.

Fiscal year 1985: $161,100,000,000.

Fiscal year 1986: $130,835,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,000,000,000.

Fiscal year 1984: $1,614,600,000,000.

Fiscal year 1985: $1,830,100,000,000.

Fiscal year 1986: $2,022,800,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $246,100,000,000.

Fiscal year 1984: $225,600,000,000.

Fiscal year 1985: $215,500,000,000.

Fiscal year 1986: $192,700,000,000.

(6)(A) The appropriate levels of total Federal credit activity, including amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $54,250,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $47,900,000,000.

(ii) New primary loan guarantee commitments, $101,700,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $47,800,000,000.

(ii) New primary loan guarantee commitments, $106,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

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[1] Includes corrections to reflect the resolution as agreed to by the House and Senate.

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(B) The appropriate levels of total Federal credit activity, excluding amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:

(i) New direct loan obligations, $52,700,000,000.

(ii) New primary loan guarantee commitments, $99,600,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $100,100,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(i) New direct loan obligations, $46,700,000,000.

(ii) New primary loan guarantee commitments, $103,050,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.

(ii) New primary loan guarantee commitments, $106,800,000,000.

(iii) New secondary loan guarantee commitments, $68,250,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:

(1) National Defense (050):

Fiscal year 1983:

(A) New budget authority, $244,600,000,000.

(B) Outlays, $214,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $268,600,000,000.

(B) Outlays, $240,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $297,300,000,000.

(B) Outlays, $265,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $329,000,000,000.

(B) Outlays, $295,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1983:

(A) New budget authority, $24,850,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $10,650,000,000.

(D) New primary loan guarantee commitments, $9,250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $18,700,000,000.

(B) Outlays, $12,950,000,000.

(C) New direct loan obligations, $12,000,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $16,250,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $12,850,000,000.

(D) New primary loan guarantee commitments, $10,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1983:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $7,700,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $8,150,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1983:

(A) New budget authority, $3,950,000,000.

(B) Outlays, $4,450,000,000.

(C) New direct loan obligations, $11,600,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $4,200,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $12,050,000,000.

(D) New primary loan guarantee commitments, $150,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $3,900,000,000.

(B) Outlays, $3,150,000,000.

(C) New direct loan obligations, $12,500,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $3,050,000,000.

(C) New direct loan obligations, $12,600,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1983:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $12,450,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $12,050,000,000.

(B) Outlays, $12,500,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $11,850,000,000.

(B) Outlays, $12,550,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $12,150,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6)(i) Agriculture (350), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $24,650,000,000.

(B) Outlays, $24,450,000,000.

(C) New direct loan obligations, $19,400,000,000.

(D) New primary loan guarantee commitments, $5,550,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $13,300,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $12,750,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $13,200,000,000.

(D) New primary loan guarantee commitments, $4,350,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Agriculture (350), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $24,200,000,000.

(B) Outlays, $24,000,000,000.

(C) New direct loan obligations, $18,600,000,000.

(D) New primary loan guarantee commitments, $5,550,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,500,000,000.

(C) New direct loan obligations, $12,100,000,000.

(D) New primary loan guarantee commitments, $3,750,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $11,650,000,000.

(D) New primary loan guarantee commitments, $3,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $12,200,000,000.

(D) New primary loan guarantee commitments, $3,850,000,000.

(E) New secondary loan guarantee commitments, $0.

(7)(i) Commerce and Housing Credit (370), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $6,060,000,000.

(B) Outlays, $3,550,000,000.

(C) New direct loan obligations, $7,200,000,000.

(D) New primary loan guarantee commitments, $53,700,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $2,450,000,000.

(C) New direct loan obligations, $5,900,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(A) New budget authority, $6,250,000,000.

(B) Outlays, $500,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(A) New budget authority, $6,450,000,000.

(B) Outlays, $260,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

(ii) Commerce and Housing Credit (370), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $5,300,000,000.

(B) Outlays, $3,500,000,000.

(C) New direct loan obligations, $6,450,000,000.

(D) New primary loan guarantee commitments, $53,700,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $2,250,000,000.

(C) New direct loan obligations, $5,900,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:

(A) New budget authority, $6,250,000,000.

(B) Outlays, $150,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(A) New budget authority, $6,450,000,000.

(B) Outlays, $100,000,000.

(C) New direct loan obligations, $5,800,000,000.

(D) New primary loan guarantee commitments, $54,200,000,000.

(E) New secondary loan guarantee commitments, $68,250,000,000.

(8) Transportation (400):

Fiscal year 1983:

(A) New budget authority, $26,850,000,000.

(B) Outlays, $22,100,000,000.

(C) New direct loan obligations, $200,000,000.

(D) New primary loan guarantee commitments, $1,050,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $28,000,000,000.

(B) Outlays, $26,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $28,950,000,000.

(B) Outlays, $27,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $350,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $29,800,000,000.

(B) Outlays, $28,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(9)(i) Community and Regional Development (450), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $8,650,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $6,975,000,000.

(B) Outlays, $8,225,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $1,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $9,200,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $3,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $9,900,000,000.

(B) Outlays, $9,175,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $3,550,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Community and Regional Development (450), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $8,650,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $6,850,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $8,350,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $7,350,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $1,800,000,000.

(D) New primary loan guarantee commitments, $550,000,000.

(E) New secondary loan guarantee commitments, $0.

(10)(i) Education, Training, Employment, and Social Services (500), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $32,850,000,000.

(B) Outlays, $32,150,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $37,450,000,000.

(B) Outlays, $31,850,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $30,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $31,500,000,000.

(B) Outlays, $31,050,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Education, Training, Employment, and Social Services (500), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $28,350,000,000.

(B) Outlays, $27,650,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $6,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $33,950,000,000.

(B) Outlays, $28,350,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $31,300,000,000.

(B) Outlays, $30,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $31,500,000,000.

(B) Outlays, $31,050,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $6,650,000,000.

(E) New secondary loan guarantee commitments, $0.

(11)(i) Health (550), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,350,000,000.

(B) Outlays, $29,900,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $34,100,000,000.

(B) Outlays, $34,000,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $37,450,000,000.

(B) Outlays, $37,050,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $37,950,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Health (550) excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,000,000,000.

(B) Outlays, $29,550,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $32,100,000,000.

(B) Outlays, $32,000,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $35,800,000,000.

(B) Outlays, $35,400,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $250,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $37,950,000,000.

(C) New direct loan obligations, $50,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(12) Medical Insurance (570):

Fiscal year 1983:

(A) New budget authority, $46,250,000,000.

(B) Outlays, $53,150,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $62,500,000,000.

(B) Outlays, $60,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $70,850,000,000.

(B) Outlays, $68,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $81,200,000,000.

(B) Outlays, $76,150,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13)(i) Income Security (600) including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $121,900,000,000.

(B) Outlays, $109,800,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,650,000,000.

(E) New secondary loan guarantee commitments $0.

Fiscal year 1984:

(A) New budget authority, $126,750,000,000.

(B) Outlays, $104,300,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $129,800,000,000.

(B) Outlays, $104,250,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $134,150,000,000.

(B) Outlays, $107,450,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $18,150,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Income Security (600), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $121,900,000,000.

(B) Outlays, $109,800,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,650,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $124,800,000,000.

(B) Outlays, $102,350,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $14,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $129,350,000,000.

(B) Outlays, $103,800,000,000.

(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $133,700,000,000.

(B) Outlays, $107,000,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $18,150,000,000.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1983:

(A) New budget authority, $184,500,000,000.

(B) Outlays, $167,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $176,000,000,000.

(B) Outlays, $176,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $196,400,000,000.

(B) Outlays, $187,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $213,000,000,000.

(B) Outlays, $199,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15)(i) Veterans Benefits and Services (700), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $24,500,000,000.

(C) New direct loan obligations, $950,000,000.

(D) New primary loan guarantee commitments, $8,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $25,700,000,000.

(B) Outlays, $25,600,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $9,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $26,600,000,000.

(B) Outlays, $26,100,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $10,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $27,000,000,000.

(B) Outlays, $26,500,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $12,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(ii) Veterans Benefits and Services (700), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $24,500,000,000.

(C) New direct loan obligations, $950,000,000.

(D) New primary loan guarantee commitments, $8,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $25,550,000,000.

(B) Outlays, $25,450,000,000.

(C) New direct loan obligations, $800,000,000.

(D) New primary loan guarantee commitments, $9,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $26,450,000,000.

(B) Outlays, $25,950,000,000.

(C) New direct loan obligations, $650,000,000.

(D) New primary loan guarantee commitments, $10,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $27,000,000,000.

(B) Outlays, $26,500,000,000.

(C) New direct loan obligations, $700,000,000.

(D) New primary loan guarantee commitments, $12,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1983:

(A) New budget authority, $5,200,000,000.

(B) Outlays, $5,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $5,850,000,000.

(B) Outlays, $5,850,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $5,650,000,000.

(B) Outlays, $5,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $5,750,000,000.

(B) Outlays, $5,650,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1983:

(A) New budget authority, $5,700,000,000.

(B) Outlays, $5,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $5,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $5,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $5,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) General Purpose Fiscal Assistance (850):

Fiscal year 1983:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,400,000,000.

(C) New direct loan obligations, $250,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $7,250,000,000.

(B) Outlays, $7,150,000,000.

(C) New direct loan obligations, $250,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $7,100,000,000.

(B) Outlays, $7,100,000,000.

(C) New direct loan obligations, $300,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $7,200,000,000.

(C) New direct loan obligations, $300,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19)(i) Net Interest (900), including amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $88,400,000,000.

(B) Outlays, $88,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $98,000,000,000.

(B) Outlays, $98,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $104,500,000,000.

(B) Outlays, $104,500,000,000.

(C) New direct loan obligations, $0.

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(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $107,200,000,000.

(B) Outlays, $107,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(ii) Net Interest (900), excluding amounts reserved pursuant to section 2:

Fiscal year 1983:

(A) New budget authority, $88,300,000,000.

(B) Outlays, $88,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $97,100,000,000.

(B) Outlays, $97,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $103,100,000,000.

(B) Outlays, $103,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $105,500,000,000.

(B) Outlays, $105,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Allowances (920):

Fiscal year 1983:

(A) New budget authority, $800,000,000.

(B) Outlays, $900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, $750,000,000.

(B) Outlays, $800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, $2,050,000,000.

(B) Outlays, $2,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, $3,400,000,000.

(B) Outlays, $3,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 1983:

(A) New budget authority, −$19,100,000,000.

(B) Outlays, −$19,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1984:

(A) New budget authority, −$18,050,000,000.

(B) Outlays, −$18,050,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1985:

(A) New budget authority, −$18,900,000,000.

(B) Outlays, −$18,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1986:

(A) New budget authority, −$23,750,000,000.

(B) Outlays, −$23,750,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

RESERVE PROGRAMS

Sec. 2. (a) The following amounts of new budget authority and budget outlays for fiscal year 1983 and fiscal year 1984 are hereby reserved by the Congress for subsequent allocation to committees under section 302(a) of the Congressional Budget Act of 1974 for the functions and programs listed in the Statement of Managers, accompanying this resolution:

Fiscal year 1983:

(1) New budget authority, $6,060,000,000.

(2) Outlays, $5,350,000,000.

Fiscal year 1984:

(1) New budget authority, $8,325,000,000.

(2) Outlays, $8,525,000,000.

(b) In the House of Representatives:

(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, the Committee on the Budget is authorized and directed to report to the House a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations reflecting the content of such legislation; and

(2) When one or more committees, other than the Committee on Appropriations, report legislation only referred to in subsection (a) providing new spending authority defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, or when the Committee on Rules reports a resolution providing for consideration of such legislation which has not been reported by a committee, the Committee on the Budget is authorized and directed to report to the House a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is authorized and directed to report to the House a similar reduction in the appropriate allocation.

(c) In the Senate:

(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, the Committee on the Budget is directed to report to the Senate a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations or any other appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a); and

(2) When the Senate moves to proceed or proceeds to consider legislation referred to in subsection (a) providing new spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, the Committee on the Budget is directed to report to the Senate a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a) above: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is directed to report to the Senate a similar reduction in the appropriate allocation.

(d) Any revised allocation reported to the House or Senate pursuant to subsection (b) or (c) of this section shall be considered to be the allocation made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of sections 4 and 5 of this resolution and section 401(b)(2) of such Act. The adjustments made pursuant to those sections for each program shall not exceed the amounts provided for such program as set forth in the statement of managers.

(e) For purposes of section 311(a) of the Congressional Budget Act of 1974, the appropriate levels of new budget authority and budget outlays for fiscal years 1983 and 1984 shall be considered to be the following:

Fiscal Year 1983 Budget Authority $877,200,000,000.

Fiscal Year 1983 Budget Outlays $807,400,000,000.

Fiscal Year 1984 Budget Authority $919,500,000,000.

Fiscal Year 1984 Budget Outlays $849,500,000,000:

Provided, however, That if a revised allocation is made pursuant to subsection (b) or (c) then such levels shall be similarly adjusted in any report pursuant to such subsections to reflect the revised allocation.

RECONCILIATION

Sec. 3. (a) Not later than July 22, 1983, Senate committees named in subsections (b) through (e) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than July 22, 1983, the House committees named in subsections (f) through (l) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(c) The Senate Committee on Governmental Affairs shall report changes within the jurisdiction of that committee, (1) sufficient to achieve savings in budget authority and outlays, or (2) which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $1,619,000,000 in budget authority and $1,900,000,000 in outlays in fiscal year 1984; $2,332,000,000 in budget authority and $2,841,000,000 in outlays in fiscal year 1985; and $3,235,000,000 in budget authority and $4,144,000,000 in outlays in fiscal year 1986.

(d) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(e) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(f) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $253,000,000 and outlays by $253,000,000 in fiscal year 1984; to reduce budget authority by $360,000,000 and outlays by $360,000,000 in fiscal year 1985; and to reduce budget authority by $621,000,000 and outlays by $621,000,000 in fiscal year 1986.

(g) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(h) The House Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $3,000,000 in fiscal year 1984; to reduce outlays by $4,000,000 in fiscal year 1985; and to reduce outlays by $4,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $1,619,000,000 and outlays by $1,900,000,000 in fiscal year 1984; to reduce budget authority by $2,332,000,000 and outlays by $2,841,000,000 in fiscal year 1985; and to reduce budget authority by $3,235,000,000 and outlays by $4,144,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(3) If the changes in laws reported to the House by the Committee on Ways and Means pursuant to paragraph (2) of this subsection contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

(m) Should provisions in Subtitle A of Title I of Public Law 97-253, relating to 50 cent per hundredweight assessments against milk producers, be finally adjudicated by the courts to be unconstitutional or unenforceable, the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within their jurisdiction within 30 days of that disposition which provide spending authority only as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $1,243,000,000 in fiscal year 1984; to reduce outlays by $1,332,000,000 in fiscal year 1985; and to reduce outlays by $1,327,000,000 in fiscal year 1986.

MISCELLANEOUS PROVISIONS

Sec. 4. No bill or resolution providing new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the House of Representatives, and no bill or resolution providing new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act, made pursuant to section 302(a) of such Act, shall be enrolled in the Senate, until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

Sec. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdiction of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority, new budget authority, or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

Sec. 6. Monetary Policy.—Inasmuch as—

(1) there is a need for coordination between fiscal and monetary policy,

(2) actual and projected budget deficits have placed a heavy burden on monetary policy,

(3) any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy,

(4) there is a need for vigorous economic growth consistent with reasonable price stability,

(5) the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and the economic assumptions consistent with that policy, and

(6) the Budget Committees are, therefore, interested in the recommendations of the Banking Committees of the respective Houses with respect to such information,

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the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs are requested to report to their respective bodies, no later than September 30, 1983, a resolution expressing the sense of the Congress as to (A) the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution and the appropriate information regarding the economic assumptions and goals of the Federal Reserve System, (B) the appropriate information to implement this policy coordination including, but not limited to, the effects of the Federal Reserve's monetary policy on the economy, and (C) any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the above Committees deem appropriate.

Sec. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which would result in reduced spending under these programs.

Sec. 8. It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $38,150,000,000 in fiscal year 1983 and $31,000,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $16,100,000,000 in fiscal year 1983 and $16,900,000,000 in fiscal year 1984; new primary loan guarantee commitments to an amount not to exceed $99,600,000,000 in fiscal year 1983 and $101,700,000,000 in fiscal year 1984; and new secondary loan guarantee commitments to an amount not to exceed $68,250,000,000 in fiscal year 1983 and $68,250,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $15,000,000,000. in fiscal year 1983 and $15,500,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $12,050,000,000 in fiscal year 1983 and $13,950,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

Sec. 9. It is the sense of the Congress and the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

CONFERENCE REPORT ON H.R. 3135

Mr. FAZIO submitted the following conference report and statement on the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes.

Conference Report (H. Rept. No. 98-271)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 22.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 13, 14, 16, 20, and 21, and agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and proposed by said amendment, insert the following: *108*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and proposed by said amendment, insert the following: *109*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and proposed by said amendment, insert the following: *110*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and proposed by said amendment, insert the following: *111*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the section number stricken and proposed by said amendment, insert the following: *112*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and proposed by said amendment, insert the following: *$14,653,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the number stricken and proposed by said amendment, insert the following: *139*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and proposed by said amendment, insert the following: *$5,980,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and proposed by said amendment, insert the following: *$850,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 11, 12, 15, and 17.

Vic Fazio,
David R. Obey,
John P. Murtha,
Bob Traxler,
Lindy Boggs,
Jack Hightower,
Jamie L. Whitten,
Jerry Lewis,
Silvio O. Conte,
John T. Myers,
John Edward Porter,
Managers on the Part of the House.

Alfonse M. D'Amato,
Mark O. Hatfield,
Ted Stevens,
Dale Bumpers,
Fritz Hollings,
John C. Stennis,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3135) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I— CONGRESSIONAL OPERATIONS

Senate

Amendment No. 1: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which deletes Sec. 107, regarding reimbursement for computer equipment and services. Sec. 107 has been deleted by the conferees at the request of the managers on the part of the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ADMINISTRATIVE PROVISIONS

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

Sec. 107. Subsections (a) and (b) of section 106 of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j) on or after October 1, 1983, shall not apply to any individual

whose pay is disbursed by the Secretary of the Senate; except that, any individual who prior to such date was entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service performed on or after such date.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree with the intent of the Senate amendment which was designed to affect only employees on the Senate rolls. Since the Senate language inadvertently also affects some employees who are carried on House rolls who would be adversely and unintentionally affected, the managers have agreed to language which specifies that only employees whose pay is disbursed by the Secretary of the Senate are affected.

House of Representatives

ADMINISTRATIVE PROVISIONS

Amendment Nos. 3 through 7: Change section numbers.

Joint Items

OFFICE OF ATTENDING PHYSICIAN

Amendment No. 8: Appropriates $653,000 as proposed by the Senate instead of $653,200 as proposed by the House.

OFFICE OF TECHNOLOGY ASSESSMENT

Salaries and expenses

Amendment No. 9: Appropriates $14,653,000 instead of $13,933,000 as proposed by the House and $15,800,000 as proposed by the Senate. The conferees wish to caution OTA to use the additional funds above the House allowance for the nine additional staff and related costs, and not for items which will inflate their base budget.

Amendment No. 10: Provides a limitation of 139 staff employees instead of 130 as proposed by the House and 145 as proposed by the Senate.

Architect of the Capitol

CAPITOL BUILDINGS AND GROUNDS

Capitol buildings

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment regarding vehicle use. The conferees are agreed that a driver-messenger for the passenger vehicle in the office of the Architect of the Capitol be retained for the daily conduct of official business by the Architect and members of his staff, provided that the driver-messenger or other employees of the Architect shall not be available for the purpose of transporting the Architect or members of his staff between their domiciles and place of employment.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the cost limitation in H. Con. Res. 550, 92nd Congress, be increased by $167,000.

Amendment No. 13: Appropriates $10,630,000 as proposed by the Senate instead of $10,568,000 as proposed by the House.

Amendment No. 14: Provides that $940,000 shall remain available until expended as proposed by the Senate instead of $773,000 as proposed by the House.

Senate office buildings

Amendment No. 15: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment.

Capitol Power Plant

Amendment No. 16: Appropriates $23,542,000 as proposed by the Senate instead of $23,792,000 as proposed by the House.

Library of Congress

CONGRESSIONAL RESEARCH SERVICE

Salaries and expenses

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$36,620,000 to carry out the provisions of Section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), and section 203(g) of such act is amended, effective hereafter, to read as follows:*

"(g) The Director of the Congressional Research Service will submit to the Librarian of Congress for review, consideration, evaluation, and approval, the budget estimates of the Congressional Research Service for inclusion in the Budget of the United States Government."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that the additional amount above the $35,543,550 proposed by the House bill will be allocated as follows: $22,545 for a GS-9 paralegal; $14,990 for a GS-5 library technician; $32,693 for a GS-12 fiscal policy analyst; $27,277 for a GS-11 crime analyst; $22,545 for a GS-9 bibliographer; $516,717 for other mandatory personnel items (ingrade increases, medicare and pay raise annualization, etc.); $219,500 for non-personal items (travel, equipment, etc.); $310,293 for a reduction in the lapse rate; and $90,000 in savings in personnel costs, tuition, training, professional or consultant services. The managers have agreed to include language to provide additional oversight over CRS budget preparation, review, and execution in order to achieve efficiencies and economies in the operation of the Service and to locate areas of duplication with the other Library of Congress operations.

TITLE II—OTHER AGENCIES

Architect of the Capitol

LIBRARY BUILDINGS AND GROUNDS

Structural and mechanical care

Amendment No. 18: Appropriates $5,980,000 instead of $5,230,000 as proposed by the House and $6,380,000 as proposed by the Senate. The conferees have provided funds to repair the terrace and steps at the front entrance to the Thomas Jefferson Building.

Amendment No. 19: Provides that $850,000 shall remain available until expended instead of $100,000 as proposed by the House and $1,250,000 as proposed by the Senate.

Copyright Royalty Tribunal

Salaries and expenses

Amendment No. 20: Provides $700,000 as proposed by the Senate instead of $650,000 as proposed by the House.

Amendment No. 21: Provides $490,000 as proposed by the Senate instead of $455,000 as proposed by the House.

TITLE III—GENERAL PROVISIONS

Amendment No. 22: Deletes language proposed by the Senate regarding a consulting architect.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$1,335,697,663
Budget estimates of new (obligational) authority, fiscal year 1984	[1] 1,495,478,200
House bill, fiscal year 1984	1,208,397,750
Senate bill, fiscal year 1984	1,475,986,000
Conference agreement, fiscal year 1984	1,473,359,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	+137,661,337
Budget estimates of new (obligational) authority, fiscal year 1984	−22,119,200
House bill, fiscal year 1984	+264,961,250
Senate bill, fiscal year 1984	−2,627,000

[1] Includes $268,143,000 of budget estimates not considered by the House.

Vic Fazio,
David R. Obey,
John P. Murtha,
Bob Traxler,
Lindy Boggs,
Jack Hightower
Jamie L. Whitten,
Jerry Lewis,
Silvio O. Conte,
John T. Myers,
John Edward Porter,
Managers on the Part of the House.

Alfonse M. D'Amato,
Mark O. Hatfield,
Ted Stevens,
Dale Bumpers,
Fritz Hollings,
John C. Stennis,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Robert F. Smith (at the request of Mr. Michel), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Mack) to revise and extend their remarks and include extraneous material:)

Mr. Bethune, for 60 minutes, today.

Mr. Bethune, for 60 minutes, on June 29.

Mr. Bethune, for 60 minutes, on June 30.

Mr. Hartnett, for 60 minutes, on June 29.

Mr. Walker, for 60 minutes, today.

Mr. Green, for 10 minutes, today.

Mr. Marriott, for 5 minutes, today.

(The following Members (at the request of Mr. Wise) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 30 minutes, today.

Mr. Hall of Ohio, for 30 minutes, today.

Mr. LaFalce, for 30 minutes, today.

Mr. Conyers, for 60 minutes, today.

Mr. Shelby, for 5 minutes, today.

Mr. Swift, for 10 minutes, today.

Mr. Boland, for 10 minutes, today.

Mr. Conyers, for 60 minutes, on June 29.

Mr. Moakley, for 30 minutes each, on June 29 and June 30.

Mr. LaFalce, for 30 minutes, on June 29.

Mrs. Boxer, for 60 minutes, on July 19.

Mr. Edwards of California, for 60 minutes, on July 19.

Mr. Slattery, for 10 minutes, on July 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gilman, to revise and extend his remarks prior to the vote on the Hiler amendments.

Mr. Downey of New York, following the remarks of Mr. Yates on H.R. 3363, Interior appropriations, 1984, in the Committee of the Whole today.

(The following Members (at the request of Mr. Mack) and to include extraneous matter:)

Mr. Ritter.
Mr. McGrath.
Mr. Fields.
Mr. Gilman in four instances.
Mr. Hyde in two instances.
Mr. Mack.
Mr. Kemp in two instances.
Mr. Taylor.
Mr. Green.
Mr. Weber.
Mr. Bereuter.
Mr. Packard.
Mr. Pashayan.
Mrs. Martin of Illinois.
Mr. Broomfield.
Mr. Paul.
Mr. Gregg.
Mr. Molinari.
Mr. Pritchard.
Mr. Conte.
Mr. Corcoran.
Mr. Porter.
Mr. Clinger.
Mr. Shumway.
Mr. Philip M. Crane.

(The following Members (at the request of Mr. Wise) and to include extraneous matter:)

Mr. Nelson of Florida.
Mr. Rodino.
Mr. Stark in two instances.
Mr. Coelho in two instances.
Mr. Miller of California.
Mr. Frank in two instances.
Mr. Gejdenson.
Mr. Shelby.
Mr. Mavroules.
Ms. Kaptur.
Mr. Won Pat.
Mr. Garcia.
Mr. Mineta.
Mr. McHugh.
Mr. Levitas.
Mr. Levine of California.
Mr. Morrison of Connecticut in two instances.
Mr. Vento in two instances.
Mr. Mrazek.
Mr. Dellums.
Mr. Ackerman.
Mr. Valentine.
Mr. Downey of New York in two instances.
Mr. Bedell.
Mr. Roybal.
Mr. Dyson.
Mr. AuCoin.
Mr. Addabbo.
Mr. Matsui.
Mr. Hall of Ohio.
Mr. Jones of Oklahoma.
Mr. Boland.
Mr. Swift.
Mr. St Germain.
Mr. Tallon.
Mr. Synar.
Mr. Lipinski.
Mr. Edgar.
Mr. Mineta.
Mr. Rangel.
Ms. Kennelly.
Mr. Lowry of Washington.
Mr. McDonald in 10 instances.
Mr. Neal in two instances.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day."

ADJOURNMENT

Mr. MOLLOHAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 29, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1438. A communication from the President of the United States, transmitting a letter waiving the fiscal year 1983 ceiling on troops permanently stationed ashore in European NATO countries by the number of personnel associated with the planned deployment of ground-launched cruise missiles to Europe, pursuant to section 799A of Public Law 97-377 (H. Doc. No. 98-78); to the Committee on Appropriations and ordered to be printed.

1439. A letter from the Deputy Secretary of Defense, transmitting a report on four violations relating to the expenditure or obligation in excess of appropriation or apportionment, pursuant to section 1351 of title 31, United States Code; to the Committee on Appropriations.

1440. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense articles to Lebanon, pursuant to section 133(b) of title 10, United States Code; to the Committee on Armed Services.

1441. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend section 7227 of title 10, United States Code, to provide for the furnishing of routine port services at no cost to visiting naval vessels of a friendly foreign country, when by agreement or custom such services are provided reciprocally to visiting naval vessels of the United States; to the Committee on Armed Services.

1442. A letter from the District of Columbia Auditor, transmitting a report entitled "Review of Alleged Improper Unemployment Compensation Payments," pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia

1443. A letter from the Secretary of Education, transmitting a proposed application notice for the Secretary's discretionary program grants—improving education through the application of technology (with rules for conducting competition), pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1444. A letter from the Assistant Attorney General (Antitrust Division), transmitting the semiannual report for the period ending February 28, 1983 on the voluntary agreement and plan of action to implement the international energy program, pursuant to section 252(i) of the Energy Policy Conservation Act; to the Committee on Energy and Commerce.

1445. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Saudi Arabia (Transmittal No. 83-41), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1446. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly report on foreign military sales as of March 31, 1983, pursuant to section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1447. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to

sell certain defense equipment to Lebanon (Transmittal No. 83-47), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1448. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting notice of proposed changes in an existing records system, pursuant to title 5 United States Code 522a(o); to the Committee on Government Operations.

1449. A letter from the Assistant Secretary, U.S. Department of Housing and Urban Development, transmitting notice of a proposed new records system for the single family computerized homes underwriting management system, pursuant to title 5 United States Code 552a(o); to the Committee on Government Operations.

1450. A letter from the Assistant Secretary of the Treasury (Administration), transmitting notice of a proposed new records system for systems and financial management, Office of the Comptroller of the Currency, pursuant to title 5 United States Code 552a(o); to the Committee on Government Operations.

1451. A letter from the Executive Director, U.S. Olympic Committee, transmitting the annual report and audit of the committee for calendar year 1982, pursuant to section 113(a) of the act of September 21, 1980, as amended; to the Committee on the Judiciary.

1452. A letter from the Chairman, National Advisory Committee on Oceans and Atmosphere, transmitting the committee's 12th annual report, pursuant to section 4 of Public Law 95-63; to the Committee on Merchant Marine and Fisheries.

1453. A letter from the Executive Director, Marine Mammal Commission, transmitting the annual report of the Commission's activities under the Freedom of Information Act for calendar year 1982, pursuant to title 5 United States Code 522(d); to the Committee on Government Operations.

1454. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to restructure the Federal employees health benefits program to strengthen financial control over the program and enhance competition among participating health plans, and for other purposes; to the Committee on Post Office and Civil Service.

1455. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting a report covering the period October 1982 through March 1983 on Defense Department procurement from small and other business firms, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

1456. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Social Security Act to finance State programs of child support enforcement based on program performance, to improve the ability of States to collect child support for non-AFDC families, and otherwise strengthen and improve such programs, and for other purposes; to the Committee on Ways and Means.

1457. A letter from the Secretary of Health and Human Services, transmitting the seventh annual report on the child support enforcement program, pursuant to section 452(a)(10) of the Social Security Act; to the Committee on Ways and Means.

1458. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1983 annual report of the board, pursuant to section 1817(b) of the Social Security Act, as amended; (H. Doc. No. 98-75); to the Committee on Ways and Means and ordered to be printed.

1459. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting the Corporation's financial report for the quarter ended March 31, 1983, pursuant to section 177(c) of Public Law 96-294; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

1460. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1983 annual report of the board, pursuant to section 1841(b) of the Social Security Act, as amended; (H. Doc. No. 98-76); jointly, to the Committees on Ways and Means and Energy and Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 577. An act to provide for the conveyance of certain Federal lands adjacent to Orchard and Lake Shore Drives, Lake Lowell, Boise project, Idaho; with an amendment (Rept. No.98-269). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 459. An act to authorize and direct the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands that were withdrawn or acquired for the purposes of relocating a portion of the city of American Falls out of the area flooded by the American Falls Reservoir (Rept. No.98-270). Referred to the Committee of the Whole House on the State of the Union.

Mr. FAZIO: Committee of conference. Conference report on H.R. 3135 (Rept. No. 98-271). Ordered to be printed.

Mr. BEVILL: Committee of conference. Conference report on H.R. 3132 (Rept. No. 98-272). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

[Omitted from the Record of June 27, 1983]

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on Ways and Means discharged from the further consideration of the bill H.R. 1510.

[Submitted June 28, 1983]

Referral of H.R. 1761 to the Committee on Public Works and Transportation extended for an additional period ending not later than August 1, 1983.

Referral of H.R. 3021 to the Committee on Ways and Means extended for an additional period ending not later than June 30, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BETHUNE:

H.R. 3422. A bill relating to the naming of certain locks, dams, and reservoirs on the Arkansas River, Ark.; to the Committee on Public Works and Transportation.

By Mr. COLEMAN of Texas (for himself and Mr. Bryant):

H.R. 3423. A bill to amend the Internal Revenue Code of 1954 to repeal the estate and gift taxes and to provide offsetting revenues by reducing the amount of the investment tax credit; to the Committee on Ways and Means.

By Mr. DELLUMS (for himself and Mr. Fauntroy):

H.R. 3424. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authorization of appropriations for the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

By Mr. DELLUMS (for himself, Mr. Fauntroy, and Mr. McKinney):

H.R. 3425. A bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey to the government of the District of Columbia all right, title, and interest to the Robert F. Kennedy Memorial Stadium vested in the United States; to the Committee on the District of Columbia.

By Mr. FRANK:

H.R. 3426. A bill to amend section 3323 of title 5, United States Code, to remove the restrictions that an annuitant reappointed as a Federal employee may serve only at the will of the appointing authority; to the Committee on Post Office and Civil Service.

By Mr. FRENZEL:

H.R. 3427. A bill to amend the Internal Revenue Code of 1954 to make certain changes in the tax treatment of private foundations; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 3428. A bill to amend sections 3307(d) and 8335(b) of title 5, United States Code, with respect to age limits for appointment and mandatory retirement of law enforcement officers engaged in detention activities; to the Committee on Post Office and Civil Service.

By Mr. GREEN:

H.R. 3429. A bill to amend the Internal Revenue Code of 1954 to disregard, in the valuation for estate tax purposes of certain items created by the decedent during his life, any amount which would have been ordinary income if such item had been sold by the decedent at its fair market value, to allow a charitable deduction based on the fair market value of such items, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD (for himself, Mr. Snyder, Mr. Roe, and Mr. Stangeland) (by request):

H.R. 3430. A bill to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HUBBARD:

H.R. 3431. A bill to name the Port of Hickman, Ky., as the "Elvis Stahr Harbor, Port of Hickman"; to the Committee on Public Works and Transportation.

By Mrs. MARTIN of Illinois:

H.R. 3432. A bill to amend the Social Security Act to provide for a program of grants to States to provide health care benefits for the unemployed, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MOLLOHAN:

H.R. 3433. A bill to extend the Federal Supplemental Compensation Act of 1982 for an additional 6 months; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma (for himself, Mr. Conable, Mr. Murtha, Mr. Ritter, Mrs. Hall of Indiana, Mr. Nowak, Mr. Dingell, and Mr. Boehlert):

H.R. 3434. A bill to amend the Internal Revenue Code of 1954 to facilitate industrial revitalization and employment by improving the efficiency of the investment tax credit; to the Committee on Ways and Means.

By Mr. MURPHY (for himself, Mr. Perkins, Mr. Miller of California, Mr. Biaggi, Mr. Simon, Mr. Gaydos, Mr. Williams of Montana, and Mr. Corrada):

H.R. 3435. A bill to revise and extend the Education of the Handicapped Act, and for other purposes; to the Committee on Education and Labor.

By Mr. OBERSTAR:

H.R. 3436. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income grants paid by the U.S. Forest Service as a result of restricting motorized traffic in the boundary waters canoe area; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3437. A bill to amend the Military Selective Service Act to prohibit peacetime registration for the draft; to the Committee on Armed Service.

By Mr. SHELBY:

H.R. 3438. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income subsistence payments to certain law enforcement officers; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 3439. A bill to amend the National Security Act of 1947 to protect against the unauthorized disclosure of identities of certain former U.S. intelligence officers, agents, informants, and sources; the Permanent Select Committee on Intelligence.

By Mr. SWIFT (for himself, Mr. Wyden, and Mr. Alexander):

H.R. 3440. A bill to amend the Communications Act of 1934 to assure that communication services are universally available on a nationwide basis at affordable rates; to the Committee on Energy and Commerce.

By DYMALLY:

H.R. 3441. A bill to amend title 28, United States Code, to require civil actions to be expedited, upon motion of a party who is 65 years of age or older; to the Committee on Judiciary.

By Mr. GILMAN (for himself and Mr. Mrazek):

H.J. Res. 309. Joint resolution to provide for the designation of the last week in June 1984 as "Helen Keller Deaf-Blind Awareness Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

198. By the SPEAKER: Memorial of the Legislature of the State of California, relative to special education; to the Committee on Education and Labor.

199. Also, memorial of the Legislature of the State of Minnesota, relative to acid rain; to the Committee on Energy and Commerce.

200. Also, memorial of the Legislature of the State of Minnesota, relative to compensation to Vietnam veterans for adverse health effects; to the Committee on Veterans' Affairs.

201. Also, memorial of the Legislature of the State of Minnesota, relative to the issuance of qualified mortgage bonds; to the Committee on Ways and Means.

202. Also, memorial of the Legislature of the State of Minnesota, relative to the steel industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GEKAS introduced a bill (H.R. 3442) for the relief of Chilewich, Inc., and Bluebird Inc.; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. Clay.

H.R. 132: Mr. Bereuter and Mr. Ratchford.

H.R. 433: Mr. McCain.

H.R. 507: Mr. Dicks, Mr. Matsui, and Mr. Moakley.

H.R. 577: Mr. Brown of California.

H.R. 618: Mr. Skelton and Mr. Hansen of Utah.

H.R. 622: Ms. Ferraro, Mr. Florio, Mr. Ford of Tennessee, Mr. Lujan, Mr. Morrison of Connecticut, Mr. Nowak, Mr. Ottinger, Mr. Traxler, Mr. Vento, and Mr. Weiss.

H.R. 966: Mr. Kasich.

H.R. 1084: Mr. Rinaldo.

H.R. 1136: Mr. Mazzoli, Mr. Weber, Mr. Boucher, Mr. Biaggi, Mr. Vandergriff, Ms. Fiedler, and Mr. Martinez.

H.R. 1199: Mr. Kazen, Mr. Nowak, and Mr. Conable.

H.R. 1226: Mr. Shelby.

H.R. 1250: Mr. Gingrich, Mr. Brown of California, Mr. Levine of California, Mr. Patterson, Mr. Won Pat, Mr. Gaydos, Mr. Kolter, Mr. Bilirakis, Mr. Penny, Mr. Duncan, Mr. McCloskey, Mr. Rahall, Mr. Ford of Michigan, Mr. Dyson, Mr. Derrick, and Mr. Kramer.

H.R. 1255: Mr. Lewis of Florida, Mr. Gekas, Mr. Wilson, Mr. Young of Florida, Mr. Addabbo, Mr. Swift, Ms. Snowe, and Mr. Hefner.

H.R. 1315: Mr. Bereuter, Mr. Boehlert, Mr. Boner of Tennessee, Mr. Bonker, Mr. Cheney, Mr. Philip M. Crane, Mr. Evans of Illinois, Mr. Fields, Mr. Frank, Mr. Parris, Mrs. Schneider, Mr. Seiberling, Mr. Sharp, and Mr. Weiss.

H.R. 1340: Mr. Sabo, Mr. Ford of Michigan, Mr. Hertel of Michigan, Mr. Feighan, Mr. Eckart, Mr. Mrazek, Mr. Morrison of Connecticut, Mr. Howard, Mr. Dwyer of New Jersey, Mr. Edgar, and Mr. Bedell.

H.R. 1341: Mr. Weiss, Mr. Lagomarsino, Mr. Beilenson, Mr. Levine of California, and Mr. Berman.

H.R. 1373: Mr. Pepper.

H.R. 1543: Mr. Roybal and Mr. Owens.

H.R. 1802: Mr. Latta.

H.R. 1870: Mr. Badham, Mr. Chandler, Mr. Spratt, and Mr. Rogers.

H.R. 1880: Mr. Simon.

H.R. 1905: Mr. Pepper, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Owens, Mr. Leath of Texas, Mr. Towns, Mr. McGrath, Mr. Lagomarsino, and Mr. Boland.

H.R. 2012: Mr. Stokes.

H.R. 2014: Mr. Lowry of Washington, Mr. Mineta, and Mr. Weiss.

H.R. 2053: Mr. Akaka and Mr. Kramer.

H.R. 2138: Mr. Siljander.

H.R. 2151: Mr. Hartnett, Mr. Bilirakis, and Mr. Burton of Indiana.

H.R. 2225: Mr. Edwards of Oklahoma, Mr. McEwen, Mr. Sunia, Mr. Emerson, Mr. Bereuter, Mr. Edwards of Alabama, and Mr. Coats.

H.R. 2276: Mr. Florio and Mr. Harkin.

H.R. 2299: Mr. Lott.

H.R. 2483: Mr. Wirth.

H.R. 2490: Mr. Luken.

H.R. 2560: Mr. Sunia and Mr. Harkin.

H.R. 2584: Mr. Rogers, Mr. Carr, Mr. Vandergriff, Mr. Leach of Iowa, Mr. Williams of Montana, Mr. Kindness, and Mr. Kazen.

H.R. 2830: Mr. Hertel of Michigan.

H.R. 2872: Mr. Evans of Illinois, Mr. Annunzio, and Mr. Simon.

H.R. 2911: Mr. Spratt, Mr. Lehman of California, Mr. Duncan, Mr. Mineta, Mr. Morrison of Washington, Mr. Kolter, Mr. Hansen of Utah, Mr. Murtha, Mr. Fascell, Mr. Latta, and Mr. Fauntroy.

H.R. 2916: Mr. Dicks, Mrs. Lloyd, and Mr. Ackerman.

H.R. 2965: Mr. Daniel B. Crane.

H.R. 2978: Mr. Ottinger.

H.R. 2987: Mr. Downey of New York, Mr. Oberstar, Mr. Studds, Mr. Moakley, Mr. Mavroules, Mr. Hefner, Mr. Conte, Mr. Markey, Mr. McHugh, Mr. Hughes, Mr. Luken, Mr. Neal, Mr. Wise, Mr. Smith of Florida, Mr. Early, Mr. Sisisky, and Mr. Sabo.

H.R. 2996: Mr. Downey of New York.

H.R. 2997: Mr. Mitchell, Mr. Addabbo, Mr. Sikorski, and Mr. Gejdenson.

H.R. 3057: Mr. Skeen, Mr. Packard, Mr. Lewis of California, Mr. Hubbard, Mr. Price, Mr. Patterson, Mr. McCain, and Mr. Nielson of Utah.

H.R. 3072: Mr. Schumer, Mr. Panetta, and Mr. Conyers.

H.R. 3074: Mr. Martinez and Mr. Owens.

H.R. 3137: Mr. Smith of Iowa and Mr. Frank.

H.R. 3142: Mr. Rudd.

H.R. 3175: Mr. Dwyer of New Jersey, Mr. Edwards of California, Mr. D'Amours, Mr. Murphy, Mr. Dixon, Mr. Smith of Florida, Mr. Ottinger, Mr. Frost, Mr. Lowry of Washington, Mr. Ford of Michigan, Mr. Mitchell, Mr. Luken, Mr. Vento, and Mr. Weiss.

H.R. 3192: Mr. Daniel B. Crane, Mr. Bartlett, and Mr. Gingrich.

H.R. 3193: Ms. Snowe, Mr. Albosta, and Mr. Traxler.

H.R. 3198: Mr. Neal.

H.R. 3232: Mr. DeWine.

H.R. 3238: Mr. Williams of Ohio, Mr. Walgren, Mr. Roe, Mr. Stokes, Mr. Montgomery, Mr. Edwards of California, Mr. Barnes, Mr. Coyne, Mr. Smith of Florida, Mrs. Boxer, Mr. Dixon, Mr. Mineta, Mr. Edwards of Alabama, Mr. Kogovsek, Mrs. Schroeder, Mr. Winn, Mr. Gilman, Mr. Lehman of Florida, Mr. Frost, Ms. Kaptur, Mr. Towns, Mr. Fascell, Mr. Annunzio, Mr. Mrazek, Mr. Garcia, Mr. Panetta, Mr. Hoyer, Mr. McHugh, Mr. Lundine, Mr. Sam B. Hall, Jr., Mr. Levin of Michigan, Mr. Lowry of Washington, Mr. Brooks, Mr. Dwyer of New Jersey, Mr. Hughes, Mr. Fazio, Mr. Biaggi, Mr. Hertel of Michigan, Mr. Yates, Mr. Barnard, Mr. Fish, Mr. Ottinger, Mr. Yatron, Mr. Edgar, Mr. Vento, Mr. Conyers, Mr. Stratton, Mr. Vandergriff, Mr. Rodino, Mr. Levitas, Mr. Tauke, Mr. Patterson, Mr. Weiss, Mr. Schumer, Mr. Alexander, Mr. Owens, Mr. Britt, Mr. Udall, Mr. Rangel, Mr. Panetta, Mr. Wyden, Mr. Simon, Mr. Bedell, Mr. Waxman, and Mr. Ratchford.

H.R. 3289: Mr. Biaggi.

H.R. 3292: Mr. Smith of New Jersey and Mr. Spratt.

H.R. 3300: Mr. de Lugo, Mr. Wolpe, Mr. Harrison, Mr. Stokes, Mr. Roe, Mr. Smith of New Jersey, Mr. Bevill, Mr. Dwyer of New Jersey, Mr. Ford of Michigan, Mr. Leland, Mr. Kildee, Mr. Ford of Tennessee, Mrs. Schroeder, Mr. Duncan, Mr. Yatron, Mr. Albosta, Mr. Chappie, Mr. Lantos, Ms. Ferraro, Mr. Smith of Florida, Mr. Skelton, Mr. Schumer, Mr. Olin, Mr. Wirth, Mr. Solarz, Mr. Wyden, Mr. Lehman of Florida, Mr. Rangel, Mr. Conyers, Mr. Vento, Mr. Murtha, and Mr. Berman.

H.R. 3309: Mr. Fields, Mr. Pursell, Mr. Luken, and Mr. Wolf.

H.R. 3321: Mr. Simon, Mr. Bryant, Mr. Sam B. Hall, Jr., Mr. Matsui, Mr. Perkins, Mr. Andrews of Texas, Mr. Boland, Mr. Pepper, Mr. Owens, Mr. Price, Mr. Boner of Tennessee, Mr. Rangel, Mr. Akaka, Mr. Wyden, Mr. Frost, Mr. Duncan, Mr. Gramm, Mrs. Boxer, Mr. Britt, Mr. Roe, Mr. Roberts, Mr. Rodino, Mr. Wortley, Mr. Forsythe, Mr. Vandergriff, Mr. Martin of North Carolina, Mr. Leland, Mr. McDade, Mr. Panetta, Mr. Lagomarsino, Mr. Biaggi, Mr. Slattery, Mr. Dowdy of Mississippi, Mr. Dymally, Mr. Moorhead, Mr. Murphy, Mr. Broyhill, Mr. Rahall, Mr. Ford of Tennessee, Mr. Wilson, Mr. Sunia, Mr. Won Pat, Mr. Shelby, Mr. Tallon, Mr. Miller of Ohio, Mr. Stangeland, Mr. Traxler, Mr. Jenkins, Mr. Dixon, Mr. Kemp, Mr. Lipinski, Ms. Kaptur, Mr. Bateman, Mr. Daniel, Mr. Lott, Mr. McHugh, Mr. Frenzel, and Mr. Donnelly.

H.R. 3364: Mr. Dymally, Mr. Bosco, and Mr. Leland.

H.R. 3365: Mr. Dymally, Mr. Bosco, and Mr. Leland.

H.R. 3366: Mr. Dymally, Mr. Bosco, and Mr. Leland.

H.R. 3373: Mr. Kasich, Mr. Forsythe, Mr. Kindness, and Mr. Jacobs.

H.R. 3385: Mr. Anthony, Mr. Hance, Mr. Sundquist, Mr. English, and Mr. McCurdy.

H.J. Res. 71: Mr. Bereuter.

H.J. Res. 103: Mr. Duncan and Mrs. Lloyd.

H.J. Res. 205: Mr. Goodling and Mr. Waxman.

H.J. Res. 210: Mr. Hance, Mr. Early, Mr. Kastenmeier, Mr. Schumer, and Mr. Hansen of Utah.

H.J. Res. 243: Mr. Coughlin, Mr. Gekas, Mr. Leach of Iowa, Mr. Neal, Mr. Ray, and Mr. Siljander.

H.J. Res. 273: Mr. Boland, Mr. Waxman, Mr. Oberstar, Mr. Bedell, Mr. Boner of Tennessee, Mr. Owens, Mr. Daub, Mr. Conte, Mr. Rahall, Mr. Gray, Mr. Vander Jagt, Mr. Traxler, and Mr. Vento.

H. Con. Res. 107: Mr. Kasich, Mr. AuCoin, Mr. Carper, and Mr. Scheuer.

H. Con. Res. 118: Mr. Fish, Mr. Lantos, Mr. Kildee, Mr. Solarz, Mr. Britt, Mr. Bedell, Mr. Rangel, Mr. Dymally, Mr. Studds, Mr. Foglietta, Mr. Berman, Mr. Carr, Mr. Torricelli, Mr. McNulty, Mr. Scheuer, Mr. Swift, Mr. Lowry of Washington, Mr. Hertel of Michigan, Mr. Morrison of Connecticut, Mr. Penny, Mrs. Kennelly, Mr. Bonker, Mr. Dicks, and Mr. Pritchard.

H. Res. 191: Mr. Bedell and Ms. Snowe.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

150. By the SPEAKER: Petition of the Massachusetts Conference of the United Church of Christ, Framingham, Mass., relative to the Opera Company of Boston and the Philippines; to the Committee on Foreign Affairs.

151. Also, petition of the City Council, Cleveland, Ohio, relative to extended unemployment benefits; to the Committee on Ways and Means.

152. By Mr. JONES of North Carolina: Petition of the Mexico Beach Town Council, Fla., relative to the Outer Continental Shelf; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2668

By Mr. LEVITAS:

—Page 20, insert after line 6 the following:

APPROVAL OF RULES

Sec. 16. (a) No funds appropriated to the Consumer Product Safety Commission for fiscal year 1984, 1985, 1986, 1987, and 1988 under the amendment made by section 2 of this Act may be used to place in effect a consumer product safety rule under the Consumer Safety Act, a regulation under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or a regulation under section 4 of the Flammable Fabrics Act which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1988, unless a joint resolution approving such rule or regulation has been enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1988.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the consumer product safety rule which was promulgated by the Consumer Product Safety Commission with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section of the Federal Hazardous Substances Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately.

(To the Shelby amendment in the nature of a substitute.)

—At the end of the matter proposed to be inserted by the amendment insert the following:

APPROVAL OF RULES

Sec. 3. (a) No funds appropriated to the Consumer Product Saftey Commission for fiscal year 1984, 1985, or 1986 under the amendment made by section 2 of this Act may be used to place in effect a consumer product safety rule under the Consumer Product Safety Act, a regulation under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or a regulation under section 4 of the Flammable Fabrics Act which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986, unless a joint resolution approving such rule or regulation has been enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the consumer product safety rule which was promulgated by the Consumer

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Product Safety Commission with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Harzardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section of the Federal Hazardous Substances Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately.

CONFERENCE REPORT ON H.R. 3132

Mr. BEVILL submitted the following conference report and statement on the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 98-272)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 8, 11, 15, 19, 20, 33, 34, 38, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 12, 28, 29, 31, 36, and 41, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$133,810,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$884,104,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: , *of which $5,200,000 shall be made available for the Miami Harbor, Bayfront Park project, Florida; and, in addition, notwithstanding any other provision of law, $10,000,000, to remain available until expended, for the Yatesville Lake construction project*; and the Senate agree to the same

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$300,480,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,184,492,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$33,831,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$33,161,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

In lieu of the sum proposed by said amendment insert *$10,000,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$165,600,000;* and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$45,000,000;* and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,951,609,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment to the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$638,250,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$6,547,875,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$366,056,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$156,437,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$194,630,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 306. Not more than $500,000 of funds available to the Federal Energy Regulatory Commission shall be available for updating the comprehensive water resources analysis covering Merced county, Mariposa county, Madera county and Fresno county in California, in accordance with the provisions of sections 4(a) and 10(a) of the Federal Power Act including such public hearings as are necessary and appropriate for that purpose: Provided, That notwithstanding any other provision of law or regulation, the construction of any dam or hydroelectric facility on Whiskey Creek, Nelder Creek, and Lewis Fork of the Fresno River, all located in Merced county, Mariposa county, Madera county and Fresno county in California, shall be suspended and deferred until completion of the aforementioned updating of the comprehensive water resource analysis covering that area, and any permit, license, or exemption issued by the Federal Energy Regulatory Commission shall be modified as necessary to be consistent with the results of that analysis.

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$145,000,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$125,500,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 16, 17, 22, 25, and 26.

TOM BEVILL,
LINDY (MRS. HALE) BOGGS,
BILL CHAPPELL,
VIC FAZIO,
WES WATKINS,
BILL BONER,
JAMIE L. WHITTEN,
JOHN T. MYERS,
VIRGINIA SMITH,
ELDON RUDD,
SILVIO O. CONTE
(except amendments 2, 3, 12),
Managers on the Part of the House.

MARK O. HATFIELD,
JAMES A. MCCLURE,
JAKE GARN,
THAD COCHRAN,
JAMES ABDNOR,
ROBERT KASTEN,
MACK MATTINGLY,
PETE V. DOMENICI,
J. BENNETT JOHNSTON,
JOHN C. STENNIS,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
WALTER D. HUDDLESTON,
QUENTIN BURDICK,
JIM SASSER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3132) making appropriations for energy and water development for fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

General investigations

Amendment No. 1: Appropriates $133,810,000 for general investigations instead of $148,733,000 as proposed by the House and $118,435,000 as proposed by the Senate.

In connection with the San Francisco Bay Shoreline, California, study, $100,000 is included to continue the flood control investigation of the White Slough area in Solano County.

Of the funds appropriated for the Eastern South Dakota and Upper Big Sioux River, SD&IA study, up to $130,000 may be transferred to the U.S. Geological Survey for hydrologic investigation of the Big Sioux aquifer supported by the State of South Dakota.

The conferees recommend that the scope of the current Savannah Harbor, Comprehensive Study, Ga., be enlarged to consider the impacts of proposed upstream landside container facilities in conjunction with completion of the present study. In addition to the $168,000 appropriated for this study, $125,000 of available funds is to be used to investigate these impacts.

Because of the recent severe flooding in the Salt Lake metropolitan area, the corps is directed to use $400,000 of available funds to update and confirm project data related to the Little Dell Lake in Utah. The Corps of Engineers is further directed to accelerate project planning and preparation in anticipation of construction.

The conference agreement includes $300,000 to update the White River, Ark., authorization report. The updated study should include a review of improvements needed in the Black River, Ark., portion of the White River Basin, particularly streambank erosion control in the Lawrence County, Ark., reach of the Black River.

The conference agreement includes an additional $400,000 over the budget for the Ohio River Main Stem study to expedite completion of the interim report on the Montgomery Locks and Dam, Dashields Lock and Dam and Emsworth Locks and Dam.

The conference agreement includes $50,000 for the Monroe County, Florida, study.

The funds appropriated are to be allocated as shown on the following table:

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	ALABAMA				
(N)	ALABAMA-COOSA RIVER BELOW CLAIBORNE L&D	459,000	---	459,000	---
(N)	BAYOU LA BATRE	---	---	80,000	---
(N).	MOBILE HARBOR DEEPENING (CP&E)	700,000	---	900,000	---
(FC)	THREE MILE CREEK (CP&E)	---	---	600,000	---
(N)	WILLIAM BACON OLIVER LOCK AND DAM (CP&E)	---	---	1,300,000	---
	ALASKA				
(SP)	BETHEL BANK STABILIZATION (CP&E)	---	---	150,000	---
(FDP)	RIVERS AND HARBORS	300,000	---	400,000	---
(FDP)	SMALL HYDROPOWER	800,000	---	800,000	---
(N)	SOUTHCENTRAL DEEP-DRAFT NAVIGATION	200,000	---	300,000	---
	ARIZONA				
(FC)	HOLBROOK, LITTLE COLORADO RIVER (CP&E)	---	---	300,000	---
(FDP)	GILA RIVER & TRIBUTARIES, NOGALES WASH, AZ & NM	200,000	---	200,000	---
(FDP)	GILA RIVER AND TRIBUTARIES, AZ & NM	530,000	---	630,000	---
	ARKANSAS				
(FDP)	ARKANSAS RIVER BASIN, AR & OK	---	---	200,000	---
(FDP)	ARKANSAS RIVER VICINITY OF FT SMITH - VAN BUREN	142,000	---	142,000	---
(N)	ARKANSAS RIVER & TRIBS HYDROPOWER & OTHER PURPOSES, AR & OK	422,000	---	422,000	---
(FDP)	CLARKSVILLE	100,000	---	100,000	---
(FC)	FOURCHE BAYOU IN THE VICINITY OF LITTLE ROCK (CP&E)	700,000	---	700,000	---
(FC)	MCKINNEY BAYOU, AR & TX	---	270,000	---	270,000
(FC)	NORTH LITTLE ROCK (DARK HOLLOW) (CP&E)	---	---	100,000	---
(FDP)	OUACHITA RIVER BASIN, AR & LA	696,000	---	696,000	---
(COMP)	RED RIVER BASIN, AR, TX, LA & OK	---	---	250,000	---
(COMP)	RED RIVER BELOW DENISON DAM, AR, LA, OK & TX (AUTH RPTS)	460,000	---	460,000	---
(N)	WHITE RIVER	---	---	300,000	---
(N)	RED RIVER WATERWAY, SHREVEPORT LA TO VICINITY INDEX AR	---	---	---	490,000
	CALIFORNIA				
(FDP)	ALAMEDA CREEK, UPPER BASIN	175,000	---	175,000	---
(FDP)	ANTELOPE VALLEY	---	---	100,000	---
(FC)	CACHE CREEK (CP&E)	300,000	---	300,000	---
(FDP)	CALIENTE CREEK INTERIM	---	---	500,000	---
(FDP)	CALLEGUAS CREEK	---	---	250,000	---
(SPEC)	COAST OF CALIF, STORM AND TIDAL WAVES	750,000	---	1,000,000	---
(FC)	COTTONWOOD CREEK	---	4,000,000	---	4,000,000
(FDP)	DRY CREEK INTERIM	---	---	300,000	---
(FC)	GOLETA AND VICINITY	---	350,000	---	350,000
(FDP)	GUADALUPE RIVER	170,000	---	265,000	---
(FDP)	LOS ANGELES COUNTY DRAINAGE AREA REVIEW	820,000	---	820,000	---
(N)	LOS ANGELES AND LONG BEACH HARBORS (INCL SAN PEDRO BAY MODEL)	256,000	---	256,000	---
(FC)	MORRISON CREEK STREAM GROUP (PHASE I)	1,000,000	---	1,000,000	---
(N)	NOYO RIVER AND HARBOR (CHANNEL EXTENSION)	---	91,000	---	91,000
(N)	NOYO RIVER AND HARBOR (BREAKWATER)	---	184,000	---	184,000
(N)	OAKLAND INNER HARBOR, (CP&E)	---	---	200,000	---
(FC)	REDBANK AND FANCHER CREEKS (CP&E)	1,500,000	---	1,500,000	---
(N)	REDONDO BEACH HARBOR (KING HARBOR)	---	---	85,000	---
(FDP)	SACRAMENTO RIVER & TRIBS (BANK PROT & EROS CONTROL)	139,000	---	139,000	---
(N)	SACRAMENTO RIVER DEEPWATER SHIP CHANNEL (CP&E)	---	---	1,700,000	---
(FDP)	SAN FRANCISCO BAY SHORELINE	600,000	---	600,000	---
(FDP)	SAN JOAQUIN RIVER BASIN	---	---	250,000	---
(FDP)	SAN LUIS OBISPO COUNTY	---	---	150,000	---
(FDP)	SANTA ANA RIVER & ORANGE COUNTY	122,000	---	122,000	---
(FDP)	SANTA BARBARA COUNTY STREAMS	325,000	---	325,000	---
(FC)	SANTA ANA RIVER (CP&E)	2,300,000	---	2,600,000	---
(N)	SUNSET HARBOR	---	---	50,000	---
(FDP)	WALNUT CREEK BASIN	---	---	100,000	---
	COLORADO				
(FC)	ARK R & TRIBS ABOVE J.M. DAM, FOUNTAIN CREEK AT PUEBLO (CP&E)	300,000	---	300,000	---
(FC)	ARK R & TRIBS ABOVE JOHN MARTIN DAM (PHASE I)	140,000	---	140,000	---
(FDP)	FOUNTAIN CREEK AND TRIBUTARIES, NORTH OF PUEBLO	200,000	---	200,000	---

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	CONNECTICUT				
(COMP)	LONG ISLAND SOUND - THAMESVILLE TIDAL FLOOD MANAGEMENT	50,000	---	50,000	---
(SPEC)	LONG ISLAND SOUND - DREDGED MATERIAL CONTAINMENT STUDY	325,000	---	325,000	---
	FLORIDA				
(N)	BISCAYNE BAY	---	---	125,000	---
(FDP)	CENTRAL AND SOUTHERN FLORIDA WATER SUPPLY	400,000	---	400,000	---
(N)	CHARLOTTE HARBOR (BOCA GRANDE)	125,000	---	---	---
(N)	ESCAMBIA RIVER	---	---	110,000	---
(SP)	INDIAN RIVER COUNTY (CP&E)	---	---	65,000	---
(FDP)	GOLDEN GATES ESTATES	---	---	250,000	---
(N)	GULF COAST PASSES (CP&E)	---	---	75,000	---
(FDP)	KISSIMMEE RIVER	207,000	---	207,000	---
(N)	JACKSONVILLE HARBOR (MILLCOVE) (CP&E)	---	---	50,000	---
(SP)	MARTIN COUNTY	76,000	---	76,000	---
(N)	MEXICO BEACH INLET	---	---	45,000	---
(N)	MIAMI HARBOR CHANNEL	112,000	---	112,000	---
(N)	PALM BEACH HARBOR	79,000	---	79,000	---
(SP).	PANAMA CITY BEACHES (CP&E)	---	---	500,000	---
(N)	PORT SUTTON CHANNEL	---	---	150,000	---
(FDP)	SIX MILE CYPRESS SLOUGH	---	---	200,900	---
(FDP)	ST. MARY'S RIVER BASIN	---	---	125,000	---
(N)	TAMPA HARBOR BRANCH CHANNELS	---	100,000	---	100,000
(FDP)	ST. JOHNS RIVER	---	---	100,000	---
(FDP)	SUWANEE RIVER	---	---	140,000	---
	GEORGIA				
(FC)	BRUNSWICK	---	---	200,000	---
(FC)	DALTON LAKE (PHASE I)	190,000	---	190,000	---
(FC)	LAKE LANIER REREGULATION, GA - METRO ATLANTA W.S.(CP&E)	700,000	---	700,000	---
(FDP)	NORTHEAST GEORGIA REGION	400,000	---	400,000	---
(FC)	SAVANNAH RIVER BASIN AT OATES CREEK (CP&E)	200,000	---	200,000	---
(N)	SAVANNAH HARBOR COMPREHENSIVE	168,000	---	168,000	---
(N)	SAVANNAH HARBOR WIDENING (CP&E)	250,000	---	425,000	---
(COMP)	SOUTH METRO ATLANTA	---	---	150,000	---
	GUAM				
(FC)	AGANA RIVER (CP&E)	150,000	---	150,000	---
(N)	HARBORS & RIVERS IN THE TERRITORY OF GUAM	96,000	---	96,000	---
	HAWAII				
(FDP)	HARBORS & RIVERS IN HAWAII, SOUTH KOHALA WATER SUPPLY.	150,000	---	150,000	---
(FDP)	HARBORS & RIVERS IN HAWAII	317,000	---	317,000	---
	IDAHO				
(FDP)	COLUMBIA RIVER AND TRIBUTARIES, ID, MT, OR & WA	1,095,000	---	1,095,000	---
(FDP)	UPPER SNAKE RIVER AND TRIB., ID & WY	550,000	---	550,000	---
	ILLINOIS				
(FDP)	CHICAGO - SOUTH END OF LAKE MICHIGAN, IL & IN	140,000	---	140,000	---
(MP)	CHICAGOLAND UNDERFLOW PLAN (PHASE I)	865,000	---	865,000	---
(FDP)	FOX RIVER & TRIBUTARIES, IL & WI	191,000	---	191,000	---
(FC)	HILLVIEW D&LD	---	284,000	---	284,000
(SP)	ILLINOIS SHORE OF LAKE MICHIGAN	---	---	85,000	---
(FDP)	MACKINAW RIVER	---	---	50,000	---
(FC)	MEREDOSIA LAKE AND WILLOW CREEK D&L DIST	---	50,000	---	50,000
(FC)	MEREDOSIA, ILLINOIS AND MEREDOSIA WILLOW CREEK & COON RUN D&LD	---	50,000	---	50,000
(FDP)	MISS RIVER, COON RAPIDS DAM TO OHIO RIV, IL, IA, MN, MO & WI	1,484,000	---	1,484,000	---
(FDP)	NORTH BRANCH OF CHICAGO RIVER (PHASE I) (CP&E)	---	---	150,000	---
(FDP)	OHIO RIVER MAIN STEM, IL, IN, OH, PA & WV	1,345,000	---	1,745,000	---
(FDP)	RICHLAND CREEK	116,000	---	116,000	---
(FC)	ROCK RIVER AGRICULTURAL LEVEES	---	160,000	---	160,000
(FC)	VERMILLION RIVER BASIN	---	---	25,000	--

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TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
(SP)	INDIANA				
(FDP)	FORT WAYNE METROPOLITAN AREA	80,000	---	80,000	---
(SP)	INDIANA SHORELINE EROSION, LAKE MICHIGAN (CP&E)	---	---	150,000	---
(FC)	LITTLE CALUMET RIVER (CP&E)	---	---	300,000	---
(FDP)	LITTLE CALUMET RIVER BASIN (CADY MARSH DITCH)	35,000	---	35,000	---
(COMP)	WABASH RIVER BASIN COMPREHENSIVE (AUTHORIZATION REPORTS), IN & IL	80,000	---	80,000	---
	IOWA				
(FC)	PERRY CREEK (CP&E)	200,000	---	200,000	---
	KANSAS				
(FDP)	ARK RIV & TRIBS GREAT BEND KS TO TULSA OK REMAINING, KS & OK	253,000	---	253,000	---
(FDP)	ARKANSAS RIVER FROM GREAT BEND TO JOHN MARTIN DAM, KS & CO	180,000	---	180,000	---
(FC)	DOUGLASS LAKE	---	---	100,000	---
(FC)	GREAT BEND LOCAL PROTECTION PROJECT	---	---	---	300,000
(FDP)	KANSAS AND OSAGE RIVERS	400,000	---	400,000	---
(FDP)	VERDIGRIS RIV, KS & OK	410,000	---	410,000	---
(FDP)	VERDIGRIS RIVER, KS & OK (CANEY RIVER)	100,000	---	100,000	---
	KENTUCKY				
(N)	BIG SANDY RIVER, KY, WV & VA	600,000	---	600,000	---
(N)	CUMBERLAND-TENNESSEE RIVERS, KY, AL, GA, MS, NC, TN & VA	300,000	---	500,000	---
(FC)	FRANKFORT (SOUTH FRANKFORT)	---	300,000	---	300,000
(N)	GREEN AND BARREN RIVERS, KY & TN	150,000	---	150,000	---
(FDP)	KENTUCKY RIVER AND TRIBUTARIES	350,000	---	350,000	---
(FDP)	UPPER CUMBERLAND RIVER BASIN, KY & TN	200,000	---	200,000	---
	LOUISIANA				
(FDP)	ALOHA-RIGOLETTE AREA	175,000	---	175,000	---
(FDP)	AMITE RIVER AND TRIBUTARIES	350,000	---	350,000	---
(FC)	LAKE PONTCHARTRAIN (NORTH SHORE) (CP&E)	---	---	75,000	---
(FDP)	LAKE PONTCHARTRAIN (WEST SHORE)	---	---	120,000	---
(N)	GULF INTRACOASTAL WATERWAY, LA & TX	---	---	200,000	---
(FDP)	LOUISIANA COASTAL AREA - LAND LOSS AND MARSH CREATION	400,000	---	400,000	---
(FDP)	LOUISIANA COASTAL SHORE & BARRIER ISLAND EROSION	---	---	290,000	---
(FDP)	LOUISIANA COASTAL WATER SUPPLY	---	---	400,000	---
(FDP)	MERMENTAU, VERMILION, & CALCASIEU RVS & BAYOU TECHE	460,000	---	620,000	---
(N)	MISSISSIPPI RIVER - GULF OUTLET (ENLARGEMENT) (CP&E)	600,000	---	1,200,000	---
(FC)	SLIDELL	---	---	---	700,000
	MAINE				
(N)	FORE RIVER CHANNEL PORTLAND HARBOR	115,000	---	115,000	---
(FDP)	SAINT JOHN RIVER	380,000	---	380,000	---
	MARYLAND				
(SPEC)	CHESAPEAKE BAY STUDY, MD & VA	900,000	---	900,000	---
	MASSACHUSETTS				
(N)	EAST BOAT BASIN, SANDWICH	25,000	---	25,000	---
(FC)	QUINCY COASTAL STREAMS, TOWN BROOK (CP&E)	200,000	---	200,000	---
(COMP)	SOUTHEASTERN NEW ENGLAND AUTH REPORTS, MA, RI & CT	100,000	---	100,000	---
	MICHIGAN				
(FDP)	GREAT LAKES, PARTICULARLY LAKE ONTARIO & LAKE ERIE	380,000	---	380,000	---
(N)	GREAT LAKES CONNECTING C&H, MI, IL, IN, MN, NY, OH, PA & WI	1,250,000	---	1,250,000	---
(FDP)	SAGINAW RIVER BASIN	260,000	---	260,000	---
	MINNESOTA				
(FC)	CHASKA	---	300,000	---	300,000
(FC)	EAST GRAND FORKS	---	200,000	---	200,000
(FDP)	MINNESOTA RIVER VALLEY	---	---	250,000	---
(FC)	REDWOOD RIVER AT MARSHALL (CP&E)	150,000	---	150,000	---
(FDP)	SAINT CROIX RIVER, MN & WI	350,000	---	350,000	---

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES		CONFERENCE ALLOWANCE	
		INVESTIGATIONS	PLANNING	INVESTIGATIONS	PLANNING
	MISSISSIPPI				
(FDP)	MISSISSIPPI GULF COAST AREA	---	---	300,000	---
(N)	MISSISSIPPI SOUND AND ADJACENT AREAS, MS & AL	76,000	---	76,000	---
(N)	PASCAGOULA HARBOR	253,000	---	253,000	---
(FDP)	PASCAGOULA RIVER BASIN, MS & AL	305,000	---	305,000	---
(FDP)	PEARL RIVER BASIN, MS & LA	900,000	---	1,200,000	---
(SPEC)	TENNESSEE-TOMBIGBEE WATERWAY SPECIAL STUDY, MS, AL, TN & KY	628,000	---	628,000	---
(N)	WOLF AND JORDAN RIVERS	41,000	---	41,000	---
(N)	YAZOO RIVER	---	100,000	---	100,000
	MISSOURI				
(FC)	HANNIBAL	---	150,000	---	150,000
(FC)	MERAMEC RIVER BASIN (FLOOD CONTROL)	---	---	---	800,000
(SPEC)	MERAMEC RIVER BASIN (WATER SUPPLY)	---	---	200,000	---
(FDP)	OSAGE RIVER	---	---	100,000	---
(FDP)	ST LOUIS METROPOLITAN AREA, MO & IL	1,490,000	---	1,490,000	---
(FDP)	STE GENEVIEVE	100,000	---	100,000	---
(FC)	WEARS CREEK, JEFFERSON CITY (PHASE I)	100,000	---	100,000	---
(FDP)	WHITE RIVER BASIN COUNTY LINE LAKE	250,000	---	250,000	---
	MONTANA				
	NEVADA				
(FDP)	TRUCKEE MEADOWS	100,000	---	100,000	---
(FDP)	LAS VEGAS WASH & TRIBUTARIES	---	---	100,000	---
(FDP)	VIRGIN RIVER & TRIBUTARIES, MOAPA VALLEY	---	---	100,000	---
	NEW HAMPSHIRE				
(N)	PORTSMOUTH HARBOR & PISCATAQUA RIVER, NH & ME (CP&E)	---	---	300,000	---
(FDP)	WINNIPESAUKEE RIVER	87,000	---	87,000	---
	NEW JERSEY				
(N)	DELAWARE RIVER IN THE VICINITY OF CAMDEN	---	50,000	---	50,000
(N)	DELAWARE RIVER COMPREHENSIVE NAVIGATION STUDY, NJ, PA & DE	950,000	---	950,000	---
(FC)	PASSAIC RIVER BASIN STUDY, NJ & NY (PHASE I)	1,535,000	---	1,535,000	---
(FC)	RAHWAY RIVER, ROBINSON'S BRANCH, CITY OF RAHWAY (CP&E)	150,000	---	150,000	---
(FC)	RAHWAY RIV BASIN, RAHWAY & VAN WINKLES BR-SPRINGFIELD (CP&E)	340,000	---	340,000	---
	NEW MEXICO				
(FC)	ALBUQUERQUE NORTH DIVERSION CHANNEL STUDY	---	---	300,000	---
(FC)	RIO GRANDE & TRIBUTARIES (MIDDEL RIO GRANDE TO BELEN).	---	---	500,000	---
(FDP)	RIO GRANDE AND TRIBUTARIES, NM & CO	150,000	---	150,000	---
(FC)	SANTA FE RIVER AND ARROYO MASCARAS	---	156,000	---	156,000
	NEW YORK				
(N)	ARTHUR KILL CHANNEL, HOWLAND HOOK MARINE TERMINAL	155,000	---	155,000	---
(N)	BUFFALO HARBOR	335,000	---	335,000	---
(FDP)	DELAWARE RIVER BASIN, NY, PA & NJ (ICE JAMS)	100,000	---	100,000	---
(N)	KILL VAN KULL & NEWARK BAY CHANNELS, NY & NJ (CP&E)	---	---	1,000,000	---
(N)	JONES INLET AND FREEPORT LONG ISLAND	43,000	---	43,000	---
(FC)	MAMARONECK AND SHELDRAKE RIVERS, VILLAGE OF MAMARONECK (CP&E)	250,000	---	250,000	---
(N)	MORICHES INLET	---	---	---	100,000
(N)	NY HARBOR AND ADJACENT CHANNELS, NY & NJ	1,300,000	---	1,800,000	---
(FDP)	OSWEGO RIVER WATERSHED	175,000	---	175,000	---
(N)	SAINT LAWRENCE SEAWAY, ADDITIONAL LOCKS	200,000	---	200,000	---
(N)	SHINNECOCK INLET	---	---	---	250,000
	NORTH CAROLINA				
(N)	CAPE FEAR RIVER ACME TO FAYETTEVILLE	110,000	---	110,000	---
(FDP)	NEUSE RIVER	325,000	---	325,000	---
(FDP)	ROANOKE RIVER SOUTH BOSTON AND VICINITY, NC & VA	340,000	---	340,000	---
(SP)	WEST ONSLOW BEACH AND NEW RIVER INLET	---	---	100,000	---
	NORTH DAKOTA				
(FDP)	RED RIVER OF THE NORTH, ND & MN	761,000	---	761,000	---
(FC)	SHEYENNE RIVER	---	200,000	---	200,000

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TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	OHIO				
(FC)	CENTRAL OHIO AT NELSONVILLE (CP&E)	---	---	200,000	---
(FDP)	CENTRAL OHIO SURVEY	120,000	---	120,000	---
(FC)	CENTRAL OHIO SURVEY AT LOGAN (CP&E)	315,000	---	315,000	---
(N)	CLEVELAND HARBOR (PHASE I)	125,000	---	125,000	---
(FDP)	CUYAHOGA RIVER BASIN	153,000	---	153,000	---
(N)	GALLIPOLIS LOCKS AND DAM, OH & WV (CP&E)	---	---	70,000	---
(N)	GENEVA-ON-THE-LAKE HARBOR	---	---	---	50,000
(FDP)	MIAMI RIVER, LITTLE MIAMI RIVER AND MILL CREEK BASIN	195,000	---	195,000	---
(FC)	MUSKINGUM RIVER BASIN SURVEY AT KILLBUCK (CP&E)	100,000	---	100,000	---
(FC)	MUSKINGUM RIVER BASIN SURVEY AT MANSFIELD (CP&E)	205,000	---	205,000	---
(FC)	RENO BEACH - HOWARD FARMS AREA	---	170,000	---	170,000
	OKLAHOMA				
(COMP)	ARKANSAS RIVER & TRIBUTARIES, SOUTHCENTRAL AND SOUTHEAST AREAS OF OKLAHOMA	---	---	200,000	---
(FDP)	CANADIAN RIVER & TRIBUTARIES, OK, TX, & NM	---	---	250,000	---
(FC)	PARKER LAKE (CP&E)	---	---	100,000	---
(FDP)	POTEAU RIVER, OK & AR	109,000	---	109,000	---
(SPEC)	ARK-RED RIVER CHLORIDE CONTROL SOLAR POND STUDIES OK & TX	---	---	200,000	---
	OREGON				
(N)	BONNEVILLE NAVIGATION LOCK, OR & WA	---	---	2,400,000	---
(N)	COLUMBIA R COAL EXPORT ASTORIA	830,000	---	830,000	---
(N)	COQUILLE RIVER AND BAR	148,000	---	148,000	---
(MP)	MCNARY LOCK AND DAM (SECOND POWERHOUSE), OR & WA (CP&E)	1,500,000	---	1,500,000	---
(COMP)	WILLAMETTE RIVER BASIN (COMPREHENSIVE STUDY)	120,000	---	120,000	---
	PENNSYLVANIA				
(FDP)	ALLEGHENY RIVER BASIN	65,000	---	65,000	---
(FC)	FRANCIS E. WALTER DAM (MODIFICATION)	---	1,120,000	---	1,120,000
(FDP)	KISKIMINETAS RIVER BASIN	80,000	---	80,000	---
(FDP)	LEHIGH RIVER BASIN STUDY	440,000	---	440,000	---
(FDP)	MONONGAHELA-YOUGHIOGHENY RIVER BASIN, PA, MD & WV	475,000	---	475,000	---
(BE)	PRESQUE ISLE (CP&E)	---	---	500,000	---
(FC)	SUSQUEHANNA BASIN AT HARRISBURG (CP&E)	300,000	---	300,000	---
(FC)	TAMAQUA	---	725,000	---	725,000
(FDP)	WEST BRANCH SUSQUEHANNA RIVER, WILLIAMSPORT & S. WILLIAMSPORT	120,000	---	120,000	---
	PUERTO RICO				
(FDP)	LA PLATA RIVER AND TRIBUTARIES	212,000	---	212,000	---
(FDP)	RIO GRANDE DE LOIZA	90,000	---	90,000	---
	SOUTH CAROLINA				
(FDP)	GILLS CREEK	452,000	---	452,000	---
(N)	CHARLESTON HARBOR (CP&E)	---	---	150,000	---
(FDP)	LITTLE PEE DEE & PEE DEE RIVERS, SC & NC	300,000	---	300,000	---
(SP)	MYRTLE BEACH	168,000	---	168,000	---
	SOUTH DAKOTA				
(FDP)	EASTERN SD AND UPPER BIG SIOUX RIVER, SD & IA	220,000	---	220,000	---
(MP) (MP)	GREGORY COUNTY HYDROELECTRIC PUMPED STORAGE FACILITY (CP&E)	2,000,000	---	2,000,000	---
(FDP)	MISSOURI RIVER, SD, NE, ND & MT	745,000	---	745,000	---
(FDP)	WESTERN DAKOTAS REGION OF SD	150,000	---	150,000	---
	TENNESSEE				
(FDP)	METROPOLITAN REGION OF NASHVILLE	95,000	---	255,000	---

TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	TEXAS				
(FDP)	BRAZOS RIVER AND TRIBUTARIES	250,000	---	250,000	---
(FDP)	BUFFALO BAYOU AND TRIBUTARIES TX	850,000	---	850,000	---
(FDP)	CAMERON COUNTY, HARLINGEN	---	---	100,000	---
(FC)	CLEAR CREEK	---	152,000	---	152,000
(FDP)	COLORADO RIVER AND TRIBUTARIES	300,000	---	300,000	---
(FC)	COLORADO RIVER & TRIBS, BOGGY CR AT AUSTIN (CP&E)	100,000	---	100,000	---
(FDP)	DICKINSON BAYOU	---	---	270,000	---
(N)	GALVESTON BAY AREA NAVIGATION STUDY	168,000	---	168,000	---
(FDP)	JOHNSON CREEK, ARLINGTON	120,000	---	120,000	---
(FC)	LAKE WICHITA, HOLLIDAY CREEK AT WICHITA FALLS (CP&E)	200,000	---	425,000	---
(FDP)	LITTLE CYPRESS CREEK, TX & LA	400,000	---	400,000	---
(FC)	MILLICAN LAKE	---	200,000	---	200,000
(N)	NECHES RIVER AND TRIBUTARIES SALT WATER BARRIER	---	---	---	200,000
(SP)	PLEASURE ISLAND AT PORT ARTHUR	---	---	140,000	---
(FDP)	PINE ISLAND BAYOU WATERSHED	---	---	125,000	---
(FDP)	RED RIVER & TRIBS ABOVE DENISON DAM TX, OK, NM	---	---	250,000	---
(FDP)	SAN JACINTO RIVER AND TRIBUTARIES	300,000	---	300,000	---
(MP)	TOWN BLUFF HYDROPOWER	---	400,000	---	400,000
(FC)	TRINITY RIVER PROJECT	---	238,000	---	238,000
(FC) (FC)	UPPER WHITE OAK BAYOU & TRIBS, VICINITY OF HOUSTON (CP&E)	400,000	---	400,000	---
	UTAH				
(FDP)	COLORADO RIVER & TRIBS, ABOVE LEE FERRY, UT, AZ, CO, NM & WY	373,000	---	373,000	---
(FDP)	JORDAN RIVER BASIN	110,000	---	110,000	---
	VIRGINIA				
(FDP)	CHOWAN RIVER, VA & NC	273,000	---	273,000	---
(N)	NORFOLK HARBOR (DEEPENING) (CP&E)	2,000,000	---	2,000,000	---
(FC)	RICHMOND (CP&E)	---	---	1,000,000	---
(N)	YORK AND PAMUNKEY RIVERS	207,000	---	207,000	---
	WASHINGTON				
(N)	BLAIR & SITCUM WATERWAYS (CP&E)	---	---	140,000	---
(FDP)	CHEHALIS RIVER & TRIBS	---	---	250,000	---
(FC)	CHEHALIS RIVER AT SOUTH ABERDEEN-COSMOPOLIS (CP&E)	---	---	200,000	---
(N)	GRAYS HARBOR, CHEHALIS AND HOQUIAN RIVERS (CP&E)	---	---	500,000	---
(FDP)	MILL CREEK BASIN STUDY	100,000	---	100,000	---
(COMP)	PUGET SOUND AND ADJACENT WATERS	350,000	---	500,000	---
(N)	SNOHOMISH RIVER (NAVIGATION)	200,000	---	200,000	---
	WEST VIRGINIA				
(FDP)	GUYANDOTTE RIVER BASIN, VICINITY OF LOGAN AND MULLENS.	330,000	---	330,000	---
(COMP)	KANAWHA BASIN COMPREHENSIVE (AUTHORIZATION REPORTS), WV, VA & NC	275,000	---	275,000	---
(N)	KANAWHA RIVER	700,000	---	700,000	---
	WISCONSIN				
(N)	GREEN BAY HARBOR	---	85,000	---	85,000
(FC)	STATE ROAD AND EBNER COULEES	---	350,000	---	350,000
(FDP)	WISCONSIN RIVER, PORTAGE	58,000	---	58,000	---
	REVIEW OF AUTHORIZED PROJECTS				
	RESTUDY OF DEFERRED PROJECTS	200,000	---	465,000	---
	LUKFATA LAKE, OK (HYDROPOWER STUDY)	---	---	(265,000)	---
	REVIEW OF COMPLETED PROJECTS	550,000	---	525,000	---
	MOJAVE RIVER, CALIF	(200,000)	---	(260,000)	---
	PINE CREEK LAKE, OK (HYDROPOWER STUDY)	---	---	(265,000)	---
	REVIEW FOR DEAUTHORIZATION	150,000	---	150,000	---
	TOTAL	900,000	---	1,140,000	---
	COORDINATION STUDIES WITH OTHER AGENCIES	5,300,000	---	5,300,000	---

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TYPE OF PROJECT	GENERAL INVESTIGATIONS - STATE AND PROJECT	BUDGET ESTIMATES INVESTIGATIONS	BUDGET ESTIMATES PLANNING	CONFERENCE ALLOWANCE INVESTIGATIONS	CONFERENCE ALLOWANCE PLANNING
	COLLECTION AND STUDY OF BASIC DATA				
	STREAM GAGING (U.S. GEOLOGICAL SURVEY).................	470,000	---	470,000	---
	PRECIPITATION STUDIES (NATIONAL WEATHER SERVICE)......	295,000	---	295,000	---
	INTERNATIONAL WATER STUDIES............................	100,000	---	100,000	---
	FLOOD PLAIN MANAGEMENT SERVICES........................	6,500,000	---	6,500,000	---
	HYDROLOGIC STUDIES.....................................	235,000	---	235,000	---
	SCIENTIFIC AND TECHNICAL INFORMATION CENTERS..........	120,000	---	120,000	---
	COASTAL DATA COLLECTION................................	1,580,000	---	1,580,000	---
	TRANSPORTATION SYSTEMS.................................	200,000	---	200,000	---
	ENVIRONMENTAL DATA STUDIES.............................	200,000	---	200,000	---
	TOTAL..	9,700,000	---	9,700,000	---
	RESEARCH AND DEVELOPMENT...............................	22,000,000	---	22,250,000	---
	SUBTOTAL...	101,365,000	10,435,000	127,235,000	13,325,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE........	-1,400,000		-6,750,000	
	TOTAL GENERAL INVESTIGATIONS...........................	110,400,000		133,810,000	

TYPE OF PROJECT:

(N)	NAVIGATION
(FC)	FLOOD CONTROL
(BE)	BEACH EROSION CONTROL
(MP)	MULTIPLE-PURPOSE, INCLUDING POWER
(FDP)	FLOOD DAMAGE PREVENTION
(SP)	SHORELINE PROTECTION
(SPEC)	SPECIAL
(COMP)	COMPREHENSIVE
(PHASE I)	AUTHORIZED FOR PHASE I STAGE OF ADVANCE ENGINEERING AND DESIGN IN THE WATER RESOURCES DEVELOPMENT ACT OF 1974 OR 1976
(CP&E)	CONTINUATION OF PLANNING AND ENGINEERING

Construction, general

Amendment No. 2: Appropriates $884,104,000 for construction, general instead of $882,829,000 as proposed by the House and $885,779,000 as proposed by the Senate.

The conferees are aware of the proposal to require increased cost sharing on the Blue River Channel Improvement, Mo., and Canaveral Harbor, Fla., projects. Congress has funded these projects for construction since 1979 and 1964, respectively, and the conferees reaffirm their past position that once the decision on construction is made, local cooperation is set in accordance with the authorizing document. Therefore, the Committee directs the Corps of Engineers to proceed with construction of these projects on that basis.

The conferees concur with the House and Senate Committee reports in funding the Tennessee-Tombigbee Water project from available funds. This action is not intended to show any decrease in the rate of activity leading to a scheduled September 1985 open-to-navigation date. During the House debate, it was stipulated that the remaining cost to complete the project for navigation and related features was $202,000,000. Of that amount, $180,000,000 is from the available deferred funds, and the remaining $22,000,000, if needed, from unobligated balances. Further, the conferees are agreed to the following language which was included in the Senate Bill:

No funds under this heading shall be used for further study or construction or in any fashion for a federally funded waterway which extends the Tennessee-Tombigbee project south from the city of Demopolis, Alabama.

In approving this language, the conferees are in agreement that no funds from this appropriation shall be used to construct any expansion of the currently authorized channel dimensions of, or to build duplicate locks for, the existing Black Warrior-Tombigbee Waterway south of Demopolis, Ala., to accommodate traffic increases on the Black Warrior-Tombigbee Waterway anticipated to be generated by completion of the Tennessee-Tombigbee Waterway. It is not the intent of the conferees to restrict necessary operation, maintenance, restoration, or rehabilitation on the existing, authorized Black Warrior-Tombigbee Waterway.

The conferees are aware of Congressional testimony on the need to construct access points and recreation facilities on the Ouachita and Black Rivers in the vicinity of the Felsenthal National Wildlife Refuge, Arkansas, in the Felsenthal Pool. Testimony indicates significant prior commitments to local interests to provide access roads, boat ramps, recreation and sanitary facilities. Accordingly, the conferees have included funds in the bill for the Corps to proceed with this work consistent with prior commitments.

In connection with the Pearl River project, the Committee is aware of possible economic, real estate, and induced drainage problems in other reaches associated with providing flood protection at the Jackson reach first. Therefore, in the development of the improvements for flood protection for the Jackson, Mississippi, area, the Corps shall carefully consider and minimize the adverse impacts of these works on other reaches of the Pearl River.

The funds included in the bill for the Sardis Lake, Okla., project include $500,000 for a water intake structure and $500,000 for recreation facilities.

The conference agreement includes $700,000 for the Burns Waterway Small Boat Harbor, Indiana, and $700,000 for the Cedar Island-Keaton Beach, Fla., projects under Section 107, Small Navigation Projects; $2,000,000 for the Key Biscayne, Fla., project under Section 103, Small Beach Erosion Control Projects; $1,300,000 for the Paauau Stream, Hawaii, project and $500,000 for the Salyersville, Ky., project under Section 205, Small Flood Control Projects; $125,000 for the Maple River, Mich., project under section 208, Small Snagging and Clearing Projects; $5,200,000 for the Miami Harbor Bayfront Park, Fla., and $300,000 for the John H. Bankhead, Ala., project under the Recreation at Completed Projects category.

The conferees direct that no upfront financing or cost sharing of projects under the small continuing authority programs be implemented until Congress fully considers and addresses such "innovative financing".

Amendment No. 3: Restores language proposed by the House and stricken by the Senate amended to read as follows:

, of which $5,200,000 shall be made available for the Miami Harbor, Bayfront Park project, Florida; and, in addition, notwithstanding any other provision of law, $10,000,000, to remain available until expended, for the Yatesville Lake construction project

Amendment No. 4: Deletes language proposed by the Senate relating to the Tennessee-Tombigbee project.

The funds appropriated are to be allocated as shown in the following table:

Type of Project	Construction, General - State and project	Budget estimate	Conference allowance
	ALABAMA		
(N)	TENNESSEE TOMBIGBEE WATERWAY, AL & MS	90,000,000	---
(N)	FRANKLIN FERRY BRIDGE, JEFFERSON COUNTY	---	1,800,000
	ALASKA		
(FC)	CHENA RIVER LAKES	8,000,000	8,000,000
(N)	KAKE HARBOR	50,000	50,000
(MP)	SNETTISHAM 3RD POWER UNIT	---	4,000,000
	ARIZONA		
(FC)	INDIAN BEND WASH	3,804,000	3,804,000
(FC)	PHOENIX AND VICINITY (STAGE 2 & REMAINING WORK)	8,500,000	8,500,000
	ARKANSAS		
(N)	MCCLELLAN-KERR ARK RIVER NAVIGATION SYSTEM LOCKS AND DAMS, AR & OK	5,570,000	5,570,000
(N)	OUACHITA & BLACK RIVERS, AR & LA	9,200,000	12,700,000
(FC)	RED RIVER EMERGENCY BANK PROTECTION, AR, LA, OK & TX	---	6,800,000
	CALIFORNIA		
(N)	BODEGA BAY	500,000	---
(FC)	CUCAMONGA CREEK	2,900,000	2,900,000
(FC)	DRY CREEK (WARM SPRINGS) LAKE AND CHANNEL	12,000,000	12,000,000
(FC)	FAIRFIELD VICINITY STREAMS	320,000	320,000
(BE)	IMPERIAL BEACH	---	2,000,000
(FC)	LACDA LOS ANGELES RIVER CHANNEL (REHAB)	5,000,000	5,000,000
(FC)	LOWER SAN JOAQUIN RIVER	---	2,500,000
(FC)	MERCED COUNTY STREAMS	6,000,000	---
(MP)	NEW MELONES LAKE	7,300,000	7,300,000
(FC)	SACRAMENTO RIVER BANK PROTECTION	---	2,500,000
(FC)	SACRAMENTO RIVER, CHICO LANDING TO RED BLUFF	---	2,000,000
(FC)	SACRAMENTO RIVER & MAJOR AND MINOR TRIBUTARIES	200,000	200,000
(N)	SAN FRANCISCO BAY TO STOCKTON	8,000,000	9,000,000
(FC)	SAN JACINTO RIVER LEV & BAUTISTA CRK CHANNEL	6,573,000	6,573,000
(FC)	SAN LUIS REY RIVER	900,000	---
(BE)	SURFSIDE-SUNSET & NEWPORT BEACH	3,800,000	3,800,000
(FC)	SWEETWATER RIVER	---	2,000,000
(FC)	WALNUT CREEK	4,700,000	4,700,000
(FC)	WILDCAT & SAN PABLO CREEKS	320,000	320,000
	COLORADO		
(FC)	CHATFIELD LAKE	2,000,000	2,000,000
	CONNECTICUT		
(FC)	NEW LONDON HURRICANE BARRIER	825,000	825,000
	DELAWARE		
(FC)	DELAWARE COAST BEACH EROSION CONTROL & HURRICANE PROT.	775,000	775,000
	FLORIDA		
(BE)	BROWARD COUNTY (REIMB)	4,600,000	4,600,000
(N)	CANAVERAL HARBOR	---	3,000,000
(FC)	CENTRAL & SOUTHERN FLORIDA	11,100,000	11,100,000
(FC)	DADE COUNTY	300,000	300,000
(BE)	DUVAL COUNTY	1,500,000	1,500,000
(FC)	FOUR RIVER BASINS	3,000,000	3,000,000
(BE)	PALM BEACH CO, MARTIN-LAKE WORTH, SO. LK WORTH-BROWARD (REIMB)	2,300,000	2,300,000
(BE)	PINELLAS COUNTY	700,000	700,000
(N)	TAMPA HARBOR-MAIN CHANNEL	17,000,000	17,000,000
	GEORGIA		
(MP)	HARTWELL LAKE UPPER AND LOWER DIVERSION DAMS, GA & SC (MAJOR REHAB)	2,600,000	2,600,000
(MP)	RICHARD B. RUSSELL DAM AND LAKE, GA & SC	51,500,000	51,500,000
(MP)	WALTER F. GEORGE LOCK AND DAM (MAJOR REHAB), GA & AL	10,000,000	10,000,000

Type of Project	Construction, General - State and project	Budget estimate	Conference allowance
	HAWAII		
(N)	BARBERS POINT HARBOR, OAHU	18,000,000	18,000,000
(FC)	KAHOMA STREAM	5,000,000	---
(N)	KAHULUI HARBOR, MAUI (REHAB)	660,000	660,000
	IDAHO		
(MP)	DWORSHAK DAM AND RESERVOIR	4,000,000	4,000,000
(MP)	LEWISTON - CLARKSTON BRIDGE, ID & WA	---	640,000
	ILLINOIS		
(FC)	EAST ST. LOUIS AND VICINITY	2,600,000	2,600,000
(N)	ILLINOIS WATERWAY, LOCKPORT L&D (REHAB)	9,000,000	9,000,000
(N)	ILLINOIS WATERWAY, BRANDON ROAD L&D (REHAB)	6,000,000	6,000,000
(FC)	KASKASKIA ISLAND DRAINAGE AND LEVEE DISTRICT	3,500,000	3,500,000
(N)	KASKASKIA RIVER NAVIGATION	5,500,000	5,500,000
(N)	LOCK AND DAM NO 26, MISSISSIPPI RIVER, ALTON, IL & MO.	53,800,000	53,800,000
(N)	LOCKS AND DAM 53, IL & KY (REHAB)	500,000	500,000
(N)	LOCKS AND DAM 52, IL & KY (REHAB)	1,029,000	1,029,000
(FC)	MCGEE CREEK DRAINAGE AND LEVEE DISTRICT	5,600,000	5,600,000
(FC)	MILAN	4,830,000	4,830,000
(FC)	ROCKFORD	1,500,000	1,500,000
(N)	SMITHLAND LOCKS AND DAM, IL, IN & KY	820,000	820,000
(FC)	WOOD RIVER DRAINAGE AND LEVEE DISTRICT	1,500,000	1,500,000
	INDIANA		
(FC)	EVANSVILLE	2,100,000	2,100,000
	IOWA		
(FC)	BETTENDORF	3,800,000	3,800,000
(FC)	CORALVILLE LAKE	3,000,000	3,000,000
(FC)	DAVENPORT	1,200,000	---
(FC)	LITTLE SIOUX RIVER	300,000	300,000
(FC)	MISSOURI RIVER LEVEE SYSTEM, IA, NE, KS & MO	1,100,000	1,100,000
(FC)	SAYLORVILLE LAKE	1,860,000	5,000,000
(FC)	WATERLOO	2,000,000	2,000,000
	KANSAS		
(FC)	EL DORADO LAKE	6,800,000	6,800,000
	KENTUCKY		
(FC)	BIG SOUTH FORK NATIONAL RIVER & RECREATION AREA, KY & TN	10,500,000	10,500,000
(FC)	CAVE RUN LAKE	1,360,000	1,360,000
(MP)	LAUREL RIVER LAKE	700,000	700,000
(FC)	PAINTSVILLE LAKE	3,300,000	3,300,000
(FC)	SOUTHWESTERN JEFFERSON COUNTY	6,000,000	6,000,000
(FC)	TAYLORSVILLE LAKE	4,400,000	4,400,000
(FC)	YATESVILLE LAKE	---	10,000,000
	LOUISIANA		
(FC)	BAYOU BODCAU AND TRIBUTARIES	400,000	400,000
(FC)	LAKE PONTCHARTRAIN AND VICINITY (HURRICANE PROTECTION)	16,800,000	16,800,000
(FC)	LAROSE TO GOLDEN MEADOW (HURRICANE PROTECTION)	5,700,000	5,700,000
(N)	LELAND BOWMAN LOCK (REPLACEMENT)	10,325,000	10,325,000
(N)	MISSISSIPPI RIVER - GULF OUTLET	500,000	500,000
(N)	MISSISSIPPI RIVER, BATON ROUGE TO THE GULF OF MEXICO	800,000	800,000
(FC)	MORGAN CITY AND VICINITY (HURRICANE PROTECTION)	280,000	280,000
(FC)	NEW ORLEANS TO VENICE (HURRICANE PROTECTION)	4,400,000	4,400,000
(N)	RED RIVER WATERWAY - MISSISSIPPI RIVER TO SHREVEPORT	63,700,000	83,000,000
	MAINE		
(N)	JONESPORT HARBOR	25,000	25,000
	MICHIGAN		
(FC)	SAGINAW RIVER	---	500,000

Type of Project	Construction, General - State and project	Budget estimate	Conference allowance
	MARYLAND		
(N)	BALTIMORE HARBOR & CHANNELS, MD & VA (50 FT PROJECT)..	1,200,000	1,200,000
	MINNESOTA		
(FC)	BASSETT CREEK	6,000,000	---
(FC)	BIG STONE LAKE, WHETSTONE RIVER, MN & SD	1,750,000	1,750,000
(FC)	MANKATO & NORTH MANKATO	7,200,000	7,200,000
(FC)	ROSEAU RIVER	---	250,000
(FC)	WINONA	2,600,000	2,600,000
	MISSISSIPPI		
(FC)	PEARL RIVER VICINITY OF JACKSON, MISS	---	16,000,000
(FC)	TOMBIGBEE RIVER AND TRIBUTARIES, MS & AL	1,400,000	1,400,000
	MISSOURI		
(FC)	BLUE RIVER CHANNEL IMPROVEMENT	---	2,000,000
(MP)	CLARENCE CANNON DAM AND MARK TWAIN LAKE	11,630,000	11,630,000
(MP)	HARRY S. TRUMAN DAM AND RESERVOIR	8,000,000	8,900,000
(FC)	LITTLE BLUE RIVER CHANNEL	3,700,000	3,700,000
(FC)	LITTLE BLUE RIVER LAKES	9,900,000	9,900,000
(FC)	LONG BRANCH LAKE	300,000	300,000
(N)	MISS RIVER BTWN THE OHIO & MO RIVERS (REG WORKS), MO & IL	2,200,000	2,200,000
	MONTANA		
(FC)	GREAT FALLS	2,000,000	2,000,000
(MP)	LIBBY ADDITIONAL UNITS	2,600,000	2,600,000
	NEBRASKA		
(FC)	PAPILLION CREEK AND TRIBUTARIES LAKES	4,400,000	4,400,000
	NEW JERSEY		
(N)	BARNEGAT INLET	---	210,000
(FC)	ELIZABETH RIVER FLOOD CONTROL PROJECT	4,800,000	4,800,000
	NEW YORK		
(BE)	EAST ROCKAWAY INLET TO ROCKAWAY INLET AND JAMAICA BAY.	3,200,000	3,200,000
(FC)	ELLICOTT CREEK	600,000	---
(FC)	FIRE ISLAND INLET TO MONTAUK POINT, LONG ISLAND	---	500,000
(N)	IRONDEQUOIT BAY	110,000	110,000
(N)	NY HARBOR COLLECTION & REMOVAL DRIFT PROJECT, NY & NJ.	1,300,000	3,000,000
	NORTH CAROLINA		
(N)	AIWW-REPLACEMENT OF FEDERAL HIGHWAY BRIDGES	1,500,000	1,500,000
(FC)	B. EVERETT JORDAN DAM AND LAKE	8,200,000	8,200,000
(FC)	FALLS LAKE	4,300,000	4,300,000
(N)	MANTEO (SHALLOWBAG) BAY	---	500,000
(FC)	RANDLEMAN LAKE	2,700,000	---
	NORTH DAKOTA		
(FC)	LAKE DARLING, SOURIS RIVER	1,000,000	1,000,000
	OHIO		
(FC)	MILL CREEK	10,000,000	10,000,000
(FC)	MUSKINGUM RIVER LAKES (DAM SAFETY ASSURANCE)	3,200,000	3,200,000
(FC)	MUSKINGUM RIVER LAKES (REHAB)	1,300,000	1,300,000
(FC)	NEWARK	300,000	300,000
(FC)	POINT PLACE	2,500,000	2,500,000
	OKLAHOMA		
(FC)	ARCADIA LAKE	8,300,000	8,300,000
(FC)	SARDIS LAKE	---	1,000,000
(FC)	SKIATOOK LAKE	11,000,000	11,000,000

Type of Project	Construction, General - State and project	Budget estimate	Conference allowance
	OREGON		
(MP)	BONNEVILLE SECOND POWERHOUSE, OR & WA	18,500,000	18,500,000
(MP)	JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR & WA	4,500,000	13,800,000
(FC)	LOWER COLUMBIA RIVER BASIN BANK PROTECTION, OR & WA	2,000,000	2,000,000
(N)	SIUSLAW RIVER AND BAR (CONTINUATION)	---	5,600,000
(FC)	WILLOW CREEK LAKE HEPPNER	2,944,000	2,944,000
(FC)	WILLAMETTE RIVER BASIN BANK PROTECTION	700,000	700,000
	PENNSYLVANIA		
(N)	EMSWORTH LOCKS AND DAM, OHIO RIVER (MAJOR REHAB)	7,400,000	7,400,000
(FC)	KINZUA DAM AND ALLEGHENY RESERVOIR, PA & NY (MAJOR REHAB)	3,200,000	3,200,000
(N)	MONTGOMERY LOCKS AND DAM, OHIO RIVER (MAJOR REHAB)	3,700,000	3,700,000
(BE)	PRESQUE ISLE	1,240,000	990,000
(FC)	WYOMING VALLEY, PA (REMEDIAL WORK) (DEF COR)	2,800,000	2,800,000
	PUERTO RICO		
(N)	PONCE HARBOR	25,000	25,000
(FC)	PORTUGUES AND BUCANA RIVERS	25,000,000	25,000,000
	SOUTH CAROLINA		
(N)	COOPER RIVER, CHARLESTON HARBOR	9,800,000	9,800,000
(N)	LITTLE RIVER INLET, SC & NC	1,761,000	1,761,000
	TEXAS		
(FC)	ARKANSAS-RED RIVER BASINS CHLORIDE CONTROL (AREA VIII)	3,329,000	3,329,000
(FC)	COOPER LAKE AND CHANNELS	---	250,000
(N)	CORPUS CHRISTI SHIP CHANNEL (1968 ACT)	9,200,000	9,200,000
(BE)	CORPUS CHRISTI BEACH (RESTORATION PROJECT)	995,000	995,000
(FC)	EL PASO	4,550,000	4,550,000
(N)	FREEPORT HARBOR	75,000	75,000
(N)	FREEPORT HARBOR (RELOCATION OF NORTH JETTY)	3,350,000	---
(FC)	HIGHLAND BAYOU	100,000	100,000
(FC)	JOE POOL LAKE (FORMERLY LAKEVIEW LAKE)	22,800,000	22,800,000
(N)	MOUTH OF COLORADO RIVER	---	2,500,000
(FC)	RAY ROBERTS LAKE	42,000,000	42,000,000
(FC)	RED RIVER LEVEES & BANK STAB. BELOW DENNISON DAM TX, AR & LA	---	1,600,000
(FC)	SAN ANTONIO CHANNEL IMPROVEMENT	6,500,000	6,500,000
(FC)	SAN GABRIEL RIVER	250,000	250,000
(FC)	TAYLORS BAYOU	2,600,000	3,100,000
(FC)	VINCE AND LITTLE VINCE BAYOUS	3,000,000	3,000,000
(FC)	WALLISVILLE LAKE	---	100,000
	VIRGINIA		
(FC)	VIRGINIA BEACH STREAMS, CANAL NO TWO	1,211,000	---
(BE)	VIRGINIA BEACH, VA (1962 MODIFICATION) (REIMB)	430,000	430,000
	WASHINGTON		
(MP)	CHIEF JOSEPH DAM ADDITIONAL UNITS	16,700,000	16,700,000
(N)	LAKE WASHINGTON SHIP CANAL (REHAB)	3,720,000	3,720,000
(MP)	LOWER GRANITE DAM, WA	---	1,000,000
(MP)	LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION, WA, OR & ID	18,700,000	20,000,000
(FC)	MILL CREEK LAKE (REHAB)	1,500,000	1,500,000
	WEST VIRGINIA		
(FC)	BEECH FORK LAKE	2,000,000	2,000,000
(FC)	BURNSVILLE LAKE	750,000	750,000
(FC)	LEVISA & TUG FORKS OF BIG SANDY RVR & CUMBERLAND RVR, WV, VA & KY	600,000	3,600,000
(FC)	R D BAILEY LAKE	2,300,000	2,300,000
(FC)	STONEWALL JACKSON LAKE	26,000,000	26,000,000

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Type of Project	Construction, General - State and project	Budget estimate	Conference allowance
	MISCELLANEOUS		
	SMALL NAVIGATION PROJECTS (SECTION 107)	2,300,000	3,000,000
	MITIGATION OF SHORE DAMAGES ATTRIBUTABLE TO NAV PROJ (SECTION 111)	550,000	550,000
	SMALL BEACH EROSION CONTROL PROJECTS (SECTION 103)	1,800,000	3,800,000
	SMALL PROJECTS FOR FLOOD CONTROL & RELATED PURPOSES (SECTION 205)	16,400,000	17,300,000
	EMERGENCY STREAMBANK & SHORELINE PROTECTION (SECTION 14)	4,000,000	4,000,000
	SMALL SNAGGING & CLEARING PROJECTS (SECTION 208)	250,000	375,000
	RECREATION FACILITIES AT COMPLETED PROJECTS	8,000,000	13,500,000
	AQUATIC PLANT CONTROL (1965 ACT)	5,000,000	5,000,000
	EMPLOYEES COMPENSATION	9,400,000	9,400,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	-139,446,000	-110,446,000
	FUNDS AVAILABLE FROM FY 1983 DEFERRAL	-40,000,000	---
	TOTAL CONSTRUCTION, GENERAL	820,700,000	894,104,000

TYPE OF PROJECT:

(N)	NAVIGATION
(FC)	FLOOD CONTROL
(BE)	BEACH EROSION CONTROL
(MP)	MULTIPLE-PURPOSE, INCLUDING POWER

Revolving Fund

Amendment No. 5: Appropriates $9,500,000 as proposed by the House for a Corps of Engineers' learning facility and restores the House language.

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

Amendment No. 6: Appropriates $300,480,000 for Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee instead of $310,330,000 as proposed by the House and $297,960,000 as proposed by the Senate.

The Committee is aware of the value of the lower lake at Sardis Lake and that such lake could be maintained for fishing and boating without retarding the flow from the reservoir. Therefore, the Corps is directed to plan, design, and construct the works necessary to maintain desirable water levels in the lower lake without adversely impacting the drainage of flood water from the upper lake. The Committee is also aware of sedimentation problems occurring in parts of the lower lake and Upper Little Tallahatchie River and directs the Corps to determine if removal of such material is feasible at this time to fulfill the purposes of the project.

The funds appropriated are to be allocated as shown in the following table:

Type of Project	Flood Control, Mississippi River and Tributaries	Budget estimate	Conference allowance
	GENERAL INVESTIGATIONS		
	SURVEYS:		
	GENERAL STUDIES:		
(FDP)	BOEUF-TENSAS BASIN, AR & LA	185,000	985,000
(FDP)	LARTO LAKE-SALINE AREA, LA	---	240,000
(FDP)	ST. FRANCIS RIVER BASIN BELOW WAPPAPELLO LAKE, AR & MO	585,000	585,000
(FDP)	MAYFIELD CREEK AND TRIBUTARIES, KY	320,000	320,000
(FDP)	ATCHAFALAYA BASIN (WATER & LAND RESOURCES), LA	235,000	350,000
(FDP)	YAZOO RIVER BASIN, MS	225,000	900,000
(FDP)	MISSISSIPPI AND LOUISIANA ESTUARINE AREAS	---	60,000
(SPEC)	MISSISSIPPI RIVER, EAST BANK NATCHEZ AREA	---	150,000
(COMP)	EASTERN ARKANSAS REGION COMPRENSIVE STUDY	---	100,000
	COLLECTION AND STUDY OF BASIC DATA	260,000	260,000
	ADVANCE ENGINEERING AND DESIGN:		
(FC)	EASTERN RAPIDES & SOUTH CENTRAL AVOYELLES	---	280,000
(FC)	L'ANGUILLE RIVER BASIN, AR	300,000	500,000
(FC)	MISSISSIPPI DELTA REGION SALINITY CONTROL STRUCTURE, LA	800,000	1,200,000
	SUBTOTAL, GENERAL INVESTIGATIONS	2,910,000	5,930,000
	CONSTRUCTION		
(FC)	CHANNEL IMPROVEMENT, AR, IL, KY, LA, MS, MO & TN	52,000,000	52,000,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO, & TN	27,000,000	27,000,000
(FC)	ST. FRANCIS BASIN, AR & MO	4,400,000	4,400,000
(FC)	TENSAS BASIN, AR & LA:	(14,840,000	(14,840,000)
	BOEUF AND TENSAS RIVERS, EXCEPT LAKE CHICOT PUMPING PLANT	800,000	800,000
	BOEUF AND TENSAS RIVERS, LAKE CHICOT PUMPING PLANT	11,950,000	11,950,000
	RED RIVER BACKWATER AREA, EXCEPT TENSAS COCODRIE PUMPING PLANT	1,300,000	1,300,000
	RED RIVER BACKWATER AREA, TENSAS COCODRIE PUMPING PLANT	790,000	790,000
(FC)	TENSAS WILDLIFE REFUGE	---	15,000,000
(FC)	REELFOOT LAKE - LAKE NO. 9, KY & TN	30,000	30,000
(FC)	ATCHAFALAYA BASIN, LA	23,800,000	23,800,000

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Type of Project	Flood Control, Mississippi River and Tributaries	Budget estimate	Conference allowance
(FC)	BAYOU COCODRIE AND TRIBUTARIES, LA	300,000	300,000
(FC)	LOWER RED RIVER-SOUTH BANK LEVEES, LA	600,000	600,000
(FC)	OLD RIVER, LA	65,940,000	65,940,000
(FC)	YAZOO BASIN, MS:	(14,340,000)	(26,800,000)
	BIG SUNFLOWER RIVER	3,324,000	3,324,000
	GREENWOOD	290,000	290,000
	MAIN STEM	613,000	613,000
	TRIBUTARIES:		
	EXCEPT ASCALMORE-TIPPO AND OPPOSSUM BAYOUS	3,032,000	5,792,000
	ASCALMORE-TIPPO AND OPPOSSUM BAYOUS	1,698,000	4,898,000
	UPPER YAZOO PROJECTS (FORMERLY AUXILIARY CHANNEL)	4,236,000	5,836,000
	YAZOO BACKWATER	1,147,000	4,047,000
	YAZOO BACKWATER PUMPING PLANT	---	2,000,000
(FC)	WEST TENNESSEE TRIBUTARIES, TN	2,700,000	2,700,000
	SUBTOTAL, CONSTRUCTION	205,950,000	233,410,000
	MAINTENANCE		
(FC)	BOEUF-TENSAS BASIN, AR AND LA	273,000	273,000
(FC)	WHITE RIVER BACKWATER, AR	640,000	640,000
(FC)	MAPPING, AR, IL, KY, LA, MS, MO & TN	90,000	90,000
(FC)	MISSISSIPPI RIVER LEVEES, AR, IL, KY, LA, MS, MO & TN.	16,886,000	16,886,000
(FC)	NORTH BANK, ARKANSAS RIVER, AR	177,000	177,000
(FC)	SOUTH BANK, ARKANSAS RIVER, AR	290,000	290,000
(FC)	ST. FRANCIS RIVER BASIN, AR & MO	3,920,000	3,920,000
(FC)	ATCHAFALAYA BASIN, LA	4,795,000	4,795,000
(FC)	BAYOU COCODRIE & TRIBUTARIES, LA	53,000	53,000
(FC)	BONNET CARRE SPILLWAY, LA	242,000	242,000
(FC)	LOWER RED RIVER, SOUTH BANK LEVEES, LA	264,000	264,000
(FC)	OLD RIVER LA	4,772,000	4,772,000
(FC)	RED RIVER BACKWATER AREA, LA	195,000	195,000
(FC)	ARKABUTLA LAKE, MS	1,663,000	1,663,000
(FC)	BIG SUNFLOWER RIVER, MS	147,000	147,000
(FC)	ENID LAKE, MS	1,996,000	1,996,000
(FC)	GREENWOOD, MS	403,000	403,000
(FC)	GRENADA LAKE, MS	2,399,000	2,399,000
(FC)	YAZOO BASIN, MAIN STEM, MS	1,083,000	1,083,000
(FC)	SARDIS LAKE, MS	2,618,000	2,618,000
(FC)	YAZOO BASIN, TRIBUTARIES, MS	894,000	894,000
(FC)	WHITTINGTON AUXILIARY CHANNEL, MS	236,000	236,000
(FC)	YAZOO BACKWATER, MS	202,000	202,000
(FC)	YAZOO CITY, MS	247,000	247,000
(FC)	WAPPAPELLO LAKE, MO	1,460,000	1,460,000
(FC)	REVETMENT AND DIKES	29,000,000	29,000,000
(FC)	DREDGING	20,000,000	20,000,000
(FC)	INSPECTION OF COMPLETED WORKS	400,000	400,000
	SUBTOTAL, MAINTENANCE	95,345,000	95,345,000
	REDUCTION FOR ANTICIPATED SAVINGS, SLIPPAGE, AND UNOBLIGATED BALANCES	-14,205,000	-34,205,000
	TOTAL, FLOOD CONTROL, MISSISSIPPI RIVER & TRIBUTARIES.	290,000,000	300,480,000

TYPE OF STUDY OR PROJECT:
(FC) FLOOD CONTROL
(FDP) FLOOD DAMAGE PREVENTION

Operation and Maintenance

Amendment No. 7: Appropriates $1,184,492,000 instead of $1,215,032,000 as proposed by the House and $1,170,620,000 as proposed by the Senate.

Amendment No. 8: Restores language proposed by the House and stricken by the Senate earmarking $319,000 for the Dismal Swamp Canal, Virginia and North Carolina.

The funds are to be allocated as shown in the following table:

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	ALABAMA		
(N)	ALABAMA-COOSA RIVERS	4,443,000	5,500,000
(N)	BAYOU CODEN	225,000	225,000
(N)	BAYOU LA BATRE CHANNEL	---	500,000
(N)	BLACK WARRIOR & TOMBIGBEE RIVERS	9,814,000	13,000,000
(N)	BON SECOUR	---	300,000
(N)	FLY CREEK	---	189,000
(N)	GULF INTRACOASTAL WATERWAY (MOBILE DISTRICT)	2,695,000	5,000,000
(N)	MILLERS FERRY LOCK & DAM-WILLIAM 'BILL' DANNELLY LAKE.	2,963,000	3,500,000
(N)	MOBILE HARBOR	3,893,000	5,000,000
(N)	PERDIDO PASS	---	1,000,000
(N)	REMOVAL OF AQUATIC GROWTH	60,000	60,000
(MP)	ROBERT F. HENRY LOCK & DAM	2,423,000	3,000,000
(N)	TENNESSEE-TOMBIGBEE WATERWAY, AL & MS	7,201,000	7,201,000
	ALASKA		
(N)	ANCHORAGE HARBOR	1,790,000	1,790,000
(FC)	CHENA RIVER LAKES	708,000	708,000
(N)	DILLINGHAM SMALL BOAT HARBOR	495,000	495,000
(N)	HOMER HARBOR	370,000	370,000
(N)	KING COVE HARBOR	920,000	920,000
(N)	NINILCHIK SMALL BOAT HARBOR	345,000	345,000
(N)	NOME HARBOR	883,000	883,000
(N)	STIKINE RIVER SNAGGING	18,000	18,000
	ARIZONA		
(FC)	ALAMO LAKE	632,000	632,000
(FC)	PAINTED ROCK DAM	622,000	622,000
(FC)	WHITLOW RANCH DAM	645,000	645,000
	ARKANSAS		
(MP)	BEAVER LAKE	1,908,000	1,908,000
(MP)	BLAKELY MOUNTAIN DAM, LAKE OUACHITA	2,769,000	2,769,000
(FC)	BLUE MOUNTAIN LAKE	533,000	533,000
(MP)	BULL SHOALS LAKE	2,975,000	2,975,000
(MP)	DARDANELLE LOCK & DAM	2,927,000	3,927,000
(MP)	DEGRAY LAKE	2,648,000	2,648,000
(FC)	DEQUEEN LAKE	515,000	515,000
(FC)	DIERKS LAKE	527,000	527,000
(FC)	GILLHAM LAKE	414,000	414,000
(MP)	GREERS FERRY LAKE	2,238,000	2,368,000
(N)	HELENA HARBOR	330,000	330,000
(N)	MCCLELLAN-KERR ARK RIVER NAVIGATION SYSTEM LOCKS & DAMS, AR & OK	14,866,000	14,866,000
(FC)	MILLWOOD LAKE	1,253,000	1,253,000
(MP)	NARROWS DAM - LAKE GREESON	2,315,000	2,315,000
(FC)	NIMROD LAKE	589,000	589,000
(MP)	NORFORK LAKE	1,874,000	1,874,000
(N)	OSCEOLA HARBOR	650,000	650,000
(N)	OUACHITA & BLACK RIVERS, AR & LA	3,675,000	3,675,000
(MP)	OZARK-JETA TAYLOR LOCK & DAM	4,026,000	4,026,000
(N)	WHITE RIVER	2,090,000	2,090,000

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Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	CALIFORNIA		
(FC)	BLACK BUTTE LAKE	1,530,000	1,530,000
(FC)	BUCHANAN DAM - H. V. EASTMAN LAKE	1,073,000	1,073,000
(FC)	COYOTE VALLEY DAM (LAKE MENDOCINO)	1,497,000	1,497,000
(N)	SAN FRANCISCO HARBOR & BAY (DRIFT REMOVAL)	1,543,000	1,543,000
(FC)	DRY CREEK (WARM SPRINGS) LAKE & CHANNEL	1,553,000	1,553,000
(FC)	FARMINGTON DAM	133,000	133,000
(FC)	HIDDEN DAM - HENSLEY LAKE	1,037,000	1,037,000
(N)	HUMBOLDT HARBOR & BAY	3,503,000	3,503,000
(FC)	ISABELLA LAKE	2,704,000	2,704,000
(FC)	LOS ANGELES COUNTY DRAINAGE AREA	2,708,000	2,708,000
(N)	LOS ANGELES-LONG BEACH HARBORS MODEL	125,000	704,000
(N)	LOS ANGELES-LONG BEACH HARBORS	70,000	720,000
(FC)	MERCED COUNTY STREAM GROUP	135,000	135,000
(FC)	MOJAVE RIVER DAM	542,000	542,000
(N)	MORRO BAY HARBOR	---	750,000
(N)	MOSS LANDING HARBOR	676,000	676,000
(FC)	NEW HOGAN LAKE	998,000	998,000
(MP)	NEW MELONES LAKE (DOWNSTREAM CHANNEL)	531,000	531,000
(N)	NOYO RIVER & HARBOR	413,000	413,000
(N)	OAKLAND HARBOR	1,929,000	1,929,000
(N)	OCEANSIDE HARBOR	800,000	800,000
(N)	PETALUMA RIVER	1,000,000	1,000,000
(FC)	PINE FLAT LAKE	1,527,000	1,527,000
(N)	RICHMOND HARBOR	1,912,000	1,912,000
(N)	SACRAMENTO RIVER (30 FT PROJECT)	2,543,000	2,543,000
(N)	SACRAMENTO RIVER SHALLOW DRAFT CHANNEL	93,000	93,000
(N)	SACRAMENTO RIVER & TRIBS (DEBRIS CONTROL)	721,000	721,000
(N)	SAN DIEGO HARBOR (ZUNIGA JETTY)	500,000	500,000
(N)	SAN FRANCISCO BAY -- DELTA MODEL STRUCTURE	1,141,000	1,141,000
(N)	SAN DIEGO RIVER AND MISSION BAY	545,000	545,000
(N)	SAN FRANCISCO HARBOR	2,332,000	2,332,000
(N)	SAN LEANDRO BAY		400,000
(N)	SAN PABLO BAY & MARE ISLAND STRAIT	6,633,000	6,633,000
(N)	SAN JOAQUIN RIVER	200,000	200,000
(FC)	SANTA ANA RIVER BASIN	2,197,000	2,197,000
(N)	SANTA CRUZ HARBOR	519,000	519,000
(N)	SANTA BARBARA HARBOR	1,110,000	1,110,000
(FC)	SUCCESS LAKE	986,000	986,000
(N)	SUISUN BAY CHANNEL	732,000	732,000
(FC)	TERMINUS DAM (LAKE KAWEAH)	1,158,000	1,158,000
(N)	YUBA RIVER	25,000	25,000
	COLORADO		
(FC)	BEAR CREEK LAKE	351,000	351,000
(FC)	CHATFIELD LAKE	456,000	456,000
(FC)	CHERRY CREEK LAKE	955,000	955,000
(FC)	JOHN MARTIN RESERVOIR	761,000	761,000
(FC)	TRINIDAD LAKE	493,000	493,000
	CONNECTICUT		
(FC)	BLACK ROCK LAKE	216,000	216,000
(FC)	COLEBROOK RIVER LAKE	177,000	177,000
(N)	CONNECTICUT RIVER BELOW HARTFORD	1,452,000	1,452,000
(FC)	HANCOCK BROOK LAKE	106,000	106,000
(FC)	HOP BROOK LAKE	347,000	347,000
(FC)	MANSFIELD HOLLOW LAKE	206,000	206,000
(N)	NEW HAVEN HARBOR	2,629,000	2,629,000
(FC)	NORTHFIELD BROOK LAKE	159,000	159,000
(N)	STAMFORD HURRICANE BARRIER	101,000	101,000
(FC)	THOMASTON DAM	257,000	257,000
(FC)	WEST THOMPSON LAKE	309,000	309,000
	DELAWARE		
(N)	INDIAN RIVER INLET & BAY	35,000	35,000
(N)	INTRACOASTAL WATERWAY, DELAWARE RIVER TO CHESAPEAKE BAY, DE & MD	8,126,000	8,126,000
(N)	IWW CHINCOTEAGUE BAY TO DELAWARE BAY	12,000	12,000
(N)	WILMINGTON HARBOR	1,627,000	1,627,000
	DIST OF COLUMBIA		
(N)	POTOMAC & ANACOSTIA RIVERS (DRIFT REMOVAL)	572,000	572,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	FLORIDA		
(N)	APALACHICOLA BAY	103,000	103,000
(N)	CANAVERAL HARBOR	2,607,000	2,607,000
(N)	CENTRAL & SOUTHERN FLORIDA	4,145,000	4,145,000
(N)	CHARLOTTE HARBOR	1,245,000	745,000
(N)	CROSS-FLORIDA BARGE CANAL	239,000	1,200,000
(N)	EAST PASS CHANNEL	626,000	626,000
(N)	FERNANDINA HARBOR	1,810,000	1,810,000
(N)	INTRACOASTAL WATERWAY, JACKSONVILLE TO MIAMI	1,619,000	1,619,000
(N)	JACKSONVILLE HARBOR	2,711,000	2,711,000
(N)	OKEECHOBEE WATERWAY	1,732,000	1,732,000
(N)	PANAMA CITY HARBOR	---	1,000,000
(N)	PENSACOLA HARBOR	880,000	880,000
(N)	PORT ST. JOE HARBOR	1,731,000	1,731,000
(N)	REMOVAL OF AQUATIC GROWTH	2,102,000	2,102,000
(N)	TAMPA HARBOR	8,225,000	8,225,000
	GEORGIA		
(MP)	ALLATOONA LAKE	4,001,000	4,001,000
(N)	APALACHICOLA, CHATTAHOOCHEE & FLINT RIVERS, GA,AL&FL	4,050,000	4,050,000
(N)	ATLANTIC INTRACOASTAL WATERWAY (SAVANNAH DISTRICT)	712,000	712,000
(N)	BRUNSWICK HARBOR	3,462,000	4,131,000
(MP)	BUFORD DAM & LAKE SIDNEY LANIER	4,408,000	4,408,000
(MP)	CARTERS LAKE	2,012,000	2,012,000
(MP)	CLARKS HILL LAKE, GA & SC	3,831,000	3,831,000
(MP)	HARTWELL LAKE	3,759,000	3,759,000
(MP)	JIM WOODRUFF LOCK & DAM, GA & FL	3,031,000	3,031,000
(MP)	RICHARD B. RUSSELL DAM & LAKE, GA & SC	944,000	944,000
(N)	SAVANNAH HARBOR	8,211,000	8,911,000
(N)	SAVANNAH RIVER BELOW AUGUSTA	166,000	166,000
(MP)	WALTER F. GEORGE LOCK & DAM, GA & AL	3,340,000	3,340,000
(MP)	WEST POINT LAKE, GA & AL	3,452,000	3,452,000
	IDAHO		
(MP)	ALBENI FALLS DAM	2,013,000	2,013,000
(MP)	DWORSHAK DAM & RESERVOIR	5,282,000	5,282,000
(FC)	LUCKY PEAK LAKE	939,000	939,000
	ILLINOIS		
(N)	CALUMET HARBOR & RIVER (DIKED DISPOSAL), IL & IN	4,000,000	4,000,000
(FC)	CARLYLE LAKE	2,180,000	2,180,000
(N)	CHICAGO HARBOR (DIKED DISPOSAL)	700,000	700,000
(N)	CHICAGO RIVER (DIKED DISPOSAL)	770,000	770,000
(N)	CHICAGO RIVER	380,000	380,000
(FC)	FARM CREEK RESERVOIRS	102,000	102,000
(N)	ILLINOIS WATERWAY, IL & IN (NCD)	10,329,000	10,329,000
(N)	ILLINOIS WATERWAY (LMVD PORTION)	1,135,000	1,135,000
(N)	KASKASKIA RIVER NAVIGATION	910,000	910,000
(FC)	LAKE SHELBYVILLE	2,685,000	2,685,000
(N)	MILL CREEK & SOUTH SLOUGH	35,000	35,000
(N)	MISS RIV BTWN MISSOURI RIV & MINNEAPOLIS, IL, MN, WI, & IA (NCD)	44,620,000	44,620,000
(N)	MISSISSIPPI RIVER BTN OHIO & MISSOURI RIVERS	8,766,000	8,766,000
(N)	MISS RIV BTWN MO RIVER & MINNEAPOLIS (LMVD)	5,545,000	5,545,000
(N)	MOUTH OF SANGAMON RIVER	23,000	23,000
(N)	NORTH BRANCH CHICAGO RIVER DEBRIS REMOVAL	---	150,000
(FC)	REND LAKE	1,740,000	1,740,000
(N)	WAUKEGAN HARBOR (DIKED DISPOSAL)	374,000	374,000
(N)	WAUKEGAN HARBOR	659,000	659,000
	INDIANA		
(FC)	BROOKVILLE LAKE	461,000	461,000
(FC)	CAGLES MILL LAKE	384,000	384,000
(FC)	CECIL M. HARDEN LAKE	591,000	591,000
(FC)	HUNTINGTON LAKE	545,000	545,000
(N)	INDIANA HARBOR (DIKED DISPOSAL)	400,000	400,000
(N)	MICHIGAN CITY HARBOR	21,000	21,000
(FC)	MISSISSINEWA LAKE	461,000	461,000
(FC)	MONROE LAKE	424,000	424,000
(FC)	PATOKA LAKE	449,000	449,000
(FC)	SALAMONIE LAKE	387,000	387,000

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Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	IOWA		
(FC)	CORALVILLE LAKE	2,303,000	2,303,000
(N)	MISSOURI RIVER, KENSLERS BEND, NE TO SIOUX CITY, IA&NE	57,000	57,000
(N)	MISSOURI RIVER - SIOUX CITY TO MOUTH, IA & NE	9,447,000	9,447,000
(FC)	RATHBUN LAKE	1,312,000	1,312,000
(FC)	RED ROCK DAM - LAKE RED ROCK	2,646,000	2,646,000
(FC)	SAYLORVILLE LAKE	2,315,000	2,417,000
	KANSAS		
(FC)	CLINTON LAKE	1,092,000	1,092,000
(FC)	COUNCIL GROVE LAKE	604,000	604,000
(FC)	EL DORADO LAKE	311,000	311,000
(FC)	ELK CITY LAKE	530,000	530,000
(FC)	FALL RIVER LAKE	538,000	538,000
(FC)	HILLSDALE LAKE	421,000	421,000
(FC)	JOHN REDMOND DAM & RESERVOIR	608,000	608,000
(FC)	KANOPOLIS LAKE	1,072,000	1,072,000
(FC)	MARION LAKE	585,000	585,000
(FC)	MELVERN LAKE	1,094,000	1,094,000
(FC)	MILFORD LAKE	1,100,000	1,100,000
(FC)	PEARSON - SKUBITZ BIG HILL LAKE	503,000	503,000
(FC)	PERRY LAKE	1,424,000	1,424,000
(FC)	POMONA LAKE	1,304,000	1,304,000
(FC)	TORONTO LAKE	252,000	252,000
(FC)	TUTTLE CREEK LAKE	1,155,000	1,155,000
(FC)	WILSON LAKE	1,025,000	1,025,000
	KENTUCKY		
(MP)	BARKLEY DAM - LAKE BARKLEY	3,825,000	3,825,000
(FC)	BARREN RIVER LAKE	872,000	872,000
(FC)	BUCKHORN LAKE	761,000	761,000
(FC)	CARR FORK LAKE	781,000	781,000
(FC)	CAVE RUN LAKE	497,000	497,000
(FC)	DEWEY LAKE	965,000	965,000
(FC)	FISHTRAP LAKE	710,000	710,000
(FC)	GRAYSON LAKE	915,000	915,000
(N)	GREEN AND BARREN RIVERS, KY & TN	1,276,000	1,276,000
(FC)	GREEN RIVER LAKE	902,000	902,000
(N)	HICKMAN HARBOR	300,000	300,000
(N)	KENTUCKY RIVER	960,000	980,000
(MP)	LAUREL RIVER LAKE	743,000	743,000
(FC)	MARTINS FORK LAKE	463,000	463,000
(FC)	MIDDLESBORO	37,000	37,000
(FC)	NOLIN LAKE	979,000	979,000
(N)	OHIO RIVER OPEN CHANNEL WORK	8,210,000	8,210,000
(N)	OHIO RIVER LOCKS & DAMS	12,053,000	12,128,000
(FC)	PAINTSVILLE LAKE	530,000	530,000
(FC)	ROUGH RIVER LAKE	946,000	946,000
(FC)	TAYLORSVILLE LAKE	375,000	375,000
(MP)	WOLF CREEK DAM - LAKE CUMBERLAND	3,386,000	3,386,000
	LOUISIANA		
(N)	ATCHAFALAYA RIVER & BAYOUS CHENE, BOEUF & BLACK	7,000,000	7,000,000
(N)	BARATARIA BAY WATERWAY	3,000,000	3,000,000
(FC)	BAYOU BODCAU RESERVOIR	815,000	815,000
	BAYOU RIGOLETTE	---	500,000
(N)	BAYOU TECHE	210,000	210,000
(FC)	CADDO LAKE	245,000	245,000
(N)	CALCASIEU RIVER & PASS	13,762,000	13,762,000
(N)	FRESHWATER BAYOU	2,020,000	2,020,000
(N)	GULF INTRACOASTAL WATERWAY	12,470,000	12,470,000
(N)	HOUMA NAVIGATION CANAL	3,000,000	3,000,000
(N)	LAKE PROVIDENCE HARBOR	343,000	343,000
(N)	MADISON PARISH PORT	398,000	398,000
(N)	MERMENTAU RIVER	700,000	700,000
(N)	MISSISSIPPI RIVER GULF OUTLET	8,480,000	8,480,000
(N)	MISSISSIPPI RIVER OUTLETS AT VENICE	1,000,000	1,000,000
(N)	MISSISSIPPI RIVER, BATON ROUGE TO THE GULF	26,428,000	28,000,000
(N)	PEARL RIVER	170,000	170,000
(N)	RED RIVER WATERWAY MISSISSIPPI RIVER TO SHREVEPORT	1,075,000	1,075,000
(N)	REMOVAL OF AQUATIC GROWTH	1,200,000	1,200,000
(FC)	WALLACE LAKE	185,000	185,000
(N)	WATERWAY FROM IWW TO BAYOU DULAC	640,000	640,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	MARYLAND		
(N)	BALTIMORE HARBOR (DRIFT REMOVAL)	241,000	241,000
(N)	BALTIMORE HARBOR & CHANNELS	17,459,000	17,459,000
(N)	BALTIMORE HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS)	481,000	481,000
(FC)	BLOOMINGTON LAKE, MD & WV	770,000	770,000
(N)	CHESTER RIVER	391,000	391,000
(N)	CUMBERLAND, MD AND RIDGELEY, WV, MD & WV	52,000	52,000
(N)	OCEAN CITY HARBOR & INLET AND SINEPUXENT BAY	1,400,000	1,400,000
(N)	WICOMICO RIVER	880,000	880,000
	MASSACHUSETTS		
(FC)	BARRE FALLS DAM	219,000	219,000
(FC)	BIRCH HILL DAM	275,000	275,000
(FC)	BUFFUMVILLE LAKE	267,000	267,000
(N)	CAPE COD CANAL	6,806,000	6,806,000
(N)	CHARLES RIVER NATURAL VALLEY STORAGE AREA	32,000	32,000
(FC)	CONANT BROOK DAM	62,000	62,000
(FC)	EAST BRIMFIELD LAKE	195,000	195,000
(N)	FALL RIVER HARBOR, MA & RI	1,722,000	1,722,000
(FC)	HODGES VILLAGE DAM	246,000	246,000
(FC)	KNIGHTVILLE DAM	774,000	774,000
(FC)	LITTLEVILLE LAKE	252,000	252,000
(FC)	NEW BEDFORD, FAIRHAVEN & ACUSHNET HURRICANE BARRIER	1,339,000	1,339,000
(FC)	TULLY LAKE	232,000	232,000
(FC)	WESTVILLE LAKE	226,000	226,000
(FC)	WEST HILL DAM	200,000	200,000
	MICHIGAN		
(N)	ARCADIA HARBOR	35,000	35,000
(N)	AU SABLE HARBOR	19,000	19,000
(N)	BIG BAY HARBOR	17,000	17,000
(N)	BLACK RIVER PORT HURON	31,000	31,000
(N)	BLACK RIVER HARBOR	17,000	17,000
(N)	CHANNELS IN LAKE ST. CLAIR	1,415,000	1,415,000
(N)	CHARLEVOIX HARBOR	24,000	24,000
(N)	CHEBOYGAN HARBOR	114,000	114,000
(N)	CLINTON HARBOR	26,000	26,000
(N)	DETROIT RIVER	5,286,000	5,286,000
(N)	DETROIT RIVER (DIKED DISPOSAL)	829,000	829,000
(N)	EAGLE HARBOR	17,000	17,000
(N)	FRANKFORT HARBOR	222,000	222,000
(N)	GRAND HAVEN HARBOR & GRAND RIVER	272,000	272,000
(N)	GRAND TRAVERSE BAY HARBOR	276,000	276,000
(N)	HAMMOND BAY HARBOR	39,000	39,000
(N)	HARRISONVILLE HARBOR	34,000	34,000
(N)	HOLLAND HARBOR	2,371,000	2,371,000
(N)	INLAND ROUTE	84,000	84,000
(N)	KAWKAWLIN RIVER	---	250,000
(N)	KEWEENAW WATERWAY	52,000	52,000
(N)	LELAND HARBOR	20,000	20,000
(N)	LEXINGTON HARBOR	22,000	22,000
(N)	LITTLE LAKE HARBOR	46,000	46,000
(N)	LUDINGTON HARBOR	464,000	464,000
(N)	MANISTIQUE HARBOR	22,000	22,000
(N)	MANISTEE HARBOR	290,000	290,000
(N)	MENOMINEE HARBOR (DIKED DISPOSAL)	84,000	84,000
(N)	MENOMINEE HARBOR	568,000	568,000
(N)	MONROE HARBOR	1,154,000	1,154,000
(N)	MONROE HARBOR (DIKED DISPOSAL)	9,000,000	9,000,000
(N)	MUSKEGON HARBOR	556,000	556,000
(N)	NEW BUFFALO HARBOR	67,000	67,000
(N)	ONTONAGON HARBOR	42,000	42,000
(N)	PENTWATER HARBOR	38,000	38,000
(N)	POINT LOOKOUT HARBOR	32,000	32,000
(N)	PORT SANILAC HARBOR	233,000	233,000
(N)	PORT AUSTIN	21,000	21,000
(N)	PRESQUE ISLE HARBOR	237,000	237,000
(N)	ROUGE RIVER (DIKED DISPOSAL)	334,000	334,000
(N)	ROUGE RIVER	868,000	868,000
(N)	SAGINAW RIVER	143,000	143,000
(N)	SAGINAW RIVER (DIKED DISPOSAL)	238,000	238,000
(N)	SAUGATUCK HARBOR	38,000	38,000
(N)	SEBEWAING RIVER	20,000	20,000

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Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
(N)	SOUTH HAVEN HARBOR	279,000	279,000
(N)	ST. JOSEPH HARBOR (DIKED DISPOSAL)	82,000	82,000
(MP)	ST. MARYS RIVER	9,008,000	9,008,000
(N)	ST. JOSEPH HARBOR	846,000	846,000
(N)	ST. CLAIR RIVER	1,948,000	1,948,000
(N)	WHITE LAKE HARBOR	44,000	44,000
	MINNESOTA		
(FC)	BIG STONE LAKE AND WHETSTONE RIVER, MN & SD	113,000	113,000
(N)	DULUTH-SUPERIOR HARBOR, MN & WI	2,171,000	2,171,000
(N)	GRAND MARAIS HARBOR	21,000	21,000
(FC)	LAC QUI PARLE LAKE	271,000	271,000
(N)	MINNESOTA RIVER	200,000	200,000
(FC)	ORWELL LAKE	158,000	158,000
(FC)	RED LAKE RESERVOIR	51,000	51,000
(N)	RESERVOIRS AT HEADWATERS OF MISSISSIPPI RIVER	1,329,000	1,329,000
(N)	ST. CROIX RIVER, MN & WI	150,000	150,000
	MISSISSIPPI		
(N)	BILOXI HARBOR	753,000	753,000
(N)	GULFPORT HARBOR	1,890,000	1,890,000
(FC)	OKATIBBEE LAKE	684,000	684,000
(N)	PASCAGOULA HARBOR	2,874,000	2,874,000
(N)	ROSEDALE HARBOR	303,000	303,000
(N)	WOLF AND JORDAN RIVERS	---	350,000
	MISSOURI		
(N)	CARUTHERSVILLE HARBOR	275,000	275,000
(MP)	CLARENCE CANNON DAM & RESERVOIR	1,925,000	1,925,000
(FC)	CLEARWATER LAKE	1,200,000	1,200,000
(MP)	HARRY S. TRUMAN DAM AND RESERVOIR	3,684,000	3,684,000
(FC)	LONG BRANCH LAKE	439,000	439,000
(FC)	MERAMEC PARK LAKE	465,000	465,000
(N)	NEW MADRID HARBOR	12,000	12,000
(FC)	POMME DE TERRE LAKE	1,314,000	1,314,000
(FC)	SMITHVILLE LAKE	553,000	553,000
(MP)	STOCKTON LAKE	1,929,000	1,929,000
(MP)	TABLE ROCK LAKE	2,467,000	2,467,000
	MONTANA		
(MP)	FORT PECK LAKE	2,677,000	2,677,000
(MP)	LIBBY DAM (LAKE KOOCANUSA)	2,926,000	2,926,000
	NEBRASKA		
(MP)	GAVINS POINT DAM - LEWIS AND CLARK LAKE, NE & SD	3,350,000	3,350,000
(FC)	HARLAN COUNTY LAKE	1,158,000	1,158,000
(FC)	PAPILLION CREEK & TRIBUTARIES LAKES	208,000	208,000
(FC)	SALT CREEK AND TRIBUTARIES LAKES	431,000	431,000
	NEVADA		
(FC)	MARTIS CREEK LAKE, NV & CA	821,000	821,000
(FC)	PINE & MATHEWS CANYONS LAKE	240,000	240,000
	NEW HAMPSHIRE		
(FC)	BLACKWATER DAM	196,000	196,000
(FC)	EDWARD MACDOWELL LAKE	237,000	237,000
(FC)	FRANKLIN FALLS DAM	335,000	335,000
(FC)	HOPKINTON-EVERETT LAKES	584,000	584,000
(FC)	OTTER BROOK LAKE	351,000	351,000
(N)	PORTSMOUTH HARBOR & PISCATAQUA RIVER	497,000	497,000
(FC)	SURRY MOUNTAIN LAKE	589,000	589,000
	NEW JERSEY		
(N)	ABSECON INLET	125,000	288,000
(N)	BARNEGAT INLET	485,000	485,000
(N)	COHANSEY RIVER	---	300,000
(N)	COLD SPRING INLET	350,000	350,000
(N)	DELAWARE RIVER, PHILADELPHIA TO THE SEA, NJ, PA & DE	22,246,000	22,246,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
(N)	DELAWARE RIVER, PHILADELPHIA TO TRENTON, NJ & PA	3,712,000	3,712,000
(N)	KEYPORT HARBOR	---	830,000
(N)	MATAWAN CREEK	---	210,000
(N)	NEW JERSEY IWW	240,000	740,000
(N)	NEWARK BAY, HACKENSACK & PASSAIC RIVERS	9,373,000	9,373,000
(N)	RARITAN RIVER	3,163,000	3,163,000
(N)	SALEM RIVER	---	500,000
	NEW MEXICO		
(FC)	ABIQUIU DAM	837,000	837,000
(FC)	COCHITI LAKE	994,000	994,000
(FC)	CONCHAS LAKE	772,000	772,000
(FC)	GALISTEO DAM	105,000	105,000
(FC)	JEMEZ CANYON DAM	200,000	200,000
(FC)	SANTA ROSA DAM & LAKE	463,000	463,000
(FC)	TWO RIVERS DAM	146,000	146,000
	NEW YORK		
(FC)	ALMOND LAKE	200,000	200,000
(FC)	ARKPORT DAM	133,000	133,000
(N)	BAY RIDGE & RED HOOK CHANNELS	736,000	736,000
(N)	BLACK ROCK CHANNEL & TONAWANDA HARBOR	945,000	945,000
(N)	BUFFALO HARBOR	2,220,000	2,220,000
(FC)	EAST SIDNEY LAKE	243,000	243,000
(N)	HUDSON RIVER	1,060,000	1,060,000
(N)	LAKE MONTAUK HARBOR	240,000	240,000
(FC)	MT. MORRIS LAKE	915,000	915,000
(N)	NARROWS OF LAKE CHAMPLAIN	28,000	28,000
(N)	NEW YORK HARBOR	8,392,000	8,392,000
(N)	NEW YORK AND NEW JERSEY CHANNELS, NY & NJ	5,450,000	6,000,000
(N)	NEW YORK HARBOR DRIFT REMOVAL	1,890,000	1,890,000
(FC)	NEW YORK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS)	462,000	462,000
(N)	OSWEGO HARBOR	390,000	390,000
(N)	ROCHESTER HARBOR	905,000	905,000
(FC)	SOUTHERN NEW YORK FLOOD CONTROL PROJECTS	383,000	383,000
(FC)	WHITNEY POINT LAKE	287,000	287,000
	NORTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY (WILMINGTON DISTRICT)	3,889,000	3,889,000
(FC)	B. EVERETT JORDAN DAM & LAKE	852,000	852,000
(N)	BEAUFORT HARBOR	293,000	293,000
(N)	CAPE FEAR RIVER ABOVE WILMINGTON	412,000	412,000
(N)	CHANNEL FROM BACK SOUND TO LOOKOUT BIGHT	359,000	359,000
(FC)	FALLS LAKE	823,000	823,000
(N)	LOCKWOODS FOLLY RIVER	20,000	20,000
(N)	MANTEO (SHALLOWBAG) BAY	2,116,000	2,116,000
(N)	MOREHEAD CITY HARBOR	3,731,000	3,731,000
(N)	SILVER LAKE HARBOR	480,000	480,000
(FC)	W. KERR SCOTT DAM & RESERVOIR	969,000	969,000
(N)	WILMINGTON HARBOR	3,614,000	3,614,000
	NORTH DAKOTA		
(FC)	BOWMAN - HALEY LAKE	167,000	167,000
(MP)	GARRISON DAM, LAKE SAKAKAWEA	5,333,000	5,333,000
(FC)	HOMME LAKE AND DAM	69,000	69,000
(FC)	LAKE ASHTABULA & BALDHILL DAM	888,000	888,000
(FC)	PIPESTEM LAKE	307,000	307,000
	OHIO		
(FC)	ALUM CREEK LAKE	430,000	430,000
(N)	ASHTABULA HARBOR	920,000	920,000
(N)	ASHTABULA HARBOR (DIKED DISPOSAL)	1,400,000	1,400,000
(FC)	BERLIN LAKE	1,126,000	1,126,000
(FC)	CAESAR CREEK LAKE	516,000	516,000
(FC)	CLARENCE J. BROWN DAM	468,000	468,000
(N)	CLEVELAND HARBOR	4,740,000	4,740,000
(N)	CONNEAUT HARBOR	665,000	665,000
(FC)	DEER CREEK LAKE	740,000	740,000
(FC)	DELAWARE LAKE	510,000	510,000
(FC)	DILLON LAKE	485,000	485,000
(N)	FAIRPORT HARBOR	655,000	655,000
(N)	HURON HARBOR	915,000	915,000

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Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
(N)	LORAIN HARBOR	1,240,000	1,240,000
(FC)	MASSILLON	15,000	15,000
(FC)	MICHAEL J. KIRWAN DAM & RESERVOIR	605,000	605,000
(FC)	MOSQUITO CREEK LAKE	643,000	643,000
(FC)	MUSKINGUM RIVER RESERVOIRS	3,635,000	3,635,000
(FC)	NEWARK	15,000	15,000
(FC)	NORTH BRANCH OF KOKOSING RIVER LAKE	135,000	135,000
(FC)	PAINT CREEK LAKE	665,000	665,000
(FC)	ROSEVILLE	15,000	15,000
(N)	SANDUSKY HARBOR	745,000	745,000
(N)	TOLEDO HARBOR	3,580,000	3,580,000
(FC)	TOM JENKINS DAM	265,000	265,000
(FC)	WEST FORK OF MILL CREEK LAKE	309,000	309,000
(FC)	WILLIAM H. HARSHA LAKE	481,000	481,000
	OKLAHOMA		
(FC)	BIRCH LAKE	559,000	559,000
(MP)	BROKEN BOW LAKE	1,043,000	1,043,000
(FC)	CANTON LAKE	879,000	879,000
(FC)	COPAN LAKE	407,000	407,000
(MP)	EUFAULA LAKE	2,680,000	2,680,000
(FC)	FORT SUPPLY LAKE	561,000	561,000
(MP)	FORT GIBSON LAKE	2,703,000	2,703,000
(FC)	GREAT SALT PLAINS LAKE	309,000	309,000
(FC)	HEYBURN LAKE	425,000	425,000
(FC)	HUGO LAKE	842,000	842,000
(FC)	HULAH LAKE	737,000	737,000
(FC)	KAW LAKE	1,126,000	1,126,000
(MP)	KEYSTONE LAKE	2,414,000	2,414,000
(FC)	OOLOGAH LAKE	1,107,000	1,107,000
(FC)	OPTIMA LAKE	537,000	537,000
(FC)	PENSACOLA RESERVOIR - LAKE OF THE CHEROKEES	36,000	36,000
(FC)	PINE CREEK LAKE	607,000	647,000
(MP)	ROBERT S. KERR LOCK, DAM & RESERVOIR	2,110,000	2,110,000
(FC)	SARDIS LAKE	440,000	440,000
(MP)	TENKILLER FERRY LAKE	2,490,000	2,490,000
(FC)	WAURIKA LAKE	711,000	711,000
(MP)	WEBBERS FALLS LOCK & DAM	2,061,000	2,061,000
(FC)	WISTER LAKE	537,000	537,000
	OREGON		
(FC)	APPLEGATE LAKE	506,000	506,000
(FC)	BLUE RIVER LAKE	157,000	157,000
(FC)	BONNEVILLE LOCK & DAM	10,365,000	10,365,000
(N)	CHETCO RIVER	383,000	383,000
(N)	COLUMBIA RIVER AT THE MOUTH, OR & WA	6,547,000	6,547,000
(N)	COOS BAY	2,283,000	2,283,000
(N)	COOS & MILLICOMA RIVERS	148,000	148,000
(N)	COQUILLE RIVER	431,000	431,000
(FC)	COTTAGE GROVE LAKE	655,000	655,000
(MP)	COUGAR LAKE	1,037,000	1,037,000
(N)	DEPOE BAY	128,000	128,000
(MP)	DETROIT LAKE	1,407,000	1,407,000
(FC)	DORENA LAKE	500,000	500,000
(FC)	FALL CREEK LAKE	295,000	295,000
(FC)	FERN RIDGE DAM & LAKE	678,000	678,000
(MP)	GREEN PETER-FOSTER LAKES	1,685,000	1,685,000
(MP)	HILLS CREEK LAKE	630,000	630,000
(MP)	JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR & WA	9,999,000	9,999,000
(MP)	LOOKOUT POINT LAKE	2,426,000	2,426,000
(MP)	LOST CREEK LAKE	2,700,000	2,700,000
(MP)	MCNARY LOCK & DAM, LAKE WALLULA, OR & WA	11,240,000	11,240,000
(N)	PORT ORFORD	163,000	213,000
(N)	ROGUE RIVER HARBOR AT GOLD BEACH	503,000	503,000
(N)	SIUSLAW RIVER	1,372,000	1,372,000
(N)	SKIPANON CHANNEL	430,000	430,000
(N)	TILLAMOOK BAY & BAR	218,000	218,000
(N)	UMPQUA RIVER	770,000	770,000
(N)	WILLAMETTE RIVER BASIN BANK PROTECTION	45,000	45,000
(FC)	WILLOW CREEK LAKE	95,000	95,000
(N)	WILLAMETTE RIVER AT WILLAMETTE FALLS	423,000	423,000
(N)	WILLAMETTE RIVER ABOVE PORTLAND & YAMHILL RIVER	6,000	6,000
(N)	YAQUINA BAY AND HARBOR	1,175,000	1,175,000
(N)	YAQUINA RIVER	755,000	755,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
	PENNSYLVANIA		
(N)	ALLEGHENY RIVER	3,274,000	3,274,000
(FC)	ALVIN R. BUSH DAM	296,000	296,000
(FC)	AYLESWORTH CREEK LAKE	112,000	112,000
(FC)	BELTZVILLE LAKE	368,000	368,000
(FC)	BLUE MARSH LAKE	989,000	989,000
(FC)	CONEMAUGH RIVER LAKE	716,000	716,000
(FC)	COWANESQUE LAKE	608,000	608,000
(FC)	CROOKED CREEK LAKE	1,290,000	1,290,000
(FC)	CURWENSVILLE LAKE	408,000	408,000
(FC)	EAST BRANCH CLARION RIVER LAKE	666,000	666,000
(N)	ERIE HARBOR	635,000	635,000
(FC)	FOSTER JOSEPH SAYERS DAM & RESERVOIR	463,000	463,000
(FC)	FRANCIS E. WALTER DAM	346,000	346,000
(FC)	GENERAL EDGAR JADWIN DAM & RESERVOIR	102,000	102,000
(FC)	JOHNSTOWN	21,000	21,000
(FC)	KINZUA DAM & ALLEGHENY RESERVOIR, PA & NY	1,107,000	1,107,000
(FC)	LOYALHANNA LAKE	1,138,000	1,138,000
(FC)	MAHONING CREEK LAKE	534,000	534,000
(N)	MONONGAHELA-YOUGHIOGHENY RIVER BASIN, PA, WV & MD	10,574,000	10,574,000
(N)	OHIO RIVER LOCKS & DAMS	8,303,000	8,303,000
(FC)	PROMPTON LAKE	181,000	181,000
(FC)	PUNXSUTAWNEY	7,000	7,000
(FC)	RAYSTOWN LAKE	1,615,000	1,615,000
(N)	SCHUYLKILL RIVER	1,721,000	1,721,000
(FC)	SHENANGO RIVER LAKE	1,281,000	1,281,000
(FC)	STILLWATER LAKE	173,000	173,000
(FC)	TIOGA - HAMMOND LAKES	942,000	942,000
(FC)	TIONESTA LAKE	958,000	958,000
(FC)	UNION CITY LAKE	545,000	545,000
(FC)	WOODCOCK CREEK LAKE	836,000	836,000
(FC)	YORK, INDIAN ROCK DAM	335,000	335,000
(FC)	YOUGHIOGHENY RIVER LAKE	1,440,000	1,440,000
	SOUTH CAROLINA		
(N)	ATLANTIC INTRACOASTAL WATERWAY (CHARLESTON DISTRICT)	2,250,000	2,250,000
(N)	CHARLESTON HARBOR	5,950,000	5,950,000
(N)	COOPER RIVER, CHARLESTON HARBOR	250,000	250,000
(N)	FOLLY RIVER	130,000	130,000
(N)	GEORGETOWN HARBOR	2,600,000	2,600,000
(N)	LITTLE RIVER INLET, SC & NC	1,200,000	1,200,000
(N)	MURRELLS INLET	230,000	230,000
(N)	SHIPYARD RIVER	600,000	600,000
	SOUTH DAKOTA		
(MP)	BIG BEND DAM - LAKE SHARPE	3,515,000	3,515,000
(FC)	COLD BROOK LAKE	142,000	142,000
(FC)	COTTONWOOD SPRINGS LAKE	141,000	141,000
(MP)	FORT RANDALL DAM, LAKE FRANCIS CASE	6,689,000	6,689,000
(FC)	LAKE TRAVERSE AND BOIS DE SIOUX, SD & MN	194,000	194,000
(MP)	OAHE DAM, LAKE OAHE, SD & ND	5,488,000	5,488,000
	TENNESSEE		
(MP)	CENTER HILL LAKE	2,747,000	2,747,000
(MP)	CHEATHAM LOCK & DAM	2,299,000	2,299,000
(MP)	CORDELL HULL DAM & RESERVOIR	2,327,000	2,327,000
(MP)	DALE HOLLOW LAKE	2,084,000	2,084,000
(MP)	J. PERCY PRIEST DAM & RESERVOIR	1,726,000	1,726,000
(FC)	OLD HICKORY LOCK & DAM	4,453,000	4,453,000
(N)	TENNESSEE RIVER	5,013,000	5,013,000
(N)	WOLF RIVER HARBOR	530,000	530,000
	TEXAS		
(FC)	AQUILLA LAKE	516,000	516,000
(FC)	ARKANSAS-RED RIVER BASINS CHLORIDE CONTROL (AREA 8)	263,000	263,000
(FC)	BARDWELL LAKE	498,000	498,000
(FC)	BELTON LAKE	1,123,000	1,123,000
(FC)	BENBROOK LAKE	704,000	704,000
(N)	BRAZOS ISLAND HARBOR	20,000	20,000
(FC)	BUFFALO BAYOU & TRIBUTARIES	807,000	807,000
(FC)	CANYON LAKE	638,000	638,000
(N)	CORPUS CHRISTI SHIP CHANNEL (1968 ACT)	4,746,000	4,746,000
(MP)	DENISON DAM - LAKE TEXOMA, TX & OK	5,191,000	5,191,000
(FC)	FERRELLS BRIDGE DAM - LAKE O' THE PINES	1,259,000	1,259,000
(N)	FREEPORT HARBOR	3,299,000	3,299,000

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Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
(N)	GALVESTON HARBOR & CHANNEL	3,978,000	3,978,000
(FC)	GRANGER LAKE	495,000	495,000
(FC)	GRAPEVINE LAKE	1,550,000	1,550,000
(N)	GULF INTRACOASTAL WATERWAY	13,993,000	13,993,000
(FC)	HORDS CREEK LAKE	687,000	687,000
(N)	HOUSTON SHIP CHANNEL	12,962,000	12,962,000
(FC)	LAKE KEMP	336,000	336,000
(FC)	LAVON LAKE	1,598,000	1,598,000
(FC)	LEWISVILLE DAM	2,915,000	2,915,000
(N)	MATAGORDA SHIP CHANNEL	1,007,000	1,007,000
(FC)	NAVARRO MILLS LAKE	807,000	807,000
(FC)	NORTH SAN GABRIEL LAKE	523,000	523,000
(FC)	O. C. FISHER DAM & LAKE	500,000	500,000
(FC)	PAT MAYSE LAKE	507,000	507,000
(FC)	PROCTOR LAKE	763,000	763,000
(N)	SABINE-NECHES WATERWAY	9,922,000	9,922,000
(MP)	SAM RAYBURN DAM & RESERVOIR	2,257,000	2,257,000
(FC)	SOMERVILLE LAKE	866,000	866,000
(FC)	STILLHOUSE HOLLOW DAM	672,000	672,000
(N)	TEXAS CITY CHANNEL	2,350,000	2,350,000
(MP)	TOWN BLUFF DAM & B.A. STEINHAGEN LAKE	688,000	688,000
(N)	TRINITY RIVER & TRIBS-CHANNEL TO LIBERTY	7,000	620,000
(FC)	WACO LAKE	1,297,000	1,297,000
(FC)	WALLISVILLE PROJECT - TRINITY RIVER	65,000	65,000
(MP)	WHITNEY LAKE	1,136,000	1,136,000
(FC)	WRIGHT PATMAN DAM & LAKE	893,000	893,000
	VERMONT		
(FC)	BALL MOUNTAIN LAKE	369,000	369,000
(FC)	NORTH SPRINGFIELD LAKE	300,000	300,000
(FC)	NORTH HARTLAND LAKE	366,000	366,000
(FC)	TOWNSHEND LAKE	396,000	396,000
(FC)	UNION VILLAGE DAM	275,000	275,000
	VIRGINIA		
(N)	ATLANTIC INTRACOASTAL WATERWAY	1,399,000	1,399,000
(N)	CHINCOTEAQUE INLET	907,000	907,000
(FC)	GATHRIGHT DAM AND LAKE MOOMAW	877,000	877,000
(N)	HAMPTON ROADS, NORFOLK & NEWPORT NEW HARBOR (DRIFT REMOVAL)	180,000	180,000
(N)	JAMES RIVER	3,049,000	3,049,000
(FC)	JOHN W. FLANNAGAN DAM & RESERVOIR	630,000	630,000
(MP)	JOHN H. KERR DAM & RESERVOIR, VA & NC	4,003,000	4,003,000
(N)	NORFOLK HARBOR	7,278,000	7,278,000
(N)	NORFOLK HARBOR (PREVENTION OF OBSTRUCTIVE DEPOSITS)	256,000	256,000
(FC)	NORTH FORK OF POUND LAKE	445,000	445,000
(MP)	PHILPOTT LAKE	1,354,000	1,354,000
(N)	WATERWAY ON THE COAST OF VIRGINIA	147,000	147,000
	WASHINGTON		
(MP)	CHIEF JOSEPH DAM	4,975,000	4,975,000
(N)	COLUMBIA RIVER AT BAKER BAY	127,000	127,000
(N)	COLUMBIA AND LWR WILLAMETTE RIVS BELOW VANCVR & PORT, OR & WA	11,858,000	21,178,000
(N)	COLUMBIA RIVER BETWEEN VANCOUVER, WA & THE DALLES	701,000	701,000
(N)	COLUMBIA RIVER BETWEEN CHINOOK & SAND IS, WA & OR	249,000	249,000
(N)	EVERETT HARBOR & SNOHOMISH RIVER	850,000	850,000
(N)	GRAYS HARBOR & CHEHALIS RIVER	3,755,000	3,755,000
(FC)	HOWARD A. HANSON RESERVOIR	407,000	407,000
(MP)	ICE HARBOR LOCK & DAM	4,021,000	4,021,000
(N)	LAKE WASHINGTON SHIP CANAL	2,478,000	2,478,000
(MP)	LITTLE GOOSE LOCK & DAM, LAKE BRYAN	4,027,000	4,027,000
(MP)	LOWER GRANITE LOCK AND DAM, WA & ID	5,078,000	5,078,000
(MP)	LOWER MONUMENTAL LOCK & DAM	3,233,000	3,233,000
(FC)	MILL CREEK LAKE	365,000	365,000
(FC)	MUD MOUNTAIN DAM	800,000	800,000
(N)	PT TOWNSEND BOAT BASIN & WW CONNECT PT TOWNSEND & OAK BAY	240,000	240,000
(N)	PUGET SOUND & ITS TRIBUTARY WATERS	658,000	658,000
(N)	QUILLAYUTE RIVER	380,000	380,000
(N)	SEATTLE HARBOR	715,000	715,000

Type of Project	Operation and Maintenance - State and project	Budget estimate	Conference allowance
(N)	STILLAGUMISH RIVER	100,000	100,000
(N)	SWINOMISH CHANNEL	330,000	330,000
(N)	TACOMA - PUYALLUP RIVER	60,000	60,000
(FC)	THE DALLES LOCK & DAM, LAKE CELILO, WA & OR	8,110,000	8,110,000
(N)	WILLAPA RIVER & HARBOR & NASELLE RIVER	186,000	186,000
(FC)	WYNOOCHEE LAKE	732,000	732,000
	WEST VIRGINIA		
(FC)	BEECH FORK LAKE	595,000	595,000
(FC)	BLUESTONE LAKE	898,000	898,000
(FC)	BURNSVILLE LAKE	760,000	760,000
(FC)	EAST LYNN LAKE	810,000	810,000
(FC)	ELKINS	6,000	6,000
(N)	KANAWHA RIVER	5,631,000	5,631,000
(N)	OHIO RIVER LOCKS AND DAMS	9,821,000	9,821,000
(FC)	R. D. BAILEY LAKE	885,000	885,000
(FC)	SUMMERSVILLE LAKE	1,043,000	1,043,000
(FC)	SUTTON LAKE	1,118,000	1,118,000
(N)	TYGART LAKE	754,000	754,000
	WISCONSIN		
(N)	ASHLAND HARBOR	423,000	423,000
(FC)	EAU GALLE RIVER LAKE	311,000	311,000
(N)	FOX RIVER	826,000	826,000
(N)	GREEN BAY HARBOR	1,160,000	1,160,000
(N)	GREEN BAY HARBOR (DIKED DISPOSAL)	81,000	81,000
(N)	KENOSHA HARBOR	173,000	173,000
(N)	KEWAUNEE HARBOR	519,000	519,000
(N)	LAFARGE LAKE	21,000	21,000
(N)	MANITOWAC HARBOR	419,000	419,000
(N)	MILWAUKEE HARBOR	553,000	553,000
(N)	OCONTO HARBOR	21,000	21,000
(N)	PORT WING HARBOR	19,000	19,000
(N)	PORT WASHINGTON	378,000	378,000
(N)	RACINE HARBOR	71,000	71,000
(N)	SHEBOYGAN RIVER	181,000	181,000
(N)	STURGEON BAY (DIKED DISPOSAL)	7,000	7,000
(N)	STURGEON BAY	57,000	57,000
(N)	TWO RIVERS HARBOR	27,000	27,000
	MISCELLANEOUS		
	ENVIRONMENTAL AND WATER QUALITY OPERATIONAL STUDIES	3,385,000	3,385,000
	INSPECTION OF COMPLETED WORKS	6,296,000	6,296,000
	SCHEDULING FLOOD CONTROL RESERVOIR OPERATIONS	2,042,000	2,042,000
	MONITOR COMPLETED COASTAL PROJECTS	900,000	900,000
	RIVER ICE MANAGEMENT	1,500,000	1,500,000
	REPAIR, EVALUATION, MAINTENANCE AND REHABILITATION RESEARCH (REMR)	910,000	910,000
	PROTECTION OF NAVIGATION		
	REMOVAL OF SUNKEN VESSELS AND OBSTRUCTIONS	2,130,000	2,130,000
	PROTECTION, CLEARING AND STRAIGHTENING CHANNELS (SECTION 3)	100,000	100,000
	GENERAL REGULATORY FUNCTIONS	49,500,000	49,500,000
	PROJECT CONDITION SURVEYS	6,214,000	6,214,000
	SURVEILLANCE OF NORTHERN BOUNDARY WATERS	1,850,000	1,850,000
	MOBILIZATION PLANNING	5,000,000	5,000,000
	REDUCTION FOR ANTICIPATED SAVINGS AND SLIPPAGE	---	-10,000,000
	TOTAL	1,161,300,000	1,184,492,000

TYPE OF PROJECT:

(N)	NAVIGATION
(FC)	FLOOD CONTROL
(MP)	MULTIPLE-PURPOSE, INCLUDING POWER

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TITLE II--DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

General Investigations

Amendment No. 9: Appropriates $33,831,000 instead of $34,431,000 as proposed by the House and $31,981,000 as proposed by the Senate.

Amendment No. 10: Provides that $33,161,000 is to be derived from the reclamation fund instead of $33,761,000 as proposed by the House and $31,361,000 as proposed by the Senate.

Amendment No. 11: Deletes language proposed by the Senate relating to the reimbursement of costs of advanced planning studies.

The funds are to be allocated as shown in the following table:

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
GENERAL INVESTIGATIONS		
ARIZONA		
LOWER COLORADO RIVER WATER CONSV.&EFFICIENT USE PROG..	400,000	400,000
CALIFORNIA		
ALL AMERICAN CANAL RELOCATION........................	135,000	135,000
CENTRAL VALLEY:		
DELTA DIVISION, KELLOGG UNIT REFORMULATION..........	353,000	353,000
FISH AND WILDLIFE MANAGEMENT STUDY..................	350,000	350,000
NEW MELONES CONVEYANCE SYSTEM.......................	150,000	150,000
SHASTA DAM ENLARGEMENT..............................	---	1,850,000
SANTA MARGARITA......................................	180,000	180,000
LOWER COLORADO WATER SUPPLY STUDY....................	150,000	150,000
COLORADO		
PROGRAM RELATED ENGINEERING AND SCIENTIFIC STUDIES....	4,765,000	4,765,000
IDAHO		
BOISE PROJECT POWER AND MODIFICATION STUDY............	300,000	300,000
MINIDOKA PROJECT,NORTH SIDE PUMPING DIVISION EXTEN....	225,000	225,000
PALISADES PROJECT, PALISADES POWERPLANT ENLARGEMENT...	50,000	50,000
MONTANA		
CROW CREEK INDIAN RESERVATION AREA....................	150,000	150,000
HUNGRY HORSE POWERPLANT ENLARGE.& REREGULATING RESV...	145,000	145,000
MARIAS-MILK PROJECT...................................	150,000	150,000
NEBRASKA		
PLATTE RIVER WATER USE OPTIONS........................	150,000	150,000
PRAIRIE BEND UNIT (P-SMBP)............................	250,000	250,000
REPUBLICAN RIVER BASIN WATER MANAGEMENT STUDY(P-SMBP).	130,000	130,000
NEVADA		
DEEP-CARBONATE AQUIFER INVESTIGATION..................	30,000	30,000
NEW MEXICO		
LAKE MEREDITH SALINITY CONTROL........................	300,000	300,000
OREGON		
FARMERS IRRIGATION DISTRICT...........................	215,000	215,000
SILETZ BASIN..	---	200,000
ROGUE RIVER BASIN, GRANTS PASS DIVISION...............	5,000	5,000
UMATILLA BASIN..	260,000	260,000
UPPER JOHN DAY..	150,000	---

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
SOUTH DAKOTA		
LAKE ANDES-WAGNER UNIT................................	150,000	300,000
CENTRAL SOUTH DAKOTA WATER STUDIES (P-SMBP)...........	450,000	450,000
RAPID CITY WATER SUPPLY...............................	75,000	75,000
SOUTH DAKOTA WATER DELIVERIES STUDY (P-SMBP)..........	400,000	400,000
TEXAS		
TEXAS BASIN, BEDIAS RESERVOIR.........................	150,000	150,000
TEXAS BASIN, BIG SANDY................................	150,000	150,000
TEXAS BASIN, BON WEIR.................................	70,000	70,000
TEXAS BASIN, COLUMBUS BEND M&I WATER SUPPLY STUDY.....	350,000	350,000
TEXAS BASIN, SAN JACINTO RIVER BASIN..................	150,000	150,000
UTAH		
CRSP POWER PEAKING CAPACITY...........................	660,000	660,000
WASATCH FRONT TOTAL WATER MANAGEMENT..................	450,000	450,000
WASHINGTON		
YAKIMA, CLE ELUM AND TIETON POWERPLANTS...............	80,000	80,000
YAKIMA RIVER BASIN WATER ENHANCEMENT..................	1,025,000	1,025,000
WYOMING		
BLUE HOLES RESERVOIR..................................	100,000	100,000
GUERNSEY DAM POWERPLANT ENLARGEMENT...................	60,000	60,000
NORTH PLATTE RIVER HYDROELECTRIC STUDY (P-SMBP).......	195,000	195,000
WIND HYDROELECTRIC ENERGY PROJECT.....................	1,200,000	1,200,000
VARIOUS		
COLORADO RIVER WATER QUALITY IMPROVEMENT PROGRAM......	4,410,000	4,410,000
CRWQIP, LOWER GUNNISON WATER SYSTEMS..................	530,000	530,000
GENERAL ENGINEERING AND RESEARCH:		
ATMOSPHERIC WATER RESOURCES MANAGEMENT PROGRAM......	4,715,000	5,365,000
GENERAL PLANNING STUDIES............................	420,000	420,000
NATIONAL WATER RESEARCH.............................	470,000	470,000
SPECIAL INVESTIGATIONS:		
ENVIRONMENTAL AND INTERAGENCY COORD. ACTIVITIES.....	3,165,000	3,165,000
INVESTIGATIONS OF EXISTING PROJECTS.................	672,000	672,000
MINOR WORK IN CONNECTION WITH COMPLETED PROJ.INVEST.	460,000	460,000
PRINT REPORTS.......................................	35,000	35,000
TECHNICAL ASSISTANCE TO STATES......................	1,550,000	1,550,000
PROJECTS NOT YET IDENTIFIED.........................	35,000	35,000
PAY RAISE ALLOWANCE...................................	661,000	661,000
GENERAL REDUCTION DUE TO SLIPPAGE, SAVINGS AND CARRYOVER BALANCES.............................	---	-700,000
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TOTAL, GENERAL INVESTIGATIONS......................	31,831,000	33,831,000
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Construction program

Amendment No. 12: Appropriates $683,818,000 for the construction program as proposed by the Senate instead of $696,538,000 as proposed by the House.

The conference report includes a total of $45,360,000 for the McGee Creek, Okla., project, including $5,000,000 for roads associated with the project.

Amendment No. 13: Appropriates $10,000,000 for the Tucson Division instead of $15,000,000 as proposed by the House and restores House language stricken by the State.

Amendment No. 14: Provides that $165,600,000 shall be available for transfers to the Lower Colorado River Basin Development Fund instead of $179,000,000 as proposed by the House and $155,600,000 as proposed by the Senate.

Amendment No. 15: Deletes language proposed by the Senate relating to Garrison Diversion Unit.

While the conferees have agreed to delete the Senate bill language, the conferees direct that:

No appropriation, fund, or authority under this heading shall be used for construction of features of the Garrison Diversion Unit in North Dakota affecting waters flowing into Canada through chemical pollution, introduction of foreign biota, destructively increasing or decreasing quantity and/or rate of flow, or in any other harmful way.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that not to exceed $20,000 shall be available to initiate a rehabilitation and betterment program with the Twin Falls Canal Company.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

: Provided further, That of the amount herein appropriated $3,000,000 shall be available to enable the Secretary of the Interior to begin work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways, arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be nonreimburseable and constructed features will be turned over to the appropriate entity for operation and maintenance

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The funds are to be allocated as shown in the following table:

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
CONSTRUCTION PROGRAM		
CONSTRUCTION AND REHABILITATION		
ARIZONA		
HEADGATE ROCK HYDROELECTRIC PROJECT (BIA)	11,000,000	---
CALIFORNIA		
CENTRAL VALLEY PROJECT:		
SACRAMENTO RIVER DIVISION	12,300,000	12,300,000
SAN LUIS UNIT	3,103,000	3,603,000
AUBURN-FOLSOM SOUTH UNIT:		
AUBURN AREA FACILITIES	2,250,000	2,250,000
ALL OTHER AUBURN-FOLSOM SOUTH UNIT FACILITIES	705,000	705,000
MISCELLANEOUS PROJECT PROGRAMS	2,645,000	2,645,000
SAN FELIPE DIVISION	72,360,000	72,360,000
TRINITY RIVER DIV, GRASS VALLEY CREEK DEBRIS DAM	---	450,000
COLORADO		
FRYINGPAN-ARKANSAS PROJECT	6,863,000	7,463,000
SAN LUIS VALLEY PROJECT, CLOSED BASIN DIVISION	15,155,000	15,155,000
NEW MEXICO		
BRANTLEY PROJECT	12,694,000	12,694,000
VELARDE, N. MEX. WATER DIVERSION SYS. REPAIR	---	3,000,000
OKLAHOMA		
MCGEE CREEK PROJECT	40,610,000	45,360,000
TEXAS		
AMERICAN CANAL EXTENSION, RIO GRANDE PROJECT	---	450,000
NUECES RIVER PROJECT	8,103,000	8,103,000
WASHINGTON		
CHIEF JOSEPH DAM PROJECT, OROVILLE-TONASKET UNIT	13,430,000	13,430,000
COLUMBIA BASIN PROJECT:		
IRRIGATION FACILITIES	17,170,000	17,170,000
THIRD POWERPLANT	38,590,000	38,590,000
PICK-SLOAN MISSOURI BASIN PROGRAM		
NEBRASKA		
NORTH LOUP DIVISION	32,420,000	32,420,000
O'NEILL UNIT	1,570,000	---
NORTH DAKOTA		
GARRISON DIVERSION UNIT	22,330,000	22,330,000
SOUTH DAKOTA		
WEB RURAL DEVELOPMENT PROJECT	---	4,000,000
WYOMING		
BUFFALO BILL DAM MODIFICATION	3,000,000	---
RIVERTON UNIT	5,900,000	5,900,000
VARIOUS		
DRAINAGE AND MINOR CONSTRUCTION		
BELLE FOURCHE PROJECT, SOUTH DAKOTA	800,000	800,000
BOISE PROJECT, PAYETTE DIVISION, IDAHO	990,000	990,000
BUFFALO RAPIDS PROJECT, MONTANA	61,000	61,000
CHIEF JOSEPH DAM PROJECT, WHITESTONE COULEE UNIT, WA.	725,000	725,000
EDEN PROJECT, UTAH	300,000	300,000
GILA PROJECT, ARIZONA	1,000,000	1,000,000
KLAMATH PROJECT, OREGON-CALIFORNIA	3,004,000	3,004,000
LITTLE WOOD RIVER PROJECT, IDAHO	80,000	80,000

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PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
MISCELLANEOUS ENGINEERING SERVICES	10,000	10,000
MOUNTAIN PARK PROJECT, OKLAHOMA	100,000	100,000
PALMETTO BEND PROJECT, TEXAS	100,000	100,000
RECREATION FACILITIES AT EXISTING RESERVOIRS,VAR	7,000	7,000
SAN ANGELO PROJECT, TWIN BUTTES DAM, TEXAS	500,000	1,500,000
SOUTHERN NEVADA PROJECT, NEVADA	937,000	937,000
TUALATIN PROJECT, OREGON	1,150,000	1,150,000
WASHITA BASIN PROJECT, FOSS DAM, OKLAHOMA	1,300,000	1,300,000
WASHOE PROJECT, CALIFORNIA-NEVADA	1,818,000	1,818,000
WEBER BASIN PROJECT, UTAH	350,000	350,000
UNITS OR DIVISIONS, PICK-SLOAN MISSOURI BASIN PROGRAM:		
EAST BENCH UNIT, MONTANA	50,000	50,000
FARWELL UNIT, NEBRASKA	700,000	700,000
OAHE UNIT, SOUTH DAKOTA	50,000	50,000
OWL CREEK UNIT, WYOMING	50,000	50,000
SUBTOTAL, DRAINAGE AND MINOR CONSTRUCTION	14,082,000	15,082,000
SAFETY OF DAMS PROGRAMS:		
BOISE PROJECT, BLACK CANYON DAM, IDAHO	200,000	200,000
MINIDOKA PROJECT, ISLAND PARK DAM, IDAHO	1,900,000	1,900,000
MINIDOKA PROJECT, JACKSON LAKE DAM, WYOMING	200,000	200,000
NEWLANDS PROJECT, LAHONTAN DAM, NEVADA	3,412,000	3,412,000
NORTH PLATTE PROJECT, GUERNSEY DAM, WYOMING	2,190,000	2,190,000
ORLAND PROJECT, STONY GORGE DAM, CALIFORNIA	4,750,000	4,750,000
RAPID VALLEY PROJECT, DEERFIELD DAM, SOUTH DAKOTA	306,000	306,000
SALT RIVER PROJECT, STEWART MTN. DAM, ARIZONA	100,000	100,000
SUN RIVER PROJECT, GIBSON DAM, MONTANA	100,000	100,000
SUN RIVER PROJECT, WILLOW CREEK DAM, MONTANA	300,000	300,000
DEPARTMENT DAM SAFETY PROGRAM	700,000	700,000
MODIFICATION REPORTS AND PRECONSTRUCTION PLANNING	3,585,000	3,585,000
SUBTOTAL, SAFETY OF DAMS	17,743,000	17,743,000
REHABILITATION AND BETTERMENT:		
CARLSBAD PROJECT, NEW MEXICO	224,000	224,000
GRAND VALLEY PROJECT, ORCHARD MESA DIVISION, COLO.	348,000	348,000
HARLINGEN IRRIGATION DISTRICT, TEXAS	800,000	800,000
MILK RIVER, GLASGOW DIVISION, MONTANA	110,000	110,000
NEWLANDS PROJECT, NEVADA	500,000	500,000
OKANOGAN PROJECT, OKANOGAN IRRIGATION DISTRICT, WA.	3,210,000	3,210,000
P-SMBP, FRENCHMAN-CAMBRIDGE DIVISION, NEBRASKA	610,000	610,000
P-SMBP, HELENA VALLEY UNIT, MONTANA	300,000	300,000
SALT RIVER PROJECT,ROOSEVELT WTR. CONSV. DIST.,AR	1,200,000	1,200,000
SHOSHONE PROJECT, FRANNIE DIVISION, WYOMING	100,000	100,000
SHOSHONE PROJECT, HEART MOUNTAIN DIVISION, WYOMING	1,000,000	1,000,000
SHOSHONE PROJECT, WILLWOOD DIVISION, WYOMING	150,000	150,000
STRAWBERRY VALLEY PROJECT, UTAH	664,000	664,000
SUN RIVER PROJECT, FT. SHAW DIVISION, MONTANA	100,000	100,000
SUN RIVER PROJECT, GREENFIELDS DIVISION, MONTANA	1,200,000	1,200,000
TUCUMCARI PROJECT, NEW MEXICO	300,000	300,000
UNCOMPAHGRE PROJECT, COLORADO	650,000	650,000
YAKIMA PROJECT, GRANDVIEW IRRIGATION DISTRICT, WA	200,000	200,000
YAKIMA PROJECT, GRANGER IRRIGATION DISTRICT, WA	100,000	100,000
YAKIMA PROJECT, OUTLOOK IRRIGATION DISTRICT, WA	1,361,000	1,361,000
YAKIMA PROJECT, SUNNYSIDE BOARD OF CONTROL, WA	200,000	200,000
YAKIMA PROJECT, SUNNYSIDE VALLEY IRRIGATION DIST, WA	200,000	200,000
YAKIMA PROJECT, YAKIMA-TIETON IRRIG. DIST.,WA	22,200,000	22,200,000
SUBTOTAL, REHABILITATION AND BETTERMENT OF EXISTING PROJECTS	35,727,000	35,727,000
TOTAL, CONSTRUCTION AND REHABILITATION	389,750,000	388,930,000
COLORADO RIVER STORAGE PROJECT		
UPPER COLORADO RIVER BASIN FUND		
PARTICIPATING PROJECTS		
COLORADO		
DALLAS CREEK PROJECT	16,200,000	16,200,000
DOLORES PROJECT	37,200,000	37,200,000

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
UTAH		
CENTRAL UTAH PROJECT, BONNEVILLE UNIT	101,607,000	101,607,000
CENTRAL UTAH PROJECT, JENSEN UNIT	1,725,000	1,725,000
CENTRAL UTAH PROJECT, UINTAH UNIT, (PRECON. PLANNING).	550,000	550,000
CENTRAL UTAH PROJECT, UPALCO UNIT	2,015,000	2,015,000
VARIOUS		
DRAINAGE AND MINOR CONSTRUCTION:		
UPPER COLORADO RIVER BASIN FUND:		
MODIFICATIONS & ADDITIONS TO COMPLETED FACILITIES.	1,056,000	1,056,000
PARTICIPATING PROJECTS:		
LYMAN PROJECT, UTAH	251,000	251,000
SEEDSKADEE PROJECT, WYOMING	500,000	500,000
RECREATIONAL AND FISH AND WILDLIFE FACILITIES:		
RECREATIONAL FACILITIES	6,389,000	6,389,000
FISH AND WILDLIFE FACILITIES	1,227,000	1,227,000
TOTAL, COLORABO RIVER STORAGE PROJECT	168,720,000	168,720,000
COLORADO RIVER BASIN PROJECT		
CENTRAL ARIZONA PROJECT		
ARIZONA		
CENTRAL ARIZONA-WATER DEVELOPMENT	155,600,000	165,600,000
CENTRAL ARIZONA PROJECT,NON-INDIAN DISTR. SYSTEMS	10,000,000	20,000,000
TOTAL, CENTRAL ARIZONA PROJECT	165,600,000	185,600,000
COLORADO RIVER BASIN SALINITY CONTROL PROJECTS		
TITLE II		
COLORADO		
GRAND VALLEY UNIT	3,915,000	3,915,000
PARADOX VALLEY UNIT	6,068,000	6,068,000
NEVADA		
LAS VEGAS WASH UNIT	1,075,000	1,075,000
VARIOUS		
TITLE I		
MEASURES BELOW IMPERIAL DAM	21,872,000	21,872,000
TOTAL, COLORADO RIVER BASIN SALINITY CONTROL PROJECTS	32,930,000	32,930,000
PAY RAISE ALLOWANCE	5,388,000	5,388,000
GENERAL REDUCTION DUE TO SLIPPAGE, SAVINGS AND CARRYOVER BALANCES	-63,000,000	-87,750,000
TOTAL, CONSTRUCTION PROGRAM	699,388,000	693,818,000

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Loan Program

Amendment No. 18: Appropriates $45,000,000 for the loan program instead of $52,970,000 as proposed by the House and $40,500,000 as proposed by the Senate.

Amendment No. 19: Provides a limitation of $51,802,000 for gross obligations for the principal amount of direct loans as proposed by the House instead of $43,332,000 as proposed by the Senate.

The funds are to be allocated as shown in the following table:

PROJECT TITLE	BUDGET ESTIMATE	CONFERENCE ALLOWANCE
LOAN PROGRAM		
ARIZONA		
ROOSEVELT IRRIGATION DISTRICT........................	3,200,000	3,200,000
CALIFORNIA		
COLUSA COUNTY WATER DISTRICT..........................	2,000,000	2,000,000
EASTERN MUNICIPAL WATER DISTRICT NO. 2................	3,181,000	3,181,000
FALLBROOK PUBLIC UTILITY DISTRICT.....................	3,220,000	3,220,000
GLIDE IRRIGATION DISTRICT.............................	1,694,000	1,694,000
GLENN-COLUSA IRRIGATION DISTRICT......................	1,000,000	1,000,000
OAKDALE IRRIGATION DISTRICT...........................	---	1,500,000
RAMONA MUNICIPAL WATER DISTRICT.......................	4,580,000	4,580,000
SAN BENITO CO. WATER CONSERV.& FLOOD CONTROL DIST.....	6,800,000	6,800,000
YUBA COUNTY WATER AGENCY..............................	3,000,000	6,000,000
NEBRASKA		
CENTRAL NEBR.PUBLIC POWER & I.D.-PHELPS SYSTEM IMPROV.	3,187,000	3,187,000
OREGON		
GALESVILLE PROJECT....................................	---	4,000,000
TEXAS		
HIDALGO CO. WATER CON.& IMPROV. DIST. NO.1 (EDINBURG).	1,148,000	1,148,000
HIDALGO COUNTY IRRIGATION DISTRICT NO.2 (SAN JUAN)....	2,500,000	2,500,000
DELTA LAKE IRRIGATION DISTRICT........................	2,700,000	2,700,000
WASHINGTON		
COLUMBIA IRRIGATION DISTRICT..........................	2,306,000	2,306,000
VARIOUS		
CONSTRUCTION COST INCREASES...........................	1,152,000	1,152,000
ADMINISTRATION OF LOAN PROGRAM........................	832,000	832,000
UNDISTRIBUTED REDUCTION BASED ON ANTICIPATED DELAYS...	-1,000,000	-6,000,000
TOTAL, LOAN PROGRAM...................................	41,500,000	45,000,000

General administrative expenses

Amendment No. 20: Appropriates $53,750,000 for general administrative expenses as proposed by the House instead of $53,400,000 as proposed by the Senate.

TITLE III—DEPARTMENT OF ENERGY

The summary table at the end of this title sets forth the conference agreement with respect to individual appropriations, programs and activities for the Department

Energy supply, research and development activities

Amendment No. 21: Appropriates $1,951,609,000 for Energy Supply, Research and Development Activities, instead of $1,964,209,000 as proposed by the House and $1,943,709,000 as proposed by the Senate.

Solar Energy

Solar Thermal Energy Systems.—The conferees agree to provide $6,000,000 for detailed design of one central solar power receiver under the House-stipulated conditions. No funds are available for salt gradient research. Up to $2,000,000 may be used for the thermal energy storage program identified in the House Report.

Wind Energy Systems.—The conferees agree with the Senate Report language concerning MOD 5A and 5B funding allocations and the wind systems comprehensive program management plan.

Biomass and Alcohol Fuels.—The conferees agree to provide $4,000,000 for regional biomass energy programs.

Ocean Energy Systems.—The conferees agree that funds are available for only feasibility studies of open-cycle systems and $1,500,000 is available for cold water pipe research.

Electric Energy Systems.—The conference agreement provides for the deep sea cable project under the guidance of the Senate Report.

Nuclear Fission

Breeder Reactor Systems.—The conference agreement provides $4,000,000 for design activities on the breeder reactor engineering test facility.

Remedial Action Program.—The conferees direct that the Department give priority to the undertaking of a decontamination research and development project involving the following sites and their vicinity properties, and has added funds to initiate the work: $2,000,000 for the site and vicinity properties in Wayne/Pequanak, New Jersey; $2,000,000 for the site and vicinity properties in Maywood, New Jersey; $500,000 for the site and vicinity properties near Albany, New York; and $500,000 for the former Cotter Corp. site at Latty Avenue, Hazelwood, Missouri.

Commercial Nuclear Waste.—The conferees agree that $9,600,000 is available for the subseabed waste program in fiscal year 1984.

Environment

Liquified Gas Fuels Safety Test Facility.—The conferees agree that the Department should proceed immediately to select a site and initiate construction on the Liquified Gaseous Fuels Safety Test Facility using funds available in fiscal year 1983 and fiscal year 1984. Additional funding requirements shall be submitted with the fiscal year 1985 budget request if additional construction funding is determined to be necessary.

Magnetic Fusion

The conferees agree that the Administration shall consider including funding in the fiscal year 1985 budget submission for aneutronix fusion activities for consideration by the Congress. Of the funds available, $2,000,000 is for operating expenses on Elmo Bumpy Torus to continue concept development activities, and funds are available as specified in the Senate Report for advanced torodial concepts and for fusion systems engineering activities.

Supporting research and technical analysis

The conferees agree that, prior to obligation of funds provided for the National Center for Advanced Materials, the Vitreous State Laboratory and the National Center for Chemical Research, the Department of Energy shall conduct a technical review and approve each project.

(Deferral)

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate overturning a portion of proposed Deferral No. 83-72.

Uranium supply and enrichment activities

The conferees agree to the following allocation of funding within the appropriations available for uranium supply and enrichment:

	Fiscal year 1984 budget	Conference agreement
GCEP operating expenses:		
(Advanced Centrifuge Development)	$106,400,000	$117,400,000
GCEP Construction	572,000,000	546,000,000
AIS Technology	59,900,000	89,900,000
AIS Development Module	2,400,000	2,400,000
General Reduction		−23,000,000
Uranium Resource Assessment		3,000,000
Subtotal	740,000,000	735,700,000
Other Items Not in Conference	1,499,300,000	1,499,300,000
Total	2,240,300,000	2,235,000,000

The conferees concur with the Senate in regard to procurement of baseline centrifuge machines and with the House in regard to continuation of the uranium resource assessment program at a reduced level.

General science and research activities

Amendment No. 23: Appropriates $638,250,000 for General Science and Research Activities instead of $643,250,000 as proposed by the House and $635,250,000 as proposed by the Senate.

The conference allowance includes $32,000,000 for the linear collider at the Stanford Linear Accelerator Center and $5,000,000 for the Colliding Beam Accelerator funded under the ISABELLE project. The allowance also includes funding for LAMPF and Bevalac as described in House Rept. No. 98-217. The conferees agree with the provisions for muon catalysis and nuclear data file as proposed by the Senate but direct that these activities be included under the Energy Supply, Research and Development Activities account.

Atomic energy defense activities

Amendment No. 24: Appropriates $6,547,875,000 for Atomic Energy Defense Activities instead of $6,558,375,000 as proposed by the House and $6,500,875,000 as proposed by the Senate.

Research, Development and Test.—The conference allowance includes $7,000,000 for buffer land acquisition at LLNL as proposed by the House and $5,600,000 for the new detonator facility at LANL as proposed by the Senate. Also included is $23,500,000 for the nuclear test facilities revitalization project.

Inertial Confinement Fusion.—The conference allowance includes $145,000,000. The increase over the budget shall be applied proportionately over the 1983 levels.

Production and Surveillance.—The conference allowance includes $1,666,915,000 for operating expenses which represents an increase of $192,415,000 over 1983 which is consistent with the overall increase in workload. The conference allowance includes $30,000,000 for MX warhead production facilities. Obligation of these funds is contingent upon approvals required in Senate Rept. No. 98-153. The $5,000,000 reduction in unobligated balances should be applied against the total Production and Surveillance program.

Materials Production.—The conference allowance includes $60,000,000 for Special Isotope Separation and $7,500,000 for the Process Facility Modifications at Purex. The conference includes $140,000,000 for enriched material as proposed by the Senate.

Defense Waste and By-products Management.—Thc conference allowance includes $15,600,000 for the by-product and beneficial use program.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

Delete the matter stricken by said amendment and insert the following:

: Provided, That notwithstanding any other provision of law, no funds may be obligated or expended after the date of enactment of this Act for Project 82-D-109 unless the President certifies to Congress that—

(1) for each 155mm nuclear weapon produced an existing 155mm nuclear weapon shall be removed from the stockpile and permanently dismantled; and

(2) formal notification has been received from the North Atlantic Treaty Organization nation in which such weapons are sought to be deployed that such nation has approved replacement of existing 155mm nuclear weapons with the new 155mm nuclear weapon.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference includes $50,000,000 for Project 82-D-109, 155mm artillery fired atomic projectile production facilities. The conference agreement would prohibit the obligation of the funds pending a Presidential certification.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

None of the funds appropriated by this Act, or by any other Act, or by any other provision of law shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and until issued a discharge permit pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) as amended, which permit shall incorporate the terms and conditions provided in the Memorandum of Understanding entered into between the Department of Energy and the State of South Carolina dated April 27, 1983, relating to studies and mitigation programs associated

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with such restart. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would achieve criticality, generate fission products within the reactor, discharge cooling water from nuclear operations directly or indirectly into Steel Creek, or result in cooling system testing discharges which exceed the volume, frequency and duration of test discharges conducted prior to June 28, 1983.

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials of South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in the preceding paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that such period shall not be reduced to less than thirty days, and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement would require the preparation of an Environmental Impact Statement as required by the Senate, but would allow L-Reactor to be loaded with unirradiated fuel and continue with nonnuclear flow testing pending the completion of the Environmental Impact Statement. The conferees agree that this amendment not establish a precedent with regard to future decisions concerning compliance with the National Environmental Policy Act.

DEPARTMENTAL ADMINISTRATION

Amendment No. 27: Appropriates $366,056,000 for Departmental Administration instead of $371,056,000 as proposed by the House and $361,056,000 as proposed by the Senate.

The conferees agree that $500,000 shall be available for the Council of Energy Resource Tribes.

Amendment No. 28: Inserts language proposed by the Senate changing "such that the" to "so as to result in a" for purposes of clarification.

Amendment No. 29: Inserts language proposed by the Senate changing "not be greater" to "estimated at not more" for purposes of clarification.

Amendment No. 30: Identifies $156,437,000 instead of $161,437,000 as proposed by the House and $151,437,000 as proposed by the Senate as the final estimated appropriation for Departmental Administration.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

Amendment No. 31: Deletes House language restricing the use of new borrowing authority.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

Amendment No. 32: Appropriates $194,630,000 for Construction, Operation and Maintenance, Western Area Power Administration instead of $184,630,000 as proposed by the House and $204,630,000 as proposed by the Senate

FEDERAL ENERGY REGULATORY COMMISSION

Salaries and expenses

Amendment No. 33: Appropriates $89,582,000 as proposed by the House instead of $94,582,000 as proposed by the Senate.

Amendment No. 34: Indentifies $29,582,000 as proposed by the House instead of $34,582,000 as proposed by the Senate as the final estimated appropriation for the Federal Energy Regulatory Commission.

Amendment No. 35: Restores language proposed by the House, amended to delete reference to the "Fifteenth Congressional District" and references the Counties of Merced, Mariposa, Madera and Fresno in California of that District.

	Budget estimate	Conference allowance
ENERGY SUPPLY RESEARCH AND DEVELOPMENT		
SOLAR ENERGY		
I. Solar applications		
A. Solar building energy systems	8,375	17,200
C. Photovoltaic energy systems		
Operating expenses	32,700	49,700
Construction	---	1,500
Subtotal, Photovoltaic energy systems	32,700	51,200
D. Solar thermal energy systems		
Operating expenses	13,325	33,750
Capital equipment	250	7,750
Subtotal, Solar thermal energy system	13,575	41,500
E. Biomass and alcohol energy systems		
Operating expenses	17,300	29,000
F. Wind energy systems		
Operating expenses	8,600	26,500
G. Ocean energy systems		
Operating expenses	---	7,000
Subtotal, Solar applications	80,550	172,400
(Operating expenses)	(80,300)	(163,150)
(Plant and Capital)	(250)	(9,250)
II. Other solar energy		
A. International solar energy program - OE	---	1,000
B. Solar technology transfer - OE	3,100	3,250
E. Program support - OE	---	1,000
F. Program direction - OE	3,009	6,000
Subtotal, Other solar energy	6,109	11,250
General reduction	---	-5,000
TOTAL, SOLAR ENERGY	86,659	178,650
(Operating expenses)	(86,409)	(174,400)
(Plant and Capital)	(250)	(9,250)
(General reduction)	---	(-5,000)
GEOTHERMAL		
I. Hydrothermal industrialization		
Operating expenses	---	2,000
II. Geopressured resources		
Operating expenses	---	5,000
III. Geothermal technology development		
Operating expenses	13,059	21,459
IV. Program direction - OE	494	1,000
TOTAL, GEOTHERMAL	13,553	29,459

		Budget estimate	Conference allowance
101010	HYDROPOWER		
101015	I. Small scale hydropower development - OE	---	500
101040	II. Program direction - OE	---	250
101050	TOTAL, HYDROPOWER	---	750
101090	ELECTRIC ENERGY SYSTEMS AND STORAGE		
101100	I. Electric energy systems		
101105	A. Electric field effects research		
101110	Operating expenses	6,600	3,000
101130	B. Reliability research		
101135	Operating expenses	6,000	3,500
101145	C. Systems technology	---	11,500
101180	D. Program direction - OE	102	500
101185	Subtotal, Electric energy systems	12,702	18,500
101215	II. Energy Storage Systems		
101220	A. Battery storage		
101225	Operating expenses	14,000	18,000
101245	B. Thermal and mechanical storage		
101250	Operating expenses	---	7,000
101270	C. Program direction - OE	200	700
101275	Subtotal, Energy storage systems	14,200	25,700
101300	TOTAL, ELECTRIC ENERGY SYSTEMS AND STORAGE	26,902	44,200
101350	NUCLEAR		
101355	I. Converter reactor		
101360	A. High temperature reactor technology		
101365	Operating expenses	---	30,000
101375	Subtotal, High temperature reactor technology	---	30,000
101380	B. Light water reactor systems		
101385	Operating expenses	15,000	19,500
101400	C. Three Mile Island activities		
101405	Operating expenses	33,000	33,000
101410	Capital equipment	4,000	4,000
101415	Subtotal, Three Mile Island activities	37,000	37,000
101420	D. Advanced reactor systems		
101425	Operating expenses	4,980	4,980
101440	E. Program direction - OE	1,190	1,190
101445	Subtotal, Converter reactor	58,170	92,670
101450	(Operating expenses)	(54,170)	(88,670)
101455	(Plant and Capital)	(4,000)	(4,000)

	Budget estimate	Conference allowance
II. Commercial nuclear waste		
1. Terminal isolation		
Operating expenses	4,700	4,700
2. Waste systems technology		
Operating expenses	9,440	9,440
Capital equipment	360	360
Subtotal, Waste systems technology	9,800	9,800
3. Waste treatment technology		
Operating expenses	5,600	5,600
Capital equipment	600	600
Construction: 84-N-105 General plant projects	1,400	1,400
Subtotal, Waste treatment technology	7,600	7,600
4. Program direction - OE	480	480
Subtotal, Commercial nuclear waste	22,580	22,580
(Operating expenses)	(20,220)	(20,220)
(Plant and Capital)	(2,360)	(2,360)
III. Remedial action		
1. Management of surplus radioactivity contaminated DOE facilities		
Operating expenses	15,360	15,360
Capital equipment	140	140
Subtotal, Management, of surplus radioactivity contaminated DOE facilities	15,500	15,500
2. Remedial action for former DOE contractors installation MED/AEC sites		
Operating expenses	11,700	16,700
Capital equipment	300	300
Subtotal, Remedial action for former DOE cont installation MED/AEC sites	12,000	17,000
3. Grand Junction remedial action OE	1,500	1,500
4. Remedial action for inactive uranium mill tailing sites		
Operating expenses	27,125	27,125
Capital equipment	775	775
Subtotal, Remedial action for inactive uranium mill tailing sites	27,900	27,900
5. West Valley		
Operating expenses	36,000	36,000
6. Program direction - OE	1,085	1,085
Subtotal, Remedial action	93,985	98,985
(Operating expenses)	(92,770)	(97,770)
(Plant and Capital)	(1,215)	(1,215)

	Budget estimate	Conference allowance
IV. Nuclear fuel cycle		
A. Spent fuel technology		
Operating expenses	4,500	4,500
Capital equipment	500	500
Subtotal, Spent fuel technology	5,000	5,000
B. Fuel cycle R&D		
Operating expenses	31,385	31,385
Capital equipment	4,000	4,000
Subtotal, Fuel cycle R&D	35,385	35,385
C. Program direction - OE	1,422	1,422
Subtotal, Nuclear fuel cycle	41,807	41,807
(Operating expenses)	(37,307)	(37,307)
(Plant and Capital)	(4,500)	(4,500)
V. Advanced nuclear systems		
A. Space and terrestrial applications		
Operating expenses	30,135	30,135
Capital equipment	2,600	2,600
Subtotal, Space and terrestrial applications	32,735	32,735
B. Program direction - OE	1,370	1,370
Subtotal, Advanced nuclear systems	34,105	34,105
(Operating expenses)	(31,505)	(31,505)
(Plant and Capital)	(2,600)	(2,600)
VI. Breeder reactor systems		
A. Liquid metal fast breeder reactor		
Operating expenses	255,600	263,600
Capital equipment	19,100	21,100
Construction:		
84-N-101 General plant projects	1,000	1,000
84-N-102 Mods. to reactors	4,000	4,000
83-N-334 Safeguards & sec. Assess, imp., ANL,INEL,Id	1,000	1,000
78-6-C Safety research experimental facility, INEL, Idaho (A-E, Long-lead procurement and limited construction only)	1,100	1,100
78-6-E Liquid metal engineering center modifications, liquid metal engineering center, Santa Susana, California (A-E and long-lead procurement only)	5,000	5,000
78-6-F Fuels & materials examination facility, richland, WA	---	4,000
Subtotal, Construction	12,100	16,100
Subtotal, Liquid metal fast breeder reactor	286,800	300,800
B. Clinch River Breeder Reactor demonstration-OE.	270,025	---

	Budget estimate	Conference allowance
C. Water cooled breeder reactor		
Operating expenses	35,500	35,500
D. Program direction - OE	10,200	10,200
Subtotal, Breeder reactor systems	602,525	346,500
(Operating expenses)	(571,325)	(309,300)
(Plant and Capital)	(31,200)	(37,200)
TOTAL, NUCLEAR	853,172	636,647
(Operating expenses)	(807,297)	(584,772)
(Plant and Capital)	(45,875)	(51,875)
ENVIRONMENT		
I. Overview and assessment		
Operating expenses	30,400	30,400
Capital equipment	1,600	1,600
Construction - LGF test facility	3,000	1,000
Subtotal, Overview and assessment	35,000	33,000
II. Biological and environmental research		
Operating expenses	157,900	171,900
Capital equipment	7,700	7,700
Construction:		
84-ER-133 General plant projects	1,000	1,000
Subtotal, Biological and environ. research	166,600	180,600
III. Program direction - OE		
A. Overview and assessment - PD	5,375	5,375
B. Bio. and env. research - PD	3,600	3,600
Subtotal, Program direction - OE	8,975	8,975
Total, Environment	210,575	222,575
(Operating expenses)	(197,275)	(211,275)
(Plant and Capital)	(13,300)	(11,300)
FUSION		
I. Magnetic fusion		
A. Confinement systems		
Operating expenses	186,050	186,050
Capital equipment	20,650	20,650
Construction:		
80-MF-3 EBT Proof of principal exp	---	2,000
Subtotal, Confinement systems	206,700	208,700
B. Development and technology		
Operating expenses	77,310	78,310
Capital equipment	7,740	7,740
Subtotal, Development and technology	85,050	86,050
C. Applied plasma physics		
Operating expenses	76,040	76,790
Capital equipment	5,060	5,060
Subtotal, Applied plasma physics	81,100	81,850

	Budget estimate	Conference allowance
D. Planning and projects		
Operating expenses	48,700	48,700
Capital equipment	4,350	4,350
Construction:		
84-GPP General plant projects	6,500	6,500
78-3-A Mirror fusion test facility	30,000	30,000
Subtotal, Construction	36,500	36,500
Subtotal, Planning and projects	89,550	89,550
E. Program direction - OE	4,600	4,600
Total, Fusion	467,000	470,750
(Operating expenses)	(392,700)	(394,450)
(Plant and Capital)	(74,300)	(76,300)
SUPPORTING RESEARCH AND TECHNICAL ANALYSIS		
I. Basic energy sciences		
A. Nuclear sciences		
Operating expenses	37,900	37,900
Capital equipment	2,150	2,150
Construction:		
84-ER-141 A I P	270	270
Subtotal, Nuclear sciences	40,320	40,320
B. Materials sciences		
Operating expenses	125,110	125,110
Capital equipment	12,780	12,780
Construction:		
84-ER-111 N S L S	2,500	2,500
84-ER-112 National center for adv materials	25,900	3,000
84-ER-141 A I P	640	640
84-ER-142 General plant projects	300	300
84-ER-14 Vitreous State Laboratory	---	5,000
84-ER-15 National Center for Chemical Research	---	5,000
Subtotal, Construction	29,340	16,440
Subtotal, Materials sciences	167,230	154,330
C. Chemical sciences		
Operating expenses	75,500	75,500
Capital equipment	6,520	6,520
Construction:		
84-ER-141 A I P	350	350
84-ER-142 General plant projects	100	100
Subtotal, Construction	450	450
Subtotal, Chemical sciences	82,470	82,470

	Budget estimate	Conference allowance
D. Engineering, mathematical, and geosciences		
Operating expenses	33,670	33,670
Capital equipment	2,120	2,120
Subtotal, Engineering, math., and geosciences	35,790	35,790
E. Advanced energy projects		
Operating expenses	9,100	9,100
Capital equipment	310	310
Subtotal, Advanced energy projects	9,410	9,410
F. Biological energy research		
Operating expenses	10,580	10,580
Capital equipment	400	400
Subtotal, Biological energy research	10,980	10,980
G. Program direction - OE	3,970	3,970
Subtotal, Basic energy sciences	350,170	337,270
(Operating expenses)	(295,830)	(295,830)
(Plant and Capital)	(54,340)	(41,440)
II. Energy oversight, research analy. & Univ support		
A. Energy research analysis - OE		
1. Assessment projects	2,869	2,869
B. University research support - OE		
2. University reactor fuel assistance	1,500	1,500
3. University laboratory coop. program	3,500	3,500
5. Energy manpower assessment program	270	270
6. Education and training	200	200
Subtotal, University research support - OE	5,470	5,470
C. University research instrumentation	6,000	4,000
D. Program direction and oversight - OE	3,400	3,400
Subtotal, Energy oversight, res analy, & Univ sup	17,739	15,739
III. Multi-program facilities		
Construction:		
84-ER-101 Rehab. old utilities (LBL)	1,000	1,000
84-ER-102 Cooling water facility, Restor. (ORNL)	600	600
84-ER-103 Road repair (various locations)	3,000	3,000
84-ER-104 Facilities support Projects (various locations)	4,000	4,000
83-E-308 Rep power sys,INEL,LLNL,ORNL,RL	7,988	7,988
83-E-309 Electronics fac., ANL	4,150	4,150
83-E-310 Utility replacements	7,500	7,500
83-E-311 Emergency response center, ORNL	2,200	2,200
82-E-301 300 area utilities (HEDL)	4,400	4,400
82-E-302 Security facility (ANL)	2,300	2,300
82-E-305 Traffic safety improvements (HEDL)	800	800

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	Budget estimate	Conference allowance
81-E-325 Energy Technology Lab (Sandia)	1,600	3,100
80-ES-11 Idaho Lab Facility (INEL)	1,062	1,062
Subtotal, Multi-program facilities	40,600	42,100
Total, Supporting research and tech. analysis	408,509	395,109
(Operating expenses)	(313,569)	(311,569)
(Plant and Capital)	(94,940)	(83,540)
POLICY AND MANAGEMENT		
I. Policy and Management		
A. Policy and management - OE - ER	515	1,288
B. Policy and management - OE - NE	1,370	1,868
C. Policy and management - OE - EP	900	1,611
D. Policy and management - OE - CRE	970	970
Subtotal, Policy and management	3,755	5,737
ENERGY APPLICATIONS		
I. Technical Information Center		
Operating expenses	13,300	15,200
Capital equipment	800	800
Subtotal, Technical Information Center	14,100	16,000
II. In-house energy management		
Operating expenses	1,200	1,200
Construction:		
84-A-601 Mods for energy Mgmt., various locations	11,500	11,500
84-A-602 Residual energy applications	---	1,332
82-A-603 LASL Hot water distribution	1,700	1,700
Subtotal, Construction	13,200	14,532
Subtotal, In-house energy management	14,400	15,732
(Operating expenses)	(1,200)	(1,200)
(Plant and Capital)	(13,200)	(14,532)
III. Plant engineering and design		
Construction:		
82-C-601 Plant engineering and design	1,000	1,000
Subtotal, Energy applications	29,500	32,732
(Operating expenses)	(14,500)	(16,400)
(Plant and Capital)	(15,000)	(16,332)
SUBTOTAL, ENERGY SUPPLY RESEARCH AND DEVELOPMENT	2,099,625	2,016,609
(Operating expenses)	(1,855,960)	(1,773,012)
(Plant and Capital)	(243,665)	(248,597)
Adjustments:		
FY 1983 deferrals carried forward	---	-65,000
TOTAL, ENERGY SUPPLY RESEARCH AND DEVELOPMENT	2,099,625	1,951,609

	Budget estimate	Conference allowance
(Operating expenses)	(1,855,960)	(1,708,012)
(Plant and Capital)	(243,665)	(248,597)
(General reduction)	---	(-5,000)
URANIUM ENRICHMENT		
I. Uranium enrichment activities		
A. Gaseous diffusion and operations support		
Operating expenses	1,400,400	1,400,400
Capital equipment	9,900	9,900
Construction:		
84-N-401 General plant projects	13,300	13,300
84-N-402 UF6 cylinders	4,000	4,000
84-N-403 Intermediate gas removal	1,700	1,700
84-N-404 Power systems protection impr	3,000	3,000
84-N-405 Utilities upgrading, Phase III	6,000	6,000
83-N-401 Rep. of elec. circuit breaker Gas dif. plant, Portsmouth, Ohio	7,000	7,000
83-N-402 Compli. with toxic sub. Control act, gas dif. plants	10,000	10,000
83-N-405 Utilities upgrading, Phase II, gas. dif. plant	10,000	10,000
82-R-413 IMP UF6 containment	9,000	9,000
82-R-416 Env/safety mods	3,500	3,500
81-R-506 Environmental protection and safety improvements, Phase I GDP's	3,500	3,500
Subtotal, Construction	71,000	71,000
Subtotal, Gaseous diffusion operations and suppo	1,481,300	1,481,300
B. Gaseous centrifuge operations and support		
Operating expenses	106,400	117,400
Capital equipment	3,400	3,400
Construction:		
76-8-G Enriched Uranium production facility, Portsmouth, OH	572,000	546,000
Subtotal, Gas centrifuge operations and support.	681,800	666,800
C. Program direction - OE	3,900	3,900
D. Advanced isotope separation technology		
Operating expenses	59,900	89,900
Capital equipment	9,500	9,500
Construction:		
84-N-406 General plant projects	1,200	1,200
84-N-407 Development I demonstration Module (design only)	2,400	2,400
Subtotal, Construction	3,600	3,600
Subtotal, Advanced isotope separation technology	73,000	103,000
General reduction	---	-23,000
Subtotal, Uranium enrichment activities	2,240,000	2,232,000

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	Budget estimate	Conference allowance
(Operating expenses)	(1,570,600)	(1,611,600)
(Plant and Capital)	(669,400)	(643,400)
(General reduction)	---	(-23,000)
II. Uranium resource assessment		
A. Assessment program		
Operating expenses	---	3,000
Total, Uranium enrichment	2,240,000	2,235,000
III. Offsetting revenues		
Operating expenses	-1,570,600	-1,505,600
Capital equipment	-22,800	-22,800
Construction	-646,600	-646,600
Subtotal, Offsetting revenues	-2,240,000	-2,235,000
TOTAL, URANIUM ENRICHMENT	---	---
(Operating expenses)	(1,570,600)	(1,614,600)
(Plant and Capital)	(669,400)	(643,400)
(General reduction)	---	(-23,000)
(Gross revenues)	(-2,240,000)	(-2,235,000)
GENERAL SCIENCE AND RESEARCH		
I. High energy physics		
A. Physics research		
Operating expenses	101,500	99,500
B. Facility operations		
Operating expenses	166,000	161,000
Capital equipment	48,000	48,000
Construction:		
84-ER-131 AIP	9,000	9,000
84-ER-132 GPP	7,000	7,000
84-ER-133 SLAC linear collider (SLC)	40,000	32,000
82-E-206 Tevatron II	13,000	13,000
81-E-218 Tevatron I	20,000	20,000
78-10-B Intersecting storage accelerator (Isabelle) Brookhaven national lab, NY	---	5,000
Subtotal, Construction	89,000	86,000
Subtotal, Facility operations	303,000	295,000
C. High energy technology		
Operating expenses	82,000	82,000
D. Other capital equipment - CE	3,500	3,500
Subtotal, High energy physics	490,000	480,000
(Operating expenses)	(349,500)	(342,500)
(Plant and Capital)	(140,500)	(137,500)
II. Nuclear physics		
A. Medium energy physics		
Operating expenses	59,000	62,000

	Budget estimate	Conference allowance
B. Heavy ion physics		
Operating expenses	47,000	47,000
C. Low energy physics		
Operating expenses	13,000	13,000
D. Nuclear theory		
Operating expenses	9,000	9,000
Capital equipment	10,500	10,500
Construction:		
84-ER-110 Univ Accel upgrade	8,000	8,000
84-ER-121 AIP	3,500	3,500
84-ER-122 GPP	2,200	2,200
Subtotal Construction	24,200	24,200
E. Other capital equipment - CE	800	800
Subtotal, Nuclear physics	153,000	156,000
(Operating expenses)	(128,000)	(131,000)
(Plant and Capital)	(25,000)	(25,000)
III. General Science program direction - OE	2,250	2,250
TOTAL, GENERAL SCIENCE AND RESEARCH	645,250	638,250
(Operating expenses)	(479,750)	(475,750)
(Plant and Capital)	(165,500)	(162,500)
ATOMIC ENERGY DEFENSE ACTIVITIES		
I. Weapons activities		
A. Research, development and testing		
1. Research and development		
Operating expenses	714,480	714,480
Capital equipment	68,800	68,800
Construction:		
84-D-101 General plant projects, various locations	20,000	16,000
84-D-102 Radiation Hardened Integrated Circuit Lab, SNLA	---	2,000
84-D-103 Hardened central guard force facility, LANL	600	600
84-D-104 Nuclear materials storage facility, LANL	700	700
83-D-199 Buffer land acquisition LLNL	---	7,000
82-D-144 Simulation technology laboratory, SNLA	8,000	8,000
82-D-150 Weapons materials research and development facility, LLNL	2,900	2,900
82-D-152 New detonator facility, LANL	---	5,600
78-16-G Radioactive liquid waste improvement, LANL, NM	3,500	3,500
Subtotal, Construction	35,700	46,300
Subtotal, Research and development	818,980	829,580

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	Budget estimate	Conference allowance
2. Testing		
Operating expenses	475,900	475,900
Capital equipment	39,600	39,600
Construction:		
84-D-101 General plant projects, various locations	7,100	6,100
84-D-107 Nuclear test facilities revitalization, various locations	38,500	23,500
Subtotal Construction	45,600	29,600
Subtotal, Testing	561,100	545,100
Subtotal, Research, development and testing	1,380,080	1,374,680
B. Inertial confinement fusion		
Operating expenses	127,100	145,000
Capital equipment	11,800	11,800
Construction:		
81-D-101 Particle beam fusion accelerator-II SNL, NM	12,900	12,900
Subtotal, Inertial confinement fusion	151,800	169,700
C. Production and surveillance		
Operating expenses	1,779,715	1,666,915
Capital equipment	114,400	106,400
Construction:		
84-D-111 General plant projects	29,500	23,000
84-D-112 TRIDENT II warhead production facilities, various locations	19,300	19,300
84-D-113 Antisubmarine warfare/standoff weapon warhead prod facs, var locations	17,600	---
84-D-114 Consolidated nonnuclear manufacturing facility, Rocky Flats, CO	24,100	24,100
84-D-115 Electrical system expansion, Pantex Plant, Amarillo, TX	1,500	1,500
84-D-117 Inert assembly & test facility Pantex Plant, Amarillo, TX	1,500	1,500
84-D-118 High explosive subassembly facility, Pantex Plant, Amarillo, TX	7,000	7,000
84-D-119 Railroad track replacement and upgrade, Pantex Plant, Amarillo, TX	800	800
84-D-120 Explosive component test facility, Mound Laboratory, Miamisburg, OH	13,100	3,100
84-D-121 Safeguards and security upgrade, Rocky Flats, CO	10,000	10,000
83-D-124 Standard missile-2 (SM-2) warhead production facilities, various locations	3,000	---
83-D-134 SENTRY (LoADS) warhead production facility, various locations	16,300	---
82-D-107 Utilities & equip restoration, replace & upgrade, Phase III, var locations	229,200	185,000
82-D-108 Nuclear weapons stockpile improvement, various locations	4,000	4,000
82-D-109 155mm artillery fired atomic projectile (AFAP) prod facs, var locations	50,000	50,000

	Budget estimate	Conference allowance
82-D-111 Interactive graphics system, various locations ($9M auth FY82)	18,600	8,600
82-D-146 Weapons prod & prod support facs, various locations	14,200	14,200
81-D-115 MX warhead prod facs, various locations	30,000	30,000
81-D-120 Control of effluents & pollutants, Y-12 Plant, Oak Ridge, TN	1,000	1,000
Unobligated balances	---	-5,000
Subtotal, Construction	490,700	378,100
Subtotal, Production and surveillance	2,384,815	2,151,415
D. Program direction		
Operating expenses		
1. Weapons program	55,930	55,930
Subtotal, Weapons activities	3,972,625	3,751,725
(Operating expenses)	(3,153,125)	(3,058,225)
(Plant and Capital)	(819,500)	(693,500)
II. Materials production		
A. Reactor operations		
Operating expenses	497,745	484,245
Construction:		
83-D-180 Facility storage modifications, various locations	6,500	---
83-D-146 Water pollution control, FMPC, Fernald, Ohio	4,000	4,000
82-D-126 Reactor safety and reliability, various locations	6,000	6,000
81-D-142 Steam transfer header, Savannah River Plant, SC	7,400	7,400
Subtotal, Construction	23,900	17,400
Subtotal, Reactor operations	521,645	501,645
B. Processing of nuclear materials		
Operating expenses - Processing of nuc. mat.	287,595	287,595
Operating expenses - Special isotope sep. res	40,000	60,000
Subtotal Operating expenses	327,595	347,595
Construction:		
84-D-130 Modification processing facility substation, Savannah River, SC	5,600	5,600
84-D-135 Process Facility Modifications Purex	---	7,500
83-D-142 Fuel dissolver off-gas transfer and treatment system, IFPF, INEL, ID	4,100	4,100
82-D-201 Special plutonium recovery facs, F-chem separations area, Savannah River, SC	26,000	26,000
81-D-131 Remote analytical facility upgrade and expansion, IFPF, INEL, ID	2,000	2,000
Subtotal, Construction	37,700	45,200
Subtotal, Processing of nuclear materials	365,295	392,795

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	Budget estimate	Conference allowance
C. Supporting services		
Operating expenses	212,860	207,960
Construction:		
84-D-125 General plant projects	31,000	28,000
84-D-126 Plant engineering and design	2,000	1,000
83-D-138 Purex canyon & dissolver filter systems improvements, Richland, WA	8,500	8,500
83-D-147 Pollution discharge elimination, Savannah River, SC	2,000	2,000
83-D-148 Non-radioactive hazardous waste management, Savannah River, SC	3,000	3,000
82-D-118 N-reactor plant security and surveillance, Richland, WA	2,400	2,400
82-D-124 Restoration of production capabilities. Phases II & III, var locations	118,600	104,600
82-D-127 Safeguards improvements, Savannah River Plant, SC	7,000	7,000
82-D-128 Plant perimeter security systems upgrade, IFPF, INEL, IDAHO	3,000	3,000
82-D-136 Fuel processing facilities upgrade, IFPF, INEL, Idaho	18,000	18,000
Subtotal, Construction	195,500	177,500
Subtotal, Supporting services	408,360	385,460
D. Enriched materials	70,000	140,000
E. Capital equipment	102,500	98,500
F. Program direction	17,500	17,500
Subtotal, Materials production	1,485,300	1,535,900
(Operating expenses)	(1,125,700)	(1,197,300)
(Plant and Capital)	(359,600)	(338,600)
III. Defense waste and by-products management		
A. Interim waste management		
Operating expenses	221,026	221,026
Construction:		
84-D-150 General plant projects, various locations	25,830	22,830
83-D-157 Additional radioactive waste storage facilities, Richland, WA	31,000	31,000
82-N-103 Waste handling & isolation facs, Richland, WA	3,570	3,570
82-N-107 Rail replacement/Hanford railroad, Richland, WA	3,000	3,000
81-T-104 Radioactive waste facs. improves., ORNL, Oak Ridge, TN	4,000	4,000
Subtotal, Construction	67,400	64,400
Subtotal, Interim waste management	288,426	285,426

	Budget estimate	Conference allowance
B. Long-term waste management technology		
Operating expenses	64,604	64,604
Construction:		
81-T-105 Defense waste processing facilities, Savannah River, SC	142,000	142,000
Subtotal, Long-term waste management technology	206,604	206,604
C. Terminal storage		
Operating expenses	20,800	20,800
Construction:		
77-13-F Waste isolation pilot plant, Delaware Basin, Southeast, NM	59,300	59,300
Subtotal, Terminal storage	80,100	80,100
D. Byproducts and Beneficial use		
Operating expenses	---	10,000
Construction:		
84-D-200 Byproducts beneficial use demo plant, various locations	---	5,000
E. Capital equipment	33,900	34,500
F. Program direction	2,470	2,470
Subtotal, Defense waste & by-products management.	611,500	624,100
(Operating expenses)	(308,900)	(318,900)
(Plant and Capital)	(302,600)	(305,200)
IV. Naval reactors development		
A. Plant development		
Operating expenses	59,000	59,000
B. Reactor development		
Operating expenses	188,800	188,800
Construction:		
84-N-101 General plant projects	2,500	2,500
83-N-102 Additions to radioactive materials laboratory, Schenectady, NY	6,500	6,500
82-N-111 Materials facility, Savannah River, SC	70,000	70,000
81-T-112 Mods. and additions to prototype facs, various locations	24,000	24,000
Subtotal, Construction	103,000	103,000
Subtotal, Reactor development	291,800	291,800
C. Reactor operation and evaluation		
Operating expenses	112,000	112,000
D. Enriched material	120,000	---
E. Capital equipment	20,000	20,000
F. Program direction	10,200	10,200
Subtotal, Naval reactors development	613,000	493,000
(Operating expenses)	(490,000)	(370,000)
(Plant and Capital)	(123,000)	(123,000)

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	Budget estimate	Conference allowance
V. Other atomic energy defense activities		
A. Verification and control technology		
Operating expenses	57,150	57,150
Capital equipment	1,750	1,750
Program direction	2,750	2,750
Subtotal, Verification and control technology	61,650	61,650
(Operating expenses)	(59,900)	(59,900)
(Plant and Capital)	(1,750)	(1,750)
B. Nuclear safeguards and security		
Operating expenses	41,650	41,650
Capital equipment	4,000	4,000
Program direction	6,350	6,350
Subtotal Nuclear safeguards and security	52,000	52,000
(Operating expenses)	(48,000)	(48,000)
(Plant and Capital)	(4,000)	(4,000)
C. Security investigations - OE	29,500	29,500
Subtotal Other atomic energy defense activities	143,150	143,150
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	6,825,575	6,547,875
(Operating expenses)	(5,215,125)	(5,081,825)
(Plant and Capital)	(1,610,450)	(1,466,050)
DEPARTMENTAL ADMINISTRATION		
I. Office of the Secretary - Salaries and expenses		
A. Office of the Secretary	647	954
B. Other expenses	280	348
Subtotal, Office of the Secretary - OE	927	1,302
II. General management - salaries		
A. Board of Contract Appeals	261	261
B. General Counsel	8,727	10,795
C. Inspector General	7,071	7,071
D. A/S Management & Administration	28,799	36,660
E. A/S Cons., Intergov. & Public Affairs	1,990	4,818
F. A/S Conservation and Renewable Energy	441	498
G. Regional / Operations Offices	46,529	57,569
H. Policy, Planning & Analysis	1,323	1,940
I. A/S International Affairs	1,170	1,872
J. Office of Minority Economic Impact	429	429
Subtotal, Salaries	96,740	121,913
III. General management - other expenses		
A. Other salary expenses - OE	6,422	8,800
B. Benefits	14,491	15,662
C. Travel	4,816	5,178
D. Services	100,536	110,642
E. Workmens compensation	1,387	1,387
F. Minority Economic Impact studies	1,100	1,100
G. Capital equipment	4,981	4,981
Subtotal, Other expenses	133,733	147,750
(Operating expenses)	(128,752)	(142,769)
(Plant and Capital)	(4,981)	(4,981)

	Budget estimate	Conference allowance
IV. Program Support		
A. Policy analysis and system studies - OE	3,500	3,500
B. Intergovernmental and Institutional Relations		
Public Affairs - OE	150	150
C. International Policy Studies - OE	250	250
D. Cost of work for others	116,191	116,191
Subtotal, Program support	120,091	120,091
V. Miscellaneous revenues	-209,619	-209,619
FY 1983 Deferred balance carried forward	---	-25,000
TOTAL, DEPARTMENTAL ADMINISTRATION	141,872	156,437
(Operating expenses)	(346,510)	(361,075)
(Miscellaneous revenues)	(-209,619)	(-209,619)
(Plant and Capital)	(4,981)	(4,981)
ALASKA POWER ADMINISTRATION - OPERATION AND MAINTENANCE		
I. Power marketing - Alaska Power Administration		
A. Operating expenses	2,469	2,469
B. General investigation	100	100
D. Program direction	641	641
E. Emergency fund	---	200
TOTAL ALASKA POWER ADMINISTRATION	3,210	3,410
BONNEVILLE POWER ADMINISTRATION		
I. Power marketing - Bonneville Administration	203,500	123,400
Permanent authority to borrow	(201,100)	---
TOTAL BONNEVILLE POWER ADMINISTRATION	203,500	123,400
SOUTHEASTERN POWER ADMINISTRATION - OPERATION AND MAINTENANCE		
I. Power marketing - Southeastern power administration		
A. Operating and maintenance	1,751	1,751
B. Purchase power and wheeling	18,843	18,843
TOTAL SOUTHEASTERN POWER ADMINISTRATION	20,594	20,594
SOUTHWESTERN POWER ADMINISTRATION - OPERATION AND MAINTENANCE		
I. Power marketing - Southwestern Power Administration		
A. Operation and maintenance	9,800	9,800
B. Purchase power and wheeling	22,729	22,729
C. Construction	3,700	3,700
TOTAL SOUTHWESTERN POWER ADMINISTRATION	36,229	36,229
WESTERN AREA POWER ADMINISTRATION - CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE		
I. Power marketing - Western Area Power Administration		
A. Construction and rehabilitation	78,767	78,767
B. System operation and maintenance	72,863	72,863
C. Purchase power and wheeling	68,000	68,000
Unobligated balances	---	-25,000
TOTAL WESTERN AREA POWER ADMINISTRATION	219,630	194,630

	Budget estimate	Conference allowance
EMERGENCY FUND - WESTERN AREA POWER ADMINISTRATION		
I. Emergency fund	500	500
TOTAL, WESTERN AREA POWER ADMINISTRATION	220,130	195,130
FEDERAL ENERGY REGULATORY COMMISSION		
I. Oil pipeline regulation	6,682	6,682
II. Natural gas regulation		
A. Pipeline certificate regulation	15,644	15,644
B. Pipeline rate regulation	14,062	14,062
C. Producer certificate regulation	2,478	2,478
D. Producer rate regulation	3,837	3,837
E. Wellhead pricing	7,498	7,498
Subtotal, Natural gas regulation	43,519	43,519
III. Hydro power licensing	24,707	24,707
IV. Electric power regulation	19,674	19,674
General reduction	---	-5,000
SUBTOTAL, FEDERAL ENERGY REGULATORY COMMISSION	94,582	89,582
Adjustments:		
Less offsetting revenues	-60,000	-60,000
TOTAL, FERC AFTER REVENUES	34,582	29,582
NUCLEAR WASTE DISPOSAL FUND		
I. Nuclear waste disposal fund	306,675	306,675
TOTAL NUCLEAR WASTE DISPOSAL FUND	306,675	306,675
GEOTHERMAL RESOURCES DEVELOPMENT FUND		
III. Interest differential payments	2,000	2,000
V. Program direction	100	100
TOTAL GEOTHERMAL RESOURCES DEVELOPMENT FUND	2,100	2,100

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

Salaries and expenses

Amendment No. 36: Appropriates $2,700,000 as proposed by the Senate instead of $2,500,000 as proposed by the House.

FUNDS APPROPRIATED TO THE PRESIDENT

Appalachian Regional Development programs

Amendment No. 37: Apropriates $145,000,000 for Appalachian Regional Development Programs instead of $150,000,000 as proposed by the House and $125,000,000 as proposed by the Senate.

Amendment No. 38: Earmarks $100,000,000 for the Appalachian Development Highway System as proposed by the House instead of $80,000,000 as proposed by the Senate.

NUCLEAR REGULATORY COMMISSION

Salaries and expenses

Amendment No. 39: Appropriates $465,800,000 as proposed by the House instead of $466,800,000 as proposed by the Senate. The conference allowance includes no funds for the Nuclear Data Link.

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority fund

Amendment No. 40: Provides $125,500,000 for Tennessee Valley Authority Fund instead of $125,950,000 as proposed by the House and $122,500,000 as proposed by the Senate.

Reprogrammings.—The conferees agree that TVA shall submit to the Committees on Appropriations of the House of Representatives and the Senate all changes to the budget justification material submitted to the Congress or the base tables included in House, Senate or Conference Report on annual appropriations measures and take no action on such changes until 30 days after notifying the Committees. Changes of 10 percent or more to any program, project or activity are to be submitted. Any item mentioned in either Committee's report shall be considered an "Item of Special Interest" and shall be subject to these reprogramming requirements irrespective of the other criteria. In addition, all new starts or program cancellations are to be submitted as a reprogramming action.

The conferees are encouraged by recent progress in achieving financial participation in the Northern Alabama Coal Gasification Project and hope that the Synthetic Fuels Corporation will proceed to an early decision.

The following table summarizes the conference agreement on the TVA program:

CONFERENCE AGREEMENT

[In thousands of dollars]

	1984 budget estimate	Conference agreement
CAPITAL INVESTMENT		
Water resources		
Columbia Dam and Reservoir		
New look at Pickwick Landing Dam	21,000	21,000
Additions and improvements	3,015	3,015
Land and forest resources		
Recreation facilities	100	100
Land Between the Lakes	190	190
Economic resources Yellow Creek Port		
Community resources Local flood damage prevention facilities	610	610
National fertilizer development, chemical facilities		
Curtain granulation unit		
Railroad tank car replacement	590	590
Suspension fertilizer unit	588	588
Water pollution control facilities	500	500
Fluid fertilizer storage facilities	1,500	1,500
Energy-efficient fertilizer process	1,100	1,100
Optimize ammonia plant	770	770
Replacements, improvements, and pollution abatement and support facilities	1,482	1,482
Ammonia-from-coal facilities	297	297
General services facilities	3,013	3,013
Subtotal, capital investment	34,755	34,755
EXPENSES		
Natural resources		
Water resources	2,920	2,920
Reservoir system operations	19,490	19,490
Land and forest resources	4,059	4,059
Resource management and development support	2,541	2,541
Land Between the Lakes	6,705	6,705
Economic and community resources		
Economic resources	8,160	11,160
Community resources	4,680	4,680
Agriculture resources development	3,955	3,955
National fertilizer development	28,615	28,615
Ammonia from coal	6,025	6,025
General services	595	595
Subtotal, expenses	87,745	90,745
Unallocated reduction	14,000	
Total program financed from appropriations	108,500	125,500
FINANCING		
Appropriations	61,229	78,229
Unobligated balance carried forward	47,271	47,271
Total financing	108,500	[1] 125,500

[1] Of the total funding for fiscal year 1984 ($125,500,000), $47,271,000 shall be derived from funds appropriated in fiscal year 1983 and $75,229,000 in new appropriations requested in fiscal year 1984

TITLE V—GENERAL PROVISIONS

Amendment No. 41: Deletes language proposed by the House providing for a 3 percent general reduction in various programs in the bill.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$14,535,691,000
Budget estimates of new (obligational) authority, fiscal year 1984	14,610,671,000
House bill, fiscal year 1984	14,180,003,000
Senate bill, fiscal year 1984	14,170,853,000
Conference agreement, fiscal year 1984	14,307,045,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	−228,646,000
Budget estimates of new (obligational) authority, fiscal year 1984	−303,626,000
House bill, fiscal year 1984	+127,042,000
Senate bill, fiscal year 1984	+136,192,000

TOM BEVILL,
LINDY (MRS. HALE) BOGGS,
BILL CHAPPELL,
VIC FAZIO,
WES WATKINS,
BILL BONER,
JAMIE L. WHITTEN,
JOHN T. MYERS,
VIRGINIA SMITH,
ELDON RUDD,
SILVIO O. CONTE
(except amendments 2, 3, 12),

Managers on the Part of the House.

MARK O. HATFIELD,
JAMES A. MCCLURE,
JAKE GARN,
THAD COCHRAN,
JAMES ABDNOR,
ROBERT KASTEN,
MACK MATTINGLY,
PETE V. DOMENICI,
J. BENNETT JOHNSTON,
JOHN C. STENNIS,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
WALTER D. HUDDLESTON,
QUENTIN BURDICK,
JIM SASSER,

Managers on the Part of the Senate.

EXTENSIONS OF REMARKS

THE SEBASTIANI WINERY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to share with my colleagues the honor of recognizing one of the truly great vintners of fine California premium wines, Sam Sebastiani. Located in Sonoma Valley, the Sebastiani Winery epitomizes the family operated wineries of California, as an embodiment of the kind of bold and proud spirit that is required of independent winemakers and private businessmen. Sam Sebastiani has a keen perception of the future, and he is applying it to his winery by implementing higher technology into the winery's equipment; and yet, he still maintains a personal touch to insure that his wine will continue to be enjoyed by the consumer. Mr. Sebastiani is orchestrating both consumer needs and technology with an ultimate regard for quality. Sam Sebastiani is an artist, a perfectionist, and an innovator in the winemaking industry who is highlighted in the following article which appeared in the Sacramento Bee:

SAM SEBASTIANI: CHANGING THE WAY A WINERY WORKS

(By Mike Dunne)

SONOMA.—Over the past three years Sebastiani Vineyards has invested some $4 million to upgrade its winemaking and expand its staff from 180 employees to 210.

During that time, however, production has plunged from 3.4 million cases annually to 2.5 million cases.

And yet, Sam Sebastiani, the winery's stylish president, is as giddy as a winemaker who has been too long in the tasting room.

The drop in sales, after all, was planned, one of several steps in Sebastiani's 10-year program to turn around the winery's image.

In the past, Sebastiani Vineyards has been known primarily as a Northern California winery mass-producing simple, inexpensive, blended everyday jug wines with such broad appellations as North Coast and California Mountain.

By the end of the decade, if Sam Sebastiani's gamble pays off, Sebastiani Vineyards will be known primarily as a Sonoma County winery specializing in complex, elegant, premium varietal wines with such specific appellations as Sonoma Valley and Wildwood Vineyards.

In short, quantity is out, quality is in. By being more picky in selecting grapes, thereby cutting back the crush, and by eliminating 11 wines, including Chianti, Sparkling Burgundy and three dessert wines, Sebastiani is providing his expanded staff with more opportunity to think, to experiment, to improve the wines he is retaining. "I want to fall out of the top 10 poor quantity, the hit parade for volume. I want to be on the hit parade for quality."

The current realignment started in early 1980 when cancer killed August Sebastiani, the proud and popular 66-year-old country farmer who had guided the winery through the years of its most spectacular growth.

In assuming stewardship, Sam Sebastiani, then 39, moved quickly to impose his upbeat style on the winery—from hiring more managers to redesigning the bottle label.

August Sebastiani was an Old Country patriarch who ran the winery forcefully and independently, without departments or budgets. Sam Sebastiani, who hadn't even seen the winery's books until after his father's death, is a team player who manages with a master's in business administration and who outfits his fellow executives in matching red jackets of slick satin.

August's winemaking techniques were simple, basic and old-fashioned, and a tour of the winery could be completed within minutes. Today, a tour can take several hours as Sam Sebastiani stops repeatedly to point out costly high-tech equipment so spacey much of it could double for some of the characters in a George Lucas movie. He budgets $50,000 a year for experiments, and has increased his staff of enologists from five in 1980 to 11 today.

August resented the encroaching suburbanization about his vineyards and winery, and fought city and neighborhood efforts to control noise, dust, traffic and other offshoots of industrial winemaking. Sam is more conciliatory; he's painted the buildings in earthern tones and cloaked them in ivy to reduce if not hide their bulk; he has built sound barriers and replaced combustion-engine forklifts with electric models to reduce noise pollution; he has extended the city's bike path through a vineyard; and, to further assure that neighbors remain neighborly, he even has bought four neighborhood residences (a couple of them, ironically, were built and sold by Sam's grandfather, Samuele, who established the family winery in 1904).

The round and robust August sold his wine by cultivating the personable image of the little old winemaker who lives in the classic Italian stone house on the hill: faded denim jacket, striped bib overalls beat-up pickup truck, dirt under the fingernails, wine stains on the fingers. The lean and manicured Sam is equally image-conscious, although he puts less emphasis on his penchant for western shirts and cowboy boots than he does on snappy graphics (embossed bottles; labels in gold gilt), point-of-sale promotions recipe booklets; large and slick displays) and ambitious advertising campaigns ($3 million in 1982 compared with $450,000 in 1980). Sam has a pick up truck, too, but he often runs to the winery from his hillside home, a contemporary expanse of California redwood.

August was a recognized ornithologist, maintaining ponds for migrating waterfowl, breeding rare and endangered doves, swans and geese, taking delight in feeding the bird that most symbolized his tenure, the cute, quaint and common duck. Sam isn't as passionately involved with birds, although he has adopted as his personal logo the bald eagle, embossing it everywhere—doors, walls, casks, labels, press releases. To Sam, the strong, stately, distinctive—and endangered—bald eagle represents the family winery in the United States today, both as threatened species and as embodiment of the kind of bold and proud spirit that is needed to survive.

How bold is Sam Sebastiani? A case in point: As he started to introduce and promote new styles of wine he began to fear that consumers would mistakenly pick up a bottle of the old style, try it and then dismiss the entire line as no different nor better. Sebastiani hired another enologist, put him in charge of "QA" (quality assurance), and dispatched him to round up and get rid of the old styles of wine, particularly the older Mountain wines and the whites from the 1979 and earlier vintages. Some of it was sold to vinegar producers for $2.57 a case; much of it simply was dumped. Sebastiani figures the disposal cost the winery $2 million.

Over the past three years, Sebastiani Vineyards has come to resemble an outreach lab for the enology and viticulture department at the University of California, Davis. Welcome to Sebastiani A&M: Next spring in conjunction with UC Davis, 38 wine-grape varieties will be planted in a test plot on nearly three acres along the bike path behind the winery. Already, an experimental winery is at work within the winery proper, and it findings have prompted changes in Sebastiani's use of oak, its trellising techniques and its harveting practices. And ready to move from drawing board to construction is what may be the most sophisticated professional tasting room in the country: At the center of the $31,000 room will be a long table that will accommodate 12 samplers, each of whom will have at his disposal a permanently installed magnifying light, a Bunsen burner to better view the wine, a flexible faucet for rinsing glasses and a stainless steel spittoon that drains directly into the winery's plumbing system.

Sebastiani has been more selective in the grapes he is buying, eliminating nearly half the tonnage his father had been accepting, signing exclusive contracts with more highly regarded vineyards, and insisting that some growers change their cultural practices if they want to continue to sell their grapes to him.

In step with what appears to be a growing consumer perception of wine as a beverage meant to be taken at meals, more of Sebastiani's promotion is geared to the marriage of wine and food. The winery also has taken over a spacious hall above the old Sebastiani Theater in downtown Sonoma and is converting it into a wine and food education center for banquets, classes, seminars, and so forth.

So what do all these changes portend for the consumer? The cheap, simple, generic Mountain wines, perhaps the most visible Sebastiani product on store shelves, probably will be eliminated within a couple of years. In effect, they are being replaced by

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the August Sebastiani Country Wines, seven upgraded varietal wines that generally sell for $4.99 to $5.99 per 1.5-liter, cork-finished bottle, fast becoming the most popular line in the Sebastiani stable.

Not as many specialty wines may be released, although Sebastiani has accumulated an enviable track record over the past three years. Its low-calorie Light Country Wine was well-received and its first premium sparkling wine, the Sebastiani Brut Three-Star, was critically acclaimed. In recent months its "Eye of the Swan" Pinot Noir Blanc has eclipsed its Chenin Blanc and its Green Hungarian to become the winery's top individual seller.

More wines will carry specific vineyard appellations and more will originate with Sonoma Valley grapes. The first Sebastiani wine with a vineyard appellation is its 1982 Elizabeth Ann Muscat Canelli from Wildwood Vineyards, to be released May 1 and to retail for around $7. (Elizabeth Ann is the daughter born to Sam and Vicki Sebastiani last November; the family's private stock of the wine is adorned with a label that prominently features a teddy bear.)

The viticultural, technological and enological changes under way at Sebastiani will be reflected in vintage varietals and Proprietor's Reserve wines of more complexity, finesse, elegance and subtlety. Sebastiani is particularly excited about the 1980 "Black Beauty" Zinfandel to be released late this year, a spicy, mouth-filling wine rich with varietal character; and the 1980 "Eagle" Cabernet Sauvignon, also to be released late this year, a wine of unusual depth, complexity and layered substance, with an aroma so tingly and peppery it may be jalapeno instead of the customary bell. The Zinfandel is expected to sell for around $10, the Cabernet for $15 to $17.

In appraising the winemaking styles of the two men, Sam Sebastiani indicates that his father was a traditionalist, blissfully content to whistle a simple but pleasant little tune in the vineyards. In contrast, he pictures himself more an orchestra conductor, working with much of the same music, but adding several instruments and concentrating more on nuance, complexity and a balanced if restrained intensity.

"My father's wines were direct wines. He wasn't trying to get a symphony going; they just went 'bonk!' He had a good beat, but there were no high notes; now we're concentrating on the high notes. We want fruit and oak in synch. We're getting into nuances in the wine that never existed before," said Sebastiani.

On the day he died, August Sebastiani urged his son "to always make wines that Sonoma County can be proud of."

And if he were to reappear today and walk into Sam's office, what would be his reaction?

"He'd say, 'It's tough, but you're doing it.' "●

PROTECTING THE RIGHTS OF THE HANDICAPPED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MILLER of California. Mr. Speaker, it is relatively easy—and all too common—to find convenient scapegoats for society's ills. Among the easiest targets are the mentally and physically handicapped.

Such a situation may well be developing in the dramatic shift in administration policy toward laws designed to protect the rights of the handicapped to a decent education and to guarantee their access to many buildings and public conveyances.

George F. Will has rightly castigated the nasty premise that a person's rights and benefits should be determined by that person's social utility.

Realizing that Mr. Will is not noted for an excessively liberal bent of mind, I commend his column to my colleagues. He has authored a concise and convincing conservative analysis of the destructive impulse by the Reagan administration to exclude the handicapped from full inclusion in American society:

[From the Washington Post, June 22, 1983]

INCLUDE THE HANDICAPPED

(By George F. Will)

In the contemporary spirit of ruthless full disclosure, I herewith disclose that I am sleeping with a government official. Any day now the Senate will do its clear and pleasant duty, confirming Madeleine Will as assistant secretary of education for special education and rehabilitation.

Without dwelling indelicately on the erotic life of Washington, let me say that I now know what it is to sleep with the Federal Register. Madame Secretary, a veteran of service with the Maryland Association of Retarded Citizens, falls asleep talking, and wakes up talking, acronyms and numbers. Remember how approvingly Keats spoke about the Grecian urn? That is how Ms. Will speaks about P.L. 94-142 and Section 504.

P.L. 94-142, the Education for All Handicapped Children Act, is to parents of handicapped children what Social Security is to the elderly: their Magna Carta. It establishes a right to an "appropriate" education in the "least restrictive environment." Section 504 (of the Rehabilitation Act of 1973, requiring that programs receiving federal assistance be accessible to disabled persons) means nothing to most Americans but everything to millions of citizens. They are citizens who have been excluded from fair social participation not because of their handicaps but because of handicapping social attitudes.

Writing in Scientific American about architectural barriers, Gerben DeJong and Raymond Lifchez argue that Section 504 regulations are government power in the service of conservative values—the escape from dependency, the achievement of self-reliance. The most pervasive barriers are attitudinal, and the worst is the belief that disabled persons are helpless and inevitably are drains on public resources.

A conservative research institution here (the Heritage Foundation) has just published the factually preposterous and morally repulsive through that a "key reason" why acacemic achievement standards have fallen is that the federal government has "dismantled an academically demanding curriculum" by catering to "special-interest groups," such as the handicapped, and has "favored the disadvantaged pupils at the expense of those who have the highest potential to contribute positively to society."

Leave aside the philistine social analysis: the idea that profound changes in society's educational expectations and achievements are the result of recent Washington decisions rather than of complex and autonomous cultural processes. But note this dangerous doctrine: handicapped persons are among those getting too much public assistance because, by some cost-benefit criterion, they do not have the capacity to make a sufficiently "positive" contribution to society. Note the nasty premise: an individual's enjoyment of rights is conditioned by the individual's social utility.

It is almost demeaning to assure such analysts that equity is economical. Institutionalization of the retarded is almost never necessary and almost always an expensive incarceration of potential taxpayers. And physically handicapped persons are seeking removal of barriers to self-help.

Handicapped citizens are as fully citizens as those of us who are mentally non-handicapped or temporarily able-bodied. They are just beginning to have access to social benefits that other citizens take for granted. When P.L. 94-142 was passed in 1975, 25 percent of all handicapped children were underserved and another 25 percent had no educational programs at all; they were more excluded from society's basic benefits than black children were in 1954. Now, just eight years later, we are invited to believe that federal largess toward disadvantaged pupils is a threat to America's meritocracy.

The Reagan administration's most serious self-inflicted wound has been its failure to practive creative exceptionalism. It has failed to find an area for action that is an exception to its domestic austerity and deregulation—action that would announce:

Although we conservatives believe government has been irrationally intrusive, we nevertheless know these are persons who cannot help themselves until government helps them. And we know there are conservative values that are not vivified until the federal government affirms them with strong regulations.

Instead, action in part from unconservative fidelity to ideological abstractions, the Reagan administration aroused the anxiety of an enormous constituency—the handicapped and their friends. It did so with some contemplated "deregulations" involving P.L. 94-142 and Section 504, changes that Congress would never permit.

Even just a generation from now we will, I hope, be mortified by the memory of our complacent acceptance of the social segregation of the handicapped—as mortified as we are today by the memory of racial segregation. We are barely at the beginning of the last great inclusion in American life, the inclusion of the handicapped, and especially the mentally handicapped. This should have been, and still could be, the field where the Reagan administration confounds its critics and shows a subtlety in its conservatism.●

SALUTE TO BLENHEIM BOTTLING CO.

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. TALLON. Mr Speaker, I have the pleasure and pride to have in my

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district the Blenheim Bottling Co. With a staff of five, the Blenheim Bottling Co. is the smallest soft drink company in America, but they produce the best soft drink or soda, as we call it back home, in the world. Most people who live in the Sixth District grew up drinking the ale that brings tears to your eyes, but the rest of the country is just now catching on.

Just this past Sunday, the Blenheim Bottling Co., was featured on Charles Kuralt's "On The Road," and earlier this year, "PM Magazine," sampled the ale and shared the story with its audiences nationally.

I would like to take this opportunity to salute the Blenheim Bottling Co., its owners and the people who help to produce this very fine soft drink. The company is owned and operated by brothers Ed and Ron Dennis in a small town that shares its name. The town of Blenheim has a population of less than 100. At the Blenheim Bottling Co., they produce a variety of soft drinks, but they are most famous for Blenheim Ale. It is, ladies and gentlemen, ginger ale like you have never tasted before. Ed Dennis says they make ginger ale the old-fashioned way—they burn you. He is not joking either. I have been drinking Blenheim Ale all of my life and it never fails to open up my sinus, tickle my throat, or almost strangle me with its kick. Once you get past the initial sip, you are hooked and you will never drink those other brands of ginger ale again.

I know the Dennis brothers would not want me to share their secret recipe, so they did not give it to me. I can tell you though that Blenheim Ale is bottled with mineral water found in a spring just behind the plant. The water is naturally pure, so a lot of people think the ale just might have some medicinal value.

The Blenheim Bottling Co. started production, quite coincidentally, the same year as Canada Dry. Over the past 8 years, business at the Blenheim Bottling Co. has tripled. The word has gotten around and they have developed a loyal following, shipping the hot ale as far away as Alaska, California, Texas, New York, Florida, and Pennsylvania. The Blenheim Co. produces less than 200 cases of ale per day, they do not spend much on advertising, but the word has certainly gotten around about their product.

I would like to commend the Blenheim Bottling Co. for producing America's strongest and tastjest soda and for bringing so much good publicity to South Carolina's Sixth Congressional District.●

NEW MISS NORTH CAROLINA IS NORTH WILKESBORO GIRL

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. NEAL. Mr. Speaker, we in the Fifth District are proud to report that the State of North Carolina will be represented in the Miss America Pageant this year by Deneen Graham, a very talented and beautiful young lady from North Wilkesboro. Miss Graham is a junior at the prestigious North Carolina School of the Arts, and will surely be as impressive to Miss America judges and the national viewing audience as she has been to local and statewide judges.

I would like to share with my colleagues an article from the Winston-Salem Journal which discusses Miss Graham and her victory.

The article follows:

NEW MISS NORTH CAROLINA IS NORTH WILKESBORO GIRL

RALEIGH.—Miss Elkin Valley, Deneen Graham, who performed a jazz routine to "Sing, Sing, Sing," was crowned the 1983 Miss North Carolina last night. She is the first black to ever win the title.

Miss Graham, 19, of North Wilkesboro and a junior at the N.C. School of the Arts, choreographed her dance. She wore a black evening gown in that part of the competition and later a blue and white swimsuit.

She will receive a $4,000 scholarship, $2,000 cash, a fur coat and several wardrobes. She will represent North Carolina in the Miss America pageant in Atlantic City, N.J., in September.

The first runner-up was Miss Morganton, Patricia Kim Cozort, 23, who won a $1,750 scholarship. Miss Cozort, who performed "Lucy's Aria" from the "Telephone," an opera by Gianearo Menotti, is from Drexel. She is an Appalachian State University graduate working on a master's degree in music from the University of North Carolina at Greensboro.

Second runner-up and winner of a $1,200 scholarship was Karan Chavis, 19, a junior at the University of North Carolina at Chapel Hill, representing the Greater Greensboro area. She sang a jazz version of "From This Moment On" in the talent segment.

Patrician O'Quinn, Miss Goldsboro, was third runner-up and winner of a $1,000 scholarship. Miss Johnston County, Vicki Lynne Tharrington, 20, of Smithfield, was fourth runner-up and received an $800 scholarship. The East Carolina University junior performed a jazz dance to the song "Dance."

Miss Franklin County, Martha Rose Butler, won the most talented non-finalist award and received a $400 scholarship.

The other finalists who received the most points from a five-judge panel in this week's preliminary competition were: Margaret Elizabeth Griffin of Asheville, Miss Martin County; Mary Ellen Wiggins of Stedman, Miss Fayetteville; Patsy Jeanette Wright of Columbus County, Miss Columbus County; Monica Michelle Malpass of High Point, Miss Thomasville; and Teresa Lee Strawser of Hickory, Miss Hickory.●

WATER RESOURCES AND THE CITIES

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. EDGAR. Mr. Speaker, I would like to take this opportunity to commend to my colleagues testimony which was given today by Salt Lake City Mayor Ted Wilson on behalf of the U.S. Conference of Mayors. Mayor Wilson's testimony briefly presents the views of the Nation's mayors on a variety of issues concerning water resources. Mayor Wilson is chairman of the conference's committee on energy and environment.

For obvious reasons, the mayor's testimony focuses primarily on urban water issues. In a conversation in my office today, Mayor Wilson and I discussed his longstanding interest in water policy and touched on the important policy issues outlined in his testimony. The Conference of Mayors firmly believes that the Army Corps of Engineers "should be poised to help cities with their water problems in a vigorous way," and hopes that this commitment to urban water problems will be reflected in water policy legislation now making its way through Congress.

Urban flood control problems, which have been exacerbated by congressional inaction on water policy legislation, have become especially critical this year in Salt Lake City and other Western cities. Another important issue is urban water supply, a victim of our Nation's inattention to deteriorating public infrastructure. The Conference of Mayors supports legislation—H.R. 1644—introduced by myself and Representative CONTE and cosponsored by nearly 30 of our colleagues which would provide loans for water supply rehabilitation and conservation projects for existing water supply systems throughout the country.

I am pleased to submit, for the RECORD, Mayor Ted Wilson's testimony and commend it to my colleagues:

STATEMENT OF HON. TED WILSON, MAYOR OF SALT LAKE CITY ON BEHALF OF THE U.S. CONFERENCE OF MAYORS ON WATER RESOURCES AND THE CITIES

Mr. Chairman and members of the Subcommittee, I am Ted Wilson, Mayor of Salt Lake City. I am here this morning on behalf of the U.S. Conference of Mayors, which is composed of the nation's principal cities. Within the Conference, I serve as a Trustee and as Chairman of the Committee on Energy and Environment.

Urban water policy has been one of my chief preoccupations in my two terms as Mayor. In 1977, I was active in working with the federal government to relieve some of the impacts of the drought which afflicted many of our cities. Following that, I was pleased to serve, along with Mayor Ed Koch of New York City, on the President's Intergovernmental Water Task Force. And of course, I have spent a good part of this year preparing for, and dealing with, the aftermaths of floods in Salt Lake City and the surrounding areas.

With the permission of the Subcommittee I would like to take a moment to say that I am extremely proud of the job we did in Salt Lake City in recent weeks. All elements in our city—citizens, school kids, all government agencies, and business—pitched in to help with the preparations and emergency work designed to save lives and property. Given the heavy snowfall all winter we had every reason to believe that the situation we ultimately faced would occur and to the maximum extent possible we undertook the planning and physical work necessary to properly manage a crisis that threatened to be a disaster of awful proportions.

Water policy will often be the victim of circumstances beyond control. We learned that in Salt Lake City this spring. But though we must take into account the extremes of nature in our overall policy, the proper planning, management, and financing of our water infrastructure can make a difference. That will require a new intergovernmental commitment, partnership and resources to improve our urban water supply and flood control capability.

The U.S. Conference of Mayors commends this Subcommittee for going forward with an urban water hearing this morning. Hopefully, this is just the first step towards enacting legislation this year to begin to deal with this need.

TOWARD AN URBAN WATER RESOURCE AND FLOOD CONTROL POLICY

Now is the time to deal with urban water resource and flood control needs. In the absence of a separate approach targeted to the overall problem of urban infrastructure, we believe it is appropriate to develop an urban water policy and program within an omnibus water resources legislative package.

Regrettably, Congress has been unable to enact omnibus water legislation since 1976. The backlog of much needed projects and resources is well known to this subcommittee. Our purpose this morning is to focus on the outline of elements which such legislation should contain it if is to be relevant to the broad and diverse needs of the nation's cities.

The Army Corps of Engineers Mandate.—The Army Corps of Engineers, by virtue of its technical expertise and experience, should be poised to help cities with their water problems in a vigorous way. But it is not. We believe this is the case because Congress has not provided the Corps with the legislative mandate to do so. Omnibus water legislation should affirmatively state the national interest in urban water supply and flood control problems and direct the Corps to get energetically involved in this area.

Reimbursement for Locally Initiated Work.—Cities could begin work on water supply and flood control problems now if there was a possibility for partial reimbursement at some later point by the Corps if projects met certain criteria. This authority was included in the 1976 legislation but expired approximately one year after enactment. Such authority should become a key part of any new omnibus legislation.

Planning.—Cities also believe that the planning program under existing Corps authority should be permitted to continue. While planning benefits are nullified unless followed by effective program implementation, planning funds have, and will help to ensure, a level of quality in the expenditures ultimately made.

Cost Sharing.—As a matter of principle, Mayors can support the concept of cost-sharing for water projects. Cities have benefitted from a wide variety of targeted federal efforts in the areas of transportation, housing, community and economic development and environmental quality; many of those have had State and local matching shares. A cost sharing approach is reasonable, so long as lands, easements and rights-of-way are taken into account in calculating the local share.

Federal Water Bank.—Mr. Chairman, the points I have just discussed are important, but of secondary importance compared to the heart of the recommendation we bring to you this morning. As an outgrowth of my work on the Intergovernmental Water Policy Task Force, the U.S. Conference of Mayors has adopted policy calling for the establishment of a Federal Water Bank to provide a dedicated source of capital for the financing of urban water system improvement and expansion and flood control. Such a program could be run by the Army Corps of Engineers, and be available to municipalities in the form of low-interest loans, with a local share required, and for projects based on sound planning. We believe such an urban water bank could be the catalyst which could bring about the rejuvenation of urban water systems in this nation. With a new urban mandate for the Corps, and a financing tool such as the Federal Water Bank, a new period of rehabilitation, and restructuring could occur for the nation's urban water systems.

Conclusion.—Mr. Chairman, on behalf of the U.S. Conference of Mayors, I want to thank you for the opportunity to present our views to the Subcommittee this morning. We have an excellent opportunity to make a real difference to the nation's water supply this year and the Conference pledges its best efforts to work with you towards that end.

I would be pleased to take any questions the Subcommittee might have.●

CATHOLIC GROUPS BELIEVE MX OPPOSED TO SOCIAL JUSTICE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. VENTO. Mr. Speaker, one of the major issues still to be faced in this session of Congress is the question of the MX missile. Members will have to decide whether they believe that the MX should become part of our national security system. In making that decision, we must remember that national security is not an end in itself but rather serves to protect our society and to maintain the values of our society. One of my reasons for opposing the MX is that this weapon clearly does violence to these values.

One of our major groups dedicated to the maintenance of the values of our Nation is Network, a Catholic organization dedicated to social justice in the same tradition as the brave church in Poland. They are known for their careful analysis of social issues. I believe Members should study the Network position on the MX with the greatest care. The MX issue is one on which Members should vote according to their conscience and not because of some supposed need for sole loyalty to an administration. Thus, at this time I would like to bring to my colleagues' attention the Network position on MX.

NETWORK OPPOSES MX

Network, a Catholic social justice lobby, has historically opposed any legislation or weapons systems that would encourage the escalation of nuclear arms globally. Network opposes the MX missile system as a dangerous escalation of the nuclear arms race because of its first strike capability.

The existence of the MX challenges the Church's teaching on disarmament. Possessing a weapon system with a first strike capability constitutes an abandonment of the already morally ambiguous U.S. policy of maintaining nuclear weapons only as deterrents.

By opposing the MX, Network is helping to prevent the needless spending of billions of dollars, which could be used more constructively to achieve national security by improving U.S. citizens' quality of life. The cost factor alone infringes on the rights of the poor to the surfeit of resources in our land. The diversion of funds to this questionable weapon system channels funds, natural resources, and human talent away from important domestic priorities such as housing, food, education, energy, and job retraining.

Network rejects the MX as furthering the race for nuclear weapons superiority. Network seeks legislative solutions that increase the probability of stopping the arms race and of beginning peaceful negotiations between the two superpowers.●

THE FEDERAL ROLE IN EDUCATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MILLER of California. Mr. Speaker, during the past several weeks few issues have captured the Nation's attention and concern as much as education. Beginning with the release last month of the National Commission on Excellence in Education's study, "A Nation at Risk," the ongoing debate regarding the quality of America's educational system has escalated to the national level.

After quickly examining poll data, President Reagan decided to launch a nationwide campaign to demonstrate his concern for education. But he has come to class unprepared. The President's last minute cramming on education issues has been reflected in the inaccuracy of his remarks.

I would like to call to the attention of the Members of the House a recent column from the Washington Post which succinctly summarizes a few of the misconceptions and inaccuracies

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the President has articulated during recent stump speeches on education.

The article follows:

In Education, Federal Dollars Can Help

(By Phyllis McClure)

President Reagan's comments on education are a perfect example of the failure of America's schools. He commits logical fallacies, makes assertions without supporting facts and cites examples that do not support his point. Were his teachers still at their blackboards today, they would be ineligible for merit pay.

At his press conference and his graduation speech at Seton Hall University last month, the president posited this syllogism: Federal funds for education have increased. Test scores have declined. Ergo, the one must have caused the other. Twenty-five points off for this logical fallacy.

The declining test scored Reagan cites are those on the Scholastic Aptitude Test, the exam taken by college applicants. He conveniently ignores the rising scores of elementary students, notably black students, as measured by the National Assessment of Educational Progress. During the 1970s, black fourth-graders made substantial gains in reading and math, while their white classmates registered lower gains in reading and a decline in math scores. Black eighth-graders also showed a greater rate of improvement in reading and math than did their white counterparts. Overall, these achievement gains by black students had the positive effect of closing the gap between black students scores and the national average scores.

Many observers credit these results to the $3 billion annual federal investment in compensatory education (formerly Title I, now Chapter I), to the Right-to-Read effort and to state compensatory education programs. But we should not commit the same error of logic as the president, coming to the opposite conclusion: that large federal expenditures have increased test scores. There is no solid, empirical evidence directly linking cause and effect. However, there is some strongly suggestive evidence.

The strongest gains in achievement during the 1970s were in the lowest performance quartile, precisely the students for whom Title I funds are designated.

The National Assessment shows the greatest improvements in reading, rather than math and science, a reflection perhaps of the fact that most compensatory money has gone into remedial reading.

Rising test results have been reported by inner-city schools, the very ones to which Title I funds are targeted.

Evaluations showing Title I students outperforming non-Title I students independently corroborate findings of the National Assessment.

President Reagan is most critical of high schools. He then asserts that the old solution—money—has been tried but "it failed." Twenty-five points off for an unsupported assertion.

In fact, the greatest bulk of federal education funds goes to elementary and higher education. According to the Congressional Budget Office, 34 percent of federal education expenditures in fiscal year 1979 was directed to elementary students, 12 percent to secondary students and 54 percent to post-secondary students. If high schools are the weakest link in the education system, federal money is not to blame.

The president's solutions for the deficiencies of our educational system are more local control and greater parental responsibility. As an example of the first, he cited an Austin, Texas, high school that had been reformed by its principal, with assistance from a desegregation order and an infusion of federal Emergency School Aid Act money, a program that the administration and Congress eliminated two years ago. Minus 10 points for an example that contradicts the main argument.

As for parental responsibility, federal education law has done more than local policy to give some parents genuine control over their children's education. Title I legally sanctioned parent councils to advise school officials on the educational program for disadvantaged children. The Education for All Handicapped Children Act gives parents of disabled students the right to participate in, and contest if necessary, educational decisions made about their own children. For these parents, local responsibility has been a code word for no say at all.

Reagan's response to the rising clamor for educational excellence is prayer in public schools and tax subsidies for private schools. He has yet to explain how these federal policies will assist educators, parents and businessmen in reconstructing America's public schools to meet the current challenge. We do need a national debate about how to improve education and what role the federal government might play. But let that debate be based on facts, not myths and distortions.●

PEPPY EDITOR PRINTS THE POSITIVE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. COELHO. Mr. Speaker, Members of the House will certainly take interest in the recognition Mrs. Marguerite Campbell received in the April-May issue of Modern Maturity magazine.

Mrs. Campbell, a resident of Mariposa, in my congressional district, is the spirit behind the Mariposa Gazette, California's oldest continuously published weekly paper.

Mrs. Campbell, a 70-year old grandmother, is no stranger to the newspaper business. She has been involved in the publication of the Gazette since 1919, when her family purchased the paper. At 19, Mrs. Campbell was editor of a small paper in nearby Le Grand, and was said to be the youngest woman editor in the State.

Now, as owner-editor, she uses the Gazette as a voice for the people to push for community improvements, better roads and better schools. At present, the newspaper is embroiled in a fight to have a State-owned gem collection transferred from San Francisco to Mariposa. With the acquisition of the collection, she feels Mariposa may develop a college of mines, which would be a boost for the county's economy.

Mrs. Campbell and her family, who run the 5,000 circulation paper, take pride in keeping a personal tone in the Gazette. She welcomes contributions from everyone, and focuses the theme of the paper on local developments.

Marguerite Campbell has earned the respect of the residents of Mariposa through her years of dedication to her work and her community. Our colleagues, Mr. Speaker, will certainly join with me in saluting this great community leader.

At this point I would like to include a copy of the article in which Mrs. Campbell appeared.

The article follows:

[From the Modern Maturity magazine, April-May 1983]

Peppy Editor Prints the Positive

(By Suzanne Larronde)

"I started to set type practically when I started to school," says Marguerite Campbell, chuckling.

More than 60 years later, Campbell, owner-editor of the Mariposa Gazette, which circulates through foothill towns of central California, is still setting type on occasion—and still dreaming of ways to help her community.

At present, the weekly newspaper owned by the 70-year-old grandmother is embroiled in a fight to have a state-owned mineral and gem collection transferred from San Francisco to Mariposa. "This could be wonderful," she explains. "If we could get that, we possibly could get a college of mines. This would be good for the economy of the county. This is my dream—the college."

For Campbell, using the Gazette to push for community improvements, such as better roads and schools, has been a family tradition. Three generations of her family have operated the 5,000-circulation paper, California's oldest continuously published weekly.

Founded in 1854, the Gazette has never missed an issue. Also, it is credited with publishing the first description of the beautiful and rugged Yosemite Valley.

Campbell was six when her parents bought the Gazette in 1919. As children, she and her brother Lowell and sister Kay grew up learning the business, cleaning out hell boxes and running the "snapper," an old hand press brought around the Horn of South America to San Francisco and then shipped to Mariposa by Wells Fargo Express in the early 1850s. She remembers nights when she'd sleep on stacks of newspapers while her parents closed out the week's edition.

At 19, she was editor of a small paper in nearby Le Grand and was said to be the youngest women editor in the state. Over the years, she learned every phase of the business, from typesetter to reporter to publisher.

In the minds of many, Campbell and the Gazette are one. "When you think of the Gazette, you just naturally associate it with Marguerite," says Darlene Rhodes, one of the town's 1,500 residents.

What's like being, so to speak, the voice of a community? Campbell replies, "It's nice to have the respect of the community. I respect people and they respect me."

What's the best part of the job? "I like people," she answers. "You are happy for them in their successes and you also cry for them in their troubles."

Some of Campbell's editorials have drawn angry and torrid reactions. "Oh, we have

some hot ones," she says. "We have a file of letters we could never print. We get some beauties."

Her older son, Dalmar, is publisher, his wife, Ruth, is managing editor. A daughter, Linda, works in composition and sales; and sister Kay, 65, still helps out. Some of Campbell's eight grandchildren do odds and ends.

For Linda, Dalmar and Campbell's other son, Dexter, the Gazette provided a valuable training ground in dealing with the public. All three worked their way through college by selling ads for the paper.

Five of the Gazette's correspondents are older people. Ann Costa, a great-grandmother well versed in the lore of nearby Bear Valley, has been a contributor for more than 50 years. Mary Tanner, in her 70s, has been supplying tidbits and news for three decades. She says, "Everybody wants to know what everybody else is doing, but I print only the good—no controversy. It's all positive."

In the march of modernization, Campbell hopes the paper will maintain its personal tone. If someone wants to submit a flowery, sentimental wedding announcement, for example, it's all right with her. "That's the advantage of being a small-town paper," she says. "We can put a little more of the personal touch into it. It makes us more individual. We can be ourselves and let people contribute as they feel."

Campbell works about one day a week, filling in as needed. "If we lose a printer, then I set type," she says with a smile. About reaching 70, the peppy editor says with gusto, "That's a status age; 70 is real neat."

As to the future of the Gazette? "It's my hope that the grandchildren will continue the tradition, but only to the extent they want to. They have to be happy in what they're doing."

She adds, "Putting out a newspaper is a lot of hard work. It's an all-consuming job, but once it gets in your blood . . ."●

CITY OF HOPE HOSPITAL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. LIPINSKI. Mr. Speaker, I am honored today to call attention to an important medical and research facility. The City of Hope Hospital, in Duarte, Calif., has worked valiantly to reduce illness, suffering, and disease that plague our world. It has served its patients, its community, and its society in a manner that deserves to be recognized and praised.

The City of Hope's loving devotion to its patients, and its family orientated treatment has rendered it a model institution from which other hospitals can learn much. All patients, even those suffering from chronic ailments, are treated with dignity and personalized service. Furthermore, the City of Hope's tremendous commitment toward relieving pain and prolonging life has helped it earn the subtitle: "A Hospital With Soul."

The City of Hope has established itself in America as a leader among research facilities. Discoveries in the manufacture of human insulin, and diagnostic testing for hereditary diseases have improved the lives of millions. Today, research investigation continues in a diverse number of areas ranging from brain and nerve function to cancer immunotherapy. With our support, and continued efforts of doctors and researchers at the City of Hope, perhaps someday the diseases that plague America today will be eliminated from our society forever.

As an American, and a Member of Congress, I am proud of the City of Hope and the progress it has made in 70 years of existence. Through hard work, dedication, and the generosity of its contributors and staff, the City of Hope has increased in size from 2 small tents to the 49 building facility that today thrives in Duarte. Without sacrificing personal treatment, the City of Hope has grown up into a medical research and treatment facility that all can be proud of. I am confident that the City of Hope will continue to expand and improve its research efforts, and I wish it the best of luck in the many years to come.●

OPPOSITION TO MX MISSILE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, I would like to share with my colleagues a statement to the U.S. Congress from the Americans for Democratic Action, an organization which is opposed to funding for the MX missile:

Statement to the U.S. Congress From Americans for Democratic Action in Opposition to the MX Missile

Following the July 4th recess the House of Representatives will resume consideration of the fiscal year 1984 Defense Authorization Bill. This will include a decision to authorize funds for the actual procurement of the MX ICBM. Americans for Democratic Action stands firmly opposed to any production of the MX, a multi-billion dollar weapon system with no acceptable military justification, and technical characteristics which may well render the U.S. less secure by increasing the likelihood of nuclear war.

The decision to deploy MX missiles in existing Minuteman silos is a grave error in judgment. The MX serves no logical nuclear deterrent function placed in a vulnerable basing mode. It thus serves no acceptable American military purpose. The MX, as the Administration has repeatedly and unequivocally stated, is not a bargaining chip. And it is not an acceptable part of any effort to "lead the Administration to arms control". Americans for Democratic Action urges Members of Congress to reassess the merits of the MX itself, and the effects MX procurement will have on the arms control process.●

IN DEFENSE OF CAPITALISM

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. TAYLOR. Mr. Speaker, Mr. Gerald J. Lynch, A consultant to the chairman of the board of Colt Industries, Inc., recently presented a most eloquent defense of capitalism, in a speech before the Economic Round Table of Los Angeles, Calif.

Mr. Lynch is highly qualified to defend the position he has taken. He is the founder of the Mensco Co., and a former vice president of the Ford Motor Co.

His remarks, which follow, have been condensed for inclusion in the Record.

The remarks follow:

In Defense of Capitalism

This morning I would like to consider with you the philosophic basic of capitalism and its corollaries, the market system and the system of free enterprise; some of the ethical implications of capitalism; and the significance of world trade to the market system. Then I shall identify some of the current threats to and compromises with capitalism as I see them. Finally, I would offer some reflections on where I think capitalism is headed.

In his anaylsis of economy, Adam Smith concluded, in his "Wealth of Nations" some 200 years ago, that the common good could best be served by a system which induced each individual to pursue his own interest within the bounds of justice. The fundamental features of the system he advanced were free enterprise, a market economy, competition, non-intervention by the State and, most important of all, profits, which, Smith concluded, should be society's reward to the individual for his efficient management of the economic resources in his custody.

After his own analysis, Karl Marx concluded, 100 years later, that the common good could best be served by central planning, government ownership of the means of production and distribution, government assignment of economic priorities, and the allocation of rewards by the State on the basis of perceived need rather than of performance.

Adam Smith believed, notwithstanding its motivation—i.e., self-interest—that the efforts of all individuals pursuing their own economic goals and interacting together would assure the attainment of the common socio-economic goals. Marx, on the other hand, ascribed to man a nobler motivation than did Adam Smith and, in addition, credited the State with much wisdom and efficiency in managing the collective economic efforts of all.

I must emphasize that they did not differ in their goals, they differed only in their hypotheses with respect to the nature of man and their methods of encouraging, as the case of Adam Smith, or directing, as the case of Karl Marx, his economic behavior.

The record of performance of capitalism and state socialism are there for all to behold. Even the most vigorous proponents of state socialism would not deny the inescapable fact that in terms of wealth, income, standards of living, opportunities and upward mobility, including the masses, capitalism has proven itself in practice to be by far the more effective system of achieving the common goal.

Capitalism has done more in the last 200 years to provide wealth and income and opportunities and upward mobility to more people than any other economic system known to man. During the last 200 years, capitalism revolutionized the world more than any other force. It provided the economic framework which made the industrial revolution possible. After 5,000 years of blundering, the world discovered how wealth could be produced and sustained in a systematic way.

With this record of performance, it seems almost ironical that there are pitifully few apologists for the capitalistic system as compared to critics of the system, and worse still, those who through ignorance or malice would hobble the effectiveness of the system.

For every Milton Friedman and Bill Buckley, there are probably 100 others on our college campuses who critique the system unsympathetically and others in the media who in their selection or interpretation of news, create in the public mind a distorted image of the system.

THE MARKET MECHANISM

The market system under capitalism provides a self-correcting mechanism of assuring the most efficient use of society's resources and with that the opportunity to make a profit or a loss. This system requires individuals and corporations under very awesome penalties to manage their affairs within the hard and brutal disciplines of a free market.

I believe that most of us would agree that the principal purpose of government is to establish and enforce the rules by which the game is played. And in saying this I am not unmindful of the unbelievable growth in size and complexity of our economy since the days of Adam Smith, when the largest factory in England employed no more than 20. However, as a noted philosopher once said, "A concept which is sound in principle, is sound in all of its applications."

We have discovered over a period of 200 years that in a market system things move; more breakthroughs are made; new groups rise to wealth. The market system assesses existing arrangements in order to invent others to offer new services to meet unmet needs, to discover better ways.

The market system under capitalism is not for the faint hearted. The players in the game must accept the rules of the market system. I don't know of an American business which wasn't founded at the risk of someone's personal fortune. Every industry has a long obituary column of companies which failed to make the grade. But from the successes and failures have come our gigantic industrial complexes and a resulting standard of living for the American people which is unparalleled in the history of the world.

THE "SAFETY NET"

This might be an appropriate time to discuss the "safety net" for those who through no fault of their own are the disadvantaged or unable to compete in the market system, which has been characterized by some as "Social Darwinism"—the survival of the fittest. In its administration of the market economy, the private sector does adapt to current social and cultural values. We have come a long way in the last 50 years. In the depth of the Great Depression, the Secretary of the Treasury, Andrew Mellon, said he "wanted the slump to cure itself. It would in time", he said, "it always did." He said he would "liquidate labor, liquidate stock, liquidate the farmer, liquidate real estate—people will work hard, live more moral lives, values will be adjusted and the more enterprising people will pick up the wrecks of less competent people." This response today would be considered positively antediluvian.

Most of the successful corporations today recognize that without surrendering the incentives inherent in capitalism, it is possible, nay, necessary in their own corporate interest to reconcile what appears to be competing obligations to their constituencies; i.e., shareholders, workers, communities, suppliers, and customers, obligations which at one time appeared on the surface to be irreconcilable with capitalism.

Most corporations know that the private sector does not have a divine right to provide for the economic needs of society; that the private sector exists at the sufferance of society; and that society is not only democratic and observant, but also pragmatic.

They recognize that the private sector must serve society because society holds the franchise on the free enterprise system, which is the essence of capitalism. As long as society believes that business serves it well, this franchise remains secure. But when the public perceives that it is not well served, this franchise is in danger and the whole free enterprise is in jeopardy.

They recognize that one of its major tests is the ability to provide for those who can and will work—knowing full well that a collapse of our infra-structure would precipitate what the private sector probably fears most, its only visible alternative—state socialism. However, when all else fails, the public sector must provide a "safety net" for those who are unable to compete in our market economy. This country has been extremely generous particularly during the last 20 years, in providing such a "safety net."

Let me at this stage merely pose several questions: (a) who should be included in the "safety net", what should be the criteria, and for how long? and (b) how much support can society ask from the public sector to sustain this "safety net" without reducing the effectiveness of the private sector to a point where it can no longer sustain the "safety net" let alone its own requirements?

WORLD TRADE

A word about world trade. Our market system cannot begin to attain its potential except in the context of a free exchange of goods and services with our trading partners in the world. Forty percent of our agricultural land and one out of every five new jobs are directly related to exports.

Two centuries ago Adam Smith and David Ricardo set forth the basic case for the free trade system—namely, that it is to the advantage of nations to specialize in the production of goods and services in which they are relatively more efficient and to import from other nations goods and services in which they are relatively inefficient. By adherence to this law of comparative advantage, they said, nations can attain higher levels of consumption and real income than they would acting in isolation. Comparative advantage between countries are moving targets which change over time. But one constant trend in the last 20 years has been the increase in economic inter-dependence among the nations of the world, largely because of the growth of international trade.

Thirty years ago, the major obstructions to world trade were tariff barriers which were imposed by countries at the port of entry of goods and services. These barriers have been progressively dismantled as a result of GATT, the General Agreement on Tariffs and Trade. Since World War II, tariffs have dropped from a range of 22 to 69% in the late 1930's to about 5%.

A number of countries have devised in recent years non-tariff barriers to promote exports and restrain imports. These non-tariff barriers are hard to identify and quantify, but are very subtle and effective.

THREATS AND COMPROMISES

Let me identify some of the threats and compromises which could impair the effectiveness of our economic system. At this time, I sense no organized ideological threat to the system in the United States. What I do sense are forces which, if not restrained, could make it less effective, such as (a) the increasing burden of taxation imposed on the private sector as if the yield of the private sector were inexhaustible and (b) constant tinkering by government with the system as if it were indestructible. This tinkering takes the form of (a) legislation which would attempt to correct the "inequities" of the system, (b) use of the government's power to tax to accomplish is own socio-economic goals, by indirection, and outside the market system, and (c) agitation for protectionism which would deny us and our trading partners the full benefits of participating in the world market economy.

TAX BURDEN

First let's address the tax burden levied on the private sector. The aggregate tax take of all government—federal, state and municipal—is now 37% of our gross national product, three-fourths of which is imposed by the federal government—and growing. Oversimplified, the private sector works for government from January 1 through April 20 of each year and thereafter works for itself.

Our government by definition is a nonproducer. It creates no wealth. It creates none of the income it spends or distributes to the objects of its largess. In short, it sustains itself only by taxing the output of the private sector. I don't think we can ever measure precisely the loss of effort in the private sector as the total tax take is progressively increased. It probably differs as between individuals and as between corporations. I would just add this.

Any tax is a disincentive to produce—unless the tax can be passed on. In their investment, staffing, management and pricing decisions, individuals and corporations calculate their probable after-tax profits and include in their calculations tax as an element of cost. I don't think we need Economics 101 to conclude that any tax of any amount is some disincentive to produce—or for that matter to consume. In saying this, I am not unmindful that government performs services which benefit the private sector, such as national defense, public education, police and fire protection and maintenance of the "safety net." The question is at what point does the cost of government exceed its yield to society? I am not sure that on the basis of observation alone, each of you has made your own independent judgment on this matter, as have I.

SOCIAL PROGRAMS

Let's examine the largest single item in the federal budget—that of social programs.

During the last 20 years the federal government has made massive expenditures to support the social programs launched by Lyndon Johnson and the Congress in furtherance of the Great Society.

These expenditures have increased from $30 billion in 1961, not the dark ages by any means—to almost $450 billion in 1982. This amounts to approximately 12% of our GNP—a staggering load for the private sector to bear.

In retrospect, we have been overwhelmed by the moral attractions and doability of the Great Society; we have spent far too much for far too little and with little sensitivity to the impact of these expenditures on the private sector. And, in so doing we have seriously compromised our national defense and have made imperative massive increases in defense expenditures just to maintain defense parity.

During the last 15 years alone, we have spent three times as much on social programs as we have on national defense—the reverse of the ratio in the 50's and early 60's. We have added materially to the federal debt, and finally, and probably worst of all, we have created a mindset with the beneficiaries of these programs which will make it difficult, if not impossible, to reduce these programs in the near future.

It is no coincidence that during the same period of growth in productivity in the private sector decreased from 3% in 1960 to a negative growth rate by 1981; that the average growth rate during the 20-year period was only one quarter of that of Japan and one-half of that of West Germany and France; and, finally, that during the same period, our national savings rate which is the principal source of capital for our economy declined to 3% as compared to 15% in Japan.

However, it is comforting to note that not a single new social program has been suggested by anyone during the last three years—mute but convincing evidence that even the most rabid advocates of the Great Society are now convinced that "enough is enough."

TAXATION FOR NONTAX PURPOSES

Not only does government levy an aggregate tax, which in my view at least is confiscatory and adversely impacts the output of our economy, but in subtle ways uses its power to tax, to reward and penalize selected economic activities outside the market system. The Federal Tax Code, which was initially intended as a revenue raising device, has evolved into a 2,000 page document with tax rewards and penalties by which government encourages or discourages, as the case may be, selected economic activities which the free market system would not accept or try to accomplish.

These tax techniques, which have developed into an art form, constitute a very insidious compromise with our market system. In effect they constitute a species of central planning which if the full implications were apparent to us, we would reject out of hand as the first step in State Socialism.

ENTITLEMENTS

The majority of the social programs are classified as "entitlements." They occupy a privileged status which no other federal program enjoys. They are established by law until the law is repealed. Most are indexed for inflation. The programs specify criteria for qualification. People who meet these criteria automatically qualify for benefits and funds are automatically appropriated—not as a result of a considered judgment from time to time by the Congress on the basis of changing national priorities, the state of the economy, or what the country can afford.

The word "entitlement" has an unfortunate connection. It suggests to the beneficiary an absolute right to receive. I don't mean to demean public welfare, but if the payments made under these programs were truly identified on the checks as "public welfare" it is possible that some of the checks in payment would be indignantly returned.

Some assume that Social Security payments represent the payment of an annuity which has been purchased. This is not the case. During the last 30 years, benefits have been recklessly increased by Congress, without offset in taxes, well beyond the initial actuarial assumptions of the plan, with the result that the average retiree receives his contribution plus interest in a matter of months. After that, and insofar as the retiree is concerned, payments are funded by a tax on employers in the private sector and its active work force—at a current aggregate rate of 13.4% which rises next year to 14%.

The added cost to the employer must be included in the price of goods and services. This represents an added burden on the private sector in its efforts to compete in the world market with countries which have had the political discipline to fund their Social Security programs on a current basis.

This also raises the tantalizing question as to how long the producing employees of society will willingly accept the burden of sustaining the aged and the disadvantaged. Many employees know that their Social Security tax is not deductable for income tax purposes and that in fact it represents a significant reduction in income. On a salary, for example, of only $35,000 per year, an employee will pay in 1984 7% of $36,000, or $2,450 a year which, depending upon his deductions, could represent in pre-tax dollars an effective salary increase of $2,500 to $3,500—a 10% reduction. Payments to retirees are currently being funded by taxes on employers and employees. I have often thought of suggesting to the Social Security Administrator that he do his best to make clear to retirees the source of Social Security payments by including three boxes on each Social Security check, as follows: "Box A", the portion which has been funded by the Beneficiary; "Box B", the portion being funded by employers; and "Box C", the portion being funded by the active work force. I am sure that this would upset the Grey Panthers no end and possibly precipitate a revolt by the work force who are now required to redeem the promises of the secure life to the older generation.

OUTLOOK—UNITED STATES

Our greatest interest obviously rests in the outlooks for the free enterprise system in the United States. Here the outlook is not clear, principally because of our political processes which make it extremely difficult to come to grips with what ails us.

In his Inaugural Address, Ronald Reagan stressed as imperatives the reduction of inflation, reduction in the growth of Federal expenditures, tax reductions, a more restrictive role for the federal government, a restoration of incentives to save, invest and produce, stripping the government of its role in regulation in areas which could not survive a cost-benefit analysis, the surrender to the States of responsibilities which had been unwisely assumed by the federal government and, finally, the need of capturing for all America the benefits of our market system.

In his first year in office, Reagan, with support from the Congress, achieved some spectacular successes, viz., the largest tax decrease in history, indexing income taxes for inflation commencing in 1985 and the beginning of a massive defense buildup to achieve parity with the Soviet.

Now inflation, as measured by the producers' and consumer price indices, has been virtually nil for six months; short-term interest rates have been reduced by one-half; all leading economic indicators are up; and the country appears to be on the threshold of one of its greatest recoveries.

The country is now engaged in a great watershed debate as to the direction this country should take with respect to government expenditures, taxation and deficits—all of which clearly impact our system of free enterprise.

CONCLUSION

In my defense of capitalism this morning, I suspect that in some respects I have been "singing to the choir." Nonetheless, I do hope that I have encouraged you to elevate capitalism to the level of respect it has earned since its inception, and I have stimulated you to become more articulate spokesmen for the economic system to which this country has been committed for over two centuries and which has served it well.●

IN MEMORIAM: PHILLIP BURTON

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to share with all of you a beautiful poem written in honor of our late colleague, Phillip Burton, by Mr. Charles "Gus" Garrigus. Gus is not only a personal friend of mine and a constituent, but he is also the highly acclaimed poet laureate of the State of California.

IN MEMORIAM: PHILLIP BURTON

This is the requiem of the giant redwoods,
Great sky-crowned monarchs binding heaven to earth.
This is the tribute of the Queen Sierras,
Snow-crowned grandeur serving beauty's worth.
When valley mists roll down the wildland floors,
And eagles scream and soar past crags and peaks,
And lakes, like diamonds, sparkle in the sun,
Then shall we hear the wisdom Nature speaks.
The rushing rivers and the bowered brooks,
And all this wonderous wilderness enclave
Shall witness to the cause that Burton served,
Shall speak the heritage he worked to save.
No stone or plaque can tell the way he went.
These National Lands shall be his monument.●

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EL SALVADOR PUBLIC FORUM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MILLER of California. Mr. Speaker, on June 11, 1983, I joined with concerned citizens and a distinguished panel in my district to hear testimony from expert witnesses about the situation in El Salvador. Several hundred people attended this event, which was sponsored by the Contra Costa Coalition Against Intervention in El Salvador. I believe that this attests to the growing public concern about our deepening involvement in El Salvador and in all of Central America. It also attests to public skepticism that the current militaristic course of our policy can succeed.

I would like to share with my colleagues a resolution on El Salvador prepared in conjunction with the public forum. The statement, signed by church and local officials, and educators, calls for a broad-based political solution to Central America's turmoil, one that will end the suffering of the peoples of the region.

RESOLUTION ON EL SALVADOR

As individuals and organizations throughout Contra Costa County, we join together in common concern over the growing human suffering in El Salvador and the failure of U.S. policy to pursue wholehearted efforts for a just and lasting peace.

As U.S. citizens we are deeply concerned with the role of our government in this suffering and with the present administration's failure to recognize the human and political nature of the problems in El Salvador. By insisting that the turmoil in Central America is caused by communist-inspired outside interference, the administration has failed to produce a coherent policy which addresses the real nature and underlying cause of the conflict and violence in Central America. In its attempts to impose a military solution on the situation in Central America, this administration violates the ideals and basic values of the people of our nation.

Furthermore, the best interests of our people are being jeopardized by the drain on the economy which is occurring as badly needed funds are diverted to military use in Central America. Tax monies used to support the oppressive, brutal regime in El Salvador should—indeed, must—be made available to develop jobs and provide basic human services here in Contra Costa County and throughout the U.S.

Therefore, to avert the tragedy of continuing and escalating warfare in Central America and the tragic consequences of such warfare on the lives of U.S. citizens, we call upon our government to do the following:

1. Stop all further military aid to and intervention in El Salvador, Honduras and Guatemala.
2. Demand that the Salvadoran government respect the basic human rights of its citizens by making a concerted and significant effort to comply with internationally recognized human rights.
3. Vigorously support proposals calling for unconditional talks leading to a negotiated political solution between all parties involved in the conflict in El Salvador.
4. Stop all activity aimed at the destabilization and overthrow of the government of Nicaragua.
5. Grant temporary political asylum to Central American refugees pending a resolution of the conflict there.

To further the purpose of this hearing, we the undersigned resolve to alert the American public to the dangers of a foreign policy based on a military rather than a broad-based political solution to the tragic conflict in Central America.

FATHER GEORGE CRESPIN,
Chancellor, Oakland Diocese.
NANCY FAHDEN,
Supervisor, Contra Costa County.
JERRY FILLINGIM,
Delegate, Contra Costa Labor Council.
RICHARD WALKER,
Professor of Geography, University of California.
GEORGE MILLER,
Member of Congress, Seventh District.●

RHODE ISLAND—A BEAUTIFUL STATE

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. ST GERMAIN. Mr. Speaker, I wish to say a few brief words about an article that appeared in the June 28 edition of the Wall Street Journal, a publication that usually provides accurate, to-the-point news stories of interest to the business community. The front page article—written by a journalist who has not done his homework—paints a grossly inaccurate picture of my home State, Rhode Island.

Though it is not my custom to speak out on such matters, I find it necessary in this case. How a piece that smacks of little or no research would appear anywhere in such a publication as the Journal, let alone the front page, puzzles me. The author, whose credentials that make him an expert in analyzing an entire State are never established, takes several barbs at the biggest little State in the Union that are for the most part misleading.

It is not my intention to address any of the unfounded claims and inaccuracies contained in the article here, Mr. Speaker. I merely wish to point out that Rhode Island is a beautiful State that has something to offer to everyone—breathtaking beaches, old world and new world neighborhoods, industries to provide jobs, entertainment, you name it. Whichever way you experience the Ocean State, Rhode Island is diverse, and yes, small, and as time will tell, beloved by too many to let a journalist with an ax to grind do any damage.

Rhode Island is my home and I would not have it any other way.●

OPPOSE THE MX

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. LEVINE of California. Mr. Speaker, after the July 4 recess the House will again consider the fate of the MX missile. I have spoken out numerous times in the past against funding the MX. My reasons include the following: It will not increase our national security; it will destabilize the current balance of power between the Soviet Union and the United States; and it would needlessly contribute to our ever-growing budget deficit.

This deficit is the single factor responsible for the curtailment of needed programs for the elderly, children, the unemployed and those in need of health care. The Gray Panthers recently issued a statement opposing the MX. It recommended how better to use the over $20 billion the MX will cost. I believe my colleagues will benefit from the views of the Gray Panthers, which I would like recorded in the RECORD at this point:

STATEMENT FROM THE GRAY PANTHERS TO THE U.S. CONGRESS IN OPPOSITION TO THE MX MISSILE

The MX missile is among the most costly and dangerous of the first strike nuclear weapons in the Reagan administration's military program. Even the Reagan administration's own arms control negotiator, Paul Nitze, has stated that basing these weapons in Minuteman silos is "a threatening but vulnerable U.S. first strike counterforce capability" which "would increase crisis instability."

This twenty billion dollar, ten-headed nuclear monster is transparently part of what the administration itself has described as its plan for "prevailing" in a nuclear war with the Soviet Union. Instead of funding this suicidal illusion, Congress should be fully funding Medicare, Medicaid and other social programs. Instead of aggravating the problem of unemployment by funding the military build-up, Congress should fund programs for creating socially useful jobs in education, health, and the like. The Gray Panthers will continue to work vigorously against the MX missile, for a nuclear weapons freeze and for jobs with peace.●

W. L. TOBIAS RETIRES FROM McCOMB PUBLIC SCHOOL DISTRICT

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DOWDY of Mississippi. Mr. Speaker, Mr. W. L. Tobias, Sr., assistant superintendent of the McComb Public School District for 15 years, is retiring after providing the school system with a total of 31 years of loyal and dedicated service.

Mr. Tobias joined the school's administration in 1962. He served as principal of a local high school during the turbulent period of integration. With his professionalism, his composure, and his full understanding of all situations, he handled himself in a manner that earned him the utmost respect of his colleagues, students, and the entire community. He was a great educator and administrator. His presence will be greatly missed. I am sure my colleagues join me in extending my best wishes to him.●

SOVIETS USE CHEMICALS TO WAGE WAR

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. NEAL. Mr. Speaker, claims that the Soviets have used toxic chemicals against Southeast Asians and Afgan freedom fighters have been largely ignored by the world community and this body. Mounting evidence from independent sources, however, tend to confirm those charges. An article that appeared in the June 26, 1983, issue of Parade magazine entitled "How the Soviets Use Chemicals to Wage War," contains the most complete and damning indictment of the Soviet Union on the use of toxic chemicals that I have seen in the popular print. I am not in a position to know whether the article is accurate, but it raises some profoundly disturbing questions. Mr. Speaker, it is time to get to the bottom of this situation. I am inserting the article into the CONGRESSIONAL RECORD in order that my colleagues may consider these serious charges. The article follows:

[From Parade magazine, June 26, 1983]

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

(By Al Santoli)

The Phu Bia Mountains of Laos are greenest in November. The long winter monsoon rains have ended and wildflowers are abundant in the rugged foothills. Lee Mai, a 25-year-old schoolteacher in the village of Moung Hong, was walking in a neighbor's field when he saw the helicopters come again.

He watched in horror as the metal birds circled above the community of 300 wooden and grass thatch houses. Startled parents tried to grab their screaming children and run for cover as exploding clouds of red smoke and a musty yellow rain descended from the sky. Those covered by the wet, sticky substance began spinning wildly in uncontrollable seizures, gasping for breath, blood spouting from their noses and mouths as they died.

Two years later, November 1982, across the Phu Bia range in the village of Nong Ching, 13-year-old Mai Lor was on harvest vacation from school. Early in the morning, as she was walking to begin work in her father's rice field, she saw an airplane spray the mysterious yellow substance. After cautiously waiting a few hours, Mai entered the field. She became dizzy and nauseous; her skin turned itchy and began to blister. For a week after the attack, Mai's entire family was bedridden with fever, nausea, diarrhea and burning eyes. Neighbors who had been directly sprayed died a violent death, blood pouring from every opening in their bodies.

The Lor family learned that neighboring villages, inhabited by Hmong tribespeople—many of whom had been America's allies in the war against the Vietnamese invaders and their Pathet Lao surrogates—had experienced "yellow rain" attacks in recent months, suffering many deaths. In January 1983, the Lor family tearfully made their last visit to the Nong Ching community church and joined their neighbors in a dangerous two-week walk to seek refuge across the Mekong River in Thailand.

In 1975, the Hmong population numbered 400,000 out of a total population of 3 million Laotians. Today, it is estimated at less than 75,000. Most have been killed or driven out by starvation or lethal chemical attacks. Dr. Khamsenkeo Sengstith, former bureau director of the Laotian Communists' ministry of health, defected to Peking in 1981. He states: "The Vietnamese use chemical weapons in the air and on the ground, killing thousands upon thousands of people."

American and Thai intelligence have monitored Soviet radio transmissions inside Laos regarding shipments of chemical weapons to the Phu Bia region and a Soviet general inspecting chemical munitions depots. The Laotian Air Force is run by 500 Soviet advisers. A Laotian pilot who defected in 1979 gave a detailed description of the chemical warfare missions he flew and the overall Soviet-Vietnamese program being waged against the Hmong. His accounts were verified by previous civilian refugee and resistance-fighter testimonies and satellite photographs. The pilot said this program is named "Extinct Destruction Operations" and is intended "to wipe out the Hmong people."

In 1963, reports of chemical-biological warfare (CBW) came out of Yemen. Since then, they have come from remote mountain regions in Laos, Cambodia, Vietnam and Afghanistan. Thousands of terrified homeless people have told the same story and have shown the same horrifying medical symptoms. Soviet military manuals explain the operational use of these weapons. Soviet bloc defectors testify to their use. Physicians document and treat countless victims. Yet world governing and scientific tribunals remain paralyzed and refuse to acknowledge the use of these weapons because they fear a new chemical arms race and are intimidated by the implications of underlying Soviet intentions.

Dr. B. A. Zikria, professor of surgery at Columbia University College of Physicians and Surgeons and a pulmonary specialist, has worked inside Afghanistan, caring for Mujahidin resistance fighters and civilians. In Baluchistan, he found a large number of people suffering from a mysterious variety of symptoms including chronic nosebleeds, nausea, shortness of breath, nervous tremors and skin lesions. All the victims described being attacked by black or yellow smoke from Soviet aircraft.

Some doctors found that the victims' skin problems only responded to medicine used for chemical burns. After examining numerous patients with breathing difficulty and black spots around their lungs, which ruled out tuberculosis, Dr. Zikria discovered that in medical history this problem has only been seen in chemical warfare victims. Returning to the U.S., Dr. Zikria studied reports from Laos and Cambodia and found almost identical symptoms in reported chemical warfare victims there.

Today, in New York, Dr. Zikria says: "Though there are debates over what is causing the problem, from the clinical standpoint the evidence is overwhelming that chemical warfare is happening. The effect of the agent on the victim is more important than its identification. As with cancer, we don't know exactly what causes it, but we can diagnose it by its effects—poisoning is a medical and clinical problem. The physician's reality is that thousands of people are suffering and dying, telling the same stories and showing the same signs."

Military specialists and government scientists in the U.S., Canada, Great Britain, France, West Germany, Norway, Thailand, Israel and New Zealand have confirmed the Soviet use of chemical warfare. Yet, at the United Nations, the Soviets and their surrogate governments in the countries where it is being used veto any attempts for on-site investigations. At a recent press conference in Bangkok, French Foreign Minister Claude Cheysson said his country was convinced that chemical weapons were being used in Asia.

Recently in Paris, Parade spoke with a top French military scientist and a government chemical-warfare expert. These authorities said that though they have identified toxic weapons substances in field samples from Southeast Asia and Afghanistan, they still have not developed adequate high technology to do a complete identification of all the toxins involved. They feel that we have only seen the tip of the iceberg of the Soviet CBW arsenal and are concerned that the French Army could be caught in a surprise attack.

The United States signed an international treaty with the Soviets in 1972, banning all such weapons. However, that treaty had no provisions for verification, and the Soviets have continued to produce up to 10,000 tons a year of nerve gas and toxic weapons. Military experts estimate that the Soviets' current arms stockpile contains 400,000 to 700,000 tons of poisons—15 percent to 40 percent of their total ammunition holdings.

In a Soviet military publication, Col. Oleg Penkovskiy wrote: "Soviet artillery units are all regularly equipped with chemical warfare shells, and our artillery is regularly trained in their use. Let there be no doubt: if hostilities should erupt, the Soviet Army would use chemical weapons against its opponents. The political decision has been made, and our strategic planners have developed a doctrine . . . Chemical shells and missiles may be considered just ordinary weapons available to the military commanders to be used routinely when the situation calls for it."

In 1977, Soviet bloc chemical-biological capabilities (standard for all Soviet bloc armies) were documented in the East German "Textbook of Military Chemistry."

"Toxins are agents which are produced by biological organisms such as micro-organisms, plants and animals and cannot themselves reproduce. By the middle of 1960, the toxins selected for military purposes were included among biological warfare agents. Today it is possible to produce various toxins synthetically.

"Toxins are not living substances; they thus differ from the biological organisms, so that they can be included among chemical warfare agents. When they are used in combat, the atmosphere can be contaminated over relatively large areas.

"The toxic warfare agents can be aerosolized. They can be used primarily in microbombs which are launched from the air or in warheads of tactical rockets. Toxic warfare agents can be applied with aircraft spray equipment and similar dispersion systems."

This account accurately confirms what terrified tribespeople and farmers in the Near East and Asia have been trying to tell a disbelieving West. These events in far-off places may seem remote to many Americans, but a comparison of Soviet-U.S. capabilities in chemical-biological weaponry reveals frightening facts and figures:

The Defense Department estimates the Soviets outnumber us in chemical munitions by up to a 10 to 1 ratio; in delivery systems by 5 to 1; in production by 14 to 1; and in decontamination vehicles by 10 to 1. Experts estimate 72 percent of U.S. chemical stocks are of doubtful military value because of deterioration.

Soviet chemical warfare troops number up to 100,000, compared to 6,000 in the U.S. Soviet troops and chemical specialists have battlefield experience in Afghanistan and Southeast Asia and have used this to develop tactical integration of toxic warfare. NATO commanders doubt our capability to deter a chemical attack. While Soviet armor is sealed against chemical penetration, U.S. armor is woefully unprotected.

A massive Soviet surprise attack on NATO could render our forces defenseless. The Soviets have the ability to spend chemical agents over a large area by a number of means. Their FROG and SCUD missiles, similar to our Pershings, all have chemical capabilities. The U.S. Navy now feels our battleships are vulnerable to Soviet cruise missiles tipped with chemical warheads.

Small chemical rockets are now used on Soviet helicopters, jets and biplanes (crop dusters). A single 200-pound toxic bomb can cover half a square kilometer with nerve gas. MiG 27 aircraft, the kind employed in Cuba, can deploy four tanks of nerve gas, each tank capable of covering four square kilometers. Satellite photos and intelligence assets have documented the existence of a large military chemical depot and training field in Cuba, where Soviet advisers train Cuban troops in chemical-biological warfare exercises.

Some Soviet toxins derived from fungi are impossible to detect by current U.S. gas alarms, and their minuscule particles could penetrate existing gas mask filters.

Though the new generation of Soviet toxins has been grouped under the term "yellow rain," a wide variety of toxic smoke colors are being used. Each causes varying effects, ranging from incapacitation, stupor and nausea to choking, neurologic fits and massive hemorrhage, causing quick death.

Guerrilla fighters in Afghanistan have experienced fatality rates of up to 70 percent, and large civilian populations have experienced rates of nearly 100 percent. Chemical experts believe that known chemicals like mustard gas, phosgene and sarin are being used, as well as new forms of toxins.

In June 1980, Dutch journalist Bernd DeBruin filmed two Soviet chemical helicopter attacks in Jalalabad, Afghanistan. The helicopters circled a village like a carousel, dropping cannisters and shooting rockets that produced a lethal yellow smoke. A few hours later, DeBruin entered the village and photographed a corpse that had turned blue-black from extensive internal hemorrhaging (all blood vessels in the body had burst) due to chemical exposure. DeBruin suffered from blisters, facial swelling, nausea, diarrhea and cramps for 10 days following the attack and still has skin lesions. DeBruin has photographed chemical shells with Soviet nomenclature. These shells and helicopter delivery systems match reports made by Cambodians since 1978.

Afghan resistance units have captured and photographed a number of Soviet chemical protective suits, antidote kits and gas masks contaminated with T-2 mycotoxin residue (not indigenous to the region). Soviet prisoners and defectors have confirmed the use of at least nine different types of chemical weapons, including the deadly sarin, phosgene and soman. One young soldier, Anatoly Sakharov, described an agent called "smirch," which has 100 percent mortality. His description matches reports from DeBruin, doctors in Afghanistan and Hmong refugees from Laos who described these effects to Parade.

Yuriy Povarnitsyn, a Soviet military chemical specialist, reported performing autopsies on Afghan villagers and taking soil samples after attacks. His account corresponds to stories coming out of Laos regarding the Vietnamese. In 1974, a Cuban emigré baffled U.S. analysts with descriptions of similar chemical warfare systems being taught in Cuba. He described a chemical land mine that validated a report by a Soviet defector in the 1960s. Similar reports recently have come out of Cambodia. After reading these descriptions, a Chinese official in Peking told a U.S. chemical expert, "We read your report with great fascination because we ran into the same mines on the Vietnam border." In 1980, the Vietnam's People's Army chemical warfare branch received the government's highest award, the Ho Chi Minh Medal.

In Cuba, Soviet instructors described the effects of the chemical mines as being "radiation-like"—which describes the effects of mycotoxins, once used in experiments by cancer researchers as an alternative to chemotherapy.

Sterling Seagrave, author of the book "Yellow Rain," says: "why are the Soviets using poisons? In a nuclear stalemate, only conventional weapons can be used in regional wars. Conventional weapons have become so complex and expensive—a new weapons system can bankrupt a national economy. Poisons, on the other hand, are cheap. And they have the killing power of nuclear weapons, without attracting so much attention.

"There's no big bang and there's no mushroom cloud. But all the people can be eliminated silently, as they have been in parts of Afghanistan. The new poisons are so bizarre and evaporate so rapidly that they make proof extremely difficult to obtain. But any serious study of Soviet military doctrine demonstrates that not only is CBW defensive gear a routine part of Soviet operations, so is CBW aggressive gear.

"In Afghanistan, for instance, Soviet helicopter gunships equipped with lethal chemical agents now perform routine duties like convoy security, which used to involve ground troops. This is only one of numerous examples that show the growing dependence on toxic weapons. And poison tactics and poison strategy have taken much of the role previously attached to tactical nuclear weapons in Soviet doctrine."

Dr. Bernard Wagner, professor of medical pathology at Columbia University, who just returned from a fact-finding visit to Southeast Asia, says with great concern:

"The threat of limited, controlled biological warfare is, at least for me, on a scale with nuclear war. With toxins having both acute and delayed effects, an aggressor can achieve his ends without the problems posed by a nuclear blast. Besides, toxins can be delivered in an insidious, almost undetectable manner.

"The current outcry against nuclear weapons must also extend to chemical-biological warfare. Our government, along with all other nations, must find a way to pressure the Soviet Union and its clients into halting this activity. Until then, prudence dictates that we formulate policies to safeguard populations at risk."

Today, while the urgent reality of chemical warfare is obscured in endless political and academic debate, thousands of defenseless men, women and children continue to suffer. On March 25, 1983, at Ban Vinai refugee camp on the Mekong River in Thailand, PARADE spoke with Tou Xiong, a 25-year-old Hmong resistance fighter. Tou has risked his life on numerous occasions to guide members of desperate families across the Laotian mountains in frantic escape from Vietnamese-Soviet "extinct distruction" campaigns. With the quiet intensity of one who has walked with death, he said:

"It is difficult for people to live in Laos because of the poison gas. Thousands and thousands of Hmong people have died. It took my group of 100 people one month to walk to Thailand. We had to pass through many patrols of Vietnamese and Pathet Lao soldiers. By the time we crossed the Mekong River, 75 people—including many babies and children—had died by starving, drowning or shooting.

"My people asked me to come to Thailand to ask the Americans if you have any medicine to take care of the poison gas today. If the Communists keep using this gas on the fields, the forests, the water and the villages, the Hmong Lao people will no longer have any life left."●

TESTIMONY OF CONGRESSMAN ROY DYSON ON H.R. 656, FEDERAL EMPLOYEE HEALTH BENEFITS REFORM ACT OF 1983, BEFORE THE SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DYSON. Mr. Speaker, I was asked to testify before the Subcommittee on Compensation and Employee Benefits and include my testimony in the Record:

TESTIMONY OF CONGRESSMAN ROY DYSON ON H.R. 656, FEDERAL EMPLOYEE HEALTH BENEFITS REFORM ACT OF 1983, BEFORE THE SUBCOMMITTEE ON COMPENSATION AND EMPLOYEE BENEFITS

Madam Chairwoman, I appreciate the opportunity to testify before the Subcommittee on Compensation and Employee Benefits in support of H.R. 656, the "Federal Employees Health Benefits Reform Act of 1983." As you know, I am a co-sponsor of this legislation, and I strongly believe it will remedy many of the existing inefficiencies and inequities of the Federal Employees

Health Benefits Program. I address you today, however, not merely as a co-sponsor, but as a Representative whose constituents are deeply concerned over the recent policies and practices of the Office of Personnel Management.

During the last two years, as we know, benefits have been reduced by 12 percent, while premiums have increased at a rate of 56 percent. In an effort to "contain rising health costs", the Administration has simply imposed additional burdens on the federal employees enrolled in FEHB plans. One estimate of these additional costs runs as high as $500 per "average" employee. Most of the lost value in health benefits incurred by federal employees has resulted as much from the Office of Personnel Management's abject disregard for the well-being of its employees as from the uncontrolled increase in health care costs as a general service.

As I reviewed the record of last year's hearings, and especially the fascinating defense of OPM's actions by its director, Dr. Donald Devine, I was struck by the many contradictory and contorted assumptions underlying the Administration's handling of the FEHB program.

For example, it is clear that Dr. Devine assumes that preserving the financial health of the FEHBP requires sacrificing the physical and mental health of federal employees. Dr. Devine, it seems, was astonished to have discovered that the system was facing a potential $500 million "shortfall" in funding for the 1982 fiscal year. Despite the fact that conventional sources of funding were readily available to cover any unexpected costs, Dr. Devine refused to avail himself of these sources because he considered continued discretionary funding to violate his sense of "good business practices". Instead, his alleged "good business practice" led him to precipitate a crisis which we are today having to set right. While Dr. Devine's business judgement is very much in doubt, it is clear, and I am confident, that H.R. 656 can restore the program's financial integrity and fulfill our obligation to federal employees.

H.R. 656 increases the government's contribution rate to 75 percent of the premium costs for plans sponsored by the "Big Six", the largest of the more than 100 plans approved for inclusion in the FEHB program. If individuals enroll in plans which are substantially less expensive, the Government contribution can provide up to 100 percent of the premium costs.

By offering an additional 5 percent contribution to carriers of plans providing health care to annuitants over the age 65, whose medical needs are not also covered by Medicare, H.R. 656 reverses the tendency in FEHB plans to neglect the needs of the most vulnerable retirees. It permits employees involuntarily separated from their jobs to enroll in FEHB plans during their first year of unemployment, thus aiding the effort to protect the health of those without steady income. And it sets broad guidelines for minimum coverage, such as dental and mental health care, which all plans must now provide. This is in addition to the minimum "catastrophic coverage" which all plans must offer.

There are, of course, other critically important provisions contained in H.R. 656, such as the requirement that a three-week open season precede any contract period when changes in premiums or benefits have been made, when new plans have been approved, or when existing plans are terminated. And OPM will in future be prohibited from forcing carriers to reduce benefits by more than 5 percent, which should put a halt to the recent precipitous decline in the value of benefits.

In short, H.R. 656 stands on its own as a highly desirable and effective remedy to the crisis in FEHBP precipitated by Dr. Devine. But when compared with Dr. Devine's own proposed "reforms", the virtue of H.R. 656 takes on an even more brilliant luster.

The horrific record of neglect which Dr. Devine has compiled during the past two years can be eclipsed only by the probable consequences of his agenda for the years to come. He has finally unveiled a plan that has been floating around OPM for the last several months, and which, up to now, political expendiency has prevented from being formally introduced. It seems that his answer to the mess he has created is to sweep the whole program away with the so-called voucher system.

This system, which he has designed to remove the government from the role of "middleman" on the arrangement between employees and medical program carriers, is being promoted as a blow against rising health care costs. But as his actions make clear, he is less concerned about containing health care costs per-se than about reducing OPM's contribution to the health care costs of its employees. The voucher system will do this in a number of ways, but most disasterously by limiting the yearly increases in the value of the public contribution to increases in the consumer price index or some other general measure of inflation. Since medical care costs rise, as we all know, many times faster than most other services, employees will be able to purchase less and less coverage each year. The value of their benefits will plummet, and conceivably, under Dr. Devine's management, workers would be unable to afford the price of aspirin, let alone adequate medical care.

For these and a host of other reasons, H.R. 656 is a necessary and desirable reform. In closing, I will only add that many argue for these reforms on the grounds that without them, the U.S. Government cannot expect to attract highly qualified employees. It will suffer from a drain of competent staff, lost mostly to private concerns offering better health benefits. However true this point, there are also broader issues that trouble me. The Federal Government has promoted, for the last hundred years, the dynamic partnership between labor and management that has made our industrial democracy a model for the world to emulate. At no time since the Depression of 1930 has this partnership been more troubled than at this moment. Abrupt plant closings, unrewarded employee give-backs, and unilateral wage reductions must give way to a reaffirmed harmony of interests. Can we, as the nation's largest employer, expect to encourage the private sector to recommit itself to the guiding principles of an industrial democracy if we ourselves deny our responsibilities to our own employees? If our civil servants are to fulfill with skill and devotion their obligations to the career service. Can we, in good faith, mediate labor-management disputes and assist in negotiating settlements, if we continue to neglect our own obligations to deserving workers?

I think not, and I believe you and this subcommittee share my convictions.●

REPEAL OF THE ESTATE AND GIFT TAXES

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. COLEMAN of Texas. Mr. Speaker, today, I along with my colleague, Mr. Bryant, am introducing a bill which would repeal the sections of the Internal Revenue Code of 1954, pertaining to the Federal estate and gift taxes, along with the upcoming generation-skipping tax. This is a two-tier bill, because while it would repeal the Federal estate and gift taxes, it would also offset the revenue losses incurred by reducing the amount of a tax credit a corporation receives for investing in new equipment. This legislation is not merely giving away one thing and taking back another, but rather is an attempt to create a more equitable tax balance between citizen and corporation.

The original purpose of the estate and gift taxes was to check the vast amounts of wealth which were being passed from generation to generation within individual families. While the concept was just, it is no longer apparent today. Today, those in the upper income brackets have found ways to avoid the taxes. As A. James Casner, of the Harvard Law School, stated in front of the Ways and Means Committee in 1976:

> In fact, we haven't got an estate tax; what we have, you pay if you want to; if you don't want to, you don't have to.

To the contrary, however, those in the middle income brackets, those involved in family businesses and farms, are being hit hard by the tax. Upon grieving the loss of the family member who held the business, many families are forced to sell out in order to pay the taxes. Thus, for many whose dream was to pass along their years of hard work to the next generation, they have found that such a dream will not be possible.

While the Economic Recovery Tax Act of 1981 made many liberalizing revisions in the Federal estate and gift tax rules, we do not believe it went far enough. This is an antiquated, inequitable, and unproductive tax. We do not believe that these taxes check the flow of vast sums of wealth as they were once envisioned. Rather, we see this tax as a burden on the middle class, small business, family farms, and the communities which they support.

When one is forced to sell a business or farm after the death of a relative, more times than not, those holdings are bought up either by large corporations or agribusinesses. This not only affects the family, but also the well-being of the surrounding community. More often than not, when businesses

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are bought up, they are bought by outside interests, thus taking away from the community in terms of its own economic well-being.

Thus, we believe the estate and gift taxes to be unrealistic as to their original goals and unfair to a majority of American people.

On the other hand, we see the recent alterations in the accelerated cost recovery system from the changes of ERTA, coupled with the investment tax credit as a gross violation in the name of fair taxation. Given the investment tax credit at 10 percent, an incentive, a capital intensive corporation is virtually subsidized to buy a piece of equipment. with the revisions of the ACRS, the cost of the equipment can be deducted over a period of a few years, as to create the following scenario. If you buy a piece of equipment at $10,000, you can immediately receive a tax credit of $1,000 from the investment tax credit. Within a period of 3 to 5 years, you can deduct 95 percent of the cost of the equipment. While these breaks were implemented to increase and stimulate investment, many economic observers believe that this is the wrong kind of investment, which will not improve our economy. We agree with this assessment. With the alterations in the ACRS, the investment tax credit institutes an unfair government subsidy of big corporations, hurting competition and leading investment away from economically sound proposals, and instead toward short-term tax free investments.

By repealing the Federal estate and gift taxes, we will no longer be threatening the existence of our family owned businesses and farms, and will be curtailing the abuse of our tax system by corporations, not for the good of the economy, but for short term monetary gain. we believe this bill to be a fair proposal for all Americans.

The following tables show the amount of revenue estimated to be gained from the Federal estate and gift taxes through fiscal year 1986, and the amount of revenue which could be gained if the investment tax credit were reduced from 10 percent to 7 percent.

	Billions
Federal estate and gift taxes—Incoming Revenue:[1]	
Fiscal year 1984	5.9
Fiscal year 1985	5.6
Fiscal year 1986	5.1
3-year total	16.6
Investment tax credit reduced from 10 to 7 percent:[2]	
Fiscal year 1984	5.6
Fiscal year 1985	6.9
Fiscal year 1986	7.9
3-year total	20.4
Revenue changes if bill were enacted:	
Fiscal year 1984	−0.3
Fiscal year 1985	+1.3
Fiscal year 1986	+2.8
3-year total	+3.8

[1] Figures from Budget Committee.

[2] Figures from Democratic study group.●

CONGRESS CAN'T LOSE ON ITS VETO POWER

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. LEVITAS. Mr. Speaker, in light of last week's Supreme Court decision that the legislative veto is unconstitutional, I would like to remind my colleagues of the following article by Louis Fisher, which appeared last year in the Washington Post, on February 21, 1982. In this article, Fisher spells out what it would mean for our Government if this mechanism were to be struck down by the Court. I put this article in the RECORD of February 23, 1983 when it appeared. How prophetic it was.

Now that we face that situation, we are facing what Fisher predicts. Without the legislative veto, the power of the executive branch will likely be restricted rather then enhanced. And without it, Congress will have to resort to other mechanisms of control which will be much more strict and limiting, burdensome and more cumbersome that the legislative veto.

As Fisher says of the legislative veto, "Congress can't lose." In order to protect the American people from arbitrary unelected Government and an imperial Presidency, Congress must now take steps to redress the effort of the Supreme Court's decision without delay. At this point, I insert the article by Louis Fisher in the RECORD:

[From the Washington Post, Feb. 21, 1982]

CONGRESS CAN'T LOSE ON ITS VETO POWER

(By Louis Fisher)

We are witnessing an ironic turn in the historic struggle between the executive branch and Congress: a court decision which seemingly promises much greater power for the executive but which, if upheld, would likely lead to the opposite effect.

The Jan. 29 ruling, by a three-judge panel of the U.S. Court of Appeals here, gave a rude jolt to the "legislative veto," a device Congress has relied on for at least a half century to control executive actions.

Specifically, the panel struck down a one-house veto used to disapprove a gas-pricing regulation by the Federal Energy Regulatory Commission (FERC). But its language was so broad as to question the constitutionality of legislative vetoes in hundreds of other laws governing arms sales, immigration, war powers, impoundment, endless agency regulations and much else.

The D.C. panel recognized that its finding—that all legislative acts constitutionally require "presentation to the president and passage by both houses of Congress"—"may have far-reaching effects on the operation of the national government." But it may have misunderstood those effects.

Many assume the ruling portends a gain for the executive branch, a victory for orderly government, a blow to congressional interference. Think again. If the Supreme Court upholds the overly broad opinion, the net result will more likely be less power for executive officials, a more convoluted legislative process, and continued congressional involvement in administrative decisions.

Bizarre consequences? Not if you understand why the legislative veto was originally adopted. Presidents accepted (indeed, often invited) legislative vetoes because they provided a way to get more power. The bargain was clearly understood by both branches. The president essentially told Congress: "Give me more authority than you normally would, and I'll give you a chance to veto my initiatives." If presidents disliked the legislative veto, Congress would withhold authority.

Courts are familiar with this quid pro quo. In 1977 the Fourth Circuit dismissed a suit by a federal employee who protested that the Senate acted unconstitutionally when it disapproved a pay raise recommended by the president. But the legislative history convinced the court that Congress delegated the salary authority only on the condition that it could, by a one-house veto, disapprove presidential recommendations. The authority and the condition were inseparable.

The FERC case was different. Here the court decided that the grant of rulemaking authority was not tied explicitly to the one-house veto. But that is the exception, not the rule.

The record shows, for example, that the president could not tell Congress: "Thanks very much for the authority to reorganize the executive branch, but I have no intention of recognizing your right to veto my plans." Executive reorganization power and the legislative veto could not be severed.

Other examples abound. Under the Impoundment Control Act of 1974, the president may defer spending unless one house of Congress disapproves. The president is not at liberty to take the authority and ignore the condition. If the legislative veto is unconstitutional, the president will forfeit the statutory authority to defer spending.

He might claim other authorities (statutory or implied powers under the Constitution), but this would merely trigger the kind of fractious litigation we had in the early 1970s under President Nixon.

The Federal Trade Commission Act of 1980 raises a similar issue. Congress, angered by some FTC regulations, enacted legislation requiring future rules to run the gauntlet of the legislative veto. If the D.C. panel opinion is upheld, the FTC may lose its authority under the statute to issue regulations.

Uncertainties in this area, as in others, would probably force more issues into the courts, with the preponderance of evidence often on the side of the Congress. In the laws concerning arms sales, foreign trade, the sale of nuclear fuel, federal salaries, immigration, impoundment and presidential papers, for some notable examples, the delegated power and the legislative veto seem inseparable.

Congress, of course, could rewrite many of its broad delegations of power, and the executive branch also could well lose some procedural benefits. Where there is a legislative veto, presidential proposals are put on a fast-track system. Other privileges include special procedures to bypass committees, limit debate and prohibit floor amendments. Without the legislative veto, Congress would eliminate these advantages or require the president to gain approval of both houses in a bill or joint resolution. Either approach would undercut the president.

The legislative veto is critized as a back-door way of accomplishing what should be done directly through the regular legislative process. But if Congress is denied the legislative veto, no one should underestimate its ingenuity in inventing other devices that will be more cumbersome for the president and just as satisfactory to Congress.

President Eisenhower discovered this unpleasant fact in the 1950s when he objected to "committee vetoes" compelling agencies to obtain advance clearance from congressional panels. Attorney General Herbert Brownell called this an unconstitutional infringement on executive responsibility.

Undaunted, Congress created another procedure that yielded the same control. A bill was drafted to prohibit appropriations for certain real estate transactions unless the Public Works committees first approved the contracts. Eisenhower signed the bill after Brownell concluded that this procedure—based on the authorization appropriation process—was within Congress' power. The form had changed; the committee veto remained.

If the one-house veto over impoundment deferrals is invalid, Congress will have no trouble devising more burdensome procedures for the president. A harbinger of what might be in the works appears in the Transportation Appropriation Act for fiscal 1982, passed last December. Whenever the president proposes to defer appropriations for various rail programs, the funds must be released unless Congress within 45 days completes action on a bill approving all or part of the proposed deferral.

There is no constitutional problem here, since Congress will act through the regular legislative process. Yet in this case, in effect, the president not only ends up with a one-house veto but a more onerous version. Under the Impoundment Control Act, one house must take the initiative to disapprove a deferral. Under the tranportation statute one house can succeed through inaction.

There are other anomalies. Opponents of the legislative veto warn about the workload imposed on Congress by having to review administrative actions. But the workload is likely to be far heavier if Congress has to act positively through the regular process. The temptation will be strong for Congress to grant powers for shorter periods, forcing the president to return to Congress for extensions. Of course either house, by inaction, could deny him the authority.

Other mechanisms are also available to protect congressional prerogatives. Under the Trade Act of 1958, the president could implement certain actions for import relief only by obtaining from Congress a concurrent resolution passed by a two-thirds majority in both houses. Courts would likely find this type of concurrent resolution constitutional, since it contains a built-in override of a presidential veto. This would come as little consolation to a president forced to locate an extraordinary majority in each house before acting.

The D.C. court, in its FERC ruling, warned that the legislative veto enables Congress "to expand its role from one of oversight, with an eye to legislative revision, to one of shared administration." This increase in congressional power, according to the court, violates the separation-of-powers doctrine.

But with or without the legislative veto, Congress will remain knee-deep in administrative decisions, and it is inconceivable that any court or any president can prevent this. Call it supervision, intervention, interference or plain meddling, Congress will find a way.

If an agency adopts a regulation that offends Congress, legislators can attach language to an appropriation bill preventing the use of funds to implement the regulation. There is no constitutional question about Congress' right to do this, although riders to appropriations bills are far from ideal ways to make law. They are added without the hearings, careful consideration and substantive knowledge that more likely accompany a legislative veto.

Congress also exercises an extraordinary array of nonstatutory controls. The clearest examples are the understandings between Congress and the agencies for "reprogramming"; the shifting of funds from one program to another within the same appropriation account. Major reprogrammings must be approved by the committees (or subcommittees) with jurisdiction over the problem.

This is simply one more quid pro quo between the branches. In return for the flexibility of lump-sum appropriations, agencies agree to abide by reprogramming guidelines and committee clearance. No one wants to return to line-item funding. Since this type of control is informal and nonstatutory, it is difficult to conceive of a legal issue that might reach the courts. But the involvement of Congress in "shared administration" is just as real and binding.

Judicial warnings about shared administration seem unrealistic in view of the extensive overlay of statutory and nonstatutory controls. Certainly it is extravagant and hyperbolic for the D.C. Circuit to suggest that legislative vetoes put us on the road to congressional tyranny. If the courts are serious about "untangling" the rights and powers of the three branches, they have their work cut out.

Shall they prohibit the president from making substantive legislation through executive orders and proclamations? Will courts resurrect the 1935 rule requiring Congress to delegate legislative power with clear standards? This would be a revolution in itself. Should we consider placing all independent commissions under the executive departments, thereby tidying up the system of three branches? This has been tried more than once, without success, and for good reason. Can we no longer tolerate adjudication and "quasi-legislation" by the agencies? Should we eliminate "legislative courts" (established under Congress' Article I powers)? For that matter, is it time to ask the courts to pull back from their own involvement in legislation and administration?

It is too glib for courts to tell Congress that if it disagrees with what the president and the agencies are doing, it should act through the regular legislative process. The regular process is subject to a president's veto, creating the need for a two-thirds majority in each house to override the president. Without the legislative veto, Congress is placed in the dilemma of delegating authority by a majority vote and then needing a two-thirds majority to recapture control. That is why both branches agreed on the legislative veto for reorganization authority.

The legislative veto in the War Powers Resolution of 1973 was meant to extricate Congress from the situation it found itself in under President Nixon: able to attract a majority vote in each house to deny funding for the Vietnam war, but unable to secure a two-thirds vote when Nixon vetoed these restrictions. Critics of the legislative veto have not addressed this problem.

Nor is it enough to advise Congress that legislative vetoes would be unnecessary it if would only delegate with precise standards and clear policy.

Congress has no doubt used the legislative veto to sidestep difficult questions of national policy; it can be a convenient and irresponsible substitute for making legislative decisions. But the veto allows Congress to review specific proposals under circumstances that no one could foresee when the authority was first delegated.

For many issues facing government today, the legislative veto is practical, appropriate and constitutional. Striking it down is not a step to be taken lightly.●

PRESIDENT REAGAN'S NEW STANDARD FOR DISCRIMINATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. RANGEL. Mr. Speaker, I rise today to express my complete agreement with an editorial published in the June 23 edition of the New York Times. It was captioned "Reagan's 'Truth' on Blacks," and was written by Carl McCall, commissioner of the New York State Division of Human Rights.

Although many articles have been written about the Reagan administration's dismal civil rights record, none have been as eloquent as Mr. McCall's. I commend Mr. McCall for his concise description of the executive branch's new definition of discrimination.

Blacks and other minorities find it very difficult to have faith in a President who ignores the reality of institutional racism. We live in a time when minorities, as identifiable groups, still do not enjoy the same opportunities as majority Americans. They receive lower average incomes, they suffer a higher rate of unemployment, and they still do not have access to most businesses and professional firms.

And yet the President, through the Justice Department, is attempting to rewrite civil rights enforcement standards. Minority groups are supposedly no longer targets of discrimination; only unlucky individuals now experience unequal treatment. I do not buy this argument, and neither do the people trying to survive the reality of Reaganomics.

The McCall article articulated this reality much better than any I have read. It is included for the RECORD.

REAGAN'S "TRUTH" ON BLACKS

(By H. Carl McCall)

President Reagan says he could "have perfect confidence with black voters . . . if we could get the truth to them." He faces a monumental task because his Administration's "truth" is that blacks are not discriminated against. Whatever vestiges of discrimination may remain, in his view, are aimed at individuals—singly, alone, presumably at random. Thus, he reiterated his conviction that wherever "any individual's constitutional rights are being unjustly denied" the Governement must restore them "at point of bayonet if necessary."

This focus upon individual rights echoes the legal contention the Justice Department raised in seeking yet another Federal ruling on the legality of a Detroit police department affirmative-action plan (twice upheld in Federal court). The department insists that "the right to be free of unlawful racial discrimination belongs to individuals not groups." Under this Administration, the Government will press only individual job bias cases, seeking back pay or other relief for single "identifiable victims" of discrimination reather than relief for "affected classes" of workers.

Mr. Reagan's "truth" defies logic and history. Actually, the individuals are discriminated against because of membership in and identification with a group—whether that identification involves race, creed, gender, sexual preference, age, physical handicap.

He would have the minority community believe that voting rights have been denied a random collection of individuals who happen to be black or Hispanic; that disproportionate inclusion in the ranks of the poor and exclusion from the employed labor force have nothing to do with personal discrimination; that strategies to rectify well-documented group disparities in income, job opportunity, education, occupational level or promotion are unjust and uncontstitutional; that Great Society antipoverty and other programs harmed minority members and women. In short, the President would have minority members believe disentitlement is as beneficial to the free-enterprise system as deregulation. Of course, his thinking arises from an iron-clad insistence that individuals win or lose on their own, unhampered by handicaps or obstacles imposed by group membership and identification.

While civil rights officials take the view that certain groups are and have been discriminated against, Mr. Reagan has chosen enforcement, compliance and oversight officials who share his special "truth" about civil rights. The most recent example was his nomination of three members of the Civil Rights Commission. While the commission is an advisory and oversight (not an enforcement) body and any President may choose members of his own Administration, still the possible appointments diminish the commission's independence and further signal Administration attitudes and priorities on civil rights enforcement.

Two nominees' comments indicate what may be expected. John H. Bunzel, a senior research fellow at the Hoover Institution, has been quoted: "Should individual rights give way to group rights in the demand for equal rights?" Morris B. Abram, former president of Brandeis University, says preferential treatment based on racial distinctions "has corroded the liberal body politic." Indeed, it has—but it has been preferential treatment given to white males. Such treatment is documented by every statistical profile on income comparison, job and educational opportunities, unemployment casualties, occupational status, wage and salary and benefit levels, housing availability, and health care. Who ends up on the short end of such statistics? Not random individuals but minority members.

In a discrimination-free, pluralistic society, data profiles would tend toward equality of opportunity and representation in accord with population ratios, all other things being equal. Affirmative-action programs, with their goals and timetables, are concrete, reliable measures of progress toward the democratic goal of equality and no preferential treatment.

Mr. Bunzel's question might be answered this way: Should equal rights be reinterpreted as individual rights as long as group discrimination persists? By rejecting affirmative action in the name of individual rights, rewriting regulations for Federal contractors and actively pursuing reversal of the Supreme Court decision that approved voluntary affirmative action, the Administration has disheartened private-sector employers who are trying sincerely to develop a racially and sexually pluralistic work-force. Such employers view their own efforts not as expressions of preferential treatment or reverse discrimination but as moral and productive recruitment and management tools.

Thus, President Reagan's "truth" on civil rights is hard to sell to employers of good will and enlightened self-interest, just as it is hard to sell to the minority community—because it is not a truth.●

EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1984

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MURPHY. Mr. Speaker, today, I am introducing the Education of the Handicapped Act Amendments of 1984, a bill which will reauthorize these programs through fiscal year 1987.

As my colleagues may know, the discretionary programs funded under this act provide grants to State and local education agencies, other public agencies, private nonprofit organizations and institutions of higher education, to support a variety of research, training, and model project activities. They are a critical supplement to the direct services provided to handicapped children under Public Law 94-142, the Education for All Handicapped Children Act. These discretionary programs were originally slated to expire on September 30, 1983, but were automatically extended for 1 additional year by the General Education Provisions Act (GEPA).

Under part A of the act, the bill proposes to reestablish the National Advisory Committee on the Education of Handicapped Children. This body, consisting of at least five parents of handicapped children, would review the administration and operation of the act as well as other legislation affecting handicapped children and make recommendations to the Secretary of Education for the improvement of such programs.

Also, this legislation expands the "evaluation" section of the act to require that the Secretary of Education obtain specific data from the States on a regular basis, conduct several evaluation studies and provide this information to Congress in the annual report. It is hoped that these new provisions will provide Congress with more complete data on the impact of this important legislation.

Under part C, the bill broadens the responsibilities of the regional resource centers by requiring that they provide information to all State education agencies within their region and assist in the improvement of information dissemination to and training activities for professionals and parents of handicapped children.

In addition, this part authorizes a limited number of regional programs to provide technical assistance to State and local education agencies in the provision of educational services to deaf-blind children. It also provides for two new grants, one for the provision of educational and preliminary transitional services to schoolage deaf-blind children and the other to provide transitional programs from educational to other social services for deaf-blind youth when they reach 22 years of age.

This legislation also expands the currently existing State implementation grant program under early childhood projects to enable States to receive a grant to plan, develop, or implement a comprehensive delivery system for handicapped children from birth to 5 years. Research has shown that providing early intervention services to handicapped children reduces the number of these children who need special education and other costly remedial services in later years. Further, if early intervention is not provided, secondary handicaps such as emotional problems can add to the cost of later remediation of a child's primary handicapping condition.

In an attempt to improve educational and related services to the secondary and postsecondary age handicapped student, the bill authorizes a model demonstration authority to determine exemplary practices which may be replicated across the country. Particular emphasis has been placed on improving current programs for secondary age students and providing transitional programs for these students as they prepare to exit the educational system.

Under part D of the act, the bill continues current personnel training efforts and includes a provision requiring a separate grant competition for private nonprofit organizations to enable them to provide training and information to parents of handicapped children and volunteeers so that they may participate more effectively with professionals in meeting the needs of handicapped children. It is intended that these grants reach parents of minority populations who are traditionally underrepresented.

In the research section, part E of the act, new language has been added which focuses on the development of new and improved techniques for teaching handicapped children.

Lastly, since the Secretary of Education has the authority to fund research and demonstration projects for the learning disabled under section 624 and this section is not currently funded, part G of the act has been repealed.

Mr. Speaker, this is an important measure—one which will greatly improve the educational and related services available to handicapped children and youth of all ages. It is a response to both the current and future needs of this population.

I am pleased to have the support of the distinguished chairman of the full Education and Labor Committee, Carl Perkins, as well as my majority colleagues on the Select Education Subcommittee, George Miller, Mario Biaggi, Paul Simon, Joseph Gaydos, Pat Williams, and Baltasar Corrada, for this legislation and urge its careful consideration by the Congress.●

LETTER FROM THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS REGARDING CENTRAL AMERICA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MINETA. Mr. Speaker, I am inserting into the Record a letter I received from Arnoldo S. Torres, the national executive director for the League of United Latin American Citizens (LULAC) expressing his views on U.S. policy in Central America. LULAC is the Nation's oldest and largest Hispanic Organization and I believe that the administration as well as Congress should consider their views as we develop our policies relating to Central America. Thank you.

League of United Latin
American Citizens,
June 3, 1983.

Hon. Norman Mineta,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Mineta: As the days pass, the inevitable trajectory of our present Central American policy becomes ever more evident and ever more foreboding. The Administration has chosen to become militarily involved in no win situations in El Salvador and Nicaragua: Congress has accepted that choice: we are involved. It has been apparent throughout that the objectives of this policy are to forcibly suppress the opposition to the government/military ruling body in El Salvador and to subvert the revolutionary government of Nicaragua in the most expeditious manner possible. The question in Congress has been at what speed to continue along a path which invariably will lead us to direct intervention or failure. Unfortunately, the question has not been one of redefining objectives or methods, or of looking for intelligent alternatives. As time goes on, the feasibility of such alternatives diminishes.

In February of this year U.S. Army Sargeant Jay T. Stanley was injured by rebel fire in El Salvador and, tragically, on May 25 the deputy Commander of U.S. military advisors in El Salvador, Navy Lt. Commander Albert A. Schaufelberger, was killed. The fires of the supporters and opponents of the Administration's policy are being fueled by this tragedy. As time goes on emotions, commitments, and complications will be deepened and our alternatives will become increasingly fewer, narrower, and more dramatic. Now is the time for thoughtful and deliberate decision-making, not for the withdrawal from controversy which we have witnessed on the part of all but a handful of members of Congress such as yourself, for fear of the President's finger being pointed at them. The decision regarding U.S. direct intervention, U.S. flexibility and support for positive change and development in Central America, or U.S. withdrawal from the region is being made in favor of the Administration's inflexible policy by a non-active Democratic alternative and by Congress' lack of resolve.

Although Hispanics will be the first on the front-line carrying out this unrealistic and mistaken policy, and although we will be the targets of the frustration of an American people involved in an unwinable war against Latinos, all Americans will pay the price. Our involvement has already been denounced by the United Nations and individual countries such as Brazil, Spain, Panama, and others. We are presently breaking international law, our own charters and treaties, and, as is increasingly apparent, the Boland Amendment in our activities against Nicaragua. Further involvement will mean further isolation from our allies and participation in an unpopular and unwinable war.

It is the shared obligation of the decisionmakers in Congress and the Administration to see that international and our own laws are obeyed, that peaceful coexistence with our neighbors is sought and maintained, and that the lives of American citizens are protected. As those obligations are increasingly violated and as the number of deaths of Americans in Central America increases, we must ask, who in Congress or the Administration wishes to bear responsibility for failing to meet their shared obligations? That failure means further military involvement: the finger being pointed will be that of war.

Our continued military approach is exacerbating the problems and death tolls in Central America, and we are approaching the ultimate decision of present policy: will we see it through (when we are forced to acknowledge that the military of El Salvador and the "contras" cannot do it alone), or will we realize that our attempts to intervene in El Salvador and Nicaragua are unrealistic, and accept failure? When the day of that decision comes, Congress and the administration will have failed to have met their shared responsibility. When that day comes and when decisionmakers say that we are already too involved to back away, let it not be said that they did not know what we were getting into. What the President and Congress are getting us into is very clear.

Respectfully,

Arnoldo S. Torres,
LULAC National Executive Director.●

SPEECH TO SUPPORTERS OF ISRAEL BY REPRESENTATIVE DON SUNDQUIST

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MACK. Mr. Speaker, I recently had the pleasure of reading a copy of an address delivered by my good friend and colleague, Representative Don Sundquist of Tennessee, to a gathering of some of Israel's strongest supporters in Don's hometown of Memphis. The speech includes a cogent analysis of the current situation in the Middle East and a particularly enlighting description of the strategic value of Israel, which is too often overlooked.

I commend this speech to my colleagues and would like to insert a copy at this point in order for others to benefit from it:

> It is a privilege and an honor to be with you this evening and to share this podium with Ralph Nurnburger. I can honestly say that AI-PAC does an outstanding job of keeping the Congress informed of the issues of importance to Israel and the American Jewish Community. I commend you, Ralph, and the organization you represent.
>
> Let me start by saying that as a freshman Member of Congress I have strongly supported this country's commitment to the State of Israel. I have also joined both the "Congressional Call to Conscience Vigil" for Soviet Jews and the 98th Congressional Class for Soviet Jewry to draw attention to the oppressed condition of Jews in the Soviet Union. And I pledge to you tonight that I will continue to do everything I can within the Congress to further their goals.
>
> I recently participated in some of the ceremonies surrounding the dedication of a site for a new museum to be erected in Washington as a memorial to the Holocaust.
>
> To my mind, the Holocaust is the most tragic and troubling episode in the entire history of mankind. In recent weeks, it has been recalled many times overall in Washington. It was recalled in ceremonies; in personal visits by survivors to Representatives in Congress; by music, by art, by photographs; and films and exhibits.
>
> We who were not victims of the Holocaust will not and cannot ever truly comprehend the tragedy it represents.
>
> I should say now, that never before has the need been so great for the strongest American commitment to, and support for a strong and secure Israel. Never before, has the need been so great for America, to rise up and challenge the continued persecution of Jews in the Soviet Union.
>
> As each of you know, the past few months have been very trying times for Israel and for Israel's friends in America. The end of the fighting in Lebanon, and the Reagan peace plan, have failed to halt the constant stream of denunciation of Israel's actions. They have not diminished the activities of those enemies of Israel, who seek to have the U.S. punish the Jewish homeland—when in fact, Israel's victory for the U.S., and for all Americans working to advance the cause of world peace. Just consider what Israel accomplished to help America, and to

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improve chances of a real peace in the Middle East.

First, Israel helped improve regional stability by cleaning out the PLO terrorists who threatened not only Israel, but who trained terrorists from around the world. Second, Israel created the opportunity to bring stability to Lebanon by reducing Soviet influence in the Middle East, and improving American influence there.

These are positive accomplishments.

To his credit, President Reagan, early in his term moved quickly in offering his proposal for peace in the Middle East. I disagreed with some of the specifics of the President's plans, but I regarded the plan, as I think most Americans did, as a good base from which to start negotiations. Regrettably, there has been little movement toward that goal.

The Reagan plan was specifically aimed at involving Jordan's King Hussein in the peace process. But efforts, continues to resist direct negotiations with Israel. I personally believe that Hussein is the key to any progress toward a real peace. Until he moves favorably, it looks as if there is little hope for improvement in the current stalemate.

There are some now, who say America should be putting pressure on Israel by withholding U.S. military aid and economic assistance. This type of action would be a tragic mistake. In fact, it is the strength of the U.S.-Israeli relationship that has moved the peace process along so far. And future progress depends on the continued strength of this relationship. I think it is apparent that cuts in assistance would destroy it, and threaten vital American interests in the Middle East. Israel is among the most important strategic allies we have. It is the only country in the area where we could land American military aircraft tomorrow regardless of the circumstances. It is the only country in the area with air and ground defenses, capable of protecting American equipment from Soviet attack. It is the only country in the area with democratic traditions like our own, the only stable and reliable ally in the area. Pressure Jordan? Yes! Pressure Israel? No! King Hussein must be made to see the importance of joining in the peace process. There is no doubt in my mind that is the path to a real peace in the Mid-East.

Related to this, the administration has mentioned before Congress, the possibility of selling several dozen F-5G fighter aircraft to Jordan. I have opposed the idea since the first time I heard it, and I still oppose the plan. In fact, I have signed a bipartisan letter to the President, along with half the Members of Congress, pointing out to the President that Jordan has consistently been a serious obstacle to American efforts to bring peace to the area by rejecting the Camp David approach, and last September flatly rejecting President Reagan's new initiative. To sell advanced weaponry to such a stubborn opponent of U.S. peace efforts would be ludicrous. This sentiment is widespread on Capitol Hill. In fact, the Senate Foreign Relations Committee, in a recent mark-up for the authorization for aid to Israel, not only added $165 million more than was requested—but also added an amendment that basically said that if King Hussein won't come to the negotiating table, then he can forget about gaining any weapons. On the House side, the Foreign Affairs Committee has added $225 million more during the authorization mark-up. I think the mood of Congress is obvious!

I also want to mention a resolution that I just signed on to this past week. This resolution, H. Res. 66, expresses the sense of the House that the U.S. should proceed, without further delay, with the sale and delivery of F-16 aircraft to Israel.

U.S. intelligence has knowledge that the Soviet Union has moved very quickly to rebuild the military strength Syria lost in the conflict in Lebanon. In fact, the Soviets have increased Syria's military power and effectiveness by making available to Syrian forces the deadly surface-to-air missile known as the Sam-5. This new weapon introduces a dangerous new element into the strained military situation in the Mid-East, an element which threatens not only Israel, but also poses a threat to U.S. forces in the area. The Sam-5 has a far greater range than the older Soviet surface-to-air missile it replaces. The Sam-5 directly threatens Israeli forces within Israel's boundaries, and threatens U.S. naval units in the Mediterranean and even some U.S. bases in Turkey. It would be a grave mistake to further deny Israel the 75 F-16 fighter aircraft promised one year ago.

Finally, I want to reemphasize my strong support for aid to Israel and share with you some comments by my good friend and colleague, Senator Rudy Boshwitz. As a matter of fact, an editorial article on his study appeared in the International Jewish News, and I later inserted it into the CONGRESSIONAL RECORD. The title of the article was "American Aid to Israel—the Bargain Behind the Bluster." It stated that the U.S. lays out in foreign aid to Israel a sum which amounts to about 4 percent of what the U.S. lays out to Great Britain, France, Italy and West Germany. Also, Israel pays back upwards of one-half of the American aid it gets while NATO pays back nothing. But I think the most convincing statement is what America gets for the aid it sends to Israel. It gets the latest intelligence information on the latest, most advanced Soviet weaponry. Israel, not NATO, is supplying the U.S. with this informaiton. Israel, not NATO, is keeping the Soviet Union out of the Middle East. In addition, Israel is no drain on American trade.

All in all, American aid to Israel is a real bargain! Israel doesn't take much; what it does take it either spends in America or pays back to America in trade. And in return for its aid to Israel, America gets an ally which not only talks but acts to keep the Soviets out of the Middle East and also keep democracy alive in that area.

In conclusion, I want to reaffirm to you my commitment to the State of Israel and tell you that I will do all I can to protect and represent your interests in Congress.

Thank you again for this opportunity.●

THE CONTINUED REVITALIZATION OF THE BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GARCIA. Mr. Speaker, despite public perceptions to the contrary, the south Bronx is making strides to improve living conditions for its residents. The South Bronx Development Corp. is developing a series of new single-family homes, as I have pointed out to the membership in previous remarks. These homes have been built with families of moderate income in mind. The city of New York has given the land in an effort to see this unique project become a success.

There are over a dozen other groups which are involved in revitalizing the south Bronx. The clergy has been particularly active, as evidenced by Father Louis Gigante and the Southeast Bronx Community Organization. People are beginning to be drawn back to the area, in the belief that the Bronx can again be revitalized into the growing, healthy neighborhood it is capable of being.

I am proud to bring to this body's attention that even such publications as the Economist are beginning to note our efforts. As such, I am entering into the RECORD an article from the Economist regarding the efforts cited above.

[From the Economist, May 14, 1983]

BRONX CHEER

Six years ago President Carter visited New York's devastated, burnt out south Bronx. Now, on the very spot in Charlotte Street where he promised renewal and new hopes, there is an astonishing sight: new single-family ranch-houses more typical of the suburbs than of New York City. In time they will be surrounded by white picket fences. In all there are to be 90 of them, built without benefit of subsidy and designed for families of moderate income: $20,000-30,000 a year. The price, just under $50,000 apiece, is possible because these are factory houses, manufactured in Pennsylvania and assembled in only four days on the site.

The houses are the creation of Mr. Ed Logue, who ran redevelopment in Boston and, for a time, in New York and who has great faith in owner-occupation. He is now the head of the South Bronx Development Organization, a city agency which receives federal, state and some foundation money; the city gave the land. Its responsibilities also include job training and commercial development. It has already built, and sold, 150 terrace houses on another site.

But there are a dozen other groups involved in revitalising the south Bronx. Not all are convinced that ranch-houses are the right solution for the area. These small houses, they fear, will be an invitation to crime (even though Charlotte Street will be patrolled by the intriguingly named Mid-Bronx Desperados Community Housing Corporation). Others complain that the money should have been spent to provide housing for the poor and that it is a bad use of the land.

Land, however, is what the Bronx has most of: vacant plots left when the city had to demolish old five- and six-story blocks of flats that had been vandalised or fired. There are plenty of these left, too, with their blackened walls and boarded windows.

But the Bronx is full of surprises. The north Bronx, which fought back the tide of deterioration, can be positively elegant in Riverdale and Pelham Parkway. There are splendid parks and many educational and cultural institutions, as well as the Bronx Zoo.

Even in the south Bronx there is the Longwood historic district, where the Pratt Institute Centre for Community and Environmental Development in Brooklyn is striving to preserve and rehabilitate handsome, solid old houses suitable for flats. Nearby Father Louis Gigante and his Southeast Bronx Community Organisation have rehabilitated houses and built new ones. The clergy is strongly represented in many of the community organisations.

Mr. David Rockefeller's New York Partnership has built nothing yet, but it has $52m in federal grants and over $200m in private lending commitments should it wish to aid the Bronx. Then there is so-called sweat equity. This involves small groups of families, usually no more than seven, acquiring a large property in bad condition and doing the unskilled work themselves, with help in some cases from the Consumer-Farmer Foundation (it began as a farmers' milk co-operative). The city and federal government pay for more skilled work. Not many buildings are suitable for such "homesteading" and with the present decline in government help, fewer aspiring householders attempt it.

The Bronx was originally one of New York's first suburbs a bedroom community for European immigrants, especially the Irish and Jews. But after the second world war their children left for suburbs farther out. In their place came poorer people, blacks and more recently hispanics. There also came rent control. Property owners began to neglect maintenance; the banks refused to invest in the Bronx. Owners wanting to get rid of their unprofitable properties sought tenants who were on welfare (oddly rent control does not apply when the government is paying the bill) and the disreputable ones who would drive other tenants out. Services were neglected. Sometimes people burned their homes in the hope that they would begin better ones; often landlords applied the torch for the insurance money. Expressways were driven through the Bronx, weakening communities. Crime flourished and people started leaving. The population is now just over 1m, compared with an earlier 1.5m. In some districts it fell by two thirds.

Now people are beginning to come back, drawn by their churches and old associations and a hope that the Bronx can be rescued, and driven by the shortage of housing in other parts of New York. Crime is not much worse that it is elsewhere, except for murders (the criminal classes killing each other, the police say cheerfully). The police station known as Fort Apache in the film is now christened the little house on the prairie.

But people trying to save the Bronx have their doubts. They fear that the continuing deterioration is growing faster than the improvements, which they see as a drop in the bucket. Worst of all is the evaporation of federal funds. Unless congress takes a strong line, there will be no new subsidies for builders of flats for the people with low incomes; poor people will have to pay a higher share of their incomes for rent; and even their subsidies may be replaced by housing vouchers, now known more elegantly as housing certificates.

This system, which may suit some smaller communities where there is a good supply of housing, is a recipe for deprivation in a city like New York where the vacancy rate is only 2% for the city as a whole. It is zero for members of racial minorities and poor people with large families.

The Bronx, with its excellent quick communications with Manhattan, Connecticut and New Jersey, will surely be redeveloped someday, but the people who live there now are unlikely to benefit. At least that is the fear of Mr. Ron Schiffman of the Pratt Centre.●

AID TO GUATEMALA: VIOLATING HUMAN RIGHTS LAWS (PART II)

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GEJDENSON. Mr. Speaker, on Thursday, June 23, 1983, I had the first part of an article entitled "Aid to Guatemala: Violating Human Rights Laws" inserted into the RECORD. Today I wish to have the second half printed.

The article is as follows:

CHANGES AND THEIR IMPLICATIONS UNDER RIOS MONTT

(By Bruce P. Cameron and Christopher Ringwold)

The Reagan administration returned to the issue of multilateral aid for Guatemala after General Efrain Rios Montt displaced Garcia in the coup of March, 1982. Stephen Bosworth, deputy assistant secretary of state for inter-American affairs appeared before the House Subcommittee on International Development Institutions on August 5, 1982. The position of the State Department, as elaborated by Bosworth, was that Guatemala's new government had departed from Garcia's consistent pattern of gross human rights violations.

"Thus with regard to the specific legal formulation which governs the U.S. voice and vote in the multilateral banks," Bosworth testified, "it is our very strong conclusion, Mr. Chairman, that while serious human rights problems remain in Guatemala, that Guatemala cannot be considered by any standard of measurement to be a country in which there is a consistent pattern of gross violations of human rights."

"We are therefore . . . of the belief that Guatemala . . . should have normal access to the multilateral development banks. . . ."

Changes had in fact occurred in Guatemala following the coup. Political assassination in the cities ceased in the first few months. Police agencies responsible for such activities in Guatemala City and other cities were disbanded. In some cases, police officers and other violators were temporarily imprisoned. In short, although politically motivated kidnappings and disappearances have increased in recent months, in August of 1982 the kind of human rights violations which had attracted the most attention in the international community had ceased.

The other side of the story, however, was that human rights violations in the countryside were on the increase. On January 3, 1983 the Washington Post reported that ". . . the systematic scorched-earth counter-insurgency campaign begun in November 1981 by the ex-President's brother, then Army chief of staff Benedicto Lucas Garcia, continued and intensified through the summer."

And, on October 11, 1982, Amnesty International presented its own conclusions:

"Guatemalan forces massacred more than 2,600 Indians and peasant farmers in a new counter-insurgency program launched after General Efrain Rios Montt came to power in March this year . . . Military and newly formed civil defense units destroyed entire villages, tortured and mutilated local people and carried out mass executions in at least 112 separate incidents between March and July . . . reports coming in show the pattern has continued in more recent months."

As elaborated by Bosworth during the August hearing, the State Department's position on violations in the Guatemalan countryside was threefold. Bosworth claimed initially that any increase in violence in the countryside was the responsibility of the guerrillas; and then that human rights violations by the army or associated agencies were "occurring in contravention of publicly stated, strongly stated doctrines and policies of the government." Bosworth finally noted that the Guatemalan Government had "changed" its pattern of activities in the countryside since the coup.

But the evidence does not support assertions of the Rios Montt government's innocence. After an October, 1982 visit to Guatemala, the Americas Watch reported: "The armed forces are responsible for most of the killings, disappearances and massacres committed in Guatemala." And, on December 28, 1982, the Baltimore Sun charged, "There is no evidence that the guerrillas systematically burned villages and massacred people as the army claims."

What was happening, in fact, was that the army was attacking villages disguised as subversives. A delegation representing four major American church groups visited Guatemala in December, 1982. The delegation discovered:

"There are army 'undercover' operations whereby the army attempts to persuade the peasants that the groups which have attacked their villages are really 'subversives.' To effect this, non-uniformed soldiers or soldiers dressed in olive green uniforms like those used by the guerrillas (rather than the usual army camouflage uniforms) actually carry out the destructive raids. There is also evidence that the guerrillas sometimes operate disguised as army personnel. It seems generally accepted by the rural people that a peasant can in fact easily distinguish official army personnel by use of motorized vehicles, language, regular army footwear, camouflage uniforms, haircut style, and personal acquaintances. The peasants say, 'We know who is who.' "

It is believed that the Guatemalan armed forces commonly employ a cruel new version of the bait-and-switch routine. Disguised as guerrillas, the army will attack a village, only to return later in official uniform to provide food, shelter and medical care.

In its written rules of engagement, the army almost spells out such tactics. "Subversion should be combatted using its own methods and tactics," the rules state. "A disinformation plan should always be in execution."

This sort of instruction goes to men such as Gustavo Adolfo Mendez, Commander of Huehuetenango, who told Washington Post reporter Christopher Dickey: "After seven months of fighting from Chimaltenago to Quice, we knew that all the population was subversive."

The Guatemalan army's rules of engagement are also known to men such as the foot soldier on patrol in a remote mountain area who told a foreign correspondent; ". . . there are so many of [the guerrillas]. Very few are armed. But we have to kill them." (Source: Amnesty International.)

GOVERNMENT RESPONSIBILITY

No one has denied that there was an epidemic of violence in rural Guatemala during the summer of 1982, and credible evidence indicates that the armed forces rather than the guerrillas were mainly responsible. Yet the case could still be made that these killings were performed by errant troops and services, operating outside the government's purview and contrary to its directions. Deputy assistant secretary Bosworth did make such claims.

We agree with many observers that the rural massacres flowed directly from the policies of the Rios Montt government. The Americas Watch delegation, referring to Rios Montt's policy of "guns or beans," summarized the situation in this way.

"[The Guatemalan government] asserts that it offers the people of Guatemala fusiles o frejoles—guns or beans. No one is permitted to remain neutral. Those who do not aid the government—by forming civil defense patrols, or providing information on the whereabouts of guerrillas—may not be allowed to live."

Admittedly, it may not be possible to prove that the highest levels of the Rios Montt government ordered the killings. But, it is important to remember that governments are subject to sanctions under U.S. human rights law if they conduct or endorse by act or omission a consistent pattern of gross violations.

At the very least, the Rios Montt regime endorsed the human rights abuses of its armed forces by omission, or failure to restrain them.

According to our information, Rios Montt acknowledged to State Department officials that there were systematic massacres of noncombatants in the countryside, but did not act in the spring of 1982 to stop his soldiers from their rounds of slaughter. Furthermore, at the time of Bosworth's testimony, no officer or soldiers had been detained or brought to trial for committing human rights violations. The new government had in fact granted amnesty to those who had been guilty of murder, rape and torture during the course of any counter-insurgency effort under either the past or present regime. Although the U.S. executive branch told Congress that the Guatemalan government was taking action to stop gross violations by its own agents, no evidence or concrete assurances were offered.

The Rios Montt government, it must be concluded, was failing to control those responsible for human rights violations in the Guatemalan countryside.

Clearly, the State Department acted against all the facts when Bosworth testified on August 5 that Guatemala "cannot be considered by any standard of measurement to be a country in which there is a consistent pattern of gross violations of human rights." By that time, at least twenty-six hundred noncombatants had been killed by the army and allied forces. The State Department's February 1983 human rights reports undermines fatally the judgments made by Bosworth in August.

"In recent months it has become clearer both that the army has increased its control over areas formerly dominated by the guerrillas, and that its forces have begun (emphasis added) to pay greater attention to the importance of proper treatment of the civilian population. Although there continued to be credible reports of human rights abuses by some military units, the overall conduct of the armed forces had improved by late in the year."

It was also clear that in the summer and the fall, the government was not taking action to stop the killings. The weight of evidence, although circumstantial, suggests that in fact the massacres resulted from deliberate policy. According to U.S. human rights law, the Reagan Administration should have upheld sanctions against the government of Guatemala during 1982.

Instead Bosworth was sent to testify that Guatemala was no longer a gross and consistent violator.

THE JANUARY 1983 DECISION: ARMS SALES TO GUATEMALA

On January 6, the State Department announced it had offered to sell $6.1 million in military spare parts to Guatemala. Using the same standard applied to the Southern Cone countries in June 1981, there was by this time doubt as to whether Guatemala was a consistent and gross violator. During the summer and fall of 1982, the Guatemalan army engaged in a compaign of terror so massive and sophisticated that by the late fall, the population in the guerrillas' stronghold was subdued. Abuses and violations continued, but the level of severity and the scope of the violations seems to have decreased beginning in mid-October.

Using the twisted standard of June 1982 (the Southern Cone precedent) the Administration could have made a finding that there was no longer a "consistent pattern." But only because the "consistent pattern" of the previous summer and fall had achieved the objectives of the Guatemalan government.

IMPLICATIONS FOR FUTURE ACTION: GUATEMALA

The record is clear. This Administration does not respect the general human rights laws which were adopted by Congress. Guatemala was the final test of the willingness of the Administration to respect the laws.

Congress cannot trust the Administration to be truthful on human rights in Guatemala. Further, this Administration has demonstrated unequivocally that it seeks, in fact that it is eager for military involvement in the name of anti-communism. That failed approach is already clear in El Salvador. For a little more than a year, the general human rights law combined with congressional pressure were enough to hold the Administration in check. That is no longer true. While the Guatemalan government has declined the sale of spare parts, the Administration is proposing for Fiscal Year 1984 ten million dollars in military credits. If Congress is serious about its human rights concerns and if it wishes to avoid a Salvador type situation in Guatemala, it must in our judgment adopt a complete and total ban on all military aid and sales.

STRENGTHENING THE HUMAN RIGHTS LAWS

Under the Carter Administration, the State Department did not to the best of our knowledge use the ambiguity of the law to avoid applying sanctions in pursuing human rights objectives. Most particularly, the Carter Administration often used its vote in the multilateral development banks to promote specific improvements in the human rights performance of recipient governments.

Its method was the perfect blend of public and private diplomacy. The vote was public, but the specific improvements it proposed were secret. A diplomatic demarche setting out concerns would be relayed by the Embassy to the government in question.

Whether the Carter Administration was acting by law or policy the public never knew. But it was acting. The Reagan Administration has used every loophole, every ambiguity in U.S. human rights law to avoid applying sanctions to promote human rights. And in the case of Guatemala, we see that it stretched the ambiguity of the law way beyond the breaking point.

One remedy would be to drop the word "consistent" from all of the general human rights laws (previously cited). This would insure that the human rights laws do have some teeth and would provide a better standard of measurement against which U.S. embassies and the State Department would be required to promote human rights in accordance with the law. The change would also make it much more difficult for the executive branch, in egregious cases such as Guatemala and Chile, to provide assistance except for economic aid which directly benefits needy people.

It is a reform, not a revolution, in U.S. human rights law, but a badly needed one.●

POPE JOHN PAUL'S TRIP TO POLAND—AN EVENT OF GREAT IMPORTANCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. BIAGGI. Mr. Speaker, as the world reflects on Pope John Paul's visit to his homeland, Poland, one is struck by the enormous significance and symbolic importance of the event. Pope John Paul, while accomplishing the religious objectives of his pilgrimage, achieved far more with his messages of freedom which has fueled hope in the hearts of millions of oppressed Poles.

The message rang clear throughout the visit. Characterized by the word "suffering," the Pope made constant references to the conditions in Poland caused by martial law. In front of the most sacred Black Madonna in Czestochowa the message was especially appropriate. The Holy Father spoke of freedom while commemorating the 600th anniversary of the madonna, the symbol of Polish independence. The Pope's later meetings with Solidarity leader Lech Walesa reinforced the message and it too had tremendous symbolic impact to the people of Poland. The Pope's very insistence that he be able to meet with Walesa demonstrated to the world his commitment to freedom in his homeland for as no other Walesa has come to represent the hope of liberation for Poland.

Yet the Pope's visit was not merely one of abstract symbolism. In his message of freedom he conveyed his empathy for the peculiar sufferings of the Polish people and his understanding that change will not come overnight. He delivered more than just an exposition of ideals. It was a message to the people of Poland that the world knows of their suffering and is working to alleviate it.

Life has changed dramatically in Poland in the 4 years since the Pope last visited his homeland. Four years ago the yoke of martial law was not upon the people of Poland. His first visit was a triumph—it brought great hope for reforms and expanded liberties. His visit helped to provide the basis for Solidarity. Yet in the 4 years the liberties were crushed and hopes dashed by the imposition of martial law. Yet judging from the crowds on the papal visit in 1983 the spirit has yet to be broken.

The Pope while avoiding direct criticism of the Polish Government he made his opposition clear. He criticized the disregard for civil rights. He encouraged the lifting of martial law. He called for an honoring of the promises of social reform which were made to Solidarity in 1980. The Pope made demands on the Polish people as well. He called for faith and hope but not arms. Pope John Paul expressed his belief that a "victory through effort and the cross, a victory achieved through defeats is part of the Christian program of life and of the life of the nation likewise."

Optimism is the aftermath of the Pope's visit—optimism based on favorable signals that an end to martial law may be in sight. Pope John Paul, the symbol of freedom and hope comes to a land troubled in spirit—strangled by oppression and tries to instill hope. The Pope has once again touched the hearts of people—this time the people so close to his heart—his fellow Poles. Let us hope that his journey serves as a catalyst in the processes which will allow freedom to return to Poland.

While Pope John Paul has left Poland in the physical sense—he remains with the people in spirit and Poland finds itself at a pivotal point in history as an editorial in today's Christian Science Monitor states:

> Poland is once again at a watershed of sorts. On the face of it it may seem that the Pope's visit to his homeland and the massive outpouring of popular support for him have solidified an intractable political stalemate. Yet the reverse could prove to be the case. The controlled nature of the mass demonstrations and the Pontiff's two meetings with General Jaruzelski may actually strengthen the regime's efforts to reach some sort of national understanding however tenuous and to get the country working again. Harbingers of possible progress are official hints in Warsaw of lifting martial law next month and talk in Western capitals of lifting sanctions on Poland and resuming aid if martial law is in fact ended.●

MONEY MARKET ADVISORY BOARD

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. ADDABBO. Mr. Speaker, on occasion I bring to the attention of the House remarks by the former Assistant Director for Planning and Budget of the Interior Department, Irving Zuckerman, a distinguished economist whose point of view brings this murky subject into focus for even those of us who find economics incomprehensible. Mr. Zuckerman has recently written another essay on the question of interest rates and the effect upon the international economic recovery opportunities. I believe the Members of the House would find this article instructive and I submit the essay to be inserted into the RECORD.

The text follows:

MONEY MARKET ADVISORY BOARD

(By Irving Zuckerman [1])

My tax accountant is once again alarmed about the outlook for interest rates that may affect his clients, some of whom are still teetering on the edge. His concern has been intensified by the foreign debt complications, and the Central American situation. "Just when I began to feel some comfort that interest rates are bound to continue downward, signs appear toward a 'temporary' rise in interest rates with possible effect on recovery. And then there is the $8 billion considered for IMF. Is sustained recovery being jeopardized?," he asked.

Me: That is a broad question, so let's try to take one item at a time, starting with the more recent. Central American countries have had very high interest rates all along, and we recently had a chance in the U.S. to see how high interest rates can disrupt even a strong economy, no less a weak economy.

Him: What are the interest rates in El Salvador then, for example?

Me: I do not recall seeing mention of the interest rates in El Salvador, or those in any of the defaulting countries. But based on experience in the U.S. it might well be that we cannot hope to help any country where interest rates are a major problem, no matter how much U.S. taxpayer money is poured in.

Him: I hope that the $8 billion does not represent a first installment on the $500 billion total loaned abroad by U.S. banks mentioned in news items. By the way, wasn't much of the $500 billion loaned abroad when there was urgent need in the U.S. for liquidity and when we were being urged to save more?

Me: I recall a hearing in the summer of 1981 chaired by Congressman St Germain where Congressman Reuss, Chairman of the Joint Economic Committee, asked Volcker about this, and Volcker said it didn't matter since money comes in and money goes abroad.

Him: But the higher interest rate abroad meant much higher risk, so that it wasn't a better deal even considering the somewhat higher interest rate abroad than in the U.S., so I wonder at . . .

Me: I also recall a Wall Street Journal item late in 1981 quoting the senior executive of a bank heavily into foreign loans where he said, "We take full responsibility for our credit portfolio. We are not asking anyone to support it with taxpayer dollars and we don't claim there isn't a threat to world stability. But we're prepared to take the consequences of our action." I made a note of that at the time the item appeared on page 10 of the December 21, 1981 issue. In the same news item another banker referred to other bankers who prefer to deal with "authoritarian" governments.

Him: Could it be that is the reason why the U.S. so often finds itself supporting questionable interests in other countries? I favor an independent Federal Reserve Board. But it seems we are not organized to defend ourselves economically.

Me: We do seem to need a mechanism to protect national interest, while allowing private pursuits to operate less short-sightedly. So, besides the Fed there is need for a tripartite 'Money Market Advisory Board' on which there could be represented all the components of the money-market. We need timely fact-finding and that involves all the components early.

Him: I recall an editorial headed "Money Mystery" which deal with what caused sudden changes in the money-supply, which the Federal Reserve tries to use to fight inflation. More recently, there was a $7 billion change in one week that was a "mystery". In actual practice, it turns out that Congress does not seem to be able to handle those kinds of problems for political reasons. So, perhaps a money market board could be exactly what is missing. What details do you have in mind?

Me: The independent of the Federal Reserve would be maintained; but on the money market board the Federal Reserve would speak only for the banks—the lenders—the money-supply side of the table.

Him: And who would speak for the borrowers—the money-demand side of the table? We now have little or no participation of that kind at some of the more important decision-points. And I have industrial borrowers in mind in particular.

Me: That is a major point. The non-financial corporations would have representation on the money market board, and would have an opportunity to choose such a representative.

Him: But part of the money-supply in the money market is foreign, and part of the money demand is also foreign. This can be important. Higher interest rates in the U.S. and foreign instabilities bring added foreign money into the U.S. that goes into circulation. Then the Federal Reserve sees higher money supply and ups the interest rate to curb the domestic money supply; and that higher interest rate brings still more foreign money into the U.S. circulation which then causes the Federal Reserve etc. etc. Isn't that . . .

Me: Possibly, but in general we have been playing 'blind man's bluff' in quite a few ways. Well, in the money market board, foreign money would be represented on the supply side of the table, and foreign borrowing would be represented by a different man on the demand side of the table.

Him: And governments borrow lots of money too—federal, state and local governments—so they would be represented on the demand-side of the table?

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[1] Economic consultant. Formerly Assistant Director for Planning and Budget, Interior Department.

Me: Consumer credit would have a representative on the demand-side of the table.

Him: I can see that choosing a chairman for a money market board could be tough.

Me: Considering that all the representatives are in economic conflict, with the federal government itself being a party at interest, I naturally look to the judiciary for an independent life-tenured public interest chairman whose actions need to be objective in defending free economy system.

Him: But banks are not the only lenders, so the supply-side of the table seems incomplete.

Me: The description is simplified, of course. I do have in mind substantially complete data for the money and credit providers on the supply-side of the table, and substantially complete data on the money and credit demand-side of the table.

Me: I see that you are sensitive to customary deficiency of data and representation when vital public policies are being determined. Let's say the money market board comes together, now what? It seems like a kind of accounting job in detail, so perhaps CPAs . . .

I would expect the open board to receive requests from Congress, the President, etc. And the board would be in a position to provide the necessary many-sided information, probably including supply and requirements tables.

When all the details of practice are fully developed, it should be possible to have theories that conform to the realities. And it should also be possible to develop more realistic problem-prevention so as to be able to follow a safe course. Gambling in the dark cannot be considered conservative. With all the money market components participating, it should be possible to avoid the one-sided approaches that throw the economic system out of balance. With the third side of the table representing public interest in protecting the free economy system, I would expect the outlook to be substantially improved.

I can see that my clients would be better off now if we had had a money market board, but how about such problems as smoke-stack industries which we now see?

Since the smoke-stack industries are cyclical, they are exceptionally hard-hit by economic slumps. It is short-sighted for cyclical industries to finance heavily with long-term debt. In fact, I would hope that a money market board would be free to take the long-view of industry-finance into account for the sake of economic stability. I think there is excessive inducement for debt-financing.

So you expect the smoke-stack industries to come back with general economic recovery. Some of my clients would be glad to see that. But what about the huge federal deficits?

In former years federal deficits were considered to be stimulative, so it might well turn out that a substantial part of the present deficit problem might turn out to be cyclical. Any federal deficit is a means of buying time in which to make underlying economic adjustments including methods of financing. As lawyers like to say, "We can't have our cake and eat it too."

Would it be beneficial for El Salvador to set up a money market board?

Any country should be able to make more effective use of its financial resources with such a tripartite board. In the case of El Salvador, a more effective domestic economy is urgent to enable U.S. assistance to have more result with savings to the U.S. taxpayers.●

WOMEN'S PENSION EQUITY TIME FOR CONGRESS TO ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. ROYBAL. Mr. Speaker, on Tuesday, June 14, 1983, the Select Committee on Aging, of which I am chairman, conducted a hearing reviewing the inequities that women presently face under our Nation's private pension system. The difficulties enumerated by public witnesses, national women's groups and pension experts, present a persuasive case that the Congress should act with dispatch to redress these problems and to better assure the retirement income security of older women—the fastest growing group entering poverty in the Nation.

Today the number of women entering the work force is increasing daily. More women are heading households, a substantial number remain in the home to rear children, while still others are pursuing a range of careers from professionals to assembly line workers. In whatever role women may find themselves there is a need which must be fulfilled for each. That is that women need the assurance of a financially secure retirement after their productive working years end.

The inequities that face women under our Nation's private pension system are in some ways not dissimilar to those problems which women have faced throughout our history. The ability to obtain and enforce legal rights, to be treated fairly, to have equity in fact as well as in law, have come slowly to women in our society. Examples abound, from the founding of the Nation it took some 143 years for women to gain the right to vote. Many women could not enter into a contract or own property in their own behalf for over a century.

The problems are of some immediacy. Based on the most recent statistics of the Current Population Survey (CPS) of the Census Bureau, over 43 million or 42.8 percent of the labor force is composed of women. Only about 9 million or 21 percent of these women are covered under a pension plan of an employer. On average, the amount of pension benefits a woman receives is smaller than the amount received by men. An early study conducted by the Social Security Administration in 1970 indicated that the median annual private pension for women was $970 and $2,080 for men. Recent microsimulation studies conducted by Brandeis University suggest that these same disparities obtain in the present. Or, as noted by Lou Harris in his testimony before our committee, women age 65 or older receive less than men of a similar age stating that, "the median income for these women, who make up 55 percent of all our senior citizens, is a miserable $4,747 a year, compared with almost double that amount $8,173 for men of the same age." Harris further noted that the problem most frequently cited by both men and women was a lack of adequate financial resources.

In 1974, the Congress passed the Employee Retirement Income Security Act (ERISA) to protect workers covered by pension and welfare benefit programs offered by their employers and employee organizations. This law was enacted to protect the millions of American workers who look forward to and will rely on their pensions to support them in retirement. While passage of this law represented a tremendous step in securing pensions for our workers, it is clear that the next step is at hand, that the inequities against women permitted under present law must be removed.

The Economic Equity Act, introduced by Representative PAT SCHROEDER (H.R. 2090) and the Private Pension Reform Act (H.R. 2100) introduced by Representative GERALDINE FERRARO of our committee represent the principal legislative thrust to remove these inequities. A woman's retirement income security is no less important than a man's and it is time for then Congress to do more to honor this theorem.

In his state of the Union address, President Reagan said "Our commitment to fairness means that we must assure legal and economic equity for women * * * we will also take action to remedy inequities in pensions." I was disheartened last week to hear that certain senior advisers and members of the President's Cabinet had advised the President to resist legislation improving retirement savings for spouses, to resist legislation outlawing discrimination in insurance products, including pension plans, and to forestall submitting pension equity legislation involving women until the Supreme Court rules on the Norris case. It is this type of advice within the administration that lends credence to the "gender gap" to which the polls have alluded in recent months. It is my hope that the Congress and the administration will join in a bipartisan effort to insure pension equity for women.

I call upon the Congress to act decisively and to act now. Older women are entering poverty at an alarming rate. The Congress must assure that women obtain pension equity now. To not do so will mean to consign upon women as individuals and as a group inequities which will lead to their destitution in old age.●

THE FLEDGLING SCIENCE LOBBY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. BROWN of California. Mr. Speaker, I wish to call my colleagues' attention to a relatively new organization, the National Coalition for Science and Technology (NCST). This is a nonpartisan group of scientists, educators, businesspeople, and engineers. It is composed of both individual and institutional members.

What all these people have in common is that they are concerned about the recent, alarming trends in science education, scientific research, and industrial productivity in America. Through this coalition, they are seeking positive action to help the United States retain its leadership in these critical areas.

Organized late in 1982, NCST already has been involved in fighting the Office of Management and Budget's proposed changes in rules governing the activities of Government contractors and grantees. Next month, the group will be testifying before Congress on the subject of antitrust laws affecting joint R&D ventures.

In October, the coalition plans to hold a national conference on legislation affecting the use of animals in laboratory experiments. Then, in November, they are holding the first in a series of regional forums on trends in science education.

I am pleased to serve on the advisory board of the National Coalition for Science and Technology, which Congressional Quarterly magazine recently dubbed the "Fledgling science lobby." This is an energetic group which is working very hard to address many important and complex issues which will help to shape the future of our society.

Our colleague, CLAUDINE SCHNEIDER, recently joined me on the NCST board of advisers. Senators PAUL TSONGAS and WARREN RUDMAN also serve on the advisory board, along with a number of distinguished individuals from industry and academia.

Mr. Speaker, we know that scientists and engineers historically have been reluctant to enter the political arena. The research community may well be the last important sector of our economy to organize itself to participate in the political process. Ironically, the research community may be in the best position to give advice to Congress on these matters. While science cannot provide all the answers—and I sometimes think we expect it to—scientists are well placed to delineate the limits and the potential for science to contribute to society and to help formulate public policy.

The formation of the National Coalition for Science and Technology appears to be a promising first step towards reversing this situation.

Last week, the Boston Globe ran an excellent article about this organization and its energetic chairman, Don Stein. I insert the article for the RECORD and urge my colleagues to review it.

[From the Boston Globe, June 13, 1983]

NEW HIGH-TECH LOBBY UNITES SCIENCE, BUSINESS

(By Davis Bushnell)

Although the science and business communities have rarely been symbiotic, a new group in Washington, The National Coalition for Science and Technology (NCST), is attempting to forge a relationship between the two that will have considerable impact on Congress.

Science groups worried about Reagan Administration cutbacks are increasingly demonstrating their political mettle. Last year, for example, a group of space scientists employed by universities persuaded Congress to restore $3.2 million to the basic research budgets of The National Aeronautics and Space Administration. And six months ago, the American Physical Society, representing 33,000 physicists, opened a Washington office.

But no lobbying organization of late has gambled on bringing together scientists and business persons—those from a high-technology sector—for the purpose of becoming a respected pressure group on Capitol Hill.

Early organizational efforts have confirmed the hesitancy of business to take part in the NCST venture, said Donald G. Stein, chairman of NCST's executive committee, adding that, as of last week, there were only 10 corporate supporters. Since the group was formed last fall, it has attracted 500 individual members.

"Even though I'm aware of the differences between scientists and business people, I'm surprised by the reluctance of industry to help us get going," said the 44-year-old Stein, a professor of psychology and director of the brain research laboratory at Clark University at Worcester.

"Business people," said Stein, "have told us, 'We have our own associations. Why should we help a group of scientists get involved in the (political) process when we have our own mechanisms?' It's hard for us to convince them that we have a common goal. Business needs us—for the people were training in universities—and we need business. The challenge is becoming credible, given, so far, our limited resources."

NCST, which began operating out of The National Education Association building in March, has set its sights on enlisting the support of from "60 to 100 companies" by the end of the year, Stein said. An infusion of $60,000 during this period, he said, would be sufficient to "support membership mailings." Individual dues are $30 and $15 (students), and corporate fees, based on company size, range from $250 to $5,000.

Among the 10 corporate members are Wang Laboratories of Lowell, Motorola Corp. and Purdue-Fredrick Co. of Norwalk, Conn. In the coming months, a comprehensive corporate solicitation program will be implemented by a Washington fund-raising and public relations firm, Stein said.

Businesses will be solicited for both memberships and categorical grants, he explained. The Norton Co., the large Worcester abrasives manufacturer, has already pledged funds for a Nov. 18 symposium in Worcester on trends and science education and their implications for society and business. The forum will be co-sponsored by Clark and Worcester Polytechnic Institute.

Support of science and education is one of NCST's initial goals, Stein said. "We want to offer a broad-based support for all scientific areas—including civilian use of space, health research and international cooperation and exchange—that have tremendous spin-offs for the long-term interest of the country. Defense is important, but these other interests are worth defending, too."

The "broad-based" is an adjective used often by Stein, who spearheaded the formation of NCST, following his experience in 1980-1981 as a congressional fellow in science and engineering. "As a fellow," he said, "I saw individual groups testify. Group A would say, 'Give us the money, we're on the frontier.' Another group would say the same thing, and so on. This pits one group against the other, which is bad."

NCST is therefore trying to do something no other group has attempted. That is, he said, "To bring together all scientific constituencies—from astronautics and astrophysics to zoology."

While corporate support generally still constitutes NCST's major problem, US Sen. Paul E. Tsongas (D-Mass.), an NCST advisory board member is convinced that business will come around. "If this isn't a right time for such an organization, I don't know what time is," Tsongas said.●

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SENATE—*Wednesday, June 29, 1983*

(Legislative day of Monday, June 27, 1983)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by Hon. John H. Chafee, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Omnipotent, Eternal God, this is a place of power. Where there is power, there is pressure. Where there is pressure, there is friction. Where there is friction, there is heat. Under such pressure the Senators serve, added to which is personal tension between conscience and demands of public and private interests and political destiny. And always there is the tyranny of the urgency. In the vortex of all this the leadership works. Dear God, bless our leaders. Grant them special wisdom, strength, and patience.

Father in Heaven, in the midst of the stress, grant Senators Thy peace. Make them wise as they face choices that are rarely either/or, all right or all wrong, all good or all bad. Give them wisdom and sensitivity and the courage to act as conscience dictates and peace in their hearts once the decisive moment is over. May this recess be family time as well as work. We pray in the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Thurmond).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., June 29, 1983.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable John H. Chafee, a Senator from the State of Rhode Island, to perform the duties of the Chair.

Strom Thurmond,
President pro tempore.

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, perhaps this is the last day of session before we go out for the July Fourth recess. However, in order to accomplish that, we have a vote at 10 a.m. on the tax cap bill. The leadership on this side proposes to take up and dispose of the agriculture appropriations bill. There is at least one conference report which I understand will be available to the Senate today. That is the HUD appropriations bill, which must be dealt with, and other conference reports if they arrive here.

What that means is that we are going to have to work very hard and very fast if we get out today. The adjournment resolution which has been passed by this body, and I believe not yet passed by the House of Representatives, provides for our adjournment over until July 11 beginning today, tomorrow, or Friday. I hope it is today.

Mr. President, I have no further need for my time under the standing order.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the minority leader be reserved for later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRELUDE TO A GREAT CAREER

Mr. BYRD. Mr. President, only weeks ago, Senator Jennings Randolph announced that he would not seek reelection to the Senate when his current term expires next year. Senator Randolph and I have represented West Virginia together in this Chamber for nearly a quarter century. Since his election to the House of Representatives in 1932, Senator Randolph has been a familiar figure in Washington, and has made thousands of friends over the years. I know that I speak for those thousands and for our many Senate colleagues in expressing my regrets that Senator Randolph's long Senate tenure is coming to an end.

Appropriately after so many years of public service, Senator Randolph's admirers are holding special events in his honor. Likewise, friends and associates are sharing with one another their warm memories and anecdotes of Senator Randolph's outstanding career. All of the banquets, awards, and the stories are further tributes to the influence that Senator Randolph has borne on the lives of so many people in so many walks of life. Indeed, Senator Randolph should take real satisfaction from the sincere gratitude and appreciation that, again and again, are being expressed toward him for the many acts of kindness and helpfulness that he has rendered throughout his life.

Senator Randolph's public biography is well known to most people. But the current issue of West Virginia's own Goldenseal magazine carries a candid and enlightening first-person account of Senator Randolph's memories of his early personal and family life. The Goldenseal article includes several nuggets that would interest Senator Randolph's friends and colleagues, such as the story of how he came to be named "Jennings."

Mr. President, to share that commendable account with a wider audience, I request that the article, "Jennings Randolph—'Always Remember the Man and Woman By the Wayside of the Road,'" from the 1983 summer issue of Goldenseal magazine, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Jennings Randolph—Always Remember the Man and Woman by the Wayside of the Road

(By Michael Kline and Gene Ochsendorf)

Jennings Randolph announced this spring that he would not seek reelection to the U.S. Senate in 1984, thus signaling the end of a long and distinguished political career. Randolph first entered Congress as a young Representative 50 years ago, coming to Washington following the Roosevelt landslide in the 1932 election, and he has served in the House and Senate for most of the time since then. For generations he has been a living legend in West Virginia, yet his high offices have not isolated him from his constituency. Throughout his years of government service he has remained approachable.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Senator Randolph's accessibility to us in particular grew out of his authorship of legislation and lifelong support of programs benefiting disabled people. When the Randolph County Sheltered Workshop found itself suddenly without facilities last year, the Senator jumped in and helped the Workshop get reestablished in new quarters. He then showed up at the opening of the new plant to celebrate with the participants. It was in this context that we became acquainted, since co-author Gene Ochsendorf is the director of the Workshop.

Although Randolph's name has been a fixture in the news for decades, there's been very little written in the way of solid biography of the man. We suspected that he had a remarkable story to tell. When we suggested doing an interview for Goldenseal, he responded cheerfully that no one had ever asked before and that he would be delighted to cooperate.

(So it was that we met at his birthplace in Salem on a snowy evening in February. For a couple of hours he entertained old hometown friends—E. J. (Jean) Lowther and wife Mary Ann, Ed and Sylvia Davis, and Everett and Elizabeth Pearcy—with tales and songs. Then we dashed off to see the Salem-Wesleyan basketball game. We left there about 9:00 and crept back to Elkins over icy roads with the Senator talking steadily the whole way. In Elkins we enjoyed a midnight snack at a local restaurant, where Randolph engaged a young waitress in a lengthy discussion about voter responsibility. As the authors and photographer—all young enough to be Randolph's grandsons—wilted like tired flowers, the Senator went on being animated, energetic, and lucid.

(The conversation resumed early next morning in Randolph's apartment at the Tygart Hotel, and continued right up to his 11:10 AM flight time at the Elkins airport with tales of his pioneering in American aviation. As we watched in near exhaustion, the 80-year-old Senator departed with a blithe smile and warm farewell. In Washington that afternoon he faced a rigorous schedule of hearings and public appearances, and he went off to meet those responsibilities like a youngster to a basketball scrimmage. After nearly 20 hours of exposure to his boundless energy, we began to understand how he has accomplished so much.

(The Senator's political career is already well-known, and we've concentrated on Jennings Randolph's early life, taking his story up to the point when he drove off to Washington with his new bride to take up his seat in the House of Representatives. Here is his account of how it all began.)

Jennings Randolph. I grew up in a town where Main Street was something, you know, people stopped and talked. I never knew what it was to ride to school; you always walked. The little town is not too much different from what it was then. We don't have the glass plants, and oil and gas that made it such a busy place back in those years, but it still looks pretty much the same.

My grandfather Jesse Randolph was the first mayor of Salem. In fact, on his first day of becoming mayor he had to fine himself. There was an ordinance that if your horse got out of the road and up on the sidewalk—the sidewalk in those days was mostly timbers up on stilts—there was a fine of a dollar or two. So the first fine my grandfather imposed was on himself for his horse getting up out of the road and onto the sidewalk.

My grandfather was a very colorful man, loved by everyone. He had a little white goatee, and everyone called him Uncle Jesse. He was the man that Salem looked to and he never let them down. He was a member of the State Legislature, director of one of the banks, involved in various businesses, and was a farmer. He taught me how to ride a horse, pitch hay, and milk a cow. He was very close to me.

Jesse Randolph was also the principal founder of the college, and head of its incorporators. When the college was first supposed to open the building wasn't finished, even though they had already announced that registration was to take place. Grandpa took all of the merchandise out of his general store and put it in lots and barns elsewhere. Then a sign went up in front of that store—Salem College. It was very important to him—always, he'd say, you must keep your word. So even though the building wasn't completed, the college opened. That was his feeling about everything, that your word must be your bond.

He used to have a garden in front of his house which upset his wife, Mary Frances, a little. She thought there shouldn't be a garden in front of the house—pole beans and whatnot. One day she said, "Grandpa, why do you have a garden out front? Why can't you have a lawn?" "Well," he said, "gotta have something to eat."

And every morning he had apple pie for breakfast. Never changed it. I can remember one morning he came in the kitchen and my mother said, "Grandpa, have a little breakfast with us." It was about 7:30, sister and I were getting ready to go off to school. He said, "Idell, I appreciate that, you know I do, but I always make it a rule to eat in the morning." Well, you see, he ate at 6:30 every morning, so he was telling the truth.

Grandpa and Grandma were married under a tree at Quiet Dell. When the ceremony was completed she got on the horse behind him and rode to Salem, same horse. I remember seeing that same tree where they were married in later years. They're in the little cemetery of our church along with my father and mother. We have all of our family there.

My father, Ernest Randolph, was a very fine lawyer. He had an office in Clarksburg in the Goff Building. He and Edward Law, who was known as Jay, had offices side by side. They were exactly the same height, weight, and everything. When they left this county to go to the university in Morgantown they roomed together. In order to save money then decided to buy one suit together. They called it their courting suit.

My mother, Idell, was a Bingman. Jim and Medina were her parents. Jim, her father, was a timberman and used to ride the logs down the Tygart River from up in the Elkins area. He rode the logs down into what's now the Tygart Lake. He used to tell me about jumping from one log to another. Grandma and Grandpa Bingman lived right behind us in Salem and I used to sit and watch him and work with him. He could take a piece of wood and make anything.

My mother and father were married in the chapel of the college, October 22, 1896. I remember later my mother telling me, she said, "I said to Papa, now who are we going to invite?"

"Why," he said, "we're gonna put it in the paper and invite everyone." So they invited everyone. Theodore L. Gardiner, the president of the college, performed the ceremony. I still have his record of marrying Idell Bingman and Ernest Randolph in his own handwriting.

My sister, Ernestine, came along first. By the way, she is 83 years of age now and very active. This morning I saw her on the floor of her living room in the apartment next to where I live in Washington doing her exercise. Doing them well, I might add.

Speaking of Ernestine, I remember once riding my grandfather's horse down the hill back of our house. I was about eight, nine years old. My sister was on behind me, I was in the saddle. The horse began to canter just a little. My sister was slipping and she had her arms around me and started sliding off. Apparently the saddle wasn't tight enough and so we both went to the ground. My foot was in the stirrup and had the horse moved along I wouldn't be here tonight. However, the horse stopped in its tracks, which horses don't always do when there is an accident, and I was able to get out of the stirrup. I can still hear my sister crying, "Oh, my gosh, what have I done!" I remember that experience so well, and I've loved horses ever since.

Walt Strother, the doctor who brought me into this world, always rode a horse. He kept his medicines in the saddlebags and would come any time of night. He would get off his horse, pull the reins up over the horn of the saddle, tap the horse on the rear end, and the horse would travel around the corner to Mathias Williams' livery barn while Dr. Strother would go on up to his office.

When I had just been born, my father was with William Jennings Bryan[1]—they were very close friends. Mr. Bryan said, "Have you named this boy?"

"No," my father replied.

"Then why don't you give him part of my name as a good Democrat?"

So that's the way I got my name, Jennings Randolph, from William Jennings Bryan.

I have many fond memories of growing up in this house on Main Street. Paul Bumgardner, who lived next door, and I would sleep with a cord strung between the houses and tied to our big toes. This was so we could awaken one another when the Ringling Brothers Circus was coming from Parkersburg to Clarksburg. You see, this was the main line of the B&O railroad and we would go down and stand along the tracks and watch the circus train pass. Mr. Coyne, who was an Irishman, would always let us know when it was coming through. He was the telegraph operator and had all of the schedules. We were maybe eight, 10 years of age.

Above the tracks on the hill was the town's water tank. I used to tell my father and mother that if I could get a long pole and climb the hill, which I often did, then climb the tank and hold out that pole, I believed I could touch the sky.

Those were rough and ready days. This was oil and gas country. My father was mayor of Salem and was against legalized drinking. Others wanted to establish open saloons and came one night to burn the house down. We used to have a railing around the porch roof and my father stood there with a pistol and told them that the first man that moved would get it right through the middle of his eyes. The same thing happened at the college. They threatened to burn it and Theodore L. Gardiner, the college president, stayed in the belfry all night with his shotgun.

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[1] Bryan, the great populist politician, was a three-time presidential candidate at the turn of the century. He served as Woodrow Wilson's secretary of state from 1913 to 1915.

My first introduction to politics was not a good one. I was about seven or eight years old. Some of us kids were playing in the hayloft of Gus Traugh's livery stable when we heard voices below. We looked down and there was a Salem man, whose name I won't use, paying off people who had voted in the election. it was shocking, and very sad, but that was the picture. I went home and talked to my father and grandfather about it. That was my introduction and not a good one.

Then in 1912 my father took me to the 1912 Democratic Convention. I was 10 years old and we boarded the train here and went through to Baltimore. That was the last convention, Republican or Democratic, held in Baltimore. I can remember the bunting and the bands as I sat on my father's knee. Papa was a believer in Woodrow Wilson and thought he should receive the nomination. Others in our delegation were for Champ Clark, the Speaker of the House, from Missouri. Woodrow Wilson was then the governor of New Jersey. He told William Jennings Bryan over the phone that he would accept the nomination provided that it was not necessary to have the votes from Tammany Hall[2] then under Boss Murphy's control. Finally, Wilson won out. So I got started early.

At that time in life, though, politics couldn't compare to baseball. I remember riding the train all night to Washington, D.C. I didn't go to the Capitol or the White House, I went to see Ty Cobb play baseball. He was the man, a sports hero I looked up to. He could run the bases, he could hit, he could field. In those days baseball cards came with Rumford Baking Powder and I had all the women of the town saving cards for me. When I got off the train there I walked out to my Aunt Mae Townson's house—she was the daughter of Jesse Randolph—and had breakfast. Then I walked to Griffith Stadium—that's the old Griffith Stadium—where the Washington Senators were playing the Detroit Tigers that day. So I got to see Ty Cobb. Another time Branch Rickey came to our house for dinner. He was here speaking at the college as part of our lecture series. I sat there with my eyes wide open listening to everything Branch Rickey said. I think my intense interest in sports, eventually leading to my becoming sports editor of the Clarksburg Telegram, was due to these events.

We only went to public school up to the third grade. Then we went to the training school at Salem College Academy. Salem Academy was part of Salem College's teaching program and so we had practice teachers all through the Academy. These practice teachers were very dedicated. Sarah Barnes, Mabel West, I remember then all. I used to study by the fireplace standing up. I would enjoy warming my backside, turning back and forth. It was in the springtime of my life. Sweeter than springtime.

Salem had several glass plants at that time. We had over 500 Belgian people expert at hand blowing glass. Some of these Belgian people were active leaders—Oscar Andre, the counsel for the college, for instance. Those plants are closed now, but you can still see some of the buildings.

The old road coming into Salem was narrow and going over Tunnel Hill from the west was quite a climb. If you made it in high gear you'd tell your friends about it. George Trainer had the first automobile in Salem. It was a Winton. I remember my uncle had the first small car. It was a Bush. It had no doors, you just stepped in. I can see it going down the street. Even though there were cars, in those days you didn't go out for a date, you came to stay. I can remember so well when my sister Ernestine had a boyfriend come to the house. Ten o'clock was the time for the young man to leave. At 10:00 father would call down and say, "Ernestine it's 10:00." Then, if the young man still didn't go, he would take his shoe and begin pounding the floor by his bed.

As I grew older I worked at various jobs around Salem. I kept a filling station open all day long on Sunday. My mother would bring my lunch down. I worked in a clothing store, Davis Men's Furnishings, and I worked at the planing mill owned by Evander Randolph. I also worked with my father. He was an oil and gas producer, president of the Randolph Oil and Gas Company. I still have a copy of the stock in my drawer, but it's worthless today. He drilled many dry holes in the hollers around Salem.

My father was also a cattle buyer, shipper. He didn't raise the cattle—he'd buy them in the spring or summer for shipping to Baltimore and Jersey City. He kept a little book in which he wrote the day of the transaction and the price at which he had agreed to take them up. We would drive the cattle in, try to keep plenty of water in them so they would weigh well, and then we'd load them, usually on a Friday evening, to be sold on the open market. These were beef cattle, very finest we had in the hills, and lambs also. Very seldom did we ship any hogs. There were loading pens at Wolf Summit, Bristol, West Union, Pennsboro, and of course Salem.

In 1920, when I was graduated from the Academy, my mother gave me no suit of clothes, or shirt, or tie; she gave me a Bible. On the flyleaf in her own handwriting she had my name, just Jennings, and then she had written these words—"Each for the other and both for God," sighed Idell. I've never found the source. We've had researchers work for years on it at the Congressional Library and elsewhere. That was her graduation gift to me and I still have it.

I was very active during my college years at Salem. I was a member of the staff on the Quill Club. That was the college yearbook, the Green and White. I remember singing in the Glee Club with my white pants and blue jacket. And although you wouldn't know it by looking at me now, I was very active in sports. I was a member of the varsity track, tennis, and basketball teams. Basketball was very different in those days. Today with fast breaks it's really speeded up. Back then there was only one person on the team that shot the fouls. I was that person. I used to practice two or three hours at a time. I would shoot like this, underhanded from below the waist. In 1923 I shot 19 consecutive fouls against West Virginia Wesleyan and we won by one point.

One night in 1923 I was called before the college board of trustees and didn't know what was happening. Charles A. F. Randolph was president of the board at that time. They came in and said I was to be a trustee. I remember saying, "You mean a student representative?" "No," they said, "a full-fledged trustee to take your father's place." So that was how I came on.

Recently when I came to attend a meeting of the trustees a man called across the street and said, "Jennings, I want to see you a moment. You were a trustee of this college for 50 years. Now I see you listed in the paper as Trustee Emeritus. What in the world is the meaning of that word, 'emeritus'?" I said, "It just means I'm still hanging around."

While I was in college I worked for the Clarksburg Telegram as a writer and sports editor. Then it was published on weekdays and Sunday. I would drive back and forth from Salem to Clarksburg in a little two-door Ford. It was a narrow, twisting, mostly dirt road in those days. After graduation I worked there as a regular reporter for approximately a year. At the same time I also wrote magazine articles for publications such as McNaught's Monthly.

Following my work with the Telegram I went to Charleston to work for Phil Conley on the West Virgina Review, eventually becoming associate editor. It was a wonderful magazine featuring West Virginia writers, poets, and articles. Tremendous man, Phil Conley—he worked me to death, didn't pay me too much, but it was a great experience. I'd come in from these trips all over the state and then address Rotary, Lions, Kiwanis, women's groups, whatever, about West Virginia and its history. I would sell ads, take subscriptions, do everything, then go back to my room and write stories until one or two in the morning.

I had a room at 1215 Lee Street in Charleston. Hardly wide enough for me to get in and a little bed hardly wide enough to sleep in. Eight or nine of us boys lived there and ate down the street at Mrs. Plunkett's Boarding House. Doesn't that sound like a boarding house? Plunk-it. I said one time, she's serving good meals but she's trying to marry off her daughter! I don't remember the daughter's name. She was slim, tall, had a long reach.

I was in Spencer writing about a Mr. Heck who had struck oil and become a millionaire overnight. While eating lunch at the McKowan Hotel I had a phone call from Elkins. It was a member of the Davis and Elkins College Athletic Committee asking if I could come that weekend and talk with them about possible employment as athletic director and member of the teaching staff. The president of Davis and Elkins College at that time was Dr. James Allen. His son, James Allen, Jr., was a student of mine and later became commissioner of education of the United States. Anyway, when I first came to Elkins I stayed with Jeff Whetsell and his wife Mig.

As athletic director I immediately began booking big, prestigious schools. The guarantees weren't good at first, but we needed the exposure. We defeated West Virginia University in its opening football game, 6-0. The following week we traveled to Annapolis where we defeated one of the best Navy teams ever, 2-0. It was a great story—no substitutions. Sixteen players in uniform and 11 men played the whole 60 minutes. It was a tremendous upset recognized all over the country. After the game a representative of the Baltimore Sun was in the dressing room and he suggested that we go to a vaudeville theater, the Gaiety Burlesque, to celebrate our victory. So I telephoned the Gaiety Burlesque and told the manager who I was and that I was calling from Annapolis where the Davis and Elkins football team

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[2] Tammany Hall was the corrupt New York City Democratic machine, best known for producing the notorious "Boss Tweed" in the late 19th century. Tammany was under the control of Charles Francis Murphy in Wilson's day.

had just upset Navy 2-0. He says, "You say you beat Navy?" I said, "Yes, and we'd like to have, if we could, a reduced rate tonight, perhaps some special seating." "Why," he said, "We'll give you two full rows! Won't cost you a penny! Some of the leading women of the cast will come down and kiss the players on the cheek!" It wasn't always that good. One time we played the University of Delaware and all we had was enough money to buy a couple of bags of apples to eat.

In 1931 I took the basketball team to the west coast on the longest tour ever taken in this country. We drove out of Elkins in two little cars during the holiday season so as not to miss school. We even took our books. To cut down on expenses we only took six players. Our first game was with Valparaiso University, then the University of Kansas, University of Denver, University of Nevada, Brigham Young University, and so on. We played St. Mary's in Oakland and then went to San Francisco where we were scheduled to play San Jose College. But we had run out of money. We were staying in the Golden Gate Hotel which was second or third class at that time. It's a fleabag now, but whenever I'm in San Francisco I go back there. So I called the only person I knew who would help us—Hallie Davis Elkins.[3] The team was called the Senators or the Scarlet Hurricane, but when I called her I said, "Mrs. Elkins, your team is winning these games—it's great for the college!" The story was being carried of how the Scarlet Hurricane was finishing the games sometimes with only four players on the floor. And the next day we were moving on to Los Angeles to play Occidental and Pomona.

"Mr. Randolph," she interrupted, "how much do you need?"

When I told her we needed $200 she said she would telegraph $250 immediately. So I called the team together and told them Mrs. Elkins had come to our rescue. They cheered and that night we ate steak. We hadn't had much to eat along the way. She was a wonderful supporter of our college.

Michael Kline. Was it in Elkins, then, that you met your wife, Mary?

JR. No, I met her when I was at Salem College. Not in Salem—I was a tennis player and I went to Keyser representing Salem College at Potomac State. They were redoing some of the dormitories and they placed some of us that were there for this state collegiate tournament in homes. Edged right along the college property on State Street was the home of Frank Babb and his wife Gertrude. I remember when I went to the house, why, here the door was opened by a girl about 14 years old in pigtails, and that was Mary. I told her who I was and went in. I stayed there, I guess, maybe two, three nights in the Babb residence. They were Swiss people, both sides. Gertrude was a Scherr, Mary's grandfather Scherr ran for governor of West Virginia.[4] Her uncle was in the State Senate, and her aunt worked as society editor on the Charleston Gazette.

Later, Mary went to Beaver College near Philadelphia and we kept in touch. After I was at Davis and Elkins College she would come to Elkins and bring children to the West Virginia Children's Home for placement when she worked with the welfare department. She was known as the "Welfare Lady" and would go way back up in the mountains of Pendleton County.

I'll tell you a true story. I remember reading it in her diary. She went into the Smoke Hole area. There was a family, I won't tell the name, but the husband left and there was a very large number of children. Well, the report went in and they told Mary about it. So she drove up in her car. Many times she'd drive that Ford and have to put on her swimsuit and swim the river to get over. She went up this hill to a hut and here was this woman standing with her feet apart wearing a long apron ("not too clean," Mary had put in her diary). "Well," she said—and she was a little nervous about it—"Mrs. So-and-so, let me talk with you. How many children do you have?"

She replied, "Well, Welfare Lady, I've had three once, two twiced, and one just lots of times." That meant she had triplets once, and twins twice, and then one kid lots of times. Mary looked around and realized she had 12 children there. The husband had just left, pulled up stakes. She took care of all of them.

She also used to ride the narrow gauge railroad that ran from Hendricks up to Harmon. And the conductor, who was her friend, would hold the train and wait for her to go get a child, you know. People on the train would say, "What's wrong, why are we delaying?" He'd say, "We've just got to check the engine a little." Mary said she'd heard him say that so often.

We were married February 18, 1933, in the Babb's living room in front of the fireplace. Jean Lowther was best man and Reverend George B. Shaw traveled from Salem to marry us. It was a beautiful day even though it was February. I remember looking outside and there was Tom Pownall, who is now the chairman and chief officer of Martin-Marietta, tying cans on the back of our little Ford. And I can still hear Mr. Babb, who was a very stern man, calling, "Tom, stop that!" That was Mary's little two-door Ford, we had to sell my car for debts during the campaign.

So Mary and I drove it on to Washington, D.C. We got there about 5:30 or 6:00 and stayed at the Willard Hotel. It was a Sabbath afternoon and I told Mary that first thing Monday morning I was going up to the Riggs Bank. The Riggs Bank then was just one bank, now it has branches all over the world. The man in charge of the bank in those days was Robert Fleming. No office, he just sat behind a desk. You swung open a little door and went in. I said, "Mr. Fleming, I would like to borrow $1,000 for six months, nine months, or a year, and I'll be able to reduce it. But, I said, "there is one catch. I don't have any collateral." He laughed and said, "You were elected for two years. I'm not gonna let you out of town without paying." That's the way I borrowed my first money.

At that time if you came to Washington for the inauguration and stayed in a hotel your check was not accepted, you paid cash. The financial institutions of this country were closing down, so they didn't accept checks, didn't know if they'd be good.

MK. Do you think the country was on the verge of revolution when FDR came in?

JR. Well I think I would like to speak of it this way. We had FDR on the Democratic ticket, and Mr. Hoover on the Republican ticket. Very few people remember that right alongside the Democratic and Republican tickets was another ticket, the Communist ticket, with a candidate for president of the United States. The country was in dire distress. Those were the days when in the upper tier of Michigan, for example, there were 2,000 farms foreclosed in one week. The deputy sheriffs didn't want to move in, they knew the farmers. The farmers had their guns.

I'll tell you a story—I think I want to tell this now. The later part of March 1933, the President kept calling members of Congress to the White House in little groups. I was one of seven that were invited on a certain evening. It was 8:00. It was a cold, drizzly, rainy night. We were taken to the second floor of the White House, a wood fire was burning. The President sat behind a large desk and as we walked by we each shook his hand. There were chairs in front of his desk for us. We began to talk about bills that we were working on, legislation and so forth, the country's condition and how we must have faith and we'd turn it around. There was one member of our group, a very fine member of Congress he proved himself to be, who said, "Mr. President, may I say something that may sound critical?"

The President said, "Oh, yes, go ahead."

He said, "You know I'm for your program, all these parts of it, but I think you're trying to do too much too quickly. The people can't absorb it and I'm afraid it might fail, at least in part because of that."

Well, the President never smiled and he never frowned, I can still remember as I see his face, he just kept on talking about whatever was being discussed prior to that. But about five minutes later, he took the glasses from his nose, put them down, and he sort of leaned into the desk and looked at all of us. He didn't designate the one man. He said, "But gentleman," as if we'd just been talking about it the very minute before, "do you understand that we must act now? The reason we must act now is because if we do not act now, perhaps just a little later, we may not be given the opportunity."

That's what he said. Act now, we wouldn't even have the opportunity later. That was the seriousness of our country and its condition. So you know how serious he felt the situation was, and we felt it. That's quite a story, isn't it?

Gene Ochsendorf. Is there anything in your life you would do differently?

JR. Well, not really differently, but I would rather have seen my father go to Congress than myself. That is one true statement I make. He ran twice and lost. The district was heavily Republican at that time. I was about 14 and campaigned everywhere with him. He worked very hard for me in 1930, but he died in December 1931, before I was elected in '32. Over the years I received hundreds of letters from my father. He wrote in a bold hand and always signed them, "Pop." At the end of the letter, regardless of what he was writing about, he put some philosophy. I still have one at the Senate office that's in a frame with his picture. It says, "Always remember the man and woman by the wayside of the road."

That was his philosophy.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask that the Chair now place the Senate in morning business, pursuant to the order previously entered.

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[3] Hallie Davis Elkins was the daughter of Senator Henry Gassaway Davis, the wife of Senator Stephen B. Elkins, and mother of Senator Davis Elkins—supposedly the only woman in the country's history ever so related to three U.S. senators.

[4] The 1908 Republican convention deadlocked between candidates Charles W. Swisher and Arnold P. Scherr. William E. Glasscock was finally chosen as a compromise nominee, and later elected governor.

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The **ACTING PRESIDENT** pro tempore. The Senate is now in morning business.

TIMES MAKES GREAT CASE FOR NUCLEAR FREEZE BUT MISSES THE RIGHT CONCLUSION

Mr. **PROXMIRE**. Mr. President, in a lead editorial Monday, the New York Times declared that the nuclear forces of the United States and the Soviet Union are "essentially in balance, asymmetrical but equivalent." The editorial goes on to say that this represents a good time and a good basis for negotiations that would aim to change the forces on both sides over a 10- to 20-year period so that we would replace multiwarhead missiles with one-warhead types.

It seems to this Senator that the rough equivalence of the two sides represents a powerful argument for a nuclear freeze, followed by matching, verified reductions on both sides; not moving the arms race into a new mode—even though a more stable mode—but stopping it and then mutually reducing the terribly destructive arsenals possessed by both powers.

Incidentally, the Times remarks on the fascinating difference between the two—"roughly equivalent" nuclear forces. It points out:

> The Russians have based more than 5,000 warheads on land, fewer than 2,000 aboard submarines. American deployments are the reverse: about 2,000 on land, 5,000 at sea. The Soviet advantage in land missile throwweight is also offset by America's lead in bombers and cruise missiles and the warheads they carry:

This suggests to me that while the two sides may have equivalent nuclear destructive power, the edge right now definitely lies not with the Soviets but with the United States because our sea- and air-based missiles are so much less vulnerable than the Russian's stationary, fixed, land-based missiles.

The pertinent facts that the Times editorial adduces would far more properly grace an editorial calling for a nuclear freeze than the plea to shift the arms race into a less threatening gear.

Mr. President, I ask unanimous consent that the editorial to which I have referred, from the Monday, June 27, issue of the New York Times, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> MISSILE TRUTHS
>
> To follow the arms control debate, just forget about the brawl over the testimony of Kenneth Adelman, the new head of the disarmament agency. His dutiful report that the MX missile would be bargained away only in the unlikely event that Moscow dismantled *all* its heavy missiles was neither news nor an Adelman opinion. As others have now made clear, he was conveying an agreed policy statement that combined two earlier declarations.
>
> President Reagan had made it very clear that he wants to acquire at least 100 MX missiles to confront the larger and more threatening Soviet land missiles; that he might build *more* MX's if the Soviets refuse to reduce their heaviest missiles from 600 to 210; and that he would give up MX only if both nations shift completely from multiwarhead to single-warhead land missiles.
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> The senators who greeted this reiteration by claiming they were deceived into financing the MX as a "bargaining chip" deceived themselves. The bargaining, if there is to be any, will be up, not down.
>
> But truth is not the same as wisdom. What has been wrong from the beginning with the American negotiating proposals is that they are not negotiable. Except for the potential vulnerability of America's land-based missiles, the strategic forces of the superpowers are essentially in balance, asymmetrical but equivalent.
>
> The United States has been right to say that it can deal unthreateningly with the vulnerability problem. But the Reagan team keeps invoking vulnerability to demand vastly disproportionate Soviet reductions. The American proposals would require completely rebuilding Soviet forces in exchange for just a few American cutbacks.
>
> The Russians have based more than 5,000 warheads on land, fewer than 2,000 aboard submarines. American deployments are the reverse: about 2,000 on land, 5,000 at sea. The Soviet advantage in land-missile throwweight is also offset by America's lead in bombers and cruise missiles and the warheads they carry. Yet Mr. Reagan would exclude this advantage from current negotiation.
>
> Mr. Reagan proposes that both sides cut back to about 1,200 missiles and 5,000 warheads, with no more than 2,500 warheads on land. That means the Soviet Union would have to dismantle half its 2,350 missiles, including two-thirds of the heaviest ones. America's 1,600 missiles would be reduced only 25 percent, mainly with the already begun replacement of obsolescent Poseidons by Trident submarines.
>
> The more reasonable objective would be a massive restructuring of both sides' forces, over 10 to 20 years, by replacing aging multi-warhead missiles with one-warhead types. It would take years to negotiate such a treaty, but the principle is easily proclaimed.
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> That principle, and continued observance of SALT II restraints, can also be the objective of members of Congress who want to use their MX votes as "bargaining chips" with the Administration. They should be traded for a major improvement in America's arms control offer.

REVIEWING THE STATE DEPARTMENT'S HUMAN RIGHTS REPORT

Mr. **PROXMIRE**. Mr. President, the Department of State's Report on Human Rights Practices for 1982 has evoked strong criticism, with opponents charging that rightwing dictatorships were treated with kid gloves. One review, put together by Americans Watch, Helsinki Watch, and the Lawyers Committee for International Human Rights, maintains that the State Department's report is filled with "serious distortions." Concerning Chile, for example, they are that the State Department omits or blurs that Government's human rights violation record in order to make it more neatly fit the Reagan administration's ideological needs.

The State Department claims that human rights improved in Chile during 1982. In fact, the review argues, "the situation deteriorated markedly in 1982." Arbitrary arrests increased, political murders remained unchecked, and mass detentions doubled from 1981 statistics.

I welcome this healthy critique of the State Department's report and its effort to accurately and plainly paint the degredation of human rights throughout the world.

Nonetheless, the most accurate report in the world, which criticizes every last abuse, will do little good until we rid ourselves of the smell of hypocricy. Unless we try to provide a more perfect model, illustrating our Nation's love affair with human rights, our critique of human rights violations will go unheeded. One way to strengthen our case is to swiftly ratify the Genocide Convention, putting the United States clearly on record as opposing mass murder.

Today, we are not entirely free to promote human rights throughout the world, having gagged ourselves by refusing to ratify the Genocide Convention. Our voice is muffled, if not silenced, by the obstinance of the Senate. The Soviet Union delights in every day that we let this treaty sit unratified; the rest of the world looks at us with wonder.

Mr. President, Norman Thomas once said he would rather America lose its face than lose its soul. Giving consent to the Genocide Convention forces no choice between the two. Ratification is right morally speaking; it is right geopolitically speaking; and I will continue speaking for the treaty, daily, until it is finally ratified.

MARCIA GAMBREL

Mr. **THURMOND**. Mr. President, I want to take just a moment to commend a young woman who has done an outstanding job working in the Senate Republican cloakroom, Miss Marcia Gambrel.

Miss Gambrel leaves her job today to begin work on the congressional liaison staff of Transportation Secretary Elizabeth Dole, I know my colleagues who have worked closely with Marcia over the last 2½ years join me in wishing her well in her new job.

I first became associated with Miss Gambrel when she became a page under my sponsorship in 1974. I am proud to say that she was one of the first female pages in the Senate and performed her duties in that job with the same dedication and ability she

demonstrated in her position in the cloakroom.

A graduate of Furman University in Greenville, S.C., where she grew up, Marcia rose quickly through the ranks in the cloakroom to become a senior assistant.

I want to extend my congratulations to her on the appointment to Secretary Dole's staff and offer my best wishes for continued success in the future. Good luck, Marcia, and thank you for a job well done.

CONCERNING SENATE AGRICULTURE COMMITTEE ACTION TO FREEZE TARGET PRICES FOR 1984-85 AT 1983 LEVELS

Mr. **ZORINSKY**. Mr. President, accepting a freeze on target prices in exchange for only a vague export promotion scheme financed with funds cut from farm price support payments is not my idea of how to help the Nation's farmers.

Farmers are tired of hearing about grandiose schemes to promote exports, especially when the administration has failed to take other steps that could boost exports without sacrificing price support payments.

In the 1981 farm bill Congress authorized "such sums as are necessary" for carrying out an export expansion program. Not only are we going in circles—rubberstamping something we authorized 2 years ago—but we are doing it at the expense of the farmer. We are proposing to take millions out of the pocket of the farmer to fund a program that is already authorized in the interest of expanding agricultural exports—the export credit revolving fund.

It is an insult to farmers' intelligence to ask them to give up income assured under the 1981 farm bill in favor of an export trade promotion program.

The administration's proposed freeze would eliminate the minimal increases in target prices approved when Congress enacted the 4-year farm bill in 1981.

For example, under the existing program, the corn target price would increase 17 cents in 1984, to $3.03 per bushel, and 15 cents more in 1985. For wheat, the increase would be 15 cents in 1984, to $4.45 per bushel, and 20 cents in 1985.

Congress acted correctly 2 years ago when it voted to provide farmers this protection from inflation. To break faith with them now, in midstream, is grossly unfair.

Nineteen organizations are on record in opposition to the target price freeze as follows:

National Farmers Organization.
National Association of Wheat Growers.
National Grange.
National Milk Producers Federation.
Grain Sorghum Producers Association.
National Peanut Growers Association.
National Association of Farmer-Elected Committeemen.
Cooperative League of the United States.
National Rural Electric Cooperative Association.
Women Involved in Farm Economics (WIFE).
Mid-Continent Farmers Association.
Central Exchange Farm Cooperatives (CENEX).
Communicating for Agriculture.
American Agricultural Movement.
National Rice Growers Association.
Hawaiian Sugar Planters Association.
Southwest Peanut Growers Association.
Northeast Area Agricultural Association.
National Farmers Union.

I submit that deficiency payments are a more direct way to put money into farmers' pockets. We are saying we are going to increase exports. I think the farmers have had it up to their ears with we are going to increase exports.

We have created agricultural sectors within the embassies. We have appointed special agricultural officers. We have a blended credit program, and now we are going to take more money away from the farmer and even give him a better export program.

What the farmer does not need is the kind of export programs we have been giving him thus far. And I think they would rather have the deficiency payments than to finance an export program by taking the money out of their pockets, creating a bigger export market for them so they can earn money based on how they have earned money up to now on the promises of increased exports.

I also object to the committee beihg forced to act on the administration's proposal without any detailed knowledge of the wheat and feed grain programs for 1984. Without these program details, we are unable to even guess what effect the committee's decisions will have on farmers. In particular, I am troubled by the suggestion that the Agriculture Department may substantially reduce price support loan levels for 1984. This means that the market price floor will sink, and I strongly believe that the impact of such a policy change should have been measured before the committee action to cut farm income by freezing target prices.

The compromise adopted by the committee would direct that $600 million of the savings from the $3.9 billion target price freeze would be placed in the export credit revolving fund to finance future sales, along with future loan repayments. Simply providing more export money to USDA does not assure that it will be spent. The Agriculture Department is currently sitting on $750 million—as stated in their wheat outlook and situation report—provided by Congress to use in the blended credit program. Further, we understand that credit programs are under review at OMB, and it appears that the blended credit program will not be used to develop markets, but solely to respond to competition from the European Community.

It does no good to take target price payments from farmers and pile them on USDA for export credit initiatives that will not be undertaken. Although, $5.15 billion has been allocated for agricultural export programs by the administration in fiscal year 1983, exports this year are projected to drop by 10 percent to $35.6 billion. The decline will be both in volume and value, with wheat accounting for three-fourths of the 9-million-ton drop in sales. Wheat exports may be down 8 percent in 1983-84, following a 14-percent drop last season. The U.S. share of the world wheat market is projected to drop below 40 percent for the first time since 1971-72.

With this background, how can it be said that the Senate Agriculture Committee's compromise will generate the income that farmers need from the marketplace? I think it is clear that $300 million a year in export financing cannot turn the tide for exports, and it will not put the money back in the pockets of farmers that is lost by the target price freeze and a possible drop in loan rates. The committee's compromise will reduce net farm income in 1984 and 1985.

The deficiency payment loss to farmers in 1984 and 1985 will come off the top of what would be their net profit. I am not against export financing, but I think we are fooling ourselves if we believe that this bill is going to both save money and help farmers in fiscal year 1984.

Further, I am distressed that this step represents a breaking of faith with farmers who counted on the 1981 Agriculture Act for setting a policy which they could count on.

When the 1981 farm bill was handled on the floor of the Senate, nearly 50 amendments were considered. Many of them were adopted by voice vote or with a recorded vote.

Many of those amendments, the related debates and countermoves centered on the level of loan rates to be established on the major commodities over a 4-year period and the target price levels to become applicable to grains, cotton, and rice.

Some of my colleagues who were most active in pressing for the administration's views in these subject areas were successful in forcing the adoption of loan rate minimums and the applicable target prices by substantial margins in the recorded votes.

You will recall that we were uncertain of our ability to cope with inflation at that time, and it is my clear recollection that the administration and some of the leaders in the majority party in the Senate insisted on abandoning any reference to the cost of production or parity in establishing these important price support levels. They insisted on naming specific amounts for each of the annual programs.

Regardless of whether we wish to be reminded of our responsibility, I think it important that we acknowledge now that when that 1981 bill became law, we assured the American farmer that he could make long-term plans based on its provisions.

Senators will also recall, I am sure, that farmers, as well as other borrowers, were faced with interest rates ranging from 15 to 20 percent at that time. Many of the debts assumed in 1981 and 1982 are still to be repaid—the interest rates have not been lowered on those loans.

Even when we think now of new loans at interest rates somewhat reduced from the highs of 2 and 3 years ago, it is apparent they are already beginning to rise again.

So what are we doing in this bill—we are simply breaking faith with the producers of the major commodities, grains, cotton and rice, on a commitment we made to them in this Senate less than 2 years ago. For my part, I want to be certain of some exemption from that label.

I do not like for our Government to welch on its commitments. As a matter of fact, we would not do so in the conduct of foreign affairs with other nations. We would not do it to the insurance industry or the banking industry and get away with it. I hope those who have been most active in shaping this bill will be just as forceful and persistent in explaining their actions to the American farmer. Furthermore, I hope that Members of the Senate realize they are taking an unprecedented action in dealing with farmers and ranchers of this country.

Another area of concern should be clearly identified for those who may choose to vote for this package. Since the administration, which must announce and administer our programs for at least another 2 years, has refused to use the full authority extended by the Congress to expand exports of farm commodities, it is only fair to assume that any pretext of committing more funds to the expansion of exports set forth in this bill will probably be properly labeled a sham after it is subject to certain policy decisions in the executive branch.

The Senate is urged to turn back this bill. It was a mistake for our committee to comply with the wishes of the Director of OMB. The savings are not sufficient to warrant this legislation.

THE VOCABULARY OF ARMS CONTROL PART IV—SPACE TECHNOLOGY AND RELATED AGENCIES

Mr. PRESSLER. Mr. President, as the debate deepens on the critical issue of arms control, a 1980 version of "alphabet soup" nomenclature is coming into widespread use. As part of a continuing effort to familiarize readers with this important language, at this time, I am submitting to the RECORD part four of my series entitled "The Vocabulary of Arms Control." Part 4, like part 3, concentrates on vocabulary associated with space technology. Unlike part three, this section deals with specific weapons systems and the Government agencies that control these systems, as well as other key miscellaneous terms.

I have received inquiries from the general public expressing an interest in obtaining a complete set of the assembled terms. This serves as additional proof that the citizens of this country, our constituents, have a keen interest in arms control, and the debate surrounding it. We must redouble our efforts in this area as a whole, and most importantly in the field of space armaments. We now have a fleeting opportunity to demilitarize space and keep it that way, thus avoiding an exponential expansion of the race to militarily dominate the heavens as well as our Earth. It is my hope that this glossary of the terms that are used daily in the arms control debate will facilitate new progress and understanding on this issue. The time to act to control proliferation of space weaponry is now. Let us try to avoid becoming an improvished plant straing to support a myriad of orbiting "Star Wars" devices. Let us try to negotiate a verifiable international agreement banning antisatellite weapons as a first step toward banning all space weapons.

I wish to express my thanks to Marcia S. Smith and Susan E. Crowe of the Congressional Research Service, and Michael Marlow who is interning on my staff this summer, for their assistance in compling definitions of these terms.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VOCABULARY OF ARMS CONTROL

AFSATCOM: An acronym for Air Force Satellite Communication system. AFSATCOM consists of transponders placed on other communications satellites, such as FLTSATCOM.

Air Force Space Division (AFSD): A division of AFSC with responsibility for performing R&D on space systems.

Air Force Systems Command (AFSC): AFSC has overall responsibility for research, development, testing and evaluation for all new Air Force programs (i.e. airplanes, satellite systems, computer systems). AFSC is located at Andrews Air Force Base, Maryland.

Antisatellite System: Any system whose primary mission is to destroy the operational capability of satellites, if not the satellites themselves, including ground-, air-, and space-based systems based on conventional technology such as homing vehicles or advanced technology such as lasers and particle beams.

Ariane Launch Vehicle: An expendable launch vehicle developed by ESA and launched from the Kourou launch site in French Guiana, South America.

Arms Control and Disarmament Agency (ACDA): ACDA is an executive agency that advises the administration on arms control issues. It also monitors arms control agreements, mainly between the United States and the Soviet Union, and develops the technology used for monitoring arms control agreements.

Centaur: A cryogenic high energy upper stage produced by General Dynamics. Centaur has been used for many years with the Atlas expendable launch vehicle; it is now being reconfigured for use with the space shuttle.

Chair Heritage: A Navy particle beam research program conducted at Lawrence Livermore Laboratory in California. The program was transferred to DARPA in 1979.

CINCNORAD: An acronym for Commander-in-Chief of the North American Aerospace Defense Command; currently General James Hartinger.

Consolidated Space Operations Center (CSOC): A facility under construction by the Air Force near NORAD in Colorado Springs, Colorado to serve as a satellite control facility for military spacecraft (in addition to the existing facility at Sunnyvale, California).

Cryogenic Infrared Radiance Instrumentation Sensor (CIRRIS): Tested on the fourth shuttle mission, CIRRIS was a barrel-shaped cryogenically cooled infrared sensor developed by the Air Force Geophysical Laboratory and Utah State University. Details of the system are classified, but according to the trade press, data from CIRRIS was to be used in designing sensors for reconnaissance satellites.

Defense Advanced Research Projects Agency (DARPA): DARPA is charged with the task of developing new ideas, projects or systems for any branch of the military. It presents the ideas to a specific branch or office which then decides whether or not to pursue them. DARPA only performs creative research, it does not procure systems.

Defense Satellite Communications System (DSCS): A system of communications satellites in geostationary orbit utilized by the Department of Defense. DSCS II and DSCS III satellites are currently in use; the latter is an upgraded system which has been hardened.

European Space Agency: A group of eleven European countries (Belgium, Denmark, France, Federal Republic of Germany, Ireland, Italy, Netherlands, Spain, Sweden, Switzerland, and the United Kingdom) which develops spacecraft and launch vehicles. Formed in 1975 as the merger as the European Launch Development Organization and the European Space Research Organization, ESA also has two associate members (Austria and Norway) and a technicla agreement of cooperation with Canada.

Expendable Launch Vehicles: Launch vehicles which cannot be reused. This category includes all launch vehicles which currently exist with the single exception of the space shuttle.

Feature Identification and Location Experiment (FILE): Another OSTA-1 experiment which tested methods to discriminate between water, bare ground, vegetation, snow, or clouds in order to collect only wanted data.

FLTSATCOM: An acronym for Fleet Satellite Communications, a Navy communication satellite system using geostationary satellites.

Fractional Orbital Bombardment System (FOBS): A long-range ICBM system tested by the Soviet Union from 1967 to 1971 which would have flown on a trajectory to the United States over the South Pole rather than the North Pole, thus avoiding the Ballistic Missile Early Warning System. The missile would almost have gone into orbit for part of that time so is often discussed in terms of space weapons. No tests have been made since 1971 and opinion is divided in the West as to whether the system was abandoned or is operational and therefore requires no further tests.

Ground-based Electro-Optical Deep Space Surveillance System (GEODSS): A system of ground-based sensors which will eventually be emplaced at five locations around the globe (three locations—New Mexico, Hawaii, and Korea—are currently operational) for tracking small objects in high orbits.

Heflex Bioengineering Test (HBT): An OSTA-1 experiment for determining the relationship between plant growth and moisture content in the space environment.

High Energy Upper Stage (HEUS): A generic term for upper stages using high energy fuels such as liquid hydrogen/oxygen, which can place heavier payloads into high orbits than upper stages such as IUS.

Inertial Upper Stage (IUS): A solid-fuel upper stage used for taking payloads from the relatively low orbits directly accessible by the space shuttle or certain expendable launch vehicles to higher orbits (such as geostationary orbit).

Integrated Operational Nuclear Detection System (IONDS): Sensors which will be carried on some NAVSTAR satellites to provide data on nuclear detonations.

International Solar Polar Mission: Originally, a mission to send two spacecraft (one provided by the United States, the other by the European Space Agency) to study the polar regions of the Sun. In 1981, the United States withdrew from its agreement to provide one of the spacecraft, although it will launch and track the European spacecraft.

LANDSAT: An acronym for Land Satellite. NASA has launched four LANDSAT spacecraft since 1972 for remote sensing of the Earth from space. Data are collected on, for example, crops, pollution, and geological formations (which can indicate likely locations for oil deposits).

Large Optics Demonstration Experiment (LODE): Another part of the U.S. space-laser triad program, concerned with development of the optics for the laser system.

Measurement of Air Pollution from Satellites (MAPS): An OSTA-1 experiment which measured the distribution of carbon monoxide in the troposphere.

MILSTAR: An advanced military communications satellite system now in development to provide secure communications in times of crisis through the use of hardened satellites capable of operating at both extremely high and extremely low frequencies.

Miniature Homing Vehicle: A device planned for use in the U.S. antisatellite program for impacting (and thereby destroying) enemy satellites. The MHV would be launched from an F-15 aircraft using a SRAM.

Multispectral Infrared Radiometer (SMIRR): One of the experiments on the OSTA-1 payload on STS-2 which measured solar reflectance of mineral-bearing rock formations.

NAVSTAR Global Positioning System (GPS): A planned system of 18 navigation satellites which will provide three-dimensional (latitude, longitude, altitude) data to both military and civil users; the Transit navigation satellite system currently in use is only capable of providing two-dimensional (latitude and longitude) data. Six GPS satellites are now in orbit for test purposes.

Night and Day Optical Survey of Lightning Storms (NOSL): An OSTA-1 experiment involving visual observations of lightning storms.

North American Aerospace Defense Command (NORAD): Located in Colorado Springs, Colorado, NORAD is a joint U.S.-Canadian organization which has responsibility for North America's early warning system. Both space (satellite) and ground (radar) data feed into the early-warning system.

Ocean Color Experiment (OCE): An OSTA-1 experiment concerned with the mapping of algae concentrations.

Orbital Flight Tests (OFT): The first four shuttle flights were referred to as OFTs and were designed to test shuttle capabilities and systems. All OFTs were carried out by orbiter 102 (the Columbia), were launched from NASA's Kennedy Space Center at Cape Canaveral, and landed at Edwards Air Force Base, California (except for STS-3 which landed at White Sands, N.M. due to weather conditions.)

Project Alpha: One part of the U.S. space-laser triad program for developing space lasers. Alpha concerns development of the laser itself.

Project Objective Memorandum (POM): Used by the military in budget formulation, a POM can apply to any program in any branch of the service with a system element number assigned to it. For any such program, the military projects the services and monies needed over five fiscal years in order to achieve the goals of the program.

Radioisotope Thermal Generator: An energy source which generates electricity through the natural decay of plutonium-238; often used on spacecraft which will journey too far from the Sun to use solar panels or which are designed to operate for very long periods of time.

Remote Manipulator System (RMS): The RMS, built by Canada, is referred to as the "arm" and is attached to the shuttle and used to deploy and retrieve satellites. It was tested on the second shuttle flight and has been used on subsequent missions.

SAMRO: A planned French military reconnaissance satellite which would be adapted from the French Spot remote sensing satellite. The French have indefinitely postponed the project at this time due to budget austerity.

Short Range Attack Missile (SRAM): A SRAM is a missile which can only travel a short distance (about 100 miles) and is designed primarily to knock out the early warning radars of an enemy although it will also be used in the U.S. antisatellite program to launch the miniature homing vehicle from an F-15 aircraft.

Shuttle Imaging Radar (SIR-A): One of seven experiments on the OSTA-1 payload aboard the second shuttle flight which tested techniques for mapping geological structures important in oil and gas exploration. It used a synthetic aperture radar.

Sipapu: Also called White House, Sipapu was the Army's particle beam research program centered at Los Alamos Scientific Laboratory in New Mexico. In 1980, Sipapu was transferred to DARPA.

Space and Missile Systems Organization (SAMSO): SAMSO no longer exists. In 1979, it was split into two offices, the Ballistic Missiles Office at Norton Air Force Base in San Bernadino, California and the Air Force Space Division in Los Angeles. Both offices now report to the Air Force Systems Command and perform the research, development, testing and evaluation functions for ballistic missile and space systems.

Space Transportation System (STS): Often used synonymously with the term space shuttle, STS initially would have involved a fully reusable space shuttle, units such as Spacelab which are carried in the shuttle cargo bay, and a variety of reusable and expendable upper stages taking payloads into higher orbits. However, NASA budget constraints caused the scope of STS to diminish to the partially reusable system used today, units that fit into it, and a variety of expendable upper stages.

Talon Gold: The remaining part of the U.S. space-laser triad program, concerned with development of pointing and tracking capabilities for the laser system.

The Second U.N. Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE 82): Held from August 9-21, 1982 in Vienna, UNISPACE convened to stimulate the growth of space activities and demonstrate the relationship between space activities and the socio-economic advancement of the world, especially the less developed countries. Issues debated at UNISPACE '82 included the militarization of space, technology transfer, access to geostationary orbit, direct broadcast satellites, and remote sensing. Ninety-four countries participated.

Tracking and Data Relay Satellite System (TDRSS): A system leased by NASA from Space Communications, Co., TDRSS will consist of three communications satellites in geosynchronous orbit (one as an in-orbit spare) when it becomes fully operational. The first satellite was launched by the shuttle in 1983, but was placed into the wrong orbit by the inertial upper stage. NASA is now trying to correct the orbit. When operational, TDRSS will monitor low Earth-orbital spacecraft and relay voice and data transmissions to a ground station in New Mexico. This system will allow NASA to close 9 of its 13 existing ground stations.

U.N. Committee on the Peaceful Uses of Outer Space (COPUOS): The United Nations body which is in charge of U.N. debate over outer space activities and programs. COPUOS developed five U.N. treaties governing outer space exploration and uses of which four are in force. COPUOS is serviced by the Outer Space Affairs Division at the United Nations.

Very Large Scale Integration (VLSI): VLSI refers to a type of microelectronic technology that permits an order of magnitude decrease in computer size, weight, power consumption, and failure rates, plus a hundred-fold improvement in processing capacity.

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CENTRAL AMERICA

Mr. SASSER. Mr. President, today, I announce my support of a bipartisan effort to establish a comprehensive national policy regarding Central America. Specifically, I am cosponsoring legislation introduced by Senator JACKSON and Senator MATHIAS designed to create a presidentially appointed commission with membership from both political parties—a nonpartisan commission—which will examine the situation in this important region of the world and make recommendations to the Nation regarding future American policy. This commission would be similar to the commissions which studied the issues of social security and the MX missile.

Mr. President, there is a growing concern throughout the country that the policies of the Reagan administration could lead this Nation into an overreaction to events in Central America. Yet, we must never lose sight of the fact that this region is strategically vital to the security of the United States.

In my considered judgment we must not allow the spread of Cuban and Soviet influence in the region. That much is clear, but the solution to the problems of Central America cannot be found through the barrel of a gun. The history of the region, indeed the history of Vietnam, teaches us that we must not attempt military solutions to regional economic and social problems. It is time to call for a halt in hostilities and for a beginning to negotiations for peace. For example, the United States should endorse the suggestions by the Contadora group—the countries of Mexico, Colombia, Venezuela, and Panama—to promote regional negotiations.

No one wants war in Central America. So, our efforts must be directed at a cooling of tensions. We must guard against the prospect that rising hostilities could lead to a broader American involvement in the region.

We must not allow American involvement to reach the point of no return. Just this past week, the administration sent 120 Green Berets into Honduras to train soldiers of the El Salvador Army. We are constructing an airfield in Honduras which could accommodate American Air Force transports, and the administration is requesting approval of a second airfield, with additional ones under consideration. The Cubans and the Soviets are embarking on a similar buildup in the neighboring country of Nicaragua.

Many observers in the Pentagon itself have indicated that the actions and counteractions by the superpowers in Central America are not all that dissimilar to the tragic actions in Southeast Asia 20 years ago. We must not allow Central America to become another Vietnam. Clearly the geography, the people, and the culture of Central America are substantially different than Southeast Asia. Yet, we are reacting to the crisis in Central America in much the same manner as this Nation reacted to events in Vietnam two decades ago.

The bipartisan commission suggested by Senate Resolution 158 would make a report to the Nation within the next 6 months. I am confident that it will find that the problems of Central America can only be solved with a long-term policy aimed at reducing the effects of poverty, poor education, and a lack of regional industrial infrastructure. Likewise, our policy must be directed at promoting a stronger regional democratic center and a growing middle class to reduce the leftist and rightist political and military competition. I am under no illusion concerning the Central America Commission. Such a commission cannot, alone, answer all the complex problems of U.S. involvement in Central America. But as other commissions have demonstrated, it could help bring focus to the problem and provide a less politically charged forum for future policy considerations. So, for that reason, I am supporting this bipartisan effort.

Mr. President, the first American soldier to die in Vietnam was a young man from Livingston, Tenn. No Tennessean should die in Central America when peaceful, negotiated solutions can still be found.

THE FREEDOMS AND PRIVILEGES OF U.S. CITIZENS

Mr. JACKSON. Mr. President, recently an excellent article by Samuel F. Pryor has come to my attention. In this commentary, which appeared in the Maui News, Mr. Pryor reflects on the freedoms and privileges we share as U.S. citizens.

Mr. Pryor is well-known throughout the world for his prominence in the aviation industry and for great humanitarian service to his fellow men. Among his many accomplishments, Mr. Pryor has served our Nation in two World Wars, has served as a consultant to the Department of State, has been recognized for his contributions to the Narcotic Enforcement Officers Association and is retired from Pan American Airways, Inc. where he was vice president and assistant to the president.

I am pleased to have this opportunity to present this commentary to the Members of Congress for publication in the CONGRESSIONAL RECORD. I think it is well worth taking a moment to read this fine article. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Maui (Hawaii) News, May 1983]

ABILITY TO MEET DANGER HAS MADE OUR NATION GREAT

(By Samuel F. Pryor)

Pondering over the ruins of ancient civilizations in Asia and Africa, some of which have been buried well over 2,000 years, has caused me to wonder about ourselves.

Each of these cities, in its proper time stood at the peak of achievement and accomplishment. Each asserted its influence throughout the then known world. Each was the leader of its time.

How much time do we have and how wisely are we using it?

As Arnold Toynbee has documented in the case of civilization after civilization, complete destruction comes from within. Egypt, Babylon, Crete, Greece, Assyria—and in our own hemisphere, the Mayas and the Incas—were not destroyed from without. In each and every case the civilization had begun its self-destruction from within.

When the final test came, these great, cultural, once-healthy systems found themselves spiritually sick and helpless. They could not defend themselves, because they had already lost faith in themselves.

Here within our own United States of America there are those who attack our system of government.

Time Present: We must lead with the other great powers seeking a permanent peace for our world. I will bring no prophecies of a third World War. If I did, I am morally certain that what I would have to prophesy would be the end of world civilization. The next war will have no bands, or parades, no flags and no romance. Humanity is now at the crossroads.

Time Future: We in the United States can look back through the long vista of human history and we can see that now—today—the whole course of human freedom is in the greatest danger mankind has ever known. We are face to face with the cruelest, most deceitful enemies we have ever faced. We are doing everything possible to make them friends, but they have dedicated themselves to burying us as well as our way of life.

We must maintain our material strength which unfortunately is the only kind of strength these adversaries respect. We also have hope in that we are blessed with a spiritual strength, not possessed by our adversaries, for they have no God, no Christ, no Mohammed, no Abraham.

This is the period in the life of an individual, in the life of a nation, and, for that matter, in the life of a whole civilization when things are happening with incredible speed. Events are piling upon events with such rapidity that time itself has become foreshortened. Predictions about the future are almost meaningless.

The present tensions over the Middle East, Cambodia, Vietnam, Laos and Thailand and other potential trouble spots all over our globe cannot be exaggerated. These trouble spots are no longer a great distance—today the flying time to the Middle East is a matter of only a few hours.

We people living here in the United States have a great blessing over the way of living under any other form of government. In our Declaration of Independence we have one privilege not mentioned in the declarations of any new country obtaining independence around the world—"the pursuit of happiness."

You hear much about freedom and equality, but what greater privilege in life is there

than to pursue—happiness—not just for yourself but for other people because by doing this you will bring happiness to your own self and to those about you.

Paradoxically, while realizing that we must be constantly alert to enemies who know no God, we must at the same time continue to follow the dangerous path of peace which our President is doing.

We must then ask ourselves whether our minds and hearts have the ability to match the speed of sound with understanding and love for our fellow man—not just in our own town, not just in our county or state or country, but around the world. This is the kind of progress our enemies fear most.

It is fraught with danger, but being able to meet danger is what has made our country great. In facing danger we in our country have another blessing that our adversaries have not—faith. During the war in England a stone was unearthed after a bombing. It had this inscription on it: "Fear knocked on the door—faith answered—and there was nobody there."

It is our solemn obligation to walk this dangerous path of peace in faith and friendship in fulfillment of our mission on Earth. Our lives and our civilization are not in danger from animals, birds, fish, plants or insects—the only danger to our world is from us, humans.

BILL MILLER

Mr. GOLDWATER. Mr. President, yesterday, a little after noon, the remains of William Miller was laid to rest in Arlington Cemetery.

Bill Miller lived the kind of life that I think God intended all men to live, and that is, in the best service of his country, his family, and himself. During the many, many years that I knew him, I never knew him to do a dishonest thing, nor have a dishonest thought. He was attentive and loyal to his beautiful wife and children. He was loyal and dutiful to his country. In fact, whenever questions came up involving his country or his State, or where he lived, the country came first.

We are not going to see many Bill Millers around in the future because the whole system of our Government, our way of life, and the way of living in this country has changed. I hope I am wrong in this because our country and the world could use more of him.

It is with great regret that I notice this passing day, but I realize that the great majority of Members of this Senate never knew Bill Miller and, at the best, heard of him by name. We will all who knew and loved him, miss him, and our condolences go to his sweet wife and her wonderful family.

DR. WALTER D. SMITH RETIRES AS PRESIDENT OF FRANCIS MARION COLLEGE IN FLORENCE, S.C.

Mr. THURMOND. Mr. President, on June 30, 1983, Dr. Walter D. Smith will be retiring as president of Francis Marion College in Florence, S.C. In 1970, Dr. Smith was appointed the first president of the newly created 4-year college. During his 13 years as president, he has helped shape the future of the college and has left for his successor a healthy, growing institution which has provided quality education for the citizens of our State.

A native of Harriman, Tenn., Dr. Smith received his B.A. degree from Lincoln Memorial University and his M.A. and Ph. D. degrees from the University of Michigan. While serving as a Navy officer during World War II, his travels took him to Australia, where he met his future wife, Rhondda.

From 1950 to 1959, he taught psychology at Florida State University. In 1959, he became dean of the college and professor at Winthrop College in South Carolina. He subsequently was appointed as vice president for academic affairs at Winthrop and served in that position from 1966 to 1968. In 1968, he became president of Salisbury State College in Maryland.

When he returned to South Carolina in 1970 to assume the presidency of Francis Marion College, Dr. Smith brought with him many talents—organizational expertise, fiscal responsibility, ability to lead and work with people, and an untiring sense of humor. With these talents, he has built Francis Marion College into a strong institution with a student body of 2,900, a physical plant valued at $28 million, and an annual operating budget of over $8 million.

Dr. Smith has worked in the field of education for more than 30 years, and was recently honored for his efforts in education and other activities. In May, Winthrop College awarded him an honorary doctor of humane letters. Just last week, the Pee Dee Area Boy Scouts in South Carolina honored him as a distinguished citizen.

We know that Dr. Smith will continue to be active in shaping the lives of young people as he enters yet another phase in his career. We thank him and recognize his accomplishments thus far and wish for him and his lovely wife Rhondda much happiness and success in the days to come.

Mr. President, I ask that a recent article by Tenney Griffin about Dr. Smith which appeared in the Florence Morning News be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Florence (S.C.) Morning News, May 22, 1983]

FOR DOUG SMITH, FMC PRESENTED A CHALLENGE

(By Jenny Griffin)

She remembers the first date. He was in Sidney on two weeks leave from his PT boat squadron which had been on patrol off New Guinea.

There was a party that night, and too many PT boat commanders took on too much Australian punch. He spent most of the night making sure his fellow officers got back to the base and that their dates were properly taken care of.

They saw each other several times during the two weeks. Then he went back to the war. That was in 1944.

Two years later she came to the States to visit a sister in Indiana. He invited her to come visit him in Harriman, Tenn. He met her in Knoxville and they rode the bus to Harriman.

Then she explained she could only stay for a couple of days. Her visa was about to expire. If they were married, there would be no problem in her staying in the States, he told her. They were.

If you poke around long enough in the James A. Rogers Library at Francis Marion College, you'll find a portrait of Walter Douglas Smith. It is stuck in an out-of-the-way place on the second floor, behind locked doors, in the Arundel Room.

It is standard operating procedure for college presidents to have their portraits done. But the Francis Marion College president didn't especially like the idea. The picture was stashed for a couple of years in an anteroom off his office. Only a few months ago did it go up in that remote area of the library.

The story of Rhondda and Doug Smith's romance, and marriage, tells you something about the man. He is doggedly determined to go after what he wants. And he usually gets it.

Taking care of his buddies and their dates at that bash in Sidney tells you something, too. He's concerned for people. He never loses a friend.

The portrait? The man doesn't like the limelight. He is content to let others take the credit.

Doug Smith came to Florence in 1970 to build a college in a cotton field. He was 51 then and president of Salisbury State College in Maryland. He had it made. Why would he give up the security of an ongoing, long-established college in a lovely community to take on something as tenuous as the then dream of Francis Marion College?

"Why at 51, I was still a young man," Smith countered. "Imagine. It was the idea of starting a new college. How many people get to do that, to be on the ground floor, to do the planning. It was some challenge."

Born in Harriman, Tenn., Smith is the son of a machinist. He worked his way through school, because he had to and because he knew how. Two years were spent in a steel mill in McDonald, Ohio.

As a young man, it was apparent he always knew where he was going. He is ambitious and that's a trait which appealed to Rhondda.

His success in Florence is apparent. Francis Marion College, the college Smith built in the cotton field, is firmly rooted in South Carolina's scheme of higher education.

That includes a physical plant valued at $28 million, 2,900 students and an annual operating budget of $8.5 million. Doug Smith started it from scratch.

He was able to do it because he had the community's support. He coupled that with boundless energy, a capacity for detail without losing his perspective and dogged determination.

Boundless energy and dogged determination? Doug Smith never gives that impression. Actually, the opposite. He is one of those who gets so much accomplished without it appearing so.

There's no president's dining room at the college. The Francis Marion president goes

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through the cafeteria line with the students. He finds a place and uses the lunch hour to visit with students and his campus buddies.

He loves a practical joke. That's why his friends go to great lengths to pull them on him. Once on a visit to his wife's home in Australia he got a telegram from Florence. It informed he had been fired by the college board.

If Dr. Smith has any problems as a college president and administrator, it is that he is such an open book. Because of that, he might be misconceived. But he knows how to save the last card to play last.

The key to any successful administrator is the people which surround him. Smith has a capacity for picking good people and then letting them do their jobs.

But he is a terrible golfer. So bad in fact, that years ago he gave it up. Now he piddles in his garden, which this year is thus far only a half-dozen tomato plants.

He labels himself a "cultural idiot" when it comes to music. His taste runs to Loretta Lynn. Obviously, there's nothing wrong with that, but he also understands the importance of the fine arts in the college program.

Smith understands, too, that the college is its faculty and library. Everything else is secondary.

And he knows how to care for the taxpayers' money. Jack Benny is one of his nicknames. His colleagues don't call him cheap. Parsimonious is the word they use.

Smith is winding it down now. He retires next month. And next month he'll be honored as Florence's distinguished citizen of the year. He didn't like the idea, but he had no choice.

Turn-about is fair play because for all these years he has been program chairman for the affair.

He and Rhondda have their own home now. She's delighted, delighted to be out of "public housing," as she calls it.

At the college, they are in the process of remodeling the old Wallace home to be used by the new president as his home. That was the last item on Doug Smith's building program list. That tells you something about the man, too.

Mr. BAKER. Mr. President, since I see no other Senator seeking recognition at this moment, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WALLOP). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TAX RATE EQUITY ACT OF 1983

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

A bill (H.R. 1183) to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax, and so forth.

The Senate resumed consideration of H.R. 1183.

The PRESIDING OFFICER. The time between now and 10 a.m. is under the control of the majority and minority leaders or their designees.

Mr. BAKER. Mr. President, the distinguished Senator from Kansas (Mr. DOLE) will be the manager on this side. He was so designated yesterday and I so designate him today. He is on his way to the Chamber, however, and I have no need for time, nor do I have a request at this moment for time.

Therefore, I yield the floor and reserve my time.

Mr. BYRD. Mr. President, I designate the control of the time as I did yesterday on this side of the aisle to Mr. BRADLEY.

Mr. BRADLEY. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, as I walked into the Chamber today I was asked by members of the media as to why a battle was being made in connection with this issue, particularly in view of the fact that all published reports have indicated that the other side of the aisle is going to vote en bloc against it and, therefore, will defeat the amendment.

I think that it is important that the issue be made because, in my opinion, it highlights the whole question of fairness and equity, and probably not in many a year has the administration of our Government, the leadership of our Government, been as unfair and inequitable as has been evidenced by their tax policies.

A lot of people talk about balancing the budget, but the facts are that we would have balanced the budget by 1986 and have had a surplus in 1986 and 1987 if we had not passed all of the tax reductions. It was argued whether we should or should not have done that, and I was one of those who voted for that tax reduction package regrettably, I might say in retrospect.

Having said that, I think we should see who really gained from that tax reduction bill. We are well aware of the fact, at the present time, that in the month of April the Government paid out more in refunds than it took in taxes received. We are well aware of the fact that I think it was in the month of March there was something like $24 billion in tax refunds to corporations and $12 billion in tax payments.

As we look at the tax laws that have been enacted in the last 2 years, we come to the inescapable conclusion that it has been tax relief and tax reduction for the rich and very little consideration for the poor and middle-class Americans.

In the first tax reduction bill, if you had $100,000 in earnings, you received 11 times as much of a reduction as a person who earned one-fifth as much as you. So the proportion was distorted.

And under this tax proposal, the tax reduction that is to take place as of July 1, those earning $20,000 will receive about one-thirteenth as much in tax reduction as those earning $100,000, five times greater in income.

So again we find further evidence of the unfairness and inequity of the administration. The President talks about no new taxes. That means no new taxes for his friends, the rich, because it is indeed the fact that we have added under his leadership a 5-cents-a-gallon tax on gasoline, we have doubled the cigarette tax, we have tripled the telephone tax, we have cut back on the right of people to deduct their medical expenses as well as their casualty losses, and now the President talks about standby taxes. And what are those? These are further evidence of the unfairness of the administration because what he is proposing in the way of standby taxes are 12-cents-a-gallon tax on gasoline and a 5-percent surcharge on income taxes.

But the facts are the 5-percent income tax is based upon income tax laws that are already distorted.

Since 1950 to 1980 and 1982, there has been tremendous distortion of where the tax revenues of this country come from. In 1950, 50 percent of the tax revenues of this country came from corporations. In 1980 or 1982, and I forget the specific year, about 26 percent of the total revenues of this country came from corporations.

What kind of equity is it when in the tax reduction bill of 1981 people who have tremendous estates will not be called upon to pay any taxes at all except in the case of three-tenths of 1 percent of all of the estates of this country? What kind of fairness when we make it possible for corporations who expend their dollars to get back in tax reduction, tax relief, and tax refunds more than the dollars that they spend?

The Government actually winds up subsidizing, when you take into acount all of the special tax gimmicks that have been put into the law. We call them investment tax credits. We call them accelerated depreciation. We call them intangible drilling writeoffs. We call them energy credits. We call them R&D credits. We call them industrial revenue bonds. We call them any one of a host of other names. But when all is said and done the best tax lawyers in this country will tell you that if you are a corporate executive and you are still paying any corporate taxes you should be replaced. The situation is so

bad that 16 conservative Republican Senators just about a year and a half ago wrote a letter to the President of the United States and said: "Mr. President, we did not realize that by 1985 50 percent of the corporations of this country will not be paying any taxes."

What kind of fairness, what kind of justification can there be when a company earns $1.8 billion and gets $145 million in a tax refund? And that company is not distinguishable from any others. There are corporations upon corporations upon corporations who pay no taxes but make very substantial profits.

Whether you agree with this amendment or not, the whole issue has to do with the question of fairness and all that this amendment does is it says that those who are moderate income earners and those who are poor should get their tax relief and that those who do not need that tax relief should get the same amount, the $720, but not 1 cent more.

Mr. President, without losing my right to the floor, I am prepared to yield to the Senator from New Mexico with the understanding that it will be on the time of the Senator from Kansas.

Mr. DOMENICI. I thank the Senator from Ohio.

Mr. President, the New York Times called the cap of the third year of the tax cut "doubtful economics and rotten policy." The Washington Post says it is a "gesture, not a reform." The El Paso Times which has a healthy circulation in my State called it a "double strike at the President's economic program."

A careful analysis of the bill makes it obvious to me that this is the wrong thing to do at the wrong time. It is unfair to two-wage earning, working couples, small businessmen, farmers, and the unemployed. These are the wrong people to deny the full benefit of the third year of the tax cut because they already bear a large portion of the tax burden and they are the key to economic recovery. It is the wrong time because, as President Reagan says, "America is on the mend."

I will not list all the reasons why capping the third-year tax cut at $700 would be a mistake. There are three reasons which stand out for me. This bill would hinder economic recovery. It would be unfair to 1 in 10 American taxpayers, and it would break our promise to the American people for a 3-year tax cut.

We are all concerned about economic recovery. This bill hits the consumer at exactly the wrong time, just as he is making up his mind to increase spending for cars and houses and durable goods. This bill only raises $1 billion in fiscal year 1983 and $6.2 billion in fiscal year 1984, but it raises those amounts much too early in our subpar economic recovery, and it raises them from the upper-middle income consumers most likely to purchase the big ticket items which mean jobs. As a rough rule of thumb, $30 billion of fiscal stimulus translates into 300,000 jobs. If we pass this bill, it will cost approximately 60,000 jobs.

Most Americans have yet to get a real tax cut after taking inflation and social security tax increases into account. Beginning Friday, that will no longer be true, unless we pass this bill. In that case, we will give an average tax increase of $654 to 8 million returns representing 14.6 million taxpayers. Couples with incomes as low as $37,200 would be affected; so would single taxpayers with $29,800 of income and heads of households with $32,000. These are the taxpayers who already run up against the steepest part of our marginal tax rates and who are hit each year with the increased maximum covered wage under our social security tax along with the rate increases which affect all workers. Why should we single them out?

Mr. President, I ask unanimous consent to have printed in the RECORD table 1.

There being no objection, the table was ordered printed in the RECORD, as follows:

TABLE 1.—INCOME LEVELS AFFECTED BY CAP

Type of returns	Gross income	
	Nonitemizers	Itemizers
Single returns	$29,800	$35,714
Joint returns		
1-earner		
No dependents	37,200	43,896
2 dependents	39,200	46,494
2-earner		
No dependents	38,351	45,676
2 dependents	40,412	48,378
Head-of-household		
1 dependent	32,000	38,571
2 dependents	33,000	39,870

Mr. DOMENICI. These taxpayers are singled out because of the misguided notion that the tax reductions legislated under the Economic Recovery Tax Act of 1981 were unfair to those with lower incomes. Nothing could be further from the truth. The 3-year tax cut was an across-the-board tax cut. It cut tax liability proportionally in every income class. The average reduction for all taxpayers equaled 24 percent. All income classes had nearly the same reduction with the exception of those below $10,000 who got a 29-percent reduction and those with incomes in excess of $200,000 who only got an 18-percent cut. Clearly, there is no justification for this bill on that basis.

Mr. President, I ask unanimous consent to have printed in the RECORD tables 2 and 3.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 2—PERCENTAGE OF TAX REDUCTION FROM LEGISLATED INCOME TAX CHANGES [1] 1982 INCOME LEVEL

[Dollars in millions]

Expanded income [2]	1981 liability	1984 liability	Percentage reduction
Below $10,000	$6,685	$4,733	29.2
$10,000 to $20,000	39,897	30,356	23.9
$20,000 to $30,000	59,198	44,429	24.9
$30,000 to $40,000	56,976	42,482	25.4
$40,000 to $50,000	38,875	28,909	25.6
$50,000 to $75,000	41,964	31,453	25.0
$75,000 to $100,000	16,960	12,932	23.8
$100,000 to $200,000	28,321	22,374	21.0
$200,000 and over	31,008	25,312	18.4
Total	319,882	242,979	24.0

[1] Assuming only the income tax changes affecting individuals from the Economic Recovery Tax Act of 1981 and the Tax Equity and Fiscal Responsibility Act of 1982

[2] Expanded income equals adjusted gross income plus excluded capital gains and other tax preferences less investment interest expense to the extent of investment income

Source: Senate Budget Committee, June 28, 1983.

TABLE 3—PERCENTAGE OF ERTA TAX CUTS TAKEN AWAY BY TEFRA AND A $700 CAP, 1982 INCOME LEVEL

[Dollars in millions]

Expanded income [1]	ERTA [2]	TEFRA [3]		$700 cap	
		Amount	Percent	Amount	Percent
Below $10,000	−$1,961	+$9	0.5		—
$10,000 to $20,000	−9,787	+246	2.5		
$20,000 to $30,000	−15,188	+419	2.8	+$19	0.1
$30,000 to $40,000	−14,807	+313	2.1	+100	.7
$40,000 to $50,000	−10,199	+233	2.3	+475	4.7
$50,000 to $75,000	−10,815	+304	2.8	+1,544	14.3
$75,000 to $100,000	−4,209	+181	4.3	+912	21.7
$100,000 to $200,000	−6,289	+342	5.4	+1,600	25.4
$200,000 and over	−6,182	+486	7.9	+635	10.3
Total	−79,437	+2,534	3.2	+5,287	6.7

[1] Expanded income equals adjusted gross income plus excluded capital gains and other tax preferences less investment interest expense to the extent of investment income

[2] Economic Recovery Tax Act of 1981, including the 3-year tax rate reduction with the 50 percent top rate and alternative minimum tax, the two-earner deduction, the expanded child care credit, and the charitable deduction for nonitemizers

[3] Tax Equity and Fiscal Responsibility Act of 1982, including the new minimum tax, further limitation of the medical expense and casualty loss deductions, and expanded taxation of unemployment compensation.

Source: Senate Budget Committee, June 28, 1983

Mr. DOMENICI. The tax cuts for the last 2 years have been fair. However, the proposal to cap the third year which we are debating today is riddled with unfairness.

The proposed cap on the July 1 tax cut is a working couple's tax increase, not just for this year but for every year. In effect we are taxing the married woman who goes to work to maintain the family's standard of living. Just 2 years ago we recognized that our Tax Code was penalizing working spouses for wanting to stay ahead of inflation. This legislation would erase the gains we made in eliminating this unfair tax burden on working couples.

Recently, the Secretary of the Treasury provided examples of the kind of people who would be forced to pay more taxes under the tax cap. He uses the estimated 1984 average wages for the professions mentioned.

A married couple consisting of a police officer who earns $23,260 and a registered nurse earning $20,960 would have received a tax reduction in 1984 of $917 if they did not itemize their deductions. Instead, the cap would result in a loss of $197. This is just for the first year. I urge you to remember that this is a permanent tax increase that will be felt year after year.

A secretary earning $13,950 married to a chemical engineer earning $36,120 would jointly have a 1984 tax reduction of $1,179 if the couple did not itemize deductions. This cap would cost them $459.

From the above examples it is obvious that the cap reimposes the marriage penalty and I do not think that is good policy.

Another related point which should be emphasized is that the cap would drive a tremendous wedge between tax brackets faced by middle-income taxpayers. For example, at the $35,200 income level on a joint return schedule, the marginal rate will change from 28 to 37 percent—an increase of 9 points. A roughly comparable rate increase under the proposal would occur at the individual schedule at the $28,800 income level, where the marginal rate would rise by 8 points from 30 to 38 percent. We are not talking about bracket creep, we are talking about tax rates running rampant.

A cap would be unfair to the small businessman and the farmer. The businessmen I have talked to in New Mexico have made plans for expansion and most importantly to increase their payrolls by creating some new jobs in anticipation of the third year of the tax cut. Most small businesses pay income taxes as individuals and they are counting on the third year of the tax cut.

As important as all of these reasons are to this debate, Congress must recognize that it would be a fundamental breach of faith with the American people if we pass this measure. On July 22, 1981, this body voted 89 to 11 to pass the Finance Committee bill which became the Economic Recovery Tax Act, and we passed the conference report 67 to 8. After these overwhelming bipartisan votes, are we really prepared to turn around and tell 1 out of every 10 Americans that we did not mean it after all?

Mr. President, I believe that these reasons are compelling and I urge my colleagues to vote against this bill.

I thank the distinguished Senator from Ohio for yielding, and I yield the floor.

Mr. DOLE. Mr. President, I understand there are a number of Senators who would like to speak, but they would all like to speak at 5 until 10, and I just suggest if they have any desires to be heard on this nonissue, they had better rush over here because I plan to speak at 5 of 10, and I assume the Senator from New Jersey wants to speak about that time.

I have not heard anything new on this matter this morning. It is the same old broken record. The Democrats talk about fairness and equity and then vote against it.

I just suggest, as I said last evening, if I pay more taxes and there is a tax cut, I ought to get a bigger tax cut. If there is a tax increase, you probably are going to pay more taxes if you are in a higher bracket.

So this is a last-ditch effort. I do not quarrel with my colleagues for disagreeing with the policy. It is 100-percent politics. I think everybody understands it.

We did not lose a single Republican on the House side on the vote there, and I hope we do not lose a single Republican on the Senate side on this vote.

It is an effort, a last-ditch effort, to undermine the Reagan program, and we are going to have lots of opportunities to really vote. If you want to soak the rich there will be some chances later on. But I think in the Wall Street Journal this morning there was a little notation to the effect that if you took all the income from all the people in the 50 percent and above bracket you would only get $12 billion. So if you took it all—and that would run the Government, I think it said, 8 days, and I will put that little notation in the Record later—all this discussion about the rich, and the rich has never been defined by the other side, just somebody out there, whoever it might be is rich, and whoever they represent is not rich and, therefore, it is good policy and good politics.

Mr. President, I know of no other requests for time on this side at this moment.

Mr. BYRD. Mr President, will the Senator from New Jersey yield to me?

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, 3 years ago the President of the United States called the leadership of both Houses up to the White House. That was in 1981, and from his 3-by-5 cards he argued his position in support of the Kemp-Roth tax cut.

I suggested to the President that though he thought he was right in that he felt that interest rates would drop significantly and quickly, that he thought he was right in saying that the budget would be balanced by 1984, and obviously he was sincere in his beliefs, there were some of us who did not believe that the rates would significantly and quickly drop on the passage of this program. There were some of us who did not believe that the budget deficits would be done away with and we would have a balanced budget by 1984. We could not see how increasing the Pentagon budget so much and so quickly, plus the $750 billion drain on the Treasury resulting from this kind of tax cut, 3 years of cuts in succession, many of us could not see how we could have a balanced budget by 1984.

I suggested, therefore, to the President that he tie the third year of the tax cut to the performance of the economy and the trend of deficits. He was not willing to do that.

The tax cut went into effect. We have heard it said that the rich got their benefits the first year, yet those who say that are also defending the very high income taxpayers today. If the high income 5 or 10 percent of the taxpayers received their benefits in the first year then why should they continue to receive such benefits as will accrue to them if this bill is not passed?

So we find the defenders of those persons who are the high-income taxpayers of this country and who say, "Well, they got theirs the first year," are the same opponents of this bill and are not willing to concede that those same high-income people are going to get their benefits again this year.

The Government will have to go out and borrow money, $6 billion, to make it possible for those high-income taxpayers to receive the amounts that were on the charts in the rear of the Senate Chamber yesterday, which indicated that those with an income of $100,000 will receive a tax cut this year of $2,448.

Here we are arguing for a bill that is fair, a bill that is fair to all taxpayers.

The President's economic program was referred to by Vice President Bush when he ran for President as voodoo economics. Well, the administration is still at it. They call a tax cut a "tax increase." If that is not voodoo economics, I do not know what voodoo economics would be. A tax cut is a tax cut is a tax cut is a tax cut, and, if this bill were to pass, this tax cut will go to every taxpayer, and those persons whose incomes are above a certain level, $46,000, $47,000, $50,000, will still receive a tax cut of $720 or in that range. That is a tax cut, c-u-t, tax cut. Those persons with incomes below $50,000, will get their full 10 percent, which will still be less than the $720 that the rich will get.

So I say to you today that the issue is fairness and that is right. I said many times in the past to my colleagues you will lose on this but you are going to be right, and we came out here on the floor. We lost and we lost and we lost, and we lost because we were outnumbered, but we were right and the bill before us today is right. That is why we are pressing forward on this bill today.

For those who say, "Why do you press for a bill that you know will be vetoed?" Well, any bill can be vetoed. Congress from time to time passes bills that are vetoed. Nevertheless, that should not keep Congress from attempting to do what is right, and it is

right, Mr. President, that we enact this bill.

It will reduce the deficit by $6 billion. It will inject the element of fairness into the tax cut. Nine out of every 10 taxpayers in the country will receive their full 10 percent cut. Mr. President, as far as West Virginia is concerned, only 2.9 percent of the households earn over $50,000.

So I say to my colleagues, this is fair. It will help produce the revenues in the amount of $6 billion, which is half what the budget, which was recently passed by the Senate, calls for. That will leave only $6 billion to be raised to carry out the budget mandate.

Mr. President, the right way to vote is to vote for this bill. I hope that my colleagues, on this side of the aisle, at least, will vote for this bill.

Mr. BRADLEY. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. BUMPERS. I thank the Senator from New Jersey.

Mr. President, the question is, What are we going to do about the deficit? Everybody in this Chamber remembers that in 1980 the President declared the national debt a national disgrace. He explained how the national debt of a trillion dollars would equal a stack of $1,000 bills, 67 miles high. Naturally, there was a loud roar of disapproval and moans across this country. However, because of the policies of this administration, that stack of $1,000 bills is going to become 134 miles high in the period of 5 or 6 years.

What is the President's solution? First, do not cut defense spending. Second, do not raise taxes. Instead, he has proposed to reduce social programs by $18 billion. The budget which we recently passed actually has a cut in entitlements, the first one in modern times.

Yet even if we eliminated social programs, rather than cutting them by $18 billion, we would still have a budget deficit twice as great as any we have ever had in the history of this country prior to Ronald Reagan becoming President. For all appearances, he is perfectly pleased with a $220 billion debt.

Is this cap fair? If you believe that it is unfair for people making $100,000 a year to get tax benefits 15 times greater than people making $20,000 a year, then the tax cap is fair.

Even Senators are being asked to participate in this, because even U.S. Senators, with the probable salary increase—which I opposed—and without honoraria, will have to give up between $400 and $500. I do not think that is going to hurt anyone in this Chamber, and I do not think it is going to hurt anybody else in the country in that income category.

Not long ago, Mark Shields wrote a story in the Washington Post, which I think is really appropriate to our current situation. He described Bobby Kennedy's visit to Creighton University in 1968, when he was running for President. He told a rather hostile student body what he wanted to do as President. He praised some social programs—medicaid, the Legal Services Corporation, and so forth. Finally, a hostile student asked who would pay for them. Senator Kennedy looked right at him and said, "You are." That is the kind of courage and forthrightness that somebody in this country ought to be exercising.

What is the President saying to the American people? Is he telling them that you are going to have to pay for this $2 trillion debt?

Is he telling them that they will have to pay for these staggering deficits? Not only is he not calling on the American people to pay for these deficits, he is pandering to their shortsightedness as no other President has. It is that great shortsightedness that produced the tax bill in the first place. It is that shortsightedness that has produced these staggering deficits. Now we assume some cosmic event is going to save this Nation, as though some cosmic event is going to reduce these deficits, as though some cosmic event is going to stabilize our economy and we are going to all live happily ever after. In truth, the most precious heritage we have, our children, are the ones who are going to suffer.

Is it not amazing when the shortsightedness of this country becomes so great that we are willing to sacrifice and mortgage the most precious thing we own, our children, mortgage their future, insuring that they will not have the kind of society you and I have enjoyed?

If you do not want that to happen, if you want to at least show your children and the Nation that your heart is in the right place and that you really are concerned about doing something, you will vote for this bill.

I thank the Senator for yielding.

Mr. THURMOND. Mr. President, the economic recovery is well underway. Inflation is less than 4 percent and interest rates are down from their previous high of 21 percent. Now is not the time to be increasing the burden on our taxpayers.

Mr. President, there have been assertions that the third-year tax cut is a rich man's tax cut. This is simply not the case. The third-year tax cut primarily benefits the hard-working middle class. Because of bracket creep caused by inflation, social security tax increases, State tax increases, and the $98 billion tax increase of last August, the third-year tax cut is the first relief for the middle class. The third-year tax cut reduces middle-income taxpayers' marginal rates by 10 percent; top bracket taxpayers received their tax break last year when the maximum marginal rate was reduced from 70 percent to 50 percent. The tax cut will not affect taxpayers earning income above $55,300 for singles and $109,400 for joint filers. The third-year tax cut is clearly a middle-class tax relief measure.

The tax cap proposal would hurt not only individual taxpayers, but small businesses as well. Most small businesses do not operate in the corporate form, but instead conduct their businesses as a partnership, sole proprietorship, or subchapter S corporation, and are therefore taxed as individuals. To impose such a tax on small businesses which suffered so much during the recession is foolish.

Mr. President, I do not wish to minimize the problem of growing Federal deficits. Indeed, massive Government borrowing could cause interest rates to rise as the competition for capital intensifies further into the economic recovery. The crux of the debate is not so much about whether we trim the deficits—everyone agrees that burgeoning Federal deficits are a threat to the recovery—but rather whether we do the necessary surgery on the budget or on the taxpayers. Instead of cutting Government spending to reduce our debts, the big spenders who have dominated Congress for decades want to add back billions that have been trimmed from social-welfare programs under President Reagan, cap the tax cut, and continue business as usual with the burden on the taxpayers. The American people are tired of "tax solutions" to our budgetary problems, and well they should be. Mr. President, the answer to our current fiscal problems lies in cutting Government spending, and not in increasing taxes. In this way, economic health will be restored to our Nation, without burdening our taxpayers, who are entitled to their first real relief.

Mr. President, the proposed cap on the tax cut should be defeated not only because it will threaten our economic recovery, but because it is not fair. It is a serious mistake to view taxation as a means of rewarding one class of taxpayers or punishing another class. From the standpoint of fairness, good tax policy, and sound economic policy, tax reductions should be of a uniform proportion in relation to taxes paid, rather than being arbitrarily limited according to income. A uniform percentage cut for all taxpayers is both fair and wise.

I would like to reiterate that we all share a common goal—reducing Federal deficits. But balancing the budget on the backs of the taxpayers and small businesses is the surest prescription for economic disaster. Our economic recovery can best be sustained by reducing the burden on the taxpayers, reducing Government spending, and balancing the budget.

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Thus, I agree with President Reagan that the third installment should go into effect July 1. Capping the third installment would hurt middle-income taxpayers and small businesses, threaten our reviving economy, and promote unfair, unwise tax policy.

I would urge my colleagues to join me in defeating this move to cap the tax cut.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. Twenty minutes on the side of the Senator from Kansas and 8 minutes on the side of the Senator from New Jersey.

Mr. DOLE. Mr. President, I think there may be a request for limited time on our side.

Mr. President, I would like to put something into the Record at this point. We have heard a lot of talk about fairness and equity on the other side of the aisle. I think we ought to know who voted for this tax cut in 1981. The vote was 89 to 11.

Mr. President, I ask unanimous consent that the rollcall vote No. 239 legislative, on July 29, 1981, be printed in the Record at this point.

There being no objection, the vote was ordered to be printed in the Record, as follows:

Rollcall vote on committee substitute containing the 25-percent tax rate reduction as part of Economic Recovery Tax Act (July 29, 1981.)

[Rollcall Vote No. 239 Leg.]

YEAS—89

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Boren
Boschwitz
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dole
Domenici
Durenberger
East
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hayakawa
Heflin
Heinz
Helms
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Laxalt
Long
Lugar
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Schmitt
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—11

Bradley
Bumpers
Dodd
Eagleton
Hart
Hollings
Kennedy
Leahy
Levin
Mathias
Tsongas

Mr. DOLE. Second, we ought to know who voted for TEFRA, which was tax reform. You talk about going after loopholes and going after upper income. That, I think, should be a matter of some interest because not a single one who has spoken about fairness, equity, balance and all these things could find it in their heart to vote for a tough tax bill.

Mr. President, that vote is interesting from a standpoint that with all this talk, all the rhetoric and all the other propaganda we are now hearing about the 10 percent this and 10 percent that, not a single vote came from the other side. We passed that bill by a vote of 50 to 47. That was a $100 billion tax bill which closed a lot of loopholes and let a lot of upper-income people under a minimum tax. It did a lot of things that some people talk about but we did not have many votes.

Mr. President, I ask unanimous consent that rollcall vote No. 257 legislative, dated July 22, 1982, be printed in the Record at this point.

There being no objection, the vote was ordered to be printed in the Record, as follows:

Rollcall vote on Senate version of the Tax Equity and Fiscal Responsibility Act (July 22, 1982).

[Rollcall Vote No. 257 Leg.]

YEAS—50

Abdnor
Andrews
Armstrong
Baker
Boschwitz
Brady
Byrd, Harry F., Jr.
Chafee
Cochran
Cohen
D'Amato
Danforth
Denton
Dole
Domenici
Durenberger
East
Garn
Gorton
Grassley
Hatch
Hatfield
Hayakawa
Heinz
Helms
Humphrey
Jepsen
Kassebaum
Laxalt
Lugar
Mathias
McClure
Murkowski
Nickles
Packwood
Percy
Pressler
Quayle
Roth
Rudman
Schmitt
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Tower
Wallop
Warner

NAYS—47

Baucus
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chiles
Cranston
DeConcini
Dixon
Dodd
Eagleton
Exon
Ford
Glenn
Hart
Hawkins
Heflin
Hollings
Huddleston
Jackson
Johnston
Kasten
Kennedy
Leahy
Levin
Long
Matsunaga
Mattingly
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stennis
Tsongas
Zorinsky

Mr. DOLE. Then on the conference report, I will say to the credit of a number of my colleagues on the other side, I think a total of 11, which I want to put into the Record because I want to be totally fair, there were 11 Members who voted for the conference report.

Mr. President, I ask unanimous consent that rollcall vote No. 337 legislative, dated August 19, 1982, be printed in the Record at this point.

There being no objection, the vote was ordered to be printed in the Record, as follows:

Rollcall vote on conference report of the Tax Equity and Fiscal Responsibility Act (August 19, 1982).

[Rollcall Vote No. 337 Leg.]

YEAS—52

Abdnor
Andrews
Armstrong
Baker
Baucus
Boschwitz
Bradley
Brady
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Denton
Dodd
Dole
Domenici
Durenberger
Garn
Gorton
Grassley
Hart
Hatch
Hatfield
Hayakawa
Heinz
Jepsen
Kassebaum
Kennedy
Laxalt
Lugar
Mathias
Matsunaga
McClure
Murkowski
Packwood
Pell
Percy
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop

NAYS—47

Bentsen
Biden
Boren
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
DeConcini
Dixon
Eagleton
East
Exon
Ford
Glenn
Goldwater
Hawkins
Heflin
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kasten
Leahy
Levin
Long
Mattingly
Melcher
Metzenbaum
Mitchell
Moynihan
Nickles
Nunn
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Schmitt
Stennis
Warner
Weicker
Zorinsky

NOT VOTING—1

Chiles

Mr. DOLE. The most recent case of fairness and equity was the effort by my distinguished colleague, Senator Long from Louisiana, to repeal withholding on interest and dividend income. We talk about how we have to go out there and go after these rich people. My colleagues on the other side would not even agree that we could withhold taxes on interest and dividend income which is costing an estimated $4 billion a year. And they are only talking about $6 billion in the tax cut.

Mr. President, I ask unanimous consent that rollcall vote No. 154 legislative, dated June 16, 1983, be printed in the Record at this point.

There being no objection, the vote was ordered to be printed in the Record, as follows:

Rollcall vote on Long motion to table that would assure repeal of interest and dividend withholding without additional compliance measures.

[Rollcall Vote No. 154 Leg.]

YEAS—46

Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chiles
DeConcini
Dixon
Dodd
Eagleton
Exon
Ford
Glenn
Goldwater
Hart
Hawkins
Heflin
Hollings
Huddleston
Jackson
Johnston
Kennedy
Lautenberg
Leahy
Levin
Long
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Stennis
Tsongas
Weicker
Zorinsky

NAYS—51

Abdnor
Andrews
Armstrong
Baker
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Denton
Dole
Domenici
Durenberger
East
Garn
Gorton
Grassley
Hatch
Hatfield
Hecht
Heinz
Helms
Humphrey
Jepsen
Kassebaum
Kasten
Laxalt
Lugar
Mathias
Mattingly
McClure
Murkowski
Nickles
Packwood
Percy
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Wilson

NOT VOTING—3

Cranston
Inouye
Sasser

Mr. DOLE. Again I will say that there are about five of my colleagues on the Democratic side who did not support the position of the distinguished Senator from Louisiana, Senator Long.

The record ought to be made so that when historians check this great debate, which may take a few years, and look back on what really happened, where all the rhetoric was and where the performance was, they will be able to match it up.

We get all these great statements from the Senator from Arkansas about reform, equity and fairness, but I do not find him voting for it. So I think the record ought to be made. The point is that we are going to need a lot of fairness and equity later on, about 73 billion dollars' worth if the budget resolution is addressed. I am not suggesting it will be, but that is a rather large order. Those who voted for the budget resolution voted for more taxes. Then we have to determine whether or not they really mean it or whether they are going to continue to try to take away some part of the President's tax reduction program.

It is the view of this Senator that before we start taking away and increasing taxes for the working people of this country we ought to close the loopholes and have better compliance. What we are doing today is just saying, "Well, we are going to raise taxes on working couples, farmers, small business people, and others who make a little more money than others."

We can do a lot of that or we can address the real problem in some of the tax legislation that may come to the floor this year, next year, whenever it is.

Again, I do not quarrel with the efforts to politicize this matter, and I think it has been fairly well politicized. But in any event, I would hope that when the vote is taken it will be unanimous.

Again I will point out that not a single Republican House Member supported this effort. It is fairly transparent it is being pushed by organized labor. They see it as a way to somehow go after people who do not belong to organized labor.

Again, there are a lot of other areas that we want to address that would take care of some of the concerns that are now being expressed on the other side.

Mr. President, I reserve the remainder of my time.

Mr. BRADLEY. Mr. President, I yield myself 4 minutes.

The first thing to say about this bill is that it is in no way a tax increase. Everyone this July will get a tax cut. For 90 percent of the American people, they will get their full tax cut. For 10 percent of the American people, that tax cut will be limited to $720 per couple.

Mr. President, it is astounding to me, and I think somewhat preposterous, for the other side to argue that, somehow or other, this is a bill that is aimed at the middle class. Since when have the top 10 percent of the population been defined as the middle class? This is a bill that preserves the tax cut in full for 90 percent of the American people. Only the top 10 percent have a tax cut that is limited to $720.

Second point: Mr. President, this is a policy that is consistent with what we have tried to do on this floor over the last 3 years. In 1981, the top rate dropped from 70 to 50, benefiting primarily upper income individuals. On the floor of the Senate during the debate on that tax bill, I proposed an amendment that would have skewed the rest of the tax cut so that it would benefit primarily people under $50,000—upper income taken care of with the drop from 70 to 50 percent on unearned income; now, middle income under $50,000 taken care of by a skewing of the rates. That was rejected overwhelmingly by the votes on the other side.

In 1982, I proposed another amendment that would have given the bulk of the tax benefits to middle-income people under $50,000. That was rejected overwhelmingly on the other side.

So, to come to the Senate today and argue that because we are limiting the tax cut to the top 10 percent of the population is somehow against the middle class, in my view, is preposterous.

Mr. President, the majority leader and many other distinguished Senators have, on many occasions, come before us and said that many things would be nice to do but we simply cannot afford them. It might be nice if we could give everyone a 50-percent tax cut. The fact of the matter is we cannot afford it. We are facing deficits that will add $1 trillion to the national debt in the next 5 years. I think there is no mystery about how these deficits were created. They have been created in the last 3 years by both tax policy and spending policy. To argue that only spending causes deficits but tax policy does not is like arguing that only one blade of the scissors cuts the paper; both are responsible, Mr. President.

What have we done? We have, indeed, cut spending, which I voted for and supported, about $150 billion, in the nondefense area. Then we have proceeded in the defense area to increase spending by equivalent amounts. So we are about net. No net reduction in nondefense spending—not because we refused to cut nondefense spending, but because we increased defense spending.

Then we proceeded to give away the source of funds for the Government with the gigantic tax cut in 1981, thereby yielding these gigantic deficits.

Mr. President, there is no real prospect that we are going to dramatically cut the deficits in the next year. I hope we are going to make progress, but there is no real certainty of that. In the President's budget that he sent to the Congress, he said that unless the deficits were dropped to 2.5 percent of GNP—they are 5 percent of GNP now—he would propose standby taxes that would be a surcharge that would affect low-income people as well as upper income people; regressive energy taxes that would affect lower income people, middle-income people, and upper income people; and also some loophole closings that would, indeed, hit the workingman very, very hard.

Mr. President, we can continue to give everyone a tax cut but limit it for upper income taxpayers, or we can stay on the borrowing and spending spree that we have been on in the last 2 years.

In short, with this bill, we can give everyone a Ford, a Chevy or a Chrysler—a small one—or we can go into debt further so that a few people can have a Cadillac.

Mr. President, I think the choice is clear.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia (Mr. Trible).

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. I thank the Senator for yielding.

Mr. President, it is difficult to conceive of an action which would have more adverse consequences than enactment of a cap on the third year of the tax cut. The sharp increase in taxes proposed by this bill would retard economic recovery, enshrine inequity in our Tax Code, and hit hardest those who now bear the heaviest burden—middle-class Americans, particularly two-income families, small

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businessmen, and family farmers. And it will not reduce the deficit.

Each report issued from the Government suggests that recovery is underway. I do not believe it is sensible to attack either the incentives to economic productivity or tax away the additional money to fuel consumer spending that this Congress enacted in 1981. These acts would jeopardize the recovery which our Nation so badly needs.

The rewards of economic recovery have been hard won. All of us appreciate the pain and distress that our Nation has suffered. To take action that would jeopardize the recovery is not only bad economic policy; it demonstrates a callous insensitivity to human problems.

Moreover, the tax cap would introduce vast inequities into the system. Under the provisions of this legislation, a married couple with income of $35,200 would face a marginal tax rate that increased from 28 to 37 percent. In other words, a two-income family in which one member earned $17,200 and another earned $18,000 would have their marginal tax rate increased by 9 percent. That is an increase of more than 25 percent in marginal tax rates. By what standard can this possibly be judged tax equity?

The same unfairness applies to a single taxpayer who earns $28,800. Those men and women would face marginal tax rate increases of 8 percent.

This unfairness is the most curious fact about the tax cut cap. If the proponents of tax increases were interested in taxing the rich, as they claim, they could have simply increased the top tax rate. Or they could add a surtax on the income of those in the highest tax bracket. But they did neither. Nor can this tax increase be justified on "ability to pay;" were that the case, the principle would call for a tax increase borne by all taxpayers in direct proportion to their increase.

Rather, I suggest the $700 tax cap is simply an arbitrary figure. The most significant consequences of the cap will be to reimpose the marriage penalty—taxing women who work to maintain their standard of living—and to distort middle-income tax brackets.

I want to raise two additional concerns that transcend the specific provisions of the bill. This bill does virtually nothing to reduce the Federal deficit. The estimates suggest that this bill will raise $6 billion in 1984. That $6 billion is less than one-seventh of the $42 billion increase in Federal spending assumed in the budget resolution for 1984. Six billion dollars is only 3 percent of the budget deficit estimated for fiscal year 1984. Characterizing this legislation as a deficit reduction measure is as misleading as an editorial in Pravda.

In addition, I believe it is essential for the Senate to say no to the continuing erosion of tax relief for our citizens. In 1981, we took a decisive and necessary step by reducing tax rates by 25 percent. Since then, Congress has enacted a major new tax increase (TEFRA), increased social security payroll taxes, and increased the gasoline excise tax. Today, we should assert that reducing taxes was the right step, and that the continual erosion of tax relief will be stopped.

Mr. President, history shows very eloquently that for every $1 we send to Washington as taxpayers, the Federal Government spends $1.50. For these and other reasons, I urge my colleagues to oppose the cap on the third year of the tax cut.

I yield back the remainder of my time.

Mr. LEVIN. Mr. President, I rise in support of H.R. 1183, the Tax Rate Equity Act which will put approximately a $700 cap on the third year of the Reagan tax cut. This legislation makes sense in terms of equity, and it makes sense in terms of budgetary concerns. Only in the realm of Orwellian "doublespeak" which the President has chosen to employ in debating this issue can it be seen as otherwise. Only if you accept that "equity" means "inequity," and "limiting a tax cut" means a "tax increase," does the President's reasoning make any sense.

What are the basic issues here? They are whether revenue should be increased in order to reduce the deficit, and whether it should be done in a way that corrects some of the inequities enacted in 1981. The Tax Rate Equity Act addresses both of these issues in a meaningful way. In the fiscal year 1983-88 timeframe, this legislation would reduce the deficit by almost $40 billion. To put this in perspective, the provision on withholding on interest and dividends, which the administration advocated in part as a deficit reduction matter, would have raised a little more than $14 billion over the same period.

Our country is facing huge deficits in the coming years, even if unemployment drops several percentage points below current levels. It is not enough to say that "the economy will grow its way out of them." According to the Senate Budget Committee, the deficit for fiscal year 1988 will still be $268 billion even if the unemployment rate dropped to 6 percent.

This legislation would not close that gap entirely, nor need it be closed entirely to have a fiscal plan which is consistent with sustained economic growth. But the gap must be reduced if Federal borrowing is not to crowd out private borrowing and drive up interest rates in the years to come. This legislation is an important step in defusing the fiscal time bomb which the administration has set, and which threatens to explode in the form of higher interest rates and renewed surges in unemployment.

But in addition to being fiscally responsible, this legislation is also fair. Barely 1 percent of the taxpayers making less than $30,000 will be affected by it, and almost 90 percent of the taxpayers making over $50,000 a year are affected by the cap. For the average family of four making $46,000, or less this legislation will not reduce their tax cut one bit. If the goal is to increase revenues in accord with someone's ability to pay, then this legislation offers a reasonable path for obtaining that objective.

It is because of the intrinsically reasonable approach embodied in this bill that I believe that the President has done a disservice in describing it as an attack on the middle class. By taking this rancorous approach, he has foregone the opportunity of using this proposal as a reasonable middle ground for achieving significant deficit reduction. Instead, Reagan sticks to his programs, which requires 22 percent of the households making less than $10,000 a year to bear 41 percent of the benefit cuts which have been enacted as part of the Reagan program since 1981, but does not ask the wealthiest taxpayers to accept a cap of $700 on their new tax cut due in July.

Such a position stands logic and the English language on its head. So, too, calling a gain in after-tax income of $720 for a family of four "a tax increase" turns the common meaning of words inside out. The fact that the only attacks which have been made on this proposal have been grounded on illogic and distortions perhaps speaks more eloquently than can anything else as to its wisdom and reasonableness.

Mr. MATTINGLY. Mr. President, I rise to oppose the proposal to cap the July 1 income tax cut at $700.

Mr. President, this ill-timed and ill-conceived proposal is just the beginning; it is just the first of many proposals that I predict will be floated out before this Senate in the coming months as we get closer to the 1984 elections. The various proponents of these so-called revenue proposals will attempt to disguise them with all sorts of catch phrases. We will be told we need these tax increases to reduce the deficit, to put people back to work, to help the poor.

Well, no one is fooled by such rhetoric. This proposal before us today to cap the third year of the 1981 tax cut is purely political. It is a blatant partisan ploy, thought up by the Speaker of the House as a 1984 campaign issue. And too many of my colleagues on the other side of the aisle have swallowed Speaker O'NEILL's political panacea. This tax cap is snake oil, my friends, and it will not sell. The American public is not as gullible as those on the other side of the aisle think they are.

Mr. President, this proposal should not float and it will not float. It hardly made it to the Senate from the House. Even the chairman of the House Ways and Means Committee publicly held his nose in voting this proposal out of committee.

The minority party here in the Senate and the majority party in the House think they have a political issue here for 1984. They think that by denying a tax cut to the middle-income working people of our country, the small business operators, the family farmers, and the two-paycheck families across America, those people are going to turn around and say thank you at the polls in November 1984. All I can say, Mr. President, is that some days the Democrats just hand it to us.

Mr. President, capping the third year of the tax cut at $700 is nothing more than a disguised tax increase on the backs of middle-income Americans. It is an attempt to divert public attention from the real reason we have record budget deficits: Congress refuses to control spending. In fact, this tax increase will not go to reducing deficits. It will go to pay for the record spending levels contained in the budget resolution. I find it very interesting how many Members of this body never worry about deficits until they need justification to raise taxes.

But more importantly, this proposal comes at the worst time possible. Economists of both the liberal and conservative persuasion are in almost complete agreement that a tax increase at the beginning of an economic recovery is the worst medicine possible to insure the healthy continuation of that recovery. Just when personal income is on the rise, just when consumer confidence is increasing, just when savings and investment are gaining momentum, the big spenders, the proponents of big government come before us with a proposal to rob the working people of this country of their recovering paychecks, savings accounts, and struggling business income.

Mr. President, this proposal is not only unfair and unsound, it is stupid economics. I urge my colleagues to join me in opposing this measure.

Mr. BIDEN. Mr. President, the American people are fed up with our tax system. Who can blame them? Federal taxes have come to symbolize unfairness, special privilege, and deception. The Tax Code has been crammed full of tax breaks of benefit to limited groups of people, while the middle-income family is left to bear the brunt of financing the Federal Government. The Tax Code is now so riddled with loopholes that it cannot perform its chief function of raising sufficient revenue to finance the Federal Government.

The fact is that middle-income Americans carry a disproportionate share of the burden of keeping this country going. There are certain people within our society who pay little or nothing and who should be paying a great deal more. The system just is not fair.

The proposal we are considering here today helps, but does not solve that basic problem. A tax cap is a stopgap measure, designed to raise revenue to lower Federal deficits, and do it in a way that will restore a modicum of fairness to our tax system.

No matter what the decision on the tax cap, we in Congress must address the fairness issue head on in the weeks and months ahead. We can do that with a proposal of Senator BRADLEY's that I am cosponsoring. It is called the Fair Tax Act. When adopted, this measure will restructure the individual and corporate income tax in America. It will greatly simplify the Tax Code, while at the same time raising more equitably the revenue needed for essential Federal services. It will encourage economic growth by removing current roadblocks to savings and investment. The Fair Tax Act will lower tax rates. About 80 percent of the taxpayers will pay an income tax rate of 14 percent. No one will pay more than 30 percent. It will also eliminate most exclusions, deductions and credits, except some of those most commonly used.

Would you not be willing to trade your present income tax rate for 14 percent? Most likely the reason you are paying more now is that you are paying taxes for someone else.

Mr. President, the debasing of our tax system did not occur overnight. It has been going on for decades. But in recent years the trend has accelerated. In 1973, the revenue lost through special deductions, exclusions, and credits was about $65 billion. By 1982, the revenue loss had grown fourfold to $250 billion, more than the total Federal revenues of $231 billion collected in 1973.

Clearly, in the 1970's, Congress was busy granting special tax incentives and subsidies. While these significantly reduced tax revenue, they were not tax reductions for most Americans. These were tax reductions for the few, for the privileged, for the special interests. During that time, I introduced several pieces of legislation aimed at slowing this trend. And I worked on the Senate floor with many of my colleagues for the same purpose. But we were seldom successful against the powerful interest fighting to retain their privileges.

The practice of granting tax privileges continued into the 1980's. By 1984, it is estimated that revenue losses will have risen to $327 billion. Of that amount, over $30 billion has been added in the two major tax bills adopted in 1981 and 1982.

The 1981 tax bill—the Economic Recovery Tax Act of 1981—combined general tax reductions with special interest provisions. Altogether, the 1981 bill will reduce Federal revenues by over $1.1 trillion between its enactment and fiscal year 1988. That bill decreased the equity of the Tax Code by providing relatively larger tax reductions to wealthier taxpayers and by adopting still more special tax breaks. It is true that some of the revenue loss was recouped in 1982—about $255 billion of it. But many of the provisions of the 1982 law were also grossly unfair.

The ironic result of all of these years of amending the Tax Code is that we have dramatically reduced the revenue to finance the Government, while at the same time increasing the tax burden on the average taxpayer. Thus the unfairness of the Tax Code has multiplied over the years.

Today some of us propose to take a first small step toward fairness. It is proposed to put a cap on the maximum tax reduction available to taxpayers from the third year of the tax cuts enacted by the Economic Recovery Tax Act of 1981. This will provide additional revenues desperately needed to reduce the multibillion-dollar deficits that have resulted from the Reagan economic program of the past 2½ half years. This cap will raise about $6 billion in fiscal year 1984—a large sum of money, but only a small part of the deficits that threaten to exceed $200 billion. The cap will increase those revenues by limiting the tax reduction that will go to those taxpayers who benefited most from the initial tax reductions in 1981. Under this proposal, 90 percent of all taxpayers would receive the scheduled July 1 tax cut in full. And every taxpayer would receive some further tax reduction on July 1. But no taxpayer would receive more than $720.

No one likes raising revenues. But I believe we must adopt this tax cap proposal to raise some additional revenue in the fairest possible way. If we do not do that, high Federal deficits will inexorably force up interest rates, endangering the recovery and forcing up unemployment.

In reaching a decision on the tax cap, it is necessary to consider the alternatives that might be adopted instead. Under the budget resolution recently adopted by Congress, about $12 billion in new revenues must be raised to help reduce deficits. And certainly no one can argue that we must not take action to reduce our $200 billion deficit. The $700 tax cap will provide about $6 billion of the $12 billion in new revenue that must be raised.

The most likely alternative would be that proposed by President Reagan—

to tax employees for a part of the premium paid by their employer for health insurance, just as though it were income paid directly to the employees. The President estimated in his budget that this would raise $2 billion in new revenue. His proposal would increase taxes for families with incomes under $50,000 by more than the tax cap we are considering today. This proposal could add up to $400 in new taxes for thousands of Delawareans who work in all our businesses from the Du Pont Co. to the smallest business. And this proposal would provide only $2 billion of the $12 billion we must raise. What other proposals might be adopted? The mere question is frightening. But if last year's tax increase bill is any guide, they would be much more repressive on middle-income families than this $700 cap. This is, without question, the fairest, least repressive way to raise the revenue that we must raise.

But what then, Mr. President? After we act on this proposal—whether it becomes law or not—what are we going to do then? Are we going to say: "We tried to make the tax laws fairer. We did what we could." And then turn to other matters.

We must not do that, Mr. President. We must stop this piecemeal approach to our tax laws. We must adopt a comprehensive reworking of the Tax Code. We should do this by adopting the Fair Tax Act that Senator BRADLEY and I and others just introduced.

The outlines of that proposal are as simple as they are fair. The basic individual rate would be 14 percent. About 80 percent of all taxpayers would pay that 14-percent rate. The remaining 20 percent would pay an additional marginal rate. That rate would be an additional 12 percent on income above $25,000 for single returns and $40,000 for joint returns—for a marginal rate of 26 percent. That marginal rate rises to 30 percent on adjusted gross income above $37,500 on single returns or $65,000 on joint returns.

There would be an increase in the personal exemption from $1,000 to $1,600 for taxpayers and spouses—$1,800 for a single head of household. The standard deduction would be increased from $2,300, to $3,000 for single returns and from $3,400 to $6,000 for joint returns.

Most itemized deductions, credits, and exclusions, except those generally available to most taxpayers, would be repealed. Among those retained will be the $1,000 exemptions for dependents, the elderly and the blind; deductions for home mortgage interest, charitable contributions, State and local income and real property taxes, payments to IRA's and Keogh plans and employees business expenses; exclusion of veterans benefits, social security benefits for low- and moderate-income persons and interest on general obligation bonds. The personal exemptions and itemized deductions will apply only against the 14-percent rate.

For corporations, there will be a single rate of 30 percent. Most existing tax deductions, credit, and exemptions that tend to distort investment decision would repealed.

Mr. President, over the years our tax system has grown in haphazard ways. Some originally well-intended provisions of the Tax Code achieve no real public purpose. The jerry-built structure of business taxation probably impedes rational business decisions and thus slows our economy, fosters inflation, and provides unintended and economically unproductive tax breaks to some. While some individuals have been able to turn the tax laws to their advantage to escape taxation, the vast majority of our citizens find themselves overburdened with taxes.

We can start the move toward a fairer tax system here today by adopting the $700 tax cap. But then we must finish the job by adopting a total overhaul of the Tax Code like that proposed in the Fair Tax Act. Only in that way can we restore the faith the American people once had that the burdens of Government are fairly distributed.

Mr. KASTEN. Mr. President, there is an old saying that the only things certain in life are death and taxes. If we pass this bill to cap the 10-percent tax cut at $700, then this saying is as true today as it was years ago.

Mr. President, there is an old saying that the only things certain in life are death and taxes. Today, we are facing yet another proposed tax increase. If we pass the legislation before us now—H.R. 1183—we will undermine any progress that has been made in the past 3 years in the name of tax relief.

In 1980, President Reagan and I—as well as many of my Republican colleagues in the Senate—pledged to work for economic recovery. And, in our first year in office, we passed the Economic Recovery Tax Act of 1981. The critical elements of this tax act—the Reagan-Kemp-Roth 25-percent tax rate reduction and indexing of tax rates—would restore the incentives to work, save, invest, and produce our way to economic recovery. More importantly, the tax cut would get tax rates down, and keep them down.

Since passage of the 1981 tax cuts, Congress has voted consistently to raise spending and taxes—actions that have delayed the economic recovery. At long last, however, we are on our way to economic recovery. The administration predicts that economic growth for the second quarter of this year will be 6.6 percent. This is the highest growth rate in 2 years, and it is expected that growth for the year will also be much greater than originally projected. This improvement in economic growth is due primarily to the anticipated third—and final—10 percent installment of the tax cut. The last thing we need to do now is adopt tax increases that would kill the economic recovery before it really gets going.

With the 1982 bill—the Tax Equity and Fiscal Responsibility Act—the gas tax, the social security tax increases, and the $73 billion tax increase called for in this year's budget, we have raised taxes to the point that there will be no tax relief for the working American. In fact, the remaining 1984 tax cut will only equal $3 billion out of the $130 billion called for in the Economic Recovery Tax Act of 1981. In other words, since the 1981 tax cut, Congress had increased the taxes due in 1984 alone by $127 billion. After 1984 there will be a tax increase over and above the 1981 tax cut. It is as if we never passed one in the first place.

And with this bill, some of my colleagues would even like to take the remaining $3 billion tax cut away from working Americans. They say that their plan to impose a $700 cap on the tax cut will "soak the rich," but this is wrong. Several facts make this obvious:

The "rich" already benefit from the 1981 tax act provision that drops the maximum taxable rate from 70 to 50 percent. The "Fairness Democrats" have taken no action to change this.

Approximately half of all taxpayers affected by the $700 cap are those with less than $50,000 in annual income.

Taxes for millions of married working couples—two income earner households—will increase. Nearly half of the tax returns affected and the revenue gained with the cap will come from these working couples.

Four out of five families in the $35,000-and-up income class have at least two earners. Millions of taxpayers will be affected by the cap simply because both the husband and wife work.

Nearly 2.5 million small businesses—including 350,000 family farms—are taxed at the individual tax rates, and would face a tax increase under the $700 cap.

Instead of soaking the rich, it turns out that the cap will drown the middle class. This does not bother the "Fairness Democrats," who have neglected the fact that last year's installment of the tax cut resulted in an $8 billion increase in revenues from taxpayers in the top income tax bracket. This—as we tax cut supporters have always argued—was caused by a shift in resources away from useless and nonproductive tax shelters. An effort to take away any or all of the final installment of the tax cut will only reverse this trend.

The "Fairness Democrats" argue for this tax cap as a way to reduce the

deficits. But deficits are not caused by undertaxed working Americans. Tax revenues will be about 19 percent of GNP this year—practically the same level as in the 1970's. Government spending, however, has grown from less than 21 percent of GNP in the 1970's to about 25 percent this year. Clearly, the deficits are caused by a rapid growth in spending, not a drop in revenues to the Treasury.

In fact, despite last year's $100 billion tax increase, the budget deficits have doubled. Clearly this is not the right course to take. We have tried to balance the budget with tax increases in the past, and all we have to show for it is more spending, less savings and investment, and less economic productivity.

Mr. President, this Friday—July 1—the third and final 10-percent tax cut will go into effect.

We have raised taxes enough since the 1981 tax cut. Passage of this bill—to cap the tax cut at $700—would be the worst mistake we could make. It is time to hold the line on revenues, and take a long look at the spending side of the budget. We were elected to get taxes down and keep them down. This bill makes our promise for recovery a lie. I will not go back on my promise to the American people, and I urge my colleagues to join me in voting against this bill.

THE TAX RATE EQUITY ACT

Mr. BAUCUS. Mr. President, I want to speak in support of H.R. 1183, the Tax Rate Equity Act. Let me explain why.

This is not a vote on taxes—it is a vote on deficits.

This vote is a vote for or against a fair way to reduce the Federal deficit, and thereby, to preserve the economic recovery.

The Federal deficit will top $200 billion this year.

And next year, and the year after that.

At the rate we are going, the Federal Government will pile up more debt during the next 6 years than it accumulated during the first 207 years of this Nation's history.

The national debt will double in less than a decade.

The Federal deficit is growing at a rate of $1,000 per person per year.

All this adds up to one conclusion. The deficit is so huge, so enormous, that it threatens the life of the economic recovery.

The Federal Treasury is borrowing so much money to finance the debt that it threatens to squeeze out private borrowing. It is that borrowing that is needed to encourage additional business investment and economic growth.

Unless Federal borrowing is reduced, interest rates will rise. And the result? At best another period of stagnant economic performance. At worst, a return to the disastrous economic recession that has plagued Americans in the last 2 years.

As economist Leonard Silk said, "[T]hat is the worry that hangs over capital markets and holds up long-term interest rates."

Yesterday's rosy economic forecasts could turn pale unless we reverse the course of the Federal deficit.

THE TAX CAP

Several months ago I spoke before the Senate about ways to reduce the deficit. I said we must take a series of steps that, all together, would demonstrate Congress commitment to reducing the deficits.

By taking these steady, reasonable actions to reduce the Federal deficit, I argued, Congress would send a signal that we are serious about cutting the Federal deficit.

Deficit reductions, as we all know, depend largely on spending reductions and they also depend on some revenue increases. But no matter what we do, I will not support a measure that is not fair.

It would be unfair to repeal this year's scheduled tax cut. That tax cut mainly benefits lower- and middle-income taxpayers. What is more, it provides an important extra boost to recovery.

It would be unfair to repeal indexing. Indexing makes sense. It forces Congress to make clear public decisions about taxes. And it prevents bracket creep from creating an invisible middle-class tax increase.

The fairest way to increase revenue is to enact the tax cap. A $700 tax cap would permit couples earning adjusted gross incomes of up to about $47,000 or its equivalent for single taxpayers to receive their full, scheduled, 10 percent tax cut. This accounts for 90 percent of the Nation's taxpayers.

Couples earning more would receive a flat $700 cut. This way, a $700 cap would give everyone a tax cut, but concentrate the cut on the middle- and lower-income taxpayers who need it most and are most likely to stimulate economic recovery.

The tax cap is far fairer than the President's proposed "contingency tax plan." That plan includes two tax increases—a 5 percent surtax and an oil tax.

Each would affect middle-income taxpayers much more than the tax cap would. For example, taxpayers earning under $40,000 would pay 52 percent of the surtax, 75 percent of the oil tax, but only 2.9 percent of the tax cap.

I believe the tax cap is the fairest way to raise the revenue we must raise to reduce deficits. I urge my colleagues to support this measure.

Mr. WEICKER. Mr. President, I intend to vote against this proposal, recognizing what has already been accomplished vis-a-vis the Federal budget and what can be accomplished in the future.

In April, Mr. President, a group of moderate Republicans and I undertook an effort to reduce the massive deficits proposed by the White House. With the passage of the conference report on the first concurrent budget resolution, 75 percent of our objective was realized with the revenue targets, domestic spending, and defense reductions included in that measure. Through the subsequent reconciliation process we may achieve close to 100 percent of our goal. This was not something that was achieved by confrontation with the Senate leadership. This was not the product of political exercises such as this one engineered by the Democrats. It was accomplished through accommodation and compromise among Senate Republicans. I for one am proud of what has been done and want to continue the process by which these matters can be worked out within the Republican Party.

Mr. FORD. Mr. President, I rise today in support of the Tax Rate Equity Act of 1983, to put a $720 limit on the July 1 tax reduction.

I support this because first of all, it will restore a measure of fairness to our tax system and second, because it will restore some sanity to our fiscal policy.

In 1981, when the administration first made its proposals for the 1981 tax cut to Congress, all kinds of wild promises were made about the effects this tax cut would have, the tax relief it would give to middle-class Americans and the prosperity it would create in the country. Two years have passed and it is clear that nothing of the sort has occurred or will occur.

The administration promised that a tax cut based on supply-side economics would encourage the savings so necessary to finance productive investment. However, since that time, individual savings have stayed about the same and, in fact, the net U.S. savings rate, taking into account Government deficits, in 1982 was the lowest since 1949.

The administration promised that a large tax reduction of this sort would cause upper income people to abandon tax shelters. Instead, we have seen a 15-percent increase in 1982 in the use of tax shelters and, because of the very generous benefits we have given in accelerated cost recovery and investment tax credits, we are likely to see a 20-percent increase in tax shelter activity this year.

The administration promised the tax cut would lead to high employment and create work incentives that would drive this economy to prosperity. But instead 11 million Americans are out of work. The administration is at it again making all kinds of assertions about the impact a $720 tax cap would have on the economy.

One thing the administration is saying that is true, is that the first two stages of the 1981 tax cut did not really cut taxes for most Americans; this third stage is where middle-income Americans will receive real tax reduction.

The 1981 tax cut for most Americans did not represent a real reduction in taxes after taking into account inflation-induced bracket creep and social security tax increases. That is why it is very important that we go ahead with this July 1 tax cut for the 90 percent of Americans who did not really receive anything under the Kemp/Roth program.

After taking into account bracket creep and social security tax increases, the net effect of the Reagan administration tax changes has been to increase the taxes of persons with incomes under $10,000 per year by 24 percent. Those making under $50,000 have stayed just about even. But those with incomes between $100,000 and $200,000 per year have gotten a net 14 percent tax cut, and those with incomes over $200,000 enjoy a tax reduction of approximately 17 percent.

The result has been to make the tax system less fair; to increase the relative burdens of the middle- and low-income taxpayers and to decrease the tax burdens of upper income individuals. This effect at the Federal level has been reinforced at the State level as our cutbacks in Federal programs have forced new fiscal pressures on the States, to which they have responded with new taxes that are often more regressive than even the Reagan tax program. The result has been to impose further burdens on low-income Americans to finance the tax cuts given wealthy Americans in the first 2 years of the Reagan administration.

We can change this. We can make this tax system fair by putting a cap on the July 1 tax cut. Not to penalize those 10 percent of American taxpayers who will be affected by the $720 cap, but to put a limit on the amount they receive so that it does not greatly exceed the tax cut of the other 90 percent of Americans; to limit the tax cut to a level that this Nation can afford.

A $720 tax cap will raise approximately $22 billion over the next 3 years. While that alone will not put a dent in the unprecedentedly large budget deficits this administration has brought on, it will be a beginning and most importantly, it will allow us the political leverage to make further reductions on the spending side of the budget.

Opponents of the tax cap say cut taxes further; cut taxes to the point where we have $300 billion deficits because only then will Congress cut Government spending. That argument has no basis. President Reagan's own Council of Economic Advisers has produced research that shows the tax increases are more likely to restrain spending than tax cuts. Data collected by the Council of Economic Advisers shows that each dollar of new revenue generated has nearly a 2-for-1 effect in reducing budget deficits. For each dollar of revenue raised, Congress historically has restrained spending on transfer payments, grants and aids, and other social programs by 90 cents. This result is reinforced by a provision in this bill that requires any revenue raised by the tax cap to be accompanied by a dollar-for-dollar reduction in outlays in fiscal year 1984.

Some people say what we are doing is useless. The tax cap will not pass the Senate, and even if it does, the President will veto it and then there is no hope in obtaining the two-thirds majority in Congress necessary to override the veto. The President will use the White House Public Relations Office to get a false message to the American people, that the tax cap will impose more burdens on the middle class, that it will retard the economic recovery from the Reagan depression. But sometimes it is necessary to do what is right, what makes sense and what is best for the Nation.

Two years ago when we debated the 1981 tax bill in the Senate, amendments were offered to condition the third stage of the tax cut on the health of the economy. All of those amendments were rejected.

But what if Congress had not approved the third phase of the tax cut and instead of the cap we are debating now, we were debating whether to cut tax rates another 10 percent on July 1.

We would look at the relative shift in tax burdens over the last 2 years, the thousands of dollars of tax reduction the wealthy have already received and the increased burdens on middle and low income taxpayers.

We would look at unprecedented $200 billion deficits throughout this decade. And we would do what is sensible—we would at least target those tax deductions on that part of the taxpaying public that deserved tax relief and who would use the tax savings to create economic stimulus in a depressed economy. We would use our senses to realize that it does not make the slightest bit of sense to give up even more revenue to give even greater tax reduction to the wealthiest Americans.

What does President Reagan offer as an alternative? In 1986, he proposes a $5 excise tax on energy and a surtax on individual and corporate income. As an alternative to raising money in this fair, efficient, sensible way he proposes further taxes on low- and middle-income Americans. Further regressive taxes to finance the 1981 tax bill that gave most of its benefits to upper income Americans.

Mr. President, for the 90 percent of the American taxpayers who did not receive relief in 1981, we should go ahead with the third stage, 10 percent tax cut. In the name of fiscal sanity, and tax fairness, we should limit that cut to $720 per year.

Mr. SPECTER. Mr. President, no vote is harder than a vote for taxes. But today, in my judgment, that is an absolute necessity if the Senate is to demonstrate responsibility on the fiscal year 1984 deficit and the mounting national debt.

My father, who would have liked to have had the obligation to pay more income taxes, frequently quoted Will Rogers' statement: "It's a great country, but you can't live in it for nothing."

Most people, aided and abetted by Congress whose principal and traditional goal is popularity and reelection, would like to live in it as cheaply as possible.

But, let us return to basic basics. The most important part of the platform of President Reagan and other candidates, myself included, in 1980 was to strive for a balanced budget in order to live within our means. The oft-repeated campaign slogan had the ring of a constitutional amendment if not a divine commandment: "a government like any citizen should live within its means." That clarion call for a balanced budget mandates a vote today for taxes.

For decades the debate has raged as to whether the United States of America can have both guns and butter. Today, some take a giant step backward by insisting that we can have both guns and butter without paying for either.

While the debate proceeds on the virtues of supply side economics, none disagrees that the giant Federal deficit is an anathema, on moral grounds in saddling future generations with our debt, and on practical grounds in retarding economic recovery. In discussing the issues of increased taxes versus increased deficits in my travels through Pennsylvania, I have frequently been told that high interest rates are driving numerous businesses into bankruptcy, resulting in losses of tens of thousands of jobs. It is obviously irrelevant what the tax rate may be when there are no profits or earnings. That situation leads to the inevitable conclusion that it is preferable to reduce the deficit than to reduce taxes.

In considering the full tax cut scheduled for July 1, 1983, it should be remembered that when Kemp-Roth was enacted in 1981, it was projected that there would be a balanced budget by fiscal year 1984. That, as we know, is far from the case with estimates on the budget deficit for fiscal year 1984 running as high as $200 billion.

My vote today is consistent with my position on this issue in the 3 years it has been the subject of national debate and congressional consideration. During the 1980 campaign, I did not endorse the Kemp-Roth bill, but instead urged that we take tax cuts 1 year at a time. In 1981, I was among the 4 out of a total of 53 Republican Senators who did not cosponsor the Kemp-Roth bill. In 1982 I voted to defer the 10-percent tax cut scheduled to take effect on July 1, 1982.

In evaluating this issue, it must be remembered that the 97th Congress enacted very substantial tax cuts. The maximum tax on personal income was reduced from 70 percent to 50 percent. The tax on capital gains was reduced from 28 to 20 percent. The first two installments of the Kemp-Roth bill took effect with the 5-percent cut on July 1, 1981, and an additional 10-percent cut on July 1, 1982. This cap would leave a substantial tax reduction in effect as of July 1, 1983.

Notwithstanding these reasons, this is a hard vote to cast. I do not like to oppose the President who has the principal responsibility for guiding our national economic recovery, especially in the context of the good job which he has been doing. Nor do I like casting a futile vote because it is plain there will not be the two-thirds vote in both Houses to override the projected veto even if this cap passes in the Senate.

In addition, I know this is an unpopular vote. The expressions of sentiments by my constituents are overwhelmingly in favor of the full tax cut. But the long-range vitality of our economy and the welfare of our country, in my judgment, require that we take no additional steps to increase the national debt which exceeds $1.3 trillion and the projected fiscal year 1984 deficit which will approximate $200 billion.

Mr. GRASSLEY. Mr. President, today, we are considering a measure to limit the third year of the tax cut. I oppose this initiative for the following reasons: First, it hurts middle and upper middle income salaried couples; second, it creates further confusion in tax policy; and third, it is likely to result in compliance problems.

Of the 8.1 million taxpayers affected by this legislation, approximately one-half of these individuals earn less than $50,000 annually. Generally, they are two-earner married couples whose combined income places them in a higher tax bracket. This is the very group Congress attempted to assist in 1981 by passing a provision to limit some of the negative effect of the marriage penalty. The marriage penalty is a direct result of the progressive rate structure, it causes two unmarried taxpayers earning $17,000 each to be taxed at a much lower rate, even when their tax liabilities are totaled, than their married counterparts who file a joint return on their combined income of $34,000. To cap the tax cut for two-earner married couples will increase the taxes of a group Congress sought just 2 years ago to assist. Not only is this inconsistent, it is unfair in my view. Two wage earners is an economic necessity for many families. Two-earner families already shoulder the burden of a higher tax rate as a result of the progressive rate structure, to me there is little justification for denying them their tax cut.

As a member of the Committee on Finance and chairman of the Subcommittee on Oversight of the IRS, many witnesses have testified that certaintly is desperately needed in tax policy.

They argue persuasively that the rate of tax changes must be slowed if practitioners are to understand the law and provide their clients with sound advise. The velocity of tax changes has left the ordinary citizen virtually unable to comply with the law. Since the Economic Recovery Tax Act was enacted in 1981, we have enacted a miscellaneous tax bill, the Tax Equity and Fiscal Responsibility Act, the Surface Transportation Assistance Act (the gas tax), the Payment in Kind Tax Act and the social security compromise package including many tax provisions. Not only can an argument be made that Americans are overtaxed, they are also overwhelmed by the pace of change in the Internal Revenue Code. Since 1981, taxpayers have had the certainty of a three-phase tax cut to be completed this Friday. To upset their tax planning and expectations with some last-minute tinkering is an imprudent action which I cannot support.

This so-called tax reform also creates a 9-percent jump in the progressive rate structure. At $35,000 the marginal rate will jump from 28 to 37 percent. This cliff will remain a permanent feature of our rate structure causing greater problems as more individual taxpayers receive merit and pay increases. As chairman of the Subcommittee on Oversight of the IRS, creating a 9 percentage point cliff in the rate structure concerns me greatly. A 9-percent increase in an individual's tax rate will stimulate noncompliance. It will encourage previously law-abiding taxpayers to shelter or underreport their income. On the Finance Committee, we have been considering painful alternatives to increase compliance. Often these alternatives involve imposing extra paperwork on innocent individuals and accumulating vast amounts of information about taxpayers to verify compliance.

These compliance measures are unpopular and raise serious concerns about an individual's right to privacy. Consequently, I become extremely concerned when my colleagues take an action which invites massive tax avoidance.

This proposal also offends my sense of equity. Half of the tax returns facing an increase are filed by those earning less than $50,000 annually. Families in that bracket do not consider themselves rich if one spouse needed to go back to work to help finance their children's college education and to pay the home mortgage. Furthermore, small businesses filing as subchapter S corporations and farm partnerships are taxed at individual rates, and will be affected by this tax increase at a time when they desperately need capital after a long and painful recession. The rich received their tax cut when the top rate was dropped from 70 to 50 percent and their capital gains rate dropped from 28 to 20 percent. Members of this body seem to have a difficult time understanding that wage earners can easily have an income of $50,000 annually if both spouses work. These families are not sustaining themselves by clipping bond coupons and watching their stock portfolios pay dividends. They are working hard to make ends meet. Because of wage withholding their compliance rate hovers around 99 percent. Unlike their truly wealthy counterparts who live off of their interest and dividend income (a group the Senate recently decided to reward for their noncompliance), these individuals need tax relief. This bill does not affect the rich who live on their investments, it hurts the middle and upper middle class who need their tax reduction. For that reason, I plan to vote against this bill and urge my colleagues to do the same.

Mr. PERCY. Mr. President, as we debate this proposal to place a cap on the individual income tax cut scheduled for July 1, I feel it is important for all of us to clarify this issue and examine exactly why we were to have this cut in the first place.

In 1980, the people of this country spoke. They awarded the Presidency to Ronald Reagan. In doing so they implicitly affirmed his program, and that of his party, for fiscal policy.

A major part of that program was—and still is—a commitment to responsible Government. Reasonable cuts in Government spending have been part of that commitment. Decentralization of the massive Federal Government apparatus has been part of that commitment. And perhaps the most important part of that commitment—one which was specifically approved by the voters of the United States—was the reduction of the Federal taxation burden.

There is no question that the people of this country bear a very heavy load of taxes. Of course, in return we receive all the benefits of being citizens of this great Nation.

But is it correct that the average taxpayer, if he or she were to pay every penny owed the Government in taxes starting January 1, would not finish paying those taxes until May 2? In 1960, this socalled tax-freedom day fell on April 18. In 1950, it fell on April 4; in 1940 on March 9. In 1983, the average worker worked over 4 months just to pay his taxes.

Incidentally, in 1981, before the present tax program went into effect, tax-freedom day fell on May 7. Thus, 2 years later, the average taxpayer has 5 more days' wages—a full week's pay—to himself. The tax cut which we debate today has been instrumental in bringing this about.

I am not in favor of capping the personal tax cut at $720. Nor can I accept the argument that this is a tax cut just for the rich. It is not and the figures bear this out.

The Treasury estimates that 72 percent of the 1984 share of the tax cut would go to those making under $50,000, a group which will, however, pay only 66 percent of the tax burden in 1984. Conversely, only 28 percent of the 1984 tax cut share will go to those making over $50,000. This wealthier group will however contribute 34 percent of Federal tax revenues next year.

It is not the super-rich, therefore, who will be benefiting the most from this tax cut. It is the middle-income taxpayer and two-earner families with incomes in the $20,000 to $50,000 range.

This so-called fairness issue argument is one which has been leveled at the entire tax program of the past 2½ years. But, in fact, the fairness argument is an unfair argument.

The tax program has been successful in reducing the tax burden this year. According to the Tax Foundation, which also tracks tax-freedom day, the average per capita tax burden is 4.1 percent lower in 1983 than it was in 1982. Moreover, some evidence indicates that tax revenues were up last year from those taxpayers in the highest brackets, offsetting the loss in revenues due to tax cuts, and indicating that the cuts served their purpose by encouraging new investment which fuels the economy. I have written the Secretary of the Treasury requesting that this information be verified by the Department.

The most unfair policy, in fact, would be to cap the tax cut. The middle-income families of this country need a full tax cut. They deserve it. Taxes increased by over $100 million in each of the years between 1946 and 1981. This steady growth in the tax burden has stifled individual initiative and hurt productivity, the two engines which run our economy.

The tax cut—along with the tax indexing scheduled for 1985—are the core of the tax relief program for the middle class which was started in 1980. By altering that cut, or indexing, we in the Congress would not only be cheating this all-important group, but we would be going against what was overwhelmingly approved by the electorate.

Moreover, I believe that the full tax cut will be extremely helpful to the economy as it continues to emerge from the recession. What the economy needs right now—more than anything else—is a burst of consumer spending. By letting people keep more of their income, we help to insure that more of this money will be spent in the stores of our country, driving down inventories and giving a critical boost to the entire business cycle.

What the debate over tax capping boils down to is a very basic argument about how the Government should meet its obligations. It boils down to an argument over philosophy and Government responsibility.

Do we propose to be responsible or irresponsible? The budget needs to be balanced. Members on both sides of the aisle agree on that. But do we balance the budget by increasing the tax burden—or, in this case, refusing to decrease it—on an already heavily taxed populace? Or do we reduce deficits by cutting spending, by reducing unneeded outlays, by looking carefully to see where waste can be excised from the budget?

Mr. President, there is no doubt in my mind that the latter course is our only reasonable alternative. We can cap the tax cut or repeal indexing or freeze the much-needed estate tax reforms in a short-sighted attempt to balance the budget.

But the deficit is a symptom of a disease. And tax reduction is not its cause. Rather, its cause is the excessive Government spending which has become a habit with Members of the Congress, the keepers of the public trust. It is a terrible habit, and we are going to have to break it at some point if we are to avoid a permanently crippled economy.

Unless we do break the spending habit, no matter how much success is achieved in blocking these essential tax reductions, we are just going to find ourselves back in the same boat at some time in the near future. In the meantime, a chance for constructive tax relief will have been missed.

We should keep the tax cut in July, and it should stay at 10 percent across-the-board as was originally passed by this House in 1981. Instead of capping the tax cut, let us work instead to cap taxes.

TAX CUT CAP AND FAIRNESS

Mr. DOLE. Mr. President, as we conclude debate on H.R. 1183, the so-called $700 cap on the third year tax cut, I think it is important that we clarify some matters for the record.

In debate yesterday, the allegation was made, time and time again, that this legislation is a way to achieve fairness—that the tax rate cuts passed in 1981 were unfair in some way and that the best we can do to insure equity is to take away part of the third year to reduce benefits to so-called upper income taxpayers. This is wrong on several counts, and we ought to consider why.

RELATION TO TAX BURDEN

First, we should recall a point that was made many, many times during the debate on the 1981 tax bill. The point of across-the-board rates cuts was, and is, to reduce taxes in proportion to the tax burden. Everyone's taxes are reduced by the same percentage—so of course those who pay more tax, in dollar terms, also get more of a tax cut—in dollar terms. But that is because they were paying more taxes to begin with. We have heard from many speakers in this debate that the tax cut cap would affect only the top 10 percent of taxpayers. What we do not hear is that that top 10 percent pays nearly 40 percent of the income tax burden. If we want to talk about fairness, we ought to consider how the tax burden is distributed.

WHO IS AFFECTED

Mr. President, we also have to consider who is really affected by the $700 cap. Most of the proponents of this bill, and many in the press, have resorted to the shorthand of saying that the cap only affects taxpayers with $50,000 or more in income. That is just plain not so. The cap would increase taxes for about 4 million returns filed by taxpayers with less than $50,000 in income. That is about 48 percent of the returns that would experience higher taxes under the cap proposal. For a single taxpayer who does not itemize, the cap would start increasing taxes at $29,800 in income. For singles who do itemize, the increase would begin at $35,714. For couples filing joint returns, with no dependents, and who do not itemize, higher taxes start to take effect at $37,200 in income. If they do itemize, the effect begins at $43,896. Finally, nonitemizing couples with two dependents would be affected beginning at $39,200, those who do itemize at $46,949.

So this is not a tax on the rich. It is not a fair or reasonable way to go about taxing the rich, even if it were more carefully targeted. There are many better ways to achieve tax equity than enacting permanent distortions in the tax rate tables just to try to deceive taxpayers into believing the result is more fair. Remember, this $700 cap is not a one-shot deal. It is not a temporary tax increase for 1984. It is a permanent tax increase—a permanent rise in marginal tax rates, which many of us thought we had agreed should be reduced further.

REAL EQUITY

Mr. President, the Senator from Kansas made this point yesterday, and it is worth making again. We have plenty of opportunities in this body to vote for real tax equity, and for having a real impact on the well-to-do who may not pay their fair share of tax. We had the opportunity last year, and if the budget resolution is carried out, we will likely have the opportunity again this year. The way to get equity is not to raise marginal rates. Marginal rates in the upper income brackets do not mean that the rich pay more in taxes. The wealthy taxpayer knows how to shelter his or her income, to use the many deductions, credits, exemptions, and exclusions that Congress has generously provided over the years to bring that income down into a lower bracket. That is why talking about taxable income and the marginal rates applied to that income does not tell you what you want to know about the tax burden.

It makes no sense to raise tax rates, even for the select group targeted by proponents of this bill—including 2.4 million small businesses and 350,000 family farms—when special tax breaks go unexamined and $100 billion is being lost in the compliance gap. Last year in TEFRA, pursuant to a reconciliation mandate, we raised nearly $100 billion through tax equity measures. Not a single Democrat in the Senate voted for that measure, and only 11 voted for the final conference report. The other side of the aisle must have thought it was unfair to cut off the modified coinsurance loophole that enabled large insurance companies to escape billions in taxes. They must have thought it unfair to restrict foreign tax credits used by multinational oil companies. They must have thought it was unfair to limit the amount of money the wealthy can put away tax-free in pension plans and lend back to themselves, or to limit the safe-harbor leasing provisions that helped big businesses trade tax benefits with each other. Or perhaps they knew it was fair, but they thought the people were not watching. They know everyone is watching the tax cut cap debate. It is easy to say you are for raising someone else's taxes. But the real test comes when we look at the special breaks that may escape the public's notice at times, but that are the real key to tax reform, tax equity, tax fairness, and a more economically productive tax system overall.

We may have to raise revenues this year, and we will need bipartisan support. This is the time to put aside all the rhetoric about the tax rate cuts, and focus on the real problems of the tax system and the deficit. We should plot a course toward continued lowering of tax rates, in conjunction with base-broadening and compliance measures that make better use of the system. We need to plot a course toward lower spending at the same time, and to make sure that the goals are linked together. That is what would be really fair. That is what would really benefit the American people and the American economy. Let us put this matter aside and get on with it.

Mr. President, let me commend the distinguished Senator from New Jersey, because if anybody on the Senate floor has credibility on this issue, it is the Senator from New Jersey. He was the one member of the Senate Finance Committee that voted against the 1980 Tax Act—ERTA, it was called. I say that he, to his credit, voted for the conference report on TEFRA, along with 10 other Democratic Members. I want to keep the record clear.

I think beyond that, there are a number of reasons to believe that this is a political effort. It seems to this Senator that the matter should be laid to rest, then we can go back and see where we can address some of the concerns expressed by the Senator from New Jersey, the Senator from Arkansas, the Senator from West Virginia, the minority leader, and others. If they are concerned about loopholes and concerned about inequities in the Tax Code that favor certain economic levels, these areas should be addressed. But I again repeat that this is not the place. I hope that we will so indicate at 10 o'clock.

Mr. President, what is the time remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 2 minutes and 24 seconds; the Senator from Kansas has 8 minutes and 25 seconds.

Mr. DOLE. Are there any other requests?

I yield 2 minutes to the Senator from Montana.

Mr. MELCHER. I thank my friend from Kansas for yielding me 2 minutes.

The distinguished chairman of the Committee on Finance, I presume, will take the last 5 minutes. In that time, he will say because we did something 2 years-plus ago, which I voted for, to set in motion a series of tax cuts, even though we got a $200 billion deficit and even though we are going to have to raise some new taxes, we ought to let this one alone.

It would be nice to know what those new taxes are going to be, because we will be back on the floor of this Chamber within 60 to 90 days voting on new taxes.

The rub of that comes that there are some people with this present tax cut who will receive up to $4,400 in tax relief, and what we seek to do is to avoid piling more taxes on the middle- and low-income people. We seek to do that with this cap. But if we fail—and I can count the votes—and I judge we will fail, then that means proposed new taxes. I am afraid, as is so often the case, those new additional taxes, in whatever form, will be on the middle- and low-income people. That is why we have tried to make this adjustment now, to make that pain less burdensome on the taxpayer and to provide $6 billion in additional revenues by adjusting those people who are going to receive $1,000, $2,000, $3,000, $4,000, up to $4,400 in tax relief by the scheduled tax cut that is due July 1.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. BRADLEY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 2 minutes and 19 seconds.

Mr. BRADLEY. I yield 1 minute to the Senator from Georgia.

Mr. NUNN. I thank my friend from New Jersey.

Mr. President, I would like to ask the ranking minority member of the Senate Budget Committee several other questions so that I can better understand the result of the language contained in section 4 of this bill which mandates that the revenue savings from the tax cap be matched by dollar-for-dollar spending cuts in fiscal year 1984. Is it possible to achieve the dollar-for-dollar spending offsets promised in section 4?

Mr. CHILES. Yes, I believe we are likely to achieve those spending reductions to match this $6.2 billion of tax changes. Our 1984 reconciliation instruction require $4.1 billion reduction in outlays in 1984 for entitlement programs. Our limit for defense spending is below the current policy baseline by $0.8 billion in 1984. That leaves just $1.3 billion in domestic outlays which we have to achieve by spending restraint. I can assure my friend and colleague that with the threat of Presidential vetoes, the actual appropriations are likely to be at least that much below the budget resolution ceilings. While I would like to see some of these increases enacted, I think we have to look at the political realities we face. So in summary, it is fair to say that we are most likely to be able to achieve over $6 billion of spending reductions.

Mr. NUNN. Will it be possible to achieve the spending reductions in the out-years? Is this not a downpayment on a 3-year plan for deficit reduction?

Mr. CHILES. The Senator from Georgia is correct. We reconcile $89 billion in direct deficit reduction over the 3 years 1984 to 1986. In 1985, we reconcile $5.3 billion of entitlement outlay reductions, plus we have $12.4 billion in defense outlay savings. So that is $17.7 billion, plus any domestic appropriations. That pits our spending

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cuts $10.5 billion above the $7.1 billion in revenues raised by the tax cap.

In 1986, the spending reductions are even greater. Reconciled entitlement savings are $6.9 billion, defense outlays are $15 billion below baseline, so we save $21.9 billion plus any savings in domestic appropriations. That spending reduction figure is $14.3 billion above the taxes raised in this bill; in fact, it is almost three times as large. So once again I can assure my colleague that if we hold to the plans in the budget resolution, and treat this tax cap as a downpayment on deficit reduction, we will more than achieve the dollar-for-dollar balance.

Mr. NUNN. What would happen to the deficits if we fail to take these actions on taxes and spending?

Mr. CHILES. As I mentioned earlier, we reconcile $89 billion in direct deficit reduction over the 3 years 1984 to 1986. We have further savings through domestic spending restraint and lower interest costs, that brings our total deficits $110 billion below the CBO baseline. We are $13 billion below in 1984, $28 billion in 1985 and $69 billion below in 1986. Both taxes and spending share in this deficit reduction. In fact, the overall spending contribution to reducing the structural deficit is almost twice as great as the revenue share. From 1983 to 1988, our budget resolution reduces spending as a percent of gross national product by 2.1 percent. The tax burden only goes up by 1.2 percent of GNP. So this is a fair package, and we must take action on both the tax and spending side to bring the deficits down.

Mr. NUNN. I thank the Senator.

The PRESIDING OFFICER. The 1 minute yielded the Senator has expired.

Mr. DOLE. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I want to share with my colleagues the reasons I oppose capping the third year of the tax cut.

We hear a lot of talk about capping the third year of the tax cut because we must insure fairness in the tax system. We are told that we will demonstrate our commitment to fairness by such a vote.

But that talk of fairness misses the mark on the real fairness issue that the American people are complaining about. The fairness message they are sending us is simple—close those loopholes and limit those tax expenditures that permit high-income individuals to reduce their taxable income dramatically.

If we cap the third year of the tax cut at $700 we will affect the highest income taxpayers. But half of those people we will affect are those with incomes below $50,000. A single person earning $32,500 who does not itemize deductions will lose $108. That is not a wealthy individual by any means. In fact, it is probably an individual who has been unable to buy a home because of inflation and high interest rates. That is a person who is likely to save the $108 for a down payment on a home.

In addition, half of the people we would affect with a cap are two-earner families. Again, we are not talking about just wealthy people. We are talking about those who earn, for example, $20,000 and $30,000 with two kids in college. These are the same people we provided tax relief in ERTA through the two-earner married couple deduction, and now we would be reversing ourselves and taking tax relief away. These are also the people we have just hit with a substantial increase in social security taxes that will take effect in 1984.

Capping the third year will also skew the marginal rates dramatically for middle-income taxpayers. At present the marginal rate on each extra dollar of income over $35,200 on a joint return is 33 percent, up from 28 percent for the dollars just under $35,200. Under the cap proposal the marginal rate would jump to 37 percent, a whopping 9 percent increase instead of 5 percent.

Capping the third year is not the right medicine for the economy, either. We need individual savings to provide the wherewithal for the added investment that will continue our road to economic recovery. Higher income taxpayers, those we would affect by capping the third year, save a much larger proportion of their after-tax dollars. Those with after-tax incomes over $50,000 save 64 percent of these post-tax dollars while those with after-tax income of $10,000 not surprisingly save only 12 percent. A survey by the National Federation of Independent Businesses found that 70 percent of new business enterprises obtain their seed money from personal savings.

Mr. President, what should we in Congress be doing to bring more deficits under control? The tax cap bill we are voting on today is not the answer. Instead, we must return fairness to the Tax Code by making a systematic review of all the tax expenditures. Astonishingly, tax expenditures—credits, deductions, and exemption—approximately equal the revenue that does come in from our taxes. Some of these expenditures are gross loopholes; some of them help us meet important public policy goals. But we must reexamine each of them to assess whether they contribute or detract from the fairness of our tax system.

While we review these tax expenditures we must be equally vigilant in reducing the complexity of the code. An estimated $60 billion per year is spent in complying with the code. Much of this burden falls on middle-income taxpayers who need assistance in preparing their returns because of the complexity and yet do not have the tax shelters that more than compensate for the money spent in complying.

Last, but certainly not least in importance, Congress must make the tough decisions on spending. Broadening the tax base will bring in additional revenue, but the revenue will not be sufficient if Federal spending, as a percent of GNP, keeps increasing. We have looked carefully at needs-based programs, but we have not looked carefully enough at the rest of the budget. That examination must be made if we are to reach our goal of fairness.

Mr. President, some say we should cap the third year of the tax cut for fairness. I say that avoids the real fairness issue. We must look to a broadened tax base, one that closes loopholes that benefit the wealthy. Until we do the fairness issue will remain.

Closing loopholes is not an easy task, as the TEFRA experience showed only too clearly. But I urge my colleagues to reject this bill and get down to the real business of fairness. It will be an excrutiating experience politically as we tackle a myriad of vested interests. But that will restore faith in our tax system, not what we are asked to do today.

Mr. DOLE. Mr. President, I intended to yield—we have 4 minutes remaining—as soon as the distinguished majority leader comes to the floor the remainder of the time on this side. I understand Senator BRADLEY has 1 minute. Then at 10 o'clock we will vote on whether or not we want to raise taxes. We will see how many want to raise taxes. That is what it is all about—whether we are going to have a tax increase or not.

You say people who pay more taxes should not have a tax cut; you ought to raise their taxes.

That is what it is all about. I would hope that the people understand what is about to happen. We are about to raise taxes for some people because they happen to make a little more money than other people.

We are going to have a lot of chances to tighten up the loopholes in tax reform later on this year. I hope that those who want to raise taxes—I am not going to explain next year in the campaign that the Democrats only wanted to raise taxes on the rich. As far as I am concerned, they want to raise everybody's taxes. I hope this is the message that comes through.

I am still awaiting the majority leader.

I yield the remainder of my time to the distinguished majority leader.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, let me say, first of all, that I am advised the Senator from Alaska is very anxious to try to obtain the Senate's consideration of the confirmation of Langhorne A. Motley, of Alaska, to be an Assistant Secretary of State.

I would propose that at 1 minute until 10 we temporarily lay aside this matter and go into executive session for the purpose of considering that nominee only.

May I inquire of the minority leader if he would be agreeable to that?

Mr. BYRD. Yes; I will be agreeable to that. It has been cleared on this side.

Mr. BAKER. I thank the minority leader.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mr. MURKOWSKI). The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Senator from Kansas for yielding, and I will stop at 2 minutes of 10, if the Chair will remind me.

Mr. President, I will vote against the bill. I am not prepared to say there is no merit to the contention made by my colleagues on the other side of the aisle.

I am persuaded, Mr. President, and persuaded absolutely, that on June 29, 1983, 2 days before the third installment of the tax adjustment goes into effect, we would ill serve the interests of the people of the United States by tinkering with the only long-range tax plan we have had in this Government since I have been in the Senate, and that is now 17 years.

I recall so clearly when the President first made his proposal for a gradual 3-year adjustment of the tax structure of this Government. I was more enthusiastic about some aspects of it perhaps than I was others, but the one factor that stood out in my mind and convinced me absolutely that the President was on the right track and deserved the support of the majority of the Congress, and particularly of the Senate, was because of the certainty that that plan provided over a period of time, the certainty so that industry and commerce might plan ahead, so that they might invest, so that they might produce new jobs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, this would be a poor time, indeed, to change that plan which has served us so well and which will continue to do so in the future.

The PRESIDING OFFICER. The Senator from New Jersey has 1 minute remaining.

Mr. BRADLEY. Mr. President, I yield 30 seconds to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to respond to a statement the Senator from Kansas made earlier that I voted against the so-called tax reform package last year, and I did indeed. I did it because of its regressive features—airline excise taxes, telephone excise taxes, and so forth. I admire him and I applaud——

The PRESIDING OFFICER. The Senator's 30 seconds have expired.

Mr. BUMPERS. Withdraw the last statement that I admire him. [Laughter.]

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey has 30 seconds.

Mr. BRADLEY. The issue that we are voting on is whether the top 10 percent of the population, the top 10 percent of the taxpayers only will limit their tax cut so that we can reduce the budget deficit $38 billion over the next 5 years. That is the issue before the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I now ask unanimous consent that the Senate go into executive session for the purpose of considering the nomination of Langhorne A. Motley, of Alaska, for a period of not to exceed 1 minute, and then return to legislative session and resume consideration of the pending measure.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF STATE

The bill clerk read the nomination of Langhorne A. Motley, of Alaska, to be an Assistant Secretary of State.

Mr. STEVENS. Mr. President, today the Senate will act upon one of the most important confirmations that has faced this body in quite some time. Langhorne Anthony Motley, Ambassador to Brazil, has been selected by the President to be the Assistant Secretary of State for Inter-American Affairs at the Department of State. Senate approval of Ambassador Motley's nomination will further symbolize President Reagan's commitment to achieve a steady foreign policy in Central and Latin America.

I say with a great deal of pride that Ambassador Motley has been a close personal friend of mine over the years. He has proven over and over again that he is a successful, diligent, and talented worker. He is innovative yet sensitive in his approach to problem solving. Clearly, he has demonstrated his effective, pragmatic approach during his tenure as the U.S. Ambassador to Brazil. Ambassador Motley's approach created an atmosphere for the future establishment of a cordial relationship between the United States and Brazil. By being in touch with the people of Brazil, top government officials, and truly understanding the culture, Ambassador Motley performed an excellent service for our country.

In addition to the accomplishments Ambassador Motley has achieved during his tenure in Brazil, his personal, business, and public service background make him the prime candidate for the position of Assistant Secretary for Inter-American Affairs. First, Tony spent the first 16 years of his life growing up in Brazil. He is fluent in Portuguese and Spanish, and he understands the culture of Central and South America. Second, Tony has been a successful businessman. While in Alaska, he built a highly successful real estate firm. Third, Tony has served in public office as commissioner for commerce and economic development for the State of Alaska. Fourth, during the consideration of the Alaska lands bill, the driving force behind the Citizens for the Management of Alaska Lands was the director, Tony Motley.

Looking back over the record, it is abundantly clear that Ambassador Motley is an effective, well-qualified team player. The work he has executed in the past has won the respect of Members of the House and Senate as well as those in the administration.

The President of the United States could not have made a more appropriate selection for the position of Assistant Secretary of State for Inter-American Affairs. It is imperative that the United States continue a path of steady and confident foreign policy in Central America. Tony has proven time and again his ability to appropriately and accurately represent the administration's policies on issues of state.

I urge the Senate to swiftly confirm Ambassador Motley for this critical position.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. **BAKER**. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

TAX RATE EQUITY ACT OF 1983

The Senate continued with the consideration of H.R. 1183.

The **PRESIDING OFFICER**. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

Mr. **DOLE**. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

(During the call of the roll Mr. PRESSLER assumed the chair.)

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—45

Baucus
Bentsen
Biden
Bingaman
Bradley
Bumpers
Burdick
Byrd
Chiles
Cohen
Cranston
DeConcini
Dixon
Dodd
Eagleton
Exon
Ford
Glenn
Hart
Heinz
Hollings
Huddleston
Inouye
Jackson
Kennedy
Lautenberg
Leahy
Levin
Long
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Randolph
Riegle
Sarbanes
Sasser
Specter
Stennis
Tsongas

NAYS—55

Abdnor
Andrews
Armstrong
Baker
Boren
Boschwitz
Chafee
Cochran
D'Amato
Danforth
Denton
Dole
Domenici
Durenberger
East
Garn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Helms
Humphrey
Jepsen
Johnston
Kassebaum
Kasten
Laxalt
Lugar
Mathias
Mattingly
McClure
Murkowski
Nickles
Packwood
Percy
Pressler
Quayle
Roth
Rudman
Simpson
Stafford
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Weicker
Wilson
Zorinsky

So the bill (H.R. 1183) was not passed.

Mr. **DOLE**. Mr. President, I move to reconsider the vote by which the bill was rejected.

Mr. **BAKER**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **BAKER**. Mr. President, I congratulate the distinguished chairman of the Finance Committee, the manager of the bill, for presenting this matter in the brief time in which he has, and allowing the Senate to express its will.

I also commend the minority leader for allowing us to schedule the consideration of this measure.

ORDER OF PROCEDURE—AGRICULTURE APPROPRIATIONS

Mr. **BAKER**. Speaking of scheduling, we have a couple of other matters that are available now which we ought to turn to. One is the agricultural appropriations bill which I want to take up and I want to finish today. The other is a conference report on HUD appropriations.

May I inquire of the minority leader if he is in position at this time to consider a unanimous-consent agreement limiting the time for debate and providing a time for final passage on the agricultural appropriations bill?

Mr. **BYRD**. Mr. President, I thank the majority leader for scheduling the tax cut cap bill. He gave that assurance to me several weeks ago, and I thank him for that.

As to the agricultural appropriations bill, I do not believe——

The **PRESIDING OFFICER**. The Senate will be in order. The majority leader and Democratic leader cannot be heard. Conversations will please cease. Conversations in the galleries will please cease.

Mr. **BYRD**. I thank the Chair. The Chair is doing exactly what the rule says; the rule says the Chair should secure order and maintain order in the Chamber and in the galleries without a point of order being made on the floor. It is the responsibility of the Chair and I thank the Chair.

As to the agricultural appropriations bill, I do not think there is any objection to taking it up——

Mr. **HEFLIN**. Yes, I would have an objection to bringing it up without a clearly defined time agreement.

Mr. **BYRD**. I did not know about that, I must say to my friend.

Mr. **BAKER**. I did not hear the Senator from Alabama. Will the Senator repeat what he had to say?

Mr. **HEFLIN**. I think we would have to know at this time the amendments that will be brought up. I am agreeable to a time agreement. If we can agree on a time agreement with stipulations of limitations on amendments then I would have no objection, and I do not believe anybody on this side would have any objections.

It is my understanding that in the absence of a time agreement the majority leader intends to bring it up anyway, and I will have to object at this time. If you have a time agreement I will have no objection.

Mr. **BYRD**. Mr. President, I would suggest that the majority leader try to work out a time agreement.

Mr. **BAKER**. Let me say to my friend from Alabama that he catches me by surprise on the matter of objecting to going to the bill. It had been my plan to get the bill laid down and made the pending business and then continue to negotiate on a time agreement we have been circulating for 2 days now. I think the chances are good that we can get this agreement, and the chances are good we can finish this bill in a fairly short period of time. But I hope the Senator will not put us to the trouble of deciding whether or not we have to vote on a motion to proceed.

Mr. **HEFLIN**. I suggest we try to get a time agreement. If we get a time agreement than there will be no objection.

Mr. **ZORINSKY**. Mr. President, will the Senator yield?

Mr. **BAKER**. If I have the floor. The minority leader has the floor.

Mr. **BYRD**. I reluctantly yield.

Mr. **ZORINSKY**. If we can preclude any amendments being offered to this appropriations bill that have anything to do with freezing or doing away with target prices I think that would alleviate a great deal of concern and I think both of my colleagues on the Agriculture Committee would be happy then to proceed on the basis of the way the majority leader outlined.

Mr. **METZENBAUM**. Mr. President, if the majority leader will yield for a point——

Mr. **BYRD**. Mr. President, I still have the floor.

Mr. **METZENBAUM**. I am sorry, I ask the minority leader to yield.

Mr. **BYRD**. I yield.

Mr. **METZENBAUM**. I have no objection from my standpoint of proceeding to the agricultural appropriations bill. But to ask for a unanimous-consent agreement on a number of amendments, the Senator from Ohio would like to know what the costs of those amendments will be prior to his agreeing to any unanimous-consent request.

Mr. **BAKER**. Mr. President, I have to confess I was speaking to an aide here and my attention was distracted.

Mr. **METZENBAUM**. I have no objection to proceeding to the agricultural appropriations bill, but until I know the exact cost of each of those amendments being proposed, I would not be agreeable to a unanimous-consent agreement in connection with those amendments.

Mr. **BYRD**. Mr. President, I yield the floor.

Mr. **BAKER**. I thank the Senator.

Mr. President, I am going to suggest the absence of a quorum and for 5 minutes or thereabouts I am going to try to negotiate away the concerns expressed by the three Senators who have risen to express them.

But, you know, there is nothing more important and essential to the leadership of the Senate than being able to schedule, particularly appropriation bills. What I am about to say is not said in rancor or bitterness, but is simply a matter of fact.

If we cannot negotiate away those concerns, I am going to move to the consideration of this measure. I intend to ask the Senate to stay and deal with this appropriations bill before we go out.

Once again, I do not mean to sound harsh, but I do mean to exert the leadership that I believe the Senate expects me to do in trying to see that we get through these appropriation bills.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, I have been trying for some time now to work on a two-page time agreement. I should know that any time a time agreement is on two pages it will not work. This one has not worked. But I still have hopes that we can negotiate a limitation on amendments that may be offered to the bill and a limitation on time in which those amendments and the bill can be debated. For the moment, I think the only thing I can clear is an agreement that we can lay the bill down and that no target pricing amendment would be in order.

Mr. President, I will state that request for the consideration of the minority leader and other Senators who are interested.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 3223 and that no amendment dealing with target prices be in order.

Mr. **BYRD**. Mr. President, reserving the right to object.

Mr. President, I will have to have a few minutes.

Mr. **BAKER**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. MATTINGLY). Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, there is a unanimous-consent request pending, is there not?

The **PRESIDING OFFICER**. That is correct.

Mr. **BAKER**. Let me restate it just so everybody understands, since there has been some interval between the time it was made and the time the Chair will put it to the Senate.

The request was that the Senate now proceed to the consideration of H.R. 3223, which is the agriculture appropriations bill, and that no amendment dealing with target pricing be in order to that bill.

Mr. **BYRD**. Mr. President, reserving the right to object, and I will not object, we have rather carefully covered our side of the aisle and we find no objection to this particular request.

Mr. **HELMS**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, I think we are a little better off than I thought. I withdraw the request now pending.

The essence of the request I am about to put now is the original request except to delete the time limitations. I will put the request now, Mr. President.

AGRICULTURE APPROPRIATIONS, 1984

UNANIMOUS CONSENT AGREEMENT

Mr. **BAKER**. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 3223, the agriculture appropriations bill, and that it be considered under the following agreement; 2 hours of debate on the bill to be equally divided between the Senator from Mississippi (Mr. COCHRAN) and the Senator from Missouri (Mr. EAGLETON) or their designees, 30 minutes on the following amendments, and only the following amendments will be in order:

First, a Levin amendment dealing with elderly feeding, 1979 State claims, $875,000;

Second, a Zorinsky amendment providing equitable payments for storage under farmer-held reserve program wheat and feed grains;

Third, a Trible/Warner amendment adding $4.5 million to the VPI School (Agriculture Research Service buildings and construction);

Fourth, a Humphrey amendment to earmark ACP funds for forest fire and forest management access roads $216,000, and $265,000 for forestry tree stand improvement, including fuel wood utilization;

Fifth, a Helms amendment striking dates of FNS programs—food stamps, WIC, and child nutrition;

Sixth, a Mattingly amendment to require $5 million of CCC funds to be used for export promotions activities;

Seventh, a Melcher amendment to earmark animal research funds for cancer;

Eighth, a Baucus amendment to prohibit funds to be used for sod busting;

Ninth, a Moynihan amendment to insure specific amounts for direct loans in the act are consistent with those in the first budget resolution for fiscal year 1984;

Tenth, a Cochran technical amendment;

Eleventh, an Andrews amendment directing the Department of Agriculture in connection with all commodities, particularly cotton, under the PIK program to carry out their original commitment to the producers;

Twelfth, a Melcher amendment relating to funding of special problems in conservation;

Thirteenth, a Boschwitz amendment dealing with increasing Public Law 480 funding by $100 million.

Ten minutes on any debatable motion, appeal, or point of order, if submitted to the Senate; that the agreement be in the usual form with respect to the division of controlled time.

Provided, further, that the committee amendment on page 49, lines 8 through 12, be modified to read as follows:

> ": *Provided*, That section 184 of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by inserting before the period at the end of paragraph (b) the following: ', or for the first three months of the fiscal year ending September 30, 1984' "

Provided, further, that all committee amendments, including the modified committee amendment, be considered as having been agreed to and be considered as original text for the purpose of further amendment, and that no point of order be considered as having been waived by virtue of this agreement.

Mr. **BYRD**. Mr. President, reserving the right to object, does the majority leader intend by this request that no other amendments will be in order, including second-degree amendments?

Mr. **BAKER**. Yes.

Mr. President, that is my intention; and the agreement as I stated it, I believe, was that "only the following amendments will be in order."

I amend the request so that it will be "only the following amendments and no other amendments shall be in order."

Mr. **METZENBAUM**. Mr. President, I object.

Mr. **BAKER**. Does the Senator reserve the right or does he object?

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Mr. **METZENBAUM**. For the purpose of discussion, I will reserve the right to object, indicating that I intend to object.

It is my understanding that the unanimous-consent request was to be made with no limit on debate.

Mr. **BAKER**. There is no limitation on debate.

I am sorry. The Senator is absolutely correct, Mr. President.

I delete from the request those provisions dealing with time. The remainder of the request as respects the limitation of amendments that are in order will continue.

Mr. **METZENBAUM**. Mr. President, I appreciate the modification made by the majority leader.

I should like to ask for a clarification, and I do not intend to object. I am not clear as to the purpose of the language having to do with the budget that is to be found in the latter part of the unanimous-consent request. I do not understand the significance of that.

Mr. **COCHRAN**. Mr. President, will the majority leader yield?

Mr. **BAKER**. I yield.

Mr. **COCHRAN**. This is a provision that modifies a committee amendment that was inserted in the bill during the markup in full committee. It related to the food stamp program in Puerto Rico. The committee funded this program for a complete year.

At the request of the chairman of the Committee on Agriculture, Mr. HELMS, Senator DOLE, who is chairman of the Nutrition Subcommittee of the Agriculture Committee, recommended that that be modified to limit the applicability to only 3 months of the fiscal year, until the legislative committee has a chance to review the food stamp program in Puerto Rico.

That is the purpose of that being included in the unanimous-consent request, and that is the import of the amendment.

Mr. **METZENBAUM**. The manager of the bill represents that this language is not a broad based carved out of the terms and provisions of the Budget Act that we just passed?

Mr. **COCHRAN**. Not at all. As a matter of fact, it is completely consistent with the budget resolution that has been passed.

Mr. **METZENBAUM**. I have no objection.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, I thank the Senator from Ohio, and I especially thank the minority leader, the Senator from North Carolina, and the two managers.

The **PRESIDING OFFICER**. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3223) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes.

COMMITTEE AMENDMENTS

The committee amendments considered to have been agreed to and considered as original text for the purpose of further amendment, are as follows:

On page 3, after line 14, insert the following:

"For necessary expenses for liaison with the Congress on legislative matters, $477,000".

On page 3, line 23, strike "$6,930,000", and insert "$7,092,000";

On page 4, strike line 10, through and including line 12;

On page 6, line 5, strike "$34,777,000", and insert "$44,313,000";

On page 6, line 17, strike "$470,470,000", and insert "$482,995,000";

On page 7, line 5, after "research:", insert the following: *Provided further*, That of the appropriations hereunder not less than $10,000,000 shall be available to carry into effect the provisions of section 1418 of Public Law 97-98:

On page 8, line 6, after "Ohio", insert the following: *Provided further*, That none of the funds appropriated in this Act shall be used to terminate or reduce Federal involvement in research programs conducted at Belle Glade, Lake Alfred, or Fort Pierce, Florida.

On page 8, line 19, strike "24,625,000", and insert "$23,277,000";

On page 9, line 3, strike "$5,000,000", and insert "$6,149,000";

On page 10, line 15, strike "$23,914,000", and insert "$24,884,000";

On page 10, line 17, strike "$10,000,000", and insert "$21,500,000";

On page 10, line 18, after "expenses", insert the following: "$5,760,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses;"

On page 10, line 25, after "1978", insert the following: "$1,000,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended, including administrative expenses;"

On page 11, line 5, after "97-98", insert "to remain available until expended";

On page 11, line 12, strike "$233,575,000", and insert "$252,805,000";

On page 12, line 9, after the sum, insert "payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $4,000,000";

On page 12, line 14, after "Institute", insert "under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended";

On page 12, line 17, strike "$326,829,000", and insert "$330,829,000";

On page 14, line 3, strike "$277,552,000", and insert "$251,453,000";

On page 17, line 12, strike "$43,841,000", and insert "$45,024,000";

On page 18, line 14, strike "$53,903,000", and insert "$55,598,000";

On page 19, line 20, strike "$1,522,000", and insert "$1,500,000";

On page 25, line 16, strike "$238,937,000", and insert "$228,987,000";

On page 25, line 22, strike "$120,000,000", and insert "$100,000,000";

On page 26, line 21, strike "and", through and including the sum on line 24, and insert "$2,127,000";

On page 27, line 11, strike "$3,397,000,000", and insert "$3,361,000,000";

On page 27, line 11, strike "then", and insert "than";

On page 27, line 19, strike "6,000", and insert "7,000";

On page 27, line 24, strike "$62,000,000", and insert "$73,000,000";

On page 28, line 18, strike "$740,100,000", and insert "$713,000,000";

On page 28, line 21, strike "$53,100,000", and insert "$26,000,000";

On page 28, line 24, strike "economic", through and including the sum on line 25;

On page 29, line 13, strike "$375,000,000", and insert "$270,000,000";

On page 30, line 1, strike "$125,000,000", and insert "$90,000,000";

On page 30, line 16, strike "$5,000,000", and insert "$12,500,000";

On page 31, line 9, strike "$49,000,000", and insert "$62,000,000";

On page 31, line 10, strike "4,750", and insert "6,000";

On page 33, line 21, strike "Electrificaition", and insert "Electrification";

On page 34, line 4, strike "$4,745,000,000", and insert "$3,360,000,000";

On page 34, line 5, strike "$5,950,000,000", and insert "$4,145,000,000";

On page 36, line 19, strike "$346,947,000", and insert "$341,313,000";

On page 37, after line 21, insert the following:

"For necessary expenses to initiate a special areas conservation program under the Agriculture and Food Act of 1981, Public Law 97-98 (16 U.S.C. 3411-3420), $2,000,000 to remain available until expended.".

On page 38, line 16, strike "$8,877,000", and insert "$8,675,000";

On page 44, line 6, strike "$8,800,000", and insert "$10,000,000";

On page 44, after line 6, insert the following:

"EMERGENCY CONSERVATION PROGRAM

"For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201-2205), $7,000,000 to remain available until expended, as authorized by 16 U.S.C. 2204.".

On page 44, line 25, after "1985:", insert the following: "*Provided further*, That $8,900,000 shall be used to conduct a school lunch pilot project study of alternative means of providing assistance under the school lunch program by distributing all cash and all letters of credit in lieu of commodities, including bonus cash and bonus letters of credit in lieu of bonus commodities: *Provided further*, That such study shall include one hundred and twelve school districts nationwide and shall be conducted for school years 1983-1984 and 1984-1985;".

On page 46, line 4, after "allocated", insert the following: "*Provided further*, That if the funds available for Nutrition Education and Training grants authorized under section 19 of the Child Nutrition Act of 1966, as amended, require a ratable reduction in those grants, the minimum grant for each State shall be $50,000".

On page 47, line 17, after "1985", insert the following. "*Provided further*, That the funds provided shall be expended in such a manner as to insure that the average participation during the period from October 1, 1983 through July 10, 1984 does not fall below 2,800,000 persons".

On page 48, line 19, after "law", insert the following: "*Provided further*, That during

fiscal year 1984 the provisions of subsections (f) and (i) of section 3 and section 10 of the Food Stamp Act of 1977, as amended, concerning private nonprofit drug addiction or alcoholic treatment and rehabilitation programs, shall also be applicable to publicly operated community mental health centers:"

On page 49, line 8, after the sum, insert the following: "*Provided*, That section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)), as amended by section 184(a) of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 785), is amended by striking out "noncash".

On page 49, line 17, strike "$166,061,000", and insert "$169,061,000";

On page 49, line 20, strike "reimbusement", and insert "reimbursement";

On page 51, line 4, strike "$83,717,000", and insert "$85,217,000";

On page 53, line 11, strike "$3,516,000", and insert "$6,016,000, of which $500,000 is for the Caribbean Basin Initiative";

On page 54, line 7, strike "$364,410,000", and insert "$364,410,000";

On page 54, line 12, strike "$5,875,000", and insert "$5,875,000";

On page 54, line 17, strike "$21,594,000", and insert "$22,164,000";

On page 54, line 24, strike "$24,855,000", and insert "$26,645,000";

On page 55, line 1, strike "and not", through and including line 2;

On page 61, after line 16, insert the following:

SEC. 624. Provisions of law prohibiting or restricting the employment of aliens shall not apply to employment for the purpose of providing specialized expertise in tropical soils management and conservation under the appropriations for the Soil Conservation Service.

SEC. 625. None of the funds appropriated by this or any other Act may be used to relocate the Hawaii State office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

Mr. **COCHRAN**. Mr. President, this appropriations bill provides funding for most of the activities of the Department of Agriculture. Funding is provided for research, conservation, nutrition, rural development and lending, commodity price and income stabilization, and a wide array of other services and programs administered by the USDA. The bill also provides funds for the Food and Drug Administration (FDA) and the Commodity Futures Trading Commission (CFTC), and places a limitation on the administrative expenses of the Farm Credit Administration (FCA).

Agriculture is America's largest industry and employer. Well over 20 million Americans are at work in some phase of our Nation's great agricultural complex. Each individual American is affected daily by the efforts of our farmers who produce food and fiber, as well as by the activities of related industries which process, transport, and market products domestically and around the world. The vital importance of agriculture is abundantly clear. Yet, American farmers are faced with depressed market prices, ever-increasing production costs, and high interest rates—factors which make it very difficult, if not impossible, for many farmers to secure necessary credit and to make a reasonable profit for themselves and their families. Simultaneously, the country is faced with an overabundance of certain commodities—a situation which continues to threaten the health of the farm economy. The challenge to the Federal Government is to adequately address these problems, while promoting further economic recovery. The committee believes the recommendations contained in the bill will address the current problems in the agricultural sector, but at the same time promote the economic recovery that we are seeing on the farm and around the country.

Mr. President, our bill recommendation of $31.7 billion in new budget authority is below the 1983 level by some $6.2 billion. It is also below the administration's 1984 budget request by $67.4 million.

We have concurred with the House in providing partial year funding for child nutrition, WIC, and food stamps (child nutrition—August 15, 1984; WIC—July 10, 1984; food stamps—September 6, 1984).

Last year, we funded these programs for the entire year at a level in excess of the administration's request. This year, I must point out, the administration submitted with its budget request a request for legislation to reduce the costs of these programs. The legislative committees with jurisdiction over this subject matter have not yet acted on that requested legislation, but there is time in this legislative year for action, if the committee chooses to act.

For that reason, we are putting in the bill the requested level of funding, but we are pointing out that unless legislative changes are made by Congress, that funding will be inadequate to fully support those programs for the entire fiscal year.

This year's budget request from the President assumed savings in these programs that will not be realized unless some legislative changes are made by the authorizing—Agriculture—committee. If these changes are made, we feel that there is time enough to institute these changes and possibly eliminate the need for a supplemental appropriation for these programs.

As the bill points out, the child nutrition program would run out of money on August 15, 1984, the WIC program by July 10, 1984, and the food stamp program by September 6, 1984.

So what we are saying is that we are by this recommendation calling attention to the fact that while we are putting in the bill the amount of money requested by the administration it is not going to be sufficient to fully fund these programs in absence of legislative changes in those programs.

If changes are not made, we are strongly urging the administration to submit in a timely fashion to Congress a request for a supplemental appropriation so that these programs will be fully funded and persons will not be summarily cut off the programs and denied benefits because of an inadequacy of funding.

If the changes are not made by the legislative committee in these programs we anticipate that an additional $1.3 billion will be needed to fund these programs for the full fiscal year.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD the highlights of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS OF FISCAL YEAR 1984 AGRICULTURE APPROPRIATIONS BILL, JUNE 23, 1984

Title 1—Agricultural Programs: $12,078,848,000.

A. Research and Extension: ARS, $482,995,000; CSRS $252,805,000; and Extension $336,340,000.

Includes $10,000,000 for post-graduate fellowships to address shortage of scientists, educators, technical representatives, etc., in both public and private sector.

Went along with House on funding of Hatch act; Smith-Lever; Cooperative forestry (McIntire-Stennis); and Payments to 1890 Colleges and Tuskegee Institute by providing slight increases.

B. Ag. Research Service (ARS) Buildings & Facilities: $23,227,000; ($23.2 million over budget); ($1.4 million less than House).

$12.050 million for Old West Vet. School.

$5.5 million for Children's Nutrition Research Center at Baylor.

$4.0 Forage Seed Center.

$.827 million Soil Tilth Center.

$.850 million Metabolism and Radiation Research Lab.

(Struck from House bill—$4.5 million for Va-Md. Vet. School and $+.800 for Plant Stress lab—Texas.)

C. Animal and Plant Health Inspection Service (APHIS): $253,839,000; ($26.7 million over budget); ($26.1 million less than House)

Restored several special interest items to 1983 & House levels.

Difference is the brucellosis cut: Senate: $60 million; House: $81.4 million; Budget: $50.6 million; 1983: $83.4 million.

D. Federal Crop Insurance Corporation (FCIC): $353,870,000; ($120. million less than budget); ($30 million less than the House).

E. Commodity Credit Corporation (CCC) $9,673,636,000. Went with House ($500 million less than Budget).

April update of budget, prepared by OMB reduces estimated outlays in fiscal year 1984 by $2.5 billion. Based on this revised estimate, the need for restoration of capital impairment in fiscal year 1984 appears to be overstated in budget request. But because of uncertainties over cost of PIK, we went along with reduction of $500 million.

Title II—Rural Development Assistance: $3,427,312,000.

Generally, we did not go along with requested reduction in Farmers Home and Rural Electrification, and restored most programs to 1983 levels.

A. Farmer programs.

1. Ownership loans: $713,000,000.

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Insured ($33 million over Budget); ($27.1 million less than House).

Guaranteed (same as House and Budget).

2. Operating loans: $1,910,000,000.

Insured (same as Budget and House at $1.8 billion)

Guaranteed (raised from $50 million to $100 million)

Economic Emergency (House put in $600 million, if authorized). We deleted, but indicated we would reconsider if program is authorized.

3. Housing loans: Continue to support low-income housing loans, and moderate-income programs to lesser extent.

Provided $73 million authorization for rural rental assistance for 7,000 existing rental units under Rural Rental Insurance Loan Fund. Also, provided $62 million in new rental units to receive rental assistance.

4. Industrial Development loans: Provided total of $300 million, earmarking $75 million for alcohol fuels.

Water and sewer facility loans—provided $270 million. This is traditional level of funding. This program had substantial increases in fiscal year 1983 in Jobs bill and in pending supplemental.

Water and sewer grants—went with budget request of $90 million, $35 million less than House. $150 million was added in Jobs bill for 1983.

5. Grant programs: Increased all programs to at least House levels, with exception of mutual and self-help housing. This program we increased $7.5 million over House for a total of $12.5 million. There was no budget request.

B. Rural Electrification Administration (REA):

Insured electric and telephone loans—we went along with House and 1983 levels, but are over the budget by $525 million.

Guaranteed electric and telephone loans—we went along with budget request. We have been advised that minimum level for 1983 will not be met due to the significant slowdown in construction of electric generating plants and related transmission lines and to general economic factors in rural America.

Reimbursement for interest and other loses—This is a new account in house bill, and is to restore revolving fund to a sound financial basis. We went along with House.

C. Conservation: $817,622,000.

Generally, we rejected Administration's cuts of some $173.7 million. In the Soil Conservation (SCS), all technical assistance programs were increased to last year's levels. Also, earmarked $2 million for special areas conservation (technical assistance) authorized in the Farm Bill, but never before funded.

Agricultural Stabilization and Conservation Service (ASCS): We rejected budget request to combine Agricultural Conservation Program (ACP); Forestry Incentives Program (FIP); Water Bank and fund at $56 million level. We added back $163.5 million.

ACP, $190.0 million.

FIP, $12.5 million.

Water Bank, $10.0 million.

We also included $7 million for emergency conservation program. Usually, this program has sufficient carryover funds, but they have been depleted because of floods, etc.

Title III—Domestic Food Programs: $13,816,671,000.

Again, the House funded the following programs at the budget levels but for less than a full year. We concurred.

(a) Child Nutrition: $3.013 billion level to August 15, 1984.

(b) WIC: $1.060 billion to July 10, 1984.

(c) Food Stamps: $10.9 billion level to September 6, 1984.

The Administration has again premised its request on savings to be realized from legislative changes. We chose to give the Senate Committee on Agriculture, Nutrition, and Forestry a chance to make some changes.

Food Stamps for Puerto Rico: $825 million.

We have included bill language to allow Puerto Rico to continue the same type of "cashout" program it currently operates. Reconciliation would discontinue this effective October 1, 1984.

Special Milk: The appropriating of $11.9 million plus a carryover of funds, will provide the authorized level (per Reconciliation).

Food Donation: We rejected proposed transfer of elderly feeding program to Department of Health and Human Services and recommended $119 million which will fully fund current services. We also went with budget and House in providing $50 million for needy families.

Title IV—International Programs: $1,143,233,000.

Foreign Agricultural Service: The House cut $1.5 million on the assumption that strength of U.S. dollar overseas will increase FAS' purchasing power. Because of uncertainty in world economy, we went with the budget request of $85.2 million.

P.L. 480: Went along with budget and House and provided:

$402 million for title I and III (credit sales); $650 million for title II (commodities for distribution abroad); and $1,052 million, total.

Title V—Related Agencies:

Food and Drug Administration: $419,094,000.

(a) In case we don't prevail in Supplemental Conference on FDA $5 million emergency contingency fund, we have added in this bill, which is the increase over the House for salaries and expenses.

(b) We concurred with House in providing funding for facilities at National Center for Toxicological Research in Arkansas.

Commodity Futures Trading Commission (CFTC): $26,645,000.

Our $2 million increase over budget and House is for automated data processing (ADP) support and legislatively mandated studies. An amended budget request is pending at OMB.

Mr. COCHRAN. Mr. President, I thank my good friend, the distinguished Senator from Missouri, TOM EAGLETON, who is the ranking minority member of the subcommittee, for his very helpful assistance in the preparation of the bill by the subcommittee and the guidance of it through the markup and through full committee.

I also wish to compliment all of the members of the Appropriations Committee for assisting in the preparation of the bill and the valuable input into the process that each of them has made.

Mr. President, I yield the floor.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276(h)–276(k), as amended, appoints the following Senators as members of the Senate Delegation to the Mexico-United States Interparliamentary Group during the First Session of the 98th Congress to be held in Puebla, Mexico, on July 7–10, 1983: the Senator from Georgia (Mr. MATTINGLY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Florida (Mrs. HAWKINS).

MESSAGE FROM THE HOUSE

Mr. BAKER. Mr. President, will the manager permit me to interrupt for a minute so we may receive a message from the House of Representatives?

Mr. COCHRAN. Yes.

Mr. BAKER. Mr. President, I yield for that purpose.

The PRESIDING OFFICER. The Senate will receive a message from the House of Representatives.

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 6, 10, 13, 35, 40, 43, 47, and 58 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 1, 25, 26, 32, 33, 34, 53, and 59 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.R. 3190. An act to establish an improved program for extra long staple cotton.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day."

Mr. BAKER. Mr. President, this is the first of the conference reports on one of the regular appropriations bills to reach the Senate. The House of

Representatives acted on this measure this morning.

I wish to present it to the Senate as soon as possible. I then suggest if the managers are agreeable that as soon as we can obtain clearance on both sides we temporarily lay aside this measure, I hope only for a matter of minutes, so that we can adopt that conference report and get on with the business at hand. Will that be agreeable with the manager?

Mr. COCHRAN. Mr. President, if the majority leader will yield, I have no objection to that and am happy to accommodate the leader in that way.

Mr. EAGLETON. No objection.

Mr. BAKER. I thank the Senator.

Mr. President, then we will proceed with the clearance process and Members will understand we may turn to the HUD appropriations conference report then in the next few moments. I do not know whether there will be a rollcall vote or not, but there might be.

I thank the Members for yielding.

AGRICULTURE APPROPRIATIONS, 1984

The Senate resumed consideration of H.R. 3223.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, the agriculture, rural development and related agencies appropriations bill as reported by the full committee provides for total budget authority in fiscal year 1984 of about $31.7 billion. This represents a reduction of $6.2 billion from fiscal year 1983 and $67.4 million below the President's budget request.

The committee has taken several significant actions which I believe should be brought to my colleagues' attention. We have restored significant reductions the President had proposed in programs that are highly important to the farmers of our Nation.

The science and education activities of USDA were slated for almost a $48 million reduction. These programs have been the key to the productivity increases of our farmers and have made the U.S. agricultural system the envy of the world. We cannot afford to allow them to wither on the vine. They must receive the support necessary to keep them not only viable but vibrant. The action of the committee restores the President's proposed reductions and allows for a modest growth, particularly in the research programs.

Mr. President, I am gratified that the committee bill includes a modest increase in the cooperative research program in the Department of Agriculture from its present funding level of $17 million to the full budget request of $21.5 million. In my view, this program has amply demonstrated an ability to focus research on emerging issues, especially "new generation" applications and technology. Frankly, I wish it had been possible to provide an even greater increase in order for this program to achieve its full potential.

In fact, Senator DANFORTH and I, along with Senators BRADLEY, CHAFEE, KENNEDY, MOYNIHAN and PELL have introduced legislation which would increase the authorization for the competitive grants program by an additional $15 million. It is my hope that in future years we will be able to build substantially on this program to further the very necessary basic research work of the State agricultural experimentation stations, colleges and universities, and other research institutions.

I am particularly pleased that the committee bill provides $10 million for USDA's graduate fellowship program. As the committee report to accompany this bill points out, a 1980 U.S. Department of Agriculture study projects the overall, average, annual demand for college graduates in the food and agricultural sciences will exceed the available supply by almost 15 percent. An even greater shortage of individuals with advanced preparation for necessary research endeavors is expected throughout the decade. The $10 million funding level in this bill for the cooperative graduate fellowship program is expected to support approximately 650 to 700 masters and doctoral students and is, in my view, absolutely essential to insure a continuing supply of capable young researchers in the research laboratories of our universities, experiment stations, and other centers of agricultural science. The national commitment to recruit and train young scientists, in agricultural and, indeed, all aspects of science must be long term and stable, and I hope that this $10 million funding level is the first step in providing the kind of continuity necessary to prevent erosion of research and its underlying manpower.

All of the technological advances our research and extension programs provide farmers will be for naught, however, if we allow the productive capacity of our Nation's farmland to decline. Soil erosion continues to be a critical problem throughout America. The President's budget proposed slashing the conservation cost-share programs of the Agricultural Stabilization and Conservation Service and would have sharply reduced support for the Soil Conservation Service. I am pleased that the committee has seen fit to restore these vital programs. We have provided funds for the special areas conservation program authorized in the 1981 farm bill. This program, when finally in place, will allow highly erodible land, like that in the north central and northwestern part of my own State, to be targeted for special assistance and an intensive effort to bring the unacceptably high levels of erosion in these areas under control. Targeting under the current programs will not accomplish what this new program can.

Mr. President, as my colleagues well know, the needs of rural America extend much farther than the farm gate. The incidence of substandard housing continues to be more than three times as high in rural regions as in urban areas. Essential community facilities, such as health care facilities, are often less than adequate or are lacking altogether. Income levels in rural areas continue to average only 80 percent of urban income, and the lack of job opportunities continues to plague the rural economy.

The committee has taken very prudent action to maintain the rural housing programs of the Farmers Home Administration at about the current funding levels. In so doing, we have rejected the termination of these programs proposed by the President. We have likewise continued the guaranteed industrial development loan program which was established to preserve and create new job opportunities in rural areas. Unfortunately for those who would benefit from this program, the Reagan administration has continued to do everything in its power to see to it that industrial loan guarantees are few and far between. And we have restored the direct loan levels of the rural electrification and telephone programs so that they will be no less than the current levels.

A major portion of this bill is comprised of funding for the Federal nutrition programs, food stamps, the child nutrition programs, the elderly feeding program and the special supplemental feeding program for women, infants and children (WIC). The President had proposed legislative changes in the food stamp and child nutrition programs which have not yet been acted upon, and he had proposed a funding level for WIC for the full year which would have resulted in several hundred thousand participants being removed from the program. The bill now before the Senate does not provide full-year funding for these programs. It was the judgment of the committee that time still exists for the authorizing committee to take action on the proposed legislation. However, should no legislative changes be made, we will expect the administration to amend its budget request to reflect the total funding needs of these programs.

It is important to point out that the committee has added bill language that directs that the average participation level in the WIC program is to be no less than 2.8 million participants. It should be crystal clear to the States who administer this program that by adding this language we are making a commitment that funding to maintain

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at least this level of participation throughout the whole of fiscal year 1984 will be forthcoming. It is also the intent of this language to prohibit any deferral action which would result in average participation dropping below the 2.8 million level. Certainly any action by the administration, including deferral of funds, which would result in average participation dropping below the 2.8 million level would not be in compliance with the provision.

Finally, Mr. President, I believe the bill before us does a good job of funding the needs of agriculture, rural development, and the nutrition programs upon which millions of Americans depend.

I commend the job that was done by the chairman of the subcommittee, Senator Cochran, and his very able staff working with him, and I urge my colleagues to support this legislation.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, I have not received any notice from any Members on this side who wish to engage in general debate of the bill. I do know there are one or two Senators who wish to place a colloquy in the Record to clarify some of the provisions of the bill. I hope those who do want to insert material in the Record will come to the floor and do that at this time so that we can then move on into the discussion of any amendments that will be taken up.

We have 13 amendments that were identified in the order under which the bill is being considered.

We can complete work on this bill in very short order, in timely fashion, I think, if those who want to present their amendments will come to the floor and call them up. There are a few here which I think the managers of the bill will be able to accept. Others, unfortunately, we are going to have to resist and will require record votes, in my judgment.

In order to accommodate the schedules of those Senators who would like to see the Senate get out fairly early today, if those who do have amendments would cooperate and come to the floor and present them at this time we could move forward and wrap up the bill.

AMENDMENT NO. 1439

Mr. ZORINSKY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska (Mr. Zorinsky), for himself, Mr. Andrews, Mr. Boren, Mr. Burdick, Mr. Exon, and Mr. Melcher proposes an amendment numbered 1439.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, after line 2, insert a new section as follows:

"Sec. 626. None of the funds provided by this Act may be used to conduct a producer reserve program for wheat and feed grains, or a payment-in-kind land diversion program, under which the Commodity Credit Corporation, in making payments to producers for storage of a commodity by the producer, provides payment for such storage in an area at rates that are less than the rates at which the Corporation provides payment for the storage of the commodity in commercial storage facilities in the area.".

Mr. COCHRAN. Mr. President, will the Senator yield for a moment?

Mr. ZORINSKY. Yes.

Mr. COCHRAN. Mr. President, I am advised the Senator from Ohio (Mr. Metzenbaum) wanted to be on the floor to hear the discussion of this amendment. He is over at the Energy Committee right now. I have just advised staff of his request and asked that he be notified, because I did advise him that he would be notified, he would have an opportunity to be here. I hope the Senator will understand if we put in a quorum call until he can get here and be here for the full discussion of the bill that that is the reason for it.

Mr. ZORINSKY. Will I not then lose my place in the order of the amendments, Mr. President?

Mr. COCHRAN. We would not want the Senator to do that. I do see the Senators from Virginia here who have an amendment. Perhaps the thing to do would be to set aside the Senator's amendment and then get to this one which will be accepted, I think. It will not require much time, and by that time the Senator from Ohio will be here.

Mr. ZORINSKY. With the understanding that I introduced my amendment because the Senator called for amendments to be introduced——

Mr. COCHRAN. That is right. I thought the Senator from Ohio could get here in very short order. I am told he will be here very soon.

Mr. WARNER. Mr. President, if the manager will yield, I just left the committee. Mr. Metzenbaum is there, and he is available. We will take no more than a few minutes.

Mr. COCHRAN. If that is all right, then, I ask unanimous consent that the amendment offered by the Senator from Nebraska (Mr. Zorinsky) be temporarily set aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. Mr. President, will the Senator yield? My distinguished colleague and I have an amendment to offer. I now yield to my colleague to present it.

AMENDMENT NO. 1440

(Purpose: To provide funds for construction of Phase III of the Virginia-Maryland Regional college of Veterinary Medicine)

Mr. TRIBLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia (Mr. Trible), for himself, Mr. Warner, Mr. Mathias, and Mr. Sarbanes proposes an amendment numbered 1440.

Mr. TRIBLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 19, strike out "$23,227,000" and insert in lieu thereof "$27,727,000, of which $4,500,000 shall be available only for the construction of Phase III of the Virginia-Maryland Regional College of Veterinary Medicine".

Mr. TRIBLE. Mr. President, on behalf of myself and Senators Warner, Mathias, and Sarbanes, I offer an amendment to provide $4.5 million for the construction of the teaching hospital facility at the Virginia-Maryland Regional College of Veterinary Medicine at Blacksburg, Va. The House of Representatives has approved an identical appropriation for this purpose.

In past years, Agriculture Committees and Appropriations Committees from both Houses have indicated their commitment to quality veterinary care across the Nation, particularly through the development of regional schools of veterinary medicine. This year, for example, both committees provided over $12 million for the regional veterinary medicine school in Nebraska, the Old West School, in recognition of the important role that agricultural vet schools play in providing our Nation with an adequate source of large animal and agricultural veterinarians. This amendment fulfills this commitment by allowing completion of a facility that serves both Virginia and Maryland.

As originally conceived, the college was to be built and funded by a mix of Federal, State, and local dollars. In 1978, Congress provided $1.25 million for staffing and equipping a clinical facility—phase I; construction of the whole was made possible through a matching appropriation of $1.25 million by the Virginia General Assembly and the raising of $700,000 in private contributions.

Phase II, a teaching research and administrative building, will be completed this month employing $8 million from the Commonwealth of Virginia.

Phase III involves the construction of a teaching hospital and this facility is essential to maintaining the accreditation of this fine veterinary school. To date VPI has raised $3.5 million from private sources. This $4.5 million appropriation by the Federal Government for the establishment of the veterinary hospital—and further funding by the Commonwealth of Virginia—will permit the phase III teaching hospital to become a reality.

There are only 10 veterinary schools in the country. It would be a serious blow to agriculture in the Middle-Atlantic States if VPI was unable to complete this important veterinary program, especially in light of the extensive commitment the Federal Government, Virginia and Maryland, and private individuals have already made.

I hope, Mr. Chairman, that you will accept this amendment, and I urge my colleagues to support it.

Thank you.

I have discussed this amendment with the Senators managing this bill, and I believe it will be accepted by them.

I yield to my distinguished colleague from Virginia, Senator Warner.

Mr. WARNER. Mr. President, it is a privilege to join with my distinguished colleague and other Members of this body who represent States contiguous to Virginia, who will be beneficiaries of this new Virginia-Maryland Regional College of Veterinary Medicine to be principally located at Virginia Polytechnic Institute in Blacksburg, Va.

Mr. President, I have been engaged in agriculture for some 25 years now and have watched in my State and other States the growing need for persons skilled in the profession of veterinary medicine. There is indeed a shortage. In our area of Maryland-Virginia and the bordering States of West Virginia, Kentucky, and Tennessee, there has been an absence of needed educational facilities.

A program has now been put together to establish an institution which will serve this geographic region of America. We are proceeding with it at the present time, and at this point we would like to request of the managers of the bill their acquiescence in this amendment which will enable the Federal Governement to participate with the State of Virginia and, indeed, private funding to bring this concept to fruition.

Mr. President, the Congress has, in the past, expressed an interest in the availability of quality veterinary medical care, and particularly in the development of regional schools of veterinary medicine. In 1978, the Congress provided $1.25 million for the establishment of the Virginia-Maryland Regional College of Veterinary Medicine at Virginia Polytechnic Institute and State University. This grant was matched by a $1.25 million appropriation from the Virginia General Assembly and the raising of $700,000 in private contributions. These funds were used for staffing and equipping an interim clinical facility (phase 1).

Using an additional $8 million in funds from the Commonwealth of Virginia, completed an instruction, research, and administration building (phase II).

The university is now ready to begin phase III of the project—the construction of the teaching hospital that will be necessary for accreditation. VPI has made a commitment to raising an additional $8 million in non-State funds to match the $8 million in State funds used for phase II. The university has raised $3.5 million so far in private funds for this project. The House included $4.5 million to complete the non-State match to the full $8 million.

Mr. President, our amendment will only bring the Senate the amount appropriated for into conformity with this purpose on the House version.

Mr. President, at this time I yield to the distinguished manager of the bill.

Mr. TRIBLE. Before the Senator makes his statement, I would at this point encourage the managers of the bill to accept this amendment and I urge my colleagues to support it, as well.

Mr. COCHRAN. Mr. President, we understand that the Veterinary Medical College will serve as a regional college for the area of Virginia and Maryland. There has been a substantial contribution to this project from private sources. Some $3.5 million has been raised in private funds for the construction of this teaching hospital. We understand that that amount is insufficient to permit contracting for construction, and time is running out on the provisional accreditation under which the college is operating.

This is a project which has been reviewed by Congress in the past and there was some funding made available for earlier phases of the development of this school of veterinary medicine.

This is the final phase, we understand, phase III, a teaching hospital, and without this amendment we are told the teaching hospital simply could not be built and the accreditation of the School of Veterinary Medicine would be in jeopardy.

Because, of that, Mr. President, we are recommending that the amendment be agreed to, and I congratulate the Senators for bringing this matter to the attention of the Senate and the committee.

Mr. EAGLETON. Mr. President, the distinguished junior Senator from Virginia (Mr. Trible) brought this amendment to my attention a little while ago, and lest this amendment become a precedent for Federal funding of a whole array of veterinary institutions across the country, every one of them worthy in their own right but not necessarily the obligation of the Federal Government, could I ask the distinguished junior Senator from Virginia if he would read into the Record what has been the participation, the financial participation, during these three phases of the construction of this hospital. By participation I mean what the Federal Government has put in in each phase, if any; what the State of Virginia has put in out of public funds, if any; and what private sources have contributed to it.

The purpose of my inquiry is if the figures are as expected they would be, it would tell State *Y*, State *X*, and State Z that they have got to put up a very substantial amount of State money and raise a very significant amount of private money if they are ever going to expect any consideration from Uncle Sam. Can the Senator answer the question?

Mr. TRIBLE. Mr. President, will the Senator yield?

Mr. EAGLETON. Yes.

Mr. TRIBLE. I thank my colleague and friend for that question and I am happy to respond.

As originally conceived, the college was to be built and funded by a mix of Federal, State, and local dollars. This college is to be built in three phases. Phase I and II are now in being, and these dollars would go toward the completion of phase III.

The total funding for all three phases would be $27.2 million. Of that sum, the Commonwealth of Virginia would provide $17.25 million, private sources another $4.2 million, and the Federal Government is being asked to provide in total $5.75 million.

So, as my colleagues can see, of the total funding in excess of $27 million, the overwhelming share of those dollars comes from the State of Virginia and from private sources.

Mr. EAGLETON. I thank my colleague. That is precisely the information I desire. It does show, as he has just pointed out, that the overwhelming source of these funds is both State and private, with the Federal share being, in comparison, rather modest.

Based on that information, I have no objection.

Mr. WARNER. Mr. President, I wish to join with my colleague in thanking the distinguished managers of this bill and other members of the committee for providing their support for this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia (Mr. Trible).

The amendment (No. 1440) was agreed to.

Mr. TRIBLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, as I indicated earlier, we have the first of the conference reports on the regular appropriation bills here in the Senate, having been acted on this morning by the House of Representatives.

Could I inquire of the minority leader if he is prepared at this time for me to ask the Senate to proceed to the consideration of that conference report?

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, I ask the Senator further if he anticipates the need for a yea-and-nay vote.

Mr. BYRD. I do.

Mr. BAKER. Mr. President, could we have a very short time limitation? I am told there is no need for any debate, actually.

Mr. BYRD. That is my understanding.

HUD-INDEPENDENT AGENCIES APPROPRIATIONS, 1984—CONFERENCE REPORT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now temporarily lay aside the pending measure and proceed to the consideration of the conference report on H.R. 3133, the HUD appropriation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report will be stated by title.

The bill clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings on the RECORD of June 23, 1983.)

Mr. BAKER. Mr. President, I ask unanimous consent that there be a time limitation of 1 minute for debate to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Will the Senator yield?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, on behalf of another Senator, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GARN. Mr. President, I am pleased to report that the conference agreement on the first of the regular appropriations bills—the HUD-independent agencies bill—was completed on June 23, and that the resulting bill is acceptable to the administration. On the day of the conference, the conferees received a letter from Mr. Stockman stating that he would recommend the bill be signed if the conferees satisfactorily addressed four issues:

The number of incremental housing units, including any reserve that might be established, must not exceed 100,000 units.

The sale prohibition on section 202 mortgages must be eliminated.

The funding levels for EPA should be no higher than those contained in the Senate bill.

The VA job training program and mortgage assistance program, which are both new unauthorized programs, must be eliminated.

Each of these issues were, indeed, resolved to the administration's satisfaction in conference.

One further point worth noting is that both Chairman BOLAND and I believed we should take the position in conference of stripping out those provisions in the bill which represent funding for new programs that are not yet authorized. In the past, both the House and the Senate committees have rightfully made the point that we should not appropriate money until we know what the composition of the program is. As chairman of the HUD authorizing committee, I am particularly sensitive to this issue and believe that the conferees on H.R. 3133 did the proper thing.

Mr. President, I would just like to complement the distinguished chairman of the House subcommittee, Mr. BOLAND, for his outstanding work on this bill. His great understanding of the issues and his willingness to discuss each of the amendments on the basis of its merit invariably results in a conference report that reflects the best elements of both bills.

I would be remiss if I did not mention the dedication and diligence of the distinguished ranking member (Mr. HUDDLESTON) in bringing this matter to such a speedy and successful conclusion.

Mr. President, I would like to briefly outline some of the more important agreements contained in the conference report.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The conference agreed to a limitation for annual contract authority of $636,336,000 and $9,912,928,000 of budget authority with the following provisions: 2,500 units for Indian housing; 5,000 units of new public housing construction; 35,000 units of regular section 8; 5,000 units of moderate rehabilitation; and 14,000 units of new/substantial rehabilitation for elderly and handicapped housing.

The conferees agreed that the section 8 contracts associated with the elderly and handicapped housing program should have the first priority on deobligations and that in the event that deobligations are insufficient to fund these section 202 units, additional resources will be made available as necessary.

The conferees established a reserve fund of $1,500,000,000 in budget authority and $100,000,000 in annual contract authority. These funds will not be available until January 1, 1984. The conferees have set aside these funds pending the enactment of a housing authorization bill in this session. The conferees intend that these funds be used to provide up to an additional 38,500 incremental units, and that no more than a total of 100,000 incremental units be provided during fiscal year 1984.

HOUSING PAYMENT CERTIFICATES

The conferees agreed to delete funding for the housing payment certificates program because it is a new program that is not presently authorized.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

The conferees agreed to the appropriation of $1,362,200,000 for payments for operation of low-income housing projects. This is the same as the Senate recommendation. The conferees intend that the Department provide public housing authorities with 100 percent of the performance funding system requirements in fiscal year 1984.

HOUSING COUNSELING ASSISTANCE

The conferees recommended the appropriation of $3,500,000 for housing counseling assistance.

The conferees noted that a recent HUD review of housing counseling casts some doubt on the effectiveness of the program. Two of the concerns raised by the HUD review were the qualifications of housing counselors and the lack of data on the effectiveness of the various approaches used by different counseling agencies. Therefore, the conferees directed that: First, the department undertake a study to determine the most effective counseling procedures and training requirements for counselors; second, such a study should be funded through the Secretary's discretionary fund; and third, a report should be submitted to the Committees on Appropriations no later than April 2, 1984.

FEDERAL HOUSING ADMINISTRATION FUND

The conferees agreed to a limitation of $50,900,000,000 for FHA gross mortgage and loan insurance commitments. This is the same as the Senate recommendation. The conferees further adopted the Senate position to authorize the Department to pay debt collection contractor fees from the amounts collected by such contractors.

HOUSING FOR THE ELDERLY OR HANDICAPPED

The conferees noted serious reservations concerning the Department's policy relative to the sale of section 202 housing for the elderly or handicapped project mortgages. The conferees directed the Department to prepare a report on the proposed sales agreements. The conferees indicated that this report shall be submitted no later than October 1, 1983, and urged the Department not to proceed with this sale of mortgages without approval of the Committees on Appropriations.

GUARANTEES OF MORTGAGE-BACKED SECURITIES

The conferees established a limitation of $68,250,000,000 on commitments for guarantees of mortgage-backed securities as proposed by the Senate.

COMMUNITY PLANNING AND DEVELOPMENT

The conferees recommended the appropriation of $3,468,000,000 for community development grants.

The conference agreement provides funding for an estimated 2,500 Indian housing units under the assisted housing account, instead of under the Secretary's discretionary fund. The conferees agree to the following specific allocations within the $68,200,000: +$9,000,000 for Indian water and sewer projects; +$2,000,000 for a neighborhood development demonstration; and +$1,000,000 for technical assistance to small communities under the urban development action grant program.

The conferees agreed to the recommendation of the Senate which provides that any unit of local government which was classified as a metropolitan city in fiscal year 1983 will be so classified in fiscal year 1984 for the community development grant program.

RENTAL REHABILITATION GRANTS

The conferees agreed to delete funding for rental rehabilitation grants to carry out the rehabilitation of residential rental properties. It was deleted because this is a new program that is not presently authorized.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

The conferees recommended the appropriation of $19,000,000 for research and technology.

The conferees further agreed to the allocation of $4,000,000 under research and technology for a study of the modernization needs of the existing public housing stock. This is the same as the Senate recommendation.

The committee of conference is in agreement that the remaining $15,000,000 under research and technology may be allocated at the discretion of the Secretary.

MANAGEMENT AND ADMINISTRATION

The conferees recommended $572,064,000 for salaries and expenses. This is the amount recommended by the Senate.

The conferees have agreed to the addition of $950,000 to the salaries and expenses account for the Housing Assistance Council as proposed by the Senate. The conferees agree that the contract should be administered through the Office of the Assistant Secretary for Housing.

TITLE II—INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

The conferees recommended the appropriation of $35,000,000 for salaries and expenses as proposed by the Senate. The conferees strongly support the targeting and evaluation of information and education activities. The conferees stated that CPSC should limit such activities to a maximum of three campaigns without the approval of the Committees on Appropriations, and total resources devoted to information and education activities should not exceed the historical share of seven percent of the CPSC budget.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

The conferees recommended the appropriation of $574,900,000 for salaries and expenses as proposed by the Senate. The conferees adopted the position that the new Administrator should be provided with a budget that will enable him to carry out the program that he desires.

The conferees indicated that the Administrator should place emphasis on enforcement activities in allocating funds for salaries and expenses and abatement, control and compliance above the amounts specifically allocated in the January 1983 budget request and by the conference committee. The conferees directed the Administrator to submit a plan to Congress within 60 days for allocating increased resources for enforcement purposes.

A detailed description of the specific changes to the January budget request is contained in the statement of the managers.

RESEARCH AND DEVELOPMENT

The conferees recommended the appropriation of $142,700,000 as proposed by the Senate. A detailed description of the specific changes to the January budget request is contained in the statement of the managers.

ABATEMENT, CONTROL, AND COMPLIANCE

The conferees recommended the appropriation of $393,900,000 as proposed by the Senate.

The conferees agreed to delete the specific bill language which earmarked $5,000,000 for the clean lakes program and $5,000,000 for the Chesapeake Bay program. Instead, the statement of the managers directs EPA to fund the clean lakes program at $5,000,000 and the Chesapeake Bay program at $4,000,000. The $4,000,000 for the bay program is to be used for State matching grants to implement the strategies identified in the Chesapeake Bay study. The conferees requested that the Administrator submit a long-term plan for the implementation of the strategies contained in the Chesapeake Bay study. This plan should identify the total expected Federal funds and the funding schedule needed to implement the strategies.

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

The conferees recommended the appropriation of $410,000,000 as proposed by the Senate. The conferees further recommended the limitation of Superfund administrative expenses to $64,000,000. The conferees agreed to provide, through transfer from the Superfund, $5,000,000 to the Department of Health and Human Services on October 1, 1983.

CONSTRUCTION GRANTS

The conferees recommended the appropriation of $2,430,000,000 as proposed by the Senate.

The conferees directed EPA to submit funding recommendations for combined sewer overflow projects to the Committees on Appropriations for approval. In evaluating these recommendations, the committees will consider only those project segments which can be fully funded and which will provide significant near-term water quality and public health improvements.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The conferees recommended $121,110,000 for salaries and expenses; $169,176,000 for State and local assistance; and $146,308,000 for emergency planning and assistance. Within the above amounts, the conferees recommended: $168,960,000 for civil defense; provided $1,000,000 above the budget for fire prevention and control activities; and $5,000,000 above the House for training and education.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conferees adopted the Senate proposal to split NASA's R&D account into "Research and Development" and "Space Flight, Control and Data Communications". The conferees further agreed to limit the lease or acquisition of new computers for the numerical aerodynamic simulator to no more than one mainframe computer during fiscal year 1984. The conference agreement also calls for NASA to seek the committees approval before it commits the additional $50 million provided for orbiter and engine spares.

NATIONAL SCIENCE FOUNDATION

The conference agreement provides a total of $1,320,300,000 for NSF. This is $228,100,000 or 21 percent above the fiscal year 1983 level. Within this

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amount, the conferees provided $75 million for science education activities—the level proposed by the Senate. The conference report earmarks $34,000,000 of the science education funds for materials development activities. The conferees also received assurance that the Foundation would fund an additional 500 grants in fiscal year 1984. With this assurance, the conferees deleted Senate bill language that would mandate such a policy. The conferees also deleted the specific earmarking of 3 percent of funds appropriated under research and related activities for faculty at non-Ph.D. granting institutions.

The conference agreement also provides for a new account, as proposed by the Senate, for the U.S. Antarctic program.

DEPARTMENT OF THE TREASURY

The conference agreement contains $4,566,700,000 for general revenue sharing. The House deferred consideration of this item during its action on the bill.

VETERANS' ADMINISTRATION

The conferees agreed to delete $150,000,000 added by the Senate for the veterans emergency job training program. Consistent with actions taken elsewhere, the conferees deleted this item because it is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered. The conferees also noted that the funds in the readjustment benefits appropriations are for entitlement programs. If funded, the veterans emergency job training program would be provided for in a separate account.

In medical care, the conference agreement restored the $5,539,000 reduction taken by the Senate in medical equipment (Object Class 31). The conferees agreed, however, with the language contained in the Senate report directing the VA to restore the former balance between additional equipment and replacement equipment. In this respect, the conferees direct the VA to apply no less then $120,000,000 of the amount provided for the purchase of replacement equipment.

The conferees were also in agreement with the concerns expressed in the Senate report about the need to establish an operating plan for the medical care account. The conferees directed the VA to submit an operating plan that will serve as the basis for future reprograming requests no later than November 1, 1983.

In the major construction account, the conference agreement deleted the $5,300,000 requested for the 60-bed nursing home care at Providence, R.I. In taking this action, the conferees deferred the funding for this project until a later time. The conferees noted that this facility is the lowest priority of the seven nursing home care projects contained in the budget request. The conferees also noted that the VA's revalidation team did not identify an immediate need for the Providence facility and recommended deferring the project.

The conferees included the requested $14,700,000 for the 120 bed-nursing home care project at San Francisco. However, the conferees directed the VA not to proceed with the multistory parking garage part of the project until a report on the subject is prepared and submitted to the Committees on Appropriations. The report should outline alternative parking arrangements, including the use of land currently under the jurisdiction of the Department of the Interior. The VA was directed not to proceed to implement any of the parking alternatives without the prior approval of the Committees on Appropriations.

The conference agreement also contained two Senate provisions addressing problems in the administration of the construction program and modified a House provision on the advanced planning funds so that the VA's planning flexibility would not be reduced.

Mr. HUDDLESTON. Mr. President, as the ranking member on the HUD-Independent Agencies Appropriations Subcommittee, I am pleased to support the conference report on H.R. 3133, the Department of Housing and Urban Development-independent agencies appropriation bill, 1984.

As the chairman of the subcommittee (Mr. GARN) noted, the conference version of the bill carries $55.789 billion in budget authority. This is $6.2 billion over the estimates for fiscal 1984 but only $1.57 billion more than the fiscal 1983 bill. Furthermore, the bill is within the 1984 budget resolution and, I understand, acceptable to the administration.

Under the assisted housing program, we have recommended 61,500 incremental units—14,000 units in section 202 housing for the elderly and handicapped, 2,500 units for Indian housing, 35,000 units of section 8 existing housing, 5,000 units of moderate rehabilitation, and 5,000 new public housing units. Some $1.5 billion is set aside in a reserve fund to accommodate future authorizations, or other program needs, with the understanding that not more than 38,500 additional units will result from the release of these funds. Also included is $1.55 billion for public housing modernization.

The bill includes $1.362 billion for operating subsidies for public housing projects in addition to the estimated carry-over of $149 million. HUD is directed to use the current performance funding system formula to distribute the funds, and to fund the formula at 100 percent of requirements.

For FHA gross mortgage and loan insurance commitments, the recommendation is $50.9 billion, and for the Government National Mortgage Association (GNMA) mortgage-backed securities (MBS) program, the recommendation is $68.250 billion. Both limitations, though higher than requested, are important to a sustained housing recovery.

The community development block grant (CDBG) program will be funded at $3.468 billion under the conference agreement. Entities which were considered entitlement areas in fiscal 1983 but were scheduled to lose entitlement status in fiscal 1984 because of population loss or central city dedesignation will be protected in fiscal 1984 by bill language. Under the Secretary's Discretionary Fund, $2 million is earmarked for a neighborhood development demonstration program and $1 million for increased technical assistance to small communities in connection with the urban development action grant (UDAG) program. While UDAG has worked extremely well in metropolitan areas, a much smaller proportion of small cities have applied for funds. The technical assistance funding is designed to help these smaller communities prepare applications and utilize the program more fully.

The conference committee agreed to earmark funding for the Housing Assistance Council (HAC) which has done so much for rural areas such as eastern Kentucky. For fiscal 1984, the amount is $950,000, and it is to come from the salaries and expenses account.

For the Consumer Product Safety Commission, the agreement includes $35 million, the same as the Senate amount.

The conferees agreed to $3.998 billion for the Environmental Protection Agency, the same as the Senate amount. This represents a $168 million increase over the original budget request for the Agency's operating programs. Within that amount is an additional $5 million in R&D funding to accelerate the development of limestone injection multistage burner technology; an additional $1 million for lake quality maintenance and improvement; $1 million for support of industry research in drinking water; and $1.5 million for the national crop loss assessment study.

The Hazardous Substance Response Trust Fund or Superfund will receive $410 million under the conference agreement—$200 million more than in fiscal 1983. This should allow EPA to move ahead on hazardous waste cleanup.

For the wastewater construction grant program, the agreement contains $2.430 billion of which $30 million would be used for combined sewer overflow project segments which can be fully funded and which will provide significant near-term quality and public health improvements.

The agreement for the Federal Emergency Management Agency is $436 million. This includes $4.3 million for fire prevention and control activities.

For the National Aeronautics and Space Administration, the conferees agreed to $5.8 billion. This includes $50 million for orbiter and engine spares for the space shuttle; $5 million for technology utilization; and $1 million for the solid state observations program in order to accelerate the development of the multispectral linear array for remote sensing activity.

For the National Science Foundation, the conferees recommended $1.320 billion. This includes $1.24 billion for research and $75 million for science and engineering education.

Revenue-sharing is funded at $4.566 billion, the current level, as proposed by the Senate. The House had deferred consideration pending extension of the authorization.

For veterans compensation and pensions, the recommendation is $13.8 billion. Readjustment benefits are funded at $1.3 billion. The $150 million added by the Senate for the new veterans' job training program has been deferred without prejudice because this is a new program and final action on the authorization is yet to come. The medical care account stands at $8 billion, and the medical and prosthetic research account at $162.3 million which includes $6 million more than the request for geriatic research.

Mr. President, we had a good conference and we have a good conference report. We have, however, deferred without prejudice a number of items for which there is no final authorization, and we have adjusted the figures for the Environmental Protection Agency without a full justification of the request or a full explanation of policy goals. Both of these situations will have to be addressed at a later time. In the interim, I urge adoption of the conference report.

FUNDING FOR JOB TRAINING LEGISLATION FOR VETERANS

Mr. SIMPSON. Mr. President, I would like to make a brief inquiry with regard to the language of the joint explanatory statement on amendment No. 50 to H.R. 3133, which deleted Senate language earmarking $150 million for a veterans' emergency job training program. Legislation establishing such a program passed the Senate by voice vote on June 15, 1983, and a companion measure had earlier passed the House, on June 7, 1983, by a vote of 407 to 10.

The basis for the conferee's action taken in amendment No. 50 is set forth in the joint explanatory statement, as follows:

> The conferees agreed to delete funding for the veterans' emergency job-training program because it is a new program that is not presently authorized. The conferees have taken this action without prejudice and will wait until enactment of authorizing legislation before funding is considered.

I certainly understand the conferees' concerns about appropriating funds for a program that has not yet been authorized, in light of the many uncertainties inherent in the various stages of the legislative process with regard to any authorizing legislation.

I would note that I share the view of the conferees, as stated in the joint explanatory statement, that funding for the veterans' emergency job training program should be provided in an account other than the readjustment benefits account (subfunction 702 of function 700, veterans' benefits and services) which contains appropriations exclusively for entitlement programs. The Veterans' Affairs Committee rejected the entitlement approach, and the companion House measure similarly takes an authorization-of-appropriations approach, so that I would be inclined to agree with the conferees that an appropriation for this program to the readjustment benefits account might not be an accurate reflection of congressional intent with regard to funding, and might inject unnecessary confusion into the funding issue. However, I strongly support the enactment of this emergency jobs measure for veterans and therefore wish to insure that it will be funded.

I would ask the distinguished chairman of the HUD and Independent Agencies Appropriations Subcommittee what specifically his intentions would be with regard to funding for this veterans' job-training program, assuming that the differences between the House and Senate versions of the authorizing legislation are resolved and the measure is enacted before the August recess.

Mr. GARN. I would indicate to the distinguished chairman of the Veterans' Affairs Committee that it is my expectation that an appropriate level of fiscal year 1984 funding for the veterans' emergency job training program of which he speaks will be included in the first available appropriations measure after final enactment of the authorizing legislation. At present, the most likely appropriations vehicle for this funding appears to be the fiscal year 1984 continuing resolution, which may be expected to be ready for Senate floor action sometime in mid-September.

Mr. SIMPSON. I do appreciate the Senator's commitment to seeking prompt funding for this important program. As the Senator is aware, the Senate program would take effect on October 1, 1983, so moving expeditiously to fund and implement it is of great importance. I would ask the distinguished chairman of the full Appropriations Committee, the Senator from Oregon, whether he anticipates any obstacle to obtaining funding along the lines indicated by the Senator from Utah.

Mr. HATFIELD. Let me assure the good Senator from Wyoming that I am aware of no such obstacle. I would just add to that a note of appreciation to him for his sensitivity to the concerns of the Appropriations Committee in formulating this legislation. It is always a pleasure to work with him.

Mr. SIMPSON. I thank the Senators for those assurances. I do strongly believe that the approach taken in this legislation is a responsible and highly cost-effective one. Although the differences between the House and Senate bills are not yet resolved, it is clear that the final legislative product will be framed as an emergency measure with only short-term costs, but with a lasting benefit—namely, the prospect of permanent and productive employment—to those of our Nation's veterans who have been hardest hit by the present economic recession and accompanying unemployment crisis. The Senators' support for this important and timely measure is indeed greatly appreciated.

VETERANS' ADMINISTRATION

Mr. CRANSTON. Mr. President, as ranking minority member of the Veterans' Affairs Committee, I would like to discuss with the distinguished chairman of the Appropriations Subcommittee on HUD-Independent Agencies two items relating to the Veterans' Administration in connection with the conference report on H.R. 3133.

The first item is the issue of fiscal year 1984 funding for a veterans' emergency job training program. Both Houses have passed legislation—H.R. 2355/S. 1033—to establish this program and both the House and the Senate versions contain provisions that would authorize appropriations of $150 million for it in fiscal year 1984. In an effort to help insure that this badly needed program is put into operation as quickly as possible, I, joined by the chairman of the Veterans' Affairs Committee (Mr. SIMPSON), wrote you and the ranking minority member of the Appropriations Subcommittee (Mr. HUDDLESTON) on June 8, 1983, to urge that during your committee's consideration of H.R. 3133, $150 million be added—with the availability of the funds made contingent upon the enactment of the authorizing legislation.

During the committee's June 14 markup, the distinguished Senator from Arizona (Mr. DECONCINI), a member of both the Veterans' Affairs and Appropriations Committees, proposed adding the $150 million with such a contingency proviso. His amendment was agreed to by the com-

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mittee and included in the Senate-passed bill.

During the conference on the bill, however, it is my understanding that Office of Management and Budget Director Stockman objected to the inclusion of this funding along with three other items before the conferees, indicating that each of those items needed to be dropped if the bill was to be acceptable to the administration. It is also my understanding that the veterans' emergency job training add-on was one of six appropriations for new programs without authorization that were before the conferees and that, in order to protect the bill, the conferees decided to drop all of the items I have just described.

In view of these circumstances, I would like to ask the Senator from Utah (Mr. GARN) if he agrees that the decision to delete the $150 million item was not a specific rejection by the conferees of funding for this program. Rather, as I understand it, the decision made was part of the package decision I have just described and funding for a veterans' job program was not addressed on its merits.

Mr. GARN. That is correct. I do not believe the conferees decided that this program, when authorized, should not be funded.

Mr. CRANSTON. Mr. President, it would certainly be my intention to seek funding for this program at the next opportunity after it is authorized, which now appears to be in the continuing resolution for fiscal year 1984. If appropriations were made for the program in the continuing resolution, funds would be available for it to begin operations this October 1.

I have discussed the matter with the Senator from Arizona (Mr. DECONCINI), and he has assured me of his intention to propose an amendment, if necessary, to add $150 million for this program when the committee considers the continuing resolution.

I would also note that the Veterans' Affairs Committees of the House and the Senate are right now working to resolve the differences in the House and Senate versions of the veterans' emergency job training legislation. I expect final action next month.

Moreover, there have been indications that the President will not veto that bill.

In view of the great likelihood that the authorizing legislation will be enacted and funding provided for the program by October, would the Senator agree that the VA and Department of Labor should now begin taking all steps necessary—including such matters as developing the interagency arrangements necessary to insure that VA and Labor Department activities to carry out the program will mesh smoothly, preparing regulations and directives and other programmatic guidance for field personnel, planning for the training of program personnel, and developing computer and other support activities—to gear up for putting the program into operation in October?

Mr. GARN. I do agree. It seems very likely that this program will be authorized and funded by October 1. Thus, the executive branch, in anticipation of the enactment of the authorizing law and the appropriations, should begin now to take steps to prepare for the implementation of the program in October.

Mr. CRANSTON. I thank the Senator very much.

Mr. President, the second item pertains to VA construction funding for a nursing home and parking structure at the San Francisco VA Medical Center. The Appropriations Subcommittee chairman will recall the colloquy—printed on pages 16494 to 16497 of the RECORD for June 21—that he, the very able ranking minority member of the Appropriations Committee (Mr. STENNIS), and I had on this subject shortly before initial Senate passage of this appropriations measure.

I am very grateful to the Senator and the other conferees for their action providing funding for the parking facility component of this project, as well as for the nursing home, in general accordance with our colloquy.

I note that, as contemplated in our June 21 colloquy, the Joint Explanatory Statement of the Committee of Conference requires a VA "report on the subject" of the parking facility. In this regard, I would like to ask the Senator whether in his view that report should cover all four of the points we discussed in our previous colloquy?

Mr. GARN. Yes, it should, Mr. President.

I would add that I hope that the VA and the Department of the Interior will promptly explore the possibilities for an alternative parking arrangement so that the VA will be able to submit its report to the Appropriations Committees within 2 months after the date of the enactment of the pending measure.

Mr. CRANSTON. Again, Mr. President, I thank the Senator for his cooperation with me on these and so many other matters. I also want to express my deep appreciation to subcommittee professional staff member Wallace Berger for his close cooperation with the Veterans' Affairs Committee staff assisting me.

Mr. HEINZ. Mr. President, I would like to thank my colleague, Senator GARN, chairman of the Banking, Housing, and Urban Affairs Committee as well as the Appropriations Subcommittee on HUD-Independent Agencies, for setting aside $2 million in H.R. 3133 for a program of neighborhood development demonstration grants. This is a program of great promise which will help to encourage self-helf activities and public-private partnerships in the Nation's distressed communities.

Mr. GARN. I thank the Senator. I share with my distinguished colleague his appreciation of the need for greater self-reliance and private sector investment in community development activities. It is my expectation that this demonstration program will help to show how these objectives can be realized. I commend Senator HEINZ for his initiative in developing the program.

Mr. HEINZ. To emphasize one point, I would like Senator GARN to clarify my understanding that HUD enjoys authority to move ahead with the program in fiscal 1984 on the basis of its existing technical assistance mission under the Secretary's discretionary fund. The appropriation of $2 million is not contingent upon passage of authorizing legislation. Is that correct?

Mr. GARN. That is correct. HUD enjoys existing authority to undertake this program within the Secretary's discretionary fund and the committee has indicated that it wishes HUD to move ahead. After passage of the authorizing legislation, additional funds can be appropriated for the program in the future. For now, however, HUD has been given a mandate to proceed with this activity through the discretionary fund.

Senator HEINZ. I thank the Senator for the clarification.

Mr. DECONCINI. Mr. President, I intend to oppose adoption of the conference report on H.R. 3133, the HUD-independent agencies appropriation bill for fiscal year 1984, because it fails to include $150 million to fund an emergency veterans' jobs training program. The desires of a majority of the Members of Congress on this issue were patently obvious. Yet their wishes were ignored by the conferees on the pending measure.

Let me review for my colleagues the strong, bipartisan support which exists for an emergency veterans' jobs training bill. First, the first concurrent budget resolution for fiscal year 1984, House Concurrent Resolution 91, as originally passed by the Senate, made provision for $150 million for a jobs' training bill specifically targeted on veterans. And the conference report, as adopted by both Houses of Congress, holds $150 million in reserve pending enactment of authorizing legislation. Second, the Senate Veterans' Affairs' Committee, on which I sit, unanimously ordered reported the Veterans' Emergency Job Training Act, S. 1033, on May 11 and the full Senate passed this measure by voice vote as H.R. 2355 on June 15. Third, the House signaled its overwhelming support by passing the Emergency Vietnam Veterans' Jobs Training Act

of 1983 on June 7 by a vote of 407 to 10. Could the intent of Congress for an emergency employment measure for veterans be more clear?

Now let me proceed to review the action taken by the Senate Appropriations Committee. Prior to subcommittee markup of the HUD-independent agencies appropriations bill for fiscal year 1984, the distinguished chairman and ranking minority member of the Senate Veterans' Affairs Committee, Senators SIMPSON and CRANSTON, cosigned a letter to Senators GARN and HUDDLESTON requesting that $150 million be included in H.R. 3133 for the purpose of funding an emergency veterans jobs training bill. I also wrote to the chairman and ranking minority member of the subcommittee underscoring my support for funding for this program and indicated that I planned to offer an amendment during full committee consideration of H.R. 3133 if funds were not made available by the subcommittee. Since funds were not included by the subcommittee, I offered an amendment to add $150 million for an emergency veterans' jobs training program during the full Appropriations Committee markup of H.R. 3133 on June 14. My amendment was adopted by a vote of 15 to 7. It is important to note that the margin of victory was not insignificant. It was more than 2 to 1.

In light of the overwhelming congressional support for an emergency jobs bill for veterans, why did the Senate conferees recede to the House and not include funding for this program? The answer is short. His name is David Stockman.

Prior to the conference on H.R. 3133, Mr. Stockman wrote to Senator GARN indicating that four provisions included in either the House- or Senate-passed versions were unacceptable to the administration, including the Senate provision providing funding for employment training for veterans. And the conferees caved in to administration pressure without even debating the merits of the jobs training provision. Is the Appropriations Committee the pawn of the executive branch or does it not have an obligation to represent and protect the views of its members? If the conferees had attempted to protect the interest of its members, they would, at the very least, have debated and voted on funding for the jobs training provision.

Despite Mr. Stockman's arguments to the contrary, unemployment among veterans remains a serious problem. In this Senator's view, it is a national disgrace. The most recent Department of Labor statistics show that in every age category, veteran unemployment is higher than in the same age category for nonveterans. And the jobs of additional thousands of older veterans have been lost to new technologies. More alarming still is the fact that unemployment among our service-connected disabled veterans has been estimated to be as high as 50 percent. In light of these facts, there is little doubt that a jobs training bill for veterans is fully justified. That is clearly the view of the majority of Members of Congress and funding for such a program should have been included in the pending measure.

I am bitterly disappointed by the action of the conferees and intend to offer an amendment to the first available appropriations measure to provide funding for this vitally needed program.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 3133, the HUD-independent agencies appropriation bill for fiscal year 1984.

I commend my distinguished colleagues, Senators GARN and HATFIELD, and the members of the Appropriations Committee for their expeditious action on the first fiscal year 1984 appropriation bill.

Mr. President, I ask unanimous consent that two tables showing the relationship of the conference agreement accompanying H.R. 3133, the HUD-independent agencies appropriation bill for fiscal year 1984, together with possible later requirements, to the congressional spending and credit budgets and the President's budget request be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. I would like to advise my colleagues of a revision to past Budget Committee crosswalk practices under the recently adopted first budget resolution.

Several new programs targeted to recession relief were included in the first budget resolution as reserve items because they were not yet enacted into law.

Under the first budget resolution, funding for these programs is reserved from allocation to committees until authorizing legislation is enacted.

One of the reserve programs, the emergency veterans' job training program, is under the jurisdiction of the HUD Appropriations Subcommittee.

This program is not scored as a possible later requirement for funding by the HUD Subcommittee in the spending table I am submitting for the RECORD because the funding is not reflected in the current crosswalk allocation.

If the emergency veterans' job training bill is enacted, the amount reserved for this program will be allocated to the Appropriations Committee. At the same time, the budget resolution spending ceilings will be adjusted.

EXHIBIT 1

HUD-INDEPENDENT AGENCIES SUBCOMMITTEE, SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		[1] 23.0
H.R. 3133, conference agreement	55.8	34.9
Possible later requirements:		
Veterans compensation COLA		+.1
General revenue sharing program	+.4	+.4
Total for HUD-Independent Agencies Subcommittee	56.2	58.5
Deduct entitlement increases above first budget resolution assumptions	−.1	
Adjusted total	56.2	58.5
Senate subcommittee allocation under first budget resolution	[2] 57.5	[2] 58.7
Possible amount over (+)/under (−) allocation	−1.5	−.2
H.R. 3133		
President's request	49.8	35.0
House-passed	54.4	30.5
Senate-passed	54.3	35.8
Conference agreement	55.8	34.9

[1] This figure includes the fiscal year 1984 outlays associated with Public Law 98-8, the Emergency Jobs Appropriations Act and with the Senate-passed fiscal year 1983 supplemental appropriation bill (H.R. 3069).

[2] This allocation reflects the conference agreement on the first budget resolution.

Note.—Totals may not add due to rounding.

HUD-INDEPENDENT AGENCIES SUBCOMMITTEE, CREDIT TOTALS

[In billions of dollars]

	Fiscal year 1984		
	New direct loan obligations	New primary loan guarantee commitments	New secondary loan guarantee commitments
H.R. 3133, conference agreement	2.2	65.8	68.2
First budget resolution assumptions	2.2	65.8	68.2
Possible amount over (+)/under (−) assumptions			
H.R. 3133			
President's request	1.9	54.5	58.6
House-passed	2.3	60.8	58.6
Senate-passed	2.2	65.8	68.2
Conference agreement	2.2	65.8	68.2

Mr. BAKER. Mr. President, does the minority leader have any need for the remaining time? Is he prepared to yield it back?

Mr. BYRD. I am prepared to vote now.

Mr. BAKER. Mr. President, I yield back any time remaining on this side.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Idaho (Mr. SYMMS) are necessarily absent.

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from Idaho (Mr. SYMMS). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Idaho would vote "nay."

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The PRESIDING OFFICER (Mr. KASTEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—79

Abdnor
Andrews
Baker
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Hart
Hatch
Hatfield
Hawkins
Hecht
Heinz
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Packwood
Pell
Pressler
Pryor
Quayle
Randolph
Riegle
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—17

Armstrong
Baucus
Boren
DeConcini
Denton
Eagleton
East
Grassley
Heflin
Helms
Humphrey
Leahy
Nickles
Nunn
Proxmire
Roth
Trible

NOT VOTING—4

Hollings
Percy
Stevens
Symms

So the conference report was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, there are amendments in disagreement, are there not?

The PRESIDING OFFICER. There are amendments in disagreement.

Mr. BAKER. I ask unanimous consent that the amendments in disagreement be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert:

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $636,336,000: *Provided*, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $9,912,928,000: *Provided further*, That of the budget authority provided herein, $389,550,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,550,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437l), of which $35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act, and, $1,500,000,000 shall be deferred and shall not become available until January 1, 1984: *Provided further*, That the first $1,926,400,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall only be made available for assistance to projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q): *Provided further*, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: *Provided further*, That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: ": *Provided further*, That for performance of specific activities in accordance with section 104(i) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $5,000,000 shall be made available to the Department of Health and Human Services on October 1, 1983, to be derived by transfer from the Hazardous Substance Response Trust Fund".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "$2,400,000,000, to remain available until expended, and for projects under section 201(n)(2), subject to the approval of the Committees on Appropriations, $30,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: ", to be deposited into the Consumer Information Center Fund: *Provided*, That the revenues and collections deposited into the fund shall be available for necessary expenses, other than administrative expenses, of Consumer Information Center activities in the aggregate amount of $6,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1984 shall not exceed $1,449,000. Revenues and collections accruing to this fund during fiscal year 1984 in excess of $7,949,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $427,400,000 for space transportation capability development; (2) $14,000,000 for a space station; (3) $165,600,000 for space telescope development; (4) $17,000,000 for Numerical Aerodynamic Simulation; without the approval of the Committees on Appropriations; $2,011,900,000, to remain available until September 30, 1985.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Space Flight, Control and Data Communications

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,500,000,000 for space shuttle production and capability development; (2) $1,570,600,000 for space transportation operations; (3) $50,000,000 for expendable launch vehicles; and (4) not more nor less than $44,000,00 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $3,791,600,000, to remain available until September 30, 1985: *Provided*, That up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred between such accounts with the approval of Committees on Appropriations.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert: "*Provided*, That, except for advance planning of projects funded through the advance planning fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That $15,000,000 of the advance planning funds provided in this Act for medical projects shall only be available for the advance planning of those projects proposed in fiscal year 1983 and prior years: *Provided further*, That funds provided in the appropriation 'Construction, Major Projects' for fiscal year 1984, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1984 and (2) by the awarding of a construction contract by September 30, 1985: *Provided further*, That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (Title X of Public Law 93-344): *Provided further*, That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after final acceptance of the project by the Veterans Administration."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 59 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: "to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980."

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

AGRICULTURE APPROPRIATIONS, 1984

The Senate resumed consideration of H.R. 3223.

AMENDMENT NO. 1439

Mr. BAKER. Mr. President, will the agriculture appropriations bill automatically recur now as the pending business?

The PRESIDING OFFICER. The Senator is correct.

The Senate will come to order.

The Zorinsky amendment on the agriculture appropriations bill is pending.

The Senator from Nebraska is recognized.

Mr. ZORINSKY. Mr. President, I introduced a bill on March 17, 1983, to amend the Commodity Credit Corporation Act to require the Commodity Credit Corporation to pay the same rates to farmers eligible for storage payments as those paid to the operators of commercial storage facilities on grain owned by the Commodity Credit Corporation.

Joining me in cosponsoring this bill, S. 841 were Senators ANDREWS, BOREN, BURDICK, EXON, and MELCHER.

This amendment to the agriculture appropriations bill, H.R. 3223, has the same objectives as S. 841, which amended the Commodity Credit Corporation Charter Act.

The amendment would simply prohibit any funds appropriated in this bill to be available for payment of grain storage in an area determined by the Secretary of Agriculture at rates that are less than the rates at which the CCC provides payment for the storage of grain in commercial storage facilities in the area.

There is an obvious inequality in the present system where the Secretary sets the farmer rate nationally and negotiates commercial rates which vary widely throughout the country.

The present inequity has been called to my attention by a highly respected member of the Nebraska Legislature, Mr. Loran Schmit, former chairman of the Agriculture Committee, who has written to me as follows:

> DEAR SENATOR ZORINSKY: I am once again writing to you to ask your help to correct what I believe is a serious injustice to Nebraska farmers. At the present time any Nebraska farmer who stores grain in his facilities on his farm receives a storage payment of 26.5 cents per bushel. The same grain stored in a commercial facility in David City receives a storage payment of 29.1 cents per bushel and beginning July 1st will be paid at the rate of 32.4 cents.
>
> The difference in the on farm storage rate versus the commercial storage rate represents a loss of millions of dollars to an already financially strapped agricultural economy. I do not believe the elevators should be paid any less for storage services but that farmers should be paid an equal amount. I believe that at a time when the federal government is writing three year guarantee storage construction contracts that farmers would be willing to build additional grain storage even without government loans or a three year guarantee as in the commercial program.
>
> I would appreciate it very much if you would use your considerable influence with the Department of Agriculture to raise the storage rate for on farm storage to the equivalent of commercial storage.
>
> With every best wish,
>
> Sincerely,
>
> LORAN SCHMIT,
> *State Senator.*

Mr. President, in a letter received from an assistant to the Administrator of the Agricultural Stabilization and Conservation Service in regard to this matter, I was informed that the grain storage rates are negotiated between CCC and commercial storage facilities but the farmer has to accept a fixed rate. Further, commercial storage rates have been increasing in the last few years especially in newly constructed facilities. Therefore, the commercial rate of 32.4 cents per bushel is a very conservative estimate of the storage rates on a Nebraska State average basis.

In the letter to Secretary Block last year, I asked the specific question as to the justification for a difference of 5.9 cents per bushel on stored grain between the farm and commercial facilities and whether there was some problem with agricultural statutes that should be corrected. I indicated that if there is need for correction, I would like to have his recommendation.

The Secretary's response confirmed the fact that a discrepancy does exist and that in some instances the rate paid per bushel may be as high as 50 cents depending on the type of grain stored and the elevator location. His response also indicated that farmer-owned grain stored in a commercial facility is only entitled to the 26.5 cent per bushel rate even though the rate paid on CCC-owned grain is higher. This is one of the most disturbing aspects of the present grain storage situation. When CCC is paying storage to a commercial grain elevator operator, a higher rate is paid as compared to the rate at which the farmer is reimbursed for his grain stored in the same elevator. This means that during the time farmers are required to pay storage on grain under loan to CCC, the farmer has to make up the difference.

I believe that Senator Schmit and other Nebraska farmers I have heard from have good cause to ask for equal rates for farm-stored grain and commercially stored grain.

The farmer is accountable for keeping stored grain under loan to CCC in condition as is the commercial facility accountable for keeping grain in condition. I can ascertain no good reason for the differential. Therefore, Mr. President, not having received a satisfactory response from Secretary of Agriculture John Block, I am offering this amendment to straighten out the inequity.

I ask that my colleagues support this amendment which attempts to correct an injustice which has only further eroded the farmer's position in our economy today.

There will be those who say that there is an additional cost to this type of an amendment. To those people, Mr. President, I say that the verbiage in this amendment merely indicates that the Secretary of Agriculture shall pay no less to the farmer than what he pays as the commercial rate to storage facilities in that area. It does not set a high price; it does not set a low price; it does not set a medium price. It leaves it to the discretion of the Secretary of Agriculture, which means there are two options. The first alternative is to reduce the commercial storage rate to meet and equalize the farmer's storage rate, which in essence means there is no additional cost.

The second alternative, obviously, is to raise the farmer's storage rate to

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the commercial storage rate, which means an additional outlay of dollars.

Certainly a possibility does exist for an additional outlay, and a possibility exists for no additional moneys.

Even a third possibility exists—the fact that we have a payment-in-kind program, which is intended to take the surplus out of the pipeline, which the USDA currently says is working. It must be working because they are now thinking of paying farmers to grow grain and use that grain to pay farmers not to grow grain to comply with the PIK program. So certainly the PIK program will then create a lesser storage amount, which in turn could even decrease the amount of storage payments the Federal Government and the taxpayers of this Nation would be responsible for.

Mr. President, I ask my colleagues to support this amendment. It attempts to create justice in an area which has consistently had an inequality and an inequity to the farmers with respect to their storage.

Mr. COCHRAN. Mr. President, the Members of the Senate may remember that last year when the agricultural appropriations bill was before us, the distinguished Senator from Nebraska offered this amendment to that bill, and it was defeated on a narrow vote, just a 2-vote margin.

The arguments that were made last year are appropriate this year also—namely, that the amendment, in effect, is legislating a change in the farmer-held grain reserve program. It would be more appropriate for legislation to be taken up by the Agriculture Committee and Congress as part of a reform of the grain reserve program.

In addition, Mr. President, last year this amendment was estimated by the Department of Agriculture to add about $45 million to the cost of the program that is administered by the Commodity Credit Corporation. This year, however, the Department estimates the cost to be between $125 million and $175 million. These are added expenses that the Department estimates would be incurred if this amendment is agreed to. It is because of this additional cost that we must strongly oppose the amendment and urge the Senate to reject it.

One thing should be pointed out about why payments to those who use commercial warehouses are higher than to those who are storing grain on the farm. Under the law, warehousemen must be bonded. They must comply with a set of regulations imposed upon them for safety and health reasons. This set of regulations does not apply on the farm. There is no necessity for a bond. So the expense of a commercial warehouse operation is considerably higher than that incurred by a person who has on-farm storage facilities. That is the reason why the payments to those who have on-farm storage are much lower than those who utilize a commercial warehouse facility.

Another point should be made, Mr. President. We are seeing the farm community plagued by the burden of surplus production on the farm. By increasing the payments made to farmers for on-farm storage, we write into the law a new incentive which will encourge the farmers to plant more and put more in the grain reserve. At the same time, we have an acreage reduction program seeking to take out of production millions of acres of land to help reduce the surplus. Mr. President, if this happens, a mixed signal would be given. It is an inconsistent policy. For that reason, we think the Senate would be well advised to vote in opposition to the amendment. I hope that the Members will carefully consider this vote.

We are trying hard to keep the levels of spending in this legislation within the President's budget request. The cost of this amendment would be a major addition to the cost of the bill.

There may be some instances on certain farms where there is justification for increased payments. I am not as familiar as I probably should be with specific situations in Nebraska and some of the other grain growing areas of the country where there is a good deal of on-farm storage. But we do know what the projected costs are. We do know that it would be an inconsistent action by the Government which would result in increased production and more grain going into storage.

We hope the Senate will reject the amendment.

Mr. METZENBAUM. Mr. President, I appreciate the motivation of my good friend from Nebraska in offering this amendment. I know of his concern for those who store grain in Nebraska, and I share that concern, because I have a number of farmers in Ohio who have a similar problem.

I think the matter has been ably addressed by the distinguished manager of the bill, who has made it clear that this matter should be handled not as a floor amendment but in the Agriculture Committee, proponents and opponents heard, the administration heard.

There is no way to explain this measure except to say that it will bust the budget. I am told that the U.S. Department of Agriculture has used figures showing that it will cost $125 to $175 million.

I should like the attention of the distinguished manager of the bill at this point.

I hope the Senator will confirm this if I am correct; and if I am incorrect, I will be prepared to acknowledge that fact publicly. I am told by Bill Lesher, Assistant Secretary for Economics in the U.S. Department of Agriculture, that the amendment before us will cost not $125 million to $175 million but will cost $200 million to $300 million.

I think that is a relevant fact, because it is bad enough at $125 million to $175 million. It is far worse at $200 million to $300 million.

What we are faced with here is an amendment that probably has some merit. When it had a price tag of $45 million, I supported it, when it was brought to the floor of the Senate by my good friend from Nebraska in the past. But I think things have changed. They have changed to the extent that we have seen that many people in this country have to share the burden of trying to balance the budget.

The unemployed workers of my State and of many other States throughout this Nation whose unemployment benefits have expired are sharing that burden, under very difficult and onerous circumstances.

Those who are on medicare have seen the necessity of cutbacks, $400 million provided hopefully out of the providers in the budget resolution. Those who are on medicaid have seen cutbacks which have already been put into place.

Those who are on social security know of the impact that they must bear in the lesser receipts and the additional restrictions that have been placed upon them.

As a matter of fact, it is not difficult to recognize that it was only a few weeks ago that we defeated an amendment that is in the same financial category of approximately a little bit higher, $400 million, that was offered by the distinguished Senator from Montana (Senator BAUCUS) to add $400 million for medicare.

Then throughout the Nation we find that peoples' homes are being foreclosed upon. The door is being slammed in their face on their own properties. They are losing their homes, and an effort was made on the HUD appropriations bill to provide foreclosure relief. But this Congress in its wisdom or lack of wisdom, depending on your point of view, refused to provide that foreclosure relief.

Day in and day out in the Budget Committee, in the Appropriations Committee, in every single effort around this body we find a need to provide some restraint and with all due respect there is no Member of this Senate who has been more aggressive and more effective in indicating that he is not for increased spending and that he wants cutbacks, and in this instance I think it becomes a sort of an exception, and I can understand that, but if we are to bear the burden, if we are to share the burden, then each of us has to accept part of that responsibility and I think bringing a floor amendment here that if Mr. Lesher is right will cost $200 to $300 million and if Senator COCHRAN's figures are right

will cost $125 to $175 million, in either event I think we cannot afford the luxury of this amendment.

In all fairness, let us look at the merits of the subject because there is a distinction between those who commercially store grain and those who do so in their own storage facility.

The commercials have to pay bonding costs, they have to pay insurance, they must have a uniform grain storage, they must have a net worth requirement, and there are other business aspects of the commercial stores that do not apply with respect to the farmer who stores his grain on his own premises.

I am not going to argue that there is not some merit to paying on an equal basis, but the fact is that we cannot afford to do so. I am not arguing either as to the fact that farmers in this country need relief. But there are a limited number of farmers who would be benefited by this and if we are to provide additional relief for the farmers of this Nation, which I am prepared to support, then we should do so across the board.

I think this amendment represents a kind of an extravagance that in these days of budget constraint I do not believe we can afford. Therefore, I hope that the amendment is defeated.

Mr. ZORINSKY. Mr. President, I wish to reply to my distinguished colleague from Ohio with respect to some of the comments made which differentiate the prerequisites required by a commercial warehouse as opposed to a farmer's needs in storage.

I reemphasize that this differential even occurs when the farmer's grain is stored in the commercial warehouse. When the CCC is paying storage to a commercial grain elevator operator, they pay him a higher rate as compared to the rate at which a farmer is reimbursed for the farmer's grain stored in the same elevator.

In other words, I guess I could best explain that by how would you like to live in the same house with a neighbor and he be paying $50 a month less, in the same home that has the same cost for insurance, the same air-conditioning cost, the same heating cost and you are paying more than he is?

So, forgetting the differentiality of geographical location of a storage facility, the farmer gets the short end even in the same geographic facility.

I also wish to point out to my friend from Ohio that in his State specifically there occurs one of the highest differentials for storage of any State in the Union. In my own the average is 4 cents differential per bushel on corn, 4½ cents on wheat. In Ohio, the differential is 12.3 cents per bushel on corn and 11.7 cents per bushel on wheat. That is the differential between that paid to a farmer's stored grain and that paid for grain stored in a commercial warehouse.

So there are these differentials and it is even sometimes in the same facility, in the same commercial facility.

I would just like to say a word or two about cost. I have only been in the U.S. Senate for 6 years and 6 months and I find that there are three types of lies in this Congress, the regular lie, the damn lie, and statistics.

Now statistics coming from USDA have shown themselves to be a little less than reliable on many occasions. As a matter of fact, statistics coming from the Government have shown themselves to be a little something less than reliable on many occasions.

A week ago Dr. Lesher, whom my esteemed colleague from Ohio referred to, in a meeting, in a markup with the U.S. Senate Agriculture Committee, was asked how much the agricultural program cost, at which time he indicated $21 billion. The news media wrote and have been recorded, and this was the acknowledged gospel fact, that the agricultural program cost $21 billion.

Then I asked a question that many in the room know the answer to but rarely ask the question and that is, does that include the loan support price program in agriculture and he said yes; and I said, does that include the amount of money farmers pay back on these loans, and he said no.

Then eventually we got to the bottom line that possible $8 billion or $9 billion are paid back by the farmers. So the $21 billion could then be reduced possibly to $11 billion or $12 billion.

I know $10 billion is not much money in this Hall and does not seem to impress many people in the congressional branch of Government, but $10 billion still is money, and on many occasions I have heard people in this hall use it as a very valid argument for breaking budgets.

So the point I am trying to make is the fact that the farmers of America have taken a bum rap on costs. Everybody thinks we have a giveaway program to the farmer on a loan support price. There is a difference between a food stamp dollar outlay, which is also in the Agriculture Department, and a loan support price dollar outlay. A loan support price dollar is repaid with interest or the farmer forfeits the crop. A dollar outlay in the food stamp program is a nonrecoverable dollar. That dollar will not be repaid to the Federal Government.

So continually I see farmers and agriculture lumped in as a tremendous cost to the taxpayers of this Nation while receiving no credit for the amounts of money that are paid back. The reason they do not is that when the money is paid back by the farmers of America on a loan support price loan the money is paid back to the Treasury of the United States of America rather than to the Department of Agriculture. So since it does not come back to the Department our USDA, including Dr. Herb Lesher, continually uses all dollars appropriated as being spent as outlays and any moneys paid back by the farmers of America are not accrued and credited to the USDA because they go back into the general Treasury of the United States.

It so happens that there is a flag with stars and stripes on it that also flies over the building of the Treasury Department, the same as it does over the U.S. Department of Agriculture, and I guess the point I make is the money does come back to the U.S. Government and to the taxpayers who fund that Government. That is why I continually am saddened to hear knowledgeable colleagues of mine continue to quote inflated numbers, facetious numbers. We can find numbers in this Chamber to justify anything you want to present here, and I know each one of us knows how to do it.

So I think the time has come when agriculture should and would be considered a tremendous asset of this country. You can go to the halls of libraries and read the decline of every nation and empire has begun when the nation could no longer feed itself. You do not have to worry about unemployment checks when people cannot produce enough food to feed a nation because you no longer have a nation, and you have tyrannical conditions existing, revolutionary conditions existing. You do not have to worry about the Soviet Union, throwweight and how many nuclear weapons they have. You concern yourself with your own people when you cannot produce enough food to feed your own people.

That is why, to me, I think the farmers and agriculture are a sacred part of the evolution of the United States of America, and those people who are worried about unemployment and those people who are worried about long lines of people waiting for jobs, let me say here and now that those lines will begin to disappear when the farmers of America have sufficient incentive and motivation and ability to maintain a profit in producing agriculture.

William Jennings Bryan once said you can "burn down your cities and leave your farms and your cities will spring back as if by magic. But destroy your farms and grass will grow in the streets of every city in the country."

So I beg this Senate Chamber and my colleagues to rectify an inequity, an injustice that currently occurs, and it does not have to be done at a greater outlay of money. It can be done through a reduction of money paid to cooperatives, to commercial warehouses and bringing up the amount of money that farmers are paid to equalize the same.

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Thank you, Mr. President. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise in support of the amendment offered by my colleague from Nebraska. I am a cosponsor of that amendment. I will be brief and then possibly we can go to a vote.

I listened to the debate with keen interest and, as with so many of the issues that come before us, there are two trains of thought, two considerations that should be given. In the first place, I would hope we would dismiss as not reliable the varying estimates up to $260 million that the U.S. Department of Agriculture has estimated as the cost of this program. Previously we have found out that if there is one thing that is reliable it is the fact that the projections and estimates by the U.S. Department of Agriculture are not reliable. So if that is a reliable fact, then let us dismiss that.

Let me simply summarize by saying that this is not a budget-buster, and when we take on something like this as a budget-buster after all of the items that we walked down to that well and vote on time after time after time, it makes it almost laughable to consider that this amendment is a budget-buster.

Last, let me tell you it is not the commercial storage people who are going broke today. It is the family sized farmer. Why is that so? Well, the family sized farmers are increasingly becoming involved in the storage business. The PIK program itself has made them more and more in the storage business. What we are simply asking for in this amendment is that there be more fairness between the rates that are paid to a commercial storage facility and those paid to the farmer, and as my colleague from Nebraska has said, it might well be that if that cost could be adjusted over a period of time, and I must emphasize it will take a period of time because there certainly are contracts in existence now that could not and should not be violated, but certainly this is not a budget-busting amendment. We are simply saying that at a time when the American farmer is being asked to store more and more of his products for our food reserve, that we give him more consideration and more fair consideration than he has received in the past.

Why is it that the American farmer is required to store more and more at this time? Well, it is simply the fact that the American farmer because of a whole series of Government actions, and I will not bother to enumerate them at this time, because if I do I suspect I would border on getting into partisan political considerations with regard to who is for the American family sized farmer and who is not politically, and that is not the message I want to emphasize; but I am simply saying that during the last few years, because of the actions of the Federal Government over which the family sized farmer has had little, if any, control, he has found himself depreciated in his ability to sell his products in the international marketplace.

Indeed, if you look at the dramatic reduction in the sales of our grain just to the Soviet Union, which has been duplicated around the world, you will quickly see why the farmer is required to store more and more and more.

The amendment offered by Senator ZORINSKY is simply one that says, "Let's be fair in the future, even though we have not been in the past, regarding the differential that is paid to farmers to store these products on the farm as opposed to the higher, and in many cases the unnecessarily higher, price that is paid to the commercial storage operator."

I urge the adoption of the amendment. I yield the floor.

Mr. ZORINSKY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, at an earlier point in the debate there seemed to be some question as to the actual cost of this amendment. I at that time indicated that I had been informed by the Assistant Secretary for Economics of the Department of Agriculture that the cost would be in the area of $200 million to $300 million. Because I felt that it was very relevant to this debate, I also at the same time requested the manager of the bill to seek confirmation of that figure.

I wonder whether or not he has had an opportunity to speak directly with the Department of Agriculture.

Mr. COCHRAN. Mr. President, if the Senator will yield, I have, as a matter of fact, been in touch with Bill Lesher at the Department of Agriculture, the official the Senator identified. He confirms the figures that were noted by the Senator from Ohio. This amendment would cost a minimum of $200 million and maybe as much as a little over $300 million.

So, this information is contrary to that provided to the managers of the bill this morning by the budget office of the Department of Agriculture that the cost of the amendment would range between $125 million and $175 million.

Mr. ZORINSKY. Will the manager yield for a question?

Mr. COCHRAN. The Senator from Ohio has the floor and yielded to me.

Mr. METZENBAUM. I yield to the Senator from Nebraska.

Mr. ZORINSKY. I would like to ask a question of the manager of the bill. If, in the wisdom of the USDA, they chose the course of reducing over a period of time the storage paid to the commercial warehouse to such an extent to offset the amount that they would raise by the farmers' storage, what would the cost be to the USDA then? This is an option.

Mr. COCHRAN. Mr. President, I would say, if the Senator would yield, that there is nothing in the amendment that would require reduction in the payments to commercial warehousemen. It is an assumption that they would equalize payments by reducing payments to warehousemen. I think, because of the fact that we do have proven expenses, bonding requirements, and all the rest that are identified as costs of commercial storage, payments to warehousemen will continue to be paid. I rather doubt that a reduction in payments would be the way that the amendment would be administered.

The Department says that to administer the amendment would cost from $200 million to something over $300 million in just 1 fiscal year.

Mr. ZORINSKY. The chairman serves on the same committee with me, and I have heard him argue with the same Dr. Lesher on cost estimates before, when it was to his benefit that they be less.

Would the Senator not, though, say that if the option were chosen that I just hypothesized there would be no cost to the USDA?

Mr. COCHRAN. I would say, Mr. President, in further response to the Senator, that we have no way of knowing how the Department is going to interpret and administer the amendment if it is agreed to, except to hear from the Department and get its reaction and make that reaction available to the Senate.

Our information from the Department is that this would escalate the cost of administering the grain program. I assume that is true. I think you could probably argue with them that there is a more cost-effective way of administering the program.

This is another reason why I think, Mr. President, that it might be to the advantage of everyone concerned if we proceed in a different way and go through the legislative committee rather than add an amendment to an appropriations bill. I think it just indicates that there may be a reason to discuss with the Department where it gets the numbers and why it suggests that this is going to be so expensive.

I suggest to the Senator that I would join him in urging the chairman of the legislative committee, Senator HELMS, to schedule hearings—I do not know that any have been held on this subject—to see if we could make a record on which to base some legislation of this kind.

Mr. ZORINSKY. I thank the chairman. I would just like to say that on September 28, 1982, which is not too far in the past, 48 Senators on the floor of this Senate thought enough inequity existed to support this piece of legislation. So it is not the first time this has been brought up. It is not the first time it has been debated. So I feel that there is sufficient concern by many Senators.

I ask for the passage of this amendment.

Mr. METZENBAUM. Will the Senator from Nebraska yield for a question?

Mr. ZORINSKY. Yes.

Mr. METZENBAUM. Is it not a fact that on September 28, 1982, when that amendment was presented to the Senate, it was represented that the total cost would be $45 million?

Mr. ZORINSKY. That again was the estimate made by the USDA, which only reemphasizes my point that they have got more numbers over there than a calendar has. That was their estimate. And at the same time, I made the same argument then, on September 28, as I did today—that it need not cost a dime had that passed if they wanted to administer it in the way I just proposed to the chairman of the subcommittee.

Mr. METZENBAUM. I would agree they may have a lot of different numbers. But, as a fiscal conservative, I am sure the Senator would agree that there is a big difference between $45 million and $200 million to $300 million, because the $200 million to $300 million buys an awful lot of things that a lot of people in this country need very badly.

Mr. ZORINSKY. May I just point out that the reason we have a storage problem is because they do not seem to realize the difference between a billion dollars and $31 million. I refer to the fact that we are going to stop $31 million worth of textiles coming into this country from the People's Republic of China and in trade they are going to disallow 1.2 billion dollar's worth of grain, much of it produced in Nebraska, from going into the People's Republic of China. It is no wonder we have a high storage cost.

Mr. LEVIN. Mr. President, there is an unfair difference in Government payments for farmer-stored and commercially stored wheat and feedgrains, but there may also be some difference in costs which might justify some difference in the amount of the payment.

The Agriculture Committee should hold hearings on this issue and report an authorization bill to correct existing inequities, without creating new ones. That is the fair way to proceed, rather than proceeding with a broad blanket rule on this pending appropriations bill.

Mr. BAKER. Mr. President, I am always loathe to make a tabling motion until I am sure that debate is concluded. I observe the Senator has indicated that he was prepared for a vote. Therefore, I now move to table the Zorinsky amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Alabama (Mr. DENTON) and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Hawaii (Mr. INOUYE), are necessarily absent.

The PRESIDING OFFICER (Mr. HUMPHREY). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 63, nays 33, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—63

Armstrong
Baker
Biden
Bradley
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
Dodd
Dole
Domenici
East
Garn
Goldwater
Gorton
Hatch
Hatfield
Hawkins
Hecht
Heinz
Helms
Humphrey
Kassebaum
Kasten
Lautenberg
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Percy
Proxmire
Quayle
Riegle
Roth
Rudman
Sasser
Simpson
Specter
Stafford
Stennis
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson

NAYS—33

Abdnor
Andrews
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bumpers
Burdick
Cranston
DeConcini
Dixon
Durenberger
Eagleton
Exon
Ford
Glenn
Grassley
Hart
Heflin
Huddleston
Jackson
Jepsen
Johnston
Kennedy
Long
Melcher
Nickles
Pressler
Pryor
Randolph
Sarbanes
Zorinsky

NOT VOTING—4

Denton
Hollings
Inouye
Stevens

So the motion to lay on the table amendment No. 1439 was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ANDREWS and Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 1441

(Purpose: Directing the Secretary of Agriculture to carry out the original commitments to farmers under the payment-in-kind (PIK) program)

Mr. ANDREWS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Dakota (Mr. ANDREWS) proposes for himself and Mr. BENTSEN, and amendment numbered 1441:

On page 26, line 11, following the figure $9,673,636,000, insert the following: ": Provided, That the Secretary of Agriculture is directed in connection with all commodities, under the payment-in-kind program, particularly cotton, to carry out the original commitment to producers."

Mr. ANDREWS. Mr. President, this is an important amendment because there are some problems under the PIK program in going along with original commitments, not only in cotton, on which I defer to my great friend and our colleague, Mr. President, the chairman of the subcommittee (Mr. COCHRAN), but also in the case of grain where commitments were made that certain land could be idled and would qualify and all of a sudden they are asking for double summer fallow. It has been cleared on both sides of the aisle. Mr. President, I understand that the chairman of the subcommittee is willing to accept the amendment, and I would urge its adoption.

Mr. COCHRAN. Mr. President, we have reviewed the amendment and it does indicate simply that the Secretary shall carry out commitments to producers under the payment-in-kind program. This does not add on any new funds in the bill. We recommend that it be accepted.

Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. May I ask the distinguished Senator from North Dakota, what will be the cost of this amendment?

Mr. ANDREWS. Actually, there should be no cost to the amendment because all it says is that the Secretary shall carry out the original commitments made to farmers under PIK program.

Mr. EAGLETON. Will the PIK program cost more if this amendment becomes law than if it does not become law?

Mr. ANDREWS. If the Secretary was about to, as we have heard rumors, back away from some commitments and not honor those commitments, it could possibly cost more, yes. But the language is very direct. It merely says that in the case of PIK, which as the Senator from Missouri realizes so well, Mr. President, was hatched up in a hurry and sent out, the Secretary of Agriculture shall honor the commitments made to the farmers. You might call it a fair play amendment, Mr. President.

Mr. EAGLETON. Passing the argument as to whether this is living up to a commitment or not, I would like to zero in on cost. The Senator says this amendment could possibly add to the cost of the PIK program. Does he know by how much?

Mr. ANDREWS. I have no idea, Mr. President.

Mr. EAGLETON. Has the Department of Agriculture been asked for its comment on this amendment?

Mr. ANDREWS. The Department has not been asked for comment. I might add to my good colleague, Mr. President, that I visited with my former colleague and the chairman of the committee on the other side of Capitol Hill, Mr. WHITTEN, who suggested this. Mr. COCHRAN, who has a specific problem in cotton, also indicated its great importance. We have some problems in wheat and feedgrains in my part of the country and Senator MELCHER's part of the country. I talked with Senator BOREN, who has a very key cotton State, and he indicated his great desire for it. I cleared it with Senator HUDDLESTON, the ranking Democrat on the Senate Agriculture Committee. He also indicated that necessity for the amendment.

Mr. EAGLETON. I realized, Mr. President, that these various Senators are supportive of the amendment, and I am not saying that I am opposed to the amendment. The language of the amendment is self-evident that this would encourage a change in current policy by the Department of Agriculture and that that change is going to cost some money. I think we would be better informed about the substance of this amendment if we knew how much money is involved. Would there not be time to ask the Department of Agriculture to give us a cost estimate?

Mr. ANDREWS. Might I point out to my colleague, the Department of Agriculture cannot make specific estimates because the Department of Agriculture as always maintains that they are in good faith living up to the commitments made to the farmers. Now, if they were planning to back away from some commitments they made to the farmers early on in PIK, it is conceivable that the cost could amount to several millions of dollars. My good colleague from Missouri knows that just as well as the Senator from North Dakota knows that. But there are no definable figures.

Also, this amendment undoubtedly will be the subject of considerable conversation between now and conference time, and the conferees, in good faith, can further refine the amendment so that it is fleshed out with the type of specifics that can be gained in a couple of weeks. The important movement is to get this amendment into the bill so that it is in conference.

Mr. President, my colleague and good friend from Missouri will be on that conference, as will the Senator from Mississippi and I. I am sure we can flesh it out and get those specifics determined.

Mr. EAGLETON. Mr. President, I assure my colleague that I will ask the Department what this amendment will cost. We are in the process of appropriating money. This is an appropriations bill, and we should know how much amendments we are considering will add to the cost of the bill. The Senator's amendment is going to cost considerable money. I have no estimate of what it might be, but it will be more than a pittance. If we do not know today and are not going to find out today, I guess we will have to find out sometime between now and the conference.

Mr. ANDREWS. It is my hope and feeling that my colleague from Missouri is as interested as I am in seeing that the commitments to the farmers are lived up to.

Mr. BENTSEN. Mr. President, I am pleased to join with my distinguished colleague, the Senator from North Dakota (Mr. ANDREWS) in offering this amendment.

This amendment directs the Secretary of Agriculture to carry out the original commitment to producers, particularly cotton farmers, under the payment-in-kind program.

Mr. President, this amendment will help prevent an inequity in our farm program which could be very damaging to cotton farmers in Texas and throughout the Nation.

I think that USDA should give the same treatment to cotton farmers under the payment-in-kind program that has been given to wheat and feed grain producers. This seems a very simple thing, but unfortunately it has not been done in this case.

USDA SHORT OF PIK COMMODITIES

When USDA found that it did not own enough wheat or feed grains to meet its PIK commitments under these programs, farmers were asked to submit bids to sell USDA these commodities which the farmer owned and which were stored under the loan or reserve programs. USDA then accepted the low end of these bids.

The remaining wheat and feed grains which USDA will need for the PIK program will be obtained by requiring some farmers to place their 1983 crop grain in the loan and then forfeit that grain to USDA. USDA will then sign that grain back over to the farmer as his PIK payment. This last provision, which is included in all PIK contracts, in effect allows USDA to buy a farmer's grain from him at the loan rate for use in the PIK program.

USDA assured farmers that this takeover provision would be used only as a last resort. And in the grain programs it has been so used. USDA has first offered to buy wheat and feed grains through free competitive bids.

THE BID PROCESS

These bids were expressed as percentage, representing the percentage of the crop which the farmer would get back from USDA in return for selling it early for the PIK program. USDA offered to forgive the loan on the commodity if the farmer would give the grain to USDA. In addition, since this offer alone was not competitive, USDA also offered to give back to the farmer a part of the commodity in lieu of an additional cash payment. This additional amount, expressed as a percentage, is what the farmer was asked to bid on.

For example, if a farmer had 100 bushels of wheat in storage and submitted a bid of 20 percent, he was offering to take 20 bushels of wheat plus forgiveness of the loan on all 100 bushels in return for signing the remaining 80 bushels over to USDA to use in the PIK program. Likewise, if a farmer offers 100 bales of cotton with a 7-percent bid, he is saying he will sell 93 bales of that cotton to USDA in return for forgiveness of the loan on all 100 bales plus 7 bales of that cotton for himself. Obviously, these percentage bids can be converted into cash prices for comparison with actual market prices, and this is what farmers did in determining their bids.

COTTON'S PROBLEM

USDA asked for cotton bids after the bids for wheat and feed grains. In wheat USDA accepted bids up to 20 percent and in feed grains up to 25 percent. USDA wanted to keep the price down for cotton, so they decided to put a cap on the cotton bids—to set a ceiling above which farmers could not submit bids. This cap was set at 7 percent, which at the time should have been an attractive offer.

However, just as USDA announced the cotton offer with the 7 percent cap the cotton market shot up. Suddenly the cap was below the market price. The market price for PIK cotton contracts—base quality of Strict Low Middling $1\frac{1}{16}$ inch—now is about 62 cents per pound, which translates to a PIK bid of about 11 percent. Thus this cap prevented cotton farmers from having any chance to bid at all.

Had USDA removed this cap, cotton farmers could have had the same opportunity to make free competitive bids that wheat and feed grain producers have had. USDA is not required to accept any of these bids. Such an open bidding process is the epitomy of the free market system, and if USDA had permitted it for cotton they would

now have a wide range of bids. They could then look at those bids and tell, through the free market, exactly how much cotton could be bought at exactly what cost both through the bids and through the takeover option. USDA could then choose the best combination.

IMPACT ON FARMERS

As I pointed out, if USDA does not acquire cotton through the bid process they will have to acquire massive amounts through takeovers of 1983 crop cotton. The estimated shortfall in cotton is in the range of 800,000 to 1,000,000 bales.

What happens to the farmers then? Much of the cotton crop is sold on forward contracts. Such contracting is especially heavy in the Rio Grande Valley of Texas, in California, and in certain other areas of the Cotton Belt. Cotton is sold in February for delivery at harvest. When farmers signed up for the PIK program, no one expected the resulting heavy turnout. Farmers thus expected USDA stocks to be adequate to cover the PIK program. In addition, USDA had assured farmers that the takeover option in the PIK contract would be used only as a last resort. Therefore, many farmers sold on forward contracts both their 1983 crop cotton and the cotton they expected to receive through the PIK program. In some cases the contracts to sell the 1983 crop cotton were signed even before the signup for the PIK program.

Assume a farmer is growing one bale of cotton and will get one bale of cotton under the PIK program. Assume also that he has forward contracted both those bales of cotton, as many farmers have. If USDA now takes the farmer's 1983 crop cotton and gives it back to him as his PIK payment, the farmer then has only one bale of cotton to deliver but he has sold two bales. Who is going to straighten out that legal mess? If USDA takes a large amount of 1983 crop cotton for the PIK program then farmers, merchants, and even USDA could wind up locked in a massive tangle of lawsuits.

Any amount of cotton that USDA buys through the bid process will lessen that problem, and so cotton farmers will have a very legitimate complaint if they are not even given an opportunity to offer cotton through that bid process.

Mr. President, I ask unanimous consent that a copy of a letter which I sent to Secretary of Agriculture Block regarding this issue be inserted in the RECORD following my remarks.

EQUITY FOR ALL

Mr. President, the essence of what this amendment asks is equity for all farmers. We want only the same treatment for cotton farmers that has been given to wheat and feed grain farmers. To do any less will severely damage the credibility of the Department of Agriculture and impair the future workings of our farm program, as well as causing heavy losses for cotton farmers this year.

I urge my colleagues to join with me in supporting this needed amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 14, 1983.

Hon. JOHN R. BLOCK,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I am deeply concerned about the possibility of discrimination against cotton farmers in the handling of the Payment In Kind program.

When it became apparent that the Department of Agriculture's stocks of wheat and feed grains would be inadequate to meet the commitments under the PIK program, USDA put out bids for these commodities. A number of these bids, up to the 20 percent level for wheat and 25 percent for feed grains, were accepted. Those above that level were rejected and the remainder of USDA's commitment will be filled by exercising the "plant for PIK" option.

In seeking to replenish USDA's inadequate cotton stocks, however, the cotton bids were capped at only 7 percent. This was a good bid at the time, but immediately after this offer was made the cotton market moved sharply upward. Rather than increase this ceiling or remove it entirely, as was done with grains, USDA merely extended the offer. Extending the offer will not attract sufficient supplies of cotton and will force the use of the "plant for PIK" option for almost all of this shortfall.

The impact of the "plant for PIK" option on cotton farmers will be severe. Cotton is traditionally sold through forward contracts, and farmers expected at the time of sign-up that USDA's cotton stocks would be adequate to meet the needs of the PIK program. Thus many farmers contracted both their 1983-crop cotton and the cotton they expected to get under the PIK program. If USDA takes the 1983-crop cotton for the PIK program, then the farmer will have two contracts to sell cotton but only enough cotton to fill one contract. Many lawsuits will result, possibly including suits against USDA.

In the interest of equity, I request that you immediately open bids for cotton for the PIK program with no cap on those bids. An uncapped bid will allow the free market to work unhindered. You will then be able to accurately weigh the various options, including the costs of these options, in deciding how to get the cotton to meet your PIK commitments. To delay such an action would risk missing the July 15 entitlement date for cotton in the Rio Grande Valley of Texas, and to fail to do so would result in a discriminatory act against cotton farmers that is both damaging and unnecessary.

Sincerely,

LLOYD BENTSEN.

Mr. TOWER. Mr. President, I would like to congratulate my colleague from North Dakota for offering this amendment and offer my strong support, especially as it relates to the situation facing our cotton farmers.

When the payment-in-kind program was first offered, a publication from the ASCS stated,

> In some instances, producers may be required at CCC's option to obtain a 1983 CCC regular loan to use for their PIK payment. This option will be used sparingly.

Within the same publication, it was again stated that this harvest for PIK option would be used very sparingly. In ASCS meetings across the country, farmers were assured that there was plenty of cotton, and that the harvest for PIK clause was only included to cover a possible shortage of CCC owned wheat. Again, when ASCS officials were specifically asked what would happen if for some reason a shortage did occur, farmers were told that any early contracts that were entered into for the forward sale of cotton that were negotiated prior to the time that the PIK contract was approved by the county committee would not be affected.

However, since the PIK program was initiated, increases in demand both in this country and worldwide have led to rising cotton prices, and heavier than expected CCC loan redemptions. Also, poor weather has resulted in expected yields that are much lower than expected. As a consequence of these changes—which were impossible to predict—Government-owned stocks are not adequate to fulfill obligations under PIK contracts with cotton producers.

As a result of this shortfall, the USDA recently announced that the harvest for PIK option would have to be implemented for cotton. Farmers who signed up for PIK and had plenty of cotton already in the loan from 1982 will be forced to forfeit their loan early and will receive their own loan cotton back from the CCC as their PIK payment. However, those farmers who do not have any cotton in the Government loan program will be required to place this year's crop in the loan at a much lower price than what they would get on the open market. Although this cotton is then returned to the farmer as his PIK entitlement, he still ends up with considerably less than the amount of cotton he was expecting. Those producers who have forward contracted their expected PIK cotton as well as their 1983 crop, will either have to back out of their contracts or seek cotton on the open market at a much higher price than expected to fulfill their contracts. This will create a severe economic hardship for those farmers who have historically marketed their cotton most efficiently.

It is my hope that this amendment will encourage the USDA to look into ways that the original intent of the PIK program for cotton can be implemented. I strongly support the PIK program and applaud its success in reducing surpluses and bringing supply into much better balance with demand. PIK has already gone a long way to help bring our farm economy out of the impending crisis we were facing late last year. Now, as the details of the PIK program are worked out, it is important that we do not dampen the successfulness of the program with inequities in the way farmers receive their PIK entitlements. I urge the USDA to give a hard look at the ways that have been suggested to solve our shortfall in CCC owned cotton without requiring the harvest for PIK option. I hope we can reach a fair decision for all those involved.

(The name of Mr. BOREN was added as a cosponsor of the amendment.)

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 1441) was agreed to.

AMENDMENT NO. 1442

(Purpose: To provide funds for the purpose of maintaining, developing, and increasing the export of agricultural commodities and products of the United States)

Mr. MATTINGLY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) proposes an amendment numbered 1442.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . (a) Out of any funds made available to the Commodity Credit Corporation by this Act, the Secretary of Agriculture shall utilize not less than $5,000,000, or an equivalent value of commodities owned by the Commodity Credit Corporation, to provide—

(1) direct or blended credit for foreign purchasers in excess of such credit programs otherwise funded by this Act;

(2) bonus incentives for foreign purchasers;

(3) commodity distributions or monetary assistance for United States producers; and

(4) any combination or paragraphs (1), (2), and (3);

for the purpose of maintaining, developing, or increasing the export of agricultural commodities and products, including value-added products, produced in the United States.

(b) To the extent practicable, the expenditures and contributions required by this section shall be targeted by the Secretary of Agriculture of facilitate sales of United States products in markets in which foreign competing products are, in the Secretary's determination, subsized directly or indirectly resulting in a competitive disadvantage for such United States products.

Mr. MATTINGLY. Mr. President, this amendment embodies an idea several of my colleagues and I have had for quite some time. The amendment I offer today is designed to counter the use of unfair agricultural subsidies by our trading partners which have accounted for the drastic loss of American farm exporters' fair share of foreign markets.

I say I had this idea for some time now, because I have seen firsthand the unwillingness of our trading partners to negotiate or roll back their unfair and mostly illegal farm subsidies. This certainly was apparent to me when I attended the General Agreement on Tariffs and Trade (GATT) ministerial meeting in Geneva last November. Our trading partners appeared convinced that our protests against massive export subsidies and trade barriers amount to nothing more than empty gestures and political posturing. Unfortunately, much of this perception is based upon our failures in the past to actually pursue protests and threats with meaningful action.

Because of our inability to secure any reasonable commitment from our trading partners, I introduced in the 97th session of Congress, and again this session, bills to correct the inequity created by unfair foreign subsidies in markets overseas for U.S. farm goods. The intent of those bills was to make available to American farm exporters surplus Commodity Credit Corporation (CCC) stocks to lower their cost of production and to increase export sales.

I also want to commend Senators HELMS, DOLE, COCHRAN, HUDDLESTON, and all my other colleagues for their continuing efforts to help American farmers by promoting their exports. I would hope we can all agree to act now and not let American farmers continue to suffer from the devastating export situation they face.

Sir Roy Denman, head of the delegation of the European Communities, told me with no equivocation that European subsidies were nonnegotiable. While I find his comment appalling, at the same time it motivates me to bring about fairness in agricultural trade for our farm exporters.

Therefore, the purpose and substance of my amendment I offer today is not new. It merely is another attempt to obtain relief for U.S. exporters of agricultural goods, including value-added products, and to bring about fair trade. It does not add to the amount recommended for appropriation by the committee. It would simply require the Secretary of Agriculture to utilize funds available for the activities of the CCC and would permit the Secretary to substitute surplus CCC commodities for all or a part of the funds. The provisions of the amendment permit maximum flexibility for the Secretary of Agriculture.

The mere threat of action by the United States, as provided for by Senate approval of this amendment, would be a powerful lever our trade negotiators could use at the bargaining table as they seek fair treatment. I believe the amendment sends a loud and clear message of our determination to use every available resource in an effort to stop unfair subsidies.

I know many of my colleagues share my concerns regarding this critical problem. However, we, the Congress must convince the administration to take firm and meaningful legal action to back up our protests and to help restore vitality to the agricultural sector of our economy.

The amendment asks for $5 million from available funds of the CCC or an equivalent amount of CCC-owned commodities to be used in the export area. This level of funding will allow only a small volume of expected sales; but, properly targeted, it can be very significant in sending a strong message to those we trade with who continue to use unfair subsidies.

It will give the Secretary of Agriculture wide flexibility to choose what U.S. agricultural products will be used in what amounts and in what markets.

The amendment would provide U.S. negotiators with an effective tool in discussions with our foreign trading partners who continue to use unfair practices.

Various people from my State have come to me—among them, the egg and poultry producers—with various proposals. The provision of this amendment encompass a lot of things about which they have come to me, as well as people from other States.

For example, it would allow giving the amount of surplus butter equal to a foreign subsidy to foreign purchasers of, say, poultry or eggs.

I urge the support of all Senators for this amendment.

Mr. COCHRAN. Mr. President, I compliment the Senator from Georgia for offering this amendment. He brings to the attention of the Senate a very important issue. This area needs the full support and activity of the Department of Agriculture if we are going to compete successfully in the international marketplace to help move some of the surplus commodities in an effective way, to help get market prices up, and to create a better opportunity for our farmers to operate at a profit.

This amendment would require that at least $5 million of CCC funds, or the equivalent in CCC-owned commodities, be spent for various export promotion activities in fiscal year 1984. The export promotion activities may include the following.

First. Direct or blended credit, in excess of that otherwise funded by the 1984 Appropriations Act;

Second. Bonus incentives for foreign purchasers;

Third. Commodity distributions or monetary assistance for U.S. producers.

To the extent practicable, activity is to be directed to markets where the United States is at a competitive disadvantage, due to competitors' subsidies.

The Omnibus Budget Reconciliation Act of 1982 directed USDA to spend $175 million on export promotion programs in each of fiscal years 1983-85. In fiscal year 1984, it is anticipated they will spend $100 million on direct export credits, and $75 to $90 million in areas as yet unspecified. If this plan remains unchanged, it will more than accommodate the Mattingly amendment by spending more than $5 million on direct export credit programs.

Therefore, the amendment would have no adverse impact on budget numbers. We think it is a good idea, and we recommend that the amendment be accepted.

Mr. EAGLETON. We have no objection, Mr. President.

Mr. HELMS. Mr. President, I support the amendment of the Senator from Georgia, and I urge the Senate to adopt it. It is another much-needed effort to stand up for American farmers and to counter the unfair trade practices of other countries. Moreover, it is not a new expenditure. It simply earmarks funds that are already being appropriated and is a cost-effective action to counter foreign export subsidies.

The EEC is undoubtedly the greatest violator of free and unsubsidized trade in agricultural products. For years, the United States has conducted ongoing bilateral and multilateral negotiations in an attempt to persuade the EEC to stop its predatory trading practices. But to no avail. Just last week, we ended 6 months of intensive bilateral negotiations with the EEC on agricultural trade problems with absolutely no satisfactory settlement. This recent failure follows last November's GATT Ministerial in Geneva where the EEC was successful in blocking a concerted effort on the part of a number of nations to resolve the issue of agricultural export subsidies.

It is becoming increasingly evident that the United States must take stronger steps to persuade other nations to stop employing predatory trading practices and to protect U.S. markets and U.S. farmers in the face of heavy and unfair competition in the international market. That is certainly what the Committee on Agriculture, Nutrition, and Forestry intended when we reported S. 822—the Agricultural Export Equity and Market Expansion Act of 1983. I believe this is also the intent of the amendment offered by the Senator from Georgia and therefore I strongly support it. I agree with the Senator from Georgia that this amendment will help send a strong signal to those nations using unfair subsidies that the United States will no longer sit idly by and watch our markets erode.

The United States cannot afford to be passive on this issue. For every year that goes by while the other nations capture markets through predatory export subsidies, this country suffers from lost exports. Lost export markets cause not only declines in farm income, growing agricultural surpluses, and higher taxpayer costs, but also fewer jobs and less economic growth throughout the entire economy. Lost sales also have a negative impact on the U.S. balance of payments and contribute to our escalating trade deficit.

At recent hearings before the Joint Economic Committee on agriculture trade issues, Under Secretary for International Affairs and Commodity Programs, Dan Amstutz testified that "subsidies of the EEC alone have cost the United States $5 to $6 billion a year in exports since 1980. If conditions do not change, the loss could be up to $8 billion by 1987."

I believe we must make every effort to insure that conditions do change. And I believe this amendment will be part of that effort by helping the United States regain and retain its competitive edge in world agricultural markets. Therefore, I support the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1442) was agreed to.

AMENDMENT NO. 1443

(Purpose: To pay additional claims for the elderly feeding program)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 1443.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, following line 22, add the following:

"For an additional amount for the elderly feeding program, $875,000, to pay outstanding claims for meals served in fiscal year 1979."

Mr. LEVIN. Mr. President, the amendment I am offering today will provide an additional $875,000 for the elderly feeding program, to pay outstanding debts that are owed to eight States by the Department of Agriculture for meals served to the elderly during fiscal year 1979. An increase in the appropriation for this program is necessary to pay back Michigan and seven other States that did not receive a complete reimbursement from the U.S. Department of Agriculture of case in lieu of assistance for meals that were served to the elderly during 1979. This is an acknowledged debt. The Department of Agriculture clearly wants to pay these small debts, and they willingly acknowledge that these debts are in fact owing.

The problem was first brought to my attention recently when I received a copy of a letter from the director of the Office of Services to the Aging in Michigan, Olivia P. Maynard, to the State treasurer, Mr. Robert A. Bowman. The letter requested Mr. Bowman's assistance in recapturing the $656,147 owed to the State of Michigan by the USDA from 1979. On May 17, 1983, I wrote to Secretary Block calling the situation to his attention and asking him to take appropriate action to remedy the problem. On June 10, 1983, I received a response to my letter to the Secretary from George A. Braley, Deputy Administrator of Special Nutrition Programs, which informed me that "the appropriated funds for fiscal year 1979 were expended." The letter went on to say: "We are cognizant of the hardship Michigan and other States may have experienced as a result of this and hope that it can be remedied in the near future."

Mr. President, I received assurances from the USDA since first notifying the Department of its claim during 1980. While the USDA has repeatedly recognized its obligation to Michigan and the other States affected by the shortfall, it has not sought to obtain from the Congress the funding necessary to make good on its assurances that the money owed would be forthcoming.

In December 1981, the Acting Director of the Food Distribution Division of the USDA wrote to the former director of the Office of Services to the Aging in Michigan and indicated that the USDA would request the funds necessary to pay back the State. His letter states: "Please be advised that we remain cognizant of the situation and are making every effort to obtain the necessary funds to pay Michigan and a few other States. It is hoped that the funds will become available soon."

But it is now June 1983, and the State of Michigan, along with seven other States, has yet to be reimbursed by the USDA because of lack of an appropriation. The seven other States—Pennsylvania, Georgia, South Carolina, Wisconsin, Iowa, Utah, and Arizona—have smaller claims than does the State of Michigan. Nevertheless, each of these States has a valid claim against the Department which should have been remedied long ago.

Mr. President, I appreciate the willingness of Senator EAGLETON, ranking minority member of the Subcommittee on Agriculture Appropriations and the chairman of the subcommittee, Senator COCHRAN, to accept this

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amendment. It will insure that our Government pays its debts, owing since 1979 to eight of our States.

I believe the amendment is agreeable to the managers of the bill.

Mr. COCHRAN. Mr. President, I compliment the Senator from Michigan for offering this amendment. It relates to the failure of the Department of Agriculture to pay valid claims amounting to $864,000 to certain States. What has happened is this: In 1979; the elderly feeding program was a separate appropriation account. Now, it comes under the food donations program. Since it is an entitlement program, the amount of money Congress appropriates for this purpose cannot be exceeded. This is what happened in this case. They simply ran out of money before all the claims were received. There was no cutoff time, under the law, for submitting claims. But there is language in this bill stating that in 1984, final reimbursement claims for service of meals, submitted within 90 days following the month for which the reimbursement is claimed, shall be reimbursed from funds appropriated.

Mr. President, these are valid claims; they remain unpaid, and I recommend that the amendment be accepted.

Mr. EAGLETON. Mr. President, I wish to join as a cosponsor of the amendment that is offered by my colleague from Michigan, and I ask unanimous consent that it be so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, this amendment provides additional funding to the Department of Agriculture to pay valid, fiscal year 1979 claims submitted by elderly feeding program projects. Under this program, projects are reimbursed in either cash or commodities for meals served to eligible recipients. Current law provides no time limit within which claims must be submitted. The claims for fiscal year 1979 in question were submitted to USDA over 3 years ago, but have never been paid because USDA had no funds available with which to pay them. USDA had neglected to inform us until just last week that these valid claims were on the books and had not been paid.

I would be remiss not to reemphasize the point already made by the Senator from Mississippi that we have added new language to the bill this year which requires that, for fiscal year 1984, only final reimbursement claims for service of meals submitted within 90 days following the month for which reimbursement is claimed shall be eligible for reimbursement. This language should help insure that this late payment problem does not reoccur in the future.

Mr. President, the issue is clear. We owe these elderly feeding projects money for meals they served, and we have done so for almost 4 years. It is about time we paid the bill. I urge the adoption of the amendment.

Mr. RIEGLE. Mr. President, I am pleased to join my distinguished colleague from Michigan, Senator LEVIN, in supporting an amendment that provides additional funds for the elderly feeding program, $875,000, to pay outstanding claims for meals served in fiscal year 1979.

The elderly feeding program and its related nutrition services evolved from nutrition demonstration projects first funded under the Older Americans Act Amendments of 1968. These projects were designed to develop techniques for improving diets, fostering social interaction, and facilitating the delivery of social services for elderly persons. The meals are intended to improve the health of the program participants, and to attract isolated older persons to a place where services and opportunities are available.

Congregate nutrition services are available at least once each day, 5 days per week along with outreach, transportation, counseling, recreation, nutrition education, information and referral, and other support services. In many cases, congregate "meal sites" have evolved into senior centers which act as community focal points for the needs of older persons. In addition, for many elderly people congregate meals, or "meals on wheels," may be the difference between continuing to live independently and being institutionalized.

Home delivered nutrition programs are available for those individuals in need. Home delivered meals are served at least once per day to individuals who are homebound by reason of illness, incapacitating disability, or who lack adequate transportation to a congregate site.

All of these services are utilized by a large and still growing number of elderly Americans, with many more still on a waiting list. In Detroit, for example, the home-delivered meal service covers 1,500 people. The waiting list is 1,500. The estimated need is 16,800. In 1981, the Detroit Health Department delivered two meals a day at a cost of $1.43 to the homebound, utilizing over 800 volunteers to do the delivery. With increased funds, larger numbers of needy people will be able to be helped rather than having to live with hunger.

Funding for these valuable services is allotted to State agencies on aging which in turn award funds to area agencies on aging for administration within specified planning and service areas. Area agencies provide funds to agencies and organizations for the delivery of a wide range of supportive services—with special emphasis on access, in-home and legal services—and congregate and home-delivered nutrition services.

Despite the importance of this program, Federal reimbursement of 1979 State claims has still not occurred. For example, eight States—Pennsylvania, Georgia, South Carolina, Michigan, Wisconsin, Iowa, Utah and Arizona—still have claims that have not yet been paid. The toal cost of these claims is $863,846. The Department of Agriculture acknowledges the validity of these claims and supports efforts to resolve this problem. The amendment that is currently being proposed by Senator LEVIN would remedy this situation by providing enough funds to make up for this particular deficit.

I join with Senator LEVIN in his commitment to these elderly feeding programs and urge all of my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, let me just in passing thank the floor managers of this bill for their cooperation, both of them, and their staffs, who worked very closely with us on this. It is a very small item, and it took more staff time probably than the amount would indicate it should, but the amount is a real one and the principle is an important one that this Government should pay its debts. Both floor managers of this measure have responded to that principle I think beautifully, and I am very grateful to them.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 1443) was agreed to.

Mr. COCHRAN. Mr. President, we are at a point now where we have just a few amendments that are scheduled to be considered.

I hope Senators who do have amendments that are in order will come to the Chamber and call up these amendments so we can move along in the consideration of the bill.

I am hoping that there will be no more than maybe two or three record votes on the remainder of these amendments that are to be considered.

In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO 1444

Mr. HELMS. Mr. President, I have an amendment which I sent to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 1444.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, strike "for the period October 1, 1983 through August 15, 1984" on lines 20 and 21;

On page 47, strike ", for the period October 1, 1983 through July 10, 1984" on lines 14 and 15; and

On page 48, strike ", for the period October 1, 1983 through September 6, 1984" on lines 6 and 7.

Mr. HELMS. Mr. President, I offer this amendment in order to have truth in packaging in this appropriations bill. Just as I commended the chairman and members of the committee last year for their honest approach to the budget numbers, this year I feel obliged to raise an objection to the large increases for food stamps and other nutrition programs which are virtually concealed in this bill.

I make that observation as chairman of the authorizing committee, the Committee on Agriculture, Nutrition, and Forestry.

It is appropriate that this bill is for the fiscal year 1984 because the report, like the book, has some confusing language in it. I know it is not intentional, but nonetheless a casual reading of the report would not precisely disclose what it involved.

The contention is made that "The amount provided is the same as the budget requests" as if—and I repeat for emphasis—as if the appropriation is the same as the request by the administration.

Mr. President, this is not the case at all. Rather the same funding has been recommended but for a shorter period of the fiscal year; in other words, only partial-year funding.

The net result is that the full-year funding for all of these programs could be, and undoubtedly will be, substantially above the request made by the administration.

I wish to be careful in my choice of words. I think we should stop playing games with the numbers in terms of Federal spending. Whatever we intend to spend, we should be forthright and precise as to what we contemplate spending and what we are voting to approve in terms of spending.

We are not doing that when we approve partial-year funding, particularly when the amount for the partial year is the same as the funding for the entire previous year.

It is a little bit ironic that this legislation comes before us at the very time we are considering the fiscal year 1984 budget. If we pass this bill as it stands, the Senate will be acknowledging that we have given up on spending restraint, and if it passes in its current form, I believe that the President will veto this bill, and I frankly could and would not blame him for doing so.

It should be clear that this bill is a prime candidate to be one of the first, if not the first, appropriations bills to be vetoed because of the excessive spending contained in it.

I do not mean to be blunt, but I think we should have truth in spending, and I do not suggest when I say that there is any deliberate attempt to conceal what we are spending. There just is not sufficient clarity in the way we are presenting the figures for it to be fully understood by all Senators let alone the public and let alone the taxpayers who, after all, are footing the bill.

As to this amendment, all it would do, Mr. President, is this: It would strike the partial-year dates which are included in the bill. These are included for the child nutrition programs, for the special supplemental food program for women, infants, and children, and the food stamp program.

The effect would, therefore, be to provide 12 months funding rather than the 10 and 11 months appropriation periods which are included.

And I point out that if these appropriations are prorated out to full-year funding, the increase in spending would be well over $1 billion.

Now, I am among those Senators who feel we have seen enough of these supplemental appropriations bills. I think it is bad enough when we have to increase spending because of unforeseen circumstances but when we build into the spending process a plan to spend more money in a future supplemental then I do not think we are being fair to ourselves and I do not think we are being fair to the taxpayer.

If more money is needed down the line, we can take a look at that through the authorizing committee. We can study it and we can report out whatever is necessary. But to engage in this partial-year funding mechanism, which disguises how much money we really intend to spend, is not fair to anyone involved.

Having said that, Mr. President, I have been advised by the White House that the President supports this amendment as consistent with his budget, and I say again that if we do not adopt this amendment, we are running not a slight risk, but a great risk, that this entire bill will be vetoed. I guess it boils down to whether we want to hold to what has been reported or whether we want a bill.

The President may decide to veto this bill for other reasons even if this amendment is adopted. But the point is we will lessen the chance somewhat of a veto if this amendment is adopted, and I urge its adoption.

Mr. COCHRAN. Mr. President, first let me state that I share with the Senator from North Carolina the hope that the President will sign this appropriations bill. There is a considerable amount of funding in the bill for programs that the Senator from North Carolina fully supports, and that the Senator from Mississippi fully supports. We are trying to make sure that we have adequate resources available for soil conservation practices and many other programs that are vitally important to the well-being of those who are trying to make a living on the farms and on the ranches of this great Nation. We know they are hard pressed in their effort to do that.

As we pointed out earlier today, we are trying our very best to be forthright and candid with the Senate in the area of funding levels for the child nutrition, food stamp, and WIC programs.

As I pointed out at that time, the President's request is accompanied by a request for legislation that would involve substantial changes reducing the costs of the feeding programs, specifically the child nutrition programs and the food stamp programs.

At this time, however, Congress has not enacted those legislative changes, so that under current law and under eligibility standards prescribed by current law, the amount of funding that is being requested, by the President is going to be inadequate over the course of the next fiscal year to pay for the programs.

The reason for that is that eligibility for benefits under these two programs is defined by law. The Government makes a commitment that if a person has a certain income level, and if other qualifications are met, he is entitled to benefits under the child nutrition programs or the food stamp program. This committee, in my judgment, ought to provide whatever level of funding is required so that the Government can meet its obligations under the law that creates that eligibility for benefits.

If we were to decide we are spending too much money for food stamps or in the child nutrition programs, we should not refuse the appropriate and adequate level of funds to cover the Government's obligations. Rather, the Congress ought to reduce the cost of the program by eliminating from eligibility persons who are now by the terms of the law eligible for the benefits.

I think we do not really have an argument about the fact that the Government has an obligation once it defines that obligation by law to provide the funds to meet the obligation. That is really what this amendment brings to the Senate's attention.

The Senator is absolutely correct that unless there are changes made by law in eligibility, the amount of money appropriated in this bill will not be

adequate to fully fund the program for the entire fiscal year 1984. We point out in the bill the dates on which it is anticipated that the Government will run out of money in these programs. We specify those dates not for the purpose of trying to hide anything, but for the purpose of trying to show clearly to the Senate and to anyone interested the fact that the requested funding is going to be inadequate unless changes are made in the eligibility of recipients under this program.

As a matter of fact, it is expected that the costs of these programs will

disguise the real cost of these programs. We all know that these, particularly the food stamp program, have become very expensive items and that is the big ticket item that is identified in these amendments.

I am hoping the amendment will be rejected, although I certainly sympathize with the motives of the Senator from North Carolina in bringing this to the attention of the Senate. I assure him and others that there certainly is no effort being made to disguise the truth about this. More funds are going to be needed unless legislative changes are made.

pending amendment will eliminate that risk, but certainly this amendment will diminish the risk of veto. And it may boil down to whether we want to reject this amendment or do we want a bill that will be enacted into law and signed into law by the President.

So I urge approval of the amendment. I respectfully differ with my friend from Mississippi. This is one of the rare times that we do differ, because he is a distinguished Member of the Senate, he is my friend and I treasure my association with him on

lion people by the end of fiscal year 1983. The pending amendment could, therefore, result in 900,000 participants—and participants in WIC are pregnant women, infants, and children that have been shown to have a nutritional deficiency—900,000 such participants would be dropped from the program.

So, from my point of view, for those three reasons, Mr. President, I recommend voting against the Helms amendment.

(Mr. ABDNOR assumed the chair.)

Mr. DOLE. I will just take 1 minute. Mr. President, I wish to join the Sena-

layer of massive changes during the last 6 years, this program deserves a period of stability.

In my view, we have made a lot of progress in addressing problem areas in the nutrition programs, and a lot of it is due to the efforts of the distinguished chairman of the committee, Senator HELMS, but we have to monitor these programs continuously. We have a few social programs under the jurisdiction of the Finance Committee—medicaid, welfare, and other programs. I would indicate that in some of those areas we have gone about as far as we can go in budget cuts. There

is an attempt to gain leverage for the administration's proposed budget cuts of $300 million, which would be in addition to the $1.5 billion a year in cuts enacted in 1981. These cuts reduced child nutrition funding by 30 percent and school lunch enrollment by about 3 million children.

The appropriations bill provides $1.060 billion for WIC through July 10, in order to maintain WIC participation at 2.8 million persons. This is the number of low-income women, infants, and children that CBO estimates will be participating in WIC at the end of fiscal year 1983. Under the

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adequate to fully fund the program for the entire fiscal year 1984. We point out in the bill the dates on which it is anticipated that the Government will run out of money in these programs. We specify those dates not for the purpose of trying to hide anything, but for the purpose of trying to show clearly to the Senate and to anyone interested the fact that the requested funding is going to be inadequate unless changes are made in the eligibility of recipients under this program.

As a matter of fact, it is expected that the costs of these programs will be some $1.3 billion more than the funding level provided in this bill unless changes are made legislatively.

I am fully confident that if the changes are not made, the administration will come in with a request for a supplemental appropriation, as they have done this year.

I might say that in the recently passed supplemental appropriations bill there was provided over $1 billion for the food stamp program because, while some changes were made in eligibility, and some costs were restrained, we still incurred obligations under the law that exceeded the anticipated levels at the beginning of the last fiscal year.

Last year, there was a difference in the way this committee responded to this situation. Senators may remember that because of the prolonged process in getting passage of a budget resolution and the delay that that caused to appropriations bills coming to the floor, we were almost through the legislative year before we had an opportunity to bring the appropriations bill for the Department of Agriculture and related agencies to the floor. There was no real time available for any legislative changes that would have brought the cost of the program in line with the administration's budget request.

This year there is time available, so rather than appropriate now the total amount expected to be needed to fully fund the program under existing law, we simply appropriate the amount requested, but point out that unless existing law is changed, those funds will be exhausted on certain specified dates during the next fiscal year.

This gives the legislative committee ample opportunity to work its will if changes are needed to comply with the President's request. The President has not just requested a certain level of funding, but the administration has also requested that legislative changes be made so that the requested appropriation will provide adequate funding for the benefits as defined by law.

That is the reason why the dates are included in the bill, and I am hoping the Senate will understand the issue here. It certainly is not that the committee is trying to hide anything or disguise the real cost of these programs. We all know that these, particularly the food stamp program, have become very expensive items and that is the big ticket item that is identified in these amendments.

I am hoping the amendment will be rejected, although I certainly sympathize with the motives of the Senator from North Carolina in bringing this to the attention of the Senate. I assure him and others that there certainly is no effort being made to disguise the truth about this. More funds are going to be needed unless legislative changes are made.

Mr. HELMS. Mr. President, I certainly appreciate the comments of my friend from Mississippi. I point out that he and I work very closely together on the Committee on Agriculture, Nutrition, and Forestry, and there is no member of that committee for whom I have greater respect.

To whatever extent we have a disagreement on this, certainly there is not any suggestion whatsoever of concealment on his part. It is the circumstances which do whatever concealing is in existence in the measure.

The question is this: Which comes first? Do we set an appropriations level and then determine how much has to be done to the authorizing legislation, as we have done in the past? Do we operate in an orderly manner and let the authorizing committee, which is the Committee on Agriculture, Nutrition, and Forestry, determine legislative changes under its purview, which is uniquely the responsibility of the committee?

That is the point the Senator from North Carolina is making. Are we going to take responsible action or are we going to just assume that no legislative changes will be made? That is what this bill proposes to do and certainly that is the effect.

Now, some Senators may say that this bill is policy neutral. But it is not neutral. The attempt, for whatever may be its motivation, is to set in motion a guarantee that a supplemental request will be needed next year. The same result may be a consequence of the proposal of the Senator from North Carolina, but at least this amendment would have been a straightforward effort to set the process straight. That is the reason, as chairman of the relevant authorizing committee, I do not believe we ought to continue to be involved in partial year funding. We need to appropriate the proper amount at the outset for the entire fiscal year.

Let me say, again, Mr. President, to the distinguished occupant of the chair, to Senators present here on the floor, and to Senators who may be listening in their offices on the loudspeakers, that we run a very real risk of a veto of this bill. Now, I will not say to Senators that adoption of the pending amendment will eliminate that risk, but certainly this amendment will diminish the risk of veto. And it may boil down to whether we want to reject this amendment or do we want a bill that will be enacted into law and signed into law by the President.

So I urge approval of the amendment. I respectfully differ with my friend from Mississippi. This is one of the rare times that we do differ, because he is a distinguished Member of the Senate, he is my friend and I treasure my association with him on the Committee on Agriculture, Nutrition, and Forestry.

I hope the amendment will be approved.

The PRESIDING OFFICER. Is there further debate?

Mr. EAGLETON. Mr. President, I would like to make three points with respect to the amendment as offered by the Senator from North Carolina.

Point one, the bill reported by the committee funds the nutrition programs under a current services concept. What the committee has proposed is a hold-harmless approach, allowing the authorizing committees to take action on the legislative proposals of the administration if they desire to do so.

However, what we are not proposing is that the benefits under these programs be reduced while the authorizing committees decide if they want to reduce them or not. There is a sequence of events in the Congress. The sequence, in brief, is that authorizing comes first. They decide what the parameters of the program are and then funds are appropriated pursuant to that authorization.

Point two, to stretch out the food stamp dollars for the full fiscal year may very well result in across-the-board benefit reductions for all of the program participants. This would do nothing to reduce fraud or abuse in the program, but instead would mean that every poor person, whether they be an elderly person or a child or a working parent, would have their food allotment reduced. Food banks and soup kitchens throughout the country have seen dramatic increases in participation in their programs by food stamp recipients who cannot make their food dollars stretch out for the whole month. The pending amendment would only make that situation worse, in my opinion.

Finally, point three, with respect to WIC—and I think the Senator's amendment is particularly egregious, to say the least, with respect to WIC—the President's budget proposed a level of funding which would only support a participation level of 2.14 million people. The administration's current estimates are that WIC participation will reach between 2.8 and 3 million people by the end of fiscal year 1983. The pending amendment could, therefore, result in 900,000 participants—and participants in WIC are pregnant women, infants, and children that have been shown to have a nutritional deficiency—900,000 such participants would be dropped from the program.

So, from my point of view, for those three reasons, Mr. President, I recommend voting against the Helms amendment.

(Mr. ABDNOR assumed the chair.)

Mr. DOLE. I will just take 1 minute. Mr. President, I wish to join the Senator from Mississippi and the Senator from Missouri in opposition to the amendment. I think, first of all, if there are still areas of waste or fraud that we ought to address in the food stamp program, then that is the responsibility we have in the authorizing committee and one that we are going to fulfill. There is always room for improvement in a program like food stamps, but, during the last 2 years we have gone about as far as we can in benefit reductions to recipients.

As chairman of the Nutrition Subcommittee, I think I have made it clear over the past few months that we are not just going to turn our backs, because we cannot do any more in food stamps. I think we have an obligation in all the programs over which we have jurisdiction to continuously monitor these programs to determine whether or not we can reduce the Federal cost and reduce the cost to the taxpayers in ways that will more effectively target benefits and increase program efficiency.

Overall, we have done a substantial amount of cost reduction in the food stamp program—over $2 billion per year—and in the child nutrition programs. Maybe we ought to be spending a little more on the WIC program, because it is very cost effective.

It would be my hope that we could defeat this amendment for the reasons outlined by the distinguished subcommittee chairman and ranking minority member. I think they have presented an evenhanded approach to funding the domestic nutrition programs.

If we are going to force the Congress, directly or indirectly, to either reduce benefits across the board or somehow make massive budget cuts in the program, I think that is a choice that we should properly make through the authorizing legislation, and the regular committee process.

Mr. President, for the first time since 1977, we do not have to make any major changes in the food stamp program. Last year, the program was reauthorized for 3 years, and this year we do not have to raise the spending ceiling in order to accommodate supplemental appropriations. Also, we do not have to fulfill any reconciliation instructions. After the layer upon layer of massive changes during the last 6 years, this program deserves a period of stability.

In my view, we have made a lot of progress in addressing problem areas in the nutrition programs, and a lot of it is due to the efforts of the distinguished chairman of the committee, Senator HELMS, but we have to monitor these programs continuously. We have a few social programs under the jurisdiction of the Finance Committee—medicaid, welfare, and other programs. I would indicate that in some of those areas we have gone about as far as we can go in budget cuts. There are a lot of other areas on the spending side over which we have jurisdiction that have hardly been touched at all. We are looking at some of those programs in the Senate Finance Committee to see if we can make appropriate savings.

Mr. President, the fiscal year 1984 agriculture appropriations bill which we are now considering contains partial-year funding for the Federal nutrition programs: it funds the special supplemental food program for women, infants, and children (WIC) through July 10; it funds the school lunch and other child nutrition programs through August 15; and it funds the food stamp program through September 6.

The Appropriations Committee funded these programs for only part of the year, because the funding levels contained in the President's request were too low to carry the programs through the full year unless major benefit reductions are enacted.

Therefore, I oppose the amendment introduced by the chairman of the Agriculture Committee. This amendment would maintain the same funding level as in the committee bill, but it would require this funding to be spread over the entire 12 months.

EVENHANDED APPROACH OF APPROPRIATIONS COMMITTEE

Mr. President, the Agriculture appropriations bill reported by the committee under the distinguished leadership of the Senator from Mississippi, Mr. COCHRAN, represents an evenhanded approach to funding for domestic food assistance.

With regard to the food stamp program, this bill provides the amount of funds requested by the administration, but specifies that these funds are available only through September 6, 1984. If the Congress subsequently enacts the administration's proposed budget cuts totaling $766 million in food stamps, then no additional food stamp funds will be needed. If Congress does not enact these budget reductions, supplemental appropriations would be provided next year to carry the program through the remainder of September.

Spreading the funding level for child nutrition programs over the full year is an attempt to gain leverage for the administration's proposed budget cuts of $300 million, which would be in addition to the $1.5 billion a year in cuts enacted in 1981. These cuts reduced child nutrition funding by 30 percent and school lunch enrollment by about 3 million children.

The appropriations bill provides $1.060 billion for WIC through July 10, in order to maintain WIC participation at 2.8 million persons. This is the number of low-income women, infants, and children that CBO estimates will be participating in WIC at the end of fiscal year 1983. Under the Helms amendment, the $1.060 billion would be spread over the entire 12 months of fiscal year 1984, which USDA estimates would serve 2.15 million persons next year.

CONCLUSION

Mr. President, this amendment should be defeated, because it implies benefit reductions for the nutrition programs if the partial-year funding is stretched over the entire 12-month 1984 fiscal year.

Mr. President, I oppose the amendment.

Mr. COCHRAN. Mr. President, I remember when I served in the House of Representatives there was a great debate about the fact that the food stamp program had gone completely out of control. The distinguished occupant of the chair probably remembers that debate when it was first brought up. There was a great deal of argument over how we would control the cost of this runaway program, the cost that was going to escalate to as much as $5 billion a year.

There were great differences of opinion about how you go about controlling the cost, because it was a period of high unemployment and economic recession. The cost of the program went up automatically, in effect, because if a person was entitled to benefits under the terms of the law, the Government appropriated the dollars to meet its obligation.

There are a lot of programs like that.

It is not a pure entitlement program, because it does come up each year for direct appropriations under the law by which it was created. But it was never intended, and this came out in debate several years ago and I am sure other Senators are familiar with this, that the Congress would act to control the program by capping the level of spending available during each fiscal year. That was tried. That is what is being attempted here, in a way.

I am not suggesting that the amendment is not straightforward, because it certainly is. But what it would do, in effect, is hold the level of funding at a point below which we anticipate the programs to actually cost.

The point is that in the House we tried to legislate control of this program by imposing a cap—by saying, "During this fiscal year, we will spend no more than $5 billion on the food stamp program."

As I remember, about 8, 9, or 10 months of the year went by, and we were about to run into that cap. The question became, did the Congress sit back and watch all of the beneficiaries of these programs lose total benefits or suffer across-the-board cuts for the balance of the year by the Congress abiding by the legislated cap?

What happened was, the Congress

and Senator COCHRAN, two of my best friends in the Senate. But I just do not understand why we should single out one group of programs for partial-year funding when partial-year funding has not been included for any other department or any other program in Government.

The reason why the Appropriations Committee did not recommend higher levels of funding is, perhaps, that the total cost would have given great concern to a lot of people who are watching the cost of the Federal Government.

I am in sympathy with a lot of pro-

The bill clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 1445.

On page 8, line 10, strike out the period and insert the following: ": *Provided further*, That of the appropriations hereunder not less than $5,000,000 shall be available for additional animal cancer research to carry into effect the provisions of Public Law 96-469."

Mr. MELCHER. Mr. President, this proposal is not an add-on. It is earmarked within the $57,682,000 of basic research money that is available to Agricultural Research Service. We

Antibodies to Bacteria Containing Choriogonadotropin Like Protein on Growth of a Transplantable Tumor" and another one along the same line, the "Effects of Antibodies to Choriogonadotropin (CG) in Malignant Growth. III. Lewis Lung Carcinoma."

I mention all this, Mr. President, because the public law we are adding earmarked funds for specifically allows for grants to be given to colleges and accepted research laboratories throughout the country to further the research for animal cancer control.

Mr. COCHRAN. If the Senator will yield, we can proceed, then, with the colloquy.

Mr. BAKER. Yes, Mr. President.

Mr. MELCHER. Mr. President, the Senate recently approved, in the Senate supplemental appropriations bill, an add-on for soil conservation work, approximately $35 million. The add-on is in several conservation programs for use throughout the United States. Since that supplemental appropriations conference report has not come back for final action by the Senate, I ask the chairman of the Subcommittee on Agricultural Appropria-

Senator that I will make every effort to see that a substantial amount of those funds or all of them are retained in that bill.

I appreciate the Senator for bringing that to our attention at this time.

Mr. MELCHER. I thank my friend from Mississippi.

Mr. COCHRAN. Mr. President, inasmuch as the majority leader was considering asking that we turn to the legislative appropriations conference report and I do not see him on the floor at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr

The point is that in the House we tried to legislate control of this program by imposing a cap—by saying, "During this fiscal year, we will spend no more than $5 billion on the food stamp program."

As I remember, about 8, 9, or 10 months of the year went by, and we were about to run into that cap. The question became, did the Congress sit back and watch all of the beneficiaries of these programs lose total benefits or suffer across-the-board cuts for the balance of the year by the Congress abiding by the legislated cap?

What happened was, the Congress voted to raise the cap. We went through this every year—imposing a cap and then voting to raise it.

I am afraid that is what we will be putting ourselves through, Mr. President, if we adopt this amendment. We would, in effect, be approaching a limit on funding that we know is not going to be adequate to provide benefits to those who are eligible for benefits under the law.

For that reason, I am hoping the Senate will see that we are making an effort to fully acquaint Senators with the facts about the inadequacy of the requested funding unless legislative changes are made to cut the cost of the program. If we are going to cut the cost of the program, these cuts ought to be made by the authorizing committee, not by the Appropriations Committee.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

First let me point out for the record that what we are talking about is a food stamp program which would cost for this fiscal year $11.6 billion. The emphasis of this amendment, Mr. President, is not on the merits of individual programs. What we are really talking about is the integrity of the appropriations process.

This happens to be the first and only bill reported by the Appropriations Committee which includes partial-year funding, the only one. All the other programs in all the other Departments have been given full-year funding. I have to wonder what is so unique about these programs that causes us to make an exception in the process for them alone.

I am willing to enter into any sort of agreement with my friends who are members of the Agriculture Committee and Senators who are not. But I agree with the administration, and the administration agrees and supports this amendment, that partial-year funding involves arithmetic that will mislead not only Members of Congress but the public in terms of the cost. This is the reason that the cost of government has escalated.

I have worked with Senator Dole in so many areas to reduce spending. It pains me to differ with Senator Dole and Senator Cochran, two of my best friends in the Senate. But I just do not understand why we should single out one group of programs for partial-year funding when partial-year funding has not been included for any other department or any other program in Government.

The reason why the Appropriations Committee did not recommend higher levels of funding is, perhaps, that the total cost would have given great concern to a lot of people who are watching the cost of the Federal Government.

I am in sympathy with a lot of programs, but I think we ought to be up front and forthright and say what they are going to cost. Then, if not enough has been appropriated, the authorizing committee can monitor it, study it, and make whatever recommendations to the Senate that would be appropriate.

I say to the Senator as chairman of the Agriculture Committee I will be glad to call hearings and schedule a markup for anything that is necessary, but I am just arguing for the process. I confess a measure of concern when we single out one group of programs for partial-year funding. If we start this sort of business with one program, it is going to spill over into others.

The budget process of the Senate is already in trouble. We all know that. It may be that it has broken down. But I certainly do not want the appropriations process to follow in that sort of difficulty. I frankly have that concern, Mr. President, if this amendment is not approved.

I say again the administration strongly supports this amendment, and I would hope we would approve it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there any further debate?

Mr. MELCHER. Mr. President, I wonder if it would be objectionable before we go to the vote on the Helms amendment to lay it aside temporarily to get an amendment that I have that is going to be accepted?

Mr. HELMS. Mr. President, I certainly have no objection to accommodating the Senator if that is his wish.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1445

(Purpose: To provide an appropriation of $5,000,000 for additional Animal Cancer Research within the amount appropriated in the bill)

Mr. MELCHER. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read as follows:

The Senator from Montana (Mr. Melcher) proposes an amendment numbered 1445.

On page 8, line 10, strike out the period and insert the following: ": *Provided further*, That of the appropriations hereunder not less than $5,000,000 shall be available for additional animal cancer research to carry into effect the provisions of Public Law 96-469."

Mr. MELCHER. Mr. President, this proposal is not an add-on. It is earmarked within the $57,682,000 of basic research money that is available to Agricultural Research Service. We would include an additional $5 million for animal cancer research.

There is in the bill, contemplated among that $57 million-plus for research by the Agricultural Research Service, approximately $7,250,000 that would be for animal or bird cancer research. I am suggesting that we earmark another $5 million of those funds in order to make sure that we have a greater effort in animal cancer research. There is considerable need for pursuing it with a little more vigor.

The amount we appropriate annually for our research on humans is about a billion dollars to the National Institutes of Health. So the amount I am proposing seems very low. Nevertheless, it is a very important part of the cancer research we do.

We do have economic loss in domestic animals that are produced for consumption here in this country or for export, so that is one facet of it. To minimize that economic loss, we need to continue our cancer research on animals through the Department of Agriculture annually. The two dovetail together—that is, the research we do on animals and the research we do for human beings.

As an example of that, there has been an outstanding breakthrough in animal cancer research that occurred just this past spring, when the Ribi Immune Chem Research Laboratory in Hamilton, Mont., got licensed by the Department of Agriculture for immunotherapy treatment for cancer eye in cattle and sarcoid tumors in horses. This type of vaccine proved to be successful in the tests that were run on both cattle and horses, ranging from 75 percent up to 93 percent cure.

This laboratory has told us that they filed with the Food and Drug Administration a notice of claimed investigational exemption for a new drug. If that is accepted by the Food and Drug Administration, the Ribi Immune Chem Co. will conduct clinical trials to determine the treatment's value for use in combating human cancer.

In addition to that, Mr. President, at this spring's meeting of the American Association for Cancer Research, a couple of very interesting papers were given on the subject of the "Effect of

Antibodies to Bacteria Containing Choriogonadotropin Like Protein on Growth of a Transplantable Tumor" and another one along the same line, the "Effects of Antibodies to Choriogonadotropin (CG) in Malignant Growth. III. Lewis Lung Carcinoma."

I mention all this, Mr. President, because the public law we are adding earmarked funds for specifically allows for grants to be given to colleges and accepted research laboratories throughout the country to further the research for animal cancer control.

I strongly urge the acceptance of the amendment. I think it is very reasonable and wise.

Mr. COCHRAN. Mr. President, I thank the Senator from Montana for offering this amendment and bringing to the attention of the Senate the fact that it is very important for the Government to continue its work in animal cancer research. We are advised by the Agricultural Research Service that it is conducting about $6.5 million of research in this area in fiscal year 1983. The amendment would clearly indicate the intention of Congress that a specified amount of money would be made available for this work. It does not add any new money to the bill. We recommend that the amendment be accepted.

Mr. EAGLETON. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1445) was agreed to.

Mr. MELCHER. Mr. President, I wonder if it would still be agreeable and in order for a brief colloquy to transpire between myself and the manager of the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent that we set aside the Helms amendment for the purpose of a colloquy with the Senator from Montana.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I understand the legislative appropriations conference report is at the desk. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I hope we can take that up next if the managers would agree to temporarily lay aside the pending measure. I believe the minority leader is on his way to the floor.

I am told that the Senate is ready for the vote now on the Helms amendment. I believe we can do the legislative appropriations conference report, though, without a rollcall. If we could wait just a minute to see if I can clear that, it might expedite it.

Mr. COCHRAN. If the Senator will yield, we can proceed, then, with the colloquy.

Mr. BAKER. Yes, Mr. President.

Mr. MELCHER. Mr. President, the Senate recently approved, in the Senate supplemental appropriations bill, an add-on for soil conservation work, approximately $35 million. The add-on is in several conservation programs for use throughout the United States. Since that supplemental appropriations conference report has not come back for final action by the Senate, I ask the chairman of the Subcommittee on Agricultural Appropriations if it is likely that that amount or nearly that amount will be accepted by the conferees, and if whatever is accepted by the conferees is included in this bill, can they be melded together for a sensible, sound conservation effort in the coming year?

Mr. COCHRAN. Mr. President, if the Senator will yield, we are very hopeful that the amount of funding that is contained in this bill, together with that provided in the supplemental appropriations, will be adequate to help move us forward in the effort to protect the soil and water resources of the Nation. We know we are confronted with an increasingly serious problem when we find in our farmland resources today—we are seeing some 10 times per acre per year eroding away into the streams, silting up the streams, and causing flood damage in many areas.

In my State, I know we have seen the ravages of the flooding and erosion occur in a very dramatic way in this year.

There is, in this bill, about $600 million for the Soil Conservation Service and about $220 million for the Agricultural Stabilization and Conservation Service. These are conservation agencies which are charged with the responsibility of administering technical assistance programs for farmers, landowners, and ranchers, providing funds which, in many cases, are matched with local funds to help create protection for land and water resources.

I cannot assure the Senator, however, that the conference on this bill or on the supplemental appropriations bill will keep the total amount of funds that we have provided for soil conservation activities, but I can assure the Senator, and do that in behalf of the Senate, that I will urge acceptance of the Senate figures that were added in the supplemental.

I do know, too, that the chairman of the House Appropriations Committee is a strong proponent and supporter of soil conservation activities. I am optimistic that a substantial portion of the funds that were included in that bill at the request of the Senator from Montana will be retained. I could be surprised, and I cannot make that assurance, but I certainly do assure the Senator that I will make every effort to see that a substantial amount of those funds or all of them are retained in that bill.

I appreciate the Senator for bringing that to our attention at this time.

Mr. MELCHER. I thank my friend from Mississippi.

Mr. COCHRAN. Mr. President, inasmuch as the majority leader was considering asking that we turn to the legislative appropriations conference report and I do not see him on the floor at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. Wilson). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, as I indicated earlier, the conference report on the legislative appropriations bill is here. I have consulted with the minority leader, with the distinguished chairman of the Rules Committee, and the chairman of the Appropriations Committee, and I am prepared on this side to go forward with consideration of that conference report at this time, if the minority leader is.

Mr. BYRD. Mr. President, I have checked the matter on this side. There is no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, then I ask unanimous consent that the business pending before the Senate be temporarily laid aside and the Senate proceed to the consideration of the conference report on H.R. 3135, the legislative branch appropriations conference report.

I further ask unanimous consent that there be a 2-minute time limitation to be equally divided.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS, 1984—CONFERENCE REPORT

Mr. D'AMATO. Mr. President, I submit a report of the committee of conference on H.R. 3135 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending June 30, 1984, and for other purposes, having met, after full and free conference, have

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agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The **PRESIDING OFFICER.** Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, June 29, 1983.)

Mr. **D'AMATO.** Mr. President, the conference agreement on H.R. 3135, legislative branch appropriations for fiscal year 1984, provides $1,473 million in new budget authority for the legislative branch. This is $2 million under the amount provided on this floor last week in Senate consideration of the bill. I stated at that time that the committee-reported bill was six-tenths of 1 percent over the 1983 level, including funds provided in the Senate-passed version of the supplemental appropriations bill. Now we are five-tenths of 1 percent over the same fiscal year 1983 level.

On the substantive Senate amendments to the legislative branch appropriation bill, the following outcome was reached. The conferees recommend an appropriation of $14,653,000 for the Office of Technology Assessment and a new personnel ceiling of 139. For the Architect of the Capitol, the agreement provides $167,000 for additional security equipment for the Capitol Grounds, $90,000 for new office intrusion alarm installations, no funds for a computerized graphics system, and report language which retains the driver-messenger in the Office of the Architect but which precludes him from transporting the Architect or other employees of the Office between their domiciles and place of employment. The agreement also deletes language requiring the Commission on the West Central Front to appoint a consulting architect to aid in the restoration of the west front. This issue will be before the conferees on the supplemental appropriations bill, which contains the funds for the west front restoration, and I intend to pursue it further in that forum. Finally, Mr. President, the conferees agreed on the appropriation of $36,620,000 and five new positions for the Congressional Research Service and language providing for additional review of the CRS budget. However, that language requiring the additional budget review was deleted on the House floor earlier today on a point of order. The result is that the agreement before the Senate appropriates $36,620,000 for CRS and makes no change in the way the CRS budget is handled.

If no other Senators wish debate, I urge the Senate to adopt the conference report.

The **PRESIDING OFFICER.** The question is on agreeing to the conference report.

Mr. **BYRD.** Mr. President, I yield back the time on my side.

Mr. **D'AMATO.** I yield back my time.

The conference report was agreed to.

Mr. **D'AMATO.** Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. **BAKER.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **DOMENICI.** Mr. President, the conference report on H.R. 3135 provides $1.5 billion in new budget authority for fiscal year 1984. Including prior-year outlays, fiscal year 1984 outlays associated with the reported bill would be $1.5 billion.

These amounts are consistent with the assumptions in the fiscal year 1984 first concurrent resolution on the budget.

I support the conference report and commend the subcommitte for keeping spending within the budget and the President's request.

I ask unanimous consent that a table comparing the bill to the fiscal year 1984 budget resolution, the House bill, and the President's request be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LEGISLATIVE BRANCH SUBCOMMITTEE SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed	(1)	0.2
H.R. 3135, conference agreement	1.5	1.3
Total for legislative branch subcommittee	1.5	1.5
Senate subcommittee allocation under first budget resolution	1.5	1.5
H.R. 3135:		
President's request	1.5	1.5
House-passed [2]	1.5	1.5
Senate-passed	1.5	1.5
Conference agreement	1.5	1.5

[1] Less than $50 million

[2] Assumes Senate level for Senate operations.

Mr. **D'AMATO.** Mr. President, I ask unanimous consent that the amendments reported in disagreement be considered en bloc.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the amendments in disagreement.

The bill clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; and Minority Whip of the Senate, $5,000; in all, $50,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,031,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $139,000

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $881,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $291,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $506,000 for each such committee; in all, $1,012,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $156,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $83,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $6,602,000.

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For administrative, clerical, and legislative assistance to Senators, $94,900,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,123,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $775,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $15,354,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses for the Office of the Legislative Council of the Senate, $1,280,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $545,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $856,000 for each such committee; in all, $1,712,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $45,698,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $390,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $32,869,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $9,174,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, $34,500; in all, $39,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Effective October 1, 1983, there is established within the Offices of the Majority and Minority Leaders the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(b) Effective October 1, 1983, the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations established by the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-5), are abolished.

SEC. 102. (a) Section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)) is amended—

(1) in the first sentence thereof, by inserting ", essential travel-related expenses (as defined hereafter in this subsection)," immediately after "actual transportation expenses"; and

(2) by inserting immediately after the third sentence thereof, the following new sentence: "As used in this subsection, the term 'essential travel-related expenses' means travel expenses (other than transportation expenses) which are essential to the transaction of official business while the Senator or employee is away from his official station or post of duty.".

SEC. 103. (a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the "Secretary of the Senate", and a separate account for the "Sergeant at Arms and Doorkeeper of the Senate";

(2) the account for "Automobiles and Maintenance", within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and

(3) the account for "Postage Stamps", within the contingent fund of the Senate, is abolished; and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1), for the "Secretary of the Senate"; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and postage stamps for the Secretaries for the Majority and the Minority and other offices and officers of the Senate, as authorized by law, shall be included in the account for "Miscellaneous Items", within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Secretary of the Senate"; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, for his offie (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Sergeant at Arms and Doorkeeper of the Senate".

SEC. 104. From funds available for any fiscal year (commencing with the fiscal year ending September 30, 1984), the Secretary of the Senate shall advance to the Sergeant at Arms and Doorkeeper of the Senate for the purpose of defraying office expenses such sums (for which the Sergeant at Arms and Doorkeeper shall be accountable) not in excess of $1,000 at any one time, as such Sergeant at Arms shall from time to time request; except that the aggregate of the sums so advanced during the fiscal year shall not exceed $10,000.

In accordance with the provisions of this section, a detailed voucher shall be submitted to the Secretary of the Senate by such Sergeant at Arms whenever necessary, in order to replenish funds expended.

SEC. 105. With the approval of the President Pro Tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate.

SEC. 106. Funds expended by the Legislative Counsel of the Senate or the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 107. Subsections (a) and (b) of section 106 of the Legislative Branch Appropriation Act 1963 (2 U.S.C. 60j) on or after October 1, 1983 shall not apply to any individual whose pay is disbursed by the Secretary of the Senate; except that, any individual who prior to such date was entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service performed on or after such date.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: $36,620,000

Mr. **D'AMATO.** Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate.

The motion was agreed to.

Mr. **D'AMATO.** Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. **BAKER.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **BAKER.** Mr. President, I thank the Senator from New York for his handling of this conference report, as well as the managers on the minority side.

I especially give my thanks to the manager of the agriculture appropriation bill for permitting us to lay aside that matter in order to proceed with the conference report.

AGRICULTURE APPROPRIATIONS, 1984

The Senate continued with the consideration of H.R. 3223.

The **PRESIDING OFFICER.** The question recurs on the amendment of the Senator from North Carolina.

Mr. **COCHRAN.** Mr. President, I know of no further debate that anyone seeks on this amendment, and we are prepared to go forward with the vote. I understand that the yeas and nays have been ordered.

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The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Minnesota (Mr. Boschwitz) and the Senator from Alaska (Mr. Stevens) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. Hollings) is necessarily absent.

The PRESIDING OFFICER (Mr. Cohen). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 24, nays 73, as follows:

[Rollcall Vote No. 177 leg.]

YEAS—24

Armstrong
Denton
East
Garn
Goldwater
Grassley
Hatch
Hecht
Helms
Humphrey
Kasten
Laxalt
Lugar
McClure
Nickles
Quayle
Symms
Thurmond
Tower
Trible
Wallop
Warner
Wilson
Zorinsky

NAYS—73

Abdnor
Andrews
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Glenn
Gorton
Hart
Hatfield
Hawkins
Heflin
Heinz
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
Long
Mathias
Matsunaga
Mattingly
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Tsongas
Weicker

NOT VOTING—3

Boschwitz
Hollings
Stevens

So Mr. Helms' amendment (No. 1444) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. EAGLETON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senate will come to order. We will not proceed to recognize any Senator until such time as the Senate is in order. Those Senators standing in the front row of the Senate Chamber please take their seats.

The Senator from Montana.

AMENDMENT NO. 1446

(Purpose: To prohibit the obligation and expenditure of funds appropriated under the act to provide certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land)

Mr. BAUCUS. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. Baucus) proposes an amendment numbered 1446.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

Sec. 626. (a) Except as provided in subsection (b), none of the funds appropriated by this Act may be obligated or expended to provide, to any person who produces an agricultural commodity on highly erodible land, any of the following:

(1) Price support assistance on such commodity made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act.

(2) A loan for the construction or purchase of a facility for the storage of such commodity made under section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)).

(3) Crop insurance for such commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(4) A disaster payment for such commodity made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(5) A new loan made, insured, or guaranteed, under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration, that will be used for a purpose which will contribute to excessive erosion of highly erodible land.

(b) Subsection (a) shall not apply to—

(1) any agricultural commodity planted by a person to produce any of the 1973 through 1982 crops of agricultural commodities;

(2) any agricultural commodity planted by a person before the date of enactment of this Act;

(3) any agricultural commodity planted by a person during any crop year beginning before such date;

(4) any loan described in subsection (a) made before such date; or

(5) any agricultural commodity produced using a conservation system which—

(A) has been approved by a soil conservation district and is based on technical standards set forth in the Soil Conservation Service technical guide for the soil conservation district, or

(B) in an area where no soil conservation district exists, has been approved by the Secretary.

(c) For purposes of this section—

(1) the term "agricultural commodity" means any agricultural commodity normally produced by annual tilling of the soil, including one-trip planters; and

(2) the term "highly erodible land" means land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the Land Capability Classification systems as in effect on the date of enactment of this Act. The land capability class for a field shall be that determined to be the "predominant" class under regulations issued by the Secretary of Agriculture.

Mr. BAUCUS. Mr. President, this amendment would prevent any funds in this bill from being spent to provide Government incentives for crops grown on newly plowed, fragile grasslands. There is no doubt that denying these Government incentives for "sodbusting" is an action that must be taken as soon as possible.

My distinguished colleague from Colorado (Mr. Armstrong) has been leading the fight to pass a sodbuster bill for the last several years. I am sure this Congress this year is going to somehow in some way directly face this issue and pass a bill that limits sodbusting. As I am sure the distinguished chairman of the Agricultural Subcommittee knows, the sodbuster bill drafted by Senator Armstrong was passed by the Senate overwhelmingly—69 to 29—as an amendment to the 1983 agriculture appropriations bill.

The sodbuster bill enjoys the support of virtually every agriculture and conservation organization across the country. We now have the support of the administration as well. Twenty-seven Senators have cosponsored the bill introduced by the Senator from Colorado. Yet so far Congress has not acted or taken action to discourage this practice of sodbusting.

Mr. President, I ask unanimous consent that a recent Time magazine article entitled "Carving Out a New Dust Bowl" appear in the Record following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAUCUS. Mr. President, this June 27 article deals with some of the sodbusting that has gone on in Montana in the past several months. You have to stretch your imagination to understand what transforming a 28,000-acre ranch or a 50,000-acre ranch into cropland looks like. In case you think I misspoke those numbers, I am talking about 50,000 acres of fragile grassland going under the plow—that is nearly 78 square miles of land exposed to wind and water erosion.

The whole purpose of the sodbuster bill is to deny Government incentives to those who break up this fragile grassland. We are not trying to tell a landowner what he can or cannot do with his land. However, we are saying that the Government should not be subsidizing a practice that will lead to massive erosion problems.

The sodbuster bill will not stop erosion, we know that. It will help cut down the roughly 5 billion tons of top soil this country loses to erosion each year.

Let me stress that this action is needed quickly and that is the reason for the amendment. The time has come for us to do something. We passed it last year, it was thrown out in committee, and I think it is time that we pass a bill this year because America is very concerned about the massive dust bowl situations that will occur. It is going to be a dry year, maybe 2 dry years, and we do not know whether that is so or not; we do not know when they are going to come, but they are going to come, and to minimize another dust bowl situation we have to discourage the unnecessary breaking up of grassland. So I urge adoption of the amendment.

EXHIBIT 1

CARVING OUT A NEW DUST BOWL—SODBUSTING IS CHANGING THE FACE OF GREAT PLAINS FARMING

Earlier this month 500-h.p. diesel tractors, brand-named Big Bud 525 and Steiger Panther, pushed 60-ft.-wide chisel plows into the gentle prairie around the hamlet of Winnett, Mont., quickly transforming what once was Wayne Bratten's 28,000-acre ranch into a raw wound of overturned earth. Eastern Colorado Wheat Farmer Emmett Linnebur became a part owner of the Crow Rock Ranch near Miles City, Mont., and used a fleet of ten supertractors to tear into 50,000 of its acres for wheat planting. In recent years, tractors have bulldozed some 6.4 million acres of marginal grasslands in Montana and Colorado and an estimated 27 million acres scattered across the rest of the U.S.

While this frenzy of rangeland transformation has made money for some, for others it has raised the secter of an environmental calamity. Explains Steve Meyer, executive vice president of the Montana association of conservation districts: "When you remove the vegetation on rangelands, you're depleting a resource. If steps aren't taken, we face the possibility of another Dust Bowl."

Critics of sodbusting, as the increasingly common practice of slicing grazing lands into wheat farms is called, say that most of the marginal land of the Great Plains cannot support commercial exploitation. With less than 20 inches of precipitation a year, the region is semiarid. These marginal soils, where they are not too rocky or saline, are often too sandy for farming or are packed with calcium and lime. When overturned by plow blades, valuable topsoil only a few inches thick becomes vulnerable to wind and rain erosion; once gone, it takes decades to replace. The sodbusters are either big operators who buy land and plow on a major scale, or small ranchers who break their own land for a quick cash fix. "I want to make a buck," concedes John Greytak, 53, a former Datsun dealer and present grain operator who since 1974 has broken 250,000 acres of grazing land, mostly in Montana, and stores some 30 percent of his wheat production in giant bins (for which the Government pays him 26.5¢ per bu. each year). Robert W. Thomas has put more than 20,000 acres of northern Colorado rangeland under the plow since 1979 and claims to have made at least $1 million on the recent sale of a 9,480-acre tract of prairie land that he planted in wheat.

Sodbusters buy rangeland at prices that are relatively low because of today's depressed livestock industry, plow and plant the acreage in wheat, then sell the cultivated land, sometimes to buyers unfamiliar with the region and the fragility of the range's topsoil. Since the mid-1970s, planted prairie tracts have shot up in value because of speculation in cropland as an inflation hedge and federal farm programs such as PIK (payment in kind).

PIK allows farmers to sell federal surplus grain if they agree to plant less wheat in a given year. If a farmer with 100 acres of wheat land wishes to apply for PIK, he must first have farmed the land for two years. Once his application is accepted, he can take some or all of the land out of production in the third year and ask the Government for, say, 80 to 95 percent of the grain that the land would have produced. The farmer can then sell that wheat for the highest price he can get. The national average this year: $3.50 per bu. Last week Agriculture Secretary John R. Block offered a plan to extend PIK to the 1984 harvest in order to make further reductions in the price-depressing wheat surplus.

While not directly affecting most speculators right now, the existence of PIK has helped encourage sodbusting. In one area of Montana, for example, undeveloped land that sold for $100 an acre recently fetched more than twice that price when tilled in wheat. Says Ronald Miller, a federal district conservationist: "As long as a person can come in and almost immediately double his money, the problem is going to continue."

Loans, federal subsidies such as deficiency and disaster payments, and price supports for crops help sodbusters as well as other agricultural producers. Entrepreneurs apply for price supports and, as required by federal law, take 15 percent to 20 percent of their cropland out of production. In effect, range plowers break prairie land that may have little agricultural value and collect money for keeping it out of cultivation. Says Bernie Spanogle, district forest ranger at the Pawnee National Grassland in Colorado: "People are farming the federal crop programs, not the land."

Though land-use regulation is the virtual preserve of state and local governments, Colorado Republican Senator William Armstrong has introduced a "sodbuster bill" backed by the Reagan Administration and the Montana Stockgrowers Association, a group traditionally opposed to land-use controls. It would deny federal payments of any kind for crops grown on highly erodible land. A companion bill is pending in the House. Local officials are also beginning to take action. A new law in Weld County, Colo., requires sodbusters to prepare a conservation plan and obtain a permit from the county commissioners. This spring Colorado strengthened an existing law that permits counties to enforce conservation measures and make violators responsible for destruction caused by their plowing.

For many residents of the northern Great Plains, such legislation cannot come soon enough. Edith Phillips, 71, of Weld County, is suing Sodbuster Thomas for $150,000 because of waves of dirt that she claims are blowing off his plowed acreage and onto her homestead. Says she: "There's nothing but dust out there. You can't breathe." Admonishes Bill Brown, a Montana rancher: "The Government shouldn't be subsidizing bad farming practices."

Mr. HELMS. Mr. President, I agree with the Senator from Montana on the substance of his amendment and I commend him for bringing the matter before the Senate. He is right. The Federal Government should not be in the business of subsidizing agricultural production on lands having the potential for soil erosion problems reminiscent of the Dust Bowl days.

Farmers are plowing up fragile lands at an alarming rate. We cannot prevent this from happening, but we have a responsibility to discourage this activity.

A Montana rancher was quoted in a recent article in Time magazine, which I believe the Senator has just put in the Record. He discussed the sodbusting and he said: "The Government shouldn't be subsidizing bad farming practices." I could not agree more with the statement.

I say to the Senator that the Committee on Agriculture, Nutrition, and Forestry, of which I have the privilege of serving as chairman, is very concerned about this situation. The committee has already held hearings on S. 663, a bill introduced by the distinguished Senator from Colorado (Mr. Armstrong), which will address this problem. In fact, the committee had scheduled for tomorrow a markup on this legislation, but I doubt that there will be very many Senators around. We will schedule that markup just as soon as we return after the recess. We anticipate that legislation will be reported with no significant problems.

We have worked closely with Senator Armstrong and with the Department of Agriculture, particularly the Soil Conservation Service, on S. 663, and have a good understanding of the immediacy of the problem in some States where farmers are plowing up land that should not be put into intensive crop production. I have done everything I can as committee chairman to expedite this legislation through the legislative process.

I will be delighted and honored to work with the Senator from Montana. I will do my best, as chairman of the authorizing committee, to bring this legislation before the Senate.

Mr. JEPSEN. Will the Senator yield?

Mr. HELMS. Yes, I yield to the Senator.

Mr. JEPSEN. Mr. President, as chairman of the Subcommittee on Soil and Water Conservation, I held hearings the last session of Congress and I held hearings this session of Congress on what we call the sodbusting bill, sponsored by the Senator from Colorado, Senator Armstrong. There is a unanimity of support for this. It has received great accord and great support from all areas of the conservation associations and groups.

In what we call sodbusting, which is a general term that has been given to this, in the area of fragile soil generally, this is a very broad area and must be very carefully defined so that, indeed, we have a bill when we are finished with it. As the distinguished chairman of the Agriculture Committee has stated, we are going to have a markup. That is how fast we are moving on it. I expect that it will be passed out of the Senate. I hope that the House will act on it. We hope the Senator from Montana will help us when that time comes.

But that bill has been completed. It has had hearings and a great deal of thought has gone into defining just what the fragile soil is and how to go about getting the job done so that we are not tied up in courts for years and years once legislation is passed.

The thrust of the Senator's proposal is admirable. I support it. But I suggest that we do have the vehicle and we do have the hearings. We have had the research, we have the language, and it is coming down the pike, being carefully worked on, and thought through.

I hope that the Senator would wait and join with us to pass that when the time comes.

Mr. COCHRAN. Mr. President, I express my appreciation to the Senator from Montana for bringing this issue up at this time. I do not agree however, that we need the amendment attached to this bill.

I think the fact that we are discussing this illustrates the importance of this issue to the Senate. Having the chairman of the Agriculture Committee and the chairman of the Soil and Water Conservation Subcommittee on the floor to express the intent they have of moving the legislation forward in a timely fashion, I think, is reassuring.

I recall a year ago I chaired the hearings on the Armstrong bill and, at that time, we approached the subject with some degree of reluctance and caution because of the perceived difficulties at the Department of Agriculture for administering this kind of new program. But I am convinced that it can be done and it ought to be done.

But it does need to have the careful attention of a legislative committee. The markup session ought to be the forum in which these various issues and potential problems can be explored in detail with some considered conclusions reached. It is probably not appropriate to attach the amendment to this bill.

I am hoping the Senator will be satisfied with these assurances and the additional assurance that I will join with him in urging the majority leader to find some time on the schedule to bring the bill to the floor once the Agriculture Committee has dealt with it.

Mr. BAUCUS. Mr. President, I appreciate the representations of the chairman of the subcommittee, as well as the chairmen of the appropriation subcommittee and the authorizing committee.

I must remind the Senate that this same measure passed by a vote of 69 to 27 on the agriculture appropriations bill last year. It enjoys vast, strong support in this body. I am, therefore, very much inclined to press the issue again and push it for a vote, because the body has spoken and the issue is very dire and the need is very great.

On the other hand, I very much respect the legislative process. The authorizing committee is meeting. It has scheduled a hearing tomorrow, which probably will not take place because we will probably adjourn this evening. Nevertheless, the authorizing committee is scheduled to meet. Listening to the Senator from North Carolina, the chairman of the committee, as well as the chairman of the appropriations subcommittee, it is obvious to me that the Senate is making every effort to accommodate the wishes of the entire body to get it passed.

I see the majority leader on the floor. I am wondering if I might ask a question of our distinguished majority leader.

Assuming we get the sodbusting bill out of the authorizing committee in due course, that is, in 2 or 3 weeks, may I ask the majority leader what is the likelihood that we could get the sodbusting bill scheduled before the Senate before the August recess?

Mr. BAKER. Mr. President, I thank the Senator. In anticipation of that question, I discussed this matter with my own staff who are charged with scheduling and coordinating requests from the several committees for scheduling of time.

Let me say, first, to the Senator that I understand the importance of scheduling this measure when it is reported and as it is reported and I promise him I will make every effort to do that. Whether I can give him an outright promise to do it during those 3½ weeks between July 11 and August 7 is something I will have to explore more closely, because I fear that time will be used primarily for two things: First, the Department of Defense authorization bill, which probably will take a long time, and the remaining appropriations bills; and appropriations bills, of course, must take priority.

But if we do not make it during that period, I can assure the Senator it would be my intention to schedule it as soon as possible and, in this case, it would be as soon as possible after the Labor Day recess. But I do not rule out the possibility that we could do it during the July period. I assure the Senator that if we can work it in, say, to a time between appropriations bills or other matters, I am perfectly agreeable to doing that. I will be glad to cooperate with him and the manager of the bill so that we can get the earliest possible consideration.

Mr. BAUCUS. Mr. President, might I have the majority leader's assurances that it will be brought up, say, by September 15?

Mr. BAKER. Mr. President, if the Senator will please spare me from that, I am standing here without my scheduling calendar and without my staff. There are 13 committees that have reporting jurisdiction, regular standing committees. If I make that commitment, I am afraid that I may make 1 friend and 12 enemies.

So let me stand on the commitment that I made. I will do my best to do it as soon as possible. I think the prospects are very good that we can do it as the Senator requests before the 15th of September. But spare me the absolute commitment, because I thank the Senator knows when I make a commitment I bend over backward to keep it, literally. I would rather not make it unless I am sure I can keep it.

Mr. BAUCUS. Mr. President, I appreciate the position the majority leader is in. He cannot make these kinds of commitments at any great length because of the reasons he has already indicated.

I thank the majority leader for his comments.

Mr. BAKER. I thank the Senator. I promise him I will work with him to try to see that it is scheduled as soon as possible.

Mr. BAUCUS. I thank the majority.

Mr. President, with those assurances, I feel very confident we will get this bill through quite quickly. I, therefore, withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOMENICI. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. DOMENICI. Mr. President, I would like to commend my distinguished colleagues, Senators HATFIELD and COCHRAN, and my fellow members of the Senate Appropriations Committee for reporting this bill. Last year the Agriculture appropriation bill was not completed until the lameduck session in December. We are nearly 6 months ahead of last year's schedule.

I support the Agriculture appropriations bill—H.R. 3223—as reported by the committee. This is the first appropriations bill to be considered by the Senate since adoption of Senate Concurrent Resolution 27, the first concurrent resolution on the budget for fiscal year 1984.

H.R. 3223 appropriates $34.4 billion including $410 million from the permanent section 32 account, for agriculture, food assistance, and other related programs.

The bill does not fund the food stamp program, WIC program and other child nutrition programs for the full year. If these programs are to receive their full year funds a later requirement of about $600 million will be necessary. The bill also reduces CCC funding by $500 million, which will probably be needed later in the year.

Compared to the first concurrent resolution on the budget, the bill is identical to the subcommittee's crosswalk allocation in budget authority.

Including the outlays from prior appropriations, and including possible later requirements, total budget authority equals the budget crosswalk allocation and total outlays exceed the budget crosswalk allocation by about $185 million.

Clearly the budget crosswalk to the Appropriations Committee could be assigned differently by the Appropriations Committee to its subcommittees. Further, while this bill is estimated to exceed outlays by $0.2 billion as assumed in the budget resolution for the subcommittee, I note that the two appropriation bills passed by the Senate, and amended in conference, offset these increased outlays. The HUD appropriation bill as amended in conference and the energy and water appropriation bill as passed by the Senate have outlays of about $0.6 billion below the budget crosswalks for those subcommittees. I therefore can state that the appropriation actions to date accommodate the higher outlays in this bill.

I therefore urge my colleagues to support the bill as reported by the Appropriations Committee. I am sure that the Appropriations Committee will address any items within the Agriculture Subcommittee's jurisdiction that need further consideration in a later supplemental appropriation bill.

With regard to the credit budget, the reported bill provides $17.8 billion in new direct loan obligations and $7.5 billion in new primary loan guarantee commitments. In direct loan obligations, the bill is $0.3 billion over the budget assumptions for the subcommittee. In primary loan guarantee commitments, the bill is $1.2 billion under the budget assumptions for the subcommittee.

Mr. President, I ask unanimous consent that two tables showing the relationship of the reported bill, together with possible later requirements, to the congressional spending and credit budget and the President's budget requests be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ATTACHMENT 1.—AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed	0.4	[1] 1.8
H.R. 3223, as reported by the Senate Appropriation Subcommittee June 21	34.0	20.8
Possible later requirements:		
Full-year funding food stamps	+0.1	
Full-year funding child nutrition	+0.2	+0.2
Full-year funding WIC	+0.3	+0.3
CCC funding	+0.5	
Total for agriculture, rural development, and related agencies	35.5	23.1
Senate subcommittee allocation under first budget resolution	35.4	22.9
House-passed H.R. 3223	35.5	23.1
President's request	34.1	22.0
Total compared to		
First budget resolution allocation		+0.2
House-passed H.R. 3223		+0.2
President's request	+1.4	+1.3

[1] Includes $196 million in outlays associated with the Senate-passed fiscal year 1983 supplemental.

ATTACHMENT 2.—AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES SUBCOMMITTEE CREDIT TOTALS

[In billions of dollars]

	Fiscal year 1984	
	New direct loan obligations	New primary loan guarantee commitments
H.R. 3223, as reported by Senate committee (total for Agriculture Subcommittee)	17.8	7.6
First budget resolution assumptions	17.5	8.8
House-passed	17.8	9.4
President's request	12.3	6.5
Subcommittee total compared to		
First budget resolution assumptions	+0.3	-1.2
House-passed		-1.8
President's request	-5.5	-1.1

Mr. DOMENICI. Mr. President, the bill before us today contains no fiscal year 1984 funding for the range caterpillar control program of the Animal and Plant Health Inspection Service. In fiscal year 1983, $160,000 was appropriated for control of the range caterpillar. This has been an ongoing program of the Department of Agriculture for several years. Although funding for this activity has been decreasing, scientists at New Mexico State University and personnel from the New Mexico Department of Agriculture have continued to battle this pest year after year. We are coming very close to eradication of the range caterpillar. Frankly, at this time, I am unsure as to whether or not funds for an Animal Plant Health Inspection Service cooperative program will be necessary in fiscal year 1984.

As many of my colleagues are aware, Federal participation in such a pest control effort is extremely important because of the landownership pattern in New Mexico and other Western States. This so-called intermingled, or checkerboard, landownership creates a situation where Federal participation on a one-third, one-third, one-third basis with State and private interests is almost mandatory to insure the effectiveness of such control programs.

In New Mexico, a range caterpillar control program is currently underway from available fiscal year 1983 funds that will treat approximately 200,000 acres of land. Until we can determine whether this program is successful in completely eradicating this pest, we will not know whether a repeat effort will be required again next summer. Our hope is that the program will be successful, and we will not need this program in the future.

For this reason, I do not seek to add funding to this bill for control of the range caterpillar. However, I am reserving the right to seek funding for this program in an appropriations measure later this year if that need arises. I would hope that if further efforts to insure the eradication of this pest are necessary, the Appropriations Committee and this body will give it due consideration.

Mr. President, I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

ANNOUNCEMENT OF POSITION ON HELMS AMENDMENT NO. 1444

Mr. BOSCHWITZ. Mr. President, I was not here for the rollcall vote on the Helms amendment to the agricultural appropriations bill. I would like to state that had I been here, I would have voted against that amendment. Unfortunately, I was in the building but could not be found by my staff. Therefore, I missed the vote. I would have voted against it had I been here.

AMENDMENT NO. 1447

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ), for himself and Mr. BOREN proposes an amendment numbered 1447.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52: On line 18 strike out "$872,000,000" and insert in lieu thereof "$936,000,000"; on line 18 strike out "$402,000,000" and insert in lieu thereof "$466,000,000"; on line 23 strike out "$650,000,000" and insert in lieu thereof "$682,000,000"; on line 24 strike out "$650,000,000" and insert in lieu thereof "$682,000,000".

Mr. BOSCHWITZ. Mr. President, I am offering an amendment which will maintain Public Law 480 funding for fiscal 1984 at the level that is necessary to assure the volume of Public

Law 480 shipments this coming fiscal year will be the same as this year's volume. This will enable American agriculture to continue to assist developing countries and famine stricken countries at a time when they need it the most, without reducing the overall level of assistance.

Mr. President, what has happened is that prices of commodities have risen and the appropriations for Public Law 480 have remained approximately the same. Since the prices have risen and since there is a great strength in the dollar, the result is that we will be able to ship fewer commodities to the hunger stricken nations of the world with the same money. The result is that we need to increase somewhat the moneys in order that the shipments to the famine afflicted portions of the world be maintained during this very difficult year.

There is drought and famine in several areas of the world, but particularly in Africa. Developing countries are facing debt crises which constrain their abilities to import goods, including food. The famine in Africa is the worst in decades. The details and severity of the famine are outlined in a number of articles that appeared in the Washington Post, and also the article on Tuesday, June 7 in the New York Times.

I ask unanimous consent, Mr. President, that that New York Times article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 7, 1983]

FAMINE IN AFRICA IS CALLED WORST IN A DECADE

(By Bernard Weinraub)

WASHINGTON, June 6.—A drought affecting 18 countries in Africa is causing increasing concern among United States and international relief officials, who say that the region faces the worst food shortages since the early 1970's when at least 200,000 to 300,000 people starved to death.

Donald C. Kimmel, director of the Food and Agricultural Organization's office here, said that reports reaching the organization made it clear that "we are coming into something far worse than what we had in 1972-73." The organization itself has termed the situation in Africa "extremely serious."

State Department officials, who are pressing for an increase in the United States' $244 million food aid program for Africa, said that border and internal unrest in nations such as Ethiopia, Chad, Mozambique and Angola had seriously compounded the food shortages. Roads have been shut, stranding trucks carrying food supplies, and thousands of farmers have fled to urban and border regions, the officials said.

With many African nations suffering their second year of drought—and with an estimated five million refugees within Africa—the food shortages present "a forbidding picture," said a World Bank official. What makes the situation ominous, he said, is that the drought and food shortages are not limited to one area, as in the early 1970's, but are afflicting nations all through the continent south of the Sahara.

In recent days a private F.A.O. report received here has painted an especially bleak portrait of nations such as Chad, where "starvation deaths are reported," Ethiopia, the Central African Republic, Mozambique, Tanzania, Botswana, Lesotho and Swaziland.

Food experts noted that nations outside Africa, such as Cambodia, Indonesia, Nepal and the Philippines, have also been serverely affected by drought. But, officials said, the situation in Africa is especially serious because this is the second year in a row that nations there have suffered drought.

Beyond this, officials said, inept bureaucracies and a lack of government machinery to deal with food emergencies have left some African nations almost powerless to deal with the crisis. "Look at Chad," said one United States official. "Every few months you get a new government and a new agricultural minister. There are 50 miles of paved roads in the country. You go to the Agriculture Ministry and they don't even have pens and pencils."

Underlying the overall problem is the crucial issue of Africa's birth rate and food production. In the last few years the birth rate has risen at a rate of about 3 percent annually, which is double the increase in the continent's food production.

United States, Food and Agriculture Organization and World Bank officials declined to estimate how many Africans have starved to death in recent months. Officials said, essentially, that it was impossible to determine how many children and adults had died of dehydration and illnesses related to hunger.

SIX NATIONS AFFLICTED IN 1970'S

Officials recalled that in a belt of six countries south of the Sahara, perhaps 300,000 Africans, and possibly far more, were believed to have died of starvation in the early 1970's, largely because of drought. The countries—some of them affected by the current drought—were Mauritania, Senegal, Mali, Upper Volta, Niger and Chad.

F.A.O. officials said that 18 countries had been especially hard hit by the current drought. They are Botswana, Cameroon, Cape Verde, Chad, Ethiopia, Ghana, Djibouti, Lesotho, Mali, Mauritania, Morocco, Mozambique, South Africa, Swaziland, Tanzania, Togo, Zambia and Zimbabwe. Three of these—Morocco, South Africa and Zimbabwe—are suffering drought but not experiencing serious food shortages, F.A.O. officials said.

In recent weeks, Edouard Saouma, director general of the F.A.O. in Rome, has sent telegrams to 27 nations, including the United States, seeking urgent assistance in "helping African countries bilaterally and multilaterally" in buying food and protecting livestock production.

United States officials indicated that the State Department would probably seek an additional $18 million in emergency food aid for stricken African nations, bringing the overall total of food assistance to the continent for this year to $262 million. Last year Africa received $266.2 million in food aid.

AFRICAN EXPORTS LAGGING

Mr. Kimmel, the F.A.O. representative here, said that the food situation in Africa seemed worse than the situation a decade ago, partly because many African countries had found themselves unable to earn foreign exchange from traditional export products such as cocoa, rubber and coffee, whose prices are depressed on the world market. At the same time, he noted, industrial nations have sought to reduce their imports because of economic restraints.

"In times of bumper harvests, major exporting nations are less willing to step up food aid because of the costs," Mr. Kimmel said. "Someone has to pay for it. Someone has to pay to ship it."

Although World Bank and United States officials emphasized the seriousness of the immediate African situation, their concern also focused on the long-term impact of the drought on Africa's food needs. In southern Africa, for example, river levels are at 50-year lows, leading to "salt water intrusion on the land that kills everything you want to grow," said one State Department official.

Moreover, officials pointed out, a "vicious cycle" exists in many African nations in which population pressures force families to eke out livelihoods on barely arable lands, thus exploiting and exhausting the land and preventing it from recovering fertility. At the same time land is increasingly being used for livestock and many areas are deprived of forest cover because trees are cut for fuel.

Mr. BOSCHWITZ. Mr. President, this is not the time to reduce our assistance to these countries, as would be the case if we adopted the committee's recommendation for fiscal year 1984.

While the committee's recommendation indicates a slight increase in the value of shipments, the volume of shipments under Public Law 480 will decline by 6 percent in fiscal year 1984. That is nearly 400,000 tons of food, Mr. President. That is an important amount, particularly when we see so much famine in so many parts of the world, and particularly, as I say, Mr. President, in Africa.

My amendment would maintain that volume of shipments for fiscal year 1984 and it would only be maintained at the same level as fiscal year 1983. This will require a total appropriation of $1.148 million, about $96 million more than the committee recommendation, which is $1.052 million. This includes an increase of $64 million in title I and title III appropriations, and $32 million in title II appropriations.

Mr. President, as you may know, title I is the concessional loan title of Public Law 480. Title II is the grant portion. We would increase the title I concessional loans by $64 billion, and the title II grants by $32 million. Both are considered outlays inasmuch as title I loans are concessional loans, but those loans have been repaid in the past and should be repaid this year. So, in a way, the increase that we are asking for really, is only $32 million to meet the needs of the world hunger which is so acute at this moment.

Mr. President, at a time when developing countries are struggling against financial crises, famine, and other calamities we should not reduce the real level of our assistance under Public Law 480, the food for peace program.

The real level of assistance is the volume we ship. My amendment will help to assure that this volume does not decline.

Mr. President, I ask unanimous consent to have printed in the RECORD a table making certain comparisons.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF PUBLIC LAW 480 APPROPRIATIONS FISCAL YEAR 1983 (ESTIMATED), AND FISCAL YEAR 1984 UNDER THE COMMITTEE RECOMMENDATION AND THE BOSCHWITZ AMENDMENT

	Fiscal year		
	1983	1984 committee	1984 Boschwitz
Titles I and III	$859,000,000	$872,000,000	$936,103,000
Title II	650,000,000	650,000,000	681,786,000
Total program level	1,509,000,000	1,522,000,000	1,617,999,000
Costs financed from receipts, prior year balances and CCC funds	−481,000,000	−470,000,000	−470,000,000
Total appropriation	1,028,000,000	1,052,000,000	1,147,999,000

PUBLIC LAW 480 TITLES I AND III: FISCAL YEAR 1984 APPROPRIATIONS REQUIRED TO SHIP SAME TONNAGES AS IN FISCAL YEAR 1983

	Fiscal year	
	1983	1984
Feedgrains	$36,525,000	$38,199,000
Wheat	503,197,000	519,399,000
Rice	118,908,000	133,954,000
Cotton	11,261,000	14,000,000
Vegetable oils	107,300,000	119,777,000
Initial payment to exporters [1]	−27,201,000	−23,000,000
Total commodity costs	749,990,000	802,329,000
Ocean transportation	109,010,000	133,774,000
Total expenses	859,000,000	936,103,000

[1] Initial payments to exporters are payments by importers to exporters to meet U.S. obligations. The President is authorized to require such payments upon delivery and the payments diminish required appropriations.

PUBLIC LAW 480 TITLE II FISCAL YEAR 1984 APPROPRIATIONS REQUIRED TO SHIP SAME TONNAGES AS IN FISCAL YEAR 1983

	Fiscal year	
	1983	1984
Feedgrains	$47,941,000	$47,515,000
Wheat and products	184,614,000	208,788,000
Rice	20,470,000	22,089,000
Vegetable oils	105,140,000	114,091,000
Dairy products	15,873,000	15,873,000
Other foods	35,002,000	32,470,000
Total commmodity costs	409,040,000	440,826,000
Ocean transportation	240,960,000	240,960,000
Total expenses	650,000,000	681,786,000

Mr. COCHRAN. Mr. President, I reluctantly rise to oppose this amendment offered by the Senator from Minnesota. I do so with the full understanding that he has made some very compelling arguments in support of the amendment. The only reason I can identify for opposing the amendment is that, frankly, there is no provision in the budget resolution to increase the funding level. We are going along with the President's requested level of funding for this program for this next year. We are right at a point where we are up against the constraints of the budget resolution and we do not want to get the bill vetoed.

There has been some suggestion already today, in discussion of some earlier amendments, that this bill may be targeted as one of the first bills that the President is urged to veto by some members of his staff or others in the administration. I am hoping we can avoid that, Mr. President.

I am hoping that, in conference with the House, we can work out a report which both the Senate and the House can approve and which the President can sign. That is certainly going to be my objective. Adding this amendment, although the program has a great deal of merit, I think, is going to make it more difficult for us to work in conference toward getting the kind of conference report that we shall need in order to keep the bill from being vetoed.

I am sympathetic to the need to sell more of our agricultural commodities in foreign markets. I think that we already do have some additional requests from the administration for authority to make donations to countries which are not able to purchase our agricultural commodities, even under the concessional sales provisions of the Public Law 480 program. Congress has not yet provided the full authority the administration has requested. But here we are, with an abundance of surpluses—corn, wheat, dairy products—a wide range of surplus commodities which can be donated, which would be an act that is consistent with the effort to remove this burden from market prices so that our farmers who are operating at a loss in some cases can enjoy an opportunity for a profit.

I am hoping that we can see more of our surplus farm commodities used to help feed those in foreign countries who cannot adequately provide for their own nutritional needs. We have many unmet needs here at home as well, of course. I think an effort is being made to meet that obligation.

It is with a great deal of reluctance, Mr. President, that I urge the Senate to reject the amendment. The Senator from Minnesota, I know, has done a great deal of work in this area of identifying unmet needs in the area world hunger, and I congratulate him for that. But I do not think that this amendment is going to help us get a bill which the President can sign. That is my main concern. I reluctantly urge the Senate to oppose the amendment.

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent to add as cosponsors to this amendment Senators BOREN and BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Minnesota.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 61, nays 36—as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—61

Abdnor
Andrews
Armstrong
Baucus
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Chafee
Cohen
Cranston
D'Amato
Danforth
DeConcini
Dodd
Durenberger
Exon
Ford
Glenn
Gorton
Grassley
Hawkins
Heinz
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
Long
Matsunaga
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Riegle
Rudman
Sarbanes
Sasser
Simpson
Specter
Symms
Trible
Tsongas

NAYS—36

Baker
Bentsen
Byrd
Chiles
Cochran
Denton
Dixon
Dole
Domenici
Eagleton
East
Garn
Hart
Hatch
Hatfield
Hecht
Heflin
Helms
Kasten
Laxalt
Lugar
Mathias
Mattingly
Nunn
Proxmire
Quayle
Roth
Stafford
Stennis
Thurmond
Tower
Wallop
Warner
Weicker
Wilson
Zorinsky

NOT VOTING—3

Goldwater
Hollings
Stevens

So the amendment (No. 1447) was agreed to.

Mr. BOSCHWITZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we have reached a point where we have only one other technical amendment.

We understand the Senator from New York, who had an amendment, is prepared to put a colloquy in the Record and not push for a vote on the amendment.

Is that correct?

Mr. MOYNIHAN. I thank the distinguished manager of the legislation. That is correct.

Senator Gorton, Senator Domenici, and I wish to do that if we may.

Mr. COCHRAN. Mr. President, there was an amendment also provided for in the order by the Senator from New Hampshire (Mr. Humphrey). We have been advised that he does not intend to offer that amendment.

So, I ask unanimous consent that the order previously entered be amended by striking the provision for the amendment of the Senator from New Hampshire (Mr. Humphrey) and the amendment of the Senator from New York (Mr. Moynihan).

The PRESIDING OFFICER (Mr. Specter). Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I yield to the Senator from New York for the purpose of engaging in his colloquy.

Mr. MOYNIHAN. I thank the distinguished Senator from Mississippi.

Mr. President, this is a colloquy with Senator Gorton and Senator Domenici which has been agreed to. It has to do with the fact that in the bill before us there is $34 billion in new budget authority but an additional $15.1 billion in off-budget direct and guaranteed loans.

Our colloquy points out the need for Congress to establish a credit budget, in the budget process, which will give us a complete sense of the actual impact on the economy of the legislation we adopt.

Altogether, we are going to have upward of $150 billion in credit in the appropriation bills that will be coming through. If the Senator from Washington will allow me, may I restate:

Mr. President, that the appropriations bill for Agriculture, rural development and related agencies for 1984 recommends some $34 billion in new budget authority. However, what is not being discussed here today is a total of $15.1 billion that is also in this bill for off-budget direct and guaranteed loans. This amount represents $15 billion in Government resources over and above the $34 billion that we are discussing today.

Mr. GORTON. Yes; the Agriculture appropriation bill before us will provide funding for three major Federal credit program agencies: The Rural Electrification Administration, the Farmers Home Administration, and the Commodity Credit Corporation. A number of programs in these agencies date back to the 1930's. Yet while the operations of the Federal Government for many decades have not been confined to simple cash outlays, the Federal budget process, including the appropriations process, has yet to recognize the true scope of activity that is presented in this Agriculture appropriations bill. Little is being said, for example, about a $4.7 billion loan guarantee program in the Rural Electrification Administration, or $1.1 billion in off-budget direct loans in the same agency.

Mr. MOYNIHAN. There is virtually no discussion of this because we lack a Federal credit budget; and it is only through a framework such as this, that the true magnitude of the bill before us would be discernible.

Mr. GORTON. This week I joined with Senator Moynihan and Senator Metzenbaum in proposing legislation that would create a credit budget. The consideration of this agriculture appropriations bill presents an appropriate occasion to point out why this legislation is so critical. The operations of the Farmers Home Administration are an excellent example of my point. There is authority for some $3 billion in direct loan outlays by the Farmers Home Administration contained in this bill. Yet there is no logical reason why these outlays would not be added into the Federal deficit, and be included equally in the debate in the budget process—but they will not be. They are credit programs, currently financed through the Federal Financing Bank, and therefore moved off-budget. It is understandable, that in the absence of a credit budget, that the Congress does not consider off-budget outlays under the same stringent criteria devoted to on-budget outlays.

Mr. MOYNIHAN. Yes, but these off-budget outlays have the same effects on the financial markets, on private investment, and interest rates as do the outlays that are counted in the budget deficit. In 1982, off-budget outlays amounted to $14 billion, and the estimates for 1983 and 1984 are currently above $17 billion, according to CBO and the Senate Budget Committee.

Mr. DOMENICI. I agree that we need much greater coordination between Budget and Appropriations Committee actions on Federal credit activities, and that ultimately we will need a strong Federal credit budget as part of the budget process.

I compliment the Senator for his remarks.

Mr. DeCONCINI. Mr. President, on page 22 of the Appropriations Committee report on H.R. 3223, the committee notes the importance of the Pima cotton research program being carried out at Tempe, Ariz., and directs that, within available funds, $200,000 be provided to continue a viable and effective breeding program, and to provide a research associate for the director of that program. Am I correct in assuming that the $200,000 is in addition to the current program funding level?

Mr. COCHRAN. The committee does recognize the importance of the American Pima cotton improvement program to the entire cotton industry, and it is the committee's intent that, within funds available for cotton research, $200,000 additional be made available to this program.

Mr. DeCONCINI. I thank the distinguished chairman of the Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies for this clarification and for his support for cotton producers throughout the Nation.

Mr. BUMPERS. Mr. President, during the full committee markup of the Agriculture Appropriations bill, I asked whether funds for the mosquito research-riceland agroecosystem program and the integrated pest management program, both currently conducted by the University of Arkansas under the USDA-CSRS special grants budget—Public Law 89-106—where included in the Mosquito Research line item and the pest management line item, respectively, of the fiscal year 1984 appropriation for the Cooperative State Research Service. Both the integrated pest mangement program and the mosquito research-riceland agroecosystem program are very important in our efforts to improve strategies for pest management. The distinguished chairman of the Agriculture Subcommittee, Senator Cochran, agreed to seek clarification. Is my understanding that the two University of Arkansas programs are, in fact, included in the respective USDA-CSRS special grants line items. Am I correct?

Mr. COCHRAN. I thank the Senator for his inquiry about these two important programs. Appropriations for them are included, as the Senator described, in the bill.

Mr. GORTON. Mr. President, I have a question for the Chairman of the Appropriations Subcommittee on Agriculture, the Senator from Mississippi. Senator, I have been queried by constituents who are concerned about the possible redirection of Agricultural Research Service research from areas where it has been very important, according to a 6-year implementation plan proposed by the Department. The committee report, however, appears to reaffirm that the USDA is to continue its broad program of research, applied as well as basic, and in particular, that areas of research such as varietal research are to be continued. Am I correct?

Mr. COCHRAN. The Senator from Washington is correct on both counts. It is the sense of the committee that the agriculture sector continues to require research support from the ARS on a broad front. Any changes from that position, such as those implicit in the Department's recently proposed 6-year implementation plan, must certainly be scrutinized by Congress. With respect to varietal research, I would add that it is only one example of many areas where it is the sense of the committee that the USDA should continue its research efforts. Any changes in ARS's research activities that would be implemented through the so-called 6-year plan should be presented to the appropriate committees of Congress for review prior to implementation.

Mr. GORTON. I thank the Senator.

Mr. HELMS. Mr. President, I wonder if I might engage the distinguished chairman of the subcommittee, Mr. Cochran, in some discussion and possible clarification regarding the provision contained in the food stamp section of the appropriations bill before us relating to community mental health centers.

As a general rule, the Food Stamp Act of 1977 does not permit publicly operated institutional agencies to participate in the food stamp program; however,· certain private, nonprofit residential programs are permitted.

I want to be certain that I understand that the provision relating to food stamp approval—for participation—of publicly operated community mental health centers has the limited intent of restoring eligibility for food stamp approval to certain publicly operated residential programs serving alcoholics which are federally funded through block grants.

It would not significantly expand the potential for food stamp approval to include types of institutional living arrangements not now being approved. Rather, it is aimed at correcting a limited problem whereby residential alcoholic treatment programs have been, in a few recent instances, denied food stamp approval simply because of the public versus private nature of the operating agency.

The provisions would allow publicly operated residential alcoholic treatment programs to be approved, as long as the public agency administering the programs is a community mental health center federally funded through the block grant system—a very limited exception to the general rule against food stamp approval of publicly operated institutions. It also leaves to the authorizing committee the long-run resolution of what types of institutional settings may be approved.

Mr. COCHRAN. The Senator is correct. This provision is an interim response to a particular problem that has surfaced recently in my own State of Mississippi, and which may come up in a few other instances.

The U.S. Department of Agriculture has recently ruled that residential alcoholic treatment programs operated under the aegis of publicly operated community mental health centers are not eligible for food stamp approval. The justification for this ineligibility was that the programs do not fit the requirement that appropriate programs be private. This ruling has put such programs at a disadvantage.

I should note that roughly 800 of the federally funded community mental health centers in the country are publicly operated, and a small minority operate residential alcoholic treatment programs—so we are talking about a limited category of programs.

It would be this minority within a minority that would be affected by this provision. Unfortunately, they appear to be concentrated in Mississippi—at least those which have been identified.

The provision before us would simply put those few alcoholic treatment programs run by publicly operated community mental health centers on a par with those run by private nonprofit entities.

Mr. HELMS. I thank the Senator and commend him for having acted on behalf of the centers of concern to him. I will certainly entertain his suggestions for a long-term solution to this problem through an amendment to the Food Stamp Act of 1977 which can be dealt with through the Committee on Agriculture, Nutrition, and Forestry.

Mr. COHEN. Mr. President, I note language in the committee report on the agricultural appropriations bill concerning Farmers Home Administration rental assistance (RA). Does the committee intend by this wording that the recent administrative notice (AN)-799 FmHA directive be rescinded enabling a rural housing project to receive 100 percent RA as has been done in the past?

Mr. COCHRAN. Yes. Congress has consistently required the FmHA to target assistance to the poorest, worst-housed citizens in rural communities through the RA program, even if that results in 100 percent RA.

Mr. COHEN. The report language states that a market only has to be shown to exist for persons and families eligible for those payments. Will there be a requirement to demonstrate a market able to pay the proposed rents?

Mr. COCHRAN. No. The committee felt this requirement in rural areas where the poorest, worst-housed citizens reside.

Mr. COHEN. In Maine, for example, we have three areas in particular which require 100 percent RA. The FmHA RA program represents for many the only possibility of housing in economically depressed areas of my State. In FmHA Administrator Charles Shuman's May 23 letter to me he does acknowledge that the agency needs to assist the neediest persons. Yet his recent AN-799 directive states:

> It is strongly advised and recommended that State Directors adhere to the 40 percent limitation on allocating RA units to projects as indicated in paragraph VA, 3 of Exhibit C to FmHA instruction 1944-E. * * * this will assure to some extent that RRH projects will not be more than 40 percent dependent on RA for full occupancy and/or totally dependent on the availability of RA units in the near future.

It continues, "In allocating RA units for new construction to RRH projects in your state, you should evaluate and rank all projects as if none were to receive RA units." This AN is, in effect, telling State Directors not to build any projects if they require more than 40 percent RA. This would further mean that the poorest, worst-housed citizens in the poorest towns in Maine will never be eligible for decent and affordable housing through the FmHA program. Is it the committee's feeling that these citizens' housing needs can only be met if the 40 percent limitation on RA is eliminated?

Mr. COCHRAN. Yes. The Senator's understanding is correct that it is the clear intent of the committee that the proposed 40 percent limitation not be implemented.

Mr. COHEN. I thank the chairman for his explanation.

AMENDMENT NO. 1448

(Purpose: To provide a $5,000,000 contingency fund for the Food and Drug Administration for emergency-related activities)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Mississippi (Mr. Cochran), for himself and Mr. Eagleton, proposes an amendment numbered 1448.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 54, line 7, after the figure $364,410,000 insert the following: ", of which $5,000,000, to remain available until expended, shall be available to meet unanticipated costs of emergency activities not provided for in budget estimates."

Mr. COCHRAN. Mr. President, this amendment is sent to the desk in behalf of the Senator from Mississippi and the Senator from Missouri (Mr. Eagelton). It is technical in nature and provides language in the bill that was inadvertently omitted from the bill.

It simply permits the Food and Drug Administration to have available until expended from funds appropriated in the bill, an amount for emergency ac-

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tivity in connection with the recall and investigation of possibly dangerous substances. This matter is addressed in Senate Report No. 98-160, which accompanies this bill, H.R. 3223. No additional funds are necessary, as they are included in the dollar amount immediately preceding the language contained in the amendment.

What we are doing by this amendment is providing funding for unanticipated emergency events which might significantly increase the Food and Drug Administration's direct costs, such as overtime, travel, transportation, and per diem to carry out the recalls of such items as canned salmon and infant formulas. In 1983, the agency incurred additional direct costs related to Tylenol and other product-tampering incidents. Such recalls and investigations not only distort the agency's program plans by forcing the cancellation or deferral of other activities, but they also substantially increase direct costs as field personnel must work longer hours and travel great distances for prolonged periods to be sure that potentially hazardous products are off the market, or to identify and isolate the cause of a potential hazard as quickly as possible to limit the public risk. Such a fund would eliminate the need for emergency supplementals and the uncertainty in managing the agency resources which results when national emergency situations require a sudden increase in expenditures.

Outlays would not be encountered until such situations are encountered. These funds would remain available until expended, and the agency would seek restoration of this contingency fund through the regular budget cycle.

Senator Eagleton, ranking minority member of the Subcommittee on Agriculture, Rural Development, and Related Agencies, is a cosponsor of this amendment.

I do not think there is any further debate on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

Mr. Cochran's amendment (No. 1448) was agreed to.

Mr. HELMS. Mr. President, I want to call attention to some very curious language in this Agriculture appropriations bill with regard to funding for the special supplemental food program for women, infants, and children.

The bill states that—

> Funds provided shall be expended in such a manner as to insure that the average participation during the period from October 1, 1983, through July 10, 1984, does not fall below 2,800,000 persons.

I do not know how State, local, or Federal officials are supposed to know how to administer such a provision. Are they supposed to go out recruiting WIC participants if the participation is below that level?

Mr. President, it should be noted also that the basis for the 2.8 million persons is one which is constantly changing. That was the estimate of the Congressional Budget Office earlier this year based on the assumption that 2.8 million persons would be participating by the end of fiscal year 1983. That may not be the case at all by the time the fiscal year begins.

Most recent participation levels indicate approximately 2.4 million persons. While there is expected to be some increase, based on the additional funding contained in the jobs bill earlier this year, that is by no means guaranteed.

It seems imprudent in the extreme to specify minimum levels of participation.

I should also point out that funding at the level contained in the appropriations bill would result in exceeding the current authorization level by the end of fiscal year 1984.

If the authorized level is insufficient, our committee will need to assess the participation characteristics to determine whether a lifting of the ceiling is appropriate.

There are a good number of concerns, first identified by the General Accounting Office, about the uniformity in defining "nutritional risk" of participants. In some areas, apparently belonging to a particular group or social class may make one eligible regardless of one's actual nutritional status.

I think we must recognize that when a program such as WIC begins to have 20 percent of all infants enrolled in it, we need to scrutinize whether it is being sufficiently targeted to the poor who are undernourished or whether it has grown beyond its original purpose.

Nonetheless, with regard to the specific language contained in the bill, I think it is likely to be unenforceable if it even can be deciphered.

I also want to comment on the unanimous consent request adopted earlier changing the Puerto Rican language to provide a 3-month delay for implementing a noncash form of assistance. I believe that the compromise on Puerto Rico is a good one. I feel strongly that the prerogatives of the authorizing committees should not be infringed upon by the Appropriations Committee. I can imagine the uproar which would ensue if any authorizing committee attempted to appropriate money.

I recognize that this is the vehicle which is moving at the present in a timely manner which could provide some relief for Puerto Rico's current October 1 deadline for changing to some noncash form of assistance.

I believe that the Puerto Rican government should have the option of establishing the form of assistance that they believe is most effective. They have chosen a cash form which, by most reports, has worked quite well. Indeed, the support for the system has been widespread. The use of cash has been coupled with many improvements in the operation of the program which have been urged by many competent caseworkers across the country for years.

This amendment will insure that Puerto Rico does not have to change the assistance on October 1. Yet it will preserve the prerogatives of the Committee on Agriculture, Nutrition, and Forestry to deal with the long-term solution to the problem later this summer.

I commend my colleagues for their agreement to this compromise. I assure them that this matter will receive careful consideration in due course before our committee.

AGRICULTURE APPROPRIATIONS BILL REMAINS UNFAIR TO U.S. CONSUMER

Mr. PELL. Mr. President, I have decided to vote against Senate passage of the agricultural appropriations bill because I believe it remains far too generous to the private agricultural industry and unfair to taxpayers and consumers. It is particularly unfair to heavily burdened families relying upon food stamps.

At a time when the majority of the Senate has approved deep cuts in essential health, education, and employment programs and, particularly, at a time when the Nation is saddled with a rapidly growing deficit, a subsidy laden agricultural appropriations bill cannot be justified.

Although this bill contains funding for vital child nutrition programs and food stamps, the amounts are woefully inadequate. The Congressional Budget Office has reported that the appropriated funding level will result in a loss of about $50 to $100 per recipient family in food stamp benefits.

It is wrong to ask taxpayers to pay for overblown price-support programs that only assure consumer prices will remain high. When we are asking our citizens to tighten their belts, I cannot support the payment of massive subsidies to the agricultural industry nor the cuts in food stamp benefits for those who need them.

Mr. LEVIN. Mr. President, I would like to commend my colleagues from Missouri and Mississippi for their fine work on the Agriculture appropriations bill, H.R. 3223, that is before the Senate today. There are several items included in the bill that are of special interest to the State of Michigan and I would like to mention two of them to my colleagues.

First, the Agriculture appropriations bill includes $200,000 for research on dioxin in the food chain. This research project will be performed at Michigan State University, one of the oldest

land grant colleges created in the United States. Its long-standing agricultural expertise makes it a wise choice for this important project. As my colleagues remember, the fiscal year 1984 budget for HUD-independent agencies, which was just given final approval by the Senate, includes funding for the Environmental Protection Agency to finally begin a serious research program to examine the health effects of dioxin. The research program proposed in the Agriculture appropriations bill will complement that work.

The bill also includes $100,000 for research to limit asparagus yield decline due to fusarium root rot. Although we in Michigan are very concerned about this growing problem—which has decimated asparagus production in some States—because we are the third greatest asparagus producer in the United States, all States that grow this delectable vegetable will benefit from this research effort. I have worked with farm groups in Michigan who persuaded me of the value of the asparagus research project. And as one who has tried personally to produce asparagus, I have great respect for those who have been more successful in that venture than I. I commend my colleagues on the Appropriations Committee for recommending that this program be funded and I urge the Senate to accept the recommendation of the committee.

Mr. BENTSEN. Mr. President, I commend my distinguished colleagues on the Agricultural Appropriations Subcommittee, the Senator from Mississippi (Mr. Cochran) and the Senator from Missouri (Mr. Eagleton), for the excellent work which they have done in balancing the many needs which are represented in this bill. I especially want to commend the action which they and the other members of the Appropriations Committee have taken on brucellosis research. The committee has acted to fund increased research on this cattle disease in an effort to at last find an answer to the challenge offered by this troublesome disease.

For several years I have called for expanded brucellosis research, and Texas has played an important role in developing the research plan that this bill would fund today. Over 2 years ago, the Independent Cattlemen's Association of Texas set out to formulate a positive research plan that would answer many of the unknowns about the brucellosis disease. Repeated calls to many private drug firms brought only frustration, despite the cattlemen's willingness to provide both funding and animals to a research project.

However, on July 25, 1982, the Austin American-Statesman carried an article about the synthetic vaccine work of Dr. Richard Lerner of Scripps Laboratory in California. Dr. Lerner had discovered a breakthrough technology in creating a synthetic vaccine for hoof-and-mouth disease. The ICA leadership contacted Dr. Lerner with the question, "Could the same technology be applied to brucellosis?" The answer was positive, but with the caution that a great deal of preliminary work was necessary. Dr. Lerner referred the cattle organizations to Pittman-Moore, a research and development subsidiary of Johnson & Johnson.

ICA repeated its question to Pittman-Moore and again got encouragement. A meeting was held last fall in ICA's Washington office to discuss the possibility of a synthetic vaccine for brucellosis control. Pittman-Moore agreed to assist in developing a research program and it was decided that other cattle organizations and the leading brucellosis scientists should be brought into the planning process.

As a result, on March 30, 1983, the Independent Cattlemen's Association hosted a meeting in Dallas to discuss research possibilities for brucellosis. The meeting was dubbed the "Conference on Innovative Approaches to Brucellosis." The following groups were invited and attended: The Associated Milk Producers, the Texas & Southwestern Cattle Raisers Association, the National Cattlemen's Association, and the Texas Animal Health Commission. Brucellosis scientists from the University of Florida, Cornell University, Texas A&M University, and Oklahoma State University were also present, as were representatives of Pittman-Moore and Johnson & Johnson.

At the encouragement of Congressman Wes Watkins, Oklahoma State agreed to host a followup session the next week in Poteau, Okla. This meeting was also referred to as the "Conference on Innovative Approaches to Brucellosis," and it was at this meeting that the research protocol we are funding today was worked out.

This is not the only work that has been done on this subject, Mr. President. Scientists with the Texas Agricultural Experiment Station are engaged in a number of brucellosis research projects, including a cooperative effort with scientists at Cornell University on a subunit nonviable vaccine. This research into the specific sources of brucellosis immunity offers promise both in the development of more effective vaccines and in the development of screening tests that can quickly and accurately distinguish animals which have brucellosis from those which have been vaccinated for the disease.

Also, scientists at the Science Research Center for Hardin-Simmons University, located in Abilene, Tex., have this year developed a "killed Strain 19" vaccine that has demonstrated to be 93 percent effective in early tests with guinea pigs. These scientists are hopeful that they, too, can perhaps qualify for some of the research funding that we are discussing today.

The encouraging part of the brucellosis challenge, Mr. President, is that cattlemen and scientists are working together to find some of the answers to the challenges this disease offers. The research we are funding today is a constructive, positive action and I hope my colleagues will join me in supporting it.

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Mr. PRYOR. Mr. President, I wish to commend the distinguished chairman and ranking minority member of the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, Senator Cochran and Senator Eagleton, as well as the other members of the Senate Appropriations Committee for including $2,425,000 in the 1984 appropriations bill for facilities at the National Center for Toxicological Research in Jefferson, Ark.

This support reflects an awareness that NCTR is conducting important research into complex problems. I am confident that the Appropriations Committee, as indicated in the committee report, will continue to consider the future construction needs at NCTR.

As a component of the Food and Drug Administration, NCTR conducts research programs to study the biological effects of potentially toxic chemical substances found in man's environment and develops improved scientific procedures for evaluating the safety of chemical toxicants and their long-term effects.

The emphasis is on problem solving, not just problem identification. Too often Government researchers simply devote their attention to the identification of the problem. NCTR takes this process to the next and most important step, by directing substantial research toward finding ways to detoxify substances which have harmful effects on man.

NCTR is pursuing a myriad of research projects, including research into effective cleanup methods of dioxin, nutrition research to determine carcinogenic impacts of certain chemicals in food products, as well as DES and saccharin research. As you can see, NCTR is involved in timely research which demands attention now, for our protection and for the protection of those who follow.

The importance of the type of work which takes place at NCTR must not be lost on Congress. It is critical that we understand our responsibility to commit adequate resources to an area

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with such potentially dramatic human implications.

Mr. President, although NCTR is administered primarily by the FDA, it conducts research for many Federal agencies. Besides FDA, it is currently involved in projects for the Environmental Protection Agency, the Consumer Product Safety Commission, the Department of Agriculture, and the Department of Defense.

I had the pleasure of visiting NCTR in April and I was most impressed with the quality of scientific study. What NCTR needs now, though, is a chance to expand to its fullest potential. In doing so, I am confident it will repay our investment many times over. An investment today could mean the saving of many lives in the future.

Again, Mr. President, let me express my appreciation to my colleagues who have been instrumental in the effort to recognize the need for Federal support at NCTR. I ask that this support be unwavering, just as our fight for a healthy environment must be.

Mr. President, I am pleased that the Senate Appropriations Committee has expressed, in the committee report, its agreement with the directive of the House of Representatives that the Department of Agriculture review a proposal for the establishment of a plants material center under the auspices of the Soil Conservation Service, to be located at the Southwest Family Farms Research Center in Booneville, Ark. This center would provide suitable plant species needed to solve critical soil and water conservation problems in the four major land resource areas of Arkansas, Oklahoma, and Missouri. The Booneville, Ark., site offers a convenient focal point of cooperative effort with the Soil Conservation Service, the Agriculture Research Service, Arkansas Cooperative Extension Service, the Arkansas Agriculture Experiment Stations, the Arkansas Association of Conservation Districts, the Arkansas Soil and Water Conservation Commission, and the other agencies involved in solving critical resource conservation problems.

I commend the committee for its action.

Mr. President, I am pleased that the committee has included language in its report regarding a program for inventorying and monitoring ground water resources and irrigation needs. The language provides funds under a proposal by the Arkansas Association of Soil Conservation Districts to expand the pilot project begun by the Soil Conservation Service and the AAWSCD in Jackson County, Ark., in response to the water crisis in 1980.

The threat to ground water sources nationwide is well documented. Arkansas faces a severe threat and this proposed program would be invaluable to irrigation agriculture, other ground water users, and many local, State, and Federal agencies. The data gathered through this proposed program would provide an effective "early warning" system through which orderly management and alternative sources could be developed. The Soil Conservation Service and the U.S. Geological Survey strongly support this proposal, and expertise gained in establishing and operating the program could be made available to other interested States.

I commend the committee for its action.

IMPORTANCE OF THE AGRICULTURAL EXTENSION SERVICE AND OF THE 4-H CLUB PROGRAM

Mr. PRESSLER. Mr. President, as the Senate considers the 1984 Agricultural appropriations bill, I would like to express my strong support for agricultural research and extension programs and for the funds provided for these programs. In past years, I have spoken on this issue and would like to do so once again. I have made these same statements many times before, but believe it is important that we continue to recognize the great value of these programs.

I am pleased to see the Appropriations Committee increased the funding level for these programs above the administration's request and the House allowance. These will be Federal dollars well spent. I firmly believe that if we are to continue to increase agricultural productivity, great strides in agricultural research and a continued effective extension service is essential. This is especially important in these days of slowing rates of increases in farm productivity.

Having grown up on a small family farm, I know from personal experience that the Cooperative Extension Service has been very effective in increasing farm productivity. The Cooperative Extension Service has been an excellent example of cooperation among Federal, State, and local governments for more than 100 years.

I have personally been involved with 4-H and other vocational education groups since I was a young boy. In fact, today I had the pleasure of addressing a group of over 120 4-H'ers from South Dakota. As a member of the local 4-H club, the Humboldt Hustlers, for 9 years, I enjoyed many great experiences such as these young people have experienced today. I was fortunate enough to attend two 4-H club congresses in Chicago, the 1961 World Agricultural Fair in Cairo, Egypt, and I had the honor of giving the "National Report to the President" to the late John F. Kennedy in the White House in March 1963.

More recently, I had the opportunity to address the 50th National 4-H Conference in April 1980, and this year I was honored by being presented the "Partner in 4-H Award," the highest honor in 4-H.

While not all young people are as fortunate as I was in my 4-H involvement, these youth organizations are still extremely important in the lives of a great number of young people. The 4-H is the fastest growing youth organization in the country. In 1970, 4-H membership was 3 million, and presently 4-H has about 5.8 million members. 4-H serves not only rural America. Of the 5.8 million participants, 39.5 percent live in cities of populations over 10,000 and only 20.5 percent actually live on farms. But this 20.5 percent means that 37 percent of all farm youths are members of 4-H.

To help young people 4-H offers programs in all areas. A recent study of 4-H in inner city Detroit showed a 60-percent reduction in juvenile crime in the immediate area. In the rural area, 4-H'ers produce millions of pounds of farm products which contribute greatly to the American economy. In all areas of the country, 4-H members learn important characteristics such as sportsmanship, animal husbandry skills and management techniques. These skills will be of great value to these young people later on in life.

Many of the benefits young people receive from 4-H and other programs are because of the dedication of adult leaders. These leaders are area and county extension personnel and volunteers. County extension agents and home economists spend about 31 percent of their time on 4-H program activities and volunteer leaders spend about 10 hours for every 1 hour a professional staff person spends. A study has shown that each 4-H club leader gives an average of $1,000 per year in terms of mileage, materials donated and contributions given without record. This means the 4-H program is very dependent on the services of dedicated volunteers and this makes it a very cost-effective program.

Federal expenditures on agricultural research and extension activities are dollars well spent. The average Federal outlay for 4-H members is only $12.75, and America gets a return of about 10 times that amount in the value of volunteer services, and contributions that are stimulated by this investment. This does not take into account the future increases in productivity of agriculture and other areas that this research and training will create. This is especially important today because of the great importance of agricultural exports and the reduced rate of increase in farm productivity.

Mr. President, I have made all of these arguments before, but believe we should commend the Extension Service frequently for their good work.

Mr. THURMOND. Mr. President, I rise in support of S. 257, legislation making Agriculture appropriations for the fiscal year 1984.

I am pleased that this bill includes $192,000 for a special research grant to study the problem of peach tree short life. For years, the premature death of peach trees has resulted in tremendous economic loss for peach producers throughout the Southeast. The problem intensified in 1980 when the EPA suspended the use of DBCP, the only known chemical effective in controlling peach tree short life.

Mr. President, in addition to this serious problem, peach producers in South Carolina have suffered massive crop losses, due to inclement weather, for the past 2 years. The South Carolina Peach Council estimated this year's crop loss alone at $50 million.

In short, the peach industry in the Southeast is experiencing its worst crisis in recent history. It is imperative that research to eliminate the problem of peach tree short life continue so that we can provide relief to the beleaguered peach industry, and I am glad that the Appropriations Committee had the foresight to continue funding of this project.

In addition, Mr. President, I am pleased that the Appropriations Committee has provided $1.9 million for the boll weevil eradication program. This program is designed to reduce and eliminate boll weevil populations on cotton farms in North and South Carolina. It is considered so important to cotton producers in those two States that this past January they passed a referendum to pay at least 70 percent of the cost of that program themselves.

Mr. President, the Appropriations Committee has also included $4.7 million for the witchweed eradication program. Witchweed is a parasite that contaminates corn corps and spreads with unyielding determination when unchecked. The witchweed eradication program has been successful in releasing 50 percent of the infested acres in South Carolina from quarantine, and has given corn producers in South Carolina reasonable hope that the witchweed problem can be eliminated from the entire State in the near future.

Mr. President, these programs are vital to agriculture in my area of the country. I commend Senator Thad Cochran for his able leadership as chairman of the Agriculture Appropriations Subcommittee, and I thank him and the other members of that committee, on behalf of the farmers of my State, for their efforts in this area.

Mr. COCHRAN. Mr. President, I think we can go to third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there is no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment, may I congratulate the managers of this bill once again for their excellent handling of a difficult matter.

It gives me great pause to say what I am about to say. I am going to vote for this bill partly because I have urged the Senate to take it up and pass it before we get out of here because I am so anxious to see the Senate address its responsibility to deal with appropriations bills.

But, Mr. President, this bill is more than $1 billion over the administration's budget. It is well over the congressional budget, and, may I say—and there is no element of intimidation, as I am sure everyone knows, in this—may I say unless significant improvement in this bill can be made in conference it will be my intention to vote against the conference report and try to defeat it.

But I think we owe it to the Appropriations Committee and to the Senate to go ahead, send this to conference and hope the conferees on the part of the Senate will do what must be done in order to bring it within the guidelines making it acceptable to the Congress and to the President.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BAKER. Yes, I yield.

Mr. HELMS. I agree with what the distinguished majority leader said. I wonder if the distinguished chairman of the Budget Committee has the figures in mind as to how much this is over the President's budget and how much it is over the congressional budget resolution.

Mr. DOMENICI. About an hour ago I addressed the Senate for a few moments and included a summary of tables.

The bill as it was reported to the floor, when you figure in what is expected to be spent for food stamps for the full year, which is not disputed, and the fact that CCC is about $500 million under, and that probably will not be realized for a year, the bill as reported is $1.4 billion in budget authority compared with the President's $1.3 billion in outlays.

However, the bill as reported was right on the mark in terms of the Congressional budget resolution.

On the floor I am told we added about $200 million in budget authority and outlays, so you can add that to each of the numbers, and that makes the bill that is before us about $385 million in outlays over the budget resolution and about $200 million in budget authority over the resolution which we passed.

Mr. HELMS. I thank the Senator.

Mr. BAKER. Mr. President, I now ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MELCHER. Mr. President, part of $9.5 billion that is in this bill, a big chunk of it, is to reimburse the Commodity Credit Corporation for the cost of the payment in kind program (PIK). There will be more PIK costs to come, but I would like to point out to the Senate that the PIK program was advocated very vigorously by the administration.

While I have no quarrel with providing additional funds for the agricultural producers of this country, and indeed PIK has done that, I must note it is a very expensive agricultural program, and goes in the direction that I and farmers would prefer not to go, that is, curtailing production. Agricultural producers want to produce and to get paid in the markeplace with decent prices.

Most of this agricultural appropriation bill is for increasing production and increasing efficiency. What we are lacking right now is the will and the vigor of the administration and Congess to make sure that the agricultural abundance we have is either sold abroad or is used as part of our foreign programs in a true sense to help our neighbors around the world.

PIK can succeed but so far it is only succeeding in a limited way on a very costly price basis. We are probably going to end up with about $12 billion in obligations for the Commodity Credit Corporation for the first year of operation of PIK, and that is by far the largest, the most generous and the most costly, of all the agricultural programs that I know of. We need a sound policy of improving agricultural prices, sales abroad, and using food for peace to help agriculture and the country. PIK is only temporary.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Alaska (Mr. Stevens) and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. Stevens) would vote "yea."

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. Hollings) and the Senator from Colo-

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rado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 77, nays 18, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—77

Abdnor
Andrews
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
DeConcini
Denton
Dixon
Dodd
Domenici
Durenberger
Eagleton
Exon
Ford
Glenn
Gorton
Grassley
Hatch
Hatfield
Hawkins
Heflin
Heinz
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Packwood
Percy
Pressler
Pryor
Quayle
Randolph
Riegle
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Thurmond
Tower
Trible
Tsongas
Warner
Wilson
Zorinsky

NAYS—18

Armstrong
Chiles
Danforth
Dole
East
Garn
Hecht
Helms
Humphrey
Moynihan
Murkowski
Nickles
Nunn
Pell
Proxmire
Roth
Symms
Wallop

NOT VOTING—5

Goldwater
Hart
Hollings
Stevens
Weicker

So the bill (H.R. 3223), as amended, was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I move that the Senate insist on its amendments to H.R. 3223 and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

The motion was agreed to and the Presiding Officer appointed Mr. COCHRAN, Mr. MCCLURE, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. MATTINGLY, Mr. SPECTER, Mr. HATFIELD, Mr. EAGLETON, Mr. STENNIS, Mr. CHILES, Mr. BURDICK, and Mr. SASSER conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 1983, H.R. 3069—APPOINTMENT OF CONFEREES

The PRESIDING OFFICER. The Chair appoints the following as conferees on the part of the Senate on the supplemental appropriations bill, H.R. 3069: Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. LAXALT, Mr. COCHRAN, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. D'AMATO, Mr. MATTINGLY, Mr. RUDMAN, Mr. STENNIS, Mr. INOUYE, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. BURDICK, Mr. DECONCINI, and Mr. BUMPERS.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I understand that we have received the conference report from the House of Representatives on the energy and water appropriations bill. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS 1984—CONFERENCE REPORT

Mr. BAKER. Mr. President, I have consulted with the chairman of the Appropriations Committee, with the President pro tempore, who I believe is prepared to proceed, and with the minority leader.

Mr. President, I submit a report of the committee of conference on H.R. 3132 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceeding of the RECORD of today, June 29, 1983.)

Mr. HATFIELD. Mr. President, I bring before the Senate today the conference report on H.R. 3132, the Energy and Water Development Act for Fiscal Year 1984. The conferees resolved the differences in the bill between the House and the Senate on Tuesday. The conference report and statement of managers have been filed as House Report 98-272 and it has been printed in the RECORD. Therefore, I shall not elaborate on all the items which were in disagreement, but I do want to sketch an outline of some of the important elements of the proposal which is before us today.

Before doing so, Mr. President, I wish to compliment our friends from the House, particularly the chairman of the House subcommittee, Mr. BEVILL, and the ranking minority member, Mr. MYERS, for the cooperation displayed in the conference meeting. I also want to thank the Senate conferees, particularly the ranking minority member and former chairman of the subcommittee, Senator BENNETT JOHNSON, for their support and cooperation during the conference on this measure.

Mr. President, the conferees did resolve the differences between the House and the Senate versions. I do take this opportunity to express my deepest appreciation to the ranking member of our committee, the Senator from Louisiana (Mr. JOHNSTON), and for the extraordinary performance on the part of the staff, as well, of the committee.

Mr. President, I believe we have reached, through long hours of negotiation, a reasonable agreement which should be cleared by the Senate and sent immediately to the President for his signature. This bill is certainly not a budget buster. The total of the bill is over $300 million below—I repeat, $300 million below—the President's budget request. Moreover, the conference agreement is nearly $30 million below the President's budget request for domestic spending programs.

As recommended by the committee of conference, the conference agreement provides $14,307,045,000 in new budget authority for energy and water development through the activities of the Department of Energy, Corps of Engineers, Bureau of Reclamation, and several independent agencies. To be specific, the amount of the conference agreement is $303,626,000 below the administration's budget request in budget authority. Based on Congressional Budget Office estimates this conference total is at least $100 million in budget outlays below the congressional budget estimates.

To reach this level of savings, the conferees were faced with some extremely difficult decisions. In many cases, after careful consideration, we agreed to the lower amounts for many programs and activities.

The conferees provided for specific reductions in budget authority by appropriation account rather than using a general reduction to the total of the bill as proposed by the House. As a result, the recommended funding level for most accounts is closer to the lower levels proposed by the Senate. Arriving at these lower amounts for specific appropriation accounts clearly shows our continued commitment and dedication to fiscal restraint.

Mr. President, the conference report and statement of managers provides much detail, and therefore, I shall summarize in rather general terms the appropriations provided for in the conference agreement.

Title I of the conference agreement provides appropriations for the U.S. Army Corps of Engineers civil works

program. The conference report provides a total of $2,641,386,000 which is an increase of $49,592,000 over the Senate level and a reduction of $54,038,000 below the House bill.

The Corps of Engineers funding level is $139,986,000 above the budget request, but $715,599,000 below the fiscal year 1983 level. Of the total amount, about one-third or $894,104,000 is provided for ongoing construction projects. The bill contains no new construction starts for either the Corps of Engineers or the Bureau of Reclamation.

For title II, the Bureau of Reclamation, the conferees recommend a total of $961,690,000, which is only $16,700,000 more than the Senate bill and $26,290,000 less than the House-passed bill.

The conference agreement contains $10,011,291,000 for Department of Energy programs in title III. This includes $1,951,609,000 for energy supply, research and development activities; $638,250,000 for general science and research activities; $378,763,000 for power marketing administrations and $29,582,000 for the Federal Energy Regulatory Commission. The energy accounts include $208,859,000 for solar, geothermal, and renewable energy development; $636,647,000 for nuclear fission activities including $346,500,000 for breeder reactor systems; and $470,750,000 for fusion energy development.

In the energy title, the conference agreement provides $6,547,375,000 for atomic energy defense activities. This is $277,700,000 below the budget request but still a total of $844,175,000 over the fiscal year 1983 level.

While I would have favored additional reductions in this account, the conferees proposed to reduce by 5 percent the 20-percent increase proposed by the administration. If we assume a healthy 5-percent inflation estimate, there is still a 10-percent real growth in energy defense over the previous year.

Frankly, I believe this type of increases at a time of growing budgetary problems illustrates our misplaced priorities in this energy budget.

Under the Reagan administration, funding for the energy defense activities at DOE has increased nearly 80 percent since fiscal year 1981, and the funding for production of nuclear warheads and nuclear bombs more than doubled from fiscal year 1981 to fiscal year 1983. These increases go far beyond our efforts to modernize, safeguard, and maintain the current nuclear weapons stockpile. The nuclear weapons program now consumes over 65 percent of the amount provided in the bill for energy activities. This is three times the total amount of funding provided for all energy technologies in the energy supply, research and development account. I submit that energy security and independence is every bit as important to our national strength and security as is our nuclear arsenal and nuclear stockpile. It is not an either/or proposition, of course, but we must move away from our tendency to think of our national security only in terms of hardware and sophisticated weaponry.

Under the atomic energy defense activities account, two items deserve special mention. First, the conferees adopted the Senate position to include the full budget request of $30 million for MX warhead production facilities. These funds were fenced, however, and the obligation of the funds is contingent upon approval by the Armed Services Committees and the Committee on Appropriations in order to insure that expenditures on warhead production is consistent with congressional action on the MX missile system.

For Project 82-D-109, production facilities for the 155 millimeter artillery fired atomic projectile, the conferees included $50 million as proposed by the House. The conference agreement, however, prohibits the obligation of these funds unless the President certifies to Congress that formal notification has been received from NATO countries in which such weapons are sought to be deployed that the country has approved replacement of the old 155 millimeter shell with the new 155 millimeter round.

Mr. President, the conference agreement includes $692,678,000 for seven independent agencies and commissions in title IV, including $145,000,000 for the Appalachian regional development program, $465,800,000 for the Nuclear Regulatory Commission, and $78,229,000 for the Tennessee Valley Authority.

Mr. President, again I express my thanks and deep appreciation to my friend and colleague, the distinguished Senator from Louisiana (Mr. JOHNSTON), who is the ranking minority member of this committee. I especially commend him for his dedication and support. It is a great pleasure to work with him. I extend my personal thanks to him.

Finally, Mr. President, both the majority and minority staff of this committee come in for special thanks—on the minority side, of course, Proctor Jones, and our majority staff members, Steve Crow, David Gwaltney, and Gloria Butland. I think they are especially to be commended for their diligent work on this bill.

Mr. President, I ask unanimous consent that a copy of the comparative statement of new budget authority be printed in the RECORD following my remarks.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	New BA enacted	New BA estimates	New BA House	New BA Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
TITLE I—DEPARTMENT OF DEFENSE—CIVIL									
Department of the Army									
Corps of Engineers—Civil									
General investigations	129,042,000	110,400,000	148,733,000	118,435,000	133,810,000	+4,768,000	+23,410,000	−14,923,000	+15,375,000
Construction, general	1,506,405,000	820,700,000	892,829,000	885,779,000	894,104,000	612,301,000	+73,404,000	+1,275,000	+8,325,000
Flood control and coastal emergencies	29,877,000	10,000,000	10,000,000	10,000,000	10,000,000	19,877,000			
Revolving Fund			9,500,000		9,500,000	+9,500,000	+9,500,000		+9,500,000
Flood control, Mississippi River and tributaries, AR, IL, KY, LA, MS, MO, and TN	403,052,000	290,000,000	310,330,000	297,960,000	300,480,000	−102,572,000	+10,480,000	−9,850,000	−2,520,000
Operation and maintenance, general	1,187,667,000	1,161,300,000	1,215,032,000	1,170,620,000	1,184,492,000	−3,175,000	+23,192,000	−30,540,000	+13,872,000
General expenses	96,000,000	103,000,000	103,000,000	103,000,000	103,000,000	+7,000,000			
Special recreation use fees	4,942,000	6,000,000	6,000,000	6,000,000	6,000,000	+1,058,000			
Total, title I, new budget (obligational) authority, Department of Defense—Civil	3,356,985,000	2,501,400,000	2,695,424,000	2,591,794,000	2,641,386,000	715,599,000	+139,986,000	−54,038,000	+49,592,000
TITLE II—DEPARTMENT OF THE INTERIOR									
Bureau of Reclamation									
General investigations	32,474,000	31,831,000	34,431,000	31,981,000	33,831,000	+1,357,000	+2,000,000	−600,000	+1,850,000
Construction program	640,570,000	699,388,000	711,538,000	683,818,000	693,818,000	+53,248,000	−5,570,000	−17,720,000	+10,000,000
Operation and maintenance	140,866,000	134,091,000	134,291,000	134,291,000	134,291,000	−6,575,000	+200.00		
Loan program	55,106,000	41,500,000	52,970,000	40,500,000	45,000,000	−10,106,000	+3,500,000	−7,970,000	+4,500,000
(Limitation on direct loans)	(26,922,000)	(40,332,000)	(51,802,000)	(43,322,000)	(51,802,000)	(+16,410,000)	(+3,000,000)	(−8,470,000)	

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New BA enacted	New BA estimates	New BA House	New BA Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
General administrative expenses	39,928,000	53,400,000	53,750,000	53,400,000	53,750,000	+13,822,000	+350,000		+350,000
Emergency Fund	1,919,000	1,000,000	1,000,000	1,000,000	1,000,000	−919,000			
Total, Bureau of Reclamation	910,863,000	961,210,000	987,980,000	944,990,000	961,690,000	+50,827,000	+480,000	−26,290,000	+16,700,000
Total, title II, new budget (obligational) authority, Department of the Interior	910,863,000	961,210,000	987,980,000	944,990,000	961,690,000	+50,827,000	+480,000	−26,290,000	+16,700,000
TITLE III—DEPARTMENT OF ENERGY									
Energy Supply, Research and Development Activities:									
Operating Expenses	1,897,096,000	1,855,960,000	1,713,112,000	1,720,444,000	1,708,012,000	−189,084,000	−147,948,000	−5,100,000	−12,432,000
Plant and Capital Equipment	352,976,000	243,665,000	251,097,000	233,265,000	248,597,000	−104,379,000	+4,932,000	−2,500,000	+15,332,000
General reduction				−10,000,000	−5,000,000	−5,000,000	−5,000,000	−5,000,000	+5,000,000
Subtotal	2,250,072,000	2,099,625,000	1,964,209,000	1,943,709,000	1,951,609,000	−298,463,000	−148,016,000	−12,600,000	+7,900,000
Uranium Enrichment Activities:									
Operating Expenses	1,232,036,000	1,570,600,000	1,576,600,000	1,616,600,000	1,614,600,000	+382,564,000	+44,000,000	+38,000,000	−2,000,000
Plant and Capital Equipment	710,100,000	669,400,000	658,400,000	638,400,000	643,400,000	−66,700,000	−26,000,000	−15,000,000	+5,000,000
General reduction				−20,000,000	−23,000,000	−23,000,000	−23,000,000	−23,000,000	−3,000,000
Subtotal	1,942,136,000	2,240,000,000	2,235,000,000	2,235,000,000	2,235,000,000	+292,864,000	−5,000,000		
Gross revenues	−1,968,319,000	−2,240,000,000	−2,235,000,000	−2,235,000,000	−2,235,000,000	−266,681,000	+5,000,000		
Net appropriation	−26,183,000					+26,183,000			
General Science and Research Activities:									
Operating Expenses	411,853,000	479,750,000	481,750,000	472,750,000	475,750,000	+63,897,000	−4,000,000	−6,000,000	+3,000,000
Plant and Capital Equipment	123,316,000	165,500,000	161,500,000	172,500,000	162,500,000	+39,184,000	−3,000,000	+1,000,000	−10,000,000
General reduction				−10,000,000					+10,000,000
Subtotal	535,169,000	645,250,000	643,250,000	635,250,000	638,250,000	+103,081,000	−7,000,000	−5,000,000	+3,000,000
Nuclear waste disposal fund	217,325,000	306,675,000	306,675,000	306,675,000	306,675,000	+89,350,000			
Atomic Energy Defense Activities:									
Operating Expenses	4,375,700,000	5,215,125,000	5,084,325,000	5,098,925,000	5,081,825,000	+706,125,000	−133,300,000	−2,500,000	−17,100,000
Plant and Capital Equipment	1,328,000,000	1,610,450,000	1,474,050,000	1,401,950,000	1,466,050,000	+138,050,000	−144,400,000	−8,000,000	+64,100,000
Subtotal	5,703,700,000	6,825,575,000	6,558,375,000	6,500,875,000	6,547,875,000	+844,175,000	−277,700,000	−10,500,000	+47,000,000
Departmental administration:									
Operating Expenses	381,482,000	346,510,000	366,075,000	356,075,000	361,075,000	−20,407,000	+14,565,000	−5,000,000	+5,000,000
Plant and Capital Equipment	15,593,000	4,981,000	4,981,000	4,981,000	4,981,000	−10,612,000			
Subtotal	397,075,000	351,491,000	371,056,000	361,056,000	366,056,000	−31,019,000	+14,565,000	−5,000,000	+5,000,000
Miscellaneous revenues	−175,541,000	−209,619,000	−209,619,000	−209,619,000	−209,619,000	−34,078,000			
Net appropriation	221,534,000	141,872,000	161,437,000	151,437,000	156,437,000	−65,097,000	+14,565,000	−5,000,000	+5,000,000
POWER MARKETING ADMINISTRATIONS									
Alaska Power Administration, operation and maintenance	3,945,000	3,210,000	3,410,000	3,410,000	3,410,000	−535,000	+200,000		
Bonneville Power Administration Fund Borrowing Authority	249,500,000	203,500,000	123,400,000	123,400,000	123,400,000	−126,100,000	−80,100,000		
(Limitation on direct loans)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)				
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)			
Southeastern Power Administration, operation and maintenance	3,964,000	20,594,000	20,594,000	20,594,000	20,594,000	+16,630,000			
Southwestern Power Administration, operation and maintenance	20,756,000	36,229,000	36,229,000	36,229,000	36,229,000	+15,473,000			
Western Area Power Administration, construction, rehabilitation, operation and maintenance	149,750,000	219,630,000	184,630,000	204,630,000	194,630,000	+44,880,000	−25,000,000	+10,000,000	−10,000,000
Western Area Power Administration, emergency fund	337,000	500,000	500,000	500,000	500,000	+163,000			
Subtotal	428,252,000	483,663,000	368,763,000	388,763,000	378,763,000	−49,489,000	−104,900,000	+10,000,000	−10,000,000
FEDERAL ENERGY REGULATORY COMMISSION									
Salaries and expenses	86,139,000	94,582,000	89,582,000	94,582,000	89,582,000	+3,443,000	−5,000,000		−5,000,000
Revenues Applied		−60,000,000	−60,000,000	−60,000,000	−60,000,000	−60,000,000			
Subtotal	86,139,000	34,582,000	29,582,000	34,582,000	29,582,000	−56,557,000	−5,000,000		−5,000,000
GEOTHERMAL RESOURCES DEVELOPMENT FUND									
Geothermal loan guarantee and interest assistance program		2,100,000	2,100,000	2,100,000	2,100,000	+2,100,000			
Total, title III, new budget (obligational) authority, Department of Energy	9,416,008,000	10,539,342,000	10,034,391,000	9,963,391,000	10,011,291,000	+595,283,000	−528,051,000	−23,100,000	+47,900,000
Operating Expenses	(6,886,023,000)	(7,845,346,000)	(7,484,363,000)	(7,512,295,000)	(7,485,763,000)	(+599,740,000)	(−359,583,000)	(+1,400,000)	(−26,532,000)
Plant and Capital Equipment	(2,529,985,000)	(2,693,996,000)	(2,550,028,000)	(2,451,096,000)	(2,525,528,000)	(−4,457,000)	(−168,468,000)	(−24,500,000)	(+74,432,000)
TITLE IV—INDEPENDENT AGENCIES									
Appalachian Regional Commission: Salaries and expenses	2,900,000		2,500,000	2,700,000	2,700,000	−200,000	+2,700,000	+200,000	
Funds Appropriated to the President: Appalachian regional development programs [1]	165,133,000	80,000,000	150,000,000	125,000,000	145,000,000	−20,133,000	+65,000,000	−5,000,000	+20,000,000
Delaware River Basin Commission:									
Salaries and expenses	241,000	191,000	191,000	191,000	191,000	−50,000			
Contribution to Delaware River Basin Commission	269,000	269,000	269,000	269,000	269,000				
Total, Delaware River Basin Commission	510,000	460,000	460,000	460,000	460,000	−50,000			
Interstate Commission on the Potomac River Basin. Contribution to Interstate Commission on the Potomac River Basin	55,000		68,000	68,000	68,000	+13,000	+68,000		
Nuclear Regulatory Commission: Salaries and expenses	462,504,000	466,800,000	465,800,000	466,800,000	465,800,000	+3,296,000	−1,000,000		−1,000,000
Susquehanna River Basin Commission:									
Salaries and expenses			191,000	191,000	191,000	+191,000	+191,000		
Contribution to Susquehanna River Basin Commission	217,000	230,000	230,000	230,000	230,000	+13,000			
Total, Susquehanna River Basin Commission	217,000	230,000	421,000	421,000	421,000	+204,000	+191,000		
Tennessee Valley Authority: Payment to Tennessee Valley Authority Fund	216,433,000	61,229,000	78,679,000	75,229,000	78,229,000	−138,204,000	+17,000,000	−450,000	+3,000,000
Water Resources Council: Water resources planning	4,083,000					−4,083,000			

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New BA enacted	New BA estimates	New BA House	New BA Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
Total, title IV, new budget (obligational) authority, independent agencies	851,835,000	608,719,000	697,928,000	670,678,000	692,678,000	−159,157,000	+83,959,000	−5,250,000	+22,000,000
TITLE V—GENERAL PROVISIONS									
Sec. 507 General Reduction			−235,720,000					+235,720,000	
Grand total:									
New budget (obligational) authority	14,535,691,000	14,610,671,000	14,180,003,000	14,170,853,000	14,307,045,000	−228,646,000	−303,626,000	+127,042,000	+136,192,000
(Limitation on direct loans)	(66,922,000)	(80,332,000)	(91,802,000)	(83,332,000)	(83,332,000)	(+16,410,000)	(+3,000,000)	(−8,470,000)	
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)			

[1] FY 1984 estimate proposed in the Budget for later transmittal

Mr. HATFIELD. Mr. President, to reach the level of savings in this conference report, of course the conferees were faced with some extremely difficult decisions but, in many cases, after careful consideration, we agreed to the lower amount for many programs and activities.

I want to stress again for those who have tendency to look upon this bill as the so-called bill with all the "pork" in it, this bill is certainly a lean bill that has been reduced in dollars and has, at the same time, I point out, Mr. President, increased again the military spending, the nuclear weapons program by $840 million over last year. That is 10 percent real growth over last year. So it ought to satisfy almost everybody.

Mr. President, at this point I yield to my colleague from Louisiana (Mr. Johnston) for any opening remarks he might wish to make.

Mr. JOHNSTON. Mr. President, I join with my distinguished colleague from Oregon in commending this bill to our Senate colleagues. The differences were resolved in a manner, I think, which was both fair and favorable to the Senate approach. As he pointed out, the bill is in fact $303 million less than budget request. It is $228 million less than the fiscal year 1983 appropriation.

Mr. President, this is the bill in which the Corps of Engineers construction projects are contained. I think that some Members of this body have gotten an undue impression as to the amount of the Corps of Engineers construction project total. As in the case of this total budget, that part which goes to the Corps of Engineers construction is down as well. This bill appropriates less than $1 billion for the total Corps of Engineers construction projects. Less than one-tenth of 1 percent of the total Federal budget goes for the Corps of Engineers construction projects, which is down considerably from just a few year ago.

A few years ago, we had $1.8 billion in Corps of Engineers construction, $1.5 billion last year. Now we are down to $884 million. So, for those who regard such projects as being "pork," this bill represents very good news. For those like myself, who regard those projects as being the infrastructure of the country and badly needed, this bill does not represent such good news. But for all of us who are concerned about the size of the budget, it does indeed represent good news because of the modest size of the bill.

Mr. President, I also join in congratulating the distinguished Representative from Alabama, the chairman of the House committee, Tom Bevill, and the distinguished ranking minority member in the House, John Myers, for their excellent work. They make a fine team and they are a pleasure to work with.

Most of all, however, Mr. President, I congratulate again our distinguished chairman of this committee, Mark Hatfield, for the really outstanding work which he does on this committee. I have been chairman of this committee in the past, so I know very well how difficult it is to do justice and be fair at the same time. Mr. Hatfield is able to do that in such an unusually evenhanded and satisfying way. He can say no to those who ardently propose their request in such a way that no one is mad. That, indeed, is quite an accomplishment. So, Mr. President, I congratulate him and urge my colleagues to vote aye on this conference report.

Mr. HATFIELD. Mr. President, I thank my dear friend and colleague (Mr. Johnston) for his gracious remarks.

LOSS OF FLUID TEST FACILITY CONSORTIUM

● Mr. McCLURE. Mr. President, I seek clarification from the chairman of the Appropriations Committee. Would the Senator from Oregon (Mr. Hatfield) please clarify a point in the conference report? It is my understanding that the conference report provided $15 million for the Loss-of-Fluid Test Facility in the funding provided for light water reactor systems.

Mr. HATFIELD. Mr. President, the Senator's understanding is correct.●

Mr. BUMPERS. Mr. President, I should like to discuss for just a moment a matter that is in this bill. I do not intend to ask for a rollcall.

Mr. PROXMIRE. If the Senator will yield, I do intend to ask for a rollcall. I ask for the yeas and nays on passage of this conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Mr. President, has the Senator from Oregon reported the amendments in disagreement?

Mr. HATFIELD. No, Mr. President, I have not.

Mr. BUMPERS. Let me just raise this point, Mr. President. There is an amendment in disagreement, amendment No. 25. It deals with the production of 155mm neutron weapon artillery shells.

We do not now store neutron weapons in any form on the soil of any of our NATO allies. One of the reasons we do not, of course, is that we presently do not have permission to do so. But I make this point: A lot of people may not realize that it is the Energy Committee that authorizes the money for all nuclear weapons for our defense programs. It is the Subcommittee on Energy Appropriations, of course, that appropriates the money pursuant to that.

When the Energy and Water Appropriations Subcommittee met and reported its bill out on June 16, here is what the accompanying report said on the question of project 82-D-109, which is the proposed production of 155-mm neutron artillery shells. It said:

> The Department is currently in production on an 8-inch artillery warhead and the Lance missile warhead. Military leaders acknowledge that there is little, if any, military value to these weapons unless they can eventually be deployed in Europe. Uncertainty surrounds these deployment decisions and there has been no discernible progress to date. The uncertainty of deployment also applies to the 155mm artillery warhead regardless of its final capabilities.
>
> In view of these considerations and, due to the current budget constraints the committee believes it is ill-advised to proceed to spend billions of dollars on the W82 at this time.

I heartily concur in that committee report as far as it goes.

Mr. President, the House committee apparently did not feel quite as uncomfortable about producing neutron artillery shells as the Senate committee did; they had $50 million for the construction of a facility to produce 155-mm shells in their bill. When our

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committee went to conference with their committee, this issue came up. I commend the Senator from Oregon for what he tells me was the very best deal he could get. I know that he is very sensitive to this issue, as am I. But here is what came out of the conference committee:

> Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, with an amendment as follows—

And here is the meat of the coconut:

> Delete the matter stricken by said amendment and insert the following:
>
> : *Provided,* That notwithstanding any other provision of law, no funds may be obligated or expended after the date of enactment of this Act for Project 82-D-109 unless the President certifies to Congress that—
>
> (1) for each 155mm nuclear weapon produced an existing 155mm nuclear weapon shall be removed from the stockpile and permanently dismantled.

So far so good, even though we do not propose to build nearly as many 155-millimeter enhanced radiation shells as we already have nuclear shells in our existing inventory.

> (2) formal notification has been received—

By the President—

> from the North Atlantic Treaty Organization nation in which such weapons are sought to be deployed that such nation has approved replacement of existing 155mm nuclear weapons with the new 155mm nuclear weapon.
>
> The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.
>
> The conference includes $50,000,000 for Project 82-D-109, 155mm artillery fired atomic projectile production facilities. The conference agreement would prohibit the obligation of the funds pending a Presidential certification.

Mr. President, I want to point out that while I know that if I ask for a rollcall on this amendment in disagreement it would be overwhelmingly approved, and I am not going to do that, I am speaking at this moment to raise the red flag. This is just like fighting with my wife; those I win just are not over. We have not heard the last of this issue.

We do not need this weapon. The Europeans have not given us permission to store enhanced radiation weapons on their soil. We have under production right now the Lance missile warhead and the 8-inch shells——

Mr. TOWER. Will the Senator yield for a question?

Mr. BUMPERS. Yes.

Mr. TOWER. Did the Senator say that the Europeans have never given us permission to store enhanced radiation warheads on their soil?

Mr. BUMPERS. I think I know what the Senator is driving at, and I know at one time President Carter jawboned them into saying yes and he changed his mind.

Mr. TOWER. That is right. That is exactly what happened. As a matter of fact, the German Government did agree to it.

Mr. BUMPERS. I think the Senator is correct, based on my knowledge of published reports, of that. But in any event, that is a very volatile issue in Europe right now.

One of the questions I want to ask the managers of the bill, concerns the requirement that the President must certify to the Congress that he has received permission to deploy 155's on the soil of the nation where we want to deploy them. My question is, how is that nation to notify the President? Is that going to be a classified communication or will it be open and public?

Mr. HATFIELD. It is a formal notification, I would say in answer to the Senator. It is formal notification that is required. The assumption is that the formal notification will be a public notification.

Mr. BUMPERS. I am sorry; I did not hear the Senator.

Mr. HATFIELD. I might call the attention of the Senator to the fact—he probably already knows it—that the language the Senator read from the report is also in the bill. We had the language, the fencing language the Senator quoted placed in both the bill and the report to underscore the position of the committee to withhold such moneys until we had this kind of formal notification. We built a fence around it.

Let me add one other point. Because it is a required formal notification, the assumption is that it will be a public notification.

The $50 million is to build the production facilities. We will have another crack at the question of moneys required to actually start production of the shells, so that we really have not crossed that bridge yet.

I might say that in general the committee, as the Senator knows, has dropped for about 6 years the production money requests, and we had hoped to be able to maintain that position in the conference.

Circumstances have changed, and obviously as we best assessed the conference yesterday this is the kind of position that we could really develop and hammer out, coming from at least the perspective of myself. I oppose the production of such a weapon.

I might gratuitously add that we have fully funded in this particular bill nine weapons systems, and we felt that that was in itself sufficient, including the fact that it was $840 million over last year's level.

But that was not the mood that we assessed in the conference yesterday, and so I want to assure the Senator—and I agree with his position, and he knows of my agreement—my position on this is very clear, but this I believe is the best defensive fallback position the committee from the Senate was able to obtain.

Mr. JOHNSTON. Will the Senator yield?

Mr. HATFIELD. I am happy to yield.

Mr. JOHNSTON. Mr. President, I say to the distinguished Senator from Arkansas that I share the skepticism of the Senator from Oregon on this particular weapon system. This is in one sense a nose under the tent in that it is the start of funding of a most expensive weapon system. The exact number on the cost of this is classified, but I do not think we would be breaching any classified information to say that it is in the billions of dollars——

Mr. BUMPERS. It is a very significant amount of money.

Mr. JOHNSTON. On a total lifecycle cost, and we should not get into a multibillion-dollar funding program until we know, first, that we can deploy this weapon. That is the reason for our fencing language. But more than that, whether we have any real use for it. What we are talking about here, is many, many weapons. I will not say what the number is, but it is disbursed down at the cannon level, at the battery level, so that apparently the decision to use this weapon would be disbursed over a broad number of units at the tactical level. The range is very short and the number of people involved is very great. It seems to me that command and control for the weapon would be most difficult. The use of the weapon would be very difficult because you would probably be shooting into your own territory where you are going to have your own people. I think we ought to have a first-class decision making debate and consideration of this matter before we get into the huge, huge cost that this weapon system would entail. We will have the chance to do that as part of the Department of Defense authorization.

I congratulate the Senator from Arkansas for shining the light of public scrutiny on this particular weapons system. Now is the time to consider it, not after we have spent hundreds of millions of dollars in the program and then decide to cancel it.

Mr. BUMPERS. The Senator from Louisiana has just made my case for me.

I want to make the point that we spent weeks around here debating the MX, and that was a legitimate debate. Yet, here is something I consider to be a monumental decision because of all the very cogent points the Senator has just made: No. 1, do we need it? No. 2, is it cost-effective? No. 3, when we get to the command and control part of it, who is going to have the authority? Some battalion commander? Are we going to put this under the control of a battalion commander? Or are those things going to be set up in such a way that they cannot be fired except on authority at the highest level? Those decisions have to be made.

I want to raise one other question: Is it the Senator's understanding that under the amendment, the only requirement on the President is a simple certification to Congress? The Senator from Oregon says he would presume that this certification would be public, that the public would be notified that a North Atlantic Treaty Organization country that we want to put these things in has given its permission, and the President would certify that to Congress. At that point the building of a $50 million facility could go forward without any further action on the part of Congress. Is that correct?

Mr. JOHNSTON. That is correct. The President must certify publicly to Congress that which is very clear—that permission has been received from a certain named nation in NATO where the weapon would be deployed, that permission has been given to deploy this weapon—that is, to exchange this version of the 155-millimeter shell for the one that is presently deployed. That specific permission must be made public and presented to Congress.

Mr. BUMPERS. Is it the Senator's understanding that there is now no money authorized or available for the production of this weapon?

Mr. JOHNSTON. That is correct. This money is for the building of the facility.

Mr. BUMPERS. So if the President proposes to build the facility, and before he can go foward with production, he would have to come back to Congress.

Mr. JOHNSTON. He cannot build the facility unless he certifies to Congress that he has the requisite permission. There is no money here for production. This money is all for building the facility.

Mr. BUMPERS. Once he certifies, he has the right to go ahead and build the facility. But before going into production, he has to come back to Congress and ask for authorization and for money, at which time we hope we would have an opportunity for a full-fledged debate to cover all these things.

Mr. JOHNSTON. The Senator is correct.

Mr. BUMPERS. Does the Senator from Oregon concur in that?

Mr. HATFIELD. Yes. That is one of the reasons why we had a little argument in the committee as to whether or not the NATO alliance commitment was sufficient. The Senator from Louisiana said nations—he wanted to know nation by nation as to this approval, because that was the crux or the key to the whole fencing idea.

So I have to confirm what the Senator from Louisiana has stated to the Senator from Arkansas—that that is our understanding and that that is the legislative intent.

Mr. BUMPERS. I thank both floor managers for the opportunity to express myself on this matter and for their responses, which I find to be instructive.

I also think that probably they did get this money fenced and that was the best we could get under the circumstances. I am happy to know that we will have another shot at this down the road.

Mr. HATFIELD. I thank the Senator from Arkansas. He has been very helpful.

A TACTICAL NUCLEAR CAPABILITY—DO WE NEED IT?

Mr. SYMMS. Mr. President, the purpose of our nuclear weapons is to prevent war by acting as a deterrent. Should deterrence fail, they should provide the means by which to terminate the conflict rapidly on terms favorable to the United States and its allies.

In order to accomplish this mission, our nuclear forces must be perceived by potential enemies as a viable deterrent. They must provide the NATO alliance with the flexibility to respond to aggression in kind or at any escalated level of intensity which competent authority should direct. This means that we must take action to establish and maintain a full spectrum of military options ranging from conventional to strategic nuclear response. To either unwittingly or deliberately permit gaps in the spectrum of possible responses to exist is to place our Nation's security in jeopardy and to increase the probability of war.

A case in point is the urgent need to replace the current, aging 155mm nuclear artillery projectile, W-48, with the modernized projectile designated the W-82. The old W-48 round is based on outdated technology and is nearing the end of its useful life. Modernization of our capability to cover the zero to 30-kilometer range band is long overdue. The W-82 will, in combination with the improved 8-inch nuclear round already in production, provide the capability necessary for a variety of responses by ourselves and our allies.

Without modernization, we will develop a gap in our spectrum of capabilities at the short-ranges. The Senate position in the fiscal year 1984 energy and water appropriations bill strikes the administration's request and thus prevents this modernization. The 155mm is our most numerous cannon system. Thus, the system which provides the greatest potential for flexibility is the very one which will be deprived of an effective nuclear delivery capability. If we commit to fund the W-82 nuclear projectile, as I believe we should, in the conference on the fiscal year 1984 energy and water appropriations and thus provide a viable and potent replacement for our older system, we will have taken a significant step in the direction of securing peace through deterrence.

The 155mm makes up the bulk of NATO's short-range nuclear capability and is the dominant fire support weapon in the NATO force structure. If these howitzers are provided with an effective nuclear capability, it provides the Soviets a serious targeting problem and improves the overall survivability of other systems. Failing to provide a replacement nuclear projectile would have the opposite effect, greatly simplifying their problem of detecting and attacking the more limited number of other short-range nuclear capable systems.

The current projectile, W-48, has been deployed since 1963. It is rapidly losing effectiveness against the increasing numbers of Soviet and Warsaw Pact armored forces. The replacement W-82 projectile will have improved effectiveness by an order of magnitude and will have vastly improved safety and reliability features, badly needed in our stockpile of deployed warheads. This part of the tactical nuclear modernization permits the overall level of deployed warheads to be reduced as more effective ones are made available.

A modern 155-millimeter nuclear capability, along with the less numerous 8-inch and Lance short-range systems, prevents war by permitting effective response to aggression across the spectrum of possible attacks. It is important that we provide our forces in the field with the best possible capability so there is no misunderstanding on the part of the Soviets that we have the resolve to face any aggression.

The Soviets and their Warsaw Pact allies know full well that if they choose to attack Western Europe, their only hope for success would be to strike and win quickly before we and our NATO allies can send reinforcements. They would attempt to mass overwhelming forces quickly at key breakthrough points, creating as much as 10-to-1 ratios in maneuver battalions and tanks with which to overwhelm NATO forces. While NATO has a significant arsenal of conventional weapons with which to counter that mass of enemy forces, I believe it simply would not be sufficient to successfully halt such overwhelming odds; NATO forces would be overpowered by sheer numbers.

The modernized 155-millimeter nuclear projectile would change that possible scenario dramatically. To achieve large force ratios, the Soviets must mass their troops, tanks, and artillery close to the intended battle areas, within range of NATO's artillery, before they attack. This creates very lucrative nuclear targets. The capability of our nuclear artillery to decisively strike these targets causes the Soviets a great deal of uncertainty about massing those forces, thus making the outcome of any attack very uncertain. Without certainty of success, the Soviets would be loathe to attempt an attack in the first place. Of our existing nuclear artillery weapons, the modernized 155-millimeter nuclear round would most enhance this deterrent quality because of the large numbers of 155-millimeter howitzers in NATO's arsenal.

It should be noted that the Soviets are putting increased emphasis in modernized short-range nuclear force. In the past 5 years, the Soviets have more than doubled their short-range nuclear force. They have fielded three new cannons: the 203-millimeter gun, the 152-millimeter gun and the 240-millimeter self-propelled mortar. All are nuclear capable and give the Soviets an ability to deliver low-yield nuclear strikes close to their own troops, a capability they have not had in the past.

Since the 1960's, the Soviets have had a doctrine which calls for tactical nuclear strikes to open gaps for rapid movement of tank divisions. When that doctrine was formulated, the Soviet arsenal consisted of large, cumbersome, and relatively inaccurate weapons not well suited to it.

With the fielding of these new nuclear cannons, the Soviets are gaining the capability to execute that doctrine. Unless we take positive, decisive action to counter them, recent Soviet deployments will put us at an extreme disadvantage in short-range nuclear systems. The edge that NATO once had in this area, and cannot afford to lose, is rapidly fading because of the growing obsolescence of our nuclear artillery warheads. The development, production, and fielding of the W-82 is an integral part of our counter to the Soviet upgrade. Its funding support is critical to that effort and is the reason I believe the Senate conferees should recede to the House in conference of the fiscal year 1984 energy and water appropriations on this matter.

There has been concern expressed in the Congress with regard to the costs, deployment, and nuclear freeze implications of developing an improved 155-mm nuclear artillery projectile. Additionally, some have suggested that conventional alternatives, particularly the so-called smart munitions should be sought as a means of avoiding the need to develop modernized nuclear artillery shells. Let me address these concerns.

With regard to costs, the major share of most nuclear projects is associated with Department of Defense delivery systems. The total program costs for this artillery projectile—DOD and DOE—are very low since the force stucture to operationally use it is already fielded in the form of NATO's 155mm cannon battalions and batteries which fire conventional rounds as well. The direct production costs for the nuclear warhead are comparable to other warheads now in production and do not represent a departure from the general trend of cost rises due to inflation.

Because the W-82 would replace an already existing 155mm nuclear projectile, we do not face the issue of introducing a new type of system into Europe. Since first availability of this replacement round will be in the 1988 timeframe, we should not prejudge the political climate for deployment to Europe at that time. Nor should a nuclear freeze argument apply to this improved weapon. The round is many times more militarily effective than its predecessor and we will replace the current 155mm projectile on a one-for-one basis. When considered with other improvements in short-range systems, the overall result will be a net reduction in the number of weapons. In order to maintain our deterrrent capability on a continuum, current plans call for the old rounds to be phased out as the new ones are phased in.

I believe the W-82 round will raise the threshold for the use of nuclear weapons. The replacement 155-mm projectile will discourage Soviet first use of their recently expanded tactical nuclear capability. It will reduce the potency of the expanding Soviet conventional force and act as a deterrent to the initiation of combat in the first place. It should be remembered that our use of the weapon is strictly controlled by the President as in the case of current rounds.

Conventional alternatives of a comparable nature do not truly exist at this time. No conventional system provides the same capability to catastrophically alter force ratios or deter Soviet first use of their short-range nuclear forces. Even if conventional munitions were available, the number of them which would be required to inflict damage comparable to that of which the W-82 is capable would be prohibative. For example, the cost of a Copperhead attack on an enemy armored unit would be approximately twice the cost of a W-82 strike which produced the same degree of damage. I wholeheartedly support this program, which is vital to our capability, to deter aggression, and I urge my colleagues in the conference on the fiscal year 1984 energy and water appropriations bill to recede to the House position on this issue.

● Mr. CHILES. Mr. President, I support the conference report on the energy and water appropriations bill for fiscal year 1984, H.R. 3132.

Particularly important to the State of Florida is language approved by the conferees on this bill regarding a possible study of the Cross-Florida Barge Canal project in my State. Language was included in the report accompaning the Senate version of this bill which opposed additional study of this project. That language is as follows:

> Cross-Florida Barge Canal Restudy, Fla.—The U.S. Army Corps of Engineers is currently in the process of determining if additional Federal funds should be utilized to carry out a restudy of the Cross-Florida Barge Canal project. This effort is a result of advisory language included in the House report of the fiscal year 1982 supplemental appropriations bill which proposed the use of up to $450,000 for the purposes of an economic analysis of the Cross-Florida Barge Canal.
>
> The Committee recognizes that this project no longer has an official sponsor at either the State or Federal level. The 1977 study by the Corps recommended against the completion of the Canal. No Federal funds for construction have been appropriated since 1970. The Florida Governor and Cabinet opposed the project and support legislation to deauthorize the Canal. The Florida Legislature has expressed similar views. The U.S. Senate has twice passes legislation to deauthorize the Canal, and legislation is presently pending in the House and the Senate to accomplish deauthorization.
>
> Most recently the State of Florida has expressed its oposition to the restudy attempt. It is the State's position that these funds could be better spent by applying them to more environmentally acceptable projects. For this reason, the Committee believes that no further funds should be utilized for the purpose of studying the Cross-Florida Barge Canal.

A final decision is still pending by the U.S. Army Corps of Engineers as to whether to proceed with this study effort. The language in the Senate bill, now affirmed by the conference committee, offers appropriate guidance to the corps on this matter.

I have introduced legislation in the Senate to deauthorize the Cross-Florida Barge Canal. A companion bill has been introduced in the House of Representatives by Congressman Buddy MacKay who represents the district through which the uncompleted portion of the canal would be built. Deauthorization has twice passed the Senate and I am hopeful we will see action again on my bill in the context of an omnibus water project bill later this year.

In the meantime, it makes little sense for the corps to undertake and finance further study of the project, and I am pleased that the conference committee on H.R. 3132 has affirmed the position of the Senate on this question.●

● Mr. PRYOR. Mr. President, I am pleased that the conference committee has approved an appropriation of $3.5 million to provide for public access and recreational facilities for the Felsenthal National Wildlife Refuge in south Arkansas.

This funding will be the first step in fulfilling a Corps of Engineers commitment made when it proposed condemnation of thousands of acres of private land in connection with navi-

gation development on the Ouachita and Black Rivers.

Witnesses before the Senate subcommittee pointed out that these facilities are desperately needed. Not only are they needed to provide access to the refuge by sportsmen and the general public but also to insure proper operation and maintenance of the refuge by the Fish and Wildlife Service.

I commend the distinguished chairman and ranking minority member of the Energy, Water Appropriations Subcommittee, Senator Hatfield and Senator Johnston, for their efforts on this matter.●

● Mr. HUMPHREY. Mr. President, I wonder if I might engage the chairman of the Appropriations Committee in a colloquy relative to the conference's provision of funds for the Department of Energy's extend burnup program.

First, I would like to thank the Senator from Oregon for his attention to the Department of Energy's extended burnup program and for restoring $4.5 million for this program in conference. This program is very small in cost and, according to the General Accounting Office, will save the country's electricity ratepayers over $13 billion before the year 2000 for a total outlay over the next few years of only $33 million in constant 1981 dollars. The House provided $9 million to continue this program. Because of the tightness of the budget I understand the conference was forced to reduce this figure to $4.5 million. To make sure that this program is not terminated before its benefits are achieved, I was hoping that I could ask the chairman some questions.

Mr. HATFIELD. The Senator is correct. It was the conference's desire that the extended burnup program be continued.

Mr. HUMPHREY. Then it was not the intention of the conference that any money be spent to terminate existing contracts, that instead the program should be continued so that Congress will have the opportunity to continue to fund the project in fiscal year 1985?

Mr. HATFIELD. The Senator is correct. It was our understanding that the House conference intended that the money it provided for this program not be used to cancel existing contracts.

Mr. HUMPHREY. It then is the sense of the conference that the program will continue in fiscal year 1985 and is likely to be funded at some level in fiscal year 1985?

Mr. HATFIELD. The Senator is correct.

Mr. HUMPHREY. I thank the chairman of the committee for his assistance.●

Mr. DOMENICI. Mr. President, I would like to commend my distinguished colleagues, Senators Hatfield and Johnston, and the members of the Senate Appropriations Committee for completing congressional action on the energy and water development appropriation bill 3 months before the new fiscal year begins.

I support the conference agreement on the energy and water development appropriation bill.

H.R. 3132 provides $14.4 billion in budget authority, and $7.9 billion in outlays for fiscal year 1984 for the activities of the Department of Energy, the Department of Interior (water programs), the Department of Defense—Army Corps of Engineers, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and other agencies.

With outlays from prior-year budget authority taken into account, the Energy and Water Development Subcommittee is $0.9 billion in budget authority and $0.4 billion in outlays below its Senate crosswalk allocation under the first budget resolution.

Mr. President, I ask unanimous consent that a table showing the relationship of the conference agreement to the congressional spending budget and the President's budget request be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

ATTACHMENT I.—CONFERENCE—ENERGY-WATER SUBCOMMITTEE—SPENDING TOTALS

[Dollars in billions]

	Fiscal year 1984	
	BA	O
Outlays from prior-year budget authority and other actions completed ..		[1]6.8
H.R. 3132, conference agreement	14.4	7.9
Total for Energy-Water Subcommittee	14.4	14.7
Senate subcommittee allocation under first budget resolution	[2]15.4	[2]15.1
Possible amount over (+)/under (−) allocation	−0.9	−0.4
H.R. 3133:		
President's request	14.7	7.9
House-passed	14.3	7.7
Senate-passed	14.3	7.8
Conference agreement	14.4	7.9

[1] This figure includes the fiscal year 1984 outlays associated with Public Law 98-8, the Emergency Jobs Appropriation Act and with the Senate-passed fiscal year 1983 Supplemental Appropriation bill (H.R. 3069)

[2] This allocation reflects the conference agreement on the first budget resolution

Note: Totals may not add due to rounding

THE PROPOSED RESTART OF THE L-REACTOR AT THE SAVANNAH RIVER PLANT IN AIKEN, S.C.

Mr. THURMOND. Mr. President, I rise to comment on the amendment offered by the distinguished Senator from Georgia (Mr. Mattingly), regarding the proposed restart of the L-reactor at the Savannah River Plant, which was accepted by the conference committee considering the 1984 energy and water appropriations bill, H.R. 3132. As I understand his amendment, I believe it is an important step forward toward the restart of the L-reactor.

It is my understanding that this amendment endorses the concepts in the memorandum of understanding. Under this memorandum of understanding, the State of South Carolina will issue an NPDES permit to allow the Department of Energy to restart the L-reactor, which permit shall contain a schedule of compliance. Then, after this permit has been issued, the Department of Energy will pursue mitigative actions to bring the operation of the L-reactor into compliance with the NPDES permit on the schedule contained in the permit which must be agreeable to both the State and the Department of Energy.

Mr. HOLLINGS. Mr. President, on behalf of myself and Mr. Mattingly, I want to state the intent behind an amendment that the two of us introduced yesterday in the energy and water development conference committee. That amendment deals with the L-reactor at the Savannah River Plant, S.C.

Our proposal, a modified version of what had earlier passed the Senate, was accepted by the conference committee. To insure that the provisions and intent of this amendment are clear, I would like to take a minute today to state precisely how Senator Mattingly and I interpret it. Our interpretation is as follows:

The L-reactor section of the conference report provides that no funds shall be available for the purpose of restarting the L-reactor at the Savannah River Plant until the Department of Energy completes an environmental impact statement and until the Department is issued a discharge permit pursuant to the Federal Water Pollution Control Act. The section provides that the EIS shall be expedited.

The section also provides that the discharge permit shall incorporate the terms and conditions provided in the memorandum of understanding entered into between the Department of Energy and the State of South Carolina dated April 27, 1983, relating to studies and mitigation programs associated with the L-reactor restart. This provision is not intended in any way to amend the Federal Water Pollution Control Act, to grant the Department of Energy any exemption to the provisions of that act, or to amend or restrict the authority and discretion of the Federal and State agencies responsible for administering that act. It is intended solely to direct the Department of Energy, as a condition that must be met before the Department can accept any such discharge permit, to commit itself to carrying out its studies and mitigation programs listed in the memorandum of understanding with the State of South Carolina.

The section also defines the term "restarting." One part of that definition includes activities that would result in cooling system testing discharges which exceed the volume, frequency, and duration of test dis-

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charges conducted prior to June 28, 1983. This provision is intended to permit, before the completion of the EIS, the kind of short-duration, L-reactor, cooling system tests conducted in the spring of 1983. However, full-scale, multiday tests of the kind originally planned for the late summer of 1983 would be prohibited until the completion of the environmental impact statement.

Mr. President, I understand that the distinguished chairman of our Appropriations Committee (Mr. HATFIELD) agrees with me and Mr. MATTINGLY in our interpretation of this section of the conference report.

Mr. HATFIELD. The Senator is correct. I do agree with his interpretation of the L-reactor language, including his statement that this language in no way amends the Federal Water Pollution Control Act.

Mr. HOLLINGS. I thank the Senator from Oregon. I also thank Senator MATTINGLY and the distinguished ranking member of the Energy and Water Development Subcommittee (Mr. JOHNSTON) for the role they have played in our committee's discussions of the L-reactor.

Mr. MATTINGLY. Mr. President, a short while ago, the junior Senator from South Carolina (Mr. HOLLINGS) inserted for the RECORD his interpretation of my amendment to the Energy and Water Development Appropriations Act of 1984 relating to the restart of the L-reactor at the Savannah River Plant, Aiken, S.C.

I simply want to take this opportunity to say that the language of this bill is clear and distinct in intent and purpose. It mandates the Department of Energy to successfully complete an environmental impact statement and then to live up to its commitment to the State of South Carolina to conduct studies and mitigate thermal effects upon issuance of a discharge permit. It should not be construed to either enlarge or diminish the rights of South Carolina in dealing with DOE and issuance of discharge permits in regard to the L-reactor.

Mr. BAKER. Mr. President, I understand that the Senator from West Virginia (Mr. RANDOLPH) is on the way to the floor and has brief remarks he wishes to make before the adoption of the conference report. Will the chairman give me just a moment to find out?

Mr. BYRD. Mr. President, this conference report on the energy and water development appropriation bill for fiscal year 1984 contains many projects and programs of interest to the people of West Virginia. Perhaps the most discussed project from a West Virginia point of view has been the Stonewall Jackson Dam in West Virginia. I am pleased that the Congress has agreed with the President's request to provide $26 million for continued construction of this project. This congressional decision will permit the U.S. Army Corps of Engineers to award a contract for construction of the dam this summer. I will have more to say about the importance of this dam in a moment.

The fiscal year 1984 energy and water development appropriation bill also contains $3.6 million to continue construction of the Tug Fork and other section 202 flood control projects near the West Virginia/Kentucky border as well as operation and maintenance funds for various locks and dams operated by the Corps of Engineers in the State. I am also pleased that this bill contains $145 million for Appalachian regional development programs; $100 million of this amount will fund continued work on the Appalachian regional highway system including corridor G which will link Charleston with the Kentucky border at Williamson, W. Va., when this highway is completed.

Mr. President, there has been, I believe, a lot of misinformation about the benefits and the need for the Stonewall Jackson flood control project. I would like to take this opportunity to set the record straight. First, let me point out that the administration supports the construction of the Stonewall Jackson Dam. Why is that? The President recognizes the value and importance of completing this dam. The benefits of completing the Stonewall Jackson Dam exceed the remaining costs by more than 50 percent. So, clearly this dam makes good economic sense.

Now, some people have questioned why other alternatives to this dam could not be pursued. Why, for example, would not a series of small watershed projects provide the same level of flood protection and other benefits as the Stonewall Jackson Dam but at much less cost? I asked the same question many years ago before we proceeded with this dam and have recently received reconfirmation of what I have known all along. In a June 13, 1983, letter from the Soil Conservation Service I was informed that "A series of small upstream reservoirs could not achieve nearly the same degree of benefits as envisioned for the Stonewall Jackson Dam." The letter noted further that such a series of small watershed projects "would be marginally feasible, at best," and that such a project "would require a dam on the main stem of the West Fork, and, consequently, the land rights requirements would be similar." It is apparent to me from the words of the Soil Conservation Service, and they are the experts in this matter, that a series of small watershed projects is not a practical solution to the problems of the people in northern West Virginia; and, in any event, the main feature of the watershed project would be a dam on the main stem on the West Fork. So, I see little benefit in the primary alternative which has been recommended.

One of the principal benefits of the Stonewall Jackson Dam will be improved water quality. Many of the opponents have stated that the method of improving water quality by increasing polluted stream flows with supplemental fresh water from the reservoir, a process known as pollution dilution, is not a recognized means of water quality improvement. In response to this objection it should be noted that the Environmental Protection Agency has reviewed all aspects of this dam, including water quality, and the EPA gave its approval to the dam on December 4, 1979. So, the Stonewall Jackson project is not some unholy environmental monster. Furthermore, the construction of this project envisions making improvements to specific sources of pollution downstream from the dam, but much of the adverse water quality comes from general pollution sources, such as acidic water drainage from the lands on either side of the river. This general pollution cannot be cost-effectively eliminated, but we can diminish its harmful effects on the river's environment by adding additional flows of fresh water during the dryer summer months in particular, and, that is what the Stonewall Jackson Dam is designed to do.

Now, in addition to all these benefits, the Stonewall Jackson Dam construction program will employ between 300 to 500 people over the next 6 or 7 years. So, the dam has the added benefit of providing a significant number of jobs for West Virginians now when the State's economy is particularly depressed. I make no apologies for my efforts to fund productive work for the people of my State when the project is economically sound as is the Stonewall Jackson Dam.

Now, Mr. President, yesterday during the conference committee discussion of this matter no opposition was raised by the House Members with respect to the merits of this dam. After the House conferees agreed to the $26 million restoration necessary for continued construction of this dam during the coming fiscal year, one Member of the House suggested that much of the earlier House opposition to this dam stemmed from bitterness on the part of some Members who believed that I had blocked their congressional pay raise about 3 years ago. We discussed this matter at some length during the conference meeting yesterday; but the point is, that this opposition to the Stonewall Jackson Dam had no relation to the merits of the project itself. So, I hope I have put that matter to rest once and for all.

Mr. President, I wish to thank the distinguished chairman of the Energy and Water Development Appropriation Subcommittee for his leadership and fairness in shepherding this bill through the appropriations process. Chairman HATFIELD was, as always, very ably assisted in this task by the ranking Democratic member, Senator JOHNSTON. I also thank Mr. BEVILL and Mr. MYERS, chairman and ranking members of the House conferees. I thank all of the House and Senate conferees.

Mr. President, I ask unanimous consent to have printed in the RECORD certain telegrams and letters that I have received relating to this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHARLESTON, W. VA.,
May 27, 1983.

Hon. ROBERT C. BYRD,
Capitol, Washington, D.C.

The Stonewall Jackson Dam project is totally supported by my administration as currently proposed and planned by the U.S. Army Corps of Engineers. I have personally been involved with this project since early in my first administration and I am convinced that its completion is in the best interests of the citizens of our State.

This project will provide flood protection and low flow benefits for the West Fork River, as well as the Monongahela River, outstream flood protection will be provided for a 100-year frequency storm and make available additional lands for development and other lands for redevelopment. Other projects benefits and increased water supply potential, recreational benefits and improvement in downstream water quality that cannot be met by any other proposed alternative. The potential for downstream development and resultant economic gains, as well as reduction of flood losses, are significant benefits. The recreational potential of the planned State park associated with this project is among the highest of any in West Virginia.

To date, $70,000,000 has been spent on this project, seventy three percent of the relocation of persons has been made and 90 percent of the needed land has been acquired. It is important that this progress continues, particularly at this time when unemployment is so high. I, therefore, solicit your support in expediting funding to this project for its completion.

JOHN D. ROCKEFELLER IV,
Governor of West Virginia.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
June 10, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, D.C.

DEAR SENATOR BYRD: This is in response to your recent inquiry as to whether the Corps of Engineers still supports the Stonewall Jackson Lake, West Virginia project in light of passage of a House of Representatives floor amendment for the deletion of further funding of the project in Fiscal Year 1984.

The Stonewall Jackson project is a multipurpose reservoir project authorized in 1966 for construction by the Corps of Engineers. This project provides benefits which exceed costs, is supported by local interests, and will help alleviate numerous water resource problems pertaining to flood control, water supply, water quality control, and recreation, as well as create numerous construction jobs during a period of high unemployment. Therefore, we believe it is in the public interest to proceed with the Stonewall Jackson Lake project.

This project has been supported by the current and past Administrations for construction as evidenced by continuous funding in the budget for the past seven years. Although initial funds for land acquisition were appropriated in Fiscal Year 1970 and for construction in Fiscal Year 1971, the decision of the Governor in 1977 to support the project was a key step in permitting construction to proceed. At that time, the entire West Virginia Congressional delegation, both House and Senate, also supported the project. As of this date, approximately $86 million has been allocated to the project. These funds have been applied not only to land acquisition, but to major relocation of highways, a compressor station, utilities, and other facilities that would otherwise interfere with construction of the project. In addition, procurement contracts for components of the outlet works have been awarded and, as you know, the main dam contract was advertised for bids on 24 May 1983. We believe, based on our current evaluation of remaining benefits and remaining costs, that the project remains well-justified, and it would not be appropriate to halt construction at this time.

I trust this responds to your request, and I am available to answer any other questions you may have on this subject.

Sincerely,

C. E. EDGAR III,
Brigadier General, U.S. Army,
Acting Director of Civil Works.

DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Washington, D.C., June 13, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, D.C.

DEAR SENATOR BYRD: As you requested, I have reviewed our files, that relate to the Stonewall Jackson dam proposed for construction by the Corps of Engineers near Weston, West Virginia. Further, I have discussed the project with our planning staff in the West Virginia state office and with planning specialists here in our National Headquarters who are familiar with the situation. I have the following information to report:

1. Several years ago, the Soil Conservation Service investigated a potential small watershed project upstream from the proposed Stonewall Jackson dam. This, however, was after the dam had been authorized. Therefore, we assumed the dam would be installed so far as our investigation was concerned and we concluded our analysis of benefits at the tailwaters of the Stonewall Jackson dam. The project we investigated, known as Upper West Fork, was determined not to have benefits that exceeded the costs.

2. Another potential small watershed project on a tributary known as Stone-Coal Creek which enters downstream from Stonewall Jackson was also investigated and found to be marginally feasible. Since the study, however, a power company has installed a dam on this tributary and, we understand, incorporated flood control into the design.

3. If a small watershed project were formulated to replace the proposed Corps project, our judgement is that it, too, would require a dam on the main stem of West Fork, and, consequently the landrights requirements would be similar.

Based on the foregoing, it is our considered opinion that a series of small upstream reservoirs could not achieve nearly the same degree of benefits as envisioned for the Stonewall Jackson dam. Such a project would be marginally feasible, at best. The agriculture interests, of course, are concerned about the reported inundation of 20,000 acres of land. (We do not have information readily at hand to verify that amount.) Although small dams would have less adverse impact on that land, substantial amounts would obviously be required if adequate flood control were provided.

We trust this is the information you are seeking. If we can provide further discussion, please let us know.

Sincerely,

JOSEPH W. HAAS,
Deputy Chief for Natural
Resource Projects.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Philadelphia, Pa., December 4, 1979.

Col. JOSEPH YORE,
District Engineer, Pittsburgh District, Corps of Engineers, Federal Building, Pittsburgh, Pa.

DEAR COLONEL YORE: We have reevaluated the Stonewall Jackson Dam, Lewis Co., West Virginia project as described in Public Notice 79-M2. Our initial evaluation of the project led us to determine that a supplemental Environmental Impact Statement and a new 404(b) assessment should have been performed. This recommendation was made because EPA had not received updated project information since 1971, and because the 404(b) evaluation was too narrow in the consideration of environmental impacts to only areas under the dam.

On November 6, 1979, representatives from your office visited EPA to present the updated project information which had been prepared since 1971. This data indicates that the Corps of Engineers, utilizing accepted "Principles and Standards", has repeatedly updated project justification and determined project feasibility. During the updating, impacts of existing SCS flood control impoundments were considered, recent population projections were utilized, and a more current interest rate was selected for benefit/cost evaluations. Your staff demonstrated through referencing studies of similar projects, that water quality degradations resulting from inundation adjacent to coal mining areas should not be significant. In addition, we were informed that some 9000 feet of stream to be channelized was not new work neglected in the Environmental Impact Statement. The streams to be relocated will, indeed, be inundated after project compeltion.

Representatives from the Corps of Engineers and EPA further agreed that future project coordination on the parts of both Agencies must be geared to eliminate significant information gaps. Such gaps were instrumental in EPA's initial decision to challenge the Stonewall project. The existing rapport our Agencies enjoy will be improved by additional scoping and coordination efforts. In addition, while it is EPA's opinon that the 404(b) evaluation accompanying the project's Public Notice is inadequate, we understand that future Corps proposals will be accompanied by a thorough 404(b) assessment. In the case of impoundments these assessments will address impacts asso-

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ciated with dam related stream and wetland inundation.

In view of the above, EPA offers no further objections to the Stonewall Jackson Dam project. Although we believe the 404(b) assessment is incomplete, we find that the aforementioned new information supplied to us by your office meets our 404(b) needs. In this instance, we therefore can submit our final project determination.

Thank you for the opportunity to review this matter. We are encouraged by the swift and thorough response demonstrated by your staff in resolving outstanding EPA issues.

Sincerely yours,
John R. Pomponio,
Chief, EIS and Wetlands Review Section.

Harrison County Commission,
Clarksburg, W. Va., June 16, 1983.

Hon. Robert C. Byrd,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Byrd: This letter is to advise that our Commission strongly supports the Stonewall Jackson Dam project. We feel this project is extemely important in flood control protection of life and property for our citizens in Harrison County. Also, this project would provide jobs for hundreds of persons, now unemployed. Housing, business and industry will prosper more in future years if this project becomes a reality.

We are enclosing a copy of an editorial from the Clarksburg—Sunday—Exponent—Telegram, June 12, 1983, which our Commission concurs with 100 percent.

Our Commission request you continue to give this vital project your strong support and backing. Thank you for your cooperation.

Very truly yours,
Thomas A. Keeley,
President.
Ruby Keister,
Member.
Frank X. Lopez,
Member.

Clarksburg Area
Chamber of Commerce,
Clarksburg, W. Va., June 9, 1983.

Hon. Robert C. Byrd,
U.S. Senate, Washington, D.C.

Dear Senator Byrd: I'm writing on behalf of the Clarksburg Area Chamber of Commerce to let you know of our concern over the recent vote by the House of Representatives to delete funding for the Stonewall Jackson Dam Project. It is shocking to us that after all these years the House of Representatives could take such action solely on the plea of one Congressman whose position on the matter does not represent the views of the majority of Lewis Countians. Furthermore, his views are quite to the contrary of those in the North Central area of West Virginia.

We do not have to point out to you the benefits of the Stonewall Jackson Dam and why such project is vitally needed for the North Central area of West Virginia and the South Western area of Pennsylvania. You have shown and expressed your knowledge of and concern for the project many, many times in the past few years. We just want to inform you of our continuing interest in the project and of our willingness to lend our support in your effort to restore the funding for the dam.

Please let us know if we can do anything to assure funding and construction of the dam. We are willing to write and express our support to any member of the Senate that you may suggest. We will anxiously wait to hear from you.

Very truly yours,
James Rodney Christie,
Chairman, Environment and
Resource Committee.

City of Weston,
Weston, W. Va., June 15, 1983.

Hon. Robert C. Byrd,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: First, I want to thank you for the picture you sent me which was taken when Mr. Adler, Mr. Kafer, and I were in Washington to appear before the Appropriation Committee on Energy and Water Resources. I want to hang it in my office.

I again want to ask your support for the continued funding for the Stonewall Jackson Lake Project. The supporters throughout Central West Virginia find it hard to believe Mr. Wise could undo what so many have worked so hard to accomplish. At this point with the land purchased, the people relocated, and two highways moved, it would be disastrous to stop the project.

I have been elected to public office for seventeen years and served as President of the Lewis County Chamber of Commerce. I have given a lot of time to the improvement of my community, and I feel I know what is needed in Weston, and we desperately need the construction of the Stonewall Jackson Lake.

I was happy to hear on the news that you were able to restore the funding in committee and know that you will do everything to persuade your colleagues to vote for the funding in the Senate.

Sincerely,
(Mrs.) Jean Bennett,
City Clerk.

Buckhannon Chamber of Commerce,
Buckhannon, W. Va., May 16, 1983.

Hon. Robert C. Byrd,
U.S. Senate
Washington, D.C.

Dear Senator Byrd: In place of the customary "Whereases" with which petitions are presented, the Buckhannon Chamber of Commerce offers the following statement in support of the continued construction of the Stonewall Jackson flood-control project for which thousands of acres of land have already been secured and its former occupants relocated, a gas pumping station and attendant support pipelines and facilities have been replaced, and both federal and state highways have been relocated:

What Leonardo da Vinci said in the 15th century about water—that "NOTHING can exist without it"—is just as true today as it was then!

And with belief in the truth of that simple statement, the Buckhannon Chamber of Commerce adds its support to the completion of the Stonewall Jackson Lake in adjoining Lewis County in recognition that an ample water supply is vital to the Growth of Central West Virginia.

Although this vast reservoir of water will result from a dam that is designed to eliminate ruinous flooding in the West Fork River Valley, it will provide still a third economic boom—the largest recreational facility in all West Virginia.

This lake project is currently employing about 250 men and women residents of Central West Virginia, and the continued construction of it assures continued employment of these people, and added employment of an estimated 400 people in further phases of construction, and permanent employment of an estimated 100 people directly by the lake itself.

It will eliminate tens of millions of dollars of flood losses to homeowners, commercial businesses, industries, utilities, churches, schools, governmental facilities, and others.

This gigantic reservoir will induce new industry to locate in Central West Virginia, further enhancing employment and other economic and social development.

This lake has had the long-standing support of both federal and state governments, with federal expenditures amounting to $85 million as of the end of fiscal year 1983. President Reagan has budgeted an additional $26 million for continued construction in 1984.

In support of this project which means so much to the continued development of Central West Virginia, the Buckhannon Chamber of Commerce, this 18th day of April, 1983, through action of its board of directors, offers its endorsement and urges that the Congress continues its support until the project is completed and operational.

Sincerely yours,
C. J. Zgonce,
President.

City of Bridgeport,
Bridgeport, W. Va., June 10, 1983.

Re: Stonewall Jackson Dam Project.

Hon. Robert C. Byrd,
Washington, D.C.

Dear Senator Byrd: The recent news of the actions by Representative Bob Wise and the House of Representatives concerning the discontinuance of funding on the Stonewall Jackson Dam project has prompted this letter to you.

On behalf of our 7,000 constituents our City Council and I want you to know that we are fully supportive of this project for the obvious reasons of flood control, recreation, and economic development that this completed project would bring to this area. Of immediate importance to Bridgeport is the water supply benefit that would occur.

Confronted with a severe shortage of water in our reservoirs in the mid 1960's we sought and received funding to construct a water line to Clarksburg in order to purchase a portion of our water needs from the Clarksburg Water Board. Earlier this year Bridgeport executed a forty (40) year agreement to purchase treated water from Clarksburg.

Furthermore, Clarksburg's source of water supply is the West Fork River. As you probably know, in addition to flooding the West Fork has experienced low flows during the summer months. Certainly not only Bridgeport, which is experiencing rapid commercial and residential growth, but many of the outlying towns and public service districts must depend on the West Fork River and Clarksburg for an adequate and safe supply of water.

We urge your continued support for this project and trust every effort will be made to reinstate its funding.

If there is anything further we can do. please advise.

Sincerely,
Charles M. Loar,
Mayor.

Marion County Chamber
of Commerce,
Fairmont, W. Va., May 20, 1983.

Hon. Robert C. Byrd,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: At its regular monthly meeting on May 17th, 1983, the Board of Directors of the Marion County Chamber of Commerce unanimously adopted the attached Resolution in support of the Stonewall Jackson Lake project. For the reasons stated in the Resolution, we feel that the project would benefit our area and the State of West Virginia as a whole. We earnestly urge your continued support for this project.

Cordially,
Gary Cox, *President.*

Resolution

Whereas, the current economic recession in the United States has been particularly severe in northern West Virginia, and

Whereas, as a result of the recession, unemployment in West Virginia is at its highest level since before World War II, and

Whereas, there is currently under construction in Lewis County, West Virginia, on the West Fork on the Monongahela River, the Stonewall Jackson Lake for the multiple purposes of flood control, water supply for industrial and domestic consumption, and recreation, and

Whereas, the Lake project is currently employing about 200 men and women residents of northern West Virginia, and will employ additional people in future phases of construction, and will contribute to permanent, future employment from enhanced industrialization and tourism, and

Whereas, as of the end of fiscal year 1983, the federal government, through the U.S. Army Corps of Engineers, will have purchased 99 percent of the land required for the project, and will have spent approximately $85 million on the project, and

Whereas, in fiscal 1984, actual construction of the Stonewall Jackson Dam will begin, if Congress continues its appropriations for the project:

Now, Therefore, the Marion County Chamber of Commerce believes that:

(1) the Stonewall Jackson Lake is a worthwhile public project, providing needed flood protection, a needed water supply, and recreation for all West Virginians and Americans;

(2) its continued construction is immediately beneficial in lessening unemployment, and will continue to be beneficial in producing hundreds of new jobs in northern West Virginia;

(3) funding should be continued by the Congress until the project is completed.

Marion County
Chamber of Commerce,
Gary Cox, *President.*

The Weston National Bank,
Weston, W. Va., May 26, 1983.

Hon. Robert C. Byrd,
Minority Leader, U.S. Senate,
Washington, D.C.

Dear Sir: I am very optimistic that you will lend the necessary time and effort required to see to it that the Stonewall Jackson Lake Project in Lewis County, West Virginia, is carried out to a successful completion. I shall not dwell on the history of this Project and its long time in coming to fruition, but rather shall emphasize some of the key issues at hand at the moment.

First, an area which the original construction of this much needed facility did not intend to address, has now become of critical import—that is, jobs. As you are no doubt aware, West Virginia has the highest unemployment rate in the entire United States. Accordingly, it is of critical importance that a project of the magnitude of the Stonewall Jackson Lake be completed in the near future and particularly be acted upon as soon as possible such that the jobs that will be created through this construction project can be most utilized at this critical time in our economy.

The two main reasons for which the Stonewall Jackson Dam Project was authorized are: Flood protection and water flowage control. In the immediate area below the proposed Dam is situated the Town of Weston, a town which has experienced 50 floods in the past 50 years. That is not to say that we have had annual floods, in fact we have had floods on more than one occasion in a given year but the average is a flood per year on the West Fork River, which is a branch or tributary of the Monongahela River which, as you know, ultimately flows into Pittsburgh to form part of the Ohio. Based on the frequency of floods and the tremendous damage that it causes both in personal hardship and economic hardship, there is justification for this project on that basis alone. However, the further benefit derived from controlling the water flow in the River, which conversely often experiences a very low level of flowage in the Summer time, can help aid local industry, including coal-washing plants, glass plants, and others, and further insure a constant water flow for the substantial amount of barge traffic that frequents the Monongahela River to which this River is a major tributary. Finally, a heretofore unmentioned benefit, but certainly a substantial one, is the recreational benefit of this project. The State of West Virginia has committed substantial resources once the Lake is completed to developing a major State Park at the location. The State Park system in West Virginia is one of the best in the Nation and our State Department of Natural Resources commitment to this project further indicates their feeling for the benefit of recreation at this project.

There has been a consistent amount of negative information and negative reaction to this project, as there is likely to be in any circumstance where certain people are required to be relocated and/or have no strong preference for a project of this type. The fact remains, that over 90% of the total peoople to be relocated, which is something on the order of 800 people, have already done so. Further, all the major labor groups that have any interest in this project whatsoever, supported it with the exception of United Mine Workers of America, whose position apparently is based upon some misinformation regarding the quantities of coal that might underlie this Lake. It is a well documented fact, that there are no substantial recoverable reserves that will be in any way damaged by the Lake proposed. Further, it is entirely possible that the United Mine Workers may reverse its position based on the fact that they have been given additional information and also the fact that all of their Brother Unions throughout the country that have taken a position have all taken a position in favor of this project. Lastly, all of the major business, civic, State Government and local Government entities have taken a position in favor of this project from an early date, and continue to support this strong position.

To support some of the information outlined in this letter I am aware of the fact that each and every Congressman shall receive a packet of information outlining the reasons for support of this project and an example of the variety of organizations and individuals who support it.

I am in the great hope that you will give your strong consideration to the support of this project, which although lacking the support of our own Congressman, does enjoy the support of our U.S. Senators Randolph and Byrd and further our other Congressmen from the other three Districts in this State. You might be interested to know, that our own Congressman Wise was soundly defeated in Lewis County, with the primary issue being one of the Dam, a project which his opponent favored. And further, that our County was most recently added to the District which Congressman Wise represents as a first-term Congressman and basically has no geographic or certainly watershed association with any other part of the District, rather its closer association is with the First District, which is represented by first-term Congressman Alan Mollohan.

Thank you very much for your time and consideration of this matter and we look forward to your support on this project.

Sincerely,
John W. Burdiss,
Executive Vice President.

Stonewall Jackson
Memorial Hospital,
Weston, W. Va., May 23, 1983.

Hon. Robert C. Byrd,
Minority Leader, U.S. Senate,
Washington, D.C.

Dear Mr. Byrd: There is great concern in our community and specifically within our hospital that H.R. 3000 will pass and funding for the Stonewall Jackson Lake will be withdrawn. As a hospital Administrator I can assure you this would have a negative impact upon the delivery of health care in our patient area. Floods in downtown Weston force patients to do without health care or seek another more dangerous route over a mountain which can only be traversed with a four-wheel drive vehicle. I can assure you this is extremely dangerous and traumatic, especially for women about to deliver a child, cardiac, orthopedic and other cases that demand a minimum of time.

Without the lake our alternatives are slim and none. Watersheds, floodwalls and drainage will not do the job and will be just as costly when one considers the economic damage caused by floods. I strongly urge your support on this most vital issue.

Sincerely,
David D. Shaffer,
Chief Executive Officer.

AFL-CIO,
Charleston, W. Va., June 10, 1983.

Hon. Robert C. Byrd,
U.S. Senate,
Washington, D.C.

Dear Senator Byrd: The commitment that you have expressed for the continued development of the Stonewall-Jackson Dam Project is very much appreciated.

As indicated, the National AFL-CIO has supported this project.

Enclosed are two letters sent to the House of Representatives by the National office. At the proper time, I am sure they will assist us in another effort to refund the project. In addition, other contacts are

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being made within the Building Trades Department to provide further assistance.

Please inform us when we can be of service.

Sincerely,

JOSEPH W. POWELL, *President.*

AFL-CIO,
Washington, D.C., June 8, 1983.

Hon. TOM BEVILL,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BEVILL: Next week the House is scheduled to consider H.R. 3132, the Energy and Water appropriations bill. We understand that an amendment will be offered to strike any additional funds for the continued development of the Stonewall Jackson Dam project on the West Fork River in West Virginia. The AFL-CIO opposes this amendment.

The AFL-CIO fully supports continuation of this important project for which Congress has already appropriated $83 million—more than a third of the estimated cost of the entire project. The dam is designed to alleviate reoccurring and serious problems of flood damage which has plagued Lewis County and surrounding areas. It will also have the ancillary benefit of improving the quality and supply of water in the area.

Equally as important it will provide 300 to 500 jobs in the construction of the dam. Additional jobs in supplier industries will also likely be created. In a state where unemployment is 21 percent—the highest in the nation—and with 60 percent of its construction workforce jobless, every new job created by this project is vital to the economic health of this depressed state.

We urge the House to reject any amendments designed to terminate or delay construction of this essential public works project.

Sincerely,

RAY DENISON,
Director, Department of Legislation.

LEGISLATIVE ALERT

AFL-CIO,
Washington, D.C., June 6, 1983.

DEAR REPRESENTATIVE: Next week the House is scheduled to consider H.R. 3132, the Energy and Water appropriations bill. We understand that an amendment will be offered to strike any additional funds for the continued development of the Stonewall Jackson Dam project on the West Fork River in West Virginia. The AFL-CIO opposes this amendment.

The AFL-CIO fully supports continuation of this important project for which Congress has already appropriated $83 million—more than a third of the estimated cost of the entire project. The dam is designed to alleviate reoccurring and serious problems of flood damage which has plagued Lewis County and surrounding areas. It will also have the ancillary benefit of improving the quality and supply of water in the area.

Equally as important it will provide 300 to 500 jobs in the construction of the dam. Additional jobs in supplier industries will also likely be created. In a state where unemployment is 21 percent—the highest in the nation—and with 60 percent of its construction workforce jobless, every new job created by this project is vital to the economic health of this depressed state.

We urge the House to reject any amendments designed to terminate or delay construction of this essential public works project.

Sincerely,

RAY DENISON,
Director, Department of Legislation.

BENNETT HOME & AUTO SUPPLY, INC.,
Weston, W. Va., June 16, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I am writing to thank you and commend you for your stand in favor of the Stonewall Jackson Lake and Dam Project. I have been a businessman for thirty-six years here in Weston, and I have suffered through the floods and droughts along side many others. I have witnessed the waste and destruction that has been experienced needlessly. Few who have lived and worked in Weston can doubt the need for this project. It is a logical and necessary step for flood control, guaranteed water supply, recrèation and the creation of many needed jobs. I sincerely hope you will continue your much appreciated support and work toward the realization of this vital project.

Sincerely,

HOMER BENNETT.

WEST VIRGINIA GLASS
SPECIALTY CO., INC.,
Weston, W. Va., May 24, 1983.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOB: As one of the main industries here in Lewis County, we just want to acquaint you with our company and our position with regards to the much needed Stonewall Jackson Dam and Reservoir Project here in Lewis County, of which Weston is the county seat. We feel that this reservoir project is very imperative to the continued growth and success of, not only our firm, but to the other companies located here, as well as the entire community.

West Virginia Glass Specialty Company, Inc., is the largest hand blown glass factory in the United States, having the largest payroll in Lewis County, approximately $4,700,000 per year and employing more than 400 persons on a three shift, five day a week basis. Our glass is sold and distributed all over the United States, Canada, Puerto Rico, South American countries, and Europe.

Our factory property is located fairly near to the West Fork River, which runs northerly through our community. Everytime we have a heavy rainfall and flood threats of the West Fork River are publicized, our telephone start ringing, employees become jittery, and our workers start going home to protect their homes and property from the numerous floods that occur in Weston and Lewis County. For every day's loss of production, our employees now lose $12,000 per day in wages. Without production, overhead keeps going on and our factory is operating at a loss. If the flooding is severe, the draft on both of our continuous tanks is cut off in the basement area, forcing the cooling down of the heat, which again must be built up to working temperatures after the flood waters have receded. It is the fear and uncertainty of even small floods that is curtailing more and more production in our factory each year.

We wish to list some representative figures that prove the losses that our factory sustained in the disastrous 1950 flood.

Loss of 3 days of production at $10,000 per day	$30,000
Loss of broken glass due to stacked cartons tumbling into the flood water, plus water soaked cartons in the carton bins	25,000
Natural gas and electricity used to keep the glass tanks in readiness for working purposes; 3 days at $1,000 per day	3,000
Three days loss of wages to our employees at $5,000 per day	15,000
Total of above losses (approximately)	73,000

In 1978, Lewis County again suffered losses due to flooding of the West Fork River. At the time of the flood warnings, our employees became alarmed, many quit working and went home to protect their families and belongings, some left for the fear of not being able to get to their various homes along the river and outlying tributaries when the roads would be blocked. It is quite common, even with small floods, there is usually a one days loss of:

Wages to our employees	$12,000
One day loss of glassware production	25,000
One day loss of energy, such as gas and electricity to keep the large tanks properly heated for production after the flood	2,000
Total of above losses (approximately)	39,000

As you can readily determine from the above information, it is absolutely imperative that we obtain all the support we possibly can from our Congressmen and our Senators to receive continued funding appropriations toward the further planning and completion of the Stonewall Jackson Dam and Reservoir.

We hope that we can count on you for your concern and full support of this very important project. Thank you.

Sincerely,

JOHN C. WEBER, Jr.,
President and General Sales Manager.

HOPE NATURAL GAS CO.,
Clarksburg, W. Va., June 7, 1983

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I was greatly surprised to hear the vote of the U.S. House of Representatives Amendment by Congressman Wise of West Virginia to delete the Stonewall Jackson Dam project for future funding.

As you know, this project has been in the making for nearly 40 years and has been reviewed by many, many, governmental and private agencies. It has also passed the test of numerous court proceedings over the years. As we look to the future of economic development in West Virginia, I am sure you will agree that this project is essential for all future growth and development in the Monongahela River Basin area of this state. Had it not been for this project it would have been impossible to consider the SRC II project on the Monongahela River at Fort Martin.

I hope it will be possible for you and Senator Randolph to have this project for the people of West Virginia. As you well know, Congressman Wise does not represent the majority of constituents in his own district, let alone the state.

After the expenditure of $80 million for engineering and land acquisition, I do not believe it is a prudent decision to cancel the project under the present economic circumstances.

Any recommendations that you may have as to how we can assist in saving this project will be greatly appreciated.

Sincerely,

BURKEY LILLY,
Manager, Economic Development.

Mr. RANDOLPH. Mr. President, I wish to emphasize what the minority leader, Senator BYRD, has said. Those Members to whom he has expressed appreciation are deserving. I too extend our thanks to Senator HATFIELD, chairman of both the Appropriations Committee and its Subcommittee on Energy and Water Development; to Senator JOHNSTON, the subcommittees ranking minority member; and to Senator STENNIS, the committee's ranking minority member; and to the House subcommittee chairman, Representative BEVILL; and the ranking minority member, Representative MYERS. We are grateful also to the able majority leader, Senator BAKER.

I make special mention of Senator BYRD to whom I referred earlier. He is a member of the Appropriations Committee and was a member of the conference committee. Senator BYRD has worked diligently in respect to two programs of vital importance to the State of West Virginia on which I will comment. Our citizens will benefit from his effective efforts.

Mr. President, I support the Energy and Water Development Appropriations bill, H.R. 3132, as reported by the conference committee. It is a reasonable and balanced measure providing funds for a wide variety of activities in fiscal 1984. It should be adopted by the Senate.

I will limit my specific comments to two items included in this bill: Funds for continued development of the Stonewall Jackson Lake in West Virginia and for the operation of the Appalachian Regional Commission during the next year.

I am particularly gratified that the House conferees accepted the $26 million in construction funds for the Stonewall Jackson project. This amount was deleted on the House floor in what I consider to be an ill-advised action. I commend the Senate conferees for insisting on the retention of these funds.

The Stonewall Jackson Lake was authorized by the Congress in 1966 as a multipurpose project on the West Fork River in north central West Virginia. The total Federal cost is estimated at $205 million, of which more than $82 million have already been appropriated. It is important to understand that much of the preliminary work, such as land acquisition and relocation is virtually completed or well advanced. The $26 million recommended by the President would be used to begin construction of the dam, continued relocation and other activities associated with the project.

Mr. President, this project has strong support in an area which has long been plagued by severe flooding. Completion of the Stonewall Jackson Lake would greatly alleviate the incidence of flooding in several counties in West Virginia. It would be another link in the network of projects in our State that have been developed over the past 40 years.

West Virginia is a mountainous State with many streams. It is a State, however, without a single natural lake. Projects carried out by the Army Corps of Engineers have given us eight beautiful and useful lakes. Stonewall Jackson would be the ninth.

In addition to their value for flood control, these lakes have become highly developed and well used recreational assets. The Corps of Engineers recently reported that the eight existing lakes are utilized by nearly 6 million people annually for recreational purposes.

As with some other water projects in all parts of the country, there has been an element of controversy associated with the Stonewall Jackson Lake. There are those who believe it is unneeded and that its development is too costly or would result in undesirable consequences in the community in which it is located.

It is my position that the benefits of the project so far outweigh any possible negative considerations that it must be carried through to completion. Furthermore, the Federal Government has already invested more than $82 million in this activity. To stop it now would mean that these funds have for the most part been wasted.

Again, I commend the conferees for including the Stonewall Jackson Lake appropriation in this bill. I assure the Senate that it is a vitally needed development and one which has wide support in West Virginia.

Mr. President, I am also gratified that the conference committee has approved funds to continue operations of the Appalachian Regional Commission in 1984 at the $145 million level approved by the House of Representatives. It is a recognition that the vital work of the Commission must be extended. I am pleased that the Senate conferees agreed to the amount in the House bill. It has been my privilege and responsibility not only to sponsor the original Appalachian Act in 1965 but also the reauthorizations over the years.

For the past 2 years, the Appalachian Regional Commission has carried out its work with substantially reduced resources. Total appropriations for both the highway and nonhighway programs in 1979 of $380,920,000 were made available to the 13 States of the region. This amount was the highest since the Commission was established in 1965. In 1981 appropriations totaled $302,492,000 even after a presidentially requested rescission. For the past 2 years, the Commission has operated on approximately $150 million annually.

At this level, it is difficult to maintain a program that adequately responds to the needs of one of our Nation's most disadvantaged areas. The recent recession has had an even more severe impact on Appalachia than the rest of the Nation, making it necessary to extend every possible form of assistance to meet human needs and to create a sound and stable economy.

Appropriated funds for next year, therefore, should not be reduced.

Eighteen months ago the Governors of the 13 Appalachian States proposed to the Congress a plan to phase down the programs of the Appalachian Regional Commission in both the highway and nonhighway areas. This plan was carefully developed by the Governors in recognition of the reduced level of Federal financial support. For this reason it focused on the most pressing unmet needs of the region and on the most severely distressed counties of Appalachia.

Earlier this year the Governors unanimously adopted a bipartisan resolution reaffirming their support for the phasedown program. It is encouraging that in its report on this legislation the Committee on Appropriations endorses the concept of the Governors' program. It is my hope that the Congress this year will adopt legislation authorizing this program for the duration of the period recommended by the Governors. Such authorization is proposed in S. 65, which I introduced early this year. That measure has the cosponsorship of 21 of the region's 26 Senators, representing both parties. It has at least one sponsor from each of the region's 13 States except North Carolina.

It is important that multiyear authorizations be enacted for the ARC phasedown program for several reasons. It has become apparent in the past 2 years that the Congress does not agree with the President's recommendation to end the Appalachian program immediately and it has been continued through the appropriations process. Authorizing legislation, therefore, should be adopted to provide a basis for appropriations and to redirect the ARC programs in accordance with the recommendations of the Governors and the wishes of the authorizing committees which have guided this program since its inception 18 years ago. In addition, a multiyear authorization would permit the Commission and its States to make necessary long-range plans, particularly with respect to the highway program.

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I recognize that in the absence of congressionally approved authorizations in the past 2 years, it was necessary for the Appropriations Committees to take certain initiatives. I am deeply appreciative of their actions in maintaining this program, which continues to have significant impact on the lives of the 20 million people of Appalachia.

Mr. President, I appreciate the opportunity to join others in commenting on this measure, and I hope it will receive very speedy passage.

Mr. BYRD. Mr. President, I wish to express my gratitude to my senior colleague for his kind remarks concerning me.

I want to say, in return, that the people of West Virginia are highly indebted to him, as are the people of this Nation, for the work he has done as chairman of the Public Works Committee and for the work he is continuing to do as the ranking minority member.

Mr. HATFIELD. Mr. President, I know of no other amendments or any other discussion, and I move that the Senate adopt the conference report. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Alaska (Mr. STEVENS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) and the Senator from Arizona (Mr. GOLDWATER) would each vote yea.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER (Mr. PRESSLER). Are there other Senators who wish to vote?

The result was announced—yeas 82, nays 12, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—82

Abdnor
Andrews
Armstrong
Baker
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Huddleston
Inouye
Jackson
Jepsen
Johnston
Kassebaum
Kasten
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
Mattingly
McClure
Melcher
Moynihan
Nickles
Nunn
Packwood
Percy
Pressler
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Wilson
Zorinsky

NAYS—12

Baucus
Biden
Bumpers
Cranston
Eagleton
Humphrey
Kennedy
Mathias
Metzenbaum
Mitchell
Pell
Proxmire

NOT VOTING—6

Goldwater
Hart
Hollings
Murkowski
Stevens
Weicker

So the conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate the amendments in disagreement.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: ": *Provided further*, That of the amount herein appropriated $3,000,000 shall be available to enable the Secretary of the Interior to begin work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: ": *Provided*, That notwithstanding any other provision of law, no funds may be obligated or expended after the date of enactment of this Act for Project 82-D-109 unless the President certifies to Congress that—

"(1) for each 155mm nuclear weapon produced an existing 155mm nuclear weapon shall be removed from the stockpile and permanently dismantled; and

"(2) formal notification has been received from the North Atlantic Treaty Organization nation in which such weapons are sought to be deployed that such nation has approved replacement of existing 155mm nuclear weapons with the new 155mm nuclear weapon."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"None of the funds appropriated by this Act, or by any other Act, or by any other provision of law shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and until issued a discharge permit pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.) as amended, which permit shall incorporate the terms and conditions provided in the Memorandum of Understanding entered into between the Department of Energy and the State of South Carolina dated April 27, 1983, relating to studies and mitigation programs associated with such restart. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would achieve criticality, generate fission products within the reactor, discharge cooling water from nuclear operations directly or indirectly into Steel Creek, or result in cooling system testing discharges which exceed the volume, frequency and duration of test discharges conducted prior to June 28, 1983.

"Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials of South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in the preceding paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that such period shall not be reduced to less than thirty days, and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984."

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate concur in the House amendments and that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I say to all Members that there will be no more votes prior to July 11.

Mr. President, may I take this opportunity to say once again that I think all of us owe a debt of gratitude to the chairman and ranking member and to the members of the Appropriations Committee on both sides. I do not recall that we have been able to make such good progress on appropriations bills so soon in a long, long time. It is due entirely to the cooperation of Members on both sides of the aisle, to the outstanding leadership of the chairman and the chairmen of the

subcommittees and the ranking members of the subcommittees.

It is in no small measure due to the excellent cooperation, which I am so personally grateful for, of the minority leader in arranging these matters so that the Senate could address them in a timely way and promptly.

Mr. President, I observe that the conference report on energy and water appropriations that we have just adopted is fully $300 million in budget authority under the President's request. It is $100 million in outlays under the President's budget. For a bill that is often thought of as a pork barrel bill, that is a remarkable accomplishment, indeed.

I wish to congratulate all Senators who had a hand in the production of this legislative effort.

Mr. BYRD. Mr. President, before the Senator proceeds, I will not say anything further with regard to congratulating and thanking members of the committee, for I have already done that. But the distinguished majority leader referred to me in his comments and I wish to thank him for that.

I would like to recall a sentence out of the Scriptures.

> A man that hath friends must show himself friendly.

I think this can very well be applied to the majority leader. He has friends in this Chamber and it is because he, himself, is friendly, very accommodating, understanding, and considerate at all times. We all respect him and thank him for that.

Mr. STENNIS. Mr. President, if the Senator will yield, let me say this: I think, see, and I believe, since I have been here, that we have a team on this floor. The majority leader and the minority leader have the ability to make things go and move on their merits. A great deal of success is due to their work.

Mr. BAKER. Mr. President, I am extremely grateful for the remarks by the most senior Member of the minority, a man for whom I have such extraordinary respect, and a man who is my neighbor to the south in Mississippi, the ranking member of the Appropriations Committee, Senator STENNIS.

Mr. President, there is a great quantity of routine business that we can take care of. I really expect Members may not wish to remain to hear it, but the minority leader and I will have to stay around for a while.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 6:15 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FORMER SENATOR MILTON R. YOUNG

Mr. STENNIS. Mr. President, during consideration of the energy and water development appropriations bill when the Senate, again, considered the merits of the Garrison diversion project in North Dakota, I recalled in a special way a dear friend of mine, the late Senator Milton Young of North Dakota.

On the occasion of his passing, and the statements made by others in his memory, I was, regrettably, absent from the Senate.

In tribute to his great service to the Nation and because of the great value that I placed on Senator Young's friendship and the deep respect which I developed for his abilities and judgment as a legislator, I would like to share with my colleagues and his many friends my personal feelings about Senator Young.

Our friendship developed from more than 34 years of service together in the Senate, especially during our close association as we worked together more than 20 years as fellow members of the Appropriations Committee.

He was a very effective, hard-working, dedicated Senator. He was not a showboat. Indeed, he seemed to avoid the spotlight. He was interested in matters of government as they applied to all areas of the Nation's interests. In his quiet, friendly way, he was an extremely effective legislator. He contributed to the work of the Senate and our committee as a team player. He was a reasonable man. A man who listened well to all sides of any question. Widely respected for his special insight and knowledge in agricultural matters, he was a great counselor and guide in legislative matters concerning this important part of the American economy.

By steady application of the basic values of hard work and self-discipline that he learned as a boy on a farm in North Dakota, Milton Young rose to being a great Senator and a great American. May his tribe increase.

I mourn his passing. I miss him and treasure our friendship. To his wife, Pat, my dear friend, and to his children, Mrs. Stennis and I offer our deepest sympathy and condolences. Mrs. Young was a longtime member of the Capitol Hill family and rendered much fine service to our country, all in her own right.

HEARINGS ON DEPARTMENT OF DEFENSE

Mr. TOWER. I would like to announce today that after the Congress completes its work on the Defense Authorization Act for fiscal year 1984, the Senate Armed Services Committee will begin a comprehensive series of hearings on the structure, organization, and decisionmaking procedures of the Department of Defense.

In my opinion, there are few issues as important to our national security as the organization and relationships of the defense elements of our executive branch and our military and whether such organization facilitates or impedes effective decisionmaking. A number of organizational issues have been repeatedly raised since World War II, and it is imperative in my opinion that the Committee on Armed Services in the Senate consider these issues and determine whether structural, organizational, or procedural changes in DOD, including the military services, are necessary. The tasks of providing for national security have grown in complexity; we must have the most effective defense organization possible to meet the enormous security challenges of today and tomorrow.

I now anticipate that these hearings will focus on five major sets of issues:

First, is the office of the Secretary of Defense, as presently constituted, designed to effectively manage the Department's overall effort? Has departmental decisionmaking become overcentralized in the Secretary's office? Do the staffs under the Secretary unnecessarily duplicate the work performed by the services? Are these staffs simply too large? And, perhaps most importantly, does the huge civilian bureaucratic structure stifle professional military judgment and innovation and invite too much civilian interference in technical military decisions?

Second, is the organization of the Joint Chiefs of Staff, as it is presently constituted, effective in performing its missions? Do the Joint Chiefs of Staff provide useful and timely military advice to the President and the Congress? Are the JCS properly positioned in the chain of command, or should the President directly command the JCS in wartime? Should the JCS be more significantly involved in resource allocations?

Third, how effectively do the unified commands function? Do they achieve the level of interservice cooperation that will be required should it be necessary to wage war? Are the unified commands effective planners? Will they be effective mobilization headquarters? To what extent are the force and program deficiencies identified by the unified commands emphasized in the resource allocation process?

Fourth, how well are decisions made in certain specific functional areas—such as budget formulation, procurement of weapons systems, and test and evaluation of weapons systems? Do multiple levels of review and long time lapses between the conception of a military requirement and the initial

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operational capability of a system substantially increase system costs?

Fifth, are the organizational relationships between DOD and other parts of the Federal Government which become involved in national security planning—such as the National Security Council, State Department, Central Intelligence Agency, and Federal Emergency Management Agency—appropriate and effective? Do these relationships facilitate the formulation of a comprehensive national security strategy?

In these hearings, the committee will inquire into the findings of the Blue Ribbon Defense Panel which studied Defense Department organization in 1969 and 1970. The report of that panel identified as structural problems many of the same issues that we are considering today. It will be interesting to determine to what extent the proposals of that study effort have been implemented. In addition, these hearings will be an opportunity for the committee to consider whether another outside commission to study DOD organization would be appropriate and useful at this time.

I want to emphasize that these proposed hearings on Defense Department organization, structure, and decisionmaking processes are not intended as a criticism of any Presidential administration, and particularly not of this administration. The Department of Defense has grown under both Republican and Democratic administrations, and the complex bureaucracy at DOD is the result of a continuous, gradual organizational evolution. Our aim is to look at the institution as it now exists and to determine whether or not it is effective for the formulation and implementation of a sound national security policy. Incidentally, I suspect that any weaknesses we may identify in the DOD organization also exist in domestic agencies, and perhaps similar reviews of other executive branch departments would be useful.

I plan for the committee during this inquiry to hear from a large number of witnesses who currently hold government office as well as many persons who have previously served in government or are otherwise knowledgeable about this subject.

I have advised the Secretary of Defense about these hearings, and we will invite him to be the lead witness when essential committee business is completed. I think that these hearings, which are now scheduled to begin on July 26, will focus on a number of issues that are critical to our national security.

Let me emphasize again that I do not believe that the Department of Defense is alone in having too much of an over-layered bureaucracy. I believe that there is probably to much bureaucratic baggage in a number of departments around here, to the extent that clear lines of control, authority, and responsiblity and accountability are being obscured.

But, of course, our jurisdiction and our focus is on the armed services.

Again, let me emphasize this is not implied criticism of Secretary Weinberger. I think he has done an outstanding job given the bureaucracy that he inherited, and I think that under his management and leadership great strides have been made in trying to bring more efficiency into the operation and lower costs to our systems.

THE DEATH OF MAXIE ANDERSON

Mr. DOMENICI. Mr. President, I have lost a good friend. New Mexico has lost its greatest hero and the world has lost its greatest adventurer in recent history. Maxie Anderson, world famous balloonist, is dead at the age of 49, suffering a tragic accident in the love of his life, ballooning, in Europe, 25 miles from the East German border.

All of you know his heroic feats as a balloonist. In 1978, he and fellow Albuquerqueans Ben Abruzzo and Larry Newman became the first persons to ever float across the Atlantic Ocean in a balloon. The Double Eagle II, which made this first crossing, is in prominent display in our National Air and Space Museum in Washington, D.C.

In 1980, he and his son, Kris, became the first persons to ever cross the north American continent in a balloon named "Kitty Hawk." He gazed upon the shores of the Pacific Ocean when he took off and saw the waters of the Atlantic when he landed in the first ever successful attempt.

His life was, like many heroes, not without its failures. Three times he valiantly tried to circumnavigate the world in a balloon, and three times the weather and mechanical problems forced him down.

But his spirit never died and that is what made him the marvelous human being that he was, one of the finest and most honorable men I have ever known in my life. There is no question that he was a doer, and when he did things, he did them well. His business was a giant in New Mexico, one that he himself built from the bottom up. Maxie would have it no other way.

America has a big void with his tragic departure. We look to the movies for heroes at times, but here we had, as real as you and me, a true American hero. Those of us who knew him well, his family and his friends, know him first as a great father and a great person. I express my condolences to his family as I am sure all New Mexicans and Americans do at their more personal tragic loss.

We are all going to miss him. Maxie Anderson, the great balloonist and adventurer, a man with a heart as big as his dreams.

PRODUCTION OF 155MM ARTILLERY SHELLS

Mr. BURDICK. Mr. President, the Pentagon has asked us to break a 14-year ban on the production of lethal chemical weapons by producing 155mm binary artillery shells.

The main argument set forth by the Department of Defense in support of their request is that the Soviets have a vastly larger stockpile, and that our own is woefully inadequate.

Mr. President, it has been stated that our stockpile is inadequate. Indeed, in testimony before the Armed Services Committee, the Secretary of Defense testified that our stockpile is sufficient.

The entire question is outlined in a Washington Post article dated May 27, 1983. It clearly shows that claims that our stockpile of 155mm shells is too small are unsupported. I ask that the article be printed in the Record for the benefit of my colleagues.

The article follows:

Pentagon Acknowledges Chemical Arms Supply

(By Walter Pincus, Washington Post Staff Writer)

Opponents of President Reagan's plan to build new chemical weapons have drawn from the Pentagon an acknowledgement that the United States already has stockpiled "hundreds of thousands" of usable 8-inch and 155mm artillery shells containing deadly nerve gas. A congressional aide says that "at least 10 percent of them" are in West Germany.

That stockpile is one reason opponents will urge the House to vote down—as it did last year—an administration request to break a 14-year moratorium on chemical weapons production in the United States.

The chemical weapons request is part of the defense authorization bill pending on the House floor.

The Pentagon is asking for $48.1 million to begin production of new 155mm binary chemical shells. These are regarded as easier to transport and safer to handle than the older, stockpiled nerve gas shells because they are made up of two non-toxic chemicals that become lethal only when mixed during firing.

Both the United States and the Soviet Union have signed the Geneva Protocol of 1925, which outlawed first use of chemical weapons by the signators. Nevertheless, each side has both chemical weapons and defensive equipment in case the other decides to break the treaty.

The Pentagon acknowledged existence of the stockpiled weapons in a reply to a written question at a Senate Armed Services Committee hearing. The transcript was published earlier this month and the relevant part to the reply was unclassified, apparently inadvertently.

A key Pentagon official conceded recently that the stockpile of existing 8-inch and 15mm chemical artillery shells is "approximately sufficient" for present purposes, although smaller than the Joint Chiefs of Staff would like. But he quickly added that there were questions about how long these older shells would last and that some "are filled with [a] less useful persistent agent and . . . cannot be fired to the maximum range of the new howitzers."

The number of shells the Pentagon wants is classified, but defense sources said the Army's plans call for firing one nerve gas shell for every six conventional artillery shells, to keep the enemy in protective clothing.

The Reagan administration's multibillion-dollar, five-year plan to resume production of chemical weapons got a setback earlier this month when the Pentagon told the House Armed Services Committee that there were "technical problems" with the Bigeye bomb, an air-delivered binary weapon.

It was designed to carry a longlasting nerve gas deep behind enemy lines. Defense officials found, however, that it developed gaseous pressure inside the shell after the binary chemicals were mixed, but before it was dropped. Thus it could rupture and become dangerous to the aircraft carrying it.

The Pentagon asked the House committee to withhold the $43 million for fiscal 1984, which it had requested to start production of the bomb, while it tried to find a solution to the pressure problem. However, the Pentagon asked Congress to approve $66.5 million in the meantime for equipment and chemicals it would need to begin producing the bomb once the pressure problem was solved.

The Bigeye, according to a key Pentagon official, "is our most pressing need," and the decision to delay the bomb for a year was made "reluctantly."

Last Wednesday, Defense Secretary Caspar W. Weinberger held a meeting on Capitol Hill with Rep. Ed Bethune (R-Ark.), and other opponents of the chemical weapons production program. Bethune, whose district contains the Pine Bluff site where the binaries would be built, had introduced a resolution earlier this month that called for a freeze in the production of new chemical weapons.

At the meeting, according to congressional sources, Weinberger said he wanted to avoid a floor fight on the issue. He asked the members at least to support funds for equipment and chemical materials so that production of the bomb and artillery shells could begin at some later date.

TRIBUTE TO FORMER SENATOR MILTON YOUNG

Mr. MOYNIHAN. Mr. President, I would like to join my colleagues in paying tribute to Milton Young, the former Senator from the State of North Dakota. A remarkable man, known to many as Mr. Wheat, Senator Young was exemplary in his dedication to serving the needs of this Nation's farmers. His commitment to the strength of agriculture was unwavering. And, in this era of balance of trade deficits, we owe him our thanks for the strength of U.S. agriculture, which helps relieve those deficits.

Senator Young was, however, more than a protector of agriculture. He was also a grand teacher willing to help new Senators. Many here were given advice by him in his often humorous and always patient style. And that advice was indeed sound. Though Senator Young and I sat across the aisle from each other, I could not help respect his point of view. In part, I suppose, because in an odd way we were related—his wife being by marriage a cousin of my wife. He was first and foremost a man of integrity. His interest in serving his constituents was unquestionable.

The Senate indeed lost a great deal upon Senator Young's retirement in 1980. Now his family and friends sadly must share our sense of loss. We will all miss him.

MEMORIAL TO SENATOR MILTON YOUNG

Mr. PACKWOOD. Mr. President, the death of Senator Milton Young, occurring a few years after his retirement from long and superb service in the U.S. Senate, is a loss felt by me personally and by my wife Georgie. We extend to his family, and especially to his wife Pat, our deepest sympathy and appreciation for his many decades of distinguished public service.

I remember Senator Young for his effective and devoted leadership on behalf of the American farmer. I remember him for his half century of public service. I also remember his service as Secretary to the Senate Republican Conference. He held a leadership position in the Senate longer in the 20th century than any other Senator, Republican or Democrat.

Perhaps most poignant to me personally is my memory of Milton Young as a gentleman who served his constituents, the Nation, and the Senate selflessly, with good humor and humility.

It was a privilege to serve with him for his last 6 years in the Senate. Georgie and I extend our best wishes and friendship to Pat Young and her family.

MISS FRANCES H. SMITH, CLERK OF THE SUPREME COURT OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today to recognize the outstanding contributions of Miss Frances H. Smith, clerk of the Supreme Court of South Carolina, on the occasion of her retirement.

Miss Smith has served in numerous capacities in State and Federal Government for the past 46 years, and she is well known throughout South Carolina as a skillful and knowledgeable individual.

Miss Smith earned a bachelor of science degree from the University of South Carolina and was awarded the Algernon Sydney Sullivan Award for outstanding public service. After graduating, Miss Smith worked for the Federal Government for 5 years, before joining the South Carolina Insurance Commission in 1942.

In 1955, Miss Smith began her long and distinguished career with the South Carolina Supreme Court, serving as the secretary to the clerk. She was promoted to clerk of the supreme court in 1958 where she has served ably for the last 25 years.

Frances Smith is held in high esteem by members of the legal profession in South Carolina. Over the years, she has officially welcomed thousands of new lawyers into the legal profession. In fact, Miss Smith is one of the first persons new lawyers deal with during the process of admission to the State bar.

Mr. President, three words best describe the invaluable contributions of this remarkable lady: dedication, loyalty, and service. Although these attributes appropriately apply to Miss Smith's experience in public service, they also accurately describe the manner in which she performs all tasks, professional or otherwise.

She is a member of the National Conference of Appellate Court Clerks and the National Bar Admissions Administrators, serving on the executive committees of each of these organizations.

Miss Smith's dedication is not merely limited to professional organizations. For over 50 years she has been a member of the Washington Street United Methodist Church in Columbia, S.C. There she has served as a member of the administrative board, a trustee of the foundation, and a teacher in the children's department of her church.

Mr. President, the State of South Carolina owes a great debt of gratitude to Miss Frances H. Smith for her outstanding accomplishments, and she can take great pride in knowing that her achievements have made a tremendous impact in the judicial community. I know my colleagues in the U.S. Senate join me in saluting Miss Smith and wishing her many years of good health and happiness during her well-deserved retirement.

TENTH ANNIVERSARY OF THE CONGRESSIONAL SCIENCE AND ENGINEERING FELLOWS PROGRAM

Mr. GORTON. Mr. President, I take this opportunity to congratulate the congressional science and engineering fellows program on its 10th anniversary.

This program places highly qualified, accomplished scientists, engineers, and other professionals in the offices of individual Senators, Representatives, and committees for a 1-year assignment. Fellows perform in much the same way as permanent, professional staff members and are involved

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in varied legislative oversight and investigative activities.

The program is expertly overseen and coordinated by the American Association for the Advancement of Science (AAAS) on behalf of more than 15 separate professional scientific and engineering societies which currently sponsor fellows. Sponsoring societies include the American Chemical Society, the American Psychological Association, the American Physical Society, the American Philosophical Association, and the Institute for Electronics & Electrical Engineers. The fellows are drawn from both industry and academia.

The goals of the program are twofold. First, the fellows bring to Congress new insights, fresh ideas, and extensive knowledge and education in a variety of disciplines. The fellows provide their expertise to the Congress on many issues that have significant scientific or technical components. Second, the fellows convey back to their colleagues in the scientific community an understanding of the workings of the political and public policy processes as well as an understanding of the importance of interaction in the scientific and governmental communities.

Scientists still have much to learn about and to contribute to the policy process and to the application of science to social needs. We in government have much to learn about how to use science, and scientists and engineers, in the search for solutions to our most important national problems. Energy, space policy, the challenge of the information age, basic research funding and priorities, the mental and physical health needs of our citizens, transportation, the use and disposal of hazardous and radioactive compounds are all issues that have scientific or technical components, and are issues to which science and engineering fellows have made substantial contributions during their terms in Congress.

Mr. President, I think it is noteworthy that in 1973 the first such fellow, sponsored by the American Society of Mechanical Engineers (ASME), was placed with the Senate Commerce Committee. Over the years, the Commerce Committee, particularly the Science, Technology and Space Subcommittee, which I now chair, has benefited enormously from the contributions of these talented men and women. This year we were pleased to have had working with us Dr. Norine E. Noonan, one of two Science Fellows sponsored by the American Chemical Society. She is on the faculty of Georgetown University Schools of Medicine and Dentistry, where she is a well-trained and well-known scientist in her field of cell biology. Prior to joining our staff, Dr. Noonan gained experience working voluntarily with the Science, Research and Technology Subcommittee on the House Science and Technology Committee on a variety of legislative and oversight issues.

Mr. President, I ask my colleagues to join with me in congratulating this outstanding program on its 10th anniversary. I believe the involvement by these highly trained and motivated scientists and engineers in the governmental processes represents a real and substantial contribution both to Congress and the country. In light of the increasingly technological character of many of the critical issues before us, the congressional science and engineering fellows program may be even more timely now than at its beginning.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the names of the 1982-83 congressional science and engineering fellows and their assignments.

There being no objection, the list of names was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL SCIENCE AND ENGINEERING FELLOWS

Harley D. Balzer (AHA)—Representative Lee H. Hamilton (D-Ind.).

William Bedesem (ASME)—Science, Research and Technology Subcommittee, House Committee on Science and Technology.

David E. Bouchard (NSPE)—Subcommittee on Energy Development, House Committee on Science and Technology.

John J. Cahill (STATE)—Office of Ocean Law and Policy, U.S. Department of State.

John T. Chu (MAA, AMS, SIAM)—Senator Daniel K. Inouye (D-Hawaii).

Robert M. Cook-Deegan (OTA)—Health and Life Sciences Division, Office of Technology Assessment.

William J. Cromartie (AAAS)—Representative George E. Brown, Jr. (D-Calif.).

Teresa S. Cross (DUKE)—Representative Mervyn M. Dynally (D-Calif.).

Julia C. Crowley (OTA)—Energy Materials and International Security Division, Office of Technology Assessment.

Miriam Davis (CRS/AAAS)—Science Policy Research Division, Congressional Research Service.

Gray S. Garwood (SRCD)—Rep. Pat Williams (D-Mont.).

Ellen Greenberg (SRCD)—Senator Arlen Specter (R-Pa.), Subcommittee on Juvenile Justice, Judiciary Committee.

Richard H. Hersh (OTA)—Science Information and Natural Resources Division, Office of Technology Assessment.

Rush Holt (APS)—Representative Robert Edgar (D-Pa.).

Eric Hyman (OTA)—Office of Technology Assessment.

Anthony Jackson (SRCD)—Representative Ted Weiss (D-N.Y.).

Robert J. Kainz (CRS/AAAS)—Science Policy Division, Congressional Research Service.

Jack Lubowsky—Senator John Glenn (D-Ohio), Subcommittee on Energy, Nuclear Proliferation and Government Processes, Senate Government Affairs Committee.

Edward R. Long (AHA)—Representative Tom Harkin (D-Iowa).

Jerry L. Martin (APhA)—Representative Hank Brown (R-Colo.).

Orin E. Marvel (IEEE)—Senator Jeremiah Denton (R-Ala.).

Judith Meyers (APA)—Representative David R. Obey (D-Wis.).

Norine E. Noonan (ACS)—Subcommittee on Science, Technology and Space, Senate Committee on Commerce, Science and Transportation.

William J. Pollard (ESD)—Senator Carl Levin (D-Mich.).

David Pomerantz (APhA)—Representative Richard A. Gephardt (D-Mo.).

Zeda Rosenberg (ASM)—Representative David R. Obey (D-Wis.).

Ford C. Runge (STATE)—Bureau for Science and Technology, U.S. Agency for International Development.

Doyce Satterfield (IEEE)—Senator Howell Heflin (D-Ala.).

Richard K. Scotch (SRCD)—Representative Paul Simon (D-Ill.).

Gordon A. Smith (AIAA)—Subcommittee on Space Science and Applications, House Committee on Science Technology.

Phillip G. Sokolove—Representative Albert Gore, Jr. (D-Tenn.).

Carol M. Satuto (SRCD)—Representative Mario Biaggi (D-N.Y.).

David Stonner (APA)—Representative Claudine Schneider (R-R.I.).

Mark H. Tennant (ASME)—Senator Strom Thurmond (R-S.C.).

James R. Treglio (APS)—Senator Paul E. Tsongas (D-Mass.).

Scott M. Wagner (ESD)—Senator Donald W. Riegle (D-Mich.).

Randall Wedin (ACS)—Representative George E. Brown, Jr. (D-Calif.).

Arthur B. Weissman (AGU)—Senator Christopher J. Dodd (D-Conn.).

Ann L. Wilson (SRCD)—Senator Dale Bumpers (D-Ark.).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement

to the amendments of the Senate numbered 6, 10, 13, 35, 40, 43, 47, and 58 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 1, 25, 26, 32, 33, 34, 53, and 59 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.R. 3190. An act to establish an improved program for extra-long staple cotton.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 96. Joint resolution to designate August 1, 1983, as "Helsinki Human Rights Day".

At 2:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3135) making appropriations for the legislative branch for fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 11, 12, and 15 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 1, 2, and 17 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2065) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

At 3:46 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 16 and 22 to the bill, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 17, 25, and 26 to the bill, and agrees thereto, each with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 48. Concurrent resolution providing for an adjournment of the Senate from June 29, 1983, June 30, 1983, or July 1, 1983 to July 11, 1983, and an adjournment of the House from June 30, 1983, to July 11, 1983.

The message further announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3363. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes;

H.R. 3398. An act to change the tariff treatment with respect to certain articles, and for other purposes; and

H.J. Res. 390. Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984.

ENROLLED BILLS SIGNED

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the Speaker has signed the following enrolled bills:

H.R. 2713. An act to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies; and

H.R. 3133. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3190. An act to establish an improved program for extralong staple cotton; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 3363. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

H.R. 3398. An act to change the tariff treatment with respect to certain articles, and for other purposes; to the Committee on Finance.

H.J. Res. 290. Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984; to the Committee on Finance.

HOUSE MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1327. A communication from the Director of the Office of Personnel Management, transmitting a draft of proposed legislation to restructure the Federal employees health benefits program to strengthen financial control over the program and enhance competition among participating health plans, and for other purposes; to the Committee on Governmental Affairs.

EC-1328. A communication from the Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1329. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, a resolution adopted by the Council on May 10, 1983; to the Committee on Governmental Affairs.

EC-1330. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report on the financial condition of the Judicial Retirement System and the Judicial Survivor's Annuities System for calendar year 1982; to the Committee on Governmental Affairs.

EC-1331. A communication from the Attorney General of the United States, transmitting, pursuant to law, an evaluation of the U.S. Trustee Pilot Program for Bankruptcy Administration; to the Committee on the Judiciary.

EC-1332. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department of Labor for fiscal year 1982; to the Committee on Labor and Human Resources.

EC-1333. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the potential health and environmental hazards of uranium mine wastes; to the Committee on Environment and Public Works.

EC-1334. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report on a claim for repayment of damages incurred in a shipping accident in the Panama Canal; to the Committee on Armed Services.

EC-1335. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report on a claim for repayment of damages result-

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ing from a shipping accident in the Panama Canal; to the Committee on Armed Services.

EC-1336. A communication from the Deputy Assistance Secretary of Defense, transmitting, pursuant to law, notice that the Department of the Navy plans to exercise authority for exclusion of the clause concerning examination of certain records by the Comptroller General; to the Committee on Armed Services.

EC-1337. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on the conversion of the aircraft maintenance and fueling services activity at Fort Knox, Kentucky, to contractor performance; to the Committee on Armed Services.

EC-1338. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Better Planning and Management of Threat Simulators and Aerial Targets is Crucial to Effective Weapon Systems Performance; to the Committee on Armed Services.

EC-1339. A communication from the Chairman of the United States Commission on Civil Rights, transmitting, pursuant to law, a statement on equal opportunity in Presidential appointments; to the Committee on the Judiciary.

EC-1340. A communication from the Director of ACTION, transmitting, pursuant to law, final regulations, Part 1207 (Senior Companion Program), Part 1208 (Foster Grandparent Program), and Part 1209 (Retired Senior Volunteer Program); to the Committee on Labor and Human Resources.

EC-1341. A communication from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, an estimate on military personnel assigned ashore in NATO countries at the end of fiscal year 1984; to the Committee on Armed Services.

E-1342. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the industrial shop services function at the Chesapeake Bay Detachment, Naval Research Laboratory, Washington, D.C., to performance by contractor; to the Committee on Armed Services.

EC-1343. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, the sixth performance evaluation report, dated June 6, 1983; to the Committee on Commerce, Science, and Transportation.

EC-1344. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "review of Alleged Improper Unemployment Compensation Payments"; to the Committee on Governmental Affairs.

EC-1345. A communication from the Assistant Secretary of Housing and Urban Development (Administration), transmitting, pursuant to law, a report on proposed amendments to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1346. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the annual report of the Commission on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes (Rept. No. 98-168).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 1469. A bill to amend title 18 of the United States Code relating to the sexual exploitation of children (Rept. No. 98-169).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1245. A bill to amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia.

By Mr. HEINZ, from the Committee on Banking, Housing, and Urban Affairs:

Report to accompany the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979 (Rept. No. 98-170).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WILSON, from the Committee on Armed Services:

Delbert L. Spurlock, Jr., of Virginia, to be an Assistant Secretary of the Army.

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Maj. Gen. Edgar A. Chavarrie, U.S. Air Force, to be lieutenant general, Maj. Gen. Winston D. Powers, U.S. Air Force, to be lieutenant general, Vice Adm. Edward C. Waller III, U.S. Navy (age 57), to be placed on the retired list, Maj. Gen. Richard K. Saxer, U.S. Air Force to be lieutenant general, Lt. Gen. Julius W. Becton, Jr., U.S. Army (age 56), to be placed on the retired list, and Maj. Gen. Charles W. Bagnal, U.S. Army, to be lieutenant general. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Air Force there are 10 appointments to the grade of colonel and below (list begins with Charles P. Hatsell), in the Air Force there are 116 permanent promotions to the grade of colonel (list begins with Glen W. Alexander), in the Air Force there are 142 permanent promotions to the grade of lieutenant colonel (list begins with Louis W. Adams II), in the Air Force there are 45 permanent promotions to the grade of lieutenant colonel and below (list begins with John N. Rogerson), in the Air Force Reserve there are 16 promotions to the grade of lieutenant colonel (list begins with Robert F. Ackerman), in the Air Force there are 470 permanent promotions to the grade of major (list begins with Edward F. Augustyniak, Jr.), in the Marine Corps there are 6 permanent appointments to the grade of second lieutenant (list begins with Keith W. Danel), in the Navy there are 387 permanent promotions to the grade of commander (list begins with David J. Abbott) and Col. Erwin J. Rokke, U.S. Air Force, to be dean of the faculty, U.S. Air Force Academy. Since these names have already appeared in the Congressional Record and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk appeared in the Congressional Record of June 13, 16, and 20, 1983, at the end of Senate proceedings.)

By Mr. HATCH, from the Committee on Labor and Human Resources:

Ford Barney Ford, of California, to be Under Secretary of Labor; and

John J. O'Donnell, of the District of Columbia, to be an Assistant Secretary of Labor.

(The above nominations were reported from the Committee on Labor and Human Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

Treaty Doc. 98-2. International Coffee Agreement signed by the United States on March 23, 1983 (Exec. Rept. No. 98-11).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 1562. A bill to require a charge for meals furnished to certain high-level Government officers and employees in the executive branch and for meals furnished in Senate dining facilities; to the Committee on Governmental Affairs.

By Mr. STEVENS:

S. 1563. A bill to amend section 204 of the Federal Property and Administrative Services Act of 1949 to authorize the deposit of cash proceeds from the disposal of excess or surplus property into the general fund of the Treasury for use to retire the national debt; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself, Mr. Metzenbaum, Mr. Durenberger, and Mr. Grassley):

S. 1564. A bill to amend the Internal Revenue Code of 1954 to deny certain tax incentives for property used by governments and other tax-exempt entities; to the Committee on Finance.

By Mr. SPECTER:

S. 1565. A bill to provide for capital punishment for murders committed by prisoners serving a life sentence; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. Cohen, Mr. Rudman, Mr. Nunn, and Mr. Levin):

S. 1566. A bill to amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATCH:

S. 1567. A bill to permit disclosures from tax records of the addresses of individuals who have defaulted on health education loans; to the Committee on Finance.

By Mr. DODD:

S. 1568. A bill to authorize the Secretary of Commerce to provide insurance against losses caused by the imposition of export controls under section 5 or 6 of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER:

S. 1569. A bill to authorize the Secretary of the Interior and other major Federal land managers to provide for the conservation and scientific study of vertebrate paleontological resources on public and Indian lands; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL:

S. 1570. A bill to amend the Internal Revenue Code of 1954 to provide simplification in accounting rules related to inventory; to the Committee on Finance.

By Mr. PELL:

S. 1571. A bill to amend the National School Lunch Act, to provide for the serving of nutritionally superior lunches under such act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. QUAYLE (for himself and Mr. Lugar):

S. 1572. A bill to designate the Veterans' Administration Outpatient Clinic to be located in Crown Point, Ind., as the "Adam Benjamin Veterans' Administration Outpatient Clinic"; to the Committee on Veterans Affairs.

By Mr. DANFORTH (for himself and Mr. Chafee):

S. 1573. A bill to eliminate the retroactive application of certain provisions of Public Law 96-364; to the Committee on Finance.

By Mr. STENNIS:

S. 1574. A bill for the relief of Seyed Mohammad Hossein Paya; to the Committee on the Judiciary.

By Mr. SASSER (for himself, Mr. Byrd, Mr. Dodd, Mr. Metzenbaum, Mr. Stennis, Mr. Randolph, and Mr. Specter):

S. 1575. A bill to improve the highway bridge replacement and rehabilitation program; to the Committee on Environment and Public Works.

By Mr. SASSER (for himself and Mr. Pryor):

S. 1576. A bill to create a Federal, State, and local drug forfeiture fund; to the Committee on the Judiciary.

By Mr. CHILES:

S. 1577. A bill to amend the Agricultural, Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, to subject imported tomatoes to the same pack of container restrictions as are applicable to domestic tomatoes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself, Mr. DeConcini, Mr. Domenici, Mr. Hatch, Mr. Heflin, Mr. Helms, Mr. Laxalt, Mr. Pryor, and Mr. Stevens):

S. 1578. A bill to clarify the application of the Federal antitrust laws to local governments; to the Committee on the Judiciary.

By Mr. ARMSTRONG:

S. 1579. A bill to amend the Internal Revenue Code of 1954 to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expense deduction; to the Committee on Finance.

By Mr. HEINZ:

S. 1580. A bill to provide awards to local educational agencies for individual school implementation of the recommendations of a national study on education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mrs. Kassebaum, Mr. Johnston, Mr. Long, Mr. Zorinsky, Mr. Nickles, and Mr. Boren):

S. 1581. A bill granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact; to the Committee on the Judiciary.

By Mr. GORTON (for himself, Mr. Metzenbaum, Mr. Percy, Mr. Moynihan, Mr. Kasten, Mr. Domenici, Mr. Boschwitz, and Mr. Proxmire):

S. 1582. A bill to amend the Congressional Budget Act of 1974 to establish procedures for setting targets and ceilings in the congressional budget process for direct loan authority and loan guarantee authority, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other have 30 days of continuous session to report or be discharged.

By Mr. PERCY.

S. 1583. A bill to extend for the 6-year period beginning on October 30, 1983, the duty on canned corned beef; to the Committee on Finance.

By Mr. DANFORTH:

S. 1584. A bill to amend the Internal Revenue Code of 1954 to conform the treatment of overall domestic losses with the treatment of overall foreign losses and to conform the foreign tax credit carryover and ordering rules with similar investment credit rules; to the Committee on Finance.

Mr. DANFORTH (for himself and Mr. Dole):

S. 1585. A bill to amend the Internal Revenue Code of 1954 to disallow the research and experimentation credit for contributions of certain scientific property used for research; to the Committee on Finance.

By Mr. INOUYE:

S. 1586. A bill for the relief of Mr. Johnny Guzon, Mrs. Juanita B. Guzon, Froilan B. Guzon, and Genivy B. Guzon; to the Committee on the Judiciary.

By Mr. HELMS:

S. 1587. A bill to amend the Internal Revenue Code of 1954 with respect to deductions for the payment of certain expenses by ministers who receive housing allowances; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. DeConcini, Mr. Kennedy, Mr. Metzenbaum, and Mr. Baucus):

S. 1588. A bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself, Mr. Dixon, Mr. Metzenbaum, Mr. Riegle, Mr. Glenn, and Mr. Gorton):

S. 1589. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 and the Federal Supplemental Compensation Act of 1982 to provide alternative State triggers; to the Committee on Finance.

By Mr. WALLOP (for himself and Mr. Simpson):

S. 1590. A bill to clarify the contractual authority of the Secretary of the Interior to deliver water to the North Platte Irrigation District project; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 1591. A bill to establish a Commission on an Alternative to the Legislative Veto; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself, Mr. Durenberger, Mr. Domenici, Mr. Jepsen, Mr. Pryor, Mr. Heinz, and Mr. Moynihan):

S. 1592. A bill to amend title XVIII of the Social Security Act to correct provisions relating to the cap for hospice care; to the Committee on Finance.

By DURENBERGER (for himself and Mr. Riegle):

S. 1593. A bill to amend the Internal Revenue Code of 1954 to facilitate industrial revitalization and employment by improving the efficiency of the investment tax credit; to the Committee on Finance.

S. 1594. A bill to expand the incentives of the investment tax credit, and for other purposes; to the Committee on Finance.

By Mr. TSONGAS:

S.J. Res. 125. Joint resolution designating the first week of October as "National Remanufacturing Week"; to the Committee on the Judiciary.

By Mr. DIXON (for himself, Mr. Huddleston, Mr. Lugar, Mr. Jepsen, Mr. Leahy, Mr. Zorinsky, Mr. Pryor, Mr. Helms, Mr. Dole, Mr. Cochran, Mr. Percy, Mr. Boschwitz, Mr. Hollings, Mr. Moynihan, Mr. Grassley, Mr. Quayle, Mr. Eagleton, Mr. Boren, Mr. Cranston, Mr. Heinz, Mr. Randolph, Mr. Stennis, Mr. Ford, Mr. Heflin, Mr. Baucus, Mr. Exon, Mr. Riegle, and Mr. Bumpers):

S.J. Res. 126. Joint resolution to designate the week of July 17, 1983, through July 23, 1983, as "National Corn Week"; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. Sasser, Mr. Pressler, Mr. Thurmond, Mr. Domenici, Mr. Chafee, Mr. McClure, Mr. Hecht, Mr. Randolph, Mr. Goldwater, Mr. Bumpers, Mr. Boschwitz, Mr. DeConcini, Mr. East, Mr. Hatch, Mrs. Hawkins, Mr. D'Amato, Mr. Helms, Mr. Chiles, Mr. Inouye, Mr. Long, Mr. Mitchell, Mr. Pryor, Mr. Tsongas, Mr. Heflin, Mr. Nunn, Mr. Stafford, Mr. Wilson, Mr. Hollings, Mr. Trible, Mr. Melcher, Mr. Heinz, Mr. Durenberger, Mr. Bradley, Mr. Bentsen, Mr. Moynihan, Mr. Proxmire, and Mr. Huddleston):

S.J. Res. 127. Joint resolution designating the week of May 27, 1984 as "National Tourism Week"; to the Committee on the Judiciary.

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SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 171. A resolution prohibiting the extension of waiver authority under section 402 of the Trade Act of 1974 with respect to Romania; to the Committee on Finance.

By Mr. DeCONCINI:

S. Con. Res. 49. A concurrent resolution expressing the sense of the Congress that our tax system has become so complex, economically counterproductive, outmoded, and riddled with exceptions, that the time has come to stop applying piecemeal, short term remedies, such as modification of the fringe benefit provisions, and to adopt a new tax system based on equity, efficiency, and simplicity, that will broaden the income base while simultaneously effecting a reduction in tax rates; to the Committee on Finance.

By Mr. MOYNIHAN:

S. Con. Res. 50. A concurrent resolution declaring that U.S. contributions to the United Nations should be reduced by the U.S. proportionate share of the United Nations funds used for the International conference to be held in Vienna, Austria, on July 11 to 13, 1983; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 1562. A bill to require a charge for meals furnished to certain high-level Government officers and employees in the executive branch and for meals furnished in Senate dining rooms; facilities; to the Committee on Governmental Affairs.

NO FREE LUNCH ACT OF 1983

Mr. PROXMIRE. Mr. President, today I am introducing legislation which would require that Federal agencies and the U.S. Senate recover the costs of meals served in executive dining rooms. Let me first explain to my colleagues what this legislation will do and then why I believe it should be promptly passed.

Most Federal agencies here in the Washington area have executive dining rooms. Not just everyone can eat in these exclusive rooms. Admittance is limited, usually to those at the GS-15 level or higher. That limited access means that those fortunate enough to be admitted make good money—$50,000 to $60,000 a year or more. Those salaries are two to three times what the average American family makes.

Most of these dining rooms are not little cubbyhole affairs. Many seat over 50 and some nearly 100. As many as 20 employees—cooks and waiters—work in some of these dining rooms. Mr. President, they are not some conference room temporarily converted for the convenience of the agency head.

As a result of the scale of these dining rooms, they can be expensive to operate. In fiscal year 1981, the Pentagon spent about $450,000 each to operate dining rooms for the Secretary of Defense and the heads of the Army, Navy, and Air Force. Many civilian agencies spent between $50,000 and $100,000 to operate their dining rooms.

As might be expected, the prices charged for the meals did not come anywhere near covering the costs of providing those meals. In fiscal year 1981, it cost about $2,900,000 to operate these dining rooms while the revenues collected from those who ate there barely topped $500,000. The taxpayer paid the $2,400,000 difference. Thus we have the spectacle, Mr. President, of those earning two to three times the average taxpayer's wages using the coercive power of the Internal Revenue Code to force that same taxpayer to pay for their meals. That is just plain wrong.

My legislation would remedy this situation. It requires that those who eat in these dining rooms pay their cost of operation. Nothing more, nothing less.

Mr. President, this legislation establishes the same incentives for the Federal Government that any private businessman must face. If the dining room managers watch their costs, they can serve a meal at about the same price a private restaurant charges. If costs are allowed to balloon, then the prices charged will have to be increased. Nothing could be more fair.

I would apply the same rule to Senate cafeterias and dining rooms. Last year, it cost about $5 million to operate these dining rooms and all but $35,000 of that sum was paid by the patrons. Current policy is to break even on these restaurants and my bill would make this policy law.

The Senate should promptly consider this legislation. The Nation is facing unprecedented deficits. In an effort to control these deficits, we have slowed the rate of growth of many social programs, including food stamps. In addition, the administration strongly supports the concept of user fees. This legislation is a perfect vehicle to put that concept into practice.

Mr. President, in our efforts to control the deficit, we should be fair. Everyone should make a sacrifice, not just the poor. That "everyone" should include powerful Government officials, who are now eating in dining rooms heavily subsidized by the taxpayer.

I ask unanimous consent that the text of my bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "No Free Lunch Act of 1983".

Sec. 2. For the purposes of this Act, "executive dining room" means any dining room which is located in an office building used by any agency in the Executive branch and where breakfast, lunch, or dinner is available only to an officer or employee of the Government serving in a position in the Executive branch in grade GS-15 or above, Executive Level V or above, or colonel or above, or their guests or was available only to such officers or employees or their guests before the date of enactment of this Act.

Sec. 3. Each person receiving a meal in an executive dining room or a Senate dining facility shall be charged for such meal a price in an amount which is not less than an amount sufficient to defray the cost of providing such meal considering the cost of the food, labor, and utilities, and the depreciation of equipment used in providing such meal.

Sec. 4. Sums collected pursuant to section 3 shall be deposited in the Treasury of the United States as miscellaneous receipts.

By Mr. STEVENS:

S. 1563. A bill to amend section 204 of the Federal Property and Administrative Services Act of 1949 to authorize the deposit of cash proceeds from the disposal of excess or surplus property into the general fund of the Treasury for use to retire the national debt; to the Committee on Governmental Affairs.

NATIONAL DEBT RETIREMENT ACT OF 1983

Mr. STEVENS. Mr. President, today I am introducing a bill designed to begin the process of reducing the size of the national debt.

Every year we face the difficult task of balancing the budget. Only once in the last 20 years have we been successful. The current national debt is the result of decades of a "buy now, pay later" approach to financing of government programs. It is a debt that many Members of Congress and past administrations, both Republican and Democratic, supported in attempts to improve our society. But the deficits we produce each year do not go away. They continue to accumulate, increasing the size of our national debt.

In 1981, the public debt passed the 1 trillion mark for the first time. By May of this year that figure had reached almost $1.3 trillion. It is difficult to grasp what these huge numbers represent. Broken down into per capita terms, the debt in 1972 equaled just over $2,000 per person in the United States. In May of this year, the debt per person was well over $5,000.

Even more revealing is the cost of financing this debt. From 1954 to 1981 the Federal debt held by the public increased by almost four times. During this same time, the interest paid on the debt increased by 15 times. In 1982, the accrued interest cost on the debt was over $117 billion. By April of this year, we were adding another $1 million to that figure every 5 minutes. These are funds which do not go for

social programs, defense, or other worthwhile projects. We are merely paying the price for debt incurred to finance Government programs in the past.

Financing the national debt also has a severe impact on the private sector. Government borrowing reduces the available supply of credit, causing interest rates to climb. During the 1960's, the Government took 16.7 percent of the credit market. In 1982 Government borrowing used almost 60 percent of all private capital available.

These trends must be reversed. The unprecedented growth of the national debt is one of the greatest threats to our Nation's economic recovery.

Our bill provides for the use of proceeds from the sale of surplus Federal real property to help retire the public debt. Currently these proceeds go into the Land and Water Conservation Fund. Let me emphasize that our bill will not affect the required annual income level of the fund. Revenues from Outer Continental Shelf oil lands will continue to be deposited in the fund, insuring its integrity.

Our bill by itself will not solve this major problem facing Congress. From fiscal year 1983 to fiscal year 1985 the Property Review Board estimates that just over $2 billion will be generated from the sale of surplus property to help retire a $1.3 trillion debt. Obviously, additional measures are required. But this is a step in the right direction, and an important start in gaining control over a rapidly increasing national debt.

I strongly believe we can no longer delay taking firm action in addressing this issue. I hope you will join me in supporting this bill.

Mr. President, I ask unanimous consent that the materials and tables supplied to me by the Department of the Treasury, as well as the bill itself, be printed in the Record immediately following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Debt Retirement Act of 1983".

Sec. 2. (a) Subsection (a) of section 204(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(a)) is amended to read as follows:

"(a) Notwithstanding any other provision of law, all cash proceeds from any transfer of excess property under this title to a Federal agency for its use, and all cash proceeds from any sale, lease, or other disposition of surplus property under this title, shall be deposited in the general fund of the Treasury and shall be used solely for retirement of the national debt of the United States, except as provided in subsections (b), (c), (d), and (e) of this section.".

(b) The last sentence of subsection (b) of such section is amended—

(1) by striking out "miscellaneous receipts" the first place it appears and inserting in lieu thereof "the general fund of the Treasury and used solely for the retirement of the national debt of the United States"; and

(2) by striking out "miscellaneous receipts" in the proviso and inserting in lieu thereof "the general fund of the Treasury".

(c) Subsection (c) of such section is amended by striking out "miscellaneous receipts" in the proviso and inserting in lieu thereof "the general fund of the Treasury and used solely for the retirement of the national debt of the United States".

PUBLIC DEBT AND INTEREST PER CAPITA

Fiscal year	Per capita—	
	Public debt outstanding	Accrued interest cost
1972	$2,041.91	$104.61
1973	2,173.60	114.66
1974	2,238.07	138.36
1975	2,496.90	152.96
1976	2,950.15	172.27
1977	3,215.59	192.79
1978	3,521.78	222.27
1979	3,736.86	270.50
1980	3,975.97	327.90
1981	4,329.48	414.00
1982	4,909.15	504.40
May 1983	5,517.70	[1]

[1] Not available

Note.—The above data is based on the Bureau of the Census' estimated population.

PUBLIC DEBT OUTSTANDING FOR FISCAL YEAR 1983 ROUNDED TO BILLIONS

Month and year	Statutory debt limitation	Public debt outstanding
October 1982	$1,290.2	$1,142.8
November 1982	1,290.2	1,161.7
December 1982	1,290.2	1,197.1
January 1983	1,290.2	1,201.0
February 1983	1,290.2	1,215.3
March 1983	1,290.2	1,244.5
April 1983	1,290.2	1,247.9
May 1983	1,389.0	1,291.4

Accrued interest cost per minute

Fiscal year	*Amount*
1972	$41.569.25
1973	45.980.59
1974	55,781.77
1975	62,148.02
1976	70,515.98
Transition quarter	61,153.38
1977	79,717.84
1978	92,646.22
1979	113,845.52
1980	142,428.13
1981	181,543.27
1982	223,271.67
April 1983	233,954.97

By Mr. DOLE (for himself, Mr. Metzenbaum, Mr. Durenberger, and Mr. Grassley):

S. 1564. A bill to amend the Internal Revenue Code of 1954 to deny certain tax incentives for property used by governments and other tax-exempt entities; to the Committee on Finance.

GOVERNMENTAL LEASE FINANCING REFORM ACT OF 1983

● Mr. DOLE. Mr. President, I am today introducing with Senator Metzenbaum and Senator Durenberger the Governmental Lease Financing Reform Act of 1983. This bill will provide a comprehensive, fair system for treating leases by State and local governmental units, foreign tax-exempt entities, tax-exempt organizations, and the Federal Government. This bill will prevent the enormous end run on the Federal Treasury that has been attempted through the use of long-term tax-exempt lease financing.

LEASING HORROR STORIES

The press has been filled with examples of such transactions. I need only to highlight the most celebrated cases to make my point. The Navy has sought to lease support ships. Bennington College has sought to lease its entire campus. Columbus, Ohio, has sought to lease its entire electric powerplant. Mr. President, these are only the tip of the iceberg. The Treasury Department has estimated that we may lose billions of dollars annually if this loophole is not closed.

HOW DO THESE DEALS WORK?

Although many of my colleagues are undoubtedly suspicious that something has gone awry when they see tax-exempt entities selling off large proportions—if not all—all of their assets and leasing them back. But it may be helpful to explain simply how these deals work so that the threat to the Treasury Department and the Federal, State, and local budget processes will be fully understood.

First, all of the lessees—the users of the property—are tax exempt. Some are charitable organizations, some are foreign persons exempt from U.S. tax, some are State, local, and Federal governmental entities. Thus, the lessees are already paying no taxes—they are the preferred entities of our tax system, and properly so in this Senator's judgment.

What leasing permits these nontaxpayers to do is to trade on their tax exemption. Such entities are unable to use tax credits and accelerated depreciation—ACRS—which are designed to reduce the cost of capital for taxpayers. A lease permits the nontaxable entities to sell such tax preferences. As a result, such tax-exempt entities are able to obtain a negative tax rate through leasing.

Additionally, the use of leasing permits tax-exempt entities to reap substantial arbitrage profits when the capital disinvested from the property sold and leased back can be reinvested in high taxable yields. The result is an arbitrage opportunity that has been categorically prohibited in the case of more orthodox borrowing through the issuance of municipal bonds.

SUBVERTING THE BUDGET PROCESS

The combination of these two aspects of tax-exempt leasing explains only in part why this opportunity has become so attractive. Additionally, the use of long-term leasing permits State and local governments to avoid many of the ordinary limits on borrowing (like voter approval). Thus, the something-for-nothing game of tax-exempt leasing subverts efforts by all governmental entities to maintain budget discipline.

THE IMPACT ON FEDERAL RECEIPTS

The impact on Federal receipts of tax-exempt leasing is substantial. That is because such transactions create deductions and rehabilitation credits where they did not exist before. It is this creation of deductions and credits that reduces Federal receipts.

WHAT THE BILL WOULD DO

Mr. President, the Governmental Lease Financing Reform Act of 1983 would address these abuses by eliminating the tax credits and accelerated depreciation for property subject to tax-exempt leases. By eliminating the availability of such tax benefits, the tax motivation for such transactions, leasing by tax-exempt will no longer be tax motivated. The tax law will again be neutral on the decison by tax exempts to lease or to buy. Tax exempt entities would continue tax exempt, but the ability to obtain a negative tax rate will be foreclosed.

CHANGES FROM H.R. 3110

This bill follows the leadership of Congressman PICKLE who introduced a similar measure, H.R. 3110. There are, however, substantial differences. I would like to highlight some of these differences.

HIGH TECHNOLOGY PROPERTY

Under the House bill, computers and other high technology short-lived property would be subjected to straight line depreciation over 12 years. That depreciation is substantially less than economic depreciation. As a result, it will be virtually impossible for colleges and universities to lease computers, even where a lease makes sense. The inability to obtain economic leases may have a devastating effect on our high-technology industries as well as our educational institutions.

This bill will provide a fair rule for high technology assets, and other short-lived property. Under that rule, if the property has a class life under the ADR system of 6 years or less and is leased for a term not in excess of 75 percent of that life, the property would be exempt from the general rules of this bill. That is because, without the credit, our preliminary analysis shows that ACRS provides no greater benefit than economic depreciation. Indeed, ACRS depreciation is slower than that allowed under prior law. Thus, there is no deferral benefit for tax-exempt users of such property to sell. Of course, if our preliminary analysis turns out to be incorrect and there is potential for abuse, I will support a modification of this rule.

REAL PROPERTY LEASES

Some of the most celebrated abuses involve leases of real property. The House bill seeks to stop those deals by requiring straight line depreciation of real estate over a term of 35 years. Unfortunately, the House bill is insufficient to prevent deals like that negotiated by Bennington College. To stop those deals, straight line depreciation over the greater of 40 years or 125 percent of the lease term is provided. Our bill so provides, thus finally accomplishing what the House bill intended to do. Additionally, because these benefits are available in any case in which there is a long-term lease of real property, the bill would apply regardless of whether the property was new or used. the bill would delete, however, the vague notion of the House bill that coverage should turn on a determination of which party has an economic interest in the property.

GENERAL RULE FOR PERSONAL PROPERTY

The House bill provides an artificial schedule of slow depreciation for leased personal property. As I noted, that schedule is too slow for short-lived personal property. It is also too long for ·certain long-lived property. The Senate bill would require straight-line depreciation over the ADR class life of property or 125 percent of the lease term, whichever is greater. This rule will prevent the unintended consequences of the House bill.

TREATMENT OF THE REHABILITATION TAX CREDIT

In what was apparently a drafting error, the House denied the rehabilitation tax credit to all property financed with industrial development bonds, regardless of whether there was a tax-exempt user. This error is corrected in the Senate bill and the rehabilitation tax credit is denied in any case in which there is a tax-exempt user. Thus, the double dip and arbitrage potential with the rehabilitation tax credit is prohibited under the general rule.

Second, there may be unintended impacts. For example, the bill as drafted may adversely impact taxable Government entities and certain foreign licensing of movies produced in the United States. Additionally, this bill may have an unintended impact on leases of personal property to the Federal Government for which an express appropriation has been made prior to May 23, 1983, and for which no tax indemnity has been provided. This Senator will seek to correct that unintended impact when this bill is considered by the Finance Committee. I understand that the Senator from Ohio has no objection to such an amendment.

EFFECTIVE DATE

Like the House bill, the Senate bill would apply generally to property placed in service after May 23, except to the extent covered by a binding contract on that date. The special rule for nonsafe harbor leases of mass transit property of the House bill is not included—it is far too early to be crafting special interest relief rules. However, we will monitor this area closely to insure that we do not have any unintended effects under this bill on legitimate transactions.

OUTSTANDING QUESTIONS

Despite our introduction of this bill today there remain a number of questions which we must explore when hearings are held next month. First, we need to assess whether the rules in this bill are adequate to prevent abuses in the leasing of short-lived property, while preventing unintended disruption of equipment markets. For example, we need to insure that leases of hospital diagnostic equipment are treated properly.

Third, there is some concern that the rules of this bill for real property and the rehabilitation tax credit may go beyond merely preventing the abuses we have targeted. If that is correct, then modifications may be appropriate.

Finally, I have noted previously that we must give careful attention to appropriate effect dates and transition rules and appropriate rules governing the treatment of foreign tax exempt entities.

I look forward to the further consideration of these important issues.

Mr. President, I ask unanimous consent that a more detailed, technical explanation of the bill be included in the RECORD following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TECHNICAL EXPLANATION OF THE GOVERNMENTAL LEASE FINANCING REFORM ACT OF 1983

Scope.—Property leased for substantial periods by tax-exempt entities would be subject to slower depreciation and denial of the investment tax credit. Tax exempt entities would be defined broadly as State, local and Federal governmental units, expressly tax-exempt organizations and effectively tax exempt foreign persons. Substantial periods would generally be defined by reference to the class life of the leased property. Foreign persons treated as tax exempts include foreign persons with respect to assets for which less than 20 percent of the income is subject to U.S. tax. Real property leases (i) in excess of 10 years; (ii) financed by IDBs; (iii) with a fixed price purchase option; or (iv) under a sale-leaseback or lease-leaseback are also covered.

Short-lived property.—Because there is no possibility of significant tax benefit transfers through short-term leases of short-lived property a special exemption for short-lived property leased for a term of 75 percent or less of its life (including extensions or renewals) would be provided. Short-lived property is defined as property with a class life of 6 years or less.

Short-term leases; Limited leases.—Personal property leased for less than the greater of 1 year or 30 percent of the class life (but not in excess of 3 years) and real property leased for not more than 3 years (1 year in the case of property eligible for the rehabilitation tax credit) would be exempt from the rules. Similarly, a lease of 50 percent or less of real property would also be exempt.

Effect.—If the bill applies to property, the investment tax credit would be denied (including the rehabilitation tax credit) and depreciation deductions are allowed on a straightline basis over the class life of property) or 125 percent of the lease term, whichever is greater. In the absence of a class life, personal property would be depreciated over 12 years on a straightline basis.

Distinction between leases and service contracts.—The definition in case law of service contracts would be narrowed by an express definition to deny the investment tax credit to property which is in substance leased by a tax-exempt entity.

Use of IDBs.—In the absence of tax-exempt use, use of IDBs would not trigger the limitations of the bill.

Effective date.—The bill would generally be effective for property placed in service after May 23, 1983, subject to a narrow binding contract rule like that of H.R. 3110.●

● **Mr. METZENBAUM.** Mr. President, I am pleased to join Senators DOLE and DURENBERGER today in introducing legislation that will bring to an end a costly and highly efficient tax avoidance practice known as sale and leasebacks by Government and tax-exempt entities. Through this practice, tax-exempt entities like cities and universities have, in effect, gone into the business of selling lucrative tax shelters to private investors.

How does this scheme work? Because a city, for example, does not pay Federal income taxes it is unable to take advantage of the investment tax credit and depreciation deductions associated with its property. But a city can sell the building to a taxpayer, who can take advantage of the lucrative tax benefits, and then lease the building back to the municipal government.

We have witnessed in recent months an explosion in the use of sale and leaseback transactions by Government and nonprofit entities. With the encouragement of accounting firms, tax lawyers, and trade associations, new deals have been closing almost daily.

Bennington College wants to sell its entire campus and lease it back.

The city of St. Louis wants to sell its city hall.

Baltimore has already sold its incinerator and firehouse.

Oakland no longer owns its museum or coliseum.

Who benefits?

The seller benefits because the sale price that it receives is far greater than the amount it must pay to lease back the building in question.

The taxpayer-investor benefits from substantial tax writeoffs purchased at bargain basement prices.

But, unfortunately, all of these gains come at the direct expense of the Federal Government and of every American who pays taxes to support that Government.

Mr. President, I believe that we must do more to assist our ailing cities and States. We must do more for education at every level. We should continue and strengthen our commitment to transportation, housing programs and other worthwhile and legitimate Federal efforts to meet the needs of our State and local governments.

But, I do not believe that we should be doing indirectly—through the tax code—the things which we are unwilling to do directly through the congressional authorizations and appropriations process.

The sale and leaseback scheme is a tax gimmick, most of whose benefits go to the tax shelter investor. Only a small part of the revenues lost to the Federal Treasury goes to the cities, the colleges, and the tax-exempt organizations. If it is our intention to assist these organizations and units of government, then it makes no sense whatever to do so in a way that allows tax shelter investors to skim most of the money off the top.

Our bill reduces the benefits of depreciation for property that is leased by nontaxable entities. It tightens the Internal Revenue Code provisions which deny the investment tax credit for property used by tax-exempt entities. It also extends that denial to foreign governments.

Mr. President, I am convinced that this legislation is necessary in order to stop what has become a uncontrolled hemorrhage of Federal revenue.

But I know that some people are unhappy about the legislation we are introducing today.

We are already feeling the pressure from the lawyers who stand to lose some legal fees.

We are hearing from the real estate developers.

We are hearing from the cities, States, and colleges. And we are even hearing from the foreign governments and foreign companies which are using the tax gimmick to subsidize their activities at the expense of the taxpayers of the United States.

On May 24, Senator DOLE and I had a colloquy on the Senate floor during which we announced our plans to introduce this bill. We also indicated that the bill would prohibit sale and leaseback transactions for property placed in service after May 23. The bill establishes that effective date.

Since May 24, the tax attorneys and financial consultants have been on notice that these tax scams would no longer be permitted. They were told that a transition rule would protect those who relied on existing law from any unfair financial hardship. That protection is included in the bill. It excludes projects subject to a binding contract as of May 23.

I believe that this effective date provision is fair. And I hope that we will be able to prevent exceptions from this rule from eating away at the thrust of the bill.

If we are truly serious about tax reform;

If we are truly serious about tax equity and fairness;

If we are truly serious about controlling the Federal budget;

Then we must begin to review the massive subsidies that we hand out year after year through the Internal Revenue Code. The sale and leaseback scheme is one of those subsidies that cannot be justified.

I look forward to working with Senator DOLE and others to move forward as expeditiously as possible with this important legislation.

Mr. President, I understand that the Senator from Kansas has a concern dealing with a Federal leasing arrangement that has been approved by the appropriate appropriations and authorization committees. It is my further understanding that the lease in question will not contain a so-called indemnity clause which was the subject of an amendment I offered on the floor earlier this month. And I might add that I appreciated the support of the Senator from Kansas on that amendment. I can assure the Senator that I will not object to his efforts to address the issue of this Federal lease as this legislation advances.●

● **Mr. DURENBERGER.** Mr. President, I am pleased to join my colleague, the chairman of the Finance Committee, Mr. DOLE, in introducing legislation to eliminate the sale-leaseback of property by tax-exempt entities.

My colleagues know that as chairman of the Intergovernmental Relations Subcommittee of the Governmental Affairs Committee I am most concerned about the problems of State and local governments and the effect the Federal laws have on these entities both directly and indirectly. I have also been deeply involved with the issues affecting other tax-exempt entities such as the nonprofits that serve so admirably in delivering services that governments would otherwise be called upon to do.

My colleagues also know of my strong interest in making the benefits of leasing available to all industries. My actions during debate on the Tax Equity and Fiscal Responsibility Act last year certainly demonstrate that commitment.

But use of leasing by tax-exempt entities is a horse of a different color, as the old saying goes. I am not criticizing the tax-exempt entities for utilizing leasing. They saw an attractive horse that could help them with their severe financial difficulties and took the opportunity to ride it aggressively.

This is one loophole we should waste no time in closing. The availability of leasing is important to achieve a level playing field among taxable entities. Without leasing, corporations who have no tax liability for a period of years are at a competitive disadvan-

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tage to companies who can utilize the investment tax credit and ACRS in making the investments so necessary to greater productivity.

The benefits of the ITC and ACRS were never intended to flow to tax-exempt entities. The effect of these sale-leaseback arrangements is to confer benefit on the tax-exempt entity. But they confer even more benefit on high-income taxpayers who use it to shelter income. Unless we close this loophole, the Federal Treasury will be the real loser.

This bill is not the final answer to the issue. The transition rules need modification. The provisions on short-lived assets are an improvement over the House bill but still need review. Coverage of production credit associations should also be examined. And I am sure other issues will arise during the legislative process that we will address. This bill is an important first step, though, and I am pleased to join my colleagues in offering it.●

By Mr. SPECTER:

S. 1565. A bill to provide for capital punishment for murders committed by prisoners serving a life sentence; to the Committee on the Judiciary.

CAPITAL PUNISHMENT LEGISLATION

Mr. SPECTER. Mr. President, I am today introducing a bill designed to protect all persons associated with our Federal prison system from violent death at the hands of prisoners serving life sentences for other crimes. The bill allows the death penalty for the murder of any person such as a prison official, a prison guard, a visitor, a lawyer, a reporter, or a fellow inmate. Those violent and hardened prisoners already serving life sentences far too often feel they have "nothing to lose" in killing someone in the prison, and this legislation is sorely needed to deter that conduct.

The level of violence in our prisons today is truly appalling. According to the Federal Bureau of Prisons, 136 inmates have been killed by other prisoners in the Federal prison system alone in the past 10 years. Seven Federal prison guards have been murdered in the same time period. Equally disturbing are the nearly 2,000 violent assaults on Federal correctional employees and over 3,500 assaults by inmates on other inmates during this time.

Unfortunately, the Federal prison system is only the tip of the iceberg. Nationwide 165 inmates were brutally murdered by other State prisoners in 1981 and 1982, according to the National Institute of Corrections. Seven correctional officers were killed in State prisons in 1981. Mr. President, this frightening level of barbarism and brutality must be stopped.

This legislation will apply to those prisoners already beyond redemption or rehabilitation—those already sentenced to life imprisonment for their prior heinous crimes. There is currently no provision in the Criminal Code that effectively deters these prisoners from striking again while in prison.

This bill does just that, allowing the jury or court to consider numerous relevant factors in determining whether to impose the death penalty, including whether the murder occurred during an escape attempt, a kidnaping, a prison riot, the taking of hostages, or a sexual assault, or as a result of drug dealing, or by use of a firearm.

Without a more severe punishment for such a murder than merely life imprisonment, assaults and killings will undoubtedly increase along with our growing prison population. Our Nation's correctional officers and our prisoners have the right to be protected from the violence of the most dangerous inmates. No prisoner ever should be able to feel immune from further punishment for his violent acts. We, as lawmakers, must act now to remedy this unjust and tragic situation. I, therefore, urge my colleagues to pass this important legislation.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 51 of title 18 of the United States Code is amended by adding the following new section after section 1117:

"Sec. . Murder by Federal Prisoners.—

(a) Whoever, while confined in a federal correctional institution under sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of parole.

(b) For purposes of this section—

(1) 'federal correctional institution' means any federal prison, federal correctional facility, federal community program center, or federal halfway house;

(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death;

(3) 'murders' means committing first degree murder or second degree murder as defined by section 1111 of this title.

(c) A person shall be subjected to the penalty of death under this section only if a hearing is held in accordance with this section.

(d) Notice by the Government.—Whenever the Government intends to seek the death penalty under this section, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice (1) that the Government in the event of conviction will seek the sentence of death, and (2) setting forth the aggravating factor or factors which the Government will seek to prove as the basis for the death penalty. The court may permit the attorney for the government to amend this notice for good cause shown.

(e) Hearing Before Court or Jury.—When the attorney for the Government has filed a notice as required under subsection (d) and the defendant is found guilty of or pleads guilty to an offense under this section, the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury which determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury which determined the defendant's guilt has been discharged for good cause; or

"(D) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the Government.

A jury impaneled pursuant to paragraph (2) of this subsection shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than twelve.

(f) Proof of Aggravating and Mitigating Factors.—Nowithstanding Rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under this section, no presentence report shall be prepared. In the sentencing hearing, information may be presented as to any matter relevant to the sentence and shall include matters relating to any of the aggravating or mitigating factors set forth in subsections (i) and (j) or any other mitigating factor. Where information is presented relating to any of the aggravating factors set forth in subsection (j), information may be presented relating to any other aggravating factor.

Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as the adequacy of the information to establish the existence of any of the aggravating or mitigating factors, and as to appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establising the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The

burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the information.

(g) Return of Findings.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any mitigating factors, and any aggravating factors set forth in subsection (j) found to exist.

(h) Imposition of Sentence.—Upon a finding that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

(i) Mitigating Factors.—In determining whether a sentence of death is to be imposed on a defendant, the following mitigating factors shall be considered but are not exclusive:

"(1) the defendant was less than eighteen years of age at the time of the crime;

"(2) the defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge;

"(3) the defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge;

"(4) the defendant is punishable as a principal (as defined in section 2(a) of this title) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to the charge;

"(5) the defendant could not reasonably have foreseen that his conduct in the course of the commission of murder, or other offense resulting in death for which he was convicted, would cause, or would create a grave risk of causing, death to any person.

(j) Aggravating Factors.—The following aggravating factors shall be considered but are not exclusive:

(1) the defendant committed the offense during the course of seizing, confining, inveigling, decoying, kidnaping, abducting, carrying away, holding hostage, or holding for ransom or otherwise any person;

(2) the death or injury resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission or attempted commission of, an offense under section 751 (escape by prisoner in custody of institution or officer);

(3) the defendant committed the offense during the course of perpetrating or attempting to perpetrate a sexual assault on any person;

(4) the defendant committed the offense during the course of, on account of, or as a result of any transaction concerning or distribution of any controlled substance as defined by schedules I, II, III, IV, and V of section 812 of title 21;

(5) the defendant committed the offense while armed with, or having readily available, a firearm, as defined in section 921(a)(3) of this title;

(6) the defendant committed the offense during the course of inciting, organizing, promoting, encouraging, participating in, carrying out, or aiding or abetting any person in inciting, participating in or carrying on a riot as defined in section 2102 of this title;

(7) the defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

(8) the defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person;

(9) in the commission of the offense the defendant knowingly created a grave risk of death to one or more persons in addition to the victim of the offense;

(10) the defendant committed the offense in an especially heinous, cruel, or depraved manner;

(11) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value;

(12) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value;

(13) the defendant committed the offense after substantial planning and premeditation to cause the death of a person.

(k) Instruction to Jury on Right of the Defendant to Justice Without Discrimination.—In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant was not involved in reaching his or her individual decision.

(l) Appeal From Sentence of Death.—"In any case in which the sentence of death is imposed under this section the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28 of the United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

"The court shall affirm the sentence if it determines that: (1) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, and (2) the information supports the special finding of the existence of any aggravating factor, or the failure to find any mitigating factors as set forth or allowed in this section. In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence.".

(m) Implementation of a Sentence of Death.—"A person who has been sentenced to death pursuant to the provisions of this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a woman while she is pregnant.

(n) Use of State Facilities.—"A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General."

By Mr. ROTH (for himself, Mr. Cohen, Mr. Rudman, Mr. Nunn, and Mr. Levin):

S. 1566. A bill to amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money for the United States, or to parties to contracts with the United States, and for other purposes; to the Committee on Governmental Affairs.

PROGRAM FRAUD CIVIL PENALTIES ACT OF 1983

Mr. ROTH. Mr. President, I am introducing today, on behalf of myself and Senators Cohen, Rudman, Nunn, and Levin, a bill to create a mechanism whereby the Federal Government can more aggressively and effectively pursue fraud in Government programs.

Recently, the Permanent Subcommittee on Investigations concluded 2 days of hearings on false billing schemes by a major defense shipbuilding contractor. Seven months of intensive investigation uncovered mischarging, cross billing, and illegal cost shifting. This and other investigations have disclosed that, while Government and civilian auditors found many instances of fraud, no formal action was taken to recoup Government losses or to penalize the wrongdoers. Part of the reason for this inaction is the cumbersome legal process which is the only available avenue to correct these abuses. An unscrupulous contractor can take advantage of the current system, make millions in overcharges, and get away with a slap on the wrist. Proportionally, the few successful civil and criminal cases hardly present a deterrent.

An administrative civil penalty law will bring a swift, sure, and fair resolution to the current state of affairs. The presence of a third alternative will also act as a deterrent because it is a simple, straightforward, readily available mechanism to be used by the agency directly affected by the alleged fraud.

But the Program Fraud Civil Penalties Act is designed for use in any Government program where there is an identifiable loss or where the integrity of a program is put in jeopardy by false statements. And during 1981 the

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General Accounting Office released a three-volume report entitled "Fraud in Government Programs—How Extensive Is It—How Can It Be Controlled." The report observed that during the period October 1976 to September 1979 the Government lost between $150 to $200 million as a result of fraud directly related to Government programs. Among its conclusions, the report recommended the enactment of an administrative penalty statute which would allow Federal agencies to impose appropriate monetary sanctions against persons, corporations, and other entities who engage in fraud upon the Government.

Among other things, GAO observed that current efforts to control fraud were primarily directed toward the filing of criminal and civil actions by the Department of Justice or by the imposition of relatively light administrative sanctions by the affected agencies. GAO concluded that for the reasons set forth below, these efforts were insufficient to address the magnitude of the problem and that a new statutory penalty must be enacted which would allow affected agencies to directly impose monetary penalties for fraud.

GAO estimated that during the reporting period, approximately 77,000 cases of fraud were detected. Of this number, only 12,900 cases were referred to the Department of Justice for criminal prosecution. The Department of Justice subsequently declined to prosecute 61 percent of these cases. Furthermore, GAO estimates that under new Department of Justice guidelines for white-collar-crime prosecutions, an even greater percentage of such cases will be declined.

Moreover, the Government rarely recovers an amount equal to the loss sustained. The GAO estimates that in approximately 1,500 criminal and civil cases, defendants were ordered to reimburse $14 million to the Federal Government. Administrative actions resulted in the proposed recovery of an additional $29 million. However, in many instances the Government achieved only a judgment against the individual and was not able to recover the full amount due.

Administrative civil penalties would give the Government an additional tool to serve as a deterrent against fraud and to recover Federal funds lost due to fraud. Ideally, this administrative mechanism would be used in appropriate circumstances when the Department of Justice declines to prosecute.

According to GAO estimates, 62 percent of all Department of Justice declination are based upon the following factors:

First, lack of prosecutive merit/jury appeal, 16 percent;

Second, small monetary loss to the Government, 14 percent;

Third, administrative action is more appropriate, 8 percent; and

Fourth, insufficient evidence for criminal prosecution, 24 percent.

It may be argued that the cases which comprise the majority of these declinations are clearly within the scope of a civil administrative proceeding.

Currently, administrative proceedings are primarily designed to deny an entity the right to continue to participate in a Federal program. As such, their effects are primarily prospective in nature, and are not designed to restore to the Government the funds lost as a result of the fraud.

The Program Fraud and Civil Penalties Act which I am introducing today is designed to create an administrative mechanism that will allow the affected agency to impose a monetary penalty for fraud. This penalty is cumulative with existing criminal, civil, and administrative penalties and is ideally suited to situations where the Department of Justice has declined to seek criminal action against a person who has committed fraud against a Federal program. The bill will also assist agencies in the collection of such penalties by allowing an offset of such penalties against any other outstanding Federal obligation owed to the liable party, including Federal tax refunds.

The bill contains eight sections which would amend title 5 of the United States Code by adding a new chapter 8 to create new administrative remedies for false claims and statements submitted to Federal agencies by persons seeking money, services, or property from the Federal Government. While current Federal law provides criminal penalties for false statements—for example, 18 U.S.C. 1001, 18 U.S.C. 494, 15 U.S.C. 645—and criminal and civil penalties for false claims—for example, 18 U.S.C. 287, 31 U.S.C. 321—the imposition of these sanctions requires the Department of Justice to initiate and conclude a criminal or civil suit in Federal court. Because the Department of Justice guidelines regarding the prosecution of Government fraud usually limits prosecution to instances where the Government has suffered a substantial and identifiable monetary loss, the Government is left without an adequate remedy for many false claims and statements, which do not result in a significant monetary loss to the Government, but which may have a detrimental impact upon the Federal program which received the claim or statement. This impact is best demonstrated by the following examples:

First, a large business falsely certifies its identity as being a small business for the receipt of a Federal small business set aside contract. The large business successfully underbids several bona fide small businesses and is awarded the contract. Later, after an administrative procedure relating to a challenge of the small business size status of the company, the large business is disqualified from the future receipt of such contracts. However, by such time the large business has fully and adequately performed the awarded contract. Under Federal law, the large business has filed false statements and false claims relating to the award and performance of the contract in question. However, the Government has received full value for the contract price. The primary loss to the Government is therefore in the undermining of the integrity of the small business set aside program, not in a monetary loss. The likelihood of prosecution in such instances is small.

Second, a contractor submits a falsely inflated claim to the Federal Government. In the course of an audit of the claim, the falsity of the majority of the claim is discovered and disallowed. The contractor is never paid for the false portion of the claim. In such a case, the contractor has submitted a false statement and a false claim to the Government. However, because the Government discovered the falsity of the claim prior to payment, the contractor's civil liability is limited to $2,000 under 31 U.S.C. 231, even if the false claim was for hundreds of thousands of dollars. Many more typical examples can be found in the GAO study.

This bill will allow the agencies who are the recipients of such false claims and statements to administratively adjudicate a civil penalty for such false claims and statements.

Such a penalty will give agencies a significant tool in policing the integrity of their programs. Furthermore, the deterrent effect of enhanced enforcement of civil penalties against fraudulent participants in Federal programs will assist the good faith participants in such programs. This legislation has been enthusiastically endorsed by Inspectors General and the GAO, while the administration has strongly endorsed the concept of administrative civil penalties.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section analysis of the Program Fraud Civil Penalties Act of 1983 be printed at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE PROGRAM FRAUD CIVIL PENALTIES ACT OF 1983

FINDINGS AND DECLARATIONS OF POLICY

By setting down its findings and declaring its purpose, Congress provides insight as to the remedial purpose of the statute, in aid to implementation. With the growth of fraud against the Federal government, it is clear that present remedies are inadequate to stem the flow of millions upon millions of dollars to those not entitled. Less money becomes available to the qualified and the deserving.

Given this predicate, federal agencies need an expeditious and administrative alternative to the courts in handling matters of false claims and declarations. In furtherance of this policy, all federal agencies victimized by such false claims and declarations are to have an administrative penalty mechanism compatible with existing procedures and in accordance with fundamental due process.

SECTION 801 DEFINITIONS

Section 801 sets out definitions of key terms used in the bill. The term "authority" is defined to encompass those agencies with substantial audit and investigative capability, specifically the 16 agencies and departments with statutory Inspectors General, together with Department of Defense, the Department of Treasury, the Department of Justice and the Postal Service.

The term "claim" is defined to include requests or demands for money, property or services, whether made directly to the government authority or a fiscal intermediary, including a state, political subdivision or other entity. Each individual voucher, claims form or other separate request or demand constitutes a separate claims for which a penalty could be imposed.

The term "statement" is defined to include all written representations and certifications of fact, whether made directly to the government authority or through a fiscal intermediary, including a state, political subdivision or other entity. Furthermore, no monetary loss need be sustained by the federal government as a result of the statement.

The bill creates the position of "investigating official" in order to enable those departments without a statutory Inspector General to conduct investigations of false claims and statements in a manner similar to an Inspector General investigation.

SECTION 802 LIABILITY FOR FALSE CLAIMS AND STATEMENTS

This section identifies false claims as those claims supported by false statements, or claims which seek payment for services not provided, or which were provided in violation of law or regulation. False statements are those which falsely misrepresent material facts or contain omissions which make a statement materially false.

This section establishes liability for claims and statements that are known by the presenter to be false. It provides for damages consisting of a civil penalty of not more than $10,000 for each false claim, plus an assessment of not more than double the amount of money or value of property or services including consequential damages, sustained by the United States as a result of such false claims and statements. Such damages also include the costs associated with the investigation. Such a penalty would be in addition to any criminal, civil or administrative penalty.

SECTION 803 DETERMINATION OF AUTHORITY HEAD AND SUBPOENA AUTHORITY

This section sets out the procedures to be followed by the government authority in imposing administrative sanctions and in issuing subpoenas in order to investigate false claims and statements.

An appropriate investigation is conducted by the investigating official. The results of the investigation are presented to a senior department or agency reviewing official. If this official determines that there is probable cause to conclude that a fraudulent claim or statement has been committed, the matter is referred to the authority head for an appropriate proceeding.

The respondent must be notified in writing of the anticipated administrative action and afforded an opportunity for a hearing on the record, at which time the person is entitled to be represented. The hearing would be governed by the Administrative Procedures Act. It is contemplated that, while cases will be developed by the Inspectors General and the investigating officials, the required hearing will be conducted and determinations reached by the principal officer of the agency or by an administrative law judge. Upon completion of the administrative determination imposing sanctions, which, except in unusual circumstances, must not be less than the amount of damages sustained by the United States, the person must be notified in writing of the findings and determination and of his/her right to judicial review under Section 904.

This section also expands the authority of the 16 Inspectors General to allow for the administration of oaths or affirmations and for the issuance of testimonial subpoenas in the investigation of such false claims and statements. This expansion of the subpoena authority is essential in order to enable the Inspectors General to develop adequate evidence of fraud for the administrative determinations which are authorized by the bill.

Similarly the section empowers the investigating official of the Department of Defense, the Department of Treasury, the Department of Justice and the Postal Service with the oath/affirmation administration and subpoena powers of the statutory Inspectors General.

This section also authorizes the Inspector General or the investigating official to seek the enforcement of any such subpoena in the United States district court.

SECTION 804 JUDICIAL REVIEW

This section provides that judicial review by a United States Court of Appeals may be obtained by filing within 60 days of notification of the administrative determination, a written petition urging that the administrative determination be modified or set aside. In reviewing the administrative determination, the findings of the government authority on questions of fact, if supported by substantial evidence on the record considered as a whole, are conclusive. Similarly the amount of penalties or assessments imposed is conclusive if within the statutory limits set out in Section 802. No new objection of evidence may be use before the appellate court that was not presented in the administrative proceeding, except in unusual circumstance, in which event the court may remand the case to the government authority for further proceedings. Further judicial review by the Supreme Court may be sought pursuant to 28 USC 1254.

SECTION 805 COLLECTION OF CIVIL PENALTIES AND ASSESSMENTS

This section states that unless judicial review is sought, the administrative sanction becomes final and may be enforced by a civil action in a United States District Court or asserted as a counterclaim or set off in any other civil action to which the United States and the person are parties. Penalties and assessments may be compromised or settled by the government authority except during the pendency of any appeal of an enforcement action, during which such authority vests in the Attorney General.

Where losses involve joint federal-state programs, funds recovered may be used to reimburse the state in the same ratio as the amount paid out by the state bears to the total payment of such claim, up to the amount actually paid out by the state. Except for this reimbursement to the states, funds recovered through administrative proceedings are to be deposited as miscellaneous receipts in the United States Treasury.

SECTION 806 LIMITATION

This section limits actions to those authorized by the Attorney General. If within 120 days of receipt of a request to initiate an administrative action, the Attorney General takes no action to restrict the initiation of administrative proceedings the authority may initiate the action as if the Attorney General has authorized it. This 120-day period is consistent with the existing time frame of Department of Justice review of such matters.

Any administrative action must be commenced within 6 years of the presentation of the false claim or statement and any civil enforcement action must be commenced within 3 years from the date of the sanction becomes final. If at any time during the administrative proceedings it appears, based on specific information that bribery, conflicts of interest, or other corruption involving any officer or employee of the government in connection with the claim or statement has occurred, such information must be reported to the Attorney General who, by written finding that continuation of the administrative proceeding may adversely affect any civil or criminal action related thereto, may stop the administrative proceeding. No proceeding shall be commenced if a claim exceeds $100,000.

SECTION 807 RIGHT TO SETOFF

This section authorizes setoff of civil penalties and assessments against any sum owing by the United States or a state to the person against who sanctions are imposed. Setoff authority may also be exercised with respect to any tax refunds due the person.

SECTION 808 REGULATIONS

This section requires the promulgation of regulations to implement the provisions of the bill, including regulations which must ensure that the role of the Inspectors General or investigating officials is limited to an investigative role.

Furthermore, the section also authorizes the Attorney General and the heads of the government authorities to enter into memoranda of understanding to provide for expeditious approval by the Attorney General of administrative proceedings.

SECTION 809 REPORTS

Investigating officials are to prepare annual reports summarizing their activities taken under this chapter. Such annual report shall be furnished to the agency authority head and to the appropriate committee of Congress in the same manner as the reports under section 5(b) of the Inspector General Act of 1978.

The new remedy provided by this bill would apply to any claim or statements submitted after Dencember 31, 1983.

S. 1566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Program Fraud Civil Penalties Act of 1983".

SEC. 2. (a) (1) The Congress finds that—

(A) fraud in Government programs is a serious and growing problem;

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(B) present civil and criminal remedies for program fraud are not sufficiently responsive to this problem;

(C) fraud in Government programs results in the loss of millions of dollars annually; and

(D) fraud in Government programs undermines the integrity of these programs by allowing ineligible persons to participate and receive Federal funds to which they are not entitled.

(2) The Congress further finds that it is desirable to create an expeditious and inexpensive administrative procedure which Federal agencies may use to impose an administrative penalty for false, fictitious, or fraudulent claims and statements.

(b) The purposes of this Act are—

(1) to allow Federal agencies which are the victims of false, fictitious, and fraudulent claims and statements to have an administrative remedy penalizing persons who submit such claims and statements;

(2) to provide an administrative penalty procedure which is comparable with administrative penalty procedures with respect to Government contracts, personnel disciplinary proceedings, and Government grants; and

(3) to provide reasonable due process protections to all persons who are subject to the adjudication of administrative penalties for false, fictitious, or fraudulent claims or statements.

SEC. 3. (a) Title 5 of the United States Code is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—ADMINISTRATIVE PENALTIES AND ASSESSMENTS FOR FALSE CLAIMS AND STATEMENTS

"Sec.
"801. Definitions.
"802. False claims and statements; liability.
"803. Hearing and determination by authority head; subpena authority.
"804. Judicial review.
"805. Collection of civil penalties and assessments.
"806. Limitations.
"807. Right to setoff.
"808. Regulations.
"809. Reports.

"§ 801. Definitions

"(a) As used in this chapter—

"(1) 'authority' means any establishment as defined in section 11(2) of the Inspector General Act of 1978 (92 Stat. 1109), any executive department, any military department, and the United States Postal Service;

"(2) 'authority head' means—

"(A) the head of an authority, or

"(B) an official or employee of the authority designated, in regulations promulgated by the head of the authority, to make findings and determinations under this chapter on behalf of the head of the authority;

"(3) 'claim' means any request or demand, whether under a contract or otherwise—

"(A) to an authority for property, services, or money (including money representing grants, loans, insurance, or benefits); or

"(B) to a recipient of property, services, or money from an authority or to a party to a contract with an authority—

"(i) for property or services if the United States provided such property or services or any portion of the funds for the purchase of such property or services or will reimburse such recipient or party for the purchase of such property or services; or

"(ii) for the payment of money (including money representing grants, loans, insurance, or benefits) if the United States provided any portion of the money requested or demanded or will reimburse such recipient for any portion of the money paid on such request or demand;

"(4) 'statement' means any written representation or certification—

"(A) with respect to a claim; or

"(B) with respect to—

"(i) a contract with, or a bid or proposal for a contract with,

"(ii) a grant, loan, or benefit from,

"(iii) an application for insurance from, or

"(iv) an application for employment with, an authority, or any State, political subdivision of a State, or other party acting on behalf of, or based upon the credit or guarantee of, an authority;

"(5) 'person' means any individual, partnership, corporation, association, or private organization;

"(6) 'investigating official' means—

"(A) the Inspector General in an authority which is authorized an Inspector General by the Inspector General Act of 1978 (92 Stat. 1101) or any other Federal law; or

"(B) in the case of an authority which is not authorized an Inspector General by the Inspector General Act of 1978 (91 Stat. 1101) or any other Federal law, any official or employee of the authority when designated by the head of the authority to conduct investigations under the provisions of section 803(a)(1) of this title; and

"(7) 'reviewing official' means any official or employee of an authority—

"(A) whose rate of basic pay is equal to or greater than the minimum rate of basic pay for grade GS-18 under section 5332 of this title; and

"(B) who is designated by the head of the authority to make the determination provided in section 803(a)(2) of this title.

"(b) For the purposes of subsection (a) (3) of this section—

"(1) each voucher, invoice, claim form, or other individual request or demand for property, services, or money constitutes a separate claim whether submitted separately or together with other claims;

"(2) each request or demand for property, services, or money constitutes a claim regardless of whether such property, services, or money is actually delivered or paid; and

"(3) a claim shall be considered made to an authority, recipient, or party when such claim is made to an agent, fiscal intermediary, or other entity, including any State or political subdivision thereof, acting for or on behalf of such authority, recipient, or party.

"(c) For the purposes of subsection (a)(4) of this section—

"(1) each written representation or certification constitutes a separate statement whether submitted separately or together with other statements; and

"(2) a statement shall be considered made to an authority although such statement is actually made to an agent, fiscal intermediary, or other entity, including any State or political subdivision thereof, acting for or on behalf of such authority.

"§ 802. False claims and statements; liability

"(a) For purposes of this chapter—

"(1) a claim is false when the claim—

"(A) includes or is supported by any false, fictitious, fraudulent, or intentionally misleading statement, document, record, or accounting or bookkeeping entry;

"(B) is for payment for the provision of property or services which the claimant has not provided, or has not provided in accordance with the terms of the contract on which such claim is based, or has provided in violation of any applicable Federal or State statute or regulation; or

"(C) is for the payment of an amount in excess of the amount which is properly due; and

"(2) a statement is false when a material fact—

"(A) is asserted in such statement and is false, fictitious, fraudulent, or intentionally misleading; or

"(B) is omitted from such statement and—

"(i) as a result of the omission, such statement is substantially false, fictitious, or fraudulent or, in the case of an intentional omission, is intentionally misleading; or

"(ii) the person making such statement has a duty to include such material fact in the statement.

"(b) Any person who, on or after the effective date of the Program Fraud Civil Penalties Act of 1983, knowingly makes, presents, or submits, or knowingly causes to be made, presented, or submitted, a false claim or statement, is liable to the United States for—

"(1) a civil penalty of not more than $10,000 for each false claim or statement; and

"(2) an assessment of not more than double—

"(A) the full amount of money paid to and the full value of property or services delivered to a person as a result of the false claim or statement of such person; or

"(B) the amount of damages, including the amount of consequential damages and the cost of investigating such false claim or statement, sustained by the United States as a result of the false claim or statement.

"(c) Except as provided in section 803(b)(5) or 805(f)(1) of this title, the total amount of the penalty and assessment determined under this section shall not be less than the amount of damages sustained by the United States as a result of the false claim or statement.

"(d)(1) The penalties and assessments provided in this section shall be in addition to all criminal penalties provided by law.

"(2) Except as provided in subsection (e) of this section, the authority head may use any administrative and contractual remedy authorized by any other applicable provision of Federal law in addition to the provisions of this chapter to impose or enforce a civil penalty and assessment for false claims and statements.

"(e) Notwithstanding any other provision of Federal law, a civil penalty or assessment imposed under any other provision of Federal law in any case subject to this chapter may be in any amount authorized in this section.

"§ 803. Hearing and determination by authority head; subpena authority

"(a)(1) The investigating official of an authority shall investigate allegations that a person is liable under section 802(b) of this title and report the findings and conclusions to the reviewing official of the authority.

"(2) If the reviewing official determines, based upon the report of the investigating official or upon information from any other source, that there is probable cause to believe that a person is liable under section 802(b) of this title, the reviewing official shall refer the allegations contained in such report to the authority head for a hearing. Before referring the allegations to the authority head, the reviewing official may refer the allegations to the investigating official and require the investigating official

to obtain more information with respect to the allegations.

"(b)(1) The authority head shall conduct a hearing on the record regarding any allegation referred to him pursuant to subsection (a) of this section to determine, based on the preponderance of the evidence—

"(A) the liability of any person under section 802(b) of this title;

"(B) the amount of damages suffered by the United States as a result of the false claim or statement creating the liability of such person; and

"(C) the amount of any penalty and assessment to be imposed on such person.

"(2) The person alleged to be liable under section 802(b) of this title shall be entitled—

"(A) to written notice of the hearing specifically setting forth all allegations and the date, time, and place for such hearing;

"(B) to be present at such hearing;

"(C) to be represented by counsel;

"(D) to present evidence; and

"(E) to cross-examine any witnesses.

"(3) Each hearing under paragraph (1) of this subsection shall be conducted in an impartial manner and resolve the issues expeditiously and inexpensively consistent with fundamental fairness. A written decision including findings and determinations shall be issued after the conclusion of the hearing.

"(4)(A) Except as provided in subparagraph (B) of this paragraph and section 804 of this title, the findings and determinations of the authority head issued in connection with a hearing conducted under paragraph (1) of this subsection are final.

"(B) If the authority head conducting the hearing under paragraph (1) of this subsection is an individual described in section 801(a)(2)(B) of this title, the amount of the penalty and assessment imposed on a person may be reduced by the authority head described in section 801(a)(2)(A) of this title to any amount not less than the amount provided in section 802(c) of this title.

"(5) The total amount of the penalty and assessment determined under this section may be less than the amount provided in section 802(c) of this title if the authority head determines that a lower amount is in the best interest of the United States and enters in the written decision and makes available for public inspection the determination and the reasons for the determination.

"(c) After a hearing pursuant to subsection (b) of this section, the authority head shall promptly send to any person determined to be liable under section 802(b) of this title written notice of the findings and determinations of the authority head and the right to judicial review under section 804 of this title.

"(d) For the purposes of an investigation under subsection (a) of this section the investigating official is authorized—

"(1) to administer oaths or affirmations; and

"(2) to require by subpena the attendance and testimony of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to conduct such investigation.

"(e) For the purposes of conducting a hearing under subsection (b) of this section, the authority head is authorized—

"(1) to administer oaths or affirmations; and

"(2) to require by subpena the attendance and testimony of witnesses and the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence which the authority head considers relevant and material to the hearing.

"(f) In the case of contumacy or refusal to obey a subpena issued pursuant to subsection (d) or (e) of this section, the investigating official or authority head, as the case may be, may invoke the aid of any district court of the United States where such investigation or hearing is being conducted, or where such subpenaed person resides or conducts business. The district courts of the United States shall have jurisdiction to issue an appropriate order for the enforcement of any such subpena. Any failure to obey such order of the court is punishable by such court as contempt.

"(g) Unless a petition is filed as provided in section 804 of this title, the determination of liability pursuant to this section shall be final and shall not be subject to judicial review.

"§ 804. Judicial review

"(a) Any person who has been determined pursuant to section 803 of this title to be liable under section 802(b) of this title may obtain review of such determination in the United States Court of Appeals for the circuit in which such person resides or in which the claim or statement upon which the determination of liability is based was made, presented, or submitted, or for the District of Columbia Circuit, by filing in such court, within sixty days after the date on which the notice required by section 803(c) of this title is sent, a written petition that such determination be modified or set aside. The clerk of the court shall transmit a copy of such petition to the authority head concerned and to the Attorney General. Upon receipt of the copy of such petition the authority head shall transmit to the Attorney General the record in the proceeding resulting in the determination of liability. Except as otherwise provided in this section, the courts of appeals of the United States shall have jurisdiction to review the findings and determinations in issue and to affirm, modify, remand for further consideration, or set aside, in whole or in part, the findings and determinations of the authority head, and to enforce such findings and determinations to the extent that such findings and determinations are affirmed or modified.

"(b) The findings of the authority head with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(c) The determination of the authority head as to the amount of any penalty and assessment shall be conclusive and shall not be subject to review except to determine whether such amount exceeds the maximum amount provided in section 802 of this title.

"(d) Any court of appeals reviewing, under this section, the findings and determinations of the authority head shall not consider any objection that was not raised in the hearing conducted pursuant to section 803(b) of this title, if any, absent a showing of extraordinary circumstances causing the failure to raise the objection. If any party shows to the satisfaction of the court that additional evidence not presented at such hearing is material and that there were reasonable grounds for the failure to present such evidence at such hearing, the court shall remand the matter to the authority head for consideration of such additional evidence.

"(e) Upon a final determination by the court of appeals that a person is liable under section 802(b) of this title, the court shall enter a final judgment for the appropriate amount in favor of the United States, and such judgment may be recorded and enforced by the Attorney General to the same extent and in the same manner as a judgment entered by any United States district court.

"§ 805. Collection of civil penalties and assessments

"(a) The Attorney General, with the support of the authority head when required, shall be responsible for judicial enforcement of any civil penalty or assessment imposed pursuant to the provisions of this chapter.

"(b) Any penalty or assessment imposed in a determination which has become final pursuant to section 803(g) of this chapter may be recovered in a civil action brought by the Attorney General. In any such action, no matters that were raised or that could have been raised in a hearing conducted under section 803(b) of this title or in a review pursuant to section 804 of this title may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

"(c) The district courts of the United States and of any territory or possession of the United States shall have jurisdiction of any action commenced by the United States under subsection (b) of this section.

"(d) Any action under subsection (b) of this section may, without regard to venue requirements, be joined and consolidated with or asserted as a counterclaim, cross-claim, or setoff by the United States in any other civil action which includes as parties the United States and the person against whom such action may be brought.

"(e)(1) The United States Claims Court shall have jurisdiction of any action under subsection (b) of this section to recover any penalty and assessment if the cause of action is asserted by the United States as a counterclaim in a matter pending in such court. The United States may join as additional parties in such counterclaim all persons who may be jointly and severally liable with the person against whom such counterclaim is asserted.

"(2) No cross-claims or third-party claims not otherwise within the jurisdiction of the United States Claims Court shall be asserted among additional parties joined under paragraph (1) of this subsection.

"(f)(1) Except as provided in paragraph (2) of this subsection, the authority head may compromise or settle any penalty and assessment determined pursuant to section 803 of this title. No compromise or settlement under this subsection shall provide for a recovery of an amount less than the amount described in section 802(c) of this title unless the authority head makes the determination and takes the action provided in section 803(b)(5) of this title.

"(2) The Attorney General shall have exclusive authority to compromise or settle any penalty and assessment the determination of which is the subject of a pending petition pursuant to section 804 of this title or a pending action to recover such penalty or assessment pursuant to this section.

"(g) Whenever a penalty and assessment is imposed and collected pursuant to this chapter and part of any money paid or property or services delivered as a result of the false claim or statement on which such penalty and assessment is based was provided by a State or political subdivision thereof which has not previously been reimbursed for such money or property, the United States shall reimburse such State or political subdivision the lesser of—

"(1) an amount bearing the same ratio to the civil penalty and assessment recovered as the amount paid, or the cost to the State or political subdivision of property or services delivered, by the State or political subdivision on the basis of such false claim or statement bears to the total amount paid, or total cost of property or services delivered, based on such false claim or statement; or

"(2) the total amount actually paid, or the total actual cost to the State or political subdivision of property or services delivered, by the State or political subdivision on the basis of such false claim or statement.

"(h) Except as provided in subsection (g) of this section, any amount of penalty and assessment collected under this chapter shall be deposited as miscellaneous receipts in the Treasury of the United States.

"§ 806. Limitations

"(a)(1) Prior to initiating a proceeding under section 803(b) of this title the authority head shall transmit to the Attorney General written notice of the intention to initiate such proceeding together with the reasons for such intention.

"(2) The authority head may initiate a proceeding under section 803(b) of this title if—

"(A) the Attorney General approves the initiation of such proceeding; or

"(B) the Attorney General takes no action to disapprove the initiation of such proceeding within ninety days after the date on which the notice required by paragraph (1) of this subsection is received or within such longer period after such date as is provided in a memorandum of understanding entered into by the authority head and the Attorney General with respect to such proceeding.

"(b)(1) No proceeding under section 803(b) of this title shall be commenced more than six years after the date on which the claim or statement alleged to be a false claim or statement is made, presented, or submitted.

"(2) A proceeding under such section is commenced by mailing by registered or certified mail the notice required in section 803(b)(2)(A) of this title.

"(c) A civil action to recover a penalty and assessment under section 805 of this title shall be commenced within three years after the date on which the determination of liability for such penalty and assessment becomes final.

"(d) If at any time during the course of proceedings brought pursuant to this chapter the authority head receives or discovers any specific information regarding bribery, gratuities, conflict of interest, or other corruption or similar activity in relation to a false claim or statement, the authority head shall immediately report such information to—

"(1) the Inspector General of the authority, if an Inspector General is authorized for the authority by the Inspector General Act of 1978 (92 Stat. 1101) or any other Federal law, for transmission to the Attorney General; or

"(2) the Attorney General, if the authority is not authorized an Inspector General by the Inspector General Act of 1978 (92 Stat. 1101) or any other Federal law.

"(e) If the Attorney General transmits to an authority head a written finding that the continuation of any proceeding under section 803 of this title may adversely affect any pending or potential criminal or civil action related to an alleged false claim or statement under consideration in such proceeding, such proceeding shall be immediately stayed and may be resumed only upon written authorization of the Attorney General.

"(f) No proceeding shall be commenced under section 803(b) of this title with respect to any claim, statement, or group of claims or statements submitted before the commencement of such proceedings by any person or group of persons acting in concert if (1) the amount of money or the value of property or services requested or demanded in such claim, statement, or group of claims or statements exceeds $100,000, or (2) the amount of damages, including the amount of consequential damages, sustained by the United States as a result of such claim, statement, or group of claims or statements exceeds $100,000.

"§ 807. Right to setoff

"(a)(1) The amount of any penalty and assessment which has become final under section 803(g) of this title, or for which a judgment has been entered under section 804(e) or 805 of this title, or any amount agreed upon in a settlement or compromise under section 805(f) of this title, may be deducted from any sum, including a refund of an overpayment of Federal taxes, then or later owing by the United States to the person liable for such penalty and assessment.

"(2) The authority head shall transmit written notice of each deduction made under this paragraph to the person liable for such penalty and assessment.

"(3) All amounts retained pursuant to this paragraph shall be remitted to the Secretary of the Treasury for deposit in accordance with section 805(h) of this title.

"(b) An authority head may forward a certified copy of any determination as to liability for any penalty and assessment which has become final under section 803(g) of this title, or a certified copy of any judgment which has been entered under section 804(e) or 805 of this title to the Secretary of the Treasury for action in accordance with subsection (a) of this section.

"§ 808. Regulations

"(a) The head of each authority shall issue rules and regulations implementing paragraphs (1), (2), and (3) of section 803(b) of this title and such additional rules and regulations as may be necessary to carry out the provisions of this chapter. Such rules and regulations shall insure that investigating officials are not responsible for making the determinations or conducting the hearing required in section 803(b) of this title or making the collections under section 805 of this title.

"(b) The Attorney General may enter into a memorandum of understanding with the head of any authority to provide expeditious procedures for approving or disapproving the initiation of proceedings under section 803(b) of this title and for referral of matters for action under sections 804, 805, and 806(e) of this title. Such memorandum of understanding may provide advanced authorization to initiate proceedings under section 803(b) of this title with respect to any particular type or class of alleged false claims or statements if not otherwise barred by section 806 of this title.

"§ 809. Reports

"(a) Each investigating official shall, not later than October 31 of each year, prepare an annual report summarizing actions taken under this chapter during the most recent twelve-month period ending September 30. Such report shall include—

"(1) a summary of matters referred to the authority head under section 803(a)(2) of this title during such period;

"(2) a summary of matters transmitted to the Attorney General under section 806(a)(1) of this title during such period;

"(3) a summary of all proceedings initiated by the authority head under section 803(b) of this title, and the results of such proceedings, during such period; and

"(4) a summary of the actions taken during such period to collect any civil penalty or assessment imposed under this chapter.

"(b) The annual report of an investigating official shall be furnished to the authority head not later than October 31 of the year such report is prepared. Each such report shall be transmitted to the appropriate committees and subcommittees of Congress in the same manner as the October 31 reports of Inspectors General are transmitted under section 5 (b) of the Inspector General Act of 1978 (92 Stat. 1103).".

(b) The table of chapters at the beginning of part I of title 5, United States Code, is amended by inserting after the item relating to chapter 7 the following new item:

"8. Administrative Penalties and Assessments for False Claims and Statements .... 801.".

SEC. 4. The regulations required by section 808 of title 5, United States Code, as added by section 3(a) of this Act, shall be promulgated not later than one hundred and eighty days after the effective date of this Act.

SEC. 5. This Act and the amendments made by this Act shall take effect December 31, 1983.

By Mr. HATCH:

S. 1567. A bill to permit disclosure from tax records of the addresses of individuals who have defaulted on health education loans; to the Committee on Finance.

LOAN DEFAULT INFORMATION AMENDMENTS OF 1983

● Mr. HATCH. Mr. President, I am today introducing the "Loan Default Information Amendments of 1983." This legislation would permit disclosure from tax records, the addresses of individuals who have defaulted on health education loans.

A report conducted by the Government Accounting Office in 1981 disclosed that more than 28 percent of the borrowers in the health professions student loan and nursing loan programs were delinquent in payments by 90 days and that "low priority was placed on the billing and collecting of health profession and nursing student loans" by schools participating in the programs.

The report went on to state that the Department of Health and Human Services had not effectively monitored participating schools' collection efforts, but that the Department had recognized the importance of improving its program oversight and was taking steps to assist schools in reducing the high delinquency rates.

As a part of those efforts, the "Loan Default Information Amendments of 1983," recommended by the administration, extends the authority granted Federal agencies by the Debt Collection Act of 1982, to obtain addresses from taxpayer's records to institutions who participate in the HPSL and NSL programs.

The Debt Collection Act of 1982 allows the Secretary of the Treasury to disclose "the mailing addresses of a taxpayer for use by officers, employess, or agents of a Federal agency for purposes of locating such taxpayer to collect or compromise a Federal claim against the taxpayer for a debt owed to the Federal Government." But the HPSL and NSL programs were excluded from the new authority because it only related to "efforts to collect or compromise claims of the Federal Government." Because the HPSL and NSL programs are administered by the schools and not the government, these programs were not included under the Debt Collection Act. Extension of that authority to health profession and nursing schools will allow them to more efficiently process and collect deliquent loans while updating records and making funds available for more students to participate in these loan programs. Mr. President, I would like to request that the text of this proposed legislation be placed after my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Loan Default Information Amendments of 1983".

DISCLOSURE OF LOCATION OF BORROWERS WHO HAVE DEFAULTED ON HEALTH EDUCATION LOANS

SEC. 2. Paragraph (4) of section 6103(m) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "or the Secretary of Health and Human Services" after "Secretary of Education" in the matter in subparagraph (A) preceding clause (i) and in the matter of subparagraph (B) preceding clause (i),

(2) by striking out "or" at the end of clause (i) of subparagraph (A) and of subparagraph (B),

(3) by adding "or" at the end of clause (ii) of subparagraph (A) and of subparagraph (B),

(4) by inserting the following after clause (ii) of subparagraph (A):

"(iii) made under part C of title VII or part B of title VIII of the Public Health Service Act,",

(5) by inserting the following after clause (ii) of subparagraph (B):

"(iii) any lender participating under part C of title VII or part B of title VIII of the Public Health Service Act,", and

(6) by inserting "or the Department of Health and Human Services" after "Department of Education" in the matter in subparagraph (A) following clause (iii) (as added by paragraph (4) of this section).●

By Mr. DODD:

S. 1568. A bill to authorize the Secretary of Commerce to provide insurance against losses caused by the imposition of export controls under section 5 or 6 of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

POLITICAL RISK INSURANCE ACT OF 1983

● Mr. DODD. Mr. President, today I am introducing legislation which would authorize a voluntary, self-financing program of insurance against losses from the imposition of national security or foreign policy export controls under the Export Administration Act. Export controls, while an important policy option for the conduct of foreign affairs, necessarily disrupt commerce and can otherwise undermine our domestic and international trade position. It is therefore important that the Federal Government take steps to reduce as much as possible the commercial problems associated with them. The frequency with which we impose controls, and the magnitude of the losses associated with those controls, require that we do what we can to protect American exporters from adverse financial consequences.

The rationale for this legislation should be clear to those familiar with the historical record of export controls. Under the Export Administration Act, the President is authorized to control or restrict exports on the grounds of national security, foreign policy, or short supply of important commodities. While recent controls on the export of pipeline equipment and, earlier, agricultural commodities to the Soviet Union were particularly noteworthy, numerous other sanctions have been imposed during the post-World War II period. Communist and non-Communist countries alike have been the objects of such treatment.

The authority to impose controls is an important policy option. Our Nation must have the ability to maintain its technological lead over our adversaries, particularly in militarily critical areas. We must also preserve maximum tactical flexibility in pursuit of our foreign policy objectives.

However, as important as such controls may be, the inevitably lead to new costs and losses to the American economy. As American exporters find their business interrupted, they lose sales and markets and their employees lose jobs. Last year, the Senate Banking Subcommittee on International Finance and Monetary Policy heard testimony that the 1980 embargo of agricultural exports to the Soviet Union resulted in estimated losses of over $11 billion of corn, wheat, and soybean output, 310,000 related jobs, and $3.1 billion in personal income earned in the United States. Similarly, the Commerce Department has estimated that controls on oil and gas equipment and technology sales to the Soviet Union would probably cost U.S. firms $300 million to $600 million in exports over 3 years.

Mr. President, it is important to note that the United States has imposed export controls far more frequently, and has a much more extensive export control system, than any of our major trading partners or allies. Our unique responsibilities as the leading diplomatic, commercial, and military power in the free world make it likely that export controls will be imposed in the future. However, the effective implementation of such controls will be seriously complicated if we continue to pay inadequate attention to the domestic economic implications of these controls. If the American people and the business community believe that the costs are too severe, the ability of the President to make best use of his authority will be seriously undermined. I am not suggesting that export controls are a necessary or desirable response to every action or situation we believe undermines our national interest. I do believe it is important that we take steps to minimize the adverse domestic impact of our response.

According to a staff survey performed at the State Department's Office of East-West Trade, many of our trading partners have fairly significant programs for covering losses arising from the imposition of export controls, even though these nations have rarely, if ever, imposed such controls. The West Germans have offered a limited quasi-public program of political risk insurance against losses due to export control actions by the West German Government. The Japanese Ministry of International Trade and Industry offers insurance covering losses due to Japanese export control actions. The French Foreign Ministry has indicated that, in the case of export control actions or embargoes, the Government will cover losses on sales of military equipment.

The United States, on the other hand, has imposed export controls far more frequently than any of these countries, but fails to display a correspondingly greater commitment to covering the losses which inevitably arise from such actions. I believe such a commitment is needed if we want to reduce the commercial complications associated with such controls.

The Political Risk Insurance Act of 1983 would authorize the Secretary of Commerce, who has primary responsibility for licensing exports and administering export controls under the Export Administration Act, to establish a program to provide exporters insurance against losses arising from the imposition of national security or foreign policy controls under that act. This program would be voluntary, and

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exporters who elect to participate in the program would pay premiums as determined by the Secretary of Commerce. This legislation would limit total claims under the program to the total of accrued premiums in the fund and income from investments of the fund. As a result, the United States would not be liable for any claims in excess of the total of accrued premiums and investment income. The program would thus be self-financing and not add to the deficit.

The Secretary of Commerce would have broad authority to establish the program upon such terms and conditions as he deems appropriate. The Secretary may also act in conjunction with other Federal agencies and enter into reinsurance and other agreements with private insurers in order to carry out the program established by this legislation.

Mr. President, I believe that this approach is a responsible one and should not raise fears about unwarranted intrusion of the Federal Government into the private sector or the financial markets. As I mentioned earlier, the self-financing nature of this program precludes any increase in the deficit. Furthermore, programs authorized by this legislation are not intended either to compete with, or establish a basis for regulation of, private insurance providers. In sum, this legislation is intended to authorize a service which is in the national interest, but apparently not sufficiently available in order to protect that interest. I look forward to consideration of this measure by the Congress so that we can take whatever steps may be necessary to improve this measure and bring it into conformance with the purposes I have set forth.

Mr. President, I ask unanimous consent that the text of this legislation be included in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 4 of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(g) INSURANCE AGAINST LOSS CAUSED BY EXPORT CONTROLS.—(1) The Secretary is authorized, upon such terms and conditions and in conjunction with such other Federal agencies as the Secretary may deem appropriate, to establish a program to provide exporters who elect to participate in the program insurance against losses, in whole or in part, caused by the imposition of export controls under section 5 or 6, including any losses incurred in the production and preparation for sale of goods or technology on which such controls are imposed.

"(2) The Secretary shall prescribe and collect premiums from participating exporters for insurance provided under this subsection, and shall establish premium rates at levels which assure that the program is run on an actuarially sound basis. Premiums collected under this subsection shall be deposited in a special fund which shall be available only for the purpose of this subsection. The Secretary may invest balances in the fund in excess of estimated current needs in obligations of the United States. Except to the extent of accrued premiums in the fund and any income on investments of the fund, the United States has no liability arising out of the imposition, expansion, or extension of export controls.

"(3) The Secretary is authorized to enter into agreements, including reinsurance agreements, with private insurers in order to carry out the insurance program under this subsection.

"(4) All determinations by the Secretary with respect to claims for losses covered by insurance under this subsection shall be final.".

SEC. 2. This Act shall be referred to as the "Political Risk Insurance Act of 1983".●

By Mr. PRESSLER:

S. 1569. A bill to authorize the Secretary of the Interior and other major Federal land managers to provide for the conservation and scientific study of vertebrate paleontological resources on public and Indian lands; to the Committee on Energy and Natural Resources.

PALEONTOLOGICAL CONSERVATION ACT OF 1983

Mr. PRESSLER. Mr. President, today I have the pleasure of introducing the Paleontological Conservation Act of 1983 for the consideration of my colleagues. This is one of those rare pieces of legislation that has tremendous support from a wide range of scientific, private, and commercial concerns. This bill deals specifically with the manner in which the Department of the Interior and its agencies promulgate rules dealing with the collection of fossils, minerals, and related items on public lands.

The Secretary of the Interior and other major Federal land managers, including the Secretaries of Defense and Agriculture and the heads of independent land managing or land holding agencies, are responsible for providing measures to insure that certain paleontological resources located on public and Indian lands are afforded systematic scientific study toward the enhancement of this Nation's natural resource heritage. As the lead Federal agency for the conservation and protection of natural resources, the Department of the Interior must provide overall policy direction for the administration of this act through the provisions of the national natural landmarks program.

The terribly confusing maze of rules that now exists has already caused a great deal of consternation among professional and amateur collectors. Last fall, in a misguided effort to revise some of these rules, the Bureau of Land Management came forth with a new set of regulations that resulted in a flood of protests from hobbyists, scientists, and commercial collectors. In a 60-day period, the BLM received nearly 1,200 pieces of mail, the vast majority of which opposed the proposed rule changes. Nearly every State was represented in the outcry. This is not a regional issue. Some 2 million rock hounds are tired of foolish, thoughtless BLM regulations. The latest revision would have required each party camping out—even for a single night—to obtain a permit from the appropriate Federal authorities.

The science of paleontology is highly specialized. Paleontology, simply put, is the study of fossils and past life forms. Our Nation is rich in fossil remains, which, in capable hands, can help unravel scientific mysteries. These valuable fossil resources need the protection this measure provides. The BLM personnel simply do not have the expertise needed in this unique field of study. Though small in number, paleontologists have widespread impact on the scientific community and the general public. The work of paleontologists provides an important link in our understanding of the history of life on Earth. From study of the past we gain insight into the future.

My proposal would provide a new and comprehensive framework on which more realistic regulations could be based. An advisory committee composed of experts both in and out of Government would be set up to promulgate these rules. This legislation will conserve and protect our precious vertebrate fossils, while at the same time allowing hobbyists the freedom to enjoy their activities.

It is a shame that during nearly a decade of personal and written contact with Government officials, the collectors have been unable to impress their concerns on these officials. The avenue of direct legislation appears to be the only viable means left for this large and unheard group. Legislation that has been applied to this area was originally placed on the books in 1906 and was never intended to serve as it has been forced to do. It is time for the Congress of the United States to act promptly.

I ask unanimous consent that a summary of the bill and two letters of support be entered in the RECORD at this point.

There being no objection, the material ordered to be printed in the RECORD, as follows:

A PROPOSED BILL: "PALEONTOLOGICAL RESOURCES CONSERVATION ACT OF 1983"

I. KEY ISSUES

Fossil vertebrates are one of the Nation's unique natural resources.

Fossil vertebrates are important scientifically (as the primary evidence of the history and diversity of higher life) as well as educationally (fossil vertebrates are major exhibits in Federal, State and private museums).

These national natural resources on public lands are constantly being exposed and lost to processes of weathering and erosion. They can be saved only through collection and preservation.

Existing/proposed Federal policies and practices relating to fossil vertebrates *discourage* conservation of this natural history resource because

—They are "borrowed" from other disciplines (i.e., archeology) and are unsuitable for paleontology;

—They impede the activities of scientists and other professionals who are able to collect and preserve these resource materials in museums and other institutions.

Few other countries in the world are endowed with as rich a natural history heritage of fossil vertebrates as the United States.

No other country in the world can match the paleontological expertise (measured in numbers of qualified people or in technical facilities) that resides in our universities, museums and other scientific institutions.

Professional vertebrate paleontologists, scientists who are best qualified to preserve and interpret this aspect of our natural heritage, have been subjected for decades to administration strictures and legal actions. The Nation's fossil vertebrate resources cannot be adequately protected or conserved, nor made available for purposes of science and public education, unless the Federal government facilitates the activities of vertebrate paleontologists and other responsible groups.

II. PURPOSE

The purpose of the proposed bill is to promote the conservation and study of fossil vertebrates which represent an important component in our knowledge of the history of life on earth.

The bill will accomplish this end by facilitating the activities of scientists (i.e., professional vertebrate paleontologists) and responsible scientific commercial collectors.

The bill makes provision for hobbyist/fossil collecting groups, and encourages responsible cooperation between all citizens interested in paleontology.

Although certain Federal agencies are mandated to manage "objects of scientific interest," current and proposed managerial programs fail to do so because they are designed for administrative rather than for scientific or conservational purposes.

Fossil vertebrates are constantly being exposed and destroyed by the elements of weathering. Their conservation can only be achieved through programs that encourage proper collection of these resources.

The bill will enable the Federal government to participate meaningfully in vertebrate paleontology on public lands, but without unnecessary regulatory activity which engenders attendant costs to taxpayers, scientists, and scientific commercial collectors and hobbyists, and which is ultimately obstructive to science and education.

III. HISTORY

The Paleontological Society, Society of Vertebrate Paleontology, and the American Association of Paleontological Suppliers, have had longstanding concern over issues of Federal policy and regulations affecting the conduct of paleontological investigations on public lands. These concerns have been expressed repeatedly to the Department of the Interior both personally and in writing by the Societies' representatives. And yet major problems remain unsolved.

The Society of Vertebrate Paleontology initiated attempts to rectify permitting and regulatory problems in the 1950's. These efforts were intensified during the last eight years, but no effective response or action has ever been generated by any Federal agency.

In 1982 the Bureau of Land Management (BLM) promulgated proposed rules regarding the collection of geologic and hobby mineral materials (Federal Register, Vol. 47, No. 159, Aug. 17, 1982). These rules were developed without reference to any representations made by the professional community in the past, without consultation with any vertebrate paleontologist or scientific commercial collector, and without public hearings.

The proposed rules, had they been adopted, would have had a severely adverse impact on the ability of scientists and other legitimate collectors to pursue the preservation and study of fossil vertebrates. In face of a massive negative response, BLM has given no substantive indication that criticisms of the proposal would influence a revision, if any. Resolutions by scientific societies, and letters from vertebrate paleontologists and the heads of commercial enterprises, as well as hobbyists' representatives and amateur paleontologists, generated only form letter responses from offices other than those originally addressed.

IV. CRITICAL ISSUES

(1) The Department of the Interior is dealing with *scientific* issues in a managerial context. If the Department emphasizes management at the expense of science, the result will be ineffective in terms of the protection of natural resources, will be obstructive to the conduct of paleontology as a science, and will serve no public purpose.

(2) Field work in paleontology has been treated administratively by the Federal government as conceptually and methodologically the same as that in archeology. As a result, paleontologists face inappropriate legal and administrative difficulties in the conduct of their scientific investigations. The confusion over the difference between paleontology and archeology has been seemingly intractable over the years.

(3) No uniform policies and practices specifically for paleontology have ever been implemented by the Department of the Interior because BOR/OAHP, followed by HCRS, and then by other agencies and various land managing bureaus, have neither recognized the special requirements of paleontology as a science nor coordinated their policies and procedures regarding vertebrate fossils. As a result, paleontologists are confronted with a bewildering web of regulation, much of it conflicting or inappropriate, that stretches from Washington to the district offices of numerous land managing bureaus.

(4) The Secretary of the Interior's responsibility for scientific resources on public lands should be exercised through a central office staffed by responsive, qualified individuals who have the authority to coordinate the programs/policies of various land managing bureaus, down to the district and area levels. An advisory committee to oversee any program in vertebrate paleontology must have members drawn from the professional community because of the specialized and technical nature of this field/museum/laboratory science.

(5) Fossil vertebrates are far rarer than any other category of natural history materials, and their collection, preservation, and study represent a rigorous scientific discipline carried out by qualified personnel in state, federal, and private institutions, as well as by responsible scientific commercial collectors and amateur paleontologists who make available such material to museums and educational institutions.

SOCIETY OF VERTEBRATE
PALEONTOLOGY,
June 7, 1983.

Hon. LARRY PRESSLER,
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR PRESSLER: On behalf of the Society of Vertebrate Paleontology, I am writing to request that you introduce a bill entitled "Paleontological Resources Conservation Act of 1983." This legislation is urgently needed to promote the conservation and study of vertebrate fossils, as well as protect the ability of scientists and others to conduct research and to further public education.

The Society of Vertebrate Paleontology is a scientific association of professional, student and amateur paleontologists dedicated to advancing our knowledge of vertebrate evolution. The Society has attempted, in good faith, to work with the Department of the Interior for over eight years to rectify policies that have been detrimental to furthering the conservation of vertebrate fossils as a natural resource.

We have come to realize that only through specific legislation will Federal agencies adequately recognize the role of vertebrate paleontology in science and education, and participate meaningfully in the preservation and study of these rare fossils that document an important aspect of the history of life on earth.

Not only is the bill being promoted by professional scientists, but it receives widespread support from associations of commercial enterprises and groups of amateurs. This legislation, when enacted, will ensure that vertebrate fossils are not only conserved but will be utilized in ways that will enrich the public's understanding of this National natural history resource.

We are very grateful for your willingness to consider our request.

Yours sincerely,

FARISH A. JENKINS, Jr.,
Past President, Society of Vertebrate Paleontology (Professor of Anatomy and Biology, Harvard University; and Curator of Vertebrate Paleontology, Museum of Comparative Zoology, Harvard University).

AMERICAN ASSOCIATION OF
PALEONTOLOGICAL SUPPLIERS,
Hill City, S. Dak., June 7, 1983.

Honorable LARRY PRESSLER,
Senate Russell Building,
Washington, D.C.

DEAR SENATOR PRESSLER. It is my honor to represent the American Association of Paleontological Suppliers in the presentation of the "Paleontological Resources Conservation Act of 1983." This Bill is the culmination of many months and even years of work by many individuals and organizations, whose concern is the protection and retrieval of Paleontological specimens and the Scientific data which they represent.

The "Paleontological Resources Conservation Act of 1983" is a perfect example of the cooperative efforts of concerned Americans of varied interest groups to create a comprehensive program—through Congressional channels—to clarify and implement programs of the Federal Government for the advancement of science and the protection of the public interest.

This proposed Bill, when passed by the Congress and signed by the President, will foster improved cooperation between the Scientific, Commercial and Amateur Paleontological communties. It will also result in a tremendous increase in the knowledge of past life and the history of our planet.

It is my hope that you will be the primary sponsor in the United States Senate for this Bill.

Sincerely,

PETER L. LARSON,
President, American Association of Paleontological Suppliers; President, Black Hills Institute of Geological Research.

By Mr. MITCHELL (for himself and Mr. DURENBERGER):

S. 1570. A bill to amend the Internal Revenue Code of 1954 to provide simplification in accounting rules relating to inventory; to the Committee on Finance.

INVENTORY SIMPLIFICATION AND REFORM TAX ACT OF 1983

● Mr. MITCHELL. Mr. President, current debate on tax policy is dominated by concern over the Federal deficit. While this focus is necessary, it should not prevent us from considering needed reforms to our tax system. The legislation I am introducing today, along with Senator DURENBERGER, contains several proposals that would greatly simplify inventory accounting for tax purposes. Similar legislation is being introduced in the House by Representative NOWAK.

All businsses can benefit by a reform of inventory accounting rules, but such action is especially important in providing tax relief for small businesses, which tend to be more inventory-intensive than larger businesses. The business component of the Economic Recovery Tax Act of 1981 concentrated tax relief on capital-intensive firms, so many small businesses continue to operate under heavy tax burdens.

The 1981 tax bill did contain modest changes in inventory accounting rules. Yet that legislation was only a beginning, as evidenced by the study of inventory accounting methods that Congress directed the Treasury Department to conduct. The purpose of the legislation introduced today is to build on the 1981 legislation and to continue the debate on simplifying the rules governing inventories.

The most compelling argument for inventory reform is the tendency for inflation to increase the tax liabilities of business enterprises. The most commonly used method of accounting for inventories, the first in first out (FIFO) method, often results in an understatement of the cost of goods sold by a firm, which is deducted from gross income to determine taxable income. When this deduction is understated, taxable income and therefore tax liability are overstated.

When the 1981 tax bill was drafted, much attention was focused on the effect of inadequate depreciation allowances on business tax liabilities, inadequate inventory accounting has actually had a more significant impact on taxable income in each year in the last two decades. In 1981, inadequate depreciation added $16.8 billion to corporate taxable income, while inadequate inventory accounting added $24.6 billion to taxable profits. What makes these figures even more alarming is that inventories comprise a smaller portion of total assets than do capital assets. In 1978, corporate structures and equipment were valued at $1.4 trillion, while the value of corporate inventories was $0.4 trillion.

Businesses do have an opportunity to avoid this overtaxation by adopting the last in first out (LIFO) method of accounting. LIFO is not used very widely, however. This leads to the second argument for reforming inventory accounting rules, which is that present LIFO rules are too complex for most businesses, particularly small ones, to adopt.

Evidence of the complexity of LIFO can be found in the small percentage of firms using LIFO, even though substantial tax benefits often result. Of all corporations in 1976, only 3.7 percent of manufacturers, 2.5 percent of wholesalers, and 1.3 percent of retailers used LIFO.

Although the same rules apply to firms of all sizes, LIFO accounting creates the greatest administrative burdens on small businesses because they tend not to have the accounting resources to handle complex bookkeeping.

The Inventory Simplification and Reform Act addresses several issues. Many changes in the LIFO method are included to increase the number of businesses that use this method. The initial tax penalty of electing LIFO is reduced, and changes in the pooling and indexing requirements will greatly simply LIFO. The complex problems of LIFO recapture and the treatment of excess inventories are also addressed, and the conformity requirement would be repealed.

In addition to simplifying LIFO, this bill would allow businesses to use the cash method of accounting. This provision is directed at those businesses of whom even a simplified LIFO method would be too burdensome. For these firms, cash accounting is a much easier and more familiar method of accounting.

I ask unanimous consent that a factsheet describing the details of my bill be included in the RECORD.

There being no objection, the factsheet was ordered to be printed in the RECORD, as follows:

INVENTORY SIMPLIFICATION AND REFORM TAX ACT OF 1983

Section 1. Title of Bill.

Section 2. Repeal of LIFO Conformity Requirement.

Under the present law, a business electing LIFO must keep its financial statements and its tax statements the same. In other words, it cannot use LIFO for financial purposes and at the same time, use LIFO for tax purposes.

This bill would revoke the LIFO conformity requirement.

Section 3. Alleviating the Initial Penalty Associated With the LIFO Election.

If a business wants to elect LIFO, it is required to restore to cost over a three year period inventory writedowns taken in prior years. To alleviate this severe cash drain for the business, it would be permitted to restore inventory writedowns over a ten year period.

Section 4. Simplification of Inventory Pooling Requirements.

Subsection (a): Certain small businesses permitted to use one pool.

The bill would permit businesses with average gross receipts of less than $8 million to use one pool for LIFO.

Subsection (b): Principles for establishing inventory pools.

Wholesalers and retailers (not electing the preceding subsection) would be permitted to pool their goods based on either of the following methods:

1. According to the general expenditure categories of consumer goods described in the CPI Detailed Report; or
2. Based on groupings that are ordinarily and customarily used in their industry.

Section 5. Permitting Businesses to Use Regularly Published Government Price Indexes.

This bill permits any business electing LIFO to use an index based on general categories from the Consumer Price Index or the Producers Price Index.

Section 6. Permitting business to use certain internal indexes, without showing other methods are unsuitable or impractical.

The tax regulations place certain limitations on the type of internal price index a business may use for LIFO.

For businesses wanting to continue to use internal price indexes under LIFO, this bill would broaden the choice of internal indexes. This provision would permit many businesses to use the link chain method of indexing.

Section 7. Computation of LIFO Recapture Amount.

Section 403(b) of the Crude Oil Windfall Profit Tax Act of 1980 requires a corporation to recapture its LIFO benefit as ordinary income in certain specified situations. In general, this recapture occurs when a corporation distributes its LIFO inventory in a partial or complete liquidation of the business.

The bill would generally place limitations on the amount of the LIFO benefit which is recaptured for tax purposes. There would be recapture of the LIFO benefit only to the extent the corporation's product line prices increased at a greater rate than consumer prices. This provision shall apply to distributions and dispositions adopted after December 31, 1982.

Section 8. Cash Receipts and Disbursements Method (Cash Method) of Accounting.

A business may elect the cash method if its gross receipts are less than $2 million and if it meets the active participation test. In general, an active participant is someone who is actively involved in management and whose principal business activity is such trade or business. Further, the cash method business would not be permitted to purchase

inventories at the end of the year in excess of its reasonable needs.

Section 9. Treatment of Excess or Obsolete Inventory.

In general, the current tax law only permits a business to writedown its excess or obsolete inventory in certain narrowly defined situations. Often, these narrowly defined situations do not reflect the reality of current business practices.

The bill provides an objective standard for businesses in the treatment of the value of its excess inventory. It generally permits a business to reduce the value of its excess inventory over a five year period.●

By Mr. PELL:

S. 1571. A bill to amend the National School Lunch Act, to provide for the serving of nutritionally superior lunches under such Act; to the Committee on Agriculture, Nutrition, and Forestry.

SCHOOL LUNCH PROGRAM

● Mr. PELL. Mr. President, today I am introducing legislation that would call for schools to provide nutritionally superior lunches as a condition for participating in the national school lunch program.

My proposal is modeled after the school lunch program in Fulton County, Ga. Students in the Fulton County School District receive well-balanced, tasty, but nutritious, meals. Rather than eating foods that are high in fat, sugar, and salt they enjoy whole, unprocessed foods that are high in vitamins and nutrients.

In 1982 the General Accounting Office completed a study of this and other alternative school lunch programs. They verified the nutritional quality of the lunch and concluded that good food does not cost more. In Fulton County, all students are charged 83 cents for their lunch. In other districts, elementary students pay 70 cents and high school students pay 90 cents. In my view, this is an investment that we should make and can afford to make.

Our country is one of the most affluent, but unfortunately, it does not lead the world in the quality of its diet. A good American breakfast has always included bacon and eggs. Traditionally, Americans were taught to think that no meal was really complete without a large serving of red meat. Until recently, butter has been preferred over margarine, and ice cream, candy, and soft drinks are most of our children's favorite foods. In short, our affluence has promoted eating habits, generation after generation, which have contributed to needless and costly medical problems.

With all of our modern technology and in spite of the fact that 10 percent of our gross national product is spent on health care annually, our country still ranks 10th in life expectancy and 10th in infant mortality in comparison to other industrialized countries. The simple fact is that we are putting more and more of our health care resources into expensive equipment and treatment programs and our population is not a great deal healthier because of it.

The dietary habits and sedentary lifestyle of modern Americans represent a serious threat to public health. Recent scientific evidence has demonstrated that too much fat, too much sugar, or too much salt are linked to killer diseases. These findings have made it more apparent that in the future, major advances in health will result not from the curing of disease, but from its prevention. There is no doubt that all of us can improve our health by exercising more and being more selective about what we eat.

Our deplorable eating habits begin in the cradle and our young people depend upon junk food as staples in their diet. We do not teach our children the importance of good nutrition and, too frequently, we do not set a good example in our own dietary habits.

Three decades ago the Federal Government decided to do something about our inadequately nourished children and established the national school lunch program. Schools that participate in the program receive a Federal subsidy in exchange for providing a "nutritionally adequate" lunch. Through the years many nutritionists and educators have commented on the nutritional adequacy of the school lunch and have criticized the sale of so-called competitive foods that are available in school cafeterias. In spite of all the evidence that has come to light in recent years about the harmful effect of too much sugar in young people's diets, many schools have continued to permit the placement of vending machines in their cafeterias, filled with candy, soda, and other snack foods.

A number of schools around the country have voluntarily raised the standards of their lunch programs. I would like to see this trend continued and am introducing today legislation that would amend the National School Lunch Act so that schools and school districts will have to provide their students with a nutritionally superior lunch as a condition of participation in the program.

To qualify, schools would have to offer their students low-fat as well as whole milk. All breads would have to be whole grain. Meals would have to be low salt, low sugar, and low fat. The sale of soft drinks, candy, and sweets would be strictly prohibited as opposed to current Agriculture Department guidelines that simply limit their availability. I am hopeful that over a period of years more and more children will participate in this new program. Providing a well-balanced, nutritionally sound meal for our schoolchildren should encourage them to adopt good eating habits early on and enable them to build strong bodies and strong minds.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 9 of the National School Lunch Act (42 U.S.C. 1758(a)) is amended to read as follows:

"(a)(1) Schools participating in the school lunch program under this Act shall provide a nutritionally superior school lunch to its students. In order to meet the minimum requirements of a nutritionally superior school lunch, a school shall be required to—

"(A) provide the following items in the lunches which it serves:

"(i) unflavored low fat fluid milk;

"(ii) at least 2 ounces (1½ ounces for children under 8 years of age), edible portion as served, of lean meat, poultry, or fish; or the nutritional equivalent in cheese, eggs, cooked dry peas, beans, or peanut butter; or the nutritional equivalent in any combination of such foods (to meet the requirements of this subclause such foods must be served in a main dish or in a main dish and one other menu item);

"(iii) two or more vegetables or a salad, or both;

"(iv) one slice of predominantly whole grain bread or a serving of cornbread, biscuits, or rolls, made predominantly of whole grain flour, whole grain pasta, or whole grain rice; and

"(v) fresh fruit, canned fruit (packed in water), or other item which does not contain refined sugar, for dessert;

"(B) plan its lunches with a low content of fat, sugar, and salt, and not put sugar or salt in containers on cafeteria tables;

"(C) limit competitive food items to those which are permitted under this paragraph to be included in the lunch;

"(D) ban from sale on school premises any product which contains artificial sweetners or an excess of refined sugar, corn syrup, or salt, including, but not limited to, regular and artificially sweetened soft drinks, candy, chewing gum, ice cream, cake, pies, cookies, potato and corn chips, and pretzels;

"(E) offer in its cafeteria (during all hours of operation) one fresh fruit, at least one pure fruit drink, and low fat milk; and

"(F) establish a nutrition council, as provided in paragraph (2), to oversee the nutritionally superior school lunch program and to recommend ways to improve such program.

"(2) The nutrition council referred to in paragraph (1)(F) of any school shall be composed of members appointed by the principal of the school concerned and may include the principal, a dietitian, school athletic director, a student representative, and such other members as the principal may consider appropriate.

"(3) Each school system shall have the authority to develop portion quantities for food items required by subclauses (i), (iii), (iv), and (v) of paragraph (1)(A) in order to meet the food and nutritional needs of children according to their ages, to reduce plate waste, and to insure that the lunches provided are more cost effective.

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"(4) The Secretary shall, within ninety days after the date of the enactment of this paragraph prescribe such regulations as the Secretary considers necessary to administer the provisions of this subsection and shall include in such regulations procedures necessary to ensure that all schools participating in the school lunch program are complying with the provisions of this subsection.

"(5) Nothing in this subsection shall be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students.".●

By Mr. QUAYLE (for himself and Mr. Lugar):

S. 1572. A bill to designate the Veterans' Administration Outpatient Clinic to be located in Crown Point, Ind., as the "Adam Benjamin Veterans' Administration Outpatient Clinic"; to the Committee on Veterans' Affairs.

ADAM BENJAMIN VETERANS' ADMINISTRATION OUTPATIENT CLINIC

● Mr. QUAYLE. Mr. President, I am pleased to have my distinguished colleague from Indiana (Senator Lugar) join me in introducing legislation to designate the Veterans' Administration Outpatient Clinic, to be located in Crown Point, Ind., as the Adam Benjamin Veterans' Administration Outpatient Clinic.

The late Adam Benjamin served the residents of northwest Indiana in Congress nearly 6 years, until his untimely death last September. Adam and I came to the U.S. House of Representatives together in 1977 and it was my great privilege and honor to work with him. Even though our political parties were different, there were many areas of agreement, and our efforts on behalf of Indiana were harmonious and productive.

Adam Benjamin's regrettably short life was dedicated to helping people most in need of assistance. Many individuals and groups in Indiana will long remember his dedicated service to them as a legislator. As an example of this tireless work on behalf of his constituents, I would like to recall his efforts on behalf of our deserving veterans of military service. The veterans residing in northwest Indiana came to him with a particular problem: that of assuring proper health care in a VA facility reasonably close to home. On November 30, 1981, at Adam Benjamin's invitation, the House Veterans Affairs Subcommittee on Hospitals and Health Care came to northwest Indiana to determine the need for a veterans' outpatient clinic. After 18 months of deliberation, the Veterans' Administration announced on May 24, 1983, their intention of establishing an outpatient clinic in Crown Point.

I believe it is a fitting and appropriate action to honor Adam Benjamin by naming the VA clinic after him. Indeed, I think this veterans' clinic stands as a symbol of all Adam stood for. For those of us who knew him and his indefatigable work on behalf of those he represented, the Adam Benjamin Veterans' Administration Outpatient Clinic will serve to honor a dedicated public servant who is sorely missed.●

By Mr. SASSER (for himself, Mr. Byrd, Mr. Dodd, Mr. Metzenbaum, Mr. Stennis, Mr. Randolph, and Mr. Specter):

S. 1575. A bill to improve the highway bridge replacement and rehabilitation program; to the Committee on Environment and Public Works.

NATIONAL BRIDGE IMPROVEMENT ACT OF 1983

● Mr. SASSER. Mr. President, I am today introducing S. 1575, the National Bridge Improvement Act of 1983. I am pleased to introduce this legislation along with my distinguished colleagues, Senator Byrd, Senator Dodd, Senator Metzenbaum, Senator Stennis, and Senator Randolph, and Senator Specter.

Mr. President, the Nation was saddened and shocked by the recent bridge collapse of Interstate 95 at Greenwich, Conn. The loss of life was tragic. The economic disruption caused by this accident is unfortunate.

The national news in reporting this tragedy at the Mianus River noted that, "For want of a pin, a bridge may have been lost." That may have been true in this situation, but this is not an isolated case.

Bridges all over this country are in a state of disrepair and dilapidation. The causes of this situation are legion. State and local governments, strapped by the recession, are often unable to devote considerable sums for bridge repair. Federal funding for bridge rehabilitation and repair is still inadequate despite funding increases contained in the Highway Improvement Act of 1982. And, most unfortunately bridge repair programs are overlooked as Federal, State, and local governments grapple with more immediate and compelling problems.

But the fact of the matter is that bridge repair and rehabilitation is a major national problem. In August 1981, the General Accounting Office found that 200,000 bridges were deficient or obsolete. By December 1982, the U.S. Department of Transportation classified nearly 250,000 bridges as inadequate, seriously deteriorated, or obsolete. In less than 18 months nearly 50,000 bridges fell into the category of needing substantial repair.

More and more bridges are approaching the end of their useful life, and yet not enough is being done to keep pace with this problem.

The national bill for bridge repair is estimated to be a staggering $41 billion. These funds cannot be raised overnight, but we can make a constructive start in dealing with our bridge problem by quick action on S. 1575.

I previously introduced this legislation in the 97th Congress with the cosponsorship of Senator Robert C. Byrd, Senator Stennis, Senator Randolph, Senator Hart, Senator Cochran, Senator Heinz, Senator Metzenbaum, and Senator Specter. Hearings were held on this bill but, unfortunately, no final action was taken on this legislation in the 97th Congress.

We are making some progress on our bridge problem. More Federal money will be spent on bridge rehabilitation and repair through 1986. But we can also attack our bridge problem by other means as well. S. 1575 provides us with those means.

S. 1575 addresses our national bridge repair problem in a timely and effective fashion.

It requires the Department of Transportation to review and encourage the compliance of all Federal and State agencies with current national bridge inspection standards.

It reviews the criteria for assigning priorities for bridge repair and rehabilitation so as to better concentrate limited funding on bridges most in need of repair.

The bill also establishes procedures for the rapid completion of the national bridge inventory, and provides for a public information program regarding the safety of our bridges.

Mr. President, this legislation grows out of a comprehensive report done by the General Accounting Office (GAO) on the problem of unsafe bridges. This excellent report, completed in 1981, provides much background information that should be of great value to my colleagues.

Mr. President, I ask unanimous consent that the National Bridge Improvement Act of 1983, S. 1575, and a summary of the 1981 GAO report of unsafe bridges be printed in the Record immediately following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Bridge Improvement Act of 1983".

REFERENCES AND DEFINITIONS

Sec. 2. (a) Except as otherwise specifically provided, whenever in this Act a reference is expressed in terms of a section or other provision, the reference shall be considered to be made to a section or other provision, respectively, of title 23, United States Code.

(b) As used in this Act—

(1) the term "Secretary" means the Secretary of Transportation;

(2) the term "bridge" means a structure on which a highway crosses over waterways, other topographical barriers, other highways, and railroads;

(3) the term "highway" shall have the meaning provided in section 101(a);

(4) the term "Federal-aid system" shall have the meaning provided in section 101(a);

(5) the term "improvement" includes replacement and rehabilitation;

(6) the term "deficient" means structurally deficient or functionally obsolete;

(7) the term "highway bridge replacement and rehabilitation program" means the highway bridge replacement and rehabilitation program establishment under section 144; and

(8) the term "national bridge inspection standards" means the national bridge inspection standards established under section 116(d).

FINDINGS AND PURPOSE

Sec. 3. (a) The Congress finds that—

(1) of the more than five hundred and fifteen thousand bridges in the United States, almost four out of every ten are deficient;

(2) deficient bridges increase the potential for traffic deaths, injuries, and property damage, and add to fuel consumption, air pollution, and the cost of goods and services; and

(3) the total cost to replace and rehabilitate deficient bridges nationwide is rapidly approaching $42,000,000,000.

(b) The purpose of this Act is to make effective revisions of the highway bridge replacement and rehabilitation program in order to ensure the replacement and rehabilitation of the deficient bridges in the United States in a timely and efficient manner, the fair distribution of Federal funds within the various States for replacement and rehabilitation of bridges, and the compliance of the States with the national bridges inspection standards.

BRIDGE IMPROVEMENT PROGRAM

Sec. 4. The Secretary shall—

(1) revise, consistent with the provisions of section 144 (b) and (c), the criteria for assignment of priorities for bridge replacement and rehabilitation under such section to concentrate Federal funding on bridges most in need of replacement and rehabilitation;

(2) establish a formal procedure for the exercise of the Secretary's discretion in selecting highway bridge replacement and rehabilitation projects for the obligation of funds under section 144(g) to ensure consideration of the costs and benefits of each such project and the classification of the bridge under section 144 (b) and (c) in each such project;

(3) establish administration guidelines for the distribution of highway bridge replacement and rehabilitation apportioned funds throughout each State under section 144(j) with provisions for flexibility with respect to State administration of the apportioned funds; and

(4) monitor the distribution of highway bridge replacement and rehabilitation program apportioned funds throughout each State under section 144(j).

NATIONAL BRIDGE INSPECTION STANDARDS

Sec. 5. (a) The Secretary shall—

(1) review each State's compliance with the national bridge inspection standards;

(2) revise such standards—

(A) to improve inspection requirements, including decreasing the maximum time lapse between inspections;

(B) to define precisely the factors to be considered and the methods used in rating the condition of bridges; and

(C) to establish a standard for timely processing data resulting from inspections under such standards;

(3) assess the need for greater State and local government authority for inspection of bridges;

(4) encourage the States to take the actions necessary fully to comply with the national bridge inspection standards relating to posting limits on bridges and closing bridges; and

(5) ensure that all Federal agencies maintaining bridges comply with the national bridge inspection standards.

(b)(1) No later than January 1, 1984, the Secretary shall prepare and, to the extent permitted by law, implement a plan of action designed to result in full compliance by the States and local governments with the national bridge inspection standards.

(2) In preparing the plan required by paragraph (1) of this subsection, the Secretary shall consider the imposition of penalties and other sanctions against the States and local governments not fully complying with such standards.

NATIONAL BRIDGE INVENTORY

Sec. 6. Not later than January 1, 1984, the Secretary shall—

(1) establish procedures to ensure the rapid completion and maintenance of accurate inventories of bridges under section 144 (b) and (c); and

(2) inventory all bridges maintained by Federal agencies.

PUBLIC INFORMATION

Sec. 7. The Secretary shall prepare a plan for a public information program with respect to the weight limits, closings, and hazards, if any, of each bridge. The Secretary shall include in such plan provisions for administration of such program by the States.

REPORT TO CONGRESS

Sec. 8. The Secretary shall prepare and transmit to the Congress, not later than July 15, 1984, a report on the administrative actions taken under the provisions of this Act and the results of such actions. Such report shall include—

(1) recommendations for legislative action as the Secretary considers necessary to ensure that—

(A) the bridges most in need of replacement and rehabilitation are always selected for funding under the highway bridge replacement and rehabilitation program;

(B) there is a fair and equitable distribution of such funding throughout each State; and

(C) the States fully comply with the national bridge inspection standards; and

(2) the Secretary's recommendations with respect to whether the Congress should increase the maximum per centum of apportioned funds which may be expended under section 144(g) for projects to replace or rehabilitate highway bridges located on public roads, other than on a Federal-aid system.

Summary

The United States has more than 500,000 bridges, and slightly over 200,000—or almost 4 out of every 10 bridges—are deficient. The Federal Highway Administration currently estimates that it will cost $41.1 billion to rehabilitate or replace these bridges. (See p. 9.)

National bridge inventory data shows that about 98,000 bridges are structurally weak or unsound and must be closed, restricted to lighter vehicles, or immediately rehabilitated to prevent further deterioration and collapse. The other 102,000 deficient bridges are functionally obsolete because they are narrow, have inadequate underclearances, have insufficient load-carrying capacity, or are poorly aligned with the roadway and can no longer safely service today's traffic. In total, it is reported that about 120,000 bridges are or should be posted for lower weight limits; over 3,700 bridges are reported as closed to all traffic. (See pp. 5, 11, and 25.)

The December 1967 collapse of the Silver Bridge over the Ohio River between West Virginia and Ohio killed 46 people and focused national attention on bridge conditions. Shortly thereafter, the Congress established two major bridge safety programs: a program of periodic inspections to identify bridge conditions, maintenance needs, and safety problems and a program to provide Federal funds to the States specifically to help replace unsafe bridges. (See p. 1.)

GAO reviewed these programs at the request of Senator James Sasser of Tennessee and found that limited Federal bridge program funds are not always used on bridges most in need of attention. GAO also found that Federal agencies, States, and local governments are not fully complying with national standards for bridge inspection.

BETTER TARGETING OF FEDERAL BRIDGE FUNDS NEEDED

The Federal Government has become the major source of funds—particularly through the Federal bridge program—to replace or rehabilitate deficient bridges, and many State and local governments depend heavily on these funds. (See p. 25.) Bridge program funding authorizations have totaled $5 billion from the program's beginning in fiscal year 1972 through fiscal year 1982. Authorizations averaged about $120 million per year for the program's first 7 years and slightly over $1 billion for the last 4 years. (See p. 18.) Initially limited to bridges on the Federal-aid highway system, subsequent legislation in November 1978 expanded the programs to also include bridges off the Federal-aid system. (See p. 1.)

Under the bridge program, the Federal Government contributes up to 80 percent of replacement or rehabilitation costs, and State and/or local governments provide the rest. Some bridges are being replaced or rehabilitated under other Federal-aid programs and some are being replaced or rehabilitated solely with State and local funds. However, at current funding levels, it will take years to eliminate the deficient bridges already identified. Additional bridges will need replacing during this period, and continued inflation at the current rate would more than double the cost in 10 years. (See pp. 4 and 25.)

In view of the size of the bridge problem and the limited amount of funds available, it is essential that program funds be used for bridges most in need. However, GAO found that the Federal Highway Administration's project eligibility criteria do not concentrate on bridges in the worst condition and most in need;

Many worthy projects are funded, but bridges most in need are not always selected; and

Funds have been apportioned to the States based on incomplete and outdated needs data.

Most of the program funds are apportioned to the States. However, $200 million annually are to be used as discretionary funds by the Secretary of Transportation for bridges whose replacement or rehabilitation cost would be greater than $10 million or twice the respective States' fiscal year authorizations. (See pp. 4 and 26.) The Federal Highway Administration selects the bridges

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for discretionary funding (subject to final approval by the Secretary of Transportation). The States select the bridges to be replaced or rehabilitated with the regular bridge program funds. (See pp. 41 and 42.)

Each bridge receives a sufficiency rating, which is the method used to evaluate the adequacy of a bridge to remain in service in its present condition. A rating of 100 would represent an entirely sufficient bridge—one that needs absolutely no work. A 0 rating would indicate an entirely insufficient or deficient bridge—one that has many safety problems and should be closed. The lower the rating, the higher the priority for replacement. (See pp. 6 and 42.)

The Federal Highway Administration's eligibility criteria are broad. The definition of a deficient bridge includes a wide variety of bridge inadequacies and conditions. Under the criteria, deficient bridges with sufficiency ratings of 80 or below on a scale of 0 to 100 are eligible. Those with ratings below 50 can be replaced or rehabilitated. Those with ratings of 50 through 80 generally can be rehabilitated only. (See pp. 42 and 60.)

The States selecting many bridges with low sufficiency ratings for Federal funding. In the 10 States that GAO examined project approval data, about 40 percent of the bridges selected for funding had ratings below 20. However, the States also are selecting some bridges with relatively high ratings. For the 10 States, 534, or about 21 percent, of the 2,544 bridges selected had ratings of 40 or above and many of these had ratings of 60 or above. (See p. 50.)

Federal Highway officials said that they encourage the States to select bridges with lower sufficiency ratings, but the States may select any eligible bridge and many factors, some unique to an individual State, enter into the selection process. (See p. 53.)

The Federal Highway Administration is selecting bridges for discretionary funding with relatively high sufficiency ratings when other eligible bridges have much lower ratings and are in much worse condition. The major reason is that bridges with legislative history are selected first. The Federal Highway Administration considers bridges to have legislative history if they are mentioned in congressional committee reports or the Congressional Record as candidates for discretionary funding. More and more bridges are receiving legislative history. (See pp. 41 and 59.)

Apportionments to the States have not been based on complete and current needs data which is available. For example, fiscal year 1982 apportionments will be based on 1978 data that does not include many bridges that are eligible for the program, such as those off the Federal-aid system. (See pp. 27 and 36.)

RECOMMENDATIONS

GAO is recommending that the Secretary of Transportation direct the Administrator of the Federal Highway Administration to:

Revise the bridge program's project eligibility criteria to concentrate on bridges in the worst condition and most in need of replacement or rehabilitation but still provide some flexibility for State and local governments.

Develop a formal selection process for discretionary projects to properly weigh factors such as sufficiency ratings, costs, and benefits. (See p. 61.)

GAO is also recommending that the Congress, in future bridge program authorizations, have the Secretary of Transportation use the latest available needs data, including bridge needs of the Federal-aid system, to apportion program funds. (See p. 37.)

See pp. 37 and 38 for additional recommendations.

BETTER COMPLIANCE WITH NATIONAL BRIDGE INSPECTION STANDARDS NEEDED

The major aspect of the National Bridge Inspection Program is that State and/or local governments maintain a bridge inventory and comply with the inspection standards. (See pp. 1, 3, and 87.)

GAO found that State and local governments have made progress since the program's start, but they are not fully complying with the standards. For example:

Some inspectors do not meet the minimum qualifications for training and experience.

Some State and local governments are not inspecting their bridges at least every 2 years as required by the standards, and some local governments are not inspecting their bridges at all.

The initial inventory and inspection of bridges, particularly bridges off the Federal-aid highway system, has not been completed. (See p. 83.)

Structurally weak bridges are not always being properly closed or posted for lower weight limits to protect against bridge collapses. Even if bridges are properly posted or closed, the postings and closing are often ignored by the public. Bridge weight limit enforcement is limited, and fines for violations are small and ineffective. (See p. 97.)

Federal agencies, such as the Bureau of Land Management, the Forest Service, and the National Park Service, own about 14,000 bridges. These agencies are not required to comply with the National Bridge Inspection Standards for most of their bridges, but they do have inspection programs. However, the agencies were not always complying with their own requirements, and some of the programs did not conform to the national standards. GAO beleives that the public should be able to expect the same degree of safety when traveling in national parks and on other Federal lands as the standards provide for on State and local government bridges. (See pp. 100 and 105.)

RECOMMENDATIONS

GAO is recommending that the Secretary of Transportation direct the Administrator of the Federal Highway Administration to assess the States' and local governments' compliance with the National Bridge Inspection Standards and develop a strategy for bringing about full compliance. (See pp. 83 and 97.)

GAO is also recommending that the Congress require Federal agencies that own bridges to comply with the National Bridge Inspection Standards. (See p. 106.)

Other recommendations are noted on pages 84 and 98.

AGENCY COMMENTS AND GAO'S EVALUATION

To expedite report issuance, Senator Sasser directed GAO to obtain only Federal Highway Administration's oral comments. Its officials told GAO that their comments do not necessarily represent those of the Secretary of Transportation.

Federal Highway Administration officials generally agreed with GAO's recommendation to use the latest needs data to allocate Federal bridge funds. The officials said that they will continue to encourage the States to select bridges in the lower range of sufficiency ratings. However, they also said that State and local officials need flexibility when selecting projects, and factors other than the sufficiency rating must be considered.

GAO also believes that selecting officials need flexibility. However, the bridges most in need of immediate attention are not always being selected. The bridge program, which is currently funded at slightly over $1 billion per year, cannot effectively be directed at all deficient bridges, which the Federal Highway Administration estimates would cost $41.1 billion.

Federal Highway Administration officials said that they have established an implementation plan and factors such as sufficiency ratings, costs, and benefits have been and will continue to be considered when selecting discretionary projects. They stated, however, that the program has received much congressional direction through the legislative history process.

The 1978 Surface Transportation Assistance Act gives the Secretary of Transportation broad discretion to select projects for discretionary funding. In GAO's opinion, it is the Secretary's responsibility to select the most worthy projects, and the current selection method does not ensure that this is done. (See pp. 38, 61, and 62.)

Federal Highway Administration officials did not indicate agreement or disagreement with GAO's recommendation concerning State and local government compliance with the National Bridge Inspection Standards. The officials commented on the items that GAO said should be considered during development of a strategy for bringing about full compliance. (See pp. 84, 85, and 98.)

Federal Highway Administration officials' comments on GAO's other recommendations are contained in the body of this report. (See pp. 38, 39, 40, 85, 86, 99, and 106.)●

By Mr. SASSER (for himself and Mr. PRYOR):

S. 1576. A bill to create a Federal, State, and local drug forfeiture fund; to the Committee on the Judiciary.

FEDERAL, STATE, AND LOCAL DRUG FORFEITURE FUND ACT OF 1983

● Mr. SASSER. Mr. President, on behalf of myself and the Senator from Arkansas, Mr. PRYOR, I am today reintroducing legislation to facilitate cooperation between Federal, State, and local law enforcement agencies in combating drug trafficking.

During the last 2 years in this country, 42,000 people have been murdered and 6 million homes have been burglarized, and law enforcement personnel are convinced that this surge in criminal activity is largely drug related. Drug trafficking is big business for organized crime. The estimate for the value of the illicit drug trade is $80 billion. That figure would make it the second largest corporation in the United States, behind Exxon and slightly ahead of Mobil.

The byproduct of this illegal industry is more violent crimes each year. In Tennessee, there were 19,019 violent crimes in 1981. These included 8,920 assaults, 7,916 robberies, and 448 murders. Other States fared no better. Georgia's violent crime total was 29,958. And Florida is experiencing a virtual crime epidemic due to increased drug activity. In July 1982, in Cleveland, Tenn., Federal, State, and local law enforcement agents confiscated 1,200 pounds of pure cocaine worth nearly $400 million. Also seized were vehicles, weapons, and $450,000 in cash. This is the second largest cocaine seizure in U.S. history. Law enforcement officials believe the drugs were flown into Tennessee directly from Colombia.

In 1981 there was a similiar raid in Sevier County, Tenn., which dispelled all thoughts that the 1982 seizure was a fluke. This raid netted 600 pounds of pure cocaine with an estimated street value of $200 million. Officials say they only know about less than 1 percent of the illegal drugs coming into Tennessee and estimate that cocaine alone is a $500 million a year business in east Tennessee.

While drug enforcement is primarily a Federal responsibility, our State and local police are increasingly being drawn into the fight, for two reasons. First, many of the most successful drug seizures require close Federal-State cooperation. The work does not begin and end with the arrests. Months and months of groundwork are necessary—surveillance, checking of leads, and building up the record of evidence necessary to obtain a conviction. State and local law enforcement agents are an integral part of the efforts—efforts which require more and more of scarce resources.

In the seizure at Cleveland, Tenn., for instance, agents of both the Tennessee Bureau of Investigation and DEA had the major suspects under surveillance for a number of months. Knoxville's organized crime unit had also conducted surveillance operations and officers from Cleveland, Knoxville, and Bradley County were involved in the effort. Without the dedicated effort of State and local law enforcement personnel, the Federal agents would simply be swamped in the drug flow. This cooperation, however, costs the departments in time and manpower—resources that are increasingly in short supply in these times of budget restraint.

The second reason for the increasing involvement of State and local officials is that they are the ones left to cope with the rising crimewave that results from increasing drug traffic. They are the ones who must cope with the vicious thugs who make our people feel unsafe in their own homes and afraid to walk the streets at night. These local crimes are the kinds that touch most people's lives—muggings, robberies, thefts, and often murder. While much of their cause and solution lie beyond the resources of local law enforcement, their control is a local responsibility.

Because of the increasing State and local involvement in Federal drug enforcements and the increasing crime which they are called upon to deal with, I am today reintroducing the Federal, State, and Local Drug Forfeiture Fund Act. This legislation has five main parts:

First, proceeds from the liquidation of assets seized in drug enforcement efforts would be put into a special trust fund.

Second, 50 percent of the funds available in any one year would be earmarked for Federal drug enforcement, prevention, and education efforts.

Third, 30 percent of the total available money would be available to the States on a per capita basis for the same purposes.

Fourth, the remaining 20 percent would be discretionary funds under the control of the Administrator of the Drug Enforcement Administration. These would be available for particularly promising programs in States where sufficient funds were not available under a State's block grant allotment. This will compensate States which fare poorly under block grant formulas but which have a worthy program which should be funded.

Finally, in any drug operation in which there was significant State and local participation, the State would receive 20 percent of the proceeds from that particular operation, right off the top.

Mr. President, the bill I am reintroducing today is a result of extensive discussions with Tennessee officials, law enforcement personnel, and U.S. and State district attorneys. It is one approach of many that might be offered and it would help to compensate State and local agencies for their cooperation in what are often primarily Federal cases.

I want to stress that the money available for the trust fund would be available for drug abuse prevention and education programs as well as for enforcement purposes. While enforcement is important, we must remember that drug treatment and education programs can also be extremely valuable in educating our youth about the damage of drugs. This will help reduce the favorable image of drugs which drug dealers use as they prey on our young people. Consequently, this measure insures that drug abuse and education programs will receive their fair share of the available funds.

I intend to speak out further on this matter in the weeks ahead and draw the attention of my colleagues to this passing national problem.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal, State, and Local Drug Forfeiture Fund Act of 1983".

SEC. 2. (a) Congress finds that—

(1) the rising level of drug trafficking indicates a need for increasing the resources allocated to drug enforcement, treatment, and education;

(2) the proceeds from drug enforcement operations should be utilized in the effort against drug trafficking and drug abuse;

(3) State and local law enforcement agencies are frequently significantly involved in Federal drug enforcements;

(4) such State and local cooperation entails significant expense to such agencies; and

(5) the proceeds from Federal drug enforcement efforts should be shared with State and local agencies.

(b) The purpose of this Act is to provide that proceeds from Federal drug forfeitures, security forfeited by drug offenders jumping bail, and fines imposed on drug offenders are used for Federal, State, and local drug law enforcement, treatment, and education activities.

SEC. 3. Section 1963 of title 18 of the United States Code is amended—

(1) in subsection (a)—

(A) by striking out "and" immediately before "(2)"; and

(B) by striking out the period at the end and inserting in lieu thereof the following: ", and (3) in cases in which the racketeering activity consisted of any offense involving dealing in narcotic or other dangerous drugs, which is chargeable under State law or any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States, any proceeds or profits derived from any interest, security, claim, or property or contractual right, described in clause (1) or (2) of this subsection.";

(2) in subsection (c), by striking out the period at the end and inserting in lieu thereof the following: ", except that the Attorney General shall provide for the use of any such property forfeited in cases in which the racketeering activity consisted of any offense involving dealing in narcotic or other dangerous drugs, which is chargeable under State law or any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States, for Federal, State, and local drug law enforcement, treatment, and education activities as provided in section 511(h) of the Controlled Substances Act (Public Law 91-513; 21 U.S.C. 881(h))."; and

(3) by adding at the end the following new subsection:

"(d) If the racketeering activity consists of any offense involving dealing in narcotic or other dangerous drugs, which is chargeable under State law or any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States, it shall be presumed that all assets or other property of the convicted person are subject to forfeiture under this section, unless such convicted person proves otherwise by the preponderance of the evidence.".

SEC. 4. (a) Section 408 of the Controlled Substances Act (Public Law 91-513; 21 U.S.C. 848) is amended—

(1) in subsection (a)(2)(A) by adding after the phrase "the profits obtained by him in such enterprise" the following: ", including any profits and proceeds, regardless of the form in which held, that are acquired, derived, used, or maintained, indirectly or directly, in connection with or as a result of a violation of paragraph (1)"; and

(2) in subsection (a)(2) by adding at the end thereof the following flush material: "Any property forfeited under this section shall be disposed of as provided in section 511(h) of the Controlled Substances Act (Public Law 91-513; 21 U.S.C. 881(h)).".

(b) Subsection (e) of section 511 of the Controlled Substances Act (Public Law 91-513; 21 U.S.C. 881) is amended to read as follows:

"(e) Whenever property is forfeited under this title the Attorney General shall dispose of the property as provided in subsection (h).".

(c) Section 511 of such Act is further amended by adding at the end thereof the following:

"(h)(1) There is hereby appropriated, to remain available until expended, for each fiscal year beginning after the date of the enactment of this subsection a sum equal to the proceeds from the disposition and sale during the immediately preceding fiscal year of all property, not required to be destroyed by law or harmful to the public, forfeited in cases under (A) this subsection, (B) section 408 of this Act, and (C) section 1963 of title 18, United States Code, where such forfeited property relates to drug racketeering, to be used as provided in paragraph (2). In addition and notwithstanding any other provision of law, any money paid as a fine by an offender as punishment for any offense involving dealing in narcotic or other dangerous drugs, which is chargeable under Federal law or any offense involving the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic or other dangerous drugs, punishable under any law of the United States and any security forfeited for failure to appear for proceedings under chapter 207 of title 18, United States Code, in connection with such offenses, shall be available for use as provided in paragraph (2).

"(2) The fund created by paragraph (1) shall be administered by the Drug Enforcement Administration and shall be distributed on an annual basis as follows:

"(A) 50 per centum to be retained by the Drug Enforcement Administration to be used for Federal level drug law enforcement, treatment, and education activities;

"(B) 20 per centum to be retained by the Drug Enforcement Administration to be distributed under regulations of the Attorney General to specific State and local programs that demonstrate effectiveness in drug law enforcement, treatment, and education activities; and

"(C) 30 per centum to be distributed to the States on a per capita proportional basis to be used for State level drug law enforcement, treatment, and education activities.

"(3) Notwithstanding any other provision of this section, where a State participates in a drug seizure in a substantial manner, as determined by the Attorney General, such State shall be entitled to 20 per centum of the proceeds from the property forfeited as a part of the seizure to be paid out of the fund created under this subsection.".●

By Mr. CHILES:

S. 1577. A bill to amend the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, to subject imported tomatoes to the same pack of container restrictions as are applicable to domestic tomatoes; to the Committee on Agriculture, Nutrition, and Forestry.

RESTRICTIONS ON IMPORTED TOMATOES

● Mr. CHILES. Mr. President, I am introducing today legislation to amend section 8(e) of the Agricultural Marketing Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to require that imported tomatoes conform with pack-of-container standards imposed on domestic tomatoes under marketing orders.

This legislation seeks to clarify section 8(e) with respect to the requirements imposed under marketing orders on the pack of the container in which tomatoes are shipped. This amendment is entirely consistent with the original intent of section 8(e) and is offered only to revise an interpretation of that section which the U.S. Department of Agriculture has adopted. The resolution of the current disagreement between domestic producers and the Department on this issue is important to an orderly marketing situation for tomatoes and to the ability of domestic producers to effectively compete with imports.

The original purpose of section 8(e) of the act was to ensure that all restrictions imposed by marketing orders on the handling of domestically grown agricultural commodities should apply equally to imported commodities. Section 8(e) was intended to ensure that market regulations would have equal benefit to both domestic and foreign producers. It is in no way aimed at excluding or curtailing imports. Rather, its aim is to put imports and domestic produce on an equal footing with respect to marketing orders. In the case of tomatoes, the Senate report accompanying the act states—

> Imports of tomatoes . . . would be prohibited if they did not comply with grade, size, quality, and maturity provisions of all marketing orders applicable to the same commodities produced in the United States.

By marketing order, domestic producers of fresh tomatoes are prohibited from mixing different grades of tomatoes in a shipping container, or mixing different sizes of tomatoes. Since tomatoes from the standpoint of pricing and to the orderly marketing of fresh tomatoes.

However, the Department of Agricultural maintains that the prohibition against the mixing of grades of sizes within a container is not a grade or size regulation, but a pack regulation. The Department further maintains that pack regulations cannot be imposed on imports under section 8(e) of the Agricultural Marketing Agreement Act.

As a result of the Department's interpretation, foreign shippers are permitted to ship different grades and sizes of tomatoes in a single container, while U.S. producers must comply with the pack regulation. A substantial volume of the tomatoes sold in the United States are foreign grown. Because pack restrictions are not applied to these tomatoes, the buyer does not know what he is getting and the domestic producer is placed at a disadvantage.

I am convinced that the solution to this problem lies in clarifying amendment to section 8(e), which would apply pack regulations to imports.

Such a clarification would benefit the grower, shipper, importer, and, ultimately, the consumer of tomatoes. Enactment of this legislation would incur no additional cost to the Government. It would not create hardship for other States or for foreign producers, and would not create a trade barrier. It would standardize the sizes and grades of tomatoes offered for sale in the United States, and equalize the competition between domestic and foreign producers.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(e) of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608e-1), is amended—

(1) in the first sentence—

(A) by inserting ", or regulating the pack of any container of tomatoes," after "eggplants produced in the United States"; and

(B) by striking out "and maturity" each place it appears and inserting "maturity, and, in the case of tomatoes, pack of container"; and

(2) by inserting "and, in the case of imported tomatoes, such restrictions on the pack of any container," after "classifications" in the fourth sentence.●

By Mr. THURMOND (for himself, Mr. DeConcini, Mr. Domenici, Mr. Hatch, Mr. Heflin, Mr. Helms, Mr. Laxalt, Mr. Pryor, and Mr. Stevens):

S. 1578. A bill to clarify the application of the Federal antitrust laws to local governments; to the Committee on the Judiciary.

LOCAL GOVERNMENT ANTITRUST ACT OF 1983

Mr. THURMOND. Mr. President, on behalf of myself and my distinguished colleagues, the Senator from Arizona (Mr. DeConcini), the Senator from New Mexico (Mr. Domenici), the Senator from Utah (Mr. Hatch), the Senator from Alabama (Mr. Heflin), the Senator from North Carolina (Mr. Helms), the Senator from Nevada (Mr. Laxalt), the Senator from Arkansas (Mr. Pryor), and the Senator from Alaska (Mr. Stevens), I am pleased to introduce today the Local Government Antitrust Act of 1983. This legislation is designed to clarify the application of our Federal antitrust laws to conduct by local units of government, and to private conduct authorized by them.

In *Parker* v. *Brown,* 317 U.S. 341 (1943), the Supreme Court held that the Sherman Act "must be taken to be a prohibition of individual and not State action." Thus, the Court found that where a restraint of competition is created by the State and amounts to an act of government, the Sherman Act does not reach it.

Until relatively recently, most antitrust academics and practitioners alike assumed that the State action doctrine applied not only to States, but local units of governments as well. However, in *City of Lafayette, La.* v. *Louisiana Power & Light* Co., 435 U.S. 389 (1978), the Supreme Court held that Parker immunity for local governments was not automatic, but rather must be derived from the State, with the local government entity acting "pursuant to State policy to displace competition with regulation or monopoly public service." Last year, in *Community Communications Co., Inc.* v. *City of Boulder, Colo.,* 455 U.S. 40 (1982), the Court found that a State's grant of home-rule powers to a municipality was insufficient authorization by the State to cloak the municipality in State action immunity.

While the Boulder majority opinion suggested that this decision "did not threaten the legitimate exercise of governmental power," (quoting Lafayette) the dissent concluded that the Court's action would "impede, if not paralyze, local governments' efforts to enact ordinances and regulations aimed at protecting health, safety, and welfare * * *"

During the 97th Congress, the Committee on the Judiciary conducted hearings on the implications of Boulder and Lafayette. The policy question highlighted by these hearings is clear: Are there sufficient and compelling reasons to treat the legitimate activities of local government differently from those of State government under the antitrust laws? Within reasonable limitations, I believe the answer to this question is no.

Consequently, the legislation we introduce today seeks to modify Boulder and Lafayette. Let me emphasize that this legislation does not automatically extend protection from the antitrust laws to local governments. Rather, local governments are given protection from the antitrust laws only to the extent that State government entities would be protected for similar activity. In addition, local governments must clear two more hurdles: the activity in question, first, must otherwise be valid under State law; and second, must not involve the sale of goods or services by the local government in competition with private persons.

Mr. President, I believe this is a reasonable approach to resolving the questions presented by Boulder and Lafayette. The legislation balances the need for local governments to go about their daily functions without the paralyzing fear of antitrust lawsuits, with the need to preserve the integrity of our Federal antitrust laws. The Committee on the Judiciary will begin hearings on this legislation as soon as practicable, and I look forward to the participation of all interested parties.

Mr. President, I request unanimous consent that the entire text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Local Government Antitrust Act of 1983".

Sec. 2. The Federal antitrust laws shall not apply to any law or other action of, or official action directed by, a city, village, town, township, county, or other general function unit of local government in the exercise of its regulatory powers, including but not limited to zoning, franchising, licensing, and the establishment of monopoly public services, but excluding any activity involving the sale of goods or services by the unit of local government in competition with private persons, where such law or action is valid under state law, except to the extent that the Federal antitrust laws would apply to a similar law or action of, or official action directed by, a State. For purposes of this section, the term "Federal antitrust laws" means the antitrust laws, as such term is defined in the first section of the Clayton Act (15 U.S.C. 12), and section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

By Mr. HEINZ:

S. 1580. A bill to provide awards to local educational agencies for individual school implementation of the recommendations of a national study on education, and for other purposes; to the Committee on Labor and Human Resources.

EXCELLENCE IN EDUCATION ACT

Mr. HEINZ. Mr. President, today I introduce the Excellence in Education Act of 1983. I am pleased to be joined by my good friend, Congressman Bill Goodling, the ranking member of the House Subcommittee on Elementary and Secondary and Vocational Education, who is introducing this same bill in the House of Representatives today.

What I have in mind, Mr. President, is simply to recognize and reward those school districts across America that are working to eliminate excessive electives, like bachelor living, and toughen up high school graduation requirements; those schools that invite parents and community business leaders to be volunteer tutors in math, science, and reading; those principals that stop students from wandering into class 10 minutes late and that inspire all of their teachers and students alike to excel; those teachers and departments that incorporate new technologies into the curriculum and demand more homework; and those students who are striving to achieve excellence.

And, Mr. President, let me remind my colleagues that there is good news out there on educational achievement. Earlier this month, the Pittsburgh public schools reported that the 1983 test scores are up dramatically from a year ago in mathematics, language, and reading. I congratulate those students, and their parents and teachers, as well as the school board, Superintendent Richard Wallace, and his administrators for the gains that have been achieved.

The Excellence in Education Act of 1983 would build on just such local efforts. It would authorize the Secretary of Education to award grants of up to $40,000 to 1,500 schools across America over the next 3 years. The schools would be selected on a competitive basis by local school districts, chief State school officers and the Secretary of Education.

The Secretary will make the awards to schools that demonstrate a commitment to pursue excellence. Schools with the concurrence of district leadership will be authorized to use the funds to implement recommendations of the recent reports for improving educational standards and instruction, such as:

To modernize and improve secondary school curricula;

To eliminate excessive electives and to increase graduation requirements in the basic subjects;

To implement attendance policies with clear sanctions to reduce student absenteeism and tardiness;

To experiment with the longer schoolday or longer school year;

To provide incentives to teachers, teams of teachers and teaching departments for outstanding performance, including, one, financial awards and two, administrative relief such as the removal of paperwork and extracurricular duties; and

To demonstrate new and promising models of school-community relationships, and business-education partnerships including the use of nonschool personnel and community volunteers to alleviate shortages in areas of instruction such as math and science education.

The bill is unique among Federal education programs because rather than targeting specific curriculum

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areas or specific groups of children, it is designed to allow local educators to fashion their own plans for improving the total school environment; an objective supported by recent research on effective schools.

The small grant approach is one being pursued in Pittsburgh, San Francisco, and other urban areas by local private sector education funds and by the Ford Foundation. Typical of this approach is the recent announcement by the Washington Post of annual awards of $2,000 to outstanding teachers and a $25,000 sum for school systems for special projects.

To encourage further public/private partnerships in public education, the legislation sets aside 20 percent of the award money for schools that match Federal funds with private sector contributions.

Mr. President, I applaud our current Secretary of Education, the Honorable Terrel H. Bell, and the administration for establishing the National Commission on Excellence in Education and for giving its findings such high visibility. The Commission's report, "A Nation at Risk," is a thoughtful, critique of this country's educational apparatus. It is a sobering analysis, one that merits all the attention it is getting. Not since the late 1950's, when the Russian sputnik shattered our complacency, have we focused so extensively on the status of our educational product and its importance to the future of our Nation.

The Commission's report and subsequent reports by the Twentieth Century Fund and the National Task Force on Education for Economic Growth have focused the Nation's attention on American education. The Commission's report states:

> In the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our future as a Nation and a people.

The reports and their recommendations ignited in the Nation's Capitol a firestorm of political rhetoric and heated debate about who is to blame and what should be done to respond to the crisis of mediocrity.

Fortunately for all of us there is no disagreement on the largest point—that our educational system is in trouble, needs assistance, and must be fixed. A consensus is building across the country that education is central among all the issues we face in the 1980's. It will have more affect on our economic growth, our social well-being and our national defense of the 21st century than anything else we do in the next several years.

Mr. President, education must be at the top of this Nation's political agenda. I concur with the National Commission when it states emphatically that:

> The Federal Government has the primary responsibility to identify the national interest in education. . . . It must provide the national leadership to ensure that the nation's public and private resources are marshaled to address the issues discussed in this report.

I believe, Mr. President, that we in Congress must take the first step to ignite the fire for excellence in local schools across this country. That is my intent.

As an early and active supporter of the establishment of the U.S. Department of Education, I felt that it had two critical functions—to secure the Federal responsibility to assure equal educational opportunity for the disadvantaged; and to identify and define the national interest in education and provide visible leadership. The Commission identified the national risk posed by inattention to academic excellence. It defined excellence in the following terms: For individual learners, it means performing on the boundary of individual ability; for schools, it means setting high expectations for all learners and assisting all students to work to the maximum of their capabilities; and for a society, it means setting educational policies and providing the resources that allow each learner and each school to achieve their educational goals.

Mr. President, I am hopeful that Congress will enact this legislation quickly. By doing so it will give the U.S. Department of Education the opportunity to fulfill its mandate to exercise national leadership and it will allow the Secretary of Education to maintain the momentum he and the President have already created.

I would emphasize for all my colleagues that this bill with its authorization of $50 million for 3 years will not provide the fuel for achieving and maintaining excellence in every public school in America. This bill will not put a chicken in every pot, or a $5,000 check in every teacher's palm. It does not even attempt to do that because I do not believe that setting teacher's salaries is the role of the U.S. Department of Education. Indeed, I shudder to think of the ramifications of such a level of Federal fiscal involvement in America's public school. The Federal Government has neither the right nor the wherewithal to set salaries and standards or to establish broad educational policy. But I repeat, it must exercise national leadership.

As Haynes Johnson argued in a recent editorial in the Washington Post of June 19, 1983, we have to get "back to basics, a basic American idea of merit, of a national commitment to public education, backed by a national determination to do whatever is necessary, including the expenditure of whatever it takes in public funds to insure . . . that no person's child can possibly want the means of a good education." The Excellence in Education Act is a modest part of the solution. It will demonstrate congressional commitment to igniting the fire for excellence in local schools across America.

Mr. President, I ask unanimous consent that the Excellence in Education Act of 1983 appear in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Excellence In Education Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to make awards to local educational agencies, after a competitive selection process, in order to carry out programs of excellence in individual schools of such agencies designed to achieve excellence in education, and conducted with the participation of school principals, school teachers, parents, and business concerns in the locality.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(2) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(3) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "State educational agency" has the meaning given that term under section 198 (a) (17) of the Elementary and Secondary Education Act of 1965.

SCHOOL EXCELLENCE AWARDS AUTHORIZED

SEC. 4 (a) The Secretary is authorized, in accordance with the provisions of this Act, to make awards to local educational agencies for school excellence programs which are consistent with the purpose of this Act.

(b)(1) There are authorized to be appropriated $16,000,000 for the fiscal year 1984, $17,000,000 for the fiscal year 1985, and $17,000,000 for the fiscal year 1986 to carry out the provisions of this Act.

(2) From the amount appropriated in each fiscal year, the Secretary shall reserve $3,000,000 in each fiscal year to carry out the provisions of section 7.

(3) From the amount appropriated in each fiscal year, the Secretary shall reserve $1,000,000 in each fiscal year to carry out the provisions of section 8.

SELECTION OF SCHOOLS FOR AWARDS

SEC. 5. (a)(1) The Secretary is authorized to establish, in accordance with the provisions of this section, criteria for the selection of schools to receive awards under this Act. Each local educational agency desiring to participate in the awards program authorized by this Act shall submit a proposal

nominating each specific school of that agency for school improvement activities designed to carry out the purpose of this Act. Each such submission shall be made to the chief state school officer of the State in which the local educational agency is located.

(2) The criteria required by paragraph (1) of this section shall include standards for each local educational agency to nominate schools of that agency—

(A) which have the potential to experiment with standards of quality; and

(B) which show promise of demonstrating that the school will carry out well-planned, creative, or innovative activities designed to carry out the purposes of this Act in a successful manner.

(3) Each proposal submitted under subsection (a) shall contain—

(A) a description of the activities which will be conducted in the school nominated,

(B) assurances that the school to be nominated will carry out the activities so described, and

(C) such other information as may be necessary to carry out paragraph (2) of subsection (a).

(b)(1)(A) The chief state school officer of each State shall in each fiscal year from the nominations made pursuant to subsection (b) select 25 schools for submission to the Secretary.

(B) In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the chief educational officer of such jurisdiction shall nominate 5 schools in accordance with this subsection.

(2) In selecting schools from proposed nominations submitted under subsection (a), the chief state school officer shall assure a fair and equitable distribution of schools within the State, after considering—

(A) all categories of elementary and secondary schools within the State, including elementary schools, junior high schools, secondary schools, vocational-technical schools, or any combination of two or more of the schools;

(B) socioeconomic conditions in the State;

(C) geographic distribution within the State;

(D) school size;

(E) the size and location of the community in which the school is located;

(F) the local governmental arrangements between the government and the local educational agency making the nomination; and

(G) such other relevant factors as the Secretary may prescribe.

(3) Each State shall submit to the Secretary the school nominations made in accordance with subsection (b) of this section. Each such submission may include such additional information as the chief state school officer (the chief educational officer as prescribed in subsection (c)(1)(B)), and the local educational agency concerned deem appropriate.

(c)(1) The Secretary shall select not more than 500 schools from among the nominations submitted pursuant to subsection (c) of this section. The selection under this subsection shall be made by the Secretary after an impartial review panel has considered each submission. The review and selection shall be based upon the factors described in subsection (c)(2) and in accordance with uniform criteria developed by the Secretary.

(2) In making the selections under paragraph (1), the Secretary shall give priority to proposals which include provisions for—

(A) modernization and improvement of secondary school curricula;

(B) the elimination of excessive electives and the establishment of increased graduation requirements in basic subjects:

(C) attendance policies with clear sanctions to reduce student absenteeism and tardiness;

(D) demonstrations involving alternatives to the conventional school day and school term;

(E) experimentation providing incentives to teachers, and teams of teachers for outstanding performance, including financial awards and administrative relief such as the removal of paper work and extra duties;

(F) demonstrations involving creative combinations of independent study, team teaching, laboratory experience, and technology utilization; or

(G) new and promising models of school-community and school-to-school relationships including the use of nonschool personnel to alleviate shortages in areas such as the current shortage in math and science teachers, as well as other partnerships between business and education, including the use of equipment.

AMOUNT AND CONDITIONS OF AWARDS

SEC. 6. (a)(1) A school award made to a local educational agency pursuant to this Act may not exceed $25,000 in any fiscal year or a total of $40,000.

(2) The amount of each individual school award made pursuant to this Act shall be determined by the Secretary based upon the size of the school, the number of students enrolled in the school, and the number of teachers teaching in the school.

(b) Awards made under this Act may not be made for more than two school years. No individual school may be eligible for any additional award under this Act.

SPECIAL SCHOOL AWARDS

SEC. 7. (a) From the amount reserved under section 4(b)(2) in any fiscal year, the Secretary is authorized to make awards to schools nominated in accordance with the provisions of section 5 to pay the Federal share of the activities described in the proposal if the local educational agency provides further assurances that funds from the private sector will be contributed for carrying out the activities for which assistance is sought.

(b) For purposes of this section, the Federal share for each fiscal year shall be not less than 67⅔ per centum nor more than 90 per centum. The Secretary shall set the Federal share for categories of school awards based upon uniform criteria established by the Secretary.

RESEARCH, EVALUATION, DISSEMINATION, AND MONITORING ACTIVITIES

SEC. 8. (a) From the amount set aside under section 4(b)(3), the Secretary shall conduct research, evaluation, and dissemination activities to assure that exemplary projects and practices which are developed with assistance provided under this Act are made available to local educational agencies throughout the United States.

(b) The Secretary shall use such amount of the funds reserved pursuant to section 4(b)(3) as is necessary to carry out the provisions of this subsection. The Secretary shall establish an independent panel to monitor the success of the programs assisted by this Act in achieving the national objectives in improving instruction and the achievement of the students.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. JOHNSTON, Mr. LONG, Mr. ZORINSKY, Mr. NICKLES, and Mr. BOREN):

S. 1581. A bill granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact; to the Committee on the Judiciary.

CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

● Mr. DOLE. Mr. President, I would like to take this opportunity to introduce legislation which will enable the Central States to enter into a regional compact for the more efficient management of their low-level nuclear waste. This bill seeks to secure congressional consent for the Central Interstate Low-Level Radioactive Waste Compact, an agreement already approved by the State legislatures of Kansas, Oklahoma, Nebraska, Louisiana, and Arkansas. This compact was formulated in response to the Low-Level Radioactive Waste Policy Act passed by Congress in 1980, and requires the formal approval of Congress for its implementation. I urge my colleagues to support this legislation.

Low-level waste is commonly defined as any radioactive substance which is not classified as high-level waste and is generally confined to materials that have become contaminated with radioactivity at commercial power reactors, hospitals, research institutions, and industrial sites. Samples of low-level waste include paper towels, gloves, clothes, animal carcasses, liquids, and sludges. This waste does not incorporate spent reactor fuel, waste generated by reprocessing spent fuel, or waste elements heavier than uranium.

Originally, low-level waste produced by the States was deposited at three waste treatment sites located in Nevada, Washington, and South Carolina. As the volume of low-level waste increased nationwide, the ability of these sites to process and monitor this waste was severely diminished, creating potentially dangerous operating conditions and causing several States to express concern over the management procedures and safety standards employed at these overburdened waste facilities. When the Nevada and Washington sites closed in 1979, it became apparent that an alternative approach to the disposal of low-level waste was urgently needed.

Congress responded by passing the Low-Level Radioactive Policy Act of 1980. This act directed individual States to assume complete responsibility for the treatment and disposal of low-level nuclear waste products generated within their borders and encouraged the States to join a regional compact to facilitate the economical and efficient management of these radioactive materials, subject to congressional approval.

There are two significant advantages with pursuing the compact approach to low-level waste management. The first involves financial considerations. It is costly for States, especially those which generate small amounts of this waste, to develop instate facilities that will have to be monitored for a minimum of 100 years. The compact enjoins party States to share the costs involved with maintaining a regional treatment facility. Second, the compact grants the States more autonomy in handling their low-level waste disposal problem by allowing party States to ban the importation of waste generated outside the region.

The congressional mandate only stipulates that States must act before January 1, 1986. Each State retained the option, therefore, of rejecting the compact concept in favor of developing an instate waste management facility or ceasing generation of its waste. However, since it would be difficult, if not impossible, to halt the production of this waste, and, recognizing the high costs involved with constructing and maintaining individual State facilities for storing the radioactive waste, the regional compact has become the preferred option.

The central interstate compact is not the only cooperative agreement of this kind. The Northwest, Southeast, and Rocky Mountain States have or are in the process of finalizing similar compact agreements for the treatment of low-level waste. Last January, the Northwest conference States presented their ratified compact to the Congress for approval, and it is expected that the Southeast and Rocky Mountain regions will follow suit shortly.

I would like to take a moment to trace the developmental stages of the Central Interstate Low-Level Radioactive Waste Compact. After Congress passed the Low-Level Policy Act, Kansas and Oklahoma initiated discussions among interested States in the Central region to explore the feasibility of entering into a cooperative agreement for the expeditious processing of low-level waste. The State conferees agreed that the compact approach would be the most desirable waste management method and established a set of preliminary guidelines for staging its planning and development. In July 1981, State representatives from Arkansas, Kansas, Iowa, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas began drafting the statutory language delineating the terms of the Central Interstate Compact.

This compact represents a cooperative effort to provide for a regional facility with sufficient capacity to manage all radioactive waste generated within the region. Each party State would have access to this facility, provided that the State deposits its waste in compliance with the terms of the compact and accepts responsibility for the packaging, containment, and transportation of the waste materials. Any State which fails to uphold its obligations would be subject to having its privileges suspended or its membership revoked.

Mr. President, the Central States have demonstrated their willingness to compact for the coordinated management of low-level nuclear waste. However, before the States can take active steps to implement this newly developed management system, the Congress must grant its consent to the compact. It is our responsibility to act now to permit the States to pursue the course which they have charted for themselves, and in light of the 1986 deadline set by Congress, I would urge my colleagues to give expenditures consideration to and support for this legislation.●

By Mr. GORTON (for himself, Mr. Metzenbaum, Mr. Percy, Mr. Moynihan, Mr. Proxmire, Mr. Kasten, Mr. Domenici, and Mr. Boschwitz):

S. 1582. A bill to amend the Congressional Budget Act of 1974 to establish procedures for setting targets and ceilings in the congressional budget process for direct loan authority and loan guarantee authority, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

FEDERAL CREDIT CONTROL ACT OF 1983

Mr. GORTON. Mr. President, Senator Metzenbaum and I, along with Senators Percy, Moynihan, Kasten, Domenici, Boschwitz, and Proxmire are introducing today the Federal Credit Control Act of 1983. The bill would integrate control of Federal credit activity into the congressional budget process and institute impoundment control procedures for direct loan and loan guarantee authority.

One of the purposes of the Congressional Budget and Impoundment Control Act is to establish national budget priorities. To achieve this purpose, the Budget Act specifies the information on Federal spending and revenues to be included in the President's budget and congressional budget resolutions. Congress is also required to determine aggregate levels of spending and revenues.

Since the formation of the congressional budget process in the mid-1970's, it has become clear that the information contained in the President's budget and in the congressional budget resolutions does not portray adequately the level of Government financial activity. A vast array of Federal direct loan and loan guarantee programs are not fully accounted for, or do not appear at all, in the budget's spending totals.

Further, congressional budget resolutions and current impoundment control procedures do not control Federal credit activities. The Budget Act does not require the Congress to determine aggregate levels of Federal direct and guaranteed lending or the distribution of such activities among the functions of the budget. The Impoundment Control Act does not require congressional review and disposition of Presidential actions to impound direct loan or loan guarantee authority provided by law.

The Federal Credit Control Act would implement the recommendations for the temporary Subcommittee on Federal Credit established by the Senate Budget Committee during the 97th Congress. The temporary subcommittee, which I chaired and whose ranking minority member was Senator Metzenbaum, held hearings on the issues of credit budget information and control and made a detailed report in December of last year. The subcommittee followed upon the work done in the 96th Congress by a special Subcommittee on Control of Federal Credit, also established by the Budget Committee, which Senator Metzenbaum chaired.

Testimony presented to the temporary subcommittee indicated that the volume of Federal credit activity has increased tremendously in the last 10 years. By the end of fiscal year 1984, Federal direct loans outstanding will have nearly quadrupled, rising from $61 billion in 1974 to over $225 billion. Federal guaranteed loans outstanding will have more than doubled, increasing from $180 billion to over $450 billion.

The total effect of this level of activity in Federal credit programs on the Nation's financial markets is one that has been debated considerably. Federal participation in the U.S. credit markets in 1982 totaled over 40 percent of all funds raised. Many believe that as a result Federal credit programs exert upward pressure on interest rates which then crowds out private borrowers who are not assisted by the Government.

The temporary subcommittee concluded that Federal direct loan and loan guarantee programs are too significant a policy tool and have too large an impact on particular private borrowers and, in the aggregate, on the credit markets as a whole, to be excluded any longer from the congressional budget process. The bill we are introducing today would enable the Congress to control the overall level of Federal direct and guaranteed lending and to review Presidential proposals to impound direct loan and loan guarantee authority, in a manner consistent with the control over spending now

provided by the Congressional Budget and Impoundment Control Act.

Consistent with the recommendations of the temporary subcommittee, the Federal Credit Control Act utilizes and refines the credit budget which Presidents Carter and Reagan included in their budget submissions for fiscal years 1981 through 1984. The bill incorporates portions of similar legislation introduced in recent years by Senators Percy, Levin, and Moynihan, and Representatives Mineta and Bethune.

This legislation also completes S. 711, the Truth-In-Budgeting Act of 1983, which Senator Proxmire has introduced and Senator Moynihan and I have cosponsored. S. 711 would institute proper budgetary treatment of agency credit transactions with the Off-Budget Federal Financing Bank (FFB). This budgetary reform would bring a large portion of off-budget spending into the budget, would simplify the credit budget, and, in combination with the legislation we are introducing today, would increase greatly congressional control over Federal spending and credit activities.

One further point, Mr. President, last week on July 23, the U.S. Supreme Court ruled in Immigration and Naturalization Service against Chada that the legislative veto in its present form was unconstitutional. Part of the bill we are introducing today includes sections relating to the impoundment provision of the Budget Act which are likely to be subject to the Chada decision. Recognizing this possibility, we would hope that upon examination of the credit bill by the Budget Committee, adjustments can be made in the bill to reflect the Supreme Court decisions.

I would submit for the record a summary of the provisions of the bill we are introducing and an explanation of the major differences between the measure and similar Senate bills introduced in the 98th Congress. I would also submit the report of the temporary Subcommittee on Federal Credit of the Senate Committee on the Budget and ask that it be printed in the Record as well.

In closing, let me say again that it is our view that enactment of the Federal Credit Control Act of 1983 is necessary for the Congress to carry out the purpose of the Congressional Budget Act to establish national budget priorities. We would hope that we can see the passage of this measure in the 98th Congress.

Mr. MOYNIHAN. Mr. President, this Congress has spent a significant amount of time during the past decade debating spending priorities in the Federal budget, and frequently, the importance and frailties of the budget process itself. Yet while we have become well informed about such budgetary issues as the relative proportion of projected deficits as a share of GNP, and the rate of growth of Federal outlays, the fastest growing part of the Federal budget has been all but ignored. This is the off-budget use of Government resources, meaning direct loans and loan guarantees. While on-budget spending has doubled in the last decade, guaranteed loans and direct loans have grown more than fourfold.

Studies by the Congressional Budget Office, the Office of Management and Budget, as well as numerous outside research and academic institutions, leave little doubt that Federal direct loans and loan guarantees have become important means of providing Government services. It is clear that these Federal credit instruments can be powerful mechanisms for allocating credit to particular uses. But as with other Government programs, Federal credit programs represent the use of scarce resources. This occurs because the total volume of credit in the economy is limited by, among other factors, Federal monetary policy, the level of interest rates and supply of savings.

The credit budget approved by both houses of Congress last week as part of the first budget resolution for fiscal year 1984 constitutes the highest Federal loan level yet contemplated by either the executive or legislative branches. The total credit budget in the fiscal year 1984 resolution is $154.6 billion. Yet it received virtually no attention—due largely to the absense of a formal credit budget framework. The credit budget targets in the budget resolution are only advisory, and therefore provide no procedural force.

This state of affairs has had a number of unfortunate consequences. As the use of these credit resources has not been subjected to adequate congressional scrutiny, it has been possible for some groups to benefit tremendously from their use, while other, equally deserving groups, have not realized that they have been left out. For example, off-budget programs that serve primarily rural and agricultural interests have grown nearly 10-fold in the last decade, while on-budget programs in the community development area, which largely serve urban areas, have grown at a rate that is less than one tenth as great.

I am very pleased to join with Senator Gorton and my fellow cosponsors in sponsoring the Credit Budget Reform Act of 1983. This legislation developed from Senator Gorton's work on the Budget Committee's task force on Federal credit. It is an important bill for many reasons.

First, we will not be able to begin the process of devising Federal credit policies without adequate information available in a recognized credit budget framework. Although the administration has been publishing credit budget information, and although the Congress has obligingly set advisory targets, we have not created a formal structure within which to work. This formal structure is critical: It will provide a standardized measure of alternative volumes and types of credit resources, for it is not possible to do anything about a problem in Government until there is some agreement on how to measure it. We consider this legislation at the very moment the administration is contemplating a decrease in its data collection efforts for the credit budget. This further emphasizes our need for a strong credit budget, and for congressionally specified reporting requirements.

Second, the bill provides definitions for direct loan authority and guaranteed loan authority. The credit budget to date has been confusing to many and readily accessible to only a few in Congress. Policy can be shaped only if the terms are understood.

Third, the bill includes language that prohibits the administration from impounding loan guarantees. Early in fiscal year 1982, the Reagan administration announced a program to unilaterally reduce new Federal loan guarantee commitments by $20.3 billion, thus reducing guarantee commitments in 14 agencies. These were congressionally authorized programs, reduced without any congressional involvement. Congress should not accept unilateral administrative reductions in loan guarantee authority.

This legislation has grown from over 2 years of hearings and analysis, ably led by Senator Gorton. It includes an important set of recommendations for budgetary reform.

Mr. METZENBAUM. Mr. President, 4 years ago I initiated the first Special Subcommittee on Federal Credit under the Senate Budget Committee in an effort to get a handle on the tremendous surge in off-budget credit activities by various agencies of the Federal Government. Today, after numerous hearings and a truly bipartisan effort, I am glad to join with my colleague from Washington, Mr. Gorton, in introducing legislation that I believe will go far toward accomplishing that goal.

The steep growth in Federal credit borrowing—in the form of direct loans, loan guarantees, loans by off-budget agencies and by Government-backed agencies—has become a major problem. It has distorted accurate Federal budgeting and has extended Federal intervention in the private credit markets.

During the past few months, Congress has agonized over how to control the rising on-budget Federal deficits. But little attention has been directed to the problem of controlling the rising off-budget deficits caused by

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these credit activities. In 1972, the total volume of outstanding direct loans and loan guarantees stood at $241 billion. By 1982, that total had increased more than three times to $765 billion. and despite efforts to control spending, both on and off-budget, Federal credit activity has continued to expand at an alarming rate, with more than $103 billion in new loans and loan guarantees issued in fiscal year 1982, another $151 billion in new credit commitments expected in fiscal year 1983, and still another $147 billion in new commitments anticipated by fiscal year 1984.

By itself this huge increase in Federal credit activity alters private market choices. But when combined with the rapidly growing Federal deficits that have occurred during the Reagan administration, the intrusion of the Federal Government into the private credit markets is truly alarming. Altogether, funds raised under Federal credit auspices will account for well over one-quarter of the total net funds raised by nonfinancial and financial borrowers in the domestic credit markets.

This increase in Federal borrowing and Federal credit activities is especially significant in a period of tight money, because Federal credit programs serve to channel available credit toward the favored programs and away from others. In other words, as the Federal Government directs the allocation of available credit through its borrowing to pay for the deficits and through its Federal loans and loan guarantees, there will be less money available to finance new loans for industries, for emerging companies, for home purchases, for new car loans, and for other consumer purchases—all of which are essential for the long-term sustained economic growth which we all desire.

This explosion of Federal credit activity is, ironically, partially the result of efforts in recent years to control on-budget spending. Time and again we have seen examples where Congress has authorized programs—worthwhile programs for development, for farmers, for housing, and others—that utilize direct Federal loans and off-budget loan guarantees in order to avoid budget scrutiny. If a program is funded through direct appropriations, it is subject to the budget process. But if that program is financed through credit activities, that scrutiny can be avoided.

The legislation we are introducing today attempts to deal with the gamut of issues raised over the past 4 years during our credit task force hearings. It is legislation drafted to accommodate many of the concerns raised by other Senators and Congressmen, by the administration, by the Federal Reserve Board, by federally-backed agencies, and by representatives of the private sector.

This bill deals with several highly technical concerns, but underlying it are a few broad concepts:

First, as the Credit Subcommittee report states, budgetary treatment of Federal direct loans and loan guarantees is incomplete in the context of today's unified budget. Specifically, today's budget practices substantially undercount the true level of Federal spending and borrowing.

We recognize that several steps have been taken in the past few years to correct this glaring omission. Since 1981, the concurrent budget resolutions passed by Congress have included targeted ceilings for new direct loan obligations and new loan guarantee commitments. But without legislation, such targets are virtually unenforceable, except for partial enforcement provisions adopted by the Appropriations Committee.

Second, we believe that putting these varied Federal credit activities on budget and subjecting them to the regular scrutiny of the budget process will result in better policy choices. The congressional budget process is designed primarily as a tool for setting priorities on revenues and spending. Adding these credit totals by function and in the aggregate will not increase the burden substantially, but would have the desired effect of giving Congress the information needed to make hard choices. In reality, how can we set budget allocations for programs without looking at these credit programs? Surely a farm credit program is equally important in that policy choice as is a direct appropriations. Surely it is just as important for Congress to know if we are providing economic assistance to another country through loan guarantees as through direct spending programs.

Third, this legislation starts from the premise that Federal credit activity, taken as a whole, has grown topsy-turvy and must be curbed. It is consistent to focus on the on-budget Federal deficits and spending issues to the exclusion of the off-budget credit activities. Both are equally important.

Throughout the hearings we held on credit activities, I was especially concerned about the inconsistent manner in which different Federal agencies treat the problem of loan defaults. During testimony I zeroed in on that issue again and again. We learned that each Federal agency that issues loan guarantees and direct loan commitments handles the problem of default in its own way. In one agency, a loan is considered in default if it is more than 30 days overdue, but another agency may give the borrower a grace period of several months.

Many agencies have no effective way to oversee the loans and loan guarantees that they issue and are unable to enforce payment of those loans if they fall into arrears. This legislation would correct those shoddy practices by requiring the administration to develop a standard definition of default, one that would be enforced evenly by all Federal agencies. In my opinion, this is an absolute necessity. If a person, or company, seeks a Federal loan or loan guarantee for any purpose, he must be willing to repay that commitment on time in accord with terms of the contract. As has been often noted, a defaulted loan becomes the same as a grant. We owe it to the taxpayers of this country not to allow that to happen with this huge volume of outstanding loan and guarantee commitments.

Finally, Mr. President, I want to emphasize again the bipartisan nature of this legislation and of the task force and subcommittee hearings that have preceded. Controlling Federal credit is a concern I have long had, and it is shared by many of my colleagues on both sides of the aisle. The first task force, which I chaired, included myself, Senator CHILES, and Senator BOSCHWITZ. The second group, the temporary subcommittee, has been chaired by Senator GORTON and includes myself and Senators BOSCHWITZ, KASTEN, ARMSTRONG, SASSER, and MOYNIHAN. During our hearings, we heard testimony from Members of Congress from both parties and from across the political spectrum.

We are proud of the work we have accomplished in bringing the issue of Federal credit growth out into the open. We believe this legislation must be adopted, both to insure the integrity of the budget process and to promote continued economic growth. We urge our colleagues to join us in this effort.

By Mr. PERCY:

S. 1583. A bill to extend for the 6-year period beginning on October 30, 1983, the duty on canned corned beef; to the Committee on Finance.

EXTENSION OF DUTY ON CANNED CORNED BEEF

● Mr. PERCY. Mr. President, I am introducing a bill today which would retain the present duty on imported canned corned beef for a period of 6 years beginning this October.

There is virtually no domestic production of canned corned beef. In fact, this product, all of which is imported, amounts to only 0.02 percent of the total U.S. meat supply.

Nearly all canned corned beef is imported from two countries: Argentina and Brazil. The present duty is 3 percent and will remain at that level until October 30, 1983, when the duty on Brazilian corned beef will rise to 7½ percent.

The present 3-percent duty was originally enacted in 1979 when a trade treaty was signed with Argentina. At that time the duty was 7½ percent and Argentina did not qualify for special status under the generalized system of preferences (GSP). Because of most-favored-nation arrangements, the 3-percent duty was also instituted for all other countries exporting this product to the United States. The Argentine treaty was terminated on October 30, 1982, but that country now qualifies for GSP treatment for its canned corned beef. Brazil, with more than 50 percent of the U.S. market in this product, does not qualify, and thus would be faced with a 7½-percent duty while the Argentine beef would enter duty free. Chicago is a major center for the distribution of imported canned corned beef. A tariff rise would have adverse effects on the firms in my State which deal in this product. Sales margins on canned corned beef are low and many distributors carry the product as a staple which leads to sales of other product lines. If the duty on Brazilian imports is more than doubled, many of these firms would suffer losses, possibly contributing to more unemployment in what already is a troubled economic period.

Mr. President, I believe that this duty retention is fair and sensible. There is no domestic commercial production of this kind of meat. The resultant price differential between Brazilian and Argentine canned corned beef will only hurt the American consumer who buys Brazilian beef, the vast majority of which is in consumer-sized cans.

In addition, by standardizing the tariff for all exporting countries of this product, the United States would underline its commitment to free trade. It is fair to our trading partners and, most importantly, the American consumer would benefit from a less expensive product which is not even available in this country.

Brazil has also given us something in return by agreeing to withdraw its complaint to the GATT about U.S. ethyl alcohol imports.

The House Ways and Means Committee has added this duty retention to a House bill. I also am aware that two of my colleagues have introduced bills recently which would affect the tariff on canned corned beef. This bill which I introduce today is endorsed by both the Canned and Cooked Meat Importers' Association and the administration, and I urge my colleagues' support also.●

By Mr. DANFORTH:

S. 1584. A bill to amend the Internal Revenue Code of 1954 to conform the treatment of overall domestic losses with the treatment of overall foreign losses and to conform the foreign tax credit carryover and ordering rules with similar investment credit rules; to the Committee on Finance.

FOREIGN TAX CREDIT CONFORMITY ACT OF 1983

● Mr. DANFORTH. Mr. President, I am today introducing legislation to correct an inequity in the Internal Revenue Code which the Congress inadvertantly created with the passage of the Tax Reform Act of 1976.

Present law allows taxpayers who are subject to U.S. tax on foreign source income to claim a foreign tax credit for the amount of foreign taxes paid on such income. This credit is based on the principle that the country in which the income is earned has the first right to tax the income, even if the taxpayer, whether corporation or individual, is resident in another country. The country of residence, in turn, has a residual right to tax this income, but is limited by its obligation to insure that double taxation does not result.

In some countries, double taxation is avoided by exempting foreign source income from tax altogether. However, in the United States, the foreign tax credit system provides a dollar-for-dollar credit against U.S. tax liability for income taxes paid to foreign countries as a means of avoiding double taxation.

Under law prior to 1976, however, it was possible, in certain cases, for a taxpayer to derive a double tax benefit through the use of the foreign tax credit. This occurred where a taxpayer had taxable income from U.S. sources, but losses from foreign sources. The foreign losses had the effect of reducing U.S. taxable income and taxes by decreasing the taxpayer's worldwide taxable income, on which the U.S. tax is based. When the business operations in the foreign countries subsequently became profitable, the foreign tax credit was allowed for the taxes paid to the foreign country in the subsequent year.

Thus, unless the loss country had a net operating loss carryforward provision or some similar method of using prior losses to reduce subsequent taxable incomes, the taxpayer received a second tax benefit when income was derived from that country because, by use of the foreign tax credit, no U.S. tax was paid on income from that country, even though earlier losses from that country had served to reduce the taxpayer's tax on its U.S. income.

An example will help illustrate the problem that existed before the 1976 act:

	Year 1	Year 2	2-year total
Foreign source income (loss)	($100)	$100	0
U.S. source income	100	100	$200
U.S. taxable income	0	200	200
Foreign tax (46 percent)	0	46	46
U.S. tax (46 percent)	0	92	92
Allowable foreign tax credit	0	[1]46	46
Net U.S. tax	0	46	46
Excess foreign tax credit	0	0	0

[1] Foreign tax credit limitation: Foreign source income ($100)/total taxable income ($200) × U.S. tax ($92) = $46

Thus, in this example, the taxpayer, with a 2-year total U.S. taxable income of $200, pays U.S. tax of only $46—one-half the amount that you would expect.

The Tax Reform Act of 1976 addressed this "double tax benefit" problem by adopting what has become known as the foreign loss recapture rule, which is found in section 904(f) of the code. Under this provision, in cases where a loss from foreign operations reduces U.S. tax on U.S. source income, the taxpayer is, in effect, required to recapture the tax benefit if the company subsequently derives taxable income from its foreign sources.

In general, the recapture is accomplished by treating a portion of subsequent foreign source income as income from domestic sources. The effect of recharacterizing the foreign income as domestic is to reduce the allowable foreign tax credit for the year. Thus, under 904(f), the outcome of the example above would be as follows:

	Year 1	Year 2	2-year total
Foreign source income (loss)	($100)	$100	0
U.S. source income	100	100	$200
U.S. taxable income	0	200	200
Foreign tax (46 percent)	0	46	46
U.S. tax (46 percent)	0	92	92
Allowable foreign tax credit	0	[1]0	0
Net U.S. tax	0	92	92
Excess foreign tax credit	0	46	46

[1] Foreign tax credit limitation: Foreign source income (zero, since it has been recharacterized as U.S. income/total taxable income ($200) × U.S. tax ($92) = 0

Thus, under section 904(f), the taxpayer is denied the double tax benefit, and pays, over the 2-year period, $92 of U.S. tax on $200 of U.S. income. The fact that the taxpayer has paid $46 of foreign tax on zero foreign income is a concern, but one which is appropriately addressed by the foreign country—for example, by allowing the taxpayer to carry the loss from year 1 to year 2, as under U.S. law.

Since the Congress was concentrating on the "double tax benefit" problem while the Tax Reform Act of 1976 was under consideration, it is not surprising that the act failed to anticipate the existence of the opposite set of circumstances, which can lead to, in effect, a "double tax detriment." This can happen when a company has net income from foreign sources, but domestic losses.

This has recently come to light as a problem because of the unfortunate loss position that many American corporations, particularly those in the basic industries, find themselves. In such cases, where the company also has foreign source income on which it has paid foreign tax, the company will have excess foreign tax credits which are unlikely ever to be used. Again, an example will help illustrate the problem:

	Year 1	Year 2	2-year total
Foreign source income	$100	$100	$200
U.S. source income (loss)	(100)	100	0
U.S. taxable income	0	200	200
Foreign tax (46 percent)	46	46	92
U.S. income tax (46 percent)	0	92	92
Allowable foreign tax credit	0	[1] 46	46
Net U.S. tax	0	46	46
Excess foreign tax credit	46	0	46

[1] Foreign tax credit limitation: Foreign source income ($100)/total taxable income ($200) × U.S. tax ($92) = $46.

Thus, over 2 years, the company has paid a total of $138 in taxes—$46 U.S., $92 foreign—on net income of $200 (consisting solely of foreign source income)—a rate of 69 percent. The excess foreign tax credit of $46 is unlikely to be utilized unless the company has future income from countries with lower tax rates than the U.S. rate.

While the excess credit may be carried back 2 years or forward 5, these carryover periods are insufficient in most cases to allow the credit to be used. This compares with a carryover period for net operating losses and investment tax credits of 3 years back and 15 years forward. Further, the requirement that current year credits be used before credits carried from other years are used also reduces the likelihood that the excess credits will ever be used. Net operating loss and investment tax credit carryovers, on the other hand, are used in the order they are earned.

It is apparent that, in enacting section 904(f) in 1976, Congress merely overlooked the need for a parallel provision for the recapture of domestic losses to avoid double taxation. The provisions of this bill are, therefore, technical rather than substantive in nature.

This amendment provides for a "mirror-image" provision to section 904(f). Under the bill, therefore, a company may recapture domestic losses in subsequent years in which it has domestic income by recharacterizing the subsequent domestic income as foreign source income, to the extent domestic losses have served to reduce the foreign tax credit available to the taxpayer.

An example, using the same facts as the example above, will illustrate how the new domestic loss recapture would work:

	Year 1	Year 2	2-year total
Foreign source income	$100	$100	$200
U.S. source income (loss)	(100)	100	0
U.S. taxable income	0	200	200
Foreign tax (46 percent)	46	46	92
U.S. income tax (46 percent)	0	92	92
Allowable foreign tax credit	0	[1] 92	92
Net U.S. tax	0	0	0
Excess foreign tax credit	46	(46)	0

[1] Foreign tax credit limitation: Foreign source income ($200, since the domestic loss from year 1 is "recaptured", i.e., domestic income from year 2 (up to the amount of the prior year's loss) is treated as foreign source income)/total taxable income ($200) × $92 = $92.

Thus, under the provisions of the bill, the taxpayer in this situation pays a total of $92 tax. All the tax paid is foreign, which is appropriate since the taxpayer's income for the period is all foreign source. Thus, this amendment would provide for symmetry of treatment between domestic losses and foreign losses, as under section 904(f).

Over time, a taxpayer should not be allowed to accumulate foreign tax credits based on a cumulative amount of foreign source income which is greater than the foreign source income the taxpayer actually had. Similarly, a taxpayer should not be forced to pay tax on an amount of income which is greater than the income the taxpayer actually had. Section 904(f) of current law prevents the first from occurring; the provisions of this bill will prevent the second.

The bill has a further amendment which conforms the treatment of unused foreign tax credits to the treatment of unused investment tax credits, other credits, and net operating losses. Unused foreign tax credits may, under current law, be carried back 2 years and forward 5. However, net operating losses, the investment tax credit, the targeted jobs tax credit, the alcohol fuels credit, and the research and experimentation credit may be carried forward 15 years. This helps assure that the credits a taxpayer earns will eventually be of use.

As I have previously noted, the utilization of foreign tax credits carried from other years is made difficult by the fact that, unless a taxpayer has foreign source income from a country with a lower rate of tax than that of the United States, the limitations on the credit will prevent the use of credits. The domestic loss recapture provisions will help companies with domestic losses in years they pay foreign taxes to avoid losing the use of those foreign tax credits. However, there will continue to be limits on the ability of taxpayers to use earned foreign tax credits. Therefore, this bill provides that the carryover period for unused foreign tax credits will also be 15 years.

Further, the bill also provides that the "ordering" rules for the use of the credits will be conformed to those of NOL's and the other credits, so that they will be used in the order earned, rather than requiring that the current year's credit be used before any carryover is used.

Mr. President, this bill does not propose substantive amendments to current law. It does not affect the definition of what constitutes foreign taxes for purposes of the foreign tax credit. It should have virtually no effect on revenues, since any revenues which might be collected in future years if the bill is not passed would be windfall revenues which were not anticipated under current law.

The bill does not provide any new benefits to business; it merely implements the fundamental principle that the foreign tax credit should be allowed, but limited, to the extent income of U.S. taxpayers is subject to taxation by both the United States and a foreign country.

I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Tax Credit Conformity Act of 1983."

(b) AMENDMENT TO 1954 CODE.—Whenever in this Act an amendment is expressed in terms of an amendment to, or an insertion in, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. RECAPTURE OF OVERALL DOMESTIC LOSS.

(a) IN GENERAL.—Subsection (f) of section 904 (relating to limitation on foreign tax credit) is amended by substituting in lieu of the title and paragraphs (1) and (2) thereof the following new title and new paragraphs (1) and (2);

"(f) RECAPTURE OF OVERALL FOREIGN AND DOMESTIC LOSSES.—

"(1) OVERALL FOREIGN LOSS.—

"(A) IN GENERAL.—For purposes of this subpart and section 936, in the case of any taxpayer who sustains an overall foreign loss for any taxable year, that portion of the taxpayer's taxable income from sources without the United States for each succeeding taxable year which is equal to the lesser of—

"(i) the amount of such loss (to the extent not used under this paragraph in prior taxable years), or

"(ii) 50 percent (or such larger percent as the taxpayer may choose) of the taxpayer's taxable income from sources without the United States for such succeeding taxable year,

shall be treated as income from sources within the United States (and not as income from sources without the United States).

"(B) OVERALL FOREIGN LOSS DEFINED. For purposes of this subsection, the term 'overall foreign loss' means the amount by which

the gross income for the taxable year from sources without the United States (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) for such year, including the amount, if any, that is treated as income from sources without the United States for such taxable year under paragraph (2), is exceeded by the sum of the deductions properly apportioned or allocated thereto, except that there shall not be taken into account—

"(i) any net operating loss deduction allowable for such year under section 172(a), and

"(ii) any—

"(I) foreign expropriation loss for such year, as defined in section 172(h), and

"(II) loss for such year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

"(2) OVERALL DOMESTIC LOSS.—

"(A) IN GENERAL.—For purposes of this subpart and section 936, in the case of any taxpayer who sustains an overall domestic loss for any taxable year, that portion of the taxpayer's taxable income from sources within the United States for each succeeding taxable year which is equal to the lesser of—

"(i) the amount of such loss (to the extent not used under this paragraph in prior taxable years), or

"(ii) 50 percent (or such larger percent as the taxpayer may choose) of the taxpayer's taxable income from sources within the United States for such succeeding taxable year,

shall be treated as income from sources without the United States (and not as income from sources within the United States).

"(B) OVERALL DOMESTIC LOSS DEFINED.—For purposes of this subsection, the term 'overall domestic loss' means the amount by which the gross income for the taxable year from sources within the United States for such year, including the amount, if any, that is treated as income from sources within the United States for such taxable year under subparagraph (1), is exceeded by the sum of the deductions properly apportioned or allocated thereto, to the extent such loss offsets income from sources without the United States for the taxable year, except that there shall not be taken into account any loss for such year which arises from fire, storm, shipwreck, or other casualty, or from theft, to the extent such loss is not compensated for by insurance or otherwise."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1981.

SEC. 3. EXTENDED CARRYOVER PERIOD FOR EXCESS FOREIGN TAX CREDITS; ORDERING RULE FOR FOREIGN TAX CREDIT.

(a) CARRYOVER PROVISION FOR EXCESS CREDITS ARISING IN 1979 THROUGH 1981.—Subsection (c) of section 904 is amended by inserting at the end thereof the following new sentence: "In the case of an amount deemed by this subsection to be an excess tax paid with respect to a taxable year beginning after December 31, 1978, and ending before January 1, 1982, the first sentence of this subsection shall be applied by substituting 'in each of the 15 succeeding taxable years' for 'in the first, second, third, fourth or fifth succeeding taxable years,' in the first sentence."

(b) CARRYOVER AND ORDERING RULE PROVISIONS FOR CREDITS ARISING AFTER 1981.—Subsection (a) of section 904 is amended to read as follows:

"(a) GENERAL RULE.—

"(1) FIRST-IN-FIRST-OUT RULE.—The amount of the credit allowed by section 901(a) shall be an amount equal to the sum of—

"(A) the foreign tax credit carryovers carried to such taxable year,

"(B) the amount of the credit determined under section 901(a) for such taxable year, plus

"(C) the foreign tax credit carryback carried to such taxable year,

and subject to the limitations imposed by paragraphs (2), (3), (4) and (5). The credits allowable under subparagraph (A) shall be used before the credits allowable under subparagraphs (B) and (C), and the credits allowable under subparagraphs (A) and (B) shall be used before the credits allowable under subparagraph (C).

"(2) LIMITATION IN TAXABLE YEAR.—The total amount of credit taken under section 901(a) in paragraph (1) shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources without the United States (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year. For purposes of the preceding sentence, in the case of an individual, the entire taxable income shall be reduced by an amount equal to the zero bracket amount.

"(3) CARRYBACK AND CARRYOVER OF EXCESS TAX PAID.—If the sum of the amount of the foreign tax credit carryovers to the taxable year under paragraph (1)(A) plus the amount determined under paragraph (1)(B) for the taxable year exceeds the amount of the limitation imposed by paragraph (2) for such taxable year (hereinafter in this subsection referred to as the 'unused credit year'), such excess attributable to the amount determined under paragraph (1)(B) shall be—

"(A) a foreign tax credit carryback to each of the 2 taxable years preceding the unused credit year, and

"(B) a foreign tax credit carryover to each of the 15 taxable years following the unused credit year and,

subject to the limitations imposed by paragraphs (4) and (5), shall be taken into account under the provisions of paragraph (1) in the manner provided in such paragraph. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 17 taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried and then to each of the other 16 taxable years to the extent, because of the limitations imposed by paragraphs (4) and (5), such unused credit may not be taken into account under paragraph (1) for a prior taxable year to which such unused credit may be carried.

"(4) LIMITATION ON CARRYBACKS.—The amount of the unused credit which may be taken into account under paragraph (1)(C) for any preceding taxable year shall not exceed the amount by which the limitation imposed by paragraph (3) for such taxable year exceeds the sum of—

"(A) the amounts determined under paragraphs (1)(A) and (1)(B) for such taxable year, plus

"(B) the amounts which (by reason of this subsection) are carried back to such taxable year and are attributable to taxable years preceding the unused credit year.

"(5) LIMITATION ON CARRYOVERS.—The amount of the unused credit which may be taken into account under paragraph (1)(A) for any succeeding taxable year shall not exceed the amount by which the limitation imposed by paragraph (3) for such taxable year exceeds the sum of the amounts which, by reason of this subsection, are carried to such taxable year and are attributable to taxable years preceding the unused credit year."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 904 is repealed.

(2) Subsection (d), (e) and (f) of section 904 are redesignated as subsections (c), (d) and (e) respectively.

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall be effective upon enactment.

(2) The amendments made by sections (b) and (c) shall be effective with respect to taxable years beginning after December 31, 1981.●

By Mr. HELMS:

S. 1587. A bill to amend the Internal Revenue Code of 1954 with respect to deductions for the payment of certain expenses by ministers who receive housing allowances; to the Committee on Finance.

DEDUCTIONS OF CERTAIN EXPENSES BY MINISTERS

● Mr. HELMS. Mr. President, in early January of this year the Internal Revenue Service published Revenue Ruling 83-3. In part, this ruling provides that ministers may no longer deduct interest and taxes paid on a personal residence to the extent the amounts expended are allocable to tax-exempt income. The ruling is scheduled to take effect on July 1, 1983, for certain ministers and on January 1, 1985, for others.

Mr. President, it is common practice in the United States for a minister to be given a housing allowance by his church. Under section 107 of the Internal Revenue Code this allowance is excludable from the minister's gross income. Up to now ministers have, fully within the letter of the law, deducted interest and taxes from their income just like other taxpayers. In their case, however, this deduction has an additional benefit because some of their compensation, in the form of a housing allowance, is exempted from gross income by section 107. With Revenue Ruling 83-3, making a new application of section 265, the IRS is attempting to diminish the benefit of section 107 to the clergy.

Mr. President, some would question even whether the IRS should be making, on its own, what appears to be an outright change in substantive law. In any event, my bill would prevent the IRS from enforcing Revenue Ruling 83-3 and would leave in place the status quo on housing allowance tax deductions for the clergy. That is its sole and simple purpose.

Traditionally, Congress has tried to promote religion by refraining from taxing religious activities and by providing certain tax benefits for those involved in religious activities. We provide these tax benefits because of the longstanding recognition by the American people that Government exists to serve the common good of society. Government is the servant, not the master, of the people. Therefore, it is perfectly proper for the Government to give preferred status to certain institutions in society for the public good. Religion certainly occupies such a place in American society. Given the recent inclusion of the employees of religious institutions in mandatory FICA coverage under the 1983 social security amendments, it is surely not too much to ask that ministers retain the full benefits of their current housing allowance tax deduction.

Mr. President, the bill I introduce today is identical to H.R. 1905 which has been introduced in the House of Representatives by Congressman Stan Parris.

Mr. President, I ask unanimous consent that the text of Revenue Ruling 83-3 and of the bill be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT RELATING TO DEDUCTIONS FOR THE PAYMENT OF CERTAIN EXPENSES BY MINISTERS WHO RECEIVE HOUSING ALLOWANCES

(a) In General —Paragraph (1) of section 265 of the Internal Revenue Code of 1954 (denying a deduction for payment of certain expenses relating to tax-exempt income) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to income described in section 107."

(b) Effective Date.—The amendment made by subsection (a) shall apply to any deduction for any taxable year beginning after December 31, 1982.

SECTION 265.—EXPENSES AND INTEREST RELATING TO TAX-EXEMPT INCOME

26 CFR 1.265-1: Expenses relating to tax-exempt income. (Also Sections 107, 117, 162, 163, 164, 7805; 1.107-1, 1.117-1, 1.162-1, 1.163-1, 1.164-1, 301.7805-1.)

Deductions; expenses and interest relating to tax-exempt income. Veterans and other students may not deduct educational expenses, and ministers may not deduct interest and taxes paid on a personal residence, to the extent the amounts expended are allocable to tax-exempt income. Rev. Ruls. 62-212 and 62-213 revoked.

REV. RUL. 83-3

Issues

(1) May a veteran deduct educational expenses if the amounts expended are allocable to veterans benefits that are exempt from taxation?

(2) May a minister deduct interest and taxes paid on a personal residence if the amounts expended are allocable to a rental allowance excluded from gross income under section 107 of the Internal Revenue Code?

(3) May a student deduct educational expenses if the amounts expended are allocable to a scholarship that is excluded from gross income under section 117 of the Code?

Facts

Situation 1.—During a taxable year, an unmarried veteran with no dependents, who is an attorney employed by a law firm, received five monthly payments totalling $780 from the Veterans' Administration pursuant to 38 U.S.C. section 1651 et seq., which provides for educational assistance allowances. The purpose of the allowance is to meet, in part, the expenses of a veteran's subsistence, tuition, fees, supplies, books, equipment, and other educational costs. 38 U.S.C. section 1681(a) (1979). Based upon the legislative history behind 38 U.S.C. section 1681 (1979), it is determined that Congress intended one-half of the allowance to be attributable to subsistence and one-half to be attributable to educational costs. See S. Rep. No. 269, 89th Cong., 1st Sess. 17 (1965). These payments are exempt from taxation under 38 U.S.C. section 3101(a) (1979). The taxpayer incurred expenses for tuition, fees, books, and other expenses in connection with three courses of advanced law education taken at a local university. The employer required the attorney to take the three courses as a condition of continued employment.

During the year, the veteran incurred and paid expenses of $1,054 for the education.

Educational expenses for courses required by the employer as a condition of continued employment generally are deductible as ordinary and necessary business expenses under the provisions of section 162 of the Code, provided the taxpayer elects to itemize deductions.

Situation 2.—During the taxable year, a minister of a gospel who is employed as a pastor of a church received $19,000 as compensation from the church and a combined rental and utility allowance of $6,300. The rental and utility allowance is excludable from the gross income of the minister under section 107 of the Code, to the extent used to rent or provide a home.

During the year, the minister used the rental and utility allowance, together with other funds, to make monthly payments for the residence in which the minister lived. Those payments totaled $8,400 and consisted of principal ($500), insurance ($400), real estate taxes ($1,400), interest ($4,000), and utility costs ($2,100). The minister incurred no other expenses directly related to providing a home during the taxable year. Interest and real property taxes paid are generally deductible expenses under the provisions of section 163 and 164 of the Code, respectively, provided the taxpayer elects to itemize deductions.

Situation 3.—Same as in Situation 1, except the taxpayer is not a veteran and the $780 qualified as an amount received as a scholarship solely attributable to tuition that is excludable from gross income under section 117 of the Code.

Law and analysis

Section 162 of the Code allows as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business.

Section 163 of the Code allows as a deduction all interest paid or accrued within the taxable year on indebtedness.

Section 164 of the Code allows, except as otherwise provided, as a deduction for the taxable year within which paid or accrued, state and local real property taxes.

Section 265(1) of the Code provides that no deduction shall be allowed for any amount otherwise allowable as a deduction that is allocable to one or more classes of income other than interest (whether or not any amount of income of that class or classes is received or accrued) wholly exempt from the taxes imposed by subtitle A of the Internal Revenue Code, or any amount otherwise allowable under section 212 that is allocable to interest (whether or not any amount of such interest is received or accrued) wholly exempt from the taxes imposed by subtitle A.

Section 1.265-1(c) of the Income Tax Regulations provides that expenses and amounts otherwise allowable that are directly allocable to any class or classes of exempt income shall be allocated thereto, and expenses and amounts directly allocable to any class or classes of nonexempt income shall be allocated thereto. If an expense or amount otherwise allowable is indirectly allocable to both a class of nonexempt income and a class of exempt income, a reasonable proportion thereof determined in the light of all the fact and circumstances in each case shall be allocated to each.

The purpose of section 265 of the Code is to prevent a double tax benefit. In *United States* v. *Skelly Oil Co.*, 394 U.S. 678 (1969), 1969-1 C.B. 204, the Supreme Court of the United States said that the Internal Revenue Code should not be interpreted to allow the practical equivalence of double deductions absent clear declaration of intent by Congress. Section 265(1) applies to otherwise deductible expenses incurred for the purpose of earning or otherwise producing tax-exempt income. It also applies where tax-exempt income is earmarked for a specific purpose and deductions are incurred in carrying out that purpose. In such event, it is proper to conclude that some or all of the deductions are allocable to the tax-exempt income. See *Heffelfinger v. Commissioner*, 5 T.C. 985 (1945), which held that Canadian income taxes on income exempt from U.S. tax are not deductible in computing U.S. taxable income; *Banks v. Commissioner*, 17 T.C. 1386 (1952), which held that certain educational expenses paid by the Veterans' Administration that were exempt from income tax, were not deductible; *Christian v. United States*, 201 F. Supp. 155 (E.D. La. 1962), where a school teacher was denied deductions for expenses incurred for a literary research trip to England because the expenses were allocable to a tax-exempt gift and fellowship grant; and Rev. Rul. 74-140, 1974-1 C.B. 50, which concludes that the portion of the state income tax paid by a taxpayer that is allocable to the cost-of-living allowance, a class of income wholly exempt under section 912 of the Code, is nondeductible under section 265.

In *Manocchio v. Commissioner*, 78 T.C. 989 (1982), a taxpayer attended a flight-training course that maintained and improved skills required in the taxpayer's trade or business. As a veteran, the taxpayer was entitled to an educational assistance allowance from the Veterans' Administration pursuant to 38 U.S.C. section 1677 (1976) equal to 90 percent of the costs incurred. Because the payments received were exempt from taxation under 38 U.S.C. section 310(a)

(1976), the taxpayer did not report them as income. The taxpayer did, however, deduct the entire cost of the flight training course, including the portion that had been reimbursed by the Veterans' Administration. In a reviewed opinion, the court held that the reimbursed flight-training expenses were nondeductible under section 265(1) of the Code.

In Manocchio, the petitioner contended that the Service was estopped from challenging the claimed deduction because of petitioner's reliance on the holding of Rev. Rul. 62-213, 1962-2 C.B. 59, that held that expenses for education, paid or incurred by veterans, that are properly deductible for federal income tax purposes, are not required to be reduced by the nontaxable payments received during the taxable year from the Veterans' Administration.

In rejecting petitioner's argument, the court stated that the Internal Revenue Service has very broad discretion to correct a mistake of law in a ruling and do so with retroactive effect. The court states: "Given the fundamental differences in the way these benefits are computed, we cannot say that respondent's decision to treat them differently for tax purposes is 'so devoid of rational basis' as to constitute an abuse of discretion." 78 T.C. 989, 1002, 1003.

In all three situations, the taxpayer has incurred expenses for the purposes for which the tax-exempt income was received. Permitting a full deduction in each situation would lead to a double benefit not allowed under section 265 of the Code.

Holdings

In Situation 1 and Situation 3, the amount of the itemized deductions for tuition, books and other expenses connected with further education must be decreased to the extent the expense is allocable to the amounts received for such expenses from the Veterans' Administration or as a scholarship, as the case may be.

In Situation 2, the amount of the itemized deductions otherwise allowable for the interest and real estate taxes must be decreased to the extent the expenses are allocable to the rental allowance received from the church.

The following demonstrates one reasonable method of allocation under section 1.265-1(c) of the regulations that will be accepted by the Internal Revenue Service.

In Situation 1, the $1,054 of educational expenses that otherwise qualify for deduction is decreased by one-half of $780 (or $390), computed by multiplying $1,054 (the amount of the expense that is otherwise deductible) by a fraction, the numerator of which is $390 (the amount of the reimbursement allocable to deductible educational costs) and the denominator of which is $1,054 (the total of all expenditures to which the reimbursement is applicable): $1,054×390/$1,054=$390. Therefore, the itemized deduction for educational expenses under section 162 is $664 ($1,054−$390).

In Situation 2, the $4,000 of interest otherwise deductible under section 163 of the Code is decreased by $3,000, computed by multiplying $4,000 (the amount of the interest otherwise deductible) by a fraction, the numerator of which is $6,300 (the combined rental and utility allowance) and the denominator of which is $8,400 (the total of all expenditures to which the rental and utility allowance is applicable), or $4,000×$6,300/$8,400=$3,000. Therefore, the deduction for interest allowable under section 163 in Situation 2 is $1,000 ($4,000−$3,000).

In Situation 2, the $1,400 of real estate taxes otherwise deductible under section 164 of the Code is decreased by $1,050 computed by multiplying $1,400 (the amount of the real estate taxes otherwise deductible) by a fraction, the numerator of which is $6,300 and the denominator of which is $8,400 (as indicated in the preceding paragraph), or $1,400×$6,300/$8,400=$1,050. Therefore, the itemized deduction for real estate taxes allowable under section 164 in Situation 2 is $350 ($1,400−$1,050).

In Situation 3, the $1,054 of educational expenses that otherwise qualify for deduction is decreased by $780, computed by multiplying $1,054 (the amount of the expense otherwise deductible) by a fraction, the numerator of which $780 (the amount of the scholarship) and the denominator of which is $1,054 (the total of all expenditures to which the reimbursement is applicable): $1,054×$780/$1,054=$780. Therefore, the itemized deduction for educational expenses allowable under section 162 is $274 ($1,054−$780).

Effect on other revenue rulings

Situation 1 and 2 of this revenue ruling are similar to the situations in Rev. Rul. 62-213, 1962-2 C.B. 59, and Rev. Rul. 62-212, 1962-2 C.B. 41, which hold that the amounts paid by the taxpayers are fully deductible.

Rev. Rul. 62-212 and Rev. Rul. 62-213 are revoked.

Prospective application

Under the authority contained in section 7805(b) of the Code, this revenue ruling will not be applied to educational expenses paid by veterans who are currently enrolled in an educational program and incurring expenses under the circumstances described in Situation 1 until the end of the current academic year, but no later than June 30, 1983. Further, this revenue ruling will not be applied to ministers under the circumstances described in Situation 2 until the end of the minister's current contract year, but no later than June 30, 1983.

Section 7805(b) will not be applied in Situation 3 because that situation is like Manocchio, cited above, and the rational of that case is equally applicable to the facts of Situation 3.

SECTION 453A.—INSTALLMENT METHOD FOR DEALERS IN PERSONAL PROPERTY

26 CFR 1.453-2(c): Installment income of dealers in personal property.

Installment method for dealers in personal property; state sales tax imposed on consumer; sales tax excluded from total current price. In cases in which the state sales tax is imposed on the consumer, the sales tax must be excluded from the total contract price for purposes of computing taxable income from installment sales under section 453A of the Code and the regulations thereunder.●

By Mr. LEAHY (for himself, Mr. DeConcini, Mr. Kennedy, Mr. Metzenbaum, and Mr. Baucus):

S. 1588. A bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes; to the Committee on Governmental Affairs.

APPLICATION OF CERTAIN PRIVACY AND EMPLOYMENT LAWS TO CONGRESS

Mr. LEAHY. Mr. President, earlier this year the Senate cafeteria workers, who are unable to organize like other Federal workers, took their case to the International Labor Organization in Geneva. It did not escape the attention of the press that the other case before the ILO this term involving labor organization troubles was the case involving Solidarity. Now there is no comparison in my mind between workers in a Communist country and any workers in the United States. At the same time, workers in the House and Senate do not enjoy the rights of other Federal workers, and I can understand the frustration of the men and women who serve us every day here on the Hill and who feel like second-class citizens.

The plight of the cafeteria workers results from the fact that over the last 75 years Congress has exempted itself from important statutes that apply to other employers in the country, including the Civil Service Reform Act, the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Age Discrimination in Employment Act of 1967, the Equal Pay Act, and the Occupational Safety and Health Act.

Collectively, these laws spell out civil, social, physical, and financial rights and standards for all Americans—except if they work for Congress. This double standard is a plain injustice to those who, in a quite literal sense, make our work possible and it is a source of embarrassment to us all.

It is to end this discrimination that I am today introducing the Fair Employment in Congress Act. Its purpose is simple. It removes the congressional exemption from each of these laws. It rights the injustice. It removes the source of the embarrassment.

Removing the congressional exemption from the Civil Rights Act of 1964 and the bill amending it, the Equal Employment Opportunity Act of 1972, would make Congress subject to the same restrictions on employment discrimination that apply in the rest of the country.

Similarly, subjecting Congress to the provisions of the Fair Labor Standards Act and the Equal Pay Act would give legal standing to the women who currently, and all too correctly, charge that they are not receiving equal pay for equal work.

The Civil Service Reform Act was a historic step forward for the Federal workers around this Nation, who can now organize, bargain with management, complain about unfair labor practices, and seek fair settlement of grievances. The rights do not, and should not, include the right to strike, but the rights they do have are significant and will surely result in better protections for Federal workers, and, I think it safe to say, a better work force as well. There is no reason this law should not apply to workers in the Congress.

The Occupational Safety and Health Act is an example of the kind of law that should apply to all working Americans. Congressional employees deserve a safe and healthy work environment, and we in the Congress should have to live by the same standards we set for the rest of the country's employers.

The Age Discrimination in Employment Act speaks to a bias that has no place in a nation where young and old need each other in the workplace, where innovation and experience are both needed for productivity. Should this formula apply any less in Congress?

Let me note for those colleagues who have followed my earlier versions of this bill, that I am focusing attention in this bill solely on the employment relationship, leaving the Privacy Act and the Freedom of Information Act to separate legislation. Recent discussions with several of my colleagues lead me to believe that these two important statutes raise issues very distinct from the employment issues in the balance of the bill. Separate treatment of the Privacy Act and the Freedom of Information Act will give both the present bill and the bill I plan to introduce soon covering those two statutes a much better chance of enactment.

Over the years that I have advocated passage of the bill I am now introducing for the fourth time, colleagues have stressed the special nature of the legislative process and the independence of our branch of government. It is frequently commented that Senators and Congressmen require an unrestricted choice of staff because of the absolutely confidential relationship between a member and his or her advisers. To impose on that right of choice a set of outside standards would be a limitation on the exercise of conscience that is the first duty of any Member, so this argument goes.

I will be the first to say that we are different in important respects from the executive branch, but I must add that the differences can be dealt with. I cannot see why cafeteria workers should not be able to organize, just because it might not be appropriate to allow legislative assistants to do so. On the other hand, neither cafeteria workers nor LA's ought to work in unhealthy conditions.

My approach in presenting this legislation is to presume that Congress ought not to enjoy a blanket exemption from the laws we have applied to others in this Nation. There should be new and complete hearings on this proposal, and I will do my best this year to see that hearings are held. During those hearings it will be possible to evaluate the concerns of those who think that Congress will be weakened if the present language of these laws is applied to it without alteration. Again, I believe that our presumption must favor application of the existing language of the several statutes included in the bill, but the important point is that we need hearings to be able to learn where that presumption should be allowed to stand and where it should not. Without hearings, we will never begin to consider reforms that are long overdue.

Mr. President, I ask unanimous consent that a statement by a longstanding supporter of this legislation, my very good friend Senator DECONCINI of Arizona, be included in the RECORD, and in addition the following: the text of the bill, a summary of the bill, and an editorial that appeared in the Washington Post on May 31, 1983, entitled, "Citadel of Privilege."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to eliminate the exemption for the Congress or for the Federal Government, as the case may be, in the provisions of Federal law described in this Act.

EQUAL EMPLOYMENT OPPORTUNITY

SEC. 2. Section 717 (a) of the Civil Rights Act of 1964 is amended by striking out "in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service" and inserting in lieu thereof "in all units of the legislative branch of the Federal Government, and in those units of the judicial branch of the Federal Government having positions in the competitive service".

LABOR-MANAGEMENT RELATIONS

SEC. 3. Paragraph (3) of section 7103 of title 5, United States Code, is amended by inserting ", any unit of the legislative branch" before ", the Library of Congress".

FAIR LABOR STANDARDS; EQUAL PAY

SEC. 4. Section 3(e)(2)(A)(iii) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(iii) in any unit of the legislative branch of the Government, or in any unit of the judicial branch of the Government which has positions in the competitive service,".

AGE DISCRIMINATION IN EMPLOYMENT

SEC. 5. The second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 is amended by inserting before the period a comma and the following: "except the term 'employer' does include the United States for each unit of the legislative branch of the Federal Government".

OCCUPATIONAL SAFETY AND HEALTH

SEC. 6. (a) Section 3(5) of the Occupational Safety and Health Act of 1970 is amended by inserting after "United States" the following: "(except the term 'employer' does include the United States for each unit of the legislative branch of the Federal Government)".

(b) Section 3(6) of such Act is amended by inserting before the period the following: ", and the employees of any unit of the legislative branch of the Federal Government shall be deemed to be employed in the business affecting commerce for the purpose of this Act".

EFFECTIVE DATE

SEC. 7. The amendments made by this Act shall become effective thirty days after the date of enactment of this Act.

SHORT TITLE

SEC. 8. This Act may be cited as the "Fair Employment in Congress Act".

Brief Summary of Senator Leahy's Fair Employment in Congress Act, Introduced June 29, 1983

Section One: Enacting clause.

Section Two: Equal Employment Opportunity. Repeals the exemption from the Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972 thus subjecting Congress to anti-discrimination provisions of the acts.

Section Three: Labor Management Relations. Includes Congress in the Civil Service Reform Act, enabling congressional employees to enjoy rights granted to other federal employees (including the right to organize, bargain with management, complain about unfair labor practices, seek fair settlement of grievances).

Section Four: Fair Labor Standards; Equal Pay. Includes Congress in the Fair Labor Standards Act of 1938 and the Equal Pay Act making Congress subject to the equal pay provisions of the acts.

Section Five: Age Discrimination in Employment. Repeals the exemption from the Age Discrimination in Employment Act of 1967 thus subjecting Congress to the anti-discrimination provisions of the act.

Section Six: Occupational Safety and Health. Repeals the exemption from the Occupational Safety and Health Act thus subjecting Congress to the job safety and health provisions of the act.

Section Seven: Effective date. All sections thirty days after enactment.

Section Eight: Short title. This Act may be cited as the "Fair Employment in Congress Act".

[From the Washington Post, May 31, 1983]

CITADEL OF PRIVILEGE . . .

Forever, it seems, a little plantation has existed on Capitol Hill. Sen. Patrick Leahy calls it the last plantation in America. It's the Senate cafeteria, whose 230-plus mostly black and Hispanic workers are denied by their senatorial employers the right to unionize—a right those same senators would not dream of trying to deny to people in the same line of work, or almost any other, elsewhere in America. In their frustration, the cafeteria employees have even petitioned the International Labor Organization, the United Nations agency that helps officially squashed labor unions, like Poland's Solidarity, try to regain their rights.

The rationale cited in defense of the Senate's practice is, as you might imagine, constitutional: the separation of powers. It is said that Congress cannot permit a group of its workers to be covered under the Civil Service Reform Act, the basic law that allows federal workers to organize unions and bargain with the government, because then the executive branch would be policing the legislative branch. How many senators would care to stand up in public and render such a fancy and unpersuasive alibi for denying people their basic rights?

Anyway, the Library of Congress, also part of the legislative branch, is unionized.

So are the Government Printing Office and the General Accounting Office. Does anyone doubt that the reason the cafeteria employees are singled out arises from the very unhappy tradition of disrespect for this group long evident on the Hill?

But what was most revealing about The Post's update of the cafeteria workers' plight yesterday was an accompanying list of the other federal laws, besides the Civil Service Reform Act, from which Congress exempts itself: the Occupational Safety and Health Act, the Freedom of Information Act, the Civil Rights Act, the Equal Pay Act, the National Labor Relations Act, the Privacy Act, the Age Discrimination in Employment Act, plus the District of Columbia's health, fire safety and building construction codes.

Some of these exclusions are familiar. Taken together, they convey an impression of a towering citadel of privilege resting at a place where equality under the law ought to be the guiding rule. The rest of us should not have been sitting idly by, deferring, mostly by saying nothing, to this anomaly. The change that would allow the cafeteria workers to organize should be only the beginning of a long overdue process of review.

● Mr. DeCONCINI. Mr. President, the one big business that ignores governmental regulations and gets away with it is the Congress. We operate like all other businesses, yet we reserve the right to hire, fire, pay, and discriminate at whim. Since the 1930's this body has been making fancy speeches and prescribing cures to end the injustice in the American workplace. In over 40 years of legislation, we have carefully excluded ourselves from taking responsibility for our actions. Congress can no longer afford to be the exception, we must be the rule. We must set the example for the rest of the country. If we want business to respect our ability to legislate, then Congress needs to take the lead and show that the laws we pass are fair by following them ourselves. Therefore, I join Senator LEAHY in cosponsoring his bill.

We can no longer ignore the Civil Rights Act of 1964, the Equal Pay Act, the Equal Employment Opportunity Act and many other vital pieces of legislation. We must offer our employees appropriate recourse under the law. Representative LYNN MARTIN's research into this issue revealed some disturbing figures: Of staff paid over $40,000 per year, 77 percent are men, of those paid less than $20,000 per year, 79 percent are women. These numbers may not be indicative of discrimination but they should be investigated so an intelligent conclusion can be reached.

Mr. President, we are caught in a hypocritical trap. Let us vote to work our way out of it and begin recognizing such essential rights as minimum pay, worker safety, and equal employment opportunity. Mark Twain once wrote: "To do good is noble. To advise others to do good is also noble, and much less trouble." We, as elected officials do not have to accept and perpetuate this shameful double standard. Let us cast a vote for justice and responsibility.●

By Mr. LEVIN (for himself, Mr. DIXON, Mr. METZENBAUM, Mr. RIEGLE, Mr. GLENN, and Mr. GORTON):

S. 1589. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 and the Federal Supplemental Compensation Act of 1982 to provide alternative State triggers; to the Committee on Finance.

UNEMPLOYMENT BENEFIT LEGISLATION

● Mr. LEVIN. Mr. President, today I am introducing legislation which will correct the absurd situation that has developed in which some States with continuing high unemployment are ineligible for extended unemployment benefits while other States with lower rates of unemployment still can receive these benefits.

My State of Michigan, which has a total unemployment rate of 14.9 percent—almost 50 percent higher than the national average—has just triggered off extended benefits, thereby reducing unemployment benefits in Michigan by 13 weeks. In addition, benefits under the Federal supplemental compensation program, which are on top of the benefits provided through the regular 26-week State program and the extended benefit program, have been cut down by 2 weeks. At the same time, States such as Wyoming, Alaska, and California, which have averaged lower rates of total unemployment continue to be eligible for extended benefits. Clearly, logic has been stood on its head.

We can point to the changes made in the 1981 reconciliation bill as being behind this twisted result. We can point to the reconcilation bill's raising the trigger level for extended benefits from a 5-percent insured unemployment rate (IUR) to a 6-percent IUR. The insured unemployment rate is calculated by dividing the number of people receiving regular State unemployment benefits by the people working in jobs covered by unemployment insurance. We can point to the reconciliation bill's exclusion of people receiving extended benefits from the calculation of the IUR as being discriminatory against States such as Michigan for which long-term high unemployment has become an all to real fact of life. We can point to the illogic of treating someone who has been unemployed for 23 weeks as being unemployed for the purpose of determining the IUR, but not including someone who has been unemployed for 30 weeks, even though the latter person may be suffering more from the effects of sustained unemployment.

But pointing to these problems is not enough. It will not put food on people's tables or money in their pockets. Furthermore, attempts to just repeal outright the 1981 changes have been tried but have not met with success. So a more innovative approach is necessary; one which focuses on the simple objective of making sure that States with the highest rates of total unemployment are eligible for extended benefits.

I believe that the legislation which we are introducing today offers just such an approach.

First, it keeps in tact the current trigger levels, thereby not refighting old or lost battles.

Second, it adds a new trigger level which States have the choice of opting out of. This trigger level would be a total unemployment rate (TUR) of 11 percent. In the States for which the Bureau of Labor Statistics compiles seasonally adjusted data for the TUR on a month-by-month basis, the 11-percent trigger level would be determined by looking to the most recently available TUR data for those States. This provision would cover the 10 most populous States in the Nation for which the statistical sample is large enough to make the TUR an accurate measure of labor market conditions.

In the remaining States and jurisdictions, the 11-percent trigger would be determined by looking to the rolling 12-month average of the TUR for those areas, and by looking at the most recently available 1-month data. If an area's TUR is over 11 percent by both measures, it would also be eligible for extended benefits. This two-pronged test is an attempt to increase the sample size as well as to approximate a seasonal adjustment.

Third, the Department of Labor is directed to conduct a study to determine what common measure can be used for all 50 States and eligible jurisdictions to better reflect labor market conditions. In the best of all possible worlds, we would conduct this study first before any further legislative changes are made. But we cannot afford to wait while people are suffering.

Fourth, this new 11 percent trigger calculation would apply to the highest tier of the Federal supplemental compensation program. Therefore, the States experiencing the greatest degree of economic distress would be eligible for the full benefits of the extended benefit program as well as the Federal supplemental compensation program.

In conclusion, let me say this. If this country wants to have an extended benefit program, then it should be fair and it should not be a program that is merely a hollow shell. It should be a real program that provides real benefits. The legislation I am introducing today will do this.

I ask unanimous consent that the text of the legislation follow my remarks.

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There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"STATE 'ON' AND 'OFF' INDICATORS

"(d)(1) There is a State 'on' indicator for a week if—

"(A) the rate of insured unemployment under the State law for the period consisting of such week and the immediately preceding 12 weeks—

"(i) equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years, and

"(ii) equaled or exceeded 5 percent; or

"(B) in the case of a State for which the Bureau of Labor Statistics compiles data on a month-to-month basis with respect to the seasonally adjusted total unemployment rate, such adjusted rate for such State for the month preceding the month in which such week begins equaled or exceeded 11 percent; or

"(C) in the cases of a State not described in subparagraph (B)—

"(i) the average monthly total rate of unemployment for such State for the 12-month period for which data is available preceding the month in which such week begins equaled or exceeded 11 percent, and

"(ii) the total rate of unemployment for such State for the final month of the 12 month period for which data is available preceding the month in which such week begins equaled or exceeded 11 percent.

"(2) There is a State 'off' indicator for any week for which there is not an 'on' indicator.

"(3) A State may provide by law that the determination of whether there is a State 'on' or 'off' indicator shall be made as if subparagraph (A) of paragraph (1) did not contain clause (i) thereof, and the figure '5' in clause (ii) thereof were '6'; except that, notwithstanding any such provision of State law, any week for which there would otherwise be a State 'on' indicator by reason of subparagraph (A) of paragraph (1) shall continue to be such a week.

"(4) A State may provide by law that subparagraphs (B) and (C) of paragraph (1) shall not apply to such State.

"(5) For purposes of this subsection, the rate of insured unemployment for any 13-week period shall be determined by reference to the average monthly covered employment under the State law for the first four of the most recent six calendar quarters ending before the close of such period.".

"(b) Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by adding at the end thereof the following new paragraph:

"(4) A State shall be deemed to be in a '6-percent period' for a week if—

"(A) in the case of a State for which the Bureau of Labor Statistics compiles data on a month-to-month basis with respect to the seasonally adjusted total unemployment rate, such adjusted rate for such State for the month preceding the month in which such week begins equaled or exceeded 11 percent; or

"(B) in the case of a State not described in subparagraph (A)—

"(i) the average monthly total rate of unemployment for such state for the 12-month period for which data is available preceding the month in which such week begins equaled or exceeded 11 percent, and

"(ii) the total rate of unemployment for such State for the final month of the 12-month period for which data is available preceding the month in which such week begins equaled or exceeded 11 percent.".

(c) The amendments made by subsections (a) and (b) shall apply with respect to compensation payable for weeks of unemployment beginning after the date of the enactment of this Act.

(d) The Secretary of Labor shall conduct a study, and shall report the results of such study to Congress not later than two months after the date of the enactment of this Act, with respect to alternatives to the rate of insured unemployment, which would be available with respect to all States, which might provide a more accurate measurement of the employment and labor market situation in each State.●

By Mr. WALLOP (for himself and Mr. Simpson):

S. 1590. A bill to clarify the contractural authority of the Secretary of the Interior to deliver water to the North Platte Irrigation District project; to the Committee on Energy and Natural Resources.

IRRIGATION ALONG THE WYOMING-NEBRASKA BORDER

● Mr. WALLOP. Mr. President, today I am introducing a bill, together with my colleague from Wyoming, Senator Alan Simpson, which will resolve a long standing issue between the Bureau of Reclamation and some irrigators along the Wyoming/Nebaska border. Congressman Dick Cheney of Wyoming is introducing the same legislation in the House of Representatives. Our bill will allow the irrigators to continue to conduct their annual silt run as they have in years past.

During water's natural flow, it picks up loose particles of matter or silt which the currents then carry downstream until they settle out again. A graphic example of this can be seen in Louisiana at the mouth of the Mississippi River. The broad delta there was created by the silt that dropped out of the river when it slowed down as it reached the sea. Over the years, this rich sediment has built up into the delta which is plainly visible today.

Since early Egyptian times, farmers have also used this process as a water conservation measure. They purposely flush silt-laden water through their irrigation canals and ditches. As the water flow slows, the silt settles out and lines the canals and coats the fields. This layer acts to seal the ditchbanks thus reducing water losses. For years, the irrigators have used this practice in their farming practices.

During the 1940's, the Bureau of Reclamation initiated negotiations with the North Platte project irrigators to obtain the power generation rights at Guernsey Dam. These negotiations were successful and in 1952, an amendatory contract was signed between the parties. Unfortunately, that contract did not mention the silt run issue.

This contractual silence has led to a continuing dispute between the irrigators and the Bureau of Reclamation regarding the irrigators' right to conduct the silt run. Several years after the contract between the Bureau of Reclamation and the irrigation districts was signed, the Bureau implemented a power interruption charge. The Bureau reasoned that since it is forced to cut back on its electrical power generation at Guernsey Dam during the silt run, the irrigators should pay for the foregone revenue.

However, the irrigation districts strongly disagree. They point out such a charge is not specifically provided for in the contract, and they are understandably concerned that the charge could greatly escalate in the future at the Bureau of Reclamation's whim. The Bureau of Reclamation did not assess any charge for years immediately after the 1952 contract, and Bureau personnel promised that the districts would never have to pay any such charge. It should be noted that this is a unique case. As far as everyone knows, no other Federal facility is involved in a silt run so there is no overall policy on this question.

Although the irrigation districts have paid the charges through 1981, under protest, they refused to do so last year. The Bureau now is threatening not to conduct any more silt runs, which would be disastrous for farming in western Nebraska and eastern Wyoming.

The legislation which Senator Simpson and I are proposing today would clarify this issue and allow the districts to continue the run as they have since the project was built—a practice which ultimately reduces the amount of water needed to irrigate the farmers crops and results in the availability of more water for everyone.

Mr. President, I ask unanimous consent that the bill be printed in the Record:

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the Act of June 17, 1902 (32 Stat. 338), as amended by Public Law 97-293, and subject to—

(1) the laws of Wyoming and Nebraska governing the appropriation, diversion, and use of water;

(2) any agreements between the irrigation districts which comprise the North Platte Project; and

(3) the provisions of any applicable interstate compact or court decree,

the Secretary of the Interior, or his designate, shall provide silt-laden waters from the North Platte Project, Wyoming and Ne-

braska, upon the request of the irrigation districts supplied by the Project without any special charge or payment of any kind which is not specifically provided for or enumerated in any existing contractual agreements between the Bureau of Reclamation and the irrigation districts. The United States shall not assert any legal claims against the irrigation districts as a result of such deliveries which are made prior to the enactment of this Act.●

By Mr. DOLE (for himself, Mr. Durenberger, Mr. Domenici, Mr. Jepsen, Mr. Pryor, Mr. Heinz, and Mr. Moynihan):

S. 1592. A bill to amend title XVIII of the Social Security Act to correct provisions relating to the cap for hospice care; to the Committee on Finance.

CAP ON HOSPICE CARE

Mr. DOLE. Mr. President, I am introducing today a measure to correct a provision in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) related to the cap amount for hospice care. As my colleagues are aware, through TEFRA we created hospice care, a new type of benefit available to medicare beneficiaries. Based on legislation I introduced in late 1981, S. 1958, the provision in TEFRA provides hospice coverage for persons judged to be in the last 6 months of life. In such a situation, a medicare beneficiary can elect to receive hospice care for up to 210 days. Coverage under the election includes home care for the dying patient, counseling for the patient, pain-relieving drugs, and medical supplies. "Respite care," which is temporary assistance in caring for the family member who is dying, will also be available to ease the strain placed on family members by the need for constant attendance.

Many believe, as I do, that it is less costly to care for a patient at home, forgoing expensive hospital treatment. But more importantly, hospice care is more humanitarian. Rather than being in a hospital, alone much of the time, hospice care will allow an individual to remain at home, surrounded by family and friends. But there is a problem with the hospice provision as enacted. In a statement made before this body on June 8, 1983, I described a problem that exists as a result of a misinterpretation of a CBO estimate.

As I noted on June 8, when S. 1958 was originally introduced, the per capita reimbursement for a hospice patient could not exceed 75 percent of the per capita medicare expenditure during the last 6 months of life for persons dying of cancer. Based on Congressional Budget Office data prepared last summer, it was assumed that the average cost to the medicare program for the last 6 months of life of beneficiaries dying of cancer was approximately $19,000. With this estimate as a base amount, the payment cap for hospice care would have been nearly $14,600 in 1983. However, information at that time indicated the actual per capita cost for hospice patients was below $6,000. Because of the CBO data, the House Ways and Means Committee, when considering the hospice amendment last summer, decided to alter the cap so that a hospice would receive an amount that was a truer reflection of the costs of care. The new formula, which became part of the TEFRA amendment, provided for a cap based on 40 percent instead of 75 percent of the base amount. This would have resulted in a payment cap of about $7,600.

However, we have since discovered that the CBO information provided at that time included two errors. In stating that $14,600 was the cap amount, the CBO should have said that this was in fact the base amount. Forty percent of that amount produces a much lower cap ($5,800) than Ways and Means expected. Further, in estimating this amount, CBO failed to use the specific legislative language which required updating by the medical component of the CPI. CBO instead updated the base to reflect actual medicare expenditure inflation. This again resulted in an inflated base-cost estimate.

The outcome of all of this is that the administration has determined that based on the statute, the cap amount for 1984 will be a little over $4,200. This is significantly lower than the $7,600 cap we had anticipated, and in fact may be too low for this group of patients. This problem has been the subject of the articles in the Washington Post, New York Times, and Wall Street Journal.

The bill I introduce today corrects the consequences of basing the limit on a per capita cost estimate which is now quite different than that available when TEFRA was being considered. It establishes a fixed cap amount which is a reasonable reflection of the costs of care, and a cap amount which will increase or decrease in future years to reflect medical care price changes.

Mr. President, I urge my colleagues to give this bill their serious consideration.

By Mr. DURENBERGER (for himself and Mr. Riegle):

S. 1593. A bill to amend the Internal Revenue Code of 1954 to facilitate industrial revitalization and employment by improving the efficiency of the investment tax credit; to the Committee on Finance.

S. 1594. A bill to expand the incentives of the investment tax credit, and for other purposes; to the Committee on Finance.

INVESTMENT TAX CREDIT LEGISLATION

Mr. DURENBERGER. Mr. President, the adoption of accelerated cost recovery was an historic reform, as was reenaction of the investment tax credit 10 years earlier. These dual investment incentives mean lower capital costs, more efficient use of investment dollars, and a cost base more competitive with industries in other nations for those industries able to take advantage of their provisions.

But applying the title Economic Recovery Tax Act to legislation centering on ACRS is somewhat misleading. It may be accurate for some companies and some industries, but it ignores the broad diversity of the American economy.

Like all tax incentives, ITC and ACRS have inherent limitations. Because they are tax incentives, they can only benefit industries that are already yielding profits against which the incentives can be claimed. That is fine for high growth, high profit, capital intensive industries. But there are hundreds of thousands of unemployed steel workers, auto workers, railroad employees, and miners in this country who can testify that there is more to the American economy than high growth and high tech.

Our economy is not a homogeneous unit. It has various sectors which respond to different stimuli and recover at different rates. For a national economic policy to be effective it must incorporate incentives targeted to the particular needs of each of its sectors, be they high technology, basic industries, agriculture, or service industries.

As recovery continues, the historic changes made in ACRS will accelerate the recovery of high growth industries. But it is also fair to say that ITC and ACRS benefits have had and will continue to have only limited impact on the basic industries which harbor the greatest capital investment needs. Under current investment incentives, they will clearly lag behind the rest of the economy in recovery, if they recover at all.

It is a fact of life that the industries facing the greatest need for reinvestment—because they have the oldest physical plants—are also among the economy's least profitable. Steel, automobiles, rail, airlines, and mining are good examples. These basic industries have three troublesome factors in common.

First, each is a true basic industry, employing large numbers of people, and producing a product essential to the Nation's economy.

Second, each is facing immense capital investment needs as it seeks to modernize aging plants and equipment. It is also generally true that these industries have diverted millions of dollars in investment capital to socially rather than economically productive investments, such as pollution control equipment. These are unquestionably valuable investments, but they have done little to make basic industries more competitive.

Third, in the face of these growing investment needs, each of these basic industries is facing inadequate earnings on an industrywide basis.

No one would deny that modernization of these basic industries is essential to any recovery, to any reindustrialization plan. It is essential to the Nation's future. But ACRS, ITC, and other existing investment incentives will not accomplish the goal. These incentives are virtually useless to the industries that lack profitability. In fact, these earned but unusable credits may actually be harming the basic industries by lowering the cost of capital for their competitors, and making them attractive takeover targets for tax motivated mergers. This bias in the Tax Code has been a major factor in producing the trend toward concentration that has appeared so noticeably in American industry over the past three decades.

Today, I am introducing two bills that go to the heart of this bias, and would provide basic industries with a level playing field. They would give steel, autos, and other basic industries full access to the investment incentives now beginning to benefit other industries. The bills, though different in form, proceed from a common premise.

It is a big mistake to suggest that unemployed basic industry employees in high unemployment areas like Minnesota's Iron Range are the only stakeholders in these reforms. The products produced by basic industries are indeed basic to every phase of our lives. Through the jobs we hold, the products we consume and the military forces that protect us, we all have a stake in the passage of these proposals.

BASIC INDUSTRY REINDUSTRIALIZATION ACT (REFUNDABLE INVESTMENT TAX CREDIT)

The refundable investment tax credit (RITC) is the only tax reform proposal capable of applying the ITC's incentives to basic industries. It also is completely consistent with the theory behind ITC—to render investment dollars a higher priority resource allocation by making every investment dollar worth $1.10. The 10-cent-per-dollar refund granted under refundability is no greater loss to the Treasury than the 10-cents-per-dollar credit being granted to industries that now qualify for the ITC. An industry receiving refunds under an RITC proposal receives no greater benefit than an industry which presently receives the credit. In each case, the benefit rendered (or tax revenue lost) is identical. Only the form of the benefit/loss differs; that is, refund versus tax writeoff.

Without refundability, there are substantial differences between the benefits rendered industries and companies within an industry which qualify and those which do not. The present, nonrefundable ITC creates an anomaly—focusing billions of dollars in Federal assistance on the industries that need it least, while denying any assistance to those industries which need it most. In a sense this overstates the point, since American industry has a general need for tax and investment incentives. But without refundability, the ITC will remain one of this Nation's most poorly targeted tax-planning mechanisms.

The refundable investment tax credit will resolve these defects in the ITC, and take a long overdue step toward developing a tax policy that can meet the unique needs of America's basic industries. It is a bill designed to put the hundreds of thousands of workers who depend on these basic industries back to work.

The Basic Industries Reindustrialization Act will make the investment tax credit refundable for certain classes of industry, extending the benefits of the ITC to those basic industries with the greatest capital investment needs, but the least ability to benefit from other tax measures due to inadequate earnings.

The Basic Industries Reindustrialization Act would yield multiple advantages for American industry and the workers who depend on it. The last decade has illustrated that when industries begin experiencing financial difficulties, new investment is invariably the first item deferred. Over a period of years this has a cumulative effect. Decreased investment means higher unit costs, and loss of competitive advantage. These factors further weaken the industries' cash position, which magnifies the incentive to defer investment. It is a vicious cycle that has been repeated in most basic industries.

The refundable investment tax credit is the only tax reform proposal that attacks this cycle at the onset, by providing financially troubled industries with both the incentive and the liquidity to maintain adequate levels of capital investment. It is a form of preventive maintenance, which can go a long way toward preventing the kind of complete investment collapse experienced in a number of troubled American industries. It makes more sense to focus such assistance at the point where a company hits break-even level, that is, where the vicious cycle begins, than it does to pour billions of dollars into bailing out industries after they have suffered a complete financial collapse.

The refundable tax credit would have significant primary and secondary employment impact—primary in the industries qualifying, secondary in the industries producing the capital goods needed by these basic industries. By definition, refundable tax credits have a high correlation with new investment. No other form of financial assistance for basic industries gets this big a bang for the buck. In addition, the refundable tax credit gives the Federal Government the ability to have near absolute control over where the refunded dollars are spent. Under a refundable credit system, a company must spend money invested in qualifying property to qualify for the credit. Qualifying property can be defined in any way that Congress deems socially desirable. This makes the RITC a very precise tax-planning tool.

Making the ITC refundable would also counter the present law's inherent tendency to use Federal tax subsidies to widen disparities among members of the same basic industry. As Senators LONG and KENNEDY described the problem in a letter to former Treasury Secretary Blumenthal:

> Two firms in the same industry may purchase identical equipment. Yet, one firm may be placed at a competitive disadvantage, because it is not eligible for the 10-percent investment tax credit. It is difficult to understand, for example, why a major Federal subsidy like the investment tax credits should be designed in a way that enables General Motors to pay $90,000 for a $100,000 machine, while requiring American Motors to pay the full $100,000.

From both an economic and a philosophical standpoint, refundable investment tax credits are clearly preferable to the bailouts, subsidies, and import restrictions which have thus far been the only real alternative for assisting reindustrialization of the basic industries.

The Basic Industries Reindustrialization Act is not a mechanism for bailing out failing companies and otherwise healthy industries. It focuses only on basic industries which lack profitability on an industrywide basis. Nor is it accurate to suggest that the benefited industries have been singled out for special treatment. They have already been singled out by their inability to draw significant benefits from the tax incentives in current law. The bill I offer will simply enable those industries to share in the capital incentives we already have granted.

Refundability is a tool, and it is important to recognize that this bill is only one approach to using that tool. The coverage of the bill can be expanded to whatever degree the responsible committees deem advisable. Or, by controlling the percentage refundable in any given year, the concept can be fit within any budget parameters. The targeted approach embodied in this bill is designed to focus on the industries in greatest need, while keeping the cost of the bill within reasonable budget parameters. The possibilities for targeting the refundable tax credit are limited only by the ingenuity of those Senators and Representatives on the tax-writing committees.

The legislation I offer today is a workable, cost efficient means to resolve the problems of basic industries and both a worthy and necessary supplement to the Economic Recovery Tax Act.

THE WORK OPPORTUNITIES AND RENEWED COMPETITION ACT OF 1983

Every argument I offered on the refundable ITC applies with even greater force to ACRS, which has a far greater financial impact on the industries it benefits. For the same reason, it has a far more negative impact on the industries whose marginal profitability prevents them from gaining access to these benefits. The bill will address these problems by permitting a company with earned but unusable credits or ACRS deductions to redeem the benefits with the Treasury for 85 percent of their value. There would be two conditions on the redemption:

First, the refund must be reinvested in qualifying investment property, and

Second, the full (100 percent) value of the redeemed credit would be subject to recapture over a 6-year period. This is an essential provision because the reinvestment requirement creates a new credit, and if there were no recapture the redemption would give rise to an infinitely expanding credit.

The bill is of limited duration, designed to prevent basic industries from being shunted out of the capital markets during the critical recovery stage, and also designed to give Congress time to address the fundamental bias issue through more comprehensive change in the code.

While the bill has negative revenue impact in its initial 2 or 3 years, it reduces the value of outstanding unused tax benefits by 15 percent—a staggering sum of money. While some of these credits would never have been claimed, the combination of the 15-percent surrender and the recapture requirement will render the bill a solid revenue raiser over the full 6-to-7-year period.

I ask unanimous consent that a summary and section-by-section analysis of the WORC bill be printed at this point in the RECORD, and I further ask unanimous consent that it be followed by the full text of each bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE WORK OPPORTUNITIES AND RENEWED COMPETITION ACT OF 1983

I. BASIC EXAMPLE OF THE CONCEPT ALLOWING THE FORFEITURE OF INVESTMENT TAX CREDITS IN EXCHANGE FOR A DISCOUNTED CURRENT PAYMENT LINKED TO NEW INVESTMENTS

At the end of its 1982 taxable year, the taxpayer has $1,000 of investment tax credits (ITC) that cannot be used either in the current year to reduce tax liability or as a carryback to earlier years to produce a tax refund. Current law requires such ITCs to be carried to later years in which they can be used. The bill allows the taxpayer to forfeit the $1,000 of ITC carryovers in exchange for $850 to be paid by Treasury in 1983 and 1984 in conjunction with the investment by the taxpayer of $1,000 in new equipment. A requirement of this forfeiture mechanism is that the taxpayer's tax liability be increased by $1,000 by the end of 1990 at a rate that is no slower than $200 per year from 1986 through 1990. Comparing the present value of the anticipated future use of the $1,000 of ITCs with the value of the $850 exchange, the taxpayer would determine whether or not to elect to forfeit all or none of the $1,000 of ITC carryovers.

This example illustrates the basic concept of the reinvestment credit legislation: to provide approximately equal access to the intended cash flow benefits of the investment tax credit without regard to the particular annual profit/loss variation that may occur from one company to another.

II. OUTLINE OF TECHNICAL DEFINITIONS AND MECHANICS OF OPERATION OF THE CONCEPT

The reinvestment credit

Excess credit: As of the end of its 1982 taxable year (either calendar or fiscal), the taxpayer can compute the amount of ITC (excluding ESOP percentages) which is unusable either to reduce 1982 tax liability or as a carryback to earlier years. This amount is called the "excess investment credit." While this amount may change as a result of audits of 1982 and earlier years, it will not be affected by carrybacks of NOLs and other tax attributes from years after 1982.

Election: Within 180 days of enactment or by the date for filing the return for 1982, the taxpayer may elect to treat the excess investment credit as the new "reinvestment credit." The excess investment credit then ceases to be a carryover to later years. The taxpayer is allowed to elect an amount that is less than the excess investment credit, but the full amount is still forfeited as a carryover. The election is irrevocable, and once made the amount elected cannot be changed.

Election by affiliated groups: Affiliated groups filing consolidated returns must elect on a consolidated basis for the excess investment credit for the entire group as of the end of the 1982 taxable year. If a corporation joins the group after the end of the 1982 year, the election with respect to such corporation can be made only for that corporation and shall apply only with respect to its excess investment credit.

Discounted payment

Having forfeited the ITC carryovers by electing the reinvestment credit procedure, the taxpayer will receive discounted payments from the Treasury equal to 85 percent of its qualified investment in reinvestment credit property during the eligible period from the effective date of the provision through December 31, 1984.

Qualified investments: Under the bill, "qualified investment" means—

(1) the basis in new ITC property that is placed in service during the eligible period,

(2) qualified progress expenditures during the eligible period,

(3) amounts paid during the eligible period by the taxpayer for construction or acquisition of property, and

(4) amounts chargeable to capital account during the eligible period for self-constructed property.

Special rules will prevent double-counting of these items.

Reinvestment credit property: Qualified investments must be made in "reinvestment credit property" which means—

(1) new ITC property,

(2) qualified progress expenditure property,

(3) property which can reasonably be expected to fall into items (1) or (2) when placed in service.

The bill specifically excludes public utility property, any property in an ADR class in which the taxpayer did not own property before the end of its 1982 taxable year, office furniture and fixtures, livestock, and property used in the trade or business of furnishing recreational, food, lodging or personal services.

Information return: The discounted payments become due only after the taxpayer files an "information return" that provides information regarding the qualified investment in reinvestment credit property. The return may be filed with respect to any period that is not less than one month and does not include more than one taxable year.

Computation of a payment: The amount of qualified investment in reinvestment credit property shown on an information return reduces the balance of the reinvestment credit. (The balance cannot fall below zero.) An amount equal to 85 percent of such reduction is the discounted payment that must be made by the Treasury within 45 days of the filing of an information return.[1]

Recapture: Recapture events are treated as follows;

(a) Original ITC property: In the event that ITC property which gave rise to part of the excess investment credit is disposed of or otherwise ceases to be ITC property with respect to the taxpayer, the normal ITC recapture rules continue to work. If this reduces the excess investment credit as originally determined at the end of the 1982 year, the "Overstated Election" penalty, as set forth below, will apply.

(b) Reinvestment credit property: If reinvestment credit property is disposed of or otherwise ceases to be ITC property with respect to the taxpayer, the taxpayer may be required to pay additional tax equal to the lost amount of investment. Such tax can be reduced or completely avoided by the taxpayer if either—

(1) its remaining qualified investment in reinvestment credit property equals or exceeds the total amount actually reported on information returns, or

(2) the result in (1) above can be achieved by counting qualified investment in property that would be reinvestment credit property if the eligible period were extended through December 31, 1985.

Theft and casualties do *not* trigger this recapture rule. The tax imposed by this rule cannot be offset by tax credits.

Affiliated groups: The entire reinvestment credit remains within an affiliated group, and reinvestment can take place anywhere within the group. The subsequent disposition of a subsidiary which contributed to the excess investment credit does *not* carry with it any reinvestment credit attributes. But the disposition of a subsidiary which owns reinvestment credit property *does* trigger the "Reinvestment Credit Property" recapture rule noted above because the property will have left the taxpayer.

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[1] To interact with technical features of the Internal Revenue Code, the bill treats the 85 percent of qualified investments in reinvestment credit property as an overpayment of tax which is then refunded by Treasury.

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Overstated election: If the taxpayer either deliberately or unintentionally (e.g., due to later audit adjustments that reduce the ITC carryovers to 1982) elects an amount of reinvestment credit that is greater than the actual excess investment credit as subsequently determined, the entire amount of the excess election will be treated as an underpayment of tax and will be payable as such by the taxpayer.

Repayment of reinvestment credit

The reinvestment credit mechanism requires the repayment of the entire elected amount, not just the 85 percent discounted payment. (If the qualified investments in reinvestment credit property do not fully exhaust the credit, i.e., if a portion remains unused, the repayment is based on the actual amount by which the credit is reduced.)

Higher interim taxes: By electing an amount of reinvestment credit, the taxpayer foregoes the use of such ITCs as carryovers to years after 1982. By so doing, the taxpayer may pay higher taxes in 1983 and later years than would have been the case if the ITCs had been retained and used. Such higher taxes are one form of repayment of the reinvestment credit.

Additional tax: To the extent that higher interim taxes do not fully repay the reinvestment credit, the bill requires the computation and payment in taxable years 1986 through 1990 of such additional taxes as are necessary to meet a schedule of 20 percent per year until 100 percent of the reinvestment credit is repaid.

Reinstatement of credits

When the election of the reinvestment credit is made, the elected amounts are suspended in time rather than allowed as carryovers to later years. When the reinvestment credit is repaid, the credits are reinstated at specific times and in a specific order.

Types of credits: There are four types of credits:

(1) the "cancelled credit" (i.e., the amount of higher interim taxes);

(2) the "unused reinvestment credit" (i.e., the amount of elected reinvestment credit that is not reduced by qualified investments);

(3) the "overstated election credit" (i.e., the excess of the elected amount over the actual excess investment credit), and

(4) the "repaid reinvestment credit" (i.e., the additional tax paid under the 20 percent annual minimum computations).

Timing: The unused reinvestment credit will be taken into account for taxable years ending after 1984. The overstated election credit will be taken into account for taxable years ending after 1985. The repaid reinvestment credit will be taken into account for taxable years for which the additional tax is paid.

Ordering: Beginning with the earliest ITC amounts still viable at the end of the 1982 taxable year, credits will be attributable to such amounts in the following order—

(1) first, the cancelled credit;
(2) second, the unused credit;
(3) third, the overstated credit; and
(4) fourth, the repaid reinvestment credit.

Safe harbor leasing

Reinvestment credit property which gives rise to a discounted payment will not be eligible for safe harbor leasing.

Section-by-Section Description of the "Work Opportunities and Renewed Competition Act of 1983"

OVERVIEW OF THE STRUCTURE OF THE ACT

The Work Opportunities and Renewed Competition Act of 1983 (the "Act") implements the new reinvestment credit mechanism by—

(a) amending various sections of the Internal Revenue Code (the "Code") related to the investment tax credit (the "ITC") in order to calculate the amount of the reinvestment credit and to reinstate some portions of the reinvestment credit as ITC carryovers in later years,

(b) inserting new sections and provisions into the Code to create the reinvestment credit, to compute the discounted payment by Treasury that is provided in exchange for the election of the credit, and to guarantee repayment by the taxpayer of the discounted payment, and

(c) amending the overpayment, refund, and underpayment sections of the Code to initiate the discounted payments by Treasury and to impose penalties on the electing taxpayer in certain situations.

The following description is presented in the order in which the new Code provisions are set forth in the sections of the Act. The paragraph headings refer to the new or amended sections of the Code, unless it is specifically noted that a section of the Act is being discussed.

SECTION 1 OF THE ACT

The short title of the Act is set forth. Amendments and insertions referred to in the Act are expressly applied to sections or other provisions of the Code.

SECTION 2(A) OF THE ACT—THE AMOUNT OF THE REINVESTMENT CREDIT

§ 46(i)—The Amount and the Election of the Reinvestment Credit

Code section 46 (relating to the amount of the ITC) is amended by adding a new subsection (i) that allows the election of the reinvestment credit by the taxpayer and defines the basic terms necessary to the computation of the elected amount.

§ 46(i)(1)—Election; Loss of Carryover. The taxpayer is allowed to elect to treat any portion of the "excess investment credit" (a defined term) for the "excess credit year" (a defined term) as the "reinvestment credit" which is described in, and is subject to the rules of, new Code section 59 that is described below. For an electing taxpayer, the entire excess investment credit—not just the amount elected as the reinvestment credit—shall be excluded from ITC carryback or carryover computations until later years as allowed by the special rules in new Code section 46(b)(4) described below. Thus, although the electing taxpayer will not be required by the Code to elect to treat all of the excess investment credit as the reinvestment credit, the effect of the failure to make a 100 percent election is the loss of the carryover with respect to the unelected amount for three taxable years. This carryover restriction will penalize primarily the taxpayer who elects an amount of reinvestment credit that is substantially smaller than the full excess investment credit in anticipation that the unelected portion will be a fully usable ITC carryover in the very near future.

§ 46(i)(2)(A)—Timing of the Election. The election of the reinvestment credit shall be made not later than the later of—

(1) the last day for filing the tax return for the excess credit year (including an extension of time), or

(2) 180 days after enactment of the Act.

§ 46(i)(2)(B)—Consolidated Returns. Affiliated groups of corporations that file a consolidated return for the excess credit year must make the reinvestment credit election through the common parent with respect to the consolidated excess investment credit of the entire group. A corporation which has become a member of the affiliated group after the end of the excess credit year of the group must take a separate election that applies only to its excess investment credit. Thus, although the new member is a member of the group during the reinvestment period under new Code section 59 and the repayment period under new Code section 60, both of which are described below, the separate election requires that the reinvestment credit mechanism of such member be treated separately for all purposes rather than combined with the consolidated computations of the group.

§ 46(i)(2)(C)—Irrevocable Election. Once made, the taxpayer's reinvestment credit election cannot be revoked under any circumstances. Furthermore, the taxpayer cannot change the amount elected. Thus, once made, the election binds the taxpayer to the decision to use the reinvestment credit rules rather than the regular ITC carryover rules. Similarly, the election of an amount create the potential for taxpayer penalties if such amount is subseqently determined to be more or less than the actual excess investment credit.

§ 46(i)(2)(D)—Filing the Election. The taxpayer shall file the election with the District Director where the current taxable year's return will be filed. This election can be filed without prior Treasury regulations in order to accelerate the implementation of the reinvestment credit process.

§ 46(i)(3)—Definition of Terms

§ 46(i)(3)(A)—"Excess Investment Credit." "Excess investment credit" is a defined term that is precisely calculable at any point in time. In general, it is the total amount of ITC that was available but unusable by the taxpayer as of the end of the "excess credit year," which is defined below. This amount is calculated as the sum of—

(1) the ITC carryovers to such year, plus

(2) the ITC generated in such year, minus

(3) any ITC attributable to employee plan percentages (i.e., ESOPs and TRASOPs), minus

(4) the ITC limitation for such year (i.e., the 90 percent limitation on tax liability), minus

(5) the ITC carryback allowable from such year that is used with respect to prior years.

Furthermore, the excess investment credit is determined as of the close of the excess credit year. Thus, carrybacks of net operating losses (NOLs), capital losses, and foreign tax credits to such year or to earlier taxable years from later taxable years will not change the amount of excess investment credit. However, revisions to various income, deduction and credit computations in the excess credit year, or in a prior year that affects the excess credit year, such as through audit adjustments, will affect the amount of the excess investment credit.

§ 46(i)(3)(B)—"Excess Credit Year." The term "excess credit year" means the taxpayer's last taxable year which ended before January 1, 1983. Thus, for calendar year taxpayers, 1982 was the excess credit year while for June 30 fiscal year taxpayers, the year July 1, 1981 through June 30, 1982 was the excess credit year.

§ 46(i)(4)—Interaction with NOL Carryback Election. A taxpayer that experienced an NOL in its excess credit year and that made an election under section 172(b)(3)(C) to relinquish the 3-year carryback of such NOL is allowed to revoke such election at the time of the reinvestment credit election, if it elects to treat as reinvestment credit all of the excess investment credit that is attributable to such revocation (i.e., the additional ITC carryover that are generated by the reduced tax liability limitation in the years to which the NOL is carried back). Such revocation must be made in a statement that is attached to the election that is made under section 46(i) with respect to the reinvestment credit.

SECTION 2(b) OF THE ACT—THE REINVESTMENT PROCESS' DISCOUNTED TREASURY PAYMENTS

§ 59—The Reinvestment Credit

§ 59 (a), (b)—Overpayment of Tax; Reductions in the Reinvestment Credit. The process of exchanging currently unusable ITCs for discounted payments from the Treasury begins with the elected amount of reinvestment credit as the base number. This credit is then reduced by amounts of "qualified investment" in "reinvestment credit property" shown on an "information return" for an "information return period." (These are defined terms that are discussed below.) An amount equal to 85 percent of each such reduction in the credit is then deemed to be an overpayment of tax by the taxpayer for the taxable year in which the information return period falls.

The reinvestment credit can also be increased by recapture events described below, thereby creating the potential for additional reinvestment reductions. The net reduction under section 59(b)(2) (i.e., aggregate reductions less aggregate recapture increases) cannot reduce the reinvestment credit to less than zero.

§ 59(c) (1), (2), (4)—Recapture Generally. If, prior to 1986, any reinvestment credit property in which the electing taxpayer has qualified investment is disposed of or otherwise ceases to be ITC property with respect to the taxpayer, the taxpayer will recapture as additional tax an amount equal to the excess of the net reduction in the reinvestment credit (under section 59(b)(2)) over the total amount of qualified investment in reinvestment credit property that remains after the disposition or cessation event. This computation takes into account the entire amount, or pool, of qualified investment in reinvestment credit property for taxpayers who have cumulative qualified investments that exceed the reductions in the reinvestment credit claimed on the information returns (i.e., they have more qualified investment than the amount of elected reinvestment credit). Thus, the disposition or cessation removes qualified investment from the total pool, but as long as the remaining level of qualified investment exceeds net reductions, there is no recapture.

The calculation of the amount of additional tax required by recapture will be made as of the end of the taxable year, rather than at the time of the event. Casualties and thefts will not be treated as dispositions or cessations for purposes of this section. The additional tax will be treated as a tax for purposes of chapter 1 of the Code, excluding for purposes of claiming credits under sections 31 through 45.

§ 59(c)(3)—Substitution for Recapture. The taxpayer who suffers a recapture event described above is allowed to add to the total pool of qualified investment in reinvestment credit property such additional amounts as would be eligible if the definition of reinvestment credit property covered the period through December 31, 1985 rather than through December 31, 1984.

§ 59(d)—Definition of Terms

§ 59(d)(1)—"Qualified Investment." The term "qualified investment" means—

(1) the basis of new ITC property placed in service by the taxpayer,

(2) qualified progress expenditures (as defined by section 46(d)(3)) of the taxpayer,

(3) amounts paid to other persons by the taxpayer for acquisition of property by, or construction of property for, the taxpayer, and

(4) amounts chargeable to capital account by the taxpayer for self construction of property.

Such amounts are eligible only with respect to the period after September 30, 1983 through the end of 1984. The overlap of various payments and amounts among the four categories is not to be counted twice. The definition qualifies the full basis of property placed in service during the designated period, even if progress payments were made, or the property was acquired, prior to the designated period.

§ 59(d)(2)—"Reinvestment Credit Property." The qualified investment must be made in "reinvestment credit property," which means—

(1) new ITC property,

(2) progress expenditure property, or

(3) property which it is reasonable to believe will be new ITC property when it is ultimately placed in service by the taxpayer.

The "reasonable belief" standard for the third category of property is to be applied based on the facts known at the close of the information return period. Property specifically excluded from the definition includes public utility property, property in an ADR guideline class in which the taxpayer (or a predecessor taxpayer) had not invested prior to the end of the excess credit year, office furniture and fixtures, property used in the trade of business of furnishing recreational, food, lodging or personal services, and livestock.

§ 59(d)(3)—"Information Return." The taxpayer will report the qualified investment in reinvestment credit property by filing an "information return" which provides information with respect thereto. The return is to be filed with the District Director where its current year tax return will be filed.

§ 59(d)(4)—"Information Return Period." The information return can be for any "information return period" of not less than one month and not more than one taxable year. The period must begin after September 30, 1983 and end before January 1, 1985.

§ 59(e)—Overstated Election

An electing taxpayer who first elects an amount of reinvestment credit that exceeds the excess investment credit and then reports qualified investments in reinvestment credit property that reduce the reinvestment credit by an amount that is greater than the excess investment credit will be treated as having underpaid his tax under section 6651. The underpayment will be the amount equal to the excess of the net reduction under section 59(b)(2) over the actual excess investment credit, and such amount may be assessed by the IRS in the manner of a mathematical or clerical error on a return.

The electing taxpayer can trigger this penalty by knowingly electing an excessive reinvestment credit (i.e., an amount which is greater than the excess investment credits which he can substantiate) and then filing information returns and claiming refunds with respect to the full amount. However, because the excess investment credit is a defined term, the amount of which may change due to audit adjustments for the excess credit year or earlier years, the taxpayer also may inadvertently elect an amount which is later determined to be excessive. But the penalty only applies after the taxpayer has already benefitted from the 85 percent payment that follows the filing of information returns.

§ 59(f)—Affiliated Group as "the Taxpayer"

In the case of an affiliated group that has made the election through the common parent as required under section 46(i)(2)(B), the entire group is treated as the taxpayer for purposes of section 59. Thus, either the disposition of reinvestment credit property by a member of the group or the disposition by the group of a member which owns such property triggers the recapture provisions of section 59(c). But the reductions in reinvestment credit under section 59(a), which give rise to the overpayment and refund, are calculated with respect to the entire group. Therefore, the elected amount of reinvestment credit remains with the entire group (which is the taxpayer) even though a member whose unusable ITC contributed to the excess investment credit subsequently ceases to be a member of the group. In short, the elected amount of reinvestment credit cannot leave the group, but the qualified investment in reinvestment credit property can be disposed of by, or cease to be reinvestment credit property with respect to, the group.

This circumstance does not apply when a member of the group has made a separate election as required under section 46(i)(2)(B)(ii). A departure from the group by this member or a disposition or cessation event with respect to its property affects only the single members, not the entire group.

§ 60—Recapture of Reinvestment Credit Refunds

The Act requires the repayment of the discounted payments that are refunded to the taxpayer through the overpayment provisions. Such repayment can occur either in the form of higher taxes in the years 1983, 1984 and 1985 (because the ITC carryovers have been given up), or as an additional tax from 1986 through 1990 (under the provisions of new Code section 60), or through a combination of the two.

§ 60(a), (b), (d)—The Additional Tax. The amount of the additional tax is based on the amount of the net reduction (i.e., the qualified investment less recapture taxes) in the reinvestment credit as determined under section 59(b)(2), not just the 85 percent which has been refunded. The full amount of additional tax will be payable at the rate of 20 percent per year for the five taxable years ending in 1986 through 1990. Each year's calculation is cumulative; for example, 60 percent of the total amount (or 20 percent times 3 years) must be paid through the third year. But the calculated amount for each year is then reduced by the sum of—

(1) such additional taxes paid in preceding years, plus

(2) the aggregate of "cancelled credits" through the current year.

The term "cancelled credit" means the excess of the amount of ITC that could

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have been claimed in a given year if the section 46(i) reinvestment credit election had not been made, over the amount of ITC that was actually available in such year after the election was made. Thus, the cancelled credit is the full dollar amount of the ITC that was actually usable in a later year but that was foregone by the taxpayer in exchange for the discounted payment in an earlier year.

§ 60(c)—Additional Tax Not Creditable. The additional tax under section 60 will be treated as a tax for purposes of chapter 1 of the Code, excluding for purposes of claiming credits under sections 31 through 45.

SECTION 2(c) OF THE ACT—REINSTATEMENT OF THE EXCESS INVESTMENT CREDIT

The reinvestment credit election enables the taxpayer to forego currently unusable ITCs in exchange for a discounted payment. As part of the process, the entire excess investment credit—not just an elected amount of reinvestment credit—is suspended as an ITC carryover. To the extent that the benefit of the discounted payment is either repaid as an additional tax under section 60 or is not received at all because the taxpayer fails to make sufficient reinvestments, the ITC carryover is restored for the taxpayer's potential benefit.

§ 46(b)(4)—Reinstatement Procedures

To reinstate amounts of excess investment credit and to provide for an ordering for the use of credits that comprised the excess credit at the close of the excess credit year, Code section 46(b) is amended by inserting a new paragraph (4).

§ 46(b)(4)(A), (C)—Timing. If the excess investment credit exceeds the cancelled credit (as defined above), the difference is reinstated in three categories for use by the taxpayer.

(1) The "unused reinvestment credit," which is that portion of the elected amount which exceeds the net reductions under section 59(b)(2) (i.e., the portion of the elected amount which is not used by the taxpayer) is reinstated for taxable years ending after December 31, 1984.

(2) The amount by which the excess investment credit exceeds the elected amount of reinvestment credit (i.e., the amount by which the election under-states the excess investment credit) is reinstated for taxable years ending after December 31, 1985.

(3) The "repaid investment credit," which is the aggregate of additional taxes imposed under section 60(a), is reinstated for the taxable year in which such tax is imposed.

Since the cancelled credit produces its benefit through the discounted payment and is neither repaid nor unused, there is no need to reinstate it for the taxpayer's use.

§ 46(b)(4)(B)—Ordering Rule. The ITCs that gave rise to the excess investment credit as of the end of the excess credit year must be accounted for in a specified order as the reinstatement process moves forward. Cancelled credits are treated as the oldest ITC carryovers. Unused credits follow the cancelled credit. The understated election amount is third. The repaid reinvestment credit is allocated to the most recent ITCs. The reinstated credits are subject to the 15-year carryover period as though they had not been suspended as ITC carryovers. Thus, for example, a repaid investment credit that is reinstated in 1990 and is attributable to an ITC arising in 1982 has only 7 additional carryover years after 1990, not the full 15.

SECTION 2(d) OF THE ACT—OVERPAYMENT AND REFUND

§ 6401(d)—Overpayment. The overpayment provisions of section 6401 are amended by adding new subsection (d) to specify that 85 percent of the section 59(a) reductions in reinvestment credit are treated as overpayments of tax.

§ 6431—Refund. A new Code section 6431 is added to require the Treasury to refund the amount determined under section 6401(d). Such refund is to be paid within 45 days of the filing of the information return which reports the qualified investment that gives rise to the refund.

SECTION 2(e) OF THE ACT—EXCLUSION OF REINVESTMENT CREDIT PROPERTY FROM SAFE-HARBOR LEASING

The safe harbor leasing provisions of section 168(f)(8) are amended by excluding from the definition of "qualified leased property" an amount of reinvestment credit property that equals the net reductions in the reinvestment credit under section 59(b)(2).

SECTION 3 OF THE ACT—EFFECTIVE DATE

The amendments shall be effective upon enactment to allow the election to be made. The effective date of the reinvestment period is fixed in the bill as October 1, 1983.

S. 1593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Work Opportunities and Renewed Competition Act of 1983."

(b) AMENDMENT OF 1954 CODE.—Whenever in this Act an amendment or an insertion is expressed in terms of an amendment to, or an insertion of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SECTION 2. EXCESS INVESTMENT CREDIT TREATED AS REINVESTMENT CREDIT.

(a) DETERMINATION OF EXCESS INVESTMENT CREDIT AMOUNT; ELECTION OF REINVESTMENT CREDIT.—Section 46 (relating to the amount of the investment credit) is amended by inserting after subsection (h) the following new subsection (i):

"(i) ELECTION TO TREAT EXCESS INVESTMENT CREDIT AS REINVESTMENT CREDIT.—

"(1) IN GENERAL.—The taxpayer may elect to treat all or any amount of the excess investment credit for the excess credit year as the reinvestment credit for purposes of section 59. In the case of a taxpayer electing under this subsection, the excess investment credit shall not be an investment credit carryback or carryover under subsection (b) except as provided under paragraph (4) thereof.

"(2) TIME AND MANNER OF MAKING ELECTION.—

"(A) IN GENERAL.—An election under this subsection with respect to the excess investment credit for the excess credit year shall be made not later than the later of—

"(i) the last day, including any extension of time, for filing the taxpayer's return of tax imposed by this chapter for the excess credit year, or

"(ii) 180 days after the date of enactment of this subsection.

"(B) CONSOLIDATED RETURNS.—

"(i) AFFILIATED GROUPS AS OF THE END OF THE EXCESS CREDIT YEAR.—In the case of an affiliated group (as defined in section 1504(a)) of corporations that make a consolidated return under section 1501 for the excess credit year, the election under this subsection shall be made by the common parent and shall apply to the consolidated excess investment credit of members of such group except a member of such group that is subject to clause (ii).

"(ii) MEMBERS ADDED TO AN AFFILIATED GROUP AFTER THE END OF THE EXCESS CREDIT YEAR.—In the case of a corporation which becomes a member of an affiliated group after the end of the excess credit year of such group, the election under this subsection shall be made only by such member and shall apply only to the excess investment credit of such member.

"(C) IRREVOCABLE.—The election made under this subsection shall not be revoked, and the amount elected shall not be changed.

"(D) FILING.—The election under this subsection shall be filed with the District Director where the taxpayer's return of tax imposed by this chapter will be filed for the current taxable year.

"(3) DEFINITIONS.—

"(A) EXCESS INVESTMENT CREDIT.—For purposes of this section, the term 'excess investment credit' means the excess of—

"(i) the amount of credit determined under subsection (a)(1) for the excess credit year, as of the close of such year, determined without regard to—

"(I) subsection (a)(1)(C), and

"(II) any amount attributable to the employee plan credit (within the meaning of section 48(o)(3)), over

"(ii) the sum of—

"(I) the limitation determined under subsection (a)(3) for the excess credit year, determined without regard to any carryback of a net operating loss determined under section 172, a net capital loss determined under section 1212, or a foreign tax credit determined under section 904, to the excess credit year or any taxable year preceding such year from a taxable year ending after such year, plus

"(II) the amount of carryback from the excess credit year allowable under subsection (b)(2).

"(B) EXCESS CREDIT YEAR.—For purposes of this subsection, the term 'excess credit year' means the last taxable year which ends before January 1, 1983.

"(4) SPECIAL RULE FOR REVOCATION OF A NET OPERATING LOSS CARRYOVER ELECTION.—Notwithstanding the last sentence of section 172(b)(3)(C) (relating to an election to relinquish a net operating loss carryback), in the case of an election made under such section prior to the enactment of this subsection to relinquish the carryback period with respect to a net operating loss for the excess credit year, such election shall be revoked if the taxpayer—

"(i) elects under paragraph (1) to treat all of the excess investment credit attributable to such revocation as reinvestment credit for purposes of section 59, and

"(ii) attaches a statement of revocation of the election made under section 172(b)(3)(C) to the election made under paragraph (1)."

(b) REINVESTMENT CREDIT.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by inserting after section 58 the following new part and new sections:

"PART VII—REINVESTMENT CREDIT

"Sec. 59. Reinvestment Credit.
"Sec. 60. Recapture of Reinvestment Credit Refunds.

"SEC. 59. REINVESTMENT CREDIT.

"(a) OVERPAYMENT OF TAX.—

"(1) GENERAL RULE.—An amount equal to 85 percent of each reduction determined under paragraph (2) shall be treated as an overpayment of tax under section 6401(d) for the taxable year which includes the information return period.

"(2) REDUCTION IN REINVESTMENT CREDIT.—The reduction determined under this subsection shall be equal to so much of the qualified investment of the taxpayer in reinvestment credit property as is reported on an information return filed for an information return period.

"(b) REDUCTIONS AND INCREASES IN REINVESTMENT CREDIT.—

"(1) IN GENERAL.—The amount of reinvestment credit, as elected under section 46(i), shall be reduced (but not below zero) by the net reduction as determined under paragraph (2).

"(2) NET REDUCTION.—For purposes of this section, the net reduction is the sum of—

"(A) the aggregate amount of reductions determined under subsection (b), less

"(B) the aggregate amount of any increases in tax under subsection (c).

"(c) RECAPTURE OR SUBSTITUTION OF QUALIFIED INVESTMENT.—

"(1) GENERAL RECAPTURE RULE.—If at any time before January 1, 1986, any reinvestment credit property in which the taxpayer has qualified investment is disposed of, or otherwise ceases to be section 38 property with respect to the taxpayer, the tax imposed by this chapter shall be increased by an amount, determined as of the close of the taxable year, equal to the sum of—

"(A) the net reduction determined under subsection (b)(2), less

"(B) the amount of qualified investment in reinvestment credit property as determined after taking into account all such dispositions or cessations.

"(2) SPECIAL RECAPTURE RULE FOR CASUALTIES, ETC.—Paragraph (1) shall not apply to reinvestment credit property that is disposed of or otherwise ceases to be section 38 property with respect to the taxpayer on account of its destruction or damage by fire, storm, shipwreck, or other casualty, or by reason of its theft.

"(3) SUBSTITUTION.—For purposes of the determination under paragraph (1)(B), the amount of qualified investment in reinvestment credit property with respect to which the disposition or cessation has occurred may be reduced by amounts which would constitute qualified investment in reinvestment credit property if 'January 1, 1986' were substituted for 'January 1, 1985' in subsection (d)(1).

"(4) SPECIAL RULE.—Any increase in tax under paragraph (1) shall be treated as tax imposed by this chapter except for purposes of determining the amount of any credit allowable under subpart A of part IV of this subchapter.

"(d) DEFINITIONS.—

"(1) QUALIFIED INVESTMENT.—For purposes of this section, the term 'qualified investment' means the aggregate of—

"(A) the basis of each new section 38 property of the taxpayer (as defined by section 48(b)) placed in service by the taxpayer, reduced by the amounts described in subparagraphs (C) and (D) and taken into account with respect to a preceding taxable year,

"(B) qualified progress expenditures (as defined by section 46(d)(3)) of the taxpayer, reduced by the amounts described in subparagraphs (C) and (D) and taken into account with respect to a preceding taxable year,

"(C) to the extent not included in the amounts described in subparagraphs (A) or (B) for the taxable year, the amount paid by the taxpayer to another person for acquisition of property by the taxpayer or for construction of property for the taxpayer, and

"(D) to the extent not included in the amounts described in subparagraphs (A) or (B) for the taxable year, the amount which is property chargeable to capital account with respect to property being constructed by the taxpayer

during the period after September 30, 1983 and before January 1, 1985.

"(2) REINVESTMENT CREDIT PROPERTY.—

"(A) IN GENERAL.—For purposes of this section, the term 'reinvestment credit property' means property which is—

"(i) new section 38 property (as defined by section 48(b)),

"(ii) progress expenditure property (as defined by section 46(d)(2)), or

"(iii) property which it is reasonable to believe, based on the facts known at the close of the information return period, will be described in clause (i) when placed in service by the taxpayer.

"(B) EXCLUDED PROPERTY.—For purposes of this section, the term 'reinvestment credit property' does not include—

"(i) public utility property (within the meaning of section 167(1)(3)(A)),

"(ii) property described by the Secretary in any asset guideline class pursuant to section 167, only if the taxpayer (or any predecessor taxpayer) had not placed in service any property in such asset guideline class prior to the end of the excess credit year (as defined in section 46(i)(3)(B)),

"(iii) office furniture and fixtures,

"(iv) property used in carrying out the activities of wholesale, retail or, distributive trade,

"(v) property used in providing personal. financial or professional services,

"(vi) property used in the trade or business of providing recreation, lodging, food and beverages, or

"(vii) livestock.

"(3) INFORMATION RETURN.—For purposes of this section, the term 'information return' means a return signed by the taxpayer and filed with the District Director where the taxpayer's return of tax imposed by this chapter will be filed for the taxable year, which provides information with respect to the qualified investment in reinvestment credit property.

"(4) INFORMATION RETURN PERIOD.—For purposes of this section, the term 'information return period' means a period beginning after September 30, 1983 and ending before January 1, 1985 and comprising not less than one month and not more than one taxable year, for which an information return is filed by the taxpayer.

"(e) OVERSTATEMENT OF REINVESTMENT CREDIT.—If the net reduction determined under subsection (b)(2) exceeds the excess investment credit (as defined by section 46(i)(3)(A), the entire amount of such excess shall be treated as an underpayment of tax under section 6651 (relating to failure to file a tax return or to pay tax) and may be assessed in the same manner as in the case of a mathematical or clerical error appearing upon the return.

"(f) TREATMENT OF AFFILIATED GROUP.—For purposes of this section, in the case of an affiliated group that has made on election subject to section 46(i)(2)(B), the affiliated group shall be deemed to be the taxpayer.

"SEC. 60. RECAPTURE OF REINVESTMENT CREDIT REFUNDS.

"(a) INCREASE IN TAX.—There shall be added to the amount of tax imposed by this chapter on a taxpayer electing under section 46(i) the amount determined under subsection (b).

"(b) COMPUTATION OF ADDITIONAL TAX.—

"(1) IN GENERAL.—The amount determined under this subsection shall be the excess of—

"(A) the applicable percentage of the net reduction in the reinvestment credit (as determined under section 59(b)(2)), over

"(B) the sum of—

"(i) the aggregate amount of cancelled credit for the taxable year and for all preceding taxable years, plus

"(ii) the aggregate amount of additional tax imposed by subsection (a) for all taxable years preceding the taxable year.

"(2) APPLICABLE PERCENTAGE.—The applicable percentage of any taxpayer for any taxable year under this subsection shall be determined under the following table:

For the taxable year ending:	*The applicable percentage is:*
In 1986	20
In 1987	40
In 1988	60
In 1989	80
In 1990	100

"(c) SPECIAL RULE.—Any additional tax imposed under subsection (a) shall be treated as a tax imposed by this chapter except for purposes of determining the amount of any credit allowable under subpart A of part IV of this subchapter.

"(d) CANCELLED CREDIT.—For purposes of this section, the term 'cancelled credit' means the amount by which—

"(1) the credit allowed by section 38 for the taxable year, determined without regard to the election made under section 46(i), exceeds

"(2) the credit allowed by section 38 for the taxable year."

(c) REINSTATED INVESTMENT CREDIT.—Section 46(b) is amended by inserting after paragraph (3) the following new paragraph (4):

"(4) REINSTATEMENT OF AMOUNTS OF EXCESS INVESTMENT CREDIT AMOUNT AS CARRYOVERS.—

"(A) IN GENERAL.—The amount, if any, by which the excess investment credit (as defined by subsection (i)(3)(A)) exceeds the amount of cancelled credit (as defined by section 60(d)), determined as of the end of the taxable year, shall be taken into account under subsection (a)(1)(A)—

"(i) to the extent of the unused reinvestment credit, for taxable years ending after December 31, 1984,

"(ii) to the extent of the amount by which the excess investment credit exceeds the reinvestment credit, for taxable years ending after December 31, 1985, and

"(iii) to the extent of the amount of repaid reinvestment credit, for taxable years for which a tax is imposed by section 60(a).

"(B) ORDERING RULE FOR USE OF EXCESS INVESTMENT CREDIT.—The unused credits comprised in the excess investment credit shall be allocated, in the order of the unused credit years to which they are attributable—

"(i) first to the amount of cancelled credit (as defined by section 60(d)), then

"(ii) to the amount of unused reinvestment credit, then

"(iii) to the amount, if any, by which the excess investment credit exceeds the

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amount elected under subsection (i), and then

"(iv) to the amount of repaid reinvestment credit.

"(C) Definitions.—

"(i) Unused reinvestment credit.—For purposes of this subsection, the term 'unused reinvestment credit' means the amount by which—

"(I) the amount elected under subsection (i), exceeds

"(II) the net reduction determined under section 59(b)(2) as of December 31, 1984.

"(ii) Repaid reinvestment credit.—For purposes of this subsection, the term 'repaid reinvestment credit' means the aggregate amount of tax imposed by section 60(a)."

(d) Overpayment of Tax; Tax Refund.—

(1) Section 6401 is amended by inserting after subsection (c) the following new subparagraph (d):

"(d) Reinvestment Credit.—The term 'overpayment' includes the amounts determined under section 59(a) (relating to the reinvestment credit)."

(2) Subchapter B of chapter 64 of subtitle F (relating to rules of special application of abatements, credits and refunds) is amended by inserting after section 6430 the following new section 6431:

"SEC. 6431. REINVESTMENT CREDIT.

"(a) Refund Generally.—The overpayment of tax determined under section 6401(d) (relating to the reinvestment credit) shall be refunded by the Secretary to the taxpayer following the filing by the taxpayer of an information return, as defined in section 59(d)(3). Such refund payment shall be made within 45 days of the filing of such return."

(e) Exclusion of Reinvestment Credit Property From Safe Harbor Leasing Election.—Section 168(f)(8)(D)(iv), as amended by section 208(b)(3) of the Tax Equity and Fiscal Responsibility Act of 1982, is amended by deleting "or" at the end of subclause (IV), by substituting a comma and "or" in lieu of the period at the end of subclause (V), and by inserting after subclause (V) the following new subclause (VI):

"(VI) reinvestment credit property (as defined in section 59(d)(2)) except to the extent of the qualified investment (as defined in section 59(d)(1)) in such property that is in excess of the total amount of qualified investment that is equal to the net reduction determined under section 59(b)(2)."

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply upon enactment.

S. 1594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Basic Industries Reindustrialization Act."

SECTION 1. SUSPENSION OF LIMITATIONS ON INVESTMENT CREDITS.

(a) Suspension.—Section 46(a) of the Internal Revenue Code of 1954 is amended by inserting a new paragraph (8) to read as follows:

"(8) Suspension of limitations.—

"(A) In general.—Paragraph (3) of this subsection shall not apply to so much of the credit allowed by section 38 as is attributable to application of the regular percentage to qualified investment (determined under subsections (c) and (d)) of a taxpayer if such qualified investment is with respect to the seven-year period beginning with the taxpayer's taxable year ending after January 1983.

"(B) Order of Application.—For purposes of this paragraph, the amount of credit allowed in any taxable year shall be determined by reference first to property to which this paragraph does not apply.

"(C) Report by president.—The President shall submit to Congress a report on or before December 1, 1989 recommending whether the 7-year period described in subparagraph (A) of this paragraph should be extended.

In making such recommendations the President shall take into account to the extent possible in each case the projected level of investment credits to be generated in years subsequent to the report, the investment needs of industry, and the projected ability of such industry to utilize the benefits of the investment credits so generated on a current basis without the benefits of this paragraph.

(b) Excess Credit Treated as Overpayment of Tax.—Subsection (O) of section 6401 of the Internal Revenue Code of 1954 (relating to excessive credits) is amended—

(1) by inserting "38 (relating to investment in depreciable property)," before "39" the first place it appears, and

(2) by striking out "39 and 43" and inserting in lieu thereof "38, 39, and 43".

(c) Conforming Changes.—

(1) Section 6513 of such Code (relating to time return deemed filed and tax considered paid) is amended by adding at the end thereof the following new subsection:

"(f) Time Investment Credits Considered Paid.—For purposes of sections 6511 and 6512, the taxpayer shall be considered as paying an amount of tax on the last day prescribed by law for payment of the tax (determined without regard to any extension of time and without regard to any election to pay the tax in installments) equal to so much of the credit allowed by section 38 (relating to investment credit) as is treated under section 6401(b) as an overpayment of tax.".

(2) The heading for section 6611 (d) of such Code is amended to read as follows:

"(d) Advance Payment of Tax, Payments of Estimated Tax, Credit for Income Tax Withholding, and Time Investment Credits, Considered Paid.—"

SEC. 2. TENTATIVE REFUND OF INVESTMENT TAX CREDIT.

(a) Section 6411(d) of such Code (relating to tentative carryback and refund adjustments) is amended as follows:

(1) by inserting after the words "tentative refund" the words "of so much of the credit allowed by section 38 (relating to investment credit) as is treated under section 6401 (b) as an overpayment of tax for the taxable year, or";

(2) by deleting the word "and" at the end of subsection (1)(B);

(3) by inserting immediately after "(C)" in subsection (1) the words "in the case of an application for a refund of an amount treated as an overpayment of tax under section 1341(b)(1),";

(4) by deleting the period at the end of subsection (1)(C)(v), and substituting therefor a comma followed by the word "and"; and

(5) by adding at the end of subsection (1)(C) the following new subsection:

"(D) In the case of an application for a refund of the amount of a credit allowed by section 38 (relating to investment credit) and treated as an overpayment of tax under section 6401(b), set forth such information in such detail and with such supporting data as the Secretary may prescribe by regulation.".

(b) Section 6213(b)(3) of such Code (relating to assessments arising out of tentative carryback or refund adjustments) is amended by adding a comma after "carryback" and by inserting immediately before the words "he may assess" the words "or the amount creditable under section 38 and treated as a refund under section 6401(b),".

SEC. 3. AUTHORIZED OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. TSONGAS:

S.J. Res. 125. Joint resolution designating the first week of October as "National Remanufacturing Week"; to the Committee on the Judiciary.

NATIONAL REMANUFACTURING WEEK

● Mr. TSONGAS. Mr. President, the growth of the remanufacturing industry in this country represents potential relief for America's unemployment and natural resource problems. Remanufacturing offers significant benefits in reduced energy and mineral consumption, and reduced solid waste disposal problems. It is labor intensive and offers consumers alternative goods at significant cost savings.

In order to recognize the contribution that remanufacturing can make I am introducing a joint resolution to designate the first week in October as National Remanufacturing Week.

I would also like to share with my colleagues remarks made by Harry A. Holzwasser, president of Arrow Automotive Industries, Inc., regarding the remanufactured car industry. Mr. Holzwasser's statement illuminates an innovative concept that could stimulate industry, create jobs, and fill a presently unmet consumer demand.

Mr. President, I ask unanimous consent that the full text of the joint resolution and a copy of Mr. Holzwasser's statement be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.J. Res. 125

Whereas remanufacturing offers employment opportunities to workers in regions of our country hard hit by recession and plant closings at a time when we need more meaningful private sector jobs;

Whereas remanufacturing offers jobs which will remain in our country at a time of job exporting;

Whereas the industrial process of remanufacturing results in tremendous savings of our vital nonrenewable mineral resources by salvaging nine pounds of material for every pound used at a time when our country is becoming increasingly aware of the need to conserve mineral resources;

Whereas remanufacturing has proven to be extremely energy efficient with an energy recapture ratio four to six times that used in the original manufacturing process at a time of need to conserve energy in the United States;

Whereas remanufacturing offers products and parts equal to or better than new

products and parts at a cost to the consumer 30 per centum to 50 per centum less than the new product or part at a time when our country needs to contain inflation;

Whereas remanufacturing contributes to the reduction of our country's solid waste disposal problems; and

Whereas remanufacturing now spans industries ranging from automotive to image reproduction to dispensing machines to telephones; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first week of October be officially designated as National Remanufacturing Week throughout these United States.

Design for Remanufacturing

(By Harry A. Holzwasser)

I appreciate the opportunity to speak to you.

To me, this is a very special occasion. I spend a lot of my time talking to people who sell or buy auto parts. Invariably someone complains that "they" don't make automobiles the way "they" used to. Or "they" ought to do this or that to help simplify the automotive service industry. And so on. Then everything would be all right.

Now I am privileged to have the opportunity to talk to "they", and suggest that "they"—meaning you—have a momentous opportunity to affect one of America's largest industries, the automotive aftermarket, and at the same time take a positive step on behalf of automakers as well. I am talking about the challenge of designing and building automobiles for remanufacturability.

Although many of you are no doubt familiar with remanufacturing, let me tell you briefly about our industry. Let me begin by making an important distinction between remanufacturing and rebuilding.

Rebuilding, as this slide shows, is the process of dismantling a piece of equipment, replacing the elements that are broke or worn out, then putting it back together.

Remanufacturing, on the other hand, is a production-scale process in which, automotive parts are disassembled, the components reconditioned or replaced, and parts are precision built from a random selection of these components on an assembly line. As these slides show, all functional components are removed in the remanufacturing process, then inspected and replaced with new components where necessary.

And there is another difference between rebuilding and remanufacturing. Remanufacturers, to one degree or another, re-engineer. For example, we may re-engineer a part to eliminate a flaw that we discover to be responsible for shortening the part's original life.

Or we may redesign a part, or consolidate many parts, to allow them to serve as replacement for a variety of makes and models. General Motors for many years made two different starters for its V-8 engines—a high-torque unit for the larger V-8's and a low-torque version for smaller V-8's. We replace all low-torque starters with better performing high-torque ones. In another instance, alternators are re-engineered to be free of potentially damaging voltage spikes. We also make consolidations to reduce parts numbers and inventory requirements for all segments of the distribution chain.

The result of remanufacturing is that a part made by GM, Ford, Chrysler, Honda, Toyota, etc. becomes a part with the Arrow label on it. It carries our logo and our warranty. It is as good as a new replacement part in terms of its expected performance and life, or it is better.

Arrow and other major remanufacturers today carry out their businesses no differently than new parts manufacturers—from the assembly line, to testing, to quality control. Producing a broad line of parts is also fundamental to those of us whose operations are national in scope.

Arrow has three plants—in Spartanburg, South Carolina, Morrilton, Arkansas, and Santa Maria, California—and our product line includes 16 parts or systems for passenger cars, light and heavy trucks, farm vehicles and heavy-duty industrial and construction equipment.

Arrow's own history mirrors that of the industry. The company was founded in 1929 as a rebuilder, came of age during World War II when new parts production was virtually suspended, and now is one of the largest remanufacturers in the nation.

Today more than 2,000 companies, most of them small and regional in scope, are engaged in rebuilding or remanufacturing for the automotive aftermarket. We at Arrow and other major remanufacturers must depend on our own reputations and quality standards in order to compete successfully.

This guarantee of quality is one reason I stress the difference between remanufacturing and rebuilding. In addition, I believe that remanufacturing can play an important role in helping us enjoy a more sane and stable economy than we have witnessed in recent years. The key will be our success in achieving wider recognition that something that is not new can be just as good as something that is new.

Already a new public attitude is emerging. Consumers are beginning to demand that what we manufacture be designed to last, and be built well enough to be worthy of maintenance and repair.

I know well that engineers are quite familiar with what constitutes this kind of product quality and what does not. To be more specific, I know that you, as automotive engineers, could design and build an automobile that would be nearly indestructible and functionally beautiful as well. I recognize that we all must pay heed to the cost and marketing requirements that strongly influence ultimate design. If what we make is not salable, because it is unaffordable or doesn't catch the consumer's fancy, whether the product is cars or soap, our science is wasted.

A great deal of engineering in the automotive industry in recent years might be termed engineering for weight-reduction, for the ultimate purpose of saving fuel. For example, as the chart shows, starters in many General Motors cars have become progressively lighter over the past decade. Look at the specification differences in early and late model Delco starters. Some of the windings in the field coil have been removed, the overall size of the solenoid has been reduced and the thickness of the field housing wall is considerably thinner.

Then there is engineering for increased manufacturing productivity—designing components that can be made faster, to reduce cost. In the case of the same Delco starter, GM previously used four screws to fasten pole shoes in the field case. Now the entire assembly is press-fit which makes it more difficult to remanufacture because of the shearing effect caused by disassembling and reassembling the unit. This reduces the interference fit and shortens the life span of the field case.

Engineering directed at reducing materials cost leads to the same end. There is no question that America's automotive engineers have responded creatively to the imperatives of energy, labor and resource economics although in the difficult economy of recent years the payoff has not been fully realized.

Under these same pressures, I believe Americans have become more cost and quality-conscious. And the kind of economy that produced record car sales in the late 1970's is gone. People are no longer prepared to incur great personal debt, while tossing out perfectly serviceable vehicles all for the prestige of having the newest car on the block.

Hard experience, I believe, has made today's public more practical. Many people are having lots of experience with older cars, perhaps for the first time, and are finding out just how long-lasting their cars really are. I believe this enforced pragmatism has much to do with the inroads being made by foreign cars. Perhaps the most difficult task facing our domestic industry is restoring our reputation for world leadership in quality. It will take time and it will depend in no small part on how dependable and serviceable current models prove to be when they are two, three or even seven years old, which is nearly the age of today's automotive fleet. As you know, the fleet of imported cars today is much younger, averaging only three years, so perhaps the Datsuns and Toyotas haven't been truly put to the durability test yet.

How can engineering for remanufacturing play a part in all this?

In the broadest sense, engineering for remanufacturing means engineering for the longest possible product life. That does not suggest that components won't wear out or occasionally break. But it does mean that when an auto part succumbs to wear and tear, it can be replaced cost effectively. This is the role of remanufacturing. An M.I.T. study documented that, on the average, 80 percent by weight of a broken or worn-out part is unaffected and requires only minimal work such as inspecting and cleaning in the remanufacturing process. The re-use of these components has benefits that can be measured in a number of ways.

It saves enormous amounts of energy. According to this M.I.T. study of the industry, water pumps remanufactured in just one year save the energy equivalent of 2.2 million gallons of fuel oil. That's enough oil to heat 1,600 New England homes for the winter.

It also represents the re-use of tons of steel that otherwise would, at best, be recast into something else, or at worst, would rust in some junkyard. These measures of the contribution of automotive remanufacturing are not insignificant. As you may know, our industry is the major source for many replacement parts. For example, more than 90 percent of the alternators, starters, and distributors installed in America as replacements are remanufactured, not new.

The energy and material savings achieved in remanufacturing are not ends in themselves. They do help to explain why remanufactured parts are substantially less expensive than new parts. For example, a new alternator for a 1980 Chevrolet V-8 5-liter engine typically retails for $194.15. A remanufactured alternator for the same vehicle averages $85.25. A new water pump for the same car costs $62.14, compared to $48.30 for a remanufactured pump, a new starter costs $193.85, a remanufactured starter costs $87.80.

We are talking about a $3 billion industry: Remanufacturing is a substantial factor in the automotive aftermarket. Since our products cost 40 to 60 percent less than new replacement parts, our revenues of $3 billion represent another $5 billion to $7 billion unspent by the car and truck-owning public in keeping their vehicles going.

To put it another way, we help your consumers keep down the cost of using your product. We enhance your reputation for producing a long-lasting vehicle, which can help you sell new cars. And as I've indicated, I believe that in the years to come, consumers will make their judgments about which car to buy based in large measure on their experience of its quality and durability. And brand loyalty, the basis of repeat sales, will be rooted in these attributes.

Engineering for remanufacturing is part and parcel of creating durable quality. In recent years, we have tracked the increasing use of plastics and aluminum in automotive assemblies that has resulted from engineering for weight reduction. And we've seen what can only be called short-cuts—design compromises that make the component less expensive to produce without due regard to its life or remanufacturability.

I should mention before I cite any examples that the standard set by American car manufacturers over the years has been a high one. Even under today's pressures we find, for example, that a typical domestic starter is made to stand more wear and tear than that of the typical import. American alternators have a higher load capacity. And so on.

Unfortunately there is an increasing number of instances of cost and weight engineering that are, in our view, shortsighted. Here are just a few examples:

The use of aluminum in place of cast iron in water pumps. Chrysler, for example, made this switch in the mid-1970's. This saves a few pounds. While in general, aluminum components are salvageable, in remanufacturing, an acidic solution in the water causes oxydation and often these aluminum castings have to be replaced.

The use of molded commutators in starter armatures. Traditionally these elements were segmented copper. Ford switched as long ago as the late 1960's, to molded phenolics that have to be replaced in remanufacturing.

Similarly, the brush holders for starters and alternators were individual units of stamped steel. At ford, for example, this gave way in the late 1970's to a single plastic unit holding several brushes. The brush holders wear more rapidly and cannot be remanufactured.

The use of dipped plastic insulation in place of wrapped wire is common in Japanese imports, Chrysler and General Motors vehicles. Previously repairing the wire was a simple matter of re-wrapping. Replacing or repairing the plastic covering, now, in remanufacturing, is a messy, costly and time consuming process.

Plastic pistons are being used in brake calipers, in place of drop forged steel. Only twenty percent are usable in remanufacturing. Chrysler was the first to adopt plastic pistons but Ford and, more recently, General Motors have followed suit.

An example, of a short-cut in design is leaving out the bronze bushings in distributor housings. The result is metal to metal wear ruining the housing. Formerly we simply punched out the bronze bushing and replaced it while preserving the housing.

I am not an engineer, but my associates tell me there is a rich field where keen engineering minds can find opportunities to make parts more remanufacturable.

I do not suggest that the average car-owner is going to be aware of these or other examples in which life expectancy is shortened by making remanufacturing more costly or impossible. Indeed, the increasing sophistication of components and the increasing use of electronics will probably make do-it-yourselfers more rare rather than more common.

At the same time, however, the car owner is keenly aware of the cost and frequency of repair—more keenly aware than in the past because he is keeping his car longer—and that is not likely to change.

In the past, the new car buyer anticipated that in two years or so he would be trading his car in for another new one. He considered himself to be getting in under the wire—before the breakdowns and repairs began.

As for the buyer of that two-year-old car, he traditionally anticipated that he might get lucky, and if not, well, that's to be expected in a used car.

So the car buyer has really had only two choices—the new car, traditionally styled for today but not for tomorrow, or the used car, purchased with less money and offering correspondingly less confidence in its dependability.

I believe that car buyers ought to have a third choice, one that provides reasonably priced, mechanically secure transportation. The day will come when we have remanufactured cars—and I hasten to add that if such an eventuality seems a competitive threat to Detroit, it would not be. Its annual sales would very likely be measured in thousands, not millions.

Already, companies have sprung up that remanufacture such prestige cars as the BMW 2002 of the early 1970s. But what I'm describing is creation of a practical, low-cost, and above all mechanically secure transportation alternative for those whose choice would otherwise be a used car, or none at all. A remanufactured car could have new paint, a refurbished interior, and most important of all, remanufactured mechanicals throughout to give the vehicle an entirely new lease on life. It would carry a warranty and be priced midway between a new car and a traditional used car.

As I envision it, remanufacturing sites would be regionally localized businesses, franchised or co-owned. The "cores", of course, would be components that today find their way to remanufacturers and bodies that presently end up in the crusher. Buyers could bring their own used vehicle in for remanufacture or buy one off the floor. Trade-ins would be remanufactured as well. Naturally, the cars chosen for remanufacture would have to be popular production cars such as, for example, the Olds Cutlass of the early 1970's.

We should look to other industries who have already taken this idea to heart and put it into practice. IBM is just one example of companies who are building remanufacturability into the design of their new equipment. Why shouldn't automotive engineers do the same? Listen to an expert in automotive remanufacturing before making new design decisions. If the idea sounds plausible to you, then I have made the point that I wanted to: The American public wants automobiles, new or otherwise, that are engineered to last. Engineering for remanufacturing is very much a part of this.●

By Mr. DIXON (for himself, Mr. Huddleston, Mr. Lugar, Mr. Jepsen, Mr. Leahy, Mr. Zorinsky, Mr. Pryor, Mr. Helms, Mr. Dole, Mr. Cochran, Mr. Percy, Mr. Boschwitz, Mr. Hollings, Mr. Moynihan, Mr. Grassley, Mr. Quayle, Mr. Eagelton, Mr. Boren, Mr. Cranston, Mr. Heinz, Mr. Randolph, Mr. Stennis, Mr. Ford, Mr. Heflin, Mr. Baucus, Mr. Exon, Mr. Riegle, and Mr. Bumpers):

Senate Joint Resolution 126. Joint resolution to designate the week of July 17, 1983, through July 23, 1983, as "National Corn Week"; to the Committee on the Judiciary.

NATIONAL CORN WEEK

● Mr. DIXON. Mr. President, I am pleased to introduce, together with many of my Senate colleagues, a joint resolution to authorize and request the President to designate the week of July 17, 1983, through July 23, 1983, as "National Corn Week." The purpose of this resolution is to honor the American corngrowers and others responsible for the benefits that the United States reaps from the various uses of this important agricultural product.

American farmers utilize one-fifth of the total U.S. farmland or approximately 84 million acres to produce over $20 billion worth of corn; 40 percent of this corn production is exported, which substantially benefits the U.S. balance of payments. The conversion of corn into alcohol fuels can further help the American balance of payments by making us more independent of foreign energy sources. These and many other contributions that are of benefit to all Americans make those involved in corn production deserving of this recognition.

Mr. President, I ask unanimous consent that the text of the resolution be printed in full at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows;

Whereas corn is the largest grain crop in both production and cash value grown in the United States;

Whereas July is critical to the final stages of corn growth;

Whereas corn production utilizes one-fifth of the total United States farmland or eighty-four million acres;

Whereas more than one million American farmers unite to produce a total of over seven billion bushels of corn a year valued at twenty billion dollars;

Whereas corn can be easily converted into a fuel for automobiles, trucks, and tractors to make the United States more independent of foreign energy sources;

Whereas corn ranks as one of the most efficient plants on earth for converting solar energy into food;

Whereas a refined corn product in the form of starch or syrup is contained in a

quarter of all food products in supermarkets, to sweeten, color, flavor, and texture such products;

Whereas the United States corn growers produce almost half of the corn crop of the world and provide seventy percent of the corn in world trade to feed millions of people;

Whereas forty percent of the corn produced in the United States is exported to benefit the American balance of payments by seven billion dollars; and

Whereas corn is a large factor in the United States foreign exchange, bringing in more dollars than all other grains combined: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of July 17, 1983, through July 23, 1983, is designated as "National Corn Week", and the President is authorized and requested to issue a proclamation calling upon interested groups to celebrate the week with appropriate programs and activities that stress the importance and the benefits of American corn production for the people of the United States and the world.

By Mr. WARNER (for himself, Mr. Sasser, Mr. Pressler, Mr. Thurmond, Mr. Domenici, Mr. Chafee, Mr. McClure, Mr. Hecht, Mr. Randolph, Mr. Goldwater, Mr. Bumpers, Mr. Boschwitz, Mr. DeConcini, Mr. East, Mr. Hatch, Mrs. Hawkins, Mr. D'Amato, Mr. Helms, Mr. Chiles, Mr. Inouye, Mr. Long, Mr. Mitchell, Mr. Pryor, Mr. Tsongas, Mr. Heflin, Mr. Nunn, Mr. Stafford, Mr. Wilson, Mr. Hollings, Mr. Trible, Mr. Melcher, Mr. Heinz, Mr. Durenberger, Mr. Bradley, Mr. Bentsen, Mr. Moynihan, Mr. Proxmire, and Mr. Huddleston):

S.J. Res. 127. Joint resolution designating the week of May 27, 1984, as "National Tourism Week"; to the Committee on the Judiciary.

NATIONAL TOURISM WEEK

● Mr. WARNER. Mr. President, today I am joined by 37 of my colleagues including my able friend, the Senator from Tennessee (Mr. Sasser) who cochairs with me the Senate Tourism Caucus, the distinguished chairman of the Senate Tourism Subcommittee (Mr. Pressler) and the distinguished chairman of the Senate Judiciary Committee (Mr. Thurmond), in introducing a Senate joint resolution declaring the week of May 29, 1984 "National Tourism Week."

Mr. President, during the Nation's bicentennial, I had the privilege of serving as the administrator of the American Revolution Bicentennial Administration. It was during my tenure in that position that I developed a deep understanding of the importance of tourism as a moving force in our economy and as a medium enabling people throughout our land and abroad to develop a better understanding of one another.

Travel and tourism is America's second largest retail industry. It employs more than 4.6 million people, and generates over $17 billion in local, State, and Federal tax revenue.

In 1981, travel by Americans within the United States reflected expenditures for goods and services of $179 billion, while visitors coming to the United States spent an additional $12.2 billion. These expenditures supported over 5 percent of the nonagricultural payroll employment in 1981—more than 10 percent of the 40 million new jobs created since 1958.

Looking at the foreign travel picture, in 1981, the U.S. Travel Data Center estimated that in 1981 63,000 visitors were in the United States on an average day—23 million visitors in 1 year, supporting nearly 300,000 American workers. Worldwide, the United States benefits from 11.5 percent of the total international travel expenditures.

With this perspective in mind, I became actively involved in travel and tourism issues when I came to the Senate in 1979. As a member then of the Senate Commerce Committee, I had the pleasure of working with the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. Pressler) and the then-Senator from Nevada Mr. Cannon in developing the National Tourism Policy Act.

I also had the opportunity to work with my distinguished cochairman (Mr. Sasser) in forming the Senate Tourism Caucus which has evolved over the past 3 years as a catalyst to bring Senators together on travel and tourism issues.

This year, more than any I can remember, the Senate has aggressively turned its attention in support of numerous travel and tourism measures including the resolution I am introducing today.

Mr. President, I am very proud to represent my colleagues in bringing this bill to the floor for the Senate's consideration. To me, this measure reflects the significance Congress places in the travel and tourism industry. This measure reflects the importance with which the Congress views the travel and tourism industry, and it reflects the value Congress places in the contributions made by the travel and tourism industry to our economy and to America's standing with its world neighbors.

It is my hope that this resolution will receive a swift, but full hearing in the Judiciary Committee and be reported out in time to enable the travel and tourism industry to take full advantage of the special week this resolution seeks to designate.●

● Mr. SASSER. Mr. President, I am pleased to join with Senator Warner in introducing this resolution calling for the designation of the week of May 27, 1984, as National Tourism Week.

It seems wholly appropriate to take such action in the wake of reports yesterday that the U.S. merchandise trade deficit worldwide soared to a record-high $6.9 billion for the month of May, and that the U.S. Commerce Department is projecting an annual trade deficit for 1983 of $70 billion.

No single industrial initiative is going to reduce or eliminate the trade deficit, but I will submit that few industries benefit the U.S. trade picture so immediately and directly as does the travel and tourism industry. A well-placed investment in travel and tourism can reap scores, yes hundreds, of times its size in economic benefits.

Travel receipts make up over 6.5 percent of the U.S. gross national product. Domestic and international travel in 1981 represented $191 billion in expenditures in the United States, was responsible for a $40 billion payroll, 4.6 million in directly related and 2.2 million in indirectly related jobs, generated $9.3 billion in Federal tax revenues, $6.6 billion in State tax revenues and $2 billion in local tax revenues.

Yet, despite record trade deficits and despite the importance of travel and tourism to our national economy and to the tax base of Federal, State and local governments, the Federal Government has not been especially sensitive to the needs of this industry.

Data released recently by the Travel and Tourism Council show that the United States, on a per capita basis, ranks at the bottom of nearly every international index of spending aimed at promoting travel and tourism.

Beyond the per capital rankings, other measures are even more disquieting. As of 1981, the United States maintained fewer overseas Government tourism offices that the Governments of Spain, Italy, Greece, Morocco, Malaysia, Germany, Yugoslavia, Kenya, Finland, Sri Lanka, Macao, Korea, Norway, Hong Kong and Thailand.

Clearly, there is more that we can do. The Congress has become sensitive to the issue. Established in 1980, the Senate Tourism Caucus now numbers over 70 members. We in the Senate last month approved the authorization for funding for the U.S. Travel and Tourism Administration (USTTA).

Though there may be differences of specifics on other parts, pending Department of Trade legislation gives USTTA a significant role. today's introduction complements these actions.

A National Tourism Week will encourage all those concerned with the future and the health of the vital travel and tourism industry to appreciate and understand the real, tangible economic benefits this industry provides.

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I hope my colleagues will agree to expeditious passage of this resolution.●

ADDITIONAL COSPONSORS

S. 163

At the request of Mr. Inouye, the name of the Senator from Maryland (Mr. Sarbanes) was added as a cosponsor of S. 163, a bill to amend title XII of the Public Health Service Act to provide for demonstration programs relating to emergency health care for children.

S. 217

At the request of Mr. Thurmond, the name of the Senator from Alaska (Mr. Murkowski) was added as a cosponsor of S. 217, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 237

At the request of Mr. Wallop, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves.

S. 337

At the request of Mr. Packwood, the names of the Senator from Indiana (Mr. Lugar) and the Senator from South Dakota (Mr. Abdnor) were added as cosponsors of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 602

At the request of Mrs. Hawkins, the name of the Senator from Idaho (Mr. McClure) was added as a cosponsor of S. 602, a bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

S. 619

At the request of Mr. Tsongas, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 619, a bill to reauthorize, extend, and enhance existing Federal programs to encourage conservation and the use of renewable energy by this Nation's consumers.

S. 764

At the request of Mr. Warner, the names of the Senator from New Mexico (Mr. Domenici), the Senator from New Jersey (Mr. Lautenberg), and the Senator from Florida (Mr. Chiles) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 836

At the request of Mr. Pell, the names of the Senator from Hawaii (Mr. Matsunaga), the Senator from Hawaii (Mr. Inouye), and the Senator from Nebraska (Mr. Exon) were added as cosponsors of S. 836, a bill to provide for the continuation of the National Diffusion Network.

S. 871

At the request of Mr. Mitchell, the name of the Senator from Massachusetts (Mr. Tsongas) was added as a cosponsor of S. 871, a bill to amend the Public Works and Economic Development Act of 1965, as amended.

S. 1113

At the request of Mr. D'Amato, the names of the Senator from Louisiana (Mr. Johnston) and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of S. 1113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1144

At the request of Mr. Heinz, the name of the Senator from Kentucky (Mr. Huddleston) was added as a cosponsor of S. 1144, a bill to suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process.

S. 1170

At the request of Mr. Pryor, the names of the Senator from Iowa (Mr. Grassley) and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of S. 1170, a bill to establish a Director of Operational Testing and Evaluation in the Department of Defense, and for other purposes.

S. 1256

At the request of Mr. Moynihan, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1276

At the request of Mr. Mitchell, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1276, a bill to provide that the pensions received by retired judges who are assigned to active duty shall not be treated as wages for purposes of the Social Security Act.

S. 1306

At the request of Mr. Mathias, the name of the Senator from Arizona (Mr. Goldwater) was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1325

At the request of Mr. McClure, the names of the Senator from Colorado (Mr. Armstrong) and the Senator from Nebraska (Mr. Zorinsky), were added as cosponsors of S. 1325, a bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year.

S. 1356

At the request of Mr. D'Amato, the name of the Senator from North Dakota (Mr. Andrews) was added as a cosponsor of S. 1356, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts with law firms for the collection of indebtedness owed the United States.

S. 1360

At the request of Mr. Hart, the name of the Senator from California (Mr. Cranston) was added as a cosponsor of S. 1360, a bill to establish a grant program to provide for a centralized system of child care information and referral.

S. 1363

At the request of Mr. Hart, the name of the Senator from Washington (Mr. Gorton) was added as a cosponsor of S. 1363, a bill to protect human health and the environment by establishing adequate controls on the management of hazardous wastes.

S. 1382

At the request of Mr. Stevens, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 1382, a bill to amend the Communications Act of 1934 to insure availability of basic telephone service at reasonable rates.

S. 1444

At the request of Mr. Melcher, the name of the Senator from Colorado (Mr. Armstrong) was added as a cosponsor of S. 1444, a bill to deny most-favored-nation status to any country that in the judgment of the President denies religious freedom to its citizens.

S. 1475

At the request of Mr. Wallop, the name of the Senator from Nebraska (Mr. Zorinsky) was added as a cosponsor of S. 1475, a bill to to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1537

At the request of Mr. Danforth, the name of the Senator from Maine (Mr. Cohen) was added as a cosponsor of S. 1537, a bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the four following fiscal years.

S. 1541

At the request of Mr. Byrd, the name of the Senator from New York (Mr. Moynihan), the Senator from Tennessee (Mr. Sasser), the Senator from Utah (Mr. Garn), the Senator from Texas (Mr. Bentsen), and the Senator from Nebraska (Mr. Zorinsky) were added as cosponsors of S.

1541, a bill to authorize the presentation on behalf of the Congress of a specially struck bronze medal to the families of American personnel missing or otherwise unaccounted for in Southeast Asia.

SENATE JOINT RESOLUTION 19

At the request of Mr. Inouye, the names of the Senator from Connecticut (Mr. Weicker) and the Senator from Nebraska (Mr. Zorinsky) were added as cosponsors of Senate Joint Resolution 19, a joint resolution to authorize and request the President to designate the period August 26, 1983, through August 30, 1983, as "National Psychology Days."

SENATE JOINT RESOLUTION 50

At the request of Mr. Levin, the name of the Senator from Massachusetts (Mr. Tsongas) and the Senator from Kansas (Mrs. Kassebaum) was added as a cosponsor of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 84

At the request of Mr. Garn, the names of the Senator from Tennessee (Mr. Sasser), the Senator from Maryland (Mr. Sarbanes), the Senator from Michigan (Mr. Riegle), the Senator from West Virginia (Mr. Randolph), the Senator from Massachusetts (Mr. Tsongas), the Senator from Utah (Mr. Hatch), the Senator from Rhode Island (Mr. Pell), the Senator from Wisconsin (Mr. Kasten), and the Senator from Indiana (Mr. Lugar) were added as cosponsors of Senate Joint Resolution 84, a joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week."

SENATE JOINT RESOLUTION 105

At the request of Mr. Rudman, the names of the Senator from Arizona (Mr. DeConcini), the Senator from Oregon (Mr. Packwood), the Senator from Connecticut (Mr. Dodd), and the Senator from Louisiana (Mr. Johnston) were added as cosponsors of Senate Joint Resolution 105, a joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints.

SENATE JOINT RESOLUTION 113

At the request of Mr. Wilson, the name of the Senator from Maine (Mr. Cohen) was added as cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 116

At the request of Mr. Kasten, the names of the Senator from Wyoming (Mr. Wallop), the Senator from Georgia (Mr. Mattingly), the Senator from Pennsylvania (Mr. Heinz), the Senator from Oklahoma (Mr. Nickles), and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of Senate Joint Resolution 116, a joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week."

SENATE JOINT RESOLUTION 119

At the request of Mr. Humphrey, the names of the Senator from Minnesota (Mr. Durenberger), the Senator from Louisiana (Mr. Long), the Senator from North Carolina (Mr. East), the Senator from Kansas (Mr. Dole), and the Senator from Vermont (Mr. Leahy) were added as cosponsors of Senate Joint Resolution 119, a joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week."

SENATE JOINT RESOLUTION 120

At the request of Mr. Sasser, the names of the Senator from Alabama (Mr. Heflin), the Senator from New Hampshire (Mr. Humphrey), the Senator from Hawaii (Mr. Matsunaga), the Senator from New York (Mr. Moynihan), the Senator from West Virginia (Mr. Randolph), the Senator from Wyoming (Mr. Simpson), and the Senator from Connecticut (Mr. Weicker) were added as cosponsors of Senate Joint Resolution 120, a joint resolution to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American.

SENATE RESOLUTION 137

At the request of Mr. Kasten, the name of the Senator from Pennsylvania (Mr. Specter) was added as cosponsor of Senate Resolution 137, a resolution expressing the sense of the Senate that Taiwan should retain full membership in the Asian Development Bank, and that it should not be expelled as a precondition for membership in that body by the People's Republic of China.

SENATE RESOLUTION 139

At the request of Mr. Zorinsky, the name of the Senator from Wisconsin (Mr. Kasten) was added as a cosponsor of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 158

At the request of Mr. Jackson, the names of the Senator from South Carolina (Mr. Hollings), the Senator from Tennessee (Mr. Sasser), the Senator from Maine (Mr. Cohen), the Senator from Pennsylvania (Mr. Specter), and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of Senate Resolution 158, a resolution expressing the sense of the Senate that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America.

SENATE RESOLUTION 168

At the request of Mr. DeConcini, the name of the Senator from New York (Mr. Moynihan) was added as a cosponsor of Senate Resolution 168, a resolution expressing the sense of the Senate with respect to the provision of emergency assistance to the people of Ethiopia.

AMENDMENT NO. 1316

At the request of Mr. Glenn, the names of the Senator from Massachusetts (Mr. Tsongas) and the Senator from Iowa (Mr. Grassley) were added as cosponsors of Amendment No. 1316 intended to be proposed to S. 869, a bill to amend the Export-Import Bank Act of 1945.

SENATE CONCURRENT RESOLUTION 49—RELATING TO FRINGE BENEFITS TAXES

Mr. DeCONCINI submitted the following concurrent resolution, which was referred to the Committee on Finance:

S. Con. Res. 49

Whereas the United States economy is in terrible condition, with output stagnated and unemployment at unacceptably high levels;

Whereas the Federal tax system is held in disrepute by a majority of Americans because it is riddled by deductions, credits, exemptions, and exclusions from income, such as fringe benefits, which make it basically unfair;

Whereas these perverse subsidies of the tax system draw resources into unproductive uses to the ultimate detriment of the economy and well-being of all Americans;

Whereas fringe benefits, deductible by employers, but not taxable to the recipient, are completely outside the current tax system;

Whereas efforts to bring some of these fringe benefits within the grasp of the Internal Revenue Service, while continuing to exclude other types of fringe benefit income, is a classic example and continuation of the ruinous tax policy "by bandaid" approach that is at the core of so many of our economic and fiscal ills; and

Whereas recent studies have demonstrated beyond dispute the negative effects of our present tax system on growth, employment, innovation, productivity, and capital generation, and have gone on to offer alternative approaches to taxation that offer realistic hope of economic revitalization based upon a sane and simple tax system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the raising of additional revenues through the taxation of some fringe benefits, while leaving others untaxed, is symbolic of the pitiful, shameful, and inadequate effort to reform our tax system and should not be pursued,

(2) a complete overhaul of our tax system is necessary and the adoption of a tax system based on equity, simplicity, and efficiency must occur in the near future, and

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(3) any broadening of the base of revenue that would be a part of a new tax system must be accompanied by a reduction of the tax rates applied to income.

Mr. DECONCINI. Mr. President, the papers have been filled with stories about the administration's renewed effort to tax what they refer to as "fringe benefits" in certain areas of employment.

Frankly, Mr. President, I find the continual attack on certain groups by this administration to be petty and cynical at best. As in so many other respects, the administration plays favorites regarding who and what it wants to tax. Its tax reductions favor the rich at the expense of the middle and lower income classes and its new tax proposals are aimed at those same middle and lower income groups. Through all of this, the administration appears to be steadfast in its resolve not to support broad tax reform.

A fundamental principle that has traditionally been embodied in the laws of our Nation is the idea that the tax burden should be shared equitably among all groups. This is absolutely not the case today. Our tax code is a disgrace. All those who have a sound knowledge of the subject concur. It is a tax code which blatantly favors the rich at the expense of everyone else.

Now, the administration wants to eliminate a few of the benefits that trickle down to middle income Americans. They specifically want to tax any tuition assistance that university professors receive, benefits received by airline employees, and special merchandise discounts often given employees in factories and stores. We are in the midst of a national debate on the quality of education with politicans of every stripe seriously pondering the question of how to attract qualified people to the teaching profession. For years, universities and colleges have used tuition assistance as a way to lure good people since sufficient funds have not been available to make salaries comparable to private sector jobs. Now the administration wishes to take this one benefit away through an unfair tax policy.

At the same time that the administration would tax away any potential benefits that accrue to Americans of moderate means, it makes no effort at all to eliminate things like the "three martini lunch" and interest deductions which primarily affect the higher income brackets.

Our Tax Code is one long series of special treatments for different groups and businesses. To selectively remove the exemptions of some groups while leaving exemptions in place for other similarly situated is, at best, discriminatory, and at worst, just plain cynical.

What is needed to achieve an equitable tax system is a complete overhaul of the system which will replace special interest provisions with a cohesive system that treats all people equally. I am convinced that a flat-rate tax system, similar to S. 557, which I have proposed, is the only way this can be accomplished. If the administration is truly interested in tax reform, let it adopt my proposal, or a similar proposal.

In the meantime, I think it should lay off university professors, airline employees, and others who would bear the brunt of the administration's latest tax proposals. It is hardly equitable to punish a few while retaining special privileges for the many.

Therefore, Mr. President, I am introducing a concurrent resolution asking that the Senate Finance Committee and the House Ways and Means Committee, as well as the administration, direct their attention to overall tax reform as opposed to the kind of piecemeal, discriminatory proposals that have been recently advanced.

SENATE CONCURRENT RESOLUTION 50—RELATING TO U.S. CONTRIBUTIONS TO THE UNITED NATIONS

Mr. MOYINHAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 50

Resolved by the Senate (the House of Representatives concurring),

Whereas the U.S. Government has expressed in law its opposition to the use of United States contributions to the United Nations to support programs for the Palestine Liberation Organization or for projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it; and

Whereas the United Nations has announced the convening in Vienna, Austria, on July 11 to 13, 1983, of an international conference, the effect of which is to provide a propaganda platform resulting in political benefits to the Palestine Liberation Organization: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress declares that, in accordance with the policy enunciated in several prior laws, United States contributions to the United Nations should be reduced by the United States proportionate share of the amount of United Nations funds used to support the international conference to be held in Vienna, Austria, on July 11 to 13, 1983.

Mr. MOYNIHAN. Mr. President, I am today submitting a concurrent resolution urging the administration to withhold from the American contribution to the United Nations this year the proportionate U.S. share of funds that will be spent on an International Conference on the Fascist-Racist Alliance between South Africa and Israel, a meeting scheduled to convene in Vienna July 11-13, 1983. Representative TOM LANTOS of California will be introducing identical legislation later today in the House of Representatives.

As it is unusual to devote a congressional resolution to an event otherwise as obscure as a U.N. conference in Vienna—one of thousands of U.N. meetings that will take place around the world in the course of this year—a bit of background may be in order.

Senators will recall that in each of the last two authorization acts for the Department of State, legislation covering 4 fiscal years, Congress has included requirements that the American contribution to the United Nations be reduced by an amount related to sums spent by U.N. agencies on programs providing political benefits to the terrorist Palestine Liberation Organization. The two most notorious PLO fronts have been cited explicitly in the legislation: the Special Unit on Palestinian Rights in the Secretariat, and the General Assembly's Committee on the Exercise of the Inalienable Rights of the Palestinian People.

This latter group had been established by the U.N. General Assembly during the time I served as this country's Permanent Representative to the United Nations, on November 10, 1975—the same day, significantly, the General Assembly adopted the notorious resolution equating Zionism with racism. Very much in the slanderous, vicious spirit of that resolution, the committee has since been a prominent and active clearinghouse for materials and meetings devoted almost exclusively to the misrepresentation of events in the Middle East, to mendacious attacks on Israel and the Jewish people. Often as not the committee has been a fountain of anti-Semitism in the U.N. system.

The reasons for the unusual restriction on American contributions to the U.N. system are therefore clear and compelling. I need not elaborate on the methods or purpose of the PLO.

At the time the Senate last considered this issue, in June 1981, I proposed that Congress add another dimension to this restriction. It had become clear to many of us that there were many other programs and projects outside these two groups equally devoted to sanitizing and promoting the PLO in international forums. It was equally clear that the Congress is not well equipped institutionally to oversee the many myriad workings of the vast U.N. bureaucracy. Accordingly, one part of the amendment I offered on the floor on June 17, 1981—an amendment that became section 104 of Public Law 97-241—required the State Department to review all the budgets of every U.N. agency—

> To determine which projects have the primary purpose of providing political benefits to the Palestine Liberation Organization.

Section 104 also requires that an amount equal to 25 percent, the U.S. proportionate share, of funds allotted to any such program benefiting the

PLO "or entities associated with it" be withheld from our contribution. Finally, section 104 requires that a report be sent annually to Congress about this.

No such report has yet been sent to Congress.

Moreover, the Department of State has apparently not been able to determine that there are programs providing political benefits to the PLO. One clear instance, however, recently came to light and is the object of the resolution I am submitting today.

On May 20, 1983, a U.N. committee, chaired by a Mr. Vladimir A. Kravets, of the Ukraine, announced that a conference would be convened in Vienna on July 11-13 of this year to examine: "The Fascist-Racist Alliance between South Africa and Israel." The purpose of such a conference is manifest in the title. Its objective is to promote the fallacious idea that Zionism is a form of racism indistinguishable from the doctrine of apartheid that governs life in South Africa. This is very much in the spirit of the General Assembly resolution adopted on November 10, 1975, equating Zionism with racism. It is also of a whole with the ongoing, now decades old, campaign inspired by the Soviets to paint Israel as an outlaw nation, in a class with contemporary South Africa, whose racial policies are morally repugnant.

The inevitable beneficiary of such a conference would be the PLO, which continually seeks to undermine the good name and reputation of Israel in its campaign to win political legitimacy in the international arena. As its own program of terrorism and perpetual obstructionism with respect to efforts to establish peace in the region cannot win many friends, it has instead devoted its political efforts to attacks on Israel.

The Vienna conference I have cited, devoted as it is to the promotion of the mendacious idea that an alliance of some sort exists between South Africa and Israel, would clearly provide political benefits to the misbegotten PLO. The unmistakable intentions of Congress when it adopted section 104 was to require the State Department to withhold funds because of such a conference.

On June 14, I wrote to the Secretary of State expressing my hope that the Department would make the appropriate announcement with respect to this conference.

Yesterday, I received in reply a letter from Assistant Secretary of State Powell A. Moore which said, in effect, that maybe the United States will withhold the money and maybe it will not. Mr. Moore wrote that:

> The Department is seeking information about the ultimate character and costs of the Conference. Upon receipt of that information, we will determine what action should be taken.

Mr. President, I submit that it should already be clear what the United States must do if we are to retain our credibility at the United Nations. Having committed ourselves in law and in principle to withhold funds if the U.N. agencies were to continue to devote extraordinary resources to the perpetuation of tension and the promotion of conflict—as the conference in question so manifestly does—we will invite only contempt if we fail to do so now.

So, in cooperation with Congressman LANTOS of California, I propose that the Congress should make known its view that the United States should abide by the spirit of section 104 of Public Law 97-241, and withhold funds in this instance.

I would note in conclusion that the United States, under a new policy being put into effect this year, will not turn over to the United Nations the assessed contributions for the calendar year 1983 until the beginning of the next fiscal year, that is until after October 1. So this question will not become moot simply because the date of the conference will pass in 2 weeks' time.

I invite colleagues who may share my view to become cosponsors of this concurrent resolution.

I ask that the letters to which I have referred, as well as the texts of several related documents, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 14, 1983.

HON. GEORGE P. SHULTZ,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I write to inquire about what seems to be a serious—and suddenly urgent—oversight in the conduct of our policy with respect to the United Nations. At issue is American credibility there.

The Congress has twice in recent years written into State Department authorization legislation provisions I have sponsored requiring that the United States withhold from its contribution to the U.N. our proportionate share of what is spent on two P.L.O. front groups operating within the U.N. system (the Secretariat's "Special Unit on Palestinian Rights" and the U.N.G.A.'s "Committee on the Exercise of the Inalienable Rights of the Palestinian People"). The reasons for this unusual restriction are clear and compelling; I need not elaborate on the purposes or methods of the P.L.O.

At the time the Senate last considered this issue, in June of 1981, I added a new dimension to this expression of American opposition to the program of the P.L.O. It had become clear to us here in the Congress that we simply do not have available the resources to permit a thorough accounting of other pro-P.L.O. activities and programs in the U.N. system. Accordingly, on June 17, 1981, I offered an amendment (which eventually became Section 104 of Public Law 97-241) requiring an annual review by the administration of the budgets of the United Nations and its specialized agencies—

"to determine which projects have the primary purpose of providing political benefits to the Palestine Liberation Organization."

The amendment also required that an amount equal to 25 percent (the U.S. proportionate share) of the funds alloted for any such project benefiting the P.L.O. "or entities associated with it" be withheld from our regular contribution to the United Nations or the specialized agency involved, and that a report on this be submitted to Congress. No such report has yet been sent to Congress.

Activities promoting the P.L.O., however, continue at the U.N. Most recently, a press release (#GA/AP/1445) issued in New York on May 20, 1983, announced that the U.N.'s Special Committee against Apartheid, chaired by Mr. Vladimir A. Kravets of the Ukraine, would convene an "International Conference on the Alliance between South Africa and Israel at the Vienna International Centre from 11 to 13 July 1983."

It is apparent from the release itself that the primary purpose of this conference is to provide political benefits to the Palestine Liberation Organization—not only through the false allegation that an "alliance" exists between these two countries, but also through the mendacious insinuation that there are doctrinal similarities between Zionism and Apartheid. In the environs of the United Nations, I state on the basis of personal experience there, such slanders should be understood to be intended precisely to promote the P.L.O.

May I suggest that the United States must announce that it will accordingly withhold the American share, 25 percent, of the funds expended on this—or any similar—program or project sponsored or supported by the United Nations.

If we ignore the proposed conference, or try to explain it away, having committed ourselves in principle and in law to withhold funds, we will invite only contempt from our adversaries and disillusionment among our friends.

I hope you will shortly be able to inform me that the U.S. will be withholding funds from the U.N. because of this conference, and that the report required by Section 104 is forthcoming.

Sincerely,
DANIEL PATRICK MOYNIHAN.

U.S. DEPARTMENT OF STATE,
Washington, D.C., June 23, 1983.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate.

DEAR SENATOR MOYNIHAN: The Secretary has asked me to reply to your letter of June 14, 1983 concerning United States withholding of its assessed contribution to the United Nations for projects which have the primary purpose of providing political benefits to the Palestine Liberation Organization (PLO).

The Department has been diligent in attempting to ascertain the amount of funds the United Nations has expended on such projects. So as to assure compliance with P.L. 97-241, the Department has held back $3 million to cover any required withholdings through fiscal year 1983. We believe this is a prudent step since we have seen no evidence that UN expenditures on activities subject to withholding would amount to as much as $12 million, thus implying a requirement to withhold $3 million. Should we not have adequate margin to impose the necessary restrictions, we would simply

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withhold the indicated additional amounts from our fiscal year 1984 appropriation.

The Department is not satisfied with the responses received thus far from the United Nations in reply to our requests for information regarding amounts budgeted by the UN for PLO related activities. As a result, the Department has not closed its books on previous years, let alone this year. The Department intends to submit the requisite report to the Congress with the close of fiscal year 1983.

The International Conference on the Alliance between South Africa and Israel, which was authorized by a General Assembly resolution of December 9, 1982, is part of the 1983 work program of the UN Special Committee against apartheid. The U.S. voted against the resolution, and the Department is seeking information about the ultimate character and costs of the Conference. Upon receipt of that information, we will determine what action should be taken. In any case, the U.S. share of funding for the Conference itself would come from fiscal year 1984 appropriations not yet received.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Legislative and Intergovernmental Affairs.

[From Public Law 97-241, Aug. 24, 1982, State Department Authorization for fiscal year 1982 and 1983]

RESTRICTIONS RELATING TO THE PALESTINIAN RIGHTS UNITS AND PROJECTS PROVIDING POLITICAL BENEFITS TO THE PALESTINE LIBERATION ORGANIZATION

SEC. 104. (a) Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity); and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity): and

(3) 25 percent of the amount budgeted for that year for projects whose primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(b) Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of any specialized agency of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less 25 percent of the amount budgeted by such agency for that year for projects whose primary purpose is to provide political benfits to the Palestine Liberation Organization or entities associated with it.

(c) The President shall annually review the budget of the United Nations and its specialized agencies to determine which projects have the primary purpose of providing political benefit to the Palestine Liberation Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contribution is withheld and the amount withheld.

(d) Subsections (a)(3) (b) shall not be construed as limiting United States contributions to the United Nations, or its specialized agencies, for projects whose primary purpose is to provide humanitarian, educational, developmental, and the other nonpolitical benefits to the Palestinian people.

[Department of Public Information, Press Section, United Nations, N.Y., press release, GA/AP/1445, May 20, 1983]

INTERNATIONAL CONFERENCE ON ALLIANCE BETWEEN SOUTH AFRICA AND ISRAEL TO BE HELD IN VIENNA, 11 TO 13 JULY

The following statement was issued today by the Acting Chairman of the Special Committee Against Apartheid, Vladimir A. Kravets (Ukraine):

The Special Committee against Apartheid is holding an International Conference on the Alliance between South Africa and Israel, at the Vienna International Centre from 11 to 13 July 1983. The Conference is being organized in co-operation with the Afro-Asian Peoples' Solidarity Organization, the Organization of African Trade Union Unity and the World Peace Council.

The agenda of the Conference includes an analysis of the relations between South Africa and Israel and their implications and ramifications, as non-governmental organizations and others.

Participants in the Conference will include representatives from United Nations bodies, the Organization of African Unity (OAU), the League of Arab States and other intergovernmental organizations, national liberation movements, non-governmental organizations, and experts.

The Special Committee attaches great importance to this Conference in the light of resolution 37/69 F on relations between Israel and South Africa, adopted by the General Assembly on 9 December 1982.

SENATE RESOLUTION 171—RELATING TO TRADING STATUS OF ROMANIA

Mr. HELMS submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 171

Resolved, That the Senate does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 3, 1983, with respect to the Socialist Republic of Romania.

● Mr. HELMS. Mr. President, on June 3 President Reagan recommended to Congress that most-favored-nation trade status to Romania be renewed. This renewal was recommended mainly because Romania indicated that the education repayment imposed on potential emigrants by the Government would be rescinded.

Rescinding the education tax would certainly be a first step in improving the emigration situation in Romaina; however, to the best of my knowledge, the United States has still not received any written assurances from the Romanian Government that this tax has in fact been rescinded, nor that it will be reinstated during the coming year.

Mr. President, for the record, let me state precisely what this education tax entails. Citizens wishing to emigrate from Romania have been required to pay hard currency for any schooling received beyond the 10-year compulsory level before being permitted to obtain a passport for emigration. This tax amounts to $3,700 for a person with a high school education, and $4,000 per person for each year of college education. This education repayment is no more than an obvious ransom whereby people are literally purchased out of Romania by sympathetic friends in the West, and runs counter not only to the Jackson-Vanik amendment to the Trade Act of 1974, but also to all of the international human rights agreements to which Romania has subscribed.

When Foreign Minister Andrei met with our State Department last month, a period of work/job service was mentioned as a substitute for the hard currency payment currently in force in return for higher education. If the education tax were replaced by an unreasonable period of time for such work/job service, Romania would be taking backward steps from the goal of improving their emigration situation—especially if anything over a 3-year period of such service were proposed. Before committing ourselves to the extension of MFN, these matters should be clarified so there are no misunderstandings on either side.

Last year assurances were given that processing time for emigrants would be reduced to 9 months the first year and 6 months thereafter. Assurances were also given that harassment of emigrants would cease.

Mr. President, I would cite two examples from the many cases that have come to my attention. First is the case of Maria Harangus, a citizen of Timisoara, Romania. Maria Harangus has been asking for permission to emigrate from Romania since 1979, and is an English teacher by profession. Finally, in 1982, she was given an application for emigration which she completed. Not only was she told that she would never be allowed to emigrate, she was also removed from her job, and told that she would not be allowed to teach English for a period of 10 years.

Another case is that of Nicolei Teodarache and family, citizens of Bucharest, Romania. The Teodarache family applied for emigration in 1980. They were flatly refused permission to emigrate. Nicolei Teodarache's son, Mircea, was beaten by the police in the street, and Nicolei Teodarache was removed from his job 6 months ago.

Not only were the assurances of last year not honored, but an education tax was imposed on emigrants, making free emigration close to impossible.

Furthermore, last year the Romanian Government ordered that all citizens register their typewriters and the print styles of all typewriters.

It appears that instead of improving, the situation in Romania has worsened. The same emigration problems of last year are still in existence. Moreover, the imposition of a totally new education tax can only be viewed as a cynical bargaining chip—an attempt to make the emigration process so onerous that even a return to the status quo would seem to be a relief.

Therefore, Mr. President, I send to the desk, a resolution of disapproval for the extension of most-favored nation trade status with respect to the Socialist Republic of Romania.●

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION, 1984

ZORINSKY (AND OTHERS) AMENDMENT NO. 1439

Mr. ZORINSKY (for himself, Mr. ANDREWS, Mr. BOREN, Mr. BURDICK, Mr. EXON, and Mr. MELCHER) proposed an amendment to the bill (H.R. 3223) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes, as follows:

On page 62, after line 2, insert a new section as follows:

"SEC. 626. None of the funds provided by this Act may be used to conduct a producer reserve program for wheat and feed grains, or a payment-in-kind land diversion program, under which the Commodity Credit Corporation, in making payments to producers for storage of a commodity by the producer, provides payment for such storage in an area at rates that are less than the rates at which the Corporation provides payment for the storage of the commodity in commercial storage facilities in the area.".

TRIBLE (AND OTHERS) AMENDMENT NO. 1440

Mr. TRIBLE (for himself, Mr. WARNER, Mr. MATHIAS, and Mr. SARBANES) proposed an amendment to the bill H.R. 3223, supra, as follows:

On page 8, line 19, strike out "$23,227,000" and insert in lieu thereof "$27,727,000, of which $4,500,000 shall be available only for the construction of Phase III of the Virginia-Maryland Regional College of Veterinary Medicine".

ANDREWS (AND OTHERS) AMENDMENT NO. 1441

Mr. ANDREWS (for himself, Mr. BOREN and Mr. BENTSEN) proposed an amendment to the bill H.R. 3223, supra, as follows:

On page 26, line 11, following the figure $9,673,636,000, insert the following: ": *Provided*, That the Secretary of Agriculture is directed in connection with all commodities, under the payment-in-kind program, particularly cotton, to carry out the original commitment to producers."

MATTINGLY AMENDMENT NO. 1442

Mr. MATTINGLY proposed an amendment to the bill H.R. 3223, supra, as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . (a) Out of any funds made available to the Commodity Credit Corporation by this Act, the Secretary of Agriculture shall utilize not less than $5,000,000, or an equivalent value of commodities owned by the Commodity Credit Corporation, to provide—

(1) direct or blended credit for foreign purchasers in excess of such credit programs otherwise funded by this Act;

(2) bonus incentives for foreign purchasers;

(3) commodity distributions or monetary assistance for United States producers; and

(4) any combination of paragraphs (1), (2), and (3);

for the purpose of maintaining, developing, or increasing the export of agricultural commodities and products, including value-added products, produced in the United States.

(b) To the extent practicable, the expenditures and contributions required by this section shall be targeted by the Secretary of Agriculture to facilitate sales of United States products in markets in which foreign competing products are, in the Secretary's determination, subsidized directly or indirectly resulting in a competitive disadvantage for such United States products.

LEVIN (AND EAGLETON) AMENDMENT NO. 1443

Mr. LEVIN (for himself and Mr. EAGLETON) proposed an amendment to the bill H.R. 3223, supra, as follows:

On page 49, following line 22 add the following:

For an additional amount for the elderly feeding program, $875,000, to pay outstanding claims for meals served in fiscal year 1979.

HELMS AMENDMENT NO. 1444

Mr. HELMS proposed an amendment to the bill H.R. 3223, supra, as follows:

On page 44, strike "for the period October 1, 1983 through August 15, 1984" on lines 20 and 21;

On page 47, strike ", for the period October 1, 1983 through July 10, 1984" on lines 14 and 15; and

On page 48, strike ", for the period October 1, 1983 through September 6, 1984" on lines 6 and 7.

MELCHER AMENDMENT NO. 1445

Mr. MELCHER proposed an amendment to the bill H.R. 3223, supra, as follows:

On page 8, line 10, strike out the period and insert the following: ": *Provided further*, That of the appropriations hereunder not less than $5,000,000 shall be available for additional animal cancer research to carry into effect the provisions of Public Law 96-469."

BAUCUS AMENDMENT NO. 1446

Mr. BAUCUS proposed an amendment to the bill, H.R. 3223, supra, as follows:

At the end of the bill, add the following new section:

SEC. 626. (a) Except as provided in subsection (b), none of the funds appropriated by this Act may be obligated or expended to provide, to any person who produces an agricultural commodity on highly erodible land, any of the following:

(1) Price support assistance on such commodity made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act.

(2) A loan for the construction or purchase of a facility for the storage of such commodity made under section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)).

(3) Crop insurance for such commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(4) A disaster payment for such commodity made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(5) A new loan made, insured, or guaranteed, under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration, that will be used for a purpose which will contribute to excessive erosion of highly erodible land.

(b) Subsection (a) shall not apply to—

(1) any agricultural commodity planted by a person to produce any of the 1973 through 1982 crops of agricultural commodities;

(2) any agricultural commodity planted by a person before the date of enactment of this Act;

(3) any agricultural commodity planted by a person during any crop year beginning before such date;

(4) any loan described in subsection (a) made before such date; or

(5) any agricultural commodity produced using a conservation system which—

(A) has been approved by a soil conservation district and is based on technical standards set forth in the Soil Conservation Service technical guide for that soil conservation district, or

(B) in an area where no soil conservation district exists, has been approved by the Secretary.

(c) For purposes of this section—

(1) the term "agricultural commodity" means any agricultural commodity normally produced by annual tilling of the soil, including one-trip planters; and

(2) the term "highly erodible land" means land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the Land Capability Classification systems as in effect on the date of enactment of this Act. The land capability class for a field shall be that determined to be the "predominant" class under regulations issued by the Secretary of Agriculture.

BOSCHWITZ (AND OTHERS) AMENDMENT NO. 1447

Mr. BOSCHWITZ (for himself, Mr. Boren, and Mr. Baucus) proposed an amendment to the bill, H.R. 3223, supra, as follows:

On page 52: On line 18 strike out "$872,000,000" and insert in lieu thereof "$936,000,000"; on line 18 strike out "$402,000,000" and insert in lieu thereof "$466,000,000"; on line 23 strike out "$650,000,000" and insert in lieu thereof "$682,000,000"; on line 24 strike out "$650,000,000" and insert in lieu thereof "$682,000,000".

COCHRAN (AND EAGLETON) AMENDMENT NO. 1448

Mr. COCHRAN (for himself and Mr. Eagleton) proposed an amendment to the bill, H.R. 3223, supra, as follows:

On page 54, line 7, after the figure $364,410,000 insert the following: ", of which $5,000,000, to remain available until expended, shall be available to meet unanticipated costs of emergency activities not provided for in budget estimates"

REHABILITATION AMENDMENTS OF 1983

CHILES AMENDMENT NO. 1449

(Ordered to lie on the table.)

Mr. CHILES (for himself, Mr. Domenici, and Mr. Pell) submitted an amendment intended to be proposed by them to the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes, as follows:

At the end of the bill, add the following new title:

TITLE III—OTHER AUTHORIZATIONS

MODIFICATION OF CERTAIN RECONCILIATION ACT LIMITS

Sec. 301. (a) Section 506 of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $112,000,000 for the fiscal year 1984".

(b) Section 527 of such Act is amended by striking out ", 1983, and 1984" and inserting in lieu thereof "and 1983, and $825,000,000 for the fiscal year 1984".

AMENDMENT TO RAISE THE CEILING FOR VOCATIONAL AND ADULT EDUCATION

Mr. CHILES. Mr. President, when the Rehabilitation Amendments of 1983, S. 1340, comes before the full Senate for consideration, I will be offering an amendment, on behalf of myself, Mr. Domenici, and Mr. Pell to raise the authorization ceilings for vocational and adult education programs.

When Congress passed the Omnibus Budget Reconciliation Act of 1981, we placed a cap or ceiling on the amount that could be appropriated for vocational and adult programs at $735 million for vocational education, and $100 million for adult education. In the case of vocational education, we did not lower the maximum authorization level of over $1 billion, we simply limited the amount that could be appropriated, through 1984, at $735 million.

For fiscal year 1983, vocational programs are funded at over $728 million, just $7 million below the cap, and adult education is receiving $95 million, only $5 million less than the ceiling. That leaves us in a real bind when we sit down to determine appropriations for fiscal year 1984 for these programs.

There is a general consensus that vocational and adult education programs are critical ones that should be maintained and continue growing to meet the training needs of youth, and the basic education and retraining needs of adults.

We are still experiencing unemployment rates of over 10 percent. Unemployment among black Americans is over 20 percent, and 45 percent of the Nation's black youth cannot find work. Yet our defense and domestic industries are facing critical shortages of workers with high technology skills. Not too long ago we enacted a special appropriations package to create jobs through existing programs. No additional funds were added to vocational or adult education programs because of the ceilings. We are neglecting an important rung in the ladder to economic recovery if we do not adequately fund these programs in 1984.

The budget resolution we adopted has ample room to accommodate the ceilings I am proposing with my colleagues today. The House version of the Rehabilitation Act amendments contains the same levels for vocational and adult education. As the Education Subcommittees in the House and the Senate continue to work on the various proposals to reauthorize vocational education after 1984, I think we ought to adopt these ceilings so the program can continue the gains it has made in the meantime.

VETERANS DISABILITY COMPENSATION AND SURVIVORS BENEFITS AMENDMENTS OF 1983

CRANSTON AMENDMENT NO. 1450

(Referred to the Committee on Veterans' Affairs.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to the bill (S. 1388) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans, as follows:

On page 6, between lines 18 and 19, insert the following new title:

TITLE III—EXPEDITING CERTAIN MEDICAL FACILITY CONSTRUCTION PROJECTS

Sec. 301. (a) Subject to subsection (b) and notwithstanding section 5004(a)(1) of title 38, United States Code, or any other provision of law not to exceed $25,000,000 in funds that were appropriated to the Veterans' Administration construction, major projects, account and that the Administrator of Veterans' Affairs has determined are no longer needed either for the projects for which such funds were appropriated or for contingencies arising in the Veterans' Administration's construction program may be expended in fiscal year 1984 for the purpose of undertaking in fiscal year 1984 working drawings for the construction or alteration of any medical facility in order that such construction or alteration can, subject to appropriations therefor, be undertaken in fiscal year 1985, except that no funds may be expended under this paragraph for working drawings for the replacement or new construction of a complete health-care facility.

(b)(1) The amount obligated for working drawings under subsection (a) for any one medical facility shall not exceed $2,500,000.

(2) No working drawings for the construction or alteration of any particular medical facility shall be undertaken under subsection (a) unless 30 days prior to undertaking the drawings the Administrator has provided to the Committees on Veterans' Affairs and on Appropriations of the House of Representatives and the Senate written notice thereof and of the estimated range of the total cost of such construction or alteration and of the cost of the drawings.

(c) For the purpose of this section, the term "medical facility" shall have the meaning specified in section 5001(3) of such title.

On page 6, line 19, strike out "III" and insert in lieu thereof "IV".

On page 6, line 20, strike out "301." and insert in lieu thereof "401.".

ATLANTIC SALMON CONVENTION ACT

PACKWOOD AMENDMENT NO. 1451

Mr. BAKER (for Mr. Packwood) proposed an amendment to the bill (S. 925) to make certain technical corrections in the Atlantic Salmon Convention Act of 1982, as follows:

Strike out all after the enacting clause and substitute the following:

TITLE I—MARINE FISHERIES PROGRAMS

Sec. 101. That section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "and 1983" and inserting in lieu thereof "1983, 1984, 1985, and 1986".

Sec. 102. The Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601 et seq.) is amended—

(1) by inserting "not" immediately after "shall" in the second sentence of section 303(c); and

(2) by amending subsection (c) of section 307 to read as follows:

"(c) Any vessel used, and any fish (or the fair market value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is

unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).".

Sec. 103. (a) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1983" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "1982 and 1983." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, and 1984.".

(b) Section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by striking out "September 30, 1982" in subsection (a) and inserting in lieu thereof "September 30, 1984";

(2) by amending subsection (b)—

(A) by striking out "fiscal year 1982," in subparagraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, and 1984,", and

(B) by striking out "1981 and 1982" in subparagraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, and 1984"; and

(3) by striking out "fiscal year 1981 or 1982, or both," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, and 1984,".

Sec. 104. Section 1(c)(2) of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)(2)) is amended: (1) by striking out "shall be 90 percent" and inserting in lieu thereof "shall be up to 90 percent"; and (2) by striking out "resources," and inserting in lieu thereof "resources, prepared by an interstate commission,"; and by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'interstate commission' means—

"(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267);

"(B) the commission established by the Pacific Marine Fisheries Compact (as consented to and approved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

"(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).".

Sec. 105. Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(4), as contained in the message to the House of Representatives and the Senate from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the United States on July 1, 1983.".

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provision of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel Norden (official number 584767) to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

Sec. 202. (a) Notwithstanding any other provision of law, a corporation which, as of March 1, 1983, is a citizen of the United States within the meaning of section 2 of the Shipping Act of 1916, as amended (46 U.S.C. 802) shall continue to be deemed a citizen of the United States within the meaning of said section and shall continue to be deemed an owner whose vessels are eligible for documentation under section 104 of the Vessel Documentation Act (46 U.S.C. 65b) notwithstanding the election and service of a resident alien as its president or chief executive officer; provided, such resident alien has, pursuant to the provisions of section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)), filed with the Immigration and Naturalization Service of the United States Department of Justice prior to July 1, 1983, an application to file declaration of intention to become a citizen of the United States.

(b) Any rights conferred by subsection (a) shall expire unless such resident alien has become a naturalized citizen by March 1, 1987.

PUBLIC BUILDINGS AUTHORIZATION ACT OF 1983

DANFORTH (AND BENTSEN) AMENDMENT NO. 1452

Mr. BAKER (for Mr. Danforth, for himself, and Mr. Bentsen) proposed an amendment to the amendment No. 1434 to the bill (S. 1287) to authorize appropriations for the Public Buildings Service of the General Services Administration for the fiscal year 1984, as follows:

On page 3, "Sec. 7." is amended to read as follows:

"Sec. 7. (a) The Administrator of General Services (hereinafter referred to as the Administrator) shall transfer the building (occupied by the United States International Trade Commission and the United States Postal Service) and the site thereof located between Seventh and Eighth Streets, and E and F Streets, Northwest, in the District of Columbia, to the Smithsonian Institution for the use of certain art galleries of the Smithsonian Institution. Notwithstanding any other provision of law, such transfer shall be without reimbursement.

"(b)(1) The Administrator, at the earliest practicable date, shall relocate the United States International Trade Commission in a quality building that the Administrator and the Chairman of the United States International Trade Commission jointly determine is suitable to its headquarters operations and in a location in downtown Washington, District of Columbia, which is convenient to its mission, to congressional committees, and to private groups that do business with it. The selection of the building shall be made with the concurrence of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The Administrator and the Chairman of the United States International Trade Commission shall each report separately in writing to the Committees on Environment and Public Works and Finance of the Senate and to the Committees on Public Works and Transportation and Ways and Means of the House of Representatives within 60 days of enactment of this Act and every 30 days thereafter on the progress in meeting the provisions of this section.

"(2) The Administrator, during the period which the United States International Trade Commission and the United States Postal Service continue to occupy the present building, shall repair such building to assure an adequate level of maintenance to prevent deterioration of the building, and to assure that conditions therein are safe, presentable and suitable to the normal operations of these agencies.

"(c) The transfer required by subsection (a) shall be made at such time when the Administrator and the Chairman of the United States International Trade Commission jointly determine that the use of the building by the United States International Trade Commission and the United States Postal Service is no longer essential.

"(d) The Administrator, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make the building suitable to house certain art galleries and related activities of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes."

METZENBAUM AMENDMENT NO. 1453

Mr. METZENBAUM proposed an amendment to the bill, S. 1287, supra, as follows:

At an appropriate place in the bill insert the following:

The Federal Building located at 550 Main Street, Cincinnati, Ohio, shall hereinafter be named and designated as the "John Weld Peck Federal Building." Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John Weld Peck Building."

DEFENSE DEPARTMENT AUTHORIZATION

KENNEDY (AND OTHERS) AMENDMENTS NO. 1454 THROUGH 1456

Mr. KENNEDY (for himself, Mr. Hollings, and Mr. Levin) submitted an amendment intended to be proposed by them to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, as follows:

At the end of the bill, add the following new section:

Sec.   . Notwithstanding any other provision of this bill, no funds are authorized for the research, development, testing, evaluation, procurement, or military construction of the MX missile, except that $279 million shall be authorized for research, development, testing and evaluation of the small follow-on missile, and $75 million shall be authorized for research, development, testing, evaluation of the "hard mobile" concept.

Mr. KENNEDY (for himself and Mr. Hollings) submitted an amendment intended to be proposed by them to the bill, S. 675, supra as follows:

At the end of the bill, add the following new section:

Sec.   . Notwithstanding any other provision of this bill, no funds are authorized for research and development, or procurement of the B-1B bomber.

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 675, supra as follows:

At the end of the bill, add the following new section.

Sec.   . Notwithstanding any other provision of this bill, the total funds authorized by this bill shall not exceed an increase of 5 percent real growth in budget authority over the amount appropriated for the programs authorized in the Defense Department authorization for fiscal year 1983.

AMENDMENTS TO THE DEFENSE DEPARTMENT AUTHORIZATION

Mr. KENNEDY. Mr. President, yesterday the Senate Armed Services Committee voted to report the Department of Defense authorization bill for fiscal year 1984. I voted against the measure because I believe it is the product of budgetary manipulation and because it provides funds for the MX missile, the B-1 bomber and other weapon systems that I consider wasteful or destabilizing.

When this bill comes to the floor following the July 4 recess I intend to offer three amendments:

An amendment to eliminate all funding for the MX missile except that associated with the development of the "small missile" and "hard missile" concepts.

An amendment to eliminate funding for the B-1 bomber.

An amendment to limit the increase in real growth in funding for defense to 5 percent over the fiscal year 1983 level.

DISABILITY AMENDMENTS OF 1983

LEVIN (AND COHEN) AMENDMENT NO. 1457

(Referred to the Committee on Finance.)

Mr. LEVIN (for himself and Mr. Cohen) submitted an amendment intended to be proposed by them to the bill (S. 476) to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes, as follows:

On page 2, strike out lines 6 through 19 and insert in lieu thereof the following:

"(7)(A) Except as provided in subparagraph (B), no benefits under this section, and no child's, widower's, or widow's benefit based upon disability, may be terminated on the grounds that the physical or mental impairment or combination of impairments on the basis of which such benefit was payable has ceased, did not exist, or is no longer disabling, unless the Secretary makes a finding that there has been a significant improvement in the individual's impairment or combination of impairments, or there have been advances made in medical or vocational therapy or technology which have directly benefited such individual, so that such individual clearly demonstrates the capacity to perform substantial gainful activity.

On page 3, line 10, before the semicolon insert ", if the Secretary has made a finding, based upon a complete vocational analysis which takes into account the individual's age, education, and work experience, that such individual clearly demonstrates the capacity to perform substantial gainful activity".

On page 4, line 3, after "evidence" insert ", including diagnostic tests,".

Beginning on page 4, line 15, strike out through page 6, line 3, and insert in lieu thereof the following:

"(d)(1) Any preliminary decision rendered by a State agency (or by the Secretary in the case where disability determinations are made by the Secretary as provided in subsection (l)) with respect to an individual's rights for a payment under this title, including any such preliminary decision regarding a new entitlement and any preliminary decision regarding termination of or change in an existing entitlement, in the course of which a determination relating to disability or to a period of disability is required and which is in whole or in part unfavorable to such individual shall contain a statement of the case, in understandable language, setting forth a discussion of the evidence, the preliminary decision, the reason or reasons upon which the preliminary decision is based, and a request that the individual, if he disagrees with the preliminary decision, appear personally and submit additional medical evidence. Such statement of the case shall be transmitted in writing to such individual. An individual (or a spouse, divorced spouse, surviving divorced spouse, surviving divorced father or mother, child, or parent, who makes a showing in writing that his or her rights may be prejudiced by such preliminary decision) must notify the Secretary within 30 days after notice of such preliminary decision is received by such individual of such individual's intention to appear personally and submit additional evidence. Failure to appear personally or to submit additional evidence shall not extinguish the right to a hearing under subsection (e) with respect to the same preliminary decision, but such failure to appear personally or to submit additional evidence shall be noted in the individual's case record. The Secretary may schedule a personal appearance for an individual no sooner than 15 days after the Secretary receives notice from the individual that such individual wishes to appear personally, unless the individual requests an earlier hearing date. The personal appearance shall be made at a place which is reasonably accessible to such individual.

"(2) A review of the preliminary decision under paragraph (1) shall include a review of the medical evidence and medical history available at the time of such preliminary decision, and any new medical evidence submitted, including evidence observed or received at the personal appearance. On the basis of such review the State agency or the Secretary may affirm, modify, or reverse the preliminary decision.

On page 7, lines 4 and 5, strike out "after review under paragraph (2)".

On page 7, line 8, after "review" insert "under paragraph (2) (or if no such review was requested, the individual whose disability was the subject of such decision)".

On page 8, lines 1 and 2, strike out "a decision under this section which has been affirmed after review under subsection (d)" and insert in lieu thereof "a decision under subsection (d)(4)".

On page 8, lines 11 and 12, strike out "notice that such decision has been affirmed after a review under paragraph (2)" and insert "notice referred to in subsection (d)(4) has been received by the individual making such request".

On page 17, line 7, strike out "and" at the end thereof.

On page 17, between lines 7 and 8, insert the following:

(3) in paragraph (1), by adding at the end the following new sentence: "In the event that the Secretary on his own motion undertakes a review of an allowance decision made on the basis of such a hearing, the additional period shall end with the month preceding the month in which a final decision of the Secretary is made.".

On page 17, line 8, strike out "(3) by" and insert "(4) by".

On page 20, line 10, strike out "medical signs and".

On page 20, lines 12 and 13, strike out "which show the existence of a medical condition that could reasonably be expected to produce" and insert "which demonstrate".

On page 20, line 16, after "individual" insert "and his treating physician".

On page 20, line 18, strike out "medical signs and".

On page 21, strike out lines 1 and 2, and insert "RESPONSE BY SECRETARY TO COURT DECISIONS".

On page 21, line 19, strike out "either".

On page 21, lines 20 and 21, strike out "all beneficiaries, or must request" and insert "all beneficiaries within the jurisdiction of that court, unless the Secretary requests".

On page 21, line 23, after the period add the following: "If the Supreme Court does not agree to review the case, the Secretary shall be bound by the decision within the circuit in which it was rendered until such time as the Supreme Court rules on the issue involved and reaches a different result.".

On page 22, line 1, insert "(1)" after "(b)".

On page 22, line 3, strike out "on or after" and insert "prior to, on, or after".

On page 22, after line 3 add the following:

(2) In the case of a decision referred to in paragraph (1) for which a request for review cannot be made by reason of the expiration, occurring prior to the date of the enactment of this Act, of the time for making such a request, the Secretary of Health and Human Services shall acquiesce in such decision in accordance with the provisions of subsection (a), but such acquiescence shall not apply (unless the Secretary acquiesced in such decision prior to such date of enactment) with respect to periods of time occurring, and applications filed, prior to such date of enactment.

MULTIPLE IMPAIRMENTS

Sec. 10. (a) Section 223(d)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(C) In determining whether an individual is able to engage in substantial gainful activity, the Secretary shall consider the combined effect of all of such individual's impairments, without regard to whether any one impairment would be considered severe when considered separately.".

(b) The amendment made by subsection (a) shall be effective with respect to determinations made on or after the date of the enactment of this Act.

Mr. LEVIN. Mr. President, today Senator Cohen and I are submitting for the Record an amendment which we will be offering to S. 476, our bill to amend title II of the Social Security Act. S. 476, which reforms the continuing review process in the social security disability program, was introduced by Senator Cohen and myself on February 15, 1983. As of today, we have 24 cosponsors. They are Senator Heinz, Senator Sasser, Senator Durenberger, Senator Boren, Senator Specter, Senator Kennedy, Senator Dixon, Senator Pryor, Senator Matsunaga, Senator Glenn, Senator Nunn, Senator Kasten, Senator Moynihan, Senator Cochran, Senator DeConcini, Senator Andrews, Senator Lautenberg, Senator Boschwitz, Senator Riegle, Senator Huddleston, Senator Hawkins, Senator Pell, Senator D'Amato, and Senator Quayle.

Since the time of introduction, we have conferred with many interested parties on the substance of our bill. Because several of the suggestions for improving the bill are so important, we have decided to place these amendments in the Record at this time. These amendments do not deviate from our intended purpose at the time S. 476 was introduced, they merely clarify and improve upon our earlier language.

Let me take this opportunity to urge the Finance Committee to focus its attention soon on this matter of vital importance to the severely disabled people in our country. The legislation we passed last Congress to continue the payment of benefits under title II disability through appeal to an administrative law judge expires on October 1. We must have something in place to correct the deficiencies in the disability reviews by that time. It is a complicated program with complicated problems, and we urge the Finance Committee to move quickly to consideration of its reform.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee and the House Small Business Committee's Subcommittee on SBA and SBIC Authority, Minority Enterprise and General Small Business Problems, will hold a joint oversight hearing on the small business development center program, on July 6, 1983. The hearing will begin at 8:30 a.m. and will be located in the north auditorium of the Federal Building, fourth floor, 915 Second Avenue, Seattle, Wash. For further information, please contact Robert Dotchin, Staff Director of the Small Business Committee, at 224-5175.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STAFFORD. Mr. President, much attention has been given recently to the decline in our Nation's public capital investment, with a rise in the backlog of need, both for new investment and the rehabilitation of existing investment. These public investment needs over the next 20 years have been estimated as high as $3 trillion. Yet, at the same time, the percentage of our gross national product spent on infrastructure continues to decline, and now stands at a level well below that of any other major western industrialized nation.

The Committee on Environment and Public Works will hold a hearing on Friday, July 15, 1983, to continue our evaluation of this Nation's infrastructure needs. The hearing will take place at 10 a.m. in room SD-406 of the Dirksen Senate Office Building. The bills that will be considered are: S. 23, S. 532, and S. 1330.

The Committee on Environment and Public Works has held 6 days of hearings so far during this Congress on the issue of infrastructure and jobs. As a result of those hearings, we reported S. 724, now pending under a re-referral agreement in the Committee on Energy and Natural Resources. But we have yet to act on the public investment portion of that package.

At the July 15 hearing, we expect to examine the recent infrastructure study developed by the Congressional Budget Office, as well as one undertaken by the U.S. Conference of Mayors and National League of Cities.

While it is our intention to hold this hearing to a restricted list of public officials, I invite persons and groups that did not testify during the previous hearings to contact the committee or to submit testimony, in the event time becomes available. They should contact Hal Brayman at 202/224-7866.

Once the hearing has been completed, I would hope that our committee may be able to consider these bills at a markup session.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Public Lands and Reserved Water. On Tuesday, July 26, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building, the subcommittee will receive testimony on the acquisition of land, and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management pursuant to the Taylor Grazing Act. (43 U.S.C. 315 et seq.), at the White Sands Missile Range, N. Mex. On Thursday, July 28, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building, the subcommittee will receive testimony on S. 5, to designate certain public lands in the State of California as wilderness, and for other purposes; H.R. 1437 and S. 1515, bills entitled the "California Wilderness Act of 1983."

Those wishing to testify at either of these hearings should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

SUBCOMMITTEE ON WATER RESOURCES

Mr. ABDNOR. Mr. President, I want to take this opportunity to advise my colleagues that the Subcommittee on Water Resources will hold a hearing on inland navigation projects and policy on Monday, July 18. The bills to be discussed will include S. 669, appropriate portions of S. 947, and S. 1554, the administration's bill that was introduced yesterday by Chairman Stafford.

As in the past, it will be my hope to accommodate as many people as possible in testimony.

Mr. President, this hearing will be the eighth hearing of the Subcommittee on Water Resources since April 22. These hearings have addressed the major water resources issues of cost-sharing, project authorizations, deepport user fees, urban water problems, and dam safety. To date, the subcommittee has received oral testimony from 47 witnesses from 16 States, including testimony from nine of my Senate colleagues.

In short, Mr. President, the subcommittee is laying the foundation for the development of an omnibus water resources act. The hearing scheduled for the 18th of July will continue this process. It is my hope that the subcommittee will begin before the August recess, to mark up such legislation.

The July 18 hearing will begin at 10 a.m. in room SD 406 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON NUTRITION

Mr. DOLE. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Nutrition will hold hearings on the commodity distribution program on Tuesday, July 12.

Specifically, the subcommittee is interested in receiving testimony on the effectiveness of the program; administrative problems encountered by USDA, the States, and local recipient agencies in program operations; the displacement of commercial sales; and the question of extension of the current program beyond the 6 months authorized in the jobs bill.

The hearing will begin at 9:30 a.m. in room 328-A Russell Senate Office Building.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION

Mr. COCHRAN. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices will hold a hearing on S. 1368, which would authorize the Secretary of Agriculture to issue marketing orders relating to the handling of eggs. The hearing is being held at the request of Senator HOWELL HEFLIN, sponsor of the legislation.

The hearing will be held on July 14 at 9:30 a.m. in room 328-A Russell Building.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SMALL BUSINESS: FAMILY FARM

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Small Business: Family Farm, of the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, June 29, to hold a hearing on the impact of Canadian imports on small family farm.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL COMMISSION ON SOCIAL SECURITY REFORM

Mr. DOLE. Mr. President, in March, during Senate consideration of the Social Security Amendments of 1983, I asked that a summary of the activities of the National Commission on Social Security Reform be included in the RECORD. It has been brought to my attention that this material was never printed, so at this time I ask that this summary be included in the RECORD.

The summary follows:

MEMBERS OF THE COMMISSION

APPOINTED BY THE PRESIDENT

Alan Greenspan, Chairman—Chairman and President, Townsend-Greenspan and Company, New York, NY. Dr. Greenspan is a distinguished economist and a former Chairman of the Council of Economic Adviser (under President Ford).

Robert A. Beck—Chairman of the Board and Chief Executive Officer, Prudential Insurance Company of America, Newark, NJ. Mr. Beck played an important role in developing the position on social security of The Business Roundtable and other important business groups.

Mary Faivey Fuller—Management Consultant, San Francisco, CA. Ms. Fuller was a member of the 1979 Advisory Council on Social Security.

Alexander B. Trowbridge—President, National Association of Manufacuters, Washington, D.C. Mr. Trowbridge was Secretary of Commerce under President Johnson.

Joe D. Waggonner, Jr.—consultant, Bossier Bank and Trust Company, Bossier City, LA. Mr. Waggonner was a Member of Congress from Louisiana in the 87th to 95th Congresses and was active in social security legislation as a member of the Committee on Ways and Means.

APPOINTED BY THE MAJORITY LEADER OF THE SENATE, IN CONSULTATION WITH MINORITY LEADER

William Armstrong—Senator from Colorado and Chairman of the Subcommittee on Social Security, Committee on Finance.

Robert Dole—Senator from Kansas and Chairman of the Committee on Finance.

John Heinz—Senator from Pennsylvania, Chairman of the Special Committee on Aging, and member of the Committee on Finance.

Lane Kirkland—President, American Federation of Labor-Congress of Industrial Organizations. Mr. Kirkland has, for many years, played an active role in the development of labor's position on social security.

Daniel Patrick Moynihan—Senator from New York and Ranking Minority Member of the Subcommittee on Social Security, Committee on Finance.

APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, IN CONSULTATION WITH THE MINORITY LEADER

William Archer—Representative from Texas and Ranking Minority Member of the Subcommittee on Social Security, Committee on Ways and Means.

Robert M. Ball—Visiting Scholar, Center for the Study of Social Policy, Washington, D.C. Mr. Ball was Commissioner of Social Security in 1962-1973 and held various positions with the Social Security Administration during the preceding 25 years.

Barber Conable—Representative from New York and Ranking Minority Member of the Committee on Ways and Means.

Martha E. Keys—Director of Educational Programs, The Association of Former Members of Congress, Washington, D.C. Ms. Keys was a Member of Congress from Kansas in the 94th and 95th Congresses and, as a member of the Committee on Ways and Means, was active in social security legislation.

Claude D. Pepper—Representative from Florida and Chairman of the Committee on Rules. Previously, he was Chairman of the House Select Committee on Aging and formerly was a Senator from Florida.

SUMMARY OF ACTIVITIES OF COMMISSION

On December 16, 1981, President Reagan promulgated Executive Order 12335, which established the National Commission on Social Security Reform. The National Commission was created as a result of the continuing deterioration of the financial position of the Old-Age and Survivors Insurance Trust Fund, the inability of the President and the Congress to agree to a solution, and the concern about eroding public confidence in the Social Security system.

The Executive Order provided that the National Commission should: ". . . review relevant analyses of the current and long-term financial condition of the Social Security trust funds; identify problems that may threaten the long-term solvency of such funds; analyze potential solutions to such problems that will both assure the financial integrity of the Social Security System and the provision of appropriate benefits; and provide appropriate recommendations to the Secretary of Health and Human Services, the President, and the Congress."

In carrying out its mandate, the National Commission met ten times, on approximately a monthly basis. Because of the brevity of the time in which to complete its work, the National Commission held no public hearings. However, it reviewed the results of the many hearings, studies, and reports of other public bodies, including Congress, the 1979 Advisory Council on Social Security, and the 1981 National Commission on Social Security. The National Commission on Social Security Reform sought the advice of a number of experts and thoroughly examined a wide variety of alternative approaches.

The Commission agreed that there was a financing problem for the Old-Age, Survivors, and Disability Insurance program for both the short run, 1983-89 (as measured using pessimistic economic assumptions) and long range, 1983-2056 (as measured by an intermediate cost estimate) and that action should be taken to strengthen the financial status of the program. The Commission recognized that, under the intermediate cost estimate, the financial status of the OASDI program in the 1990s and early 2000s will be favorable (i.e., income will significantly exceed outgo). The Commission also recognized that, under the intermediate cost estimate, the financial status of the Hospital Insurance program becomes increasingly unfavorable from 1990 until the end of the period for which the estimates are made.

The Commission studied a large number of options that would solve the financing problems of the Social Security program, both short-range and long-range. These are summarized in some 55 pages of its report.

The Commission was able to reach a consensus for meeting the short-range and long-range financial requirements, by a vote of 12 to 3.

The members of the Commission voting in favor of the "consensus" package agreed to a single set of proposals to meet the short-range deficit. They further agreed that the long-range deficit should be reduced to approximately zero. The single set of recommendations would meet about two-thirds of the long-range financial requirements. Seven of the 12 members agreed that the remaining one-third of the long-range financial requirements should be met by a deferred, gradual increase in the normal retirement age, while the other 5 members agreed to an increase in the contribution rates in 2010 of slightly less than ½ percent of covered earnings on the employer and the same amount on the employee, with the employee's share of the increase to be offset by a refundable income-tax credit.

A more complete description and rationale for the solution to the long-range financing problem supported by the Senator from Kansas is presented in the next section. The second following section gives an overall statement of the achievements of the Commission, as developed jointly by Congressman Conable, a member of the Commission and the Senator from Kansas.

SUPPLEMENTARY STATEMENT ON MEETING THE LONG-RANGE FINANCING REQUIREMENTS BY COMMISSIONERS ARCHER, BECK, CONABLE, DOLE, FULLER, GREENSPAN, HEINZ, AND TROWBRIDGE [1]

The recommendations made in the "consensus" package fail to meet the long-range goal of providing additional financing equivalent to 1.8 percent of taxable payroll. The shortfall is an estimated .58 percent of taxable payroll. We believe that this should be derived by a delayed, slowly phased-in increase in the "normal" retirement age (the age at which unreduced retirement benefits are available to insured workers, spouses, and widow(er)s—which is age 65 under present law).

The major reasons for this proposal are:

(1) Americans are living longer.

(2) Older workers will be in a greater demand in future years.

(3) The disability benefits program can be imporved to provide cash benefits and Medicare to those between age 62 and the higher normal retirement age who, for reasons, of health, are unable to continue working.

(4) Because the ratio of workers to beneficiaries is projected to decline after the turn of the century, younger generations are expected to pay significiantly increased taxes to support the system in the 21st century. An increase in the normal retirement age will lessen the increase.

(5) Given sufficient notice, coming generations of beneficiaries can adjust to a later retirement age just as earlier generations adjusted to age 65.

Although we believe that greater action in this direction may be desirable, we are suggesting only enough change to produce approximately the needed .58% of taxable payroll. The recommended change would apply only to the normal retirement age. Early-retirement benefits would continue to be available beginning at age 62 for insured workers and spouses and at age 60 for widows and widowers, but the actuarial reduction factors would be larger. The minimum age for eligibility for Medicare benefits would continue to be the "normal" retirement age for OASDI benefits. Disability benefits are now available under somewhat less stringent definitions for those aged 60-64. However, because some workers, particularily those in physically demanding employment, may not benefit from improvements in mortality and be able to work longer, we assume that the disability benefits program will be improved prior to the implementation of this recommendation to take into account the special problems of those between age 62 and the normal retirement age who are unable to extend their working careers for health reasons.

Under our proposal, the normal retirement age would be gradually increased—one month each year—to age 66 in 2015, beginning the phase-in with those who attain age 62 in 2000. Beginning with those who attain age 62 in 2012, the normal retirement age would be automatically adjusted (on a phased-in basis) so that the ratio of the retirement-life expectancy to the potential working-lifetime (from age 20 to the "normal" retirement age) remains the same over the years as it was in 1990. The estimated long-range savings of this proposal is 0.65% of taxable payroll.

ADDITIONAL VIEWS OF SENATOR ROBERT J. DOLE AND CONGRESSMAN BARBER B. CONABLE, JR.

When the National Commission on Social Security Reform was created on December 16, 1981, few people had real confidence in what the commission could accomplish. And little wonder. For the better part of a year, social security had been embroiled in political controversy. The system moved closer to insolvency as proposals for financial reform were subjected to partisan political attack. The 15 selected as commission members, moreover, embodied widely divergent views. At least to outsiders, these members probably seemed incapable of reaching any true bi-partisan consensus.

In the last several days, the commission accomplished what some said was impossible. With the cooperation and approval of President Reagan and House Speaker O'Neill, the commission forged a consensus reform package with broad bipartisan support. As detailed earlier in this report, the package is designed to close the short-term deficit identified by the commission, and go a long way toward closing the long-range deficit. It requires concessions from all of the parties who have a stake in social security—current and future beneficiaries, taxpayers, and government employees who do not now contribute to the system. While no one member is happy with every specific recommendation, the important fact is that a consensus was reached on how to save the sytem. The bipartisan reform package, which we plan to introduce into the Senate with Senators Heinz, Moynihan, and others, and into the House, merits speedy congressional action.

Agreeing on the essential provisions of a social security solution was by no means the only accomplishment of the commission. It should be noted that the commission reached unanimous agreement on the size of the short- and long-term deficits in the social security cash benefit programs (old-age and survivors insurance and disability insurance). That is, in concrete dollar terms, the commission quantified the seriousness and the urgency of the financing problem. In our judgment, $150-$200 billion is the amount required to keep the system (excluding medicare) solvent through 1990. Over the very long term, the next 75 years, the needs of the system amount to about $25 billion a year (in 1983 dollar terms) over and above currently scheduled tax income. Only a year ago, partisan lines were drawn between those who did and did not believe there was any financing problem at all before the year 2000.

In addition, the National Commission provided a valuable forum for the diverse views on social security. With the able leadership of Chairman Alan Greenspan and with the expert assistance of Executive Director Robert Myers, members of both political parties were able to work together in studying the social security financing problem and options for financial reform. The interests of the elderly, organized labor and business, and the general taxpayer were all well represented. In recent weeks, we engaged in intensive negotiations which were, to a large extent, absent of the political partisanship that so seriously damaged efforts for responsible reform in 1981.

Finally, we believe the commission's recommendations are significant in that they narrowed the range of realistic options for closing the deficits. Realistic options were not judged to include, nor was there any support for, proposals to reduce or eliminate benefits for people now on the rolls. Options under consideration involved restraining the growth of benefits in future years and providing additional financing through some form of revenue increase. Current and future beneficiaries should be reassured by the unanimously held view that social security is an important and vital program that must be preserved.

With these accomplishments under our belts, we in Congress are in a strong position to hammer out the details of legislation in the early months of the 98th Congress. The expiration of interfund borrowing and the likely inability of the retirement program to pay full benefits in July make prompt action essential.

THE FINANCING PROBLEM

While the commission report accurately reflects the size of the social security financing problem, perspective may be provided by some additional facts. Most importantly, without prompt Congressional action, the social security retirement program will not be able to pay benefits on time beginning in July. In fact, were it not for "interfund borrowing," authorized by Congress in 1981 to permit the reserves of each social security trust fund (old age and survivors insurance, disability insurance, and hospital insurance) to be used to help pay benefits from another, the retirement program would have stopped meeting its monthly payments on time two months ago. With the authority for interfund borrowing now expired (as of December 31, 1982), July is when all of the the money borrowed from the other two trust funds—$17.5 billion in total—finally runs out.

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[1] Source: Report of the National Commission on Social Security Reform, January 1983.

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Reauthorizing interfund borrowing cannot help the retirement program for long. The retirement program is so large—accounting for 73 percent of all social security spending—and its borrowing demands are so heavy, the rest of the system could be insolvent before the year is out. The Social Security Board of Trustees, the Congressional Budget Office, and a wide variety of private actuaries and economists all agree that additional trust fund revenues must be provided or savings must be achieved if the social security system is to remain solvent through the remainder of this decade.

While it is the short-term financing problem that is immediately pressing, the long-term financing problem is equally serious, if not more so. The Social Security Board of Trustees reports that the combination of the baby-boom generation retiring and gradually lengthening lifespans will lead to a dramatic increase in the cost of social security—about 55 percent between 2005 and 2035 alone. In the year 2035, when the young people of today are beginning to retire, the actuaries expect that the elderly population will account for 21 percent of the overall population (as compared to 11 percent today), and the typical 65 year old will have a life expectancy of 17 years (as compared to 14.5 years today). The effect will be to decrease the ratio of taxpayers to beneficiaries from just over 3:1 today to 2:1, helping to generate the enormous long-term deficits we now foresee.

According to the social security actuaries, the long-term deficit in the non-medicare social security programs is 1.8 percent of taxable payroll. This is the figure adopted by the National Commission. To translate, it means that over the next 75 years, the actuaries project that benefits will outstrip payroll tax income, in dollar terms, by about $25 billion per year, or $2 trillion in total (expressed in 1983 dollar terms). Including medicare, the long-term deficit has been estimated at 7.01 percent of taxable payroll, or nearly $8 trillion in total.

HOW MUCH DOES THE SYSTEM NEED?

How much the system needs in additional financing depends on how we expect the economy to perform in the years ahead and how much of a "safety margin" is accumulated in reserves. Each set of forecasts provides a different view of the needs of the system, as illustrated in the table below.

ADDITIONAL RESOURCES REQUIRED IN THE NEAR-TERM TO BRING OASDI RESERVES UP TO CERTAIN LEVEL [1]

[In billions]

	Additional resources required [2]		
	CBO	1982 trustees' intermediate (II-B)	1982 trustees' pessimistic assumptions
Percent of 1 year's expenditures desired at beginning of 1990:			
9 percent (1 mo)	56.6	62	187
13 percent	68.7	70	195
15 percent	74.7	74	200
20 percent	89.9	88	216
30 percent	120.1	113	246
50 percent (6 mo)	180.7	163	303

[1] Table includes the effects of the Tax Equity and Fiscal Responsibility Act of 1982. Target reserve levels are attained in even annual increments.

[2] CBO estimates and Trustees' estimates are not directly comparable because CBO numbers include added interest on larger trust fund balances, while Trustees' numbers do not.

The commission settled on $150-200 billion as the amount required in the years 1983-89 to ensure the solvency of the system through 1990. This is roughly consistent with achieving a reserve ratio (reserves relative to annual outgo) of 15 percent by 1990, under the 1982 Board of Trustees' pessimistic assumptions.

Several points are worth noting in this regard. First, planning for a low growth decade is prudent in light of the experience during the 1970s. (The pessimistic assumptions in the 1982 Board of Trustees Report project the economy will perform much like in the past 5 years.) The failure to anticipate, both in 1972 and 1977, that prices would grow more rapidly than wages, and therefor benefits would grow more rapidly than tax income, is why we are in the situation we are in today. Second, a reserve ratio of 15 percent is not, in and of itself, a "goal". At this level, reserves would be lower than at any point in history. Accumulating considerably larger reserves is desirable, although this would be difficult to do very quickly. We believe we express the views of all members of the commission when we say that it is our hope that the economy will perform better than we assumed when we made our estimates and that a larger reserve cushion will accumulate. Finally, if the medicare program were under consideration as well, the reserve needs of the system would be considerably higher.

NOT A NEW PROBLEM

Given the partisan debate that raged over Social Security in 1981, some people may have lost sight of the fact that the financing crisis is *not* a new problem. Trust fund reserves have been on a down-hill course for years. As Table 1 indicates, prior to 1970, there were always reserves on hand capable of financing a year's worth of benefits or more—that is, reserves equal to 100 percent or more of annual outgo. By 1976, reserves had fallen to 57 percent of outgo, and today, the combined reserves of the system stand at about 15 percent of annual outgo, only 8 weeks worth of benefits. The situation is even worse, at least today, when medicare is excluded.

TABLE 1.—HISTORICAL OASDHI RESERVE RATIOS, 1950–83

[Assets at the beginning of each year as a percent of outgo during the year]

Calendar year	Trust funds				
	OASI and DI combined	OASI	DI	HI	OASDHI
1950	1,156	1,156			1,156
1955	405	405			405
1960	186	180	304		186
1965	110	109	121		110
1970	103	101	126	47	95
1971	99	94	140	54	93
1972	93	88	140	47	87
1973	80	75	125	40	76
1974	73	68	110	69	73
1975	66	63	92	79	69
1976	57	54	71	77	60
1977	47	47	48	66	50
1978	37	39	26	57	40
1979	30	30	30	54	34
1980	25	23	35	52	29
1981	18	18	21	45	23
1982	15	15	17	53	22
1983 [1]	11	8	11	39	16

[1] Estimated using Trustees' intermediate (II–B) assumptions.

Source: 1982 OASDI and HI Trustees' Reports.

TABLE 2.—HISTORICAL LEVELS OF OASDHI TRUST FUND ASSETS, NUMBER OF MONTHS' WORTH OF BENEFITS ON HAND

Calendar year	Number of months' worth of expenditures on hand at beginning of year		
	OASDI	HI	OASDHI
1950	138.7		138.7
1960	22.3		22.3
1965	13.2		13.2
1970	12.4	5.6	11.5
1975	8.0	9.4	8.3
1980	2.9	6.2	3.5
1982	1.8	6.3	2.6

Among other public groups to report in the last 5 to 10 years, the social security advisory councils of 1975 and 1979, an expert consultant panel of actuaries and economists, reporting in 1976, and President Carter's Commission on Pension Policy and the National Commission on Social Security, both reporting in 1981, all underscored the seriousness of the short- and long-term financing problem. Social security's financing problem dates to the early 1970's and even earlier, when Congress increased benefits and expanded eligibility without facing up to the cost of doing so.

THE TIME FOR ACTION IS NOW

There is no denying that we have a big job ahead of us in Congress. We face many difficult decisions as to the details of the legislation, and the adequacy of the measures proposed. The balance of the long-term deficit will also have to be addressed. In our view, a balanced solution to this problem will involve bringing the cost of social security into line with the ability of our working population to finance the system. The tax burden is already heavy, and the confidence of young people critically low. As reflected in the additional views, a majority of commission members recommends increasing the retirement age, for people retiring in another 20 or 30 years, as an equitable way of reducing long-range costs.

The American people—the 36 million people receiving benefits as well as the 116 million working people who support the system—deserve more than another "quick fix" that holds the system together until the next crisis comes along. They deserve the speedy consideration of this bi-partisan package of recommendations. Confidence in the long-term viability of social security will only be restored by enacting measures that put the system back on a sound financial footing and do so without imposing an unrealistic tax burden on present and future workers.

Within a matter of weeks, the House Ways and Means Committee and the Senate Finance Committee will begin the task of weighing the options and then drafting social security financing legislation. We feel confident that the essential elements of the reform package we now recommend, as endorsed by President Reagan, Speaker O'Neill, Majority Leader Baker and others, will be adopted by the Congress and enacted into law by May. Moving quickly to shore up the nation's largest domestic program is in all of our interests.

STAFF OF THE COMMISSION

Finally, the Senator from Kansas would like to pay special tribute to the fine staff of the National Commission. Under the able leadership of Robert J. Myers, who served as Executive Director, the staff labored long and excellently in providing us with comprehensive explanations of the complex issues involved and the possible methods of solving the financing problem. The staff's expertise on social security matters was invaluable to the work of the Commission. Their part in this great and successful endeavor is greatly appreciated.

The professional staff of the National Commission included: Robert J. Myers, Executive Director, Nancy J. Altman, Merton C. Bernstein, E. Annette Coates, Suzanne B. Dilk, Renato A. DiPentima, Susan A. Dower, Elizabeth T. Duskin, Timothy J. Kelley, Eric R. Kingson, Edward F. Moore, Virginia P. Reno, Bruce D. Schobel, and Carolyn L. Weaver, who, I should add, also covered social security matters for the Senate Finance Committee.

SHERIFFS COMMENT ON PRISON STUDY

● Mr. SASSER. Mr. President, during the past month much attention has been given to the crisis-level condition of American prisons and prison populations, and what Federal, State and local governments ought to do about this condition. Overcrowded and understaffed, the local jail and what we do about it represents one of the most serious law enforcement challenges confronting us in the immediate future.

In a comprehensive report on this situation entitled "Jails: Intergovernmental Dimensions of a Local Problem," the U.S. Advisory Commission on Intergovernmental Relations, on which I serve, made a series of recommendations regarding the problem. First and foremost among these is that the Federal role should not be expanded and that if there is to be Federal involvement in this area, it should be based on a clear and convincing national need and the Federal involvement serve a concise national purpose.

Shortly after the release of the ACIR report, I addressed the annual conference of the National Sheriffs Association (NSA) in Nashville, where a number of sheriffs emphasized to me points which the NSA had raised about the ACIR report.

The sheriff in America probably has more to do in dealing with prisons and prison populations than any other law enforcement official. As such, the sheriff's observations on any report concerning itself with prisons deserve close attention.

In general, the sheriffs welcome the thrust and the recommendations of the ACIR report. There are several points raised by the sheriffs, however, which deserve the scrutiny of lawmakers at all levels of government.

For these reasons, I ask that a statement of observations on the ACIR report by the National Sheriffs Association be printed in the RECORD at the conclusion of my remarks and that an ACIR release which summarizes the report accompany the sheriffs' statement.

These two documents should help to illuminate understanding of a problem that deserves both attention and action.

The statements follow:

COMMISSION SAYS NO TO EXPANDED FEDERAL ROLE IN LOCAL JAILS

Many jails are in a state of crisis, agreed members of the Advisory Commission on Intergovernmental Relations at their June 16 meeting. There was no disrupting the fact that a substantial number of local jails are overcrowded, frequently house inappropriate populations, and sometimes do not meet basic constitutional standards. However, in the Commission's view, the solution to this crisis lies in a strong state/local partnership, not increased federal financial assistance. The Commission therefore voted against establishing a national commission on corrections practices and said that an expanded federal role in such traditionally local areas as jails should be based on a clear and convincing demonstration of national purpose. Without such a demonstration, no new federal program should be established.

The Commission also called for a more balanced, less prescriptive federal judicial role with regard to local jails. The Commission stated its belief that federal (and state) courts should confine their role to insuring that appropriate legislative and executive officers produce reasonable plans for bringing unconstitutional institutions into compliance. In recent years, the courts have taken extremely specific stands demanding compliance with court-designed plans. "One of the major problems with court orders is that they are aimed at specific constitutional violations as opposed to the systemwide reforms that are almost always required," testified Baltimore County Councilman John O'Rourke at the ACIR hearing on jail reform. On behalf of the National Association of Countries, Councilman O'Rourke agreed that the courts role should be less intrusive. On the morning of the Commission's meeting, ACIR called seven expert witnesses to testify about local corrections—all stated that indeed the local jail crisis exists and that specific steps are needed to put these local houses of corrections in order.

Commission members agreed that a series of reform measures were necessary. Although ACIR could not support an expanded federal role, the Commission did recommend continued federal efforts in the areas of corrections research and development, in training local correctional personnel, and in providing technical assistance and information to local agencies. Further, the Commission recommended amending the Federal Property and Administrative Services Act of 1963 so that the national government may donate surplus property for corrections purposes.

The strengthened state/local partnership to improve jail conditions recommended by the Commission includes a series of steps states can take to alleviate the burdens local governments must bear. In the Commission's view, states should:

Adopt guidelines for removing certain populations from local jails when practicable—for example, the young, the mentally ill and the publicly inebriated are all too often, research reveals, placed in jail as a last resort;

Adopt sentencing guidelines based on legislatively-predetermined population maximums at the state and local levels;

Fairly compensate localities for housing state prisoners;

Encourage localities to make increased use of community-based alternatives for punishing offenders of less serious crimes and to expand the use of pretrial release when there is a reasonable expectation that public safety will not be threatened. Also, states should enact defendant-based percentage bail laws to ease the financial burden of bail on poor defendants; and,

Allow local correctional facilities to contract with private companies so that inmates can produce certain goods and services as long as they are not directly competing with private sector goods and services.

The Commission recognized that, fundamentally, jails are a local responsibility and that setting basic standards for their operation first lies with local governments. Because states are also responsible for ensuring that these facilities meet basic constitutional standards, they should, if they have not already done so, set standards (in consultation with local officials) to protect basic constitutional rights. Further, where lacking, states should establish state correctional commissions to develop comprehensive policies.

The Commission recommended that local governments upgrade their jail personnel practices and management where necessary. Also, localities should make provision for academic training for inmates or, at a minimum, provide access to local facilities, such as libraries.

ACIR's recommendations on jail reform were based on the findings from its study, Jails: Intergovernmental Dimensions of a Local Problem. Following consideration of this study, the Commission received oral reports on the status of general revenue sharing renewal legislation; a subcommittee meeting on the Constitution and Federalism; and pending bills to change ACIR's membership. The Commission is expected to meet again in September.

ACIR is the national, bipartisan commission established by the Congress in 1959 to monitor intergovernmental relations and make recommendations for change. Its members includes federal, state and local elected and appointed and private citizens. Dr. Robert B. Hawkins of Sacramento, California is chairman.

NSA OBSERVATIONS ON RECOMMENDATIONS OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS JAILS: INTERGOVERNMENTAL DIMENSIONS OF A LOCAL PROBLEM

The Advisory Commission on Intergovernmental Relations (ACIR) is to be commended on its thorough job of jail research. The people might disagree with the recommendations or agree; some would argue for a prioritizing of the issues. The National Sheriffs' Association is grateful for the opportunity to participate in the Commission's deliberation on Jails: Intergovernmental Dimensions of a Local Problem.

The recommendations would indicate a good deal of thought and consideration has been given to their formulation. In general NSA concurs with the thrust, but we would like to make observations on recommendations which we feel could benefit by deleting or amending certain portions.

RECOMMENDATION A.2: KEEPING INAPPROPRIATE POPULATIONS OUT OF JAILS.

NSA has been a member of the National Jail Coalition since its inception and as everybody knows its reason for being is to remove the juvenile, the mentally ill and re-

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tarded, and publicly inebriated detainees from jails to more appropriate settings for treatment and/or confinement. The recommendation is weakened by the inclusion of the words "where resource constraints render these proposals impracticable etc.". Groups for years, including NSA, have agreed that this action should be taken, but all too often nothing is done. A recent article in Federal Probation in reference to confining the mentally ill in jail made the point that since progress has not been made that Jail Administrators, etc. should just accept the fact that the mentally aberrant will be confined in jails and opt for a jail treatment model. (i.e., mental health counselors who work for the Jail or some other forms of community resources provided). This last sentence is nothing but a "cop out" for things can be accomplished if priorities are set right. It is interesting to note that last year in the Harper case, the West Virginia Supreme Court ordered that chronic alcoholics no longer be confined in jails even though public drunkenness in West Virginia is still a crime. Realizing the dearth of resources to deal with the problem, the Court ordered the State to make available some 14 million dollars through a State Department of Health to develop alternative counseling and treatment centers.

RECOMMENDATION A.5: REMOVING STATE PRISONERS FROM LOCAL JAILS

Most Sheriff's would say "it's about time!" We agree that jails should be properly reimbursed for holding state prisoners, for often counties are grossly underpaid. Recently on a trip to Autauga County, Alabama we learned that the Sheriff was reimbursed by the State at the rate of $1.75 per day for each state inmate in the Autauga County Jail.

We feel, however, that this recommendation is too weak. We propose a clause which says, in effect that "no more than 20% of the jail's population shall be state prisoners without the express approval of the Sheriff". Further, any money derived by local governments from this kind of arrangement should go directly into the jail budget of the Sheriff and not into the county general fund. This was one of the main factors in the crowding of the New Jersey jails—the state gave the money over to the Boards of County Freeholders. The Sheriff of Monmouth County, New Jersey got fed up and finally sued the State Department of Corrections in an attempt to force the removal of nearly 200 state sentenced inmates from the crowded county jail. (Page 10 of The Pre-Trial Reporter, December 1982). Part C—Standards and State Assistance.

RECOMMENDATION C.1: STATE STANDARDS, MONITORING, AND REIMBURSEMENT

We think that this recommendation could be made stronger. States should be urged to enact legislation providing funding for jail renovation and capital construction and technical assistance. Once the state has agreed to provide the money, it should insist upon jail standards which are mandatory. In this regard the powers of state jail inspectors should be increased which would enable the inspectors to compel compliance without the necessity of getting a court order. Failure to comply would mean the withdrawal of state support and failure to comply with *life safety* standards would be basis for closing the jail down.

RECOMMENDATION C.2: UPGRADING JAIL PERSONNEL

This is a good recommendation. We feel it could be improved by the inclusion of another sentence which would further explain the last clause "pay particular attention to personnel and training in mandating standards for local jails". States should be encouraged to appoint jail advisory training committees composed of Sheriffs and jail staffs to guide the development of implementation of such training. In states involved in correctional training, it is often left up to the State Department of Corrections staff who reasonably have more interest in state institutions than they do jails. Often state trainers have never worked in a jail. There is a big difference between a jail and a prison and a considerable difference in the kinds of problems confronting people who work in them. For example, more than 6,000,000 people are processed through American jails in contrast to penal institutions where prisoners will be there for a considerable length of time. The jail suicide rate is 3½ times higher than the national average and much higher than experienced in state prisons. Accordingly, good training would indicate a great deal more time spent on suicide prevention techniques with jail officers.

Recently, Supreme Court Justice Burger at Pace University in New York City said institutions should be involved as training schools and factories with fences instead of "human warehouses". Justice Burger addressed areas touched on in Recommendation C-5. NSA would like to emphasize the point made by the Chief Justice in regards to:

Cooperation by leaders of business and labor in the development of programs designed to produce goods in the jail and prison setting. NSA feels this would help to eliminate a great deal of idleness, frustration and dead time with which many prisoners are now confronted.●

VOICE OF AMERICA

● Mr. LAXALT. Mr. President, the Voice of America has a mandate from this body—expressed in the VOA Charter, signed into law 7 years ago—to "present the policies of the United States clearly and effectively." I am pleased to say that VOA is taking effective steps to meet this mandate in its editorial program begun 1 year ago on June 1 under the leadership of USIA Director Charles Z. Wick; the former Director of VOA, John R. Hughes; and continued under current VOA Director Ken Tomlinson. Daily editorials are broadcast in English and in 41 other languages worldwide—to Eastern Europe, the Soviet Union, Afghanistan, Latin America, and elsewhere. These brief broadcasts replace the old, less clearly identified, VOA commentaries. And that in turn ensures that listeners know where the news ends and where the expressions of opinion, reflecting U.S. policy, begin.

I think that taken together with the VOA mandate to represent the news accurately and reliably, nothing could be more important in countering Soviet misinformation, and disinformation, about this country. I should like to have printed in the RECORD a few of these editorials to let the American people know that the principles we stand for, and the policies we are pursuing, are indeed being conveyed to the people of the world.

The editorials follow:

WHAT TERRORISM WILL NOT DO (OLE 17)

Announcer: Next, a VOA Editorial, reflecting the views of the U.S. Government.

Voice: There are limits to how much can be added to what is already known about the nature of terrorist acts such as Monday's bombing of the American Embassy in Beirut. Indeed, after a certain point, these carefully planned demonstrations of savagery make the words used to describe them lose their meaning.

But there is something that can and should be said about the impact of terrorism. Terrorism is, by its nature, a public action. It is a tactic that uses the sacrifice of innocent individuals for its shock value. That people's lives are taken or threatened is almost incidental. The terrorist is simply interested in the political reaction that hurting his victims will produce.

We don't know yet how many innocent people were killed and injured in the bombing of our Embassy in Lebanon. We are still searching for bodies and looking for survivors. But we do know that this act of terrorism—and others like it—will not achieve any larger purpose. We will not allow terrorism—in the Middle East or elsewhere—to alter our policy one iota. Not one iota.

It is not to spite the terrorist that we have adopted this policy. It is because we consider it the best defense against this tactic. We and other governments are well aware of how difficult it is to prevent terrorist acts from being committed. There are always people with a sadistic streak, or those with a psychological need for attention. But most terrorist groups claim that they are not unbalanced. If so, our defense is a strong one.

Because we can make sure that there is no rational reason for the terrorist to believe that his actions will bring about the political results he wants. We will not respond to acts of terrorism—except with added vigilance and increased determination to find the perpetrators.

We acknowledge that terrorism can inflict terrible private suffering. We share the grief of the families of the victims. But terrorism can have a public impact only if we let it. And that we are determined not to do.

Announcer: That was a VOA Editorial, reflecting the views of the U.S. Government.

GETTING TOUGH (OPL 03)

Announcer: Next, a VOA Editorial, reflecting the views of the U.S. Government.

Voice: Poland's military leaders have responded to last week's May Day demonstrations of popular support for Solidarity with a new wave of repressive activity. It is exactly the wrong response. Unfortunately, it is very much in character.

Actually, the new repressions started before the May Day demonstrations ended. Police attacked pro-Solidarity demonstrators with tear gas, water cannon and truncheons. One man was reportedly killed in the city of Nova Huta, where the big Lenin steel mill is located.

But demonstrators are not the only targets. A gang of thugs reportedly broke into the Convent of the Franciscan Sisters in Warsaw Tuesday evening and beat up workers there who have been helping the families of interned Solidarity activists.

Another target is the internationally acclaimed Polish filmmaker, Andrzej Wajda, whose motion pictures include "Man of Iron," the award-winning film about the rise of Solidarity. Mr. Wajda was dismissed by the government from his position as head of the Warsaw film association. And the government's official spokesman is once again engaging in public criticism of Solidarity's former leader, Lech Walesa—which is a good indication that popular support for Mr. Walesa continues to be strong.

The Polish authorities have evidently learned nothing. They still think that if they just act tough enough, they will intimidate Solidarity's supporters and the reform movement will finally fade away.

But threats didn't stop Solidarity. Martial law failed to put an end to support for the independent unions. Police violence hasn't silenced the Polish people. And, as the Polish bishops demonstrated by issuing a list of demands to the government on Thursday, the Roman Catholic Church in Poland refuses to abandon the people's cause.

It is time the military authorities in Poland—and their Kremlin sponsors—understood one essential point: their repressive tactics have only served to increase the polarization between the people and the government. Rather than helping the country return to normal, they have prevented it.

It is time the military authorities tried conciliation. However dubious they may be about it, they surely must see that their current pressure tactics will never work.

Announcer: That was a VOA Editorial, reflecting the views of the U.S. Government.

SMALL BUSINESSES, BIG REWARDS (80033)

Announcer: Next, a VOA Editorial, reflecting the views of the U.S. Government.

Voice: Louis Ruiz and his son, Frederick, are the owners of a small California business that makes Mexican-food products. They are accustomed to hard work and long hours. They are not accustomed to the spotlight of public attention. But last week, that is exactly what they got. In a White House ceremony in Washington, their small business was honored as America's National Small Business of the year.

Mr. Ruiz was born in Mexico. He and his U.S.-born son started their business by themselves in 1964. It was a risky venture. But it is succeeding. Indeed, it has succeeded so well to date that it now employs more than 200 people. Last year, the Ruiz business sold almost ten million dollars worth of its products.

Small businesses may seem insignificant compared to huge, well-known corporations. But in fact, they are an important part of our economic system—and that of other free-market countries. Small businesses produce vital goods and services—accounting for about forty percent of national production in the United States. And small businesses produce jobs—about one-half of all employment in this country's private sector.

Small businesses contribute to their countries' development and prosperity in other ways, as well. Many innovative ideas for production and technology come from small businesses, which compete with bigger, established firms by finding new products, services, and methods to meet customer demand. Just a few successful examples of small businesses' successful ingenuity are the zipper, the aerosol can, and the heart pacemaker.

Running a small business can be risky. It can fail. But it can also be rewarding—as the Ruiz family, its employees and customers know. And when a country pursues policies that encourage the development of small businesses, it can expect rewards as well—innovation, employment, and productive activity.

Countries with free-market systems know this. But even some communist countries are now recognizing it too, as they allow the existence of small private farming and shops as a way to save their struggling economies. Nations which seek to develop need to do as much, and more: small businesses should be permitted to exist—and to expand. This is one way to promote economic growth—and to spread a society's wealth among all its people.

That was a VOA Editorial, reflecting the views of the U.S. Government.●

KTW

● Mr. EAST. Mr. President, organizations that oppose the common law and constitutional rights of Americans to keep and bear arms have launched a campaign to ban "cop-killer bullets." Many sincere Americans and some of my colleagues support legislation aimed at achieving this seemingly worthy objective.

Before we rush to enact such legislation, I hope my colleagues will consider the technical problems with such proposals. I ask that an article by Warren Cassidy that appeared in Reports from Washington of June 30, 1983 and an article by Neal Knox from the July-August 1983 Handloader magazine be printed in the RECORD.

The articles follow:

[From Handloader magazine, July-August 1983]

THE KTW FLAP

(By Neal Knox)

The controversy over KTW or armor-piercing bullets is a tempest in a teapot, a great wringing of hands over a nonexistent problem. These bullets can penetrate the light body armor that police wear; what makes them a nonproblem is that not one has penetrated armor while someone wore it. The "cop-killer" bullets that antigun organizations, publicity-seeking congressmen, and the news media have assaulted so furiously have never killed a cop—or even wounded one—by penetrating light body armor. But this situation may change now because of the mass education of crooks that has resulted from the furor.

Once again, the antigun forces have capitalized upon public ignorance about firearms and have assigned mystical properties to some elemental laws of physics. The "magical property" of the KTW bullet was supposedly its DuPont Teflon coating, an excellent lubricant that was said to allow the bullet to slide through the fibers of the vest. I even saw a press bulletin that told the public that the "problem" had been solved because DuPont refused to allow any more Teflon to be sold to bullet makers.

Certainly, the KTW bullet, the French Arcane, or any other pointed, hard, fairly fast bullet—with or without a lubricant coating—can penetrate light body armor and could thus kill an officer. But so can a knife or an ice pick.

Handgun Control Inc., as part of its endless efforts to find a soft spot through which to attack the ownership of handguns, has launched a series of page-deep ads in major newspapers across the country. Those ads make it appear that no reasonable person could oppose a ban on "cop-killer" bullets, that in fact anyone who does oppose such legislation is in favor of killing cops.

"The police want them banned," the ads proclaim; "The NRA doesn't." Some NRA members have told me that they were embarrassed to belong to an organization that takes such an unreasonable position—which is precisely what Handgun Control Inc. had hoped to achieve.

Of course, the ads don't mention that technical experts who testified for the BATF, Secret Service, and FBI during hearings on the so-called cop-killer-bullet bill last year all testified against it. They pointed out that the bill would have no real effect on crime—but that legislation of the type that was envisioned would make countless types of other ammunition illegal, since many standard loads are also capable of penetrating light body armor.

The NRA Institute for Legislative Action has had a terribly difficult time opposing anti-KTW legislation. The institute's difficulty is this: no honest citizen has a need for a bullet that is designed to penetrate body armor, but many of us do have legitimate reasons for owning and using ammunition that can do it but was designed for other purposes and uses; if ILA starts telling how easy it is to defeat such armor—and the kinds and types of loads that can do it—there are going to be some police officers killed. ILA doesn't want to have any part in teaching hoods how to kill cops. Such problems obviously don't worry outfits like Handgun Control Inc, but they do worry the NRA.

As most knowledgeable hand-loaders know, light body armor comprises about eight (Type I) to sixteen (Type II) layers of woven Kevlar, a super-strong fiber used in the manufacture of automobile tires. Almost any hard, pointed high-velocity handgun bullet can penetrate it. So also can any centerfire-rifle bullet, including most of those that the Contender pistol is chambered for (which would, under the language in some bills, make even a .30-30 round illegal to possess), and so can any shotgun load. And while really powerful soft nosed handgun loads such as the .41 Magnum or .44 Magnum may not penetrate the vest, they can kill its wearer anyway, through blunt-shock trauma.

As soon as the KTW flap started, almost two years ago, the man who had conceived and developed the light vest called me, angry and horrified about what the publicity would do to remove the protection that the vests have given officers. He said that it had never been his intention, nor the other developers', to provide total protection against everything, for that would have meant a heavy, cumbersome "flak jacket" that the officer would wear ony in times of obvious need but would be too uncomfortable for every-day wear.

The object, he said, was to achieve a compromise between comfort and protection against the "perceived threat." The main threat to the officer is his own gun, which is used to kill about twenty percent of those officers who die by gunfire. At the time—a dozen or so years ago—most officers were armed with .38 Specials, so the light Type I vest was designed to stop that relatively low-powered bullet. When police began to be armed with higher-powered guns, principally the .357 Magnum, the perceived threat became greater, and the less-comfortable Type II and IIa vests were developed.

The rarely seen KTW bullet was available when light body armor was developed, and the people in the Police Standards Bureau knew about it. They also knew that the KTW and a bunch of other bullets would go through the vest as if it was a cotton T-shirt. But the Type II vest can stop about eighty-five percent of the available handgun bullets, and that is a remarkable achievement for armor that is light enough to be worn regularly and routinely.

My old friend—who is a handloader and a long-time reader of Handloader—was justifiably proud of the perceived-threat compromise that he and his colleagues had worked-out, for some four hundred police officers have been spared death or serious injury because of his imaginative developmental work—and some generous congressional funding.

But he fears, as I do, that the education of crooks as a result of the KTW flap will cause more deaths as thugs learn that so many officers are wearing vests that offer no protection against either more-powerful armament or a bullet between the eyes.

Most robbers have generally armed themselves with small, low-powered handguns that fire soft, low-velocity bullets that the Type I vest can easily stop—and that are also usually survivable even without the vest. As you know, and I'm afraid that many potential assassins have learned, if the attack upon President Reagan had been made with something more powerful than a .22 rimfire—such as the 9mm Parabellum used in the attack upon Pope John Paul—the results would unquestionably been far, far worse.

Therefore, for years, I have been appalled by the foolish attempts of misguided, ignorant people to prohibit the manufacture, sale, and possession of small low-powered handguns—the so-called Saturday-night specials. If they were to be eliminated by the wave of a magic wand—laws having no such magical power—the certain result would be a mass turn to only slightly less concealable but more-powerful handguns or (Heaven forbid!) more sawed-off shotguns. And if anyone doubts that they aren't concealable, I invite him to observe the faint bulges caused by the machine guns carried under the unbuttoned coats of the Secret Service agents who protect the President.

While President Reagan was speaking at the NRA meetings in Phoenix, he briefly touched upon KTW legislation, suggesting that there be a stiff, mandatory additional sentence for anyone using "or possessing" ammunition that is "designed to penetrate" light body armor while he commits a crime of violence. With some tightening of the language used, we gun owners would have no objection to such legislation, for it's already against the law for anyone to rob or to murder, with or without a gun, and the penalties that are usually pronounced are deplorably light.

However, any such federal legislation should be limited to federal jurisdictions, for—in the first place—the federal government has no constitutional basis for invading the domain of states' police powers. And in the second place, the Justice Department won't bring charges when state laws against robbery, murder, and the like have been violated; that's why no charge is brought against a robber who uses a federally illegal sawed-off shotgun or machine gun to rob a liquor store.

Further, if possession is to become a federal felony with a mandatory sentence, it should be carefully spelled-out as "possession as an element of the offense"—a bullet designed to penetrate armor, loaded in a gun used in committing the violent offense—and the gun or cartridge would be considered to have been used if it was an element of the crime of violence, whether or not the trigger was pulled.

Such nit-picking is necessary to prevent something like this: an off-duty police officer, let's say, who beats-up a guest for making a pass at his wife, and gets sent to prison for five years because his service revolver, loaded with KTW bullets, is hanging on a hook by the door. Don't scoff that this is a far-fetched scenario; I know a man—a school teacher, a respected member of his community—who was sentenced to five years in a federal penitentiary for the possession of a target rifle, which was prohibited to him under the gun-control act because he had been convicted of robbery twenty years earlier, when he was eighteen.

While the NRA can not support legislation such as the President proposed, since it violates the fundamental principle that no bullet, cartridge, or other inanimate piece of metal is inherently evil, I do not believe that the Institue for Legislative Action would object to such carefully drafted legislation, particularly on the state level.

The KTW issue is going to have to be addressed, for it's quite clear that it isn't going to go away. And it's equally clear that our opponents haven't the slightest qualm about continuing to stir the issue, even at the cost of educating the crooks and getting some policemen killed.

I saw a graphic example of public and media ignorance about these matters a few months ago. In what appeared to be a live TV news report, an enthusiastic young reporter was showing the "bullet-proof" vests that had just been issued to his local police department (which certainly informed the thugs who were tuned-in) and gloweringly commenting about the availability of certain handgun bullets that would penetrate them (educating the crooks still further). "But," he said brightly, "it will easily stop a twenty-two like this one."

Then, putting the vest on, he stepped back from the camera and said something like "and to show you just how good they are . . ." He held his arms to each side as an out-of-focus pistol came into view, was pointed at him, and was fired. With a look of astonishment and pain, he staggered backward, almost collapsing, weakly crying, "It hurts! It hurts! It hurts!"

That idiot could have been killed. If he had talked with anyone who knew something about guns, or vests, or armor-piercing bullets, or the fact that some bullets can do things that they weren't designed to do, he wouldn't have let himself be shot. And he wouldn't have been setting policemen up to be shot in the head or with a more powerful gun.

[From Reports from Washington, June 30, 1983]

KTW: Setting the Record Straight

(By Howard Cassidy)

National Rifle Association members and supporters across America undoubtedly are aware of the controversy surrounding KTW, a brand name of so-called armor-piercing ammunition. We have discussed this issue before, but unfortunately, legislative and media attention continues to focus on the KTW phenomenon. It's time to set the record straight on KTW. It's time to lay to rest, once and for all, the inaccuracies, half-truths and outright lies that have been spread about KTW and legislation, known as the Biaggi-Moynihan bill, which calls for a ban on armor-piercing ammunition.

The NRA is against the Biaggi-Moynihan bill for a single, solid reason: Because the legislation would ban virtually all types of sporting ammunition, and there appears to be no feasible or acceptable way to amend the measure to include only armor-piercing ammo. That is not simply the opinion of the NRA. It is the belief, arrived at after much study and deliberation, of the nation's top ballistics and legal experts.

As drafted, the bill would require the U.S. Treasury Department to determine which handgun bullets, when fired from a handgun with a barrel length of five inches or less, are capable of penetrating the equivalent of 18 layers of Kevlar, a synthetic fiber which is the standard composition of most police bullet-resistant vests.

The Treasury Department then would publish its findings in the Federal Register, and 60 days after publication those bullets defined as "prohibited" would be banned from further manufacture, import, sale or use—except for law enforcement or military purposes.

What does such a definition mean, in real terms, to the average hunter or competitive shooter? It is not exaggerating to state that the definition effectively could ban nearly all sporting ammunition. Again, the NRA is not alone in taking such a stand.

In testimony before the House Subcommittee on Crime last year, the Treasury Department's assistant secretary for enforcement stated that "any attempt to define projectile-type ammunition as (Biaggi-Moynihan) would seek to do, invariably includes a wide range of ammunition commonly used for hunting, target shooting or other legitimate and long-established sporting purposes."

A spokesman for the Justice Department told the same committee that ". . . our continuing study of this issue revealed that there are serious flaws in the broad ban on armor-piercing handgun ammunition proposed in (Biaggi-Moynihan). Moreover, in certain handgun calibers, the effect of a ban on armor-piercing bullets would effectively deprive firearms owners of the use of their weapons by rendering illegal all presently available commercially manufactured ammunition."

To this day, the Treasury and Justice Departments remain opposed to the bill; their ballistics and legal professionals have been unable to come up with a practical, enforceable definition on armor-piercing ammunition—a definition that would not penalize millions of law-abiding gun owners.

There is another key question that must be answered, a question all too often overlooked: Why is such legislation necessary in the first place? This question is prompted by a brief look at the facts.

Fact: Not a single armor-clad police officer ever has been shot with armor-piercing ammunition, contrary to the rhetoric espoused by the media and gun control groups, who have labeled the ammunition as "cop-killer bullets."

Fact: KTW-type ammunition never has been openly distributed to the general public; the ammunition historically has been available only to the police and military for highly specialized purposes. In fact, such agencies can obtain the ammunition only under tight restrictions, which include placing orders for the ammo on official department letterhead and including an official department purchase order.

Fact: Armor-piercing ammunition has been in existence since at least World War I, yet never has presented any problem for law enforcement agencies anywhere in the world.

Why, then, is there such a furor to solve a problem that does not exist? The answer, unfortunately, may have more to do with publicity for gun control groups than with good government.

Handgun Control, Inc. recently stepped up its campaign to win passage of Biaggi-Moynihan. In a deluge of letters to Capitol Hill and in strongly worded advertisements, HCI has urged Congress to ban the "cop-killer bullet"—a bullet that already is banned to the public.

Clearly, armor-piercing ammunition is not used by hunters or competitive shooters. The ammunition is for specialized law enforcement and military uses only. The NRA understands this.

What the NRA does not understand, and will not tolerate, is the implication that the association's opposition to the bill somehow is tantamount to signing the death certificates of America's police officers.

The NRA record of cooperation with law enforcement agencies—in marksmanship training, safety and general police support—is impeccable. The NRA is vitally concerned about the safety of the nation's police; tens of thousands of rank-and-file officers, in fact, are NRA members. The Biaggi-Moynihan bill, no matter what its intentions, will not serve to protect our nation's law enforcement community; and the NRA is deeply distressed that the adverse and undue publicity given this issue may have jeopardized the safety of thousands of dedicated officers.

It's time to clear up the confusion surrounding Biaggi-Moynihan. It's time to cut through the smoke screens that have clouded this issue. It's time for America's gun owners and sportsmen to urge their congressmen to oppose Biaggi-Moynihan (H.R. 953 and S. 555).

It's time, once and for all, to defeat this woefully flawed legislation.●

UNITED STATES-SOVIET LONG-TERM GRAIN DEAL

● Mr. ABDNOR. Mr. President, trade has become a vital part of U.S. agriculture. Since foreign sales now account for 25 to 30 percent of gross farm income, new markets must be developed and maintained.

In developing these markets, the United States must prove its reliability in providing agricultural products. The Soviet grain embargo damaged the U.S. reputation as a nation that keeps its promises. This grain embargo, additionally, hurt the American farmers. Farmers need foreign markets, so they can maintain a decent level of income.

Currently, the United States has a chance to restore its reputation as a reliable world exporter and to restore to the farmers a foreign market for their products. The U.S. Government must sit down with the Soviet Government and develop a long-term grain agreement. The United States needs to recapture the market it once lost.

Furthermore, the step toward developing a long-term grain agreement with the Soviets must not stop there. The U.S. Government must continue to develop additional long-term grain agreements with other foreign countries. The best way to pull the American farmers out of the depressed state they are in is through the development of reliable long-term grain agreements.

In a recent article by the Office of Technology Assessment, "Technology and East-West Trade: An Update," the effect of the Soviet grain embargo on U.S. reliability in foreign markets was discussed. I would like to highlight some of the discussion presented in the section "The Impact of Export Administration Policy on the U.S. Economy."

> Most critics of the embargo view its consequences as potentially more serious in the long-term than in the short-term. They argue that it has given the United States the reputation of being an unreliable supplier, and that other countries are now doubtful of the certainty of U.S. agricultural supplies. For instance, Mexico, which signed a grain supply agreement with the United States in 1980, is reportedly now considering signing long-term supply agreements with other countries. In addition to seeking alternative sources of supplies, importing countries may also be encouraged to become self-sufficient in grain or find substitutes. Another potential longrun impact is increased production in other grain-exporting countries.
>
> Moreover, the sanctions may well have a long-term adverse effect on the U.S. reputation as a dependable business partner to countries other than the U.S.S.R.:
>
> Any company in the world considering the purchase of American technology as opposed to, say, Japanese technology, now has to think about the possibility that the U.S. Government at some point in the future for foreign policy reasons may undertake sanctions against that company to stop exporting that product to some other country.

These were just a few points brought out in the report, but one can see how the U.S. must rebuild itself as a reliable food supplier. I would encourage members of the Senate to review this study and to use it for background information.

Once again, I urge this administration to develop a long-term grain deal with the Soviet Union and with other foreign countries. In this process, the American farmer will benefit; the American people will benefit; and the American economy will benefit.●

FRED SANCHEZ

● Mr. RIEGLE. Mr. President, I wish to recognize Fred Sanchez of Flint who spent almost 30 years striving for the citizens and workers of Michigan.

Mr. Sanchez was born in San Antonio, Tex., in 1928. He emmigrated to Michigan where he joined UAW Local 326 of Flint in 1954. Mr. Sanchez spent most of his life with the UAW and rose to become a general board member of the UAW-CAP for over 10 years and the chairman of the CAP Committee for Labor for 6 years.

In addition, Mr. Sanchez was very active in the community; he was a representative of the Spanish-speaking peoples in the area and is an active member of the Democratic Party in Genesee County.

Fred Sanchez retired from the UAW on February 1, 1983, but continues to aid the community. The citizens and workers of Genesee County and Michigan owe a great debt to Fred Sanchez for his efforts have truly enhanced our lives.●

FOREIGN SERVICE OFFICERS

● Mr. PELL. Mr. President, on May 28 the Washington Post ran a front-page article on the replacement of Thomas Enders as Assistant Secretary of State for Inter-American Affairs. The article quoted an unidentified administration official who stated that this action reflected "unhappiness with the execution of U.S. policy" in Central America. This same official added that "You do not handle Central American policies with tea and crumpets on the diplomatic circuit." I believe that this comment is an unwarranted and unjustified slur against members of the Foreign Service as well as an unfair, albeit only implied, criticism of Mr. Enders' performance.

As a former Foreign Service officer and as one who has personally known outstanding career diplomats such as George F. Kennan, Charles E. Bohlen, and the late Llewellyn Thompson, I can state uncategorically that Foreign Service officers have the dedication, ability, training, and courage to serve the United States under the most difficult conditions and to implement the complex and delicate policies that we pursue in our relations with other nations. To suggest that career diplomats pass the hours at teas or cocktail parties is an affront to the outstanding men and women who represent the United States abroad—a job which is becoming increasingly dangerous as the tragic bombing in April of the American Embassy in Beirut demonstrates.

Over the years, I have differed with Mr. Enders on matters of policy. Nevertheless, I respect his diplomatic abilities and believe that he is an outstanding representative of the Foreign Service. In my view, he and his colleagues deserve to have their contributions recognized not only by the American people but by those in the administration which they serve.

Mr. President, I ask that the text of the Washington Post article be printed in the Record following my remarks.

The article follows:

[From the Washington Post, May 28, 1983]

REAGAN HAS ENDERS REPLACED AT STATE DEPARTMENT

(By John M. Goshko and Lou Cannon)

President Reagan yesterday removed Thomas O. Enders as assistant secretary of state for inter-American affairs, an action that reflected "unhappiness with the execution of U.S. policy" in Central America, according to an administration official.

Several administration officials said the change will lead to a tougher U.S. policy in Central America, controlled directly by the White House rather than through the State Department.

Enders will be replaced by Langhorne A. (Tony) Motley, a land developer and Republican Party stalwart from Alaska who has been ambassador to Brazil for the last two years.

The official who spoke of Reagan's "unhappiness" also praised Enders' diplomatic abilities, which he said would be put to proper use in his new post as ambassador to Spain. But, in a shape implied criticism of the way Enders had performed his present duties, he added, "You don't handle Central America policies with tea and crumpets on the diplomatic circuit."

Several administration officials said U.S. policy in Central America now seems likely to increasingly bear the stamp of Reagan's national security affair, William P. Clark. He is sympathetic to the view, shared by U.N. Ambassador Jeane J. Kirkpatrick, that even tougher measures are required to combat leftist guerrillas in El Salvador and to counter the influence of Cuba and the leftist Sandinista government of Nicaragua in that region.

They regarded Enders as favoring a diplomatic solution to the civil war in El Salvador. Reagan agrees with Clark and Kirkpatrick that the guerrillas must be defeated militarily, the officials said.

One official added that Reagan decided to "put his own people" in key Central America policy-making positions even before he made his speech on Central America to a joint session of Congress on April 27.

However, other sources in the administration cautioned that it would be incorrect to assume there will be swift and radical changes in Central American policy, which is under heavy fire from liberals in Congress. In particular, these sources disputed the idea that Enders' departure means that Clark has wrested control of the policy from Secretary of State George P. Shultz.

Shultz, who announced the change yesterday to reporters aboard Air Force One en route to the Williamsburg, Va., economic summit, praised Enders as "a great man" and said the move was made because it was time for a "rotation in the State Department, and we do make changes."

The extent of Shultz's involvement in the decision was not clear, but one official said that the secretary "fully concurred" in the switch. This suggested that Shultz did not initiate the move. But he was said to be pleased with the elevation of Motley, who has been given almost universally high marks as ambassador in Brazil.

On the surface, Enders' replacement would seem to be a relatively unremarkable move, as his job is nominally a second-echelon position in the governmental hierarchy. However, it seems certain to stir controversy because U.S. involvement in Central America is a subject of emotional national interest and Enders has been regarded as the principal architect of U.S. policy in the region.

In the view of many officials, Enders' problem was that he had come to exercise a power over Central American policy decisions far greater than is normally granted to assistant secretaries of state. That was particularly the case after Shultz took office last summer and found himself forced to devote most of his time to the Middle East and other problems.

In the process, Enders became, as one source put it, "a man caught in the middle. Although he got on well with Congress, he still was pushing a policy fiercely opposed by liberals fearful of increasing U.S. involvement. At the same time, his efforts to build support with the liberals made him highly suspect to hard-core conservative who thought him insufficiently vigorous in his anti-communism."

As the civil war in El Salvador dragged on inconclusively, Enders also found himself increasingly on a different wavelength than Clark, Kirkpatrick and other in-house critics from the Pentagon and the CIA who disputed the State Department's approach.

As one senior official put it, "It was like what happens when a baseball team is on a losing streak. You get a lot of agitation to fire the manager, and Enders was regarded throughout the government as the manager on Central America."

Clark and Kirkpatrick's disenchantment came to a head in February when it became known that Enders had prepared a position paper advocating a two-track policy of pursuing the civil war in El Salvador while seeking to promote negotiations with representatives of the guerrillas. This was opposed by administration hard-liners as potentially opening the way for the guerrillas to negotiate a share of power in the Salvadoran government.

The uproar caused by that incident in conservative circles forced Shultz to exercise greater supervision over Enders' activities. But by then the demand for Enders' ouster had become a crusade for conservative Reagan supporters.

At the same time, the president began to turn increasingly to Clark and Kirkpatrick for advice on Central America. The sugar import quota for Nicaragua was virtually eliminated despite Enders' objections. He was unable to fill the key deputy slots in his bureau because of a power struggle over the ideological orientation of those considered for the jobs. And, in what was widely regarded as a slap at Enders, former Florida senator Richard B. Stone was named a special emissary for Central America.

Enders' replacement, Motley, is held in high regard by Republican conservatives. And, although he went to Brazil two years ago with the reputation of "a real estate salesman from Alaska," he has won considerable praise from Brazilian officials and other diplomats for skillful performance.

Motley, who was born and raised in Rio de Janeiro, speaks Portuguese. He arranged Reagan's visit to Brazil last December and acted as his interpreter in meetings with Brazilian President Joao Figueiredo.

However, Motley's Latin American experience has been confined largely to Brazil. State Department officials said he has no real experience with Central America.●

WE LOVE YOU FLAG

● Mr. GOLDWATER. Mr. President, nearly every day, I venture to guess, each of us has occasion to see the U.S. flag. Because it is an everyday occurrence, it probably falls into the category of routine. While it may be routine to many of us, the flag has profound implications as to what it means and the symbolism it contains.

From the early days of our country during our fight for independence until the present time, the flag of the United States has represented an ideal that stretches back to prerecorded history—freedom. Everywhere our flag has gone, it has shown to friend and foe alike that the United States was willing to make the ultimate sacrifice to preserve our freedom.

This ideal was foremost in Col. William Baugh's mind when he wrote a poem commemorating Flag Day for the U.S. Air Force's Space Command newspaper, Space Time. The reason for the special poignancy behind Colonel Baugh's tribute is that he describes his feelings for our flag that sustained him during his 6-year captivity as a POW in North Vietnam.

Mr. President, I think all of my colleagues as well as the rest of the people should read Colonel Baugh's poem and reflect upon the words he has written and understand what the U.S. Flag means to all of us. Therefore, I ask unanimous consent that Colonel Baugh's poem be printed in the RECORD for each and every one of us.

WE LOVE YOU FLAG

You helped us keep the faith.
You gave us something to put our faith in
Something to salute
A reason to live.
You represented everything we resisted for.
You were the symbol of freedom.
You represented those who spoke out against our government
As well as those who would give their lives for the cause.
The "V" never understood what you represented.
We defied the "V" and gave you respect each day.
You symbolized our country.
You were freedom—the good life, the ability to say what you feel without fear of reprisal—the answer to all that was good to us.
In solitary we would salute you alone.
In torture we would call on you for courage.
In groups we would organize and salute you in unison.
When confined and restrained we would salute you in silence.
You were my strength, you gave me a reason to live, to resist, to endure.
Those dark days when all was down you gave me something to hold on to—a symbol of resistance.
They didn't understand how powerful you were.
Why resist when Americans were speaking out in protest?
Because you represented that freedom, the freedom of speech.
When your freedom is gone you realize how great you are, my flag.
When I see you today, waving in all your glory, it worries me that you are taken for granted—How many living Americans realize what a great country you represent?
Strength

Freedom
Right
Grit
Hold on
Hang in there
One day at time
I know from where I draw my strength, from where I take my stand, for like the mighty oak my roots are in the fertile land.

"We Love You Flag," was penned by Col. William H. Baugh, a retired Air Force officer and former prisoner of war. A fighter pilot, Colonel Baugh was flying an F-4 mission over North Vietnam in January 1967 when he was shot down and captured. He remained a POW at Hanoi until March 1973.●

A COMPREHENSIVE APPROACH TO ARMS CONTROL

● Mr. LEAHY. Mr. President, on May 20, 1983, I asked unanimous consent to have printed in the RECORD some valuable material on a nuclear freeze proposal prepared by Mr. Christopher Paine of the Federation of American Scientists. One of the most useful parts of that material was a table 5 containing the outline of a comprehensive nuclear freeze and reductions agreement. Unfortunately, table 5 was not included in the material as printed in the RECORD. This greatly diminishes the value of Mr. Paine's excellent statement on a nuclear freeze proposal.

I ask, therefore, that the entire statement of Mr. Paine before a panel organized by the Federation of American Scientists, including the missing table 5, be printed in full in the RECORD at this point.

The material follows:

[Prepared testimony of Christopher E. Paine]

RETHINKING ARMS CONTROL: ADVANTAGES OF A COMPREHENSIVE APPROACH

The burden of my testimony today is that a comprehensive approach to ending the nuclear arms race is both politically and technically feasible, and in fact offers distinct verification and security advantages over more limited approaches.

Although traditional thinking about arms control comes encased in a veneer of purportedly technical constraints, close examination reveals that these are not purely technical constraints, but rather limits based on subjective—indeed highly political—determinations of the "national interest" and the fragility of the nuclear balance. For example, if you believe that the balance in specific measures of nuclear capability is an oracle of geopolitical fortune, you will probably demand high levels of on-site inspection to monitor each and every incremental improvement in the Soviet nuclear arsenal, on the grounds that the United States must be able to respond promptly to Soviet efforts to change the balance, no matter how small these may be in relation to the total arsenals.

On the other hand, if you believe, as I do, that the destiny of world affairs depends far less on the balance in nuclear capabilities than on the dangers arising from the race to maintain these capabilities, then you are likely to have a far different set of preferences. Specifically, if one reaches the conclusion that the nuclear balance is, within a fairly broad range of disparities, inherently stable with respect to the deliberate initiation of nuclear conflict, then one is willing to tolerate a comprehensive agreement characterized by lower-levels of monitoring confidence for marginal changes in the Soviet arsenal, in exchange for a halt in the overall process.

Between these two extremes lies a wide and fertile ground for exploration and compromise. It behooves us all to examine the actual range of possibilities that really do exist, rather than continue to dwell in the small box (see Figure 1) defined by the present Administration's ideological and strategic preoccupations.

[Figure 1 not reproducible for the RECORD.]

For example, it is often said that in addition to National Technical Means (NTM) the Freeze will require "on-site inspection," which the Soviets will presumably be unwilling to grant. What kind of National Technical Means? What kind of "on-site" inspection? And can these be used in combination? There are many possible combinations (Table 1) of current (and feasible near-term) NTM, intrusiveness, frequency of coverage, cooperative measures, and information exchange, yielding a wide range of possible confidence levels when applied to a broad spectrum of possible agreements. Some of these possibilities are spelled out in Table 2.

[Tables 1 and 2 not reproducible for the RECORD.]

EXPLANATION OF TABLE 2.—ILLUSTRATIVE MODES OF MONITORING COMPLIANCE

1. Remote monitoring by National Technical Means outside Soviet territory.
2. Remote monitoring by tamper proof NTM located within Soviet territory.
3. On-site monitoring by non-intrusive inspections using technical means.
4. On-site monitoring by mildly intrusive inspections using technical means.
5. Intrusive "Quota" Inspections.
6. Intrusive Continuous On-Site Inspection.
7. Inspection by the Public (report a violation if you've seen or heard of one).
8. Data base exchange.
9. Cooperative measures on request (removal of shielding against NTM).
10. Inspection by Interrogation, hierarchy of requests for clarification and responses, leading to a prima facie case of violation or compliance with the right to request inspection to resolve doubts.

Similarly, the problem of treaty compliance is not a simple "yes they are—no they are not"; kind of problem. There is in fact a wide range of possible forms of treaty noncompliance (Table 3) and a wide range of possible responses to treaty violations (Table 4). We need to know, for example, which violations in Table 3 should be paired with which remedies in Table 4? What kinds of treaty violations threaten our security such that they would justify abrogation, and what kind of violations would merit lesser actions. In short, there is a great deal of investigation to be done here, and from one perspective, perhaps the most we can say is to admit the scale of our current ignorance and get to work. One way of looking at the range of possibilities is summarized in Figure 1, which attempts to show geometrically how differences in three important subjective preferences relating to arms control can affect the domain of possible agreement.

[Tables 3 and 4 not reproducible for the RECORD.]

EXPLANATION FOR TABLE 3.—FORMS OF TREATY NONCOMPLIANCE

Level I—High-Level Cheating:

1. Intentional Systematic violation on Executive orders to achieve Treaty Breakout/Strategic Superiority.
2. Intentional violation on Executive orders to achieve new capability within Treaty regime.
3. Intentional violation on Executive orders to achieve marginal improvements within Treaty regime.
4. Intentional violation on Executive direction to maintain or increase confidence in existing weapons.

Level II—Bureaucratic Non-Compliance:

5. Intentional Chiseling at Lower Military/Industrial echelons to achieve new capability within Treaty regime.
6. Intentional Chiseling at Lower Military/Industrial echelons to achieve marginal improvements within Treaty Regime.
7. Intentional Chiseling at Lower Military/Industrial Echelons to maintain/increase confidence in existing weapons.
8. Unintentional violations at lower echelons due to inadequate education/information/supervision (e.g. overenthusiastic major turns on air defense radar unit to track incoming RV's).

Level III—"Apparent" Violations:

9. Conscious exploitation of treaty ambiguities, loopholes.
10. Genuine difference of interpretation regarding a treaty provision.
11. "Apparent violations" which arise from developments which are inherently ambiguous at certain stages but which are later revealed to be consistent with treaty requirements.
12. Involuntary temporary non-compliance arising from circumstances beyond leadership control (war, natural disaster, internal political upheaval).
13. Signatures registered by monitoring systems mistaken for prohibited activity (e.g. gas fire for ground-based laser, earthquake for nuclear test).
14. Charges of violations arising from inadequate information concerning activity under observation.

EXPLANATION FOR TABLE 4.—POSSIBLE REMEDIES TO TREATY VIOLATIONS

1. Reinterpretation of Treaty Provisions to eliminate violation.
2. "Consent Decree" not to engage again in specific forms of activity whether or not these are judged to be "violations" of the agreement.
3. "Tit for Tat" limited retaliation in response to prohibited activity, limited in scope but not necessarily identical to adversary's action.
4. Denial of rights under the treaty, such as inspections or data exchange, until prohibited activity ceases.
5. Withdrawal from part of the Treaty until adversary violations cease.
6. Suspension of Compliance with Entire Treaty until violations cease.
7. Withdrawal from the Treaty.
8. Punitive International Sanctions.

However, I would like to suggest that there are sound technical and political grounds for believing in the validity of the comprehensive approach. This is set forth in detail in Table 5 and represented schematically in Figure 2, "A Nuclear Weapons Freeze Verification Flow Chart." What we really care about, and what we are really trying to stop, is represented at the far

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right hand side of the chart—a freeze on the number and the characteristics of deployed nuclear weapons and delivery vehicles. We are very concerned about this with or without a treaty. A treaty limiting numbers alone is fine, but this in no way addresses the dangers arising from Soviet improvements in the performance characteristics of their weapons, which we would continue to monitor with a great deal of interest. At a minimum, a deployment freeze which also prohibited modernization would allow us to probe the Soviets concerning these characteristics, thereby improving our intelligence concerning the Soviet nuclear threat.

[Figures 1 and 2 not reproducible for the RECORD.]

However, if we are really serious about limiting Soviet improvements, we would obviously pursue test restrictions. Presumably these would greatly impede the flow of improvements filtering into deployed Soviet nucelar forces, increasing our confidence in the deployment freeze and increasing our knowledge of Soviet missile capabilities through: an NTM non-interference clause; non-encrytion of telemetry; provisions for advance notification of tests; and data exchange under the agreement.

However, a testing and deployment freeze would leave an unconstrained Soviet production potential for rapid "breakout" from the treaty constraints, a frequency recurring nightmare among those who are inclined towards intense distrust of the Soviets. Since this potential would exist with or without an agreement, as would the potential for an American response, and presuming one makes the judgment that the prevailing nuclear balance is not all that delicate, why not freeze the production of dedicated delivery vehicles, nuclear warheads, and fissionable materials? As long as the Soviet clandestine production potential remained below a given threshold, over a given period of time, and we felt comfortable with both those estimates, a production ban would seem to offer nothing but advantages—increased confidence that the deployment freeze was limiting future as well as present deployments and increased confidence that the Soviets were not running a secret test program, on the grounds that they are not likely to produce something they have not tested. And while the Freeze would not directly ban research and development on new warheads and delivery systems, it would dramatically limit the design parameters of such systems as well as the incentives for pursuing them.

In short, while certain individual provisions of a freeze agreement might be monitored with only a moderate degree of confidence, the increased scope of the freeze generates increased opportunities for monitoring Soviet compliance, multiple requirements for cheating to increase deployed military capability, and multiple chances for detecting Soviet violations. Thus the overall chance of detecting Soviet cheating on the agreement could be as high or higher for the freeze than for more limited agreements. And under the verification provisions of a freeze agreement, we could seek clarification of a far wider range of Soviet military activities than we can at present, or than we could under the President's START proposal.

These observations add up to the conclusion that the main task of arms control negotiations at the present time is not to rework the strategic balance through a combination of selective nuclear reductions and broad-based modernization, but rather to coordinate a halt in the offensive nuclear weapons programs of the two sides. This would complement the defensive ABM freeze we already have in place and close the loopholes in the SALT II structure. Reductions could be negotiated and implemented simultaneously with a freeze, resolving "stability" problems by throwing away weapons rather than be building more of them. Thank you for hearing me, and I certainly will try to answer any questions you may have.

OUTLINE OF A COMPREHENSIVE NUCLEAR WEAPONS FREEZE AND REDUCTIONS AGREEMENT: WHAT, WHY, WHEN, AND HOW

Intent of the agreement: The intent of the freeze segment of the agreement is to end the dangerous competition between the United States and the Soviet Union in the testing, production, and deployment of nuclear weapons and their primary delivery systems. A freeze would prevent the deployment of new nuclear weapons systems designed for preemptive strikes on the nuclear weapons systems of the opposing side, and stop additional deployments of existing types nuclear weapons and delivery vehicles. By putting an end to the counterforce weapons race, the freeze would place a cap on the threat to both the deterrent forces and the population of the superpowers as well as other nations affected by their nuclear arsenals. Circumvention of this intent through the increase by either party of "dual-capable" delivery systems configured for nuclear strike would be considered a violation of the agreement, and thus a noncircumvention clause is included to reflect this understanding.

Reducing the nuclear threats to each side's deterrent forces and population is the task of the reductions segment of the agreement. (It is not the intent of the freeze portion of the agreement to significantly reduce the nuclear deterrent threats posed by both side's nuclear arsenals by preventing the maintenance of these systems, thereby degrading their reliability. However, the tight test restrictions called for in the agreement would prevent the attainment of the high levels of confidence required for preemptive attacks on hardened targets. In short, the freeze would not impede deterrent confidence, but it would impede first-strike confidence.) Issues of crisis stability arising from the assymetrical nature of the respective nuclear forces can and should be solved through reductions of the most threatening and vulnerable forces rather than through mutual expansion and modernization.

Duration of the agreement: The proposed agreement on a comprehensive nuclear freeze would be of indefinite duration—like its nuclear defensive counterpart, the ABM Treaty—with provision for a review conference every five years which would consider possible revisions of, or withdrawal from, the agreement. In the interim, the Standing Consultative Commission would deal with compliance questions and any other pertinent issues raised by either party. The need for renewal of production of existing types for the purposes of replacement could be raised by either party at any time and considered in the light of ongoing and planned reductions. Renewed production would be authorized only by negotiated exceptions to the Freeze Agreement, and would take effect at the conclusion of each five year review conference and expire at the beginning of the next review conference.

Main provisions: The proposed Comprehensive Nuclear Freeze and Reductions Agreement would have the following main provisions:

TABLE 5

Provision	Why	When	How verified
I. DEPLOYMENT			
The proposed agreement would freeze the number and characteristics (within certain agreed limits) of dedicated nuclear delivery vehicles deployed by both sides, and the number and characteristics of their associated reentry vehicles and nuclear warheads. This freeze would include the following categories of weapons.	Will enhance both "crisis stability" and "arms race stability" by reducing reciprocal fears of surprise attack, end diversion of resources, improve East-West relations, assist non-proliferation objectives.		Monitoring the number of deployed systems would be achieved primarily through National Technical Means (NTM) including Imaging Reconnaissance Satellites, Electronic Recce. Sattellites, and Ocean Surveillance Satellites. While some characteristics could be monitored directly, others would be monitored indirectly by monitoring Soviet missile tests.
1. Intercontinental Ballistic Missiles	MX and new Soviet ICBM would threaten hardened silos and command posts So would Trident II	Before 1986	
2. Submarine Launched Ballistic Missiles		Before 1988	
3. Intermediate-Range Ballistic Missiles	Pershing II poses destabilizing short warning threat.	Before 1984	Aircraft and ships equipped with a wide range of surveillance devices would be useful for monitoring deployment of cruise missiles.
4. Long-Range (600km. +) Ground, Sea, and Air-Launched Cruise Missiles.	Cruise complicates arms control	Before 1984	
5. Medium-Range and Battlefield Ballistic Missiles	Represent nuclear warfighting escalation threat and threat to allies.	Before 1984 or ASAP	Ground-based listening post assist in monitoring Soviet battlefield missile units.
6. Nuclear Air Defense Missiles	Could undermine deterence	Same as above	
II STRATEGIC BOMBERS			
The proposed agreement would place a ceiling on strategic bombers at current levels (328 US vs 250 Soviet). Each side would be permitted to deploy one new strategic bomber, but with no net increase in the number or the total payload of the bombers, and without modernization of the weapons.	Bomber modernization could also be precluded by agreement, but U.S. bombers are old and also have conventional roles, as do Soviet bombers.	1984–1990	Primarily by National Technical Means; number of new bombers could not exceed SALT Limits, and total payload of new bomber force could not exceed total payload of older force.
III. NONCIRCUMVENTION PROVISION			
Each side would undertake not to significantly increase the number or alter the roles and missions (e.g. conventional-to-nuclear) of the following types of weapons from those prevailing at the time the agreement enters into force:	To prevent circumvention of long-range delivery vehicle freeze and stabilize nuclear balance in specific "theaters"	Before significant deployment of long-range SLCMs.	Primarily by National Technical Means, but also by non-intrusive or mildly intrusive inspections for the presence of nuclear weapons on ships and subs using advanced portable detection technology
Intermediated/Medium Range Bombers and Strike Aircraft. Howitzers units equipped for firing AFAPs. Subs equipped with Short-Range Cruise Missiles, SUBROC nuclear-tipped torpedos, etc.	Because these systems are used in combat in their conventional roles, they pose perhaps greatest danger of nuclear escalation in Soviet-American crisis confrontation		Ban on production of nuclear warheads and bombs (Section V) would increase monitoring confidence
Surface ships with ASROCs, Nuclear Air Defense Missiles Short Range Cruise Missiles, etc. Anti-sub and Anti-ship aircraft equipped with short/medium range ALCMs and nuclear depth charges.			To ease verification requirements, both sides could agree to ban long-range conventionally armed cruise missiles, or restrict their deployment to vessels whose non-nuclear status could be monitored with high-confidence
IV TESTING			
1. The Agreement would ban the flight testing of all "new types" of delivery vehicles included in the deployment freeze (Section I above) whose characteristics exceed certain permitted variances from agreed baselines, using previously tested types as the standard for measurement.	To stop the development of new more accurate and reliable weapons which could be used in a preemptive strike, increases confidence that deployment freeze is being observed.	Immediately	Primarily by National Technical Means, including ground-based telemetry listening posts and Cobra Talon, Cobra Dane, and Cobra Judy radars Strong provision banning interference with NTM and enencrytion of telemetry would facilitate monitoring.
2. A low annual limit, with appropriate provisions for advance notification, could be set for reliability tests of currently operational missiles.	Optional provision if considered necessary by one or both sides	Soon after above	Same as above
3. All nuclear explosive testing would be banned, with possible negotiated exceptions for reliability tests of existing warheads	To prevent development of new sizes and types of warheads for new RVs and "warfighting" nuclear missions; furtherance of non-proliferation objectives.	Immediately	Primarily by NTM, including global and on-site remote monitoring networks, provisions for data exchange, query inspection, leading if necessary to on-site visit.
V. PRODUCTION			
The proposed agreement would ban.			
1. The production of intercontinental and submarine launched ballistic missile stages and final assembly of all nuclear missile types included in the dedicated nuclear delivery vehicle deployment ban	To enhance verification of the nuclear weapons system deployment ban, limit and vastly complicate breakout potential, save money	1984–1988	Primarily by NTM, with provisions for data exchange, cooperative measures, leading to on-side inspections of facilities whose output can not be adequately determined.
2. The fabrication of fissile and fusion components for nuclear weapons, and their final assembly into nuclear warheads and bombs.	Same as above, also impedes violation of non-circumvention provision by restricting supply of warheads for tactical/theater systems	1984–1988	Same as above. Existing facilities would be clsoed and replaced by single warhead-maintenance facility
3. The production of special nuclear materials for weapons purposes, except for strictly limited production of tritium and enriched uranium under effective safeguards.	Same as above, but also enhances non-proliferation by strengthening IAEA.	1984–1988	NTM plus IAEA safeguards, declarations of existing stocks, bi-lateral on-site visits to ambiguous facilities
VI. REDUCTIONS			
1. Reductions in the limits and sublimits of SALT II would begin immediately upon entry into force of the agreement A 7.5 percent annual reduction would yield, for example, a 50 percent reduction in ten years..	Without reductions, freeze over time could become unstable, reductions can also ameliorate stability concerns arising from asymetrical forces and capabilities	1983–?	Primarily by NTM
2. Soviet reductions of SS-4, SS-5, and SS-20 missile launchers associated with 572 European INF warheads would begin immediately in accordance with a two-year schedule of 24 warheads per month.			Primarily by NTM
3. Reductions in forward deployed nuclear warheads in Europe and elsewhere.	Reduces chances for nuclear escalation, terrorist seizure of weapons.	(?)	Non- or mildly-intrusive on-site inspections using portable NTM such as neutron generators ●

THE WORLD FOOD COUNCIL MEETING IN NEW YORK

● Mr. DANFORTH. Mr. President, this week the World Food Council, which was created by the U.N. General Assembly in 1974, is holding its annual ministerial meeting in New York City. It is the first meeting of the Council held in the United States. It is an occasion to make Americans glad that the WFC exists and to remind us that so much is yet to be accomplished in solving the problem of world hunger.

Nine years ago the United States and 35 other member nations of the WFC pledged to mount a major effort to drive hunger from the face of the Earth. Secretary of State Kissinger issued a stirring challenge:

> Therefore, today, we must proclaim a bold objective—that within a decade no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacity will be stunted by malnutrition.

Today, as we approach the first decade of WFC's existence, we must stand in judgment of how the member nations have responded to the Council's leadership. The report card is mixed. Hunger continues to be a prime subject in the news. Reports from drought-striken Ethiopia and parts of southern Africa are horrifying. Affluent nations are slow to respond. Children by the thousands die every day from diseases related to malnutrition.

Yet things could be considerably worse. Under WFC coordination some countries have achieved new levels of food security assisted by international organizations and aid from the developed nations. Even though international organizations are sometimes slow in response to the problems of world hunger, they still remain one of the best means available to deal with these problems.

The World Food Council does not engage directly in relief and development programs but it is the lead agency in coordinating and recommending programs to be implemented by other international organizations and countries. Agriculture ministers and secretaries from the 36 member nations of the WFC meet annually to review global progress toward solving problems of food production, distribution, and consumption.

The World Food Council has demonstrated what a small, policy-oriented international agency can do. It has been effective because it has avoided the pitfalls of huge multinational and national bureaucracies.

A very important effort of the World Food Council has been its promotion of "national food strategies" for 50 developing countries. Without a food strategy, many developing countries look at their problems in a piecemeal fashion. For example, an effort might be made to overcome problems in agricultural production while difficulties of distribution of food to poor people are ignored. Or, a country might devote its energies exclusively to subsidizing a cheap food policy for its urban population using American food aid while depriving its farmers of adequate prices for their produce.

A national food strategy encourages a country to examine its food system in its entirety, from the field to the home of the consumer. A food strategy also helps the leader of a country focus on the importance of a well-nourished populace.

The World Food Council has been an active adviser in international food trade and assistance. It was instrumental in negotiating a new Food Aid Convention. The result has been an administration of food aid that is more sensitive to the needs of poor people.

The Council was a leading advocate of the special cereal facility which was begun by the International Monetary Fund in 1981. The facility helps poor countries finance purchases of food on the international market.

Now the WFC faces the awesome task of assisting the many countries that have been devastated by a worldwide recession to maintain adequate nutritional levels among their people. It will need all of its accumulated knowledge and wisdom to act as global pilot, steering the developing nations through the shoals of financial insolvency toward food security.

The support of the United States for the World Food Council remains vital to the fight against world hunger. It is our hope that under the leadership of Secretary Block, the U.S. delegation will commend the leaders of the Council for their accomplishments, reaffirm American support for the Council, and pledge to redouble U.S. efforts to coordinate its food trade and aid policies with the strategies of the Council.

My colleague, Senator Leahy of Vermont, has informed me that he shares my high opinion of the World Food Council and my hopes for its future success.●

THE 150TH ANNIVERSARY OF THE FIRST CONGREGATIONAL UNITED CHURCH OF CHRIST OF GRAND BLANC

● Mr. RIEGLE. Mr. President, today I recognize the 150th anniversary of the First Congregational United Church of Christ of Grand Blanc.

On July 13, 1833, the members of the original congregation met at the house of Deacon Josiah Owen and organized the First Congregational Church of Grand Blanc; then one of only two Protestant churches between Pontiac and the Straits of Mackinaw.

For the next 125 years the church grew steadily and provided support and guidance for many citizens of Grand Blanc. In 1958 the congregation merged with the United Church of Christ and became the First Congregational United Church of Christ. In 1968, through a valiant fundraising drive, the church moved to its present home at Perry and Belsay roads. While the church does have a new name and a new home, it maintains its links with the past and uses the 1885 church bell to call the members of the congregation each Sunday.

The First Congregational United Church of Christ of Grand Blanc has served its community for 150 years and deserves our recognition, respect, and congratulations.●

PROMPT ACTION NEEDED ON ENTERPRISE ZONES

● Mr. QUAYLE. Mr. President, as a cosponsor of S. 863, the administration's enterprise zone bill, I feel this concept promises to brighten the economic future of many areas in this country. It has much potential for both job creation and revitalization of distressed communities.

In my State of Indiana, as in many others, the State legislature has already enacted legislation to make ready for enterprise zones. I am glad that we in the Senate have passed this urgently needed legislation and I hope that my colleagues on both sides of the aisle and in both bodies will continue the momentum toward enactment in the forthcoming conference committee.

The Indianapolis Star, in a recent editorial, outlined the need for congressional action on this important initiative. While this editorial was written before the Senate acted on enterprise zones and although it fails to note that the President and his administration have taken the lead in promoting the bill, the following editorial illustrates grassroots enthusiasm and optimism for enterprise zones. I ask that the editorial in the Indianapolis Star be printed at this point in the Record.

The editorial follows:

[From the Indianapolis Star, June 2, 1983]

Give This Idea a Chance

After two years of debate and no action, the enterprise zone concept keeps coming back in Congress.

Enterprise zones, originally proposed by Reps. Jack Kemp, R-N.Y., and Robert Garcia, D-N.Y., have attracted all sorts of criticism, much of it having nothing to do with the Kemp-Garcia proposal.

The idea is to provide incentives for businesses to move into blighted and rundown urban areas. Most of the incentives are in the form of tax breaks, including tax credits for new jobs, as well as credits for hiring disadvantaged workers. The legislation is also designed to reduce the regulatory burdens on businesses that would move into these areas.

Some of the critics have complained that the zone concept would lead to "slave labor" and abuse of workers. But the Federal proposal does not allow for exemptions of the minimum wage.

Other critics have complained that businesses outside these zones would be at a disadvantage against those in the zone. That's true, but rates based on any geographical unit may leave a few unavoidable inequities. The point is: Certain areas that desperately need business are not attracting investment.

The Kemp-Garcia legislation is an experiment, providing for 75 zones to be designated by the Secretary of Housing and Urban Development. Several states, including Indiana, have already established the zone concept on a state level. Obviously the cities and states that have moved farthest ahead with their own initiatives should be prime candidates for the Federal zones.

It's past time for the Congress and the Reagan administration to get moving on this idea. If the critics have better ideas, they should bring them forward. But something needs to be done to relieve the tax burden that holds back small businesses from expansion. Bruce Hinton, head of a Baltimore construction firm, complained in a Reader's Digest article about how taxes and regulations frustrate his life. "Over 50 percent of my time is devoted to Federal, state and local paper work."

With a reduction in that burden, he says, he could expand and hire more people.

Mark Hernandez, general manager of Philadelphia Conquest Manufacturing Co., offered similar thoughts. "Taxes hold us back a lot. You can't project any sort of expansion. We could hire more men immediately—we have the work available—but we can't produce enough to pay them after paying Federal taxes."

The enterprise zone concept is not new. Similar plans are already working successfully in a few American cities, including Indianapolis, through property tax incentives and use of special development areas. The idea ought to be expanded by Congress this year.●

PATIENTS SUFFER WHILE CONGRESS SITS

● Mr. JEPSEN. Mr. President, for the last 4 years I have been trying to seek the adoption of legislation making the robbery of a controlled substance from a pharmacy a Federal offense. While I have been successful in getting the Senate to pass this important legislation, our colleagues in the House of Representatives have been reluctant to act on my proposal.

Although I believe the record is quite clear that Federal action is necessary, many people still seem to question the seriousness and severity of this problem. For this reason, I ask that an article entitled, "Cancer Patients Facing Dilemma of Pain" appear in the Record at the conclusion of my statement.

Mr. President, this article does an excellent job of pointing out the practical effects of our failure to act on this important issue. For the most part, proponents of pharmacy robber legislation have focused their attention on the impact on the pharmacists. Let there be no mistake, the problem is very real and very serious for these hardworking and dedicated professionals. This article, however, takes a slightly different approach, it points out the impact of this problem on the public—the people who have a legitimate need for controlled substances.

I want to commend the American Medical Association for this timely and important article. I hope that all of my colleagues would take a few moments and read this important contribution to the fight for enactment of pharmacy robbery legislation.

The article follows:

[From the American Medical News, June 24, 1983]

Cancer Patients Facing Dilemma of Pain

(Because of the growing threat of armed robbery, many pharmacies no longer stock narcotics, making badly needed drugs unavailable for cancer patients)

(By Lisa Krieger)

A young New York man hospitalized for terminal bone cancer on the side of his face

wanted to go home for Christmas. Despite many phone calls, he was unable to find a pharmacy in his community that would stock oral morphine. He decided to go anyway.

The next morning, recalls his physician, Ronald Kanner, MD, of the Albert Einstein College of Medicine, the young man was back in the hospital. "He was in the emergency room, suffering from intractable pain," he says.

"Physicians can talk about new scientific approaches and prescribing techniques for cancer, but there is one serious limiting factor: narcotic analgesics are not available to patients," says oncologist Kathleen M. Foley, MD, of Memorial Sloan Kettering Cancer Center in New York.

A survey in the Bronx revealed that 17 of 33 pharmacies did not carry narcotic analgesics. Of those that did, only two carried methadone and two carried oral morphine. In Manhattan, two major hospitals have closed their outpatient pharmacies that carried narcotic analgesics.

The inaccessibility of cancer drugs is not limited to New York. Pharmacies in Miami, St. Louis, Detroit, Washington, D.C., and other large cities report that they are taking narcotic analgesics off their shelves. This trend has been supported by the American Pharmaceutical Assn. House of Delegates, which recently adopted a policy upholding "the rights and responsibilities of individual pharmacists to determine their inventory, and dispensing practices, based on patient need, practice economics, practice security, and professional judgment."

Says National Assn. of Retail Pharmacies spokesman John Rector: "This isn't just the fringe. A significant percentage of pharmacies no longer carry controlled substances. As a result, there's a growing unavailability of products for people who need them."

The problem, pharmacists complain, is crime. According to the Drug Enforcement Agency, there were 5,020 drug-related thefts of pharmacies in 1982; of these, 996 were armed robberies. An estimated 15.5 dosage units were diverted from pharmacy shelves to addicts. One bottle of Dilaudid, which costs $4,000 retail, can be sold on the street for $26,660. "There is no pharmacist that would risk his life for drugs for a cancer patient," Dr. Foley says.

One reason cited for the upswing in pharmacy crimes is the decreased flow of illegal drugs into the country. But although the quantity of illicit drugs has dropped, the addictive need, street demand, and monetary incentives to steal have not. Addicts and drug traffickers now turn their attention to the manufacturers, distributors, and dispensers of pharmaceutical drugs.

"When word gets around that you have drugs, you are inviting crime. We used to carry Biphetamine (a dextroamphetamine and amphetamine complex) until two months ago. The last two bottles were stolen and probably ended up on the street. We decided to stop contributing to the Dallas drug problem, so we no longer stock the product," says Deborah Cartwright, a Dallas pharmacist.

One young pharmacy employee says she has been plagued with nightmares for three years, after a robbery in which her eyes were covered with adhesive tape, her hands were tied behind her back, and a gun was held to her head. "To this day, I cannot comfortably 'browse' in a drug store," she says.

Independent pharmacies are more common targets than the larger chain pharmacies, which can afford to pay for guards, security alarms, employe training programs, and architectural designs that ease supervision of the building. Any store that stays open during "off-hours" or serves a "bad" neighborhood, though, is vulnerable. "You have to seriously weigh the risks associated with these community services, in light of the increasing wave of violence," says Rhode Island pharmacist Thomas Gibson.

As community pharmacies take narcotics off their shelves, wholesale pharmacies find themselves caught with larger and larger inventories. The result, they claim, is an increasing incidence of warehouse theft. Last year, one of every four members of the National Wholesale Druggists Assn. reported an attempted crime.

One recent robbery spree by a 33-year-old drug addict spread across the country like a road map, targeting 12 wholesale pharmacies between California and Louisiana until he was caught and convicted. Trying to raise money for his bail, his wife burglarized a New Jersey Dilaudid wholesaler.

Hospital pharmacists say that they, too, are becoming victims of attack. The pharmacy of one 494-bed hospital in Providence, R.I. has been the site of two attempted hold-ups within the past two years.

Says Jackson, Calif., hospital pharmacist Lin Kokana: "If desperate addicts or criminals want the stuff, they will get it from us. Hospitals are obliged, by the nature of their function, to carry these high-risk products."

Pharmacist Roland P. Galley of Arlington, Va., adds this point: "When a pharmacist closes the doors of his pharmacy because he fears for his life or because it is economically impossible for him to continue his practice because of crime, he is not the only loser. It is the community which also suffers. This problem must be viewed not merely as a law enforcement problem, but also as a real and substantial public health problem."

Faced with the dilemma, some physicians decide to assume the risk themselves. Unbeknownst to the public, they stock small personal pharmacies so that they can offer a ready supply of drugs to their patients. Sometimes they act as a "go-between," calling pharmacies around town to locate drugs.

Even legitimate physicians can encounter obstacles here: Oncologist Dr. Kanner recalls telephoning a pharmacy, only to have a suspicious pharmacist later call the hospital administrator to verify his identity. A patient trying to locate a drug, he says, will get no answer at all. "It's an enormous inconvenience," he says.

Once a pharmacy is located, some physicians will try to arrange a special monthly order for their patients. Pharmacies may ask that the prescription be placed as needed, then require that the patient pick it up when it arrives.

For the cancer patient, this may mean traveling to distant neighborhoods or through crime-riddled areas to a methadone clinic. Relatives picking up prescriptions for house-bound patients may be challenged, asked to wait for telephone verification from the physician, or rejected outright. Addicts sometimes imitate cancer patients—carrying lists of chemotherapeutic and narcotic drugs, in appropriate doses, on stolen prescription pads—so everyone must be checked, pharmacists say.

A legitimate patient may be eyed with suspicion. "The cancer patient looks like the classic drug addict: in pain, wasted, thin, chronically ill, and poor. Patients with sickle-cell anemia—young, black, with repeated bouts of pain—have a particularly hard time getting drugs," says Joanne Lynn, MD, former staff member of the President's Commission on Bioethics.

"The patient is made to feel guilty about taking the drug. He feels like a local junkie," Dr. Foley says. Adds Dr. Lynn: "It adds a real stigma to be taking narcotics. It's a continual reminder of their cancer, underscoring the problem. They feel vaguely immoral or indecent."

Congress is showing serious interest in the problem: Four new bills (H.R. 605, H.R. 1032, H.R. 1255, and H.R. 1661) would make robbery of controlled drugs from pharmacies a federal offense. Hearings were held this year to rally support for the problem. Pharmacists say that this legislation would encourage investigation of pharmacy crimes by federal authorities; the National District Attorneys Assn. rebuffs such legislation, saying that staff shortage would regulate pharmacy crimes to low-priority status. The Justice Dept. supports the thrust of the legislation, but has proposed three limiting amendments.

Experts in the medical and pharmaceutical community each see other possible solutions.

"Pharmacists should be required to stock these drugs. What are drug stores for—to sell tampons? I understand their fears, but they have a responsibility to relieve pain," says Harold S. Mirsky, MD, an oncologist with Washington Internal Medicine Group.

Hospitals could become the central dispersal center for narcotics if kept very secure, Dr. Kanner says. "Make narcotics hospital-based, using four to six hospitals in a city, then keep them well-guarded," he suggests.

Pharmacists say that if they could "hold" prescriptions 24 to 48 hours, they could discourage addicts. "Just give us a tool, so we can refuse a prescription if we want to. Legitimate patients will come back, but addicts will get scared. Make it easier for a pharmacist to say, 'No'" says James P. Powers of the Florida Pharmacy Assn.

An increasing number of pharmacists have resorted to arming themselves with guns. "Anticipating the next robber, I have a bullet-proof glass in front of my typewriter, a double-barreled shotgun with buckshot, and concrete bricks lining my prescription case completely," pharmacist Carl Hubbs of Riverside, Calif., recently wrote in a letter to the magazine *American Druggist*. "The front counter is brick-lined. A pistol is under the cash register, and my wife has one in her office. We have to protect ourselves. I will not be intimidated by any criminal."

Meanwhile, patients in their final days of disease are trying to find their own solutions. "These patients are already dying, and they and their families are trying to cope with that," Dr. Foley says. "Then they have to cope with the bureaucracy of the drug situation."●

LEGISLATIVE VETO

● Mr. CHILES. Mr. President, recently the senior Senator from Georgia (Mr. Nunn) addressed the Georgia Municipal Association on a very timely and important subject, the Supreme Court decisions affecting the legislative veto. Senator Nunn provides a cogent analysis of the significant issues raised by this decision and the challenges it presents to the legislative

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and executive branches. I commend the Senator's comments to the attention of my colleagues and ask that the text of his remarks be printed in the Record.

The text follows:

Statement of Senator Nunn

I am honored to have an opportunity to join you as you celebrate 50 years of leadership on behalf of the people of our State. Since 1933, the Georgia Municipal Association has been at the cutting edge of the struggle to move Georgia forward as one of the most progressive and dynamic States in the Union.

Your patient, persistent and steadfast efforts have paid great dividends for the State of Georgia in:

(1) Broadening the Tax Base for our local governments

(2) Training and education of city officials

(3) Making our State a leader in Vocational Education and Regional Planning

(4) Increasing Home Rule powers of local governments

(5) Bringing about a mature and productive relationship between State Government and City Government and between our Cities and our Counties

I am doubly honored to be personally present as you pay tribute to 26 years of outstanding service by your executive director Elmer George. I have known Elmer on a close and personal basis for almost two decades. I have observed first hand his effective leadership—not just on behalf of Georgia's cities—but on behalf of all of the people of our State.

If Georgia ever begins a governmental Hall of Fame—Elmer George's name will be at the top of the list.

Elmer recently wrote "Georgia city officials have never backed off from their responsibilities and the opportunity for service. The decade of the 1980's provides a real challenge and there is no doubt that you will face it as you have in the past—with dedication and continued progress."

Elmer has captured in these few words not only the spirit of the Georgia Municipal Association but also the life story of Elmer George:

(1) Unwillingness to back off from responsibility

(2) Viewing each challenge as an opportunity for service

(3) Facing the future with optimism and with dedication to continued progress.

I salute you Elmer and I salute the Georgia Municipal Association for your dedicated service which has made an indelible imprint on our beloved State.

I know that most of you are concerned about the status of revenue sharing. The budget resolution which just passed leaves room for a 450 million dollar increase in the 4.6 billion annual figure.

There is general agreement in Congress that revenue sharing for local government will be renewed. Congress will consider whether to increase the 4.6 billion per year; whether to change the revenue sharing formula from current personal income and tax effort factors to a new measurement based on State fiscal capacity; and whether to add back the State revenue sharing cut in 1980.

After all the debate, I expect the Senate to pass a 3 year reauthorization at current levels and I am hoping this will be done in the near future.

In 1933, when Georgia city officials gathered in Macon, Georgia to form the Georgia Municipal Association, this was the beginning of a fundamental realignment of governmental power in our State.

Thursday June 23, 1983 will be remembered as the beginning of a fundamental restructuring of the powers between the executive and legislative branches in Washington. I refer, of course, to the Supreme Court decision handed down last week declaring that the legislative veto is unconstitutional. The legislative veto began in 1932—one year before the Georgia Municipal Association was formed—when Congress gave President Hoover the right to reorganize the executive branch subject to congressional veto. This procedure has grown immensely in recent decades and now covers at least 200 statutes now on the books—including:

(1) The War Power Act

(2) Foreign Military Sales

(3) Presidential Impoundment of Appropriated Funds

(4) International Trade

(5) Energy Conservation

(6) Natural Gas Price Controls

(7) Presidential Reorganization

(8) Most recently under leadership of Congressman Levitas—Federal agency rules and regulations

Without getting into a long and tedious discussion of the Constitutional issues let me summarize the importance of this issue by quoting Justice Byron White's dissent—

"The decision strikes down in one fell swoop provisions in more laws enacted by Congress than the court has cumulatively invalidated in its entire history"

Without a doubt the balance of power has been altered and only time will tell which branch of government has been strengthened and which weakened.

The Federal Government became involved in the 1960's and 1970's in virtually every facet of American life. Congress became accustomed to addressing every conceivable problem by passing vague laws with broad delegations of authority to the Executive Branch. In effect Congress got in the habit of—identifying the problem and telling the Executive Branch to go forth and solve it. Under those circumstances the Congressional veto was an inevitable and necessary mechanism designed to assure a review of Executive Action by Elected Officials. This way of doing business will now have to change.

We will be facing this change in an era that is vastly different from earlier periods of our history. We live in an era when:

(1) Our principal adversary has the ability to decimate America with nuclear weapons between breakfast and lunch

(2) We live in an era when America is involved in critical foreign policy and national security decisions in virtually every region of the world

(3) We live in an era when Federal agencies have broad rule making and regulatory authority over every facet of American life.

(4) We live in an era when hundreds of complicated complex decisions have to be made on safety and environmental matters on a case by case basis

(5) We live in an era when computers—semi conducters—bio-technology—and genetic engineering—are vitally changing our economy and our lives

The dangers that could grow out of this court decision are evident: Governmental chaos—governmental paralysis—runaway bureaucracy making decisions with no review by elected officials—abuse of power by the President—and finally over-reaction by Congress in taking away Executive power.

All of these dangers can be avoided but this will require an unprecedented degree of cooperation and comity between the President—the bureaucracy and the Congress.

In the short run the President and the Executive Branch would be wise to adhere to the present law, notwithstanding the Supreme Court decision, particularly in areas involving foreign policy and defense policy—for instance—the War Powers Act and Foreign Military sales. An abuse of power by the President in these areas would cause a congressional reaction that could leave the Executive Branch in a position of impotency in foreign and defense policy—we cannot afford this reality or even this perception in a nuclear age.

In the long run—this Supreme Court decision will accelerate the need for fundamental change in Congress as an institution. Congress must become an effective and efficient part of the 20th century.

(1) Congress must begin to pass specific laws with clearer mandates

(2) Congress must spend more effort in the time consuming and tedious job of oversight of existing programs

(3) Congress must find a way to rid ourselves of cumbersome procedures which prevent timely action to overrule Bureaucratic regulations and rules which are outside the scope of Congressional intent

Congress also must streamline its budgetary procedures so the members of the Legislative and the Executive Branch can spend less time in duplicating and overlapping committee hearings.

For starters I believe we should consider:

(1) Two year budgets—two year appropriations.

(2) Merging the Budget Committee and the Appropriations Committee—and giving the resulting committee the full powers of the Budget Committee.

(3) Eliminating the dual process of authorizations and appropriations by abolishing authorizations and giving the authorizing committees full appropriating authority subject to the budget guidelines.

(4) Finally we must reduce the size and the scope of the Federal Government. We must give more power for decisionmaking to State and local Governments.

I am convinced that both liberals and conservatives would agree with this conclusion if they simply followed a Congressman or Senator around for one week. Because of the size and scope of the Federal Government, the Members of Congress are called on to be city councilmen—county commissioners—and State legislators. Finally if time permits—Congressmen and Senators—address those issues affecting our economy—or Foreign policy and our National security which only our Federal Government can address.

There is never a convenient time for this type Governmental review and reform—but the Supreme Court decision has left us no choice—the time is now.

Abraham Lincoln said during another junction of our Nation's history—

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise to the occasion. As our case is new, so we must think anew and act anew."

This is our challenge as a nation—I am confident we will meet it.●

ORBIT '81

● Mr. LAUTENBURG. Mr. President, I would like to honor the Camden, N.J. high school students whose experiment aboard the space shuttle *Challenger* has filled New Jersey, and the Nation, with pride. What these students did is remarkable. Working with the RCA Corp., the South Jersey Chamber of Commerce and NASA, they designed an experiment to test the effects of weightlessness on the social structure of carpenter ants. The data they gathered from this project, and the conclusions they reach, will be of great interest to the scientific community. What their effort in developing this project means, and what lessons can be learned from them, are of even greater interest to us all.

The project arose in response to a desire to increase interest in science among students at Camden and Woodrow Wilson High Schools, located in one of the poorest cities of its size in the country. These schools, while lacking in financial resources, have a staff of dedicated educators who became catalysts in the formation of a partnership aimed at making science a challenge for their students. The coalition that they formed required the participation of schools, industry, and Government to achieve a mutually beneficial goal.

RCA donated equipment, expertise, and a grant for the $10,000 cost of securing a place aboard the shuttle *Challenger.* The South Jersey Chamber of Commerce provided funds for an enriched science curriculum. With the efforts of many dedicated teachers, the groundwork was laid for Orbit '81. As a result, students with little prior interest in science were given a chance to work in depth on a science project that promised a real sense of personal accomplishment. It is their response to this challenge that makes this project so exciting and so momentous.

About 15 students at each of the two high schools were chosen, and they became directly involved in the planning and execution of the project. They took enriched science courses and did extra work to acquire the knowledge necessary to produce a sound experiment. The perseverance they displayed throughout the program was striking. When the $30,000 cost of the NASA container appeared prohibitive, they designed and built their own, with NASA's approval, for $75. Their interest in science, sparked by their involvement in the shuttle project, continues today, as many are currently pursuing college degrees in science.

Orbit '81 belonged to the entire student bodies of these two schools, and the spirit of learning that it generated permeated the high school environment. Enrollment in elective science courses rose by 35 to 50 percent. Students in fine arts, music, and drama put on exhibits, the journalism class put out a special newspaper, and the industrial arts classes executed the project plans.

Mr. President, the students at Camden and Woodrow Wilson High Schools were not the sole beneficiaries of this effort. There is an acute shortage of scientists and technicians in this country, and it will benefit the Nation as a whole to have available the talents of these students whose interest in science was sparked by Orbit '81. As this country seeks to rebuild its resources in math and science education, we can look to what has been done in Camden as an example of what can happen when young people are given the resources and the incentive for learning. Everyone connected with the Orbit '81 project has shown that American students are capable of rising to the challenges posed by education in an age of technology.

It is with the greatest pleasure that I salute the students of Camden and the sponsors of Orbit '81 for what they have accomplished, for the pride they have brought to New Jersey, and for the lessons they have taught all of us.●

THE VASHCHENKO FAMILY

● Mr. LEVIN. Mr. President, June 27 marks what is perhaps the most important date in the lives of the 16 members of the Vashchenko family. Two days ago, on June 27 of 1983, they arrived in Vienna after having struggled for over 20 years to emigrate from the Soviet Union. Yesterday, they flew to Israel to begin their new lives in their new home. Lydia Vashchenko, the oldest daughter, phoned me yesterday from Tiberius and asked me to extend the family's heartfelt thanks and deep appreciation for the countless hours and endless energy expended by our Government and by the many groups, organizations, and individuals on their behalf. Mr. President, we saw on June 27 the successful resolution of a human rights case that so many of us had for so long labored to achieve.

We first became acquainted with the family 5 years ago on June 27, 1978, when six of them along with two members of the Chmykhalov family traveled 3,000 miles from Chernogorsk, their hometown in Siberia, to the American Embassy in Moscow. They went at the invitation of Embassy officials in Moscow. They went at the invitation of Embassy officials to receive emigration advice. But because a member of their party was dragged away before entering the Embassy, the remaining seven determined they must stay in the Embassy to avoid a similar fate. Their visit turned into a 4½-year stay. The world came to know them as the "Siberian Seven" and has followed their story ever since.

On June 27, 1979, 1980, 1981, and 1982, many of us in the Senate and in the House of Representatives joined with countless others to pledge our continued support to advancing their case. During the last Congress, 73 of my colleagues cosponsored legislation I introduced on behalf of the families. Individuals and organizations across the United States and Western Europe worked tirelessly toward successfully resolving the families' emigration problems. Despite all efforts, the situation remained stalemated—the Soviets insisted that the seven leave the Embassy and return to their hometown to apply for emigration.

Then in late December 1981, Lydia Vashchenko went on a hunger strike to protest Soviet inaction. She grew so weak that she had to be removed to Moscow's Botkin Hospital. While recuperating in the hospital, Lydia wrote me that she had decided to return to Chernogorsk to reapply to emigrate in accordance with the Soviets' demand. In February 1982, Lydia did return home and again filled out the necessary papers. After that, we waited and hoped—we waited and hoped until April of this year when we received word that Lydia had arrived in Vienna on the first leg of her journey to her new home in Israel. Once in Israel, she sent the necessary invitation to her family in an effort to speed up their emigration.

On June 27, 1983, exactly 5 years after the seven had entered the American Embassy, the remaining 15 members of the Vashchenko family flew into Moscow and were met there by Lydia. On June 27, the Vashchenko family achieved what had for two decades been their cherished goal—emigration to a new home.

Mr. President, the long-awaited conclusion in the Vashchenko emigration story is certainly gratifying and deserves notice here in the Senate and throughout the free world. But we must remember that while the Vashchenkos have happily realized their life-long dream, the Chmykhalovs remain in Chernogorsk working to likewise fulfill their dream. Today as we rejoice at what June 27, 1983, has brought to the Vashchenkos we should commit ourselves with renewed energy and vigor to see that the Chmykhalovs and thousands of others seeking to emigrate will be able to celebrate a special day when long-sought goals are achieved—a day when dreams come true.●

MORE QUESTIONS THAN ANSWERS ON CHEMICAL WEAPONS

● Mr. LAUTENBERG. Mr. President, soon the Senate will consider the question of whether or not the United States should resume production of lethal chemical weapons and end a 14-year moratorium on such production. Members of the other body recently voted to continue this moratorium, because the majority of Members found that proposals to resume chemical weapons production raised more questions than answers.

Many of these questions were outlined in a report from the General Accounting Office in April entitled "Chemical Warfare: Many Unanswered Questions." The GAO report, in turn, has prompted a broader debate in other publications, including a recent article in Science magazine.

This article examined many of the findings of the GAO report, which cast doubt on administration estimates of Soviet capabilities in this area, questioned the alleged benefits of resuming production of chemical weapons, and raised a host of concerns associated with potential dangers to civilian populations.

The article highlights GAO's conclusion that "money intended for binary production might better be spent on defensive training," an area of clear U.S. deficiency, and on more effective and efficient defensive equipment.

In these and other points, Mr. President, the article presents a clear analysis of the independent GAO report. I ask that it be printed in the Record following my remarks. I urge my colleagues to consider these questions seriously before abandoning our longstanding chemical weapons production moratorium.

The article follows:

[From Science, May 20, 1983]

Congress Questions Binary Weapons Plan—A New Report by the General Accounting Office Pokes Holes in the Administration's Justification for Chemical Munitions

Opponents of the Reagan Administration's plan to build new binary chemical weapons recently received some fresh ammunition from the General Accounting Office (GAO). The agency's auditors concluded, in a report released on 5 May, that the Administration has amassed insufficient evidence to support its claim that binary weapons are both needed and highly useful. "The general picture is that the chemical weapon system is not perceived as a credible deterrent, little is known about its functioning or its usefulness, and a large amount of money is being sought for it. We are particularly concerned that so many questions remain unanswered," the GAO report states.[1]

Acting at the request of the House Foreign Affairs Committee, GAO auditors examined open literature and classified documents in search of evidence that the Soviet Union has a substantial offensive capability in chemical warfare, as the Administration claims. They also looked for evidence that existing U.S. stocks of chemical weapons are too small to offset the Soviet threat. They searched for evidence that binary weapons, which contain two nonlethal chemicals that combine in mid-air to form a toxic gas, are superior to existing, unitary weapons, which contain just the toxic gas. Finally, they looked for evidence that the Administration's plan will bring the Soviets to their knees at Geneva, where negotiations are under way to ban all chemcial weapons. In each instance, they found little substantiation.

Representative Clement Zablocki (D-Wis.), who chairs the Foreign Affairs Committee, says that the report raises "many disturbing questions," and that it "underscores the importance of our pursuing a chemical weapons arms control agreement, rather than initiating a chemical arms race." He hopes that its publication will induce others in the House to endorse H.R. 822, which would delete all funds for binary weapons production without disrupting plans for enhanced defensive measures. As of 5 May, the measure had 79 co-sponsors. Last year, a similar measure attracted 251 votes.

The Pentagon is of course unhappy. Theodore Gold, the deputy assistant secretary of defense for chemical matters, says that the report is "absurd, and filled with errors." He says that many of GAO's questions would have been answered if only they had read the most appropriate material and spoken to the most appropriate officials, including himself. The GAO explains that its research was finished last spring, before Gold was appointed, and that in any event, Gold declined to rebut a draft of the report with specific information.

The GAO concludes that the Administration's estimates of Soviet capabilities are highly uncertain. "In some cases, the reasoning seems to have been based on presumed knowledge of the Soviet chemical warfare inventory from World War II, lack of evidence that these weapons were ever destroyed, knowledge of current Soviet weapons delivery systems, and assumptions that the Soviets would have updated their capability. The extent of this guesswork can be seen in estimates that are given for the proportions of Soviet shells, warheads, and bombs containing lethal chemicals—they range from 10 to 50 percent."

The implication is that by relying on old information about weapons and fresh data about Soviet defensive capabilities, the United States might be overestimating Soviet offensive capabilities. Gold admits that "we don't know everything we need to know, such as the size and mix of their chemical arsenal, but we know something about their production capability, we know they have a stockpile, and we know the agents and type of delivery systems they have. It adds up to a persuasive case that the Soviets have a formidable capability to wage chemical warfare."

The GAO report says that even the size and reliability of the existing U.S. stockpile is highly uncertain, a claim that Gold also denies. "This is a serious charge, and totally false," he says. "There is a valid question about what the usefulness of the stockpile will be at the end of the decade, and we have an expert committee, chaired by John Margrave of Rice University, that is looking into this right now. But we know the size of the stockpile today."

The GAO also suggests that the United States lacks a coherent doctrine for waging chemical warfare, and says that "no steps are being taken to protect civilian populations." It notes that the Institute for Defense Analyses is only now attempting to assess the value of specific chemical weapons on the battlefield, as well as the most appropriate mix of chemical and conventional weapons. Again, Gold disagrees. "Particularly over the last several years, we have been evolving several things that would fall under the description of doctrine," he says.

The GAO also questions whether binary weapons will be superior to existing, unitary weapons. It points out that the binary Bigeye bomb, which is to be dropped from aircraft, will be difficult to control, as it must be activated while en route to a target and released within a few minutes for maximum effectiveness. If the release mechanism should fail, the Bigeye could overheat and detonate beneath the plane. Gold acknowledges that this is a problem, and says that the Administration will delay production of the Bigeye until its design is improved.

The GAO report goes on to imply that money intended for binary production might be better spent on defensive training, an area where the Soviets genuinely appear to be ahead. Only 14 hours of U.S. Army basic training are now devoted to nuclear, biological, and chemical warfare. Defensive equipment also needs work. Although the standard U.S. chemical protection suit can be worn consecutively for 14 days, no system has been provided for the disposal of bodily wastes. In addition, the mask partly obstructs vision. The GAO noted that "all the sources we reviewed agree that the services have between zero and limited ability" for protection of soldiers and civilians in groups.

Finally, the GAO report says that the Administration has failed to adequately study the impact of binary weapons production on the prospects for arms control. "While it seems that binaries present new and possibly greater verification problems, little is known about what the specific problems are or their possible solution," the report says. This conclusion, like the others, is obviously disputed by the Administration. But one thing is clear: If the Administration wants to win friends and influence people on the chemical warfare issue, it will have to make a better public presentation of the facts.●

WHO NEEDS CHEMICAL WEAPONS?

● **Mr. MITCHELL.** Mr. President, the Members of the House voted to continue this country's moratorium on the production of lethal chemical weapons initiated, as you know, by President Richard Nixon. Mr. President, the ball is now in our court, and I am pleased to submit for the Record a Washington Post editorial on the subject dated May 25, 1983.

The editorial outlines succinctly the major issues in the debate. It cogently describes the problems that have arisen with Bigeye bomb which, it turns out, can explode while still in the aircraft heading toward its target.

It concludes that it is up to Congress to continue this moratorium on production of chemical weapons, which has been our policy for 14 years.

The editorial follows:

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[1] "Chemical Warfare: Many Unanswered Questions," (GAO/IPE-83-6, General Accounting Office, Washington, D.C., 29 April 1983).

Who Needs Chemical Weapons?

The administration keeps plugging away to put the United States back in the business of making new chemical weapons, whose manufacture President Nixon renounced in his first term. This year it seeks $48 million for 155 mm binary chemical artillery shells and $66 million for equipment and chemicals for Bigeye binary bombs. But its case for building these weapons gets no better and in some ways gets worse.

The basic case remains that the United States must modernize its CW stockpile to meet the Soviet CW threat in Europe. But why must a chemical threat be met with chemicals? Almost all Europeans react in revulsion against their prospective use by either side. Fortunately, NATO has many other military means with which to deter and defend against a Soviet attack of whatever sort. Europe is not Laos or Afghanistan, the places of limited means where the Soviets or their clients use chemicals still.

Meanwhile, events raise other considerations. The new binary weapons are hailed for their safety features. But last year the Pentagon discovered the Bigeye bomb might explode in the plane en route to target, and it was forced to defer a request for production funds. The very real issue of the danger chemicals pose to *users* is further illuminated by accounts of the accident at a Soviet chemical facility in Sverdlovsk in 1979: about 1,000 people were said to have died.

Soviet or Soviet-sponsored use of chemical and biological agents in Indochina and Afghanistan has given the West a powerful political argument. At the same time, such use has raised the requirement for solid verification measures at the long-running Geneva negotiations on destroying old chemical weapons and banning new ones. Few people expect early results from those talks.

But that supplies no good reason for the United States to resume production of weapons of dubious military value and heavy, negative political weight. Such weapons are not, politically speaking, a big-ticket item like the MX, but there is a considerable bureaucratic investment in them. The burden is on Congress, especially the House, to ensure that the United States does not break the production moratorium that it established 13 years ago, to its honor and profit.●

IDA NUDEL

● **Mr. RIEGLE.** Mr. President, last week the Senate approved Senate Resolution 125, which expressed our sense that the Soviet Union should allow Ida Nudel to emigrate to Israel. This action is visible evidence of the grave concern that we have for her and our continuing belief that freedom should be hers.

The Soviet Jews represent the 11th largest of the 110 nationalities, ethnic groups, and linguistic minorities in the Soviet Union. Although these nearly 3 million Jews are an integral part of the economic fabric of their country, they continue to be denied the rights afforded them and all persons under the Helsinki accords. The Soviet Jewish population are repeated victims of discrimination in virtually every aspect of daily living: employment, education, housing, and travel.

Among those individuals for whom this discrimination has been particularly harsh is Ida Nudel. Often called the "Guardian Angel of the Prisoners of Conscience," Ida Nudel's life has been one of continual harassment, persecution, and abuse. In 1978, she was arrested and charged with "malicious hooliganism" for publicly hanging a banner from her balcony requesting a visa to join her sister in Israel. Ida's visa application has been ignored, despite numerous outside efforts to help her. Hence, she is being denied not only the basic right to travel and to live amongst her own people, she is being denied a reunion with her only remaining relative.

We must not forget Ida Nudel or others like her; they remain the conscience of the world.●

CONTINUING REPRESSION OF SOVIET JEWS

● **Mr. DOLE.** Mr. President, on June 23, 1983, the Commission on Security and Cooperation in Europe and the House Subcommittee on Human Rights and International Organizations met jointly to review the plight of Soviet Jewry. The hearing reaffirmed that the Soviet treatment of Jews is of vital importance to all freedom-loving nations. As Theodore Mann, immediate past chairman of the National Conference on Soviet Jewry, reminded those present, "When the rights of a minority are threatened . . . all people are threatened."

As cochairman of the Commission on Security and Cooperation in Europe, I am deeply concerned with the recent deterioration of conditions for Soviet Jews and with the ominous character of Mr. Andropov's Jewish policy.

The long history of anti-Semitism in the Soviet Union is profoundly disturbing. The issue, Mr. President, is of critical importance at the present time. The testimonies of Mr. Mann, Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, Lynn Singer, president, Union of Councils for Soviet Jews, William Korey, director, Public Policy Research, International Council of B'nai B'rith, and Igor Tufeld, a refusenik who emigrated in 1977, give us a valuable insight into the tragic predicament of Soviet Jewry.

DETERIORATION IN EMIGRATION

Emigration patterns reveal a crisis situation for Soviet Jews. The sharp decline in emigration figures is a vivid indication of the Soviet Government's refusal to abide by its international commitments. In 1979, 51,300 Jews were allowed to emigrate. In 1982, that number dropped to only 2,700. The average monthly emigration figure for 1983 stands at a mere 100.

Routinely, Jewish emigration applicants are dismissed from work. They and their families are social outcasts and become targets of officially condoned harassment. Children are subject to verbal and physical assaults in school. Many letters containing invitations from relatives in Israel, necessary in applying for emigration, are confiscated.

In a disturbing development, the recently organized so-called Anti-Zionist Committee alleged that emigration is down because "family reunification has essentially been completed."

Mr. President, this is clearly contrary to the facts. Every Member of Congress is well aware of many thousands of Soviet Jews who desire to emigrate, but have so far been prevented from doing so. Judicial repression of Soviet Jews has intensified. The Soviets continue to harass those Jews who attempt to exercise their fundamental human right to emigrate, and even to practice their religion. Currently, 16 Jewish activists are serving sentences. And two are awaiting trial. Their crime—an attempt to maintain their Jewish identity.

SUPPRESSION OF JEWISH CULTURE

The Soviets continue to subject Jews to arbitrary arrests and periodic searches. Homes are raided and teaching materials confiscated. Hebrew teachers who tutor small groups of students, are threatened by the KGB. Hebrew books are not available and materials sent from abroad are confiscated. Although there are 60 synagogues in the Soviet Union, only 3 are known to have rabbis. The result of this suppression is the denial of Jewish cultural expression. The purpose of this policy, as Mr. Korey stated, is to hasten "forced assimilation."

Mr. President, recently the effort on the part of the Soviet Government to break the will and spirit of Soviet Jews has taken a new and vicious turn. For many years now the Soviet Union has led a virulent anti-Semitic propaganda campaign under the guise of "anti-Zionism": They have equated Zionism with every conceivable evil.

Under the Andropov regime, anti-Semitism has become institutionalized. The number of anti-Semitic articles in the Soviet press has increased. Even youngsters read these articles in official Soviet children's publications. This propaganda is also found in radio and television broadcasting, as well as in books.

Mr. President, the most recent manifestation of Soviet anti-Semitism deserves our attention. In April of this year, the Soviets established the "anti-Zionist committee of the Soviet Public." A special institution legitimizing the state policy of anti-semitism. This propaganda drive evokes images of the SS Nazi era and Stalin's anti-Zionism campaign. These developments are sobering and frightening. They are

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graphic examples of man's inhumanity to man.

Mr. President, both the Commission on Security and Cooperation in Europe and the U.S. delegation to the Madrid meeting of the CSCE, on which I serve as cochairman, have consistently spoken out on behalf of Soviet Jews denied their fundamental rights. I pledge that we will continue to express our deep concern and to insist that the Soviet Government adhere to its human rights commitments under the Helsinki Final Act.●

WHAT DO WE DO AFTER WE DETECT A SOVIET SALT VIOLATION?

● **Mr. McCLURE.** Mr. President, I ask that the attached excellent article entitled "After Detection—What"? by Fred Charles Ikle published by Foreign Affairs in January 1961 be reprinted in the RECORD. This article is extremely relevant 22 years after its original publication, because the U.S. Government is currently grappling with how to react to a pattern of detected Soviet violations of SALT and other arms control agreements.

Fred Ikle, the author, is now Under Secretary of Defense for policy in the Reagan administration. His classic article offers some good advice now to the Reagan administration. In essence, Ikle argues that the technical issue of detection of arms control violations dominates the arms control verification debate, but that insufficient attention is paid to the political problems of violations challenge and arms control treaty enforcement. He argues that:

> The West has paid insufficient attention to the strategems which a detected violator can pursue to avoid or mitigate whatever action an aroused world opinion might take.

Ikle points out that the Soviets long ago acknowledged the presumed deterrent effect of world public opinion. Khrushchev stated in regard to the 1963 Limited Test Ban Treaty:

> If some side violates the assumed commitments, the initiators of this violation will cover themselves with shame, they will be branded by all the peoples of the world.

Unfortunately, however, the Soviets have evidently behaved as if the above statement were not true. They themselves have chosen to manipulate or ignore world public opinion.

Ikle points out two requirements for the enforcement of compliance with arms control treaties: The injured party must acknowledge the fact that there has been a violation, and the injured government must be willing to increase military expenditures and to offend pacifist feelings. He notes a problem entailed in each of these requirements. First, the injured government may subtly bias or suppress the evidence of the detected violation in order to avoid the serious implications of dealing with a violation. Second, the breaking of a major disarmament agreement will almost certainly require new military measures such as a full scale rearmament program. Ikle cites Winston Churchill's 1935 Parliament speech accusing the British Government of watering down the facts of Nazi rearmament in violation of the Versailles Treaty and the Naval Agreement of 1935, in order not to have to rearm themselves. Finally, Ikle quotes the late British Prime Minister Baldwin's 1938 reply to Churchill's 1935 charges of Nazi violations:

> Supposing I [Baldwin] had gone to the country and said that Germany was rearming and that we must rearm; does anybody think that this pacific democracy would have rallied to that cry at that moment? I cannot think of anything that would have made the loss of the election from my point of view more certain.

Ikle concludes that this Baldwin admission suggested that there may have been something deliberate about the watering down of intelligence at the highest level of the British Government, as Churchill charged in 1935. Historically, democratic governments are often prone to the politics of appeasement, rather than enforcement.

Ikle also points out cogently the main motivation a violator might have:

> A potential violator might enter into agreements solely in order to seek gains by violating them. He would calculate that there would always be a chance of his escaping detection or that "restorative measures" might be delayed or frustrated for political reasons. And if he lost out on these chances, a mere return to the status quo would leave him no worse off than before he entered into the agreement. The violator, in fact, would be playing a profitable game: "heads you lose, tails we're even."

Finally, Ikle quotes a blue-ribbon committee report of 1960 about potential Soviet compliance with a nuclear test ban treaty:

> A nation which violates such an agreement [i.e., a potential nuclear test ban treaty] automatically sets into motion an arms race from which there may never be an end.

This is a rather grim prediction and obviously the panel believed that the threat of an unlimited arms race would deter potential arms control treaty violators.

Ikle concludes that there are two main deterrents to Soviet arms control violations, and one prerequisite to a U.S. challenge of Soviet arms control violations. He states correctly that "the evidence of violation must therefore be such as to impress the public as authoritative and impartial." This is precisely what President Reagan's National Security Council Verification Panel is trying to do now in its ongoing study of the pattern of Soviet arms control violations. The credibility of their studies must be maximized. Ikle also stated:

> Those who wish to prevent the violation of arms control agreements must deter potential violators by their evident determination to make a double sacrifice. In the event a violation occurs they must be ready to assume a greater economic burden for defense, and they must risk a step-up in military competition.

This is precisely what faces the United States today.

The article follows:

AFTER DETECTION—WHAT?

(By Fred Charles Iklé)

The current debate on arms control and disarmament puts great stress on the problem of how to detect violations of whatever agreements may be reached. To this end inspection schemes and instruments for detection are developed, their capabilities and limitations discussed, and efforts made to test and improve them. Indeed, the technical question of detection dominates not only the domestic debate but also the international disarmament negotiations.

Yet detecting violations is not enough. What counts are the political and military consequences of a violation once it has been detected, since these alone will determine whether or not the violators stands to gain in the end. In entering into an arms-control agreement, we must know not only that we are technically capable of detecting a violation but also that we or the rest of the world will be politically, legally and militarily in a position to react effectively if a violation is discoverd. If we focus all our attention on the technicalities of how to detect a violation, we are in danger of assuming that our reactions and sanctions will be adequate.

A potential violator of an arms-control agreement will not be deterred simply by the risk that his action may be discovered. What will deter him will be the fear that what he gains from the violation will be outweighed by the loss he may suffer from the victim's reaction to it. In other words, even if we can develop an inspection system that makes the probability of detection very high, a nation contemplating a violation will not be deterred if it thinks it can discourage, circumvent or absorb our reaction.

We have learned (almost too late, in the case of the nuclear test ban) that an opponent may thwart our detection techniques by evasive techniques of his own. We should also realize that he may thwart the consequences of detection—which we count on to deter violations—by military or political strategems. We must study, therefore, not only what our opponent may do to avoid detection, but also what he may do to escape the penalty of being detected.

Let us discuss the question of what may happen when an evasion is detected under four general headings: (1) the reaction of world opinion; (2) the political reaction by the injured country; (3) various military measures that the injured country could undertake in an effort to restore the situation that would have existed without an arms-control agreement; and (4) military and political measures that would go beyond this "restoration."

II

World opinion, it is sometimes argued, will help to enforce disarmament agreements. World opinion supposedly will turn against the violator, provided he is discovered and "convicted" in an internationally accepted forum. He will lose prestige and influence in the uncommitted countries. In addition, various world-wide political reactions are expected to work to his disadvantage.

"World opinion" is such an amorphous concept that one finds it difficult to determine just how it can injure a violator of arms-control agreements. Speeches or resolutions in the United Nations, or critical editorials in the world press, are not likely to hurt him very much. One reason world opinion is so impotent is that its memory is so short. If the world's reaction cannot be translated immediately into substantive political or military changes damaging to the violator, it will lose all force.

The Soviet suppression of the Hungarian revolution illustrates the point. This gave an exceptionally violent shock to world opinion—in fact, more violent than many possible violations of arms-control agreements are likely to be. This is particularly true since evidence of a violation might often be equivocal and involve technicalities hard for the public to understand. Some of the most cherished beliefs of the West and also of the uncommitted countries were flouted in Hungary: a popular revolt against a dictatorial régime in a small nation was crushed from outside by a large power. Agreements were broken in the most flagrant fashion. One was the promise given by the Soviet-installed Kadar Government to the Jugoslav Government not to take punitive action against Imré Nagy when he left sanctuary in the Jugoslav Embassy. Another was the invitation extended to General Maléter and other delegates of the legal Hungarian Government to negotiate the withdrawal of Soviet forces—a trap to catch and execute them. Yet if one tries to list the penalties that world opinion imposed on the Soviet Union and the Kadar Government for these violations of its most sacred norms and of several important articles of the United Nations Charter, there is very little to record. There was a slight loss in the strength of Communist Parties in Western Europe (confined mostly to intellectuals on the fringe of the Party), but the loss is no longer noticeable. The strain on President Tito's relations with Moscow and the strengthening of NATO ties (particularly with Iceland) were largely ephemeral. Kadar has not been officially recognized as Hungary's legal representative in the United Nations; but he has been sitting in the General Assembly.

Other recent events have aroused world opinion, such as the Peking régime's violent repressions in Tibet and its violations of the Indian border. Yet in February 1960, only a few months after indignation in India had reached its peak, the Communists increased their vote in Kerala from 35 to 43 percent. And many of Communist China's neighbors continued to favor her admission to the United Nations.

Perhaps significantly, when Khrushchev discussed the nuclear test ban before the Supreme Soviet in January 1960, he chose to emphasize the reaction of world opinion as a deterrent to disarmament violations. By arguing that it was a sufficient deterrent, he tried, in effect, to brush aside the problems of inspection and control. But even if one assumed that the reaction of world opinion constituted an adequate sanction—an assumption challenged above—inspection would still be essential. A violator who does not risk being detected obviously does not need to fear world opinion. In any case, the West has paid insufficient attention to the stratagems which a detected violator can pursue to avoid or mitigate whatever action an aroused world opinion might take.

Many devices are available for this purpose. Thus the violator can frustrate the international inspection system and prevent it from reaching an official finding (study of Communist obstruction of inspection in North Korea reveals a large bag of such tricks). Or he can blame the other side for having violated the agreement first, and thus confuse the issue, or even generate an adverse political reaction against the injured party. Or he can accuse the other side of fabricating the evidence as a pretext for breaking the agreement or for covering up some other misdeed. Or he can assert that the agreement is obsolete in view of what he claims are changed political or military conditions and denounce it unilaterally prior to the intended violation (this would be analogous to the Soviet declaration that the Four-Power Agreements on Berlin were no longer valid). Finally, if some unfavorable reaction in world opinion is unavoidable, it may turn out that the violators "will cover themselves with shame"—as Khrushchev argued when he spoke about the nuclear test ban: "If some side violates the assumed commitments, the initiators of this violation will cover themselves with shame, they will be branded by all the peoples of the world." Yet, six weeks before making this assertion that a nuclear test ban would be enforced by world opinion, Khrushchev had this to recommend: "International reactionary circles are still trying to discuss the so-called 'Hungarian question' in the United Nations. Let them keep it as a souvenir if this consoles them."

Not only may the violator be contemptuous of world opinion, but he also may justify his acts on the grounds that they are demanded by the welfare of "the people" or by History—History being his conception of a superior morality that takes precedence over world opinion. "Had we not helped you," Khrushchev told the Hungarian Communists, "we would have been called stupid, and History would not have forgiven us this stupidity."

III

To be effective, a sanction must be applied as a result of governmental decisions by the injured countries. In democratic countries, government decisions are influenced by active public opinion, or, more precisely, by the conception of public opinion held by the government leaders. In these circumstances, democratic governments might experience serious political difficulties in reacting effectively to a detected evasion:

(1) The injured government must acknowledge the fact that there has been a violation. If the violation is open and well-publicized, no difficulty exists. But if evidence of the violation is equivocal or based on secret intelligence, the government may be reluctant to acknowledge the evasion or feel unsure of its ability to convince public opinion. For example, an admission that the control agreement had failed might be exploited at home by the political opposition, particularly if the agreement had been made originally by the party in power. In such a situation some decision-makers may favor an interpretation which casts doubt on the intelligence data relating to evasion or which belittles the importance of the evasion. Responsible decision-makers seldon distort evidence deliberately.[1] But the interpretation of complicated information is often a matter of judgment and discretion; hence subtle biases may decide the issue. Responsible officials would be particularly disinclined to accept equivocal evidence about an evasion of a disarmament agreement if they had previously been forced to defend the agreement against partisan charges that it might be violated. Yet a democratic government could institute only minor penalties against an evasion without informing legislative bodies and the public about the exact situation and explaining the need for drastic retaliatory or corrective measures.

(2) The injured government must be willing to increase military expenditures and to offend pacifist feelings. Now the reaction to a localized or minor violation need not disturb the defense budget appreciably (the new military equipment needed to counteract the North Korean violations of the rearmament clause was not a heavy burden); but the breaking of a major disarmament agreement will almost certainly require new military measures, perhaps a full-scale program of rearmament. The decision to react firmly and regardless of expense will be a hard one. Public opinion may not approve, especially if the evasion occurred gradually or if it merely consists of a resumption of some activity that had been discontinued—such as testing. If knowledge of the evasion is based exclusively on clandestine intelligence sources that cannot be revealed, the opponent's denial may find receptive ears among domestic opposition groups.

We have already questioned the effectiveness of world opinion as a sanction against arms-control evasions. It is ironic that it may be domestic public opinion—or rather the government's conception of it—that actually prevents effective sanctions being taken. The classic instance of this, and one that may have been a contributing cause of World War II, was England's reluctance to rearm in response to Hitler's violations of the Versailles rearmament restrictions. With what he called "an appalling frankness," Prime Minister Baldwin explained in 1936 why his own government had been unable to react:

"You will remember at that time [1932-33] the Disarmament Conference was sitting in Geneva. You will remember at that time there was probably a stronger pacifist feeling running through this country than at any time since the war. You will remember the election at Fulham in the autumn of 1933, when a seat which the National Government held was lost by about 7,000 votes on no issue but the pacifist. . . . I asked myself what chance was there . . . within the next year or two of that feeling being so changed that the country would give a mandate for rearmament? Supposing I had gone the country and said that Germany was rearming and that we must rearm, does anybody think that this pacific democracy would have rallied to that cry at that moment? I cannot think of anything that would have made the loss of the election from my point of view more certain.[2]"

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[1] When Germany violated rearmament restrictions in the 1930s, Winston Churchill suspected that "somewhere between the Intelligence Service and the ministerial chief there has been some watering down or whittling down of the facts." (Speech of May 22, 1935, in "While England Slept." New York: Putnam, 1938, p. 190.) Prime Minister Baldwin's later admission suggested that there might have been something deliberate about this "watering down," and perhaps at the highest level.

[2] Baldwin's reply to Churchill as quoted in Churchill, "While England Slept." New York: Putnam, 1938, p. 333.

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(3) The injured government must accept the new risks created by its reaction to the violation. It may see more than the domestic difficulties involved. For example, it may have embarked on long-range policies which seem more promising and important than counteracting an accomplished evasion, and it may hesitate to jeopardize them.[3]

It has been argued that all countries will be deterred from violating a major arms-control agreement in present circumstances because to do so would set off an unrestricted arms race that would eventually lead to disaster for the guilty as well as the innocent.[4] But this is an assumption which may not be shared by a country set on violating the agreement. Its leaders may reason that the very prospect of an unrestricted arms race might itself inhibit the injured party from reacting to the violation. And in fact the injured party might feel it safer to write off the violation as a loss rather than risk new dangers by a policy of rearmament—especially if it now finds itself in a weaker military position as a result of having complied with the agreement.

This dilemma is most serious. For example, the nuclear test ban conference adopted an article on March 19, 1959, upon the insistence of the United States and the United Kingdom, affirming a country's "inherent right" to withdraw from the treaty if its provisions, "including those providing for the timely installation and effective operation of the control system," are not being fulfilled. This article might be of cardinal importance in connection with China's accession to the test-ban treaty, because part of the control system would have to be installed in China. But would it give the Western powers much leverage against Chinese obstructionism? In the absence of a known instance of illegal testing, would the West be willing to withdraw from a test-ban treaty with the Soviet Union, resume testing and risk accelerating the arms race merely because the "timely installation" of the control system was being prevented by China?

(4) The injured government may have to reach agreement with allies before it can react. All disarmament agreements of current interest involve the United States with one or more of its allies. It is usually a difficult task to prepare a joint negotiating position vis-à-vis a Communist opponent. Agreeing on a Western response to a violation will raise anew the problem of allied coördination. The stronger and more explicit the reaction proposed, the more difficult it will be to achieve agreement. And all the problems of domestic public opinion and partisan politics discussed above will be evident in the allied nations whose coöperation is required.

IV

The military sanctions against evasion of an arms-control agreement can either be confined to measures that restore the situation that would have existed without the agreement or they can go further. Let us call the former "restorative measures." If the violator resumes testing, the injured country will do likewise; if the violator resumes testing, the injured country will do likewise; if the violator reoccupies his part of a neutralized zone, the other will move back into his; and if the violator rearms, his opponent will rearm to the same extent.

The problem of deterring violations has often been oversimplified by assuming that a detected evasion would automatically be taken care of by the cancellation of the agreement and the application of such "restorative measures." But three conditions have to be met if "restorative measures" by themselves are to be an adequate deterrent:

(1) The potential violator must fear the risk of being detected.

(2) He must also fear that a detected violation will cause an unwanted response by the injured country.

(3) He must not expect a violation to bring him an irrevocable advantage that would outweigh whatever gain he derives from abiding by the agreement.

The importance of the first condition is fully recognized. The second condition depends on the political factors we have just discussed. Both these conditions are needed for deterring an evasion by any type of sanctions, whether "restorative" or "punitive." Here we are interested in the third condition, because if it is not met, "restorative measures" alone are inadequate.

This third condition is not met, for example, if an agreement comprises several arms-control measures in such a way that the separate measures, taken individually, favor either one side or the other. The agreement remains in the interest of both parties only if all measures are observed. Violation of a part of it cannot be deterred by the threat of "restorative measures" confined only to this particular part. Additional sanctions are required. Otherwise the violator can break just those control measures that are not to his advantage. He will stand to gain if his violation remains undiscovered or ignored; and he will also gain if the violated part of the agreement is cancelled, because the residual agreement will then be more to his advantage.

This is precisely what happened with the Korean armistice. The clause prohibiting the introduction of new military equipment was violated by the Communists from the first day, but cancellation of this clause by the United Nations Command did not come until four years later. So the Communists gained on the first count. They also gained on the second count (after the United Nations eventually instituted "restorative measures"), because the residual armistice agreement was more favorable to them than the original agreement. (It was they who had been primarily constrained by the cancelled rearmament clause.)

It might be argued that an arms-control measure can survive only if all its separable components are equally in the interest of both parties. If this argument is true, the future for disarmament agreements is bleak. It is hard enough to arrive at over-all agreements that will not, over time, seem disadvantageous to one side or the other. But individual components of an agreement are inevitably of unequal value to opposing nations. For example, in addition to the Korean armistice, several of the current proposals for disengagement zones are composed of very unequal provisions.

There are other situations where the threat of "restorative measures" would be insufficient to deter an evasion. The violator may gain an irrevocable technological lead or an irreversible strategic advantage. As has often been pointed out, if American and Soviet troops were withdrawn from Western and Eastern Europe, the United States might find it difficult or impossible to return in the event that Soviet troops moved back in. Western alliance arrangements might have lapsed, the American troops might have been demobilized, and in any case they would have to be transported a greater distance—not to mention the American public's unwillingness to send "the boys" back overseas, particularly under a threat of nuclear war.

To sum up, "restorative measures" will not deter a nation contemplating a violation of a disarmament agreement in those situations where our third condition is not met, namely, when the violator expects to gain less from abiding by the agreement than from abandoning it. Indeed, a potential violator might enter into agreements solely in order to seek gains by violating them. He would calculate that there would always be a chance of his escaping detection or that "restorative measures" might be delayed or frustrated for political reasons. And if he lost out on these chances, a mere return to the status quo would leave him no worse off than before he entered into the agreement. The violator, in fact, would be playing a profitable game: "Heads you lose, tails we're even."

V

Where the threat of "restorative measures" is not enough to deter evasions, additional penalties are required. But to deter a world-be violator effectively they must be credible.

By far the most important and practical penalty would be a general increase in the military effort, going beyond what would be required to restore the pre-agreement situation. (A threat to start a war would not be equally credible and would therefore be less effective.) Suppose the aggrieved nation increases its defense budget by $20 billion. (As a result of the North Korean aggression, the United States increased its national security expenditures from $13 billion to $52 billion.) If the violator does not follow suit, he will become relatively weaker than he was before breaking the disarmament agreement. If he does follow suit, he would, in effect, be "fined" the equivalent of $20 billion, though of course both sides would bear this burden.

The injured country may be able to step up its defense effort in ways that do not require a large increase in the budget and still impose significant penalties on the violator: for example, by changing the deployment and readiness of weapons, or by resuming military activities that were voluntarily limited beforehand. However, in doing this the injured party must be prepared to run the risk that such a "punitive" increase in its defense effort will renew or accelerate the arms race. Actually, the violator may wish to avoid an arms race with so determined an opponent; he may be unwilling or unable to pay his full "fine" and have to accept a loss in relative military strength.

Those who wish to prevent the violation of arms-control agreements must deter potential violators by their evident determination to make a double sacrifice. In the event a violation occurs they must be ready to assume a greater economic burden for defense, and they must risk a step-up in military competition. The willingness to make such sacrifices involves less, however, than would be required to deter limited aggression. To do that successfully a country must be willing not only to accept increased defense costs if deterrence fails, but also to suffer casualties and face the risk that the limited conflict may expand.

Political sanctions are likely to be less effective than an increased defense effort, although they may play an important complementary role. What they might be is difficult to predict in the abstract. If the potential violator is cautious, this uncertainty may help to deter him; if he is adventurous, like Hitler, he will gamble on his ability to meet and overcome the political reaction.

The remaining question is how to make the penalties of evasion seem more inevitable and severe and the gains more dubious. Parliamentary governments are more likely to take strong action against a violation if they are supported by public opinion. The evidence of violation must therefore be such as to impress the public as authoritative and impartial. A finding by an international organization will be influential in this regard, especially with public opinion outside the countries directly affected. An international body, however, has many weaknesses that can be exploited by a violator. Ideally, one would want the best of both worlds: the greater authenticity and dramatic impact that an international inspectorate provides, and the flexibility and versatility of national intelligence systems. One should at any rate avoid entering into arms-control arrangements that are administratively closed to intelligence information. The current draft treaty for the nuclear test ban sets up a rigidly confined scheme from which intelligence information is essentially excluded.[5] The Antarctica treaty, on the other hand, provides for complete freedom of inspection by anyone without any international mechanism (except suggestions for arbitration in the event of "disputes").

The deterrence of evasions could also be strengthened if parliamentary governments took steps to simplify and speed up their decision-making procedures. The United States Government, for example, has sometimes adopted enabling legislation to facilitate quick Presidential action, in order to disabuse a potential aggressor of the idea that partisan conflict or public quarreling about constitutional limitations or the issue at hand might inhibit an effective response. The Formosa resolution of 1955 is an example of Congressional authorization for the President to take action on the basis of his finding alone. The United Nations Participation Act of 1945 authorizes the President to act upon a decision by an international body, the United Nations Security Council. To strengthen a disarmament agreement both types of authorizations might be useful and a good time to enact the appropriate enabling legislation would be when Congress ratifies an arms-control treaty.

The power and influence of the legislative branch of the government might be brought to bear in other ways so as to increase the likelihood that the reaction to an evasion would be prompt and strong. Special parliamentary committees might assume an explicit responsibility for all arms-control agreements, and stand ready to mobilize legislative support for any necessary response to some breach of a treaty. The Joint Committee on Atomic Energy, which has privileged access to classified information and is on intimate terms with the executive, offers appropriate administrative precedents. Thus Congress might create a "Joint Committee on the Observance of Arms Controls" to demonstrate its determination to make arms-control agreements succeed.

An effective response will often require coordination and agreement among allies. The difficulties which this involves might be lessened by making arrangements in advance for joint action. First, in order to ensure agreement as to the fact of evasion, all evidence could be evaluated by an inter-allied agency permanently set up for this purpose. To minimize considerations of domestic politics, it should not have the responsibility for recommending any action. The next step by the allied governments might be a relatively minor one, on which agreement could easily be reached, namely to give publicity to the committee's findings; for example, they might forward a report on the evasion to the United Nations or to an international control system provided by the disarmament treaty. From this point on, the allied governments having jointly held and publicized their interpretation of the violation would feel under more compulsion to reach agreement on the effective sanctions needed.

It may be argued that allied governments cannot be "tricked" into such a procedure, because if they are opposed to or afraid of vigorous action they will avoid taking the first step: the evaluation of evidence. This arrangement would have force if the procedure were to be determined *after* the violation had been charged. But it is proposed here that by a preparatory agreement the Allies shall firmly establish the procedure at the time they conclude the arms-control treaty, when they are still fairly confident that the other side will adhere to it, hence are less opposed to a firm commitment for joint action against what seems a remote contingency.

All these political measures must be planned to the accompaniment of whatever military preparations will be necessary to deal with violations of the agreement. For instance, under an agreement that prohibits only the testing of certain weapons, both sides will remain free to continue research and development. The country that is determined to abide by the agreement cannot afford to neglect this research without opening the way for a potential violator to gain and then exploit a technological lead. Unless the public understands this fact, parliamentary governments will be handicapped in maintaining a research effort for weapons whose testing has been prohibited. The same problem would also arise under an agreement which does not prohibit the development of a weapon but does prevent the deployment of it—for example, a ban on placing weapons of mass destruction in orbit.

A program to deter evasion of arms-control agreements, like the one suggested here, does raise some additional problems for which an analogy can be found in the strategy of deterrence against nuclear attack. First, there is the problem of carrying out a threat if deterrence fails, that is, of imposing sanctions in the event of evasion or of retaliating in the event of attack. An advance commitment to carry out the threat is rational and necessary for a policy aimed at deterrence; but carrying out the threat after deterrence has failed may be undesirable or even irrational. Second, a policy of deterrence has to cope with accidental violations of the agreement, just as a policy of deterrence against nuclear attack has to control the risk of accidental war. In the former case, both sides will wish to correct the unintended violation and preserve the agreement; in the latter, both will want to avoid or correct an "accident" before it leads to full exchanges of violence. Third, there is some resemblance between the advantage of a first strike in mutual deterrence against nuclear attack and the advantage of gaining time through an evasion in certain arms-control agreements. None of these analogies is exact, of course. But they do suggest that ideas in the literature on deterrence can be as relevant to the prevention of violations in arms-control agreements as they are to the prevention of war.●

THE FOURTH OF JULY

● Mr. GLENN. Mr. President, as we prepare to celebrate our Nation's birthday on Monday, I would like to share with my colleagues an article, "Thoughts on an American Birthday," which appears in the current issue of Ladycom magazine. The writer, Barbara Cummings, is the wife of an Army enlisted man now stationed in Waco, Tex.

In this article, the writer brings out that patriotism and love for our country is not taken for granted by our military personnel and their families stationed overseas.

I ask that the article, "Thoughts on an American Birthday," be reprinted in full in the Record.

The article follows:

Fizzled sparklers, warm potato salad, and "Mom and apple pie" speeches make up a large part of our collective American experience. But have you ever wondered where the accompanying sentiments go after the Fourth of July?

Granted, American patriotism is an elusive, often complicated, emotion, but the unconditional love of country it demands seems to be more readily embraced by military families than civilians, and taking this a step further, by American military stationed overseas. Perhaps we are just more attuned to it than our non-military counterparts; maybe living daily with the commitment does that. And maybe it is possible to appreciate our way of life more at a distance when we have a tangible basis for comparison. Despite our varied motives, the fact remains that that flag-waving, brass-band strain of American pride spreads like crabgrass on foreign soil, while it seems to require vigilant nurturing here at home.

At home, especially since Watergate, our cynicism colors our patriotism. Our patriotism is cross-cut by images of baby-kissing politicians whose greedy handshakes mask their insincerity; of smoke-filled rooms where deals are cut; of the hard-nosed push for cash during an election race. Still others associate unabashed Americanism with naiveté and blind optimism. But somehow, Americanism comes to be a more basic, more emotional, more simple trait among those overseas.

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[3] Churchill was aware of this when he was pleading for a more effective response to Hitler's treaty violations: "Then it is said—and I must give this explanation of the extraordinary fact—that 'we were laboring for disarmament,' and it would have spoiled the disarmament hopes if any overt steps to raise our Air Force had been taken." Speech of May 22, 1935, *op. cit.*, p. 190.

[4] For example, the Committee on Science and Technology of the Democratic Advisory Council wrote on March 14, 1960, about the nuclear test ban: "A nation which violates such an agreement automatically sets into motion an arms race from which there may never be an end."

[5] Both the Soviet and the Western drafts allow the parties to select their annual quota of on-site inspections freely from among seismic disturbances that meet certain criteria. However, should a violation be unaccompanied by such a disturbance (*e.g.* a muffled underground test), the violator would not have to permit an inspection and the international control system would remain closed to all other evidence.

BEST COPY AVAILABLE

I recall a Fourth of July celebration several summers ago in Italy. Humidity shimmered on the North Forty that day. Our clothes clung to us in sweaty wrinkles. It seemed so much hotter than early July, even for Italy, yet clusters of us waited for the by-now familiar ritual to begin. You see, nearly all of us had gathered every Fourth during our tours of duty to hear the cannons blasted 50 times in accompaniment to an alphabetical reading of the States. It may sound corny, but it was *very* important to us. We all stood there, misty-eyed, cheering, feeling very proud and probably more American than we had ever felt in our lives. America may have been 3,000 miles and a DEROS date away, but it had never been more immediate or real.

It would be misleading and unfair to say our flag-waving tendencies died with the last fireworks. They were in evidence, albeit in varying degrees, all through the year. I remember getting off a bus one foggy, coat-dampening winter evening only to stumble upon a large, noisy group of Americans clogging a sidewalk. Upon further inspection, I realized that they were crowded in front of a television store window display, cheering the United States Hockey Team, much to the amusement of passing Italians.

And still another episode comes to mind: that of a packed room full of GIs, cheering an NFL playoff game broadcast via satellite. I don't really remember their taking sides in the game. I just remember their excitement watching something that, before, they probably had taken for granted.

There is a postscript to all of these memories. After I returned to the States and found myself slipping into the mundane cycle of a normal American existence, Gen. James Dozier was freed by a crack team of Italian police. At that time, I watched with amazement the bored nods of approval from my fellow citizens. Soon afterward, I wrote a friend still in Italy to ask about her reaction to his thrilling release. She replied, describing the excitement and pride that had spilled into the streets. She said it seemed like every American has had a radio on blaring the news of the rescue. Newsmen had spoken of "another victory for patriotism over terrorism."

Somehow, I *knew* she'd say that.●

U.S. FOREIGN POLICY AND DOMESTIC COMMERCE

● Mr. **ABDNOR**. Mr. President. I am greatly concerned that foreign policy decisions often have been made without due regard to their economic impact on U.S. business. A very significant portion of this country's economic system is highly dependent upon foreign sales and purchases. A foreign policy decision can have a devastating economic impact on a domestic industry. The 1980 Russian grain embargo imposed by the Carter administration is a classic example.

While I would not suggest that national security should be secondary to economic impact, I question the extent to which economic consequences have been taken into consideration—if at all—when foreign policy decisions are made. In my judgment, maintaining incentives and rewards within our economic system is also in our Nation's interest. It is not in our best interest to use "national security" as a catch-all excuse to justify unwarranted intrustion into international trade.

With that thought in mind I asked the General Accounting Office (GAO) to research the organization of the Reagan administration's foreign policy decisionmaking process and how compensation is made to industries when export controls are imposed.

I ask that excerpts from GAO's May 12 letter report, entitled "Interagency Structure of Economic and Foreign Policy Decisionmaking" (GAO/ID-83-41), be reprinted in the RECORD.

The excerpts are as follows:

EXECUTIVE BRANCH ORGANIZATION

Under the Reagan administration, interagency policymaking is formally structured and extensively used. High-level interagency policymaking is carried out through a group of senior interagency groups associated with the NSC, and a number of cabinet councils. Senior interagency groups (SIGs) are set up under the NSC umbrella for foreign affairs, defense policy, intelligence policy, and international economic policy. They are chaired respectively by State, Defense, the Central Intelligence Agency, and Treasury. Interagency groups (IGs) typically focus on limited issues and have varying membership, size, and responsibilities depending on the issues under review. As may be expected, the NSC groups are concerned mostly with international political and military issues.

A series of cabinet councils set up by President Reagan to deliberate administration policies are, on the whole, concerned with domestic issues. Such issues, of course, encompass international economic concerns. To date, seven councils have been established, each chaired by the President with a cabinet-level chairman pro tempore, and each group has an Executive Secretary in the White House Office of Policy Development at the level of Special Assistant to the President or above.

The Cabinet Councils (and Secretary-rank chairman pro tempore) are: Economic Affairs (Treasury); Commerce and Trade (Commerce); Food and Agriculture (Agriculture); Natural Resources and the Environment (Interior); Human Resources (Health and Human Services); Management and Administration (Counsellor to the President) and Legal Policy (Attorney General).

The Cabinet Council on Economic affairs has reportedly been the most active of the councils. Although it was initially envisioned as a forum for domestic economic concerns, the council has considered such international issues as the yen-dollar exchange rate and U.S. participation financial institutions.

The Cabinet Council on Commerce and Trade, has been a relatively active council. It has operated in tandem with the Trade Policy Committee, an interagency group established in the 1962 legislation setting up the Office of the U.S. Trade Representative (OUSTR). Most trade issues continue to go through the Trade Policy Committee, chaired by the Ambassador-rank Trade Representative. When agreement cannot be reached on an issue through the trade policy structure, however, and Presidential determination is required, the issue will go before the Cabinet Council on Commerce and Trade. This council has also commissioned a study of U.S. competitiveness in high technology industries. The remaining councils are neither as involved in international affairs nor as active overall.

SENIOR INTERAGENCY GROUP ON INTERNATIONAL ECONOMIC POLICY

To coordinate foreign and international economic policies, a new Senior Interagency Group on International Economic Policy (SIG-IEP) was set up in the summer of 1982. The need for this group was highlighted by differences over such issues as the U.S. embargo of energy-related equipment to the Soviet Union and frictions with the European Common Market over exports of subsidized agricultural products. To ensure that domestic and international economic policies would be fully consistent and integrated, the President's directive named the Secretary of the Treasury as chairman of the SIG-IEP in addition to his role as chairman pro tempore of the Cabinet Council on Economic Affairs.

As originally proposed by the National Security Advisor, the SIG-IEP was to be set up within the NSC system and chaired by the Secretary of State with the Secretary of the Treasury as vice chair. The SIG-IEP was to funnel information on international economic policy issues from other interagency bodies to the NSC, focus government attention on important international economic issues, and monitor the implementation of U.S. policies in international economic affairs.

As finally set up, in a memo from President Reagan to the Cabinet of July 23, 1982, the SIG-IEP took on a somewhat different role. The objectives set out in the President's memo were to

"(1) develop, review, and prepare alternatives and recommendations on international economic policy issues as they relate to foreign policy, (2) develop a comprehensive international economic policy as it relates to foreign policy, and (3) coordinate the preparations for international economic summit conferences."

The latter objectives are much broader and seemingly more substantive than those originally envisioned. In addition, the Secretary of the Treasury was given the chairmanship rather than the Secretary of State, who is the vice chairman. The SIG-IEP was also given the authority to form its own working group instead of using the existing NSC structure, and it established a mid-level interagency support group chaired by the Assistant Secretary of Treasury for International Affairs.

Membership of the SIG-IEP includes the Secretaries of State, Agriculture, Commerce, and Defense; Director of the Office of Management and Budget; U.S. Trade Representative; Chairman of the Council of Economic Advisors; Director of the Central Intelligence Agency; Assistant to the President for National Security Affairs; and Assistant to the President for Policy Development; as well as the Secretary of the Treasury. Other domestic officials with a seeming interest in foreign and international economic issues, such as the Secretary of Labor, are not members.

In his role as chairman pro tempore of the Cabinet Council on Economic Affairs (CCEA), the Secretary of the Treasury is to provide leadership in the debates on international issues with major economic policy implications and, as chairman of SIG-IEP, to provide leadership in the debates on international economic issues with major foreign policy implications. The CCEA provides Treasury with a vehicle for presenting analysis to the Cabinet, and the SIG-IEP

with a mechanism for providing analysis to the NSC.

The last international economic summit was held prior to the SIG-IEP's creation and as a consequence the SIG-IEP has not prepared for such meetings. In November 1982, responsibility to coordinate preparation for economic summit conferences was given to the Under Secretary of State for Economic Affairs. However, there is to be a substantive role for the SIG-IEP in the administration's preparations for the summit to be held in Williamsburg in May 1983. To date, the SIG-IEP has made no effort to develop "a comprehensive economic policy as it relates to foreign policy," the second objective set out in the President's July memo and, since it has not staff or resources of its own, any future attempts to develop such a policy will likely entail assigning segments to different agencies.

Under its mandate to develop, review, and prepare alternatives and recommendations on international economic policy issues, however, the SIG-IEP's meeting schedule has been extensive. From July 26 to October 15, it met at least 11 times to consider issues including grain sales to the Soviet Union, pipeline sanctions, and U.S.-India relations. More recently, it has met to develop an administration position on renewal of the Export Administration Act. According to the SIG-IEP's executive secretary, the decision to use the SIG-IEP to consider a wide range of issues was made to gain broad participation from a variety of agencies, even though a smaller group may have been more efficient. Over time, however, the range of issues considered has somewhat diminished.

Under the leadership of the Treasury Department, we have been told the SIG-IEP has been used both as an informational forum to bring cabinet members up to date on various issues and as a forum to either reach consensus and report recommendations to the President through the NSC or to surface disagreements and clearly define options.

ISSUES IN COMPENSATION

The idea of compensating private companies, their employees, and the communities in which they are located for costs incurred as a result of export controls received renewed interest after President Reagan imposed sanctions against the Soviet Union as a result of the imposition of martial law in Poland. Such assistance has long been provided to those groups adversely affected by imports, and recent agricultural legislation contains provisions to protect against and compensate for agricultural embargoes. The administration's recent proposal to reauthorize the Export Administration Act provides some protection to exporters of nonagricultural products when export controls are imposed for foreign policy reasons. This appendix summarizes earlier experiences of groups requesting compensation for import and export-related reasons and discusses insurance programs used by major U.S. trading partners.

AGRICULTURAL SECTOR

Following the Soviet invasion of Afghanistan in January 1980, President Carter suspended the shipment of about 18 million metric tons of agricultural commodities to the Soviet Union for foreign policy and national security reasons under the authority of the Export Administration Act of 1979. Under the direction of the President, the Department of Agriculture took a number of actions, which included direct government purchases of grain and grain contracts to offset the impact of such a suspension.[1] It was the first time the Federal Government had done this.

Partly as a result of the suspension, the Congress adopted legislation that provides protection to the agricultural sector from losses arising from future foreign policy actions. In the Agriculture and Food Act of 1981, passed in December of that year, the Secretary of Agriculture is required to compensate farmers under certain conditions for losses due to national security or foreign policy embargoes through direct payments and/or loans. President Reagan lifted the embargo on April 24, some 7 months before the law was passed.

Additional legislation was passed in the last Congress that attempts to minimize damage to the agricultural sector as a result of export controls. The Futures Trading Act of 1982, enacted in January 1983, states, in part, that the "President shall not prohibit or curtail the export of any agricultural commodity or the products thereof under an export sales contract entered into before the President announces an action that would otherwise prohibit or curtail the export of the commodity or products."

NONAGRICULTURAL PRODUCTS

According to Commerce Department officials, Commerce is not required to compensate firms whose products are subject to export controls. In the wake of the Afghanistan sanctions, however, several actions were taken. The Conference Report on appropriations for the Departments of State, Commerce, and Justice and related agencies in April 1980 authorized the Small Business Administration to provide up to $4 million in disaster loans to small businesses that had suffered substantial economic injury. A group of travel agencies that had been adversely affected by the U.S. boycott of the 1980 Moscow Olympics petitioned the Small Business Administration for redress. The President vetoed the appropriations bill before any settlement was made.

Also as a result of the invasion of Afghanistan, the Department of Commerce curtailed and subsequently banned U.S. phosphate exports to the Soviet Union in February 1981. The administration concluded that domestic producers had sustained losses and that jobs had been lost as a direct result of the controls. There was some discussion of Government compensation at that time, but no action was taken.

ADJUSTMENT ASSISTANCE

Compensation for import-related injury has been provided under the Trade Act of 1974. Approximately $3.87 billion was paid to workers and $329.2 million in direct and guaranteed loans to firms since the program's inception. The amount of assistance has been declining and the President, in his fiscal year 1984 budget submission, recommended that adjustment allowances be discontinued.

During the last session of Congress a bill was introduced to provide similar assistance to workers and firms that suffer economic injury because of the imposition of certain export controls. Provision was made for retraining and relocation allowances for workers and loans or guarantees to firms. In its end of the year report last year, the President's Export Council unanimously endorsed a resolution calling for compensation for firms and workers who lose their jobs as a result of certain controls on exports.

EXISTING INSURANCE PROGRAMS

The Export-Import Bank Act of 1945, as amended, authorized Eximbank to insure against losses on export contracts due to political risk. This authority has been delegated to the Foreign Credit Insurance Association, a group of private companies, which has focused on losses due to political risks in the country of destination. Insurance against U.S. export control action prior to shipment is available but requires the purchase of a preshipment rider which specifically insures against the risk of loss due to political factors between the time of contract and the time of shipment. The preshipment policy requires payment of an additional premium and is generally purchased when the exporter expects a significant delay between contract and shipment. Preshipment policies are not generally purchased for sales of inventory items but for capital goods that are being manufactured to the buyer's specifications and for which there is no readily available alternative buyer. This coverage has been rarely used, however, and claims have been infrequent.

Many OECD countries have programs which are analogous, in that separate policies to cover risks between time of contract and time of delivery must be purchased. Government involvement in such schemes varies. The Government of Japan underwrites insurance policies to cover losses related to export controls as part of an overall export insurance law, but has not paid any claims. The Italian Government offers coverage, if it has been specifically applied for, against government actions in general. A private Dutch firm underwrites most political insurance risk in the Netherlands, and the West German system also depends almost solely on the private sector.

CURRENT INITIATIVES RELATED TO EXPORT CONTROL

A number of current initiatives deal with Government compensation and insurance for export controls and restrictions on the effects of their use. The sanctity of contracts is addressed in a bill to amend the Export Administration Act of 1979 which has been introduced in the current legislative session. As was provided for agricultural goods, this bill states in part that export controls imposed shall not apply to exports contracted for prior to the imposition of controls. Another recently introduced bill authorizes the Overseas Private Investment Corporation to issue insurance against losses incurred from the imposition of export controls.

Wide debate continues over the impact of adopting such legislation. According to administration officials, requiring the U.S. Government to reimburse manufacturers/exporters who suffer losses as a result of foreign policy-based export controls would force the Government to quantify the cost of using such controls. This in turn could either (1) liberalize the use of foreign policy sanctions because businesses would not be left "holding the bag" or (2) make foreign policy sanctions more costly and therefore less attractive to use.●

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[1] For a critical discussion of Agriculture's actions and the resulting cost to the Government see GAO's report "Lessons to be Learned from Offsetting the Impact of the Soviet Grain Sales Suspension," July 27, 1981 (CED-81-110).

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CHESAPEAKE BAY EROSION STUDY AUTHORIZED

● Mr. **STAFFORD**. Mr. President, under new rules of the Committee on Environment and Public Works, resolutions to authorized water resources studies by the Army Corps of Engineers must be approved by the full membership of our committee. Until this year, this responsibility had rested with the chairman and ranking minority member. But I, for one, believe that rule was too restrictive, not encouraging others on the committee to participate in the process.

Yesterday, the committee approved the first of these resolutions under the new procedures. This resolution authorizes the Corps of Engineers to undertake a study of erosion problems along Chesapeake Bay.

Mr. President, I want to express my commendation of Senator MATHIAS for his leadership in developing this study, and to state my belief that this study will prove to be a most important one.●

HAPPY BIRTHDAY, AMERICA

● Mr. **D'AMATO**. Mr. President, as we approach the Fourth of July and prepare to celebrate the birth of our Nation's independence, it is with special pride that I recognize the efforts of a fellow New Yorker who has composed a special song in honor of this national holiday.

Mr. Joe Rescigno of Eastchester, N.Y., pays tribute to our country in a new anthem entitled, "Happy Birthday, America." While Mr. Rescigno does not contend his song should replace "The Star Spangled Banner" as our national anthem, he would hope that it could be adopted some day as an official song for the Fourth of July.

As a patriot who was born and raised in the suburbs of America, Mr. Rescigno composed "Happy Birthday, America" as an inspiration to all Americans and to commemorate our national heritage. In his hometown, his anthem has received great public acclaim amongst senior citizens and other civic organizations. Stories have appeared in the local press and his song has been aired on local radio, as well as sung at community gatherings.

Given the great acclaim Mr. Rescigno has achieved through the composition of "Happy Birthday, America," I would like to offer my own tribute to his efforts as a songster and patriot. I commend him upon his achievement and offer the lyrics of "Happy Birthday, America" to my colleagues for consideration as a special Fourth of July anthem.

The lyrics read as follows:

Happy birthday, dear America
Happy birthday, dear America
July 4 is your birthday
God bless you today.

We are all proud of you
We love your stars and stripes
Of red, white and blue
You were born with freedom and justice, too.

Your liberty bell is echoed
Across oceans, seas and lands
This echo becomes louder
For all people everywhere.

We are proud to broaden you
In this great wide world
We celebrate and thank you
Forever and ever.●

ISLAND OF PEACE PARK

● Mr. **DURENBERGER**. Mr. President, 15 years ago, Ed Wilmes of St. Paul sat on top of a rubbish pile alongside the Mississippi River and looked at the land around him. What he saw was a peaceful place, a lush and green place, a place of contemplation. It was a place that reminded him, his personal difficulties aside, of just how beautiful life can be.

He also thought about the early days of his life, about family picnics and about having to watch his crippled mother sit in a chair while the rest of the family ran through the park.

These thoughts stirring in his head, Ed Wilmes did not sit still for long. Believing that one man can move a mountain, Ed went about gathering support for a park accessible for the elderly and the handicapped.

In my early days of public service, I was chairman of the Metropolitan Open Space Commission, and that is where I first met Ed. Armed only with an idea, he came to the commission to gather support and financing for his idea; his "Island of Peace" park.

Because the commission, as commissions sometimes go, had bigger problems dealing with bigger facilities at the time, Ed's idea was set aside.

But Ed persisted.

In time, he obtained the needed support and financing for the park, and today, 15 years after he first sat on the rubbish pile "Island of Peace" park sits in its place on 140 acres of land alongside the Mississippi River—complete with trails designed for wheelchairs, picnic tables for wheelchairs, and a visitors center.

The park is a big success, enjoyed by thousands of people, thanks to Ed.

And as Ed so proudly told a reporter, "One man still can make a difference." And that is a good lesson for all of us.

I would like to share Ed's special story and ask that the St. Paul Pioneer Press article from June 19, 1983, be reprinted in the CONGRESSIONAL RECORD.

The article follows:

[From the St. Paul Sunday Pioneer Press, June 19, 1983]

PEACE PARK SPRINGS FROM A LIFE OF PAIN

(By Patrick Marx)

It was the summer of 1942. Ed Wilmes, a young man with ambitions to play professional baseball, aborted his dream for World War II.

Wilmes eagerly enlisted in the U.S. Navy to seek adventure. But his youthful decisions seeded wartime experiences that led to a life of aimless drunkenness.

Despite his alcohol problem—he is only three months away from his last drink—and though he is virtually penniless, Wilmes, 60, has succeeded in establishing a priceless and perhaps a timeless legacy, a dream that began on Omaha Beach.

It's called the Island of Peace Park, a 140-acre park along the eastern shore of the Mississippi River in Fridley, a few blocks north of Interstate 694 just west of University Avenue.

Designed and crafted by Wilmes, the park is a special place for the handicapped and the elderly. Were it not for Wilmes, Islands of Peace wouldn't exist.

"We call him the founder," said David Torkildson, director of the Anoka County Park system that oversees the park. "His efforts to provide a special place for handicapped people have won recognition that the handicapped have been slighted in the parks systems."

The park took 13 years to develop, but it represents Wilmes' lifelong quest for meaning, for a place to call home.

Perhaps the idea began with Wilmes' handicapped mother.

Born in Milwaukee, Wilmes is the son of a wood carver. His mother suffered from severe hip problems resulting from a fall when she was a child.

"It was really something to go on a picnic and have to set her on a chair while we went out into the woods," Wilmes recalled. "It's something you don't forget."

A troubled youth, Wilmes sought gratification from sports. Shortly before the war, he said, he played baseball in the old Florida League for an old Boston Braves farm club.

He quit the league to join the Navy, where baseball ended and his affection for booze began.

The summers of '42 and '43 passed uneventfully. Wilmes did state-side duty in the Washington, D.C., area as a pharmacist's aide. With time on his hands, he gleefully whiled away the hours drinking.

Early in 1944, however, Wilmes was jolted by orders to join an amphibious unit in Great Britain to prepare for an assault on Normandy.

D-Day, June 6, 1944. Wilmes boarded LST 230 with his unit, Foxie 29 and headed for Utah Beach to transport battlefield wounded and dead away from the front.

Wilmes' left elbow and left leg were shattered by shrapnel, along with his dream to play pro ball.

"It was a rough crossing," he remembered. They say forget, but I never want to. I think of my buddies often. Just doesn't go away. I don't want to say much about it. Guilt. That's when I got the idea of finding a peaceful place.

Though the idea may have germinated then, it took four decades to blossom.

During the '50 and '60s, Wilmes drifted through the Midwest: Chicago, South Bend, Indianapolis, to name a few stops.

"I was a meatcutter, a meat salesman and a meat inspector. I would go from job to job. I never got fired for drinking, but was told to knock it off or lose my job.

Eight times he was hospitalized for alcoholism and complications caused by his war injuries. And with each hospital stay among

disabled and elderly veterans, he said, the idea for a "place for them" grew, stronger.

In 1966, Wilmes came to the Veterans Hospital in Minneapolis suffering from internal bleeding. During his recuperation, he often wandered along the river.

"I would sit in a tavern along U.S. 10 watching people go north for boating and I'd go back to the hospital where they had nothing," he said.

"Sometime in 1968 I came to visit this place," he said. "Right over there on a rubbish heap I got the idea to make the Islands of Peace."

Wilmes stood in front of the park's reception center facing west—a deep forest bordering the river. At his back was a parking lot and several apartment complexes in full view of Interstate 694.

It's a strangely peaceful place; one side urban, one side wild and lush.

Park trails are low, easy and black-topped. A Fridley VFW post donated an electric golf cart so the disabled could move around. Picnic tables are cut to allow those using wheelchairs to roll right in.

"The plants are close to the trails to allow those in wheelchairs to touch them and the fragrant trees like the lilacs are set out so the blind can scent them," said Wilmes.

Hobbling on his cane, followed by his 13-year-old golden retriever Grandy, Wilmes proudly squired guests through the spacious three-room reception center. The center was built by volunteer union workers with $150,000 appropriated by the Minnesota Legislature.

He pointed to a console television donated by Minnesota Twins owner Calvin Griffith; to couches, tables and chairs donated by Wickes Furniture Stores; to plywood donated by Plywood Minnesota; to a dozen rods and reels and to a huge brass Liberty bell donated by Onan Corp.

"If I had a list of the people who donated to this, it would be taller than the IDS Tower," Wilmes said. "The Army, the Navy, the Girl Scouts, the Boy Scouts, the Protestants, the Catholics, the Republicans and the Democrats.

"It's totally accessible, but it's not exclusively for the handicapped or the elderly. I said 'no' to that because that would isolate them. This is open to the public."

In the corner of a rear room stands a small bunk, covered with a tattered and faded bedspread. A colorless, messy room where Wilmes hides his loneliness.

"Sure I get disappointed a lot," he said, welcoming a stranger to his private world. "I have deep feelings of hurt when I see things that don't work.

"I don't have no anger but I have periods of aloneness. I cut myself off. I'd drink alone," he said. "It's a lonesome life where sometimes you can turn to only one thing and that's the bottle."

An easy chuckle.

"Booze and water," he cracked. "Kesslers' stock must have gone down when I quit."

Wilmes slid into the golf cart. He waved to passers-by on the trail, an elderly couple and several children who visit him often.

Sights and scents of nature. Freshly cut grass. The rush of wind through hardwood trees. Park benches he carved out of wood stumps. Newly planted saplings. The muddy brown river.

Abruptly, he stopped the cart. His watery brown eyes gazed across the river.

"If the president of the United States wants to know about peace, let him come here and see it. It's not people disagreeing, but agreeing to do something together," he said. "I feel as if God put his hand on this land."

He puffed his chest and dramatically announced that he was responsible for all this, not boasting, but to say that individuals still make a difference.

"Look at me, I have no money, no education, but I've put my feelings and my heart ahead of my intelligence to get things done.

"Persistence is the key word," said Wilmes. "I keep going back and I don't take no for an answer.

"There's a way to reach people. I don't send fancy brochures or work over the telephone. I tell people to come out here to see what we've got. Nothing can take the place of that."

Minnesota Rep. Wayne Simoneau, who represents the area, attests to Wilmes' persistence. And to Wilmes' craftiness.

"He will call a television station and say a U.S. senator is coming out," said Simoneau. "Then he'd turn around and call the senator and tell him the media was coming."

Over a cup of coffee, with his dog at his feet, Wilmes' eyes filled again.

"I'm just an old codger marking time," he said, "but I ain't wasting none of it now."●

INCREASES IN LOCAL TELEPHONE RATES

● Mr. **HOLLINGS**. Mr. President, over the past decade we have made a firm commitment in domestic telecommunications to a procompetitive policy and away from a monopoly environment with Government regulation. We have found that an effectively working marketplace in telecommunications provides us with so many more goods and services at lower cost that Government oversight pales by comparison. We have also found, however, that this procompetitive approach should not be followed blindly.

We must temper this new policy so it best serves our national interests. First, we must insure that we have a marketplace that is effectively competitive prior to deregulation. Many sectors of the telecommunications market are competitive today; others clearly are not.

Second, in the international arena, it is clear that we must continue to coordinate use of the electromagnetic spectrum and to deal with foreign nations whose interests in a free market often diverge with ours. In such an environment, a role for the Federal Government remains necessary.

Third, we must insure that our telecommunications system is capable of meeting our national security/emergency preparedness needs. This objective, if properly addressed, can be met consistent with the marketplace approach.

Finally, we must insure that the American public has access to telephone service at reasonable charges. Access to telephone service is far more a necessity than a luxury. All people must be offered a reasonable opportunity to use this service. That is the issue I wish to address today.

We in the United States today have the best telephone service in the world. We owe a large debt to the developer of this service—AT&T. Not only has AT&T developed high quality service, it has done so with reasonable charges. The result is that almost all people in America now enjoy the use of the telephone.

Local telephone rates have been stable for almost two decades, allowing most Americans to obtain telephone service. Today, however, these local rates are increasing. Inflation is certainly a major factor for the increases we see today. Another significant factor is the move to a competitive marketplace, including the new policies to allow more rapid depreciation and to end many subsidies. A further factor is the drive by telephone companies to modernize their plant and to increase their rates of return.

A good example of how these factors work is the recent rate request by the Southwestern Bell Co. In Texas, this telephone company is seeking $1.2 billion in added revenue from local ratepayers; $502 million of this total is to recover added costs and to boost the rate of return to 13.57 percent—from less than 10 percent today. Another $450 million is for more accelerated depreciation, and $249 million is for interstate and intrastate access charges—as a replacement for the long distance contributions.

For the marketplace to work properly, price must be based on cost. As part of this, competitors must not have unfair advantages; for example, in depreciating equipment, and internal subsidies must be eliminated. The end result of all of these factors is that local telephone rates will increase, possibly to a level that will cause certain subscribers to discontinue service. Clearly, such a discontinuation of service is unacceptable.

The twin goals of competition and adequate service at reasonable charges need not conflict. The question is how can both goals be met. I believe that we should begin right away to address this problem.

It is out of my general concern that something must be done—rather than the specifics of the proposal—that I am joining Senator STEVENS on his telephone rate legislation, S. 1382. This is the only concrete proposal so far introduced in the Senate. It is based on legislation previously before this body. I am cosponsoring it to send a signal that we must act now to ensure the continuation of quality telephone service at reasonable rates.

My joining as a cosponsor of S. 1382 should not be taken as an endorsement of the particulars of this proposal. It is only one of the many ways we might approach the universal service issue. It, however, is a start. Let me take a moment to offer some of my concerns with this bill and, in doing so, spell out the direction we should be headed.

First, any subsidy must be based on costs, not rates. While rates may in certain circumstances reflect costs, far too often they do not. Jurisdictions establish rates based on very different criteria, only one of which is cost. In addition, basing a subsidy on rates rather than costs may, in fact, cause rates to increase, since any rate increase will be paid partially or possibly totally by others.

Second, we should give subsidies to those who genuinely require it. If we give subsidies to all people living in areas with higher than average telephone rates, we will surely be subsidizing those who certainly can afford telephone service.

Third, we should not be subsidizing inefficiency and mismanagement. Any subsidy must be linked to efforts to bring down the cost of telephone service.

Fourth, all those who receive a subsidy should be held accountable for its proper use. All legislation must contain provisions to insure the subsidy is used to hold down rates for those who need it.

Fifth, any legislation on this issue must confront the problem of carriers and users bypassing the local telephone exchange. If a subsidy is improperly levied, bypassing may increase. The end result will be a significant decrease in revenues for the local telephone exchange. We should not prevent those who wish to bypass, after all this is entirely consistent with out procompetitive approach. On the other hand, we should not create incentives to bypass. The bypass problem should be explicitly addressed in legislation. In doing so, we must be wary about imposing surcharges on bypassers without sufficient information about the marketplace and that therefore might well significantly skew service offerings. One way to handle this problem is to give no incentives for or against bypassing and impose the same fee on all providers.

Sixth, legislation must contain some flexibility to meet new situations. I am, however, wary about giving the Federal Communications Commission or any other regulatory body too much discretion. I believe Congress should give very explicit directions in this important area. Further, we should carefully examine whether Government regulators have the resources and skills to handle any authority given them.

Seventh, any system to raise funds for a subsidy must be open and accountable. In addition, we should be careful about instituting a scheme where the funds raised and expended can grow and grow without proper control. This issue of fiscal accountability has been and is one of tremendous importance to me. We are, after, all, using the public's money.

Eight, Congress has a responsibility to carefully oversee any subsidy scheme. Any legislation on this issue must include provisions for regular and automatic review by Congress.

There is no doubt that the issues involved with the increases in local telephone rates are complex. It is clear these rates are going up for many reasons. What can or should be done about the move of the local telephone companies to modernize? What about the need for more rapid depreciation? We also need to examine the issues of cost allocation, and, perhaps most importantly, the issue of what is universal service. Finally, we have to be careful about losing benefits we have gained through the competitive marketplace. Our scope of review should thus be broad, and while need to act, we should not act in haste.

Legislation to address the problem of increased telephone rates and the resulting loss of service is a problem we need to deal with now. A resolution will not come easily. Rates are going up for many reasons. I will be examining each new proposal carefully to see if it best meets the twin goals of quality service at reasonable charges and a competitive marketplace.●

TUITION TAX CREDITS

● Mr. DURENBERGER. Mr. President, the Supreme Court today upheld the constitutionality of Minnesota's tuition tax deduction in *Mueller et al.* v. *Allen* (No. 82-195, June 29, 1983). As a result of this ruling, the question whether tuition tax credits are permissable has, in all probability, been answered. There are, however, significant differences between the Minnesota law and the tuition tax credit legislation awaiting floor action, S. 528.

The most important distinction, in my opinion, is the availability of the deduction for all Minnesota parents with children in elementary and secondary schools. If a tuition tax credit program is to succeed, it cannot be restricted to families with children enrolled in nongovernmental organizations. The program must be structured as governmental tax policy aid to all children, not just those who patronize a particular class of institution.

It is therefore my intention to offer an amendment to S. 528 when it comes to the Senate floor to extend the credit to families with children in public schools who are paying tuition.

I also intend to work to see this legislation expanded to include not only tuition, but also fees, books, and transportation. This change would also help bring S. 528 closer in scope to the Minnesota law.

If we are to have a serious and informative debate on this issue in the Senate, I believe it is imperative that these amendments be adopted. I have written to President Reagan and am hopeful that the administration will be supportive of these proposals. I ask that a copy of my letter and the Courts opinion be included in the RECORD.

The material follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., June 29, 1983.

The PRESIDENT,
The White House,
Washington, D.C. 20500.

DEAR MR. PRESIDENT: The Supreme Court's decision in *Mueller et al. v. Allen* (No. 82-195, June 29, 1983) is a positive forecast for the future of tuition tax credits in the United States. Your leadership on this issue and your efforts to make quality education a priority in your Administration are to be commended.

Although the Court, in all probability, has answered the question whether tuition tax credits are permissible, there are several very important distinctions between the Minnesota law, which the Court upheld, and the pending tuition tax credit legislation. The most significant distinction, in my opinion, is the availability of the deduction for *all* Minnesota parents with children in elementary and secondary schools. The Court relied heavily upon the neutrality of the Minnesota statute to distinguish *Nyquist,* 413 U.S. 756, and uphold its constitutionality.

"Other characteristics of § 290.09(22) argue equally strongly for the provision's constitutionality. Most importantly, the deduction is available for educational expenses incurred by *all* parents, including those whose children attend public schools and those whose children attend non-sectarian private schools or sectarian private schools." (Page 8)

Judging from the reliance the Court placed upon this provision of the Minnesota law, it is my belief that your legislation must provide tax credits for both public and private school tuition to be constitutional.

If a tuition tax credit program is to succeed it cannot be restricted to families with children enrolled in non-governmental organizations. The program must be structured as governmental tax policy aid to *all* children—not just those who patronize a certain class of institution.

Tuition tax credits are not a trade-off between public and private education. Effective consumer choice can only exist in an environment where both systems are strong. Consumers must have access to alternatives, not only between government and nongovernment systems, but more importantly, among differing systems within each sector. Tuition tax credits are not an excuse to weaken traditional governmental support for the "public school" system. On the contrary, a commitment to consumer choice means a recommitment to the principles underlying that support.

Our goal must be to expand consumer choice and return financing alternatives to the real decisionmakers—the parents. We cannot afford, from either a policy perspective or a constitutional perspective, to discriminate among consumers.

For these reasons, I will offer an amendment on the Senate Floor to extend the tax credit to families with children in school—public or private. Although this amendment was not adopted when I offered it at the

Senate Finance Committee Mark-Up, I believe the Court's decision now mandates adoption of this amendment.

I also intend to work to see this legislation expanded to include, not only tuition, but also fees, books, and transportation. This change would enhance the pending legislation by bringing it closer to the Minnesota law.

If we are to have a serious and informative debate on this issue in the Senate, I believe it is imperative that my amendments be adopted. I hope that you will be supportive when that time arises.

Thank you very much.

DAVE DURENBERGER,
U.S. Senator.

[NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U.S. 321, 337.]

SUPREME COURT OF THE UNITED STATES

Syllabus

MUELLER et al. *v.* ALLEN et al.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 82-195. Argued April 18, 1983—Decided June 29, 1983

A Minnesota statute (§ 290.09(22)) allows state taxpayers, in computing their state income tax, to deduct expenses incurred in providing "tuition, textbooks and transportation" for their children attending an elementary or secondary school. Petitioner Minnesota taxpayers brought suit in Federal District Court against respondent Minnesota Commissioner of Revenue and respondent parents who had taken the tax deduction for expenses incurred in sending their children to parochial schools, claiming that § 290.09(22) violates the Establishment Clause of the First Amendment by providing financial assistance to sectarian institutions. The District Court granted summary judgment for respondents, holding that the statute is neutral on its face and in its application and does not have a primary effect of either advancing or inhibiting religion. The Court of Appeals affirmed.

Held: Section 290.09(22) does not violate the Establishment Clause, but satisfies all elements of the "three-part" test laid down in *Lemon* v. *Kurtzman,* 403 U.S. 602, that must be met for such a statute to be upheld under the Clause. Pp. 3-14.

(a) The tax deduction in question has the secular purpose of ensuring that the State's citizenry is well educated, as well as of assuring the continued financial health of private schools, both sectarian and nonsectarian. Pp. 5-7.

(b) The deduction does not have the primary effect of advancing the sectarian aims of nonpublic schools. It is only one of many deductions—such as those for medical expenses and charitable contributions—available under the Minnesota tax laws; is available for educational expenses incurred by *all* parents, whether their children attend public schools or private sectarian or nonsectarian private schools. *Committee for Public Education* v. *Nyquist,* 413 U.S. 756, distinguished; and provides aid to parochial schools only as a result of decisions of individual parents rather than directly from the State to the schools themselves. The Establishment Clause's historic purposes do not encompass the sort of attenuated financial benefit that eventually flows to parochial schools from the neutrally available tax benefit at issue. The fact that notwithstanding § 290.09(22)'s facial neutrality, a particular annual statistical analysis shows that the statute's application primarily benefits religious institutions, does not provide the certainty needed to determine the statute's constitutionality. Moreover, private schools, and parents paying for their children to attend these schools, make special contributions to the areas in which the schools operate. Pp. 7-14.

(c) Section 290.09(22) does not "excessively entangle" the State in religion. The fact that state officials must determine whether particular textbooks qualify for the tax deduction and must disallow deductions for textbooks used in teaching religious doctrines is an insufficient basis for finding such entanglement. P. 14.

676 F. 2d 1195, affirmed.

REHNQUIST, J., delivered the opinion of the Court, in which BURGER, C. J., and WHITE, POWELL, and O'CONNOR, JJ., joined. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, BLACKMUN, and STEVENS, JJ., joined.

[NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.]

SUPREME COURT OF THE UNITED STATES

No. 82-195

VAN D. MUELLER and JUNE NOYES, PETITIONERS *v.* CLYDE E. ALLEN, JR., et al.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

[June 29, 1983]

JUSTICE REHNQUIST delivered the opinion of the Court.

Minnesota allows taxpayers, in computing their state income tax, to deduct certain expenses incurred in providing for the education of their children. Minn. Stat. § 290.09 (22).[1] The United States Court of Appeals for the Eighth Circuit held that the Establishment Clause of the First and Fourteenth Amendments was not offended by this arrangement. Because this question was reserved in *Committee for Public Education* v. *Nyquist,* 413 U.S. 756 (1973), and because of a conflict between the decision of the Court of Appeals for the Eighth Circuit and that of the Court of Appeals for the First Circuit in *Rhode Island Federation of Teachers* v. *Norberg,* 630 F. 2d 855 (CA1 1980), we granted certiorari. —— U.S. —— (1982). We now affirm.

Minnesota, like every other state, provides its citizens with free elementary and secondary schooling. Minn. Stat. §§ 120.06, 120.72. It seems to be agreed that about 820,000 students attended this school system in the most recent school year. During the same year, approximately 91,000 elementary and secondary students attended some 500 privately supported schools located in Minnesota, and about 95 percent of these students attended schools considering themselves to be sectarian.

Minnesota, by a law originally enacted in 1955 and revised in 1976 and again in 1978, permits state taxpayers to claim a deduction from gross income for certain expenses incurred in educating their children. The deduction is limited to actual expenses incurred for the "tuition, textbooks and transportation" of dependents attending elementary or secondary schools. A deduction may not exceed $500 per dependent in grades K through six and $700 per dependent in grades seven through twelve. Minn. Stat. § 290.09.[2]

Petitioners—certain Minnesota taxpayers—sued in the United States District Court for the District of Minnesota claiming that § 290.09(22) violated the Establishment Clause by providing financial assistance to sectarian institutions. They named as respondents the Commissioner of the Department of Revenue of Minnesota and several parents who took advantage of the tax deduction for expenses incurred in sending their children to parochial schools. The District Court granted respondent's motion for summary judgment, holding that the statute was "neutral on its face and in its application and does not have a primary effect of either advancing or inhibiting religion." 514 F. Supp. 998, 1003 (D Minn. 1981). On appeal, the Court of Appeals affirmed, concluding that the Minnesota statute substantially benefited a "broad class of Minnesota citizens."

Today's case is no exception to our oft-repeated statement that the Establishment Clause presents especially difficult questions of interpretation and application. It is easy enough to quote the few words comprising that clause—"Congress shall make no law respecting an establishment of religion." It is not at all easy, however, apply this Court's various decisions construing the Clause to governmental programs of financial assistance to sectarian schools and the parents of children attending those schools. Indeed, in many of these decisions "we have expressly or implicitly acknowledged that 'we can only dimly perceive the lines of demarcation in this extraordinarily sensitive area of constitutionl law.'" *Lemon* v. *Kurtzman,* 403 U.S. 609, 612 (1971), quoted with approval in *Nyquist, supra,* at 761.

One fixed principle in this field is our consistent rejection of the argument that "any program which in some manner aids an Institution with a religious affiliation" violates the Establishment Clause. *Hunt* v. *McNair,* 413 U.S. 734, 742 (1973). See, *e.g.* *Bradfield* v. *Roberts,* 175 U.S. 291 (1899); *Walz* v. *Tax Commission,* 397 U.S. 664 (1970). For example, it is now well-established that a state may reimburse parents for expenses incurred in transporting their children to school, *Everson* v. *Board of Education,* 330 U.S. 1 (1947), and that it may loan secular textbooks to all schoolchildren within the state, *Board of Education* v. *Allen,* 392 U.S. 236 (1968).

Notwithstanding the repeated approval given programs such as those in *Allen* and *Everson,* our decisions also have struck down arrangements resembling, in many respects, these forms of assistance. See, *e.g.,* *Lemon* v. *Kurtzman, supra; Levitt* v. *Committee for Public Education,* 413 U.S. 472 (1972); *Meek* v. *Pittenger,* 421 U.S. 349 (1975); *Wolman* v. *Walter,* 433 U.S. 229, 237-238 (1977).[3] In this case we are asked to decide whether Minnesota's tax deduction bears greater resemblance to those types of assistance to parochial schools we have ap-

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proved, or to those we have struck down. Petitioners place particular reliance on our decisions in *Committee for Public Education* v. *Nyquist, supra,* where we held invalid a New York statute providing public funds for the maintenance and repair of the physical facilities of private schools and granting thinly disguised "tax benefits," actually amounting to tuition grants, to the parents of children attending private schools. As explained below, we conclude that § 290.09(22) bears less resemblance to the arrangement struck down in *Nyquist* than it does to assistance programs upheld in our prior decisions and those discussed with approval in *Nyquist.*

The general nature of our inquiry in this area has been guided, since the decision in *Lemon* v. *Kurtzman,* 403 U.S. 602 (1971), by the "three-part" test laid down in that case:

"First, the statute must have a secular legislative purpose; second, its principle or primary effect must be one that neither advances nor inhibits religion . . .; finally, the statute must not foster 'an excessive government entanglement with religion.'" *Id.,* at 612-613.

While this principle is well settled, our cases have also emphasized that it provides "no more than [a] helpful signpost" in dealing with Establishment Clause challenges. *Hunt* v. *McNair, supra,* 413 U.S., at 741. With this *caveat* in mind, we turn to the specific challenges raised against § 290.09(22) under the *Lemon* framework.

Little time need be spent on the question of whether the Minnesota tax deduction has a secular purpose. Under our prior decisions, governmental assistance programs have consistently survived this inquiry even when they have run afoul of other aspects of the *Lemon* framework. See, *e.g., Lemon* v. *Kurtzman, supra; Meek* v. *Pittenger, supra,* 421 U.S., at 363, *Wolman* v. *Walter, supra,* 433 U.S., at 236. This reflects, at least in part, our reluctance to attribute unconstitutional motives to the states, particularly when a plausible secular purpose for the state's program may be discerned from the face of the statute.

A state's decision to defray the cost of educational expenses incurred by parents—regardless of the type of schools their children attend—evidences a purpose that is both secular and understandable. An educated populace is essential to the political and economic health of any community, and a state's efforts to assist parents in meeting the rising cost of educational expenses plainly serves this secular purpose of ensuring that the state's citizenry is well-educated. Similarly, Minnesota, like other states, could conclude that there is a strong public interest in assuring the continued financial health of private schools, both sectarian and non-sectarian. By educating a substantial number of students such schools relieve public schools of a correspondingly great burden—to the benefit of all taxpayers. In addition, private schools may serve as a benchmark for public schools, in a manner analogous to the "TVA yardstick" for private power companies. As JUSTICE POWELL has remarked:

"Parochial schools, quite apart from their sectarian purpose, have provided an educational alternative for millions of young Americans; they often afford wholesome competition with our public schools; and in some States they relieve substantially the tax burden incident to the operation of public schools. The State has, moreover, a legitimate interest in facilitating education of the highest quality for all children within its boundaries, whatever school their parents have chosen for them. *Wolman* v. *Walter,* 433 U.S. 229, 226 (POWELL, J., concurring in part, concurring in judgment in part, and dissenting in part).

All these justifications are readily available to support § 290.02(22), and each is sufficient to satisfy the secular purpose inquiry of *Lemon.*[4]

We turn therefore to the more difficult but related question whether the Minnesota statute has "the primary effect of advancing the sectarian aims of the nonpublic schools." *Committee for Public Education* v. *Regan,* 444 U.S. 646, 662 (1980); *Lemon* v. *Kurtzman, supra,* 403 U.S., at 612-613. In concluding that it does not, we find several features of the Minnesota tax deduction particularly significant. First, an essential feature of Minnesota's arrangement is the fact that § 290.09(22) is only one among many deductions—such as those for medical expenses, Minn. Stat. § 290.09(10) and charitable contributions, Minn. § 290.21—available under the Minnesota tax laws.[5] Our decisions consistently have recognized that traditionally "[l]egislatures have especially broad latitude in creating classifications and distinctions in tax statutes," *Regan* v. *Taxation with Representation,* —— U.S. —— (1983), in part because the "familiarity with local conditions" enjoyed by legislators especially enables them to "achieve an equitable distribution of the tax burden." *Madden* v. *Kentucky,* 309 U.S. 83, 87 (1940). Under our prior decisions, the Minnesota legislature's judgment that a deduction for educational expenses fairly equalizes the tax burden of its citizens and encourages desirable expenditures for educational; purposes is entitiled to substantial deference.[6]

Other characteristics of § 290.09(22) argue equally strongly for the provision's constitutionality. Most importantly, the deduction is available for educational expenses incurred by *all* parents, including those whose children attend public schools and those whose children attend non-sectarian private schools or sectarian private schools. Just as in *Widmar* v. *Vincent,* —— U.S. —— (1981), where we concluded that the state's provision of a forum neutrally "open to a broad class of nonreligious as well as religious speakers" does not "confer any imprimatur of State approval," so here: "the provision of benefits to so broad a spectrum of groups is an important index of secular effect."[7]

In this respect, as well as others, this case is vitally different from the scheme struck down in *Nyquist.* There, public assistance amounting to tuition grants, was provided only to parents of children in *nonpublic* schools. This fact had considerable bearing on our decision striking down the New York statute at issue; we explicitly distinguished both *Allen* and *Everson* on the grounds that "In both cases the class of beneficiaries included *all* schoolchildren, those in public as well as those in private schools." 413 U.S., at 782, n. 38 (emphasis in original).[8] Moreover, we intimated that "public assistance (*e.g.,* scholarships) made available generally without regard to the sectarian-nonsectarian or public-nonpublic nature of the institution benefited," *ibid.,* might not offend the Establishment Clause. We think the tax deduction adopted by Minnesota is more similar to this latter type of program than it is to the arrangement struck down in *Nyquist.* Unlike the assistance at issue in *Nyquist,* § 290.09(22) permits *all* parents—whether their children attend public school or private—to deduct their children's educational expenses. As *Widmar* and our other decisions indicate, a program, like § 290.09(22), that neutrally provides state assistance to a broad spectrum of citizens is not readily subject to challenge under the Establishment Clause.

We also agree with the Court of Appeals that, by channeling whatever assistance it may provide to parochial schools through individual parents, Minnesota has reduced the Establishment Clause objections to which its action is subject. It is true, of course, that financial assistance provided to parents ultimately has an economic effect comparable to that of aid given directly to the schools attended by their children. It is also true, however, that under Minnesota's arrangement public funds become available only as a result of numerous, private choices of individual parents of school-age children. For these reasons, we recognized in *Nyquist* that the means by which state assistance flows to private schools is of some importance: we said that "the fact that aid is disbursed to parents rather than to . . . schools" is a material consideration in Establishment Clause analysis, albeit "only one among many to be considered." *Nyquist,* at 781. It is noteworthy that all but one of our recent cases invalidating state aid to parochial schools have involved the direct transmission of assistance from the state to the schools themselves. The exception, of course, was *Nyquist,* which, as discussed previously is distinguishable from this case on other grounds. Where, as here, aid to parochial schools is available only as a result of decisions of individual parents no "imprimatur of State approval," *Widmar,* at ——, can be deemed to have been conferred on any particular religion, or on religion generally.

We find it useful, in the light of the foregoing characteristics of § 290.09(22), to compare the attenuated financial benefits flowing to parochial schools from the section to the evils against which the Establishment Clause was designed to protect. These dangers are well-described by our statement that "what is at stake as a matter of policy [in Establishment Clause cases] is preventing that kind and degree of government involvement in religious life that, as history teaches us, is apt to lead to strife and frequently strain a political system to the breaking point." *Nyquist, supra,* 413 U.S., at 796, quoting, *Walz* v. *Tax Comm'n,* 397 U.S., at 694 (Harlan, J., concurring). It is important, however, to "keep these issues in perspective":

"At this point in the 20th century we are quite far removed from the dangers that prompted the Framers to include the Establishment Clause in the Bill of Rights. See *Walz* v. *Tax Comm'n,* 397 U.S. 664, 668 (1970). The risk of significant religious or denominational control over our democratic processes—or even of deep political division along religious lines—is remote, and when viewed against the positive contributions of sectarian schools, and such risk seems entirely tolerable in light of the continuing oversight of this Court." *Wolman,* at 263 (POWELL, J., concurring in part, concurring in the judgment in part, and dissenting in part).

The Establishment Clause of Course extends beyond prohibition of a state church or payment of state funds to one or more churches. We do not think, however, that its prohibition extends to the type of tax deduction established by Minnesota. The historic purposes of the clause simply do not encompass the sort of attenuated financial benefit, ultimately controlled by the private choices of individual parents; that eventually flows to parochial schools from the neutrally available tax benefit at issue in this case.

Petitioners argue that, notwithstanding the facial neutrality of § 290.09(22), in application the statute primarily benefits religious institutions.[9] Petitioners rely, as they did below, on a statistical analysis of the type of persons claiming the tax deduction. They contend that most parents of public school children incur no tuition expenses, see Min. Stat. § 120.06, and that other expenses deductible under § 290.09(22) are negligible in value; moreover, they claim that 96% of the children in private schools in 1978-1979 attended religiously-affiliated institutions. Because of all this, they reason, the bulk of deductions taken under § 290.09(22) will be claimed by parents of children in sectarian schools. Respondents reply that petitioners have failed to consider the impact of deductions for items such as transportation, summer school tuition, tuition paid by parents whose children attended schools outside the school districts in which they resided, rental or purchase costs for a variety of equipment, and tuition for certain types of instruction not ordinarily provided in public schools.

We need not consider these contentions in detail. We would be loath to adopt a rule grounding the constitutionality of a facially neutral law on annual reports reciting the extent to which various classes of private citizens claimed benefits under the law. Such an approach would scarcely provide the certainty that this field stands in need of, nor can we perceive principled standards by which such statistical evidence might be evaluated. Moreover, the fact that private persons fail in a particular year to claim the tax relief to which they are entitled—under a facially neutral statute—should be of little importance in determining the constitutionality of the statute permitting such relief.

Finally, private educational institutions, and parents paying for their children to attend these schools, make special contributions to the areas in which they operate. "Parochial schools, quite apart from their sectarian purpose, have provided an educational alternative for millions of young Americans; they often afford wholesome competition with our public schools; and in some States they relieve substantially the tax burden incident to the operation of public schools." *Wolman,* at 262 (POWELL, J., concurring and dissenting) If parents of children in private schools choose to take especial advantage of the relief provided by § 290.09(22), it is no doubt due to the fact that they bear a particularly great financial burden in educating their children. More fundamentally, whatever unequal effect may be attributed to the statutory classification can fairly be regarded as a rough return for the benefits, discussed above, provided to the state and all taxpayers by parents sending their children to parochial schools. In the light of all this, we believe it wiser to decline to engage in the type of empirical inquiry into those persons benefited by state law which petitioners urge.[10]

Thus, we hold that the Minnesota tax deduction for educational expenses satisfies the primary effect inquiry of our Establishment Clause cases.

Turning to the third part of the *Lemon* inquiry, we have no difficulty in concluding that the Minnesota statute does not "excessively entangle" the state in religion. The only plausible source of the "comprehensive, discriminating, and continuing state surveillance," 403 U.S., at 619, necessary to run afoul of this standard would lie in the fact that state officials must determine whether particular textbooks qualify for a deduction. In making this decision, state officials must disallow deductions taken from "instructional books and materials used in the teaching of religious tenets, doctrines or worship, the purpose of which is to inculcate such tenets, doctrines or worship." Minn. Stat. § 290.09(22). Making decisions such as this does not differ substantially from making the type of decisions approved in earlier opinions of this Court. In *Board of Education* v. *Allen,* 392 U.S. 236 (1968), for example, the Court upheld the loan of secular textbooks to parents or children attending nonpublic schools; though state officials were required to determine whether particular books were or were not secular, the system was held not to violate the Establishment Clause. See also *Wolman* v. *Walter, supra; Meek* v. *Pittenger, supra.* The same result follows in this case.[11]

For the foregoing reasons, the judgment of the Court of-Appeals is *Affirmed.*

FOOTNOTES

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[1] Minn. Stat. § 290.09(22) (1982) permits a taxpayer to deduct from his or her computation of gross income the following:

Tuition and transportation expense. The amount he has paid to others, not to exceed $500 for each dependent in grades K to 6 and $700 for each dependent in grades 7 to 12, for tuition, textbooks and transportation of each dependent in attending an elementary or secondary school situated in Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, which is not operated for profit, and which adheres to the provisions of the Civil Rights Act of 1964 and chapter 363. As used in this subdivision, "textbooks" shall mean and include books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state and shall not include instructional books and materials used in the teaching of religious tenets, doctrines or worship, the purpose of which is to inculcate such tenets, doctrines or worship, nor shall it include such books or materials for, or transportation to, extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or programs of a similar nature."

[2] Both lower courts found that the statute permits deduction of a range of educational expenses. The District Court found that deductible expenses included:

"1. Tuition in the ordinary sense.

2. Tuition to public school students who attend public schools outside their residence school districts.

3. Certain summer school tuition.

4. Tuition charged by a school for slow learner private tutoring services.

5. Tuition for instruction provided by an elementary or secondary school to students who are physically unable to attend classes at such school.

6. Tuition charged by a private tutor or by a school that is not an elementary or secondary school if the instruction is acceptable for credit in an elementary or secondary school.

7. Montessori School tuition for grades K through 12.

8. Tuition for driver education when it is part of the school curriculum." 514 F. Supp., at 1000. The Court of Appeals concurred in this finding.

In addition, the District Court found that the statutory deduction for "texbooks" included not only "secular textbooks" but also:

"1. Cost of tennis shoes and sweatsuits for physical education.

2. Camera rental fees paid to the school for photography classes.

3. Ice skates rental fee paid to the school for calculators for mathematics classes.

5. Costs of home economics materials needed to meet minimum requirements.

6. Costs of special metal or wood needed to meet minimum requirements of shop classes.

7. Costs of supplies needed to meet minimum requirements of art classes.

8. Rental fees paid to the school for musical instruments.

9. Cost of pencils and special notebooks required for class." *Ibid.* The Court of Appeals accepted this finding.

[3] In *Lemon* v. *Kurtzman, supra,* the Court concluded that the state's reimbursement of nonpublic schools for the cost of teacher's salaries, textbooks, and instructional materials, and its payment of a salary supplement to teachers in nonpublic schools, resulted in excessive entanglement of church and state. In *Levitt* v. *Committee for Public Education, supra,* we struck down on Establishment Clause grounds a state program reimbursing nonpublic schools for the cost of teacher-prepared examinations. Finally, in *Meek* v. *Pittenger, supra,* and *Wolman* v. *Walter, supra,* we held unconstitutional a direct loan of instructional materials to nonpublic schools, while upholding the loan of textbooks to individual students.

[4] Section 290.09 contains no express statements of legislative purpose, and its legislative history offers few unambiguous indications of actual intent. The absence of such evidence does not affect our treatment of the statute.

[5] Deductions for charitable contributions, allowed by Minnesota law, Minn. Stat. § 290.21, include contributions to religious institutions, and exemptions from property tax for property used for charitable purposes under Minnesota law include property used for wholly religious purposes, Minn. Stat. § 272.02. In each case, it may be that religious institutions benefit very substantially from the allowance of such deductions. The Court's holding in *Walz* v. *Tax Commission,* 397 U.S. 664 (1970), indicates, however, that this does not require the conclusion that such provisions of a state's tax law violate the Establishment Clause.

[6] Our decision in *Nyquist* is not to the contrary on this point. We expressed considerable doubt there that the "tax benefits" provided by New York law properly could be regarded as parts of a genuine system of tax laws. Plainly, the outright grants to low-income parents did not take the form of ordinary tax benefits. As to the benefits provided to middle-income parents, the Court said:

"The amount of the deduction is unrelated to the amount of money actually expended by any parent on tuition, but is calculated on the basis of a formula contained in the statute. The formula is apparently the product of a legislative attempt to assure that each family would receive a carefully estimated net benefit, and that the tax benefit would be comparable to, and compatible with, the tuition grant for lower income families." Indeed, the question whether a program having the elements of a "genuine tax deduction" would be constitutionally acceptable was expressly reserved in *Nyquist, supra,* 413 U.S., at 790, n. 49. While the economic consequences of the program in *Nyquist* and that in this case may be difficult to distinguish, we have recognized on other occasions that "the form of the [state's assistance to parochial schools must be examined] for the light that it casts on the substance." *Lemon* v. *Kurtzman, supra,* 403 U.S., at 614. The fact that the Minnesota plan embodies a "genuine tax deduction" is thus of some relevance, especially given the traditional rule of deference accorded legislative classification in tax statutes.

[7] Likewise, in *Sloan* v. *Lemon,* 413 U.S. 825, 832 (1973), where we held that a Pennsylvania statute violated the First Amendment, we emphasized that "the State [had] singled out a class of its citizens for a special economic benefit." We also observed in *Widmar* that "empirical evidence that religious groups will dominate [the school's] open forum." —— U.S., at ——, might be relevant to analysis under the Establishment Clause. We address this below, pp. 12-13, *infra.*

[8] Our full statement was that:

"*Allen and Everson* differ from the present litigation in a second important respect. In both cases the class of beneficiaries included *all* schoolchildren, those in public as well as those in private schools. See also *Tilton* v. *Richardson, supra,* in which federal aid was made available to *all* institutions of higher learning, and *Walz* v. *Tax Comm'n, supra,* in which tax exemptions were accorded to *all* educational and charitable nonprofit institutions. . . . Because of the manner in which we have resolved the tuition grant issue, we need not decide whether the significantly religious character of the statute's beneficiaries might differentiate the present cases from a case involving some form of public assistance (*e.g.*, scholarship) made available generally without regard to the sectarian-nonsectarian, or public-non-public nature of the institution benefited. . . . Thus our decision today does not compel . . . the conclusion that the educational assistance provisions of the "G.I. Bill," 38 U.S.C. § 1651, impermissibly advance religion in violation of the Establishment Clause." 413 U.S., at 782, n. 38. See also, *id.*, at 775.

[9] Petitioners cite a "Revenue Analysis" prepared in 1976 by the Minnesota Department of Revenue, which states that "Only those taxpayers having dependents in nonpublic elementary or secondary schools are affected by this law since tuition, transportation and textbook expenses for public school students are paid for by the school district." Pet. Br., at 38. We fail to see the significance of the report; it is no more than a capsule description of the tax deduction provision. As discussed below, and as the lower courts expressly found, the analysis is plainly mistaken, as a factual matter, regarding the effect of § 290.09(22). Moreover, several memoranda prepared by the Minnesota Department of Revenue in 1979—stating that a number of specific expenses may be deducted by parents with children in public school—clearly indicate that the summary discussion in the 1976 memorandum was not intended as any comprehensive or binding agency determination.

[10] Our conclusion is unaffected by the fact that § 290.09(22) permits deductions for amounts spent for textbooks and transportation as well as tuition. In *Everson* v. *Board of Education*, 330 U.S. 1 (1947), we approved a statute reimbursing parents of *all* schoolchildren for the costs of transporting their children to school. Doing so by means of a deduction, rather than a direct grant, only serves to make the state's action less objectionable. Likewise, in *Board of Education* v. *Allen*, 392 U.S. 236 (1968), we approved state loans of textbooks to *all* schoolchildren; although we disapproved, in *Meek* v. *Pittenger* and *Wolman v. Walter* direct loans of instructional materials to sectarian schools, we do not find those cases controlling. First, they involved assistance provided to the schools themselves, rather than tax benefits directed to individual parents, see pp. ——, *supra*. Moreover, we think that state assistance for the rental of calculators, see J. App., at A18, ice skates, *ibid.*, tennis shoes, *ibid.*, and the like, scarcely poses the type of dangers against which the Establishment Clause was intended to guard.

[11] No party to this litigation has urged that the Minnesota plan is invalid because it runs afoul of the rather elusive inquiry, subsumed under the third part of the *Lemon* test, whether the Minnesota statute partakes of the "divisive political potential" condemned in *Lemon, supra*, 403 U.S., at 622. The argument is advanced, however, by amicus National Committee for Public Education and Religious Liberty *et al.* This variation of the "entanglement" test has been interpreted differently in different cases. Compare *Lemon* v. *Kurtzman*, 403 U.S. 602, 622-625, with *id.*, at 665-666 (WHITE, J., dissenting); *Meek* v. *Pittinger, supra*, 421 U.S., at 359-62, with *id.*, at 374-379 (BRENNAN, J., dissenting). Since this aspect of the "entanglement" inquiry originated with *Lemon* v. *Kurtzman, supra*, and the Court's opinion there took pains to distinguish both *Everson* v. *Board of Education*, 330 U.S. 1 (1947), and *Board of Education* v. *Allen*, 392 U.S. 236 (1968), the Court in *Lemon* must have been referring to a phenomenon which, although present in that case, would have been absent in the two cases it distinguished.

The Court's language in *Lemon I* respecting political divisiveness was made in the context of Pennsylvania and Rhode Island statutes which provided for either direct payments of, or reimbursement of, a proportion of teachers' salaries in parochial schools. We think, in the light of the treatment of the point in later cases discussed above, the language must be regarded as confined to cases where direct financial subsidies are paid to parochial schools or to teachers in parochial schools.

[Supreme Court of the United States, No. 82-195]

VAN D. MUELLER AND JUNE NOYES,
PETITIONER *v.* CLYDE E. ALLEN, JR., ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

(June 29, 1983)

Justice Marshall, with whom Justice Brennan, Justice Blackmun and Justice Stevens join, dissenting.

The Establishment Clause of the First Amendment prohibits a State from subsidizing religious education, whether it does so directly or indirectly. In my view, this principle of neutrality forbids not only the tax benefits struck down in *Committee for Public Education* v. *Nyquist*, 413 U.S. 756 (1973) , but any tax benefit, including the tax deduction at issue here, which subsidizes tuition payments to sectarian schools. I also believe that the establishment Clause prohibits the tax deductions that Minnesota authorizes for the cost of books and other instructional materials used for sectarian purposes.

I

The majority today does not question the continuing vitality of this Court's decision in *Nyquist*. That decision established that a State may not support religious education either through direct grants to parochial schools or through financial aid to parents of parochial school students. 413 U.S., at 780, 785-786. *Nyquist* also established that financial aid to parents of students attending parochial schools is no more permissible if it is provided in the form of a tax credit than if provided in the form of cash payments. *Id.*, at 789-791; see *ante* at 7-8, & n. 6. Notwithstanding these accepted principles, the Court today upholds a statute that provides a tax deduction for the tuition charged by religious schools. The Court concludes that the Minnesota statute is "vitally different" from the New York statute at issue in *Nyquist*. *Ante*, at 9. As demonstrated below, there is no significant difference between the two schemes. The Minnesota tax statute violates the Establishment Clause for precisely the same reason as the statute struck down in *Nyquist*: it has a direct and immediate effect of advancing religion.

A

In calculating their net income for state income tax purposes, Minnesota residents are permitted to deduct the cost of their children's tuition, subject to a ceiling of $500 or $700 per child. By taking this deduction, a taxpayer reduces his tax bill by a sum equal to the amount of tuition multiplied by his rate of tax. Although this tax benefit is available to any parents whose children attend schools which charge tuition, the vast majority of the taxpayers who are eligible to receive the benefit are parents whose children attend religious schools. In the 1978-1979 school year, 90,000 students were enrolled in nonpublic schools charging tuition; over 95% of those students attended sectarian schools. Although the statute also allows a deduction for the tuition expenses of children attending public schools, Minnesota public schools are generally prohibited by law from charging tuition. Minn. Stat. § 120.06. Public schools may assess tuition charges only for students accepted from outside the district. § 123.39, subd. 5. In the 1978-1979 school year, only 79 public school students fell into this category. The parents of the remaining 815,000 students who attended public schools were ineligible to receive this tax benefit.

Like the law involved in *Nyquist*, the Minnesota law can be said to serve a secular purpose: promoting pluralism and diversity among the State's public and nonpublic schools. But the Establishment Clause requires more than that legislation have a secular purpose. *Nyquist*, 413 U.S., at 773. "[T]he propriety of a legislature's purposes may not immunize from further scrutiny a law which . . . has a primary effect that advances religion." *Id.*, at 774.[1] Moreover, even if one "'primary' effect [is] to promote some legitimate end under the State's police power," the legislation is not "immune from further examination to ascertain whether it also has the direct and immediate effect of advancing religion." *Id.*, at 783-784, n. 39. See *e.g.*, *Wolman* v. *Walter*, 433 U.S. 229, 248-254 (1977); *Meek* v. *Pittenger*, 421 U.S. 349, 364-366 (1975).

As we recognized in *Nyquist*, direct government subsidization of parochial school tuition is impermissible because "the effect of the aid is unmistakably to provide desired financial support for nonpublic, sectarian institutions." *Id.*, at 783. "[A]id to the educational function of [parochial] schools . . . necessarily results in aid to the sectarian enterprise as a whole" because "[t]he very purpose of those schools is to provide an integrated secular and religious education." *Meek* v. *Pittenger*, 421 U.S., at 366. For this reason, aid to sectarian schools must be restricted to ensure that it may be not used to further the religious mission of those schools. See, *e.g.*, *Wolman* v. *Walter*, 433 U.S., at 250-251. While "services such as police and fire protection, sewage disposal, highways, and sidewalks," may be provided to parochial schools in common with other institutions, because this type of assistance is clearly "'marked off from the religious function'" of those schools, *Nyquist, supra*, at 781-782, quoting *Everson* v. *Board of Education*, 330 U.S. 1, 18 (1947), unrestricted financial assistance, such as grants for the maintenance and construction of parochial schools, may not be provided. *Nyquist, supra*, at 774-780. "In the absence of an effective means of guaranteeing that the state aid derived from public funds will be used exclusively for secular, neutral, and nonideological purposes, it is clear from our cases that direct aid in whatever form is invalid." *Id.*, at 783.

Indirect assistance in the form of financial aid to parents for tuition payments is similarly impermissible because it is not "subject to . . . restrictions" which "'guarantee the separation between secular and religious educational functions and . . . ensure that State financial aid supports only the former.'" *Id.*, at 783, quoting *Lemon* v. *Kurtzman*, 403 U.S. 602, 613 (1971). By ensuring that parents will be reimbursed for tuition payments they make, the Minnesota statute requires that taxpayers in general pay for the cost of parochial education and extends a financial "incentive to parents to send their children to sectarian schools." *Nyquist, supra*, at 786. As was true of the law struck down in *Nyquist*, "it is precisely the function of [Minnesota's] law to provide assistance to private schools, the great majority of which are sectarian. By reimbursing parents for a portion of their tuition bill, the State seeks to relieve their financial burdens sufficiently to assure that they continue to have the option to send their children to religion-oriented schools. And while the other purposes for that aid—to perpetuate a pluralistic educational environment and to protect the fiscal integrity of overburdened public schools—are certainly unexceptional, the effect of the aid is unmistakably to provide desired financial support for nonpublic sectarian institutions." *Id.*, at 783.

Footnotes at the end of article.

That parents receive a reduction of their tax liability, rather than a direct reimbursement, is of no greater significance here than it was in *Nyquist*. "[F]or purposes of determining whether such aid has the effect of advancing religion," it makes no difference whether the qualifying "parent receives an actual cash payment [or] is allowed to reduce . . . the sum he would otherwise be obligated to pay over to the State." *Id.*, at 790. It is equally irrelevant whether a reduction in taxes takes the form of a tax "credit," a tax "modification," or a tax "deduction." *Id.*, at 789-790. What is of controlling significance is not the form but the "substantive impact" of the financial aid. *Id.*, at 786. "[I]nsofar as such benefits render assistance to parents who send their children to *sectarian* schools, their purpose and inevitable effect are to aid and advance those religious institutions." *Nyquist, supra*, at 793 (emphasis added).

B

The majority attempts to distinguish *Nyquist* by pointing to two differences between the Minnesota tuition-assistance program and the program struck down in *Nyquist*. Neither of these distinctions can withstand scrutiny.

1

The majority first attempts to distinguish *Nyquist* on the ground that Minnesota makes all parents eligible to deduct up to $500 or $700 for each dependent, whereas the New York law allowed a deduction only for parents whose children attended nonpublic schools. Although Minnesota taxpayers who send their children to local public schools may not deduct tuition expenses because they incur none, they may deduct other expenses, such as the cost of gym clothes, pencils, and notebooks, which are shared by all parents of school-age children. This, in the majority's view, distinguishes the Minnesota scheme from the law at issue in *Nyquist*.

That the Minnesota statute makes some small benefit available to all parents cannot alter the fact that the most substantial benefit provided by the statute is available only to those parents who send their children to schools that charge tuition. It is simply undeniable that the single largest expense that may be deducted under the Minnesota statute is tuition. The statute is little more than a subsidy of tuition masquerading as a subsidy of general educational expenses. The other deductible expenses are *de minimis* in comparison to tuition expenses.

Contrary to the majority's suggestion, *ante*, at 12-13, the bulk of the tax benefits afforded by the Minnesota scheme are enjoyed by parents of parochial school children not because parents of public school children fail to claim deductions to which they are entitled, but because the latter are simply *unable* to claim the largest tax deduction that Minnesota authorizes.[2] Fewer than 100 of more than 900,000 school-age children in Minnesota attend public schools that charge a general tuition. Of the total number of taxpayers who are eligible for the tuition deduction, approximately 96 percent send their children to religious schools.[3] Parents who send their children to free public schools are simply ineligible to obtain the full benefit of the deduction except in the unlikely event that they buy $700 worth of pencils, notebooks, and bus rides for their school-age children. Yet parents who pay at least $700 in tuition to nonpublic, sectarian schools can claim the full deduction even if they incur no other educational expenses.

That this deduction has a primary effect of promoting religion can easily be determined without any resort to the type of "statistical evidence" that the majority fears would lead to constitutional uncertainty. *Ante*, at 13. The only factual inquiry necessary is the same as that employed in *Nyquist* and *Sloan* v. *Lemon*, 413 U.S. 825 (1973): whether the deduction permitted for tuition expenses primarily benefits those who send their children to religious schools. In *Nyquist* we unequivocally rejected any suggestion that, in determining the effect of a tax statute, this Court should look exclusively to what the statute on its face purports to do and ignore the actual operation of the challenged provision. In determining the effect of the New York statute, we emphasized that "virtually all" of the schools receiving direct grants for maintenance and repair were Roman Catholic schools, 413 U.S., at 774, that reimbursements were given to parents "who send their children to nonpublic schools, the bulk of which is concededly sectarian in orientation," *id.*, at 780, that "it is precisely the function of new York's law to provide assistance to private schools, the great majority of which are sectarian," *id.*, at 783, and that "tax reductions authorized by this law flow primarily to the parents of children attending sectarian, nonpublic schools." *Id.*, at 794. Similarly, in *Sloan* v. *Lemon*, 413 U.S., at 830, we considered important to our "consider[ation of] the new law's effect . . . [that] 'more than 90% of the children attending nonpublic schools in the Commonwealth of Pennsylvania are enrolled in schools that are controlled by religious institutions or that have the purpose of propagating and promoting religious faith.'"[4]

In this case, it is undisputed that well over 90% of the children attending tuition-charging schools in Minnesota are enrolled in sectarian schools. History and experience likewise instruct us that any generally available financial assistance for elementary and scondary school tuition expenses mainly will further religious education because the majority of the schools which charge tuition are sectarian. Cf. *Nyquist, supra*, at 785; *Lemon* v. *Kurzman*, 403 U.S., at 628-630 (Douglas, J., concurring). Because Minnesota, like every other State, is committed to providing free public education, tax assistance for tuition payments inevitably redounds to the benefit of nonpublic, sectarian schools and parents who send their children to those schools.

2

The majority also asserts that the Minnesota statute is distinguishable from the statute struck down in *Nyquist* in another respect: the tax benefit available under Minnesota law is a "genuine tax deduction," whereas the New York law provided a benefit which, while nominally a deduction, also had features of a "tax credit." *Ante*, at 7-8, and n. 6. Under the Minnesota law, the amount of the tax benefit varies directly with the amount of the expenditure. Under the New York law, the amount of deduction was not dependent upon the amount actually paid for tuition but was a predetermined amount which depended on the tax bracket of each taxpayer. The deduction was designed to yield roughly the same amount of tax "forgiveness" for each taxpayer.

This is a distinction without a difference. Our prior decisions have rejected the relevance of the majority's formalistic distinction between tax deductions and the tax benefit at issue in *Nyquist*. See *Byrne* v. *Public Funds for Public Schools*, 442 U.S. 907 (1979), aff'g, 590 F. 2d 514 (CA3); *Grit* v. *Wolman*, 413 U.S. 901 (1973), aff'g, 353 F. Supp. 744 (SD Ohio 1972).[5] The deduction afforded by Minnesota law was "designed to yield a [tax benefit] in exchange for performing a specific act which the State desires to encourage." *Nyquist, supra*, at 789. Like the tax benefit held impermissible in *Nyquist*, the tax deduction at issue here concededly was designed to "encourag[e] desirable expenditures for educational purposes." *Ante*, at 8. Of equal importance, as the majority also concedes, the "economic consequence" of these programs is the same, *ante*, at 8, n.6, for in each case the "financial assistance provided to parents ultimately has an economic effect comparable to that of aid given directly to the schools." *Ante*, at 10. See *Walz* v. *Tax Comm'n*, 397 U.S. 664, 699 (1970) (opinion of Harlan, J.). It was precisely the substantive impact of the financial support, and not its particular form, that rendered the programs in *Nyquist* and *Sloan* v. *Lemon* unconstitutional. See *Nyquist*, 413 U.S. at 790-791, 794; *Sloan* v. *Lemon*, 413 U.S., at 832.

C

The majority incorrectly asserts that Minnesota's tax deduction for tuition expenses "bears less resemblance to the arrangement struck down in *Nyquist* than it does to assistance programs upheld in our prior decisions and discussed with approval in *Nyquist*." *Ante*, at 5. One might as well say that a tangerine bears less resemblance to an organge than to an apple. The two cases relied on by the majority, *Board of Education* v. *Allen*, 392 U.S. 236 (1968), and *Everson* v. *Board of Education*, 330 U.S. 1 (1947), are inapposite today for precisely the same reasons that they were inapposite in *Nyquist*.

We distinguished these cases in *Nyquist, supra*, at 781-782, and again in *Sloan* v. *Lemon*, 413 U.S., at 832. Financial assistance for tuition payments has a consequence that "is quite unlike the sort of 'indirect' and 'incidental' benefits that flowed to sectarian schools from programs aiding *all* parents by supply bus transportation and secular textbooks for their children. *Such benefits were carefully restricted to the purely secular side of church-affiliated institutions* and provided no special aid for those who had chosen to support religious schools. Yet such aid approached the 'verge' of the constitutionally impermissible." *Sloan* v. *Lemon, supra*, at 832 (emphasis added in part).

As previously noted, *supra*, at 6, the Minnesota tuition tax deduction is not available to *all* parents, but only to parents whose children attend schools that charge tuition, which are comprised almost entirely of sectarian schools. More importantly, the assistance that flows to parochial schools as a result of the tax benefit is not restricted, and cannot be restricted, to the secular functions of those schools.

II

In my view, Minnesota's tax deduction for the cost of textbooks and other instructional materials is also constitutionally infirm. The majority is simply mistaken in concluding that a tax deduction, unlike a tax credit

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or a direct grant to parents, promotes religious education in a manner that is only "attenuated." *Ante*, at 11-12. A tax deduction has a primary effect that advances religion if it is provided to offset expenditures which are not restricted to the secular activities of parochial schools.

The instructional materials which are subsidized by the Minnesota tax deduction plainly may be used to inculcate religious values and belief. In *Meek* v. *Pittenger*, 421 U.S., at 366, we held that even the use of "wholly neutral, secular instructional material and equipment" by church-related schools contributes to religious instruction because "'[t]he secular education those schools provide goes hand in hand with the religious mission that is the only reason for the schools' existence.'" In *Wolman* v. *Walter*, 433 U.S., at 249-250, we concluded that precisely the same impermissible effect results when the instructional materials are loaned to the pupil or his parent, rather than directly to the schools. We stated that "it would exalt form over substance if this distinction were found to justify a result different from that in *Meek.*" *Ibid.* It follows that a tax deduction to offset the cost of purchasing instructional materials for use in sectarian schools, like a loan of such materials to parents, "necessarily results in aid to the sectarian school enterprise as a whole" and is therefore a "substantial advancement of religious activity" that "constitutes an impermissible establishment of religion." *Ibid.*

There is no reason to treat Minnesota's tax deduction for textbooks any differently. Secular textbooks, like other secular instructional materials, contribute to the religious mission of the parochial schools that use those books. Although this Court upheld the loan of secular textbooks to religious schools in *Board of Education* v. *Allen*, *supra*, the Court believed at that time that it lacked sufficient experience to determine "based solely on judicial notice" that "the processes of secular and religious training are so intertwined that secular textbooks furnished to students by the public [will always be] instrumental in the teaching of religion." 392 U.S., at 248. This basis for distinguishing secular instructional materials and secular textbooks is simply untenable, and is inconsistent with many of our more recent decisions concerning state aid to parochial schools. See *Wolman* v. *Walter*, 433 U.S., at 257-258 (MARSHALL, J., concurring in part and dissenting in part); *id.*, at 264-266 (STEVENS, J., concurring in part and dissenting in part); *Meek* v. *Pittenger*, 421 U.S., at 378 (BRENNAN, J., concurring in part and dissenting in part).

In any event, the Court's assumption in *Allen* that the textbooks at issue there might be used only for secular education was based on the fact that those very books had been chosen by the State for use in the public schools. 392 U.S., at 244-245. In contrast, the Minnesota statute does not limit the tax deduction to those books which the State has approved for use in public schools. Rather, it permits a deduction for books that are chosen by the parochial schools themselves. Indeed, under the Minnesota statutory scheme, textbooks chosen by parochial schools but not used by public schools are likely to be precisely the ones purchased by parents for their children's use. Like the law upheld in *Board of Education* v. *Allen*, 392 U.S. 236 (1968), Minn. Stat. § § 123.932 and 123.933 authorize the state board of education to provide textbooks used in public schools to nonpublic school students. Parents have little reason to purchase textbooks that can be borrowed under this provision.[6]

III

There can be little doubt that the State of Minnesota intended to provide, and has provided, "[s]ubstantial aid to the educational function of [church-related] schools," and that the tax deduction for tuition and other educational expenses "necessarily results in aid to the sectarian school enterprise as a whole." *Meek* v. *Pittenger*, 421 U.S. at 366. It is beside the point that the State may have legitimate secular reasons for providing such aid. In focusing upon the contributions made by church-related schools, the majority has lost sight of the issue before us in this case.

"The sole question is whether state aid to these schools can be squared with the dictates of the Religion Clauses. Under our system the choice has been made that government is to be entirely excluded from the area of religious instruction . . . The Constitution decrees that religion must be a private matter for the individual, the family, and the institutions of private choice, and that while some involvement and entanglement are inevitable, lines must be drawn." *Lemon* v. *Kurtzman*, 403 U.S. 602, 625 (1971).

In my view, the lines drawn in *Nyquist* were drawn on a reasoned basis with appropriate regard for the principles of neutrality embodied by the Establishment Clause. I do not believe that the same can be said of the lines drawn by the majority today. For the first time, the Court has upheld financial support for religious schools without any reason at all to assume that the support will be restricted to the secular functions of those schools and will not be used to support religious instruction. This result is flatly at odds with the fundamental principle that a State may provide no financial support whatsoever to promote religion. As the Court stated in *Everson*, 330 U.S., at 16, and has often repeated, see *e.g.*, *Meek* v. *Pittenger* 421 U.S., at 359; *Nyquist*, *supra*, at 780, "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion."

I dissent.

FOOTNOTES

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[1] As we noted in *Nyquist*, it is "firmly established" that a statute may impermissibly advance religion "even though it does not aid one religion more than another but merely benefits all religions alike." 143 U.S., at 771. See, *e.g.*, *Wolman* v. *Walter*, 433 U.S. 229, 248-254 (1977); *Meek* v. *Pittenger*, 421 U.S. 349, 364-366 (1975).

[2] Even if the Minnesota statute allowed parents of public school students to deduct expenses that were likely to be equivalent to the tuition expenses of private school students, it would still be unconstitutional. Insofar as the Minnesota statute provides a deduction for parochial school tuition, it provides a benefit to parochial schools that furthers the religious mission of those schools. *Nyguist* makes clear that the State may not provide any financial assistance to parochial schools unless that assistance is limited to secular uses. 413 U.S., at 780-785.

[3] Indeed, in this respect the Minnesota statute has an even greater tendency to promote religious education than the New York statute struck down in *Nyguist*, since the percentage of private schools that are nonsectarian is far greater in New York than in Minnesota.

[4] Similarly, in *Meek* v. *Pittenger*, 421 U.S., at 363, we held "that the direct loan of instructional material and equipment has the unconstitutional primary effect of advancing religion because of the predominantly religious character of the schools benefiting from the Act." See *id.*, at 366. We relied on a finding that "of the 1,320 nonpublic schools in Pennsylvania that . . . qualify for aid under Act 195, more than 75% are church-related or religiously affiliated educational institutions." *Id.*, at 364. This could not possibly have been ascertained from the text of the facially neutral statute, but could only be determined on the basis of an "empirical inquiry." And in *Wolman* v. *Walter*, 433 U.S at 233, the Court relied on a stipulation that "during the 1974-1975 school year there were 720 chartered nonpublic schools in Ohio. Of these, all but 29 were sectarian. More than 96% of the nonpublic enrollment attended sectarian schools, and more than 92% attended Catholic schools."

[5] In *Byrne* v. *Public Funds for Public Schools*, 442 U.S. 907 (1979), aff'g, 590 F. 2d 514 (CA3), we summarily affirmed a decision striking down a program of tax deductions. The amount of deduction was fixed at $1,000 for each dependent attending a tuition-charging nonpublic school. This decision makes clear that the constitutionality of a tax benefit does not turn on whether the benefit is in the form of a deduction from gross income or a tax "credit."

In *Grit* v. *Wolman*, 413 U.S. 901 (1973) aff'g, 353 F. Supp. 744 (SD Ohio 1972), we summarily affirmed a decision invalidating a system of tax credits for nonpublic school parents in which the amount of the credit depended on the amount of tuition paid. This decision demonstrates that it is irrelevant whether the amount of a tax benefit is proportionate to the amount of tuition paid or is simply an arbitrary sum. The Court's affirmance of the result in each of these cases was a "decision on the merits, entitled to precedential weight." *Meek* v. *Pittenger*, 421 U.S., at 366-367.

The deduction at issue in this case does differ from the tax benefits in *Nyquist* and our other prior cases in one respect: by its very nature the deduction embodies an inherent limit on the extent to which a State may subsidize religious education. Unlike a tax credit, which may wholly subsidize the cost of religious education if the size of the credit is sufficiently large, or a tax deduction of an arbitrary sum, a deduction of tuition payments from adjusted gross income can never "provide a basis for . . . *complete subsidization of* . . . religious schools." *Nyquist*, *supra*, at 782, n. 38 (emphasis in original). See also *id.*, at 779, 787, n. 44. *Nyquist* made clear, however, that absolutely no subsidization is permissible unless it is restricted to the purely secular functions of those schools. See, *e.g.*, *id.*, at 777-779, 787-788.

[6] For similar reasons, I would hold that the deduction for transportation expenses is constitutional only insofar as it relates to the costs of traveling between home and school. See *Wolman* v. *Walter*, 433 U.S., at 252-255 (reimbursement of nonpublic schools for field trip transportation impermissibly fosters because the nonpublic schools control the timing, frequency, and destination of the trips, which, for sectarian schools, are an integral part of the sectarian education). I would therefore reverse the judgment of the Court of Appeals and remand for a determination whether the insignificant deductions that remain—*e.g.*, deductions for transportation between home and school and for pencils and notebooks—are severable from the other deductions.●

KINDER: KIDS IN NEED DESERVE EQUAL RIGHTS

● Mr. RIEGLE. Mr. President, last week the Senate Finance Committee held 2 days of hearings on S. 888, the Economic Equity Act, of which I am a cosponsor. The second day of hearings focused on the child support provisions of the bill. Several witnesses from my own State of Michigan came to testify in support of the bill. Patricia Kelly and Patricia Turner from my hometown of Flint, Mich., offered the members of the committee valuable insight into the severe limitations of child support enforcement provisions across the Nation. Michigan is a leader in the collection of child support dollars; 13 percent of all child support

dollars in the Nation are collected in Michigan. Nevertheless, Ms. Turner and Ms. Kelly, cofounders of KINDER—Kids in Need Deserve Equal Rights—argue that national leadership in this area is necessary to prevent increasing numbers of women and children from moving into poverty and the welfare system.

I commend to the attention of the Senate the informative testimony of Patricia Kelly and Patricia Turner of KINDER, a national organization based in Flint, Mich., committed to increasing the effectiveness of the child support system and ask that it appear in the RECORD.

The testimony follows:

TESTIMONY BY PATRICIA KELLY

Gentlemen, my name is Patricia Kelly. I am Co-founder and President of KINDER, (Kids In Need Deserve Equal Rights), a national organization based in Michigan comprised of parents and citizens united to seek improvements in the family law system as it pertains to children. I am also a welfare mother, a fact of which I am not proud, but I'm sure you'll agree by appearance I'm not what most people envision a typical welfare mother to look like, I am though sadly enough all too typical.

Before I was divorced 3½ years ago, my husband, our three young children and I lived a typically middle class existence in the suburbs. My husband's income was nearly $50,000 per year. I did not work outside the home during the seven years of our marriage, but rather choose to devote myself to raising our children. Within weeks of filing for divorce it became necessary for the children and I to move to an inner-city housing project and apply for AFDC. My husband refused to pay child support even though he was a working General Motors employee.

The road to recovery for women like myself and their children is long and in many cases endless. Today my ex-husband owes nearly $12,000 in back child support, has quit his job, is successfully evading his financial responsibility to our children, and expects the government to support them. Even though I have a part-time job in broadcasting, my income potential is limited and I will most likely require some sort of government aid for the next ten years until my youngest son graduates from high school.

For millions of women like myself child support is the lifeline enabling us to be self-supporting and productive. The extremely high costs of housing, food, clothing, utilities and child care along with the fact that many women have few job skills and choose the traditional role of mother and housewife first, results in female heads of households and their children becoming poverty stricken after divorce.

Although America claims to be a child-oriented society the statistics tend to prove otherwise. Currently one out of five American children is being supported through social programs. One-quarter to one-third of the absent fathers never pay a dime in child support, and some government officials estimate that only one out of ten absent fathers pays on time in full. The county in Michigan where I live, Genesee, has been lauded as one of the best in the area of child support collection nationwide. Michigan comprises 4 percent of the American population and collects at least 13 percent of all child support dollars collected nationally. Although rated among the best, the county in which I live only collects on the average $600 per year per child which breaks down to a scant $11 per week and only $1.65 per day. Obviously, if a custodial mother of three is lucky enough to collect the average $600 per child annually she will have to be generating more than four times as much through employment to reach the poverty level.

My personal experience with the child support enforcement system and my additional knowledge through dealing with KINDER members nationally is that the current child support enforcement system encourages welfare dependence. Working mothers not on AFDC find very little help in collecting child support while women on welfare see stepped up enforcement. The federal government offers many financial incentives to each state to encourage offsetting welfare costs but offers few to encourage non-AFDC collections. This policy literally forces millions of women and children onto welfare and "Uncle Sam" becomes the child supporter unnecessarily. In many cases if child support payments were received regularly the family would not even qualify for government aid. The discrimination in collections is further proven by the tax intercept program. Last year millions of dollars were successfully collected through the attachment of tax refund checks, but again only to offset welfare costs, not for the non-AFDC families. The first step toward improving the child support collection system is to insure equal enforcement of all court support orders. It is strictly a matter of dollars and "sense"—the costs of mandatory wage assignments, tax-intercepts, and administrative overhead will be much less taxing than supporting the family through AFDC, food stamps and Medicaid.

I strongly encourage the passage of Title V of S. 888. If America's children are to be its future we have to provide a stable environment for every child. Title V of S. 888 will begin to rectify the frightening trend where the federal government is the child supporter and re-direct the financial responsibility of child rearing where it has always belonged, with the natural parents.

TESTIMONY BY PATRICIA TURNER

Senators, I am Patricia Russell Turner, co-founder of KINDER—Kids In Need Deserve Equal Rights, an advocacy group of parents and concerned citizens united to improve the enforcement of court orders related to child support, visitation and custody. KINDER has members across the country, the majority of whom are custodial mothers who are not receiving their court-ordered child support payments.

In March of this year the ABC news program "20/20" featured a segment on child support problems entitled "Daddy, Can You Spare A Dime?" Following, the broadcast, viewers were invited to call an 800 toll-free number as KINDER volunteers conducted a nationwide call-in survey. Responses from nearly 3,000 custodial and non-custodial parents in 48 states pinpointed severe problem areas in child support enforcement. In one week's time an estimated 80,000 people from across the country attempted to contact us, as supported by information supplied by AT&T. Clearly, child support enforcement is an enormous problem and parents are searching desperately for answers.

These parents are trying to deal with an antiquated system which has been to this point a low priority in many jurisdictions. As more divorce and paternity cases flood already overcrowded courtrooms each day, the system becomes less capable of enforcing order, leaving many parents powerless to collect child support payments. Arrearages continue to accumulate into thousands and thousands of dollars and nothing is done.

Fifty-one percent of survey respondents reported that they had been on AFDC at one time or another since their divorce. Of these, two-thirds had applied for welfare because of lack of child support. Eighteen percent of the respondents are currently AFDC recipients. Of these, 90 percent had applied because of nonpayment of support. Two-thirds of the AFDC respondents stated that they were capable and willing to work, had a plan for child care and would be off the welfare rolls if their child support was received.

The majority of callers were non-ADC mothers. Non-payment of support leaves them in a precarious situation. Working custodial mothers can walk a tightrope between self-sufficiency and poverty. For many of them, child support payments are needed to pay for child care while the mother is working to support the family. If she does not receive the payments, child care and work expenses can place the family on the borderline of the poverty level. After many futile attempts to collect, many women cannot afford attorneys and give up, oftentimes reverting to AFDC dependence. To the working woman, the collection system can appear indifferent to her family's struggle to survive financially. In many locations selective enforcement is practiced with welfare dependence acting as a trigger mechanism for stepped-up enforcement, due to financial incentives to collect on these cases. Millions of American families are trapped in this "Catch-22" situation.

All these problems are compounded when they involve intercounty or interstate enforcement. There is a disturbing lack of uniformity in determining the amount of support, in considering continued medical coverage for the children, in prioritizing enforcement efforts and in methods used to collect, from county to county, from state to state. No county or state in the country collects even 50 percent of its court-ordered support.

A full 94 percent of survey participants reported that they did not receive child support on a regular basis. Hundreds of them have contacted KINDER since the "20/20" broadcast in hopes that something could be done for their children. It is on behalf of all these children that I urge your consideration today.

The child support system in this country is not working. Why? Because this problem has been swept under the rug for far too long. Because the current weak and inadequate system fosters parental irresponsibility. Because selective enforcement of AFDC cases can backfire by indirectly discouraging working women who seek to remain in the workforce to support their families. Because the majority of court support orders in this country aren't enforced effectively, if at all.

Passage of Title V of S. 888 would establish the federal government, the largest employer in the world, as a model employer by providing for automatic wage assignments upon issuance of a court order for support. It would provide definitive guidelines for the Title IV-D program, which is currently mired in the ambiguity of protecting all children according to the law, and yet held accountable for performance by an AFDC scorecard. It would provide mandates for the states to follow, which would provide some measure of uniformity and begin to rectify the staggering problem of interstate enforcement.

I see Title V of S. 888 as a very positive and long-overdue measure for millions of American families, for the American taxpayers, who have spent billions of dollars on welfare programs when able-bodied parents refuse to support their children, and for the future welfare of America.●

HONORING MSGR. BELA VARGA

● Mr. D'AMATO. Mr. President, it is my pleasure to honor today, Msgr. Bela Varga as he celebrates his 80th birthday. Monsignor Varga's accomplishments in helping countless refugees during World War II should not be forgotten today by the free world.

In the Hungarian village of Balatonboglar, 50,000 Polish soldiers and civilians fleeing the Nazis and later the Soviets, as well as 2,200 French soldiers escaping from Nazi prison camps, found a brave and resourceful friend in Msgr. Bela Varga, whose Church of the Sacred Cross became the center and haven of refugee relief for these hapless victims many of these refugees got away to fight again. Others, especially imperiled Jews, got forged documents from Monsignor Varga that enabled them to settle in Hungary.

Monsignor Varga was first elected to the Hungarian Parliament in 1939 as a member of the liberal Smallholders Party. During the war he participated in the resistance against the Nazis and spent a brief time in prison.

In Soviet-occupied Hungary's only free election, in 1945, the Smallholders Party won a resounding majority and later installed Monsignor Varga as Speaker of Parliament. But political liberty in Hungary was short-lived. In 1947, he fled to Vienna and was airlifted to freedom.

As ranking member of Hungary's last freely elected Parliament, Monsignor Varga came to the United States and rallied other Hungarian exiles to share in his freedom.

The French Government has also honored Monsignor Varga in the past by decorating him with France's Legion of Honor, in rememberance of the refugees he saved.

Over the years he has prayed that his country would not be forgotten by the free world. And so on his 80th birthday I see this as a fitting occasion to commemorate those who suffer for freedom in Hungary today and especially to honor the man who made freedom possible for many, and continues to be a pillar of hope to Hungarians everywhere.

VOICE OF DEMOCRACY WINNER

● Mr. HUDDLESTON. Mr. President, every year thousands of American young people make their voices heard through essays entered in the Veterans of Foreign Wars' "Voice of Democracy" contest. This year's winners again provide us outstanding examples of the fine quality of our youth today. I am particularly proud that one of the winners was one of Kentucky's own, Miss Kathryn McKee of Cynthiana placed third in the nationwide contest with her essay on this year's topic, "Youth, America's Strength."

I would like to take this opportunity to commend the VFW for sponsoring this fine competition, which year after year gives young Americans a chance to show just how much they care about our great democracy, and at the same time demonstrate to all of us their unique talents for written and oral expression. I am particularly impressed by the lyrical and poetic qualities of Miss McKee's essay. The others, I am sure, reflect similar care and creativity. To Miss McKee and all the winners, to the national VFW and all the local posts, to all those who entered the competition and those who assist in the effort to educate and nurture our youth, let us offer our many thanks and our highest commendations!

I ask that Kathryn's essay be reprinted at this point in the RECORD.

The essay follows:

YOUTH-AMERICA'S STRENGTH

Your old men will dream dreams and your young men will see visions . . . are words of wisdom found recorded in the Bible. Dreams and visions are much the same thing as they culminate, without the barriers of age, into hope for the future.

America's eternal circle of strength is found not in the material comforts we enjoy, but in the people who compose the greatest democracy ever created. The people of my generation are America's youth and we are a part of the never-ending circle which upholds American ideals, and we can be America's strength, but first we are our country's hope. The hope for citizens to defend her, to respect here, and to improve her. We are the hope for the strength of the future.

I am young and I am overflowing with a vigorous ambition to tackle age old difficulties whose solutions have eluded the wisest of preceding generations. Because of my youth, I am naive and cannot understand the complexities of America's difficulties. Likewise, I am unable to fathom the depth of my good fortune in natural citizenship.

It will be a long time before I can comprehend. First I must join the marching ranks of young soldiers and sailors, doctors and nurses, pilots and prisoners of war who defend our heritage of freedom.

I must join the parade of businessmen and executives who shape our economic destiny. I must walk with ambassadors and missionaries who proclaim the hope for peace and the desire for stability worldwide.

I must be the representatives and the senators, the Cabinet members and spokesmen, and the Presidents who mold America's destiny and exhibit the fruit of her hope.

But not yet. Now I am the student who learns how to express her wish for tomorrow and touch her elusive vision. I cannot be strong yet. I cannot shoulder a burden I have yet to understand—but I can learn. I need to be nurtured and protected so I can learn how to defend. And then I can understand.

Do not depend on me too much America. I cannot carry the load alone and I know you will not expect me to do so. I must drink of Ponce de Leon's mythical fountain of youth and mature into the hope and strength of tomorrow.

Because youthfulness is as much an attitude as an age group, America's real strength lies in the undaunted flexibility of her people that allows us all to be eternally young and forever fortified.

The sage advice found in the book of Timothy, "Despise not the days of your youth" must be the pattern followed by today's young people. We must cherish the time of our development rather than press for an irresponsible maturity. We must be patient and we must ask America to believe in us. And then—the hope which we have envisioned must blossom into a tangible element of an eternal circle of strength.

ALASKA STATEHOOD DAY

● Mr. MURKOWSKI. Mr. President, tomorrow marks the 25th anniverary of passage of the Alaska Statehood Act by the Senate. In the quarter century since that day both Alaska and the Union have benefited in many ways from their association.

Mr. President, this past Monday President Reagan signed Senate Joint Resolution 42, honoring the silver anniversary of Alaska statehood and naming January 3, 1984 "Alaska Statehood". I ask that the President's statement on that occasion be inserted in the RECORD at this point, along with the text of Senate Joint Resolution 42.

I would like to take this opportunity to thank Becky Gernhardt of Senator STEVENS' staff, Jim Lexo of Congressman YOUNG's staff, and Mary McGuire of my own staff, for their effort in the passage of Senate Joint Resolution 42, and for their enthusiastic help in preparing for the celebration of Alaska Statehood Day.

The President's statement follows:

STATEMENT BY THE PRESIDENT

I'm delighted today to take the first step toward what will be for all Americans a proud and joyous moment: the celebration of the 25th anniversary of Alaska's statehood. Alaska was admitted to the Union on January 3, 1959; then, as now, Alaska was a treasure house of natural resources and a State of undisturbed vistas and incomparable beauty.

In many ways, the story of Alaska and her people is America's story, the struggle of courageous men and women with a wild and bounteous frontier. Today the State of Alaska reminds us of this rich heritage and our own continuing efforts toward developing a Nation while seeking to preserve its irreplaceable beauty and resources.

The resolution which I am signing speaks of Alaska's material wealth. It notes that Alaska provides one-eighth of the Nation's gold, one-fifth of its oil production and two-fifths of its harvested fish. Alaska possesses ten of the sixteen vital materials needed for the Nation's security and all of this has resulted in the national treasury collecting $3

for every $1 of Federal money that is spent in this rich and vital State.

As the resolution notes, the United States has reaped economic rewards from Alaska many times greater than its original $7 million investment. But Alaska's contribution to our Nation goes far beyond this. All Americans benefit from the commitment and courage, the vitality and frontier spirit of the people of Alaska. Alaskans and Alaska remain an inspiration to all Americans and a reminder of the richness, diversity, and beauty of America's heritage.

Today, with the sponsors of this resolution, Senators Stevens and Murkowski and Congressman Young, I call on all Americans and all levels of government to join with me in celebrating Alaska Statehood Day with appropriate ceremonies and recognition.

(The President signed S.J. Res. 42, in the presence of the Alaska Delegation, designating January 4, 1984 as the 25th Anniversary of Alaska's Statehood.)

S.J. RES. 42

Whereas July 7, 1983, marks the twenty-fifth anniversary of enactment of the Alaska Statehood Act as approved by the United States Congress and signed by President Dwight D. Eisenhower;

Whereas the Alaska Statehood Act authorizes the entry of Alaska into the Union on January 3, 1959;

Whereas the State of Alaska is still growing and developing based on the principle established by the Alaska Statehood Act;

Whereas the Alaska Statehood Act is the foundation of the union between the State of Alaska and the United States of America which has been to the benefit of both parties;

Whereas many commitments between Alaska and the Federal Government are still being fulfilled;

Whereas the State of Alaska is a storehouse of this Nation's natural resources;

Whereas Alaska provides one-eighth of the Nation's gold; one-fifth of the Nation's oil production; and two-fifths of its harvested fish all to the benefit to the Union;

Whereas Alaska possesses ten of the sixteen strategic minerals needed for our Nation's security;

Whereas the Federal Government collects $3 in taxes from Alaska for every $1 it spends there;

Whereas the United States has reaped economic rewards from Alaska many times greater than its original $7,000,000 investment;

Whereas the people of Alaska contribute to the cultural diversity and cultural resources of this Nation; and

Whereas the Alaska Statehood Act authorized Alaska's entry into the United States of America and provided the basis for these benefits shared by Alaska and the Union: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 3, 1984, be known as "Alaska Statehood Day" in honor of the silver anniversary of the entry of Alaska into the Union. The President is requested and authorized to issue a proclamation calling upon the people of the United States; and the Federal, State, and local governments to observe "Alaska Statehood Day" with the appropriate ceremonies and recognition.●

SOLVENCY OF THE RAILROAD RETIREMENT SYSTEM

● Mr. MITCHELL. Mr. President, I rise to bring to the attention of my colleagues a joint resolution adopted by the Maine Legislature expressing the need for prompt congressional action to insure the solvency of the railroad retirement system.

In 1981, Congress rescued the railroad retirement system from bankruptcy by enacting a compromise funding plan that was expected to keep the system solvent for the next 10 years. However, the system is near collapse once again because of the recession which has caused a sharp, unexpected loss of jobs in the railroad industry and a drop in payroll tax revenues during the last 2 years. The problem has been exacerbated by the increased number of claims for railroad unemployment benefits, some of which have had to be drawn from the retirement system. If Congress does not take remedial action, pension benefits to retirees will be cut 40 percent this fall and more in the fall of 1984.

Fortunately, rail labor and management have devised a compromise plan to rescue the retirement system. That plan, embodied in H.R. 1646 and S. 1074, would foster solvency by changing benefits, increasing payroll taxes and providing for certain borrowing provisions.

H.R. 1646 has been reported by the House Energy and Commerce Committee and recently ordered reported by the House Ways and Means Committee. However, no action has been taken in the Senate yet other than hearings conducted by the Senate Committee on Labor and Human Resources.

Mr. President, the leadership of both houses of the Maine Legislature has acknowledged the dependency of beneficiaries on the railroad retirement system and the critical need for corrective action to stave off bankruptcy. I commend their expression of concern to my colleagues in the Senate and urge them to act expeditiously on the compromise funding plan.

Mr. President, I ask that the resolution be printed in the RECORD at this point.

The resolution follows:

JOINT RESOLUTION MEMORIALIZING THE MAINE CONGRESSIONAL DELEGATION TO SUPPORT THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Eleventh Legislature, now assembled, most respectfully present and petition the Maine Congressional Delegation as follows:

Whereas, many residents of the State of Maine are currently engaged in railroad employment or have engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

Whereas, many residents of the State of Maine are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet the normal costs of living; and

Whereas, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic affect on the ability of these beneficiaries to meet normal living expenses; and

Whereas, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

Whereas, House Resolution 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

Whereas, House Resolution 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through an evenhanded approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive such benefits in the future; now, therefore, be it

Resolved: That We, your Memorialists, respectfully urge that the members of Congress representing the State of Maine should actively support and vote favorably on House Resolution 1646, the Railroad Retirement Solvency Act of 1983; and be it further

Resolved: That suitable copies of this resolution be transmitted immediately to the members of the Maine Congressional Delegation.●

THE L-REACTOR AT THE SAVANNAH RIVER PLANT, AIKEN, S.C.

● Mr. MATTINGLY. Mr. President, a short while ago, the junior Senator from South Carolina (Mr. HOLLINGS), inserted for the RECORD his interpretation of my amendment to the Energy and Water Development Appropriations Act of 1984 relating to the restart of the L-reactor at the Savannah River Plant, Aiken, S.C.

I simply want to take this opportunity to say that my amendment is clear and distinct in intent and purpose. It mandates the Department of Energy to successfully complete an environmental impact statement and then to live up to its commitment to the State of South Carolina to conduct studies and mitigate thermal effects upon issuance of a discharge permit. It should not be construed to either enlarge or diminish the rights of South Carolina in dealing with DOE and issuance of discharge permits in regard to the L-reactor.●

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S. 1434, INTERSPOUSAL INDIVIDUAL RETIREMENT ACCOUNT

● Mr. D'AMATO. Mr. President, on June 3, 1983, I introduced legislation, S. 1434, to establish an interspousal individual retirement account (IRA) or $2,250 regardless of the lesser earning spouse's income.

Under current law, a married couple with only one working spouse may establish an IRA for up to $2,250. But if that spouse earns less than $250, the maximum interspousal IRA is only $2,000 plus the income of the lesser earning spouse. For instance, if a housewife earns $50, the maximum interspousal IRA cannot exceed $2,050. Thus, an incentive has been created for individuals to either not accept earned income or cheat on their tax returns. My bill rectifies this situation by raising the maximum interspousal IRA to $2,250 regardless of the income of the lesser earning spouse.

While this issue may appear to be a rather minor point, I recently received a letter from one of my constituents that demonstrates the need for passage of S. 1434. Mr. Harold W. Wilder wrote me about his wife, Barbara, who earns $100 per year as an election inspector. Because of her earnings, the Wilders were only permitted to contribute $2,100 to their IRA. If, however, Mrs. Wilder had no income, the Wilders could have established an IRA for $2,250. Mrs. Wilder has, therefore, been placed in the awkward position of being penalized for serving the community. This situation should not be allowed to continue uncorrected.

Mr. President, I ask that this letter be printed in the RECORD in its entirety.

The letter follows:

CANTON FEDERAL
SAVINGS & LOAN ASSOCIATION,
Canton, N.Y., June 21, 1983.

Hon. ALFONSE M. D'AMATO,
Hart Office Building,
Washington, D.C.

DEAR SENATOR D'AMATO: Just learned of your bill—S. 1434—to provide that a spouse having compensation shall not be disqualified from having a spousal individual retirement account. You have my wholehearted endorsement!

This is something that has bothered my wife and I for sometime now. My wife's only income is approximately $100 per year as an election inspector, which means she can't take advantage of the spousal IRA. She's thought of resigning as an inspector, but feels this is one of her civic duties. It puts her in a real quandary.

Thank you for your attempt at rectifying a glaring oversight in the original legislation.

Sincerely yours,
HAROLD W. WILDER,
President.●

THE TELECOMMUNICATIONS ACT OF 1983

● Mr. BINGAMAN. Mr. President, I reached my decision to vote for S. 66 after hearing from the many interests in my State who were deeply concerned about this bill and its impact on their businesses and the public.

The cable industry is just now starting to grow to a mature part of the many telecommunications delivery systems. S. 66 provides the needed incentives for these companies to take their place in the market.

PUBLIC ACCESS

Some concerns have been voiced to me that there were basic concerns that S. 66 will jeopardize cable television as a community resource; some fear cable will not be open to citizens, consumers, educators, librarians and community groups. I recognize the importance of these questions and carefully evaluated the protections provided. Senator LAUTENBERG's amendment, which was incorporated into the bill reported to the Senate, responds to this concern. The amendment provides that franchising authorities negotiate access to educational as well as governmental users. Moreover, it would certainly seem to be in the best interest of the cable system to see this access is maintained as part of its service to its community.

RATE REGULATION

In the area of rate regulation, the cable owners would be guaranteed a rate increase tied to the regional consumer price index. This section of the bill will discourage any attempt by the cable franchise to raise rates to unreasonable levels.

FRANCHISE RENEWALS

The bill provides the cities and the cable companies a fair treatment without crippling reasonable regulatory oversight. S. 66 provides that judicial review is de novo only when a fair and adequate hearing is not provided by the franchising authority.

ABROGATION OF CONTRACTUAL DUTIES

In my view, the bill as passed provides enough flexibility to revise the terms of the cable operators' contracts under the "significant change in circumstances" portion. There is also a strong presumption in favor of freely accepted contractual obligations. The terms of the contract will be a product of negotiations between the two parties.

TELEPHONE RATES AND UNIVERSAL SERVICE (ABDNOR AMENDMENTS)

Finally, one of the major concerns about this bill was with the potential impact on telephone rates. In my home State of New Mexico, the data business is in its infancy. If you pull away the data revenues of our Bell operating company, it could cause a substantial rate increase for business, residential and rural customers. This was an area which the bill did not address to my satisfaction. I voted for an amendment offered by Senator ABDNOR which affirmed the importance of universal service because I feel it is important that telephone rate increases be kept to a minimum. I supported a second amendment, which was not adopted, which would have placed data companies under State public utility commission regulation. I believed this would provide additional protection for telephone ratepayers.

I voted for S. 66 because I believe that deregulation is necessary in order to promote competition in the marketplace. I will keep a close eye on the cable industry to see that the provisions of the bill are carried out according to the spirit and intent of Congress.●

CHEMICAL WAR

● Mr. QUAYLE. Mr. President, in recent weeks there has been a new surge of interest in the question of whether or not the Soviet Union and their surrogates, Vietnam and Laos, are using chemical and toxin weapons.

Quite frankly Mr. President, I am getting tired of reading reports that continue to cast doubt that these heinous weapons are being used. Anyone who does a thorough investigation of the evidence that exists can come to only one conclusion: deadly chemical and toxin weapons are being used. They are being used against innocent people in Afghanistan, Laos, and Cambodia in violation of these people's basic human rights, international law, the 1925 Geneva Protocol and the 1972 Biological and Toxin Weapons Convention.

What disturbs me the most is the fact that those who still are unsure whether these weapons of terror are being used seem to completely ignore the fact that men, women, and children have died. These naysayers want scientific proof that chemicals and toxins are being used. Yet even when they have proof that mycotoxins exist in samples of "yellow rain," they do all they can to refute the evidence. They would rather theorize and sit back as academicians or scientists and study the question some more. Meanwhile, defenseless and innocent people are dying or literally being gassed from their homeland.

The U.S. Government is right in being outspoken in condemning the Soviet Union, Laos, and Vietnam for using chemical and toxin weapons. It would have been unconscionable for us as a nation to stand quietly by while knowing thousands were dying, suffering or being driven from their villages by these outlawed weapons.

No matter how much proof we have, there will always be some who will not be satisfied. That is their right as citizens in this country of ours. But, before they try to discredit the governments charges, they should consider all the evidence, including: biological samples which contained toxins, intelligence reports, radio intercepts, refugee reports, medical and doctors' reports, observations of refugee workers and journalists findings. The available information and intelligence reports show without a doubt that these weapons have been used.

Mr. President, this weekend's feature article in Parade magazine titled "How the Soviets Use Chemicals to Wage War," is one of the best pieces to date on the subject.

Al Santoli writes from first hand knowledge on this issue, as he recently spent a month in Thailand investigating the use of chemical and toxin weapons. Shortly after he returned, I had an opportunity to talk with him. He impressed me with his knowledge of the subject, but more importantly, he impressed me with his concern for the innocent people who are the victims of these attacks.

Santoli's article ends with a compelling quote from a 25-year-old Hmong resistance fighter who told him, "If the Communists keep using this gas on the fields, the forests, the water and the villages, the Hmong people will no longer have any life left."

We cannot hide our eyes to the fact that these weapons are being used. We in this Chamber and others in Government service must continue to raise this issue whenever possible. The world must be made to understand the death, terror and suffering that is being rained on the people of Afghanistan, Laos, and Cambodia.

Al Santoli is to be commended for his excellent article, and I highly recommend it to my fellow Senators. I ask that it be reprinted in the RECORD.

The article follows:

[From Parade magazine, June 26, 1983]

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

(By Al Santoli)

The PHU BIA Mountains of Laos are greenest in November. The long winter monsoon rains have ended and wildflowers are abundant in the rugged foothills. Lee Mai, a 25-year-old schoolteacher in the village of Moung Hong, was walking in a neighbor's field when he saw the helicopters come again.

He watched in horror as the metal birds circled above the community of 300 wooden and grass thatch houses. Startled parents tried to grab their screaming children and run for cover as exploding clouds of red smoke and a musty yellow rain descended from the sky. Those covered by the wet, sticky substance began spinning wildly in uncontrollable seizures, gasping for breath, blood sputting from their noses and mouths as they died.

Two years later, November 1982, across the Phu Bia range in the village of Nong Ching, 13-year-old Mai Lor was on harvest vacation from school. Early in the morning, as she was walking to begin work in her father's rice field, she saw an airplane spray the mysterious yellow substance. After cautiously waiting a few hours, Mai entered the field. She became dizzy and nauseous; her skin turned itchy and began to blister. For a week after the attack, Mai's entire family was bedridden with fever, nausea, diarrhea and burning eyes. Neighbors who had been directly sprayed died a violent death, blood pouring from every opening in their bodies.

The Lor family learned that neighboring villages, inhabited by Hmong tribespeople—many of whom had been America's allies in the war against the Vietnamese invaders and their Pathet Lao surrogates—had experienced "yellow rain" attacks in recent months, suffering many deaths. In January 1983, the Lor family tearfully made their last visit to the Nong Ching community church and joined their neighbors in a dangerous two-week walk to seek refuge across the Mekong River in Thailand.

In 1975, the Hmong population numbered 400,000 out of a total population of 3 miilion Laotians. Today, it is estimated at less than 75,000. Most have been killed or driven out by starvation or lethal chemical attacks. Dr. Khamsenkeo Sengstith, former bureau director of the Laotian Communists' ministry of health, defected to Peking in 1981. He states: "The Vietnamese use chemical weapons in the air and on the ground, killing thousands upon thousands of people."

American and Thai intelligence have monitored Soviet radio transmissions inside Laos regarding shipments of chemical weapons to the Phu Bia region and a Soviet general inspecting chemical munitions depots. The Laotian Air Force is run by 500 Soviet advisers. A Laotian pilot who defected in 1979 gave a detailed description of the chemical warfare missions he flew and the overall Soviet-Vietnamese program being waged against the Hmong. His accounts were verified by previous civilian refugee and resistance-fighter testimonies and satellite photographs. The pilot said this program is named "Extinct Destruction Operations" and is intended "to wipe out the Hmong people."

In 1963, reports of chemical-biological warfare (CBW) came out of Yemen. Since then, they have come from remote mountain regions in Laos, Cambodia, Vietnam and Afghanistan. Thousands of terrified homeless people have told the same story and have shown the same horrifying medical symptoms. Soviet military manuals explain the operational use of these weapons. Soviet bloc defectors testify to their use. Physicians document and treat countless victims. Yet world governing and scientific tribunals remain paralyzed and refuse to acknowledge the use of these weapons because they fear a new chemical arms race and are intimidated by the implications of underlying Soviet intentions.

Dr. B. A. Zikria, professor of surgery at Columbia University College of Physicians and Surgeons and a pulmonary specialist, has worked inside Afghanistan, caring for Mujahidin resistance fighters and civilians. In Baluchistan, he found a large number of people suffering from a mysterious variety of symptoms including chronic nosebleeds, nausea, shortness of breath, nervous tremours and skin lesions. All the victims described being attacked by black or yellow smoke from Soviet aircraft.

Some doctors found that the victims' skin problems only responded to medicine used for chemical burns. After examining numerous patients with breathing difficulty and black spots around their lungs, which ruled out tuberculosis, Dr. Zikria discovered that in medical history this problem has only been seen in chemical warfare victims. Returning to the U.S., Dr. Zikria studied reports from Laos and Cambodia and found almost identical symptoms in reported chemical warfare victims there.

Today, in New York, Dr. Zikria says: "Though there are debates over what is causing the problem, from the clinical standpoint the evidence is overwhelming that chemical warfare is happening. The effect of the agent on the victim is more important than its identification. As with cancer, we don't know exactly what causes it, but we can diagnose it by its effects—poisoning is a medical and clinical problem. The physician's reality is that thousands of people are suffering and dying, telling the same stories and showing the same signs."

Military specialists and government scientists in the U.S., Canada, Great Britain, France, West Germany, Norway, Thailand, Israel and New Zealand have confirmed the current Soviet use of chemical warfare. Yet, at the United Nations, the Soviets and their surrogate governments in the countries where it is being used veto any attempts for on-site investigations. At a recent press conference in Bangkok, French Foreign Minister Claude Cheysson said his country was convinced that chemical weapons were being used in Asia.

Recently in Paris, PARADE spoke with a top French military scientist and a government chemical-warfare expert. These authorities said that though they have identified toxic weapons substances in field samples from Southeast Asia and Afghanistan, they still have not developed the adequate high technology to do a complete identification of all the toxins involved. They feel that we have only seen the tip of the iceberg of the Soviet CBW arsenal and are concerned that the French Army could be caught in a surprise attack.

The United States signed an international treaty with the Soviets in 1972, banning all such weapons. However, that treaty had no provisions for verification, and the Soviets have continued to produce up to 10,000 tons a year of nerve gas and toxic weapons. Military experts estimate that the Soviets' current arms stockpile contains 400,000 to 700,000 tons of poisons—15 percent to 40 percent of their total ammunition holdings.

In a Soviet military publication, Col. Oleg Penkovskiy wrote: "Soviet artillery units are all regularly equipped with chemical warfare shells, and our artillery is regularly trained in their use. Let there be no doubt; if hostilities should erupt, the Soviet Army would use chemical weapons against its opponents. The political decision has been made, and our strategic planners have developed a doctrine . . . Chemical shells and missiles may be considered just ordinary weapons available to the military commanders to be used routinely when the situation calls for it."

In 1977, Soviet bloc chemical-biological capabilities (standard for all Soviet bloc armies) were documented in the East German Textbook of Military Chemistry:

"Toxins are agents which are produced by biological organisms such as micro-organisms, plants and animals and cannot themselves reproduce. By the middle of 1960, the toxins selected for military purposes were included among biological warfare agents. Today it is possible to produce various toxins synthetically.

"Toxins are not living substances; they thus differ from the biological organisms, so that they can be included among chemical warfare agents. When they are used in combat, the atmosphere can be contaminated over relatively large areas.

"The toxic warfare agents can be aerosolized. They can be used primarily in microbombs which are launched from the air or

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in warheads of tactical rockets. Toxic warfare agents can be applied with aircraft spray equipment and similar dispersion systems."

This account accurately confirms what terrified tribespeople and farmers in the Near East and Asia have been trying to tell a disbelieving West. These events in far-off places may seem remote to many Americans, but a comparison of Soviet-U.S. capabilities in chemical-biological weaponry reveals some frightening facts and figures:

The Defense Department estimates the Soviets outnumber us in chemical munitions by up to a 10 to 1 ratio; in delivery systems by 5 to 1; in production by 14 to 1; and in decontamination vehicles by 10 to 1. Experts estimate 72 percent of U.S. chemical stocks are of doubtful military value because of deterioration.

Soviet chemical warfare troops number up to 100,000, compared to 6,000 in the U.S. Soviet troops and chemical specialists have battlefield experience in Afghanistan and Southest Asia and have used this to develop tactical integration of toxic warfare. NATO commanders doubt our capability to deter a chemical attack. While Soviet armor is sealed against chemical penetration. U.S. armor is woefully unprotected.

A massive Soviet surprise attack on NATO could render our forces defenseless. The Soviets have the ability to spread chemical agents over a large area by a number of means. Their FROG and SCUD missiles, similar to our Pershings, all have chemical capabilities. The U.S. Navy now feels our battleships are vulnerable to Soviet cruise missiles tipped with chemical warheads.

Small chemical rockets are now used on Soviet helicopters, jets and biplanes (crop dusters). A single 200-pound toxic bomb can cover half a square kilometer with nerve gas. MiG 27 aircraft, the kind employed in Cuba, can deploy four tanks of nerve gas, each tank capable of covering four square kilometers. Satellite photos and intelligence assets have documented the existence of a large military chemical depot and training field in Cuba, where Soviet advisers train Cuban troops in chemical-biological warfare exercises.

Some Soviet toxins derived from fungi are impossible to detect by current U.S. gas alarms, and their minuscule particles could penetrate existing gas mask filters.

Though the new generation of Soviet toxins has been grouped under the term "yellow rain," a wide variety of toxic smoke colors are being used. Each causes varying effects, ranging from incapacitation, stupor and nausea to choking, neurologic fits and massive hemorrhage, causing quick death.

Guerrilla fighters in Afghanistan have experienced fatality rates of up to 70 percent, and large civilian populations have experienced rates of nearly 100 percent. Chemical experts believe that known chemicals like mustard gas, phosgene and sarin are being used, as well as new forms of toxins.

In June 1980, Dutch journalist Bernd DeBruin filmed two Soviet chemical helicopter attacks in Jalalabad, Afghanistan. The helicopters circled a village like a carousel, dropping canisters and shooting rockets that produced a lethal yellow smoke. A few hours later, DeBruin entered the village and photographed a corpse that had turned blue-black from extensive internal hemorrhaging (all blood vessels in the body had burst) due to chemical exposure. DeBruin suffered from blisters, facial swelling, nausea, diarrhea and cramps for 10 days following the attack and still has skin lesions. DeBruin has photographed chemical shells with Soviet nomenclature. These shells and helicopter delivery systems match reports made by Cambodians since 1978.

Afghan resistance units have captured and photographed a number of Soviet chemical protective suits, antidote kits and gas masks contaminated with T-2 mycotoxin residue (not indigenous to the region). Soviet prisoners and defectors have confirmed the use of at least nine different types of chemical weapons, including the deadly sarin, phosgene and soman. One young soldier, Anatoly Sakharov, described an agent called "smirch," which has 100 percent mortality. His description matches reports from DeBruin, doctors in Afghanistan and Hmong refugees from Laos who described these effects to PARADE.

Yuriy Povarnitsyn, a Soviet military chemical specialist, reported performing autopsies on Afghan villagers and taking soil samples after attacks. His account corresponds to stories coming out of Laos regarding the Vietnamese. In 1974, a Cuban emigré baffled U.S. analysts with descriptions of similar chemical warfare systems being taught in Cuba. He described a chemical land mine that validated a report by a Soviet defector in the 1960s. Similar reports recently have come out of Cambodia. After reading these descriptions, a Chinese official in Peking told a U.S. chemical experts. "We read your report with great fascination because we ran into the same mines on the Vietnam border." In 1980, the Vietnam People's Army chemical warfare branch received the government's highest award, the Ho Chi Minh Medal.

In Cuba, Soviet instructors described the effects of the chemical mines as being "radiation-like"—which describes the effects of mycotoxins, once used in experiments by cancer researchers as an alternative to chemotherapy.

Sterling Seagrave, author of the book *Yellow Rain*, says: "Why are the Soviets using poisons? In a nuclear stalemate, only conventional weapons can be used in regional wars. Conventional weapons have become so complex and expensive—a new weapons system can bankrupt a national economy. Poisons, on the other hand, are cheap. And they have the killing power of nuclear weapons, without attracting so much attention.

"There's no big bang and there's no mushroom cloud. But all the people can be eliminated silently, as they have been in parts of Afghanistan. The new poisons are so bizarre and evaporate so rapidly that they make proof extremely difficult to obtain. But any serious study of Soviet military doctrine demonstrates that not only is CBW defensive gear a routine part of Soviet operations, so is CBW aggressive gear.

"In Afghanistan, for instance, Soviet helicopter gunships equipped with lethal chemical agents now perform routine duties like convoy security, which used to involve ground troops. This is only one of numerous examples that show the growing dependence on toxic weapons. And poison tactics and poison stategy have taken much of the role previously attached to tactical nuclear weapons in Soviet doctrine." Dr. Bernard Wagner, professor of medical pathology at Columbia University, who just returend from a fact-finding visit to Southeast Asia, says with great concern:

"The threat of limited, controlled biological warfare is, at least for me, on a scale with nuclear war. With toxins having both acute and delayed effects, an aggressor can achieve his ends without the problems posed by a nuclear blast. Besides, toxins can be delivered in an insidious, almost undetectable manner.

"The current outcry against nuclear weapons must also extend to chemical-biological warfare. Our government, along with all other nations, must find a way to pressure the Soviet Union and its clients into halting this activity. Until then, prudence dictates that we formulate policies to safeguard populations at risk."

Today, while the urgent reality of chemical warfare is obscured in endless political and academic debate, thousands of defenseless men, women and children continue to suffer. On March 25, 1983, at Ban Vinai refugee camp on the Mekong River in Thailand, PARADE spoke with Tou Xiong, a 25-year-old Hmong resistance fighter. Tou has risked his life on numerous occasions to guide members of desperate families across the Laotian mountains in frantic escape from Vietnamese-Soviet "extinct destruction" campaigns. With the quiet intensity of one who has walked with death, he said:

"It is difficult for people to live in Laos because of the poison gas. Thousands and thousands of Hmong people have died. It took my group of 100 people one month to walk to Thailand. We had to pass through many patrols of Vietnamese and Pathet Lao soldiers. By the time we crossed the Mekong River, 75 people—including many babies and children—had died by starving, drowning or shooting.

"My people asked me to come to Thailand to ask the Americans if you have any medicine to take care of the poison gas today. If the Communists keep using this gas on the fields, the forests, the water and the villages, the Hmong Lao people will no longer have any life left."●

HOBBS ANTIEXTORTION ACT

● Mr. JEPSEN. Mr. President, I take this opportunity to commend my distinguished colleague from Iowa, Senator Grassley, for his introduction of legislation to make the Hobbs Antiextortion Act apply evenhandedly to all Americans.

As a cosponsor of Senator Grassley's bill, S. 462, I have joined in his efforts to revise by statute the Supreme Court's erroneous interpretation of the Hobbs Act in the 1973 Enmons decision.

The Hobbs Act was enacted in 1946 to curb a rising tide of violent labor/management disputes. Congressman Samuel Hobbs, author of the bill, stated in crystal-clear terms that the law was designed to apply to all Americans. "[C]rime is crime, no matter who commits it; . . . and extortion, extortion, whether or not the perpetrator has a union card," said representative Hobbs.

Despite this unequivocal congressional mandate, five Supreme Court justices ruled in Enmons that union officials engaged in legitimate labor disputes need not fear prosecution for extortion under the Hobbs Act.

This unique exemption of a privileged few from a law meant to apply to all Americans is counter to our cherished principles of justice and equality before the law.

The need for legislation to correct this injustice was articulated eloquently by Senator Grassley in his testimony before the Senate Judiciary Subcommittee on separation of powers.

I urge my colleagues to join Senator Grassley and me in support of this legislation; and I ask that Senator Grassley's statement be printed in the Record.

The statement follows:

Statement of Senator Charles E. Grassley Before the Senate Judiciary Subcommittee on Separation of Powers

Mr. Chairman, thank you for your diligence in scheduling this hearing so early in this session. The bill, S. 462 before us, has a rapidly growing list of cosponsors which include Senators Thurmond, Dole, Simpson, Goldwater, Jepsen, Trible, Nickles and Helms.

This legislation, which I introduced on February 3, amends the federal extortion and robbery statute, commonly referred to as the Hobbs Act, which is found at Section 1951 of Title 18, U.S. Code. The enactment of this bill will leave no doubt as to congressional intent in enacting the Hobbs Act. We will punish the actual or threatened use of force or violence regardless of the objective, regardless of the perpetrator's claim to such property.

Until the Supreme Court's 1973 Enmons decision no person or group was exempted from coverage by this statute. Any actual or threatened use of force or violence to obtain property was a "wrongful" use of force or extortion. The objective that was sought through the violence was irrelevant. Resorting to violence was not condoned as a means to settling a dispute.

The Enmons case arose out of a strike by the employees of a utility company seeking a new collective bargaining agreement. Five specific acts of violence were charged, including the firing of high powered rifles at three transformers, the draining of oil from a transformer, and the blowing up of a transformer installation. The Government contended that the statutory language unambiguously and without qualification proscribed interference with commerce by extortion; that, in terms of the statute extortion included the obtaining of property from another by threats or violence; that wages were property of the employer; and that violence in the course of a strike to obtain such property fell within the literal language of the act.

Nevertheless, five members of the Supreme Court held that violence during a strike to achieve legitimate collective bargaining objectives was not intended by the Congress to be covered by the Hobbs Act. The majority emphasized that a broader interpretation of the statute would apply its coverage to "the worker who threw a punch on the picket line, or the striker who deflated the tires of his employer's truck." I emphasize here today, that my legislation explicitly exempts minor incidental incursions. It is an affirmative defense to a prosecution under this bill, if the defendant's conduct consisted solely of minor bodily injury, or minor damage to property not exceeding $2,500.

By continuing to adhere to the decision in Enmons, we are in effect bolstering the concept that the end—pursuit of legitimate collective bargaining objectives—justifies the means used whether that involves systematic destruction of property, maiming or killing. We have the opportunity through enactment of S. 462, to mandate (decree) that no extortive violence by either party to a labor dispute will be exempt from the coverage of the Hobbs Act.●

HUNGER IN AMERICA

● Mr. HOLLINGS. Mr. President, a little over 2 weeks ago I attended the annual meeting of the U.S. Conference of Mayors in Denver. At that time Senator Andrews and I held a hearing with a number of the mayors on the problems of hunger in America.

That hearing brought out many of the facts we all suspected. It proved that in this land of plenty there is hunger at an unprecedented level. It showed that 3 years of unproductive and uncaring budget cuts by the administration have put thousands more of our citizens on food lines. And it highlighted that even the Herculean efforts of our local governments cannot close the gap—there are simply too many hungry Americans for the local agencies to care for.

Carl T. Rowan has written an excellent piece on our meetings with the mayors. He aptly sums up what is good government—mayors who face up to the problem of hunger and attempt to feed their people—and what is bad government—a President who wears blinders to talk about "economic recovery" and asserts that no one is being hurt by his policies. The President may be able to ignore the facts, but the mayors cannot. What Detroit Mayor Coleman Young calls "the most prevalent and insidious" problem facing the cities is a national shame and a national problem. Unfortunately, this administration has allowed us to go backward in our national efforts for a solution.

I highly recommend this article to my colleagues. I submit it for the Record along with a copy of my statement at the hearing.

The material follows:

[From the Washington Post, June 17, 1983]

Facing Hunger

(By Carl T. Rowan)

I have seen the victims and heard the cries of hunger in this city, within blocks of the Capitol. I have seen hunger on a grotesquely sweeping scale in the Sahel region of Africa. So I know how it depresses the well-fed, pushes them to guilt, to see the tumefied bellies, the bony joints, the gaunt faces of children who don't get enough to eat. That is why a lot of state legislators, congressmen and White House officials stay away from the no-jobs ghettos where more and more soup kitchens have sprung up, and from the rural pockets of poverty where people count on distributions of surplus cheese and butter.

A president who avoids seeing the dramatic increase in the number of Americans who go hungry can continue to talk about "economic recovery" and assert that nobody is really being hurt by his policies. But the nation's mayors cannot play the callous "out of sight, out of mind" game. They can't hide from the suffering. To their credit, they tried at the 51st annual meeting of the U.S. Conference of Mayors to make those of us who eat regularly understand that hunger is making a comeback in America and is now what Detroit Mayor Coleman Young calls "the most prevalent and insidious" problem facing the cities. The mayor of Oakland, Calif., complains that he was unable to get supplemental food for 30,000 people who need it. San Antonio, Texas, officials say that whereas they provided emergency food aid to 10,000 families in 1982, they expect 50,000 families to ask for help in 1983.

At their Denver conference the mayors heard what most of them surely already knew: that hunger is causing or aggravating a lot of illnesses and thus adding immensely to the Medicare and Medicaid burdens. I have made it a point on recent speaking and other trips to go into the areas of hunger, soup kitchens, etc. I have looked at the people in these food lines and have seen that many are candidates for hospital emergency rooms. I look at some of the older people who are so desperate for food that they abandon pride, whatever, and stand in line for charity—and, yes, my heart bleeds. But it is the hungry children for whom I truly weep. Millions of youngsters have seen their fathers and mothers lose their jobs even as the Reagan administration was forcing 3 million children out of the school lunch program.

President Reagan and Education Secretary Terrel Bell can give speeches about "master teachers" and "educational excellence" until they fall from exhaustion, but these youngsters who live in homes of hunger, and are denied adequate food at school are not going to become scholars. Destruction of school lunches and other programs comes a lot easier if you stay in a secluded world where you never see the degradation of those who must beg for bread, or you never hear the crying of a hungry child.

Statement of Senator Ernest F. Hollings at Senate Agriculture Hearing on Hunger, Denver, Colo., June 13, 1983

Thank you Mr. Chairman. It is indeed an honor to be here today to discuss the problems of hunger and food distribution with our distinguished panelists. I welcome them and look forward to their thoughts and comments.

Whenever I am with a group discussing hunger, it leads me to think of that saying by Henry Adams—"Practical politics consists in ignoring the facts." But this problem can not be ignored and the practical politics is no politics. But as we all know, that is a difficult message to convey to the present Administration.

It was some 15 years ago that I stumped my home State and other parts of the Nation to learn first hand the story of hunger and poverty in America. What I and others discovered was shocking. There were literally millions of underfed and hungry people in this land of plenty. Cases of Kwashiorkaor and other starvation related diseases were found. In many poverty areas, rates of nutrition deficiency diseases among our children equalled those of third-world countries.

But this country exhibited its greatness and responded with a noble effort to eliminate hunger from our midst. And for a time we were succeeding. Yet now, as we all are aware, hunger is starting to come back.

The first reason for this is our current economic position. Millions of American families, who never in their wildest dreams could have imagined it, are now without jobs and destitute. They are victims of that hoax called "supply side." They have been mugged by an arrogant and irresponsible administration that gambled with their futures, cut taxes for the wealthy few, and drove the economy to its knees. These are our neighbors and friends. These are the same people who studied hard, worked hard, and rightly expected to enjoy the fruits and security of the American dream.

Yet now they are faced with indefinite layoffs, expiring unemployment benefits, and depleted savings. They have had to chose between heating and eating during the winter. They have had to wait in food lines at their own churches in order to make it through the month.

Some have dubbed this group the "new poor." But new or old, they are hungry, confused, and frightened. And, they deserve better.

Another reason for the resurgence of hunger is what I like to call "check-out line" analysis. We've all heard it—the constituent who complains about seeing some person buying steak or filet with food stamps. Indeed, our President has made it an acceptable form of social comment when he talked about the fellow who bought an orange with foodstamps, used the change to buy a pint of vodka, and then enjoyed a screwdriver. But when the President was last in either a food or liquor store is the question I would like answered.

Yet the image of the so-called "cheater" persists. And for a program such as food stamps, the effect is invidious. The American people, who are sincere in their belief that none of our citizens should go hungry, soon begin to believe the story and withdraw their support.

And it isn't just some crank or extremist that plants these fables. That would be bad enough. It is also the administration that continues to play games and recycle ugly myths. It is the administration that continues to let the public believe the program is fraught with fraud and abuse when it isn't. It is the administration that continues to imply that the Democrats are irresponsible spenders when Jimmy Carter and the Congress cut the fat, waste, and fraud out of the program in 1980 and 1981. It is the administration that continues to cry for more cuts—a billion dollars in this year's budget—when we have already cut the program by over $3 billion per year for the last two years. In short, it is the administration that lies instead of leads.

But what the administration doesn't tell anyone about is how the program works or who it serves. It doesn't tell you that benefits now average less than 47 cents per person per meal. It doesn't tell you that over one-half of the recipients are children or that 78 percent of the recipients are either children, the elderly, the disabled, or single parents. It doesn't tell you that the average monthly household income of recipients is under $350. And, it doesn't tell you that most of the unemployed are unable to get food stamps because they are fortunate enough to still own a car or some other personal asset.

Another trend that must be reversed is the short-sightedness of our policy makers. By this I mean the "pennywise and pound foolish" attitude that exists when we fund many of our nutrition programs.

Part of this is due to the problems of misinformation and myths that I just mentioned. But equally devastating is the refusal of many in Congress and the administration to look at the facts. Without a doubt, there are few government programs as effective as those in the nutrition area. And this is particularly true with regard to our children.

For example, take the Supplemental Food Program for Women, Infants, and Children (WIC). Every $1 spent on the prenatal component averts $3 in hospitalization costs by significantly reducing the number of low birth-weight infants. The neonatal mortality rate for infants born to WIC mothers is only one-third that of comparable groups.

Or, look at the child nutrition and school lunch programs. Even the Department of Agriculture, which cut the progam by 30 percent last year—the largest cut in any entitlement—has released studies that show these programs having substantial nutritional impacts on children, particularly lower income children.

And you in local government know that the cost-efficient saving from these programs are not exclusively federal. These savings reduce Medicaid, AFDC, special education, and other programs that are part of everyone's budget—Federal, state, and local.

Yet the response of the administration is more B-1's and MX's and less nutrition. More for programs that are ineffective and fat and less for programs that are effective and starving.

And finally, we are seeing more hunger because our local agencies simply cannot handle the load. Americans can and will pull together. But local food programs are literally overwhelmed by the magnitude of those who need help.

For example, last year over one-half of the emergency food programs saw their case loads increase by 50 percent. A third of the programs saw a doubling in the number of recipients. Because of this, nearly a fourth of the agencies had to turn people away and two-thirds are now limiting the number of times a person can get food. Usually, it is now once a month.

And the people being served are changing. It is no longer the fellow looking for a bowl of soup and sermon. More and more it is the newly unemployed and more and more it is entire families with children. Additionally, the number of families who are seeking aid because their food stamps no longer last through the month is increasing at a dramatic rate.

But again, the administration is callous and uncaring. The same crowd that preaches "volunteerism" refuses to fully unshackle the necessary forces for success. We need to not only free up the millions of pounds of commodities rotting in warehouses, but we must give the state and local governments the where-with-all to deliver them.

As we can all see, the problems we face are immense. We have economic, social, and political barriers to hurdle before we can eliminate hunger in this country. Right now we are going backwards. But I am confident that it is not impossible. All that is required is leadership and candor. The American people will respond.●

SOVIET COMPLIANCE WITH ARMS CONTROL TREATIES

● Mr. SYMMS. Mr. President, I ask to have printed in the RECORD a letter addressed to President Reagan by a number of Senators, dated June 20, 1983, expressing support for his efforts to study the problem of Soviet compliance with arms control treaties in the National Security Council Verification Panel.

The letter follows:

U.S. SENATE,
Washington, D.C., June 22, 1983.

Hon. RONALD REAGAN,
The President, the White House, Washington, D.C.

DEAR MR. PRESIDENT: We strongly support your efforts to thoroughly study the problem of Soviet compliance with arms control treaties in the National Security Council Verification Panel. Preserving the integrity of the arms control process is of great importance.

We sent you a letter on May 12, 1981 questioning Soviet compliance with the SALT I Anti-Ballistic Missile Treaty. Since then, there have been many reports of new Soviet violations or circumventions of SALT and other arms control treaties.

In testimony to the Senate Foreign Relations Committee on June 15, 1983, Secretary of State Shultz criticized "Moscow's continuing practice of stretching a series of treaties and agreements to the brink of violation and beyond." Schultz added that the United States is "becoming increasingly concerned about Soviet practices—including the recent testing of ICBMs—that raise questions about the validity of their claim of compliance with existing SALT agreements."

Mr. President, we respectfully request that you continue your NSC studies in order to answer our original letter and any other Congressional letters on Soviet arms control compliance. We are sure that you agree that the Congress and the American people have a right to know if the Soviets are violating or circumventing SALT treaties.

With warmest personal regards.

Sincerely,

Jake Garn, Steve Symms, James A. McClure, Ted Stevens, Jordon Humphrey, Chuck Grassley, Jesse Helms, Chic Hecht, Mark Andrews, Bill Cohen, Rudy Boschwitz, Jeremiah Denton.

Don Nickles, Frank H. Murkowski, John P. East, Orrin G. Hatch, Paula Hawkins, Bob Dole, Mack Mattingly, Roger L. Jepsen, Dan Quayle, Pete V., Domenici, Bob Kasten.

Bill Armstrong, Strom Thurmond, Malcolm Wallop, Jim Abdnor, Paul Laxalt, Paul Trible, Larry Pressler, Alfonse D'Amato, Warren B. Rudman, Richard Lugar, Pete Wilson.●

THE DEATH OF WILLIAM MILLER AND AN ELOQUENT TRIBUTE

● Mr. MOYNIHAN. Mr. President, few in the Chamber have not already been made aware of the passing of William Miller, the altogether distinguished former Member of the House of Representatives from New York and onetime running mate of our cherished colleague, Senator GOLDWATER.

Bill Miller was a good man and a splendid public servant. He came from that background and that set of experiences that made him a tough-minded and principled spokesman for conservatism and commonsense in public affairs. And he understood, as well, the meaning of generosity of spirit when ministering to the private needs of family, friends, and those who are less fortunate. He is missed by those who value dedication and vigor in public service, and mourned by those who had the great fortune to have called him a friend.

Mr. President, Senator GOLDWATER delivered a moving and eloquent tribute to his friend and colleague, Bill Miller, at a service Monday last at the St. John's Catholic Church in Lockport, N.Y., and I should like to share his eulogy with my colleagues, as well as an obituary from the New York Times that appeared Saturday, June 25.

I ask that these two items be printed in the RECORD.

The material follows:

[From the New York Times, June 25, 1983]

EX-REPRESENTATIVE WILLIAM MILLER, 69, DIES; GOLDWATER'S 1964 RUNNING MATE

(By Douglas C. McGill)

William E. Miller, a former member of the House of Representatives who experienced brief national fame as Barry Goldwater's Republican running mate in the 1964 Presidential race, died yesterday at Millard Fillmore Hospital in Buffalo. He was 69 years old.

He had been admitted to the hospital June 5 for diagnostic tests and was in fair condition until he suffered a stroke on Saturday, according to a hospital spokesman.

After President Johnson's landslide victory, Mr. Miller quickly dropped from public view, emerging only occasionally, in interviews, to joke about his short stay in the spotlight.

Most memorably, in a 1975 television commercial, Mr. Miller cheerfully announced that wherever he went, he was not recognized without his American Express credit card. In 1979, he told a reporter that strangers sometimes reminded him that he was a celebrity, but not because he was Barry Goldwater's running mate.

REMEMBERED FOR COMMERCIAL

"They remind me more of the American Express card commercial," he said.

Among those who knew him, Mr. Miller was a successful man with a strong personality long before 1964. He was known as an acid-tongued extremely conservative Republican, a natty dresser and an expert at billiards, bridge and golf.

In Washington, Senator Barry Goldwater said of Mr. Miller, "He was one of the greatest men I have ever known and I feel his loss very deeply."

Asked by The Associated Press what qualities in Mr. Miller impressed him most, Senator Goldwater replied: "He was an outstanding member of Congress; he was one of the best national chairmen of the Republican Party we have ever had; he was a hell of a gin rummy player and a good poker player. He was the kind of a man other men like to be with. I think that's the best way to put it."

LIVED UP TO EARLY APPRAISAL

A high school English teacher remembered Mr. Miller as "a scrappy little son-of-a-gun," and throughout his life he repeatedly lived up to the phrase.

He was born in Lockport, N.Y., on March 22, 1914. His father was a factory janitor, and his mother ran a millinery. He was a star debater in high school. At the University of Notre Dame, he was elected head of the student government.

In 1938 he graduated from Albany Law School and was admitted to the bar. He began work the same year as a lawyer in Lockport. He was inducted into the army as a private in 1942, but later attended Officers Candidate School, was commissioned a first lieutenant and was assigned to the War Criminals Branch in Washington.

In August 1945, he was selected as one of the assistant prosecutors under Supreme Court Justice Robert A. Jackson at the Nazi war criminals trials at Nuremberg. The experience left a deep impression on him. Unlike many conservatives, he tended after the war to refer to Nazism, not Communism, as a symbol of ultimate evil.

In 1964, he was asked his opinion of the Conservative Party in New York State. "I don't approve of splinter parties," Mr. Miller said. "I saw what splinter parties made possible in Germany."

WAS A DISTRICT ATTORNEY

After the war, he was appointed Assistant District Attorney of Niagara County. Later, Gov. Thomas E. Dewey appointed him District Attorney, and he was elected to the post in the next election. He ran successfully for the House and served seven consecutive terms before joining the Goldwater ticket.

As a young Republican in Congress, Mr. Miller rapidly became known as an effective orator and as a "partisan hell-raiser rather than a lawmaker," as one biographer put it.

In 1960, he was elected chairman of the Republican Congressional Campaign Committee, and he won some credit for the 22 Republican House seats gained in the election that year.

POINTED PARTISAN ORATORY

That year, Mr. Miller endorsed Vice President Richard M. Nixon for President, at a time when Gov. Nelson A. Rockefeller still considered himself in the running for the Republican nomination. Even so, in 1961, Governor Rockefeller approved Mr. Miller's appointment as Republican National chairman, apparently feeling that a conservative New Yorker would be better in the job than a conservation Middle Westerner.

In these leadership roles of the early 1960's, Mr. Miller's talent for pointed partisan oratory took flight. He once called President Kennedy "the foundering father of the New Frontier," and advised him to learn the difference "between a sense of history and a sense of histrionics."

After Mr. Miller's nomination as Republican Vice President candidate, his sharp tongue became a cause of concern among other office-seeking Republicans, both moderate and conservative.

"I'm afraid that by the time Bill Miller gets through pummeling the President, Lyndon's going to sweep back into office on a national sympathy vote," a Michigan party leader said at the time, perhaps only partly in jest.

After the 1964 election, Mr. Miller retired almost completely from political life, although he did offer to campaign for Governor Rockefeller's re-election bid in 1966. The offer received a cool reception from Mr. Rockefeller.

At a 10-year reunion of workers who campaigned for Mr. Miller, he told the gathering: "I worked so hard as a candidate for Vice President, and it turned out so badly that I decided I'd never work again."

In fact, Mr. Miller continued to work as a senior partner in Miller Farmelo Cane & Greene, a law firm he had started in Buffalo in 1961. He practiced general law, with a specialty in banking. He was a frequent master of ceremonies at local ceremonies, was active on the boards of four corporations and two banks in the Buffalo area, and remained an avid golfer.

Mr. Miller is survived by his wife, the former Stephanie Wagner; a son Army Lieut. William E. Miller, Jr. of Washington; three daughters, Elizabeth Anne Fitzgerald of Lynchburg, Va.; Mary Karen Miller of Springfield, Mass.; Stephanie C. Miller of Los Angeles; and three grandchildren.

A Mass of Christian Burial will be said at 10:30 A.M. Monday at St. John's Roman Catholic Church in Lockport and burial will be at 1 P.M. Tuesday at Arlington National Cemetery in Virginia.

EULOGY BY SENATOR BARRY GOLDWATER FOR WILLIAM E. MILLER, ST. JOHN'S CATHOLIC CHURCH, LOCKPORT, N.Y., JUNE 27, 1983

Stephanie, members of your family and friends: Eulogy is a rather unusual word, not one that we use often. When we use it, it should be used with a real purpose and understanding. And even though I've called Bill Miller my friend for some 35 years, it's not the easiest task for me to do what I hope to do, and do it as well as he'd want me to.

I think we have to recognize in talking about a man like Bill that man was born to serve. It's the only reason that we are here. It is to do unto others as you would have them do unto yourself. And if they serve well, the dust that trails them as they walk down the path of life settles on all people, and makes all people better. Now the question comes: Did he serve well?

Yes, he served well. He served with love and devotion to his wonderful family. He served with love and devotion to his country. I remember night after night, day after day, as he and I, through our political times together, in talking about all things in general, he always got to Stephanie and his children. And one of the great things I liked about this man, and still do, is when he, as we all do, and many of us, many times, put our hand on the Bible and swear to defend the Constitution against all enemies, foreign and domestic, he meant it. Not everybody means it. That's one of our problems. He meant it; he demonstrated it by serving his country in times of war. He demonstrated it by serving his country in times of peace, in the field we call politics. Because of these things, and because of the way he was, and he is, to me, he made everyone of us better, and he made this country a better place to live.

So I can say with no prejudice, with a heart filled with promise and love, that the dust that will follow Bill, will follow his trail that he made through his life, will settle on us and remind us of our responsibilities to our God, our family, and our country.

Stephanie, it is my real honor here today to read a letter to you:

"DEAR STEPHANIE: Nancy and I were deeply saddened to learn of Bill's death. During the 1964 campaign, Bill Miller gained the respect and gratitude of all Americans for his capable articulation of the principles of our party.

All of us who have come after him are his beneficiaries, and we will remember his contribution for a long time to come. We pray that God will bless you and warm memories

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sustain and console you and your family now, and in the days ahead.

Sincerely,

RONALD REAGAN."

I can't think of any more that I can say about my friend.●

RECEIPT OF MESSAGES DURING RECESS—ORDER OF PROCEDURE ON JULY 11, 1983

Mr. BAKER. Mr. President, first, I believe this request, which is in respect to the pending adjournment, has been cleared on the other side. I will state the request now for the benefit of the minority leader and other Senators.

Mr. President, I ask unanimous consent that, when the Senate adjourns pursuant to the resolution previously passed over until Monday, July 11, messages from the President of the United Sates and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, President pro tempore, and acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

I further ask unanimous consent that during the adjournment of the Senate over until Monday, July 11, committees may be authorized to file reports on Tuesday, July 5, between the hours of 9 a.m. and 3 p.m.

Finally, I ask unanimous consent that when the Senate reconvenes on Monday, July 11, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with and, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each; provided further, that the morning hour be deemed to have expired.

Mr. BYRD. Mr. President, reserving the right to object.

Mr. BAKER. Mr. President, I modify the request so that the time for morning business will be 1 hour instead of 30 minutes, and the time to speak will be 10 minutes instead of 5 minutes.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Was the order entered for morning business to extend not past 6:15 p.m.?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I have a file of material that I think we can deal with now.

Mr. President, I yield to the Senator from Oregon.

CONSTITUTIONAL AMENDMENT ON ABORTION—SENATE JOINT RESOLUTION 3

Mr. PACKWOOD. Mr. President, I move to reconsider the vote by which we defeated Senate Joint Resolution 3 yesterday.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. I observe, Mr. President, the Senator is within his rights to make that motion, and he apprised the leadership on both sides of his intention to do so.

TRIBUTE TO LEADERSHIP STAFF

Mr. BAKER. Mr. President, we have at the table at the front and on both sides of the aisle the hardest working, most efficient, and most carefree staff I have ever seen in my life. I am referring to the floor staff of both the Republicans and the Democrats. I would not for one moment push them past the pace at which they are prepared to go because it is the staff, particularly this staff, more than anybody else who sees that the Senate functions in the orderly and constitutional way which is required of us and expected of us.

Mr. BYRD. Mr. President, I also share those feelings expressed so ably by the majority leader. We have a very diligent and dedicated staff, very skillful, and they are well liked by the Members of this body.

It is said that "He that is diligent in his business may stand before kings." The staff may not stand before kings, but they certainly ought to be recognized for their ability, devotion, and dedication to the Senate and to the leadership on both sides.

May I say that they have always been nice to me, friendly and cooperative. I say that with respect to the staff on both sides of the aisle.

Mr. BAKER. Mr. President, I agree with every word spoken by the minority leader.

While the staff gets their papers in order, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have a series of unanimous-consent requests. I will state them now for the consideration of the minority leader.

SEQUENTIAL REFERRAL OF A BILL—S. 1101

Mr. BAKER. Mr. President, I ask unanimous consent that the period for sequential referral to the Committee on Agriculture, Nutrition, and Forestry of S. 1101, a bill to authorize appropriations for certain fishery programs, as reported by the Committee on Commerce, Science, and Transportation, be extended until July 20, 1983 for the sole purpose of considering the provisions of the first section of the bill; and that if the committee does not report by July 20, 1983, it shall be immediately discharged from further consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE BANKING, HOUSING AND URBAN AFFAIRS COMMITTEE TO HAVE UNTIL 6 P.M. TODAY TO FILE REPORT ON S. 979

Mr. BAKER. Next, Mr. President, I ask unanimous consent that the Banking Committee have until 6 p.m. this evening to file a report to accompany S. 979.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATLANTIC SALMON CONVENTION ACT AMENDMENTS

Mr. BAKER. Mr. President, I would inquire of the minority if he is in a position to consider action by unanimous consent on S. 925.

Mr. BYRD. Mr. President, this side of the aisle is ready to proceed.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 131, S. 925.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 925) to make certain technical corrections in the Atlantic Salmon Convention Act of 1982.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection the Senate proceeded to consider the bill.

AMENDMENT NO. 1451

Mr. BAKER. Mr. President, I send an amendment to the desk on behalf of the distinguished junior Senator from Oregon (Mr. PACKWOOD) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. PACKWOOD, proposes an amendment numbered 1451.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and substitute the following:

TITLE I—MARINE FISHERIES PROGRAMS

SEC. 101. That section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "and 1983" and inserting in lieu thereof "1983, 1984, 1985, and 1986".

SEC. 102. The Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601 et seq.) is amended—

(1) by inserting "not" immediately after "shall" in the second sentence of section 303(c); and

(2) by amending subsection (c) of section 307 to read as follows:

"(c) Any vessel used, and any fish (or the fair market value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).".

SEC. 103. (a) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1983" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "1982 and 1983." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, and 1984.".

(b) Section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by striking out "September 30, 1982" in subsection (a) and inserting in lieu thereof "September 30, 1984";

(2) by amending subsection (b)—

(A) by striking out "fiscal year 1982," in subparagraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, and 1984,", and

(B) by striking out "1981 and 1982" in subparagraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, and 1984"; and

(3) by striking out "fiscal year 1981 or 1982, or both," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, and 1984,".

SEC. 104. Section 1(c)(2) of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)(2)) is amended: (1) by striking out "shall be 90 percent" and inserting in lieu thereof "shall be up to 90 percent"; and (2) by striking out "resources," and inserting in lieu thereof "resources, prepared by an interstate commission,"; and by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'interstate commission' means—

(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267);

(B) the commission established by the Pacific Marine Fisheries Compact (as consented to and approved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

"(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).".

SEC. 105. Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(4), as contained in the message to the House of Representatives and the Senate from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the United States on July 1, 1983.".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. Notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provision of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel Norden (official number 584767) to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

SEC. 202. Notwithstanding any other provision of law, a corporation which, as of March 1, 1983, is a citizen of the United States within the meaning of section 2 of the Shipping Act of 1916, as amended (46 U.S.C. 802) shall continue to be deemed a citizen of the United States within the meaning of said section and shall continue to be deemed an owner whose vessels are eligible for documentation under section 104 of the Vessel Documentation Act (46 U.S.C. 65b) notwithstanding the election and service of a resident alien as its president or chief executive officer; provided, such resident alien has, pursuant to the provisions of section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)), filed with the Immigration and Naturalization Service of the United States Department of Justice, prior to July 1, 1983, an application to file declaration of intention to become a citizen of the United states.

(b) Any rights conferred by subsection (a) shall expire unless such resident alien has become a naturalized citizen by March 1, 1987.

● **Mr. PACKWOOD.** Mr. President, the Senate is now considering a bill to make certain technical corrections in the Atlantic Salmon Convention Act of 1982. In addition to technical corrections in the Atlantic Salmon Convention Act the bill contains several miscellaneous authorizations and technical changes to other laws which I believe are noncontroversial.

The package the Senate is considering contains the following:

1. Title I—Marine Fisheries Programs:

A. Section 101 contains a three year authorization of the Atlantic Tunas Convention Act of 1975.

B. Section 102 contains techical amendments to the Atlantic Salmon Convention Act of 1982.

C. Section 103 contains a one year authorization for the Fisheries Loan Fund (Section 4 of the Fish and Wildlife Act of 1956).

D. Section 104 contains clarifying amendments to the Anadromous Fish Conservation Act.

E. Section 105 contains a one year extension of the Soviet and Polish Governing International Fishery Agreements (GIFA's) and an approval of a new GIFA with the German Democratic Republic.

II. Title II—Miscellaneous Provisions:

A. Section 201 contains a provision to document the vessel Norden as a vessel of the United States.

B. Section 202 contains temporary authority for a corporation whose president is a resident alien to own U.S. documented vessels.

The purpose of section 101 is to authorize appropriations for the Atlantic Tunas Convention Act of 1975 for fiscal years 1984, 1985, and 1986. The act expires at the end of 1983. Moneys appropriated under this act are used to fund U.S. participation in the International Commission for the Conservation of Atlantic Tunas (ICCAT).

The purpose of section 102 is to correct a drafting error discovered after passage of the Atlantic Salmon Convention Act last year.

The purpose of section 103 is to authorize appropriations for 1 year for the fisheries loan fund—section 4 of the Fish and Wildlife Act of 1956. The loan fund consists of moneys from fees paid by foreign nations whose vessels conduct fishing activities in U.S. waters. The fund's stated purpose is to make loans to commercial fishermen for the purchase and equipping of fishery vessels. The committee will explore other possible uses later in the year.

The purpose of section 104 is to address questions raised by the National Marine Fisheries Service (NMFS) in regard to an amendment made last year to the Anadromous Fish Conservation Act. This additional amendment is intended to clarify for NMFS the intent of last year's amendment.

The purpose of section 105 is to extend for 1 year the expiring Soviet and Polish GIFA's and approve a new 5-year GIFA for the German Democratic Republic.

The purpose of section 201 is to allow documentation of the vessel

Norden so that it can engage in coastwise trade.

The purpose of section 202 is to temporarily allow Castle & Cooke, a U.S. corporation whose president is a resident alien, to own, operate, and document U.S. vessels.

Mr. President, I believe all of these items are noncontroversial and have been cleared with all interested parties. I therefore ask my colleagues to join me in offering their support.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1451) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 925) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

TITLE I—MARINE FISHERIES PROGRAMS

Sec. 101. That Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "and 1983" and inserting in lieu thereof "1983, 1984, 1985, and 1986".

Sec. 102. The Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601 et seq.) is amended—

(1) by inserting "not" immediately after "shall" in the second sentence of section 303(c); and

(2) by amending subsection (c) of section 307 to read as follows:

"(c) Any vessel used, and any fish (or the fair market value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).".

Sec. 103. (a) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1983" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "1982 and 1983." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, and 1984.".

(b) section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by striking out "September 30, 1982" in subsection (a) and inserting in lieu thereof "September 30, 1984";

(2) by amending subsection (b)—

(A) by striking out "fiscal year 1982," in subparagraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, and 1984,", and

(B) by striking out "1981 and 1982" in subparagraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, and 1984"; and

(3) by striking out "fiscal year 1981 and 1982, or both," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, and 1984,".

Sec. 104. Section 1(c)(2) of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)(2)) is amended: (1) by striking out "shall be 90 percent" and inserting in lieu thereof "shall be up to 90 percent"; and (2) by striking out "resources," and inserting in lieu thereof "resources, prepared by an interstate commission,"; and by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'interstate commission' means—

"(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267)

proved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

"(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).".

Sec. 105. Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(4), as contained in the message to the House of Representatives and the Senate from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the Unites States on July 1, 1983.".

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provision of law to the contrary, the Secretary of the Department in which the United States Coast Guard is operating shall cause the vessel Norden (official number 584767) to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

Sec. 202. Notwithstanding any other provision of law, a corporation which, as of March 1, 1983, is a citizen of the United States within the meaning of section 2 of the Shipping Act of 1916, as amended (46 U.S.C. 802), shall continue to be deemed a citizen of the United States within the meaning of said section and shall continue to be deemed an owner whose vessels are eligible for documentation under section 104 of the Vessel Documentation Act (46 U.S.C. 65b), notwithstanding the election and service of a resident alien as its president or chief executive officer; provided, such resident alien has, pursuant to the provisions of section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)), filed with the Immigration and Naturalization Service of the United States Department of Justice, prior to July 1, 1983, an application to file declaration of intention to become a citizen of the United States.

(b) Any rights conferred by subsection (a) shall expire unless such resident alien has become a naturalized citizen by March 1, 1987.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC BUILDINGS AUTHORIZATION ACT OF 1983

Mr. BAKER. Mr. President, I am clear on this side to consider S. 1287, if the minority leader has no objections.

Mr. BYRD. Mr. President, the matter has been cleared on this side.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 176, S. 1287.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1287) to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1984.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1434

Mr. BAKER. Mr. President, I send to the desk an amendment of the distinguished senior Senator form Vermont (Mr. Stafford) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. Baker), on behalf of Mr. Stafford, Mr. Randolph, and Mr. Moynihan, proposes an amendment numbered 1434.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike lines 22 and 23 and on page 3, strike lines 1 and 2 and insert in lieu thereof the following:

"(a) Not to exceed $172,510,000 shall be available for fiscal year 1984 as follows:

"(1) For construction of public buildings (including funds for site and expenses) at the following locations and maximum construction costs:

Massachusetts, Waltham, Federal archives and records center (extension)	$1,621,000
Oregon, Portland, Federal office building	67,475,000
Tennessee, Knoxville, Federal office building	14,990,000
Washington, Seattle, Federal archives and records center (extension)	3,525,000

"(2) For demolition of the public buildings at the following location and maximum demolition cost:

California, Los Angeles, warehouses	$599,000

"(3) $1,000,000 for construction of minor public buildings of less than ten thousand gross square feet of space;

"(4) $83,300,000 for purchase of sites and buildings at the following locations and maximum acquisition costs:

Pennsylvania, Pittsburgh, post office courthouse	$23,300,000
Other selected purchases including options to purchase	60,000,000

"(b) Not to exceed $181,332,000 shall be available for fiscal year 1984 as follows:

"(1) For renovations, alterations, and repairs of public buildings at the following locations and at the following maximum project costs of $1,000,000 or more:

Arkansas, Little Rock, post office-courthouse	$4,269,000
California, San Francisco, Appraisers Building	1,200,000
Colorado, Denver, Federal Center Building 20	6,427,000
District of Columbia, Auditors Building	9,294,000
District of Columbia, Blair House	6,500,000
District of Columbia, Liberty Loan Building	2,757,000
District of Columbia, Pension Building	2,650,000
Georgia, Atlanta, Federal Annex	9,193,000
Illinois, Chicago, J. C. Kluczynski Federal Building	3,319,000
Maryland, Baltimore, Middle River Federal Depot	1,892,000
Maryland, Suitland, Naval Intelligence Command Bldg. #1	9,760,000
Massachusetts, Boston, John F. Kennedy Federal Bldg	2,499,000
Michigan, Detroit, Federal building-courthouse	4,957,000
Michigan, Detroit, Patrick V. McNamara Federal Bldg	5,474,000
North Carolina, Asheville, Grove Arcade Fed. Bldg	8,364,000
Ohio, Cincinnati, post office-courthouse	1,138,000
Ohio, Cleveland, Anthony J. Celebrezze Federal Bldg	3,951,000
Pennsylvania, Pittsburgh, post office-courthouse	8,975,000
Texas, San Antonio, post office-courthouse	6,190,000
Utah, Ogden, Internal Revenue Service	3,036,000
Washington, Yakima, Federal building-courthouse	1,025,000

"(2) $14,000,000 for renovations and repairs of public buildings acquired by purchase; *Provided*, That prior to obligation of funds granted under authority of this subsection, approval of the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation is secured.

"(3) Section 3(a) of this Act notwithstanding, for design of renovations, alterations, and repairs of public buildings at the following locations and maximum costs:

District of Columbia, steam distribution system	886,000
Louisiana, New Orleans, Hebert Federal Building	611,000

"(4) $59,465,000 for renovations and repairs of public buildings at project costs of less than $1,000,000;

"(5) $3,500,000 for alterations of leased buildings, the maximum cost for a single building being less than $250,000."

On page 3, redesignate subsections "(b), (c), (d) and (e)" as "(c), (d), (e), and (f)," respectively.

On page 4, after line 17, add new sections as follows:

"Sec. 7. (a) The Administrator of General Services (hereinafter referred to as the Administrator) shall transfer the building (occupied by the United States International Trade Commission and the United States Postal Service) and the site thereof located between Seventh and Eighth Streets, and E and F Streets, Northwest in the District of Columbia, to the Smithsonian Institution for the use of certain art galleries of the Smithsonian Institution. Notwithstanding any other provision of law, such transfer shall be without reimbursement.

"(b)(1) The Administrator, at the earliest practicable date, shall relocate the United States International Trade Commission in a quality building suitable to its headquarters operations and in a location in downtown Washington, District of Columbia, which is convenient to its mission, to congressional committees, and to private groups that do business with it. The Administrator and the Chairman of the United States International Trade Commission shall each report separately in writing to the Committees on Environment and Public Works and Finance of the Senate and to the Committees on Public Works and Transportation and Ways and Means of the House of Representatives within 60 days of enactment of this Act and every 30 days thereafter on the progress in meeting the provisions of this section.

"(2) The Administrator, during the period which the United States International Trade Commission and the United States Postal Service continue to occupy the present building, shall repair such building to assure an adequate level of maintenance to prevent deterioration of the building.

"(c) The transfer required by subsection (a) shall be made at such time when the Administrator determines that the use of the building by the United States International Trade Commission and the United States Postal Service is no longer essential.

"(d) The Administrator, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make the building suitable to house certain art galleries and related activities of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes."

"Sec. 8. Notwithstanding any other provisions of law, none of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be obligated or expended after the date of enactment of this Act for procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of mechanic."

AMENDMENT NO. 1452 TO AMENDMENT NO. 1434

Mr. BAKER. Now, Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Missouri (Mr. Danforth) and the distinguished Senator from Texas (Mr. Bentsen) to amendment No. 1434 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. Baker), on behalf of Mr. Danforth and Mr. Bentsen, proposes an amendment numbered 1452 to amendment No. 1434.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amendment. No. 1434

On page 3, "Sec. 7." is amended to read as follows:

"Sec. 7. (A) The Administrator of General Services (hereinafter referred to as the administrator) shall transfer the building (occupied by the United States International Trade Commission and the United States Postal Service) and the site thereof located between Seventh and Eighth Streets, and E and F Streets, Northwest, in the District of Columbia, to the Smithsonian Institution for the use of certain art galleries of the Smithsonian Institution. Notwithstanding any other provision of law, such transfer shall be without reimbursement.

"(b)(1) The Administrator, at the earliest practicable date, shall relocate the United States International Trade Commission in a quality building that the Administrator and the Chairman of the United States International Trade Commission jointly determine is suitable to its headquarters operations and in a location in downtown, Washington, District of Columbia, which is convenient to its mission, to congressional committees, and to private groups that do business with it. The selection of the building shall be made with the concurrence of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The Administrator and the Chairman of the United States International Trade Commission shall each report separately in writing to the Committees on Environment and Public Works and Finance of the Senate and to the Committees on Public Works and Transportation and Ways and Means of the House of Representatives within 60 days of enactment of this Act and every 30 days thereafter on the progress in meeting the provisions of this section.

"(2) The Administrator, during the period which the United States International Trade Commission and the United States Postal Service continue to occupy the present building, shall repair such building to assure an adequate level of maintenance to prevent deterioration of the building, and to assure that conditions therein are safe,

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presentable and suitable to the normal operations of these agencies.

"(c) The transfer required by subsection (a) shall be made at such time when the Administrator and the Chairman of the United States International Trade Commission jointly determine that the use of the building by the United States International Trade Commission and the United States Postal Service is no longer essential.

"(d) The Administrator, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make the building suitable to house certain art galleries and related activities of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes."

● Mr. DANFORTH. Mr. President, the amendment that I am offering, along with Senator Bentsen, to the Public Buildings Authorization Act, is designed to insure that the International Trade Commission is able to relocate to a quality building that is suitable to its needs.

The U.S. International Trade Commission has a very special relationship to Congress. It is a uniquely independent agency, and conducts its investigations without the political pressures and policy considerations that impinge on the work of executive agencies. We in Congress can be assured that information supplied to us by the Commission is not colored by such considerations. As I have stated, both in the Finance Committee and on the Senate floor, the ITC is held in high regard by everyone who has had to deal with it. It is highly professional and has the unmatched record of never missing a statutory deadline. At a time when Congress and the Nation are increasingly concerned with trade issues, the work of this Commission assumes even more importance.

As you know, Mr. President, the Committee on Finance and, specifically, its Subcommittee on International Trade, which I chair, has oversight of ITC operations. During the course of our hearings on the Commission's budget for fiscal year 1984, we were advised by Chairman Eckes that the state of the ITC building was deplorable and that Commission staff was working under difficult, depressing, and in some instances, unsafe conditions. I personally visited the building twice; and last month, several other membes of the Finance Committee toured the premises. We concluded that this distressing neglect of the historic ITC headquarters should not continue.

In our markup of the Commission's fiscal year 1984 budget authorization, we agreed to urge strongly that the Public Works Committee rectify the situation. It is truly demeaning to house a key Government agency in such circumstances. The building has long been identified with the ITC and it was my hope, as well as that of various members on the Committee on Finance and the Committee on Environment and Public Works, that the ITC be allowed to remain where it is.

I was disappointed in the decision taken by the Committee on Environment and Public Works to relocate the ITC and very much appreciated Senator Bentsen's effort—albeit unsuccessful—to prevent it. However, if adequate safeguards can be taken to insure that the ITC will be moved to a new location suitable to its needs, I will not seek reversal of the committee's decision. Clearly, the ITC has special needs, such as a large hearing room, that must be taken into account in choosing its new location.

I recognize that the committee attempted to provide some safeguards for the ITC; however, in view of the behavior of the GSA in the past with respect to the ITC, I am skeptical that the instructions in this legislation will adequately protect the ITC's interests. The current state of the building is deplorable. In the past, when Congress specifically appropriated funds for use by GSA to repair the ITC building, GSA chose to use less than a quarter of it. By the same token, assurances offered by the Administrator of GSA to the chairman of the ITC with respect to seeking his concurrence in any relocation effort did not prevent others in GSA from virtually demanding the ITC's removal to the totally unsatisfactory Bicentennial Building.

Therefore, we are offering this amendment and would appreciate the committee accepting its provisions.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1452) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment (No. 1434), as amended, was agreed to.

AMENDMENT NO. 1453

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. Metzenbaum) proposes an amendment numbered 1453.

At an appropriate place in the bill insert the following:

The Federal Building located at 550 Main Street, Cincinnati, Ohio shall hereinafter be named and designated as the "John Weld Peck Federal Building." Any reference in a law, map, regulation document, record, or other paper of the United States to such building shall be held to be reference to "John Weld Peck Building."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1453) was agreed to.

● Mr. STAFFORD. Mr. President, S. 1287, the Public Buildings Authorization Act of 1983, and its companion amendment (No. 1434) together consititute the fourth annual authorization of GSA's public buildings program reported by the Committee on Environment and Public Works. In contrast to the piecemeal process for approving prospectuses on building projects by committee resolution, as established by the Public Buildings Act of 1959, this legislation assembles an annual program subject to the scrutiny of the entire Senate. In so doing it follows the authorization procedures set out in S. 452, the Public Buildings Act of 1983, and its predecessors S. 533 and S. 2080 which passed the Senate during the 97th and 96th Congress respectively.

The reform efforts of the committee have been designed to improve congressional control over the entire public buildings program and not just the prospectus level projects which constitute less than one-fifth of the total budget of the Public Buildings Service. An annual authorization provides an opportunity to evaluate GSA's progress in meeting its own goals for this program and to insure that congressional action complements and strengthens the agency's effectiveness. In those areas where the committee believes GSA to have ineffectively pursued its objectives, report language has advanced constructive criticism. Report 98-114 to S. 1287 (May 16, 1983) conveys the committee's assessment of the nature and adequacy of GSA's efforts.

For reasons given in my statement appearing in the Congressional Record on June 28, 1983 (S9348-9352) this years authorization by the committee has been accomplished in two stages. S. 1287 as reported on May 16 establishes an aggregate monetary authorization for the public buildings program. Amendment No. 1434, which I introduced June 23 on behalf of the committee, specifies those new construction and repair and alteration projects costing in excess of $1 million that have been approved by the committee. These projects can be regarded as fully authorized candidates for further action by the Senate Committee on Appropriations. Descriptions of each project are included in my June 28 statement in the Record.●

The PRESIDING OFFICER. If there be no further amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Public Buildings Authorization Act of 1983".

Sec. 2. No appropriation, including any appropriation from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be made by the Congress or obligated by the Administrator unless it has been authorized by the Congress in accordance with this Act.

Sec. 3. (a) No public building construction, renovation, repair, or alteration shall be commenced unless an appropriation has first been made in the same fiscal year for which such appropriation is authorized and for the estimated cost of completion of such construction, renovation, repair, or alteration.

(b) Beginning in fiscal year 1985, no lease shall be entered into unless the authority to enter into contracts has first been made for the maximum cost of such lease over the entire term in such amounts as are specified in annual appropriations Acts and in the fiscal year for which such lease is authorized.

Sec. 4. There is hereby authorized to be appropriated for fiscal year 1984 not to exceed in the aggregate the amount of $2,169,813,000 from the revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), for the real property management and related activities of the Public Buildings Service of which:

(a) Not to exceed $172,510,000 shall be available for fiscal year 1984 as follows:

(1) For construction of public buildings (including funds for site and expenses) at the following locations and maximum construction costs:

Massachusetts, Waltham, Federal archives and records center (extension)	$1,621,000
Oregon, Portland, Federal office building	67,475,000
Tennessee, Knoxville, Federal office building	14,990,000
Washington, Seattle, Federal archives and records center (extension)	3,525,000

(2) For demolition of the public buildings at the following location and maximum demolition cost:

California, Los Angeles, warehouses	$599,000

(3) $1,000,000 for construction of minor public buildings of less than ten thousand gross square feet of space;

(4) $83,300,000 for purchase of sites and buildings at the following locations and maximum acquisition costs:

Pennsylvania, Pittsburgh, post office courthouse	$23,300,000
Other selected purchases including options to purchase	60,000,000

(b) Not to exceed $181,332,000 shall be available for fiscal year 1984 as follows:

(1) For renovations, alterations, and repairs of public buildings at the following locations and at the following maximum project costs of $1,000,000 or more:

Arkansas, Little Rock, post office-courthouse	$4,269,000
California, San Francisco, Appraisers Building	1,200,000
Colorado, Denver, Federal Center Building 20	6,427,000
District of Columbia, Auditors Building	9,294,000
District of Columbia, Blair House	6,500,000
District of Columbia, Liberty Loan Building	2,757,000
District of Columbia, Pension Building	2,650,000
Georgia, Atlanta, Federal Annex	9,193,000
Illinois, Chicago, J. C. Kluczynski Federal Building	3,319,000
Maryland, Baltimore, Middle River Federal Depot	1,892,000
Maryland, Suitland, Naval Intelligence Command Building No. 1	9,760,000
Massachusetts, Boston, John F. Kennedy Federal Building	2,499,000
Michigan, Detroit, Federal building-courthouse	4,957,000
Michigan, Detroit, Patrick V. McNamara Federal Building	5,474,000
North Carolina, Asheville, Grove Arcade Federal Building	8,364,000
Ohio, Cincinnati, post office-courthouse	1,138,000
Ohio, Cleveland, Anthony J. Celebrezze Federal Building	3,951,000
Pennsylvania, Pittsburgh, post office-courthouse	8,975,000
Texas, San Antonio, post office-courthouse	6,190,000
Utah, Ogden, Internal Revenue Service	3,036,000
Washington, Yakima, Federal building-courthouse	1,025,000

(2) $14,000,000 for renovations and repairs of public buildings acquired by purchase: *Provided,* That prior to obligation of funds granted under authority of this subsection, approval of the Senate Committee on Environment and Public Works and the House Committee on Public Works and Transportation is secured.

(3) Section 3(a) of this Act notwithstanding, for design of renovations, alterations, and repairs of public buildings at the following locations and maximum costs:

District of Columbia, steam distribution system	$886,000
Louisiana, New Orleans, Hebert Federal Building	611,000

(4) $59,465,000 for renovations and repairs of public buildings at project costs of less than $1,000,000.

(5) $3,500,000 for alterations of leased buildings, the maximum cost for a single building being less than $250,000.

(c) Not to exceed $880,500,000 shall be available for fiscal year 1984 as follows:

(1) $28,201,000 for rental increases due to lease expirations and for expansion space, and

(2) $852,299,000 for payments in fiscal year 1984 to provide for space under lease prior to fiscal year 1984, including increases in operating costs and taxes.

(d) Not to exceed $686,500,000 shall be available for fiscal year 1984 for real property operations.

(e) Not to exceed $103,471,000 shall be available for fiscal year 1984 for program direction.

(f) Not to exceed $145,500,000 shall be available for fiscal year 1984 for payment of principal, interest, taxes, and any other obligation for public buildings acquired by purchase contract.

Sec. 5. Funds appropriated under section 4 of the Act for construction, renovation, repair, or alteration shall remain available for obligation and expenditure without regard to fiscal year limitations: *Provided,* That construction, renovation, repair, or alteration has commenced in the same fiscal year which funds are made available.

Sec. 6. Ten per centum of the funds made available pursuant to this Act to the Public Buildings Service for renovation, alteration, and repair of public buildings and for payment of leases on buildings shall be available for repair or alteration projects and leases, respectively, not otherwise authorized by this Act, if the Administrator certifies that the space to be repaired, altered, or leased resulted from emergency building conditions or changing or additional programs of Federal agencies. Funds for such projects may not be obligated until thirty days after the submission by the Administrator of an explanatory statement to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The explanatory statement shall, among other things, include a statement of the reasons why such project or lease cannot be deferred for authorization in the next succeeding fiscal year.

Sec. 7. (a) The Administrator of General Services (hereinafter referred to as the Administrator) shall transfer the building (occupied by the United States International Trade Commission and the United States Postal Service) and the site thereof located between Seventh and Eighth Streets, and E and F Streets, Northwest, in the District of Columbia, to the Smithsonian Institution for the use of certain art galleries of the Smithsonian Institution. Notwithstanding any other provision of law, such transfer shall be without reimbursement.

(b)(1) The Administrator, at the earliest practicable date, shall relocate the United States International Trade Commission in a quality building that the Administrator and the Chairman of the United States International Trade Commission jointly determine is suitable to its headquarters operations and in a location in downtown, Washington, District of Columbia, which is convenient to its mission, to congressional committees, and to private groups that do business with it. The selection of the building shall be made with the concurrence of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The Administrator and the Chairman of the United States International Trade Commission shall each report separately in writing to the Committees on Environment and Public Works and Finance of the Senate and to the Committees on Public Works and Transportation and Ways and Means of the House of Representatives within sixty days of enactment of this Act and every thirty days thereafter on the progress in meeting the provisions of this section.

(2) The Administrator, during the period which the United States International Trade Commission and the United States Postal Service continue to occupy the present building, shall repair such building to assure an adequate level of maintenance to prevent deterioration of the building, and to assure that conditions therein are safe, presentable and suitable to the normal operations of these agencies.

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(c) The transfer required by subsection (a) shall be made at such time when the Administrator and the Chairman of the United States International Trade Commission jointly determine that the use of the building by the United States International Trade Commission and the United States Postal Service is no longer essential.

(d) The Administrator, in consultation with the Smithsonian Institution, is authorized to enter into such contracts and take such other action as may be necessary to make the building suitable to house certain art galleries and related activities of the Smithsonian Institution upon transfer of funds available to the Smithsonian Institution for such purposes.

SEC. 8. Notwithstanding any other provision of law, none of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, shall be obligated or expended after the date of enactment of this Act for procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of mechanic.

SEC. 9. The Federal building located at 550 Main Street, Cincinnati, Ohio, shall hereinafter be named and designated as the "John Weld Peck Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to John Weld Peck Building.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I have cleared on this side Calendar No. 246, which is H.R. 1746. I inquire of the minority leader if he is in a position to clear that item for action at this time, as well as the accompanying Budget Act waiver, which is Calendar Order No. 268, Senate Resolution 157.

Mr. BYRD. Mr. President, both those items are cleared on this side.

Mr. BAKER. I ask the Chair to lay before the Senate Calendar No. 268, Senate Resolution 157, the Budget Act waiver to accompany H.R. 1746.

The **PRESIDING OFFICER.** Is there objection? Without objection, it is so ordered. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A Senate Resolution (S. Res. 157) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1746.

The **PRESIDING OFFICER.** The question is on agreeing to the resolution.

The resolution (S. Res. 157) was considered and agreed to as follows:

S. RES. 157

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 1746. Such waiver is necessary because H.R. 1746 authorizes the enactment of new budget authority which would become available in fiscal year 1983 and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974, for such authorizations. Such waiver is also necessary because H.R. 1746 authorizes the exercise of new budget authority which would become available in fiscal year 1984 and such bill was not reported on or before May 15, 1983, as required in section 402(a) of the Congressional Budget Act of 1974, for such authorizations.

The waiver of section 402(a) is necessary to permit the Navajo and Hopi Relocation Commission to fulfill its statutory mission of implementing Public Law 93-531 (88 Stat. 1712).

H.R. 1746 provides an authorization increase to $7,700,000 from the preexisting level of $5,500,000 for section 14 activities under Public Law 93-531 (88 Stat. 1712), and a new authorization of $15,000,000 for fiscal year 1983 through 1987, for section 15 activities under Public Law 93-531 (88 Stat. 1712).

The House Appropriations Subcommittee on Interior has included funds in its fiscal year 1984 markup for implementation of these program activities. The sums provided in the subcommittee markup are included in the President's fiscal year 1984 budget request. The Appropriations Committees of the Senate and the House of Representatives have, therefore, had adequate notice of this authorization. Thus, congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION AUTHORIZATION

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate H.R. 1746, Calendar Order No. 246.

The **PRESIDING OFFICER.** Is there objection? Without objection, the bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1746) to authorize appropriations for the Navaho and Hopi Indian Relocation Commission.

Mr. BAKER. Mr. President, I ask unanimous consent that that item be temporarily laid aside and recur as the pending business at the suggestion of the majority leader after consulting with the minority leader.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BAKER. Mr. President, the reason for that, I say to my friend, the minority leader, is that one Senator on this side had asked to be present on the floor at the time of consideration of this item. I should like to have him advised that we are doing so at this time.

THE CALENDAR

Mr. BAKER. Mr. President, there are three other items that are cleared for action on the Calendar at this time. I identify all three for the consideration of the minority leader. They are Calendar Order Nos. 266, 269, and 270. Is the minority leader in a position to clear for action by unanimous consent all three or any of that list of items?

Mr. BYRD. Mr. President, Calendar Order Nos. 266, 269, and 270 have been cleared on this side.

EL SALVADOR

The Senate proceeded to consider the bill (H.R. 1271) with regard to Presidential certifications on conditions in El Salvador.

● **Mr. GLENN.** Mr. President, I sincerely appreciate the leadership's cooperation in bringing this measure to the Senate floor in a timely fashion. In Public Law 97-113 the Congress established a process whereby the continuation of U.S. military aid to El Salvador was dependent upon certification by the President every 6 months that the Government of El Salvador was making significant progress in several important areas; namely, control of its security forces, compliance with internationally recognized human rights, implementation of economic and political reforms and commitment to elections, including good faith efforts to begin discussions with all major political factions which have declared their willingness to find and implement an equitable political solution. In addition, in the first certification only, the President was required to include a section on the progress being made in the investigation of the murders of four American churchwomen and two land reform specialists. Obviously the Congress fully expected that these crimes would be completely investigated and those responsible brought to justice at the earliest possible date. In retrospect, Mr. President, we were unduly and unfortunately optimistic. Now, over 2½ years later, as we await the final Presidential certification required under Public Law 97-113, two more Americans have been brutally murdered and no one has been brought to justice for these crimes. The bill we are considering today, H.R. 1271, seeks to insure that a report on progress in the investigation of the murders of the Americans remains an integral part of the certification due on July 20. This bill passed the House by a vote of 416 to 2 on June 7 and was approved yesterday by the Senate Foreign Relations Committee without dissent. Further, the Foreign Relations Committee has recommended that the certification process, including permanently this item, be extended for the fiscal year 1984.

One can easily understand the despair and frustration of the families of the murdered Americans. They have

waited over 2½ years for justice, only to be disappointed time and again. Not only are the murders personal tragedies for the family and friends of those killed but also they remain a major issue in the U.S. relationship with El Salvador, coming to symbolize, as they have, the broad pattern of violence against civilians by the ultraright and elements of the security forces which are tragically commonplace in Salvadoran society. My concern about the threat this violence poses to democratic development in El Salvador prompted me to introduce an amendment to the fiscal 1984 foreign assistance bill which conditions our continued military aid on a demonstration of a good faith effort by the Government of El Salvador to begin the process of eradicating the violence and terrorism of the "death squads" and the ultraright. I believe that the brutal murders of the Americans should not be allowed to drop from our consciousness, nor be downrated in the context of our bilateral relationship with El Salvador. The families of the murdered Americans deserve the persistence of their Government in seeing that the deaths of their loved ones are fully investigated; I believe the American people expect no less. We cannot leave this important business unfinished. The bill before us would insure that this item remains integral to the certification process. Thus I trust my colleagues will give it their deserved support.●

The bill was ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EMERGENCY ASSISTANCE TO THE PEOPLE OF ETHIOPIA

The Senate proceeded to consider the resolution (S. Res. 168) expressing the sense of the Senate with respect to the provision of emergency assistance to the people of Ethiopia.

● **Mr. PERCY.** Mr. President, I am pleased to cosponsor the resolution of the Senator from Arizona. We are all aware of the reports coming out of Ethiopia about the large-scale hunger problem.

In fairness to the administration, I want to point out for the record that the U.S. Government has already provided $3.3 million in humanitarian aid in fiscal year 1983 to benefit Ethiopia. This includes 180 tons of milk powder, 160 tons of vegetable oils, and 1,100 tons of blended foods. In addition, we have funded a Catholic Relief Services program supplying 8,200 tons of food.

We should also be fully aware of the fact that the problem in Ethiopia is not simply a matter of food shortages brought on by drought. Internal military conflicts, a limited number of working transport vehicles, and the lack of good roads have hampered the distribution of whatever food supplies are already on hand. Moreover, there have been allegations, as there often are in international relief efforts, of diversion of food supplies.

If, as some observers predict, the hunger problem continues to worsen, the appeals for assistance will also continue. Whatever the international response is, it must be combined with a determined effort on the part of the Ethiopian Government itself to facilitate equitable distribution of the relief supplies.

Unfortunately, some of the reported public statements of administration officials have contributed to a perception that the United States may be limiting its aid for political reasons. Indeed, United States-Ethiopian relations are not very good. Just earlier this month, we heard another anti-American harangue by the country's leader, Colonel Mengistu.

Nevertheless, longstanding American policy opposes the use of food as a political weapon. This policy reflects the generosity and compassion of the American people. We must reaffirm that policy today.

Mr. President, I ask that my recent letter to Peter McPherson, Administrator of AID, regarding Ethiopia be printed in the RECORD at this point.

The letter follows:

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., June 27, 1983.

Hon. PETER MCPHERSON,
Administrator, Agency for International Development, Washington, D.C.

DEAR PETER: I am writing to you about the drought and hunger situation in Ethiopia. As you are well aware, reports continue to reach us about the magnitude of the problem. Already the specter of mass starvation has been raised if the international community, and especially the United States as the world's major food supplier, does not respond adequately and quickly.

It is my understanding that AID has approved some limited requests for assistance, but many observers are concerned that the response so far has been very modest compared to the need. An appeal from the UN Disaster Relief Organization is apparently still pending for additional emergency food and medical supplies and for transport assistance to facilitate the distribution of those food supplies which are already on hand. I also understand that Ethiopia may be removed from the list of countries slated to receive Title II P.L. 480 in FY 1984.

I am disturbed that the United States Government may be allowing a perception to develop that for political reasons our country is turning its back on a human crisis to which we would otherwise generously respond. If our contributions will make the difference between people living or dying, then there really is no choice involved. I urge you as Administrator of AID to respond to the calls for additional assistance fully and expeditiously.

Warm regards,

CHARLES H. PERCY,
Chairman.●

The resolution (S. Res. 168) was agreed to.

The preamble was agreed to.

The resolution, with the preamble, is as follows:

S. RES. 168

Whereas hundreds of thousands of Ethiopians are presently threatened with starvation;

Whereas tens of thousands of Ethiopian children will not live until the November harvest unless emergency food assistance is provided them in the immediate future;

Whereas existing supply routes and transportation facilities are inadequate to get emergency food aid to relief distribution points in Ethiopia;

Whereas the United States has a longstanding policy of providing emergency humanitarian relief to the people of a foreign country threatened with starvation regardless of the political differences the Government of the United States may have with the government of that foreign country; and

Whereas the humanitarian assistance programs of the United Nations and European countries cannot adequately meet the extraordinary needs of the Ethiopian people without the help of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should exercise the authority vested in him by law to make available immediately to the starving people of Ethiopia emergency food supplies and other emergency supplies and to take such actions as may be necessary to insure that the food and other emergency supplies made available by the United States are transported to those areas of Ethiopia that are experiencing famine.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ICE CREAM DAY

The resolution (S. Res. 169) to express the sense of the Senate that July 15, 1983, should be observed as "National Ice Cream Day" was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 169

Whereas ice cream is a nutritious and wholesome food enjoyed by millions of people throughout the United States;

Whereas the ice cream industry uses nearly 10 per centum of the milk produced by United States dairy farmers, thereby contributing substantially to the economic well-being of the Nation's dairy industry;

Whereas the ice cream industry has annual sales of over $3,000,000,000 and provides jobs for thousands of United States citizens; and

Whereas the Nation's dairy-farmer-owned cooperatives will hold a National Ice Cream

Celebration during the week of July 10 through July 16, 1983: Now, therefore, be it

Resolved, That it is the sense of the Senate that July 15, 1983, should be celebrated as "National Ice Cream Day", and that all citizens should be encouraged to observe such day with appropriate ceremonies and activities.

Sec. 2. The Secretary of the Senate shall transmit copies of this resolution to the President and the Secretary of Agriculture.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Now, Mr. President, I am advised that the Senator who wished to be present on the floor indicates that he is prepared for the Senate to go ahead with this consideration at this time.

Therefore, in accordance with the authority previously granted and assuming that the minority leader will concur with that, I ask unanimous consent that the Hopi Indian bill be considered.

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION AUTHORIZATION

The Senate continued with the consideration of H.R. 1746.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1746) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, that completes my folder of items that are cleared for action on the Calendar of Legislative Business. I have on this side a number of items that are cleared for action on the Executive Calendar.

May I inquire once more of the minority leader if he is in a position to approve for action by unanimous consent the nominations beginning at the top of page 2 under the Office of Personnel Management, to include all of the nominations on page 2 and all of the nominations on page 3.

Mr. BYRD. Mr. President, there is no objection on this side.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, in view of that, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to the consideration of executive business.

Mr. BAKER. Mr. President, I ask unanimous consent that these nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

Office of Personnel Management

David H. Martin, of Maryland, to be Director of the Office of Government Ethics.

Department of Education

Peter H. Raven, of Missouri, to be a Member of the National Museum Services Board for a term expiring December 6, 1987. (Reappointment)

Environmental Protection Agency

Lee M. Thomas, of South Carolina, to be an Assistant Administrator of the Environmental Protection Agency.

Department of State

Robert Brendon Keating, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Madagascar and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of the Comoros.

L. Paul Bremer III, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Hume Alexander Horan, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Sudan.

Robert E. Fritts, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ROBERT BRENDON KEATING TO BE AMBASSADOR TO MADAGASCAR

Mr. CRANSTON. Mr. President, in the Foreign Relations Committee, I voted against the nomination of Robert B. Keating to be Ambassador to Madagascar for two reasons which lead me to doubt his qualifications.

First, I am not satisfied with Mr. Keating's explanation for the letters he wrote, while a member of the U.S. Law of the Sea (LOS) delegation, to various individuals in industry criticizing the changes in the administration's operating instructions to the delegation. These letters, purportedly written as "private" communications by Mr. Keating, can be fairly read only as being intended to create misgivings on the part of the industry recipients about the then new negotiating instructions. Despite Mr. Keating's suggestion that his superior, Assistant Secretary James Malone, had authorized the writing of these letters, Mr. Malone has advised the committee that, although he was aware of the letters, he did not authorize them.

Second, based on the record, I reluctantly conclude that Mr. Keating withheld information from the committee about having, while a member of the LOS delegation, actively solicited from industry representatives support for an ambassadorial nomination. At our May 18 hearing, Mr. Keating flatly denied doing so. Four industry representatives have since advised the committee that Mr. Keating had solicited their endorsements at that time, in some cases on numerous occasions.

I find Mr. Keating's explanations with respect to these two matters to be so lacking in candor and credibility that I am unable to conclude that he has the requisite qualities and qualifications to represent the United States and its policies and interests as an official U.S. Government emissary overseas.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, that completes the action on the Executive Calendar. I am advised that at least one Senator wishes to speak and that he is in the Chamber. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

THE REA LOAN PROGRAMS

Mr. BOSCHWITZ. Mr. President, I should like to briefly comment on a statement that I heard made earlier on the floor by my distinguished colleague from the State of Washington (Mr. Gorton) when he was talking about the credit budget in a colloquy together with Senator Moynihan from New York.

I am a cosponsor of the bill that he introduced today with respect to the credit budget.

The PRESIDING OFFICER. The Senate will be in order so the Senator from Minnesota can be heard.

The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. I am a cosponsor, Mr. President, of the credit budget bill that the Senator from Washington has introduced today. I admire his work on the Budget Committee, where I serve with him. Few Members of the Senate know more about the budget and its processes than does Senator Gorton.

I admire him for the hard work that he has done in that committee. Indeed, I think that he has helped create a good deal of forward progress.

I want to speak a little bit about the colloquy, however, that he held with Senator Moynihan about the REA. He spoke about the $1.1 billion in direct loans that the REA will make this year, and he also spoke about the loan guarantees. Indeed, they should be part of the credit budget. Normally when we speak about direct loans in the Senate Chamber, we refer to loans that are an on-budget expense. It is important to note that in the agricultural appropriations bill that we passed today, there was a figure somewhat less than $30 million for the REA and rural telephone, and that was all for administrative expenses. None of these loans about which the Senator from Washington has spoken impacts the budget, inasmuch as it is a revolving fund. All these loans will be made directly from that revolving fund, and there is not a budget impact.

It is interesting to note that the REA has been efficient in the way it has administered loans over the years. Its staff has declined significantly since 1951. The staff time taken to process these loans has been cut nearly in half.

It is also important to note that as of September 30, 1982, the Rural Electrification administration has collected more than $9.9 billion in principal and interest payments from its rural electric and telephone borrowers and that total losses to date have amounted to less than $45,000.

That is a remarkable record, Mr. President. It is remarkable when we think of how many homes have been able to have the advantages of telephones and electricity because of the remarkable and meaningful work the REA has done over the years. Without the REA and the rural telephone programs, the rural parts of America would certainly not have been able to retain the importance in our community that they now have. They perhaps would have almost shriveled away in the face of their competition from the urban parts of our country.

So it is important to note, as we consider the agricultural appropriations bill, that all the money appropriated this year goes only for administration. The insured loans are made out of a revolving fund. Although it is important to gather together and quantify all off-budget loans and credit guarantees in a budget format, the loans made in REA do not have a budget impact.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, I indicated earlier to the minority leader, and I have stated on the floor, that it is the wish of the leadership on this side to proceed to the consideration of the Department of Defense authorization bill when we return on Monday, July 11.

I have had extensive conversations with the minority leader, with the chairman of the committee, with Senator Kennedy, and others, and I believe we have an understanding on how this matter will be arranged and handled. I am prepared now to put the request.

I ask unanimous consent that at the conclusion of the time for the transaction of routine morning business on Monday, July 11, 1983, as previously ordered, that the Senate then turn to the consideration of S. 675, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I feel lonely. After all we have been through for the last few weeks and all we have accomplished, I find that only the leadership is here. I have consulted with the minority leader, who has just left the Chamber this momemt, who indicates he has no further matter to place before the Senate. I do not. I see no Senator seeking recognition.

ADJOURNMENT UNTIL MONDAY, JULY 11, 1983

Mr. BAKER. Therefore, Mr. President, with some enthusiasm, I move, in accordance with the provisions of Senate Concurrent Resolution 48, that the Senate now stand in adjournment until 12 noon on July 11, 1983.

The motion was agreed to; and at 6:05 p.m., the Senate adjourned until Monday, July 11, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 29, 1983:

The Judiciary

Stephen J. Swift, of California, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office, vice Leo H. Irwin, retired.

Judith W. Rogers, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals for the term of 15 years, vice Catherine B. Kelly, retired.

Bruce D. Beaudin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for the term of 15 years, vice John D. Fauntleroy, retired.

A. Franklin Burgess, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for the term of 15 years, vice Joseph M. F. Ryan, Jr., retired.

Occupational Safety and Health Review Commission

Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1989, vice Bertram R. Cottine, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 1983:

Department of Education

Peter H. Raven, of Missouri, to be a member of the National Museum Services Board for a term expiring December 6, 1987.

Department of State

Robert Brendon Keating, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Madagascar and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of the Comoros.

L. Paul Bremer III, of Connecticut, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Hume Alexander Horan, of New Jersey, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Sudan.

Robert E. Fritts, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

Langhorne A. Motley, of Alaska, to be an Assistant Secretary of State.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Office of Personnel Management

David H. Martin, of Maryland, to be Director of the Office of Government Ethics.

Environmental Protection Agency

Lee M. Thomas, of South Carolina, to be an Assistant Administrator of the Environmental Protection Agency.

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HOUSE OF REPRESENTATIVES—*Wednesday, June 29, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., *June 28, 1983.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, June 29, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Enable us, O God, to see the many avenues of life where acts of charity toward others are beneficial for those who give and those who receive. May we recognize opportunities for good works wherever we meet people, whether with families, or friends, at work or play, with individuals or with the structures of society. Help us to understand that Your love, O God, is not limited to places of worship or the liturgies of faith, but exists wherever people gather together in Your beautiful creation. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2713. An act to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 373. An act to provide comprehensive national policy dealing with national needs and objectives in the Arctic; and

S. 1341. An act to revise and extend the Education of the Handicapped Act, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that proceedings under the 1-minute rule will be postponed.

The Chair at this time recognizes the gentleman from Massachusetts (Mr. BOLAND).

CONFERENCE REPORT ON H.R. 3133, HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS, 1984

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 23, 1983.)

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from New York (Mr. GREEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 3133, as well as on the Senate amendments reported in disagreement, and that I may include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to thank the gentleman from New Hampshire for his courtesy in permitting us to move ahead with the conference report on this bill. We have assurances from the majority leader of the Senate that if this conference report reaches the Senate by a quarter past 11 this morning, the Senate will vote on it and send it down to the President. This will be the first time in 7 years, that an appropriation bill has been passed by both bodies and sent to the President for signature before the end of June. This is a bit of a record.

Mr. Speaker, we bring back to the House today the conference report on the 1984 HUD-independent agencies appropriation bill. As we all know, this has been a difficult and trying year for the budget process. When it became clear that the first budget resolution would be delayed, the House decided to move ahead with its appropriations bills—and this was the first appropriations bill passed.

I was very pleased that the conference report on the first budget resolution was adopted by both bodies last week. In fact, that occurred on the same day we were reaching agreement in conference on the differences in this bill. Absent the formal section 302(b) allocations, we made assumptions and informal allocations to each subcommittee. I am happy to report to you that this bill is within the levels that were apparently assumed in the budget resolution as finally approved.

In the past few weeks we have all heard veiled—and sometimes not so veiled—threats from the White House that the President will veto appropriations bills that bust the budget. Well, this bill is above the President's budget request. It provides $55.8 billion in new budget authority, which is $6.2 billion over the request—virtually all of which is in the assisted housing area. For outlays, however, we are below the budget request—by over $100 million in 1984.

This is a good bill—the conference agreement reached with the Senate is a very responsible one. This bill is also one that I can guarantee you the President will sign.

Let me give you some of the specifics. For assisted housing the bill provides up to 100,000 incremental units, including 5,000 units of public housing new construction. We have not provided a single new public housing unit for the past 2 years. This action begins to redress that problem. The bill also provides 2,500 Indian housing units and 14,000 units for the section 202 elderly or handicapped program. We have also raised the limitations on FHA and GNMA loan commitments above the budget request—so that these limitations will not hamper

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

housing construction and economic recovery.

Once again this year the Solar Bank has been funded—at $25 million—an increase of $5 million over 1983. The community development block grant program, UDAG and general revenue sharing have all been funded at or near the President's requested levels.

The Consumer Product Safety Commission gets a boost of $3 million over the budget request of $32 million to reverse the declining trend in that agency in the past few years.

For the Environmental Protection Agency this bill includes every penny that Administrator Ruckelshaus requested in his recent budget amendment—plus $30 million for combined sewer overflow projects above the request.

The question of how to go about rebuilding EPA has been a controversial one. When the House acted on this bill the gentleman from Colorado's amendments added some $220 million. At that time I questioned whether EPA could effectively spend that much money, and I urged that we give Mr. Ruckelshaus a chance to make his own recommendations.

I have the greatest respect for Mr. Ruckelshaus and confidence in his ability to put EPA back on the right track. It was my pleasure to hear his address on June 22 before the National Academy of Sciences, and I hope other Members had the opportunity to attend. His remarks went right to the heart of the problem and the importance of relying on solid scientific evidence to make sensible decisions over very tough and sometimes emotional issues related to public risk and the environment. I recommend his remarks to you strongly if you did not have the chance to attend.

I also would like to congratulate Mr. Ruckelshaus for bringing some outstanding people into top management positions at EPA. His selection of Al Alm, currently his special assistant, deserves special mention. I have known Al Alm for more than 10 years since he was at the Council on Environmental Quality and at EPA in the early 1970's. He has proven his abilities time after time and I am glad to see him as part of the fine team Mr. Ruckelshaus is assembling at EPA.

As I have said before, I think we have good reason to have confidence in EPA today. I promised the Members of the House when this bill was on the floor for passage that the Appropriations Committee would give favorable consideration to Mr. Ruckelshaus' revised budget request. And that is exactly what this conference report does. This bill includes everything the EPA Administrator considers his Agency needs—additions above the original request of $165,500,000 and 800 people in the operating programs and $100 million and 300 people for Superfund. And, $30 million has been added for combined sewer overflow projects.

These are substantial increases and I am convinced that this is the responsible way to put EPA back on track. If you refer to the statement of the managers—pages 9 and 10—in the conference report you will find specific allocations and directions that assure priority areas are funded.

For the Federal Emergency Management Agency, we have again denied most of the increases requested for civil defense crisis relocation. We have, however, added more than $20 million for those activities that are related to a truly "integrated" civil defense program.

For NASA, this bill adds $71 million above the request. Of this net increase, $50 million is for orbiter and engine spares to assure the reliability and effectiveness of the shuttle—and $45 million to partly accommodate a serious funding problem within the space telescope program.

Science education activities in the National Science Foundation are funded at $36 million above the budget—for a 1984 total of $75 million. The committee believes this add-on will help reverse a long slide in science and math in this country.

Mr. Speaker, I share the concern of others that the Nation maintain and expand the number of highly qualified engineering and computer science professionals. It is my strong desire that the National Science Foundation target, through the grant awards process, those emergency programs which have demonstrated their ability to integrate students into high technology and engineering industries, and are in the process of or plan to upgrade their facilities in order to provide for a better learning/research environment, including the development of a computer science counterpart to their engineering programs.

Overall, the Veterans' Administration is funded approximately at the administration's request—after the use of $60 million in savings for the working reserve is considered. The $60 million reduction in the major construction request is offset by the increased use of savings from completed construction projects.

Mr. Speaker, the statement of the managers indicated that the 1984 medical care appropriation includes funding to support 190,554 FTEE's. That number should be 190,544.

In summary, the conference agreement before you today is a balanced and sensible bill. It provides a minimum level for subsidized housing—it will begin to rebuild EPA—it will increase science education by 150 percent above 1983—it funds all the existing programs critical to veterans—and it provides sufficient funds for each of the other independent agencies. I urge you to adopt this conference agreement.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	New budget authority					Conference compared with—			
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House bill	Senate bill
TITLE I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
HOUSING PROGRAMS									
Annual contributions for assisted housing (contract authority)	8,651,475,689	3,595,860,896	12,644,138,000	7,954,862,810	9,912,928,000	+1,261,452,311	+6,317,067,104	2,731,210,000	+1,958,065,190
(Increased limitation for annual contract authority)	(519,711,198)	(509,636,806)	(771,315,000)	(809,954,229)	(636,336,000)	(+116,624,802)	(+126,699,194)	(134,979,000)	(−173,618,229)
Housing payment certificates (contract authority)			312,500,000					312,500,000	
(Limitation on annual contract authority)			(62,500,000)					(−62,500,000)	
Rent supplement (rescission of contract authority, indefinite)	−2,830,360,000	−2,374,777,000	−2,374,777,000	−2,374,777,000	2,374,777,000	+455,583,000			
(Limitation on annual contract authority, indefinite)	(−105,160,000)	(−93,326,000)	(−93,326,000)	(93,326,000)	(93,326,000)	(+11,834,000)			
Rental housing assistance (rescission of contract authority, indefinite)		−483,120,000	483,120,000	483,120,000	483,120,000	483,120,000			
(Limitation on annual contract authority, indefinite)		(−13,320,000)	(−13,320,000)	(−13,320,000)	(−13,320,000)	(−13,320,000)			
Housing payments (appropriation to liquidate contract authority)	(9,538,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(+1,159,000,000)			
Housing for the elderly or handicapped fund (authority to borrow)	564,358,000	436,102,000	626,502,000	626,502,000	626,502,000	+62,144,000	+190,400,000		
(Limitation on direct loans)	(634,200,000)	(476,000,000)	(666,400,000)	(666,400,000)	(666,400,000)	(+32,200,000)	(+190,400,000)		
Congregate services program	4,000,000					−4,000,000			

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New budget authority					Conference compared with—			
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House bill	Senate bill
Payments for operation of low-income housing projects	1,350,000,000	1,636,500,000	1,431,000,000	1,362,200,000	1,362,200,000	+12,200,000	−274,300,000	−68,800,000	
Indian housing grants		76,000,000					−76,000,000		
Housing counseling assistance	3,500,000		5,000,000		3,500,000		+3,500,000	−1,500,000	+3,500,000
Federal Housing Administration fund	240,022,000	252,974,000	252,974,000	252,974,000	252,974,000	+12,952,000			
Portion applied to debt reduction	−128,392,000	−173,334,000	−173,334,000	−173,334,000	−173,334,000	−44,942,000			
(Limitation on guaranteed loans)	(45,900,000,000)	(39,800,000,000)	(45,900,000,000)	(50,900,000,000)	(50,900,000,000)	(+5,000,000,000)	(+11,100,000,000)	(+5,000,000,000)	
Temporary mortgage assistance payments (limitation on direct loans)	(45,000,000)	(56,390,000)	(56,390,000)	(56,390,000)	(56,390,000)	(+11,390,000)			
Total, Federal Housing Administration fund	111,630,000	79,640,000	79,640,000	79,640,000	79,640,000	−31,990,000			
Nonprofit sponsor assistance (limitation on direct loans)	(1,790,000)	(1,880,000)	(2,632,000)	(2,632,000)	(2,632,000)	(+842,000)	(+752,000)		
Government National Mortgage Association									
Special assistance functions fund (limitation on direct loans)	(500,000,000)					(−500,000,000)			
Payment of participation sales insufficiencies	2,726,000	1,997,000	1,997,000	1,997,000	1,997,000	−729,000			
Guarantees of mortgage-backed securities (limitation on guaranteed loans)	(68,250,000,000)	(58,650,000,000)	(58,650,000,000)	(68,250,000,000)	(68,250,000,000)		(+9,600,000,000)	(−9,600,000,000)	
Total, Government National Mortgage Association	2,726,000	1,997,000	1,997,000	1,997,000	1,997,000	−729,000			
Total, Housing programs (net)	7,857,329,689	2,968,202,896	12,242,880,000	7,167,304,810	9,128,870,000	+1,271,540,311	+6,160,667,104	−3,114,010,000	+1,961,565,190
SOLAR ENERGY AND ENERGY CONSERVATION BANK									
Assistance for solar and conservation improvements	20,000,000		25,000,000	25,000,000	25,000,000	+5,000,000	+25,000,000		
COMMUNITY PLANNING AND DEVELOPMENT									
Community development grants	4,456,000,000	3,500,000,000	3,470,000,000	3,463,200,000	3,468,000,000	−988,000,000	−32,000,000	−2,000,000	+4,800,000
(Limitation on guaranteed loans)	(225,000,000)		(225,000,000)	(225,000,000)	(225,000,000)		(+225,000,000)		
Urban development action grants	440,000,000	196,000,000	440,000,000	440,000,000	440,000,000		+244,000,000		
Urban homesteading	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000				
Rental rehabilitation grants		150,000,000		300,000,000			−150,000,000		−300,000,000
Total, community planning and development	4,908,000,000	3,858,000,000	3,922,000,000	4,215,200,000	3,920,000,000	−988,000,000	+62,000,000	−2,000,000	−295,200,000
POLICY DEVELOPMENT AND RESEARCH									
Research and technology	18,000,000	18,000,000	15,000,000	21,000,000	19,000,000	+1,000,000	+1,000,000	+4,000,000	−2,000,000
FAIR HOUSING AND EQUAL OPPORTUNITY									
Fair housing assistance	5,700,000	4,700,000	4,700,000	4,700,000	4,7000,000	−1,000,000			
MANAGEMENT AND ADMINISTRATION									
Salaries and expenses	307,500,000	303,107,000	300,000,000	300,950,000	300,950,000	−6,550,000	−2,157,000	+950,000	
(By transfer, FHA funds)	(267,723,000)	(271,114,000)	(271,114,000)	(271,114,000)	(271,114,000)	(+3,391,000)			
Total, title I, Department of Housing and Urban Development									
New budget (obligational) authority (net)	13,116,529,689	7,152,009,896	16,509,580,000	11,734,154,810	13,398,520,000	+281,990,311	+6,246,510,104	−3,111,060,000	+1,664,365,190
Appropriations	6,859,448,000	6,151,278,000	5,957,671,000	6,184,021,000	5,890,321,000	−969,127,000	−260,957,000	−67,350,000	−293,700,000
Portion applied to debt reduction	−128,392,000	−173,334,000	−173,334,000	−173,334,000	−173,334,000	−44,942,000			
Contract authority	8,651,475,689	3,595,860,896	12,956,638,000	7,954,862,810	9,912,928,000	+1,261,452,311	+6,317,067,104	−3,043,710,000	+1,958,065,190
Rescission of contract authority, indefinite	−2,830,360,000	−2,857,897,000	−2,857,897,000	−2,857,897,000	−2,857,897,000	−27,537,000			
Authority to borrow	564,358,000	436,102,000	626,502,000	626,502,000	626,502,000	+62,144,000	+190,400,000		
(Appropriation to liquidate contract authority)	(9,538,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(+1,159,000,000)			
(Increased limitation for annual contract authority)	(519,711,198)	(509,636,806)	(833,815,000)	(809,954,229)	(636,336,000)	(+116,624,802)	(+126,699,194)	(−197,479,000)	(−173,618,229)
(Limitation on annual contract authority, indefinite)	(−105,160,000)	(−106,646,000)	(−106,646,000)	(−106,646,000)	(−106,646,000)	(−1,486,000)			
(Limitation on direct loans)	(1,180,990,000)	(534,270,000)	(725,422,000)	(725,422,000)	(725,422,000)	(−455,568,000)	(+191,152,000)		
(Limitation on corporate funds to be expended)	(267,723,000)	(271,114,000)	(271,114,000)	(271,114,000)	(271,114,000)	(+3,391,000)			
TITLE II—INDEPENDENT AGENCIES									
AMERICAN BATTLE MONUMENTS COMMISSION									
Salaries and expenses	10,669,000	10,837,000	10,837,000	10,462,000	10,462,000	−207,000	−375,000	−375,000	
CONSUMER PRODUCT SAFETY COMMISSION									
Salaries and expenses	33,508,000	32,000,000	34,500,000	35,000,000	35,000,000	+1,492,000	+3,000,000	+500,000	
DEPARTMENT OF DEFENSE—CIVIL									
Cemeterial Expenses, Army									
Salaries and expenses	6,682,000	8,203,000	8,203,000	8,203,000	8,203,000	+1,521,000			
ENVIRONMENTAL PROTECTION AGENCY									
Salaries and expenses	548,613,200	574,889,000	612,889,000	574,900,000	574,900,000	+26,286,800	+11,000	−37,989,000	
Research and development	119,000,000	142,669,000	165,600,000	142,700,000	142,700,000	+23,700,000	+31,000	−22,900,000	
Abatement, control and compliance	369,075,000	393,933,000	521,511,000	393,900,000	393,900,000	+24,825,000	−33,000	−127,611,000	
Buildings and facilities	3,000,000	2,600,000	2,600,000	2,600,000	2,600,000	−400,000			
Payment to the hazardous substance response trust fund	40,000,000	44,000,000	44,000,000	44,000,000	44,000,000	+4,000,000			
Hazardous substance response trust fund	210,000,000	410,000,000	335,000,000	410,000,000	410,000,000	+200,000,000		+75,000,000	
Construction grants	2,430,000,000	2,400,000,000	2,400,000,000	2,430,000,000	2,430,000,000		+30,000,000	+30,000,000	
Total, Environmental Protection Agency	3,719,688,200	3,968,091,000	4,081,600,000	3,998,100,000	3,998,100,000	+278,411,800	+30,009,000	−83,500,000	
EXECUTIVE OFFICE OF THE PRESIDENT									
Council on Environmental Quality and Office of Environmental Quality	926,000	913,000	700,000	913,000	700,000	−226,000	−213,000		−213,000
Office of Science and Technology Policy	1,839,000	2,088,000	1,950,000	1,950,000	1,950,000	+111,000	−138,000		
Total, Executive Office of the President	2,765,000	3,001,000	2,650,000	2,863,000	2,650,000	−115,000	−351,000		−213,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New budget authority					Conference compared with—			
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House bill	Senate bill
FEDERAL EMERGENCY MANAGEMENT AGENCY									
Funds appropriated to the President, disaster relief	130,000,000					130,000,000			
Salaries and expenses	111,300,000	127,591,000	119,999,000	122,263,000	121,110,000	+9,810,000	6,481,000	+1,111,000	−1,153,000
State and local assistance	154,591,000	209,716,000	169,176,000	187,566,000	169,176,000	+14,585,000	−40,540,000		−18,390,000
Emergency planning and assistance	154,007,000	185,100,000	141,583,000	157,258,000	146,308,000	7,699,000	38,792,000	+4,725,000	−10,950,000
National flood insurance fund	39,159,000	37,521,000	37,521,000	37,521,000	37,521,000	1,638,000			
Portion applied to debt reduction	−39,159,000	−37,521,000	37,521,000	37,521,000	37,521,000	+1,638,000			
Emergency food and shelter program	100,000,000					100,000,000			
Total, Federal Emergency Management Agency	649,898,000	522,407,000	430,758,000	467,087,000	436,594,000	213,304,000	85,813,000	+5,836,000	30,493,000
GENERAL SERVICES ADMINISTRATION									
Consumer Information Center	1,351,000	1,449,000	1,449,000	1,349,000	1,349,000	2,000	100,000	−100,000	
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Consumer Affairs	1,947,000	2,011,000	2,011,000	2,011,000	2,011,000	+64,000			
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION									
Research and development	5,542,800,000	5,708,500,000	5,803,500,000	2,016,900,000	2,011,900,000	3,530,900,000	3,696,600,000	−3,791,600,000	−5,000,000
Space flight, control and data communications				3,776,600,000	3,791,600,000	+3,791,600,000	+3,791,600,000	+3,791,600,000	+15,000,000
Construction of facilities	97,500,000	150,500,000	135,500,000	135,500,000	135,500,000	+38,000,000	15,000,000		
Research and program management	1,168,900,000	1,247,500,000	1,237,500,000	1,242,500,000	1,238,500,000	+69,600,000	9,000,000	+1,000,000	−4,000,000
Total, National Aeronautics and Space Administration	6,809,200,000	7,106,500,000	7,176,500,000	7,171,500,000	7,177,500,000	+368,300,000	+71,000,000	+1,000,000	+6,000,000
NATIONAL CREDIT UNION ADMINISTRATION									
Central liquidity facility									
(Limitation on borrowing authority)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)				
(Limitation on administrative expenses)	(1,368,000)	(850,000)	(850,000)	(850,000)	(850,000)	(518,000)			
NATIONAL SCIENCE FOUNDATION									
Research and related activities	1,060,000,000	1,250,700,000	1,242,400,000	1,112,600,000	1,140,300,000	+80,300,000	110,400,000	102,100,000	+27,700,000
U.S. Antarctic program activities				102,100,000	102,100,000	+102,100,000	+102,100,000	+102,100,000	
Science education activities	30,000,000	39,000,000	70,000,000	75,000,000	75,000,000	+45,000,000	+36,000,000	+5,000,000	
Science activities overseas (special foreign currency program)	2,200,000	2,600,000	2,900,000	2,900,000	2,900,000	+700,000	+300,000		
Total, National Science Foundation	1,092,200,000	1,292,300,000	1,315,300,000	1,292,600,000	1,320,300,000	+228,100,000	+28,000,000	+5,000,000	+27,700,000
NEIGHBORHOOD REINVESTMENT CORPORATION									
Payment to the Neighborhood Reinvestment Corporation	15,512,000	15,512,000	15,512,000	15,512,000	15,512,000				
SELECTIVE SERVICE SYSTEM									
Salaries and expenses	22,700,000	25,499,000	24,049,000	24,649,000	24,500,000	+1,800,000	999,000	+451,000	−149,000
DEPARTMENT OF THE TREASURY									
Payments to State and local government fiscal assistance trust fund	4,566,700,000	4,566,700,000	DEFER	4,566,700,000	4,566,700,000			4,566,700,000	
Office of Revenue Sharing, salaries and expenses	6,612,000	7,678,000	7,378,000	7,278,000	7,278,000	+666,000	400,000	100,000	
Total, Department of the Treasury	4,573,312,000	4,574,378,000	7,378,000	4,573,978,000	4,573,978,000	+666,000	400,000	+4,566,600,000	
VETERANS' ADMINISTRATION									
Compensation and pensions	13,430,800,000	13,842,000,000	13,842,000,000	13,842,000,000	13,842,000,000	+411,200,000			
Readjustment benefits	1,665,800,000	1,371,000,000	1,371,000,000	1,521,000,000	1,371,000,000	294,800,000			150,000,000
Veterans insurance and indemnities	6,400,000	7,400,000	7,400,000	7,400,000	7,400,000	+1,000,000			
Medical care	7,586,606,000	8,058,526,000	8,078,526,000	8,065,187,000	8,070,726,000	+484,120,000	+12,200,000	7,800,000	+5,539,000
Medical and prosthetic research	152,665,000	156,325,000	162,325,000	162,325,000	162,325,000	+9,660,000	+6,000,000		
Medical administration and miscellaneous operating expenses	55,807,000	66,552,000	66,552,000	66,552,000	66,552,000	+10,745,000			
General operating expenses	688,000,000	719,088,000	712,088,000	712,088,000	712,088,000	+24,088,000	7,000,000		
Construction, major projects	407,392,000	410,992,000	350,992,000	341,692,000	345,692,000	61,700,000	65,300,000	5,300,000	+4,000,000
Construction, minor projects	141,748,000	193,878,000	193,378,000	177,185,000	185,378,000	+43,630,000	8,500,000	8,000,000	+8,193,000
Grants for construction of State extended care facilities	18,000,000	18,000,000	18,000,000	18,000,000	18,000,000				
Grants for construction of State veterans cemeteries	2,500,000	3,000,000	3,000,000	3,000,000	3,000,000	+500,000			
Grants to the Republic of the Philippines	500,000	500,000	500,000	500,000	500,000				
Direct loan revolving fund (limitation on direct loans)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)				
Total, Veterans' Administration	24,156,218,000	24,847,261,000	24,805,761,000	24,916,929,000	24,784,661,000	+628,443,000	62,600,000	21,100,000	132,268,000
Total, title II, Independent Agencies									
New budget (obligational) authority	41,095,650,200	42,409,449,000	37,916,508,000	42,520,243,300	42,390,820,000	+1,295,169,800	18,629,000	+4,474,312,000	129,423,000
Appropriations	41,134,809,200	42,446,970,000	37,954,029,000	42,557,764,000	42,428,341,000	+1,293,531,800	18,629,000	+4,474,312,000	129,423,000
Portion applied to debt reduction	−39,159,000	37,521,000	37,521,000	37,521,000	37,521,000	+1,638,000			
(Limitation on borrowing authority)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)				
(Limitation on direct loans)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)				
(Limitation on corporate funds to be expended)	(1,368,000)	(850,000)	(850,000)	(850,000)	(850,000)	(518,000)			
TITLE III—CORPORATIONS									
Federal Home Loan Bank Board									
(Limitation on administrative expenses)	(24,360,000)	(25,820,000)	(25,820,000)	(25,820,000)	(25,820,000)	(+1,460,000)			
(Limitation on nonadministrative expenses)	(40,680,000)	(40,570,000)	(40,570,000)	(40,570,000)	(40,570,000)	(110,000)			
Federal Savings and Loan Insurance Corporation, (limitation on administrative expenses)	(1,120,000)	(1,245,000)	(1,245,000)	(1,245,000)	(1,245,000)	(+125,000)			
Total, title III, corporations	(66,160,000)	(67,635,000)	(67,635,000)	(67,635,000)	(67,635,000)	(+1,475,000)			
RECAPITULATION									
Grand total									
New budget (obligational) authority	54,212,179,889	49,561,458,896	54,426,088,000	54,254,397,810	55,789,340,000	+1,577,160,111	+6,227,881,104	+1,363,252,000	+1,534,942,190
Appropriations	47,994,257,200	48,598,248,000	43,911,700,000	48,741,785,000	48,318,662,000	+324,404,800	−279,586,000	+4,406,962,000	−423,123,000
Portion applied to debt reduction	−167,551,000	−210,855,000	−210,855,000	−210,855,000	210,855,000	43,304,000			

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New budget authority					Conference compared with—			
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House bill	Senate bill
Contract authority	8,651,475,689	3,595,860,896	12,956,638,000	7,954,862,810	9,912,928,000	+1,261,452,311	+6,317,067,104	3,043,710,000	+1,958,065,190
Contract authority, indefinite	−2,830,360,000	−2,857,897,000	2,857,897,000	−2,857,897,000	−2,857,897,000	27,537,000			
Authority to borrow	564,358,000	436,102,000	626,502,000	626,502,000	626,502,000	+62,144,000	+190,400,000		
(Appropriations to liquidate contract authority)	(9,538,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(10,697,000,000)	(+1,159,000,000)			
(Increased limitation for annual contract authority)	(519,711,198)	(509,636,806)	(833,815,000)	(809,954,229)	(636,336,000)	(+116,624,802)	(+126,699,194)	(−197,479,000)	(−173,618,229)
(Limitation on annual contract authority, indefinite)	(−105,160,000)	(−106,646,000)	(106,646,000)	(106,646,000)	(106,646,000)	(−1,486,000)			
(Limitation on borrowing authority)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)				
(Limitation on direct loans)	(1,181,990,000)	(535,270,000)	(726,422,000)	(726,422,000)	(726,422,000)	(−455,568,000)	(+191,152,000)		
(Limitation on guaranteed loans)	(114,375,000,000)	(98,450,000,000)	(104,775,000,000)	(119,375,000,000)	(119,375,000,000)	(+5,000,000,000)	(+20,925,000,000)	(+14,600,000,000)	
(Limitation on corporate funds to be expended)	(335,251,000)	(339,599,000)	(339,599,000)	(339,599,000)	(339,599,000)	(+4,348,000)			
CONGRESSIONAL BUDGET RECAP									
Total	54,212,179,889	49,561,458,896	54,426,088,000	54,254,397,810	55,789,340,000	+1,577,160,111	+6,227,881,104	+1,363,252,000	+1,534,942,190
Amounts in this bill	(54,212,179,889)	(49,561,458,896)	(54,426,088,000)	(54,254,397,810)	(55,789,340,000)	(+1,577,160,111)	(+6,227,881,104)	(+1,363,252,000)	(+1,534,942,190)
Prior year outlays associated with this bill									
Total congressional mandatory and discretionary	54,212,179,889	49,561,458,896	54,426,088,000	54,254,397,810	55,789,340,000	+1,577,160,111	+6,227,881,104	+1,363,252,000	+1,534,942,190
Mandatory (total)	(15,103,000,000)	(15,220,400,000)	(15,220,400,000	(15,370,400,000)	(15,220,400,000)	(+117,400,000)			(−150,000,000)
(Mandatory new)	(15,103,000,000)	(15,220,400,000)	(15,220,400,000)	(15,370,400,000)	(15,220,400,000)	(+117,400,000)			(−150,000,000)
(Prior year)									
Discretionary (new)	(39,109,179,889)	(34,341,058,896)	(39,205,688,000)	(38,883,997,810)	(40,568,940,000)	(+1,459,760,111)	(+6,227,881,104)	(+1,363,252,000)	(+1,684,942,190)

Mr. Speaker, I yield to the gentleman from New York (Mr. Biaggi).

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT AT 10 A.M. ON TODAY.

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 10 on Wednesday, June 29, 1983, for the purpose of marking up H.R. 1242—a bill to promote increased transportation of bulk commodities in the foreign commerce of the United States in U.S.-flag ships, to strengthen the defense industrial base, and for other purposes.

The ranking minority member of the committee, the gentleman from New Jersey (Mr. Forsythe) and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. Snyder) have been apprised of the markup date and time and are in accord with this request.

The SPEAKER pro tempore (Mr. Edgar). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GREEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the subcommittee has fully explained the conference report, and in view of the time pressures to which the gentleman has alluded I shall not go over the same ground.

Let me simply add to what the gentleman has told the House that I have received this morning from the Office of Management and Budget a statement of administration policy, which reads as follows:

> The administration supports passage of H.R. 3133, the HUD independent agencies appropriations bill, 1984. The bill embodies a careful effort by the Congress to meet important program needs while maintaining essential budget discipline.

So I can assure the Members on this side of the aisle that this bill has the full support of the administration.

It is self-evident that to develop a bill of this complexity at a time when much of the authorizing legislation for these appropriations has not been passed—indeed we have not had an authorizing bill in the housing field since 1980—and to develop that bill so that we can meet the very crucial needs that this country faces, while at the same time staying within the budgetary limitations that the administration seeks, I think is no small feat.

The leadership that the distinguished chairman of the subcommittee has given the Congress in developing and moving this legislation forward is something that should be set forth on the record, and the debt that the House owes him for that leadership should be expressed, and I am happy to do that this morning.

Mr. BOLAND. Mr. Speaker, I want to pay tribute to the other members of this subcommittee for the work they have done on this bill and particularly to the ranking minority member of this subcommittee, the distinguished gentleman from New York (Mr. Green). No other member of the committee spends more time in that subcommittee and is perhaps more familiar with the various and sundry issues that this bill occasions than he. The gentleman is an expert in the housing area, having served as the regional director of the Department of Housing and Urban Development in the city of New York for some time before he came to the Congress, and I must say that we depend upon his expertise and knowledge in this area. He serves us well. I am delighted to pay my compliments to the gentleman and congratulate him for the efforts that he gives to this committee and to the Congress as a whole.

Mr. NELSON of Florida. Mr. Speaker, I rise to give my support to the conference report making appropriations for the Department of Housing and Urban Development and independent agencies.

I would specifically like to thank the committee for their foresight in adding an additional $50 million on to the NASA appropriations for the space shuttle orbiter and engine spare parts.

Mr. Speaker, this additional money will allow the production lines to remain operational, leaving the option alive to authorize at a later date, a fifth orbiter.

In the next several years, NASA has plans to maintain a 24-36 annual shuttle launch schedule. This would be practically impossible without additional spare parts. In the long term, a schedule of this magnitude would require a fifth orbiter to be eventually included in the shuttle rotation.

Mr. Speaker, I am convinced that NASA will fulfill their goal to provide the United States with a program that will guarantee regular successful missions such as the most recent, launch and landing of STS-7, which succeeded in putting the first American woman in space.

We have the technology. These additional funds will allow for its continued improvement and usage.

● Mr. FRENZEL. Mr. Speaker, the HUD conference report should not be passed.

The House and Senate have reconciled two excessive bills into one excessive bill. The conference report gives the appearance of being the result of responsible legislating, by showing funding totals which are within the recently passed budget resolution levels. But when the budget resolution is as fat as the one Congress has just ratified, being within that budget is a less than commendable achievement.

The HUD conference report is $6.2 billion over the President's latest request. Most of this excess is due to

subsidized housing, because the conferees decided to provide $6.3 billion more for subsidized housing than there was requested. This bill is a camouflaged version of the same old thing: Congressional profligacy and disdain for restraint.

Further, the HUD conference report will require spring supplementals. Before the spending year is over, the HUD bill will have exceeded its budget resolution allocations, and the taxpayers will again have been victimized by congressional irresponsibility and backdoor budgeting.

Those who favor a continuation of the outdated spend and tax, spend and tax policies should vote for this conference report. Those who seek to release some of the burden borne by taxpayers, and who are willing to make the difficult decisions necessary to sustaining the economic recovery should vote against this conference report.●

Mr. DANNEMEYER. Mr. Speaker, while this bill has its flaws, especially from the standpoint of being far over budget, I would like to take a moment to mention to my colleagues that it does contain some worthwhile provisions. In particular, I would like to direct the attention of my colleagues to the section of the bill on page 19 that prohibits the EPA from using any of the funds appropriated to it for the purpose of imposing sanctions on areas of the country that have made all reasonable efforts to comply with Clean Air Act deadlines but simply have come up short. This section will not only give appropriate recognition to those areas which have made good faith efforts to comply with a law that Congress has failed to revise on schedule, but it will give other areas an incentive to continue their pollution reduction efforts.

As Members will recall, the circumstances which occasioned this amendment were as follows: In February of this year, the EPA started the process of imposing sanctions on 213 counties around the country that, for one reason or another, had not attained, or did not look like they would be able to attain, air quality standards by the deadlines set forth in the Clean Air Act. Absent a statutory provision or definition to the contrary, the EPA had little choice but to start imposing those sanctions since failure to judge intent by results would most certainly have opened the Administrator up to lawsuits by environmentalists determined to see the deadlines observed no matter what the consequences. Indeed, EPA's experience with the Superfund program underscored only too clearly the dangers of being lax with enforcement of a program under its jurisdiction. Therefore, it was incumbent on Congress, not EPA, to act if there was to be any relief from these sanctions or if enforcement of them was to be selective. The language contained in this bill constitutes such action and I am pleased to add that, subsequent to its adoption by the House on June 2 and by the Senate on June 21, the EPA has announced sanctions guidelines that follow along the general path set forth by this language. All of which means that nonattainment areas, which have submitted an acceptable SIP and have carried it out in good faith, should not have sanctions imposed upon them.

Mr. Speaker, since the adoption of this amendment by the House on June 2, a number of questions have been asked about how it is to be interpreted. One of the most popular has been "will states lacking an acceptable auto emission and maintenance program (I/M) get relief?" and the answer to that one is "no." Likewise, an area that failed to comply with emissions limits or otherwise failed to live up to its SIP would still be subject to the threat of sanctions. In short, this is not a violators relief provision. Not by a long shot. Instead, what we have here is a provision that will provide relief only for areas that have made every effort to comply with the law, that have done all that they were asked and all that they promised, and, through no fault of their own, have come up a little short.

Lest anyone think that this provision is going to lead to a sudden deterioration of air quality, or even a rapid decline in the rate of improvement in air quality, it should be noted that these sanctions are in some instances counterproductive. For instance, a ban on construction or modification of any industrial facility emitting more than 100 tons a year of a pollutant will preclude replacing a facility that emits 1,000 tons a year of that pollutant with one that emits 500 tons. Likewise, a cutoff of Federal highway funds, in addition to being unfair to those who have just been touched for that extra nickel-a-gallon gas tax, may well mean that a freeway that would eliminate daily traffic jams, featuring hundreds of cars idling for 15-20 minutes a trip, will not get built. The only real value of the sanctions lies in the incentives they provide for additional cleanup, which is why it makes little sense to punish those areas that have already done everything they were supposed to do.

One final point, Mr. Speaker, and that is now that the EPA Administrator has enunciated his sanctions policy generally speaking, it is my hope that the rule of thumb this amendment applies—namely that areas which have made all reasonable efforts to comply with the deadlines should not be penalized—will be applied to those areas facing 1987 deadlines for attainment of the ozone and carbon monoxide standards. To apply sanctions because an area cannot show attainment, even though it is doing everything it can, is not the best way to accomplish the objective we all share—cleaner air. Responsible citizens may bend every effort to accomplish what is difficult, but there is little incentive to attempt the impossible. What would make more sense, and this amendment is a step in that direction, is the development of a Clean Air Act sanctions policy that is both firm but fair.

● Mr. RICHARDSON. Mr. Speaker, I am very disappointed in the action taken by the conferees to drop two provisions of extreme importance to veterans, especially Vietnam era vets.

On June 7, this House overwhelmingly approved the emergency Vietnam veterans job training bill by a vote of 407 to 10. The Senate passed a similar measure by a unanimous voice vote and included $150 million for the program in their version of the HUD appropriation bill. However, funding for the Vietnam Veterans Job Training Act was dropped in conference. This will delay implementation of this much needed program for several months.

Mr. Speaker, Vietnam veterans are suffering from a staggering level of unemployment. Congress recognized this fact by passing an emergency program to assist them. The conference report sends the signal that although we recognize the unemployment problems facing Vietnam vets, we are not willing to provide the resources necessary to improve their situation.

I am also deeply concerned the conferees chose to drop the $150 million contained in the House appropriation bill for a Mortgage Assistance Act for Unemployed Veterans. H.R. 2968, the Veterans Mortgage Foreclosure Act, passed the House on May 24 by a convincing margin of 394 to 23. This bill would not require additional appropriations, but would be funded out of the VA direct loan revolving fund. The act would provide limited assistance to veterans who through no fault of their own are facing foreclosure on their home.

Mr. Speaker, the recession has forced millions of veterans out of work. It makes perfect sense to help these victims of the economy keep their homes until they can get back on their feet again.

The conferees noted they were deleting funds for both of these programs without prejudice regarding eventual authorizing legislation. But my colleagues know this legislation will be less likely now that the funds for the programs have been deleted.

Why was funding for these two veterans programs that enjoyed strong support in both Houses dropped by the conferees? Because the President sent a message to the conferees that he would not accept the HUD appropriation bill if it contained funding for

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the Vietnam jobs training bill or the Veterans Mortgage Assistance Act.

Mr. Speaker, while the President had no problems with signing an emergency jobs bill a few months ago—he has seemingly singled out Vietnam veterans as not needing job training assistance. I heard hours of testimony in the Veterans Affairs Committee and I can tell my colleagues that Vietnam veterans are in desparate need of help. They simply want the Government, they so courageously served, to help them learn a vocation so they can make it on their own.

I also find it very strange that the President would oppose the Mortgage Assistance Act. We hear so often from the White House that the Government must save money where ever it can. Well, the Mortgage Assistance Act would save the taxpayers money. A CBO report reveals that with only a 60-percent payback rate on the mortgage assistance loans, the program would cost the VA less than if they had to acquire and sell property after foreclosure. I am at a loss why the President would oppose a program that would assist veterans while saving the Government money.

Mr. Speaker, our Nation's veterans must wonder what it will take before their President decides they deserve a helping hand.●

● Mr. ALBOSTA. Mr. Speaker, I rise in strong support of the conference report on HUD-independent agencies appropriations for fiscal year 1984, and in particular the $6 million earmarked in the legislation to monitor, test, and study dioxin around the country.

This legislation represents the culmination of 3 months worth of work that I have been involved in trying to get the Environmental Protection Agency do testing of, and monitoring for, dioxin contamination in Michigan and around the country so that we can begin to set safe levels for the regulation of dioxin in the United States. We need to answer the many serious questions that have been raised in the past 3 months about dioxin and its potential to harm human health. People in Michigan and around the country want and need answers to these questions.

The conference report we are considering today will give us the tools to find these answers. EPA is directed to undertake a comprehensive study both in Michigan and in other areas of the country. Research work into the human toxicity and disposal methods for dioxin is also required by this legislation. EPA is in the process of preparing its final plans for the dioxin study and by passing this conference report we can keep the dioxin study on a fast track to completion.

I urge adoption of the conference report providing funding for the Environmental Protection Agency in fiscal year 1984. I also want to thank the chairman of the subcommittee, the distinguished gentleman from Massachusetts, as well as other members of the House and Senate Appropriations Committee for being so supportive of funding for the EPA dioxin study.●

● Mr. COYNE. Mr. Speaker, I rise in support of H.R. 3133, the HUD-Independent agencies appropriations bill for fiscal 1984.

The need for adequate funding of our housing and community development programs has rarely been more apparent. As this administration continues its attempts to reduce new funding for assisted housing to near zero, this Congress, through the appropriations process, is making a firm statement in support of these critical programs.

I am especially pleased the conference report includes $2 million for a neighborhood development grant demonstration program. This innovative effort would, as provided in H.R. 1, allow the Department of Housing and Urban Development to assist neighborhood groups by making matching grants to promote development activities.

Mr. Speaker, such programs as HUD's urban development action grants work well for the big-ticket items of urban development. Neighborhood groups, which ususally have only a skeleton staff and minimal budgets, are easily lost in the shuffle when it comes to obtaining development assistance. The neighborhood development grant demonstration, which the conference committee would fund from the HUD Secretary's discretionary fund, is designed to make good use of the ideas initiated at the neighborhood level.

Here is how the neighborhood development grant program would work. A matching grant would be made available to eligible nonprofit neighborhood organizations which are carrying out projects to create permanent jobs, establish or expand businesses, or develop or rehabilitate housing. Other activities which could be eligible for a neighborhood development grant, not to exceed $50,000, are programs which deliver essential services or which promote or finance voluntary neighborhood activities.

The amount awarded by HUD would be from 3 to 10 times the amount raised by the neighborhood organization from individuals, organizations, or businesses in the area. The ratio used to determine the size of the grant would depend on the degree of economic distress in the neighborhood, the extent to which the proposed activities would benefit low- and moderate-income people, and the amount of participation from neighborhood businesses and individuals.

The conference report contains no appropriations for the ill-conceived housing voucher program, a proposal which, as designed by the administration, appears to be a convenient vehicle for lessening the Federal commitment to low-income housing. I commend the conferees on their decision not to fund a voucher program unless an authorization bill requires such appropriations.

The House will, I hope, soon have the opportunity to act on H.R. 1, the Housing and Urban Rural Recovery Act of 1983. It is my estimation that the House will agree with the Banking Committee's rejection of the voucher approach to low-income housing assistance. The bill reported by the committee also contains important revisions in the housing and community development law, including a restoration of the 25-percent tenant contribution to rent in assisted housing, which must me made if we are to repair the damage of the 1981 Gramm-Latta bill. In addition, the measure would revise and expand the urban homesteading program, authorizing a new emphasis on low- and moderate-income persons as the principal beneficiaries of this effort.

I urge a yes vote on the conference report on the HUD-Independent Agencies appropriations bill. I look forward to continuing the commitment of this Congress to housing and community development through prompt approval of the authorizing legislation, the Housing and Urban Rural Recovery Act of 1983.●

Mr. GREEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOLAND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GREGG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 314, nays 99, not voting 20, as follows:

[Roll No. 226]

YEAS—314

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
AuCoin
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Berman
Bethune
Bevill

Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Bryant
Burton (CA)
Campbell
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
D'Amours
Daniel
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Green
Gregg
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hillis
Holt
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Lujan
Luken
Lundine
Madigan
Markey
Marlenee
Marriott
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Molinari
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland
Roybal
Sabo
Savage
Sawyer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Shannon
Sharp
Shaw
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vander Jagt
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki

NAYS—99

Andrews (NC)
Applegate
Badham
Barnard
Bartlett
Bereuter
Bilirakis
Brown (CO)
Broyhill
Burton (IN)
Carney
Cheney
Coats
Conable
Corcoran
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
DeWine
Dreier
Durbin
Edwards (OK)
Evans (IA)
Forsythe
Franklin
Frenzel
Gekas
Gingrich
Goodling
Gore
Gradison
Gramm
Gunderson
Hance
Hansen (UT)
Hartnett
Hiler
Hopkins
Hubbard
Hunter
Hyde
Ireland
Jenkins
Kindness
Lagomarsino
Latta
Levitas
Loeffler
Lott
Lungren
Mack
MacKay
Martin (IL)
Martin (NC)
McCollum
McDonald
McEwen
Miller (OH)
Montgomery
Moody
Moorhead
Neal
Nielson
Oxley
Packard
Paul
Petri
Pritchard
Richardson
Roberts
Roemer
Rogers
Roth
Rudd
Russo
Schaefer
Schroeder
Sensenbrenner
Shelby
Shumway
Shuster
Siljander
Skeen
Slattery
Smith, Denny
Snyder
Solomon
Stangeland
Stenholm
Stump
Tauke
Taylor
Valentine
Vucanovich
Walker
Weber
Whittaker
Zschau

NOT VOTING—20

Byron
Crockett
Dingell
Dymally
Erlenborn
Ford (MI)
Gray
Hansen (ID)
Harrison
Heftel
Kramer
Leath
Lowery (CA)
Martinez
McCandless
Mitchell
Mollohan
Smith, Robert
Tauzin
Williams (OH)

☐ 1030

The Clerk announced the following pairs;

On this vote:

Mr. Mitchell for, with Mr. Robert F. Smith against.

Mr. Mollohan for, with Mr. McCandless against.

Mr. Williams of Ohio for, with Mr. Hansen of Idaho against.

Messrs. MacKAY, GUNDERSON, HANSEN of Utah, HARTNETT, BURTON of Indiana, RICHARDSON, and HOPKINS, Mrs. SCHROEDER, and Messrs. WHITTAKER, FRANKLIN, RUDD, and LAGOMARSINO changed their votes from "yea" to "nay."

Mr. DICKINSON changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 1: Page 2, strike out lines 6 to 24, inclusive, and insert:

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $809,954,229: *Provided*, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $7,954,862,810: *Provided further*, That of the budget authority provided herein, $467,460,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,926,400,000 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), $1,600,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437l), of which $35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act, and, $1,149,510,000 shall be available for contracts entered into under the modified section 8 existing housing assistance program, of which $479,000,000 shall be used in conjunction with units also assisted under the rental rehabilitation program: *Provided further*, That the budget authority in the foregoing proviso for the modified section 8 existing housing assistance program and the rental rehabilitation program shall be available only to the extent that legislation authorizing the modified section 8 existing housing program and the rental rehabilitation program are enacted: *Provided further*, That notwithstanding any other provision of this Act, up to the first $1,575,000,000 in budget authority recaptured and becoming available for obligation in fiscal year 1984 shall be made available for annual contribution contracts under the section 8 existing housing program (42 U.S.C. 1437f): *Provided further*, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: *Provided further*, That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): *Provided further*, That of the balance of merged amounts of budget authority provided herein, and not previously set-aside, $3,080,694,060 shall be available for obligation in 1984 to convert contracts assisted under section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) and section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) to contracts assisted under section 8 of the United States Housing Act of 1937, as amended, and up to $2,292,598,750 shall be available for other contracts as authorized by section 5 of the United States Housing Act of 1937, as amended.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. Boland:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of

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the matter stricken and proposed by said amendment, insert the following:

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $636,336,000: *Provided*, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in appropriation Acts by $9,912,928,000: *Provided further*, That of the budget authority provided herein, $389,550,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,550,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 14371), of which $35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act, and $1,500,000,000 shall be deferred and shall not become available until January 1, 1984: *Provided further*, That the first $1,926,400,000 of budget authority recaptured and becoming available for obligation in fiscal year 1984 shall only be made available for assistance to projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q): *Provided further*, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: *Provided further*, That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439).

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Senate amendments numbered 6, 10, 13, 35, 40, 43, and 58 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

Senate amendment No. 6 reads as follows: Page 7, after line 13, insert:

Any fee charged in accordance with a contract by a contractor to recover indebtedness owed to the United States may be payable from the amount collected by such contractor, up to such amount as may be owed such contractor, in accordance with section 13(b) of the Debt Collection Act of 1982 (Public Law 97-365).

Senate amendment No. 10 reads as follows: Page 9, line 5, after "Development" insert ": *Provided further*, That any unit of general local government which was classified as a metropolitan city in fiscal year 1983 pursuant to section 102(a)(4) of the Housing and Community Development Act of 1974, as amended, shall continue to be classified as a metropolitan city for purposes of the allocation of funds provided herein for fiscal year 1984".

Senate amendment No. 13 reads as follows: Page 11, line 6, after "1985" insert ": *Provided*, That $4,000,000 of the foregoing amount is to be made available solely for a study of the costs of bringing the existing public housing stock into conformance with property and energy conservation standards established by the Secretary".

Senate amendment No. 35 reads as follows: Page 21, line 22, after "design" insert ": *Provided further*, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriation act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further*, That the Administrator may authorize such facility lease or construction, with the approval of the Committees on Appropriations if he determines that deferral of such action until the enactment of the next Appropriation Act would be inconsistent with the interest of the Nation in aeronautical and space activities".

Senate amendment No. 40 reads as follows: Page 24, after line 21, insert:

UNITED STATES ANTARCTIC PROGRAM ACTIVITIES

For necessary expenses in carrying out the research and operational support for the U.S. Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $1,000 for official reception and representation expenses; $102,100,000, to remain available until expended: *Provided*, That receipts for support services and materials provided to individuals for non-Federal activities may be credited to this appropriation: *Provided further*, That no funds in this account shall be used for the purchase of aircraft.

Senate amendment No. 43 reads as follows: Page 25, line 10, after "tionally" insert ": *Provided further*, That no less than $34,000,000 shall be made available for merit based instructional materials development, evaluation and demonstration activities: *Provided further*, That up to $5,000,000 may be transferred from funds provided under this head to and merged with funds made available under "Research and related activities" for the purpose of conducting research on teaching and learning".

Senate amendment No. 58 reads as follows: Page 35, line 15, after "limitations" insert ": *Provided further*, That the preceding transfer provision shall also apply to the limitations provided in fiscal year 1983 and that these provisos shall be effective upon enactment of this Act".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendments of the Senate numbered: 6, 10, 13, 35, 40, 43, and 58 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 25: Page 16, line 13, after "96-510" insert ": *Provided further*, That for the performance of specific activities in accordance with section 111(c)(4) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $6,415,000 is appropriated to the Department of Health and Human Services, to be derived by transfer from the Hazardous Substance Response Trust Fund."

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That for performance of specific activities in accordance with section 104(i) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $5,000,000 shall be made available to the Department of Health and Human Services on October 1, 1983, to be derived by transfer from the Hazardous Substance Response Trust Fund."

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate Amendment No. 26: Page 16, line 18, strike out "$2,400,000,000" and insert "$2,430,000,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$2,400,000,000, to remain available until expended, and for projects under section 201(n)(2), subject to the approval of the Committees on Appropriations, $30,000,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 32: Page 19, line 24, after "$1,449,000" insert ", to be deposited to the Consumer Information Fund: *Provided*, That the revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,949,000: *Provided further*, That revenues and collections accruing to this fund during fiscal year 1984 in excess of $7,949,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ", to be deposited into the Consumer Information Center Fund: *Provided*, That the revenues and collections deposited into the fund shall be available for necessary expenses, other than administrative expenses, of Consumer Information Center activities in the aggregate amount of $6,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1984 shall not exceed $1,449,000. Revenues and collections accruing to this fund during fiscal year 1984 in excess of $7,949,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER. pro tempore. The clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 33: Page 20, strike out all after line 7 over to and including line 5 on page 21 and insert:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $427,400,000 for space transportation capability development; (2) $14,000,000 for a space station, (3) $165,600,000 for space telescope development; (4) $17,000,000 for Numerical Aerodynamic Simulation; without the approval of the Committees on Appropriations; $2,015,900,000 to remain available until September 30, 1985.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of matter stricken and proposed by said amendment, insert the following:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $427,400,000 for space transportation capability development; (2) $14,000,000 for a space station; (3) $165,600,000 for space telescope development; (4) $17,000,000 for Numerical Aerodynamic Simulation; without the approval of the Committees on Appropriations; $2,011,900,000, to remain available until September 30, 1985.

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 34: Page 21, after line 5, insert:

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,530,000,000 for space shuttle production and capability development; (2) $1,570,600,000 for space transportation operations; (3) $50,000,000 for expendable launch vehicles; and (4) not more nor less than $44,000,000 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $3,776,600,000 to remain available until expended; provided, that up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred to any other NASA appropriation with the approval of Committees on Appropriations.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND, Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,500,000,000 for space shuttle production and capability development; (2) $1,570,600,000 for space transportation operations; (3) $50,000,000 for expendable launch vehicles; and (4) not more nor less than $44,000,000 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $3,791,600,000, to remain available until September 30, 1985: *Provided*, That up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred between such accounts with the approval of Committees on Appropriations.

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 47: Page 26, after line 20, insert:

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

For payments to the State and Local Government Fiscal Assistance Trust Fund, $4,566,700,000.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 47, and concur therein.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. BOLAND) is recognized for 30 minutes.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the

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gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I very much appreciate the distinguished chairman of the Subcommittee on Appropriations yielding to me on this matter. I would like to take the occasion to make a brief background statement and then ask for a comment from the distinguished chairman.

This matter involves the general revenue sharing program. I have the distinction and privilege of chairing that Subcommittee on Intergovernmental Relations and Human Resources of the Government Operations Committee which has jurisdiction over authorizing the funding for this program.

At the time that the appropriations bill came before the House, the report stated that the committee has deferred action pending authorization decisions concerning possible additional funding for local and State governments.

Although the Government Operations Committee has reported the bill favorably, the authorizing process has not yet been completed. The Senate apparently has appropriated the same figure for localities, $4,566,700,000 that had been appropriated in the previous fiscal year.

The Committee on the Budget of the House had provided initially for an $800 million increase above last year's figure for localities and in conference with the Senate the figure has now been agreed to as $450 million. Obviously the amendment which the gentleman has offered does not account for that $450 million. He and I have had some private discussions and what I would like is for an indication on the record that when the final determination as to the new authorization figure is in fact arrived at, that the gentleman's committee will provide a vehicle, an opportunity for the finally arrived at authorization figure to be considered by this House.

Mr. BOLAND. Will my friend from New York yield?

Mr. WEISS. I yield to the gentleman.

Mr. BOLAND. The gentleman from New York has correctly stated the figures with reference to the general revenue sharing matter. As he indicated, this bill carriers $4,566,700,000 for the general revenue sharing program for fiscal year 1984. And it is, as he suggested, the amount carried in the bill for fiscal year 1983. His subcommittee and the committee that he sits on did recommend an authorization of $5,297,333,000 for local governments. The budget resolution conference report assumes $5,017,000,000 for general revenue sharing.

In the committee, because of the uncertainty surrounding the outcome of the authorization process, we deferred consideration of the budget request. We felt it made more sense to wait. However, in conference the Senate insisted on its position, which was to provide the budget estimate.

I want to assure the gentleman that if higher levels are ultimately authorized—and there is no doubt in my mind that they may be, because this particular program is of the highest priority to 39,000 communities throughout the United States—the action taken in the conference report in no way precludes us from providing additional funding to meet the authorization level in a subsequent appropriation vehicle. That vehicle might very well be a supplemental appropriation bill or it might very well be a continuing resolution.

As the gentleman from New York knows, the first payment to be made from fiscal 1984 appropriations is not scheduled, under current law, to be sent out until January 5, 1984. Between now and then there should be sufficient opportunities in a continuing resolution to provide necessary supplemental funding. Also, as I have indicated, additional funding could be provided in a supplemental appropriation bill. I am sure that this committee would go along with the authorization level because we recognize the importance of this program to the many localities that share in the general revenue sharing program.

Mr. WEISS. Mr. Speaker, I very much appreciate the assurances given by the gentleman and I thank him for yielding the time.

Mr. BOLAND. I thank the gentleman from New York.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Mississippi (Mr. MONTGOMERY), the chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Speaker, I appreciate the chairman yielding. I think it would be proper if the chairman would let me bring up what has happened in this conference report pertaining to the veterans' jobs funding and also the veterans' mortgage assistance, as I understand it, these programs were not funded because the authorization had not become law. I am sorry I did not get here a little sooner to talk to the chairman about this. Would the chairman explain what happened to the funding of these veterans' programs?

Mr. BOLAND. If the gentleman from Mississippi will yield, this committee is conscious of the significance of this program. The Vietnam veterans' jobs training bill has been authorized by the Committee on Veterans' Affairs. It has passed both Houses, but it has not been signed into law.

Let me say to the gentleman from Mississippi, as he well knows, this subcommittee over the years has been the protector of veterans' appropriations bills. Oftentimes, the gentleman from Mississippi and his committee have congratulated this subcommittee for the actions they have taken regarding veterans' programs.

One of the reasons why we did not include the $150 million appropriation for this program is that it is an entirely new program, and has not yet been authorized. As the gentleman knows, and the other Members sitting in the House here today know, the Appropriations Committee oftentimes does appropriate for programs that have not been authorized by the authorizing committees. But those are programs for which there have been previous appropriations and are not brand new programs. There are three other programs in this bill that are brand new programs that have not been authorized. Let me say when the authorization bill is law, we can consider funding in a supplemental bill or in a continuing resolution—and we would be glad to do it.

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Let me say that with respect to this program itself, the House version of this bill includes language which authorizes a veterans job training program. The authorizing committees of the House and Senate have a difference in how this program ought to be funded.

I want to congratulate the Veterans' Affairs Committee of the House on the manner in which it has handled this bill, because it includes language which authorizes this jobs training program, subject to the approval of funding in appropriations act.

On the other hand, the Senate bill, for all practical purposes, makes this program an entitlement. I think we ought to get away from entitlements. One of the reasons the budgets we have are so astronomical is because the entitlement programs that have been built into the budget process over the past years. So, on that basis alone, we thought that we had better wait until there is an authorization signed into law and at that time we would make provisions for the $150 million.

Mr. MONTGOMERY. I would like to thank the gentleman and his subcommittee, along with the gentleman from New York (Mr. GREEN), who have been very fair to us, but I am concerned. In our veterans committee we do try to control legislation that comes out of the committee to be sure that it will help the veterans. We thought these bills were needed, especially the Vietnam-era jobs bill. There is more unemployment under the Vietnam-era veteran then there are those who did not serve in Vietnam.

We whip right through this House another jobs bill that did not include the Vietnam veteran.

Also on the mortgage assistance for veterans, we thought in effect that would save that Government money

because it cost about $7,800 to foreclose on a veteran's house when he cannot make the payments. And we were giving him, under this appropriation, a little more time, giving them the benefit of the doubt. It was kind of a money saver.

I understand what the gentleman is saying, but we are still disappointed. We will work with the gentleman in the future, of course.

I have additional remarks I would like to make.

Mr. Speaker, I am disappointed in the action taken by the conferees on the issues in disagreement relating to veterans' affairs. It is obvious Vietnam veterans will be adversely affected by the action taken in conference on the HUD-independent agencies appropriation bill.

You will recall on June 7, the House, by a vote of 407 to 10, passed H.R. 2355, a bill that would enhance the employment opportunities of Vietnam veterans. The bill we passed authorized $150 million for fiscal years 1984 and 1985 for the employment of Vietnam veterans and the conference agreement on the first concurrent budget resolution included money for both fiscal years.

We were encouraged that the emergency Vietnam veterans jobs training bill could be quickly implemented because the Senate, on June 15, passed a similar measure by unanimous voice vote.

In addition, the Senate included the funding for the emergency Vietnam veterans jobs training bill when it passed the HUD-independent agencies appropriation bill on June 21. We had thought the prospects were good that the provision would have been accepted by the House but, unfortunately, that was not the case. I regret the conferees have seen fit not to include this money as it will delay the implementation of the emergency Vietnam veterans, jobs training bill for several months. This makes no sense at all in view of the tremendously high rate of unemployment among Vietnam veterans at this time.

Mr. Speaker, a provision contained in the appropriation bill when it passed the House would have allowed the Veterans' Administration to provide mortgage foreclosure assistance to many Vietnam veterans who are faced with the loss of their homes because of loss of jobs. The House had passed the veterans mortgage foreclosure bill (H.R. 2948) on May 24 by a vote of 394 to 23. Unfortunately, the funding provision for this measure was also dropped in conference.

It is hard for me to understand, Mr. Speaker, why these two issues were dropped in conference, when the House and Senate had no reluctance at all in passing the emergency appropriation jobs bill earlier this year that contained millions of dollars for job training for the elderly, summer youth, displaced persons, and other similar categories of individuals. I want everyone to understand, Mr. Speaker, that the Committee on Veterans' Affairs has done everything it could to help eliminate the unemployment problems Vietnam veterans have experienced for so long. Both the House and Senate authorizing committees have never failed to devote proper time and attention to this deserving group of American citizens.

I have grave concern about our priorities, Mr. Speaker, and because the funds for these two Vietnam veteran programs were dropped in conference I am concerned about their welfare. I hope the committee will reconsider when the authorizations become law and appropriate the funds.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Speaker, I would like to associate myself with the gentleman's remarks and I would also like to commend the chairman of the committee for stating here publicly that if we move quickly and authorize the jobs program, that it in fact will be part of an additional resolution in the future.

I think the gentleman from Mississippi makes a good point. We have some of the highest unemployment among Vietnam-era veterans. And they are one of the highest populations of people in our society who have not found work and are in what is called long-term unemployment. These Vietnam veterans particularly are the ones that we used to fashion the jobs bill out of the Veterans' Affairs Committee. It is really critical that once the authorization passes both the House and the Senate and is signed by the President that we get the assurances of the Appropriations Committee that there will be no delay in the funding of that program, because it has been the intention of the House and I think the intention of the Senate, as well, that these Vietnam veterans not be neglected and that this jobs bill become part of the public law.

Mr. MONTGOMERY. As the gentleman knows, we try to control the flow of legislation coming out of the House Veterans' Affairs Committee; we do not try to overload and vote a lot of bills out of committee. When we do vote them out, we wish they would have the proper consideration and be funded.

Mr. EDGAR. That is correct. I thank the gentleman for his comments.

Mr. BOLAND. Mr. Speaker, just one more comment with reference to this particular item. If we had agreed to all the unauthorized new programs, this would have meant $150 million for the veterans job-training program, $150 for the veterans mortgage assistance program, $312.5 million for the housing certificate program, and $300 million for the rental rehabilitation program. All of these added together came to around $900 million—which we would have added to this bill. This bill, in my judgment, would then have been vetoed by the President.

There are a lot of other programs in this bill besides the veterans' programs. I think with the assurance we have given to the chairman of the Veterans' Affairs Committee and the distinguished gentleman from Pennsylvania, that when we get an authorization of $150 million for either one of these programs, I am sure that we will approve it.

In any event, even if the money were appropriated, it would not be available until October 1, 1983. By that time, if an authorization bill is in place, which is not an entitlement—I want to congratulate the House Veterans' Affairs Committee for its position in this area—if that is not an entitlement, I can assure the gentlemen who are concerned about this that this would be one of our first priorities. We recognize the importance of a jobs program to Vietnam veterans.

Mr. EDGAR. If the gentleman would yield further, I do not think there was any intention on the part of the House Veterans' Affairs Committee that it be an entitlement program, that it be a discretionary program that would be used. I commend the gentleman for his comments.

Mr. BOLAND. I thank the gentleman from Pennsylvania.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 29, line 25, strike out all after "expended" over to and including "Act" in line 7 on page 30 and insert ": *Provided*, That funds provided in the appropriation, "Construction, Major Projects" for fiscal year 1984, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1984 and (2) by the awarding of a construction contract by September 30, 1985: *Provided further*, That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (Title X of Public Law 93-344): *Provided further*, That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until 1 year after final acceptance of the project by the Veterans Administration".

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MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the matter stricken and proposed by said amendment, insert the following: ": *Provided*, That, except for advance planning of projects funded through the advanced planning fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That $15,000,000 of the advance planning funds provided in this Act for medical projects shall only be available for the advance planning of those projects proposed in fiscal year 1983 and prior years: *Provided further*, That funds provided in the appropriation "Construction, Major Projects" for fiscal year 1984, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1984 and (2) by the awarding of a construction contract by September 30, 1985: *Provided further*, That the Administrator shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (Title X of Public Law 93-344): *Provided further*, That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after final acceptance of the project by the Veterans Administration".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 59: Page 38, line 17, after "1974" insert "to travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore (Mr. Kazen). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions were laid on the table.

PRIVILEGES OF THE HOUSE—ESTABLISHING SELECT COMMITTEE TO CONDUCT INVESTIGATION AND INQUIRY INTO ALLEGED ALTERATIONS OF AND OMISSIONS IN TRANSCRIPTS OF HEARINGS

Mr. WINN. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 245) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 245

Whereas on July 21 and 22, 1982, joint hearings were held by various subcommittees of three House committees, the Committee on Government Operations, the Committee on Science and Technology, and the Committee on Energy and Commerce, for the stated purpose of reviewing the activities of the Environmental Protection Agency during the preceding year;

Whereas several Members of the House, as members of these committees or subcommittees, participated in those hearings, and testimony was received from public witnesses at those hearings, all of whose statements and remarks during such hearings were recorded and transcribed;

Whereas the printed record of such hearings, an official House document entitled "EPA Oversight: One Year Review," was not received from the Government Printing Office until April 27, 1983;

Whereas such House document differs materially from the original transcript and record of such hearings, and allegations have been made that such document has been materially tampered with and purposefully falsified in that statement of Members of the House and of public witnesses have been significantly altered so as to change their meaning and intent and portions thereof omitted, without the knowledge or approval of such Members and witnesses;

Whereas the staffs of such committees had access to, and responsibility for, such transcripts and records, including the responsibility for the accuracy and protection of such documents;

Whereas certain documents, including those portions of the official transcripts of such hearings which may reflect changes made in the statements of the Members of the House and public witnesses present at said hearings, which are the property of the House, have apparently been improperly disposed of;

Whereas on March 31, April 14, 15, 29, and 30, and May 2, and 22, 1980, hearings were held by a subcommittee of the Committee on Government Operations entitled "Silver Prices and the Adequacy of Federal Actions in the Marketplace" and that certain testimony and statements of that hearing may also have been materially tampered with;

Whereas the alleged falsification of House documents may impact upon the legislative history of legislation considered by one or more committees of the House; and

Whereas such allegations reflect adversely upon the integrity of the proceedings of the House, the accuracy and protection of its records and documents, and the conduct of its employees: Now, therefore, be it

Resolved, That there is hereby established in the House of Representatives a select committee to investigate the alleged alterations of certain transcripts, as provided in this resolution (hereinafter referred to in this resolution as the "select committee").

Sec. 2. The select committee shall conduct a full, complete, and open investigation of—

(1) the alleged alterations of and omissions in the transcripts of the joint hearings to review the activities of the Environmental Protection Agency which were held on July 21 and 22, 1982, by various subcommittees of the Committee on Government Operations, the Committee on Science and Technology, and the Committee on Energy and Commerce;

(2) any and all allegations or charges that Members or employees of the House participated in, or had knowledge of, such alterations and omissions; and

(3) whether other House documents have been similarly altered or falsified.

Sec. 3. (a) The select committee shall be composed of an equal number of Members of the majority party and the minority party of the House, one of whom shall be designated as Chairman.

(b) For the purposes of this resolution, a majority of the members of the select committee shall constitute a quorum.

Sec. 4. (a) For purposes of carrying out this resolution, the select committee is hereby authorized—

(1) to sit and act, subject to the Rules of the House, at such times and places as it shall determine; and

(1) to sit and act, subject to the Rules of the House, at such times and places as it shall determine; and

(2) to require the attendance of such witnesses and the production of such papers and documents, by subpoena or otherwise, and to take such testimony and records, as it deems necessary.

(b) Subpoenas may be issued over the signature of the chairman of the select committee, or by any member of the select committee designated by the chairman, or by direction of a majority of the members of the select committee, and shall be served by such person or persons as the chairman of the select committee shall designate.

(c) The chairman of the select committee, or any member of such committee, may administer oaths to witnesses.

Sec. 5. The select committee shall report to the House at any time prior to, but not later than October 28, 1983.

The SPEAKER pro tempore. The Chair has examined the resolution and is satisfied that under the precedents it raises a question of the privileges of the House pursuant to rule IX.

The gentleman from Kansas (Mr. Winn) is recognized for 1 hour.

Mr. WINN. Mr. Speaker, I yield 30 minutes to the majority leader, the gentleman from Texas (Mr. Wright) for the purposes of debate only.

□ 1100

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for yielding.

I shall simply state at this time that at the conclusion of the debate on this privileged resolution I will move to refer the resolution to the Committee on Rules. My purpose in so doing will be to preserve the procedures of the House as they have historically been honored.

Under the rules of the House, the Committee on Rules is, of course, the proper entity to which any motion to create a new committee normally is referred. Whether a new select committee should be created to investigate this one apparent aberration from the honor of the House or whether it should properly be referred to our Committee on Standards of Official Conduct is a judgment which properly ought to be made by the Committee on Rules. That is the purpose for which the Committee on Rules exists. If in its wisdom the Committee on Rules should determine that this entire matter rightly ought to be referred to our standing Committee on Standards of Official Conduct, then, of course, that committee can begin an investigation immediately.

The Committee on Standards of Official Conduct is in place; it is ready to go. It does not have to await the appointment of counsel, the appointment of Members, the creation of a new committee, the creation of new rules for a new committee. It can start immediately.

The matter involved in this resolution is indeed one which goes to the question of the honor and the integrity of the House. If transcripts of official proceedings have been tampered with, if it can be established that any individual, either a Member or an employee of the House, has sought to change or alter the meaning of testimony given before one of the House committees or the meaning and context in which any Member of this House has expressed himself or herself in such committee, then that matter needs to be called to the attention of the Members of the House. It needs to be called very forcefully to the attention of whomever it may be who may have committed such an infraction of the rules and the basic honor of this institution.

For that reason, it seems to me that it would be appropriate that we honor the rules of the House by referring this resolution, as it should be referred, to the Committee on Rules. If it rightly ought to be the subject of an immediate investigation by the Committee on Standards of Official Conduct, I am certain that that committee, in its usual expeditious way, in its usual businesslike, bipartisan way, will conclude that investigation.

Mr. Speaker, I reserve the balance of my time.

Mr. WINN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, it disturbs me that we obviously are going to have "politics as usual" instead of having open hearings we have requested, those of us who have been wronged. We are now asking or we have been informed that they are going to ask that my preferential resolution be referred to the Rules Committee, which is controlled by the majority party 2 to 1 plus 1. That is why I say, "politics as usual," because in the changes in the original transcripts, the Republican or the minority comments were changed to appear in a negative light, while the Democrat or the majority comments were put in a very positive light, particularly after the changes were made.

Mr. Speaker, as I say, it disturbs me to ask for this question of privilege, but we should have open hearings on this. We cannot do that if this goes to the Ethics Committee. The integrity of this House and the three committees and the five subcommittees are involved, Mr. Speaker, and that is why we have had to take this route.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. Sensenbrenner).

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Kansas for yielding me this time, and I speak first as an aggrieved party whose comments were altered in the context of the comments that I had with the former Member, the gentleman from Connecticut, Mr. Moffett, were altered. But I also speak as an alumnus of the Ethics Committee, having served on that body during the 96th Congress which dealt with the Diggs matter, the Flood matter, the Abscam matter and several other matters.

Frankly, the historical procedures that this House has used to delve into official misconduct are not adequate in this special situation because it is very clearly an instance where the integrity of the House of Representatives and its proceedings is at stake on what we do in response to the alteration of the transcripts not only in the EPA hearings of 1982, but also in the silver market hearings of 1980.

The rules of the Committee on Standards of Official Conduct clearly state that during the investigatory stage of any misconduct investigation, everything becomes secret, it is heard behind closed doors, and any Member or employee that breaches that confidence places himself subject to discipline by the House of Representatives.

Furthermore, our rules state that any records that are in the possession of the Committee on Standards of Official Conduct become closed records. So the records that are presently now open to every Member by rule of the House, as soon as it goes over to the Ethics Committee gets put under lock and key and, consequently, the public might not know if there are further instances of misconduct involving the alteration of transcripts.

I think that the issue of this resolution is very clearly whether we as a House will put our house in order as quickly as possible and as openly as possible, to make sure that this does not happen again.

And there is also one other issue, and that is that the proceedings contemplated by this resolution will be just as much to protect the innocent as it will be to identify and punish the guilty. Anybody who appears before the Ethics Committee is placed under a cloud of suspicion among their colleagues and among the press, and I think that an open hearing will be able to determine which of our dedicated and loyal employees have not committed this misconduct and to clear their names and their professional reputations, just as it will be to identify and get rid of the rotten apples that have caused this disgrace upon the House of Representatives.

So I would urge the Members to vote for openness, to vote against a motion to refer offered by the gentleman from Texas (Mr. Wright), and to vote in favor of the resolution of the gentleman from Kansas (Mr. Winn).

Mr. WINN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. Walker).

Mr. WALKER. Mr. Speaker, we are faced with two important questions, both of which will be resolved in one vote.

The first question is: Are we capable of dealing with criminal misconduct by key employees of this House?

The second question is: How will we investigate this matter and assure the public that we have corrected our problem?

Let me deal with the first question first: Are we capable of dealing with questions of misconduct? So far, those of us who have a problem here, who have been aggrieved by this whole situation, have seen only efforts to bury the issue and keep it as far out of the public eye as possible. That disturbs me.

How will we investigate? Well, I think it is clear that any investigation should be open and fully accessible to the public.

Now, what about the vote that we are going to cast here on the motion to refer that will be offered by the majority leader? If we vote for that motion, we are not going to meet either one of those tests. What we would do with that motion is to refer this matter to the single most partisanly stacked committee of this House. That is hardly acting in a way which assures us that we are going to deal capably with the whole issue of criminal misconduct.

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Also, the motion, according to the majority leader, is going to be probably aimed at moving it eventually to the Ethics Committee. At least that has been the traditional route after such a motion. That would mean that the investigation would be conducted behind closed doors, in secret.

Now, around here when we have dealt with abuse of power, arrogance of power, in the executive branch, we have made absolutely clear that those were to be public hearings. Right now, when we have some investigations going on of perhaps some campaign misconduct, boy, they are right out in the open, we are making certain that that is held right out in the open. And that is as it should be. I agree with that. But we ought to be doing the same thing with regard to our own misconduct here. We ought to be in the open. We are not going to have that if we go to the Ethics Committee.

We should have learned some things over the past decade. We should have learned that America expects us to zealously guard public integrity.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield on that point?

Mr. WALKER. I will, as soon as I am finished with my statement.

Mr. WRIGHT. All right.

Mr. WALKER. And only a select committee can make certain that we do zealously guard public integrity. America expects us to be open in our deliberations about misconduct. Only a select committee will assure us that we can be open.

The question here is clear. There will be a question you will vote on when we come to the motion to refer. Will we have cooperation? Or will we have coverup?

Your votes today will tell America just where you stand.

Mr. Speaker, I will be very glad to yield to the majority leader in whatever time I might have remaining.

Mr. WRIGHT. I appreciate the gentleman's yielding.

Mr. Speaker, I think the gentleman may be mistaken about the manner in which the Committee on Standards of Official Conduct operates.

When the gentleman from Pennsylvania says that anything that is referred to the Committee on Standards of Official Conduct is held in closed session, the gentleman is not accurate.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. Walker) has expired.

Mr. WRIGHT. Mr. Speaker, I yield 2 additional minutes to the gentleman from Pennsylvania.

The truth of it is that the Committee on Standards of Official Conduct operates just as does a grand jury. Its proceedings are open following the discovery process. They are not closed. Only at the point where testimony may come respecting some possible criminal violation do those proceedings become closed. And that is a necessary requirement which would be applicable to any new or select committee that might be created.

Mr. WALKER. If I may reclaim my time, I made a very careful statement here, and it is the point which I think is clear and which I am right on. And that is that the investigation would be conducted behind closed doors and in secret.

In the investigatory stage, under the rules of the House and under the rules of the committee, they conduct their investigations in secret. That is the question that is before us: Should not this investigation be out in the public, where the public can witness what the problems were that come here, and to find out just exactly what took place? That is the kind of investigation that we have held all the time around here, it is exactly the kind of investigation that is being held in the Ethics Subcommittee right now, and I think that it is entirely proper that that is the kind of investigation that this House should hold when we have got questions of misconduct before us. That is what we are asking for. That is what the Ethics Committee, under its own rules, cannot give us. And it seems to me that that is the reason why we feel that this issue could be buried.

We also know that, once the issue goes to Ethics, that they conduct their in-secret investigation and a guilty party is identified, if that party is fired or resigns, the Ethics Committee loses jurisdiction over the matter, they no longer can pursue the mater because under the rules of the House they can only deal with employees, officers or Members of the House.

So, therefore, we could have a situation where the investigation could lead to absolutely nothing and nobody would even know that was going on.

I think that the Ethics Committee may be the right route on some things, but it is the wrong route here.

Mr. WRIGHT. Mr. Speaker, I yield myself 2 minutes, and I do this only to straighten out the record.

The gentleman from Pennsylvania means well, I am quite sure, but he very definitely misstates the fact when he declares that the Committee on Standards of Official Conduct operates only in secret. That is incorrect.

I do not believe there has been any occasion during the history of this committee for any Member of the House to question the validity of its findings or the propriety of its proceedings. That committee has operated from its inception as a completely nonpartisan committee. It was created expressly with half of its Members, members of the minority party and half of the majority party for the reason that we wanted a totally, completely bipartisan committee. It is a blue-ribbon committee.

□ 1115

To insinuate that somehow the proceedings of the Committee on Standards of Official Conduct are less than democratic or less than open or less than proper, or that any other special select committee could be created that would operate in a better or more democratic or more open fashion while still protecting the legal rights of those people who would be under investigation, I think, would be to engage in a misstatement of the actual facts.

Beyond that, it is inaccurate to state that the Committee on Standards of Official Conduct has jurisdiction only over Members and employees of the House.

The SPEAKER pro tempore. (Mr. Kazen). The time of the gentleman from Texas (Mr. Wright) has expired.

Mr. WRIGHT. Mr. Speaker, I yield myself 1 additional minute.

As Members who have been in this body for any length of time surely will recall, there have been numerous occasions on which the Committee on Standards of Official Conduct has sought and been granted subpena powers which reach far beyond the Members and employees of the House. I cite simply the very well known occasion in which we employed a special counsel, Mr. Jaworski, to investigate the allegations that were rampant under the so-called Koreagate scandal. In that instance, we brought people all the way from Korea, not even citizens of this country, and commanded them to appear, and they did appear.

So it really is not accurate at all to say that our Standing Committee on Standards of Official Conduct is inhibited or limited in its scope in any way whatsoever.

Mr. WINN. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. Harnett).

Mr. HARTNETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am really not all that familiar with the issue here, as to what was said and what was changed and what was transcribed. I guess it might be called a Committeegate, Mr. Leader, or Transcribegate, or something, but I think it really is phenomenal that half of last night's press conference of the leader of the free world was taken up by the liberal media wanting to know about Notegate. What happened to poor Jimmy Carter's little book? I understand that Reagan had a copy of it but he knew it really was not Jimmy Carter's authentic book because it did not have any quotes from Amy Carter in it. Half of the time of the press conference of the leader of the free world was dominated by the liberal media asking questions about Mr. Carter's book. That is a sad thought.

Mr. Strauss, the chairman of the Democratic Committee, was quoted "Why, I think we ought to appoint a special prosecutor." I think it is really ironic and phenomenal that here we have the rights of a minority Congressman, his right to be able to participate in what little participation we have in the committee process, Mr. Leader, and you a Democrat want a closed hearing. You know, we are told how many Members we can have and told how many staff members we can have, and now here he (the Republican Congressman) is trying to operate within the functions of that committee, with integrity and with honesty, and someone changed his testimony to some degree.

I think what we have here is the importance of letting us know that you, (Mr. Wright) in all your righteousness, in all your fairness, would say to the minority Members of this House of Representatives and to the public, "We want this thing held in open hearings. We want you to know that we are protecting your rights honestly; not politically, but honestly and we want the American people to know that this Congress respects the rights of every Member, every individual Member, be he a Democrat or a Republican."

I think it is imperative that every Member in this House vote that this hearing be held in the open.

Mr. WRIGHT. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore The gentleman from Texas (Mr. Wright) has 21 minutes remaining, and the gentleman from Kansas (Mr. Winn) has 20 minutes remaining.

Mr. WRIGHT. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. Fuqua).

Mr. FUQUA. I thank the gentleman for yielding this time to me.

Mr. Speaker, no one regrets this instance happening any more than this Member. Let me say from the beginning that the integrity of the Members of this House, this institution, have been damaged. Now let me also say what has been done.

It has been mentioned about the hearings of last year, in the last Congress, by some five subcommittees, of which two subcommittees were of the Committee on Science and Technology. About May of this year I learned that there appeared to be an alteration of the remarks of the gentleman from Pennsylvania (Mr. Walker).

Immediately I instructed the general counsel of our committee to review that matter and make sure what the facts were and report back to me. He came back a few weeks later and said it appeared to be more than just one alteration, but it involved a number of them. It was our committee that went through, side-by-side, the printed transcript and also the actual transcript and pointed out some over 100 discrepancies, most of which were normal editing changes, that occurred and involved Members as well as witnesses before that committee.

The transcripts were compared after other errors of omission of materials for the record were discovered. We then, prior to the request of the minority, impounded all of the records and still have them impounded in my office under lock and key from both subcommittees dealing with this particular matter. I have made available and I have sent a letter to the gentleman from Kansas outlining the procedure whereby Members can have access to those, and I would like at this point to insert that letter into the Record.

The letter follows:

Committee on Science
and Technology,
Washington, D.C., June 28, 1983.

Hon. Larry Winn, Jr.,
House of Representatives,
Washington, D.C.

Dear Larry: Your request for documents and other information concerning the Natural Resources, Agriculture Research and Environmental Subcommittee and the Investigations and Oversight Subcommittee has been received, as well as the request to review those impounded materials pertaining to the Joint EPA Hearings.

As we discussed over the phone, I think it best to make the impounded materials available to any Members to review in the committee library inside the hallway of Room 2317. I am also asking the Sergeant-at-Arms to provide personnel for those periods when Members wish to review these materials.

In light of the pending request made to the Committee on Standards of Official Conduct for an investigation of the altered transcripts, all those files impounded by me are to be treated as Executive Session materials.

The attached lists of the two subcommittees contains (1) those hearings published for the 97th Congress, and those still in progress, and (2) those hearings held in the 98th Congress and the status of each.

In the past our Committee has sent the master transcripts to the GPO which are thrown out sometime after printing, and since the remainder of the hearing materials were also discarded once printed, all that can be done to reconstruct a complete record at this time for all the hearings in the 97th Congress would be to request the official reporter to make a copy of the record, if it is available. However, I am sending to you a box containing all those hearings for the 97th Congress that are printed and those transcripts that were located. The records for those hearings not yet completed by the NRARE subcommittee in the 97th Congress can be reviewed by checking with Regina Davis who is retaining the materials until our new hearing publication policy is established.

The records of each of the subcommittee hearings in the 98th Congress are retained in the respective subcommittee offices since they are sending out witness transcripts for review, and collecting the other materials that go in the record for each. As you know, both majority and minority staff are involved in this work. I would request that you contact either George Kopp or Bob Nicholas if you wish to examine those hearing records and files in the subcommittee offices.

Sincerely,

Don Fuqua, *Chairman.*

Mr. FUQUA. Furthermore, at the request of six members of the minority to have a meeting before the Committee on Science and Technology to review this matter, and prior to the actual meeting, there was a meeting called by the chairman of the Committee on Government Operations, the chairman of the Committee on Energy and Commerce, and myself, along with the ranking minority members of those committees, Mr. Winn of the Committee on Science and Technology, Mr. Broyhill of the Committee on Energy and Commerce, and Mr. Horton of the Committee on Government Operations.

We tentatively agreed at that time to recommend, since it transcended the three committees, that it go to the Committee on Standards of Official Conduct.

We, on June 15, corresponded with the chairman of the Committee on Standards of Official Conduct, Mr. Stokes, and requested that they have a vigorous, full and complete investigation, and it be undertaken immediately. I would like at this point, Mr. Speaker, to insert that letter into the Record.

The letter follows:

House of Representatives,
Washington, D.C., June 15, 1983.

Hon. Louis Stokes,
Chairman, Committee on Standards of Official Conduct, Rayburn House Office Building, Washington, D.C.

Dear Mr. Chairman: We are writing to request that the Committee on Standards of Official Conduct undertake an investigation into the circumstances involving the alteration of a transcript published as "EPA Oversight: One-Year Review".

Joint hearings were held on July 21 and 22, 1982, by certain subcommittees of the Committee on Government Operations, Committee on Energy and Commerce, and Committee on Science and Technology. The original transcript of the hearing was altered during the process which led to publication.

Inasmuch as the alterations resulted in substantially changing the meaning of testimony of Members of Congress, we believe that an investigation of the matter can be most appropriately carried out by your Committee. We respectfully request that a vigorous, full, and complete investigation be undertaken immediately and that it be given the highest priority and completed with all possible speed.

We pledge our total cooperation and that of the majority and minority staffs of our committees and subcommittees.

Sincerely,

Jack Brooks, Chairman, Committee on Government Operations; Don Fuqua, Chairman, Committee on Science and Technology; John D. Dingell, Chair-

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man, Committee on Energy and Commerce.

Mr. FUQUA. On June 23, the Committee on Science and Technology held about a 3-hour hearing, of which I have an unaltered transcript of that hearing, and the committee voted overwhelmingly and adopted a resolution to refer this matter to the Committee on Standards of Official Conduct, and at this point, Mr. Speaker, I would like to include in the RECORD the letter of transmittal, as well as the resolution that was adopted by that committee.

The letter follows:

COMMITTEE ON SCIENCE
AND TECHNOLOGY,
Washington, D.C., June 29, 1983.

Hon. LOUIS STOKES,
Chairman, House Committee on Standards of Official Conduct, Washington, D.C.

DEAR MR. CHAIRMAN: I am transmitting herewith the Committee resolution on the requested investigation by your Committee into the alteration of the EPA hearing transcripts conducted last year on July 21 and 22.

The resolution was adopted during the Science and Technology Committee's meeting on June 23 called to discuss the altered transcripts.

Sincerely,

DON FUQUA, *Chairman.*

RESOLUTION

Resolved, That immediately upon the adoption of this resolution, the Chairman of the Committee on Science and Technology take all appropriate steps (1) to request the Committee on Standards of Official Conduct to undertake a prompt and thorough investigation of the alteration of the transcript of the Joint hearings conducted by subcommittees of the Committee on Science and Technology, the Committee on Government Operations and the Committee on Energy and Commerce on July 21 and 22, 1982, entitled "EPA Oversight: One-Year Review"; and (2) to provide for the publication of the transcript in its proper form, together with all materials that were requested to be supplied for the record; be it further

Resolved, That the Committee on Standards of Official Conduct is specifically requested to permit any Member of Congress access to any committee records transferred to said committee in the course of its investigation pursuant to the provisions of Rule XI of the Rules of the House of Representatives and that such records be treated as Executive Session records.

Mr. FUQUA. Mr. Speaker, since that time we have answered all of the requests that have been made by the minority, and those who say that this is trying to be swept under the table are certainly misinterpreting the facts as I understand them, Mr. Speaker, as it relates to this very serious matter.

Now, it has been pointed out that the Committee on Standards of Official Conduct is a bipartisan committee, equally divided by both parties, and I have always felt that their work and the product of their work was of the highest standard. The Ethics Committee operates somewhat as a grand jury, and certainly people who are innocent are entitled to some protection. Those who may be found guilty of transgressions in this particular case certainly should be punished to the fullest extent of the law.

So I think we have ample precedent. That is why the committee was established, that is why it is in operation, and it is ready to go. So I think we have every right to refer this to the Committee on Standards of Official Conduct that was set up in the beginning.

So there has been action. The three committee chairmen involved regret this as much as anybody. It is a serious breach of the ethics and the rules of this House, and I hope that we get to the bottom of it.

Mr. GREGG. Mr. Speaker, will the gentleman yield?

Mr. FUQUA. I will be happy to yield to the gentleman from New Hampshire.

Mr. GREGG. I appreciate the gentleman yielding.

Mr. Speaker, I just want to state, as I believe all the Members on this side have consistently stated, that the manner in which the chairman has gotten to the issue relative to the investigation within the staff we have been very appreciative of, and the fact that he had his staff review the transcripts.

But we still do have this serious issue of how the further investigation of identifying who did it, why they did it, when they did it, and how many people were involved, whether that is going to be in the open or be a closed session. That is a very serious issue and that is the issue remaining before us.

Mr. Speaker, I just want to point out to the chairman, as I am sure the chairman knows, that in the resolution which was passed by the committee, there was an amendment offered by the minority Members that we ask the Ethics Committee to hold open hearings. It was a clear question of directing the Ethics Committee to hold open hearings, and that amendment was voted down on a straight party-line vote. So there is no direction in the resolution that was passed by the Committee on Science and Technology to the Ethics Committee asking for open hearings as a result of that.

Mr. FUQUA. Well, the gentleman is correct, but that is up to the Ethics Committee. They make the determination. We cannot tell them or instruct them how they must conduct an investigation. They have rules that provide for that. Now, the Ethics Committee can vote to open their hearings if they so choose. It depends on the nature of the matter that is before them.

We did include in the resolution a part that was asked for by the minority, and we agreed that the material that was turned over to them from our committee be available to the Members. I have just had a chance to discuss that with the chairman of the Ethics Committee. He can speak for himself, but they feel as though that would not be any problem as far as records were concerned. But that is something that the Ethics Committee must decide.

As has been pointed out, they operate in a bipartisan fashion, whenever they have a meeting on this matter, they will consider all these issues and the procedures that they should operate by.

Mr. GREGG. Mr. Speaker, if the gentleman would yield further, if we, as a committee, in the Committee on Science and Technology, could ask them in our resolution to let us see the records, which is in clear contravention of the present rules of the House, which is rule XI, 2(e), I believe, which says that those records become secret and are not available to Members, we could have also directed and asked the Ethics Committee to have open hearings.

Mr. FUQUA. Mr. Speaker, I think if the gentleman will separate the two issues, one is records that are the property of the House of Representatives. The other is discovery information. That information, in my opinion, should remain privy to the members of that committee because they are, in effect, sitting as a grand jury. But as far as records of the House are concerned, we do it in matters relating to classified and intelligence information that are available to Members under certain procedures, and I have no problem with that. As a matter of fact, I would encourage the Committee on Standards of Official Conduct to do that.

□ 1130

Mr. GREGG. Yes; but if the chairman of the committee would yield, openness is the property of the American people. That is an even higher value of property. Openness in investigating how we run our institution is certainly the ultimate property of the American people in a democracy.

Mr. WINN. Mr. Speaker, I yield 3 minutes to the minority whip, the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me first, if I may, address a question to the distinguished chairman of the committee, the gentleman from Florida (Mr. FUQUA). I certainly know that he is trying to be cooperative, but just for general information I would like to make this inquiry because I do not know the answer.

We have been hearing a good bit of discussion on this matter for several days, and I know an effort is being made to sort of package this up and send it to the Ethics Committee, but has there been some investigation already to try to ascertain the people that might have been involved with the various committees in altering these transcripts?

Does the gentleman have any idea of who is involved? I have not heard of anybody being named or anybody being dismissed; I have not heard of any action. Is there anything of that nature occurring?

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, we have had an internal investigation in our committee to try to determine exactly what happened.

As the gentleman knows, this Member has no authority over staff personnel of another committee. But we have had an internal investigation, and I would hope, since it transcends three committees, that there will be an opportunity for somebody with the proper credentials to investigate thoroughly and put witnesses under oath, probably including myself, even though I never saw the transcripts and never had anything to do with them. But I think they would certainly want to know how much I know about the information and would put me under oath.

Mr. LOTT. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I recognize that this is an unusual step we are requesting today, but these are unusual circumstances. In the 15 years that I have been around here I never heard of transcripts being altered or Members' words being changed in a very derogatory way, and, therefore, I think it must be dealt with in this unusual way. The privileges of the House and the rights of individual Members of this House have been seriously breached.

The majority leader spoke of normal procedure, but the fact is that this is not a normal occurrence and it should not be shunted aside in any way that would provide anything less than total, full investigation and disclosure.

Now, several things worry me.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, I want to make it clear. The gentleman is imputing to me a suggestion that this thing should be shunted aside? Let me be sure we are clear.

Mr. LOTT. I said that the gentleman spoke of normal circumstances. These are not normal circumstances.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield further?

Mr. LOTT. First, let me respond to this.

Mr. WRIGHT. I am trying to respond to an idea which the gentleman has sought to put into my mouth which never emanated therefrom.

Mr. LOTT. Mr. Speaker, let me state it again so the leader can understand what I said.

The majority leader spoke of the normal procedure, but the fact is that this is not a normal occurrence, and it requires immediate, full disclosure and action.

Would the gentleman like to respond to that?

Mr. WRIGHT. Yes; I surely would. The purpose of the Committee on Standards of Official Conduct is to investigate matters that are abnormal. If it was normal for there to be breaches of the honor of the House, then that would be a very sad commentary indeed.

The **SPEAKER** pro tempore. The time of the gentleman from Mississippi (Mr. LOTT) has expired.

Mr. WRIGHT. Mr. Speaker, I yield 1 additional minute to the gentleman from Mississippi (Mr. LOTT) in order that I might respond further.

Mr. LOTT. Mr. Speaker, I thank the gentleman for extending this time to me, and I yield to the gentleman.

Mr. WRIGHT. This point also needs to be made clear. Under no circumstances are we suggesting that the matter should be shunted aside or swept under the rug.

Mr. LOTT. Mr. Speaker, let me make this point.

Mr. WRIGHT. Mr. Speaker, the gentleman has yielded to me, and I wish he would let me finish.

Mr. LOTT. Mr. Speaker, I have already yielded part of my time to the gentleman, and I would like to comment on that.

What the gentleman is suggesting is that this be sent to the Rules Committee; is that not a fact?

Mr. WRIGHT. Mr. Speaker, in response to the gentleman's statement that it needs to be investigated immediately, my conclusion is that it can be investigated much more expeditiously and much more quickly and the investigation can begin immediately——

Mr. LOTT. If it goes to the Rules Committee?

Mr. WRIGHT. If it is sent by the Rules Committee to the Committee on Standards of Official Conduct which is already in place.

Mr. LOTT. Mr. Speaker, let me ask this: Would the majority leader assure this body that the Ethics Committee will be able to begin immediately a total, open, full investigation of this matter?

I have reason to believe and know that the Ethics Committee has a very full platter right now, that it is very busy and very much involved in other matters.

The **SPEAKER** pro tempore. The time of the gentleman from Mississipi (Mr. LOTT) has again expired.

Mr. WINN. Mr. Speaker, I yield 1 additional minute to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I yield to the majority leader for a response on the fact that he knows and I know that the Ethics Committee is very busy.

Mr. WRIGHT. Mr. Speaker, I think that response is going to come in just a few moments from the chairman of that very committee, Mr. STOKES. He has been preparing to begin a full-scale investigation of this matter, and I think he can respond to the gentleman's question in a manner that the gentleman will find completely responsive and absolutely satisfactory.

Mr. LOTT. Mr. Speaker, this select committee is not unprecedented. It is the way we should go.

As a member of the Rules Committee, it greatly concerns me that this issue would be sent to the Rules Committee, which is obviously an arm of the Speaker and is probably the most partisan committee of this whole House.

I would urge my colleagues to give serious attention to a select committee that could move into this issue quickly, give it its full and total attention, make recommendations, and then go out of existence, so that the people and the Members of this body could hear totally what is involved and not have it go to a committee which is very much involved in other matters right now and would handle it in a less than totally open way. As a matter of fact, the Ethics Committee, by its very nature, must move forward in a very quiet procedure and not have everybody aware of what has transpired here.

I urge the Members to vote down the motion to refer, and bring this matter before the American people and a reluctant press.

The **SPEAKER** pro tempore. The time of the gentleman from Mississippi (Mr. LOTT) has expired.

Mr. WINN. Mr. Speaker, I would like to inquire of the Chair how much time remains for both the majority leader and this Member?

The **SPEAKER** pro tempore. The Chair will state that the gentleman from Kansas has 16 minutes remaining, and the gentleman from Texas (Mr. WRIGHT) has 11 minutes remaining.

Mr. WINN. Mr. Speaker, we certainly do want to hear from the chairman of the Ethics Committee, but first I yield 3 minutes to the gentleman from Indiana (Mr. HILER).

Mr. HILER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the one thing I have found in the 2½ years I have been in this body is that we have more than enough opportunity, both on the floor

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and in committee, for disagreement over specific issues and philosophy, and one of the things that I have heard so often is that there may be a lot of disagreement in committee or a lot of disagreement on the floor, but when we walk out of the doors, we leave it behind, because as an institution, this institution has to function with a lot of controversy, with a lot of debate, and with a lot of disagreements, but we as individuals cannot carry that disagreement outside the doors.

To do that, we need trust. A Member told me when I first got here that the middle name of every Congressman should be "trust." I was told, "You have to trust other Members, and you have to be willing to have yourself trusted in." We have a remarkable form of government in that way.

What has happened here is a challenge to the integrity of this body and to the process, and we must insure that integrity with free and open debate and with free and open hearings. We must resolve this issue with the same openness that we resolve other major issues. To do it in any other way but to resolve this in the open is to put a cloud over that trust that we depend on to resolve the issues of the day.

A dark cloud currently hangs over several committees and several subcommittees. It is going to be impossible for members of the majority and of the minority to operate in a functional way that insures that that trust is maintained.

We have had witnesses come to us, witnesses who have testified in previous hearings, saying that their testimony has been changed. They are reluctant to come before these committees now because of a fear that their testimony will be changed in the future.

By referring this matter to the Ethics Committee, we will see that it goes into a cocoon, and we may go months without hearing from the committee. There is no obligation by the Ethics Committee to report this matter to the House.

As one of the affected Members, let me say that I no longer serve on the Committee on Government Operations, I no longer serve on the Committee on Science and Technology, and I do not serve on the Ethics Committee. As the Member whose remarks were changed more than any other Member's in this particular hearing, I will never have access to the hearings in the closed, secret sessions that will take place so that I find out who it was that changed my remarks, why they did it, and what is going to happen to that particular individual.

□ 1140

I think it is imperative that this institution resolve this matter openly. If we can resolve issues with the executive branch in open session, if we can subpena people to come down here to give us records that will be disclosed openly, then certainly we can clean our own house in a free and open manner.

I would hope that this House would vote against the motion to refer this to the Rules Committee and then on to the Ethics Committee and would, instead, vote for a select committee to investigate this matter.

Mr. WINN. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. Johnson).

Mrs. JOHNSON. Mr. Speaker, just very briefly, as a new Member who has followed this matter fairly close, I am dismayed that there could be even the suggestion that this investigation be carried on in any except the most open setting possible under the rules of the House.

There is only one interest here and that is the public interest. There is only one way that the public interest can be served and that is through full investigation and complete and total openness. The public needs the opportunity to see and hear what words were changed, who did what actions, and to judge for themselves through the interchange in the public hearing setting the motivation of those who would take such reprehensible actions, which compromise the integrity of the legislative process and of the House of Representatives.

I urge my colleagues to support this resolution that establishes an independent committee to investigate the unprecedented sabotage of the democratic process and adopts a process about which there can be no question of its openness and no question of the public's access to the facts. The mere fact that an amendment to require the Committee on Standards of Official Conduct to hold open hearings was defeated on party lines creates the appearance of unwillingness, of reluctance, of a lack of commitment by the majority party to a full and open investigation of this matter. In my estimation, the altering of transcripts is as great a threat of our form of government as any action ever taken by any individual or group in our history. It strikes at the very heart of free speech, open government, and honest dialog.

This is a time when partisan concerns must be laid aside. The public interest demands full investigation and an open process. Only passage of this resolution will assure that.

Mr. WINN. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. Lujan). Then we are anxious to hear from the chairman of the Ethics Committee.

Mr. LUJAN. Mr. Speaker, I want to thank the gentleman for yielding.

I was at the meeting where we referred this matter to the Ethics Committee and I think that is probably a good short step. I do not mean to be critical of what the Ethics Committee would do. I think they do a very fine job; however, I think that this thing is expanding every day. It was first a question of one set of hearings on EPA. Yesterday it came out that it was hearings on synfuels and silver.

I had my staff check and see what might have happened over in my committee, because I had heard rumblings about it.

Let me give you two examples of things that happened over in the Interior Committee. It was on the Subcommittee on Oversight and Investigations.

On June 19, 1983, the New York Times quoted a House subcommittee staff report which was provided to it concerning questionable investigative practices by the Nuclear Regulatory Commission. In fact, this subcommittee staff report was simply a comprehensive briefing paper prepared by the majority staff. No opportunity for review. It should have been called the majority staff report or majority staff briefing paper. This would have properly alerted discerning media people to the fact that it was a partisan political document presenting only one side of the issue.

The second incident occurred in early November 1982, and it is worse, when the same subcommittee's majority staff released portions of two Sandia National Laboratory reports to the Washington Post, characterizing them as conclusive comments by the labs on nuclear accident consequences. In fact, they were not the labs' conclusions, but rather represented conclusions reached by nontechnical members of the subcommittee's majority staff on ongoing technical studies. They were immediately and creditably discounted by the Nuclear Regulatory Commission, the Sandia National Laboratories, and knowledgeable industry technical staff as misleading and in many cases flat wrong, but not before they had been widely quoted by the national media just prior to the November elections, which included nuclear-related referenda in many States. Again, the minority staff was not allowed to review the majority staff report prior to release. In this case in particular, any dissenting opinions would have alerted the media to the lack of credibility of the majority staff conclusions.

Mr. Speaker, while neither of these examples represents the utter disregard for minority members' rights which occurred during the doctoring of the EPA hearing transcripts, they nevertheless document a majority staff attitude which does not give the minority due process and is not in the

best interests of the Congress or this Nation.

Mr. WRIGHT. Mr. Speaker, I yield 5 minutes to the very distinguished chairman of the Committee on Standards of Official Conduct, the gentleman from Ohio (Mr. Stokes).

Mr. STOKES. Mr. Speaker, I thank the distinguished majority leader for yielding to me.

First, let me say that as the distinguished gentleman from Florida (Mr. Fuqua) has said, his committee did write to the Ethics Committee and request that we investigate the matters under discussion at this time. Prior to that, we had received another letter signed by all three committee chairmen asking the Ethics Committee to conduct this investigation. Pursuant to the receipt of the first letter, I convened the Ethics Committee and presented the letter signed by all three chairmen to them, at which time the entire committee engaged in discussion relative to the investigation.

It was the unanimous opinion of the Committee on Standards of Official Conduct that they should conduct this investigation, that our committee was the proper committee to investigate this matter and that, in fact, the allegations did, in fact, impinge upon the integrity of the House, and for that reason we had authority to conduct the investigation.

I presented to the committee at that time a resolution which we had drawn up to give us the broad powers we would need to conduct this kind of an investigation for the House.

The committee discussed the resolution and agreed upon the introduction of the resolution. It was suggested to me, however, that rather than to follow the usual procedure of the ranking minority member from South Carolina (Mr. Spence) and I introducing the resolution, that we should attempt in this case because of the serious nature of it to get the three ranking minority members of all three committees to join in the cosponsorship of that resolution.

Pursuant to that, the gentleman from South Carolina (Mr. Spence) then agreed to undertake the matter of trying to get the leadership on the other side to work with him in order to try to get the three ranking minority members to sign on that resolution.

The resolution has been prepared now for almost a week. I have not been able to introduce it for the reason that I have not been able to get the concurrence and the cosponsorship of the three ranking Republican members.

We are prepared at this time to introduce the resolution. We are prepared to go forward with the investigation, but we need from the House the broad powers that are necessary to conduct this kind of an investigation. We have come to the House in every investigation with such a resolution and we have been given broad powers by the House to expedite the investigation.

Now, let me say with reference to any investigation that I have been involved in as chairman of either this committee or the House Select Committee on Assassinations, it is impossible to conduct an investigation in the open.

First, you defame, you degrade, you humiliate innocent persons, and no one in this House wants to be a part of that type of an illegal, unconstitutional procedure. Even when we conducted the investigations relative to the assassinations, after we had created in the House a Select Committee on Assassinations, for months we did all the investigatory work in executive session, where we not once on any occasion did we degrade, humiliate, or defame any innocent person.

We then had months of hearings in the open where all facets of both the King and the Kennedy investigation were aired in the public.

So that it is made patently clear, because some Members have made some very erroneous statements with reference to the fact that the Ethics Committee has not conducted open hearings, let me cite for you the fact in the Koreagate matters, we had days of hearings involving four Members of the House in open public sessions.

It is absolutely untrue to say that the Ethics Committee does not have open hearings. I might remind you that we had hearings with reference to former Member Sikes from Florida; former Member Diggs of Michigan; former Member Charles Wilson of California; former Member Lederer of Pennsylvania in the Abscam cases; former Member Myers of Pennsylvania in the Abscam cases; and former Member Jenrette of South Carolina in the Abscam cases. All of those former Members of the House were subjected to open hearings after we had done the preliminary investigatory work with reference to those cases.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. STOKES. Not at this time.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. WRIGHT. Mr. Speaker, I yield 2 additional minutes to the gentleman.

□ 1150

One of the Members of the House who spoke a few moments ago made the statement that the committee would have no obligation to make any type of report to the House.

In the resolution which we are prepared to file with the House and ask the House to adopt we provide specifically in that resolution that the committee must make a report of its findings to the House.

We have done this in every other investigation we have conducted. Even where Members of the House who were under investigation resigned during the course of that investigation, under our rules we were still required to make a report to the House naming those individuals and citing the facts and circumstances under which we were conducting the investigation.

In conclusion, let me just say there is absolutely no reason, in my opinion, for the House to create a select committee because a select committee would have to operate in the same way in which we conducted the business of the House Select Committee on Assassinations. The Ethics Committee is prepared to conduct this investigation. We have already begun to put into operation the mechanism for doing so, and all we need from the House would be the broad powers we would want under our resolution.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. During my period of time on the Ethics Committee we did an extensive investigation into ghost voting on the floor of the House. Were any of those hearings held in public?

Mr. STOKES. To my recollection in the ghost voting matters undertaken by the House there were no public hearings because we never proceeded to the point there was any alleged statement of violations, as the gentleman knows.

Mr. SENSENBRENNER. That is precisely our point.

Mr. WINN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Thomas).

Mr. THOMAS of California. I thank the gentleman from Kansas for the time.

The point the gentleman from Wisconsin is making is indeed one that I think is important.

As a former member of the Ethics Committee myself, and sitting through a number of public hearings on the Abscam question, let us remember these gentlemen were formally charged, but, as the current chairman of the Ethics Committee has pointed out, in the ghost voting cases no one was formally charged and all of those hearings were held in private, just as all of these hearings are going to be held in private.

We do not want to go into the way in which the Ethics Committee carries on its investigations but I think the point that people have to realize is that what apparently has occurred is about the most insidious thing to have occurred in the time that I have been here, and that is three terms. It is authoritarianism at its most extreme.

When someone decides that they do not like what you say and that they are going to change what you say and they believe that they have the ability to do it and get away with it, that is the height of arrogance. It is the most extreme abuse of power.

Unfortunately, there has been one party that has been in control of this body for over a quarter of a century, the bulk of the staffing in all of the committees is selected by that particular party, and it just seems to me that as far as this institution is concerned, for the mutual respect between members of both parties, and especially for the American public, that we show them that there is not the arrogance of power, that we show them that there is not the authoritarian aspect of someone deciding they do not like what you say and they are going to change what you say.

It seems to me that the quiet behind closed door hearings of the Ethics Committee will produce a result albeit sometime in the future and we will read a statement of what was determined to have happened or not happened. The American public has the right to know now and in public that the understanding, the cooperation between individuals in this House is to be honored and maintained. The hearings have to be public.

Mr. WINN. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. Gregg).

Mr. GREGG. Mr. Speaker, yesterday we took some time and we explained the specifics of what has happened here. Today what we are discussing is how we are going to try to get to the bottom of it.

The only issue before this body today is whether we are going to have an open hearing process or a secret hearing. The question has become whether to send this to the Rules Committee, which is sort of the first turnoff on a one-way street into a tunnel called the Ethics Committee; or whether we are going to have a select committee appointed here and that select committee is going to have an open airing of the matter.

There are seven basic reasons why we should not go to the Ethics Committee.

First is the issue of openness. That has to be the primary concern of this Congress. We are dealing here with the integrity of the system and the question of the public response to the system.

If we are not willing to give the public access to how we got into this problem, and give the public access as to how we are going to get out of it, then we might as well pack up our bags and go home because we are in the wrong country.

Second is the issue of uniqueness. This is an unusual situation. The Ethics Committee has never addressed this type of situation. We are talking about Members having their rights violated by staff of other Members, a very severe situation.

Third is the scope situation. The Ethics Committee, at least in the original resolution, was not talking in the terms of scope that now seems to be necessary, possibly two other hearings.

We have now heard today from the gentleman from New Mexico that even in the Committee on Interior and Insular Affairs there may be problems. The select committee has an obligation to go into all of these issues. The Ethics Committee would have to design its scope, I believe, in a much narrower sense.

Fourth is the issue of resignations. If the individuals identified as having altered the manuscripts resigned after 3 months of secret investigations by the Ethics Committee this question is then moot. The Ethics Committee loses jurisdiction once that individual staff member resigns and we no longer have the ability to attack the issue.

Fifth is the original resolution—now maybe that has been changed. We did not get to hear from the chairman of the Ethics Committee on this—but the original resolution the Ethics Committee was proposing talked in terms of "may" instead of "shall."

"There may be a report." We all know what that means.

Sixth is the issue of the fact that records which affect us as Members who have had our rights stomped upon will not be available to us as Members. Our entire records of these committees will end up in the Ethics Committee and we do not, under our rules, have access.

Seventh is again the question of what has been the traditional role of the Ethics Committee in this House. Let us be honest about it. The traditional role of the Ethics Committee of this House is to take a matter which has a fair amount of visibility, and which may not be something we are comfortable with, and move that matter into an arena where we do not have to deal with it in the open and we can deal with it in a much more calm, suppressed way.

For me the question is openness. I believe for the American people the question is openness. As I did comment to the chairman in a prior exchange, openness is not unique to this institution. It is the property of the American people.

If we do not have the courage to address our own problems in the open, then I do not think the American people are going to have much confidence in this House.

Mr. WINN. Mr. Speaker, I yield 1 minute to the gentlewoman from Rhode Island (Mrs. Schneider), another one of those wronged.

Mrs. SCHNEIDER. Mr. Speaker, I rise in strong support of the resolution calling for a select committee to investigate alterations of remarks by Members on official transcripts of committee hearings. While some of my colleagues have had the entire meaning of their remarks turned upside down by the alteration or outright elimination of entire sentences, my own comments appear to have been affected in relatively minor ways. For that reason, I want to make clear that I am not supporting this resolution because I have been personally injured, but because there is a higher principle involved.

As everybody knows, the official transcripts provide a legislative record that is often used to establish the intent of a particular amendment or bill. In addition, transcripts are often used in political debates during campaigns. Finally, they provide a historical record that may be used in the future to interpret congressional actions we take today. For these reasons, the official transcripts should be considered inviolable. Yet we have clear evidence that these transcripts have been altered, substantially in some cases, and that the alterations extend beyond the EPA hearings of last summer.

If we refer the incident to the Ethics Committee, as has been suggested, the investigation will be conducted in secret, and will be limited to last year's EPA hearings. We do not know where this incident begins or ends. The best way to find out is through an open hearing, conducted by a select committee that has a charter to look into all incidents of transcript alterations. For those of you who are afraid the incident would drag on indefinitely, I would point out that the resolution requires the select committee to report on its findings no later than October 28 of this year. This is a fair way to proceed, and I urge the adoption of this resolution.

□ 1200

The SPEAKER pro tempore. The time of the gentlewoman from Rhode Island (Mrs. Schneider) has expired.

The gentleman from Texas (Mr. Wright) has 4 minutes remaining; the gentleman from Kansas (Mr. Winn) has 4 minutes remaining.

Mr. WRIGHT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. Jenkins).

Mr. JENKINS. Mr. Speaker, I have listened to the debate at great length and I understand every Member that may have grave concerns from both sides of the aisle about the alleged violations that have apparently taken place. I simply want to say that as a member of the Ethics Committee, I am somewhat concerned about the reluctance of some Members to refer issues that ought to go to the Ethics Committee, to that committee, because there seems to be a great deal of misapprehension about the work and the openness of the work of the Ethics Committee.

Let me say to you, as a member of that committee, that I have never served on a committee where I saw better cooperation from Republicans and Democrats on every issue, however sensitive that issue may be.

I have never seen more fairness exhibited in that committee, as far as alleged violations are concerned. There is no partisanship there. And the misapprehension that some Members apparently have is that these proceedings will not be made public or open. Well, let me say that there may be 500 depositions taken and there may be only 10 of those that will be directly involved in a violation. You do not want 450 innocent people paraded before the public simply for the sake of some political gain or whatever. That is unfair to the innocent.

The Ethics Committee is the committee, the committee that has been set up by this institution to take care of those violations of the public trust, the conduct of Members and employees of this House, and if you do not have the confidence or the faith in that committee which is made up of Republicans and Democrats alike, then this institution ought to rethink its prior action as to whether or not we want to keep the committee. This is the committee that was set up for the purpose to investigate this type of violation and we ought to let it do its work. Either this committee should have these allegations referred to it for proper disposition, or we should abolish the committee.

The SPEAKER pro tempore. The time of the gentleman has expired.

The Chair recognizes the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Speaker, if the gentleman has more than one speaker remaining, I would defer to the gentleman from Kansas.

Mr. WINN. No, I have only the majority leader and he will use up the remainder of our time.

Mr. WRIGHT. The gentleman refers to the minority leader?

Mr. WINN. The minority leader, yes, Mr. Speaker.

Mr. WRIGHT. Mr. Speaker, I yield myself the 2 minutes remaining.

Mr. Speaker, there is no reason on Earth for the creation of a separate committee. We have enough committees in this House; no need for the extra expense that would be involved, no need for the extra delay that would be involved by creating a new committee.

There is no need for the disparagement that I have heard expressed against the Committee on Rules and against the Committee on Standards of Official Conduct. Those who support the resolution express the desire for openness. Surely the regular committee is not subject to criticism on that ground. We have openness but we have responsible openness.

Madame La Farge operated in the open; she let the people vote on whether they would lop off the heads of those who were charged with crimes. A lynch mob operates in the open, sometimes under a tree.

The point is that we have in the House established procedures which have served this Republic well from its very inception. We try to be both responsible and open. We must be closed, of course, during the discovery process. As any attorney would know, you cannot perform that kind of function in open hearings. We have to protect the reputations of innocent people.

But once having completed the discovery process, then the Committee on Standards of Official Conduct traditionally has conducted all of its subsequent operations wholly in the open. It has conducted them in a responsible way, in a reputable way, in a way that has not been challenged or questioned.

We have the responsibility to uphold the institutions of this House in matters involving the honor and integrity of the House. Indeed, it is an important matter. It is for that very reason that I urge our Members to vote for the motion to refer this resolution to the Rules Committee in order that the inquiry may begin immediately by the proper committee of the House, the committee that has been created by the House for this express purpose.

For those reasons, in order that it may be done in an expeditious way, yes, in an open way, also in a responsible way that protects the rights of individuals as well as the honor of the House, I ask for an aye vote on the motion which I shall make at the conclusion of the debate to refer this matter to the Committee on Rules.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WINN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York.

Mr. CARNEY. Mr. Speaker, I rise in support of the resolution offered by the gentleman from Kansas.

One of the founding principles of our Nation, the ability of citizens to petition and be heard by their representatives on an issue is being threatened. This threat comes not from any legislation or lobbying effort, but rather from a blatant abuse of political power.

As we have noted this morning, the written record of at least one congessional hearing, of which I was a participant, has been intentionally distorted by a person or persons unknown, so as to totally distort the views presented by the members of the minority and witnesses testifying before the committee. Further, other speakers this morning have indicated that other hearing records may also contain equally egregious alterations. The integrity of the committees involved, and of this body, is at stake. We must, therefore, act expeditiously to uncover those responsible for these reprehensible acts.

The resolution offered by the gentleman from Kansas, of which I am a cosponsor, seeks to address this problem in a responsible, nonpartisan, and most importantly, an open manner. Unless the public has the ability to monitor the investigation, which would be virtually impossible if the matter is referred to the Ethics Committee, due to the rules under which that committee operates, the integrity of the hearing process will not be restored.

I, therefore, urge my colleagues to reject political expediency and support the resolution.

Mr. WINN. Mr. Speaker, I yield our remaining time to the minority leader, the gentleman from Illinois (Mr. Michel).

The SPEAKER pro tempore. The gentleman from Illinois (Mr. Michel) is recognized for 4 minutes to close debate.

Mr. MICHEL. Mr. Speaker, may I first make the observation it is rather a unique experience to close the debate on the minority side of the aisle.

Second, may I say quite frankly that I do not relish the opportunity to take the floor today when it comes to another matter in which we have the integrity of this House at stake and a blemish upon the House, on the strength of what has happened.

We have before us a resolution called up as a question of privilege because the issue before us is the integrity of the House of Representatives and the record of its proceedings.

Mr. Speaker, this is of the highest order of importance in this body, even if in the public eye it does not rank among the high priorities of the Nation and even if, in the eye of the media, it does not rank in importance to campaign briefing books and the like.

But what is at issue here is the integrity of the House. This House lives and breathes through its records. The history of our Republic is written in good part on what is said, what is done here and how it is recorded.

Our records are the heart of our legislative process. Our records are the foundation on which the courts and the executive branch administer and interpret our laws.

In George Orwell's "1984" the record of the past was systematically distorted to suit the wishes of Big Brother; inconvenient facts were sent down the memory hole.

Have we come to a time when similar practices are occurring in this body? I cannot yet answer that question.

But the fact that there is reason to ask it is reason for extraordinary action here today. We are not dealing with revisions or extensions of remarks and we are not dealing with grammatical corrections here; we are dealing with deliberate, surreptitious and repugnant acts designed to discredit specific Members of the minority party in that hearing record.

And since we now know that these facts were committed in more than one instance, involving more than one hearing, more than one committee, standard operating procedures, I do not think, apply here.

Now, the majority leader said in his opening remarks he is going to move to refer this to the Rules Committee. I have one problem with that and that is as we began our deliberations on the rules on opening day of this Congress the Rules Committee was stacked 2 to 1 plus 1 in favor of the majority. Now I know that is tradition, the majority party has the power of determining that ratio and the Rules Committee is the arm of the Speaker around here. And I have real problems with that, just on the strength of the dynamics of the membership of the committee, with no disrespect to individual Members. It is simply a question of numbers.

Now in the Ethics Committee, I suppose if I had my druthers, I would take the Ethics Committee because it is six and six and I respect all the members of that committee who have to serve with long hours, with the lousiest, rotten job to do in this Congress, looking after wrongdoing of Members and our staff.

My problem with that is that you have got a full platter to attend to and it will be 6 months or more before you have ever gotten to the bottom of this and in the meantime whoever the culprit is, is going on doing the things he has always done.

I do not suspect a Member himself, I suspect it is staff. I have never had the privilege of chairing my committee or full committee but I run a pretty tight ship in my office.

I will tell you if there is any question about any one of those individual staff members doing something unethical, I would fire their you-know-what right quick.

If I were a chairman of one of these respective committees I will bet you I could detail pretty well, who was responsible.

Who do you delegate that authority to around here? We are bloated with staff and we cannot control it, ourselves.

I just think it is a darn right shame to have Members as outstanding as these Members are to have their character besmirched and their whole record distorted as I have seen in the record here.

□ 1210

I have to show my displeasure, as much as I hate, as I said, to take the floor on an occasion like this.

I would recognize that we have exceeded our time. On occasion the majority party has exceeded their time allotment as they close debate, but I will live by the rules.

I simply ask for support for the resolution of the gentleman from Kansas, and a vote against the motion to refer.

The SPEAKER pro tempore. All time has expired.

Mr. WINN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

MOTION OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Wright moves to refer the resolution to the Committee on Rules.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. Wright).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 161, not voting 12, answered "present" 4, as follows:

[Roll No. 227]

YEAS—256

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Cooper
Coyne
Crockett
Daniel
Daschle
de la Garza
Dellums
Derrick
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hightower
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NAYS—161

Archer
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Fish
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hammerschmidt
Hansen (ID)
Hartnett
Hiler
Hillis
Holt
Hopkins
Horton
Hyde
Jeffords
Johnson
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCollum
McDade
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Paul
Petri
Porter

Pritchard
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solomon
Stangeland
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

ANSWERED "PRESENT"—4

Forsythe
Hansen (UT)
Myers
Spence

NOT VOTING—12

Badham
Conyers
Dingell
Erlenborn
Ford (MI)
Gibbons
Harrison
Heftel
Hunter
Madigan
McCandless
Smith, Robert

□ 1220

The Clerk announced the following pairs:

On this vote:

Mr. Ford of Michigan for, with Mr. McCandless against.

Mr. Heftel of Hawaii for, with Mr. Robert F. Smith against.

Mr. MAZZOLI and Mr. WILLIAMS of Ohio changed their votes from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2065), to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

TITLE I

Sec. 101. That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1983:

(a) For "Research and development," for the following programs:

(1) Space transportation capability development, $2,009,400,000;

(2) Space transportation operations, $1,545,600,000;

(3) Physics and astronomy, $562,100,000;

(4) Planetary exploration, $220,400,000;

(5) Life sciences, $59,000,000;

(6) Space applications, $313,000,000;

(7) Technology utilization, $10,000,000;

(8) Aeronautical research and technology, $320,300,000;

(9) Space research and technology, $143,000,000; and

(10) Tracking and data systems, $700,200,000; and

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Space Shuttle facilities at various locations as follows:

(A) Modifications for additional chillers for mission control center, Lyndon B. Johnson Space Center, $2,300,000;

(B) Modifications to mobile launch platform, John F. Kennedy Space Center, $27,300,000; and

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $11,700,000;

(2) Space Shuttle payload facilities at various locations as follows:

(A) Construction of cargo hazardous servicing facility, John F. Kennedy Space Center, $9,000,000; and

(B) Modifications to spacecraft assembly and encapsulation facility for cargo processing, John F. Kennedy Space Center, $3,000,000;

(3) Construction of frequency standards laboratory, Jet Propulsion Laboratory, $2,700,000;

(4) Modifications to space flight operations facility, Jet Propulsion Laboratory, $1,600,000;

(5) Construction of fluid mechanics laboratory, Ames Research Center, $3,900,000;

(6) Construction of aeronautical tracking facility, Hugh L. Dryden Flight Research Facility, $800,000;

(7) Modifications and addition for composite materials laboratory, Langley Research Center, $5,100,000;

(8) Modifications to 30- by 60-foot wind tunnel, Langley Research Center, $4,400,000;

(9) Modifications for small engine component testing facility, Lewis Research Center, $7,000,000;

(10) Modifications to icing research tunnel, Lewis Research Center, $3,600,000;

(11) Relocation of 26-meter STDN antenna, Spain, $1,700,000;

(12) Repair of facilities at various locations, not in excess of $500,000 per project, $19,500,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $24,500,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,800,000; and

(15) Facility planning and design not otherwise provided for, $9,200,000.

(c) For "Research and program management," $1,242,500,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 101(g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 101(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 101(a) and 101(c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection 101(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

Sec. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 101(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 103. Not to exceed ½ of 1 percent of the funds appropriated pursuant to subsection 101(a) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 101(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 101(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 104. Notwithstanding any other provisions of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 101(a) and 101(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Sec. 106. The authorization for space transportation capability development includes provision for the production activities necessary to provide for a fleet of Space Shuttle orbiters, including the production of structural and component spares, necessary to ensure confident and cost-effective operation of the orbiter fleet, as well as provisions for maintaining production readiness for a fifth orbiter vehicle.

Sec. 107. Title III of the National Aeronautics and Space Act of 1958, as amended, is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME AND INITIALS

"Sec. 310. (a) No person (as defined by section 305) may (1) knowingly use the words 'National Aeronautics and Space Administration' or the letters 'NASA', or any combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters, as a firm or business name in a manner reasonably calculated to convey the impression that such firm or business has some connection with, endorsement of, or authorization from, the National Aeronautics and Space Administration which does not, in fact, exist; or (2) knowingly use those words or letters or any combination, variation, or colorable imitation thereof either alone or in combination with other words or letters in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that such product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the National Aeronautics and Space Administration which does not, in fact, exist.

"(b) Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice."

Sec. 108. Section 103(1) of the National Aeronautics and Space Act of 1958, as amended, is amended, by striking out " and (C)" and inserting in lieu thereof "(C) the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment, and (D)".

Sec. 109. Notwithstanding any other provision of law, there shall be transferred to NASA three government-owned tracts of NASA used land and improvements thereon (totalling approximately 33.5 acres) at Ellington Air Force Base, Texas, without any transfer of funds therefor.

Sec. 110. Any decision or proposed policy by the President or the National Aeronautics and Space Administration to commercialize some or all of the existing expendable launch vehicle technologies and associated facilities and equipment shall be presented to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or policy shall be implemented unless (A) a period of 30 days has passed after the receipt by each such committee of a full and complete statement of the decision or proposed policy and the facts and circumstances relied upon in support of such decision or proposed policy or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the decision or proposed policy.

Sec. 111. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1984".

TITLE II

Sec. 201. There is authorized to be appropriated $29,336,000 for the fiscal year 1984 for the purpose of operating the land remote sensing satellite system, including provision for storage of a backup satellite.

Sec. 202. Notwithstanding title II of the National Aeronautics and Space Administration Authorization Act, 1983, the Secretary of Commerce shall not transfer the ownership or management of any civil land, meteorological, or ocean remote sensing space satellite system and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as it deems appropriate for any such transfer.

Mr. FUQUA (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

□ 1230

Mr. WINN. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the Committee on Science and Technology to give a short explanation of what all is involved in this bill and if he would spell out for the Members some of the amounts of money involved.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. WINN. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, on April 26, 1983, the House passed H.R. 2065 which would authorize a total of $7,268,220,000 for the National Aeronautics and Space Administration. The bill in title II of H.R. 2065 of the House authorized to be appropriated $29,336,000 for the National Oceanic and Atmospheric Administration for fiscal year 1984 for the purpose of operating the land remote sensing satellite system.

On June 15, 1983 the Senate passed S. 1096 which would authorize $7,278,100,000 for NASA activities in fiscal year 1984 as well as $29,336,000 for NOAA Landsat activities in fiscal year 1984.

On Monday, June 27, 1983, the Senate passed H.R. 2065 with an amendment in the nature of a substitute which represents a compromise worked out through informal discussions between members of the House Committee on Science and Technology and the Senate Committee on Commerce, Science, and Transportation. This substitute amendment, which was adopted by the Senate, would authorize a total of $7,267,600,000 for the National Aeronautics and Space Administration in fiscal year 1984.

The total amount authorized in the substitute amendment is $620,000 less than the previous House action and $10,500,000 less than the amount previously authorized by the Senate.

Mr. Seaker, the differences between the action of the House and the Senate were indeed minor and the substitute amendment to H.R. 2065 which has been passed by the House represents a fair and equitable compromise between the previous action of the two Houses.

I am submitting for the Record a detailed explanation of the substitute amendment adopted by the Senate to H.R. 2065 on Monday, June 27, 1983:

Explanatory Statement of the Substitute Amendment

The NASA request for fiscal year 1984 totaled $7,106,500,000. The House authorized $7,268,220,000 and the Senate authorized $7,278,100,000. The substitute amendment provides a total authorization for fiscal year 1984 of $7,267,600,000 as follows:

SUMMARY OF ADJUSTMENTS TO H.R. 2065—NASA FISCAL YEAR 1984 AUTHORIZATION

	Budget request	House action	Senate action	Substitute amendment
Research and development				
Space transportation capability development	$1,927,400,000	$1,999,400,000	$2,022,400,000	$2,009,400,000
Space transportation operations	1,570,600,000	1,570,600,000	1,535,600,000	1,545,600,000
Physics and astronomy	514,600,000	566,600,000	558,600,000	562,100,000
Planetary exploration	205,400,000	220,400,000	215,400,000	220,400,000
Life sciences	59,000,000	59,000,000	59,000,000	59,000,000
Space applications	289,000,000	306,000,000	321,000,000	313,000,000
Technology utilization	4,000,000	10,000,000	10,000,000	10,000,000
Aeronautical research and technology	300,300,000	311,600,000	328,300,000	320,300,000
Space research and technology	138,000,000	143,000,000	138,000,000	143,000,000
Tracking and data acquisition	700,200,000	700,200,000	700,200,000	700,200,000
Total	5,708,500,000	5,886,800,000	5,889,500,000	5,883,000,000
Construction of facilities	150,500,000	138,920,000	142,100,000	142,100,000
Research and program management	1,247,500,000	1,242,500,000	1,247,500,000	1,242,500,000
Grand total	7,106,500,000	7,268,220,000	7,278,100,000	7,267,600,000

The points in disagreement and the resolution of them are as follows:

1. NASA requested $1,927,400,000 for Space Transportation Capability Development activities.

The House authorized $1,999,400,000, a net increase of $72 million as follows: an increase of $70 million to increase funding for orbiter and engines spares and to maintain production readiness for a fifth orbiter; an increase of $10 million to continue contractor space station studies, to fund alternative concept studies, and to fund studies of a space platform serviced by an extended-duration orbiter; and a decrease of $8 million to reduce level of support for engineering and technical base activities.

The Senate authorized $2,022,400,000, an increase of $95 million as follows: an increase of $85 million for the initiation of procurement of a fifth Space Shuttle orbiter; an increase of $5 million for additional space station studies; and an increase of $5 million for the teleoperator maneuvering system.

The substitute amendment authorizes $2,009,400,000 for Space Transportation Capability Development activities including the following: an increase of $75 million for orbiter and engine spares, an increase of $10 million for space station studies, a decrease of $8 million in Engineering and Technical Base, and an increase of $5 million for the teleoperator maneuvering system.

2. NASA requested $1,570,600,000 for Space Transportation Operations activities.

The House authorized the NASA request.

The Senate authorized $1,535,600,000 a reduction of $35 million in the level of support for operations.

The substitute amendment authorizes $1,545,600,000, a decrease of $25 million, for Space Transportation Operations activities.

3. NASA requested $514,600,000 for Physics and Astronomy activities.

The House authorized $566,600,000 which is $52 million over the request and includes: an increase of $45 million for the Space Telescope program to offset cost overruns; an increase of $6 million in Research and Analysis for experimental and theoretical research ($4M) and for instrumentation ($2M); and an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis.

The Senate authorized $558,600,000, a net increase of $44 million over the request. This budget includes an increase of $50 million in Space Telescope for cost overruns; an increase of $4 million in Research and Analysis for experimental and theoretical research and mission definition; an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis; and a decrease of $11 million in Shuttle/Spacelab Payload Development which is a net of a $16 million decrease for Solar Optical Telescope and an increase of $5 million for Space Plasma Lab.

The substitute amendment authorizes $562,100,000 for Physics and Astronomy activities including the following: an increase of $45 million for the Space Telescope program, a decrease of $4.5 million for Shuttle/Spacelab Payload Development and Mission Management (the net result of a decrease of $7 million for the Solar Optical Telescope and an increase of $2.5 million for the Space Plasma Lab), an increase of $1 million in Mission Operations and Data Analysis for HEAO data analysis, and an increase of $6 million in Research and Analysis.

4. NASA requested $205,400,000 for Planetary Exploration activities in fiscal year 1984.

The House authorized $220,400,000, an increase of $15 million over the NASA request. The increase is in Research and Analysis for university research support and instrumentation and to partially restore the activity to fiscal year 1980 purchasing power.

The Senate authorized $215,400,000, an increase of $10 million over the NASA request. The increase is for Research and Analysis for experimental and theoretical research and mission definition.

The substitute amendment authorizes $220,400,000, an increase of $15 million for Research and Analysis activities.

5. NASA requested $289,000,000 for Space Application activities in fiscal year 1984.

The House authorized $306,000,000, an increase of $17 million over the request. This amount includes an increase of $9 million in Solid Earth Observations—for Agristars ($2M) to continue NASA participation: for Research and Analysis ($4M) for Snythetic Aperture Radar and Global Resource Information Systems studies; for Technology Transfer ($3M) for Application System Verification Tests. Also included is an increase of $3 million in Environmental Observations for Research and Analysis to support mission definition studies for Origin of Plasmas in the Earth's Neighborhood ($2M) and a study of Sun-Earth interactions ($1M). The House also authorized an increase of $5 million in Materials Processing for a university center for research on the seperation and purification of organic materials and to augment industrial research aimed at commercial applications.

The Senate authorized $321,000,000, an increase of $32 million over the request. This includes an increase of $12 million in Solid Earth Observations for future sensor development and data utilization activities in Agristars ($3M), Research and Analysis ($5M), and Technology Transfer ($4M). The Senate authorized an increase of $10 million for Environmental Observations in Space Physics/Advanced Technological Development for university research in the Origin of Plasmas in the Earth's Neighborhood program ($2M); for Upper Atmosphere Research Satellite experiments ($4M); for Atmosphere Dynamics and Radiation Research ($2M) for advanced microwave sounder; and for Ocean Processes Research ($2M) for an advanced scatterometer. The Senate also authorized an increase of $5 million in Materials Processing to continue de-

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veloping technology including small scale hardware for preliminary flight experiments and validation of concepts and for research in the separation and purification of biomaterials. Finally, the Senate authorized an increase of $5,000,000 for the Communications program for research on advanced communications systems (beyond ACTS).

The substitute amendment authorizes $313,000,000 for Space Applications programs including the following changes: an increase of $9 million for Solid Earth Observation as provided in the House action; an increase of $7 million in Environmental Observations ($2 million to support mission definition studies for Origins of Plasmas in the Earth's Neighborhood and $5 million to be used at the agency's discretion for Upper Atmospheric Research Satellite Experiments, for Atmosphere Dynamics and Radiation Research, and for Ocean Processes Research with the expectation that NASA will be guided by the Committee comments in the Legislative Report accompanying S. 1096); an increase of $5 million for Materials Processing in Space activities for the establishing university centers for research on the separation and purification of organic materials, for small scale hardware for preliminary flight experiments and concept validation, and for industrial research aimed at commercial applications; and an increase of $3 million for advanced satellite communications technology development (beyond ACTS). Within available funds NASA is directed to undertake a study of Sun-Earth interactions as called for in the Legislative Report accompanying H.R. 2065. The Members also adopt the Senate provision calling for a study of the Space Applications program.

6. NASA requested $300,300,000 for Aeronautical Research and Technology activities in fiscal year 1984.

The House authorized $311,600,000 an increase of $11.3 million over the request. This increase is the net of an increase of $20 million for the Advanced Turboprop program, an increase of $14 million for civil systems technology, and a general decrease of $22.7 million in the Research and Technology base.

The Senate authorized $328,300,000, an increase of $28 million over the request. This increase is the net result of a general reduction of $15 million in the Research and Technology Base and an increase of $43 million in Systems Technology Programs. The Systems Technology increase would be applied as follows: Advanced Turboprop ($18M); Laminar flow control ($5M); Advanced Transport Operating System ($2M); Advanced Turbofan ($4M); General Aviation/Commuter Engine Technology ($3M); and $11 million for the following technologies, advanced composites, energy efficient engine, energy efficient transport, and aeronautical systems studies.

The substitute amendment authorizes $320,300,000. Within this amount, $20 million is authorized only for the Advanced Turboprop Program, including activities leading to a flight test by 1987. The total further reflects the net of a $22.7 million reduction in the Research and Technology Base and a $22.7 million increase to be applied at NASA's discretion to civil Systems Technology programs, including Advanced Transport Operating Systems, Laminar Flow Control, Small Engine Component Technology, Advanced Turbofan Research, Advanced Composites, Advanced Metallics, Energy Efficient Engine, Energy Efficient Transport and Aeronautical Systems Studies.

7. NASA requested $138,000,000 for Space Research and Technology activities in fiscal year 1984.

The House authorized $143,000,000, an increase of $5 million over the request. This increase is in the Research and Technology base for university instrumentation ($2.5M) and advanced chemical propulsion ($2.5M).

The Senate authorized $138,000,000 which was the level requested.

The substitute amendment authorizes $143,000,000 as provided by the House with the expectation that NASA will initiate steps, possibly through planning grants, to identify the needs of universities and colleges for modern research laboratories, instrumentation, equipment, student fellowships and faculty development in order to maintain a healthy university base to support our Nation's civil space program.

8. NASA requested $150,500,000 for Construction of Facilities activities in fiscal year 1984.

The House authorized $138,920,000 a decrease of $11,580,000 below the request. This decrease was the net result of a general reduction of $5 million, the deletion of $8.4 million for the Ellington Air Force Base property transfer and an increase of $1.82 million to provide for the disassembly of an Apollo Launch Umbilical Tower in a manner that would allow reassembly for historical preservation.

The Senate authorized $142,100,000 which would delete the $8.4 million in the request for the Ellington Air Force Base property transfer.

The substitute amendment authorizes $142,100,000 for Construction of Facilities activities reflecting the deletion of $8.4 million requested for the transfer to NASA of property at Ellington Air Force Base. The House and Senate authorization Committees agree that the Apollo Launch Umbilical Tower should be disassembled in a manner that would allow the tower to be reassembled for historical preservation. The House and Senate authorizing Committees further agree that the funding required to reassemble the tower should be the responsibility of government agencies or private groups having a direct interest in historical preservation.

9. NASA requested $1,247,500,000 for Research and Program management activities in fiscal year 1984.

The House authorized $1,242,500,000 a general reduction of $5 million below the request.

The Senate authorized $1,247,500,000, the level of the request.

The substitute amendment would authorize $1,242,500,000.

10. The House included a language provision in Sec. 1(a)(8) related to funding amounts for the Advanced Turbo-prop program.

Senate bill had no comparable provision.

The substitute amendment would delete the language added by the House.

11. The House included a language provision in Sec. 1(b)(1)(B) related to preservation of an Apollo Launch Umbilical Tower.

The Senate bill contained no comparable provision.

The substitute amendment would delete the language added by the House since NASA has already exercised the contract option as specified using fiscal year 1983 funding.

12. The House included a new Section 109 authorizing transfer to NASA of property at Ellington Air Force Base without any transfer of funds therefor.

The Senate bill included a similar provision as Sec. 1(h) with some technical changes.

The substitute amendment includes the Senate language as Section 109.

13. The House added language at the end of Section 106 providing for maintaining production readiness for a fifth orbiter vehicle.

The Senate added language at the end of Section 106 authorizing initiation of procurement of a fifth orbiter vehicle.

The substitute amendment adopts the House language but deleted the references to the size of the orbiter fleet as being four orbiter vehicles.

14. In adopting Section 107, a provision related to misuse of the agency name as proposed by the Administration, the House deleted the second sentence in subsection (b).

The Senate adopted as Sec. 108 the Administration provisions related to misuse of the agency name.

The substitute amendment would adopt the House language as Sec. 107.

15. The House included in a new Sec. 108 an amendment to the Space Act to include within the definition of aeronautical and space activities as specified in Sec. 203 of the Space Act the following: "the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment."

Senate bill had no comparable language.

The substitute amendment includes the new Sec. 108 amending the Space Act as included in the House bill to clarify the definition of aeronautical and space activities.

16. The Senate included a new Sec. 107 to provide that any decision and proposed policy related to the commercialization of expendable launch vehicles be presented to the Senate Committee on Commerce, Science and Transportation and the House Committee on Science and Technology for review and approval.

The House bill included no comparable language.

The substitute amendment includes a new Sec. 110 to provide that any decision and proposed policy related to the commercialization of expendable launch vehicles be presented to the Senate Committee on Commerce, Science and Transportation and the House Committee on Science and Technology for review thirty days prior to implementation.

Mr. WINN. Mr. Speaker, I thank the gentleman for the explanation. I know that many on our side are going to want to know if this is over the budget, and if so, exactly how much and what agreements were reached with the Senate.

Mr. FUQUA. If the gentleman will yield further, the budget request for this year was $7.106 billion. There was money asked, some $50 million, for spare parts for the space shuttle, and also some $45 million for the significant changes in the space telescope. That corresponds with the amount appropriated earlier today in the appropriation bill that carries this matter, so it is slight above that, but it is my understanding that the administration has no objection to the bill in its current form.

Mr. WINN. I thank the chairman. I wonder if the chairman could tell us

about the cost overruns on the space telescope and what problems might be?

Mr. FUQUA. That is an investigation that is going on at this time by the Space Science and Applications Subcommittee, as well as an internal review that is being conducted by NASA. I think the chairman of that subcommittee could more enlighten the Members as to the specifics of that investigation.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. WINN. I yield to the gentleman from Missouri?

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Speaker, I am sure that we are now on a good track on the space telescope. There will have to be additional funds, and we did put in additional funds in the 1984 budget, approximately $45 million. They anticipate that even with that NASA probably will have to reprogram some additional funds in 1984 also, and there will be additional amounts for 1985, but hopefully the matter is well being taken care of at the present time and there has been good oversight by NASA, especially on the management end of it, and anticipate that it will be completed now within the schedule presently contemplated.

Mr. WINN. Mr. Speaker, I thank the gentleman from Missouri, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida (Mr. FUQUA)?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2769, CARIBBEAN BASIN ECONOMIC RECOVERY ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-273) on the resolution (H. Res. 246) providing for the consideration of the bill (H.R. 2769) to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2760, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1983 AMENDMENT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-274) on the resolution (H. Res. 247) providing for the consideration of the bill (H.R. 2760) to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1, HOUSING AND URBAN RURAL RECOVERY ACT OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-275) on the resolution (H. Res. 248) providing for the consideration of the bill (H.R. 1) to amend and extend certain Federal laws that establish housing and community and neighborhood development and preservation programs, and for other which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2957, INTERNATIONAL RECOVERY AND FINANCIAL STABILITY ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-276) on the resolution (H. Res. 249) providing for the consideration of the bill (H.R. 2957) to extend the authority of the Export-Import Bank of the United States, encourage balanced worldwide economic growth, provide for continued participation in the International Monetary Fund, strengthen the supervision of international lending by U.S. banks, and provide for continued U.S. participation in multilateral development banks, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, NATIONAL DEVELOPMENT INVESTMENT ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-277) on the resolution (H. Res. 250) providing for the consideration of the bill (H.R. 10) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2832, MULTILATERAL DEVELOPMENT BANK ACT OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-278) on the resolution (H. Res. 251) providing for the consideration of the bill (H.R. 2832) to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2842, EXPORT-IMPORT BANK AMENDMENTS OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-279) on the resolution (H. Res. 252) providing for the consideration of the bill (H.R. 2842) to amend the Export-Import Bank Act of 1945 to establish the Competitive Tied Aid Fund, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3930, INTERNATIONAL ECONOMIC RECOVERY AND FINANCIAL STABILITY ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-280) on the resolution (H. Res. 253) providing for the consideration of the bill (H.R. 2930) to encourage the coordination of national fiscal and monetary policy in order to achieve sustainable and noninflationary economic growth on a worldwide basis, to amend the Bretton Woods Agreements Act to authorize an increase in the U.S. quota in the International Monetary Fund, to reduce financial pressures on developing nations, and to improve the supervision of international lending by U.S. banks, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KAZEN). The Chair will at this time take a very limited number of 1-minute speeches from those who are in the well at this time.

PRESIDENT IS READING FROM WRONG BRIEFING BOOK ON EDUCATION

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, today the President is going to Kentucky to take part in a carefully orchestrated event to demonstrate his support for vocational education.

Tonight the TV networks will carry President Reagan's statement that he strongly supports vocational education.

But in making that statement, Mr. Speaker, the President will once again be reading from the wrong briefing book. Let us look at what his record actually shows.

Last year he prepared cuts in vocational education funding of 32 percent and this year his prepared cut is 40 percent. The President's answer to our educational problems is less money and more prayer.

But for what should our students pray? For job skills? For a degree? For employment following graduation?

Mr. Speaker, excellence in education can only be achieved through a commitment to the funding necessary to obtain good teachers and state-of-the-art equipment.

That is the commitment which we in this Chamber share and which the President's record clearly shows that he lacks.

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GRAIN SALES AGREEMENT AND TRADE DEFICIT

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, today's news contains a story indicating that the U.S. trade deficit for the month of May was a record $6.9 billion. This raises the estimated trade deficit for the year to $70 billion. Last week, it was announced that the first round of negotiations on a new long-term agreement on the sale of American grain to the Soviet Union has ended without producing any apparent results. Indeed, the two sides even failed to set a date for the next round of talks.

Mr. Speaker, these two announcements are cause for grave concern. Because of the importance of agricultural exports to our balance of trade, it was especially disappointing that the vital grain sales meeting adjourned without any progress.

If we are going to have a strong and prosperous economy in our Nation, we must regain and retain our share of international agricultural trade. Increased agricultural exports is the best, and really the only, long-term solution to the present financial problem facing American farmers. In addition, these exports benefit the entire economy through job creation and improved balance of payments.

Mr. Speaker, prior to the ill-advised 1980 grain embargo, American farmers held roughly 75 percent of the Soviet grain market. The value of all U.S. agricultural exports had increased for 13 consecutive years. However, the embargo revived the image of the United States as an unreliable trading partner. For 2 consecutive years, the value and volume of our agricultural exports has dropped. Our share of the Soviet market has fallen to 20 percent. Although the present administration lifted the embargo in 1981, it was slow to enter negotiations for a new long-term grain agreement. In the meantime, the Soviet Union, the world's largest importer of grain, has developed new sources, chiefly Argentina, Canada, and Western Europe. These nations rushed to fill the breech created when we restricted our sales, and now they, not we, supply most of the Soviet Union's grain import needs.

Mr. Speaker, as a result of these new suppliers, and an expected better-than-normal harvest this year, the Soviets today are dealing with us from a position of strength. They will no doubt drive a hard bargain and attempt to use these grain negotiations as means to gain political leverage. Though it will not be easy for us to recapture our previous share of this market, we must nevertheless keep trying. I urge our negotiating team to resume talks with the Soviets at the earliest possible date, and to conclude a meaningful agreement.

COVERUP OF LEGISLATIVE MISCONDUCT ALLEGED

(Mr. WALKER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, by their deeds you shall know them. The same political party that is expressing indignation at revelations that our Nation's political processes may have been compromised in 1980 has just voted almost unanimously to say that a coverup of legislative misconduct is acceptable.

Reading someone else's briefing book is wrong, but doctoring public documents is not nearly so serious? This is arrogance of power at its worst.

Mr. Speaker, this is a sad day for integrity in this House.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the conference report on the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes, and that I may include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 3135, LEGISLATIVE BRANCH APPROPRIATIONS, 1984

Mr. FAZIO. Mr. Speaker, pursuant to the order of the House of Monday last, I call up the conference report on the bill (H.R. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 28, 1983.)

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. STRATTON. Mr. Speaker, reserving the right to object, I wonder if the gentleman from California (Mr. FAZIO) could advise me whether the amendment offered by the Senator from New York, Mr. D'AMATO, with regard to the restoration of the west front of the Capitol has been included in this conference report?

Senator D'AMATO offered an amendment that would provide for a consulting architect to oversee the restoration project, because the Architect of the Capitol, Mr. White, is to say the least, somewhat less than enthusiastic about restoration. Designating him to be the head of the restoration project would be a little bit like putting the fox in charge of the chicken coop.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am interested in knowing if the gentleman could respond to that question, and I yield to him for that purpose.

Mr. FAZIO. Mr. Speaker, I would be happy to respond.

As the gentleman knows, the item in question, the restoration of the west front of the Capitol, is part of the supplemental appropriation bill and not part of the 1984 appropriation bill for the legislative branch. It is true that Senator D'AMATO did include language in this bill as well as the supplemental

appropriations, but in conference yesterday he readily agreed to withhold on that language and to have that issue resolved in the supplemental. He did that voluntarily. I think he did it appropriately, given the fact that we actually do make the appropriation for the restoration in that bill, H.R. 3069, the fiscal year 1983 supplemental.

So I would say that it is not included in this bill, and it should not have been. It is not included, with the acquiescence of Senator D'AMATO. I made clear to him in our conference discussion that there will be no attempt to refight the issue of extension versus restoration at any point in the process. We are all dedicated to restoration, and we will consider Senator D'AMATO's suggestion on the merits at the time the conference meets on the supplemental.

Mr. STRATTON. Mr. Speaker, I thank the gentleman for his explanation, and I do hope that when the supplemental conference report comes up, the gentleman from California will accept the wording of the D'Amato amendment, because that would make it perfectly clear that we will have somebody who has not had a long history of opposition to restoration in charge of that process.

Mr. TRAXLER. Mr. Speaker, will the distinguished gentleman yield to me under his reservation of objection?

Mr. STRATTON. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, as a member of the conference committee on the conference report that is before us, although I will not be a member of the conference committee on the supplemental, I feel constrained to say that the Architect of the Capitol is a very fine gentleman who is technically extremely competent and who is dedicated to fulfilling the desires and the wishes of the Congress. The Congress has spoken on the west front, and as far as the Architect of the Capitol is concerned, the issue is resolved, and I am confident that he will proceed with all haste to accommodate the decisions that were reached by this body and by the Senate.

Mr. STRATTON. Mr. Speaker, I appreciate the gentleman's statement, and I trust that his prediction will be borne out.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California to dispense with further reading of the statement?

Mr. MYERS. Mr. Speaker, reserving the right to object, I had not intended to speak, but for the purposes of the colloquy here, let me ask this: When we look at the number of people the Architect has in his office, do we need one more to honcho this job? I quite agree with the thrust of this, that in the next bill, the supplemental, that a supervisor over the west front construction be considered, but can we not just have the Architect delegate one of his present architects that he has in his office to supervise this? Why do we always have to hire one more person to do these jobs?

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, let me ask, is that one of the 1,200 employees of the Architect who occupy so much of the space in the Capitol, that the gentleman is referring to?

Mr. MYERS. I do not know exactly how many there are, but I am sure, with the number of employees the Architect has—and I respect the Architect and think he does a good job—surely someone can be delegated from the existing staff to supervise this construction. I quite agree that it is probably necessary, but why must we hire one more person and go to that added expense to the taxpayers?

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. FAZIO) will be recognized for 30 minutes, and the gentleman from California (Mr. LEWIS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conferees on H.R. 3135, the Legislative Branch Appropriation Act, 1984, have reached an agreement which provides appropriations totaling $1,473,359,000 for fiscal year 1984. This amount is $137,661,337 above the fiscal year 1983 level enacted to date and $22,119,200 below the budget estimates. The conference agreement is $264,961,250 above the amount in the bill as it passed the House; however, it includes $262,588,000 for Senate items not considered by the House. Traditionally, the Senate housekeeping items are left for decision and insertion by the other body and similarly the Senate does not act on our items.

If the items approved by the House in the fiscal year 1983 supplemental, H.R. 3069, and the supplemental items for the operations of the Senate are included, this conference agreement is only $6,390,737 over the fiscal year 1983 level. That is virtually a zero increase—only four-tenths of 1 percent—for fiscal year 1984 over the 1983 level.

Mr. Speaker, under leave I have already obtained, I will include a comparative tabulation of the conference action at this point in the RECORD.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	Senate	Conference	Conference compared with fiscal year 1984 estimates
TITLE I— CONGRESSIONAL OPERATIONS						
SENATE						
Mileage of the Vice President and Senators and Expense Allowances of the Vice President, the Leaders, and Whips of the Senate						
Mileage of the Vice President and Senators	60,000	60,000		60,000	60,000	
Expense allowances of the Vice President, President pro tempore, majority and minority leaders and majority and minority whips						
Vice President	10,000	10,000		10,000	10,000	
President pro tempore of the Senate	10,000	10,000		10,000	10,000	
Majority leader of the Senate	10,000	10,000		10,000	10,000	
Minority leader of the Senate	10,000	10,000		10,000	10,000	
Majority whip of the Senate	2,500	5,000		5,000	5,000	
Minority whip of the Senate	2,500	5,000		5,000	5,000	
Total, expense allowances	45,000	50,000		50,000	50,000	
Total, Vice President and Senators	105,000	110,000		110,000	110,000	
Salaries, Officers and Employees						
Office of the Vice President	991,000	1,031,000		1,031,000	1,031,000	
Office of the President pro tempore	133,000	139,000		139,000	139,000	
Offices of the majority and minority leaders	717,000	746,000		881,000	881,000	+135,000

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)—Continued

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	Senate	Conference	Conference compared with fiscal year 1984 estimates
Floor assistants to the majority and minority leaders	117,000	139,000				−139,000
Offices of the majority and minority whips	279,000	291,000		291,000	291,000	
Conference committees	876,000	1,012,000		1,012,000	1,012,000	
Offices of the secretaries of the conference of the majority and the conference of the minority	150,000	156,000		156,000	156,000	
Office of the Chaplain	80,000	83,000		83,000	83,000	
Office of the Secretary	5,660,000	6,602,000		6,602,000	6,602,000	
Administrative, clerical, and legislative assistance to Senators	90,996,000	94,900,000		94,900,000	94,900,000	
Office of Sergeant at Arms and Doorkeeper	27,378,000	32,123,000		32,123,000	32,123,000	
Offices of the secretaries for the majority and minority	710,000	775,000		775,000	775,000	
Agency contributions and longevity compensation	16,705,000	19,404,000		15,354,000	15,354,000	−4,050,000
Total, salaries, officers and employees	144,792,000	157,401,000		153,347,000	153,347,000	−4,054,000
Office of the Legislative Counsel of the Senate						
Salaries and expenses	1,155,000	1,314,000		1,280,000	1,280,000	−34,000
Office of Senate Legal Counsel						
Salaries and expenses	508,000	555,000		545,000	545,000	−10,000
Expense allowance for the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and secretaries for the majority and for the minority of the Senate	8,000	12,000		12,000	12,000	
Contingent Expenses of the Senate						
Senate policy committees	1,634,000	1,715,000		1,712,000	1,712,000	−3,000
Automobiles and maintenance	90,000	90,000				−90,000
Inquiries and investigations	43,199,500	45,698,000		45,698,000	45,698,000	
Secretary of the Senate				390,000	390,000	+390,000
Sergeant at Arms and Doorkeeper				32,869,000	32,869,000	+32,869,000
Miscellaneous items	37,900,500	42,508,000		9,174,000	9,174,000	−33,334,000
Postage stamps	11,000	11,000				−11,000
Stationary (revolving fund)	131,000	39,000		39,000	39,000	
Total, contingent expenses of the Senate	82,966,000	90,061,000		89,882,000	89,882,000	−179,000
Total, Senate	229,534,000	249,453,000		245,176,000	245,176,000	−4,277,000
HOUSE OF REPRESENTATIVES						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	60,663					
Mileage of Members						
Mileage of Members	210,000	210,000	210,000	210,000	210,000	
House Leadership Offices						
Office of the Speaker	676,000	721,000	721,000	721,000	721,000	
Office of the Majority Floor Leader	555,000	594,000	594,000	594,000	594,000	
Office of the Minority Floor Leader	617,000	667,000	667,000	667,000	667,000	
Office of the Majority Whip	470,000	548,000	548,000	548,000	548,000	
Office of the Minority Whip	408,000	475,000	475,000	475,000	475,000	
Total, House leadership offices	2,726,000	3,005,000	3,005,000	3,005,000	3,005,000	
Salaries, Officers and Employees						
Office of the Clerk	11,787,000	12,502,000	12,502,000	12,502,000	12,502,000	
Office of the Sergeant at Arms	16,284,000	17,173,000	17,173,000	17,173,000	17,173,000	
Office of the Doorkeeper	5,938,000	6,185,000	6,185,000	6,185,000	6,185,000	
Office of the Postmaster	1,769,000	1,845,000	1,845,000	1,845,000	1,845,000	
Office of the Chaplain	59,000	68,000	68,000	68,000	68,000	
Office of the Parliamentarian	495,000	575,000	575,000	575,000	575,000	
Office of the Parliamentarian	(305,000)	(368,000)	(368,000)	(368,000)	(368,000)	
Compilation of precedents of the House of Representatives	(190,000)	(207,000)	(207,000)	(207,000)	(207,000)	
Office of the Law Revision Counsel	716,000	741,000	741,000	741,000	741,000	
Office of the Legislative Counsel	2,601,000	3,085,000	3,085,000	3,085,000	3,085,000	
House Democratic Steering Committee and Caucus	511,000	542,000	542,000	542,000	542,000	
House Democratic Steering Committee	(391,000)	(413,000)	(413,000)	(413,000)	(413,000)	
House Democratic Caucus	(120,000)	(129,000)	(129,000)	(129,000)	(129,000)	
House Republican Conference	511,000	542,000	542,000	542,000	542,000	
Six minority employees	352,000	404,000	404,000	404,000	404,000	
Other authorized employees	936,000	977,000	977,000	977,000	977,000	
Technical assistant, Office of the Attending Physician	(40,000)	(42,000)	(42,000)	(42,000)	(42,000)	
L.B.J. interns and former Speakers' staff	(812,000)	(847,000)	(847,000)	(847,000)	(847,000)	
Miscellaneous items	(84,000)	(88,000)	(88,000)	(88,000)	(88,000)	
Total, salaries, officers and employees	41,959,000	44,639,000	44,639,000	44,639,000	44,639,000	
Committee Employees						
Professional and clerical employees (standing committees)	32,035,000	34,734,000	34,734,000	34,734,000	34,734,000	
Committee on Appropriations (Studies and Investigations)						
Salaries and expenses	3,750,000	3,700,000	3,700,000	3,700,000	3,700,000	
Committee on the Budget (Studies)						
Salaries and expenses	276,000	299,000	299,000	299,000	299,000	
Member's Clerk Hire						
Clerk hire	143,953,000	150,233,000	150,233,000	150,233,000	150,233,000	
Contingent Expenses of the House						
Allowances and Expenses						
Official expenses of Members	49,791,000	67,200,000	67,200,000	67,200,000	67,200,000	
Supplies, materials, administrative costs and Federal tort claims	8,337,000	9,208,000	9,208,000	9,208,000	9,208,000	
Furniture and furnishings	1,250,000	985,000	985,000	985,000	985,000	
Reporting hearings	700,000	850,000	700,000	700,000	700,000	−150,000
Reemployed annuitants reimbursement	2,300,000	2,300,000	2,300,000	2,300,000	2,300,000	
Government contributions	18,988,000	22,349,000	22,349,000	22,349,000	22,349,000	
Miscellaneous items	500,000	500,000	500,000	500,000	500,000	
Total, allowances and expenses	81,866,000	103,392,000	103,242,000	103,242,000	103,242,000	−150,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)—Continued

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	Senate	Conference	Conference compared with fiscal year 1984 estimates
Special and Select Committees						
Salaries and expenses	42,000,000	44,000,000	44,000,000	44,000,000	44,000,000	
Total, contingent expenses of the House	123,866,000	147,392,000	147,242,000	147,242,000	147,242,000	−150,000
Total, House of Representatives	348,835,663	384,212,000	384,062,000	384,062,000	384,062,000	−150,000
JOINT ITEMS						
Contingent Expenses of the Senate						
Joint Economic Committee	2,327,000	2,487,000	2,437,000	2,437,000	2,437,000	−50,000
Joint Committee on Printing	816,000	855,000	855,000	855,000	855,000	
Total, contingent expenses of the Senate	3,143,000	3,342,000	3,292,000	3,292,000	3,292,000	−50,000
Contingent Expenses of the House						
Joint Committee on Taxation	3,233,000	3,395,000	3,395,000	3,395,000	3,395,000	
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	633,000	653,200	653,200	653,000	653,000	−200
Capitol Police						
General expenses	945,000	1,612,000	1,612,000	1,612,000	1,612,000	
Capitol Police Board		213,000	213,000	213,000	213,000	
Total, Capitol Police	945,000	1,825,000	1,825,000	1,825,000	1,825,000	
Education of Pages						
Education of congressional pages and pages of the Supreme Court	271,000	295,000	295,000	295,000	295,000	
Official Mail Costs						
Expenses	55,196,000	107,077,000	107,077,000	107,077,000	107,077,000	
Capitol Guide Service						
Salaries and expenses	734,000	775,000	775,000	775,000	775,000	
Statements of Appropriations						
Preparation	13,000	13,000	13,000	13,000	13,000	
Total, joint items	64,168,000	117,375,200	117,325,200	117,325,000	117,325,000	−50,200
OFFICE OF TECHNOLOGY ASSESSMENT						
Salaries and expenses	12,575,000	14,600,000	13,933,000	15,800,000	14,653,000	+53,000
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	14,825,000	16,751,000	16,300,000	16,300,000	16,300,000	−451,000
ARCHITECT OF THE CAPITOL						
Office of the Architect of the Capitol						
Salaries	4,301,000	4,829,000	4,806,000	4,806,000	4,806,000	−23,000
Contingent expenses	210,000	210,000	210,000	210,000	210,000	
Total, Office of the Architect of the Capitol	4,511,000	5,039,000	5,016,000	5,016,0000	5,016,000	−23,000
Capitol Buildings and Grounds						
Capitol buildings	9,998,000	11,100,000	10,568,000	10,630,000	10,630,000	−470,0000
Capitol Grounds	4,921,000	3,199,000	3,199,000	3,199,000	3,199,000	
Acquisition of property as an addition to the Capitol Grounds	4,500,000					
Senate office buildings	20,308,000	17,540,000		17,412,000	17,412,000	−128,000
House office buildings	20,367,000	22,181,000	21,361,000	21,361,000	21,361,000	−820,000
Capitol Power Plant (operation)	23,100,000	23,867,000	23,792,000	23,542,000	23,542,000	−325,000
Total, Capitol Buildings and Grounds	83,194,000	77,887,000	58,920,000	76,144,000	76,144,000	−1,743,000
Total, Architect of the Capitol (except items in title II)	87,705,000	82,926,000	63,936,000	81,160,000	81,160,000	−1,766,000
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	33,851,000	38,950,000	35,543,550	37,700,000	36,620,000	−2,330,000
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	81,747,000	89,537,000	86,580,000	86,580,000	86,580,000	−2,957,000
Total, title I—congressional operations	873,240,663	993,804,200	717,679,750	984,103,000	981,876,000	−11,928,200
TITLE II—OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	1,827,000	2,043,000	2,018,000	2,018,000	2,018,000	−25,000
LIBRARY OF CONGRESS						
Salaries and expenses	126,803,000	134,298,000	130,728,000	130,728,000	130,728,000	−3,570,000
Authority to spend receipts	−6,500,000	−4,300,000	−4,300,000	−4,300,000	−4,300,000	
Net, salaries and expenses	120,303,000	129,998,000	126,428,000	126,428,000	126,428,000	−3,570,000
Copyright Office, salaries and expenses	15,477,000	16,199,000	16,181,000	16,181,000	16,181,000	−18,000
Authority to spend receipts	−5,000,000	−5,200,000	−5,200,000	−5,200,000	−5,200,000	
Net, Copyright Office, salaries and expenses	10,477,000	10,999,000	10,981,000	10,981,000	10,981,000	−18,000
Books for the blind and physically handicapped, salaries and expenses	33,384,000	35,691,000	35,099,000	35,099,000	35,099,000	−592,000
Collection and distribution of library materials (special foreign currency program):						
Payments in Treasury-owned foreign currencies	3,976,000	3,976,000	2,476,000	2,476,000	2,476,000	−1,500,000
U.S. dollars	462,000	486,000	486,000	486,000	486,000	
Total, collection and distribution of library materials	4,438,000	4,462,000	2,962,000	2,962,000	2,962,000	−1,500,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)—Continued

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	Senate	Conference	Conference compared with fiscal year 1984 estimates
Furniture and furnishings	1,226,000	1,657,000	1,524,000	1,524,000	1,524,000	−133,000
Total, Library of Congress (except Congressional Research Service)	169,828,000	182,807,000	176,994,000	176,994,000	176,994,000	−5,813,000
ARCHITECT OF THE CAPITOL						
Congressional cemetery	300,000					
Library Buildings and Grounds						
Structural and mechanical care	5,071,000	6,410,000	5,230,000	6,380,000	5,980,000	−430,000
COPYRIGHT ROYALTY TRIBUNAL						
Salaries and expenses	606,000	650,000	650,000	700,000	700,000	+50,000
Authority to spend receipts	−157,000	−170,000	−455,000	−490,000	−490,000	−320,000
Net, salaries and expenses	449,000	480,000	195,000	210,000	210,000	−270,000
GOVERNMENT PRINTING OFFICE						
Printing and binding	12,791,000	14,571,000	13,420,000	13,420,000	13,420,000	−1,151,000
Office of Superintendent of Documents, salaries and expenses	27,291,000	25,738,000	25,700,000	25,700,000	25,700,000	−38,000
Total, Government Printing Office (except congressional printing and binding)	40,082,000	40,309,000	39,120,000	39,120,000	39,120,000	−1,189,000
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	244,900,000	269,625,000	267,161,000	267,161,000	267,161,000	−2,464,000
Total, title II—other agencies	462,457,000	501,674,000	490,718,000	491,883,000	491,483,000	−10,191,000
Grand total, new budget (obligational) authority	1,335,697,663	1,495,478,200	1,208,397,750	1,475,986,000	1,473,359,000	−22,119,200
RECAPITULATION						
Title I—Congressional operations	873,240,663	993,804,200	717,679,750	984,103,000	981,876,000	−11,928,200
Title II—other agencies	462,457,000	501,674,000	490,718,000	491,883,000	491,483,000	−10,191,000
TITLE I—CONGRESSIONAL OPERATIONS						
Senate	229,534,000	249,453,000		245,176,000	245,176,000	−4,277,000
House of Representatives	348,835,663	384,212,000	384,062,000	384,062,000	384,062,000	−150,000
Joint items	64,168,000	117,375,200	117,325,200	117,325,000	117,325,000	−50,200
Office of Technology Assessment	12,575,000	14,600,000	13,933,000	15,800,000	14,653,000	+53,000
Congressional Budget Office	14,825,000	16,751,000	16,300,000	16,300,000	16,300,000	−451,000
Architect of the Capitol (except Library buildings and grounds)	87,705,000	82,926,000	63,936,000	81,160,000	81,160,000	−1,766,000
Congressional Research Service, Library of Congress	33,851,000	38,950,000	35,543,550	37,700,000	36,620,000	−2,330,000
Congressional printing and binding, Government Printing Office	81,747,000	89,537,000	86,580,000	86,580,000	86,580,000	−2,957,000
Total, title I—congressional operations	873,240,663	993,804,200	717,679,750	984,103,000	981,876,000	−11,928,200
TITLE II—OTHER AGENCIES						
Botanic Garden	1,827,000	2,043,000	2,018,000	2,018,000	2,018,000	−25,000
Library of Congress (except Congressional Research Service)	169,828,000	182,807,000	176,994,000	176,994,000	176,994,000	−5,813,000
Architect of the Capitol (Library buildings and grounds)	5,371,000	6,410,000	5,230,000	6,380,000	5,980,000	−430,000
Copyright Royalty Tribunal	449,000	480,000	195,000	210,000	210,000	−270,000
Government Printing Office (except congressional printing and binding)	40,082,000	40,309,000	39,120,000	39,120,000	39,120,000	−1,189,000
General Accounting Office	244,900,000	269,625,000	267,161,000	267,161,000	267,161,000	−2,464,000
Total, title II—other agencies	462,457,000	501,674,000	490,718,000	491,883,000	491,483,000	−10,191,000
Grand total, new budget (obligational) authority	1,335,697,663	1,495,478,200	1,208,397,750	1,475,985,000	1,473,359,000	−22,119,200

I will not attempt to speak to each of the items we considered in conference. There were a total of 22 amendments, 2 of which related solely to Senate housekeeping items. The remainder are explained fully in the statement accompanying the conference report.

I do wish to point out that this is a responsible conference agreement and another example of the willingness on the part of the legislative branch to control its own spending. We are maintaining a level budget compared to last year. We have checked and found that since fiscal year 1979, the legislative branch budget has grown at only 5.85 percent annually, while the entire Federal budget has grown at 10.78 percent annually—almost double the rate of increase of the legislative branch. We can be proud of these efforts, Mr. Speaker, and proud of the example in fiscal responsibility being set by the Congress and its support agencies.

Mr. Speaker, this is a good conference report. I urge its adoption.

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Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to share with the Members the difficulty that accompanies the responsibility for carrying this bill, which is the legislative appropriations bill, which includes that funding which allows the House of Representatives and the U.S. Senate to operate.

It is difficult because ofttimes, it is the funding for the legislative branch that people love to criticize. It is great sport to take shots at the way we fund our own efforts here in the House.

Mr. Speaker, having said that, I would like to take just a moment to express my deep appreciation and my respect for the work of my colleague, the gentleman from California (Mr. FAZIO), the chairman of this subcommittee. He has carried the load for the House and on more than one occasion has been willing to take the point, the heat, if you will, that sometimes surrounds this bill.

As the chairman has suggested in his remarks, this bill is a very conservative bill. As the conference report comes forth, the bill is essentially as it left the House, with the exception of two minor adjustments. Within the budget of the Congressional Research Service, there was an increase of approximately a million dollars, which involved in part additional employees for the support of their work. The report also includes an adjustment upward of $720,000 for OTA.

Mr. Speaker, I urge positive consideration of this conference report.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to my chairman.

Mr. FAZIO. Mr. Speaker, first of all, I would like to express my personal appreciation for the gentleman's accolades. I am not sure they are due, but they are certainly appreciated.

I would like for the record to say that I think there are probably few chairmen who have the privilege of working with such a cooperative and effective ranking minority member as I do.

I would like to express my appreciation not only to the gentleman from California, but to the other members of the subcommittee on a bipartisan basis, including the gentleman from Massachusetts (Mr. CONTE), the gentleman from Indiana (Mr. MYERS), the gentleman from Illinois (Mr. PORTER), and others on the other side who have been cooperative and bipartisan in terms of the spirit with which they have addressed the issues that affect this institution. It certainly should not be a partisan measure and it is not a partisan measure in the attitude of the numbers of this subcommittee, and for that I am very grateful.

Mr. LEWIS of California. Mr. Speaker, I appreciate the commendation of the chairman, as well as his remarks.

Mr. Speaker, I yield whatever time he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of this conference report on the fiscal 1984 legislative branch appropriations bill. I congratulate the chairman of the subcommittee and the ranking minority member and the other members of the subcommittee for the excellent and expeditious handling of this bill.

I had the privilege of placing my good friend, the gentleman from California (Mr. LEWIS) as the ranking member on the legislative appropriations committee this year and I want to publicly state that he has handled this task well. He has done a good job and we are all proud of him. This is no easy task, as is evident in the fact that this is the first legislative branch appropriations bill which will actually be enacted in 5 years. The pitfalls are many, the rewards few, and I believe the subcommittee has done a fine job.

The total amount provided in this conference report is $1,473,359,000, of which $982 million is for the operations of Congress itself and $491 million is for other agencies such as the General Accounting Office and the noncongressional activities of the Library of Congress and the Government Printing Office.

Mr. Speaker, there are probably no expenditures in the Federal budget which receive more attention and more scrutiny in the press and elsewhere than the funding of Congress. That is all right; we can stand the heat, and close scrutiny of any expenditure of Federal funds is advisable and correct.

But let us put this congressional budget in perspective. The fiscal 1984 budget resolution passed by Congress last week predicted Federal spending in the amount of $858 billion. Within that total is less than $1 billion for Congress. In other words, Congress, one of the three equal branches of our Government, accounts for slightly more than one-tenth of 1 percent of the Federal budget.

The Federal judiciary, with a budget of approximately $900 million, accounts for another one-tenth of 1 percent, leaving the executive branch, that sprawling conglomeration downtown and in countless other localities, accounting for 99.99 percent of the Federal budget.

Mr. Speaker, when we get to amendment No. 17 in disagreement, I will raise a point of order against language dealing with the budget of the Congressional Research Service. The language is not germane to the Senate amendment to which it is attached.

The language is clearly subject to the point of order and will be stricken.

I urge your support for the conference report.

Mr. LEWIS of California. Mr. Speaker, I would only like to say that from time to time I have had the occasion to question the privilege that the ranking member has given me. Having done that, on the other hand I appreciate very much the support of the gentleman from Massachusetts (Mr. CONTE).

● Mr. FRENZEL. Mr. Speaker, much has been made of the fact that this appropriation represents a modest increase for the legislature.

Compared to other appropriations, funding for the Congress has had smaller increases. What is wrong with the bill is that it would be too high if it were cut by 10 percent.

The base of legislative spending is too high. Our committee staffs are enormous, idle part of the year, and overactive at other times.

In the House alone, we spend hundreds of thousands of dollars each year just for new carpets. Our franking costs to mail unrequested correspondence to constituents are outrageous.

This bill may look all right compared to last year. Compared to commonsense, it is grossly excessive.

It ought to be defeated.●

Mr. LEWIS of California. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. FAZIO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 175, not voting 17, as follows:

[Roll No. 228]

YEAS—241

Ackerman
Addabbo
Akaka
Albosta
Alexander
Andrews (NC)
Annunzio
Anthony
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (AL)
Edwards (CA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hatcher
Hawkins
Hefner
Hightower
Hillis
Horton
Howard
Hoyer
Hughes
Jeffords
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Lewis (CA)
Lewis (FL)
Lipinski
Long (LA)
Long (MD)
Lowery (CA)
Lowry (WA)
Luken
Lundine
Markey
Marriott
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Morrison (CT)
Murphy
Murtha
Myers
Natcher
Neal
Nowak
O'Brien
Oberstar
Obey
Ortiz
Ottinger
Owens
Parris
Patman
Patterson
Pease
Pepper
Perkins
Pickle
Porter
Price
Rahall
Rangel
Ratchford
Reid
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Shaw
Simon
Sisisky
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snyder
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vander Jagt
Vento
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wolf
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki

NAYS—175

Anderson
Andrews (TX)
Applegate
Archer
Aspin
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carr
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dreier
Duncan
Durbin
Eckart
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gingrich
Glickman
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hertel
Hiler
Holt
Hopkins
Hubbard
Huckaby
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Kaptur
Kasich
Kemp
Kindness
Koller
Kramer
Lagomarsino
Latta
Leach
Leath
Levitas
Livingston
Lloyd
Loeffler
Lott
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCurdy
McDonald
McEwen
McGrath
McKernan
Miller (OH)
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Nelson
Nichols
Nielson
Oakar
Olin
Oxley
Packard
Panetta
Pashayan
Paul
Penny
Petri
Pritchard
Pursell
Quillen
Ray
Regula
Richardson
Ridge
Ritter
Roberts
Roemer
Roth
Schaefer
Schulze
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Sikorski
Siljander
Skeen
Skelton
Slattery
Smith, Denny
Snowe
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Valentine
Vandergriff
Volkmer
Vucanovich
Walker
Weber
Whittaker
Wise
Wolpe
Wortley
Wylie
Zschau

NOT VOTING—17

Badham
Bosco
Daschle
Dingell
Erlenborn
Ford (MI)
Gibbons
Harkin
Harrison
Heftel
Hunter
Jones (NC)
Martinez
McCandless
McCollum
Smith, Robert
Williams (OH)

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The Clerk announced the following pairs:

On this vote:

Mr. Ford of Michigan for, with Mr. Robert F. Smith against.

Mr. Heftel of Hawaii for, with Mr. McCandless against.

Messrs. RICHARDSON, GUNDERSON, and MRAZEK, and Ms. KAPTUR changed their votes from "yea" to "nay."

Mr. GORE changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the Clerk designate Senate amendments reported in disagreement in lieu of reporting such amendments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 1: Page 1, after line 7, insert:

SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; and Minority Whip of the Senate, $5,000; in all, $50,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,031,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $139,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $881,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $291,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $506,000 for each such committee; in all, $1,012,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $156,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $83,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $6,602,000.

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For administrative, clerical, and legislative assistance to Senators, $94,900,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,123,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $775,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $15,354,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $1,280,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $545,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $856,000 for each such committee; in all, $1,712,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $45,698,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $390,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $32,869,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $9,174,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, $34,500; in all, $39,000.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Effective October 1, 1983, there is established within the Offices of the Majority and Minority Leaders the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(b) Effective October 1, 1983, the positions of Assistant to the Minority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations established by the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-5), are abolished.

SEC. 102. (a) Section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)) is amended—

(1) in the first sentence thereof, by inserting ", essential travel-related expenses (as defined hereafter in this subsection)," immediately after "actual transportation expenses"; and

(2) by inserting immediately after the third sentence thereof, the following new sentence: "As used in this subsection, the term 'essential travel-related expenses' means travel expenses (other than transportation expenses) which are essential to the transaction of official business while the Senator or employee is away from his official station or post of duty.".

SEC. 103. (a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the "Secretary of the Senate", and a separate account for the "Sergeant at Arms and Doorkeeper of the Senate";

(2) the account for "Automobiles and Maintenance", within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and

(3) the account for "Postage Stamps", within the contingent fund of the Senate, is abolished, and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1) for the "Secretary of the Senate"; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and postage stamps for the Secretaries for the Majority and the Minority and other offices and officers of the Senate, as authorized by law, shall be included in the account for "Miscellaneous Items", within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Secretary of the Senate"; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Sergeant at Arms and Doorkeeper of the Senate".

SEC. 104. From funds available for any fiscal year (commencing with the fiscal year ending September 30, 1984), the Secretary of the Senate shall advance to the Sergeant at Arms and Doorkeeper of the Senate for the purpose of defraying office expenses such sums (for which the Sergeant at Arms and Doorkeeper shall be accountable) not in excess of $1,000 at any one time, as such Sergeant at Arms shall from time to time request; except that the aggregate of the sums so advanced during the fiscal year shall not exceed $10,000.

In accordance with the provisions of this section, a detailed voucher shall be submitted to the Secretary of the Senate by such Sergeant at Arms whenever necessary, in order to replenish funds expended.

SEC. 105. With the approval of the President Pro Tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate.

SEC. 106. Funds expended by the Legislative Counsel of the Senate or the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

SEC. 107. (a) Section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended—

(1) in clause (8), by striking out "and" at the end thereof,

(2) in clause (9), (A) by striking out "ten percent" and inserting in lieu thereof "twenty percent", and (B) by striking out the period at the end thereof and inserting in lieu of such period "; and", and

(3) by inserting after and below clause (9) the following new clause:

"(10) reimbursement to each Senator for expenses for the procurement (with the prior consent of the Senate Committee on Rules and Administration) of computer equipment and computer and related services, under contracts with the providers thereof acting as independent contractors.".

(b) The amendment made by subsection (a)(2)(A) shall be effective in the case of calendar years beginning on or after January 1, 1983, and the provisions of clause (10) of section 506(a) of the Supplemental Appropriations Act, 1973 (as added by subsection (a)(3) of this seciton), shall be effective with respect to expenses incurred after the date of enactment of this Act.

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SENATE

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; and Minority Whip of the Senate, $5,000; in all, $50,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,031,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $139,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $881,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $291,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $506,000 for each such committee; in all, $1,012,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $156,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $83,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $6,602,000.

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For administrative, clerical, and legislative assistance to Senators, $94,900,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,123,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $775,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $15,354,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $1,280,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $545,000.

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Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all $12,000.

Contingent Expenses of the Senate

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $856,000 for each such committee; in all, $1,712,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $45,698,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $390,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $32,869,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $9,174,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and the Conference of the Minority of the Senate, $34,500; in all, $39,000.

Administrative Provisions

Sec. 101. (a) Effective October 1, 1983, there is established within the Offices of the Majority and Minority Leaders the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations, respectively. Individuals appointed to such positions by the Majority Leader and Minority Leader, respectively, shall receive compensation at a rate fixed by the appropriate Leader not to exceed the maximum annual rate of gross compensation of the Assistant Secretary of the Senate.

(b) Effective October 1, 1983, the positions of Assistant to the Majority Leader for Floor Operations and Assistant to the Minority Leader for Floor Operations established by the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-5), are abolished.

Sec. 102. (a) Section 506(e) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)) is amended—

(1) in the first sentence thereof, by inserting ", essential travel-related expenses (as defined hereafter in this subsection)," immediately after "actual transportation expenses"; and

(2) by inserting immediately after the third sentence thereof, the following new sentence: "As used in this subsection, the term 'essential travel-related expenses' means travel expenses (other than transportation expenses) which are essential to the transaction of official business while the Senator or employee is away from his official station or post of duty.".

Sec. 103. (a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the "Secretary of the Senate", and a separate account for the "Sergeant at Arms and Doorkeeper of the Senate";

(2) the account for "Automobiles and Maintenance", within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and

(3) the account for "Postage Stamps", within the contingent fund of the Senate, is abolished; and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1), for the "Secretary of the Senate"; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and postage stamps for the Secretaries for the Majority and the Minority and other offices and officers of the Senate, as authorized by law, shall be included in the account for "Miscellaneous Items", within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Secretary of the Senate"; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Sergeant at Arms and Doorkeeper of the Senate".

Sec. 104. From funds available for any fiscal year (commencing with the fiscal year ending September 30, 1984), the Secretary of the Senate shall advance to the Sergeant at Arms and Doorkeeper of the Senate for the purpose of defraying office expenses such sums (for which the Sergeant at Arms and Doorkeeper shall be accountable) not in excess of $1,000 at any one time, as such Sergeant at Arms shall from time to time request; except that the aggregate of the sums so advanced during the fiscal year shall not exceed $10,000.

In accordance with the provisions of this section, a detailed voucher shall be submitted to the Secretary of the Senate by such Sergeant at Arms whenever necessary, in order to replenish funds expended.

Sec. 105. With the approval of the President Pro Tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate.

Sec. 106. Funds expended by the Legislative Counsel of the Senate or the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 2: Page 1, after line 7, insert:

"Sec. 108. Subsections (a) and (b) of section 106 of the Legislative Branch Appropriations Act, 1963 (2 U.S.C. 60j) are repealed, effective October 1, 1983; except that, any individual who on such date is entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service after such date.".

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Fazio moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"Sec. 107. Subsections (a) and (b) of section 106 of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j) on or after October 1, 1983 shall not apply to any individual whose pay is disbursed by the Secretary of the Senate; except that, any individual who prior to such date was entitled to longevity compensation under such subsections on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service performed on or after such date.".

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 11: Page 14, line 19, after "vehicle" insert ", hereafter to be used exclusively for official purposes".

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Fazio moves that the House recede from its disagreement to the amendment of the Senate numbered 11, and concur therein.

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 12: Page 14, line 19, after "vehicle" insert "; security installations authorized by House Concurrent Resolution 550, Ninety-second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $167,000".

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Fazio moves that the House recede from its disagreement to the amendment of the Senate numbered 12, and concur therein.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 15: Page 15, after line 5, insert:

SENATE OFFICE BUILDINGS

For all necessary expenses for mainteance, care and operation of the Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $17,412,000, of which $1,496,000 shall remain available until expended.

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Fazio moves that the House recede from its disagreemtnt to the amendment of the Senate numbered 15, and concur therein.

The motion was agreed to.

The **SPEAKER** pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment number 17: Page 16, line 15, strike out "$35,543,550" and insert "$37,700,000".

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Fazio moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$36,620,000 to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), and section 203(g) of such act is amended, effective hereafter, to read as follows:

"(g) The Director of the Congressional Research Service will submit to the Librarian of Congress for review, consideration, evaluation, and approval, the budget estimates of the Congressional Research Service for inclusion in the Budget of the United States Government.".

Mr. FAZIO (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONTE. Mr. Speaker, I reserve a point of order.

The **SPEAKER** pro tempore. The gentleman from Massachusetts makes a point of order.

The gentleman from Massachusetts (Mr. Conte) will state his point of order.

Mr. CONTE. Mr. Speaker, do I have to state it now? May I reserve and just yield to the gentleman from California (Mr. Fazio) for a few minutes?

The **SPEAKER** pro tempore. The Chair will permit the gentleman from California (Mr. Fazio) to debate his motion briefly while the point of order is reserved.

Mr. FAZIO. I thank the Speaker and I appreciate the gentleman yielding to me.

This amendment in disagreement, relates to the Library of Congress and to the Congressional Research Service which is an integral part of the Library but which serves the committees and Members of the House and the Senate.

The conferees have added language which requires the CRS budget to be submitted through the Library for review, consideration, evaluation, and approval.

This language would be added to the Legislative Reorganization Act of 1946.

The situation now is that the CRS budget is submitted to the Congress without review through the Library of Congress.

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Every other component of the Library: The Copyright Office, the books for the blind and handicapped program, the Folk Life Center, the Law Library, the basic book collection program, all go through a budget review to screen out duplication of effort and to promote efficiency within the Library.

The CRS escapes that review and this independent budget authority is costing the taxpayers millions of dollars a year.

The CRS has duplicative personnel specialists, they have duplicative travel and training specialists, they have duplicative legal counsel, data processing, public affairs, and so forth. There are at least 60 jobs which CRS and the Library should review for possible duplication.

If the entire Library budget is coordinated as a whole, we believe that annual savings of $2 or $3 million may result and with absolutely no negative effects in the ability of CRS to serve the Members of this body or the Congress in general.

One more important point I would like to make. We have not changed CRS administrative independence with this language, that is guaranteed by the Reorganization Act itself. We have not abridged their organizational or reorganizational independence, that is still guaranteed by the Legislative Reorganization Act. And we have not changed their ability to hire consultants or other experts, that is also guaranteed by the act.

We are simply asking in this amendment to create some fiscal discipline and save some tax dollars.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from California (Mr. Lewis).

Mr. LEWIS of California. Mr. Speaker, I do not intend to take a great deal of time of the House, but I would like to comment on the work of the conference committee and commend the members for the very detailed and careful attention they pay to the work of this committee.

I have been more than impressed with the careful attention the House pays to such detail in the process. It is amazing that one could have communicated to so many Members a detail such as this amendment.

I have worked with the chairman of the subcommittee, not just on this subcommittee but for many years in public affairs. I know of his professional commitment to the kind of support that an adequate legislative body must have. We both have expressed our strong support for the work of the Congressional Research Service.

The interesting point here, Mr. Speaker, is that apparently a few Members actually do believe that this agency should be treated different than others. In this case we have a budget, admittedly a relatively small budget, which some suggest should not be subject to independent review. Indeed, the affiliate relationship of CRS with the Library of Congress makes it obvious that we would want to take every step to make certain that there is not duplication of services on the part of the several services involved here.

I think the House will want to look very carefully at why this agency seeks this kind of extended independence.

The **SPEAKER** pro tempore. Does the gentleman from Massachusetts (Mr. Conte) insist on his point of order?

Mr. CONTE. I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I make the point of order that the amendment embodied in the motion offered by the distinguished gentleman from California is not germane to the Senate amendment presently under consideration, and therefore that the gentleman's motion is in violation of clause 7 of rule XVI.

The gentleman's amendment has the effect of amending the Legislative Reorganization Act of 1970, and, for this reason, goes far beyond the scope of the Senate amendment and introduces a completely new subject. The amendment clearly is not germane.

It is equally clear, Mr. Speaker, that the germaneness test is applicable in the present parliamentary circumstances. In chapter 28, the most recent edition of Procedures in the House, it is stated in section 21 that:

> Where a motion is offered to concur in a Senate amendment with an amendment, the proposed amendment must be germane to the Senate amendment. The rule of germaneness also applies to motions to recede and concur in a Senate amendment with an amendment.

Moreover, in the same section:

> When considering a Senate amendment reported in disagreement by conferees, a proposal to amend must be germane to the Senate amendment.

Mr. Speaker, the germaneness test clearly applies and the amendment clearly is not germane. I ask that my point of order be sustained.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. GORE).

Mr. GORE. Mr. Speaker, I wish to be recognized on the point of order.

Mr. Speaker, I will speak only very briefly in support of the gentleman's point of order. I believe it is correct without any question. And I would like to express my support for the motivations of the gentleman in raising the point of order; namely, the Congressional Research Service—it is difficult to overstate the contribution that it makes to the deliberations of this body. I simply wanted to speak in favor of the gentleman's point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Speaker, I must say I do not concede the point; I do concede the point of order.

The SPEAKER pro tempore. The point of order is conceded and sustained.

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. FAZIO moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the sum stricken and proposed by said amendment, insert "$36,620,000".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3133) entitled "An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 25, 26, 32, 33, 34, 53, and 59 to the above-entitled bill.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

> S. 32. An act to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings.

The message also announced that the bill from the House (H.R. 1183) entitled "An act to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981," did fail to pass the Senate.

The message also announced that the Vice President, pursuant to the provisions of sections 276(h)–276(k) of title 22, United States Code, as amended, appointed Mr. MATTINGLY, Mr. RANDOLPH, Mr. BINGAMAN, and Mrs. HAWKINS as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the 1st session of the 98th Congress to be held in Puebla, Mexico, on July 7-10, 1983.

GENERAL LEAVE

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 3132, energy and water development appropriations, 1984, as well as on the Senate amendments reported in disagreement, and that I may include extraneous material and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CONFERENCE REPORT ON H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

Mr. BEVILL. Mr. Speaker, pursuant to the order of the House of June 23, 1983, I call up the conference report on the bill (H.R. 3132), making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes, and I ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Tuesday, June 28, 1983.)

Mr. BEVILL (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. BEVILL) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. MYERS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BEVILL).

Mr. BEVILL. Mr. Speaker, I am pleased to present the conference report on the fiscal year 1984 energy and water development appropriation bill for your favorable consideration. Our colleagues will recall that debate on this bill occurred in the House on June 6 and 7. The bill was passed by substantial margins in both Houses: 379 to 39 in the House on June 7, and 91 to 6 in the other body on June 22.

Mr. Speaker, our conference committee meeting was held on Tuesday of this week. I wish to compliment our friends from the other body, particularly the Senator from Oregon (Mr. HATFIELD) the chairman of the Senate subcommittee, and the Senator from Louisiana, (Mr. JOHNSTON) the ranking minority member, for the fine spirit of compromise displayed in the conference meeting. I also wish to thank my colleagues, the House conferees, for their support and their valuable contributions during the conference deliberations.

Now I would like to comment on various aspects of the conference agreement.

Mr. Speaker, this bill is certainly not a budget buster. It is a bill that can be signed by the President and is a bill that reflects the priorities of the House and Senate as well as the administration.

Mr. Speaker, the bill passed by the House contained $14,180,003,000 in new budget authority. That was $430,668,000 below the budget request. As the bill passed the Senate, it contained $14,170,853,000.

For the various agencies and programs under the jurisdiction of the Energy and Water Development Subcommittee, the committee of conference recommends $14,307,045,000 in new budget authority. This amount is $303,626,000 less than the budget request.

The conference agreement we present to you today is the culmination of 6 months of effort on the part of the House committee and the same review by the Senate committee. During this period we have heard testimony from hundreds of witnesses—contained in eight hearing volumes of thousands of pages.

The House took 2 days to consider the energy and water development bill on the floor. The Senate had a total of 41 numbered amendments to the bill. But, within those 41 amendments, there were nearly 400 individual items in disagreement. The conference agreement represents the best efforts of the House and Senate conferees to achieve consensus on those 400 items. Many items had to be reduced or changed to accomplish agreement with the Senate. In addition, we had to keep in mind the need to have a bill that was acceptable to the administration.

We think we have achieved an agreement that does all of this while maintaining most of the House position.

The Senate made more changes to the House bill than they had in many years. Your House conferees did their best to maintain the House position. However, to bring back a conference report that is within the budget target for the energy and water development programs, a great many items had to be compromised.

We would like more money for energy, for the weapons program, and for the water projects. But, if we have to stay close to the budget level, we could not provide all of the funds for all of the programs and projects to the extent we would have liked.

Mr. Speaker, I am pleased to advise the House that the conference agreement is under the assumed allocation under the budget resolution.

Mr. Speaker, the conference agreement contains $2,641,386,000 in title I for the Army Corps of Engineers. This is $54,038,000 less than the bill as passed by the House and $49,592,000 more than the Senate-passed bill. These funds will finance 214 water resources projects in the planning or construction phase, including 5 new planning starts.

For title II, the Bureau of Reclamation, the conferees recommend a total of $961,690,000, which is $26,290,000 less than the House-passed bill and $16,700,000 more than the Senate-passed bill.

This will fund 97 water resources projects in the planning or construction phase, including 4 new planning starts.

In my view, the conference agreement provides for a financially prudent and environmentally sound water resources development programs.

The conference agreement contains $10,011,291,000 for Department of Energy programs in title III. This includes $1,951,609,000 for "Energy supply, research and development activities"; $638,250,000 for "General science and research activities"; $378,763,000 for "Power marketing administrations," and $89,582,000 for the Federal Energy Regulatory Commission. The energy accounts include $253,059,000 for solar, geothermal and renewable energy development; $636,647,000 for nuclear energy development; $306,675,000 for the nuclear waste disposal fund; and $470,750,000 for fusion energy development. The conference agreement contains no funds for the Clinch River breeder reactor project pending further review of alternative financial possibilities.

ATOMIC ENERGY DEFENSE ACTIVITIES

The conference agreement provides a total of $6,547,875,000 for atomic energy defense activities. This is an increase of $844,175,000 over the fiscal year 1983 level and $277,700,000 below the President's budget request.

The increase over fiscal year 1983 results from the production of new weapons systems, renovation and rehabilitation of existing production facilities, inflation increases and the employment of additional personnel in R&D, testing and production of warheads.

Mr. Speaker, the conference agreement includes $692,678,000 for six independent agencies and commissions in title IV, including $147,700,000 for the Applachian regional development program, $465,800,000 for the Nuclear Regulatory Commission, and $125,500,000 for the Tennessee Valley Authority, of which $47,271,000 shall be derived from funds appropriated in fiscal year 1983.

I will insert a table in the RECORD at this point which summarizes the financial aspects of the conference agreement:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—ENERGY AND WATER APPROPRIATIONS BILL (H.R. 3132)

	Fiscal year 1983 enacted	Fiscal year 1983 estimates	House	Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
TITLE I—DEPARTMENT OF DEFENSE—CIVIL									
Department of the Army									
Corps of Engineers—Civil									
General investigations	129,042,000	110,400,000	148,733,000	118,435,000	133,810,000	+4,768,000	+23,410,000	−14,923,000	+15,375,000
Construction, general	1,506,405,000	820,700,000	892,829,000	885,779,000	894,104,000	−612,301,000	+73,404,000	+1,275,000	+8,325,000
Flood control and coastal emergencies	29,877,000	10,000,000	10,000,000	10,000,000	10,000,000	−19,877,000			
Revolving Fund			9,500,000		9,500,000	+9,500,000	+9,500,000		+9,500,000
Flood control, Mississippi River and tributaries, AR, IL, KY, LA, MS, MO, and TN	403,052,000	290,000,000	310,330,000	297,960,000	300,480,000	102,572,000	+10,480,000	−9,850,000	+2,520,000
Operation and maintenance, general	1,187,667,000	1,161,300,000	1,215,032,000	1,170,620,000	1,184,492,000	3,175,000	+23,192,000	−30,540,000	+13,672,000
General expenes	96,000,000	103,000,000	103,000,000	103,000,000	103,000,000	+7,000,000			
Special recreation use fees	4,942,000	6,000,000	6,000,000	6,000,000	6,000,000	+1,058,000			
Total, title I, new budget (obligational) authority, Department of Defense—Civil	3,356,985,000	2,501,400,000	2,695,424,000	2,591,794,000	2,641,386,000	−715,599,000	+139,986,000	−54,038,000	+49,592,000
TITLE II—DEPARTMENT OF THE INTERIOR									
Bureau of Reclamation									
General investigations	32,474,000	31,831,000	34,431,000	31,981,000	33,831,000	+1,357,000	+2,000,000	−600,000	+1,850,000
Construction program	640,570,000	699,388,000	711,538,000	683,818,000	693,818,000	+53,248,000	−5,570,000	−17,720,000	+10,000,000
Operation and maintenance	140,866,000	134,091,000	134,291,000	134,291,000	134,291,000	−6,575,000	+200,000		
Loan program	55,106,000	41,500,000	52,970,000	40,500,000	45,000,000	−10,106,000	+3,500,000	−7,970,000	+4,500,000
(Limitation on direct loans)	(26,922,000)	(40,332,000)	(51,802,000)	(43,332,000)	(51,802,000)	(+24,880,000)	(+11,470,000)		(+8,470,000)
General administrative expenses	39,928,000	53,400,000	53,750,000	53,400,000	53,750,000	+13,822,000	+350,000		+350,000
Emergency Fund	1,919,000	1,000,000	1,000,000	1,000,000	1,000,000	919,000			
Total, Bureau of Reclamation	910,863,000	961,210,000	987,980,000	944,990,000	961,690,000	+50,827,000	+480,000	−26,290,000	+16,700,000

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—ENERGY AND WATER APPROPRIATIONS BILL (H.R. 3132)—Continued

	Fiscal year 1983 enacted	Fiscal year 1983 estimates	House	Senate	Conference	Conference compared with—			
						Enacted	Estimates	House	Senate
Total, title II, new budget (obligational) authority, Department of the Interior	910,863,000	961,210,000	987,980,000	944,990,000	961,690,000	+50,827,000	+480,000	−26,290,000	+16,700,000
TITLE III—DEPARTMENT OF ENERGY									
Energy Supply, Research and Development Activities									
Operating Expenses	1,897,096,000	1,855,960,000	1,713,112,000	1,720,444,000	1,708,012,000	−189,084,000	−147,948,000	−5,100,000	−12,432,000
Plant and Capital Equipment	352,976,000	243,665,000	251,097,000	233,265,000	248,597,000	−104,379,000	+4,932,000	−2,500,000	+15,332,000
General reduction				−10,000,000	−5,000,000	−5,000,000	−5,000,000	−5,000,000	+5,000,000
Subtotal	2,250,072,000	2,099,625,000	1,964,209,000	1,943,709,000	1,951,609,000	−298,463,000	−148,016,000	−12,600,000	+7,900,000
Uranium Enrichment Activities									
Operating Expenses	1,232,036,000	1,570,600,000	1,576,600,000	1,616,600,000	1,614,600,000	+382,564,000	+44,000,000	+38,000,000	−2,000,000
Plant and Capital Equipment	710,100,000	669,400,000	658,400,000	638,400,000	643,400,000	−66,700,000	−26,000,000	−15,000,000	+5,000,000
General reduction				−20,000,000	−23,000,000	−23,000,000	−23,000,000	−23,000,000	−3,000,000
Subtotal	1,942,136,000	2,240,000,000	2,235,000,000	2,235,000,000	2,235,000,000	+292,864,000	−5,000,000		
Gross revenues	−1,968,319,000	−2,240,000,000	−2,235,000,000	−2,235,000,000	−2,235,000,000	−266,681,000	+5,000,000		
Net appropriation	−26,183,000					+26,183,000			
General Science and Research Activities									
Operating Expenses	411,853,000	479,750,000	481,750,000	472,750,000	475,750,000	+63,897,,000	−4,000,000	−6,000,000	+3,000,000
Plant and Capital Equipment	123,316,000	165,500,000	161,500,000	172,500,000	162,500,000	+39,184,000	−3,000,000	+1,000,000	−10,000,000
General reduction				−10,000,000					+10,000,000
Subtotal	535,169,000	645,250,000	643,250,000	635,250,000	638,250,000	+103,081,000	−7,000,000	−5,000,000	+3,000,000
Nuclear waste disposal fund	217,325,000	306,675,000	306,675,000	306,675,000	306,675,000	+89,350,000			
Atomic Energy Defense Activities									
Operating Expenses	4,375,700,000	5,215,125,000	5,084,325,000	5,098,925,000	5,081,825,000	+706,125,000	−133,300,000	−2,500,000	−17,100,000
Plant and Capital Equipment	1,328,000,000	1,610,450,000	1,474,050,000	1,401,950,000	1,466,050,000	+138,050,000	−144,400,000	−8,000,000	+64,100,000
Subtotal	5,703,700,000	6,825,575,000	6,558,375,000	6,500,875,000	6,547,875,000	+844,175,000	−277,700,000	−10,500,000	+47,000,000
Departmental administration									
Operating Expenses	381,482,000	346,510,000	366,075,000	356,075,000	361,075,000	20,407,000	+14,565,000	−5,000,000	+5,000,000
Plant and Capital Equipment	15,593,000	4,981,000	4,981,000	4,981,000	4,981,000	10,612,000			
Subtotal	397,075,000	351,491,000	371,056,000	361,056,000	366,056,000	31,019,000	+14,565,000	−5,000,000	+5,000,000
Miscellaneous revenues	−175,541,000	−209,619,000	209,619,000	−209,619,000	−209,619,000	34,078,000			
Net appropriation	221,534,000	141,872,000	161,437,000	151,437,000	156,437,000	65,097,000	+14,565,000	−5,000,000	+5,000,000
POWER MARKETING ADMINISTRATIONS									
Alaska Power Administration, operation and maintenance	3,945,000	3,210,000	3,410,000	3,410,000	3,410,000	−535,000	+200,000		
Bonneville Power Administration Fund									
Borrowing Authority	249,500,000	203,500,000	123,400,000	123,400,000	123,400,000	126,100,000	−80,100,000		
(Limitation on direct loans)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)				
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)			
Southeastern Power Administration, operation and maintenance	3,964,000	20,594,000	20,594,000	20,594,000	20,594,000	+16,630,000			
Southwestern Power Administration, operation and maintenance	20,756,000	36,229,000	36,229,000	36,229,000	36,229,000	+15,473,000			
Western Area Power Administration, construction, rehabilitation, operation and maintenance	149,750,000	219,630,000	184,630,000	204,630,000	194,630,000	+44,880,000	−25,000,000	+10,000,000	−10,000,000
Western Area Power Administration, emergency fund	337,000	500,000	500,000	500,000	500,000	+163,000			
Subtotal	428,252,000	483,662,000	368,763,000	388,763,000	378,763,000	49,489,000	−104,900,000	+10,000,000	−10,000,000
FEDERAL ENERGY REGULATORY COMMISSION									
Salaries and expenses	86,139,000	94,582,000	89,582,000	94,582,000	89,582,000	+3,443,000	−5,000,000		−5,000,000
Revenues Applied		−60,000,000	−60,000,000	−60,000,000	−60,000,000	−60,000,000			
Subtotal	86,139,000	34,582,000	29,582,000	34,582,000	29,582,000	−56,557,000	−5,000,000		−5,000,000
GEOTHERMAL RESOURCES DEVELOPMENT FUND									
Geothermal loan guarantee and interest assistance program		2,100,000	2,100,000	2,100,000	2,100,000	+2,100,000			
Total, title III, new budget (obligational) authority, Department of Energy	9,416,008,000	10,539,342,000	10,034,391,000	9,963,391,000	10,011,291,000	+595,283,000	−528,051,000	−23,100,000	+47,900,000
Operating Expenses	(6,886,023,000)	(7,845,346,000)	(7,484,363,000)	(7,512,295,000)	(7,485,763,000)	(+599,740,000)	(−359,583,000)	(+1,400,000)	(−26,532,000)
Plant and Capital Equipment	(2,529,985,000)	(2,693,996,000)	(2,550,028,000)	(2,451,096,000)	(2,525,528,000)	(−4,457,000)	(−168,468,000)	(−24,500,000)	(+74,432,000)
TITLE IV—INDEPENDENT AGENCIES									
Appalachian Regional Commission: Salaries and Expenses	2,900,000		2,500,000	2,700,000	2,700,000	−200,000	+2,700,000	+200,000	
Funds Appropriated to the President: Appalachian regional development programs [1]	165,133,000	80,000,000	150,000,000	125,000,000	145,000,000	−20,133,000	+65,000,000	−5,000,000	+20,000,000
Delaware River Basin Commission									
Salaries and expenses	241,000	191,000	191,000	191,000	191,000	−50,000			
Contribution to Delaware River Basin Commission	269,000	269,000	269,000	269,000	269,000				
Total, Delaware River Basin Commission	510,000	460,000	460,000	460,000	460,000	−50,000			
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	55,000		68,000	68,000	68,000	+13,000	+68,000		
Nuclear Regulatory Commission: Salaries and expenses	462,504,000	466,800,000	465,800,000	466,800,000	465,800,000	+3,296,000	−1,000,000		−1,000,000
Susquehanna River Basin Commission:									
Salaries and expenses			191,000	191,000	191,000	+191,000	+191,000		
Contribution to Susquehanna River Basin Commission	217,000	230,000	230,000	230,000	230,000	+13,000			
Total, Susquehanna River Basin Commission	217,000	230,000	421,000	421,000	421,000	+204,000	+191,000		
Tennessee Valley Authority: Payment to Tennessee Valley Authority Fund	216,433,000	61,229,000	78,679,000	75,229,000	78,229,000	−138,204,000	+17,000,000	−450,000	+3,000,000
Water Resources Council: Water resources planning	4,083,000					−4,083,000			
Total, title IV, new budget (obligational) authority, independent agencies	851,835,000	608,719,000	697,928,000	670,678,000	692,678,000	−159,157,000	+83,959,000	−5,250,000	+22,000,000
TITLE V—GENERAL PROVISIONS									
Sec 507 General Reduction			235,720,000					+235,720,000	
Grand total									
New budget (obligational) authority	14,535,691,000	14,610,671,000	14,180,003,000	14,170,853,000	14,307,045,000	228,646,000	303,626,000	+127,042,000	+136,192,000
(Limitation on direct loans)	(66,922,000)	(80,332,000)	(91,802,000)	(83,332,000)	(91,802,000)	(+24,880,000)	(+11,470,000)		(+8,470,000)
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)			

[1] Fiscal year estimate proposed in the Budget for later transmittal

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Mr. BEVILL. Mr. Speaker, we urge the Members to approve this conference report. The conferees feel that this agreement is the best that we could possible work out, and we urge the adoption of the report.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman BEVILL has presented the details of our conference report, and I will say that the conference with the other body was not the easiest that we have had in some years, because there were some items that were in strong disagreement. However, it is a conference report that should be acceptable to all Members. There are some exceptions to the conference report that will be discussed shortly by at least one Member on our side. However, it is a bill that I believe the President will sign. And that is very, very important. We hear a lot about what the President might do with some of our appropriation bills. But all indications are that the President will sign this.

Now, in fairness, the conference report was not completed until late last night, so we do not have an absolute promise from the White House. However, as the chairman has said, we are over $300 million under the President's request this year on this conference report; it is a bill, I feel certain, that will be agreed to.

Several Members this morning on both sides of the aisle have complained to this Member that their project that was very important to them was left out. We recognize that when you are in a conference you cannot do all things for all people. The bottom line is that we wanted a bill that we can send to the White House and which will be signed into law. The session with the other body was one of give and take. So we recognize that some people did not get their projects in. However, when we prioritized the items that were in disagreement, we had to go with those that at least in our judgment we felt were the most important. I think your conferees did a good job in working out our difference with the other body, and, most importantly, it is one that can be signed.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I noticed that the gentleman from Alabama had mentioned the appropriations for the Appalachian regional development programs as one of the special allocations made.

Can the gentleman tell me how it was that those sums were reduced from the original levels as appeared in the House version?

Mr. MYERS. What sum is the gentleman referring to now?

Mr. GEKAS. On page 30 of the bill, under title IV, Independent Agencies, where it says "Funds appropriated for the President for the Appalachian Regional Development Programs" in large numbers "37" and "38," where it was $150 million and it was reduced to $125 million and from $100 million to $80 million.

Can the gentleman tell me what the rationale was for that, if the gentleman recalls?

Mr. MYERS. Yes. If the gentleman recalls, we had $150 million in when it left the House. The other body, as I recall, put in $125 million. We put it back up to $145 million. That is the compromise. We did not get up to the House figure, but we did not go as low as the Senate figure.

Mr. GEKAS. Is the gentleman saying now that it is $145 million?

Mr. MYERS. Yes.

Mr. GEKAS. That is not clear to me.

Mr. MYERS. Line 17, page 30, $145 million.

Mr. GEKAS. My copy here says $125 million.

Mr. MYERS. It is $145 million. I think that is the Senate figure the gentleman probably has there.

Mr. GEKAS. I thank the gentleman.

The other question that I had posed to the gentleman in private which I wish to put on record but which the gentleman has, in a way, covered, is to the effect that the administration has not interposed any real objection to this bill; is that correct?

Mr. MYERS. Well, yes, the administration has objected, to be quite honest with you, to some sections of this bill. We do not have as much in weapons as the administration would like to see in the bill. We have put a few items in here that the Congress in its judgment felt were more important in priorities than the administration. However, the administration has not objected to this bill, has not registered any indication whatsoever that it might be vetoed.

So I feel very confident that this bill can be signed, because the bottom line that is most important to each of us and, certainly, to the administration, is how much money is going to be spent next year. And, as I indicated, and as the chairman also indicated, we are $228,646,000 under last year's level or the present year 1983 level, and we are $303,626,000 under the President's request. So we are well under, both last year and the President's request. I do not think there is any question but what this bill will be signed.

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Mr. GEKAS. Mr. Speaker, if the gentleman will yield further, it is refreshing to be able to go to the final vote knowing that some bill is under the 1983 levels.

Mr. MYERS. Why can we not do this more often?

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE), the ranking member on the Committee on Appropriations.

Mr. CONTE. I thank my good friend, the gentleman from Indiana, JOHN MYERS, for yielding to me.

Mr. Speaker, I rise in opposition to the conference report on the fiscal year 1984 energy and water appropriations bill. I regret having to take this action, because as it left the House this bill was a reasonably balanced, responsible piece of legislation. Unfortunately, changes in the bill made in the conference with the other body have made the bill an irresponsible drain on the Federal taxpayers, and one that I find completely unacceptable.

I am particularly opposed to the action of the conferees in providing funding for two projects that were not funded in the House bill—the Garrison diversion unit in North Dakota, and the Stonewall Jackson project in West Virginia. As the printed conference report will indicate, I excepted to amendments 2, 3, and 12, dealing with the Garrison diversion unit and the Stonewall Jackson Dam.

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Despite the 100 vote margin by which the House voted against the Garrison project last December, and the absence of any funding in the House-passed bill for the project this year, the conferees agreed to include the full $22.3 million provided by the Senate bill.

The problems with the Garrison project are not going to go away—they are going to get worse. The economic basis for the project is going to continue to deteriorate. With each passing month additonal evidence of the environmental damage that will be caused by this project comes to light. And the objections of our Canadian neighbors to this project, which will pollute Canadian waters and seriously injure the Canadian fishing industry, will continue to be an obstacle to improving diplomatic relations with Canada.

Mr. Speaker, for the Corps of Engineers' general construction program, the conference report provides $884.1 million, including $26 million for the Stonewall Jackson project in West Virginia. For those of my colleagues who may not recall, this is the same Stonewall Jackson project that was defeated by a vote of 213 to 161 on the floor of this House last June 6. This is the same Stonewall Jackson project that is going to provide only limited flood control benefits, is going to flood some 20,000 acres of farmland and force the relocation of 1,800 people, and is premised upon the use of the pollution dilution method of water quality enhancement, a method disapproved by Congress in 1972.

Mr. Speaker, this morning I received a letter from the National Taxpayers Union, expressing that organization's dismay at the restoration of funds for the Garrison and Stonewall Jackson projects, and pointing out that the "conferees have again buckled to the pressures of parochial interests and partisan politics."

Mr. Speaker, truer and sadder words have never been spoken.

Mr. CONTE. Mr. Speaker, perhaps the most telling illustration is the bottom line of this bill. The conference agreement provides $14.3 billion in new budget authority. This is $127 million above the House-passed bill, and $136.2 million above the Senate-passed bill.

As my colleagues know, the way to bring in a conference report that provides more money than was in either of the two bills going into conference is to fund the pet projects in each bill. So it can fairly be said that this bill has something for everyone—or at least something for everyone who was around when the pig was being butchered.

Mr. Speaker, a letter that I received this morning from the National Wildlife Federation states that in bringing this conference report to the floor, "the House conferees have acted in calculated disregard for the goals of the Nation's environmental movement, as well as the will of the House. Rather than reflecting a merit-oriented water development policy, funding for Garrison and Stonewall Jackson represents a costly political contrivance. Rather than affirming the will of the House, this conference report bows to the dominance of the Senate."

Mr. Speaker, I agree with the sentiments expressed in that letter, and urge the defeat of this conference report.

Letters follow:

National Taxpayers Union,
Washington, D.C., June 28, 1983.

Hon. Silvio Conte,
Rayburn House Office Building, U.S. House of Representatives, Washington, D.C.

Dear Congressman Conte: We are dismayed at the restoration of funds for the Garrison Diversion Unit and the Stonewall Jackson Dam Projects in the Conference Report on the fiscal year 1984 Energy and Water Appropriations Bill. Despite decisive votes against both of these projects by the full House, its conferees have again buckled to the pressures of parochial interests and partisan politics.

We believe that spending limited federal funds on these two projects, the costs of which well exceed even speculative benefits, is not in the nation's best interests. To incur larger deficits or require taxpayers to pay for such projects when interest rates for home, auto, and small business loans remain prohibitive is unconscionable. In our judgement, the common citizen across America, whether from North Dakota, West Virginia, or elsewhere, would much prefer to see the congress come to grips with the serious budget deficit that threatens our longterm wellbeing before funding these projects.

We deeply appreciate the leadership role you, Congressman Wise, and others have taken to stop funding for such wasteful projects. We strongly support your continued efforts to persuade the congress to discontinue any further construction on either the Garrison Diversion Unit or the Stonewall Jackson Dam.

Sincerely,

Jill Lancelot,
Director of Congressional Affairs.

National Wildlife Federation,
Washington, D.C., June 29, 1983.

Hon. Silvio Conte,
House of Representatives,
Washington, D.C.

Dear Mr. Conte: I am deeply disappointed to learn that the conference report on H.R. 3132, the Energy & Water Development Appropriation Bill for Fiscal 1984, contains full funding for construction of the Garrison Diversion and the Stonewall Jackson Dam. Two better examples of misplaced Federal expenditures on obsolete projects would be hard to find.

In bringing such a conference report to the floor, the House conferees have acted in calculated disregard for the goals of the Nation's environmental movement, as well as the will of the House. Rather than reflecting a merit-oriented water development policy, funding for Garrison and Stonewall Jackson represents a costly political contrivance. Rather than affirming the will of the House, this conference report bows to the dominance of the Senate.

The Appropriations Committee received a vote of confidence from the House when the Conte motion to instruct House conferees to insist on the House position on Garrison was voted down last week. The ensuing action of the House conferees, however, indicates that the confidence of their colleagues was badly misplaced.

Sincerely,

Jay D. Hair,
Executive Vice President.

Friends of the Earth,
Washington, D.C., June 29, 1983.

Hon. Silvio O. Conte,
House Committee on Appropriations, Rayburn House Office Building, House of Representatives, Washington, D.C.

Dear Representative Conte: It should be profoundly disturbing to most members of the House of Representatives that the Conference Report for the FY 1984 Energy and Water Development Appropriations bill contains funding for some of the nation's most controversial water resources projects that were rejected in recent months by overwhelming House majorities. The Senate's funding levels for both the Stonewall Jackson Dam (WV) and the Garrison Diversion (ND) are included despite House rejection by more than 50 votes earlier this month for Stonewall and by 100 votes in December for Garrison.

We are aware that it is sometimes difficult for House members to vote to halt funding for wasteful and environmentally destructive projects, and to, in effect, cull out from such bills those projects which members feel fall far short of the minimum standards necessary to merit their support. However, the token resistance and near total capitulation by most of the House conferees on this bill essentially renders those difficult votes meaningless in any parctical terms.

In addition, we remain seriously troubled by the manner which was used in the bill report to circumvent House review of remaining funding for the Tennessee-Tombigbee Waterway through a huge transfer of 1983 "surplus" funds to be used to complete the project. The attached letter, sent to the House earlier this month, is self explanatory on this point.

We hope the House will continue to oppose funding for these unmeritorious projects. Far less costly alternatives exist to accomplish their purposes.

Finally, we are most grateful for the special efforts you and your colleagues have made regarding these projects and for your vital efforts to improve the overall water resources policies of the nation. From all of us, thank you again.

Most sincerely,

David Conrad,
Water Resource Specialist.

Mr. CONTE. Mr. Speaker, I have told many in the House that I knew if we did not instruct the conferees that the Garrison project would be back in the bill. At least for this year, I think that the gentleman from Alabama, the chairman of the subcommittee, has won.

I hate to think about the damage that this Garrison diversion project is going to do—damage that will be part of the legacy we leave for future generations. When we debated this issue several weeks ago, the gentleman from North Dakota wondered whether I

had traveled the breadth of North Dakota. In fact, I have traveled through North Dakota. I am familiar with the farmland and the wildlife refuges that will be destroyed by this project. I have also traveled all over Manitoba. In fact, I was in Manitoba only 2 weeks ago, and I can really empathize with the deep feelings of the people in Manitoba Province against this project and what it will do to them. A great part of people's livelihood in Manitoba comes from fishing. If the trash fish are transferred to Manitoba as a result of the building of this water project, it is going to be very, very costly for the people of the Province of Manitoba.

Mr. Speaker, I hope that this will be my last battle on the Garrison project.

I again thank my good friend from Indiana for yielding to me.

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to my good friend and colleague, the gentleman from Pennsylvania (Mr. Edgar).

Mr. EDGAR. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in the well today as an opponent of this particular conference report, but let me just say there are two reasons why I plan to vote "no." Those two reasons were stated, I think very articulately, by the gentleman from Massachusetts (Mr. Conte). Mr. Conte has done a good job of trying to teach Members of the House and the Senate the negative aspects of the Garrison diversion project. As he indicated in his closing words, he feels as though he has lost the battle, and I feel as though we have all lost a great deal in that battle.

Over 100 Members last December said that we ought not to commit funding to the Garrison diversion project, and yet, in the conference the Senate putting in language and funding and the conferees on the part of the House simply going along and agreeing to the Senate language. I find that very objectionable.

Second, my colleague from West Virginia did a great job on the House floor in talking about a project in his district that was very troubling and has been troubling to many of us for many years, called the Stonewall Jackson Dam. That project, too, is fully funded in this conference report. I commend the gentleman from West Virginia (Mr. Wise) for his leadership in fighting waste.

Putting those two projects aside for a moment, and commending both Members who fought very valiantly to delete the funds for those projects, I would like to commend the chairman of the subcommittee for clarifying language on the Tennessee Tombigbee Waterway. I, as a person who has opposed that project in the past, finally came to a position of saying let us find out how much the Federal Government will have to pay to finish the project.

Clearly stated in the Congressional Record on page H4588, the staff and the members of the conference have placed in this particular language the specific amount of $202 million of Federal commitment, $180 million that will come out of unobligated expenditures that were not expended in last year's funding, and an additional $22 million that will be needed.

While I still oppose this project, and while I hope that many of the communities in the States involved in this project will provide a great deal of additional local share, I think it is helpful to the full House and to the Senate to see clearly the language here as to exactly what the Federal commitment will be. I hope that this will be the final commitment to the Tennessee Tombigbee Waterway. That we will not expend any funds below Demopolis, and that we will get on to a national water policy based on merit and more equitable expenditure of the funds, and to provide cost-sharing on each project throughout the Nation, and to try to move to a national water policy that, in fact, represents the needs of the entire Nation and not simply the needs of a particular part of the country.

I plan to vote "no" on the conference report, but I do commend the chairman of the subcommittee for clarifying the numbers on the Tennessee-Tombigbee Waterway.

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Mr. MYERS. Mr. Speaker, I yield 2 minutes to a very valuable member of the subcommittee, the gentleman from Arizona (Mr. Rudd), who understands the water problems of the country better than nearly any other Member here.

Mr. RUDD. Mr. Speaker, I support the conference report on H.R. 3132. The fiscal year 1984 energy and water appropriations bill. As a conferee on this bill, I can testify to the fairness and close scrutiny that was involved in hammering out an agreement with the Senate on funding the vital energy, water development, and national security programs funded under this bill.

On every point of disagreement between the two bodies, the conference committee carefully crafted compromises that recognize the expressed concerns of both Houses.

This conference report funds the crucial water development programs for this country. Under the leadership of both able chairmen, the gentleman from Oregon and the gentleman from Alabama (Mr. Bevill) my ranking member, the gentleman from Indiana, the House and Senate subcommittee has taken strong, visionary strides toward a water development policy which will help this generation and the next. Water is the most precious resource we have. Its full development is crucial for the development and well-being of this Nation.

Under the programs funded here, we find critical flood protection, potable water development, and development of our waterways to help our commerce complete in the world market. The funds in this conference report for the Department of Energy go toward critical energy development and research as well as crucial national security programs.

I urge my colleagues to support this conference report.

Mr. MYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. Roth).

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am deeply disturbed by the failure of the energy and water development appropriations bill conference committee to include funding for the Fox River locks in its bill. Continuation of this funding is vital.

For well over 100 years, the Army Corps of Engineers has been operating the lock and dam system of the lower Fox River, which runs for 39 miles between Lake Winnebago and Green Bay, Wis. This system has been instrumental in allowing for the settlement, transportation, and development of industry in Wisconsin. It represents an important part of our Wisconsin historic heritage.

In recent years, the Army Corps has attempted to request just enough funding to maintain the 19 locks and 13 dams for flood control purposes; however, the corps has not requested funding to provide for operation of the locks.

Last year, I and my colleagues were successful in having funds appropriated for operation of the Fox River lock system. Earlier this year, the House Energy and Water Development Subcommittee included sufficient funding in its bill to allow for operation and maintenance of the locks and dams. The full Appropriations Committee and the full House of Representatives agreed with the subcommittee's action. Unfortunately, the Senate did not go along. In a conference between the House and Senate, only enough funds were included to maintain the system for flood control purposes. This action must be corrected.

The Fox locks are important to my area in Wisconsin. They allow access to and from the Great Lakes for many thousands of small craft which transit the locks each year. In 1982, 27,000 crafts moved though the lock system. If the locks were to be closed, boaters would be denied access to either Lake Winnebago or the Great Lakes, as well as the Fox River itself.

Moreover, the jobs lost would number no fewer than 18 and possibly more. In addition to the jobs lost as a direct result of the lock closings, employees in the nearby travel and tourism-related industries would be affected. In short, a number of people would suffer if the locks are closed.

The people in my district, and particularly those who use the locks, are well aware that there is a problem with continued Federal funding of the Fox River lock and dam system. Therefore, the last Governor of Wisconsin, Lee Dreyfus, set up a task force to look at alternative means of funding the locks. I also established such a task force.

Each task force acknowledged that continued full Federal funding was not the long-term solution to keeping the locks open. In fact, each report examined various alternatives ranging from establishing user fees to turning the river and environs into a national park, such as was done with the Rideau Canal in Canada. However, each report also stated that, until alternatives could be implemented, Federal funding was necessary. Furthermore, each report indicated that some continued Federal assistance was also imperative.

In short, we are faced with a dilemma: On the one hand, the Federal Government wants to pull out as Federal officials seek ways to lessen the deficit; on the other hand, we have State and local governments and private citizens who are not yet in a position to assume responsibility for the lock operation in any substantive way.

It is because of this dilemma that I and other colleagues have worked to obtain Federal funding through fiscal year 1984. We must allow for a smooth transition, and not an abrupt withdrawal of Federal support. For this reason, I urge the Energy and Water Development Appropriations Subcommittee to take another look at this issue and to appropriate funding for the Fox River locks in legislation at the earliest possible time. At the same time, I make a pledge to do my utmost to work for a long-term solution to the operation of the Fox locks, hopefully involving a partnership between the Federal Government and State and local governments and interested citizens. Working together, I am sure we can meet this challenge.

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to my good friend and colleague, the gentleman from California (Mr. Anderson).

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I know that in the conference yesterday on the energy and water development appropriations bill for 1984, you fought very hard to convince the Senate to accept the House figures for many projects that we in this body felt were badly needed and fully justified. I was indeed sorry that you were unable to prevail in the case of two projects in which I am interested. These are the Vicksburg, Miss., Corps of Engineers Waterways Experiment Station which has a model of the San Pedro Bay as one of many worthwhile endeavors. And the second one is the dredging necessary to remove silting at the mouth of the Los Angeles River which resulted from the storms we had earlier this year.

While I appreciate the necessity to compromise with the Senate, which funded these projects at zero, splitting the difference with 50-percent funding just does not make good economic sense. In the case of Vicksburg, it will mean a disruption in the planned workload of the facility, and the result downstream will be a stretchout in the development of a plan for the badly needed expansion of both ports of Los Angeles and Long Beach. As you are fully aware, you cannot recruit the highly trained technicians needed to operate wave oscillation and flow circulation experiments as is done in the Vicksburg model overnight. Thus, a delay in funding which must eventually be made to meet the requirements of this project will cause a needless delay.

In the partial funding for the removal of the silt, one of the major costs of any dredging operation is moving and positioning the dredge and related equipment to where the work will be done. And this money will be largely wasted if the dredge is pulled out prior to complete removal of the silt. Sooner or later, this silt must be removed or we will face the possibility of flooding parts of downtown Long Beach, disruption of the vital passenger and freight service from the mainland to Catalina through Long Beach, and nullify the marina development in which large sums of money are currently being spent.

These projects are so vital and so fully justified that it would be my strong hope that after this legislation is signed in the law by the President, the Corps of Engineers, on its own, would immediately propose a reprograming of the needed sums—a relatively small amount considering their overall budget—into these two projects. As they were fully authorized and funded by the House, I would foresee no difficulty in obtaining rapid approval for reprograming. I think this is certainly the preferred route rather than the alternative, that of requesting these funds as a supplemental appropriation.

Mr. BEVILL. Mr. Speaker, I thank the gentleman from California (Mr. Anderson) for his explanation of the need for these projects and also the need for full funding, and I certainly agree wholeheartedly with the gentleman.

Mr. ANDERSON. Mr. Speaker, I thank the subcommittee chairman very much, and I sincerely appreciate his understanding and support in this matter.

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to my good friend and colleague, the gentleman from West Virginia (Mr. Wise).

Mr. WISE. Mr. Speaker, I just wanted to rise for a moment and say that reluctantly I will support this conference report.

As the gentleman knows, I came to the floor along with others and battled to have the Stonewall Jackson Dam removed from the funding. The House, by a 40-vote margin, agreed on the merits of the case. The conferees then receded from their position, and the Stonewall Jackson Dam is included in this bill. I feel that is regrettable, but that is the way it goes.

I do want to say that I am supporting the conference report because it contains many other provisions that are vital not only to my State and my district, but to a large part of the country. The Appalachian Regional Commission is included, vital highway programs are included, and vital social programs are included, so I cannot in good conscience vote against the conference report because of my disagreement with one part of it, no matter how important that part is to me.

Mr. Speaker, I also want to thank the chairman of the subcommittee. While we disagreed on this one particular item, he has always been very candid with me and let me know exactly where I stand on it. As I say, I do support the conference report; and I do appreciate the opportunity to explain my feelings on this matter.

Mr. BEVILL. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi (Mr. Whitten).

Mr. WHITTEN. Mr. Speaker, I rise to pay my respects to the members of this subcommittee.

We could leave all the money in the world to our children, but if we leave them a wornout land, then they would have nothing on which to build. Of all the Members of Congress, none put in more tiring hours than the members of this subcommittee, especially the chairman, the gentleman from Alabama (Mr. Bevill), and the ranking minority member, the gentleman from Indiana (Mr. Myers). Each member of the subcommittee is to be commended. I am sure that they demonstrate in this bill, as they have for many, many years, that they are committed to look after the whole country.

Mr. Speaker, I commend them on doing their usual good job.

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to my good friend and colleague, the gentleman from West Virginia (Mr. Mollohan).

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Mr. MOLLOHAN. Mr. Speaker, I rise in strong support of the conference report. I know it contains projects which will be very meaningful to citizens across this country as those projects assure flood protection, and guarantee ample water supplies of good quality to needy communities. That is certainly true with regard to the Stonewall Jackson Lake and Dam project which will make these benefits available to almost 50,000 north central West Virginia citizens by controlling the West Fork River as it winds for nearly 100 miles through numerous communities in my congressional district. We will be particularly relieved to be protected from the regular flooding and pleased with the improvement to water quality.

This dam will be of great benefit to my district and is exactly the kind of infrastructure investment we need to make possible economic diversification and growth. I appreciate very much the committee's sensitivity to these needs, and I want to personally express my gratitude to the chairman of the subcommittee, the gentleman from Alabama (Mr. Bevill), and to the ranking minority member, the gentleman from Indiana (Mr. Myers) for their assistance and hard work with regard to this bill.

Mr. Speaker, I support the conference report wholeheartedly and appreciate the efforts of the committee and conferees in regard to this most worthwhile project—the Stonewall Jackson Lake and Dam. The people of West Virginia are grateful.

Mr. MYERS. Mr. Speaker, I yield myself such time as I may consume.

Since this discussion started earlier, I had reflected that we had not heard from the administration on this bill. Since we got started on this conference report, we have. A number of people, particularly on this side, have asked the administration's position. For those who are interested, they have no objection to the bill as it is now being presented as a conference report.

● Mr. FRENZEL. Mr. Speaker, it has been said with some accuracy that the conference report on H.R. 3132 is within the budget resolution allocations.

Since the fiscal year 1984 budget resolution is little more than a Christmas wish list, it is not surprising that this conference report is within budget. Almost anything would fit in the excessive budget which Congress recently ratified. It is not a fit measure for fiscal responsibility.

It also appears that the conference report is within the President's budget request. In truth, that is only because funding for Clinch River has been removed. In the House version, the Appropriations Committee took Clinch River out and then spent all the Clinch River savings on its own favorite pork sausages.

I am also afraid that supplemental appropriations for new authorizations lurk, as usual, in the future. Supplementals are intolerable, but they have become a way of life here. Pork barrel projects and inevitable supplementals make this business as usual, spending as usual, irresponsible as usual.

The taxpayers demand something better than spending as usual, therefore I shall vote no.●

● Mr. STARK. Mr. Speaker, today as we consider the conference report on the energy and water appropriations bill, I would ask my colleagues to consider one thing. This conference agreement contains a cut of $29.25 million in the U.S. magnetic fusion energy budget. But, in contrast, it also includes an expenditure of $7 million for the acquisition of a buffer security zone around one of our national laboratories. I believe we have our priorities a little screwed up here.

The $7 million to be used for the buffer land is to ensure the security of one of our national laboratories. I suggest that a better way to insure our national security would be to proceed with the national magnetic fusion program, and worry about land acquisition once we have acquired a sufficient energy source to carry us into the next century. It will not matter how much land surrounds our laboratories if, in the next century, we are spending all our resources on acquiring imported energy, and have no funds left to run our labs.

Although I will vote for this conference report on its other merits, I am severely disappointed in the shortsightedness shown in this report with regard to our future energy needs. I believe we will be sorry.●

Mr. MYERS. Mr. Speaker, I yield back the balance of my time.

Mr. BEVILL. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDGAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 337, nays 82, not voting 14, as follows:

[Roll No. 229]

YEAS—337

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Aspin
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Cooper
Coyne
Craig
D'Amours
Daniel
Daschle
Daub
Davis
de la Garza
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Dwyer
Dymally
Dyson
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fazio
Ferraro
Fiedler
Flippo
Foglietta
Foley
Ford (TN)
Forsythe
Fowler
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gramm
Gray
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hatcher
Hawkins
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kennelly
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lungren
MacKay
Madigan
Marriott
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal
Rudd
Sabo
Savage
Schaefer
Scheuer
Schulze
Seiberling
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)

Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Stump
Sundquist
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—82

Applegate
Archer
Barnes
Bedell
Bilirakis
Broomfield
Brown (CO)
Bryant
Burton (IN)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Crockett
Dannemeyer
Dellums
DeWine
Dreier
Durbin
Early
Eckart
Edgar
Evans (IA)
Feighan
Fields
Fish
Frank
Frenzel
Gradison
Green
Gregg
Hall (OH)
Hartnett
Hertel
Jacobs
Jeffords
Kastenmeier
Kildee
Latta
Leach
Lowry (WA)
Lundine
Mack
Markey
Marlenee
Martin (IL)
Martin (NC)
McDonald
McKinney
Molinari
Moody
Morrison (CT)
Pashayan
Paul
Petri
Pritchard
Ratchford
Ritter
Roth
Roukema
Russo
Sawyer
Schneider
Schroeder
Schumer
Sensenbrenner
Shannon
Sharp
Sikorski
Smith, Denny
Solomon
Studds
Tauke
Vento
Weaver
Weber
Weiss
Wolpe

NOT VOTING—14

Albosta
Badham
Bosco
Broyhill
Chappie
Erlenborn
Florio
Ford (MI)
Harrison
Heftel
Huckaby
Martinez
McCandless
Smith, Robert

☐ 1410

Messrs. VENTO, BURTON of Indiana, MORRISON of Connecticut, MARTIN of North Carolina, SHANNON, and CONYERS changed their votes from "yea" to "nay."

Mr. SHUMWAY changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1420

COLLEGE LOANS AND GRANTS DENIED TO DRAFT VIOLATORS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I have some good news for America. The Solomon amendment, which denies college loans and grants to young men who are in violation of the Draft Registration Act will go into effect on Friday, July 1.

The U.S. Supreme Court, after a hearing by the full Court body, has, this afternoon, issued a permanent stay knocking out the Minnesota Federal judge's injunction against the law.

This is a major victory for the more than 11 million patriotic young Americans who have lived up to their obligations as U.S. citizens and obeyed the law of the land.

I urge all of you to notify your constituents immediately that this law will take effect on Friday, July 1, for the school year starting this September.

CONFERENCE REPORT ON H.R. 3132, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the Clerk designate each Senate amendment in disagreement by number as they are reached, and that they be considered as read and printed in the Record.

The SPEAKER pro tempore (Mr. Vento). Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 16: Page 10, line 6, after "monument" insert ": *Provided further,* That of the amount herein appropriated not to exceed $20,000 shall be available to initiate a rehabilitation and betterment program with the Twin Falls Canal Company, Twin Falls County, Idaho, to rehabilitate facilities under the Act of October 7, 1919 (63 Stat. 724), as amended, to be repaid in full by the lands served and under conditions satisfactory to the Secretary of the Interior".

MOTION OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Bevill moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 17: Page 10, line 6, after "monument" insert ": *Provided further,* That of the amount herein appropriated $6,000,000 shall be available to enable the Secretary of the Interior to begin work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways, arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance".

MOTION OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Bevill moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided further,* That of the amount herein appropriated $3,000,000 shall be available to enable the Secretary of the Interior to begin work on rehabilitating the Velarde community ditch project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways, arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be nonreimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance".

Mr. BEVILL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 22: Page 17, line 14, after "expended" insert ": *Provided,* That $3,000,000 of the proposed deferral No. 83-72 shall be made available for the Second Small Community Experiment project and shall remain available until expended".

MOTION OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Bevill moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

Mr. BEVILL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 25: Page 19, line 23, strike out all after "expended" over to and including "missile" in line 2 on page 20.

MOTION OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Bevill moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: Delete the matter stricken by said amendment and insert the following: ": *Provided,* That notwithstanding any other provision of law, no funds may be obligated or expended after the date of enactment of this Act for Project 82-D-109 unless the President certifies to Congress that—

(1) for each 155mm nuclear weapon produced an existing 155mm nuclear weapon shall be removed from the stockpile and permanently dismantled; and

(2) formal notification has been received from the North Atlantic Treaty Organization nation in which such weapons are sought to be deployed that such nation has approved replacement of existing 155mm nuclear weapons with the new 155mm nuclear weapons.

Mr. BEVILL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 26: Page 20, line 2, after "missile" insert ": *Provided,* That none of the funds appropriated by this Act, or by any other Act, or by any other provision of law, shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)c of the National Environmental Policy Act of 1969. For purposes of this paragraph the term 'restarting' shall mean any activity related to the operation of the L-Reactor that would load fuel into the reactor core, achieve criticality, generate fission products within the reactor, or discharge cooling water from either testing or operations into Steel Creek."

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials in South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in this paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that the public comment period shall not be reduced to less than forty-five days and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984.

MOTION OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Bevill moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein. In lieu of the matter proposed by said amendment, insert the following:

None of the funds appropriated by this Act, or by any other Act, or by any other provision of law shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes and Environmental Impact Statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and until issued a discharge permit pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.) as amended, which permit shall incorporate the terms and conditions provided in the Memorandum of Understanding entered into between the Department of Energy and the State of South Carolina dated April 27, 1983, relating to studies and mitigation programs associated with such restart. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would achieve criticality, generate fission products within the reactor, discharge cooling water from nuclear operations directly or indirectly into Steel Creek, or result in cooling system testing discharges which exceed the volume, frequency and duration of test discharges conducted prior to June 28, 1983.

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials of South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in the preceding paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that such period shall not be reduced to less than thirty days, and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984.

Mr. BEVILL (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, because of longstanding commitments in my congressional district, I was unable to cast several rollcall votes on June 28, 1983. I would like to list those rollcall votes by number and state how I would have voted had I been present:

Rollcall No. 221 "no."
Rollcall No. 222 "no."
Rollcall No. 223 "no."
Rollcall No. 224 "yea."
Rollcall No. 225 "aye."

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

S. Con. Res. 48

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Wednesday, June 29, 1983, Thursday, June 30, 1983, or Friday, July 1, 1983, pursuant to a motion made by the majority leader in accordance with this resolution, it stand adjourned until 12 noon on Monday, July 11, 1983, and that when the House adjourns on Thursday, June 30, 1983, it stand adjourned until 12 noon on Monday, July 11, 1983.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1984

Mr. DIXON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3415), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. Coughlin) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Dixon).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3415, with Mr. Hertel of Michigan in the chair.

The Clerk read the title of the bill.

☐ 1430

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California (Mr. Dixon) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr.

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COUGHLIN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. DIXON).

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is indeed a privilege for me to once again present to the House the annual District of Columbia appropriation bill.

The budget we present to the House today will finance the District government's operations during fiscal year 1984, and is virtually untouched from the one submitted by District officials on April 12, 1983. The committee shifted only $553,000 between five different programs and agencies, and, in addition, directed that District officials provide adequate funds in two areas—streetlighting and traffic signal costs, and reduction of the accumulated general fund deficit. Sources of funding for these latter two items are left to the discretion of the Mayor and council, who are responsible for adjusting priorities and making sure these obligations are properly funded. So, Mr. Chairman, for all intents and purposes, the budget that we present at this time is the one that was proposed and submitted by District officials back in April of this year.

FEDERAL FUNDS

The committee recommends a total of $544,590,000 in Federal funds for the operation of the District of Columbia government in fiscal year 1984 consisting of:

A Federal payment of $361 million which is the same as the fiscal year 1983 level but $25 million below the request due to lack of authorizing legislation;

A Federal contribution of $52 million to the police, fire, teachers and judges pension fund;

A Federal reimbursement of $16.5 million for water and sewer services furnished to Federal facilities; and

Federal loans of $115 million for the District's construction program.

The bill, as recommended by the committee, is consistent with the budget resolution which was adopted by the House and the Senate last week.

DISTRICT FUNDS

We recommended a total budget of $2,122,013,000 from District revenues. This amount is $123,171,100 above the fiscal year 1983 level and consists of $1,999,205,600 for operating expenses and $122,807,400 for capital improvement projects.

EMPLOYMENT LEVEL

Each year I have tried to keep the members advised on the progress the District government is making in reducing its employment base. In fiscal year 1980, the year before I became chairman, there were 39,105 positions in the District government. In this bill, the committee recommends a total of 31,913 positions which is a reduction of 527 positions below the fiscal year 1983 level and 7,192 or 18.4 percent below the number of positions that were available in fiscal year 1980.

Mr. Chairman, this reduction has come about through various management and administrative improvements initiated by District officials who on the one hand are trying to streamline the bureaucracy while at the same time improve service delivery.

GOVERNMENTAL DIRECTION AND SUPPORT

The bill includes $44,352,400 for the 18 agencies and activities funded under the governmental direction and support appropriation; 10 of the agencies are funded at their fiscal year 1983 level and have no increase whatsoever. The remaining eight have modest increases basically for increased pay costs. The committee recommends a total of $5,408,200 for the Council of the District of Columbia, the city's legislative body. This allowance is $416,900 above the fiscal year 1983 level to cover within grade salary increases, funding for the fiscal year 1984 pay adjustment, and underfunded salary costs. An increase of $20,000 is provided for the D.C. Auditor to annualize three positions initially approved last year. A total of $472,100 will be available for that office in fiscal year 1984.

Mr. Chairman, the committee continues to be concerned with the operation of the D.C. Board of Elections and Ethics. We raised this issue with the Mayor on the very first day of our hearings, and we followed up with the chairman of the elections board who explained that although some permanent corrective action has been initiated by the board, one of the significant problems stems from the transient nature of a large segment of the District's population and the inability to purge the files on the basis of a mail check. These problems are being addresed by the city council. The committee has requested the board to provide the committee with a comprehensive timetable and plan for assuring permanent improvements to the voter registration rolls. The committee recommends $2,468,700 and 41 positions for the operation of the board in fiscal year 1984. The increase of $856,900 will cover the costs associated with two additional elections scheduled to be held during the year.

We recommend $2,403,700 and seven positions for the D.C. Retirement Board which controls and manages the retirement funds for police officers and firefighters, judges, and teachers. The committee recommends continuation of the arrangement whereby 25 percent of the board's costs are financed from general fund revenues and 75 percent from retirement fund earnings. The committee notes the board's diligence in exercising its fiduciary responsibility under Public Law 96-122 which created the board and set forth its responsibilities.

ECONOMIC DEVELOPMENT AND REGULATION

The committee recommends a total of $56,603,000 for the departments and agencies included in this appropriation category. For the Office of Planning and Development, we recommend $2,843,000 for fiscal year 1984, a net decrease of $334,100 below the fiscal year 1983 appropriation level. This office, Mr. Chairman, is the District's central planning office and is responsible for producing, monitoring and updating the District's elements of the comprehensive plan.

For the Department of Housing and Community Development, the bill includes $19,376,500, of which $2,826,600 will be used to provide down payment assistance so that low income District residents will be able to buy homes. In addition, $2.5 million will provide for the rehabilitation of 100 units and $1 million will be used to acquire properties for rehabilitation.

For the Housing Finance Agency, we recommend $1,778,700 as requested. The primary function of this agency is to increase the supply and lower the cost of funds available for residential mortgages and construction loans, and in doing so, help alleviate the shortage of affordable housing for the city's low- and moderate-income residents.

The bill includes $307,100 to fully fund eight positions for the Commission on the Healing Arts Licensure. Mr. Chairman, this is a revenue producing activity responsible for approving or denying the licensure of applicants to practice medicine and other healing arts. Testimony was received by the committee to the effect that there is a backlog in all areas, and with only four of the eight positions filled, the committee has urged the Commission to move ahead in filling the four vacant positions and reducing the backlog of cases.

For the Department of Finance and Revenue, the bill includes the full budget request of $15,976,200 which is $1,136,100 above the fiscal year 1983 level. This Department expects to generate almost $1,3 billion in revenues for the operation of the District government in fiscal year 1984.

PUBLIC SAFETY AND JUSTICE

Under the public safety and justice appropriation, the committee recommends a total of $457,840,300 for fiscal year 1984, an increase of $52,963,500 above the fiscal year 1983 level. The committee recommends $139,820,900 for the Metropolitan Police Department. At our first hearing this year, the Mayor testified that 3,891 officers were on board. As some of you will recall, many Members of Congress were concerned that the city not reduce the level of uniformed officers, and District officials have concurred in this concern by placing additional officers on the rolls to bring the force up to its full strength of 3,880 uniformed personnel.

There are two areas within the police department's budget that causes us some concern. First is the significant increase of $1,354,200 or 45.6 percent in police overtime costs which will total $4,320,000 in fiscal year 1984. Well over half of these costs are for court appearances by officers. We have discussed this subject with department officials during the past few years, and while there has been some acknowledgment of a program to reduce these costs, there is some concern with the effectiveness of those efforts. As a result, the committee has requested the criminal justice agencies of the District to coordinate their efforts with the objective of reducing overtime costs as well as the level of overtime. We have asked the Chief Judge of the Superior Court to chair this group and to report back to the committee when next year's budget is submitted.

The second area of concern is the police and fire health clinic which the District is not funding in fiscal year 1984. District officials explained that savings would result from closing the clinic—which is used by District and fire employees as well as the Federal Park Police and Secret Service on a reimbursable basis—and providing the same quality and level of service through other medical facilities operated by the District government, including D.C. General Hospital and clinics operated by the Department of Human Services. The committee held a special hearing on the city's proposal, and after receiving testimony from the various District officials involved in the development of the city's plan, it was not clear to the committee whether there would be any savings at all from closing the clinic. And the committee was not convinced that the level and quality of services provided by the clinic would be continued through other District facilities. Since the plan through which the proposal will be implemented was not completed at the time the subcommittee marked up, the committee is requesting quarterly reports on the city's progress in developing and implementing the plan. The reports are to include information on projected and actual savings as well as an objective comparison of the level and quality of service.

For the District's court system, the committee recommends a total of $44,372,200. The District's court system consists of the court of appeals, the superior court, and the court administration. This recommendation is $4,236,700 above the fiscal year 1983 level and includes increases to assist the courts in coping with their continually increasing caseload.

A total of $102,127,200 is included in the bill for the department of corrections and will fund an additional 92 positions above the fiscal year 1983 level enabling the department to respond to the security requirements of an expected increase in inmate population as well as provide court ordered security coverage. An increase of $5,968,000 or a total of $21,296,000 is included to cover the costs of District inmates assigned to facilities of the Federal Bureau of Prisons. A total of $491,900 and 21 positions have been approved for the District's support of the National Guard in fiscal year 1984. This allowance includes $33,200 and one new position requested by the commanding general as the minimum required to maintain the guard's current workload. We recommend the full request of $98.2 million as the District's contribution to the police and fire retirement system. This allowance is $13,233,000 above the fiscal year 1983 level and is determined by the board's actuary in accordance with Public Law 96-122, the D.C. Retirement Reform Act.

Mr. Chairman, we recommend $52,548,200 for the operation of the fire department in fiscal year 1984. This amount is $4,979,200 above the current year level and includes an increase of $312,000 to keep a five-man crew on the department's fire boat. District officials had proposed reducing the crew to two. The increase recommended by the committee also provides funding of $1,043,900 to annualize the costs of the four rescue squads which were partially funded in fiscal year 1983.

PUBLIC EDUCATION SYSTEM

We recommend a total of $473,597,100 for the operation of the public education system during fiscal year 1984. The committee's recommendation reflects an increase of $34,872,900 above the fiscal year 1983 level.

For the public school system, the bill includes $326 million or an increase of $19,482,200 which will allow the system to partially fund the cost of mandatory pay adjustments negotiated through employee contracts. These pay adjustments total $22 million and will require that an additional $2.6 million be redirected from other programs and services throughout the school system.

Mr. Chairman, I believe the school superintendent is doing an outstanding job. She has been particularly successful in involving the private sector with the school system, and I think the board is operating in fine fashion—in a manner that is in the best interest of our young people.

The committee recommends the full request of $68,975,000 for the teachers retirement and annuity fund. This is $13,092,000 more than the fiscal year 1983 appropriation and is based on the actuary's request in accordance with Public Law 96-122. We recommend $60,842,400 for the University of the District of Columbia in fiscal year 1984. The increase of $2.5 million above the fiscal year 1983 level is solely to fund pay adjustment costs. For the public library, we recommend $12,436,100 which is $1,189,800 above the fiscal year 1983 appropriation level. The increase recommended by the committee will fund the fiscal year 1984 pay adjustments as well as the initial costs of the library's video-rental collection.

HUMAN SUPPORT SERVICES

The bill includes a total of $486,778,600 for the departments and activities funded under this appropriation. The largest single budget under this appropriation is for the Department of Human Services and totals $353,891,100 of which almost one-third or $111,636,900 is for the District's medicaid program. Although this budget request contemplates new cost containment measures and continuation of currently successful ones such as the limit on reimbursements for outpatients and emergency room services, the District government and local hospitals are exploring alternative medicaid reimbursement policies for inpatient hospital care that will check the extraordinarily high rate of increase of recent years and replace it with a prospective payment structure to cap spending.

The committee has approved the budget request of $24,748,700 for payments by the District to St. Elizabeths Hospital for mental health care provided to city residents. While this allowance reflects no change from the appropriation for fiscal year 1983, the committee has increased the limitation included in the bill language by $4.7 million. This increase of $4.7 million, which will be provided from the additional Federal payment of $25 million now awaiting authorization action by the Congress, will provide a total payment in fiscal year 1984 of $29,448,700 or 19 percent above the fiscal year 1983 level. The administration requested that the District pay $54.6 million in fiscal year 1984, an increase of $29.9 million or 121 percent above the fiscal year 1983 appropriation. Clearly such an increase is unreasonable and beyond the District's capability. In last year's bill, the committee recommended and the House approved a $3.6 million or 15.7 percent increase in the District's payment to St. Elizabeths Hospital. This increase was deleted completely by the other body, and in conference, the House was successful in restoring only $1.8 million, so the final allowance was only 7.8 percent above the fiscal year 1982 appropriation. The committee is concerned with the level of the District government's payment to St. Eliz-

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abeths Hospital and reiterates its support for the concept that the District's share of the operating costs of St. Elizabeths must increase to a level which reflects the heavy use of these services by District residents. The committee believes the increase of 27 percent, which reflects the District's anticipated payment of $4.7 million and the $1.8 million increase provided in fiscal year 1983, is reasonable, and urges the Federal Department of Health and Human Services to work closely with the District government in developing a fiscal year 1985 proposal which will accomplish the goal of increased District funding over a reasonable period of time.

The committee recommends the full budget request of $5,188,600 for the Office on Aging and $3,297,600 for the District of Columbia Energy Office. This latter amount includes $3 million earmarked for the complementary energy assistance program which provides assistance in the form of cash payments directly to 2,200 qualifying low-income recipients with household energy and utility expenses.

PUBLIC WORKS

Mr. Chairman, the committee recommends approval of the consolidation of two appropriation titles—transportation, and environmental services—into a single public works title. We recommend a total of $190,562,100 for the five agencies funded through this appropriation. This allowance includes $98,475,700 or a $6,390,000 increase for the District's share of the operating subsidies for metrorail and metrobus operations in fiscal year 1984. The committee has approved the Department of Transportation's full budget request of $31,190,200 which is $12.3 million below the fiscal year 1983 level. This reduction is due primarily to the District's proposal to shift $12 million in streetlighting and traffic signal costs from the District budget to the rate base for electrical consumers. While the committee has not taken a position on this issue, we are concerned that a budget was submitted by District officials based on a controversial idea which has resulted in the deletion of funds for basic services that are essential to the safety and well-being of residents and visitors. The committee wishes to place District officials on notice that future budgets are to be predicated on proposals that are within the limits of the Mayor and Council for final action.

In order to insure the timely payment of the city's street lighting and traffic signal costs, the committee has included language in the bill under section 130 directing the District government to continue to pay its street lighting and traffic signal costs on a monthly basis until all final administrative and judicial determinations have been made on a program which provides for these costs to be paid by the utility ratepayers. The sources of funds required for these payments are to be determined by the Mayor from funds provided in this bill in accordance with section 130.

A total of $25,601,600 is recommended from the general fund for the Department of Environmental Services. This allowance is $2,691,600 above the fiscal year 1983 level and will cover pay adjustment costs as well as other cost increases for equipment rental and the war on rats program. We recommend the budget request of $158,735,600 to repay the amount due the Federal Treasury on the $1.65 billion in outstanding loans borrowed by the city to finance its construction program.

REPAYMENT OF GENERAL FUND DEFICIT

Mr. Chairman, we recommend that $20 million be applied toward reducing the District's accumulated general fund deficit which is estimated to total $276 million at the end of fiscal year 1983. The committee's recommendation consists of $5 million in the District's budget request plus an additional $15 million which is to be identified by the Mayor and made available through reductions in amounts included in the bill or from additional revenues.

Mr. Chairman, District officials have reduced the deficit from $388 million in 1980 down to an estimated $276 million in fiscal year 1983 and, with the $20 million included in this bill, the deficit will be reduced even further to $256,410,000. In other words, the District will have reduced its deficit by more than one-third in a period 4 years, a feat they can be proud of and one that signals their commitment to sound financial management.

INTEREST ON SHORT-TERM BORROWINGS

The committee recommends $3,197,000 for this new account which will be used to pay interest and other costs associated with issuing short-term revenue anticipation notes. Issuance of these notes will allow the District to meet its seasonal cash flow financing needs which were met through interest-free repayable advances from the Federal Treasury through fiscal year 1983. In fiscal year 1984, the District plans to meet this need by going to the public market.

ADJUSTMENTS

The bill includes language allowing the Mayor to reduce the energy budgets and the additional gross pay budgets within one or several of the appropriation titles by $3,871,300 and $361,800, respectively.

CAPITAL OUTLAY

We recommend a total of $122,807,400 for 67 construction projects in fiscal year 1984. The committee's recommendations consist of $111,587,400 for 59 projects financed from the general fund and $11,220,000 for 8 projects from the water and sewer enterprise fund. These projects, Mr. Chairman, run the gamut from housing and public school facilities to highway and bridge work and the laying of sanitary sewerlines. A total of $78,022,100 is included for "public building construction" which includes the modernization of public housing, the completion of a career center for public schools, and the construction of central laboratories at D.C. General Hospital; $25 million are recommended for various highway and bridge projects and $19,783,300 will finance water and sewer work including almost $7 million as the District's share to complete the wastewater treatment plant at Blue Plains.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

Mr. Chairman, the bill includes $9,617,000 for the operation and administration of the Washington Convention Center, an 800,000-square-foot versatile facility located in the heart of the District and designed to accommodate large national and international conventions, trade shows, and meetings. The center officially opened on December 10, 1982, with the first show on January 5, 1983. Fiscal year 1984 will be the center's first full year of operation.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

The committee recommends $2,772,500 in non-Federal funds for the lottery and charitable games control board in fiscal year 1984. This board, Mr. Chairman, is responsible for operating and conducting a lottery and daily numbers game in the District and is authorized to issue licenses for the operation of bingo and raffles. The committee's recommendation is $1,588,000 above the fiscal year 1983 allowance and reflects the resources required to operate and conduct the lottery and charitable games activities. The District government anticipates receiving $40 million from the board's activities for deposit into the general fund during fiscal year 1984.

GENERAL PROVISIONS

The committee recommends the continuation of a number of general provisions that have been carried in the past. These general provisions appear on pages 15 through 23 of the bill and I will mention a few of them briefly. Language has been retained under section 119 of the bill prohibiting the use of Federal funds to perform abortions except to save the mother's life or in cases of rape or incest. This language is identical to that carried in the bill since fiscal year 1980. Section 129 removes District employees from the Federal employee pay ceiling and provides that the pay setting authority shall be the District's Merit Personnel Act as authorized by the Home Rule Act, rather than title 5 of the United States Code which was the pay setting

authority prior to home rule. Language has been added to section 124 modifying the District's reprograming policy. This modification requires that changes in the scope of capital outlay projects be subject to the reprograming policy currently in effect. As noted earlier, the committee has added a new general provision which requires the District government to continue making monthly payments for streetlighting and traffic signal costs until those costs are covered by other means through a program for which all final administrative and judicial determinations have been made.

CONCLUSION

Mr. Chairman, I have attempted to cover the highlights of the committee's recommendations. The committee report is available to Members and explains our actions in much more detail.

The committee held several days of hearings and questioned over 200 witnesses at some length, and let me assure the Members that this is a very tight budget.

The net increase in the general fund operating budget is $78 million or 4.3 percent above the fiscal year 1983 level, and almost all of that is for mandatory costs.

For example, of the $78 million increase, $42.1 million, or more than half is to cover pay adjustment costs; $26.6 million is mandated for the retirement funds for police officers, firefighters, judges, and teachers; and $5.9 million is for payment to the Federal Bureau of Prisons for District inmates housed in Federal facilities.

Mr. Chairman, it does not take a very sophisticated computer to come to the realization that very little of the increase was available for discretionary programs.

I want to take this opportunity to express my deep appreciation to the ranking minority member of our subcommittee, Mr. COUGHLIN. I have had the pleasure of working with the gentleman from Pennsylvania (Mr. COUGHLIN) for the past 3 years and there is no question that he makes my job on this subcommittee a lot easier because when we do not agree on an issue, we can at least be agreeable about it.

I would also like to thank Mr. NATCHER whose long experience as a member of this subcommittee and the chairman for a number of years has been very valuable.

Mr. GREEN of New York brings a lot of expertise to the subcommittee, especially in the area of housing, and he has always been supportive of the bill.

I would also like to thank Mr. STOKES of Ohio; Mr. WILSON of Texas; Mr. LEHMAN of Florida; Mr. SABO of Minnesota, one of the two new members on our subcommittee this year, and Mr. ROGERS of Kentucky, who is also a new member of our subcommittee.

Mr. Chairman, this is a good bill and I recommend it to the Members.

Mr. COUGHLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first congratulate the very able and courageous chairman of the subcommittee. He has done on this bill a superb job, as usual, in balancing the competing interests of, first, those who are in this city not as permanent residents, but in it because it is the Nation's Capital; second, the interests of those who are the permanent residents of this city and who desire to rule themselves; and third, the interests of this subcommittee in assuring that the District of Columbia does not run at a deficit and that it pays off its outstanding indebtedness.

The chairman has bent over backward in accommodating Mayor Marion Barry and the D.C. government, while at the same time preventing the subcommittee from becoming a rubber-stamp. We are all grateful and owe him a debt of gratitude for his tact and his good judgment in handling this very difficult situation.

Let me also compliment the staff, Americo Miconi, who probably knows more about the District of Columbia than any other person in this country; Kenny Kraft, who loves working on this bill; and Mary Porter and the other members of the staff.

The D.C. appropriations bill does two things: it appropriates the Federal payment and it appropriates the entire D.C. budget.

The Federal payment in this bill is $361 million. That is the same as it was in 1983 and $25 million less than the President's request, which we just authorized on Monday. It is $27 million below the budget resolution.

Other Federal funds, as the chairman pointed out, include $16,520,000 for water and sewer services furnished to Federal facilities; $52 million for Federal contributions to the police, fire and teachers pension system; and $115 million in loans for the city's construction program.

The bill provides—and it is always amazing to hear this kind of figure, I think—a total of $2,122,000,000 for the District for its budget.

When counting Federal and other grants and reimbursements, a total of $2.8 billion is available.

This is a bipartisan bill. The chairman and I agreed upon everything, including some adjustments to the budget which the chairman has mentioned, but which I want to refer to, too.

The District proposed to charge its customers and the consumers of the District of Columbia for the cost of street lighting in this city. I personally happen to think that is a pretty dumb idea, but this subcommittee did not want to interfere with the District's decision. That is a decision of the City Council. And we did not interfere with the City Council's decision.

The chairman was insistent on that, but the procedure and the implementation of that program was nowhere to be seen. So the chairman simply said, "Well, until they implement the program, we certainly should require the city to pay its bills." And I think the chairman was exactly right on that. That was not interference in the District's government, but that was simply making sure that they pay their bills while they are trying to implement a procedure that they have enacted.

We also included more than $5 million the District had budgeted to pay off the cash portion of its long-term debt. That debt was $296 million in 1982, $20 million of it is to be reduced in 1983. The District of Columbia officials have been put on notice that the committee expects the full $20 million to applied and not spent on other things.

And we increased to $15 million the amount to be applied to that debt in 1984.

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I believe strongly that it is a function of this subcommittee and a proper function of this subcommittee to insure that the District does operate on a balanced budget and that it pays off its accumulated debt. That is part of the responsibility under the Constitution of the United States of this Appropriations Subcommittee. It is an important thing because in order to have the District's credit to be good, so that it can appeal to the financial markets, it needs to have a regular, orderly procedure for paying off that accumulated operating deficit.

Third, the city's only fireboat is the only fireboat in the District of Columbia area. Just last week the fire at the Anacostia Naval Annex dormitory, which did $101 million worth of damage, would have been much worse if the District's fireboat had not pumped water out of the Anacostia River with which to aid the fire companies responding to fight the blaze.

The District, historically, has had a tendency to underfund and cut back on those very programs that are important to those who are in this city not as permanent residents but as visitors or as officials of government, because this is the Nation's Capital. It seemed to me pretty absurd to take the five-person crew of that fireboat and reduce it to two people, who would have been unable to man the boat in an emergency. It seems like a drop in the bucket, but an important drop in the bucket, because that fireboat was one of the few things that can fill the bucket when necessary and combat those fires in this area.

Mr. Chairman, I think it is a good bill that we bring before you. Again, I feel the chairman has done a superb job. I take great exception to the recent editorial in the Washington Post indicating that this was interference of some sort, meddling, or colonialism, or something like that. If ever a chairman bent over backward not to meddle in the affairs of government, it was this chairman who brings this bill before the House. There are others, of course, who complain that we have not interfered enough and that we should be doing more in that area. I think this is a balanced approach. We have interfered only in those areas where we have a legitimate concern as a committee.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, I rise in support of the bill (H.R. 3415) which will provide funding for the operation of the District of Columbia government of fiscal year 1984. I am encouraged by the fact that we are considering this measure relatively early in the year, and it may turn out to be the first appropriation bill to work its way through the process without the threat of a Presidential veto.

Mr. Chairman, as ranking member of the authorization committee for the District of Columbia, I really would like to start by congratulating my good friends, the chairman of the Appropriations Subcommittee on the District of Columbia and the ranking member. I think they have done serious and much needed work. They have been eminently fair. They have not interfered in the affairs of the city, but they have recognized the responsibility of the city for the money that it receives from this Federal entity, the Federal Government. I am very proud of associating with my good friends, the chairman and ranking member. We share the same desires and goals for the District, and I am very happy to endorse for the minority side of the authorization committee their entire effort.

Unlike the situation a few years ago, the committee has been able to work its will on the city's $2 billion-plus budget, and at the same time make very few specific changes in the funding levels requested by the locally elected officials. In the instances where assumptions have been questioned, the committee has exhibited great restraint and has provided the city with the greatest flexibility possible in determining how compliance with committee directives will be accomplished, This type of approach clearly shows strong support for the concept of home rule, and continues a trend that was begun several years ago. I trust the future will be characterized by a furthering of this partnership between Congress, the Mayor, and the Council of the District of Columbia.

There are three specific recommendations which I would like to briefly comment upon. Although the first of these does not involve any funding in the bill, it is perhaps one of the most important items mentioned in the committee report. I am referring to the discussion on pages 4 and 5 of the report concerning financial management in the city, and more specifically the automated financial management system which was established jointly by the city and Congress under Public Law 94-399. I will not belabor the specifics of the issue, since the content of the report is complete in that regard. I will simply state that as a member of the Temporary Commission on Financial Oversight of the District of Columbia, I am pleased to see that the General Accounting Office will conduct a review of the elemental components of the Financial Management System and report back to the Appropriations Committee by May 1, 1984. The results of that review will certainly be of great benefit to the city in determining what systems need revision or expansion. I trust that the final result will not be used to assess blame for shortcomings, but rather will be used to chart a course for improvements which will provide the private bond market with assurances that the city is fully capable of adequate financial management and is capable of issuing bonds.

Another recommendation which merits attention is found on page 41 of the report. Under the account titled "Repayment of general fund deficit" the committee recommends that a total of $20 million be applied toward reducing the city's accumulated deficit of $309 million. Although the city requested and budgeted only $5 million for this purpose, the committee has seen fit to raise the ante to $20 million, the same as the amount recommended for the current fiscal year. The $15 million difference is to be made available by the Mayor through spending reductions or increased revenues. I fully support this directive because it provides the Mayor with the flexibility of identifying the source of the extra $15 million, and it maintains the level of $20 million annually, which if continued into the future will eliminate the entire deficit with the least future impact on the citizens of the District of Columbia. The alternative proposals advanced by the city all involve the issuance of deficit bonds, a concept to which this Member is adamantly opposed.

The final recommendation of the committee that I would like to highlight concerns St. Elizabeth's Hospital, and I warmly applaud the report language found on page 38. There is no question that the city must work as quickly as possible to first, assume responsibility for its share of the costs, based on the number of D.C. residents using the facility, and second, work to assume full control of the facility itself from the Federal Government. However, there is much to be done before those initiatives may come to pass.

It is totally irresponsible to demand that the city, given its current delicate financial condition and the demands on its budget, suddenly double its dollar contribution to the operating costs of St. Elizabeths. A more rational approach, and one that I advocate, is to gradually increase the annual contribution of operating costs from the city, and get the Federal Government to gradually upgrade the facility, so that at some point in the future, the city will be ready to assume the financial obligation of a facility they will run. However, the facility itself must be brought up to standards before we dump it on the city government. In too many instances, the Congress and the Federal Government has done exactly that—dumped a serious problem on the city under the guise of increased local autonomy without providing adequate resources for the city to take over the operation. I do not intend to allow this to happen with respect to St. Elizabeths Hospital, and I am prepared to introduce legislation to prevent another fiasco. At this time, the General Accounting Office is studying this problem, and will recommend action to be taken by Congress and the executive branch.

Again, I applaud the committee for recommending in this legislation a rational and sensible course of action with regard to St. Elizabeths Hospital. I hope our colleagues will recall this provision when the appropriation bill providing funds for the Department of Health and Human Services comes to the floor, and if necessary takes the necessary action to put the two bills in harmony.

In conclusion, Mr. Chairman, I urge support of this bill and I wish to congratulate in particular the chairman of the subcommittee, the gentleman from California (Mr. Dixon), and the ranking member, the gentleman from Pennsylvania (Mr. Coughlin), for their leadership.

Mr. Chairman, I yield 5 minutes to the Delegate from the District of Columbia (Mr. Fauntroy).

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 3415, the District of Columbia appropriation bill for fiscal year 1984. Let me, first, commend our colleague, Mr. Dixon, chairman of the Subcommittee on District of Columbia Appropriations, for his unflagging concern to protect the Federal interest in the governance of our Nation's Capital and his informed and caring support for the citizens of the District of Columbia.

H.R. 3415 contains $2.1 billion for fiscal year 1984 consisting of $1.8 billion in operating expenses from the general fund, $111 million in capital outlay from the general fund, $114 million for operating expenses for the water and sewer enterprise fund, $11 million for capital outlay for the "Water and sewer enterprise fund," $9.6 million for the "Washington Convention Center enterprise fund," and $2.7 million for the "lottery and charitable games enterprise fund."

The bill provides a total of $544,590,000 in Federal funds. This includes a Federal payment of $361 million which is $25 million below the amount requested. The increase in the Federal payment appropriation has been held up because of the need for authorizing legislation.

On June 27, the House approved my bill, H.R. 2637, which increased the Federal payment to the District from $361 million to $386 million for fiscal year 1984 and thereafter. Thus, the additional $25 million will be available to the District.

I do take exception, however, to a provision in the bill which requires that a total of $20 million be applied toward reducing the District's accumulated general fund deficit which totaled $309 million as of September 30, 1981. H.R. 3415 contains the District's $5 million request plus an additional $15 which the Mayor must identify and make available through reductions in amounts in the bill or through additional revenues.

Mr. Chairman, many of my colleagues were not Members of the House when the District of Columbia was granted home rule. The city's accumulated deficit condition occurred through decades of Federal financial management and budgetary decisions. Its impact became apparent only as the District moved toward financial operations as a separate entity, lacking benefits of the Federal power of deficit financing.

The current administration of Mayor Marion Barry identified the problems posed by the accumulated general fund deficit and moved to take appropriate actions to solve it. Since 1980, the District has:

Formulated and executed balanced general fund budgets in fiscal year 1981 and fiscal year 1982.

Reduced the accumulated general fund deficit by $82 million, including more than the amount referenced in Report 97-747 for fiscal year 1982.

Received clean independent audits in fiscal year 1980, fiscal year 1981, and fiscal year 1982.

Received the important MFOA Certificate of Conformance in Financial Reporting.

Formulated and successfully pursued important technical amendments to the Home Rule Charter borrowing authority.

Successfully issued over $100 million of District of Columbia revenue bonds for academic facility construction and low/moderate income multifamily rental housing.

Formulated and proceeded to execute a balanced fiscal year 1983 general fund budget.

Formulated and passed a balanced fiscal year 1984 general fund budget, with an allocation of $5 million to reduce the accumulated deficit.

Proceeded to adopt a 5-year series of water and sanitary sewerage service rate increases, designed to place the water-sewer enterprise on a balanced basis.

Given the limited powers of the District, I submit that this is clear and substantial evidence of the city's continuing commitment in this matter.

Mr. Chairman, the District has sought to halt the growth of the accumulated general fund deficit and eliminate any remaining accumulated deficit as outlined in the Mayor's 1980 Comprehensive Financial Plan. The city has succeeded with the former, as witnessed by planned and executed balanced budgets. With regard to the latter, the District proposed funding the accumulated deficit through the issuance of general obligation bonds, first to the Federal Government, then to the private municipal bond market. However, the requisite authority for the District to proceed was never appropriately enacted by the Congress.

To require the city to reduce items in its budget by $15 million or raise revenues by a like amount is to ask undue hardship on District taxpayers. I would hope, Mr. Chairman, that when this bill goes to conference, that this requirement might be reduced or eliminated.

Mr. COUGHLIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Conte), the distinguished ranking minority member of the committee.

Mr. CONTE. Mr. Chairman, I rise in support of this bill making appropriations to the District of Columbia for fiscal year 1984. Although there is one aspect of the bill which disturbs me, I think that overall, the agreements reached by the majority and minority on this bill, have produced a funding measure which we should support.

Under the Federal funds category, for the Federal payment to the District to help the city offset the cost of the Federal presence, the committee has provided $361 million, a figure $25 million below the amount requested.

This Federal payment in lieu of taxes will help pay District operating expenses for such things as police, fire and rescue services; operation of the public education system; support for human service programs, public transportation services and a broad range of other programs and services provided by the District Government.

In addition to the Federal payment, other areas under the Federal funds category include a $52 million contribution to the police, firefighters', teachers' and judges' retirement funds;

A $16.5 million payment for water and sanitary sewer services furnished to Federal facilities, and $115 million in capital outlay and loans to the District to assist in financing such programs as correctional facility construction, heating system replacement in public schools, hospital modernization, and various other community enhancement initiatives.

The total amount appropriated by the committee in the Federal funds category is $544.6 million, a figure $20.4 million over the fiscal year 1983 level, and $25 million below the request.

The second category of funds in the bill, District of Columbia funds, consists of the D.C. general fund, which is the city's basic operating budget; the water and sewer enterprise fund; the lottery and charitable games enterprise fund; the Washington Convention Center enterprise fund and capital outlay funds for public building improvements and construction, and water and sewer system construction and rehabilitation.

For fiscal year 1984, the committee has approved nearly $1.9 billion for operation of the District Government out of the general fund. The largest portion of this total is dedicated to three areas of funding: Public safety and justice; the public education system and human support services.

In the public safety and justice portion, the Committee has approved $457.8 million, an increase of $48.6 million over fiscal year 1983. This figure includes increases to accommodate police overtime for court appearances, as well as increases in funds for security coverage at local confinement facilities, commensurate with projected increases in prison population levels, and court ordered levels of security coverage at local institutions.

For the public education funding level, the committee approved $473.6 million, a $34.8 million increase over fiscal year 1983. Within this figure are funding increases to accommodate pay adjustments for the Board of Education activities, and increases in the teachers' retirement fund.

For public education, this funding level will allow the Board of Education to maintain current pupil-teacher ratios, and build upon recent gains in areas of academic achievement, dropout prevention and improved school security.

The third major area of funding is human support services. In this area, the committee has provided a total of $486.7 million for fiscal year 1984. This figure is $19.8 million over the fiscal year 1983 level. The principal increase in this figure is associated with rises in the medicaid and medical charities funding levels to allow various health-oriented programs to continue at existing levels.

Earlier in my remarks, I noted that there is one aspect of this bill which disturbs me—that area is the St. Elizabeths Hospital situation.

In preparing its fiscal year 1984 Department of Health and Human Services budget, the administration assumed that the District Government would pick up a total of $54.5 million in reimbursements to St. Elizabeths for patient care of District residents. In the bill we are considering, the committee has approved a $24.7 million payment to St. Elizabeths, plus an addition of $4.7 million in limitation language, making a total of $29.4 million available for reimbursements to St. Elizabeths Hospital.

That leaves a shortfall of $25.2 million—the difference between the cost of providing patient care to District residents, and the actual amount which the District is paying to St. Elizabeths in reimbursements.

It also leaves a situation where 90 percent of the patients are District residents, with the District only paying 25 percent of the cost of caring for them. That means that either the costs must be picked up in Federal appropriations, or the hospital at some point will have to start scaling down operations.

Mr. Chairman, I am convinced that the funding gap between the operational cost of maintaining care for District residents, and the District's reimbursements, continues to rise. I would like to see the District Government accelerate its efforts, pursuant to past understandings, and work with the Department of Health and Human Services in developing a proposal to accommodate the goal of making St. Elizabeths Hospital an integral part of the District Government's community mental health center system.

I might just say here, Mr. Chairman, that I, and I am sure other members of the committee, would look favorably on any management initiatives on the part of the District government to apply excess revenues or program savings to the St. Elizabeths situation.

Beyond the three major areas of funding I mentioned, another area of funding provided for in the general funds category is the $190.5 million level in public works funding to accommodate such services as repair and maintenance of public buildings, streets, and bridges, and the providing of public transportation services.

We have also provided the latitude to allow the Mayor to further reduce the operating fund deficit by granting him the authority to make available for this purpose, funds he identifies through reductions in amounts in the bill, or from additional revenues. I know this is important to the ranking minority member (Mr. Coughlin).

In the capital projects fund, Mr. Chairman, the committee has provided $111.6 million for funding for capital projects in connection with the District's multi-year plan for development, modernization, and replacement of public facilities.

Examples of such projects include fire station replacement, building security improvements, and housing development projects.

The committee has also provided for the operational funds through which water and sewer services are provided to the District. Included in this budget are funds for the District's Washington aqueduct plant which produces and distributes potable water, as well as funds for operating the Blue Plains wastewater treatment plant.

Mr. Chairman, this bill covers many other areas which I will not get into at this time. In conclusion, I would like to say to the gentleman from California (Mr. Dixon) and the gentleman from Pennsylvania (Mr. Coughlin), as the chairman and ranking minority member of this subcommittee, you have delivered a good product. I do hope that we can in the near future resolve the problem of the District's reimbursement to St. Elizabeths Hospital.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, I agree with the gentleman completely. I just feel, and I think the gentleman from Pennsylvania (Mr. Coughlin) would agree with me, that the District needs some additional time to work out this situation with the Office of Management and Budget. Obviously, we will have to do something about the $25 million shortfall by the time this bill reaches conference, although I am hopeful it will be resolved before that time. But I want to first give the District the opportunity to establish their priorities, and I am hopeful that by the time the bill goes to conference, this issue will have been resolved.

□ 1450

Mr. CONTE. I appreciate that. That is a fine explanation and, therefore, I will not offer an amendment I had considered offering.

Mr. Chairman, I include in the Record at this point a letter from David Stockman, Director of OMB, and a statement of administration policy.

The letters follow:

Executive Office of the President, Office of Management and Budget,
Washington, D.C., June 23, 1983.

Hon. Silvio O. Conte,
U.S. House of Representatives,
Washington, D.C.

Dear Sil: On Thursday, June 23, the House Appropriations Committee will consider the District of Columbia Appropriation bill. I want to express the Administration's concern over the Subcommittee's treatment of the District payment to Saint Elizabeths Hospital. Specifically, the Subcommittee decision to cap the payment at $29.5 million (54% of total cost) will seriously impair the ability of the District Government to both finance care for its residents at Saint Elizabeths and meet its legal obligations under Federal court order *Dixon* v. *Schweiker*. Given that fiscal year 1984 is the second of a ten-year phasedown of Federal subsidies to the District, the District Government should gradually assume increasing responsiblity for the funding and direction of mental health services in this city. Consequently, the Administration finds the 54% cap objectionable.

When the full Committee marks up the appropriation bill, I hope you will support efforts to amend upward or eliminate the limitation on the District's use of funds. This will not only assure full delivery of services at the health facility, but also underscore both Congressional and executive branch support for home rule.

Sincerely,

David A. Stockman,
Director.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 1984 (DIXON (D), CALIFORNIA), JUNE 24, 1983

The Administration is concerned about the treatment in the bill, as reported by the Committee on Appropriations, of the District payment to Saint Elizabeths Hospital. Specifically, the Committee decision to cap the payment at $29.5 million (54% of total cost) will seriously impair the ability of the District Government to both finance care for its residents at Saint Elizabeths and meet its legal obligations under Federal court order *Dixon* v. *Schweiker*. Given that fiscal year 1984 is the second of a ten-year phasedown of Federal subsidies to the District, the District Government should gradually assume increasing responsibility for the funding and direction of mental health services in this city. Consequently, the Administration finds the 54% cap objectionable.

The Administration will support efforts to amend upward or eliminate the limitation on the District's use of funds. This will not only assure full delivery of services to the health facility, but also underscore both Congressional and executive branch support for home rule.

Mr. COUGHLIN. Mr. Chairman, I yield 6 minutes to the gentleman from Arizona (Mr. Rudd).

Mr. RUDD. Mr. Chairman, I recognize that the distinguished chairman of this subcommittee, the ranking member, and members of the committee and members of the staff worked long and hard and diligently to bring this bill to the floor. I had the privilege of serving on this committee for 2 years and I have had some questions about the manner in which the data

that was obtained from the District government is presented and, therefore, I wish to voice some criticism of the way the bill is put together, but not any criticism of the people who put the bill together.

Mr. Chairman, while I recognize the unique relationship that Washington, D.C., has with the Federal Government, I have strong reservations about the level of funding contained in this bill, H.R. 3415, the fiscal year 1984 District of Columbia appropriations bill.

While the supporters of this bill point out that the appropriation line item entitled "the Federal payment" is $361 million in this bill, this does not come close to the total amount of Federal effort for the Federal city. You must add to that, the payment by the Federal Government for water and sewer services of $16.5 million; a Federal contribution to the city pension fund of $52 million; and Federal loans of $115 million, for a grand total of $544.6 million. Add to this Federal contribution not included in this bill and you find a Federal effort totaling almost $1.1 billion.

Aside from the funding level in this bill, which I will discuss later, I find it ironic that we are lending the District of Columbia $115 million at a time when we are going to have to borrow almost $200 billion to keep the Federal Government running in fiscal year 1984. In addition, part of this appropriation includes over $16 million in revenue sharing. I would ask my colleagues: what revenue are we going to share? We are going to be $200 billion short next year and we plan to share $16 million with the District of Columbia. We certainly have plenty of revenue deficit to share if the District of Columbia would like to come forward and share some of that.

The largest component of the direct appropriations contained in this bill is the Federal payment. What is the Federal payment? For starters, it is a payment that has doubled in 10 years. In 1974, the payment was $185 million, now it will be $361 million.

Second, it is a payment made to the District of Columbia to compensate them for not being able to use the tax base represented by all the Federal buildings here in the Nation's Capital, that seems plausible. But I question how much the presence of all these Federal buildings represents a negative revenue impact for the Federal city. First, the city simply would not exist were it not for the Federal Government. Anyone who has tried to breathe the humid, hot air of a midsummer day would know the swamps upon which this city was built were not ideal. Second, this seat of government draws millions of tourists who spend a lot of time and money to see, walk through, and conduct business in the very buildings the District government cannot tax. Rather than a tax burden, these buildings are an attraction that generate millions and millions in revenue. We need to seriously examine whether, in fact, the federal presence constitutes a tax loss or tax gain for the city of the District of Columbia.

Aside from the fact that the Federal effort has more than doubled in the past 10 years, it should be noted that the population of this city has been declining steadily in that time period.

A study by the tax foundation in 1974 showed a comparison of 50 States and the District of Columbia in the amount of Federal revenues collected contrasted with the amount of Federal aid going into that area. The District of Columbia stood at the bottom of the list, with only 23 cents in Federal revenues collected for every dollar of Federal tax money spent within its borders. Strangely enough, while the amount of Federal assistance to the city has more than doubled in the 10 years after that, the latest estimate, done in 1982 by the tax foundation is that the same relationship for tax effort and tax expenditure in the District of Columbia is the same as in 1974. That is, for every dollar of tax money spent there, only 23 cents are taken out.

The District has grown in that period. We now boast a fine, a large convention center, not to mention the very large convention hotels that are almost unrivaled on the east coast. Yet this drain on the Federal Treasury for this city continues to grow.

I think it is time for the city to look to its own resources for the increasing civic needs of its population and this body should start to look for ways to curb the rate of growth of the Federal subsidy for this city, and put some limits on that overall expenditures by the Federal Government in this city.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. Fiedler).

Ms. FIEDLER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I come to the well this afternoon to make some positive comments about the student achievement scores in the District of Columbia. As a former school board member from Los Angeles, I faced some of the same problems that they have in a large urban district like the District of Columbia.

I would like to offer my commendations to the parents, to the teachers, to the administration, and to the students for the outstanding job that they have done to increase students scores in this community. I think that as we debate the issue of education in the months ahead, it is important for us to look at successes across the Nation, and while this community certainly has some of the most serious problems in terms of large numbers of disadvantaged students, it seems as though they have found a formula for success, one that other communities across this Nation could emulate.

I would like to make a couple of points, if I may, regarding the kinds of things that they have done in the District of Columbia to try to improve student scores. Of course they have, in recent articles most of us have had a chance to read, made some real progress for the students of this community through these efforts.

One of the things that they did, and probably the most important, is that they developed a competency-based curriculum, meaning that students were expected to achieve a certain reasonable level each year, before they were promoted. They took promotion tests, tests which their teachers worked very hard to prepare the students for, and they taught them also how to prepare for the taking of tests, and in the process they were able to achieve a good deal in reading, vocabulary, math, and science.

The reduced class sizes also was a tremendous bonus for the students. The classes are going to be kept down to a 25-to-1 ratio. This, as well as the special efforts of the students themselves, their staff and administrators, and the support of the community, which permitted them to make the hard decisions to implement this kind of competency-based program, are substantial reasons why they have seen tremendous improvement in the achievement scores.

Mr. Chairman, I would like to thank the chairman of the committee, offer him my commendations, for making sure that they have an adequate budget, and also to my colleague on the Republican side for the special commitment that he has made. But most importantly, I would like us all to learn from this success and understand it is not just how much we spend, but it is the way in which we spend the money that we have that makes the difference.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Arizona (Mr. Rudd) and I have had detailed discussions as it relates to the Federal payment, so I will not go into those discussions today except to say that I do not want anyone to be misled by some of the comments that Mr. Rudd made, although I am sure that was not the intention.

The Federal payment of $361 million that the gentleman refers to is made to the District in lieu of property taxes on Federal buildings and land here in the city.

The Federal contribution of $52 million to the police, fire, judges, and teachers' retirement funds was determined by this House and the Congress when they passed Public Law 96-122, the D.C. Retirement Reform Act. I believe we should all realize that the retirement programs for the police, fire, judges, and teachers were approved by the Congress—not the District government—on a pay-as-you-go basis. These programs were approved prior to home rule, so it seems only fair that the Federal Government contribute toward funding the unfunded costs of those pension programs that were passed by the Congress.

The $16.5 million for water and sewer services provided to Federal facilities is, in my opinion, a bill owed by the Federal Government to the District of Columbia. The Federal Government is consuming the water and using the sewer services so it should pay for what it consumes and uses.

Now it is true that the District government has been able to borrow 30-year funds from the Federal Treasury. That ability will be eliminated completely in fiscal year 1985, and in this year's bill we have authorized the District to borrow from the Federal Treasury $115 million for which the city will pay the prime commercial rate plus an interest fee. So these funds are not free. For example, this year the District borrowed funds from the Federal Treasury and has to pay 14.2 percent interest, which in any calculation is not a gift to the District. In fact, one might say that the Federal Government is realizing a substantial benefit—it is taking no risk and it is earning 14.2 percent interest.

On those terms, Mr. Chairman, I do not think these Federal funds are really considered as gifts to the District of Columbia.

□ 1500

Again, Mr. Chairman, I thank all the members of the committee for their diligence and assistance in bringing this bill to the floor. I want to especially thank the gentleman from Kentucky (Mr. Natcher), a very senior member of our committee. I also want to thank the ranking minority member, the gentleman from Pennsylvania, (Mr. Coughlin).

I would just conclude by saying that I would certainly like to thank the staff who worked very hard and very long hours on this bill in order to have it ready for the floor in a timely fashion. I want to particularly thank Americo Miconi who became sick while working on the weekend to get the bill and report ready, but notwithstanding his illness, he continued working so that we could have the bill on the floor for consideration today.

Mr. COUGHLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me congratulate the gentlewoman from California (Ms. Fiedler) on her statement. It is so often easy to be critical and then not to recognize something that marks real progress that has been done, and I think it was very worthwhile to have the gentlewoman from California remark on that remarkable achievement and point out that progress is being made in that direction.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. DIXON (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order against the bill?

If not, are there any amendments?

Mr. DIXON, Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Murtha) having assumed the chair, Mr. Hertel of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 296, nays 124, not voting 13, as follows:

[Roll No. 230]

YEAS—296

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Aspin
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carney
Carper
Carr
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Florio
Foglietta
Foley
Ford (TN)
Forsythe
Fowler
Frank
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gingrich
Gonzalez
Gradison
Gray
Green
Guarini
Gunderson
Hall (IN)
Hamilton
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hillis
Holt
Horton
Howard
Hoyer
Huckaby
Hutto
Hyde
Ireland
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Long (LA)
Long (MD)
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
MacKay
Markey
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McKernan
McKinney
McNulty
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schumer
Seiberling
Shannon
Sharp
Sikorski
Siljander
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spratt
Staggers
Stangeland
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Walgren
Waxman
Weiss
Wheat
Whitehurst
Whitley
Whitten

Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki

NAYS—124

Albosta
Anthony
Applegate
Archer
AuCoin
Barnard
Bilirakis
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Chandler
Chappie
Cheney
Coats
Coleman (MO)
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dickinson
Dicks
Dreier
Duncan
Eckart
Edwards (OK)
Emerson
Evans (IA)
Fields
Flippo
Franklin
Frenzel
Gilman
Glickman
Goodling
Gore
Gramm
Gregg
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hopkins
Hubbard
Hughes
Hunter
Jenkins
Jones (TN)
Kasich
Kindness
Latta
Leach
Leath
Lent
Lloyd
Loeffler
Lott
Mack
Madigan
Marlenee
Martin (IL)
McCain
McCollum
McDonald
McEwen
McGrath
Mica
Miller (OH)
Montgomery
Moorhead
Morrison (WA)
Nichols
Nielson
Oxley
Patman
Paul
Petri
Pursell
Quillen
Ritter
Roberts
Rostenkowski
Roth
Rudd
Sawyer
Schaefer
Schroeder
Schulze
Sensenbrenner
Shelby
Shumway
Shuster
Skeen
Slattery
Smith, Denny
Snowe
Snyder
Solomon
Spence
Stenholm
Stump
Sundquist
Tauke
Taylor
Volkmer
Vucanovich
Walker
Watkins
Weaver
Weber
Whittaker
Winn
Zschau

NOT VOTING—13

Badham
Erlenborn
Ford (MI)
Frost
Hall (OH)
Harrison
Heftel
Martinez
McCandless
Pritchard
Shaw
Smith, Robert
St Germain

□ 1520

Messrs. ALBOSTA, SLATTERY, and HUGHES changed their votes from "yea" to "nay."

Mr. DOWDY of Mississippi and Mr. SILJANDER changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. ACKERMAN. Mr. Speaker, due to official business in the District, I was absent from part of yesterday's proceedings during rollcall votes 222, 223, 224, and 225. Had I been present, I would have voted as follows:

Rollcall vote No. 222, "nay."
Rollcall vote No. 223, "nay."
Rollcall vote No. 224, "yea."
Rollcall vote No. 225, "yea."

REPORT ON RESOLUTION PROVIDING FOR APPOINTMENT AND EDUCATION OF HOUSE PAGES

Mr. MINISH, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-282) on the resolution (H. Res. 234) providing for appointment and education of House pages, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT AND EDUCATION OF HOUSE PAGES

Mr. MINISH. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 234 and ask for unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 234

Resolved, That notwithstanding any provision of law, and until otherwise provided by law, the House of Representatives Page Board shall furnish, by contract or otherwise, educational services and related items for pages in accordance with this resolution.

Sec. 2. (a) Except as provided in subsection (b), a page—

(1) shall be in the eleventh grade;

(2) shall serve for a full academic year; and

(3) shall not have served as a summer page.

(b)(1) Notwithstanding subsection (a)(2), an unforeseen vacancy during an academic year may be filled, but no appointment to fill such a vacancy shall be for a period of less than two months.

(2) An individual who has completed the tenth grade and has not begun the twelfth grade may serve as a summer page. An individual who has served as a congressional page at any time during each of any two semesters shall not be eligible to serve as a page.

Sec. 3. As used in the first section and section 2 of this resolution, the term—

(1) "academic year" means a regular school year, consisting of two semesters;

(2) "page" means a page of the House of Representatives, but such term does not include a fulltime, permanent employee of the House of Representatives with supervisory responsibility for pages;

(3) "congressional page" means a page of the House of Representatives or the Senate; and

(4) "summer page" means a page serving other than during an academic year for a period determined by the Doorkeeper of the House of Representatives.

Sec. 4. The proviso in the text under the heading "EDUCATION OF SENATE AND HOUSE PAGES" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b), shall not apply to minors who are employees of the House of Representatives.

Sec. 5. There shall be paid from the contingent fund of the House of Representatives such sums as may be necessary to carry out this resolution.

Sec. 6. (a) This resolution shall take effect on the date on which this resolution is agreed to, except that section 2 shall apply with respect to pages appointed after that date.

(b) Any individual who, on the date on which this resolution is agreed to, is receiving education under the proviso referred to in section 4 shall be entitled to receive such education through the earliest of the following: the last day of that person's employment, the last day of the school year involved, or June 30, 1983.

Mr. MINISH (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. DINGELL. Mr. Speaker, reserving the right to object, I would like to commend the gentleman for his diligent work in improving the education of congressional pages. The resolution now before the House is a good compromise which is a substantial improvement over H.R. 3034 which was adopted by unanimous consent on May 18 or the previous construction of House Resolution 234 which under a unanimous consent request I objected to the consideration thereof on June 16. As I understand the provisions of the resolution, a Member will be able to appoint a congressional page for either one, two, or three terms consisting of two academic terms and a summer term. It is also my understanding that the resolution requires congressional pages to be juniors in high school. While I would have preferred that both juniors and seniors be afforded the opportunity to serve as congressional pages, I do not intend to object to this provision.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert in lieu thereof the following:

That notwithstanding any provision of law, and until otherwise provided by law, there

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shall be paid out of the contingent fund of the House of Representatives such amounts as may be necessary to enable the House of Representatives Page Board to furnish, by contract or otherwise, educational services and related items for pages in accordance with this resolution.

Sec. 2. The page program shall consist of the two terms of the academic year plus a summer term.

Sec. 3. (a)(1) Except as provided in subsection (b), a page serving during an academic year—

(A) shall be in the eleventh grade; and

(B) shall serve for one full term or two full terms.

(2) Except as provided in subsection (b), a page serving during the summer term—

(A) shall have completed the tenth grade; and

(B) shall not have begun the twelfth grade.

(b)(1) An unforeseen vacancy occurring in a page position during an academic year may be filled, but no appointment to fill that vacancy shall be for a period of less than two months.

(2) An individual who has served as a congressional page at any time during each of any three terms shall not be eligible to serve as a page.

Sec. 4. As used in this resolution, the term—

(1) "academic year" means a regular school year, consisting of two terms;

(2) "page" means a page of the House of Representatives, but such term does not include a full-time, permanent employee of the House of Representatives with supervisory responsibility for pages; and

(3) "congressional page" means a page of the House of Representatives or the Senate.

Sec. 5. This resolution shall take effect on the date on which this resolution is agreed to, except that section 3(a)(1)(A) and section 3(b)(2) shall apply to terms beginning after November 30, 1983.

Mr. MINISH (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. Minish) is recognized for 1 hour.

Mr. MINISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. MINISH. Mr. Speaker, the resolution implements the decisions of the House Page Board concerning a new page education program which will provide our pages with the excellent formal education they deserve. It also responds to the concerns raised by the Speaker's Commission on Pages. This new page education program will complement the excellence of the learning experience pages receive in their work for the House of Representatives.

This resolution provides that each calendar year would be divided into three terms, each of approximately 4 months. The resolution allows a page to serve one or two full academic terms, and the page could also be appointed to serve for a summer term, or part of a summer term.

The resolution provides needed continuity in skilled House floor pages, by allowing a page to serve 1, 2, or 3 terms, insuring overlap.

Finally, because some Members may already in good faith have made outstanding commitments to individuals to become academic term pages who will not be juniors this September, the resolution defers the junior requirement until the beginning of the second 1983 academic term.

The House Page Board, on whose behalf I introduce this resolution, is totally committed to the need to provide our pages with a quality formal education. Therefore, quality education for our pages is the central issue. Although there are Members who have had their differences over the resolution's limitation on the length of appointment of a page, in the greater interest of the formal education of our pages, most of them have agreed that a quality education must and will come first.

This resolution concerns whether or not pages, in spite of the unique requirements of their page duties, are entitled to a quality academic education, or should forfeit educational opportunity for the undeniable excellent learning experience of being a page. I am convinced that the two, page experience and page education, need not be mutually exclusive. They can and should coéxist and complement each other to provide our pages with a truely beneficial experience while they are here.

I urge your support of this resolution.

Mr. FRENZEL. Mr. Speaker will the gentleman yield?

Mr. MINISH. I yield to the gentleman from Minnesota for purposes of debate only.

Mr. FRENZEL. I thank the distinguished gentleman from New Jersey. I agree with him in the description of the bill.

This really is a bill emanating from the Page Board which was referred to the House Administration Committee only as a matter of jurisdictional convenience. The minority on the committee congratulates the chairman and the other members of the Page Board for splendid work on this bill and urges its immediate acceptance.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. MINISH. I yield to the gentleman from Arkansas for purposes of debate only.

Mr. ALEXANDER. Mr. Speaker, I rise in support of the resolution. As the chairman of the Speaker's Commission on Pages, I compliment the work of the committee and the work of the chairman. You have done your duty. I applaud you, sir.

Mr. Speaker, the action of the committee is an exception to the long history of neglect by the Congress in its actions on behalf of the pages. It carries out a deliberate plan which was recommended to be in the best interest of pages. A plan that includes their well-being, their conduct, and their education.

Throughout the years of history that have been written about the Congress the pages are an integral part of the democratic process and indispensible to the smooth functioning of this body. The resolution proposes to reward our pages with a good and proper education. I speak for the pages when I thank you for your excellent work. I support the resolution.

□ 1530

Mr. MINISH. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Indiana for debate purposes only.

Mr. MYERS. Mr. Speaker, I thank my chairman for yielding this time and rise in strong support of the resolution.

As the previous speaker just stated and I also was a member of the Speaker's Page Commission last year which made a rather indepth examination of our page program and found that we had come up short in many instances, particularly in education. Now, as a member of the Page Board and in fact the lone minority member of that Page Board I thank the chairman and the other members who are all the majority for the courtesies they showed this lone minority member here from the Republican side. But the Page Board has been absolutely nonpartisan. We have had one concern, that is the treatment of our pages who perform a very, very necessary function in this House of Representatives. We have been extremely lucky through the years. But the one think that came out glaring both in the Commission report as well as in our Page Board investigation and study, we are not treating our pages properly as far as education is concerned. This is what our Page Board is trying to do now, give quality education, proper treatment and care for these young people who do such a fine job for us.

I strongly support the committee's recommendations on this particular bill and thank the committee for its courtesies.

Mr. MINISH. I thank the gentleman for his contribution.

Mr. Speaker, I yield to the gentleman from California (Mr. Fazio) for the debate purposes only.

Mr. FAZIO. Mr. Speaker, I congratulate the chairman. There is never a more difficult task than when one is charged with the responsibility of

making changes in a system that has been encrusted through the years with tradition.

No way could have been found to organize and more properly administer the page program that would have avoided conflict with a number of Members and the traditions in which they had engaged in dealing with pages through the years.

The gentleman who has taken the very difficult job of chairman of this Board has fought through these problems. I think the resolution that we have developed is flexibile and yet does provide for the formalities we need to bring to the page program, the improvements to their health, personal care, as well as their education, which too often had taken second place to the needs of this institution.

The gentleman is to be congratulated for his perseverance, forebearance, and patience in proceeding to this point.

It has been a privilege for me to serve with the gentleman and Mr. Myers as well. I hope the Members will adopt this product of our efforts and I hope we can continue our cooperative effort with the Senate as well.

I believe we can be proud, at the end of this effort, of having reformed the page program, brought it to something that is consistent with current standards and at the same time preserve this unique institution which has served the Congress of the United States and a fine group of young Americans very well through the years.

Mr. MINISH. Mr. Speaker, let me take this opportunity to thank the gentleman for his remarks and to point out that without the help of Congressman Fazio and Congressman Myers, this job would have been insurmountable. Congressman Whitehurst has also provided important help as chairman of the House Page Board's education task force.

Mr. Speaker, I yield for debate purposes only to the gentleman from Oklahoma (Mr. Jones).

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

Mr. Speaker, I too want to join the others in commending the gentleman from New Jersey and the subcommittee for an outstanding job.

I also commend the gentleman for his willingness to look beyond the near future to an even better Capitol Page School with a broader vision. As we had discussed in a previous conversation, Dr. Hardison, Director of the Folger Library here on Capitol Hill, had made some suggestions which would make the Capitol Page School a model school in the United States. It could draw a third of its students from the pages, maybe a third from the diplomatic or international set, and a third from students drawn around the Washington area.

This could become a laboratory, a model school, perhaps under the direction of the Department of Education. It could become a learning laboratory as well as a model school. I appreciate the gentleman's willingness to listen to that suggestion and perhaps in the future after this current plan is implemented, improving it in those respects.

I commend the gentleman from New Jersey.

Mr. MINISH. I thank the gentleman for his comments. As I indicated to the gentleman earlier that is something that has been referred to the task force under the able leadership of Mr. Whitehurst.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Aspin). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is now on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. MINISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislation days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONSUMER PRODUCT SAFETY AMENDMENTS OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2668.

The gentleman from Missouri (Mr. Skelton) has been designated as Chairman of the Committee of the Whole, and the Chair requests the gentleman from New York (Mr. Garcia) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2668), to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes, with Mr. Garcia (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on Monday, June 20 all time for general debate had expired.

The Clerk will read.

The Clerk read as follows:

SHORT TITLE

Section 1. (a) This Act may be cited as the "Consumer Product Safety Amendments of 1938".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHELBY

Mr. SHELBY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Shelby: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Consumer Product Safety Amendments of 1983".

Sec. 2. Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon, and by adding after paragraph (9) the following:

"(10) $35,700,000 for the fiscal year ending September 30, 1984;

"(11) $37,485,000 for the fiscal year ending September 30, 1985; and

"(12) $39,360,000 for the fiscal year ending September 30, 1986.".

Mr. SHELBY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. DINGELL. Mr. Chairman, reserving the right to object, and I do not think I will object, I would like to inquire of the gentleman from Alabama, is this the same amendment that the gentleman offered in committee?

□ 1540

Mr. SHELBY. Mr. Chairman, if the gentleman will yield, it is exactly the same.

Mr. DINGELL. Exactly the same. No changes whatsoever?

Mr. SHELBY. None, not that I know of.

Mr. DINGELL. Very well.

Mr. Speaker, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SHELBY. Mr. Chairman, we have heard a lot of rhetoric in the last several weeks about the issue before us today, the reauthorization of the CPSC. Rhetoric about how this is the biggest consumer vote facing Members this session, how a vote against H.R. 2668 would be tantamount to voting against safe toys for children—rhetoric about how severely the agency has suffered under the budget knife of the past two Congresses—rhetoric about how the CPSC is unfairly subject to more restrictions on the public disclosure of information than any other health and safety agency—rhetoric about how the agency will be slowly phased out unless highly unusual minimum personnel ceilings are implemented to resist future possible attacks by the executive branch.

Mr. Chairman, we are still waiting for convincing arguments supporting this ill-conceived measure to surface—the truth is there is no rational argument which can surface to give credence to the Waxman bill. The rhetoric is drowned by the facts.

The Shelby substitute came within three votes of passing in the Committee on Energy and Commerce. The funding levels of $35.7, $37.5, and $39.4 million for fiscal years 1984-86 provide for a fiscally responsible 15 percent aggregate increase in funding over the 3 years. Mr. Chairman, these figures are not only responsible, they are generous, for the Consumer Product Safety Commission itself, in its own fiscal year 1984 budget request, only requested $34.9 million—$34.9 million, Mr. Chairman, an even lower fiscal year 1984 than my amendment provides.

Not only does the Waxman bill, H.R. 2668, exceed the fiscal year 1983 baseline figure of $34 million by a hefty 38 percent, but it exceeds the CPSC's own budget request for $34.9 million by 38 percent.

Mr. Chairman, I think it incredible and absurd that the opponents of my substitute criticize its funding levels as not fully and adequately providing the needed resources for the CPSC, when the CPSC itself has requested no where near the excessive funding level for fiscal year 1984 of $47 million that the Waxman bill calls for. The CPSC says it can carry out its mandate adequately with $34.9 million and a full-time staff of 624. Yet, proponents of H.R. 2668 assert that reductions in personnel over the last 3 years or so have resulted in parallel reductions in vital agency functions. They find especially worrisome the impact of staff reductions on the agency's scientific and technical capability. Mr. Chairman, the Commission itself, refutes the litany of statistics and rationale given to support the argument that more than 624 full-time employees are needed by the CPSC. Mr. Chairman, it is intrusive and presumptuous on the part of Congress to interject itself into this entirely management function. It is congressional arrogance to obstruct executive agency personnel levels decisionmaking. Who are we to set minimum ceilings when the Commission itself affirms its ability to operate sufficiently, protecting the public from dangerous products, at lower levels?

The Shelby substitute is pro-CPSC and proconsumer. The chairman has conveniently forgotten that just 2 short years ago, the committee upon which he served, and the Congress of which he was a Member, implemented several significant changes to the statutes within CPSC jurisdiction, all of which were intended to deal with perceived regulatory abuses of the Commission since its establishment. The criticism of the CPSC, which brought on these changes in 1981, arose not only from industry, as the chairman might want us to believe, but from nearly everyone, including other Government agencies, consumer groups, and Congress itself. These changes were well founded; they were agreed upon by a bipartisan consensus of Members, including the gentleman from California who now offest this wide-ranging bill. Any attempt to portray the changes implemented in 1981 as somehow unfair to the CPSC, anticonsumer or unnecessary is entirely inaccurate. My substitute would preserve intact these important 1981 reforms.

One important 1981 change placed requirements on the agency that prior to the release of non-Commission initiated information pursuant to a FOIA request, the Commission shall take reasonable steps to assure that the information is accurate, and that industry has an opportunity to submit comments in regard to the information to be disclosed.

What can possibly be proconsumer about repealing this requirement to permit the CPSC to release possibly false, misleading, and wholly inaccurate information about a particular product to the general public. Should that information concern a widely used, expensive substance or product, information which reflects negatively upon such a substance or product, released on CPSC letterhead, has the potential to create havoc in the marketplace, costly litigation and no end to consumer distress.

Is it so much to ask of a health and service agency with the vast jurisdictional mandate of the CPSC and the proven ability to do immediate harm to a thriving business, that they meet modest disclosure requirements which lend a higher degree of credibility to the agency itself and the work it undertakes? I certainly do not think so.

Mr. Chairman, I support the preservation of the CPSC, I support the laudable goals of the CPSC and its congressional mandate to protect public safety, acting as a means of preventive medicine for the public and industry, but I adamantly do not support the methods by which H.R. 2668 claims to accomplish these goals. The ill-conceived repeal of current protections and safeguards in place barely 2 years, and the exorbitant increase in funding levels is not sound fiscal policy and does not serve the consumers' best interests. My substitute is fiscally responsible, pro-CPSC, proconsumer, and deserves my colleagues consideration and support. I urge its adoption.

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. SHELBY. I yield to the gentleman from Ohio.

Mr. LUKEN. I thank the gentleman for yielding.

I would like to ask the gentleman if the language to which he has referred to, which is in the legislation, which says as follows: "The Commission shall employ on a permanent basis not fewer than the full-time equivalent of 650 officers and employees." Whether that language is not unprecedented, to say the least, "not fewer than."

Mr. SHELBY. It is unprecedented as far as I know. I have not researched everything, but I have not seen that in any legislation that we have dealt with on the committee. I know some of the Members have been there longer than I have.

Mr. LUKEN. If the gentleman will yield further, I have seen some research that has been made as to a partial list of statutes setting personnel levels. My observation is that for the most part they refer to military statutes establishing a certain personnel level, authorized level of personnel, and that this is just about the only one which is so blatant as to say that the "Commission shall employ not fewer than."

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. Shelby) has expired.

(At the request of Mr. Luken and by unanimous consent, Mr. Shelby was allowed to proceed for 3 additional minutes.)

Mr. LUKEN. If the gentleman will continue to yield, it seems clear that if under this legislation, if the Commission were able, because of a slow year or because of a slow period for many reasons, not enough accidents reported, for any reason, that it did not really need the level, the authorized strength which is not fewer than 650, that the Commission would be obliged by this legislation to waste the taxpayers' money.

Mr. SHELBY. That would be my understanding of it. I do not see how we as Members of Congress can mandate functions for management personnel around the country in a situation like this. I believe this is clearly a job for the executive branch of Government.

Mr. LUKEN. If the gentleman will yield further, it occurs to me that there has been a great deal of conversation because of the Supreme Court decision about a week ago about separation of powers, the legislative veto.

□ 1550

I would want to emphasize that I, for one, am not just talking about the sometimes technical aspects of separation of power. But what we have here is a precedent-setting move by the Congress to say that a commission must employ "not fewer than" a certain number. I think it is a dangerous precedent. I think, despite anything else that might be in the legislation—and I associate myself with much of what the gentleman has said—that is an indication of the tenor, the thrust of this legislation, and I would support the gentleman's alternate suggestion.

Mr. SHELBY. I would like to point out one other thing. The Commission itself did not ask for these personnel management mandates. They did not do it, and I do not think that we should do that.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Shelby substitute. This is perhaps the most important consumer vote facing the Members in this session. According to the recent Lou Harris poll, the American public strongly supports the Consumer Product Safety Commission. In fact, almost half of those surveyed wanted to strengthen CPSC, and an overwhelming 88 percent wanted the agency to provide greater safety for children's toys.

The committee bill, H.R. 2668, responds to this public demand for greater product safety by giving CPSC adequate funding, staff and authority to protect the public. The Shelby substitute cuts the funding in the committee bill by over $60 million. It offers no protection against further staff cuts, makes no regulatory reforms, does not provide greater toy safety and continues the gag on the agency when information is requested under the Freedom of Information Act.

The Shelby substitute should be rejected because it is anticonsumer, anti-CPSC, and anti-industry.

Let me explain why I make this charge. First, the Shelby substitute cuts the funding levels in the committee bill by over $60 million. H.R. 2668 adopted a level of funding equivalent to what the agency had in fiscal year 1981, because that is the amount of money the agency needs to protect the public against dangerous products. The budget cuts imposed upon CPSC since fiscal year 1981 have drastically reduced product safety in the marketplace. Agency inspections have decreased by 44 percent; recall checks are down 64 percent; investigations have dropped by 14 percent. The cuts have also forced the agency to delay many important safety activities.

For example, CPSC was forced to postpone research needed to upgrade a 30-year-old flammability standard for wearing apparel because they did not have the funds to do it. Even public education and information activities have been severely curtailed. The agency had to decline invitations to make information available about hazardous products because they did not have enough funds. They had to shift their funding back and forth simply to stay alive.

The Shelby substitute does nothing to redress this lack of safety in the marketplace. It merely perpetuates an already bad situation.

The Shelby substitute extends the agency for 3 years. We have tried to give it a longer period of time so that they could make important management decisions.

The Shelby substitute does not protect CPSC from further crippling staff cuts.

The General Accounting Office reports that the agency has lost 32 percent of its technical and scientific staff. How can this agency protect the public if it has lost 32 percent of the scientific staff to advise them about hazards in consumer products? Rather than replace this lost technical talent, OMB has proposed even deeper staff cuts.

Industry recognizes that these staff cuts mean that CPSC cannot protect the public from dangerous products. For example, under the current law, companies are required to tell CPSC when one of their products has a defect which poses a substantial hazard to the public. This is so CPSC can work with the industry to develop a voluntary standard to correct the problem. But the reports to the agency have dropped by 52 percent. Companies apparently realize that cuts in the agency's field staff make it unlikely that they will ever find out about these dangerous products.

The cuts in staff also hurt the industry. When the good name of a product is called into question, we ought to have a CPSC that can investigate the allegations and resolve the issue quickly and correctly. Denying the agency adequate technical staff prevents it from making these fast determinations. It also increases the possibility of error, and this ill serves the business community, as well as the consumer.

Fourth, the Shelby substitute simply eliminates many of the rulemaking reforms in H.R. 2668. It strikes the provision in H.R. 2668 which allows the agency to recall dangerously defective toys.

Under current law, some manufacturers must advise the agency when one of their products is dangerously defective. But this provision does not apply to most toymakers. While greater toy safety is supported by 88 percent of the American people, in a recent Lou Harris survey, the Shelby substitute drops this provision that would lead to greater toy safety.

The CHAIRMAN. The time of the gentleman from California (Mr. Waxman) has expired.

(By unanimous consent, Mr. Waxman was allowed to proceed for 5 additional minutes.)

Mr. WAXMAN. The Shelby substitute further strikes the provision in H.R. 2668 that permits the Commissioners of the agency to write opinions of agency's actions without getting clearance from industry. Can you imagine that? The Consumer Product Safety Commission, if it wants to give out information in its files, it has to go to industry and ask them if it is OK. Industry quite often, as you might expect, will say, "No, I do not want the public to know about these complaints about dangerous products until you have gone through a very exhaustive procedure." After that period of time, which could involve months, if not years, I do not know how many additional consumers may be injured because the public is not even informed that there is product that is causing injuries or at least from which many people have been injured.

The Shelby substitute strikes the provision in H.R. 2668 that permits the Commissioners to write their opinions. It strikes the provisions which permit the agency to respond to requests for information under the Freedom of Information Act in the same manner as every other health and safety agency. We are not changing the law to give the CPSC any different standing but to bring it in par with every other health and safety agency in the Federal Government under the Freedom of Information Act.

H.R. 2668 makes a modest change to permit the agency to release information other than confidential or trade secret information. That is still being protected.

Mr. Chairman, the American public expects greater product safety. H.R. 2668 responds to that demand by giving the agency adequate funding and staffing and authority.

The Shelby substitute does not. It maintains the budget and staff cuts that have caused a decline in product safety. It does not ease the regulatory burdens on industry, it does not provide greater safety regarding toys, as demanded by an overwhelming majority of the public.

I urge all of my colleagues to support the bill and to reject the Shelby substitute for the sake of consumers and of industry.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from North Carolina.

Mr. BROYHILL. The gentleman has made a statement that I think perhaps he would like to correct, because he was implying that manufacturers could somehow legally hold up information which would reasonably support a conclusion that there is a defect in their product.

Now, the gentleman knows that under section 15(b) of the law every manufacturer that receives information that there is a defect in his product must immediately inform the Commission.

Mr. WAXMAN. If I might reclaim my time, the gentleman is abosolutely correct in his statement of the law. But if we do not have people out in the field to go out and check on what is going on, I think the gentleman understands that, despite all of the laws that we have on the books dealing with a lot of restraints on behavior, there are people who are going to be more likely to break the law and ignore their mandate under the law because they do not expect they will ever be caught.

☐ 1600

We want the CPSC to have enough funding to hire staff to go out and do the investigations and make sure that the business community is responding.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield for a comment?

Mr. WAXMAN. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, as the gentleman well knows, most of the products that have been taken off the market, the vast majority of them unsafe products, have been as a result of the reporting of the manufacturers and not because of staff of the CPSC.

Mr. WAXMAN. The gentleman is absolutely correct in that statement. The way the CPSC has worked is in cooperation with industry. They have responded well to that statutory framework in the law because they know the CPSC has authority to go ahead with rulemaking and they have urged them to go along further with the requirements that the public expects.

But unless the agency has enough staff, scientifically, to determine what is going on, whether the agency has enough enforcement officials, I think we are going to find a breakdown in the fabric of this legislation. In fact, we have already seen it since we have the dramatic cuts in 1981 and 1982.

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. LUKEN. I thank the gentleman for yielding.

Mr. Chairman, I point to the gentleman and Members of the House that, as the gentleman from Alabama (Mr. Shelby), indicated, this amendment came within three votes of passage in the full committee. So it is not a far-out proposal. It was very well debated in the committee.

But one item I do not recall was debated in the committee is the one that was just brought up before and I would like the gentleman to address it, because I do not recall, and I have not been able to find, anything that goes this far in restricting an agency in saving the taxpayers' money, inefficiency, that the language says, and I am wondering if the gentleman really supports this.

The CHAIRMAN. The time of the gentleman from California (Mr. Waxman) has expired.

(On request of Mr. Luken and by unanimous consent, Mr. Waxman was allowed to proceed for 3 additional minutes.)

Mr. LUKEN. I have not been able to find anything that says that the Commission must employ not fewer than the full-time equivalent of 650 officers. In addressing that question, it just does not set an authorized strength; it says "not fewer than." So if they do not have the work at any given time, they are going to have to keep up the payroll and pay people to loaf, or shuffle papers, or do whatever.

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, I certainly would not want them to have people on the payroll who were not working, and we are not trying to require that of them. No one here would want that.

But as we had pointed out to us in the hearings in the subcommittee, and as we had pointed out in the markup in the subcommittee, because this issue was definitely discussed in subcommittee, we have seen the Office of Management and Budget try to squeeze down on the staff of the Consumer Product Safety Commission to the point where I believe they are trying to jeopardize the ability of that agency to respond to its mandate.

We put in a provision saying that if the money is available and the CPSC can use that money for staffing, as they have claimed they well can, we do not want the Office of Management and Budget coming in and saying, "Even though the Congress has approved this, we are not going to let them hire this additional staff."

Mr. Chairman, I would like to point out for my colleague's benefit that we have had a history with this agency. In 1981 this was the first regulatory agency up for reauthorization and the Reagan administration said, "Let us kill it. Let us abolish it." And then they saw they could not accomplish that result and they said, "Let us remove it as an independent agency. Let us put it within the Department of Commerce," and, of course, that would have just been a way to bury that agency so they could not function. We were able to oppose that successfully, but we still have, and I believe this is a fair statement to make, an Office of Management and Budget that has declared war against the Consumer Product Safety Commission and has done everything it could possibly do to hamper it. That is why we have that provision in there.

Mr. LUKEN. Mr. Chairman, if the gentleman would yield further, I believe the court said something, or one of the Justices said something about the Founding Fathers have decided that there are more important values than efficiency sometimes, in the legislative veto case.

I appreciate what the gentleman is saying and what his point of view is, and he may well be right in that respect with regard to his position vis-a-vis the OMB and their actions here, but do we really want to go far enough, this Congress, to set a precedent, and I am asking the gentleman how far he wants to go in other statutes, in setting a floor on personnel that an agency will handle? Is this going to be a precedent? Are we going to be doing this every time we have a conflict with Dave Stockman?

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, I think the Consumer Product Safety Commission has been an unprecedented case. The administration has gone out of its way to try to hurt this agency. They tried to abolish; they could not. Now they are trying to set barriers upon it. And I believe that we need to, and Congress make clear, that we are supporting the overwhelming public opinion that says they want an independent Consumer Product Safety Commission to look at safety, and we ought to protect it.

The CHAIRMAN. The time of the gentleman from California (Mr. Waxman) has again expired.

(On request of Mr. Luken and by unanimous consent, Mr. Waxman was allowed to proceed for 2 additional minutes.)

Mr. LUKEN. Mr. Chairman, if the gentleman would yield further, I would finish on that point very quickly.

I made the points. I think it is obvious, and rhetoric is not necessary. We do have a division of powers and we do not have complete efficiency, and I understand what the gentleman is trying to get at, but I do not think we want to set a precedent for the FTC, for the EPA, and for all of these other agencies that the administration does not seem to like and they want to crack down on, just because we have that particular problem.

I think we should look further down the road rather than to set a precedent and say we are going to employ

fewer than. I wish the gentlemen would agree to some kind of an amendment.

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, I would refer the gentleman to the charts that we have here. They show a drastic reduction in the technical staff and in the ability of the Consumer Product Safety Commission to carry out its job. We have heard this from the members of the Commission, some of whom were appointed by the President. This is an independent regulatory agency. It is not part of the administration itself, and one way for an independent agency to be made less independent is for an administration, working through the Office of Management and Budget, to try to reduce its personnel levels, even if the Congress authorizes and appropriates sufficient funds to employ those people, because they do not want them to go out and enforce that law as successfully as we want them to when Congress passed this legislation.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I would be pleased to yield to my colleague, the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Can the gentleman point out to the Members of this body who are here any other agency of the executive branch of Government where the Congress has precised and stipulated that there be a certain minimum of employees in that particular agency for the performance of its mission?

Mr. WAXMAN. I have before me a partial list of statutes setting personnel levels.

The CHAIRMAN. The time of the gentleman from California (Mr. Waxman) has again expired.

(On request of Mr. Dannemeyer and by unanimous consent, Mr. Waxman was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. Mr. Chairman, I have before me the authorization and appropriations for the Nuclear Regulatory Commission, which was Public Law 96-295; the Coast Guard Authorization Act of 1982; the Council on Wage and Price Stability; the Department of Defense Authorization Act; Intelligence Authorization Act; Small Business Administration; Supplemental Appropriations Rescission Act of 1981; Veterans' Health Program Extension Improvement Act; Veterans' Disability Compensation, Housing and Memorial Benefits Amendments of 1981.

These are statutes that have some kind of personnel levels set in them.

Mr. DANNEMEYER. If the gentleman will yield further, do the agencies or offices the gentleman has just read each provide by an act of Congress what the level of staffing shall be? Is that what the gentleman is saying?

Mr. WAXMAN. In many cases we do spell that out; in other cases, we try to express the congressional will on what we expect those agencies to do and the staffing levels we expect them to have.

Mr. DANNEMEYER. Is the gentleman representing that in each of the agencies he has just related, that Congress has stipulated the precise minimum of employees which shall be employed in those agencies?

Mr. WAXMAN. No, I am not, and, of course, as I pointed out to our colleague from Ohio (Mr. Luken) the CPSC is an exceptional case.

Mr. DANNEMEYER. It is unique.

Mr. WAXMAN. And that is why I believe we ought to take this exceptional measure of providing a guarantee of staffing that the Consumer Product Safety Commission I think needs in order to do its job. If you look at the chart that we have here, it shows that tremendous reduction in personnel, scientific, and technical staff. I cannot see how anybody can argue that they are able to do their job. I know industry comes in and complains all the time. They want a fast decision. They do not want to wait around because CPSC cannot get to their case because they do not have enough personnel to deal with it.

Mr. DANNEMEYER. Mr. Chairman, if the gentleman will yield further, the gentleman did not come right out and say that the Reagan administration is opposed to the CPSC, but one could possibly get the impression from what words the gentleman did use that perhaps the gentleman is making that statement with respect to the Reagan position.

The CHAIRMAN. The time of the gentleman from California (Mr. Waxman) has again expired.

(On request of Mr. Dannemeyer and by unanimous consent, Mr. Waxman was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER: Just let me state my question.

Is the gentleman aware that a letter dated June 22, 1983, signed by David Stockman, is supportive of the continued existence of the CPSC and in support of the Shelby amendment in the nature of a substitute? Is the gentleman aware of that?

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, of course they are in favor of the Shelby substitute because it further cuts the Agency's funding.

☐ 1610

I must admit to the gentleman that when I made the charge that the Reagan administration is unfriendly and has been actively hostile to the CPSC, I stand by that position, because they absolutely wanted to abolish it in 1981. When they could not do that, they wanted to put it in the Department of Commerce. They did not want it to be independent and the way they want to destroy its ability now is to be able to cut back on its funding and its personnel levels so that they cannot deal with their job.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield further?

Mr. WAXMAN. Yes.

Mr. DANNEMEYER. Is the gentleman aware of a letter from Vice President Bush, dated June 22, 1983, in which he speaks on behalf of the Presidential Task Force on Regulatory Relief, that he is supporting the Shelby substitute for the continued existence of the CPSC? Is the gentleman aware of that?

Mr. WAXMAN. I do not deny the fact that the Reagan administration is supporting the Shelby substitute, that he is in effect offering the Republican administration's position.

I say to those who care about the CPSC, as Members of Congress, if we want to support a Consumer Product Safety Commission in a nonpartisan way, we ought to back this agency up. We did that in 1981 when it was the Reagan administration recommendation to abolish the agency and Democrats and Republicans joined together to say, "We want to have that agency, because we know our constituents support this function of government." That is to look at products and find out if they are going to harm people, to look at toys and see if babies are going to be injured by a trunk that will fall down and bang them on the head or other toys that may explode, other hazards that we can sue after the fact, in some cases to recover under the liability; but we certainly would like to prevent those injuries.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman.

Mr. BLILEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Shelby substitute.

As a member of the Committee on Energy and Commerce and of its Subcommittee on Health I was active in every stage of the consideration of this legislation. Some of my colleagues have ably pointed out the faults of the bill as reported: funding levels millions of dollars above the administration request; requiring employment levels that tie the hands of the Commission and the entire executive branch; relaxation of information disclosure restrictions that could result in the release of inaccurate information; allowing amendments to existing rules to circumvent the normal regulatory process; and, allowing CPSC to assess civil penalties in defiance of a court order.

I would like to relate to my colleagues two reasons why I believe the Commission is simply not equipped to

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handle such a broad expansion of its regulatory powers and discretion. In the handling of at least two cases, the Commission has demonstrated itself virtually incompetent to handle its current regulatory authority, much less these new powers.

First, let me bring to my colleagues' attention the ureaformaldehyde foam insulation case. It has been alleged that ureaformaldehyde foam can cause cancer. Yet formaldehyde is among the most ubiquitous substances in our society. My own family has used it in their business for a hundred years without a single case of cancer. The British medical community, among others, found the CPSC's eagerness to regulate this substance to be incredible. The CPSC regulated not based on scientific evidence, but on a few hearsay incidents. At the beginning of this proceeding, ureaformaldehyde foam insulation represented a $189 million per year growing business, mostly composed of small businessmen and women. For consumers the product offered an inexpensive, and often for older homes the only practical, means to save energy.

The Commission's sloppy behavior in this case was recognized in a unanimous decision by a three-judge panel in the fifth circuit which totally overturned the CPSC's ban on urea-formaldehyde foam. Of course, it's too late for the thousands of small businesses that are now bankrupt. Still, the CPSC refuses to yield. Last week they turned down a request to rehear the formaldehyde case, even though they have yet to decide, after several extensions, whether to appeal the fifth circuit ruling.

The fifth circuit found that the Commission erred in so many ways it is difficult to count: They failed to establish a record of sufficient scientific evidence; they failed to allow opponents of the rule the hearing they are by law entitled to; they acted under the wrong statute.

This type of ban, affecting thousands of small businesses and millions of homeowners should not be undertaken lightly. Only 19 such bans have been approved in the 10-year history of the Commission: that's only two a year, and I hardly think it unreasonable to expect the Commission to comply with its governing statute that often.

The bill before us addresses this problem not by telling the Commission to shape up, but by specifically providing that in the future, such sloppy regulatory efforts as the formaldehyde case will be OK as far as Congress is concerned.

In light of the Supreme Court's recent ruling on the legislative veto, it is even more important to preserve the type of procedural safeguards as the substitute would do rather than erode them as the committee's bill intends.

In the second case, I would like to point out to my colleagues the Commission's sorry record in complying with previous mandates of Congress. Two years ago we told the CPSC to revise their rulemaking process with a number of specific steps. It was only on the 17th of this month, 2 years later, that the Commission even proposed regulations to implement our last reauthorization. The committee's bill proposes to overturn many of those changes ordered by Congress 2 years ago before they even go into effect, much less before they are given a proper amount of time to be tried and tested.

The Commission's demonstrated and repeated contempt for Congress, science, businesses and even the public has been well-demonstrated. Procedural safeguards against rabid regulation by rumor are necessary. Those safeguards would be merely preserved by the Shelby substitute, they would be gutted by the committee's bill, I urge my colleagues to support the substitute.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. Bliley) has expired.

(On request of Mr. Luken, and by unanimous consent, Mr. Bliley was allowed to proceed for 2 additional minutes.)

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Ohio.

Mr. LUKEN. Mr. Chairman, I think something more might be said in view of the discussion by the gentleman from California about the level of authorization here. As a practical matter, is it not true that the administration requested $34 million for the ensuing year, that the level under the Shelby substitute is $35 million, a slight increase, and that the bill which we have would be a significant increase to, I believe, something like $47 million.

Mr. BLILEY. That is correct.

Mr. LUKEN. So that what we are talking about, therefore, is not a decimation of the Consumer Product Safety Commission as it now exists or as it has existed or as it was authorized by this Congress a couple years ago, but we are talking about basically a continuation of the levels of authorization which were envisioned at that time.

Mr. BLILEY. That is correct.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I am happy to yield to the gentleman from Alabama.

Mr. SHELBY. Mr. Chairman, I thank the gentleman for yielding.

The gentleman mentioned a few minutes ago about the repeal of the procedural safeguards. I think we are dealing ,with basic substantive law here.

Does the gentleman realize that the procedural safeguards that would be repealed by the Waxman bill would be the right to cross examine witnesses, which is basic to this country; the application of formal rules of evidence, that would be abolished; the right to an automatic stay of regulations pending judicial review. Those kinds of things bother me and I know they bother the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, if I may reclaim my time, that is exactly what the Fifth Circuit Court said in its three-judge panel. I do not think we should take any man's livelihood away without him having the right to question and examine witnesses.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I am happy to yield to the chairman.

Mr. WAXMAN. Mr. Chairman, I do not know if the gentleman is aware of the fact that the Reagan administration has said that section 701(e) rulemaking provisions are so cumbersome that they propose limiting their use and following instead the procedures that have been set out in this bill for banning poisonous ingredients in foods.

I think the gentleman is defending a procedure that has been unworkable. I think all those safeguards are in the law now in the way that the administration thought was appropriate for the Food and Drug Administration.

Mr. BLILEY. I am not aware of it.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

(At the request of Mr. Shelby, and by unanimous consent, Mr. Bliley was allowed to proceed for 5 additional minutes.)

Mr. BLILEY. I am not aware of that; but however, I think the statement of the court in the UF case is far more compelling in this instance. Poisonous food is one thing, but we are talking about a rule that was put in where clear evidence has not been shown that it would have the effects that the CPSC alleges.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I am happy to yield to the gentleman from North Carolina.

Mr. BROYHILL. Will the gentleman from Virginia ask the gentleman from California if he proposes that for the FDA, why he has not introduced that legislation and called for hearings and markup with respect to the Food and Drug Administration?

Mr. WAXMAN. Mr. Chairman, will the gentleman from Virginia yield?

Mr. BLILEY. I am happy to yield.

Mr. WAXMAN. Mr. Chairman, let me just respond to the gentleman from North Carolina.

I think the administration has a good point when they talk about the cumbersome proceedings. At the FDA there are two major 701(e) proceedings dealing with peanut butter and labeling requirements for foods for special dietary uses that took over 10 years.

☐ 1620

That is why the Reagan Administration says the 701(e) procedures are too cumbersome. I agree with them, and let us not burden the CPSC with a procedure that may take 10 years before it can protect the public from a dangerous product.

Mr. BROYHILL. If the gentleman would yield, would that mean that the gentleman from California is ready with some needed reforms in the regulatory process of the Food and Drug Administration?

Mr. WAXMAN. If the gentleman will yield, I am always prepared to discuss reforms in the food and drug area and other areas within our jurisdiction.

Mr. BROYHILL. I will wait and see as to whether or not the gentleman will be consistent in his views as they apply to the Food and Drug Administration and his colloquy here, and also as it applies to the Consumer Product Safety Commission.

Mr. WAXMAN. If the gentleman will yield, I would point out to the gentleman from Virginia that when you talk about the funding levels, you are talking about an agency that was cut about 25 percent in 1981. If you use that cut, which crippled them so badly, as the base for the wholesale cut in funding, then I think——

Mr. BLILEY. If I may reclaim my time, I think a 38-percent increase as proposed in the chairman's bill is excessive.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I will be happy to yield to the gentleman from Alabama.

Mr. SHELBY. I appreciate the gentleman yielding.

I wanted to make a further comment on what we were talking about a moment ago, and that is the regulatory procedure changes in the Waxman bill. I know the gentleman from Virginia has read and I know he is familiar with this because we were in the committee, but it is my understanding now under the Waxman bill, if it became law, that when CPSC takes regulatory action, that is banning of a product on the market under the FHSA, they will now be permitted under the Waxman bill, if it becomes law, to use informal notice and comment with opportunity for oral presentations and rulemaking rather than the presently required more formal adjudicatory type proceedings that the gentleman and I are talking about. In other words, it would make it easy to ban products, ruin businesses, put people out of work, and I am not sure that it is going to help the American consumer any more.

Mr. BLILEY. I agree with the gentleman and thank the gentleman and yield back the balance of my time.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words and rise in support of the substitute offered by the gentleman from Alabama.

Mr. Chairman, I am in favor of the amendment that has been offered by the gentleman from Alabama (Mr. Shelby). I support it for two reasons, one of which is, of course, that I do believe that the Consumer Product Safety Commission should be reauthorized and I support the years in the Shelby amendment, and I support the dollar levels that are specified in that amendment.

But the second reason I support the gentleman's amendment is that I am concerned about the numerous amendments that are contained in the gentleman from California's bill. I think that those provisions are so bad that they fall under their own weight and they deserve to be defeated.

I would point out to the Members that this Commission does have very broad jurisdiction. They have jurisdiction over thousands and thousands of consumer products and some 2½ million manufacturers of consumer products for the marketplace who are under the jurisdiction of this Commission.

So I mention that just to underscore the importance of making sure that we as legislators are making those decisions today to make sure that this commission is making then, later on, decisions in our name. In other words, we have given them lawmaking powers, and it seems to me that we should be very careful as we delegate those lawmaking powers to these independent commissions, especially because now the legislative veto which is contained in the basic law has been repealed and has been overturned by the Court last week.

So there again we should be far more careful as we delegate the lawmaking powers to these independent agencies.

I would point out two or three concerns very briefly that I have about the bill that is before us and why I support the amendment offered by the gentleman from Alabama.

First, the Waxman bill increases the authorized funding by a fiscally irresponsible 58 percent. Also, in addition, it unwisely interjects the Congress into management functions by establishing minimum employment levels.

That is the first time in my experience that I have seen that. It may be that there are one or two programs around here where we have done that, but this is the first time I have seen it.

It also statutorily doubles the number of field offices. As a member of the committee I have no idea as to the need for increased field offices. There are no other health and safety agencies that I am familiar with that have been accorded this kind of treatment; that is, minimum employment levels and statutorily writing into the law the number of field offices that would be required for that particular agency.

I think just that one area alone would invite a veto. It would seem strange to me if the gentleman is serious about getting reauthorization of this commission that he would want to invite a veto.

It would seem to me that he would want to work in a bipartisan way to get this commission reauthorized so that it could continue doing the job it is mandated to do and that is to protect consumers from unsafe products that are out there in the marketplace.

I would point out to the Members that the part of the law that has resulted in the recall of more products than any other part of the law is section 15(b) which is the self-reporting requirement. It requires the manufacturers to report on themselves if they determine and find that there is an unsafe product, there is a defect in the product that they manufacture out there in the marketplace. It is this self-reporting that has resulted in the recall of some hundreds of millions of products from the marketplace, and not the agency employees who are out there inspecting or working to make inspections out in the marketplace.

Mr. Chairman, I could go on and on, but in the interest of time I will stop here and hope that the Members will vote for the Shelby substitute which is a reaffirmation of the support for the commission, but at the same time would amend out these troublesome amendments that have been put in by the gentleman from California.

● Mr. FRENZEL. Mr. Chairman, I rise in opposition to H.R. 2668, and in strong support of the Shelby-Broyhill substitute Consumer Product Safety Commission reauthorization bill.

The committee bill calls for a 50-percent increase in funding, a spending binge unacceptable in the face of potential $200 billion deficits.

Moreover, the bill preserves this egregious overspending by extending the authorization of the Commission for 5 years. In my view, a 5-year authorization is excessive, even if one were to embrace the more intrusive role for the CPSC envisaged in the committee bill. A new long life and the bulging wallet provided in this bill is a license to make mischief.

Mr. Chairman, I believe that the CPSC should be reauthorized. There are dangerous products, and their use should be conditioned, or they should be removed from the marketplace. In Federal agencies however, more is almost never better. A large increase in staff, and a doubling in the number of regional offices, do not necessarily mean that fewer hazardous products will be produced. But it certainly means a huge increase in regulation, and corresponding increases in consumer costs.

Proponents indicate that the number of recalls has decreased since 1981, along with inspections and investigations. There are no comparable figures, however, that the public's safety is at greater risk, or that injuries have increased.

Polls have also been cited indicating support of the CPSC. It would be difficult, indeed, to oppose an organization charged with protecting consumer safety, unless one knew the means by which their safety was being guarded. I think most people prefer better regulation, Mr. Chairman, not more regulation. I urge support of the Shelby-Broyhill substitute.●

Mr. WAXMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the House rose; and the Speaker, having resumed the chair, Mr. SKELTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2668), to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes, had come to no resolution thereon.

REQUEST FOR CONSIDERATION OF HOUSE RESOLUTION 254, AUTHORIZING INVESTIGATION BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. STOKES. Mr. Speaker, I ask unanimous consent that the Committee on Rules be discharged from further consideration of the resolution (H. Res. 254) to authorize an investigation by the Committee on Standards of Official Conduct, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GREGG. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

CONSUMER PRODUCTS SAFETY AMENDMENTS OF 1983

The SPEAKER. Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2668.

☐ 1630

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2668) to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes, with Mr. SKELTON in the chair.

The CHAIRMAN. When the Committee rose earlier today, there was pending an amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. SHELBY).

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this legislation will be a fruitful searching ground for future editors and publishers of movements in politics in America because it is illustrative of one of the three major premises of the pursuit of the liberal political ethic in America today.

And those three premises are, if it moves, regulate it. That is the first principle.

The second principle is: If it grows, tax it.

The third principle is: If it makes a profit, investigate it, it must be doing something illegal.

Now, these three principles are of equal importance.

This magnificent piece of legislation talks about achieving a small step toward the first principle, if it moves regulate it.

If we have toys played with by children in America, for the sake of the good of the order, let us have a Federal agency investigate them and if those toys move, regulate them. Why? Because we are pursuing the principle that is the No. 1 objective of the liberal ethic in America.

This legislation does that, and in spades. And I rise in support of the Shelby alternative because in my humble opinion it is the lesser of the two evils that we have before us.

One of the features that has not yet been talked about that is contained in the basic legislation, not in the Shelby substitute but in the basic legislation, is the expansion of the jurisdiction of the CPSC to cover fixed-site amusement parks.

Now, it is puzzling to me, when I hear my distinguished colleague from California (Mr. WAXMAN) talk about the overburdened investigators of the staff of the CPSC, and he bemoans the fact that there has been a reduction of that staff and yet, at the same time, he seeks by the legislation to expand the jurisdiction to an activity that is not currently covered under the jurisdiction of the CPSC, fixed-site amusement parks.

Now, there is something inconsistent there.

If the staff is overworked in regulating what moves in America, why do they want to expand their jurisdiction to fixed-site amusement parks?

And bear in mind, colleagues, that 21 States in the Union now have laws on the books that regulate and police fixed-site amusement parks for protecting the interest of the public.

Eight other States, besides the 21, are in the process, at some stage in their legislatures, of enacting laws to regulate fixed-site amusement parks.

If those eight would proceed to a conclusion successfully, that would make a total of 29.

One has to wonder, do we need two regulatory agencies in this country to send representatives to check on fixed-sites amusement parks? Think of the dream to the Federal bureaucrat, working in Washington, D.C., his mouth must lather with joyous anticipation, when he would get an order from a superior, "friend, I have news for you, for your faithful work and performance we are going to send you to Disneyland, California, for the sake of conducting an investigation on that fixed-site amusement park to see if it complies with Federal standards that we have not yet developed, but we want you to go out there, ride around, look around and see what you can regulate because we must protect the public safety and interest. And of course, after you go to Disneyland, U.S.A., in California, you can go to Orlando, Fla., and inspect Disney World."

Think of the horizons that this legislation will open up for the overburdened bureaucrats that labor in anonymity in the halls of Washington, D.C.

Travel requests, whether to travel first class or coach, meals, per diem when they are inspecting these sites.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. All these fine things happen for the bureaucrats of our Nation's Capital if we adopt the basic legislation sponsored by my colleague, Mr. WAXMAN and fail or reject the amendment offered by the gentleman from Alabama (Mr. SHELBY).

I suggest we do not need to expand the jurisdiction of the CPSC by making it applicable to fixed-site amusement parks. Mr. SHELBY's alternative is a much more credible one, 3 years authorization instead of 5.

Bear in mind the Supreme Court has taken away our legislative override.

So, if we give this 5 years of untended life, we may be compounding our ability to supervise what they are doing.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman.

Mr. SHELBY. I thank the gentleman.

Mr. Chairman, I wanted to point out to the gentleman from California and I know he knows this, he has worked on it in the committee before and we have served on that committee for 5 years together, we came up together, but does he realize that among other things, that the Waxman bill would do, it would repeal some of the procedural safeguards that are applicable to the release of inaccurate or misleading information that we have some balance of now? In other words, the safeguards that we have for the Consumer Products Safety Commission, if the Waxman bill was passed, they could just really disrupt and probably destroy some good businesses without any real hearings?

Mr. DANNEMEYER. I am glad my colleague pointed it out.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman.

Mr. GEKAS. I simply want to state that if this bill goes through unamended I would like those investigators to come to the Hershey Park amusement area in my district, so they could see a safe enterprise. I would not restrict them to Disneyland.

Mr. DANNEMEYER. I think that will be high on the list.

The Shelby substitute offers 5 percent growth for authorization in each of the next 3 years, it is responsible growth, and I think we should adopt it.

Mr. GRAMM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, let me begin by trying to go back and straighten out some of these budget numbers. As I listened to our distinguished chairman from California, I got the idea that the Shelby amendment was cutting the budget of the CPSC. And that kinds of shocks me because I have been concerned about SHELBY's amendment, because it raises the budget of the CPSC by $700,000 more than they asked for.

In fact, the Shelby amendment provides a 5-percent growth in authority beyond the inflation rate, providing real growth in a regulatory agency. So, the first point I would like to be sure no one is confused about is this assertion that the Shelby amendment is cutting the budget of the CPSC. The Shelby amendment is raising the budget of the CPSC in authorization and it is raising it in nominal and in real terms by increasing that budget above the inflation rate, but it is not increasing that authorization by 38 percent next year as is proposed by the gentleman from California.

Now, I do not know how many people have been following the equities market and the bond market in the last 2 days, but we are seeing a lot of jittery nerves in the economy about this deficit and about this big budget we have adopted in terms of its deficits and its level of expenditures.

☐ 1640

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

I fully appreciate and applaud the gentleman's long hard work on the budget and to keep down spending I can understand his concern about the levels of authorization that are in the Shelby substitute, but I would urge him to vote with us on this so as to not have the more excessive authorizations that we find in the Waxman substitute.

Mr. GRAMM. Let me say to my colleague I intend to overcome my reservations and support the Shelby amendment because even in Texas mathematics, 5 percent is less than 38 percent.

Mr. BROYHILL. I appreciate that.

Mr. GRAMM. So the first point to clarify once again, the Shelby amendment increases authorization, it does not decrease it, but it does not increase authorization by a totally unjustified 38 percent.

Second, the gentleman from California had a big chart and I could not see it from where I was sitting, but I have here a letter from the Consumer Products Safety Commission to Mr. WAXMAN, which outlines scientific personnel levels at three different benchmarks, 1979, 1981 and 1982, beginning and end of the year.

I would like to run down those, because as I look at these benchmarks, I do not see the kind of personnel layoffs and agency destruction that I heard the gentleman describing.

In terms of scientific personnel in 1979, they had 22. In 1981, they had 10 and they have got 10 at the end of 1982. In engineers, they had 13 in 1979, in 1981 they had 10, now they have 15. In terms of economists, they had 16 in 1979, they had 11 in 1981, and I guess they could not live without the 16, because they are back up to it now. In terms of mechanical engineers, they had 15 in 1979, they had 12 in 1981 and they have 10 now. In terms of other scientific personnel, they had 47 in 1979, 48 in 1981 and 53 now.

So in terms of scientific personnel, from the middle of the Carter administration to the end, it dropped from 124 to 101 and it is back up to 112.

I do not see this agency being gutted.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

I have in my hand a report by the U.S. General Accounting Office. It is called the attrition of scientists in three regulatory agencies. On page 2, where they are talking about the Consumer Product Safety Commission, they said:

> This agency which is much smaller than FDA and EPA has a smaller proportion of scientific and technical personnel and lost about 32 percent of both its scientific and technical personnel and its total work force during the period under consideration. Staffing levels in this agency were already declining in period one and the rate of decline significantly accelerated in period 2, especially among non-scientific personnel.

Mr. GRAMM. If I may reclaim my time to answer, I have here a letter that was sent to our colleague from California—it looks to me to be about a 75-page letter—which explains why that the GAO study was incorrect in the opinion of CPSC and outlines the differential.

The point I am trying to make here is that looking at scientific personnel, not at——

The CHAIRMAN. The time of the gentleman from Texas (Mr. GRAMM) has expired.

(By unanimous consent, Mr. GRAMM was allowed to proceed for 4 additional minutes.)

Mr. GRAMM. Simply making the point so that I might continue, as I look at CPSC's response to the GAO, and as they outline their technical personnel, chemists, general engineers, economists, mechanical engineers, electrical engineers, and others, we do not see the precipitous decline in personnel, in fact, we see personnel at a peak in 1979, declining in 1981, and rising from 1981 to 1982.

Mr. WAXMAN. If the gentleman will yield further, I have some estimates here, the same letter that the gentleman referred to, where the percent change from October 1979 to December 1982, the chemists were down 54.5; for mechanical engineers, down 33.3; electrical engineers, 27.3. We have reductions in personnel and I think the only difference between what CPSC was saying and GAO is whether they are going to categorize somebody as scientific in the same way. But what we have had is a reduction in personnel and a reduction in the ability of CPSC to do its job.

Mr. GRAMM. Reclaiming my time, the gentleman chooses 1979, October 1, 1979, as a base mark. That is in the midst of the Carter administration.

So many of these reductions that the gentleman claims to be grievous attempts by the Reagan administration to gut this poor innocent agency,

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in fact, we had a peak personnel level in 1979.

Mr. WAXMAN. If the gentleman will yield, he is misrepresenting my position. My comparison was from 1979 to 1982. And we showed the reduction in that time period and that is when the Reagan administration came in.

Mr. GRAMM. We can play all day with numbers, but I can take 1981 as a benchmark and show an increase of 10.9 percent from 1981 to 1982.

So the point I would like to make, rather than get into a long argument about numbers, No. 1, the Shelby amendment increases the budget; it does not cut it.

No. 2, the effort to rein in this runaway agency is not just a Reagan effort. It was a Carter effort. We adopted in this body, in the 97th Congress, a reform of the CPSC to try to give some guidelines to the functioning of this agency. Perhaps one of the most important and most needed was simply a requirement that when this agency was going to release information to the press, that before that information could be released, unless there was an imminent hazard, that they notify the company that was involved and give them an opportunity to respond.

Now, what we would have here is a repeal of that provision.

As the gentleman knows in hearings that were held during the 97th Congress, we found businesses that because of leaked information, that had never been approved by the Commission, that companies had been driven out of business.

Now I can find no reason that we ought not to give a business, that has invested in its good name, an opportunity to respond to CPSC before CPSC, through information that may not have been sanctioned by the Commission, goes out and destroys their good name.

Mr. WAXMAN. If the gentleman will yield, what we have provided is that this is an accusation by the CPSC; they must consult with business, they must establish the veracity of any charge they make. But what we also provided is that they have newspaper clippings in their files. And as a Freedom of Information Act request, to get that information about claims that have been made, they can release it the same as any other agency under the Freedom of Information Act, but they also had to put a disclaimer that it was not information they were claiming to be accurate. I think that is reasonable.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GRAMM) has expired.

(By unanimous consent, Mr. GRAMM was allowed to proceed for 3 additional minutes.)

Mr. GRAMM. Having a disclaimer in information that is given out from the CPSC does not protect the good name of a company. All a company has is its good name. People do not make toys to hurt children. They make toys to make money and to give children pleasure. The companies that are irresponsible go broke. We are not saying do not regulate them. All we said in a bipartisan act of this Congress was, if you are going to say that there is a problem, give the company an opportunity to have its day in court, so to speak. To me that seems the most reasonable of all possible requests that we could have.

So I think it is imperative that we adopt the Shelby amendment, that we raise the budget of this agency by 5 percent, but not by 38 percent, and that we preserve the safeguards that it is our job to provide as Congress.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from Alabama.

Mr. SHELBY. I thank the gentleman for yielding.

The gentleman is talking about figures and I know the gentleman knows a lot about it, but it is my understanding that the administration recommended to this agency $32 million, that the Senate authorized $35 million, that our own Appropriations Committee is talking about $34.5 million, that CPSC itself requested $34.9 million, and the gentleman from California is asking the Congress for $47 million. Something is wrong.

Mr. GRAMM. If the gentleman would let me reclaim my time, it is obvious that the gentleman from California is not trying to authorize. The gentleman from California is trying to dictate to an agency. He is trying to override the 1980 elections by forcing us to hire and pay people to do things that the Congress has said last term they did not want done, and that the Commissioners of the agency do not want to undertake.

□ 1650

This is an effort to mandate administration through the legislative process, and for that reason, if for no other, it ought to be defeated.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Chairman, I do not know that the 1980 election said that we want to protect the good name of a business that may be manufacturing a product that is hurting people, injuring them, causing them to have to go through the tremendous pain and suffering that could be prevented. This Consumer Product Safety Commission was approved in 1981, notwithstanding the 1980 election, and it was approved by the Congress, with a wide bipartisan margin, and it is supported by the American people because we care about the good names of the businesses, and we want to protect them, but we also care about children who end up being squeezed and killed in cribs, and we want a crib standard to protect them.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GRAMM) has expired.

(By unanimous consent, Mr. GRAMM was allowed to proceed for 1 additional minute.)

Mr. GRAMM. Mr. Chairman, we in fact did reauthorize CPSC in 1981 with guidelines from this Congress to require that CPSC exercise prudence. We simply required in an item referred to by the gentleman from California that in the cases where there had not been official action by the Commission, that before information was leaked that was harmful to a business, the business be called in and given an opportunity to respond to those charges. That does not delay the process. But what it does do is to give the business in question, the people who have spent their lives building the good name of their product, an opportunity to consult with CPSC before their product and its market and their good name are destroyed.

Now, I cannot see how anyone can say that is unreasonable, unless one believes that every businessman was a sinister person.

Mr. LUKEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama, and I would like to concentrate on two principal reasons for this.

One is the injection into the Waxman bill this year of coverage of fixed-site—that means theme parks, the big parks—amusement parks which this Congress took out of the bill 2 years ago after complete hearings and deliberation, and we decided that this Consumer Product Safety Commission did not have jurisdiction over fixed-site amusement parks because they did not have the expertise and because fixed-site amusement parks were not products in the sense of the products which they are used to inspecting and regulating. We came to that conclusion. And before the ink was dry on that law, before this industry which has a good record, has had a chance to establish self-regulation, we are back here amending it and saying now we want to cover the fixed-site amusement parks.

Second, I am for it principally because of the very unwise language in this amendment, which has already been mentioned, which does not set an authorized level, as most of the precedents cited by the gentleman from California do. This is not a question of authorizing so many people for the Coast Guard or authorizing so many people for the FTC. This says there shall be a minimum of employees whether they need them or not. That is bad law and we should not pass it under any circumstances.

The only one that I can find, of all of the precedents that have been offered which did establish a floor, a minimum, was one for the National Oceanic and Atmospheric Administration, and it followed with the language saying that the Secretary could disregard that language if he so chose.

So there is not any precedent for it, and we should not get into it.

But I am concerned because the amusement park amendment in the Waxman bill will be counterproductive. I am afraid it will in fact be an unsafe amendment.

Two years ago we decided amusement parks could regulate themselves—they had a pretty good record—and that it would be better than turning it over to the CPSC which did not have qualified people.

There is a basic question to answer: Is there any record to indicate that fixed-site parks deserve regulation? There are over 500 parks that would be affected by this amendment, over 175 million visitors and 1 billion rides.

Now, those are a lot of numbers. Keep in mind 1 billion rides per year. Yet according to CPSC's own estimates, there were 11,000-and-some-odd injuries on all carnival rides, fixed site and carnivals. Of those, there were only 438 estimated serious enough to require hospitalization.

In subcommittee we found out some amazing things about CPSC's estimate. The gentleman from Oregon, who is rising now, offered that amendment, and the people from CPSC came in and told us about it and we talked to them about it. They take the number of actual injuries reported of 71 emergency rooms, and then they multiply it by the 5,000 to 6,000 hospitals there are in the country. That has no regard to where these theme parks are located. So the statistics are bogus, to say the least.

But even if you take the estimates of CPSC to be true and accurate, that is, 438 hospitalized injuries from 1 billion rides, there is absolutely no way of determining, by CPSC's own admission, how many are due to mechanical failure, preventable, or carelessness by the passengers, nonpreventable. If CPSC had jurisdication, by their own admission, they cannot tell the Congress that they could have prevented a single death or injury. They cannot tell us that.

Therefore, let us look at the work of CPSC with regard to carnival rides. CPSC has had throughout this period of time jurisdiction over carnival parks. Under questioning, Commissioner Zagoria, who has been pushing coverage for fixed-site amusement parks, could not tell us now many injuries were due to carnival rides, which they have jurisdiction of now, or how many were due to fixed-site amusement parks.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. LUKEN) has expired.

(By unanimous consent, Mr. LUKEN was allowed to proceed for 3 additional minutes.)

Mr. LUKEN. Mr. Chairman, let us take the words of Mr. Zagoria himself. He could not tell us anything when he appeared at our markup. He could not give us the answers to any of these questions. But he did appear before a group back in 1979, and here is what he said. This is the Commissioner of the CPSC. He said:

> So you can readily understand we feel we are spread very thin. I should also add in talking about the 140 investigators * * * that all of these are generalists None of them, to my knowledge, has been trained or is experienced in inspecting such equipment as amusement parks.

None of them are trained in inspecting amusement parks.

He went on to say:

> Our best role at the Federal level might be one of acting as a coordinator and resource for State agencies.

I will go along with that.

> For the reasons I have outlined, we are probably well advised to refer to the individual States in the direct regulation of amusement rides.

I think, in the interest of the riders, that is what the CPSC should do. They do not have any expertise.

The first suggestion, he said, is "to provide States with opportunities for exchanging information and establishing of communications."

Here is what Commissioner Zagoria of the CPSC said:

> The Commission might help organize and sponsor training of State inspectors.

They might.

> A third is that the Commission could serve as a clearinghouse for information on unsafe rides.

They could not do any harm doing that.

And, finally—

> The Commission could provide help by way of engineering testing or similar technical assistance.

□ 1700

They might. They admit they do not have any expertise, but they might do that.

So finally, my colleagues, I would say that the CPSC has had experience with carnivals. It has not been able to tell us anything about it. We are confronted with an interesting issue here. The assumption is that if there is a problem, we need Federal regulation to solve it. I do not think that the record, and I just talked about the record, supports the fact that we need Federal regulation in this area.

The burden of proof should fall to the agency. It has not sustained that burden of proof. This industry, the amusement park industry, is a very safe one, with a good record compiled of self-regulation, and for this reason, and because of the very unfortunate language on putting a floor underneath the personnel, I would support the Shelby amendment.

Mr. WYDEN. Mr. Chairman, I rise in opposition to the Shelby substitute.

Mr. Chairman, I would like to use my time to focus in particular on the question of fixed-site amusement parks and to try to set the record straight about some misconceptions that I think our colleagues may have on this subject.

I happen to think that families in this country have a right to expect that when they put their youngsters on a ride that that ride is going to be a safe one and not one that could end in a tragedy. I think the U.S. News & World Report in their June 27, 1983, issue showed clearly why this body should be concerned about safety at fixed-site amusement parks. That publication reports that more than 25,000 people have been injured in the past 2 years at permanent amusement parks and theme parks.

Because of this evidence, I offered in the subcommittee and my colleagues in the full committee accepted it as well, a grant of jurisdiction to the Consumer Product Safety Commission over amusement park rides at fixed sites that is extremely limited in nature. The Commission may not issue rules, for example. They cannot go to court to have such rides declared an imminent hazard. Under my amendment, however, the Commission can collect information on such fixed-site rides and investigate accidents involving those rides, and then after a hearing order corrective action for rides that present a substantial hazard. Further, under my amendment the Commission has not been given any authority whatsoever to write standards, as it can for other products within its jurisdiction.

My amendment means that while we protect American families, there will be absolutely no paperwork, and no red tape or bureaucracy for amusement parks, the vast majority of which, I would like to emphasize, as I did in the committee, are good, decent business persons who provide a safe product. Under my amendment the Commission would only be given authority to investigate incidents to determine if a product is defective. That is the very same jurisdiction it has under section 15 for all other products such as thermostat control valves, ovens, toasters, and the like.

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Finally, I would like to touch on one other point that our colleague from Ohio mentioned: That the States ought to be focusing on this area of amusement park regulation.

Less than half the States, 21 to be exact, have done anything to protect the safety of our families in this area. Of those 21 States, not all cover fixed-site rides. Few of the States have the enforcement powers, the personnel, the financing, and the expertise to pursue amusement ride hazards as they ought to. My own State of Oregon is one example, and they are supporters of the fixed-site amusement park amendment that is in the bill.

Finally, the Commission employs competent mechanical, electrical, and structural engineers who have the requisite expertise to handle amusement park hazards.

For all these reasons, I would urge my colleagues to stand up for the families of this country, who have a right to expect that when their youngsters go on a ride that the ride is going to be a safe one. Let us reject the Shelby amendment.

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the gentleman's remarks in support of the amendment. Having served on the Subcommittee on Appropriations for the Consumer Product Safety Commission, I have observed over the years that they do intend to have flights of fancy sometimes, although they do some commendable work, such as the asbestos and hair dryers.

I noticed one time they came before us when they were going to regulate CB radio antennas. I asked how many people died as a result of CB radio antennas, and indeed, they produced some figures about how people died on CB radio antennas. But the fact was that it was not from any electrical shock or anything like that from the antennas; it was because people went up on the roof of their house to put the home station on and fell off the roof. They do have that kind of flights of fancy.

Mr. Chairman, I certainly associate myself with the gentleman's remarks.

Mr. OXLEY. I thank the gentleman for his comments.

Mr. Chairman, I rise in support of the amendment because of my reservations with the bill before us. My concerns cover virtually the entire bill but are especially strong with respect to the proposed changes to section 6(b) of the Consumer Product Safety Act. The bill would completely reverse the long-held congressional view—stated when the Congress first passed the act in 1972, recognized by the U.S. Supreme Court in the GTE Sylvania case, and then restated by Congress just 2 years ago in the 1982 amendments—that good public policy requires a careful balancing of interests between access to product information within the files of the CPSC and the need to protect business and consumers from the release of false and misleading information.

The need for the present law requirements now applicable to Commission disclosures in response to FOIA requests is made necessary because of the vast jurisdiction of the CPSC and its attendant ability to do immediate and irreparable harm to a business and cause unwarranted consumer confusion through the release of inaccurate product specific information.

Now, I am familiar with the argument that the current law requirements are too burdensome, but I do not think they are valid. I ask my colleagues to examine what the law now says the CPSC must do prior to disclosing information pursuant to an FOIA request. If this is done, it will be found that the Commission, before disclosing 6(b) information, must first, allow the business in question a reasonable opportunity to submit comments in regard to such information, must second, take reasonable steps to assure that the information to be disclosed is accurate, and must third, take reasonable steps to assure that disclosure is fair in the circumstances and reasonably related to effectuating the purposes of the act.

It seems to me that these requirements, on their face, are reasonable, fair, and most capable of being implemented by the agency in a timely fashion. I implore my colleagues not to retreat from the present law requirements which would occur if H.R. 2668 were to pass without the Shelby substitute.

So, I strongly support the Shelby substitute, which would maintain the current language under 6(b) that has a long congressional and judicial history of protecting not only small business but also the consumer as well. I ask for support of the Shelby amendment.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Iowa.

Mr. TAUKE. I thank the gentleman from Ohio for yielding and commend him on his statement.

Mr. Chairman, as I have reviewed this legislation in committee and again here on the floor, it has occurred to me that the authors of this bill seem to think that if a little consumer safety is good, then a lot of consumer safety must be even better.

As the gentleman from Alabama and the gentleman from North Carolina have pointed out in their substitute, that is not necessarily so. I think that when we look at this measure as proposed by the committee and the gentleman from California and see a 5-year reauthorization with a 58-percent aggregate increase in funding, we all have to sit back, pause, and figure out what is wrong; it is too long an authorization and the funding increases just are too great; they are not justified.

But when we really know something is wrong with this legislation is when we observe that this is a case where Congress tries to interject itself into the management process by saying that we are going to set mimimum employment levels in the agency and that we are going to double the number of regional field offices.

It seems to me that when Congress is at a time of fiscal austerity in Government and high deficits, mandating that agencies not only double the number of employees but then not have to justify increases above that, that we have somehow taken leave of the commonsense that I think most of our constituents hope we will use when we make decisions. I cannot believe that Members of Congress really want to take that kind of action, and I think that if they are reviewing carefully what is happening here, that whether they are liberal or conservative or moderate, commonsense is going to tell them that the action being taken is, above all, unreasonable.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Oxley) has expired.

(On request of Mr. Tauke and by unanimous consent, Mr. Oxley was allowed to proceed for 3 additional minutes.)

Mr. TAUKE. And beyond that, Mr. Chairman, it is a rather blatant attempt by Congress to interject itself into what should be administrative functions and decisions.

□ 1710

In addition to these reasons, it seems to me that the Shelby substitute ought to be adopted primarily because of the procedural safeguards that it maintains that are now in the law. We had huge problems just a couple years ago with this agency because the agency would often put out information concerning product safety that was inaccurate and unfair. That was not a service to consumers; it scared consumers. It was not a service to industry, because it would cause a business that may not even have a legitimate problem to lose customers.

Because of that kind of problem, Congress said that it just made sense to give businesses and industries an opportunity to respond to allegations before they were made public.

Now the gentleman from California and those who support this legislation want to repeal that and put us back to where we were before. How short our memories must be.

In 1981, we really did take some positive steps to strike a proper balance between consumer interests and business interests. We struck a proper balance between the roles of Congress and the executive branch. We adopted legislation that was fair and balanced. It seems to me that this year we need not go back and try to rewrite the statute all over again. What we should do is allow what is working well to continue to work to protect the consumers and to insure that business operates within the guidelines of decency.

It seems to me also that we want to insure that Congress operates within the scope of its proper role and that is as policymaker, not as administrator.

Mr. Chairman, I commend the gentleman from Alabama and the gentleman from North Carolina for offering a substitute which makes a great deal of sense. I hope all Members of Congress, regardless of affiliation or philosophy, will see that this is not a question of affiliation or philosophy, but a question of commonsense, and vote for the Shelby-Broyhill substitute.

AMENDMENT OFFERED BY MR. ROWLAND TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHELBY

Mr. ROWLAND. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

> Amendment offered by Mr. Rowland to the amendment in the nature of a substitute offered by Mr. Shelby: At the end of the matter proposed to be inserted by the amendment insert the following:
>
> "Sec. 3. In fiscal years 1985 and 1986 the Consumer Product Safety Commission shall use funds appropriated under the amendment made by section 2 for the Flammable Fabrics Act to include within the definition of articles of wearing apparel surgical drapes which are used to completely or partially cover patients undergoing surgery."

Mr. ROWLAND. Mr. Chairman, the amendment merely states that surgical drapes will be considered as wearing apparel, rather than interior furnishings, with reference to flammability.

Mr. Chairman, there are instances in operating rooms where oxygen may possibly escape and lower the kindling point of surgical drapes and cause a severe fire. So for this reason I think it is appropriate to offer this.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND. I would yield.

Mr. SHELBY. Is this the amendment the gentleman was talking to me about; is this similar to what the gentleman from Illinois (Mr. Madigan) has been pushing?

Mr. ROWLAND. That is correct.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND. I yield.

Mr. WAXMAN. Mr. Chairman, I want to commend the gentleman on this amendment. This issue was raised by the gentleman from New York (Mr. Gilman) before our hearings with some people who came in to complain about the gap in the coverage by the Consumer Product Safety Commission.

We adopted that recommendation and it is part of our bill. I was surprised that the people who put together the substitute did not have this provision in there. I am pleased to see that they are willing to accept it for the substitute.

I would join with the gentleman and the gentleman from Alabama (Mr. Shelby) in urging adoption of this amendment.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND. Yes; I yield.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding and I commend him for his amendment to the Shelby amendment.

This provision that was in the original Waxman bill was also in legislation that was introduced by myself and the gentleman from New York (Mr. Gilman). We are delighted that it was incorporated in the original bill. I am disappointed that it was not in the Shelby substitute and I commend the gentleman for taking care of this very, very important area, that exposes people in the operating rooms of our country to unnecessary peril.

Mr. Chairman, I rise in strong support of the pending legislation to reauthorize for the next 5 fiscal years the important programs and work performed by the Consumer Product Safety Commission.

When one considers the fact that everyone in this Nation to one degree or another is a consumer—one begins to realize and appreciate the importance of an agency such as the Consumer Product Safety Commission. It is therefore appropriate that on this 10th anniversary of the establishment of the CPSC that we adopt a bill that gives far more than just an extension of authorizations—but a 5-year mandate to continue and expand their important work. We compliment the length of the reauthorization by providing adequate funding levels to insure the resources are there to do the job.

I am especially pleased that section 11, subsection (c) of this bill addresses a very important issue which was the subject of a bill I introduced earlier this year, H.R. 2423. The issue has to do with safety in the operating rooms of our Nation. The specific issue has to do with an urgent need to reclassify surgical drapes which are worn by some 20 million Americans each year in medical procedures.

At the present time, surgical drapes are designated as "interior furnishings" by the CPSC. This in many respects removes them from a number of regulations including those dealing with flammability. Last year two dedicated doctors from my home State of New York representing the New York State Society of Anesthesiologists provided me with some information that linked surgical drapes to fires which occurred in operating rooms. According to Drs. Ralph Milliken, chairman of the operating room safety committee of the society, and Dante V. Bizzarri surgical drapes when used in combination with high energy devices common to operating rooms have a high flammability potential. Specifically when used in conjunction with fiber optics, lasers, and cautery present surgical drapes a direct fire hazard in the operating room to both patients and medical personnel.

Following this information and in conjunction with the CPSC I introduced H.R. 2423 together with my distinguished colleague from New York (Mr. Gilman) who was also deeply concerned. The bill called for a redesignation of surgical drapes from "interior furnishings" to "wearing apparel" thus making it specifically under the purview of the Flammable Fabrics Act. The committee report addresses the issue:

> Testimony was presented to the subcommittee from the New York State Society of Anesthesiologists asserting that surgical drapes were highly flammable and that the lack of an effective flammability standard covering drape manufacture increased the risk of burn injuries to patients undergoing surgery.
>
> The Committee proposal is necessary due to an interpretation by the CPSC that surgical drapes are "interior furnishings" rather than "wearing apparel" within the meaning of the FFA. By clarifying that surgical drapes should be classified as articles of wearing apparel, the committee intends that 360 days following enactment of this act that surgical drapes will be manufactured to comply with the CPSC's standard for the flammability of clothing textiles (16 CFR 1610).

While the number of incidents of fires in operating rooms caused by surgical drapes is not extensive—it is no excuse for us not to act. First, there is not much of a procedure in effect today for the reporting of operating room fires suggesting that this may be a bigger problem than we presently know. What we are doing in a sense is applying a dosage of preventive medicine. We know that the modern equipment used in operating rooms provide ignition sources and the surgical drapes become the fuel of the fire. It would seem that the potential does exist for fires unless more stringent standards can be imposed on the drapes.

The issue here is fundamental. We seek to make nothing more than a simple change in designation for surgical drapes. If we succeed we will be taking a profoundly important step in improving safety in our Nation's operating rooms. There is apprehension enough among people when facing surgery, there is no reason to promote further anxiety due to fear of fire. I urge support of the committee reported bill.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND. Yes; I yield to the gentleman.

Mr. SHELBY. Mr. Chairman, I just want to restate that I join with the gentleman at the proper time and urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. Rowland) to the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. Shelby).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. SIKORSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Shelby-Broyhill substitute.

Since 1966, the Freedom of Information Act has embodied a principle basic to democracy and essential to the operation of government—the public's right to know. The proposed substitute would do serious harm to the spirit if not the letter of the Freedom of Information Act.

The CPSC treats requests under the FOIA in a manner different from any other Federal agency. The process greatly hinders the agency's ability to respond promptly to FOIA requests from the public and provides manufacturers unprecedented discretion to influence, if not control, the exchange of public information.

The Shelby substitute would leave in place a process which has brought agency implementation of FOIA to a virtual standstill.

In the past, 85 percent of FOIA requests to CPSC were responded to in 10 days or less. Now 75 percent of the requests require from 1 to 6 months before document collection even begins; 450 FOIA requests are pending right now at the agency with some dating back to 1981.

Under the Shelby substitute, even the written opinions of Commissioners regarding agency actions would have to be sent to manufacturers for review 30 days prior to release. If a company did not like what a Commissioner wrote, they could go to court to enjoin publication.

I am sure Members would find such provisions intolerable if applied to minority views on committee actions. They are no less objectionable when applied to the views of Commissioners at a Federal regulatory commission.

Mr. Chairman, what the business community is legitimately actually concerned about is the release of inaccurate information by an agency which bears the imprimatur of the agency. They want to be assured that when information is released under the agency's imprimatur it is accurate. I cannot blame them.

This is a concern which the committee addressed. H.R. 2668 specifically provides that all agency generated press releases, reports and studies require verification for accuracy before public release. Verification would include sending the documents to industry for review and comment in advance of public disclosure. Even with these protections—protections I might add that are not provided by any other health or safety agency—not EPA, FTC, FDA, OSHA, FAA, NRC, USDA, NSHA, or NHTSA—the committee went even further. It required that the agency stamp every document released under FOIA with a disclaimer. The disclaimer clearly states that the document has not been reviewed for accuracy and therefore cannot be construed to represent an agency endorsed document.

In short, the proposals in section 4 of the committee bill are modest reforms. They carefully balance the legitimate concerns of industry with the rights of the citizens of the United States under FOIA.

Mr. Chairman, business has a right to be protected from damaging disclosures by Federal agencies of inaccurate information. The committee bill provides this protection in a thoughtful and reasoned manner.

I urge defeat of the amendment.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. SIKORSKI. Yes, I yield.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding.

I hope our colleagues listened carefully to the gentleman's description of how we have changed the Freedom of Information Act standards, because it was represented earlier today that we are allowing also irresponsible statements to be made without the agency checking these things out.

In fact, however, we keep that requirement that the Consumer Product Safety Commission must go through a procedure to talk to industry, to get their reactions, to make sure, including that the veracity of the statements they make are accurate.

As far as Freedom of Information Act requests for simple information, they are not going to be any different than the Environmental Protection Agency, the National Highway Traffic Safety Administration, the Food and Drug Administration, or the U.S. Department of Agriculture. They are going to be handling Freedom of Information issues exactly the same way as every other Federal agency.

□ 1720

We are not changing anything other than to say they should be treated the same as other agencies.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

I support the Shelby substitute for several reasons. Among them are these:

It is a 3-year reauthorization instead of 5. I think 5 years is too long, as the gentleman from Iowa (Mr. Tauke) indicated.

The funding is increased by approximately 5 percent per year as compared with nearly a 40-percent increase the first year in the Waxman bill.

It requires a minimum number of employees, at least 650 employees, and requires the number of field offices to be doubled to 10 and indicates that the number shall not be subject to review or approval by any persons in the executive branch of Government. I think this is an intrusion on the management function of the executive branch.

It goes the wrong direction as far as procedural policies are concerned.

Public disclosure is no longer required. Companies can be accused and convicted without time for investigation.

It goes the wrong direction in the Flammable Fabrics Act. It eliminates the cellulose standard. It adds an unnecessary toxicology advisory board, and it adds controls over the fixed amusement parks, as the gentleman from California (Mr. Dannemeyer) indicated.

For all of these reasons I support the Shelby amendment and hope it will be passed.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Texas.

Mr. GRAMM. Mr. Chairman, the gentleman from Minnesota who spoke prior to the last speaker talked about protection for the manufacturer. I would like to read very briefly current law which the Waxman amendment would change, and then talk about the Waxman language.

Current law adopted by the 97th Congress says with respect to product specific information, the CPSC prior to the release of such information shall provide the manufacturer or private labeler of such product with a reasonable opportunity to submit comments to the commission in regard to such information. That is current law. And, of course, the Shelby amendment, would just simply preserve current law.

As a substitute the Waxman amendment would substitute the following language which the gentleman from Minnesota claims protects the manufacturer:

> In responding to requests for information which were made under section 552 of title 5, United States Code, the Commission shall mark, in a prominent place, each document to be released pursuant to such a request with the following statement: "This document has been released by the Consumer Products Safety Commission pursuant to the Freedom of Information requirements of title 5 and it has not been reviewed for accuracy for the purpose of your request."

I submit, Mr. Chairman, that in no way does this provision substitute for an opportunity to comment and in no way can this disclaimer prevent sensational information from destroying the good name of a manufacturer, destroying that manufacturer's business.

That is why the Shelby substitute should be adopted.

Mr. NIELSON of Utah. Reclaiming my time, I would like to commend the gentleman from Texas for his statement.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. WAXMAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHELBY, AS AMENDED

Mr. WAXMAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. Waxman to the amendment in the nature of a substitute offered by Mr. Shelby, as amended:

At the end of the matter proposed to be inserted by the amendment insert the following:

DISAPPROVAL OF RULES

Sec. 3. (a) During the period for which funds are authorized to be appropriated under the amendment made by section 2, no consumer product safety rule promulgated under section 9, no regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or regulation promulgated under section 4 of the Flammable Fabrics Act may take effect if, within 90 days of continuous session of the Congress which occur after the date of the promulgation of the rule or regulation, a joint resolution disapproving such rule is enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1988.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the consumer product safety rule which was promulgated by the Consumer Product Safety Commission with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the regulation which was promulgated by the Consumer Product Safety Commission under section of the Federal Hazardous Substances Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to and which was transmitted to the Congress on ", with the blank spaces being filled in appropriately.

Mr. BROYHILL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WAXMAN. I thank the gentleman.

Mr. BROYHILL. Will the gentleman yield?

Mr. WAXMAN. I will be pleased to yield.

Mr. BROYHILL. Mr. Chairman, this is a version of the legislative veto. As I understand what it requires is that no rule would go into effect unless a joint resolution is passed; is that correct?

Mr. WAXMAN. The gentleman is partially correct. It provides that no regulation or rule would go into effect for 90 days, and then Congress would have an opportunity to pass a resolution.

Mr. BROYHILL. A resolution of disapproval?

Mr. WAXMAN. The gentleman is correct, a joint resolution of disapproval.

Mr. BROYHILL. This is an amendment to the Shelby substitute?

Mr. WAXMAN. The gentleman is correct.

Mr. BROYHILL. Is that what the Clerk read? Is that what it was, an amendment in the nature of a substitute?

Mr. WAXMAN. If I might try to point out to the gentleman, I have been advised by those who know parliamentary procedure that the practical effect of this would be to amend the Shelby substitute so that if this were adopted the Shelby substitute would have this language added to it. That is the practical effect we are trying to accomplish.

PARLIAMENTARY INQUIRY

Mr. BROYHILL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BROYHILL. Is that the way the amendment is drawn?

The CHAIRMAN. The Chair would state this is a perfecting amendment to the Shelby amendment.

Mr. BROYHILL. It is an amendment to the amendment in the nature of a substitute?

The CHAIRMAN. The gentleman is correct.

Mr. BROYHILL. Mr. Chairman, I have no objection to the amendment.

Mr. WAXMAN. I appreciate the gentleman's support for the amendment. I would like to outline what the amendment does.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Alabama.

Mr. SHELBY. I have no objection to the amendment.

Mr. WAXMAN. I thank the gentleman.

But if I might point out to the Members, I do want to explain this amendment because I think it is an important decision we are making with regard to a Supreme Court ruling that surprised many of us last week.

The Consumer Product Safety Commission has been one of those agencies which had a provision for legislative veto. Since the Supreme Court has ruled unconstitutional the legislative veto, the question now thrust upon us is how does Congress protect their prerogatives if we want some way to protect excesses by regulatory agencies.

Soon we will have a proposal by our colleague from Georgia (Mr. Levitas), and that proposal seeks to address the issue by requiring that every time there is a proposed regulation Congress would have to adopt that regulation and the President would have to sign it. I believe that kind of a proposal would relegate a regulatory agency into a body that will simply make recommendations to us for additional laws. That could mean interminable delays, if not permanent stopping of regulations that a regulatory agency thinks appropriate.

What we are proposing as an alternative is an amendment that provides that no Consumer Product Safety Commission rule will take effect for 90 days, during which time Congress may reject it by passage and enactment of a joint resolution.

Unlike the Levitas amendment, I think this is clearly constitutional. I think there are some constitutional questions that would still remain for the Levitas proposal.

But I think there are very practical advantages to this type of approach. It does not call upon Congress to affirm every agency rule, amendment, or revocation of a rule. It permits Congress to focus our attention on those matters that are truly controversial or constitute an abuse of authority.

Further, the substitute amendment does not indefinitely delay CPSC regulations which may prevent deaths and serious injuries.

If Congress had to go ahead and pass a new law to adopt every suggested regulation we could have a very long period of time, many years, before some of these regulations would take effect, and the public would be vulnerable to all of the hazards that would be there in the meantime.

Let me give you an example involving the Food and Drug Administration. In the recent case of the Tylenol poisonings, both the industry and the FDA wanted regulations regarding tamper resistent packaging. Moving as quickly as possible, it took the agency several months to promulgate the regulations.

The Levitas proposal would delay indefinitely those regulations, which by the way, in that particular case industry, the Food and Drug Administration and the public all desperately wanted.

□ 1730

At least under the substitute amendment those regulations would have taken effect in 90 days if for some reason Congress did not act. CPSC does not promulgate many regulations but it is hard to imagine any justification for delaying indefinitely a standard which prevents infants from strangling in their cribs——

(By unanimous consent, Mr. Waxman was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. Or a standard which prevents hundreds of child deaths and thousands of poisonings each year; while consumers are put at risk under this Levitas proposal, so is industry. The probable effect of that effect upon judicial review is most troubling.

Under current law agency rules must be promulgated in accordance with detailed procedures and supported by substantial evidence. However, under the Levitas proposal any defect in agency procedures or lack of evidence to support the rule may be cured by congressional affirmation of the rule. Thus, the Levitas amendment may deny an industry a meaningful judicial review of that rule. Finally, the amendment to the amendment in the nature of a substitute permits Congress to control the administrative process without stripping CPSC of its rule-making authority. The Levitas amendment, however, turns CPSC into little more than a study commission. They could study all these problems, they could come up with regulations and then Congress could act the same as we could now without this proposal before us. I know we are hard-pressed to think of an alternative to the legislative veto. I think this is a reasonable alternative. I think it allows us to exercise our oversight jurisdiction in a way that would prevent the excesses that we saw which led to the adoption of the legislative veto. I would urge my colleagues to support the amendment to the amendment in the nature of a substitute as a valid means of controlling the legislative process and urge them to reject the Levitas amendment if offered.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I personally have no objection to this committee adopting the Waxman amendment. I think the substitute, and the bill, are improved with this amendment.

However, this amendment is simply a good first step; but for reasons that I will point out in a moment, it does not go far enough.

It is certainly better than a poke in the eye with a sharp stick, but it still is not really the best solution to dealing with this problem.

Let me expain why it is not: The Waxman amendment provides that CPSC rules could be disapproved by the enactment of a joint resolution—a resolution of disapproval passed by both Houses of Congress and signed by the President—within 90 days after referral of the rule to the Congress. This is a step in the right direction. It is a so-called form of legislative veto. But there is a problem with the approach.

The problem is that the resolution of disapproval which a Member of this body might introduce would be referred to the subcommittee chaired by the gentleman from California, and there is a strong likelihood that if the gentleman from California liked the rule, and did not like the resolution of disapproval, this House would never even have the opportunity of expressing itself on the matter.

That is the inherent weakness. As I say, it is better than nothing. But it would in fact leave to the distinguished gentleman from California, whom I respect and whom I admire greatly, the decision as to whether or not the rule should go forward or not go forward. And it seems to me that what we are looking for in trying to reestablish this balance is a mechanism that would do what the Supreme Court, in effect, said, and that is provide that Congress should act through legislation.

The amendment which I will be offering takes the first cut that the gentleman from California has made with his amendment, but my amendment carries it a step further. My amendment offers a better procedure by assuming that the Members of this House have an opportunity to express themselves on whether or not the rule should go forward.

Let me deal with two specific points that the gentleman from California has alluded to as problems with my amendment.

The first is he said there would be delay in seeing some of the good rules come forward. Now, I have been in this House long enough to know that when this House wants to move expeditiously on important matters, bills can be introduced in the morning and be passed by sundown.

In this instance the resolution of approval of a regulation from the CPSC would be assigned to the Committee on Energy and Commerce, turned over to Mr. Waxman's subcommittee and if he thought it was a good rule, I have no doubt that we would see it come flying out of that committee in very short order and the House would be able to work its will, again in very short order, as was done, for example, in the saccharin situation several years ago.

So, the fear that there would be delays, I think, is really a false fear, because it would not happen. The gentleman from California would call the shots about timing and we would have plenty of opportunity to act expeditiously on it.

The gentleman from California also expressed concern about Congress having to approve masses of rules. But that fear is also unfounded in the case of the CPSC which we are considering today.

I am not suggesting that the procedure I am proposing today should apply in all cases of rulemaking by all agencies; indeed, there are many reasons why it should not apply in all cases. But in the instance of the Consumer Product Safety Commission this procedure would work. I think it is very important to realize that the CPSC which is to be authorized for 5 years under the bill we are considering, and for 3 years under the substitute, has been given very broad authority.

And this authority was delegated with a legislative veto in place.

If now the legislative veto does not exist and the broad delegation does, we have then the worst of both possible worlds. In the 10 years of the existence of the Consumer Product Safety Commission, they have only issued 35 mandatory rules. So, we are not talking about a mass of rules to be considered. Three a year is what you are looking at on the average if they continue at the same pace.

The Waxman amendment is a step forward and for that reason I urge its adoption, but when action on it is completed I will offer an amendment which I think will go a step further and put us in a better position.

I yield back the balance of my time.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words. I will not take the full time. I commend the chairman from California (Mr. Waxman) for this amendment.

While it is true the chairman of the subcommittee is a very impressive individual and he does wield a good deal of influence on the Health and Environment Subcommittee, the committee is very independent and we do have very close votes occasionally. I think if a rule came through which was abhorrent to the House, I am sure at least I of those 19 members would bring it to our attention. So, I think the Levitas concern is ill founded, and I support the Waxman amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Waxman) to the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. Shelby), as amended.

The amendment to the amendment in the nature of a substitute, as amended, was agreed to.

AMENDMENT OFFERED BY MR. LEVITAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHELBY, AS AMENDED

Mr. LEVITAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended.

The Clerk read as follows:

Amendment offered by Mr. Levitas to the amendment in the nature of a substitute offered by Mr. Shelby, as amended: At the end of the matter proposed to be inserted by the amendment insert the following:

APPROVAL OF RULES

Sec. 3. (a) No funds appropriated to the Consumer Product Safety Commission for fiscal year 1984, 1985, or 1986 under the amendment made by section 2 of this Act may be used to place in effect a consumer product safety rule under the Consumer Product Safety Act, a regulation under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or a regulation under section 4 of the Flammable Fabrics Act which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986, unless a joint resolution approving such rule or regulation has been enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the consumer product safety rule which was promulgated by the Consumer Product Safety Commission with respect to   and which was transmitted to the Congress on   ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section   of the Federal Hazardous Substances Act with respect to   and which was transmitted to the Congress on   ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to   and which was transmitted to the Congress on   ", with the blank spaces being filled in appropriately.

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

(By unanimous consent, Mr. Levitas was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Georgia (Mr. Levitas) is recognized for 10 minutes.

Mr. LEVITAS. I thank the Chairman.

I offer this amendment, Mr. Chairman, to respond to the problem that has been created for us by the Supreme Court decision of last week dealing with the question of legislative veto.

□ 1740

And while it is still unclear how broad that decision is and just precisely what it applies to, a fair reading of that opinion would indicate that all legislative or congressional actions to reject rules or regulations which have already been provided for in the law, are no longer possible.

This, of course, creates a number of problems, since many of the delegations of authority that have heretofor been granted were granted in conjunction with a legislative veto. And where there was a broad delegation of authority to an agency to issue a rule or regulation, it was done with the understanding that the legislative veto was in place to curb the excesses of overzealousness on the part of the agencies, or to deal with the situation of where an agency goes beyond the intent of Congress in issuing regulations.

Without an effective mechanism to put the delegation of authority and the control of the Congress back together, we will end up with the worst of both possible worlds. We will end up with a broad delegation of authority, with no legislative veto to act as a curb on that authority. So, if that is where we are after the Court decision, we have now turned over the entire ball game, the entire decisionmaking process, to the unelected officials who are issuing these regulations and who have never—as the distinguished majority leader of this House once observed—have never suffered the inconvenience of running for public office.

Without the legislative veto, we are committing to the agencies the same broad power of legislation that the Congress itself has, but the agencies will have this power without any check by the elected representatives of the people.

Now in the situation of the Consumer Product Safety Commission, for example, you have a group of commissioners who have never been elected by anybody. They are not even in the executive branch of Government to be controlled by the elected President. They are off in an independent agency. And I suggest that with the exception of one or two of my more scholarly colleagues in this House, I daresay that very few Members of this body could name the commissioners on the Consumer Product Safety Commission. Most could not even name a majority of the commissioners. And in some instances, not even one could be named.

And yet, these commissioners are the people who will have the authority to write regulations under a broad delegation of power while we sit helplessly by incapable of doing anything. It seems to me that the American people would demand that we, their elected officials, have some say so in that process before the regulations go into effect.

Not everybody in this country, not every business in this country can afford to spend a couple of hundred thousand dollars in hiring a lawyer to go to court and see if they can overturn a regulation. Instead they look to their elected officials, who are chosen to make the laws that govern their lives, when they have problems with a regulation.

Now let me turn for a moment to the Supreme Court decision. I am not going to quarrel with whether the Supreme Court decision was correct or incorrect. I will leave that to the law review writers over the years. Because what we are doing today is trying to correct the impact of that decision and I predict this will be the first of many, perhaps even hundreds, of occasions where we are going to have to restructure this delicate balance between the executive and the legislative branches of Government.

The one thing, however, that did come through in that Supreme Court decision was that Congress must act, if it acts at all, by legislation.

My amendment provides that legislation. A joint resolution, passed by both Houses of Congress, and signed by the President, would put into effect a regulation, a rule, that has the broad scope, and the force and effect, of a law passed by the Congress. With the adoption of my amendment, the regulation would indeed be a law passed by the Congress.

I am not looking back at the Supreme Court decision. I feel like a person on a baseball team, who has seen an umpire call a player out, who was obviously safe. And everybody in the stadium knew that this person was safe. But the people on that ball team better not complain about the call of the umpire. They ought to get on with doing something about winning the game and put that behind them. That is what we are doing today.

The amendment that I have offered is one that has already been looked at by the Justice Department. The Justice Department having prevailed in the Supreme Court decision, has advised us that this amendment, which I am offering, is constitutionally consistent with the opinion of the Supreme Court in the case decided last week.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the distinguished majority leader, the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. I thank the gentleman for yielding.

I just want to be very clear that we understand exactly what the gentleman's amendment would provide.

Is it accurate that the gentleman's amendment provides that there shall be no rulemaking or additional regulations propounded by the agency under this act that will take effect until first new rules or new regulations shall have been affirmatively approved by the Congress?

Mr. LEVITAS. That is the effect of the amendment. It actually works in a different way. It does not affect the validity of the regulation that is issued by the agency. It simply says that no funds for its implementation can be appropriated without the enactment of a joint resolution approving the legislation.

And I should point out that in the 10-year history of the Consumer Product Safety Commission they have issued a total of 35 of these regulations.

Mr. WRIGHT. Thirty-five regulations?

Mr. LEVITAS. Over a 10-year period, which means about three a year on the average. And I would imagine most of them being noncontroversial would have had no problem in securing approval by Congress.

Mr. WRIGHT. I thank the gentleman.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, I would remind the gentleman again that the vast majority of unsafe products that have been taken off the market, have been taken off as a result of the language in section 15(b) of the act, which has been there since the implementation of this program, which requires the manufacturers, who have knowledge of a defect in a product that is out in the marketplace, that they must report on themselves.

So that self-reporting has resulted in the taking off of the marketplace unsafe products far more than through rulemaking.

Mr. LEVITAS. I thank the gentleman.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

The gentleman's proposal, which the gentleman is offering in addition to the legislative veto which we have just adopted, would say that we are not vetoing a rule, we have got to affirmatively adopt the rule; is that correct?

Mr. LEVITAS. The gentleman is correct. In fairness let me say this: That that would in effect give to either House of the Congress, or to the President, the right to effectively veto a rule, because, as the gentleman knows, in order for a joint resolution to pass, it must pass both Houses and be signed by the President. So obviously, if one House defeats the joint resolution, it would in effect veto the regulations.

Mr. WAXMAN. I do not see the two as being consistent. Under the provision we just adopted, we said that if a regulation may be vetoed by the Congress, it would not take effect for 90 days, and that could be vetoed by a joint resolution; the gentleman is saying that while we can veto it, it would not take effect unless we adopted it as we would any other piece of legislation. How does the gentleman reconcile the two?

Mr. LEVITAS. Well, it is my view, and I say this to the gentleman from California, that the approach that I have offered is an improvement over the approach that the gentleman from California has offered. And that this bill, assuming it passes the House and is then in conference with the other body, would afford to the conferees an opportunity in a more deliberate context to decide which of these two mechanisms is preferable and thereby give us the opportunity to have the one which is the most effective in accomplishing our purposes.

☐ 1750

The CHAIRMAN. The time of the gentleman from Georgia (Mr. Levitas) has expired.

(On request of Mr. Waxman, and by unanimous consent, Mr. Levitas was allowed to proceed for 4 additional minutes.)

Mr. LEVITAS. I want to put this into context. This is not a hypothetical or an ideological argument. When the gentleman's committee reported out this legislation for a 5-year extension of the Consumer Product Safety Commission and made some other changes in that law, the Supreme Court decision had not yet been rendered. I suggest to the gentleman that if that decision had come prior to the gentleman's marking up this bill, the members of his committee would have looked very closely at the delegations of authority given to the Consumer Product Safety Commission to make a determination as to whether or not you wanted that broad delegation to continue without the legislative veto. That not being the case, all I am trying to do is maintain the status quo in the relationship between the CPSC and the Congress as it existed prior to the Supreme Court decision. I am not suggesting we go any further. I am simply suggesting that we maintain the right of the Congress to do what we thought we had the right to do before last week.

Mr. WAXMAN. If the gentleman will yield to me further, before last week's decision we thought the Congress could come in and veto a regulation that we thought was inappropriate and excessive by the regulatory agency involved. What we have just adopted was the ability of Congress to go ahead and veto again a regulation. The gentleman is not maintaining the status quo prior to the Court decision; he is saying that these regulatory agencies will do nothing but make recommendations to us for laws and nothing will go into effect until we act.

Mr. LEVITAS. Let me correct the gentleman. I tried to do that earlier. I am not talking about these regulatory agencies; I am talking about the Consumer Product Safety Commission.

I have no doubt that in the next year or two we are going to have to address a number of these statutes and come up with procedures for a number of agencies that will redress this newfound imbalance between the agencies and the elected Congress. I am simply suggesting that, for the time being, this procedure preserves that status quo with regard to the CPSC. It is an attempt to deal with this problem now rather than let the genie out of the bottle, and risk not getting it back in for 3 or 5 years.

Mr. WAXMAN. If the gentleman will yield to me further on that point, the gentleman has made as an argument why he thought we ought to have this provision that is now before us that if a committee chairman or subcommittee chairman in either this body or the other body did not like a rule, then that individual could refuse to bring up a veto resolution.

Now, of course, if a committee chairman or a subcommittee chairman did not like the rule, he could refuse to bring up legislation to put into effect that regulation.

So we have the opportunity after the regulatory authority and the Consumer Product Safety Commission has made a decision that they ought to do a certain thing with a product that may be hazardous or have a certain standard, that everybody have an opportunity, if some interest group is powerful enough, to veto that regulation from going into effect, either at the committee level, subcommittee level, House or Senate level, Presidential level, and everything is geared and tilted to rejecting a proposal rather than enacting it.

Mr. LEVITAS. Let me say this: As I read the Supreme Court decision, the Supreme Court admonished the Congress to utilize its legislative powers in dealing with the control and accountability of the regulatory agencies.

What I have proposed, as the Justice Department has already suggested, is perfectly consistent with that and carries out that purpose. A joint resolution is a legislative act and would follow the regular procedure.

Now, in terms of the power of the subcommittee chairman or the committee chairman, the question is: Is the subcommittee chairman or the committee chairman more likely to favor or oppose the rules and regulations coming out of the Consumer Product Safety Commission?

I would suggest again, living in the world of reality, that it is a fact he would be more likely to favor those rules.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. Levitas) has again expired.

(On request of Mr. Kindness and by unanimous consent, Mr. Levitas was allowed to proceed for 4 additional minutes.)

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding, and I take this time only to congratulate the gentleman for the thoroughness with which he has approached this problem that is presented now in the light of the Supreme Court decision in the Chada case.

As pointed out a little while ago in the colloquy with the gentleman from California, I think quite correctly, the approach to dealing with this matter does have to be a tailored approach. It seems to me quite appropriate that, in the case of the Consumer Product Safety Commission, the amendment offered by the gentleman from Georgia is very appropriate and does not present a harmful or hurtful situation at all.

Some might say, though, that if this approach were taken with the Internal Revenue Service, with the multiplicity of regulations and interpretations that are involved in their functioning, this would be unworkable.

There are at least four categories of actions subject to legislative veto that have developed over the last 50 years that require different and separate treatments. This is one in the rulemaking area which I think can be served quite appropriately by the approach offered in the gentleman's amendment, which I thoroughly support, and it may be applicable in more places. But I do not think that we should jump to the conclusion that it could be universally applicable, certainly not in the case of formal rulemaking, where there is rulemaking on the record, with hearing and certain formalities in due process.

Very likely this could not apply to article II duties of the President, as presently affected by the War Powers Act. And probably in the budgetary area and appropriations and impoundments and rescissions, and so on, different mechanisms will have to be developed.

We are in a state of change—one might say revolution—in the development of our governmental process. It began some time ago, perhaps, but it was highlighted by the Supreme Court's decision in the Chada case. We are at a breakwater point, a time when we have to look for new ways to deal intelligently with the operations of our governmental processes, and I congratulate the gentleman for his approach in this case which seems to me to make eminent sense. It may, on the other hand, give us the experience to indicate refinements that ought to be developed.

I would have to say that the developments that may occur as a result of the gentleman's amendment here and going foward in point of time may very well teach us that the legislative veto was a really good mechanism as exercised over recent years. But still, we must find within the bounds of the Constitution and the Supreme Court decision a way to operate now, and this I believe is tailor-made and appropriate. I congratulate the gentleman and I support his amendment.

Mr. LEVITAS. I thank the gentleman for doing so.

There are some people who believe that Congress probably should never have delegated rulemaking authority, to being with, certainly not as broadly as we have. They hold that the Congress has the responsibility to legislate under the Constitution and we have really abandoned that responsibility and abrogated that function to the agencies through the broad delegation of rulemaking authority. And with the delegations as broad as we see in the case of the Consumer Product Safety Commission, and with the fact that we are not talking about a large number of regulations, albeit very important ones, there is neither a burden nor an inconsistency with the constitutional framework to say to the Congress: If it is as important a rule as you say it is, why should we not have the buck stop with us?

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, perhaps the gentleman from Georgia (Mr. Levitas) might want to give me a little attention in a minute, because he and I have discussed this matter several times before.

I have very mixed feelings about the legislative veto. The Supreme Court has ruled on the subject. But I do not want to see a situation develop where executive branch agencies become nothing more than advisory committees to the U.S. Congress. And that conceivably could happen if the proposal of the gentleman from Georgia were applied to every single rule and every single agency, that no rules would take effect without Congress acting affirmatively. I think that is probably an unrealistic view of how the process should operate. At the same time, I recognize that the gentleman is applying it only to this agency. And with the Waxman amendment on there, it does indicate that rules could go into effect if Congress does nothing during that wait-and-see time period.

But I again want to bring to the attention of my colleagues that the best oversight that we can have is through the appropriations process, because the power of the purse is our major power, our congressional power in this country. By House rules and rules of the Democratic Caucus we have limited that oversight process, because what we have said is that we will not permit any riders on appropriation bills except within the province of the Appropriations Committee and on those rare occasions—the gentleman from California (Mr. Waxman) has

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used it on one occasion—if you can come to the House and you can do it on the full floor, if you can go through a torturous process by which you got to get the committee to rise and defeat that motion to rise and offer the proposition.

Now, when we dealt with that in the full House and in the Democratic Caucus, we were dealing with that rule in the context of a legislative veto. We have no more legislative veto. And, therefore, I would urge my colleagues to talk to the leadership of both parties and maybe try to get the Rules Committee to approach this subject once again, now that the Supreme Court has spoken, because it is time, I believe, to revise that rule and come back so that any Member of this body, just not on the Appropriations Committee, can come to this floor and put a rider on an appropriations bill at least with respect to pending rules and regulations.

□ 1800

Mr. LEVITAS. If the gentleman will yield, while I am not sure I agree with him that the appropriations process is the best way to deal with this type of matter, it certainly is a very effective way.

Mr. Chairman, the way my amendment is structured, I suggest, is designed to do exactly what the gentleman has said. My amendment does not deal with the validity of the regulation. It gets at the appropriations process, providing that no funds authorized can be appropriated for the rule, in order to get around the rule that was adopted by the House at the beginning of this session of Congress, because what it in effect gives us the opportunity to do is bypass the cutoff rule on the appropriations bill, and where we have said through the adoption of this procedure that I have proposed there shall be no funds authorized to be appropriated for this purpose, we have done precisely what the gentleman from Kansas has suggested.

But what I am saying to my colleagues today is something very important. If we do not do this, we have left the entire delegative authority at this agency with no effective control because the proposal of the gentleman from California, while it is better than nothing—as I said, it is better than a sharp stick being poked in your eye—it still does not really get at the type of responsibility that we should have, and the people today are going to have a chance to vote whether they want to turn this power over to the unelected bureaucracy in this case, I am not talking about all agencies or all rules, or whether they want to say, "Look, I got elected to Congress. I am responsible to my people and I am prepared to stand up and pass a bill, a joint resolution, when it is appropriated."

Mr. GLICKMAN. I think the gentleman is probably trying to do in a similar way what I am talking about here. I just like the routine process of appropriations bills because they provide a regularity through the oversight process where this can come up on an annualized basis and it will not require specialized action.

I just fear that without this kind of rider revision that Members will feel reticent about raising the issue or else do the opposite and raise the issue every single time when somebody comes down here and knocks on our door and says, "We do not like this particular rule."

Mr. BROYHILL. Mr. Chairman, will the gentleman yield for a comment?

Mr. GLICKMAN. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's comment on this issue. I certainly agree with him. I was not for the rules change that was made with respect to amendments on appropriations bills, but having said that, I do not like to see appropriations bills cluttered up with these kinds of amendments.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. GLICKMAN) has again expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, if the gentleman will continue to yield, I really think this is a better way to deal with those regulations that are passed under authority, by the way, that have been granted generally by the authorizing committee and not the Committee on Appropriations.

So it seems to me it is a responsibility of the authorizing committee to be the committee that has the main responsibility of looking over the shoulder at the work product of these agencies.

Mr. GLICKMAN. Well, there are many ways to skin a cat. I guess the proposal that I am talking about is the most democratic-type proposal because in many cases you cannot get these proposals through an authorizing committee, even under the Levitas approach and permitting any Member of Congress to offer an amendment to an appropriations bill clearly democratizes the process. Yet, it also confuses and in some sense bogs down the process, as we have seen during the last few years.

But I just thought this point needed to be raised on the House floor as we are talking about legislative veto.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to reinforce a point the gentleman from Kansas is making with respect not to rulemaking as much as an area of great concern to many of us, and that is the article II powers of the Presidency. Right now I am not sure we have a mechanism other than the mechanism suggested by the gentleman from Kansas to exercise some degree of interaction and control over actions, for example, now controlled under the War Powers Act.

I would thoroughly agree with the gentleman that the Members of this House ought to be able to raise the questions that sometimes involve very important policy considerations. During the appropriations process, those purse strings are the most important element of the functioning of this House.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am well aware of the fact that the distinguished gentleman from Georgia has for a long time had an active interest in the matter of legislative veto and the fashion in which these matters should be reviewed by the Congress. I am, of course, sympathetic with his concerns and with the scholarship and effort that has gone into the handling of that matter by the gentleman from Georgia.

The harsh fact of the matter is that the amendment now offered carries with it an enormous number of problems. Let me try and outline some of the questions that I think the House and this committee should answer before it adopts a proposal of this kind.

First of all, have there been any proper hearings or consideration of the matter to ascertain the full meaning both of INS against Chada, and also to ascertain how this amendment would work. The answer is, there have been none, and no one can make a definitive statement at this time as to whether this proposal is constitutional or not constitutional. No one can make a definitive statement as to what would be the rights or the duties of any person under this particular matter.

One of the most interesting consequences that has to be explored, I believe, is what is the impact of this proposal on the regulatory process. The question has to be asked: What must be done with regard to judicial review by a person who is affected by the amendment that is offered by the gentleman from Georgia?

No one can tell. When must a person who feels himself injured or adversely affected by a regulatory action commence his appeal? Must he commence his appeal prior to the time that the

Congress adopts it and enacts it into law, as it must affirmatively, by saying that the action of the agency was defective by failing to comply with the Administrative Procedures Act, by failing to afford adequate notice to some person who has been affected by this action which is taken, and to complain that lack of notice was there, or that he had not been afforded opportunity to be heard or that the record was not adequate or that some other defect had occurred in the administrative process?

Then if the Congress moves forward and affirmatively enacts that which would have been found under current law to be a defective action, what then must the individual do? Can he then go to court to appeal? That is highly doubtful, and let me explain why.

A similar situation obtains in connection with the granting of transatlantic airline routes. If a person finds himself adversely affected and badly impacted by an action that is taken by the CAB in awarding a transatlantic airline route, the courts will say, "You are too early. You cannot come here before this court because the President has to act."

So the individual says, "Very well, I will wait." And he waits until the President has acted, and then when he goes into the court, the court says, "Dear friend, you are too late. The President has acted, and that is a foreign policy question."

Now, under the amendment offered by my good friend from Georgia, it may be too early to appeal because the Congress has not acted and it is not a final action under the Federal Rules of Civil Procedure and under the court cases. But then when he goes into the Congress and the Congress acts, it becomes plain that his action is then too late to complain about procedural defects in the adoption of the rule.

□ 1810

There is no way of knowing what are the consequences of this particular matter.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield at that point?

Mr. DINGELL. I will be glad to yield to the gentleman.

Mr. LEVITAS. I would like to address that particular point before the gentleman goes into his argument.

Mr. DINGELL. I know what the gentleman's intentions are, but the language of the amendment is very silent.

Mr. LEVITAS. Let me address the question of the due process matter. Before the regulation can be proposed by the Consumer Products Safety Commission, there is a procedure by which comments can be received and heard and taken into account. That record will be very much before the gentleman's committee when it decides whether to report favorably or unfavorably.

Mr. DINGELL. Well, supposing then my committee chooses to disregard that question and we simply say that we are not going to be moved by this complaint. We are just going to hammer this thing through. Then what complaint is that fellow going to have about the failure of due process once the Congress has ratified that thing?

Mr. LEVITAS. That is the most important redress.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(At the request of Mr. LEVITAS, and by unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield further?

Mr. DINGELL. Of course.

Mr. LEVITAS. It has the most significant redress that is afforded to anybody and certainly is more redress than he has under the rulemaking authority of this Consumer Products Safety Commission. He goes to his elected official and says to his elected official, "I have been done wrong. I want redress," and this procedure is spelled out very clearly. There were hearings on this and discussion on this in the Constitutional Convention in 1789 in Philadelphia where it said that the Congress, acting through both Houses, has the right to pass legislation and it is the people who hold them accountable.

Mr. DINGELL. Mr. Chairman, I thank the gentleman, but the gentleman totally disregards the fact that if the Congress then chooses to disregard the procedural defect which the individual has very wisely and properly pointed out, deny him due process, deny him adequate notice, that the gentleman who wishes to complain about the situation and the unfair treatment before the regulatory agency may be stripped of his rights to really appeal and to deal with that question.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, I thank the gentleman for yielding.

I wanted to say that I think the gentleman is raising some very good questions. I wanted to make a larger point and I was going to get my own time, and will, but I do not think there will be any objection if we go ahead and continue in this manner.

I think so far as the discussion that I have heard, and I came over because I heard the discussion taking place, is a discussion about how are we going to deal with the questions raised by the INS against Chada decision.

I think certainly it is a complex matter. We are not going to resolve these many questions here today, it is quite obvious.

I have always been a supporter of the legislative veto concept of the gentleman from Georgia because we have found ourselves in this very situation so often.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. Mr. Chairman, I yield to the gentleman.

Mr. BETHUNE. I have always supported the gentleman from Georgia, because we find ourselves in the situation where the fourth branch of Government is unruly and out of hand and so we out of political expediency, as the court noted, have fashioned this particular tool as a way to try to oversee them. That is all well and good.

What concerns me is that we might get started with the effort to resolve the situation here today before we get down to asking ourselves some questions that are even more fundamental and basic than the questions raised by the gentleman from Michigan.

I make this point. Let us back up and discover why was it that we ever got into the business of legislative veto in the first place. It seems to me the court hit the nail on the head by noticing that we had assumed for ourselves more responsibilities here in Washington than we could discharge; so consequently, we had to figure out ways to overcome the strictures of the Constitution. We devised this hybrid measure.

The point I am trying to make is this. There is no way that we can resolve this question, given the time we have before us today. I do not mind supporting one or the other of the proposals here today to keep the matter under tow for the time being, but I think we have got to start asking ourselves whether or not we made a mistake 50 years ago when we assumed for ourselves all the responsibilities that we now hold as a Central Government.

Maybe we ought to ask ourselves, is the Supreme Court wisely pointing out to us the same lesson the forefathers might have pointed out if they were here, that we ought to delegate out to the States and localities as much as we can and let them do some of the regulatory burden and some of the oversight responsibilities, so that we can focus on larger issues.

The point I am making is that I am willing to go along here today with the full understanding that this is a first step and we are not only going to talk about ways to deal with Chada in the context in which we find ourselves today, but we are going to back up and ask ourselves about these fundamental questions also and the genesis of the legislative veto. That is the extent of

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the contribution I would like to make today.

I would hope to participate in the debate as it unfolds over the years to come.

Mr. DINGELL. Mr. Chairman, I thank the gentleman.

There are some other questions that need to be asked. What happens to an industry which is adversely affected by the amendment offered by the gentleman from Georgia?

Does the industry have to prepare to comply and to speculate as to whether or not that matter and that order is final?

Does the industry have to commence to spend money to comply even before the Congress has acted, not knowing what the rights of that agency are before the Congress and not having the clearly defined practices of the courts wherein the courts fix not only the rights of the individual, but the time at which the rules and the regulations which are subject to appeal would go into place?

The answer is that there is no appreciation of what would happen with regard to that.

Now, let us look a little further. Let us ask about relatively minor or trivial actions. Are they going to demand the affirmative action of the Congress to be enacted into law under the amendment offered by the gentleman from Georgia? The answer is that no matter how trivial the action of the regulatory agency might happen to be, including changing one line or one word or one comma, the Congress must reenact that proposal.

Now, of course, this is going to increase the cost to the taxpayers and it is going to increase the delay and the uncertainty that afflicts the citizen who is concerned with the regulatory process.

Beyond this, there are some other questions. How will it impact upon the individual citizen? Will this confer a benefit on those who could go to the Congress, as opposed to the folks who can go to the local courthouse?

The big corporation that has a Washington office will achieve an advantage by this.

Will the ordinary citizen who lives in Sheboygan or someplace like that have the same right? The answer to that question is no, he will not.

The harsh fact of the matter is that I am sure the gentleman from Georgia has the best of intentions, but this is a piecemeal approach to a very major problem. The Congress should defer consideration of this kind of amendment until such time as we have a clear appreciation of what it is that the amendment does.

There have been no opportunities for hearings. There has been no opportunity to hear from constitutional experts, from scholars of the law, to ascertain whether businessmen or consumers who might be affected by this matter in fact want the adoption of this amendment.

The amendment should be rejected. It is bad, it is ill-timed and it should be held off until proper consideration can be afforded before the proper committee.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I might point out the very peculiar parliamentary procedure status that we are in, we have before us the Shelby substitute, which is a substitute for the committee's recommendation. As I pointed out in the debate earlier, I oppose the Shelby substitute for a number of reasons, because I think the Shelby substitute will do harm to the Consumer Product Safety Commission as a regulatory agency.

We have now an amendment by the gentleman from Georgia (Mr. Levitas) to the Shelby substitute, which adds on to the Shelby substitute, even though we have a legislative veto amendment, an additional legislative veto amendment, I think somewhat contradictory, but the gentleman claims that he thinks they are consistent.

I have talked to the gentleman from Alabama (Mr. Shelby) and if I might engage him in a dialog, I understand the gentleman from Alabama supports the Levitas amendment and will vote for it. Is that a correct statement? I yield to the gentleman.

Mr. SHELBY. Mr. Chairman, I appreciate the gentleman yielding.

I do. I have no disagreement with the gentleman from Georgia's amendment and I have not spoken for it, but I told him that I would not oppose it. That is where I am now.

Mr. WAXMAN. I appreciate the gentleman's comments.

Since the gentleman from Alabama has a substitute pending and he is willing to have his substitute amended by adding the legislative veto provision that we offered and was adopted, as well as the Levitas legislative-type veto proposal, then I would support it as an amendment to Shelby; however, should the Shelby substitute be defeated, and I would urge my colleagues sincerely to defeat the Shelby substitute, then we will have the opportunity to vote on the Levitas amendment again, because I am sure the gentleman from Georgia (Mr. Levitas) will offer his amendment at that time.

□ 1820

Mr. DINGELL. Will the gentleman from California yield?

Mr. WAXMAN. I will be pleased to yield.

Mr. DINGELL. I just want my colleagues in the House to appreciate one thing. This body is badly overloaded right now and we do not have the time to properly consider matters that are of great constitutional and great legislative and great financial importance.

If this kind of an amendment is adopted, the Congress will be so overloaded with trivia and piddling matters that we will be incapable of carrying out our essential functions, and we will have, in effect, become a court of review, and we will spend all of our time engaging in piddling undertakings and our attention to great matters will simply no longer be available.

I urge this matter to be rejected.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I think the gentleman from Michigan has made an interesting point that would be applicable to other agencies and other bills, but my understanding is that the Consumer Product Safety Commission has had an average of about three rules per year. Really most of their activities were about 5 years past. They have not been that active in producing rules in recent years.

This would certainly not be the right answer, as was pointed out earlier, in dealing with the Internal Revenue Service or any other number of agencies. But in this case I think it is a carefully applied approach that makes some sense.

Mr. WAXMAN. If I might reclaim my time, it is my purpose that should the Shelby substitute be defeated, and I hope it will be, that we will have a head-to-head vote on two proposals, on the legislative veto, and I would join my chairman of the full committee, the gentleman from Michigan (Mr. Dingell), in opposing the Levitas proposal.

I think what that Levitas proposal will do as policy is relegate an agency like the Consumer Product Safety Commission, and I suppose other regulatory agencies when they come up for renewal, to merely study commissions.

If we want to fund study commissions I think we are wasting the taxpayers' money, because these commissions do nothing but study these problems and come up with recommendations, the same as any other commission, and we can maybe adopt them and maybe not.

Mr. DINGELL. Will the gentleman from California yield?

Mr. WAXMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. I would just like my colleagues to know what they are doing in this body, because the gentleman from Georgia (Mr. Levitas) you may be assured, will be back with this amendment pointing to the precedent of having had this matter adopted with regard to the Consumer Product Safety Commission.

What does this mean in terms of changes, in terms of the way the regulatory bodies function?

First of all, there were 15,222 pages of final rules adopted by regulatory agencies; 6,288 were the number of final rules. That is the IRS, Consumer Product Safety Commission, the FTC, the Food and Drug Administration, and everybody else down there who are writing these things.

Proposed rules cover 12,130 pages on a 3,729 total proposed rules.

The CHAIRMAN. The time of the gentleman from California (Mr. Waxman) has expired.

(On request of Mr. Dingell and by unanimous consent, Mr. Waxman was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. In addition to this, there are 320 pages of Executive orders which for all intents and purposes fall into the same fashion. They are notices of rulemaking that involved 25,432 pages. This is a total of 58,494 pages of rules issued in 1982.

What the gentleman from Georgia is going to have the body do is to review every single one of those or they simply will not be adopted. If an industry has a complaint, a very legitimate one, as did the auto industry about the airbag situation, we can be absolutely assured that that action will be bogged down in the same kind of mess that some obnoxious and undesirable rule will be. The courts will be absolved of a massive workload which will be transferred to the House of Representatives and to the Senate, and we will be in an unholy mess here.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I will be pleased to yield.

Mr. LEVITAS. I thank the gentleman.

First of all, after listening to all those facts recited by the distinguished gentleman from Michigan I wish I had said that. I think it makes a real case for why we need to have some control over the agencies.

But let me give the gentleman from Michigan my assurance that I would not ever think of applying this mechanism to all of the rules and regulations that are issued. There are going to have to be other mechanisms designed for that. But in this instance, and you are talking about reauthorization without an opportunity to do anything except deal with it in the manner I have suggested, which is perfectly constitutional and consistent with the Supreme Court decision.

Mr. DINGELL. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. There is no assurance that this is constitutional. What the gentleman is telling us is that he views this as some kind of curious smorgasborg where he will offer this particular set of rules in terms of why the Congress is going to review it in this particular agency, and then he will offer another one or offer none to quite a different one. The consequences of what the gentleman seeks to do are going to be a most curious impact on the citizenry who will never be quite sure which set of rules or congressional review will afflict them and what their rights might be under the Administrative Procedures Act or under the rules of the courts.

In consequence, we will have the most uneven and unfair application of law, and we will be functioning under totally untried and curious procedures which will cost enormous amounts of money and sow vast confusion throughout the land, and leave us in an unholy mess.

Mr. KINDNESS. Will the gentleman yield?

Mr. WAXMAN. I will yield to my colleague from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I would just like to point out that this debate on this point and some of the recitations of facts and figures that have been made here all point to how important it is that this body address the problem of regulatory reform. As the gentleman from Michigan and I have discussed privately as well as in a hearing recently, we have to find some better answers.

The CHAIRMAN. The time of the gentleman from California (Mr. Waxman) has again expired.

(By unanimous consent, Mr. Waxman was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman.

We cannot say this will not work and that will not work, so let us sit here and sink in the quicksand. We must find answers.

I look forward to working with the gentleman from Michigan and others in finding better answers. But let us try to approach it through regulatory reform and not using that word, but perhaps somethng else that provides the answers to governing in a reasonable, rational way with the separation of powers.

I thank the gentleman for yielding.

Mr. WAXMAN. I thank the gentleman for his comments.

Mr. DINGELL. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman from California.

I commend my good friend from Ohio (Mr. Kindness). I would observe to the House that drafting this kind of broad, sweeping legislative package dealing with all manner of procedural change at 6:30 by the clock, on an evening when the House has had no opportunity to consider this is perhaps the worst way in the world that we can legislate.

The matter should be dealt with by a committee properly constituted to study the matter, to receive the testimony that is necessary so that we can know the consequences of what we do rather than having to engage in the sheerest kind of speculation.

Mr. WAXMAN. Mr. Chairman, just reclaiming my time, while I do not like the Levitas proposal, if the gentleman from Alabama (Mr. Shelby) is willing to accept it as a part of his substitute, which I oppose, I think he should have the right to include this provision in his substitute. So I will, under these circumstances right now, vote for the Levitas proposal, and then after that urge that we defeat the Shelby substitute.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I will be pleased to yield to the gentleman from Alabama.

Mr. SHELBY. I appreciate the gentleman yielding.

As I said earlier, I do support the Levitas amendment and I will be glad to accept it as a part of my substitute.

Mr. WAXMAN. I thank the gentleman.

Mr. BROYHILL. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I would urge that we accept the Levitas amendment and then accept the Shelby amendment with the legislative veto approval amendments contained therein.

The CHAIRMAN. The time of the gentleman from California (Mr. Waxman) has again expired.

(By unanimous consent, Mr. Waxman was allowed to proceed for 30 additional seconds.)

Mr. WAXMAN. I just wanted to point out since we may be going into two votes that the Shelby substitute has been opposed by and is opposed by the Consumer Federation of America, the AFL-CIO, the National Council of Consumer Citizens, the Consumers Union, the American Academy of Pediatrics, the International Association of Machinists, and the International Ladies Garment Workers Union.

So I would urge a "No" vote on the Shelby substitute when we get to that point.

● Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 2668, the Consumer Product Safety Act amendments which would authorize appropriations for fiscal years 1984-88 for the Consumer Product Safety Commission. This bill would insure that the Consumer Product Safety Com-

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mission would be able to operate in an effective way and would offset the effect of the crippling budget cuts that this agency has suffered in the past 2 years and which have impacted negatively on the Commission's ability to protect the public health and safety.

This multiple-year authorization is necessary because the cuts made in fiscal year 1982 have resulted in substantial reductions in consumer safety, with agency inspections reduced by 44 percent, recall checks reduced by 64 percent, and investigations cut back by 14 percent. This much needed bill would authorize $47 million in fiscal year 1984, $49 million in fiscal year 1985, $52 million in fiscal year 1986, $54 million in fiscal year 1987, $57 million in fiscal year 1988. Additionally, this measure would set a minimum personnel level for the Commission at 650 full-time employees as compared with 889 in fiscal year 1981 and 636 in fiscal year 1983.

It is a commentary on the policies of this administration that it is necessary to require by statute that the Commission maintain a minimum personnel level in order that the agency be capable of enforcing the law. The General Accounting Office has reported that the Consumer Product Safety Commission has lost 32 percent of its scientific and technical staff in the preceding 2 years. It is also known, that the Office of Management and Budget would impose further cuts by 1985 that would have the effect of reducing agency staff by a total of 36 percent below the fiscal year 1981 numbers. Such reductions would cripple the agency's ability to protect our constituents against dangerous products.

Mr. Chairman, this 5-year reauthorization is very much needed and is not at all unusual. It will enable the Consumer Product Safety Commission to conduct the effective long range planning essential to its mandate to protect the public health and safety. This 5-year authorization will not prevent effective public policy oversight by the Congress, and it is my understanding that the Committee on Energy and Commerce will be conducting periodic and complete reviews of the Consumer Product Safety Commission's programs.

I urge support of H.R. 2668, the Consumer Product Safety Act amendments as it is in the public interest.●

● Mr. **WALGREN**. Mr. Chairman, I support H.R. 2668 which will continue the Consumer Product Safety Commission as an independent agency for 5 years. This bill will reaffirm the intent of Congress to act effectively to reduce unreasonable risks of injury caused by consumer products. As a member of the Subcommittee on Health and the Environment, which drafted this bill, I heard testimony that during the Commission's 10-year history there has been a decrease in injuries related to consumer goods and an improvement of production standards.

In 1973, Congress established the Consumer Product Safety Commission to protect the public from unreasonable risks of injury associated with consumer products. Since its creation, the Commission has encouraged and assisted in the development of voluntary standards by private groups, developed mandatory standards, banned products when necessary, and organized recalls and corrective activities with manufacturers to remove hazardous products from the market. By the late 1970's, an estimated 100,000 injuries and over 1 million potential injuries were averted by product recall alone. By increasing consumer and manufacturer awareness of product safety, the Commission has served the public well.

Much of the Commission's work has been for the safety of our children. One example is enforcing the Poison Prevention Packaging Act which requires child-resistant packaging for aspirin, prescription drugs, household cleaners and poisonous substances. Because of child-resistant packaging, over 10,000 injuries which would require emergency room treatment and approximately 50 deaths are prevented each year.

In the area of education, the Commission, with the help of State and local consumer affairs groups, has developed the expectant parent program to Inform expectant parents about nursery furniture and equipment, sleepwear, toy safety, and poison prevention.

I am pleased the Energy and Commerce Committee, on which I serve, agreed to my amendment to H.R. 2668 requiring the Commission to hold a public hearing when deciding its annual agenda and priorities. Until recently, there was no real opportunity for public input in the priority-setting process. The staff received information from coroners, medical examiners, consumers, and newspaper articles. The staff then made recommendations to the commissioners based on the budget and various considerations such as the severity of the injury—and perhaps personal preferences. While votes were cast in a public session, there was no real opportunity for public input. As suggested by the American Academy of Pediatrics, my amendment requires the Commission to hold a public hearing on its annual agenda and priorities. This amendment will encourage input from people with experience with actual product problems. Doctors, for example, who have treated patients injured by a product will be able to share their concern about the product with the Commission. Also, it would work against possible staff biases with respect to the Commission's agenda.

Besides developing its own standards, in some cases, the Commission also relies on voluntary standards from industry. In fact, voluntary industry efforts to improve the safety of consumer products have proven to be one of the most cost-effective tools for reducing unreasonable risks of injuries from consumer goods. Over 102 voluntary standards are presently enforced. For example, the Commission works with the American Society for Testing and Materials to increase slip-resistance of bathtub and shower surfaces. This voluntary measure prevents over 100 deaths per year in bathtub slipping accidents. When voluntary standards cannot be developed, the Commission must develop mandatory standards, as they did for rotary power mowers.

In consideration of this bill, some controversy developed over agency disclosure of information that came to its attention. When the Commission informs the public about the safety of a consumer product, it must take reasonable steps to assure the accuracy and fairness of the information. However, under current law, if someone asks the Commission if they have received any information or evidence of hazard, before responding the agency must first give all such information to the manufacturer for review and comment. This requirement, while well intended, has resulted in much delay and inaction. Under the bill, the Commission would respond to the requester, but stamp each page with a disclaimer indicating that the agency has not yet determined the accuracy of the information or the hazard of a product. Thus, the Commission would not release the material with its imprimatur or make any suggestion that they have in fact determined that a product is unsafe; rather, the Commission would make the material available while determining its safety. This seems to be a reasonable approach that will inform the public of possible hazards, yet protect the integrity of a product and company if the information is adverse. This is in fact the way requests like this are handled under the Freedom-of-Information Act by all other Federal agencies.

In my view, H.R. 2668 is a reasonable, necessary bill. It strikes a good balance between the needs of industry and the needs of the consumer. In one public opinion poll, the Consumer Product Safety Commission was the only Government agency to receive a positive public rating. I would like to commend Congressman WAXMAN for his diligent efforts in leading us in the House in developing a sound bill that properly balances the interest of manufacturers against the need to safeguard the public from unnecessary

risk and harm. I urge my colleagues to support this legislation.●

● Mr. **RICHARDSON**. Mr. Chairman, I rise in strong support of H.R. 2668, the Consumer Product Safety Amendments of 1983. This bill will reauthorize the Consumer Product Safety Commission (CPSC) over the next 5 years at a responsible level and it will restore the Commission's ability to rid the marketplace of dangerous products.

The Commission has the enormous responsibility of protecting the health and safety of the American consumer. Its jurisdiction extends over 15,000 consumer products and over 1 million manufacturers and retailers. Although the CPSC is the smallest health and safety agency in the Federal Government, it is one of the most effective. In its 10-year history, the Commission has recalled over 300 million dangerously defective products averting millions of serious injuries to consumers and countless expensive lawsuits against industry.

Regrettably, the Commission suffered a severe funding reduction in 1981. That shortsighted cut greatly reduced the effectiveness of the CPSC. Thirty-two percent of the Commission's scientific and technical personnel left the agency. Field inspections, recall checks, product investigations have all been curtailed dramatically. Eight CPSC field offices have been closed since 1981.

H.R. 2668 will remedy these problems by restoring the CPSC budget to realistic levels and by giving the Commission the same power to administer the law as other health and safety agencies enjoy. The 5-year authorization is reasonable and will allow necessary long-term planning. The bill also sets a minimum personnel level for the Commission at 650 full-time employees. This will prevent the administration from crippling the agency by reducing its staff as the Office of Management and Budget (OMB) has done in the past. OMB plans further cuts in 1985 that would reduce agency personnel by a total of 36 percent below 1981 level. We must not allow that to happen.

Mr. Chairman, numerous public opinion polls have clearly shown the American people want adequate protection in the marketplace. I urge my colleagues to vote for H.R. 2668 as reported by the Energy and Commerce Committee to provide the CPSC with the funds necessary to carry out its mandate to protect the public from unsafe products.●

● Mr. **GILMAN**. Mr. Chairman, I wish to express strong support of H.R. 2668, the Consumer Product Safety Commission amendments. There is no more deserving agency in the Federal Government than one which simply seeks to investigate and inform the public about products which are unsafe to handle or purchase.

In the first 10 years of its existence, the CPSC has demonstrated its dedication to the public welfare, having taken 3,174 actions against regulated products posing substantial hazards, resulting in the removal of nearly 300 million potentially hazardous product units from the marketplace. The Consumer Product Safety Commission has jurisdiction over the products manufactured or distributed by more than 2.5 million businesses—about one-half of all businesses in the United States, which produce an estimated 15,000 consumer products.

Among the statutes under the authority of the Consumer Product Safety Commission is the Flammable Fabrics Act, provisions of which I have been concerned about for several years. Inadequacies in this act were brought to my attention by Dr. Ralph Milliken, an anesthesiologist from my congressional district. In the last few years, operating room fires have become more and more prevalent due to the increased use of high technology instruments, including electrocauteries and lasers. These tools are used in surgery and come in contact with the surgical gowns and drapes used to cover the patient; consequently, the drapes are ignited and burns suffered by the patient as well as medical personnel present in the operating room. This serious problem is not known to the public generally, as most cases arising out of these incidents are settled out of court.

Because the surgical gowns and drapes used in hospitals are essentially paper, they ignite rapidly, and in an already tense situation, seriously disrupt the surgical process. Dr. Milliken testifed before the Health Subcommittee when hearings were held on amending the Consumer Product Safety Commission authorization, and provided the subcommittee with the results of his years-long investigation. Working with Dr. Milliken and the subcommittee, I was then able to have included in the bill a provision which would change the designation of surgical drapes, from one of "interior furnishings" to that of "wearing apparel." Because of this, surgical drapes will not be required to be more flame-resistant, and I urge the Consumer Product Safety Commission to adopt its most stringent standard in this matter, that of designating all surgical drapes and gowns as "children's apparel." A patient under anesthesia has no cognizance of what is going on around him, and he is totally helpless within the confines of the operating room under those cirsumstances. The patient is as helpless as an infant, and it is our responsibility, and that of the manufacturers of these gowns, to ensure the safety of both the patient as well as all medical personnel working in the operating room.

Mr. Chairman, I thank the subcommittee chairman, the gentleman from California (Mr. WAXMAN) for his assistance in including this provision as part of the bill, mindful of the fact that this portion of the bill can only be to the benefit of everyone. I was pleased that this section was adopted by the full Committee on Energy and Commerce.●

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS) to the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. SHELBY), as amended.

The amendment to the amendment in the nature of a substitute, as amended was agreed to.

The **CHAIRMAN**. The question is on the amendment in the nature of a substitute offered by the gentleman from Alabama (Mr. SHELBY), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. **WAXMAN**. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 177, not voting 18 as follows:

[Roll No. 231]

AYES—238

Akaka
Andrews (NC)
Andrews (TX)
Anthony
Applegale
Archer
Barnard
Bartlett
Bateman
Bedell
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boner
Boucher
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carper
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Conable
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
Derrick
DeWine
Dickinson
Duncan
Dyson
Edwards (AL)
Edwards (OK)
Emerson
Erdreich
Evans (IA)
Fiedler
Fields
Fish
Flippo
Forsythe
Franklin
Frenzel
Gekas
Gingrich
Glickman
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kazen
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McKinney
Mica
Michel

Miller (OH)
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Olin
Oxley
Packard
Parris
Pashayan
Patman
Paul
Penny
Petri
Pickle
Porter
Pritchard
Pursell
Quillen
Rahall
Ray
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Rose
Roth
Roukema
Rowland
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (NE)
Smith, Denny
Snowe
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—177

Ackerman
Addabbo
Albosta
Alexander
Anderson
Annunzio
Aspin
AuCoin
Barnes
Bates
Beilenson
Berman
Biaggi
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boxer
Brooks
Brown (CA)
Bryant
Burton (CA)
Carr
Clay
Coelho
Collins
Conte
Conyers
Coyne
Crockett
D'Amours
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (CA)
English
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Foglietta
Ford (TN)
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Harkin
Hawkins
Hertel
Howard
Hoyer
Hughes
Jeffords
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Long (LA)
Lowry (WA)
Lundine
MacKay
Markey
Matsui
Mavroules
McHugh
McKernan
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Murtha
Nowak
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Pepper
Perkins
Price
Rangel
Ratchford
Reid
Richardson
Rinaldo
Rodino
Roe
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Smith (FL)
Smith (NJ)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traxler
Udall
Vento
Walgren
Waxman
Weaver
Weiss
Wheat
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Yates
Yatron
Zablocki

NOT VOTING—18

Badham
Byron
Daschle
Dowdy
Dreier
Erlenborn
Florio
Foley
Ford (MI)
Fuqua
Harrison
Heftel
Kemp
Long (MD)
Martinez
McCandless
Smith (IA)
Smith, Robert

□ 1840

The Clerk announced the following pairs:

On this vote:

Mr. McCandless for, with Mr. Florio against.

Mr. Dreier of California for, with Mr. Ford of Michigan against.

Mr. YOUNG of Alaska and Mr. NELSON of Florida changed their votes from "no" to "aye."

Mr. GONZALEZ changed his vote from "aye" to "no."

So the amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. SKELTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2668), to amend the Consumer Product Safety Act to extend if for 5 fiscal years, and for other purposes, pursuant to House Resolution 227, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to amend the Consumer Product Safety Act to extend it for three fiscal years, and for other purposes."

A motion to reconsider was laid on the table.

□ 1850

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the Senate bill (S. 861) to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. BROYHILL. Mr. Speaker, reserving the right to object, I am not sure what the gentleman is requesting. I wish the gentleman would state again, under my reservation, what he is requesting.

Mr. WAXMAN. If the gentleman will yield, the House has adopted the bill as proposed to it by the Committee. I am now following that action and asking for the House to take up the Senate bill and amend that bill, under the terms of the House bill, which is the usual procedure.

The SPEAKER. The request of the gentleman from California follows the customary procedure. The procedure would be that the Clerk would next report the title of the Senate bill. If the Chair hears no objection to the unanimous-consent request to consider the Senate bill, the House will consider the Senate bill.

Mr. BROYHILL. So all we are doing then is adopting in the Senate bill what we just did?

Mr. WAXMAN. The gentleman is correct.

Mr. MADIGAN. Mr. Speaker, reserving the right to object, I would ask the gentleman from California (Mr. WAXMAN) if it is his intention to insert in the Senate bill the House bill just adopted for the purpose of returning the Senate bill to the Senate for concurrence with the House amendment?

Mr. WAXMAN. If the gentleman will yield, what I propose to do is to insert in the Senate bill the text of the bill just adopted by the House of Representatives, and then I have no way to know what will happen thereafter, but this is the usual procedural motion after the House has acted on a House bill.

Mr. BROYHILL. Mr. Speaker, I have no objection if that is the request, and I withdraw my reservation of objection.

Mr. MADIGAN. Mr. Speaker, I withdraw my reservation of objection.

Mr. LEVITAS. Mr. Speaker, reserving the right to object, I do so to inquire: Is it correct that the House has adopted the action of the Committee of the Whole, and did so by a voice vote?

The SPEAKER. The House has passed the House bill, as amended.

Mr. LEVITAS. I thank the Chair, and I withdraw my reservation of objection.

Mr. SHELBY. Mr. Speaker, reserving the right to object, the procedure with the Senate bill would be for the House to adopt the same language that the House just passed, the Shelby substitute?

Mr. WAXMAN. That is correct.

Mr. SHELBY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Product Safety Commission Authorization Act of 1983".

DISCLOSURE TO CONTRACTORS

SEC. 2. Section 6(a)(8) of the Consumer Product Safety Act (15 U.S.C. 2055(a)(8)) is amended by striking "or employees" and inserting in lieu thereof ", employees or representatives of the Commission (including contractors)".

CHRONIC HAZARD ADVISORY PANEL

SEC. 3. Section 28(b)(1) of the Consumer Product Safety Act (15 U.S.C. 2077(b)(1)) is amended by inserting "that may be the subject of the Panel's investigation" immediately after "product".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(10) $35,000,000 for the fiscal year ending September 30, 1984; and

"(11) $35,000,000 for the fiscal year ending September 30, 1985.".

CONGRESSIONAL VETO

SEC. 5. (a) Section 36 of the Consumer Product Safety Act (15 U.S.C. 2083) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any rule transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same rule from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(b) Section 17 of the Flammable Fabrics Act (15 U.S.C. 1204) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except

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that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of their other House.".

(c) Section 21 of the Federal Hazardous Substances Act (15 U.S.C. 1276) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader of their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike out all after the enacting clause of the Senate bill, S. 861, and to insert in lieu thereof the provisions contained in the bill, H.R. 2668, as passed, as follows:

That this Act may be cited as the "Consumer Product Safety Amendments of 1983".

SEC. 2. Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon, and by adding after paragraph (9) the following:

"(10) $35,700,000 for the fiscal year ending September 30, 1984;

"(11) $37,485,000 for the fiscal year ending September 30, 1985; and

"(12) $39,360,000 for the fiscal year ending September 30, 1986.".

SEC. 3. In fiscal years 1985 and 1986 the Consumer Product Safety Commission shall use funds appropriated under the amendment made by section 2 for the Flammable Fabrics Act to include within the definition of articles of wearing apparel surgical drapes which are used to completely or partially cover patients undergoing surgery.

DISAPPROVAL OF RULES

SEC. 4. (a) During the period for which funds are authorized to be appropriated under the amendment made by section 2, no consumer product safety rule promulgated under section 9, no regulation promulated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or regulation promulgated under section 4 of the Flammable Fabrics Act may take effect if, within 90 days of continuous session of the Congress which occur after the date of the promulgation of the rule of regulation, a joint resolution disapproving such rule is enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1988.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the consumer product safety rule which was promulgated by the Consumer Product Safety Commission with respect to   and which was transmitted to the Congress on   ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the regulation which was promulgated by the Consumer Product Safety Commission under section   of the Federal Hazardous Substances Act with respect to   and which was transmitted to the Congress on   ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress disapproves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to   and which was transmitted to the Congress on   ", with the blank spaces being filled in appropriately.

APPROVAL OF RULES

SEC. 5. (a) No funds appropriated to the Consumer Product Safety Commission for fiscal year 1984, 1985, or 1986 under the amendment made by section 2 of this Act may be used to place in effect a consumer product safety rule under the Consumer Product Safety Act, a regulation under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, or a regulation under section 4 of the Flammable Fabrics Act which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986, unless a joint resolution approving such rule or regulation has been enacted.

(b) To carry out subsection (a) the Consumer Product Safety Commission shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of each consumer product safety rule promulgated by the Commission under section 9 of the Consumer Product Safety Act, each regulation promulgated by the Commission under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, and each regulation promulgated by the Commission under section 4 of the Flammable Fabrics Act, which rule or regulation is published in final form by the Commission after the date of the enactment of this subsection but before October 1, 1986.

(c) For purposes of subsection (a), the term "joint resolution" means—

(1) in the case of a consumer product safety rule, a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the consumer product safety rule which was promulgated by the Consumer Product Safety Commission with respect to   and which was transmitted to the Congress on   ", with the blank spaces being filled in appropriately;

(2) in the case of a regulation promulgated under section 2(q)(1) or 3(e) of the Federal Hazardous Substances Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section   of the Federal Hazardous Substances Act with respect to   and which was transmitted to the Congress on   ", with the blank spaces being filled in appropriately; and

(3) in the case of a regulation promulgated under section 4 of the Flammable Fabrics Act, means a joint resolution of the Congress which states the following after the resolving clause: "That the Congress approves the regulation which was promulgated by the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act with respect to   and which was transmitted to the Congress on   ", with the blank spaces being filled in appropriately.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend the Consumer Product Safety Act to extend it for three fiscal years, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2668) was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 861

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers, cross references, and typographical errors, and correct the title in the engrossment of the amendment of the House to the Senate bill, S. 861.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3132) entitled "An act making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 17, 25, and 26 to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3135) entitled "An act making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 2, and 17 to the above-entitled bill.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3069. An act making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3069) entitled "An act making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. LAXALT, Mr. COCHRAN, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. D'AMATO, Mr. MATTINGLY, Mr. RUDMAN, Mr. STENNIS, Mr. INOUYE, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. HUDDLESTON, Mr. BURDICK, Mr. DECONCINI, and Mr. BUMPERS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 925. An act to make certain technical corrections in the Atlantic Salmon Convention Act of 1982.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader the program for the balance of the day and, since tomorrow is our getaway day for the July Fourth, recess, I think the Members would like to be brought up to date.

I yield to the majority leader for that purpose.

Mr. WRIGHT. I am delighted to respond to the distinguished minority leader.

This concludes the legislative business for today.

Upon our adjournment today, we will adjourn to convene at 10 o'clock tomorrow morning.

Tomorrow the House will take up, first of all, a resolution relating to an investigation by the Committee on Standards of Official Conduct.

Following that, the House will adopt rules only on the following three bills:

H.R. 2760, amendment to the Intelligence Authorization Act for fiscal year 1983; H.R. 10, National Development Investment Act; and H.R. 1, Housing Recovery Act of 1983.

We will do this in order so that on our get-back week from the Fourth of July home district work period, those bills might be available for our consideration in the House.

Having adopted those rules and that resolution, we would then proceed to the consideration of two measures tomorrow. One is House Concurrent Resolution 126, to commemorate the 100th birthday of Harry S Truman; and the other is H.R. 1398, providing

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daylight saving time. We would complete consideration of that bill.

We would hope to be able to conclude all of that and to adjourn by a reasonable hour tomorrow, perhaps midafternoon, or even earlier, if everyone cooperates.

When we adjourn tomorrow we would adjourn to meet on Monday, July 11.

Mr. MICHEL. Might I interrupt the majority leader to ask, do we need a rule on the Harry S. Truman legislation, or did the House already adopt that?

Mr. WRIGHT. It is a resolution from the Rules Committee, I would respond, and, therefore, it does not need a rule. We would simply take it up. It has 1 hour of general debate.

Then on Monday, July 11, when we return, we hope not to have any votes of a substantive nature on that Monday.

There are three suspension bills scheduled, but we would postpone votes on the bills on the Suspension Calendar until Tuesday, July 12, if any recorded votes are demanded.

The suspension bills are:

H.R. 2163, to amend the Federal Boat Safety Act of 1971; H.R. 2809, to establish a U.S. Fish and Wildlife Foundation; and H.R. 3392, to freeze all tobacco price supports at fiscal year 1983 levels.

Having debated those bills, we would proceed to general debate only on two bills, H.R. 10, the National Development Investment Act, an open rule, with 1 hour only of general debate, the rule having been adopted; and H.R. 1, the Housing Recovery Act of 1983, which is a 2-hour open rule, and general debate only.

□ 1900

On Tuesday we meet at noon. We would have recorded votes on the suspensions debated Monday, if any have been demanded. We would proceed to complete consideration on H.R. 10, the National Development Investment Act.

Then on Wednesday we meet at noon. We take up:

H.R. 3021. Health insurance for the unemployed, subject to the granting of a rule; and

H.R. 2769. Caribbean Basin Economic Recovery Act under a modified 2-hour rule.

On Thursday and Friday we would meet at 10 a.m. We would hope to complete consideration of H.R. 1, the Housing Recovery Act of 1983, and take up H.R. 2957, the International Recovery and Financial Stability Act; that is, the International Monetary Fund, under an open 2-hour rule.

The House would adjourn by 3 p.m. on Friday of that week. Adjournment times on other days will be announced, and any additional program would be announced later.

Mr. MICHEL. Mr. Speaker, I notice the gentleman did not mention the intelligence matter on which we will consider the rule tomorrow. Is that left in limbo, as to whether or not we would or would not be considering that measure during that week of July 11?

Mr. WRIGHT. It has been requested by the chairman of the Committee on Intelligence, the manager of that bill, that we postpone until the following week, which probably would be on the 19th of July, the session which would be held in private, the executive session of the House, for the purpose of considering a matter relating to that intelligence legislation.

Mr. MICHEL. And furthermore, the way that rule was originally to be proposed or constructed was to have in that legislation all amendments be printed in the RECORD, I think, by July 11. In view of the slippage on consideration, would that date still hold, or would there be an adjustment for that?

Mr. WRIGHT. I think we would adopt the rule. The rule provides for printing of amendments by the 11th. If that rule is adopted tomorrow, then that would apply.

Mr. MICHEL. And would that date of July 11 also hold true for amendments printed in the RECORD for the housing bill, H.R. 1, by July 11?

Mr. WRIGHT. I am sorry to say I am not familiar with the provisions of that rule, but whatever the rule provides, assuming it is adopted tomorrow, would be governing.

Mr. MICHEL. Then in checking back, I see that we do have to have a rule for the 100th anniversary of the birth of Harry Truman, House Resolution 226, as reported by the Committee on Rules, so will we not have to take that up tomorrow also?

Mr. WRIGHT. The minority leader is correct. I was in error when earlier I stated that a rule was not required. The gentleman from Illinois is eminently correct. We will have to adopt a rule and then go to the consideration of the resolution itself.

Mr. MICHEL. So than we will have four rules to consider tomorrow morning.

Mr. WRIGHT. That is correct.

Mr. DANIEL. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Virginia.

Mr. DANIEL. Mr. Speaker, could the distinguished majority leader give us any indication of when we will finish the consideration of the defense authorization bill at this time?

Mr. WRIGHT. It is presently planned that we would take up that bill on the week of the 18th of July and would conclude it during the week. We have, as the gentleman is well aware, concluded most of the bill. Some small parts of it remain. We hope to be able to bring that bill back to the floor on the week of July 18, the second week after our return, and conclude it that week.

Mr. DANIEL. I thank the gentleman.

Mr. MICHEL. I wonder if I might ask the distinguished majority leader one further question, that being: Members have asked what the getaway time might be tomorrow. I know that is rather unpredictable at times, but with four rules to be considered, would the majority side consider clustered votes for four rules if we take them up one right after the other? Is that too much to ask?

Mr. WRIGHT. I know of no reason why that could not be accommodated, if it would facilitate voting. We might reasonably expect to handle it that way. Beyond that, I should hope that Members on both sides might be cooperative in limiting their verbosity and the description of the rules and on these two matters that we later will debate. If there is general cooperation on all sides, I think it reasonable to assume that we might get away by early afternoon. Absent that, of course, we could go later.

Mr. MICHEL. I thank the gentleman, and we will certainly do our best to cooperate on this side.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 13, 1983

Mr. WRIGHT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 13, 1983.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, JULY 13, 1983

Mr. WRIGHT. Madam Speaker, I ask unanimous consent that when the House adjourns on Tuesday, July 12, 1983, it stand adjourned until noon on Wednesday, July 13, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT ON RESOLUTION AUTHORIZING INVESTIGATION BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. LONG of Louisiana. Madam Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file one privileged report. The report is on a resolution to authorize an investigation by the Committee on Standards of Official Conduct.

The SPEAKER pro tempore. Is the objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Madam Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday July 11, 1983, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT THURSDAY, JUNE 30, TO FILE REPORT ON H.R. 3021, HEALTH CARE FOR THE UNEMPLOYED ACT

Mr. ROSTENKOWSKI. Madam Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight tomorrow, Thursday, June 30, to file its report to accompany the bill, H.R. 3021, the Health Care for the Unemployed Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. CONABLE. Madam Speaker, reserving the right to object, it is my understanding, and I would ask the gentleman to confirm this, that if we do not do this, of course, the committee is discharged of the bill, and it has been reported out, even though it has not been fully drafted.

Mr. ROSTENKOWSKI. Madam Speaker, if the gentleman will yield, the gentleman from New York is correct.

Mr. CONABLE. And the effect will be simply, then, to leave the report of the Waxman subcommittee of the Committee on Energy and Commerce as the sole report on that bill, even though the Committee on Ways and Means has taken its step.

Mr. ROSTENKOWSKI. That is my understanding of the rules.

Mr. CONABLE. Therefore, if we are to have a report that includes the Committee on Ways and Means input, I have very little choice but to go along with the suggestion of the chairman.

Mr. ROSTENKOWSKI. The gentleman is correct.

Mr. CONABLE. And the gentleman is trying to preserve some Committee on Ways and Means input into this sequentially referred bill; is that correct?

Mr. ROSTENKOWSKI. The gentleman is correct.

Mr. CONABLE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL 4 P.M., FRIDAY, JULY 1, 1983, TO FILE CERTAIN REPORTS

Mr. ROSTENKOWSKI. Madam Speaker, I ask unanimous consent that the Committee on Ways and Means have until 4 p.m. on Friday, July 1, to file its reports to accompany the following three bills:

H.R. 2163—To amend the Federal Boat Safety Act of 1971 and for other purposes;

H.R. 2809—To establish a U.S. Fish and Wildlife Foundation; and

H.R. 1646—To amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. CONABLE. Madam Speaker, reserving the right to object, these bills have all been sequentially referred also; they come from other committees, have had their primary jurisdiction in other committees, and are being considered by the Committee on Ways and Means subject to a time limitation.

So the same comments made about the earlier bill refers to these as well; is that correct?

Mr. ROSTENKOWSKI. The gentleman from New York is correct.

Mr. CONABLE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAKING CERTAIN TECHNICAL CORRECTIONS IN ATLANTIC SALMON CONVENTION ACT OF 1982

Mr. JONES of North Carolina. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 925) to make certain technical corrections in the Atlantic Salmon Convention Act of 1982, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. FORSYTHE. Madam Speaker, reserving the right to object, I do so solely in order that we may tell the House really what we are doing.

These are a collection, really, of bills that have passed this body without even calling for a record vote. In addition to that, there are three GIFA's that are necessary to be passed before July 1. There are the Government International Fishery Agreements with the Soviet Union, Poland, and East Germany that are very necessary because there are American fishermen in joint ventures with these nations so I really do not believe that we have matters that are of great substance so far as the House is concerned.

□ 1910

There are two minor items that are involved here. Those deal with actions by the Senate in adding the U.S. Jones exemption on one private sailing vessel, and there is another small matter dealing with an officer required under the Jones Act.

Mr. Speaker, I yield to my chairman of the committee for any comments the gentleman would like to make under my reservation.

Mr. JONES of North Carolina. Madam Speaker, I thank the gentleman.

I would like to point out that the treaties we are referring to tonight, three of them with foreign nations, will expire tomorrow night at 12 midnight unless we enact this legislation. It is noncontroversial. It passed the House on suspension by a voice vote and it sailed through the Senate without much trouble. It is necessary legislation. Therefore, I ask that the request be considered.

Madam Speaker, the measure before us is very similar to H.R. 2784, which passed the House under suspension of the rules on June 13, 1983.

As passed by the House, this legislation dealt with a variety of fishery related matters, including reauthorization of the Atlantic Tunas Convention Act through 1986—a matter of about $100,000 per year. This act implements the International Commission for the Conservation of Atlantic Tunas, an agreement under which management and harvest of this species is carried out and related research is conducted. The language of S. 925 is indentical with respect to Atlantic tunas.

Both bills would amend the Atlantic Salmon Convention Act to clarify that our representatives on the Atlantic Salmon Commission are not Federal employees except for limited purposes and to conform that act's enforcement provisions with the Fishery Conservation and Management Act.

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The fisheries loan fund and related provisions of the American Fisheries Promotion Act would be similarly extended for a 1-year period under both the House- and Senate-passed bills. This program uses fees collected from foreign fishermen to assist U.S. fishermen who are in danger of default on vessel loans. A provision of the Fish and Wildlife Act would also be extended for 1 year to authorize $150,000 to permit the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to utilize volunteers.

The House and Senate passed indentical provisions clarifying language in the Anadromous Fish Conservation Act regarding funding for interstate fishery plans.

Both bills give congressional approval for 1-year extensions of three governing international fishery agreements between the United States and the Governments of the Soviet Union, Poland, and East Germany, which would otherwise expire as of June 30, 1983. It is important that these agreements not be permitted to lapse because of the joint ventures which are carried out under them and which are highly profitable for U.S. fishermen.

Title II of the House-passed version of this legislation would have extended the provisions of the National Aquaculture Act; however, in view of committee jurisdictional problems in the Senate, this language has been deleted from the measure before us.

There are two amendments added by the other body which have not been considered by the House. They are the amendment granting domestic commerce privileges for the vessel *Norden* and the section—allowing a corporation operating with a resident alien president to continue to be considered a citizen of the United States for U.S.-flag vessel ownership purposes.

The vessel *Norden* is an 85-foot topsail schooner—sailing vessel—built in Denmark in 1919 and owned by a U.S. citizen. The *Norden* is a rare and historical vessel, the only commercial use for which is as a charter cruise ship capable of operating with five passengers. Since she was built outside the United States, she would be unable to lawfully operate between points in the United States, specifically in Puget Sound, unless this legislation specifically exempts the *Norden* from the prohibitions of standing law. We know of no vessel operating under the protection of U.S. cabotage laws that would be adversely affected by the grant of this waiver, nor do we believe anyone is likely to want to build a comparable sailing vessel in a U.S. shipyard or any shipyard for that matter. Consequently, the entry of the *Norden* into the domestic cruise trade can result only in a positive effect on employment and other benefits accruing from the profitable utilization of a maritime resource.

The amendment to this bill, which permits a corporation to continue to validly operate vessels under the U.S. flag even though its president is at this time a noncitizen, is carefully crafted to limit its application to a specific case. The vessel documentation laws require that, among other things, where a corporation is the citizen owning U.S.-flag vessels, the corporation's president or chief executive officer and the chairman of its board must be citizens of the United States. We have become aware of an inadvertence by one such corporation. The corporation in question—Castle & Cooke of Hawaii—is a well established business organization that only incidentally is an owner/operator of U.S.-flag vessels. Recently, as part of its reorganization, the corporation actively recruited a new president and engaged a candidate who had been resident of the United States for several years. Only after the president was engaged did it become apparent that the corporation had special and unique citizenship requirements imposed upon it as a result of its role as a vessel owner/operator. The amendment is limited both in time and scope to a president who has filed an application to file a declaration of intent to become a U.S. citizen. No other corporation can take advantage of the exception, and no loophole is created. The amendment would allow the corporation to be in compliance with the law (section 2 of the Shipping Act, 1916 (46 U.S.C. 802)) from the time the subject president assumed office until the president is granted the citizenship for which he has filed his declared intention, but in no event will the exceptional rights granted this corporation extend beyond March 1, 1987. The 1987 date was selected based upon our understanding of the time being consumed by the Immigration and Naturalization Service to process applications.

Madam Speaker, all of the provisions of this bill are worthy of favorable consideration by the Members of this House but I am especially concerned that this legislation receive immediate approval because of the detrimental impact on American fishermen that would result if the fishery agreements with foreign governments were permitted to expire—as they will do tomorrow without our favorable action. Joint ventures carried out under these agreements permit our fishermen to sell their catches directly to foreign processing vessels and to reap a good profit. These fishermen deserve our support for their efforts to keep the profits from American fishery resources here at home and I hope, particularly for their sake, that we can approve this legislation without further delay and send it on its way to the President.

Mr. FORSYTHE. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There is no objection.

The Clerk read the Senate bill, as follows:

S. 925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MARINE FISHERIES PROGRAMS

Sec. 101. That section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "and 1983" and inserting in lieu thereof "1983, 1984, 1985, and 1986".

Sec. 102. The Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601 et seq.) is amended—

(1) by inserting "not" immediately after "shall" in the second sentence of section 303(c); and

(2) by amending subsection (c) of section 307 to read as follows:

"(c) Any vessel used, and any fish (or the fair market value thereof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in connection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).".

Sec. 103. (a) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1983" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "1982 and 1983." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, and 1984.".

(b) Section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by striking out "September 30, 1982" in subsection (a) and inserting in lieu thereof "September 30, 1984";

(2) by amending subsection (b)—

(A) by striking out "fiscal year 1982," in subparagraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, and 1984,", and

(B) by striking out "1981 and 1982" in subparagraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, and 1984"; and

(3) by striking out "fiscal year 1981 or 1982, or both," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, and 1984,".

Sec. 104. Section 1(c)(2) of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)(2)) is amended: (1) by striking out "shall be 90 percent"; and inserting in lieu thereof "shall be up to 90 percent"; and (2) by striking out "resources," and inserting in lieu thereof "resources, prepared by an interstate commission,"; and by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'interstate commission' means—

"(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267);

(B) the commission established by the Pacific Marine Fisheries Compact (as consented to and approved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

"(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).".

Sec. 105. Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(4), as contained in the message to the House of Representatives and the Senate from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the United States on July 1, 1983.".

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provision of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel Norden (official number 584767) to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

Sec. 202. Notwithstanding any other provision of law, a corporation which, as of March 1, 1983, is a citizen of the United States within the meaning of section 2 of the Shipping Act of 1916, as amended (46 U.S.C. 802) shall continue to be deemed a citizen of the United States within the meaning of said section and shall continue to be deemed an owner whose vessels are eligible for documentation under section 104 of the Vessel Documentation Act (46 U.S.C. 65b) notwithstanding the election and service of a resident alien as its president or chief executive officer; provided, such resident alien has, pursuant to the provisions of section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) filed with the Immigration and Naturalization Service of the United States Department of Justice, prior to July 1, 1983, an application to file declaration of intention to become a citizen of the United States.

(b) Any rights conferred by subsection (a) shall expire unless such resident alien has become a naturalized citizen by March 1, 1987.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GLADYS NOON SPELLMAN DEDICATION

Mr. SEIBERLING. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 680) entitled the "Gladys Noon Spellman Dedication," and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HOYER. Madam Speaker, reserving the right to object, and obviously I will not object, I want to rise in strong support, obviously, of the immediate adoption of the Senate bill. I would prefer the House bill to be passed, but the Senate bill is a compromise and will, as the chairman knows, dedicate the Baltimore-Washington Parkway to the remembrance of the efforts that Gladys Noon Spellman, our former colleague, made not only on behalf of Prince Georges County, but on behalf of the Nation.

I want to rise to thank the chairman and the staff of the subcommittee specifically for the efforts that they have made in insuring the passage of this legislation.

We in the Fifth Congressional District who revered and loved Gladys Spellman appreciate very much his efforts and the efforts of the committee.

Mr. SEIBERLING. Madam Speaker, will the gentleman yield?

Mr. HOYER. I am glad to yield to the chairman.

Mr. SEIBERLING. Madam Speaker, first of all, I want to thank and commend our colleague, the gentleman from Maryland, Steny Hoyer, for his patience, perseverence, and dedication in the long process of achieving passage of this tribute to our former colleague, Gladys Noon Spellman. He is a worthy successor to her in the district which she represented before he took that office.

I just would like to say that this bill, while somewhat different from the House bill in that it dedicates the Baltimore-Washington Parkway to Gladys Spellman and provides for suitable signs to be erected recording that fact, does not go as far as the House did, which would have named the parkway the Gladys Noon Spellman Parkway; however, the Maryland-maintained portion of the parkway is already named the Gladys Noon Spellman Parkway.

It does seem to me that this is a suitable tribute to our beloved former colleague and, therefore, in the interest of finally reaching the enactment of legislation on this, I think that the gentleman has made a wise decision.

I strongly support his action in supporting this legislation.

Mr. HOYER. Madam Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that Gladys Noon Spellman, elected to four terms in the House of Representatives from the State of Maryland, should be afforded recognition not only for her personal efforts in upgrading one of the Capital region's most important transportation corridors, but more broadly for the dedication, commitment, and concern she expended on behalf of the people of Maryland. The quality of her service to the public exemplifies the high ideals and principles she held paramount.

Sec. 2. The parkway, under the jurisidiction of the Secretary of the Interior, in the State of Maryland known as the Baltimore-Washington Parkway, is hereby dedicated to Gladys Noon Spellman in recognition of her efforts to upgrade a most important transportation corridor in the Capital region and more broadly, to recognize her service to people of Maryland and the Nation as a Member of the House of Representatives of the Congress of the United States.

Sec. 3. In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to existing signs, materials, maps, markers, interpretive programs, or other means as will appropriately inform the public of the contributions of Gladys Noon Spellman.

Sec. 4. The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, at a suitable location adjacent to the Baltimore-Washington Parkway, an appropriate marker commemorating the contributions of Gladys Noon Spellman.

Sec. 5. Effective October 1, 1983, there are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 283

Mr. RANGEL. Madam Speaker, I ask unanimous consent that the following Members' names be removed from the list of cosponsors of H.R. 283:

Messrs. Mitchell, Scheuer, and Minish, Ms. Oakar, and Messrs. Smith of Florida, Barnes, and McHugh.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. BRYANT. Madam Speaker, I ask unanimous consent that all Members be permitted to extend their remarks, and to include therein extraneous material, on the subject of the special order speech today by the gentleman from Colorado (Mr. WIRTH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUPPORTING ROLES FOR 225 MILLION AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

● Mr. ALEXANDER. Madam Speaker, in the national drama now unfolding which features Ronald Reagan as President, there are some 225 million men, women, and children in supporting roles. I mean supporting quite literally, for I am sure that they wish the featured player well. But they must occasionally wonder, as I do, what script he is reading from.

For most Americans, life right now is a realistic drama of survival, but, when they listen to the President speak, he sounds as though he is in a different movie—a romantic fantasy in which facts are beside the point and reality is trivialized. Last week, defending his tax cut before a wealthy audience in Mississippi, he said that $50,000 was a pitifully low annual salary—hardly even middle class. Maybe this is so for Mr. Reagan and his well-heeled listeners. But not for most of the people of Mississippi, where the per capita income in 1980 was $6,508. Nor for my own State of Arkansas, with a 1980 per capita income of $7,180.

Mr. Reagan is charming and personable and no doubt well intentioned. But when he speaks about economics or when he addresses the financial plight of most Americans, he reminds me of the title character in "The Wizard of Oz"—he may be a very good man, but he is a very bad wizard.

The President and his assistant wizards have been trying to tell Americans for several months now that the recession is over, that a full recovery is underway, and so forth. Once again, Mr. Reagan is reading from a different script than the one which most Americans see. For the Nation as a whole, the unemployment rate is still in double digits, and even the administration does not pretend that the rate will be coming down appreciably any time soon.

Let me tell you what the facts are in my State of Arkansas and in the hard-pressed First Congressional District, which I have the honor to represent: in 1982 there were 99,000 Arkansans out of work, compared to 34,900 in 1972. These figures—from the first full year of the Reagan economic policy—are three times as high as those from a decade before, and the highest, in fact, since recordkeeping began.

In the 24 counties of the First Congressional District in 1982, there were 28,200 persons unemployed—compared to about 10,000 in 1972. Again, it's three times as many. The unemployment rate in the first district in 1982 was 13 percent, compared to 5.5 percent a decade before. In 1972, only 1 of my 24 counties had double-digit unemployment, but last year 16 of them were in that category. In two counties the rate of unemployment had tripled and in two others it had quadrupled.

As of April of this year, 15 of my 24 counties still had unemployment rates in the double-digit range. But let me bring the statistics home to you in the form of some case histories.

Let us take the case of Louis and Nancy Crook, who own Crook's Town & Country Hardware Store in McCrory, Ark. McCrory is in Woodruff County, which made national headlines last summer when the unemployment rate there reached 35 percent. Now it is leveled off a little; unemployment in the county was only 22.4 percent in April. "There are five stores in town that you can buy right now," Mr. Crook told a member of my staff today, "and I'll sell you mine," he said, "at 40 to 45 cents on the retail dollar."

Mr. Crook told a story of plummeting from a high of $100,000 in retail volume in 1978 to what he estimates might be $40,000 retail volume in 1983. Mr. Crook went on: "That's if we're lucky. What I'm going to do is try to ride out this year, but I'm trying hard to sell. There's no point in buying new stock when I can't even liquidate what I've got on hand. There's nobody that can buy anything. There's no recovery going on in Woodruff County."

Madam Speaker, the experience of the Crooks can be multipled several thousandfold across the State of Arkansas, where small businesses—starved too long by the recession which began in June 1981—are barely holding on to a precarious existence. Mr. Reagan talks of recovery, but he must be talking about Wall Street. Things are not so good on Main Street. Mr. Reagan, when he speaks of foreign policy, talks about falling dominoes; what I worry about is the falling dominoes in the towns and cities of my district, where unemployment and small business failure reinforce a catastrophe in progress.

Mine is largely an agricultural district, and surely no one needs to be reminded of the drastic decline in farm income, which has seen a national farm debt in excess of $200 billion and which undermines not only the farm family—which has been suffering not just recession but outright depression these last 2 years—but the small businesses, like the Crooks', which depend so heavily on farm purchasers.

But the first district had also begun to industrialize—and 20 years of progress in industrialization, along with the dreams of thousands of first district families—for college for their children or for meaningful vo-tech education—threaten to be wiped out overnight. Once again, I'll give you a case history.

For 20 years the Van Heusen Co. operated a shirt-manufacturing plant in Brinkley, Ark., in my district. The recession caused the company to close down its operations in Brinkley last year. With the loss of this factory went 400 jobs in Brinkley and Monroe County, and with those jobs went an annual payroll of almost three-quarters of a million dollars. Monroe County promptly became 1 of the 10 counties in Arkansas with the highest rate of unemployment.

Madam Speaker, the people of Woodruff and Monroe Counties, like the people of the entire First Congressional District, and of Arkansas, and of the Nation will survive this recession. They are Americans, and their American ingenuity will ultimately overcome the effects of misguided economic policies—particularly when these policies are subject to change next year by exercise of the ballot.

But the struggle to survive will involve enormous suffering and the sacrifice of many goals by our people. Mr. Reagan is now immersed in what appears to be a strategy for reelection in 1984, and he is trying to sell a fantastic vision of success for his economic policies, when the reality has been one of failure. In my district, people do not follow Mr. Reagan's script; what they read is a hard, ever-present reality.●

THE ALTERNATIVE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 30 minutes.

Mr. DANNEMEYER. Madam Speaker, it is interesting to note how the American people react to the option of returning to the old and discredited tax and spend policies so dear to the heart of the congressional leadership. In May, according to an ABC/Washington Post poll, the public believed that the recession was not over by a 67- to 18-percent margin. Also during May, the Los Angeles Times found that only 11 percent thought the economy was tilted toward prosperity as opposed to 38 percent who placed it in the negative category. Although there

are recent signs of improvement, there remains a generally cautious public attitude on the state of the economy.

How bizarre then, that these same folks do not share the views of the House leadership as to how to deal with the Federal budget deficit. An April Gallup poll revealed that 55 percent of Americans want the scheduled July 1 tax cut to take effect without change; 28 percent would not mind seeing it postponed; only 5 percent favor elimination. And this margin held across all income groups.

Similarly, only 3 percent favor raising taxes to reduce the deficit as opposed to 50 percent who want further budget cuts; 18 percent would opt for a combination thereof. Beyond a doubt, the ill-conceived attempt to return to the high-taxing, high-spending ways of old is not what the American people have in mind when they urge us to do something about the budget mess we cannot seem to extricate ourselves from.

□ 1920

Lest any of us forget yesterday on the floor of the House, we had a modest effort just to freeze spending for cultural activities in one bill at the level that they incurred in 1983, and the proposal to freeze it, not cut it, but just freeze, failed in that it only received 150 affirmative votes.

It is a sad day for all of us when that is the best this House can do with respect to a modest proposal of that magnitude.

Over the course of the last several weeks this Member from California has taken the well of the House to talk about one of the most difficult things in Washington, D.C., to do; namely, to cut the Federal budget. Time and again we hear comments "Well, you cannot cut the budget, it is all full of entitlement programs, obligatory spending, that Members have difficulty if not a practical political impossibility of cutting."

I take this time today, and I will in the future, in order to explain how it can be done: Namely, an alternative budget that this Member presented to the House for its consideration or tried to in March of this year. When I went to the Rules Committee, controlled by the Democrats 2 to 1, and asked the Democratic leadership to make in order this alternative budget which would have given the Members of the House a chance to vote on a proposed budget for 1984, which had a deficit in it of $69 billion as opposed to the one that was passed by the House of some $202 billion in deficits, $69 billion as opposed to $202 billion. You would think why would not the Democratic leadership want the Members to have the record vote on how they voted on that proposal.

The answer is very simple. The leadership of the Democratic Party in this House does not want its Members to have to go to their constituencies in November 1984 and explain why they voted against cutting spending by this magnitude. If you do not have a rollcall vote you will not know how Members voted, and so they refused to make this alternative budget in order so that a rollcall vote would take place here on the floor of the House.

Spending categories of the Federal Government are divided into about 20 different areas. Over the course of the past week or so this Member from California has enumerated how we could cut spending in national defense, international affairs.

This evening I intend to briefly enumerate how we can cut spending in category 250 called general science, space, and technology, $600 million from the budget as a proposed savings; and in category 270 of energy, a savings of $1.6 billion.

I would like at this time just to read briefly through these categories or cuts of how we could achieve spending reductions of that magnitude.

Category 250, general science, space and technology. General science and basic research, Department of Energy, energy activities, energy programs: General science and research activities. In conjunction with decontrol and deregulation of energy development and production, energy companies should assume greater share of funding research; emphasize high priority programs only. Delete funding for nonenergy related physical sciences, cap at $400 million.

Other independent agencies, National Science Foundation: Restrict funding of low priority and nonessential programs, emphasize high priority and justifiable items only.

Fund 1984 obligations, cap research and related activities at $600 million.

Capping those two categories in the manner I have just described in 1984 would save in the budget process for this category $600 million.

In category 270, energy, energy supply, Department of Energy, energy activities, energy programs: Fossil energy research and development, fund 1984 obligations: Delete outyear funding.

Energy supply, research and development activities, terminate all except fission and fusion activities: Cap at $1.3 billion.

Department of the Treasury, the Bureau of Government Financial Operations, Energy Security Reserve, terminate synfuels subsidies. Fund 1984 obligations and delete outyear funding.

Category 272, energy conservation, Department of Energy, energy activities, energy programs: Energy conservation, area and regional development, adopt the President's proposals to phase out State and local assistance programs. Fund 1984 obligations. Cap outyear at $300 million.

Category 274, emergency energy preparedness, Department of Energy, energy activities, energy programs, strategic petroleum reserve. Existing stocks should be sold and replenished using sales receipts. High risk is involved by continuing to add to present stock—leakage, contamination. Fund 1984 obligations. Delete outyear funding.

Category 276, energy information, policy and regulation, Department of Energy, energy activities, energy programs, Federal Energy Regulatory Commission, retain regulatory activities only where monopoly services exist. Reduce 1984 funding to levels proposed by the President. Cap outyear funding at $30 million.

Energy Information Administration, terminate activities except for statistical analyses which can be transferred to the Department of Commerce. Fund 1984 obligations. Delete outyear funding.

Departmental administration, implement the President's proposal to dismantle the Department of Energy. Transfer necessary activities to other agencies. Fund 1984 obligations. Cap outyear funding at $100 million.

Adoption of these alternatives for 1984 in this category of 270, energy, would save for the budget resolution for 1984 $1.6 billion.

I would submit to my colleagues that we can rectify the error that we made in March by refusing to make this alternative or some other alternative of similar magnitude in order by proceeding to do so in September when the law requires that we have the second alternative budget resolution adopted. I cannot think of a better way in terms of accountability for each of the Members of the House to have an opportunity to have a voting record, because that is what this place is all about in terms of what we do around here, not what we say. How we vote is what is important, because our constituents will have an opportunity to determine if we truly mean it when we say we want to cut Federal spending and bring existing runaway Federal spending under control.

I yield back the balance of time.

LEGISLATIVE VETO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. LEVITAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

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The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEVITAS. Madam Speaker, I take this time as the first opportunity since the Supreme Court decision in the case of Immigration and Naturalization versus Chada dealing with the legislative veto to address some very important matters that have been thrust upon us as a result of that decision. I am sorely tempted to describe and discuss and comment on the merits or demerits of the decision itself. I will simply say that I commend to my colleague a careful reading of the dissenting opinion of Justice White, whose opinion I believe, like many of the great dissents of Justice Holmes and Brandeis, will one day become the law.

I will not comment on the merits of the majority opinion. That is, for the time being, the position of this Court, and I view this rather as a player in a baseball game who has seen the umpire call out one of his teammates on a bad call, and everybody in the stands saw that it was a bad call, but nevertheless the call was out and it stands. That player cannot stand around for the rest of the game complaining about the bad call.

□ 1930

What he does do is go forward and do his best and find other ways to win the ball game.

And that is what I think we must do and I think that is the juncture that we are presently at.

The legislative veto system evolved over a number of years and as my colleague, the gentleman from California (Mr. PASHAYAN) pointed out, it even predated the Constitution of the United States in the English parliamentary system.

But the system was simply a mechanism by which the Congress was enabled to delegate to the President or to the executive branch of Government or to independent agencies, discretion to take certain actions, do certain things, with the understanding that Congress, in the exercise of its plenary legislative power under Article I of the Constitution, would be able to look at that action, made pursuant to the delegation of authority, and if the Congress decided that that action was excessive or contrary to the intent of Congress or arbitrary or oppressive or, if you will, just plain stupid, it was within the province of the elected branch of Government, Congress, to reject that action.

Beginning with the latter days of the Hoover administration when President Hoover wanted to reorganize the Government, and proposed reorganization plans to the Congress to change the structure of Government, it was agreed to, provided there was a legislative veto.

And over the course of the last 50 years this mechanism has increased.

Let me say that I am not at all sure that this has necessarily resulted in better government.

It has, in some instances, resulted in Congress delegating powers which perhaps it should not have delegated as broadly as it did, or even at all. But at least the system was working in the sense that there was a balance between the powers that were delegated on the one hand and those that were retained to the Congress on the other hand.

The American people look to its elected representatives and holds them accountable for their government. The bureaucrats, the unelected officials in Washington are not accountable to the people. They are in most instances not even known by the people and have never suffered the inconvenience of running for public office and do not have to stand for election every 2 or 6 years in order to be evaluated on their performance.

So, it was with the Congress that this power lay. And in one fell swoop this Supreme Court decision has abolished this mechanism which, indeed, was working, and was retaining power for the people and in one fell swoop, eliminated almost 200 laws that had been put on the books in the last 50 years.

Now, we find ourselves in a position where our system of government as it evolved is involved in a train wreck of government. And we now have the responsibility to pick up the pieces and structure some new way of going forward in order to balance off the powers of the respective branches of government and to preserve for the American people their rights in elected government.

Now, what can be done? And what must we do?

Well, I think in the short term we are going to have to look at some very new approaches to dealing with this problem. We are going to have to be innovative and imaginative because in the last analysis Congress cannot lose in this struggle because we are the legislative branch of government.

So, some of the things we are going to have to do are, henceforth, be much more circumspect and specific and restrained in delegating any authority, and we must be very careful that we keep the agencies and the executive branch on a short leash.

The end result of this whole matter could very well be, that the Presidency, not this President, but the Presidency itself and the agencies of government, will end up with much more limited power and much more limited discretion because Congress simply cannot afford to make broad delegations of authority without some check upon it.

So, in the short term we are going to have to be very careful at looking at certain specific pieces of legislation cutting back delegations already made and being careful about some of those in the future and in some instances forgo it altogether.

We are going to have to keep these agencies on short leash and under short rations as far as appropriations are concerned so if they get out of hand they cannot be out of hand for too long before they have to come back to Congress for their budgets.

There are mechanisms available, one of which was demonstrated today, where in some instances and obviously it would not apply in all instances, there could be a requirement that in order for a regulation or a rule to take effect it must be adopted as legislation, itself, by the Congress.

And obviously if that is done and one House of Congress fails to pass the joint resolution, we have in effect exercised a legislative veto. There are problems with that which we may have to address. And there are circumstances when it could work, particularly in the case of major rules. It might be a feasible way.

Another system would be to utilize the Rules of the House of Representatives and to change the Rules of the House of Representatives in conjunction with legislation, legislation which would provide for a report-and-wait period, where an agency action is taken by the executive branch or one of the agencies and a rule or regulation is issued and they report to the Congress and wait some period of time before it goes into effect. Then under changed rules of the House we would provide that any committee that has jurisdiction over the agency issuing that rule or over the legislation creating that authority, would have the right to consider, and, if they so desire, report a resolution of disapproval to the House of Representatives.

And the House of Representatives, if it adopted that rule, would provide, again, by the rules of the House, that no appropriation could be made or would be in order that would fund a regulation disapproved or action disapproved under this procedure.

That does not affect the validity of the rule; it is not legislation; but it goes to the purse strings which the Supreme Court, the same Supreme Court in decisions has said are exclusively the province of the Congress to decide and we will have made the decision not to fund the regulation or the action in question.

There are many ways to skin this cat. There are other procedures that we can look at and other avenues we can follow. The report-and-wait mechanism itself can be expanded into broader usage.

But, in the last analysis, someone will propose, and I think perhaps correctly, that we must consider even a constitutional amendment to provide the Congress with the authority to exercise its legislative control over the agency in a manner that preserves for the American people their rights and privileges through their elected representatives.

And one last observation I would make at this point, Madam Speaker is this: I really believe we are at a crossroads, a critical crossroads in the evolution of our governmental system as a result of this Supreme Court decision which has brought about this train wreck of government. We are not going to solve this problem or sort out or restructure our system in the next 3 or 4 weeks or 3 or 4 months and I am afraid perhaps not even in the next 3 or 4 years. It is going to take a long time to sort this out and get the Government back on the right track.

I therefore would propose, Madam Speaker, that in cooperation with the President that we convene a conference on sharing of powers, or separation of powers, but a conference that would bring together leaders from the administration, leaders in the Congress, some of the great academic minds in the universities around this Nation; people at the think tanks in this Nation such as the American Enterprise Institute or the Brookings Institution; representatives from labor, business, and public interest groups, all of whom have an interest and a stake in this.

□ 1940

And bring the best thinking together and to bear on how we sort out a system which will retain control to the people through their elected representatives without the intrusion, inappropriately, into the discretions that are necessary in the Presidency and the agencies of government.

But this we must do. The Supreme Court's decision, however destructive it may have been, is not the last word on this subject. And it now befalls us, as a Congress, and it befalls the administration, representing the Presidency, and it befalls to the people of this country a means of coming back and sorting it out, because if we do not, we will simply see chaos and confrontation and government that is not only bad, but simply does not work.

The legislative veto is no longer available to the Congress as it had been previously. It is now our responsibility, on behalf of the American people, to see that we put in place mechanisms which will achieve the purposes that were sought to be achieved by the legislative veto before the Supreme Court's decision of last week.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to my good friend, the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Georgia for scheduling this special order on the Supreme Court's recent decision on legislative veto.

As my colleagues are well-aware from numerous news accounts, last Thursday, June 23, 1983, the Court, in Immigration and Naturalization Service against Chadha, held the one-House veto unconstitutional on the theory that the Congress legislated a result at variance with the decision by the Attorney General on a deportation case in violation of the bicameralism and presentment clauses of article I of the Constitution.

Because of the Court's broadly written opinion, it is generally believed that all legislative veto mechanisms, which are estimated to appear in approximately 200 Federal laws, are in jeopardy and will, in short order, be found to be unconstitutional.

Indeed, a preliminary analysis of the statutes which fall under the jurisdiction of the Committee on Energy and Commerce indicates that there are at least 24 statutes which contain some form of legislative veto. I am inserting a copy of this preliminary list in the RECORD for my colleagues' information.

As a strong proponent of the use of legislative veto as a means of curbing the excesses of overzealous bureaucrats, I feel that the legislative veto served as an important device for Members of Congress to assure themselves and their constituents that the laws enacted by the Congress were being carried out in a manner consistent with congressional intent.

Many important issues remain up in the air as a result of the Supreme Court's decision. For example, what is the status of the congressional veto of the Federal Energy Regulatory Commission's incremental pricing rule on natural gas? On May 20, 1980, Congress disapproved by a vote of 369 to 34 a rule promulgated by the Federal Energy Regulatory Commission which expanded the application of incremental natural gas pricing from industrial boiler fuel users, the only industrial users of natural gas now covered by incremental pricing, to all industrial facilities which use natural gas.

If incremental pricing is expanded to all industrial users of natural gas, this could cost industries millions of dollars in increased energy costs. Those industries that can, may well switch to other fuels. If they do, this will increase the fixed costs that residential natural gas consumers must bear, and increase oil imports. The uncertainty facing industrial natural gas users is, itself, disrupting their ability to plan.

To cite another example, the question arises as to the status of the Federal Trade Commission's used-car rule which both Houses of Congress overwhelmingly disapproved last Congress. Will the Federal Trade Commission simply implement the rule despite the clear and unequivocable knowledge of congressional intent on this particular issue? I hope not, but if the Federal Trade Commission decides to act in this manner, legislative veto, as we know it, will not be available to resolve the matter.

The Commission's used-car rule was disapproved by the Congress on the basis that it did not comport with congressional intent in the Magnuson-Moss Act. It is this very problem that the legislative veto was designed to deal with.

Indeed, an interesting theoretical question to ponder is whether the Federal Trade Commission—or any other regulatory agency—will in the future be more severely restricted in its mandate in the aftermath of the Supreme Court's decision in Chadha than it was before?

Some are interpreting the decision as significantly diminishing the power of the Congress. I do not dispute this analysis. However, I doubt the effect of this opinion will go unanswered by the Congress.

As those of us in the Congress continue to analyze this Court opinion, we must search, in the interim, for an appropriate response to assure that authority delegated by the Congress is exercised in a manner consistent with the will of this representative body.

Should we pull back on the amount of authority that has previously been delegated to the independent regulatory agencies and the executive branch? Or should we try to limit our response to making the legislative veto pass constitutional muster?

Another question comes to mind. Will the Democratic leadership inevitably regret the new House rule respecting riders on appropriations bills that was instituted at the beginning of this Congress? Without the authority to reverse executive decisions or agency rulemakings, Congress could well become increasingly frustrated with their lack of ability to insure that congressional intent is followed through the use of limiting language on appropriations measures. The House rule which makes this avenue of approach practically impossible may well become a deeply regretted one by its proponents.

It appears to me that the key question is, how should we, as elected officials, respond to the elimination of this review. Whatever course we take, I believe a legislative response is necessary and proper.

The ramifications of this decision are enormous. Congress must fully explore alternative mechanisms to check the exercise of unbridled regulatory authority. In the weeks and months ahead, I intend to fully participate in the debate as these questions are explored and an appropriate answer is formulated.

I thank the gentleman from Georgia for arranging for this special order on legislative veto this evening, and for giving us an opportunity to discuss it. I look forward to working with him in the future on this extremely important issue. Thank you.

Mr. Speaker, I would like to take advantage of the time that he has taken tonight for a few observations and a few remarks.

I want to commend the gentleman from Georgia for scheduling this special order for the purpose of discussing the Court's recent decision with respect to the legislative veto. All of our colleagues, of course, are aware of what has happened and there has been general discussion of this for the last several days. And because of this decision, it means, as the gentleman has so well stated, that some 200 Federal laws, where we have inserted the legislative response to agency actions are in jeopardy and apparently have been ruled as unconstitutional.

I might add as a preliminary analysis of the statutes that fall under the jurisdiction of the committee of which I have the honor of serving, the Committee on Energy and Commerce, it would indicate that there are at least 24 statutes that contain some type of legislative veto. And I am inserting a copy of this preliminary list that I have researched and it will be in the Record on behalf of my colleagues and for their information.

The list follows:

Preliminary Analysis of Statutes Within the Jurisdiction of the Committee on Energy and Commerce Which Contain a Legislative Veto Provision

1936—DECEMBER 31, 1975

Atomic Energy Act of 1954 (Public Law 83-703).

Atomic Energy Act Amendment, 1957 (Public Law 85-97).

Atomic Energy Act Amendment, 1958 (Public Law 85-568).

Trade Expansion Act of 1962 (Public Law 87-794).

Naval Petroleum and Oil Shale Reserves, 1962 (Public Law 87-796).

National Traffic and Motor Vehicle Safety Act Amendments 1970 (Public Law 91-265).

Atomic Energy Act Amendments, 1974 (Public Law 93-377).

Atomic Energy Act Amendments, 1974 (Public Law 93-485).

Trade Act of 1974 (Public Law 93-618).

Energy Policy and Conservation Act (Public Law 94-163).

1976-77

Naval Petroleum Reserves Production Act, 1976 (Public Law 94-258).

Energy Conservation and Production Act, 1976 (Public Law 94-385).

Alaska Natural Gas Transportation Act of 1976 (Public Law 94-586).

1978

Department of Energy Act of 1978—Civilian Application (Public Law 95-238).

Public Utility Regulatory Policies Act of 1978 (Public Law 95-617).

Natural Gas Policy Act of 1978 (Public Law 95-621).

Emergency Interim Consumer Product Safety Standard Act of 1978 (Public Law 95-319).

1979, 1980

Federal Trade Commission Improvements Act of 1980 (Public Law 96-252).

Energy Security Act (Public Law 96-294).

Solid Waste Disposal Act Amendments of 1979 (Public Law 96-482).

Comprehensive Environmental Emergency Response, Compensation, and Liability Act, 1980 (Pub. Law 96-510).

1981

Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) (Relating to regulations promulgated by the Consumer Product Safety Commission, approval of Secretary of Transportation's sale of Conrail, disapproval of amendments to the Amtrak's Route and Service Criteria, and disapproval of the Secretary of transportation's rules to reduce accidents, injuries, and deaths).

Union Station Redevelopment Act of 1981 (Public Law 97-125).

Nuclear Waste Policy Act of 1982 (Public Law 97-425).

I have been a strong proponent of the legislative vetos, as the gentleman from Georgia well knows. I have been a strong supporter of this as a means of curbing the excesses of overzealous bureaucrats. I do feel that the legislative veto has served as a most important device for Members of Congress to respond to those agency and departmental decisions that are made that affect our constituents to assure ourselves and our constituents that the laws that we have enacted are being carried out in a manner that is consistent with congressional intent.

I could go on here today, Mr. Speaker, with respect to a number of issues that do remain up in the air as a result of the Supreme Court decision. One of them pertains to an issue that we are debating all over the House, but in particular in a subcommittee of the Committee on Energy and Commerce, and that is in natural gas.

What is the status, for example, of the congressional veto of the Federal Energy Regulatory Commission's incremental pricing rule on natural gas? I am very concerned that if we let that rule stand, as you recall, the Congress disapproved by a vote of 369 to 34 a rule that had been promulgated by FERC. My concern about this is if incremental pricing is expanded to all industrial users of natural gas, it is going to cost industries millions of dollars in increased energy cost.

What is their response going to be? Their response is to switch to other fuels. If they do this, this will then increase the fixed cost that residential users of natural gas must bear and that could then again have an impact on increasing oil imports.

Just this one area where the Congress has already responded as to what could happen could have a disrupting effect in the marketplace, a disrupting effect on consumers.

And there are other examples that I can talk about in which the Congress has in the past responded with legislative veto.

One is the FTC's used-car rule. That was disapproved by the Congress, on both sides, on the basis that it did not comport with congressional intent and it is this kind of thing, this kind of problem that we need to respond to.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for yielding.

I think it is a convenient point to mention on the so-called used-car case that myself and eight of our colleagues came together yesterday and have submitted a brief of the Supreme Court, an amici curiae brief, requesting that the court hold a hearing on the used-car case and to consider the legislative veto issued in that particular case, because it differs principally from the legislative veto situation in Chadha.

In the Chadha case, and that is the case we are here to talk about today, the court technically held unconstitutional a one-House legislative veto as it applies to a particular agency decision in respect to a particular individual, even a proceeding in the nature of an adjudicatory proceeding.

But as the gentleman from North Carolina has pointed out, in the so-called used-car case, we are talking about a two-House legislative veto as it applies to the authority to issue broad rules and regulations. And the brief that myself and others entered yesterday, which I should like to put in the Record, makes that distinction to the Supreme Court and asks the Supreme Court to reconsider the legislative veto argument in light of the difference in the used-car case and the FTC rules there.

The brief follows:

(No. 82-1044)

In the Supreme Court of the United States, October Term, 1982

United States House of Representatives, Appellant v. *Federal Trade Commission, et al.*

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

A Motion for Leave to file Amici Curiae Brief, and the brief Amici Curiae of the Honorable Charles Pashayan, Jr., the Honorable Trent Lott, the Honorable Charles Elson Roemer III, the Honorable Eugene A. Chappie, the Honorable Vic Fazio, the Honorable Thomas N. Kindness, the Honorable Norman Yoshio Mineta, the Honorable

Marvin H. Mickey Edwards, and the Honorable Gerald B. Solomon—Members of the United States House of Representatives, in support of appellant.

Motion

This Motion to file the annexed *amici curiae* brief, in support of Appellant in *United States House of Representatives* v. *FTC*, S. Ct. No. 82-1044 ("*Used Car Case*"), out of time, is submitted for the reason that the Court's recent decision in *Chadha* v. *INS* has prompted *amici* to submit the annexed brief in the nature of intervening matter under Rule 22.6, for the Court's consideration. The interest of *amici*, The Honorable Charles Pashayan, Jr., The Honorable Trent Lott, The Honorable Charles Elson Roemer III, The Honorable Eugene A. Chappie, The Honorable Vic Fazio, The Honorable Thomas N. Kindness, The Honorable Norman Yoshio Mineta, The Honorable Marvin H. Mickey Edwards, and The Honorable Gerald B. Solomon, derives from their individual membership in the United States House of Representatives. The brevity of time makes it unlikely that Counsel of the House shall be able to file any further supplemental briefs under Rule 22.6.

Amici curiae believe that the Court should grant plenary consideration in the *Used Car Case* for the following reasons:

1. The statutory authority to issue broad rules and regulations in the *Used Car Case* is fundamentally different from the adjudicatory nature of the proceeding in *Chadha; see* Separate Concurring Opinion of Justice Powell in *Chadha* v. INS.

2. Historical materials, believed not to be before the Court in *Chadha*, exist that indicate that intrinsic in the legislative power vested in Congress by Article I is Congress's Constitutional right to reserve by statute the option to nullify agency or departmental rules and regulations by the legislative veto, all of which are non-textual to the Constitution.

As the dissenting justice opined, the decision may broadly affect the provisions in a wide range of statutes. The Court is well aware that statutes are to be saved from unconstitutionality if possible. The *Chadha* decision is too blunt an instrument to adjudicate the rule-making legislative vetoes at issue in the *FTC* case. Full argument and briefing will enable the Court to determine whether these devices, applied in a wholly different context from *Chadha*, are also unconstitutional.

The importance of the questions presented in this case can hardly be disputed, affecting as it does virtually hundreds of agency rules and regulations. Indeed, speculation has already arisen concerning the reach of *Chadha* to other legislative review devices, and to clarify the applicability of its ruling the Court should order full briefing and argument to make it clear whether the *Chadha* ruling is dispositive.

AMICI CURIAE BRIEF

Argument

The historical material submitted herewith fully indicates that legislative review and management of delegated legislation were used by both Parliament and the early American Congresses. This material alone provides support for granting plenary consideration in the *Used Car Case* to assess the different situation presented by rule-making review mechanisms.

I. The Historical Development of Delegated Authority and Its Management

Contrary to many statements made by counsel and in briefs in both the *Chadha* and the present case, neither delegated legislation nor the legislative veto find their origins in the 20th Century. Rather, the origins can be traced deep into British history, into the history of the American colonies, and into the history of the first American Congresses.

A. Delegated Authority

1. British: Apart from at least two early statutes, one passed by Parliament in 1337 (10 Edward III, c. 1), and the other in 1385 (III Rolls of Parliament 204), most scholars fix the reign of Henry VIII as the beginning of delegated authority in the modern sense. The Statute of Wales (34 and 35 Henry VIII, c. 26), enacted in 1542-43, authorized Henry VIII to issue rules for governing Wales, including the power to levy taxes (see also 28 Henry VIII, c. 17; and 1 Edward VI, c. 11; and 31 Henry VIII, c. 5). The Statute of Sewers, enacted in 1531, remarkedly modern, granted Commissions "full Power and Authority to make, constitute, and ordain Laws, Ordinances, and Decrees . . ." (23 Henry VIII, c. 5, s. 1). (For examples in the Seventeenth Century, see 12 Charles II, c. 22; 13 and 14 Charles II, c. 5; and 22 and 23 Charles II, c. 8.) Despite the fact the Eighteenth Century statutes were passed in great detail, Parliament continued delegating legislative authority. In 1769, for example, Parliament passed an act empowering certain harbor commissioners "to make such By-Laws, Rules, Orders, and Regulations, as shall be found necessary for the Purposes in this Act . . ." (9 George III, c. 8, s. 10). Some were couched in broad statutory terms (see, e.g., 2 George III, c. 32; 10 George III, c. 27; 15 Geurge III, c. 65; 16 George III, c. 62; 31 George II, c. 25; 15 George III, c. 21; 6 George I, c. 18; 30 George II, c. 20; 19 George II, c. 5; 14 George III, c 19; 13 George II, c 3; and 30 George II, c. 1).

Others were passed to regulate the delegatee's affairs (see, e.g., 16 George III, c. 13; 31 George II, c. 18; 15 George III, c. 24; 15 George III, c. 21, 16 George III, c. 61; 6 George III, c. 24). Yet others combined these (see, e.g., 10 George III, c. 25; 9 George III, c. 13; 9 George III, c. 21; 15 George III, c. 60; 15 George III, c. 66; 9 George III, c. 22; 7 George III, c. 85; 9 George III, c. 22; 9 George III, c. 21; 14 George III, c. 56, and 9 George III, c. 31).

Particularly notable is Eighteenth Century British delegated legislation regarding the American colonies. Four are especially notable. In 1774, Parliament passed an act to discontinue shipping activities in Boston, and conferred on the King, by Order in Council, the power to make important legal definitions (14 George III, c. 19). Later that year, Parliament gave the Council for the Affairs of the Providence of Quebec the power to make ordinances (14 George III, c. 83). In 1765, Commissioners for Managing the Stamp Duties were granted the authority to make "Rules and Orders . . ." (George III, c. 13).

Most noteworthy is an act passed in 1778, granting Commissioners the power to make "Regulation, Provision, Matters . . ." to quiet disorder (18 George III, c. 13) *but they should not become effective until confirmed by Parliament.*

2. Early Congressional Delegated Authority: That the idea of delegated legislation was, along with other principles of English government, a part of the British inheritence which not only formed the background for the writing of the Constitution but also the guidance for Congressional practice, is evident from the early Acts containing provisions for delegated legislation. For example, in 1791, the Congress passed "An Act to incorporate the subscribers to the Bank of the United States," which provided, "*The President, Directors and Company, of the Bank of the United States* ... [shall] ... ordain, establish, regulations, as shall seem necessary and convenient for the government of said corporation" (1st Cong., Sess. III, Ch. 10). This Act is not dissimilar in form to the British Acts of the Eighteenth Century, containing provisions for delegated legislation. Thus, the early American Congresses took up the centuries-old Parliamentary practice of delegated legislation. It is clear that they regarded it as inherent in Article I legislative power.

B. The Legislative Management of Delegated Legislation

Like the subject it is meant to manage, the legislative veto evolved from its British antecedents, called the "laying system." While massive use of both delegated legislative authority and the laying system and legislative veto is a relatively modern phenomenon, its origins are traceable into British Parliamentary and American Congressional history. In each, again, it is clear that the early Congresses regarded procedural management of delegated legislation as intrinsic to its Constitutional legislative power.

1. British Antecedents: British statutes, many passed in the Eighteenth Century, required the delegates to lay before Parliament matters relating to finances or monies (see, e.g., 1 George I, c. 21; 23 George II, c. 24; 9 Anne, c. 21; 27 George III, c. 13; 33 George III, c. 29; 13 George III, c. 83; 33 George II, c. 11; and 31 George II, c. 38).

The laying procedure was also applied to account for government activities in general (see, e.g., 28 George III, c. 54; 29 George III, c. 66; 30 George III, c. 33; 23 George II, c. 31; 25 George II, c. 40; 24 George III (Session 2), c. 25; 33 George III, c. 52; 23 George II, c. 24; 30 George II, c. 1; 31 George II, c. 37; 12 George III, c. 37; 15 George III, c. 31; 15 George II, c. 29; 16 George II, c. 26; 18 George II, c. 25; 17 George II, c. 30; 22 George II, c. 42; 7 George III, c. 58; 10 George III, c. 40; 21 George III, c. 58; 26 George III, c. 43; 8 George II, c. 29; 9 George II, c. 42; and 26 George III, c. 107). Likewise, Parliament passed a few acts requiring the laying of judgments and decrees (see, e.g. 31 George II, c. 39, 2 George III, c. 37; 20 George III, c. 38; 22 George III, c. 80; 31 George c. 39; 2 George III, c. 37; 20 George III, c. 38; 22 George III, c. 80; 5 George III, c. 8; and 31 George II, c. 24).

Parliament passed statutes requiring that delegated legislation be laid. In 1791, the King himself was required to lay before Parliament orders he was authorized to make in respect the prices of corn (31 George III, c. 30; see also 33 George III, c. 65; 39 and 40 George III, c. 87; and 23 George II, c. 31)

Most importantly, in the 1778 Act cited *supra* (18 George III, c. 13), Parliament empowered certain colonial officials to issue regulations, *which could not take effect without Parliament's approval.* While this statute did not have an explicit laying provision, it is to be substantively inferred from the requirement for approval.

These measures taken by Parliament at oversight and management bear significant precedence for their development in the United States, and establish that the whole body of informal law and management developed along with formally enacted statutes.

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2. American Control: It was indeed no more an accident that the early Congress adopted the laying procedure than the other British procedures (see, e.g., Burleigh Cushing Rodick, *American Constitutional Custom: A forgotten Factor In The Founding* (New York, 1953)). "The early House of Representatives also resembled the Commons in its system of standing committees, its committees of the whole, its rules for debate and the conduct of its members" (at 117).

Thus, in emulation of the British statutory language, several Congressional statutes required that the various delegatees "lay before" Congress various matters (see, e.g., 1st Cong., Sess. II, Ch. 22; 5th Cong., Sess. II, Ch. 38; 8th Cong., Sess. I, Ch. 46; 3rd Cong., Sess. II, Ch. 43; 4th Cong., Sess. I, Ch. 21; 10th Cong., Sess. II, Ch. 17; 3rd Cong., Sess. II, Ch. 45; 7th Cong., Sess. I, Ch. 32; 10th Cong., Sess. II, Ch. 28; 11th Cong., Sess. II, Ch. 37; 7th Cong., Sess. II, Ch. 27; 3rd Cong., Sess. I, Ch. 14; and 8th Cong., Sess. II, Ch. 26).

Most important, there are two notable examples of the laying of delegated legislation. After the Louisiana Purchase, the Congress in 1804 passed an act dividing Louisiana into two territories. In establishing the government for the territories, Congress granted rule-making authority to the governors, but made the rules subject to the legislative veto: "The legislative power shall be vested in the governor, and in thirteen of the most fit and discreet persons of the territory. . . . The governor shall publish throughout the said territory, all the laws which shall be made, and shall from time to time report the same to the President . . . *to be laid before Congress; which, if disapproved of by Congress, shall thenceforth be of no force* (8th Cong., Sess. I, Ch. 38, s. 4) (emphasis added)."

In 1805, the Congress passed an Act containing an almost identical provision (8th Cong., Sess. II, Ch. 31). These are among the clearest examples of the development of the legislative veto as an inherent aspect of Article I legislative power. The Congress clearly followed in the footsteps of Parliament in employing the laying procedure to control the delegate's exercise of delegated legislation. These Congressional statutes are indeed in the nature of the 1778 Act, cited *supra*, in which the delegated legislation should not become effective without Parliament's approval.

C. Conclusion

By vesting all the Legislative power in the Congress, the Framers had in mind more than the procedural sequence prescribed in Article I, Section 7, as circumscribed by Section 8 and the other limitations. The early Congress's adoption of Parliamentary rules, procedures, and the laying system, is evidence that the legislative power was meant to include both delegated legislation and its management by procedural device.

II. A Comparison of the British and American Doctrines of Separation of Powers

It is a mistaken notion in the United States that there is "no Constitution" in Britain and therefore no separation of powers. Certainly neither should be invoked to invalidate the historical development and precedent of delegated legislation and the laying system and legislative veto.

The orthodox view in British legal theory is that there is a British Constitution, much of it written (see, e.g., D.C. M. Yardley, *Introducton to British Constitutional Law* (London, Fourth Edition, 1974). It embodies a doctrine of separation of powers that separates the Crown as the executive from Parliament as the legislative (see, e.g., John Locke, *Second Treatise*, Chapter XII, Sec. 147, as supported by M. J. C. Vile, *Constitutionalism and the Separation of Powers* (Oxford, 1976); Sir William Blackstone, *Commentaries on the Laws of England;* and Montesquieu, *The Spirit of the Laws;* see also various Eighteenth century British statutes, e.g, 12 and 13 William III, c. 2., prohibiting Crown officials from being members of Parliament; see also 6 Anne, c. 7; 15 George III, c. 22; 25 George III, c. 52; 22 George III, c. 80; 23 George III, c 87; 20 George III, c. 38; 20 George III, c. 49 and 20 George III, c. 54. See also various regency acts, 1 William and Mary, Second Session, c. 2; 12 and 13 William III, c. 2, and 5 George III, c. 27. see also, e.g., 16 George III, c. 34, and 5 George III, c. 8, for descriptions of the power to execute laws as vested in agents of the Crown.)

Members of the British Cabinet wear two hats; legislative, as ordinary members of Parliament; and executive, as agents of the Crown. While this arrangement would now violate the Ineligibility and Incompatibility Clauses, the division of these powers remains intact in British theory.

The methods of amending the two constitutions differ: in Britain, the *process* is the same for changing the constitution as for passing an ordinary statute. But the constraints of custom and convention play a prominent role in British Constitutional law, making changes in the British Constitution markedly more difficult, as it is more difficult to amend the American Constitution than to pass statutes.

In respect to the legislature's right to manage delegated legislation, the relationship between Congress and parliament is analogous and should offer support to the validity of the legislative veto.

III. Conclusion

The Court in *Chadha* implies that the Framers envisioned only a textual method of legislating. But British practice, well-known to the Framers and in many instances explicitly or implicitly incorporated in early Congressional practice, strongly indicates that the Constitution's Article I legislative power was intended to comprehend both delegated legislation and the legislature's right to review and manage it by parliamentary procedure.

Chadha concerned a particular agency action concerning a particular individual. In the *Used Car Case*, something quite different is at stake: broad rules and regulations affecting a class, which itself in the future will require individual application by the issuing agency.

Secondly, *Chadha* decided against a one-house legislative veto, whereas the *Used Car Case* involves a two-house legislative veto. The historical evidence is ample that both in Parliamentary and early Congressional practice, the historical right to manage delegated legislation was exercised by the *whole* legislature, Parliament or Congress.

On these two main distinctions, *amici curiae* submits that the Court should grant plenary consideration in the *Used Car Case*.

Mr. BROYHILL. If the gentleman will continue to yield, I appreciate the gentleman's contribution. The gentleman from California has been a student of the legislative veto process for many, many years, going back, I think, to this student days.

Mr. PASHAYAN. The gentleman is correct.

Mr. BROYHILL. And he is knowledgeable and well informed about this.

I would just like to conclude with a thought or two, if I could. I appreciate the indulgence of the gentleman from Georgia in lending me some of his time today, but as the gentleman knows, there has been a great deal of discussion, particularly those of us in committees that have utilized this device of legislative veto in the past. It raises a number of questions as to what will be the congressional response.

The gentleman from Georgia just a few moments ago said there will be a response. And of course what will that response be? Will it be that it will significantly diminish the power of the Congress? I do not think that it will, it may for a while, but I do not think it will do that for long. I doubt that the effect of the opinion will go unanswered by the Congress. I know that we are going to come up with response. Will it be that we will tend to start drawing back powers that we have written into these laws to give agencies broad rulemaking power, such as the Federal Trade Commission, which has broad powers to write trade laws that affect entire industries, not affecting one business, or individual businesses, but affecting total industries? Will we go back and take that law and reexamine it? Or will we come up with some other device that would give a congressional response to agency rulemaking?

We should, in my judgment, do this. We had a discussion earlier today in a colloquy with respect to the new House rule respecting riders on appropriations bills. The gentleman from Georgia was present at that time. Should we utilize riders on appropriations bills as the way of amending laws or a way of restricting authority of these agencies, reversing executive decisions?

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I do not know that we should do this. I was not a proponent of that rule. But, on the other hand, I do not like to see appropriation bills coming cluttered up with these types of reponses. It does appear to me that one of the key questions, of course, is: What kind of legislative response is necessary and proper?

I like the idea that the gentleman has proposed, and that is to get some amendments to the rules of the House that do permit a response.

One of our problems has been when an agency makes a particular decision and then the committee that has jurisdiction over that decision, for whatever reason, will not consider your proposals, whereas we are convinced, at least in our conversations with Members generally are convinced, that our ideas will be adopted by a majority in the House.

But Congress must fully explore all of the alternatives. We must act in order to check the unbridled regulatory authority that has been granted as a result of this Court decision.

I intend to work with the gentleman and to fully participate in the debate in these questions as we explore them in the next few weeks and in the months ahead. I do thank the gentleman for arranging this time this evening to give us an opportunity in a very short time to discuss this. I look forward to working with him and other interested Members, Members who are interested in this issue, on this extremely important issue in the weeks and months ahead.

Mr. LEVITAS. I thank my good friend from North Carolina for his very significant contribution to this discussion. The gentleman from North Carolina has truly been one of the leaders in not only the legislative veto fights that we have had over the years, but in an effort to make our Government more accountable and make certain that the rules and regulations that are issued are carrying out the intention of Congress and not the reverse, are within reason and are not unreasonable. I look forward to working with him in the days ahead as we attempt to fashion an appropriate response to work our way out of the mess that we now find ourselves in as a result of the Supreme Court decision.

Mr. BROYHILL. If the gentleman will yield, I want to thank the gentleman very much for those very complimentary remarks.

I would add one other area which is not legislative veto but at least it would provide some burden on the agencies to run these rules and regulations through what we call a regulatory analysis. The gentleman will recall that I originated some of the original words or legislative language around here as we attempted to add that to some of the bills. It is now in the Federal Trade Act. It is the requirement that rules be fed through some type of regulatory analysis. It is in the Consumer Product Safety Act, and we also have that in the pending so-called regulatory reform bill.

It would seem to me that that, too, should be made a part of this as we go forward in any proposals that we put forward, not only legislative veto, but also the requirement that the agencies put these proposed rules through some regulatory analysis, put them through the prism to see what colors come out.

Mr. LEVITAS. I thank the gentleman for his contribution.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for yielding, and I, too, would like to compliment the gentleman from North Carolina (Mr. BROYHILL). He is one of the leaders of the House and a man who brings a broad and deep experience to this issue. I find it gratifying that a man of his long and eminent standing here in Washington regards it important that the Congress somehow try to grapple with the enormous amount of rules and regulations, especially issued by the agencies which are at least five or eight times as many each year as the Congress passes laws.

A real question of the age, one of the serious questions of the age, is: Can Congress seriously grapple with the enormous issuance of rules and regulations produced by the Federal bureaucracy every year?

I have an idea that I should like to share with the gentleman who, of course, is well known for taking leadership in regulatory reform and legislative reform, and I am happy to be a cosponsor of his H.R. 1776 which, of course, will go a long way in addressing these problems that we have been talking about if, of course, the Supreme Court should only allow us to do so. But I have an idea for a statute that I should like to get the opinion of from the gentleman in the well.

Perhaps we could pass a statute that has these four features in it: A generic requirement, with the exception of emergency rules and regulations, that all rules and regulations not take effect for 60 days after they have been proposed in the Federal Register and that they be laid before the Congress; that the Congress have an opportunity—and I mean by "the Congress" both Houses—to pass a resolution disapproving the proposed regulations.

Now, under the Chadha decision, if the Chadha decision is as expansive as some of us think it might be, that the concurrent resolution disapproving these proposed regulations would not have legal effect. So the agencies could go ahead and issue the regulations and make them become effective.

But under the statute I am thinking about proposing, the third part of the statute would say that if the Congress, within the 60 days, should pass a concurrent resolution disapproving the regulations, which still can take effect, that that creates a legal rebuttable presumption that the regulations are ultra vires of the statute, that is to say, it creates a legal rebuttable presumption that the regulations are beyond the congressional intent of the statute which the regulations are supposed to conform to.

The fourth part of this statute that I am thinking about developing and introducing would give the House of Representatives and the U.S. Senate, or Members individually of both of those bodies, standing in Federal appellate courts to challenge the regulations, having on their side, of course, the rebuttable presumptions that the regulations are in fact beyond the initial intent of Congress in passing the statute, which should be superior to the regulations.

I was wondering whether the gentleman thinks that is an idea worth consideration?

Mr. LEVITAS. Well, first of all, let me thank the gentleman from California for his contribution and also for the diligent effort he has made in the last number of years to work on this important issue of legislative veto. I certainly wish the gentleman all the luck in the world in the amicus brief that he has submitted to the Court.

I hope that the Court—although I have little expectation—will give it consideration and provide a further opportunity to review this matter.

With respect to the specific outline of proposal that the gentleman has made, even before the Chadha decision, which simply reinforced my feelings, I have for years declined to predict what the U.S. Supreme Court will do. That is like trying to find a black cat in a dark room at midnight. You just do not know where it is going to show up. So I would hesitate to presume what the Court would do either as to the question of how they would treat a rebuttable presumption, whether they would argue that Congress does not have the right to interpret the intent of laws, that is the role of the courts, or as to whether they would acknowledge the standing of a Member of Congress who was not specifically aggrieved as an aggrieved party in a case or controversy.

So leaving aside the constitutional or legal issues that might be involved, I would think that any mechanism of the sort, including the sort that the gentleman has proposed, is something that we really very seriously ought to consider, and this proposal, if the Court would let it stand, would be one of the arrows in our quiver of how you could get at these regulations which go beyond the intent of Congress, and it is just that type of innovative thinking and other innovative ideas that I hope this conference on sharing of power will focus on.

It is very likely that Congress has delegated too much power to the executive branch and to the agencies, and we have probably done it very sloppily and poorly when we have done it on many occasions.

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If nothing else, the Supreme Court decision may force us to do a better job of legislating, and for that, regardless of what else, we may give them thanks.

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One of the things that some of the Members of this House have found out in the last few days is that we are not just talking about vetoing rules and regulations issued by the unelected bureaucracy. Some of the people in this House who were opposing our efforts to get control over the bureaucracy have all of a sudden waked up to find that it applies to the War Powers Act, it applies to the Budget Control and Impoundment Act on rescissions and deferrals, it applies to the foreign military arms sales, it applies to the nuclear nonproliferation, and I could go on and on. Those are sort of pets of certain elements within our body who thought that they would be somehow immune when the Supreme Court struck down the legislative veto.

But the fact of the matter is, and I look forward to seeing the list that the gentleman from North Carolina will be putting in the RECORD, but if you look at Justice White's opinion and see how this spreads out over the entire area of government, powers that this Congress would have never, never delegated to a President or to an agency without some callback, I think demonstrates to me—I said I was not going to comment on the opinion of the majority, even though I am sorely tempted to, but I am about to weaken to that temptation, because what has happened, regardless of the legal merit of that opinion, or lack of merit, the majority's opinion displays an abysmal ignorance of the way in which our Government works.

What they have done with this opinion, not understanding the trade-offs, the lack of hermetically sealed compartments in government, but a workable system with checks and balances, what they have done is caused this train wreck of government.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding again.

Mr. Speaker, the gentleman commented, of course, on the fact that when the Court made its decision, it also had the effect probably of repealing the Budget and Impoundment Act, which means that the President may be able to impound funds.

That does raise an interesting question. There may be some of us, the budget cutters and others, who are for that, but on the other hand, it cuts both ways. Congress has passed these programs, they have appropriated funds to fund the various programs, and it may not be the intent of Congress to cut moneys in that area.

We do know, of course, that in some State legislatures the Governors are given item vetoes; however, in those cases there is at least a response by the legislative branch to that item veto which is not available in the case of impoundment.

So it may be that we need to take a look at this whole area of the powers of the President to impound funds.

Mr. LEVITAS. The gentleman is absolutely correct, and perhaps as we have this conference on the sharing of power and take a look at a possible constitutional amendment, there may be some tradeoff between a line-item veto on the one hand and a legislative veto on the other hand.

We get back to the fundamental question about this whole question, and that is a question that we ought to ask ourselves and our constituents ought to ask us: Who makes the laws in this country? Is it the elected Members of Congress who are accountable to the American people, or is it the unelected bureaucracy? I think that the Supreme Court at this point has said it is mostly the unelected bureaucracy and our responsibility is to get back to the Constitution and make sure it is the people who elect the representatives in this Republic.

Mr. PASHAYAN. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. PASHAYAN. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman knows, I love rules and procedure and I spent some considerable time studying this version of rules and procedure, the legislative veto, but from the historical point of view and this device, the legislative veto, can be traced to our early Congresses.

In discussions between the gentleman and I, I think I pointed out to the gentleman, and I appreciate his recalling it earlier in his remarks, that in 1804, for example, the Congress passed a legislative veto provision, and that was in emulation of British statutes the Parliament had been using throughout the 18th century, the century in which our Constitution was written.

Surely the framers of our Constitution and our Founding Fathers in the early Congresses were aware that Parliament for centuries had been delegating the authority to various executive agencies or officials to issue rules and regulations, and Parliament had developed a scheme by which procedurally they could manage the production of these rules and regulations by a parliamentary device. In England it is called the Lane procedure, and here we call it the legislative veto. Our early Congresses did it. It was part of what the Congress and the framers assumed that legislative power meant when they vested, in writing the Constitution, all the legislative power in the Congress of the United States. It is one of the things the Legislature did, the Legislature being modeled principally after Parliament. That had been done for centuries. It was not that big a thing, really.

But historically, it has been the entire Legislature that has enjoyed the right, and not one of the Houses independently. Of course, in submitting the amicae brief, one of the points we hope the Court will decide on in the Chadha case is that it was a one-House veto. That one-House veto might well not be constitutional because there is no historical precedent for it. There is ample historical precedent for the entire Legislature, whether Parliament or Congress, exercising the right to manage these informal kinds of laws which, of course, rules and regulations are because they are not described in the Constitution at all.

In that sense, in this country, Congress is really acting not in a constitutional capacity, which it acts in when we pass statutes here. That is a constitutional capacity. Really, the legislative veto permits Congress to act in a statutory capacity, just as the issuing of rules and regulations is a statutory and not a constitutional law.

Mr. LEVITAS. I thank the gentleman for his historical perspective, which I hope will be persuasive to the Court.

In conclusion, let me say this, Mr. Speaker: Several days ago, after the Court's decision, and we began to realize the impact of this upon the Congress, I remember having a conversation with a colleague of ours who has generally opposed our efforts at legislative veto over rules and regulations. He at first blush was rather pleased with the Court's decision; if not with the logic, at least with the result.

I said to him in the course of our conversation, "I know how you feel about rules and regulations. You like them. Therefore, you do not like to see them vetoed. But by the time you come back from the Fourth of July district work period, under this Court's decision, the President of the United States could have taken the following action without any legislative rejection procedure which now exists, or used to exist."

I said, "By the time you come back to Washington, the President of the United States could have deployed troops in El Salvador, he could have sold F-16's to Jordan, and he could have impounded all the money in the jobs bill," all three of which would have caused some discomfort to our colleague and his constituency.

Whereupon, he suggested, after reflection, that perhaps we needed to pass a 6-month moratorium on the exercise by the executive agencies and the President and the other agencies of any of the delegated powers until we have decided which ones we want to take away and which ones we want to restructure, which sort of brings it

home when it sort of begins to get your ox in the ditch.

The fact of the matter is, this is a broad, far-reaching constitutional matter affecting the course of Government. We will develop the mechanisms to redress this imbalance. It may not be as surgical or as neat as the legislative veto. They may not be as tidy. They may work with a great deal of meat ax effect.

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It may tie the hands of the Presidency and agencies of Government, which really could use more discretion in some areas; but we will not permit a tyranny of the unelected and we will not permit a tyranny of the bureaucracy and we will maintain the power of the people through their elected representatives in this Republic.

● Mr. ALEXANDER. Mr. Speaker, I rise to commend my friend and colleague from Georgia (Mr. LEVITAS) for the superb work he has been doing on the legislative veto.

I believe the recent Supreme Court decision was a serious mistake.

I believe it demonstrated an unfortunate lack of understanding of the legislative process and the process of government.

I believe it will take months, perhaps years, to fully undo the damage of the Court's decision.

Mr. Speaker, the legislative veto has been a constructive bridge between the executive and legislative branches of government.

We live in a complex world, where government must make important decisions involving a multitude of controversial and technical questions.

This complexity has led Congress to delegate certain of its powers to regulatory agencies.

These regulatory agencies have on numerous occasions acted beyond the scope of commonsense and reason. At times they have acted beyond their legal mandate.

The result of their mistakes has been a frustration among the American people. They favor regulation that is cost effective and sensible. They are urgently concerned about environmental protection, regulation to protect safety and health and fair and free competition. They support these efforts and they support them strongly.

They do not support inefficient or unfair regulation.

They do not support regulation that reduces employment and raises the cost of doing business without a significant public benefit.

Congress—instead of abandoning Government regulation—sought to make it more fair and careful through the vehicle of the legislative veto. It is not the perfect vehicle but it has been the best one around.

For these reasons I am disturbed by the recent Supreme Court decision. It creates the danger of a tyranny by bureaucracy. It creates the opposite danger the Congress could overreact and strip regulatory agencies of powers they legitimately exercise in the public interest.

I hope cool heads will prevail.

Congress should carefully analyze the implications of the Supreme Court decision and devise a method of restoring the powers that the Supreme Court has just restricted.

I will be working closely with Mr. LEVITAS and others to consider different ways of accomplishing these objectives.

I particularly commend Mr. LEVITAS, who throughout this debate has conducted himself with vision, scholarship, and political acumen.●

EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. HARTNETT) is recognized for 60 minutes.

GENERAL LEAVE

Mr. HARTNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in regard to my special order here this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HARTNETT. Mr. Speaker, I yield to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I appreciate this opportunity to address the House to share with my colleagues some observations on a trip I made from June 16-20 to El Salvador with 10 other Members.

The situation in El Salvador is very complex and I visited El Salvador to try to develop a better understanding of the problems faced by the people of that war torn and economically devastated country. The 3 days I spent in El Salvador do not qualify me as an expert on this issue. I will say, however, that those 3 days were very intense. While I did attend numerous official briefings, I also spent considerable time in the countryside, talking with people and listening to their views on the war, their government, their future, U.S. involvement, and what they felt the answers were to build a better future for their families and their country.

I had an opportunity to travel throughout the country, talking with everyone from the Human Rights Commission and leaders of the Catholic Church to military prisoners, shopkeepers, and 5-year-old kids living in squalid conditions that defy description. In those travels, I was very moved by the eloquence of the people of El Salvador that I met. I talked with a 16-year-old soldier who told me he joined the army "to protect my country and my family because I love my country," and others who just want to be left alone to work and live in peace.

From those conversations I realized that one of the most pressing needs in El Salvador is an improved ability of the people of El Salvador and their government to tell their story so that the people of this country and the world can understand that this is a war that touches the lives of El Salvadorans in a tragic and true sense.

Virtually no one I spoke with, from government officials to private citizens, said they wanted or needed American troops in El Salvador. They feel this is an El Salvadoran matter and should be handled by the people of that country. At the same time, virtually everyone I spoke with said the U.S. economic aid and military technical assistance were essential to the survival of any hope that one day El Salvador would become an economically viable nation in which basic freedoms are allowed. Few persons I spoke with doubted for a moment that the current government and progress that has been made there would collapse within months if U.S. assistance were terminated or substantially reduced.

In evaluating my trip, I have concluded that the future of the people of El Salvador will depend on continued economic and political reforms as well as continued military assistance.

Elections are scheduled this fall. The fact that 82 percent of the electorate voted in the last election is an encouraging sign and hope for the future.

The economy is currently in a shambles. Historically, El Salvador has had one of the highest poverty rates in the world. In recent years, the Government has broken up many of the large estates and distributed land to the peasants. These and other reforms have been helpful. However, the Communist-backed guerrillas have been methodically destroying bridges, power lines, and other public works and have prevented the harvesting of crops. The result is that in the last few years, the El Salvadoran economy has experienced a negative growth rate.

While a military victory may not be possible in the foreseeable future, a strong, well-trained military is essential to provide a relatively safe environment in which political and economic reform can continue.

Without the ability to provide security, political and economic reforms are doomed, a Communist-backed guerrilla victory is inevitable and the loss of any hope of assuring basic freedoms to the people of El Salvador is a virtual certainty.

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Thus, I believe continued and even expanded economic assistance and military assistance, in the form of training and supplies are essential to give hope for a better future. There is no need or demand for U.S. troops in El Salvador, but continued assistance can give the people of El Salvador the time and ability to solve their own problems. I also believe the private sector and church groups in the United States should be encouraged to increase their involvement by providing technological expertise to improve agriculture, health care, industry, transportation, and housing in El Salvador.

Finally, I believe that more American elected officials and opinion leaders should be encouraged to visit El Salvador, to talk directly with and listen to the people. Such visits, I believe, would be valuable to improve understanding of the situation in that country among the American people.

Mr. Speaker, I had the good fortune to take a trip with the gentleman from South Carolina and other Members a weekend ago to El Salvador. I will briefly sum up some of my observations.

I might say at the beginning, visiting El Salvador for 3 days does not make me an expert and I am the first one to acknowledge that; but when we were there, we had the opportunity to have the traditional briefings from the government and from the military and different groups; but we also spent quite a bit of time going out into the field and talking with the peasants, the soldiers, and other people in that country.

I think it would be important for the American people if they could hear about El Salvador and what is going on in El Salvador through the lips and the individual faces of the different people in El Salvador and not always hearing it from the elected leaders in that country and in this country.

Virtually no one—no one that we spoke to in El Salvador thought that it would be necessary to have American troops in El Salvador. No one, absolutely no one from the government to the private citizens felt that that would be the case.

In evaluating my trip, I think that it is important that we continue the military aid that President Reagan is asking for. I think that is important, not because that will bring about an ultimate complete and total military victory. No one seems to be looking for and seeking a total military victory; but why the military is important and why the military assistance program and assistance and supplies are important is because the Communist backed guerrillas, and it is important to know they are backed by the Communists in Cuba and Nicaragua and ultimately from the Soviet Union, but the Communist backed guerrillas are destroying the infrastructure, the economic infrastructure of El Salvador. I have pictures here of bridges that have been blown up. They call it the Golden Bridge, which was destroyed; buses destroyed, powerlines destroyed, and eveywhere you go the guerrillas have done this.

What they have really done and the reason they have done this is to try to bring the government down by destroying its economic base.

What I cannot understand is how people from El Salvador, whether they be guerrillas or not, could destroy that economic base, which means that young children, 2 and 3 and 4 and 5 years old, starve because of that or do not have electricity or do not have power or do not have health care or do not have training or education.

In one province that we went in, San Vicente Province, a hundred and some schools had been shut down because of the Communist guerrillas that had come in and the government forces went back in to take over the province to open up the schools.

Who can want to shut down schools when young people are getting an education?

El Salvador is a very poor country. That is why the military is important, to allow economic growth to take effect so that they can house the people, train the people, educate the people and have health care.

Second, the military support is necessary so that they can continue to make the political reforms and gains that they are now making. No one will deny that there have been human rights violations in El Salvador still going on, but fewer today than ever before.

I would like to call publicly on the churches in this country, the corporations in this country, the civic groups in this country, to go down and bring additional economic aid to the refugees. We had an opportunity to go into a refugee camp and see the displaced poor people. The only group that was feeding those poor people was World Vision from this country, nobody else, not even their own government, nobody else.

I would like to see the churches, and I am a member of the Presbyterian Church and I hear the Presbyterian Church speaking out on so many issues that quite frankly they ought not to be speaking out on; this would be a great opportunity for my church, the Presbyterian Church, to go down there and give aid and feed these young kids in these refugees camps, inoculate them, give them shots for TB, have doctors go down there and help these people.

I would like to see universities, church groups, civic associations, corporations, and the medical profession go down there. Do not get involved in the war and the military aid, but go down there and help these impoverished young people.

There are two other points that I think would be helpful, if a lot more of our leaders in this country, both from Government, State, and local governments, mayors and State educators and all types would go down there and visit the people of El Salvador and talk to the 16- and 17-year-old soldiers out in the field, talk to the peasants that just want to be left alone to grow their cotton or grow their coffee, talk to the businessmen that are so tired of the Communist guerrilla violence and talk to them and see what they are actually saying.

In closing, Mr. Speaker, I want to thank the gentleman from South Carolina for giving us this opportunity. I want to thank the Members for allowing me to go on that trip and again urge that what the President is doing in El Salvador is correct. Let us continue that military aid, not to get that total military victory, but to bring about that economic growth so they can feed themselves, educate those children, and have a house and a home, as we like to have in America, and lastly, to continue to make the political reforms that they are making.

Mr. HARTNETT. Mr. Speaker, will the gentleman yield?

Mr. WOLF. Yes, I yield.

Mr. HARTNETT. I had the pleasure of accompanying the gentleman from Virginia on this trip. I only want to observe what an astute observer the gentleman must be to have made the observations about the poor people of that country.

I think one of the finest things the gentleman said in his outstanding remarks tonight was the fact that our churches, and the gentleman mentioned the fact that he is a Presbyterian, I am a Catholic, and my own bishops have so concerned themselves with the many people who might die, who might die in a political holocaust, that they have spent countless hundreds of thousands of dollars having conferences and meetings, worrying about people who might die in a nuclear holocaust, when we have innocent children and poor people starving to death right now in El Salvador because of that internal strife.

I think the fact that the gentleman has called upon the American people through their churches and their charitable organizations to help those people is the solution and I commend the gentleman for his remarks and his contribution to this special order.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WOLF. Yes, I yield.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the gentleman from Virginia for being an eloquent spokesman for this Congress. I like to

think perhaps my church, the Midway Baptist Church in San Diego, can become involved in sending some economic aid, some social aid down to those folks.

In listening to the gentleman's comments, I look at the statistics and I am reminded in fact of the $231.2 million that we are spending in fiscal year 1983. Of that, $204.9 million is economic aid to try to feed those children and clothe them and give them some of the things that they need to survive and only $26.3 million is military aid.

I thank the gentleman for his camaraderie and for his contribution to this trip. I think if our aid to Central America and our policy is shaped by the gentleman from Virginia, we are going to prevail.

I thank the gentleman for yielding.

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Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. HARTNETT. I now will yield to the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my colleague from South Carolina for yielding.

I also want to thank my colleagues, 11 plus myself, who accompanied me and allowed me to accompany them on the trip to El Salvador. I was the token Democrat in the crowd and I appreciate the courtesy and the opportunity of going.

I also want, as a matter of record, Mr. Speaker, to thank the American officials and the officials of the El Salvadoran Government in that country. They treated us well. We had almost 4 full days of briefings in the countryside and in the city, and I found it very beneficial.

A couple of quick points, if the gentleman will allow me to continue.

First of all, I went because I read an article in a national publication that said that Members of Congress in this decade would be dealing with money issues and perhaps military issues, foreign policy issues, in Central and South America, and the article went on to point out that most Members of Congress had never been to the area. That article struck me a couple of months ago as being true, and so when this opportunity arose I quickly took it, and I thank you for allowing me to go.

I went asking myself four questions and I would like to try to answer briefly those four tonight. First of all, do the people of El Salvador need our help? Second of all, do the people of El Salvador deserve our help? Third of all, if we answer those first two questions in the positive, what kinds of help should we yield? Finally, what lessons from Vietnam, through Korea and back up to today should we learn in the kinds of assistance we give?

Do they need our help? It did not take us many hours in that country to answer that question yes.

The economy in El Salvador, unlike America, or Japan, or West Germany, or most other countries in the world is shrinking in size. We were told in El Salvador that over the last 2 years their gross national product was down an aggregate of 10 percent. The economy is based on commodities such as coffee, cotton, sugarcane, the price of which commodities is all down. And the economic infrastructure being destroyed has, as the gentleman from Virginia already stated, hurt the El Salvadoran economy.

El Salvador needs our help because as a nation it is not stagnant but, in fact, economically is shrinking.

Second of all, they need our help because they are in a desperate military situation. There are 6,000 to 8,000 rebels loose in the countryside who are in effect fighting the Government of El Salvador and bringing its military to a standstill. It is my belief after talking to the U.S. adviser in El Salvador that one-half of the countryside is controlled today, day in and day out, by the rebels, well armed, well trained, dedicated fighters, and they are giving the Government of El Salvador fits.

The answer to the question: Do they need our help, is a definite yes.

A tougher question is do they deserve, at a time of fiscal difficulty in this country, a third of a billion dollars in assistance outside of our borders to the south? I think the answer to that question is yes, too.

First of all, because of the proximity of El Salvador to the United States. We left Washington, D.C., and 4 hours later by jet we landed in El Salvador. That is a shorter period of time than it takes to fly from Washington to Los Angeles. It is that close to this country.

That is a selfish reason, but it is something that we have to consider.

We were told that there are 300,000 to 500,000 El Salvadoran former citizens now living in the United States, and that is a country still trying to maintain its freedom. If that freedom were to collapse, if the Communist rebels were to take over, as happened in Southeast Asia, for example, and the wholesale slaughter of human beings, the rigid imposition of a dictatorship, the foot soldiers, the foot people, the closeness of El Salvador to the United States would mean many more hundreds of thousands of immigrants.

Now that is a selfish reason. But let me give you more positively reason why I think the country of El Salvador deserves our assistance.

El Salvador is not a dictatorship. It is not a government that was imposed by someone else. A year ago they had free elections in El Salvador. Over 80 percent of the eligible voters risked literally their lives and their property to go vote in almost warlike conditions and 84 percent of the people for whom they voted now serve in the Government. The Government of El Salvador is a people's government and they are serving in that country today.

In addition, human rights has been brought up. It has been a disaster in many countries on this Earth and El Salvador is no exception. But the truth is in our meeting with the Human Rights Commission we found that the incidence of human rights violations is down by more than a half in a little over a year, not perfect, but progress.

Finally, there has been talk of land reform in El Salvador. They had a three phase program. Mr. Speaker, phase 1 has been implemented and carried out. Phase 3 is in the process now.

There is some discussion over phase 2. Phase 2 would take farms as small as 10 and 20 acres and divide. But we met on our trip with the Secretary of Agriculture in El Salvador, who is a graduate of a college in the United States, and he is talking of a way to keep the farms productive and allow the campesinos victory gardens, as a place to put their home and a place to call their own. Land reform is continuing in El Salvador.

To sum up all of those things, El Salvador is in close proximity to our country, the fact that they have had free elections and it is not a dictatorship; the fact that they are healthy politically; the fact that human rights conditions are improving; the fact that land reform is ongoing; I say the country and the Government of El Salvador deserve our assistance.

The final two questions: What kinds of help shall we give if we are going to give anything? Some would say that the problem is a military one and what we need to do is impose kind of our military view of the world in El Salvador.

That is not what they want. That is not what they are asking for.

All they are asking for in terms of military aid is the weapons with which to fight and the training by which they can win. They are not asking for American troops. They are not asking that our boys and our commanders go down.

They are asking that we give them some military help of a certain quantity on time so that they can fight their war to keep their country free.

In addition to the military help they are asking for economic aid, and because of all of the reasons I have listed here tonight, the economic aid is a necessary ingredient and part of the package.

For those people who sit in our country and think of Vietnam and look to El Salvador and say that a military victory alone is possible are wrong. And those who sit here and say we can do nothing are wrong.

The clear evidence that we accumulated in our short visit was that the army units trained by the U.S. military establishment and trained in the United States are very capable of fighting in El Salvador. In fact some of the rebels avoid at almost any cost conflicts with our trained troops.

The form of help is economic and military; neither alone, but those together.

Finally, if my colleague from South Carolina will yield for a minute more, finally we were all bothered, I know I was in El Salvador with the kind of lessons we might have learned in the last 10 years in Vietnam and other places. What kinds of mistakes should our President and this Congress avoid when we view El Salvador?

Three come to mind. First, we should avoid the feeling that a military victory is the goal. The military are just a shield to allow our economic roots, to allow the political changes, to allow the democratic process to take hold and grow in El Salvador. Do not let anyone misunderstand me tonight. I am not asking that we can simply or easily win a war in El Salvador. We cannot win anything in El Salvador. Only the Salvadorans can win and they are not asking us to fight a war for them. They are asking them to help them fight that war.

The first mistake that we must avoid from the President of the United States down is to look at El Salvador and think only of the military.

The second thing that I think we ought to avoid is to feel that we can impose either our way of life or our rule in El Salvador. That should neither by our goal nor should be the process by which we try to assist that country.

We need to seek regional assistance in the area. From the Caribbean Basin Initiative of our President on up and down, we ought to encourage and promote regional solutions to the problems in Central and Latin America, because you see, it is not El Salvador alone. We know from our trip that the rebels are talking not just about El Salvador. They are talking from Nicaragua to El Salvador, to Guatemala, to Mexico, to all over the region. So we must turn to the region, the Contadora effort and all of the rest of it. The President must begin to emphasize the regional nature of the conflicts and encourage regional cooperation.

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And finally, the big mistake that we must avoid is the direction by which we look south; we must never look down.

I was impressed in El Salvador, yes, with the military, yes, with the Government, but most of all, the people. They deserve our help and our respect and we ought to look at them as true compatriots trying to defend their freedom and not look down, look straight ahead with them to promote freedom and democracy in Central America.

I thank the gentleman from South Carolina for allowing me to go on the trip. That is my biggest thing and thank him for allowing me to speak tonight.

Mr. HARTNETT. I thank the very able gentleman from Louisiana.

He may have been the lone Democrat but I will tell you this, he is a very eloquent spokesman for what unfortunately is a dying philosophy in the great Democratic Party.

I commend the gentleman for his dedication to human rights, decency and democracy in that brave and strugling little country of El Salvador.

Mr. ROEMER. If the gentleman will yield, I thank him, he said that just like I wrote it. I appreciate it.

I am reminded in my Louisiana homespun way that if you and I had a friend in trouble, we provide that friend some help. That is the kind of folks we are from Congress. We have a friend in Central America in trouble, and we ought to help him.

Mr. HARTNETT. The gentleman's remarks are very well taken. I hope your political future is as long as your heritage has been brave.

Mr. ROEMER. No comment, Mr. Speaker.

Mr. HARTNETT. I would like to yield such time as he may consume to the gentleman from Ohio, the very capable Representative (Mr. McEwen).

Mr. McEWEN. Thank you, Mr. Speaker. I, too, wish to join my colleagues in commending the gentleman from South Carolina for taking this special order and allowing us this opportunity to convey to our friends throughout this country our impressions and insights upon our visit to our friend, El Salvador.

El Salvador's Government is now under duress and I think that one of the points that we need to convey to the American people presently is what was emphasized by the gentleman from Louisiana moments ago, that we are dealing with a representative government, elected by the people, in which 85 percent of the electorate went to the polls under extreme duress and chose their constituent assembly.

They were threatened by the rebel guerillas, the Communist-backed guerrillas, with death, with destruction on the way to and from the polling booths, with being sought out after the election and yet overwhelmingly the people of El Salvador chose democracy and freedom.

When we ask to support our friend with either economic aid or with military aid, we do so because we support the principles of democracy. We support the principles of representative government. And those of us who live in the central United States are sometimes not drawn into the geographic, geopolitical impact of where Central America is, vis-a-vis our homes in southern Ohio.

But as was pointed out by our previous speakers, Central America is only, in El Salvador's instance in particular, a 900-mile automobile trip to the border of the United States. It is a 2-day drive. And these people have called for our aid; they have called for our help and while we may have turned our back in some areas around the globe in the past, if we ignore these cries for assistance in democracy in Central America, I submit America will have to hold its ears because of the close proximity of these, our friends, in Central America.

My addition at that point would be also to emphasize what was shared with us not only by the economists, economic and political leaders, the Government leaders and military leaders, that the goal of the Communist-backed guerrilla effort which totals in the neighborhood of 1 to 1½ percent of the electorate, 1 to 1½ percent of the population of El Salvador, their dedicated mission is complete totalitarian control of all of Central America. And the insights shared with us from both, as I say, the Government leaders as well as the military leaders is that 7 to 10 million refugees will seek their protection, will seek their security in the United States of America.

And the purpose of our taking this special order tonight, and the purpose of our raising this issue in consciousness, to the important forefront of the American people is for them to understand precisely what is at stake in the years ahead, should we turn our back or ignore what is happening in Central America.

If those 7 to 10 million refugees from throughout Central America are forced to seek survival in the United States, this impact of 20,000 to 50,000 Central Americans in each congressional district across this country will make such a tremendous overload on our schools, on our hospitals, on our social welfare services, on our housing assistance efforts, that every Member of this Congress will have great amounts of effort and time and consideration being given to how to cope with that problem in the years ahead.

So, I say, as I may borrow from the gentleman from South Carolina, who so ably led our delegation, that America will have to face this issue now or face it later and I believe it is in the best interests of freedom that those who understand what is underway there, to begin to focus on this issue,

to do what they know to be correct and know to be right and that is to face this issue now in the best interests of freedom, in the best interests of democracy and as well in the best interests of the Government of the United States.

Mr. HUNTER. Will the gentleman yield?

Mr. McEWEN. I yield to the gentleman.

Mr. HUNTER. I thank the gentleman for yielding.

I appreciate the statements that he has made and the study that he has invested in this part of the world. I would ask the gentleman: It is my understanding that there are presently some 500,000 Salvadorans who can be classified as refugees from the struggle which is now taking place in El Salvador. I understand that about 200,000 of those people are now residing in Los Angeles.

I can recall reading an article the other day in one of the local newspapers which was entitled, "The President Invokes the Old Immigration Argument."

It appears to me that in fact this Nation has become a refuge, not only for Salvadorans, but for families, for Afghans and for a number of people across this world who have been forced, perhaps because the United States did not take the right steps when they could have taken them, did not make the investments that they should have made at an earlier time in the game. These refugees have openly sought refuge in the last great haven of democracy, and that is the United States. So, I think that the point that the gentleman from Ohio is making is a well-documented point. I think we are now the host to about 10 percent of Cuba's original population and I am sure that a great many of those fine people would have rather stayed in Cuba had they had the opportunity to live there under a democracy.

Unfortunately, the United States, as they have done historically, underestimated the importance of that sector of the world and the importance of being good neighbors to those people and the situation has arisen in which we have a great many people now fleeing from the crises in Central America today.

So, I appreciate the gentleman's statement. I can remember a statement that the gentleman made to me one time in describing the situation when we were down here, I think after listening to some of the leaders and listening to some of the problems that they had with their struggling democracy, because we talked to a number of leaders of opposing parties. Some of them as in the United States did not have complimentary things to say about the leaders of the other parties. I remember the gentleman from Ohio walking out of one of those meetings and saying that Benjamin Franklin left the Constitutional Convention and was asked by a lady what form of government, Mr. Franklin, do we have? He said, "You have a democracy ma'am, if you can keep it." At least that was the quote that the gentleman from Ohio gave me.

☐ 2040

And I think that these folks have a democracy, if they can keep it, and if they can make it grow.

I appreciate the eloquence of the gentleman from Ohio and his appreciation of the situation and the investment in time and effort that he has given to this trip.

Mr. McEWEN. I thank the gentleman. And I would just also elaborate upon his observations concerning the situation of the refugees. And this is not speculation on our part, as the gentleman has mentioned. Ten percent of the population of El Salvador is presently within the borders of the United States. We have seen what a policy in Nicaragua has done to those people and the conditions in their country presently under a totalitarian Communist regime of Sandinista government.

And yet even more so, as the gentleman from Louisiana was pointing out, and as the gentleman from Virginia stated so eloquently, is the place where those 1 to 1½ percent guerrillas have entered the area, where they have destroyed the powerlines that provide the water purification system which forced the young children to drink polluted water and to cook polluted food and thereby increase disease and death and starvation. Where the guerrillas have done this throughout El Salvador, they have created refugee camps in their own country. And the gentleman from Virginia and I were able to tour some of those refugee areas and there is just simply no way that anyone can see the poverty and the contempt that obviously those Communist guerrillas have for the young people and society that they wreak this havoc on.

Mr. HUNTER. If the gentleman will yield further, do I understand the gentleman to be explaining the situation in that they have got to take a crop off of their fields this season. They have a short food supply. In fact, it is the guerrillas' plan and they are executing that plan presently to prohibit that harvest.

Mr. McEWEN. Absolutely; their goals are to bring the economy to a halt and they are afraid to death. They are scared to death of being placed in a democratic situation of where the Communist representatives have to get the support of the people through the ballot box. They understand that they do not have any chance in the world to be successful in that arena.

Therefore, they go through the countryside shooting the farmers, scaring them off of their land, destroying the infrastructure, as the gentleman knows, just a handful of rebels destroying one bridge on a railroad track can destroy the railroad track. Or one bridge across a river can destroy a highway. Knocking down one powerplant can destroy electricity services to many communities and thereby, as I mentioned, create health hazards in hospitals and water purification centers and all the rest. That is their goal. The Human Services and the Human Rights Commission, as well as the Peace Commission, on a regular weekly basis approach the guerrilla units petitioning them to come in and participate in the democratic process, to place their candidates on the ballot and to run for election and to seek the support of the people. And in every instance they decline to do so because they know they are not representing the people of El Salvador. They are not interested in their welfare, their actions prove that. They are interested in totalitarian overthrow of the Central American governments and that has been their design, not only in Cuba and not only in Grenada and not only in Nicaragua, but now as they are exporting it into Honduras and El Salvador.

Mr. HARTNETT. Mr. Speaker, I have had the privilege of traveling now with 11 truly dedicated Americans, who happen to be fine representatives of the congressional districts which they represent. I had the privilege of going to a troubled area of this world. Sometimes the unforeseen forces of circumstance often move in strange and awesome ways.

At this period in time, in this the last fifth of this 20th century, the unforeseen forces of circumstance has dealt 5 million people in an already overtroubled little nation a very cruel blow. The people of El Salvador are already troubled with poverty, with sickness, with hunger, with social problems, military problems. They do not need to be the focal point in the Western Hemisphere of whether or not democracy, as we know it and have known it for 207 years, is going to survive.

Those brave little people in that struggling minuscule nation have been asked to fight for 225 million Americans our battle for freedom and democracy. And surely as Travis at the Alamo years ago drew a line in the ground with his sword and said, "Let him who would fight cross over, but him who would live better fly."

The line is being drawn for all of America, be it Central, North or South, in El Salvador. You have heard described to you in far more eloquent terms than I could ever here tonight, tell you of the troubles that beseige

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these brave people in El Salvador. What we are trying to do is call to the attention of the American people the problems that we as Americans are going to face if we let our neighbors in Central America down.

I could not better explain to you the refugee problem we are going to have, the disease, sickness, health, educational problems we are going to have, employment problems we are going to have.

I cannot better describe that to you than has been described by those who preceded me to this podium here tonight.

I find it strange that my colleagues over on this side of the aisle impose upon the Government of El Salvador restriction after restriction to receive a few paltry hundred million dollars. In 1961, a Democrat President stood on those steps outside. You remember his inaugural address because you remember the part that said, "Ask not what your country can do for you, but what you can do for your country."

You know what was said also by that President in that address on that very cold and bleak January morning, he said to the American people and to the world:

> Let every nation know, every nation, whether it wishes us ill or whether it wishes well that we, the American people, will pay any price. We will bear any burden, we will endure any hardship, we will oppose any foe and we will aid any friend in the defense of liberty and democracy at home and around this world.

Has that price now become too expensive when it may be $2 or $300 million? Has it become too expensive when it includes 55 military advisers in our neighboring country of El Salvador? Have we the American people forgotten our heritage, our Continental Congress? Have we forgotten our struggle for democracy?

Well, I can only tell you this, that our way of life as we know it, the love of all the great things of America that we hold so dear is now focused in Central America. And as was said by our colleague, it is a you-can-pay-me-now or pay-me-later situation. We, your Congress, can decide to aid El Salvador with a few hundred million dollars now in her struggle or we can pay later with hundreds of thousands of American lives when it becomes our struggle.

I cannot emphasize enough to my colleagues here in this Congress and to any Americans who might be listening the need for this great Nation of ours, the greatest nation in the world, to help a struggling neighbor and an endeared friend, do what we can to see that democracy in Central America, and particulary in El Salvador lives on for generations to come.

□ 2050

And as has been said by my colleague, the gentleman from Virginia, it is time the American people had the will and had the resolve not only to aid them through our churches but through our great government, and to say that we are drawing that line, that proverbial line, with our sword in the sand, and saying to Marxists and Communists around this world, "Communism stops here; we the American people are going to see to it that communism stops here in El Salvador."

Mr. Speaker, I urge my colleagues who have not been there to visit that troubled nation, and then you come back and see whether those brave people are not deserving of our help.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HARTNETT. I yield to my colleague, the gentleman from California.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for his leadership. He took this large delegation down to El Salvador and managed to keep everything running, managed to get us a well-loaded schedule. We got in, and we saw more commissions and more people and made more tours than we possibly thought we could make, and we want to express our gratitude to the gentleman from South Carolina, not only for his eloquence, but for his leadership on this trip.

Mr. HARTNETT. I thank the gentleman for his very kind words. I just hope that all of our colleagues will take it upon themselves to visit El Salvador.

Mr. HUNTER. Mr. Speaker, I think the situation has been well described by my colleagues who have preceded me. I would like to touch on just a couple of points.

We had a chance to talk with a number of politicians while we were in El Salvador, and we talked to politicians from most of the parties, the major parties. As I understand, there are six parties that are fairly substantial parties—there are a number of other smaller ones—and we talked mainly with the leaders of the Christian Democrats who took, I believe, 42 percent in the last election, and the members of the Arena Party, who took a much smaller percentage of the vote but who managed to hustle around and build enough coalitions with the other small parties that they captured a majority of the constituent assembly.

When I was listening to the various politicians talking, discussing their political situation, particularly talking about the other parties, I was touched by a feeling that, somehow, these people were on a road which was new to them but that they were becoming aware of what it takes to operate in a democracy—some of them for the first time—and this was confirmed by a number of our people, Americans who were down there observing the situation. A number of them are having to learn the give-and-take of politics. They are learning to compromise, they are learning to hammer out legislation and to persuade that gentleman from the other side of the aisle to work with them rather than to intimidate, perhaps, that person.

I can remember the political situation being described, in that early on the Arena Party managed to capture a coalition of the smaller parties and to capture the constituent assembly, but since that time some of the smaller parties have broken away. So now you have the Christian Democrat Party on one side, which is a major party, and you have the Arena Party on the other side, which is probably the second major party, and you have a number of parties in the middle who are now switching back and forth. There is a shifting balance of power, perhaps not unlike the shifting balance of power that has gone back and forth in this body from time to time over the past several years and perhaps over the past several sessions. So I think that we saw many good things. We saw a lot of problems and a lot of political problems, and I think we saw people who are genuinely frustrated in having to work with people they do not want to work with but that is politics.

And I think that this small nation, if we give it the shield that we have offered and that it has asked for, the military shield, if we give them that shield that will allow them to develop their democracy, develop their economy, I think this nation will sustain its democratic start and that it will become a strong nation.

I would like to turn, just very briefly, to the economic aid, to the aid package that we gave them for fiscal year 1983. The estimates were, I believe, $231.2 million. That was a total aid package we sent to El Salvador. We gave economic aid of $204.9 million and we gave military aid of only $26.3 million. As the gentleman from South Carolina knows, that $26.3 million is about the cost of some of our aircraft. We gave them the eqivalent of the cost of one aircraft for fiscal year 1983 for military aid.

The economic aid was broken down, roughly, into three groups: $30.1 million for direct assistance; $140 million for economic support fund; and $34.8 million for the food-for-peace program.

Now, I would like to finish now because I think that my colleagues have really told the story much better than I can tell it, and I do not think it needs repeating by me; but I would like to finish with a statement that was made by a Catholic representative to the Peace Commission, who is also a leader in the Catholic Church, and this statement was made by him, in answer to a question which was asked

of him, I believe by the gentleman from South Carolina. The gentleman asked him: "Do you think that we should help you? Do you think that outside aid from the United States, military aid, should be forthcoming?"

And he asked this question of a leader in the Catholic Church, not a government official, not a politician, not a soldier.

And the answer was this—and I took this quote down and I wrote it in my book, because I thought it was quite significant:

> We need to receive U.S. help as long as the guerrillas receive outside help. For us to do otherwise would be suicide.

I think that is the question that this Congress must face when we decide on how to vote concerning the question of military aid for El Salvador.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from Ohio.

Mr. McEWEN. I appreciate the gentleman bringing to our attention the military and economic aid, and I think it is important for those who are not that familiar with exactly what this is all about to reemphasize again at this juncture that this is a struggling country economically and militarily, but most of our aid, over 70 percent, as the President has emphasized time and time again, is for economic aid.

The gentleman has pointed out precisely where that goes. As the guerrillas have forced the poor peasants off of their land, they are starving, and we are giving them food. As a destructive guerrilla is trained in Cuba and financed through Cuba and Nicaragua into placing charges on the support structures to a bridge or to a powerline or power tower, then it is incumbent upon the struggling government to finance that repair as rapidly as possible, and this amounts to hundreds of thousands of dollars which they do not have.

As we know, on an annual basis there are billions of dollars going in through Havana from the Soviet Union to finance these efforts. And, on the other hand, in order to keep some semblance of social structure, electricity, water, schools, food, the people of El Salvador have turned to the leader of the free world and asked for a miniscule touch of aid. I think it is important for the gentleman to emphasize, as he has, precisely where that goes and what it is used for.

We saw the entire El Salvadoran air force, which amounts to less than 5 or 10 individual aircraft, and it is a very, very small contribution to those who believe in the cause of freedom. I thank the gentleman for emphasizing that.

Mr. HUNTER. I thank the gentleman, and I thank the gentleman from South Carolina for taking this time and for giving us a chance to discuss this.

Mr. HARTNETT. I would say to my colleague, the gentleman from California, that certainly he has given of his time on that trip and since he has been back, with no personal gain and no political gain to my knowledge, to see to it that we do what we should do for our neighbors.

Mr. Speaker, I yield to the gentleman from Texas (Mr. FIELDS).

□ 2100

Mr. FIELDS. I would like to thank the gentleman for yielding this time to me, and also commend him, as others here before me have commended him not only for his leadership in this special order, but also for his leadership in putting together our trip to El Salvador. I have to confess that that particular trip had a profound impact on my thinking in terms of Central America.

Mr. Speaker, I must say that this impact began when I stepped on the plane and began to realize that El Salvador was closer to Houston, Tex., than Houston was to Washington, D.C., and it began to really crystallize the particular problem that we face in Central America and the immediate impact that it could have not only on my State, but also on my particular locality, Houston, Tex.

I think it might be appropriate at this point to insert in the RECORD exactly what we did while we were in El Salvador. I think there are probably many in the Chamber, many who are viewing elsewhere and many who will review this RECORD who will wonder what exactly did we do, what gave us the basis for drawing some of the conclusions that we have drawn, so I would like to run through very briefly what we did while we were in El Salvador, and then give and share some of my conclusions.

We got to El Salvador on Thursday night, June 16, went from the airport to our hotel room, got a minibriefing. The next morning we were up very early, which was Friday, June 17, and our first meeting was with Jose Napoleon Duarte, the former President of El Salvador.

I found that his remarks were very instructive. He basically said that his country wanted democracy. They did not want American troops. They did need some help from our country; that he was running for reelection, and that this particular election was significant because it would be the first time that one freely elected individual, President Magana, would pass power to another freely elected individual.

After that we had a briefing by some of our American experts. We had a briefing by some economic experts, who told us that the guerrillas were trying to keep the people from producing in the fields. They were trying to destroy the infrastructure of the country, the bridges, the utility towers; that the agrarian reform program which came from the influence of our country, basically giving each campesino 17 acres, was working; it was bringing the peasants into the process.

We were briefed by political experts who told us that there were really two extremes in the political process, the Christian Democrats, who would be considered liberal by our standards, and the Arena Party, which is very conservative, but the majority of influence and power was coming from the middle, from a coalition. The political experts put in perspective that this was a country that was ruled by the military for almost 200 years with the support of approximately 300 wealthy families. So we have a significant event. For the first time El Salvador has moved toward democracy, and this democracy is new.

We were told by military experts, by our military advisers, that the military was finally getting out of the barracks. They were going into the field. They had missions operating for reconaissance and that great strides were being made.

After those particular meetings, we went to the Human Rights Commission, which was chaired by Msgr. Freedy Delgado, and I must say I was very impressed, and again I felt that our country had been a very positive influence because this Human Rights Commission was made up of individuals who were average citizens, people from the military, people from the Catholic Church, and they acknowledge to us that they were not perfect in the area of human rights but that they were making strides.

At that particular time, I tried to put in perspective that for 200 years we have enjoyed democracy in this country, but after 200 years we are not perfect in the area of human rights and the preservation of rights of all people.

After that particular meeting, we met with a Peace Commission and were told by the chairman that there would be "feet people" coming to this country; that there were 500,000 Salvadorans living in this country, and that as many as 1 million would be refugees coming to the United States if that country was ever destabilized.

One of the significant events from that particular meeting was a question, something referred to by my colleague from California earlier, a question that originally came from Congressman RAY McGRATH, from New York, when he asked Archbishop Revelo, who is the chairman of the Catholic Bishops' Council, "What should we do as a country? Should we unilaterally withdraw U.S. aid?" And his response was that the Catholic Church of El Salvador has always been supportive of a political solution to the conflict, but from the moment that the guerrillas, who were up in arms and who were supported by all types of institutions that were outside of this country and institutions that have a lot of money and a means of communication at their disposal, and in addition to the political support from other countries, the guerrillas are feeling very powerful, thanks to all the support they get from abroad.

Also, these groups are in the United States that support the guerrillas, and from this position of strength, the guerrillas have tried to make it look as though they are offering a dialog. It would be suicide for El Salvador to discuss anything with the guerrillas under these conditions when we are not speaking from a position of equal strength.

Our own forces in El Salvador are very small. The armed forces are not designed to deal with the kind of situation we are facing now. Therefore, to cut off any military aid here in El Salvador would mean that the government in El Salvador would present itself to the guerrillas with their arms crossed.

Then Mr. Hartnett followed with a question. He said:

> Does the church view U.S. assistance as helpful in bringing about a peaceful solution? Do the bishops support continued security assistance by the United States as long as external support from Nicaragua continues to the guerrillas?

The Bishop replied,

> This is just what I have been trying to say with my last exposition. As long as the other side continues to receive support from abroad, from Nicaragua and these other countries, it is only fair that the Government of El Salvador also receive aid because there will not be a just political solution if both sides cannot meet each other equally, at least on a basis of equal strength.

Which I thought was a very profound statement by Archbishop Revelo.

Later we had a luncheon with military trainers who again said no troops were needed; that they were very optimistic about the situation. They told us that there were 500 Salvadoran troops now being trained as officers at Fort Benning, Ga.

We then went to the Ilopango prison. I will have to confess that I was a little concerned about going originally, but I began to realize that there have been reforms even there. We met with a committee of political prisoners, and we learned that 500 political prisoners have been given amnesty.

That night we had dinner with the top 20 political leaders of El Salvador, who were enthusiastic about their past election and they were convinced that there had to be a transfer of power this fall.

I had a conversation with Doctora Castillo, who is vice president of the Constituent Assembly and is on the Constitution Committee. All of the people said that their desire was to bring the insurgents into the electoral process with guarantees.

The next day, Saturday, June 18, we took a helicopter ride over the guerrillas' strongest area and saw the blown out bridges, the destroyed utility poles. We saw that no one was working the fields. We saw the guerrillas stopping traffic 15 miles from San Salvador.

That night we had dinner with the military and their chief fear was the United States would abandon their commitment.

Now if I could with the remainder of my time tell you the conclusions that I drew from this particular visit.

I drew the conclusion that Central America is the most important international problem for this country for the remainder of this century.

The No. 1 problem we face in Texas and the rest of the country is the problem of potential refugees if El Salvador is destabilized. One-tenth of the population is in the United States at this particular point. And 500,000 people, a million more, have their suitcases packed, which means an immediate impact on jobs, schools, social services, and so forth and so on.

The second conclusion I drew was that El Salvador is not an isolated example. We talked with a major news team in Central America who had visited with the guerrillas, in fact, who had talked with the second in command of the guerrilla forces. He said that El Salvador meant nothing. That all of Central America was the target.

I also drew the conclusion that the people in El Salvador do not want communism. Eighty percent participated in the last free election.

Now in terms of what the United States should do, that is a very complex situation and I do not claim to have all of the answers.

I think the Caribbean Basin Initiative is very important economically, that we give them a trade status and give them ability to bring their goods into this country, actually give them some incentive and perhaps give them a special situation.

I think that we should continue to encourage their move toward human rights. I think that we should continue to recognize their democratic process and elections. I think that we should advocate that we not negotiate with the guerrillas, but instead we advocate to bring the guerrillas into the process. To negotiate with the guerrillas would be similar to us negotiating with the SDS back in the Vietnam war era. There is no meaning to it. They do not have popular support.

Finally, I think that we should continue to support the patriots who want to return democracy to Nicaragua. Daniel Ortega said that their revolution in Nicaragua was a revolution without borders. I think if we continue to support those who want democracy and who want to see democracy return to Nicaragua, the focus will be taken off El Salvador, it will keep the arms from Cuba and Moscow in Nicaragua, and it ends the base or the springboard for more Communist adventurism.

□ 2110

I say to the gentleman from South Carolina that there is a cancer at this particular point in Central America. We cannot and we must not allow that cancer to spread.

Mr. HARTNETT. Mr. Speaker, I thank the gentleman from Texas for his outstanding contribution.

Mr. Speaker, in summary, I would just like to say to my colleagues that 12 Congressmen left Washington to go to Central America 2 weeks ago, all of us from different parts of this country, most of us of the same type of philosophy and persuasion. We came back, I think, more committed and more assured than ever that this country has a vital stake in Central America, that we should do all that we can to help our struggling neighbors have their democracy, live as they choose, and be free from tyranny.

We thank the Speaker and we thank the staff for indulging us at this late hour.

MARTIN LUTHER KING, JR., HOLIDAY

The SPEAKER pro tempore (Mr. Moakley). Under a previous order of the House, the gentleman from Michigan (Mr. Conyers) is recognized for 60 minutes.

Mr. CONYERS. Mr. Speaker, I take this time this evening because tomorrow is a historic day. The subcommittee, chaired by our distinguished colleague, the gentlewoman from Gary, Ind. (Katie Hall), of the Population and Census Subcommittee will mark up the Martin Luther King, Jr., holiday bill, which would create January 15, the birthday of Martin Luther King, Jr., as a national public holiday; so a number of us thought it appropriate that we pay tribute to that subcommittee, its chairwoman in particular, the members who have heard some testimony that we think will cheer us on.

I would like to indicate that other participants in this special order by way of their statements are my colleague, the gentleman from Wisconsin (Mr. Moody), the gentleman from Maryland (Mr. Hoyer), the gentleman from New Jersey (Mr. Rinaldo), the chairman of the Judiciary Committee, the gentleman from New Jersey (Mr. Rodino), the gentleman from California (Mr. Edwards), the gentleman

from West Virginia (Mr. Wise), the gentleman from New Mexico (Mr. Richardson), the gentleman from Minnesota (Mr. Vento), the gentleman from Texas (Mr. Frost), the gentleman from Georgia (Mr. Fowler), the gentleman from California (Mr. Dellums), the gentlewoman from California (Mrs. Boxer), and a number of others.

We have come a long way. It has been a long haul. I am just going to make this comment. The incredible thing about this struggle across the years is that Martin Luther King, Jr., has not only inspired some important retrospection on the part of many of our colleagues, some reconsiderations of views, but has also moved them to an eloquence that I think is even higher than is normal in this body.

I would just like to touch upon a few of the very moving statements that have been made in the course of the hearings chaired by the chairwoman of the subcommittee hearing this legislation.

I would like to now call on my colleague and yield to him such time as he may consume, the gentleman from California (Mr. Bates).

Mr. BATES. Mr. Speaker, I rise today to address the House of Representatives regarding the special order on Martin Luther King, Jr., national holiday.

I thank my colleague, Congressman John Conyers of Michigan, for his very patient and devoted efforts to bring about the passage of a resolution declaring Martin Luther King, Jr., birthday a national holiday.

I call tomorrow on the subcommittee and then on this Congress and on the American people to bestow this very high honor on the Reverend Martin Luther King, Jr. This is not simply another holiday. It is not simply recognition of the great contributions of this particular individual. It is much more than that, because Martin Luther King, Jr., was a man, a special kind of man in America, a black man; and we do not simply pay tribute to a man, but to all Americans who also happen to be black.

I think in paying this tribute we say to black America, "Slavery was wrong," and "Discrimination is still wrong" and we offer this day as a symbol of equal opportunity for all Americans to fulfill their dreams and Martin Luther King, Jr., dream of equality.

With this tribute we put the past behind and offer to every small black child in America a role model, someone to look to, someone that they, too, can succeed at whatever their goals, whatever their dream.

Mr. CONYERS. Mr. Speaker, I would like to thank my colleague, the gentleman from California, for his very thoughtful remarks and welcome him to the struggle. He has been an excellent companion as we have moved to what we hope will be the final legislative effort in this long battle.

Mr. Speaker, I would like to now yield to the gentleman from Texas (Mr. Bryant) such time as he may consume.

Mr. BRYANT. Mr. Speaker, I wish to thank the gentleman from Michigan (Mr. Conyers) for allowing me this time to participate in this special order and I commend the gentleman for bringing this particular action on our part at this time to the attention of the Congress prior to the hearing tomorrow morning on the bill that we are concerned about.

Mr. Speaker, Congress designates national holidays to honor the significant landmarks in our national efforts to achieve the liberty and level of civilization envisioned for us by our founders. It is a process by which we pay tribute to the ideals of those figures in our history who have contributed most to our national progress.

The question before Congress, as we consider this resolution establishing the birthday of Martin Luther King, Jr., as a national holiday, is whether or not the life of Martin Luther King, Jr.—his words and his deeds—contributed to our progress as a nation to the extent that we should set aside his birthday as a holiday.

I submit to you, Mr. Speaker, that the answer to that question is another question: "What single man or woman in our history has contributed more to guarantee that we live as a free people; what single man or woman in our history has contributed more to guarantee that each of us has equal opportunity; and what individual in our Nation's history has contributed more to guarantee that every individual lives with basic human dignity, than Martin Luther King, Jr?" The answer to this question is that no man and no woman has contributed more; and the answer is clearly that his birthday should become our newest national holiday.

At a time when segregation and racial discrimination were not only accepted practices, but in many places in our country were actually the law of the land, Dr. King spoke out clearly and said that no one who truly understood the American dream could allow the practice of discrimination against people on the basis of race to continue any longer.

In speaking out was his voice harsh? In speaking out did he advocate violence to right the grievous wrongs that had been suffered by him and his people? The answer is no.

No. He spoke eloquently and forcefully, but with love, about the rights of all people to life, liberty and the pursuit of happiness in America; and he advocated and practiced the most disciplined nonviolence, in the face of the most intimidating physical and psychological violence that could be mounted against him. It was the achievement of this worthy ideal by nonviolence to which he dedicated his life, sometimes in spite of the understandable impatience of many of his followers.

Every public moment of Dr. King's life was uniquely devoted to pointing this country and its people in the direction of our true national purpose.

Abraham Lincoln signed a proclamation abolishing slavery. But it was Martin Luther King, Jr., who, 100 years later, gave that freedom practical meaning for all Americans.

George Washington led a loosely confederated group of colonies in a war that gave us the greatest form of government and the greatest degree of individual liberty and opportunity in the world. Martin Luther King, Jr., waged peace to take us down the road to putting the American dream into practice.

With courage equal to that of any of our national heroes, without fear of death and without fear of the personal consequences to himself, Dr. King sought the promised land for all of us and brought us closer to it than we had ever come before.

Mr. Speaker, no man or woman contributed more to the completion of our national purpose than Martin Luther King, Jr. His birthday should be designated as a national holiday, not simply to pay deserved tribute to him, but also to give our Nation a day on which to renew our national commitment to eliminating all vestiges of inequality, all vestiges of injustice, and all vestiges of prejudice—to give us a day to renew our national commitment to the most basic American principles: Freedom, human dignity, and equal opportunity for all.

Mr. Speaker, I join my friend, the gentleman from Michigan (Mr. Conyers) in cosponsorship and support of this resolution. I congratulate the gentleman for his leadership and I thank him for allowing me this time.

Mr. CONYERS. Mr. Speaker, I want my colleague, the gentleman from Texas, to know how much I value his support and appreciate the work that he has done in the memory of Dr. King in the years that he was in the State legislature in Texas as well.

Mr. Speaker, I yield now to my colleague, the gentleman from Wisconsin, Mr. Jim Moody, such time as he may consume.

Mr. MOODY. Mr. Speaker, I am pleased to join with Congressman John Conyers of Michigan and 163 other colleagues as cosponsors of H.R. 100, a bill to create a national holiday in memory of Dr. Martin Luther King, Jr.

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This bill has the support of political leaders, labor unions, civic groups, and American citizens throughout the width and breadth of our country. My own State of Wisconsin recently set aside a day of commemoration for this great man.

When I was in the State legislature in Wisconsin I sponsored similar legislation and I am now glad that it has passed.

Dr. King epitomized the nonviolent struggle against racism, and with his leadership and vision moved a whole nation forward toward racial justice.

A national holiday on his birthday would be a memorial to him and to all of his fellow Americans who struggled and continue to struggle for a just society.

I marched with Dr. Martin Luther King in August 1963, and on the steps of the Lincoln Memorial I heard his famous speech, "I Have a Dream."

We have yet to fully realize that dream in America, but we are infinitely closer because of the magnificent and lasting contribution of Dr. King.

I urge the Congress to favorably consider and quickly pass H.R. 100 in this session.

I thank the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I deeply appreciate my colleague's remarks and his dedication. I would like to remind those Members that are still here, as you talked about that day in 1963, the Speaker of the House began the testimony for this bill before the subcommittee a few weeks ago and he talked about that day, too. It so happened that TIP O'NEILL was in that audience as was I. Probably none of us knew each other then.

I would like to quote the Speaker before the subcommittee. He said:

> People say what are the greatest talks that you have ever heard, the greatest talks that you have ever heard I suppose in my memory going down the road of recollection, I have to say that there were two. Kennedy's inaugural address, which was a thing of beauty, and Martin Luther King in September, I believe, of 1963. It was August.
>
> I remember sitting out there at the Lincoln Monument in the sweltering heat, and admiring this man, the talent, the ability. To look at him, you knew that he was a leader. You knew that he had a cause. You knew that he was turning the nation around.
>
> There were 150,000 people there that day. There was respect and admiration from everybody that was listening to his voice. But there was hatred cut in the fields, and we knew that. He was a man who helped changed the course of America.

Our Speaker went on to conclude:

> We have not yet reached that promised land of equal opportunity that Dr. King sought. But because of him, we are at least on the route to that land. Today, all over the country, black Americans are demonstrating that power can be achieved through the ballot box.
>
> And we professionals in the art of politics are watching and wondering what took so long. It was Martin Luther King that started it all. We in Congress have sought to ensure that right to the ballot box by extending the Voting Rights Act.
>
> Believe me, without the help of Martin Luther King, it never would have been enacted. This committee is working to ensure that the man who made this progress possible is given the distinction that he deserves. That the young men and women who someday will grow up in full political freedom and participation in our country remember that man that made freedom possible.
>
> By declaring Martin Luther King Day, we give this great American the place that he deserves with the truly great leaders of American freedom and democracy. If I have anything to say about it, he concluded, if I can use in any way the power of my office, Martin Luther King will have his day.

That began the testimony in the subcommittee chaired by the gentlewoman from Indiana (Mrs. HALL).

That was followed by the majority leader, JIM WRIGHT, who made a very moving address. I will quote just a couple of sentences by him. The majority leader said:

> King believed passionately in nonviolence in the power of an idea to triumph irresistibly over physical force. He believed, and his life demonstrated, that love is a stronger force than hate.
>
> How better shall we teach these truths than for the Nation to set aside a day to commemorate the life and teachings of this remarkable American who preached that our people are bound together by a single garment of destiny?

The eloquences go on, my colleagues. I will only quote just a line from the chairman of the Judiciary Committee, my dear friend, PETER RODINO, who reminded us that King was only 39 years old when he was killed; 39 years old, and it was incredible. I quote Chairman RODINO at this point.

> Dr. King was still a young man—only 39—when he was killed. The assassin deprived Dr. King of the great and good years of what we call "middle age." That loss is no less sad in light of his willingness—often expressed—to risk death in the struggle for justice and freedom. It is equally sad that the nation and world have been deprived, all these years, of the presence, the voice and the wisdom of Dr. Martin Luther King, Jr. The firm, resolute, confident voice of freedom, of justice, of love, of non-violent action and peace is sorely missed now.

This kind of eloquence goes all through this hearing, all the speakers who are charged with that special vitality of a deep and compassionate understanding and commitment not only to make King remembered in our national history, but who understand what he stood for.

The last person I want to quote is another dear friend of mine, George Wald, professor emeritus of biology at Harvard University, and himself a Nobel Laureate, a recipient in 1967. Dr. Wald said this, among other things in statements that he submitted:

> He was our American Gandhi. It is the fate of saints, first to be killed, then canonized. The time has come to recognize Martin Luther King as an exemplary figure in the American tradition. His meaning for us is unique. It comes not trickling down from the heights, but rising up from the base: from the great yearning of vast numbers of our people to fulfill the American promise, recorded in the second paragraph of our Declaration of Independence, spoken in Lincoln's Gettysburg address inscribed on the Statue of Liberty. Its main themes are freedom from discrimination, social justice, human dignity—a widening area of recognition in which one person is as good as another. Those are the things that Martin Luther King stood for; and left them, not hanging in the air, but like Gandhi, made of them a program for action, forced them as issues always non-violently, yet insistently, never compromising, never compromising, never giving up, whatever violence he himself and his companions encountered.
>
> That American promise, never fulfilled needs constantly to be re-discovered and re-stated, and never more so than now.
>
> That is what a Martin Luther King Day can do for us.

Mr. Speaker, I submit at this time for the RECORD additional speeches and information on this great man.

The information referred to follows:

Fact Sheet: States and Localities That Observe Some Type of King Holiday

STATE OBSERVANCES (AND DATES) (17)

Arkansas (1983).

California (1981) school holiday on January 15th.

Connecticut (1976) second Sunday.

Illinois (1973) January 15th or closest Monday.

Kentucky (1975) January 15th.

Louisiana (1977) January 15th.

Maryland (1974) January 15th.

Massachusetts (1974) January 15th.

Michigan (1979) closest Monday to January 15th.

Missouri (1979) January 15th.

New Jersey (1977).

North Carolina (1983) January 15th.

Ohio (1975) third Monday.

Virginia (1981) January 1st.

West Virginia (1982) January 15th.

Wisconsin (1983) January 15th or closest Monday.

South Carolina (1978) January 15th.

(All above States observe a holiday for King as a legal, public holiday. In certain States like Louisiana and So. Carolina, State employees have an option of observing with a day off one holiday out of a choice of two or three, including a King holiday. State Legislature of Kansas has called upon Congress to enact a national King holiday.)

PARTIAL LIST OF CITIES THAT OBSERVE KING HOLIDAY (LARGER CITIES)

Detroit, Cleveland, Milwaukee, Atlanta, Minneapolis, Birmingham, Memphis, District of Columbia, Louisville, KY., Philadelphia, Cincinnati, Chicago, St. Louis, Columbus, OH, New York City, and Baltimore.

PARTIAL LIST OF COUNTIES THAT OBSERVE KING HOLIDAY

Prince Georges County, MD.

Montgomery County, MD.

Wayne County, MI.

Fairfax County, VA.

Chambers County, AL.

Data derived from the Martin Luther King, Jr. Center for Non-Violent Social

Change. Data-collection continues, so that lists are incomplete.

CONGRESSIONAL SPONSORS OF KING HOLIDAY BILL (AS OF JUNE 2, 1983)

135 House Sponsors; 28 Senate Sponsors.

Statement of Hon. Thomas P. O'Neill

Mr. O'NEIL. Thank you, Madam Chairman, members of the committee. I am indeed honored to be here today. As I walked down the corridor, I felt a little nostalgia. And I walked down to the office that I had 32 years ago when I was first elected. It was the number that I drew, 317.

And I walked in, and it is Mr. Borsky's office. I remember the first day that I walked down the corridor. And 318 was a man who had been elected as the United States Senator from Massachusetts, John F. Kennedy. And he was removing all his material and sending it to the Senate. I had taken his place.

I remember the building so well. This was Armed Services. And Jimmy Roosevelt was in the second office from me. Gene McCarthy was around the corner. I have not been able to get over to this section that often in recent years.

Memories, being in Washington so long, you recall so many things. People say what are the greatest talks that you have ever heard, the greatest talks that you have ever heard I suppose in my memory going down the road of recollection, I have to say that there were two. Kennedy's inaugural address, which was a thing of beauty, and Martin Luther King in September, I believe, of 1963.

I remember sitting out there at the Lincoln Monument in the sweltering heat, and admiring this man, the talent, the ability. To look at him, you knew that he was a leader. You knew that he had a cause. You knew that he was turning the nation around.

There were 150,000 people there that day. There was respect and admiration from everybody that was listening to his voice. But there was hatred out in the fields, and we knew that. He was a man who helped change the course of America.

And today we are talking about naming a day after him, a legal holiday. Well, Americans have gained a new interest in philosophy, and I am talking about the philosophy of India's Mahatma Gandhi that we listened to on radio, and watched on television and in the movies.

He was a man who led his people to freedom and dignity, not through the use of a gun, but through the use of principles of non-violence. Martin Luther King is America's Gandhi. He taught us, all of us, how to change our society for the better, and how to do it through peaceful means.

He taught us that the greatest force in human history is held not by generals or by arms, but by a person with moral strength. Martin Luther King asked for a society which judged men and women not by the color of their skin, but by the content of their character.

We have not yet reached that promised land of equal opportunity that Dr. King sought. But because of him, we are at least on the route to that land. Today, all over the country, black Americans are demonstrating that power can be achieved through the ballot box.

And we professionals in the art of politics are watching and wondering what took so long. It was Martin Luther King that started it all. We in Congress have sought to ensure that right to the ballot box by extending the Voting Rights Act.

Believe me, without the help of Martin Luther King, it never would have been enacted. This committee is working to ensure that the man who made this progress possible is given the distinction that he deserves. That the young men and women who some day will grow up in full political freedom and participation in our country remember that man that made freedom possible.

By declaring Martin Luther King Day, we give this great American the place that he deserves with the truly great leaders of American freedom and democracy. If I have anything to say about it, if I can use in any way the power of my office, Martin Luther King will have his day.

I will be glad to answer any questions.

Statement of House Majority Leader Jim Wright on Martin Luther King Holiday Bill, June 7, 1983

Madam Chairman, I support setting aside January 15, the birthday of Dr. Martin Luther King, Jr. as a public holiday. Certainly there can be no harm in that; I think there may be some lasting good in it.

The purpose of a national holiday, of course, is to provide the American people an annual reminder of some greatly inspiring historic deed or of an inspirational life. It seems appropriate to me that on January 15, toward the beginning of every new year, we might well have a reminder for the Nation that we have a dream—a dream yet not wholly fulfilled but one which we pursue.

It is a dream of equality—equality of rights and opportunity for all the children of this land, and indeed for all of God's children everywhere. That was the dream espoused by Martin Luther King. It was for that he lived. It was for that he died.

Martin Luther King was martyred 11 years ago in Memphis. Since that time 14 of our States on their own have acted to commemorate his birthday as a holiday. They include such Southern States as Florida and Kentucky, and such border States as Maryland and West Virginia. There, too, the common citizenry embrace the dream and honor the memory of him who dreamed it, who worked and sacrificed and struggled for it, and in the end gave his life that the dream might live. During these years the stature of Martin Luther King has grown in historic perspective as has the memory of his deeds.

So I can see no harm at all in our setting aside this day—just as we have set aside Washington's Birthday, Columbus Day, Labor Day, Veterans Day, and other special occasions to commemorate something that is precious and endemic to the American spirit.

And surely quite endemic to the American spirit was the struggle of Dr. Martin Luther King, Jr., often against great odds, to achieve a status of equality, of dignity and self-respect, for the disadvantaged and dispossessed of our land. He was a hair shirt for the Nation's conscience. He believed that religion has a mission to comfort the afflicted, and that sometimes it is necessary to afflict the comfortable.

He believed passionately in nonviolence in the power of an idea to triumph irresistibly over physical force. He believed, and his life demonstrated, that love is a stronger force than hate.

How better shall we teach these truths than for the Nation to set aside a day to commemorate the life and teachings of this remarkable American who preached that our people are bound together by a single garment of destiny?

It will be well, Mr. Speaker, for future generations to remember his admonition, written from his imprisonment, much as the author of the Book of Revelation wrote from an unjust imprisonment, that each generation shall have to repent not only for the hateful things said and done by the bad people but also for the unthinking silence of the good people. These are teachings that speak to our Nation's soul, and they deserve to be remembered.

George Wald Statement on the Martin Luther King Bill

I am told that there are in fact no national holidays, each state setting its own; and that the President and Congress can declare only "federal legal holidays" applicable only for the District of Columbia and federal employes. Yet most states do observe the federal legal holidays, only two of which as yet commemorate persons: Christopher Columbus and George Washington.

I do not understand how our country came to regard Columbus as a national figure or his discoveries as a national event. He was an Italian navigator, setting out under a commission from the Spanish throne to find a new trade route to "the Indies", i.e., Asia. Unexpectedly he ran into the Bahamas and eventually landed on the South American continent on the coast of what is now Venezuela. Still thinking he had found the Indies, he called the peoples he found, soon to be decimated and their cultures destroyed, "Indians." What he discovered—only in the sense that Europeans had not known of it—was the Western Hemisphere. The North American continent was discovered by another Italian navigator, Giovanni Caboto (John Cabot), working for England, who landed probably in Newfoundland in 1497. America (North and South) is named quite undeservedly for a third Italian, Amerigo Vespucci, who never commanded a voyage of discovery.

I say all this, not at all to denigrate Columbus' achievement, but to forestall the thought that with personally designated national holidays so rare, one to honor Martin Luther King, Jr. might be inappropriate.

To say it plainly, claiming Columbus as a national figure is pure supererogation (Chutzpah: cf. American Heritage Dictionary).

George Washington was of course a monumental figure, decisive in procuring our independence and founding our nation. All honor to him. He is our father-figure.

Let Martin Luther King then be our son-figure the child of the American Evolution. What he calls forth is not only admiration, but emulation. We can't ask our fellow citizens or our children to emulate Christopher Columbus or George Washington, but one can ask then to grasp the meaning, to try to fulfill the purposes, to be American in the spirit of Martin Luther King. He offers us a lesson to be learned, perhaps never before needed so greatly as now.

He was our American Gandhi. It is the fate of saints, first to be killed, then canonized. The time has come to recognize Martin Luther King as an exemplary figure in the American tradition. His meaning for us is unique. It comes not trickling down from the heights, but rising up from the base: from the great yearning of vast numbers of our people to fulfill the American promise, recorded in the second paragraph of our

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Declaration of Independence, spoken in Lincoln's Gettysburg address, inscribed on the Statue of Liberty. Its main themes are freedom from discrimination, social justice, human dignity—a widening area of recognition in which one person is as good as another. Those are the things that Martin Luther King stood for; and left them, not hanging in the air, but like Gandhi, made of them a program for action, forced them as issues always non-violently, yet insistently, never compromising, never compromising, never giving up, whatever violence he himself and his companions encountered.

That American promise, never fulfilled needs constantly to be re-discovered and re-stated, and never more so than now.

That is what a Martin Luther King Day can do for us.

Statement of Hon. Peter W. Rodino, Jr., in Support of H.R. 800 To Designate Dr. Martin Luther King, Jr.'s Birthday a National Holiday June 7, 1983

Dear Madam Chairlady: I appreciate the opportunity to submit testimony on a topic which is central to our nation's continuing commitment to bring about a fuller social justice. We are talking about a day of recognition for the American who laid the foundation for the civil rights movement in our country and who generated the drive for human rights around the world.

Fifteen years have passed since Dr. Martin Luther King, Jr. was assassinated in Memphis. Yet, we still do not have a national holiday to honor this man who aroused the conscience of this nation to live up to its great ideals of justice and equality for all men and women. How much longer must we wait for a national holiday devoted to reflection and recommitment to the notions of peace and human dignity? How much longer must we wait for a day to remember one of the most beloved leaders of our time? We should no longer delay honoring this great American and all he represents by designating Martin Luther King, Jr.'s birthday as a national holiday.

I am an original sponsor of legislation to designate Dr. King's birthday a national holiday. For over a decade, I have championed this cause in the hope that Americans will use this national observance to rededicate ourselves to fight bigotry and hatred, oppression and injustice everywhere—in effect, to work towards Dr. King's dream.

I do not propose this national holiday arbitrarily. I believe it takes a rare person or an extraordinary event to justify a national holiday. Martin Luther King, Jr. was much more than a rare person. He was unique in American history—as a man, as a leader, as an advocate for freedom. The events closely related to his leadership were more than extraordinary. They had, and will continue to have, an impact on American society.

This nation was founded by men and women who believed in justice, equality and freedom; who set as a goal that this nation should become one nation indivisible, with liberty and justice for all. This nation is now closer to the ideal that Martin Luther King, Jr. envisioned when he called upon all of us to come together to overcome the differences, the prejudices and, as one people, celebrate a nation that looks to the human spirit as a brother in each other.

The life of Martin Luther King, Jr. is replete with evidence of commitment to the realization of those goals. I think it is timely that we recognize those contributions. I think we are living in an era when human rights are just not two words that should be emptily spoken; but human rights should be the guiding spirit that motivates us all. We should be encouraged by the great sacrifices that were made by Dr. Martin Luther King, Jr.

Dr. King was still a young man—only 39—when he was killed. The assassin deprived Dr. King of the great and good years of what we call "middle age." That loss is no less sad in light of his willingness—often expressed—to risk death in the struggle for justice and freedom. It is equally sad that the nation and world have been deprived, all these years, of the presence, the voice and the wisdom of Dr. Martin Luther King, Jr. The firm, resolute, confident voice of freedom, of justice, of love, of non-violent action and peace is sorely missed now.

As I told the Southern Christian Leadership Conference in 1975: "They shot down the man—and they snubbed out his life—but they could not shoot down his dream. For his dream was stronger than life and more powerful than death. And the dream lives on."

A decade is too long to wait for a simple act to honor both Dr. King and his dream. Today—when we have a critical need for national inspiration—is the time to designate January 15th as a legal public holiday. Dr. Martin Luther King, Jr.'s dream lives on today, but we must nurture it with our attention, our respect and our faith. He sacrificed his life for this dream of a fully just America. Surely, we can dedicate one day to sustain the life of that dream.

Thank you Madam Chairlady.

Statement of Lane Kirkland, President, American Federation of Labor & Congress of Industrial Organizations on H.R. 800, Making the Birthday of Martin Luther King, Jr., a National Holiday, June 7, 1983

The AFL-CIO warmly supports passage of H.R. 800 to make January 15, the birthday of the late Dr. Martin Luther King, Jr., a national holiday.

Organized labor's support of that goal has not diminished but increased over the 12 years since it was first established by unanimous action of the delegates to the AFL-CIO's ninth constitutional convention in November 1971, a copy of which is attached.

No American in our time has more fully exemplified the spirit of brotherhood that alone can bring to birth a society of liberty and justice for all than Dr. King. Few in our country's history have matched his personal courage and unswerving fidelity to the cause of equal rights and equal opportunity.

The dream of mutual human cooperation and fairness already existed in the hearts of many Americans when Dr. King so movingly evoked it in the great speech of August 28, 1963, for which he will be forever remembered. In energizing the hopes of his fellow citizens and pointing the way to making that dream a reality, he forever changed the conditions of everyday life in America.

Trade unionists will never forget that he met his death while supporting the peaceful struggle of Memphis sanitation workers to achieve dignity and a living wage through collective bargaining. This kind of action was an essential part of the dream he pursued, on behalf of all his fellow citizens, to the end.

The passage of time has not diminished the force of the dream. Efforts before and after his death to tarnish his name and reputation have disgraced only those who sought to disgrace Dr. King. Efforts now under way to undermine and reverse the progress toward racial justice that Dr. King did so much to bring about are, in the same way, increasing the determination of those who share Dr. King's values to defend those values against all enemies.

Dr. King's memory has been honored by the legislatures of more than a dozen states and by growing numbers of employers and unions that have agreed to celebrate his birthday as a paid holiday.

It is time for the Congress of the United States to demonstrate that its members, too, share Dr. King's dream and hold his life in high honor. The AFL-CIO strongly urges support and enactment of H.R. 800.

[Adopted at November 1971 executive council meeting in Bal Harbour, Fla.]

Dr. Martin Luther King, Jr.

Whereas, Dr. Martin Luther King, Jr. was an outstanding leader who in living his conviction carved on the conscience of America for all time to come, the meaning of "liberty and justice for all," and

Whereas, in lending his support to the concept of Trade Unionism and justice in the bitter struggle for human dignity in Memphis, Tennessee, in 1968, he paid the supreme price for his convictions, and

Whereas, the untimely death of Dr. King was a great loss to all Americans, robbing our nation of a leader of men, advocate of brotherhood and understanding and fighter for equality and justice, and

Whereas, the AFL-CIO is dedicated to the position to which Dr. King devoted his life, that all Americans of every race, color and background can live and work together in dignity and peace; therefore, be it

Resolved, That the AFL-CIO pledges to continue its efforts to bring about the day when the dream of Dr. Martin Luther King, Jr. for dignity, justice and peace for all shall be fully realized, and be it further

Resolved, That in honor of Dr. King and his outstanding place in our nation's history, the AFL-CIO calls upon the President and the Congress to enact federal legislation proclaiming Dr. King's birthday, January 15, a legal national holiday.

Statement of Senator Edward M. Kennedy, Martin Luther King, Jr., National Holiday Legislation, June 7, 1983

I commend Chairwoman Hall and the members of this subcommittee for their continuing efforts on behalf of legislation to establish a Federal holiday honoring Dr. Martin Luther King, Jr.

I have joined 27 other Senators in cosponsoring legislation in the Senate to designate Dr. King's birthday as a public holiday. This legislation honors Dr. King not only for the strength of his leadership and the courage of his commitment to human rights, but also for his unique contribution to the fundamental principle that all people are created equal.

Similar legislation has been introduced in every Congress since Dr. King's death in 1968. It is long past time for our Nation to observe not only the birthday of one of the greatest men in our history, but the contributions of the members of an entire race, brought here not in hope, but in chains—who built so much of this land—and who in their own liberation have lifted the shadow of prejudice from so many of their fellow citizens. Martin Luther King's day must be a day for all Americans, because Martin Luther King's dream is the American dream.

Because he lived, millions of Americans were freed from the oppressive burden of segregation. Because he dreamed, millions more found hope that their own dreams of a better life could be achieved.

National recognition of Dr. King is especially timely now, when fundamental rights such as the right to open housing, the right to integrated schools, and the right to equal opportunity—issues for which Dr. King literally gave his life—are threatened more seriously than at any time in the history of this land. In the struggle of this era, let us recall the words of Dr. King himself: "However difficult the moment, however frustrating the hour, it will not be long, because truth pressed to earth will rise again."

In Atlanta in 1968, Dr. King called himself a "drum major for justice," a "drum major for righteousness," and a "drum major for peace." The image was an accurate one, because he was a leader of great marches. He took his message to Selma, to Montgomery, to Birmingham, to the Lincoln Memorial, and to Memphis. Above all, he was an apostle of nonviolence. He taught the Nation that change could be achieved without resort to violence, that the promise of America could be redeemed by peaceful means.

Peaceful means are also needed to resolve conflicts among nations. Dr. King was an early and eloquent voice against the Vietnam War. And we know that he would be an equally eloquent voice today against the nuclear peril. In this era of the MX missile and enormous stockpiles of nuclear weapons, nonviolent conflict resolution is essential to humanity's survival. The powerful grassroots movement in this country for a mutual, verifiable freeze on the testing, production and deployment of nuclear weapons reveals the commitment of the American people to peace on Earth.

We must find ways to reduce the dangers of confrontation between the United States and Soviet Union. We must find ways to help the developing countries of the world to meet their demands for economic justice in the global order. The fate of the Earth may well depend on the ability of all nations to resolve competing interests through nonviolent means. A national holiday honoring Dr. King will be a powerful symbol of America's commitment to peace and justice in world affairs.

In Dr. King's last address, the day before his death, he said that he had been "to the mountaintop." He spoke of his vision that true equality for all people could be achieved. In honoring Dr. King, we bring that vision a little closer to fulfillment. By establishing a national holiday to commemorate his name, we create a greater national awareness of his life and a greater national commitment to the achievement of his dream.

I welcome these hearings, and I look forward to the enactment of this important legislation.

Statement of Hyman Bookbinder, Washington Representative of the American Jewish Committee, June 7, 1983

As I started to prepare this brief statement for presentation this morning, I looked up at the wall of my office on which an old, somewhat faded pennant was hanging. Faded from the sun which had reached it for some years before I protected it from the sun. I took it off the wall this morning and have it with me. It reads: "March on Washington for Jobs and Freedom—Wednesday, August 28, 1963 * * * I was there."

Yes, I was there. And this pennant is a precious memento. I do not worry about it fading any further. But I do worry about memories failing, I do worry about the challenge of that day receding; I do worry about the dream so magnificently painted for us by Martin Luther King fading away. That's why I am here this morning. I come to add my voice once more to the many others who believe that designating Martin Luther King's birthday as a national holiday will serve not only to honor this American giant, but will serve permanently to challenge our nation to make real and lasting that dream of his.

Later this year there will be ceremonies recalling that particular day 20 years ago. His speech will be recited by thousands of school children. His own voice will be rebroadcast over and over again on radio and television. And over and over again we will be told about this great Black leader describing his dream about a better future for Blacks. Yes, Reverend King was a Black man and he talked of Black dreams. But it is a mistake to think of him only as Black. Listen to his words on that memorable day:

"When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, Black men and White men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, 'Free at last! Free at last! Thank God Almighty, we are free at last.'"

Reverend King, it is true, was talking primarily to Black people that day; he was expressing the anguish primarily of Black people that day. How could he not in 1963, when the plight of his people had indeed become the central issue, a poignant reminder to all America that our nation had not yet found the means and the will to assure to *all* people the commitment to life, liberty, and the pursuit of happiness that is the foundation of America? Unhappily, that fact remains today all too true. Last Friday that unhappy fact was again summed up in a single statistic—Black youth unemployment over 50 percent!

But King's dream—and today's hearing—goes beyond the Black condition alone. It goes to the goal of a truly free and democratic and humane society for all people. He said it then, and we must say it today and every day—speaking up for "that day when all of God's children, Black men and White men—and women too—Jews and Gentiles, Protestants and Catholics will join hands and together declare "Free at Last, Free at Last."

While I do not presume to speak for all American Jews, of course, I hope that by my presence today I reflect the bond that unites all people who have felt the bitter pangs of bigotry, of persecution, of discrimination. As a proud Jew, I feel it both a privilege and an obligation to join with the Black community and with the Christian community to ask the Congress to declare the birthday of a Black man a day for all America to pause and remember the past, to assess the present, and to recommit itself to an even freer future for all Americans.

Let me say frankly that it is precisely because there are differences today on some specific issues on which Blacks and Jews may differ that it is important to assert our fundamental fraternity, our shared goals, our mutual concerns.

Only two days ago, the Washington Post reminded us of this interdependence by quoting a recent speech by John Jacob, President of the National Urban League:

"The single lesson we must draw from the history of Black-Jewish relations in America is that these two groups have shared each other's pain, helped each other's causes, and been closer than any other of America's groups."

Mr. Jacob went to note "the continued coalition on issues that primarily benefit people who suffer socio-economic disadvantage."

"Whatever the differences over issues," Mr. Jacob concluded, "both groups must live with the realization that anti-Semitism is the partner of anti-Black racism."

In this reference to "sharing each other's pain", Mr. Jacob has touched on what to me is probably the most important test of a civilized society. As a member of the U.S. Holocaust Memorial Council, I am pleased to note that the Congress met that test recently with creation of the Council, in its mandate to the Council to create a living memorial to the six million Jewish victims of the Holocaust and the additional millions caught up in Hitler's mad determination to wipe out the Jewish people. The Council consists of Christians as well as Jews, Blacks as well as Whites. The memorial we build will of course give special emphasis to the Jewish tragedy—but it will have universal meaning in the warning it will shout out against future genocides directed against any people.

The Congress now has another opportunity to meet that test of shared concerns. By approving the proposal to designate a national holiday in honor of Martin Luther King, the Congress will be remembering the painful past, acknowledging the cruel indignities we inflicted on our Black brothers and sisters, but also honoring a man who did so much to persuade the nation that the answer to hate was love, that the answer to violence was peaceful resistance, that the answer to intolerance and discrimination was full implementation of the democratic principles on which this nation was presumably based.

But a King holiday can—and I believe would—soon be more than an occasion to recall an unpleasant past. It could be the occasion for celebrating what's right with America, for recognizing the freedom, the unity, the tolerance that gives us our pluralist society, for hailing the cultural differences among our many religious and ethnic and racial groups, as well as the unity and brotherhood that binds them together. It would, in short, help us understand that our nation is enriched both by its diverse cultures and by its common culture.

We must not be naive. We must not fool ourselves. A national holiday honoring Martin Luther King is a symbolic gesture—albeit a very precious one. It must not be a substitute for substantive action on all fronts—legislative, executive, federal, local, private—to make a reality of our civil rights commitments. But such a holiday will be a timely challenge each year to our conscience. It will compel us to ask the simple—in fact, the very profound—question:

What have we done this past year to bring us closer to "one nation, under God, indivisible, with liberty and justice for all?"

Mr. CONYERS. Mr. Speaker, I would like to observe that my friend, the gentleman from New York (Mr. Kemp) has on this day added his name as a cosponsor to the Martin Luther King holiday bill.

● Mr. FOWLER. Mr. Speaker, I am delighted to be able to address the House today in support of H.R. 800, a bill that designates January 15, Dr. Martin Luther King, Jr.'s, birthday, as a national holiday.

In my opinion, it is an oversight on our part that Dr. King's birthday is not already a national holiday. In the 15 years since his assassination on April 4, 1968, it has become overwhelmingly clear that this American was one of the greatest historical personalities of our times.

During his lifetime, Dr. King was a drum major for justice, for human respect, for freedom from oppression, and for equality for all. His unique contribution to the advocacy of these American values was his strict adherence to nonviolent protest. He held high the banner of nonviolence in the midst of one of our most intense periods of civil friction.

For these reasons, the life of Martin Luther King, Jr., stands out as a monument to the power of moral courage. His legacy of love for his fellow man needs to be proclaimed loudly for posterity. We cannot afford to let society forget that many of the great human concerns that Dr. King fought for linger on, improved, although not solved. For example, fair housing opportunities for all and adequate housing for the poor is still a major problem. Employment opportunities offered to anyone who can perform the task are still inadequate. Economic and political opportunities to join mainstream America are still restricted for many of our citizens.

A national holiday on Dr. King's birthday would not only honor his achievements—although this alone would justify a holiday—but it would offer a time for this Nation to rededicate itself to helping the least among us. Dr. King said it well in his famous letter from a Birmingham jail: "Human progress never rolls on wheels of inevitability; it comes through the tireless efforts of men willing to be coworkers with God. . . ." He goes on to say, "We must use time creatively, in the knowledge that the time is always ripe to do right."

I believe that now is the right time to make Dr. King's birthday a national holiday. On August 27, thousands of people from across the country will come to Washington to commemorate the 20th anniversary of the 1963 march on Washington where Dr. King eloquently gave his very poignant "I Have a Dream" speech. It would be a grand historical moment to have H.R. 800 on the President's desk for signature during this ceremony.

I am sure most of my colleagues here share the dream of America that Dr. King spoke of nearly 20 years ago. It is a vision of America that we as the representatives of fair-minded Americans work for every day we serve in Congress. We strive for a better quality of life for all Americans, because the progress of each community in America is tied to the state of the rest of the country.

By enacting a national holiday on Dr. King's birthday, we set aside time to rededicate ourselves to helping those most in need. This holiday would be a time for voluntarism and brotherhood, and a day for renewing the American spirit of concern for others.

We have the opportunity to correct the oversight of the past 15 years and make January 15 a national holiday. I trust that we will not fail to seize this chance.●

● Mr. DELLUMS. Mr. Speaker, last November, as a birthday present from two members of my staff, I received a copy of "Let the Trumpet Sound," the excellent recent biography of Dr. Martin Luther King, Jr. by Stephen B. Oates. Reading this book was a painful personal pilgrimage, as well as an act of intellectual, spiritual, and political homage to an extraordinary person who has been such a major force in my own life's commitment to the cause of world peace, human rights, and equal justice for all.

More important, reading this book reinforced my determination to see to it that H.R. 800 becomes a reality in the 98th Congress. Martin Luther King, Jr., was much more than a great American and the most noble of our Nobel Peace Laureates: He was a great human being whose life of commitment, action and sacrifice has been a beacon of hope and inspiration for nonviolent social change to literally millions of people around the world.

In America, he was the living embodiment of the highest principles professed in the Declaration of Independence: That all are created equal and endowed by their Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness. He challenged the conscience of America by confronting both church and state on the spiritual and political immorality of segregation in our society. It was Martin Luther King, Jr., standing in the shadow of the Lincoln Memorial on August 28, 1963, who had the courage to stand up to white America on behalf of nonwhite America and say:

> When the architects of our Republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. . . . It is obvious today that America has defaulted on this promissory note, insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check; a check which has come back marked "insufficient funds." We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

As a citizen of the world, Martin Luther King, Jr., carried his message into the global arena: The message of human rights, true brotherhood and sisterhood through the justice of shared equality, and the reconciliation of nations through diplomatic negotiation, rather than the violence of war and destruction. In accepting the Nobel Peace Prize in Oslo, Norway, in December of 1964, he spoke of "the need to overcome oppression and violence without resorting to violence and oppression." He then went on to say:

> I refuse to accept the cynical notion that nation after nation must spiral down a militaristic stairway into the Hell of thermonuclear destruction. I believe that unarmed truth and unconditional love will have the final word in reality. That is why right temporarily defeated is stronger than evil triumphant.

It was Martin Luther King, Jr., using his eminence as a Nobel Peace Laureate, who chose to speak out on the insanity and immorality of the war in Indochina, despite the warnings and threats of other so-called leaders in the civil rights movement. Early on, he warned that the bombs being dropped in Indochina would explode in the ghettoes of America. In a speech in Los Angeles, he directly challenged Lyndon B. Johnson's false claim that America could have both guns and butter with these words:

> The promises of the Great Society have been shot down on the battlefields of Vietnam. The pursuit of this widened war has narrowed domestic welfare programs, making the poor, White and Negro, bear the heaviest burdens. . . .

On April 4, 1967, in the speech at Riverside Church in New York City, he made one of the most cogent critiques of American cold war interventionism and escalation ever uttered by a public figure. His peroration was a cry from the heart that is even more poignant when read in the light of the madness of the contemporary nuclear arms race:

> Somehow this madness must cease. We must stop now. I speak as a child of God and brother to the suffering poor of Vietnam. . . . I speak for the poor in America who are paying the double price of smashed hopes at home and death and corruption in Vietnam. I speak as a citizen of the world, for the world as it stands aghast at the path we have taken. I speak as an American to the leaders of my own nation. The great initiative of the war is ours. The initiative to stop must be ours.

Were Martin Luther King, Jr., still alive today, he would be in the forefront of the movement to reverse the course of the nuclear arms race, and to prevent this Nation from continuing its overt and covert military intervention in Central America. And he would be in the forefront of the opposition to this administration's concerted effort to turn back the clock on the progress that has been made in the fields of civil and human rights in the past 20 years—progress that has been achieved through the bloody sacrifice of many brave women and men in this society.

As we prepare to commemorate the 20th anniversary of the March on Washington, the legacy of Dr. Martin Luther King, Jr., is still, tragically, an unfulfilled dream. During a lifetime that was all too brief—only 39 years—Martin Luther King, Jr., was cursed, reviled and spat upon, beaten, jailed, and stabbed, denounced as an extremist by the media and as a nigger and a traitor in the highest councils of government. Finally, in an attempt to slay the dream, they slew the dreamer.

It is for us, the living, to make certain that his dream never dies. It is for us, the living, to insure that his life's work will be remembered beyond a statue inside the Nation's Capitol. It is for us, the living, to insure that a national holiday, commemorating the legacy of his commitment, achievement, and sacrifice will be a constant reminder of what this Nation can be—and ought to be. It is for us, the living, to fulfill his dream, in the words of the civil rights anthem, that "we shall live in peace someday . . . ."●

● Mr. MRAZEK. Mr. Speaker, a dream long held in the hearts of many Americans came to the surface on a steamy August day 20 years ago.

The dream had been there for generations, yet it took a special and courageous man to verbalize it, to shout it out, and to demonstrate it to a troubled Nation. And although he was called to put the dream into words, this messenger of hope and justice was not a dreamer. Instead, he was a realist, one of the few Americans of his time to understand that a nation divided among the races could not stand.

He had a dream, he told us, that one day the sons of former slaves and the sons of former slave owners would sit together at the table of brotherhood; that one day, dens of intolerance and racism would be transformed into oases of freedom and justice; and that one day his children would live in a nation where they would be assessed on the basis of the content of their character, not the color of their skin.

The realist who held these dreams and dared to confront a nation with them lives no more. For some in this country, his dreams have never lived, though laws have been passed and followed. But for many more of us, the dreams of Dr. Martin Luther King, Jr., have never died and will not die.

To force and hatred, Dr. King responded with love. He faced down heavily armed, insanely frightened men while himself carrying only truth and forgiveness as his weapons. In an era of great men and great deeds, he easily stands apart as the most consequential American political leader of our times, an American for all ages.

The memories of the sweltering mass shouting their agreement to Dr. King, framed as he was against the background of Abraham Lincoln, remains with many of us today as if it were yesterday. Those who felt the power of conviction surging from that multitude on August 28, 1963, will never be the same. But the forced march of life obscures the message of that day.

The conditions which spawned the passions of the early sixties largely have disappeared from our minds, if not our midst. We find it easier to forget painful episodes in our history—and Dr. King's message was not without discomfort. He forced each of us to confront the sickness of racism and intolerance, and to apply the lessons learned to similar situations involving others who are somehow different.

The passage of time also threatens the dream. I never escape the feeling when speaking to school groups that Dr. King's life and times have been reduced to flickering black-and-white images on infrequent television documentaries, scenes of freedom marches and police dogs and fire hoses and that special August day when the dream was handed down.

Our children now take for granted that they will sit next to others in class with different skin, compete with them on the playground and in the classroom and, perhaps, take them into their hearts. But our children must know of the struggle which preceded this normalcy. We must continue to teach them about the work of Dr. King and so many, many others.

Robert F. Kennedy captured perfectly the essence of the daily campaign waged by Dr. King and his followers to change the moral course of the country.

> Each time a man stands up for an ideal—

He wrote—

> or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope . . . and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

It is time that we granted Dr. King his proper niche in American history to place the man alongside his works. A common lament today is the lack of heroes and role models to inspire and instruct. Even in death, Dr. King remains a genuine national hero who has transcended his short stay with us. A yearly commemoration of his life and times would serve to trigger the collective American consciousness to this fact.

Every year since his death, a bill has been offered in this body by our colleague, Mr. CONYERS, to honor Dr. King on January 15, the day of his birth. Every year, nothing happens. The time has come to cast aside feeble excuses and to honor a man whose teachings and actions will live forever in America and beyond.

Dr. King's methods matched his message. The words he spoke in accepting the Nobel Peace Prize in 1964 still carry the strength and the passion they inspired on a great day for all Americans.

> Nonviolence—

He said—

> is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence. Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love.

Then he was gone, a victim of the same horrible scourge of intolerance that has taken so many of the world's true visionaries in recent times. It is no small irony that, like Gandhi and Sadat and many more, the circumstances of his premature passing bore the stain of wanton violence.

Dr. King was a disciple of the teachings and methods of Gandhi. Each took his prominent place in human history without the benefit of great wealth, or well-placed families, or elected or appointed political office. Gandhi was but a lawyer, Dr. King but a preacher.

Nonetheless both were leaders of humanity. Both saw injustice in the world and dedicated themselves to eradicating it through nonviolent confrontation, a means by which they caused their enemies to see the evil in themselves. The power of Dr. King's message, like that of Gandhi before him, carried more influence than money could buy or ambition could contrive.

We live in the wake of Dr. King's dream today, but the reality of modest progress cannot be avoided. He spoke to us of arms control and peace, of gun control, of eradicating hunger and strife. We listened perhaps, but we did not hear.

He spoke of a united society based on the value of a person's spirit instead of visible differences and tangible assets. But today, we see a Nation in which blacks and other minorities have virtually dismissed our current administration as an ally in the cause of equality. An air of hopelessness exists as minority unemployment figures dwarf the intolerable numbers in our society as a whole, and as no answers are forthcoming, a feeling of despair permeates the dream and violates its spirit.

Such an atmosphere bodes ill for the continuation of blacks, Hispanics, and others in the mainstream of American society. We risk a fractured social structure which can only be counterproductive to the dream, and to our goals as a Nation.

I call upon my colleagues at this time to take a step toward closing the widening gulf. The causes to which Dr. King spoke endure today. The mechanisms are in place. We hold our fate in our hands.

We have the opportunity to deliver our own message of hope and respect—our own dream. We can do so by taking the initiative and honoring Dr. King on the day of his birth.

True, this action will not take a single black youngster away from unemployment and desperation. It will not change the mind of a single irrational hater, feed a hungry child, or unite a broken home. But it is the proper step for a great nation to cause wider recognition and honor to be brought to the most deserving of its sons.

This would be such a step. This was such a man. I urge the passage of H.R. 800—a resolution honoring not only a man, but truth, hope, equality, and peace.●

● Mr. WEISS. Mr. Speaker, 20 years ago, Martin Luther King stood on the steps of the Lincoln Memorial and beseeched his listeners and this country to share his dream for humanity. While he spoke of the oppression of black Americans in 1963, he also spoke of the burden of oppression that prejudice places on society. He envisioned a time when our Nation would be free from injustice and inequality.

Since then, the struggle to fulfill his dream has been taken on by other groups against which society discriminates. Martin Luther King has become a symbol of the spirit which guides the oppressed to seek equality.

I am proud to join today with my colleagues in support of H.R. 800, to establish Martin Luther King's birthday as a national public holiday. In the 12 years that Dr. King led black Americans in the march toward freedom, he changed the course of our society. Through his firm belief in the democratic process and his adherence to nonviolent protest, Dr. King brought us closer to realizing the principles on which this country was founded—liberty, justice, and freedom for all. Where Dr. King saw injustice, he peacefully sought justice. From the time of the Montgomery bus boycott until his death in 1968, Martin Luther King faced adversity, violence, and the threat of death to bring his people and all of America the rights promised to all.

While we are a long way from fulfilling Martin Luther King's dream, I believe a national day of reflection on his birthday will help to guide us in the march toward freedom for all people.●

● Mr. FROST. Mr. Speaker, it has now been 15 years since the death of Martin Luther King, Jr., and in that time one might expect his memory to have faded and the importance of his work to have lessened. However, time has not diminished the contributions or the memory of Dr. King. The ideals he articulated and the goals he worked for are as valid today as they were a decade and a half ago. Certainly, it is fitting that the date of his birth be designated a national holiday.

Dr. King, as much as any one person in our history, charted a new course for this country—a course away from separatism and bigotry, toward togetherness and understanding. In doing so, he not only unlocked the door of opportunity for blacks in our society, but also planted in our Nation's conscience the realization that only by dedicating ourselves to the elimination of racial inequities and social injustice can we truly prosper.

Martin Luther King, Jr., died a young man, only 39 years old. Yet, in this short time, he laid the very foundation of the civil rights movement. And, through his leadership, the civil rights movement in this country became more than a vehicle for racial equality, it became a beacon of freedom for the oppressed and the underprivileged everywhere.

Of course, a national holiday is not needed just to keep alive the memory of Dr. King. His work and his words have left an indelible mark on our history. Rather, this special holiday is needed so that we, as a nation, can annually rededicate ourselves to creating the type society he envisioned.

Clearly, national support for a holiday honoring Dr. King already exists and is growing. Eighteen States, as well as the District of Columbia, have now designated special days in his honor. Also, hundreds of businesses throughout the country close down and allow employees time off in recognition of Dr. King's birthday.

In light of this, I strongly urge all my colleagues to join with me in giving truly national recognition to the contributions of Martin Luther King, Jr., and supporting the current proposal designating his birthdate as a national holiday.●

● Mr. RICHARDSON. Mr. Speaker, Congress' failure to enact legislation to make Martin Luther King's birthday a holiday is a disgrace. Fifteen years after Dr. King's assassination, this special order and this legislation should be unnecessary. Instead, January 15 should now be more than just a national holiday, it should be a part of our national culture.

Dr. King represented the best of American values. He taught a nation that social change, indeed social revolution, could be nonviolent and compassionate. He stood for social and economic justice and gave his life to these causes.

All of us who care about the plight of black Americans, Hispanics, the elderly, and those on low and fixed incomes may be expected to support this cause. But I believe making Dr. King's birthday a national holiday should be embraced by every Member of this body, regardless of political party or ideology, because Dr. King enriched the lives of all Americans. He changed the course of our Nation's history for the better.

We have a long way to go toward fulfilling Dr. King's dream, but we can never turn back and none of us should want to.●

● Mr. VENTO. Mr. Speaker, I rise in strong support of H.R. 800, which would create a national holiday to commemorate Dr. Martin Luther King.

As a cosponsor of this measure, I believe that congressional approval of this measure this year is a positive and appropriate remembrance of the 20th anniversary of Dr. King's "I Have a Dream" speech.

Twenty years after the speech which inspired the Nation to seek justice for all its citizens, the dream has not been fulfilled. For all too many people today face the blasted hopes, and the dark shadow of deep disappointment that Dr. King felt while writing from the Birmingham city jail in 1963.

Black unemployment remains at over 20 percent, and only half of black teenagers who want work can find jobs, yet national programs to help the poor are cut or eliminated. Urban policy suffers from neglect. And an unprecedented arms race threatens the country with moral and monetary bankruptcy. Through it all, the rich get richer, and the poor get poorer. The country has become seemingly deaf to the needs of the poor. It has failed to remember Dr. King's injunction that: "Injustice anywhere is a threat to justice everywhere."

We as a people must not lose our idealism. We as a people must not lose our commitment to social justice. Although the task at times seems hard and thankless, we can renew our strength by keeping mindful of our shared commitment and of the fact that we gain power as we work together.

Finally, we must let ourselves be inspired by the pragmatic realism of Martin Luther King whose dream many still live for, and who on the night before his assassination said: "I may not get there with you, but I want you to know * * * that we as a people will get to the promised land."●

● Mr. HOYER. Mr. Speaker, I am grateful for this opportunity to participate in this special order. I am privileged to have been a cosponsor of H.R. 800 and I commend my colleague, Mr. Conyers, for the leadership he has demonstrated in continuing to

bring before Congress this legislation declaring the birthdate of Dr. Martin Luther King, Jr., a national holiday.

Dr. Martin Luther King, Jr. lived a life dedicated to the realization of a true democracy, where every man and woman would be considered equal before the law.

Today we no longer allow historians to seek only the contributions of "White Americans" or "Black Americans." We demand that our historians record the contributions of great Americans. Dr. Martin Luther King, Jr., was a great American. He was a great American during a period when America herself was not as great a nation as it should have been insofar as her people of color were concerned. He was a great American during a period when poet Langston Hughes appropriately reminded us of the black man's American heritage in, "I, too, sing America."

Since the founding of our Nation, great Americans have spoken of their visions, dreams, and prayers for America. Dr. Martin Luther King, Jr., shared with us his dream 20 years ago. Today his greatness is even more apparent and his words continue to urge us on the make America the America it was meant to be. Whether spoken from outside a "whites only" restroom, the shadow of the Lincoln Memorial, the front of a bus, or in a county jail, they remind us of the undeniable oneness that we share with each other. They remind us that in 1983, "Injustice anywhere is a threat to justice everywhere." They remind us that in 1983, we remain "* * * caught in an inescapable network of mutuality, tied to a single garment of destiny," and they remind us in 1983 that "Whatever affects one directly, affects all indirectly."

A holiday in commemoration of the birthday of Dr. King would set aside a time for this Nation to celebrate the American experience. This day will celebrate a man—a man who contributed immeasurably to the continued dedication of this free Nation and to the principles upon which it was founded.

The words of Martin Luther King are not dead. The problems he discussed have not disappeared. Martin Luther King woke this Nation to its moral and constitutional responsibilities. His dream for our American democracy is one that is shared by millions of men and women in this country, black and white, rich and poor, young and old. In honoring Dr. King by establishing a national holiday, we bring honor to all Americans who share that dream and the vision of a just and ethical America.●

● Mr. WAXMAN. Mr. Speaker, as a cosponsor of H.R. 800 and a supporter of similar legislation in past Congresses to honor Dr. Martin Luther King, Jr. I wish to join today in the special order calling attention to this legislation.

It has been 15 years now since Dr. King was assassinated and 15 years since my distinguished colleague from Michigan, Mr. Conyers, first proposed that a national holiday be declared to celebrate his life.

As the years pass, Dr. King's achievements take on even greater significance and there is more reason to honor him and his accomplishments. By adopting H.R. 800, we would honor ourselves as well as Dr. King, for we would be recognizing the advances we have made toward the eradication of inequality and of racism.

We also, Mr. Speaker, would be reminding ourselves that the blights of inequality and racism are too often with us still and celebrating Dr. King would present us with the opportunity of rededicating ourselves to their elimination.

I urge my colleagues to join in supporting this legislation.●

● Mr. DIXON. Mr. Speaker, there are those who would argue that there should be a national holiday to honor the memory of Martin Luther King because there are no national monuments to the contributions black Americans have made in the development of the United States, and Dr. King is truly a monumental man.

I find no fault with this justification, yet I realize that a national holiday should encompass a spirit of nationalism that can be shared by all Americans. It is in this context that I speak in support of the resolution offered by Mr. Conyers.

There has never been an American who has so actively labored in behalf of this country's democratic principles than Dr. King. He stood at a time when this Nation existed as two nations and awakened America's consciousness to the democratic tenets extolled by our Declaration of Independence and our Constitution.

He came down from the mountaintop and shared his dream of equality and justice, peace and humanity.

He gave his life trying to make that dream become a reality. He gave his life, trying to make Americans live up to our constitutional responsibilities.

He drew from the ideology of Jefferson and Lincoln, the determination of Tubman and Douglass, the compassion of the abolitionist, the humanity of the slave.

He inspired a belief in the fundamental truths inherent in the laws of this Nation—

Hope for equality;

Commitment to justice;

Availability of opportunity.

He left with us a strong sense of national purpose that is directly linked to social and economic policies that continued to shape our national agenda.

He left with us a memory of what America has stood for, and an image of what America is destined to be.

Yes, Martin Luther King, Jr. was a monumental man. He was also a quintessential American—

An advocate of the principles of democracy;

A defender of mankind's inalienable rights.

To commemorate his birth by establishing a national holiday is to honor the beliefs that all Americans hold dear. I urge my colleagues to support H.R. 800.●

● Mr. ROE. Mr. Speaker, I welcome the opportunity today to join my colleagues in supporting the passage of legislation to designate Dr. Martin Luther King, Jr.'s birthday as a national holiday.

In my judgment, the enactment of this legislation to establish January 15 of each year as a day of remembrance of this great man and the dreams he sought to achieve for us all, is long overdue.

Similar legislation has been introduced every year since Dr. King's death in 1968. There is much feeling of hope in both Houses of Congress that this will be the year when this most heroic of individuals receives the lasting tribute he so richly deserves.

This legislation, the Martin Luther King legal holiday bill, honors Dr. King not only for his leadership in the battle for human rights but also for his commitment and contributions to the basic principle that all men are truly created equal.

He was a man totally committed to the stirring ideals of justice and vehemently opposed to injustice. He had a dream; a vision of a world where men of all colors could live together in harmony and peace. His method of achieving that dream was through the use of nonviolent protest to highlight the injustice that was being brought upon his people.

That message came through loud and clear to both white and black Americans who joined hands and marched to break down the walls of hatred that segregation had built in our land.

His struggle for justice for his people reached all corners of the world and in 1964, at the age of 35, he was awarded the Nobel Peace Prize, becoming the youngest person ever to receive that honor.

The establishment of a national holiday in Dr. King's name will give ourselves and our children, who in many cases were not fortunate enough to be alive during his time, the chance to reflect on the words and deeds of this truly great man.

Let us rededicate ourselves to his dream which he so eloquently described:

> Let us hope that the dark clouds of racial prejudice will soon pass away, that the deep fog of misunderstanding will be lifted from our fear-drenched communities, and that in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great Nation with all of their scintillating beauty.

I would like to thank the gentleman from Michigan, Hon. Representative John Conyers, Jr. for allowing me the opportunity to participate in this most special order.●

● Mrs. BOXER. Mr. Speaker, it is timely that I come to speak today about a new national holiday which is quite tied to the Fourth of July holiday we are about to celebrate.

What is the purpose of a holiday? Holidays are a time to remember and to renew our commitment to freedom.

We tell our children about Washington's honesty on his birthday celebration—a national holiday. We tell our children about Lincoln's humility on his birthday celebration—a national holiday.

When we wish to point to courage and strength, in modern times, it is Martin Luther King whom we point to or should point to, and we should have a special day for him as well.

In a time when force and violence are all too frequent, parents and teachers point to Martin Luther King as the example of what can be accomplished through a commitment to the dignity of humanity and a commitment to peace.

We all acknowledge the tremendous courage of the Montgomery sit-ins and the march through Selma, Ala. Who among us is not moved beyond words when we hear the famous "I Have A Dream" speech, given in the shadow of Lincoln? Is there any modern American who more embodies the spirit of liberty and justice for all, more than Martin Luther King? His commitment to his beliefs led him to a conflict that asked of him the greatest of sacrifices. He did not shy away. He did not compromise. He laid down his life. What greater gift can a human being make than to lay down his own life for another?

We celebrate holidays in this country not just to remember but to celebrate who we are. Who we are is a people committed to freedom and justice. Who we are is a country that can raise from its people a figure such as Martin Luther King.

Is it not about time that we celebrated, through Martin Luther King Day, a reminder of what a truly great country this is? Is it not about time that we remember his legacy so that it will always remain a part of our heritage? Is it not time that we announce to this country, and to the world, that we honor Martin Luther King because he represents what is best about us? We are lovers of freedom and justice; we are determined; we are not quitters.

As people gather around this country to celebrate the Fourth of July, to celebrate those qualities that make it a country worth celebrating, let this body give them a new reason to celebrate. Let us give our people one more reason to be proud to share in the heritage of America.

I thank my colleague for this special order so that those of us who have the dream of making Martin Luther King's birthday a national holiday can give him this special honor.●

● Mr. RODINO. Mr. Speaker, I commend our distinguished colleague, Mr. Conyers, for taking this special order on a subject which is central to our Nation's continuing commitment to bring about a fuller social justice. We are talking about a day of recognition for the American who laid the foundation for the civil rights movement in our country and who generated the drive for human rights around the world.

Fifteen years have passed since Dr. Martin Luther King, Jr., was assassinated in Memphis. Yet, we still do not have a national holiday to honor this man who aroused the conscience of this Nation to live up to its great ideals of justice and equality for all men and women. How much longer must we wait for a national holiday devoted to reflection and recommitment to the notions of peace and human dignity? How much longer must we wait for a day to remember one of the most beloved leaders of our time? We should no longer delay honoring this great American and all he represents by designating Martin Luther King, Jr.'s birthday as a national holiday.

I am an original sponsor of legislation to designate Dr. King's birthday a national holiday. For over a decade, I have championed this cause in the hope that Americans will use this national observance to rededicate ourselves to fight bigotry and hatred, oppression and injustice everywhere—in effect, to work toward Dr. King's dream.

I do not propose this national holiday arbitrarily. I believe it takes a rare person or an extraordinary event to justify a national holiday. Martin Luther King, Jr., was much more than a rare person. He was unique in American history—as a man, as a leader, as an advocate for freedom. The events closely related to his leadership were more than extraordinary. They had, and will continue to have, an impact on American society.

This Nation was founded by men and women who believed in justice, equality, and freedom; who set as a goal that this Nation should become one nation indivisible, with liberty and justice for all. This Nation is now closer to the ideal that Martin Luther King, Jr., envisioned when he called upon all of us to come together to overcome the differences, the prejudices and, as one people, celebrate a nation that looks to the human spirit as a brother in each other.

The life of Martin Luther King, Jr. is replete with evidence of commitment to the realization of those goals. I think it is timely that we recognize those contributions. I think we are living in an era when human rights are just not two words that should be emptily spoken; but human rights should be the guiding spirit that motivates us all. We should be encouraged by the great sacrifices that were made by Dr. Martin Luther King, Jr.

Dr. King was still a young man—only 39—when he was killed. The assassin deprived Dr. King of the great and good years of what we call middle age. That loss is no less sad in light of his willingness—often expressed—to risk death in the struggle for justice and freedom. It is equally sad that the Nation and world have been deprived, all these years, of the presence, the voice and the wisdom of Dr. Martin Luther King, Jr. The firm, resolute, confident voice of freedom, of justice, of love, of nonviolent action and peace is sorely missed now.

As I told the Southern Christian Leadership Conference in 1975:

> They shot down the man—and they snubbed out his life—but they could not shoot down his dream. For his dream was stronger than life and more powerful than death. And the dream lives on.

A decade is too long to wait for a simple act to honor both Dr. King and his dream. Today—when we have a critical need for national inspiration—is the time to designate January 15 as a legal public holiday. Dr. Martin Luther King, Jr.'s dream lives on today, but we must nurture it with our attention, our respect and our faith. He sacrificed his life for this dream of a fully just America. Surely, we can dedicate 1 day to sustain the life of that dream.●

● Mr. FORD of Tennessee. Mr. Speaker, it is my pleasure to join my distinguished colleague John Conyers of Michigan in this special order for the Martin Luther King legal holiday bill, H.R. 800. I wish to commend Mr. Conyers for his unrelenting efforts and determination in introducing and pursuing the establishment of a King national holiday.

National observance of King's birthday should symbolize the rebirth of our Nation and its people should dedicate themselves to the ideals for which King lived and died. This day would serve as a reflection of our determination to continue to strive for peace, unity and justice and provide us with an opportunity to reevaluate our commitment to these goals. By establishing Dr. King's birthday as a national holiday, we as a nation will be demonstrating our strong conviction in these

beliefs and our resolve to work for the humanitarian principles that rendered strength and duration to his efforts.

In these times of economic difficulty and moral aimlessness, it is necessary that we reflect and prosper from all possible sources of strength. The continued excellence of this country depends on the sustenance of every individual's rights, liberties and opportunities and these are the identical ideals for which King lived and gave his life. In oppression he fought for justice. In violence he responded nonviolently. In war he stood for peace. Martin Luther King was a man martyred in the cause of freedom upon which America was founded.

This bill commemorates King's life and legacy which are virtually inseparable from his unique contributions to this country. Dr. King was American in the truest sense, fighting for the ideals of this country that even this country was not living up to. He was not afraid of America's problems but faced them head on in a demonstration of unyielding devotion to improving the lives of all Americans. He perceived a dream and called on us to realize it, an America fitted to the specifications of its own constitution and ideals. Martin Luther King, a national figure dedicated to dependence on democratic processes, morality, and nonviolence as a method of protest, epitomized the American political philosophy. King said about his dream:

> It is a dream deeply rooted in the American dream that one day this nation will rise up and live out the true meaning of its creed—we hold these truths to be self-evident, that all men are created equal. Now is the time to make real the promises of democracy.

Dr. King led the poor, the downtrodden, and the oppressed to breakthroughs in housing, employment, education, community development, and assured equal opportunity for all Americans in all aspects of life. He is a symbol of the ideals we hold dear as Americans. King was called an American hero in an era, supposedly, of antiheroes and it is time that we recognize him as such.

Martin Luther King's political actions were harnessed to a rigorous moral constraint. He recognized that injustice anywhere is a threat to justice everywhere, spoke out for freedom, equality, and justice all over the world and the world loved him. His crusade for mercy and justice pronounced that injustice is not to be tolerated. Dr. King made the distinction between just and unjust laws and was morally obligated to disobey the unjust just as he respected the just. An ardent proponent of American ideals, he labored intently to build "one nation indivisible, with liberty and justice for all."

Martin Luther King's memory sustains a model for all Americans and people of all nations in our search for peace and harmony among ourselves. He reminded us all of the significance of each individual's liberty and the brotherhood which ultimately exists between all men. He said:

> In the final analysis all humanity is involved in a single process, and all men are brothers. Many of our white brothers have come to realize that their destiny is tied up with our destiny. They have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone.

His quest for freedom, equality, and social justice transcended national boundaries. King was an example of greatness for the entire world. He saw the struggle for civil rights and the struggle for peace bound together and fought diligently for both for all people. Without doubt, Martin Luther King was the greatest social prophet in the brief history of our country.

During his relentless struggle, Dr. King questioned and aroused the conscience of the Nation, stood at the forefront of the civil rights movement and launched a sincerely national commitment to social justice. Although he was frequently arrested, physically abused, constantly threatened with the possibility of death and finally murdered in cold blood, Dr. King never ceased to fight for our rights. Indeed, his life was taken from him as he gave to others. Although his tragic death can never be rectified, his compassionate life can be inscribed as part of our national heritage by a simple act of Congress. The enactment of H.R. 800 would serve as an appropriate testimonial to an extraordinary citizen who devoted his life to the cause of human rights. Action on this proposal is long overdue.

The public holiday is an honor which heretofore has been reserved for only Columbus, President Washington and important national events. May I respectfully imply that the honor should also be bestowed upon the greatest modern example of popular political action in this country, Martin Luther King. Honor in this way would also confer a great honor on black Americans and contribute to the recognition of the lives and dreams of all the people of this country. Dr. King, who rekindled a new pride in black American history and culture, continues to serve as a tremendous source of pride for all Americans. King is indeed an appropriate and worthy man to be the first black American afforded a national holiday in his honor.

The mood of Congress and the country can only be called tragic if monetary concerns are placed above such ideals as justice and human rights in importance. Every American citizen of good will should do everything in their power to fight for the passage of this legislation. A merely commemorative day grouped with the hundreds of insignificant ones is not sufficient. Martin Luther King's works, contributions and life demand a holiday.

Accept the challenge of making King's dream a reality. Embody in law the ideals which he embodied. Reaffirm a commitment to the cement of freedom which binds us all together. As brothers, we in Congress must unite to create a national holiday for Dr. Martin Luther King. After all, it is a celebration of the ideals for which America stands. King sacrificed his life for his dream of a fully just and great America. Surely we can set aside one day a year to keep that dream alive.●

● Mr. ADDABBO. Mr. Speaker, having cosponsored H.R. 800, the Martin Luther King legal holiday bill, I wish to express to my colleagues my most enthusiastic support of its passage.

The passage of this resolution is important in the light of modern advances in civil rights, to the many Americans of all races whose lives have been directly affected by the tremendous work of Dr. Martin Luther King, Jr. The fact that Martin Luther King Day presently is not celebrated by every State in our Nation, is inexcusable and merits rectifying.

Martin Luther King, Jr., through the practice of civil disobedience, gave the constitutional rights to peacefully assemble and petition a new meaning. His relentless energy in the exercising of these rights fór a justified cause was phenomenal. He never shunned the danger in which he was placed and to which he finally fell victim. He exhibited firm faith in his God, in his country, and in the right of his people to walk alongside their white brethren, heads high and unashamed of their heritage. American, like any white individual, the black man placed in an inferior position in the society, saw in Dr. King the God-fearing leadership so sorely needed to appeal for what was rightfully his.

Dr. Martin Luther King, Jr., presented a manner of protest which, by its peaceful nature and gradual effectiveness, won him a Nobel Peace Prize. Considering the tribute paid this most dedicated individual by the international community, it is high time that we, here in the Congress, pass legislation authorizing Martin Luther King Day as a legal holiday. This measure is long overdue and I urge my colleagues' support.

We could never repay Dr. King for his tireless efforts in behalf of his fellow man, but we should not hesitate for a moment to do everything in our power to recognize his colossal contribution to the advancement of our Nation.●

● Mr. FASCELL. Mr. Speaker, Americans have witnessed a multitude of great leaders, men and women com-

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pelled by an ideal, driven by a hope, and striving for a dream. One of the greatest leaders of our recent past was Dr. Martin Luther King, Jr. His infinite energy and high morality ignited that spark of freedom which awoke the American conscience and revived the American ideal that all men are created equal.

Since Dr. King's tragic assassination 15 years ago, I have supported the designation of January 15, the birth date of Martin Luther King, as a national holiday. This would be a day of reflection on the importance of nonviolent action in the pursuit of equality and justice, the principles for which Dr. King lived and died. It would be an inspiration to all people who strive to overcome the inequitable and seemingly insurmountable barriers of everyday life. The young dreamers of tomorrow would realize his tireless determination and admire his remarkable accomplishments.

A shy and thoughtful man, Martin Luther King had hoped to be an inspiring preacher in a small community. Instead, he became world renowned as the preeminent leader of the greatest modern example of popular political action, the civil rights movement. Dr. King's efforts were largely responsible for the success of the movement and America's increasing interest in the preservation of human rights around the world. In dedicating his life to mankind, he brought a new and higher dimension to human dignity. He urged all people to be proud of their heritage, to believe in their ideals, and, most importantly, to believe in themselves.

Motivated by his leadership, Americans of various races and religions gained a greater understanding and appreciation of our continued interdependence in fulfilling our national goals. Ultimately, nonviolence, equality, and freedom must prevail in this society which based its own revolution on these very same principles.

Now is the time to commemorate this great man and those ideals for which he stood. Let January 15 be an annual reminder of the skill, energy, courage, and fierce devotion Martin Luther King exemplified in his difficult struggle to let freedom ring.●

● Mr. MORRISON of Connecticut. Mr. Speaker, I am pleased and honored to join my colleagues in this special order, and I thank the gentleman from Michigan for sponsoring it. I strongly urge those Members of Congress who have not supported legislation to proclaim Dr. Martin Luther King's birthday a legal public holiday to take note of the expressions of support being given on the floor today.

Few people, if any at all, would deny that Martin Luther King, Jr. was a great man. This is not the issue. Rather, the issue is the absence of an appropriate formal occasion to call attention to Dr. King's life, his social commitment, his determination, and the values of justice and equality that he preached and lived. Last January, I sponsored a marathon from Washington, D.C. to New Haven in my Connecticut district. Ten members of the Dixwell Community House Bikila Track Club of New Haven ran the 400-mile relay along U.S. Route No. 1 to commemorate Dr. King's birthday. Although this relay lasted only 48 hours, it represented commitment, dedication, and strength. Martin Luther King, Jr. represented these values and more. He sacrificed his life for freedom, justice, and equality, the very principles upon which our country was founded. We in this Chamber—on both sides of the aisle—witnessed the growth and development of the civil rights movement during the 1950's and 1960's, but children growing up now can never experience the power and leadership that Dr. King brought to our Nation during those years. He preached patriotism, brotherhood, and human dignity, cornerstones of a strong nation.

In his book "Why We Can't Wait," Dr. King made reference to a quotation which I would like to repeat, that "justice too long delayed is justice denied." Currently, 19 State governments have acted to memorialize his birthday. H.R. 800, a bill to make January 15th a legal national holiday, is cosponsored by 165 Members of this House. Similar legislation has been introduced in every Congress since Dr. King's death in 1968, but never before has it come so close to passing in the House. Let us not let down his memory and all it represents.

Martin Luther King fought for legal, economic and social justice, but by failing to proclaim his birthday a national holiday, we are perpetuating the very injustice and inequality he fought to end. Rather, we should reaffirm the principles that Dr. King's life symbolizes. We should not delay any longer.●

● Mr. MATSUI. Mr. Speaker, I rise in support of H.R. 800, to designate January 15 as a national holiday in honor of Dr. Martin Luther King.

Dr. King was a visionary national and international leader of unparalleled distinction. Born into a dark and troubled world, he provided a beacon of hope that still guides millions of Americans.

A relentless campaigner for human rights, racial justice, and world peace, Dr. King's words remain insightful and much needed today. In fact, over the last 15 years the importance of Dr. King's efforts have become increasingly apparent.

I hope that this, the 98th Congress, will be remembered as the one that has the insight to take the initiative necessary to recognize formally the historic and invaluable contributions of Dr. King.

Facing a similiar debate, my home State of California, by an overwhelming margin, voted to make Dr. King's birthday a public holiday. I hope we can fulfill our responsibility to the Nation as a whole by similarly honoring Dr. King.●

● Mr. LEHMAN, Mr. Speaker, I urge the support and passage of legislation which would create a national holiday in honor of Dr. Martin Luther King.

Dr. King was a great American, who was committed to the principles of human rights and the ideal of equality for all. A national holiday for him would justly honor his achievements and the principles for which he stood.

One of Dr. King's most remarkable achievements was his use of nonviolence to bring about change. In a world filled with people who believed that violence was the only way to change things, he proved them wrong with his nonviolent tactics. His nonviolent campaign won him the Nobel Peace Prize.

Dr. King was a remarkable individual who was committed to the cause of a better America for everyone. A national holiday in his memory is rightly deserved.●

● Mrs. HALL of Indiana. Mr. Speaker, I join my colleagues today in this special order expressing our strong support to make the birthday of Dr. Martin Luther King Jr. a national holiday. As the new chairperson of the House Census and Population Subcommittee, which has direct jurisdiction over all national holidays and celebrations, I strongly support this legislation which honors Dr. King, not only for the strength of his leadership and the courage of his commitment to human rights, but also for his unique contribution toward the fundamental principle "that all people are created equal." By establishing a national holiday to commemorate his age, we create a greater national awareness of his life and meaningful national commitment to the achievement of his dream.

I have introduced legislation (H.R. 3345), to designate the third Monday in January of each year a national holiday to honor Dr. King's birth. On Thursday, June 30, the Subcommittee on Census and Population will begin markup proceedings on H.R. 3345.

I firmly believe that with the enactment of this legislation, we will be giving great recognition to the outstanding contributions Dr. King made to our society. An annual observance on a fixed day of each year will provide all Americans the opportunity to reflect upon the achievements of Dr. King.

I would like to thank all of my colleagues here today for their continued

support for this important legislation.●

● Mr. FISH. Mr. Speaker, I take great pride in joining my colleagues today to express my continuing support of H.R. 800, legislation designating Dr. Martin Luther King, Jr.'s birthday a national holiday. I have long been a supporter of this effort and I congratulate Congressman CONYERS for his 15-year pursuit of this worthwhile cause.

By furthering the civil rights of American blacks, Dr. King contributed to the cause of freedom for all Americans, regardless of race or creed. By strengthening the cause of justice, he inspired millions throughout the world in mankind's common aspirations.

Recognizing the birthday of Dr. King as a national holiday would be more than acknowledging the achievements of a great black civil rights leader. It would be the first time in our history that we commemorated the birth of an individual whose life was devoted to equal justice and opportunity for all Americans.

Last year the Congress partly recognized Dr. King's contributions by approving a bill to place a bust of him in the U.S. Capitol. Dr. King is the first black man to receive such an honor. While this is indeed an important achievement, it is not enough. That is why I have again lent my support to H.R. 800, to make Dr. Martin Luther King, Jr.'s birthday a legal public holiday.

Dr. King's message of redemption and reconciliation is no less meaningful today than during his lifetime. His life's work and unyielding adherence to achieving social change through nonviolence serves as a great example during these turbulent and troubled times.

Bestowing such an honor on Dr. King would transcend his status as a black civil rights leader. Such an act would recognize that Dr. King spoke as an American about the spiritual liberation of all people. This year we have a real chance to make our commemoration of his dream a permanent reality. He spoke of brotherhood, an end to poverty, of justice, of peace, to all mankind. We must continue to work together in furthering his vision of the future.●

● Mr. EDWARDS of California. Mr. Speaker, I want to thank Mr. CONYERS for providing this opportunity today to speak in support of a national holiday honoring Dr. Martin Luther King, Jr.

As many of us know, Congressman CONYERS has introduced and worked indefatigably for enactment of a Martin Luther King public holiday bill in each Congress since the week of Dr. King's assassination. I wish to commend Mr. CONYERS for his years of hard work and dedication to this bill and all it represents. I do feel, however, that 15 years of trying to get this holiday established is enough. It is only appropriate to permanently honor this great American, Dr. King, a man of incomparable accomplishments in the fight for civil rights.

By establishing a holiday to honor this champion of civil rights, we are providing ourselves and future generations the opportunity to rededicate this Nation each year to the causes of justice and peace so that we may never forget the many injustices Martin Luther King, Jr., sought to overcome.●

● Mr. DOWNEY of New York. Mr. Speaker, I rise today in support of national recognition of the birthdate of Martin Luther King. Our recognition will demonstrate an unwavering commitment to continue his struggle versus hatred, oppression, prejudice, and injustice. Martin Luther King had a dream; a national holiday will insure that his dream and the spirit he personified will remain instilled in the national conscience.

In 1955, the Nation's attention was drawn to Montgomery, Ala., as this unknown black preacher startled us with his leadership and courage in a citywide boycott against policies of segregation. In the many efforts to come, King demonstrated his dedication to a struggle of and for peace; methods of nonviolence that demanded attention against a backdrop of world violence. His speech in August 1963 remains as moving as any words delivered in modern times. "I have a dream," he explained and pleaded, "It is a dream deeply rooted in the American dream. From every mountain let freedom ring." It was this dream and the path he had chosen to achieve it that earned him the Nobel Peace Prize in 1968. King was the youngest individual and only the third black man to receive this honor. His assassination in 1964 left us shocked and questioning our own possibility of true humanity.

But King's vision of democracy, liberty, and freedom for all men and women continued in the lives of all his spirit touched. He delivered us a hope and reminded us that each man is heir to a legacy of worthiness. While today's civil rights achievements are rooted in Martin Luther King's efforts, his dream continues to remind us of how far we still have to go in the struggle for equality. And our struggle must remain devoted to nonviolence. For, as King would remind us, it is only through moral means that one can achieve moral ends.

Fifteen years later, I believe it is essential that Martin Luther King's beliefs and achievements be remembered. The Nation should be encouraged to reflect on the man and his principles, which ring as true today as ever. His statement that there is no longer a question of violence or nonviolence but of nonviolence or nonexistence could not be more pertinent in this age of nuclear debate and worldwide struggles for human rights. Mr. Speaker, I urge my colleagues to join me in support of a national commemoration of Martin Luther King. We should encourage the Nation to reflect on his ideals, and we must do no less than recognize the greatness of this individual who has changed the course of history.●

● Mr. KOSTMAYER. Mr. Speaker, In 1963, Dr. Martin Luther King wrote these words from a Birmingham jail cell, "We will have to repent in this generation not merely for the vitriolic words and actions of the bad people, but for the appalling silence of the good people." Let us end our silence with the declaration of Dr. King's birthday as a national holiday.●

● Mr. RINALDO. Mr. Chairman, 15 years have come and gone since Dr. King was taken from us; 15 years have come and gone since my friend JOHN CONYERS asked the American people to celebrate Dr. King's birthday as a national holiday. The time has come to realize Congressman CONYER's dream.

We set aside national holidays for very few people. We do not do it because some particular special interest or some ethnic group wants it. Such holidays are only for American heroes.

There are, I think, two reasons for celebrating Dr. King's birthday.

First, the noblest goals of the movement to give black Americans the civil rights to which they are entitled are in great part his work. There are others who have claimed to speak for black people. But Martin Luther King seems to have uniquely earned this honor. Others are respected or feared. He was loved. His words and deeds have had a great effect, not just on the form of the civil rights movement, but on the very character of black people. His noble dream has elevated black people everywhere.

But, second, and more important for our purposes, Dr. King's words transcend the lines of color. He spoke to all Americans as a citizen solidly in the tradition of constitutional law. He understood, even as Lincoln understood, that achieving human rights means respecting the law—because it is the law that protects the human rights of all of us.

In his most thoughtful and eloquent statement, the "Letter From Birmingham Jail," Dr. King wrote as follows: "In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty."

And when he spoke, he spoke in defense of the principles of democracy as he understood them. Of the nonviolent protesters he once said: "They were in reality standing up for what is best in the American dream and for the most sacred values in our Judaeo-Christian heritage, thereby bringing our Nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence." It is not too much to say that Dr. King revered the Founding Fathers, whose historic achievements was to liberate all men, white and, finally, black, together.

His dream and crowning vision was the reconciliation of the races. In the decisive sense, the age-old tension between white and black in our country is an aching reminder of the central, perhaps tragic, drama of a nation founded on the idea of enlightened consent. That tension reached its high point in the Civil War, when the experiment very nearly foundered. Dr. King's lifetime ambition was to overcome racial tension and affirm the success of the American experiment.

Dr. King was a genuine American hero. We who live in the world he helped to shape would do honor to the Constitution and the Declaration of Independence by honoring the birthday of Martin Luther King, their living spokesman.●

● Mr. CROCKETT. Mr. Speaker, I rise to strongly endorse the remarks made by my colleague and friend, JOHN CONYERS, concerning the bill he has introduced to make the birthday of Dr. Martin Luther King a national holiday.

I am a cosponsor of that bill, H.R. 800, and have worked with my colleagues in the congressional black caucus and other Members of the House in bringing to the attention of our other colleagues the significance this measure holds among our constituents and among the other peoples of the world.

Dr. Martin Luther King exemplified the courage and commitment to the American ideal that have always been the hallmark of our heroes. He was renowned not only by those working within our country for an end to racism, but also by all those individuals and groups around the world concerned with justice and equality. The effects of his labors were felt throughout our social and political structure. His methods of nonviolent confrontation of oppression and injustice were models for an intire generation, and will undoubtedly live on far beyond the specific issues he fought for.

Mr. Speaker, I urge each of my colleagues to honor Dr. King for his tremendous contributions to our society, and for the lasting impact he had as a representative of the American ideals. I urge each Member of the House to support H.R. 800, and to work for its adoption in the Senate.●

● Mrs. SCHROEDER. Mr. Speaker, I rise to congratulate the gentleman from Michigan (Mr. CONYERS) for keeping this issue alive. We should have created a national holiday commemorating the birth of Dr. Martin Luther King, Jr., in 1968 and we should do so now. There are few honors a nation can bestow on a citizen greater than creating a holiday in his or her honor. There are few citizens as worthy of this honor as Dr. King.

We now have nine regular holidays which are observed by Government agencies. They are New Year's Day, an observance of football and hangovers; Washington's Birthday, which we now call President's Day and which is only loosely related to the date on which George Washington was born; Memorial Day, to commemorate those who have died for the Nation; Independence Day, in remembrance of our Declaration of Independence from colonial rule; Labor Day, honoring the workers of America; Columbus Day, honoring an explorer who may or may not have discovered America; Veterans Day, honoring veterans of war; Thanksgiving Day, during which we remember the ill-clad, hungry Pilgrims by eating huge meals; and Christmas Day. Most of these days were created to honor something great in American history. Although many have been trivialized and fail to evoke rededication to the best in the American spirit, the holdiays were created to remind us of the best, in our past.

We should create a holiday to honor Dr. Martin Luther King because his life is an example of the best in America. His personification of a part of the American spirit is something not captured in any of our other national celebrations. Dr. King personified the inexorable, irresistible yearning for social justice of the American people. He represents that part of the American soul which will not tolerate prejudice and which will fight to right the wrong. Dr. King should be honored not just for what he did but also for how he did it. What he did was to lift up a huge segment of American society. He not only destroyed many barriers to social acceptance of blacks in American society, he also made us all aware of the intensity of our prejudice. As President Reagan said, before Dr. King led the civil rights movement, many of us were unaware that we have a racial problem. Dr. King did not win the battle for social justice, but he certainly made the battle visible. How he did this is most laudable. Rather than permitting his followers to vent their anger through violence, he channeled that energy into nonviolent confrontations.

So, we should have a King holiday to remind us of the greatness of Dr. King and to encourage us all to pay heed to our yearning for social justice. Regrettably, there is another reason to create a King holiday. As the memory of Dr. King fades from some minds, the consciousness of the poison of racial bigotry which still courses through the arteries of the American body politic has also faded. The statements of William Bradford Reynolds, the assistant attorney general for civil rights, in opposition to any affirmative action show how we, as a nation, have turned our back on the cause of racial equality, a cause we were all aware of during Dr. King's life. Creation of a holiday for Dr. King will surely create renewed awareness of the struggle he led. This renewed awareness will make certain that the views expressed by Mr. Reynolds will not be acceptable as Government policy. A King holiday will make it harder for a future President to appoint an individual to the top civil rights enforcement job in Government who does not believe in civil rights.

I urge my colleagues to join me in sponsoring this legislation.●

● Mr. MAZZOLI. Mr. Speaker, Dr. Martin Luther King, Jr., had a dream. He dreamed that all people, no matter their race, religion or sex would one day live together harmoniously.

Dr. King did not just dream about the possibility of fighting injustice. He worked to make his dream a reality. Martin Luther King was committed to realizing nonviolent social change. He vigorously fought for the right of all people to enjoy the fruits of civil and human rights.

Sometimes, due to the hectic pace of the world in which we live our attention is diverted from the important issues and social concerns of our society. But, we should never allow ourselves to forget the work of Dr. King. It should always remain fresh and timely.

The passage of H.R. 800 declaring January 15, the birthday of Dr. Martin Luther King, Jr. a national holiday, will insure that we recall always the accomplishments of a great American leader.

I urge my colleagues to vote in favor of legislation designating Dr. Martin Luther King, Jr.'s birthday a national holiday.●

● Mrs. SCHNEIDER. Mr. Speaker, it is my extreme pleasure to join today with 165 distinguished Members of the House and Senate in support of this measure to designate January 15 as a national holiday in honor of the great civil rights leader, Dr. Martin Luther King, Jr. Dr. King was one of a handful of individuals who have single-handedly shaped the course of this great country. His life stands as an example to all of us—regardless of the color of our skin—of the positive social change that can be accomplished through one person's thoughts and efforts.

The changes that his life foreshadowed make Dr. King a most fitting candidate for a national holiday. To fully appreciate these changes, one must remember life in the United States before his work. Unfortunately, for many black citizens, life in the United States was characterized by inequality, hate, and absence of opportunity. Dr. King brought national attention to the plight of our black citizens and to the idea that the Federal Government must guarantee the rights of all citizens, regardless of their skin or creed. The 98th Congress continues to work to rid our society of all vestiges of inequality and prejudice. It was Dr. King who first set us firmly on the enlightened path which we are now attempting to pursue. All of us have had our lives enriched by his work.

Some have argued that a national holiday is unnecessary, that we are already aware of the tremendous personal contribution Dr. King made for the betterment of mankind. A national holiday, however, is not for us. The real beneficiaries of this holiday will be our children and grandchildren, those who will not remember the man in person, but will have the story of his life related to them by teachers and parents. The ideals for which Dr. King lived and died—equality, peace, justice, and liberty—are timeless and must always be protected. This holiday will allow future generations of Americans to take a day to reflect upon the role which these values play in their lives and in the strength of their country. I can think of nothing else which would better reward Dr. King and further the process of social change which he began.●

□ 2130

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEGISLATIVE VETO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 30 minutes.

Mr. MOAKLEY. Mr. Speaker, the sweeping Supreme Court decision in Chadha against INS, invalidating all forms of the legislative veto deals with a matter so focused at the inner subtleties of relations between the executive and legislative branches, that it is hardly surprising that much public, official, and media discussion has substantially distorted both the significance and the effect of the decision. In some respects, the Chadha decision means a good deal more than has been recognized yet and, in others that have caused undue alarm, may mean a good deal less.

Although my position has been characterized in opposition to the legislative veto, I think it is very important to understand that no one is really an opponent of the veto; Members have simply had honest differences on how and where it should be applied. Every President since Herbert Hoover has argued that the veto is unconstitutional, yet each of them has proposed a veto at one point or another. The former chairman of the Committee on Rules, Congressman Bolling was charged last year with killing the veto, but he is the author of the model for all modern vetoes, the Congressional Budget and Impoundment Act of 1974.

The question for Members has been the application of the veto in particular contexts. And I suspect that every Member has voted for and against the concept. So the Supreme Court decision should delight no one. Certainly the decision is a significant one and will force some very fundamental changes in the manner in which our Government operates. But assertions that the decision strikes a devastating blow to the Congress as regards its power relative to the President misgauges the long-range effects of the way Congress will handle this new balance in future legislation. But it also misjudges even the immediate consequences of what the decision really means with respect to about 300 statutes touched by it.

BACKGROUND OF LEGISLATIVE VETO

Mr. Speaker, the legislative veto has been in use for over 50 years and both Congress and the President have found the device convenient. Typically the way the device has come into being is that Congress and the President reach an agreement that the executive will be granted a specific power, which would not exist except for the enactment of the law, and Congress ties a limitation to that delegation—that the executive decison will be subject to a form of congressional nullification. It is important to note that the legislative record is rather clear that all administrations, notwithstanding their official posture of opposition to the veto, have been the authors of such compromises nearly as often as Congress.

In general, the approach is rather convenient. The President obtains some political advantage in that the fundamental principle of legislative physics—inertia—is turned to his advantage. Instead of sending up a recommendation and waiting for the whole process of enactment to run its course through subcommittees, committees, and the floor in each House and through conference, the executive issues a proposed regulation—or some other form of executive action—and, if any step of the nullification process falters during a set number of days, the matter becomes effective as the functional equivalent of law. Congress, for its part, retains roughly the same degree of control it would have had in the normal legislative process but structures the situation, where speed or flexibility is needed, to compensate for its own institutional weaknesses.

In this context, the veto works best when it is enacted as part of a negotiated agreement between the branches to improve management flexibility or response to emergency situations. The best examples of the former are laws which have given the executive authority to temporarily defer spending or implement less than departmental reorganizations, subject to congressional nullification. The War Powers Act is the best and strongest example of the latter.

Historically, the courts have been very reluctant to intervene in these kinds of political agreements between the other branches. Indeed, as recently as 1978, the Supreme Court allowed to stand a lower court ruling which affirmed a law which had allowed the President to adjust Federal pay scales annually, subject to a legislative veto.

Increasingly, however, there has been alarm about the proliferation in the uses to which the legislative veto has been put. The veto is on weakest grounds when foisted by Congress for its own convenience or inability to face hard choices. And such uses have become disturbingly more common in recent years than the cautious power sharing agreements between the branches which gave birth to the device.

And suddenly, in the past few years, congressional exuberance with the device has led to the birth of proposals for a generic legislative veto—a proposed law which would give Congress the power to review and nullify each regulation issued by the entire Government, about 7,000 a year. The issue reach a head last year when the Senate passed the proposal 69 to 25. A similar House proposal, which was not acted on, was cosponsored by a substantial majority of the House.

The results of such a proposal could have been disturbing and the potential for genuine paralysis in entire, important segments of the regulatory process was the great risk posed by a broad, generic veto.

And, unlike the hundreds of specifically linked agreements enacted since 1932, a generic veto, I believe, is nothing more or less than an unconstitutional effort to turn the entire process of National Government on its head, transferring to each branch the functions for which it has the least expertise and legitimacy.

It was becoming increasingly clear that the use of the legislative veto was a runaway train and there was increasing doubt of any ability to restrain the

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device to its traditional and accepted uses. It was in response to this trend, I feel, that the Supreme Court has now been forced to intervene in a matter it had successfully sought to avoid deciding for a generation.

EFFECTS OF RULING

In this regard, the decision should not be viewed as a disaster or as a victory for anyone. Congress, admittedly, has lost a tool which has, in its better applications, proved useful and efficient. But, by restraining Congress from immersing itself in every item of regulation and adjudication, the court has saved Congress from drowning in detail it lacks the institutional capacity to manage, and freed it to act within the scope of its legitimate role for shaping national policy.

Clearly, the Chadha decision will force vast institutional adjustments to be made by Congress to prepare itself to work effectively under this new arrangement but I sincerely believe the long term effects could be salutory for Congress, the President and the Nation.

In the long run, the Congress will be strengthened in relation to the President, the bureaucracy, and the courts. It will be forced to write laws with greater specificity. Far less substance will be left for regulatory or judicial interpretation and powers of a legislative character will be delegated with narrower limitation both as to scope and duration.

But, I believe that initial discussion of the decision has even more significantly misjudged the short-term effects. The specific decision of the court applies to a single provision of the immigration laws and is correctly characterized as having found that provision unconstitutional. To the extent that it is interpreted as having shifted power from the legislative branch to the executive, however, that is correct only because the Court was able, in this case, to make two findings; the operative language of the ruling is, "We hold that the Congressional veto provision in section 244(c)(2) is severable from the Act and that it is unconstitutional."

The grounds on which the Court held the veto unconstitutional are so broad as to make clear the intention of the Court that its decision would govern lower courts in the review of more than 300 provisions of law that have used the device—a review that will probably take a decade or more.

It seems doubtful that any of these 300 laws will survive subsequent challenge; in the Chadha decision, the Supreme Court has left itself and the lower courts almost no room to maneuver on that matter.

NONSEVERABILITY

The particular law had authorized the Attorney General to suspend deportation of aliens in certain cases, and had provided that Congress could overrule that determination. By the Court finding the veto unconstitutional, Congress loses its power to review. By the Court finding that review severable from the delegation, the Attorney General retains his powers. But, had the Court been unable to find the two propositions severable, the entire arrangement would have fallen and the Attorney General would have been able to suspend deportations only by requesting that Congress pass a bill for the relief of individual in question.

As the courts begin to sort out the 300 remaining laws, Chadha will turn out to have been a rather exceptional case and the finding of severability will be impossible in the majority of cases.

Under a 1967 law, previously noted, Congress gave the President authority to revise the Federal pay schedules annually, subject to congressional disapproval. On the same constitutional basis on which Chadha was later decided, a group of Federal jurists sued for a pay raise proposed by the President but disapproved by Congress. The court ruled that it was inconceivable that Congress would have given the President the power to adjust pay if the determination were not subject to congressional review. The court was able to rule that the two matters were not severable and, if the veto of the President's authority was unconstitutional, that authority would fall with it. As a result, it was possible to hold that no claim existed without reaching the constitutional merits and, on appeal, the Supreme Court declined to review the case.

I think that this model is likely to be repeated in most court reviews stemming from the Chadha decision. And the manner in which it is repeated will satisfy no one. One of the most effective and articulate supporters of the veto, the gentleman from Georgia (Mr. LEVITAS), pointed out that the veto is neither conservative nor democratic, neither probusiness nor proenvironment. "It is," he astutely observed, "a two-edged sword." And I would echo his observation in predicting the effect of the unraveling of the legislative veto, as Chadha is applied to future cases.

The Congressional Budget and Impoundment Control Act of 1974, for example, establishes a flexible system for cooperative action between the President and Congress to rescind or defer Federal spending. There is no question that the one-House veto of Presidential proposals for deferrals is embraced by the Chadha decision. However, the act contains no severability clause and the legislative history clearly documents that Congress would never have granted deferral authority absent a congressional review mechanism—indeed, the bill was written in response to President Nixon's use of impoundments and restraint of that power was the clear, unequivocal purpose of the act.

Therefore, under Chadha, what is lost is not Congress' power to review spending decisions, but the President's authority to make them. But this is not something that should delight anyone. Although attempts have been made to use deferral authority for substantive purposes and some proposals have been disapproved, the general use of the device is purely ministerial and Congress has permitted more than three-fourths of the proposals to take effect. In the wake of Chadha, the President is legally required to obligate appropriations, even if everyone involved is in clear agreement that the appropriation is in excess of the amount needed. It is clear that a decision must be made quickly on how to resolve such a disaster within the terms of the Supreme Court decision, but it is equally clear that it is Congress which decides what that resolution is to be.

At the end of the last session, an appropriation was made for the MX missile but it could be spent only if Congress subsequently approved the release of the money. The method by which that approval was made is clearly overturned by the Chadha decision and the history of the law is that the appropriation would not have been made in the absence of the review. The review provision was adopted as an amendment that rejected a straight appropriation. And so the only proper legal course open to the President at this moment to handle MX funding is to come to Congress again for an appropriation everyone already thought he had.

The same situation will hold equally true for agencies and other instrumentalities of the Federal Government who now may think the Chadha decision frees them from congressional interference.

Those who would argue that the power of the D.C. City Council to make laws is severable from the congressional review of those laws will find little comfort in the legislative history of the enactment of home rule legislation and will find that issue further complicated by a specific constitutional requirement that Congress "exercise exclusive legislation in all cases whatsoever, over such District * * *."

SEVERABLE VETOES

Mr. Speaker, undoubtedly some cases will be discovered where it will be possible to find delegations severable from the congressional review mechanism applicable to determination under the delegation. But even in such cases, the effect of such shifts of power are likely to be smaller than expected.

A clear example would be the Federal Trade Commission. The severability

of a veto, adopted in the context of a routine 1980 authorization, for an agency established in 1914, leaves little doubt that congressional authority to overrule regulations of the Federal Trade Commissison was voided by Chadha.

But neither is there any question that the ability of the Commission to issue rules at all, and indeed the very existence of the FTC beyond September 30, depends entirely on the enactment of a pending authorization to which any change in the Federal Trade Act is probably germane.

Likewise, the nuclear waste bill, adopted last year, authorized the Secretary of Energy to fix a tax on nuclear generation of electricity to be placed in a trust fund for the development of a nuclear waste repository, subject to a legislative veto. During consideration of that bill, an amendment was adopted which required Congress to act by law, rather than a veto, to overturn State objections to siting decisions; the legislative history of the bill confirms that this change was made in response to constitutional reservations about the veto. That history, combined with an unequivocal severability clause, will probably permit the tax to stand without congressional review. But, although the delegation of taxing powers to the Executive is an extraordinary precedent, I am inclined to believe that Congress will find it has lost rather little power. The Executive wins freewheeling authority to tax utilities and deposit the proceeds in a trust fund. But any expenditure from that fund remains totally subject to the congressional authorization and appropriation process and to any requirements—including alterations in the tax—which Congress may choose to place in such bills.

REPLACING THE VETO

Mr. Speaker, in fashioning institutional remedies to the current situation, I would hope that all branches of government have registered a valuable lesson to be learned from Chadha. The process of government is—and quite legitimately—a political one. And the Nation is best served when that process is allowed to work, even with some tensions, with flexibility and a fair regard by each branch for the legitimate role of the others.

Throughout their history, the appropriations committees have handled routine adjustments during a fiscal year through a process known as reprogramings. The system is clearly not sanctioned by the Chadha decision, but that does not matter because the system is beyond the reach of the courts as long as both branches operate in good faith. Slightly simplified, the process is that, if the administration wants to transfer money from one purpose to a related one within the same appropriation, a letter is sent to the relevent subcommittees of the House and Senate Appropriation Committees. The committees vote on the matter and the administration abides by the decision. The committees are aware that the administration is under no statutory obligation to comply with arbitrary instructions and administration is aware that appropriations run for only a year and are usually revised to reflect any difficulties the committees have noted during the prior appropriation. But there is no rule of Congress nor any Federal law on the subject for any court to review. It is simply an accommodation based on restraint and a decent respect by each branch for the responsibilities and privileges of the other.

Where understood practices and comities between the branches are stretched beyond their understood terms, the branch damaged must be expected to respond with all the powers within its reach. The survival of our constitutional system requires that self-defense.

Presidential impoundment powers had actually proven useful tools for fiscal flexibility which served the purposes of both branches for a generation, under a variety of Democratic and Republican Presidents and Democratic and Republican congressional chambers. But, President Nixon dramatically abused the system. Indeed, it is not unreasonable to characterize his actions as an attempt to use impoundment to give the Presidency something the Constitution had deliberately denied it—an item veto of appropriation. In 1974, Congress responded to the constitutional threat by extinguishing impoundment powers and replacing it with the comparatively cumbersome congressional budget process.

The development of the War Powers Resolution is a case of obviously similar retrenchment of an informal system stretched too far.

The legislative veto, likewise, proved a useful and effective tool to both branches to provide comparable administrative and regulatory flexibility. But the zealousness with which Congress attempted to toss it onto a variety of laws began to shift the constitutional balance in such a manner that the Supreme Court was forced to rule more sweepingly than it might have wanted, on an issue I suspect it would have preferred not to address at all. Indeed, the record is rather clear that in 1978 the Supreme Court "ducked" a case that presented an opportunity to rule on the identical issues posed by the Chadha case.

COMMITTEE RESPONSIBILITIES

I am not distraught over the current situation, for reasons I think I have outlined clearly. But as we survey the results of the Chadha decision, it is rather clear that the courts' attempts to sidestep the issue in previous years was wise and that the interests of neither the President nor Congress have been advanced by this definitive constitutional resolution of the issues.

The immediate task, Mr. Speaker, involves all three branches and will be facilitated by the greatest possible caution and restraint by each. I am not prepared, at this juncture, to put forward specific recommendations.

No single committee of Congress can undertake these next steps. They involve the entire institution, and I am aware of no committee which does not have some law within its jurisdiction touched by Chadha. It is not necessary that all these laws be repealed or modified by Congress, nor that most of them become subject to judicial rulings.

In some cases, resolution will be forced on Congress. For example, at some point an individual will appear before the District of Columbia courts, charged with a matter which would not be a crime save that the previous Congress overturned a revision of certain D.C. criminal ordinance. The individual's attorneys will argue his case on constitutional grounds. Under Chadha, the congressional review mechanism is likely to fall, although there are constitutional peculiarities unique to that veto which could separate the case. Whether the courts strike down only the veto or the entire home rule delegation, the Committee on the District of Columbia will face a inescapable responsibility to fashion a legislative remedy.

Other vetoes will never be tested. The courts cannot rule hypothetically and issues must actually exist to be tested. We could hardly dispatch an ambassador-at-large to obtain the consent of some nation to an invasion because our Government needs to bring a test case of the War Powers Resolution. So, although it is not wholely satisfactory, we have to face the fact that we know as much today as we probably will ever know about the status of the War Powers Resolution. It is unlikely that the Committees on Foreign Affairs will be able to fashion a revision of the law within the terms of Chadha, but it is obviously required that the matter be examined.

In many cases, a decision will be made deliberately to avoid any clarification. It is possible that Congress and the President will simply decide, for example, to observe all the procedures of title X of the Congressional Budget and Impoundment Control Act, as a political accommodation. As I have stated, I expect that the congressional review of deferrals under title X would be struck down under the Chadha decision. But the nonseverability of Presidential deferral authority is sufficiently clear that neither branch has any incentive to test the law. So long as both branches operate with some comity, and avoid any effort to use the deferral section to deal entitlements, I

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am inclined to doubt that their accommodation can ever come within reach of the courts.

But even in cases in which it is determined to leave a matter undecided, it is important that even that decision be reached as the result of careful committee review.

Mr. Speaker, I hope that each committee of the House will promptly begin a review of all of the laws within its jurisdiction touched by the Court decision to clarify these issues. In addition, I would strongly urge committees to review pending legislation very carefully. The Chadha decision is unequivocal and puts Congress on clear public notice of how the Federal judiciary will rule in these matters. An argument of nonseverability will be very difficult to sustain in the case of any delegation which involves a suspect review mechanism, enacted subsequent to the Supreme Court ruling.

In addition to these individual statutory and legislative reviews, I expect that the subcommittees of the Committee on Rules, will initiate hearings within the next month to study some of the broader institutional issues posed by the Chadha decision.

Mr. Speaker, the genius of our constitutional system is that the Presidency and Congress will always exist and have to work together. In the resolution of any confrontation, even one as sweeping as the Chadha, the question is whether the two, in reaching accommodations that replace the veto, have learned the lessons of recent history and can apply them with commonsense.

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REAGAN ADMINISTRATION REFUSES TO AID STRICKEN LATIN AMERICAN DEMOCRACIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARNES) is recognized for 5 minutes.

● Mr. BARNES. Mr. Speaker, the Reagan administration talks a lot about democracy, but when the chips are down it does not do much about it.

The three struggling Andean democracies of Peru, Bolivia, and Ecuador have been hit by 6 months of flooding and drought which have caused more than $1 billion of damage. Five million people have lost their jobs, their crops, their homes—or their lives—as a result of these disasters.

In Bolivia, a quarter of the population has gone without rain for 8 months. One town of 100,000 people is without water. Seventy percent of the wheat and potato crop has been lost.

In Peru and Ecuador, 12 feet of rain has fallen in traditionally dry areas. Floods and mud slides have destroyed homes, roads, and bridges, isolating many towns for months. Unemployment is as high as 70 percent. Child mortality is up 300 percent.

What has our response been? Less than $55 million in Public Law 480 food assistance. Aside from that—nothing. AID is asking for the piddling sum of $100 million in disaster assistance for this region. OMB says it cannot find the money. But yesterday it found a spare billion dollars for the B-1 bomber.

The Dominican Republic, one of those Caribbean democracies the President is always saying he wants to defend, needs $200 million in credits by the end of this month to meet a short-term balance-of-payments shortfall that would place the Domincan Republic out of compliance with its IMF agreements. To help meet this immediate need, the Dominican Republic has requested of us $60 million in CCC credits—not a gift, but a loan. USDA and OMB could care less, and the White House does nothing.

Mr. Speaker, these are cases—and they are not the only ones—where timely infusions of relatively small amounts of money can significantly buttress the stability of friendly, democratic regimes. Why do we not care? When will the President put some modest resources where his rhetoric is?

I include pertinent briefing papers at this point:

NATURAL DISASTERS IN THE ANDEAN COUNTRIES

The three Andean democracies of Peru, Bolivia and Ecuador, already facing serious economic and financial problems, now have been buffeted by an unprecedented series of natural disasters that have further damaged their economies and caused widespread human suffering. What is particularly unusual about these disasters is their recurring, virtually non-stop nature.

All three countries have been hit by torrential rains and flooding—and this has continued over the past six months. At the same time, this inversion of the weather pattern has caused a large portion of the altiplano region of Southern Peru and Bolivia to experience a prolonged drought which has brought this already poor area to the brink of famine. These people, who have suffered for the past six months, expressed feelings of anguish and despair at what was happening to them, and to their families, homes and sources of income.

AGGREGATE DAMAGE ESTIMATES AND U.S. ASSISTANCE

The damages to date are estimated conservatively at about $300 million in Ecuador, $350 million in Bolivia and $750 million in Peru. A total of nearly 5 million people have been severely affected through loss of jobs, crops, homes and lives. A large portion of the agriculture areas of the countries has been devastated. Coming on top of the economic and financial crisis these countries are experiencing, the effects of these continuing natural disasters threaten the stability of democracy in the Andean subregion.

U.S. disaster assistance to date totals less than $55 million, the bulk of which is in Public Law 480 food assistance.

EFFECTS OF THE DROUGHT

In the drought area, farmers were forced to slaughter their livestock due to lack of pasture. The price of meat in Puno, Peru, has fallen to $.25/pound—one quarter of the Lima market price. Vegetables are in short supply and expensive. The potato crop, the staple of the altiplano areas of Bolivia and Peru, came up the size of marbles—one-third of which were worm-infested due to lack of resources to buy insecticides. A large proportion of the potato crop did not even come up. To survive, families have been forced to eat their seed potatoes.

Significant out-migration from the drought areas has taken place in both Peru and Bolivia. Others have sent their children to live in other parts of the country. Daily trains down to Arequipa, Peru from Puno are so crowded by migrating campesinos that an extra train had to be added to the schedule.

In Bolivia, more than 1.6 million people have gone without rain for almost eight months. That represents one-fourth of this country's total population. That would be the equivalent of 55-60 million in this country. The area affected is larger than the state of Texas. The people hardest hit have incomes as low as in Bangladesh.

The mining town of Potosi, with 100,000 people living at 14,000 feet above sea level, has exhausted its water supplies, and must haul water 40 km by railroad tank cars daily to survive.

The people of Potosi and the outlying rural areas expressed feelings of anguish, frustration and anger—anger at the Bolivian Government which they unfairly blame for not providing them relief from their suffering. On the Peruvian side of Lake Titicaca, the local campesino associations and workers in the Department of Puno staged a two-day general strike to dramatize their situation to the Peruvian Government. In a special report in the Peruvian press, drought conditions around Puno were characterized as "the horror of the slow death."

In Bolivia, crop projections for 1983 indicate that the country faces an immediate and serious food shortage due to major crop losses caused by the drought conditions in the altiplano and valley regions, and floods in the Santa Cruz agricultural zone. Losses of 70 percent of the potato and wheat crop have occurred in the Bolivian highlands. The deficit in the harvest of major food crops in both the altiplano and Santa Cruz is estimated to be over one million tons. This will require an additional $170 million in food imports at a time when the country is experiencing a very severe balance of payments shortfall. The economic impact of the loss of the 1982-83 harvests in terms of lost income to the Bolivian farmers is equivalent to more than $200 million. Industries that depend on agricultural products are being forced to close, pushing unemployment in Bolivia to alarming proportions.

Health conditions in drought areas have worsened due to consumption of contaminated water. Gastro-enteric diseases have increased dramatically.

EFFECTS OF THE FLOODS

In the flooded low land areas of Peru and Ecuador, the damage has been extensive and devastating. In the North of Peru, flooding mud flows and landslides have damaged many roads, isolating cities and towns for over four months. Piura, Peru's largest and most productive farm region, has been devastated. Unemployment in this department of 1.1 million people is estimat-

ed at 70 percent. Food is in short supply, crops have been destroyed and commerce brought to a standstill. Damage to the vital irrigation canals in this department has been extensive. The adjacent department of Tumbes has suffered similar destruction. The city of Piura, a commercial and agricultural town of more than 300,000, has been cut off from land transport and must be supplied by air. The city is partially covered with stagnant water, black or green with raw sewage. Forty thousand families in Piura have lost their homes—most by simply having the adobe walls "melt" away as a result of the flooding. Forty thousand more houses have been damaged. The 12 feet of rain that has hit Northern Peru has fallen in an arid region which normally gets no rain whatsoever. Water is normally drawn from the rivers that run down from the Andes through this desert to the sea.

Health problems are very serious, particularly in urban areas, due to stagnant water mixed with raw sewage. Gastro-enteric and respiratory diseases have increased sharply. The child mortality rate has increased threefold. Skin diseases and insect bites plague the residents. In Chulucanas, Peru, an agricultural center of 60,000 people, an American priest living there reported that the number of funerals per day have tripled. In one of the community health posts in that same town, 21 of 40 persons seen by the local doctor were treated for typhoid fever. Water one meter deep has repeatedly hit this community, taking with it all the adobe structures and leaving behind little more than mounds of earth.

Perhaps the most psychologically distressing aspect of the rains and floods is their recurrence. No sooner have people rebuilt or repaired damage than the floods return and cause new damage. This has gone on for over six months. Some have developed a sense of despair and helplessness; others have reacted with anger and frustration, blaming the government for not having warned them or protected them from the flooding.

In Peru, 27 major bridges have been lost. The Pan American Highway has extensive damage and disappears into a newly formed lake in the desert for several miles. In both Northern Peru and in the Guayas River Basin of Ecuador, almost 12 feet (141 inches) of rain has fallen in a six month period.

In Ecuador, record rainfall and heavy flooding from October 1982 to date have caused large scale economic losses in the coastal area, particularly in the Guayas River basin (which contains Ecuador's most productive agricultural area and its largest city, Guayaquil) and the Provinces of El Oro and Manabi. About 860,000 hectares are or have been flooded. Normally flooding is over by March; this year's extraordinary rainfall began in October, and is continuing. Major economic losses are conservatively estimated to amount to $300 million. Continued rains and flooding mean that the value of economic losses will continue to increase.

In the Guayas Basin, 20 major bridges have been lost. More than 600 miles of primary and secondary roads have been damaged. There has also been extensive damage to the railroad between Guayaquil on the coast and the highlands area. By February of this year more than 13,750 houses and 223 schools had been damaged or destroyed. The current numbers are even higher. In Santa Cruz in the Bolivian lowlands, flooding destroyed a large amount of unharvested and newly harvested crops, a large portion of the poultry industry and more than 16,000 homes. The floods washed out several sections of the Cochabamba-Santa Cruz highway, the main supply route to the eastern part of the country. Infrastructure damage is estimated at approximately $50 million.

Damage assessment by country

	Millions
Peru:	
A. Petroleum production lost	$250
B. Damage to petroleum pipeline and facilities	60
C. Agricultural production	170
D. Other infrastructure:	
(1) Roads and telecommunications	115
(2) Housing and urban services	105
(3) Agriculture infrastructure	28
(4) Other	10
Total	738
Bolivia:	
A. Agricultural production	170
B. Livestock	30
C. Agricultural infrastructure	70
D. Transportation sector	50
E. Losses to industries dependent on agricultural production	40
Total	360
Ecuador:	
A. Agriculture and livestock	207
B. Transportation system	83
C. Housing and schools destroyed	15
D. Manufacturing (physical infrastructure damage)	18
Total	323
Grand total	1,421

FACTSHEET

	Peru	Bolivia	Ecuador
Population	18.6 million	5.6 million	8 million
GNP	$19.5 billion	$7.5 billion	$13 billion
Population affected	+3 million	1.6 million	0.5 million
Area affected	30 of ag. area (1 million acreas)	one-third country	One-third country
Projected damage/loss estimate	$738 million	$360 million	$323 million
Incremental FX requirements due to disaster	[1] $200 million	[1] $170 million	$75 million
Projected decline in GNP due to disaster (rough estimates)	3-4 percent	4-5 percent	1-2 percent

[1] Largely food imports

MEMORANDUM—BALANCE-OF-PAYMENTS GAP IN THE DOMINICAN REPUBLIC THREATENS IMF STABILIZATION PROGRAM

The Government of the Dominican Republic has, since the Inauguration as President of Dr. Salvador Jorge Blanco on August 16, 1982, taken a series of rigorous austerity measures with the purpose of overcoming an extremely serious financial situation. Effectively what the Dominican Republic has been doing is putting its own house in order.

The measures undertaken include: salary reductions in the public sector; a lengthening of the workday for Government workers; reductions in current expenditures; tax reform, including a new value added tax; a decrease in production costs of the public sector industries. These measures are all meant to substantially reduce the public sector deficit. The results of this policy have until now been highly satisfying.

Specific foreign exchange policies have been implemented to encourage a greater volume of exports and thus lower the deficit in the balance of payments. Accordingly, there have been increases in interest rates to promote repatriation of Dominican capital currently invested abroad. Additionally, drastic measures have been taken to reduce imports of nonessential goods. Moreover, amendments to the current foreign investment law have been sent to the National Congress with the express purpose of making the Dominican economy more receptive to foreign investment.

As part of the general framework of austerity measures and efforts to eliminate the deficits afflicting the economy, the Government of the Dominican Republic entered into an Agreement this past January with the International Monetary Fund (IMF). This Agreement allows the Dominican Republic to have the maximum recourse possible to the resources of the Fund. Also, an accord has essentially been reached with foreign commercial banks for the renegotiation of the foreign debt due in 1983. The formal agreement of renegotiation will have to be submitted to the National Congress for ratification. The Dominican Central Bank/IMF balance of payment projection for 1983, prepared last December, showed an equilibrium based on certain basic assumptions.

A new revision of this balance of payment projection shows a US$200 million gap resulting basically from US$100 million less in funds obtained in the renegotiation with foreign banks with respect to the projected figure, US$60 million less financing from the U.S. Government under GSM-CCC covering food imports and US$40 million less from the World Bank in sector loans.

This gap must be covered or otherwise the Dominican Republic would not be able to meet its balance of payments tests by June 30th, which is when it comes up for review next.

The possible sources of funding would be:

1. CCC financing from the U.S. Government.

2. Bridge financing from the U.S. Treasury.

3. Refinancing of official bilateral debt, including the U.S. debt, through the Paris Club.

4. Additional World Bank financing.

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5. Commercial banks providing new lines of credit of a short term nature, to banks operating in the Dominican Republic, including Central Bank,. once the Dominican Congress has approved the foreign debt rescheduling.

The Government of the Dominican Republic requested in October, 1982, US$95.4 million for the GSM 102 Program. Of this amount, approval of only US$3.5 million for wheat and 6.0 million for swine repopulation and corn appears imminent. Nevertheless, our Ambassador in Washington has been informed that the remaining balance of our original request might not be obtained.

The lack of GSM 102 funds has already begun to create serious problems in the Dominican Republic. Stocks of wheat, corn and vegetable oil are at all-time lows and lack of corn has been the subject of front page stories of alarming nature in the Dominican press.

Since the beginning of calendar year 1983, the Dominican Republic has repaid to the United States, US$35 million in debt under CCC, Public Law 480 and Eximbank, while having received disbursements of new funds of only US$3.5 million. Thus, there is a net negative flow of official funds from the United States to the Dominican economy, precisely in a year of extreme difficulty for the Dominican economy because of the very low prices for all our main export items.●

H.R. 2760—COVERT ACTION IN NICARAGUA—EDITORIAL COMMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

● Mr. BOLAND. Mr. Speaker, when the House returns from the Independence Day district work period it will convene in secret session to discuss H.R. 2760.

This measure would end the ill-advised covert activity in Nicaragua while authorizing security assistance funds for overt arms interdiction efforts in the area.

In preparing for the forthcoming debate I ask all Members to consider the following editorial comments:

[From the Boston Globe, Apr. 3, 1983]

OUR WAR IN NICARAGUA

After looking the other way for a year, it's time for Americans to face up to major US responsibility for the secret war waged from Honduras against the government of Nicaragua, supposedly by exiled remnants of the Somoza dictatorship.

Discreetly buried near the bottom of a story in Time magazine's April 4 edition is a detailed description of the Byzantine command structure set up by the Pentagon and CIA to evade the will of Congress, which has tried to prohibit US aid to paramilitary groups "for the purpose" of overthrowing the Sandinistas. Meanwhile, the killing of a French doctor studying leprosy in Nicaragua renews disturbing questions about the tactics approved by the US-dominated command.

For months American church workers in northern Nicaragua border areas have confirmed Sandinista allegations that the anti-Sandinista attacks have been targeted, not at Nicaraguan troops or gun-runners allegedly heading for El Salvador, but at rural health workers, teachers, village leaders and the like. The attack that killed the French doctor a week ago appears to fit this pattern.

The covert war appears aimed at discrediting the Sandinista government in at least four ways. One aim is to alienate the rural populace by demonstrating that the Managua government cannot protect them. Another is to destroy fledgling electrification, literacy, health care and social service programs. A third is to prostrate the Nicaraguan economy, deflecting energy and resources into military mobilization, destroying crops and intimidating farm workers to prevent harvest of vitally needed cash crops. A fourth is to trigger political overreaction by the Sandinistas.

Citing sources in the exile movement, Time describes an American-dominated command with three parallel military staffs operating under the veneer of a "political coordinating committee" made up of Nicaraguan moderates and conservatives. The field staff consists of former officers of the National Guard under Somoza. Behind it stands a go-between body made up of Honduran officers, with an Argentinian and the CIA station chief in Honduras. The inner council, where the shots are called, is described as "all-American," part CIA and part drawn from the US Army's southern command in Panama. Overall coordinator is US Ambassador to Honduras John Negroponte, whose job, according to Time's sources, is to keep the Hondurans "in the game."

The Sandinistas have trod on many Nicaraguan toes since they came to power in 1979. Still, to all but a handful of Nicaraguans some things are far worse than the clumsy Marxism of the Sandinista directorate. One is the prospect of a return of the despised Somocistas, however, cleanly they may be laundered. Another is a return of gringo imperialism, however slyly disguised in a false-bottomed command structure.

Legislators as crusty and well-informed as Sen. Barry Goldwater and Sen. Daniel Patrick Moynihan, chairman and vice chairman of the Senate Intelligence Committee, now ask whether the Administration has deliberately violated the law's intent. Some in Congress are pressing for a flat prohibition on US support for any paramilitary group in the region. That's a no-nonsense remedy for an Administration whose connivings in the name of the American people have been too clever by half.

For a year most Americans have ignored the destabilization campaign against the Sandinistas, tacitly accepting the Administration argument that those gun-running leftists are getting what they deserve. With what we know now perhaps we'll rekindle a sense of fairness, anger and political common sense.

[From the Washington Post, Apr. 5, 1983]

THE PRESIDENT'S POLICY IN NICARAGUA

By inviting American reporters to see how they are doing, the guerrillas fighting the regime in Nicaragua have done something very important: they have shredded the threadbare veil in which the Reagan administration had cloaked its policy. This has been one effect of Post correspondent Christopher Dickey's absorbing reports.

The revelations come at a moment when Congress is becoming increasingly agitated about the American role. Its concern is not simply that the United States is sponsoring an armed intervention, one fraught with heavy regional political and military implications, against the leftist regime in Managua. Legislators have different views on the policy. They appear united, however, in their broader concern that the administration is conducting it in evident violation of the law.

Congress, through its intelligence committees, had approved plans for CIA action to interdict the flow of weapons from Nicaragua to El Salvador. The hitch arose when the administration moved on to operations directed against the Sandinista regime. As Don Oberdorfer reported on Sunday, troubled intelligence committee conferees last August attached to the intelligence authorization bill a secret document, a statement limiting the purpose of the operation to interdiction. Congress found it necessary to reaffirm the limitation in December in the Boland amendment, which the House passed 411-0. But correspondent Dickey's stories from Nicaragua make it crystal clear that, notwithstanding that law, the guerrillas are fighting to bring the Sandinistas down.

The result is the sharpest pinch President Reagan has experienced since he undertook to fight communism in Central America. The guerrillas are demanding that he stay firm in support—they no doubt calculate that the new exposure of their American-helped effort will make that effort harder to terminate—and Congress may be gathering itself to enforce a law, or at the very least to stage a debate, whose thrust will be to trim back that support. A painful collison looms. If Mr. Reagan does not put his policy back within the confines of the law, however, Congress will have no responsible alternative but to do it for him.

[From the Charlotte Observer, Apr. 7, 1983]

It now seems clear that the Reagan administration, which inveighs against Nicaraguan support for insurgents in El Salvador, has joined the government of Honduras in providing arms, training, intelligence information and a base of operations for rebels whose aim is to overthrow the government of Nicaragua.

That policy is illegal: Congress passed a law last year forbidding the United States from helping topple Nicaragua's Sandinista government. The administration argues that it isn't violating that law because its aim—unlike the aim of the rebels it is supporting—is merely to harass, rather than to overthrow, the Nicaraguan regime. Such hair-splitting is silly. By that line of reasoning, it is perfectly fine to support the anti-Sandinista guerrillas, but only if they are certain to fail.

Beyond the legalities of the policy, the thinking behind it raises serious problems. At best—barring some unforseen escalation that would be even more clearly illegal—the anti-Nicaraguan campaign will add to the tension and instability in a part of the world with too much of both.

In addition, the rebels we have chosen to support include the most scurrilous and violent supporters of Anastasio Somoza, who was, when he ruled Nicaragua, one of Central America's worst dictators.

We share the Reagan administration's disdain for the Sandanistas—who replaced Somoza's brutal government with a tyranny of their own. But the Reagan policy undercuts the moral and political ground from U.S. opposition to Nicaragua's meddling in the affairs of its neighbors. The self-righteous double standard is surely offensive to most Americans—indeed to anyone interested in

the pursuit of stability and justice in Central America—and the policy that rests on it seems curiously defeatist.

It may seem tough, and feel satisfying, to harass the left-wing government of Nicaragua. But the results are pitifully inept: The United States has chosen to squander its moral and political capital, not to mention considerable amounts of money, supporting a group of extremists who apparently have no chance of winning.

[From the Burlington (Vt.) Free Press, Apr. 7, 1983]

U.S. diplomacy in Latin America has for years been victim of the belief that countries in the region whose governments do not conform to Washington's standards should be regarded as hostile and subjected to pressures to change.

It is a vestige of this country's colonial era in the late 19th and early 20th century when presidents and lawmakers thought that nations south of the border were mere U.S. fiefdoms to be controlled and manipulated to serve the best interests of their large northern neighbor. Somehow the mistaken notion that Latin Americans are this country's children apparently still persists among many policymakers in Washington. It is a dangerous policy which can antagonize friends and foes in the region.

It is ironic too that those who zealously defend the rights of nations in other parts of the world to chart their destinies suddenly develop a severe case of myopia when it comes to conceding the nations of Latin America the same right of self-determination.

To prove that the failure of U.S. foreign policy in Latin America is not a recent phenomenon, it is only necessary to recall the abortive Bay of Pigs episode in Cuba over two decades ago. That fiasco, orchestrated with the covert support of Washington, was a classic example of muddled thinking and planning which could only result in a heightening of tensions between this country and Cuba. And it sent an unmistakable message to other nations in the region about U.S. intentions.

Now attention is focused on Nicaragua. Charges have been made that the Reagan administration is providing covert support for anti-Sandinista guerrillas in their attempt to overthrow the Nicaraguan government. There are persistent reports that U.S. military advisers are training the insurgents and are using U.S. weapons.

Sens. Patrick Moynihan, D-New York, vice chairman of the Senate Intelligence Committee, and Patrick J. Leahy, D-Vermont, a committee member, have said the Reagan administration may be violating U.S. law and a 1948 pact by supporting the guerrillas in the guise of intelligence activities. Under the Boland amendment, passed by Congress last September, money appropriated for intelligence work may not be used "for the purpose of overthrowing the government of Nicaragua or provoking a military exchange between Nicaragua and Honduras." Signatories to the pact which established the Organization of American States in 1948 agreed not to interfere in each other's internal affairs.

"If one is to believe the detailed accounts seen in the press in recent days, the administration is actively supporting, and perhaps even guiding, a large-scale anti-Sandinista guerrilla movement now involved in open combat inside Nicaragua," Leahy said.

While Moynihan acknowledged that the Sandinista regime in Nicaragua was going the way of other totalitarian regimes, he said, "Nevertheless, the law is the law."

"You may not like the law," Leahy said. "You may not agree with the law. But it is the duty of the executive to enforce it, and the duty of Congress to see that it is being enforced."

Sen. Howard H. Baker Jr., R-Tenn., Senate majority leader, said many of his colleagues are deeply worried about reports that the Reagan administration is actively supporting the guerrilla movement in Nicaragua. He said he planned to go over the reports with the bipartisan leadership of the intelligence committee.

The White House has refused to discuss the nature of U.S. involvement and has maintained it is "complying with the law."

If reports of U.S. activity are verified, however, Congress must take immediate steps to stop the intervention and draw up stronger legislation designed to prevent such conduct in other Latin American nations.

President Reagan should not be allowed to decide which laws he will obey and which ones he will disregard.

More importantly, however, U.S. foreign policy toward Latin America should be scrutinized with an eye to a shift away from the interventionist diplomacy of the past to a hands-off approach which will allow the people of the region to map their own destinies.

This country should no longer play the role of big daddy by deciding the types of governments it wants in Latin America.

[From the Louisville Courier-Journal, Apr. 9, 1983]

REAGAN'S NICARAGUA POLICY MUST REMAIN WITHIN THE LAW

The U.S.-supported guerrilla war against Nicaragua's Sandinista regime may or may not be as dangerous, immoral and foolish as critics of the Reagan administration claim it is. But the extensive U.S. involvement certainly appears illegal and should be halted at once by President Reagan, whose oath of office requires that he uphold and execute all the laws of the land, not just those he finds convenient or to his liking.

By a 411-to-0 vote last December, Congress attached an amendment to a money bill insisting that no funds be used to overthrow the present government in Managua or to provoke a military clash between Nicaragua and neighboring Honduras. But a steady stream of news accounts from Washington, Honduras and rebel-held areas of Nicaragua provides overwhelming evidence that: (1) the anti-Sandinista guerrillas have been trained and equipped by the United States, and (2) they see their goal as ridding Nicaragua of a Marxist government, along with the Sandinistas' Cuban and Soviet-bloc advisers.

Perhaps President Reagan didn't intend for things to go so far, but the operation simply got out of hand. And pershaps administration sources are telling the truth when they say that U.S. support for the Nicaraguan rebels was intended merely to harass the Sandinistas and disrupt the alleged flow of Soviet-bloc arms from Nicaragua to leftist guerrillas in El Salvador.

But the rebels themselves, many of them former members of the hated Somoza regime's national guard, openly boast about the quality of their U.S.-supplied arms and equipment and their hope of toppling the Sandinistas. A Washington Post reporter even traveled with a band of rebels inside Nicaragua—at the rebels' invitation.

So it's no wonder that so many cries of indignation are being heard on Capitol Hill these days. Members of the Senate and House intelligence committees are especially upset. They, after all, are supposed to be kept informed by the executive branch of "covert" operations by the CIA and the Defense Department. Yet it seems that much of what they have learned of the anti-Sandinista rebellion has come from press and television reports.

Senate Majority Leader Howard Baker, usually a reliable supporter of the administration, concedes there is "great concern" among his colleagues about what's going on in Nicaragua. An angry Senator Daniel Patrick Moynihan puts it more bluntly: "It is absolutely necessary that the administration obey the law."

He's right. Experts on Latin America may disagree over how the United States should deal with a hostile regime in Nicaragua. One group, including two former secretaries of state and a former chairman of the joint chiefs of staff, just this week warned against "overt or covert (U.S.) intervention" in Central America. Experts inside the administration obvioulsy see things differently. But whatever the disagreements over policy, the law must be obeyed—as long as it is the law.

If Mr. Reagan sincerely believes that the law unwisely ties his hands and that U.S. security interests justify an attempt at "destablilzing" the Sandinistas, let him make that case to Congress. Until then, U.S. support for the Nicaraguan rebels should be halted.

[From the Idaho Statesman, Apr. 10, 1983]

There's no excuse for the Reagan administration's refusal to tell the American public whether the Central Intelligence Agency is supporting a guerrilla campaign in Nicaragua.

Though some espionage operations obviously require secrecy, the Nicaraguan guerrilla campaign is not among them. It is not, in fact, an espionage operation; rather, it is an armed attempt to overturn a government that by most accounts is still more popular with the Nicaraguan people than the deposed Somoza regime, whose National Guardsmen are among the leaders of the guerrilla effort.

If the Reagan administration is promoting guerrilla warfare in Nicaragua—and a number of sources say it is—then Congress and the public should be told.

Journalists reporting from Central America by and large appear to take American involvement in Nicaragua for granted. A recent story in the Washington Post, for example, repeatedly referred to the "U.S.-backed anti-government forces." A Los Angeles Times reporter, writing from Honduras, reports: "It is generally accepted here that the CIA . . . is supporting them (anti-Sandinista rebels), raising hell in Nicaragua."

Yet, the Reagan administration has never bothered to confirm or deny reports, first published in the Washington Post 15 months ago, about a $19 million CIA campaign to organize opposition to the Sandinistas. The standard reply from State Department officials is that they do not talk about espionage matters.

Writing recently in Foreign Affairs, New York Times Mexico bureau chief Alan Riding observed: "The purported purpose of the $19 million budget approved by President Reagan in late 1981 was to create a

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paramilitary force to intercept the flow of arms to Salvadoran rebels. But the real objective was evidently different: to create an anti-Sandinista army capable of destabilizing and perhaps eventually overthrowing the revolutionary regime."

The truth is that nobody outside the Reagan administration, the CIA and the anti-Sandinista guerrilla groups really knows the extent of the American government involvement. It's past time for the American people to receive that information.

[From the Atlanta Constitution, Apr. 15, 1983]

Nicaragua Misadventure Is No-Win

U.S. Rep. Wyche Fowler, the Atlanta Democrat who chairs the House Intelligence Committee's oversight and evaluation panel, has not exactly said that the United States is the secret hand behind the guerrilla attacks that clearly are meant to harass and perhaps to oust the leftist Sandinista government of Nicaragua.

But returning from a brief visit to Nicaragua and El Salvador last week, Fowler said guardedly that U.S. activities in the region were not in full compliance with the Boland Amendment, enacted last December to prohibit the use of funds appropriated by Congress to support any military effort to overthrow the Nicaraguan government.

The amendment contains no mechanism to ensure enforcement, and Fowler said he will introduce legislation soon to set statutory standards for secret U.S. operations, giving Congress veto power over specific projects. This presumably would apply to U.S. "covert" support for the Nicaraguan insurgents—though it's worth mentioning that no supposedly secret U.S. operation in recent memory has had so many U.S. print and TV reporters looking over its shoulder.

Fowler raises an important legal question, but the most important question is not whether the manifest U.S. operation is legal, but whether it is wise.

Legal niceties aside, U.S. sponsorship of the Nicaraguan "contras"—as they call themselves—is a no-win game. Their leadership and their ranks are filled with exiled former National Guardsmen who served under the thoroughly corrupt dictatorship of Anastasio Somoza. While they have won to their cause an undetermined number of Indians persecuted by the Sandinista regime, they are despised by most Nicaraguans, Marxist or otherwise.

By its transparent support of the contras, the United states only helps its avowed enemies in Managua to justify their increasing tyranny and to squeeze out the remaining moderates. The operation makes political mediation between Washington and Managua impossible for other nations in the region that share Washington's justified distrust of the Sandinistas but cannot abide the contras. And in the long run, the United States invites scorn in the likely event that the contras fail—or revulsion in the unlikely event they succeed.

Fowler may have the right idea, at least in this case. Perhaps a few good congressmen, empowered to force the administration to think through its cozying up to the contras, would have spared us this hopelessly ill-considered adventure.

[From the Akron Beacon Journal, Apr. 16, 1983]

Greater forthrightness in U.S. policy there might or might not reduce the turmoil in Central America, but it would surely lessen the strife in Washington.

There's no body count, but otherwise the battles within the Congress and between the Congress and the Reagan administration seem almost as bitter as the rebel hit-and-run attacks and death-squad atrocities in El Salvador, the fighting in Nicaragua or the killings of Indians suspected of dissidence in Guatemala.

In the House, the author of a law bearing covert U.S. action aimed at overthrowing the Sandinista government of Nicaragua is accusing the administration of flouting that law in undercover support of rebel forces invading from Honduras.

The administration following a long-established policy of refusal to make public comment on any U.S. covert actions, won't say yes or no to widespread allegations that it has been helping in the training and arming of those forces in Honduras—but denies that it is violating the law.

If it is giving secret aid, the administration has offered hypothetically, it could be doing so within the limits of that law to either prevent the flow of arms from Nicaragua to Salvadoran guerrillas or make trouble, short of overthrow, for the hostile government in Nicaragua.

But Rep. Edward Boland, D-Mass., chairman of the House Intelligence Committee and author of the hands-off-Nicaragua "Boland amendment" signed into law last December, isn't persuaded. He said he will ask Secretary of State George Shultz and national security adviser, William Clark, to come and explain U.S. policy on Nicaragua more fully to the committee.

"It is my judgment that there has been an apparent violation of law," said Mr. Boland.

Rep. Berkley Bedell, D-Iowa, just back from a fact-finding tour in Honduras and Nicaragua, says the fighting is taking place near Nicaragua's northeastern tip on the Caribbean; any supposed arms flow into El Salvador would have to be occurring hundreds of miles west and south on or near the Pacific coast. "Interdiction," then, could be no part of the story.

"If the American people could have talked with the common people of Nicaragua, whose women and children are being indiscriminately kidnaped, tortured and killed by terrorists financed by American taxpayers," said Mr. Bedell, "they would rise up in anger and demand that support for the criminal activity be ended at once."

And Rep. Robert Torricelli, D-N.J., who was also on the fact-finding expedition, said John Negroponte, the U.S. amabassador to Honduras, told him that he and other Americans working in the area regard the Boland amendment as no more than "a legal triviality."

Meanwhile a foreign affairs subcommittee in the House rejected a Reagan request for extra military aid money for the Salvadoran government, called for prohibition of U.S. aid to the Nicaraguan rebels and of administration-proposed military assistance and sales to Guatemala.

But Rep. Henry Hyde, R-Ill., retorted that in the voting "we have rendered vulnerable the democratically elected government of El Salvador and protected the Marxist government of Nicaragua."

The tempers are flaring and the voices are loud. And at base the cause is a line of activity this country has never been good at and that runs counter to mainstream American thinking: cloak-and-dagger activity against governments we don't like and in support of ones we do.

We could get our own house into better order if all concerned accepted the realization that if the United States hopes to do anything well, it must do it out in the open.

[From the Charleston (W. Va.) Gazette, Apr. 16, 1983]

Finally, President Reagan has publicly acknowledged America's "secret war" in Nicaragua—one of the worst-kept secrets of recent time.

Last year, reports emerged that the CIA was helping followers of the late dictator Anastasio Somoza conduct guerrilla raids in Nicaragua against the Marxist regime that ousted Somoza. Rep. Edward Boland, D-Mass., called it a "dirty little war." By an overwhelming vote, Congress passed the Boland Amendment forbidding use of "military equipment, military training or advice, or other support for military activities . . . for the purpose of overthrowing the government of Nicaragua. . . ."

Despite the law, reports persisted that the administration was arming, training, transporting and otherwise aiding the "contra" rebels in their "spontaneous uprising" from camps on the Honduras border.

U.S. News & World Report said America spent $30 million on the contras. Time said an all-American military and intelligence staff is the "brains" of the guerrilla movement and U.S. Ambassador to Honduras John Negroponte coordinates factions. Columnist Mary McGrory said "the administration's message to Latin America is quite stark, even brutal: Go left and we'll get you. Remember Chile."

Last week, U.N. Ambassador Jeane Kirkpatrick was asked why the administration is violating the Boland Amendment. She denied that law is being broken. Through evasive half-answers, she hinted that U.S. support of the raiders isn't intended to overthrow the Nicaragua government but to pressure it to hold elections and stop fomenting rebellion in neighbor countries.

Wednesday, Rep. Boland accused the administration of breaching his amendment. Whereupon, President Reagan went public with the hairsplitting explanation: although the United States is backing rebels intent on overthrow, the United States isn't seeking overthrow.

The Daily Mail says the Boland Amendment should be repealed, legalizing the secret CIA action because of Nicaragua's "enslavement to Moscow."

If so, America might have to withdraw from the Organization of American States, whose charter says: "No state . . . has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state."

If the Reagan administration is fearful that Nicaragua will spread Marxist rebellion through Central America, why didn't the administration openly ask for national agreement that America should breach the OAS charter and support rebels against an established government? Why did the administration illegally work in secret to aid the rebels after Congress forbade it?

[From the New York Times, Apr. 18, 1983]

With General Micawber to Managua

President Reagan has finally dropped one shoe by conceding American involvement in a covert war against the leftist rulers of Nicaragua. It is perfectly legal, Mr. Reagan insists, though Congress has yet to endorse that view. And in the opinion of his United Nations Ambassador, Jeane Kirkpatrick, the American cause is eminently moral—an assertion that should not be glibly dismissed.

But assuming morality and even legality, can the secret war succeed? For that matter, what is "success"? Does the Administration really expect a small émigré army to alter or topple the Marxist regime in Managua? If so, why are the regime's native opponents appalled by the secret war? And what are the risks of humiliation if this cloudy venture ends like the Suez War or the Bay of Pigs?

One need not admire the Sandinists to ask whether the true author of this muddle is Mr. Micawber, with his sublime faith that something better will somehow come along.

The laws pertaining to covert wars are not absolute prohibitions. For all its justifiable concern about America's war-making power, Congress refused four months ago to veto the appropriations that buy military aid for Nicaraguan rebels. It adopted a narrower restriction instead, barring such aid for the purpose of igniting war between Honduras and Nicaragua, or overthrowing the Managua Government.

The core of the President's legal case is that he is abiding by this unwelcome restriction. The operation's only purposes, he contends, are to pressure Nicaragua to reform itself and to interdict its smuggling of weapons to El Salvador. But these limited purposes are hardly shared by our émigré partners in insurrectional activity. They see the Sandinists as irredeemably totalitarian and want the operation to ignite a new revolution.

The Administration's moral argument is more compelling. If the Nicaraguan regime is now lost to despotism, it is not necessarily wrong to encourage its enemies. The Nicaraguans, including Sandinistas, who opposed the Somoza dynasty saw nothing immoral in demanding that Washington deny arms to the dictator and otherwise assist in his overthrow.

The holes in the Administration's case are practical. Its secret army is big enough to arouse nationalist fury, but too small to overcome well-armed revolutionaries. None of the decent democrats in the insurgent leadership can claim a real following inside Nicaragua. And the former Somoza National Guardsmen in its officer corps provide the perfect foil for Sandinist propaganda and resistance.

"I can't understand a thing," says Edén Pastora, a former Sandinist minister now among the rebels. "The Sandinists do everything possible to be overthrown, and the C.I.A. does everything possible to keep them in power." Siding with Mr. Pastora are two of the most prominent democratic exiles, Alfonso Robelos Callejas and Arturo Cruz.

The perverse result of this Micawber war is to divide the democrats who oppose the Sandinists, to harden Managua in its intransigence and to give a revolutionary regime a unifying gift. The Administration needs a strategy that is not only moral and legal but also persuasively wise.

[From the Milwaukee Journal, Apr. 18, 1983]

Much public attention has been properly focused on the possibility that the U.S. is violating a law that bans military aid to groups seeking the overthrow of the Sandinista government in Nicaragua.

Of equal importance are issues of wisdom, efficacy and even morality. Legalities aside, is it good public policy for the U.S. to support the Honduran-based rebels who are making war on the Sandinistas?

For a number of compelling reasons, the answer is no.

President Reagan and other top officials cagily refuse to acknowledge that aid is being provided. Yet they offer two points—theoretically—to justify action, both flimsy. They accuse the Nicaraguans of making massive arms shipments to antigovernment forces in El Salvador. But that extravagant claim has not been backed up by detailed, convincing evidence.

Officials also claim they could not be breaking the law because the aim of any U.S. aid would be to harass and reform the Sandinistas, not overthrow them. Well, the administration's goals may (or may not) be limited, but the contras themselves are more ambitious. They proudly proclaim their objective to be the destruction of the Sandinista regime.

The Honduran-based rebels are members of the Nicaraguan Democratic Force, led by former members of the National Guard of Nicaragua's widely despised and thoroughly discredited ex-dictator, Anastasio Somoza. Those rebels aren't numerous enough or strong enough to overthrow the Sandinistas. That means US support for them not only harms US relations with progressive Central American governments and organizations, but also is futile.

Indeed, the aid allows the Sandinistas to divert attention from their many failures and to consolidate their otherwise uncertain rule behind a banner of resistance to Yankee imperialism and Somoza-style facism.

There is another, more appealing, anti-Sandinista group in Central America: the Revolutionary Democratic Alliance, which is based in Costa Rica and led by disenchanted former Sandinistas, including Eden Pastora, who seem to be true patriots and progressives.

Pastora suffered grievously under Somoza and for that reason he and his colleagues want nothing to do with the Honduran rebels. Until recently, Pastora and his group have engaged in only political and diplomatic activity, largely because they are based in a country that has no army. However, over the weekend, Pastora declared a "new war of liberation" against the Sandinistas.

If the US is looking for an alternative political force in Central America, it should pay more attention to reformers like Pastora and cut ties to guerrillas who promise only failure and dishonor.

Pastora said it well in a recent interview: "The Sandinistas do everything possible to be overthrown and the CIA does everything possible to keep them in power."

[From the Miami Herald, Apr. 19, 1983]

The time has come for the Reagan Administration to justify to the public its policy concerning Nicaragua. That policy's goals may well be justifiable. Legitimate concerns about the spread of Cuban-style Soviet satellites into Central America motivate U.S. policy throughout the region. The American public shares those concerns.

The American public also has a right to know what its Government is doing about them. What is unjustifiable is American military intervention into Central America, directly or through proxy mercenaries, ordered secretly by the Executive Branch without the knowledge or consent of Congress or the American people.

A guerrilla war is being waged against Nicaragua's leftist Sandinista regime. To some uncertain extent, the United States supports the guerrillas. The Reagan Administration does not admit that publicly, but it also makes a point of not denying it.

Yet there is no question of U.S. involvement. The anti-Sandinista guerrillas freely admit that they get U.S. support. Television cameras reveal to all the guerrillas' American-made weapons and abundant supplies stamped "U.S.A." Senior members of Congress openly discuss the Administration's private admission that U.S. support flows to the guerrillas.

So far, Congress has given its uneasy assent to this. The Administration pledges before Senate and House intelligence committees that it backs the anti-Sandinista guerrillas only to shut off the flow of arms from Nicaragua to leftist guerrillas in El Salvador.

If true, that is precisely the sort of thing that the public and Congress could understand, and might well support. But where is the evidence? The Administration provides none. Meanwhile, the anti-Sandinista guerrillas freely admit that they fight not to interdict arms flows but to overthrow the Nicaraguan regime.

U.S. law prohibits U.S. aid for that purpose. The charter of the Organization of American States outlaws such intervention generally, and the Boland Amendment—adopted 411-0 by the House last December—prohibits such efforts expressly against Nicaragua.

What is at stake here is the authority to involve the United States in war. The Constitution reserves to Congress the power to declare war. After the Bay of Pigs and the Gulf of Tonkin Resolution—which gave the Executive open authority to wage war in Vietnam—Congress further expanded its authority through the War Powers Act. The Boland Amendment is but the latest assertion of this inherent congressional authority.

Clearly, the Reagan Administration believes that Nicaragua and the specter of communism in Central America threaten vital U.S. interests. If it believes that the threat warrants military action, then the course that it must take is clear. It must make its case to the people. It cannot make war secretly without breaking the law.

If the public agrees with the Administration—and the public would if the argument were sound enough—then Congress would grant the authority sought.

[From the New York Times, May 1, 1983]

A Path Out of the Secret War

Taken at his word, President Reagan has given Congress the advice it needs when it reviews America's involvement in a secret war against Nicaragua. In his definition of Central American policies last week, the President didn't deny the undeniable. He insisted the operations were lawful and limited to the objective of interdicting any arms traffic from Nicaragua to guerrillas in El Salvador and elsewhere.

So be it and so let Congress legislate. Committing American arms to a small band of Nicaraguan exiles has already offended common sense, scandalized Latin allies and worried C.I.A. professionals. It has also undermined the logic, and seriousness, of Mr. Reagan's strategy for containing pro-Soviet Nicaragua by dividing the very democrats in the region whose support is essential for success.

Congress should therefore welcome Mr. Reagan's unambiguous definition of United States policy toward the regime in Managua:

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"We do not seek its overthrow. Our interest is to insure that it does not infect its neighbors through export of subversion and violence. Our purpose, in conformity with American and international law, is to prevent the flow of arms to El Salvador, Honduras, Guatemala and Costa Rica."

It would thus be not a rebuff but a reaffirmation if the House Select Committee on Intelligence votes this week to spell out limits on American actions against Nicaragua. The chairman, Representative Edward Boland, has in mind barring all aid for operations inside and against Nicaragua while budgeting $80 million for an open effort to interdict any arms shipments from Nicaragua to guerrillas elsewhere.

This tightening is needed because of the way the Administration has interpreted a previous Boland amendment, adopted in December. It prohibited use of American arms for the purposes of toppling the Nicaraguan regime or igniting a war between Honduras and Nicaragua. But the secret aid to some kind of combat continued, on the theory that it was enabling a 3,000-man exile army to "harass" and otherwise complicate the lives of Nicaragua's defenders. Never mind, apparently, that exiles led by officers who served in the national guard of the former Somoza tyranny had other objectives.

Mr. Reagan seems to have dropped this spongy distinction. One need have no sympathy for the Sandinistas to judge the operation a potential disaster. Stansfield Turner, the former C.I.A. director, warns that as covert actions build up momentum, they go dangerously out of control. In his view, the Nicaragua operation was risking "substantial damage both to our national interests and the C.I.A."

Ceasing this secret war won't weaken Mr. Reagan's Central American diplomacy, or take a bargaining card from former Senator Richard Stone, his newly designated special envoy to the region. The United States has abundant legitimate ways to express its dismay at Nicaragua's course and to rally the region's democrats. They constitute the "resources of diplomacy" that Mr. Reagan has yet to tap convincingly.

[From the Los Angeles Times, May 5, 1983]

RIGHT MOVE ON NICARAGUA

As a general rule of government in the United States, binding congressional initiatives on the fine points of foreign policy are to be eschewed. The Reagan Administration's well-publicized "covert" actions inside Nicaragua against its revolutionary government, however, forced Congress' hand. The House Select Committee on Intelligence took a necessary step when it voted to cut off money that the Central Intelligence Agency was using to support military activity in Nicaragua against the Sandinista regime.

Rep. Edward P. Boland (D-Mass.), the committee chairman, expressed a common concern when he said the CIA's anti-Sandinista strategy is "counterproductive" because the forces carrying out the covert activity include some former soldiers of hated Nicaraguan dictator Anastasio Somoza. The Sandinistas are clearly Marxist revolutionaries, and their totalitarian methods are dissipating the popular support that they had in Nicaragua after Somoza's overthrow. But even the most minimal U.S. support for Somoza's old forces helps the Sandinistas claim to be defenders of Nicaragua.

Some high-ranking U.S. military officers, who are worried about the spread of Marxist governments in Central America, nevertheless oppose using enough force to irritate the Sandinistas but not enough to overthrow them, and prefer no action inside Nicaragua to inconclusive action.

Outside Nicaragua is another story. Even as the committee voted to stop funding what has become the world's most overt covert operation, it voted to grant the Administration $80 million over the next two years to cut off supplies flowing from Nicaragua to El Salvador through neighboring nations.

That is a clear, and clearly supportable, goal of U.S. foreign policy in Central America. It is not so easily subject to distortion by the Sandinistas or by social democrats in Europe and elsewhere who still won't acknowledge what has happened to the revolution. It is consistent with the principle of non-interventionism that, in a formal sense anyway, is dear to the hearts of Latin Americans and is enshrined in the charter of the Organization of American States. It offers a plan for action that is clear instead of murky, definite instead of vague.

The Democrats on the House Intelligence Committee who voted the legislation out are moderate Democrats, and in fact the legislation was modified to give the Administration more running room. So it's too bad that the President didn't see it that way. He called it instead "very irresponsible," and indicated that he would try to have it overturned by the Senate, for the House is expected to agree with the committee.

The Reagan Administration stands a better chance of achieving its professed goal—containing Nicaragua's Marxist-Leninist revolution—if it abandons its activities inside Nicaragua than if it stands and fights for its right to conduct them. The later is a position that Congress and the people will not support

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[From the Christian Science Monitor, May 5, 1983]

NO TO COVERT ACTION

President Reagan has outlined a communist threat to United States security in Central America that is taken seriously by the House Intelligence Committee. Now the committee has voted for means to meet the threat without risking counterproductive CIA support of military operations in Nicaragua. The committee calls for $80 million in open and aboveboard aid to help Central American countries themselves prevent a flow of arms intended to overthrow any government in the region.

It is the flow of such arms through Nicaragua to El Salvador that the present US covert activities are designed to "interdict." Covert funds are prohibited by law from being used to overthrow the government of Nicaragua. Congress' concern is that, whatever the administration's limited intent, covert aid is going to groups of former dictator Somoza's supporters and others who do want to overthrow the Nicaraguan government.

Some supporters of the administration's covert activities note that Congress earlier rejected an amendment that would have specifically prohibited aid to groups intending the overthrow of the Nicaraguan government. But to aid such groups violates the spirit of the existing amendment prohibiting the use of funds for a US purpose of overthrowing that government.

This week's vote by the House Intelligence Committee, with all the Republican members in opposition, is only a first step. But it stakes out a clear position for debate and one that could save the US from current charges that it is violating international law against interventionism. The committee rules out expenditures by any US intelligence agency that would support directly or indirectly any military or paramilitary operations in Nicaragua.

The United States has had enough trouble with covert operations in the past to know that the burden of proof is on the side of showing that they do more good than harm. So far this has not been shown in Central America, and here is one "pragmatic" reason for Congress to be concerned. But covert operations are also fundamentally at odds with American democracy, and here is another reason for congressional concern that such actions not damage democracy in the name of protecting its security.●

INTRODUCTION OF LEGISLATION ESTABLISHING THE ECONOMIC COOPERATION COUNCIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, today I am introducing legislation to implement the initiative in rebuilding the road to opportunity: Turning point for America's economy to establish an Economic Cooperation Council.

I became convinced that this Nation needed an economic strategy when, over an 18-month period, members of the House Task Force on Long-Term Economic Policy, which I chaired, talked to leaders from business, labor, and industry; elected officials at the State and local levels; and experts from such varied fields as macroeconomics and basic research.

Two points were always made in such discussions: Our Nation cannot successfully compete internationally against nations utilizing strategic planning if we continue down the serendipitous trail whose only signposts read "Every business for itself. Good luck;" and second, if we hope to realize our full economic potential, the confrontational attitudes between labor and business and government must change.

This will not be an easy task. There is no single economic or industrial policy. For as in anything, the whole is the sum of its parts. We will not see a single piece of paper that represents a national strategy. Rather, we will develop a policy on steel, or autos, or telecommunications, or photovoltaics. Taken together, as they evolve, these parts will make up our economic policy through the strategies which we choose to pursue.

To craft legislation to create the mechanism capable of developing economic strategies, we first had to accept one major constraint—we could not have a monolithic national planning agency such as those found in the capitals of many of our competitors. We needed to build something which would serve our needs and operate effectively within our free enterprise system.

Our Nation's Government cannot, and should not, make those critical decisions that determine which will be our economic winners and losers. It is the marketplace itself which has created our vital growing economy.

We are proposing the creation of an Economic Cooperation Council. Despite the rhetoric of campaign years, I believe that government has a role to play in our economy. There are things that government does well. In times of emergency, it must show leadership. Government can convene the involved parties, give them a neutral forum, help them resolve their differences.

An Economic Cooperation Council is necessary today, not to replace or supervise our economic system, but rather to convene its disparate elements and act as a resource.

Even the name was chosen for a purpose. We did not want to call it an industrial board or council. The perception might be that its mission was to address only the problems of our basic industries—although certainly that will be one of its initial tasks.

It is an economic council because, while it will explore the problems of our basic industries, it will also examine the service sector, and the thought-intensive, high-technology industries. It will take into consideration geographic factors, and demographic factors. It will address education needs, and research and development. This is not simply a solution for the problems of our smokestack industries.

The structure of the Council is important. It will function as an independent Government agency. It will be comprised of nine men and women, highly regarded experts and leaders, appointed by the President. Its members will be those who, like Leonard Woodcock or Irving Shapiro, for example, have the ability and the public respect to cross political or special interest lines and take a broad and open view on the future needs of our society; and the leadership to form consensus on the initiatives necessary to create a healthy economy for the future. They will be conveners and catalysts.

The components of the Council are basic and simple. First, it will collect pertinent data. One of the major failings of our current data is that, while there is a great deal of it, it is not organized in ways that allow rational economic decisions.

Government-collected data is uneven in quality, and, despite its mass, often it is not relevant to identifying and solving problems. And in today's world, the cutting edge of international competition is sharpened on the whetstone of intelligence. Without a proper data base, we cannot effectively compete internationally.

The data will then be analyzed, generally, and by sector, much as a Wall Street analyst would. It will give us the capacity to focus on immediate problems such as the automobile and steel industries, intermediate-range problems such as those facing our targeted industries, and the long-range problems in areas such as bioengineering, ceramics, and photovoltaics.

It will serve as an early warning system to detect flaws or weaknesses in our domestic enterprises before those weaknesses become debilitating or even fatal. If we had had such a council in 1970, possibly the shudders which rocked our economy following the first oil crisis could have been averted or at least softened.

The second major charge of the Economic Cooperation Council is to identify and direct national attention to emerging national problems, and then to build the consensus necessary to solve those problems. This includes bridging the gap between business and labor which has been widening over the past decade. No matter what plan is devised, or what technological breakthroughs we witness in the coming years, unless we develop a better relationship between labor and business, we will never reach our full potential for economic expansion.

A note of caution should be added, however. No matter how successful, the Economic Cooperation Council is no panacea. It will not solve today's problems tomorrow. But I believe that it can diminish or possibly forestall future economic problems.

As I mentioned earlier, it is not designed to pick winners and losers. It is designed to provide business and Government with the best information possible from which to make decisions. And it will lay out the alternatives on which to base those decisions.

The Economic Cooperation Council is not a partisan proposal, save to those philosophical ideologues who believe that the Government has no role to play.

More and more business executives have come to the realization that the invisible hand of Adam Smith no longer stabilizes a fair and open marketplace. Comparative advantages which should give our Nation solid world markets for our products have been short circuited by contrived advantages. Laissez is no longer fair. National planning, coupled with national financing and protectionist policies, have changed the classic equation.

Our domestic economy has suffered greatly in the past several years from foreign competition. And not because we lack raw materials. We are uniquely blessed. It is not because we lag in ingenuity or lack enterprise. We do not.

We have temporarily faltered because other nations have massed the resources and focused them at areas of opportunity. Their progress has not necessarily resulted from superior products. Indeed, there have been unfair practices. But we should not consider tariffs and domestic content proposals or quotas as permanent solutions to this competition.

We must develop the capability to again go on the offensive, to market aggressively. The establishment of an Economic Cooperation Council is not the ultimate answer. But it will give us the cornerstone which we now lack—plans, strategies—ways for our Nation to once again assert itself. At this point in the RECORD I include the following:

ECONOMIC COOPERATION COUNCIL—A SUMMARY

We need the capability to develop a long-term economic strategy for attaining sustained economic growth—a strategy that anticipates economic trends and identifies potential problems and opportunities.

As a centerpiece of this effort, we propose an Economic Cooperation Council. The Council we propose is not the monolithic national planning agency found in many of our competitors' nations. Rather, it is a tool to help us bring together the disparate resources and cooperation necessary to compete in an international economy. Our Economic Cooperation Council will have to address two very critical, but different, tasks.

First, it must collect or develop first class economic data to identify new markets and products, identify targeted foreign economic strategies, and uncover weaknesses in existing industries before these problems become fatal.

It must develop a small, elite group of analysts to interpret the data, to work with other government agencies involved with trade and economic policies, to disseminate both data and analyses to the private sector, and to present policy options to the Council itself, and any committees or sectoral councils it establishes.

Second, America needs a national forum for clarifying complex economic choices and building broad support for public initiatives. The Council itself would be an independent board of highly respected leaders, appointed by the President and confirmed by the Senate. Working with business, labor, Congress, the Executive Branch, and all other affected parties, either directly or through sectoral or regional councils, the Council would establish national economic goals and map out strategies to attain them. Most importantly, its primary purpose would be to develop compromise, consensus, and broad support for those strategies, breaking into the confrontational attitudes and rigid positions which have too often characterized public and private economic decision-making in the past.

The Council would have no power to order substantive action by the Congress, the Executive Branch, or the courts. It would be able to require responses to its strategies by the Executive Branch.

To increase the efficacy of the Council by coordinating the executive branch's dealings with it, we propose that a high-ranking Special Advisor for Economic Coordination be appointed by the President. He or she will act as the principal official responsible for coordinating executive branch economic policy and for providing liaison to the Council.

National Economic Cooperation Council—Section-by-Section Analysis

Sec. 201. Provides for the establishment of a National Economic Cooperation Council whose purpose would be to bring business, labor, education and all levels of government together to develop long-term strategies to solve national economic problems.

A nine member board is created to control the general policies and administrative direction of the Council. Members would be nominated by the President with the advice and consent of the Senate. Six of the nine appointees must come from lists of nominees submitted by the Speaker of the House and the Senate Majority Leader, three from each list. Members of the Board should have outstanding capabilities and a broad understanding of the U.S. economy and its place in the world economy.

It is not intended that Members represent a particular interest or faction in the economy; rather, to be effective they must have broad respect and confidence. The Board would be assured of a bipartisan approach by limiting to five the number of members which may be from the same party. The President could remove a member only for malfeasence in office. The members' terms would last six years with staggered appointments of three members every two years. The President will designate one member as Chairman of the Board for the remainder of that member's term. Those members not already serving in the government will be compensated for each day they perform Council work as well as a per diem and travel expenses when away from their residence. Those members already serving in government will be compensated only for periods of travel.

Sec. 222. Provides for the Council to appoint an Executive Director, after consulting the President and Congress. The Director may appoint the personnel of the Council and procure services within the limitations of the Board and civil service laws.

Sec. 223. Gives the Council the task of promoting the growth and vitality of the U.S. economy, operating as a convener and catalyst for action. The Council shall carry out this function by (1) collecting, critically analyzing and disseminating domestic and international economic data; (2) by evaluating existing policies at all levels of government and business in terms of their impact on American enterprises' ability to compete; and (3) by convening business, labor and government to develop and implement consensus strategies to strengthen the economy.

The Council is directed to work closely with the President and Congress during all stages of its activities and deliberations; and to work with all levels of government to increase the quality and consistency of data collection and dissemination to the private sector without duplication.

The Council is to arrange for the conduct of high quality analysis based on the best available data. This data will be used to spot both potential growth and decline in specific domestic and international markets and to find the means to reverse any such decline. The data will also be used to identify long-term needs in major sectors of the economy and specific regional economies and how to meet those needs, including the lessening of unemployment and social displacement caused by economic change.

The specific detail/sectoral work of the Council will be done by convening various sub-councils consisting of representatives from all appropriate levels or branches of government, business and labor, including representatives of geographical regions when needed. These sub-councils will then develop strategies for specific sectors of the economy or regions of the country.

Sec. 224. Gives the Council the authority to hold hearings and collect data as it deems appropriate. The head of any U.S. agency must provide information to the Council when it is requested by the Chairman of the Board.

If the Council determines that a policy or practice should be initiated or changed it may issue a report to the proper agency or area of the private sector recommending specific changes. The head of any federal agency receiving such a report has 60 days to advise the President and Congress of how it will carry out the recommendations of the Council or explain why it has not carried out the recommendations. If existing law precludes implementation, then the reply must contain proposals for legislation to remove the impediment.

To carry out its responsibilities, the Council may use the U.S. mails like other government agencies and obtain support services from the GSA. The Council may accept gifts and donations of services or property to help it carry out these responsibilities.

The Board is given subpoena power to collect information needed to fulfill it function.

Sec. 225. Provides for the creation of the Bureau of Economic Information within the Council. The Bureau will gather and evaluate the reliability and utility of information collected from departments and agencies of state, local, and federal government as well as nongovernmental sources. The Bureau will conduct research to gather data not available from the above sources. It will work with other departments and agencies of govenment to avoid duplication and to provide them with information needed to carry out their responsibilities. If the Bureau identifies information practices that need improvement, it may issue a special report to the agency, department, or establislment concerned, the President and Congress recommending changes in those practices. A recipient of this report must inform the President and Congress, within 60 days, of how it plans to carry out the recommendations or reasons for its failure to do so.

Sec. 226. Provides for the creation within the Council of a Bureau of Economic Analysis and Policy. The Bureau will be composed of top quality analytical staff. The Bureau will use information collected by the Bureau of Economic Information to identify trends in the economy and market opportunities which can be used to induce the growth and international competitiveness of American enterprises. Once these trends and opportunities have been identified, working closely with the private sector, the Bureau shall generate proposals for changes in government policies or practices which will facilitate American enterprises' ability to take advantage of these opportunities. The Bureau will also disseminate data and other economic information to the private sector and provide staff support to any regional or sectoral sub-councils. It will be the ongoing, institutionalized point of contact for all the government and private parties with which the Council works.

Sec. 227. Creates the position of Special Adviser for Economic Coordination to the President. The special adviser will be the principal liaison between the executive branch departments and agencies and the Council. The adviser will be responsible for the coordination of executive branch trade and economic functions and activities. He or she will either be the head of an executive department or an employee of the Executive Office of the President.

Sec. 228. Authorizes the appropriation of funds for the Council which is not to exceed 20 million dollars annually, beginning in fiscal year 1984 through fiscal year 1989.

Sec. 241. Allows the Board to delegate functions within the Council as is necessary and appropriate. The delegation of these functions does not remove from the Board the responsibility for the administration of such functions.

Secs. 242-248. Various administrative and technical powers and requirements.●

● Mr. LONG of Louisiana. Mr. Speaker, I am delighted to join many of my colleagues in sponsoring legislation to create an economic cooperation council. The creation of an economic cooperation council was a cornerstone of the program for economic growth with fairness developed within the Democratic Caucus last fall under the leadership of Tim Wirth and Dick Gephardt.

I believe this legislation is critically important for three reasons:

First, our Nation needs it. We need the capacity to develop national goals and strategies for achieving sustained economic growth with fairness and for building a national consensus for meeting those goals and carrying out those strategies. And we need to foster greater cooperation among business, labor, Government, and the academic community—so together we can renew and expand on the American dream of work, fairness, betterment, and security. The economic cooperation council will provide us with the means to do both.

Second, Democrats from all regions of the country and representing all political philosophies agree on the need for an economic cooperation council. Colleagues representing the many wings of our great party were involved in the shaping of this proposal in an extraordinary process of participatory democracy within the Democratic Caucus.

Finally, this legislation provides clear evidence that the Democratic Party is once again brimming with ideas—that we have a vision for building a secure future for our people—a vision based on growth and fairness. The philosophy behind that vision was embodied in rebuilding the road to opportunity, that yellow book, we released last fall. Some legislation consistent with that vision—the fair tax act and the economic equity act to name two—have already been introduced. Other initiatives will be forthcoming in the weeks and months ahead.

Mr. Speaker, our country needs an Economic Cooperation Council, and I am pleased to join as a sponsor of the legislation to create it.●

NUCLEAR WASTE STORAGE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Hightower) is recognized for 10 minutes.

Mr. HIGHTOWER. Mr. Speaker, I want to take this opportunity to once again make a statement about the problem we continue to face as we struggle to find the best answers to the serious questions involved in establishing a viable and responsible nuclear waste storage policy.

The need for a nuclear waste storage policy is so evident that I am almost embarrassed to go into it yet another time. The United States uses nuclear materials in her national defense, in the production of hydroelectric power, and in many medical facilities. These nuclear materials generate radioactive waste, and that waste must be stored. It cannot be dumped or ignored. No matter how you feel philosophically about nuclear materials, the plain facts are that we already have nuclear waste and we must put it somewhere.

We in this Congress have talked many times of writing a nuclear waste storage policy. Valuable time was lost while we tried to arrive at some consensus on the matter. The latest efforts culminated in the Nuclear Waste Policy Act, signed into law by President Reagan on January 7, 1983, finally acknowledging the storage problem and asking DOE to prepare guidelines on viable storage sites. Still, it seems to me that we may be heading off in irresponsible directions, considering decisions without regard for their technical and scientific merits.

To me, commonsense dictates that a nuclear waste storage policy must take into account several things in determining the best possible site for storage: Scientific viability of the storage facility, economic feasibility and cost-benefit plans for transporting the waste to the storage site, proximity as much as possible to nuclear waste creation facilities and reprocessing plants, and safety considerations from the public's standpoint. We should choose a site that properly satisfies as many as possible if not all of these requirements.

Public safety will be a consideration no matter where nuclear waste is stored in this country. Even in areas devoid of human habitation, there will be concerns about the possible effect of radioactive waste on agricultural products and animals, and on vegetation and water supplies. Viability of the storage facility also will be a concern no matter where nuclear material is stored. Shall we use salt domes, basalt, tuff rock, or salt beds? Which will be the safest and the most efficient means of storage?

One concern, however, that will not hold true for every storage possibility seems to me the one that DOE is assigning the least importance, that is, making sure of the proximity of the storage site to facilities that produce nuclear waste. No matter where nuclear material is finally stored, it appears to be in the interests of the people of the entire country to move radioactive material around as little as possible. DOE, though, appears unconcerned about the ramifications of transporting such material over long distances. Most of the storage sites the Department is now looking at are far from the sites of nuclear waste production. What is going to happen to this material on the long trip from production to storage? The prospect of trucks and trains hauling nuclear materials in many different forms around the country is not a very comforting one to me, nor should it be to anyone else. Material that is moved a lot is bound to be more volatile than material that is moved very little. Certainly each movement involves new risks and new dangers, known and unknown.

Mr. Speaker, I am not the kind of person who looks upon all nuclear materials as anathema. There are valid, legitimate uses for this material, and the benefits of the atomic age can still mean many good things to humanity, but there are consequences for using it. One of these consequences is the unavoidable creation of nuclear waste. I acknowledge this, as most people do, and I accept it; my chief concern is that we devise a reasonable, safe method for storing the wastes that nuclear materials generate, a method involving minimal transportation, viable storage sites, and excellent safety precautions. I am not at this time confident that DOE has been properly taking into consideration all of these requirements.

The decisions made by this Congress and the DOE will determine the course of action for this country for many years to come. Once a place for the depository of these materials has been chosen and the process begun, that site will last for many, many years. Not just during my lifetime, but for the lifetimes of generations to come. Cost, because we must pay the bills, must be a matter of concern—but it must not be the only consideration.

If there has been an issue in recent years more deserving of more careful and thoughtful judgment on the part of all who share the responsibility, I do not know what it was. We must proceed in the wisest ways we are capable of moving with the thoughtful, sober judgments of our best minds.

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Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

Mr. HIGHTOWER. I would be happy to yield to my colleague, the gentleman from Texas.

Mr. SAM B. HALL, JR. I thank the gentleman for yielding.

Mr. Speaker, I would like to join with my distinguished colleague from Texas and express my sentiments with reference to the First District of Texas, over in east Texas.

We share the gentleman's belief exactly as he has put forward those beliefs tonight. There has been a public outcry by all of those in my section of the State to the same persuasion as the gentleman has had in his part of Texas. They do not want those waste sites in areas that are highly populated, thickly populated, where the structure of the sand is such that it would be, I think, prohibitive to public health to have these sites located in those areas.

I think that if we can get enough public outcry that the people who are in a position to do something about this will certainly see that it is necessary and just one of the things that the people of the various areas are not going to stand for. There are many places throughout these United States where we have barren property, barren territory, not the thickly populated area that the gentleman has in his district and that I have in mine, in which this waste can be stored.

So I certainly join in and congratulate the gentleman on taking this special order to express himself on this very volatile issue.

Mr. HIGHTOWER. I thank the gentleman for his contribution.

Mr. Speaker, I yield back the balance of my time.

THE SMALL BUSINESS INDEPENDENT INVENTOR PATENT FEE ASSISTANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Mitchell) is recognized for 5 minutes.

● Mr. MITCHELL. Mr. Speaker, I am today introducing legislation designed to make the U.S. patent system more accessible to small businesses, independent inventors, and nonprofit organizations. This bill, an amendment to the patent and trademark laws, would exempt small businesses, independent inventors, and nonprofit organizations from payment of patent maintenance fees and from automatic patent fee increases.

Legislation passed in the 97th Congress providing additional funds for the Patent and Trademark Office (PTO) to upgrade patent services was well intended. The substantial patent fee increases contained in that legislation, however, and the imposition of maintenance fees for the first time in the history of the U.S. patent system, raised considerable concern within the small business community because of the chilling effect they will have upon innovation.

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Public Law 97-247 not only increased fees for the present, it also authorized automatic increases every 3 years, indexing patent fees to the Consumer Price Index. I am introducing this legislation to remove a significant barrier to use of the patent system by small business, the most innovative segment of our society.

My bill provides as follows: That this act may be cited as the "Small Business Independent Inventor Patent Fee Assistance Act of 1983."

Section 41(b) of title 35, United States Code, is amended by striking the word "force." at the end thereof and inserting in lieu thereof the following:

> Force: *Provided*, That independent inventors and nonprofit organizations as defined in regulations by the Commissioner and small business concerns as defined in section 3 of the Small Business Act and by regulations promulgated by the Small Business Administration shall be exempt from payment of all fees required by this subsection: *Provided further*, That notwithstanding the provision of subsection (f), the Commissioner shall not adjust the fees established under subsection (a) for such independent inventors, nonprofit organizations and small business concerns.

Small business is an acknowledged leader in innovation, applied research, and invention, and the principal creator of new jobs. The Small Business Committee has given diligent attention to initiatives designed to remove barriers to innovation to encourage small business participation in federally funded R&D. Patent legislation in the 96th Congress, Public Law 96-215 assured retention of patent rights by small businesses engaged in Government R&D efforts. The Small Business Committee was gratified with the widespread support of our colleagues in passage of the Small Business Innovation Development Act of 1982, Public Law 97-219, and other efforts to stimulate innovation and growth of new businesses.

But no matter how well intended, the recent increases in patent fees, the new maintenance fee, and the threat of future automatic increases in these fees impose additional barriers to invention and innovation by making patent protection unaffordable for a large segment of our population. Small businesses, independent inventors, and nonprofits will be forced to abandon patent protection long before the commercial value of the patent can be reasonably assessed.

Market potential often takes several years to discern. The zipper, patented in 1893 did not gain attention until about the time of World War I, and the Gillette disposable razor took nearly 17 years to prove itself. Chester Carlson waited many years and knocked on many doors before he was able to generate interest in his invention. Xerography, however, eventually changed the business world and created a new industry.

Many patent owners have proprietary interest, not in one or two, but in many inventions. For example, Jacob Rabinow, frequently honored as an outstanding entrepreneur and distinguished small business champion, is the holder of 218 patents. Creative individuals, small businesses, and nonprofits will have to elect from among their patentable ideas those most likely to succeed at a time when it is highly unlikely that marketability is or can be known. Inventors will be placed in the uncomfortable position of making a "Sophie's Choice" among their brainchildren, a difficult, if not impossible decision.

The patent fee system imposed by Public Law 97-247 was designed to permit full recovery by the PTO of their cost of operation. This concept in itself is faulty. Patent owners should not be required to pay for the U.S. patent system. While retention of patent rights may bring material rewards or prestige to an inventor, the ultimate value of invention and technological innovation is to the economy as a whole, by way of increased economy efficiency and additional goods and services. The imposition of substantial "user fees" upon independent inventors, small business concerns, and nonprofits is incompatible with the theory of public benefit and will discourage invention. Any such disincentive to use of the patent system by these special groups will tend to retard economic growth as they are a principal source of innovation and productivity increases, business start-ups, and new jobs. The public should share some of the cost because the public good is better served by encouraging the use of the patent system to stimulate invention, innovation, and commercial development.

Patents are of considerable value to all commercial entities, but are potentially of greater benefit to small businesses than to their larger counterparts who, because of size and marketing expertise, have other means of protecting intellectual property rights. Small businesses will be severally affected by the new increases and by the maintenance fees.

Maintenance fees have been adopted by other countries. Most countries, however, are less expensive in the beginning when market potential is unknown. The new maintenance fee schedule, in conjunction with the new filing and issuance fees, make U.S. initial patent costs the highest in the world. The present law imposes maintenance fees of $400, $800, and $1,200 to be paid for each patent held 3½, 7½, and 11½ years, respectively, into the life of the patent. The first such payment will be due in 1985. Even with the 50-percent fee reduction available for small businesses, individuals, and nonprofits, the burden upon these groups is onerous.

I applaud the efforts being made by the PTO to upgrade services and to strengthen the patent system. The PTO does, indeed, need additional funds and funds should be appropriated. But to require the PTO to recover costs of the system from inventor/entrepreneurs, or to permit 3-year ratcheting upward of such fees, cannot be justified. The maintenance fee is a tax upon the creative genius of our Nation and will result in widespread patent abandonment. Inventions without patent protection are not likely to be marketed, particularly when a small business is involved. Many opportunities for new technologies will be lost before commercialization is realized.

There were no hearings on the subject of maintenance fees. The fee schedule was not based on studies, but selected at random. This matter deserves to be fully discussed and the concerns of inventors fully considered.

Inventor groups want the law repealed. This bill would exempt small businesses, independent inventors, and nonprofit organizations from payment of maintenance fees and from automatic fee increases.●

BALANCED CHANGES IN THE FREEDOM OF INFORMATION ACT'S APPLICATION TO CENTRAL INTELLIGENCE AGENCY MATERIALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, today I have introduced the Intelligence Information Act of 1983.

This legislation would exempt certain defined Central Intelligence Agency (CIA) operational files from the search and review process of the Freedom of Information Act (FOIA), thus permitting the agency to respond much more quickly to those FOIA requests which are at all likely to result in the release of information.

The legislation is a carefully crafted, narrow response to an equally narrow problem. It does not exempt the CIA from the FOIA and it will not result in the nondisclosure of any meaningful information which is now subject to disclosure.

Operational files, containing the CIA's most sensitive information, are now protected by the FOIA's (b)(1) and (b)(3) exemptions. On the surface these exemptions would appear adequate to protect the CIA's interests, and, in fact, no FOIA request has ever resulted in the release of information which the CIA maintains must be classified.

However, for every FOIA request, the CIA must still search all files for responsive information and must examine every line of such information to determine if it is releasable.

For security reasons, such searches and reviews must be performed by senior Operations Directorate (DDO) officers—not by clerical staff or FOIA professionals. The result is a 3-year backlog in responding to FOIA requests, the diversion of scarce intelligence resources away from their crucial primary mission, and the possibility of the inadvertent release of information identifying an intelligence source or method.

By eliminating the need to search operational files, from which virtually nothing is ever released, this legislation would let DDO personnel do the job for which they were trained, and eliminate the backlog, without withholding any meaningful information from the public.

Nonoperational files would still be subject to search and review. Such files include, among other information, both raw intelligence and the finished intelligence product. They also include reports prepared by the Office of General Counsel and the Office of Inspector General.

Furthermore, and most important, information pertaining to the following would not be covered by the proposed FOIA exemption:

U.S. citizens or aliens lawfully admitted for permanent residence who have requested information on themselves.

Any special activity the existence of which is not exempt from disclosure under the provisions of the Freedom of Information Act.

The subject of an investigation by the intelligence committees of the Congress, the Intelligence Oversight Board, the Office of Inspector General of the Central Intelligence Agency, or the Office of the Director of Central Intelligence for any impropriety, or violation of law, executive order, or Presidential directive in the conduct of an intelligence activity.

It seems to me that the legislation strikes a proper balance that will benefit both the CIA and FOIA requesters. However, it is not perfect, and will doubtless benefit from public discussion. The remaining significant issues will be addressed in hearings conducted by the Subcommittee on Legislation of the Permanent Select Committee on Intelligence. I am confident that they can be resolved and a reasonable and constructive measure enacted into law.

H.R. —

A bill to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Information Act of 1983".

Sec. 2. (a) The National Security Act of 1947 is amended by adding at the end thereof of the following new title:

"TITLE VII—RELEASE OF REQUESTED INFORMATION TO THE PUBLIC BY THE CENTRAL INTELLIGENCE AGENCY

"EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE

"Sec. 701. (a) Operational files located in the Directorate of Operations, Directorate for Science and Technology, and Office of Security of the Central Intelligence Agency shall be exempted from the provisions of the Freedom of Information Act which require publication or disclosure, or search or review in connection therewith.

"(b) Subsection (a) of this section shall not prevent the search and review of operational files for information concerning:

"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552);

"(2) any special activity the existence of which is not exempt from disclosure under the provisions of the Freedom of Information Act;

"(3) the subject of an investigation by the intelligence committees of the Congress, the Intelligence Oversight Board, the Office of General Counsel of the Central Intelligence Agency, the Office of Inspector General of the Central Intelligence Agency, or the Office of the Director of Central Intelligence for any impropriety, or violation of law, executive order, or Presidential directive in the conduct of an intelligence activity.

"(c) The provisions of subsection (a) of this section shall not be superseded except by a provision of law which is enacted after the date of enactment of subsection (a), and which specifically cites and repeals or modifies its provisions.

"(d) For the purposes of this title the term 'operational files' means those files which document:

"(1) the means by which foreign intelligence information, counterintelligence information, or counterterrorism information is collected through scientific and technical systems;

"(2) foreign intelligence operations, counterintelligence operations, or counterterrorism operations;

"(3) investigations conducted to determine the suitability of potential foreign intelligence sources, counterintelligence sources, or counterterrorism sources; or

"(4) intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services.

"(e)(1) Nonoperational files which contain information derived or disseminated from operational files shall be subject to search and review.

"(2) The inclusion of information from operational files in nonoperational files shall not affect the exemption under subsection (a) of this section of the originating operational files from search, review, publication, or disclosure."

(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE VII—RELEASE OF REQUESTED INFORMATION TO THE PUBLIC BY THE CENTRAL INTELLIGENCE AGENCY

"Sec. 701. Exemption of Certain Operational Files from Search, Review, Publication, or Disclosure.".

Sec. 3. The amendments made by section 2 shall be effective upon enactment of this Act and shall apply with respect to any requests for records, whether or not such request was made prior to such enactment, and shall apply to all cases and proceedings pending before a court of the United States on the date of such enactment.●

THE NEED FOR QUALITY EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ANDERSON) is recognized for 5 minutes.

● Mr. ANDERSON. Mr. Speaker, today I am pleased to welcome a group of students, their parents and teachers, from Signal Hill Elementary School to the Nation's Capitol. As the national debate on education continues, I believe the importance of spending time with parents and teachers, and especially with the young people who will be directly affected by what is or is not accomplished toward fulfilling this national goal, should not, under any circumstances, be overlooked.

As legislators, parents, and teachers, the key which we hold will unlock for our younger generations either a future characterized by stability and promise or, if as a nation we are unmoved, one met with frustration and disillusionment. I hope that we understand this and that we shall embrace the hopes of our young people by providing the quality education necessary for them to meet with conviction whatever challenges their futures may hold.

By laying the proper foundation for today's young people, we will be paving the way for the furtherance by them of national unity, harmony, and world peace.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HARRISON (at the request of Mr. WRIGHT), for today, on account of a necessary absence.

Mr. FORD of Michigan (at the request of Mr. WRIGHT), after 5 p.m. Tuesday and for today, on account of official business.

Mr. MCCANDLESS (at the request of Mr. MICHEL), for the balance of the week, on account of offical business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. Bryant) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.
Mr. Gonzalez, for 30 minutes, today.
Mr. Barnes, for 5 minutes, today.
Mr. Boland, for 5 minutes, today.
Mr. Wirth, for 5 minutes, today.
Mr. Hightower, for 10 minutes, today.
Mr. Mitchell, for 5 minutes, today.
Mr. Mazzoli, for 5 minutes, today.

(The following Members (at the request of Sam B. Hall, Jr.) to revise and extend their remarks and include extraneous material:)

Mr. Anderson, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dannemeyer, prior to the vote on H.R. 3133.

Mr. Nelson of Florida, prior to the vote on the conference report on H.R. 3133.

(The following Members (at the request of Mr. Walker) to and include extraneous matter:)

Mr. Hillis in two instances.
Mr. Broomfield.
Mr. Lagomarsino.
Mr. Conable.
Mr. Moore.
Mr. Gekas.
Mrs. Schneider.
Mr. Gilman.
Mr. Madigan.
Mr. Kemp in three instances.
Mr. Roth.

(The following Members (at the request of Mr. Bryant) and to include extraneous matter:)

Mr. Hamilton.
Mr. Stark.
Mr. Edgar.
Mr. Smith of Florida.
Mr. Corrada.
Mr. Rodino.
Mr. Mavroules.
Mr. Foley.
Mr. Solarz.
Mr. Florio.
Mr. Coelho.
Mrs. Boxer.
Ms. Ferraro in two instances.
Mr. Erdreich.
Mr. Skelton.
Mr. Garcia in two instances.
Mr. Boucher.
Mr. Nowak.
Mr. Addabbo.
Mr. Nichols.
Mr. Ratchford.
Mr. Eckart.
Mr. Lehman of Florida.
Mrs. Kennelly.
Mr. Wheat.
Mr. Torres in two instances.
Mr. Frank.
Mr. Patterson.
Mr. Waxman in two instances.
Mr. Dyson.
Mr. Fascell.
Mr. Jones of Tennessee.
Ms. Kaptur in two instances.
Mr. Miller of California.
Mr. Richardson.
Mr. Lantos.
Mr. Downey of New York.
Mr. Edwards of California.
Mr. Foley.
Mr. Conyers.
Mr. Weiss.
Mr. Bates.
Mr. Bennett.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 32. An act to amend title 17 of the United States Code with respect to rental, lease, or lending of sound recordings; to the Committee on the Judiciary.

S. 373. An act to provide comprehensive national policy dealing with national needs and objectives in the Arctic; to the Committee on Science and Technology.

S. 1341. An act to revise and extend the Education of the Handicapped Act, and for other purposes; to the Committee on Education and Labor.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2713. An act to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies; and

H.R. 3133. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

ADJOURNMENT

Mr. SAM B. HALL, JR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Thursday, June 30, 1983, at 10 a.m.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 98th Congress, pursuant to the provisions of 2 U.S.C. 25:

Sala Burton, Fifth District, California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1461. A letter from the Assistant Secretary of the Army (installations, logistics, and financial management), transmitting notice of the Army's decision to convert to contractor performance the training and audiovisual support center activity at Fort Belvoir, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1462. A letter from the Assistant Secretary of the Navy (shipbuilding and logistics), transmitting notice of a decision to convert the food service function at the Naval Submarine Medical Center, Groton, Conn., from performance by the Department of Defense personnel to private contractors, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1463. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

1464. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of a proposed 30-day extension of the statutory time limit for the Commission to render a decision in Docket No. 37487, Volkswagen of America, Inc. against The Baltimore and Ohio Railroad Co., et al. and an embraced proceedings, long-and-short haul application No. 43960, Motor Vehicles-Westmoreland, Pa. to Named Points in West, pursuant to 49 U.S.C. 10327(k); to the Committee on Energy and Commerce.

1465. A letter from the Director, Defense Security Assistance Agency, transmitting the Navy's proposed lease of defense articles to NATO Maritime Electronic Warfare Support Group (transmittal No. 18-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1466. A letter from the Assistant Attorney General for Administration, Department of

Justice, transmitting notice of a proposed new records system for the Department's U.S. judge and Department of Justice Presidential appointee records, pursuant to 5 U.S.C. 552(o); to the Committee on Government Affairs.

1467. A letter from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Federal Land Policy and Management Act of 1976, relating to the authority of the Secretary of the Interior to accept volunteer services in aid of the work of the Bureau of Land Management, and for other purposes; to the Committee on Interior and Insular Affairs.

1468. A letter from the Secretary of Energy, transmitting the first annual revised program management plan for ocean thermal energy conversion systems, pursuant to section 3(b) of Public Law 96-310; to the Committee on Science and Technology.

1469. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the location and potential health, safety, and environmental hazards of uranium mine wastes together with appropriate recommendations for a program to eliminate these hazards, pursuant to section 114(c) of Public Law 95-604; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1470. A letter from the Comptroller General of the United States, transmitting the audit of the accounts of the Office of the Attending Physician revolving fund for the fiscal years ended September 30, 1982-81, pursuant to title III, Public Law 94-59, as amended (GAO/AFMD-83-62); jointly, to the Committees on Government Operations and House Administration.

1471. A letter from the Chairman, Motor Carrier Ratemaking Study Commission, transmitting a report on the Commission's findings and recommendations on Collective Ratemaking in the Trucking Industry, pursuant to section 14(b) of Public Law 96-296; jointly, to the Committees on Public Works and Transportation and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 246. Resolution providing for the consideration of H.R. 2769, a bill to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region (Rept. No. 98-273). Referred to the House Calendar.

Mr. BONIOR of Michigan: Committee on Rules. House Resolution 247. Resolution providing for the consideration of H.R. 2760, a bill to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America (Rept. No. 98-274). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 248. Resolution providing for the consideration of H.R. 1, a bill to amend and extend certain Federal laws that establish housing and community and neighborhood development and preservation programs, and for other purposes (Rept. No. 98-275). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 249. Resolution providing for the consideration of H.R. 2957, a bill to extend the authority of the Export-Import Bank of the United States, encourage balanced worldwide economic growth, provide for continued participation in the International Monetary Fund, strengthen the supervision of international lending by U.S. banks, and provide for continued U.S. participation in multilateral development banks. (Rept. No. 98-276). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 250. Resolution providing for the consideration of H.R. 10, a bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 (Rept. No. 98-277). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 251. Resolution providing for the consideration of H.R. 2832, a bill to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund (Rept. No. 98-278). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 252. Resolution providing for the consideration of H.R. 2842, a bill to amend the Export-Import Bank Act of 1945 to establish the competitive tied aid fund, and for other purposes (Rept. No. 98-279). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 253. Resolution providing for the consideration of H.R. 2930, a bill to encourage the coordination of national fiscal and monetary policy in order to achieve sustainable and noninflationary economic growth on a worldwide basis, to amend the Bretton Woods Agreements Act to authorize an increase in the U.S. quota in the International Monetary Fund, to reduce financial pressures on developing nations, and to improve the supervision of international lending by U.S. banks (Rept. No. 98-280). Referred to the House Calendar.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3391. A bill to improve worker training under the Trade Act of 1974, and for other purposes; with amendments (Rept. No. 98-281). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINISH: Committee on House Administration. House Resolution 234. Resolution providing for appointment and education of House pages; with an amendment (Rept. No. 98-282). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. S. 929. An act to amend the act of July 2, 1940, as amended, pertaining to appropriations for the canal zone biological area (Rept. No. 98-283). Referred to the Committee of the Whole House on the State of the Union.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 254. Resolution to authorize an investigation by the Committee on Standards of Official Conduct (Rept. No. 98-285). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. FASCELL: Committee on Foreign Affairs. H.R. 2453. A bill to amend the Board for International Broadcasting Act of 1973 to provide for radio broadcasting to Cuba; with an amendment; referred to the Committee on Energy and Commerce for a period ending not later than July 29, 1983, for consideration of such provisions of the bill and amendment as fall within that committee's jurisdiction pursuant to clause 1(h), Rule X (Rept. No. 98-284, Pt. I.). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WIRTH (for himself, Mr. Brooks, Mr. Long of Louisiana, Mr. Gephardt, Mr. Stenholm, Mr. Flippo, Mr. Lundine, Mr. Mineta, Mr. Frost, Mr. McHugh, Mr. Sabo, Mr. Panetta, Mr. Coelho, Mr. Lantos, Mr. Kogovsek, Mr. Synar, Mr. Beilenson, Mr. Durbin, Mr. Bryant, Mr. Wolpe, Mr. Watkins, Mrs. Schroeder, Mrs. Boggs, Mr. Swift, Mr. Sisisky, Mr. Hoyer, Mr. Alexander, Mr. Glickman, Mr. Levine of California, Mr. Frank, Mr. Levin of Michigan, Mr. Hefner, Mr. McCurdy, Mrs. Kennelly, Ms. Ferraro, Mr. Hughes, Mr. Hance, Mr. Aspin, Mr. AuCoin, Mr. Bates, Mr. Patterson, Mr. Kolter, Mr. Murphy, Ms. Kaptur, Mr. Pease, Mr. Feighan, Mr. Walgren, Mr. Derrick, Mr. Udall, Mr. Leath of Texas, Mr. Dellums, Mr. Bonior of Michigan, Mr. McCloskey, Mr. Skelton, Mrs. Burton of California, Ms. Okar, Mrs. Collins, Mr. Sikorski, Mr. Berman, Mr. Fazio, and Mr. Whitley):

H.R. 3443. A bill to amend the Employment Act of 1946 to establish a National Economic Cooperation Council, to improve the collection and use of economic data by the Government, to promote economic cooperation between labor, business, and Government, to develop consensus economic policies, and for other purposes; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

By Mr. CHENEY:

H.R. 3444. A bill to revise the authority of the Secretary of the Interior to deliver water to the North Platte irrigation project; to the Committee on Interior and Insular Affairs.

By Mr. CONABLE:

H.R. 3445. A bill to suspend temporarily the duty on diphenyl guanidine and di-ortho-tolyl guanidine; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. Jenkins, Mr. Duncan, Mr. Gibbons, Mr. Martin of North Carolina, and Mr. Thomas of California):

H.R. 3446. A bill to amend the Internal Revenue Code of 1954 to permit foreign pension plans to invest in the United States on a nontaxable basis; to the Committee on Ways and Means.

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By Mr. DONNELLY:

H.R. 3447. A bill to promote orderly and efficient ocean transportation of dry bulk commodities in the foreign commerce of the United States, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Rules.

By Mr. FASCELL (by request):

H.R. 3448. A bill to amend the Hostage Relief Act of 1980; jointly, to the Committees on Foreign Affairs, Post Office and Civil Service, and Ways and Means.

By Ms. FERRARO:

H.R. 3449. A bill to amend the Public Health Service Act to provide for research concerning Reye's syndrome, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRENZEL:

H.R. 3450. A bill to provide for 6 month nonrecourse loans on commodities received as payments in kind; to the Committee on Agriculture.

By Mr. FRENZEL (for himself and Mr. Gradison):

H.R. 3451. A bill to amend the Congressional Budget Act of 1974 to improve the congressional budget process, and for other purposes; jointly, to the Committees on Rules and Government Operations.

By Mr. GONZALEZ:

H.R. 3452. A bill to provide a bonus payment of $10,000 for each veteran of World War I; to the Committee on Veterans' Affairs.

By Mr. GOODLING:

H.R. 3453. A bill to provide awards to local educational agencies for individual school implementation of the recommendations of a national study on education, and for other purposes; to the Committee on Education and Labor.

H.R. 3454. A bill to amend title 18, United States Code, to increase the term of imprisonment for certain offenses relating to carrying or using firearms, to eliminate eligibility for parole with respect to such term, and to require that such term be served before and consecutively to any related sentence or imprisonment; to the Committee on the Judiciary.

By Mr. HILLIS:

H.R. 3455. A bill to designate the Veterans' Administration outpatient clinic to be located in Crown Point, Ind., as the "Adam Benjamin Veterans' Administration Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. HOWARD:

H.R. 3456. A bill to clarify the duty of the U.S. attorney to bring before the grand jury certain matters certified by the President of the Senate or the Speaker of the House of Representatives; to the Committee on the Judiciary.

By Mr. JONES of Tennessee (for himself, Mr. Coleman of Missouri, Mr. Harkin, and Mr. Jeffords):

H.R. 3457. A bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land; to allow farmers who plant perennial grasses and legumes as a means of building soil quality, rotating crops, or protecting land from wind and water erosion to enter a certified voluntary set-aside program; and to allow the Secretary of Agriculture to enter into long-term contracts with farmers to remove certain erosion-prone lands from cultivation; to the Committee on Agriculture.

By Mr. KOGOVSEK (for himself, Mr. Kramer, Mrs. Schroeder, Mr. Brown of Colorado, Mr. Wirth, and Mr. Schaefer):

H.R. 3458. A bill to amend the Tax Reform Act of 1969 with respect to the application of the excess business holding provisions to private foundations; to the Committee on Ways and Means.

By Mr. LOWERY of California (for himself and Mr. Hunter):

H.R. 3459. A bill to amend title 10, United States Code, to eliminate the requirement that students in Junior Reserve Officer Training Corps units be citizens or nationals of the United States; to the Committee on Armed Services.

By Mr. MAZZOLI:

H.R. 3460. A bill to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency, and for other purposes; jointly, to the Permanent Select Committee on Intelligence and the Committee on Government Operations.

By Mr. MINISH:

H.R. 3461. A bill to increase the penalties for smuggling quantities of marihuana exceeding 1,000 pounds; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. MITCHELL:

H.R. 3462. A bill to assist small business, independent inventors, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 3463. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to make it clear that the recently enacted requirement of mandatory coverage for Federal employees does not apply to retired judges who continue to perform judicial duties; to the Committee on Ways and Means.

By Mr. NOWAK (for himself, Mr. Dorgan, Mr. Williams of Ohio, Mr. Mitchell, Mr. McDade, and Mr. Smith of New Jersey):

H.R. 3464. A bill to amend the Internal Revenue Code of 1954 to provide simplification in accounting rules related to inventory; to the Committee on Ways and Means.

By Mr. OTTINGER (for himself, Mr. Biaggi, Mr. Fish, Mr. Gilman, and Mr. Rangel):

H.R. 3465. A bill requiring U.S. persons who conduct business or control enterprises in Northern Ireland to comply with certain fair employment principles; to the Committee on Foreign Affairs.

By Mr. PRICE (for himself and Mr. Dickinson) (by request):

H.R. 3466. A bill to amend section 709 of title 32, United States Code, to permit the Secretary of Defense to approve certain regulations governing excepted service technicians of the National Guard, and for other purposes; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. RICHARDSON:

H.R. 3467. A bill to authorize assistance to help alleviate the human suffering arising from the civil strife in El Salvador; to the Committee on Foreign Affairs.

By Mr. RINALDO:

H.R. 3468. A bill to impose certain objective requirements on State legislatures and Federal courts with respect to the establishment of congressional districts on the basis of the most recent decennial census, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 3469. A bill to amend the Motor Vehicle Information and Cost Savings Act to require that the impact test velocity in the motor vehicle bumper standard established by the Secretary of Transportation shall be 5 miles per hour; to the Committee on Energy and Commerce.

By Mr. SEIBERLING:

H.R. 3470. A bill to permit small businesses to use interest-bearing demand deposits (NOW accounts); to the Committee on Banking, Finance and Urban Affairs.

By Mr. TALLON:

H.R. 3471. A bill to amend the Fair Labor Standards Act of 1938 to extend the hours in which 14- and 15-year-old employees may work; to the Committee on Education and Labor.

By Mr. VANDER JAGT:

H.R. 3472. A bill to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River; to the Committee on Interior and Insular Affairs.

By Mr. WAXMAN:

H.R. 3473. A bill to amend title XVI of the Social Security Act to provide that reparations received by Holocaust survivors under the German federal compensation law shall not be considered income for purposes of determining an individual's eligibility for supplemental security income benefits or the amount of such benefits; to the Committee on Ways and Means.

By Mr. CONYERS:

H.J. Res. 310. A Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. de la GARZA (for himself, Mr. Madigan, Mr. Akaka, Mr. Annunzio, Mr. Anthony, Mr. Applegate, Mr. Aspin, Mr. AuCoin, Mr. Bateman, Mr. Bedell, Mr. Bereuter, Mr. Bethune, Mr. Bevill, Mr. Bilirakis, Mr. Boehlert, Mrs. Boxer, Mr. Britt, Mr. Brooks, Mr. Brown of California, Mr. Brown of Colorado, Mr. Campbell, Mr. Carper, Mr. Chandler, Mr. Chappell, Mr. Chappie, Mr. Coelho, Mr. Coleman of Missouri, Mr. Conyers, Mr. Corcoran, Mr. Corrada, Mr. Daniel, Mr. Daschle, Mr. Daub, Mr. Derrick, Mr. Dickinson, Mr. Dingell, Mr. Durbin, Mr. Edgar, Mr. Emerson, Mr. English, Mr. Evans of Iowa, Mr. Evans of Illinois, Mr. Fascell, Mr. Fauntroy, Mr. Flippo, Mr. Foley, Mr. Ford of Tennessee, Mr. Forsythe, Mr. Franklin, Mr. Frenzel, Mr. Fuqua, Mr. Gekas, Mr. Gunderson, Mr. Sam B. Hall, Jr. Mr. Hammerschmidt, Mr. Hance, Mr. Hansen of Idaho, Mr. Harkin, Mr. Hatcher, Mr. Heftel of Hawaii, Mrs. Holt, Mr. Hopkins, Mr. Huckaby, Mr. Hughes, Mr. Jeffords, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Kasich, Mr. Kemp, Mr. Kindness, Mr. LaFalce, Mr. Lagomarsino, Mr. Leach of Iowa, Mr. Leath of Texas, Mr. Leland, Mr. Lewis of Florida, Mr. Loeffler, Mr. Luken, Mr. McDade, Mr. McHugh, Mr. Martin of New York, Mrs. Martin of Illinois, Mr. Matsui, Mr. Montgomery, Mr. Morrison of Washington, Mr. Nichols, Mr. Nielson of Utah, Mr. O'Brien, Mr. Olin, Mr. Panetta, Mr. Penny, Mr. Quillen, Mr. Rahall, Mr. Rangel, Mr. Regula, Mr. Roberts, Mr. Robinson, Mr. Roe, Mr. Rose, Mr. Roth, Mr. Shumway, Mr. Simon, Mr. Sisisky, Mr. Skeen, Mr. Skelton, Mr. Smith of Florida, Mr. Solomon, Mr. Spence, Mr. Spratt, Mr. Staggers, Mr. Stangeland, Mr. Stenholm, Mr. Stokes, Mr. Stump, Mr. Sunia, Mr. Thomas of Georgia, Mr. Thomas of California, Mr. Traxler, Mr. Vandergriff, Mr. Volkmer, Mr. Watkins, Mr. Weaver, Mr. Weiss, Mr. Whittaker, Mr. Winn, Mr. Wolf, Mr. Won Pat, Mr. Wortley, and Mr. Yatron):

H.J. Res. 311. Joint resolution to proclaim March 20, 1984, as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.J. Res. 312. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 25th amendment to that Constitution; to the Committee on the Judiciary.

By Mr. LANTOS:

H. Con. Res. 138. Concurrent resolution declaring that U.S. contributions to the United Nations should be reduced by the U.S. propartionate share of the United Nations funds used for the international conference to be held in Vienna, Austria, on July 11 to 13, 1983; to the Committee on Foreign Affairs.

By Mr. RITTER:

H. Con. Res. 139. Concurrent resolution expressing the sense of the Congress that the Secretary of Health and Human Services should continue to review the social security disability program to insure that disability benefits for individuals are not arbitrarily terminated; to the Committee on Ways and Means.

By Mr. WINN (for himself, Mr. Sensenbrenner, Mr. Walker, Mr. Gregg, Mr. Carney, Mr. Hiler, and Mrs. Schneider):

H. Res. 245. Resolution establishing a select committee to conduct an investigation and inquiry into the alleged alterations of and omissions in the transcripts of hearings held before certain committees and subcommittes of the House of Representatives; considered and committed to the Committee on Rules.

By Mr. STOKES (for himself and Mr. Spence):

H. Res. 254. Resolution to authorize an investigation by the Committee on Standards of Official Conduct; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 225: Mr. Moakley, Mr. Ford of Tennessee, Mr. Britt, Mr. Stokes, Mr. Duncan, Mr. Wortley, Mr. Weiss, Mr. Solarz, Mr. McGrath, Mr. Conyers, Mr. Martin of North Carolina, Mr. Jones of North Carolina, Mr. Mitchell, Mr. Horton, and Mr. Ackerman.

H.R. 287: Mr. Bartlett.

H.R. 565: Mr. Harkin.

H.R. 717: Mr. Brooks.

H.R. 748: Mr. Ratchford.

H.R. 800: Mr. Aspin, Mr. Kogovsek, Mr. Florio, and Mr. English.

H.R. 828: Mr. Jacobs

H.R. 829: Mr. Jacobs.

H.R. 1146: Mr. Martinez.

H.R. 1199: Mr. McDade.

H.R. 1207: Mrs. Collins.

H.R. 1242: Mr. Kildee, Mr. McDade, Mr. McKinney, Mr. Patterson, and Mr. Sunia.

H.R. 1285: Mr. Rahall, Mr. Young of Alaska, Mr. Pepper, Mr. Garcia, Mr. Boner of Tennessee, Mr. Roberts, Mr. Lantos, Mrs. Vucanovich, Mr. Berman, and Mr. Traxler.

H.R. 1371: Mr. Torricelli.

H.R. 1540: Mr. McNulty.

H.R. 1603: Mr. Yates, Mr. Bonior of Michigan, Mr. Neal, Mr. Albosta, Mr. Coelho, Mr. Studds, and Mr. Mineta.

H.R. 1644: Mr. Mrazek and Mr. Walgren.

H.R. 1689: Mr. Conyers, Mr. Hatcher, Mr. Stokes, Mr. Schumer, Mr. Smith of Florida, Mr. Dyson, Mr. Mavroules, Mr. Crockett, Mr. Morrison of Connecticut, Mr. Bliley, Mr. Fauntroy, Mr. Markey, Mr. Hughes, Mr. Lowery of California, Mr. Ford of Michigan, Mr. Nielson of Utah, Mr. Lehman, of Florida, Mr. Solarz, Mr. Sabo, Mr. Beilenson, Mrs. Boxer, Mr. Goodling, Mr. Waxman, Mr. McNulty, Mr. Fazio, Mr. McHugh, Mr. Bereuter, Mr. Weiss, Mr. Patterson, Mr. Vento, Mr. Rangel, Mr. Richardson, Mr. Edgar, Mr. Andrews of Texas, Mr. Daschle, and Mr. Mrazek.

H.R. 1740: Mr. Hammerschmidt.

H.R. 1741: Mr. Mrazek.

H.R. 1955: Mr. Molinari and Mr. Neal.

H.R. 1991: Mr. Britt.

H.R. 2042: Mr. Young of Alaska, Mr. Moakley, Mr. Frank, Mr. Lowery of California, Mr. Bosco, Mr. D'Amours, Mr. Sunia, Mr. Hughes, Mr. Lowry of Washington, Mr. Fazio, Mr. Mavroules, Mr. Conyers, Mr. Forsythe, Ms. Snowe, Mr. Carper, Mr. Ratchford, Mr. Bateman, and Mrs. Collins.

H.R. 2053: Mr. Craig, Mr. Madigan, and Mr. Wortley.

H.R. 2059: Mr. Barnes, Mr. Donnelly, Mr. Lowry of Washington, Mr. Martinez, Mr. Miller of California, Mr. Matsui, Mr. Gejdenson, Mr. Crocket, Mr. Hawkins, Mrs. Schroeder, Mr. Conte, Mr. Early, Mr. Richardson, and Mr. Brown of California.

H.R. 2071: Mr. Penney, Mr. Coleman of Missouri, and Mr. Andrews of North Carolina.

H.R. 2073: Mrs. Lloyd.

H.R. 2124: Mr. Jacobs, Mr. Duncan, Mr. Coelho, Mr. Edwards of Oklahoma, Mr. Moorhead, Mr. Myers, Mr. Britt, Mr. Thomas of Georgia, Mr. Lewis of California, Mr. Frank, Mr. Erdreich, Mr. Kasich, Mr. Daniel, Mr. Hatcher, and Mr. Olin.

H.R. 2163: Mr. Ortiz, Mr. Parris, Mr. Jenkins, Mr. Stokes, Mr. Fowler, Mr. McNulty, and Mr. Hughes.

H.R. 2164: Mr. Kindness.

H.R. 2204: Mr. Bedell and Mrs. Lloyd.

H.R. 2300: Mr. Matsui, Mr. Porter, Mr. Schumer, and Mrs. Collins.

H.R. 2372: Mr. Martinez.

H.R. 2382: Mr. Erdreich, Mr. Hamilton, Mr. Reid, Mr. Daniel, Mr. Watkins, Mr. Parris, Mr. English, Mr. Young of Florida, and Mr. Lagomarsino.

H.R. 2449: Mr. Feighan, Mr. Barnard, Mr. Heftel of Hawaii, Mr. Hughes, Mr. Sunia, Mr. Bates, Ms. Kaptur, Mr. Coehlo, Mr. Martinez, Mr. Mrazek, Mr. Andrews of Texas, Mr. Tallon, Mr. Bedell, Mr. Bennett, and Mr. Wise.

H.R. 2491: Mr. Pritchard, Mr. Barnes, Mr. Stark, Mrs. Schneider, and Mr. Gejdenson.

H.R. 2685: Mr. Thomas of California.

H.R. 2696: Mr. Dyson, Mr. Barnes, Mr. Wolf, Mr. Sunia, Mr. Roe, Mr. Won Pat, Mr. Yatron, Mr. Garcia, Mr. Schumer, Mr. Lehman of Florida, Mr. Yates, Mr. Conyers, Mr. Owens, Mr. Smith of New Jersey, and Mr. Brown of California.

H.R. 2697: Mr. Dyson, Mr. Barnes, Mr. Wolf, Mr. Sunia, Mr. Roe, Mr. Won Pat, Mr. Yatron, Mr. Garcia, Mr. Schumer, Mr. Lehman of Florida, Mr. Yates, Mr. Conyers, Mr. Vento, Mr. Owens, Ms. Fiedler, Mr. Smith of New Jersey, and Mr. Brown of California.

H.R. 2698: Mr. Dyson, Mr. Barnes, Mr. Wolf, Mr. Sunia, Mr. Roe, Mr. Won Pat, Mr. Yatron, Mr. Garcia, Mr. Schumer, Mr. Lehman of Florida, Mr. Yates, Mr. Conyers, Mr. Owens, and Mr. Brown of California.

H.R. 2711: Mr. Burton of Indiana, Mr. Siljander, and Mr. Traxler.

H.R. 2715: Mr. Berman and Mrs. Collins.

H.R. 2790: Mr. McCandless, Mr. Brown of Colorado, Mr. Anderson, Mr. Fazio, Mr. Reid, Mr. McCain, Mr. Badham, Mr. McNulty, Mr. Kramer, and Mrs. Vucanovich.

H.R. 2871: Mr. McCandless.

H.R. 2927: Mr. Kindness, Mr. Lowry of Washington, and Mr. Thomas of Georgia.

H.R. 2928: Mr. Kogovsek and Mr. Daschle.

H.R. 2956: Mr. Eckart.

H.R. 3016: Mr. Vander Jagt, Mr. Lowry of Washington, Mr. Won Pat, Mr. Mitchell, Mr. D'Amours, Mr. Latta, Mr. Panetta, Mr. Florio, Mr. Hutto, Mr. Marlenze, Mr. Owens, and Mr. Long of Louisiana.

H.R. 3043: Mr. Jenkins, Mr. Martin of North Carolina, and Mr. Pursell.

H.R. 3050: Mr. Fascell, Mr. Kostmayer, and Mr. Patman.

H.R. 3072: Mr. Ratchford, Mr. Lantos, and Mr. Kostmayer.

H.R. 3075: Mr. McGrath, Mr. Corrada, Mr. Goodling, Mr. Gejdenson, Mr. Won Pat, Mr. Frenzel, Mr. LaFalce, Mr. Levin of Michigan, Mr. Conyers, Mr. Patterson, Mr. Ratchford, and Mr. Ackerman.

H.R. 3104: Mr. Clinger.

H.R. 3106: Mr. Ackerman.

H.R. 3110: Mr. Harkin, Mr. Bryant, and Mrs. Boxer.

H.R. 3196: Mr. Albosta, Mr. Bedell, Mr. Carr, Mr. DeWine, Mr. Edgar, Mr. Ford of Michigan, Mr. Frank, Mr. Kasich, Mr. Kildee, Mr. Kogovsek, Mr. LaFalce, Mr. Simon, and Mr. Vento.

H.R. 3197: Mr. Albosta, Mr. Carr, Mr. DeWine, Mr. Edgar, Mr. Ford of Michigan, Mr. Frank, Mr. Kasich, Mr. Kildee, Mr. Kogovsek, Mr. LaFalce, Mr. Simon, and Mr. Vento.

H.R. 3198: Mr. Duncan.

H.R. 3200: Mr. Seiberling, Mr. Feighan, Mr. Smith of Florida, Mr. D'Amours, Mr. Markey, Mr. Ottinger, Mr. Sikorski, Mr. Berman, Mr. Barnes, Mr. Torricelli, Mr. Lowry of Washington, Ms. Mikulski, Mr. Dwyer of New Jersey, Mr. Oberstar, Mrs. Boxer, Mr. Weiss, Mr. Mollohan, Mr. Vento, Mr. Minish, Mr. Jeffords, Mr. Mitchell, Mr. Fauntroy, and Mr. Williams of Ohio.

H.R. 3238: Mr. Sabo and Mr. LaFalce.

H.R. 3276: Mr. Lehman of Florida and Mr. Oberstar.

H.R. 3278: Mr. Levine of California, Mr. Hughes, Mr. Mitchell, and Mr. Lent.

H.R. 3348: Mr. Leland, Mr. Hansen of Idaho, Mr. Smith of Iowa, Mr. Erdreich, Mr. Frank, Mr. Frost, Mr. Wyden, Mr. Ford of Tennessee, Mr. Forsythe, Mr. Feighan, Mr. Gejdenson, Mr. Kostmayer, Mr. Livingston, Mr. Rahall, Mr. Roe, Mr. Shannon, Mr. Stokes, Mr. Wilson, Mr. Vandergriff, Mr. Dyson, Mr. Biaggi, Mr. Gibbons, Mr. Zablocki, Mr. Smith of Florida, Mr. Mrazek, Mr. Minish, Mr. Hansen of Utah, Mr. Fascell, Mr. DeWine, Mr. Conyers, Mr. Reid, Mr. Pritchard, Mr. Owens. Mr. Towns, Mr. Barnes, Mr. Hightower, Mr. Bonker, Mr. Coyne, Mr. Markey, Mr. Ackerman, Mr. Akaka, Mr. Andrews of

Texas, Mr. Mitchell, Mr. Barnard, Mr. Britt, Mr. Simon, Mr. Yatron, Mr. Ratchford, Mr. Breaux, Mr. Tauzin, Mr. Carper, Mr. Florio, Mr. Fuqua, Mr. Hefner, Mr. Dwyer of New Jersey, Mr. Bennett, Mr. Boucher, Mr. Young of Missouri, Mr. Siljander, Mr. Fauntroy, Mr. Edgar, Mr. Murphy, and Mr. Morrison of Connecticut.

H.R. 3364: Mrs. Collins, Mr. Roybal, Mr. Dixon, Mr. Towns, Mr. Clay, Mr. Edwards of California, Mr. Matsui, Mr. Hawkins, Mr. Dellums, Mr. Stark, Mr. Hance, and Mr. Wyden.

H.R. 3365: Mrs. Collins, Mr. Roybal, Mr. Dixon, Mr. Towns, Mr. Clay, Mr. Edwards of California, Mr. Matsui, Mr. Hawkins, Mr. Dellums, Mr. Stark, Mr. Hance, and Mr. Wyden.

H.R. 3366: Mrs. Collins, Mr. Roybal, Mr. Dixon, Mr. Towns, Mr. Clay, Mr. Edwards of California, Mr. Matsui, Mr. Hawkins, Mr. Dellums, Mr. Stark, Mr. Hance, and Mr. Wyden.

H.R. 3408: Mr. Conte.

H.R. 3433: Mr. Pepper, Mr. Waxman, Mr. Wright, Mr. Coelho, Mr. Frank, Mr. Gejdenson, Mr. Nowak, Mr. Applegate, Mr. Gaydos, Mr. Walgren, Mr. Kolter, Mr. McNulty, Mr. Richardson, Mr. Evans of Illinois, Mr. Sikorski, Mr. Boucher, Mr. Leland, Mr. Levin of Michigan, Mr. Lehman of California, Mr. McCloskey, Mr. Ortiz, Mr. Coyne, Mrs. Hall of Indiana, Mr. Staggers, Mrs. Boxer, Mr. Towns, Mr. Yatron, Mr. Kildee, Mr. Simon, Mr. Wise, Mr. Edgar, Mr. Rahall, Mr. Hoyer, Mr. Jacobs, Mr. Lowry of Washington, Mr. Vandergriff, Mr. Luken, Mr. Jones of Tennessee, Mr. Mineta, and Mr. Sunia.

H.J. Res. 20: Mr. Hightower, Mr. Dowdy of Mississippi, Mr. Emerson, Mr. Biaggi, Mr. Whitley, Mr. Winn, Mr. Andrews of Texas, Mr. de la Garza, Mr. Tauke, Mr. Neal, Mr. Wylie, Mr. Weiss, and Mr. Waxman.

H.J. Res. 49: Mr. McKernan, Mr. Shumway, Mr. Rudd, and Mr. Hyde.

H.J. Res. 71: Mr. Torricelli.

H.J. Res. 101: Mr. Weiss, Mr. Patterson, Mr. Bateman, Mr. Breaux, Mr. Dellums, Mr. Scheuer, Mr. Chappie, and Mr. Torricelli.

H.J. Res. 103: Mr. Shumway.

H.J. Res. 176: Mr. Young of Florida, Mr. Porter, Mr. Hyde, Mr. Badham, Mr. Dymally, Mr. McCollum, Mr. Shaw, and Mr. Frank.

H.J. Res. 225: Mr. Martinez.

H.J. Res. 233: Mr. Borski, Mr. Clinger, Mr. Coughlin, Mr. Coyne, Mr. Edgar, Mr. Foglietta, Mr. Gaydos, Mr. Gekas, Mr. Gray, Mr. Harrison, Mr. Kolter, Mr. Kostmayer, Mr. McDade, Mr. Murphy, Mr. Murtha, Mr. Ridge, Mr. Ritter, Mr. Schulze, Mr. Shuster, Mr. Walgren, Mr. Walker, and Mr. Yatron.

H.J. Res. 254: Mr. Martinez, Mr. Murphy, Mr. Scheuer, Mr. Jeffords, Mrs. Kennelly, Mr. Mollohan, Mr. Weaver, and Mr. Whittaker.

H.J. Res. 268: Mr. Bonior of Michigan, Mr. Tauke, Mr. Forsythe, Mr. Markey, Mr. Pashayan, Mr. Shelby, Mr. Edwards of Alabama, Mr. Chandler, Mr. Martinez, Mr. Shumway, Mr. Weiss, Mr. Nichols, Mr. Sisisky, and Mr. Evans of Illinois.

H. Con. Res. 71: Mr. Bateman, Mr. Lipinski, Mr. Simon, and Mr. Duncan.

H. Con. Res. 105: Mr. Conte.

H. Con. Res. 137: Mr. Harrison, Mr. Eckart, Mr. Kindness, Mr. Quillen, Mr. Mitchell, Mr. Morrison of Connecticut, Ms. Mikulski, Mr. Murphy, Mr. Foglietta, Mr. Gaydos, Mr. Murtha, Mr. Kolter, Mr. Walgren, Mr. Mollohan, Mr. Oberstar, Mr. Coughlin, Mr. Young of Missouri, Mr. McKinney, Mr. Vander Jagt, Mr. Kostmayer, Mr. Hillis, Mr. Regula, Mr. Borski, Mr. Whitten, Mr. Ford of Michigan, Mr. Goodling, and Ms. Oakar.

H. Res. 166: Mr. Weiss.

H. Res. 186: Mr. Wolpe, Mr. Kramer, Mr. Wortley, Mr. Ackerman, Mr. Vento, Mr. Davis, Mrs. Hall of Indiana, Mr. Weaver, Mr. Edwards of Oklahoma, Mr. Hefner, Mr. Ford of Michigan, Mr. Boucher, Mr. Dyson, Mr. McCloskey, and Mr. Borski.

H. Res. 215: Mrs. Holt and Mr. Paul.

H. Res. 216: Mr. DeWine, Mr. Thomas of Georgia, Mr. Bethune, Mr. Montgomery, Mr. Chandler, Mr. Bliley, Mr. Badham, Mr. Bateman, Mr. Fuqua, and Mr. Dreier of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 283: Mr. Mitchell, Mr. Scheuer, Mr. Minish, Ms. Oakar, Mr. Smith of Florida, Mr. Barnes, and Mr. McHugh.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

153. By the SPEAKER: Petition of the city council, Bloomington, Minn., relative to the nuclear weapons policy of the United States; to the Committee on Armed Service.

154. Also, petition of city of Homestead, Fla., relative to economy; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. Res. 254

By Mr. SENSENBRENNER:

—On page 5, line 18, after the period, insert:

"Sec. 8. Notwithstanding any rule of the Committee on Standards of Official Conduct, all meetings, hearings, and depositions authorized by this resolution shall be open.".

EXTENSIONS OF REMARKS

A BARGAINING CHIP?

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MAVROULES. Mr. Speaker, within the next few weeks, the House of Representatives must decide the critical question of whether to put the MX missile into production.

There are those in the administration who contend that there can be no arms limitation agreement unless the MX missile is produced and deployed. Is this correct? Is the MX missile a useful bargaining chip?

William M. Rose of Tulane University has written an article on this very subject. I would highly recommend its reading to my colleagues in the House.

The article follows:

MX: A Useful Bargaining Chip?

One of today's paradoxes is that under some conditions we must arm to disarm. Following this logic, new weapons are sometimes proposed to Congress on the grounds that they will serve as bargaining chips, which later can be traded away in arms control negotiations in exchange for Soviet concessions. The MX missile is the latest in a series of bargaining chips intended to give leverage to American negotiators.

Unfortunately, antagonists in the MX debate are giving us only caricatures of the bargaining chip tactic, claiming either that it always works or never works. Neither side suggests that the success of the tactic is contingent on circumstances that may vary from case to case. We deserve better, especially since this issue has become central to Congressional decision-making about the MX.

Will the Soviet Union give up its heavy, multiple warhead missiles in response to a Congressional decision to deploy MX? Supporters of MX, such as the Presidential Commission on Strategic Forces, think so. The Commission backs its argument with the anti-ballistic missile (ABM) case: The Soviets expressed no interest in ABM limitations until the United States began to deploy ABM as a bargaining chip.[1]

Opponents claim that the negotiating tactic does not work. For example, Gerard Smith, chief SALT negotiator in the Nixon Administration, tells us that the tactic will fail because bargaining chips "tend to take on a life of their own." He backs his argument by referring to the development of the cruise missile, a bargaining chip that became a building block in the arms race.[2]

If each was explaining the outcome of only the one example, each would be right. But they overgeneralize. The fact is, the bargaining chip tactic can succeed, but only under certain conditions. Because the ABM case met almost all of the conditions, it was a successful American bargaining chip. But it was the only one. The other bargaining chips met few of the conditions for success. MX also meets few of them, and thus it is likely to fail.

I shall begin by describing the sequence of events surrounding American bargaining chips. Then, as I discuss the relevant conditions, I shall explain the fate of these chips and examine whether or not MX meets the conditions.

PAST AMERICAN BARGAINING CHIPS

The Soviets were the first to begin to construct an ABM site, and as late as 1967 they rejected the idea of beginning SALT and limiting ABM. Early in 1968, President Johnson for the first time requested funds to produce and deploy the Sentinel ABM system. The Soviets then began to indicate interest in beginning SALT, and in August American satellites detected a halt to Soviet construction of their Moscow ABM site. When the Soviet Union intervened in Czechoslovakia in late August, however, President Johnson canceled a planned summit. Consequently SALT did not begin.[3]

Richard Nixon took office in January, 1969. On March 14, he announced that deployment of a different ABM system, Safeguard, would begin. It was to serve as an explicit bargaining chip designed to compel the Soviets to agree to limit ABM systems. Before long, Safeguard was also intended to compel them to limit their deployment of heavy ICBMs, the SS-9s. In June, Nixon said a reevaluation of American strategic needs had been completed, and the United States was prepared to begin SALT. The Soviets formally accepted his invitation four months later.

The delay resulted from two factors. First, it may have been intended to signal Soviet displeasure with the tactic and to strengthen American opponents of ABM. The ploy almost worked; the August 6 Senate vote to deploy Safeguard passed by only one vote. After this vote, however, the Soviets had a greater incentive to negotiate. Second, given the intensity of the Sino-Soviet border dispute in 1969, apparently the Soviets wanted to negotiate with the United States only after they began to negotiate with the Chinese. Otherwise they could have been accused of being less concerned about the world communist movement than about United States-Soviet relations. Negotiations with China began October 20, and five days later the Soviets announced their willingness to begin SALT.

SALT began in November. Almost immediately the Soviets expressed serious interest in ABM limitations, but they hesitated about limitations on offensive weapons. They finally agreed, in principle, to limit offensive and defensive weapons, privately in December 1970 and publicly on May 20, 1971. The final agreements were signed in Moscow on May 26, 1972.

The ABM Treaty permitted each side to have only two ABM sites. The Interim Agreement on Offensive Weapons limited numbers of missile-carrying submarines and offensive missiles. The Soviets agreed to deploy no additional huge missiles.

Some analyists claim that ABM failed as a bargaining chip. Robert Bresler and Robert Gray, for instance, argue that the tactic led the United States to "up the ante" in negotiations. Consequently, the 1972 ABM Treaty allowed the Soviets to have two sites. In contrast, before negotiations began in November 1969, they had only the Moscow site. Furthermore, these analysts argue that with only two American sites, the Soviet Union calculated that it needed no additional SS-9s to assure destruction of American targets. They conclude that American restraint in ABM site construction was the reason the Soviets agreed to limit heavy missiles.[4]

Bresler and Gray might be right about the connection between American ABM restraint and a Soviet willingness to limit the number of heavy missiles. It cannot be denied, however, that the ABM bargaining chip tactic served to stimulate the Soviets to begin SALT and negotiate seriously about limiting offensive and defensive weapons. It seems that beginning to deploy ABM, but only as a few sites was the optimal approach that disposed the Soviets to limit heavy missiles. Also, although the 1972 ABM Treaty permitted the Soviet Union to have two ABM sites, a 1974 Protocol to the Treaty reduced this number to one each. The Soviets still have their Moscow site, which would be effective only against a Chinese attack. The United States has dismantled its one site.

ABM did more or less succeed as a bargaining chip. Does that mean that the bargaining chip tactic always succeeds? Or does it succeed only sometimes? To answer these questions, we need to examine other American bargaining chips.

Other so called bargaining chips, with the exception of multiple independently-targetable reentry vehicles (MIRVs), were not true bargaining chips. Rather, they were part of a more amorphous approach—"negotiating from strength." They were never intended to be traded away in negotiations for specific Soviet concessions. This was true of cruise missiles, Trident submarines, B-1 bombers, expanded deployment of Minuteman III missiles, Mark 12A warheads, and MARV (maneuverable) warheads.[5]

MIRVs were invented in the United States in 1962. They had advantages of being able to penetrate an ABM screen and to strike more targets. Late in 1968, just after their testing began, they became part of the "negotiating from strength" approach. In 1969 another rationale was added: MIRV explicitly became a bargaining chip whose fate was linked to the fate of Soviet multiple warheads. At this time, the Soviets had begun testing multiple reentry vehicles (MRVs) which, unlike MIRVs, are not individually guided.

MIRV was first discussed in negotiations during Round Two of SALT in late 1969. The United States proposed a ban on testing, production, and deployment. The Soviets proposed a production ban without onsite inspection. Each rejected the other's proposal, and the MIRV issue was dropped. The United States began to deploy them in 1970. The Soviets began to test them in 1973 and to deploy them in 1974.[6]

Footnotes at end of article.

EXPLAINING THE OUTCOMES OF BARGAINING

Why did ABM succeed as a bargaining chip, while all the others failed? To answer this question, we must understand that we are talking about a tactic intended to change the foreign policy of an adversary state. A country's foreign policy is influenced by both internal politics and perceptions of external constraints and opportunities. A bargaining chip is intended to influence the calculations of the leaders in the adversary state, so that they will see domestic and international advantages in making an arms control concession and see disadvantages in not making it.

Six conditions help us to understand the outcomes of the use of bargaining chips. Two of the conditions lie within the Soviet Union—its military bureaucracy and its economy. Three involve Soviet calculations about security, verification, and prestige. The final condition entails how well the United States implements the bargaining chip tactic.

For the MX to succeed as a bargaining chip, most of the following conditions must be met.

1. The Soviet Union should not have to dismantle effective, deployed weapons.

When an influential bureaucratic constituency favors retention of a weapon, it is harder to give it up than otherwise. Resistance by the military partially explains why an effective, deployed system has never been dismantled in response to a bargaining chip. The Soviets agreed to control ABM in part because its effectiveness was in doubt and it was not widely deployed. In contrast, few Soviets doubted the effectiveness of MIRV, even though the Soviet Union had not yet deployed any. Today, about 600 Soviet heavy missiles are deployed, and their effectiveness would be in doubt only if they were targets of a first strike.

2. The Soviet Union should save money or at least should not have to increase defense expenditures.

The ABM agreement met this condition. A MIRV ban would have met it too, given the limits on the number of missiles in the SALT I agreements. A ban on heavy missiles, however, would be costly. The Soviets would have to abandon their sunk investments in them and increase investments in other strategic systems, such as missile-carrying submarines, cruise missiles, and smaller land-based missiles. In all these areas, the United States has or is likely to have a qualitative advantage.

3. Mutual restraint of the United States and the Soviet Union should enhance, or at least should not threaten, Soviet security.

If a concession would either help or harm security, then security calculations tend to predominate. If the effects would be neutral or unclear, then other conditions assume more prominence.

ABM clearly met this condition. The agreement preserved the ability of missiles, once launched, to reach their targets, and it precluded the prospect of American superiority in ABMs.[7]

MIRV did not meet this condition. The American call for a ban on MIRV testing, production, and deployment would have left the Soviets permanently inferior in this vital technology. The Americans already had conducted extensive MIRV tests, while the Soviets had not yet begun to test. If an agreement to ban MIRVs were to break down, the Soviets would be at a disadvantage. In such a situation, the United States would at least temporarily possess a superior counterforce capability. The Soviet land-based deterrent capability would then be threatened. The Soviets therefore felt compelled to match the American MIRV capability.[8]

MX PRESENTS AN AMBIGUOUS PICTURE

As the Presidential Commission says, a ban on heavy missiles would help to ensure the invulnerability of other ICBMs. Also, if neither side has heavy ICBMs, or if both sides have them, then there would be equivalence in the ability of ICBMs to destroy other ICBMs. Currently, the Soviet Union has the advantage in this "counterforce" capability.

However, most strategic analysts agree equivalence in overall counterforce capability now obtains. We have advantages in strategic anti-submarine warfare and in ballistic and cruise missile accuracy. Neither side clearly has the advantage of being able to limit the damage that bombers can cause. Thus, when the Soviets consider counterforce capabilities, it is unclear why they should prefer a ban to mutual deployment of heavy missiles. Just as plausibly, they might break out of the SALT II limits—still unratified by the United States—and deploy more missiles or warheads on each missile in order to maintain equivalence in overall counterforce capability, as well as to ensure that enough warheads could survive an American attack. They could also adopt a "launch on warning" policy. In other words, unlike in the ABM case, an arms control agreement is not their only practical option.

4. An agreement should be verifiable without on-site inspection.

Satellites verify the ABM Treaty. A MIRV ban requires on-site inspection, because the United States already had tested MIRVs and because they are easy to conceal. A ban on heavy missiles can be verified without on-site inspection.

5. Soviet prestige should be enhanced or at least should not be threatened.

The ABM agreement affirmed the norm of equal status; the Soviets did not have to dismantle more weapons than the United States. They probably thought the sacrifices required in a MIRV ban lacked reciprocity. In the MX case, the Soviets would have to dismantle up to 600 SS-18s and SS-19s, while the United States would give up only its plan to deploy 100 MX missiles—hardly an affirmation of the norm of equal status. The inequality of concessions would make the Soviets believe that their prestige would suffer.

6. The Soviet Union should see agreement as the most rational action.

A prerequisite for such a perception is that the United States implement the bargaining chip tactic effectively. This requires clear and consistent communication of American demands and commitments. The ABM and MIRV cases met some of these conditions. MX meets few of them.

We have made it fairly clear that the Soviet Union must dismantle its heavy ICBMs in order to limit MX deployment. American commitments, however, are not established.

The Soviets may find as incredible our threat to deploy MX if they keep their heavy missiles. This could be so for two reasons. First, there are serious arguments against the MX on various grounds. Opponents claim that it is a "first strike" weapon, and that no basing mode can protect it from a Soviet attack. They argue that the existence of MX might tempt the Soviets to move to a "launch on warning" policy or even to launch a preemptive attack on MX. Second, a new American administration might come into office in January of 1984 and cancel the MX project.

The Soviets may also wonder about the credibility of our promise to trade MX away. Proponents have advanced additional arguments for MX independent of Soviet heavy missile deployment. In particular, the Presidential Commission says that an American heavy missile could serve to carry decoys and other penetration aids, which would be useful if the Soviets abrogated the ABM Treaty. It also says that MX could serve to launch satellites and thus could be used as a back-up to the space shuttle.[9] Therefore, the United States might want to keep the MX even if the Soviets agree to a ban on heavy missiles. This possibility would be even more likely if production and deployment of MX begins, for then MX will develop a larger bureaucratic constituency.[10]

CONCLUSIONS

On balance, more conditions work against the MX as a successful bargaining chip than for it. Consequently, we can expect the Soviet Union to keep its heavy missiles if the MX is deployed. Telling them to give up these missiles is telling them to give up a system that they already have, that works and that costs a lot of money. In return, they would face ambiguous security consequences and their prestige would suffer. Finally, they probably doubt the American ability to fulfill the commitments inherent in the bargaining chip tactic. Therefore, since the MX cannot be defended as a bargaining chip, it must be evaluated solely on its other merits and drawbacks.

(Wiliam Rose is a member of the political science faculty at Tulane University. In the fall he will be an assistant professor of government at Connecticut College.)

FOOTNOTES

[1] Report of the President's Commission on Strategic Forces (Scowcroft Commission), April 1983, p. 16.

[2] Gerard Smith, "Chips Are No Bargain." The New York Times, May 23, 1983.

[3] Sources for the entire ABM chronology are John Newhouse, "Cold Dawn: The Story of SALT," New York: Holt, Rhinehart and Winston, 1973, pp. 81-103, 151f, 156f, 163-165, 188, 193f, 217f, 238; Lyndon B. Johnson, "The Vantage Point: Perspectives of the Presidency, 1963-69," New York: Holt, Rhinehart and Winston, 1971, pp. 485-487; Gerard Smith, "Doubletalk: The Story of the First Strategic Arms Limitation Talks," Garden City, NY: Doubleday & Co., 1980, pp. 192-195, 223.

[4] Robert Bresler and Robert Gray, "The Bargaining Chip and SALT," Political Science Quarterly, Spring 1977, pp. 77-78.

[5] Bresler and Gray, Spring 1977, pp. 70-74, 79-85.

[6] Ted Greenwood, "Making the MIRV," Cambridge, MA: Ballinger, 1975, pp. 25-35, 92f, 99, 124f, 131-138; Newhouse, 1973, p. 158.

[7] Newhouse, 1973, pp. 101f, 156f.

[8] Newhouse, 1973, pp. 158-159; Smith, 1980, pp. 155-156.

[9] Scowcroft Commission, April 1983, p. 17.

[10] Graham Allison and F. Morris, "Armaments and Arms Control: Exploring the Determinants of Military Weapons," Daedalus, Summer 1975, p. 125.●

GEORGE WILL ON THE DISABLED AS CITIZENS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. FRANK. Mr. Speaker, in the Washington Post on June 24, George

Will responds with eloquence and great logical force to the unfair attacks that have been made on Federal efforts to aid the disabled. As Mr. Will points out, Public Law 94-142, and section 504 of the Rehabilitation Act of 1973 seek essentially to remove social and physical barriers which keep disabled people from living the lives they are capable of living as citizens of the United States. There ought not to be partisan or ideological debate about the importance of such Federal policies, and I hope that Mr. Will's eminently sensible presentation of the case against segregating the disabled will be widely read.

The article follows:

[From the Washington Post, June 24, 1983]

INCLUDE THE HANDICAPPED

(By George F. Will)

In the contemporary spirit of ruthless full disclosure, I herewith disclose that I am sleeping with a government official. Any day now the Senate will do its clear and pleasant duty, confirming Madeleine Will as assistant secretary of education for special education and rehabilitation.

Without dwelling indelicately on the erotic life of Washington, let me say that I now know what it is to sleep with the Federal Register, Madame Secretary, a veteran of service with the Maryland Association of Retarded Citizens, falls asleep talking, and wakes up talking, acronyms and numbers. Remember how approvingly Keats spoke about the Grecian urn? That is how Ms. Will speaks about P.L. 94-142 and Section 504.

P.L. 94-142, the Education for All Handicapped Children Act, is to parents of handicapped children what Social Security is to the elderly: their Magna Carta. It establishes a right to an "appropriate" education in the "least restrictive environment." Section 504 (of the Rehabilitation Act of 1973, requiring that programs receiving federal assistance be accessible to disabled persons) means nothing to most Americans but everything to millions of citizens. They are citizens who have been excluded from fair social participation not because of their handicaps but because of handicapping social attitudes.

Writing in Scientific American about architectural barriers, Gerben DeJong and Raymond Lifchez argue that Section 504 regulations are government power in the service of conservative values—the escape from dependency, the achievement of self-reliance. The most pervasive barriers are attitudinal, and the worst is the belief that disabled persons are helpless and inevitably are drains on public resources.

A conservative research institution here (the Heritage Foundation) has just published the factually preposterous and morally repulsive thought that a "key reason" why academic achievement standards have fallen is that the federal government has "dismantled an academically demanding curriculum" by catering to "special-interest groups" such as the handicapped, and has "favored the disadvantaged pupils at the expense of those who have the highest potential to contribute positively to society."

Leave aside the philistine social analysis: the idea that profound changes in society's educational expectations and achievements are the result of recent Washington decisions rather than of complex and autonomous cultural processes. But note this dangerous doctrine: handicapped persons are among those getting too much public assistance because, by some cost-benefit criterion, they do not have the capacity to make a sufficiently "positive" contribution to society. Note the nasty premise: an individual's enjoyment of rights is conditioned by the individual's social utility.

It is almost demeaning to assure such analysts that equity is economical. Institutionalization of the retarded is almost never necessary and almost always an expensive incarceration of potential taxpayers. And physically handicapped persons are seeking removal of barriers to self-help.

Handicapped citizens are as fully citizens as those of us who are mentally non-handicapped or temporarily able-bodied. They are just beginning to have access to social benefits that other citizens take for granted. When P.L. 94-142 was passed in 1975, 25 percent of all handicapped children were underserved and another 25 percent had no educational programs at all; they were more excluded from society's basic benefits than black children were in 1954. Now, just eight years later, we are invited to believe that federal largess toward disadvantaged pupils is a threat to America's meritocracy.

The Reagan administration's most serious self-inflicted wound has been its failure to practice creative exceptionalism. It has failed to find an area for action that is an exception to its domestic austerity and deregulation—action that would announce;

Although we conservatives believe government has been irrationally intrusive, we nevertheless know there are persons who cannot help themselves until government helps them. And we know there are conservative values that are not vivified until the federal government affirms them with strong regulations.

Instead, acting in part from unconservative fidelity to ideological abstractions, the Reagan administration aroused the anxiety of an enormous constituency—the handicapped and their friends. It did so with some contemplated "deregulations" involving P.L. 94-142 and Section 504, changes that Congress would never permit.

Even just a generation from now we will, I hope, be mortified by the memory of our complacent acceptance of the social segregation of the handicapped—as mortified as we are today by the memory of racial segregation. We are barely at the beginning of the last great inclusion in American life, the inclusion of the handicapped, and especially the mentally handicapped. This should have been, and still could be, the field where the Reagan administration confounds its critics and shows subtlety in its conservatism.●

BEYOND THE BOTTOM LINE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. BEREUTER. Mr. Speaker, one of the hottest public policy issues facing this Congress will be the debate over the need for an American industrial strategy. Innumerable congressional hearings, seminars, and meetings will be held to hammer out what the Congress, the administration, and the agencies of the Federal Government must do to revive our Nation's flagging industrial power.

Congress and the administration, however, cannot solve all of America's economic problems. Labor and management must work together and lead the Nation toward the solutions to our vexing productivity and competitiveness problems.

A column by Richard Corrigan in a recent issue of the National Journal makes several important observations in this regard. I encourage all of my colleagues to read the thought-provoking article.

The article follows:

BEYOND THE BOTTOM LINE

CAMBRIDGE, MASS.—High-technology gadgets won't cure the deep-seated ailments of American manufacturing companies. Nor will adoption of off-the-shelf Japanese-style management techniques. Nor will new trade or tax or subsidy strategies that may be drafted in Washington.

If the U.S. industrial sector is to reverse its slide toward obsolescence, it must first experience sharp pain and recognize what that pain signifies—that major internal surgery is necessary on the basic structure and operating style of large manufacturing enterprises.

Corporate management and organized labor alike must be willing to change their adversary approaches before big manufacturing firms can regain their capacity for real growth. Yet with few exceptions, both sides resist change, and confrontation between them has almost become institutionalized.

Corporate management should also pay increased attention to quality control and product development. Yet the very structure of big, diversified firms forces top-level managers to concentrate on short-term earnings instead of long-term investments; with dozens of different product lines under their jurisdiction, they lose touch with what is happening today on factory floors and in retail outlets and cannot frame a coherent, companywide research and development plan to compete in tomorrow's markets.

These off-the-cuff observations are drawn from a day-long seminar for journalists at the Harvard University business school here. A team of business school professors met with economics editors and writers at the background session to talk about the current state of American industry: that is, what's wrong with it.

It may sound flippant to talk about the need for long-term changes at a time when many industries are struggling to stay alive. As someone once observed, "When you're up to your eyeballs in alligators, it's hard to remember that your objective was to drain the swamp."

But long-term investments may be needed most when the business climate seems worst, Robert H. Hayes and David A. Garvin of the business school wrote in a 1982 Harvard Business Review article, "Managing as if Tomorrow Mattered." The authors said that company executives, using questionable methods to discount the future value of plant and equipment and research investments, too often have concluded that greater returns could be realized elsewhere and have let their own businesses wither.

"No company can break out of a disinvestment spiral by relying on the same financial logic that got it there," they said. "The only remedy is to understand the shape of that logic as well as the direction in which it leads—and then to take an opposite course. Managers must be willing to reinvest at the very time such action appears least attractive. They must stop pouring funds into refurbishing their images and upgrade their factories instead. They must resist the lure of unfamiliar businesses and mind their own."

For such investments to pay off, managers will have to rethink and revise their operations. As a participant at the seminar put it, industries must first clean up their systems; then they can computerize them.

In Industrial Renaissance: Producing a Competitive Future for America (Basic Books, 1983), William J. Abernathy, Kim B. Clark and Alan M. Kantrow of the Harvard business school say that management software is as important as factory hardware. "If managers continue to view a production system as a limited, neutral piece of apparatus, which is to be blindly run according to fixed design specifications and used by rote to meet budgeted cost objectives and volume levels, they will enjoy no greater benefit from the new technology than if they had mistaken it for a coat rack," they wrote. "What is needed is a view of production as an enterprise of unlimited potential, an enterprise in which current arrangements are but the starting point for continuous organizational learning."

The introduction of new technology can bring social as well as economic benefits to the workplace, according to Richard E. Walton of the business school, but only if management and labor are receptive to it. In a presentation to a recent session here, Walton wrote:

"As a general proposition, today neither union officials nor managers recognize the extent to which new work technology can be better managed in the interests of both parties. They share, with many others in contemporary society, an assumption about 'technological determinism'—the idea that the side effects of technological progress are given and that individuals, organizations and society must learn how to cope with them. In fact, it can be argued that computer-based technology is the least deterministic, the most flexible technology to affect the workplace since the beginning of the industrial revolution. Because these technologies are less hardware-dependent and more software-intensive and because of the rapidly declining cost of computer power, the basic techology permits an increased number of technical options . . . each with a different set of human implications. As a first step, progress in better utilization of new technology requires a recognition of this potential by management and by labor leaders."

But all this talk about long-term investments, flexible manufacturing systems and cooperative labor relations seems to skip over the question of where the money will come from. Indeed, the Harvard business school is better known for fostering a bottom-line mentality than a future-oriented perspective in up-and-coming managers, as was noted at the seminar here.

And from a Washington vantage point, there was a notable lack of discussion here about what if anything the federal government ought to try next to rekindle the competitive fires of American industry. The discussion centered on changes inside industry, not in federal policy.

The consensus seemed to be that the depressed state of American industry is not a transient phenomenon that will soon be forgotten amid a resounding economic recovery. Instead, the theme was that if U.S. industry is ever to prosper again, management and labor must not merely adjust to change but initiate change.●

SHIRLEY CAESAR WILLIAMS

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. VALENTINE. Mr. Speaker, last Sunday the city of Durham, N.C., witnessed a spectacular wedding between Shirley Caesar and Bishop Harold Ivory Williams.

Those of my colleagues who are fans of gospel music are surely familiar with Shirley Caesar's outstanding career. She was the first black female gospel singer to win a Grammy Award, and her music has consistently been near the top of the charts.

I am proud that my district staff assistant in Durham, Sandra Massenburg, spent 4 years working for Shirley Caesar outreach ministries.

Mr. Speaker, an article in yesterday's Washington Post describes the memorable wedding ceremony, and I am inserting it into the RECORD:

[From the Washington Post, June 27, 1983]

GOSPEL'S CAESAR SINGS HER VOWS

(By Lloyd Grove)

DURHAM, N.C.—"You are so beau-u-utiful to me," sang the groom. "Don't ever leave me o-o-oh," sang the bride. "Tell me that you love me, love me, love me, LOVE ME-E-E-E-E-E-E-!" she added with a smoky wail.

And with that, Shirley Ann Caesar, the reigning queen of gospel, was married today to Bishop Harold Ivory Williams of the Baltimore-based Mount Calvary Holy Churches of America in a ceremony of operatic dimensions, and wonderful theater that attracted gospel fans from around the country.

They came in every conveyance from bus to Mercedes and, in one instance, a fire-engine-red Lincoln Continental with blazing silver, spoked hubcaps. The ceremony, attended by about 2,500 fans, friends and family, took place on a flower-festooned stage under an arch of blinking lights in Durham High School Auditorium. The couple exchanged the traditional vows and also diamond rings—and a long kiss.

"This really is equivalent to a king's or a queen's wedding," said the singer's eldest brother, Julius Caesar. One of nine siblings to attend their sister's wedding, he crossed the Rubicon from Carson City, Calif., where he toils as a landscaper, to give her away. "Not even a president's wedding would have this type of pageant, if you will. But Shirley is a beloved young lady with friends and fans all over the world. Personally I think this is an historic occasion."

The couple was turned out all in white, the groom in top hat and tails, the bride in a lace dress with a 12-foot train. When the ceremony was over, the members of the crowd leaped to their feet and cheered, and the couple rode away in a buggy pulled by a team of Belgian horses. Later there was a reception for 1,500 with a cake eight feet long in the city's Civic Center.

It was the 44-year-old singer's first marriage, the 50-ish bishop's second. It was also, by most accounts, the most elaborate knot tying in the history for Durham, where Caesar was born poor, grew up fast and now lives in a mansion in the woods.

Not counting three officiating ministers, there were 140 people in the wedding party, including three best men, 23 bridesmaids, 14 junior bridesmaids, 14 junior groomsmen, a complement of flower girls, train bearers and candle-bearers, and two preschoolers acting the part of miniature bride and groom.

It took them nearly an hour to march to the stage inside the hundred-degree hall, where enough fanning to cause a small gale under normal circumstances did nothing to beat the heat.

Ann Caesar Price fanned her sister, the bride, with a large piece of cardboard as she sang a sensual counterpoint to Caesar's vocal passion.

"Harold, you've chosen me to be your wife," the bride sang, and the crowd roared. "I mean to love you, love you, LOVE YOU for the rest of My li-i-i-ife."

It was, top to bottom, a Shirley Caesar production, from the white plastic floral sheeting covering much of the stage to the pulsating chaselights lining the red-carpeted bridal aisle. They blinked in tandem with the archway lights up front, lending the large auditorium all the charm and luster of a carnival midway.

The music, meanwhile, ranged from "We Can Make It Together," sung by the bride, to Pachelbel's Canon, played by members of the Durham Youth Orchestra. As George Scott, one the original Five Blind Boys, sang "One in a Million," the wedding guests clapped and shouted encouragement. The wedding itself came off in high style, even though a fog machine rented to churn out mist during the vows refused to function in the airless hall. It all ended with hardly a dry eye, or anything undrenched.

"This wedding's costing me something like $25,000," said the bride at Saturday's rehearsal, "but I've never been married before, and I felt like this was a chance for me to feed the hungry and clothe the naked," Caesar said this in the cadence of a revivalist preacher and giggled. She bounced in her chair, her eyes shot off sparks, gospel music's bundle of dynamite."

Caesar began the rehearsal by skipping down an aisle, followed by a burly man with a walkie-talkie. "Hi everybody," she shouted huskily, and hugged one well-wisher after another on her way to the stage.

In a minute, Caesar had climbed on stage, and had wrested control of the rehearsal from the Rev. Dr. W. A. Reeves, a harried-looking gentleman whose business, the House of Reeves, is equally divided between funerals and weddings. Caesar grabbed Reeves' microphone and started barking orders about music, processions and decorations.

She showed the groomsmen how to march down the aisle and make an arch with their arms. She led the bridesmaids in a rendition of "Let's Break Bread Together."

Bishop Williams, the husband-to-be, watched from a far corner of the hall, his expression a mix of amusement and admiration. "I was nervous until yesterday," said Williams, a tall, distinguished man with twinkling eyes, "but now that it's finally about to happen, I feel great."

Williams and Caesar have known each other for years through the Mount Calvary Holy Churches, a pentecostal denomination

with adherents in 14 states. As he was climbing through the church hierarchy, she was gaining fame as a religious singer, starting at age 10 with the Charity Singers. Her father, Big Jim Caesar of the Just Come Four, died when Shirley was 12. She moved on to the legendary Caravans, and then launched a solo career that today combines concerts and recording dates with radio ministries and revival meetings.

She was the first black female gospel singer to win a Grammy, and has three gold albums, while her current release "Jesus I Love Calling Your Name" has been hovering in the firmament of the gospel charts.

She caught the bishop's eye after his first wife died in 1982, and they were engaged in January after a whirlwind courtship. "The first time he proposed was over the phone. Then he came to Durham and did it again from down on his knees. He was wonderful. I just jumped up and hugged him around his neck. This was in the Mr. Rib, out route 15 and 501."

Caesar was sitting in a back row holding hands with the beaming bishop. "You know, I've had lots and lots of proposals, but this time I knew." The bishop smiled more broadly. "Did you see my ring?" she asked.

She proffered a petite hand, on the fourth finger of which was a heavy gold ring. It was encrusted with nine sizable diamonds. "They represent the nine gifts of the church: love, joy, peace, long-suffering, gentleness, meekness, goodness, faith and temperance. Now I'm going to show you this," she said, and produced a small white envelope, from which she dumped into her palm an even bigger ring. This one had 30 diamonds, clustered in a swirl. "This is what I wear *after* the wedding."

Preparations proceeded apace. In the lobby outside, an assembly line of churchwomen stapled, rolled and tied with a ribbon 2,000 copies of the four-page wedding program, in one corner of which was advertised, "The Eleventh Annual Crusade Convention of The Shirley Caesar Williams Outreach Ministry." Shirley Caesar, inspecting the program, scrunched up her nose. "That 'Williams' shouldn't be there."

At a table nearby, a woman sat behind an exhaustive display of Mary Kay Cosmetics. The company had provided three staffers to apply mask, cleansing cream, toner, moisture balm and other unguents to the faces of the bridesmaids. Inside, one of three wedding photographers worked out his shots. "My problem," sighed Levi King, "is how can I take such a huge conglomeration of people, and photograph the total mass without making them look like a mess."

Carolyn Sharpe, the wedding consultant, shook her head. "This is too large an event not to have it done properly," she said, tapping her ballpoint pen on a yellow legal pad. "Obviously there are religious overtones and undertones regarding this wedding. But everything is being done in the greatest of taste. I want to underscore that. I don't want any agitations that this is being done in anything but good taste."

The groomsmen, carrying canes, sported silver-gray tails, silver hats and ascots. The junior groomsmen wore silver-gray short coats and bow ties.

The bridesmaids donned mint-green gowns of silk organza. And the bride was a vision in an Eve of Milady original design, with a high-crown collar, a beaded lace bodice, a scalloped back, bodice spires of schiffi whispers cascading from the shoulders, shadow pouf sleeves adorned with opalescent sequins, and flowing cathedral train.

"Don't you think she's entitled to it?" said the bride's 78-year-old mother, Hallie Caesar.

After honeymooning in Hawaii and London, the newlyweds will pursue their respective careers, with the bishop running the denomination from Durham, and Shirley Caesar Williams studying at nearby Shaw University in her spare time.

"I'm majoring in business management with a minor in religion," she said.●

STEVE MENO—A MODEL OF A GOOD FISHERMAN

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. WON PAT. Mr. Speaker, in a recent edition of the Guam Tribune there is a story about a good friend of mine, Mr. Steve Meno of Merizo, Guam. For many years Mr. Meno worked for the Government of Guam in the Department of Corrections. Since he retired in 1976, he has devoted his time to his greatest love, fishing.

All of us dream about the time we can quit the day-to-day job and go fishing. Steve Meno has done just this and he does it as well, as any man alive.

His specialty is fishing for the dangerous barracuda. And by all estimates, no one gets his share of this wily fish than does Steve Meno. He is a hard worker and an inspiration to all of us who long for the time when we can match our wits against the wind, the ocean, and the fish. Steve Meno is living proof that fishing can be a second career and with him goes the fond wishes of many of us here today.

I call the article in the June 21 Tribune to the attention of my colleagues and ask that it be reprinted here. Thank you.

[From the Guam Tribune, Tuesday, June 21, 1983]

FISHING GUAM'S WATERS

(By Renee Anderson)

I can't say that I'm a fisherman. I can't say that I like cleaning those creatures whose eyes never close. But, I can say I enjoyed seeking out and catching a few prestigious fishermen on this island. And although I enjoyed researching the story, I'm still skittish about walking through half the jungle, avoiding spider webs. It was fun, and we can learn something from our island fishermen.

I found Steve Meno at his house early Tuesday morning. Now Steve Meno isn't just any fisherman. He has a specialty as have all the other fishermen I interviewed. I'll mention that later in the article.

Steve Meno began working for the Department of Public Safety in 1945. His only contact with fishing was as a hobby.

In his own words, "When working with the department, I'd come home, get in my boat and start rolling."

Those were many years to fish for a hobby. In those years, Steve was reassigned as warden for the Department of Corrections. From there he went on to work with the Juvenile Justice system as the youth administrator for male detention. That was his last job for the government and then he retired. That was around 1976.

"The last time I went out was before this year's Merizo festival." He says he holds back now because he took a bad fall on a river embankment. But it doesn't hinder him totally from his trade.

He used to own an 18 footer. Now he owns a small boat that only holds four people. But he still owns all his necessary equipment. I learned that nets come in different sizes. There's ¼" nets that are used for small fish, and there are the ½" size nets that are used for the larger fish. Then there's the oversized rods, reels and varying sized fishing lines.

"When I go out, I go well equipped. I have all the necessary gear, fuel, and food when I go."

Steve's excitement can be heard in his voice. "I go out to the banks (Rota and Santa Rosa) because it's the best place to go. Right now the Santa Rosa Banks are the best place to go because of the weather."

Evidently there must be seasons that are the best to fish. "The best months to go out are November through May. And when I go out, I go out with the high tide."

Since he has his house right on the ocean, I asked if his family ever went out with him on his boat.

"During my daughter's younger days, she went out. Now she doesn't go. My wife doesn't like it. She either hits me or my boat. She doesn't like it." His laugh fills the patio.

So . . . what skill does Mr. Meno have? "My skill is knowing what type of fish I want to catch, and the different bait for each fish. My specialty is barracuda." He ends that statement with a strong tone. He doesn't have much excitement in his voice when he describes how he catches this fish. It's all a matter of fact tone of voice. As if there's no other way. "I use a wild line with a plug. When I catch him, I bring him in straight into the boat. It's dangerous true, but you just have to know how to handle it."

Steve's proud of his expertise. Two men taught him how to fish for barracuda, Jose Quinata of Umatac, and the late Isidro Manalisay of Merizo. Steve Meno is so sure of himself that every time he goes out fishing specifically for barracuda, he knows he'll catch. That's confidence.

"The best place for me to go is left of Cocos Island. There are five areas good for catching barracuda. I call them my deep freeze." He laughs his contagious laugh.

"Most fishermen don't like to tell their secrets," I mention casually. "Aren't you, or shouldn't you be, cautious of other fishermen finding out your secrets?"

Steve raises himself into a straight position. "I don't care about other fishermen. I've got all the right equipment. I'd like to challenge any fisherman on the island to fish barracuda. It's my specialty. I started fishing barracuda in the late 50s. People ask me to help them fish for barracuda and I help them, they have got to use the same equipment I have. You know I've got to go off island to get my lures? I've got to have right line size, I've got to know the time the fish bite, tide movement, and the bait I must use." He's proud of his trade.

Fishermen have different habits. Some go out early morning, others mid afternoon, and others at night. Steve won't go at 7:00

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in the morning. "I must go at daybreak and I'll be back by 8:00. I don't go out all day."

That's just Steve Meno.

What about Tanishiro Ibutirang?

To get to Tanishiro Ibutirang, I had to hike a trail off the main road in Merizo to get to a small Micronesian Abai. Tanis, as he is called, and wife Maggie, have just come from digging for sweet potato. Tanis and his wife are originally from Palau. Maggie has now become fluent in Chamorro, but Tanis is fluent in Japanese. "I went to school in Japan," he says softly and then smiles.

He starts telling me the reason he came to Guam. "I came over here in 1947. My wife didn't come with me; she came later. I used to work in agriculture; milk cows, raise chickens and pigs. But I was still a fisherman. I've been fishing for 32 years." He chuckles lightly, and continues to speak.

"I fish for my family and some commercial. In Palau, most of the people fish to eat, not to sell. Everyone knows how to fish, so no one has to buy."

How does a man of Tanis' experience make a catch? With a speargun most of the time. What was his largest catch?

"Never weighed the big fish. At one time, I've caught shark, grouper. We never could weigh them before." I've caught a turtle a long time ago that weighed between 600 and 800 pounds. Spear fishing is my specialty."

Listening to Tanis talk of his ability I must admit I was impressed. Since he's been here, Tanis has farmed his land and fished in the ocean. All fishermen's work days depend on the weather, and Tanis is no different, except that he goes out mostly at night. "Sometimes I alternate my nights and fish in the day time."

Like Steve, Tanis says the best seasons to fish are between November and May, sometimes June. He uses a boat to go out, or sometimes he just swims. He does admit that since he's 54 he can ony dive between 20 and 30 feet.

"When I was younger, I dove between 50 and 52 feet." He no longer specializes in catching one type of fish. "Now, whatever we find we catch," he says matter of factly. Right now he's catching a lot of tataga.

The mainstay of his fishing gear is his spear gun. "I make my own spears. I use mahogany wood because it's stronger. If the wood is too soft the spear will bend, and when shot, it will not hit the target." He leans farther back and continues. "I have to have the right gear when I go out. I use a mask, or goggles, snorkel, fins, my spear gun and two spears. Sometime I must use two to catch a large fish. To kill it." Tanis motions with his. hands what he does.

Because he spends most of his fishing time under water, I asked Tanis if he's suffered any ear problems.

"In 1978 I got an ear infection. I've had two operations. My doctor says not to go fishing anymore, but I like fishing. I've got to go out. I still have an ear problem, but I've got to go out."

He has a strong determination, and love for his work. His habit is to go out at low tide, but he can do all types of fishing.

"I do it all," he says. "I trawl, use nets, all of it."

Tanis is a true fisherman. His skill and experience span 32 years. And when he's not fishing, he's farming his land. He's a small commercial and family fisherman. What about the fisherman with large commercial interests? I'll look at them in my next article.●

THE POPE'S VISIT TO POLAND

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SIKORSKI. Mr. Speaker, the recent visit by Pope John Paul II has once again focused the attention of the world on Poland. I am pleased to join Congresswoman BARBARA KENNELLY, my colleagues in the House of Representatives, and millions of other Americans in solidarity with the Polish people. With them, we experience the renewal of faith and hope.

Pope John Paul II shared with all of us the insight that the right to form a union with like-minded individuals is a "right given by the Creator." God is with the courageous people of Poland. Their spiritual strength will grow despite the imposition of martial law and other forms of repression. Like the forbidden banners of the outlawed Solidarity union which blossomed among the crowds, the deep spiritual strength of the Polish people will always flourish.

The holy father peacefully opened up new possibilities in Poland. We in Congress are hopeful that General Jaruzelski will indeed lift martial law in July. we hope that he has the courage to go even further in his efforts to bring social justice to his ravaged country. The Government of Poland should enter into meaningful dialog with Solidarity. Prisoners of conscience should be released. The reforms begun by Solidarity should be restored.

While the recent visit by Pope John Paul II refocused our attention on Poland, we had never forgotten its suffering. We will never forget the deep spiritual strength of the Polish people, and we will always share their profound hope.●

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. McCOLLUM. Mr. Speaker, this past Sunday Parade Magazine published an article on the widespread use of "yellow rain." The research and the accompanying photographs contained in the article document the deliberate use of chemicals as a method of warfare in Southeast Asia and Afghanistan. The seriousness of the proliferation of chemical warfare cannot be denied with Mr. Santoli's disclosure that:

The U.S. signed an international treaty with the Soviets in 1972, banning all such weapons. However, that treaty had no provisions for verification and the Soviets have continued to produce up to 10,000 tons a year of nerve gas and toxic weapons.

I submit this article for the RECORD so that this issue will continue to receive the necessary attention of the public and Government officials.

The article follows:

[From Parade Magazine, June 26, 1983]

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

(By Al Santoli)

The Phu Bia Mountains of Laos are greenest in November. The long winter monsoon rains have ended and wildflowers are abundant in the rugged foothills. Lee Mai, a 25-year-old schoolteacher in the village of Moung Hong, was walking in a neighbor's field when he saw the helicopters come again.

He watched in horror as the metal birds circled above the community of 300 wooden and grass thatch houses. Startled parents tried to grab their screaming children and run for cover as exploding clouds of red smoke and a musty yellow rain descended from the sky. Those covered by the wet, sticky substance began spinning wildly in uncontrollable seizures, gasping for breath, blood spouting from their noses and mouths as they died.

Two years later, November 1982, across the Phu Bia range in the village of Nong Ching, 13-year-old Mai Lor was on harvest vacation from school. Early in the morning, as she was walking to begin work in her father's rice field, she saw an airplane spray the mysterious yellow substance. After cautiously waiting a few hours, Mai entered the field. She became dizzy and nauseous; her skin turned itchy and began to blister. For a week after the attack. Mai's entire family was bedridden with fever, nausea, diarrhea and burning eyes. Neighbors who had been directly sprayed died a violent death, blood pouring from every opening in their bodies.

The Lor family learned that neighboring villages, inhabited by Hmong tribespeople—many of whom had been America's allies in the war against the Vietnamese invaders and their Pathet Lao surrogates—had experienced "yellow rain" attacks in recent months, suffering many deaths. In January 1983, the Lor family tearfully made their last visit to the Nong Ching community church and joined their neighbors in a dangerous two-week walk to seek refuge across the Mekong River in Thailand.

In 1975, the Hmong population numbered 400,000 out of a total population of 3 million Laotians. Today, it is estimated at less than 75,000. Most have been killed or driven out by starvation or lethal chemical attacks. Dr. Khamsenkeo Sengstith, former bureau director of the Laotian Communists' ministry of health, defected to Peking in 1981. He states: "The Vietnamese use chemical weapons in the air and on the ground, killing thousands upon thousands of people."

American and Thai intelligence have monitored Soviet radio transmissions inside Laos regarding shipments of chemical weapons to the Phu Bia region and a Soviet general inspecting chemical munitions depots. The Laotian Air Force is run by 500 Soviet advisers. A Laotian pilot who defected in 1979 gave a detailed description of the chemical warfare missions he flew and the overall Soviet-Vietnamese program being waged against the Hmong. His accounts were verified by previous civilian refugee and resistance-fighter

testimonies and satellite photographs. The pilot said this program is named "Extinct Destruction Operations" and is intended "to wipe out the Hmong people."

In 1963, reports of chemical-biological warfare (CBW) came out of Yemen. Since then, they have come from remote mountain regions in Laos, Cambodia, Vietnam and Afghanistan. Thousands of terrified homeless people have told the same story and have shown the same horrifying medical symptoms. Soviet military manuals explain the operational use of these weapons. Soviet bloc defectors testify to their use. Physicians document and treat countless victims. Yet world governing and scientific tribunals remain paralyzed and refuse to acknowledge the use of these weapons because they fear a new chemical arms race and are intimidated by the implications of underlying Soviet intentions.

Dr. B. A. Zikria, professor of surgery at Columbia University College of Physicians and Surgeons and a pulmonary specialist, has worked inside Afghanistan, caring for Mujahidin resistance fighters and civilians. In Baluchistan, he found a large number of people suffering from a mysterious variety of symptoms including chronic nosebleeds, nausea, shortness of breath, nervous tremors and skin lesions. All the victims described being attacked by black or yellow smoke from Soviet aircraft.

Some doctors found that the victims' skin problems only responded to medicine used for chemical burns. After examining numerous patients with breathing difficulty and black spots around their lungs, which ruled out tuberculosis, Dr. Zikria discovered that in medical history this problem has only been seen in chemical warfare victims. Returning to the U.S., Dr. Zikria studied reports from Laos and Cambodia and found almost identical symptoms in reported chemical warfare victims there.

Today, in New York, Dr. Zikria says: "Though there are debates over what is causing the problem, from the clinical standpoint the evidence is overwhelming that chemical warfare is happening. The effect of the agent on the victim is more important than its identification. As with cancer, we don't know exactly what causes it. but we can diagnose it by its effects—poisoning is a medical and clinical problem. The physician's reality is that thousands of people are suffering and dying, telling the same stories and showing the same signs."

Military specialists and government scientists in the U.S., Canada, Great Britain, France, West Germany, Norway, Thailand, Israel and New Zealand have confirmed the current Soviet use of chemical warfare. Yet, at the United Nations, the Soviets and their surrogate governments in the countries where it is being used to veto any attempts for on-site investigations. At a recent press conference in Bangkok, French Foreign Minister Claude Cheysson said his country was convinced that chemical weapons were being used in Asia.

Recently in Paris, Parade spoke with a top French military scientist and a government chemical-warfare expert. These authorities said that though they have identified toxic weapons substances in field samples from Southeast Asia and Afghanistan, they still have not developed the adequate high technology to do a complete identification of all the toxins involved. They feel that we have only seen the tip of the iceberg of the Soviet CBW arsenal and are concerned that the French Army could be caught in a surprise attack.

The United States signed an international treaty with the Soviets in 1972, banning all such weapons. However, that treaty had no provisions for verification, and the Soviets have continued to produce up to 10,000 tons a year of nerve gas and toxic weapons. Military experts estimate that the Soviets' current arms stockpile contains 400,000 to 700,000 tons of poisons—15 percent to 40 percent of their total ammunition holdings.

In a Soviet military publication, Col. Oleg Penkovskiy wrote: "Soviet artillery units are all regularly equipped with chemical warfare shells, and our artillery is regularly trained in their use. Let there be no doubt; if hostilities should erupt, the Soviet Army would use chemical weapons against its opponents. The political decision has been made, and our strategic planners have developed a doctrine . . . Chemical shells and missiles may be considered just ordinary weapons available to the military commanders to be used routinely when the situation calls for it."

In 1977, Soviet bloc chemical-biological capabilities (standard for all Soviet bloc armies) were documented in the East German Textbook of Military Chemistry:

"Toxins are agents which are produced by biological organisms such as micro-organisms, plants and animals and cannot themselves reproduce. By the middle of 1960, the toxins selected for military purposes were included among biological warfare agents. Today it is possible to produce various toxins synthetically.

"Toxins are not living substances; they thus differ from the biological organisms, so that they can be included among chemical warfare agents. When they are used in combat, the atmosphere can be contaminated over relatively large areas.

"The toxic warfare agents can be aerosolized. They can be used primarily in microbombs which are launched from the air, or in warheads of tactical rockets. Toxic warfare agents can be applied with aircraft spray equipment and similar dispersion systems."

This account accurately confirms what terrified tribespeople and farmers in the Near East and Asia have been trying to tell a disbelieving West. These events in far-off places may seem remote to many Americans, but a comparison of Soviet-U.S. capabilities in chemical-biological weaponry reveals some frightening facts and figures:

The Defense Department estimates the Soviets outnumber us in chemical munitions by up to a 10 to 1 ratio; in delivery systems by 5 to 1; in production by 14 to 1; and in decontamination vehicles by 10 to 1. Experts estimate 72 percent of U.S. chemical stocks are of doubtful military value because of deterioration.

Soviet chemical warfare troops number up to 100,000, compared to 6,000 in the U.S. Soviet troops and chemical specialists have battlefield experience in Afghanistan and Southeast Asia and have used this to develop tactical integration of toxic warfare. NATO commanders doubt our capability to deter a chemical attack. While Soviet armor is sealed against chemical penetration, U.S. armor is woefully unprotected.

A massive Soviet suprise attack on NATO could render our forces defenseless. The Soviets have the ability to spread chemical agents over a large area by a number of means. Their FROG and SCUD missiles, similar to our Pershings, all have chemical capabilities. The U.S. Navy now feels our battleships are vulnerable to Soviet cruise missiles tipped with chemical warheads.

Small chemical rockets are now used on Soviet helicopters, jets and biplanes (crop dusters). A single 200-pound toxic bomb can cover half a square kilometer with nerve gas. MiG 27 aircraft, the kind employed in Cuba, can deploy four tanks of nerve gas, each tank capable of covering four square kilometers. Satellite photos and intelligence assets have documented the existence of a large military chemical depot and training field in Cuba, where Soviet advisers train Cuban troops in chemical-biological warfare exercises.

Some Soviet toxins derived from fungi are impossible to detect by current U.S. gas alarms, and their minuscule particles could penetrate existing gas mask filters.

Though the new generation of Soviet toxins has been grouped under the term "yellow rain," a wide variety of toxic smoke colors are being used. Each causes varying effects, ranging from incapacitation, stupor and nausea to choking, neurologic fits and massive hemorrhage, causing quick death.

Guerrilla fighters in Afghanistan have experienced fatality rates of up to 70 percent, and large civilian populations have experienced rates of nearly 100 percent. Chemical experts believe that known chemicals like mustard gas, phosgene and sarin are being used, as well as new forms of toxins.

In June 1980, Dutch journalist Bernd DeBruin filmed two Soviet chemical helicopter attacks in Jalalabad, Afghanistan. The helicopters circled a village like a carousel, dropping canisters and shooting rockets that produced a lethal yellow smoke. A few hours later, DeBruin entered the village and photographed a corpse that had turned blue-black from extensive internal hemorrhaging (all blood vessels in the body had burst) due to chemical exposure. DeBruin suffered from blisters, facial swelling, nausea, diarrhea and cramps for 10 days following the attack and still has skin lesions. DeBruin has photographed chemical shells with Soviet nomenclature. These shells and helicopter delivery systems match reports made by Cambodians since 1978.

Afghan resistance units have captured and photographed a number of Soviet chemical protective suits, antidote kits and gas masks contaminated with T-2 mycotoxin residue (not indigenous to the region). Soviet prisoners and defectors have confirmed the use of at least nine different types of chemical weapons, including the deadly sarin, phosgene and soman. One young soldier, Anatoly Sakharov, described an agent called "smirch," which has 100 percent mortality. His description matches reports from DeBruin, doctors in Afghanistan and Hmong refugees from Loas who described these effects in Parade.

Yuriy Povarnitsyn, a Soviet military chemical specialist, reported performing autopsies on Afghan villagers and taking soil samples after attacks. His account corresponds to stories coming out of Laos regarding the Vietnamese. In 1974, a Cuban emigré baffled U.S. analysts with descriptions of similar chemical warfare systems being taught in Cuba. He described a chemical land mine that validated a report by a Soviet defector in the 1960's. Similar reports recently have come out of Cambodia. After reading these descriptions, a Chinese official in Peking told a U.S. chemical expert, "We read your report with great fascination because we ran into the same mines on the Vietnam border." In 1980, the Vietnam People's Army chemical warfare branch received the government's highest award, the Ho Chi Minh Medal.

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In Cuba, Soviet instructors described the effect of the chemical mines as being "radiation-like"—which describes the effects of mycotoxins, once used in experiments by cancer researchers as an alternative to chemotherapy.

Sterling Seagrave, author of the book "Yellow Rain," says: "Why are Soviets using poisons? In a nuclear stalemate, only conventional weapons can be used in regional wars. Conventional weapons have become so complex and expensive—a new weapons system can bankrupt a national economy. Poisons, on the other hand, are cheap. And they have the killing power of nuclear weapons, without attracting so much attention.

"There's no big bang and there's no mushroom cloud. But all the people can be eliminated silently, as they have been in parts of Afghanistan. The new poisons are so bizarre and evaporate so rapidly that they make proof extremely difficult to obtain. But any serious study of Soviet military doctrine demonstrates that not only is CBW defensive gear a routine part of Soviet operations, so is CBW aggressive gear.

"In Afghanistan, for instance, Soviet helicopter gunships equipped with lethal chemical agents now perform routine duties like convoy security, which used to involve ground troops. This is only one of numerous examples that show the growing dependence on toxic weapons. And poison tactics and poison stategy have taken much of the role previously attached to tactical nuclear weapons in Soviet doctrine."

Dr. Bernard Wagner, professor of medical pathology at Columbia University, who just returned from a fact-finding visit to Southeast Asia, says with great concern:

"The threat of limited, controlled biological warfare is, at least for me, on a scale with nuclear war. With toxins having both acute and delayed effects, an aggressor can achieve his ends without the problems posed by a nuclear blast. Besides, toxins can be delivered in an insidious, almost undetectable manner.

"The current outcry against nuclear weapons must also extend to chemical-biological warfare. Our government, along with all other nations, must find a way to pressure the Soviet Union and its clients into halting this activity. Until then, prudence dictates that we formulate policies to safeguard populations at risk."

Today, while the urgent reality of chemical warfare is obscured in endless political and academic debate, thousands of defenseless men, women and children continue to suffer. On March 25, 1983, at the Ban Vinai refugee camp on the Mekong River in Thailand, PARADE spoke with Tou Xiong, a 25-year-old Hmong resistance fighter. Tou has risked his life on numerous occasions to guide members of desperate families across the Laotian mountains in frantic escape from Vietnamese-Soviet "extinct destruction" campaigns. With the quiet intensity of one who has walked with death, he said:

"It is difficult for people to live in Laos because of the poison gas. Thousands and thousands of Hmong people have died. It took my group of 100 people one month to walk to Thailand. We had to pass through many patrols of Vietnamese and Pathet Lao soldiers. By the time we crossed the Mekong River, 75 people—including many babies and children—had died by starvaton, drowning or shooting.

"My people asked me to come to Thailand to ask the Americans if you have any medicine to take care of the poison gas today. If the Communists keep using this gas on the fields, the forests, the water and the villages, the Hmong Lao people will no longer have any life left."●

AMENDING THE AGE RESTRICTIONS FOR EMPLOYMENT IN FEDERAL PRISONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GILMAN. Mr. Speaker, I rise to announce the introduction of legislation to correct a serious discriminatory practice within the Federal prison system. This concerns the manner in which a person is hired and eventually retired by the prisons.

Public Law 93-350 permits the Attorney General to promulgate regulations which prohibit the hiring of anyone over the age of 35 and mandates retirement at age 55. This extends to all prison employees regardless of that persons qualifications, experience, or physical condition.

Mr. Speaker, this law, and the regulations which have been promulgated under its authority, constitute "ageism"—discrimination because of chronological age—at its worst.

At present all prison employees are classified as law enforcement officers, irrespective of whether the position be cook, janitor, or secretary. As such they are eligible for early retirement and for augmented pensions. However, no one should be unwillingly forced out of their job due to arbitrary limitations.

The bill I have introduced will provide that no one, age 40 or under, could be refused a position based on his or her age. The bill also raises the mandatory retirement age to 60. I hope to extend these limits further if experience shows that such an expansion is appropriate—as I expect will be the case.

The fact is, if a person is physically and mentally able to perform their responsibilities, there is no reason to prevent their hiring or force their retirement. This kind of discrimination is intolerable. These age limits, are archaic and fail to truly represent the current level of a person's ability.

Mr. Speaker, I encourage my colleagues to join me in establishing new age limits more in keeping with the times. At this point in the Record I am inserting the text of my bill to enable my colleagues to fully consider its provisions.

The text of the bill follows:

H.R. 3428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3307(d) of title 5, United States Code, is amended—

(1) by striking out "The" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the", and

(2) by adding at the end thereof a new paragraph as follows:

"(2) The maximum limit of age for original appointments to a position as a law enforcement officer whose duties primarily involve detention activities may not be fixed under paragraph (1) at an age lower than 45 years.".

Sec. 2. The first sentence of section 8335(b) of title 5, United States Code, is amended—

(1) by inserting ", or 65 years of age in the case of a law enforcement officer engaged primarily in detention activities," after "55 years of age", and

(2) by striking out "that age" and inserting in lieu thereof "the applicable age".●

APSA CONGRESSIONAL FELLOWSHIP PROGRAM

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DYMALLY. Mr. Speaker, on the occasion of the 30th anniversary of the American Political Science Association (APSA) congressional fellowship program, I wish to place on record my appreciation and support for it.

I have the privilege to be associated with three APSA fellows from three different countries—one from Western Europe and two from Southeast Asia. They were Mr. Phicheth Kitisin from the Foreign Relations Division of the Thai National Assembly (Parliament), Mr. Eberhard Barg, a West Berlin law and political science student, and Mr. Ho Kin-Chai, a prominent journalist with an M.A. in political science, from Malaysia.

Mr. Kitisin was in my office from January until August 1981. He brought with him the experience in the Thai civil service. Thailand has long been a good friend of our country. It is also the frontline member of the Association of South East Asian Nations (ASEAN) which faces a precarious political situation in the Indochinese peninsula.

Recently, Mr. Eberhard Barg completed his fellowship program and returned to West Berlin to complete his study. During his stay (December 1982 to April 1983), he shared with me and my staff his feeling and perception in the beseiged city as well as the idealism of the new generation of West Germans. I understand that he and Dr. Bernard W. Kubbig, who served in Congressman Edward Markey's office, were the first batch of APSA fellows sponsored by the Marshal fund.

In about 2-months time, the third APSA fellow, Mr. Ho Kin-Chai, will complete his 10-month program (November 1982 to August 1983) and return to this country. Mr. Ho was a

former teacher before switching to journalism. He was also a former secretary-general of the Malaysian National Union of Journalists, as well as a director of the Confederation of ASEAN Journalists. His background bears the expertise he shared with me and my staff.

While we learned much about their countries and their regions, they observed how our system operates. I believe they gained a better understanding and appreciation of our system during their stay here.

In a world increasingly hemmed by rivalries, suspicion, misunderstanding, and sometimes paranoia, it seems to me that the APSA fellowship program makes an important step toward international understanding so crucial for peace and prosperity.

I commend the APSA for initiating this program in 1953 and I hope it will continue with the good work for many years to come.●

A CHANGE LONG OVERDUE IN DEFENSE THINKING

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. FIELDS. Mr. Speaker, I would like to insert for the Record an article written by John H. Morse for the Washington Times. Mr. Morse describes President Reagan's recent call for more research on ballistic-missile defense as the first step toward recognizing our need for a balanced defense strategy, and eventual escape from the no-defense, all-offense strategy of the past two decades.

For too long, our country has failed to realize that the true purpose of a strong missile and civil defense program is to destroy aggressor confidence of success in a proposed nuclear attack. When strong defensive systems have been implemented to protect missile fields, an aggressor would think twice before initiating a first strike.

A strong missile and civil defense program provides the balance of strength our Nation needs to protect itself from foreign aggression. We must defend ourselves mentally as well as physically, and civil defense measures provide for the psychological strength that for years only the Soviets have enjoyed. I commend this article to the attention of my colleagues.

The article follows:

(From the Washington Times, Tuesday, Apr. 12, 1983)

A CHANGE LONG OVERDUE IN DEFENSE THINKING

(By John Morse)

President Reagan's call for more research on ballistic-missile defense marks him as the first president in two decades to recognize the devastating psychological consequences of a "no-defense, all-offense" strategy which leaves entire societies naked to ballistic missile attacks.

He also is the first to point the way and move toward eventual escape from this self-imposed strategic trap which the Soviets have baited and used so well over the last 20 years.

But even this president and other administration spokesmen seem to overlook some very important aspects of this long-overdue fundamental change in thinking, change which will draw Soviet fire, and the fire of many intelligent, well-meaning people whose minds are still imprisoned in the mental strategic rut of the last two decades.

The Soviets will pull out all stops to denigrate the new approach because, if it succeeds in gaining public understanding, it will remove or seriously blunt a major strategic advantage the Soviets have used very skillfully to erode the political cohesion of their Western opponents.

Two simple, self-generated concepts in the West have handed this major strategic advantage to the Soviets.

The first says that the best way to deter or to win is to build and use, if necessary, more firepower and destructive capability (killing power) than the other side. This means mass, weight and vast sums in ponderous weaponry, certainly in conventional forces, and to some extent in nuclear forces as well.

The second questionable tenet says there is no feasible defense against nuclear attacks, so don't try. This leaves societies naked to nuclear attack whenever an aggressor decides to strike.

As for the first, it largely shapes our military forces, conventional and nuclear, strategic and tactical, and leads to:

Endless requirements for ever-larger, more complex, more vulnerable, more costly, less agile, less suitable weapons systems and the forces to maintain and use them. Congress is rebelling.

Neglect of the methods used by successful commanders throughout history; as Alexander against the world of his day, Hannibal against the Romans, Washington against the British, to name but a few. They relied on innovation, flexibility, good intelligence, agility (mental and physical), speed, deception and surprise to confuse and disorient the enemy. They won with minimum forces and usually with minimum losses on both sides. They had the mental and physical equipment to fight that way. We lack both today.

Neglect of the 2,400-year-old teachings of Sun Tzu that the best commanders never forget that the enemy mind is their prime objective, not his body; that the best commanders win without fighting; that if they have to fight, they win with minimum losses—again by attacking the mind more than the body of their enemies.

As for no defense, the second questionable tenet, it has even more damaging consequences which also are clearly visible today. It:

Means a psychologically and physically naked Western world obviously wide open to such mental assaults as Sun Tzu recommended. Sun Tzu is required reading in all Soviet military schools, but not in ours. We see his sound, time-tested principles at work today in European and U.S. peace movements, and in current nuclear-freeze proposals, for example.

Obscures the real utility of missile and civil-defense measures in the nuclear age—that of destroying aggressor confidence in any nuclear-attack plan he might devise. When he can't possibly know how many, which ones, where—or even whether—his weapons will explode, or what their effects will be if they do arrive, he can't take chances. He must find some other way to attack our minds if we defend ourselves mentally as well as physically. Today we have very little physical or psychological leverage. Standing naked, as we are today, invites both mental and physical disaster.

Obscures the fact that defense systems, to provide the physical means to confound the minds of Soviet nuclear-strike planners now are feasible technically and fiscally. Several alternative systems of active defense could exist today on the earth's surface or in space, but we ignore them because of the outmoded theory that defense against missile attacks has no payoff unless it is perfect or near-perfect, coupled with the unsound intellectual argument that defense is both provocative and destabilizing in today's world.

Ignores the fact that the dominant technology of offense and defense always has shifted from one to the other throughout history and again over the last two decades.

Ignores the fact that the human mind cannot long endure a hopeless situation. Lack of defense against nuclear weapons has come to mean to many that there is no hope if the nuclear genie gets loose.

Say, for the sake of illustration, that the United States began to install defensive systems to protect our missile fields and, at the same time, proposed that the Soviets do the same: that each side build the best ballistic missile defense system possible. Once in place, who would undertake to test this capability, and how? By actual attack? Not likely.

So far, the Soviets have proven themselves much more strategically astute than we are. They have never entrapped themselves or allowed us to distort their strategic thinking into any offense-only strategy. On the contrary, they have always stressed a balance of offensive and defensive capabilities, and turned our reliance upon offense back on us—to sow fear, hopelessness and dissension among our own citizens and our allies.

It is high time for us to recognize the only real advantage that now gives the Soviet Union very real power over the West—that of superior strategic thinking on their part and full exploitation of our naive strategic analysis.

Reagan has pointed the best way out of our dilemma at last. A public that understands the real issues will support him.●

SUPPORTING THE JOINT RESOLUTION IN MOURNFUL COMMEMORATION OF THE 1933 UKRAINIAN FAMINE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 111 introduced by my colleagues, the gentlemen from New York, Mr. Solomon and Mr. Fish.

The Ukrainian struggle for independence is representative of many throughout the world. The subsequent

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starvation of millions of people in the artificial famine of 1933, due to crop failures and government seizure of what little remained, illustrates how the Soviet Union "punishes" all those who fail to conform to their dogma. And a painful example it was, with over 8 million men, women, and children perishing as a result of this action.

The Soviet Union failed to address appeals from international organizations for intervention to aid the starving millions, including requests by the International Red Cross, and the Governments of Switzerland, Belgium, and Holland. The Soviet Union ignored their pleas, using the famine to commit genocide upon the Ukrainian people.

It has been the traditional policy of the United States to call attention to such heinous acts. The Soviet Union continues to utilize barbaric tactics whereever its presence exists and its dominance threatened. Afghanistan and Southeast Asia are only recent examples. The Soviet Union must realize that this kind of inhumane action will not be tolerated by the free world. As Members of Congress we should continually call attention to such atrocities and to call for action, just as former Representative Hamilton Fish, Sr., did in 1934 when he introduced a resolution condemning the Soviet Union for the barbaric destruction of the Ukrainian people.

The League of Ukrainian Organizations, to commemorate the Genocide of 1932-33, gathered on May 22 in Phoenix, Ariz., to remind the world of this sad period in history. During the ensuing 50 years, global concern for the plight of the Ukrainian people escaped recognition. Let us make certain that this does not happen again.

Mr. Speaker, I am honored to cosponsor this resolution commemorating this tragic period. Let us remind the world that the United States will continue to pursue liberty and justice for all people who seek it. The Soviet enslavement of the Ukrainian people, or any other people, threatens global relations and more importantly, world peace.●

SOVIET JEWRY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. STOKES. Mr. Speaker, I am honored and proud to be asked to participate in the Congressional Call to Conscience Vigil for Soviet Jewry. I also wish to take this opportunity to express my thanks to the distinguished gentleman from Colorado, Mr. WIRTH, for organizing this effort to comment on the flagrant denial of basic human rights in the Soviet Union.

Mr. Speaker, conditions have worsened for those of the Jewish faith living in the Soviet Union. Their rights are becoming more restricted and the human damage that accompanies this denial of freedom intensifies. Evidence of this hostile environment for rights and freedoms was brought to my personal attention by a business leader from my district whose son visited Benjamin and Tatyana Bogomolny less than 2 weeks ago in Moscow.

At the time of the visit, Benjamin had been hospitalized for a serious stomach ailment directly attributable to the strain he has experienced over the past 12 years since first applying for an emigration visa. Tatyana was released that same week after a 3-week stay in Moscow sanitarium for severe mental depression. She has painfully shared her husband's disappointments and turmoil.

Mr. Speaker, Benjamin and Tatyana Bogomolny are young by Western standards: they are in their mid-thirties, but the ravages of Soviet harassment have aged them. Since their first application to emigrate they have become frail, sick, and distraught.

In the late 1960's Benjamin was conscripted into the Soviet Army while in computer school. During this time his sisters and parents were granted a visa and they now live in Israel. Tatyana's family was also given permission to leave to go to Israel. Shortly after their departure, Benjamin was released from the Army and he and Tatyana were married. In 1972 they began their first of over 15 applications to emigrate to Israel to be with their families, all which resulted in cruel denials.

Mr. Speaker, with these denials also came reprisals affecting the Bogomolnys' capacity to earn a livelihood. The Soviet Government would not let Benjamin return to computer school after his first application to emigrate. He now earns what he can—between illnesses and hospitalizations—by doing odd jobs, working as a handyman. For the same reasons, Tatyana, trained as translator, has been officially denied a permanent job. She, too, finds but episodic employment, her professional training a casualty of her husband's and her belief in Judaism and their desire to join their families in Israel.

Some Soviet Jews who are denied both exit visas and a permanent job manage to survive on the shared pensions of friends and relatives. But the Bogomolnys are not even that fortunate, Mr. Speaker. The two are alone, isolated in a country that does not want or need them, yet refuses to unchain them from their unlivable situation.

In recent years the KGB has mounted an active campaign to add to Benjamin and Tatyana's misery. This campaign has been effective: the health and living conditions of this couple have deteriorated painfully. Many letters and packages sent by their families have, of course, failed to arrive. Their apartment has been ransacked several times, subjecting them to the theft of their personal possessions including religious books and family pictures and mementos. The KGB has also questioned Benjamin for his interest in Jewish books and lectures.

Mr. Speaker, the most recent violation of these two peoples' privacy took place in mid-April of this year when their home was once again broken into and ramsacked. The result was overwhelming: this was the reason for which Benjamin had to be hospitalized for 5 weeks and Tatyana lapsed into a deep mental depression which led to her being committed to a Moscow sanitarium for 3 weeks. Mr. Speaker, colleagues, what has happended to the Bogomolnys is an unequivocal example of the Soviet's stepped up campaign to wage psychological warfare against Soviet Jews.

On June 6 Soviet officials asserted that family reunification of Soviet Jews was complete. The Government declared that the vast majority of Soviet Jews who wished to emigrate had already received permission to do so. I challenge these assertions.

As of June 15, neither Benjamin nor Tatyana had been given permission to reunite with relatives in Israel.

I call on my fellow Members of Congress to continue to speak out against these violations of human dignity. My vigil continues until the persecution ends. My conscience will not rest until freedom is granted to the Bogomolnys and the thousands of others denied rights to their religious beliefs and the fundamental right to live in the pursuit of happiness.●

INTRODUCTION OF LEGISLATION INITIATING HELEN KELLER DEAF-BLIND AWARENESS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GILMAN. Mr. Speaker, today I introduce a resolution honoring a group of courageous Americans. As we approach the anniversary of the birth of Helen Keller, it is fitting that we choose this time to recognize other individuals afflicted with deaf-blindness. My legislation proposes to designate the last week in June 1984 as "Helen Keller Deaf-Blind Awareness Week."

Just as Helen Keller had to fight to earn the respect of so many, deaf-blind Americans must still struggle to overcome not only their handicaps but the many stigmata associated with their condition. A national deaf-blind awareness week would encourage and stimulate increased acceptance of the unique and special needs of this important segment of our population. In helping to end past isolation and neglect, this effort could aid in bringing about essential services for the training and rehabilitation of deaf-blind persons. Thesc Americans should be allowed to develop their potential to the fullest degree possible so that they may realize a maximum measure of independence and contribute ever more positively to our Nation.

The plight of the deaf-blind is by no means new to Congress. In 1969, this body passed legislation establishing the Helen Keller National Center for Deaf-Blind Youths and Adults in Sands Point, N.Y. Hundreds of deaf-blind persons have been trained at this widely acclaimed facility. Nevertheless, the Helen Keller Center can serve only a small portion of the deaf-blind. Because of inadequate education, training, and rehabilitation services in other areas, many otherwise vital lives are not being nurtured, resulting in the tragic and immeasurable loss of potential human resources.

Mr. Speaker, I request at this point in the RECORD that a copy of my resolution be printed in full for review by my colleagues and I ask for their full support so that we may raise the public's awareness of this important concern.

H.J. RES. 309

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the anniversary of the birth of Helen Keller, the most accomplished, respected, and renowned deaf-blind American in our history, falls on June 27; and

Whereas deaf-blindness is one of the most severe of all disabilities, with respect to which some 40,000 Americans are deprived of two primary senses; and

Whereas the rubella epidemic of the 1960's, along with other pathologies, has resulted in deaf-blindness for approximately 6,000 of our children; and

Whereas because of the severity of deaf-blindness the cost of educating, training, and rehabilitating persons who are deaf and blind is high in comparison with other disabilities; and

Whereas this high cost causes many service agencies to be reluctant to serve deaf-blind persons, thus inhibiting the independence and self-sufficiency of such persons, and frequently resulting in their placement in custodial institutions; and

Whereas, although the Helen Keller National Center and its network, and regional deaf-blind centers serve a portion of this population, inadequate education, training and rehabilitation services to the deaf-blind population represents a terrible waste of human lives and resources, imposing a high economic cost on the nation; and

Whereas it is in the national interest to prevent this waste of human resources, foster independence, create opportunities for employment, and maximize the ability to achieve among our deaf-blind citizens; and

Whereas these objectives can be accomplished only through an increased public awareness of, and attention to, the needs, abilities, and potential contributions to society of persons who are both deaf and blind; and

Whereas it is highly appropriate to publicize the needs, abilities, and potential of all deaf-blind persons, and simultaneously to recognize Helen Keller not only as a beacon of courage and hope for our nation, but also as a symbol of what is possible for deaf-blind persons to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the President shall issue a proclamation designating the last week in June of 1984 as "Helen Keller Deaf-Blind Awareness Week," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

U.S. RESPONSIBILITIES AND ARMS CONTROL

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mrs. BYRON. Mr. Speaker, issues of arms control and disarmament are as old as civilization. From ancient times to the present, in Western and non-Western cultures, philosophers have encouraged efforts of restraint from nations and statesmen, warning them not to become dependent upon arms and alliances. It has also been insisted, increasingly since the medieval times, that statesmen have an obligation not only to defend their own national interests but make serious attempts to construct an international political community in which power is constrainted by, at the same time it supports, the rule of law.

It is naive, false, and dangerous to ignore both the devastating nature of modern full-scale war and the fact that nuclear weapons have sharply raised the stakes and changed the nature of warfare.

Arms control requires a shared spirit of compromise to channel the modernization of strategic forces into more stable directions and less vulnerable deployments. U.S. arms control proposals and strategic arms programs need to be integrated and mutually reinforcing while encouraging the Soviets to move in similar directions and to reduce the risk of war by accident or miscalculation.

Arms control cannot be isolated from an effective U.S. deterrent. Deterrence is not just bluff; it is a perceived capability, coupled with an understood commitment to use our forces in retaliation against key elements of Soviet power.

At the same time, it is crucial that we remain acutely aware of the fact that verifiable arms control agreements cannot be addressed coherently without keeping in mind the nature of Soviet expansionism. We need only to look at the problems in Central America to ascertain that the military and economic attacks on those nations are included in Soviet calculations of overall advantage. On the eve of the Williamsburg economic summit, Secretary of State George Shultz stated that the reality of north and south is now a relationship of mutual responsibility in that we are all in one boat.

We should wonder how the world sees the task of disarmament as compared to the Congress and the American public. In this regard, it was interesting to note the survey by Denmark's reputable polling institute, Observa. The institute concluded 76 percent of those interviewed identified the Soviet Union as the "country which threatens peace" most among the superpowers. The poll gave the United States a 10-percent danger rating and 14 percent thought China will start the next war.

It was interesting to learn that the poll showed a market 12-percent increase in distrust of the Kremlin compared with last year's results. This shift has occurred despite the continued criticism of American policy from Danish peace movements.

We must admit that even though arms control, disarmament, and international peace were the basic ideas supporting the formation of the United Nations, the peacekeeping goal of that organization has not been fully realized. World conditions as they have existed since the end of World War II, and as it appears that they will exist into the foreseeable future, provide the stimulus and the necessity to continue to strive for effective arms control measures by all means.

The Armed Services Committee is assigned oversight responsibility of arms control and disarmament matters. The committee, in turn, assigned this responsibility to the Subcommittee on Procurement and Military Nuclear Systems on which I serve. In keeping with past practices, Chairman SAM STRATTON has appointed a Special Panel on Arms Control and Disarmament for the purposes of monitoring ongoing arms control negotiations, advising the subcommittee on pertinent issues, and to make studies on technical matters relating to arms control and disarmament such as the problem, of verification and alleged voilations of current arms control agreements. I have been given the assignment of chairing this special panel.

In confronting these awesome issues, I do not see myself as a crusader for one final solution to a complex set of problems. Rather, I see myself as a citizen of a great Nation and as a Member of Congress, both of which

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have undertaken an enormous responsibility to persist in the long-run task of preserving both peace and stability for the entire world.

In carrying out the panel's responsibilities, I asked for, and received, authorization to lead the panel to Geneva to speak and confer with our negotiators there, Ambassadors Rowney and Nitze. This important visit will allow me, as chairman of the panel, and the other members to receive a first hand assessment of the talks, the progress or lack thereof that is being made, and the range of issues facing the negotiators.

In addition to the nuclear force structure talks, the panel members will also meet with Ambassador Abramowitz in Vienna on the conventional force reduction talks, commonly referred to as the mutual balanced force reduction negotiations. And, finally, in specific conjunction with the negotiations, I will be meeting with individuals at the International Institute for Strategic Studies, in London. The Institute is renowned for its expertise and assessment capabilities in international force structures and evaluations of international political developments.

The panel will be reporting on its investigation and hearings in September. There is much work that will need to be done in the meantime and these meetings will be important contributions to our efforts.●

CONCERN FOR THE NATION'S HOUSING INDUSTRY

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. LEHMAN of California. Mr. Speaker, it is with a deep sense of concern for the Nation's housing industry that I join my colleague, the Honorable JERRY PATTERSON, as an original cosponsor of H.R. 3420 today. This Congress will be judged upon how well it deals with the issue of economic recovery and we would all agree that there can be no full economic recovery unless our housing industry is at full capacity.

That is why I have cosponsored this legislation to raise the Freddie Mac and Fannie Mae loan limits to levels more in keeping with the economic realities of the 1980's housing market.

It should be noted that this is a compromise—it is by no means everything that Fannie Mae and Freddie Mac, or the homebuilding industry wanted—but it does address in a realistic manner a serious problem—namely, the inability of these two agencies to make loans in high-cost areas.

For example, in Congressman PATTERSON's district you simply cannot find livable housing as a result of the low-loan limit levels which are currently imposed on these loans. The situation in Representative PATTERSON's district is not atypical. It is an economic fact of life shared by many other areas across this country, including four of the five counties in my California congressional district.

This bill would allow the current loan limit to be exceeded only in communities specifically designated by the Secretary of Housing and Urban Development as high-cost areas. Under this formula, and in these designated areas only, the loan levels could be increased by up to 33⅓ percent of 95 percent of the median home price, whichever is less.

There are a number of concerns that have been raised about this measure, concerns that are in good faith and reflect a fear that it will cause a drop in the credit resources available to low- and moderate-income persons. Were this the case, I would not cosponsor or support this bill. I believe that an examination of the past history of Fannie Mae and Freddie Mac will show that:

First. Past loan level increases have not adversely affected the amounts of capital supplied for the purchase of low- and moderate-income housing.

Second. This measure will not benefit high-income home buyers. In fact, the language limits the increase to high cost areas only, insuring that it will be the moderate income home buyer who will benefit.

Third. This bill will not squeeze out other potential creditors who may compete with Fannie Mae and Freddie Mac. The market will be there for those with the ability and the entrepreneurial spirit to enter the secondary loan market.

All this measure does is allow the agencies to have loan limits that keep pace with the borrowing needs of those communities that have home prices in excess of the national norm.

Mr. Speaker, our Nation's building industry needs this legislation to continue to turn around our housing market, to emply our people, and bring us out of the worst housing crisis since the Second World War. I hope my colleagues will join me in support of this bill.●

INVESTIGATING THE CONTINUING DISABILITY REVIEW WITCH HUNT IN CALIFORNIA

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. STARK. Mr. Speaker, in light of the upcoming Social Security Subcommittee hearing on the disability program, I would like to share with my colleagues some important testimony received from field hearings I held in the San Francisco Bay area June 6.

The purpose of the field hearing was to find out how the continuing disability investigation (CDI) program was affecting Californians. I am sorry to report that my worst fears were only too fully confirmed. I found that the CDI process has had a devastating impact on mental disability recipients, the mental health facilities, and the rehabilitation programs in my State. I suspect the same is true across the country.

In the effort to ferret out cheaters: First, thousands of the disabled have become terror struck—regressing in their ability to cope with life, two, mental health facilities have been overwhelmed and unable to adequately deal with the mentally ill and, three, rehabilitation programs have gone by the wayside as the recipients in the programs have become unhinged by the very thought of being reviewed.

In short the disability program is being run with the heart of a Doberman Pinscher and the mind of a piranha. Not since the McCarthy era has there been a parallel to the way the mentally disabled are being treated. Just as McCarthy branded people and forced them to prove their innocence, the CDI witch hunt tells mentally disabled people that they are capable of working and then asks them to prove that they are not. Just as McCarthy lacked appropriate evidence, the CDI system does not require evidence of medical improvement to throw people off the roles. Further, just as McCarthyism destroyed lives, this CDI system is having the same devastating impact. Finally, just as we refused to let McCarthy go unchecked, we now must reform the CDI process to make it more humane and responsive to the needs of the disabled.

I would like to share some specific examples of how the CDI process has negatively affected people in my State. One mentally ill man after years of being hospitalized was finally coaxed into entering a rehabilitation program. When he learned that he would be reviewed, he became so upset that he had to be reinstitutionalized. Now the prognosis is that he will never try living outside of an institution again. Thus instead of a few hundred dollars a month in SSI benefits, the State of California will wind up spending thousands of dollars a year to take care of this man. Witness after witness convinced me that it makes a whole lot more sense to spend the few hundred dollars on SSI than the thousands for reinstitutionalization, imprisonment, or other forms of cost shifting to the States.

Mr. Speaker, throwing people in the water and telling them to sink or swim is actually going to cost the States far more than anyone could have anticipated.

When I asked one very conscientious mother of a mentally disabled son how we could find the cheaters, she quickly replied, "Anyone who can put together all of the documentation and paperwork within the prescribed time limit social security calls for could not possibly be mentally disabled." To the best of my knowledge Congress never intended the CDI process to be a "catch-22" for the mentally disabled. Unable to fully comply with SSA's demands, thousands have been left to sink, because they cannot swim as SSA claims.

Another counterproductive consequence of the CDI system has been the affect it has had on those trying to put their lives back together. One rehabilitation program director testifed that although only one person in the program was under review, this one review had resulted in the regression of every person in the program. So terrified were these people of losing their benefits that they could not concentrate enough to work on rehabilitating themselves. As a result, the goal of moving people off the rolls into productive employment is actually being negated by the CDI process as it is presently conducted.

Mr. Speaker, we must develop a system that helps these fragile people through the review process without destroying them. I believe we can do this and still catch the cheaters. The reforms the Secretary of Health and Human Services has announced in no way solve the problems I have described. We need at least a 6-month moratorium on reviewing any mentally disabled SSDI or SSI recipient. This will give the Congress and the mental health specialists the time to study what is needed in the way of reforms so that the CDI process can more humanely deal with this all too vulnerable population.

We must not forget that disability is an equal opportunity unemployer. If we fail these people and they are unjustly forced off the rolls we will ultimately pay a very high price not only in cost shifting to the States but in our moral commitment to justice. I urge my colleagues to support reforming the disability review system.●

OPPOSITION TO MX MISSILE

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. BEDELL. Mr. Speaker, as you know, on May 4, the House of Representatives approved passage of House Joint Resolution 13—a measure calling for a mutual, verifiable, and bilateral freeze on the testing, production, and deployment of nuclear weapons between the United States and the Soviet Union—by a vote of 278 to 149. However, since that time, the House has also approved authorization funding for the continued testing and eventual production of the MX missile.

While many of us are satisfied with the compatibility of these votes with one another—many of us accepting the MX as a bargaining chip from which we shall be able to elicit reductions in strategic force levels with the Soviet Union; others of us accepting limited numbers of MX missiles as a means of moving away from landbased MIRV'd ICBM forces and toward the single RV'd "Midgetman"—I for one am not.

Today, more than 25 private organizations conducted a press conference in the Capitol in which their shared purpose was to express, once again, their complete and unswerving opposition to our approval of the MX. As an original cosponsor of the nuclear freeze, as well as the author of a measure that would serve to prevent all nuclear testing, in all environments for all time (H.J. Res. 3), I would like to associate myself with the common effort of these organizations—the cancellation of the MX missile—and commend my colleagues' attention to a statement by the Friends Committee on National Legislation that was delivered at today's press conference.

STATEMENT BY THE FRIENDS COMMITTEE ON NATIONAL LEGISLATION IN OPPOSITION TO THE MX MISSILE

"National security is widely believed to depend on military strength: the more arms, the more security. We are convinced that, especially in an age of nuclear weapons, the opposite is true: the more 'strength,' the less security and the greater the hazard. The military expansion of each country provokes expansion by others and compounds the potential devastation of war. National arsenals have now reached levels of destructive power that defy comprehension. Yet the arms race continues." [1]

The MX is but one example of the dangerous and unnecessary expansion of our country's military arsenal. The U.S. policy of developing and building weapons capable of being used in a first strike further erodes our deteriorating relationship with the Soviet Union, thus making arms control agreements even more difficult to negotiate and threatening all nations with potential devastation. We urge the Congress to reject all funding for this weapon.●

A TRIBUTE TO RABBI ISRAEL NOBEL OF EAST MEADOW, N.Y.

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. McGRATH. Mr. Speaker, I would like to draw the attention of my colleagues to the accomplishments of a great spiritual leader in the community of East Meadow, which lies within my congressional district.

After 30 years of dedicated service to the East Meadow Jewish Center, Rabbi Israel Nobel will be retiring in August.

I can only echo the words of Henry Frankenberg, president of the East Meadow Jewish Center, who said of Rabbi Nobel:

> For the past three decades, he has nurtured us spiritually, guided us in the ways of Torah and imbued us with a sense of reverence for our sacred tradition. Through his dedicated labors, we have grown not merely in numbers, but in understanding, appreciation and devotion to our heritage of Judaism. The religious education of children and adults has always been the center of his concern and of his tireless efforts, his scholarship, love of learning and sensitivity to moral values have molded the character of our Congregation.

Of Rabbi Nobel, the chairman of the center's board of trustees, Charles Hudes, said:

> For the past 30 years, Rabbi Nobel has shared in our joys, encouraged and strengthened us in our difficulties and comforted us in our sorrows. His sympathetic understanding, wise counsel and never-failing helpfulness, born of his deep faith in God and man, have endeared him to all.

According to a fine article in the East Meadow Beacon, Rabbi Nobel received a bachelor of arts degree from Yeshiva University with which he has a deep-rooted and firm association. The university established a Rabbi Israel Nobel Scholarship Fund which has strengthened the ties that linked the center with this citadel of higher education.

During the Second World War, Rabbi Nobel served as a civilian chaplain at Camp Gordon, Ga., and the U.S. Naval Academy at Annapolis, Md.

Prior to becoming the center's first spiritual leader in 1953, Rabbi Nobel occupied pulpits in the South and in upstate New York.

During his center tenure, he became a leading force in the preservation and conservation of Judaism in East Meadow, and the center became a vital and flourishing institution where more than 2,000 people participate in the many religious programs initiated and implemented by Rabbi Nobel.

He has been in the forefront of many community activities to further interfaith programs. His work in support of the poor and the ill is highly

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[1] From the FCNL "Statement of Legislative Policy," approved by the General Committee November 14, 1981.

respected by religious, government and business leaders.

He is a chaplain in the East Meadow Fire Department and services Jewish patients in the Nassau County Medical Center by appointment out of the New York Board of Rabbis, where he is a member of the board of governors.

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We are especially concerned with problems of emigration, family reunification, and such groups as the "refuseniks" and the Pentecostals. We are especially concerned over the recent drastic reduction in emigration of Jewish people by the Soviet Union.

LANTOS. We are all realists. We would all like to improve relations. To some extent, this is out of our control. However, we can

IN MEMORIAM: SIR WILLIAM LILEY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. HYDE. Mr. Speaker, on June 15 the world lost one of its great contributing citizens when Sir William Liley, of New Zealand, died.

Another of the world's great contributing citizens, Joseph R. Stanton, M.D., has written a memorial to Sir

In the "Secret World of the Unborn" in Reader's Digest in 1965, and in "The Fetus as a Personality," published in 1972, his studies were reported. He showed his tiny intra-uterine patients sucking their thumbs from early in pregnancy. He pointed out that it is this intra-uterine habit of long duration which often persists long after birth. He quantitated the presence of breathing, movements, swallowing, and getting hiccoughs during intra-uterine life, along with the remarkable agility of the unborn child in its intra-uterine state of neutral buoyancy, "unaffected by the tyranny of gravity."

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the very great and very commendable voluntary effort, however, the fact is that hunger, which had been all but eliminated in this country, is back.

It is hard for those of us who are comfortable beneficiaries of the bountiful produce of America's farms to imagine what it is to be truly hungry. But we must try. The anguish of a mother who must send her children to bed hungry, the pain of the children, or the silent suffering of elderly Americans who must choose whether to heat or to eat are real crises, and they demand our action.

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He is a member of the Mid-Island Health Center's Board of Directors and past president of the Long Island Commission of Rabbis; he is also the 2-year chairman of the board of education at the Hebrew Academy of Nassau County.

Among many other awards, Rabbi Nobel was the recipient of the East Meadow Jewish War Veterans Citizenship Award.

Mr. Speaker, I am pleased to recognize the many accomplishments of Rabbi Israel Nobel to the Village of East Meadow, for he is representative of the great spiritual leaders of our Nation.●

SOVIET JEWRY

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. BONKER. Mr. Speaker, this is a time of celebration for those who believe in human rights and religious freedom as it is a moment of personal triumph for the Vashchenko family who, for 23 years, have aspired to practice their personal faith in a free country. This week Pyotr Vashchenko, his wife Avgustina, their 12 children and their daughter-in-law, Ludmilla, depart the Soviet Union for Israel, where they will join their oldest daughter, Lydia, who was allowed to leave the Soviet Union earlier.

The 5-year saga of the Vashchenko and Chmykhalov families is well known to all of us.

We were encouraged by their deeply held religious faith in a country that condemns and persecutes believers.

We were struck by their courage as they openly defied Soviet authorities who repeatedly denied their right to emigrate.

We were inspired by their sacrifice and suffering when they took up residence in the basement of the U.S. Embassy in Moscow.

We felt profound sympathy in 1981 when Lydia went on a prolonged hunger strike to draw attention to their plight.

Now we share the joy and relief this remarkable family must feel upon their release and the beginning of a new life in Israel.

At long last they can do what they have always longed to—freely worship and practice their faith.

Mr. Speaker, the Vashchenkos have been like a native family to us. We have lived through their ordeal, giving to them comfort while criticizing the regime which imposed their internal exile. Congressmen, religious groups, and private citizens have visited them, prayed for them, corresponded with them and sent gifts. President Reagan took a personal interest in their plight and petitioned the Soviet Government to let them go.

Since the Kremlin is mysterious, if not deceptive, about how these matters are decided, no one will know what single voice or action lead to their final decision. But without our persistance, it is unlikely that the Vashchenko family would be free today.

Last session, the Subcommittee on Human Rights and International Organizations conducted a series on religious persecution. It was the first time Congress has ever undertaken a systematic study of religious persecution and helped to publicize egregious violations of those who are persecuted because of their religious faith. Notable in our subcommittee deliberations was the plight of the Pentecostals in Russia, specifically the so called Siberian Seven. We heard from countless witnesses, including Members of Congress, about their plight, and received urgent pleas for our Government to elevate their cause to the highest level in the Kremlin. Letters sent by Members of Congress to President Leonid Brezhnev and to President Ronald Reagan in behalf of the families and a statement by Jane Drake, spokesman for the Society of Americans for Vashchenko Emigration, are included in the subcommittee report. A resolution sponsored by our colleague, BARNEY FRANK, House Concurrent Resolution 100—expressing the sense of the Congress with respect to the situation of two Russian families who have sought refuge in the U.S. Embassy in Moscow because of the suppression of their Pentecostal faith by the Government of the Soviet Union—was adopted by the House of Representatives.

In January 1983, Representative TOM LANTOS lead a delegation on a trip to Russia and certain Eastern bloc countries. We scheduled meetings with noted dissidents and their family members, including a special visit with the Pentecostals at the U.S. Embassy. It was a memorable experience for us, as it must be with anyone who meets with these devout and courageous people.

Our delegation was so moved that, later, when we met Vadim Zagladin, Member of the Supreme Soviet, and First Deputy Chief, International Relations Department of the Central Committee of the Communist Party of the U.S.S.R., we pressed hard on the issue. Here is a summary transcript of the discussion.

BONKER. Regarding human rights, we understand that our human rights policy has complicated relations between our countries. However, you should understand that it is institutionalized in our law, and enjoys widespread public support. It is not directed solely at the U.S.S.R., but all countries including our allies, and has resulted in actions against such countries as South Korea and countries in Latin America.

We are especially concerned with problems of emigration, family reunification, and such groups as the "refuseniks" and the Pentecostals. We are especially concerned over the recent drastic reduction in emigration of Jewish people by the Soviet Union.

LANTOS. We are all realists. We would all like to improve relations. To some extent, this is out of our control. However, we can do some things to improve relations. Symbols are very important. A great deal could be achieved if your government would make a few symbolic moves, such as improving the conditions of Soviet dissidents, Sakharov and Scharanksy and the pentecostals in the American Embassy in Moscow. It would make a great contribution if the pentecostals were allowed to leave the Soviet Union. If the new government under Chairman Andropov would make some symbolic gestures of goodwill, we would surely reciprocate.

ZAGLADIN. We have discussed problems of emigration and the Pentecostals with your Administration. However, that is not the basic problem. The right of an individual in the U.S.S.R. to leave his homeland exists only within the framework of our law. Reunification of families has been accomplished in hundreds of thousands of cases. There are sometimes problems of national security, when a person is on trial or in prison, or when his parents are dependent on him.

Scharansky was convicted of espionage. He cannot be released until he has completed his sentence. His health is not in danger. The Pentecostals have not been refused permission to emigrate, but the exit laws must be complied with.

GIBBONS. The Pentecostals have become our problem. Why can we not just put them on an airplane and take them with us, if they have not been denied the right to emigrate.

ZAGLADIN. They are Soviet citizens and not foreign nationals. If the Soviet emigration law is complied with, they can leave. I will give it serious thought.

That was the most positive sign on Soviet intention to date regarding the Pentecostals, and perhaps it marked a turning point in the Kremlin position.

The happiness surrounding release of the Vashchenko family, must be tempered by the fact that another family continues in exile in the basement of the Embassy. The Soviet announcement made no mention of the other two of the Siberian Seven—Timofei Chmykhalov and his mother. Religious persecution is an unfortunate way of life for believers, regardless of faith, in a society that denies God's existence. We celebrate with the Vashchenkos on the occasion of their release.●

IN MEMORIAM: SIR WILLIAM LILEY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. HYDE. Mr. Speaker, on June 15 the world lost one of its great contributing citizens when Sir William Liley, of New Zealand, died.

Another of the world's great contributing citizens, Joseph R. Stanton, M.D., has written a memorial to Sir William that is worthy of the man and the sad event, and I herewith share it with my colleagues:

[From the Pilot, Friday, June 24, 1983]

WORLD'S PRO LIFE MOVEMENT MOURNS DR. LILEY, 'FATHER OF FETOLOGY'

(By Joseph R. Stanton, M.D.)

Death came suddenly to Sir William Liley, as the "Father of Fetology" joined the ranks of the immortals June 15, 1983. A distinguished and kindly physician, a scientist of world renown, Dr. Liley's death brings to a close an illustrious career which opened the door to a new frontier in medicine.

Fetology—the study, diagnosis and treatment of the developing child in the womb, was described by Sir William as "the diagnosis, and treatment of the other patient in every human pregnancy." That new frontier was securely established in 1963 when Dr. Liley with consummate skill, using amniocentesis for diagnosis for the first time in history transfused a child within his mother's womb. Many persons are alive today who owe their lives to Dr. Liley's painstaking work and brilliant discoveries.

The ever increasing number of widely heralded new therapeutic medical and surgical procedures carried out on the sick babies in the womb today rest on the sure foundations established by the early and continuing efforts of Professor Liley. From that work, he was referred to as "the father of fetology." This, along with Knighthood conferred by Queen Elizabeth, and membership in the Pontifical Academy of Science, and a host of other honors, degrees, and fellowships, he wore with a simple and unassuming modesty.

Yet, he was not without a gentle humor. He once told me that after Queen Elizabeth had conferred Knighthood in the Order of St. Michael and St. George upon him, "whenever my dear wife, Margaret, on a very rare occasion might raise her voice to me, as wives on rare occasions are wont sometimes to do, I gently remind her that when our Queen addresses me these days it is as "our dear and beloved servant." That gentle humor and infinite compassion and skill Dr. Liley brought to the pregnant women and their tiny babies before as well as after birth.

His pioneering observations, preceding the development of ultrasound, defined the metabolism, the characteristics, and capabilities of the developing life in the womb. He revolutionized the medical and obstetrical perception of the fetus. Long considered a passive, relatively inert, passenger in the womb, through Dr. Liley's pioneering studies the fetus was shown to be dynamic individual being, "in very large measure is command of his own environment and destiny with a tenacious purpose."

In the "Secret World of the Unborn" in Reader's Digest in 1965, and in "The Fetus as a Personality," published in 1972, his studies were reported. He showed his tiny intra-uterine patients sucking their thumbs from early in pregnancy. He pointed out that it is this intra-uterine habit of long duration which often persists long after birth. He quantitated the presence of breathing, movements, swallowing, and getting hiccoughs during intra-uterine life, along with the remarkable agility of the unborn child in its intra-uterine state of neutral buoyancy, "unaffected by the tyranny of gravity."

Fetal comfort, he demonstrated, determined fetal position. He pointed out that oftentimes at night when a mother lies down it sometimes "takes Junior twenty minutes of rooting around to find the most comfortable lie." He demonstrated the response of the fetus to loud sounds outside the mother's body, and the reaction of the unborn child to procedures that are painful. He pointed out how actually painful is the actual process of birth to the emerging child with the great physical pressures sustained by that tiny body.

Who's Who, 1983 in seventeen lines starkly outlines the essential facts of a magnificent life. Married to Dr. Helen Margaret Irwin in 1953, the marriage brought forth two sons, three daughters and one adopted daughter. His wife, Dr. Margaret Liley, a pediatrician, eight years ago told her family of a tiny newborn in the hospital where she worked. Born with Downs Syndrome, the little girl was to be institutionalized. After a family discussion, the Liley family adopted and gave the name Stephanie Liley to that child. Such is one measure of a magnificent and loving Christian family.

When with Dr. Liley a short three weeks ago, he spoke lovingly of the home and family he had left to travel to Canada to testify on behalf of the unborn, and then to Boston for a brief visit with his daughter, Dr. Helen Liley. A special twinkle danced in his eye as he recounted eight year old Stephanie's latest accomplishments.

Stephanie, thousands of patients now alive, the profession of medicine, pregnant women and their unborn children of present and future generations owe an immense debt to the "father of fetology." The pro-life movement across the world mourns the loss of this erudite, gentle, kindly defender of the child in the womb.

To Dr. Margaret Liley, his beloved wife, and the family he so loved, from across the world we reach out in sorrow, in love, and in prayer for them and for his noble soul.●

RECESSION AFFECTS FEDERAL FOOD AND NUTRITION PROGRAMS

HON. GERALDINE FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Ms. FERRARO. Mr. Speaker, the combination of the deepest recession in 50 years and brutal cuts in Federal food and nutrition programs has made hunger once again a painful reality for millions of Americans. Through 2 years of Reagan budgets, spending on food stamps and child nutrition has shrunk and soup lines and demands on private charities have grown. Despite the very great and very commendable voluntary effort, however, the fact is that hunger, which had been all but eliminated in this country, is back.

It is hard for those of us who are comfortable beneficiaries of the bountiful produce of America's farms to imagine what it is to be truly hungry. But we must try. The anguish of a mother who must send her children to bed hungry, the pain of the children, or the silent suffering of elderly Americans who must choose whether to heat or to eat are real crises, and they demand our action.

The Reagan administration has remained blind to this growing tragedy. In his budget for this year, the President asked for another billion dollars in cuts in food stamps. Fortunately, the budget adopted last week rejected the President's request. Instead, it makes modest additions in various food programs including food stamps, school feeding programs, and WIC. The additions are not as great as I would have preferred, and they do not by any means compensate for the cuts of the last two budgets, but they will help millions of poor Americans have enough to eat.

The additional $300 million for WIC is especially critical. For in 1982, the first time in decades, cities around the country reported increases in infant mortality. In New York City, a study by the Food Law project made some depressing findings. In studying infant mortality from 1940 to 1982, they found that medical advances and social programs had achieved a steady drop in the infant mortality rate. But in 1982, the first full year the Reagan budget cuts were in effect, the rate was up in almost every area of the city.

The President has criticized the congressional budget, saying we have "thrown in the towel on controlling domestic spending." But what is clear, Mr. Speaker, is that the President has thrown in the towel on fighting hunger in this country.

In its Sunday News Magazine of June 12, the New York Daily News published an article titled "All the Hungry People." The article, written by Daily News reporter Bella English, describes the reemergence of hunger in New York City, the efforts being made to combat it, and how the Reagan budget cuts have contributed to the problem.

I commend the article to my colleagues.

[From the Sunday News Magazine, June 12, 1983]

ALL THE HUNGRY PEOPLE

(By Bella English)

In the past few months, more than 100 soup kitchens have stepped in where the feds and city government have stepped out.

But it's not enough.

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Alan Richardson looked in his refrigerator. There was a half-empty jar of mayonnaise, some relish and a can of soup. It was the end of the month—the darkest hour for the poor—and his disability check had disappeared with the rent, utilities and other bills. What would he feed his four children?

Richardson had been allowing himself only one meal a day, and his clothes hung loose on his 6-foot-3 frame. He often went to sleep at night to the sounds of rumbling in his stomach.

"But I have to have food for the kids," he said recently.

Richardson, a disabled Vietnam veteran, finally called the Food and Hunger Hotline. A day later, his refrigerator was full of turkey, hot dogs, chicken and milk. The cupboard contained sugar, cereal, peanut butter, jelly and yams. There was even some formula for the baby.

"I'm hungry a lot, but I try not to think about it," said Richardson, a 35-year-old Queens resident.

Hunger. It's a word one associates with Bangladesh, Appalachia and the Depression. Certainly it was an issue in the 1960s, when the government launched studies and subsequent social programs to fill the gaps in empty cupboards.

But today, with federal budget cuts, increasing unemployment and high food prices, hunger is no longer a distant enemy.

You can see it in the soup lines, where people—the elderly, families and individuals—walk miles and wait hours to get a single meal. You can see it in mothers who sneak an extra sandwich at soup kitchens to hide under their coats.

You can see it at dusk, when neatly-dressed people, most of them elderly, rummage through grocery and restaurant trash, ferreting our a rotting head of lettuce or some moldy potatoes.

You can see it in grocery stores, where shoplifting has increased dramatically.

If you look closely, you can see it in every neighorhood in New York. At St. Bartholomew's on Park Avenue, the limousines pull away as the hungry wait in line at the church's feeding program.

Most of all, you can see it in the faces and hear it in the voices of those who are suffering. Through ingenuity and out of desperation, some are finding ways to cope with empty wallets—and stomachs.

"If not for this, I wouldn't eat," said Manuel Aybar, 37, as he wolfed down a fish patty at a soup kitchen on First Avenue. "Sometimes I steal a banana or a few grapes from a produce stand." Aybar recently lost his job as a doorman.

There are the parents of five who give the kids one piece of bread each, hiding the rest of the loaf under the bed so there will be enough for the next day.

There is Jean Collins, who says she skips meals so her five children can eat. "We use a lot of coupons, we buy generic brands and we eat casseroles, because it's easier to disguise the fact that there's no meat," said Collins, surrounded by her youngsters at a feeding program run by the Children's Aid Society on the upper West Side. "I buy a whole chicken and we eat it for a week. Thank God for chicken."

The program, at the Frederick Douglass Housing Project, 830 Columbus Ave., was begun in February to feed 90 people twice a week. By March, more than 200 people were showing up for meals. Director Frances Cave told of one elderly client. "He came running in and we told him we were out of food. He said, 'Please, give me any leftovers. I have 50 cents. I'll pay you.' "

In the past several months in New York City, more than 100 soup kitchens and food pantries have sprung up, stepping in where the federal government has stepped out.

At the Stanley Isaacs Neighborhood Center, which serves upper Yorkville and East Harlem, director Carol Tweedy reports a 50 percent increase in those seeking breakfast and a 25 percent increase in the lunch program over the past two years.

"The most telling indication of hunger is that many of them come in with plastic bags, taking home whatever food they don't eat—a little rice, a few peas," Tweedy said.

Gretchen Buchenholz, director of the Church of the Holy Trinity's food pantry and two soup kitchens in Yorkville, tells of people who are given a package of raw chicken to take home. "Some start fires in oil drums to cook," she said.

One of her soup kitchens, on First Avenue at 91st Street, is around the corner from Elaine's, the elitist eatery; the other, on E. 88th Street, is half a block from Gracie Mansion and was opened to help meet the overwhelming demand at the first. "If you have hunger like this in one of the most affluent neighborhoods in New York, what must it be like in a poorer neighborhood?" she asks.

And then, of course, there is the hunger that you don't see—that of the homebound elderly, dependent on friends, relatives or programs like Meals on Wheels for their survival. For many, when the final meal of the week is delivered on Friday, it is often the last they will eat until Meals on Wheels comes around again on Monday.

Last year, the Nutrition Watch Committee, commissioned by former Gov. Hugh Carey, reported that it was "deeply shocked to discover that hunger, which had been largely eliminated through a variety of measures including food stamps and other feeding programs, is again on the rise in New York State."

Committee members recently launched a survey to determine the statewide extent of malnutrition, anemia, infant mortality and low birth weights—all symptoms of hunger and poor nutrition.

The Food Law Project studied infant mortality in the city from 1940 through 1982 and found that the rate had dropped steadily due to medical advances and social programs. But in 1982, the first full year after some of President Reagan's budget cuts took effect, almost every area in the city was up in infant mortality.

"After 40 years of consistent work to have the figure drop, it's sweeping up again," said, Debby Hoey, staff attorney for the Food Law Project. "Hunger plays a key role in that." In three areas—Bedford-Stuyvesant and For Greene in Brooklyn and Flushing in Queens—infant mortality rates were higher in 1982 than at any time since 1974.

Lou Dehavenon, a medical and urban anthropologist for the East Harlem Interfaith Welfare Committee, surveyed 285 people who came to the agency on a given day. Of those, 69 had not had anything to eat or drink for a day, 10 had not for two days, 61 had only had water the day they came in, and 81 had only had some other liquid—coffee, tea, milk or soda—that day. Only 64 had consumed solid food and a liquid the day they came for help.

Nancy Amidei, director of the Food Research Action Center in Washington, D.C., sees the causes of hunger as threefold: "Poverty is up, eligibility for federal programs is down, and those who do get help get too little."

Last year, the poverty rate nationally was 14%—higher than at any time since 1967—and experts predict it will increase this year. Some 32 million Americans are poverty-stricken, according to federal standards. (A working family of three is considered poor if its annual income is $7,760 or below.) One out of five children lives in a poverty household. Another 12 million people have "near poor" incomes just above the poverty line.

"In terms of food, America is what OPEC is to oil," Amidei said. "Hunger is particularly inexcusable, because in 1967, when we discovered starving children, Congress responded by introducing food stamps. By 1977, we had evidence that those programs had made a difference. But now, with the poverty rate higher than since the late '60s, instead of letting those programs grow to meet the need, Congress and the President have been busy cutting them back."

In New York City, almost all the federal food-assistance programs—child-care feeding, school lunch, summer feeding programs, food stamps and nutrition programs for senior citizens—are serving fewer people because of budget cuts. And even before the cuts, those served were a fraction of those eligible.

The Women, Infants and Children (WIC) feeding program, hailed as highly successful in providing prenatal and postnatal nutrition and preventing infant deaths and birth defects, is serving only one-third of those who are eligible, with long waiting lists.

Amidei, who has worked on hunger issues since the 1960s, tells of other symptoms that have recently reappeared throughout the country. "There are cases of babies with water intoxication because they're getting sugar water instead of milk, and babies who are three or four months old are showing up at hospitals weighing less than they did at birth."

Among the hardest hit has been the food-stamp program. Each year since 1981 has brought a new round of cuts, eliminating thousands in the city from the program and reducing benefits for the remaining caseload. Nationally, more than $3 billion has been cut from food stamps since 1981, and President Reagan is proposing another $1-billion cut for next year.

In 1982, New York City lost $70 million in food stamps because of stricter eligibility requirements. The number of people—mostly the working poor—receiving food stamps here dropped by 56,376 from January 1982 to January 1983.

The average disbursement to those on food stamps is 45 cents per meal, and some of the elderly and disabled get only 10 cents per meal. In New York, some 300,000 senior citizens live below the poverty level.

The dilemma is causing people to make tough choices, including one that is known as "the heat or eat" syndrome. Because the welfare rent grant has remained the same since 1976—$218 a month for a family of four—people are forced to use their basic clothing, food and transportation grant to supplement rent. Food stamps, originally meant to be a subsidy to the basic grant, are in fact becoming the food mainstay in many households.

Local programs such as the Food and Hunger Hotline, which funnels emergency food to the hungry, report an upsurge in calls for help. In the first three months of this year, the Hotline received 1,400 calls, nearly twice the usual number.

Workers say that the city bureaucracy and unreasonable regulations cause most of the cries for emergency food. "The person

with the attitude that there are enough programs around to take care of people is making the incredibly grandiose assumption that these programs work right and that they are reaching all those who are eligible," said Allen Kahan, Hotline coordinator. Added director Donna Lawrence: "The whole emphasis on the part of the federal and city governments is on fraud prevention, with the result that legitimate claims are being denied or delayed."

In an overzealous attempt to cut down on fraud, they say, the city has actually imposed regulations that are stricter than those of the federal government. Kahan and Lawrence tell story after story of having to intervene when unreasonable delays and strict rules prevent people from getting their food stamps, including a teenager who was thrown out of the house in the middle of the night by her parents. The girl had no money, and when she applied for food stamps, city workers told her she had to have two pieces of identification. The girl said she couldn't go back home to get proof because her father would beat her. Her case was denied.

In another case, a homebound 92-year-old woman could not get food stamps because the city forgot to send her photo identification, Kahan said, and the Hotline had to tide her over with food for a couple of weeks.

The city's Human Resources Administration is proud that it has vigorously dealt with food-stamp fraud, cutting the error rate from 25% in 1979 to 13% last year. But one-fourth of last year's errors were in underpayments to the legitimately eligible.

In 1980, a federal outreach program to inform people about food stamps was eliminated. But the city, using state funds, recently started its own information program. Still, anti-hunger workers said in a recent Mailgram to HRA Commissioner Jack Krauskopf that, despite thousands of inquiries and applications generated by the new program, the food-stamp caseload has not increased.

In the past two months, antihunger groups have formed a Coalition Against Hunger to make hunger a priority in the city government. Specifically, the coalition is asking for a citywide food office and city support for a food bank, which is scheduled to open in July, and aid for private soup kitchens. The food bank would collect donations from companies, retailers and wholesalers and distribute up to 10,000 pounds of food a day to feeding programs.

A private organization called City Harvest has begun distributing surplus food donated by various restaurants and companies to the hungry.

City Council President Carol Bellamy, who recently hired a staffer to deal with hunger issues, believes that the mayor's office should get involved. "There needs to be some coordination of anti-hunger work," she said. And City Councilwoman Ruth Messinger, whose office did a study on city food policy, calls hunger here "a disaster" and believes a citywide office is essential.

Those who work in feeding programs believe that they are merely offering Band-Aid treatment for ravages cause by federal cutbacks and unemployment. "There's just so much volunteers can do, just so many benefits the wealthy will throw for hunger causes," said Kathy Goldman of the Community Food Resource Center.

It is the first day of operation for a soup kitchen at PS 66 on E. 88th Street, and you can see poverty on unshaven faces, in hollow eyes and the swollen ankles of the old. The elderly stand in line with walkers and canes. Mothers carry babies.

Ivy Cruz has walked 25 blocks with her four children to get supper. Coaxing a stringbean into the mouth of her year-old son, she tells what various feeding programs mean to her. "We get $164 a month for food stamps," she said. "I buy potatoes and rice by the 10-pound bag, I buy the dented cans that are cheaper, and day-old bread. We still run short. Believe it or not, there are still people starving in New York City. No one should be starving with all the money that's here.

"Sometimes," she sighed, "it doesn't seem worth the effort. Myself I don't care about. But the children need to eat a good, hot meal."●

BILL MILLER INTERRED TODAY AT ARLINGTON NATIONAL CEMETERY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. KEMP. Mr Speaker, America, and especially western New York, lost a beloved friend and a great leader with the passing of former Congressman and Vice-Presidential candidate William "Bill" Miller on June 24.

Bill represented western New York in Congress from 1951 to 1965, and all the people of our area know how well he served their interests and contributed to our community. Bill was well known and highly regarded as a dedicated public servant, first as Niagara County district attorney and Congressman, and later in the broader roles of chairman of the Republican National Committee and Republican Vice-Presidential candidate in 1964.

As the Buffalo News noted:

> The devastating defeat of the Goldwater-Miller ticket might have embittered a lesser man, but Mr. Miller emerged from that loss with aplomb and good humor.

The Republican Party could not ask for a more loyal and respected individual to carry the Republican banner, and the Goldwater-Miller ticket was one that ran with dignity and lost with honor, and indeed carried conservative ideas and patriotic principles to a level that helped advance this cause to victory in 1980.

Bill's devotion to his public role was great, but those of us who knew Bill know that his greatest devotion was to his God, his family, and his country. Bill was a great family man and a devout Catholic, and his priorities were always with his family and friends.

I attended Bill's funeral at St. John the Baptist Church in Lockport yesterday, and was moved by the eulogy of Senator BARRY GOLDWATER, his friend and running mate in 1964. To those who might ask if Bill Miller served well during his life, Senator GOLDWATER answered, "Yes, and with love and devotion."

Bill's wife Stephanie, his children Bill, Stephanie, Mary Karen, and Libby, all contributed beautifully to the Mass of the Resurrection celebrated by Rev. John Duggan. Our prayers and thoughts go out to them at this time. Edgar Guest's poem "Courage" is a fitting tribute to Bill:

Courage was never designed for show,
It isn't a thing that can come and go;
It's written in victory or defeat
And every trial a man may meet.
It's part of his hours, his days and his years,
Back of his smiles and behind his tears.
Courage is more than a daring deed;
It's the breath of life and a strong man's creed.

Joanne and I count ourselves lucky to be able to count Bill and Stephanie Miller and their beaufiful family among our friends. The American people owe him a great debt of gratitude, and we will miss his humor, his wisdom, his warmth, and his devotion to our country tremendously. Bill leaves a big legacy to his family, his community, his country, and to those of us in Congress and public service who face the task of carrying on the ideals for which he fought the good fight.

Mr. Speaker, Bill Miller was honored further today as he was interred at Arlington National Cemetery. I ask all my colleagues to join me in remembering the life and contributions of this wonderful friend.●

POPULATION CONTROL: PROGRESS, BUT NOT ENOUGH

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1982

● Mr. PRITCHARD. Mr. Speaker, I commend to my colleagues the following article by United Nations' Under Secretary General Rafael Salas, the Executive Director of the United Nations Fund for Population Activities, discussing the still startling problems the world faces if rampant population growth is not adequately checked. Ninety percent of the growth in population between now and the year 2000 will occur in the developing world. These developing nations are the least able to cope with a burgeoning population. Fortunately, an increasing number of these nations have recognized their overpopulation problem and have resolved to seek humane and effective solutions. Mr. Salas' article gives us a report on how far we have come in this struggle and how far we have yet to go in helping developing nations become self-sufficient and provide their citizens with a better quality of life. I urge my colleagues to read

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Mr. Salas' article as printed in the International Herald-Tribune.

The article follows:

POPULATION CONTROL: PROGRESS, BUT NOT ENOUGH

(By Rafael M. Salas)

NEW YORK.—Largely unnoticed, two revolutionary changes have taken place over the last few years: World population growth is slowing; and virtually every developing country now has a specific population policy.

These changes have occurred because of Western initiatives—primarily American proposals—that resulted in the channeling of more than $1 billion over the last decade into programs for family planning, problems of urbanization and migration, aging, women's education and child care. Population is one of the few areas where Western development aid not only has produced tangible successes but also has generated an unusual self-help ethic among the countries of the Third World: For every $1 now contributed by the West for population programs, the developing countries put in $4.

But while the world annual population growth rate has dropped from 1.9 percent to 1.7 percent over the last five years, the rate is still higher than the figure of 30 years ago. And the figures remain startling: In about three years, world population will grow by about 240 million—slightly more than the current population of the United States—and in 33 years, the world's population will have doubled if present trends continue.

Of the world's current population of 4.6 billion, a quarter lives in what both the World Bank and the United Nations say are conditions of "absolute poverty," and many more face acute deprivation. Yet the fastest population growth is in those places where food, housing, sanitation and economic opportunities are in the shortest supply. UN studies show that at least 700 million people are malnourished—and this figure is likely to grow despite breakthroughs in agriculture.

Despite this continuing specter, the efforts of the richer countries seem to be slackening. The Brandt report two years ago pointed out that financial assistance from the West for population control was declining in real terms.

At the United Nations, we are now sifting through the last decade's experiences in population matters to formulate a new plan of action for world population control. Our recommendations and proposals will be presented in August 1984 at an international conference in Mexico City.

One of the starting points for the conference will be fertility and family size. Studies in developing countries indicate that many women have larger families than they would like, but in the countries surveyed, women still want an average of three to five children. This is fewer than a decade ago, but a long way from the stabilization point of slightly more than two children per family.

There still a large gap between population objectives and individual desires. How to reconcile the two, while respecting cultural values, is the question many governments face.

The answer lies beyond the conventional approaches to family planning. Individual preferences on family size generally change only when economic and social conditions allow such change. Education and jobs for women are vital: They give young women a choice other than marriage or expanding their family. In China and Sri Lanka, women go from school to university or a job and typically marry in their 20's. In Nepal and Kenya, girls commonly receive less schooling than boys, are not encouraged to work outside the home and often marry near the age of puberty. Families in China and Sri Lanka are among the smallest in the developing world; those in Nepal and Kenya are among the largest.

Another important issue for the Mexico City conference will be internal migration. Vast numbers of people have left the countryside only to find that resources in the cities are scarcely sufficient to support life. The answer may be to stimulate rural development and to pursue alternative forms of urban development.

International migration also poses difficult problems. Many thousands of people have crossed political borders illegally in search of work. An international accord is needed to protect their rights and establish the responsibilities of the countries they leave and those that receive them.

High mortality, especially infant mortality, is one of the characteristics of underdevelopment. One of the distinguishing marks of a successful population policy is a fall in the number of infant deaths, as health care improves. And experience has confirmed that women have fewer children when they know that those they have are more likely to survive.

Meanwhile, both developed and developing countries are seeing a great increase in the number of elderly people. This is a welcome sign of increasing life expectancy, but it raises problems of its own. Traditionally, old people were looked after within the family, but this becomes more difficult in today's changing world.

The last question is the balance between population, resources and the environment. The greatest consumption of resources and the greatest threat to a stable ecological system occur in countries where population growth is slow or static. Yet a growing population can severely strain the environment that supports it. This process can be seen most dramatically in the hills of Nepal, where a whole landscape, intensively cultivated and stripped of tree cover, is in the process of collapse.

Smaller families are not the solution to every social problem. Nor is it possible to establish the smaller family as the norm without considerable social change. But by bringing down average family size, there is a better chance that overall development efforts will succeed.●

A CASE STUDY IN THE PERILS OF INDUSTRIAL POLICY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. SHUMWAY. Mr. Speaker, the Banking Committee's Economic Stabilization Subcommittee, on which I serve, is currently in the midst of an extensive series of hearings on industrial policy.

The idea of industrial policy as a means of improving U.S. economic performance is now highly popular; the concept, however, is decidedly vague and ill-defined. It is, in fact, the very generality of the industrial policy debate which assures that the issue is so attractive to so many. Some focus on making existing Federal policy more coherent; others want to promote the "sunrise" sector and ease the economic transition thereto; still others are concerned with the survival of "smokestack" America. Running throughout, however, is the classic political and economic debate: reliance on the free market versus greater government intervention in the economy.

Proponents believe, by and large, that the economic success of our trading partners can be traced primarily to effective industrial policies. In particular, Japan is widely viewed as a nation where government, management, and labor have achieved a unique political and economic compact which leads to industrial targeting, credit allocation, job security, and unparalleled productivity. If imitation is the highest form of flattery, the administration's proposal for a Department of Trade and Industry can, in this context, perhaps best be seen as an American MITI.

Whether Japanese industrial policy is as comprehensive or effective as popularly portrayed, of course, is open to serious question. Today the subcommittee held its first hearing specifically on this issue, and foreign industrial policies generally. In this regard, I would like to commend to the attention of our colleagues a timely editorial which appeared in yesterday's Wall Street Journal. According to Kim Kihwan, president of the Korean Development Institute, it appears, based on the Korean experience, "best not to overrate the government's ability to implement a targeted national industrial policy that will produce better results than those yielded by the efficient operation of the free market."

The full text follows.

A CASE STUDY IN THE PERILS OF INDUSTRIAL POLICY

(By Kim Kihwan)

South Korea's industrial policy has often been pointed out as a successful example of a targeted national policy. Especially during the 1970's, the government played a central role in allocating resources in order to promote development of "strategic" industries. In the last two years, however, the government's view of this kind of targeting has changed considerably, and Korea is moving away from its old industrial policy toward a less active role in investment allocation. The Korean economy is now much too large and sophisticated to allow the degree of government intervention it has seen in the past.

Economic conditions in Korea in the early 1960s weren't very different from those in any resource-poor, low-income developing country today. Korea, already overpopulated, had wide unemployment and high population growth. In 1961, per capita GNP was $82, and domestic savings were negligible. Korea has no significant exports and suffered from chronic balance-of-payments deficits.

To deal with these problems the government adopted an outward-looking development strategy which was very liberal for its time. The goal was to promote economic growth through the expansion of labor-intensive manufactured exports in which Korea had comparative advantage. Inefficient restrictions on interest rates were eliminated, the overvalued exchange rate was adjusted and tax incentives were granted for exporters to offset distortions caused by import barriers. In addition, administrative red-tape for export industries was reduced and customs procedures were simplified.

The result of these measures surpassed all expectations. Export growth in 1961–71 averaged nearly 40 percent. Propelled by this export growth, real GNP grew at an annual rate of 9.5 percent, and inflation was kept relatively low.

In the early 1970s, however, Korea's development strategy shifted significantly. Partly as a result of rising protectionism against Korea's labor-intensive manufactured exports, the government adopted a national industrial policy designed to accelerate the development of several specific industries, particularly steel, shipbuilding, machinery, electronics, nonferrous metals, power-generation equipment and petrochemicals—the so-called "strategic," or heavy and chemical industries. Although the primary purpose was one to restructure exports in favor of high value-added products, the policy was one of import substitution to the extent that it increased domestic self-sufficiency in these industries.

The strategic industries were given a wide variety of incentives, including preferential tax treatment, easy access to capital and protection against imports. Special funds and institutions were set up to channel investment into these industries, and loans were provided at favorable terms. The government pumped resources into the industries and, in the process, tampered extensively with the market mechanism through an over-valued local currency, artificially low interest rates and price controls.

To a certain extent, this policy was successful. The targeted industries achieved truly phenomenal rates of growth and led the nation to an annual average GNP growth of 10.4 percent in 1974–79. By 1982, more than half of Korea's exports came from the industries which had benefited from targeted government incentives.

This success, however, was achieved at the cost of introducing serious structural imbalances into the economy. The excessively low cost of capital, for example, led to over-investment in heavy chemical industries, while untargeted small and medium industries were unable to undertake needed investment owing to lack of access to funds.

In addition, the incentive system pushed the economy to grow rapidly, but the low interest rates on loans industries caused chronic excess demand for funds. This in turn stimulated the expansion of the domestic money supply and contributed to rapidly rising inflation. As the prices of daily necessities, produced for the most part by investment-starved small and medium industries, rose faster than the overall inflation rate, the cost of living for low-income households increased relatively more than that for high-income households.

As a result Korea's economic performance suffered, especially in 1979–80 when the country labored to recover from the triple blow of oil shock, political instability and world recession. As world trade volume dropped and Korea's export expansion slowed, the problems caused by the industrial policy became apparent. Saddled with excess capacity in the heavy and chemical industries and lack of investment in the more traditional labor-intensive sectors, Korea experienced a premature loss of competitiveness in world markets for labor-intensive light industrial goods.

The basic message from this experience is that excessive intervention in the market creates inefficiencies which eventually hurt economic performance. By creating a deep and prolonged gap between the real and the effective cost of capital in certain industries and by discriminating excessively among industries, the policies contributed to both a slowdown in export growth and adverse developments in equity and income distribution.

Changes in the last few years reflect the government's desire to rely more on the free-market allocation of resources. The policy of extending preferential access to credit and treatment in taxation to strategic industries is being phased out. In its place the government is moving toward an incentive system which is neutral with regard to firms and industries and which will allow the effective cost of capital to more accurately reflect the true cost.

Several major reforms are under way. The most important is the liberalization of the financial market.

The government has denationalized the five major commercial banks and is lifting restrictions on competition among different types of financial institutions. In addition, it is acting to increase the flow of funds to small and medium industries to correct the imbalances that arose in the late 1970s. Preferential tax programs are being revised to give more equitable treatment to different industries. The fairly complicated interest-rate structure has been simplified.

The new policies seem to be working. Korea achieved 6.4 percent growth in 1981 and 5.3 percent in 1982, in spite of the global recession. During the past two years Korea also made outstanding progress toward price stability. The inflation rate measured in wholesale prices was 2.4 percent, and in consumer prices, 4.8 percent in 1982. This year, the economy is expected to grow about 8 percent, with 1 percent to 2 percent inflation.

Korea holds some lessons for other countries considering similar incentive systems. However, the lessons may not be what some people believe them to be. In particular, for any economy which is as large or complex as Korea's, it seems best not to overrate the government's ability to implement a targeted national industrial policy that will produce better results than those yielded by the efficient operation of the free market.

U.N. FUNDS ARE FUNGIBLE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. PAUL. Mr. Speaker, I would like to bring the following article to the attention of my colleagues. It outlines the U.N. support for the South West African People's Organization (SWAPO), a Communist-backed guerrilla organization trying to gain control of South West Africa.

The U.N.'s sanctioning of SWAPO is but another reason to end U.S. participation in the United Nations. Under U.S. law, no funds contributed by the United States to the United Nations may be used to support SWAPO. The United States does, however, provide almost 25 percent of the total U.N. budget, and these funds are fungible. Our largess has enabled other nations to direct their more limited contributions toward the backing of terrorist organizations such as SWAPO and the PLO.

I urge my colleagues to carefully reconsider the implications of continuing to fund any of the activities of the United Nations. I hope my colleagues will join me in cosponsoring H.R. 855, a bill introduced by our colleague LARRY MCDONALD, which would end U.S. participation in the United Nations.

The article follows:

[From the Washington Inquirer, June 24, 1983]

UN BACKS SOVIET CLIENTS IN NAMIBIA

(By Daniel Quaye)

Since 1976, the United Nations has recognized the South West African People's Organization (SWAPO) as the "sole and authentic representative" of the Namibian people.

As a result, during the four years following that declaration the United Nations provided some $40 million to support that organization in its attempts to gain control of South West Africa/Namibia from South Africa.

But SWAPO's close political and military links with the Soviet Union and controversy surrounding its status as the only legitimate party have sparked criticism of the U.N. policy.

"Why has the United Nations, a self-proclaimed peace-keeping organization, decided that in some future Namibia professionals will come from the ranks of SWAPO and, in effect, train, feed, educate, clothe and give civilian training to the SWAPO guerrilla army?" asked Thomas Gulick, a Heritage Foundation policy analyst, who recently organized a United Nations assessment project study.

"What about the non-SWAPO groups in Namibia? Why do they not qualify for help from the U.N.? Why are they victims of U.N. double standards?" he asked.

Gulick said, "The U.N. and its specialized agencies have allocated a grand total of at least $40 million in aid either directly or indirectly to SWAPO for programs begun between 1977 and 1981 and for programs beginning and continuing during 1982–86."

The United Nations Development Program (UNDP) budget for 1977–81 earmarked $7.75 million for SWAPO; another $7.75 million has been recommended by UNDP officials for the 1982–86 budget, he said.

The United Nations' support is seen as a serious issue because of controversy surrounding military support SWAPO receives from the Soviet Union, and the fact that SWAPO is one of 45 parties representing Namibia's 1 million people. Many critics feel that the U.N. resolution proclaiming SWAPO the "sole authentic representative" of the Namibian people does not reflect the situation in the country today.

SWAPO representatives claim, however, that they are the dominant force in the

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struggle for Namibian independence, and are entitled to U.N. support.

"It is not a matter of the U.N. liking SWAPO, but rather it is helping SWAPO because of its struggle for independence," said Hinyaneerwa Asheeke, an official of SWAPO.

But SWAPO's claim that it represents the majority of Namibians is not shared by all.

"From the United States' point of view, we don't support the fact that SWAPO is the sole representative of Namibia, and we don't participate in any way to support it," said a State Department official.

"No one knows who will speak for the Namibians until a supervised, free and fair election is held. Until that time we can't support any group, and the United States government disagrees with the fact that the U.N. supports SWAPO," the official said.

The secretary of the U.N. Council for Namibia, Yassin El-Ayouty, would not make himself available for comment on the policy. "As a world civil servant I am not supposed to grant an interview," he said.

Part of the problem is that the support SWAPO receives from the United Nations comes from many different sources.

"U.N. aid is channeled to SWAPO by the U.N. Council for Namibia in New York, which in turn funnels funding for aid projects to SWAPO through the U.N.-sponsored Institute for Namibia [based in Lusaka, Zambia]," he said.

According to Gulick, the "$183,000 spent on SWAPO's New York office in 1979 was part of the U.N. Council on Namibia budget, as are travel and subsistence expenses of SWAPO's members traveling with the council's missions, which amounted to $67,000 in 1979.

Another source of U.N. backing for SWAPO is the U.N. High Commissoner for Refugees (UNHCR). "From 1979 to 1981, the UNHCR allocated about $10 million for the Namibian refugee camps in Angola, SWAPO's main staging location for terrorist operations into Namibia," Gulick said.

On top of this, Gulick said, the United Nations Educational, Scientific and Cultural Organization (UNESCO), has a separate fund of about $4 million called "Aid to Refugees and National Liberation Movements," which is divided among the Palestine Liberation Organization, SWAPO and the two South African guerrilla groups, the African National Congress and the Pan-African Congress.

According to critics, the close connection between the United Nations and organizations such as SWAPO is suspect because of the major role the Soviet Union plays in guiding their policies.

According to Phil Nangolon, a former student of the U.N.-sponsored Institute for Namibia, he was forced to join SWAPO when he went to study at the institute.

"I had to become a member of SWAPO when I went to study at the institute. After one and a half years' membership in SWAPO, I was sent to the Soviet Union on a scholarship sponsored by the Moscow-based Afro-Asian Solidarity Committee.

"After completion of their studies, the students are recruited to work in SWAPO refugee camps in Lubango, a town located south of Angola, and Nyango, a town southwest of Zambia, or are sent to fight for SWAPO," Nangolon said.●

PROBE SHOULD BE OPEN

HON. JUDD GREGG

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GREGG. Mr. Speaker, I would like to take this opportunity to bring to the attention of Members an excellent editorial which appeared in the Waukesha Freeman, Waukesha, Wis. Clearly, the editorial summarizes the serious nature of transcript alteration which this Congress must confront. The editorial is as follows:

[From the Waukesha (Wis.) Freeman, June 27, 1983]

PROBE SHOULD BE OPEN

Someone—no one knows who—got his hands on the raw transcript of one of the many congressional hearings on the performance of the Environmental Protection Agency last spring and doctored them to make some members of Congress look good and others look foolish.

One of the members whose remarks were changed is Rep. F. James Sensenbrenner Jr., the Republican whose Ninth District includes part of Waukesha and northern Waukesha County. He's steamed, and we don't blame him.

After all, the subject of much of the EPA investigation was whether Reagan appointees to that agency had allowed political considerations to influence decisions affecting the environment. It was charged that Anne Gorsuch Burford and others (remember that cast of characters?) had ignored chemically contaminated land around the country because of corporate favoritism and, in the process, had callously endangered the health and safety of citizens.

Yet to purposely change the public record of congressmen and witnesses testifying before congressional committees is no less a form of pollution. To the extent that it diminishes public confidence in the accuracy of the records of government, the practice strikes at the integrity of government itself.

This is no mere analogy. Doctoring official transcripts to distort the remarks of political foes, perhaps for later use at election time, is a form of contamination. Whoever did it is no better than Burford, and in some ways worse. It is more difficult to restore credibility to government, as the nation learned after Watergate, than it is to clean up poison from the landscape.

Sensenbrenner asked for an open investigation by the House Science and Technology Subcommittee whose members heard the testimony that was later changed. But last Thursday that request was turned down and the matter was referred to the House Ethics Committee.

The problem with that is that the whole thing will probably die in that committee. For one thing, the Ethics Committee does not hold public hearings. The five or six Republican members whose remarks were altered will not be allowed to confront witnesses, nor will they be allowed to examine any evidence gathered by the committee. Worst of all, if the culprit (as it is now thought) is no longer working on the staff of any congressman, the Ethics Committee will have no jurisdiction over him or her. They have no punitive powers beyond the ability to hound a miscreant into resigning.

Yet this is a criminal matter. As offended as the congressmen are their constituents and the voting public at large.

This is properly a matter for the Justice Department. Any investigation ought to be able to lead to criminal charges and conviction if the message is to be made clear that the people will no more accept the pollution of the public record than they would the contamination of their drinking water.●

GOVERNMENT SURPLUS FOOD

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. HALL of Ohio. Mr. Speaker, on March 24, 1983, President Reagan signed into law the jobs bill, which contained a provision authorizing the Agriculture Department to distribute Government surplus food to needy people.

This added to the existing Agriculture Department giveaway program started December 1981, which distributed almost 300 million pounds of butter and cheese between December 1982 and February 1983.

However, last month the Agriculture Department announced it would soon cut by more than half the monthly amount of cheese it would distribute and would also reduce butter allocations.

This decision was made in the face of rising stockpiles of surplus food and an increase in the number of Americans living below the poverty line.

The Department of Agriculture has provided me with figures which show that the amount of surplus nonfat powdered milk has more than doubled from 447.9 million pounds at the end of fiscal 1979 to 1.2 billion pounds at the end of fiscal 1982. The amount of surplus cheese in Government warehouses has increased from under 50,000 pounds to 825.1 million pounds during the same period—an increase of over 16 times. The supply of butter has gone from 147.1 million pounds to 402.7 million pounds.

By the end of 1983, it is estimated that Government surplus stocks will total 715 million pounds of butter, 1.1 billion pounds of cheese, and a whopping 1.8 billion pounds of milk.

Keep in mind that these figures are only for uncommitted, or surplus commodities, and do not count the food which has been earmarked for domestic and foreign sales or relief programs required by law.

These numbers represent a pattern of shame while so many people go hungry.

The rate of hunger and malnutrition, particularly among children, is growing at an alarming rate, yet our storehouses are fat with milk, cheese, and butter.

In 1979, 26 million people were at or below the poverty level. This number increased to 30 million in 1980, and rose again to 32 million in 1981. Today, the number of people in America living at or below the poverty level is estimated to be 44 million. All risk malnutrition.

This represents an increase of 69 percent of poor Americans in just 5 years.

At this same time, we continue to spend millions of dollars every year just to store surplus food, even though we cannot give it out before it spoils. This kind of waste is the bureaucratic nightmare at its worst.

The Government spends more than $1 million a day just to store this food.

According to the General Accounting Office, some of the butter is over 5 years old, and some cheese and nonfat dry milk is between 2 and 3 years old.

The dairy products are purchased under the law by the Commodity Credit Corporation (CCC) directly from the farmers in an effort to maintain dairy price support. However, only until recently, as prices dropped unusually low and stocks skyrocketed, has much thought been given to how to get rid of the growing surpluses.

Government dairy stocks are kept in a system of about 600 privately owned warehouses nationwide. They are stored mostly in 500-pound drums of cheddar granules, 40-pound bricks of cheddar cheese, 68-pound blocks of butter, or 50-pound bags of powdered milk.

Let me make clear that I am suggesting nothing new. In the past, we have given away large quantities of food—sometimes more than we are today. In fiscal 1982, the Agriculture Department disposed of 530 million pounds of nonfat dry milk. This is less than the total amount of milk sold or given away in 1963, when 771 million pounds were disposed of.

The amount of butter and cheese distributed during this period was not substantially lower than today when taking into consideration the huge surpluses which have developed.

For example, in 1962, 200 million pounds of cheese were donated to domestic programs; 154 million pounds to the school lunch program alone. But in 1981, only 148 million pounds of cheese went to all our domestic programs.

In 1963, 169 million pounds of butter were shipped out of Government warehouses. In 1981, only 71 million pounds were disposed of.

The laws authorizing the Agriculture Department to sell and give away surplus commodities have changed little in 20 years. But a willingness to feed our people has.

The cheese and butter giveaway was one answer. The emergency food provision of the jobs bill was an extension of that answer.

However, that provision expires at the end of September, and additional legislation is needed to extend the program.

The Emergency Food Assistance and Commodity Distribution Act, which was recently passed by the House requires the Agriculture Department to distribute Government-owned surplus food to food banks and other emergency feeding centers. It also authorizes funds to assist local food relief organizations with some of the burdensome administrative costs of the program.

It continues and expands for 2 years the food distribution efforts created under the jobs bill. I was an original cosponsor of this bill.

Unfortunately, the companion bill in the Senate, which has passed the Senate Agriculture Committee, has not been scheduled for action by the full Senate.

Time is an important factor. Many Americans are hungry. The Senate must move quickly to respond to the House-passed measure and approve a program which will get our food out of the warehouse and into the mouths of the needy.

I fully intend to work to free the logjam and get this legislation moving.

Hunger is not a problem of the past. Nor is it a problem confined to isolated spots in the country. Hunger is here, today, in the United States. It is in the heart of our cities and in our towns. It is growing.

Unless Federal, State, and local governments join with private relief agencies in a united fight against hunger in America, we will witness a greater increase of its symptoms, malnutrition and disease.

In my district, the Dayton area, the Montgomery County Hunger Coalition offers a 3-day emergency food ration. During the first quarter of 1982, 10,314 applicants received assistance. One year later, this number more than doubled to 25,547.

In addition, the coalition has found it necessary to expand the program to provide additional food to recipients unable to feed themselves once the 3-day food supply had been exhausted.

Montgomery County is fortunate to have one of the most extensive systems of food relief agencies for an area of its size, including about 35 food pantries serving the needy. Many of these pantries as well as other nonprofit food distribution programs in the area are coordinated by the Emergency Resource Bank, on which I serve as a board member.

But even with our network, food is not easy to come by. Moreover, the cost of operating the system, even with volunteer assistance, remains high. The Hunger Task Force in Columbus, Ohio, which distributed 185,000 pounds of cheese, has been forced to quit primarily because of the expense and staff time required.

Therefore, I am particularly pleased that the recently passed House legislation provides financial assistance for storing, transporting, and processing food, in addition to just allowing the food to be distributed.

I first became involved in food issues when I led the fight in the House to restore nutritional requirements to the school lunch program after the Agriculture Department came out with regulations allowing catsup as a vegetable. I learned the effect of hunger and malnutrition, not just on individuals, but whole classes of people and our entire society.

Later, when I sponsored a luncheon for Congressmen featuring only food which was salvaged, or would have been discarded, I became aware of the tremendous amount of food wasted by private storage and transportation facilities, and the vast number of hungry people who could benefit from that food.

Now, I would like to do something about the food that the Government holds—at great expense to the American people—which will be wasted unless we do something about it.

There is no excuse to maintain such large stockpiles of food. We can get it to food banks and distribution centers like the Emergency Resource Bank. We can deliver it to the needy in Dayton, or any other city. We pay too great a price not to.●

THOSE WHO WOULD DISARM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, conservatives rarely find much to recommend the Washington Post—particularly its editorial pages—but the cost of an entire year's subscription is an indisputable bargain in exchange for the gem of a commentary by Aleksandr Solzhenitsyn on this morning's op ed page.

Mr. Solzhenitsyn's analysis of the nuclear disarmament movement is so perceptive and so compelling that it should be read by all Members of Congress, in the hopes that those misguided souls who, despite their commendable intentions, give encouragement to adversaries of the United States.

It is lamentable that prior to voting on the nuclear freeze resolution my colleagues could not have benefited from Mr. Solzhenitsyn's observation that the impetus behind this movement finds fertile ground in the "general confusion of minds in the West." I submit, as did others of my colleagues, that general confusion resides in the minds of many who assume that Soviet intentions are benign.

Mr. Solzhenitsyn, in my view, properly points out that this confusion results from "a veil of lies." He states:

> There is nevertheless, such a veil of lies—and not in the East, where it is understandable and real—but a veil of lies here in the West, which results in the fact that the majority of the Western population, catastrophically, does not understand the situation of things in the world. And this is manifested not only in the nuclear movements. One sees it at every step.

He succinctly concludes that "this results in a low level of thinking capability."

What we need to ponder, Mr. Speaker, is Solzhenitsyn's ultimate question, which even the Post saw fit to highlight: They are protesting against nuclear weapons. But are they prepared to defend their homeland with nonnuclear weapons?

Solzhenitsyn concludes they are not. I am optimistic that through efforts such as his, such confusion will be dispelled.

Mr. Speaker, I submit the article from the Post to be inserted in the RECORD.

[From the Washington Post, June 28, 1983]

THOSE WHO WOULD DISARM

(By Alexandr Solzhenitsyn)

Q: Since Mr. Andropov came to power, there has been quite considerable exchange of rhetoric on the arms race, and throughout Western Europe during the past year or two there has been an upsurge in popular nuclear disarmament movements. What do you have to say to young people, the women of Britain's peace camps, and so on, about the issue of nuclear disarmament?

A: This problem is extremely complex and has a number of separate aspects. A feeling of disgust toward nuclear weapons is quite a normal one for every person, and I would not dare condemn any person on Earth for their disgust for nuclear weapons.

But we must also remember the origins of nuclear weaponry. We must remember that it was first invented in the West and first deployed in the West. It was used first by a very prosperous country which was winning even without those weapons. So as not to lose a hundred thousand of its own soldiers to complete the war with Japan, some 150,000 civilians were killed.

This choice is horrible in itself. I think that a disgust for nuclear weapons, and an even more forceful one than we see today, should have appeared among young people in the West—I say the West because they have the right of free speech—this disgust generally should have appeared in public opinion 40 years ago. But public opinion grabbed hold of the concept of the nuclear umbrella, and the public opinion of that time considered itself to be quite safe and comfortable under this nuclear umbrella. And this is the concept of the '40s—that the use of nuclear weapons is a moral one.

And it was shortsighted and foolish to assume that the West would always be the only possessor of nuclear arms. In the 1940s nobody would have believed that there would come a time when the Soviet Union would be even better armed in this respect. Admittedly, there was a very rational Baruch Plan at the time, and if, at that time, it had been possible to inaugurate a real control of nuclear arms, then, really, humanity would have escaped this threat. But the Baruch Plan was not realizable with the presence of Stalin and the communist camp to reckon with. It was naive and unrealistic to assume that the Soviet Union would not enter into competition in the arms race. This is the first aspect I wish to stress.

The second aspect: the contemporary Western movements for unilateral nuclear disarmament is only one manifestation of the general confusion of minds in the West. And I find this surprising when you take into account the full freedom of information, full freedom of expression. There is, nevertheless, such a veil of lies—and not in the East, where it is understandable and real—but a veil of lies here in the West, which results in the fact that the majority of the Western population, catastrophically, does not understand the situation of things in the world. And this is manifested not only in the nuclear movements. One sees it at every step.

Therefore, we in the East live with our eyes bound, and it's understandable that the East does not see what is going on. But the West, which has access to everything, also lives with its eyes closed. And this blindness, of course, is manifested most among young people, who tend to substitute real experience of life with ideas which they've simply encountered, who have not had the time to acquire experience of their own.

And yet they have been brought up in your free schools. They read your free press. Why, then, do they know so little? Whose generation is this? It's not a generation of communism. They do not have the criteria of distinguishing absolute Good from absolute Evil. They've been brought up even to regard these words as unacceptable—that one doesn't speak of good or speak of evil.

For instance, I know of one occasion when a student in an American university started arguing that one author had very wrong ideas, to which her professor responded by laughing merrily and said, "Do you really believe that there are such things as correct and wrong ideas?"

Western youth has absolutely no conception of what communism is. Its consciousness was confused, and this results in a low level of thinking capability. They don't even pause to ask themselves, "Why is it that in the Soviet Union they have protests against Western nuclear arms but not against their own?" I don't know . . . do your people photograph their own demonstrations? If they do, I think they will look back on those photos soon and weep.

These young people are protesting against nuclear arms. But are they prepared to defend their homeland with non-nuclear weapons? No, they're not. They are against any kind of struggle at all. They just want to give up altogether. They feel their carefree existence will go on forever. They believe Bertrand Russell, that it's better to be Red than dead. But I must say that here even Bertrand Russell was mentally lacking. He saw an alternative, where there is none in fact. There is no such alternative—because to be Red means to become dead, gradually. So there is no alternative. This is the second aspect of the question.

And now the third: Also the means and the Soviet money involved in the organization of these demonstrations. Having devoted my life to the study of Soviet communism, I really don't need any proof of this anymore. I didn't even need to hear about this Danish journalist who was passing on Soviet money for the demonstrations. When Lenin appeared in Russia in April 1917 and immediately became the recipient of German money by various underhand means, the entire transition from the February to the October Revolution was carried out with the aid of money, foreign money, because no other socialist party would have been able to publish to the extent that the communists did. And I have definite personal proof how Lenin and Trotsky organized payments in Petrograd for participation in demonstrations. And such a movement for "peace" was promulgated by Stalin in the late '40s while he did not have nuclear arms.

And the same money exchanged hands. All excellent conditions were created for those who would travel to congresses. I don't want to say that all these people have been bought, bribed, or are without conscience. They just see an excellent opportunity, as it were, to express their opinions. And the situation is the same, Soviet participation in today's European demonstrations is the same, and the degree of the participants' unawareness is the same.

Thus, to summarize the answer to your question: today's anti-nuclear demonstrations in Europe are a combination of 1) healthy feeling of human nature; 2) disinformation in Western society, especially among the youth; and 3) excellent Soviet organization.●

FREEZE CAMPAIGN ON MX

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DOWNEY of New York. Mr. Speaker, I rise today to ask that the following remarks, provided by the nuclear weapons freeze campaign, be inserted in the RECORD:

The overriding objective of the nuclear weapons freeze campaign is a United States-Soviet freeze on the testing, production, and deployment of nuclear weapons. Consistent with this arm we consider the development and deployment of any new nuclear weapons such as the MX or its Soviet counterpart a dangerous escalation of the nuclear arms race, leaving both nations less instead of more secure and decreasing the prospects for a mutual freeze.

The campaign finds the so called arms-control rationale for congressional funding of the MX missile system, following the recommendations of the Scowcroft Commission and vague Presidential promises of greater "flexibility" in negotiations, to be directly antithetical to the complete halt of the United States-Soviet nuclear arms race which is our goal.●

TEN-YEAR CLASS REUNION OF GLEN COVE HIGH SCHOOL

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MRAZEK. Mr. Speaker, I take this opportunity to bring a very special event to your attention. On July 3, the class of 1973 of the Glen Cove High School will gather to celebrate its 10-year class reunion. I would like to express my appreciation to Frank Venturino and John Alexander, cochairmen of the reunion 1973 committee for making this important and memorable occasion possible.

In light of recent reports of a "rising tide of mediocrity" in public education, it is particularly fitting that the class of 1973 has reconvened to celebrate and remember the remarkable educational experience they received. This occasion serves not only to recognize the excellent level of instruction provided by the staff of the Glen Cove school system, but to reaffirm those friendships and ties forged 10 years ago.

By remembering the special educational experience which they were afforded a decade ago, the class of 1973 holds open the possibility that quality education will once again be restored in this Nation. The accomplishments of the graduates of Glen Cove High School represent an important example for their own children and for the thousands of future graduates of the Glen Cove school system.

Let us not forget the importance of maintaining and rekindling the bonds of friendship which were forged among the graduates 10 years ago. Many of the alumni of the class of 1973 have traveled hundreds of miles to attend this reunion. If this occasion serves to reaffirm the cooperative working spirit embodied in the class of 1973, the trip will have been worthwhile.

Mr. Speaker, I salute the class of 1973 on this special occasion and wish them continued happiness and success. I commend the staff of the Glen Cove school system which made this collective experience possible. And I thank Mr. Venturino and Mr. Alexander once again for making this event a reality.●

THE 36TH ANNIVERSARY OF WKOX

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. FRANK. Mr. Speaker, this July 3 marks the 36th year of operation of WKOX 1109, a news and entertainment radio station serving the Natick/Framingham area in Massachusetts, a portion of which I represent. During these years, WKOX has served the community well with its particular emphasis on local, national, and international news coverage. WKOX's lively morning talk shows and its music and entertainment programing have an enthusiastic following.

I take this opportunity to commend WKOX and its first-rate staff for its welcome contribution to the WKOX listening audience. Radio stations such as this one have become bulwarks in the community and, on occasions such as this, are deserving of the kind of special recognition that mention in the CONGRESSIONAL RECORD affords them. Congratulations to WKOX for its 36 years of service to the community with news, information, and entertainment.●

THE CONGRESSIONAL FELLOWSHIP PROGRAM OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION (APSA)

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, on this the 30th anniversary of the Congressional Fellowship Program of the American Political Science Association, I would like to recognize the important contributions this program has made to the Congress and to the American people.

APSA began this program in 1953 with six fellows. The program has expanded to currently include almost 50 men and women each year. In addition to American political scientists, the fellows include political scientists from West Germany and Southeast Asia, Federal executives, journalists, and six Robert Wood Johnson Foundation health policy fellows selected from academic health centers in the United States.

The health policy fellowship has been part of the APSA program for 10 years. The fellows have worked as legislative aids, special assistants on health matters, and as staff members of the health committees and subcommittees in both the House and Senate where they have had a significant impact on health policy and legislation.

I have been fortunate to participate in the program during the 93d, 96th, and 98th Congresses. The fellows provide expertise in their areas of interest which would not otherwise be available to a congressional office. Upon completion of the year on Capitol Hill, which often includes experience in both the House and Senate, the fellows return to their previous employment where their understanding of the political process becomes integrated and disseminated, with a kind of ripple effect, among their colleagues. This knowledge of the workings of government clearly enhances their future participation in the democratic process.

Many of the fellows have later returned to public service as government officials and Members of Congress. While this is not the goal of the program, it is an indication of the mutual value and cross-stimulation which often results from exposure to the Congress. I encourage my colleagues to take advantage of the opportunity to enrich their office staffs by participation in the APSA congressional fellowship program, as I have done, and wish the program well on its 30th birthday.●

EDUCATION AMENDMENTS

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. GREEN. Mr. Speaker, in 1972, Congress passed title IX of the education amendments prohibiting sex discrimination in education programs. Title IX covers virtually all areas of student life: admissions, financial aid, academic programs, health services, extracurricular activities, testing, and counseling. Schools at all levels are covered from preschools to graduate schools. The legislative intent of Congress was to remedy the gender-based disparities in opportunities available to students. It is a law that has made a difference. Prior to 1972, females were reluctant to enter vocational education programs despite the fact that such training led to high-paying jobs. By 1980, the percentage of female students in federally funded agriculture, technical, trade, and industrial programs had risen from 8 percent in 1972 to 30 percent. The academic world has also seen significantly increased numbers of women continuing their education and obtaining advanced degrees. In 1980, women earned half of all the masters degrees awarded.

Now title IX is being threatened. The scope of its applicability is slowly being reduced and diluted. Though legislation interpreting title IX to mean that compliance can be program specific has not been reintroduced in this Congress, there have been several court rulings narrowing the application of title IX in the same manner. In the past 2 years, two courts have interpreted the Supreme Court decision of 1974 involving title IX to mean that the ban on discrimination applies only to specific programs in universities receiving Federal aid, rather than to the entire institution if any part of it receives Federal aid. The Justice Department decided not to appeal these cases and promptly drew up guidelines for the Education Department reflecting this interpretation.

Most recently I participated in a press conference with my colleague, the gentlewoman from Rhode Island, expressing our concerns over what we see as an attempt to subvert the original intent of the law. We expressed our commitment to title IX by reaffirming our support for the enforcement of title IX as it was meant when passed by Congress. I have cosponsored Representative SCHNEIDER'S House Resolution 190, reiterating congressional intent to make coverage of title IX as broad as possible, and would urge my colleagues to do the same.●

RICH SCHOOLS GETTING RICHER IN COMPUTERS—STARK BILLS WOULD HELP BRING EQUALITY IN COMPUTER EDUCATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. STARK. Mr. Speaker, the pressing need for the Computer Contribution Act of 1983 is exemplified in Newark, N.J. The difference in computer availability for students between the rich districts and the poor districts is extreme. While richer suburban schools are filled with computers, some poorer schools are lucky to have any computers at all. Newark's situation was outlined in an excellent article in the New York Times, June 24, entitled "Rich Schools Getting Richer in Computers."

I do not believe that the problem of funding computer education faced by Newark is unique. Nor do I believe that this is just an urban problem. Many rural schools do not have the resources needed to provide their students with training in computers.

It has become virtually axiomatic that computer training is essential for our youth. Yet, many schools cannot get the computers. Quoting from the Times article:

> Federal and State grants are likely to be limited, if available at all. And Newark school officials say they have had little luck when they approached major computer companies such as Apple, Radio Shack, and I.B.M. for help. All volunteered lecturers, but not the costly equipment that Newark schools need so badly.

Through tax expenditures, our legislation, H.R. 701 and H.R. 3098, will help put computers in the schools. Similar legislation in California is already putting thousands of computers in schools. We have an opportunity to help put computers in schools across the country.

The language of the computer bills is drafted to take lower income schools into account. The bills require a plan of giving that insures contributions throughout a cross section of the Nation, not just to rich schools. For example, H.R. 701 says in section B(ii):

> The contribution is made pursuant to a written plan of the taxpayer which shall seek to prevent undue concentrations of the taxpayer's contributions of computer equipment from the geographic standpoint or from the standpoint of the relative economic status of the donees' students.

Mr. Speaker, the computer bills H.R. 701 and H.R. 3098 are not going to eliminate the differences between rich schools and poor schools. But they will help provide many students with a chance. And is that not what America is about, being given a chance?●

TITLE IX OF THE EDUCATION AMENDMENT OF 1972

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Ms. KAPTUR. Mr. Speaker, we are witnessing an assault on title IX of the Education Amendments of 1972 which assures that—

> No person . . . shall, on the basis of sex, be subjected to discrimination under any education program or activity receiving federal financial assistance.

This attack is occurring as a result of this administration's lack of enforcement and restrictive administrative and judicial interpretations of the law. So grave are the administration's actions, that the U.S. Commission of Civil Rights recently warned that—

> Current policies, unless promptly reversed, could jeoparidize fundamental civil rights protections under Title IX.

Mr. Speaker, this law has enabled women to make great strides in every facet of education. Equal opportunity, however, will be thwarted if the administration proceeds on its present course.

The Supreme Court will soon consider the scope of title IX's coverage. It is important that the Department of Justice defend the broad program coverage of title IX, as Congress intended. At this critical juncture, it is also important that we support House Resolution 190 which reaffirms Congress commitment to title IX. The Federal Government cannot support discrimination.●

SUPPORT FOR TITLE IX

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mrs. KENNELLY. Mr. Speaker, I rise today to express my strong support for title IX, which bars discrimination on the basis of sex in educational institutions receiving Federal funds.

I am very concerned about efforts by this administration to weaken the enforcement of civil rights law. A basic principle of our Government is the guarantee of equal opportunity. We have seen remarkable progress for women, minorities, and handicapped citizens over the last 25 years when afforded the full benefits of equal opportunity.

Today that progress is jeopardized. The administration is narrowly construing the intent of Congress in the enactment of civil rights laws. It is very important for Congress to reaffirm again the principle that no Federal funds be used to support the practices of discrimination and to reaffirm strong support for a broadly construed title IX. Our civil rights protections are all interwoven, and when the civil rights of one group are weakened, the civil rights of us all are weakened.

On that score, I would bring to my colleagues' attention a letter from the U.S. Commission on Civil Rights which underscores the point that a narrowly construed title IX threatens the protections of title VI, section 504, and the Age Discrimination Act of 1975.

The letter follows:

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., June 14, 1983.

Hon. BARBARA KENNELLY,
House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE KENNELLY: Enclosed is a statement by the U.S. Commission on Civil Rights describing the Commission's growing concern about administration efforts to reduce Federal civil rights enforcement in education. The Commission believes that current policies, unless promptly reversed, could jeopardize fundamental civil rights protections under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975.

Congress enacted these strong measures to ensure that Federal funds in no way support discrimination and to provide effective relief to the victims of discrimination. Over the years, this Commission consistently has found that only a strong Federal commitment to enforce these civil rights laws can bring about what Congress intended—equal opportunity. However, there are unmistakable indications that the Department of Education and Justice now are seeking to narrow the scope of Federal authority to enforce Title IX. Since Title IX is linked by language, legislative history and case law to Title VI, Section 504 and the Age Discrimination Act, the whole fabric of civil rights protections is threatened.

The Supreme Court soon will consider how broad Federal enforcement authority is when it hears arguments in *Grove City College* v. *Bell.* In that case, the Third Circuit Court of Appeals supported long-established Federal policy that Title IX covers all education programs receiving or benefiting from Federal funds. It is uncertain whether the Department of Justice, in its *Grove City* brief due to the Supreme Court in July, will defend the Education Department's authority to enforce the broad program coverage of Title IX.

There is convincing evidence that Congress intended Title IX and related civil rights laws to prevent any Federal financial support for discrimination. How this issue resolved will determine whether the Federal government continues to require equal opportunity in the vast majority of programs supported by taxpayer dollars or, instead, severely limits its enforcement efforts.

In this statement, the Civil Rights Commission urges the President to stand with his predecessors in support of broad civil rights protections. The Commission also urges the Department of Justice to base its position in the *Grove City* case on the full legislative history of Federal civil rights laws in education. Further, the Commission encourages continuing and expanded Congressional oversight of civil rights enforcement in education and in other areas.

I hope you will find this statement informative and helpful. If you have any questions please do not hesitate to contact Carol A. Bonosaro, Assistant Staff Director for Congressional & Public Affairs at 254-8090, or William A. Lewis, Jr., Director of Congressional Liaison at 254-6626.

Sincerely,

JOHN HOPE III,
Acting Staff Director.●

MRS. FRANCES ALBRIER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DELLUMS. Mr. Speaker, over the past weekend, residents of the Eighth California District joined together to celebrate the great works of Mrs. Frances Albrier. I would like to share with my colleagues a small bit of her story, a story of unceasing devotion to improving the quality of life for all citizens of these United States.

Mrs. Albrier's career as a citizen activist spans six decades. It should remind each of us that the work of improving the station of all our citizens is a constant and difficult struggle. Here are but the highlights of her career.

After taking a bachelor's degree at Howard University, she moved to Berkeley, Calif. in 1920. She married, started a family, and went to work for the Pullman Co.—a reminder to us, considering her degree, of the discrimination faced by talented black women. In 1938, she was the first woman elected to the Alameda County Democratic Central Committee, of which she was to become secretary in 1956. During that year she managed the East Bay campaign headquarters for the Democratic ticket headed by President Franklin D. Roosevelt.

Her long career of public service includes membership on the boards of directors of the National Negro Congress, the Alameda County branch of the NAACP, South Berkeley Model Cities Neighborhood Council, and Herrick Memorial Hospital. Her presidencies include those of Local 456 of the Ladies Auxiliary, Dining Car Cooks, Waiters and Bartenders Union; Women's Art and Industrial Club, Oakland chapter; Community Service Welfare Center; Twentieth Century Democratic Club; San Francisco chapter of the National Council of Negro Women; and Berkeley Women's Town Council. There are many other directorships and presidencies, as well as other offices too numerous to mention here.

Her outstanding career has earned her the NAACP west coast region Fight for Freedom Award, the Sun Reporter Citizen of Merit Award for outstanding communtiy service, and the Honorary Service Award of the California Congress of Parents and Teachers, to name a few. Her leadership was acknowledged when she attended the Nigerian independence celebrations and by a resolution of the California Assembly Rules Committee recognizing her important work in the fight against "racial discrimination wherever it existed."

Frances Albrier is the model of citizenship. Her willingness to lead, contribute, and participate should inspire us all to rededicate our lives to the values of freedom, equality, and democracy. I am pleased to share in her celebration by bringing her good works to the attention of the House of Representatives.●

NEWARK CHURCH PROVIDES FOOD FOR NEEDY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. RODINO. Mr. Speaker, the following article appeared in yesterday's Newark Star-Ledger, and I think that my colleagues will be as interested as I was in learning of the outstanding work of the Unity Freedom Baptist Church in feeding the hungry. The dedication and altruism of Rev. Isaac Martin, Jr. of the church, as well as coordinator Milton Melvin, deserve our recognition and our praise.

The article follows:

CHURCH NOURISHES NEEDY WITH FOOD AND COUNSEL

(By Benilde Little)

The Unity Freedom Baptist Church is providing food for thought in more than one way.

Each Saturday the church, located at 739 S. 20th St., serves free, hot, full-course meals to anyone who is needy. On Wednesdays, the church takes meals to Bradley Court, a public housing complex, and to other centers where there is a large senior citizen population. The food program, which began earlier this month, served meals to 450 people on the first day.

"As black people we must take the initiative to take care of our own. We can not depend on welfare; we must help our brothers and sisters who are destitute," said the Rev. Isaac Martin Jr.

The pastor said the food center is the result of a long-awaited dream.

"I had a vision of this for a long time. I told him (the coordinator) what I wanted and he took care of it," Martin said.

The coordinator, Milton Melvin, explained that he got involved because "it was God's will."

"I was in the hospital. I have sugar (diabetes). I could've lost my legs, but I didn't. My life is for the church now. It opened my eyes and I decided whatever I can do to help, I'm willing," Melvin said.

Altruism is a trait the Melvin family shares. Early on Saturday morning, Melvin's wife Gloria and daughter Linda Clark cook the meals. "This week we'll probably be in the kitchen all day," Clark said with a smile. "We're serving fried chicken and they like that," she added.

"On the day we started (the program) there was a woman eating out of a garbage can. We had already closed the kitchen, but we opened it to feed her and her children. Many people we're reaching are like that," Melvin said.

"They're not only black. We're serving whites and Hispanics. And we're getting a lot of donations from whites, too," Melvin said.

Eighty-five per cent of the food funds, however, comes from the church and the staff is proud of that. Among some of the outside donors are Davis and Young Realty in Newark, Gilbert Wilson of Petty's drug store and City Councilmen George Branch and Ralph Grant.

Cornelius Martin, co-pastor, pointed out that the area the church is in is "not a Fifth Avenue."

"This is not Riverside (New York) where you have people like the Rockefellers. These people (the congregation) are working people who donate their money. And it's good because they can look at the program and say we're self-sufficient. We're also providing good role models for the children," said the younger Martin.

The church is also open everyday to provide food baskets to the needy.

Another new food center for the needy is the Community Food Bank, in the Ironbound section. The Bank provides uncooked food to 252 organizations, in 14 counties statewide.●

TRIBUTE TO PAUL KAPCHAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to invite my colleagues to join with me in congratulating Mr. Paul Kapchan on ascending to the presidency of the Flushing Merchants Association in Queens, N.Y.

Paul Kapchan has been a businessman for almost a quarter of a century. He has always been uniquely active in civic affairs and has demonstrated an acute commitment to the quality of life in his neighborhood. I have admired Paul's unusual stamina when involved with issues that affect every member of the Flushing community. As a founder of the Flushing-Whitestone Democratic Club, Paul has worked tirelessly on problems that could be remedied through the political process. As chairman of the Flushing Merchants Association's Crime Prevention Committee and as a member of the 109th Precinct Community Council, Paul has asserted his commitment in keeping our streets safe. As a member of the Downtown Flushing Development Corp., Paul has fought for the improvement and revitalization of the Flushing business district. In addition, Paul has been extremely active in securing temporary shelter for the homeless members of our community.

Paul Kapchan is a fine example of an individual who makes his community a strong, healthy, and safe environment in which to work and live. Paul is an asset to his community as a leader of outstanding dedication whose praiseworthy contributions serve as an inspiration to all of us. The Flushing Merchants Association could make no better choice for president than Paul Kapchan.●

THE PLO AND CENTRAL AMERICA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. HYDE. Mr. Speaker, a heightening theme in the on-going debate on Central America relates to the expanding role played by the Palestine Liberation Organization (PLO) in that troubled area. A question in the debate that arouses my curiosity is why some liberal Members of Congress feel so strongly about the depredations of the PLO in the Near East but seem so little aroused about the PLO's activities in, for example, Nicaragua.

The PLO actively supports, with training, arms, and funding, leftist guerrillas and terrorists in Nicaragua and El Salvador. Whether they expect the leftists there to mount, in repayment, anti-Jewish attacks or merely permit the PLO to mount its own attacks is of little moment. The result in either case bodes ill for Latin American Jews. It is ominous to note that terrorist attacks on Jews in Europe are 30 times what they were before the invasion of Lebanon. For all practical purposes, the Jewish community in Nicaragua has been driven from the country, causing people who are concerned about such things to wonder what is in store for the Jewish community in El Salvador if the left wins there.

Israel, for its part, is afflicted by no equivocal thinking about the PLO. It has recognized the threat posed by the Arab terrorist organization in Latin America and elsewhere and has responded. Its response includes support to anti-Communist governments to resist Communist guerrillas and terrorists. The reasons are simple: Israel is anti-Communist and Communists throughout the world are united in their enmity toward Israel. Israel is anti-PLO because the PLO is dedicated to its destruction.

Israel knows that anti-Communist and democratic governments must be defended from Communist and PLO influence. There is a very simple strategic motive underlying this realization: survival. Israel by its very nature also has an affinity for Jews throughout the world who are oppressed or endangered as Jews. It is entirely understandable then that Israel sees its strategic interests and the interests of world Jewry intricately linked with events in Central America. It is pity not more Americans see the interests of the United States similary involved.●

SPY DONALD MACLEAN AND THE KOREAN WAR

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. McDONALD. Mr. Speaker, contrary to some of the official histories of the Korean war, the Communist Chinese did rush into the war. It took long negotiations with the Soviets, who not only agreed to finance and supply the Chinese, but also were able to assure them that the Americans would confine the war to Korea. This assurance was possible because of the espionage work of the British spy Donald Maclean, among others. Donald Maclean died in Moscow last March, a very unhappy man. One version of this story appeared in the London Daily Telegraph of March 27, 1983, by John Miller, the paper's Moscow correspondent. I commend the article to the attention of my colleagues, who would learn from history the need to protect our internal security.

[From the London Sunday Telegraph, Mar. 27, 1983]

MACLEAN COUP IN KOREA WAR

(By John Miller in Moscow)

Donald Maclean, the British traitor who died in Moscow earlier this month, boasted that his spying for the Russians dictated the course and outcome of the Korean War.

A reliable Soviet source revealed yesterday that Maclean told him that he had achieved a "major espionage coup" for the Kremlin during the autumn and winter of 1950.

Maclean was quoted as saying that the secrets he gave the Russians about the formation of NATO and American nuclear weapons progress were "small beer" compared to the top-secret information about America's policies during the Korean War.

Maclean boasted that he gave Stalin on a plate every significant secret decision on the war taken by President Truman. Effectively, Maclean argued, it was he who got the Chinese deeply involved in the war and kept the Russians out of it.

Maclean was hailed as an "outstanding intelligence agent" at a private memorial service for him in Moscow on March 11.

Some reports have said that the service was attended by George Blake, another notorious spy for the Russians, but not by Kim Philby who also worked for the Soviet Union and did incredible damage to the cause of the West.

But Maclean's role as a major Soviet spy while working for the Foreign Office has not so far been referred to by the Soviet Press.

The Soviet source spelled out at some length Maclean's remarks about the part he played in formulating Soviet and Chinese policy during the Korean War, which broke out on June 27, 1950, when North Korea invaded South Korea.

Maclean return to England in May that year after having a nervous breakdown while head of chancery at the British Embassy in Cairo.

In October, he was appointed head of the American Department at the Foreign Office and quickly went to work, reading in on the progress of the war and the steady American and British advance to the Yalu river.

In the crucial month of November, he began passing to his Soviet control in London the top secrets on the conduct of the war which were flowing via his Foreign Office desk between the White House and No. 10 Downing Street.

It has been suggested that Maclean was deeply involved in betraying Britain—who had several thousand troops in Korea—at that vital point in the Cold War, but it has never been so openly stated.

The source said Maclean would tell the story when he was particularly depressed by the thought of ending his days in a twilight world and by the extent of his treachery on Stalin's behalf.

Maclean was quoted as saying that he took up his Foreign Office post as General MacArthur and the United Nations forces were pushing the enemy back up into North Korea.

Every key decision taken by President Truman landed on his desk and he knew that the American president had forbidden General MacArthur to bomb the bridges over the Yalu river, fly reconnaissance over the area or engage Chinese aircraft in hot pursuit.

This information was reaching Stalin via the secret police headquarters in the Lubyanka, who passed it on to Chairman Mao Tse-tung, thus enabling the leaders of the two Communist giants quickly to appreciate that the United States was not going to send its troops into China.

Maclean said that this knowledge allowed the Chinese to commit large numbers of troops to the Korean fighting without fearing retaliation against their cities, up to and including the use by the Americans of the atom bomb.

It also allowed Stalin to give "all-out" military support to the Chinese without committing Soviet troops and having to worry too much about getting sucked into a war which could have led to World War III.

By May, 1951, when M15 had decided that Maclean was suspect and he was cut off from highly-secret documents, MacArthur had been removed from his command.

A few weeks later Maclean and Guy Burgess—another diplomat who was spying for the Russians—defected together to Moscow.●

NATIONAL CAMPAIGN TO STOP THE MX

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. AuCOIN. Mr. Speaker, the National Campaign to Stop the MX, a coalition of more than 50 national citizens, religious, arms control, and environmental groups, urges the U.S. House of Representatives to adopt the Bennett-Mavroules amendment to the fiscal year 1984 Defense authorization this July. The amendment to prevent production of the first 27 MX missiles is an important step toward controlling the dangerously accelerating nuclear arms race.

The MX must be stopped because it is the most destabilizing weapon ever proposed. With its unprecedented accuracy, the MX would compel the Soviets to "protect" their land-based missiles by adopting a launch on warning policy. Their adoption of such a hair-trigger approach would increase the incentive for the United States to adopt a similar policy, moving both sides ever closer to the brink of nuclear war. The survival of all of us depends on a reversal of the dangerously accelerating race toward more lethal, more destabilizing nuclear weapons like the MX.●

BOYS, 11 AND 13, SAVE FIVE CHILDREN IN FIRE

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. NELSON of Florida. Mr. Speaker, it is with great pleasure that I bring to the attention of the House, a rescue that recently occurred in my congressional district.

On June 12, Emerson Pinellas, age 11, and Damon Thomas, age 13, of Kissimmee, Fla. rushed into a burning apartment to save the lives of five small children. Because of the boys' brave actions in this time of crisis, the children, ages 6 months to 8 years old, escaped injury from what might have been a disaster. It is this kind of unselfishness and courage that contributes to the strength of this country. And for this reason, I believe its recognition is most justified. I have therefore, written to President Reagan, requesting appropriate Presidential commendation for Emerson and Damon. It is my hope that their actions will be recognized by a personal letter of merit from the President to further encourage such valor in our society. At this point in the RECORD, I request insertion of a New York Times article describing the incident:

[From the New York Times, June 13, 1983]

BOYS, 11 AND 13, SAVE FIVE CHILDREN IN FIRE

KISSIMMEE, FLA. June 12.—Two boys dashed into a burning apartment and pulled out five small children who sat obediently watching television as heavy smoke filled the room.

"If it wasn't for those boys, my children would have sat right there waiting for me to come back," said their mother, Kathy Brown. "My children are trained. When I tell them to stay, they stay."

None of the children, aged 8 years old, 5, 4, 2 and 6 months, were injured when the fire broke out in a bedroom at the first-floor apartment, possibly because of a short circuit, the authorities said.

Mrs. Brown said she left them in the apartment alone Friday evening while she walked to a store.

Emerson Pinellas, 11, and Damon Thomas, 13, were playing outside when a neighbor saw smoke.

"We pushed open the door and the kids were just sitting there," Damon said. "I grabbed one of the kids and pushed another one out the door. Then I ran back inside and got the oldest one out."

"The baby was sitting on the couch wearing only a Pamper," Emerson said. "The fire was coming right at her. I grabbed her and ran outside."●

HEMPSTEAD TOWN HONORS AMERICA ON FLAG DAY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. LENT. Mr. Speaker, I rise today to bring to the attention of my colleagues the news of a notable patriotic event which took place in the town of Hempstead, N.Y., on June 14, 1983.

As we all know, June 14 is Flag Day. And in commemoration of this grand occasion, Hempstead Presiding Supervisor Thomas S. Gulotta joined with various veterans throughout Hempstead Town in a special flag-raising ceremony at town hall. The ceremony was dedicated to those members of the Armed Forces who are missing in action.

Mr. Speaker, in this day when too few Americans take the time to contemplate and honor the great virtues of our beautiful land and the great sacrifices made by those who have fought for it, I believe the participants at the Hempstead ceremony deserve to be singled out for recognition by this body. I am proud to report to my colleagues that those who took part in the ceremony were Jack Prismick of Baldwin, Arthur Irise of Floral Park, Hank Grinthal of Valley Stream, and Jim Monahan, Daniel Vola, Louis Gerwig, Dominick Guerriero, and Bill Whitehorne, all of Elmont.

Mr. Speaker, as one who has fought for 10 years for a full accounting of the POW's/MIA's in Southeast Asia, I congratulate Presiding Supervisor Gulotta and the veterans who participated in this ceremony, and know that my colleagues join me in this commendation. Their ceremony should inspire each one of us to redouble our efforts to secure a full accounting of the more than 2,000 American servicemen still listed as missing in action in Southeast Asia.●

TRIBUTE TO APSA'S CONGRESSIONAL FELLOWSHIP PROGRAM ON ITS 30TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. RITTER. Mr. Speaker, I would like to congratulate the American Political Science Association on the occasion of the 30th anniversary of its congressional fellowship program. This fine program makes Federal executives, political scientists, journalists, and foreign professionals available to congressional offices for 9 months each year as legislative assistants. The

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expertise brought by these fellows broadens the scope of the congressional offices, while allowing them to learn the legislative process on a firsthand basis.

Since my election to Congress I have had a fellow participate, through my office, every year, the last two being Federal fellows from the APSA program. Dr. Peter F. Riehm, from the Nuclear Regulatory Commission was with me during the 1981-82 season and went on to become a consultant for KMC, Inc. Paulette Altringer, from the U.S. Department of the Interior, Bureau of Mines, is serving the 1982-83 season in my office. Both of these fellows have enthusiastically participated in technical issues before the Congress, adding their own expertise in each instance.

The type of sharing brought about by the APSA fellowship program needs to continue. It is important to keep inviting these high-quality people to the Hill. Their fresh ideas and varied backgrounds add a new dimension to the congressional process.

I would like to commend APSA for sponsoring such a well-run program, and express appreciation for my opportunity to participate. I would also like to recommend this program to my colleagues in hopes that it will continue to flourish in the future.●

ANOTHER ORGANIZATION OPPOSED TO THE MX: SANE

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. McHUGH. As you know, Mr. Speaker, many organizations are on record opposing the MX missile. One of the most prominent of these is SANE. At this point, I would like to insert into the RECORD a recent statement by SANE regarding the MX.

The statement follows:

STATEMENT OF OPPOSITION TO THE MX BY SANE

In 1978 SANE became the first national organization in the U.S. to oppose the MX missile system. In 1979 SANE helped catalyze local opposition to the deployment of the MX in Utah and Nevada. In 1980, along with Carter delegate and Oregon state chairperson R. P. Joe Smith, SANE organized the MX fight at the Democratic National Convention. Since then SANE has continued to organize and oppose the MX missile in its myriad of basing schemes including airplane deployment, deep underground basing, fixed silo deployment (1981), Dense Pack and now fixed silo deployment (1983).

The MX missile system is costly, destabilizing and dangerous. In fixed silos, the MX missile will invite a devastating attack on the continental U.S. The MX missile will provoke a response on the part of the Soviet Union that will include new ICBM's and a doctrinal shift to launch-on-warning—a most destablizing move.

In the fiscal year 1977 DOD Authorization Conference Report the conferees agreed that "providing a survivable system should be the only purpose of this (MX) effort . . . (and) that none of this program's funds shall be expended in fixed or silo basing for MX." After more than 30 basing modes have been studied and rejected it is apparent that a survivable and publicly acceptable basing mode is not achieveable.

For all these reasons SANE urges that MX production be stopped—now.●

FREEDOMS FOUNDATION RECOGNIZES PHI ALPHA DELTA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. CLINGER. Mr. Speaker, it is my great pleasure to announce that on June 15, 1983, Phi Alpha Delta law fraternity international, whose membership includes 15 Senators and 33 Members of Congress, was the recipient of the George Washington Honor Medal for its highly successful program in law-related education. The award, given by the Freedoms Foundation, was given in recognition of excellence in the category of community programs. Presented in the Capitol of the United States, the following citation was read to the assembled group of award winners:

The Juvenile Justice Office of Phi Alpha Delta has helped provide law-related education to more than 100,000 of the nation's youth and has participated in the training of more than 1,000 classroom teachers. Studies recently completed have shown that young people who receive such education are less likely to use violence, less likely to commit vandalism and be delinquent, and more likely to become useful citizens and active participants in our democracy. Law-related education has been a means for improving the attitude of citizens toward the legal profession.●

A TRIBUTE TO THE WING FAMILY

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. PASHAYAN. Mr. Speaker, the United States has been called, correctly, a nation of immigrants.

Over 100 years ago people from mainland China began to settle in the city of Hanford, Calif., bringing with them the rich heritage of their culture and adding their skills and talents to the task of building this Nation.

In 1893 one of the Chinese immigrants, Gong Shu Wing, opened a restaurant in Hanford which was the forerunner of today's Imperial Dynasty restaurant operated by Richard Wing and other members of the Wing family.

As Gong Shu Wing's family grew, his sons gained the skills and knowledge that have helped to build the international reputation of the Imperial Dynasty.

Richard Wing, who served as a special security officer to Gen. George C. Marshall during World War II, took advantage of his service in Europe and the Far East to meet famous chefs and to hone his culinary skills.

Richard Wing's late brother built the restaurant's famous wine cellar, studying with Italian families in California's Napa Valley.

Richard Wing has been singled out for culinary honors by such prestigious organizations as the American Academy of Chefs, the Chevaliers Du Tastevin, the Chefs de Cuisine Association of California, and the California Wine Patrons. He has received two separate Cordon Bleu Awards for best dinner from the International Wine and Food Society, and was one of the first four chefs in the United States—and the only one from the west coast—named to the exclusive Black Hat Society.

The Escargot Society recently informed Mr. Wing that the Imperial Dynasty has served more gourmet snails than any other restaurant in the United States.

The world class reputation of the Imperial Dynasty has made it the top reason to visit the city of Hanford, according to that city's chamber of commerce. Those visitors have included many notables, gourmets, and lovers of fine food.

Other members of the Wing family help in the effort to make the family business a success and to contribute to the rich cultural mix of the city of Hanford.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. CORCORAN. Mr. Speaker, due to other commitments, I was unable to be recorded as voting in one instance on June 16 and in two instances on June 23. Had I been present, I would have voted as follows:

Rollcall No. 200, adoption of rule (H. Res. 227) providing for House consideration of H.R. 2668, Consumer Product Safety Act, I would have voted "yes." House Resolution 227 passed by a vote of 390 to 2.

Rollcall No. 218, final passage of H.R. 1183, Tax Equity Act of 1983, I would have voted "no." H.R. 1183 passed by a vote of 229 to 191. I strongly opposed this legislation and voted earlier in support of a motion to recommit.

Rollcall, No. 219, motion to instruct conferees to oppose funding of the Garrison diversion unit in connection with H.R. 3132, energy and water development appropriation bill for fiscal year 1984, I would have voted "yes" (paired for). The motion was defeated by a vote of 150 to 215.●

IN SUPPORT OF THE CONFERENCE REPORT ON S. 273

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. CORRADA. Mr. Speaker, I rise in support of the conference report on S. 273, a bill to extend through fiscal year 1984 SBA pilot program under section 8 of the Small Business Act.

The pilot procurement program under section 8a of the Small Business Act is very important for the economic and industrial development of Puerto Rico and a primary source of job creation.

Through the 8a program SBA provides eligible minority disadvantage firms in Puerto Rico as well as in the Nation with such contract, financial and technical support as may be needed to promote their competitive viability within a reasonable period of time.

Actually, there are in Puerto Rico a total of 27 small business concerns certified under the 8a programs. These firms are receiving more than $23 million in Federal procurement and, as a result, a total of 1,500 new jobs have either been created or maintained.

Also, as part of joint efforts between the government of Puerto Rico and the U.S. Government to improve the economic conditions of the Island and to increase employment opportunities, the SBA is expanding the Federal Government contract opportunities in Puerto Rico. This will be done by increasing the number of eligible firms under the 8a program to 45. This should give our island an additional input of $30 million in Federal contracts and help create 1,500 new jobs.

Small businesses are the cornerstone of our Nation's free enterprise system. Their growth and development is critical to our economic stability. By far, small businesses have proven to be the best single source of job creation. At a time when our Nation appears to be moving back toward economic health, that job creation small business contributes to an economic recovery must be recognized and supported.

I urge my colleagues to support S. 273.●

OPPOSE THE MX

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mrs. BOXER. Mr. Speaker, I would like to share the remarks of Common Cause regarding the MX missile.

The MX is a costly, dangerous answer to a problem that never existed—the so-called window of vulnerability. It will be no less vulnerable to a Soviet attack than our Minuteman ICBM's; with more warheads it will make an even more attractive target. The MX could be protected only by adopting a launch-on-warning policy. That would put nuclear war on a hair trigger.

Proponents of the MX claim that we need it to get the Soviet Union to agree to nuclear-arms control. The more likely result, however, is that the Soviets will respond by further accelerating their own ICBM programs. We will not get arms control, but another round in the ever-escalating arms race.

Wasting money will not increase our national security. The MX is a fundamentally flawed weapons system. The time to stop it is now.●

THE HEALTH CARE COVERAGE FOR UNEMPLOYED WORKERS ACT OF 1983

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mrs. MARTIN of Illinois. Mr. Speaker, today I introduced legislation providing health care coverage for the unemployed. I did so because the current legislative initiatives gaining momentum in the Congress all have one serious flaw—they all discourage and/or preclude community efforts that are trying to meet the health care needs of the unemployed.

I represent an area whose economic livelihood is largely dependent on the automobile, housing, machine tool, and steel industries. With that makeup, there is no wonder that unemployment has hit my constituents especially hard.

But in this adversity, the people of northern Illinois have joined together to help the unemployed. Their efforts include identifying and meeting the needs on a community level, closest to the people.

It never ceases to amaze me how often we, as Federal legislators, approve legislation that runs directly counter to private sector initiatives. Nonetheless, I do not intend to discuss the longstanding debate on public versus private problem solving.

What now concerns me is the growing momentum to implement costly Federal legislation that will discourage and/or preclude community efforts. It occurs to me that our effort should be directed toward strengthening already established private sector initiatives rather than undermining them.

Mr. Speaker, my legislation, the Health Care Coverage for Unemployed Workers Act of 1983, addresses the problem of undermining organized community initiatives. My legislation would encourage, not discourage, efforts that provide health care to the unemployed and their families.

In short, my legislation targets block grant funds to States according to their level and severity of unemployment. A State then must channel its allotted funds down to its counties based on their average unemployment rates for the most recent 12 months. In order to receive funds, however, the county must organize a communitywide effort to meet the health care needs of its unemployed. This can be accomplished in a number of ways, the most obvious being a cooperative effort among the county health department, the country medical society and countywide medical professionals.

The attractive element of my legislation is that not only does it encourage voluntary efforts but it also gives States the flexibility to determine the specifics of their own programs; for example, participant eligibility, duration and scope of coverage, and so forth. Moreover, this 2½-year program is temporary, providing $270 million for the remainder of this fiscal year but such amounts as may be necessary for the following 2 years according to their economic conditions.

Finally, Mr. Speaker, my legislation would make available grants to hospitals that treat the health care needs of the unemployed. This is a necessary safeguard to insure that the unemployed's acute health care needs are met.

The Health Care Coverage for Unemployed Workers Act of 1983, I believe, is a sensible and humanitarian approach to meeting the health needs of the jobless. As important, it is a fiscally sound alternative because my legislation calls for a corresponding revenue source to finance this effort; to be determined by the Congress.

It seems more appropriate to strengthen community efforts through a grant program that would enable self-help efforts to purchase needed supplies and equipment than to implement legislation that, in effect, will discourage their continuance.

In these times of limited Federal dollars, we must legislate responsibly. If community efforts presently underway are trying to meet the health care

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needs of the unemployed, they should be encouraged and strengthened.●

COURAGEOUS SOVIET NEWSCASTER FIRED FOR TRUTHFUL REPORTING

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. PORTER. Mr. Speaker, Americans appreciate our priceless freedoms guaranteed under the Constitution, among many others, the freedoms to practice our religion without fear of persecution, to speak and write openly even in criticism of our established institutions and to petition our Government to redress our grievances.

Critical American newscasts of U.S. actions in the Vietnam war have come to exemplify for many the essence of America's truly free press. Yet, when a Soviet newscaster recently characterized the presence of the Soviet military in Afghanistan as an invasion, he was immediately fired and subjected to mental tests.

Vladimir Danchev is the heroic journalist I speak of. His unscheduled, courageous and true reporting of the invasion of Afghanistan has led to his persecution and harassment by Soviet authorities.

Danchev's treatment graphically illustrates the vast difference in the way free speech and popular will is regarded by our Government and the Soviets. His treatment makes all of us proud of our American heritage and the precious freedoms that our rule of law guarantees to each one of us.

The Congressional Human Rights Caucus and all those who stand by the principles of freedom and human liberty praise the courage of this valiant reporter.●

UNION OF CONCERNED SCIENTISTS OPPOSE MX

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. FRANK. Mr. Speaker, in the next few weeks, we will again take up consideration of the MX missile. Many of us in this House have consistently opposed this dangerous and destabilizing weapon, but few have worked harder on this issue both on the floor and in committee than Representative NICHOLAS MAVROULES. Among the groups he has worked with closely is the Union of Concerned Scientists a group whose technical expertise is unquestioned. As scientists who consider the moral implications of our technological advancement, they also command our respect and attention. Clearly, the union's position on the MX missile is relevant and very persuasive and I commend it to my colleagues.

The statement follows:

STATEMENT IN OPPOSITION TO PRODUCTION OF THE MX MISSILE: UNION OF CONCERNED SCIENTISTS

President Reagan has indicated his endorsement of the recent report of the Scowcroft Commission on Strategic Forces. The Commission's recommendations include a change in the U.S. negotiating position at the Geneva-based strategic arms reduction (START) talks, development of a mobile, single-warhead missile (Midgetman), creation of a continuing panel on arms control and national security policy—and production of at least 100 new MX intercontinental ballistic missiles.

The Union of Concerned Scientists wholeheartedly approves of efforts to obtain firm assurances from the Administration on its commitment to move toward negotiations based on warhead numbers. However, we vigorously oppose production of the MX as the political price that the nation must pay in order to obtain these concessions. Efforts to limit nuclear arsenals should not be held hostage to Congressional approval of any one specific weapon.

The argument that production of the MX is needed in order to force the Soviets into "serious" negotiations is untenable, for a number of reasons.

First, the Soviet Union is already testing its own version of the MX, the SSX-24. Production of the MX will only cause an acceleration of these efforts; it will not force the Soviet leadership into an agreement.

Second, it is the United States, not the Soviet Union, which has refused to approve three previously-negotiated arms control treaties (SALT II, the Peaceful Nuclear Explosions Treaty, and the Threshold Test Ban Treaty). Ratification of these treaties would do more to convince the Soviet Union that the United States is serious about arms control than would production of the MX.

Third, as long as the United States proceeds with what can only be perceived as a first-strike weapon, the Soviet Union must question the sincerity of the President's commitment to a new arms control regime.

Fourth, flight testing both the MX and a new, single-warhead missile will violate the Administration's stated commitment to abide by SALT II; again, a demonstration that the Reagan Administration is not seriously committed to arms control.

Finally, even with the latest revisions, the Administration's START proposal is so unbalanced that it has no real chance of being accepted by the Soviet Union. As A.C.D.A. Director Kenneth Adelman recently testified before the Foreign Relations Committee, the Administration is prepared to give up the planned force of 100 MX missiles only if the Soviet Union dismantles some 650 currently deployed SS-18 and SS-19 ICBMs. There is clearly no hope that such a one-sided proposal would even be considered by Soviet negotiators. Neither is there any indication that the Administration will move toward a more negotiable position.

A Congressional decision to begin production of the MX will only give the Soviet Union greater incentive to deploy an equivalent weapon. The history of U.S.-Soviet arms negotiations provides no evidence to suggest that the Soviet Union can be coerced or pressured into concessions advantageous only to the United States. The MX will not contribute to our security within the present arms control regime, nor will it help us to move to a regime based on warhead numbers. The Congress must not authorize production of this dangerous, destabilizing weapon.●

ONE INDIVIDUAL DOES MAKE A DIFFERENCE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MATSUI. Mr. Speaker, one of our Nation's guiding philosophies has always been that one individual does make a difference. Our Nation was founded on the idea that individuals are important, and that as individuals they can do a great deal to improve lives of others.

I would like to draw to the attention of the House an example of a growing, excellent community service that had its genesis in the commitment of several individuals, and one in particular.

In my home city of Sacramento, the La Familia Counseling Center is providing a comprehensive counseling service to predelinquent and delinquent youth and their families. The approach of La Familia is unique—it is called "reawakening therapy," and was developed by La Familia's founder, Mrs. Zaida Fernandez. Each child is counseled in a very individual way, and the child's family is considered an integral part of that important effort.

Beginning as the only staff member, Mrs. Fernandez started the center in 1973 through a grant from the office of criminal justice planning. She has since assembled a staff of professional counselors attending to the needs of youth in that area. La Familia has, over the years, built a record of success that demonstrates what dedicated social service can accomplish.

Mr. Speaker, la familia means "the family." I was privileged recently to visit the center, and I can assure you that there is indeed a rich feeling of family there—there is warmth and dedication, a spirit which communities must cultivate in order to heal the wounds of the present and brighten tomorrow's opportunities.

I would like to commend before the House the work of the staff and the board of directors of La Familia Counseling Center. In particular, I wish to honor Anita Barnes, acting executive director, and the members of the board of directors: Mr. Richard Brandsma, president; Dr. Isabel Hernandez, vice president; Ms. Christine Martin, treasurer; Judge Michael Ullman, secretary; Mr. Jerol Brown; Mr. Bob Foster; Mr. Humberto Vargas; and City Councilwoman Eva Garcia.

I thank these individuals for their contribution and wish them many years of continued success.●

COMMEMORATING THE HEROIC STRUGGLE OF THE BALTIC PEOPLES IN THEIR BATTLE AGAINST SOVIET REPRESSION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. CONTE. Mr. Speaker, earlier this week President Reagan signed into law a resolution designating June 14 as "Baltic Freedom Day." It has been 52 years since the Soviet Union invaded the Baltic countries to pursue and solidify their expansionist policies. During this week in 1941, over 30,000 Lithuanians were arrested, uprooted, and deported to camps inside Russia. Since then, the Soviet Union has tried to absorb this area and tried to crush the spirit of nationalism in the Baltic States. These invaders however, have been unsuccessful. The people of Lithuania, Estonia, and Latvia remain captive, yearning for freedom.

As demonstrated by Congress throughout this commemorative week the desire for freedom and the hunger for independence has survived the onslaught of Sovietization. The people of the Baltic countries remain ardent in their resistance to the Soviet Union. The Baltic people are a model to all who stand fast against the sharp sickle of communism, and as they resist, I reaffirm our commitment and support to their ongoing struggle.●

A TRIBUTE TO BILLY TAYLOR

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DOWNEY of New York. Mr. Speaker, the Congressional Arts Caucus recently presented its first award to Dr. Billy Taylor, an American who has been a leader in the realm of music education and who has made invaluable contributions to our Nation's culture through his work as a jazz musician.

While we honored Dr. Taylor for his outstanding achievements, he honored us with a performance by his trio which included Keith Copeland on percussion and Victor Gaskin on bass.

Jazz—America's classical music—has consistently expressed to the rest of the world our country's moods, thoughts, and feelings. Dr. Taylor represents the very best of this uniquely American and democratic artform.

Billy Taylor's talents span a broad spectrum. He is renowned as a pianist, composer, recording artist, arranger, and conductor, author, teacher, and lecturer, and radio and television star.

As a composer and arranger, he is credited with writing more than 300 songs. These works range from original music for the children's television program "Sesame Street," ballet music for the Broadway show "Your Arm's Too Short To Box With God," to "I Wish I Knew How It Would Feel To Be Free," one of the anthems of the civil rights movement.

Through the years, Billy Taylor has been heavily involved with the media. He was the first black artist to host a daily show on a major New York radio station and served as musical director of the award-winning "David Frost Show." Currently, he is in his fourth year as host of the Peabody Award-winning "Jazz Alive" on National Public Radio.

As founder of Jazzmobile, the pioneering organization which conducts weekly workshops and clinics in Harlem, Dr. Taylor has brought jazz greats, including Duke Ellington and Dizzy Gillespie, to audiences who would otherwise be unable to see these artists.

In recognition of his vast contributions and talents, Billy Taylor has received six honorary doctorates from major universities. From 1972 to 1978, he was a Presidential appointee to the National Council on the Arts, the highest accolade an American artist can receive. Operating in his role as national spokesman for the jazz community, he is credited with expanding the National Endowment for the Arts' budget for jazz from $92,000 to $1,200,000.

It is most fitting that the caucus has chosen this multitalented humanitarian, who has given so much to our Nation, to be the recipient of the first Congressional Arts Caucus Award.●

NATIONAL CHILDREN'S LIVER DISEASE AWARENESS WEEK

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MOLINARI. Mr. Speaker, last week, proclaimed by the President as the "National Children's Liver Disease Awareness Week," witnessed a significant event which could possibly alter both Government and private insurance policies for liver transplant operations.

A panel of medical experts gathered for 3 days under the auspices of the National Institutes of Health to discuss the state of the liver transplant science. A consensus document declared that the survival rate for these operations has increased significantly over the past 2 or 3 years due to a new drug, cyclcosporin, which prevents the body from rejecting transplanted tissue. The panel recommended that the liver transplant procedure be implemented more often and that a greater number of surgeons learn the technique.

This recommendation should effectively signal the Public Health Service to reevaluate the state of the liver transplant science. It is my hope that the PHS will conclude that the technique merits a new definition as a routine medical procedure rather than its current designation as "experimental." A new definition would render liver transplant recipients eligible for either Government or private insurance plans.

The Nation's top practitioners in the field of organ transplants have determined that liver transplant operations may be considered a valid method of therapy. Hopefully, this will lead to a change of policy on both the national and State levels regarding insurance payments for transplant operations.●

DISAGREEMENT WITH HOUSE AND SENATE CONFEREES

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. SHELBY. Mr. Speaker, I rise to voice my disappointment with the position recently adopted by the House and Senate conferees on the HUD-Independent agencies appropriations bill wherein they effectively killed the provisions of H.R. 2948, a bill to provide mortgage foreclosure relief for veterans with VA guaranteed home loans.

It is difficult to justify passing a bill by a vote of 393 to 24 and then subsequently agree to kill it in conference. It just does not make sense.

Mr. Speaker, I just do not understand how anyone could oppose this measure. This is a bill which prevents a veteran from losing his home and at the same time saves the Government money.

This program is totally different from other mortgage relief programs in that it is discretionary. It lets the administrator determine whether or not there is a reasonably good chance for the veteran to recover financially and repay the loan. The bill does not request any new appropriations. Funds would come from the VA's direct loan revolving fund. Therefore, it certainly is not inflationary and would not contribute to the Federal deficit.

It should be emphasized that the bill was designed to save the Federal Government money by eliminating much of the high costs currently incurred by the Veterans' Administration in paying claims of lenders, instituting foreclosure procedures, and reselling acquired properties. The Congressional Budget Office estimates that the VA would save $9.6 million over a 5-year period.

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Mr. Speaker, it would be bad enough if the conferees had dropped only this emergency mortgage relief program, but they also deleted the $150 million to fund the emergency jobs training bill for Vietnam veterans. This is most tragic in view of the very high unemployment rate of Vietnam veterans.

Mr. Speaker, the actions in conference on this bill as it relates to veterans are in conflict with the wishes of an overwhelming number of the Members of this body. Thousands of veterans throughout the country will be very disappointed with this conference agreement.●

ASSOCIATION OF ASIAN INDIANS IN AMERICA HONORS INDUSTRIALIST SWRAJ PAUL

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. DYMALLY. Mr. Speaker, as one who has lifetime interest in the activities of India, I am pleased to bring to your attention the name of Swraj Paul. As one of India's leading expatriates he was recently recognized by the Association of Asian Indians in America for his outstanding achievements in community service and his contributions to international understanding. Swraj Paul, now a British citizen, was a friend and admirer of the late Prime Minister Nehru, and has maintained such a long, close relationship with Nehru's daughter, Prime Minister Indira Gandhi, that he is often described as India's de facto Ambassador at Large. He is the founder of the Indo-British Association, a group which promotes better understanding between the peoples of India and England.

Mr. Paul has been a staunch advocate for the value of education. He received his bachelor and master of science degrees from Massachusetts Institute of Technology in the field of mechanical engineering. To demonstrate his ongoing devotion both to education and to improve relations of India with other countries, Paul endowed the Jawaharlal Nehru Visiting Professorship, know as the Nehru Chair, at Cambridge University.

A prominent event in England is the Festival of India in which renowned Asian Indian performers like Zubin Mehta come from all over the world to perform before an international audience. Last year the festival was endangered because of a lack of funds. Swraj Paul took it on himself to raise 500,000 pounds and thus assure the success of the festival. For his many contributions to Asian Indians around the world, Mr. Paul was this year awarded Padma Bhushan, the Indian equivalent of a peerage.

For all his genius as an industrialist and his magnanimity as a philanthropist, Swraj Paul is a humble man with humble beginnings. He owned no car until 1975 and still walks to work. His family got its start in business through Paul's father who made buckets and brass fittings in a home workshop. Paul refers to the business as "steel bashing," and it is "steel bashing" on a large scale that earned Paul his initial fortune. His firms, the Caparo Group and Caparo Industries are now diverse industries with holdings in property, shipping, hotels, and tea in addition to metals.

Swraj Paul has earned the respect of industrialists around the world for the efficiency of his corporation. In fact Caparo has grown in recent years largely by purchasing companies which were faltering because of poor management and putting them on a profitmaking basis again. Recent large Caparo investments in Indian firms are being watched with great interest because they hold the promise of bringing these somewhat antiquated firms into the 20th century, albeit kicking and screaming. Understandably Paul is a interesting figure. He is one who must be reckoned with because his ideas are fast becoming a driving force in industry. I am happy to join the Association of Asian Indians in America in honoring Swraj Paul for his philanthropic efforts on behalf of Asian Indians everywhere.●

HOUSING REHABILITATION IN THE BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. GARCIA. Mr. Speaker, the Bronx business community has continued to support the rehabilitation of housing with the cooperation of tenant and community groups. Bronx landlords are working with these groups to revive multifamily housing units, an effort which is serving to anchor neighborhoods that as recently as a decade ago were facing a massive urban crisis.

Additionally, the Bronx has undertaken several public works projects to support the efforts to make improvements in residential areas. In 1983, the number of abandoned structures will actually be reduced through the efforts of many in the Bronx.

Community groups such as the Northwest Bronx Community and Clergy Coalition; bank groups such as the Community Preservation Corp., a consortium of 32 banks; private corporations such as the Aetna Insurance Co. and the Traveler's Insurance Co.; and New York City agencies such as the Housing Preservation and Development Commission are all working together to continue to successful rehabilitation. Programs such as section 8 have been helpful in encouraging this cooperation, and show the workability of Federal programs such as this.

I wish to continue to keep my colleagues informed of efforts being made to rehabilitate housing in the Bronx, and have therefore submitted a New York Times article citing several success stories.

[From the New York Times, June 12, 1983]

NORTHWEST COMMUNITIES WORKING WITH LANDLORDS

(By George W. Goodman)

From the breezy roof where he takes visitors for panoramic views of the Bronx to the sparkling tile lobby that must be crossed for a glimpse of the new boiler in the basement, the handsome brick apartment house at 114 West 183d Street is clearly the apple of Joseph Bodak's eye.

"Here you see what can be done to save housing in the Bronx," he said. "You can see the possibilities in fixing up the most beautiful buildings in New York City. It's not paradise now, but someday, maybe, who knows?"

Like thousands of other residential properties in the Bronx, the 66-unit apartment building in the University Heights section was facing serious problems in 1969 when Mr. Bodak and his partner Marc Fein bought it. The Dollar Savings Bank had foreclosed on the building's $205,000 mortgage, services had been shut off, water covered the lobby floor and a rent strike was in progress.

Using mostly his own funds first (and later, loans from Aetna Life & Casualty), Mr. Bodak brought the building back to habitability, just as he has 39 other residential buildings, all of them failing or near abandonment at the time of his takeover.

Mr. Bodak is one of many Bronx landlords who are successfully working with community organizations and tenants and using private and public financing, tax incentives and rent subsidies for the moderate rehabilitation of multifamily housing, thereby anchoring neighborhoods that less than a decade ago were on the brink of destruction.

Also strengthening these areas are public-works projects costing $22.4 million. The neighborhoods these programs are helping to preserve are in the northwestern part of the borough, just beyond the band of blight that had spread northward from the South Bronx.

"Considering things from a broad point of view, we feel the area has been stabilized," said Stanley Simon, the Bronx Borough President. As a result, he said, building abandonment has leveled off. "Last year, we estimated there were 50,000 abandoned structures," he said. "This year, it may range between 40,000 and 46,000."

According to Lois Harr, director of the Reinvestment Committee of the Northwest Bronx Community and Clergy Coalition, 140 moderate rehabilitation projects involving expenditures totaling $27 million are under way or have been completed. The coalition has been both leader and catalyst in these efforts.

"We had a tremendous problem with abandonment by building owners during the 1970's," said Harry Bluttal, vice president for Eastern Savings Bank. "Now most

people seem to think we've bottomed out and are starting on the upgrade." Mr. Bluttal's bank is a member of the Community Preservation Corporation, a consortium of 32 banks involved in rehabilitation.

"You can see the vast improvement in neighborhoods from year to year just by walking the streets of these communities," said Anthony B. Gliedman, the city's Housing Preservation and Development Commissioner, "and people of the community justly take credit for what is taking place."

Mr. Gliedman cited the importance of tax incentives under the J-51 program in encouraging rehabilitation projects. "I measure change with the advent of J-51," he said. "None of the work could have been accomplished without it, and its termination would represent the single most dangerous threat to rehabilitation efforts we've seen so far."

The program allows tax exemptions and abatements from reassessment for rehabilitated buildings. Under a proposed revision now pending in the State Legislature, abatement would be modified and exemption linked to new assessments.

Commissioner Gliedman and others credit the Northwest Bronx Coalition of Community and Clergy for motivating much of the rehabilitation effort. Formed eight years ago, the coalition covers the communities of North Kingsbridge, Forham-Bedford, Belmont-Crotona, Bedford Park, Kingsbridge Heights, University Heights, South Fordham, Mosholu-Woodlawn, Kingsbridge-Marble Hill and Jerome-Webster.

Its area of activity covers most of the northwestern quadrant of the borough—north of the Cross Bronx Expressway and west of the Bronx River.

Private institutions, such as Aetna, the Traveler's Insurance Company and the consortium of banks usually give priority consideration to projects endorsed by the coalition. "We believe neighborhood organizations have a right to self determination," said Martin F. Crean, Aetna's manager of urban real-estate investments. "We do not consider a project for financing unless the neighborhood has been involved in the selection and preparation of a request to us."

Aetna has committed $3.5 million for the moderate rehabilitation of 10 properties with loans at interest rates that range from 12.5 to 15.5 percent, based on the income and expenses of the properties. Terms are set for 10 to 15 years.

Typical among the projects proposed through the coalition and now completed are these:

The Commodore Apartments, a 66-unit, six-story apartment building at 2842 Grand Concourse, an area between the Kingsbridge section and Mosholu Parkway. Michael E. Laub and Irving Yasgur, the owners, put up about $50,000 on their own; $350,000 was provided through the bank consortium (30 percent at 1½ percent and the balance at 18 percent), and H.P.D. lent $105,000 at 1¼ percent to subsidize interest payments; the over-all rate on the two loans comes to 14.4 percent. Improvements included a new boiler, burner, roof and insulation, bathrooms, kitchens, doors and windows. Facades were steam-cleaned and painted. Rents went up 9 percent, to an average of $100 a room.

A large Art Deco building in three sections at 3250 Perry Avenue in the Mosholu-Woodlawn section. Owned by Peter Sinnott, a developer, its improvements include new windows, boiler and burner. Federal assistance was made available through a community-development block grant totaling $95,000; Mr. Sinnott put up $5,500 for carpeting. When improvements were finished, tenants paid a 9 percent rent increase, raising the average rental per room to $80 a month.

A $265,000 rehabilitation of a red-brick, 51-apartment building a block from the Williamsbridge Oval at 282 East Gun Hill Road, also in Mosholu Woodlawn, financed by the Community Preservation Corporation. Work was done on entrance doors, windows and sidewalks and a new roof and intercom system were put in. With an outlay of $14,000 of his own funds, David Diamond, the owner, borrowed the remaining funds from the corporation for 20 years at 11 percent.

Owners are allowed to raise rents on rent-controlled apartments for specific improvements, while a formula spells out percentage increases for rent-stabilized apartments that pays back the cost of the improvements over 5 years. In the rent-stabilized apartments in the Gun Hill Road building, an H.P.D. spokesman said, rents were raised 10 percent, while in the rent-controlled apartments the rents went up 20 percent.

A complete rent restructuring tied to a building's operating costs is permitted if the city is involved in the improvement program—as it was, for example, in the participation loan H.P.D. arranged in connection with the Commodore Apartments.

Until recently, when the higher rents made necessary by the rehabilitations exceeded 30 percent of tenants' incomes, they could get subsidies through the Federal Section 8 program, but such subsidies will not be available for projects completed after next year.

Commissioner Gliedman said all rehabilitation work completed before December 1984 would be protected against cutoffs in Section 8 Federal aid. "But projects concluded after that date will not be covered and tenants could face increases," he said. "In some cases, owners might be discouraged from undertaking rehabilitation. The problem could thus result in terrible consequences for the stability and restoration of communities."

According to James Buckley, executive director of the coalition, there are 35 moderate-rehabilitation projects now being planned that are threatened by cutbacks. "This means we have to scramble to find new funding sources," he said.

Describing the work of the coalition, Dennis Boyle, president of the Kingsbridge Heights Neighborhood Improvement Association, a participating organization, said: "Our strategy is to work together to have a greater impact on mutual problems, issues ranging from crime to housing."

William Frey, a member of the coalition's Housing Reinvestment Committee, said that "early on, we started analyzing the lending patterns of the local financial institutions before getting them to sit down with us to discuss their lack of involvement in the improvement of our community.

"At first we were not successful, but eventually, after we were forced to stage some picketing, we had some success in getting the banks to change policy."

Rather than seek funds for massive "gut" rehabilitation of neglected buildings, the coalition mostly sought financial help for system repairs—such things as boiler replacement, roofing, wiring, plumbing and weatherization of windows.

"We reasoned that we could best utilize our resources by trying to improve many sound houses," Mr. Frey said, "even those with problems, rather than trying to go after buildings on the verge of collapse."

A total of $22.4 million in public infrastructure improvements has been made concurrently with housing rehabilitation. The focus has been on upgrading parks, streets and roadways. Robert P. Castellanete, administrative manager for Borough President Simon, cited these:

An $8 million appropriation for sewer construction in Fordham, to be completed within the year.

A program of rehabilitating subway stations in Fordham and Norwood at a cost of nearly $5 million.

A $3.1 million program to connect incomplete streets in the West Bronx.

Improvements under way in five parks in Devoe, St. James, Fordham Landing, University Heights and areas of Mosholu Parkway, at a cost of nearly $2.3 million.

A $4 million reconstruction program for Fordham Road, the borough's most important commercial strip.

"We've spent nearly a half million for the improvement of sidewalks, trees, lighting and street resurfacing," Mr. Simon said, "all of which is necessary for commercial revitalization."

Others stress the need of improved housing as the foundation for broad, long-term community stability. Judge Howard Trussel of Housing Court said long-term improvements depended largely on relations between landlords and tenants.

"It's still a ticklish situation," he said, "but we can see the light at the end of the tunnel because of the small, truly competent owners like Joseph Bodak. He's proven that housing in the Bronx can provide income for the owner and a decent living standard, too."

Mr. Bodak, who is 55 years old, said he came to the Bronx from Warsaw in 1952 and, starting with a small 36-unit "cold-water" apartment building on Mosholu Parkway, gradually expanded his real-estate holdings.

"I like taking buildings with big problems because they make a good challenge," he said as he led a visitor through the Japanese-styled grounds of the Thomas Garden Apartments, a block-square, 171-unit five-story walkup development at 840 Grand Concourse.

The development was built by John D. Rockefeller Jr. in 1929. When Judge Trussel appointed Mr. Bodak in February 1982 to administer the building for the court, the pipes had burst and floors were buckling from water damage.

The interest rate on the first mortgage, held by the Eastern Savings Bank, was lowered by the city with a $600,000 second mortgage. When he took over as administrator, Mr. Bodak said, he arranged to take a third mortgage and control of the deed to protect funds he was spending for repairs. He then invested a little more than $400,000 of his own money in the building. The property is owned by the 636 Holding Corporation.

In only two instances, Mr. Bodak said, have he and Mr. Fein acquired properties they first ran as court-appointed administrators. "More often we like to take an old building at the point of foreclosure, fix it up and turn things around," he said.

At 840 Grand Concourse, he said, the rehabilitation work included installation of 160 new windows and the expenditure of $50,000 on parapets and bulkheads. Later, he intends to restore the setting for the courtyard's concrete bridges and lanterns.

Rents, which range from $90 to $300, will rise after the work is completed and all the costs are known.

"It will be beautiful again and the tenants will keep things up if they are well-organized," Mr. Bodak said. "I don't bother with buildings that don't have a strong tenant organization because they appreciate having a good landlord.

"Mine is like a social program, but it's a money-making business. If you know your business and you aren't in too big a hurry to make a fast profit, you can be successful in the Bronx."●

UNEMPLOYMENT

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. COELHO. Mr. Speaker, I wish to address my colleagues this evening on one of the gravest concerns for both my district and the Nation, and that is the appalling rate of unemployment. I find this issue extremely disturbing because my district is suffering and struggling through some of the highest unemployment figures in the Nation. The Bureau of Labor Statistics has confirmed to me that, as of March 1983, four of the five counties in my district have an unemployment rate above 17 percent, and two of these, Merced and Stanislaus Counties, are above 20-percent unemployment for the same period. This is a 2-percent increase over the previous year. Both statistics are twice that of the Nation's averages. For the five counties combined, these percentages translate into nearly 105,000 people unemployed and represent an increase of 15,244 additional unemployed workers from March 1982 to March 1983.

The high interest rates produced by the current administration's increased deficit spending is creating havoc in both industry and agriculture in my district. The casualty list from the high interest rates keep increasing throughout my district. From canneries, to farmers, to many small businesses, the effect of the Reagan administration's deficit spending has been devastating. My district cannot afford to be continually crippled by these policies, and neither can this Nation. I present these troubling statistics, which characterize my district, as an illustrative fact to emphasize my concern, and that of the American people, about the present unemployment situation.●

STONEWALL JACKSON DAM PROJECT APPROPRIATION DELETED

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. EDGAR. Mr. Speaker, I would like to call to the attention of my colleagues to recent editorials from the Pittsburgh Press and the Pittsburgh Post-Gazette concerning the Stonewall Jackson Dam project in West Virginia. Both papers supported the efforts of Representative BOB WISE to delete an appropriation for the $205 million dam project, efforts which were successful in the House by a 216 to 161 margin on June 6 of this year. I also strongly supported BOB WISE's efforts, as did the majority of the Pennsylvania delegation in the House. Stonewall Jackson Dam is a bad project which ought to be stopped before any more money is wasted on it.

The editorials follow:

[From the Pittsburgh Press, June 12, 1983]

DAM REFRESHING

It's dam refreshing to hear of a congressman with the gumption to turn down a major pork-barrel project in his own district.

Even though he's only a freshman on the Washington scene, U.S. Rep. Bob Wise, a Democrat from Charleston, W. Va., last week was successful in blocking, at least temporarily, a $205-million dam on the West Fork River—because he thinks it's a damn shame.

He was able to muster a 216-161 vote against a House funding measure for the project. And he did this in the face of all the opposition his state and his own political party could muster, including its two powerful senators and governor.

His reason for taking all the political heat in his stand against the Stonewall Jackson Dam: "This thing's a turkey, and we all know it."

Maybe Rep. Wise and 215 of his colleagues know it, as reflected by their votes last week, but there are those who don't—or who don't want to—know it.

Count among them the two U.S. senators from West Virginia, Robert Byrd and Jennings Randolph, and West Virginia's Gov. Jay Rockfeller. Also, West Virginia's three other congressmen.

Plus Rep. Joseph Gaydos, the veteran Mon Valley Democrat, who in a speech against the blocking move was condescendingly paternal toward the new kid on the block: "You're not supposed to come up here into this House and upset everything we've done all these years."

What they've done all these years, seven years, in fact—with respect to the Stonewall Jackson Dam is moved about 1,800 people, 40 cemeteries, a small town and several major roads in north-central West Virginia.

All this for a dam on a river that has caused only $25 million in flood damage in 115 years.

And what they've also done all these years is spend about $76 million thus far on a dam that was supposed to cost only $34½ million.

What they haven't done yet, despite spending all that money, is start construction. And Rep. Wise is trying to make sure they won't.

Whether he will ultimately succeed remains to be seen.

What is already clear is that the voters of north-central West Virginia have a representative in Congress who has the courage of his convictions. And that's a rarity.

[From the Pittsburgh Post-Gazette June 15, 1983]

STONEWALLING STONEWALL

No pork-barrel plan is harder to kill than a dam project. But a David from West Virginia, 35-year-old freshman Rep. Robert Wise of Charleston may succeed in slaying a Goliath in his own state, the Stonewall Jackson Dam near Weston on the West Fork River, a tributary of the Monongahela River. He has just succeeded in persuading the House to delete a $26 million authorization for a U.S. Army Corps of Engineers start on constructing the dam.

It is unusual to say the least for a congressman to seek to eliminate a public works project in his own district. And the action may not stick for that very reason—West Virginia's two senators Robert Byrd and Jennings Randolph are strongly behind the project and will do everything they can to get the funds restored in the Senate.

The dam has other support in West Virgina, but it also has had plenty of opposition led by the Upper West Fork River Watershed Association. That group of citizens in the area of the proposed dam protests the taking of 20,000 acres of land for a 3,470-acre reservoir and cites a U.S. General Accounting Office study which concluded that the estimated $205-215 million cost of Stonewall, as it is familiarly called, would be considerably higher than any conceivable set of benefits it would provide over its life.

The association has been able to line up opposition from the West Virginia state Senate, the United Mine Workers, National Taxpayers Union, American Farm Bureau Federation, National Wildlife Federation, the West Virginia Council of Churches and newspapers such as the Charleston Gazette.

Stonewall Jackson is listed as a multipurpose dam, among its functions is flood control on the West Fork and the Monongahela (The West Fork combines with the Tygart to form the Mon) Rep. Joseph Gaydos of McKeesport supported the measure on the floor as a way to reduce flooding and water pollution as far downstream as Pittsburgh, 200 miles away.

Pittsburgh can hardly scoff at the utility of dams, considering the series built to safeguard the city after the disastrous 1936 flood. But it is doubtful that Stonewall would make that much difference here. Certainly, it has not been a household word hereabouts.

The Post-Gazette sees no reason for the Pennsylvania delegation to back Stonewall, and a great deal of merit in—for once—scuttling a pork-barrel project before it is too late.●

A CALL FOR NATIONAL HEALING: POPE JOHN PAUL II

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. PANETTA. Mr. Speaker, it is an honor to join the gentlewoman from

Connecticut in paying tribute to Pope John Paul II and the courageous words of hope he has carried to the people of Poland. To the millions who have turned out to hear the Pope during his pilgrimage to his troubled homeland, the pontiff's appeal for national unity and healing has been received in an extraordinary pageant of the spirit.

With each passing day His Holiness has addressed with greater vigor the many problems that beset his homeland. In homilies which spring with faith yet are steeled with determination to address issues of human freedom and national sovereignty, the Pope has given expression to the dreams which withered following the imposition of martial law. For their part, the Polish people have enthusiastically responded with gestures of equal poignancy: Thousands have risked reprisal by laying flowers on forbidden monuments or carrying symbols of the outlawed Solidarity labor movement.

At an open-air mass in Wroclaw which attracted a crowd estimated at nearly 1 million, the Pope declared: "The whole Polish nation must live in mutual trust, and this trust is based on truth." Words of such clarity have rekindled hope in a land that has long languished under the tyranny of fear.

We join today in paying tribute to this truly remarkable spokesman and his courageous stand for human freedom.●

FCC RULES ON NETWORK SYNDICATION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. GEKAS. Mr. Speaker, in recent weeks, a number of my colleagues have joined in cosponsoring H.R. 2250, Mr. WAXMAN's proposal to bar the Federal Communications Commission from taking up for at least 5 years its pending consideration of repeal of the network financial interest and syndication rules. These rules currently prevent the television networks from joining in the financing and syndication of television programs.

I believe the proposed bill represents a danger to sound communications policy. My own State, Pennsylvania, agrees, and has filed comments with the FCC urging the repeal of these restrictive rules, and to provide a greater opportunity for Pennsylvania program producers to share in television production. I attach a copy of the Commonwealth's letter for your review.

Other States have filed similar letters, and I strongly urge my colleagues to look into the issues involved in H.R. 2250, and not endorse the moratorium proposed by H.R. 2250.

Those who want to see the rules retained or who want to block the FCC from even considering the continued wisdom of the rules in a telecommunications universe much different from that which existed when they were adopted claim that the rules are working just fine and Government should not try to fix something that is not broken. The fact of the matter is that the rules are not working properly; they have failed to achieve the objectives the FCC intended when they were adopted, and they have actually had the counterproductive effect of reducing the diversity of program supply to the networks.

What is critically important is that this is not my own conclusion but rather the combined conclusions of a variety of nonpartisan Government officials who have looked extensively at the practices of the video and movie program supply industry over the last 5 years: A special FCC staff that studied the operation of the rules for 2 years; the Bureau of Competition and Consumer Protection of the Federal Trade Commission which extensively analyzed the theory and practice of the rules; the National Telecommunications and Information Agency of the Department of Commerce; and the Department of Justice Antitrust Division. All these expert agencies and departments of Government have recommended that the rules be repealed.

And I can understand the rationale. Referring to figures compiled by the coalition that is urging the FCC to retain the rules, the average number of companies supplying prime time entertainment series to the networks declined from approximately the high sixties before the rules to the low forties after the rules were adopted. The rules have hurt small independent program producers because they have deprived them of an important source of risk capital—the major television networks.

The networks have stated publicly that if the financial interest and syndication rules are eliminated they will have additional resources to: program more original episodes instead of repeats; broadcast more original summer replacement programing instead of reruns; continue to finance miniseries and made-for-television movies which are popular but very expensive programing. To me, this is the kind of quality and diversity of programing that best serves the American public.

There are many complex issues involved in the debate over whether the rules should be repealed. There are a number of competing equities. That is precisely why the expert Government agency charged by this Congress with responsibility over telecommunications has spent over 5 years and millions of dollars studying the matter. They should be permitted to complete that process now.

It is clear that our country is undergoing a technological revolution that is transporting us to a new era in telecommunications. Each day we read about developments in the alphabet soup of new technologies: Cable subscriptions reach newer and newer heights; direct satellite-to-home broadcasting is authorized and COMSAT implements plans to launch such a satellite; thousands of applications are filed with the FCC for low power television transmissions; and the FCC authorizes the expansion of a microwave service called MDS which can provide multichannels of premium television programing to homes where cable television is unavailable.

But the more things change the more some things remain the same. The American viewer does not erect a television antenna, subscribe to cable television, install a satellite dish or a microwave receiving antenna to bring static into his home by some new technological marvel. No, the American viewer is interested in the programs that those technologies transmit. The American viewers interested in receiving the maximum number, most diverse and highest quality programing which can be produced. The financial interest and syndication rules are a roadblock to satisfying this demand. So while I commend the FCC for establishing policies that have encouraged the extensive development of new transmission technologies, I also applaud them for reconsidering at the same time anachronistic software policies that may prevent the technological revolution from realizing its full potential to serve the American public, and I strongly urge my colleagues to support the FCC in its effort to complete its pending docket.

OFFICE OF THE GOVERNOR,
Harrisburg, Pa., January 24, 1983.

Re BC Docket No. 82-345 (Proposed Repeal of the Syndication and Financial Interest Rules).

William J. Tricarico.
Secretary, Federal Communications Commission, Washington, D.C.

DEAR MR. TRICARICO: The Commonwealth of Pennsylvania is pleased to have this opportunity to express its views on the proposal to repeal the Commission's financial interest and syndication rules (47 C.F.R. § 73.658(j)). Pennsylvania strongly endorses repeal for two basic reasons.

First, as the Commission's own Network Inquiry Special Staff and others have concluded, the rationale behind these regulations cannot be supported. The Thornburgh administration is committed to reducing and eliminating unnecessary regulation at all levels of government.

Second, the rules appear to actually inhibit development of Pennsylvania's own video production industry and perpetuate the dominance of the established studios located primarily in California. This effect is unfairly depriving Pennsylvania of needed job opportunities.

The 1977 Census of Service Industries graphically demonstrated the geographic imbalance of the video production industry in the United States. The census showed nearly 55 percent of total video revenues being generated in California, while Pennsylvania, though it ranks fourth in the nation in population, accounts for only about 1 percent of those revenues.

Pennsylvania, with the diverse skills and talents of its population, with its varied and historic geography, and with its sophisticated urban centers, should have a far greater share of this important industry. With some of the leading drama schools in the nation, world-renowned symphony orchestras, dance companies, and other cultural treasures, Pennsylvania could be a leader in the production of quality television programming.

The Thornburgh administration has taken several steps to promote motion picture and television development in the Commonwealth: publishing a Pennsylvania Production Manual, which contains lists of people, places, and services related to the motion picture and television industry; establishing a statewide network of contacts in every major city to provide local information and liaison services to production companies; and establishing standard procedures for handling each project which helps to guarantee an essentially problem-free production.

However, one of the obstacles facing small independent producers in Pennsylvania is obtaining necessary operating capital. Producing programs for network television is a risky business. Capital is generally available only from the major studios in California who can spread the financial risk on any one new program over a large portfiolio of new programs and existing programs which are already financial successes.

While the three television networks also have the risk-bearing abilities similar to the Hollywood studios, they are prevented by the rules from providing financing. This is an unfortunate and unnecessary restriction on the marketplace which hurts the private sector in our state. While we have no indications or guarantees that any of the networks would finance independent Pennsylvania producers, it is clear that the networks, unlike the California studios, are essentially neutral on the issue of what geographic location should derive the economic benefits from video production.

In fact, one of the networks, CBS, has a large potential production facility at its Philadelphia-based station. But, again, the rules prevent use of that facility for production of television programs suitable for airing on regional television stations in the tri-state Delaware Valley area or from syndicating outstanding programs nationally.

Permitting the three networks to purchase risky future interests from independent Pennsylvania producers would significantly increase the ability of those producers to obtain financing. In addition, producers might get bank loans more easily if networks could purchase syndication rights. In short competition between the network and the established California studios would strengthen the independent producer's hand and reduce the present strong incentives to relocate in California close to financing sources.

We realize repealing the rules will not, in itself, allow competition unless certain consent decrees also are modified or eliminated. But repeal would be an important first step, and would provide useful guidance for reevaluation of those decrees.

In conclusion, the Commonwealth on Pennsylvania commends the Commission for taking the first step toward relieving the distortions caused by the financial and syndication rules, and urges the Commission to repeal the rules.

Sincerely yours.

PAUL W. CRITCHLOW.
Director of Communications.●

INSURANCE RATES AND H.R. 100

HON. JAMES J. FLORIO

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 29, 1983

● Mr. FLORIO. Mr. Speaker, the Energy and Commerce Committee has before it H.R. 100, the Non-Discrimination in Insurance Act. This legislation would eliminate discrimination in insurance on the basis of race, color, religion, sex, and national origin. It does in insurance what has been done in many other areas.

The insurance industry has decided to oppose this legislation. Although they first claimed that the legislation would endanger their solvency, suggested compromises have eliminated any adverse financial impact on the industry.

The industry now claims that they oppose the legislation because they are protecting their women policyholders. As part of their multimillion-dollar campaign to defeat this legislation, companies have begun a series of mailings to their stockholders and policyholders claiming that the bill will cost women money.

The letter which follows shows the tactics of the industry. It tells women that their rates will go up if the bill passes. The facts do not support the claim. The GAO has confirmed that when other factors are substituted for sex there is little or no change in the rates paid by women or men. Instead of immutable characteristics like sex, the industry would be forced to rely on valid statistics like miles driven or accident records. I inserted the GAO report in the CONGRESSIONAL RECORD on April 21, 1983, at page E1797.

The experience in several States which have required unisex rates bears out the fact that rates for women do not increase when discrimination is outlawed. Instead, the insurance companies rely on statistics which look at the individual characteristics of the insured, such as health, smoking, or driving record, to determine rates.

I do not believe that the campaign of distortion being waged by the insurance industry will succeed. The principle of eliminating discrimination is an important one, and when the facts are discussed it is clear that discrimination can be eliminated without the dire consequences suggested by the industry.

I also include a recent article by Jane Bryant Quinn from the July 4, 1983, issue of Newsweek which shows why women will benefit from the elimination of discrimination. This is a complex subject. I urge all Members to look at the facts carefully before they make up their minds on this legislation.

AETNA PERSONAL FINANCIAL
SECURITY DIVISION,
Hartford, Conn., June 1983.

DEAR AETNA INSURED: The cost of your auto insurance and premiums for life insurance purchases will increase dramatically if legislation now before Congress is enacted.

Unless you and thousands of others act immediately, legislation now pending in Congress will become law—and, as a result, you will pay unfairly higher auto and life insurance premiums.

House Bill 100 and Senate Bill 372 would force insurers like Aetna to disregard the simple fact that women as a group live longer than men . . . or that female drivers have fewer accidents than male drivers. We would be required by law to ignore statistics that prove you as a woman deserve lower rates than men on these coverages. These bills somehow consider such statistically proven distinctions to be unfair sex "discrimination."

We believe not considering these differences in setting insurance prices is unfair economic discrimination. For example, if these bills pass:

Costs of auto and life insurance would shift dramatically: women would pay more so that men could pay less;

Women insured by Aetna would pay from 11 percent to 55 percent more for auto insurance every year, depending upon their driver category and where they live;

Life insurance premiums for most women insured by Aetna will go up—10 to 25 percent;

In total women will pay $700 million more for auto insurance and $360 million more for life insurance, according to a study by the American Academy of Actuaries.

Those who support these measures claim that women will benefit in the area of pensions. The truth is, it is not clear who will benefit in the pension area: in some instances men will; in others women will. Overall, however, women will pay more for the insurance they buy as individuals than they will gain in benefits from other types of insurance and pensions. Over the course of your lifetime, a "typical" insurance package of individual coverages from Aetna could cost you up to $5,600 more than you now pay—if this legislation is not stopped.

Aetna strongly believes that all forms of unfair discrimination should be eliminated. We think the use of sex as a rating factor in insurance, however, is not unfair discrimination—nor is it really a civil rights issue. These distinctions are based on valid statistics upon which fair rates can be developed. To disregard these distinctions would create genuine unfairness.

If the cost of your insurance is important to you, there is something you can do right now. Your U.S. Senator or Representative, whose name appears below, serves on a committee that is currently reviewing this legislation. He or she might not realize that the legislation hurts the very women it is intended to help. Your letter can make a difference. Time is short. Won't you write today?

Very truly yours,

DEAN E. WOLCOTT,
Senior Vice President,
Personal Financial Security Division.

Key Members: Senate Commerce, Science and Transportation Committee: Address for All Commmittee Members: U.S. Senate, Washington, D.C. 20510.

Alabama: Sen. Howell Heflin.
Alaska: Sen. Ted Stevens.
Arizona: Sen. Barry Goldwater.
Kansas: Sen. Nancy Landon Kassebaum.
Kentucky: Sen. Wendell H. Ford.
Louisiana: Sen. Russell B. Long.
Missouri: Sen. John C. Danforth.
Nebraska: Sen. J. James Exon.
New Jersey: Sen. Frank R. Lautenberg.
Oregon: Sen. Bob Packwood, Chairman.
South Carolina: Sen. Ernest F. Hollings.
South Dakota: Sen. Larry Pressler.
Washington: Sen. Slade Gorton.
Wisconsin: Sen. Bob Kasten.
Virginia: Sen. Paul S. Trible, Jr.

Key Members: House Energy and Commerce Committee: Address for All Committee Members: U.S. House of Representatives, Washington, D.C. 20515.

Alabama: Rep. Richard C. Shelby.
California: Rep. Jim Bates, Rep. William E. Dannemeyer, Rep. Carlos J. Moorhead, Rep. Henry A. Waxman.
Colorado: Rep. Tim Wirth.
Illinois: Rep. Cardiss Collins, Rep. Tom Corcoran, Rep. Edward R. Madigan.
Indiana: Rep. Dan Coats, Rep. Phil Sharp.
Iowa: Rep. Tom Tauke.
Kansas: Rep. Jim Slattery, Rep. Bob Whittaker.
Louisiana: Rep. W. J. "Billy" Tauzin.
Maryland: Rep. Barbara A. Mikulski.
Minnesota: Rep. Gerry Sikorski.
Mississippi: Rep. Wayne Dowdy.
New Jersey: Rep. James J. Florio, Rep. Matthew J. Rinaldo.
New Mexico: Rep. Bill Richardson.
New York: Rep. Norman Lent, Rep. Richard Ottinger, Rep. James H. Scheuer.
Ohio: Rep. Dennis Eckart, Rep. Thomas A. Luken, Rep. Michael Oxley.
Oklahoma: Rep. Mike Synar.
Oregon: Rep. Ron Wyden.
Pennsylvania: Rep. Don Ritter, Rep. Doug Walgren.
Tennessee: Rep. Albert Gore.
Texas: Rep. John Bryant, Rep. Jack Fields, Rep. Ralph M. Hall, Rep. Mickey Leland.
Utah: Rep. Howard Neilson.
Virginia: Rep. Thomas J. Bliley, Jr.
Washington: Rep. Al Swift.

[From Newsweek, July 4, 1983]

THE GREAT UNISEX DEBATE

(By Jane Bryant Quinn)

Congress is considering legislation to end the practice of charging men and women different prices for insurance products. But would unisex rates help women, as the bill intends, or would they hurt? The insurance industry says they would hurt. But I'm persuaded that the drawbacks are small, compared with the gains.

Pensions: Most female workers today get the same pension incomes as similarly situated men, because the majority of pension plans are gender blind. But a woman might get less if she's in a public-employee plan or a private profit-sharing plan and takes her retirement benefit in the form of a life-time income.

Insurers blame the lower payments on female longevity. Women, on average, live longer than men, so a given sum has to stretch over more years. But biology need not be destiny in the matter of pensions. Thousands of employers pay men and women alike; why shouldn't the holdouts do the same? If you're in a discriminatory plan, unisex pricing would mean slightly more future income for women and less for men.

Insurance-industry attorney George K. Bernstein told Congress that women are not really entitled to equal pensions, because of the logic of their longer life spans. "If the concern of the sponsors [of unisex benefits] is that older women do not have sufficient income, let them properly characterize the bill as providing charity," he complained. But Bernstein's logic stops with women. Whites live longer than blacks and married men live longer than single men, yet neither whites nor married men pay for their longevity with smaller pensions. Only women have the honor. "The primary purpose of pension plans is to meet the need for retirement income," says actuary Donald S. Grubbs Jr. of Buck Consultants. "To provide less retirement income to a person of one sex than one of the other cannot be acceptable."

Unisex pricing would also help widows who collect survivors' pensions after their husbands die. In more than half of today's pension plans, the survivor of a male worker gets a smaller monthly income than the survivor of a similarly situated female worker. Unisex pensions would raise benefits for widows, thereby aiding all aging women, not just working women.

Life Insurance: Women who buy their own life insurance pay less than men of the same age, with the size of the discount varying widely. After a switch to unisex pricing, the average man would pay a little less for his policy and the average woman a little more. A $50,000 term policy might cost a 35-year-old woman an extra $50.

The insurance industry hits this point hard, in hopes of turning women against the bill. But unisex pricing means bigger benefits for widows, because men will get more life insurance for the same dollar. Furthermore, insurance and pensions are two sides of the same coin. If women reject equal insurance rates they'll lose equal pensions, too, and pensions are crucial to their fight for a decent standard of living.

Auto Insurance: A married woman gets her husband's rate, so any switch to unisex pricing is chiefly of interest to the unmarried. In most states, single women over 25 pay about 10 percent less than men, while younger women pay sustantially less.

Insurers warn that unisex rates mean higher prices for single women across the board. But in the four states that already mandate gender-blind auto rates, the results are mixed. Some young women are paying more and some aren't. The real winners from unisex pricing should be safe-driving young men, who stand to pay less if insurers set rates solely on the basis of personal driving characteristics.

Health Insurance: Most women are covered by employer plans which, under the law, cannot discriminate. In the individual market, 24 percent of the policies sold to people under age 65 are already written on a unisex basis, as are 10 percent of the disability policies and virtually all of the medigap policies for people age 65 and up.

The fair-insurance bill requires the rest of the industry to switch to unisex pricing, too. It also requires them to spread the expense of pregnancy among all their policyholders (as group insurance does), rather than burden younger couples with the full cost. Young families, women under 55 and men aged 55 to 65 might all pay less; their opposites would pay a bit more.

Many sectors of the insurance industry already live with unisex rates. It's long past time for all the rest to do the same.●

HONORING PHIL CHELNICK

HON. DENNIS E. ECKART

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 29, 1983

● Mr. ECKART. Mr. Speaker, I want to take this opportunity to honor Phil Chelnick, who has been an invaluable asset to his community in northeast Ohio since his emigration to the United States at the age of 15.

Having spent his childhood in the repressive atmoshere of the Soviet Union, Phil spent his adulthood in our country working to protect the rights and freedoms we often take for granted. While all of us here recognize Phil as an active advocate for senior citizens, he has also been a lifelong advocate for all of the people, standing against hunger, poverty, and unemployment and for education, civil and human rights, and peace.

A great friend of youth, Phil Chelnick has always managed to bridge the generation gaps he has encountered. He did this by talking to high school students and winning their respect. One of his most important projects, in my mind, has been his effort to get high school kids registered to vote. Phil has always lived his firm belief that people must take part in the political process if they are to institute change and reform. Whether it was as a delegate to the White House Conference on Aging, or as chairman of the Social Action Committee, Phil directed his best efforts to the task at hand.

Phil's energy and initiative, embodied in the network of the Social Action Committee, will be carried on now by Rose Schneider, a highly respected leader in our community. Founded by Phil 14 years ago, the committee has discussed and become involved with issues on a local, regional, state and national level.

I am glad to join the community in taking time out today to honor Phil. Our community is a better place today because of his efforts, and it will be a better place tomorrow as a result of Phil's legacy of compassion and commitment.●

DEBATERS SHINE IN THE BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. GARCIA. Mr. Speaker, I would like to bring to the attention of my colleagues the achievements of the Bronx High School of Science. Most often, Bronx Science is recognized for its accomplishments in science and mathematics. Today, however, I would like to focus on its debating team, which is second in the Nation. The team recently won the National Catholic Forensic League Grand Tournament and placed second in the National Forensic League Speech and Debate Tournament.

This commitment to a balanced quality education is truly commendable. Richard Sidikow, the debating team's coach, deserves special recognition as his diligence has resulted in the enrichment of the students, the school, and the Bronx.

Mr. Speaker, let me take this opportunity to once again voice my concern over Federal funding for education. We cannot cut funding and expect better schooling. The education of our youth is too important to neglect. I would also like to include an article from yesterday's New York Times on the debating team.

DEBATERS SHINE IN THE BRONX

(By Gene I. Maeroff)

At Bronx High School of Science, celebrated for its outstanding students and the awards they garner year after year in the Westinghouse Science Talent Search, an equally impressive—though far less widely known—record has been built in a different arena: high school debating.

Bronx Science's debating team, consistently strong since the mid-1970's, finished second in the country this year. Besides being runner-up to St. Francis High School of St. Francis, Minn., in the National Forensic League Speech and Debate Tournament a week and a half ago in Kansas City, Mo., Bronx Science last month in Chicago won the National Catholic Forensic League Grand Tournament, which accepts public school entrants.

"Although we are a high school of science and mathematics, we are really most concerned with preparing kids for leadership roles," said Milton Kopelman, the principal of Bronx Science. "Future scientists and mathematicians have to be articulate people who can defend positions they believe to be right and attack positions they believe to be wrong."

Mr. Kopelman's office is replete with evidence of the ability of Bronx Science's debaters to defend and attack positions: dozens of shiny trophies from debate tournaments that seem to cover every table and cabinet in the room.

Debating at Bronx Science is approached with a zeal akin to that with which the school's hard-working students pursue the intricate scientific and mathematical experiments they submit to the Westinghouse science contest.

The school's prominence in debate has attracted less notice, though, because few of the city's 110 public high schools have debating teams. Debating is a far less popular high school activity in New York City than in some other parts of the country.

NEW INTEREST IN DEBATING

That situation could change somewhat in the fall if Chemical Bank goes through with a plan to sponsor a city-wide speech tournament. Board of Education officials would like to stir greater interest among students in communications skills; the achievements of Bronx Science could inspire imitation throughout the city.

Bronx Science's team largely pays its own way to the tournaments, which are held on most weekends from September to June. The coach, Richard Sodikow, receives no extra pay for his efforts and says he contributes about $6,000 a year from his own pocket to support the team's travels.

Mr. Kodikow, an English teacher, has coached the team for 14 years. Next year he will still have his two top debaters, Robert Schein and Stuart Rabin, who will be seniors. The pair won 42 straight matches this year before losing the final round of the national championships.

Mr. Rabin, a tall, slender young man with dark hair, joined the team after someone told him it offered a chance to travel. He said he found he thrived on the competition.

"It feels like an athletic event, though sometimes I think debate is more grueling," he said. "In some tournaments we have to compete seven days in a row."

Debaters wear three-piece suits as their uniforms; the tools of their competition are 4-by-6 index cards, tens of thousands of them, toted in huge metal cases. The debaters must be able to refer to the cards quickly as they challenge each new point of the adversary.

Two students from each school compete in each match, but a school may enter several pairs in a tournament. Bronx Science, which has almost 100 students on its team, sends six to 10 pairs into every competition.

Bronx Science is so dominant that sometimes two of its debating pairs reach the finals together. At the Pace University City Hall Classic this year, all four teams in the semifinal round were from Bronx Science. The semifinals and the finals were cancelled and Bronx Science was declared winner.

All high school debating competition in the nation each year is built around a single resolution. This year the topic was "Resolved: that the United States should significantly curtail its arms sales to other countries."

AFFIRMATIVE SIDE DEFINES TERMS

A toss of a coin decides which sides must argue the affirmative and negative points of view. The affirmative is always presented first and sets the tone of the debate, trying to define the argument as narrowly as possible.

Bronx Science, for example, sometimes used an affirmative argument that centered on cutting off arms to South Africa alone. Such a tactic aims at forcing the negative side to debate in depth a point on which the affirmative side is extensively prepared.

On the other hand, when Bronx Science was assigned the negative and had to speak second, the team tried to have ready a refutation that could apply to almost any argument the affirmative might offer.

"This year," Mr. Rabin said, "no matter what kind of curtailment of arms sales they argued for, we would try to oppose it by saying it would cause a trade war."

Next fall, debate teams across the country will have to be ready for a new topic, "Resolved: that the United States should establish uniform rules governing the procedures of all criminal courts in the nation." Index cards painstakingly compiled over hundreds of hours last year can be dumped in the rubbish and new research will be needed.

Debating stars like Mr. Schein and Mr. Rabin will not wait until fall to begin. Like football players in preseason drills, they will attend a summer camp at Northwestern University for debaters who want to get an early start on the new resolution.

Mr. Schein jokes that anything enhancing his argumentative powers is desirable, "I got into debate because I liked to argue with my parents, but I was never allowed to win. Formal debate, in front of a judge, gives me a chance to win at least a few."●

RICHARD PETERS GIVES OUTSTANDING SERVICE TO CALIFORNIA AGRICULTURE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. COELHO. Mr. Speaker, it is an honor for me to recognize a distinguished constituent of mine who serves as president of the California State Board of Food and Agriculture, Mr. Richard Peters. As a farmer and a representative of farmers throughout the State of California, Richard is a hard-working, aggressive, and attentive spokesman for the interests of agriculture and consumers alike. His outstanding service to California agriculture and his entrepreneurial skills have made him a highly admired and respected individual. The fine qualities of Richard Peters are highlighted in the following article which recently appeared in the Fresno Bee:

FRESNO FARM EXPERIENCE GUIDES AG BOARD CHIEF

(Ron Goble)

Richard Peters is a congenial sort who enjoys people and other living things. That's the farmer coming out in him.

He also enjoys a good argument. He likes to stir things up to the point that people are ready to work together on a solution. That's the politician side of his personality.

Whether he is farming or politicking, Peters knows just one way to approach things—by throwing his heart and soul into every effort. He's always been that way, say friends who have known him since the early days.

It doesn't seem like too many years ago that he was doing hard manual labor as a youngster on his father's farm near Sanger. For a number of years he worked closely alongside his father, the late Ed Peters. Those were the times he learned about farming and developed many of his beliefs and convictions.

He says he owes a lot to his father. Peters always has been a hard worker. He had to be to develop a first-class farming operation that stretches from vineyards and orchards in the San Joaquin Valley to the desert

region of Riverside County and the Coachella Valley.

He puts in long work-days and seems to thrive on the pressure that comes with making the tough, critical decisions. Over the years he apparently made the right ones because he currently owns and farms more than a thousand acres of tree fruit and table grapes. In addition, he manages another 1,100 acres scattered throughout Fresno, Kern and Riverside counties.

Besides his actual farm responsibilites he now serves as president of the California State Board of Food and Agriculture, a body that advises Clare Berryhill, the Stanislaus County grape grower now holding down the state ag director's job, and Republican Gov. George Deukmejian on essential farm matters.

He was appointed to the board earlier this year by Deukmejian and quickly elected to serve that group as president.

So if he truly likes to live in the "pressure cooker" he is right where he belongs.

Peters calls himself a spokesman for agriculture—personal views aside; he says he wants what is best for farmers while not overlooking the needs of the consumers.

"Some farmers are having problems but only seem to want to talk about them in the local coffee shop," he suggested. "Farmers need to be united and more of them need to get involved in the decisions that impact their industry."

Peters makes no bones about getting people involved. He advocates a broad scope of government, rather than having a relatively small group of leaders calling the shots.

The more people involved in making a decision the more representative that decision will be, he said.

He talked about some of the public's misconceptions about agriculture, things like use of illegal aliens and poor wages.

"The farm industry is NOT the largest user of illegals by a long shot, but it's about the only industry the public ever hears about," he declared. "When someone mentions illegal aliens, the first thing most people think of is the farmer. The critics don't consider all the illegals hired by factories or the hotel business up and down this state."

Peters calls farm worker wages fair.

"Most of my workers make a minimum of $5 an hour plus coverage on a health program. Some critics complain about low wages paid by farmers, but they think nothing of some firm like I. Magnin that pays many of its workers minimum wage of $3.35 an hour," Peters said.

He is eager to meet with the other CDFA board members on a one-to-one basis, hear their complaints and get a better feeling for their opinions on these and other ag issues.

"And I want to reach out into the ag community and ruffle some feathers," he said. "If we can shake a few people up, we might get serious about airing out some of our differences."

Peters is one of 15 CDFA board members representing a wide diversity of agriculture and related fields. He is one of three representatives from the central San Joaquin Valley. Other board members include Dr. Charles Smallwood, dean of agriculture at Fresno State University, and George DeMedeiros, chief executive officer for Dairyman's Cooperative Creamery Association, Tulare.

"I believe the governor is looking closely at the board and Berryhill for good, sound advice and guidance," he declared. "While we are not a policymaking group, we provide valuable information and resource people.

"Our recommendations carry more weight in Sacramento now," he added. "That is something the board hasn't been able to say in the last eight years because there was no real commitment to agriculture by the administration (during the Brown years)."

He is encouraged by the way the new governor is getting the ag department back in order. The atmosphere in Sacramento, said Peters, reflects optimism. Berryhill is no newcomer to agriculture and has already done some housecleaning that the Fresnan says will stop the waste of public funds.

Peters is encouraging other board members to set up advisory groups of farmers to provide input on the key issues they face.

"We want our decisions to be based on what our constituents want," he said. "The small farmer (40 acres or so) should be represented along with the big oil company that owns and farms thousands of acres."

The Fresno farmer brings an extensive ag background to his new position and his diversification is one of the reasons for his success. Peters is as diversified a farmer as they come.

In addition to his farming enterprises, Peters started DIFCO, Diversified Irrigation and Farming Co., in partnership with Eric Wuhl and Frank Wisehard. DIFCO specializes in drip irrigation systems. And he is a partner with brother-in-law Charles Krikorian in Custom Manufacturing, which builds specialty farm equipment.

He does business under several names. Most of his personal operations are run under the name Richard Peters. Other enterprises and partnerships are listed under Richard Peters Farms, Cal Ridge, South Ridge and P & W Farms.

From 1952 to 1975 his life revolved around the Peters and Garabedian Packing plant at Hamilton and Second streets in Fresno and a Coachella Valley table grape operation.

His father grew plums, nectarines, peaches and grapes in partnership with John Garabedian since 1935. In 1964 Richard bought out his father's half interest in that venture.

Eight years later he and Garabedian sold nearly all of their 3,500 acres of farmland holdings to Superior Oil Co., Bakersfield. Then he started buying vineyards and orchard properties on his own.

He is now a partner in the Coachella Valley firm, Desert Valley Fruit Inc., with Fowler Packing Co. and they have a new packing facility on the drawing board which will handle the fruit they grow on Kern County ranches.

"I ran a fruit packinghouse for a long time and I wanted out of the day-to-day grind of the business. I love being outside in the farm setting and I also wanted to see some of the world," Peters said.

And see the world he does.

Either he takes a quick 500-mile-per-hour glimpse from 43,000 feet up out the window of his $2 million Lear jet, or from the back seat of his five-passenger helicopter at a more modest speed and altitude that the birds in the orchards can appreciate.

The sleek white jet with red, gold and blue stripes lining its sides is based in a private hangar at the Fresno Air Terminal. One of three pilots, John Giacchi, said the plane is in the air four or five days a week.

The jet has made it possible for Peters to make better use of his time. He often flies from one of his desert ranches near the aptly-named town Thermal in Southern California to a state board meeting in Sacramento in about the time most people spend commuting to and from work—just under one hour. He uses the helicopter for the shorter commute to his Kern County operations.

Planes are nothing new to the Fresno native. For more than 15 years he owned and operated Airdorado, Inc., an air charter service. In 1977, he took in the Fowler Packing Co. as a partner. Peters started with a small twin-engine Comanche and graduated to a Piper Navaho and the versatile King Air.

He got out of the charter business about a year and a half ago and now maintains aircraft only for personal business use. Peters bought the Lear early this year.

While he doesn't consider himself a member of the Jet Set, being on the move is almost a way of life for Peters. He doesn't like to waste his time and he likes to get things done. This is reflected in his attitude toward the ag board.

"If we are not going to have a good, active board with some clout, I don't want to be tied to it," Peters declared. "I want to see things happen."

A red-lined copy of HR 2035, a bill signed by President Ronald Reagan, hangs on the wall of his rural Fresno office as testimony to that fact. He had never really been involved in the political arena prior to working on the passage of that measure.

The Coachella Valley Grape Growers League had toyed with the bill for a couple years when Peters decided to get involved. That was March 1, 1982; by Oct. 14 it was on the President's desk and signed.

The bill says that all imported grapes that are in direct competition with a federal marketing order "shall meet the requirements" of that marketing order.

"We don't want to kill business, but these imports from such countries as Mexico and Chile must meet our standards in the Coachella Valley before they will be accepted," Peters stressed.

He is proud of that bill because he sees that it will benefit U.S. farmers and consumers alike. And he believes the measure gives the industry some teeth to deal with inferior imports.

Not every hour of the day is devoted to work. A montage of pictures on his office wall focuses on outings to Disneyland and family-style events at home over the years. This shows another side of 48-year-old Peters—his personal life with his wife Barbara, and daughters, Cindy, Susan and Sharon.

While he admits he doesn't spend a lot of time at home just relaxing, he did make it easier for his wife to be with him by buying a second home in the Coachella Valley. Now Barbara can accompany him on some of his extended trips to the Southern California operations.

"Anyone can be a father, but it takes someone special to be a dad" reads a plaque which hangs behind his desk: Another hint at the importance he gives his family. One daughter is married, another is away at a fashion school and the youngest is living at home and attending her final year of high school.

In a corner of his office stands a cabinet full of mementos from friends, family and politicians: A holiday greeting card from the governor and his wife, Gloria; a bottle of Windsor Vineyard 1976 Cabernet Sauvignon "bottled especially for Richard Peters;" a couple models of vintage cars and even a paperweight from Democratic Congressman Tony Coelho.

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Other pictures on the wall show Peters with some of the airplanes he has owned and prominent people such as Gene Autry, Deukmejian, former president Gerald Ford and Agriculture Secretary John R. Block.

From a farming perspective, last year Peters marketed some 140,000 boxes of table grapes from mostly young acreage. His tree fruit packed out at about 100,000 packages and he estimates that when all his acreage is in full production it will produce approximately 500,000 packages of fruit.

He grows peaches, plums, nectarines, apricots and table grapes. His entire farming operation—trees and vines—is under drip irrigation.

He has done some work developing new fruit varieties and has three patents of his own with three or four more pending.

There will be much more said about this Fresno farmer between now and 1987 when his term on the board expires. Some people will agree with his ideas and methods, others won't.

There is one thing for sure, everyone will know where he stands on an issue and he will strive for change in the farming industry—hopefully for the better.●

POPE JOHN PAUL II'S VISIT TO POLAND

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Ms. FERRARO. Mr. Speaker, on the occasion of the 600th anniversary of the Black Madonna of Czestochowa, one of the great religious icons of Polish Catholicism, the holy father, Pope John Paul II, has again brought his message of faith, peace, and love to his troubled homeland.

Just as the Black Madonna has for six centuries symbolized the resistance of the Polish people to oppression, John Paul II and Solidarity have become modern symbols of freedom and hope in Poland.

The earlier visit of the Pope, the historic and moving first visit of the first Polish Pope, inspired the establishment of Solidarity. As the trade union grew in numbers and strength, a new Polish national hero emerged. Lech Walesa gave voice to the hopes of millions of Poles, and demonstrated great courage and vision in trying to improve the lives of his fellow workers and their families. Walesa, a simple working man, led millions of his countrymen in a peaceful movement to bring economic justice to Poland. For his efforts, he was placed under house arrest by the illegitimate Jaruzelski regime.

The Jaruzelski government reacted to the free trade movement by imposing martial law and outlawing Solidarity. But whatever the current predicament in Poland, the events of the past week show that the Government is engaged in a futile effort. They can no more succeed at outlawing the spirit of Solidarity than they can stop the tide from washing up on the beach.

John Paul's recent visit again demonstrates where the true loyalty and true support of the Polish nation lie. It is not with a government and its army divisions and secret police, but with a man who comes to Poland, to his homeland, not with the strong-arm authority of army divisions, but with the moral authority and power conveyed by the force of truth and love and God. This solitary man, by speaking the name of the forbidden trade union, Solidarnosc, has written a new and stirring chapter in the ages-old struggle for human dignity and basic economic freedom.

Much has been said about what will come of this pilgrimage of the holy father. Some have wondered what would be the ultimate result, fearing the possibility of more severe crackdowns and repression after the Pope leaves Poland. These are serious questions, and in the short run they must concern all of us who cherish freedom and pray for its return to Poland.

But in the long run, the beacon of hope carried by John Paul is that the Polish people's yearning for freedom cannot and will not be crushed. From this proof of the indomitability of the human spirit, we can all take great pride.●

FOREIGN INVESTMENTS IN U.S. PENSION PLANS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. CONABLE. Mr. Speaker, Mr. JENKINS, myself, and others are introducing legislation today which would amend the Internal Revenue Code to permit foreign pension plans to invest in the United States on a tax-free basis.

This bill is offered for several reasons. First, it is a matter of long-standing U.S. tax policy that determinations of U.S. tax liability for foreign taxpayers should be based on U.S. standards. In this regard, present U.S. tax law exempts from U.S. tax the investment income of qualified U.S. pension and retirement plans, while U.S. source income of foreign pension plans is subject to U.S. withholding tax at rates of up to 30 percent. Since foreign pension plans are generally exempt from tax in their home countries, there is a very strong disincentive for foreign pension plans to invest in this country.

Mr. Speaker, this inequity in tax treatment between U.S. and foreign pension plans not only is against our general tax policy, but it prevents U.S. industry from tapping an important new source of capital. Foreign pension plans hold several hundreds of billions of dollars of assets. These plans have shown an interest in investing in the United States in order to diversify their investment portfolios and to lesson their dependence on the economies of their home countries. Funds from foreign pension plans can add to the pool of capital that can be made available to the U.S. economy to develop and revitalize our industrial base and to provide the capital that is being demanded by various groups ranging from our cities for urban development to our high technology firms for growth. Furthermore, since foreign pension plan investments are usually made on a long-term basis, they provide more stability than other forms of foreign investment.

Second, unlike many proposals that merely shift capital from one sector of the economy to another, this bill will actually bring new capital to this country. By adding to the U.S. capital pool, our proposal would also assist in the creation of new employment opportunities and would further pressure the lowering of interest rates. In addition, since foreign pension plans are not generally investing in the United States, or are structuring their investments so as to minimize U.S. tax, our proposal would have little or no tax revenue loss and would fit within our current budgetary restraints.

Mr. Speaker, our bill would allow foreign pension plans to make passive investments on a tax-free basis directly in the United States or through financial intermediaries such as banks, insurance companies or investment houses. The bill, however, limits the tax exemption to foreign pension plans that qualify for favorable treatment under the tax laws of the country in which they are organized; that are funded with assets which are segregated from those of the employer; and that are maintained primarily to provide retirement benefits for nonresident employees.

Finally, the bill would establish a framework of review under which the governments of foreign countries may be required to give favorable tax treatment to U.S. pension plans that want to invest abroad.

We believe that this bill will help to provide meaningful economic growth for this country and we urge our colleagues to support this legislation.●

UNEMPLOYMENT IN GEORGIA'S EIGHTH DISTRICT

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. ROWLAND. Mr. Speaker, although my congressional district may not have the highest unemployment levels in the country, I believe there are structural problems that may result in the unemployment levels in rural Georgia being among the most long lasting and far reaching.

Although the area I represent experienced somewhat of an economic boom in the 1960's and 1970's, many of the newly created jobs were in lower wage production plants.

Many of these plants were established as the economic core of an entire community, and now as foreign competition lures these industries to even cheaper labor overseas, the resulting economic structure is weakened. In many instances, there is no longer a base of economic growth upon which to build a prosperous community.

Textile mills have been particularly affected by foreign competition.

At one time, the combination of low wages, few unions, and relaxed regulations made the South a haven for industry. But in spite of these incentives, my district is comprised more of small businesses and branch industries than any corporate headquarters which might have stimulated growth within the human resource areas.

It is important for the Congress, when looking for areas of high unemployment, to focus more on the pockets of unemployment and the contributing factors.

For instance, targeting Federal assistance for the unemployed in Georgia using numbers only may result in a disproportionate share of aid being directed toward cities better equipped to stimulate their individual economic recovery.

The larger cities in Georgia are often more recession-resistant and able to rebound with a minimum amount of sacrifices. However, the more rural areas have not been able to manage as well.

Much of the economy in the eighth district, while diversified, is depressed. Georgia farmers are among some of the most debt-ridden in the South.

The other industries of my district—the poultry farms, the textile mills, the timber industry—have not been as quick to respond to signs of economic recovery.

There are some exceptions to this, however. The mobile home industry in my district has flourished during the slump in the real estate market for conventional housing.

Any temporary or long-term assistance offered to the ranks of the unemployed must take into consideration the causes of the unemployment and the demographic characteristics of those affected.●

UNEMPLOYMENT IN SOUTHWESTERN PENNSYLVANIA

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 1983

● Mr. MURPHY. Mr. Speaker, there is no more urgent priority for this Congress than to put our Nation's men and women back to work.

In dry economic terms, unemployment is a key cause of the spiraling budget deficit that is inhibiting any real economic recovery: Every percentage point of joblessness adds $30 billion to the deficit. However, the human tragedy that is caused by unemployment can never be measured by percentage points. Permanent job loss can mean the shattering of families and even communities that were centered around an industry. The financial drain on the unemployed worker is combined with psychological, physical, and social strains, which can leave an individual totally devastated.

In my home district in southwestern Pennsylvania, the unemployment rate is well above the national average. For example, one of the hardest hit areas in my district is Fayette County where the unemployment rate is 26.1 percent. The current recession has had a dramatic adverse impact on our steel, mine, and factory workers. The United Steelworkers in our Local District 20 has 65,000 members, and presently 36,000 are without work. The loss of income for these unemployed steelworkers is compounded by a loss of health coverage. Although most health plans provide temporary coverage to those who are laid off, most of our unemployed have exhausted these benefits. There has also been a dramatic increase in mortgage foreclosures. Judge Papadakos from Allegheny County Court of Common Pleas said that there are 20,000 mortgages in foreclosures, which is 10 times higher than normal.

Many honest hard-working people in my district have seen their jobs vanish, and with them their financial stability, their health, and their families. Many of the effects of unemployment will last far longer than unemployment itself. It is clear that we must take immediate action to provide relief for our unemployed and their families.

I believe that the Federal Government can and must be an ally of the unemployed. Congress should take steps to make U.S. exports more competitive, provide assistance for the unemployed who are in jeopardy of losing their homes, work with management and labor to revitalize our industrial base and strengthen training and retraining programs. The Federal Government must play a more compassionate and comprehensive role in order to reduce the human suffering caused by unemployment.

Mr. Speaker, at this time, I would like to insert into the RECORD an article from the Chicago Tribune, which describes the plight of the steelworkers in my district.

The workers described in this article are exemplary of what is occurring all across our Nation. They are people who are accustomed to having job stability, but due to the recession, they are struggling to feed their families.

I hope that stories like these will convince the Reagan administration to put aside their rigid economic policies in the interest of finding real solutions to our Nation's No. 1 problem—unemployment.

[From the Chicago Tribune, Jan. 16, 1983]

RECESSION IS PRODUCING SHATTERED SPIRITS IN OLD STEEL MILL FAMILIES

(By Eileen Ogintz)

HOMESTEAD, PA.—At first, Mike Hrinda got embarrassed when he picked up the free food from his union. It hurt his pride. He was used to giving charity, not taking it.

"But then you see that everyone else is in the same shoes as you are," said the 35-year-old unemployed steelworker. ". . . And you just start to accept it as help from a friend. . . ."

"I never could have imagined that this would happen to me," he continued, noting that he was proud to be the third generation in his family to work in the same U.S. Steel mill in Homestead, a few miles from Pittsburgh. "I was making close to $30,000 a year," he said. "We always had spending money and we always put money aside . . . Now thinking about the future is the hardest part. I think it's a very bleak future."

Here in western Pennsylvania, in the towns that grew up around the huge steel mills near Pittsburgh, thousands of steelworkers like Hrinda have watched helplessly this past year as their lives and dreams have shattered. For generations, they tied their fortunes to the steel mills, and now the industry's severe problems are destroying them and crippling their communities—perhaps permanently.

"I don't think it can get any worse," said Lou Washowich, the mayor of McKeesport, the largest mill town in the region with 31,000 people and an unemployment rate over 20 per cent. "There's got to be light at the end of the tunnel someplace."

Others aren't so sure, however. The steel industry is reporting the lowest production levels since the Depression, with mills operating at only 30 per cent of capacity at the end of 1982, according to the American Iron and Steel Institute. Partly, this is caused by the recession and the collapse of the auto industry, construction and other big steel customers. Partly it's caused by changing modern technology that hits hard at mills in older areas like this one.

At the same time, imported steel is taking a bigger share—22 percent last year—of a smaller market. Experts explain that some foreign steel is cheaper, of better quality, and easier to obtain than comparable American steel.

Consequently, by last November, employment in American steel mills had reached the lowest level since records were begun in 1933, AISI just reported. Forty-four percent of American steelworkers are now out of work—154,500 people—double the number unemployed a year ago, according to the United Steelworkers Union. And about 60,000 of them are in Pennsylvania, with most around Pittsburgh. Union spokesmen say the downturn in production in Chicago steel mills is not as severe as in Pittsburgh and as a result, layoffs, while considerable, are not as bad.

But no matter where they live, a good many of these unemployed steelworkers may never again work in a steel mill.

"It is our feeling that we'll never return to the high levels [of employment] we had before," said Jack Sheehan, a spokesman for the United Steelworkers Union in Washington, D.C. The union notes that 100,000 steel jobs have been lost just in the '70s as production slowed and some plants closed.

"Many people can't believe this is permanent," said Mike Stout, an official of United Steelworkers Local 1397, Mike Hrinda's union in Homestead where 5,000 of the steel mill's 7,000 employees have been laid off, most for close to a year. "They just keep hoping it's going to go away," Stout said.

Some are beginning to accept that their jobs are gone forever. Others are afraid to give up hope. No one knows what to do. "Do I just give up my 17 years in the mill?" asked Hrinda, who has a wife and four children to support.

"I go out looking for a job at least once a week," added George Kemp, who is 40 and had worked as a welder in the Homestead mill for the last 12 years until he was laid off last March. "I never collected unemployment checks before . . . I never wanted to . . . but there just isn't any work out there . . ."

"Sure you think about leaving," Hrinda interrupted. "But your roots are here."

Close to 30,000 unemployed steelworkers live here in the Monongahela Valley, Mon Valley to the locals, in the string of small mill towns that include Homestead and Braddock and McKeesport and Duquesne and stretch south from Pittsburgh through winding hilly roads along the Monongahela River. Most grew up here, their lives even as children revolving around the mills where their fathers and grandfathers and uncles worked.

And until now, despite intermittent layoffs, the mills were good to them. They earned as much as $12 an hour. They could afford houses and nice cars and vacations. They could buy as much meat as they liked and they didn't have trouble paying for groceries or their kids' new sneakers or carpet for the living room.

But the recession changed all of that, leaving them dumbfounded, trying to figure out where they went wrong—people who always worked hard, went to church, and believed in the American way. Now they must scramble to pay for mortgages and utilities and food on unemployment checks—the maximum being $198 weekly. A lot of families already have begun to use up their benefits and many don't qualify for food stamps.

Close to 40 union food banks have opened in the Mon Valley in the last year and are providing food for thousands of families, food partly paid for by voluntary deductions taken from working steelworkers' checks. "We spend as much as we can get and we still can't cover the need," said Steffi Domike, an unemployed steelworker herself who oversees one of the larger ones. "It's increasing every week . . . now we're feeding 1,600 families every four weeks."

Most everyone's savings are gone. After six months out of work, they lose their union medical insurance and just hope no one gets seriously ill. Some already have lost their homes. So many mortgages were getting foreclosed, in fact, that Nicholas Papadakos, administrative judge for the Allegheny County Court of Common Pleas, ordered a moratorium on sheriff's sales of homes which are owned and occupied by unemployed people. "We have 20,000 mortgages in foreclosure right now—that's about ten times higher than normal," Judge Papadakos said. "Something had better happen pretty soon or it could be worse than it was in the '30s."

Folks here are angry at their predicament and vent their frustration any way they can. They fight with their wives and their children and their friends. Some of them are drinking too much and using drugs.

"It's all predictable," said the Rev. James VonDreele, pastor of St. Mathew Episcopal Church in Homestead. "They say they're so tired of being so damn broke. The pressure is so great families are beginning to fall apart. These people just never have been through anything like this."

Now the region's clergymen and union leaders are trying to channel that anger for a positive—and political—purpose. They're constantly forming committees, having meetings, and planning rallys to both call attention to the region's desperate plight and to provide help for those who need it.

They've set up hotlines and the food-banks, and started projects to get people everything from free medical care to help with fuel bills and mortages. They're even organizing a national march on the Capitol in Washington of unemployed workers from around the country. It's slated for March.

Now they want the Mon Valley region to be declared a federal disaster area. "We're living under disaster conditions as real as any earthquake or flood," declared the Rev. Douglas Roth, pastor of the Trinity Lutheran Church in Clairton at a meeting that drew more than 1,000 people to the First United Church in McKeesport last week. They didn't need much convincing that this was the right approach.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 30, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 1

9:30 a.m.
Judiciary
To hold oversight hearings on the effects of antitrust laws on the domestic steel industry.
SD-226

JULY 12

9:30 a.m.
Agriculture, Nutrition, and Forestry
Nutrition Subcommittee
To hold oversight hearings on the effectiveness of the commodity distribution program.
SR-328A

Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine certain murder cases involving children.
SD-226

Labor and Human Resources
To hold oversight hearings on activities of the Legal Services Corporation.
SD-430

2:00 p.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 13

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1148, to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Community, Montana by the U.S. Court of Claims.
SD-628

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on S. 1152, to provide consumers with certain cost information relating to consumer leases, and to extend certain disclosure requirements to rental-purchase agreements.
SD-538

Commerce, Science, and Transportation
To resume hearings on S. 1108, proposed Highway Safety Act, focusing on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials.
SR-253

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concurrent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

Labor and Human Resources
To hold hearings on home health care services.
SD-430

Small Business
Urban and Rural Economic Development Subcommittee
To hold hearings on certain small business capital formation proposals.
SR-428A

Veterans' Affairs
To hold oversight hearings on certain health issues affecting veterans, focusing on the recruitment and retention of VA medical staff, and to examine the location of certain VA facilities to rural areas.
SR-418

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

2:00 p.m.
Foreign Relations
Business meeting, to continue consideration of certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concurrent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

JULY 14

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings on S. 1368, to permit the Secretary of Agriculture to issue marketing orders regulating the handling of eggs.
SR-328A

Small Business
Business meeting, to consider pending calendar business.
SR-428A

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on future directions in nursing home health care.
SD-430

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on problems developing from the manufacture and distribution of imitation controlled substances known as "look-alike drugs".
SD-628

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

3:00 p.m.
Select on Ethics
Closed meeting to consider pending committee business.
S-207, Capitol

JULY 15

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold hearings to examine trends in the projected life expectancy of U.S. citizens.
SD-215

10:00 a.m.
Environment and Public Works
To resume hearings on national infrastructure issues, and on proposals to develop long-term public works job opportunities, including S. 23, S. 532, and S. 1330.
SD-406

JULY 18

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the U.S. Army Corps of Engineers, and to begin hearings on S. 669, authorizing the construction of a project for navigation at the Bonneville lock and dam, Oregon and Washington, and S. 1554, to provide for the recovery of a certain portion of Federal funds for the construction, operation, and maintenance of the national inland waterway system.
SD-406

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on the recent Supreme Court ruling to repeal the legislative veto.
SD-226

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on a Presidential commission report on excellence in education.
SD-430

JULY 19

8:30 a.m.
Small Business
To hold oversight hearings on the Small Business Administration's small business development center program.
SR-428A

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To resume hearings on S. 522, to remove certain juvenile offenders not being tried as adults from adult detention centers.
SD-226

Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 752, to provide for certain measures to reduce the salinity of the Colorado River.
SD-366

Select on Intelligence
To resume hearings in closed session on S. 1324, to regulate public disclosure of Central Intelligence Agency information.
SR-232A

2:00 p.m.
Small Business
To continue oversight hearings on the Small Business Administration's small business development center program.
SR-428A

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to resume markup of S. 564, to establish the U.S. Academy of Peace.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

JULY 21

9:30 a.m.
Small Business
To hold oversight hearings on the Small Business Administration's program delivery.
SR-428A

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rate of dependency and indemnity compensation for surviving spouses and children of veterans, and related proposals, including S. 859, S. 995, S. 1187, S. 1318, S. 1371, S. 1401, S. 1402, and S. 1403, and other pending calendar business.
SR-418

JULY 22

9;30 a.m.
Labor and Human Resources
To hold hearings to receive a task force report on the pertussis vaccine.
SD-430

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

JULY 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to discuss pending business matters.
Room to be announced

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal mine safety and health amendments.
SR-485

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold oversight hearings on the acquisition of land, and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management at the White Sands missile range in New Mexico
SD-366

Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on the problem of runaway and homeless children.
SD-226

Labor and Human Resources
Business meeting, to mark up S. 1133, to authorize funds for fiscal years 1984, 1985, and 1986 for the Legal Services Corporation.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1520, to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-562

JULY 28

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 5, to designate certain public lands in the State of California as wilderness, and H.R. 1437 and S. 1515, bills entitled the "California Wilderness Act of 1983."
SD-366

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

AUGUST 3

9:30 a.m.
Labor and Human Resources
To resume hearings on health care cost issues.
SD-430

AUGUST 8

9:30 a.m.
Labor and Human Resources
To resume oversight hearings on the Department of Labor's law enforcement activities, focusing on the organized crime and racketeering section of the Department of Labor's Office of Inspector General's investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SD-325

CANCELLATIONS

JUNE 30

9:30 a.m.
Rules and Administration
Business meeting, to consider H.R. 3034, to provide for the appointment and education of congressional pages, Senate Resolution 150, to authorize the printing of additional copies of the Joint Economic Committee print entitled "Changing Economics of Agriculture: Challenge and Preparation of the 1980's," and pending legislative and administration business.
SR-301

10 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 1101, to authorize funds for fiscal years 1983, 1984, 1985, and 1986 for certain fishery programs, and S. 663, to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.
SR-328A

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Business meeting, to consider pending calendar business; to be followed by the Subcommittee on Separation of Powers to mark up S. 462, to clarify certain provisions of the Hobbs Act relating to Federal jurisdiction over labor extortion matters.
SD-226

JULY 20

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to explore problems affecting the quality of education.
SD-430

HOUSE OF REPRESENTATIVES—*Thursday, June 30, 1983*

The House met at 10 a.m.

Rev. Donald J. Young, Glen Carlyn Road Baptist Church, Falls Church, Va., offered the following prayer.

Let us pray:

O God, we acknowledge You as giver and sustainer of life and through Your Son provider of eternal life. We pray Your wisdom and guidance upon our leaders as they meet here today to deliberate on matters which not only affect your creation but Your people as well.

We acknowledge Your blessings upon us and give thanks to You for Your care and watching over us. We thank You for the freedom and liberties which have been given to us. Help us as we attempt to preserve them.

We pray Your wisdom and leadership upon our President and Your guidance as he as well as leaders of this great Congress lead us this day, as well as in the days to come.

We pray guidance upon them as they seek to be sensitive to the needs of the people they represent.

In Jesus our Lord's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1271. An act with regard to Presidential certifications on conditions in El Salvador;

H.R. 1746. An act to authorize appropriations for the Navajo and Hopi Indian Relocation Commission.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3223. An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3223) entitled "An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. McCLURE, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. MATTINGLY, Mr. SPECTER, Mr. HATFIELD, Mr. EAGLETON, Mr. STENNIS, Mr. CHILES, Mr. BURDICK, and Mr. SASSER to be the conferees on the part of the Senate.

THE REVEREND DONALD J. YOUNG

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, let me say to the Members of the House of Representatives that it is an honor and privilege that I have to introduce and present to you Rev. Donald J. Young.

Rev. Donald Young is minister of Education at Glen Carlyn Road Baptist Church in Falls Church, Va. Reverend Young is a graduate of Southern Baptist Theological Seminary (December 1981), Louisville, Ky. His parents, Mr. and Mrs. Ralph Young, reside in Oaklawn, Ill., and he is married to Debbie Young, daughter of Mr. and Mrs. Lonnie Dye of Granite City, Ill. Reverend Young and his wife, Debbie, have one daughter, Dawne Renee.

I am very pleased to have had Reverend Young on the floor of the House of Representatives. May God continue to bless him in spreading the good news of the Gospel.

RESIGNATION AS MEMBER OF JOINT COMMITTEE ON PRINTING

The SPEAKER laid before the House the following resignation as a Member of the Joint Committee on Printing:

WASHINGTON, D.C.,
June 29, 1983.

Hon. THOMAS P. O'NEILL,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Please accept my resignation from the Joint Committee on Printing. Since I am no longer a member of the Committee on House Administration, it is appropriate that I be replaced by a minority member of that committee.

Sincerely,

LYNN MARTIN,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that there will be no 1-minute speeches until after the resolutions are disposed of. The House will consider four resolutions that we hope to be able to adopt. It is expected that we will rise at a very reasonable hour today, in view of the fact that many Members have reservations to go back to their districts.

AUTHORIZING AN INVESTIGATION AND INQUIRY BY THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 254 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 254

Resolved, That the Committee on Standards of Official Conduct is authorized and directed to conduct a full and complete inquiry and investigation into improper alterations of House documents including, but not limited to the alleged alteration of transcripts of joint hearings entitled, "EPA Oversight: One Year Review", before certain subcommittees of the Committee on Government Operations, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives, Ninety-seventh Congress, second session, July 21, and 22, 1982, and to determine whether any individuals have violated the Code of Official Conduct or any law, rule, regulation, or other applicable standard of conduct, or engaged in any other misconduct with respect to the events investigated. The scope of the inquiry and investigation may be expanded by the committee to extend to any matters relevant to discharging its responsibilities pursuant to this resolution or the Rules of the House of Representatives.

SEC. 2. The committee is authorized and directed to report to the House of Representatives any findings, conclusions, and recommendations it deems proper with respect to the adequacy of the present Code of Official Conduct or the Federal laws, rules, regulations, and other standards of conduct applicable to the conduct of Members, officers, or employees of the House of Representatives to prevent alteration of transcripts of hearings or other documents of committees of the House of Representatives.

SEC. 3. The committee, after appropriate notice and hearing, shall report to the House of Representatives its recommendations as to such disciplinary action, if any, that the committee deems appropriate by

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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the House of Representatives and may provide such other reports of the results of its inquiry and investigation as the committee deems appropriate.

Sec. 4. (a) For the purpose of conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to request or compel—

(1) by subpena or otherwise—

(A) the attendance and testimony of any person—

(i) at a hearing; or

(ii) at the taking of a deposition by one or more members of the committee; and

(B) the production of things of any kind; and

(2) by interrogatory, the furnishing under oath of such information as it deems necessary to such inquiry or investigation.

(b) A subpena for the taking of a deposition or the production of things may be returnable at such places and times as the committee may direct.

(c) The authority conferred on the committee by subsections (a) and (b) of this section may be exercised—

(1) by the chairman and the ranking minority member acting jointly, or, if either declines to or is unable to act, by the other acting alone, except that in the event either so declines or is unable to act, either shall have the right to refer to the committee for decision the question whether such authority shall be so exercised, and the committee shall be convened as soon as practicable to render that decision; or

(2) by the committee acting as a whole.

(d) Subpenas and interrogatories authorized under this section may be issued over the signature of the chairman, or ranking minority member, or any member designated by either of them. A subpena may be served by any person designated by either of them and may be served either within or without the United States.

(e) Any member of the committee or any other person authorized by law to administer oaths may administer oaths pursuant to this resolution.

(f) All testimony taken by deposition or things produced by deposition or otherwise, or information furnished by interrogatory pursuant to this section, other than at a hearing, shall be deemed to have been taken, produced, or furnished in executive session.

Sec. 5. For the purpose of conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to sit and act, without regard to clause 2(m) of rule XI of the Rules of the House of Representatives, at such times and places within the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

Sec. 6. The committee is authorized to seek to participate and to participate, by special counsel appointed by the committee, on behalf of the committee and the House of Representatives in any judicial proceeding concerning or relating in any way to any inquiry or investigation conducted pursuant to this resolution, including proceedings to enforce a subpena.

Sec. 7. The authority conferred by this resolution is in addition to, and not in lieu of, the authority conferred upon the committee by the Rules of the House of Representatives. In conducting any inquiry or investigation pursuant to this resolution, the committee is authorized to adopt special rules of procedure as may be appropriate.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: In section 3, strike "may provide such other reports of the results of its inquiry and investigation as the committee deems appropriate." and insert in lieu thereof the following: "shall in any event report to the House the results of its inquiry and investigation, and said report shall be made to the House not later than December 30, 1983.".

The committee amendment was agreed to.

The SPEAKER. The gentleman from Louisiana (Mr. Long) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, as is the custom of the House in matters such as this, I yield 30 minutes to the gentleman from Mississippi (Mr. Lott) for purposes of debate only, and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 254, which authorizes an investigation and inquiry by the Committee on Standards and Official Conduct, was reported by the Committee on Rules as a privileged resolution, and, in accordance with the rules of the House, it is to be debated for 1 hour in the House.

House Resolution 254 was introduced by the chairman of the Committee on Standards of Official Conduct, the gentleman from Ohio (Mr. Stokes) and by the distinguished ranking member, the gentleman from South Carolina (Mr. Spence). The Committee on Rules reported this resolution yesterday by voice vote after hearing testimony from these gentlemen, as well as the gentleman from Kansas (Mr. Winn), the gentleman from Pennsylvania (Mr. Walker), the gentleman from Wisconsin (Mr. Sensenbrenner), the gentleman from New Hampshire (Mr. Gregg), and the gentleman from Indiana (Mr. Hiler).

The resolution authorizes and directs the Committee on Standards of Official Conduct to undertake an investigation into improper alterations of House documents including but not limited to transcripts of joint hearings held July 21 and 22, 1982, before certain subcommittees of the Committee on Government Operations, the Committee on Energy and Commerce, and the Committee on Science and Technology to review the operation of the Environmental Protection Agency. The resolution authorizes and directs the committee to determine whether any individuals have violated the Code of Official Conduct or any law, rule, regulation, other standards of conduct, or engaged in any other misconduct with respect to the events investigated. An amendment was agreed to during the course of yesterday's hearing in the Rules Committee which directs the Committee on Standards of Official Conduct to report the results of their inquiry to the full House no later than December 30, 1983.

With adoption of the House resolution, as amended, the Committee on Standards of Official Conduct will investigate thoroughly all allegations of the alteration of the transcripts, and will report their findings along with any disciplinary action deemed necessary to the full House by the specified date.

I should point out to my colleagues that the provisions of clause 4(e)(1) of rule X of the Rules of the House of Representatives, empower the committee to conduct an investigation of alleged violations of the Code of Official Conduct or of any law, rule, or regulation of the House applicable to the conduct of Members, officers, or employees.

However, it was considered important by the Ethics Committee and the Committee on Rules to have a clear mandate from the full House of Representatives that the Ethics Committee pursue a complete investigation and inquiry into the alleged alteration of hearing transcripts and other committee documents, and to permit the committee to use special procedures to facilitate the investigation.

The resolution we are considering today provides the Committee on Standards of Official Conduct the discretion of determining the scope of the inquiry and of making recommendations to the House regarding the adequacy of existing laws, rules, and regulations applicable to Members of Congress.

In addition, the resolution grants the committee special procedural tools to facilitate its investigation into these matters. I should like to review these "special tools" for my colleagues. To begin with, House Resolution 254 authorizes the committee to request or compel, by subpena or otherwise, the attendance and testimony of any person at a hearing or at the taking of a deposition by one or more members of the committee, and the production of things of any kind.

In addition, the resolution grants the committee the authority to compel, by interrogatory, the furnishing under oath of such information it deems necessary to the investigation.

The resolution further allows the committee to meet without regard to clause 2(m) of House Rule XI at any time or place within the United States whether the House is meeting, has adjourned, or recessed.

The resolution authorizes the committee to participate, by special counsel appointed by the committee, on behalf of the committee or the House of Representatives in any judicial proceeding concerning this investigation, including proceedings to enforce a subpena. Similar authority has been granted for other investigations as well as the investigations conducted by the Ethics Committee during past Congresses.

The resolution also makes clear that authorities conferred upon the committee by means of the resolution are in addition to the committee's authority under House rules. Finally, the committee is empowered to adopt special rules of procedure as may be appropriate to facilitate this investigation.

Mr. Speaker, we are all deeply concerned over the allegations which have been raised of improper alteration of documents. It is vital to our function as policymakers that we are able to entrust completely the accurate representation of our ideas and opinions in official proceedings. The special tools granted by House Resolution 254 to the Committee on Standards of Official Conduct will facilitate the investigation and lay these questions to rest.

I recommend that we adopt this resolution so that the committee can proceed with a clear mandate from the full House and the tools with which to conduct an expeditious and judicious investigation. I urge my colleagues to vote in favor of the resolution.

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Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to apologize to the Members on our side of the aisle for not having knowledge of the fact in advance that we were not going to have 1-minute speeches first today. I know a lot of Members were here in anticipation of giving 1-minute speeches and were inquiring about what the time schedule would be.

If we had known before the 10 o'clock hour, I assure you the Members would have been so advised.

Mr. Speaker, I think it is fair to say that House Resolution 254 is not the first choice of most of us on this side of the aisle. My colleagues will recall that yesterday the gentleman from Kansas (Mr. Winn) rose to a question of privilege of the House and presented a privileged resolution, House Resolution 245, that would have created a bipartisan, select committee to investigate in open hearings the alteration of House transcripts and documents. But that resolution was referred to the Rules Committee on a motion offered by the majority leader.

Later yesterday afternoon, about 5 minutes of 5 o'clock, to be precise, the chairman of the Rules Committee notified me that there would be an emergency meeting at the 5 o'clock witching hour, not to consider the resolution offered by the gentleman from Kansas (Mr. Winn), but, rather, to take up a resolution introduced by the chairman of the Committee on Standards that same day.

His resolution would vest in the Standards Committee expanded authority to investigate the improper alteration of House documents including the transcripts from the joint hearings on the EPA witchhunt held in the last Congress.

Mr. Speaker, I have fully supported my colleagues on this side of the aisle who have been directly affected by these transcript alterations and who have pressed for a prompt, thorough, and open investigation.

The wrong that has been done to these Members and to the House goes to the very heart of what is defined by House Rule 9 as a question of privilege; that is, matters which affect both the integrity of the proceedings of the House and the rights, reputations, and conduct of Members in their representative capacities.

Mr. Speaker, the numerous examples of transcript alterations which have been previously cited in colloquys on this floor would seem to point to a pattern that may extend way beyond the three committees now being mentioned and involved. It seems to point to a pattern and a practice of malicious misconduct aimed at discrediting and defaming Members of this House.

As I have said before, in all of my years I have been around here, 15 years, I have never heard of this sort of thing occurring. But I fear, as I have talked to people and asked questions, that it is more widespread than maybe we realize; yet, and I am not talking about one side of the aisle or the other, it could be applicable to both sides.

We are not talking here about somebody's idea of a joke, as we had a few years ago when some 1-minute speeches or some speeches were turned in, in Members' names, but they really were not the ones that wanted those speeches turned in.

No, it is not that kind of a joke, which was a violation, by the way, of the rules, and involved the integrity of the House, too. And it is not an isolated dirty trick but, rather, a gross violation of the integrity of our committee proceedings which lie at the very foundation of our Nation's legislative process.

For if the legislative history made by the duly elected Representatives of the people is subject to malicious alteration and distortion by anonymous, nonelected staffers, then the credibility of this institution, the people's branch, is in serious jeopardy.

All our written records become suddenly suspect in the eyes of the people, the press, and the courts.

How much weight, for instance, are the courts likely to give to the legislative history we supposedly made as Representatives when the actual source of that history is in doubt? And yet that is the situation in which we find ourselves until the guilty are found and punished and adequate steps are taken to prevent the recurrence of such abuse.

Mr. Speaker, for these reasons, my first choice to deal with this was a special, select committee devoted exclusively to investigating transcript and document alteration in an open and expeditious manner.

This preference was not a vote of no confidence in our standing Committee on Standards of Official Conduct.

I do not mean that at all. I do not mean to imply that and I do not want members of that committee on either side of the aisle to feel that.

Rather, it was a realistic recognition of the need for a special mechanism to immediately restore confidence in the House, and also a recognition, at least on my part, that the Committee on Standards of Official Conduct is busy right now. They have a lot to do.

The Committee on Standards of Official Conduct is already investigating several serious matters, and I understand may be reporting in some way in the month of July. That has to be a burden, or an impediment to moving quickly in this particular situation.

It was therefore our feeling that the House might best be served by a short-term special investigating committee and we would like to have had that considered by the Rules Committee, but it was not considered.

Having said all of that, Mr. Speaker, let me indicate that I will support the pending resolution because I think it is important that we move on out in this situation.

We have been assured by the chairman of the committee and assured by all of the ranking Members and chairmen on this side of the aisle that this thing is not going to be shunted aside. It is going to be acted on quickly and I think it is important that we do that.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. The gentleman says that he intends to support the present resolution. Does the gentleman intend to support it even though there is a possibility that the rules that will be established by the investigating committee will not make this open to the public?

Mr. LOTT. Yes; yes, I will, even though I would prefer, and I asked these questions in the Rules Committee, that it be totally open, even to the subpenaed testimony.

But I must say this, and the gentleman is an attorney and must share some of this concern, the Committee on Standards of Official Conduct sometimes has allegations, rumors, which they must investigate and they must have subpenaed testimony. Sometimes it involves people who are totally affected who are totally innocent, but the mere fact that they are called in to give testimony or there has been a rumor that they may have

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done thus and such, their own person is violated.

I really wrestled with this question. But I think we must be careful that we not in our exuberance to get to the bottom of this allow other people who are really fundamentally innocent to be besmirched by the process. Therefore I have confidence in the members of the Ethics Committee that they are not going to let this thing proceed in a covered up fashion.

If they do, we will mark that day and that process well. But until they do I just think we have to err on the side of not going that far.

I know there are people on this side of the aisle that will not agree with that particular point. But I do feel like there are other things that must be considered.

Mr. GEKAS. Will the gentleman yield further?

Mr. LOTT. I yield to the gentleman.

Mr. GEKAS. Then the gentleman is really saying he will support this because there is nothing else? This is the only ball game in town?

Mr. LOTT. That is basically it.

Mr. GEKAS. The gentleman would prefer the select committee but if there is no other way to bring the facts forward and put them on the record that this would be at least an alternative?

Mr. LOTT. The gentleman is right. That is right.

I will support any effort here today on the floor still to go with the select committee because I really and truly believe that that is the best way to go. But failing that, I believe it is important that this thing be moved forward here in the House and that it be pressed at the Justice Department as far as possible on the criminal violations and civil rights violations that have occurred here.

This is not the end of this matter. This is the beginning of getting it fully investigated.

But I do not think we should in any way impede moving forward. If you cannot have it the way you would prefer it you go forward with the next best available tool and this appears to be all that we may have at this point in view of the vote that occurred yesterday.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. LOTT. I would like to speak briefly about the resolution itself.

First, the resolution does expand the authority of the Ethics Committee to include all improper alterations of House documents; it authorizes the committee to determine whether any individuals have violated any rule, law, or standard, or engaged in any other misconduct; and it may investigate any matters relevant to the scope of the inquiry.

In short, Mr. Speaker, by the terms of this resolution the investigative authority of the Ethics Committee is expanded far beyond its normal jurisdiction under House rules.

Second, the resolution permits either the committee or the chairman and ranking majority member acting jointly, or either acting separately, subject to committee approval, to compel testimony and documents by subpena, deposition, or interrogatory.

Moreover, the resolution permits any Member of the committee to take depositions, which will greatly help to expedite the investigation.

Third, the committee is granted authority to use special counsel to participate in any judicial proceedings relating to the conduct of the investigation and enforcement of subpenas. Without this new authority the committee woud have to come back to the House each time any of its actions are challenged in the courts, or we could be forced to fall back on our power to punish for contempt, an imperfect mechanism for compelling compliance with subpenas as we well know.

Fourth, while the original resolution left the matter of a report open and sometimes the Committee on Standards of Official Conduct has submitted a report and other times, for a variety of reasons it has not, I thought it was absolutely essential in this instance that the House get a report in a timely fashion of what was being found by the investigation.

If after that timely report more investigation or more activity was involved, fine, they could still go ahead and do that but we must have a report and we must have a timely report to the House of what is involved here.

The majority on the Rules Committee, acting with the minority, did agree that that report language would be included in the resolution and that there would be a date certain to report, and that date certain is not later than December 30 of this year.

I thought that was an important feature because we do not want it to just disappear into a very busy committee without any report ever coming back.

Finally, the committee is authorized and directed to report to the House its findings and recommendations on the adequacy of existing rules and laws to deal with integrity of House documents in order to prevent such abuses in the future. I am hopeful new rules and safeguards are proposed that will eliminate any future opportunity for altering Member's remarks in such an improper and malicious fashion.

So, Mr. Speaker, I think I have covered it. I am obviously very much concerned about this matter. I do take it as being very serious and I know that the chairmen of the various committees also do.

I think it is very interesting that while the national press revels in an orgy with an irrelevant campaign issue, when on something that involves the rules of the House, the integrity of the institution, potential criminal activity as well as civil rights violations, no interest in this issue.

I hope the House will act more responsibly than those in the national media are, and I have to say that I think we are.

Mr. Speaker, at this time I yield 3 minutes to the gentleman from Wisconsin (Mr. Sensenbrenner).

Mr. SENSENBRENNER. Mr. Speaker, I regret that I have to take the floor this morning to debate this issue and that the time of the House will have to be further tied up to talk about what are admitted improprieties and criminal activities on the part of certain unknown staff members.

The chairmen of the three committees involved should have investigated this matter when it first came to light, identified who on the committee staffs were responsible for the transcript alterations, fired them, and referred the entire matter to the Justice Department for criminal prosecution that is bound to ensue since three Federal criminal statutes have been violated here.

But that has not happened and there has been a stonewalling of any effort to get to the bottom of this matter, to weed the rotten apples out, and to restore the integrity that is necessary for the proceedings of the House of Representatives.

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Now, let us look at what has happened in the past week and a half. The gentleman from Mississippi (Mr. Lott) told about the hurry-up emergency meeting of the Rules Committee yesterday that was called on 5 minutes notice to act on this resolution and to bring it up today. And I think we should recall what happened yesterday during the proceedings in the House on the Consumer Products Safety Commission authorization legislation, where, in the midst of a debate on a very important amendment, the committee suddenly rose, the Speaker resumed the chair and the gentleman from Ohio (Mr. Stokes) asked unanimous consent to bring this issue up without notice to the Members. Fortunately, our colleague from New Hampshire (Mr. Gregg) was present to object so that at least the Members would have some notice that this issue was coming up. There has been no contact by the Committee on Standards of Official Conduct or the chairman of the Committee on Government Operations or the Committee on Energy and Commerce with those of us whose comments in the hearings were butchered up, to try to see how we all could cooperate together to get to the bottom of this matter without having a formal Ethics Committee investigation.

Now, all these failures are history and we are here today and now and it does not do the House proud, but we have got to decide how to proceed.

As the gentleman from Mississippi has indicated, he is going to support this resolution on final passage and so am I because this is the last shot we have left. But I think we ought to vote down the previous question so that the special Standards Committee's rules that say that anything in the investigatory stage is held in secret, do not apply. If the previous question is voted down I intend to offer an amendment that says:

> Sec. 8. Notwithstanding any rule of the Committee on Standards of Official Conduct, all meetings, hearings, and depositions authorized by this resolution shall be open.

This does not mean that everything has to go on in public, but what it does say is that the House rules, rather than the Standards Committee's rules on secret meetings prevail and that means there has to be a rollcall vote in the Standards Committee before they go into secret session.

Vote "no" on the previous question, adopt the amendment and then pass the resolution.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. Walker).

Mr. WALKER. Mr. Speaker, this morning I heard on television the chairman of the Democratic National Committee calling for a special prosecutor on a campaign-related problem where criminal misconduct is alleged. Here today, with this resolution we are dealing with a problem where everybody who has reviewed the material admits flatly there are criminal violations involved and yet the Democrats in this House come before us today calling for treating this whole matter in a business-as-usual fashion.

We are not going to have business as usual when it comes to investigating the briefing book; the chairman of that subcommittee has already announced that he is going to hire additional investigators to take care of that matter. But yesterday in this emergency session of the Rules Committee the Ethics Committee chairman announced there that his committee could handle this thing with just the same amount of staff and the same amount of resources that they now have. In other words, no special attention here. Business as usual. But special prosecutors and all of that on the briefing book scandal.

It seems to me that what we are seeing here is a case of unmitigated hypocrisy. I think select committee was the right route to go, because what a select committee would do is assure a full and open investigation.

Yet, at the Rules Committee yesterday, even though the select committee resolution was brought to this floor and voted to go to the Rules Committee, the Rules Committee did not even take up that resolution, they did not even give it a cursory look. Instead they took up their own resolution which we have on the floor today. Did not even give the idea of the select committee a cursory look.

It seems to me that is hyprocrisy.

I suppose the process proposed here is better than nothing. But it certainly is not the vigorous action proposed when the Democrats think that they have some advantageous political issue of their own.

So, I too will probably vote for this resolution. It is all we have. But I think that it is clear that this House is not capable of fully investigating itself and therefore it seems to me that where this matter has got to go now is to the Justice Department.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire (Mr. Gregg).

Mr. GREGG. Thank you, Mr. Speaker.

Mr. Speaker, I come to this floor today, I guess, as a Member who has learned a great deal in the last few weeks, a Member who has come to recognize that even in the most jaded moments we have reached a new low here. The fact that this House has decided not to take this matter up in the open is something which I think this House is going to regret in the future.

It seems to me that when Members, over six or seven Members have their words actually churned and reversed and redirected, that this House owes those Members a little more consideration. What has been an essentially very fast-track attempt to get this matter out of public eye.

The facts, the factors of the movement to the Rules Committee last night have been reviewed, the facts of the way yesterday's debate was carried have been reviewed, the factors of the attempt to get unanimous consent yesterday have been reviewed.

It is truly an unfortunate situation. I would like to add one other point. That is a point that has been raised here relative to the national press coverage of this issue.

It clearly is the ultimate hypocrisy that the national press has made a major issue out of what is an important issue, the Carter briefing books, and then totally ignored something which goes to one of the most fundamental rights the American people have and that is free and clear access to our Government.

I look at the Washington Post, for example, today a front page story on the Carter notebooks, today an editorial on the Carter notebooks. Well, what do they talk about with this issue, well, it is about 1½ column inches stuck on pages 3, 4, or 5. In the annals of yellow journalism this paper clearly gets a good solid lemon. And if truth in advertising were applied to the national media, especially to this newspaper today, they would have to print its columns at a 45-degree angle. This paper belongs in the trash because that is about what the quality of the reporting of this issue has been.

And as a practical matter the national media coverage of this has also been on the same level and if I sound frustrated, I am, obviously, and I am not going to win this battle and I will vote for the final resolution because it is the only choice we are going to have around here. But the fact is that we have been treated poorly here today, not only by this Congress has also by the national media and especially by the primary source in this city.

Thank you very much.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. Hiler).

Mr. HILER. I thank the gentleman for yielding.

Mr. Speaker, I too, am frustrated and rising to support this particular resolution; that was not the most preferred resolution I would like to have seen but it is the only one in town today.

I am somewhat disappointed of the events that took place in the last 24 hours. Yesterday morning Mr. Winn offered a privileged motion, Mr. Wright offered a motion to refer that resolution to the Rules Committee, the House voted overwhelmingly to refer it to the Rules Committee. The Rules Committee did not even take up that particular motion, that particular resolution. But even before that time period, when we were in the 5-minute rule in debating the Consumer Products Safety Commission legislation, the Ethics Committee tried to pass by unanimous consent their resolution.

In my estimation that was totally subverting what the House voted to do just several hours before that. There was then an emergency meeting called in the Rules Committee, 5 o'clock; the Republican members did not even know what it was about. The resolution that was referred to the Rules Committee was not taken up. I hope that the investigation that will be undertaken by the Ethics Committee will be more orderly and more complete than the events of the last 24 hours. I think there is a tremendous irony in what is happening today. We are voting to send this matter to the cocoon of the Ethics Committee, while we read in today's paper how the broadened inquiry into the briefing book, the question of how the Carter documents came into the possession of the Reagan campaign is being investigated by the Justice Department at the request of the White House; additionally it is being considered whether to have a widened congressional inquiry into how the Reagan Campaign Committee obtained the documents.

The committee is going to decide whether to issue subpenas and hold public hearings.

We are going to hold public hearings, subpena powers on what happened down at the White House. Yet, when we are talking about what happened in this very House of Representatives with what is definitely criminal behavior we are going to hold it behind closed doors. I am pleased that the Rules Committee did include in the Ethics Committee resolution a provision which mandates that the Ethics Committee report to this House the result of its finding by December 30. I think that is a major plus for the resolution that the Ethics Committee is required to report.

So, those of us who are involved, the rest of the House and the American people will have a chance to know what did happen. I wish that this had taken place in a more open fashion. But I am happy that it is going to be investigated.

I yield back the balance of my time.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Gekas).

Mr. GEKAS. Thank you, Mr. Speaker.

I, too, want to deplore the double standard mentioned so often by my colleagues here, not only by virtue of the press coverage that has assumed an imbalance between the debate papers and this particular fiasco, but also with respect to the general public's feelings and knowledge about what happened.

I asked several staff members and several constituents at different times in the last few days: "Have you heard anything about the debate papers controversy?" Universally the answer was, "Yes, I saw it on the TV, read about it, I heard something about it."

I asked them, "Have you heard anything about the scandal in the House of Representatives whereby speeches and words and actions of Members of the House have been distorted, deleted, and altered by somebody, somewhere?" They said, "No," universally.

So, that double standard on press coverage and on notoriety exists without question. That is why I have so pointedly asked the gentleman from Mississippi (Mr. Lott), as to whether or not the Ethics Committee is going to make any of this public. It must be made public and as soon as things are present that should be made public for the purposes of balancing this kind of situation.

In my judgment, we are seeing the first shot in what will be a new scandal which, when given the proper press coverage, will be called Altergate. That is a situation where people are altering our words and opening the flood gates of scandal. It is an Altergate situation.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. Spence).

Mr. SPENCE. Mr. Speaker, speaking as a member of the Ethics Committee, I would like to say that I view this, as a very serious matter. It goes to a very fundamental part of our entire process.

I, for one, and I am sure I speak for the Republican members on the Ethics Committee, are very concerned about this matter.

We do not intend to allow anything to be covered up.

This affects everyone on the majority and minority side in this body. It reflects on our entire system. We cannot afford to have the American people lose faith in our system, because if they do, all that we do is for naught.

I would like to say that we need additional powers, if we are to investigate this matter, those things concerning interrogatories, subpenas, and depositions, as has been point out already.

I would like to say one further thing in all fairness: Those people who have concerns about closed hearings, and I have heard some people say that there will be no open hearings, I would like to say this: There is a very good reason, in the investigative part of our committee proceedings, to require executive, closed hearings to keep from ruining the reputation of innocent people who can have their entire reputation, their families, their lives, destroyed by hearsay in an open hearing.

☐ 1045

We cannot afford to let that happen.

If and when, in this part of our proceedings, we find evidence of wrongdoing, then that person is charged with allegations and the hearings then go open.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

What happens if that person should be fired or resign at the time the Committee on Standards has decided to formally charge him?

Mr. SPENCE. That still does not prevent the hearings from going open. As a matter of fact, I will give a hypothetical case to the gentleman—and he should know, he served on the committee. He is an attorney.

In an open hearing involving drugs, someone says: "Well, I heard that Joe sold drugs to Congressman Sensenbrenner." Open hearing. You cannot get that back. You have been harmed.

What we do in a closed hearing is to go to Joe. He says: "No, I didn't sell drugs to Congressman Sensenbrenner." That never goes open. It is a grand jury type proceedings there. Later on it goes open if we find basis for what he says.

The SPEAKER pro tempore (Mr. Kazen). The time of the gentleman from South Carolina (Mr. Spence) has expired.

Mr. LOTT. Mr. Speaker, I yield the remaining minute to the gentleman from South Carolina.

Mr. SENSENBRENNER. If the gentleman will yield further, what happens when you ask Congressman Sensenbrenner whether he ever brought drugs from Joe? Under the gentleman's procedures, even if Congressman Sensenbrenner should want to testify in open, under oath, that he never bought drugs from anybody, under the gentleman's rules, that would have to be in closed hearings so that I could never exonerate myself in public until some time in the future when you come out with a report saying, "We have investigated this and he is innocent."

Mr. SPENCE. If the gentleman ever wants to go to that place and deny something he has not been accused of in public, the gentleman can feel sure he will have that opportunity.

Mr. SENSENBRENNER. I thank the gentleman.

Mr. LONG of Louisiana. Mr. Speaker, having no requests for time, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LONG of Louisiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 250, nays 151, not voting 32, as follows:

[Roll No. 232]

YEAS—250

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Beilenson
Bennett
Berman
Biaggi
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Cooper
Coyne
Crockett
D'Amours
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan

Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hightower
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jenkins
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Martin (NY)
Matsui
McCloskey
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Morrison (CT)
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Quillen
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NAYS—151

Archer
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Davis
DeWine
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Fish
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hammerschmidt
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hunter
Hyde
Jacobs
Jeffords
Johnson
Kasich
Kindness
Kramer
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Mazzoli
McCain
McCollum
McDonald
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Moore
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Paul
Petri
Porter
Pritchard
Pursell
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith (NJ)
Snowe
Solomon
Stangeland
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—32

Badham
Bedell
Bevill
Boner
Byron
Conyers
Daniel
Dickinson
Dowdy
Dreier
Dymally
Erlenborn
Fuqua
Hance
Hansen (ID)
Harrison
Heftel
Jones (NC)
Kemp
Leach
Lehman (CA)
Martinez
Mavroules
McCandless
McDade
Mrazek
Smith (IA)
Smith, Denny
Smith, Robert
Weaver
Whitten
Williams (MT)

☐ 1100

The Clerk announced the following pairs:

On this vote.

Mr. Mrazek for, with Mr. Badham against.

Mr. Heftel of Hawaii for, with Mr. McCandless against.

Mr. Dymally for, with Mr. McDade against.

Mr. Boner for, with Mr. Denny Smith against.

Mr. Lehman of California for, with Mr. Robert F. Smith against.

Mr. MORRISON of Washington and Mr. LUJAN changed their votes from "yea" to "nay."

Mr. ROSTENKOWSKI changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. Kazen). The question is on the resolution.

Mr. LONG of Louisiana. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 409, not voting 24, as follows:

[Roll No. 233]

YEAS—409

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leath
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe

OL
129
PT
13
JE
23
—
30
983
MI

Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NOT VOTING—24

Badham
Bedell
Boner
Byron
Daniel
Dowdy
Dreier
Dymally
Erlenborn
Fuqua
Hance
Hansen (ID)
Harrison
Heftel
Kemp
Leach
Lehman (CA)
Martinez
Mavroules
McCandless
Mrazek
Smith (IA)
Smith, Robert
Whitten

□ 1115

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RETIREMENT OF MIKE PRELOH

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I take this opportunity to call to the attention of the Members of the House the fact that after 41 years and 6 months, Mike Preloh, the superintendent of the garage at the Rayburn House Office Building is retiring today. He had 36 years working for the Congress, preceded by 5 years in the military service.

Mike has had a very long and distinguished career of dedicated service to the Members of Congress and he has always been very helpful to me and to my staff and to everybody of whom I am aware. As a member of the Committee on House Administration, which has jurisdiction over the parking garages, I have had many occasions to deal directly and personally with Mike.

I think he has been an outstanding public servant. I know we will miss him. I know he has many friends here in the Congress who would like to be aware of the fact that he is retiring today after 41½ years of Government service, and I am sure that they will all join in wishing him well.

GENERAL LEAVE

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the retirement of Mike Preloh.

The SPEAKER pro tempore (Mr. KAZEN). Is there objection to the request of the gentleman from Alabama?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5(b) of rule I, the Chair announces that he will postpone further proceedings today on each question of adopting resolutions or on ordering the previous question on resolutions reported from the Committee on Rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after all debate has been concluded on each resolution and after each question to be determined by a "nonrecord" vote has been disposed of, the Chair will then put the question on each resolution or on the previous question thereon, on which further proceedings were postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1, HOUSING AND URBAN RURAL RECOVERY ACT OF 1983

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 248

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1) to amend and extend certain Federal laws that establish housing and community and neighborhood development and preservation programs, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. Immediately after the short title has been designated by the Clerk, it shall be in order to consider amendments printed in the Congressional Record of July 11, 1983, by Representative Gonzalez of Texas and, if offered by Representative Gonzalez or his designee, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, all points of order against said amendments for failure to comply with the provisions of clause 5, rule XXI, are hereby waived, and said amendments shall be debatable for not to exceed one hour, equally divided and controlled by Representative Gonzalez and a Member opposed thereto, before they are considered for amendment under the five-minute rule. After the disposition of said amendments, the committee amendment in the nature of a substitute shall be considered for amendment. After said substitute has been read for amendment in its entirety, it shall be in order to consider an amendment in the nature of a substitute printed in the Congressional Record of July 11, 1983, by Representative Wylie of Ohio and, if offered by Representative Wylie or his designee, all points of order against said amendment for failure to comply with the provision of clause 5, rule XXI, are hereby waived, and said amendment shall be debatable for not to exceed two hours, equally divided and controlled by Representative Wylie and a Member opposed thereto, before it is considered for amendment under the five-minute rule. Amendments to the table of contents of the committee amendment in the nature of a substitute shall be in order at any time during the consideration of said substitute. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1130

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA), and pending that I yield myself such time as I may use.

Mr. Speaker, House Resolution 248 is an open rule providing for the consideration of H.R. 1, the Housing and Urban-Rural Recovery Act of 1983 with 2 hours of general debate. The rule is designed to preserve the options of the Members with alternative approaches to housing recovery and presents a fair and equitable parliamentary procedure for consideration of this bill.

The rule waives points of order under section 402(a) of the Congressional Budget Act which prohibits consideration of any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has

been reported on or before May 15 preceding the beginning of such fiscal year. The waiver is necessary because the bill as introduced authorizes various Federal housing, community, and economic development programs which would become effective upon enactment—presumably in fiscal year 1983—and because it was not reported in a timely fashion. However, during markup the Banking Committee adopted an amendment making the authorizations effective October 1, 1983, thereby curing the Budget Act violation.

Mr. Speaker, House Resolution 248 provides for the consideration of the Banking Committee amendment in the nature of a substitute as original text for the purpose of amendment. To facilitate the amendment process the rule also specifies that the substitute shall be read for amendment by titles instead of by sections with each title to be considered as read.

House Resolution 248 waives clause 5 of rule XXI to permit consideration of the committee substitute and two designated amendments. That rule prohibits appropriations in legislative bills. Various provisions of the committee substitute contain amendments which are effective in the current fiscal year, to housing and related laws. Many of those changes could allow funds already appropriated for fiscal year 1983 to be used for the new programs provided in the substitute. Thus, the waiver of clause 5, rule XXI is required. However, such waivers are usually noncontroversial in the case of bills making changes in multiyear funding programs.

Mr. Speaker, the distinguished subcommittee chairman, Mr. GONZALEZ, is to be commended for his diligence in shepherding this legislation through the Banking Committee and for his commitment to the preservation of our Nation's housing programs in the face of critical budgetary constraints. The gentleman will offer amendments designed to conform the bill to the fiscal parameters of the budget resolution.

Under the terms of this rule, there will be 1 hour of general debate of the Gonzalez amendments prior to the consideration of any other amendments. Since these amendments would apply to more than one title of the bill, they will be considered en bloc and will not be subject to a division. After the disposition of the Gonzalez amendments the committee substitute shall be considered for amendment and amendments to its table of contents shall be in order at any time.

After the committee substitute has been read for amendment in its entirety, Mr. WYLIE would be permitted to offer a substitute proposal which will be debatable for 2 hours prior to its consideration for amendment.

Although this resolution structures the amendment process, any germane amendment could be offered. Upon conclusion of consideration of the bill for amendent, one motion to recommit with or without instructions would be in order.

Mr. Speaker, H.R. 1 authorizes $13 billion for assisted housing programs for the poor, the handicapped, and the elderly. It authorizes $4 billion for rural housing programs under the Farmers Home Administration. A new housing program designed to encourage the production of multifamily housing is established by this legislation.

The bill provides $4.5 billion per year for community development block grants through fiscal year 1986 and authorizes up to $250 million for such grants in areas that are experiencing high levels of unemployment.

The bill sets aside $50 million for a homesteading program in which HUD would transfer vacant properties to local governments which in turn would offer them to needy families.

H.R. 1 continues the significant GNMA tandem program, which is essential under current market conditions, to permit construction of section 8 housing.

Mr. Speaker, difficult decisions confront the Congress, on the scope of our national commitment to decent and affordable public housing. This rule provides a reasonable basis for consideration of the merits of the basic housing issues under a fair and open procedure.

Mr. Speaker, I know of no opposition to this rule and urge adoption of House Resolution 248 so that we may proceed to the consideration of this vital legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I have no further requests for time and I move the previous question on the resolution.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation made in order by this rule is one of the biggest budget busters of the entire Congress.

This bill, the Housing and Urban-Rural Recovery Act of 1983 is $15.7 billion over the President's recommendation and $8 billion over the amount appropriated last year.

With all the talk about excessive budget deficits, there is no way we should be considering adopting a bill with such high authorization levels. Expressed in percentages, this bill embodies a 43-percent increase over fiscal year 1983's funding levels. We should be talking about reducing spending in this bill, or at the very least holding it to last year's levels. But this bill abandons even the pretense of fiscal responsibility.

Mr. Speaker, in addition there are program changes in this bill such as the rollback of tenant rents, which will aggravate our budget deficit situation for years to come. Specifically, the bill rolls back the public housing tenant rent contributions from 30 to 25 percent of income.

Mr. Speaker, certainly we do not want anyone to pay too much in rent as a percentage of income. But according to testimony in the Rules Committee, the average middle-class rental family is in fact paying well over 30 percent of its income in rent. It does not seem fair to me to have the average factory worker's family paying close to 40 percent of income for housing, and then decree by law that those who are on general assistance will not pay more than 25 percent.

Mr. Speaker, another thing in this bill which concerns me is that the previously enacted targeting provision, directing assistance to lower income families, defined as 50 percent of area median income or lower, would be repealed. Under this bill eligibilty would be restored to families earning up to 80 percent of area median income.

Mr. Speaker, there is another subject this bill fails to properly address, and that is rent control. There is general agreement that rent control—and even the mere threat of rent control—is a disincentive to rental housing development. Without an amendment to deny these new funds to communities that place rent controls on new nonsubsidized projects, the communities that do the most to discourage new production through rent control will be leading candidates for receipt of the funds. The project selection criteria put a heavy emphasis on the severity of the shortage of rental housing. The cities with a shortage of rental housing are the rent control cities. This bill would reward those cities that refuse to help themselves. It would do so at the expense of those communities which are trying to solve the rental housing shortage.

Mr. Speaker, there is one other concern that I raised in the Rules Committee, which should be mentioned here as well. That is the problem we have gotten into in the past of subsidizing rents in some pretty fancy buildings. These housing subsidies are supported by the taxes of working people, many of whom cannot afford to live in luxury housing. It is not fair to take the taxes of these working people, to support someone less productive or nonproductive, in better housing than the workers can afford. The committees establishing these programs should do careful oversight to prevent this misuse of taxpayers funds.

With regard to the administration's position, Mr. Speaker, at the time of the Rules Committee meeting we were informed that this bill is totally unacceptable to the administration. According to information provided by the Office of Management and Budget, if this bill were to reach the President's desk in its present form, it would be recommended for disappoval.

□ 1140

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. I thank the gentleman from Ohio for yielding me this time and rise in support of the rule.

In rising in support of the rule, I want to commend the gentleman from Rhode Island (Mr. St Germain), chairman of the full Committee on Banking, Finance and Urban Affairs, and the gentleman from Texas (Mr. Gonzalez), chairman of the Housing Subcommittee, for their leadership and agreement to what I regard as a very generous rule on the housing bill.

It will, as has been suggested, provide for 2 hours of general debate on H.R. 1. Then there is a provision for 1 hour of general debate on some amendments which may or may not be offered by the gentleman from Texas (Mr. Gonzalez). Then there are two hours of general debate on a substitute which I may or may not want to offer.

But in any event, as far as the rule is concerned, I see no problem. I support the waiver of the technical violation of clause 5, rule XXI and the Budget Act violations. The reason for the Budget Act waiver is that the original H.R. 1, as introduced, applied to fiscal year 1983. With the committee amendment, it will apply to fiscal year 1984.

Having said that, H.R. 1 is very controversial, as has been pointed out by the gentleman from Ohio (Mr. Latta). To begin with, it is $15.7 billion over the administration's request and $8 billion over the amount appropriated last year.

In addition, there are numerous changes in existing law and several new programs to which we in the minority will object.

I should point out that although the bill was voted out of the House Banking, Finance and Urban Affairs Committee on a voice vote, I know of no members of the minority on the committee who would support the bill H.R. 1 in its present form.

I have talked with the chairman, the gentleman from Rhode Island (Mr. St Germain) and the gentleman from Texas (Mr. Gonzalez) and I applaud their stated intent of bringing H.R. 1 into line as far as budget authority figures are concerned and, of course, we will want to take a look at that.

As has been pointed out by the gentleman from Ohio (Mr. Latta) there are some other programmatic changes, such as the tenant rent provision, which we would still object to, as well as some other new and untried programs.

But, when H.R. 1 reaches the floor, I would hope that we can move expeditiously. There will be no intent on the part of the minority to engage in any dilatory tactics.

As I have suggested, there will be some changes in the law, and if the amendments which will be offered by the gentleman from Texas (Mr. Gonzalez) do not meet these objections, then we will try to package those into a substitute which I may want to offer.

Mr. Speaker, I yield back the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. McKinney).

Mr. McKINNEY. Mr. Speaker, I would simply like to congratulate the Rules Committee on both sides of the aisle for coming up with a rule which I consider to be eminently fair.

I find great troubles with H.R. 1 as it is presently constituted, but this is not the time to argue the case, and that will take place, I believe, on Monday and ensuing days when we return.

I strongly support the rule and hope it passes.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the chairman of the full committee, the gentleman from Rhode Island (Mr. St Germain).

Mr. ST GERMAIN. Mr. Speaker, I rise in support of the rule and also to commend the chairman of the subcommittee, the gentleman from Texas (Mr. Gonzalez), for his hurculean efforts on this legislation and also to compliment the ranking minority member of our full committee, the gentleman from Ohio (Mr. Wylie), as well as the ranking member of the subcommittee, because, as was stated by the gentleman from Ohio (Mr. Wylie), at no point has there been any dilatory tactics.

We have managed to disagree most agreeably.

As a result thereof, our committee work has been most pleasant for all parties concerned.

I wish to state at this time that I realize that the fact we reported out this bill on a voice vote was a matter of cooperation by the minority rather than approbation. I wish to make that statement.

I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this question will be postponed. Point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H.R. 10, NATIONAL DEVELOPMENT INVESTMENT ACT

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 250 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 250

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXXI, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill, it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule by titles instead of by sections and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment under the five-minute rule, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1150

The SPEAKER pro tempore. The gentleman from Ohio (Mr. Hall) is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. Quillen) for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 250 is an open rule providing for the

consideration of H.R. 10, the National Development Investment Act.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation.

It should be noted that the rule makes in order the Public Works Committee amendment in the nature of a substitute as an original text for purposes of amendment. In addition, the committee amendment in the nature of a substitute shall be considered by titles instead of by sections and each title shall be considered as read.

House Resolution 250 further provides for one motion to recommit with or without instructions.

There are no waivers granted under this rule.

Mr. Speaker, H.R. 10 extends and consolidates the programs of the Economic Development Administration and reauthorizes programs of the Appalachian Regional Commission. The Rules Committee was advised that the bill enjoys bipartisan support, and I am not aware of any opposition to this open rule. I would urge my colleagues to adopt the rule.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

This measure was voted out of the Committee on Public Works and Transportation by a vote of 50 to 0 and reported by the Committee on Banking, Finance and Urban Affairs by a voice vote.

I know of no opposition to the rule although the administration opposes the measure itself. But it is an open rule and the Members of this body will have an opportunity to discuss it freely and openly and offer amendments on the floor of the House when the bill is debated.

I live in the heart of the Appalachian region and I was on the Public Works Committee when the program first originated.

It has served a good purpose. This bill authorizes sums for the completion of activities authorized by the Appalachian Regional Development Act.

With regard to EDA, the eligibility requirements have been tightened.

The extension continues until 1991 on the Appalachian highway program, and until 1986 on the economic development program.

Admittedly, there is controversy involved on the bill but I know of no controversy whatsoever on the rule.

Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. Oberstar).

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I will not take this time to explain the bill which is very simple in itself.

We did explain it in some detail at the hearing before the House Committee on Rules. I do want to thank the Rules Committee for reporting out a clean and straightforward rule that will give Members an opportunity fully to debate the legislation, to offer whatever amendments any Members may choose to offer. We do bring to the House an updating of both the economic development program and the Appalachian Regional Commission program which at this time and for the foreseeable future, however much the recovery may proceed with vigor, will still be needed by certain areas of the country which will unavoidably not share in the recovery and will need the targeted kind of assistance available under these two programs.

We will look forward to debating these programs and explaining the legislation in full on Monday, July 11. I want to thank the Committee on Rules again and particularly my colleague on the House Public Works Committee, the ranking member of the Economic Development Subcommittee, Representative Clinger of Pennsylvania, who has cooperated fully and given of his time and talent and creative ideas to the shaping of this legislation.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 126, COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF HARRY S TRUMAN

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 226 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 226

Resolved, That upon the adoption of this resolution it shall be in order to consider the concurrent resolution (H. Con. Res. 126) providing for the commemoration of the one hundredth anniversary of the birth of Harry S Truman in the House, and the previous question shall be considered as ordered on said concurrent resolution to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. Wheat) is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Missouri (Mr. Taylor) for the purposes of debate only. Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 226 is the rule providing for the consideration of House Concurrent Resolution 126 which provides for the commemoration of the 100th anniversary of the birth of Harry S Truman.

The concurrent resolution establishes a bipartisan Joint Committee on Arrangements which is instructed to plan a joint meeting of the Congress honoring our 33d President. The joint committee is to be composed of 16 members: The Speaker of the House of Representatives, the President pro tempore of the Senate and seven Members from each of the two Houses. The joint committee is instructed to plan a program, issue appropriate invitations, and coordinate its functions with the activities of the Truman Centennial Committe, Washington, D.C. The joint committee is authorized to spend not more than $25,000 for these purposes.

Mr. Speaker, the rule reported from the committee is a simple one. It provides for consideration of the resolution in the House with the previous question considered as ordered. In effect, the process established for consideration is the same as that for a privileged resolution. House Resolution 226 would be considered in the House under the hour rule. As is customary, the floor manager would yield 30 minutes of the debate time to the minority. No amendment would be in order unless the floor manager yielded for that purpose.

Mr. Speaker, the procedure provided for in the rule is fully consistent with the practice of the Rules Committee in considering noncontroversial measures of this kind. The rule provides for the expeditious handling of House Concurrent Resolution 126 and allows adequate time to debate the matter fully.

Mr. Speaker, I urge the adoption of the rule.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 226 is the rule under which the House will consider the concurrent resolution to commemorate the 100th birthday of one of Missouri's most illustrious sons, President Harry S Truman.

The rule provides 1 hour of general debate for the consideration of House Concurrent Resolution 126. The rule provides for consideration of the resolution in the House, rather than in the Committee of the Whole. The effect of using this procedure is to preclude the offering of any motions or amendments, unless the floor manager yields for that purpose.

Mr. Speaker, this procedure is fully consistent with the practice of the House and of previous recommenda-

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tions of the Committee on Rules in considering commemoration resolutions of this kind.

The essence of this rule is to provide for our consideration in the House of Concurrent Resolution 126, and since we will take that matter up momentarily, I urge the adoption of the rule.

☐ 1200

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. Coleman).

Mr. COLEMAN of Missouri. Mr. Speaker, I would like to take this opportunity to extend my support for House Concurrent Resolution 126, which creates a joint committee to plan a joint session of Congress to commemorate Harry S Truman's 100th birthday.

I feel that a joint session of Congress would be appropriate to commemorate Mr. Truman's 100th birthday. His growing popularity today is based not only on what he accomplished as President, which was a great deal, but on the kind of man he was—his style. The admiration is for his buoyancy of spirit, his vigorous combativeness, and his invincible faith in the United States and its people.

What were once regarded as possibly faults—his impetuosity, shooting from the hip, and his writing of angry letters—now are seen as part of his spirit that let him stand the heat of tough decisions and stay in the most closely watched kitchen in the world.

His decisions set the pattern for American foreign policy for succeeding decades. That the United States did not, with the coming of peace, retreat once more into her traditional isolationism owes much to Truman's readiness to face the facts as he saw them, acknowledge his mistakes and change course where necessary.

This ability to grapple with the great issues of the time was especially striking for a man whom many had considered unfit for the task. That he was able to assume the burdens of world leadership for his country can be attributed not only to his innate toughness of mind and body, but to his lifelong study and keen sense of history.

A historic joint session of Congress would only be a fitting tribute to this great American.

Today we fully recognize and admire the leadership qualities Mr. Truman exercised in directing our country through difficult times. I strongly support creating a committee to organize a joint session of Congress to honor President Truman on his 100th birthday.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE CONSIDERATION OF H.R. 1, HOUSING AND URBAN RURAL RECOVERY ACT OF 1983

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 248.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, House Resolution 248.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 110, not voting 32, as follows:

[Roll No. 234]

YEAS—291

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Beilenson
Bennett
Berman
Bevill
Biaggi
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chapple
Clarke
Clay
Coelho
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Forsythe
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Livingston
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Markey
Marlenee
Marriott
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Patman
Patterson
Pease
Penny
Perkins
Pickle
Price
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (MO)
Zablocki

NAYS—110

Archer
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Cheney
Clinger
Coats
Conable
Coughlin
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
DeWine
Duncan
Edgar
Edwards (AL)
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Franklin
Frenzel
Gekas
Gingrich
Goodling
Gradison
Gramm
Gregg
Gunderson
Hartnett
Hiler
Hillis
Holt
Hubbard
Hunter
Hyde
Kasich
Kindness
Kramer
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Loeffler
Lott
Lowery (CA)
Lungren
Mack
Madigan
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCollum
McDonald
McEwen
McGrath
McKernan
Moorhead
Nielson
O'Brien
Oxley
Packard
Pashayan
Paul
Petri
Porter
Pursell
Ritter
Roberts
Robinson
Roth
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Smith, Denny
Snyder
Solomon
Spence
Stangeland
Stump
Thomas (CA)
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Winn
Wolf
Young (AK)
Young (FL)
Zschau

NOT VOTING—32

Badham
Bedell
Boland
Boner
Byron
Collins
Daniel
Dowdy
Dreier
Erlenborn
Ford (TN)
Fuqua
Hall (OH)
Hance
Hansen (ID)
Harrison
Heftel
Jones (NC)
Kemp
Leach
Lehman (CA)
Martinez
Mavroules
McCandless
Pepper
Pritchard
Smith (IA)
Smith, Robert
Swift
Weaver
Whitten
Wright

☐ 1210

Mr. WIRTH changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF HARRY S TRUMAN

Mr. WHEAT. Mr. Speaker, pursuant to House Resolution 226, I call up the concurrent resolution (H. Con. Res. 126) providing for the commemoration of the 100th anniversary of the birth of Harry S Truman and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 126

Whereas the year 1984 marks the one hundredth anniversary of the birth of Harry S Truman on May 8, 1884;

Whereas Harry S Truman was born and reared in rural Missouri, enjoyed a boyhood reminiscent of Huckleberry Finn's, graduated from high school, made his living for a decade on a farm behind a plow, joined the Army in the First World War, and, as a captain, led Battery D, 129th Field Artillery, 35th Division, in combat in the Meuse-Argonne and at Verdun;

Whereas he served for a decade as judge (commissioner) of Jackson County, Missouri, and, among other responsibilities, oversaw the building of some of the first paved roads around Kansas City;

Whereas he was elected to the United States Senate and took his seat in 1935, serving as a member of the Senate Appropriations, Military Affairs, and Interstate and Foreign Commerce Committees, was instrumental in writing major pieces of legislation, including the Civil Aeronautics Act of 1938 and the Transportation Act of 1940, proposed and served as chairman of the Senate Special Committee to Investigate the National Defense Program (the "Truman Committee"), which was estimated to have saved taxpayers billions of dollars on war contracts;

Whereas under Franklin D. Roosevelt, he served as Vice President of the United States from January 20, 1945, to April 12, 1945;

Whereas upon the death of Roosevelt on April 12, 1945, Harry S Truman was sworn in as President of the United States at the climax of the Second World War and with almost no preparation for the historic military and diplomatic problems that were piling up on the United States, including the question of using the atomic bomb to end the war against Japan quickly so as to save Japanese and American lives in the end;

Whereas with modesty, courage, and commonsense he took up the cause of opposing Soviet expansion in Eastern Europe, the Balkans, the Black Sea Straits, and Iran, directed that, despite Roosevelt's sudden death, the United Nations Conference on International Organization meet in San Francisco as scheduled to establish the United Nations, and successful recommended that the Senate approve ratification of the charter, bringing the United States into the United Nations;

Whereas he presided over the turbulent task of postwar reconversion of the economy from wartime to a peacetime production, obtained passage of the landmark Employment Act of 1946 that declared that "it is the continuing policy and responsibility of the Federal Government to use all practical means . . . functions and resources" to foster "maximum employment, production and purchasing power", prevailed upon Congress to pass the National Housing Act of 1949 to provide low-cost housing and slum clearance, won a bitter battle in Congress to keep control of nuclear weapons in civilian hands, introduced legislation for national medical insurance that was the forerunner of Medicare, which has assured adequate medical treatment for millions of Americans, unified the Armed Forces in a new Department of Defense and created modern new organs of government, including the Council of Economic Advisers, the National Security Council, and the Central Intelligence Agency;

Whereas he directed that the United States be the first nation to recognize the new State of Israel in 1948 and began the special relationship that has existed between Americans and Israelis;

Whereas he ordered the racial desegregation of the armed services in 1948 and the same year submitted to Congress the first Presidential special message on civil rights, based on a report To Secure These Rights, which proved to have laid out the agenda for the civil rights reforms of the 1960's;

Whereas by his decision to institute an airlift at the time of the Soviet blockade of Berlin in 1948 and 1949, he balked an attempt by the Kremlin to dominate all of Germany, if not of Europe;

Whereas under his policies the former energy states of Japan and Germany (West Germany at least) were brought into a friendly and constructive relationship with the United States;

Whereas in 1950, he resolutely drew the line against further Communist expansionism and upheld the ideal of collective security by committing American forces—later joined by those of other members of the United Nations—to throw the invading North Korean Communist Army back to the 38th pararell in Korea, preserving South Korea, still a steadfast ally; and

Whereas he took as his slogan "The Buck Stops Here" and said in his farewell address of January 15, 1953, "I have tried to give it everything that was in me" and left office, after virtually two full terms, with employment and prosperity high and the Western World firmly allied against possible Communist aggression: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) in order to provide for an appropriate commemoration by the Congress of the centennial of the birth of Harry S Truman, thirty-third President of the United States of America, there is established a Special Joint Committee on Arrangements (hereinafter referred to in this concurrent resolution as the "joint committee") which shall be composed of sixteen members as follows:

(1) The President pro tempore of the Senate and the Speaker of the House of Representatives.

(2) Seven Members of the Senate to be appointed by the President pro tempore of the Senate, four upon recommendation of the majority leader of the Senate and three upon recommendation of the minority leader of the Senate.

(3) Seven Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, three upon recommendation of the minority leader of the House of Representatives.

(b) The members of the joint committee shall select a chairman and a vice chairman from among its members. A majority of the members shall constitute a quorum for the transaction of business. Any vacancy in the membership of the joint committee shall be filled in the same manner in which the original appointment was made.

(c) For the purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the joint committee shall not be taken into account.

Sec. 2. It shall be the duty of the joint committee to—

(1) make arrangements for a joint meeting of the Congress to be held on Tuesday, May 8, 1984, or such other day as may be designated by the Speaker of the House of Representatives, in the Hall of the House of Representatives in commemoration of the centennial of the birth of Harry S Truman;

(2) plan the proceedings of and issue appropriate invitations for such joint meeting; and

(3) coordinate the joint committee's arrangements with the activities of the Truman Centennial Committee, Washington, District of Columbia.

Sec. 3. The joint committee may—

(1) appoint an executive director, who shall serve without compensation, and accept such other volunteer services of individuals as it deems appropriate;

(2) adopt rules respecting its organization and procedures; and

(3) sit and act at such times and places as it shall deem appropriate.

Sec. 4. The expenses of the joint committee under this concurrent resolution may not exceed $25,000 and shall be paid from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the joint committee.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. Wheat) is recognized for 1 hour.

GENERAL LEAVE

Mr. WHEAT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WHEAT. Mr. Speaker, I yield 30 minutes to the gentleman from Missouri (Mr. Taylor), for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 126 which provides for the commemoration of the 100th anniversary of the birth of Harry S Truman. House Concurrent Resolution 126 was introduced on May 11, 1983 by the distinguished gentleman from Missouri (Mr. Skelton), the distinguished chairman of the Rules Committee (Mr. Pepper), and the entire Missouri delegation.

The Committee on Rules reported this concurrent resolution on June 7,

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1983, as a matter of original jurisdiction by an unanimous voice vote.

Honoring the accomplishments of our former Presidents and leaders has always been a bipartisan consensus in Congress. In fact, it would be difficult to overstate the importance of commemorating our leaders and national history.

Congress has previously created centennial commissions to plan national observances honoring Presidents from Washington and Lincoln to Wilson and Roosevelt.

In addition, Congress has met in joint session to mark the 200th anniversary of the birth of George Washington in 1932, the Lincoln sesquicentennial in 1959 and the 100th anniversary of Franklin Delano Roosevelt just last year.

The concurrent resolution establishes a 16-member, bipartisan joint committee on arrangements to provide for the centennial anniversary of the birth of Harry S Truman. The Joint Committee is responsible for planning a joint meeting of Congress to honor our 33d President; issuing appropriate invitations and coordinating its functions with the activities of the Truman Centennial Committee in Washington, D.C.

Mr. Speaker, the resolution further provides that the committee appoint an executive director who will serve without compensation and that the committee be authorized $25,000 for administrative costs which it may incur.

Congress has frequently appropriated funds for Presidential memorials. In 1982, Congress authorized appropriations for the construction of a memorial to the late President Franklin Delano Roosevelt. During the 96th Congress, Members provided $121,000 for the printing of a collection of essays entitled "Herbert Hoover: Reassessed." And in 1974, Congress observed the centennial anniversary of President Hoover's birth by authorizing $7 million to construct a building at the Hoover Institute at Stanford University.

Mr. Speaker, Harry S Truman was the seventh Vice President to succeed to the highest elected office in the land as a result of the death of a President. The circumstances under which he assumed the Presidency would have overwhelmed a lesser man. The Nation was at war and in shock at the loss of one of its most revered Presidents.

Truman admitted later that when he learned of F. D. R.'s death, he felt like, and I quote, "the Moon, the stars and all the planets had fallen on me."

But Harry S Truman, who grew up close to the soil in the Midwest, had the courage, indomitable spirit, vigorous intellect and endless energy to get the job done.

Harry Truman was born in Lamar, Mo., on May 8, 1884. He served in the U.S. Army as a Jackson County judge and as a U.S. Senator before assuming the Vice Presidency and finally, the Presidency.

The Presidency of Harry S Truman is firmly lodged in Presidential lore because of his now famous slogan, "The Buck Stops Here." But our 33d President contributed more to our country's history than catchy phrases.

Harry Truman assumed the Presidency and was faced with the responsibility of bringing a horrible war to a close and preparing Americans for life in a profoundly changed postwar era.

In a joint address to Congress, Truman said "Peace must be built upon power, as well as upon good will and good deeds." Harry Truman made the decisions to insure a just peace and bring this Nation safely and securely through a terribly dangerous and unsettled era.

He summoned the courage to push the war with Japan to an end by ordering the use of the first atomic bomb.

He fought to assure a lasting peace by advocating the establishment of the United Nations, by securing enactment of the Marshall plan to rebuild the economy of Western Europe and by creating the Truman doctrine to block Soviet expansion in Eastern Europe and around the globe.

Author Robert Donovan, who expertly chronicled the Truman Presidency, said that Truman's political views were a mixture of Wilsonian and Rooseveltian liberalism, midwestern progressivism and border-state conservatism. That mix enabled Truman to obtain passage of the landmark Employment Act of 1946 and the National Housing Act of 1949. He also introduced legislation for national health insurance that was the forerunner of medicare. Truman was also responsible for the creation of such modern Government institutions and agencies as the Council of Economic Advisers, the National Security Council, and the Central Intelligence Agency.

In 1948, President Truman ordered racial desegregation of the armed services and submitted the first Presidential message on civil rights— a message which would become the blueprint for civil rights reforms in the 1960's.

Mr. Speaker, it is the privilege of the Congress to have the opportunity to honor a man who in life carried his own greatness with unfailing humor and modesty.

Mr. Speaker, Harry S Truman was a doer, not a dreamer. He embodied the best of the principles that this Nation was founded on. He exemplified the courage, the patriotism, the desire, the humor, and the energy that helped mold this country into the world's greatest democracy. As long as Americans remain devoted to these principles, they shall cherish the memory and record of Harry S Truman.

I urge my colleagues to support the resolution.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 126 establishes a Joint Committee on Arrangements to provide for a joint meeting of Congress in commemoration of the centennial of the birth of our 33d President, Harry S Truman.

All of the members of the Missouri delegation are proud to be original sponsors of the concurrent resolution, which is brought to the floor today as a matter of original jurisdiction from the Committee on Rules. I am pleased to report that it is also cosponsored by our distinguished colleague from Florida, the chairman of the Committee on Rules, Mr. PEPPER, and the gentleman from Texas, the majority leader, Mr. WRIGHT.

The concurrent resolution establishes a 16-member special Joint Committee on Arrangements to plan and issue invitations for the joint meeting of Congress, which will be held on May 8, 1984, or on a day otherwise designated by the Speaker.

This date, May 8, 1984, is the 100th anniversary of the birth of President Harry Truman, and the joint meeting of Congress is viewed by those of us who introduced the concurrent resolution as the culmination of a full year of various commemorative events.

Mr. Speaker, most of our colleagues are aware that several years ago we here in the Congress chose to commemorate President Truman's service to the Nation in a very special way. We did not fashion a statue or some other such memorial; we created a living memorial known as the Harry S Truman Scholarship Foundation.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman from Missouri yield to me?

Mr. TAYLOR. I would be happy to yield to my distinguished colleague, the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Speaker, first let me compliment the entire Missouri delegation for the introduction of this resolution, and all the other Members who have cosponsored the resolution.

□ 1230

I think we will all look forward next year on May 8 to the commemoration by the joint session of Congress honoring Harry S Truman. I had the honor and privilege of serving in the House during his administration. In fact, I was first elected to the House in 1948 with Harry Truman. To my mind, he is one of our greatest statesmen in the history of this country.

Mr. TAYLOR. Mr. Speaker, I thank the gentleman from Kentucky for his kind remarks and for his contribution.

Mr. Speaker, since the inception of the scholarship fund in 1977, we have provided 264 young men and 259 young women with scholarships for study in the field of public service.

I am very proud to have served as a director of the Truman Scholarship Fund since its creation, for the scholarships we have awarded are among the most prestigious and significant education programs available to the young people of this Nation today.

Mr. Speaker, Harry Truman gave much of himself in service to this Nation, and I believe it is most appropriate that we here in the Congress pay our 33d President the high honor called for in this concurrent resolution.

As the gentleman from Missouri (Mr. WHEAT) has explained, the 16-member special joint committee will include the President pro tempore of the Senate and the Speaker of the House. Seven Members of the other body will be appointed by the President pro tempore, four from the majority and three from the minority side. Seven Members of the House will be appointed by the Speaker, four from the majority and three from the minority side.

The joint committee created by this concurrent resolution is similar to the one that we created in the last Congress to commemorate President Roosevelt, in that it will appoint a volunteer executive director, who will serve without compensation, and to accept other volunteer services as it deems appropriate.

The expenses of the joint committee are not to exceed $25,000 and they will be paid for out of the contingent fund of the House.

The joint committee will plan the proceedings for the joint meeting of Congress and issue appropriate invitations. The committee is instructed to coordinate its arrangements with the activities of the Truman Centennial Committee.

Mr. Speaker, Harry Truman was a man who assumed the awesome responsibilities of the President of the United States in a difficult and critical time in our history. He went on to prove that he was a man who could act decisively and shoulder the responsibilities that had to be made at that time.

Harry Truman brought World War II to an end. He set up the Marshall plan to assist war-torn nations abroad, and he gave vital support to freedom-loving countries throughout the world. He fought Communist takeover wherever it threatened, with such actions as the Truman doctrine in Turkey and Greece, and the Berlin airlift.

Harry Truman gave our Nation courageous leadership in a time when such leadership was essential.

He always considered himself to be "just a simple man from Missouri." He was not self-impressed with the role thrust upon him as President. He knew his shortcomings and he never thought of himself as infallible.

His courage, his integrity, his compassion and his commonsense and his remarkable ability to reach the people of this Nation and to gain their trust stands as a shining example for all of us who serve in Government today.

Mr. Speaker, I am proud to join my colleagues in urging passage of this resolution.

Mr. WHEAT. Mr. Speaker, I am honored to yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), the sponsor of this bill, who has worked so hard in bringing it to this point in our consideration.

Mr. SKELTON. Mr. Speaker, a few minutes ago while I was waiting in the chair to take this matter up, the gentleman from Oregon (Mr. WYDEN) came up to me and he said, "Speak well, because we want President Truman to receive his just due today."

I might say that it is very difficult to use words and to have them properly reflect the life of such an outstanding Missourian and American.

Mr. Speaker, President Harry S Truman once commented to the National Conference of Editorial Writers that he enjoyed spending a good part of every morning going over the daily newspapers "to find out lots of things about himself that he had never heard of." The truth is, Mr. Speaker, President Truman was underestimated in his day, and time has shown us the wisdom of this man from Independence. The legislation we are considering today, House Concurrent Resolution 126, will give us an opportunity to record the achievements of one of America's finest Presidents, Harry S Truman.

This bill, to provide for the commemoration of the 100th anniversary of the birth of President Truman, calls for a special joint session of Congress to be convened on May 8, 1984. A bipartisan Special Joint Committee on Arrangements will be appointed by the House and the Senate leadership to plan the event and issue invitations. The record of this proceeding will be an invaluable historic document and a tribute to a great man and a great American. The entire Missouri delegation has joined me in cosponsoring this bill, as have over 100 other Members of this body.

The special joint session of Congress will be the highlight of a year of commemorative centennial events. For nearly a year now I have been working with the Truman Centennial Committee to lay the groundwork for the Truman centennial celebration. Together with the Missouri congressional delegation, we have been successful in achieving the passage of legislation which I authored to establish the Harry S Truman National Historic Site at his home in Independence, Mo. Additionally, the Postmaster General has confirmed plans to issue a commemorative postage stamp pursuant to legislation which I introduced in April. I am also pleased to announce that the Smithsonian Institute is planning a museumwide exhibition on President Truman.

The Truman Centennial Committee, under the direction of the Honorable Clark Clifford, has been coordinating other events. Most notable are a traveling exhibit which will tour the Midwest, and a documentary film tracing Truman's life from his birth in Lamar, Mo., to his retirement in Independence.

President Truman believed that "Men make history and not the other way 'round. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better." President Truman was just such a leader. The special joint session of Congress, which we are considering today, will provide us an opportunity to reflect on the man and to reflect on his legacy.

Harry Truman was a farmer and a merchant. He served his country in the Army, and his State as a county court judge and as a U.S. Senator. In 1945, Truman assumed the most awesome responsibility of his life and became the 33d President of the United States. As President, Truman made the fateful decision to use the first atomic weapon, which led to the end of World War II. He formulated a new direction for U.S. foreign policy, including opposition to Soviet expansion in Eastern Europe, establishment of the United Nations and the Marshall plan, and recognition of the new State of Israel. Simultaneously, President Truman presided over the turbulent task of postwar reconversion of the U.S. economy from wartime to peacetime production. He secured passage of the landmark Employment Act of 1946, as well as the National Housing Act of 1949. He saw to it that control of nuclear weapons would remain in civilian hands, and introduced legislation for national medical insurance that became the forerunner of medicare. And, with courage and commonsense, Truman ordered the desegregation of the Armed Services and submitted to Congress the first Presidential message on civil rights.

Truman had hoped that his epitaph would read "A Good Public Servant." Mr. Speaker, there is no argument that he was, and he was more. He was a leader with foresight. He was a loving father and husband, and a man of the people. At this time in our Nation's history, when our faith in ourselves and our Government seems to be easily shaken, we would be serving our fellow countrymen well by honor-

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ing this simple man who did such great things for his Nation.

Mr. Speaker, I would be remiss if I did not thank my fellow Missourian, the gentleman on the Rules Committee (Mr. WHEAT), who as a fellow Jackson Countian of President Truman, for his assistance in this bill; also special thanks to the gentleman from Missouri (Mr. TAYLOR) who also serves on the Rules Committee and the entire Missouri delegation for its bipartisan and unanimous consideration and help on this bill.

Mr. Speaker, I urge the passage of this resolution.

□ 1240

Mr. TAYLOR. Mr. Speaker, I yield as much time as he may require to my colleague from Missouri (Mr. EMERSON).

Mr. EMERSON. It is with considerable nostalgia and enthusiasm that I am a cosponsor of this resolution and rise in strong support of it.

With nostalgia, I say, because it seems almost impossible that a whole century has passed since Harry S Truman was born.

I was born in 1938 when he was vigorously representing Missouri in the U.S. Senate. I can very vividly recall the era of his Presidency and his subsequent years.

Indeed, it has been my very personal pleasure to have known many of President Truman's contemporaries in Missouri, When he was a politician there, traveling about, the methods of politics were so much simpler than they are today where we are consumed with television and the radio and the print media. The way they used to do it was just get in a car and go, and go from county seat to county seat and meet whatever folks may be at the square and in the courthouse.

You can still travel around Missouri and find many people who had their personal visits with and have many, many fine personal recollections of that moment that they spent with Harry Truman.

It is with enthusiasm also that I rise in support of this resolution because I think it is appropriate to reflect on the life, the times, and the contibutions of Harry Truman. Indeed, to reflect on his commitment and his tenacious spirit. He added greatly to the lore of politics and government and, indeed to our language. He was not as polished in his speech perhaps as were his contemporaries, President Roosevelt and Prime Minister Churchill, but he could nonetheless get very much to the point, often in a very witty and pungent manner.

As a matter of fact, I reflect almost daily upon one of my very favorite quotes from President Truman. I say reflect almost daily on it because it comes to mind frequently serving in this Chamber. He once said of one of his adversaries, he said:

> He is a man so firmly in possession of the truth that the facts don't matter very much.

The facts and the truth did indeed matter a great deal to Harry Truman and I think it is altogether fitting and proper that we honor him in the manner contemplated by this resolution. I heartily encourage my colleagues to give it their strong support and yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Speaker, I thank the gentleman for the opportunity to comment on this legislation and lend my support to House Concurrent Resolution 126. I first wish to commend the gentleman from Missouri (Mr. SKELTON), the Missouri delegation, and the majority leader for their dedicated attention and hard work in getting this bill considered by the House.

As the Members of this body know, Congress has officially commemorated other notable Presidents on the anniversary of their birthdays, including George Washington, Abraham Lincoln, and Franklin Delano Roosevelt. I feel it is only fitting that we honor this country's 33d President.

President Truman was a man of the people and an exceptional President who took this Nation through some troubled times. I happened to be an infantryman in Europe when President Roosevelt passed away. We all remember some of the significant events during Mr. Truman's term as President, his Marshall plan, the dropping of the A-bomb during World War II, the Truman doctrine, his 1948 whistlestop campaign, and of course we cannot forget Truman—the piano player.

This measure is a fitting tribute to the life, and memory of the gentleman from Missouri. Last month, Congress approved the legislation to designate the Harry S Truman home in Independence, Mo., as a national historic site. And today we will approve the resolution establishing the commemoration of the 100th birthday of Missouri's favorite son. Mr. Chairman, I urge the adoption of House Concurrent Resolution 126.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I am honored to rise today to speak in support of House Concurrent Resolution 126, which provides for the commemoration of the 100th anniversary of the birth of Harry S Truman.

President Truman played a pivotal role in shaping the end of the Second World War and the world in which we now live. In retrospect one can fully appreciate the importance of the decisions that were made during those years in terms of the effect they had on our present life.

His commitment to helping create a more democratic and just world is seen in the international front by his role in helping establish the United Nations and in the Berlin airlift. Domestically, he laid the groundwork for the historic civil rights laws of the 1960's by ordering in 1948 the racial desegregation of the Armed Forces and by issuing the first Presidential special message on civil rights.

In Puerto Rico, President Truman will always be remembered and honored as the President who negotiated our transition to greater self-government in 1952. With the enactment of the Puerto Rican Federal Relations Act as part of Public Law 81-600, Puerto Rico achieved more stability within its status as a territory of the United States. Although the Commonwealth status which we achieved in 1952 is not a permanent one, President Truman's role in focusing the Nation's attention on the status of Puerto Rico was of great consequence.

I look forward to the activities commemorating the birth of Harry S Truman and I urge my colleagues to approve this resolution.

Mr. Speaker, I recently visited with my colleague, IKE SKELTON, at the Truman Library and saw the Truman Home, and I believe that he is one of the greatest Americans that we have had in our history and certainly in the 20th century.

I urge my colleagues to support this resolution.

Mr. WHEAT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Speaker, I strongly support this resolution.

I came to Congress in January 1949. Thirty years before that I met the first President of the United States that I had ever met when I was only 7 years of age, and that was Woodrow Wilson. And 30 years later I met Harry Truman.

I think if I never meet another President in my entire life I will have met two of the greatest men that have ever been President of the United States.

The affection that Harry Truman had for mankind and for his country and his dedication to principle is something we all know about. It is axiomatic.

Another part of Harry Truman which I was pleased to enjoy was the easy way in which he gave friendship. He would call me up and ask me to come down to the White House. I went to dinner there a number of times and met him in hotels and at other types of dinners and things like that. He seemed always very interested in talking with me because I was a veteran and he was a veteran and he had a rapport with people who had been in the military.

I guess the thing I liked about him best was the fact that he was frank and open in his correspondence and conversation. He was so very candid and so very warm and so very frank and sincere in everything he said or did.

So, Mr. Speaker, I feel that the honor we are giving to the President here is certainly very much in order. Not only was he a great President, but he was also a great man, I am glad that in my youthful years as a Congressman I was able to share the friendship he so readily gave to all Members of Congress.

Mr. TAYLOR. Mr. Speaker, I would just like to say at this time on behalf of the Missouri delegation we want to express our appreciation to you and to the Members of the House for the consideration of this resolution which we are proud to present on behalf of our favorite son from Missouri, Harry Truman.

I urge adoption of the resolution and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, we have heard a great deal today about the esteem in which our former President was held. Last month I had the opportunity to meet with Margaret Truman Daniel, who talked about the lack of recognition during President Truman's time.

□ 1250

Although it is belated, I am glad to have the honor not only to represent the district, part of the district along with Mr. SKELTON from which Harry Truman came but to participate in Congress honoring our former President in the 100th year of the Commemoration of his birthday.

● Mr. COLEMAN of Texas. Mr. Speaker, I wish to join my colleagues in supporting House Concurrent Resolution 126, providing for the commemoration of the 100th anniversary of the birth of Harry S Truman. It is fitting and proper that the Congress should provide a forum to pay tribute to one of its distinguished former Members and one of our Nation's greatest leaders.

Harry S Truman was born in Lamar, Mo., on May 8, 1884. After serving time in the U.S. Army during World War I, he was elected judge of the Jackson County Court in Missouri in 1922. Two years later, Harry Truman became presiding judge of the court and was again elected in 1930. His accomplishments include a strong administrative background, especially as a builder of some of the first paved roads.

I would also like to highlight some of his legislative accomplishments. During his first Senate term, Harry Truman worked hard in support of the New Deal. As an active member of the Interstate Commerce Committee, he helped to produce the Civil Aeronautics Act of 1938 and the Transportation Act of 1940. As head of the Special Committee to Investigate the National Defense program, Harry Truman led an attack on the waste and graft in the World War II defense program.

Harry S Truman served as Vice President in 1944 under President Franklin D. Roosevelt, and on April 12, 1945, Harry Truman was sworn in as the 33d President of the United States. On May 8, President Truman sought and received the unconditional surrender of Germany and helped establish the United Nations, one of the first forums for international debate and resolution. As President, he also brought America into the atomic age.

President Truman's accomplishments in foreign affairs were significant. He enlarged post-World War II foreign policy, which prompted the recovery and reconstruction of Western Europe and Japan. A series of foreign aid policies on behalf of the United States from 1947 to 1949 included the Truman doctrine, which granted aid to Greece and Turkey and promised assistance to other nations threatened by outside pressures; the Marshall plan, which used American economic resouces to stimulate the recovery of European economies outside the Soviet sphere of influence; and the North Atlantic Treaty Organization (NATO), the first peacetime military alliance.

In domestic affairs, President Truman expanded and improved established programs and defended them against hard opposition. One of his domestic victories was the passage of the Housing Act of 1949, which included a provision for public housing. On behalf of civil rights, he worked harder than any of his predecessors. His personal concern about the plight of black Americans and America's racial climate moved the former President to act. He fought vigorously to obtain passage of a law assuring equal job opportunities for blacks, and eliminating poll taxes, lynchings, and discrimination on public transportation.

President Harry S Truman's accomplishments in both domestic and foreign affairs have been eminent, and I am pleased to support this resolution.●

● Mr. ANDERSON. Mr. Speaker, I rise in support of House Concurrent Resolution 126, a bill to commemorate the 100th birthday of Harry S Truman.

As you know, this legislation provides for the establishment of a bipartisan special joint committee on arrangements, composed of 16 persons—including the Speaker of the House, the President pro tempore of the Senate, seven Members of the House and seven Members of the Senate, to officially commemorate the 100th anniversary of the birth of our 33d President, Harry S Truman. In addition, the joint committee will work closely with various individuals and organizations across the country to coordinate a nationwide series of commemorative events.

A veteran of World War I, President Truman was elected in 1922 as judge of Jackson County, Mo. In 1934, he began a 10-year career in the U.S. Senate. While a Member of this prestigious body, Harry Truman played a pivotal role in the development of numerous measures designed to help all Americans. And, it was he who thought up the idea of establishing the Senate Special Committee to Investigate the National Defense program. Commonly referred to as the Truman Committee, it was instrumental in searching out millions of dollars of waste in our Nation's defense program. We could only wish we had Harry Truman with us today to hear his views on waste in the defense budget, 1980's style.

Being elected in 1944 as President Franklin D. Roosevelt's Vice President, he was sworn in as President upon the death of Roosevelt on April 12, 1945. As we know, he entered the oval office at a chaotic time in the history of the modern world. However, President Truman, in a style only he could carry, met and conquered the many challenges of the day. His many contributions to world peace, civil rights reform and his understanding and compassion for common folk will live for years to come.

As you know, Mr. Speaker, the Congress has officially commemorated other notable Presidents on the anniversaries of their birthdays, including George Washington, Abraham Lincoln, and Franklin D. Roosevelt. Surely, Harry Truman should be added to this list.

Harry S Truman was a friend of mine, and I know he will be remembered by historians as one of the greats. He was a fighter, but he was fair. He looked out for the people like no one else could, and the 1948 Presidential campaign can attest to his skills and courage. Almost single-handedly he won that hotly contested election. Who can forget the now-historic photograph of President Truman holding the newspaper with the headline, "Dewey Defeats Truman."

Again, I urge my colleagues to vote in support of this legislation to honor one of the greatest Americans who has ever lived.●

● Mr. GEPHARDT. Mr. Speaker, I rise in support of House Concurrent Resolution 126, providing for establishment of a special joint congressional committee to plan activities in conjunction with the commemoration of

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the 100th anniversary of the birth of President Truman.

The Congress has a tradition of participating in commemoration of significant dates in American history and honoring former Presidents. Most recently, the celebration last year of the centennial of President Roosevelt's birth was an impressive and memorable occasion.

In keeping with that tradition, this bill will provide for congressional participation in the events planned for next year to commemorate the 100th anniversary of President Truman's birth, in coordination with the Truman Centennial Committee, the Truman Library, and the Harry S Truman Library Institute.

President Truman was a truly outstanding leader who, upon the untimely death of President Roosevelt, moved into office to complete the work of his predecessor in winning the war and assuring the peace that followed. Under his guidance, the Nation was restored to prosperity under new challenges in a greatly changed environment. The rest of the world that was so ravaged by war was rebuilt through his Marshall plan and stabilized by the establishment of the United Nations. President Truman also rose to meet the new challenges brought on by greatly altered world power relationships, particularly standing up to the growing Soviet threat to the fragile peace. His Truman doctrine has been the foundation of most of our postwar strategic planning and foreign policy.

It is most fitting that the Nation celebrate this man who contributed so much to the postwar world. I have been pleased to join in sponsoring this resolution that will assure congressional participation in the important events to commemorate Harry Truman's centennial.●

Mr. DYSON. Mr. Speaker, in the year you joined the House as a young Representative from Massachusetts, Harry Truman departed the White House for his clapboard home in Independence, Mo.

During his 7 years as President, he concluded the peace with Germany and Japan; presided over the transition to a peacetime economy, launched the Marshall plan and the Berlin airlift and initiated the modern struggle for guaranteed civil rights. His achievements, so long overlooked by political pundits, could be listed in great detail, but President Truman would have objected to such elaborate attention. He was a simple fellow of few words, and any commentary should be fashioned after his model: short and sweet, and if not sweet, at least short.

I am delighted by the idea that on the 100th anniversary of Mr. Truman's birth the Congress will have a joint committee—on which you will sit—to assist in organizing a commemorative celebration. Mr. Truman was no stranger to Maryland. Indeed, not far from my home in St. Mary's County is the small island of Jefferson, where Mr. Truman would convene with Governor Richie and call to the poker table a quorum of the area's finest players for the purpose of demonstrating the random probabilities of drawing an inside straight. Few in politics could ever bluff Maryland's Albert C. Richie, in a legislature or on a card table. But President Truman seldom worried at his game, and it is said, never bluffed.

Clearly and strongly I support House Joint Resolution 126. I encourage any colleague who may consider these times too tumultuous to permit such celebration to recall the turbulent years of the Truman presidency. We should never be too busy to reflect on the trials of those who did so much to open a period in American history which, even as we speak, may be facing its most grueling challenge.

● Mr. WON PAT. Mr. Speaker, I am pleased to join my colleague Congressman Ike Skelton in saluting President Harry S Truman's 100th birthday.

I well remember the days of Harry Truman in the White House. And so do my fellow Guamanians. He was responsible for so much of the gains my territory made in the early 1950's. It was Mr. Truman who overrode the opposition of the old War Department and transferred Guam from the Department of the Navy to the Department of Interior. That single step did as much as anything to institute civilian, rather than military, government for a territory which had been ruled by the U.S. Navy since 1898.

Second, it was President Truman who supported and later signed legislation known as the Guam Organic Act which granted American citizenship to the people of my territory. All too often Americans take their citizenship for granted, not realizing what a cherished possession it really is. We on Guam do not take our citizenship for granted. I know what it was like not to have citizenship and my American citizenship is one of my most prized possessions—thanks in part to the wisdom and friendship of President Truman.

Obviously, we on Guam remember Mr. Truman with the fondest memories. And we always will. On this occasion I am honored and proud to join with my colleagues here today and look toward Heaven and say "Mr. President, happy 100th birthday." Thank you.●

Mr. WHEAT. I yield back the balance of my time.

Mr. Speaker, I urge the adoption of the resolution.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 226, the previous question is considered as ordered.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDONALD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 382, nays 5, not voting 46, as follows:

[Roll No. 235]

YEAS—382

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crockett
D'Amours
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Duncan
Durbin
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Jones (OK)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leath
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren

Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
Staggers
Stangeland
Stark
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Wheat
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—5

Archer
Crane, Daniel
Crane, Philip
McDonald
Paul

NOT VOTING—46

Aspin
Badham
Boland
Boner
Byron
Chappell
Clay
Coelho
Collins
Daniel
Dannemeyer
Dowdy
Dreier
Dwyer
Edwards (CA)
Erlenborn
Fuqua
Goodling
Hance
Hansen (ID)
Harrison
Heftel
Hillis
Johnson
Jones (NC)
Jones (TN)
Kemp
Leach
Lehman (CA)
Markey
Martinez
Mavroules
McCandless
McKinney
Michel
Pepper
Simon
Smith (IA)
Smith, Robert
St Germain
Stenholm
Weaver
Whitehurst
Whitten
Wright
Young (AK)

☐ 1300

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, JULY 1, 1983, TO FILE REPORT ON H.R. 3392

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight Friday, July 1, 1983, to file a report on the bill, H.R. 3392.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

CONFERENCE REPORT ON S. 273, EXTENSION OF 8(a) PILOT PROGRAMS

Mr. MITCHELL. Mr. Speaker, I call up the conference report on the Senate bill (S. 273) to amend section 8(a)(1) of the Small Business Act.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of June 23, 1983.)

The SPEAKER pro tempore. The gentleman from Maryland (Mr. Mitchell) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. McDade) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. Mitchell).

☐ 1310

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on the bill (S. 273) which would reopen during fiscal years 1984 and 1985 two minority enterprise pilot programs to be conducted by the Small Business Administration.

The first of these programs is a pilot procurement program under which the Small Business Administration has the exclusive authority to determine which procurement needs of a Federal department designated by the Presidnet (other than the Department of Defense or a component thereof) are suitable for inclusion in the Small Business Administration's 8(a) program. Under this program, the Small Business Administration contracts to provide goods and services to Federal departments and agencies and then subcontracts the work to a socially and economically disadvantaged firm.

This pilot originally was enacted into law in 1978 by Public Law 95-507 and the President selected the Army as the Department which would participate. During its 3-year existence, only 14 contracts valued at some $100 million were included. Based on these small numbers, the committee is not able to evaluate the results of this pilot and thus is recommending that it be reinstated for an additional 2 years.

The only basic change from this proposal as it passed the House as H.R. 861 is that the Defense Department and its components are excluded from further participation. Thus, the President will be selecting a civilian agency to participate in the pilot.

The second pilot also was originally enacted in Public Law 95-507. Under this pilot, the Small Business Administration was authorized to waive Federal bonding requirements for 8(a) contractors who cannot obtain a surety bond if they are startup concerns and have not participated in the 8(a) program for over 1 year.

It took the Small Business Administration more than 2 years to adopt final regulations and it never did adopt standard operating procedures or issue instructions to field offices as to implementation of the program. Of course, this resulted in no waivers ever being granted.

I find this situation to be intolerable as in effect a Federal agency is simply deciding that a pilot program is not going to succeed and thus they will not even try it. This is a decision to be made by the Congress and it will be made after the Small Business Administration conducts the pilot program and after we are able to evaluate its results.

I have made this position known to the agency and I am hopeful that they are now willing to move forward and give both of these pilot programs a fair and adequate test.

I want to thank my colleagues who worked on this legislation and particularly the ranking minority member, Joe McDade.

I urge approval of the conference report.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my distinguished colleague, the gentleman from Maryland (Mr. Mitchell), and I rise in support of this legislation. We have worked together and brought the House a good bill. It is supported by all of the members of our committee on both sides of the aisle and by the administration. It is a good bill. We have the word of our Administrator of the SBA that he is going to make this program work. I believe he will.

Mr. Speaker, I urge my colleagues on both sides of the aisle to adopt its legislation.

Mr. WILLIAMS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Ohio, who has contributed so much to this and other pieces of legislation in our committee, and I congratulate the gentleman for the work he has done.

Mr. WILLIAMS of Ohio. I thank the gentleman from Pennsylvania for his kind remarks, and I want to compliment the chairman and the ranking minority member of the committee for the fine work they have done.

Mr. Speaker, I rise in strong support of the conference report.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. DAUB), who probably has more input into this bill than anybody on our side of the aisle. Although I stand here, the gentleman from Nebraska has done more than anybody to make it work.

Mr. DAUB. Mr. Speaker, I appreciate the gentleman's kind words.

Mr. Speaker, I want to thank the chairman of the committee for his diligence in getting this matter resolved. I think the 8(a) program, particularly, although the bonding program is important, is a good program. I am particularly delighted to recall to the chairman and the ranking minority member our colloquy with respect to the technology shift, so that we can develop some nontraditional small business opportunity. I think the conference report brings us that opportunity, and I urge my colleagues to support passage of this legislation.

Mr. McDADE. Mr. Speaker, I urge passage of the conference report, and I yield back the balance of my time.

Mr. MITCHELL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ADDABBO), a member of the committee.

Mr. ADDABBO. I rise in strong support of the conference report on S. 273 which would extend the 8(a) pilot program and the surety bond waiver pilot program until September 30, 1985.

Under Public Law 95-507, the 8(a) pilot program was established to grant SBA the authority to select contracts from an agency, designated by the President, for inclusion in the 8(a) program. This authority is sorely needed since under the regular 8(a) program SBA can only receive those contracts which individual agencies voluntarily offer.

It is unfortunate that this administration has chosen to ignore the needs of the minority business constituency. As the author of Public Law 95-507, I find it necessary to constantly remind SBA that the purpose of the 8(a) program is to promote the business development of minority-owned firms so that they may become competitively viable in the free enterprise system. The 8(a) pilot program, is important not only to redirect the agency's purpose to business development, but also to help minority-owned firms receive the lucrative, sophisticated contracts they have been historically denied. SBA must fulfill congressional intent by being forceful and aggressive with the designated agency.

The surety bond waiver program, first authorized by Public Law 95-507, is of critical importance to minority businesses. However, SBA has never implemented this pilot program.

Minorities have historically had difficulties in obtaining bonding for contracts that they are otherwise capable of performing. It is for this reason that the surety bond pilot program was established. The program authorizes SBA to waive all Federal bonding requirements for its 8(a) contractors who are start-ups and in the program for 1 year or less, provided certain conditions are met. However, SBA did not waive a single bonding requirement for any 8(a) contractor. An extension is needed to determine the effectiveness of this program and to let the SBA know, in the clearest terms, that it is the Congress which makes the law.

I urge all of my colleagues to support the extension of these two programs. It is incumbent upon the Congress to show the minority business community that we, unlike the administration, will not turn our backs on their needs.

Mr. MITCHELL. Mr. Speaker, I want to thank my colleagues who have worked on this legislation. There was a bipartisan effort, it has been very successful and we do urge the approval of the report.

● Mr. CORRADA. Mr. Speaker, I rise in support of the conference report on S. 273, a bill to extend through fiscal year 1984 SBA pilot program under section (8) of the Small Business Act.

The pilot procurement program under section 8a of the Small Business Act is very important for the economic and industrial development of Puerto Rico and a primary source of job creation.

Through the 8(a) program SBA provides eligible minority disadvantage firms in Puerto Rico as well as in the Nation with such contract, financial and technical support as may be needed to promote their competitive viability within a reasonable period of time.

Actually there are in Puerto Rico a total of 27 small business concerns certified under the 8(a) programs. These firms are receiving more than $23 million in Federal procurement and, as a result, a total of 1,500 new jobs have either been created or maintained.

Also, as part of joint efforts between the Government of Puerto Rico and the U.S. Government to improve the economic conditions of the Island and to increase employment opportunities, the SBA is expanding the Federal Government contract opportunities in Puerto Rico. This will be done by increasing the number of eligible firms under the 8(a) program to 45. This should give our island an additional input of $30 million in Federal contracts and help create 1,500 new jobs.

Small businesses are the cornerstone of our Nation's free enterprise system. Their growth and development is critical to our economic stability. By far, small businesses have proven to be the best single source of job creation. At a time when our Nation appears to be moving back toward economic health, that job creation small business contributes to an economic recovery must be recognized and supported.

I urge my colleagues to support S. 273.●

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include extraneous matter, and that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDONALD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 367, nays 6, not voting 60, as follows:

[Roll No. 236]

YEAS—367

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Conte
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crockett
D'Amours
Daschle
Daub
Dellums
Derrick
DeWine
Dickinson
Dingell
Dixon
Donnelly
Dorgan
Downey
Duncan
Durbin
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio

Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hiler
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson
Jones (OK)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Moorhead
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
Staggers
Stangeland
Stark
Stokes
Stratton
Studds
Stump
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Waxman
Weber
Weiss
Wheat
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—6

Crane, Daniel
Crane, Philip
Leath
Marlenee
McDonald
Paul

NOT VOTING—60

Aspin
Badham
Boland
Boner
Bonior
Breaux
Brooks
Byron
Chappell
Clay
Coleman (TX)
Collins
Conable
Conyers
Daniel
Dannemeyer
Davis
de la Garza
Dicks
Dowdy
Dreier
Dwyer
Erlenborn
Franklin
Fuqua
Goodling
Hance
Harrison
Hartnett
Heftel
Hightower
Hillis
Ireland
Jones (NC)
Jones (TN)
Kemp
Leach
Lehman (CA)
Leland
Lewis (CA)
Martinez
Mavroules
McCandless
Michel
Montgomery
Morrison (WA)
Pepper
Pursell
Rostenkowski
Smith (IA)
Smith, Robert
St Germain
Stenholm
Sundquist
Traxler
Watkins
Weaver
Whitehurst
Whitten
Wright

☐ 1320

Mr. GIBBONS changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

● Mr. LELAND. Mr. Speaker, I rise briefly to ask that the record reflect how I would have voted on rollcall vote No. 236, agreeing to conference report on S. 273. I was present to vote all day, but I was unavoidably delayed at the time of rollcall vote No. 236, and I was not able to get to the floor on time to cast my vote. Had I been present, I would have voted to agree to the conference report.

I thank the Speaker for this opportunity to set the record straight.●

☐ 1330

NATIONAL ATOMIC VETERANS' DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 68) to authorize and request the President to designate July 16, 1983, as "National Atomic Veterans' Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. VANDER JAGT. Reserving the right to object, Mr. Speaker, I will not object, but I merely wanted to take this opportunity to inform the House that the minority has no objection.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Speaker, I thank the chairman of the subcommittee for bringing up this particular recognition day for "atomic veterans."

On July 16, 1945, mankind's future was altered as never before, for on this day man became witness to the most incredible unleashing of physical power ever to befall his eyes. Trinity, the world's first atomic weapon was exploded that day. Our world and our lives have been changing ever since.

The servicemen who observed this and 234 subsequent nuclear detonations know better than anyone just how irrevocably one's life can change when touched by these awesome instruments of war. Now, some 38 years later, a quarter of a million veterans are living, painfully, with the effects that these explosions may have had on their bodies.

Although the evidence is still inconclusive, recent medical and statistical studies suggest a positive correlation between certain diseases and exposure to ionizing radiation. A 1980 study by the Center for Disease Control in Atlanta indicates that of 3,224 participants in the 1957 nuclear test explosion "Smoky," the incidence rate for leukemia is nearly three times the normal estimate; findings by physicians at the Radiation Research Institute in Berkeley, Calif., suggest an extraordinarily high incidence rate of rare forms of muscle and bone diseases among atomic veterans; and preliminary health surveys of 700 detonation observers conducted by the National Association for Atomic Veterans resulted in more than half of those questioned reporting mental and/or physical birth defects in their children.

Despite this and other medical data, the Veterans' Administration takes the position that the average doses of radiation received by the servicemen involved was too low to have manifested physical injury. In fact, of the 3,000 radiation-related claims submitted by atomic veterans or their widows to the Veterans' Administration, only 65 have been awarded.

As time drags on, these veterans grow evermore afraid that no one is listening—that no one cares. The fear they harbor is real. The fear they harbor is exclusively their own. Only atomic veterans know the lonely feeling of traveling through life wondering if the firery blase they witnessed years ago is still shaping and clouding their world today.

In a sense, the most tragic facet of the peril that pervades atomic veterans' lives is the uncertainty surrounding the fate of their health and their children's well-being.

So, let these unique and patriotic veterans be certain that someone cares—that someone will delve deeper into their plight and attempt to calm their worry. Let them know that someone, at least, sees their suffering and hears their cries.

July 16 comes once a year to most of us. In the lives of others it is a day

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that repeats itself every time chemotherapy for cancer is undergone, every time a retarded son or daughter is born.

I urge you today to vote in recognition, in support, and in honor of these our atomic veterans. Vote to give them July 16, 1983, as a day which will stand for the importance of resolving issues related to the exposure of these men to ionizing radiation.

● Mr. MINETA. Mr. Speaker, today we have the opportunity to recognize the plight of over 250,000 Americans who served their country honorably and at great personal sacrifice. I am speaking of the former servicemen who were exposed to ionizing radiation during tests of nuclear weapons between 1945 and 1962. Between 1945 and 1962, there were at least 235 atmospheric nuclear weapons tests conducted in the Pacific and American Southwest. Tragically, as a result of their presence at these test sites, many of these veterans, as well as their children, are suffering from cancer and other diseases attributable to radiation exposure.

The negative consequences of these tests were not adequately assessed and proper precautions for the protection of the servicemen were not taken. Also, there was not sufficient monitoring of the nuclear exposure experienced by the servicemen.

Mr. Speaker, these veterans admirably fulfilled their obligation to serve the United States. Today, we have the chance to take an initial step toward assuring that the Government of the United States lives up to its obligations to these veterans by voting in favor of House Joint Resolution 210. This resolution focuses attention on the concerns of "atomic veterans" by designating July 16, 1983—the 38th anniversary of the first detonation of an atomic weapon—as "National Atomic Veterans' Day." I strongly urge all of my colleagues to vote in favor of this resolution.●

Mr. VANDER JAGT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 68

Whereas approximately two hundred and fifty thousand veterans of the United States, while serving in the active military, naval, or air service during the period beginning in 1945 and ending in 1963, witnessed and participated in at least two hundred and thirty-five atmospheric nuclear weapons tests conducted in the Pacific Ocean and the Southwestern United States or served in Hiroshima or Nagasaki during the period of the occupation of Japan by the military forces of the United States immediately following World War II;

Whereas these Atomic Veterans patriotically served their country meeting the needs of national defense during this critical period in history;

Whereas the health of many of the Atomic Veterans and of many of the natural children of such veterans may have been adversely affected by the exposure of such veterans to ionizing radiation from the detonation of atomic or nuclear weapons;

Whereas the Congress recognizes the patriotism and dedication of the Atomic Veterans and the importance of resolving the issues arising from the problems caused by the exposure of the Atomic Veterans to ionizing radiation; and

Whereas July 16, 1983, is the anniversary of "Trinity", the first detonation of an atomic weapon, which took place at Alamogordo Air Force Base in New Mexico on July 16, 1945: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating July 16, 1983, as "National Atomic Veterans' Day" and calling upon all Federal, State, and local government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMERICAN BUSINESS WOMEN'S DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 18) designating September 22, 1983, as "American Business Women's Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. VANDER JAGT. Reserving the right to object, Mr. Speaker, I will not object; but I wanted to inform the House that the minority unanimously supports this resolution.

● Mr. COURTER. Mr. Speaker, I rise in support of Senate Joint Resolution 18 designating September 22, 1983, as "American Businesswomen's Day."

During World War II many women began to fill jobs left vacant by men who joined our armed services. By the end of the war 37 percent of the American work force was female. By 1970 the number had increased to 43 percent, and in 1980 the number of women working in the United States has almost doubled that of post-World War II and reached 65 percent.

In my opinion, women should be recognized for their outstanding contributions and accomplishments to the American business community.

All women, including the unsalaried homemakers and corporate executives are all making an important contribution to our way of life in this country. It is for these reasons that I urge my colleagues to support this resolution to honor American businesswomen by acknowledging their contributions and accomplishments.●

Mr. VANDER JAGT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 18

Whereas there are forty-three million working women integrally involved in determining the direction of both the private and public sectors of our Nation;

Whereas American businesswomen hold active, responsible, decisionmaking roles at all levels of business, and thus influence the direction of our Nation; and

Whereas the Congress recognizes the important contributions of American businesswomen to our Nation's continuing vitality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 22, 1983, is designated "American Business Women's Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL PORT WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 173) to authorize and request the President of the United States to issue a proclamation designating the 7-day period commencing October 2, 1983, as "National Port Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. VANDER JAGT. Reserving the right to object, Mr. Speaker, I will not object, but I yield to the distinguished gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Joint Resolution 173, which recognizes the importance of the inland, Great Lakes, and coastal ports of our Nation. Ports have always played a significant role in our history and in the economic development of the United States. Today we are the preeminent

trading nation of the world and over 95 percent of our products moving in international commerce pass through our ports. In recent years these shipments amounted to almost 2 billion short tons of waterborne commerce contributing over $35 billion annually to the gross national product.

As a lifetime resident of New York City, I fully appreciate the importance of a healthy port to the economic life of a region. Just as the historic "Boston Tea Party" sparked a political revolution, an improvement at any port has an economic impact far beyond the expectations of the principle participants.

In recognition of this vital role played by our ports, Congress has in each of the last 5 years passed resolutions urging the President to designate the first week in October as "National Port Week." I would point out that both President Carter and President Reagan have wisely heeded our counsel.

Each session Congress considers literally hundreds of these commemorative resolutions, yet only a handful obtain the requisite number of cosponsors. The support of National Port Week by 222 Members of this House is a significant reflection of concern for a vital resource. The action we take is highly valued by port officials throughout our great land.

I thank you for your support of this resolution and may I remind my colleagues that we still must act on what I view as a priority item—the enactment of meaningful port development legislation during this session of Congress.

Mr. VANDER JAGT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 173

Whereas the ocean, Great Lakes, and inland river ports and terminals of our Nation constitute a valuable national asset which have fostered commerce and industry and have contributed to the growth of America's cities;

Whereas the past development of public ports in the United States was a result of fruitful cooperation with the Federal Government constructing and maintaining the navigable waterways and harbors and local municipalities assuming primary responsibility for land-based port facilities;

Whereas our ports are vital links in the United States transportation system and are indispensable to the foreign and domestic commerce and to the national security of our Nation;

Whereas the preservation and improvement of our national network of commercial ports is vital to expanded international trade and the attainment of a favorable trade balance;

Whereas the commercial ports of the United States are responsible for the continued employment of more than one million workers and, in 1982, generated a total of $70,000,000,000, in direct and indirect benefits to the United States economy and over $1,500,000,000 to the balance-of-payments accounts; and

Whereas there is vital need to focus public attention upon the value of a viable and competitive system of commercial ports: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the seven-day period commencing October 2, 1983, as "National Port Week" and to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe that week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL REYE'S SYNDROME WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 34) designating "National Reye's Syndrome Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. VANDER JAGT. Reserving the right to object, Mr. Speaker, I rise really in support of the resolution.

Mr. Speaker, first, may I express my profound thanks and appreciation to the gentlewoman from Indiana, Mrs. Katie Hall, chairman of the Subcommittee on Census and Population of the House Committee on Post Office and Civil Service. As we all know, Congress oftentimes is accused of not moving expeditiously on legislative issues. Such is not the case involving this legislation, Senate Joint Resolution 34, designating the week of November 7 through November 13, 1983, as "National Reye's Syndrome Week." It was only a few days ago that we were able to collect the necessary number of sponsors—now totaling nearly 230—and so notified Chairman Hall. In literally a few working hours, I am privileged to be on the floor to thank Chairman Hall, the entire membership of the House Committee on Post Office and Civil Service, especially my Michigan colleague and its chairman, William D. Ford, and to seek House passage this afternoon of Senate Joint Resolution 34.

I represent, as mentioned earlier, nearly 230 Members of the House who graciously lent their support to this legislation. I would add that it is particularly good to count both Mrs. Hall and Bill Ford as cosponsors. I am also very pleased to inform you that identical legislation in the Senate, sponsored by Senator Donald W. Riegle, has met with similar success.

It is our highest hope that the resolution will truly help to inform all parents of the symptoms and results of Reye's syndrome so that they can prevent serious harm to their children.

It is ironic that this year, 1983, marks the 20th anniversary since Dr. Ralph Douglas Reye, an Australian pathologist, first described the symptoms and course of this disease. Even after 20 years, most regrettably, Reye's syndrome remains, to a large extent, a medical mystery.

But, two persons, who in my personal interest and involvement in this matter, deserve the greatest credit and recognition of all, would not accept that "mystery." Doris and John Dieckman lost their 11-year-old son, John Stewart Elliott Dieckman, to Reye's syndrome on April 12, 1976. Since that time the Dieckmans have devoted fantastic time and effort in the battle against this dreaded disease. Today is a special day for this House of Representatives, but it is an even greater day for the Dieckmans and so many others like them who have carried on a most valiant fight against Reye's syndrome.

Their perseverance, along with hundreds of others, has led to the National Reye's Syndrome Foundation. Now, with increased research activity into the cause of RS going on throughout the country at medical research centers, this resolution would be a wonderful complement to boost public interest, awareness, and concern in Reye's syndrome. The activities of National Reye's Syndrome Week will accelerate and generate even greater concern and support in fighting this disease which strikes children.

No one really knows the number of victims. One Federal health official believes there may be 1,000 cases a year nationwide. An independent researcher thinks there is a submerged "iceberg" of undiagnosed Reye's that may total several thousand cases a year. But nobody knows for sure.

But, to this day, we do know it remains a mystery. No known cause and no preventative, no certain cure.

We, here today, are contributing—probably in a most small way—but contributing—to give those so involved in this fight the means and the possibility of doing even better in the months and years ahead.

I am very proud to be a part of this effort, and I am equally proud of our U.S. House of Representatives in volunteering to help.

Mr. Speaker, I withdraw my reservation of objection.

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The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 34

Whereas Reye's syndrome is a disease of unknown cause which normally attacks healthy children eighteen years of age and under, both male and female, which can kill or cripple more than half of its victims within several days by attacking the muscles, liver, brain, and kidneys, and which affects every organ in the body;

Whereas Reye's syndrome is recognized by the Food and Drug Administration to be one of the top ten killers among all children's diseases;

Whereas Reye's syndrome was first recognized as a specific illness in 1963 and is a new illness in name only since children have been affected for decades by the illness and Reye's syndrome cases have been improperly diagnosed;

Whereas the reporting of cases of Reye's syndrome is required in only one-half of the States (for the purpose of this joint resolution, "States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the other territories and possessions of the United States);

Whereas volunteer Reye's syndrome organizations are established throughout the United States and are supported by thousands of parents;

Whereas national Reye's syndrome volunteer organizations exist to encourage involvement of the Federal Government in supporting Reye's syndrome research; to encourage coordination of the treatment and research efforts by the various Reye's syndrome treatment and research centers; to establish Reye's syndrome as a reportable disease in every State; to establish at the Center for Disease Control a position for the review of data on Reye's syndrome patients; to sponsor a multicenter research study by recognized authorities on Reye's syndrome; to sponsor programs to educate parents and medical professionals with respect to diagnosis and treatment of the illness; and to raise funds for research into cause, prevention, and treatment of Reye's syndrome;

Whereas Reye's syndrome incidence continues to increase at a pace greater than the attention of the public, the Federal Government in general, and the Congress in particular; and

Whereas the chief executive officers of several States have declared certain periods of time as Reye's syndrome weeks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in congress assembled, That the week of November 7 through November 13, 1983, is designated "National Reye's Syndrome Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. **HALL** of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolutions just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

☐ 1220

MEDICARE CRISIS DEMANDS COMPREHENSIVE SOLUTION

(Mr. **FLORIO** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **FLORIO**. Mr. Speaker, exploding increases in health care costs threaten the solvency of the medicare program. This past March the Congressional Budget Office predicted that, without corrective action, medicare will be broke by 1987 or 1988 and will run increasing deficits every year thereafter. These deficits could approach $300 to $400 billion by 1995. Legislation is pending before the Congress to establish a "National Social Security Reform" type of commission to examine the financial problems of the medicare system. Already an advisory committee to the Social Security Administration is proposing additional benefit reductions in medicare to forestall this impending crisis.

This developing issue should sound familiar to my colleagues who this year witnessed the dismantlement of social security pension benefits under the guise of saving the program. Like the social security debate, I fear that proposed solutions to the medicare problem are already being limited to further benefit reductions, user fee increases or limits on provider reimbursements. Each of these solutions, enacted individually or in combination, would deprive many elderly of needed health care and would not meet the medicare deficit unless implemented in draconian fashion.

Solutions which are limited to medicare benefit cuts or fee increases will not meet the medicare deficit because the root cause of the problem is not limited to medicare. The financial ills which plague medicare are reflective of the inability of the medical industry to control health care costs. Even at a time when the overall rate of inflation has been reduced dramatically, health care costs continue to rise to record heights. In 1982, hospital costs increased 13.3 percent, more than triple the general rate of inflation, and are projected to increase 13 percent annually for the next decade for medicare beneficiaries.

The rising costs of medical care have lead some to wonder whether the country can sustain its commitment to the poor and elderly. Coronary bypass operations cost from $20,000 to $40,000 each. Hip replacements with associated hospitalization and therapy run from $5,000 to $10,000 per patient; and the costs of renal dialysis now exceeds $2 billion a year.

Because almost three-quarters of medicare expenditures go for reimbursement to hospitals, these rapidly escalating costs contribute greatly to increasing medicare program costs. Since 1970 medicare outlays have increased almost an average 18 percent each year, and in fiscal year 1982 they were over $50 billion. With health care costs expected to double in the next 7 years, the fiscal pressure on medicare will be enormous. Despite 2 years of medicare cuts totaling $22 billion, the CBO estimates that medicare spending will also soon double, reaching $112 billion by 1988. Between 1983 and 1988 this is an annual average increase of 14.4 percent.

The response of the Congress to this problem cannot be limited to simply imposing additional copayments, deductibles, and premiums on medicare beneficiaries. Since 1976 the part A deductible has increased by almost 200 percent. The part B deductible has increased by 25 percent in the last 3 years. Per capita, the part A coinsurance charges borne personally by the elderly have increased 345 percent over the last 10 years. Physician services not paid by medicare is increasing faster than the elederly's income. Total physician charges passed on to beneficiaries have increased 200 percent over the last 5 years and now exceed $2 billion.

The result is that seniors, on average, now pay 20 percent of their income for health care, the same amount as they did in 1965 when medicare was enacted.

The administration's 1984 budget included $2 billion in additional medicare cuts. Together, the changes suggested would shift $10.4 billion in medicare costs to the elderly over the next 4 years. Hospital costs for the average medicare recipient would increase by 100 percent in 1984 alone.

Clearly, health care in this Nation is at crisis. The magnitude of this problem will not yield to simple solutions. It will not be met by denying medicare or medicaid assistance to the elderly and poor of our Nation, nor by simply cost shifting to private paying patients and other third party payors. Rather, a comprehensive approach is needed to hold down health care costs. Several States, including my own State of New Jersey, are attempting to restrain hospital costs by enacting mandatory cost restraint programs. The success of these programs depend on strong utilization review programs to insure that hospitals are neither over nor underpaid for their services. I find it contradictory, Mr. Speaker, that this year the administration would seek a $2 billion reduction in medicare benefits, and at the same time propose the elimination of mandatory utilization review which helps contain costs by decreasing unnecessary hospital use.

THE IMPACT OF THE INTERNATIONAL MONETARY FUND ON THE POOR IN BORROWING NATIONS

(Ms. **KAPTUR** asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. **KAPTUR**. Mr. Speaker, before the House begins debate on the bill to increase the International Monetary Fund (IMF) quota, I hope that my colleagues will consider the impact IMF policies have on the masses of poor people in the borrowing nations. In country after country, export-led development policies have often substituted for internal policies aimed at self-sufficiency. In addition, IMF's strategy of using austerity as a solution to the payments problem further damages the ability of the poor to meet their basic needs.

Several years ago, Congress passed legislation requiring the U.S. Executive Director to the IMF to insure that loan agreements do not adversely affect borrowers' plans for economic development and the basic human needs of their poorer citizens. This provision was added to the law because many then in Congress were concerned that the IMF was unnecessarily damaging the chances for long-term economic growth as well as forcing the poor to bear most of the short-term burden.

Implementation of this provision is even more crucial today than it was 3 years ago. Yet, to many experts, it appears that this excellent legislation has been ignored. This situation requires further investigation. Tomorrow, joined by many colleagues, I will be sending a letter to Secretary Regan, asking him to describe the steps the Treasury Department has taken to implement this legislation.

A prompt response is clearly imperative.

VOCATIONAL EDUCATION

(Mr. **MOODY** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MOODY**. Mr. Speaker, yesterday in Kentucky President Reagan extrolled the virtues of vocational education, yet he proposes a 39-percent reduction for fiscal year 1984 for vocational instruction, a $350 million cut that would seriously impair the effectiveness of this program.

In my State of Wisconsin this would cut us down from $17 million in Federal aid in 1981, to $10 million in fiscal year 1984.

One example of the excellent programs which would be cut by the President's proposal in Wisconsin is the displaced homemakers' program. This program retrains people, usually women, who have worked for years as caretakers, child rearers, cooks, and housemaids, at no salary, of course, and have suddenly lost their means of support due to divorce or death of the spouse.

About 80 percent of the displaced homemakers are over 40 years old and have particular difficulties trying to enter the job market. Last year, 51 percent of those enrolled in the displaced homemakers' program obtained jobs after this training and produced incomes and tax revenues far in excess of the cost of the program.

This is but one example of the vital, successful, and cost-effective help which vocational education provides in my State.

Mr. Speaker, the unemployment rate in this country has been hovering above 10 percent. Wisconsin's rate is over 11 percent, partly resulting from national forces, but also as a result of important structural changes in our economy as we move from smokestack industries. In this context, vocational and adult retraining becomes even more important in that preparation.

Mr. Reagan's new found love for vocational education is commendable, but it is directly contradicted by his relentless tries to emasculate the budget in that area.

☐ 1340

CARTER BRIEFING PAPERS

(Mr. **EDWARDS** of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **EDWARDS** of California. Mr. Speaker, the American people are entitled to all the facts relating to the theft of the Carter briefing papers.

President Reagan is not providing these facts. Instead he has asked the Justice Department to conduct an investigation.

This is not good enough. The administration is not qualified to investigate itself.

Mr. Speaker, we have in chapter 39 of title 28, United States Code, a procedure for the appointment of independent counsel, formerly special prosecutor, in situations where there are allegations of violations of Federal criminal law by executive branch officials. Under these provisions, the Attorney General can apply for an independent counsel if he determines that the investigation of such alleged criminal activity may result in a political conflict-of-interest for the Department of Justice.

Under the provisions of chapter 39, the Attorney General would apply to a special division of the Federal Circuit Court of the District of Columbia for the appointment of independent counsel by that division of the court.

Mr. Speaker, we do not know who is responsible for the release of these important documents to members of the Reagan Presidential campaign. We do know that high ranking members of the Reagan administration have admitted receiving these documents, and we have reason to believe that they knew that they had been inappropriately acquired from the Carter campaign.

The Attorney General should go to the court and request the appointment of an independent counsel in this matter, for there is clearly a political conflict-of-interest.

FEDERAL SUPPORT FOR VOCATIONAL ADULT EDUCATION PROGRAMS.

(Mr. **ALEXANDER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ALEXANDER**. Mr. Speaker, it is said that when you give a man a fish you feed him for a day but when you teach a man to fish you teach him to feed himself for a lifetime.

In pursuit of this principle, vocational and adult education programs, to which the American people have given their support over the years through the Congress, have given the opportunity to millions of our citizens to gain work skills that are needed to feed, to clothe, and to house themselves for a lifetime.

Graduates of vocational education programs have become productive, taxpaying citizens in our society and not the jobless dependents of the Federal welfare system.

Surely these programs are worthy investments we can make in our future. However, Mr. Reagan's proposed budget would reduce vocational education programs by 39 percent. In my home State of Arkansas over 12,000 people seeking skills to get jobs would be denied that opportunity if the President's program were adopted. It means our capacity to attract new industry to our State and to provide new jobs and lower unemployment will be severely handicapped.

Mr. Speaker, not only is the President refusing our people the opportunity to fish, he is chasing them away from the fishing hole and surrounding it with barbed wire and posting it with a sign that says "No trespassing."

SURPLUS FOOD

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, last Monday Mr. OBERSTAR, Ms. KAPTUR, Mr. ECKART, and I went to Kansas City to tour the Inland Cave of Beatrice Food, 1 of 600 sites containing the more than 3 billion pounds of surplus food.

We had an agreement that the media, including the electronic media, could tour with us. When we arrived the rules had changed and no cameras were allowed. Therefore we Members decided not to tour.

Mr. Speaker, what do they have to hide? Is the cheese moldy? Is the milk caked?

How much is being wasted when 20 million Americans go to bed hungry every night?

We are calling upon the GAO to tell this Congress how much surplus food is wasted, thrown away. We are also asking the Government Operations Committee to determine if the Department of Agriculture put pressure on Beatrice Foods not to allow the American people to view the conditions of this food.

We think it is a disgrace and we will get to the bottom of this issue.

RETIREMENT OF MAJ. GEN. ENRIQUE MENDEZ

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, it is with a deep sense of satisfaction that I take this opportunity to recognize and commend an outstanding serviceman and fine Puerto Rican, Maj. Gen. Enrique Méndez, for his 28 years of unyielding service to our Nation and the U.S. Army.

Today General Méndez is retiring from the U.S. Army with a remarkable military record.

He finished his outstanding military career in the position of Commander of the Walter Reed Army Medical Center to which he was appointed by President Reagan in September 1981. Prior to his position at Walter Reed, General Méndez's assignments included those of Deputy Surgeon General of the Army; Director, Health Care Operations in the Office of the Surgeon General; Deputy Chief of Staff for Operations, Health Services Command, San Antonio, Tex.; Director of Nonresident Health Education at the Academy of Health Sciences in San Antonio, Tex., and Chief, Medical Corps Career Activities Division. His outstanding performance of duties has earned him various awards which include the Loyola University Alumni Award; Legion of Mint with Oak Leaf cluster; Army Commendation Medal; Expert Field Medical Badge, and Distinguished Service Award from the Federal Health Care Executive Institute Alumni Association.

He retires as the highest ranked Puerto Rican and Hispanic Officer in the U.S. Army Medical Corps and having nurtured a personal legacy of credentials. The people of Puerto Rico are justly proud for his achievements, standards of excellence and unyielding dedication to the ideals that make the United States such a great Nation. He has become, and will be for years, a model of achievement and excellence for younger Puerto Ricans and Hispanics aspiring to serve their country.

General Méndez returns to the Island to be in charge of the Ponce School of Medicine where I am sure his vast experience in the field will lead him to excel. I congratulate General Méndez for his outstanding career in the service of our Nation and wish him and his dear wife Olga the best in their future.

INITIATING TALKS WITH THE SOVIET UNION TO EXPLORE NEW OPPORTUNITIES FOR COOPERATIVE EAST-WEST VENTURES IN SPACE

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today I am introducing, along with six of my colleagues, a concurrent resolution expressing the sense of Congress that the President initiate talks with the Soviet Union to explore new opportunities for cooperative East-West ventures in space.

Moving toward cooperation rather than militarization in space can reduce one significant possible arena for a deadly nuclear superpower confrontation.

Our resolution calls on the United States and the U.S.S.R. to renew the 1972 Treaty on Space Cooperation. This 5-year agreement pledged the United States and the Soviet Union to cooperate in the exploration of space. It was first signed by President Nixon and was renewed by President Carter in 1977. Unfortunately the Reagan administration has allowed it to expire.

Under this treaty our two countries formed working groups and successfully conducted joint experiments and shared data on a regular basis. Perhaps the greatest single achievement of the 1972 space agreement was the Apollo-Soyuz mission of 1975.

The signing again of a joint space exploration treaty would provide our two nations with an important opportunity to pursue the policies of cooperation rather than confrontation.

I urge my colleagues to join us in supporting this worthwhile resolution.

THREE IS ENOUGH

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, today marks the third anniversary of the Synthetic Fuels Corporation. Three years ago today legislation was signed authorizing and appropriating $17.7 billion with the goal of producing 2 million barrels of oil equivalent per day. We were told that the Corporation would probably never spend any of the money—it was to be used for loan and price guarantees for productive ventures.

Mr. Speaker, an examination of the Corporation's record indicates that this is not the case. I do not have the time to describe every uneconomic synfuels project that has received—or soon will receive—massive Federal subsidies in the name of "energy security." Suffice it to say that it now appears that the Corporation could actually spend all of its appropriation—without even coming close to its production goal.

But it is not too late. If we act now we can prevent the Corporation from committing billions of tax dollars to unjustified projects. I urge my colleagues to support H.R. 3380, which I have introduced with Mr. WEBER, which would abolish the Synthetic Fuels Corporation.

EFFECTS OF TELEPHONE DIVESTITURE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, there is growing concern across our Nation about the real impact of telephone divestiture and local telephone rates. There is every indiction that local phone rates may skyrocket as early as January 1984.

As an original member of the House Select Committee on Aging I am especially apprehensive about what this will mean to our Nation's elderly. Will the divestiture of the telephone industry disconnect many elderly from the outside world? What can we do to stop it?

If local phone rates rise senior citizens will be faced with something else vital to their lives that they cannot afford. The fastest growing segment of our elderly population are those living alone. In fact, almost one-third of all seniors live alone. For many of them, the telephone is the main, if not only, link they have with the outside world, with remaining family and friends, with the medical community, with the police and fire department. Will divestiture cause a telephone to become a luxury an older person cannot afford—when it is really a necessity?

We have an obligation to protect elderly consumers from the impending increases in telephone rates. It is a critically important issue which must be given top priority by Congress.

□ 1350

DR. WILLARD FRANK LIBBY

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, today I call the attention of my colleagues to the great work and contributions of Dr. Willard Frank Libby.

Throughout his life, Dr. Libby contributed to our society through the application and advancement of science. Despite his rigorous schedule, he consistently became involved in activities and issues which needed attention. Among his many accomplishments, he contributed heavily to increasing the standards and broadening the scope of our science educational system. He also dedicated most of his career toward solving with new technology many of the problems he saw facing our society.

Among his biggest contributions, Dr. Libby invented the diffusion barrier, a process still utilized to enrich most of the fuel for light water reactors outside the Communist-bloc countries. This process has enabled the United States to gross over $6 billion and profit by $3 billion through the sale of reactor fuel. Although most of his work on this project was initiated while not under Federal employment, Dr. Libby joined in with many scientists during World War II in signing over the rights on his work to the Government. With the war requiring sacrifices from so much of the country, he felt it to be his duty in the interests of our national security.

While Dr. Libby has been recognized by scientific institutions throughout the world, including being awarded the Nobel Prize in 1960 for his invention of the radiocarbon dating system, the U.S. Government, a body which has benefited so greatly from his work, has not given Dr. Libby the recognition and appreciation which his work deserves.

For this reason, I am requesting that the Congress join me in requesting the President of the United States to award, posthumously, the Presidential Medal of Freedom to Dr. Willard Frank Libby. Today, I have introduced a House resolution expressing these views, and urge my colleagues to add their support to this endeavor.

The text of the resolution follows:

H. RES. 255

Resolution to express the sense of the House of Representatives that Doctor Willard Libby, inventor of the diffusion barrier, should receive, posthumously, the Presidential Medal of Freedom

Whereas Dr. Willard Frank Libby invented the diffusion barrier, a process utilized to enrich most of the fuel for light water reactors outside of the Communist bloc countries;

Whereas Dr. Libby's enrichment process has enabled the United States to gross $6,000,000,000 and profit by $3,000,000,000 through the sale of reactor fuel;

Whereas Dr. Libby devoted his career to the effective application of science to solving significant and profound social problems;

Whereas Dr. Libby discovered many new radioactive elements important to our understanding of the structure of matter;

Whereas Dr. Libby invented radiocarbon dating, for which he was awarded the Nobel Prize in Chemistry in 1960, enabling the human progress toward civilization to be dated for the last 50,000 and perhaps 100,000 years;

Whereas Dr. Libby made use of tritium, produced by atmospheric weapons tests, to measure the time for exchange of atmosphere between rivers and oceans, exchange between the hemispheres, and exchange between the stratosphere and troposphere, a major contribution to geophysics, agriculture, and meteorology;

Whereas Dr. Libby contributed to the important field of superconductivity by discovering a new class of metals, stable only at high pressures, and demonstrating their superconductive properties, of great potential value in decreasing the expense of electrical distribution processes;

Whereas Dr. Libby developed the theory of catalysis and proved that electron tunneling is a major part of catalysis, a theory which is currently being utilized and has reduced the cost of the manufacturing of chemicals, foods, and fuels, and is expected to further reduce such costs in the future;

Whereas Dr. Libby consistently encouraged the expansion of roles and education in the sciences, through creation of the profession of health physicist, to regulate radioactive emissions and to be independent evaluators of reactor design for safety and health, of which there are now some 10,000 professionals, and through design of the profession and degree of Doctor of the Environment, to address and manage problems of the environment, of which there are now 60 graduates;

Whereas he trained and graduated 102 Ph. D. chemists and taught more than 2,000 graduate and undergraduate chemistry students;

Whereas Dr. Libby has been recognized by distinguished scientific societies throughout the world, including the National Academy of Sciences, the Royal Swedish Academy of Science, the Hiedelberg Academy of Science, and the Bolivian Society of Anthropology;

Whereas, Dr. Libby has been the recipient of many honorary degrees and awards for his pioneering research, in addition to the Nobel Prize, including the Columbia University Chandler Medal, the American Chemical Society Award for Nuclear Applications in Chemistry, the Elliott Cresson Medal of the Franklin Institute, the Willard Gibbs Medal, and the Albert Einstein Medal Award; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the Nation, was established in 1945 to appropriately recognize Americans who have made an especially meritorious contribution to the security or National interest of the United States, world peace, or cultural or other significant public or private endeavors: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should award, posthumously, to Willard Frank Libby, the Presidential Medal of Freedom in honor of his outstanding career and extensive contributions to the advancement and application of science.

FLYING THE F-16

(Mr. DYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYSON. Mr. Speaker, I recently had one of the most exciting moments of my life. It was a moment of immense pride and national achievement. I was a copilot of the F-16.

I feel certain that when the history of our time is chronicled, the development of the F-16 will be hailed as one of man's greatest achievements.

As I floated through the beauty of our free, clear skies I felt the freedom of God's world as captured by man's own imagination and skills.

As in all moments in history the machines—as magnificent as they may be—pale in comparison with the quality of the men and women who develop and operate them.

F-16 pilots such as Lt. Col. Milan Zimer, Lt. Col. Joseph L. Oberle, Lt. Col. John L. Nystrom, Jr., Capt. Jack L. Ivy, Col. Ronald R. Fogelman, and airmen such as S. Sgt. Mary Richardson and Airman First Class Stanley Nykita, who service them as ground crews are some of the greatest patriots of our time.

They risk their lives every day to keep us free and light the fires of freedom with their talents, dedication, and selfless determination to keep us free.

Mr. Speaker, if you have not flown the F-16, I invite you to do so for I believe you will join me in my admiration for this marvelous aircraft and the pilots who fly it.

BIPARTISAN DEBATE ON EDUCATION POLICY

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, there should be no doubt in any of our minds that education policy must become one of this body's most critical concerns. No longer must we speculate about the condition of American education: Numerous and well-respected studies have been released within the last 3 months that detail the declining quality of education in this country. But the first question that faces those

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of us concerned about education policy is whether this Congress will debate education policy in a serious way or allow the debate to degenerate into partisan rhetoric that is so useless in terms of our developing constructive alternative education policies. The public wants, the public expects, the public demands that informed, serious debate. I would share with my colleagues a recent editorial from the Dallas Times Herald which speaks to this question. In the words of the editorial:

> The education issue, obviously, is an extraordinarily important one, and it deserves serious debate by serious people, not disingenuous posturing by politicians seeking electoral gain."

It is my hope that we will address questions of education policy seriously and with a sensitivity for its complexity and importance to the future. The new Education Policy Task Force of the Republican Research Committee, which I cochair with my colleague Congresswoman NANCY JOHNSON, will play a role in the serious-minded articulation of education policy issues and the development of constructive alternative solutions for our colleagues to consider. I hope that Members from both sides of the aisle will engage in that serious-minded debate.

WORK OPPORTUNITIES AND RENEWED COMPETITION ACT OF 1983

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, as an original cosponsor of H.R. 3434, the Work Opportunities and Renewed Competition Act of 1983, I applaud my colleague from Oklahoma (Mr. JONES) for his diligent work.

This legislation could provide significant investment toward modernization of our basic manufacturing industries. As the Representative from Pennsylvania's Lehigh Valley, the home of this country's second largest steel company, the Nation's major producer of heavy trucks and other manufacturing industries, I am aware of the kind of capital investment needed to revitalize our basic industries and make them competitive again.

Basic industries such as steel, autos, and railroads have not been able to take advantage of investment tax credits they have earned because they have not realized sufficient profit to use the credits to offset their tax liability. The Work Opportunities and Renewed Competition Act of 1983 unlocks these tax benefits by allowing companies with unused investment tax credits to obtain 85 percent of the value of their credits when reinvested in new plants and equipment. The restrictions on the types of investment are clear and the full value of the reinvestment tax credit must be paid back by 1990.

This bill offers new hope for the steel industry as well as other basic industries. And most important, it provides a means to make those industries more competitive and helps put America back to work.

WE NEED CONSTRUCTIVE BIPARTISAN DEBATE ON THE EDUCATION ISSUES

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. I thank the Speaker.

Mr. Speaker, the President today carries his campaign for a serious national debate on education to Louisville, Ky. In recent weeks we have seen the President initiate the first major dialog on education in many, many years.

Our colleagues in the House of Representatives have participated in this debate sometimes constructively and not so constructively at times.

A dear colleague letter circulated earlier this week to our Democratic colleagues from the Democratic leadership referred to the President's current efforts as campaign extravaganzas.

Democratic Members were invited to join in making a response to the President's campaign trip and were later urged to talk about reductions in vocational education projects.

Mr. Speaker, that is destructive rhetoric. What the country needs at this time is a serious national debate and dialog on the substantive issues that the President presented to the country, issues such as merit pay, attracting quality teachers, what constitutes a basic curriculum for America's children going into the next century? What length of school year and school-day should we be contemplating? What are the priorities within our curriculum?

We are prepared to discuss these issues substantively on the Republican side and my colleagues from Texas (Mr. BARTLETT) and from Connecticut (Mrs. JOHNSON) have formed a task force on the educational issue to insure that on our side of the aisle the debate is positive and constructive.

We need the same kind of response from the other side of the aisle.

DEMOCRATIC PROCESS ONLY AS GOOD AS OUR EDUCATION SYSTEM

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON. Mr. Speaker, as important as money is to providing quality education to the children of America, it cannot and does not assure or create excellence in the classroom experience.

I am proud of the creative teachers in my district who have quietly and wisely developed new approaches with remarkable results. They give students the opportunity to work with local industry and use their new knowledge to develop and broaden the vocational curriculum and are enabling male and female students to consider nontraditional careers.

It is healthy that the quality of education in America should become the focus of a national debate. In a very real sense our democratic process will be only as good as our educational system and our economy only as strong as our schools and colleges.

Statistics as well as the experience of children and parents have given rise to deep concern. Let us address honestly the funding issues, but let us look also anew at better recognition of our excellent teachers, revitalizing parent involvement, issues of discipline and social promotion, redefinition of basic education, and all those matters that have surged to the fore.

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GENERAL LEAVE

Mr. DYSON. Mr. Speaker, I ask unanimous consent that all Members be allowed to have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the special order of the gentleman from Illinois (Mr. ROSTENKOWSKI).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

LET FCC ACT ON TV NETWORKS RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 30 minutes.

● Mr. CORCORAN. Mr. Speaker, I strongly urge my colleagues to oppose H.R. 2250, Mr. WAXMAN's proposal to bar the Federal Communications Commission from completing its consideration of repealing the financial interest and syndication rules. These rules, adopted in 1970, prohibit the three networks from owning and syndicating television programing. The Commission is nearing its decision on whether the rules are needed to insure competition and diversity in television viewing options.

According to this bill's sponsor, the rules "insure competition and diversity." My friend from Colorado, Mr. WIRTH, a cosponsor of the bill, says: "We must only deregulate when it is

warranted by the level of competition."

Let us look at the rules in these contexts. First, what is the degree of competition in the production of television programing? In its comments on the rules of January 26, the Assistant Attorney General for Antitrust and his staff stated:

> The program supply market appears to be competitive. The market is not concentrated, firms are able to exist holding small market shares, costs of production are constant, and there is substantial new entry.

In reply comments, the Antitrust Division noted that a report prepared for proponents of the present rules "recognizes that 'previous economic studies have shown that television program supply is competitive' " and that " 'rules governing the network relationships with suppliers are not likely to have significant economic effects in the program supply market.' Thus, the Department believes that there is no support for the position that the rules enhance competition in program production."

In studying the rules during the Carter administration, the Federal Communications Commission network special inquiry staff found that, in 1978, the four leading suppliers of network programing provided 36.6 percent of the shows distributed by networks in terms of program hours, with the top eight providing 52.5 percent. Both percentages increased since the rules took effect in 1970. If there is concentration in this marketplace which affects competition, it is in the large production houses. Still, sources of programing appear to be competitive, and in such a situation the networks have no incentive to produce inhouse, nor do they show any eagerness to do so.

Next, what about diversity of programing? Under the rules, the networks retain their authority to ascertain the tastes of the American viewing public and to decide on programing options in that light. Again, the Antitrust Division finds no benefit from the rules.

> In sum, the Department believes the current rules do not increase the diversity of programming supplied to networks. The production market is competitive, and the networks' position as arbiters of the common taste is unchanged. In our view, proponents of the rule have failed to justify retention of the rules on "diversity" grounds.

In responding to a commentary in support of the rules, the president of the National Hispanic Arts Endowment, René Enriquez of the "Hill Street Blues" cast argued—

> I feel that the major studios and production companies have simply not developed properties to feature Hispanics. At present, I know of only four Hispanic actors in prominent roles * * *. I am convinced that, by again allowing the networks to particapate in the syndication field, there will be greater diversity of programing and much greater opportunity for minority actors and minority production companies.

To expand on Mr. Enriquez's last remark, let me again quote from the Justice Department comments of January—

> If larger, established producers are better able, and hence more willing, to bear risk than smaller or new producers, the current rules may make the larger producers relatively better off and new entry.

I am concerned about the degree of choices our citizens have in selecting television programing, and for most Americans the alternatives are the independent "free" television stations such as WGN and WFLD in Chicago. Their sources of programing are largely reruns of programs first aired by networks, and the rules were designed in part to insure that these independent stations would have fair access to syndicated programs. Of course, since 1970 many additional options have become available to television viewers; access to them is increasing all the time, and the advent of low-power television stations in the near future will substantially contribute to this.

Producers of television programs are not forced to relinquish rights to syndication of their products, and indeed they have considerable power to resist network entreaties to do so. In its reply comments, the Antitrust Division staff noted that major studios are "able to spread risk across a large number of programs," that they can hedge risks by having programs on each network and that "many major investors can pool the risk of investment * * * with other unrelated risks to build a diversified portfolio." Therefore, the producers are well-equipped to resist network bids for programs which do not, in the seller's eyes, reflect the program's worth even before it is aired.

Further, the Commission may concur with the Justice Department that "a narrow rule that only bars the networks from syndicating or exercising any control over the syndication of off-network prime time series" is appropriate. The key element of "The Department's Forced Sale Rule" suggestion would—

> Require the networks to sell syndication rights in a one time sale without legal restrictions to a third party no later than a fixed time after the end of the network run.

Given that there are no competitive or diversity benefits from the existing, broad rule, this approach is clearly preferable to the current circumstance.

So, the purposes of imposing the rules in 1970 are either not fulfilled by their existence or can be met by more focused means. With syndication opportunities insured, by rule or otherwise, the only real effect of the rules is to unfairly treat the networks. Pay television services and independent television stations can today hold a financial interest in and the syndication rights to the programing they air, but not the networks.

A recent New York Times article pointed out that the pay services HBO and Showtime are "offering program fare that until now has been the exlclusive province of the networks: original made-for-television films, miniseries, and continuing comedy and drama series." I hope this heightened diversity continues in this and other forms of television, but as that occurs we must adjust our policies to accommodate the change. Either we must include all programing under the rules or we must revise them.

A California coproducer contacted by my staff during my study of this issue, saying that HBO usually insists on obtaining all rights to programing when acquiring its first-run license, urged that the rules be expanded to encompass developing media. My preference is definitely for deregulating such transactions except where that would give rise to inefficient antitrust actions with respect to syndication.

In Illinois' largest city and television market, Chicago, all three network-affiliated stations are owned and operated by the networks. While the independent stations in Chicago can own and syndicate programing, the rules restrict the ability of the stations owned and operated by networks to provide many interesting and high-quality program services. For example, WBBM, the CBS-owned Chicago station, has produced an acclaimed series of concerts by the Chicago Symphony. It may well have been of considerable interest to viewers in other Midwestern locales, but the rules preclude WBBM from syndicating the series.

Syndication would allow these "O&O's" to produce programs at an initial financial loss that may be recovered through sales to other stations, increasing program diversity locally and elsewhere. These programs would undoubtedly include those centering on matters of public concern, which should be of special interest to my colleagues.

In Illinois, we have many talented producers and substantial production facilities, and the rules' potentially adverse impact on small- and medium-sized producers' financing opportunities is thus important to the growth of this industry in our State as across the country. "Because the financial interest and syndication rules establish unnecessary restraints and limit the available financing sources, Illinois urges that they be repealed," wrote the State Commerce Department director on behalf of the State.

In both the Carter and the Reagan administrations, the Commission has devoted substantial resources to studying effects of the rules in action. The inquiry conducted during the tenure of the Carter administration concluded that—

> The principal effects of these rules has been to remove the networks from the syndication business and to deny networks and suppliers a variety of arrangements for financing program development and production which appear to have been mutually beneficial [and that] there may have been a tendency, as a result of the enactment of the rule, for concentration to increase in the program supply industry. Small suppliers who were previously able to shift risk to the network are unable to do so to the same extent.

The vote by the Commission on proposing review of the rules was 7 to 0. Other expert Federal agencies have commented in support of revamping the rules.

As I said at the outset, after many years of consideration, the Commission is preparing to rule on the present need for, effectiveness of, and appropriateness of the rules. Let us permit the Commission to act. Any further action by Congress on this matter may be taken after it does so, and with the benefit of its analysis in hand. I ask my colleagues to contemplate these remarks in considering H.R. 2250.●

THE FAIR HOUSING AMENDMENTS ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Fish) is recognized for 10 minutes.

● Mr. FISH. Mr. Speaker, today, I am introducing legislation to amend title VIII of the Civil Rights Act—the Fair Housing Amendment Act of 1983. This bill will greatly strengthen the methods of enforcement under title VIII and broaden the classes of individuals protected by the antidiscrimination provisions of that statute.

The introduction of this bill today clearly reflects a bipartisan concern in the House of Representatives over the ned for a stronger Federal fair housing law. Joining with me as the principal cosponsor is my friend and colleague, Don Edwards, chairman of the Judiciary Committee's Subcommittee on Civil and Constitutional Rights. The Honorable Peter Rodino, the able and distinguished chairman of the full Judiciary Committee, is also a cosponsor. In addition, we are joined by Julian Dixon (chairman of the Congressional Black Caucus), Bill Clinger (chairman of the House Wednesday Caucus), Bob Garcia (chairman of the Congressional Hispanic Caucus), Pat Schroeder (cochair, Congressional Caucus for Women's Issues), Bill Green, Stu McKinney, Jim Leach, Claudine Schneider, and George Miller.

Our bill is endorsed by the Leadership Conference on Civil Rights, a coalition of 165 national organizations, including the NAACP, the Urban League, the League of Women Voters, the League of United Latin American Citizens, the U.S. Catholic Conference, the National Council of Churches, the AFL-CIO, the ACLU, the National Organization for Women, and the National Council of Senior Citizens.

Everyone agrees that the existing enforcement mechanisms in title VIII are inadequate. Under current law, the Secretary of the Department of Housing and Urban Development can attempt only to resolve discrimination complaints filed with his agency through the "informal methods of conference, conciliation, and persuasion." But title VIII grants HUD no authority to compel conciliation agreements or enforce any final agreement which might result. Any agreement reached is purely voluntary in nature.

Furthermore, the litigation authority of the Department of Justice in title VIII cases is limited to those instances where the Attorney General concludes that there has been a pattern or practice of discrimination or where the denial of equal housing opportunity raises issues of general public importance. The third method of enforcement, private suits by individuals alleging discrimination, presumes that the individual has both the time and the resources to pursue a private civil action. While there may be good faith disagreements over the best manner in which to strengthen enforcement under title VIII, there is a universal consensus that existing enforcement powers must be enhanced.

The bill we are introducing today provides for an administrative hearing process, utilizing independent administrative law judges appointed by a Presidentially selected three-member Fair Housing Review Commission. A complainant would have the right to intervene in this hearing process. If the initial decision of the administrative law judge is not affirmed by the Fair Housing Review Commission, review of the final order may be sought in the appropriate Federal circuit court of appeals. It is important to emphasize that, under this bill, administrative enforcement is a last resort. Before a case is referred for a hearing, the Secretary of HUD must attempt conciliation and may, with the consent of both parties, refer the case to the Department of Justice for binding arbitration. The Attorney General will continue his responsibility to pursue pattern or practice suits as well as cases which pose issues of general public importance.

The ability of an individual to pursue private action is also enhanced under the bill. The statute of limitations for such actions is expanded from 180 days to 2 years. The bill also removes the language in the current law which greatly restricts an individual's eligibility for attorney's fees and removes the $1,000 limitation on punitive damages.

The classes of individuals protected by title VIII is expanded to include handicapped persons and families with children. A landlord must allow a handicapped lessee to make reasonable modifications in the premises. However, where the landlord resides on the premises, the handicapped person is responsible for the restoration of the premises at his/her own expense upon leaving.

This legislation also recognizes that strong fair housing enforcement must occur at the State or local level. Thus, the Department of Housing and Urban Development would continue its review of State or local laws to determine whether or not they are "substantially equivalent" to the Federal law. In instances where HUD has certified a State or local law, a complaint would be referred to the appropriate State or local agency, which would then proceed to hear and decide the case. HUD would be no longer involved. Only in those instances where substantially equivalent State or local laws do not exist, would the administrative process at the Federal level be invoked. Of course, an aggrieved individual retains his or her right to pursue a private civil suit up until the time an administrative proceeding has commenced. Finally, this bill codifies existing case law with respect to title VIII coverage of property insurance and real estate appraisers. See: *U.S.* v. *American Institute of Real Estate Appraisers*, 422 F. Supp. 1072 (N.D. Ill., 1977). *Dunn* v. *Midwestern Indemnity*, 472 F. Supp. 1106 (S.D. Ohio, 1979). The legislation makes it clear that a discriminatory act in any phase of the real estate financing chain would violate the terms of title VIII.

Identical legislation has been introduced in the Senate by Senator Mathias with 38 cosponsors. I am hopeful that the Judiciary Committees in both Houses of Congress will soon be able to turn their attention to this important and necessary legislation.●

PERSONAL EXPLANATION

Mr. CONTE. Mr. Speaker, on rollcall No. 147, on June 2, 1983, the vote on the Wirth amendment to H.R. 3133, I was absent because of official business. Had I been present I would have voted "aye."

EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, last week I advised my colleagues that the administration had dispatched a group of military medical personnel to El Salvador. Those people arrived in El Salvador only a matter of hours before a rocket and machinegun attack on the American Embassy there. Yet I wonder how many of my colleagues are aware that the number of American military advisers in El Salvador has just taken a 50-percent upward jump, or that this latest team is endangered by attacks, or that the violence in El Salvador is on a steady upward trend.

I know that the central legislative players in the game of Central America are primarily concerned about maintaining some kind of influence over how the game is played, in light of last week's Supreme Court decision striking down the one-House legislative veto. I understand that the latest authorization of money for Central America had been predicated on the idea of a legislative veto—that the administration would exchange cash today for a mortgage on administrative power down the line. But now that the one-House legislative veto is shorn away as a skivvy behind which to hide an unwillingness to grasp the nettlesome issue of whether to provide aid at all, some new device must be found. So I understand that in light of the need to strike some new bargain on aid for Central America, heads are distracted from the reality of the daily flow of events. But if we watched those events, and if we understood what is taking place, we would raise the real issue—why provide military aid at all? Why should the United States involve itself in what is more a civil war than anything else?

We hear the cry of Marxism, and the talk about how the rebels are getting aid from this, that or another Communist source. Marxism may well be the language of some of the rebels, but the root of rebellion is not in some foreign ideology—it is in the daily grind of poverty, ill health, injustice, and repression. It is in the anger, frustration, and disgust of people who know the contempt in which they are held by the countrymen who have ruled their lives for generations. The rebels use terror, and they have terror directed against them in turn. They are considered no better than dogs, rabid dogs at that, by the right-wing powers that be in El Salvador. Little wonder that there is rebellion.

As for Marxism, the truth is that rebels, no matter how just their cause, have been ignored by ourselves. We did not promote the cause of decency and justice; we simply sat by and let the Marxists enter the vacuum. If the rebels are Marxists, we, more than any other power, made them that way.

Suppose we want to undo the Marxists? Should we rely on military force? No, because a military force can do nothing about the issues of decency and justice. A military force can take ground, and it can provide security, but it cannot run decent schools, provide essential services, administer justice, or solve ages-old economic and social abuse. Only determined and decent governments can do those things—reach out to the people, hear their needs, and provide redress for grievances. And this is the nub of the issue in El Salvador. There is no sign that the rich and potent people of that country sympathize with the plight of their fellow citizens, let alone intend to provide meaningful help and hope for them. Indeed, the far right of El Salvador is very close to pushing through draft constitutional language that would frustrate hopes for future land reform, and might also wreck the usefulness of land reform that has already taken place. No, far from launching on efforts to cure the festering sores that rebellion feeds on, the most powerful elements in El Salvador remain adamantly opposed to any action that would change the existing order. They count on the United States to provide the aid they need to pull their chestnuts out of the fire. Their hands will never be sullied by the hard work of decent government, and their minds will not be troubled by the worryings of conscience. And so they feed the rebellion, and with each stage of its growth, they expect more help from the United States. And so far, our Government, oblivious to the lessons of Vietnam, Nicaragua, Iran, or anyplace else, responds with eagerness and alacrity.

The administration says that we have to provide aid because the rebels are getting help from outside sources—Nicaragua, Cuba, Libya, and so on. But rebellions of any consequence normally do get outside aid, and that includes our own American Revolution. Do we forget that our Revolution would probably have failed without the French assistance wangled by Benjamin Franklin, in his long mission to Paris? Do we forget the contributions of Lafayette? Do we forget, indeed, the direct military intervention provided by Admiral DeGrasse and his fleet of French ships off Yorktown? We would do well to remember that the enemies of England were more than happy to add to the King's discomfort by aiding his rebellious subjects in America. Likewise, we would do well to remember that our own Civil War would have had a profoundly different outcome if Jeff Davis had been able to obtain the help he desperately tried to get form European powers—help that never came, because the military possibilities looked so bleak after the Battle of Antietam. The rebellion of the Confederacy might have been doomed even with outside help—but the point is, such help was essential if there was to be even the ghost of success. So it is nothing new for rebels to seek help from the enemies of the powers that be, in this century or the 18th, or long before that.

Simply to say that rebels are getting aid from our enemies does not justify our providing aid to autocrats or fools. If we want democracy, we have to provide help to people who believe in democratic government. If we want to oppose marxists, we have to oppose them with ideas, not just guns—because they are appealing to the idea of justice and hope, and those ideals have great power when a people are oppressed and without hope. And it is not enough simply to spout slogans. Slogans do not replace teachers. Campaign jingles do not replace medical care, and they do not provide clean water. Radio messages do not feed anybody, and combat helicopters do not plow or seed fields. If we really want to pull the teeth of the Marxists, we have to do it by insisting that the Government of El Salvador go out and deal with their people—stand with them, not over them, stand by them, not above them. But we do not insist that the Government of El Salvador really grapple with the ills of their country—merely that they pay lipservice to the idea of reform.

And in fact, our policy likewise ignores the most pressing needs of the people of El Salvador. The medical team that has just arrived there will be assigned to caring for war casualties. That is necessary, and it is well and good. But the need for medical care among the civilian population is ignored, no matter that conditions in the country are inexpressably bad. If our own medical teams cannot aid the people of El Salvador, why can we not insist that the Salvadoran Government provide teams and clinics of its own?

The reason is that our policy ignores the cause of the Salvadoran civil war, or rebellion, or, as they call it there, El Problema, the problem. So it is that we provide aid for an army that sweeps through towns and villages, clears roads once in a while, and spreads general destruction, when we ought to be insisting that the military forces provide real security and that the Salvadoran Government provide real services and real help to the people who are caught in the middle. It does no good to capture a town by day and desert it at night. We should have learned that, if nothing else, in Vietnam. And no amount of aid, no amount of terror, will hold a government up forever. We should have learned that in Nicaragua, or in Iran. By ignoring the people of El Salvador, we consign them to oblivion or rebellion, whichever approaches first.

The Government of El Salvador has not demonstrated itself to be worthy of its own people's trust; why should we extend our trust and help? Our policies thus far have not insisted on

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realistic and credible reform in El Salvador, which is the key to the whole situation. No, we simply press ahead with blind eyes. Meanwhile, here in the Congress, we concentrate on how to retain influence, even as the commitment of American military men rises, and the far right wing of El Salvador squeezes out the voices of reason and moderation, and with them, any hope that our contribution of treasure, and soon blood, will do anything more than buy them a few more days on the throne.

I say that we ought to confront the issue and set the policy—aid for a government that is something better than a shabby oligarchy, but nothing for a government that we would not ourselves accept if we had to live under it. We ought to get out of El Salvador. The government there has made its own trouble, shows no sign that it has learned anything, and has no inclination of doing anything more than using the United States as their proxy. It is Vietnam all over again. We do not have to make the same mistakes all over again, Get our troops out, or get them a government that works with them, not one that every day merely exploits their expertise, and brings them closer to peril. Look at the events, consider what is happening, and the consequences.

At this point I insert in the RECORD two newspaper stories relating to the dispatch of medical personnel.

The articles follow:

[From the San Antonio Express, June 28, 1983]

HEALTH SERVICE MEDICS HEAD TO EL SALVADOR

(By Ralph Winingham)

Members of Army Health Services Command, which has its headquarters at Fort Sam Houston, are among 26 military doctors and specialists in El Salvador, officials said Monday.

"The 26-member team left Sunday," Department of Defense spokesman Lt. Col. Carroll Williams told the Express Monday. "The only team breakdown we have is that some of them are from Health Services Command and some are from Forces Command."

It's not known if any members of the team are from Fort Sam Houston since Health Services Command oversees eight Army medical centers and 30 hospitals throughout the world. Forces Command is headquartered at Fort McPherson, Ga., and supervises all the Army's combat and reserve units in the United States.

Williams said names and duty stations of the team members are being withheld for security reasons.

Officials at Health Services Command Headquarters referred all questions about the team to the Pentagon, but added a defense spokesman is scheduled to make a statement about the team on Tuesday in Washington, D.C.

"We have been trying to get information about the team for five days," the services command spokesman said.

Williams said the team will be in El Salvador for about six months to train Salvadoran military medics and to provide health care to civilians when possible.

The medical group is not included in the administration's self-imposed 55-man limit on military advisers in the country, officials said.

The team includes one doctor, one nurse, four medical technicians, one warrant officer and 19 enlisted members. Military officials have said none of the team members are women.

Assignment of the team to El Salvador, which has prompted criticism from U.S. Rep. Henry B. Gonzalez and other congressmen, followed reports that as many as 35 percent of injured Salvadoran soldiers die from their wounds.

Military authorities said the rate was unusually high and compared the figures with a 1-in-28 death-from-injury rate for American soldiers during the Vietnam War.

Gonzalez has opposed the medical team assignment on the grounds President Reagan took the step without the approval from the U.S. House or Senate.

"The president did this on his own," Gonzalez said in June when the plans were released. "We have every sign the administration is about to deepen our involvement in El Salvador."

[From the San Antonio Light, June 23, 1983]

GONZALEZ CRITICIZES MEDICS' DUTY

WASHINGTON.—As the first group of Army medical corpsmen prepares to leave for El Salvador, unequipped with firearms, they enter a highly dangerous situation where they might be picked off by shooting terrorists, says Rep. Henry B. Gonzalez.

"If they get killed, I will hold President Reagan personally responsible," he added.

Gonzalez, D-San Antonio, said he is being informed of the lack of preparations and protection for these medics by "men who are affected." He declined to give their names, but he said he has been in touch with men engaged in the activities of El Salvador.

"The team of 13 medics will include only one doctor, not more, one male nurse, one administrator and corpsmen, not one-third of them doctors as the White House said earlier," the congressman said.

"They go without even quarters prepared for them and it is not certain how or where they will be housed," he said. "They have been told that they will not be equipped with firearms to defend themselves, but they were allowed to bring along their own arms if they possess a weapon like a gun. I think this ia an outrage."

Mr. GONZALEZ. Mr. Speaker, we are looking down a tunnel that grows longer and darker. We have the power to change that, or to get out. But we can only change a wrongheaded policy, or get out, by taking responsibility. Sadly, it looks as if not even the carnage of Vietnam, the wreckage of Iran or anything else, emboldens Congress to summon up the courage to do what is right and responsible in El Salvador—insist on reform, real reform, or get out.

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FINANCIAL SERVICES LEGISLATION—MODERN-DAY TOWER OF BABEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, last May I addressed the House posing a number of questions regarding current terminology used to describe the financial services industry. Since then I feel at times like it must have felt during the days when the Tower of Babel was being constructed. The confusion of voices and sounds emanating from trade group offices downtown, corporate headquarters in New York, the executive branch, the banking agencies, and the Halls of Congress is truly unbelievable.

Examples of this confusion abound. The U.S. League of Savings Institutions in a recent letter stated:

> The U.S. League is increasingly concerned about the high level of interest being shown by powerful investment banking and other securities firms in acquiring savings institution subsidiaries . . . We are also apprehensive about acquisitions of savings institutions by major retail organizations.

Yet the U.S. League is apparently not concerned about numerous savings and loans, through a service corporation subsidiary, offering their customers a full line of brokerage services. Nor is it apprehensive about the ownership today of savings and loans by a major steel company, by an oil and gas producer, by insurance companies, or by the largest retailer in the country.

The chairman of Prudential Insurance Co., is reported in the Washington Post to have supported a moratorium on cross acquisitions as a way of giving Congress time to do a comprehensive review of the banking implications of the mergers that are taking place. Yet Prudential has received notice from the FDIC that the FDIC has no objection to its acquisitions of a commercial bank in Georgia which Prudential will operate as a nonbank.

The chairman of Citicorp, in commenting on mergers of banks and nonbank companies, is quoted in the same article as saying:

> "That horse is long since out of the barn. To freeze this picture is, in effect, to allocate markets to those companies shrewd or lucky enough to be first off the mark.

Yet Citicorp is the largest horse that is out of the barn and is obviously enjoying its romp in the unfenced pastures of South Dakota.

The Federal Reserve Board has expressed concerns about these nonbank banks, about the agency's ability to control monetary policy, and about its regulatory authority over bank holding companies. The Board sent proposed legislation esablishing a moratorium on cross acquisitions to the Congress last week. Yet the Board's legislation does not address the issue of bank and bank holding company acquisitions or chartering of discount brokerage operations. It argues that those activities are permissible under its interpretation of section 4(c)(8) of the Bank Holding Company Act—nonbanking activities section of the act. Its moratorium legislation, however, would effectively bar the operation of a statutory provision which permits nonfinancial companies to acquire savings and loans.

The Treasury Department is opposed to a moratorium and instead will apparently request the introduction of its so-called affiliate proposal. That bill, at least as it was drafted in the last Congress, would provide new and expanded powers for banks and bank holding companies. Yet that proposal did not include savings and loans or savings banks which as a result of legislation enacted in the last two Congresses compete head-on with commercial banks and bank holding companies. Reportedly the Department's new version will address this issue.

Assistant Attorney General Baxter, representing the Antitrust Division of the Justice Department, testified before the Senate Banking Committee recently. In commenting on arguments that relaxing restrictions on interstate banking, for example, would lead to the demise of small banks and would result in concentration of economic resources, Mr. Baxter stated:

> Neither of these related arguments appears valid. For most banking services, there is little evidence of substantial economies of scale. Thus, smaller banks should be able to achieve efficient operating levels and continue to provide competitive services to a wide range of customers . . . . In addition, increasing the potential for new entry into presently concentrated markets should improve the competitive performance of existing firms.

Yet Mr. Baxter does not amply address the concerns of many persons that economies of scale may not be the real issue. The demands by major banks for new product offerings suggest that there may be economies of scope which allow larger firms to operate efficiently at sizes far above those suggested in studies limited solely to examination of traditional banking services like deposit taking. In addition, he does not address the question many raise about potential concentration of economic resources by suggesting that new entry into presently concentrated markets should improve the competitive performance of existing firms. In part, the issue is whether the old definitions of markets used to consider mergers and acquisitions in the banking field are totally relevant today. Do we, in fact, have a national market in which the largest firms—the Citicorps, the Bank of Americas, the Merrill Lynches—are the only ones who can realize economies of scope by virture of their being out of the barn first?

If we truly want to allow Congress time to decide these issues in a rational manner and to provide legislation which will shape the financial system of the future, then it might be wise to take all of these often confusing and conflicting positions into account and to enact moratorium legislation which really shuts the barn door and which brings as many of the horses back into the barn as possible. Such an approach would not prejudice congressional deliberations by structuring a moratorium in a manner which suggest that certain activities for banks are OK or that these are not. The bill which I am introducing today provides a true moratorium and would force all parties to work to produce permanent legislation which will give this Nation a financial system that will serve the country well in the future.

The bill would impose a moratorium, effective January 1, 1983, on all cross acquisitions of financial services firms. Thus, securities firms, nonfinancial firms, and insurance companies would be prohibited from acquiring banks and savings and loans. Banks and savings and loans, in turn, would be prohibited from acquiring or establishing brokerage operations or insurance companies. Depository financial institutions, whether national or State chartered, would be restricted to engaging in those activities which were permissible pursuant to Federal and State law as of January 1, 1983. The depository institution regulatory agencies would be prohibited from writing regulations or offering interpretations which would expand on powers or activities permissible for depository institutions. Thus, all regulations considered since January 1, 1983, with the exception of those implementing specifically the Garn/St Germain Act, would be nullified.

Mr. Speaker, I am convinced that if supporters of a moratorium are serious about providing a calmer atmosphere in which Congress can consider financial services legislation then this approach is more equitable and would eliminate the prejudice which exists in the various proposals suggested to date. if we do not adopt such an approach, then it may well be better to consider legislation which directly addresses the issues that have been raised in recent months. Examples would include the expected Treasury Department affiliate proposal, the legislative recommendations of the insuring agencies discussed in their reports to the Congress this spring, and other proposals which would realine the financial services industry. No matter which approach, the country should not continue to be battered by the confusion of voices and sounds from the financial industry, the Congress and those in the Federal or State executive branches of government.●

H.R. 2760—COVERT ACTION IN NICARAGUA EDITORIAL COMMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 10 minutes.

● Mr. BOLAND. Mr. Speaker, when H.R. 2760 comes to the floor in July, the House will be asked to vote for or against covert military intervention in Nicaragua.

This vote will be preceded by a rare secret session of the House.

I urge all Members to participate in this historic debate and to become familiar with the crucial matters that will be discussed. They are extremely important to the direction of this Nation's foreign policy as well as to the vitality of the method the Congress has chosen to oversee the Nation's intelligence activities.

The following newspaper editorials bear on our discussion of H.R. 2760 and I commend them to all Members.

[From the Washington Post, May 7, 1983]

A "REAGAN DOCTRINE"?

President Reagan's admiration for the "freedom fighters" currently attacking the Sandinistas led him the other day to state a "Reagan doctrine" that is sure to haunt him if he allows it to stand. Like the "Brezhnev doctrine," to which it bears an unfortunate family resemblance, it justifies a great power's decision to violate the sovereignty of other states.

Mr. Reagan got into the subject by observing that "there is a kind of bias in the treatment of guerrilla fighters. It depends on what kind of a government they are opposing." It sounded as though he were about to lay down a common standard by which all guerrillas should be judged.

Immediately, however, he drew a distinction between the "guerrillas" who, he said, are fighting the elected government of El Salvador not to bring freedom but to restrain freedom, and the "freedom fighters" in Nicaragua. What people refer to as "the government of Nicaragua," he said, came "out of the barrel of a gun. . . . Other than being in control of the capital, you might say, and having a handle on all the levers—what makes them any more a legitimate government than the people of Nicaragua who are asking for a chance to vote for the kind of government they want?"

Is Mr. Reagan asserting a right to encourage the overthrow of governments that take power by force and deny the vote? Few governments in the world would survive both tests. On the left, no sitting government led by a Marxist-Leninist party came to power by means other than revolution or coup, and none offers authentic elections. Is Mr. Reagan going to support Soviet and Chinese "freedom fighters"? Think of the many governments of the right that took and hold power by force alone. Is the president going to arm guerrillas against the regimes in Chile and Argentina?

In brief, the "Reagan doctrine" is a nonstarter. It shows that there is no good way to rationalize undermining governments

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with which one is not formally at war. Any effort to raise such a standard leads to logical absurdities and invites ambitious governments of other persuasions to develop their own lame and arbitrary excuses to play dirty.

[From the Miami Herald, May 8, 1983]

THE CIA'S WAR

Nicaragua's regime is unelected, undemocratic, repressive, and potentially a menace to its neighbors. It is allying itself with the Soviet camp. The United States and its Central American friends are justified in condemning the Sandinista regime for its failings. They are right to be concerned about its potential threat to the region, up to and including the United States.

Nevertheless, the House Select Committee on Intelligence merits unqualified commendation for its effort to halt the CIA's secret war against Nicaragua. However legitimate the U.S. concerns about the Sandinista regime—and they are legitimate—trying to topple the regime by a CIA-led and financed mercenary army is a huge mistake. The Senate Intelligence Committee's vote for a "compromise" on Friday was, by contrast, a cop-out. That panel voted merely to delay a decision too long overdue already.

The CIA's secret war is against the law. Last December's "Boland Amendment" prohibits it. Perhaps more important, Article 15 of the charter of the Organization of American States (OAS) prohibits it. That article states that "no state or group of states has the right to intervene directly or indirectly for any reason whatever in the internal or external affairs of any other state." The day that the U.S. Government cavalierly abandons obedience to the rule of law is the day that it accepts anarchy and force as the global order. Congress is right to resist that day's arrival.

The CIA's secret war is counterproductive. Intended to hurt the Sandinistas, instead it provides them a hated foreign enemy—Yankee imperialism—to rally their nationalistic people behind and to justify their repression as necessary under trying circumstances.

The House committee's Democrats cite this concern as primary in their vote to shut off the CIA's war. Those Democrats, such as Wyche Fowler of Georgia, are regarded as moderates—not radicals, not "Commie-symps." Their stance underscores the absence of a political consensus behind the Administration's policy. History teaches that no such policy can long succeed when a divided nation refuses to support it. This policy risks revival of the bitter division that tore this nation grievously not long ago.

It also exposes the CIA anew to scorn and restriction after it was just rebuilding itself following the shakeup it underwent in the 1970s. Further, the policy hands the Soviets a propaganda coup; Central America is being called the U.S. Afghanistan, the U.S. East Europe, the U.S. empire.

Perhaps worst, this policy risks inflammation of a violent reaction against "Yankee imperialism" throughout the hemisphere. Panama, Colombia, Venezuela, and Mexico—the truly big strategic "dominoes" of the region—are united in opposing such U.S. intervention. They seek instead a regionally negotiated solution, one that would permit the Sandinistas to govern Nicaragua, however badly, because Nicaragua is sovereign.

The House committee voted to spend $80 million to block arms flows from Nicaragua, or elsewhere, to guerrillas in El Salvador. That was the Administration's alleged purpose for the CIA's covert war. The committee agreed; it just wants the aid now to be overt, and directed through legitimate regional governments, not mercenary armies. Good.

President Reagan is on target in denouncing the Sandinistas for betraying Nicaraguans. The Sandinistas promised elections and pluralism. Instead, they are delivering a contemptible government. By all means the United States should denounce them and help contain their aggression. But it is not up to Washington to determine who governs Nicaragua, or how. It most certainly is not up to the CIA.

[From the New York Times, May 8, 1983]

ONLY LEGAL WARS ARE WORTHY WARS

We are back to arguing not just about the wisdom of waging war but who decides.

President Reagan has assailed a House committee for prohibiting aid to a rebel army operating inside Nicaragua. But only days before, the President solemnly told Congress that his only aim was to interdict the flow of weapons *from* Nicaragua to guerrillas in other countries. He explicitly denied any desire to violate laws or treaties or to promote the overthrow of Managua's Marxist regime.

Not quite, it now turns out. Speaking more spontaneously, the President said he opposed any legal expression of those restraints, for which the House Select Committee on Intelligence had just voted. He denounced it as an irresponsible, dangerous precedent, leaving the executive branch unable "to carry out its constitutional responsibilities."

But Congress indisputably shares those responsibilities. Unless it does, practically speaking, there's no sustaining any foreign war or intervention.

The authors of the Constitution gave Congress exclusive power to "declare" war, but they well understood the likely inclination to wage undeclared war as well. As a contemporary of the founders, Justice Chase, wrote in supporting a unanimous Supreme Court in 1800: "Congress may declare a general war, or Congress may wage a limited war; limited in place, in object, in time."

The reason for this power-sharing was brilliantly anticipated by James Madison: "The management of foreign relations appears to be the most susceptible to abuse of all the trusts committed to a Government," he wrote, because it could be "concealed or disclosed, or disclosed in such parts and at such times as will best suit particular views."

Congress reaffirmed that doctrine when it overwhelmingly enacted a War Powers Resolution in 1973. It provides that a President cannot lawfully engage American forces for more than 90 days without express authorization by Congress. And special committees were established to authorize covert operations in which American honor and sense were at risk. The current Congress has accepted that responsibility in approving aid to Afghan insurgents who are resisting Soviet invaders.

In grasping now for a unilateral executive war power, President Reagan ignores his own failure to make a convincing case for covert aid to any Nicaraguan émigré army. He has been ambiguous about his motives and coy about the émigrés, piling confusion on contradiction in his policy.

Neither purism nor partisanship explains why Americans see a difference between aiding "freedom fighters" in Afghanistan and rebel forces in Nicaragua. The reason is distrust of an ill-defined policy for Central America. If Nicaragua is waging a significant war against El Salvador and deserves retribution or invasion, let the case be made openly, for Congress to judge.

[From the Philadelphia Inquirer, May 10, 1983]

CONGRESS ALSO HAS A ROLE IN DECIDING U.S. INTERESTS

What business does the Sandinista regime of Nicaragua have in trying to overthrow the government of neighboring El Salvador? None whatsoever. "It is the ultimate in hypocrisy," President Reagan declared in his televised address to a joint session of Congress, "for the unelected Nicaraguan government to charge that we seek their overthrow when they are doing everthing they can to bring down the elected government of El Salvador."

By the same token, though, what business does the United States government have in trying to overthrow the Sandinista regime, repressive as it is to its own people, unfriendly as it is to the United States?

For several months the CIA has been arming and training some 3,000 to 4,000 anti-Sandinista guerrillas, many of them partisans of the repressive Somoza regime that the Sandinistas overthrew. It has been engaged in this "covert" action that everyone knows about notwithstanding the Boland amendment that congress adopted last December prohibiting the United States from providing covert aid to military forces "for the purpose of" overthowing the Sandinista regime.

Mr. Reagan's response to that has been disingenuous at best. "We do not seek its overthrow," he declared in his address. "Our interest is to ensure that it does not infect its neighbors through export of subversion and violence. Our purpose, in conformity with American and international law, is to prevent the flow of arms to El Salvador, Honduras, Guatemala and Costa Rica."

Taking him at his word, and ignoring a last-minute warning by CIA director William J. Casey of a possible "bloodbath," the House Select Committee on Intelligence has approved a measure specifically prohibiting the use of funds "for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual."

The committee also, however, authorized $80 million for overt aid to "any friendly government," meaning for the most part El Salvador and Honduras, to interdict the flow of arms to El Salvador from Nicaragua or anywhere else, like Cuba and the Soviet Union.

In an Oval Office news conference, Mr. Reagan, referring to the Nicaraguan insurgents as "freedom fighters," denounced the committee vote as "literally taking away the ability of the executive branch to carry out its constitutional responsibilities." That's not the issue. Members of Congress, also elected by the people, also have the constitutional responsibility to make their own judgments as to whether the policy of the executive branch is in accord with America's national interests.

This policy is not. The House panel's counterpart in the other body, the Senate Select Committee on Intelligence, has made its own judgment. It has voted to put the administration on a short leash, allowing

funds for covert operations in Latin America to continue through Sept. 1 but insisting on Congress' right to grant or withhold approval of specific covert operations.

Beyond that, the issue is not simply that the administration is dong what it denounces others for doing; and doing what it says it is not.

The issue of that what the administration is doing is leading into a blind alley.

Support of the detested Somocistas is a sure way of uniting Nicaraguans behind the Marxist-oriented Sandinistas, whose violations of human rights and mismanagement of the economy have disenchanted so many Nicaraguans who once supported them. It is also a sure way of raising throughout Latin America the specter of an "imperialist" United States that intervenes at its own will or whim in Latin American affairs.

The United States has the right to stop any flow of arms from Nicaragua. It ought not to encourage the flow of support to the Sandinista regime.

[From the Louisville Courier-Journal, May 25, 1983]

WITH A WINK AND A GRIN, REAGAN TAKES ON MANAGUA

In Central America's hottest war, leftist guerrillas are fighting—with an undetermined amount of help from Nicaragua—to overthrow the U.S.-supported government in El Salvador. In the region's second-hottest war, U.S.-supported guerrillas are fighting to overthrow the leftist Sandinista government in Nicaragua. That much is clear. What isn't clear, because of a smokescreen of hypocrisy and legalisms, is the official U.S. goal in the Nicaragua conflict.

The Reagan administration, mindful of congressional restrictions on U.S. aid to the anti-Sandinista guerrillas, insists that it has no intention of toppling the government in Managua. That would be illegal. Instead, the administration says the purpose of this not-so-secret war is to interrupt the flow of arms from Nicaragua to the Salvadoran guerrillas. And of course no one in the administration has conceded publicly that the U.S. is helping the anti-Sandinista guerrillas, who nonetheless have been described by the President as "freedom fighters."

But the Nicaraguan rebels themselves aren't so coy. They have boasted to American reporters of being the best armed guerrilla force in Latin America, thanks to the U.S. taxpayer, and they promise they'll eventually kick the Commies out of Managua.

Can they do it?

A Democratic member of the House Intelligence Committee claims that CIA Director William Casey has predicted the guerrillas have a good chance of success. Mr. Casey denies it, and several key members of Congress, including Representative Lee Hamilton of Indiana, can't recall the CIA chief making such a prediction.

This is an odd situation. In effect, the administration is saying that an army of freedom fighters—who may or may not be armed by the U.S.—has been dispatched to Nicaragua to "tie one for the Gipper." Winning isn't allowed under the rules. And the director of the CIA bristles at the suggestion that he even believes an inadvertent victory is likely.

This sort of nonsense is inevitable when the government of an open society like the United States tries to conduct a large-scale "covert" operation abroad. Everyone knows what's going on, and the official "no comments" become a joke. The joke reached the national television audience during a presidential press conference last week. A reporter noted that Mr. Reagan has described the Sandinista regime as "oppressive and inimical to our interests in the Western Hemisphere" and asked why the United States didn't openly support the Nicaraguan rebels. To the merriment of the White House press corps, and with a big grin of his own, Mr. Reagan answered, "Because we want to keep on obeying the laws of our country, which we are obeying."

A president who can laugh at himself is worth having around, but a president, who laughs at his ability to tiptoe past the law presents a few obvious problems. Even lawmakers who generally agree with Mr. Reagan's Central America policies must have winced when he made light of aid restrictions passed by Congress.

The Democratic-controlled House appears inclined to tighten those restrictions. In the Senate, however, the prevailing feeling seems to be that the anti-Sandinista guerrillas should be allowed to fight a while longer with U.S. support. That would give Mr. Reagan a few more chances to crack jokes about how he's obeying the law (wink, wink), and maybe the freedom fighters will even succeed in capturing Managua. Then the President could get back to what he enjoys best: lambasting the Soviet Union for meddling in other countries' affairs.

[From the Louisville Courier-Journal, June 2, 1983]

REAGAN, PUBLIC FAR APART ON CENTRAL AMERICA POLICY

The Reagan Administration and the American public seem headed in opposite directions on the sensitive question of U.S. involvement in Central America's wars. In a recent Washington Post-ABC News poll, for instance, respondents opposed the President's planned increase in military aid to El Salvador by a 3-to-1 margin. Yet all the signs in Washington point to an even more determined U.S. effort to defeat communism in the region by military means.

One such sign was the firing last weekend of Thomas O. Enders as the State Department's senior official on Latin American affairs. Mr. Enders, despite his considerable credentials as a hard-liner, is said to have favored a dual policy that included talking to Salvadoran guerrillas, as well as shooting at them. He also worried that the administration's approach to the Salvadoran conflict was drifting too far out of line with the prevailing views of Congress and the American people.

Public opinion polls and growing unease on Capitol Hill suggest that his concern was well founded. But the administration is pushing ahead anyway with plans to escalate the U.S. presence in this troubled region. One hundred additonal American military advisers will be dispatched this month to Honduras, to train Salvadoran troops. And the number of American advisers in El Salvador itself may soon be increased, despite the murder there last week of the deputy chief of the 55-member U.S. military contingent.

The Reagan administration also is continuing its drive to harass—and perhaps to topple—the leftist Sandinista regime in Nicaragua. And now come reports that the CIA wanted to overthrow yet another leftist regime, this one in tiny Surinam, a former Dutch colony north of Brazil. That project evidently was scuttled several months ago only after congressional intelligence committees objected.

Here again, administration policy is out of step with public sentiment. Seventy-eight percent of the respondents to the Washington Post-ABC poll opposed "secret" U.S. efforts to overthrow the Nicaraguan regime, and 63 percent said there were no circumstances under which the United States should try to topple any Latin American government.

This isn't to suggest that foreign policy should bob like a cork on the waves of public opinion. But in a democracy, foreign policy—and domestic policy, too, for that matter—cannot succeed if the electorate isn't persuaded that its leaders are following a sensible course. Despite a televised speech to Congress and numerous statements in press conferences, Mr. Reagan evidently has failed to persuade most Americans that his policies in Central America will pay off.

Their skepticism is understandable. The war in El Salvador is going badly for the U.S.-supported government there, and most reports from Nicaragua indicate that raids by U.S.-backed rebels operating from Honduras have failed to produce the popular, anti-Sandinista uprising some in Washington had hoped.

Meanwhile, the economies of both countries deteriorate—with the exception of coffin-making, the region's growth industry of the '80s. Tough-minded policymakers in the White House don't flinch at the carnage and are convinced that the side with the most will and patience will triumph. But Americans are notoriously impatient people. Considering the costs and consequences of the long, grinding war in Vietnam, impatience now may even be a virtue.

[From the Boston Globe, June 3, 1983]

CONGRESS AND CENTRAL AMERICA

After two years of groping toward a military statement that would postpone the "loss" of El Salvador until after the 1984 elections, the Reagan Administration is panicking and lurching off the deep end. Sensing a defeat in the field, the President has apparently decided to escalate, a decision that can expand Central American violence indefinitely, but that cannot conceivably extract "victory" at a reasonable cost in American blood, treasure, reputation and self-respect.

Congressional critics must toughen their stand on this issue now or accept major responsibility for a still avoidable disaster.

With the purging of Assistant Secretary of State Thomas Enders and US Ambassador to El Salvador Deane Hinton, control of US policy has been concentrated in the hands of UN Ambassador Jeane Kirkpatrick and national security adviser William Clark.

Enders and Hinton, both foreign service professionals willing to implement almost any policy, lacked one quality essential to this Administration: the true-believer's faith that rightwing dogma will reshape reality. Eventually they concluded that compromise in El Salvador could be preferable to open-ended escalation. For this they were axed.

The Reagan policy can best be summarized as: not on our watch. Its corollary is: pin the blame on the Democrats.

The Administration's fondest wish would be to win a Thatcher-style war, but the politics of Central America do not remotely resemble last year's Falklands crisis. The only alternative—other than a negotiated peace—is expanding US involvement as quickly as possible. The barrier to that is Congress, which accurately reflects the overwhelming skepticism of the American

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people, both about the nature of the threat in Central America and about the purported Reagan remedies. The escalation, therefore, must be stealthy.

With many congressional critics apparently stunned into silence, the Administration has moved quickly to deepen US military involvement. Reports now indicate plans to increase the 55-man force of military advisers in El Salvador as much as tenfold and to create a major base in Honduras; surveillance flights from Panama have begun training for strafing missions; a "white paper" rehashing "political-military" assertions about Cuban involvement has been reissued; Hinton and Enders, among the few officials with the experience and grit to confront Kirkpatrick from within, have been fired.

Meanwhile, US support for the "secret" war against Nicaragua continues, in defiance of the House Intelligence Committee, in violation of the UN and Organization of American States charters and in contempt of US law.

By ruling out a negotiated peace, the Reagan Administration is radicalizing Central America and will hand Cuba and the Soviet Union an advantage they could not possibly gain on their own.

Legislative critics must get their electoral jitters under control. If at this clear turning point in United States policy toward Central America they are Red-baited into silence by a "Who lost El Salvador?" campaign, they will share the blame, the disgrace and eventually the retribution of the voters.

[From the Philadelphia Inquirer, June 10, 1983]

Congress Must Break Step on Central America Policy

Up to now, there has been one way that Central America has not seemed at all like Vietnam: There has been vigorous debate, within the administration, in the Congress, and in all sorts of public forums, including on campuses, about the United States' role—before that role has reached the point of no return.

In Vietnam, the United States was deep in the jungle before anyone knew it and tromping deeper without clear purpose until it lost its way and, finally, its will. It is not wandering—unsuspectingly, at least—into Central America.

Up to now, it has been an open-eyed venture. President Reagan tried to pull the wool over with his covert operation in Nicaragua—advertising it as a way to stop arms to Salvadoran guerrillas (while aiming it at toppling the anti-American Sandindista government).

The House Intelligence Committee didn't buy his bill of goods. In a rare public report, it said it was obvious the President was casting his lot—meaning U.S. military aid—with insurgents tainted by old ties to the regime of deposed dictator Anastasio Somoza.

And now by a vote of 20-14, the House Foreign Affairs Committee has recommended cutting off all covert aid to those rebels—setting the stage for a full-blown floor fight over whether the Congress should tie the President's hands in broadening the regional conflict or give him free rein.

As that fight approaches, there is disturbing news on several fronts. Upset that his single-minded military adventurism was not thoroughly embraced by Assistant Secretary of State for Inter-American Affairs Thomas O. Enders and Ambassador Deane R. Hinton, Mr. Reagan has removed them. Among Mr. Enders' sins, it is reported, was his refusal to publicize a stale CIA report on Communist subversion in the Caribbean.

The President has a right to expect a coherent foreign policy, but an unchallenged one could put zealous anti-Soviet ideologues in the driver's seat. Information from the war zone quickly becomes propaganda when "team players" take charge.

Were earnest economic and social programs blossoming behind the United States' screen of military protection, there would perhaps be more validity to stay that course. But in El Salvador, for example, there is little encouragement on those fronts. Thousands of peasants thought to be eligible for land ownership, according to a study by that country's largest farmers union, are suddenly finding themselves evicted. And as U.S. military doctors are dispatched, there are charges that the rightist Salvadoran government—not the guerrillas—deepened the crisis in rural health care by closing down the country's only medical school.

Meanwhile the U.S. troops trickle in—a new contingent of 120 Green Beret trainers is about to leave for a U.S.-funded base in Honduras, bringing the U.S. complement there to 300.

This is not aimless wandering. The Congress knows full well where this sort of policy—open-ended and based on a military solution—leads. The House committees have shown their reluctance. It is now up to the full House and the Senate to turn off the funding before—as in Vietnam—the nation finds itself bogged down in a war that cannot be won with bullets.

[From the Boston Globe, June 11, 1983]

A Speech That Matters

For 40 minutes at the Harvard commencement Thursday, Carlos Fuentes turned the platform from which he spoke into the stage of history. He spoke at the right moment—when the United States government gives every sign of being poised to commit tragic errors in Central America that can stain our national heritage and convulse the hemisphere, perhaps for decades. This Mexican writer and diplomat proffered a rare gift, a speech that matters.

The Reagan Administration is waging an illegal, undeclared war against Nicaragua and slipping a steadily increasing flow of military personnel into the region. The US government supports a status quo that is morally and perhaps even militarily indefensible.

The Administration insists that Latin American turmoil is of "Marxist-Leninist" manufacture and, on principle, refuses to negotiate differences with the left in El Salvador, with the Sandinista regime in Nicaragua or with Fidel Castro in Cuba, who is labeled "the source." Yet by responding militarily, the White House is embarked on a course that can extend Nicaraguan and Salvadoran violence indefinitely and spread it throughout the region, but not end it.

"Is Fidel Castro some sort of superior Machiavelli whom no gringo negotiator can meet at a bargaining table without being bamboozled by him?" Fuentes asked at Harvard. "I don't believe it.

"The army continues to outwit everyone in El Salvador, including the United States. It announces elections after assassinating the political leadership of the opposition, then asks the opposition to come back and participate in these same hastily organized elections—as dead souls perhaps?"

Fuentes spoke not as a hostile critic but as a critical, anxious friend. He traced the history of unresolved tensions rooted in Latin culture that are finally being released and stressed the consequences of misinterpreting struggles to resolve ancient "family quarrels" as a sinister process that must be quashed by Washington lest it be controlled by Moscow.

His message above all was: Negotiate. Stop spurning the peace feelers from Sandinistas and Salvadoran leftists. Stop rejecting the good offices of Colombia, Mexico, Panama, Venezuela, France and Spain who in the past 18 months have made numerous efforts to sow the seeds of a political settlement. Curb the North American arrogance that makes many US policy makers believe, not only that the entire hemisphere belongs to this nation, but that they alone have the prescription for its ills.

Although by now it is clear where the Reagan Administration is heading, many in Congress have yet to speak out. Public opinion as measured in polls is said to run strongly against the Reagan policy, but because of fear of being branded "soft" or sanguine about an alleged Soviet menace, many potentially influential critics have not yet found their voices.

Sometimes in the course of human events words matter. The Harvard speech of Carlos Fuentes is a call to be heeded.

[From the Boston Globe, June 17, 1983]

Fight Hardball With Hardball

President Reagan ended his April 28 address to Congress on Central America with an appeal for bipartisan support—followed in the next and last breath with a partisan threat: "Who among us would wish to bear responsibility for failing to meet our shared obligation?"

Many Democrats sense the sickening slide toward regional war inherent in the deteriorating situation in El Salvador, the mounting tension on the Nicaraguan-Honduran border, and the steady escalation of the US military commitment, but still they are keeping a low profile. They foresee echoes of 1950s McCarthyism in the 1984 campaign and fear taking on the President too directly.

Although the House intelligence and Foreign Affairs Committees have both voted to cut funds for the intervention inside Nicaragua, they have tiptoed around evidence that the Administration has violated congressional stipulations that CIA money not be used to overthrow the Nicaraguan government or spark a border war, but solely to "interdict" alleged arms traffic to El Salvador.

The House Intelligence Committee reported plaintively in mid-May: "There are certainly a number of ways to interdict arms, but developing a sizeable military force and deploying it inside Nicaragua is one which strains credibility as an operation only to interdict arms." This was a wan understatement. Anti-Sandinista leaders have been making perfectly clear they care nothing about arms interdiction and everything about counterrevolution. It's equally clear they're dependent on US support.

The Democratic leadership hopes to stop US support for CIA activity inside Nicaragua by attaching a cut-off amendment to the 1984 Intelligence Authorization bill which pays for CIA operations starting Oct. 1. President Reagan would face the choice of accepting that amendment or shutting down the CIA, but obviously the Administration will respond fiercely.

To set the scene for that confrontation, Congress should fight hardball with hardball. Copious revelations about the covert war in Nicaragua provide an opening. There's self-evident reason to assume CIA operatives have participated in contra discussions of overthrowing the Nicaraguan government. If so, they have broken the law, and if their superiors knew about it, they have broken the law.

It's time for a serious probe. The House Intelligence Committee's oversight subcommittee has the power to initiate an investigation and to compel documents and testimony, just as was done, for example, after the Bay of Pigs invasion, the U2 incident or the overthrow of the Allende government in Chile.

In addition to being aggressive politics that will neutralize incipient McCarthyism, such a probe would be politically healthy. American confidence in our system of government is undermined when the executive branch defies Congress with impunity on a matter of war and peace. We are a more law-abiding people than Reagan Administration behavior suggests these days.

Congress should drive that point home.

[From the New York Times, June 24, 1983]

The Refugees Are Coming!

For weeks, officials in Washington have been muttering darkly about a potential tidal wave. Unless the public supports more military spending to combat troublemaking communists in Central America, then watch out: hordes of poor refugees will start pouring in. Now, the muttering is no longer low-level or anonymous. It's coming straight from the President.

If the flood of Southeast Asian boat people was a problem, he says, just imagine what it will be like when the "feet people" start marching north from Central America. That's scare-mongering, and of a contradictory sort. The surest way to avoid a refugee tide is to keep it from arising in the first place. The present Reagan policy risks creating more refugees, not fewer.

Some of the portents emanate from the Army. Three weeks ago, The Washington Post reported that an unnamed general has been warning that so many Latin Americans will flee communism that we'd need to recall some troops from Europe to seal our southern border.

The State Department's Refugee Affairs office has been ringing a similar alarm. In a paper dated May 17, H. Eugene Douglas injected figures into the fears. It estimates the refugee potential at 2.33 million. Not 2 million, not 2½ million, but 2.33 million. Such precision means sophistication, and credibility, right? The figure, it turns out, is what you get if you make the dubious assumption that 10 percent of the region's population will take flight.

Such fanning of fears was unattractive at lower levels. But this week, President Reagan joined in. Speaking in Mississippi, he said, "We must not listen to those who would disarm our friends and allow Central America to be turned into a string of Marxist dictatorships. The result could be a tidal wave of refugees—and this time they'll be 'feet people' and not 'boat people'. . . ."

There is some basis for expecting new refugee pressure. Continuing violence has already pushed hundreds of thousands across one border or another. Mexico has just tightened its border against Salvadorans, Guatemalans and others, using the same logic that the United States uses against illegal migrants from Mexico. An accelerating flow of migrants to this country would strain our law enforcement—and conscience.

The surest way to avoid a refugee tide is prevention, and that means caring about more than military assistance. Arms alone would, if anything, increase the number of refugees. Which side do frightened people typically take? The side of safety. The longer the combat goes on, the more people who will be scared out of their wits, homes and countries.

To shout, "The refugees are coming!" is neither a humane refugee policy nor a persuasive agrument for Mr. Reagan's larger policy.

[From the New York Times, June 26, 1983]

The "Contra" Revolution Won't Work

If the Reagan Administration has a dream about Nicaragua, it is this: With modest American support, the foreign-based insurgencies may catch fire inside the country and topple its leftist regime. . . . If not, the junta may be forced to broaden its base, become less Marxist, more nonaligned. . . . If not that, maybe it will be drained by diversionary battles and kept from spreading revolution in Central America during President Reagan's watch.

For all its heavy cost in lives and dubious legality, this is a policy. And the skirmishing at Nicaragua's borders has powerfully concentrated the attentions of the Sandinistas in Managua. They know their geography and understand that if the war grows, they can expect only modest help from Havana and Moscow.

That alone may explain their signals for direct negotiation with the United States.

What about? Some Sandinistas say they are ready to satisfy American concern about the alleged flow of arms to El Salvador, and to allay our fears of Cuban or Soviet bases in Nicaragua. Perhaps, they'll even talk about democracy, which many hemisphere governments find deplorably lacking.

But in return, the Nicaraguans want recognition of their right to pursue an independent course, without harassment. Even to test these offers, therefore, the Administration would have to give up its dream that insurgents might capture the country.

The choice is between trying to cash in our bargaining chips and disappointing the forces we have hitherto encouraged—or going for broke.

There is nothing irredeemably immoral about backing the "contras." Our role in the war ought then to be open, with aims that can be measured. And the Latin opposition to interference would have to be met with the argument that the Sandinistas themselves had abundant foreign help in overthrowing the Somoza dictatorship.

The overwhelming argument against that course is practical: the "contras" cannot succeed. They have no propsect of being militarily strong enough. Even if they were, they are fatally burdened by the Yankee colossus on their backs.

The difference in Central America between getting help from the north and help from the south is not a matter of geography, but history. Having sponsored the right-wing dictatorships that have now spawned leftist revolution, it is too late for us to appear as only benign democrats. Similarly, it is too late in Nicaragua for former servants of the Somoza regime, no matter how honorable, to present themselves as democratic saviors.

The exiles we support fight with the conviction that Nicaragua seethes with unrest. But in the major cities, where the Sandinistas won their revolution, no unrest is evident.

And Nicaragua is not Guatemala, where the C.I.A. managed the overthrow of a leftist President Arbenz in 1954; he led a regime, not a revolution. Nor does the situation resemble Chile, where American meddling helped destabilize the elected Allende government in 1973; the Chilean army, crucially, was not of the left.

Overt intervention with the Marines did block leftists in the Dominican Republic in 1965 and is the only hemisphere intervention that paved the way for stable, democratic government. But Americans were able to seal off that island and find an effective partner in President Balaguer.

The apter precedent for Nicaragua is Cuba, and America's sponsorship of an ill-fated invasion by exiles in 1961. The Sandinistas, like Cuba's Fidelistas, are exploiting the invasion threat to excuse their failures and to solidify their rule.

If we still hope to alter the course of Nicaragua's revolution we need to learn what accepting it will buy. America's legitimate concerns involve hemisphere security and guarantees against foreign bases and alien arms. Perhaps the Sandinistas will not discuss these issues in good faith, even in return for guarantees of their own security. But it would be unforgivable not to test them before the Central American fire spreads.●

EDITORIAL COMMENTS ON H.R. 2760 COVERT ACTION IN NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. Fowler) is recognized for 10 minutes.

● Mr. FOWLER. Mr. Speaker, as the time draws near for the House to work its will on the issue of U.S. support of military intervention in Nicaragua, it is well to reflect on a conclusion drawn in 1975 by the Senate Select Committee To Study Government Operations With Respect to Intelligence Activities. In its discussion of paramilitary programs, that committee observed:

> There are two principal criteria which determine the minimum success of paramilitary operations: (1) achievement of the policy goal; and (2) maintenance of deniability. If the first is not accomplished, the operation is a failure in any case; if the second is not accomplished, the paramilitary option offers few if any advantages over the option of overt military intervention. On balance, in these terms, the evidence points toward the failure of paramilitary activity as a technique of covert action.

The "covert" action operation in Nicaragua fails on both counts. Obviously, it is no longer covert and thus deniability can no longer be maintained. Nor has it achieved the stated policy goals of interdicting arms bound for El Salvador or turning the Sandinista revolution inward. These are the conclusions of the Permanent Select Committee on Intelligence in its thoughtful report accompanying H.R. 2760 (H. Rept. 98-122, pt. 1).

I urge all of my colleagues to read the report, as well as the following pertinent editorial comments.

[From the Honolulu Advertiser, Apr. 28, 1983]

Ronald Reagan gave one of his most forceful presidential speeches last night before a joint session of Congress. It was an eloquent appeal for the $600 million in military and economic aid he wants for Central America.

But more than a well-written speech expressively presented is required to sell Congress and the nation on what strikes many as too much of a military approach to a problem far more complex than guerrilla warfare.

Central America may not be Vietnam for several good reasons. But, for some, Reagan's speech evoked haunting memories of past presidents standing before Congress' urging more of the same failed approach.

In short, there is reason to question both some of his stronger statements—including that "the national security of all the Americas is at stake," particularly in El Salvador—and his emphasis on military means to meet the challenge.

To doubt the president's approach is not to make light of communist activity in the region. The Soviet Union and its Caribbean proxies, Cuba and Nicaragua, seek to exploit instability. And the impounding of weapons hidden as medical supplies aboard Libyan air transports is another sign of outside involvement.

However, the communists and the international terrorists associated with them are able to find opportunities in Central America born of economic and social conditions that predate regional superpower rivalries.

The economic exploitation of landless poor and indigenous Indian tribes; systems of oligarchic political control; dangerous disparities between the few who are rich and the many who are poor, and abysmal human rights records—these are the realities of Central America that have allowed insurgencies to flourish.

Unless and until those deep-seated problems are dealt with, the Soviets and their supporters will continue to find fertile ground to tend.

Reagan's speech recognized some of this. He said he wants to bolster human rights efforts encourage economic development and allow "dialogue and negotiation."

But this administration's record in those areas is unimpressive. In El Salvador, abuses of human dignity continue at an alarming rate. Land reform has been stalled for nearly a year. And Washington has consistently rejected negotiation as a means of resolving El Salvador's woes.

Neither Congress nor the people would support a "sell-out" of Central America to the communists. But that is not what is at stake, despite the president's claims.

If our national interests were fully at risk, the president ought to be willing to commit American troops, and be ready to tell the Congress and the people just that. Instead, he got his biggest applause for saying U.S. troops would not be sent to Central America.

Indeed, the focus of America's assistance efforts must be on alleviating the conditions that allow guerrilla activity to thrive. It should not be on arming of regimes, present or exiled, that stand as symbols of continued repression.

Whether negotiations, the alternative approach advanced by congressional Democrats and others, will work in this situation is uncertain. It is a gamble involving elements that can be unstable and untrustworthy.

But it seems far less of a gamble than a military approach with some dubious allies and proven losers.

[From the Lincoln (Nebr.) Star, Apr. 29, 1983]

No one in his right mind would argue with President Reagan when he says that Central America is vital to the interest of the United States. That position would apply specifically, also, to beleagured El Salvador and Nicaragua, two key nations in the region at the moment.

It was to secur the appropriations he wants for the defense of these two nations that Reagan addressed a joint session of Congress Wednesday night. What the president said about the vital nature of these two nations and all of Central and South America is correct. What was wrong with the speech was any real explanation of where we are going in both El Salvador and Nicaragua.

Congress appears on the verge of substantially reducing U.S. aid to the rightest government of El Salvador and of ending aid for supposedly covert operations against the leftist government of Nicaragua. Congress is so disposed because we do not appear to be winning in either country.

There seem to be endless reports out of El Salvador as to the violations of basic human rights on the part of government forces. There are seemingly valid reports of revolutionary forces operating throughout the nation with near impunity. Just yesterday, an impressive list of doctors released a report on their recent visit to El Salvador. The report characterized the health care delivery system as in total collapse, with up to three people sharing a single sick bed in many areas.

In Nicaragua, there appears to be no question that the U.S. is aiding revolutionary forces opposed to the Sandinista leftist regime there, on the grounds that Nicaragua is a funnel for the shipment of arms to Salvadoran guerrilla forces. But we are fighting a government in Nicaragua that appears from various reports to have greater loyalty from more of its citizens than does the government we are helping in El Salvador.

In Nicaragua, the government appears to be making progress in the unification of its nation. In El Salvador, the government appears barely able to sustain itself. If we are right, why is it that we seem to be on the losing side in each case?

Sen. Christopher Dodd of Connecticut responded to the Reagan speech for the Democrats. Among other things, he noted that governments were not so much the enemy or the foe in Central America as are such things as hunger, ill health, ignorance, persecution and other elements of a generally deprived quality of life.

That is what bothers us about the Reagan speech and the U.S. position in Central America. We seem to be hung up on ideology, on political labels, when the real struggle there is for human rights and dignity. We do not appear to have a clear vision of where we are really going in Central America or, if we did, how we would get there or how long it would take.

What we seem intent upon doing is pouring money into the region to support causes we perceive to be ideologically in accord with our own but which do not seem in practice, ever to quite rise to minimum levels of such ideology. Certainly, one cannot fault the president's intentions but his means lack any ring of conviction. His speech did not remove the growing doubts that engulf this country's fundamental pursuits in South America.

[From the Minneapolis (Minn.) Star and Tribune, Apr. 29, 1983]

In one respect, President Reagan's Wednesday-night address to a joint session of Congress sent critics of his Central American policy scurrying for cover. By resorting to a seldom-used and politically risky tactic—assembling Congress to hear a direct presidential appeal on a specific issue—Reagan convincingly demonstrated that his concern about the area, and communist expansionism there, is real.

Only the most hardened cynic could believe that the president would so commit his, and the nation's, prestige to a cause he doesn't hold dear. Thus Senator Christopher Dodd of Connecticut, in delivering the official Democratic response, felt constrained to assert that "all partiotic Americans" oppose the establishment of Marxist states and the introduction of Soviet military bases and offensive missiles in Central America and "are fully prepared to defend our security and the security of the Americas, if necessary, by military means."

As Reagan pointed out, the purpose of his meeting with Congress was not to resolve a crisis but to prevent one. But while few may now be willing to contest the seriousness of the Central American problem, the president failed to bring critics over to his view of what the problem is or how best to resolve it. Reagan believes that the region's troubles derive from a Marxist effort to destablize existing governments. His responses leans heavily toward military aid. Others contend that poverty and dictatorial regimes are the real villians. Their response emphasizes economic and political reform.

It would be naive to suggest that the problem isn't partly military or that U.S. military aid is unnecessary. If nothing else, the army of El Salvador must be professionalized if it is to protect rather than threaten its own people.

It's equally naive to believe that either El Salvador or Nicaragua are democracies waiting to happen, and that all it will take is some economic help and judicious non-intervention by Washington, Moscow and Havana. Skill in popular government does not come readily to countries with such long histories of political repression.

But economic aid and political reform are still the better bets for addressing Central American problems. And although Reagan made some significant bows in that direction, he continued in his speech to stress the military threat and to press for more U.S. military assistance in the area.

And while he pledged U.S. support for negotiations—"both among the countries of the region and within each country"—he offered no plan to take the initiative in arranging them. Yet as Dodd would later say, that is where U.S. involvement in Central America should begin, by using U.S. power and influences "to achieve an immediate cessation of hostilities in both El Salvador and Nicaragua" and "to work for negotiated political settlements," perhaps through such Latin American allies as Mexico, Panama, Venezuela and Columbia.

Reagan seems intent on pursuing a Central American policy base on warmaking rather than peacemaking. The situation there is serious, but the course being pushed by the president seems more likely to make it worse than better.

[From the Des Moines (Iowa) Register, Apr. 29, 1983]

Fruitful discussions are impossible with someone who pays no heed to what others say, persisting only in repeating the starting position—louder and more passionately but with no change in substance. This is how President Reagan is conducting U.S. policy in Central America.

Two years ago, the administration said that (1) Central America is vital to U.S. interests (certainly true) and (2) conflicts there must be viewed in East-West terms. If you accepted that it was indeed the bad-guy marxists vs. the good-guy democrats, it followed that the United States should jump in militarily to keep the enemy from the door.

If, instead, you saw Central American conflict as indigenous, born of years of oppression and landlessness, then U.S. military involvement was much harder to defend and the solution much more complicated.

Over the past several years, the messages from visitors to Central America have stirred deep concern in Congress and among the public about that original Reagan position.

The Salvadoran forces have behaved poorly in the field, killed tens of thousands of civilians, and seem unable to gain the advantage over a much smaller guerrilla force. Other nations have urged the United States to push the Salvadoran government into negotiations, but the Reagan administration rejects negotiation as forced power-sharing.

U.S. activity in Nicaragua, visitors have reported, cannot be excused as the simple interdiction of arms to Salvadoran guerrillas; the U.S. government supports those who would overthrow the Nicaraguan government. The forces backed by U.S. aid are largely supporters of the ousted—and infamously repressive—Somoza regime.

Reagan on Wednesday dismissed as propaganda these messages—from such varied sources as members of Congress on fact-finding tours led by the Central Intelligence Agency, journalists and former diplomats. Instead, he repeated his original message: The United States must stamp out communism in the Americas, and Congress and the nation must support his military effort to do so.

Reagan wasted no words, in addressing an unusual joint session of Congress, on the troubling questions of how his effort might prevail, why it has had such a sorry record so far or how long it might take to work.

He charged those who would question this blind policy with counseling "passivity, resignation and defeatism." That is both unfair and untrue. Those who question Reagan's policy seek an open, thoughful discussion of what is really at stake in Central America, what would be the most productive U.S. role there and what outcome the nation is hoping for.

That discussion, as Reagan showed by singing his same old tune on Wednesday, is something he is either unwilling or unable to engage in.

[From the Oregonian, Apr. 29, 1983]

President Reagan gave a masterful performance, delivering to Congress a well-honed, artfully constructed speech on Central American policies, arguing that American security is at stake. But he failed to offer any plan for settling the conflicts in El Salvador and Nicaragua or offer any new reasons that would end the deep national skepticism that his policy is the right one.

Aside from the fact the president was laying his personal prestige on the line in an unprecedented way, little was produced that should convince the American people that his military efforts have any chance of succeeding or will do more than escalate the bloodshed.

Instead of arms, the people of Central America need jobs, industry and economic support. Instead of more killing, they need a chance to live in peace. Such an end can come only from a massive effort by the administration to begin negotiations between belligerents. It must pull out all of the stops, as it often has done in the Middle East, using traveling negotiators, such as an equivalent of Philip Habib. The El Salvador government opposes any "middlemen" negotiators, but it is in no positon to set such conditions when it is seeking U.S. support.

Sen. Christopher Dodd, D-Conn., reacting for the Democrats to the president's full-court press on the Congress, argued eloquently that the power and influence of the United States should be used to end the fighting and get talks going. He contended that the current U.S. policy in Nicaragua weakens the very groups supporting a democratic society.

Military escalation In El Salvador, as proposed by the president, is the road to disaster. it cannot succeed because the people have no stomach for the military rulers and their daily death squads. Upping the military ante will only force the other side to raise its bets. There is scant evidence, however, that the Cubans and others helping the revolutionists are prepared to match the heavy economic aid America can afford.

The issue is not the cost of the arms the president wants, but the fact that the policy behind their use is a loser. This should encourage Congress to limit or reduce appropriation requests for more weapons.

The United States has a long history of being on the wrong side in Latin America. The president cannot rectify that record by parading promises of not sending in more U.S. soldiers or technical aids, because the people of this nation no longer trust government or presidential promises. American presidents are notorious for backing down on pledges to stay out of wars.

Pleading that the "national security of all the Americas is at stake in Central America," as Reagan did in his speech to the joint congressional session, is extravagant rhetoric, which even he did not back with factual scenarios.

That the tiny, poverty-stricken nations of the Caribbean are some kind of a national threat justifying the Reagan policy is not salable. The public was not with the president before the speech, and it should not be with him after it. They can clearly see he is being hypocritical when he proclaims El Salvador is making gains on the human rights fronts, or that a few more millions spent on arms can make a difference. The people know a dark, endless tunnel when they see one, and they know instinctively where Ronald Reagan, a dyed-in-red "confrontationalist," would take them. Congress should have no part of it.

[From the Louisville (Ky.) Times, Apr. 29, 1983]

Employing the best and worst of the skills that earned him the nickname "the Great Communicator," President Reagan went to Capitol Hill Wednesday to salvage his supplemental aid package for El Salvador. He gave Congress ample reason to continue questioning his goals for Central America.

The delivery was, to be sure, both forceful and colorful. He conjured up images of Nazi Germany and the Red menace and reminded us all that Central America is much nearer our shores than Indochina. In short, the address was a powerful call to arms.

Well, not really arms, the President and his apologists quickly added. "There is no thought of sending American combat troops to Central America; they are not needed—indeed, they have not been requested there," Mr. Reagan said in attempting to head off comparisons to developments early in the nation's Vietnam involvement.

Doubtless those who recall Lyndon Johnson's 1964 campaign pledge never to send American boys to do the job that Asian boys should do have the jitters. Indeed, the sweeping promises in the address, during which Mr. Reagan equated the survival of the disreputable government in San Salvador with democracy, should make every listener question what limits, if any, he would place on American military assistance.

Given the nature of Central America's turmoil, the speech was irrelevant. It sidestepped disturbing charges that the United States has encouraged insurgents who are trying to topple the government in Nicaragua. It did a minuet with the vision of negotiations but kicked them in the pants by emphasizing military solutions.

"This is a mind-boggling gamble that the President is taking," declared Sol Linowitz, the former U.S. special ambassador whose field is Latin America. "He has to in now. Anything less, in the eyes of the world, would be a humiliating defeat for the United States—and a humiliating defeat for him." Mr. Linowitz was co-chairman of a panel that recently urged a "many sided dialogue" to settle long-something issues in Central America.

The President's disdain for negotiations may still win him some points with the hard-liners who are his political allies. However, his demand for a military victory exposes a dangerously narrow attitude that ignores underlying social and economic sources of conflict. Sen. Christopher Dodd of Connecticut who offered a Democratic rebuttal to Mr. Reagan's speech, made that clear.

Things just aren't quite the way the President paints them. The Sandinista regime in Nicaragua derives its support more from nationalism than from its Marxism. Hostility against Washington is not founded upon disrespect for democracy but, instead, upon American enthusiasm for propping up dictators past and present who bolster landed interest at the expense of others. El Salvador may be making "progress" in political killings, but so far in 1983, nearly 1,300 noncombatants have been slain by government security forces, according to the Catholic archdiocess in San Salvador.

Small wonder that Congress is doubtful about Mr. Reagan's request for an additional $60 million this year in military aid for El Salvador. On Tuesday, a House subcommittee halved the request—citing the government's continued human rights violations and disdain for civil liberties as the reason.

So long as these outrages continue, Congress has a right to its doubts. And Mr. Reagan's claim that our efforts in Central America are to "support democracy, reform and human freedom" remains at odds with the reality of the situation there.

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[From the St. Petersburg (Fla.) Times, Apr. 29, 1983]

With its tone of moderation and its appeal to bipartisanship, President Reagan's address to Congress on El Salvador probably won some additional public support. But the address lacked an essential element, a program that offers a reasonable hope of attaining the goals for the region that every American supports.

The reason the President's policy toward Central America is in trouble and the reason Congress is so skeptical is that the policy has not worked in the past and seems unlikely to succeed in the future.

That's dangerous. When a President of the United States says, as Mr. Reagan did Wednesday night, that this country has "a vital interest, a moral duty and a solemn responsibility" in Central America, he had better have a means of protecting that vital interest. If he doesn't, and he believes his own words, then he has committed this nation's honor and resources to a very risky effort.

We believe the United States has both vital interests and ideological hopes in Central America. Our vital interests are that there be no Soviet bases in the region and that Soviet offensive weapons be kept out of the region. To protect those interests, we have in the past dealt with the Soviet Union and should do so in the future.

North Americans also have good wishes for Central America. We would hope that its people could enjoy the fruits of democratic self-government and the free enterprise system. We should help them reach those goals, but we should not confuse our hopes with our vital interests.

President Reagan sees the insurgency in El Salvador as inspired, financed and supplied by the Soviet Union, Cuba and Nicaragua. If those three nations did not exist, the insurgency probably would have come into being because for years in most of Central America selfish landowners and a corrupt military have exploited the poor. Most people in Central America desperately need change, but the king of problems they face cannot be solved by miliitary aid to repressive governments.

Sen. Christopher J. Dodd, who spoke after Mr. Reagan, has figured out that the United States has spent more than $1-billion in El Salvador since the President took office—$140,000 for every guerrilla in that country. It would be cheaper to buy them out. No expenditure of U.S. dollars will work unless the United States and its allies can earn the support of those in El Salvador and other nations who see the guerrillas as offering them more hope for the future than the government.

At the insistence of the House of Representatives, Mr. Reagan agreed to appoint a special envory to Central America. The ambassador's assignment will be to help bring both sides in this conflict to the negotiating table.

If the President had selected a skilled negotiator respected by both sides for this assignment, and given that person sufficient authority, that would have been the most promising aspect of his address. His nomination instead of former Florida Sen. Richard Stone, who recently hired out as a registered foreign agent for the government of Guatamala, raises questions about the President's commitment to a negotiated settlement.

[From the Hartford (Conn.) Courant, Apr. 29, 1983]

Set aside "passivity, resignation, defeatism," advised President Reagan in his address to a joint session of Congress. Rise to meet "this challenge to freedom and security in our hemisphere," he counseled lawmakers Wednesday night.

Congress does not suffer from passivity or defeatism, and it is insulting for the president to even imply that legislators don't care what happens in Central America. The substance of Mr. Reagan's message—unless we "defend" ourselves in El Salvador, we will have to fight communism in the U.S.A.—ought to induce outrage.

Instead, members of Congress gave him standing ovations.

Why? The president knows how to deliver a speech that arouses the red, white and blue in us. He is, after all, a professional actor.

Mr. Reagan tried to draw from the national reservoir of fear and patriotism. If Congress doesn't authorize what he wants, Soviet-style communism will implant itself in Central America, he warned. And what patriotic American wants that to happen?

There is another—more rational—side to the dilemma. Connecticut Sen. Christopher J. Dodd presented it well in his televised response to the president, on behalf of the Democrats: "We cannot afford to found so important a policy on ignorance—and the painful truth is that many of our highest officials seem to know as little about Central America in 1983 as we know about Indochina in 1963."

The truth about Central America is that the region has suffered for generations from the evils of poverty, disease and illiteracy—and subjugation by a small, feudal class. The United States, always reluctant to upset the status quo, still finds more evil in insurrection than in police state brutality.

So far in Mr. Reagan's presidency, Congress has authorized $700 million for El Salvador. But Mr. Reagan wants more. The president, as Mr. Dodd noted, wants to spend $140,000 in tax dollars for each of the 7,000 guerrillas our government claims are in El Salvador.

The insurgents would not be defeated if the United States spent $1 million per head. That's not how guerrillas are overcome. "Unless . . . oppressive conditions change, that region will continue to seethe with revolution . . .," said Sen. Dodd.

Thus far, the United States has not changed these conditions. On the contrary, Central America is probably where the United States has come closest to attempting to establish a permanent colonial overlordship. The Reagan administration's latest plan, to appoint a special envoy, is reminiscent of the old British viceroys who were instructed to keep the natives in line. No wonder, then, that even the Salvadoran Chamber of Commerce denounced the idea of a special envoy.

Mr. Reagan chose not to mention the 30,000 deaths in El Salvador, most of them at the hands of government forces. He said nothing about the growing number of political prisoners, about the Salvadoran government's defiant attitude toward U.S. requests for prosecution of the murderers of American citizens.

Congress should refuse to give Mr. Reagan more money to save the oligarchies in El Salvador and Guatemala and to topple the radicals in Nicaragua. Economic assistance yes, but not a cent more than has already been authorized for the military.

The American people would be better served if their president made all aid in the region contingent on unconditional peace negotiations among the warring factions. The pope has suggested such talks, as have the leaders of Mexico, Panama, Venezuela and Colombia. Why not Mr. Reagan? Why not, as Sen. Dodd said, have the United States move with the tide of history, rather than stand against it?

The tide of history is not communism. It is freedom from subjugation by megalomaniacs abroad and at home.●

INTRODUCTION OF "UNEMPLOYMENT INSURANCE AND ADJUSTMENT ACT OF 1983"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Stark) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, today, I am introducing a bill to make more retraining, education, and relocation assistance available to America's workers, without creating new costs and demands on the Federal budget. This new bill, the Unemployment Insurance and Adjustment Assistance Act of 1983, uses the established mechanisms of the unemployment insurance (UI) program and improves the operation of that $30-plus billion program by permitting workers to use a portion of the benefits they would otherwise have drawn on a week-by-week basis to fund retraining, relocation, and education services.

The idea for this bill is drawn from the trade adjustment assistance program and from a proposal submitted this winter by the President relating to employment vouchers—but corrects many of the shortcomings in that proposal, and contains new ideas on how to make the existing UI program more effective.

As our Nation's record unemployment drags on, it is clear that the Ways and Means Public Assistance and Unemployment Compensation Subcommittee—on which I am privileged to serve as ranking majority member—will be holding additional hearings on UI legislation. It is my hope that the new ideas contained in this legislation can be considered at such future hearings.

I would like to discuss briefly the need for a change in UI and retraining policies, how this legislation would work, and what it would cost.

THE NEED FOR NEW RETRAINING ASSISTANCE

Mr. Speaker, change is rapidly overwhelming the American economy. Just some 15 years ago, when the economy was much less sensitive to foreign trade and sustained growth made it easy for the unemployed to shift out of dead-end occupations and into new productive enterprises, people had little need for things like labor adjustment assistance.

Now they need it badly.

Because of the recent back-to-back recessions there is more chronic unemployment today than at any other time since the Great Depression. And, according to a study released by the Joint Economic Committee only a couple of weeks ago, people are remaining unemployed for far longer than any time since 1948.

These structurally and long-term unemployed are losing their homes and the assets that they have sometimes worked their entire lives to put together. They are falling victim to debt collectors as they fail to meet the payments they had every right to expect to be able to pay. Most of them have been left stranded without health insurance. And, this is particularly serious as more of these people are ravaged by health problems, even serious illness, brought on by the worry of having to survive, and to provide for their families. In fact, the death rate has been shown to increase with unemployment. Most suicide victims belong to the ranks of the unemployed. Crime increases. Many older workers lose hopes of retirement as they lose the benefits they would have collected if they had remained on the job. In a study of unemployed Ford autoworkers in New Jersey, half the workers still had no jobs after 2 years, and for those over age 40, the vast majority of them remained unemployed.

Now, there is a moderate recovery underway. However, what sets this recovery aside from previous ones is that the jobless are not being hired back into the economy, at least not in any significant numbers. Since last autumn, unemployment has exceeded 10 percent. Most economists expect it to remain at 9 to 10 percent through the end of the year, if not longer. If the history of recent recessions is any yardstick then there seems to be a very good chance that it will not be coming down much lower than this, even if the economy really picks up steam again. We are probably stuck at a new and higher plateau of joblessness and human suffering.

Some experts are saying that the U.S. economy may have already reached a natual or permanent unemployment rate of 6 to 9 percent. According to occupational forecasters who testified to Congress this April, by the year 2,000, we may consider an 8.5-percent unemployment rate perfectly acceptable—with 3.5 percent of the labor force constantly rotating out of dead-end jobs and retraining for new ones.

But even this prediction may be optimistic, if we do not quickly act to provide a national program for retraining and readjustment assistance for the unemployed.

As if the individual suffering is not outrageous enough, then consider, too, the havoc that his kind of unemployment is wreaking on the entire economy. According to Robert B. Reich, a leading advocate of industrial policy and author of "The Next American Frontier":

> Every 1-percent increase in the jobless rate costs roughly $75 billion in lost production of goods and services, $25 billion in lost taxes, and $5 billion in unemployment compensation.

Although this joblessness cuts across all occupations, most of it is concentrated in semiskilled and unskilled blue-collar occupations. During previous recessions, most of these people could count on being called back to their old jobs when the economy picked up again. Even though they were technically counted as unemployed, they enjoyed the kind of job security from recession to recession. They knew they would be hired back. This is no longer true. Over the last 3½ years, almost 3 million jobs have been lost in manufacturing industries. And, most of these workers will never be hired back.

Job loss has been blamed mostly on two things: Foreign trade competition and structural changes in the economy. Both are facts that we must learn to live with. Countries like Japan and West Germany have gained a competitive foothold in numerous markets for U.S. manufactured or processed goods. The introduction of new technologies and manufacturing processes, like microprocessors and robotics, have contributed to the loss of inumerable jobs. By 1990, General Motors has planned to have installed 20,000 robots on its production lines. According to Harley Shaiken, an MIT researcher, 40,000 GM jobs will be lost—about the current domestic employment at Chrysler Corp.

Business has always responded to foreign trade and new technology with a shifting of resources and new job opportunities for the dislocated worker. This is part of a process of natural industrial restructuring. But what makes the unemployment associated with it so much more of a problem today is the fact that it is occurring more rapidly than ever before. For most of this country's existence, foreign trade has played only a minor role in the economy. Today, its importance is growing by leaps and bounds each year. Change in the technology is occurring faster all the time. Representative Albert Gore, chairman of the Subcommittee on Investigations and Oversight of the House Committee on Science and Technology has said that "we are entering an era when few people will be able to count on the skills they learned in school to carry them through a lifetime of work." It is a reality that is becoming true for more of us each day.

The traditional remedies for dealing with unemployment have not trained people for new careers. Unemployment insurance (UI) is the main program for out-of-work Americans. But, while temporarily providing a very limited financial cushion—weekly subsistence—it does little else. Trade adjustment assistance, which is set to expire this year, has been poorly managed and reserved exclusively for the use of a very narrowly defined set of import-affected workers—and its provisions for retraining assistance have been little promoted or used. It deserves the name given to it by many workers—"funeral assistance." Even if continued, this has become a minor program because of budget cuts.

The UI provides just one type of income maintenance assistance for people. But, the main program for the jobless needs to be a more flexible type of assistance strategy, it it is going to meet the needs of workers in a changing economy. Too many Americans are languishing on UI benefits, without using the period of unemployment to obtain new skills to match today's and tomorrow's jobs. Too many job seekers are forced to stay at home, collecting the unemployment checks, because the money is barely enough to get by on, let alone fund job-hunting trips to areas that offer a better chance for finding a job. Money for educational courses which might lead to a new job is out of the question.

Mr. Speaker, today I am introducing legislation that is designed to help break the unemployment bottleneck. Titled the "Unemployment Insurance and Adjustment Assistance Act of 1983" (UI-AA), my proposal will improve the effectiveness of the existing UI program by allowing people the option of getting retrained for the skills that they need in today's economy and the chance to get to where the jobs are.

UI-AA is a flexible assistance strategy. It improves the flexibility of the existing UI program by allowing UI recipients the option of obtaining the cash value of any extended benefits available in their States, early on in their unemployment, to fund retraining, education, job search, and relocation expenses. Under this bill, soon after applying for regular UI benefits, the individual would be allowed to form a pool of capital out of any extended benefits he would have been eligible for—this includes both today's extended benefit program, the Federal supplemental compensation program, and any new programs beyond regular UI which may be enacted. This pool of capital can then be used, even while he continues to collect regular UI benefits, to pay some of the costs he will need to cover to become employed again.

HOW WILL UI-AA WORK?

It is really very simply. Under this legislation, unemployed workers will be allowed to trade in and obtain the

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cash value of the various types of extended UI benefits available to them if they had remained unemployed throughout their eligibility for UI benefits. In return, three different types of adjustment assistance will be made available to them, either singly or in combination. These are: First, retraining assistance; second, education assistance; and third, job search and relocation assistance. Like the regular UI program, UI-AA will be administered by the State employment security agencies (SESA's). The unemployed individual will apply directly to the appropriate SESA, as he would for regular UI benefits, and he may do so at any time within 30 days of establishing eligibility for regular UI benefits.

RETRAINING ASSISTANCE

UI-AA may be used to refund a firm's cost in retraining a worker, as long as an offer of indefinite or reasonably permanent employment is made after retraining. The SESA's will develop and maintain lists of employers willing to participate in the program and refer applicants to appropriate employers. If an employer accepts an applicant for participation in its training program, and the training results in permanent employment, then the employer will be reimbursed for the cash value of any retraining provided. This reimbursement is made out of the applicant's UI-AA pool of capital and may not exceed the cash value of any extended benefits that would have been available to the participant. Further, to protect workers who are already on the job, employers will need to certify to the SESA that UI-AA hiring will not displace existing employees. By providing employers with payments to help cover the retraining costs, UI-AA will provide incentives for firms to train and make some of those who are hardest hit by unemployment. Since the worker will be receiving his regular UI benefits during the training period, the compensation agreements which normally occur between companies and trainees can be adjusted accordingly, thus providing another incentive to the firm to attempt retraining.

EDUCATION ASSISTANCE

Under UI-AA, the UI recipient can choose to trade in all or a portion of his pool of capital to pay for a SESA-approved educational program. At the same time that he is enrolled in an educational program, he may continue to receive his regular UI benefits. This will allow him to still cover his basic living expenses and, at the same time, dramatically improve his job marketability. The SESA's will provide referrals to approved educational programs.

JOB SEARCH AND RELOCATION ASSISTANCE

UI-AA can help pick up the tab for job search and relocation expenses incurred in trying to find a job outside of the normal commuting area. To pay for job search expenses, the SESA will need to determine that there are no reasonable job opportunities available to the unemployed worker in his commuting area. Relocation expenses will be allowed when it is necessary for the individual to relocate as a condition of exployment.

GROUP APPLICATIONS FOR ASSISTANCE

This is a feature that makes UI-AA especially attractive. Under this provision, communities, firms, and labor unions can take the leadership for developing plans to assist the unemployed. Basically, UI-AA provides a mechanism for establishing and accepting group applications for assistance. For example, a plant is going to be shut down because it is producing an outmoded product or noncompetitive product. The company knows that it has the equipment or capital resources to switch production to a different kind of product. However, the company also knows that it does not have the skilled work force to produce the new product. So, under normal circumstances, all or most of the plant's employees would lose their jobs. But, with UI-AA, the company can make a group application for assistance that, if accepted by the SESA, will provide for the retraining of the plant's work force and allow workers to be hired back immediately. Of course, individuals would not be bound to accept assistance under the group application and would preserve their rights to collect UI benefits and apply individually for UI-AA, if they chose to do so. Given the option of keeping their jobs, many workers would probably opt for group assistance.

Labor unions whole communities, or any governmental unit may also make group applications for assistance on behalf of the unemployed, or about-to-be unemployed. If a town in West Virginia, where 90 percent of the work force is engaged in coal mining, suddenly learns that the town's only coal mine is about to be shut down, an application can be made to fund job search and relocation expenses outside of the area, where jobs may be more plentiful. A local auto, steel, or textile workers union might design a training program to give unemployed members new industrial skills that will help them get jobs.

HOW MUCH WILL UI-AA COST

UI-AA can provide, depending on the State, up to a few thousand dollars to fund assistance for any one individual. That is a substantial amount, and should insure that the retraining or other adjustment assistance provided will be substantial—and not just another program to pay lipservice to the problem of unemployment. Even though we are talking about no small amount of money, little or no extra cost is involved. The same financing mechanism that pays for extended and other additional unemployment benefits and that determines the Federal/State share of cost will be used, becaused the UI-AA is operated through the UI program. And, because so many people are already using up all of their unemployement benefits without finding jobs, the costs will really be about the same. The same amount of money that is already being spent on extended types of UI benefits will be spent on extended benefits—and UI-AA. This legislation simply allows people to use those benefits that they would use anyway in new and creative ways.

COMPARISON WITH ADMINISTRATION PROPOSAL

Earlier this year, the administration put forth a proposal to allow UI recipients to trade in their Federal supplemental compensation benefits for vouchers which employers could then use as tax credits if they hired the unemployed. There were a number of problems with this piece of legislation (H.R. 2149). Organized labor was opposed to it, and rightfully so, because it would not have prevented firms from laying off workers to hire new ones—and receive the accompanying tax credits. UI-AA specifically protects existing employees from being affected by the program in this way. Also, the administration proposal was a simple employment subsidy tied to a temporary plan to extend Federal supplemental compensation benefits. UI-AA is not. UI-AA is a permanent proposal to promote retraining and labor adjustment through the UI system for as long as any types of extended assistance are available. At current unemployment rates, that could well be a long time. So, UI-AA will be available as long as umemployment remains out of hand to put working cash in people's hands to get help, to get trained for new occupational skills, to get moved to where the jobs are located in this country.

The administration proposal contained a provision that would have allowed States to spend up to 2 percent of State UI tax receipts on retraining programs. Some States complained that they were already having trouble enough trying to fund regular UI benefits, let alone trying to take away some of that money to use for other purposes. My proposal will not assess extra burdens on the already overtaxed State UI funds. Federal and State funds that are already being spent on the various types of extended UI benefits will simply be transferred into new, constructive uses.

Currently, in the United States, there is no efficient means for shifting unemployed workers into economic sectors that are stable or can be expected to grow in the future. The results of such inaction are increasingly painful in a world that is changing everyday. We are locked into a global economy that will punish those who

do not innovate with poor economic performance, rising joblessness, and lower living standards. Most of our major trade competitors have major training and retraining programs. Among them, West Germany, Japan, France, and Sweden, are training people for new jobs, new occupations that are becoming important as restructuring takes place in their own economies. If America does not climb on the bandwagon, we will soon be left behind. As can be seen from the inroads that foreign trade is making in our economy, and particularly, the enormous displacement of workers that is occurring because of our own failure to compete, we are already being left behind.

UI-AA can provide enough assistance to help retrain people for many of the skills that are in demand right now. There is, today, a growing demand for skilled and semiskilled machine operators, computer programers, computer operators, assemblers, optical workers, and people who can maintain, repair, and service complex machinery and equipment. According to Reich:

> There are now about 1 million unfilled skilled and semiskilled jobs. America is already short an estimated 60,000 skilled machinists. * * * The average age of America's tool and diemakers is approaching 50 years; if present trends continue, within the next decade this vital reservoir of skills * * * threatens to dry up.

There are countless jobs that are now going unfilled because the unemployed lack the skills to obtain them. UI-AA can bridge that critical gap. It is an active response to the problems of unemployment. It can help get America back on its feet in the world economy. And, its time has come. Without it, we continue to slip into the lonely company of nations that have no destiny.●

STATEMENT OF CHAIRMAN ROSTENKOWSKI ON INTRODUCTION OF H.R. 3475 TAX LAW SIMPLIFICATION AND IMPROVEMENT ACT OF 1983

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Rostenkowski) is recognized for 15 minutes.

● Mr. **ROSTENKOWSKI**. Mr. Speaker, today, Hon. Barber B. Conable, Jr., and I are introducing H.R. 3475, the Tax Law Simplification and Improvement Act of 1983. This legislation culminates months of effort by our congressional staff in identifying major problem areas in the law and developing proposed solutions in a collaborative process. The bill also contains a number of provisions which have been requested by the administration or suggested by others as needed improvements or simplifications to the structure of the tax law.

Mr. Conable and I wish to express our gratitude to those who worked on preparing this bill as well as to the staff of the Treasury Department for their assistance and to those groups such as the American Bar Association and the American Institute of Certified Public Accountants that suggested areas for study, proposed solutions and deliberated with our staff to develop the product we are introducing today. We look forward to receiving additional recommendations for improving the provisions of the bill during its consideration in the months ahead.

At this point, I will generally summarize each title of the bill. A more detailed technical explanation follows which includes a description of each section.

Title I contains a major and long overdue revision of the estimated tax provisions for individuals. We believe these revisions will vastly simplify and rationalize the statutory provisions relating to estimated payments. We hope taxpayers will benefit from a more coherent and understandable set of rules in this area, given that over 8 million taxpayers now must make such payments.

Title II is the "domestic relations" title which includes revisions to the rules which govern the tax treatment of property transfers at divorce, alimony payments, and the dependency exemption for children of divorced parents as well as amendments to the so-called innocent spouse rules. The American Bar Association first urged the tax-writing committees and the Department of Treasury to address the problems with the present law provisions in the domestic relations area, particularly with regard to property transfers and alimony payments. The ABA also proposed detailed solutions to these problems, many of which are reflected in whole or in part in the proposals we are recommending.

Many of the tax-related problems experienced upon marital dissolution result from the application of differing State laws. On the question of property transfers, tax results differ depending on whether the State is a common law or community property State. Some States have enacted special statutes in an effort to overrule Federal law. Similarly, in distinguishing alimony from other types of payments, a determination of whether the payment is on account of a support obligation is made under State laws with varying results. Finally, under the present law dependency rules, the IRS is often the unwitting and unwilling party to a dispute between parents over who contributed more in support of the child.

The provisions proposed in the bill have several policy objectives but paramount is the goal of insuring comparable tax treatment to similarly situated taxpayers. Thus, the elements of present law which force a reliance on the vagaries of State and local law would be eliminated. Second, every effort is made to remove the IRS from disputes between spouses. Further, it is hoped that greater certainty is provided to the spouses, even those without expert counsel, as to the tax consequences of their decisions. In the main, we have attempted to achieve this goal by insuring that the parties will receive what they expect and not be surprised by unforeseen tax consequences. More objective rules are also used where possible. Finally, the innocent spouse rules would be liberalized and made more evenhanded by allowing relief in cases of similar inequity.

Title III of the bill represents an attempt to simplify and clarify the investment tax credit at-risk limitation added by the Economic Recovery Tax Act of 1981 (ERTA). The current rule has posed significant administrative problems for the Treasury Department and taxpayers. Under the bill, the at-risk limitation would be modified so as to reduce a taxpayer's credit base by amounts of nonrecourse financing. Where nonrecourse debt provided by an unrelated commercial lender (or the Government) is not more than 80 percent of the credit basis, the at-risk limitation would not apply. Special rules are provided for basis or tax adjustments where taxpayers subsequently either increase or decrease amounts at-risk. Generally, in the case of partnerships or subchapter S corporations, nonrecourse determinations would be made at the partner or shareholder level. In the case of subchapter S corporations, however, recourse debt at the corporate level would retain its character at the shareholder level if the financing is related to property used by the corporation in an active trade or business with at least three full-time employees. The modified rule generally would apply to property placed in service after enactment. However, a taxpayer would be permitted to elect the rule as if it has been included as part of ERTA so long as all at-risk property within the ambit of ERTA is treated similarly.

Title IV contains two changes related to the estate tax provisions. One solves a longstanding difficulty related to charitable split interest transfers. As a permanent rule to replace the ad hoc extensions of time to amend the governing instruments of these trusts, the bill would permit reformation of charitable split interest instruments under certain conditions. Second, the law would be amended to better effectuate the original purpose of the alternative valuation provision of present law by permitting its use only where the basis of the estate and the estate tax liability are reduced as a result.

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Title V would make several changes needed in provisions affecting foreign income and foreign taxpayers. These provisions include a much needed definition of "resident alien" to assist taxpayers and practitioners in determining when a U.S. tax liability is owed by aliens present in the United States for varying amounts of time. The ABA has been most helpful in directing our attention to this area and in assisting in the development of a proposal along with the Treasury Department. The proposal would also prevent married nonresident aliens from using the community property laws of their home country to split income for U.S. income tax purposes.

Several provisions are included to clarify and improve the foreign personal holding company rules. One change would better coordinate the foreign personal holding company rules with the controlled foreign corporation (CFC) rules of subpart F of the Internal Revenue Code to provide that a CFC's income is taxed under subpart F to the extent that the subpart F income exceeds foreign personal holding company income. The bill would also clarify the attribution rules for purposes of determining ownership of a foreign personal holding company. Code section 1248 is amended to liberalize present law with regard to accumulated earnings and profits of a CFC, to prevent double counting of foreign tax credits, and to clarify rules applicable to indirect ownership of a CFC.

Finally, this title contains provisions to deal with a longstanding problem regarding so-called stapled stock. In several instances, U.S. corporations have attempted to avoid the subpart F rules and the antiboycott rules by splitting off their foreign operations and conducting them through separate corporations. In these cases, the stock of the two (or more) entities is "stapled" or "paired" so that a shareholder cannot trade the stock separately. The management of the two companies may be the same.

The bill would provide generally that where a foreign and a domestic corporation are stapled entities, the foreign corporation would be treated as domestic. In addition, stock in a domestic corporation which constitutes a stapled interest with respect to stock of another domestic corporation would be treated as owned by the latter corporation.

Title VI contains a number of minor provisions recommended by the Department of Treasury as changes that would simplify or improve their operations.

Title VII includes several noncontroversial changes requested by the Tax Court and a more substantive proposal designed to improve the representation of taxpayers involved in small cases before the court. Under the proposal, taxpayers could be represented in the Tax Court under the "small case procedure" by certified public accountants and enrolled agents authorized to practice before the IRS. However, the Tax Court would no longer be required to give a special examination to non-attorneys in order to permit such persons to practice before the Tax Court in regular cases.

Title VIII would simplify and rationalize the income tax credit provisions in the Internal Revenue Code. The credits would be grouped into logical categories and the various rules concerning limitations and carryovers would be conformed and simplified. The business credits would be combined into one credit, limited to 100 percent of the first $25,000 of tax liability and 85 percent of the remainder. A 3-year carryback and 15-year carryforward period is allowed. Substantive change would be made with respect to the present law limitation on the targeted jobs credit (which is 90 percent of tax liability), the alcohol fuels credit (which is 100 percent of tax liability but is ineligible for carrybacks), the business energy and R and D credits (which are 100 percent of tax liability) and the ESPO credit (which is 90 percent of tax liability).

Title IX repeals several obsolete provisions of the code. Specifically, code section 1251, relating to recapturing certain farm losses, and code sections 405 and 409, relating to retirement bonds, would be repealed.

REVENUE EFFECT

The technical exploration of the act follows:

Technical Explanation of the Tax Simplification and Improvement Act of 1983

TITLE I. ESTIMATED TAX REVISIONS

Present Law

Under present law, individuals are required to pay estimated taxes on income that is not subject to withholding, under certain circumstances. An individual who fails to pay in full an installment of estimated tax on or before the due date could be subject to a civil penalty computed as a nondeductible interest charge under the rules of section 6621.

In general, there is no penalty for underpayment of estimated tax if the installment payments (including withholding) equal or exceed 80 percent (66⅔ percent for farmers and fishermen) of the tax due for the year. In addition, there are four exceptions to the civil penalty for failure by an individual to pay estimated tax in the proper amount. No penalty is imposed if: (1) total payments of estimated tax (withholding plus estimated tax payments) equal or exceed the amount shown as tax on the preceeding year's return, if a return showing liability for tax was filed for the preceding year and such preceding year was a taxable year of 12 months; (2) total estimated tax payments generally equal or exceed 80 percent (or, in certain cases 66⅔ percent) of the tax which would be due if the income already received during the current year were placed on an annualized basis; (3) total tax payments equal or exceed 90 percent of the tax which would be due on the income actually received from the beginning of the year to the end of the month before the month in which the installment was due, as if such months constituted the taxable year; or (4) total tax payments equal or exceed the tax based on the facts shown on the return for, and the law applicable to, the prior year's return, but computed under the current year's tax rates and exemptions.

Further, additional exceptions have been added in recent years. In TEFRA of 1982, an exception from the penalty was added for those who had no tax liability in the preceding year (if the individual was a U.S. citizen or resident for the year). In ERTA of 1981, an exception was provided where the tax due, after credits, is less than a minimal amount (e.g., $200 in 1982, $300 in 1983, $400 in 1984, and $500 in 1985 and thereafter).

In TEFRA, the requirement for a declaration of estimated tax was eliminated and a provision was added to clarify that installment payments of estimated tax are only required when the penalties would apply (that is, if payments don't equal or exceed 80 percent of the tax due for the current year).

Explanation of Provision

In general, estimated taxes for individuals would be simplified, clarified, and consolidated, as would the penalty for failure to make adequate installment payments of estimated tax. The law would be further clarified to establish that the amount of required payments is the lesser of 80 percent of the tax due as shown on the current year's return or 100 percent of last year's tax. An exception would be provided where the taxpayer can show that the installment payments made over the year were adequate for each quarter based on an annualized income concept (e.g., the income for quarter(s) to date, annualized for year). In determining the installment payments required based on the prior year's return, math errors and amended returns made before the due date for an installment would be taken into account.

The other present law exceptions would not be retained except the general exception, based on having a small amount of tax due not covered by withholding or where there was no tax liability at all in the preceding year. (Those eliminated would be: 1) last year's income at this year's tax rates and 2) assuming period to date is full taxable year, 90 percent of the tax is paid.) However, the Secretary of the Treasury would be permitted for the first time to waive the penalty for reasonable cause. It is intended that such waivers be granted only in extraordinary circumstances, such as destruction by fire or other casualty of the taxpayer's records and, in some cases, the death or serious illness of the taxpayer.

The installment due date for the second payment would be changed from June 15 to July 15 so that the payments would be quarterly except for the September 15 installment (4/15, 7/15, 9/15, 1/15).

Finally, the periods of underpayment for calculation of the penalty would be clarified and the penalty would be imposed only on the amount of underpayment.

TITLE II. DOMESTIC RELATIONS

A. Property settlements

Present Law

Under present law, the Supreme Court has ruled that a transfer of appreciated property to a spouse (or former spouse) in exchange for the release of martial claims results in the recognition of gain to the

transferor (*United States* v. *Davis* (370 U.S. 65 (1962)). The spouse receiving the property receives a basis in the asset transferred equal to its fair market value. These rules do not apply in the case of the equal division of community property, and the IRS has ruled that this rule does not apply to the partition of jointly held property. The tax treatment of divisions of property between spouses involving other various types of ownership under the different State laws is often unclear and has resulted in much litigation.

Explanation of Provision

The bill provides that the transfer of property to a spouse incident to a divorce would be treated, for income tax purposes, in the same manner as a gift. Thus, gain or loss would not be recognized to the transferor, and the transferee will receive the property at the transferor's basis. This rule would apply whether the transfer is for the relinquishment of marital rights, for cash or other property, for the assumption of liabilities or for other consideration. This rule will also apply in the case of transfers of property between spouses during marriage.

A transfer will be treated as incident to a divorce if the transfer occurs within one year after the parties cease to be married or is related to the divorce.

Where an annuity is transferred, or a beneficial interest in a trust is transferred or created, incident to divorce or separation, the transferee would be entitled to the usual annuity treatment, including recovery of the transferor's investment in the contract (under section 72), or the usual treatment as the beneficiary of a trust (by reason of section 682), notwithstanding that the annuity payments or payments by the trust qualify as alimony or otherwise discharge a support obligation. The transfer of a life insurance contract to a spouse incident to a divorce or separation generally would no longer result in the proceeds of the policy later being includible in income, since the policy would have a carryover basis and therefore the transfer for value rules (section 101(a)(2)) would not apply.

The bill would apply to transfers after the date the bill is enacted. However, it will not apply to transfers pursuant to instruments in effect before such date unless the parties elect to have these provisions apply.

B. Alimony

Present Law

Under present law, payments of alimony pursuant to a decree of divorce or separate maintenance, a written separation agreement or decree for support or maintenance are deductible by the payor and includible in the income of the recipient. The amount is deductible in computing adjusted gross income and thus is allowable whether or not the payor itemizes his or her deductions.

In order to be treated as alimony, a payment must meet several requirements. The payments must be in discharge of a legal obligation imposed upon or incurred by a spouse because of a family or marital relationship. It must be imposed under the decree of divorce or separate maintenance or under a written instrument incidnet to the divorce or separation, made under a written separation agreement, or required under a decree of support or maintenance.

Also, a payment must "periodic." A payment will not qualify as "periodic" if it discharges a principal sum, unless the sum may be paid over a period exceeding 10 years from the date of the divorce or separation decree, instrument or agreement. Then the annual amount treated as alimony cannot exceed 10 percent of the principal sum.

Payments which are fixed by the decree or agreement as child support are not treated as alimony and therefore are not deductible by the payor or includible in income of the recipient.

Explanation of Provision

The bill would amend the definition of alimony. The requirement that the payment must be made on account of a marital obligation imposed under local law would be repealed and the present law requirement that the payment be "periodic" would not be retained.

Under the bill, an alimony payment must meet several requirements. The payment must be made in cash and received by the payor's spouse (or former spouse). A payment may qualify as alimony if there is constructive receipt where a payment made to a third party is for the benefit of the spouse. The payment must be made under a decreee of divorce or separate maintenance or under a written instrument incident to the divorce, a written separation agreement, or a decree requiring support or maintenance payments. The parties could not be members of the same household at the time the payment is made. However, this provision is not intended to deny alimony treatment for any payment made shortly before the payor departs from payee spouse's household.

A payment would qualify as alimony only if the payor (or any person making a payment on behalf of the payor) has no liability to make any payment for any period following the death of the payee spouse. A provision for a substitute payment, such as an additional amount to be paid as child support after the death of the payee spouse, would prevent a corresponding amount of payments to the payee spouse from qualifying as alimony. Amounts payable under a life insurance contract on the life of the payee spouse would not be treated as a liability which would affect the status of other payments made by the payor spouse.

In order to prevent a one-time lump-sum payment (or similar payment) from being disguised as alimony, the bill would require, except in the case of a decree for support or maintenance, deductible payments to be one of a series of payments where it is reasonable to expect that at least one-half of the alimony payments will be made more than one year after the first payment is made.

Finally, no payment would qualify as alimony if the payment is for property transferred from the payee spouse. It is not intended that this rule would apply to the extent the payments are for the relinquishment of the payee spouse's martial rights or support rights under local law. In applying this rule, the fact that the payee spouse has otherwise made a net transfer of assets to the payor spouse would indicate that payments are for the transfer of property.

By clearly designating in a written agreement, the parties could provide that otherwise qualifying payments would not be treated as alimony for Federal income tax purposes.

A provision would be added to provide that the Internal Revenue Service may require the payor spouse to furnish on his or her tax return the name and social security number of the payee spouse, and that the payee must furnish that number to the payor. A $50 penalty could be assessed against any party for failure to comply with the applicable requirement.

These provisions would generally apply to divorce or support decrees and agreements executed after 1983. The provision would also apply with respect to the modification of a prior instrument where the modified instrument expressly so provides.

C. Estate and gift tax treatment of transfers of property in exchange for marital rights

Present Law

Under present law, transfers of property (other than certain terminable interests) between spouses are not subject to gift or estate taxes.

With several exceptions, transfers of property in satisfaction of marital or property rights to a former spouse are taxable gifts. A transfer of property between former spouses is not subject to gift tax if the transfer is pursuant to a written agreement entered into not more than two years prior to divorce and is in settlement of marital or property rights or to provide a reasonable allowance for the support of minor children (section 2516). In addition, property transfers ordered by a divorce court having the power to order the disposition of the property are not taxable gifts. Finally, the transfer of property in discharge of a former spouse's right to support is not a taxable gift.

For estate tax purposes, a claim of a former spouse based on the release of marital or property rights is not deductible in computing the taxable estate unless the claim is based on a court decree where the court had the power to determine the marital or property rights of the spouse. Also, a claim based on the release of support rights may be deductible.

Explanation of Provision

The bill would allow an estate tax deduction for claims arising under a written agreement in settlement of marital or property rights where the agreement would have qualified transfers as non-taxable for gift tax purposes (under section 2516). Thus, where the transferor dies prior to completing the transfers under the written agreement, no estate tax will be imposed with respect to the property transferred by the estate. This provision would apply in the case of decedents dying after the date of enactment of the bill.

D. Dependency exemption

Present Law

In the case of a child of divorced parents, present law contains both a general and a special rule with regard to claiming the dependency exemption. In general, the child is to be treated as the dependent of the parent having custody for the greater portion of the year. However, the other parent (*e.g.*, the "non-custodial" parent) may claim the exemption under the special rule if (i) the decree or agreement provides the exemption to the non-custodial parent and such parent provides at least $600 for support of the child or, in the alternative, (ii) the non-custodial parent provides $1,200 or more for support and the custodial parent cannot establish having provided more support.

These rules have been the source of many disputes between parents with regard to the amounts paid by the respective parties for support, disputes to which IRS has been an unhappy party. In a recent GAO survey, the support test for children of divorced parents was cited as one of eight major tax law issues causing complexity for taxpayers and the IRS. These disputes also form a major share of the Tax Court caseload involving domestic relations issues.

Explanation of Provision

The present law provisions would be substantially simplified and disputes with the IRS reduced by providing that the dependency exemption for the child of divorced or legally separated parents (or parents who live apart for the last six months of the year) shall be allocated to the custodial parent unless the custodial parent signs a written declaration that such parent will not claim the child as a dependent for the year. This statement must be attached to the tax return of the non-custodial parent claiming the exemption. Further, in these same situations, either parent would be allowed to include, for purposes of the medical deduction, medical expenses paid for the child by the parent (whether or not the child is technically a dependent of the taxpayer's).

Conforming and simplifying amendments would be made to Code sections 143(b) (married individuals living apart), 2(b) (head of household), 43(c) (earned income credit), and 44A (child care credit). In addition, two of these sections would be amended to provide rules that are consistent within these sections. Section 143 is amended to conform to the present rule in section 44A to the effect that one spouse must be absent from the household for the last six months of the year, rather than the entire year, for the couple to be considered unmarried. Section 2(b), conferring head of household status, would be amended to conform to the present rule in section 143 and section 44A that the household must be maintained as the principal place of abode for the child for more than one-half of the year, rather than for the entire year.

The provisions would generally apply to payments made in taxable years beginning after 1983. However, if the parents have entered into a qualified agreement prior to January 1, 1984, under which the noncustodial parent was allocated the exemption and such parent provides at least $600 for the child's support during the year, then the noncustodial parent may continue to claim the exemption.

E. Innocent spouse

Present Law

Under limited circumstances, a spouse may be relieved of liability for certain amounts of tax (including interest, penalties, and other amounts) due on a joint return. The circumstances are where gross income was omitted which is attributable to one spouse and which is in excess of 25 percent of the amount of gross income stated in the return. The other spouse must establish that he or she had no reason to know and did not know of the omission. Finally, taking into account whether the other spouse significantly benefitted from the items omitted and all other facts and circumstances, it is inequitable to hold the other spouse liable for the liability attributable to the omitted items. In determining to whom items of gross income are attributable, community property laws are disregarded.

Explanation of Provision

The bill would expand the present law innocent spouse provisions in order to relieve such spouses of income tax liability in more situations where such relief is warranted. For example, relief would be extended to all substantial understatements of tax due to the erroneous items of one spouse. Substantial understatement means one which exceeds 10 percent of the tax due or $500, whichever is less. Erroneous items include claims of deductions or credits for which there is no basis, as well as omissions from gross income. The significant benefit test of current law would be eliminated because of the difficulty of applying it in deductions and credit situations.

Similar relief would be afforded with respect to items of community property income where a spouse had no reason to know of such income.

The amendments would apply to all open tax years.

TITLE III. AT-RISK REVISIONS

Present Law

Under present law, the allowance of investment credits is subject to an at-risk limitation. The limitation applies to the same business activities and the same category of taxpayers that are subject to the loss limitation rules of section 465. The investment credit is not allowed for amounts invested in qualifying property to the extent the invested amounts are not at-risk, within the meaning of section 465(b). Accordingly, amounts generally are not considered at-risk if (1) the taxpayer is protected against the loss of the invested amount, (2) the amount was borrowed and the taxpayer is not personally liable for repayment of the debt, (3) the lender has an interest other than as a creditor in the business activity in which the property is used, or (4) the lender is a related party to the taxpayer. Amounts at-risk for qualifying property are only those amounts considered at-risk under section 46(c)(8)(B) that are directly attributable to investment in the property.

Present law contains two exceptions applicable where, under the general rule, amounts would be considered not at-risk. The exceptions apply with respect to property financed by certain third-party lenders and certain energy property. These two exceptions apply only to amounts otherwise considered not at-risk.

Under the first exception, amounts borrowed with respect to section 38 property (other than convertible debt) no later than the taxable year the property is placed in service generally will be considered at-risk if the taxpayer at all times has a minimum 20-percent at-risk investment in the property (determined without regard to the exception) and the amount borrowed is owed to either a qualified lender or a Federal, State, or local government.

Qualified lenders include banks, savings and loan institutions, credit unions, insurance companies, qualified pension trusts, and other persons actively and regularly engaged in the business of lending money. The lender must not be related to the taxpayer. In addition, the qualified lender may not be either a person who receives a fee with respect to the taxpayer's investment in the qualifying property (*e.g.*, a promoter) or a person related to such person, nor may the qualified lender be the person who sells the qualifying property to the taxpayer or a person related to such person.

Present law also contains a safe harbor rule for loans related to qualified energy property. This special safe harbor rule applies only to solar or wind energy property, recycling equipment, qualified hydroelectric generating property, biomass property, equipment for converting alternate substances into alcohol fuels, geothermal equipment, and ocean thermal energy equipment. In order to qualify under this safe harbor, the taxpayer must have a minimum of 25-percent at-risk investment in the property as determined under the general rule. In addition, any nonrecourse financing for the property (other than financing by a qualified lender that is considered at risk) must be a level payment loan. A level payment loan is a loan repaid in substantially equal installments. The installments must include both principal and interest and the principal portion must increase commensurate with the decrease in the interest portion.

In the case of a partnership, the investment credit at-risk rules do not apply to the partnership, but apply to each partner to whom the loss limitation rules of section 465 apply. Thus, the calculation of amounts at-risk is made by each partner to whom the at-risk rules apply. Property placed in service by a partnership is considered to have been placed in service by the partners. Determinations of whether the taxpayer has acquired property or borrowed money from a related person are made with respect to each partner. As a result of changes made by the Subchapter S Revision Act of 1982, similar rules apply in the case of an S corporation and its shareholders.

The investment credit recapture rules generally govern recapture upon the disposition (or cessation as qualifying property) of section 38 property. A special recaputure rule applies to dispositions of property that are subject to the special rules for certain energy property.

The at-risk limitation on the investment credit does not apply to property placed in service before February 19, 1981, or property placed in service on or after such date if the property was acquired by the taxpayer under a binding contract entered into before February 19, 1981.

Explanation of Provision

The provision would revise the at-risk limitation on the investment credit in Code section 46(c)(8). The revised limitation would reduce the credit base (or cost, in case of used property) of section 38 property by the nonqualified nonrecourse financing with respect to that property. The provision would apply with respect to property placed in service during the taxable year and use inactively subject to loss limitation under section 465.

Nonqualified nonrecourse financing would include any nonrecourse financing which is not qualified commercial financing. The provision would define qualified commercial financing as any financing with respect to property if (i) such property is acquired from an unrelated person, (ii) the amount of nonrecourse financing does not exceed 80 percent of the property's credit basis, and (iii) such financing is borrowed from a qualified person or represents a governmental loan. Qualified commerical financing would not include convertible debt. Further, a qualified person would mean any person actively and regularly engaged in the business of lending money and who is not related to the taxpayer, not a person from whom the taxpayer acquired the property, and not a person who receives a fee with respect to the taxpayer's investment in the property (e.g., a promoter).

The provision defines related person as defined in Code section 168(e)(4), which generally follows the section 267(b) and 707(b)(1) related party rules but substitutes a 10-percent threshold for the 50-percent common ownership or capital interest thresholds respectively.

The provision would include a general rule providing that in the case of partnerships or Subchapter S corporations, the determination of whether a partner's or shareholder's allocable share of any financing is nonqualified nonrecourse financing shall be made at the partner or shareholder level. The determination of any partner's or shareholder's allocable share would be made in the same manner as the credit allowable by section 38. A special rule, however, would be provided for certain recourse financing of S corporations.

Under the special rule, an S corporation shareholder would be treated as liable for his allocable financing share if the financing is recourse at the corporate level and is provided with respect to qualified business property. For the purposes of this special rule, qualified business property means property used by the S corporation in an active trade or business which during the entire taxable year has at least 3 full-time employees substantially all of whose services are directly related to the corporation's business. Specifically excluded from the qualified property definition for the special rule would be master sound recordings or other tangible or intangible assets associated with literary, artistic or musical properties.

The provision would include rules for the treatment of subsequent increases and decreases in nonqualified nonrecourse financing. Generally, the provision would treat a decrease in nonqualified nonrecourse financing as additional qualified investment. Any such increase in a taxpayer's qualified investment would be deemed to be additional qualified investment made by the taxpayer in the year in which the property was placed in service. Any credit allowable as a result of an increase in qualified investment would be treated under the provision as earned during the taxable year of the causative decrease in nonrecourse financing. Similarly, for net increases in nonqualified nonrecourse financing, the tax with respect to the taxable year shall be increased by an amount equal to the decrease in credits allowed under section 38.

The provision would also include a number of technical conforming amendments to the special qualified energy property rules in section 46(c)(8)(F) and elsewhere.

The modification resulting from the provision generally would apply to property placed in service after the date of enactment in taxable years ending after such date. At the election of the taxpayer, the amendments made by the provision would apply as if included in the Economic Recovery Tax Act of 1981 (ERTA). Any such election would apply to all property of the taxpayer to which the ERTA rules applied.

TITLE IV. ESTATE AND GIFT TAX PROVISIONS

A. Charitable split-interest transfers

Present Law

The Tax Reform Act of 1969 imposed new requirements that must be met in order for a charitable deduction to be allowed for income, gift, and estate tax purposes for the transfer of a split interest to charity (i.e., part charitable and part noncharitable). In the case of a remainder interest in trust, the interest passing to charity must be in either a charitable remainder annuity trust, a charitable remainder unitrust, or a pooled income fund. In the case of an "income" interest passing to charity (i.e., a charitable lead trust), the "income" interest must either be a guaranteed annuity or a fixed percentage of the fair market value of the trust (determined at least annually).

Certain exceptions to these new rules were provided in the case of wills executed, or property transferred in trust, on or before October 9, 1969, in order to allow a reasonable period of time to take the new rules into account. However, many persons created instruments which did not comply with these new requirements. As a result, Congress provided a limited rule, which was extended several times, that the governing instruments of charitable split-interest trusts could be amended to meet the new rules. The latest extension provided that instruments of both charitable lead trusts of charitable remainder trusts which were executed before December 31, 1979, could be amended or judicial proceedings to amend begun through December 31, 1981, in order to conform such instruments to the 1969 Act requirements for a charitable deduction to be allowed for income, gift, or estate tax purposes.

Explanation of Provision

The bill would provide a permanent rule permitting reformation of charitable split interest instruments which do not meet the statutory requirments in cases where the instrument evidences an intent to comply with the 1969 Act rules but fails for technical reasons. In addition, the bill would require that the actuarial values and durations of the charitable and noncharitable interests in the trust generally remain the same before and after the reformation. The bill would treat the premature death of an income beneficiary of a charitable remainder trust as the equivalent of reformation. The bill also would permit the period of limitations to be re-opened until December 31, 1985, to allow tax benefits to accrue for otherwise closed estates and provides an effective date which conforms to all of the prior provisions under the law which expired in 1981.

B. ALTERNATE VALUATION DATE ELECTION

Present Law

Under present law, the value of property included in the decendent's gross estate for Federal estate tax purposes generally is determined on the date of the decedent's death. However, the executor may elect to have values determined as of the alternative valuation date, which generally is the date six months after the date of the decendent's death. The alternate valuation date election was intended to lessen the impact of the estate tax when property values decline shortly after the decedent's death.

An heir's income tax basis in inherited property generally is equal to the estate tax value of the property. Under this rule, it is possible to increase the income tax basis of inherited property by electing alternate valuation in the typical case where the value of property has increased since the date of death. Moreover, this increased basis can be achieved under present law even where there are no additional estate taxes from electing alternate valuation. The opportunities to increase income tax basis by electing alternate valuation without adverse estate tax consequences are expanded by the increase in the unified credit and enactment of the unlimited marital deduction in the Economic Recovery Tax Act of 1981, since those changes increase the number of estates that have little or no estate tax liability regardless of whether they elect alternate valuation.

Under present law, the alternate valuation date election can be exercised by the executor only if the estate tax return is filed within the time prescribed by law (including extensions which are granted).

Explanation of Provision

Because use of the election for income tax planning purposes clearly is not the purpose of the alternate valuation provision, the bill would permit an alternate valuation election only where the basis of the gross estate and the estate tax liability of the electing estate are both reduced. The bill also allows the executor to elect alternate valuation on a late filed return (as well as a timely-filed return) as long as the late return is the first estate tax return. The bill would apply to estates of decedents dying after the date of enactment of the bill.

TITLE V. FOREIGN PROVISIONS

A. Definition of a resident alien

Present Law

Resident aliens are subject to U.S. tax on their worldwide income at the regular graduated rates. Nonresident aliens are subject to U.S. tax only to the extent their income is from U.S. sources or is effectively connected with the conduct of a trade or business within the United States. Certain passive U.S. source income of nonresident aliens is subject to tax at a flat 30 percent rate (unless the rate is reduced by treaty).

The Internal Revenue Code does not define the terms resident alien or nonresident alien. Treasury regulations define the term on the basis of the alien's intentions with regard to the length and nature of his stay in the United States. This rule is easy to manipulate and difficult to enforce.

In certain cases, individuals who earn U.S. source income may seek to minimize their U.S. tax liability by claiming that they are taxable on a fiscal year basis rather than a calendar year basis and thus allocating their U.S. income to more than one fiscal year if such an allocation is beneficial (e.g., they have income for only a part of each fiscal year).

Explanation of Provision

The bill would provide a definition of resident aliens for U.S. tax purposes. Aliens who do not meet this definition would be nonresident aliens. For income tax purposes, an individual would be considered a resident if the individual:

1. Is a lawful permanent resident of the United States at any time during the calendar year (the "green card test"),

2. Has an application for an immigrant visa pending at any time during the year and is physically present in the United States during at least 60 days, or

3. Is present in the United States for a substantial period to time—at least 183 days during a 3-year period weighted toward the present year (the "substantial presence test").[1]

If an individual were present in the United States for fewer than 183 days during the year and if the individual established that he had a closer connection with a foreign country than with the United States and had a tax home in that country for the year, the individual would not be subject to tax as a U.S. resident despite the substantial presence test. If an individual were present in the United States for 183 days or more, this "closer connections/tax home" exception would not apply.

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[1] This substantial presence test would compare 183 days to the sum of (1) the days present during the current year, (2) two-thirds times the days present during the preceding year, and (3) one-third times the days present during the second preceding year.

In addition, certain individuals (e.g., diplomats, teachers, trainees, students) that meet the substantial presence test would be considered nonresident aliens unless the facts and circumstances indicate that they intend to reside permanently in the United States. Teachers and trainees generally could be exempt from the substantial presence test for only two of any six years, and students generally for only five years.

The bill would explicitly authorize the Secretary of the Treasury to require aliens who claim exemption from the substantial presence test to file statements explaining the basis for their exemption.

The bill would define presence during a day to be presence at any time during the day, but would exempt commuters from Canada and Mexico from this rule.

A taxpayer who has not established a taxable year for any period prior to the time he becomes taxable in the United States would be taxed on a calendar year basis. A taxpayer who establishes a fiscal year would determine residence on a calendar year basis, and he would be subject to tax as a resident for any portion of his fiscal year within a calendar year of residence.

These provisions would apply to taxable years beginning after December 31, 1983.

B. Treatment of community property income of nonresident aliens

Present law

Under a progressive income tax such as that of the United States, less tax is imposed on lower incomes. Therefore, when married taxpayers split their income, they reduce their combined tax liability. Under Code section 879(a), if one member of a married couple is a U.S. citizen or resident while the other member is a nonresident alien, the couple may not generally reduce U.S. tax by use of community property laws to split their income. However, if both members of the couple are nonresident aliens from a community property country, they may be able to split the U.S. earned income of one spouse in order to reduce their U.S. tax liability. A comparable couple from a common law country could not split income in this manner.

Explanation of Provision

The bill would provide that a married couple both of whom are nonresident alien individuals may not use community property laws to split the U.S. earned income of one spouse for computing U.S. tax liability. The rules of Code section 879(a) are extended to such couples.

This provision would apply to taxable years beginning after December 31, 1983.

C. Coordination of subpart F with foreign personal holding company provisions

Present Law

Congress enacted the foreign personal holding company rules in 1937 to prevent U.S. taxpayers from accumulating investment income tax-free in foreign "incorporated pocketbooks." In 1962, Congress imposed tax on the U.S. shareholders of incorporated tax haven companies by adding the Subpart F rules to the Internal Revenue Code. The Subpart F rules, as amended, impose tax on related party sales and services transactions through tax haven base companies, on insurance of U.S. risks, on investment of foreign earnings in U.S. property, on certain foreign oil-related income, and on certain passive income taxable under the 1937 rules as amended. In cases where there is overlap between the foreign personal holding company rules and the Subpart F rules, the foreign personal holding company rules take priority. That is, a taxpayer who generates any income that is taxable under the foreign personal holding company rules may avoid the Subpart F anti-tax haven rules that year under certain court decisions.

Explanation of Provision

The bill would repeal the rule that taxation under the foreign personal holding company rules precludes taxation under the Subpart F rules. The bill would provide that a controlled foreign corporation's income is taxed under Subpart F to the extent that it would be taxable under both Subpart F and the foreign personal holding company rules. In addition, the existence of foreign personal holding income would not preclude taxation of Subpart F income to the extent the Subpart F income is greater.

This provision would apply to taxable years of U.S. shareholders beginning after the date of enactment.

D. Foreign personal holding company attribution rules

Present Law

If five or fewer U.S. citizens or residents own at least half of the stock of a foreign corporation that has primarily passive income, that corporation will be a foreign personal holding company. In that case, the foreign corporation's shareholders who are U.S. citizens and residents must pay tax on the corporation's earnings.

The foreign personal holding company rules treat an individual as owning stock that is actually owned by certain other persons, such as family members. These rules apply even when the family members from whom the ownership is attributed are nonresident aliens. In addition, interposition of a foreign partnership holding company arguably allows avoidance of the foreign personal holding company rules.

Explanation of Provision

The bill would repeal the rules that attribute ownership of stock actually owned by a nonresident alien to the alien's U.S. blood relatives. In addition, the bill would prevent taxpayers from interposing foreign partnerships or other foreign entities between themselves and the foreign corporation to avoid the foreign personal holding company rules.

The provisions would apply to taxable years of foreign corporations beginning after December 31, 1983.

E. Ordinary income treatment on disposition of stock of certain foreign corporations (section 1248)

Present Law

When a U.S. person sells or exchanges stock of a controlled foreign corporation, some of his gain may be taxed as ordinary income, not as a capital gain (Code section 1248). The purpose of this rule is to deny capital gain treatment to income accumulated in foreign corporate solution. The gain is ordinary (dividend) income rather than capital gain only to the extent of earnings and profits (E&P) that were accumulated while the shareholder held the share and that were not previously taxed by the United States.

(i) Double counting.—When a U.S. person sells his interest in a controlled foreign corporation and recognizes dividend income on account of accumulated E&P, the E&P of the controlled foreign corporation does not lose its "taint" in the hands of the new owner. If the new owner receives a distribution from the controlled foreign corporation, the new owner is subject to tax at ordinary income rates on account of the E&P accumulated while the first owner owned the stock. In addition, the new owner may claim foreign tax credits for taxes imposed on the controlled foreign corporation that the first owner has already credited. This double credit could reduce U.S. tax on other foreign income of both owners of the controlled foreign corporation.

(ii) Indirect ownership.—Taxpayers may take the position that they can avoid ordinary income treatment on E&P of a controlled foreign corporation by a series of transactions between related parties. The first step in this series is the contribution of the stock in the corporation to the capital of a second controlled foreign corporation. The second step is the sale or exchange of the stock of the second corporation (which now owns the first corporation). Taxpayers may contend that the E&P of the first foreign corporation accumulated before the contribution of its stock to the second corporation is not subject to ordinary income treatment. The reason for this possible contention is a rule in the Code that may superficially indicate that E&P accumulated during direct ownership does not count when a U.S. person disposes of an interest held directly (as a second-tier subsidiary).

Explanation of Provisions

The two provisions described below would each apply to sales or exchanges of stock of controlled foreign corporations that occur after the date of enactment.

(i) Double counting.—The bill would provide that to the extent that accumulated E&P has previously characterized income as ordinary income, that same E&P would not again characterize income as ordinary income. In addition, foreign taxes of a controlled foreign corporation that one U.S. taxpayer has credited would not again be creditable.

(ii) Indirect ownership.—The bill would clarify current law to provide that E&P accumulated by a foreign corporation accumulated while controlled by U.S. owners is subject to ordinary income treatment whether its U.S. owners controlled it directly or indirectly.

F. Stapled stock

Present Law

Taxpayers have devised schemes for tax avoidance wherein the stock of two (or more) entities is "stapled" or "paired" so that a shareholder cannot trade the stock separately. Often, however, the management of the two entities is the same.

Foreign corporations whose shares are sufficiently dispersed among U.S. persons are not subject to the U.S. rules that (1) subject tax-haven type activities to tax or (2) discourage compliance with international boycotts. Widely held U.S. corporations have attempted to avoid these rules by splitting off their foreign operations and conducting them through separate corporations. The stock of the foreign and domestic corporations is stapled together.

In addition, stapling of stock of two or more domestic corporations could allow shareholders to benefit from multiple surtax exemptions and from multiple accumulated earnings tax credits. In addition, companies may split off certain investments into a separate company that will qualify for special tax treatment, such as Real Estate Investment Trust (REIT) or Regulated Investment Company (RIC) benefits.

This special treatment would not be available if the companies were consolidated.

In these examples, and potentially in any case where tax benefits among related parties are limited or where tax penalities may be imposed on related parties, companies might use stapled stock to appear to be unrelated.

Explanation of Provision

The bill would provide generally that where a foreign and a domestic corporation are stapled entities, the foreign corporation would be treated as domestic. The bill also would provide rules governing stapled stock of two or more domestic corporations. In determining controlled corporation status or stock ownership, stock in a corporation which constitutes a stapled interest with respect to stock of another corporation will be treated as owned by the latter corporation. All stapled entities would be treated as one in determining whether any one is a REIT or RIC. In addition, the Secretary of the Treasury could prescribe regulations to prevent avoidance or evasion of Federal income tax through the use of stapled entities.

The bill would apply to entities 50 percent or more of the beneficial ownership of which could be transferred only in tandem with interests in another entity. This provision would take effect on the date of enactment of the bill. However, for interests stapled before the date of introduction, the amendment would not apply until January 1, 1985.

TITLE VI. MISCELLANEOUS TREASURY ADMINISTRATIVE PROVISIONS

A. Simplification of reporting requirements

Present Law

Under present law, the Department of the Treasury is required to report to the Congress regarding specific statutory provisions on an annual or other periodic basis. These reports include four tax policy reports in the international tax area. Treasury is required by statute to submit annual reports on both the Domestic International Sales Corporation (DISC) and international boycott provisions. The Committee reports on the Tax Reform Act of 1976 also required an annual report on possessions corporations. An annual reporting requirement regarding provisions affecting Americans working abroad was amended by the Economic Recovery Tax Act of 1981 to place it on a four-year cycle.

Also, the Tax Reform Act of 1976 required the Department of the Treasury to publish annually information on the amount of tax paid by individual taxpayers with total incomes of $200,000 or more. The report presently includes tables using the following four income measurements: expanded income, adjusted gross income (AGI), AGI plus tax preference items (which are exclusions from gross income or deductions in arriving at AGI), and AGI less investment interest and expense (to the extent that it does not exceed investment income).

Preparation of these reports is time consuming and expensive. Summary data on these topics can be included in Statistics of Income (SOI) publications on a regular basis, enabling Congress and other groups to monitor these Code provisions and making frequent specific reports less necessary. The Treasury Department has expressed a commitment to insuring that all SOI studies, and in particular those in the international area, are completed in a timely fashion and are relevant for tax policy analyses.

Explanation of Provision

Several of the statutory reporting requirements would be simplified. The reports on DISC and Possessions Corporations would be placed on two-year cycles and the International Boycott report would be required for every four-year period. The high income taxpayer report would be simplified by reducing the number of income concepts to two, AGI and expanded income.

B. Removal of limitation on working capital fund

Present Law

Under present law, the Department of Treasury's Working Capital Fund is limited to $1 million. This Fund now provides for the financing of centralized, Department-wide services such as printing procurement and reproduction, telephone, and teletype functions. The cost of inventories and equipment and other assets has increased significantly since the Fund was established in 1970, although the ceiling has not changed. Also, this arbitrary dollar limitation forces the Department to make business judgments in terms of the capital ceiling rather than what is most cost beneficial for the Department.

Explanation of Provision

The $1 million limitation on this Fund would be removed.

C. Increase in limitation on real property redemption revolving fund

Present Law

Under Internal Revenue Code section 7810, the revolving fund for the redemption of real property is limited to $1 million. This fund is used by the I.R.S. in exercising redemption rights upon sale of property on which the I.R.S. has a lien.

Redemption rights are exercised when the Service concludes that the sale price of such property is significantly below fair market value and that the sale price does not provide sufficient receipts to cover the government's lien, typically because other liens have greater priority. The I.R.S. undertakes to resell such property at a profit sufficient to cover the delinquent taxes, interest, and penalties of the taxpayer-lienor. Any excess profit is then available to the taxpayer and other creditors. In each instance, the Service attempts to obtain a 25-percent cash deposit from a prospective purchaser prior to making the redemption. Usually the redemption must occur within 120 days of the foreclosure sale.

This action can only be taken if there is a sufficient amount in the section 7810 revolving fund. The Fund is repaid upon subsequent sale of the property. The $1 million figure was set in 1966. Increases in the number of taxpayer delinquences, escalating real property values, and a greater frequency in foreclosures have repeatedly combined to temporarily drain the revolving fund. In addition, on several occasions the Service has been constrained to pass up redemptions requiring funds in excess of $1 million usually at the ultimate expense of the Treasury.

Explanation of Provision

The limitation on the real property redemption revolving fund would be increased to $10 million.

D. Secretary of Treasury's acceptance of gifts and bequests

Present Law

At present, the Department of the Treasury has authority to accept voluntary services in connection with the sale of public debt obligations (31 U.S.C. 77a). Also the Department has joint authority with the General Services Administration to accept gifts for the purpose of reducing the national debt (31 U.S.C. 901) and for defense purposes (50 U.S.C. 1151). However, the Secretary of the Treasury does not have general authority to accept gifts and bequests on a departmentwide basis to carry out departmental functions. The Comptroller General has ruled that agencies may not accept gifts and bequests for assisting them in carrying out governmental functions in the absence of specific authorization (36 Comp. Gen. 268). At present, there are numerous statutes authorizing various agencies to accept gifts in connection with their operations, e.g., the Department of Commerce (15 U.S.C. 1522), the Department of Transportation (49 U.S.C. 1657(m)), and the Department of Housing and Urban Development (42 U.S.C. 3535(k)). In addition, departmentwide gift authority is possessed by the Departments of Agriculture and State and numerous other agencies for the conduct of agency activities.

Explanation of Provision

The Secretary would be authorized to accept gifts and bequests of property for the purpose of aiding or facilitating the work of the Department of Treasury. Gifts and bequests of money and the proceeds from sales of other property so received would be deposited in a separate fund of the Treasury to be disbursed upon the Secretary's order.

E. Repeal of stamp requirements

Present Law

Section 5205 of the Internal Revenue Code provides for the use of strip stamps, which are the paper strips placed over the neck and cap of distilled spirits containers. The stamps are printed by the Bureau of Engraving and Printing at a current cost of $1.6 million annually. The stamps are distributed to distillers and bottlers at no charge. Although section 5205 authorizes the use of alternate closure devices, Government-supplied stamps are the closure devices most frequently used.

For many years, strip stamps were numbered and generally controlled by Federal employees physically located at the distillers premises. The stamps were applied to containers after the Federal employees were satisfied that the spirits had been bottled in conformance with Federal laws and had determined the appropriate tax. However, the Distilled Spirits Tax Revision Act of 1979 (26 U.S.C. 5001 et. seq.), enacted in part to simplify and modernize the distilled spirits tax system, significantly changed the Federal regulation and taxation of distilled spirits. The act eliminated the need for the physical presence of Federal employees at distilled spirits plants to control certain operations, including the determination of taxes on distilled spirits before bottling. Consequently, strip stamps are now provided to distillers and placed on distilled spirits containers generally before the tax has been determined or paid.

In short, the strip stamp no longer signifies that the tax on the spirits has been paid or that the spirits have been lawfully bottled. The only practical purpose strip stamps now serve is to provide consumers some assurance that the bottled contents have not been tampered with. Such assurance can be provided equally well by alternative sealing devices provided by the distiller.

Explanation of Provision

The stamp requirements for distilled spirits would be repealed.

F. Extension of period for court review of jeopardy assessment

Present Law

Internal Revenue Code section 7429 provides for a court review of the reasonableness and propriety of the Government's action in making a jeopardy assessment. The Court is required to decide the matter within 20 days. However, section 7429 contains no provision to insure that the Government has been served with notice that the action has commenced. As a result, in some instances, the Government has not been served with the taxpayer's pleadings until shortly before the 20 days is about to expire and has not had time to adequately prepare its case.

Explanation of Provision

Code section 7429 would be amended to provide that if the Court determines that proper service was not made on the Secretary, the 20-day period for court determination would not begin to run until proper service is made on the Secretary.

TITLE VII. TAX COURT PROVISIONS

A. Representation

Present Law

Under present law, taxpayers using the "small case" procedure can appear pro se or be represented by an attorney. These are cases involving $5,000 or less, where more informal procedures are used but no appeal is permitted. In addition, because Code section 7452 provides that no qualified person shall be denied admission to practice before the Tax Court by reason of his failure to be a member of any profession, the Tax Court permits others to practice before the Court after passing a special exam. This exam covers the Federal Rules of Evidence, Rules of Practice and Procedures of the Tax Court, and the substantive tax law. Those who take the exam and successfully complete it, primarily accountants, may then represent taxpayers before the Court in both "small" and regular cases. However, in recent years a very small number of persons have applied to take the exam, and less than 10 percent have successfully passed it.

Explanation of Provision

This provision would permit taxpayers to be represented in the Tax Court under the "small case procedure" by certified public accountants and enrolled agents who are authorized to practice before the I.R.S., effective on the date of enactment. In addition, the Tax Court would no longer be required to give a special examination to non-attorneys in order to permit such persons to practice before the Tax Court, effective in 1984. Since the small case procedure is, by design, an informal one, this proposal would allow qualified accountants to represent taxpayers in small tax cases (without taking the Tax Court exam), but the exam would no longer be available to non-attorneys wishing to represent taxpayers in regular cases.

B. Survivor annunities

Present Law

Under the survivors annuity plan for Tax Court judges, the annuity payable to a surviving dependent child is based on the amount payable to a surviving spouse, subject to certain dollar limits. If a judge is survived by a spouse and a dependent child or children, the annuity payable to each such child is equal to one-half the annuity of the surviving spouse, but not to exceed the lesser of $900 per year divided by the number of such children or $360 per year. If a judge leaves no surviving spouse, but leaves a surviving dependent child or children, the annuity payable to each child is equal to the annuity to which a surviving spouse would have been entitled, but not to exceed $480 per year.

These maximum annuity amounts have not been changed since 1961, although the limits for annuities to surviving children of other federal judges have been increased.

Explanation of Provision

The maximum annuities receivable by dependent survivors of deceased Tax Court judges would be increased from $900 per year per family ($360 per child) to $4,644 per year per family ($1,548 per child). The comparable amounts for dependents with no surviving parent would also be increased. These maximum limits are equal to those currently in effect for other federal judges. These changes would be effective for annuities payable for months after the date of enactment.

C. Assignment of proceedings

Present Law

Section 7456(d) provides that the chief judge of the Tax Court may assign any declaratory judgment proceeding, any small tax case proceeding, and any other proceeding where the amount in dispute does not exceed $5,000 to be heard by the commissioners of the Court, and the Court may authorize a commissioner to make the decision of the Court with respect to any such proceeding.

Explanation of Provision

A technical change would be made in Code section 7456 to make clear that the chief judge may assign certain other proceedings to special trial judges for hearing and to write proposed opinions, subject to review and final decision by a Tax Court judge.

D. Special trial judges

Present Law

Code section 7456 authorizes the chief judge of the Tax Court to appoint "commissioners", who shall proceed under rules promulgated by the Court.

Explanation of Provisions

The title of "Commissioner" would be changed to Special Trial Judge, effective on the date of enactment.

E. Publicity of Tax Court proceedings

Present Law

Code section 7461 provides that all reports of the Tax Court and all evidence received by the court shall be open to public inspection, except that after its decision in a case has become final, the Court may permit the withdrawal of documents from the record or make such other disposition thereof as it deems advisable.

Rule 103(a), Tax Court Rules of Practice and Procedure, provides that the Court may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including an order requiring that a deposition be placed under seal, that a trade secret or other information not be disclosed or be disclosed only in a designated way, or that documents or information be filed in sealed envelopes to be opened only as directed by the Court. Rule 103(a) was derived from Rule 26(c), Federal Rules of Civil Procedure, and is declarative of existing case law protecting trade secrets and other confidential commerical information from public disclosure.

Explanation of Provision

Section 7461 would be amended to make clear that the Tax Court may take action necessary to prevent the disclosure of trade secrets and other confidential information. The amendment would take effect on the date of enactment.

TITLE VIII. SIMPLIFICATION OF INCOME TAX CREDITS

Present Law

Present law provides a series of nonrefundable tax credits which are allowable to reduce a taxpayer's tax liability. The credits have been added to the Internal Revenue Code over the years on an ad hoc basis and the interrelationship among the various credits has never been rationalized. Thus, for example, the credits are allowable against tax in the chronological order they have been added to the Code, which may result in certain credits being unusable where no carryover is provided while a lower-numbered credit for which a carryover is provided was used up.

The various business credits are also usable in different chronological orders—the investment credits are used on a FIFO basis, and the other credits are used on current year first basis. The tax liability limitations for the different business credits vary. The investment tax credit (other than energy credit) limitation is 100 percent of the first $25,000 of tax and 85 percent of the tax is excess of $25,000. The targeted jobs credit is 90 percent of tax liability; the ESOP credit is 100 percent of the first $25,000 or tax liability and 90 percent of the tax in excess of $25,000. The remaining business credits, including the energy credit, are 199 percent of tax liability. The investment credit, targeted jobs credit, research activities credit, and ESOP credit have a 3-year carryback period and these credits plus the alcohol fuels credit have a 15-year carryforward period.

Explanation of Provisions

Under the bill, the personal credits—the dependent care credit, credit for elderly and disabled, residential energy credit and political contribution credit—would be allowable against tax before all other credits. Next the foreign tax credit, orphan drug credit, and fuel production credit would be allowable against tax under the conditions of present law.

The business credits—the investment tax credit (both the regular and the energy credits), targeted jobs credit, alcohol fuels credit, research credit, and ESPO credit—would be combined into one general business credit. This credit would be allowable against 100 percent of the first $25,000 of tax liability and 85 percent of the remaining tax liability. The credit would be used on a FIFO basis whith a 3-year carryback and 15-year carryforward period.

The bill would be effective for taxable years beginning after 1983.

TITLE IX. DEADWOOD PROVISIONS

A. Certain farm losses (section 1251)

Present Law

Code section 1251 was enacted in 1969 to prevent certain high income taxpayers from using farm losses to defer their non-farm income and then later obtaining capital gains on the disposition of their farm property. The Tax Reform Act of 1976 terminated these provisions with respect to farm losses incurred after 1975.

Explanation of Provision

The bill would repeal the provisions of section 1251, as deadwood, since they no longer serve a meaningful function. The repeal would be effective for taxable years beginning after 1983.

B. Qualified bond plans and individual retirement bonds

Present law

Under present law (section 405 of the Code), an employer plan to purchase and distribute U.S. bonds to his employees or their beneficiaries is deemed to be a qualified pension plan if the plan meets most of the requirements under section 401 (a) and (d) relating to qualified pension, profit-sharing, and stock bonus plans. Contributions under the plan must be used solely to purchase bonds for employees. Qualified bond purchase plans are limited to investment in bonds issued under the Second Liberty Bond Act. The terms of such bonds provide for payment of interest only upon redemption, may be purchased only for an individual, cease to bear interest 5 years after death, are not transferable and may be redeemed prior to death only if the individual has attained age 59½ or becomes disabled. Contributions to a qualified bond purchase plan are deductible under section 404 in the same manner as qualified pension plan contributions under section 401. Present law provides an income exclusion and basis rules for beneficiaries of qualified bond purchase plans. In addition, rollovers of redemptions into individual retirement accounts or annuities are permitted.

Under Code section 409, individual taxpayers may utilize U.S. bonds issued under the Second Liberty Bond Act for the purpose of establishing and maintaining an individual retirement arrangement. Second Liberty Bond Act issues used for this purpose must provide for the payment of interest only on redemption (no interest is allowable if redeemed within 12 months of issue), cease to bear interest when the individual attains age 70½, and are not transferable. Section 409 bonds may pay interest up to 5 years after the death of the owner, but in no case beyond the date the owner would have attained age 70½. The registered owner of a section 409 bond may not contribute on behalf of any individual for the purchase of such bonds in excess of $2,000 for any taxable year.

Upon redemption, the entire proceeds of the retirement bond are included in gross income. Proceeds from the redemption of section 409 bonds may be excluded from gross income in certain instances when rolled over into an individual retirement account or annuity under section 408, a qualified trust under section 401(a), a qualified annuity plan, or a section 403(b) tax-sheltered annuity. Present law includes a 10-percent penalty tax on redemptions of a section 409 bond prior to the time the owner attains age 59½, unless the owner becomes disabled.

Explanation of Provision

Sections 405 and 409 would be repealed and technical and conforming changes would be made to other provisions of the Code. The provisions would be effective with respect to obligations issued after December 31, 1983. A special rule would provide that, notwithstanding the terms of any bond described in section 405(b), such bond may be redeemed at any time after the date of enactment.●

● Mr. **CONABLE**. Mr. Speaker, today, Mr. ROSTENKOWSKI and I are introducing the Tax Law Simplification and Improvement Act of 1983. This legislation if the result of months of effort by our congressional staffs in identifying major problems areas in the law and developing proposed solutions in a collaborative process. The bill also contains a number of provisions which have been requested by the administration or suggested by others as needed improvements or simplifications to the structure of the tax law.

I wish to express my gratitude to those who worked on preparing this bill as well as to the staff of the Treasury Department for their assistance and to those groups, such as the American Bar Association and the American Institute of Certified Public Accountants, that suggested areas for study, proposes solutions and deliberated with our staff to develop the product we are introducing today. We look forward to receiving additional recommendations for improving the provisions of the bill during its consideration in the months ahead.

The bill consists of nine titles.

Title I contains a major and long overdue revision of the estimated tax provisions for individuals.

Title II is the "Domestic Relations" title which includes revisions to the rules which govern the tax treatment of property transfers at divorce, alimony payments, and the dependency exemption for children of divorced parents as well as amendments to the so-called innocent spouse rules.

Title III of the bill represents an attempt to simplify and clarify the investment tax credit at-risk limitation added by the Economic Recovery Tax Act of 1981 (ERTA).

Title IV contains two changes related to the estate tax provisions.

Title V would make several changes needed in provisions affecting foreign income and foreign taxpayers, including a much needed definition of "resident alien" to assist taxpayers and practitioners in determining when a U.S. tax liability is owed by aliens residing in the United States for varying periods of time.

Title VI contains a number of minor provisions recommended by the Department of Treasury as changes that would simplify or improve their operations.

Title VII includes several noncontroversial changes requested by the Tax Court and a more substantive proposal designed to improve the representation of taxpayers involved in small cases before the court.

Title VIII would simplify and rationalize the income tax credit provisions in the Internal Revenue Code.

Title IX repeals several obsolete provisions of the code.

The statement of Mr. ROSTENKOWSKI today concerning the bill provides a more detailed explanation of the bill and a technical description of its provisions.●

VIETNAM VETERANS ART EXHIBIT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 5 minutes.

Mr. **DASCHLE**. Mr. Speaker, ABC's "Good Morning America" last November highlighted a Chicago art show entitled, "Vietnam: Reflexes and Reflections." Drawing exclusively from the art works and experiences of Vietnam combat veterans, this artistically acclaimed show first opened in Chicago to the largest crowds to attend any 1981 opening there.

It is a privilege for me to tell you that this extraordinary art exhibit will soon be on display in the Cannon Rotunda from Septmber 12 to 23. The exhibit was on display in the Senate Russell Building last week.

The exhibit was also on display at the Washington Project for the Arts gallery and, after leaving Washington, will be on tour through several States. I heartily encourage all Members and staff to view this marvelous exhibit. Following are two articles from the Stars and Stripes which describe the exhibit as well as a brief description of those artists who will have their work on display:

[From the Stars and Stripes, June 9, 1983]

VIETNAM VET ARTISTS BASK IN PRAISE

(By Dan McCurry)

WASHINGTON, D.C.—A collection of the work of combat veterans of Vietnam, entitled "Vietnam: Reflexes and Reflections," opened this week in Washington, DC to an enthusiastic and thoughtful response from the Nation capital's discerning art community.

One of the largest opening night crowds in their 6-year history turned out in a Friday night drizzle to see this latest exhibition at the gallery of the Washington Project for the Arts.

Reaching beyond the confines of this city, WPA tapped the collections of the Vietnam Veterans Arts Group, a nationwide network of professional and part-time artists, all of whom saw combat during the war in Southeast Asia.

"Reflexes and Reflections" solidified the growing reputation of the VVAG's work which had already earned strong critical acclaim in its midwestern shows.

"Our patrons were often overwhelmed by the power of these pieces, and the artists' technical mastery," observed Helen Brunner, WPA's Program Director.

"The majority of our patrons are working professional artists or art lovers from the corporate world, and they were amazed by the quality of this exhibit and its immediacy," Brunner said.

Here was war, seen from the level of a fox hole, from the open doors of helicopters, in the severely damaged faces of women and children, and through the eyes of the men who survived its holocaust.

"No individual soldier saw it all," observed Frank Dahmer, an artist and West Virginia

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farmer, "but in this major collection by the VVAG, we see the impact of that war integrated into a whole."

The show includes an impressive slide/sound presentation of the artists' time in Vietnam, collected by VVAG members from around the country.

When the television camera crews and reporters left, the opening night crowd became primarily a family affair, with artists greeting fellow vets with whom they had shared previous exhibits.

Others brought their wives to stand before a painting or photograph, relating, many for the first time, some incident reflected there which still interrupted their sleep.

Children played along the gallery floor, unmindful of the large stone sculptures over their heads, stopping occasionally to fix their eyes on some particular composition whose subject matter was duly registered for later questions.

The wheelchairs of paralyzed veterans were carried up the steep gallery stairs and maneuvered through the crowd to find old friends and familiar scenes in oil and ink.

Gold Star Mothers took time out from serving as hostesses to reflect on similar art works and stories from other wars.

"So many different impressions of the war, and so many still stay with you," reflected Imogene Cupp, whose son was killed in Vietnam. "After all these years, it still leaves me kind of touchy."

The artists themselves were sensitive to the suggestion that their works might be considered just an exhibit about the war. For them, it was a clear demonstration of the artistic development of a generation of some of the best new artists who had first been sent off to fight.

"I am an artist, a professional," emphasized John McManus, a Los Angeles sculptor whose work has received national attention. "I am a professional artist, not a professional veteran, And my work should be judged on that basis."

Their critics agreed. "I felt the hearts of these men," related Maude Barnett, an 80-year old Grand Rapids, MI mother of a WWII casualty. "I cried inside at their wonder and at the bafflement in so many pictures. And I saw the signs of hope."

A non-profit organization, VVAG raised the funds to ship their art to Washington, DC by holding a raffle in Chicago, It is their hope that the results of this extraordinary show will bring the funding necessary to keep the exhibit intact and circulating nationally in museums and galleries.

In the past 3 years, shows of the art of other Vietnam veterans have been held in New York, San Francisco, Minneapolis, Chicago and most recently during the New Mexico Memorial Day observances.

By far, the most successful were the Chicago openings of 1981 and 1982, from which VVAG was organized.

The Washington, DC, exhibit is sponsored by the *Stars and Stripes*, the National Endowment for the Arts, the DC Commission on the Arts and Humanities, the Friends and Patrons of the Washington Project for the Arts, the Gold Star Mothers of America and the Gold Star Wives of America.

Senators Alan Simpson, Mark Hatfield, Charles Percy and Congressmen Tom Daschle, Tom Downey, "Sonny" Montgomery, Dan Rostenkowski and Jamie Whitten, are also sponsoring the event which is scheduled to be exhibited in the Rotunda of the Senate's Russell Office Building June 20-24, and the House Cannon Office Building September 12-23, after it leaves the WPA gallery.

[From the Stars and Stripes, June 23, 1983]

SENATE LEADERS VIEW VETS' ART

WASHINGTON, D.C.—An exhibit of the Vietnam Veterans' Art Group was the focus of a week of intense interest on Capitol Hill with a showing of the Vietnam combat veterans' work in the Senate's Russell Rotunda gallery.

Crowds estimated by the Capitol Security police at 3,000-5,000 each day, reviewed the pieces of this outstandingly successful art group.

"Vietnam: Reflexes and Reflections" was the title of this exhibit which attracted 91 Senatorial sponsors in addition to the Stars and Stripes.

Despite a budget debate on the Senate floor, a number of Senators, their aides and committee staff members attended opening night ceremonies.

"Why should the Senate sponsor such an art show?," a reporter asked Sen. Charles Percy (R-IL).

"Because it was in this Senate," replied the Chairman of the Foreign Relations Committee, "that we finally managed to stop that undeclared war in Vietnam,"

"The surest course on the path of peace," Percy wrote to his fellow senators, "must alway be guided through the still-fresh memories of the true face of war. This art work retains that vision for all of us."

The opening night's crowd included a cross section of Washington, DC's political and cultural leadership with representatives from all branches of the military services, the Vietnam Veterans Memorial Foundation, the Red Cross, the Veterans Administration, the White House, the Gold Star Mothers, and the Gold Star Wives.

While television cameras were focusing on individual artists, the overall collection received the professional attention of the staff from the Smithsonian Institution and the curators of the combat art collections of the Army, Navy and Marine Corps.

"The power of this work is often overwhelming," observed Sen. Alan Simpson (R-WY), Chairman of the Veterans Affairs Committee.

A long supporter of the art work of fellow Wyoming veteran and POW, Ted Gostas, Simpson encouraged other exhibits which "can be a magnet attracting those many veterans with fine artistic talents."

The President of the veterans' art group. Joe Fornelli, and executive director, Sondra Varco, recounted the group's phenomenal two-year success in creating a growing national network of artists around the country.

A larger collection of VVAG art remains on exhibit at the Washington Project for the Arts, 404 7th St. NW, Washington, DC, throughout the month of July.

Dr. Dan McCurry, coordinator of the Senate exhibition, reminded the opening night crowd that the questions of the Vietnam experience were again under debate as Congress develops a policy in Central America.

"Many of these art works show the tragedy and hopes of children caught in battle. In this art are the lessons of war," he said, "lessons which we all must teach to our own children."

Why this high-powered support for the veterans' art show? "The visual arts can certainly play a major role in the American citizen's understanding of any international disturbance," said Sen. Charles Percy.

"Policymakers, especially, need the benefit of those insights borne out of creative work done while in the midst of the pain and courage found in conflicts," Percy said.

In addition to the Capitol Hill exhibits, the artist's group will also feature a larger showing of their work at the downtown galleries of the Washington Project for the Arts. This exhibit will run from June 3 to July 31.

None of these exhibits were professional combat artists in Vietnam. They were issued bullets, not pallets for paint. So in their work, they used film or pencil, paints from coffee or roots, and sculpted with the metal from shell casings or with bamboo.

From these materials found in the field, these solders gave artistic shape to that war which was so profoundly reshaping their own lives.

Not surprisingly, the VVAG did not begin in an officer's mess or at a veterans' reunion. Rather, they came together, in 1981, in answer to notices placed in publications as diverse as "The New Art Examiner" and "Soldier of Fortune."

Since those earlier notices, and their successful Chicago showings, art work has continued to pour in to the VVAG office. Recent requests for inclusion in the Washington show have come from Australian veteran artists and from an Oklahoma group of "Native American" veterans, whose Vietnam art incorporates distinctively Indian styles.

Members of the VVAG come from all regions of the country. Some are full-time professional artists. The majority must pursue their art on the side. But each work and every artist shows the intensity of the Vietnam experience.

Dr. Dan C. McCurry, an artist and member of the group's advisory board, summed up this history: "These veterans were often injured twice, first on the battlefield and again in that war's political conflicts at home.

"Their art work, expressing these most significant events in their lives, was often hidden away. VVAG encourages veterans to search in their cellars, in their old suitcases, and in their souls for those creative works whose public presentation can now strengthen us all," McCurry said.

The importance of this exhibit lies not only in its artistic impact, but in the artist's sensitive handling of a very difficult period in American history. No war can equal Vietnam in the number of soldiers who carried cameras to record a reality not meant to fit into the evening news.

"Each time I look at these pieces, I get a sense of the humanity of our soldiers there," relates Sondra Varco, coordinator of the artists' group and mother of four children.

"These artists were struggling to remain human in the midst of incredible inhumanities, sometimes of their own doing," she said.

"We did not ask for a particular kind of art, but I was surprised at the many pictures of children and showing a clear affection for the individual Vietnamese. In other art pieces, the pain, terror, courage, and spirit of comradeship are unmistakable," Varco said.

The art world has been equally positive in its response. Curator of the Museum of Contemporary Art, Mary Jane Jacobs, praises "These honest works which speak powerfully of experience. Historically, it is imporant to re-encounter this chapter of American history in a fresh and insightful way."

"There is an important spiritual regeneration which is the true essence of the show," adds Dr. Francis A. Ruzick, head of the Art Dept. of the University of Georgia.

For the veteran artists, however, the major strength of their work is its ability to evoke the lessons and experiences of Vietnam. Richard Aztlan, Chicago police officer and a VVAG founder, sees the art show working much as did the Vietnam Veterans Memorial wall.

"I want this to be not only an art show," he said, "but also an opportunity for those who are not as artistically articulate to come with their families and show them what they have been through."

Slides of these works have been studies and critiqued in university and gallery art classes from coast to coast. They have been presented to groups as diverse as Sunday School classes, community centers, libraries, gallery clubs, and the Chicago Union League Club's membership of corporate and financial leaders.

But its impact is greatest with veterans' outreach centers. Dr. Leonard Porter, Team Leader and an artist at an outreach center, reports using the art extensively with veterans prior to counseling sessions.

"Many of the guys find it easier to open up through their art work," he said. "Then we can deal with their other hard issues."

Dr. Porter is accompanying several busloads of veterans to the Washington shows.

Following their exhibit in the Capital, the VVAG art is scheduled to be shown in Texas, Wisconsin and California. They would welcome invitations from museums, universities, and other groups.

Most importantly, this artists' network invites other veteran artists to submit slides of their own work for consideration for inclusion in the future VVAG shows.

A non-profit, volunteer organization, the Vietnam Veterans' Arts Group can be reached at 627 S. Hamlin, Park Ridge, Ill. 60068; telephone 312-823-3775; or 312-823-3325.

VIETNAM VETERANS ART GROUP, PARK RIDGE, ILL.

ARTIST MEMBERS

Robert Buono, Hammond, Ind. Professional sculptor working in multi-media. MFA from Art Institute of Chicago. Buono has had a number of one-man shows in Illinois and Indiana. Served in Vietnam from late 1966 to early 1968 with the Army's 9th Infantry Division and the 11th ACR.

Michael Boyett, Nacogdoches, Tex. Professional artist and sculpture. An original member of the VVAG, Boyett has had a number of one-man shows across the country. He is highly respected for lifelike sculpture. Served in Vietnam from 1968 to 1969 with the 9th Infantry Division.

Ned Brodbrick, Berwyn, Ill. Professional artist and freelance illustrator. One of the founding members of the VVAG, Brodbrick studied at the Art Academy of Chicago. He has had numerous shows in Illinois. Served in Vietnam from 1967 to 1968 with 3d Marine Division.

Douglas Clifford, Newton, Mass. Director of Veterans Affairs in Boston. He was a combat photographer with the Air Force and has had extensive show of his photography. Served in Vietnam from 1968 to 1969 with the Air Force.

Russell Elder, DeKalb, Ill. Media professor at Northern Illinois University. Elder has had a number of one-man shows of photography and been published extensively. Served two tours in Vietnam, 1967 and 1968-1969, with the Navy.

Joseph Fornelli, Park Ridge, Ill. Professional artist working primarily in watercolor. Fornelli has been widely published and has paintings hanging in a number of museums. He has been featured on TV and has won numerous award. Fronelli was a founding member of the VVAG and is the current president of the group. Served in Vietnam from 1964 to 1965 with the Army's 501st Assault Helicopter Company.

Frank Dahmer, Princeton, W. Va. media consultant and retired army officer. Dahmer has won numerous awards for writing, photography and electronic production. His art is primarily watercolor and graphic prints. Served three tours in Vietnam, 1966, 1969, 1970 with the UARV Artillery, Task Force South and the 25th Infantry Division.

Michael Duffy, Denver, Colo. Professional artist working primarily in watercolor and oil Duffy has won numerous awards for his art work. Served in Vietnam from 1968 to 1969 with IIFFV Artillery.

Art Dockter, Fargo, N. Dak. Professional photographer. His works have been shown throughout Minnesota and North Dakota. Served in Vietnam from 1969 to 1970 with the 1st Air Cavalry Division.

Randolph Evans, Chillothe, Ill. Professional artist working in oil portraits. Evans has had several one-man shows. Served in Vietnam during 1970 with the Armys 155th Aviation Company.

Thomas Gilbertson, Denver, Colo. Professional Artist. BFA and MFA from San Jose State University (Calif). an orginal member of VVAG, Gilbertson has had a number of one-man shows in Colo. Served in Vietnam from 1967 to 1970 with the Army.

Randolph Harmes, St. Peter, Minn. Professional artist working primarily in sculpture. Harmes had had a number of one-man shows in Minn. and Iowa. Served in Vietnam from 1967 to 1968 with the Army.

Frank Howery, Kankakee, Ill. Electrician with art as a hobby. Shown only with the VVAG. Served in Vietnam from 1969 to 1970 with the Air Force.

William Hoin, Lancaster, Pa. Professional artist working with multi-media and weaving. He has had a number of shows in Pennsylvania and Chicago. Teaches art. Served in Vietnam from 1963 to 1964 with the Army Security Agency.

Willian Hackwell, Chicago, Ill. Professional photographer. His work is social photography whose pictures tell the story of people's relationship with their environment. Hackwell has had numerous one-man shows of his work. Served in Vietnam from 1969 to 1970 with the Air Force.

Meredith Jack, Houston, Tex. Professional sculptor and teacher at Lamar University, Beaumont. Tex. Jack has had numerous shows throughout the United States. Served in Vietnam from 1969 to 1970 with the Army.

Wayne Kline, Albuquerque, N. Mex. Professional artist working primarily in graphic arts. MFA from Florida State University. Numerous one-man shows across the country. Served in Vietnam during 1968 with the Marines.

Karl Michel Atlanta, Ga. Professional artist working in pastels and watercolors. MFA from University of Georgia. Numerous one-man shows across the country. Served in Vietnam from 1967 to 1970 with 25th Infantry Division.

Kevin Kelley, Richmond, Va. Professional sculptor. MFA from Virginia Commonweath University. Kelley has had a number of shows in Virginia and surrounding states. Served in Vietnam from 1967 to 1968 with the Army.

Jay Allen Kidwell, Kingman, Ariz. Professional sculptor and teacher at the Mohave College in Arizona. MFA from the University of Georgia. Kidwell has been shown extensively across the country. Served in Vietnam from 1968 to 1969 with the Navy.

Ulysses Marshall, Washington, D.C. Noted Washington artist working primarily in watercolor. Served in Vietnam during 1965 with the 173d Airborne Brigade.

Brian Maxfield, Dekalb, Ill. Professional artist and sculptor with a BFA from Northern Illinois University. Maxfield has had numerous shows in the northern midwest. Served in Vietnam during 1970 with the 101st Airmobile Division.

John Miller, Grand Canyon, Ariz. Professional sculptor of a number of well known bronzes. Miller has had a number of exhibitions of his work. Served in Vietnam from 1968 to 1969 with the 173d Airborne Brigade.

Grady Myers, Boise, Idaho. Editorial cartoonist with the Idaho Statesman. In addition to newspaper work, Myers has done animated film work that has received wide acclaim. Served in Vietnam from 1968 to 1969 with the 4th Infantry Division.

James N. McJunkin, Austin, Tex. Professional photographer with numerous exhibits under his belt. His book, "Visions of Vietnam," will be published in the fall of 1983. Served in Vietnam from 1970 to 1971 with 1st Signal Brigade.

John D. McManus, Los Angeles, Calif. Professional sculptor with a number of works on disply throughout Calif. McManus is presently artist in residence at Santa Monica College. Served two tours in Vietnam 1966-1968 with the 1st Signal Brigade.

Josef Metz, Chicago, Ill. Professional artist working primarily in oil. Metz has had a number of shows around the world. Served in Vietnam 1969 to 1970 with the 1st Infantry Division.

Gary Newman, Wood Dale, Ill. Bank president with photography as a hobby. Newman has exhibited his photos and lectured extensively. Served in Vietnam during 1970 with the 1st Aviation Brigade.

Richard Olsen, Athens, Ga. Professional artist and professor at the University of Georgia. He was one of the original members of the VVAG and had the earliest war time service of the members. Extensively shown. Served in Vietnam from 1962 to 1963 with the 33d Transportation Company (early air assault company).

John Plunkett, Brooklyn, N.Y. Professional artist whose work has been shown extensively on the east coast. MFA from Rhode Island School of Design. Served in Vietnam from 1969 to 1970 with the 25th Infantry Division.

Neil H. Pollack, Wilmette, Ill. Goldsmith and jewelry designer. Pollack does woodcarving and photography and has extensively shown his work. Served in Vietnam from 1967 to 1969 with 1st Logistical Command.

Leonard Porter, St. Anne, Ill. Doctor of psychology with the Government. Porter has pursued art as a hobby and uses it extensively in his profession for therapy. Served in Vietnam during 1969 with the Army.

Michael Page, Richmond, Va. Professional sculptor and student in advanced art. Served in Vietnam from 1967 to 1968 with 1st Infantry Division.

Scott Neistadt, Dubois, Wyo. Rancher with an art hobby. His work is primarily in

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pen and ink. Served in Vietnam during 1968 with the Navy.

John Shimashita, Crestwood, Ill. Television media specialist. Has done extensive still photography shown only with the VVAG. Served in Vietnam from 1968 to 1969 with the Army.

Karl Clark, Springfield, Ill. Prisoner in Vienna, Illinois. His work is done in pencil (all he has) and is taking the time to develop his talent. Served in Vietnam from 1969 to 1970 with the Army.

J. Michael Rumery, Houston, Tex. Professional artist. He works both in painting and sculpture. Shown extensively in Texas. Served in Vietnam from 1967 to 1969 with the 173d Airborne Brigade.

Dale Samuelson, Chicago, Ill. Professional artist. He has had several shows of his multi-media works. One of the founding members of the VVAG and present vice president of the group. Served in Vietnam during 1968 with the Marines.

Charles Shobe, Bakerton, W. Va. Professional artist. He has had several one man shows of his work. Served in Vietnam from 1967 to 1968 with the Marines.

Michael Helbing, Indianapolis, Ind. Professional artist with numerous shows and exhibitions. Served in Vietnam from 1969 to 1970 with 1st Infantry Division.

Richard Yohnka, Clifton, Ill. Professional artist and teacher. MFA from Northern Illinois University. His work is well known throughout the midwest. Served in Vietnam from 1971 to 1972 with the 101st Airmobile Division.●

SPACE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEVINE) is recognized for 5 minutes.

Mr. LEVINE of California. Mr. Speaker, today I am introducing along with six of my colleagues, a concurrent resolution, which has been introduced in the Senate by Senators MATSUNAGA and PELL, to express the sense of Congress that the President should initiate talks with the Soviet Union to explore new cooperative East-West ventures in space. Our two countries have a successful history of working together in planetary exploration, space biology, and joint manned and unmanned missions. These cooperative projects have not only expanded our knowledge of outer space, but have created a continuous and open line of communication between ourselves and the Soviets.

At a time when both countries are working toward deployment of anti-satellite and other space-related weapons, it is absolutely imperative that we continue to maintain an open dialog with the Soviets regarding future space policy. I am interested in seeing the United States and the Soviet Union pursue a new kind of space policy, one which focuses on the cooperative exploration and exploitation of space, rather than a military course which escalates a new arms race, and undermines prospects for successful arms control negotiations.

This resolution calls on the United States and the Soviet Union to renew the 1972 Treaty on Space Cooperation for peaceful purposes. This 5-year agreement was first negotiated and signed by President Nixon in 1972, and was renewed by President Carter in 1977. Regrettably, the Reagan administration allowed the treaty to expire last year.

Mutual ventures in space offer unique opportunities for the United States and the U.S.S.R. Greater direct contact between the two nations eases real and perceived tensions. Rather than fuel misguided competition between the two nations, joint space activities focus attention on peaceful missions where the scientific interests of both countries. Given the costs of planetary missions and space exploration in general, space cooperation makes sense. In preventing duplication of experimentation, space cooperation can enhance the efficiency and cost-effectiveness of our own space program. Additionally, both countries benefit scientifically from shared information. Renewing this treaty would in no way hamper our ability to continue to work separately on our own space projects. The 1972 space cooperation treaty makes no specific reference to information that must be shared by both countries. The fact that the Soviets were more secretive about their space activities than we are, suggests to me that the United States would have much to gain as a result of increased sharing of space information.

International space cooperation is now more important than ever. In addition to the two space powers, most of West European countries, Russia's allies in Eastern Europe, China, Japan, and India are all advancing in space exploration and experimentation. Space systems now apply to such varied uses as communications, meteorology, the study of Earth resources, and oceanography. There is probably no nation in the world that is not affected by some aspect of space science. As the United States and the U.S.S.R. are still the leaders in space, it is important that the two countries develop a more open relationship, and inform one another more completely about their respective space programs.

When Congress created NASA in 1958, it authorized that agency to pursue policies to foster greater international cooperation and peaceful application of knowledge gathered through joint space ventures. Joint cooperation between the United States and U.S.S.R. culminated in 1975 when three American astronauts in an Apollo spacecraft linked up in Earth orbit with two Soviet cosmonauts in a Soyuz spacecraft. Born out of the 1972 space cooperation treaty, the Apollo-Soyuz mission was a great international success on many fronts.

Scientists from both nations were thrust into a multiyear working relationship which called for constant communication, and an open sharing of ideas, equipment, manpower, and technology. In 1973, the Soviets admitted for the first time an American delegation to the previously top secret Soviet mission control center for the purpose of coordinating communications and tracking. The following year, American astronauts visited the Soviet launch site at Tyuratam and Soviet cosmonauts trained in Houston. Before the project was concluded, the Soviets and Americans had negotiated and signed 133 documents, an unprecedented achievement.

It should be noted that the Apollo-Soyuz mission had its share of practical immediate scientific benefits. During the mission, the two nations successfully demonstrated new technology for international space rescue capabilities. The Soviet-American docking also had a more special, enduring significance.

In describing the potential benefits of the project, NASA in 1975 pointed out that "in perspective, the most important result of this international manned mission may be the mutual confidence and trust it creates—confidence and trust that may be significant not just for what people working together may accomplish in space, but also for what peoples working together may achieve on earth."

While the success of the Apollo-Soyuz mission was made possible by the period of détente in the early 1970's, the success of the rendezvous encouraged both nations to enter into new agreements designed to enhance their working relationship in outer space. A new Soviet-American agreement was concluded in May 1977 which established the basis for space cooperation in the post Apollo-Soyuz period.

In 1977, the Soviet Academy of Sciences and NASA agreed to study the "Objectives, Feasibility and Means of Accomplishing Joint Experimental Flights of a Long-Duration," utilizing the long orbital capacity of the Salyut space station and the reusable shuttle space vehicle. The two nations also pledged to continue cooperation in a wide range of space science and space applications activities and agreed to resolve problems of international law on the peaceful use of space. For the next several years, the United States and U.S.S.R. continued to make important gains in space cooperation. For example, American scientists provided radar maps of Venus produced by a Pioneer spacecraft to help Soviet scientists select landing sites. In return, the Soviets shared data from these missions with American scientists. There has also been significant cooperation and continuing exchange

of data with the Soviets regarding various biological experiments. Three satellites carrying test animals were sent into space by Russians in 1975, 1977, 1979. The United States participated in these missions by providing the experiments and received in return the results of the experiments. Because the United States did not have a biosatellite program, and therefore could benefit at minimum cost from the Soviet life sciences program, American participation in this program was especially beneficial.

As a result of increased political tensions between ourselves and the Soviets, recent official space cooperation between the two nations has been greatly curtailed. Discussion of future cooperation in the field of planetary science were canceled last year by the Reagan administration. Working groups established under the 1972 space cooperation agreement to arrange for joint ventures in space meteorology, environmental studies, lunar and planetary exploration, and space biology and medicine have disbanded. Instead, the two space powers have begun to enter the most threatening and destabilizing period in the history of space development.

The Soviet Union has already developed an antisatellite weapon. The Soviet ASAT system has only limited capability and can only strike targets in low Earth orbit, and therefore is not a direct threat to our military communications satellites at this time. However, Soviet development of an ASAT weapon has prompted the United States to begin testing a much more versatile and accurate ASAT system. The American ASAT system is small and will be carried on F-15 jets. As a result the Soviets will have great difficulty determining the number of ASAT's in our inventory, and predicting where and when they will be launched.

Mr. Speaker, I fear that full deployment of an American ASAT system will launch an arms race in space. This new phase of arms competition is particularly dangerous and destabilizing because the weapons involved already threaten our reconnaissance satellites and may eventually threaten the nerve centers of our strategic nuclear arsenal—the early warning, and communications satellites that alone can insure that an accident or miscalculation does not deteriorate into global holocaust. Unless we guarantee the protection of our satellites, international weapons verification will become less credible, and the move toward meaningful arms control will be less feasible.

Rather than engage in a costly and destabilizing space arms race, the two space powers should attempt to work more closely together. In the immediate sense, space cooperation can provide both countries with valuable, new scientific information at a reduced cost. Ultimately, it is my hope that once we and the Soviets begin to address officially the notion of cooperation in space, our attention will be drawn to our mutual interests and the need to protect them. We will not begin to ease tensions with the Soviets until we begin to work with them. If we are committed to preserving peace, then we must find an alternative to the present military course of space development. The alternative not only serves the interests of the two space powers, but all of mankind.●

LEGISLATION TO IMPLEMENT BAIL REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

● Mr. PORTER. Mr. Speaker, I am introducing legislation to implement bail reform to allow judges, when making decisions regarding pretrial detention, to consider the danger the accused may pose to society.

As my colleagues may be aware, the Attorney General's Task Force on Violent Crime strongly recommended reforming Federal bail practices that are dictated by the Bail Reform Act of 1966. This act has been criticized for its liberal regulations allowing the release of persons accused of crimes and its stringent requirements for judges making decisions regarding defendants. Under current law, judges are permitted only to consider whether or not the accused is likely to appear at his trial when deciding to grant or deny bail.

There is wide support for the concept of permitting judges to consider the potential threat the accused may pose to society. It is the responsibility of legislators to provide the tools that the court system needs to protect the safety of citizens. This legislative proposal recognizes that there is a problem of criminal recidivism, and there is documentation of accused criminals who are released prior to their trials committing other criminal acts. If the judge denies bail, the defendant would be detained for a relatively short time before his trial, as guaranteed under the Speedy Trial Act of 1974.

I urge my colleagues to joint me in supporting this legislative initiative.●

REPORT FROM THE COMMITTEE ON THE BUDGET ON 1983 CONGRESSIONAL BUDGET

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974. I am submitting to the RECORD a letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1983.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, D.C., June 29, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal Year 1984. This report reflects the resolution of June 23, 1983, and the current CBO estimates of budget authority, outlays, and revenues based on all completed action on spending and revenue measures as of the close of legislative business.

With best wishes,

Sincerely,

JAMES R. JONES,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1983 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 91

REFLECTING COMPLETED ACTION AS OF JUNE 29, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	877,200	807,400	604,300
Current level	865,128	805,560	604,400
Amount under ceiling	12,072	1,840	
Amount over floor			100

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $12,072 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $1,840 million in outlays for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in a revenue loss that exceeds $100 million for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., June 29, 1983.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Purusant to section 308(b) and in aid of section 311(b) of the

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Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1983 budget H. Con. Res. 91). This report for fiscal year 1983 is tabulated as of close of business June 28, 1983, and is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	864,283	804,549	604,400
2. Entitlement authority and other mandatory items requiring further appropriation action	845	1,012	
3. Continuing resolution authority			
4. Conference agreements ratified by both Houses			
Current level	865,128	805,560	604,400
Second Budget Resolution, revised, H. Con. Res. 91	877,200	807,400	604,300
Current level is:			
Over resolution by			100
Under resolution by	12,072	1,840	

Sincerely,

James Blum
(For Alice M. Rivlin, Director.)

PARLIAMENTARIAN STATUS REPORT SUPPORTING DETAIL, FISCAL YEAR 1983, AS OF CLOSE OF BUSINESS JUNE 28, 1983

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	476,492	469,033
Enacted previous session	484,011	465,953
Offsetting receipts	−133,407	−133,407
Enacted this session:		
Economic Development Authorization deferral disapproval, H. Res. 74		5
DOE Strategic Petroleum Reserve deferral disapproval, H. Res. 80		6
1983 supplemental jobs bill, P.L. 98-8	15,736	7,336
Offsetting receipts	−5,159	−5,159
Social Security Act Amendments of 1983, P.L. 98-21	26,610	731
MX missile approval, S. Con. Res. 26		50
Total, enacted	864,283	804,549
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Advances to Unemployment Insurance Trust Fund	615	615
Offsetting receipts	−615	−615
Payment to Civil Service Retirement	342	342
Offsetting receipts	−342	−342
Civilian agency pay raises	791	902
Black Lung Disability Trust Fund	54	54
Mass Transportation Capital Fund		55
Federal Disability Insurance Trust Fund	220	220
Offsetting receipts	−220	−220
Payment to Social Security Trust Fund	1,180	1,180
Offsetting receipts	−1,180	−1,180
Total	845	1,012
III. Continuing resolution authority		
IV. Conference agreements ratified by both Houses		
Total, current level as of June 28, 1983	865,128	805,560
Second budget resolution, H. Con. Res. 91	877,200	807,400
Amount remaining:		
Over ceiling		
Under ceiling	12,072	1,840

Note: Detail may not add due to rounding.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Byron (at the request of Mr. Wright), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Nielson of Utah) to revise and extend their remarks and include extraneous material:)

Mr. Corcoran, for 30 minutes, today.

Mr. Fish, for 10 minutes, today.

(The following Members (at the request of Mr. Dyson) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, today.

Mr. St Germain, for 5 minutes, today.

Mr. Boland, for 10 minutes, today.

Mr. Fowler, for 10 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. Rostenkowski, for 15 minutes, today.

Mr. Daschle, for 5 minutes, today.

Mr. Levine of California, for 5 minutes, today.

Mr. Patman, for 60 minutes, on July 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dyson, during debate on House Concurrent Resolution 126, today.

Mr. Simon, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,569.75.

(The following Members (at the request of Mr. Nielson of Utah) and to include extraneous matter:)

Mr. Rogers.
Mr. Broomfield in two instances.
Mr. Coleman of Missouri.
Mrs. Smith of Nebraska.
Mr. Porter.
Mrs. Johnson.
Mr. Snyder.
Mr. Goodling in two instances.
Mr. Lagomarsino.
Mr. Cheney.
Mr. Stump.
Mr. Fish.
Mr. Dannemeyer.
Mr. Gradison.
Mr. McEwen in two instances.
Mr. Weber.
Mr. McKernan.
Mr. Parris.
Mr. Broyhill.
Mr. Philip M. Crane.
Mr. Gingrich.
Mr. Rudd in two instances.
Mr. Whittaker.
Mr. Dickinson.
Mr. Young of Alaska.

(The following Members (at the request of Mr. Dyson) and to include extraneous matter:)

Mr. Coleman of Texas.
Mr. Mazzoli.
Mr. LaFalce.
Mr. Kildee.
Mr. Bonior of Michigan in five instances.
Mr. Boland.
Mr. Panetta.
Mr. McDonald.
Mr. Smith of Florida.
Mr. Conyers.
Mr. McNulty.
Mr. Solarz in two instances.
Mr. Gore.
Mr. Weiss.
Mr. Levitas in two instances.
Mr. Rodino in four instances.
Mr. Gephardt.
Mr. Hubbard.
Mr. McHugh.
Mr. Wirth.
Mr. Won Pat.
Mr. Vento in three instances.
Mr. Zablocki in two instances.
Mr. Hamilton.
Mr. Miller of California.
Mr. Leland.
Mr. Simon.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. Gephardt). Pursuant to the provisions of Senate Concurrent Resolution 48, 98th Congress, the House stands adjourned until 12 o'clock meridian, Monday, July 11, 1983.

Thereupon (at 2 o'clock and 20 minutes p.m.), pursuant to Senate Concurrent Resolution 48, the House adjourned until Monday, July 11, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1472. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to continue to authorize reimbursement for expenses incurred by certain members of the uniformed services who are deprived of their quarters aboard ship; to the Committee on Armed Services.

1473. A letter from the Secretary of the Treasury, transmitting the Treasury Department's review of the annual audit of the Student Loan Marketing Association for the calendar year 1982, pursuant to section 439(k) of the Higher Education Act of 1965, as amended; to the Committee on Education and Labor.

1474. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly report on foreign military sales as of March 31, 1983, pursuant to section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1475. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1476. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreement, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1477. A letter from the Acting Comptroller of the United States, transmitting a list of reports issued or released by the General Accounting Office during May 1983, pursuant to section 234 of the Legislative Reorganization Act of 1970, as amended; to the Committee on Government Operations.

1478. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1479. A letter from the Clerk, U.S. Court of Claims, transmitting a copy of the court's judgment order in case No. 87-D, *The McDermitt Paiute Shoshone Tribe* v. *The United States*, pursuant to 28 U.S.C. 2509; to the Committee on Interior and Insular Affairs.

1480. A letter from the General Counsel, Federal Labor Relations Authority, transmitting a draft of proposed legislation to amend chapter 71 of title 5, United States Code, to provide for the operational continuity of the Office of the General Counsel of the Federal Labor Relations Authority during a vacancy in the position of the General Counsel; to the Committee on Post Office and Civil Service.

1481. A letter from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10 and title 14, United States Code, to authorize the President, in time of war and national emergency, to prescribe a course of instruction of not less than 3 years at the U.S. Military, Naval, and Air Force Academies, and to appoint graduates from the U.S. Military, Naval, Air Force, and Coast Guard Academies as commissioned officers without Senate confirmation; jointly, to the Committees, on Armed Services and Merchant Marine Fisheries.

1482. A letter from the Comptroller General of the United States, transmitting a report on the Office of Personnel Management's system of internal controls of the civil service retirement and disability fund (AFMD-83-19, June 28, 1983); jointly, to the Committees on Government Operations and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 27, 1983]

Mr. de la GARZA: Committee on Agriculture. H.R. 1519. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; with amendments (Rept. No. 98-115, Pt. II). Ordered to be printed.

[Omitted from the Record of June 28, 1983]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1510. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; with amendments (Rept. No. 98-115, Pt. III). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 1510. A bill to revise and reform the Immigration and Nationality Act, and for other purposes; with amendments (Rept. No. 98-115, Pt. IV). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 30, 1983]

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3021. A bill to amend the Social Security Act to provide for a program of grants to States to provide health care benefits for the unemployed, and for other purposes; with an amendment (Rept. No. 98-236, Pt. II). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 3324. A bill to authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs (Rept. No. 98-286). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1234. A bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States; with an amendment (Rept. No. 98-287, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, Mr. Forsythe, Mr. Tallon, Mr. Roe, Mr. Lagomarsino, Mrs. Schneider, Mr. Fuqua, Mr. Nowak, Mr. Biaggi, and Mr. Won Pat):

H.R. 3474. A bill to establish national standards for construction and siting of artificial reefs in the waters of the United States in order to enchance fishery resources and fishing opportunities, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Ways and Means.

By Mr. ROSTENKOWSKI (for himself and Mr. Conable):

H.R. 3475. A bill to amend the Internal Revenue Code of 1954 to simplify and improve the tax laws; to the Committee on Ways and Means.

By Mr. DANNEMEYER:

H.R. 3476. A bill to amend the Clean Air Act to promote competitiveness in the motor vehicle aftermarket and to preserve consumer freedom of choice to select parts and service of the consumer's own choosing, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DANNEMEYER (for himself, Mr. Corcoran, Mr. Pashayan, Mr. McDonald, Mr. Sensenbrenner, Mr. Kindness, and Mr. Bliley):

H.R. 3477. A bill to amend the Clean Air Act to repeal the requirement that State implementation plans provide for periodic inspection and testing of motor vehicles; to the Committee on Energy and Commerce.

By Mr. DASCHLE:

H.R. 3478. A bill to authorize the presentation on behalf of the Congress of a specially struck bronze medal to the families of American personnel missing or otherwise unaccounted for in Southeast Asia; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DUNCAN:

H.R. 3479. A bill to amend title 18 of the United States Code to exempt newspapers from the prohibition against depositing in letter boxes mailable matter on which no postage has been paid; to the Committee on the Judiciary.

H.R. 3480. A bill to amend the Internal Revenue Code of 1954 to disregard tax-exempt interest in computing the amount of social security benefits included in income; to the Committee on Ways and Means.

By Mr. ERDREICH:

H.R. 3481. A bill to establish a Department of Trade and Industry as an executive department of the Government of the United States, and for other purposes; to the Committee on Government Operations.

By Mr. FISH (for himself, Mr. Edwards of California, Mr. Rodino, Mr. Clinger, Mr. Dixon, Mr. Garcia, Mr. Green, Mr. Leach of Iowa, Mr. McKinney, Mr. Miller of California, Mrs. Schroeder, and Mrs. Schneider):

H.R. 3482. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes; to the Committee on the Judiciary.

By Mr. GORE (for himself and Mr. Miller of California):

H.R. 3483. A bill to amend title 23, United States Code, to provide incentive grants in order to encourage States to adopt and enforce laws requiring the proper use of child restraint systems by children in motor vehicles, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the issuance of a Federal motor vehicle safety standard, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. GRADISON:

H.R. 3484. A bill to amend the Federal Financing Bank Act of 1973 with respect to the budget treatment of the Federal Financing Bank; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. HAWKINS (for himself, Mr. Jeffords, Mr. Gilman, Mr. Akaka, Mr. Lantos, Mr. Vento, Mr. Mineta, Mr. Morrison of Connecticut, Mr. Price, Mr. Downey of New York, Mr. Nowak, Mr. Ackerman, Mr. Garcia, Mr. Roe, Mr. Applegate, Mr. Feighan, Mr. Walgren, Mr. Foglietta, Mr. Swift, Mr. Kastenmeier, Mr. Kostmayer, Mr. Pepper, Mr. Barnes, Mr. Bonker and Mr. Boehlert):

H.R. 3485. A bill to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. JONES of North Carolina:

H.R. 3486. A bill to promote maritime safety on the high seas and navigable waters of the United States and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LATTA:

H.R. 3487. A bill to amend the Internal Revenue Code of 1954 to provide that one-half of the amounts paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction; to the Committee on Ways and Means.

By Mr. McDONALD:

H.R. 3488. A bill requiring U.S. persons who conduct business or control enterprises in the Union of Soviet Socialist Republics, the People's Republic of China, the German Democratic Republic, Poland, Hungary, Romania, Cuba, Czechoslovakia, Vietnam, Yugoslavia, Albania, the People's Republic of Kampuchea, Bulgaria, North Korea, Laos, or the People's Democratic Republic of Yeman to comply with certain fair employment principles, prohibiting any new loans by U.S. financial or lending institutions to the Government of the Union of Soviet Socialist Republics, the People's Republic of China, the German Democratic Republic, Poland, Hungary, Romania, Cuba, Czechoslovakia, Vietnam, Yugoslavia, Albania, the People's Republic of Kampuchea, Bulgaria, North Korea, Laos, or the People's Democratic Republic of Yemen or to corporations or other entities owned or controlled by the Government of the Union of Soviet Socialist Republics, the People's Republic of China, the German Democratic Republic, Poland, Hungary, Romania, Cuba, Czechoslovakia, Vietnam, Yougoslavia, Albania, the People's Republic of Kampuchea, Bulgaria, North Korea, Laos, or the People's Democratic Republic of Yemen and prohibiting the importation of products or produce grown, manufactured, or assembled in the Union of Soviet Socialist Republics, the People's Republic of China, the German Democratic Republic, Poland, Hungary, Romania, Cuba, Czechoslovakia, Vietnam, Yugoslavia, Albania, the People's Republic of Kampuchea, Bulgaria, North Korea, Laos, or the People's Democratic Republic of Yemen; jointly, to the Committees on Foreign Affairs; Banking, Finance and Urban Affaris; and Ways and Means.

By Mr. MATSUI:

H.R. 3489. A bill to amend the Internal Revenue Code of 1954 to exempt from the Federal unemployment tax payments made with respect to deceased employees; to the Committee on Ways and Means.

H.R. 3490. A bill to amend the Internal Revenue Code of 1954 with respect to the definition of produced film rents for purposes of the personal holding company tax; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 3491. A bill to amend chapter 207 of title 18 of the United States Code with respect to detention of defendants before trial in criminal cases; to the Committee on the Judiciary.

By Mr. PRICE (for himself and Mr. Dickinson) (by request):

H.R. 3492. A bill to amend title 10, United States Code, to authorize the Secretaries of the military departments to order members of the Retired Reserve with over 20 years of continuous active duty and members of the Fleet Reserve and Fleet Marine Corps Reserve to active duty under the same conditions as are applicable to retired members of the regular components; to the Committee on Armed Services.

H.R. 3493. A bill to amend title 10, United States Code, to provide that companies of the Corps of Cadets of the U.S. Military Academy may be commanded by commissioned officers of the Navy, Air Force, and Marine Corps, as well as by commissioned officers of the Army; to the Committee on Armed Services.

H.R. 3494. A bill to repeal section 4351(b) of title 10, United States Code, relating to the reexamination and readmission of cadets of the U.S. Military Academy who fail to pass a required examination; to the Committee on Armed Services.

H.R. 3495. A bill to amend title 32, United States Code, to extend the period of time during which all elements of a National Guard unit must complete a training assembly; to the Committee on Armed Services.

By Mr. RATCHFORD:

H.R. 3496. A bill to make certain repairs on a bridge on Interstate Route 95 in Greenwich, Conn., eligible for emergency relief under title 23, United States Code; to the Committee on Public Works and Transportation.

By Mr. RODINO:

H.R. 3497. A bill to defer proposed amendment to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. RODINO (for himself and Mr. Berman):

H.R. 3498. A bill to provide assistance to victims of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 3499. A bill to impose a moratorium on certain acquisitions and on the commencement of new activities by depository institutions and depository holding companies; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SIMON (for himself, Mr. Hamilton, Mr. Udall, and Mr. Pritchard):

H.R. 3500. A bill to establish the Soviet Union and Eastern Europe Exchange Commission to provide additional financial support for exchange programs between the United States and the Soviet Union and countries of Eastern Europe; to the Committee on Foreign Affairs.

By Mr. STARK:

H.R. 3501. A bill to assist unemployed individuals in obtaining permanent employment by providing such individuals an option under which they will receive retraining, education, and relocation assistance in lieu of certain extended or other additional unemployment compensation benefits; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. SYNAR (for himself, Mr. Wright, Mr. Foley, Mr. Alexander, Mr. Michel, Mr. Lott, Mr. Brooks, Mr. Mazzoli, Mr. Sam B. Hall, Jr., Mr. Smith of Florida, Mr. Fish, Mr. Moorhead, Mr. Hyde, Mr. Kindness, Mr. Sawyer, Mr. Sensenbrenner, Mr. DeWine, Mr. Jones of Oklahoma, Mr. Boland, Mr. Fuqua, Mr. Montgomery, Mr. Coelho, Mr. Conable, Mr. Jenkins, Mr. Rose, Mr. Shelby, Mr. Frost, Mr. Whitley, Mr. Daschle, Mr. Anthony, Mr. Hefner, Mr. Dwyer of New Jersey, Mrs. Byron, Mr. Ireland, Mr. Sharp, Mr. Dowdy of Mississippi, Mr. Luken, Mr. Tallon, Mr. Skelton, Mr. Valentine, Mr. Ackerman, Mr. Volkmer, Mr. Breaux, Mr. Britt, Mr. Jacobs, Mr. Murphy, Mr. Scheuer, Mr. Hubbard, Mr. Walgren, Mr. Kostmayer, Mr. Ford of Tennessee, Mr. Stenholm, Mr. Boner of Tennessee, Mr. Hutto, Mrs. Lloyd, Mr. Florio, Mr. McCurdy, Mr. English, Mr. Watkins, Mrs. Hall of Indiana, Mr. Towns, Mr. Derrick, Mr. Carper, Mr. Harrison, Mr. Nichols, Mr. Flippo, Mr. Spratt, Mr. Wilson, Mr. Tauzin, Mr. Andrews of Texas, Mr. Gejdenson, Mr. Madigan, Mr. Ritter, Mr. Forsythe, Mr. Chappie, Mr. Courter, Mr. Smith of New Jersey, Mr. Hiler, Mr. Gramm, Mr. Daub, Mr. Whittaker, Mrs. Roukema, Mr. Bliley, Mr. Edwards of Alabama, Mr. Burton of Indiana, Mr. Solomon, Mr. Porter, Mr. Thomas of California, Mr. O'Brien, Mr. Gregg, Mr. Coughlin, Mr. Oxley, Mr. Weber, Mr. Pashayan, Mr. Coats, Mr. Corcoran, Mr. Wortley, Mr. McKinney, Mr. Lowery of California, and Mr. Petri):

H.R. 3502. A bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product; to the Committee on the Judiciary.

By Mr. VENTO:

H.R. 3503. A bill to amend the Federal Deposit Insurance Act to simplify certain reporting requirements imposed on persons seeking to acquire control of an insured bank; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JACOBS:

H.J. Res. 313. Joint resolution to amend the Constitution of the United States to provide for one-House vetoes of executive branch rules and regulations issued pursuant to acts of the Congress; to the Committee on the Judiciary.

By Mr. MATSUI:

H.J. Res. 314. Joint resolution designating the week of July 17 through July 23, 1983, as "Sutter Community Hospitals Week"; to the Committee on Post Office and Civil Service.

By Mr. REGULA:

H.J. Res. 315. Joint resolution requesting the President to negotiate the creation of a United States-People's Republic of China student exchange for understanding program; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI (for himself, Mr. Yatron, Mr. Solarz, Mr. Ireland, Mr. Barnes, Mr. Wolpe, Mr. Crockett, Mr. Gejdenson, Mr. Dymally, Mr. Lantos, Mr. Kostmayer, Mr. Berman, Mr. Feighan, Mr. Garcia, Mr. Broomfield, Mr. Winn, Mr. Gilman, Mr. Lagomarsino, Mr. Pritchard, Mr. Leach of Iowa, Mr. Hyde, Mr. Solomon, Mr. Siljander, Mr. Zschau, Mr. Mica, and Mr. Levine of California):

H.J. Res. 316. Joint resolution providing for the establishment of U.S. diplomatic relations with the Vatican; to the Committee on Foreign Affairs.

By Mr. LEVINE of California (for himself, Mr. Foley, Mr. Leach of Iowa, Mr. Gore, Ms. Snowe, Mr. Pritchard, and Mr. Mineta):

H. Con. Res. 140. Concurrent resolution expressing the sense of the Congress that the President should initiate talks with the Government of the Soviet Union, and with other governments interested in space activities, to explore the opportunities for cooperative East-West ventures in space, as an

alternative to an arms race in space; to the Committee on Foreign Affairs.

By Mr. BROWN of California:

H. Res. 255. Resolution to express the sense of the House of Representatives that Dr. Willard Libby, inventor of the diffusion barrier, should receive, posthumously, the Presidential Medal of Freedom; to the Committee on Post Office and Civil Service.

By Mr. PHILIP M. CRANE (for himself, Mr. Schulze, Mr. Siljander, Mr. Kemp, Mr. Spence, Mr. Stump, Mr. Sensenbrenner, Mr. McDonald, Mr. Sundquist, Mr. Solomon, Mr. Kasich, Mr. Hartnett, Mr. Rogers, Mr. Daniel B. Crane, Mr. Carney, Mr. Rudd, and Mr. Ritter):

H. Res. 256. Resolution disapproving the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to Romania; to the Committee on Ways and Means.

By Mr. PHILIP M. CRANE:

H. Res. 257. Resolution disapproving the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to Hungary; to the Committee on Ways and Means.

H. Res. 258. Resolution disapproving the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to the People's Republic of China; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

203. By the SPEAKER: Memorial of the Assembly of the State of New York, relative to the present ratio of aid to Turkey and Greece; to the Committee on Foreign Affairs.

204. Also, memorial of the Assembly of the State of New York relative to passage of H.R. 1242 and S. 1000; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RICHARDSON introduced a bill (H.R. 3504) for the relief of Antonio Torres; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 108: Mr. Gradison.

H.R. 220: Mr. Coughlin, Mr. Roth, Mr. McEwen, Mr. Edwards of Alabama, Mrs. Martin of Illinois, Mr. Thomas of Georgia, Mr. Moorhead, Mr. Sundquist, and Mr. Shumway.

H.R. 516: Mr. Corcoran.

H.R. 656: Mr. Dixon, Mr. Hamilton, Mr. Lantos, Mr. Dwyer of New Jersey, Mr. Akaka, Mr. Towns, Ms. Kaptur, Mr. Martinez, Mr. Moakley, Mr. Lehman of Florida, Mrs. Kennelly, and Mr. Dellums.

H.R. 679: Mrs. Schneider, Mr. Staggers, and Mr. Chappell.

H.R. 895: Mr. Hertel of Michigan, Mr. Ford of Tennessee, Mr. Leland, Mr. Florio, Mr. Ratchford, Mr. Frank, Mr. Gingrich, Mr. Edgar, Mr. Roe, Mr. Hoyer, Mr. Gore, Mr. Lowry of Washington, Mr. Feighan, and Mr. Patterson.

H.R. 898: Mr. Clinger.

H.R. 904: Mr. McKinney.

H.R. 905: Mr. Coleman of Missouri.

H.R. 953: Mr. Coughlin and Mr. Bates.

H.R. 965: Mr. Dwyer of New Jersey, Mr. Daub, Mr. Kogovsek, and Mrs. Holt.

H.R. 1015: Mrs. Collins.

H.R. 1016: Mr. Wise and Mr. Hyde.

H.R. 1027: Mr. Ackerman, Mrs. Boxer, Mr. DeWine, Mr. Feighan, Ms. Ferraro, Mr. Gejdenson, Mr. Kogovsek, Mr. Levine of California, and Mr. Vander Jagt.

H.R. 1029: Mr. Levine of California and Mr. Vander Jagt.

H.R. 1030: Mr. Bates, Mr. Bosco, Mr. Gejdenson, Mr. Levine of California, and Mr. Vander Jagt.

H.R. 1146: Mr. Goodling.

H.R. 1256: Mr. Hughes.

H.R. 1341: Mr. Brown of California.

H.R. 1397: Mr. Morrison of Connecticut, Mr. Anderson, Mr. Heftel of Hawaii, Mr. Murphy, Mrs. Kennelly, Mr. Wise, Mr. Seiberling, and Mr. Wolpe.

H.R. 1444: Mr. Badham.

H.R. 1543: Mrs. Burton of California.

H.R. 1587: Mr. Neal.

H.R. 1604: Mr. Britt.

H.R. 1616: Mr. Hansen of Idaho, Mr. Lujan, Mr. Stangeland, and Mr. Mollohan.

H.R. 1776: Mr. Regula, Mr. Leath of Texas, and Mr. Patterson.

H.R. 1920: Mr. Hertel of Michigan, Mr. Gray, and Mr. Borski.

H.R. 1943: Mr. Weaver.

H.R. 1955: Mr. Boner of Tennessee, Mr. McCurdy, and Mr. Lewis of California.

H.R. 1959: Mr. Evans of Illinois, Mr. Rahall, and Mr. Weaver.

H.R. 1976: Mr. Craig, Mr. Dellums, Mrs. Schneider, Mr. Chandler, Mr. Pursell, and Mr. Bonker.

H.R. 1984: Mr. Cooper, Mr. Denny Smith, Mr. Latta, Mr. Olin, Mr. Natcher, Mr. Lowery of California, Mr. Durbin, Mr. Perkins, Mr. Kostmayer, Mr. Borski, Mrs. Johnson, Mr. Lewis of Florida, Mr. Philip M. Crane, Mr. Britt, Mr. Goodling, Mr. Neal, Mr. Boner of Tennessee, Mr. AuCoin, Mr. Duncan, Mr. Sisisky, Mr. Fazio, Mr. Sharp, and Mr. Whitehurst.

H.R. 2053: Mr. Eckart.

H.R. 2073: Mr. Moorhead and Mr. Pashayan.

H.R. 2088: Mrs. Collins.

H.R. 2097: Mr. Gray.

H.R. 2099: Mr. Schumer, Mr. Bilirakis, and Mr. Solomon.

H.R. 2100: Mr. Schumer and Mr. Roybal.

H.R. 2125: Mr. Harrison.

H.R. 2126: Mr. Britt.

H.R. 2127: Mr. Corrada.

H.R. 2242: Mr. Morrison of Connecticut, Mr. Hertel of Michigan, Mr. Frank, and Mr. Lowry of Washington.

H.R. 2374: Mr. Corrada, Mrs. Boxer, Mr. Frank, and Mr. Flippo.

H.R. 2406: Mr. Livingston, Mr. Lewis of Florida, Mr. Hefner, Mr. Zablocki, Mr. Porter, Mr. Whitley, Mr. Mollohan, Mr. Barnard, Mr. Wilson, Mr. Bliley, and Mr. Parris.

H.R. 2432: Mrs. Collins and Mr. Kolter.

H.R. 2468: Mr. Morrison of Washington, Mr. Coats, Mr. Ratchford, Mr. Sabo, Mr. Ackerman, and Mr. Nielson of Utah.

H.R. 2651: Mr. Morrison of Connecticut, Ms. Snowe, and Mrs. Collins.

H.R. 2652: Mr. Morrison of Connecticut and Mrs. Collins.

H.R. 2809: Mr. Wright, Mr. Dingell, Mr. Jones of Oklahoma, and Mr. Simon.

H.R. 2841: Mr. Seiberling, Ms. Kaptur, Mr. Albosta, and Mr. Stokes.

H.R. 2869: Mr. Akaka.

H.R. 2928: Mr. Pashayan.

H.R. 2949: Mr. Winn, Mr. Bereuter, Mr. Leach of Iowa, Mr. Nielson of Utah, Mr. Hartnett, Mr. Coleman of Missouri, Mr. Coats, Mr. Wolf, Mr. Hyde, Mr. Gingrich, Mr. Slattery, Mr. Conable, Mr. Edwards of Oklahoma, Mr. Stump, Mr. Rogers, Mr. McEwen, Mr. Dickinson, Mr. Tauke, Mr. Loeffler, Mr. Gunderson, Mr. Glickman, Mr. Philip M. Crane, Mr. Whittaker, Mr. Robert F. Smith, Mr. Weber, and Mr. Thomas of California.

H.R. 2977: Mr. Wolf and Mr. Andrews of Texas.

H.R. 3009: Mr. Addabbo, Mr. Barnes, Mr. Bedell, Mr. Biaggi, Mr. Berman, Mr. Bonior of Michigan, Mr. Brown of California, Mr. Conyers, Mr. Corrada, Mr. Crockett, Mr. Dymally, Mr. Fauntroy, Ms. Ferraro, Mr. Horton, Mr. Kogovsek, Mr. Lehman of Florida, Mr. Leland, Mr. Lowry of Washington, Ms. Kaptur, Mr. Mitchell, Mr. Murphy, Mr. Ottinger, Mr. Morrison of Connecticut, Mr. Owens, Mr. Pepper, Mr. Rangel, Mr. Ratchford, Mr. Roe, Mr. Stokes, Mr. Sunia, Mr. Smith of Florida, Mr. Weiss, Mr. Whittaker, Mr. Won Pat, Mr. Yates, Mr. Towns, and Mr. Ackerman.

H.R. 3010: Mr. Addabbo, Mr. Barnes Mr. Bedell, Mr. Biaggi, Mr. Berman, Mr. Bonior of Michigan, Mr. Brown of California, Mr. Chappie, Mr. Conyers, Mr. Corrada, Mr. Crockett, Mr. Dymally, Mr. Fauntroy, Mr. Ford of Tennessee, Mr. Horton, Mr. Kogovsek, Mr. Lehman of Florida, Mr. Leland, Mr. Lowry of Washington, Ms. Kaptur, Mr. Mitchell, Mr. Murphy, Mr. Morrison of Connecticut, Mr. Owens, Mr. Pepper, Mr. Rangel, Mr. Ratchford, Mr. Roe, Mr. Simon, Mr. Stokes, Mr. Sunia, Mr. Smith of Florida, Mr. Weiss, Mr. Whittaker, Mr. Won Pat, Mr. Yates, Mr. Towns, and Mr. Bevill.

H.R. 3024: Mr. Goodling.

H.R. 3046: Mr. Price, Mr. Hubbard, Mr. Patterson, Mr. Skeen, Mr. McCain, Mr. Nielson of Utah, Mr. Packard, Mr. Pashayan, and Mr. Hansen of Idaho.

H.R. 3072: Mr. Hawkins.

H.R. 3091: Mr. Bosco, Mr. Won Pat, Mr. Quillen, Mr. Hansen of Idaho, Mr. Smith of New Jersey, Mr. Hyde, Mr. Daub, Mr. Forsythe, and Mr. Smith of Florida,

H.R. 3137: Mr. Kogovsek and Mr. Dwyer of New Jersey.

H.R. 3141: Mr. Lowry of Washington, Mr. Mitchell, Mr. Berman, Mr. Corrada, Mr. Wirth, Mrs. Lloyd, and Mr. Evans of Illinois.

H.R. 3176: Mr. Gray.

H.R. 3192: Mr. Marriott.

H.R. 3254: Mr. Stokes, Mr. Won Pat, Mr. Fauntroy, Mr. Smith of Florida, Ms. Mikulski, Mr. Jeffords, Mr. Eckart, Mr. Ottinger, Mr. Vento, Mr. Ackerman, and Mr. Goodling.

H.R. 3264: Mr. Wheat, Mr. Owens, Mr. Rangel, Mr. Conyers, Ms. Kaptur, Mr. Simon, Mr. Mrazek, and Mr. Ackerman.

H.R. 3314: Mr. Dwyer of New Jersey, Mr. Oberstar, Mr. Fauntroy, Mr. Owens, Mr. Conyers, and Mr. Sikorski.

H.R. 3321: Mr. Madigan, Mr. Addabbo, Mr. Corrada, Mr. Chappie, Mr. Montgomery, Mr. Durbin, Mr. Whitten, Mr. Horton, Mr. Jeffords, Mrs. Roukema, Mr. McKinney, Mr. Coughlin, Mr. Green, Mr. Bereuter, Mrs. Johnson, Mr. Sawyer, Mr. Clinger, Mr. Stump, Mr. Emerson, Mr. Solomon, Mr. Gregg, Mr. Walker, Mr. Spence, Mr. Gekas, Mr. Stenholm, Mr. McCollum, Mr. Nichols, Mr. Young of Alaska, Mr. Aspin, Mr. O'Brien, Mr. Natcher, Mr. McCurdy, Mr. Watkins, Mr. Nielson of Utah, Mr. Skeen, Mr. Fields, Mr. Evans of Iowa, Mr. Hightower, Mr. Brown of Colorado, Mr. Rogers, Mr. Campbell, Mr. Broomfield, Mr. Zablocki, Mr. Bethune, Mr. Robinson, Mr. Winn, Mr. Bilirakis, Mr. Whitehurst, Mr. Edwards of Oklahoma, Mr. Mack, Mr. Goodling, Mr. Hance, Mr. Roth, Mr. DeWine, Mr. Schaefer, Mr. McCain, Mr. Boehlert, Mr. Franklin, Mr. Molinari, Mr. Whittaker, Ms. Fiedler, Mr. Richardson, Mr. Rinaldo, Mr. Lent, Mr. Quillen, Mr. Sundquist, Mr. Burton of Indiana, Mr. Hopkins, Mr. Bliley, Mr. Davis, and Mr. Hutto.

H.R. 3354: Mr. Torricelli, Mr. Gray, Mr. Berman, Mr. Roe, Mr. Evans of Illinois, Mr. Wortley, Mr. Horton, Mr. Howard, Mr. Moore, Mr. Forsythe, Mr. Guarini, Mr. Rodino, Mr. Minish, and Mr. Traxler.

H.R. 3371: Mr. Gilman, Mr. Frank, Mr. Weiss, Mr. Dicks, Mr. Matsui, Mr. Dingell, Mr. Rodino, Mr. Sisisky, Mr. Sam B. Hall, Jr., Mr. Addabbo, Mr. Dixon, Mr. Mitchell, and Mr. Rahall.

H.R. 3392: Mr. Madigan, Mr. Quillen, and Mr. Rowland.

H.R. 3433: Mr. Pease, Mr. Mitchell, Mr. Dwyer of New Jersey, Mr. Michel, Mr. Murphy, Mr. Savage, Mr. Conyers, Mr. Wheat, Mr. Erdreich, Mr. Zablocki, Mr. Aspin, Mr. Panetta, Mr. Kogovsek, Mr. Gore, Mr. Ratchford, Mr. Biaggi, Mr. Regula, Mr. Boehlert, and Mr. Gephardt.

H.J. Res. 1: Mrs. Burton of California.

H.J. Res. 71: Mrs. Vucanovich.

H.J. Res. 153: Mr. Sisisky, Mr. Wheat, Mrs. Kennelly, Mr. Corrada, Mr. Dellums, and Mr. Olin.

H.J. Res. 225: Mr. Traxler.

H.J. Res. 228: Mr. Weiss, Mr. McCurdy, Mr. Hansen of Utah, Mr. Owens, Mr. Boucher, Mr. Edwards of Oklahoma, Mr. Dowdy of Mississippi, Mr. Britt, Mr. Rangel, Mr. Gramm, Mr. Whitten, Mr. Dorgan, Mr. Frost, Mr. Hubbard, Mr. Rowland, Mr. Brooks, Mr. Coelho, Mr. Gephardt, Mr. Spratt, Mr. Clarke, Mr. Spence, Mr. Chappie, Mr. Dymally, Mr. Tauke, Mr. Weber, Mr. Mollohan, Mr. Staggers, Mr. Myers, and Mr. Hopkins.

H.J. Res. 273: Mr. Chandler, Mrs. Boggs, Mr. Snyder, Mr. Bilirakis, and Mr. Hansen of Idaho.

H.J. Res. 295: Mr. Ackerman, Mr. Addabbo, Mr. Akaka, Mr. Albosta, Mr. Alexander, Mr. Andrews of North Carolina, Mr. Bateman, Mr. Berman, Mr. Bevill, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mrs. Boxer, Mr. Britt, Mr. Broomfield, Mr. Campbell, Mr. Clarke, Mr. D'Amours, Mr. Daniel, Mr. Daub, Mr. de Lugo, Mr. Dingell, Mr. Dixon, Mr. Donnelly, Mr. Duncan, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Fauntroy, Mr. Fazio, Mr. Forsythe, Mr. Frenzel, Mr. Frost, Mr. Fuqua, Mr. Gekas, Mr. Gray, Mr. Green, Mr. Sam B. Hall, Jr., Mr. Hansen of Idaho, Mr. Horton, Mr. Hoyer, Mr. Hutto, Mr. Jeffords, Mr. Kasich, Mr. Kemp, Mr. LaFalce, Mr. Lantos, Mr. Leland, Mr. Lent, Mr. Livingston, Mr. McGrath, Mr. McNulty, Mr. Markey, Mr. Mavroules, Mr. Moakley, Mr. Moore, Mr. Murphy, Mr. Neal, Mr. Oberstar, Mr. Owens, Mr. Panetta, Mr. Patterson, Mr. Pursell, Mr. Rangel, Mr. Ratchford, Mr. Richardson, Mr. Robinson, Mr. Rodino, Mr. Roe, Mr. Simon, Mr. Skelton, Mr. Smith of Florida, Mr. Robert F. Smith, Mr. Sunia, Mr. Torricelli, Mr. Vandergriff, Mr. Vander Jagt, Mr. Vento, Mr. Waxman, Mr. Whitley, Mr. Williams of Ohio, Mr. Williams of Montana, and Mr. Won Pat.

H. Con. Res. 107: Mr. Addabbo, Mrs. Kennelly, and Mr. Edwards of California.

H. Res. 160: Mr. Jeffords, Mr. Hughes, Mr. Mitchell, Mr. Owens, and Mr. Goodling.

H. Res. 190: Mr. Williams of Montana, Mr. Bonior of Michigan, Mr. Coehlo, Mr. Smith of New Jersey, Mr. Zablocki, Mr. Vento, Mr. Conyers, Mr. Vandergriff, Mr. Hertel of Michigan, Mr. Coyne, Mr. Goodling, Mr. Martinez, Mr. Kogovsek, Mr. Ackerman, Mr. Carper, and Mr. Savage.

H. Res. 191: Mr. Gray.

PETITIONS, ETC.

Under clause 1 of rule XXII,

155. The SPEAKER presented a petition of the city council, San Antonio, Tex., relative to the budget of the National Institutes of Health; which was referred to the Committee on Appropriations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10

By Mr. LaFALCE:

(Amendment to the amendment in the nature of a substitute by the Committee on Public Works and Transportation.)

—Page 49, after line 8, insert the following:

"(c) No assistance may be provided under this title for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another, unless the Secretary finds that such relocation would not significantly and adversely affect unemployment in, or the economic base of, the area from which the industrial or commercial plant or facility would be leaving.".

—Page 60, after line 21, insert the following:

"(e)(1) The Secretary, in consultation with the Secretary of the Treasury and such other departments and agencies as the Secretary considers appropriate, shall conduct a study—

"(A) regarding the financing needs for the construction, repair, and rehabilitation of public facilities in order to improve the condition of such facilities so that such facilities can adequately meet present levels of service;

"(B) regarding the ability of State and local governments, including special public authorities which own or operate public facilities, to meet such financing needs;

"(C) to determine—

"(i) the present level of financing for public facilities;

"(ii) the types of financing used to meet such financing needs;

"(iii) those obstacles which affect the ability of State and local governments to meet such financing needs;

"(iv) the access, or lack of access, of State and local governments to the private credit market;

"(v) the ability of the private credit market to absorb such financing needs on a taxable or tax-exempt basis;

"(vi) the extent to which debt limitations affect the ability of State and local governments to meet such financing needs, including a survey of such debt limitation factors with respect to each State; and

"(vii) the ability of State and local governments to increase taxes, or impose or increase user fees, in order to meet such financing needs; and

"(D) regarding such other factors as the Secretary deems appropriate in order to assist the Congress in determining the total financing needs necessary to improve such public facilities.

"(2)(A) The Secretary shall transmit to each House of the Congress an interim report not later than June 30, 1984, and shall transmit a final report to each House of the Congress not later than December 31, 1984.

"(B) The final report shall contain a detailed statement on the findings and conclusions of the Secretary, together with the Secretary's recommendations for such legislative or administrative actions as the Secretary considers appropriate.

"(3) For purposes of this subsection, the term 'public facilities' shall only include the following: non-Federal aid roads and bridges; water supply and distribution systems; sewer systems; solid waste disposal systems; and transportation facilities which represent an element of local, State, area, or regional economic development, such as airports, ports, waterways, and docks.".

—Page 62, strike out line 4 and all that follows through line 9, and insert in lieu thereof the following:

"(b) Of sums authorized to be appropriated under subsection (a) of this section—

"(1) not to exceed $13,000,000 in the fiscal year ending September 30, 1984, and not to exceed $15,000,000 in each of the fiscal years ending September 30, 1985, and September 30, 1986, shall be available for purposes of subsections (a) through (d) of section 202; and

"(2) not to exceed $2,000,000 in the fiscal year ending September 30, 1984, shall be available until expended for purposes of section 202(e).".

—Page 64, line 6, strike out the semicolon and insert in lieu thereof the following: ", except that the term 'Indian tribe' shall also include those bodies, authorities, organizations, entities, or groups not recognized by the Secretary of the Interior, if—

"(A) such body, authority, organization, entity, or group is recognized, as of May 5, 1983, as a tribe or other similar appropriate entity by the State in which it is located and such State, as of May 5, 1983, holds land in trust of behalf of such tribe or other similar appropriate entity; and

"(B) the project or assistance involved will be located on such land held in trust or on tribal land;".

H.R. 2760

By Mr. MICA:

—On page 2, strike out line 20 and all that follows through line 10 on page 5 and insert in lieu thereof the following:

"(b) This section shall take effect upon the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence of the House of Representatives to accompany H.R. 2760 (98th Congress), but in no event earlier than October 1, 1983, unless before that effective date the President, after consultation with the Congress, has submitted to the Speaker of the House of Representatives and the President pro tempore of the Senate in writing a new plan providing for the interdiction of arms being shipped from or through Nicaragua to forces hostile to the Government of El Salvador. In formulating such a plan, the President shall consider whether it would be useful to pursue direct bilateral negotiations between the United States and the Government of Nicaragua; multilateral negotiations among selected Western Hemispheric countries; involving the Organization of American States, the United Nations, or any other nation or nations in a diplomatic or peacekeeping role; involving other countries in the process of arms interdiction using United States military supplies and training; and any other policy that will stop the shipment of arms from Nicaragua to El Salvador. The plan submitted pursuant to this subsection shall cease to be implemented and the prohibitions contained in subsection (a) shall take effect if—

"(1) the Government of Nicaragua has, by formal action, agreed that it will cease all its activities involving the furnishing of arms, personnel, training, command and control facilities, or logistical support for military or paramilitary operations in or against any country in Central America or the Caribbean, and the Government of Nicaragua has reaffirmed the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979; and

"(2) the cessation of such activities, and the reaffirmation of such commitments, has been verified by the 'Contadora Group' consisting of Mexico, Panama, Venezuela, and Colombia, or by the General Assembly of the Organization of American States, or by the President of the United States in a report to the Congress.".

Page 5, after line 10, insert the following new section:

Sec. 2. The Congress finds that—

(1) Central America is of vital importance to the interests and long-term security of the United States;

(2) the social and economic crisis facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

(3) military solutions alone, including the activities permitted by this Act, are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

(4) respected leadership from all sectors of American society and from all regions should be drawn on in the making of United States policy toward Central America; and

(5) an effective United States policy for Central America requires the understanding and support of the America people.

(b) Therefore, it is the sense of the Congress that—

(1) the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, as well as the immediate conditions in the region, and to help build the necessary national consensus on a comprehensive United States policy for the region; and

(2) such commission should—

(A) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(B) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(C) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

—On page 2, strike out line 20 and all that follows through line 10 on page 5 and insert in lieu thereof the following:

"(b) This section shall take effect upon the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence of the House of Representatives to accompany H.R. 2760 (98th Congress), but in no event earlier than October 1, 1983, unless before that effective date the President, after consultation with the Congress, has submitted to the Speaker of the House of Representatives and the President pro tempore of the Senate in writing a new plan providing for the interdiction of arms being shipped from or through Nicaragua to forces hostile to the Government of El Salvador. The plan submitted pursuant to this subsection shall cease to be implemented and the prohibition contained in subsection (a) shall take effect if—

"(1) the Government of Nicaragua has, by formal action, agreed that it will cease all its activities involving the furnishing of arms, personnel, training, command and control facilities, or logistical support for military or paramilitary operations in or against any country in Central America or the Caribbean, and the Government of Nicaragua has reaffirmed the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979; and

"(2) the cessation of such activities, and the reaffirmation of such commitments, has been verified by the 'Contadora Group' consisting of Mexico, Panama, Venezuela, and Colombia, or by the General Assembly of the Organization of American States, or by the President of the United States in a report to the Congress.".

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(B) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(C) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

H.R. 2969

By Mr. BROWN of Colorado:

—Page 69, after line 18, add the following new section:

BENEFITS FOR WIDOWS OF CERTAIN RETIRED RESERVISTS

Sec. 1043. (a) The Secretary concerned shall pay an annuity to any individual who is the surviving spouse or a dependent child of a member or former member of the uniformed services who—

(1) died during the period beginning on September 21, 1972, and ending on September 30, 1978; and

(2) at the time of his death would have been eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(b) An annuity under subsection (a) shall be paid under the provisions of subchapter II of chapter 73 of title 10, United States Code, in the same manner as if the member or former member had died after September 30, 1980, and had elected under section 1448(a)(2)(B) of such title to participate in the Survivor Benefit Plan established by such subchapter and had made a designation under section 1448(e) of such title to provide an annuity to become effective on the first day after his death.

(c) If an individual entitled to an annuity under this section is also entitled to an annuity under subchapter II of chapter 73 of title 10, United States Code, based upon a subsequent marriage, the individual may not receive both annuities but must elect which to receive.

(d) As used in this section:

(1) The term "uniformed services" means the Armed Forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in section 1447 of title 10, United States Code.

(3) The term "dependent child" has the meaning given such term in section 1447 of title 10, United States Code.

(4) The term "Secretary concerned" has the meaning given such term in section 101(8) of title 10, United States Code, and includes the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

(e) This section shall apply to annuity payments payable for months after August 1984. No benefit shall accrue to any person by virtue of the enactment of this section for any period before September 1, 1984.

EXTENSIONS OF REMARKS

INVENTORY SIMPLIFICATION AND REFORM TAX ACT OF 1983

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. NOWAK. Mr. Speaker, on behalf of our Nation's inventory intensive businesses, I am introducing H.R. 3464, the Inventory Simplification and Reform Tax Act of 1983. The bill, which is a refined version of the measure introduced last Congress, is designed to provide business with a modest degree of tax simplification and equity.

In specific, H.R. 3464 provides for a dramatic change in the tax treatment of business inventories. It is a balanced package of relief designed to help all sizes and types of firms. Joining me today in introducing the bill in the House are Representatives DORGAN, LYLE WILLIAMS, MITCHELL, MCDADE, and CHRISTOPHER SMITH. Senators GEORGE J. MITCHELL and DAVE DURENBERGER are also introducing the companion measure in the Senate.

INVENTORY ACCOUNTING REFORM AND THE ECONOMIC RECOVERY TAX ACT OF 1981

During the 1981 tax debate and as chairman of the Subcommittee on Tax, Access to Equity Capital and Business Opportunities, I testified before the Ways and Means Committee on the need to provide a coordinated package of tax relief for small business. I stressed that each industrial sector had its own unique capital formation needs and, thus, not all businesses benefited to the same degree from a given tax relief measure. For example, while inventory reform is viewed as an important means of increasing the internal cash flow of small wholesalers and retailers, the adminstration call for accelerated depreciation reform focused on the needs of capital intensive businesses.

As reflected by the so-called accelerated cost recovery system (ACRS), the administration's position on depreciation reform was ultimately adopted and included in the Economic Recovery Tax Act (ERTA) of 1981. In contrast, ERTA only began the road toward tax equity for our Nation's inventory-intensive businesses. This is evidenced by the fact that ERTA mandated the Department of Treasury to complete an inventory tax simplification study and analysis by December 31, 1982.

Since the 1981 legislation, the pendulum and debate over tax policy has shifted dramatically. Members of Congress are now calling for tax equity and the need to close tax loopholes. I fully support this notion. However, we will never achieve true reform without providing our inventory intensive businesses with a modest measure of tax relief and equity. In essence, inventory tax reform should be considered an integral component of the current tax policy debate.

ROOT OF THE PROBLEM—THE COMPLEXITY AND UNCERTAINTY OF THE LAW AND REGULATIONS

The tax regulations provide that a taxpayer must keep an inventory in every case in which the production, purchase, or sale of merchandise is an income-producing factor. In general, the regulations also require a business to use the accrual method of accounting with respect to its purchases and sales of inventories.

Of the two accrual methods for determining the cost of items in the closing inventory, the most widely used is the first-in, first-out (FIFO) method. The preferred method is the last-in, first-out (LIFO) method, as it lessens taxable income in periods of high rates of inflation.

Small business does not use LIFO. However, based on 1978 IRS statistics on corporations, only 2.5 percent of all wholesalers and 1.5 percent of all retailers use LIFO.

PERCENTAGE OF CORPORATIONS USING LIFO IN 1976 AND 1978[1]

Type of business	Total returns filed for year	Number using LIFO	Percentage using LIFO
Manufacturers:			
1976	212,333	7,720	3.64
1978	223,471	8,478	3.79
Wholesalers:			
1976	226,875	5,698	2.51
1978	254,682	6,323	2.48
Retailers:			
1976	407,666	5,219	1.28
1978	465,920	6,763	1.45

[1] 1976 corporation statistics, Statistics Division, IRS, August 1980 and 1978–79 Statistics of Income, Corporation Income Tax Returns, Internal Revenue Service Pub. 16 (5–82).

In particular, some businesses are not even reporting inventories. For example, 25.5 percent of all retailers filing corporate returns in 1978 did not report any inventory to the IRS. Additionally, 37 percent of all corporate wholesalers and 29.1 percent of all corporate manufacturers did not report any inventory for that year.[2] These statistics could be interpreted to suggest that many small businesses have difficulty maintaining business records for inventory purposes. To help this type of business, one provision of my bill permits specified small businesses to use the case receipts and disbursements method—cash method—of accounting. In essence, it is the simplest of all accounting methods.

Mr. Speaker, besides cash accounting, H.R. 3464 provides our Nation's inventory intensive firms with a dramatic simplification of the LIFO inventory method. It also permits businesses to write down excess or obsolete inventory over a 5-year period. In summary, my bill will help elicit discussion of a most important issue for our Nation's businesses. I include the following:

INVENTORY SIMPLIFICATION AND REFORM TAX ACT OF 1981—SUMMARY OF BILL

Section 1. Title of Bill.

Section 2. Repeal of LIFO Conformity Requirement.

Under the present law, a business electing LIFO must keep its financial statements and its tax statements the same. In other words, it cannot use FIFO for financial purposes and at the same time, use LIFO for tax purposes.

This bill would revoke the LIFO conformity requirement.

Section 3. Alleviating the Initial Penalty Associated With the LIFO Election.

If a business wants to elect LIFO, it is required to restore to cost over a three year period inventory writedowns taken in prior years. To alleviate this severe cash drain for the business, it would be permitted to restore inventory writedowns over a ten year period.

Section 4. Simplification of Inventory Pooling Requirements.

Subsection (a): Certain small businesses permitted to use one pool.

The bill would permit businesses with average gross receipts of less than $8 million to use one pool for LIFO.

Subsection (b): Principles for establishing inventory pools.

Wholesalers and retailers (not electing the preceding subsection) would be permitted to pool their goods based on either of the following methods:

1. According to the general expenditure categories of consumer goods described in the CPI Detailed Report; or

2. Based on groupings that are ordinarily and customarily used in their industry.

Section 5. Permitting Businesses to Use Regularly Published Government Price Indexes.

This bill permits any business electing LIFO to use an index based on general categories from the Consumer Price Index or the Producers Price Index.

Section 6. Permitting business to use certain internal indexes, without showing other methods are unsuitable or impractical.

The tax regulations place certain limitations on the type of internal price index a business may use for LIFO.

For businesses wanting to continue to use internal price indexes under LIFO, this bill would broaden the choice of internal indexes. This provision would permit many businesses to use the link chain method of indexing.

Section 7. Computation of LIFO Recapture Amount.

Section 403(b) of the Crude Oil Windfall Profits Tax Act of 1980 requires a corporation to recapture its LIFO benefit as ordinary income in certain specified situations. In general, this recapture occurs when a corporation distributes its LIFO inventory in a partial or complete liquidation of the business.

The bill would generally place limitations on the amount of the LIFO benefit which is recaptured for tax purposes. There would be recapture of the LIFO benefit only to the extent the corporation's product line prices increased at a greater rate than consumer prices. This provision shall apply to distributions and dispositions adopted after December 31, 1982.

Section 8. Cash Receipts and Disbursements Method (Cash Method) of Accounting.

A business may elect the cash method if its gross receipts are less than $2 million and if it meets the active participation test. In general, an active participant is someone who is actively involved in management and whose principal business activity is such trade or business. Further, the cash method business would not be permitted to purchase inventories at the end of the year in excess of its reasonable needs.

Section 9. Treatment of Excess or Obsolete Inventory.

In general, the current tax only permits a business to writedown its excess or obsolete inventory in certain narrowly defined situations. Often, these narrowly defined situations do not reflect the reality of current business practices.

The bill provides an objective standard for businesses in the treatment of the value of its excess inventory. It generally permits a business to reduce the value of its excess inventory over a five year period.●

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[2] 1978–79 Statistics of Income, Corporation Income Tax Returns, Internal Revenue Service Pub. 16.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

MX MISSILE

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. RUSSO. Mr. Speaker, in anticipation of the upcoming consideration of MX missile funding after the July Fourth work period, I would like to offer for the consideration of my colleagues a letter in opposition to the MX from the environmental group Greenpeace.

GREENPEACE U.S.A.,
Washington, D.C., June 23, 1983.

DEAR MEMBER OF CONGRESS: Greenpeace U.S.A., a national environmental organization with more than 280,000 supporters, emphatically opposes the further testing, development, and deployment of the MX missile.

The overwhelming vote by the House of Represenatatives last December rejecting the Densepack basing mode for the MX, was a significant acknowledgement that the era of land-based ICBM's was drawing to an end. MX missiles based in existing Minuteman silos, the basing mode now advocated by the President, is no more supportable—and is probably even less so—than Densepack.

In 1981, President Reagan called for deployment of the MX in Minuteman silos as an interim measure until agreement could be reached for a more permanent basing arrangement. Congress rejected this proposal then, and should do so now. Senator John Tower said during the 1981 debate:

"By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at . . . It's of little use to us unless the Soviets are convinced it can survive an attack."

We are distressed that Congress recently reversed its decision of last December, releasing $625 million for testing and development of the MX. The MX will not enhance our national security and thus should be stopped now before production of this dangerous weapon begins.

Sincerely,

ERIC M. FERSHT,
Director, Disarmament Campaign.●

CLARIFICATION OF VOTE IN FAVOR OF REPRESENTATIVE CONTE'S GARRISON DIVERSION MOTION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WEISS. Mr. Speaker, for purposes of setting forth a comprehensive record of my positions I want to indicate the basis of my vote in favor of the motion offered by the distinguished gentleman from Massachusetts (Mr. CONTE) to instruct the House conferees on the energy and water development appropriation bill to insist that the compromise measure reflect the House position on the Garrison Diversion project.

Representative CONTE's motion deserved support because I believe House conferees negotiating with Senate conferees on any legislative disagreement should be expected to represent the sense of their House colleagues. Funding for the North Dakota diversion project was rejected last December in this Chamber by a 100-vote margin; this year's appropriations bill also includes no funding for Garrison. House conferees therefore have no basis for support of such funding in conference.

However, my support for the Conte motion should not be interpreted as a vote in opposition to funding phase 1 of the Garrison Diversion project.

The Federal Government made a promise to the people of North Dakota in the 1940's that it would build a diversion project in exchange for 500,000 acres of prime land the Government wanted to take from North Dakota and permanently flood in order to create a hydroelectric power dam. The Federal Government got its dam, the the Garrison Dam, but the people of North Dakota never received their end of the bargain. Because I believe Congress is wrong to renege on that commitment, I have historically supported phase 1 of the project.

Nothing will do more to destroy the relationship between the American people and their Government, than a violation by the Government of promises solemnly made.●

A CHILD'S VIEW OF THE SOVIET UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. LANTOS. Mr. Speaker, we were all gratified to see the release of the Vashchenko family from the Soviet Union. But there are still many infringements of human rights still taking place. I commend to my colleagues' attention this poignant column from the Denver Post by Lillian Hoffman, cochairman of the Colorado Committee of Concern for Soviet Jewry.

The column follows:

SOME SOVIET YOUNGSTERS TO LOOK UP, SAMANTHA

In late April, a great deal of media coverage was given to 10-year-old Samantha Smith of Manchester, Maine, who had written a letter to Yuri Andropov.

The Soviet leader's reply was, in Samantha's words, proof that he was not as grim a man as she had imagined. He invited her to visit the Soviet Union so she can meet children her age and "see for yourself . . . everybody stands for peace and friendship among nations."

We think that Samantha Smith should accept this invitation to tour the Soviet Union. Perhaps she could see some of the children who cannot come to the U.S. to see her. She should ask to meet the following Soviet youngsters:

Dorina Paritsky, whose father, Alexander, was sent to prison for three years for "anti-Soviet slander." He had been running an unofficial university for refuseniks (those denied an exit visa) who were not permitted to go to regular universities. Paritsky was put in a punishment cell for refusing to lift heavy logs after he had suffered a heart attack. Dorina has just returned from a month in the hospital; her illness was brought on, in part, by nervous tension due to her father's incarceration.

Jewish children in Leningrad, who were going to attend a *Purimspiel* (a play celebrating the Jewish holiday of Purim). As they reached the apartment where the play was held, they found it sealed off by 25 militiamen. Ten children against 25 men.

Anna, the 14-year-old daughter of Alexie Murzhenko. Murzhenko, a Christian, was sentenced in 1970 to 14 years in prison for attempting to leave the Soviet Union. Unfortunately, he is now suffering from advanced tuberculosis.

Pentecostal Christian children in Chernogorsk, Siberia, who in April 1982 were sever-

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ly beaten by the KGB when they tried to hold a peaceful demonstration. And because their parents were out of money, the children were forced to forage for food in the garbage heaps. They are members of the Vashchenko family, some of whom had found refuge in the U.S. Embassy in Moscow in 1978.

Marina Tiemkin, who was 13 years old in 1973 when she was kidnapped and taken to a youth camp for "re-education." Marina had asked to leave the Soviet Union with her father, Alexander, now living in Israel. Alexander has not heard from Marina for several years. There have been countless cases of separation of families, some for as long as 12 years.

Jewish children, who face a massive "anti-Zionist" campaign. Pedogogika, the Soviet state publishing house, has announced the issue of a book entitled, "The Poison of Zionism," intended for pupils of "more advanced age." The announcement made in Moscow recently, suggest that the subject of anti-Zionism is becoming required reading for Soviet pupils in the 12-to-18 age group.

Evgeny Ozerov of Leningrad, cousin of a Denver Jewish family, is deaf. His parents have not let him learn sign language because of the taunts of his schoolmates. A brilliant student despite his handicap, he has stopped wearing his hearing aid to school because the children pull it out and stamp on it. He and his parents are considered traitors because of their desire to leave the Soviet Union.

Jewish boys, who are prevented from having a Bar Mitzvah. Jews are the only nationality of more than 100 nationality groups who have been denied their constitutionally guaranteed rights—to study their culture and religion, to study Hebrew, to gather together to conduct cultural seminars or celebrate their holidays.

If Samantha is allowed to visit these children, who are among thousands who have been denied the right to leave, she will understand the reality of Soviet life. She will realize that Andropov's signature on her letter promising peace is not any more binding than Soviet signatures on international agreements on human rights, and most recently on the third basket of the Helsinki Accords.

This latest agreement signed by the Soviets, and violated by them time and again, guarantees the right of citizens who wish to leave to do so and for the reunification of families.

Hopefully, Samantha will address these issues in future letters to her new friend, Yuri Andropov.●

NATIONAL AGRICULTURE DAY

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. de la GARZA. Mr. Speaker, I have today introduced legislation which would proclaim March 20, 1984, as National Agriculture Day for next year. As chairman of the Agriculture Committee, I am pleased to present this resolution with the cosponsorship of Hon. Edward R. Madigan of Illinois, the ranking minority member of our committee.

Farm and city people together have been celebrating National Agriculture Day with a wide and encouraging variety of events for more than a decade. Every year since 1981, the celebrations have been carried out with the added support of laws enacted annually by the Congress and proclamations issued under those laws by the President.

A large number of our colleagues in the House have already joined us as cosponsors of the 1984 resolution. I hope and expect that in the very near future, we will again be joined by enough to make up a majority of the House. This will be a fitting and welcome demonstration of the fact that this body understands and appreciates what a healthy agricultural economy means to the welfare of all Americans.

We know, Mr. Speaker, that these last few years have been difficult ones for the farmers and ranchers of our country. Like many other Americans, they have been going through an economic wringer of great severity. Like other Americans, they hope for better times in the future, and they hope for the understanding of their fellow Americans as they try to recover from the impact of economic blows that have put many farmers out of business.

Is there a good reason for the Nation in general to treat the farm sector as an asset to us all?

I believe there is. I believe that if American farmers were not as productive as they are, if American agriculture was not as efficient as it has become, the American people would be far worse off than they are today. For example, Agriculture Department studies show that the average consumer spends a smaller percentage of his or her disposable income on food today than 20 years ago. Other studies show that these gains have come in a time when consumers were continuing to increase their demand for services associated with prepared foods—a trend that has resulted in reducing the farmer's share of the consumer food dollar from about 38 cents two decades ago to about 37 cents last year.

For the money we spend, we get the best, safest and most varied selection of goods in the world. And we get that food and fiber supply with a regularity and dependability that makes many Americans take it for granted.

Once in a while, however, we should stop taking this abundance for granted. If it were suddenly interrupted, the consequences would be serious and dramatic. I believe we need to remind ourselves and our countrymen that there is also drama of a high order in the fact that American farmers and ranchers, and those who work with them on the land are giving us the ability to sustain not only life, but a rising standard of living—and they are making it possible for less fortunate people to get adequate diets as well.

There is another facet to this observance. Farmers and ranchers today make up only a very small percentage of our people. But in a broader sense, a great many Americans are involved in agriculture. The men and women who work in farm supply industries, in processing farm products and in distributing and selling them—they are all part of agriculture, and there are many millions of them. They, too, have a stake in the observance of National Agriculture Day.

Finally, we should remember that agriculture is a bulwark of our national economy. Agricultural exports are down this year, partly because of the world recession. But they still make up a major segment of our participation in international trade and a basic element in the health of the overall economy.

The sum of all these facts is that American agriculture, while most citizens do not have much personal contact with farms and ranches, is basic to the welfare of all of us as individuals and all of us collectively, as a nation. That is why I hope Members will again join in cosponsoring and passing our resolution to designate next year's National Agriculture Day.●

COMMISSIONING CEREMONY FOR U.S.S. "FLORIDA"

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. BENNETT. Mr. Speaker, on June 18 at Groton, Conn. The Trident submarine U.S.S. *Florida* was duly commissioned and the principal address on that occasion was made by Florida's able and greatly revered U.S. Senator Paula Hawkins. I am happy to include in the Congressional Record a copy of her speech, filled as it is with wisdom and comments appropriate and helpful to us all:

> I am deeply honored to represent the people of the great state of Florida at the commissioning of this new vessel—U.S.S. *Florida*.
>
> As the daughter of a career Navy man, I have vivid memories of attending commissioning ceremonies as a young child with my father. Even then, I could sense the importance of such events. So this opportunity to participate in this ceremony today carries a very personal significance for me.
>
> U.S.S. *Florida* is a vessel whose awesome capabilities will be a vital force for the preservation of peace and the American way of life.
>
> Obviously our nation's defenses have travelled a long way since the name Florida graced the bow of a sidewheel steamer.
>
> It is appropriate that the first vessel to bear the name Florida in 50 years be one of the importance of this Trident submarine. Speaking for the people of the state of Florida, we are honored to have such a namesake.

> This new ballistic missile submarine will be one of the most important elements in the defense of the United States and the free world. The nuclear triad composed of land-based I.C.B.M.s, submarine-based I.C.B.M.s and bombers has formed the basis for preventing nuclear war for over thirty years. Of these, our sea-based deterrent has steadily gained in importance. American submarines have long been known for their technological sophistication, and the trident program carries on that impressive tradition. The result is a significant increase in the effectiveness of our sea-based ballistic missile forces, enhancing an already potent force for peace.
>
> I am certain that there is not a man, woman or child here today that would not rejoice at the opportunity to dismantle the armed forces of the world including our own, and to redirect defense spending into programs that could increase the well-being of our society. I would welcome the day when, in the words of the Biblical prophet, Isaiah, we could "beat our swords into plowshares." This is a dream buried deep in the heart of man, and a hope toward which we must continually strive. Furthermore, I believe that we must be willing to take risks for peace, that we must be willing to put forward Herculean efforts to decrease the chance of war. In that regard, we can not be naive. We can not gamble with the lives and freedom of the people we serve. History tells us why. In the last two thousand three hundred years of recorded events, there have been only two hundred and seventy years of peace. It is sad to say, but the record for peace is not good. For every year of peace, we have had ten years of war. My father fought in a war, and so has my husband, and I am determined to expend every effort to see that neither my children nor their children ever have to take up arms against another man. Yet we can not—we must not—turn a blind eye towards the lesson of history. To ignore this lesson, I believe will invite the very disaster we seek to avoid.
>
> Many people mistake the purpose for weapons such as that we are commissioning here today. We call them warships and yet their very purpose is to preserve the peace. Nothing illustrates this better than to examine the mission of this boat. That mission is solely to deter war. I am sure that Secretary Lehman, Captain Powell and every individual who serves onboard this boat would all agree that if the missiles aboard *Florida* are ever fired, they will have failed in their mission, not succeeded. But make no mistake, the missiles and ships such as U.S.S. *Florida* are vital not only to preserving the peace but also preserving our freedom and our way of life so that we have something worthwhile to pass on to our children. We can not afford, for what ever reason, to ignore the threat nor the intentions of any hostile nation. The Soviet military buildup has continued unabated, in the last ten years. The Soviets continue to outnumber us in a number of critical areas such as manpower, artillery, tanks, tactical aircraft, surface ships, and submarines. The Soviet Army continues to occupy Afghanistan. Soviet repression of the Solidarity movement in Poland has succeeded in stifling the voice of freedom and liberty there. The Soviets or their proxies continue to station troops throughout the Middle East and Africa. The Soviet Politburo has allowed its Vietnamese allies to run amok in Cambodia bringing suffering to the Cambodian people and destruction in their society. In other parts of the Far East, hundreds of thousands have been slaughtered in the name of communism. The Soviet and Cuban influence in Latin American affairs had wreaked havoc by spreading revolution throughout the Caribbean, our own backyard.
>
> We ignore lessons of history at our own peril. While we must remain alert for pronouncements from the Kremlin that might reflect a change of purpose, we must not be fooled as Prime Minister Neville Chamberlain was fooled by Adolph Hilter at Munich, 1938. We must watch carefully to see if Soviet actions echo their words.
>
> In an age of thermonuclear weapons, the issues of war and peace take on a very special significance. We are now at an unprecedented point in history.
>
> The technical capability of destroying nations within a matter of minutes does exist. This is a terrifying prospect, and one which has led men and women of sound mind to wish that nuclear weapons had never been invented. The genie, however, cannot be put back into the bottle. That's why it is so vital that we continue to search for ways to deal with the realities that confront us. Until we are able to sit down with those who threaten us and eliminate the weapons of mass destruction I believe that we owe it to ourselves and future generations to maintain the military strength of our armed forces. Only strength will deter war. Those who think that military strength causes war should remember the words of Carl Vinson who served as Chairman of the House Armed Services Committee. He said, "The pacifist will tell you that military and naval strength cause war. Such a statement is about as logical as one which declares that crime can be abolished by destroying our police forces, that disease can be eradicated by abolishing our hospitals and that fires can be eliminated by abandoning our fire departments." I believe that Carl Vinson was right and that we as a nation cannot be foolhardy when it comes to the question of military strength. We must maintain the strength of our armed forces to convince any nation that it cannot win in an attack against the United States.
>
> There are several key elements maintaining the necessary strength to deter military conflict. Without a doubt the most important is people. It's not missiles, or ships, or tanks, or any of the other things that we so commonly think of as a measure of a nation's military strength. The key to this nation's survival of the feedom and way of life that we hold so dear is—people. It's steelworkers, housewives, and businessmen. It's doctors, sailors, and farmers. It's lawyers, truckers and dockyard workers. It's all the people who comprise our great land, who share in its freedom and contribute to its bounty. It is they who are our frontline of defense. It is their vision, and their hope that form the foundation of our nation's strength. And I believe it is a solid foundation. As long as any potential foe is convinced of the will of the American people to defend their liberty and freedom, no country will dare aggression.
>
> This invaluable service rendered the nation by our men in uniform and those civilians who participate in operation of the day to day defenses of our country should not go unrecognized. Without the men and women who have made and are making sacrifices in the service of their country we would be a nation without any means of defending itself. All too often we take the men and women in uniform for granted. As the daughter of a career Navy man, I know what sacrifices are necessary, and I know of the real impact that these sacrifices have on individuals and their families. From my heart I would like all of those men and women in the Armed Services to know how much I appreciate their service and their efforts. I know that I express the gratitude of both the people of Florida and all Americans in thanking our military personnel both active and retired. I also want to take time to mention and recognize the men and women who have labored to fashion this great vessel. The product of your toil and skill will serve as a valuable addition to the efforts to maintain peace.
>
> As a free people we know we must be eternally vigilant. Furthermore we must remember that we live in a dangerous world, a world filled with violence and conflict between nations, a world which respects strength and tramples weakness. We are therefore bound both by moral obligation, history and our Constitution to promote the peace and prosperity of our people. The first and most solemn obligation of our government must always be to provide for the defense of all Americans. Educated and uneducated, rich and poor, black and white—all benefit from the peace and protection provided by our nation's defenses. Without our freedom and liberty all else is meaningless. I want to say in closing that: Today is a proud day for Florida. Today is a proud day for the United States. Today is a proud day for the free world.

IS THE PRESIDENT A PART-TIME STUDENT?

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. MILLER of California. Mr. Speaker, while there is little doubt that our Nation's educational system has its share of problems, I am disturbed by the President's conclusion that one of those problems is excessive Federal interference. Over the last two decades the Federal Government has taken critical steps to assure equal access to education for members of our society with special needs—the minorities, the disabled and the disadvantaged.

During the past several weeks education has become the President's newfound interest. It is evident, however, that although the President preaches "the basics," he does not practice them. A little more reading and a little better arithmetic and the President would recognize that the Federal programs he so casually criticizes are essential components of our Nation's educational system.

If he has any doubt, the President would be well advised to consult the States and local governments. But if the President does not have the opportunity to speak with educators, I commend him and my colleagues to an article which recently appeared in the National Journal:

[From the National Journal, June 6, 1983]

An "F" for Facts

(By Rochelle L. Stanfield)

It's a beguiling point of view: that the quality of our public schools began going down when federal aid to education began going up. What makes it so appealing to President Reagan is that it offers the easiest solution to today's educational problems: if the federal government does less, the schools will do better.

A recent flood of reports painting a grim picture of elementary and secondary education has given the President his opportunity. Probably the most devastating criticism came from Reagan's excellence commission, whose report, "A Nation at Risk: the Imperative for Educational Reform," concluded that "the educational foundations of our society are being eroded by a rising tide of mediocrity that threatens our very future." Critics particularly deplore the students drift away from tough science and mathematics courses.

The President has pounced on this report to support his goal of a dramatically reduced federal role in education. While the quality of education was declining over the past two decades, Reagan said in his April 30 radio broadcast, "the federal presence in education grew and grew. Parental control over local schools shrank. Bureaucracy ballooned until accountability seemed lost."

At his May 17 news conference, Reagan responded to a question about the decline by saying, "I think you can make a case that [education] began to deteriorate when the federal government started interfering in education." And on May 21, Reagan told the graduating class of Seton Hall University in New Jersey that the nation will not get its money's worth out of elementary and secondary education until "we reverse some of the dangerous trends of recent years. And that means restoring parents and local government to their rightful role in the educational process."

As political rhetoric, that might be fine. But it is not so fine as a reflection of the history of federal education policy.

The so-called federal intrusion into elementary and secondary education has been limited almost exclusively to enforcement of civil rights laws—access to equal education for minorities and the handicapped—and federal aid to help give the disadvantaged an equal educational footing. It has had nothing to do with the education of the average kid—the focus of most of the recent concern.

Most of the "intrusion" in the civil rights area resulted from court mandates that school districts provide all children with their constitutional rights. Most of the money whose growth Reagan so roundly disparages goes to the disadvantaged and handicapped—$4.5 billion of the $6.5 billion for elementary, secondary and vocational education in fiscal 1983—and the regulations that govern its use have been applied over the years after school districts failed to use the funds properly.

Not even Reagan's Education Secretary, Terrel H. Bell, denies the great success achieved by those programs. "I can testify to this committee that our Title I programs [for the disadvantaged] are successful," Bell told the House Education and Labor Committee in May 1981.

Surveys by the National Assessment of Educational Progress in 1970, 1974 and 1979 showed that minority and poor urban children were narrowing the reading and math gap with all other students. Most education experts say Title I of the 1965 Elementary and Secondary Education Act was the major reason.

Other statistics show the over-all success of the federal "intrusion." Between 1970 and 1980, while the proportion of high school dropouts rose from 8 per cent to 8.8 per cent for all 16- and 17-year-olds, it dropped for black youths from 12.8 per cent to 6.9 per cent. Between April 1960 and March 1981, the median amount of school for the 25-to-29-year-old population rose slightly from 12.3 12.8 years, while blacks and other nonwhite races nearly caught up, jumping from 10.8 to 12.7 years, according to the National Center for Education Statistics.

The President may want to do away with this federal intrusion, but the National Commission on Excellence in Education does not. It specifically called on the federal government to "help meet the needs of key groups of students such as . . . the socioeconomically disadvantaged, minority and language minority students and the handicapped" and to protect "constitutional and civil rights for students and school personnel."

What about the average kids who opted for "the history of movie making" instead of chemistry? They have never been the concern of the federal government. With almost no exceptions, their schooling has been financed, governed and regulated by state and local governments. Over the years, the states let high school science and math requirements slip, for example, while the local school districts let teachers' salaries lag behind competing professions. There is plenty of blame to heap on them.

Reagan calls for a return of parent and local government power in education. It has always been there. In fact, part of the problem has been that state and local voters—including parents—mounted the property tax revolts in the 1970s that denied schools the financing they needed to keep up.

The excellence commission, along with other recent groups studying educational reform, recommend a variety of steps to reverse the slide. They are corrently addressed to state and local governments, where the responsibility lies. Among the recommendations are more stringent graduation requirements, longer school days and school years and more competitive, market-sensitive salaries for teachers. Most states have initiated educational reforms or are looking into the problem this year.

The problem is the cost. Graduation requirements can be changed with the stroke of a pen, but almost everything else requires cash. Denis P. Doyle, director of education policy studies for the American Enterprise Institute for Public Policy Research, conservatively estimates a $13.5 billion price tag just to extend the school day to seven hours and the school year to 11 months and to pay teachers enough to make the profession attractive in the market place. Do Reagan and the commission members really expect the states and localities, already drowning in red ink, to come up with that kind of money?●

REFUGEE SUCCESS STORIES

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, the huge influx of refugees in 1980 brought disruptions and hardships to the Miami area. Nevertheless, south Florida made a tremendous effort to absorb these new arrivals.

Many of these persons have put much hard work into their efforts to become productive members of our society and to maintain their vision of the American dream. The individuals described in the following newspaper articles show that those who struggle to be here, as well as those who are fortunate enough to have been born here in the United States, can have freedom and a better life.

The articles follow:

[From the Miami Herald, Sept. 23, 1982]

Refugee Works To Be Free of Charity

(By Marcia Cummings)

At $5 an hour, Janet Jean Baptiste is not getting rich—but he is making more money than he ever earned before.

Haitian refugee Baptiste cleans offices from 7 p.m. to 3:30 a.m., five days a week, at a Coconut Grove boat yard.

For Baptiste, who rides a bicycle from his rented room in the Grove to his job, his employment is a big step up from Oct. 26, 1981.

That was the date Baptiste, 22, landed on Miami Beach in a waterlogged boat. He was one of 33 persons aboard. Another 30 originally in the boat had drowned en route.

The Haitian expatriate and pilgrim was detained at the Krome Avenue Detention Center.

"I left Haiti because there were a few things I didn't like," said Baptiste through an interpreter. "I was having a lot of problems with the government."

Krome wasn't much of a welcome to America, he added.

"If one doesn't comply with the rules, then others are made to suffer," Baptiste said. "I went through a lot at the camp."

He was released in August under the sponsorship of the United Methodist Churches and the United Methodist Committee for Relief (UMCOR).

For awhile, Baptiste lived with friends in Florida City.

Church members from Kerr Memorial, Cutler Ridge, Perrine-Peters and Leisure City United Methodist churches in South Dade became his guardian angels. They helped him meet his immediate needs: learning English and finding work, shelter, transportation, food and clothing.

Francis Monson and Charlie Alvarez of Cutler Ridge United Methodist, 20740 Old Cutler Rd., found Baptiste a job at the boat yard.

"We needed a janitor," said Alvarez, production manager at the firm. "Since our church was helping to sponsor him, I figured I would give him a chance. So far he's doing well. He does his work, minds his own business and is always smiling."

"It is competitive, but I could not do this kind of work in Haiti," Baptiste said.

Baptiste's new life still is unsettled as he waits to learn if a federal judge will deny political asylum to Miami's Haitians. The status of the area's Haitian refugees is pending in U.S. federal court.

But Baptiste hopes for the best.

Last week, he received his first U.S. paycheck and immediately planned to open a bank account.

"We discussed what he was going to do with his money," said Lucille Bates, coordinator of the UMCOR's Haitian Resettlement Program. "He kept some for his food and rent and is saving the rest. He's making more money than I do. I think it's great."

Baptiste is one of 20 Haitians sponsored by UMCOR. Each Haitian is supervised directly by one Methodist church. The churches are as far south as Florida City and as far north as Delray Beach.

UNCOR gave each refugee a resettlement grant of $120 and provides a weekly maintenance check of $37.50.

Program sponsors also ensure that each refugee has an attorney and reports weekly to the resettlement center at Grace United Methodist, 6501 N. Miami Ave.

"Right now the program is a success because they are all reporting every Sunday," explained Bates, who supervises the weekly check-in.

Each of the 20 men is quizzed on address changes, any arrests, job hunting and food or clothing needs.

While they waited their turn Sunday in the small library of Grace Methodist, the Haitians chatted quietly at first, then became animated as old friends filed in and volunteers served punch and cookies.

At the desk, they listened carefully to the weekly questions asked in Creole by interpreters.

After reporting, the men received their checks. Those who needed food were given bags of beans and rice. Those who needed clothing were directed to a nearby table.

Louis Jacque Paul, sponsored by the Kendall United Methodist Church, 7600 SW 104th St., eagerly inspected a Winn-Dixie bag filled with shirts, shoes and trousers given him. He is working part time at a Holiday Inn.

Baptiste didn't need food or clothing Sunday. He is working full time now. He also is studying English.

"I hope to accomplish something good for myself in this country," he said.

[From the Miami Herald, June 15, 1982]

2 Refugees Set Pace for Others

(By Nery Ynclan)

Two years ago, they were 10-year-old refugees who spoke no English, had no friends and faced an uncertain future in their new homeland.

On Monday, Maria Medina and Alina Pagan walked across the stage of South Miami Elementary School to accept awards from their school, the School Board and the city of Hialeah.

The girls had made the academic honor roll. They got A's and B's in all eight subjects, competing in regular classes.

"I was shocked and surprised and happy," said Maria, who came to the United States with her parents during the Mariel boatlift. "In my country there is no freedom. You have to study politics all the time. Here, I learn about everything."

"They are really an example to all of us," said Hialeah Mayor Raul Martinez, who presented the girls plaques from the city at the annual awards assembly.

"I was a refugee 22 years ago and I had the opprotunity to join the mainstream," he added.

School principal Helen Stolte said, "They competed for grades against all the other students and still made honor roll."

Dade schools are filled with thousands of refugee children from Cuba, Nicaragua, Haiti and other Latin countries. They enter a program that teaches them English quickly while helping them not to fall behind in other subject areas.

Stolte said that Alina, from Nicaragua, and Maria are examples of how the program is working.

Their parents have picked up bits of English from the two girls, who stress to them that a new country and a new life means they, too, should master the new language.

"I teach my parents how to say certain things they need to know," Alina said. "You can't go around life with a translator to speak for you."●

HONORING CARLOS J. GARCIA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. TORRES. Mr. Speaker, I rise to pay honor to Attorney Carlos J. Garcia, an outstanding man dedicated to serving the people of East Los Angeles, Los Angeles County, and our Nation.

On July 8, 1983, Carlos Garcia is being recognized by the East Los Angeles Community Union. They do this because of his long service as one of its pioneers, earliest professional staff, legal director, and later general counsel.

Carlos was born in Los Angeles on February 13, 1937. The eldest child of Lucia and Moises Garcia, he attended local public schools in East Los Angeles. A graduate of the University of California in 1959, he went on to the University of San Fernando Valley Law School. He is a member of the California State Bar and is authorized to practice before the U.S. Supreme Court.

Mr. Speaker, Carlos was raised as a Mormon and as a youth was sent to Brazil by the Church of Jesus Christ of Latter-Day Saints. His missionary duties included the administration of church units in addition to his normal missionary work. Through his work with the Brazilian people, he learned the Portuguese language to compliment his existing fluency in Spanish.

Carlos Garcia's service to his church, community, and family is exemplary. He works diligently as a seminary instructor and is a bishop responsible for 800 members. He has served in important leadership positions, most notably as the chairman of the Mexican-American Programs Foundation, chairman of the Ad Hoc Committee on Housing Committee for East Los Angeles and as the treasurer of the Ad Hoc Committee to Incorporate East Los Angeles.

He started his early student work as a social case worker for the County of Los Angeles, later becoming a hearing examiner for the city of Los Angeles. In 1967, the State of California assigned him as a rehabilitation counselor working with prison inmates prior to their release. The role as a professional rehabilitation counselor was tailored for Carlos and he later won appointment as a city commissioner to the Human Relations Commission.

Apart from his civic, church, and community endeavors, Carlos has been a devoted son, husband, and caring father. He married Nancy Berkemeyer and they have raised five children: Brenton, Theron, Camille, Dalan, and Arlan.

Mr. Speaker, if East Los Angeles is synonymous with Carlos Garcia it is because he has given so much of his life and work to benefit the community where he was born and raised. He is retiring from TELACU and will continue to follow his legal profession. I know he will continue to feel compassion for his community.

I ask my colleagues in the House of Representatives to join with me and the people of East Los Angeles in wishing Carlos Garcia success and happiness in all his future endeavors.●

CALVIN COOLIDGE: A GREAT LEADER FOR DEMOCRACY AND PROSPERITY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. KEMP. Mr. Speaker, one of the best educated and most underrated Presidents of this century is Calvin Coolidge. He knew a remarkable amount of American and colonial history, and probably understood the principles of the Declaration of Independence and democracy better than any American since Abraham Lincoln.

On economic policy, Calvin Coolidge instituted a series of radical tax cuts for all taxpayers, generating a period of unparalled prosperity for the entire country.

Even Calvin Coolidge's strongest opponents agreed he had complete and utter integrity and restored confidence in Government after the scandals of the Harding administration.

I commend to my colleagues the following pearls of wisdom from President Coolidge's philosophy, thoughtfully reprinted by Marvin Stone, editor of U.S. News & World Report. I can think of no better way to celebrate Calvin Coolidge's birthday than to read and learn from the ideas of one of our greatest Presidents.

HAPPY BIRTHDAY, MR. COOLIDGE

(By Marvin Stone)

Once again, we mark Independence Day by recalling the good sense of our 30th President (1923-29). Calvin Coolidge was born on July 4, 1872—the only President with such a distinction. "Silent Cal" may have had his detractors, but the Vermonter's philosophy has worn well through the years. A sampling from the record:

No person was ever honored for what he received. Honor has been the reward for what he gave.

Americans have not fully realized their ideals. There are imperfections. But the ideal is right. It is everlastingly right. What our country needs is the moral power to hold to it.

It is of infinite importance to demonstate that legislation is used not for the benefit of the legislator, but of the public.

Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men of talent. Genius will not . . . the world is full of educated derelicts. Persistence and determination alone are omnipotent. The slogan "press on" has solved and always will solve the problems of the human race.

The benefit of one is the benefit of all, and the neglect of one is the neglect of all.

Don't expect to build up the weak by pulling down the strong.

There is no dignity quite so impressive, and no independence quite so important, as living within your means.

It has always seemed to me that common sense is the real solvent for the nation's problems at all times—common sense and hard work.

Ultimately, property rights and personal rights are the same thing. The one cannot be preserved if the other be violated.

The meaning of America is not to be found in a life without toil. Freedom is not only bought with a great price; it is maintained by unremitting effort.

Men do not make laws. They do but discover them. Laws must be justified by something more than the will of the majority. They must rest on the eternal foundation of righteousness.

Large profits mean large payrolls.

Industry, thrift, and self-control are not sought because they create wealth, but because they create character.

There is no right to strike against the public safety by anybody, anywhere, anytime.

Prosperity is only an instrument to be used, not a deity to be worshipped.

The world has had enough of the curse of hatred and selfishness, of destruction and war. It has had enough of the wrong use of material power. For the healing of the nations there must be good will and charity, confidence and peace. The time has come for a more practical use of moral power, and more reliance on the principle that right makes its own might.

If you see 10 troubles coming down the road, you can be sure that nine will run into the ditch before they reach you.●

OPPOSITION TO THE MX MISSILE

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WOLPE. Mr. Speaker, in the weeks ahead, the House will be again called on to make an important decision regarding the MX missile. As we approach a vote authorizing the MX for fiscal year 1984, I think it is vitally important that Members of this body realize the extent of the opposition to the MX among the American people. The following statement by the American Baptist Churches of the United States briefly, but cogently, summarizes the case against the MX. I commend the statement for the attention of all my colleagues.

OPPOSITION TO THE MX MISSILE

The American Baptist Churches USA opposes the MX missile, because it destabilizes the current international military balance and needlessly escalates the arms race. If the MX is deployed, it will have a negative impact on the peace and security of both our country and the Soviet Union. It is a superpowerful, superaccurate, first-strike weapon which does nothing but provoke the Soviets to build their own first-strike weapons.

The MX is not needed by the United States as a bargaining chip. The MX is not needed to modernize the U.S. nuclear forces, nor is it needed to close an imaginary window of vulnerability. The MX is not an appropriate means by which the U.S. can show its resolve to defend itself against attack. The MX is not an effective counter to recent Soviet adventurism. The MX will give the citizens of the United States and the entire world a new chapter in the vicious upward spiral of the arms race, leading to new fears and new threats of destruction. We do not need this missile.●

STATEMENT BY THE COALITION FOR A NEW FOREIGN AND MILITARY POLICY IN OPPOSITION TO PRODUCTION OF THE MX MISSILE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mrs. KENNELLY. Mr. Speaker, I rise to bring to the attention of my colleagues a statement by the Coalition for a New Foreign and Military Policy in opposition to the MX missile, a position I fully support:

The Coalition for a New Foreign and Military Policy, on behalf of its 51 member organizations, strongly opposes the beginning of production of the MX missile.

For many years, MX advocates justified the program as needed to overcome the growing vulnerability of the U.S. land-based missile force. With that rationale a thing of the past, now the program is being continued as part of an arms control regimen which we believe cannot possibly succeed, and which, in any event, should not be allowed to justify production of a weapon which has no military rationale.

The recent letter by Arms Control and Disarmament Agency Director Kenneth Adelman to the Senate Foreign Relations Committee, shows how unreasonable the new case for the MX really is. As Senator JOHN TOWER once put it, the MX "is of little use unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks."

We wonder how serious this administration is about arms control, when it antes up the MX, which by this analysis is virtually worthless, as a bargaining chip equal in value to the entire Soviet force of modern ICBM's.

We see no possibility that construction of the MX will make it easier to negotiate the kind of agreement needed to stablize the strategic balance. On the contrary, production of the first-strike MX missile, together with development of other hard-target-destroying weapons, will only add to the distrust driving the arms race into a new and much more dangerous phase.

Richard Healey, Executive Director; Robert W. Tiller, American Baptist Churches, Coalition Co-Chair; Nancy Sylvester, IHM NETWORK, Coalition Co-Chair.●

LATEST SOVIET HYPOCRISY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues this editorial printed on Monday, June 20, 1983, in the Oxnard Press-Courier. This is yet another prime example of the constant harassment and racial discrimination and oppression by the Soviets against its Jewish population.

LATEST SOVIET HYPOCRISY

It is hypocritical enough that the Soviet Union's new Anti-Zionist Committee contends that few, if any, Soviet Jews still wish to emigrate.

But during a recent press conference in Moscow, the newest official Soviet government committee also asserted there is no discrimination against Jews in the Soviet Union.

The committee's mendacity is preposterous. The whole world knows how the Soviet government oppresses Jews.

In recent years, young Jews have been largely excluded from the country's leading colleges and universities. Many who applied to emigrate have been demoted or fired from their jobs. Others have been stripped of academic degrees.

Far from not wanting to leave, at least 300,000 of the country's 1.8 million Jews had written to relatives abroad by 1979 for invitations to emigrate. Such invitations are required for permission to leave the country. The number of Jews allowed to depart, however, dropped from a high of 51,000 in 1979 to less than 2,700 last year.

Moreover, Russian authorities now intercept and refuse to deliver all invitations to emigrate mailed from abroad.

Ironically, the Kremlin's latest campaign against Jewish emigration comes as representatives of the Soviet bloc and the West meet in Madrid to monitor the Helsinki Act on human rights. This is the 1975 accord in which the West ratified East Bloc postwar boundaries in exchange for Russian agreement to respect human rights, including the right to emigrate.

The Anti-Zionist Committee is just one example of how the Kremlin pays lip service to the Helsinki Act while making a mockery of human rights. While maintaining an invasion of Afghanistan abroad, the Soviets have jailed or exiled all avowed human rights activists and other dissidents within the country.

The Western nations should continue to insist in Madrid that the Kremlin honor its agreement to permit free emigration and other civil liberties for Jews and, indeed, all people in the Soviet Union.●

NATIONAL AGRICULTURE DAY—A TRIBUTE TO AMERICA'S FARM FAMILIES

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. MADIGAN. Mr. Speaker, today, Mr. DE LA GARZA of Texas, chairman of the House Committee on Agriculture, and I have introduced a resolution requesting the President to proclaim March 20, 1984, as National Agriculture Day. We are joined in cosponsorship by our fellow committee members and we hope that our other colleagues in this body will join in support.

It is appropriate that we call attention to the accomplishments of American farmers and ranchers, to that small but essential percentage of our population who produce the food, fiber, and forest products on which we all depend.

Agriculture is indeed a basic business of the Nation's economy—food provider to the Nation and much of the world, the Nation's biggest industry and largest employer.

In a nation whose progress has been geared to its productivity, the American farmer has emerged as a world class champion. Today's farmer produces enough for himself and 77 other persons, including the needy and hungry in many of the world's have-not countries.

At the turn of the century, farming was powered by muscle power—horse, mule, and human muscle—and one farmer produced only enough food and fiber for himself and six other persons. In the early 1900's, mechanization on the farm began to take important shape. As more tractors, harvesters, trucks, and automobiles were purchased by farmers, more acres which had been needed to produce the feed for working farm livestock were released for food production.

With the development of farm mechanization came also the development of agricultural research, technology, and the farmer's know-how. Better seeds, better feeds, better breeds became the hallmarks of the farmer's progress.

And as the farmer's production increased, less manpower was needed on the farm. More people found it possible and profitable to leave the farm and take up other pursuits that helped provide the goods and services for a growing population. The unparalleled productive capacity of American agriculture has truly become the envy of the world—and our Nation's greatest asset.

Agriculture today is an essential part of the long continuum of progress that has helped make America great. And it is the purpose of the resolution we have introduced today to provide for national recognition of that fact.●

CYPRESS CENTURIONS AWARDS NIGHT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. PATTERSON. Mr. Speaker, it is with pride that I ask my colleagues to join me in recognizing the achievements of the Cypress High School Class of 1983 Award recipients.

These students are being honored for their academic excellence in a university preparatory curriculum, exceptional contribution to school and/or community, superior achievement in a specific curriculum, and exemplary leadership among peers.

Mr. Speaker, to properly honor the Cypress High School Award recipients, I would like to read into the CONGRESSIONAL RECORD the names of these outstanding students:

Eric Aguirre, Paul Anh, Robert Allman, Joanne Amash, John Anderson, Michael Appleby, Adela Augsburger, William Augsburger, Robert Baba, Tahirk Baloch, Robin Balowitz, Philip Bardowell, Beth Barger, Kenny B. Batdorf, Terri L. Blake, Benjamin Boer, Dawn Brennan, Sharon Brown, Kristin L. Burgess, Sean Byerly, Dwayne A. Carrington, Clara Choe, Cindy Chio, Lori J. Cleave.

Michelle Colletti, Rhonda L. Corgard, Robin L. Cox, Cathy Craven, Cora Croce, Steven D. Daly, Jeff Dangaran, Leslie Davis, Brian S. Dean, Colette M. Dern, William T. DeRouchey, Mark DiMaggio, John Donaldson, Wendy Ellerston, Joseph W. Eustaguio, Rose V. Feliciano, Danyelle E. Frakes. Susan Fulbright, Jayne Garrett, Mark Gellerman, Rick Gessay, Glenn P. Getler, Patti Goclowski, Brenda Godsey.

Daksha Gorajia, Alex Gianette, Ariana Graff, Jon Harb, Suzanne Hawkins, Kathleen Hays, Gary Henderson, Sona Herbertson, David Higgins, Nass Hikida, Greg Hill, Bihn Hong, Quyen Hong, Van Hong, Colin Howell, Sheri Inouye, Graciela Jesperson, Anne Johanson, Cynthia Jones, David Keough, Laura Lampert, Patrice Langevin, Anita Lem, Deborah Levine.

Amy Liedahl, Kenneth Lin, Byron Lindros, Scott Lippon, Jeff Lowery, Lisa Lowy, Paul Lynch, Lina Ma, Gary Mah, Sanja Malis, Steve Martin, Leslie Margetich, Laura Marmitt, Diane Marsalla, Obert McCarter, Tracey McDonough, Lauren McKenna, Cornelia McMurray, David Meldrum, David S. Miller, Auesha Mirza, Allen Mon, Kevin Mon, Scott Montanja, Kevin Morello, Kim Moyer, Marlene Murcia, Scott Murphy, Kathryn Noyes, Viola Ng, Joe Nguyen, Khanh K. Nguyen, Dale Ohashi, Maria Ohmoto, Patty Ohmoto, Julie Orton, Kenneth W. Owens, Traci Paul, Shannon Peterson, Kim Amh Pham, Thuy T. Pham, Kevin E. Pollock.

Timothy S. Powers, Robert Puskas, Ron Ramirez, Michael Roberts, Matthew Rocke, Susan Rogers, Beverly Rodriguez, Rosalia I. Rodriguez, Kirby Rollins, Steven Ross, Dennis Rudolph, Loretta Salcido, Ricki Scholl, Suzi Sharum, Janiece S. Shelton, Paul Shirts, Tammy Shrigley, Tammie J. Siefert, Steven Slick, Etan Swenson, Karen L. Summers, Alex Takagi, Krista C. Taylor, Inger C. Thompson, Lorraine Terpening, Corrine Terres, Dee Tidwell, Khai Tran, Thanh Tran, Thuhang Tran, Thunh Tran, Toan Tran, Adel Truisi, Anthony Tubbs, Dale Turner, Teresa Valis, Robert Walker, Shellie Walker, Eric A. Watanabe, Wendy L. Weinberg, Thomas Wickenhisser, Kenneth L. Wong, and Jannette Yang.

Mr. Speaker, please join me in saluting these outstanding young people for their worthwhile achievements. These students have not only instilled pride in their school, but in their families and community as well.●

CAPTIVE NATIONS VIGIL COMMITTEE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. BROOMFIELD. Mr. Speaker, I enthusiastically support the fine efforts of the Captive Nations Vigil Committee. As all of my colleagues know, the committee is organizing a commemoration of those people who have lost their freedom and independence over the years to Communist totalitarianism. The commemoration will begin on July 1, and will end on July 2 at the end of a 24-hour "Chronology of Betrayal," during which a chronological history of those nations which have fallen under Communist domination will be read. In addition, a participant will read the names of the many victims of communism in those lands. In addition, testimony will be given by those who have witnessed Communist atrocities in their homelands.

I congratulate the fine efforts of the committee and I am proud to rise with my colleagues and compatriots throughout this great land in voicing our strong support, unwavering admiration, and sympathy for those nations suffering under the grip of communism.

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It is appropriate that the committee is paying special homage to those men and women of many nations who do not enjoy the independence, liberty, and human rights accorded to us in democratic nations around the world. Years ago, most Americans thought only of Eastern Europe when they thought of repression and human rights violations. This year, the violations of human freedom cover the front pages of our newspapers and Americans need no reminders of the reality of communism today. The horror of life in many countries is constantly before us. News of the deprivation of human rights in the Soviet Union and other nations comes to us with every morning's newspaper.

The suppression of human rights—freedom of thoughts, conscience, religion, and self-determination—is prevalent in many nations. It has spread from Eastern Europe to Afghanistan, and from Southeast Asia to Cuba. Through terror and deceit, the Communists have been ruthless in their efforts to control the captive peoples in these lands. Yet the hunger for freedom cannot be destroyed. It will not be destroyed by those oppressive regimes. Let us always remember that, though the struggle for freedom is painful, it is a battle well worth pursuing and a war that will be won. At this very moment, our Nation is assisting the struggling democracies in Central America and is trying to provide economic assistance to foster political stability in those beleaguered nations so that democracy can bloom. Who would want America to stand by and watch our nearby allies be slowly but surely added to the list of captive nations.

Our President's recent remarks and programs give me encouragement that the battle for freedom will be won. Unlike many past Presidents, President Reagan is vitally interested in the issue of captive nations and has made a personal commitment to this vital question. During this very period when the forces of communism are aggressively reaching out to entice more countries into their grasp, President Reagan is doing all that he can to spread the word to friend and foe alike that our Nation will not stand idly by and watch formerly free nations fall victim to communism.

I was recently encouraged by the President's efforts to dispatch Vice President BUSH to Europe to establish and talk about the International Democrat Union, an organization which will carry on the work of promoting democracy.

We should all be proud of our democratic and open system and should not be shy about telling democracy's story to the rest of the world. If we fail to accept this challenge, more countries will surely be added to the already long list of captive nations. With the importance of their mission in mind, I salute the efforts of the Captive Nations Vigil Committee and wish them well in their endeavors.●

STATEMENT FROM NATIONAL EDUCATION ASSOCIATION ON MX MISSILES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. FASCELL. Mr. Speaker, I would like to share with our colleagues a statement from the National Education Association (NEA) concerning the upcoming vote on procurement funds for the first 27 MX missiles. While I believe we need a well-trained and well-equipped defense, I share the NEA's concern about the production of excessive nuclear weaponry which can only result in a continuing and escalating arms race.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., June 29, 1983.

DEAR REPRESENTATIVE: The House of Representatives is expected to vote soon after the July 4th recess on funding authorization for the first 27 MX missiles. This is an issue of overriding importance for the future direction of our country's national security and arms control policies.

Halting funds for production will not jeopardize our national security. Production, however, will result in another dangerous escalation of the arms race by both sides.

NEA strongly urges you to oppose any funds for production or development of the MX missile and to support the Bennett/Mavroules amendment which would delete $2.5 billion for production of the first 27 missiles.

Sincerely,

LINDA TARR-WHELAN,
Director of Government Relations.●

NEW YORK STATE LEGISLATURE ADOPTS RESOLUTION IN SUPPORT OF ETHIOPIAN JEWS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. SOLARZ. Mr. Speaker, last month the New York State Legislature adopted a resolution, introduced by Senator Manfred Ohrenstein, calling upon the United States to assist this ancient Jewish community. Because of the importance of this issue, I insert this resolution in today's CONGRESSIONAL RECORD.

Similar legislation is currently before the House. I recently introduced House Concurrent Resolution 107, which expresses the concern of the Congress for the plight of the Jewish community in Ethiopia. I hope that other Members will join the 48 Members who have already cosponsored this resolution.

The Ethiopian Jewish community has survived centuries of conversion attempts by missionaries, and harassment and persecution by various regimes.

Freedom of religion is officially recognized in Ethiopia. However, according to the State Department's "Country Reports on Human Rights Practices for 1982," the Falasha, meaning "stranger or landless one," have suffered from obstacles to the practice of their religion, and other severe discrimination.

The Falasha are also among the 800,000 Ethiopians hard hit by the severe drought, Ethiopia's worst since 1973, that has swept the northern parts of the country.

As a result of their ongoing difficulties in Ethiopia, many of the Falasha have sought to emigrate so that they might live in freedom and practice their religion without interference. Unfortunately, the Ethiopian Government frowns upon emigration. Despite these restrictions, several thousand Ethiopian Jews have fled over the borders to neighboring countries where they live as refugees.

Mr. Speaker, I would like to commend and congratulate New York State Senator Manfred Ohrenstein and his colleagues for passing this resolution. Mr. Ohrenstein has long been a champion of humanitarian causes, and his resolution in support of the Ethiopian Jews eloquently asserts the importance of providing assistance to this long-suffering people.

RESOLUTION

(Legislative resolution calling upon the Government of the United States, through its President, its State Department and its Congress, to extend the help of its diplomatic offices to the Ethiopian Jews by negotiating with the several countries where they now live to permit them to depart for other hospitable shores of their own choosing)

Whereas, The Ethiopian Jews are amongst the oldest continuous Jewish communities in existence, their history extending back for three thousand years; and

Whereas, From heights of power and influence in that African country, they were finally defeated in battle and forever after experienced only poverty, landlessness, political impotency, religious persecution and discrimination; and

Whereas, Once numbering nearly one million, their present census has been radically reduced to only twenty thousand, of which several thousand are suffering bitterly as helpless refugees in another county in the Horn of Africa; and

Whereas, They have daily prayed for centuries that they might be able to live in peace and security amongst their kinsmen in other lands; and

Whereas, The United States has always been a haven for the persecuted and downtrodden of other countries, immigrants who after arrival have contributed significantly to the development of this great land; and

Whereas, This ancient group is in danger of actual physical extinction unless immediate large scale assistance is forthcoming

from a generous and powerful country like the United States; now, therefore, be it

Resolved, That this Legislative Body does hereby call upon the Government of the United States, through its President, its State Department and its Congress, to extend its diplomatic offices to this helpless group of people by negotiating with the several countries where they are now living to permit them to depart for such other hospitable shores of their own choosing; and by providing whatever assistance is necessary in the form of a significant number of visas, grants for travel and maintenance, and aid in their absorption in this country, if such is required; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President of the United States, the Secretary of State, the entire New York State Congressional Delegation, and to such other individuals and organizations that can assist in this lifesaving mission.●

DIVEST IN SOUTH AFRICA

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, as a member of the Arms Control and Foreign Policy Caucus, I would like to urge my colleagues to consider the merits of a debate sweeping universities across the country regarding American investment in South Africa. There seems to be a growing ground swell of support for U.S. divestiture.

I would like to commend to my colleagues the following New York Times op-ed piece, "No, Instead Divest," of June 24, 1983 by Harvard professors Michael Joseph Smith and Stanley Hoffmann, who argue first, that foreign investment in South Africa does not increase U.S. leverage over South Africa's internal policies; second that American investment does not necessarily benefit black workers and third that continued investment in South Africa runs the risk of condoning, perhaps even strengthening, injustice.

I would urge each member to read this article, to consider its message not only to American universities, but especially to ourselves as legislators who will be considering next month various proposals that review our Nation's ties to South Africa.

. . . NO, INSTEAD DIVEST

(By Michael Joseph Smith and Stanley Hoffmann)

Cambridge, Mass.—Why should American universities divest from companies that do business in South Africa? The most powerful reason is the character of the South African regime: No government since Nazi Germany has been so infected with an official ideology of racial supremacy.

Repression in South Africa is institutionalized throughout society. Blacks are systematically denied the most basic human rights. Philosophers often disagree about whether these basic human rights are essentially civil and political in character or social and economic, but in South Africa, the issue does not arise: The majority population of blacks, Asians and the people of mixed race known as colored lives under a minority regime that forcibly prevents them—with all the trappings of legality—from exercising both their political and economic rights. In short, South Africa is a uniquely malign, racist police state for which the sanction of corporate withdrawal is appropriate.

Of course, many of those who favor continued investment and business-as-usual with South Africa disapprove of apartheid. The problem is how best to demonstrate our disapproval and affirm our commitment to the values of universal human dignity that are at the heart of all institutions devoted to the pursuit of learning and truth. Opponents of divestiture argue, first, that it is ineffective; second, that it is costly; third, that it may even make things worse for those most oppressed; and fourth, that divestiture amounts to naive moralism. Harvard University's president, Derek Bok, for example, recently said proponents of divestiture are "counseling us to run from evil rather than work to overcome it. . . . Realistically, there is little that a university in the United States can do to overcome the evils and injustices in a land far removed from our own."

We respectfully disagree. Universities in particular have a special responsibility to act in accordance with the values upon which they are founded, and that responsibility may entail taking a clear and unambiguous stand for what is right—even if its effects are not immediate. The movement to abolish the slave trade and prohibit slavery in early 19th century Britain is instructive here: Had its leaders been guided by considerations of immediate effectiveness and cost, their campaign would have died at birth. On some basic issues, doing the right thing is important in itself. On apartheid, universities should be leading, not apologizing.

Of course, many argue that shareholder resolutions to require adherence to the voluntary code devised by the Rev. Leon Sullivan, a Baptist minister, for businesses operating in South Africa are more effective than divestiture and withdrawal. But even if such efforts aimed at promoting "change from within" were lasting and sincere—a dubious assumption, at best—they have obviously failed to make the slightest dent in the overall system of apartheid. If anything, the situation in which 250,000 people are arrested each year for violations of restrictive racial codes has become worse.

Concerning the financial cost of divestiture, we appreciate the problem but believe it to be overstated. No one is asking universities to dump all their stock at a loss tomorrow. What matters is establishing the principle of divestiture as a goal.

Will divestiture exacerbate conditions among black workers? In certain cases it might—but very major black leader and group has nevertheless called for corporate withdrawal. As Bishop Desmond Tutu, General Secretary of the South African Council of Churches, has said, "We ask our friends to apply economic pressure . . . . Our last chance for peaceful change lies in the international community applying political, diplomatic and especially economic pressure."

Moreover, it is doubtful that foreign investment has improved the position of black workers. The gap between white and black wages is widening, and employment opportunities remain vastly unequal. More and more, the assertion that American investment helps poor blacks smacks of questionable rationalization.

Finally, proponents of divestitute are charged with seeking an unattainable moral purity. Certainly the danger of ineffectual moralism exists—and as teachers of ethics in international relations we are well aware of its pitfalls. But there is also a danger of justifying present policies of investment: pious hypocrisy or the (however reluctant) condoning of evil.

We believe it is not naive, but moral, to divest. Divestiture means more than washing our hands of the guilt of association. It is a constructive act designed to put pressure on an evil system and demonstrate in the clearest way possible that American universities are committed to the fundamental value of our common humanity.●

HONORING THE EAST LOS ANGELES COMMUNITY UNION 1981-82 BOARD OF DIRECTORS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. TORRES. Mr. Speaker, Senator Robert Kennedy when serving as a U.S. Senator from New York, set into motion legislation that was to have far-reaching effects for poor people in America. He was the prime mover of title VII of the Economic Opportunity Act. Title VII authorized the U.S. Government to assist qualified urban and rural communities in answering unattended socio-economic problems through a community-controlled organization.

Early in 1968, the University of California at Los Angeles (UCLA) and the United Auto Workers (UAW) had joined together with other concerned unionists and community residents to improve the quality of life of the largest Mexican-American barrio in the United States. This became the mandate for the East Los Angeles Community Union (TELACU).

Supported by title VII designation as a community development corporation, it forged boldly ahead designing and setting strategies for resolving chronic unemployment, substandard housing, needed transportation, inadequate health care, and a myriad of other issues.

Mr. Speaker, the most notable aspect of this undertaking was that from the very inception of TELACU, its board of directors—made up of some of its original pioneers and community residents—were the driving force behind the plan to rebuild the face of East Los Angeles. Today, they direct and authorize venture strategies in an effort to create community income and job opportunities.

Mr. Speaker, TELACU stands out today as a model community-controlled organization. Known throughout the United States and the world as

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an example of how low-income Americans working through great adversity, hard work, democratic principles, and commitment to their community can indeed succeed.

Mr. Speaker, on July 8, 1983, TELACU will honor many of its early founders and 1980-81 board members. I have the honor to submit to my colleagues in the House of Representatives, the names, posts, and dates of service of the TELACU board members. They are to be commended for having accepted a challenge at a time in history that was bleak and dark for poor people. Today, there is light and optimism and they leave a legacy for others to follow with pride and to emulate with honor.

The East Los Angeles Community Union
Board of Directors, 1981-82

Joe L. Gonzalez, Chairman, 1/1/81 to 10/5/82.

Dolores Carrillo, Interim Chair Secretary, 10/5/82 to 12/31/82 and 1/1/81 to 10/5/82.

Mauricio Terrazas, 1st Vice Chair, 1/1/81 to 10/26/82.

Jay Candelaria, 2nd Vice Chair, 1/1/81 to 12/31/82.

George Solis, Treasurer, 1/1/81 to 12/31/82.

Jose Elizondo, Member, 1/1/81 to 12/31/82.

Carlos G. Garcia, Member, 1/1/81 to 12/31/82.

Pilar Hernandez, Member, 1/1/81 to 12/31/82.

David C. Lizarraga, Member, 6/23/81 to 12/31/82.

Gordon Moreno, Member, 1/1/81 to 12/31/82.

Antonio Parocua, Member, 1/1/81 to 4/19/82.

Hank Gonzalez, Member, 4/28/81 to 4/19/82.

Fernando Guzman, Member, 4/28/81 to 3/16/82.

Alex Sotomayor, Member, 1/1/81 to 5/27/82.●

EXPORT ADMINISTRATION ACT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. ROTH. Mr. Speaker, during July the House may begin consideration of the Export Administration Amendments Act of 1983 (H.R. 3231). No other trade statute so intimately intertwines international trade, foreign policy, and national security. Recently, the Committee on Foreign Affairs approved amendments to the existing statute which impose on the executive branch requirements to eliminate certain national security controls or limit the effectiveness of foreign policy controls.

For more than 30 years, this legislation has enabled Congress and the President to cooperate and jointly determine the degree to which militarily sensitive goods and technologies should not be sold, directly or indirectly, to the Soviet Union and other potential adversaries. In light of the Supreme Court's invalidation of the legislative veto, it is all the more important that Congress and the White House find a common ground on export control policy.

In the Subcommittee on Economic Policy and Trade, we have worked diligently to strike a proper balance between business, Congress, and the administration. I share my colleagues' concern that U.S. trade policy encourages exports. However, the primary purpose of the Export Administration Act is to restrict exports. The justifications for these restrictions must meet a prescribed set of conditions. Among the primary objectives of the current act are "to reduce the number of items subject to validated license controls" for reasons of national security and "to establish a set of criteria and procedural requirements to govern the use of foreign policy controls." Republicans and Democrats on the committee were unanimous in endorsing these objectives when the current law was written in 1979.

The approach reflected in H.R. 3231 eliminates a number of important national security and foreign policy controls as opposed to adding definition and clarity to the conditions enabling the President to act. If the legislation as drafted were to become law, there would no longer be a requirement for U.S. exporters to obtain validated export licenses for exports to most of Western Europe and Japan. At the same time, the bill obliges the President to undertake negotiations with our major trading partners to improve multilateral export controls over militarily sensitive goods and technologies.

Since 1949 the United States has participated in an informal coordinating committee of Western trading nations, known as Cocom, to restrict the transfer of militarily related items to the Soviet Union. As a result of the administration's deep concern over the transfer of such goods and technologies to the Soviets, the first high-level meeting of Cocom principals was held in January 1982. As a result of this ministerial meeting, and a subsequent meeting in October 1982, Cocom by unanimous agreement accepted the U.S. position to consider placing technologies—as opposed to products—on its list of controlled items. If the United States weakens its commitment to maintaining and enforcing a system of multilateral export controls, the Europeans and the Japanese will surely respond by weakening their own controls. The only winner will be the Soviets, who have embarked on a massive campaign to acquire the fruits of Western research and development.

There are alternatives to eliminating without a suitable replacement export controls which do protect the national security. It involves Congress requiring the executive branch to develop a list for goods, technologies, and keystone equipment which are genuinely militarily critical to the Soviets. The bill contains an amendment complete a militarily critical technologies list. It offers an alternative to several other provisions which lift controls instead of attempting to improve the control system.

H.R. 3231 also severely restricts the President's ability to impose the conduct of modern diplomacy; there are very few options before the President. There are times when the United States must be able to react with all deliberate speed to make its position known. One of the few instruments of crafting foreign policy is economic and trade sanctions. Foreign policy controls must be guided by four principals:

First, they must be timely;

Second, they must control exports for the United States;

Third, they must, to be effective, have extraterritorial application;

Fourth, they must include the authority, in certain special circumstances, to place foreign policy objectives over the terms of existing contracts.

However, the committee approved the elimination of extraterritorial controls in the absence of a joint resolution—the same instrument required for a declaration of war. International trade is a partnership between the President and Congress. Rather than restricting his foreign policy authority, Congress has the legislative prerogative to set down guidelines in which the President can exercise his constitutional responsibilities.

When this legislation comes to the floor, amendments will be offered to clarify and define the President's authority to control exports. Provisions in H.R. 3231 which compel the President to place individual export sales above major policy and national considerations should be modified.

The Export Administration Act is a highly complex and technical statute. It must be approached from three vantage points: Trade, national security, and foreign policy. There must be a balance among these factors. This legislation is very complex and lends itself to multiple value judgments. Therefore, I ask that my colleagues review this legislation in detail.●

THE MAGIC CITY

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. ERDREICH. Mr. Speaker, industry created the city of Birmingham, Ala. Incorporated in 1871 with a population of only 1,200, it became a booming town 20 years later that was nicknamed "The Magic City" because of its rapid growth.

Birmingham is the only spot in the world where iron ore, limestone and coal, the raw materials necessary for making iron and steel, are found in abundance. Coal and ore mining and steel production brought jobs to hundreds of thousands in the area in the early 1900's and economic prosperity to the city.

Basic changes in many industries and today's poor economic conditions may have stilled many of the coke furnances and closed many coal and ore mines in Jefferson County, but the life and activities that abounded when Birmingham was the "Industrial Center of the South" will endure, thanks to Mrs. Marjorie White of Birmingham, author of the book "The Birmingham District: An Industrial History and Guide." Mrs. White is also the author of "Downtown Birmingham—Architectural and Historical Walking Tour Guide."

I would like to commend Mrs. White for her accomplishments and for her desire to make certain that the history of the growth and development of Birmingham and Jefferson County is preserved for future generations.

The text of an article in the June 13, 1983, Birmingham Post-Herald applauding Mrs. White for her activities, follows:

[From the Birmingham Post-Herald, June 13, 1983]

THE MAGIC CITY

(By Carolyn Stern)

People came out of their houses in Docena and Brookside to stare and wave at the Greyhound bus that labored around corners designed for one-lane auto or buggy traffic.

It was a painless history lesson for the bus passengers. They were getting a first-hand look at towns that make up the industrial past of the Birmingham area, described in "The Birmingham District: An Industrial History and Guide."

Author Marjorie White stood at the front of the bus, giving a running commentary on the workers' and superintendents' houses, company stores and ghost towns.

The tour, and others like it, represent the third and final point of Mrs. White's research of the area over the past eight years.

She says her purpose has been to document the history, publish it and, above all, to get people out on tours to see the remnants of the time around the turn of the century when Birmingham was just awakening to its strength as an industrial giant of the South.

"In recording the past, we're taking the best from the past and interpreting it for future generations."

A romance language major, with a master's degree from Yale University, Mrs. White says she didn't take history in college because "it was too boring."

Born in Pittsburgh, she lived in Chicago before moving to new Orleans when her father, Dr. Herbert Longenecker, became president of Tulane University.

She says she and her parents "worked out a deal" about her college education—that if she stayed at home and went to Newcomb College (at Tulane), she could travel in the summer and increase her language proficiency. She spent summers in Canada, Mexico and Europe.

Her husband, Jim, is from Birmingham and they moved back in 1968.

Mrs. White taught French for a while at the University of Alabama in Birmingham, and one student remembers that she made learning French as much fun as learning history.

Along with verb conjugation and study of Antoine de Saint Exupery's "The Little Prince," the class learned to give a rousing rendition of "La Marseillaise" and feasted on Camembert cheese, French bread, strawberries and champagne.

When she and her husband started their family (three children in three years), Mrs. White says she realized her traveling might be somewhat curtailed, so she turned her attention to finding out about the town in which she lived.

After becoming associated with the Birmingham Historical Society in 1975 and finding there was no definitive guide to Birmingham's history, she took on the chore of developing one.

Though she calls the Birmingham District book (published in 1981) her "magnum opus," she is also the author of "Downtown Birmingham—Architectural and Historical Walking Tour Guide," published in 1977.

Tours of the downtown area began in 1978, and Boy and Girl Scouts earn badges declaring they have taken part in identifying landmarks and architectural details.

Mrs. White says she tried out the student tours on her children. "And they gave me their opinions. When they were younger, they said, 'Why do you want to do that? Those buildings are so dirty.' "

Now Marjorie Lee, 13, James, 12, and Goodloe, 11, work along with their mother on her projects. Marjorie Lee served as hostess on the recent bus tour, passing out apples, lemonade and cookies.

Mrs. White credits her husband, who is an investment banker, with practical assistance on book publishing. "It was my husband who had the writing and publishing expertise—and financial background."

She says the role of volunteer fits in with her lifestyle.

"I couldn't work 9 to 5. I think my own creativity would be killed. I put in 40-50 hours a week with the historical society, but not 9 to 5."

It's easy to believe her statement that she never gets nervous or bored. She doesn't have the time. She has enough projects lined up to occupy her for at least another three lifetimes.

Now she's working at Sloss Furnance, helping chart foundations of coke ovens that are being uncovered. She says she spends her time fighting fire ants and noonday heat instead of relaxing in her backyard with a cool lemonade because, "They need help."

And the project is interwoven with her research for the Birmingham District, she says. Coal from the mining towns like Cardiff, Brookside and Blossburg was brought to the Sloss Furnace.

"Plus," she says, "I've never been on a 'dig' before, and it's right here in downtown Birmingham."●

A HERO RETURNS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Ms. KAPTUR. Mr. Speaker, it is with great pride that I rise today to bring to your attention the story of one of my constituents, Mr. Alexander Drabik of Holland, Ohio.

During World War II, Sergeant Drabik was in command of a unit of Army riflemen. On March 10, 1945, at Sergeant Drabik's initiative, this unit crossed into German territory over the Rhine River at Ramagen. By capturing this bridge and breaking down German defenses beyond it, Mr. Drabik's surprise maneuver was instrumental in assuring the Allies victory in Europe. As the first American to set foot over the Rhine at Ramagen, Mr. Drabik was hailed as a hero and praised as a soldier with an extraordinary ability to lead and inspire others. This feat has been called the turning point of the war on the western front according to the Chicago Sunday Times. For his bravery, Alexander Drabik was awarded our Nation's second highest medal of valor, the Distinguished Service Cross.

I stand today to tell you of Mr. Drabik's action because 37 years after first crossing the Rhine, Mr. Drabik will soon travel to Germany for a reunion with his unit. As Mr. Drabik returns to visit Germany, I believe it is fitting that we assure him that his brave actions during the war are not forgotten, and that we again commend his courage and the courage of those who served under him.●

IN OPPOSITION TO THE MX MISSILE

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. RATCHFORD. Mr. Speaker, I would like to share with my colleagues an open letter to the U.S. Congress from the Lawyers Alliance for Nuclear Arms Control in opposition to the land-based MX missile.

The National Board of Directors of the Lawyers Alliance for Nuclear Arms Control, Inc. unanimously calls upon the Congress of the United States to adopt an immediate six-month moratorium on MX missile production funds in fiscal year 1984. Believing that the recent action of the Congress in authorizing 1983 testing funds for the MX was ill-considered, the Lawyers Alliance views a six-month moratorium as a minimum necessary step to preserve our national interests and security.

Congress should impose this six-month moratorium so that the United States may seek a mutual and verifiable freeze on testing and deployment of all new multiple-warhead ICBMs. The procedure would be similar to that taken with regard to the 1983 testing funds and would be consistent with the overwhelming approval by the U.S. House of Representatives of the Freeze resolution on May 4, 1983.

Moreover, in letters to Members of Congress on May 11 and 12, 1983, the President pledged to take new steps to advance nuclear arms reduction. These steps cannot be taken and evaluated before the Congress votes on the procurement of the MX missile unless there is a moratorium. This moratorium would allow the President to comply with commitments made to Congress in securing 1983 funding, and provide an opportunity to seek a mutually beneficial freeze on new American and Soviet multiple-warhead land-based missiles.●

SERGEANT HAMPTON, DEDICATED PUBLIC SERVANT, RETIRES FROM THE CYPRESS POLICE DEPARTMENT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. PATTERSON. Mr. Speaker, on June 17, 1983, a very dedicated Cypress police officer was honored by his family, friends, and many appreciative citizens for his loyal service to the community. He was honored on the occasion of his retirement. I know my colleagues in the House want to join with me in honoring this man.

Police Sgt. Walter F. Hampton is a 21-year veteran of the Cypress Police Department. He was first hired as a police officer on January 22, 1962. In 1968, he became a police agent, and was promoted to the rank of police sergeant in 1969.

Sergeant Hampton has had a very distinguished career. He holds the distinction of being honored as the first Officer of the Year in Cypress in April 1967. In addition to the commendations he has received for his outstanding work, Sergeant Hampton has attended many specialty schools. He has earned the intermediate, supervisory, and advanced certificates from the Commission on Peace Officer Standards and Training.

Sergeant Hampton's career has included work as the vice intelligence officer, the watch commander in the patrol division, and the operational supervisor of the support services division. He has also served in the investigations division.

Sergeant Hampton has had the loving support of his wife, Patricia, for over 33 years. The Hamptons are La Habra residents, and have been blessed with three children.

Mr. Speaker, the contributions of Sergeant Hampton to the security, safety, and betterment of the Cypress community can never be fully recognized. I know my colleagues in the House wish to join with the many Cypress citizens in wishing this fine man every success as he begins a new phase in his life.●

NEED TO PROVIDE EFFECTIVE SOIL CONSERVATION PROGRAMS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. JONES of Tennessee. Mr. Speaker, the problems of soil erosion and the need to provide effective soil conservation programs is a challenge that the Congress has faced often in the past. Despite our continued record of support for soil conservation programs, we still have a serious problem of soil erosion and waste in this Nation. Such waste cannot be allowed to continue without extracting a serious toll on our future economic strength, so it is a matter of vital concern to all of us.

Our traditional approach has been to provide research, education, technical assistance, and economic incentives to farmers, ranchers, foresters, and other land users, in order that they might be encouraged to carry out good soil conservation management as part of their daily operations on the land. This approach is widely supported and has been credited with prevention of tremendous amounts of damage that would otherwise have occurred.

But the record today tells us that the traditional approaches continue to fall short. Soil erosion rates are too high, and farmers are finding it hard to install and maintain needed conservation systems. Part of the problem, I believe, is the impact of Federal farm programs themselves. Too often, they provide the financial incentive which leads farmers to carry out land-destructive practices or else penalize the farmer who tries to do a good job on his land. I am convinced that these adverse effects of Federal programs—even if they are completely unintentional effects—can and must be stopped.

It is in that light that I am today introducing the Soil Conservation Act of 1983. I am indeed pleased that three of my colleagues from the House Agriculture Committee are also joining me as original cosponsors: Mr. COLEMAN of Missouri, the ranking minority member of the Conservation Subcommittee which I chair; Mr. HARKIN of Iowa; and Mr. JEFFORDS of Vermont.

This bill has three operating titles. The first would halt the Federal subsidies that have helped underwrite the cultivation of marginal lands. It would not prevent a farmer from cultivating any land he wishes to cultivate, but if it is land where the scientifically determined capability is such that continuous cultivation will result in excess soil erosion or land damage, the farmer would have to farm that land without the assistance of Federal income support or financial incentive programs.

The second title would allow farmers who wish to utilize crop rotations, grass or legume seedings, hay, pasture, or similar crops as a means of preventing soil erosion and building up their soil to do so without running the risk of incurring penalties in the event of a future crop stabilization program. The device proposed in this legislation is a "certified voluntary set-aside," where farmers would certify to the U.S. Department of Agriculture that certain lands are being set aside on a voluntary basis for conservation purposes. These voluntary set-asides would not cost the Federal Government any money—the farmers would not be paid for setting them aside. Through this program, we could cut back on surplus crop production and improve soil conservation at the same time—and at no public expense.

But when a future farm program is announced, the farmers who have entered the certified voluntary set-aside would have some advantages over their neighbors who have chosen to raise grain fence-to-fence. That would reverse the situation we have today, where the fence-to-fence grower has the advantage.

Under this legislation, the farmer with the voluntary set-aside would have his normal crop acreage base computed on the basis of the crop rotation in effect at the time he entered the voluntary set-aside. In other words, he would not lose his crop history because of a good conservation system. If a mandatory set-aside is called for, he would be able to designate any of his voluntary set-aside acres to meet those mandatory requirements. By complying with any regulations imposed by the Secretary at that time, he could meet the program requirements more easily as a result of having voluntarily chosen a conservation system and having gone through the effort to keep it certified with USDA.

Mr. Speaker, neither of these programs would cost the Federal Government anything significant in terms of Federal outlays. All that either of them would require would be modest administrative costs. No funds would be needed for direct payments to farmers. These programs would not solve all our conservation problems, however, and there will be other programs needed which would require continued Federal appropriations. I believe that these low-cost, commonsense approaches should be instituted as soon as possible in order to keep budget outlays down and make the other Fed-

eral conservation programs that much more effective.

The third title in the Soil Conservation Act of 1983 is what I call the "conservation reserve program." It would consist of a paid diversion aimed at the croplands which suffer the most serious soil erosion. Soil erosion studies indicate that erosion damage is far higher on some croplands than on others. Again, these are lands which can be identified by the Soil Conservation Service on the basis of their scientifically determined soil properties, slope, and climate.

I believe that getting these lands out of intensive crop use would be the most cost-effective way for the Nation to dramatically reduce soil erosion and the tremendous price it is extracting from us all. The increased water pollution, flooding, dust storms, and other damage coming from those seriously eroding croplands damages every American, and I think it is in the public interest to pay what is needed to halt that damage. This is a program which would require Federal spending—I see no way around that. But I do feel it would be cost-effective spending and would result in more than a dollar's worth of damage reduced for every dollar we spend.

Mr. Speaker, I urge my colleagues in the House to seriously study the proposals contained in the Soil Conservation Act of 1983. I think they offer the chance to move toward Federal programs that do the job without excessive Federal outlays and with full regard for the private rights of farmers. The need is significant, and the time to move is now.

At this point, I insert the text of the Soil Conservation Act of 1983 to be printed following my remarks.

H.R. 3457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Soil Conservation Act of 1983.

TITLE I—POLICY, FINDINGS, AND DEFINITIONS

POLICY

SEC. 101. Congress hereby reaffirms its policy to promote soil and water conservation, improve the quality of the Nation's waters, and preserve and protect natural resources through the use of effective conservation incentives that encourage farmers participating in all federal programs to carry out good soil conservation management on a voluntary basis and through the minimization of federally-funded incentive programs that have the effect of encouraging farmers to violate basic soil conservation principles in their agricultural operations.

FINDINGS

SEC. 102. Congress finds that—

(1) lands classified as "erosion-prone" or "highly erodible" under the Land Capability Classification System typically have estimated annual soil erosion rates from sheet, rill and wind erosion that are from double to ten times as high as the average soil erosion rates for all croplands;

(2) the Land Capability Classification System, as outlined in USDA Handbook 210, dated in 1961, has proven to be a reliable guide, based on scientific soil measurements, to predict the capability of different soils to sustain continuous cultivation without excessive soil erosion damage;

(3) that there are lands currently being cultivated which are eroding at such serious rates that their continued productivity is doubtful, while serious problems of airborne dust, drifting sand dunes, and sediment in water are being created as a result;

(4) that Federal programs which provide economic incentives and income support to farmers are, under certain conditions, having the effect of encouraging or subsidizing the cultivation of erosion prone and highly erodible lands;

(5) the substantial benefits of growing grasses and legumes in a crop rotation for building soil productivity and reducing soil erosion have long been recognized by agriculturalists and conservationists; and,

(6) many farmers who would otherwise use perennial crops such as grasses and legumes in a crop rotation with grain and other cash crops are discouraged from doing so out of fear that a future crop stabilization program will not recognize those acres as part of the cropland base, and will not allow such acres to be designated as land currently in conservation use thereby meeting the set-aside provisions in the stabilization program.

DEFINITIONS

SEC. 103. As used in this title—

(1) the term "agricultural commodity" means any agricultural product planted and produced by annual tilling of the soil, including one-trip planters; and

(2) the term "conservation district" means any district formed under state or territorial law for the express purpose of developing and carrying out a local soil and water conservation program. Such districts may be called "conservation districts," "soil conservation districts," "soil and water conservation districts," "resource conservation districts," "natural resource districts," or a similar name.

(3) the term "erosion-prone cropland" means land classified by the Soil Conservation Service as classes IIIe, IVe, VI, VII, and VIII under the Land Capability Classification System and upon which cultivated or rotation crops have been grown in three out of the past five years.

(4) the term "highly erodible land" means land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the Land Capability Classification System.

(5) the term "Land Capability Classification System" is an interpretive grouping of soils based on a system set forth in U.S.D.A. Handbook 210, "Land-Capability Classification" and administered by the Soil Conservation Service. The definitions and specifications for all classes of land under the Land Capability Classification System, including the definitions of "erosion-prone cropland" and "highly erodible land," shall be those in effect on the day of enactment of this Act and published in the Federal Register within 60 days of such passage. The capability class for a field shall be that determined by the Secretary of Agriculture to be the "predominant" class under regulations issued by the Secretary.

(6) the term "Secretary" means the Secretary of Agriculture.

TITLE II—PROGRAM ELIGIBILITY ON HIGHLY ERODIBLE LAND

SEC. 201. (a) Except as provided in subsection (b) and notwithstanding any other provision of law, following the date of enactment of this Act any person who produces an agricultural commodity on highly erodible land shall be ineligible, as to that commodity produced on such land, for—

(1) any type of price or income support assistance on such commodity made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act of (15 U.S.C. 714 et seq.) or any other Act;

(2) a loan for the construction or purchase of a facility for the storage of such commodity made under section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(3) crop insurance for such commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(4) a disaster payment for such commodity made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(5) a new loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law administered by the Farmers Home Administration, if the Secretary determines that such loan will be used for a purpose which will contribute to excessive erosion of highly erodible land.

(b) Subsection (a) shall not apply to—

(1) any land which was cultivated by a person to produce any of the 1973 through 1982 crops of agricultural commodities;

(2) any agricultural commodity crop planted by a person before the date of enactment of this Act;

(3) any agricultural commodity crop planted by a person during any crop year beginning before the date of enactment of this Act;

(4) any loan described in subsection (a) made before the date of enactment of this Act; or

(5) any agricultural commodity crop produced using a conservation system that has been approved by a conservation district and that is based on technical standards set forth in the Soil Conservation Service technical guide for that conservation district. In areas where no conservation district exists, the Secretary shall determine the adequacy of the conservation system to be used in the production of any agricultural commodity on highly erodible land.

TITLE III—CERTIFIED VOLUNTARY SET-ASIDE

SEC. 301. (a) Notwithstanding any other provision of law, the Secretary shall formulate and carry out a program to allow owners and operators of cropland as defined in subsection (c) to certify that certain croplands have been planted to approved perennial crops of grass or legumes as part of a crop rotation pattern designed to reduce soil erosion or build soil productivity. Such certification shall be renewed annually by a statement to the Secretary wherein the continued existence of an adequate stand of the approved crop on the designated land is verified.

(b) For purposes of establishing a list of approved grass and legume crops to be used in each county, the Secretary shall utilize the state and local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act who shall, prior to determining such list, consult with the conservation district in the county, the Soil Conservation Service, and the local agent of the Cooperative Extension Service.

(c) Croplands eligible for certification under subsection (a) shall be classified by the Soil Conservation Service as Class I, II, III or IV (or any subclass within those major classes) under the Land Capability Classification System, and shall have been managed for the production of harvested crops as defined in Subsection (d) for the five (5) preceding years.

(d) For the purpose of establishing cropping history, the Secretary shall require farmers to certify that eligible croplands have been used for the harvest of field crops, grass seed, hay, haylage, or other forage products by mechanical means or grazing livestock, or have been managed as a grassed waterway or grassed filter strip as part of a soil conservation system developed in cooperation with the conservation district. If normal or planned harvest in any of the preceding five (5) years was prevented by a natural disaster that prevented normal harvest or reduced crop growth to the extent that no harvest was feasible, the Secretary may consider the land as having been used for approved cropland purposes during that year.

Sec. 302. (a) In the administration of any future commodity stabilization program authorized under the Agricultural Act of 1949 or any amendment or subsequent amendment thereto, the Secretary shall allow farmers who have certified lands under Section 301 prior to the announcement by the Secretary of such commodity stabilization program and who have maintained those lands in the voluntary set-aside program through annual reporting to designate those certified lands as cropland in rotation for the purpose of establishing a normal crop acreage base for their farm.

(b) In designating conserving use acreage under any future commodity stabilization program authorized under the Agricultural Act of 1949 or any amendment or subsequent amendment thereto, farmers may designate lands certified under Section 201 prior to the announcement by the Secretary of such commodity stabilization program as set-aside land or conserving use acreage under the rules of such commodity stabilization program, providing that all conditions established by the Secretary as to management and harvesting of crops on set-aside land or conserving use acreage are met by the farmer.

TITLE IV—CONSERVATION RESERVE PROGRAM

Sec. 401. (a) Notwithstanding any other provision of law, the Secretary may formulate and carry out a program with owners and operators of erosion-prone land to assist such owners or operators to make, in orderly progression, changes in their cropping and land use systems needed to conserve, develop, protect, and use the soil and water resources of their farms, ranches, or other lands and to implement the soil and water conservation measures and practices needed under such changed systems and uses. In assisting such owners and operators, the Secretary shall provide contracts covering other than erosion-prone land upon a demonstration by the conservation district that a serious soil erosion problem exists on such land.

(b) The Secretary may enter into contracts of not less than seven or more than fifteen years for the purpose of carrying out this section. In such contract, the owner or operator shall agree—

(1) to effectuate a plan approved by a conservation district for the farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirements thereof are waived or modified by the Secretary;

(2) to forfeit all rights to further payments under the contract and refund to the United States all payments, with interest, received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil conservation district and the Administrator of the Soil Conservation Service, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

(3) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments under the contract and refund to the United States all payments received thereunder, unless the transferee of any such land agrees with the Secretary to assume all obligations under the contract;

(4) not to adopt any practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract; and,

(5) to such additional provisions as the Secretary determines are desirable and are included in the contract to effectuate the purposes of the program or to facilitate the practical administration thereof.

(c) In return for such agreement by the owner or operator, the Secretary shall agree to provide technical assistance, to share the cost of carrying out the conservation measures and practices set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest, and to pay an annual land rental fee on those acres of erosion-prone cropland that are placed in a conservation use for the duration of the contract.

(d) In determining the amount of cost-sharing for conservation measures and practices under this section, the Secretary shall determine that part of the total cost that is necessary and appropriate to effectuate the installation and maintenance of the conservation plantings and practices for a normally expected life of such a planting or practice. Payment shall be made in accordance with a formula developed by the Secretary to take into consideration—

(1) the costs of establishing and maintaining the agreed-upon coservation measures, plantings, and practices for a normal life-span;

(2) the severity of the erosion hazard on the land to be converted from cropland to permanent cover; and,

(3) the willingness of the owner or operator, as evidenced in the contract, to apply the conservation measures as specified in the contract early in the life of the contract and maintain them for their normally expected life.

(e) In determining the amount of land rental to be paid for the retirement of erosion-prone cropland to conserving uses for the life of the contract, the Secretary shall accept bids from the owners and operators. In considering bids for acceptance, the Secretary shall give priority to those that will give a combination of—

(1) the lowest cost per ton of soil saved on the diverted land, as calculated by the difference between the estimated soil loss on the pre-contract cropping system employed by the owner or operator and the system that will be installed as a result of the contract; and,

(2) the lowest cost per acre/year of erosion-prone cropland diverted, taking into account both the amortized value of the cost-sharing required for installation of conservation measures and practices and the proposed per-acre rental fee contained in the bid proffered by the owner or operator.

(f) Notwithstanding any other provision of law, payments under this section shall be made in cash or in in-kind commodities in such amounts as agreed upon and specified in the contract.

(g) The Secretary shall provide the owner or operator the option to elect to receive payments under this section on a schedule, as outlined in the contract, that provides for a close correlation between the time the costs for conservation measures and practices are incurred by the owner or operator and the time the Secretary makes the payments to the owner or operator.

(h) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the program.

(i) The Secretary shall provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops to establish vegetative cover for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program.

(j) In carrying out the program authorized by this title, the Secretary may use the funds, facilities, and authorities of the Commodity Credit Corporation.

TITLE V—RULES AND REGULATIONS

Sec. 501. The Secretary shall, within one hundred and twenty (120) days after the enactment of this Act, publish in the Federal Register regulations implementing this title, including the technical definition of erosion-prone land.

TITLE VI—ADDITIONAL AUTHORITY

Sec. 601. The authority provided by this title shall be in addition to and not in place of other authorities available to the Secretary and the Commodity Credit Corporation for carrying out soil and water conservation programs.

TITLE VII—AUTHORIZATION FOR APPROPRIATIONS

Sec. 701. There is hereby authorized to be appropriated such sums as are necessary for the administration of this Act.●

H.R. 2676

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. BATES. Mr. Speaker, I rise today in support of federally funded research into the field of aquaculture.

As a long time advocate of research into alternative food sources, I am pleased to see that the House Merchant Marine and Fisheries and the Agriculture Committees have taken

such responsible action to see to the passage of the provisions in H.R. 2676. This bill will significantly serve to strengthen the national commitment to the aquaculture industry by providing $6 million in fiscal years 1984 through 1986.

Aquaculture is merely a new name for a time honored technology of producing food from the sea and from fresh water sources. Up to the present time it has been sufficient to allow traditional methods to gather these resources. Populations pressures, pollution, and the growing dependence upon these resources makes it crucial that we begin to treat our oceans and inland waterways as the all important resource that they are.

The United States is now just fifth in the world in the production of food resources from aquatic plants. For the sake of the Nation and the world as a whole, we must continue building upon the many accomplishments that have already been made in this field.

There is an undeniable and growing need for the plants and animals which are produced from aquacultural farming. As we deplete the resources of our oceans and inland waterways by pollution and over-harvesting, we begin to understand the importance of a controlled environment in which to cultivate this resource. We must recognize the great demands that will be put upon the United States to produce food and technology for a hungry world.

The National Marine Fisheries Service has estimated that aquaculture enterprises could produce 20 billion pounds of fish in 25 years. At present consumption levels, this would meet the demands of the entire State of California 12 times over.

It is estimated that by the year 2000, the demand for many aquatic foods will have doubled. It is clearly evident that unless something is done to plan ahead for this increased demand, we will have food shortages on our hands.

We need to continue Federal funding of aquaculture research to provide for the future of this critical food resource. After a time, further aquaculture advances will be supported by profit in the industry. Continued research is the primary step to insure that aquaculture will play a major role in feeding the people of the world.●

STINGTIME FOR POACHERS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. NICHOLS. Mr. Speaker, as you all know, I am an avid fisherman and hunter. I enjoy the sport thoroughly, as do many of my colleagues. However, as I was reading this week's copy of Newsweek, I was shocked and appalled to discover that there are citizens of the United States who are wantonly destroying our Nation's wildlife, not for sport, but greed. These poachers take game in our national parks and make a tremendous profit. For example, poachers can get anywhere from $2,500 to $20,000 depending on the animal. There is a market for elk antlers where hunters get $6.50 a pound from dealers. The dealers in return can get $42 an ounce for the ground antler in San Francisco. Not only that, but the gallbladder of a black bear is worth $3,000 in Asia.

These poachers are needlessly depleting our wildlife preserves, an action opposed by nature lovers and outdoorsmen.

Our National Fish and Wildlife Service is doing all it can to stop this horrible nightmare, but because of the high profitability of poaching, the illegal activities are multiplying.

I am disgusted to know that there are U.S. citizens who are breaking our wildlife laws at the expense of irreplaceable resources.

Environmentalists and sportsmen should be outraged by these reports. Personally, I condemn these repugnant actions and take this opportunity to denounce those who ruthlessly and illegally use our national wildlife for personal gain.

For the Record, I submit a copy of "Stingtime For Poachers," an article from the June 20, 1983, Newsweek which highlights the problem of poachers in our national parks.

The article follows:

Stingtime for Poachers

They are accused of offering the most-prized trophy animals of the Rockies, and for prices ranging from $2,500 to $20,000—depending on the beast—a kill was guaranteed. How could a hunting business make such a promise? By guiding clients onto public land after the fall hunting season closed, when elk, bighorn sheep, mountain goats and mountain lions are at lower elevations and much less on their guard. Last week, thanks to five undercover agents for the Fish and Wildlife Service, the business abruptly went out of business. Seven hunting guides, including Denver police detective Dale Leonard, were indicted in Colorado, and nine more indictments are expected in Montana. State and federal agents claim they have cracked the biggest poaching ring ever uncovered in the Rockies.

The Colorado operation illustrates the service's new emphasis on "sting" work. In the past, Fish and Wildlife agents and their state counterparts looked on themselves simply as game wardens, keeping an eye out for the rural poacher who killed to feed his family. With the upsurge in commercial exploitation of wildlife on public land, however, that attitude is changing rapidly. In recent years, federal agents have been deployed undercover to combat poachers in Alaska, where walruses are being hunted for their tusks; in California, where Indians have been accused of sweeping king salmon from streams with gill nets, and around Lake Erie, where in one case 1 million pounds of walleye were lifted illegally. Agents have also tracked Indians who kill bald eagles for their feathers. "This commercialization of wildlife has been prevalent in Africa, Europe and Asia for years," said Terry L. Grosz, the Fish and Wildlife Service's enforcement chief in the Rockies. "We're just finally catching up to [it]."

The reason for the rise of poaching in the United States is straightforward: profitability. The Colorado ring allegedly hunted black bears as a sideline to obtain their gallbladders and paws—two items prized by Asians. Small enough to fit inside film canisters, the bladders are sold by hunters to dealers in the United States for $100 apiece and retailed in Asia for $3,000, where in dried form they are marketed as medicine and aphrodisiacs. Bear-paw pads are sold as food (a dinner can run to $150), and grizzly claws for necklaces. Until late in 1981, when well-publicized arrests by the California Department of Fish and Game seemed to scare off much of the trade, illegal hunts were making serious inroads into the California bear population.

Aphrodisiacs: The Asian herbal-medicine market accounts for what is perhaps the West's most persistent poaching problem: the trade in elk antlers. Sold to Asians both here and abroad, ground elk antlers are used in everything from vitamins to aphrodisiacs. Every year representatives of Korean buyers make their way to tiny Gardiner, Mont., which abuts Yellowstone National Park; they assemble at the Blue Goose Bar—the hangout for "horn hunters." Hunters get $6.50 a pound, with the average set of antlers weighing 25 pounds. Dealers make their profits, too; ground antlers sell for $42 an ounce in San Francisco, says one agent who estimates that $1.5 million to $2 million worth comes out of the Yellowstone area each year.

Antler hunters can be ruthless. The U.S. attorney in Cheyenne, Wyo., is expected to announce soon the indictment of poachers who last year allegedly chased to exhaustion at least eight winter-weakened elk inside Yellowstone. After hacking the antlers off their heads, they left them to bleed to death. In most cases, though, elk antlers can be obtained without killing. Horn hunters sneak around Yellowstone and neighboring areas each spring, collecting the antlers the bull elk have shed. Federal law prohibits the removal of any natural features from a park, and the rangers take that to include the cast-off antlers. This spring Yellowstone recruited rangers from other parks—raising their number from two to seven—and set up-decoy piles of antlers with hidden cameras to try to catch the poachers in the act. The result: 28 arrests, about half the number of horn hunters apprehended in 1982. "They're getting better every year," grumbles ranger Randy King.

With current penalties for poaching rarely exceeding a light fine, the only way to curtail it is to prohibit the buying and selling of game-animal parts. That has already been done in California and Oregon. However, Colorado, Wyoming and Montana, home to great herds of big game, allow trophies or antlers to be sold provided they are taken legally—and the contrary can seldom be proved. For the game police, then, the only recourse is undercover work. "The resource we are protecting is limited," says one agent. "So I want these guys to know something—their next partner may be us."—Micheal A. Lerner with Jeff B. Copeland.●

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VOCATIONAL EDUCATION IS A MUST TO NATIONAL NEEDS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Ms. KAPTUR. Mr. Speaker, I rise today to urge my colleagues to strengthen the Federal Government's small but critical involvement in a unique part of our educational system—vocational education. Though the Federal Government provides only 10 percent of the funding for all vocational education programs throughout the country, this commitment is crucial nonetheless for the growth and sustenance of this proven job—development initiative.

I have witnessed, in my own community, the tremendous ability of vocational education to bring labor, business, and Government together to meet the training needs of the workplace. Mr. Speaker, if we acquiesce to the President's desire to consolidate the vocational education system, fewer skilled workers will be available to meet growing industry needs, unemployed workers will lose a chance to be retrained, and young people who might have gained valuable work skills will be lost as contributing members of our society. I urge my colleagues to oppose this administration's efforts to wipe out a national-level commitment to a worthwhile endeavor. The Nation is getting an invaluable return on a minimal investment.

Mr. Speaker, the impact of the President's vocational education consolidation proposal on Ohio and my district would be disastrous.

IF THE PRESIDENT'S PROPOSAL IS ENACTED

The current total budget for VEA programs is over $707 million for the States. The President's proposal would cut funding for vocational education by 43.46 percent.

Ohio would lose a total of over $14 million ($14,399,910).

In the aggregate, Ohio would have to eliminate almost 400 programs (disadvantaged, handicapped, full-time adult, consumer/homemaking, guidance counseling, career education), drop over 1,300 personnel, and leave almost 110,000 Ohioans unserved (108,396).

IMPACT ON THE NINTH DISTRICT IF THE PRESIDENT'S PROPOSAL IS ENACTED

Vocational education programs provided in the ninth district include accounting and computing, auto mechanics, data processing, carpentry, construction electricity, food service, health and community services, heating and air-conditioning, welding, machine trades, horticulture, and industrial agricultural equipment.

The Toledo School District has seen a decline in Federal assistance for vocational education. Toledo School District funding for vocational education has been:

Fiscal year:	
1980	$608,671
1981	413,972
1982	367,515
1983[1]	408,353
1984[2]	343,000

[1] Includes fiscal year 1983 continuing resolution.

[2] Under the administration proposal, these funds will have to pay for vocational and adult education.

In addition, the superintendent's office at Penta County vocational schools (which provides vocational education programs in the Swanton, Northwood, Maumee, Rossford, and Anthony Wayne School Districts) has informed me that in the last 2 years, the school lost $44,000 of Federal money for their programs for disadvantaged and handicapped students. This necessitated the loss of two staff persons. Their guidance counselor reimbursement rate was also reduced so as to increase their costs by $10,000. This could have required terminating up to five people, but the school found the funds to keep them on staff. Further, if the block grant proposal were enacted, the school estimates they would lose a total of over $160,000 which would require terminating as many as eight staff members in administration and programs for the handicapped. The level of services would also be severely impaired.

The President of Owens Technical College in my district, has said that adoption of the block grant approach at a reduced funding level ($500 million) would "wipe them out." Owens would lose $300,000, which would necessitate termination of around 10 instructor/professors.

RHODE ISLAND RESPONDS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mrs. SCHNEIDER. Mr. Speaker, yesterday the Wall Street Journal printed an article on the State of Rhode Island which, in the opinion of the congressional delegation, seriously misrepresented the resilient character and wonderful environment of our State. Today, Senators Pell and Chafee and our colleague, Mr. St Germain, and I responded. I would like to share our reply with our colleagues (attached).

Thank you, Mr. Speaker.

U.S. Senate,
Washington, D.C., June 29, 1983.

Mr. Robert L. Bartley,
Editor, The Wall Street Journal,
New York, N.Y.

Dear Mr. Bartley: The harsh and unfair portrait of Rhode Island in a recent article painted a grossly inaccurate picture that brings the Wall Street Journal's reputation for objectivity into serious question.

That unbalanced article did less than paint Rhode Island "warts and all." It painted the warts alone. It dismissed, almost as asides, many of Rhode Island's unique charms and strengths. Beauty is, of course, in the eye of the beholder . . . but we do not think that you looked closely enough.

Our state has economic problems which we freely acknowledge and are working to solve. Rhode Island has forged a strong, creative partnership of labor, business and government—the Rhode Island Strategic Development Commission—to find new solutions. The firestorm of protest ignited in our state by your article is convincing proof of both the depth and strength of this coalition.

While we understand our problems, we also understand that the solutions to these problems can be found in our strengths. Rhode Island offers a total environment and a quality of life that many have found to be among the very best in the United States.

Employers, for generations, have valued the character and reliability of Rhode Island's workforce. Much of this unique character flows from the ethnic and cultural richness of our people, who have combined from many backgrounds to make Rhode Island one of the most diverse and interesting States in America.

The compact size of our state, while perhaps a source of continuing good humor for residents and non-residents alike, also means that our residents can live in city, rural or suburban settings and still be only minutes from work or from the beaches that ring the Rhode Island coastline.

Rhode Island is a beautiful State that has something to offer everyone—breathtaking beaches, old world and new world neighborhoods, industries to provide jobs, entertainment and opportunities for growth and new businesses.

Cross pens, Gorham silver, Bostitch staplers, Brown & Sharpe machine tools, Trifari jewelry, American Tourister luggage, General Dynamics submarines, all these and many more are products of Rhode Island.

We invite you to visit Rhode Island and hope you will bring along any editors or reporters who have grown weary of commuting or tied of the high prices of "big city" living and would like to improve the quality of their lives.

You may discover what we have known all along. Rhode Island is a great way of life. We are proud to represent the fine people of this State.

Warm regards.

Sincerely,

John H. Chafee,
Claiborne Pell,
Claudine Schneider,
Fernand J. St Germain.●

LEGISLATION TO PROVIDE FOR CONTINUATION OF THE GUERNSEY SILT RUN

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. CHENEY. Mr. Speaker, I represent the members of the irrigation districts located in the Wyoming part of the North Platte irrigation project, which itself is located in both Wyoming and Nebraska. For many years,

the irrigation districts have employed on a seasonal basis a natural water conservation practice known as the silt run. A silt run allows water released from storage and containing silt to flow into the irrigation project distribution systems, lining those distribution systems and increasing their conveyance efficiency substantially.

In the past few years, the North Platte project and the Secretary of the Interior have disagreed about whether, and on what terms, the silt run should be allowed to continue. The disagreement occurs essentially because the United States some time ago purchased certain hydropower facilities from the project and now claims the right to maximize power output from them even though this would impair or prevent the silt run, a custom which clearly predates the purchase of the facilities.

I have reviewed the correspondence between the Department and the irrigation districts concerning the dispute. I have also reviewed additional materials collected and supplied to me by the irrigators. On the basis of this review, I believe it is likely that representatives of the U.S. Government promised the irrigation districts during the hydropower negotiations that the customary silt run could continue. Recent Department of the Interior analyses of the dispute appear to concede that such promises were made.[1] Nothing in the contracts between the United States and the project is to the contrary.

For these reasons, I remain unconvinced by the Department's position that its contracts, although silent on this issue, do not allow or require the continuation of the silt run, or that they would allow the Department to impose unspecified, and potentially very burdensome changes on the irrigators if the silt run interrupts power generation.

It seems to me that in this situation, the Government should be required to keep its promises, and this is what the legislation I am introducing today would do. The legislation would require the Department to continue the silt run in return for only those charges already explicitly spelled out for water deliveries under existing contractual agreements.●

THE REYE'S SYNDROME ACT OF 1983

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mrs. FERRARO. Mr. Speaker, today I am introducing the Reye's Syndrome Act of 1983. I urge my colleagues to join in supporting the bill.

The legislation I am introducing today is identical to a bill I introduced in the last Congress. It has been sponsored in the Senate by Senator Melcher, and cosponsored by 11 other Senators.

When I first introduced legislation to increase research on Reye's in 1979, the disease was very obscure, known only to those American families whose children had been afflicted by it and those members of the medical research community who were trying to understand it.

Since then, Reye's has become more widely known by the general public. Through the work of the National Reye's Syndrome Foundation, which now has 64 local chapters, public awareness has been increased of the dangers of Reye's and the need for strong support of efforts to combat the disease. One measure of the increased awareness is the fact that 226 Members of the House have cosponsored a resolution, introduced by Representative Vander Jagt, to declare the week of November 7 "National Reye's Syndrome Week." I am pleased to be a cosponsor of House Joint Resolution 49, and I urge the Committee on Post Office and Civil Service to act promptly to bring it to the floor.

Unfortunately, the strides that have been made in publicizing the dangers of Reye's have not been matched by similar strides in curtailing those dangers. While research is being conducted and some progress has been made, we still know very little about the causes of Reye's, and even less about possible cures.

There are some things we know. We know Reye's most often follows viral infections like influenza, chicken pox, or German measles, and it is most likely to strike young children, though young people up to age 18 have been afflicted. While doctors do not understand the cause of the disease, it can be successfully managed if the patient is under the care of experienced medical professionals.

Sadly, all too often Reye's is fatal because neither parents nor the family doctor recognize it quickly enough. In 1982, according to the Center for Disease Control, there were 200 reported cases of Reye's Syndrome in this country. Of these, 66, or approximately one-third, were fatal, with other cases still unresolved.

The legislation I am introducing today is designed to give the National Institutes of Health the resources to increase its research effort on Reye's. The bill establishes within NIH a Reye's Syndrome Coordinating Committee which shall fund basic and clinical research on Reye's, including its causes, diagnosis, early detection, and treatment.

To fund the research, the bill provides $1.5 million for each of the next 3 years. In addition to the research money, the bill also provides $150,000 a year for the next 3 years for the operations of Reye's Mobile Research Teams. One of the problems in establishing a body of data on Reye's has been the failure to get experienced personnel to areas undergoing Reye's outbreaks. The Mobile Research Teams would be able to gather information on the onset, diagnosis, treatment, and outcome of Reye's cases, and to attempt to identify anomalous community factors that may contribute to the occurrence of Reye's.

Mr. Speaker, this bill will cost less than $2 million a year to combat a disease that threatens our most priceless possession—our children. In these times of tight budgets, it is hard to imagine a more justifiable expenditure of funds. When one out of every three children who contract this disease are dying, we have a responsibility to do everything we can to find a treatment. I seek the support of my colleagues for this worthy cause.●

INTRODUCTION OF THE EL SALVADOR HUMANITARIAN ASSISTANCE ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. RICHARDSON. Mr. Speaker, I am introducing today a bill entitled the "El Salvador Humanitarian Assistance Act of 1983." This legislation would provide assistance to persons in El Salvador who have been displaced and are suffering as a result of the war in that country.

Much has been said about how the United States should respond militarily to the political problems in El Salvador. But we have oftentimes overlooked the hundreds of civilians who have had their homes destroyed, their crops burned, their businesses wiped out, and their livelihoods snatched away. Prompt economic assistance by the United States is necessary to alleviate the human suffering arising from the civil strife in El Salvador.

The legislation I am introducing would amend section 495I of the Foreign Assistance Act of 1961 authorizing $5 million, in addition to the amounts already available to the President, for the relief and rehabilitation of needy people in El Salvador; $3 million of this authorization is earmarked to be available through international relief agencies to the Archdiocise of San Salvador and other organizations in El Salvador that provide food, medical care, clothing, and other basic needs to the civilians in this war-torn nation.

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[1] Guernsey Silt Run—Power Interference charges: An Analysis Report, pp. 25-27 (DOI, April, 1983).

In addition, the President is encouraged to use other funds allocated under the Foreign Assistance Act for the relief of the suffering Salvadoran citizens.

Over the past few years, this Nation has sent millions of dollars in military equipment and advisers to the government in El Salvador to assist them in their war against guerrilla insurgents. But the bitter fighting continues in this small Latin American country, while families are without shelter, and children are without food or clothing.

If we feel it is necessary to send military aid to El Salvador to protect them from leftist take over, then we should certainly provide their citizens with the basic human needs which have been robbed from them as a result of the ongoing war. I urge my colleagues to join with me and cosponsor this much-needed and important legislation.●

SOME COMMENTS ON THE FEDERAL RESERVE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 29, 1983, into the CONGRESSIONAL RECORD:

SOME COMMENTS ON THE FEDERAL RESERVE

The appointment of Paul Volcker to another four-year term as Chairman of the Board of Governors of the Federal Reserve System has been described as President Reagan's most important personnel decision. When one considers all the appointments a President makes—Secretary of State, Justices of the Supreme Court, and so on—the description may sound exaggerated, but I have come to believe that it is not.

In times past, the selection of a Federal Reserve chairman caused scarcely a ripple in the national news media. Indeed, I suspect that until recently, most people would not have known the chairman's name. There are several reasons for the position's increased prominence. First among them is a growing appreciation of monetary policy's role in the ration's economy. One does not have to subscribe to the "monetarist" school of thought (which favors growth of the money supply at a steady, non-inflationary rate) to understand why the experts now pay much more attention to monetary policy than they did a few years ago. Interest rates and money supply are now generally recognized as very powerful tools in the hands of national economic managers. Another reason for the extraordinary rise in interest in Mr. Volcker's position is that misuse of the principal devices of fiscal policy—taxing and spending—has prompted a discouraged public to believe that the President and Congress can do little more than pile up huge deficits. The Federal Reserve, people are beginning to think, is the place to produce sound economic policy. The Federal Reserve is by and large an independent agency, even though the President names its Chairman and his six fellow governors. The governors are appointed for fourteen-year terms, so they are quite insulated from the political whims of the President and Congress. The Federal Reserve is also self-supporting, despite the fact that it is a creature of Congress (to which its chairman reports twice a year). It derives most of its revenues from interest income on its large partfolio of Treasury securities purchased in the course of open market operations, so it does not need congressional appropriations.

There are strong reasons to maintain the independence of the Federal Reserve. It can look at the economy objectively, without the political lens that the President and Congress must use. It can go against the political trends. Without a tightening of monetary policy in 1981 and early 1982, it is difficult to say where we would have been in the fight against inflation. Even so, given the extraordinary power that the Federal Reserve exercises, it is rather amazing that the governors are not accountable in any very direct way to the President or Congress. Although few would argue that the Federal Reserve should lose its independence, there is an effort afoot to make the governors more accountable. There is no clear consensus as to what the Federal Reserve should be doing or how it should be doing it, but increased accountability to political authorities could be achieved in several ways: we might require the Federal Reserve to issue more explicit economic goals; we might have the governors serve coterminously with the President; we might bring the Secretary of the Treasury into the key decision-making processes of the Federal Reserve.

The Federal Reserve's lack of accountability is no academic matter. In its successful effort to stop inflation, the Federal Reserve adopted policies which caused the highest unemployment in forty years and a record number of business failures. My view is that the Federal Reserve engaged in "economic overkill," bringing enormous and unnecessary hardship to millions of Americans in 1981 and 1982. In the pursuit of its worthy goal, the Federal Reserve was too insulated from the people. Had it been more accountable to the people, it would have been more sensitive in implementing its anti-inflation program. Had it implemented its policies more carefully, the deepest phase of the recession might have been avoided and the recovery might have begun sooner.

My judgment is that we have relied too much on monetary policy in recent years to run the economy. The President and Congress have not managed fiscal policy with skill and vision, and the principal burden of conducting economic policy has fallen squarely on the shoulders of the Federal Reserve. But the country cannot have a balanced and productive economic policy if the Federal Reserve acts alone. The Federal Reserve has been able to avoid the disaster of runaway inflation, but only by pursuing a policy of low growth, high joblessness, and high interest rates.

I believe that the key economic decisions in the near future will be made at the Federal Reserve. Unfortunately, the odds are that the President and Congress will not shrink the deficit enough to help. The appointment of Mr. Volcker probably means that ridding the economy of inflation will continue to be a main focus of monetary policy. For the balance of the year and perhaps well into 1984, the prospect is for continued recovery with interest rates staying close to present levels. The problem looming ahead for the Federal Reserve is the likelihood of a clash between monetary and fiscal policies. As the recovery picks up steam, the private sector will demand more credit. The deficit-ridden government will begin to compete seriously with private borrowers. There will be upward pressure on interest rates. Thus, the Federal Reserve will face tough choices: either it will have to loosen monetary policy and risk renewed inflation, or it will have to stay on its anti-inflation course and risk higher interest rates, a sinking economy, and an increase in unemployment. In order to avoid the extremes, the Federal Reserve will have to tread a very narrow path.

For the present, the question is whether the Federal Reserve can engineer a non-inflationary recovery despite record deficits and rising pressure for an easier monetary policy. It must do this against a backdrop of great international financial instability, at a time when many developing nations are finding it difficult to maintain payments of billions of dollars on commercial bank debts. The weeks ahead will be a time of genuine testing for the Federal Reserve.●

REFUSENIK—YULI KOSHAROVSKY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. FEIGHAN. Mr. Speaker, I am extremely proud and honored to be a member of the 98th Congressional Class for Soviet Jewry and would like to take this opportunity to announce that I have "adopted" refusenik Yuli Kosharovsky.

Yuli Kosharovsky is living a nightmare tragically common among Soviet Jews. In 1971, he lost his job as a radio-electronics engineer when his state-controlled employer learned that Yuli had applied for a visa to Israel. In a manner typical of the oppressive Soviet policy toward Russian Jews, Soviet officials then rejected Yuli's visa application on the grounds that he was a security risk.

In 1980, Yuli's security classification was removed, but he was again refused a visa—this time because his invitation to Israel was not from a relative of the "first degree."

Despite these setbacks, Yuli remains determined to maintain his Jewish heritage. He began studying with a leading refusenik Hebrew teacher and has become an important authority and teacher of Hebrew literature. Once again, however, Yuli has experienced the anguish of Soviet religious repression. The KGB recently shut down his teaching activities and confiscated all of his Hebrew teaching materials.

Yuli continues to persevere in his quest for religious freedom despite frequent threats of arrest and imprisonment. He has become a leading activist for religious liberty and human rights, and he is more committed than ever before to the mission of spreading

Jewish culture throughout the Soviet Union.

As Members of Congress and as proud citizens of a nation where religious freedom is the rule rather than the exception, I ask you to join Yuli in his struggle and condemn this latest evidence of Soviet injustice.●

PUERTO RICO'S ROLE IN THE CARIBBEAN BASIN INITIATIVE

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. CORRADA. Mr. Speaker, Puerto Rico continues to be deeply committed to the Caribbean Basin Initiative and the promise it offers to ameliorate the economic and social conditions of the poor countries in the region. Since 1898 when Puerto Rico was ceded to the United States, Puerto Ricans have been blessed with the freedom of democracy. The "poorhouse of the Caribbean," as Puerto Rico used to be called, is now termed "a successful experiment in democracy." The economic incentives granted to industries coming to the island permitted Puerto Rico to achieve an unparalleled development never before attained in this region.

Although still poor in comparison to the States of the Union, Puerto Rico is experiencing a standard of living higher than any Caribbean or Latin American nation. We have no vision of grandeur, but rather the perception that, in light of the growing Cuban and Soviet interference in the region, the economic development of the Caribbean is an important step in consolidating the democratic states that now stand on the peril of disintegration. Because of Puerto Rico's close political ties with the United States, its 3,200,000 U.S. citizens and the cultural traits that bind it to our Hispanic neighbors, Puerto Rico can serve a vital function in promoting the Caribbean Basin Initiative.

Puerto Rico is ready to do its share toward helping the Caribbean region. Already the island's government, in coordination with the Department of State and with AID funding, has signed an agreement with the Government of Jamaica to train 7,000 Jamaicans in construction skills such as masonry, carpentry, electricity, and plumbing. At a cost of $320,000, the program is a primary step in narrowing the gap of misunderstanding between the United States and the Caribbean nations.

In October 1983, the island is scheduled to complete the training of 32 officials of the Jamaican National Investment Promotions, Ltd., an equivalent of Puerto Rico's Economic Development Administration.

In addition, Puerto Rico's Governor Hon. Carlos Romero-Barceló and members of his administration have been negotiating with the Governments of the Dominican Republic, Costa Rica, Haiti and the Eastern Caribbean nations to create and expand similar kinds of assistance programs.

The Caribbean Basin Initiative has been approved by the Senate and by the House Ways and Means Committee. It will soon come up for consideration by the full House of Representatives. It is of utmost importance that once the CBI is approved, we continue to closely monitor and assess the needs of these countries. U.S. aid will help the Caribbean nations procure the necessary infrastructure and provide adequate health and education facilities for its citizens. The promise of economic development embodied in the CBI will revive the currently depressing situation that yields to social and political turmoil. This condition is the perfect setting for Cuban and Soviet unwarranted intervention. With their so-called wars of national liberation, Communist allies intrude in the internal affairs of these countries with the promise of a better future. As seen in Cuba, Nicaragua, Grenada, and recently Surinam, there has been no better future. However, it is clear this situation could have been avoided had the pressing need for economic development and social justice been addressed long ago.

Puerto Rico can play an important role in the region. We are proud to be part of the United States and our people are noble defenders of the American democratic system. The Caribbean Basin Initiative is an example of the American commitment to improve the conditions of our neighboring countries; a commitment essential to our own national security. Economic development is the key to assure ourselves that conditions in the Caribbean will not become too perilous for democracy to prevail.●

GERMAN REPARATIONS PAYMENTS AND SSI ELIGIBILITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WAXMAN. Mr. Speaker, today I am reintroducing a bill I introduced last session which would exempt German reparations payments from income for the purpose of determining eligibility for supplemental security income.

In 1980, my constituent, Felicia Grunfeder, was denied $119 monthly SSI benefits because she receives monthly reparations payments of about $200 from the West German Government for mental and physical injuries she suffered during World War II. Ms. Grunfeder was sent to a concentration camp as a 5-year-old child where she remained until the end of the war.

Germany's reparations are largely symbolic of that country's accepted responsibility for its war crimes. We all know that, no matter how generous, they can only partially compensate for the revolting crimes committed against Holocaust victims. I do not believe when Congress passed the Social Security Act it intended to deny welfare and health benefits to a poor person who would otherwise be eligible were she not receiving token payments from Germany for the torture she underwent and survived at the hands of the Nazis.

Ms. Grunfeder's reparations payments are now counted as unearned income, putting her over the eligibility limit of $1,752 of outside annual income by some $648. Only legislative action can remedy this grave injustice to her and others in the country who have been denied SSI benefits for the same reason.

Federal disaster relief and tribal settlement payments are already excluded from income when SSI eligibility is determined, but only as the result of special statutory and regulatory exclusions. Recently, the Ninth Circuit Court of Appeals ruled that Federal legislation for such an exclusion for German reparations payments is necessary to exempt them from being considered as countable income.

This legislation does not affect many people or involve much money. It is not retroactive. The restoration of the SSI benefits would occur only after enactment. It only affects Americans who are otherwise eligible for SSI benefits except for the counting of their reparations payments. Individuals like Ms. Grunfeder have suffered immeasurably, perhaps more than several lifetimes of pain, and our Government should move quickly to correct this basic oversight in our laws.●

A SAUDI PRINCE PASSES THROUGH, PLEADING FOR KIDS AND A PEACE PLAN

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. FOLEY. Mr. Speaker, His Royal Highness Prince Talal bin Abdul Aziz Al Saud, was in my State of Washington this week touring our hospitals and promoting the U.N. Children's Fund which we all know as UNICEF. The work of this fine organization and Prince Talal's generous and untiring support of it merit our serious consideration.

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While he was in San Francisco, Prince Talal had an unfortunate incident in which a picture was taken and run by the press. As the Seattle Post Intelligencer reported:

The picture, taken at a children's science exhibit showed the Prince holding a musical instrument and the caption said he was singing. The picture made him look foolish in the Arab World, he said, because he and other Muslims are celebrating their holy month Ramadan, and singing is forbidden. He does not sing anyway, he said, and someone simply had handed the instrument to him to demonstrate its use.

I commend excerpts of a report of the Prince's visit by the Post Intelligencer to your reading:

A Saudi Prince Passes Through, Pleading for Kids and a Peace Plan

A Saudi Arabian prince winds up a worldwind tour of Seattle today, breaking fish with Indians and giving two of his daughters a tour of Children's Orthopedic Hospital.

Yesterday, his Royal Highness Prince Talal bin Adul Aziz al Saud, 50, urged the United States to take a stronger role in bringing peace to Lebanon and toured an Asian health center in the International District with Seattle Mayor Charles Royer.

"Hey Prince!" yelled one enthusiastic youngster outside the International District Community Center at 416 Maynard Avenue South. The Prince turned, gold robe and white headdress ripping around his ample frame, and blew the applauding crowd a kiss.

Talal, known as "The Children's Prince" for his fundraising on behalf of the United Nations Children's Fund—UNICEF—arrived Monday in his private 727 jet to promote UNICEF and his brother's peace plan for the Middle East. He made some more stops in Los Angeles, San Francisco and leaves today for Chicago or Washington, D.C., after a baked salmon lunch with Indian Tribal leaders in Discovery Park.

He is the 23rd son of the late King Saud and half-brother to Saudi Arabia's King Fahd. The Prince served in several government posts, including that of Minister of Finance in the 1950's and 60's, but was expelled from the ruling circle after going into exile in Egypt to protest the way the country was being run. Talal maintains homes in Virginia, Paris and London as well as the palace in Saudi Arabia. He reconciled with his brothers in 1964 but has limited his work to fundraising and has stayed out of politics.

Monday night, Boeing president Malcolm Stanper hosted a private dinner at Canlis' for the Prince, Royer, George Weyerhaeuser and a few other community leaders. The Prince praised Boeing's support for the UNICEF program.

At a world affairs council luncheon yesterday, Talal urged the United States to increase its efforts to solve the Lebanese crisis and to pressure Israel to provide a home for Palestinian refugees.

He also issued a statement to the press criticizing a picture taken of him by a San Francisco newspaper.

The picture, taken at a children's science exhibit showed the Prince holding a musical instrument and the caption said he was singing. The picture made him look foolish in the Arab world, he said, because he and other Muslims are celebrating their holy month Ramadan, and singing is forbidden. He does not sing anyway, he said, and someone simply had handed the instrument to him to demonstate its use.

Before the Prince's speech, sixteen children from the Highline Chicano Pre-school entertained with Spanish dancers but the dais was so high the people at the head table could not see the dancers. The Prince and Royer left their seats to stand at the side of the room to see part of the dances.

Speaking in a deep, resonant baritone, the Prince apologized for his English and read a 13 page speech about the Palestinian problems in Lebanon and the Middle East.

"We cannot have peace in our land as long as what has been called the 'Palestinian problem' exists," the Prince said. "The Palestinian problem, I must remind you, involves people, not objects which can be swept away. Neither can the Palestinians' aspiration for nationalism be swept away. It has been tried by their best equipped foes, and it will not work."●

NOW ACCOUNTS FOR SMALL BUSINESSES

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. SEIBERLING. Mr. Speaker, the Monetary Control Act of 1980 (Public Law 96-221) authorized the Nation's banking institutions to offer their customers the use of negotiable order of withdrawal (NOW) accounts. For millions of this country's consumers, interest-bearing checking accounts are an attractive method of banking.

As enacted, Public Law 96-221 permits NOW accounts to be used only by individuals and by not-for-profit organizations, such as religious or charitable groups. Evidently there was concern at the time that permitting everyone, including businesses, to use NOW accounts would cause a massive shift in deposits from banks which were not then offering NOW accounts to those which were.

That does not seem to be a problem anymore. Accordingly, I am today reintroducing legislation to authorize the use of NOW accounts by small businesses. In today's economy, I think our small businesses need every break they can get, and I see no reason why they should continue to be denied the use of interest-bearing checking accounts. I hope the 98th Congress will take prompt action on my bill.●

CONGRESSIONAL SALUTE TO THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE'S POLITICAL LEADERSHIP DEVELOPMENT PROGRAM

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. SMITH of Florida. Mr. Speaker, I would like to take this opportunity to pay tribute to Jonathan S. Kessler and Madeline Stifel, the vital forces behind the American Israel Public Affairs Committee's (AIPAC) political leadership development program (PLDP). This program under the superb direction of Jonathan Kessler, has built a network of informed, articulate, and politically astute students.

The political leadership development program has recently been named winner of the 1983 B'nai B'rith Haber Award for its excellence in a program designed to involve college students in the American political process. PLDP was established 3 years ago by AIPAC to coordinate a network of informed and articulate student activists nationwide. This program hosts workshops, seminars, and conferences throughout the country on both college campuses and on State and regional levels. Since the establishment of the PLDP, over 5,000 students from 350 college campuses in all 50 States have become more involved in the political process.

AIPAC coordinates the efforts of the political leadership development program with the B'nai B'rith Hillel Foundations on college campuses. PLDP also reaches the unaffiliated student by offering a political outlet. The program works closely with the College Democrats and the College Republicans, thus, extending activism opportunities to students who have not previously been involved with foreign policy issues.

I would like to mention several students, whom I want to honor for their contributions in making their college campuses more politically aware in regard to U.S. relations around the world: Sandy Curtis, Florida International University, Michael Fischer, University of Florida, Gainesville, and Barry Weinberger, University of Miami, Law School.

The political leadership development program has earned the highest respect and esteem of all of us in Congress for the quality of its leadership and excellence in education. Jonathan Kessler has spent countless hours personally cultivating students, visiting college campuses and encouraging students to participate in the political process.●

WHY DOES IRAN KILL BAHAIS?

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. FRANK. Mr. Speaker, the terrible brutality of the Khomeini regime in Iran becomes more and more apparent daily. One of the gravest crimes that regime is now committing against humanity is their merciless persecution of the Bahais.

There is no more blatant case of religious persecution in the world today than that which is taking place in Iran against the Bahais. I believe it is incumbent upon all of us to speak out as strongly as we can in an effort to persuade the Ayattollah Khomeini and his government to stop their campaign of eradication of Bahais.

Roy Mottahedeh recently described the horrors of this anti-Bahai campaign in the New York Times and I submit his analysis to be reprinted here:

[From the New York Times, June 22, 1983]

Why Does Iran Kill Bahais?

(By Roy P. Mottahedeh)

Princeton, N.J.—News of the barbarous execution on Thursday and Friday of 16 Bahais in the southern Iranian city of Shiraz has shattered the small remaining hope of many well-wishers of the Iranian revolution who kept saying, as I did: "Wait, give it time."

Six men and 10 women, including three teenage girls, without publicly announced charges or public trial, were hanged, apparently for the mere crime of adherence to a religion. For, as the Islamic judge explained to the newspapers: "It is absolutely certain that in the Islamic Republic of Iran there is no place whatsoever for Bahais and Bahaism."

It is becoming increasingly unclear for whom there is a place in Iran.

It was possible to understand why the Iranian Government felt that there was no place for the radical left, which advocated armed struggle against the existing Government.

It was harder—but just possible, given the deep differences between peoples about ideas of propriety—to understand why there was no place for women who went out in public without their hair covered.

It was even harder to understand why there was no place for the Iranian Communist Party, which had repeatedly and slavishly declared itself to be in total support of the Ayatollah Ruhollah Khomeini.

But no room for the Iranian Bahais?

No room for 300,000 Iranians who specifically repudiate rebellion against any duly constituted government such as the present Government of Iran?

No room for the only people who, besides the Zoroastrians, consider Iran a sacred land and revere the Persian language as a language of revelation?

For the only religion in Iran besides Islam that, however much it may look to a prophet subsequent to Mohammed, accepts the belief of Moslems that the Koran is an infallible revelation from God, presented in a text that, unlike the Old and New Testaments, has never been corrupted by the tampering of men?

Well-wishers of the revolution waited and gave it time—and for what?

To see the promise of parliamentary democracy blasted by an intolerance of any political party that meekly disagrees with the Government?

To find the universities still largely shut four years after the revolution, while Iranians suffer from a severe shortage of qualified teachers and technical experts?

To see proud, courageous Iranian soldiers lay down their lives in human wave attacks in the stalemated war against Iraq, a country that is a third the size of Iran in population and wealth?

Perhaps today's Iranian authorities find the Bahais a good focus for their genocidal fantasies precisely because this Government wishes to make clear that it wants nothing to do with early hopes for a Government religious in morality and democratic in method. Hang a few teenage girls, and everyone will get the point: The rulers of Iran do not need to consult the Iranian people because they know what's best for Iran, whether Iranians like it or not—and, by the same token, they do not want a freely given moral consensus because they trust only coercion.

Shiite Islam, the religion of the great majority of the Iranian people, puts a greater emphasis on reason than does any other form of Islam or do most other religions in the world. Then why the irony—why do the present rulers of Iran so desperately distrust reason?

Do they trust coercion more because they have secretly admitted to themselves that they are unable to change anyone's opinion through reasoned discussion?

Or, do they really believe that reason—or, for that matter, any form of persuasion that can win meaningful assent to religious truth—operates only on people who live in the shadow of the hangman's noose?

The Islamic Republic of Iran—how neatly and thoroughly it has come to belie every part of its name.

It is hardly Iranian in that it finds it necessary to hang 16 Bahais—in addition to the scores it has killed in recent years—merely for the "crime" of professing a religion that believes Iran to be a sacred land.

It is hardly a republic: A state that so terrifies and coerces its people is a republic in only some contorted sense of the word.

It is hardly Islamic in the spirit of the Koranic verse (10:99): "If it had been your Lord's will, they would all have believed, all who are on earth! Will you then compel mankind, against their will, to believe?"

It is, in fact, hardly religious—it is difficult to imagine any tradition motivated by the spirit of true religion, that would not cry: "Shame on these cowardly killers of defenseless people!"●

SHORE UP! INC. FOSTER GRANDPARENTS PROGRAM

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. DYSON. Mr. Speaker, the Shore Up! Inc. Foster Grandparents program recently held their Seventh Annual Grandparent Recognition Picnic in Salisbury, Md. This event marks another successful year for a much needed and appreciated community service.

Initiated on the lower Eastern Shore in 1976 and operated by Shore Up! Inc., this program aids children who have special needs in physical, social, emotional, and mental growth and development by providing them with caring, comforting adults whose life experiences enable them to give affection, understanding, and love on a 1-to-1 basis. In this rapidly changing and very pressured world, these Foster Grandparents pass on their own life values and goals to the children of today who need such direction.

Sixty Foster Grandparents now serve in Dorchester, Wicomico, Somerset, and Worcester Counties, at retardation and handicap facilities, and at various Head Start centers throughout the area. I applaud the care and dedication which these 60 people have shown by joining their lives with the lives of their spiritual, if not biological, descendents, and recognize the program for its 7 years of worthwhile existence. In special recognition of their unselfish contributions, I offer my personal commendation to the following Foster Grandparents:

Foster Grandparents

Dorchester County: Hazel Chester, Maggie Dennis, Emma Jones, Maggie J. Jones, Agnes Pinder, Grace Pinder, Iona Robinson, Mildred Sharp, Mildred V. Stanley, Claris Washington, and Helen M. White.

Worcester County: Leona Hayes, and Clara B. Mills.

Somerset County: Helen Ballard, Lena Brittingham, Nora Brown, Pearl V. Coulbourne, Gladys M. Handy, Beulah Landon, Curtis Landon, Nellie K. Tyler, Reverand Walter B. Ward, Sereta White, Margaret Whittington, and Jeanette Wilkins.

Wicomico County: Pearl Adams, Margaret Barkley, Audrey W. Dix, Elsie Dix, Mary Dukes, Renager Dutton, Dora Elzey, Sarah D. Evans, Gertrude Foreman, Mary Gale, Martha Garland, Annie Handy, Charles Holbrook, Minnie M. Hudson, Alice Johnson, Jessie Jones, Mary Lawrence, Mary Layman, Henry McCleese, Leila McCowan, Essie M. Mason, Emma Moore, Eva Morris, Pauline Morris, Blanche Palmer, George Palmer, Luna S. Pusey, Milton Rider, Audrey Schnidt, Alverta Smiley, Carrie Smith, Mary Smith, Rosalee Turner, Ocie Wooten, and Harry Wright.●

JUGI TANDON RECEIVES OUTSTANDING ACHIEVEMENT AWARD FROM ASSOCIATION OF ASIAN INDIANS IN AMERICA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. DYMALLY. Mr. Speaker, I am pleased to join the Association of Asian Indians in America in honoring

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Sirjang Lal "Jugi" Tandon for outstanding achievement. On Saturday, June 25, 1983, the association presented Mr. Tandon with an award in recognition of the fact that this Asian Indian American has, over the past 23 years, risen to the height of corporate success. Inc. magazine lists Jugi's company, the Tandon Corp., as the fifth fastest growing company in the country. Others have achieved success in the corporate world, but few of them have risen as far or as fast as Jugi Tandon.

In 1960, Jugi migrated to the United States from Punjab, India. He took a job as a busboy in a District of Columbia restaurant, and showing great initiative, put himself through college, earning a master of engineering degree from Kansas University and an M.B.A. from Santa Clara University. With that training under his belt, he was snapped up by IBM. In the course of his engineering career, he worked for IBM, Memorex, and Pertec. But all the time he was working for these corporations, Jugi was also learning much about corporate strategy. He realized that in the computer industry, perhaps even more so than in other industries, a mass market is achieved by selling a superior product at a reduced price.

By 1975, he was ready to try his hand at business. Recording heads were his first project. He and his wife, Kamla, used to solder the heads in their own home. His product was soon in such demand that he was able to open a manufacturing plant in the United States, and, later, to open branches in India, Singapore, and Sri Lanka. The year 1978 saw Tandon Corp. enter the floppy disk market. Growth in high technology is occasionally spectacular for those with the right idea at the right time. And Jugi had the right idea. By 1982, Tandon Corp. was the world's largest independent producer of random access disk drives.

Between 1975 and 1980, the Tandon Corp. grew from a kitchen-table operation to a $22 million corporation, and earning have more than doubled each year since 1980. It is expected that the corporation will gross $1 billion per year in the not too distant future.

Jugi, for all his success, has remembered his beginnings and the impetus that was given to his career by proper training. I wanted most especially to recognize Sirjang Lal "Jugi" Tandon's achievements because success has not isolated him from the need of others. In the 31st District of California, we have a job training program known as the Compton-OIC Technological Training Institute. The program is worthy of note because of its alliance with industry. The institute is financed largely by industries, and training is provided in the work environment of the industries themselves. Jugi has been one of our solid corporate sponsors. He has been eager to extend a helping hand to those who, like himself, understand that hard work along with proper training is the best formula for success.

Jugi Tandon is truly the embodiment of the American dream. He began with nothing besides vision and drive, and these carried him to the frontline of American industrialists. But success is not the only element of the American dream. We are a generous people, willing to give of our riches for the benefit of others. Jugi is the exemplification of all that is best about Americans. He is a magnanimous man, and it is a privilege for me to acknowledge the achievements of this great-souled person before my colleagues in the Congress. His example is worthy of our emulation.●

CONTINUING TRADGEDY IN EAST TIMOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. EDWARDS of California. Mr. Speaker, for several years I have been quite concerned over the continuing tragedy in the former Portuguese colony of East Timor, a predominantly Roman Catholic island territory invaded and illegally occupied by Indonesian military forces in late 1975. On Sunday June 26, the Washington Post carried what may be the most positive news to come out of East Timor since the Indonesian invasion: That after nearly 8 years of bitter armed conflict, a meeting has recently taken place within East Timor between representatives of the Indonesian military and Timorese guerrillas resisting the Indonesian occupation. The Indonesian Embassy in Washington denies that such a meeting took place, but other diplomatic sources confirm the authenticity of the Post's report. This meeting could ultimately represent a first step toward an honorable termination of a war that has already claimed countless lives. It is generally acknowledged that at least 100,000 East Timorese have died as a result of the Indonesian invasion, but some sources believe that the true figure exceeds 250,000—out of an original population that was less than 700,000. If a just peace is on the horizon for East Timor, this would be excellent news indeed.

Some recent history is in order. A statement dated May 13 of this year, from a group of Catholic priests in the Diocese of Dili—the capital of East Timor—speaks of the horrors that have afflicted their country. The statement, sent to Catholic bishops' conferences throughout the world, tells of "moral and physical violence" against the people of East Timor, including "the execution of those who surrender," and "the execution of whole groups of those captured." It speaks of "disappearances and the destruction of whole families" as well as "hunger and disease throughout all of East Timor." We must remember that East Timor had already experienced a war-induced famine from 1978 through 1980 that was credibly compared with the cataclysm that struck Cambodia during that period.

Congressional concern about East Timor has been growing. Last October, for example, 84 Members of the House and Senate signed a letter to President Reagan asking that the Timor tragedy be accorded "priority attention" in meetings held during Indonesian President Suharto's state visit to Washington. On June 10, 72 Members of the House signed a letter to Robert Hawke, the Prime Minister of Australia—a country with longstanding ties to East Timor—asking him to implement the positive platform on the Timor issue that was adopted by his Labor Party in 1982. These initiatives, spearheaded by our esteemed colleague, TONY P. HALL of Ohio, who has worked diligently on the Timor issue since 1979, have been aimed at generating national and international action and publicity. Along these lines, in the days to come, I will be seeking support, with Representative HALL, for a letter addressed to Portuguese Prime Minister Mario Soares. This letter will underscore humanitarian and diplomatic matters involving Portugal, a nation that bears great responsibility toward East Timor because of its four centuries of colonial administration and its hasty abandonment of the territory in 1975. In recent years Portugal has taken some positive diplomatic steps concerning East Timor, and deserves to be commended as well as encouraged to expand these measures.

From another quarter, it is reassuring to note that on June 12, the nationally circulated Sunday supplement, Parade magazine—which has tens of millions of readers—published an informative article on East Timor, by Irving Wallace, David Wallechinsky, and Amy Wallace. Entitled "The Forgotten War," this article stresses American involvement in the East Timor events and has made an immeasurable contribution toward furthering popular awareness of the issue. The appearance of articles of this sort insure that East Timor will not remain forgotten.

The stage is set, then, for a just settlement to the conflict. The crucial issue of self-determination for East Timor is being raised. It is increasingly clear that there can be no lasting humanitarian solution to the East Timor tragedy without a corresponding political solution. No matter how long it may take, voices must be raised to help guarantee that the people of East Timor will receive their rights under international law.

For the benefit of my colleagues, I would like to include for the RECORD the June 26 article from the Washington Post, the June 13 article from Parade magazine and the translated text of the May 13 message from the East Timorese priests.

[From the Washington Post, June 26, 1983]

JAKARTA AIDES REPORTEDLY MET TIMOR REBELS

(By Peter Wise)

LISBON.—East Timorese guerrillas have met secretly with Indonesian military officials to negotiate a demand for self-determination after declaring a cease-fire in their eight-year war to free the remote Southeast Asian island territory from Indonesian occupation, according to a highly placed source here in the Portuguese capital.

Top-ranking Indonesian officers traveled by helicopter from the island capital, Dili, to a jungle base in the interior twice in March to negotiate with the leaders of the Revolutionary Front for an Independent Timor, known in Portuguese as Fretilin, according to this source.

The source, a well-placed non-Fretilin Timorese who arrived here recently from the former Portuguese colony, asked not to be named. He said the Indonesian delegation headed by the military commander of East Timor, Colonel Purwanto, and an intelligence officer flew to Lari Guto in the rugged eastern region of the territory for meetings March 21 and 23.

Fretilin leader Sha Na Na, 39, and his general staff reportedly centered the talks on three principal demands: a cease-fire, government notification to the United Nations that it is willing to negotiate with the rebels, and a self-determination act supervised by the United Nations and neighboring states.

The source in Lisbon said the governor of East Timor, Mario Carrascalao, a liberal Timorese who took office in 1982, attended the meetings, together with two Roman Catholic priests. The guerrillas are predominantly Catholic.

[An Indonesian Embassy spokesman in Washington, Mgurah Gedhe, said Friday that "there was no such meeting" and that "we are not aware of any fighting" in East Timor. The State Department's desk officer for Indonesia, Alfred M. Lehn, said the fighting was at a low level and noted that Jakarta had made clear its intention to seek an end to the insurgency.]

Abilio Araujo, a Fretilin Central Committee member based in Lisbon, confirmed the details of the meetings and said photographs, recordings and documents of the negotiations would be released at a meeting of Fretilin representatives.

This is the first report of negotiations between the two sides since Fretilin withdrew to its mountain strongholds to wage its guerrilla campaign against Indonesian invasion forces in October 1975.

The island, about twice the size of Hawaii, historically was divided between the Portuguese eastern half and the Dutch west, where Indonesia's claim was not contested. Portugal abandoned East Timor during a three-month civil war among three independence movements. Fretilin emerged the victor. Neighboring Indonesia then invaded, alleging an independent Timor could pose what a general described as "a Marxist threat to our soft underbelly."

Relief agencies estimate that more than 150,000 islanders perished during the hostilities and the famine and disease they provoked. The East Timorese population is now about 560,000 according to Indonesian census figures.

After the fighting Indonesia pronounced East Timor its 27th province and said the population had accepted integration. It imposed a selective news blackout that diminished reports of guerrilla warfare and virtually sealed off the island from the outside world, according to Timorese refugees here.

The Jakarta government has persistently denied well-documented and consistent reports from refugees, church sources and international human rights organizations that there have been mass executions, thousands of disappearences, torture, widespread fire-bombing of villages and other human rights violations.

It was not clear from which side the current reported truce initiative came. The non-Fretilin source in Lisbon said the guerrillas appeared to be negotiating from a position of strength, having regrouped 6,500-strong under a new leadership after setbacks last year.

Indonesian authorities say, however, that the guerrillas have been reduced to a few hundred ill-fed and ineffective men. Despite Indonesia's undoubted military superiority, observers here say, Jakarta may be seeking a respite in a war that it apparently cannot win, a war in which the guerrillas—with their intimate knowledge of the island and at least the passive support of the population—are able to hold Indonesian battalions to a stalemate.

A second motive behind Jakarta's reported role in the negotiations could be a determination to win international support for its presence in Timor by casting itself as a peacemaker and seeker of dialogue. After an intense diplomatic campaign, Indonesia has steadily reduced the number of nations supporting a U.N. resolution calling for its immediate withdrawal. Last year the motion, consistently opposed by the United States, passed by only 4 votes.

STATEMENT BY A GROUP OF PRIESTS OF DILI DIOCESE

A group of priests of the diocese of Dili wish to send to the Episcopal Conferences and to the whole world its voice, which it hopes will be an echo of the social and religious situation in East Timor.

This group feels responsible for the life of its diocese; it knows closely the various forms of agony caused by a war which, for 7 years, has been tormenting its people; it knows in a word the REALITY of the people, because the group shares in its own flesh the drama which is being carried out in East Timor; the group knows the suffering and the anxieties of its people and witnesses helplessly the whole process of annihilation presented under the disguise of truth and we foresee the implacable extermination of the people.

This group feels disappointed and profoundly hurt, knowing that members of the Indonesian Catholic Church have joined in the chorus of campaigns carried on inside and outside Indonesia and the defamation of its Prelate, accusing him presumptively of falsehood, exaggeration and irresponsibility in his affirmations and attitudes; when his is the only voice raised in defense of the people on whom silence and fear are imposed and for whom the exercise of freedom of expression will only result in imprisonment or disappearance.

The group affirms its Solidarity with the martyred people and wants to affirm also its solidarity with the clear position assumed by its Prelate in defense of those denied their fundamental human rights, attesting the truth of the following:

Moral and physical violence;

Arbitrary imprisonment, the resettlement of families and whole villages;

The execution of those who surrender;

Executions without trial or after summary judgment;

Disappearances and the destruction of families;

The execution of whole groups of those captured;

Hunger and disease throughout all of East Timor.

[From Parade magazine, June 12, 1983]

THE FORGOTTEN WAR

(By Irving Wallace, David Wallechinsky, and Amy Wallace)

Few people have heard of East Timor, yet it is the scene of one of the bloodiest wars in recent history—a war being fought with arms supplied by the U.S.

In August 1975, in the face of a coup and civil war, Portugal yielded its sovereignty over the eastern half of Timor, a small island 400 miles north of Australia. On Dec. 7, shortly after East Timor proclaimed its independence, Indonesian forces attacked with tanks, napalm and heavy artillery, shooting unarmed civilians in the streets. Indonesia's plan was to crush the new nation and annex it—quickly and without attracting notice.

U.S. officials knew of the attack in advance. Yet they did nothing to prevent it, though it was carried out with U.S. weapons supplied specifically for defense. When the UN voted to condemn the aggression five days after it began, this country abstained, presumably fearful of antagonizing oil-rich and pro-West Indonesia.

Today, East Timor is a devastated land, its farms abandoned, its towns in ruins, its economy destroyed. Disease and starvation are rampant, and the bloodshed continues. Out of a population of 600,000, as many as 250,000 have died in the war. Though Indonesia officially annexed East Timor in 1976, the remaining nationalist guerrillas occasionally emerge from their mountain strongholds to battle Indonesian troops. Meanwhile, thousands of civilians and political prisoners have been forced into interment camps, where they risk disease, torture, sexual abuse and murder.

Despite East Timor's desperate plight, only a few food shipments have been allowed in since 1979; the Red Cross was finally permitted to treat political prisoners in 1982. Most foreign journalists, however, still are barred. Thus the holocaust rarely receives press coverage. During talks with President Reagan in Washington last year, Indonesian President Suharto never mentioned East Timor. Neither did President Reagan.

For more information about East Timor, write to: East Timor Human Rights Committee, Dept. P. Box 363, Clinton Station, Syracuse, N.Y. 13201.●

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INTRODUCTION OF A SOCIAL SECURITY COVERAGE BILL

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. MOORE. Mr. Speaker, today I am introducing a bill to correct a problem which arose as a result of language in the recently enacted Social Security Amendments of 1983, Public Law 98-21.

In that legislation, we provided for social security overage, starting January 1, 1984, for Federal judges. Our intention was to insure that this group of Government officials would be covered essentially in the same way as Members of Congress and appointed officers of the executive branch. We were striving for equity, but in the process we achieved an unintended result.

This result is, in effect, a penalty on senior judges, who have retired but who return to active service from time to time to help meet workload needs of the Federal judiciary. When these retired judges do return to the bench in the future, they will be required to pay social security payroll taxes. This understandably will have an adverse impact on their decision to return to active service, and we certainly did not intend that consequence when we agreed to extend social security coverage to Federal judges generally.

The bill I am introducing today would correct this situation by exempting the computation of these retired, senior judges from the social security payroll tax when they do return temporarily to active service.●

CROWN POINT CLINIC NAMED AFTER THE LATE ADAM BENJAMIN, JR.

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. HILLIS. Mr. Speaker, today, I am introducing a bill which would name the new Veterans' Administration Outpatient Clinic in Crown Point, Ind., after the late Adam Benjamin, Jr.

Congressman Benjamin ably served the people of the First Congressional District of Indiana as a Member of the House of Representatives from 1977 until his untimely death on September 7, 1982. A tireless worker, Adam worked very hard to bring this new outpatient clinic to northwest Indiana and his efforts, obviously, have paid off.

The VA recently announced it would build a new outpatient clinic in Crown Point, a city located about 25 miles south of Adam's hometown of Hobart. The facility will be equipped to handle 50,000 outpatient visits a year when it opens in 1986.

For years, hundreds of northwest Indiana veterans have been forced to drive to the Hines VA Hospital in Chicago—a difficult and time-consuming commute especially at rush hour. The Crown Point Clinic means the end of that inconvenience and the beginning of a strong veterans health care program in northern Indiana.

As a member of the House Committee on Veterans' Affairs, I am particularly pleased at the VA decision to locate its new clinic in Crown Point, a city I now represent. Crown Point is a progressive and safe community that is anxious to assist VA officials in finding the best location for the new clinic. Adam would be pleased to know that the clinic will not only solve the transportation problems of hundreds of area veterans but also provide at least 100 jobs to the community.

Throughout his all too brief but distinguished career in the House, Adam Benjamin represented the people of northwest Indiana and Crown Point with a dedication to his job that was second to no other Member.

He knew better than anyone how difficult and dangerous it was for northern Indiana veterans to drive into Chicago and he prevailed upon the VA to come up with a remedy.

Northwest Indiana deserved an outpatient clinic, he argued, and the excellent system of highways and interstates in the Calumet region would make the clinic accessible to thousands.

Sadly, Adam did not live long enough to see his goal accomplished. The VA announced its decision to build in Crown Point last month, 8 months after Adam's sudden death. While I played some role in the final decisionmaking process, I am convinced that, without Adam's persistence, the Crown Point Clinic would still be only a dream.

I can think of no better tribute to the memory of Adam Benjamin and the hard work he put into securing the clinic for northern Indiana than to name the hospital facility after him.

In addition to his service in the House, Adam had a distinguished military career. He served in the Marine Corps from 1952 through 1954 and then entered the U.S. Military Academy in West Point where he graduated in 1958. He then served 3 years in the U.S. Army.

With his many years of Government service—10 years in Indiana State government and 5 years in the U.S. House—and his 10 years in the Armed Forces, there is no doubt in my mind that Adam is deserving of this honor. I urge my colleagues on both sides of the aisle to support this bill and name the new Crown Point hospital facility the Adam Benjamin Veterans Administration Outpatient Clinic.●

INTRODUCTION OF THE EL SALVADOR HUMANITARIAN ASSISTANCE ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. RICHARDSON. Mr. Speaker, I am introducing today a bill entitled the El Salvador Humanitarian Assistance Act of 1983. This legislation would provide assistance to persons in El Salvador who have been displaced and are suffering as a result of the war in that country.

Much has been said about how the United States should respond militarily to the political problems in El Salvador. But we have oftentimes overlooked the hundreds of civilians who have had their homes destroyed, their crops burned, their businesses wiped out, and their livelihoods snatched away. Prompt economic assistance by the United States is necessary to alleviate the human suffering arising from the civil strife in El Salvador.

The legislation I am introducing would amend section 4951 of the Foreign Assistance Act of 1961 authorizing $5 million, in addition to the amounts already available to the President, for the relief and rehabilitation of needy people in El Salvador. $3 million of this authorization is earmarked to be available through international relief agencies to the Archdiocise of San Salvador and other organizations in El Salvador that provide food, medical care, clothing, and other basic needs to the civilians in this war-torn nation.

In addition, the President is encouraged to use other funds allocated under the Foreign Assistance Act for the relief of the suffering Salvadoran citizens.

Over the past few years, this Nation has sent millions of dollars in military equipment and advisors to the Government in El Salvador to assist them in their war against guerilla insurgents. But the bitter fighting continues in this small Latin American country, while families are without shelter, and children are without food or clothing.

If we feel it is necessary to send military aid to El Salvador to protect them from leftist take over, then we should certainly provide their citizens with the basic human needs which have been robbed from them as a result of the ongoing war. I urge my colleagues to join with me and cosponsor this much needed and important legislation.●

IN SUPPORT OF SECTION 190: TAX CODE HELP FOR THE HANDICAPPED

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. STARK. Mr. Speaker, in January, I introduced H.R. 901 which would extend for 2 years section 190 of the Internal Revenue Code which provides a deduction for businesses which make their facilities accessible to the handicapped. Today, I wish to reemphasize the need for prompt action on this legislation.

The most fundamental approach to increase the employment opportunities for disabled people is to remove architectural barriers that restrain their mobility. Despite this basic reality, section 190 is the only inducement in the Tax Code to make buildings accessible. In fact, with the exception of a few clauses benefiting the blind, 190 is the only statement in the code directly benefiting the handicapped. Remarkably, Congress has failed to renew this provision.

By losing section 190, the resistance to considering disabled people as potential employees will return. Though the costs of making a building accessible are usually small, the absence of any economic incentives will even make these costs prohibitive. Without the benefit of such tax incentives, the typical proprietor is much more likely to make expenditures for cosmetic improvements rather than to provide accessibility. In short, without 190, we can only urge businesses to make their facilities accessible, because it is the morally right thing to do; with 190, we can argue money. Business, as we know, responds more readily to money.

Mr. Speaker, some have expressed concern as to the effectiveness of section 190. Unfortunately, it is impossible to produce quantifiable arguments that point to its successes or failures. Because of certain reporting procedures, the Treasury Department is unable to provide numbers or even estimates as to how many businesses took advantage of 190. The only way we can evaluate its success is to look at the individual efforts of people across the country to remove architectural barriers. I am happy to say that such examples are numerous and encouraging.

A study published by the U.S. Department of Labor, in June 1982, and titled "Accommodations Provided to Handicapped Employees by Federal Contractors," made several recommendations on how to bring about the removal of these barriers. First on its list was for the Federal Government to provide tax credits for such accommodations. The study concluded: "The policy option cited by most firms as providing a strong incentive for firms to hire and accomodate handicapped workers is the provision of tax credits." A similar conclusion was reached a year later by Gerben Dejong in Scientific American.

So, while the approach of tax incentives seems to be the proper one, we must still ask whether the rather obscure section 190 has been effective. I have received several reports and articles that would indicate that 190, combined with strong community support, has had significant effect in various regions of the country. Baco Raton, Fla., and Nassau County, N.Y., are two such communities where accessibility for the handicapped has been greatly improved through the use of 190. The greatest example of how 190 can be effective if combined with strong community support is found in Suffolk County, N.Y. The Suffolk County Office of Handicapped Services began an extensive informative letter campaign to inform local businessmen of the deductions available through 190. The result was that most of the 226 shopping centers in the areas voluntarily added parking spaces, built ramps, and cut curbs, thus making their facilities accessible. The director of the program wrote: "I sincerely believe that pointing out the availability of this Federal tax deduction was the key to obtaining such an overwhelmingly voluntary response."

As the median age of Americans continues to rise along with the incidence of severe disability, we will find ourselves with more and more citizens who need special access to buildings. They must have this access to lead full and meaningful lives. Thomas Deniston, a veteran of the Vietnam war and a quadraplegic, wrote to me about this problem. He said that he was disturbed that the Tax Code allows a 10-percent tax credit for the restoration of historic buildings while we allowed section 190 to expire. He concluded: "The past is dead; we are living!" The quality of that life can, at least in part, be improved by the extension of 190.

Therefore, I again urge that we act quickly to extend this vital provision in the Tax Code.●

DEATH IN BEIRUT

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mrs. BOXER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Francisco Chronicle, Apr. 27, 1983]

DEATH IN BEIRUT

EDITOR.—My uncle, Thomas Blacka, died in Beirut April 18; the latest casualty in the Byzantine tragedy. He went downstairs for a cup of coffee and was blasted into oblivion. I'm torn apart by negative thoughts as I try to understand what is happening over there. I feel the grief of personal loss. Disappointment that my government had no better protection against this worst case scenario. Incredulity that hatred exists that can justify such indiscriminate and anonymous killing. Frustration that man-made philosophies can so divide genetically identical peoples. Anger over religious intolerance that evokes a diety to legitimize the most heinous of crimes. Pity over the waste of so much talent when and where it is so desperately needed. And fear that this vestige of reptilian behavior could easily unleash devastation of unprecedented magnitudes throughout the world.

There is not solace here, only hate and despression. These are not what solve world problems. Quiet, middle-aged accountants like Tom Blacka do. He went to Lebanon to help stop the death in that corner of the globe. He knew that only international infuence could stablize a region where the locals have failed to for 10,000 years. He also knew that real peace will be won not with a gun but with economic and social permanence. He went to the front armed with irrigation systems and garbage trucks. He carried not a flag or holy book, but rather the standard of human dignity. He knew it was risky. He had been under fire many times before, but he believed his efforts toward civil stability were the only way to a genuine peace and therefore worth the risk. He was a man of overwhelming courage and as much a hero as any dogface who ever stormed a pilibox. He sacrified his most precious commodity for the benefit of others not even his blood.

Tom Blacka died in Beirut, a victim of philosophical fervor. Nothing will bring my uncle back, but what he lived for must go on for all our sakes. May he have been the vanguard of a legion of builders in a land of destruction.—John B. Rose, Brownsville, Calif.●

BALLOON CRASH TAKES LIFE OF MAXIE ANDERSON AND DON IDA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. SKELTON. Mr. Speaker, I was certainly saddened to learn of the balloon crash yesterday that took the life of Maxie Anderson and Don Ida in the Bavarian Forest. I had an occasion to speak with Maxie Anderson several years ago, I was most impressed by his enthusiasm and humility. His feats will be long remembered and I know that he will be an inspiration to generations that follow, as he truly set the example of accepting difficult challenges, I know that all Members of this body join me in extending sympathy to his family.●

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HOUSE REAFFIRMS FEDERAL ARTS SUPPORT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. DOWNEY of New York. Mr. Speaker, I would like to take this opportunity to thank my fellow Members of Congress for their overwhelming vote in favor of Federal arts support as recommended by subcommittee chairman SIDNEY YATES and his committee in the interior appropriations bill.

Legislation emerging from the 89th Congress more than 17 years ago declared that "a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity * * *" and that "it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry, but also the material conditions facilitating the release of this creative talent."

Legislation, the National Foundation on the Arts and Humanities Act of 1965, recognized the vital importance of Federal support for this Nation's arts and humanities and set the stage for America's cultural growth and expansion during the next decade and a half. Figures documenting this growth have been presented at numerous hearings. Orchestras, theaters, opera and dance companies, and museums have multiplied. Artists' spaces, which were almost nonexistent in 1965, now number in the hundreds. In 1965 there were only 23 State arts agencies, now all States and jurisdictions have agencies. In 1965 no State had a council devoted soley to the humanities, now all States have such agencies.

In fiscal years 1982 and 1983, the Reagan administration proposed drastic cuts to the Federal arts agencies which were a strong part of the growth in the arts in America. Fortunately, Congress wisely kept these cuts to a minimum. Nonetheless, the effect of the Federal budget cuts has been a reduction or even elimination of many important educational programs and outreach programs. Dance touring has been cut; theaters have eliminated special ticket prices for schoolchildren and senior citizens; museums have raised admission prices. Budget reductions of any kind in arts and humanities funding could threaten the very existence of many local arts groups nationwide. Cuts of the magnitude that the President proposed would destroy the very core of Federal arts and humanities programs.

The $165 million in the Interior appropriations bill for the National Endowment of the Arts, the $150 million for the National Endowment for the Humanities, and the $21.5 million for the Institute of Museum Services represent a strong statement that the arts and humanities are an important aspect of our society. These 1984 levels for funding approved by the full House will insure a healthier arts community and economy thus creating a climate in which the arts and humanities can flourish and preserving our Nation's diverse cultural heritage.●

WESTPORT, MO., CELEBRATES 150TH ANNIVERSARY

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WHEAT. Mr. Speaker, residents of the Westport community this weekend will begin a summer celebration of the founding of Westport 150 years ago. I am honored to have the opportunity to participate in the inaugural event at the Penn Valley Community College in Kansas City on Sunday.

I would like to briefly share with my colleagues the history of Westport, which is an inspiring example of urban revitalization.

The history of Westport is a remarkable story, from its birth on the Santa Fe Trail in the 1830's, to its annexation by Kansas City at the turn of the century and to its inspiring rebirth in the 1970's.

John C. McCoy opened a trading post on the Santa Fe Trail 150 years ago and the Westport community was born. The hard work of McCoy and other enterprising pioneers turned Westport into a vibrant town, and soon Westport became a gateway to the new West. The town developed into a major outfitting center for wagon trains on the Santa Fe, California, and Oregon Trails.

After reaching a population of 5,000 in 1855, Westport became an incorporated town in 1857. But the Civil War years were hard on its citizens—many of whom were Southern sympathizers. A major battle was fought there, and the town was occupied by Union troops.

In the postwar period, Westport could not maintain the momentum in business and commerce that it had gained in the 1840's and 1850's. Kansas City officials decided to annex the town about the turn of the century. Kansas City developed into one of the Nation's great metropolitan centers in the 1900's, but Westport's fortunes declined. The community suffered from the loss of business to Kansas City, and Westport, with many of the area's finest 19th century residential structures, sadly became a deteriorating community.

Fortunately, in the late 1960's, some visionary local leaders, imbued with the same pioneering spirit that emboldened Mr. McCoy to open his trading post, saw a future for Westport. Those people formed Westport Tomorrow in 1971, an organization committed to rebuilding confidence in the community and creating a pleasant place to live. Their strategy was built on preserving the existing buildings, planned new development compatible with most of the area's housing and a unique partnership between business, residents, and government.

Largely due to the efforts of those people and Kansas City officials, Westport is presently known as the "bridge between yesterday and tomorrow." The reasons are obvious. Westport is the cultural heart of Kansas City with its numerous art galleries and fine arts groups, including the Nelson-Atkins Museum of Art, the Kansas City Art Institute, and the UNKC Conservatory of Music.

Westport is also a thriving business community with several corporate headquarters located in the area, including H&R Block, Kansas City Life Insurance, and Sutherland Lumber Co. Westport can also boast of two of the city's most prominent shopping and entertainment districts, the Country Club Plaza and Westport Square/Old Westport.

Most importantly, Westport is people, 35,000 people living and working together to form an enjoyable community. A walk through the 4-square-mile area of Westport is testimony to the rebirth of this proud community. The fruits of the labors of the local leaders and area residents can be seen in the beautiful facade of the Westport Bank, the spectacular restoration of Westport Square and the charming blend of architectural styles through Westport's 15 neighborhoods.

The revitalization of this community with such a proud heritage is truly remarkable. I urge community leaders nationwide to emulate Westport's model of urban rebirth.●

HAYSI PROJECT STALLED BY CONFERENCE

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. BOUCHER. Mr. Speaker, it was with great regret that I learned this morning of the refusal of the Senate conferees on the energy and water appropriations bill to agree with the House-approved funding for the Haysi reservoir and flood control project in Dickenson County, Va.

With the assistance and support of Chairman BEVILL of the House Energy and Water Appropriations Subcommittee, H.R. 3132 included $500,000 for U.S. Army Corps of Engineers studies on the Haysi project. Unfortunately, the other body did not include the Haysi funds in its appropriations bill, and Senate conferees apparently refused to accept the House language.

The Haysi reservior and flood control project was first authorized by the Congress 38 years ago. It was reauthorized in 1977. The people of the Haysi area have waited patiently for this urgently needed flood control project, and I am hopeful that in the future the other body will be more cooperative in our effort to fund this needed project.●

IRONBOUND EDUCATIONAL AND CULTURAL CENTER HOLDS FESTIVAL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. RODINO. Mr. Speaker, this weekend we celebrate our Nation's 207th birthday, and all over America there will certainly be Independence Day festivities. I would like to call the attention of my colleagues to one such festival that will be held in my home city of Newark, the Multi-Ethnic Festival and Parade sponsored by the Ironbound Educational and Cultural Center.

The center is a neighborhood social service agency, and the festival helps to support its programs. Represented at the festival will be the Newark Fire Department, the Bronze Shields, the Youth Council of the IECC, local Scouting troops, and, of course, the many ethnic groups that comprise the city of Newark. Amusement rides, games, ethnic foods, and a parade on July 3 are the highlights of the festival.

Perhaps the single most important aspect of our country is the diversity of its people and the blend of many heritages that have contributed to our history. This festival is an excellent illustration of how people of different cultural and ethnic backgrounds can bring the best of their particular heritage to work toward the advancement of our society as a whole.

I salute all of the participants in the IECC festival, and would like to mention in particular, the executive committee of the IECC: Vincent J. Aresti, president; Ms. M. E. DaCunha, vice president; Donald Bernard, vice president; Manuel J. Corte, vice president; Elizabeth Del Tufo, secretary; Rose A. Leonardis, treasurer; Paul N. Gilbert, legal counsel; Joseph J. Parlapiano, legal counsel; Richard A. Pereira, executive director; and Jesse E. Kasowitz, program administrator and also festival coordinator. Ms. Del Tufo, who is the director of the Essex County Cultural Affairs Department, will serve as grand marshal for the parade.

Mr. Speaker, the spirit of '76 is certainly alive and well in Newark this weekend, and I know the festival will be a tremendous success.●

TRIBUTE TO JAMES F. "BUCK" BURSHEARS

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. BROWN of Colorado. Mr. Speaker, next month, the town of La Junta, Colo., will celebrate the 50th anniversary of one of the Nation's most successful Boy Scout troops. It is appropriate that we take special note of the achievements of this troop and, most especially, the contribution made to it by its founder and only scoutmaster, James F. "Buck" Burshears.

Every year since 1933, seventh grade boys from La Junta and the surrounding area have been invited to become members of Boy Scout Explorer Troop 2230, better known as the Koshare Indian Dancers. The Scouts of this troop have taken as their full-time project the preservation of the American Indian heritage through the performance of Indian ritual dances. They have been phenomenally successful. Today the Koshare Indian Dancers have over 100 dances in their repetoire and are nationally known for the realism and historical accuracy of their costumes and dancing.

The boys raise money for their Scout troop by performing in public. Neither the boys or their scoutmaster personally receive any money. But the troop's earnings and contributions from the community have enabled it to acquire Indian artifacts as part of its effort to promote an appreciation of American Indian culture.

The Koshares' success has taken them from their first clubhouse—an abandoned chicken coop on the Colorado prairie—to the Koshare Kiva and Indian Museum, which houses one of the world's largest collections of Indian lore, artifacts, paintings, and sculpture.

In the summer, thousands of Boy Scouts and other youth groups from all over the United States visit La Junta to watch the Koshares dance and to see their museum exhibits.

When he started the troop 50 years ago, Buck Burshears wanted it to have a challenging interest that would be fun and give each boy an opportunity to experience leadership and responsibility early. Buck is fond of telling his Scouts, "You don't have to wait to be a man to be great. Be a great boy."

The older Koshare boys, the chiefs, are responsible for teaching the younger boys the dances, costumemaking, and the Scout tests. If a young boy does well, he is elected a brave, and, eventually, a chief. In turn, he then becomes responsible for teaching younger boys. The Koshare chiefs also help make decisions about the management of the troop's earnings and the maintenance of their meeting place, the Kiva, and the museum.

The Koshares' accomplishments are impressive. More impressive are the lessons they have learned from Buck Burshears that have made such achievements possible. Buck has helped instill the boys with many qualities: Leadership, a sense of responsibility, confidence, self-discipline, and a knowledge of how to work with others in a joint endeavor. Most importantly, he has taught them that in life success is no accident. Excellence in education and effort is needed to succeed.

Over 2,000 boys have been Koshare Indian Dancers. The best testimonial to Buck himself is that over 500 of them have become Eagle Scouts, and over 90 percent of them have gone on to college.

Buck Burshears has received many awards and honors for his outstanding contribution to the education and growth of these young people. He is the recipient of Scouting's highest honor, the Silver Buffalo. In 1982, the Colorado State Legislature and Gov. Richard Lamm named Buck Colorado's "Citizen of the Year." He is an hororary member of the Chippewa and Blackfoot Indian Tribes and has been honored as a "human treasure" by the nation of Japan.

I am pleased to have this opportunity to also honor Buck and to express my wish that the Koshare Indian Dancers will continue to benefit from his wisdom and guidance for many years to come.●

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. KOLTER. Mr. Speaker, today I rise to explain my vote on the Interior appropriations bill for fiscal year 1984—H.R. 3363.

Acknowledging the fact that the Interior Appropriations Subcommittee's recommendations for the Department of Energy fossil energy programs in fiscal year 1984 represent an increase over the administration's request for fiscal year 1984, I would submit that my colleagues have failed to increase funding in an area I consider to be an important component of our national energy policy.

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I call attention to the fact that funding for surface coal gasification research was reduced from a total of $39 million in fiscal year 1983 to $27 million for fiscal year 1984. This represents a cut of over 30 percent. One example of a surface coal gasification facility that was not funded was the Homer City coal gasification research test facility in Homer City, Pa. Over the past 7 years this facility has contributed substantial amounts of valuable coal research data to the Nation's coal data base. Tests were run on Montana rosebud coal as well as Pittsburgh seam coal. Currently tests are being run on Illinois No. 6 coal. Over 100 skilled research technicians are employed at the facility. The Homer City facility is the last of its kind in the Nation and it would be a tremendous error to close it.

There is no doubt in my mind that we must use the window of opportunity we currently enjoy to prepare for the next energy crisis. When foreign oil trinkles into this Nation because of circumstances beyond our control, the people of this country will ask: Why did the Congress not have the foresight to prepare for it?●

SOUTH AFRICAN CRISIS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WEISS. Mr. Speaker, as a member of the Arms Control and Foreign Policy Caucus, I would like to express my concern about the present continuing human rights crisis in South Africa, where daily over 20 million nonwhites (be they black, colored, or Asian) are humiliated and discriminated against by law.

Let me quote a remark Secretary of State George Shultz made recently before the Senate Committee on Foreign Relations. He most aptly stated that, "Human rights cannot be relegated to international politics." I would venture to state that this administration has done exactly that in South Africa. In the hopes of improving communications with the racist South African Government, we have lifted export controls, vetoed economic sanctions in the U.N., persuaded the IMF to loan the South Africa Government $1 billion (almost exactly the amount they have spent on a war preventing Namibian independence) and continually refused to speak out against the inhumanities directed at the black majority.

If this administration truly believes that human rights supersede international politics in importance, then it should not hesitate to support the provisions in the Export Administration Act (H.R. 3231), reported by the Foreign Affairs Committee, which would change our ineffective and insupportable policy toward South Africa. This legislation, which may reach the House floor by the end of July, would restore export restrictions on the Government of South Africa, restrict bank loans which help stengthen the system of apartheid, ban the sale of the South Africa Krugerrand in the United States, force U.S. businesses in that nation to observe fair employment practices, and finally, reaffirm our commitment to the basic human rights of all people throughout the world.●

BUMPER BILL

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. SCHUMER. Mr. Speaker, I would like to call to your attention my reintroduction of what has become popularly known as the Bumper bill. This amendment to the Motor Vehicle Information and Cost Savings Act would require that the impact test velocity for the motor vehicle bumper standard be restored from 2½ miles per hour to 5 miles per hour.

Restoring the threshold of damage standards will result in greater savings for motorists. Fewer replacement parts would be needed and insurance costs would thus decline. Though the National Highway Traffic Safety Administration (NHTSA) cites savings to consumers as its reason for originally lowering the standards, I am of the opinion that if any savings are realized at all, they would certainly seem to be negligible.

The average automobile owner in Brooklyn pays in excess of $1,000 annually in auto insurance even with the 5-miles-per-hour standard. Under a 2½-mile-per-hour standard it is more than likely that there will be increased damages sustained in minor accidents, which will represent a tremendous cost in terms of repairs, insurance, and lost job time. These costs will far exceed the $28 savings per new car customer which the NHTSA claims will result from lowered standards.

In light of today's advanced technology, reducing safety standards does not seem to be the optimum way of making automobiles more fuel efficient. Our auto industry, which is presently on the rebound, is employing new design techniques which utilize advanced aerodynamic styling. The application of scientific formulae means a great deal more in terms of gas saving, which is one alleged goal of the lowered standard, than a lighter bumper.

It is my hope that my colleagues recognize the impending dangers in allowing this relaxation of damage standards for automobile bumpers to go unheeded. A decline in damage and safety standards is neither good for industry or consumers.

It is my firm belief that restoring the 5-mile-per-hour bumper standard will benefit many. I urge my colleagues to join me in my battle for greater consumer protection.●

THE 20TH ANNIVERSARY OF KALAMAZOO-NUMAZU SISTER CITY AFFILIATION

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. WOLPE. Mr. Speaker, I rise today to salute the 20th anniversary of the sister-city affiliation of Kalamazoo, Mich., and Numazu, Japan. As many of my colleagues are aware, the sister city relationships which bind many of our municipalities with cities abroad are a result of President Eisenhower's people-to-people international program, which was founded in 1956. Although the program ceased to be a function of the Federal Government in 1961, the sister city program has since prospered as a private endeavor.

Kalamazoo and Numazu became officially affiliated in 1963. Under the sister city program, the two cities have developed a broad range of contacts and interactions. Mayoral delegations have exchanged visits on at least four occasions. Teachers from Kalamazoo and professors from Western Michigan University have traveled to Japan. A special scholarship program has resulted in Kalamazoo students studying in Numazu and a number of Numazu students studying in Kalamazoo. Several elementary and junior high schools have established sister-school relationships, resulting in an exchange of pen-pal letters, art exhibits and numerous gifts.

I can personally testify to the warmth and value of this sister city affiliation. While serving as a member of the Kalamazoo City Council, I had the opportunity to visit Numazu. It is an experience I will long treasure. The genuine feeling of friendship with which I was received by the people of Numazu made a deep impression on me. I know many of my fellow citizens in Kalamazoo have experienced the same warm friendship.

On July 29 a delegation from Kalamazoo headed by Mayor Caroline Ham will again visit Numazu to mark the 20th anniversary of the Kalamazoo-Numazu sister city affiliation. On this happy occasion we can all join in saluting a program which has, in a very real and personal way, promoted true friendship between the Japanese and American peoples. I congratulate the

leaders of Kalamazoo and Numazu for their efforts to foster a strong sister-city relationship.●

UNEMPLOYMENT IN ARIZONA

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McNULTY. Mr. Speaker, no problem surpasses the problem of unemployment among the people of southeastern Arizona in the summer of 1983. The years of expansion as part of the well-known "Sun Belt" growth were so vital and profound that our people were not well equipped to face the consequences of the current recession, nor the failure of the economic policies of this administration to restore economic vitality since taking office.

Copper production and smelting is one of the fundamental strengths of southeastern Arizona. As I address this House this evening, the hard fact is 14 of the 28 mines in Arizona are shut down totally. Of the State's 24,000 copper miners, 11,000 are unemployed. Many have been unemployed so long that they are now exhausting their unemployment compensation benefits. Small businesses are suffering near record failures. This is paticularly so in the small towns of my district that are totally dependent on the copper industry for their well being. Of those fortunate enough to still be working in copper production and processing, many are involuntarily working reduced hours.

Congressional District 5 also includes the border with Mexico and the havoc visited upon the economy, particularly the commercial economy, of the border is unbelievable. Declines of as much as 60 percent in gross revenues are not at all uncommon.

Hundreds of jobs have disappeared from the nonmetropolitan counties which I have the honor to represent. Hundreds of men and women have left their homes in despair, looking for new employment opportunity in Phoenix and Tucson, the two great urban centers of the State. Yet the unemployment in Pima County and Tucson, its central urban place, remains at 10.3 percent.

Recovery is following a very slow path indeed for the area taken as a whole. The only bright light is in the residential home construction industry in Phoenix and Tucson. In both these areas home permit activity is running at very high, nearly record levels. There is every reason to believe this pace cannot be continued as excess demand is satisfied and any rise of interest rates will place homeownership out of the reach of people who for now can hope to purchase a home.

It is of the utmost urgency that this House continue to insist on budgetary restraint and budgetary responsibility. The House is to be commended, in my view, for pressing to restrain the growth in new Federal debt in the coming fiscal year, and for resisting pressures from the administration to throw out the budget process altogether. It is bad enough to confirm a budget with $180 billion in deficit. It is less than responsible to present higher budget deficits as the administration has done for the coming year and for as many years as the eye can see. The financial markets and the American people have every reason to view such financial planning as imprudent. The recovery thus far is frail at best.

We must demonstrate that we are committed as a nation to help the unemployed and to help Americans who want to work to return to work. The House has shown its understanding through passage of a jobs bill and the American Conservation Corps legislation. We soon shall have the opportunity to consider the Coal Slurry Transport Act from which several hundred thousand jobs will shortly be created. This is the kind of legislation that America wants and expects.

Congress can and must respond to the economic emergency facing this Nation. I am proud to be part of this effort and I congratulate my colleagues who this evening in this forum of the Representatives of the American people are focusing the attention of the Nation on this, America's No. 1 problem.

Mr. Speaker, I ask permission to append to this statement a copy of my newsletter of June 1983 which extends and documents the points I have made concerning the plight of Arizona's No. 1 industry, the copper mining and smelting industry.

COPPER: THE SLOW REVIVAL OF ARIZONA'S NO. 1 INDUSTRY

Copper is a stricken industry. I know it, and southern Arizonans know it better than anyone. Similar problems afflict other American industries, such as automobiles, steel and timber, and as a result the Federal government has been slow to understand the depth and severity of copper's problems. My colleagues from other copper producing states and I frequently find ourselves explaining our all-too-familiar problems to people who are hearing the facts for the first time.

One primary concern since becoming the Representative from Arizona's Fifth District has been to advance bills and policies that will permit copper workers to go back to work, allow mines to operate in a market where they can make a respectable profit, and give the small businessmen and women of southeastern Arizona the opportunity to plan for a better future.

This is a report on the progress we have made, keeping in mind that much remains to be done.

The copper industry, America's most important nonferrous mineral industry, was afflicted severely by the national recession, and remains in poor health. Some 11,000 of Arizona's 24,000 copper workers are still out of work. A good fraction of the remainder are involuntarily working reduced hours. Of the 28 mines in Arizona, 14 are shut down completely. Every major copper producer lost money in 1982, and in some cases the losses were quite substantial. For example, Phelps Dodge Corp. lost $74 million last year, the largest loss in its history, and Kennecott Corp. reported a loss from its metals operations of $189 million.

Small businesses in Arizona, many of which provide goods and services directly to the copper mines, have also suffered on account of the copper recession. At the end of 1981, 90 percent of the members of the trade association serving the copper industry had laid off workers and reduced salaries, and a number of companies had simply gone out of business.

This downward trend has had severe impacts on state and local governments. Recession and unemployment translate into decreased tax revenues, which mean smaller government payrolls and diminished public services. For example, Pima County experienced a loss of $2 million in sales tax collections over the past two years as a result of the slowdown in copper. Greenlee County sales tax revenue fell off 57 percent in one year. Statewide, the Arizona Office of Economic Planning calculates that in the second half of last year, state sales tax revenues fell a full $12.1 million. Such sharply reduced revenues, directly due to the hard times in copper, force state and local officials to make extremely difficult decisions on how and whether to fund vital and necessary public services.

In short, a healthy copper industry is critical to a healthy Arizona.

Copper has always been a boom and bust industry. But in the past, downturns have been followed quickly by strong improvements in prices and demand that restored payrolls and profits. This recession has proved far more severe, and it is increasingly clear that we are not going to have that strong bounce-back which we could count on in earlier times.

A number of factors lead us to this conclusion, but to know the full story we must look at the copper situation worldwide—and specifically at the relatively recent changes in who owns the copper mines and smelters of the world. When I became a practicing attorney in Bisbee 32 years ago, virtually all the mines and smelters in the world were privately owned. No more. Today, 40 percent of the world's copper production capacity is controlled by governments, primarily governments of Third World nations who are mining not just for profit but to keep their people at work (which helps to insure governmental stability) and to earn hard dollars on the international market.

These governments, as a rule, keep copper in production no matter what is happening to demand. So, when prices fall in the international market, it is the private producers—almost exclusively in the United States and Canada—who shoulder the burden. Through August of last year, U.S. production had fallen off 23 percent, while production abroad had actually increased 2 percent.

Moreover, this deliberate overproduction is often bankrolled by multilateral development banks, frequently with U.S. approval. I have identified several cases this year in which the International Monetary Fund (IMF) has bailed out countries that insist on expanding copper production without regard for market conditions. For example,

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the Chilean national copper company, CODELCO, the world's largest copper producer, increased production by more than 15 percent from 1979 to 1982, just as the global recession was taking hold. Earlier this year, Chile was forced to go to the IMF to borrow $327 million to compensate it for the revenues it lost due to the low price of copper. The IMF and other institutions have propped up or bailed out other nations for similar questionable business judgments, to the tune of $468 million in the case of the IMF alone. These are potentially dangerous practices.

A look today at the future of copper must always lead us to one conclusion: new markets must be found for the mineral. The decline in American automobile sales and housing construction have lowered dramatically domestic demand for copper. Copper has always had to compete with other metals in industrial uses, and technological advances in other industries, such as communications, have also reduced the need for copper. A general restoration of our economy will pick up some, but not all, of the slack, and it is clear that in the longer term American copper companies will have to find new customers. Company executives with whom I talk assure me that they are willing and able to do this.

In fact, there is a growing understanding on the part of management and labor of the fact that the boat in which we all find ourselves is lower in the economic water than we would like to have it. There is a need for cooperation and mutual support if the industry is going to rescue itself. Productivity gains will have to be achieved in an atmosphere of teamwork.

The third member of the team, however, is our government, and it is there that much work still needs to be done. The current Administration has yet to propose an industrial policy that brings trade and financial practices into a form that will encourage enterprise and production. And it continues to support international loans to prop up projects that compete directly with our depressed industry. I have sponsored or cosponsored several bills that would help to address these underlying problems, and will continue to work on them.

The road ahead has many uncertain prospects before we can expect to see a fully-recovered, healthy copper industry again. But we have every right to expect to see it, and if we continue to work together we will see it.

COPPER BILLS PENDING

Congressman Jim McNulty has sponsored or cosponsored the following bills this year in an effort to improve prospects for economic recovery in the copper industry:

H.R. 2412, which would direct the U.S. government to purchase immediately $85 million worth of copper for the domestic strategic stockpile, which remains several million tons below its authorized level.

H.R. 2413, which would apply a tariff on copper imported from countries which impose little or no environmental controls on copper production facilities.

H.R. 2946, which would prohibit U.S. approval of multi-lateral bank (World Bank, IMF) loans to nations for further production of a commodity already in surplus in the world.

H.R. 2945 would expand that same principle to the board of directors of the U.S. Export-Import Bank.

CANANEA SUBSIDIES TYPIFY U.S. DILEMMA

One of the biggest obstacles to recovery in the domestic copper industry has been the worldwide copper "glut" caused by overproduction in nations which, because of heavy subsidization, can ignore the normal supply-and-demand forces of the world market. The United States frequently assists foreign copper producers, and thus hinders its own copper recovery. A particularly vexing example of this dilemma is right at our own doorstep: in Cananea, Sonora, Mexico.

The Cananea mine and smelter is undertaking a major expansion, with the help of a $75.7 million loan from the U.S. Export-Import Bank. In addition, the United States had backed a $50 million loan from the World Bank to Cananea, although that loan has since been tabled. The expansion will triple the production capacity of Cananea, allowing the company to produce an additional 100,000 metric tons of copper per year for an already-depressed market. In addition, post-expansion Cananea could emit 500 tons of sulfur dioxide per day from its stacks—more than all seven Arizona smelters combined will be allowed under Clean Air Act regulations scheduled to take effect in 1988.

Congressman NcNulty and 13 other members of Congress from both parties protested the U.S. participation in the Cananea expansion in a March 17 letter to President Reagan, arguing that the project will have "serious adverse effects on the American economy and environment."

The letter was cosigned by Arizona Senators Dennis DeConcini and Barry Goldwater, Arizona Reps. Morris K. Udall, Bob Stump, Eldon Rudd, and John McCain; New Mexico Senators Pete V. Domenici and Jeff Bingaman, New Mexico Reps. Manuel Lujan, Jr. and Bill Richardson; Montana Senators Max Baucus and John Melcher, and Montana Rep. Pat Williams.

[From the Los Angeles Times, June 26, 1983]

U.S. HELPS NEIGHBORS—COPPER MINERS ANGRY AS AID CROSSES BORDER

(By Bill Curry)

KEARNY, ARIZ.—For more than a year, Ernesto Estrada has watched his life slowly undermined by unemployment.

He has lost his house, and his truck is next. He has seen his once-healthy paychecks from the Kennecott copper mine up the road replaced by sparse $115-a-week unemployment checks, food stamps and five-pound bricks of free surplus cheese.

His $11.50-an-hour job as a shovel operator in the yawning Kennecott mine has given way to a federally funded job-retraining course, one of those designed to help U.S. workers who are jobless because of foreign competition.

ONE OF 11,000 JOBLESS

But the federal government itself has also provided foreign aid to that competition, copper mines in underdeveloped nations. And it has supported loans to them through multilateral lending agencies like the World Bank.

Ernie Estrada is only one of an angry army of 11,000 unemployed copper workers in Arizona, the nation's No. 1 copper-producing state.

But 20 miles across the border, a Mexican copper mine is booming, in part because of U.S. assistance.

"I was working toward getting the kids out of school, getting an education, and things would get better for us—the American Dream—and somebody comes along and cuts the strings," said Estrada, 45, a father of three who has worked 26 years at Kennecott's Ray Mine here. "All this foreign aid and we got people in the United States who can't even afford to buy a pound of beans."

International development efforts, according to data compiled by Phelps Dodge Corp., the nation's second-largest copper producer, have helped six nations expand eight copper projects in the last four years alone.

Although the practice is government policy with well-intentioned international goals, it has the effect of subsidizing employment abroad in an industry with widespread unemployment at home. And that dilemma has brought a new and critical examination of U.S. efforts to develop Third World nations suffering from high unemployment and low standards of living.

The result of this new scrutiny could be an important change in U.S. developmental efforts overseas, and billions of dollars in loans and countless numbers of jobs could be at stake worldwide.

But regardless of the outcome, the current debate has already revealed an intricate network of national and international practices rife with conflict.

For example, to create jobs, political stability and foreign exchange in underdeveloped regions, primarily in Africa, South America and Mexico, world lending institutions, with U.S. approval, have subsidized the development and operation of foreign copper facilities. Critics contend that this development has come at the expense of U.S. mines, which have been forced to shut down, and U.S. miners, who have been laid off, as copper prices fell to the lowest levels in four decades.

Government-owned copper companies in other nations, meanwhile, have actually increased production to maintain export earnings, driving copper prices still lower.

Chile, for example, depends on copper exports for 43% of its foreign exchange, and in 1982 it ran its mines at 110% of their listed capacity despite a world oversupply of copper. Meanwhile, the International Monetary Fund approved $880 million in loans to Chile.

"This deep pocket (of international loans) is obviously not available to finance continued operations in the Western United States," Yale University economics professor Paul W. MacAvoy has written. "In effect . . . American companies and their domestic employees have absorbed all the worldwide (copper) industry's reduction in employment . . .

"And not much is gained by telling unemployed Arizona copper mines that American loans supporting the low-cost sales of Chilean production are in the long-run interests of all nations."

Other conflicts are noted:

The U.S. copper industry has complained about loans to foreign mines, yet it has made its own copper investments overseas.

Loans from the U.S. government's Export-Import Bank have helped create copper jobs overseas at a time of unemployment in the copper industry at home, but those same loans have also created jobs for other U.S. workers, who build such things as mining equipment purchased with the Export-Import Bank loans.

"Our bread is buttered on both sides of the border," admits a spokesman for the mining-supply industry in Arizona.

"The United States (is) shooting itself in the foot," contends Rep. James F. McNulty Jr. (D-Ariz.), who has introduced legislation designed to restrict assistance to competing commodity producers overseas. "It is time the United States started paying attention to the conditions in its own economy before it decides to assist similar economies abroad."

McNulty spoke at a congressional subcommittee hearing May 20 on the role of U.S. assistance to foreign copper producers. The hearing was prompted by disclosures that the World Bank, with U.S. approval, and the Export-Import Bank of the United States had approved separate loans, totaling millions of dollars, to help triple production at the Compania de Minera Cananea copper mine in Cananea, Mexico, just 20 miles from the Arizona border.

At the time, much of Arizona's copper industry was shut down and its work force unemployed.

Moreover, a World Bank agency has reported that its role "has been particularly significant" in arranging an additional $400 million in private bank loans to the mine.

A BELEAGUERED ALLY

The bank loans were an effort to help a beleaguered and friendly ally. In Mexico, where estimates of unemployment and underemployment run as high as 40 percent of the labor force, the vast expansion of the Cananea mine and smelter is considered necessary to preserve the jobs of 2,360 workers.

In addition, the expansion will create 770 new jobs, which a secret report prepared by the World Bank's International Finance Corp. describes as well-paying jobs with generous fringe benefits: health care, schooling, cooperative purchasing—and 455 houses to be built for new employees.

Moreover, the company plans to recruit the new workers from the northwestern region of Mexico, where chronic joblessness impels many to migrate illegally to the United States in search of work. The Cananea mine expansion would offer some of them skilled and semiskilled jobs in Mexico instead.

Through copper exports from the mine, the expansion is also expected to earn Mexico much-needed foreign exchange. Mexico's disclosure to New York bankers last Aug. 20 that it could not repay its loans was the beginning of the current international debt crisis.

So on July 15, 1982, the International Finance Corp., with the U.S. representative voting "yes," approved a $50-million loan for Compania de Minera Cananea. The United States contributes about 30% of the international agency's funds.

More important, the agency arranged private financing to produce a total of $450 million toward the $1-billion cost of tripling Cananea's copper production. In addition, the Export-Import Bank provided $75 million in loans to finance the purchase of more than $100 million in mining equipment from U.S. firms.

The International Finance Corp. loan has since been put on hold because of Mexico's burdens from debts and perhaps because of the opposition originating in Arizona. But the Mexican government considers the expansion a high-priority project, and Cananea is continuing it at a slower pace. Company officials are expected to return to the international agency as the expansion, from 50,000 to 150,000 metric tons a year progresses.

Nonetheless, the issues raised by the agency's help and the U.S. government's Export-Import loan continue. For whatever the intentions of the assistance, it spawned a hailstorm of objections in Arizona where thousands of copper workers had lost their jobs and some, like Estrada, would lose their houses while Mexican workers stood to gain both jobs and houses.

"SEEMS INCONCEIVABLE"

"I spent a good deal of time trying to help our people improve their living conditions," Al Skinner, a retired United Steel Workers of America Representative, told the subcommittee hearing last month, "and it seems inconceivable to me that our government is taking the taxpayers' money to guarantee loans to foreign countries that are subsidizing industries that compete with American industry and undermine our whole industrial progress.

"The unemployed deserve something better than that."

"We use to fight forced overtime," said Donald Shelton, president of the United Steel Workers local in Oracle, Ariz., "and now we don't know where the next meal is coming from."

Another issue has also arisen. Arizona's copper smelters are spending hundreds of millions of dollars for air-pollution control equipment, and the Cananea smelter appeared to pose a threat to the industry's efforts—and to Arizona's air—by increasing pollution from its expanded production.

Concern about that brought together environmentalists, management and labor in a fleeting coalition to criticize the U.S. and multilateral efforts to help Cananea.

"It was like a veneer," Michael Rieber, professor of mineral economics at the University of Arizona in Tucson, said of the unusual alliance. "But they're all right about one thing: Cananea will displace jobs in the United States. Cananea is a low-cost, world-class mine."

What the coalition sought was U.S. government action to thwart federal and international loans to competing and polluting projects that could hurt U.S. industries. Such lending is a small portion of Third World development loans; the bulk is provided by private banks. However, the multilateral lending agencies arrange and influence much of that lending as well.

Cananea declined to appear before the hearing, conducted by the House subcommittee on mining, forest management and the Bonneville Power Administration. But it said in a prepared statement that it plans to pursue anti-pollution control at its expanded facility. It maintained that the current facilities have reached capacity and "expansion is necessary."

The company pointedly noted that it bought $25 million in U.S.-made products last year, and added that its additional copper production will be consumed in Mexico, not exported.

The International Finance Corp., however, said that the additional output will be exported initially. Whichever is true, Cananea will add to worldwide copper supplies and therefore is likely to slow recovery of the market and the recall of thousands of U.S. copper workers.

Cananea was once owned by Americans, including the Anaconda minerals subsidiary of Atlantic Richfield Co. Now, as Cananea grows under Mexican government and private ownership, Anaconda has retrenched. It has demolished its smelter in Anaconda, Mont., and its Butte, Mont., mine will close indefinitely on June 30.

In fact, says Rep. McNulty, 14 of 25 major American copper mines are shut down. Some will almost certainly never reopen. Here in Kearny, Kennecott's Ray Mine and its smelter in nearby Hayden are closed indefinitely. Of 1,853 workers, all but 184 have been laid off "until the economic conditions permit," said Richard W. Banghart, vice president and general manager.

The mine and smelter can produce 100,000 tons of copper a year, but since May 2, 1982, the bustling open-pit mine has been eerily quiet, the smelter cold and lifeless. There is some agriculture in the area, but towns like Kearny, Hayden—and Cananea—exist because of copper.

RELATIVES IN MEXICO

The people here, in fact, have other ties to Cananea than the same belt of copper that they work. "I have relatives over there," says Hayden Mayor Carmelita Hart, "but I could care less."

"We all have relatives down there," added Luis Fontes, 50, a repair foreman who has worked at the Ray Mine for 30 years. The mine takes its name from the town it swallowed when it was expanded in 1958.

Kennecott donated the land for the new town of Kearny, population 2,650, unemployment rate 40%. Jobs paying $25,000 a year were once common at the mine, said Banghart, but in the last year, a $40-million-plus payroll has simply vanished.

"When the community is working," said Bob Morales, 35, a diesel mechanic laid off in Kennecott after 15 years, "the community is rich."

But in the last year, the number of food stamp recipients here has risen from 86 to 740; the number of families on welfare from 19 to 39. "Life was super," said Frances Marin, who has three teen-age daughters and was supporting them with her $11.27-an-hour truck-driving job at the mine. She now supports them with $282 a month in federal Aid to Families With Dependent Children and $165 in federal food stamps.

Once middle-class, Marin was recently elected to the board of a local community action agency—as the low-income representative. "I never thought I'd be on welfare," she said.

She is renting a house that another mine family must sell. Out front, the "For Sale" sign joins many others in Kearny. They seem as numerous as the saguaro cactuses in the hills nearby.

Some homes, however, are just empty. One is Ernie Estrada's old place at 447 Jamestown, the little red-brick bungalow with the foreclosure sale notice on the front window. "I had it built from the ground up," said Estrada, who was born in Ray. He, his father and two of his brothers together have worked more than 100 years at the mine.

"Two days after Thanksgiving, we moved out."

Now he is renting a smaller, rundown house for $125 a month, but he is behind in the rent.

His unemployment checks will run out in September, when he finishes his federally funded training classes.

"If you were getting benefits because of foreign competition and the government was helping the competition," said Jerry Bribiescas, mayor of Mammoth, Ariz., and an employee of Magma Copper, "you, too, would be furious."●

NATIONAL HOME CARE WEEK

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. PANETTA. Mr. Speaker, on May 12, I was joined by Representatives CLAUDE PEPPER and BARBER CONABLE in sponsoring House Joint Resolution 268, to designate the week beginning November 27, 1983, as "National Home Care Week." To date, this resolution has been cosponsored by more than 90 House Members. Senator HATCH has sponsored a similar measure in the other body.

When I introduced this resolution, a letter from the National Association for Home Care in support of this resolution was made referenced to in my statement. However, this letter was omitted from inclusion in the CONGRESSIONAL RECORD. At this time, I am including this letter in the RECORD for the attention of my colleagues. Once again, I urge support for the National Home Care Week resolution. Following is a text of the letter:

NATIONAL ASSOCIATION FOR HOME CARE,
Washington, D.C., May 3, 1983.

Hon. LEON E. PANETTA,
House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PANETTA: This is to thank you for your support in creating National Home Care Week. We are most grateful for your having introduced this resolution last year. National Home Care Week proved to be a tremendous success. We greatly appreciate your asking Congress to once again designate the week after Thanksgiving as "National Home Care Week," and warmly endorse this measure.

Best regards,
Sincerely,
VAL J. HALAMANDARIS,
President.●

HUNGER PROGRAMS IN MACOMB COUNTY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, many people in Macomb County, in both government and private organizations, are working to meet the needs of the hungry. In spite of these efforts, hunger programs are strained by the growing number of people who need their services and the lack of adequate resources. The following exerpts describe the status of some of these programs.

SCHOOL NUTRITION PROGRAMS

(By Chacelle Russell, Food Service Consultant, Macomb County Schools)

In the recent National Evaluation of School Nutrition Programs report prepared for USDA it is noted that the biggest single determinant of School Lunch Program participation is meal price.

Before the Omnibus Reconciliation Act of 1981, the average charge to the elementary child was $.68 per meal.

In 1980-81 $.76, 1981-82 $.93 and the average charge to the student currently is $1.07. As schools were forced to raise their prices due to rising costs, inflation and reductions in federal assistance, the resultant loss of participation closely follows the national rate of 1 percent participation loss for each $.01 the price goes up. The price increase of 64 percent has resulted in a decrease in participation of 60 percent. A Federally subsidized meal is offered both free and reduced priced. The reduced price is to help financially struggling families who do not qualify for a free meal. Generally these are often the working poor.

As reported in the National Evaluation of School Nutrition Programs report, the Breakfast Program serves mostly poor children and this is again true in Macomb. In 1979-80, four districts offered breakfast, served 67,000 meals of which 92 percent were free or reduced priced. Presently two districts are serving breakfast—43,000 meals of which 98 percent are free and reduced priced. The two districts who dropped the program did so because of lack of funding and rising costs.

We provide for many children their only meal of the day. We care about our children and we are concerned that East Detroit where 50 percent of the meals served were free or reduced priced no longer can afford the program and that Roseville where 55 percent of the children served were free or reduced priced has closed the elementary feeding program.

We recognize that with any program, there will be a small percentage of abuse and surely school lunch is no exception. However, there is great concern for the reams of paperwork now required to complete and verify any application. The "new poor" are especially sensitive to the loss of dignity they are subjected to as they bounce between agencies. Directors hope that one complete application, easily verified could be developed. Many people who we now serve have worked and contributed to these programs through their tax dollars for years and deserve to receive this needed help with dignity.

THE WIC PROGRAM

(By Mary Ann Mahaffey, Member, Detroit City Council, Chairperson, Michigan Statewide Nutrition Commission)

The Women, Infant and Children Program serves pregnant women and children up to the age of five. The program provides coupons for fresh eggs, milk, cheese, orange juice, fortified cereals and fortified formulas. It is designed as a supplement for women, infants and children at nutritional risk. Every dollar spent on the food component of the WIC program can save us as much as three dollars in immediate medical costs according to a Harvard University study. At this point the cost to the government in extended hospital care in the neonatal unit may run to $40,000. By contrast the cost of getting a WIC participant through a pregnancy runs to $450.

Congress rejected severe funding cuts for WIC in the last several years, but the fact that funding has been kept steady in the face of inflation means that it has in reality been significantly reduced. In 1982, in Michigan we served 77,117 people. In 1979 and 1980, we served 77,452. In February 1983, the caseload was 78,554. Money was turned back in 1981. The problem is that there has been insufficient money to cover administrative costs.

In Michigan, children in many areas were dropped from the program when their nutritional status was normal perhaps at one year. There is no follow up to determine if the child needs supplements again, between that point and entrance in school, i.e., whether or not if the supplement is discontinued the childs health becomes once again at risk. In the past, mothers have tried to stretch their own allotment to cover the three or four year old dropped from the program.

In addition, last year reductions were made in the coupon package, in an effort to increase the number served in Michigan to 90,000 in 1983. It is estimated based on the 1970 census, that 210,000 are potentially eligible which means that the program is falling 120,000 short of need based on the 1970 census. The question is what would be the need given the increased unemployment, reductions in health service and the termination of benefits for many people if the estimates were to be based on the 1980 census.

THE FOOD STAMP PROGRAM

(By Leland E. Hall, Director, Office of Food Programs, Michigan Department of Social Services)

The food stamp program has dramatically expanded between January 1979 and March 1983. In the state as a whole, the caseload has increased 96 percent and the value of monthly benefits during that period by 250 percent. The caseload in Macomb County during 1979-83 period has gone up 75 percent and monthly expenditures by 206 percent.

In 1983 alone, more than a million people will receive food stamps each month and the annual benefits will exceed half-a-billion dollars. Comparable 1983 figures for Macomb County are: 50,000 people will receive benefits each month for an annual value of $21 million.

It is quite plain that the food stamp program provides a good deal of assistance for needy people. The statistics relating to the amount of benefits per family and individual make it equally plain that the benefits do not fully meet food needs. For example, statewide benefits average about 49 cents per person per meal while in Macomb County the comparable figure is 47 cents per person per meal.

It should also be noted that one of the Reagan Administration's approaches to reducing federal spending was to delay for almost two years any benefit adjustments resulting from food price inflation. This too diminished a family's food purchasing power and there is reason to believe that many people who are in need of food assistance from private charities have not had enough food stamps to meet their needs. I should add here, however, that they probably never had enough to meet them. What appears to be different now is that people require assistance who never have before. The specific evidence on this point is very scarce but given what we know about the economy and the amount of food stamp and other assistance that has been available, hard data is probably unnecessary to conclude that people need help in feeding their families for a month. The food stamps run out, the energy bills are due, and the rent is in arrears—they have no place to turn but to private groups.

(E)mergency funds (provided by the Jobs Bill) have been most necessary, but we firmly believe that the food stamp program has provided and should continue to provide a regular avenue for dealing with hunger and malnutrition in America. At least some part of the current emergency is best understood as a measure of that program's inadequacy.

SURPLUS COMMODITY DISTRIBUTION

(By Mary Ann Mahaffey, Member, Detroit City Council, Chairperson, Michigan Statewide Nutrition Commission)

National surveys found that our previous reliance on surplus foods or commodities rarely provided even minimumly adequate nutrition and frequently left the most vulnerable seriously malnourished, because what happens to be in surplus does not make up a reasonable nutritious diet. * * * There are very few foods currently in government warehouses other than dairy products (approximately a ten year supply of dried milk, processed cheese, and butter). * * * Fruits, vegetables and meats are rarely in the surplus stocks, most perishable items simply can't be. Commodities impose the monotony of eating the same foods day after day, and disregard individual tastes, religious beliefs, and cultural preferences. Health Departments have fought to remove the highly salted, high fat, sweetened commodity foods from their menus because of concern for the nutritional problems in the senior population. In addition, many poor people can't use surplus commodities.

In the 1960's, the average surplus food package for a family of four, weighted 95 pounds. It couldn't be carried on the bus or subway or by anybody very old, or pregnant or young, or without access to a car. Storage was a constant problem, families couldn't easily use bulk amounts of wheat or soybeans or corn, and warehouses were plagued with roaches, mice and worse.

Commodity food giveaways are not the answer. They will never be able to provide a reasonable diet and there can never be enough distribution points to make the food accessible. Giving some of our "surplus" foods to the hungry Americans will not solve the problem of the surplus four billion. That involves agriculture policies beyond the matter at hand. A block of salty, high fat cheese is no substitute for food stamps. In some programs such as the institutional feeding programs, bulk foods can be used and stored, a separate distribution system is not required and the trap inherent in old surplus commodity distribution programs for individuals can be avoided. They are helpful for emergencies, but only for short periods of time.

EXPANDED FOOD AND NUTRITION EDUCATION PROGRAM

(By Marilyn Rudzinski, Director, EFNEP)

The Cooperative Extension Service is a department of Michigan State University, whose function is to provide non-formal educational programs based on the needs of local county residents. The programs are funded cooperatively by Federal, State and County governments through the United States Department of Agriculture, Michigan State University, and the Macomb County Board of Commissioners. Cooperative Extension Service programs address educational needs. Federal funding for the Cooperative Extension Service, and consequently EFNEP is under the Farm Bill for the Department of Agriculture.

The Expanded Food and Nutrition Education Program teaches basic food buying, preparation, sanitation and nutrition skills to low income homemakers and families on a one-to-one basis by para-professional nutrition aides.

With limited funding at its inception in 1969, the program serviced 27 Michigan counties. Now only 17 counties are able to offer the program, due to lack of funding. The 1984 budget requests a decrease of 42 percent. Further county reductions are inevitable. Macomb County Expanded Food and Nutrition Education Program will suffer staff reduction or possible elimination.

The Expanded Food and Education Program offers people an opportunity to help themselves. That is Michigan Cooperative Extension Service basic philosophy. Give people the opportunity to develop skills that form the basis for decision making to maintain and enhance long range quality of life.

Therefore, we recommend that food supplement programs are maintained based on need and that the House Agricultural subcommittee recommendations which restores funding for the Expanded Food and Nutrition Program to its existing level be supported.

UNITED COMMUNITY SERVICES

(By Margaret J. Szmanek, Planner, Macomb Division, United Community Services)

United Community Services of Metropolitan Detroit (UCS) is a community-based human service planning organization. In the tri-county area, along with the United Foundation, UCS serves as the local United Way. In that framework, UCS works extensively with volunteers.

In the last several months, the Macomb Division has been extensively involved in the organization and implementation of various food distribution programs, in response to the critical food shortage many unemployed persons are experiencing. In some instances, efforts to meet this basic need—providing food to hungry persons—have been hampered by the inability of the cooperating food-providing agency or organization to distribute large amounts of food without adequate staff or volunteers. This occurs when large donations of food from corporations and businesses or purchased through governmental grants is suddenly made available for distribution with specific timetables, but with no provision for administrative costs, additional labor, or time to organize volunteers.

We must encourage governmental entities, when making grants or programs available, to include funds for administrative and personnel costs.

MACOMB EMERGENCY FOOD PROGRAM

(By Teri De Schryver, Coordinator, Macomb Emergency Food Program)

The Macomb Emergency Food Program has functioned continuously since 1975, structuring a network of over 60 collection and 28 distribution sites. Recent food collections generated by the "hunger emergency" provided abundant supplies of food. The major contributor was the GM-UAW Care and Share donation.

During the GM-UAW project, over six hundred prepared boxes of food were distributed to families in Macomb County weekly. Prior to this project approximately 250 families were receiving emergency food assistance each month. These families average four persons in size and food service averages slightly over five days per family.

Preliminary surveys show that 51% of families and individuals who received food during the GM-UAW food project were on public assistance. Fifty-seven percent were families in our current target group of so called "new poor." An example of the later is a request received through our office last week. A family consisting of a husband, wife and five young children recently moved to Macomb County from Detroit. The husband was permanently laid off from Ford's 3½ years ago. Because employment since that time has been sporadic and meager, the family lost two homes before moving to East Detroit. In spite of the fact that both parents have Masters degrees, the family is subsisting on temporary employment, plus ADC and Food Stamps. Requesting emergency food was humiliating for this mother who began to work as a volunteer in the site that had assisted her.●

CONGRESS SPENDS BUCKS, BUT PASSES BUDGET BUCK

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. GINGRICH. Mr. Speaker, the liberal Democrats and defeatist Republicans in Congress are irresponsibly voting for big spending bills and then blaming President Reagan for the deficits. We members of the optimistic wing of the Republican Party believe it is possible to control spending and to shift from a liberal welfare state to a conservative opportunity society. We are committed to supporting the President's vetoes of irresponsible spending.

The Atlanta Journal-Constitution defined the need for this confrontation as irresponsbility when it wrote the following editorial.

[From the Atlanta Journal-Constitution, June 26, 1983]

CONGRESS SPENDS BUCKS, BUT PASSES BUDGET BUCK

The halls of Congress are now replete with breast-beating, the sounds of pious members entoning that they have done their job, arriving at a budget resolution.

They will, they say, present this fiction to the nation, but they bear, they say, no responsibility for what the evil Ronald Reagan does with the individual spending bills. Whoop-te-doo.

The budget, agreed to by the House Democratic leadership with the reluctant consent of Senate Republican leaders, is a pipe dream. It calls for $12 billion in new taxes in the next year, with $51 billion in new taxes for the following two fiscal years.

Increasing taxes in a recession is folly. Congress has done that several times in the last two years. To increase taxes during a fragile economic recovery is suicidal. The president is opposed and we hope he sticks to that opposition, rather than compromising on tax increases as he did last year.

The recovery is exceeding expectations. The release this week of growth projections of 6.6 percent was great news. But every expert adds cautionary notes. Most see the recovery imperiled if interest rates rise.

Most see interest rates triggered by the staggering federal deficit.

Which brings us back to Congress. Its budget does virtually nothing to narrow the deficit. It sets up a confrontation with the president by holding defense spending to a 5 percent increase. It adds billions in nonmilitary spending and it calls, really, for a blank check on tax increases.

The president had suggested contingency taxes to reduce the deficits. His tax plan would have been triggered in 1985 and 1986 if inflation moved up and out of control again.

Congress rejected that notion and went even farther astray. Its members earmarked $8.5 billion in pork-barrel spending as a contingency. If Congress agreed, that largesse would be used to relieve the effects of a recession that is all but over.

Such political legerdermain fools no one. Congress wants to continue to spend—as its appropriations committees prove daily—even in the face of a deficit most optimistically put at $170 billion. Even with the new taxes.

We have no desire to see a budget confrontation, with vetoes, attempts to override them and the usual scare stories about the government running out of check-writing authority.

But Congress simply cannot continue to avoid the larger picture, its decision to view individual programs on their own, rather than as part of the whole budget has led to eight straight deficit-spending years.

The Reagan administration has offered compromises on defense spending, but Congress refuses to consider altering the domestic side of the budget. That standoff deserves confrontation—and more of the president's basic lessons in economics for the American people.●

A GROWING ECONOMIC AND DIPLOMATIC RESOURCE FOR AMERICA

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. RUDD. Mr. Speaker, the strength of America's free market system has always been one of our Nation's greatest assets in the ongoing struggle for freedom and democracy in the world. More recently, the balance of food power has become a prominent ingredient in East-West relations and has brought out a clear ideological disparity the world cannot ignore.

The proven failure of the Soviet economic system—a centralized, wholly government-controlled structure which offers no private enterprise, no individual decisionmaking, no incentives or profit, no flexibility—cannot go unnoticed. In the agricultural sector, for instance, the Soviets employ 26 million workers—or slaves—yet still cannot feed their own people.

Our Nation, by contrast, has fewer than 4 million farmers who can produce twice as much food, and more. The ultimate irony is that we have to take measures to slow American agricultural production to prevent oversupply.

As the Soviet Union relies more heavily on American grain exports, the issue of food as a diplomatic tool becomes increasingly apparent in our bilateral relations. The significance of this issue should not be overlooked within the debate on overall strategic balance in the world.

A recent interview published in the International Wildlife issue for July–August 1983, with Lester R. Brown, an authority on world agriculture and resource matters, provides insight on this development. The article, "Russia's Achilles' Heel," follows:

RUSSIA'S ACHILLES' HEEL

(Food is the earth's most critical resource, and increasingly it is becoming a political issue. Here, Lester R. Brown, an authority on world agriculture and renewable resources, makes some astonishing observations about how American abundance and Soviet farm problems may lead to easing of tensions between the super powers. Brown, a founder of the World-watch Institute, a Washington-based think tank, was interviewed by International Wildlife editor John Strohm.)

Q. Has the balance of food power shifted decisively between the two superpower?

A. Yes! Last year for the first time U.S. farmers doubled the grain output of their Soviet counterpart, 331 million tons to 165. The Soviets are in deep trouble on the farm front.

Q. How bad?

A. Last year the U.S.S.R. imported 45 million tons of grain—more than any country in history. More than half of that came from North America. As of early 1983, the Soviets appeared to be trying to reduce grain imports from the U.S. to punish the Reagan administration for its now-abandoned pipeline embargo.

Q. But the Soviets used to export grain.

A. They did until 1970. That year they exported 8 million tons; the U.S. exported 38 million tons. But in 1981 U.S. grain exports had skyrocketed to a staggering 115 million tons, while the Soviets had to import 34 million tons.

Q. And that's why you believe corn, wheat and soybeans may be as important as nuclear warheads in dealing with the Soviets?

A. I believe the shift in the agricultural power balance in favor of the U.S. provides an opportunity to reshape relations with the Soviet Union.

Q. What happened? Are the Soviets failures as farmers?

A. Not exactly. Much of their land is too hot, or too cold, too wet or too dry. Corn won't mature in the Moscow region which is as far north as Hudson Bay. But the real problem is that the Soviet system just doesn't work very well with farming.

Q. What do you mean by that?

A. Farmers' freedom to make their own decisions in response to market forces is one reason U.S. farmers get 16 tons of grain per ton of fertilizer used. In the Soviet Union, they get only 6 tons per ton of fertilizer, because it's often used inefficiently, if not wastefully.

Q. Why's that?

A. Farm management which is made-in-Moscow simply can't respond to real needs of farmers in the field. In agriculture five-year plans distort the situation they are intended to manage.

Q. If centralized planning hurts Soviet agriculture, why is the U.S. plagued by crop surpluses? Our farms are getting bigger and bigger, with fewer farmers.

A. It's not the same. About 2.4 million farms—mostly family owned—account for cultivation of 350 million acres in the U.S. The Soviet Union has 20,800 state farms averaging 13,000 acres each and 26,000 collectives averaging 9,000 acres each.

Q. Productivity per person must be terribly low on Soviet farms.

A. True. The Soviet farm labor force totals 26 million; the U.S. 3.7 million.

Q. So with only one-seventh the manpower, American farmers produce twice as much food?

A. Correct. And this is what worries the Kremlin. A centralized agricultural system relying on five-year-plans cannot begin to match the flexibility of a system in which basic decisions are made by individual farmers.

Q. What can they do about it?

A. I'm afraid that fixing the ills of Soviet agriculture without reforming the system will be like treating the symptoms of an illness rather than the cause.

Q. Let's get back to diplomacy. Can Soviet farm problems be a boon to peace?

A. Each day in 1982 two 20,000-ton freighters loaded with grain left the U.S. for the Soviet Union. No other country has dominated world grain trade as the U.S. does. The Soviets are probably not going to war against the country that has helped raise the standard of living of the Russian people while masking failures of their own system.

Q. What's the significance of all that?

A. This massive new commercial link may represent the most important change in relations between the two countries since the Cold War.

Q. In what way?

A. The Soviets know they need us to produce food for their people to eat. They may talk belligerently but in effect, we have become their agricultural partners and I believe we can negotiate political problems from a position of strength. In the final analysis, the long line of grain-laden ships that links U.S. farms with Soviet dining tables may come to dominate overall relations.●

REMEMBERING BILL MILLER

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. LAFALCE. Mr. Speaker, former Republican Vice Presidential nominee William E. Miller passed away in Buffalo this past week. Bill died on Friday, June 24, at the age of 69. I extend my own and my family's deepest sympathies to Bill's lovely wife Stephanie and their children: Elizabeth Ann, Mary Karen, William E., Jr., and Stephanie.

I know the people of his native Lockport are joined by his former colleagues in the House and the people of the State of New York, and the entire country, in mourning the loss of a man who contributed to the Nation's political life for so many years.

Bill served western New York as Congressman from the Lockport, Buffalo, and Niagara Falls area for seven terms—the old 42d and 40th District. He also served his party as chairman of the Republican National Committee for 3 years and joined Senator BARRY GOLDWATER as Vice Presidential standard bearer for the 1964 campaign and election.

Mr. Speaker, after Bill's return to private life he came back home to Lockport, resumed the practice of law but continued his involvement in bettering his community, region, and State. Governor Rockefeller appointed him chairman of the Niagara Frontier Transportation Authority. Bill also remained close to President Ford and provided political assistance and policy advice both before and during Ford's White House years.

As recently as last year, Bill spoke out on the issues facing the Nation: the state of the economy, defense spending and its effects on the economy, and the ominous build up of nuclear arms by the superpowers.

Mr. Speaker, in the course of his political and business affairs, Bill occasionally returned to Washington. I was privileged to spend some time with Bill, and learn from his many years of experience serving the congressional district I now represent. He was always willing to help and advise when asked. His company was always enjoyable, his wit was always entertaining, and his concern for the best interests of the people he represented a continuing one.

There are a number of Members still serving in the Congress who were colleagues of Bill's. There are many throughout the country who were closer personally and politically to him. However, Mr. Speaker, the association we built up in the past few years was helpful to me and the district and personally gratifying. Bill Miller could certainly be a strong partisan but he also could be, and was, a good friend. We shall all miss him.●

HONORING U.S. COMMITMENTS: A COMMENTARY BY JACK BINGHAM

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McHUGH. Mr. Speaker, all of us who were privileged to serve in the House of Representatives with Jonathan Bingham know that Jack was a man who believed in keeping his word. Thus, it is hardly surprising that he would be in the forefront of those arguing that the United States should honor its commitments as a nation.

Unfortunately, as Jack has pointed out in a recent article in the Christian Science Monitor, the United States has failed thus far to honor its commitment to the International Development Association (IDA), a failure that has potentially far-reaching consequences.

As Jack points out, IDA plays a critical role in promoting equitable economic development abroad and in advancing U.S. interests in the developing nations. Because we have a clear stake in its work, our commitment to IDA is thus a test of our leadership as a nation in the world community. "Unless the United States acts boldly to provide the necessary leadership," Jack argues, "it will forsake not only an institution but the very ideas that have helped to build a better world."

Because this issue will soon be coming before the House for consideration, Mr. Speaker, I am inserting a copy of Jack Bingham's article into the RECORD at this point. I hope that our colleagues will read it carefully for Jack has an important message that we in Congress should take seriously.

The article follows:

[From the Christian Science Monitor, June 22, 1983]

WILL U.S. ABANDON ITS LEADERSHIP ON WORLD AID?

(By Jonathan Bingham)

A little-reported failure by the United States to honor its international commitments is undermining America's role as a world leader at a crucial time.

The failure is this:

In 1979 the US agreed to provide $3.2 billion to the sixth replenishment of the International Development Association (IDA-6), the World Bank's credit window for the least-developed nations. The agreement negotiated with 32 other donors was to provide funds for IDA-6 in equal installments during 1981, 1982, and 1983.

From the beginning, the US reneged on its commitments. First, in 1981, the Reagan administration decided to make unequal payments, with the larger payouts coming later. Next the Congress appropriated less money than the administration requested, forcing the US to spread its payments over four rather than three years.

Now even that radically altered timetable may be upset. In order to fulfill the four-year schedule, the administration asked for $945 million for this year. Congress appropriated only $700 million and is balking at a $245 million supplementary IDA appropriation request. If Congress does not pass the supplementary measure, the US contributions to IDA-6 will almost surely slip over into a fifth year.

For many Americans, the response to this breach of faith has been, "So what? We have our own problems." Unfortunately that view ignores the lessons of the last 35 years, which show that US leadership in international economic development redounds to America's interest as well as the interest of the nations it helps. Those lessons are particularly important today when the world economy is receiving its greatest test in recent memory.

Following World War II the US pioneered the concept of international economic assistance. It started the first major bilateral foreign aid program, the Marshall Plan, and the first aid effort aimed at poorer nations, the Point Four program. The US was the driving force behind establishment of the United Nations Relief and Rehabilitation Administration, the International Monetary Fund, and the World Bank, including its IDA affiliate founded in 1960.

Inspired and sometimes prodded by the US, 34 noncommunist nations now have bilateral foreign aid programs of their own. These allies—many once recipients of foreign aid themselves—are shouldering an increasingly large share of multilateral assistance funding. In the twenty-odd years since IDA was founded, the US portion of contributions to replenishments has dropped from more than 42 to 27 percent of the total.

But just as the US has prompted other nations to assume more responsibility for third-world development so can it reverse this trend by setting a negative example. Only 26 of the 32 donors made their 1982 payments to IDA-6, and the delayed contributions and failure of other countries to ante up until the US fulfills its pledges reduced planned IDA activities last year by 35 percent.

As Treasury Secretary Donald Regan pointed out on Capitol Hill recently, US foot-dragging is hurting relations with developing and developed countries. European nations, who took the lead in providing a special $2 billion contribution to sustain IDA lending through 1984, have warned the State Department they will not bail out IDA again and that agreement for a badly needed seventh replenishment will not be reached until the US honors its current pledge.

Typically the debate over IDA has concentrated on whether development assistance works. My own firm conviction after more than 30 years of following aid activities is that it does. Some of the developing countries we helped in the past have turned into our fastest-growing trading partners, such as Taiwan and South Korea.

But it is not enough to calculate the contributions of institutions like IDA in dollars and cents. IDA is part of an overarching international framework built up since World War II that helps to promote economic and political harmony.

The World Bank, for instance, consistently reinforces international codes of conduct essential for the growth and stability of global commerce. A Reagan administration Treasury study last year noted that the bank, through IDA and its other arms, emphasizes open trade and realistic exchange rates, and "maintenance of sensible fiscal and monetary policies" by recipient countries.

The inability of the World Bank to provide assistance through IDA-6 may not only erase economic gains among the poorest countries, who cannot borrow from commercial banks but who desperately need external assistance to weather the current global recession. It may also prompt nations to defect from the international economic system by restricting trade or defaulting on loans to commercial banks.

Walter Bagehot once wrote, "The characterisic danger of great nations like the Romans or the English, which have a long history of continuous creation, is that they may at last fail from not comprehending the great institutions they have created."

His warning applies no less today. Unless the US acts boldly to provide the necessary leadership, it will forsake not only an institution but the very ideas that have helped to build a better world.●

FRIENDS OF THE EARTH OPPOSE MX FUNDING

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SEIBERLING. Mr. Speaker, many national organizations have now taken a stand in opposition to deployment of the MX missile system. One of these is Friends of the Earth, a national environmental organization with 35,000 members in the United States and sister organizations in 27 other countries. At their request, I am placing in the Record the organization's formal statement opposing further funding, testing, and deployment of the MX missile system and pointing out that the threat of nuclear war is the greatest environmental problem faced by mankind.

The full text of the Friends of the Earth statement follows these remarks:

Statement of Opposition To Further MX Funding

Friends of the Earth, a national environmental organization with 35,000 members in the U.S. and sister organizations in 27 countries worldwide, opposes further funding, testing and deployment of the MX Missile System. We believe the threat of nuclear war to be the greatest environmental problem faced by mankind. We further believe that a convincing case can be made on both political and military grounds that approval of the MX program is unnecessary, and will increase rather than decrease the risk of nuclear war.

The MX cannot be justified on military grounds. It fills no defensive purpose, and will only be useful in scenarios in which the U.S. strikes first. It will encourage "launch-on-warning" strategies by the superpowers. Neither can it be justified on political or arms control grounds. It will not force the Soviets to "come to the bargaining table" or eliminate their existing ICBMs. The only Soviet response will be deployment of a counterpart weapon, currently being tested.

The fundamental argument behind Congressional MX approval is that the MX may act as "leverage" to force serious arms control policy revisions out of the Reagan Administration. However the Administration's arms control concessions to date have been paltry at best. The chances of further substantial concessions are slight. Congress may achieve small changes in Administration positions, but major changes resulting in a world somehow safer with the MX than without it are extraordinarily unlikely.

We encourage Congress to oppose further funding of this misguided weapons system.●

HUNGER IN MACOMB COUNTY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to submit this testimony concerning hunger in Macomb County for the Record.

Hunger is no stranger in Macomb County. Teri DeSchryver, director of the Emergency Food Program can certainly tell you that. Captain Pouff of the Salvation Army who houses the Community Kitchen could verify that too. And hunger is not a new phenomena. What is new is the numbers of people on fixed limited incomes in our County who are hungry. We know we have many disabled people unable to earn a living who are just barely making ends meet. Possibly familiar to us are single parents—mostly mothers who are either unable to work because of small children, few skills etc. or are working at subminimum wage and receiving supplemental food stamps or AFDC.

But a combination of soaring unemployment rates, (Macomb County is around 19 percent—above the states average—some communities are over 25 percent) coupled with a severe state fiscal crises, has mushroomed the number of citizens in need in social programs. This has resulted in many people in need with fewer resources and many going hungry.

For example, the purchasing power of an AFDC grant is down 35 percent from 1979 levels. General Assistance is worse. The state was forced to reduce grants by 7.5 percent (of 1979 grant) which at that time was only 85 percent of poverty level as defined by U.S. government. General Assistance was reduced by 10 percent. Governor Blanchard's budget proposal to restore 5 percent of the grants still won't bring them back to 1979 level. Our grant levels are very close to surrounding states. It is a myth that people flock to Michigan to receive higher benefits.

Sharon Gire,
Director, Northeast Interfaith Center, Fair Federal Budget Coalition.

Nutrition Programs for Older Adults

State and Federal funding for the nutrition progams under the Older Americans Act is allocated to the county projects through area agencies on aging. The area agencies monitor local projects, and provide technical assistance to the staff.

Macomb County Community Services Agency is the direct provider of the nutrition program under the capable hands of the Project Director, Jane Buller.

The nutrition program is funded by a combination of sources: Federal Older Americans Act dollars, State dollars administered by the Office of Services to the Aging, Department of Labor USDA reimbursement, as well as support from Macomb County. Over $80,000 of program income donated by the participants also contributes to expand the program.

The nutrition program has two parts: the congregate nutrition program, funded by the Federal dollars, and the home delivered meals program funded with State dollars.

The nutrition program is available to any older adult over age 60, as well as handicapped individuals living in subsidized senior housing. In addition to the Older Americans Act Nutrition Program, Macomb County provides a number of Meals on Wheels for homebound persons under age 60 through the Community Services Agency.

The Macomb County Nutrition Program will serve 109,725 meals in fiscal year 1983. 4,500 persons will be served daily at the 21 congregate sites, and 400 persons in the home delivered meals program.

Three new sites were recently opened. These sites will expand the service to areas of the county where service has been limited. The opening of these sites is especially important since the home delivered meals are packaged at each site and delivered to the residents in the surrounding area. Over 300 volunteers were recently honored for their service in the past year. The volunteers not only deliver meals, but also provide a personal contract, sometimes the only one the homebound person has.

The home delivered meals programs, after much trial and error, has come up with a system of delivery that has eliminated long waiting lists in this county. The number of people that can be helped has increased considerably. Careful monitoring of the length of time a participant actually needs a home delivered meal has decreased the number of persons getting long term assistance, thereby making more meals available for emergency and/or short term illnesses. Health professionals in the county have praised the system, testifying that the frustration of not being able to obtain a meal for a seriously ill person has been virtually eliminated.

The nutrition program is vital to the older adults in this county. On the basis of the population explosion of this age group alone the need will increase tremendously in the next 10 years. The over 60 population has increased from 46,000 in the 1970 census to over 83,000 in the 1980 census. St. Josephs Hospital estimates that this number has already grown to 97,000 since that census was taken. In addition, people are living longer. In 1981 only 1,800 persons over age 60 died in the entire county. This indicates that the older elderly are becoming a significant segment of the population that will need nutrition services. We are seeing that increasingly the older elderly are the ones attending the nutrition sites.

The chance to get out of their homes and eat a nutritious meal in the company of others increases the well being of the elderly. Studies have shown that the health and well being of participants increases measurably when only three meals are eaten at the site per week. In my opinion, this is the best preventative medicine program available to older adults.

The benefit to the homebound is immeasurable. Having the meal delivered to the home for a short time when illness strikes, or having a meal coming in regularly when unable to prepare meals for themselves has kept many county residents out of nursing homes.

The program director of Clemens Towers, subsidized senior housing in Mt. Clemens, related that previously when residents became ill and could not take care of themselves, even for a short time, they would be required to move. Now, she reports, with the meals available for a few weeks they can bounce back and continue to live independently in their own place.

Service providers in the county are reporting an increase in the number of older adults with multiple needs. They are observing that as the population ages, the needs are increasing for in-home services. The outreach, personal care, homemaker, chore programs and the home delivered meals are the only thing keeping many of these people out of costly institutions.

In addition, discharge planners from the hospitals report that there is a crisis in the making as hospitals are refusing admittance to chronically ill older adults and discharging them as quickly as possible because of lower reimbursements allowed under medicare. Discharge planners are alarmed as to where the care is going to come from for these people. The importance of home delivered meals take soon a greater significance under these conditions.

State money has been reduced for the home delivered meals program while Federal money has been held at a maintenance level for the congregate program. Although Macomb County will receive an increase in funds in 1984 due to the adjustments for population, there is a continued need for funding of the nutrition programs and other support services.

One of these support services that is vital to the nutrition program is transportation. The ability of the isolated low income, the frail and the handicapped elderly person to access the nutrition sites is an increasing problem. Formerly county CETA drivers were used to provide transportation for these special populations. For example, in East Detroit eleven former handicapped participants could not continue at the site after this program was eliminated. Local municipal credit funds have not been able to fill the gap as the money is controlled by the municipality and in the majority of cases is not targeted to provide transportation for these people to the nutrition sites. Everywhere you go in the county, you hear of the pressing need for transportation for the elderly and handicapped. The SEMTA small buses are designed for transporting the elderly and handicapped, however, because the federal government allows none of the transportation funds to be used for operation of the kind of individualized transportation needed for a special population is too costly to provide. A shift in the priorities of transportation at the federal level is one of the most pressing needs.

One final point—although there is sometimes criticism that many of the people going to the nutrition sites do not really need the meal, the Area Agency and the project staff continue to stress the targeting of the socially and economically disadvantaged, the minority population, and the handicapped. The low income of many older people in the county, especially the women, and the isolation and loneliness of many of the participants cannot be identified by looking at outward appearance. By not having a means test for services, the Older Americans Act does not segregate the haves from the have nots, they all can participate and interface with each other at the sites. Federal support to maintain this position in the Older Americans Act, is vitally important to all older Americans.

Barbara Richards,
Services Coordinator/Macomb County Area Agency on Aging 1-B.●

THE NEWARK BOYS CHORUS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. RODINO. Mr. Speaker, last Wednesday my office and the Halls of Congress were alive with the sound of music—the beautiful voices and harmonies of the Newark Boys Chorus.

These tremendously talented young performers were here in Washington as part of the Smithsonian Institution's Annual Festival of American Folk Life, which this year featured the State of New Jersey. I had the distinct pleasure of hearing them perform twice—once at the Smithsonian at a reception for the festival, and earlier that day in my office. I could not recall the last time I heard such lovely voices and perfect precision.

The chorus was established in 1967 by the Newark Symphony as part of an effort to involve more members of the community in music. The result was so successful that it soon became apparent that the boys would require their own special school. In addition to regular academic curriculum the members of the chorus have rehearsal 3 hours every day. It is obvious to anyone who hears them that the result of their hard work is an exceptionally rewarding experience.

Only 12 members of the school were able to visit us in Washington, and I look forward to hearing the entire chorus sometime soon.

I want to thank the 12 members who performed for us—Lenny Wright, Marcellus Mitchell, David Holley, James Peterson, Shindana Montegue, Jon Williams, Tamon Foster, Elliot Warren, Alfred Barcliff, Nware Burge, Alan Zamora, and Brian Gibbs—as well as the two faculty members who accompanied them, Larry Emery and David Butterfield, for enriching the day for all who heard them.●

JUDGING WILLIAMSBURG

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for June 1983 into the Congressional Record:

The newsletter follows:

Judging Williamsburg

The May 1983 Williamsburg Summit among the leaders of seven major industrialized nations of the West was both a success and a disappointment. How it is judged depends on the perspective from which it is viewed.

From the point of view of Western security, the summit must be judged a success. In fact, the most salient action at Williamsburg was the issuance of a statement on arms control. With a nod to the concept of sufficient military strength, the leaders called for arms control based on the principles of verifiability and equality. They avoided the polemics that have tended to characterize Mr. Reagan's individual remarks on the Soviet Union in the recent past. There was no mention of an "evil empire" or a "focus of evil in the modern world". Nonetheless, the leaders were firm. Without progress and agreement on arms control, deployment of intermediate-range American missiles in Europe will proceed. The statement on arms control bore the clear imprint of the allies. The signatures of Messrs. Mitterrand and Nakasone reinforced a signal to Moscow of military resolve and cohesion in the West.

From the point of view of politics, the leaders also did well. Since three of them faced imminent elections and the host, Mr. Reagan, is acting more and more like the candidate for reelection next year, they had an understandable incentive to win political points on Williamsburg's very public stage. Each of them did so, and none of them was embarrassed either by substantive missteps or by statements made in haste.

From the point of view of procedure, Mr. Reagan deserves particular credit for a successful outcome at Williamsburg. He seemed to arrange the meeting very well. He demanded and provided an atmosphere that gave the leaders the chance to discuss important affairs in a relaxed and informal manner. As Mr. Trudeau observed, the host took a gamble when he insisted on an unstructured conference, but the gamble paid off. By all accounts, the discussions were frank and creditably led. Mr. Reagan kept them free of acrimony, and the leaders, not their advisors, played the central role. Furthermore, he did not press too hard on sensitive issues, such as East-West trade. Such a meeting of the leaders, sitting together to analyze problems and seek solutions, is a very powerful symbol for all the world.

From these varying points of view, nearly everyone had reason to be pleased with Williamsburg. It is in the review of all-important economic results that questions about success arise.

It is difficult to argue that the leaders succeeded in conveying to a skeptical world the impression that they were prepared to grapple with tough economic problems. They had a clear duty to cut through disagreement and map out a common response, but Williamsburg yielded no ringing message of economic hope, no real optimism regarding the strength of the global recovery, no sense of confidence that American deficits and interest rates will come down, and no genuine feeling of economic direction and purpose. The economic product of the summit was lackluster at best.

The allies appear to have been especially disappointed by Mr. Reagan's failure to commit himself unequivocally to lower deficits and interest rates. Without this commitment, they left Williamsburg uncertain that he has a workable plan to restart the world's economy by achieving vigorous and sustained economic growth in the United States. Their uncertainty was clearly expressed in the final declaration. The best Mr. Reagan could manage was an acknowledgement that the allies see "signs" of recovery. They seemed to reject his assurances that the world's economy is on the mend. Millions of unemployed people and dozens of nations crushed by international debt will derive scant hope from the Williamsburg Declaration.

No one has the right to expect miracles at summits, but modest progress is another issue altogether. At a minimum, progress at Williamsburg would have included both a commitment by the United States to trim deficits and interest rates and a program of economic stimulus in countries with low rates of inflation. However, Mr. Reagan hedged, and there was no indication that restrictive economic policies in low-inflation countries will change.

The summit's treatment of international debt was further reason for disappointment. Given the precarious situation of Mexico, Brazil, and other major debtor nations, it can only be described as Williamsburg's astonishing lapse. The leaders failed to give their unqualified endorsement to the World Bank, the International Monetary Fund, and the General Agreement of Tariffs and

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Trade. Their pledge to resist protectionism was welcome, but it was made both without recognition of existing protectionist practices and without reference to the concrete measures needed to eliminate hidden subsidies and other trade-distorting devices. Moreover, there was no call for another round of global trade negotiations, and the leaders did not forswear new efforts to restrict trade or increase subsidies. Also, they failed to express their support for any increase in the resources of the International Development Association, the single most important multilateral institution which assists the poorest nations.

There is always a risk that leaders will try to do either too much or too little when they meet with one another face to face. At Williamsburg, too little economic work was attempted. We were justified in expecting a better record of economic accomplishment from this most visible and important of summits.●

HARRISON TWEED AWARD

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SAWYER. Mr. Speaker, the Grand Rapids Bar Association and its pro bono program has been nominated for the Harrison Tweed Award. This award is given in recognition for legal services to the indigent.

Before I came to Congress, I was a practicing attorney in Grand Rapids for 30 years. During my early years in practice, I was seriously involved in instituting a pro bono project, which proved itself extremely efficient once in force. When the Federal Government created legal assistance for the indigent, pro bono programs nationwide dried up as the private bars let the Federal programs take over. Now, in the light of financial restraints being imposed upon legal services, the private bars have been called upon to assist the fiscally ailing Government project.

Federal funds for Legal Aid of Western Michigan were cut by 25 percent in 1982, resulting in staff diminution of 42.9 percent and the closing of one-half,or the area's legal aid offices. In September 1982, the Grand Rapids Bar organized their pro bono program, with Patricia Jackson as coordinator. They have had an overwhelming response from more than half their members who have pledged their time and/or money. I find their project consummately impressive, productive, and very valuable for the indigent, whom legal aid can no longer afford to assist. From the project's conception in September to June 1 of this year, $29,170 has been received, well over 500 cases have been committed and 525 members were in participation. Many of the large law firms made responses to the program as firms, rather than individual firm members.

This program offers the options of financial or hourly service to the low-income community. Participants may first, accept four pro bono cases per year; second, contribute $100; or third, accept two cases and contribute $50. The voluntary enrollment system has proven itself superlative. I am extremely proud of the way the Grand Rapids Bar has rallied to the legal needs of the poverty stricken in western Michigan. their excellence merit is beyond question. These words cannot possibly express my pride in them for their efforts and achievement in this direction.●

WALL STREET JOURNAL EXPOSES ABUSES IN DAY LABOR CAMPS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. MILLER of California. Mr. Speaker, men and women desperate for work have been flocking in ever-increasing numbers to day labor camps throughout the country. Those camps provide temporary manual laborers to industry. According to a story in the Wall Street Journal, the operators of those establishments typically collect from $6 to $15 per hour for each worker supplied, while paying the worker the minimum wage of $3.35 per hour. In many instances, that minimum wage is severely eroded by questionable deductions for food, shelter, work clothes, medicine, and transportation. In some cases, there are allegations that workers are physically prevented from leaving the camps.

The Wall Street Journal is to be commended for exposing the plight of the temporary day laborer. Staff reporte George Getschow, at considerable personal risk, joined work camps in Texas and Louisiana to provide us with a chilling inside account of what it is like to fight for part-time work at the bottom of our industrial structure.

Because of the blatant abuse of minimum labor standards detailed in this article, the Subcommittee on Labor Standards that I chair has launched a major investigation of the day labor market. We are planning hearings in July to determine what Federal, State, and local authorities can do to eliminate the intolerable conditions described by the Wall Street Journal in the article that follows:

THE DAY LABORER'S TOIL IS HARD, PAY MINIMAL, SECURITY NONEXISTENT

(By George Getschow)

HOUSTON.—It's 5 a.m., and the 120 tenants of Krash Cabin, a filthy flophouse run by one of the many day-labor outfits on the fringes of downtown, are getting their instructions from the burly bunkhouse manager: "Get your asses out of bed before I throw you out," he shouts.

One man, exhausted after digging ditches for 10 hours in 85-degree heat the day before, begs to be allowed to recuperate in his bunk. "I'm too sick to work today," he tells Bob McClarity, the tattooed bunkhouse boss. "I don't give a damn," barks the boss, hauling him out of his bunk. "This ain't a charity hospital."

Indeed it isn't. The men in Krash Cabin are shipped out day and night to unload boxcars, shovel cement, clean coke ovens or handle other dirty, often dangerous, temporary work. The company that runs the operation collects $6 to $15 an hour for the labor but pays the workers the minimum wage of $3.35.

Then it manages to get a good part of that pay back by deducting from the day's pay voucher assessments for lodging, locker rentals and perhaps work clothes or gloves. To cash the voucher, the worker must go to the company tavern and pay for a drink, whether he wants one or not. Though his work is often hazardous, he it told his employer doesn't have workers' compensation coverage. "It's a slave shop," says the Rev. James Chapman, a local street minister.

Yet this and similar day-labor outfits in this Sun Belt City know their labor pool will be full each day with a growing mob of desperate job seekers willing to endure such conditions. "Sure it's slavery," says Kenneth Sweet, a laid-off auto worker from Detroit with a wife and three children. "But a man's got to feed his family somehow."

Companies providing temporary manual laborers—which operate much differently from suppliers of clerical and other white-collar temporaries—enjoy virtual immunity from supervision. They are not, for instance, considered employment agencies, which in most states face strict licensing requirements and fee reviews. They function under their own rules and have lobbied hard to keep it that way, helping stamp out several federal and state legislative attempts to impose curbs on the industry.

NOBODY'S RESPONSIBILITY

Thus, the country's estimated two million day laborers are on their own. Their employers, unregulated and in a highly competitive business, spend little to protect them. The companies to which they are sent feel little responsibility, mostly regarding the workers as a convenient tool to handle fluctuations in demand, union problems or menial tasks.

Labor unions largely ignore day laborers, too. Because the temporaries work only for brief periods and are often afraid of getting blacklisted, "it would be hard to organize them," says Bill Hogan Jr., a Teamsters official in Chicago. Some observers, such as former Texas Labor Commissioner Jackie St. Clair, believe another reason unions lack interest is that "day laborers do most of the dirty, nasty work that the unions couldn't get their own members to do."

It isn't uncommon for companies to use day laborers as strikebreakers. And Carlene Walker, the head of a Denver firm called Stand-By Personnel, says striking unions occasionally hire her laborers to man picket lines.

A four-month investigation, during which this reporter interviewed scores of day laborers across the country and spent time as a worker in several Houston labor pools (including Krash Cabin), suggests that many U.S. day laborers face some of the same abuses as powerless workers of the 19th century did during the Industrial Revolution.

They frequently work in hazardous conditions. At the same time, there sometimes is scant provision for compensating them if they do get hurt. Various fees may be assessed against their meager wages. Clauses in their contracts may largely preclude them from stepping up to permanent work at a company to which they are sent. And, of course, they can be fired any time.

NO WINOS NEEDED

They also face discrimination at the hiring hall and often exploitation at the job site. Customers of the labor-pool firms have used temporary laborers for every task from high-speed water blasting to mopping up radioactive waste. Young "troublemakers" tend to get blackballed, and old-timers tend to get left behind when jobs are assigned.

Gene, a toothless alcoholic and 20-year veteran of Houston's labor pools, sits on a bench—under a sign reading "Employment Unlimited is an Equal Opportunity Employer"—while a dispatcher picks out the strongest-looking from a milling crowd of 150 men. "They've got all these guys to work for them, and they don't need me anymore," he says with disgust.

"Before things went to hell," Gene continues, "you know, before the economy got bad, all they had was drunks and drifters like me here. But now everybody's working out of these pools. Guys with trades, guys with families. Hell, a guy told me he was a geologist the other day. I couldn't believe it."

Industry officials confirm this impression. They say the long recession has created a new class of day laborer; the Northerner who has lost his job, exhausted his unemployment benefits and set out for the Sun Belt in a fruitless search for work.

Many people expect the trend to continue even after the economy recovers, as workers displaced by automation and capacity cutbacks in basic industries enter the ranks of what economists call the structurally unemployed. Some fear that such people will wallow in a sort of poor people's economy, without unemployment benefits, health insurance or other support.

Jon Mason, a 23-year-old from Maine who came to Houston looking for work in offshore drilling, instead haunts the labor pools "with all these other guys from Michigan, Ohio and Indiana." He gets work only two or three days a week, earning not enough to feed a French poodle," and so one day is standing in line at a downtown center to sell blood plasma. He says he does so twice a week, every week, earning $15 in all. "Strange way to make a living, isn't it?" he muses.

Dr. Gene Boisaubin, a physician at a county-run charity hospital, says he is "amazed at how these people survive. A lot of them have health problems, and they're working in hard jobs at the same time that they're ill." They keep on, he believes, "because they don't have a choice; if they don't go in, they might lose their jobs."

Mr. Chapman, the street minister, notices that most day laborers "seem chronically downcast and depressed." But they are afraid to protest their situation, he says, and besides, "who can they complain to? The city doesn't care about them because if these places (labor pools) didn't exist, these people would be out panhandling or causing other trouble."

LIQUIDATED DAMAGES

As many day laborers see it, their best hope is to happen to get a steady "ticket" to one company for several weeks and make such a good impression there that they are offered a job. That has happened to a lucky few, such as Harry Davis, who was hired as a truck driver at a steel-distributing company. But the odds are against it. "Many employers won't hire you," Mr. Davis says, "because they think only tramps and losers work in labor pools."

That isn't the only obstacle. Another is the "liquidated-damages clause" found in many day-labor contracts. Such clauses state that if a company gives a full-time job to a temporary worker who was sent over, it must pay the labor pool a fee, either all at once or over a period of weeks.

That fee is $696 for a day laborer at a Houston firm called Quality Temporary Service. The woman who runs the firm, Diane Birch, concedes that liquidated-damages clauses may discourage clients from offering employment to temporary workers. But she says the clauses are "only fair," given the cost of recruiting and retaining the laborers.

Some temporary workers try to deal with their seemingly inescapable situation by buying beer and other gifts for the bunkhouse bosses, hoping to improve their chances of getting a steady work ticket. But the recent weakening of Houston's robust economy has reduced demand for day laborers. This change has put pressure on the labor pools and forced dozens out of business. It also has meant an even tighter squeeze for workers, because many surviving day-labor firms have found a way to keep their profit margins up: by retrieving more of the money they pay out in wages.

ITEMIZED DEDUCTIONS

For example, most Houston firms have started charging their laborers $1 a day or more for transportation to and from the job site. Many sell the workers used work clothing at a big markup. One company, called Anybody Anytime, even charges its laborers a $1-a-day "maintenance fee" for the cost of cleaning up its hiring hall.

On a recent afternoon, a pipe-yard crew is returning to Krash Cabin, the men's faces dark as charcoal and their skin stinging from hauling creosote-coated drill pipe in the hot sun. As the laborers line up at the bar to redeem their pay vouchers, Angelo, the gruff, barrel-chested bartender, asks each one what it will be.

"Nothing today, thanks," one young man says.

"Then that will be 75 cents," Angelo mutters, deducting it from his pay.

"But I need the money," the young man protests.

"That's your problem," says Angelo.

Some day-labor firms go one step further. At least one outfit deducts Social Security taxes from its employees' wages but doesn't report or turn over the taxes to the government. "It's very easy to do," explains the president of this firm, "because in the temporary-labor business, only about 5% of the W-2s are ever picked up and filed."

NO VACANCY

Taking advantage of a lack of low-cost housing in Houston, several day-labor outfits have leased old garages or warehouses and gone into the hotel business. At Krash Cabin, the bunkhouse for one of several labor pools in Texas controlled by a man named Charles Joekel, workers pay $5 a night in cash or $6 on credit, which is deducted from their wages.

To make sure the hotel is always full, Mr. McClarity, the bunkhouse boss, advises laborers they must stay there if they want a "guarantee" of work the next day. Yet after two nights there, many men find themselves still on the bench but now $12 deeper in debt. They will usually get a work ticket the third day, but it will bring in just enough to pay off their lodging debt, buy some dinner and get another bunk for that night.

When a laborer does get a ticket, it may involve more than he bargained for. A few years ago Rice University asked a firm called Peakload Temporary Services for some people to mop up a room in the basement of the physics building. What Peakload says it didn't know was that the room was commonly called the "hot room"—that it was a place where experiments in radioactivity were done.

"There was a lot of spillage in there, and it was pretty damn radioactive," says G. C. Phillips, the director of Rice's nuclear laboratories. But he insists the job wasn't dangerous and says the temporary workers were brought in only because Rice's maintenance people didn't know how to do it.

Day laborers, however, aren't apt to be specialists. They may find themselves demolishing a shaky building one day and cleaning out a chemical tank the next. "They generally receive no training and no supervision, and they work in the least-safe elements of a company," says Alfred Johnson, the general manager of an agency called the Texas Workers Compensation Assigned Risk Pool. As a result, he adds, "they have an extremely high rate of injuries."

Industry officials say that in many states, day-labor operators are forced to purchase workers' compensation insurance through government-run assigned-risk pools. Many private insurers simply refuse to cover them because of high injury rates.

Diane Follis, a caseworker at Ben Taub, a county hospital in Houston, says, "One of my biggest referrals are day laborers, because if they get hurt, they have no resources to fall back on."

HANDY ARRANGEMENT

This toll is viewed with indifference by most companies that use temporary laborers. "We have no background at all on these guys," says Robert Houlgrave, an executive of Hughes Tool Co.'s offshore division. "The labor pool just delivers them to us in a van and takes them back when we're done with them." It's a nice arrangement, he adds, "because we don't have the hassle of taking out insurance policies on them, paying benefits or handling a mountain of paper work. The labor pool takes care of all that."

At least, sometimes it does. Raymond Doman, a 33-year-old unemployed truck driver from Indiana, learned to his dismay that some labor pools choose not to carry workers' compensation coverage, as they are free to do in Texas. While lifting pipe at an oilfield-supply company two months ago, Mr. Doman herniated two spinal disks. A doctor told him never to do manual labor again.

Mr. Doman, who has a wife and child, went to his employer, Lone Star Labor. He says the firm's manager, Harold Pinley, refused to help and told him not to come back. Mr. Pinley says he doesn't remember anyone named Doman but confirms that Lone Star doesn't carry workers' compensation. It has "private insurance," he says, declining to explain further.

Mr. Doman now is attempting to collect from the oilfield-supply firm at which he was injured. Meanwhile, he faces a $1,900 hospital bill and a landlord threatening eviction. So what does he plan to do?

"What else can I do?" he asks, popping a pain pill. "I'm going to hit another labor pool."

About a year ago, some of the labor firms that do carry workers' compensation decided to start their own insurance company, called United Employers Insurance Co. They did so, says Hugh Plummer, a lawyer for the company, to reduce premium costs and "have more control over our own claims." But as Mr. Johnson of the Assigned Risk Pool sees it, such a situation "may intimidate (an injured worker) against filing a claim out of fear that he might lose his job."

PERSUASIVE BOSS

Although federal law requires overtime pay after 40 hours of work in a week, most day-labor operators at least in Houston, refuse to pay overtime unless all the hours are clocked on one job. Again, the fear of being blackballed apparently keeps laborers from complaining too loudly.

Occasionally, however, a worker is insufficiently deterred by this prospect. That is the situation late one night at Krash Cabin. It is midnight, and most of the weary residents are asleep in their Army-surplus cots, oblivious to the rain coming in through the roof, to the rats scouring the garbage on the floor, and to a raucous argument in the office of Bob McClarity, the bunkhouse boss.

"I want my money!" demands the disgruntled day laborer, who feels he has been cheated of his overtime pay after working two straight shifts at Hughes Tool Co.

"I don't owe you nothing!" bellows the boss.

But the laborer doesn't let up. Suddenly, a blast resonates off the walls of the bunkhouse, sending awakened residents to their feet and the protesting laborer fleeing out the door.

"What the hell was that?" blurts a shaken resident. "Was somebody shot?"

"Hell, no. I missed him," says the boss, swinging his pistol at his side and smiling at the hole in the ceiling. "But don't worry. He won't be back."

AUTO EMISSION WARRANTIES AND THE CLEAN AIR ACT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. DANNEMEYER. Mr. Speaker, for the last 2 years, Congress has attempted, so far unsuccessfully, to pass legislation reauthorizing the Clean Air Act. But, while the need for such legislation is all too evident, the consensus necessary to pass it has not, as yet, developed. Nor, by most accounts, is it likely to develop in the near future which, in turn, suggests that the time has come to introduce individual pieces of legislation to address those problems in the Clean Air Act which have developed since 1977 but which have not been resolved.

One such problem is the matter of auto emission warranties. When Congress first passed the current Clean Air Act back in 1970, it required that auto manufacturers provide, through their dealerships, a 5-year, 50,000-mile warranty on auto emission control system parts. The idea was to assure that the pollution control equipment just being installed on new cars would be properly maintained so that the envisioned air quality benefits could be realized. However, it soon became evident that this 5-year, 50,000-mile warranty requirement had an unintended and detrimental side effect; namely that it gave auto dealerships a competitive advantage over independent auto parts stores and repair shops. What person, knowing that the auto dealer from whom he or she purchased the car would fix the auto emission system for nothing, would go to an independent store or shop and pay for emission control parts or repairs? Moreover, once at the dealership for the free auto emission control work, how often would that person have the dealer make other repairs, again to the detriment of the independent auto supply or repair businessperson? The answers being obvious, Congress incorporated into the 1977 Clean Air Act Amendments a provision reducing the emission control system warranty requirement to 2 years or 24,000 miles for all parts except catalytic converters, thermal reactors and items having the sole or primary purpose of reducing vehicle emissions. The thought, and intent, clearly was that such a change would reduce the anticompetitive effects of the emission control system warranty in a way that would not be totally inconsistent with the purposes of the Clean Air Act. However, in making this change, Congress did not take into account what the EPA might do on its own.

The continuing role that EPA would play in this matter did not become evident until May 1980 when the agency sharply expanded the list of parts that it defined as being "solely or primarily" intended to reduce auto emissions. The net effect was to increase the number of parts subject to the 5-year, 50,000-mile warranty which, in turn, has renewed fears of an adverse business effect on independent auto parts stores and other independent businesses engaging in various aspects of auto repair. Indeed, this concern has developed to the point that, when the Energy and Commerce Committee was considering a Clean Air Act reauthorization bill last year, a number of my constituents contacted me in hopes that the provision could be altered. As things turned out, I was far from the only Member so contacted as independent service stations, auto parts stores, tire dealers—many of whom do repair work as well—and specialty repair shops all over the country expressed a similar concern. The result was that the Energy and Commerce Committee included in a draft Clean Air Act bill (H.R. 5252) language rolling back both the production and the performance warranty on all auto emission parts to 2 years or 24,000-miles—consistent with what Congress had intended back in 1977. The only exception was the State of California which was permitted to retain its own, tougher warranty provisions.

Had H.R. 5252 become law, there would be little need to introduce legislation on auto emission control system warranties. But it did not become law, as I need hardly remind any of my colleagues. Therefore, the problem remains with us and, to deal with it, I am today introducing a bill that would restore the 2 years, 24,000-mile auto warranty requirement to its rightful place in the law. Enactment of that measure would not only promote fair competition in the auto parts and repair industry, but it would save the consumer money. People may not think they are paying for warranties when they take their car in for covered repairs but, in fact, they have already paid for those repairs in the price they paid for their car and that price might be higher than it would have been if they had gotten the repair work done at an independent auto repair place. Moreover, enactment of this legislation would not compromise the basic objectives of the Clear Air Act. Auto emission inspection and maintenance (I/M) programs, the facilitation of which is the real objective of these auto warranty requirements, have not produced the expected results in States like Arizona and New Jersey where they have been tried and scientific studies indicate they will only reduce air pollution by 2 to 4 percent in certain areas where they have not been fully implemented, such as Los Angeles and Houston. Thus, there is much to be gained and little to be lost by adoption of 2 year, 24,000 mile auto emission system warranty legislation and I invite my colleagues to join me in pushing for its enactment.●

THE ELIMINATION OF HUNGER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, as the following witnesses so clearly remind us, we not only have the capacity to address the problem of hunger, we are bound to do so by the most fundamental principles that define us as a nation.

THE ELIMINATION OF HUNGER—A NATIONAL OBLIGATION

In the Third World—in most under-developed countries—over 70 percent of the children under ten years of age are malnourished. Historically, the United States has been a beacon-light of hope and material assistance to hungry and homeless people in many places very far from where we sit today. My basic request today would be that we affirm the full comprehensiveness of the hunger issue—and deal with hunger wholistically—both locally and globally.

For the past ten years, Bread For The World has insisted that local hunger and global hunger are inseparable concerns. In 1976 both Houses of Congress passed Right to Food Resolutions, affirming that enough food is an inalienable human right for every person. That continues to be our basic, central position today.

Over the past few years there have been drastic reductions in food aid made available by the Congress for hungry persons, both domestically and overseas. The tragedy of the present moment is that hungry people here at home are increasingly being pitted against hungry people in other lands—all being forced to squabble for a share of smaller and smaller funds available.

This competition among the poor for food enough to eat deflects attention from the fact that enormous transfers have been made of food dollars into military hardware. For example, U.S. Foreign Aid has historically been concerned about hunger and poverty in developing countries; yet the foreign aid budget is becoming increasingly imbalanced. For Fiscal Year 1984, President Reagan has requested $15 billion for foreign assistance authorization. Of the funding requested, 61 percent is for "security assistance" (arms), and only 38 percent for development—a virtual reversal in the priorities of U.S. Foreign Aid. The same kind of pattern is discernable in every domstic feeding program,

ROGER POHL,
Coordinator, Bread for the World,
12th Congressional District.

The right of all to life, liberty and the pursuit of happiness, flows from an even more basic ethical principle: the respect owed to the dignity of every human person. We have inalienable rights because of our dignity as persons. But among these rights the most basic is the right to food. For, as the "right to food" resolutions clearly argue, no other rights would have much meaning if persons are denied the food they need to adequately sustain and nourish life. Hence in speaking of society's responsibility to feed the hungry we are speaking of an essential, basic right upon which all other rights depend. Disputes may arise as to how society ensures this right, but our own government has already enunciated the right and society's ethical responsibility in its regard.

FR. ARTHUR F. MCGOVERN, S.J.,
Professor of Philosophy, University of Detroit.

I appreciate this opportunity to speak at the hearing today on the subject of hunger. I would like to focus my remarks primarily on those people that I see being served by present programs and also say some things about the people that we do not serve at all.

At the outset, let me make it clear I do not believe our present methods of dealing with hunger are adequate, constructive or humane. It is my feeling that most of us really do not understand those people in our society who are outside the main stream. I am not speaking of the workers who are temporarily laid off or the people who have chosen a vagabond lifestyle. I am talking about the people in our society who, for the most part, may always be on the outside looking in.

At Grace Church we have a food shelf. In order to avail oneself of our service, the person must either go through the Macomb County Emergency Food program or come to our door and hope somebody will answer. To those of us in the middle class, it seems a simple procedure, but for many outside the structure it is not. Some of these people do not have telephones or even access to telephones. They are not great communicators; asking a stranger for food is not easy for anyone, but particularly difficult for those who find communication unnatural.

Once these people are received, they get between 3-5 days supply of food. Not only that, but the food they get is given to them, they are not allowed an opportunity to choose what they want. Can you imagine having to go to the store every three days and instead of picking out the food you want, being given an allotment by a total stranger. Some may think that people of this type do not deserve any better treatment and that is why I think our system needs radical change. Let me share with you two brief incidents:

One, a man came and asked for food. I started to put together a food package and he saw me putting rice into the box. He said, "I'm sorry, Reverend, but I don't eat rice." My initial reaction was extreme anger. In my heart I was saying, "We have collected all this food so you can eat and now you're being ungrateful." Upon deeper reflection, I realized that, first of all, he was expressing a truth—that is, he did not eat rice—and secondly, he was doing nothing more than I would do if I went into a grocery store; buying only those things that I enjoy eating.

The second incident involved a retarded couple, one of whom also has a severe physical handicap. Parenthetically, let me say that many of the people who come for food suffer multiple maladies—physical, emotional, and mental. This couple came around Christmastime and wanted a turkey. I was very busy and quite surely, but I was able to give them a turkey because we had a good supply on hand. Four days later I received a card in the mail, barely legible. It was a thank you from this couple for the kindness I had extended them. How ironic! I was barely civil and yet they experienced it as kindness. I'm afraid that says a lot about the way we treat the outsiders.

In both of these instances I have mentioned adults, because they are the ones who come for food, but in 90 percent of the cases, children are involved. I am sure there are some people who would take advantage of any system, however complex or simple, and I know there are people who take advantage of our present systems, but these people are definitely in the minority. It is my considered opinion that everyone in this society has a right to food, and the children of our culture should never be denied food whatever the status of the parents.

In addition to the people who come in, what about those we never see? What about the many people too proud to ask for food? What about those who have lost so much energy that they don't feel like walking down to the church where somebody may or may not answer the door? What about those who literally lack the skills to perform the simple tasks of carrying on a phone conversation or communicating with another human being? What of those with no means of transportation who cannot carry relatively heavy bags of groceries considerable distances?

I am not trying to glamorize people in need of food. As a matter of fact, they are not glamorous at all. They are usually unkempt, oftentimes they smell, and their manners aren't always the best. Again, they are not like you and me. They are on the outside. They will stay on the outside as long as we keep them there. Our present systems do that and because we do not deal adequately with these people and the problem of hunger, we continue to produce them in ever-increasing numbers.

In a western film that I saw some time ago, one of the characters—a wealthy woman—states that "the Indians are almost noble until you see them stoop to eat dog meat." The protaganist says to her, "Have you ever been hungry, lady? I don't mean just ready for breakfast!"

There are too many people in our society who think hunger is just being ready for breakfast and too many people who get no breakfast or lunch.

I know my time is up but I urge you, Congressman, to work for that day when all your constitutents think of hunger as just being ready for breakfast.

Thank you.

RICHARD SMITH,
Pastor, Grace Episcopal Church,
Mount Clemens.

LIST OF WITNESSES

HUNGER HEARING—MAY 27, 1983

Opening—(10:00-10:15):

Congressman David Bonior—Statement concerning the economic situation in Macomb County and its hunger programs.

Overview—(10:15-10:30):

Sharon Gire—Director, Northeast Interfaith Center, Fair Federal Budget Coalition—Purpose of Hearing.

Maryann Mahaffey—Chairperson, Michigan Statewide Nutrition Commission—The scope of hunger in Michigan.

Rev. Roger Pohl—Pastor, First Bethany United Church of Christ, St. Clair Shores—Bread for the World—International implications of hunger.

Affected Individuals—(10:30-11:00):

Ms. Sandy DuBois—Chesterfield Township—Client of WIC Program—How WIC Program helped her.

Katherine Wectorek—Senior citizen—The necessity of home-delivered meals.

Tony Moscato—Clinton Township—Long-term unemployed auto worker—Impact of cuts in benefits.

Rev. Richard Smith—Pastor, Grace Episcopal Church, Mount Clemens—sponsor of food bank—Description of person seeking assistance from volunteer food bank.

Agencies—(11:00-11:30):

Connie Schultz—Registered Dietician, WIC Program, Macomb County Health Department—Facts and statistics as to how women and children are aided by the WIC Program.

Ms. Corliss Brown-Lloyd—Nutrition Services Coordinator, Area Council on Aging—Facts and statistics as to programs available to senior citizens and how they are utilized.

Kenneth Cettle—Coordinator, Emergency Food and Shelter Program, Michigan Department of Social Services—Facts and statistics as to what programs are available, who uses them, and how successful the various programs are.

Ms. Teri DeSchryver—Director, Macomb County Emergency Food Program—Weaknesses in the service of voluntary programs.

Ms. Chacella Russell—Food Service Consultant, Macomb Intermediate School District—Facts and statistics on children assisted through the School Lunch Program.

Long-range effects —(11:30-12:00):

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Dan Lafferty—Health Officer, Macomb County Public Health Department—Long-range effects of poor nutrition on public health.

Will Ireland—Program Director, Macomb County Mental Health Department—Interrelationship of mental health and nutrition.

Karlene Harbor—Supervisor, Patient and Family Counseling, St. Joseph Hospital, Mount Clemens—Effects of poor nutrition on the sick and their recovery.

Ms. Margene Wagstaff—Nutritionist, Wayne State University—How learning capacities are enhanced or hindered by nutrition.

Recommendations—(12:00-12:30):

Marilyn Rudzinski—Program Director, Expanded Food and Nutrition Program, Macomb County Cooperative Extension Service—How nutrition education programs can be expended to prevent nutrition problems.

Rev. Art McGovern, SJ—Professor of Philosophy, University of Detroit—Moral and ethical reasons why a society should accept responsibility for feeding its hungry.

Beverly McDonald—Staff, Michigan Legal Services—Recommendations for making food programs cost-effective.

Margaret Szymanek—Planner, United Community Services—Ways for volunteer programs to augment governmental food programs on an organized, appropriate basis.●

POPE JOHN PAUL'S VISIT TO POLAND: A REBIRTH OF HOPE AND PATRIOTISM

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SOLARZ. Mr. Speaker, the recent visit of Pope John Paul II to Poland vividly illustrates the incredible effect that a determined and courageous man can have on the fate of a nation.

For 8 days the people of Poland experienced a rekindling of hope and pride as they lined the streets, crowded the stadiums, and flocked to the churches to see and hear their beloved Pope.

They risked the possible disapproval of their government to tumultuously welcome John Paul, not only as the spiritual head of their church, but as the defender of human dignity, a champion of human rights, and a compelling witness to the love of the Polish people for freedom.

To the Government of Poland, Pope John Paul preached that "the sovereignty of the state is deeply linked to its capacity to promote the freedom of the nation."

To the people of Poland he preached the need for spiritual renewal, patience, and greater solidarity in the continuing effort to bring Poland back to its place in the community of nations.

Urging a greater dialog between the government and the people, the Pope called for an end to martial law, for the release of political prisoners, and for closer ties between Poland and the West, particularly the United States.

Despite the government's determination to keep Lech Walesa in the background, the Pope demanded and received a meeting with the head of banned Solidarity movement. For Lech Walesa's courageous efforts to bring greater freedom and justice to the workers of Poland are of such a magnitude that none can ever forget his contributions, neither the Holy Father nor any lover of freedom could, nor overlook the sufferings he had endured. History may well record that it was the efforts of these two great men which literally rewrote the history of modern Poland.

But perhaps the greatest impact of the Pope's visit to Poland was to focus the world's attention on this tiny nation, and the brave and courageous Polish people who have endured centuries of oppression in their desire to remain a nation.

May the Holy Father's visit and the continuing courage and determination of the Polish people lead their government to allow greater freedom and to seek improved ties between our two nations.●

DENY RENEWAL OF MOST FAVORED NATION TRADE STATUS TO ROMANIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, today I am introducing legislation to disapprove the President's request for a waiver under section 402 of the Trade Act of 1974, as amended. The intention of this resolution is to deny renewal of most favored nation (MFN) trade status to the Socialist Republic of Romania.

As you know, under section 402 of the Trade Act, MFN for Communist countries is closely alined with improvement in emigration procedures in the country in question. A number of Members in both the House and the Senate have expressed concern regarding the granting of special trade status to Romania when they are aware of difficult emigration procedures and practices in that country and of numerous cases of suffering both by individuals and families wishing to emigrate and by political and religious dissidents. A substantial improvement in emigration procedures and practices and resolution of specific cases of suffering would be welcome by myself and my colleagues as we address the issue of special trade advantages for the Communist country of Romania.

President Reagan has based his request for renewal of most favored nation special trade status for Romania on assurances that the Socialist Republic of Romania "will no longer require reimbursement to the State of education costs as a precondition to emigration, and that it will not create economic or procedural barriers to emigration."

Mr. Speaker, not only words and assurances, but also deeds, are necessary to convince Members of the U.S. Congress of the validity of these promises regarding economic and procedural barriers to emigration. I and many of colleagues are frankly quite skeptical of these assurances provided by the Government of Romania. Romania has been granted special MFN status for the past 8 years, and we have no evidence of any significant improvement in its emigration procedures nor indeed of its human rights practices in general over that period of time.

Our concerns in this regard are supported by reports of a number of organizations reporting on emigration and human rights in Romania. For example, earlier this month, the Commission on Security and Cooperation in Europe reported as follows:

> Last year, 12,972 people emigrated from Romania to the FRG; 1,512 to Israel; and 2,463 to the United States. Figures alone, however, do not give an accurate emigration picture. Behind virtually each one of these departures were months and *often years of harassment and procedural and economic obstacles* apart from the "education tax." (italic added; CSCE Digest, June 8, 1983)

The semiannual report by President Reagan to the Commission on Implementing the Helsinki Final Act by Romania, which covers the 6-month period between December 1, 1982 and May 31, 1983 was recently released; it states flatly that "* * * there has been no overall improvement in the Romanian divided family record during the 6-month reporting period," and that the number of unresolved cases involving divided families has actually increased since the last report. The report also discusses "repressive policies on human rights matters" and cites "extensive harassment in Romania of religious, political, and cultural dissidents;" active persecution of individual priests and pastors; and "the beating and harassment of ethnic Hungarian dissidents."

Regarding Romania's human rights practices, the report states that:

> Repressive policies on human rights matters makes its position more compatible with those of the Soviet Union and some other Eastern European countries.

We also have noted the report developed by staff of the Senate Foreign Relations Committee dated April 1983, which states that:

> It has been reported that often * * * individuals desiring to emigrate are harassed at their workplace or fired from their jobs and that their children and spouses are also harassed.

Mr. Speaker, these are disturbing observations reported by highly respectable organizations, and should be considered in a most serious light by all who may be tempted to believe that after 8 years of MFN based on promises, Romania's assurances this year will result in actual significant improvements.

There are other factors regarding the recent assurances of the Romanian Government which also give concern. One action that should be quite fresh in the memory of each of us here in the Congress is the imposition by the Romanian Government last year of the so-called education tax. This was a thinly disguised emigration tax imposed on prospective emigrants as the latest in a systematic campaign by the Government to harass and intimidate prospective emigrants. The tax amounted to a ransom, for the many thousands it amounted to was far beyond the means of most Romanians, and, importantly, it was decreed that it was only to be paid in convertible, that is, Western currency—and Romanians are prohibited by law from possessing convertible currency. My colleagues can draw their own conclusions on what effect the education tax had on any Romanian's hopes for emigration.

The action of the Romanian Government in imposing this tax last year, only a few months after MFN had again been assured by the Congress, was viewed by a number of us here as particularly provocative in light of the fact that only several weeks prior to the imposition of the tax, the Romanian Government had assured our Assistant Secretary of State for Human Rights and Humanitarian Affairs that rumors about imposition of an emigration tax were entirely unfounded.

The Romanian Government has recently given our President assurances that this tax will no longer be imposed as a precondition to emigration. This may be so; however, there is no indication that the decree issued last November imposing this tax has been abrogated or will soon be abrogated. It remains on the books. Further, there is no indication that there is to be any change in the requirement set forth in the same decree that persons whose emigration application has been approved must pay in convertable (Western) currency all medical expenses; or that there is any change in the requirement that the real property of such persons pass into State ownership. These provisions remain on the books.

In addition, there is no indication whatsoever that the very general assurances that it will not create any economic or procedural barriers to emigration are backed up by any concrete action on the part of the Romanian Government. Mr. Speaker, these assurances are simply not sufficient to convince me nor many of my colleagues that would-be emigrants are no longer evicted from their dwellings, nor subject to such actions as arbitrary arrest; arbitrary imprisonment (on trumped-up charges of economic crimes; including theft and parasitism): confiscation of ration cards; confiscation of ID cards (without which purchases cannot be made); harassment of family members, including children and spouse; harassment on the job; job dismissial and/or demotion; deprivation of place in school; confiscation of household goods without compensation; transfer to jobs in other areas of the country; military conscription; and—for persistent applicants for emigration—incarceration in psychiatric hospitals. All of these specific forms of harassment have been reported by the various interested Western organizations as late as this year.

We should ask ourselves why we here in the Congress have permitted renewal of MFN year after year for a country which continually violates not only the letter but also the spirit of section 402 of the Trade Act, also known as the Jackson-Vanik amendment; for the purview of section 492 is not confined solely to emigration practices. In the words of the U.S. Helsinki Watch Committee:

> The spirit of the (Jackson-Vanik) amendment has been interpreted to include the human rights situation as a whole.

In this regard, the U.S. Helsinki Watch Committee states earlier this month that "Romania's MFN status has become more and more unjustifiable," and that:

> Romania's internal policies have deteriorated to the point where Romania is now one of the worst human rights offenders in Eastern Europe.

The experience regarding the education tax, together with the disconcerting report of the Commission on Security and Cooperation in Europe (CSCE), the President's semiannual report to the Commission on Implementing the Helsinki Final Act by Romania, the report of the U.S. Helsinki Watch Committee, and the report of the staff of the Senate Committee on Foreign Relations should be enough to give any of us serious reservations with regard to Romania's assurances to the United States in anticipation of another year of MFN.

In the past, some have argued in favor of granting special trade concessions to Romania in exchange for the leverage it might give our country in attempting to effect real improvements in their internal policies where those policies affect emigration and human rights. I believe that this year, those who make an effort to review all the information available will reach the conclusion that I and many of my colleagues have already reached: That there has been no appreciable long-range improvement by the Government of Romania in its emigration nor its human rights policies during the entire 8 years it has enjoyed MFN and the special trade concessions MFN allows.

The Romanians have a word for being exceptionally tricky which is used frequently by almost everyone. It is "smecher." Each summer, just prior to and during Congress MFN review, Romania has succeeded in being just that—smecher—visiting numerous congressional offices, assuring Members and staff that real reforms are being instituted, presenting frequent letters and lists showing the latest numbers of persons granted permission to emigrate. Once MFN is assured for another year, that government "lapses back into its previous disregard for human rights and for any assurances it may have made to the U.S. Government." (U.S. Helsinki Watch Committee) it seems to work every time.

If the carrot has failed (and indeed it has) the time is long overdue to apply the stick. After careful and extensive study, I and a number of my colleagues have determined that MFN status for Communist Romania should not be renewed again this year. If it is not, perhaps the United States may finally be taken seriously when it offers generous trade concessions to Communist countries in exchange for meaningful human rights and emigration reforms. Until now they have had no reason to think we mean what we say.●

THE PATENT TERM RESTORATION ACT OF 1983

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SYNAR. Mr. Speaker, for a decade or more, patent protection for medicines, pesticides, chemicals, and other innovations has been steadily eroding by lengthening premarket approval by Federal regulatory agencies. Today I am introducing the Patent Term Restoration Act of 1983 to correct this problem in patent law. I believe the effect of enactment of this legislation will be to encourage research and to provide American consumers with new and better medicines and foods.

The dimensions of the problem are serious. In 1981, for example, new drugs lost more than 10 years of the 17 years of patent protection enjoyed by virtually every other form of invention. Some new drugs actually entered the market with no patent protection whatsoever. The consequences of the problem are equally serious. Companies are discouraged from investing in research, the rate of new discoveries is slowed, and the market effects of new product competition are delayed.

The United States is rapidly losing its preeminence in the field of drug research, an area in which we are traditionally the world leader. Twenty years ago the United States did 60 percent of the world's pharmaceutical research; today, it does less than one-fourth. In 1981 75 percent of the new drugs approved here were either compounds licensed by foreigners or compounds directly marketed by foreign firms.

Congress never intended that patent law disadvantage one form of innovation vis-a-vis others. The concept of encouraging innovation through patent protection is in our Constitution and for almost a century we have provided 17-year patent terms.

My bill offers a simple remedy: It would permit inventors to recover some of the patent protection lost while the new product clears tests required by the Federal Government. No product would get more than 7 years restored.

Mr. Speaker, we all recognize the importance and value of private sector research today. Patent protection is a vital component. I believe the Patent Term Restoration Act is a fair and needed solution to a growing problem. I encourage the House of Representatives to move quickly toward enactment.●

MAINTAINING DIPLOMATIC RELATIONS WITH THE VATICAN

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. ZABLOCKI. Mr. Speaker, it is my distinct privilege today to introduce what I believe is an historic piece of legislation providing for the maintenance of U.S. diplomatic relations with the Vatican.

I am pleased to be joined in this effort by a majority of the members of the House Foreign Affairs Committee on a fully bipartisan basis. It is also my understanding that the administration is encouraged by this proposal.

Mr. Speaker, I want to be the first to concede that this legislation may raise questions or concerns. For example, it could be misconstrued by some as somehow trespassing on a deeply rooted American principle and tradition embodied in the notion of separation of church and state.

On that count I want to reassure my colleagues and others potentially concerned that I fully support that cherished principle. It is not my intent—nor does this legislation have the effect—of violating that wise dictum which has governed this great democracy of ours for more than 200 years.

In taking this action I am motivated only by practical considerations, all of which culminate in what I firmly believe to be in the best national interests of the United States. That clear result will be evident from an objective review of the facts.

What are those facts? First, the United States is virtually alone in not having full and formal diplomatic relations with the Holy See. Currently some 106 countries in the world maintain such relations, including a broad cross section of Communist and non-Communist and developed and less developed nations from all corners of the world. By contrast, the United States maintains only an Office of Personal Representative in the Vatican.

Perhaps the most compelling fact of all supportive of this proposal resides in the overwhelming reality that the Holy See is an international focal point at which there is confluence of vital information and diplomatic contact. From the fact flows the many benefits with would result for the United States from a full diplomatic relationship.

There is one added fact rooted in history which also underscores this proposal. It is interesting to recall that the United States did maintain full relations with the Vatican from 1848 to 1868. For reasons no longer clear, we withdrew our ambassador and let relations lapse. Over the years, however, special temporary missions to the Vatican were appointed by Presidents Franklin Roosevelt, Harry Truman, and others. In 1970 President Nixon appointed Henry Cabot Lodge as Special Presidential Envoy to the Vatican. President Carter named Robert Wagner to the post in 1977. At present, William A. Wilson is President Reagan's Special Presidential Envoy.

For the many good reasons I have just outlined I believe it is time that we extend that effort by restoring full diplomatic status to our relations with the Vatican. To do so is in the best interests of the United States. It is surely in the best interests of world peace. I urge support of the joint resolution.●

HERE, OPPORTUNITY SPEAKS ENGLISH

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. RUDD. Mr. Speaker, are bilingual education programs and ballots printed in foreign languages helping new citizens adopt to American life, or are they in fact promoting division in American society and lost opportunity for a large segment of the population?

The answer, I firmly believe, is that here in America opportunity speaks English.

Having spent several years on diplomatic assignment in Latin America, I can testify to the importance of knowing the Spanish language, and the many cultural differences that go along with the Latin American lifestyle, as well as the nationality and other variations among the Latin countries. Being fluent in Spanish was a necessity for my service in each of these nations.

In the United States of America, the English language plays no less a role in our national heritage. Our Constitution was written in English, our Founding Fathers and early pioneers spoke in English, and our entire national history has been written in English. It is a well-known fact that one of the basic requirements for becoming a citizen in our country is a working knowledge of English.

And why not? Almost all political debate is conducted in English. Every major newspaper and most all media sources communicate in English. Without understanding of the English language, an American citizen could not even become involved in the political process or be able to make political choices with all the facts. Since almost all business activity is conducted in English, that citizen would also be left out of the mainstream of the American economy.

I have long opposed voting ballots printed in foreign languages and Federal bilingual education programs which go beyond the goal of teaching foreign language-speaking children learn English. If one chooses to be an American citizen, then you have to survive in a nation that conducts its entire process and legal system through the English language.

The preservation of the immigrants' national culture and language within the family unit is also important for the strength of this Nation. It keeps the family together.

But the real strength lies within the family, one's religious beliefs, and in the institutions that our Nation was built on. We have built the strongest, the freest, and the best government system on Earth through these institutions, and the English language has played a major role in the growth of each of these strengths. Immigrants seek a better life in the United States of America because of these long-established institutions and because America offers more to our citizens, and new citizens, than any other nation on Earth.

The importance of the English language was recently highlighted in the report by the 20th century fund task force on education:

Anyone living in the United States who is unable to speak English cannot fully participate in our society, its culture, its politics.

A recent column on this subject in the Washington Post, by Neil Pierce, "Here, Opportunity Speaks English—Will Bilingualism Condemn Immigrants to the Ultimate Racism," provides insight into this question, and I recommend its reading to my colleagues in Congress.

[From the Washington Post, June 26, 1983]

HERE, OPPORTUNITY SPEAKS ENGLISH—WILL BILINGUALISM CONDEMN IMMIGRANTS TO THE ULTIMATE RACISM?

(By Neil Pierce)

This year the federal government is spending $138 million to subsidize bilingual education programs in schools across the land. State and local governments are publishing ballots in Spanish and many other languages. Philadelphia and the state of Florida are offering civil service examinations in Spanish. There are only 11 states in which one needs to know English to take a driver's license test.

And increasingly, the question is being asked—Why?

Critics say bilingual education programs—originally sold as a way to help foreign language-speaking children make a transition to English—have become an end in themselves. Behind the programs are bilingual education teachers (some with a shaky knowledge of English themselves) and cultural organizations with a vested interest in the ongoing bilingual school curricula financed by federal dollars.

There's even a National Bilingual Education Conference that draws hundreds of delegates from as far as our Pacific territories for national lobbying conferences in luxury hotels. The theme at the last meeting, in Washington, was "Bilingualism—In The National Interest"—a far cry from short-term, transitional programs in the schools.

Now a prestigious Twentieth Century Fund task force on education, headed by the University of Massachusetts' Robert Wood, asks what good all the bilingual education programs achieve. "Anyone living in the United States who is unable to speak English cannot fully participate in our society, its culture, its politics," says the panel. It recommends "that federal funds now going to bilingual programs be used to teach non-English-speaking children how to speak, read, and write English."

On a parallel track, the English language has finally acquired its own organized lobby. It's called U.S. English and it's open to all "who agree that English is and must remain the only official language of the people of the United States."

The proponents of "English first" have to know they're playing a dangerous game. All so easily, they can be labeled as racist, reactionary, xenophobic, anti-Hispanic.

But the leaders of U.S. English are hardly know-nothings. Their honorary leader is a semanticist of Oriental origin, himself an immigrant—former Sen. S. I. Hayakawa from California, who proposed a constitutional amendment affirming English as the official language of the United States. And the president is Gerda Bikales, who learned four languages—German, Yiddish, Flemish and French—before she was finally taught English after her arrival in America at the age of 16 when her family fled Nazi-occupied Europe.

U.S. English, which so far operates on a shoestring at its offices at 1419 21st St. NW in Washington, is not against Americans' full mastery of foreign languages. One of the most intriguing things about the group is its requirement that its board members be masters of at least one foreign language.

But on putting English first in the schools, the group is adamant. "As a child," says Bikales, "I found language barriers could easily be overcome. Arriving in America without knowledge of English, I nevertheless learned it very fast. So did my friends among the immigrant students in my New York City high school."

And so can, she claims, immigrant children today.

Where bilingual issues reach redhot Latin intensity is among those Hispanics who envision a large, independent Spanish-speaking nation within the American nation—an American Québec, as it were. Asked about taxpayer-supported Spanish education, Miami Mayor Maurice Ferré is quoted in the May issue of Esquire as responding:

"We demand this because we recognize that culture is vitally important if we are going to be able to solve our problems." But Ferré—who also boasts "you can go through your whole life without having to speak English at all" in today's Cuban-dominated Miami—doesn't necessarily speak for all Hispanics.

"Middle-class ethnics romanticize public separateness and trivialize the dilemma of the socially disadvantaged," writes the Mexican-American novelist, Richard Rodriguez, author of "Hunger of Memory." America is a place where you don't lose your culture—you gain one."

The questions that remain for us all—native English-speaking and modern-day immigrant alike—are these:

Why should ballots be printed in foreign languages when practically all political debate—the very essence of responsible citizenship—is conducted in English?

Why should driver-license tests be given in foreign languages—except for foreign visitors, or for a limited time—when road signs, warnings and the voice of the traffic policeman are all in English?

Why shouldn't bilingual education be limited—as U.S. English recommends—to "a program of short-term instruction that uses the child's home language to help him for the first few months"?

Any other choice consigns youngsters to segregated classrooms, to life-times of minimal of nonexistent English, outside the mainstream of American business and public life. It could be the ultimate racism.●

WHAT SHOULD OUR NATION'S POSTURE BE IN REGARD TO NATIONAL DEFENSE?

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. PARRIS. Mr. Speaker, for months this House has heard many differing views concerning what our Nation's posture should be in regard to national defense. At this time we are making decisions which will affect our generation and those yet to come, I feel it would be wise for my colleagues to examine an analysis submitted by the Defense Intelligence Agency to Congress Joint Economic Committee, declassified and released on June 22, detailing the dangerous Soviet military advantage.

Many in Congress disagree with the administration's position that the Soviet military buildup in recent years has won the U.S.S.R. leadership in nuclear as well as conventional weaponry. They argue that we are stronger than the administration will admit, and that it is not necessary to spend as much as requested in order to regain arms equality with the Soviets.

Mr. Speaker, an examination of this Defense Intelligence Agency study reveals that we are well behind the Soviets in armed strength, and they are ready and willing to increase their pressure for domination throughout the world. Moscow's commitment to military spending and achievement is not diminishing. Instead of leveling off or declining in the face of smaller rates of economic growth, defense spending continues to increase at its historical rate of 4 percent annually and is absorbing an even large share of total national resources. Military related industries receive the highest quality goods and they are given priority when it comes to capital investments. The Soviet's present 5-year plan calls for a 43-percent growth in defense machinery output by 1985 which will further strengthen the Soviet military industrial base, already the largest in the world.

Supporters of the nuclear freeze tell us that rough parity exists between Soviet and American arsenals. If this is the case, nuclear parity requires us to invest all the more heavily in conventional arms, since the time has long passed when we can rely on a preponderance of nuclear forces to deter Soviet adventurism. Furthermore, freeze proponents contend we and the Soviets already have enough weapons to destroy the world, and making more will not add to either side's strength. I would point out that such an argument cannot be made with regard to conventional weapons. Nuclear freeze advocates cannot ignore the DIA's corroboration that the Soviet Union is the world's largest weapons producer which surpasses the United States in all significant categories.

For example, the Soviets produced 750 tactical combat aircraft in 1981, just as they did in 1977. By comparison, the United States produced fewer than 300 aircraft, even below the annual attrition rate. During 1981, the Soviets produced more than twice as many tanks, 40 times more surface-to-air missles, and three times more naval vessels than the United States. As a result, the Soviet Union fields a growing number of modern and qualitatively improved weapons systems while the United States is barely able to keep its own inventory from shrinking.

The danger we face from a military buildup throughout the world by a nation that has a consistent history of using the arms it produces is more serious, more potentially dangerous, than any we have ever before encountered. We cannot ignore it, and we have no alternative but to reduce that danger by increasing our deterent power.

If you recall the words of our first President George Washington:

> To be prepared for war is the most effective means of preserving peace.

Because we are committed to peace, we have a moral obligation to insure America's defense credibility.

As the DIA testimony before Congress indicates, the administration has no other choice if it is serious about insuring national security, and ultimately preserving world peace.●

HAPPY BIRTHDAY, EARL HAYS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. ROGERS. Mr. Speaker, today is a special day for the faculty and student body at one of the great colleges in my district, Sue Bennett College in London, Ky.

For today marks an anniversary, and begins a countdown for another special day coming 2 years from now.

Today, Earl Hays, president of Sue Bennett College, marks his 66th birthday. Two years from now, on this same day, President Hays will step down as president, having served in that capacity for some 24 years already.

Mr. Speaker, President Hays has done much during his tenure at Sue Bennett to make it the outstanding institution of learning it is today. Since 1949, Mr. Hays has served in several capacities, and has seen both enrollment and the school's budget increase by some 400 percent. Not one to sit on his laurels, Mr. Hays has much left to accomplish during his final 2 years as president, including a new computer science program, and expansion of evening classes.

Earl Hays has accomplished much already during his many years of service to his school and community. He is without a doubt one of the finest college administrators in Kentucky. As a teacher, a leader, an academician, and citizen, Earl Hays has given service to his school and community above and beyond the call of duty.

On this, his 66th birthday, I ask my colleagues to join me in saluting the fine work and excellent record of Earl Hays of Sue Bennett College. I know you share my wish for him for a successful conclusion to his work there, and for health and happiness in the years ahead.●

UNIVERSAL TELEPHONE SERVICE AND PROTECTING TELEPHONE RATES

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. WHITTAKER. Mr. Speaker, there has been considerable speculation in recent months that telephone companies, including Southwestern Bell Telephone Co., which serves my State of Kansas, may increase the rates they charge for local telephone service, and that these rate increases may be so drastic that numerous residents will decide to discontinue telephone service.

Predictions about skyrocketing phone rates have been rife since AT&T and the Justice Department reached an out-of-court settlement on the restructuring of the phone system—and the Federal Communications Commission issued additional rulings deregulating the telephone industry. Many experts have predicted that local phone rates could double or triple as a result of these actions—and that rural Americans, senior citizens, and other vulnerable groups could be priced out of the market.

As a member of the House Energy and Commerce Committee, the committee with jurisdiction over the telecommunications industry, I am alarmed by such predictions. It is imperative that telephone rates not be allowed to rise dramatically, because substantial rate increases would put an end to universal telephone service. In today's society, universal access to telephone service is essential for almost everyone. Steep rate hikes would threaten the continued availability of this essential service for many people. As Members of Congress, we must recognize that the telephone is not a luxury item, especially in our rural areas where it provides a very essential business and social service.

Unfortunately, predictions of impending rate hikes and consumer hardships are being made in the dark. Because the FCC has not gathered the necessary data, no one knows exactly what impact developments now occurring in the telecommunications industry will have on rates—or how many people will be forced to give up their telephone, or to choose between their phone and needed food or fuel—as a result of divestiture and deregulation.

That is why I have joined in sponsoring legislation, House Resolution 231, calling upon the FCC to begin an immediate investigation to determine the effect of the FCC rulings and the restructuring of AT&T on telephone rates and service. Once this study is completed, the resolution directs the FCC to provide Congress with estimates of how many Americans would suffer economic hardship or would be forced to disconnect their phones as a result of these changes. The resolution also requests that the House Subcommittee on Telecommunications begin considering legislation that will insure the affordability of basic phone service to all Americans.

Mr. Speaker, this resolution is not the complete answer to rising phone costs. It is, however, an important first step to insure that all Americans have access to phones at a price they can afford. I am going to carefully monitor ongoing developments in the telecommunications industry and if it is necessary for Congress to intervene with legislation in order to keep telephone rates at reasonable levels, I will be out front urging passage of legislation.●

LABOR DEPARTMENT WOULD OUTLAW LABOR

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. GOODLING. Mr. Speaker, recently, columnist Donald Lambro wrote an article entitled "Labor Department Would Outlaw Labor." It is not ironic for the Labor Department to outlaw rather than create jobs? I refer specifically, as does the article, to the Labor Department's ban on "homework"—on the right to make such products as women's clothing, handerchiefs, buttons, buckles, jewelry, gloves, and mittens, in the home. Mr. Speaker, these restrictions should be lifted. What we need in this country are more employment opportunities, not less. I therefore commend the following article to your attention, and to the attention of my colleagues, for it clearly reveals the absurdity of homework restriction.

LABOR DEPARTMENT WOULD OUTLAW LABOR

(By Donald Lambro)

While President Reagan and Congress wrestle over a jobs bill, the Labor Department is actually trying to take jobs away from a group of hardworking Wisconsin women.

This little-noticed story is not just another isolated bureaucratic nightmare which we have come to expect out of Washington. Rather, it is typical of numerous cases throughout the government in which obstacles thrown up by antiquated special-interest laws are preventing hundreds of thousands—perhaps millions—of jobs from being created.

Consider the plight of a group of Ripon, Wis., women who help to support their families by embroidering skirts and blouses in their homes. The Labor Department, in spite of its name, wants to put them out of work.

Department bureaucrats are actively enforcing a 1943 regulation that forbids Americans from producing six crafts categories in their homes for profit: embroidery, women's apparel, gloves and mittens, buttons and buckles, jewelry and handkerchiefs.

A ban on knitted outerwear was erased from the books in 1981 by Labor Secretary Raymond Donovan. That decision was reached after angry Vermont housewives, who make a living knitting ski sweaters and hats in their homes, were compelled to go to Washington at their own expense to plead for their jobs.

Now another group of women who want to work in their homes instead of a factory are once more pleading with the feds not to take away what, in many cases, is their sole means of livelihood.

Championing their cause is the Center on National Labor Policy, a young, aggressive public-interest law firm that specializes in little-guy-fights-City Hall cases and whose lawyers successfully defended the knitters. Recently, the CNLP filed suit in District Court in Milwaukee against the Labor Department, whose actions would effectively shut down Silent Women, Inc., the company that buys the women's embroidery.

To his credit, Donovan originally had proposed repealing all regulations that forbid these cottage industries. However, bitter labor union opposition—particularly from the International Ladies Garment Workers Union (ILGWU)—forced him to back down.

The unions say that they merely want to prevent "sweatshop" conditions. Yet, the real reason for their intense opposition is that these women are competing with union-dominated factories, often turning out work that is as good or better than that being manufactured in America's garment centers. Moreover, notes CNLP executive director Steve Antosh, "Homeworkers don't pay union dues."

What else do the unions fear? ILGWU President Sol Chaiken blurted out his confession during a heated debate last year with a Vermont knitter on Phil Donohue's TV show: "You want every worker to be free to work at home at whatever they desire to do, under whatever conditions they want to work." Exactly. But to Chaiken, "That's anti-social, it's wrong."

Tell that to the Vermont knitters, Sol—some of whom are still out of work today because a few firms refuse to buy their merchandise for fear of government reprisals. Tell that to Mary Clements of Ripon, Wis., whose livelihood would be denied if the feds and the unions have their way.

"I do this because I want to be with my kids," she says of her home embroidery work. "The No. 1 reason for doing a job like this is because you have children at home."

The average homeworker earns between $3,000 and $10,000 a year from embroidery work, depending on the time she spends on her craft. All of the workers for whom CNLP is suing the Labor Department earn more than the minimum wage, and in some cases they earn much more than local factory pay scales.

Indeed, Mrs. Clement's business has become so profitable that she and her husband have added a separate sewing room to their home.

Removing the ban on these home industries would legalize what is already being practiced in many low-income homes. More important, it would open up vast new employment opportunities for the jobless, would allow welfare mothers to free themselves from a life of dependency and would let working mothers keep their children at home instead of putting them in costly day-care centers.

It is estimated that by 1990 about 15 million jobs will be done at home in the United States, much of it through computers. But instead of encouraging this sensible trend, with all of the benefits it can bestow, the government is doing its utmost to discourage it.

CAPTAIN THOMAS BAYLEY; A MODEST HERO

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McKERNAN. Mr. Speaker, it has been said that ours is an age without heroes. But I rise to praise one of my constituents, Capt. Thomas Bayley of Scarborough, Maine, who has proved beyond a doubt that heroism is alive and well in America today. Captain Bayley, who is 23 years old, recently received the American Merchant Marine Seamanship Trophy for a daring rescue he accomplished at sea last December. Retired Adm. Harold E. Shear presented him with this coveted award in Portland, Maine, at the opening of a new fish pier. I am proud to recount the story of Captain Bayley's extraordinary bravery:

December 12 of last year found Captain Bayley and his crew aboard their fishing vessel the *Kathleen and Julie II* some 90 miles off Cape Cod; the winds were strong, the seas rough, and the constant freezing rain made the visibility poor. Shortly before noon another fishing vessel, the 124-foot trawler *Robert Powell,* began to take on water rapidly through a leak in her engineroom, and her captain ordered the crew to prepare to abandon ship in an inflatable raft. The captain of the sinking vessel radioed a "mayday" which Captain Bayley heard and to which he responded; the vessels were 30 miles apart, the wind was blowing at 50 knots, and there were 12-foot seas. By 2:45 the crew of the *Robert Powell* had abandoned the ship, which sank soon thereafter.

Captain Bayley pushed his boat without mercy most of the day in order to reach the crew of the sunken vessel in time. When he reached the scene, darkness had set in, and it was snowing hard. Visibility at this point was very bad, and only through good fortune did the crew of Captain Bayley's boat spot an emergency flare fired by the shipwrecked men. After several passes, Captain Bayley's crew was able to throw a line to the men in the raft, which by this time had become so deflated that the men inside were up to their waists in freezing water. Unable to winch the raft aboard, Captain Bayley left the wheelhouse and went aft. There he lay on his stomach and bellied down the stern ramp, and, with his crew holding his legs, he successively locked arms with each of the survivors on the raft and pulled them to safety.

Captain Bayley is a modest man, who maintains that any fisherman would have done the same thing for him, given the circumstances. He is, however, a most unusual man. At great risk to himself, he saved the lives of his fellow mariners. I join my colleagues, and all those who know the perils of going to sea, in congratulating Captain Bayley for his selflessness and heroism.●

COLEMAN INTRODUCES SODBUSTER LEGISLATION

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. COLEMAN of Missouri. Mr. Speaker, today I join my colleagues and subcommittee chairman, Mr. JONES, in introducing the Soil Conservation Act of 1983.

Today we face a nationwide soil erosion problem which is, at least in part, the result of outdated Federal farm policy. In the 1970's, our national policy was to plow fence row to fence row in order to meet both domestic and international demands for our agricultural products. Today we face a twofold problem as a result.

First of all, as we all know, we have huge surpluses which continue to depress agricultural markets. Second, much of the soil that farmers plowed up during the 1970's to meet rising demand was highly erosive. In more conservation-oriented times, these lands would have been left as natural grass lands and pasture.

The Soil Conservation Act of 1983 is designed to turn millions of these acres of land back to a natural state. A great deal of our erosion problems could be solved by returning some 30 million acres now in cropland to grassland.

In my home State of Missouri, 3.1 million acres of farmland, about 8 percent of our State total, is eroding away at the rate of 42 tons of soil per acre per year.

The Soil Conservation Act of 1983 provides incentives for farmers to return some of their lands to pasture and to continue good crop rotation systems. There are mechanisms within the bill to protect farmers from losing out when the next land diversion or PIK program is announced. And, farmers who cropped highly erodible land prior to 1982 are grandfathered so they would not be penalized for following a Government-encouraged program in the last decade. However, our

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act will discourage any further sodbusting on lands that have been identified as highly erodible by the Soil Conservation Service.

Mr. Speaker, we can no longer, as a matter of Federal policy, allow agricultural methods and programs that encourage our fragile soil resources to be washed off our hills and into our lakes and rivers. I believe the Soil Conservation Act of 1983 addresses the concerns of both farmers and conservationists. I am hopeful that any flaws which the bill may have at this point can be ironed out so that we can come forth with a reasonable approach that will make for sound conservation policy and good farm policy, as well.●

HUNGER IN MACOMB COUNTY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to submit for the RECORD a summary of hearings convened May 27, 1983, in my home district on the impact of hunger. We heard testimony from a variety of witnesses—experts as well as individuals who spoke of their own experience with hunger. The data we collected clearly document that hunger is a pervasive and growing problem in Macomb County. Its roots lie in the economic crisis that has devastated so many of our once thriving communities, and in the cutbacks in funds for social programs that once provided assistance to so many families struggling to make ends meet. The evidence gathered in Michigan confirms reports from elsewhere in the country and compels us to address hunger as an urgent national problem.

I would like to thank the Macomb County Fair Federal Budget Coalition/Interfaith Center for inviting us to conduct this hearing, and express appreciation to all who testified. I am sorry that space limitations prevent me from submitting everyone's testimony in full.

The summaries follow:

HUNGER IN MACOMB COUNTY—INDICATORS, CAUSES, EXTENT

In 1975, the Governor established a state nutrition task force which ultimately became the Michigan Statewide Nutrition Commission. It was created so that we could approach the issue of nutrition as a part of preventive health, as well as monitoring existing programs, making recommendations as to improvements in programs, and fostering nutrition education. We seemed to have made a great deal of progress. Then in 1981, with the federal budget cuts and the escalating unemployment, hunger began to return to Michigan. Hunger is not only evident in the lines of people waiting for surplus cheese, in the new soup kitchens with people in business suits and whole families now in line, but also in the more scientific and clear cut data from pediatric hospitals around the country as well as in the Detroit nutrition surveillance study. That study is now documenting lower weight, lower height for age, and more obesity—a disease of malnutrition resulting from eating foods that are cheap and high in carbohydrates.

Two years ago the Michigan Statewide Nutrition Commission initiated a study of the emergency food problem in the State of Michigan. We discovered that by the third week of the month most emergency depots were running out of food.—Mary Ann Mahaffey, Member, Detroit City Council, Chairperson, Michigan Statewide Nutrition Commission.

Basically, the majority of our clients are unemployed people, short term as well as structurally unemployed—the "new" as well as the "old poor".

Currently Macomb County holds 182,741 people, or 26.3 percent of the county's population, who are either unemployed or dependent on some kind of transfer payment. This group is 8.4 percent larger than it was fifteen months ago. The unemployment rate was 19.3 percent in March, 1983, a full 18 percent higher than it was January 1, 1982, and 13.5 percent higher than the state's rate for the same month. As a result of this situation, residents in large numbers have been forced onto assistance rolls; in March, 1983, $6.6 million in cash, emergency needs and food stamp benefits were provided to 47,245 needy people, representing an average total individual benefit for the month of $139. In the first quarter of 1983, the county Department of Social Services received 5,413 requests for cash assistance, and opened 2,574 cases—only 47 percent of the total requests. The other 2,839 applicants were denied. During this same period, 1,581 cases were closed but the county experienced a net increase in caseload of 1,000.

Federal decisions in the past two years to reduce assistance programs—including jobs programs—have worsened their condition and swelled their ranks in two interrelated ways: (1) their nutritional, shelter and other basic needs are not being met; and (2) the reduced amount of money which they have available to spend in the local economy on these basic needs is resulting in a reduction in the local activity which these expenditures generate, which in turn is having a domino effect, causing a further loss of jobs which forces an ever increasing number of people onto assistance rolls.

The seriousness of program cutbacks for children is realized when we consider that of the 72 million youngsters in the country, 10 percent are dependent on AFC and food stamps for survival. In Michigan the rate is higher: currently 16 percent of the state's children are dependent on these assistance programs, 488,999 of 3.1 million. Macomb County is more fortunate; only 8 percent of its children are thus dependent. However, 19,000 children is a large investment in the county's future, and their unmet nutrition, shelter, medical care and educational needs must be given consideration.—Mike Foley, Michigan Legal Services.

Clearly, in Michigan, the problem of hunger has been accentuated by a troubled economy. Additionally, the high cost of living, the rapidly increasing costs of medical care, and the red tape found in bureaucracy continually makes it difficult for all citizens of all ages to seek and receive aid for their problems. Hunger among our senior citizens, our unemployed, in pregnant women, infants, and children trying to grow, trying to mature to adolescence and adulthood is clearly evident.

Recently, the infant mortality rate in Michigan experienced one of the greatest year-to-year increases since World War II. Michigan was ranked as 36th worst among the 50 states relating to infant mortality. While it is difficult to specifically determine whether or not hunger was a key component of this increase, one can surely speculate that infant mortality is and was affected by the number of people unemployed, by the general decline in our economy and, subsequently, by the ability of families and individuals to adequately acquire necessary and essential subsistence.—(Daniel C. Lafferty, Health Officer, Macomb County Health Department.)

EFFECTS OF HUNGER ON HEALTH AND BEHAVIOR

Population groups known to be at high risk regardless of socio-economic status are women of child-bearing age, children and adolescents, and the elderly. There is no single test to quickly determine malnutrition. One cannot go out on the street in our society and see a starving child. People in the twenty to fifty-five year age range can withstand food withdrawal of the 10 percent to 20 percent level for long periods of time. Nothing will show up except that they will be hungry, irritable, less effective at their work, and short tempered. This can lead to spouse and child abuse, depression, substance abuse and suicide.

There are other groups with greater risks. A 10 percent to 20 percent food intake reduction for the elderly, will not only make them hungry, but will make them more susceptible to disease. They will die a little earlier.

Then there are the very young trying to grow, learn and socialize. Intake reduction slows their growth rate and their ability to learn. They sit in school and they are hungry. They have assignments to do and instead they are thinking about eating. Learning falls off tremendously. Every year we get three, five and seven year old grade level scores on math, reading, etc. We talk about the schools getting better or worse, when in fact it is sometimes simply that the kids are eating better or worse. It would often be more beneficial to look at the kids nutritional status when looking for reasons why a school district's test scores went down. Hungry kids do have school problems.

In summary, the first to go when there is hunger is learning; the second is socialization—the ability to interact and interrelate; the third is the ability to perform on the job; and the fourth is the increase in disease and illness.—(Mary Ann Mahaffey, Member, Detroit City Council, Chairperson, Michigan Statewide Nutrition Commission.)

Research on nutrition and learning capacity gives some idea of where the problems are. It gives a starting point for determining how to deal with the effects of hunger. It demonstrates the complexity of the relationships between mental performance and food intake.

A pregnant girl or women who does not eat properly is likely to have a low-birth-weight infant whose mental and physical development is delayed.

An infant who does not get enough to eat during the first six months of life may experience general stunting of growth and reduced brain size. The nervous system is affected. Even after successful treatment, developmental lags may still show—in hearing and speech, in eye and hand coordination, in problem-solving ability, in behavior. The degree of improvement depends as much on environmental and social stimulation as on food intake.

Children with poor food intakes over periods of months and years have lower scores on IQ and achievement tests. They lose the motivation to learn—are not curious about what goes on around them and they lack the desire to do anything new.

Children and adolescents who are malnourished develop iron deficiency anemia. Anemia is associated with behavioral disturbances and low achievement in school. Anemia and insufficient calories lead to infection and disease. More days are missed from school and the opportunities for learning are decreased.

It is important to be aware of short-term effects of hunger also—the impact of temporary food deprivation. In these situations, behavior patterns rather than IQ performance are affected. Nevertheless, disruption of behavior patterns in learning situations ultimately will adversely affect IQ performance.—(Margene Wagstaff, Director, Medical Dietetics, Wayne State University.)

There is extensive literature that discusses the relationship between diet and mental health. It is important for those of us who are working in the field of mental health to recognize that there is a direct relationship between "food" and "mood." Some of the correlations which have been observed in many patients between diet and psychological disorders include subnutrition, and abnormal conditions involving sodium and potasium metabolism, sugar metabolism, ascorbic acid, and vitamin B_6. These nutritional variables have been associated with behavior disorders such as depressive psychosis, affective illnesses, schizophrenia, and depression. Some of the less serious behavior disorders include irritability, fatigue, mental confusion and uncontrolled emotional outbursts.

Clinicians in our Macomb County Community Mental Health program who deal every day with individuals and families seeking counseling and treatment for emotional problems have indicated to me that there is a need when assessing clients to be very careful in exploring the areas of diet, nutrition, and history of unemployment in properly diagnosing and treating clients.—Willard Ireland, Program Director, M.I. Division, Macomb County Mental Health.●

DEMOCRACY: AMERICA'S BEST EXPORT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to share with my friends in the House a most interesting article concerning the new International Democrat Union in London. This group will concern itself with carrying on the great work of promoting democracy. I salute the President and Vice President BUSH for their fine efforts in supporting this institution. The free world has waited far too long to begin tooting its own horn about the strengths of our system.

For far too long, supporters of communism and socialism have very professionally and successfully extolled the strengths and benefits of their own systems. Their coordinated efforts to disseminate information about their systems is both aggressive and well orchestrated. Is there any wonder that many of the smaller countries of Africa, and in other parts of the world, are turning to communism or socialism rather than taking a good look at the benefits and proven strengths of democratic forms of government? The free world must go on the offensive. It is time that we commit ourselves as a nation to assisting democratic development. It is now or never.

The administration has been very active in promoting democratic institutions around the world. The genesis of many of these ideas was President Reagan's speech to the British Parliament last year. His original plan has grown and blossomed since that time.

Last November, I had the pleasure of attending the Conference of Free Elections here in Washington. Representatives of 34 democratic nations participated in this valuable and long-overdue effort to help show the world how to build democracy by the expansion of free elections. At that meeting, the President noted that the key to democracy was a free citizen placing his vote in a ballot box, and thereby directly affecting his own destiny. The Conference objectives included providing concrete assistance to countries interested in establishing free elections, advocating the right to free elections more actively, and expanding human rights discussions and activities, to include positive steps that foster free institutions.

As an outgrowth of the President's efforts, H.R. 7020 was introduced in the House last year. This effort is designed to establish the U.S. Academy of Freedom whose function would be the development and implementation of programs to promote the growth of democracy and the creation of free and open societies throughout the world.

Recently, a bill for the establishment of a National Endowment for Democracy was passed by us in the House. This program is part of the appropriations for the U.S. Information Agency and is a response to the felt need to increase the U.S. public diplomacy effort overseas in a manner which involves U.S. private sector initiatives to strengthen democratic values and institutions abroad.

I am certain that the United States will work closely with the newly established International Democrat Union to encourage the development of democracy around the world.

I again commend the President for his efforts in supporting the International Democrat Union. I am confident that America will play an active role in the group and will produce a positive program for international action to give new momentum to the spread of freedom. Although democracy is not a fragile flower, it needs cultivating. Let us hope that this international effort to promote democratic institutions will be successful in fostering the growth of democratic processes around the world.

With this in mind, let me recommend the following Washington Post article to all of you.

The article follows:

[From the Washington Post, June 25, 1983]

BUSH PROMOTES WORLD CONSERVATIVE GROUP

(By Peter Osnos)

LONDON, June 24.—Vice President Bush joined other leading conservative politicians from 19 countries today in launching the International Democrat Union, an organization, Bush said, to "carry on the great work of promoting democracy."

British Prime Minister Margaret Thatcher, West German Chancellor Helmut Kohl and the prime ministers of Denmark and Norway were on hand. They were among representatives of parties in 14 European countries, Japan, Australia, New Zealand, Canada and the United States that are members of the group.

In addition to Bush, the United States was represented by Republican National Committee Chairman Frank J. Fahrenkopf, Jr. His Democratic counterpart, Charles T. Manatt, was present, but only as "an observer."

For the Europeans especially, such intraparty organizations are nothing particularly new. The Socialist International is a long-standing group with members from 40 countries who meet regularly, and European conservatives formed a similar organization in 1978.

But American participation reflects an initiative that began with the Reagan administration and has drawn some support from Democrats as well for a more systematic effort to bolster democratic parties around the world. In his remarks today, Bush recalled that President Reagan pledged such an effort in a speech to the British Parliament a year ago.

The International Democrat Union's chairman, Alois Mock of the Austrian People's Party, picked up that theme in his opening statement, asserting: "Political ideas have no national frontiers, and we will not be slow to export ours. For too long many of us have left the promotion of ideas to the left."

Bush, Thatcher, Kohl, and other speakers stressed the contrast between their own democratic societies and the repression in communist nations. "Ten years ago," Thatcher said, "people were writing about the crisis of democracy. Today, attention has turned to the crisis of state socialism."

The vice president singled out U.S. support for the "free nations" of Central America, which he said are receiving "the aid they need to build and perfect democracies of their own."

Speaking at the start of an eight-nation European trip in which he will explain administration policy in Central America, Bush pointed out that U.S. economic assistance to the region is three times as great as the military aid earmarked to help the countries "resist attempts at subversion by forces beholden to totalitarian powers."

Later, at a press conference, Bush acknowledged that many Europeans, including some from countries represented in the new conservative organization, are uneasy about U.S. intentions in Central America. "Our objectives are honorable," Bush said. "We just haven't gotten out as well as we should what motivates this president in Central America."

This morning Bush conferred with Thatcher and her new foreign secretary, Sir Geoffrey Howe. Saturday he flies to West Germany and later will visit other countries including Scandinavia and Ireland.

The union brings together the European Democrat Union and a similar group formed last year by the Pacific countries. It will be based at the headquarters of Britain's Conservative Party and in time is likely to be one of the agents of the U.S. program to boost democratic parties. A bill for the establishment of a National Endowment for Democracy has been passed by the House, although its exact nature is still not fixed.●

THE TEMPLETON ADDRESS BY ALEXANDR SOLZHENITSYN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● **Mr. McDONALD.** Mr. Speaker, Alexandr Solzhenitsyn delivered a very significant address in England on May 10, 1983. In his talk he developed the theme that the cause of Russia's troubles was that she had forgotten God and that this applied to the rest of the world, also. He stressed that there was still time to turn the situation around if people would return to God and give up their material goods. He is quite correct when he stressed that the ideological battle in the world is between things spiritual and material. The Soviet Union knows this and that is why they fear the Bible more than our ICBM's. I commend the text of this Templeton Address to the attention of my colleagues.

THE TEMPLETON ADDRESS

(By Alexandr Solzhenitsyn)

Over half a century ago, while I was still a child, I recall hearing a number of older people offer the following explanation for the great disasters that had befallen Russia: "Men have forgotten God; that's why all this has happened."

Since then I spent well-nigh fifty years working on the history of our revolution; in the process I have read hundreds of books, collected hundreds of personal testimonies, and have already contributed eight volumes of my own toward the effort of clearing away the rubble left by that upheaval. But if I were asked today to formulate as concisely as possible the main cause of the ruinous revolution that swallowed up some sixty million of our people, I could not put it more accurately than to repeat: "Men have forgotten God; that's why all this has happened."

What is more, the events of the Russian revolution can only be understood now, at the end of the century, against the background of what has since occurred in the rest of the world. What emerges here is a process of universal significance. And if I were called upon to identify briefly the principal trait of the entire twentieth century, here too, I would be unable to find anything more precise and pithy than to repeat once again: "Men have forgotten God." The failings of human consciousness, deprived of its divine dimension, have been a determining factor in all the major crimes of this century. The first of these was World War I, and much of our present predicament can be traced back to it. It was a war (the memory of which seems to be fading) when Europe, bursting with health and abundance, fell into a rage of self-mutilation which could not but sap its strength for a century or more, and perhaps forever. The only possible explanation for this war is a mental eclipse among the leaders of Europe due to their lost awareness of a Supreme Power above them. Only a godless embitterment could have moved ostensibly Christian states to employ poison gas, a weapon so obviously beyond the limits of humanity.

The same kind of defect, the flaw of a consciousness lacking all divine dimension, was manifested after World War II when the West yielded to the satanic temptation of the "nuclear umbrella." It was equivalent to saying: Let's cast off worries, let's free the younger generation from their duties and obligations, let's make no effort to defend ourselves, to say nothing of defending others—let's stop our ears to the groans emanating from the East, and let us live instead in the pursuit of happiness. If danger should threaten us, we shall be protected by the nuclear bomb; if not, then let the world go to hell! The pitifully helpless state to which the contemporary West has sunk is in large measure due to this fatal error: the belief that the only issue is that of nuclear weapons, whereas in reality the defense of peace reposes chiefly on stout hearts and steadfast men.

Only the loss of that higher intuition which comes from God could have allowed the West to accept calmly, after World War I, the protracted agony of Russia as she was being torn apart by a band of cannibals, or to accept, after World War II, the similar dismemberment of Eastern Europe. The West did not perceive that this was in fact the beginning of a lengthy process that spells disaster for the whole world; indeed the West has done a good deal to help the process along. Only once in this century did the West gather its strength—for the battle against Hitler. But the fruits of that victory have long since been lost. Faced with cannibalism, our godless age has discovered the perfect anaesthetic—trade! Such is the pathetic pinnacle of contemporary wisdom.

Today's world has reached a stage which, if it had been described to preceding centuries, would have called forth the cry: "This is the Apocalypse!"

Yet we have grown used to this kind of world; we even feel at home in it.

Dostoevsky warned that "great events could come upon us and catch us intellectually unprepared." That is precisely what has happened. And he predicted that "the world will be saved only after it has been possessed by the demon of evil." Whether it really will be saved we shall have to wait and see: this will depend on our conscience, on our spiritual lucidity, on our individual and combined efforts in the face of catastrophic circumstances. But it has already come to pass that the demon of evil, like a whirlwind, triumphantly circles all five continents of the earth.

We are witnesses to the devastation of the world, be it imposed or voluntarily undergone. The entire twentieth century is being sucked into the vortex of atheism and self-destruction. This plunge into the abyss has aspects that are unquestionably global, dependent neither on political systems, nor on levels of economic and cultural development, nor yet on national peculiarities. And contemporary Europe, seemingly so unlike the Russia of 1913, is today on the verge of the same collapse, for all that it has been reached by a different route. Different parts of the world have followed different paths, but today they are all approaching the threshold of a common ruin.

In its past, Russia did know a time when the social ideal was not fame, or riches, or material success, but a pious way of life. Russia was then steeped in an Orthodox Christianity which remained true to the Church of the first centuries. The Orthodoxy of that time knew how to safeguard its people under the yoke of a foreign occupation which lasted more than two centuries, while at the same time fending off iniquitous blows from the swords of Western crusaders. During those centuries the Orthodox faith in our country became part of the very patterns of thought and the personality of our people, the forms of daily life, the work calendar, the priorities in every undertaking, the organization of the week and of the year. Faith was the shaping and unifying force of the nation.

But in the seventeenth century Russian Orthodoxy was gravely weakened by an ill-fated internal schism. In the eighteenth, the country was shaken by Peter's forcibly imposed transformations, which favoured the economy, the state, and the military at the expense of the religious spirit and national life. And along with this lopsided Petrine enlightenment, Russia felt the first whiff of secularism; its subtle poisons permeated the educated classes in the course of the nineteenth century and opened the path to Marxism. By the time of the revolution, Russian educated circles had virtually lost the faith; and amongst the uneducated, its health was threatened.

It was Dostoevsky, once again, who drew from the French Revolution and its seething hatred for the Church the lesson that "revolution must necessarily begin with atheism." That is absolutely true. But the world had never before known a godlessness as organized, militarized, and tenaciously malevolent as that preached by Marxism. Within the philosophical system of Marx and Lenin and at the heart of their psychology, hatred of God is the principal driving force, more fundamental than all their political and economic pretensions. Militant atheism is not merely incidental or marginal to communist policy; it is not a side effect, but the central pivot. To achieve its diabolical ends, communism needs to control a population devoid of religious and national feeling, and this entails a destruction of faith and nationhood. Communists proclaim both of these objectives openly, and just as openly put them into practice. The degree to which the atheistic world longs to annihilate religion, the extent to which religion sticks in its throat, was demonstrated by the web of intrigue surrounding the recent attempts on the life of the Pope.

The 1920s in the USSR witnessed an uninterrupted procession of victims and martyrs amongst the Orthodox clergy. Two metropolitans were shot, one of whom, Veniamin

of Petrograd, had been elected by the popular vote of this diocese. Patriarch Tikhon himself passed through the hands of the Cheka-GPU and then died under suspicious circumstances. Scores of archbishops and bishops perished. Tens of thousands of priests, monks, and nuns, pressured by the Chekists to renounce the word of God, were tortured, shot in cellars, sent to camps, exiled to the desolate tundra of the far North, or turned out into the streets in their old age without food or shelter. All these Christian martyrs went unswervingly to their deaths for the faith; instances of apostasy were few and far between. For tens of millions of laymen access to the Church was blocked, and they were forbidden to bring up their children in the faith: religious parents were wrenched from their children and thrown in prison, while the children were turned from the faith by threats and lies. One could argue that the pointless destruction of Russia's rural economy in the 1930's, the so-called dekulakization and collectivization, which brought death to fifteen million peasants while making no economic sense at all, was enforced with such cruelty, first and foremost, for the purpose of destroying our national way of life and of extirpating religion from our peasants. The same policy of spiritual perversion operated throughout the brutal world of the Gulag Archipelago, where men were encouraged to survive at the cost of the lives of others.

And only atheists bereft of reason could have decided upon the ultimate brutality being planned in the USSR today, to be perpetrated against the Russian land itself, whereby the Russian North is to be flooded, the flow of the northern rivers reversed, the life of the Arctic Ocean disrupted, and the water channelled southward, toward lands already devastated by earlier, equally foolhardy, "feats of communist construction."

For a short period of time, when he needed to gather strength for the struggle against Hitler, Stalin cynically adopted a friendly posture toward the Church. This deceptive game, continued in later years by Brezhnev with the help of show-case publications and other window dressing, has unfortunately tended to be taken at its face value in the West. Yet the tenacity with which hatred of religion is rooted in communism may be judged by the example of their most liberal leader, Khrushchev: for though he undertook a number of significant steps to extend freedom, Khrushchev simultaneously rekindled the frenzied Leninist obsession with destroying religion.

But there is something they did not expect: that in a land where churches have been levelled, where a triumphant atheism has rampaged uncontrolled for two-thirds of a century, where the clergy are utterly humiliated and deprived of all independence, where what remains of the Church as an institution is tolerated only for the sake of propaganda directed at the West, where even today people are sent to the labor camps for their faith, and where, within the camps themselves, those who gather to pray at Easter are clapped in punishment cells—they could not suppose that beneath this communist steam roller the Christian tradition would survive in Russia! It is true that millions of our countrymen have been corrupted and spiritually devastated by an officially imposed atheism, yet there remain many millions of believers: it is only external pressures that keep them from speaking out, but, as is always the case in times of persecution and suffering, the awareness of God in my country has attained great acuteness and profundity.

It is here that we see the dawn of hope: for no matter how formidably communism bristles with tanks and rockets, no matter what successes it attains in seizing the planet, it is doomed never to vanquish Christianity.

The West has yet to experience a communist invasion; religion remains free. But the West's own historical evolution has been such that today it, too, is experiencing a drying up of religious consciousness. It, too, has witnessed racking schisms, bloody religious wars, and enmity, to say nothing of the tide of secularism which, from the late Middle Ages onward, has progressively inundated the West. This gradual sapping of strength from within is a threat to faith that is perhaps even more dangerous than any attempt to assault religion violently from without.

Unnoticeably, through decades of gradual erosion, the meaning of life in the West ceased to stand for anything more lofty than the pursuit of "happiness", a goal that has even been solemnly guaranteed by constitutions. The concepts of good and evil have been ridiculed for several centuries; banished from common use, they have been replaced by political or class considerations of short-lived value. It has become embarrassing to appeal to eternal concepts, embarrassing to state that evil makes its home in the individual human heart before it enters a political system. Yet it is not considered shameful to make daily concessions to an integral evil. Judging by the continuing landslide of concessions made before the eyes of our very own generation, the West is ineluctably slipping toward the abyss. Western societies are losing more and more of their religious essence as they thoughtlessly yield up their younger generation to atheism. What other evidence of godlessness does one need, if a blasphemous film about Jesus is shown throughout the United States, reputedly one of the most religious countries in the world? Or if a major newspaper publishes a shameless caricature of the Virgin Mary? When external rights are completely unrestricted, why should one make an inner effort to restrain oneself from ignoble acts? . . .

Or why should one draw back from burning hatred, whatever its basis—race, class, or zealous ideology? Such hatred is in fact corroding many hearts today. Atheist teachers in the West are bringing up a younger generation in a spirit of hate for their own society. Amid all the vituperation, it has been forgotten that the defects of capitalism represent the basic flaws of human nature, freed from all limitations just as the various human rights are; that under communism (and communism breathes down the neck of all moderate forms of socialism, which are unstable)—under communism the very same flaws become completely unbridled in any person with the least degree of authority; and that everyone else under that system truly does attain "equality"—the equality of destitute slaves. Such incitements to hatred are coming to characterize today's free world. Indeed, the broader the personal freedoms are, the higher the level of prosperity or even of abundance, the more vehement, paradoxically, is this blind hatred. The contemporary developed West thus demonstrates by its own example that human salvation can be found neither in the profusion of material goods nor in merely making money.

This unquenchable hatred then spreads to all that is alive, to life itself, to the world with its colors, sounds and shapes, to the human body. The embittered art of the twentieth century is perishing from this ugly hate, for art is fruitless without love. In the East art has collapsed because it has been forcibly knocked down and trampled, but in the West the fall has been voluntary, a decline into a contrived and pretentious quest where the artist, instead of attempting to make known the divine plan, tries to put himself in the place of God.

And here again, the same result is produced both in East and West, through a world-wide process, by the same cause: that men have forgotten God.

Confronted by the onslaught of world-wide atheism, believers are disunited and frequently bewildered. And yet the Christian (or post-Christian) world would do well to note the example of the Far East. I have recently had an opportunity to observe in Free China and in Japan how, despite the apparently lesser precision of their religious concepts, and despite the same unassailable "freedom of choice" that exists in the West, both the society and the younger generation have preserved a moral sense to a greater degree than is true in the West, and have been less affected by the destructive spirit of secularism.

What can one say about the lack of unity among the various religions, if Christianity has itself become so fragmented? In recent years the major Christian Churches have taken steps toward reconciliation. But these measures are far too slow: the world is perishing a hundred times more quickly. No-one expects the Churches to merge or to revise all their doctrines, but only to present a common front against atheism. But for such a purpose the steps taken are much too slow.

There also exists an organized movement for the unification of the Churches, but it presents an odd picture. The World Council of Churches seems to care more for the success of revolutionary movements in the Third World, all the while remaining blind and deaf to the persecution of religion where this is carried through most consistently—in the USSR. Not to see the facts is impossible; must one conclude, then, that it is deemed expedient not to see, not to get involved? But if that is the case, what remains of Christianity?

It is with profound regret that I must note here something which I cannot pass over in silence. My predecessor in receipt of this prize last year—in the very months that the award was made—lent public support to communist lies by his deplorable statement that he had not noticed the persecution of religion in the USSR. Before the multitude of those who have perished and who are oppressed today, may God be his judge.

It seems more and more apparent that even with the most sophisticated of political maneuvers, the noose on the neck of mankind draws tighter and more hopeless with every passing decade, and there seems to be no way out for anyone—neither nuclear, nor political, nor economic, nor ecological. That is indeed the way things appear to be.

Before the mountains, nay, the whole mountain ranges of such global events, it may seem incongruous and inappropriate to recall that the primary key to our being or non-being resides in each individual human heart, in the heart's preference for specific good or evil. Yet this remains true even today, and it is, in fact, the most reliable key. The social theories which have promised so much have demonstrated their bankruptcy, leaving us in a dead end. The free

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people of the West could reasonably have been expected to understand that their environment includes numerous freely nurtured falsehoods, and not to allow lies to be foisted upon them so easily. All attempts to find a way out of the plight of today's world are fruitless without a repentant return of our consciousness to the Creator of all: without this, no exit will be illumined, and we shall be unable to find our way. The means we have left for ourselves are too impoverished for the task. We must first recognize the horror perpetrated not by some outside force, not by class or national enemies, but within each of us individually, and within every society. And particularly in a free and highly-developed society, for in that case we have surely done everything by ourselves and of our own free will. We ourselves, in our daily unthinking selfishness, are pulling tight that noose.

Let us ask ourselves: Are not the ideals of our century false? And is not our glib and fashionable terminology just as unsound, a terminology which leads to superficial remedies being proposed for each difficulty? In every field of endeavor they all must be subjected to a clear-eyed review while there is still time. The solution of the crisis will not be found along the well-trodden paths of conventional notions.

Our life consist not in the pursuit of material success but in the quest of worthy spiritual growth. Our entire earthly existence is but a transitional stage in the movement toward something higher, and we must not stumble and fall, nor must we linger fruitlessly on one rung of the ladder. Material laws alone do not explain our life or give it direction. The laws of physics and physiology will never reveal the indisputable manner in which The Creator constantly, day in and day out, participates in the life of each of us, unfailingly granting us the energy and existence; when this assistance leaves us, we die. In the life of our entire planet, the Divine Spirit moves with no less force: this we must grasp in our dark and terrible hour.

Instead of the ill-advised hopes of the last two centuries, which have reduced us to insignificance and brought us to the brink of nuclear and non-nuclear death, we can only reach with determination for the warm hand of God, which we have so rashly and self-confidently pushed away. If we did this our eyes could be opened to the errors of this unfortunate twentieth century and our hands could be directed to set them right. There is nothing else to cling to, in the landslide: all the thinkers of the Enlightenment can give us nothing.

Our five continents are caught in a whirlwind. But it is during such trials that the highest gifts of the human spirit are manifested. If we perish and lose this world, the fault will be ours alone.●

EFFECTIVENESS OF BILINGUAL EDUCATION

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. CORRADA. Mr. Speaker, bilingual instruction in a limited English-speaking student's native language, as a way of helping that student gain competence in the English language, continues to be a debatable issue. What facts we do have on the subject appear not to be conclusive, and oftentimes title VII funded research provides us with contradictory findings and conclusions.

With this in mind, I continue to be amazed by those who are opposed to bilingual education instruction, who keep referring to research studies which they say suppport their view that no single approach is best.

The most quoted of recent research on bilingual education is a 1981 review of national and local evaluations performed for the Department of Education by Keith Baker and Adriana de-Kanter, titled "Effectiveness of Bilingual Education: A Review of the Literature." The Baker-deKanter review is often misinterpreted to suggest that such English-only approaches as "immersion" or English as a second language (ESL) are superior to transitional bilingual education (TBE).

Baker-deKanter analyzed some 150 evaluation reports on programs for limited-English-proficient children and found 28 studies that met their criteria for relevance and technical quality. Of these 28, 25 involved transitional bilingual education evaluation studies, comparing TBE with other approaches for teaching English. There were also analyses that compared children on achievement in mathematics. What Baker-deKanter actually found was that:

Eleven out of 25, or almost half of the evaluation studies, when comparing TBE and other approaches, favored bilingual programs as a strategy for teaching English.

There were effects favoring TBE on mathematics outcomes in 9 out of 15 comparisons.

In summary then, when comparing the different approaches in teaching limited-English-proficient children with transitional bilingual education approaches, the evidence favoring bilingual instruction over other approaches was more consistently significant and favorable across a range of studies than was the evidence for any other single strategy.

Mr. Chairman, I would like to submit for the record a chart which summarizes and substantiates my remarks. The chart is adapted from the Baker-deKanter review. I would also like to include a narrative which further explains the chart in more detail.

NUMBER OF COMPARISONS SHOWING EFFECTS FAVORING TRANSITIONAL BILINGUAL EDUCATION (TBE) FOR OUTCOMES IN ENGLISH AND MATHEMATICS

[In 25 studies reviewed by Baker and de Kanter [1]]

Type of comparison and effect	Type of outcome [2]	
	English language	Mathematics
TBE versus Submersion (standard English medium instruction):		
Positive	10	2
No difference	15	9
Negative	5	3
TBE versus English as a second language:		
Positive	1	1
No difference	3	NA
Negative	1	NA
TBE versus Immersion:		
Positive	0	0
No difference	1	1
Negative	1	0

[1] Adapted from K. Baker and A. de Kanter, Effectiveness of Bilingual Education: A Review of the Literature. Final Draft Report. Office of Planning and Budget, U.S. Department of Education, September 1981.

[2] More than 25 results are shown in the table because some studies contained more than a single comparison.

Study Finds Effects Favoring Bilingual Programs in Almost Half the Evaluation Studies Reviewed

Results from a recent Department of Education report indicated that 11 out of 25 or almost half of the evaluation studies looking at comparisons between transitional bilingual education and other approaches favored the bilingual program as a strategy for teaching English. Further, of the remaining studies, most showed no differences between bilingual education and other approaches, while only a few showed differences favoring other types of instruction. A small number of studies conducted on English as a Second Language were found to show inconsistent results, while the one relevant study performed on immersion approaches favored the immersion strategy. Nevertheless, the evidence favoring bilingual instruction over other approaches was more consistently significant and favorable across a range of studies than was the evidence for any single other strategy for teaching English to limited English proficient children.

These results are contained in a 1981 review of national and local evaluations performed for the Department of Education by Keith Baker and Adriana de Kanter titled "Effectiveness of Bilingual Education: A Review of the Literature." The authors analyzed some 150 evaluation reports on programs for limited English proficient children and found 28 studies that met their criteria for relevance and technical quality. Of these, 25 involved transitional bilingual education (TBE), some with more than one analysis that compared children on English language outcomes, and some with analyses that compared children on achievement in mathematics. A summary of the comparisons between TBE and other types of programs across the 25 studies is contained in the accompanying table, which reveals the number of findings favoring the bilingual programs. The table also shows the number of findings by the type of program with which TBE was compared. Among other results there were effects favoring TBE on mathematics outcomes in 9 out of 15 comparisons even though there were no differences between TBE and submersions programs on English language outcomes.●

HOLLAND, MASS., CELEBRATES ITS BICENTENNIAL

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BOLAND. Mr. Speaker, on June 26, I had the pleasure of attending a bicentennial celebration in the town of Holland, Mass. The festivities, highlighted by a stirring performance by the U.S. Coast Guard Band, were an exciting beginning to a community-wide bicentennial observance that will last until September.

Holland is a typically beautiful New England town that has its roots deep in the history of our country. It was settled in 1730 by Joseph Blodgett, a pioneer of courage and vision whose descendants are still active in the daily life of Holland. In 1783, Holland became a distinct municipal entity and took its name from Lord Holland, a British nobleman who was a staunch defender of the rights of the American colonies in the debates held in the British Parliament prior to the American Revolution.

Holland's proximity to the Quinnebaug River has colored much of its history. Farms, tanneries, and various types of mills lined the river providing food and jobs for the town's residents. In 1865, a dam was constructed to provide water for the mills, and Holland Lake was created. In 1955, when a flood destroyed the dam, a cooperative effort by the Federal and State governments, and the people of Holland, resulted in a new dam being built.

Since the turn of this century, Holland has been a bustling resort community. The waters of Holland Lake provide ample opportunity for swimming, boating, fishing, and other forms of summer recreation. Anyone who has visited the town, as I have had the pleasure of doing on many occasions, cannot help but be impressed by its beauty, the friendliness of its citizens and their obvious pride in, and love for, their town.

Mr. Speaker, I want to congratulate the people of Holland on their town's 200th birthday. The bicentennial committee, chaired by Leo Gelineau, has done a magnificent job in planning a number of events to commemorate this historic occasion. The spirit that was evident to everyone who attended last Sunday's concert was a clear indication that not only will the bicentennial celebration be a success, but that there will be many more happy birthdays in Holland's future.●

SOVIET ESPIONAGE ON THE RISE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. YOUNG of Florida. Mr. Speaker, the countries change, but the headlines remain the same, "Soviet Official Expelled for Spying."

Already in the first 6 months of this year, 96 Soviets have been asked by 15 host nations to leave their diplomatic posts and return to the Soviet Union. Most often these expelled diplomats are charged with spying. They were known to have stolen or purchased sensitive military secrets, technology, or microfilm. Soviets have also been expelled for conducting effective active measures campaigns aimed at discrediting host nations.

The Swiss Government ordered in April that the director of the Bern bureau for the Communist publication Novosti be expelled because the bureau "served as a center for disinformation, subversion and agitation." Swiss authorities also said the bureau was used for the "political and ideological indoctrination" of young members of the Swiss peace and antinuclear movements and for planning street demonstrations.

The American people should not be fooled into believing this only happens in other nations. As a member of the Permanent Select Committee on Intelligence, I regularly receive information from the CIA and FBI concerning the activities of Soviet agents in the United States. FBI Director William Webster estimates that 1,000 or more of the 3,000 Soviet diplomats working in the United States are Communist agents or spies. Three Soviet agents were expelled from our country on April 21, for recruiting Americans as spies, purchasing secret documents about our weapons and aerospace systems, and obtaining other classified information.

The Soviets who are apprehended in the United States and other nations represent only a small number of those who actually are involved in spying activities and the amount of information that is confiscated from these agents is negligible compared to the amount the Soviets successfully smuggle out of these countries.

It is important that the American people know that the Soviets are aggressively engaged in espionage and active measures operations in the United States and throughout the world. The Intelligence Committee I have the privilege of serving on has held a series of hearings to examine these types of Soviet activities. The committee heard testimony in February 1980 from Ladislv Bittman, the former deputy chief of the Disinformation Department of the Czechoslovakia intelligence service, who was the first high ranking Communist disinformation officer to provide information to our committee about the variety and extent of Soviet propaganda and forgery efforts. At my request, the committee last July held another hearing on Soviet disinformation activities and heard testimony from Stanislav Levchenko, a former KGB active measures officer in Japan. Testimony about his experiences in Japan expanded our insight into Soviet active measures operations.

The testimony of these two former high-level Communist agents, as well as information we receive from other witnesses and U.S. intelligence officials confirms that the Soviet methods and aims of their disinformation and espionage operations are essentially the same in all countries, including the United States. Although much of the information we receive is classified, I have been able to release declassified portions of some of these hearings so the American people can be aware of the lengths to which the Soviets will go to achieve their ultimate goal of world domination. Without this type of information, Americans cannot fully understand the serious threat the Soviets pose to world peace.

Mr. Speaker, as part of my effort to help inform my colleagues and the American public, I would like to submit for the Record, following my remarks, a list of Soviet officials who have been expelled this year from nations throughout the world.

Expulsions of Soviet Officials, 1983

SWITZERLAND

January 7, 1983: Two unidentified Soviet diplomats, one a member of the Soviet Consulate General in Geneva and the other an official of the Permanent Soviet Mission to the United Nations in Geneva, were expelled on espionage charges.

The Swiss Foreign Ministry charged the two diplomats with gathering information about papers required for "settling or getting married" in Switzerland. The ministery did not cite the signficance of such data, but Swiss media speculated that it could have been used by Soviet intelligence in establishing illegal agents in the country.

Since World War II, Switzerland has expelled more than 100 foreign diplomats and officials for espionage. Four-fifths of the deportees were from the Soviet bloc. The Swiss Government has said that since 1948 it has uncovered 240 spying cases, of which 160 were connected with East European countries.

GREAT BRITAIN

January 12, 1983: Vladimir Chernov, a translator at the International Wheat Council in London since 1978, was expelled for espionage.

DENMARK

February 10, 1983: Evgeniy Motorov, first secretary at the Soviet Embassy in Copenhagen since 1979, was expelled on espionage charges. Motorov had collected classified information on advanced military technology.

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NETHERLANDS

February 13, 1983: Dutch authorities expelled Alexander Konoval, third secretary at the Soviet Embassy in the Hague, on espionage charges.

ITALY

February 14, 1983: Viktor Pronin, deputy commercial director in Rome for Aeroflot, and Italina microfilm expert Azelio Negrino were arrested on espionage charges. The two were apprehended as Pronin was about to pick up microfilmed plans of NATO installations in northern Italy and of the European-designed Tornado aircraft which was due to come into service with NATO air forces. Pronin, reported to be a KGB colonel, and other Soviet intelligence officers has approached Genoese industrialist Negrino a year ago and offered him "huge sums of money" in exchange for microfilms and other documentation of political and military secrets.

February 16, 1983: Two unidentified Soviet officials employed in Italy by the Soviet merchant marine organization "Morflot" were expelled on espionage charges, according to press reports. It is not known if they were involved in the Pronin affair.

FEDERAL REPUBLIC OF GERMANY

February 17, 1983: West German officials arrested Gennadiy Batashev, a KGB operative and Soviet trade mission member in Cologne. Batashev was charged with trying to buy documents on secret coding machines used in NATO countries and reportedly had offered his contact $2,000 for the documents.

ITALY

February 24, 1983: Viktor Konayaev, deputy commercial director of the Italian-Soviet petroleum shipping company Nafta-Italia, was arrested by Italian police for complicity in the Pronin affair.

SWITZERLAND

March 3, 1983: Swiss authorities expelled Lt. Col. Vladimir Lugovoy, Deputy Soviet military attache in Bern, for espionage. Lugovoy was detained by police as he was trying to make contact with a possible informant in Lausanne. Lugovoy's predecessor was deported last April after Swiss authorities apprehended him carrying classified documents concerning a third country.

FRANCE

Late March 1983: The French Government ordered the expulsion of 45 Soviet diplomatic and military officials and two Soviet correspondents based at various Soviet installations throughout France. Investigations by the French counterespionage service had found the Soviets "engaged in a systematic search on French territory for technological and scientific information, particularly in the military area," according to a French Interior Ministry statement. All 47 Soviets, known to Western intelligence agencies to be affiliated with either the KGB or the GRU, left France on April 15, 1983.

The Interior Ministry statement noted that the number of Soviet residents in France had increased by about 1,400 over a 10-year period, standing at 2,406 at the beginning of 1982. Of that group, about 700 were believed to hold official passports, an increase of about 500 over the 10 years. News agencies quoted French counterespionage officals as saying that about one-third of the 700 were considered professional intelligence agents.

The Soviet Embassy in Paris issued a statement on April 5 protesting the "totally unfounded and arbitrary" expulsion order. The statement said that the French Government would have to bear full responsibility for any "adverse consequences" for bilateral relations.

GREAT BRITAIN

March 31, 1983: British authorities expelled Soviet Embassy assistant air attache Lt. Col. Gennadiy Primakov and Soviet New Times correspondent Igor Titov for espionage. Another Soviet diplomat not in the United Kingdom at the time, second secretary Vladimir Ivanov, was declared persona non grata and will not be permitted to return.

SPAIN

April 1, 1983: The Spanish Foreign Ministry confirmed the expulsion sometime in March of an unidentified Soviet Embassy official for espionage. He was the 11th Soviet diplomat to be expelled from Spain since the re-establishment of diplomatic relations between Madrid and Moscow in 1977.

GREAT BRITAIN

April 15, 1983: British authorities expelled Soviet Embassy Third Secretary Anatoliy Chernaev in retaliation for the USSR's April 8 expulsion of a British air attache and correspondent.

UNITED STATES

April 21, 1983: Three Soviet diplomats—Soviet Embassy Military Attache Lt. Col. Yevgeniy Barmyantsev, and UN Soviet Mission employees Aleksandr Mikheyer and Oleg Konstantinov—were expelled on espionage charges. Barmyantsev, an identified military intelligence (GRU) officer who the FBI said was known to have tried to recruit Americans as spies, was apprehended April 16 as he retrieved eight rolls of undeveloped 35-millimeter film from a dead drop in rural Montgomery County; the film was reported to have contained photographs of classified US documents. Mikheyev, reportedly attached to the USA/Canada Institute in Moscow, was expelled for trying to obtain highly classified information from a congressional aide. Konstantinov, an identified intelligence operative, was apprehended by authorities April 2 on Long Island when he met an American from whom he was trying to obtain secret info about US weapons technology and the US aerospace industry.

AUSTRALIA

April 22, 1983: Soviet Embassy First Secretary Valeriy Ivanov, identified by Foreign Minister William Hayden as a KGB operative, was expelled on espionage charges. Foreign Minister Hayden said that Ivanov "threatened Australia's National Security" and in an April 29 interview charged Ivanov with "seeking to recruit spies," according to Australian radio.

SWITZERLAND

April 27, 1983: Soviet Embassy First Secretary and press attache Leonid Ovchinnikov departed Switzerland; newspaper accounts reported that Swiss authorities wanted him to leave.

April 29, 1983: The Swiss government ordered the closure of the USSR's Bern-based Novosti bureau, charging in a statement that it had been used as a center for the "political and ideological indoctrination" of young members of the Swiss peace and antinuclear movements and for planning street demonstrations. The director of the bureau, Alexi Dumov, was ordered expelled.

Swiss authorities said that the Novosti bureau had "served as a center for disinformation, subversion and agitation" rather than as a news agency.

IRAN

May 7, 1983: Eighteen Soviet diplomats—Nikolay Kozyrev (counselor), Gennadiy Avrilov (first secretary), Anatoliy Kachekov (counselor), Guseyn Guliyen (first secretary), Valeriy Samanyan (second secretary), Valeriy Markov (third secretary), Vyacheslav Zarya (first secretary), Viktor Kiselev (third secretary), Vladimir Kabalev (attache), Colonel Yevgeniy Sherifanov (military attache), Col. Andrei Verbano (military attache), Anatoliy Lapashin (deputy commercial attache), Yuriy Ogarev (commercial assistant), Vladimir Plakhtin (counselor), Major Aleksandr Pantelev (military attache), Mikhail Sharov (commercial assistant), Barkhas Artynov (consul in Esfahan) and Allakhverdi 'Asadollayev (first secretary)—were expelled for "interference in the internal affairs" of Iran through "establishing contacts and taking advantage of treacherous and mercenary agents," according to Tehran radio. Another broadcast reported that Soviet diplomats were told to restrict their activities and to try not to leave their homes, while the TASS bureau had been closed and Soviet banks and economic installations in Iran nationalized.

BELGIUM

May 13, 1983: Yevgeniy Mikhailov, director-general of Elorg, a joint Belgian-Soviet company specializing in the planning and organization of computer and information systems, was expelled on espionage charges. Mikhailov's predecessor, a Mr. Christoph, also was expelled from Belgium in 1976 for espionage. Mikhailov's expulsion was the result of illegal activities aimed at obtaining classified industrial and military information.

FEDERAL REPUBLIC OF GERMANY

May 17, 1983: Four Soviet officials—second secretary Yevgeny Shmagin, Col. Viktor Marchenko (both with the Soviet Embassy in Bonn), Boris Kozhevnikov and Oleg Shevchenko (both attached to the Soviet trade mission in Cologne)—were identified in a West German weekly as intelligence agents and reportedly recalled to Moscow. Shmagin was reported to have sought to enlist agents and influence the West German antinuclear movement; Marchenko (described as a GRU operative) sought secret data from electronics companies; Kozhevnikov had gathered secret information on medical research and sought to bribe industry officials with offers of trade and cash to gain secrets; and Shevchenko was reported to have recruited students as agents.

THAILAND

May 20, 1983: Soviet Embassy commercial officer Viktor Baryshev, identified as a GRU lieutenant colonel, was expelled by Thai authorities on espionage charges. Baryshev was apprehended May 19 while in possession of secret documents on Thai military installations and forces along the Thai-Kampuchean border.

JAPAN

June 21, 1983: Arkadiy A. Vinogradov, first secretary at the Soviet Embassy in Tokyo, was expelled for attempting to steal computer secrets and set up an industrial spy ring.

NORWAY

June 22, 1983: Lt. Col. V. F. Zagrebenev, assistant military attache at the Soviet Embassy in Oslo, was expelled for military espionage.●

H.R. 1242

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mrs. SMITH of Nebraska. Mr. Speaker, on the day that H.R. 1242 was reported out of the Merchant Marine Subcommittee to Merchant Marine and Fisheries full committee, 19 agriculture organizations sent a letter to the Members of Congress opposing expansion of maritime cargo reservation (preference). I urge every Member of Congress on both sides of the aisle to take special note of the contents of this letter and to cosponsor my resolution, House Concurrent Resolution 136 opposing further expansion of cargo preference.

The material follows:

JUNE 29, 1983.

Dear Representatives:

The undersigned agricultural organizations urge you to join a growing, bipartisan group of members of Congress in opposition to expanded maritime cargo reservation. We invite you to become an original cosponsor of the attached sense-of-the-Congress resolution, soon to be introduced by Representative Virginia Smith.

Expanded cargo preference on farm and fertilizer exports will increase consumer costs, eliminate jobs, depress producer income, and reduce foreign sales of U.S. agricultural commodities, value-added products and fertilizer.

Cargo reservation guarantees that a fixed percentage of U.S. cargoes must be shipped in U.S. commercial maritime vessels, which charge up to 300 percent above the world average. This additional transportation cost amounts to about 30 percent of the value of agricultural exports.

If passed along to our foreign customers, increased cargo preference costs will render American bulk farm exports uncompetitive. When added to U.S. import costs, foreign products, such as fertilizer, will become more expensive for consumers. The agricultural marketing chain will be forced to pass cargo reservation costs back to producers in the form of lost income.

When the U.S. Treasury is forced to underwrite cargo preference for government shipments, valuable tax revenues are lost. Last year, preference subsidies contributed at least $150 million to the widening federal deficit.

Lost farm trade also means lost jobs. Each $1 billion in agricultural exports employs 30,000 Americans. In fiscal year 1982, farm exports created $41 billion in additional business in the nonfarm community, business that would not have existed without those exports.

We urge you to support U.S. agriculture to prevent Congress from "taxing" American producers to pay for expanded maritime cargo preference programs. To become an original cosponsor of Representative Virginia Smith's resolution, please phone her office at 225-6435.

Sincerely,

Gary D. Myers, The Fertilizer Institute; Macon Edwards, National Cotton Council of America; Tim Clarke, Florida Phosphate Council; Elbert Harp, Grain Sorghum Producers Association; Roy Henwood, Millers' National Federation; George Watts, National Broiler Council; John Baize, American Soybean Association; Wayne Boutwell, National Council of Farmer Cooperatives; Alvin E. Oliver, National Grain & Feed Association; Robert E. Petersen, National Grain Trade Council; Carl Schwensen, National Association of Wheat Growers; Ed Anderson, National Grange; Michael Hall, National Corn Growers Association; Stephen Gabbert, Rice Millers' Association; Robert D. Fondahn, Protein Grain Products International; Joseph Halow, North American Export Grain Association; Sheldon Hauck, National Soybean Processors Association; Larry W. Kleingartner, National Sunflower Association; and Al Pope, United Egg Producers.

H. CON. RES. 136

Resolved by the House of Representatives (the Senate concurring):

Whereas the United States balance of merchandise trade was a negative $31.8 billion dollars in 1982;

Whereas the United States share of world exports has declined from 15.4 percent in 1970 to 13 percent in 1982;

Whereas one out of every eight United States manufacturing jobs is for export production and 20 percent of our industrial production is exported;

Whereas agriculture is the nation's largest employer with approximately 1,300,000 export-related jobs;

Whereas the value of agricultural exports has dropped 18.9 percent since 1981 and United States agricultural market share has dropped precipitously for such commodities as course grains, wheat, cotton, soybean meal and oil, * * * poultry;

Whereas increased ocean shipping costs will negate numerous United States efforts to promote exports;

Whereas current world market conditions translate increased export prices into reduced income for domestic producers and lost United States sales abroad for such goods as agricultural products, coal, forest products, fertilizers, chemicals, ores and metals, and pulp and paper products;

Whereas increased import costs for such goods as petroleum and other bulk materials will increase energy costs and production costs for the agricultural, fertilizer, iron and steel, rubber, textile, chemical, non-ferrous refining, and paper industries;

Whereas trade barriers have proven harmful to United States industry, labor and consumers in the past;

Whereas world bulk shipping capacity is currently in excess and is expected to remain so for at least the next decade;

Whereas national defense interests will not be served by increased US-flag bulk capacity;

Whereas the Effective United States Controlled Fleet, which is controlled by United States companies and subject to requisition by the United States government, remains a strong and competitive force in the world's ocean shipping industry;

Whereas the U.S. Merchant Marine is uncompetitive in the world market with US-flag bulk shipping costs as much as 300 percent higher than the world average;

Whereas ocean shipping costs comprise a significant portion of import and export costs and these costs will be increased by expansion of cargo preference requirements; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that further expansion of cargo preference, whether for commercial or other trade, is not in the interest of the United States and should not be imposed.

JOHN BRADEMAS COMMENTS ON INTERNATIONAL EDUCATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SIMON. Mr. Speaker, I have earlier commented on President Reagan's ill-advised request for no funds for international education in fiscal year 1984 budget.

I have read that the Secretary of Defense has even expressed shock at such a devastating move, a move that would, if followed by Congress, seriously damage the Nation's ability to understand people and events in the rest of the world.

The time for action on the 1984 appropriation for education is fast approaching. I urge my colleagues to read carefully the excellent testimony of the author of the International Education Act, our former colleague and now president of New York University, Dr. John Brademas.

John Brademas speaks from two decades of experience on the House Education and Labor Committee and from his knowledge of the world generally and of the needs of the academic world. We are indebted to him for his comments on the crucial issue of international education funding.

STATEMENT OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

Mr. Chairman, I address you today from the dual perspective of one who served as a Member of Congress for twenty-two years and is not a university president.

During my time in the House of Representatives, I served on the Committee on Education and Labor, where I took part in shaping most of the legislation enacted during the last two decades to strengthen education at all levels. Since July of 1981 I have been president of New York University, the largest private university in the nation.

I should like to direct my comments today to a subject that was my principal concern during my former career, continues to be in my new one and, moreover, is a subject that deserves far more attention than it has received—international education.

It must be obvious to us all that none of the challenges of our time is more urgent—or more difficult—than building a structure of relationships among the nations of the world that will prevent war and encourage peace.

I firmly believe that one of the ways to achieve this objective is through greater knowledge and understanding of other peoples and cultures of this planet.

My intention in this statement, therefore, is to present the strongest case possible for funding of international education in fiscal 1984 at a level of $35 million: $30 million for

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the range of programs and activities supported by Title VI of the Higher Education Act; and $5 million, the current level of funding, for a small but critical component of the Fulbright-Hays program.

In making this request, I am joined by higher ecucation institutions and associations, including the following:

American Council on Education.

Association of American Universities.

National Association of State Universities and Land-Grant Colleges.

American Association of State Colleges and Universities.

Association of American Colleges.

American Association of Community and Junior Colleges.

National Association of Independent Colleges and Universities.

Council of Independent Colleges.

Association of Catholic Colleges and Universities.

Association of Jesuit Colleges and Universities.

National Association of Schools and Colleges of the United Methodist Church.

National Association for Equal Opportunity in Higher Education.

Association of Urban Universities.

Additional, this testimony is being submitted with Princeton University, with whom NYU participates in a nationally recognized Center for Near Eastern Studies and with the endorsement of several sister New York Universities who share this concern, such as Columbia University.

As you know, Title VI of the HEA, currently funded at $21 million, constitutes the entire Federal effort in the sphere of international education. Through the 90 National Resource Centers located at institutions of higher learning throughout the United States, and through fellowship programs, research grants and outreach services, Title VI seeks "to assist in the development of resources and trained personnel for international study, international research and foreign language study."

Mr. Chairman, as a legislator I felt keenly the need to improve the capacity of our institutions of learning to produce the scholars and the research that could help us, as a nation, to better understand and communicate with other peoples of the world.

The justification for federal support of such efforts is straightforward and compelling: without a sure knowledge of other languages and cultures, the United States will not be able to compete effectively in the world marketplace, to ensure a strong defense posture, to conduct a rational and viable foreign policy.

Now, as the head of a major university, I have been impressed by the substantial progress our colleges and universities have made in developing and maintaining programs to meet the nation's needs for knowledge of foreign areas.

If I may refer to the university I know best, New York University has several strong language and area study programs. Prominent among them are the Hagop Kevorkian Center for Near Eastern Studies, the Institute of French Studies, Deutsches Haus, and the Center for Latin American and Caribbean Studies. New York University offers courses that focus on 34 foreign countries and sponsors 20 programs abroad. The NYU-Princeton Joint Center in Near Eastern Studies has been designated as a National Resource Center, one of twelve Middle Eastern Studies Centers in the country.

When I delivered my inaugural address as thirteenth president of New York University, I said that one of my principal objectives for our University would be to strengthen our programs in international studies and research.

I cite just two examples of new initiatives at New York University: We have just announced the creation next fall of a Center for Japanese Business and Economics at our Graduate School of Business Administration while this month we are starting an NYU Executive Management Training Program in Athens to provide business administration courses to senior level managers from Greek business and industry, both from private firms and public enterprises.

But, Mr. Chairman, New York University and other colleges and universities cannot be expected to assume this full burden of strengthening international studies and research for the Nation. Federal support is crucial to our efforts.

Let me outline for you the pressing need I see for an enhanced commitment to international education. I shall also demonstrate how the drastic cuts proposed by the Administration will severely impair our capacity to advance our knowledge of other nations of the world and thereby endanger our economic health and national security.

We live in a time when information, trade and people move with unprecedented speed across national borders. We can all prosper—indeed, survive—only if we have a deeper and broader knowledge of the countries and cultures of this planet. Americans need to advance their understanding of other peoples and countries and help them—in turn—better understand us.

The globe on which we live is, in the universal scheme of things, small and interdependent. As one commentator has noted ". . . what was until recently the American century has turned into the global century." Conflicts in the Middle East, civil war in Central America, unrest in Poland, a poor grain harvest in the Soviet Union, the invasion of Afghanistan—these are all events that reach far across international borders.

In such a world, how well are we preparing the Americans to understand other nations, other cultures, other peoples? And how well are we preparing other peoples to understand us?

In my view, we are not doing very well.

There is simply no question that the people of the United States, in whose lands, for better or for worse, lies much of the responsibility for building a peaceful and stable world, must do a far better job of learning about the rest of it.

Four years ago, let me recall, a 25-member Commission on Foreign Language and International Studies, chaired by James Perkins, former President of Cornell University, reported to President Carter on what the Commission described as America's "scandalous incompetence" in foreign languages.

The Commission members declared themselves profoundly alarmed by the results of their inquiry. Here are two of their findings:

1. Over 40 percent of twelfth graders were unable to place Egypt correctly on a map while 20 percent were equally ignorant about the location of France or China.

2. Only 15 percent of American high school students studied a foreign language, down from 24 percent in 1965; and the decline continues.

The recent report from the National Commission on Excellence in Education said that in 1980 only eight states required that high schools offer foreign language courses and no state required that students take them.

The hostage crisis in Iran provided a dramatic illustration of our failure to understand another country and its culture. An analysis published in the New York Times noted that "for ten of the hostages' fourteen months in captivity, the United States negotiated with the wrong leaders in Iran, the secular, titular leaders rather than the religious leaders who held the real power."

Moreover, the United States is neglecting to educate other peoples about our values, purposes and policies.

Richard Gardner, former U.S. Ambassador to Italy, asserts that such neglect is the reason that "so many students, workers, and intellectuals in Europe, Japan and the developing countries are convinced that both the Soviet Union and the United States represent threats to their interests."

Misperceptions increasingly distort our relations with our European allies. Growing anti-American tendencies have been documented among Europe's young leaders, the so-called "successor generation," whose perceptions of America are shaped by Vietnam and Watergate rather than by Care packages and the Marshall plan.

How have such situations come about?

There is no single explanation for this costly and dangerous ignorance.

But whatever the reasons it seemed clear at one time that we as a nation were willing to extend our commitment to overcome that ignorance.

I was first elected to Congress in 1958, the year the National Defense Education Act became law, under the leadership of President Eisenhower and with support from both Democrats and Republicans in Congress. That, of course, was the year after the Soviets had launched Sputnik and shocked Americans into a reevaluation of the state of education in our country.

Our response to Sputnik was NDEA, a massive education effort to regain our international leadership in science and technology. Through Title VI of NDEA, we sought to strengthen our national expertise in foreign languages and area studies.

I am sorry to say that we have consistently failed to fund this Title adequately. In its first twenty-two years, the average annual authorization for Title VI was nearly $37 million but the average annual appropriation was less than one-third that amount. And despite an annual authorization of $75 million in the years from 1974 to 1980, the appropriation for Title VI programs never exceeded $17 million for any of those years.

Three years ago, when Title VI was expanded to embrace new activities and placed in the legislative vehicle of the Higher Education Act, the authorization for Title VI was cut by more than half. These cutbacks came at the same time that the President's Commission on Foreign Languages and International Studies, after a year-long survey of international education needs across levels of learning, was calling for an immediate Federal expenditure of $178 million.

If you would allow me a personal reminiscence, I also recall that the International education needs across levels of learning, was calling for an immediate Federal expenditure of $178 million.

If you would allow me a personal reminisence, I also recall that the International Education Act of 1966 of which I was author and which called for grants to colleges and universities in the United States to support study and research about foreign people and cultures and important issues in international affairs, was similarly ignored in the funding process.

Although President Lyndon Johnson signed this Act into law, Congress never voted one penny to turn our sound intentions into effective action.

Yet I believe that had these commitments to international education we sought been carried through fully, we might have been far better prepared to deal with problems we have suffered in Iran, Vietnam, Central America and elsewhere.

Now I have been speaking up to this point of what I perceive to be the problems of inadequate support for programs of international education. Most distressing of all is that the present Administration is embarked on a drive to eliminate entirely funds for international education and research.

The Administration's proposed budget for fiscal 1984 calls for "zero-funding" of all foreign language and international studies in Title VI of the Higher Education Act.

I do not believe that Mr. Reagan has considered fully the devastating consequences of this drastic proposal.

Let us look more closely at what the impact would be for international studies in our country.

The Reagan budget would eliminate Federal funds for the 90 National Resource Centers for Foreign Language and International studies, depriving the Centers of the critical margin of support needed to maintain their activities.

Approximately 80 percent of the training in less commonly taught languages—such as those of Africa, Asia, the Soviet Union and Eastern Europe—is conducted through these Centers.

I do not think that anyone would dispute the success of Title VI in improving foreign language skills. The number of less common languages offered in American colleges and universities has increased from 37 in 1958 to 100 today. And despite declining enrollments in language programs overall, from 1968 to 1977 enrollments for less commonly taught languages increased by nearly 40 percent.

In the past five years, however, in the face of static funding, such enrollments have again started to spiral downward. It is especially distressing to witness the decline in the number of students learning the crucial languages of the Soviet Union, Africa, and Asia. A further cut in funds will only aggravate this bleak situation.

Federal funds have never supplied more than 10 to 15 percent of the actual operating costs of the language and area studies programs of the National Resource Centers. Yet this amount is crucial in enabling the Centers to attract other funds from institutional, state and private sources. Moreover, Federal support provides the margin of survival for critical center functions, such as the maintenance of costly library collections and support services.

The Administration's proposed cut-off of Title VI funds would also eliminate 700 graduate fellowships for intensive study of the languages and cultures of Africa, Asia, Latin America, the Middle East, the Soviet Union and Eastern Europe. Because such study often requires long-term research and training in the country of specialization, it is particularly expensive. Students, therefore, genuinely need these fellowships. The loss of these fellowships could also mean the loss of the next generation of faculty to teach foreign languages and international studies on our nation's campuses.

Yet another result of the Administration's ill-conceived proposal would be the elimination of support of programs to strengthen international studies at our colleges and universities through curriculum revision and faculty development. Currently, under Title VI, 35 institutions are receiving 2-year grants to improve the teaching of international studies. The Reagan budget would end such support. If you consider that the average college student takes just one course with international content and that only 5 percent of prospective teachers do so, the need for these programs becomes painfully obvious.

The Reagan requests would also cut Federal funds for university outreach and extension programs to upgrade precollege international studies, and would slash grants to send school administrators and teachers abroad to help them develop new curricula.

Finally, the Reagan budget would end Federal funds for programs to improve the international understanding and expertise of our country's businessmen and women.

A survey by D. Richard Lambert, Director of the Southeast Asian National Resource Center at the University of Pennsylvania, provides graphic and specific evidence of what such budget cuts would mean for our colleges and universities.

If Mr. Reagan has his way:

At the University of Illinois, the professional library staff that administers one of the country's few Soviet Reference Services will be disbanded. The facility and its staff are an invaluable resource for business, government and other sectors, annually training some 280 librarians from across the country in biblographic work on the Soviet Union and serving as a clearing house of all information—economic, military, political—on the U.S.S.R.

Indiana University would be forced to discontinue training in the Sino-Soviet, Soviet-Afghan and Soviet-Iranian border languages, a program so important that intelligence agencies hire students away before they complete their program.

At the University of Texas the work of a publisher which for years has provided the most reliable information available on Latin America will be severely impaired. If one considers our problems in El Salvador, Nicaragua and elsewhere, the need for this service is apparent.

At the University of Pittsburgh courses on international security analysis and public policy would disappear while at Georgetown University, one of the country's few training centers for translators and interpreters, activities would be severely hampered.

Let me observe here that the value of the services and programs I have cited are not restricted to the higher education community. Title VI supports a range of activities to aid elementary and secondary schools, businesses, government and the media.

For example, the Princeton-NYU Center on Near Eastern Studies, one of the 90 National Resource Centers supported by Title VI, not only offers a formal academic degree program but sponsors informal lectures, films, and exhibitions and provides information and service to businesspeople, journalists, government officials, and the wider public.

Because of the dramatic events of the last few years in the Middle East—the taking of American hostages in Iran, the Iraq-Iran war, the resurgence of Islamic fundamentalism, the crisis in Lebanon—the Princeton-NYU Center has received and responded to an unprecedented number of inquiries and requests for information from our faculty, from business and government groups.

It is ironic that Mr. Reagan is urging steep cuts at a time of increasing evidence of the need for more rather than less international education and exchange.

The National Council on Foreign Language and International Studies issued a report last year—"National Manpower Targets for Advanced Research on Foreign Areas"—that in a careful and comprehensive way documented our need for more well-educated specialists concerned with foreign languages and areas.

The Task Force which prepared this document said, "As measured by any reasonable standard of what we need to know about the rest of the world, we (the United States) are faltering badly."

The Task Force warned that "the vulnerability we invite by neglecting fundamental and applied knowledge and research about foreign areas threatens our security and our commercial, diplomatic and cultural interests. Though less visible, it is no less serious than the vulnerability we would face through neglect of our military preparedness."

Another recent report from the International Research and Exchanges Board noted that the Soviet Union probably has three times as many academic specialists working on American foreign policy as we have working on Soviet foreign policy.

It is dismaying to learn that the Soviets annually offer Latin Americans nearly 5,000 fellowships, 10 times the number the United States makes available to Latin America. In 1980–81 for example, the Soviet bloc countries provided 105 fellowships to students from El Salvador, compared to 18 offered by the United States.

Now everyone knows that a cornerstone of President Reagan's programs is voluntarism. I for one would be delighted if the corporate sector and private foundations were able to fill the void left by the elimination of Title VI funding. But you and I know that this is impossible.

A wholly unprecedented and impossible level of corporate and foundation support would be necessary even to approach replacing all Federal dollars cut by Mr. Reagan—cuts for education, the arts, social welfare and other programs.

Let me make yet a different point.

I do not believe that it is even appropriate public policy for our national government to abdicate its responsibility to help strengthen international studies and research. This is now an established national purpose that is far too vital to our economic strength and defense posture to be left to private philanthropy.

I remind you that the National Commission on excellence in Education in its recent report said, "The Federal government has the primary responsibility to identify the national interest in education."

I would further observe that I and my colleagues in the higher education community are not alone in our concern about the adverse impact of a cutback in funding for international education and foreign language studies.

Only two months ago, Secretary of Defense Caspar Weinberger wrote to Secretary of Education Bell urging restoration of Title VI funding to at least its current level. In that letter (attached to this statement), Mr. Weinberger reminds Mr. Bell that our Armed Services Committees were so concerned about the erosion of our national expertise in foreign language and international studies that they mandated a Defense Department study to assess the need for "a national research resource base" to promote the study of foreign languages and nations. Mr. Weinberger further notes that the defense and academic leaders conducting this study agree with him about the seriousness of cutting Title VI.

"Consequently, I would urge you to consider restoring, and if possible, increasing the funds for International Education and Foreign Language Studies," concludes the Secretary of Defense.

Let me then close my remarks by saying simply that it must be evident that so perilous is our common life on this precious earth that we must, all of us, commit every fiber of our minds and spirits to the quest for a stable peace and a world of freedom and justice.

To be able effectively to pursue this most important of objectives, however, we must know and understand one another, at least know more and understand more than we do today.

I believe that this is a special responsibility of our colleges and universities—even as it is of our elected leaders.

I urge you to appropriate $35 million for Title VI programs for fiscal 1984.

THE SECRETARY OF DEFENSE,
Washington, March 11, 1983.

Hon. T. H. BELL,
Secretary of Education,
Washington, D.C.

DEAR TED: I recently learned that the proposed 1984 budget for "International Education and Foreign Language Studies," (Title VI of the Higher Education Act of 1980 as amended and Sec. 102(b)(6) of the Fulbright-Hays Act), has been reduced from its 1983 level of $26 million to zero.

I am seriously concerned about the zero-funding of this program, and would urge you to consider restoring these funds at least to the 1983 level. My concern is shared by other officials within the Department of Defense, and members of the academic community on whom we depend for both a solid research base in area studies, as well as for production of foreign language specialists.

The erosion of our national expertise in foreign languages and area studies is also of concern to House and Senate Armed Services Committees. The Conference Report accompanying the Department of Defense Authorization Act of 1983 requires Defense to undertake an assessment of the need for "a national research resource base which promotes the study and understanding of foreign languages and nations, in particular, the Soviet Union. . . ."

We are now in the process of conducting this study as required by the conferees, and expect to have a report of our findings and recommendations available within a year. We will be happy to keep you or your staff informed of our progress. Working with us on this project is a group of distinguished leaders in this area, drawn equally from the defense and adademic communities. It was the consensus of this group that the elimination of funds for International Education and Foreign Language Studies will seriously impair the nation's ability to maintain even a modest program in this area. I understand that this cut eliminates funding for the nation's 90 Foreign Language and Area Studies Resource Centers, 14 of which focus on the Soviet Union and Eastern Europe; 700 fellowships for students to pursue advanced degrees; the nation's entire research program devoted to developing teaching materials for 170 different foreign languages; and funding for four Fulbright-Hays programs that in the past have annually supported more than 1000 scholars, teachers and prospective teachers in foreign languages and area studies.

Consequently, I would urge you to consider restoring, and if possible, increasing the funds for International Education and Foreign Language Studies.

Sincerely,

CASPAR WEINBERGER.[1]

FRUITS OF THE REVOLUTION: ETHNIC AND RELIGIOUS PERSECUTION IN TODAY'S NICARAGUA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to call the attention of my colleagues to a press release from the Anti-Defamation League of B'nai B'rith regarding persecution of the Jewish community in Nicaragua. In addition, my friends in the House will also find a recent communique concerning the Catholic Church in Nicaragua equally interesting. I have provided the text of the statement concerning the church in Nicaragua.

It is truly unfortunate that the revolutionary Government of Nicaragua has chosen to force the small Nicaraguan community of Jews into exile. The Sandinistas have confiscated Jewish-owned property, and have taken over the only synagogue in Managua. I am certain that all of us will agree that this uncalled for action is inexcusable and represents blatant anti-Semitism.

The forced exodus of the Nicaraguan Jewish community, numbering about 50, took place after the Somoza regime was overthrown. Their ouster was reportedly effected by subtle and direct threats or by forcible measures. After the 1979 Sandinista victory, the president of the Nicaraguan Jewish community, a 70-year-old man, was jailed. He was falsely accused of stealing land and was forced to sweep streets during his confinement. Six months later, the Sandinistas summarily ousted him from his factory and took it over. A Jewish engineer who was traveling outside of Nicaragua when the Sandinistas took control, was told by the Government that he should not return to his country "for his own safety because he and his brother-in-law were considered enemies of the revolution."

In addition, the Sandinistas converted the synagogue in Managua into a childrens' social club, covering exterior Stars of David with propaganda posters and adorning the inside walls with anti-Zionist propaganda.

Even though there is no longer a Jewish community in Managua, a Nicaraguan newspaper, which often reflects Government policy, published articles which were filled with anti-Semitic statements. The Sandinista Government was unresponsive to the B'nai B'rith's Anti-Defamation League's appeals to end these human rights violations. Why has that troubled government turned on a small helpless ethnic group?

Perhaps Nicaraguan Foreign Minister Miquel d'Escoto Brockman's problems with the Jews in Managua stem from his perception of Israel and its so-called role in Central America. The Foreign Minister recently said:

> There is without a doubt a real danger in Latin America, and particularly in Central America, actually stemming from Zionist infiltration and intrusion.

Although I am shocked at what the Sandinista Government has done to the small Jewish community in Nicaragua, I really should not be surprised. The blatant anti-Semitism of the Soviet Union and the Cuban Government has been exported to its friends and allies across the sea in Central America. It would appear to me that the salesmen of communism should change their sales pitch. They should say that a true Communist revolution brings opportunities and benefits to everyone except the Jewish community.

In addition to expelling the Jews from Nicaragua, the Sandinistas have launched an all out attack on the Catholic Church in that almost completely Catholic land. After gratuitously insulting the Pope during his recent visit to Managua, and cat calling while His Holiness was saying mass, the regime is now trying to eliminate Catholicism from that country. Just recently, a high Sandinista official told the head of the Vatican delegation that Nicaraguan Archbishop Obando y Bravo was "an enemy of the revolution." Others in the Government have described him as a "counterrevolutionary."

I believe that the regime is striking out at the church and at the Jews because that revolution has failed. To draw attention away from its own failings and broken promises, the Sandinistas are attacking so-called external and internal enemies. Let us think about the unfulfilled promises of that revolution. Where is the pluralistic government and the free elections that were promised? Where are the real and effective social and economic reforms that the poor masses were guaranteed? Why are the stores in downtown Managua bare and basic consumer items hard to find? Where are the moderates in the present Government? All forced out of the regime? Why have so many active supporters of the revolution left that Government to take up arms against it? Where is the mixed economy that the

original revolution promised? Why did they court the West in the early days of the revolution to the tune of $1.6 billion in economic aid from Western nations, to include $124 million in assistance from the United States, and then run to the Cubans and the Soviets?

The Sandinistas have radicalized the revolution and are trying to convince all Nicaraguans that communism is the answer and the ultimate panacea which will cure the nation's ills. The so-called representative government in Managua is feeding communism to the poor and unsuspecting peasants in that country, and the peasants and others are now beginning to realize that they have been sold a bill of goods. Let the buyer beware. In spite of the Sandinistas' efforts to convince the masses in their country that the United States, the "Contras," the Catholic Church, and Nicaraguan Jews are the real enemies of the revolution, the basic facts show that the revolution has failed and that no amount of crying wolf about external and internal enemies will save that shabby effort.

With these thoughts in mind, let me recommend the following Nicaraguan bishops' statement, which refers to the Sandinistas' efforts to disrupt the Pope's visit, to all of my friends in the House.

> We, the Bishops of the Episcopal Conference of Nicaragua, together with the priests, religious members and laymen, with faith in Christ and His church, wish to express our feelings concerning the Pope's pastoral visit to our country.
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> First, once again, we are thankful to the Lord for the invaluable grace of having among us the vicar of Christ, who with paternal kindness wanted us to share the richness of his enlightening word, full of faith, hope and love, in order to give us courage and strengthen our faith in God and His church.
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> It is therefore, a great consolation to know that the Pope's word has been received with gratitude, veneration and hope by the Nicaraguan Catholics, and undoubtedly will produce fruits in our Catholic people, who distinguish themselves by their generosity and love toward the church.
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> In contrast to these wonderful and growing attitudes, we have to regret and strongly disapprove the unparalleled lack of respect shown against the eucharist sacrament and the vicar of Christ himself, not by the Catholic people—who were the vast majority—but by a minority who acted with the idea of turning a solely religious and church act, as is the sacrifice of the mass, into a political party act on the afternoon of the fourth of March in Managua.
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> We are also glad to verify that the attitude of the Catholic people—who were the majority—and its priests, who spontaneously and quickly responded by expressing their discontent through acts of penance and vindication, and we wish that this attitude, proof of the great faith of our Catholic people, be a stimulus to consolidate and confirm their traditional devotion to the eucharist sacrament and their strong and absolute support of the Pope, pastor of the world's people.
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> We call upon all the faithful Catholics of our diocese, so that they remain intimately united with the Pope, to offer through sacrifices, prayers and the study of his messages, a true expression of the Gospel, the true bread of the word of God, to give them life.
>
> May the Virgin Mary's meditation help us, the Nicaraguans to be always constant in our vocation of unity and fidelity to the true church.
>
> Issued in the city of Managua, on the twenty fifth day of the month of March, nineteen hundred and eighty-three. Feast of the ascension of the Lord.●

JESUS WAS A COMMUNIST: MARYKNOLLS ARE AT IT AGAIN

HON. LARRY P. McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McDONALD. Mr. Speaker, Patrick J. Buchanan recently wrote a very interesting column on a book being touted by the Maryknoll Order of the Catholic Church by one, Jose Miranda. This column appeared in Human Events of July 2, 1983. The book, according to Buchanan, describes how we all have misunderstood Christ's teaching all these years. He really preached revolution on Earth. Mr. Buchanan describes how this book appears to fit the predilection of the Maryknoll Order revolution and revolutionaries. I commend the item to the attention of my colleagues, who I feel should weigh Maryknoll testimony on Capitol Hill accordingly.

MARYKNOLLS ARE AT IT AGAIN

(By Patrick J. Buchanan)

Upon some religious teachings, it has seemed heretofore all Catholics were in concurrence: That Jesus Christ, the son of God, was sent by the Father to redeem mankind through his agony, suffering and death. That he came not to establish a temporal kingdom, but to lead men to the Kingdom of Heaven.

Well, apparently, we had it all fouled up. So claims a new "Biblical manifesto" lately published by Maryknoll, the foreign missionary service of the American Catholic Church. Jesus, you see, "had the character of a hardened revolutionary," he engaged in "revolutionary political activity," he "was executed for political sedition." "Without a doubt, Jesus had placed himself at the head of a burly group of his followers in an action which can only be characterized as an assault on the temple."

The title of this manifesto from which the above is a representative sampling is "Communism in the Bible." Its author, Jose Miranda. Its message: Jesus of Nazareth was the first Sandinista, an avowed Communist whose revolution collapsed because it was a "Communist island in an economic sea characterized by exploitation" of the poor. "For any Christian to claim to be anti-Communist," writes Jose, "without a doubt constitutes the great scandal of our century."

What of the Polish pope, his Holiness John Paul II? Well, in opposing communism, the "pope and the other powerful ones are not fighting atheism, but us who are Christians, who believe in God and Jesus, and who only want to see the Gospel become reality."

And that often quoted passage in which Jesus tells the disciples, "My Kingdom is not of this world"? Well, we must understand, Jose explains, this is a Biblical mistranslation, hoked-up by "escapist theologists" who wish us to focus on some future paradise.

"Jesus never said his kingdom is not of this world. It is so simple that it is unthinkable that this text can have been appealed to in good faith for centuries in order to place the kingdom in another world when the exact opposite is explicitly taught in all the other texts of Old and New Testaments. Including the Lord's Prayer. . . ."

"To speak of a kingdom of God in the other world is not only to found new religion without any relationship with the teaching of Christ. . . . It is to assert exactly the contrary of what Christ teaches. . . . The fact that tradition has taught for centuries that the Kingdom is in the other world only demonstrates that the tradition betrayed Jesus and founded another religion completely different."

"For Jesus, whether Conservatives like it or not, was in fact a Communist. . . . Judas 'carried the purse,' so they had everything in common, and each received according to his need."

While I had never thought of Judas as a bag man for Judean Bolsheviks, let us not impede this pilgrim's progress. Jesus enjoined us to feed the hungry, did he not. Jose asks. "How are we going to get food to all who are hungry, if we leave the means of production in private hands, which necessarily destines these means to the augmentation of capital, not to the satisfaction of the needs of the population?"

Who are the enemies of true Christianity? The answer is repeated and repeated: the rich, who are indistinguishable from the "unjust." Where many of us were taught that evil resides in the human heart, Miranda patiently instructs, in his chapter, "The Problem of Evil: A Social Problem," that "this so-called problem of evil has served exegesis as a pretext for distracting itself from the true message of the Bible, which is a tightly packed condemnation of wealth."

Indeed, the Bible fairly commands us to become active revolutionaries: "To the extent that one does not participate in the revolutionary struggle, one participates in the benefits of a society which lives essentially by exploiting and oppressing the poor. Merely abstaining from the struggle continues aiding and abetting criminal acts, and therefore, constitutes complicity."

But, surely, Jesus of Nazareth, the Prince of Peace, did not preach violent revolution. Wrong, again. Violence "is not only permitted, it is commanded, by the one true God." "Jesus explicitly approves and defends the use of violence. It is dogmatic theology, not Jesus, which has decreed that the characteristic of Christianity is non-violent, non-vindictive justice."

"It is criminal to defend repression by the procedure of quoting to the oppressed the verse about 'turning the other cheek.' Supporters of official theology will have to be punished for discouraging the struggle against injustice with this verse."

One gets the impression that Jose, who preaches violent revolution from an academic armchair in Mexico City, is unlikely to do much of the punishing, or revolutionizing for that matter, other than with the foolscap in his typewriter.

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But Jose's doctrine that Fidel is following in the footsteps of Jesus is not the issue here. What is the Maryknoll Order of the Catholic Church doing funding publication of a book that preaches class hatred, exalts violence, denigrates transcendence, contradicts church dogma concerning the nature of Christ, mocks church tradition, and insults the pope?

Why do the American bishops continue to permit the Castroite fathers of the Maryknoll Order to spread their heretical horse manure right where the flock is supposed to graze? Why have the publishers of Orbis Books, Maryknoll House, not been sent packing with Sister Mansour? ●

AIRCRAFT FIRE DANGERS

HON. GEORGE E. BROWN JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BROWN of California. Mr. Speaker, since the Air Canada fire earlier this month, Americans have been more aware of the dangers of fire on aircraft carriers. Recently, the Federal Aviation Administration indicated that they will be issuing new regulations requiring a protective coating on airplane seats to make them more fire-retardant. I commend the FAA actions, but there is still more that can be done by individuals and legislators. I recommend to my colleagues an article in the Christian Science Monitor by Mr. William N. Plymat. His correlation between drinking, smoking, and fires is especially noteworthy.

[From the Christian Science Monitor, June 22, 1983]

HOW TO REDUCE FIRE DANGERS ON PLANES

(By William N. Plymat)

Investigators may finally conclude that an electrical short and not a carelessly discared cigarette caused the fire in the Air Canada jet earlier this month. But still there is a severe fire danger to the public from the combination of smoking and drinking on planes.

In the past few months a number of new bars have been constructed on concourses at the Chicago airport and I have observed many persons drinking before boarding planes. It may be true elsewhere. I've seen such a new bar in the Des Moines airport.

Thus in many cases a drink or two is obtained before boarding. Then on the plane first-class passengers get offered free drinks. Rep. Charles E. Bennett, Democrat of Florida, has a bill in Congress to ban free drinks and cigarettes from airplanes (HR 54). Some years ago there was a limit of "two drinks." Now attendants may refuse drinks only to person who appear intoxicated.

By the time lunch or dinner is served many passengers have had four or five drinks within an hour. In the air at 35,000 feet cabins are pressurized to an altitude of 6,000 to 8,000 feet and oxygen is limited so it takes longer to metabolize drinks. Some say that one drink at such altitude is equal to two on the ground at 1,000-foot altitude.

A passenger may have drinks before lunch or dinner and then have a cigarette. The passenger then goes to the restroom on the plane and remembers that a flight attendant reminded passengers at the start of the flight that smoking is not permitted in the toilet for safety reasons. And so an alcohol-impaired passenger looks for a place to drop his cigarette. And in such a case is very apt to be careless and drop it in the bin for waste paper towels.

This danger is further increased by the fact that cigarettes contain chemicals put there to keep them burning until usually they burn out in an ash tray after about 20 minutes. A bill to stop manufacturers from doing this is in Congress but appears to be locked up in a committee. Many wonder if campaign contributions to committee members from the tobacco industry have had an influence. In the New York Assembly recently such a bill passed by a vote of 123 to 13, in spite of extensive lobbying by tobacco interests, and it is hoped it will pass in their Senate.

What should be done?

The government or carriers could ban smoking and/or drinking on planes, and airports could close down their new bars. One Texas airline bans all smoking on its planes and seems to be doing well. Carriers could cut out the free drinks in first class and in several ways reduce the overall consumption on the planes.

A special reason for cutting out drinking on planes is the danger that exists in the case of crash landings. In such cases everyone is supposed to be off the plane in 90 seconds under Federal Aviation Administration rules. In the case of a packed plane there is real danger that an impaired passenger may move slowly or stumble and block aisles.

Automatic fire extinguishers and smoke detectors can be placed in all toilets on planes. And new inflammable materials can be used inside planes. Passengers can reduce their own personal risk too. They can start their flights on planes taking off early in the morning, enabling them in most cases to reach their destinations before the noon lunch period when drinking usually starts. Passengers can also advise one airline flying from St. Louis to Washington to drop its wine-tasting parties in flight. The airline serves three small glasses of different wines with refills offered to each passenger. And after that, they can buy drinks.

The public can also advise one carrier that brags about its new flying cocktail lounges on its large planes that it does not approve of this feature. And in some cases it can elect to travel on Amtrak.

(William N. Plymat, chairman emeritus of Preferred Risk Insurance Company, is a member of the U.S. Commission on Drunk Driving.)●

RODINO INTRODUCES BILL TO HELP INNOCENT VICTIMS OF CRIME

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. RODINO. Mr. Speaker, I am introducting today, along with my colleague from California, HOWARD BERMAN, legislation that will authorize the Federal Government to assist State and local efforts to aid the innocent victims of crime.

For many years public concern about crime translated primarily into efforts directed at criminals—apprehending them, prosecuting them, and punishing them. While there was sympathy and concern for the victims of crime, for a long time little of a tangible nature was done to improve the lot of crime victims. Indeed, it has been pointed out that the criminal justice system actually victimized them again.

This bleak picture began to improve in recent years. Some 38 States established crime victim compensation programs to reimburse victims for out-of-pocket expenses incurred as the result of a physical injury caused by crime. In addition, in many places throughout the country, crime victim assistance programs have been established to provide victims with services designed to offer emotional support and to insure that victims are treated humanely. Some assistance programs focus on particular categories of crime victims—as is the case with rape crisis centers and domestic violence shelters—and some of them deal with crime victims generally as is the case with victim/witness assistance units in prosecutors' offices.

Last year the President appointed a Task Force on Victims of Crime to recommend steps that could be taken to insure better treatment for crime victims. That task force released its final report late last year, and I am happy to note that it recommended enactment of Federal legislation along the lines of the legislation that I am introducing today. The legislation will provide Federal aid for crime victim compensation and crime victim assistance programs and will do so with revenues from a crime victims fund that is largely raised from criminal wrongdoers—through criminal fines, forfeitures, and penalty assessment. In addition, as suggested by the President's task force, the excise tax on handgun transfers will go into the fund.

Mr. Speaker, my legislation will enable the Federal Government to aid programs that provide the innocent victims of crime with badly needed services and assistance. I urge my colleagues to support it.

A section-by-section analysis of the Victims of Crime Act of 1983 follows:

SECTION BY SECTION ANALYSIS OF THE VICTIMS OF CRIME ACT OF 1983

TITLE I—CRIME VICTIM COMPENSATION

Title I of the legislation authorizes federal assistance for crime victim compensation. Section 101 authorizes the Attorney General to make grants to eligible state crime victim compensation programs. The grant is for up to 50 percent of the "covered costs" (defined in section 103) of compensating the victims of state crimes, and for 100 percent of the "covered costs" of compensating the victims of crime that occur within the state that are subject to exclusive federal jurisdiction.

Section 102 sets forth the 6 criteria that a state crime victim compensation program must meet in order to be eligible for federal assistance:

First, the program must offer compensation for medical expenses and loss of wages attributable to a physical injury resulting from a "compensable crime" (which is defined in section 103 of the bill), and for funeral expenses attributable to a death resulting from a "compensable crime".

Second, the program must promote crime victim cooperation with the reasonable requests of law enforcement authorities.

Third, the program must be able to reduce an award to a victim to the extent of the victim's contributory misconduct.

Fourth, the state must be subrogated, to the extent of any award made to a victim, to any claim that the victim has against the person who committed the crime that gave rise to the award.

Fifth, the program must not, in the making of awards, discriminate against persons who are not residents of the state.

Sixth, the program must compensate victims of exclusively federal crimes occurring within the state to the same extent that it compensates victims of state crimes.

Section 103 of the legislation defines 3 terms used in title I. Section 103(1) defines "covered costs" to mean amounts awarded to crime victims as compensation, but it does not include any amount that is awarded for pain and suffering or property lose or that is double recovery for loss. Section 103(2) defines the term "state" to include the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of United States. Section 103(3) defines "compensable crime" to mean any crime that the state designates as covered by that State's crime victim compensation program.

TITLE II—CRIME VICTIM ASSISTANCE

Title II of the legislation authorizes federal assistance for crime victim assistance programs.

Section 201(a) authorizes the Attorney General to make grants to the chief executive of each state for the purpose of financially supporting qualified crime victim assistance programs. The chief executive, in carrying out section 201(a), is directed to promote the goal of providing the greatest possible number of crime victims and their families with the services described in section 202(2). Section 201(b) sets forth how grants under section 201(a) are to be allocated. Each state will receive a pro rata share of the first $7,200,000 available for victim assistance grants. The remaining money available will be distributed on the basis of state population.

Section 202 sets forth the 5 criteria that a crime victim assistance program must meet in order to qualify for financial support.

First, the victim assistance program must be established exclusively to provide services directly to crime victims generally or to any specific category of crime victims generally or to any specific category of crime victims and must be a nonprofit private organization, a program of a state or local government, or a combination of such organizations or governments or both.

Second, the program must provide crisis intervention services on a 24 hour a day basis without regard to the financial status of the victim, mental health counseling, and information about and referrals for (1) medical and mental health treatment, (2) victim assistance and compensation, and (3) the investigation and prosecution of crime.

Third, the program must promote coordinated community efforts to aid crime victims and their families.

Fourth, the program must utilize volunteers in performing services for which grants can be made under Title II.

Fifth, the program must demonstrate independent support by receiving financial support from sources other than grants under Title II.

Section 203 defines 2 terms used in Title II. Section 203(1) defines "state" to include the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States. Section 203(2) defines "crisis intervention services" to mean counseling to provide emotional support to crime victims in crises arising from the occurrence of crime.

TITLE III—CRIME VICTIMS FUND

Title III of the legislation sets up a crime victim fund for use in making grants under Titles I and II.

Section 301(a) establishes in the Treasury of the United States a Crime Victims Fund. Section 301(b) provides that this Fund consist of: (1) all fines collected in federal cimminal cases; (2) the proceeds of all forfeitures in federal criminal cases; (3) the taxes imposed on pistols and revolvers under section 4181 of the Internal Revenue Code that are received in the Treasury; and (4) penalty assessments under section 3013 of title 18, United States Code, that are collected from defendants convicted of federal offenses.

Section 302(a) provides that grants under Titles I and II of the legislation can be made only from the Fund. Section 302(b) divides the revenue in the Funds between grants for victim compensation and grants for victim assistance. For any fiscal year, not more than 80 percent of the Fund may be expended for victim compensation. The remaining 20 percent, plus any part of the Fund that remains after grants for victim's compensation are made, are to be used for grants for victim assistance.

Section 303 ensures that states are treated equally in receiving victim compensation grants. It provides that each state shall receive the same percentage of its covered costs for compensating state crime victims.

TITLE IV—CHANGES IN CRIMINAL FINE LEVELS AND RELATED MATTERS

Section 401 amends chapter 229 of title 18, United States Code, to increase the maximum fines that can be imposed upon defendants convicted of federal crimes. The maximum fine levels will be the greater of the amount set forth in the provision defining the offense or the following:

(1) if the offense is a felony or a misdemeanor resulting in the loss of life, $250,000 if the defendant is an individual and $1,000,000 if the defendant is an organization;

(2) if the offense is a misdemeanor punishable by imprisonment of up to one year, $100,000 if the defendant is an individual and $250,000 if the defendant is an organization;

(3) if the offense is a misdemeanor punishable by imprisonment of up to 6 months, $50,000 if the defendant is an individual and $150,000 if the defendant is an organization;

(4) if the offense is a misdemeanor punishable by imprisonment of up to 30 days, $25,000 if the defendant is an individual and $75,000 if the defendant is an organization; and

(5) in any other case, $15,000 if the defendant is an individual and $50,000 if the defendant is an organization.

In addition, if the offense resulted in pecuniary gain to the defendant or death or serious bodily injury or loss, damage or destruction of property, the court may fine the defendant up to twice the gain derived or loss caused, if that amount is greater than the above. Finally, the court is directed, when determining whether to impose a fine (or the amount of a fine), to consider several factors, including the defendant's ability to pay, the pecuniary loss caused by the offense, and the need to deprive the defendant of illegally obtained gains.

Section 402 of the bill requires federal courts to impose a penalty assessment on all persons convicted of federal offenses. The assessment is $50 in the case of a felony and $25 in the case of a misdemeanor, and it is to be collected in the same manner in which criminal fines are collected.

TITLE V—EFFECTIVE DATES

Title V of the legislation provides that the Act takes effect on October 1, 1983 and that grants under the Act may be made with respect to the fiscal year ending September 30, 1984 and succeeding fiscal years.●

RESULTS OF QUESTIONNAIRE FROM THE FOURTH DISTRICT OF KENTUCKY

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SNYDER. Mr. Speaker, I learned long ago that no matter how much we talk or how many pages of the RECORD we fill with sage comments, we are not the experts. We might like to think so, but we are not. The real experts are the people back home who have to live with the laws we dish out by the carload. They know our laws from daily experience. They know our regulations on a firsthand basis. When we do a good job, it is their success—and when we make a mistake, it is their misfortune.

This year again I asked the experts, the people of the Fourth District of Kentucky, to share their opinions with their Congressman through a questionnaire. Once again the response of the level-headed people of the Fourth District evidences that they care and are concerned about the direction of their Government. Thirteen thousand of them filled out and returned the questionnaires and many of them added their own personal comments and suggestions on a wide range of topics. Their thoughtful remarks have reconfirmed my belief that we would have more answers, fewer problems, and be in much better shape if more of us took the time to listen to the people we represent.

Since the questionnaire dealt with issues which are national in scope, my colleagues should find the results interesting. It is even quite likely that the opinions of the people in Kentucky's Fourth District might reflect the views of a good many of their own constituents.

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The tabulations are self-explanatory but one point, in particular, caught my attention. That is, that in the Fourth District of Kentucky, there does not seem to be any overwhelming mandate for massive cuts in defense spending or for tampering with the tax cuts enacted in 1981. However, there is convincing support for cuts in food stamps, SSI, AFDC, et cetera, and even more overwhelming support for cuts in foreign aid.

Listening to the budget debate here on the floor over the past few weeks and months one could get the distinct impression that a good many of my colleagues have missed this message. Defense alone has been singled out for budget reductions. Foreign aid has been treated with kid gloves and the welfare budget has been padded with billions of extra dollars over and above the amounts requested by the President.

The results of this questionnaire indicate that my constituents do not accept the theme that has been bandied about ad nauseam here in the House that suggests that welfare programs have already been slashed to the bone and can stand no more cuts. These results indicate that my constituents do not accept the idea that foreign aid is some untouchable spending progarm that should be exempt from restraint. I suspect that if my colleagues checked, they would find that their constituents, by and large, agree with the people of the Fourth District.

Questionnaire results follow:

QUESTIONNAIRE

[Figures in percent]

	Yes	No	Undecided
1. To reduce the deficit, should Congress postpone tax cuts scheduled in existing law?	47.4	51.2	1.4
2. Congress is in the process of approving a $4 or $5 billion jobs bill. Should Congress follow up on this with another, larger jobs program?	25.6	73.2	1.2
3. Should Congress again propose the equal rights amendment to the Constitution and start the ratification process all over?	20.3	78.2	1.5
4. Do you approve of the way President Reagan has handled his job?	61.0	33.1	5.9

When Congress works on a budget, the budget is broken down into "functional areas." The following list outlines the amount of money President Reagan proposes to spend in 7 of the largest functional areas in fiscal year 1984. Together, these 7 functional areas (plus the interest on the national debt) account for 95 percent of all Federal spending. Indicate with an "S" if you would spend the same or more; or an "L" if you would spend less than the President has proposed.

[Figures in percent]

	More/Same	Less	Undecided
5. Income security: $282.4 billion:			
a. Social security and civil service retirement—$207.8 billion	73.9	24.8	1.3
b. Food stamps, SSI, AFDC, unemployment compensation, and housing assistance—$74.6 billion	32.9	65.4	1.7
6. National defense: $245.3 billion	55.7	42.8	1.5
7. Health: $90.6 billion	65.7	31.7	2.6
8. Veterans' benefits: $25.7 billion	73.2	24.4	2.4
9. Education and training: $25.3 billion	66.2	32.4	1.4
10. Transportation: $25.1 billion: Highways, airport development, etc. (much of the jobs bill mentioned in question 2 falls in this area)	60.1	38.5	1.4
11. International affairs: $13.2 billion: Category includes foreign aid, international financial organizations, etc	13.4	84.6	2.0

●

DEMOCRACY AND TOTALITARIAN COMMUNISM

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McEWEN. Mr. Speaker, on Friday and Saturday, July 1–2, 1983, the Captive Nations Vigil Committee, a project of The National Center for Public Policy Research, has scheduled a commemoration of those people who have lost their freedom to Communist totalitarianism.

The first major activity to be celebrated on the Washington Mall is a 24-hour "Chronology of Betrayal" beginning at noon which will provide the history of those nations which have fallen to communism. Then at 1 o'clock on Saturday, the Committee will sponsor a "Commemoration Ceremony," at which time, captive national ethnic groups will be able to relate their own experiences in the loss of freedom.

I commend this effort in the days before our own Nation's celebration of Independence, and wish to submit my letter to the Captive Nations Vigil Committee in testimony to the importance of these activities:

House of Representatives,
Washington, D.C., June 29, 1983.

Ms. Amy Moritz,
Director, Captive Nations Vigil Committee, Washington, D.C.

Dear Ms. Moritz: Allow me to commend your efforts, and those of your colleagues at The National Center for Public Policy Research, for your commitment to freedom and the commemoration of the victims of communism since 1917. I refer, of course, to the Captive Nations Vigil Committee's planned activities on the Washington Mall over the July 1-2 period, which will underscore America's moral obligation to support the efforts of free peoples resisting communist tyranny.

As we approach our own day of national celebration over the independence which we enjoy, it is fitting to recognize the plight of the people who have found themselves on the vanguard of communist oppression. Thomas Jefferson, who understood better then most the concepts of freedom upon which our nation was conceived, stated, "Eternal vigilance is the price of liberty." Fortunately, when America first called for help, the French, the Dutch and others were there to respond.

Not long ago, the United States Capitol was filled with shocking photographs depicting the mass murders carried out by the communist government in Cambodia during the last five years of the 1970s following the American troop withdrawal from Southeast Asia. These murders took place without regard for any legal or judicial process. The victims were often abducted and tortured before they were killed. While, perhaps, the worst example of communist atrocity since the Stalinist purges of the 1930s, it, nevertheless, graphically illustrates the real promise of communist "freedom fighters" elsewhere in the world.

Against the background of Cambodia, Ethiopia, South Yemen, Angola, Afghanistan, the Sudan, and earlier the countries of Southeast Asia and Eastern Europe, we will hear ample testimony from the victims of these countries. But we must remember that the tide has not yet turned. What is today happening in Central America is but the latest chapter in this ongoing saga. The Free World looks to America for hope. It is through our recognition of the experiences of these victims that we will meet this challenge, and uphold the cherished ideals and love of freedom of our forefathers.

For this reason, I offer my wholehearted endorsement of your activities on the Washington Mall, and encourage others to do likewise.

With warmest regards,
Sincerely,

Bob McEwen,
Member of Congress.●

JAMES C. MILLER'S COMMONSENSE FTC LEADERSHIP

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BROYHILL. Mr. Speaker, a recent issue of Business Week contained a profile of the new leadership at the Federal Trade Commission. Under the leadership of James C. Miller III, the FTC has taken a more responsible approach to its consumer protection and procompetition missions. By substituting sound, thorough economic analysis for social theory as Commission decisionmaking criteria, Chairman Miller has gone a long way toward restoring commonsense to Commission deliberations, planning, and actions.

However, I must remind my colleagues that Chairman Miller is but one vote on a five-member Commission. There is still the prospect for unwarranted or ill-advised Commission action, despite the best efforts of the Chairman and his staff. Therefore, we must continue to devise means and procedures to protect against FTC regulatory excesses, a job we started with the 1980 FTC Improvements Act; and, a job which we may continue, and improve upon when we consider the FTC's reauthorization this year.

Mr. Speaker, I commend Chairman Miller for his efforts to get the FTC back on the right track, as discussed in the following Business Week article:

[From Business Week, June 27, 1983]

The FTC's Miller Puts His Faith in the Free Market

One of the best-known statues in Washington stands outside the Federal Trade Commission building. It depicts a man reining in a rampaging horse, and it is supposed to represent the FTC curbing the excesses of business. But of late it could well symbolize commission Chairman James C. Miller III checking the agency itself.

"I didn't come here to do business as usual," Miller declares. "I have strong views about what should be done." He says he wants neither to fire up the agency nor close it down. "I am trying to eliminate the excesses of the past and change the adversarial atmosphere," he says. He hopes that stance will appease critics so that the FTC can "retain the authorities that [it] needs to operate."

Its operations were broadly defined when Congress set the agency up: to go after "unfair methods of competition" and "unfair or deceptive acts or practices in commerce." The wording is so general that the FTC has often wandered into areas more social than economic. Miller wants to sharpen the focus, using strict economic analysis to bring specific cases rather than impose detailed rules on an entire industry.

SAFE, SENSIBLE, SOUND

The agency must rule shortly on the proposed joint venture of General Motors Corp. and Toyota Motor Corp. to build a small car in the U.S. The deal's size—$300 million—and opposition from other U.S. auto makers ensure that whatever the commission decides will be criticized. Antitrust ambiguities befog the case, but Miller devoutly believes that adequate data and economic analysis can pierce any gloom. "I anticipate that when I finish my review," he says, "I'll make up my mind quite strongly."

Such bedrock faith in economic analysis is at the heart of Miller's approach. That is not surprising. He earned a doctorate in economics from the University of Virginia in 1969, served on the staff of President Ford's Council of Economic Advisers, and was a resident scholar at the American Enterprise Institute. Since coming to the FTC, he has beefed up its Bureau of Economics and installed young lawyers who share his faith as heads of the consumer protection and antitrust operations. "What he's done is return the commission to where it can be viewed as a safe, sensible, and sound agency," says Alan H. Silberman, the Chicago lawyer who heads the American Bar Assn.'s committee on the FTC.

Miller's way is to move cautiously. He believes in prosecuting only when economic analysis proves that the marketplace is being harmed—and that the FTC can do something about it. That often means deferring to corporate judgment as to what is best for the marketplace. "[The regulators] are going to give more credence to the analysis businessmen make on how to promote their own self-interest," says Silberman.

But the agency cannot always bow to the wisdom of business. Although Miller rails at those who measure an FTC chairman by the number of cases brought, cases do have to be brought. The difference is that the staff now looks for ones where an economic injury is direct and demonstrable.

COOPERATION

As a result, FTC economists are assuming a bigger role. Wendy Lee Gramm, who heads the economics bureau, makes sure that proposed lines of attack really will make the marketplace more efficient. In the antitrust area, "we're particularly concerned about restraints on innovation," says Timothy J. Muris, head of the FTC's Bureau of Competition.

In consumer protection, the emphasis is on out-and-out fraud rather than such social problems as television advertising aimed at children. Under Miller, the commission has moved against such schemes as selling diamonds on the promise that they will go up in value, assuring investors that a particular agent can guarantee winning marketable oil and gas leases in government lotteries, and running help-wanted ads that are come-ons for questionable training programs.

The Miller FTC tends to opt for solutions that rely on industry cooperation. "An economic analysis can tell you what the incentives or disincentives are for a given industry or particular company to provide [for instance] more information to consumers," notes Carol T. Crawford, chief of the Bureau of Consumer Protection. "Is there some little way we can tinker that will flip the incentives to get what we want to get?"

If the market itself will solve a problem, then it should be allowed to work, Miller and company believe. However, Congress has given the FTC specific laws to enforce, such as the Equal Credit Opportunity Act. The commission used that law to attack finance companies that refused to lend to the elderly. But if the companies' refusal created a market vacuum for other finance companies to promote loans to the elderly, why didn't Miller simply let the market do so? "There just may well be some times when our judgment is better," the chairman ruefully admits.

A NEW MAJORITY

Miller is constrained by the fact that he is merely one of five commissioners. He can pick the bureau chiefs who oversee agency staffs, but the staffers themselves often have independent views. For instance, the commission is considering curbing finance companies' ability to collect overdue debts. The heads of the FTC bureaus argue that it would also raise costs and pinch off credit to the poorest risks. But staff members of the Consumer Protection Bureau are pushing for the measure anyway.

They may be successful. Many times, Miller has found himself on the losing side. Former Chairman Michael Pertschuk and the two non-Reagan Republicans on the commission, David A. Clanton and Patricia P. Bailey, do not share Miller's view that they must prove economic damage before acting. Their majority has approved what Miller calls "obvious departures from the agenda I have set," such as imposing extensive disclosure obligations on funeral directors, a move Miller says is not justified by the record. He also disagrees with an antitrust finding against Du Pont, Ethyl, and PPG Industries declaring that in a concentrated market it may be unlawful to warn customers—earlier than contracts require—of planned price hikes.

But the opposition is likely to dwindle. Clanton's term runs out in September. President Reagan's choice as a successor will probably be in the Miller mold. The most junior member of the commission, economist George W. Douglas, not only tends to agree with Miller but also co-authored a book on deregulation with him in 1974.

And the commissioners who differ with the chairman have little power to shape the agenda. Says Miller: "I probably do a lot less horsetrading than has typically been the case." The big question, however, is whether he really has broken the horse—whether he has redirected the agency in fundamental enough ways so that a change in the White House and at the FTC will not wipe away his reforms.●

TRIBUTE TO ENSIGN PAM CORWIN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SCHEUER. Mr. Speaker, and my colleagues, it is indeed a great pleasure to call to the attention of this Congress and our Nation the achievements of Ens. Pam Corwin and her recent victory in the Women's Intercollegiate Dinghy Championship.

Ens. Pam Corwin, USN, 1983 graduate of U.S. Navy Academy, Annapolis, Md., won first place in the Women's Intercollegiate Dinghy Championship. Ensign Corwin sailed to victory in division A, comprising the Nation's top female sailors.

The championship was held in Corpus Christi, Tex., June 3–6 with 16 colleges and over 90 sailors competing in the two division round robin finals. Ensign Corwin was the skipper of a 420 and M1c. Melanie Kirby crewed the winning sailboat.

The U.S. Naval Academy took first place with 126 points, followed by Tufts University with 140 points; third place was taken by Yale University with 147 points. The Perpetual Trophy is on display at the U.S. Naval Academy, Sailing Hall of Fame.

Following the championship, Ensign Corwin's election to honorable mention All-American Intercollegiate sailor was announced.

Ensign Corwin's next competition will be the U.S. Women's Double Handed Championship. The first and second place winners of the U.S. Women's Double Handed Championship will be sponsored by the U.S. Yacht Racing Union in the Women's Double Handed World Championship to be held during November in New Zealand.

Ensign Corwin has been sailing since the age of 5, entered and won her first regatta at the age of 9 and has been a member of the U.S. Naval Academy Sailing Team since 1980.

Ensign Corwin graduated from Mattituck High School and follows the family tradition of sailing. Her grandfather, Richmond S. Corwin of Southold, sailed actively on the Great South Bay as a young man. Her father, Richmond S. Corwin, Jr., better known as

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Mike, has raced competitively on the east coast for over 35 years.

The Corwin family is one of Long Island's oldest families dating back to before the American Revolution. Ensign Corwin's parents, Mr. and Mrs. Richmond S. Corwin, Jr., are residents of Mattituck, Long Island, N.Y. and Annapolis, Md.●

MEDICARE'S FUTURE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SMITH of Florida. Mr. Speaker, the financial health of the medicare system is the next crisis the elderly and Congress will have to face.

Many articles have been written about solutions to the crisis. For the elderly there is nothing more frightening than to hear repeatedly that a program upon which they depend for their health care will reduce benefits and cost them more. Recently, the Miami Herald published a three-part series concerning medicare. I would like to share the concluding article which focuses on the human element that sometimes gets lost in the debate over cost. I hope that my colleagues will consider the suggestions made in this article as we consider the future of medicare.

The article follows:

[From the Miami Herald, May 4, 1983]

IN FUTURE, PATIENTS TOO "COSTLY" MAY DIE

(By Robert D. Shaw, Jr., and Jane Daugherty)

Rhythmic green blips on the heart monitor offer silent testimony that Medicare patient Celia Bate lives.

Her yellowed, motionless face on the white pillow prompts a second, reassuring glance at the blinking machine. Then a thin hand, a single black bruise from fingers to wrist, flutters as she turns to view the surgeon.

She tries to smile, but manages only to erase the grimace of pain for a moment. "He's the most wonderful thing," Bate, 70, says of Dr. Leon Manheimer.

Once, twice, three times in the last three weeks he has rescued Bate, a retired accountant, from almost certain death. Her pain is impossible to measure. The cost to Medicare so far amounts to $33,668.82 for hospital charges alone.

"Unfortunately, this is a big expense for Medicare," Manheimer says as he reviews her chart. "But what is a human life worth?"

His question foreshadows what promises to be a major national debate: Will America, through Medicare, ration health care to its old?

Everyone seems to agree that the geometric growth of Medicare spending is the fast track to bankruptcy of the federal healthcare fund; costs must be controlled.

But at whose expense? That of patients? Doctors? Hospitals? Are the days of limitless Medicare spending over?

Will America tell some sick, old people that certain operations are too expensive, certain technologies unavailable, that their life expectancy is too short to warrant certain costly procedures?

Celia Bate did not have to face those questions. On April 13, Manheimer, 69, the respected chief of general surgery at Miami Beach's Mount Sinai Hospital, cut a 12-inch slash across her abdomen to expose a life-threatening tumor.

Two minutes into the surgery, the green-clad surgeon froze. "I was shocked when I saw the extent of the cancer," he says frankly. "The question was, should we do anything or not? There was no way to get it all."

Excising the half-pound tumor required an intricate triple bowel resection and cutting a temporary colostomy. In intensive care later, Bate almost died of respiratory failure. Then, potentially lethal juandice struck.

"She's still very sick. She's miserable. But she has a chance to go on to complete recovery with chemotherapy and radiation therapy," Manheimer said.

In a hoarse whisper, Bate said, "I've always been a fighter. I got polio when I was 18 months old. Need I say more? But I'm tired of fighting."

Manheimer agonizes almost daily over such suffering, such life-and-death decisions.

Working at a hosptial with one of the highest percentages of Medicare patients in the state, he estimates that three out of four of his surgical patients are covered by Medicare.

Like many doctors, he questions whether the federal government, through regulations and restrictions on Medicare coverage, should make such decisions.

"If Medicare tells you. 'For this type of operation, we'll cover [expenses] for two weeks,' what would happen to Celia Bate?" Manheimer worries. "What would a private, for-profit hospital say to her then? She is a valuable person, a lovely person. She has a good life. I think she's going to survive this. . . ."

UNNEEDED SURGERY

But there are some knife-happy surgeons, who, for the love of Medicare money, subject elderly patients to unneeded operations, Manheimer acknowledges.

"There's no question that there is some unnecessary surgery," he says. "But another case I have of a rabbi with a nonemergency hernia repair is an example of (some) so-called unnecessary surgery."

The rabbi is "young-old" by Manheimer's definition, an active 66-year-old with a pacemaker.

"There's no question that his hernia was not life-threatening, not an emergency, but I was able to use a local anesthetic subjecting him to less stress and minimizing the risk to his heart," he said.

Medicare will pay an estimated $1,730 for the rabbi's hospital stay.

Yet Reagan Administration offficals say that there is simply not enough money to go around, that some way has to be found to staunch Medicare's outpouring of cash. And while few want to talk about it, a major dilemma that cost-cutters must confront is summarized in one staggering statistic:

Just 8.8 percent of all Medicare beneficiaries account for about 70 percent of Medicare's total annual outlays. This year, that amounts to $40.1 billion of the program's projected spending of $57.3 billion.

Of these, more than half—or 5.2 percent of all beneficiaries—are dying, most of chronic illnesses like cancer, congestive heart failure and emphysema:

Death comes slowly and expensively. One recent Medicare study said 28 percent of the program's outlays—or $16 billion based on this year's budget—was spent on people in their last year of life.

GADGETS GIVE LIFE

The remaining "high cost" patients—who will use a projected $24.1 billion in medical care this year—are by and large the beneficiaries of the revolution in technology and new procedures that has swept through American medicine. In many cases, they owe their lives to it.

They are literally kept alive on dialysis machines—at a cost of $17,500 a year. Their clogged arteries have been bypassed at a cost of $20,000; their heartbeats are regulated by a $10,000 pacemaker. Or, like Celia Bate, the ravages of cancer are held at bay by surgery, radiation and chemicals.

Some can see again because of a $1,500 cataract operation; others walk thanks to a $4,500 hip replacement. As more and more of the elderly live longer and longer—85 and older is the fastest-growing age group in America today—the demand for these services is certain to grow.

William Hslao, professor of public health at Harvard University, defines the situation in these terms: "The present blank-check [Medicare] system is giving everyone a Rolls-Royce."

"I will argue that you want to give everybody a Volkswagen, but I do not necessarily see that America is rich enough yet to give everyone a Rolls-Royce [in medical care]."

The former chief actuary for the Social Security Administration's health-care programs, Hsiao projected that Medicare spending could be cut by 10 percent without "any decrease in the care that will restore people to some reasonable quality of life."

He suggests that by eliminating heroic measures in the care of people who have no hope of surviving to live an "enjoyable life," much pain and suffering could be saved in addition to Medicare millions.

But who decides?

Dr. Joanne Lynn, a professor of geriatric medicine at George Washington University, says, "Unless the patient and his family vigorously reject it, I, as a doctor, have more incentive to provide every service than to raise the issue of whether society can afford it.

"All I get for my troubles (if I limit care) is trouble—potential malpractice or criminal charges. But there's every incentive to treat vigorously: I make a lot of money."

To Lynn, who was the assistant director of the President's Commission on Medical Ethics, what's needed is "some shared notion of what is fair." But devising such a notion—particularly in the context of a politically aware and active elderly population—borders on the impossible.

"We can't—and we won't—be making decisions on who can have dialysis or heart bypasses or whatever," says Sen. David Durenberger (R. Minn.), chairman of the Senate health subcommittee. Instead, he advocates letting Medicare beneficiaries decide those issues by adopting a voucher system.

Vouchers, also advocated by the Reagan Administration, would give every Medicare recipient what amounts to a check in an amount roughly equal to the program's average expenditure for people of similar ages and geographic location. The recipient

could then purchase as much—or as little—health-insurance coverage as he believed he could afford.

"People are going to have to make these decisions for themselves. I don't think I should be making them (for them)." Durenberger says. "The marketplace is somehow going to have to tackle that."

Harvard economist Marc Roberts insists that the debate must focus on how to allocate scarce resources.

"Certain kinds of rationing are politically and morally unacceptable," Roberts says. "On the other hand, there are lots of ways that we spend (health care) resources that are not beneficial."

Roberts cited the widespread remodeling of still-serviceable hospital bed space as an illustration. Medicare now allows hospitals to "pass through" capital costs, that is, include in their charges the cost of such projects and their financing.

"That's total craziness," Roberts said, noting that one Massachusetts hospital elected to replace a 30-year-old building with a fancy new one. That will push the daily rate Medicare will pay for capital costs from $10 a bed to $250.

"That's not saving any lives," he said. "But Medicare will pay for it."

Dr. Robert Butler, former head of the National Institute on Aging, said he fears that Medicare rationing "may occur in a covert, non-deliberate manner" when people can't get into hospitals when they need to.

"Some of the rationing should occur at the expense of doctors' incomes," said Butler, a psychiatrist who now heads the geriatrics department at New York's Mount Sinai Hospital.

Instead, the Reagan Administration is taking a "blame-the-victim approach" that will have dire consequences for some older Americans, Butler said.

Perhaps so—but the likelihood for the immediate future is that neither the Reagan Administration nor any of its critics will be able to muster anything close to a political consensus on what to do about Medicare's costs.

"There's a basic element of human dignity involved here," says Rep. Henry Waxman (D., Calif.), who is considered one of the ranking congressional experts on health care. "Denying health care to people who are sick is inconsistent with our values."

What, then, is his solution?

"I don't hold out any hope for an absolute solution to Medicare's costs," Waxman retorts. "And frankly, I'm very skeptical right now of anyone who claims he does have the answer. We haven't even thought out the questions very clearly—yet."●

HUNGER'S IMPACT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, we can comprehend the true impact of hunger and the import of programs designed to alleviate it only when we take the time to listen to the personal experience of others. At the Macomb County hunger hearing, we were privileged to hear from several people who told of the despair that hunger can bring and the hope offered by the W.I.C. program, meals for the aged, the care and share program, and others.

I know it is very difficult for people to reveal this kind of personal experience, and I want to express my deep appreciation for their testimony. It is statements such as the following that I believe can move this country to a greater understanding of the problem of hunger and to a commitment to eliminate it.

HUNGER'S IMPACT—PERSONAL TESTIMONIES

First of all I'd like to thank you for your efforts in bringing this to Washington for all of us here. I've been laid off a year and a half. I've been a taxpayer for over 25 years. The last layoff was Christmas of '81. I went on ADC. I am an ADC father. I have a 14 year old son at home. It began in March when I first got on ADC. It took me almost a month and a half—we were out of everything. They were, they had no concern for some reason that we were not in need. They started job club program for us to pay us $1.80/day. It was a requirement to go to school for six weeks otherwise we would lose our ADC. There is about 25 people in there and their incentive was to find work is to pay you $1.80 for every job interview you went on. And the cost to go find work at a minimum wage is less money than you're making on ADC to spend $10 worth of gas to seek several jobs for minimum wage to receive $1.80 for each interview seems awful ridiculous to me, but this is their program or else you're off.

My car insurance has expired. I can't renew it, I haven't got the money. My license, it's on renewal, I can't buy that either. My phone is off. I have no transportation to go look for work if I wanted to. I have electrical shut-off notice here $102. They don't care. They want their money. I bet my Allstate is cancelled. I get $92 a month for my son and myself for food stamps. You don't have to be a mathematical genius to know that's $1.50 for each of us a day to live on. At the end of the month, it's pretty scant. If it wasn't for the Care and Share Program, the UAW put out, to give me some food for the last three months, I was beyond the end of it * * *

At the end of the month, it's hectic and when you bring this hunger back to Mr. Reagan, I wish you would tell him not to visit an average family in San Clemente—to come to Michigan and visit an average family at the end of the month and break bread in the house with no bread to be broken. And if he wants to fight my kids over the last box of Kraft Macaroni and Cheese, he's welcome to try. Because that's what it's down to. And it's ridiculous.

I'm not begging for money. I paid my dues. Over a quarter of a century I've worked and through no fault of my own economically we are down the tubes because of his policies and I'm not buying it. We need more, we don't need less. We have to raise our standards of living, not lower our standards of living. We're American citizens. We're not second class citizens, and I thank you again, and that's about all I have to say. —Tony Moscato's personal testimony.

I'm Catherine Wechorek and I live in Mt. Clemens, in one of those housing projects. I'm here to talk to you about what happened to me and my husband, Steve. We are both 64 and live in Mt. Clemens. We were starving last year. We lived in Warren in an upper flat that cost $380 including gas and electricity. Our income was $433 a month from SSI and social security. That left us with $53 a month. Before we moved, we didn't have much money. A lot of food we had to go without. We ate very little meat. Mostly ate canned goods. We didn't know what to think. We sat in the living room. I sat in the kitchen and our stomachs growling. In the middle of the month we just ate potatoes and macaroni. We didn't call anyone. We tried to pull the best we could. We didn't want to talk. We figured that we would be doing the wrong thing.

We never told our families much. I have a mother in a nursing home. A sister who is good to us. Two brothers in Detroit and Southfield. Steve has a sister in Florida who bought us three bags of groceries once. Friends helped us. They gave us cupcakes and on valentines day gave us a cake with a heart on it. But we still felt out of place because those stairs were so steep. Steve walks with a walker. He only got out of the apartment twice in two years, so we were castout.

Then we met Evelyn Powers who is an angel from the Council of Ages. She got us home delivered meals. When we first got the meals it was hard to get used to the food. We couldn't eat as much as before. I don't know. Maybe my stomach got smaller. When we got the meals, every day was a party. We were excited to see what the meal was. The volunteers were good, real polite and nice. Another nice one is Mr. Fox and Sandra Becks in the Mt. Clemens housing. Evelyn got us a real nice apartment and we now pay $79 a month. We get food stamps and take dollar rides to go shopping. We can even walk home using my little market cart to carry the food. I freeze frozen fruit in the summer and can cook my own meals. I am happier now. I joined the Y and went swimming. I joined the church and we have real nice times. We have parties, pick strawberries and have pancake breakfasts. Instead of going down hill, I feel myself coming up. My sister knows the change too and is glad. I can't forget what happened to us, but I can hope that it won't happen again. I am very grateful to the meals, Evelyn Powers, and the Council of Ages. Thank you.—Catherine Wechorek's personal testimony.

Hi, my name is Sandy. Speaking to you today is terrifying, but what scares me even more is the possibility of the WIC program being cut.

As a cashier in a grocery store I was familiar with the program for quite some time, but I never dreamed I'd be on it. It wasn't until I was without of a job and seven months pregnant that a neighbor suggested I apply for the program. I had lost 3 pregnancys and was having trouble with this one too.

I learned alot on my first visit at the WIC office. When I got pregnant I was 5 feet 6 inches tall and weighed 95 lbs. At 7 months I weighed 120 lbs. What my weight should have been when I got pregnant. The nutritionist there set up a balanced meal program for me. Six weeks later Luke was born weighing 6 lbs. 15 ozs.

Although my diet had improved, Luke and I were still having problems. Luke was not gaining enough weight and my body was not producing enough milk. I stopped nursing and Luke was started on the program.

At one year Luke weighed 13 lbs. and for awhile we were afraid that he would be diagnosed as failure to thrive. At this point it doesn't sound like the program works very well. What I have learned and now understand is that it takes time to rebuild your body after you have depleted it. My body could not give to Luke what it did not have and that put Luke on a deficit. There are no quick miracles in nutrition.

I know the WIC program is successful. To me the WIC program is a complete program. They do more than just give information. Knowing that you should drink milk when you're pregnant doesn't help when you can make 3 gallons of Kool-Aid for the same price of a gallon of milk. What the WIC program does is also supply what you need for a balanced diet. But they don't stop there either. They also provide you with follow up visits with a nutritionist who helps you check on your progress and encourages you in the areas that your doing well. They also suggest alternatives in the areas you fall short in. This reinforces and gives you positive goals to work towards.

I know that the program works. When I became pregnant again I got right on the program. I weighed 120 lbs. at the beginning and gained 81 lbs. through the pregnancy. I didn't have a single problem in the whole 9 months. Rachael weighed 8 lbs. 5 oz.

Till the day I die I will always feel bad about the slow start Luke had. At 4 months Rachael weighed 13 lbs. At 2 years Luke weighed 28 lbs. Luke has always been small and I tried to accept that he would always be small. But because of the continued help from the WIC program he makes progress. We can't imagine what would have happened if he wasn't on the program. The sweetest words I've ever heard and the best testimony WIC could ever get happened twice in the same week. Last week while talking to other mothers on 2 separate occasions someone commented on how big Luke was for his age. I thought I was going to cry.

If the WIC program were cut today I would be part of a sad success story. Because the WIC program does work right, I know too much to go back to poor eating habits at the expense of my children. Whats sad is the many women who have not had the chance to learn what I have and the many children who will not have the chance to grow like Luke has.

I don't know how I would pay for the milk-eggs and cheese. I don't smoke, drink. We don't have desserts and we buy our clothes at the thrift shop. Something would have to be cut. I don't know where, and I hope I never have to find out.—Sandy Du Bois' personal testimony.●

BACKGROUND DOCUMENTS ON NICARAGUA

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. McEWEN. Mr. Speaker, for the benefit of my colleagues, I am today submitting the first of certain documents which I feel will be useful to the ongoing discussion by this House of current developments in Nicaragua. The material consists of statements by Ambassador Jeane J. Kirkpatrick, U.S. Permanent Representative to the United Nations, in the Security Council, in response to complaints against our country by Nicaragua during March-April 1982.

The commentary follows:

STATEMENT BY AMBASSADOR JEANE J. KIRKPATRICK, MARCH 25, 1982

In his letter requesting this meeting, the coordinator of the Nicaraguan government, Mr. Daniel Ortega Saavedra, made some extraordinary charges against the government of the United States. We naturally desire to respond to the grave charges that Mr. Ortega has leveled against our policies and our intentions.

The essence of Mr. Ortega's complaint is that the United States is about to launch a "large-scale military intervention" against his country. Thus he wrote, in the letter in which he requested the meeting, of "an ever increasing danger of a large scale military intervention by the armed forces of the United States [which] constitutes a grave threat to the independence and sovereignty of the Central American countries and to international peace and security." He spoke of the "interventionist strategy of the government of the United States" and of statements and "concrete actions that clearly evidence an intervention to attack Nicaragua and intervene directly in El Salvador." To support his arguments, Mr. Ortega charges us with the "systematic repetition of . . . aggressive statements [which] seriously affects the normal conduct of international relations . . . with bellicose statements." The United States' actions, Mr. Ortega asserts, violate the Charter of the United Nations, the "principles and goals" of the United Nations, and constitute a "grave threat to the independence and sovereignty of the Central American countries and to international peace and security."

The attack made by Nicaragua is not haphazard; its charges are not random: The government of Nicaragua has accused the United States of the kinds of political behavior of which it is guilty—large-scale interventions in the internal affairs of neighbors, persistent efforts to subvert and overthrow by force and violence the governments of neighboring states, aggressive actions which disrupt the "normal conduct of international relations" in the region—acts and intentions inconsistent with the Charter of the United Nations. These charges—as extravagant as they are baseless—are an interesting example of projection, a psychological operation in which one's own feelings and intentions are simultaneously denied and attributed—that is, projected—to someone else.

Hostility is the dominant emotion and projection the key mechanism of the paranoid style of politics which, much to our regret, has characterized the political behavior of the Sandinista leadership. The principal object of Sandinista hostility, I further regret to say, is the government and people of the United States.

Nigaragua's new politicial elite—which calls itself Sandinista—has constructed a historical myth to justify its demand for full power. According to this myth, the United States is responsible for all problems and disasters—natural and social—that Nicaragua has ever suffered; the Sandinista anthem describes us as the enemy of mankind; and Sandinista ideology defines us as implacably opposed to national independence, economic development, and peace. Since the moment of their arrival in power the Sandinistas have predicted that the United States was about to overrun them. The Yankees are coming, they have reiterated. The counter revolutionaries will get us if we don't silence criticism, mobilize the population, destroy freedom.

The familiar totalitarian assertion that they are surrounded by enemies internal and external has been heard again and again to justify the elimination of opponents and the concentration of power in a tiny, one-party elite.

In the past two and one-half years, Nicaragua's hopes for greater freedom, democracy and security from government tyranny have very nearly died as the new rulers moved expertly first to establish and then, progressively, to exercise control over the various sectors and institutions of Nicaraguan society. The extension and consolidation of power has followed the pattern of "coup d'etat by installments" (Konrad Heiden's description of the Nazi seizure of near total power of German society).

One step at a time the Sandinista directorate moved against the faint-hearted "bourgeois" democrats in their ranks. One sector at a time they have moved against Nicaraguan society—now seizing radio, television stations, newspapers, now nationalizing new industries, now tightening control of the economy, now moving against the independent trade unions, now banning a bishop from access to television, now organizing and reinforcing the Sandinista Defense Committees that bring the revolution, with rewards, demands, and surveillance, into every neighborhood.

Alongside it all came a dramatic, extraordinary expansion of Nicaragua's army, militia and international role. Today's National Guard is many times the size and strength of the one that reinforced Somoza's regime. It reinforces a political machine many times more sophisticated than Somoza's.

A political scientist describing the Nazis' consolidation of power in a single German town noted, concerning that process of destruction of society and politicization of human relations:

"Hardly anyone in Thalburg in those days grasped what was happening. There was no real comprehension of what the town would experience if Hitler came to power, no real understanding of what Nazism was."

It is no easier to understand what is happening to Nicaragua. And at each stage the government's demand for power has been accompanied by new changes concerning enemies without and within.

We are confronted in Nicaragua with the familiar patterns of doublespeak with which would-be totalitarian rulers of our times assault reality in the attempt to persuade us, and doubtless themselves, that making war is seeking peace; that repression is liberation; that a free press is a carefully controlled one. Thus on February 19, 1982, Daniel Ortega solemnly assured the opening session of an international conference (COPPAL) that the forced, violent tranfer of Miskito Indians was naturally carried out only to protect their human rights.

In their statement of February 18, 1982, Nicaragua's Bishops described these forced relocations as involving grave violations of the human rights of individuals, families, and entire populations of peoples. These include:

Relocations of individuals by military operations without warning and without conscientious dialogue;

Forced marches, carried out without sufficient consideration for the weak, aged, women and children;

Charges or accusations of collaboration with the counterrevolution against all residents of certain towns;

The destruction of houses, belongings and domestic animals;

The deaths of individuals in circumstances that, to our great sorrow, remind us of the drama of other peoples of our region.

Given this pattern, it is no surprise that last week, as Commander Ortega levelled new charges against the United States, the Nicaraguan government suspended its constitution and promulgated a new Law of National Emergency that threatens to eliminate the limited liberty and pluralism that remains.

All discussions in the Sandinista-controlled Council of State of the proposed media and political parties laws have been suspended.

The Ministry of Interior has made an unspecified number of "preventive arrests" of people who are suspected of having ties with counterrevolutionaries.

Radio Catolica has been closed down indefinitely and all radio news programs, except official statements, are prohibited.

La Prensa and all other media are required to submit news stories for prior censorship. Yesterday it was unable to publish since 50 percent of the paper was found objectionable.

Opposition political leaders have been informed that they cannot leave the country; the passport of one politician was seized when he attempted to make a routine trip abroad.

A new "patriotic tax" is to be imposed on businesses to help finance its latest mobilization campaign.

Thus the dialectic of revolution unfolds; liberation has already produced its antithesis in Sandinista Nicaragua. Old familiar arguments are invoked to justify new, more effective repressions.

It did not need to be thus. Nicaragua's new government could have satisfied the longing of its people for peace instead of making war on the people. They could have accepted the United States' offer of friendship. The United States government did not oppose the Sandinista rise to power. It has not attempted to prevent its consolidation. With our help, the government of Nicaragua received more loans in two years from the International Development Bank than the Somoza government had received in any decade. The fact that the United States government gave the Sandinistas moral and political support in the crucial phases of the civil war, cut off their opponents' supply of arms, ammunition and gasoline, and negotiated the resignations of Somoza and Urcuyo, did not affect the Sandinista leadership's view of the United States' attitudes—neither did the 75 million dollar supplemental aid bill rushed through Congress to assist in the job of reconstruction nor our active support for Nicaragua's credit applications in multilateral lending institutions. The United States provided more aid than any other government to the Sandinista regime during its first 18 months in power.

Did this support from the United States alter the Sandinista leadership's hostility? Alas, it had no such effect.

By its words and deeds, the United States government—the Congress and the Executive branch—demonstrated not only its respect for the sovereignty of the Nicaraguan political process, the right of Nicaraguans to detemine their own government, but also our desire to give a boost to Nicaragua's new government, to help it overcome the devastation of civil war. But Sandinista ideology overcame the reality of United States assistance. The fact of United States support for economic reconstruction and national independence in Nicaragua proved less powerful than the stereotype—we remained the Yankee enemy of mankind.

Like others in this century who have seized power by force, the Sandinista leaders are haunted by the expectation that they will fall victim to the violent intrigues by which they won power and exercise it.

It is, of course, they who systematically seek to subvert and overthrow neighboring governments. El Salvador has the misfortune to be the principal target.

A clandestine support system established in 1978 at the time of the Nicaraguan civil war continued to operate after the fall of Somoza in July 1979 with a new final destination—El Salvador. The existence of this support system has been repeatedly and vigorously denied by Nicaraguan and Cuban spokesmen. Yet a considerable quantity of solid information shows that those denials are false.

Nicaragua offers a support system with three major components: external arms supplies, training, and command and control.

Within weeks after the fall of Somoza in July 1979, the Sandinistas began to cooperate in support of the Salvadoran insurgents by establishing training camps and the beginning of arms supply networks. This clandestine assistance initially involved local black markets and relatively limited resources. In 1980, after meetings in Havana had unified Salvadoran Marxists into a single military command structure, the Sandinista leadership agreed to serve as a conduit for an arms trafficking system of unprecedented proportions, originating outside the hemisphere. That structure remains in force today.

Arms and ammunition for the Salvadoran insurgents reach Nicaragua by ship and occasionally by direct flights from Havana to Nicaragua. Three Nicaraguan ships, the Monimbo, the Aracely and the Nicarao, frequently transport arms and ammunition to Nicaragua from Cuba in their cargo. Salvadoran guerrilla headquarters near Managua arranges for their shipment into El Salvador. The timing of the resupply operations appears to be coordinated with the planned level of fighting, since before each surge in the fighting we have detected large deliveries.

When a clandestine shipment of arms is captured or a safehouse is found containing arms and terrorist supplies, it is often impossible to know with certainty whether the ultimate recipients are Guatemalan, Honduran, Costa Rican or Salvadoran terrorists, since the arms supply networks established by Cuba and Nicaragua are funneling lethal military supplies to terrorists and guerrillas in all four countries.

A few examples, chosen from among dozens, will illustrate the pattern of arms flow.

The Papalonal airfield provides a clear case of the direct airlift of weapons from Nicaragua to guerrillas in El Salvador. Papalonal is a commercially undeveloped area 23 nautical miles northwest of Managua, accessible only by dirt roads. In late July 1980, the airfield was an agricultural dirt airstrip approximately 800 meters long, but by early 1981 the strip was lengthened by 50 percent to approximately 1,200 meters. A turnaround was added to each end. A dispersal parking area with three hardstands—a feature typical of a military airfield—had been constructed at the west end of the runway. Three parking aprons were cleared, and six hangar/storage buildings were constructed on the aprons; the hangars were used to stockpile arms for the Salvadoran guerrillas. C-47 flights from the airbase corresponded with sightings in El Salvador, and several pilots were identified in Nicaragua who regularly flew the route into El Salvador. This particular route was closed in March 1981, but some air infiltration continues to this day, despite difficulties in pilot recruitment.

Weapons delivery by overland routes from Nicaragua passes through Honduras. Several examples of this arms traffic can be identified. Honduran authorities have intercepted various shipments of arms en route from Nicaragua and in concealed caches in Honduras. In early January 1981, for example, Honduran police caught six individuals unloading weapons from a truck enroute from Nicaragua. The six identified themselves as Salvadorans and as members of the International Support Commission of the Salvadoran Popular Liberation Forces (FPL). They had in their possession a large number of altered and forged Honduran, Costa Rican, and Salvadoran passports and other identity documents. This one truck contained over 100 M-16/Ar-15 automatic rifles, fifty 81-MM mortar rounds, approximately 100,000 rounds of 5.56-MM ammunition, machine gun belts, field packs, and first-aid kits.

In April 1981, Honduran authorities intercepted a tractor-trailer truck which had entered Honduras at the Guasule crossing from Nicaragua. This truck was apparently heading for Guatemala. Ammunition and propaganda materials were hidden in the side walls of the trailer. The same arms traffickers operated a storehouse in Tegucigalpa, Honduras, with a false floor and a special basement for storing weapons.

A special legislative commission established in June 1980 by the Costa Rican legislature confirmed in its May 1981 report that a clandestine arms-supply link between Costa Rica and Nicaragua was established during the Nicaraguan civil war, and that the link continued to function between Costa Rica and El Salvador once the Sandinistas had come to power in Nicaragua.

In April and July 1981, Guatemalan security forces captured large caches of guerrilla weapons at safehouses in Guatemala City. Several of the vehicles captured at the Guatemala City safehouses bore recent customs markings from Nicaragua, thus suggesting that the operation was part of the well-established pattern.

Within the past three months, shipments of arms into El Salvador reached unprecedented peaks, averaging out to the highest overall volume since the "final offensive" last year. The recent Nicaraguan-Cuban arms flow into El Salvador has emphasized both sea and—once again—overland routes through Honduras.

Last month, A Salvadoran guerrilla group picked up a large shipment of arms on the Usulutan Coast after the shipment arrived by sea from Nicaragua.

On March 15, 1982, the Costa Rican judicial police announced the discovery of a house in San Jose with a sizeable cache of arms, explosives, uniforms, passports, documents, false immigration stamps from more than thirty countries, and vehicles with hidden compartments—all connected with an ongoing arms traffic through Costa Rican territory to Salvadoran guerrillas. Nine people were arrested: Salvadorans, Nicaraguans, an Argentine, A Chilean and a Costa Rican. Costa Rican police so far have seized 13 vehicles designed for arms smuggling. Police confiscated some 150 to 175 weapons from mausers to machine guns, TNT, fragmentation grenades, a grenade launcher, ammunition, and 500 combat uni-

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forms. One of the captured terrorists told police that the arms and other goods were to have been delivered to the Salvadoran guerrillas before March 20, "for the elections."

Nicaragua's fraternal assistance to its neighbors is not limited to arms. Training is also provided. This coordinated Nicaraguan and Cuban political and military training creates the framework for the use of the arms by guerrillas operating within El Salvador and elsewhere in Central America. Since at least mid-1980, Salvadoran guerrillas have been trained in Nicaragua in military tactics, weapons, communications, and explosives at temporary training schools scattered around the country and on Sandinista military bases. At several military sites in Nicaragua, Salvadorans receive training under guidance from Cuban and other foreign advisors. For more specialized training, guerrillas transit Nicaragua for Cuba. They are provided false identity documents to help them transit third countries. Guerrillas trained in Cuba are reinfiltrated through Nicaragua back into El Salvador. The attacks on Ilopango Airport in January 1982 and on the El Oro bridge in October 1981 were clearly performed by saboteurs who had employed the benefits of such sophisticated training.

Honduran police raided a safehouse for the Moranzanist Front for the Liberation of Honduras (FMLH) on November 27, 1981, in Tegucigalpa. And while the Honduran police were attempting to search the house, a firefight broke out. The police ultimately captured several members of this group. This cell of the FMLH included a Honduran, a Uruguayan, and several Nicaraguans. The captured terrorists told Honduran authorities that the Nicaraguan government had provided them with funds for travel expenses, as well as explosives. Captured documents and statements by detained guerrillas further indicated that:

The group was formed in Nicaragua at the instigation of high-level Sandinista leaders;

The group's chief of operations resided in Managua; and

Members of the group received military training in Nicaragua and Cuba.

Guerrillas at one safehouse were responsible for transporting arms and munitions into Honduras from Esteli, Nicaragua.

Command and control services are also provided by Nicaragua. Planning and operations are guided from this headquarters where Nicaraguan officers are involved in command and control. The headquarters coordinates logistical support for the insurgents to include food, medicines, clothing, money—and most importantly—weapons and ammunition. The headquarters in Nicaragua decides on locations to be attacked and coordinates supply deliveries. The guidance flows to guerrilla units widely spread throughout El Salvador.

The pattern is clear. It continues to this day. We very much wish the government of Nicaragua would cease its efforts to repress its people and overthrow neighboring governments. We thought perhaps progress to this end was in sight. Frankly we are surprised by the Nicaraguan government's decision to expand and embitter regional conflict at this moment.

Mr. Ortega says it is because Nicaragua fears that the United States government is about to invade. But, of course, that is ridiculous. The United States government is not about to invade anyone. And we have so stated on many occasions.

It is true that once it became aware of Nicaragua's own intentions and actions, the United States government undertook overflights to safeguard our own security and that of other states who are threatened by the Sandinista government. These overflights, conducted by unarmed high-flying planes, and for the express and sole purpose of verifying reports of Nicaraguan intervention, are surely no threat to regional peace and stability. No, the threat to regional and world peace lies in the activities these photographs expose. One can understand the government of Nicaragua's preference that no such photographs exist.

The United States is frankly surprised and puzzled by Nicaragua's appeal to this Council. As most members of the Security Council understand, Mr. Ortega's contentious charges come at a time when we and others are looking for a basis on which to settle peacefully the differences of the parties involved. The government of Nicaragua has attempted to broaden and deepen the conflict. Only last week the government of Nicaragua stated a desire to negotiate but then, after two high government officials visited Cuba, called for this meeting to air baseless charges in this most public and important forum.

The United States seeks peace in Central America. We have repeatedly attempted to explore ways with the Nicaraguans in which our governments could cooperate in alleviating the tensions in the area. We have submitted proposals to the Nicaraguan government, and we have received no response. Instead, the Nicaraguan government replied—in October—as it has today—by sending Daniel Ortega to the United Nations to deliver an attack on the United States.

Assistant Secretary of State Thomas Enders went to Managua last August, to try to communicate with the leaders of the government of Nicaragua, to offer a way out of confrontation if they would restrain their military buildup and cease their support for insurgencies in neighboring countries. At that time we offered a specific agenda for discussions; we offered to consider their concerns if they would consider ours. We also agreed to restrain public rhetoric while this proposal was considered.

The response was not long in coming. On September 15, Humberto Ortega made a major speech in Managua during which he vilified the United States, and on October 5, Nicaraguan Junta Coordinator Daniel Ortega addressed the United Nations General Assembly, attacked the United States for past intervention in Central America, accused the United States of causing the world's economic problems, and attacked us laughing.

In recent weeks our Secretary of State has met with the Foreign Minister of Mexico in yet another attempt to engage the Nicaraguans in a meaningful dialogue. And how has the Nicaraguan government again responded? By again sending Mr. Ortega to the United Nations, apparently in search of a propaganda victory—and an exacerbation of conflict.

The Nicaraguan government has said it wants peace; it has stated that it wishes better relations with the United States. But, unfortunately, its actions do not match its pretentions. If the Nicaraguan government was genuinely interested in alleviating tensions, would it continue to act as a conduit for war material aimed at subverting the government of El Salvador? Would it have undertaken a campaign of systematic violence against the Indian communities on the East Coast, displacing 25,000 Indians from their ancestral homes on the pretext of a security threat from a peaceful, democratic neighbor? Would it have doubled the number of Cuban military and security advisors in the past year? Would it have continued seeking to augment its military forces and arsenal? Would it have declared a state of siege effectively neutralizing the opposition? And, most importantly, would it have continued incessantly to pour arms into El Salvador, even increasing the flow of arms, bullets, and now propaganda just when the people of El Salvador have been given an unprecedented opportunity to express their views?

Given this history we are understandably skeptical when the government of Nicaragua declares it want peace, or that it wishes better relations with the United States. How, we ask, is this professed interest in peace reconciled with Comandante Humberto Ortega, when he states that the opposition will be "hanged from the lampposts?" Or with Comandante Bavardo Arce when he tells us that the Nicaraguan government will continue to pour arms into El Salvador, no matter what we do or say?

In spite of this harsh response on the part of the government of Nicaragua, our offer to engage in a dialogue was repeated by Secretary of State Haig at the OAS General Assembly meeting in December, 1981. Secretary Haig said, "the United States has made proposals to Nicaragua to normalize relations. If Nicaragua addresses our concerns about intervention and militarization, we are prepared to address their concerns. We do not close the door to the search for proper relations." Again, the Nicaraguan government has not responded to our offer.

On February 24, 1982, President Reagan said "we seek to exclude no one [from the benefits of our Caribbean Basin Initiative]. Some, however, have turned from their American neighbors and their heritage. Let them return to the traditions and common values of this hemisphere and we would welcome them. The choice is theirs."

Finally, just a few weeks ago, the President of Mexico offered his good offices in the effort to reduce tensions between Nicaragua and the United States. We welcomed that initiative. In a press conference in New York on March 15, Secretary Haig reiterated the five points which we believe can serve as the basis for an improvement of relations between the governments of the United States and Nicaragua and which were conveyed earlier to the Nicaraguans.

A commitment to mutual non-aggression through mutual high-level reassertion of our Rio Treaty engagements.

A United States political commitment on the activities of Nicaraguan exiles in this country.

A regional undertaking by Nicaragua not to import heavy offensive weapons and to reduce the number of foreign military and security advisers to a reasonable, low level.

A proposal to the United States Congress for renewed United States aid to Nicaragua.

Action by the Nicaraguans to get out of El Salvador—to wind up the command and control, the logistics operations, including delivery of weapons and ammunition, and operation of training camps.

And now, even as representatives of the Mexican and United States governments are consulting on this initiative, the government of Nicaragua, fully aware of what is going on, has once again made a move that can only increase tensions, not reduce them.

Although we find its actions puzzling, we have not interposed any objections to the request of Nicaragua that an opportunity be

granted for their head of state to present an exposition to the Council, even though the government of Nicaragua, for whatever reasons, chose to ignore procedures well-established in both the Charter of the United Nations and the Charter of the Organization of American States. As members of this Council know, Article 52 of the United Nations Charter encourages efforts to achieve the peaceful settlement of disputes through regional arrangements and gives priority to them. Article 23 of the OAS Charter specifically singles out the role of the OAS in settling regional disputes before such disputes are referred to the Security Council.

The government of Nicaragua should be among the first to recall the existence under the OAS of the 17th meeting of Foreign Ministers which dealt in 1978 and 1979 with events in Central America threatening to the peace of the region. Indeed, in 1979, the Nicaraguan Government of National Reconstruction termed the resolution of the 17th meeting of Foreign Ministers as "historic in every respect." That meeting was never terminated. The question of Central America remains before the OAS. Just yesterday, in the Permanent Council of the OAS, the Foreign Minister of Honduras made serious proposals for efforts to bring peace to Central America.

The Organization of American States, thus, not only has jurisdiction of this matter in accordance with the provisions of the United Nations and OAS Charters, it is also formally seized of the matter. It is clear that the OAS is the appropriate and primary forum for consideration of the matters addressed by Nicaragua.

We appeal once again to the government of Nicaragua to join with us and other neighboring governments in resolving differences, ending interventions, living in peace in this hemisphere.

STATEMENT BY AMBASSADOR JEANE J. KIRKPATRICK, MARCH 26, 1982

By way of reply, I should like to begin by thanking the various members of the United Nations who have spoken today in support of the principles of national self-determination, national independence, strict respect for territorial integrity, the principles of non-intervention in the affairs of other states. Those are principles which are very dear to my country and which the United States in its foreign affairs does its very best to honor in a serious and consistent fashion.

I should like also to express the United States' sincere agreement with the principles of International Law which were cited by the distinguished representative of Guyana and various other speakers today, particularly with reference to the use of force and threats of force in the affairs of nations. The United States is very profoundly committed to the principles of non-use of force in international affairs and committed also to following and abiding by the principles of the Charter of the United Nations concerning the use and non-use of force.

I should also like to express the solidarity of the United States with all those people who hope for change, for democracy and developoment in Central America.

I cannot forbear noting that there have been some rather odd disjunctions between some aspects of political reality and political symbolism today. I find it interesting, as an observer of political affairs as well as a representative of my country, to hear the government of Vietnam speaking with such conviction about the principle of respect for national independence. I trust that members of the United Nations would all agree that respect for the principle of national independence should apply in Kampuchea as well as in the rest of our countries. Similarly I found it interesting yesterday to listen to the representative of Angola pay homage to the principle of respect for national independence since Angola is a nation, of course, whose national independence is in some sense subject to the will of thirty thousand, twenty five thousand, twenty thousand, however many thousand foreign troops who occupy that land with the consent of that government which is here invoking the principle of national independence.

I find it, I suppose, particularly interesting to listen to the representative of the government of Cuba commenting on peaceful affairs in this hemisphere and respect for the principles of national independence and non-intervention. Cuba is a very strange nation which today, as members of this Council know, maintains some 40 thousand soldiers in Africa alone where those troops dominate two countries, doing for the Soviet Union there what the Ghurka mercenaries did for 19th Century England. In Central America, Cuba is attempting to export aggression, subvert established governments and intervene in a most persistent and massive fashion in the internal affairs of more than one nation in that region. In Nicaragua alone it maintains no less than 1,800 to two thousand security and military personnel. In other words, as Assistant Secretary Thomas Enders noted yesterday in his testimony before the Congress of the United States, "Cuba is a would-be foreign policy giant superimposed on an economic pigmy whose peoples have had to sacrifice all hope for a rising standard of living in order to gain advantages in foreign affairs." Those advantages are largely purchased for it by some three billion dollars annual economic aid from the Soviet Union and a great deal more military aid of course. My country naturally welcomes any move of the government of Cuba toward greater concern for economic development and well-being of its people.

Finally, commenting on the use of language and the realities of politics, it occurred to me that members of the Council might be interested in a recent article concerning Sandino and Sandinismo in Nicaragua, since we are discussing here the letter of the Coordinator of the Nicaraguan junta. A prestigious writer, Pablo Joaquin Chomorro y Cardinale, was assassinated in the final days of the Somoza regime, as you perhaps know. His death was a precipitating factor in the successful revolt against the Somoza regime leading eventually to the installation of the current junta in Nicaragua. Pablo Joaquin Chomorro was a very highly respected writer whose name is from time to time invoked by the leaders of the revolution but not as often as that of Sandino. And he was, of course, the editor and publisher of La Prensa, the last remaining independent newspaper in Nicaragua—which may or may not have been permitted to publish today. Chomorro wrote:

"Sandino should be exalted precisely as a contrast to the Communists who obey signals from Russia and China. Sandino fought against the United States Marines but he did not bring Russian Cossacks to Nicaragua as Fidel Castro did in Cuba. There is a great difference between the Communist Fidel Castro who in his false battle for the independence of his country has filled it with Russian rockets, soldiers, planes and even canned goods, and a Sandino who defended the sovereignty of his ground with homemade bombs but without accepting the patronage of another power. For this reason, Sandino was great because he was not handed over to Communist treason as Castro but fought within an Indo-Hispanic limit. Naturally the Communists who attacked and slandered Sandino when he was in the mountains now try to use him because they have no moral people to restrain them. Sandino was a pure product of our time, very different from the products exported by Russia or China and as such we must exalt and preserve his memory. The value of his exploits is a Nicaraguan value, not Soviet, and his nationalism is indigenous not Russian. Sandino is a monument to the dignity of our country and we must not permit the Communists with whom he never communed to besmirch his memory in order to use his prestige and to succeed, someday, on the pretext that they are fighting imperialism in delivering over our land to Russia as Castro did with Cuba."

I would finally like simply to mention that there has been a good deal of talk of change in Central America today and there has been a good deal of invocation of hope for change for the people of Central America. The government of the United States hopes very much for change in Central America; we hope it will be as peaceable as possible and bought at as low a price to the people of Central America as possible. An example of peaceable change may be observed this very weekend in El Salvador where free elections with a free press, free assembly, with competition among parties and candidates will take place. The risks of free election are, as every office holder knows, very great. When a government risks a free election it risks being defeated. It takes a very brave government who is more committed to freedom and democracy than to retaining power to run such a risk. My government congratulates the government of El Salvador for being willing to risk its power for the sake of freedom.●

SOVIET ANTI-ZIONIST PROPAGANDA INCREASES

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BARNES. Mr. Speaker, when we learned that the Vashchenkos had actually left the Soviet Union, we accepted the good news and perceived their release as a step toward an easing of restrictions on Soviet emigration, as well as a genuine gesture on the part of the Soviet Government. I hope that the Chymkhalovs will also soon be leaving.

Today, however, I was dismayed to read on the front page of the Washington Post about the recent publication of the "Class Essence of Zionism," an anti-Semitic book, which is yet another tactic the Soviets are using in their propaganda campaign against their Jewish citizens.

As the Post reports, the book, reviewed favorably in the official Soviet press, charges, among other things,

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that Zionists collaborated with Nazis in World War II to exterminate Jews who were not Zionists. This obvious lie is part of the recent wave of increased official anti-Semitism in the Soviet Union that has resulted in a sharp decrease in the number of Jews allowed to emigrate from the Soviet Union. Only 421 Jews have been allowed to leave so far this year, a small percentage of the number who emigrated in past years.

The Soviet Government, by encouraging the dissemination of this book, is condoning a distorted and false picture of history. The Soviet Government is acting in a blatantly discriminatory way, against internationally recognized human rights standards.

I want to recommend that my colleagues read the following Washington Post article, which describes the contents of the book:

[From the Washington Post, June 30, 1983]

Soviet Book Assails Jews

(By Dusko Doder)

Moscow, June 29.—The recent publication here of a blatantly anti-Semitic book—charging, for example, that Zionists collaborated with the Nazis in the mass executions of the Holocaust—coincides with a fierce anti-Zionist and anti-Israeli propaganda drive designed to discourage Jewish emigration from the Soviet Union.

The book, which has been warmly reviewed in the official Communist press, comes after a Kremlin decision last fall to practically close off the Jewish exodus to Israel. According to figures compiled by western organizations, Jewish emigration from the Soviet Union dropped from a high of more than 51,000 in 1979 to 2,688 last year. In the first four months of this year only 421 Jews are known to have been allowed to emigrate.

In his preface to "The Class Essence of Zionism," Lev Korneev, who has a doctorate in history and is regarded as an expert on Zionism, recalls themes reminiscent of some of the most bitter periods of anti-Semitic sentiment of the Stalinist era, asserting that Jews in ancient times were involved in commerce and that "profit was their ideology."

This phrase provides the key to the understanding of the book, in which Korneev uses Marxist terminology of class struggle for a savage attack on the "Jewish bourgeoisie" in the Soviet Union and elsewhere.

Korneev claims that Jewish bankers and industrialists financed the mad monk Rasputin in an effort to influence the last czar, Nicholas II. He gives examples of Jews in other countries achieving prominence and occupying influential positions.

Jews everywhere, Korneev writes, are citizens of a Jewish nation, and that "automatically puts Jews in the role of a fifth column in any country"—a "double loyalty" that is exploited by imperialists, Jewish elites and Israeli secret service agencies.

Korneev's book and the accompanying anti-Zionist drive have pressed home this common theme of singling out the Jewish community as a people with "dual loyalties." Such a climate is widely viewed as being designed to make it more difficult for Jews to assert their Jewishness and demand the right to emigrate to Israel.

How many of the 2 million Soviet citizens of Jewish background would like to emigrate is not known. For the past eight months, Soviet officials have insisted that most Jews who wanted to leave already have and that Jewish emigration has come to an end.

That argument was advanced recently by officials of an anti-Zionist committee set up in April to wage a propaganda war against Zionists and discourage Jews from applying to emigrate. There is currently a drive, reflected in letters to newspapers, to establish a committee to combat Zionism in Moscow.

The reason for the curtailment of Jewish emigration is believed to be the Kremlin's assessment that it was losing too many trained specialists while gaining nothing in return.

One aspect of the campaign is reflected in numerous articles claiming that Jewish emigres lead a desolate life in Israel and in the West and in accounts about would-be emigrants who changed their minds and decided to stay in the Soviet Union.

Historically, Russian Jewry has been subjected to various forms of repression, including forcible conversion, occupational and geographic restrictions, and persistent attempts to "denationalize" Jewish culture.

While some czars such as Alexander I were relatively tolerant, others were fanatically anti-Semitic, notably Alexander III, under whose regime major pogroms were carried out.

Lenin, the founder of the Soviet state, opposed any form of anti-Semitism. His successor, Josef Stalin, disliked the Jews, and he established an "autonomous region" for them in Birobidzhan in the Soviet Far East. Toward the end of his life, Stalin was on the verge of launching an anti-Semitic campaign with the so-called "doctors' plot," an allegation that Jewish physicians were planning to poison him.

In recent years, anti-Semitism has been more subdued, despite Moscow's major anti-Zionist drive after the 1967 Arab-Israeli war. The distinctions between anti-Zionism and anti-Semitism, although blurred, were nevertheless observed.

"The Class Essence of Zionism," published here this spring, attempts to eliminate distinctions between anti-Zionism and anti-Semitism.

Its publication raises the question of how such a work that violates the Kremlin's stated policy toward nationalities and ethnic groups could have been published. But the fact that the book has received favorable reviews in the official press, including the government newspapers Izvestia and Sovietskaya Kultura, is indicative of the current climate created at least in part by the authorities.

Izvestia said the book would be received with "great interest" by the general reading public. Sovetskaya Kultura, an organ of the Central Committee, said the author's research was "interesting and convincing," and it praised him for writing a "necessary and courageous" volume.

In newspaper articles in recent months, including one in Pionerskaya Pravda, a national newspaper for school children, Korneev has charged that Zionists are trying to turn all Jewish citizens into "traitors."

His articles also assert that all profits from the sales of Levi jeans are channeled directly to "Zionist militarists." He has charged that because the state uses its money for military purposes.

His book is a more ambitious attempt to substantiate this line of thinking. He goes systematically through Jewish history and religion purportedly examining Zionism in its social, economic and political context.

The Jews themselves, Korneev writes, are to be blamed for anti-Semitism. The reason for this allegedly rests on the exploitation of gentile population by wealthy Jews all over the world rather than on racial or religious grounds.

However, the latter play a secondary role in the emergence of anti-Semitism, Korneev writes. He advances the argument that Russian anti-Semitism dates back to the Mongol period, when Genghis Khan and his successors ruled what is now the Soviet Union and allegedly used Jews as tax collectors, a task that the Jews carried out "ruthlessly," he adds.

He charges that pogroms of Jews in czarist Russia and the Ukraine frequently were started by the Jews themselves because "the Zionists wanted to have people emigrate to Palestine."

Korneev argues that "from the very beginning" of the Soviet state, international Zionism sought to undermine socialism, collaborating with anti-Soviet counterrevolutionary leaders.

He then claims that Jewish and Zionist organizations took part in the mass execution of Jews during World War II. The Zionist leadership, he charges, participated in the extermination of hundreds of thousands of non-Zionists and helped Hitler seize power in Germany.

"If it had not been for the Zionist-Nazi alliance, the number of victims, including Jewish victims in World War II, would have been smaller," he writes.

The book, published in an edition of 10,000 copies by Kiev publishing house, has created a controversy among Soviet intellectuals.

At a recent press conference with the newly formed Soviet Anti-Zionist Committee, the question of Korneev's book was raised by western journalists, who asked how the committee regarded the book. The committee's deputy chairman, Samuel Zivs, a law professor, refused to discuss the book and asserted that the Soviet government is against any form of nationalism and anti-Semitism.

Another committee member, Yuri Kolenshnikov, said, however: "This committee in the future will fight against wild and wrong accusations in books which have been written by a few authors and unfortunately have been permitted to be published."●

NASA's VIP LIST

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. STUMP. Mr. Speaker, the planned landing site of the Space Shuttle was not the only aspect of this recent and historic mission to be overcast by dark clouds.

I would like to enter in the Record and bring to the attention of my colleagues and the American people the following article from the Arizona Republic regarding VIP's at the shuttle launch.

The Other Jane Fonda

Millions of fawning Americans have lionized actress Jane Fonda by buying her diet and exercise book, thereby adding to her

considerable wealth and making her a best-selling author.

There is another Jane Fonda, however, one that she might want to forget, but one whom others cannot forget.

Fonda was the darling of extreme left wing groups who took her anti-American venom deep into the enemy camp in North Vietnam during the war, and willingly consorted with communists to aid and abet their propaganda, even as American prisoners of war were rotting and being tortured in nearby camps.

Arizona Rep. John McCain is one whom will never forget.

McCain, a third generation naval hero, was a prisoner of the North Vietnamese [his Navy jet having been shot down while on a mission] when Fonda arrived in Hanoi for a visit with her communist hosts.

McCain refused to meet with Fonda when she was in Hanoi with the communist hosts, and thereby contribute to the communist propaganda triumph.

For refusing to share the spotlight with Fonda, McCain's captors broke both of his arms.

McCain has now written the National Aeronautics and Space Administration, protesting NASA's decision to "showcase" Fonda and her husband, radical Tom Hayden, as Very Important Persons at last Saturday's launching of the space shuttle *Challenger*.

McCain does not argue the right of Fonda and Hayden to attend the space launching.

But he correctly questions the judgment of NASA in honoring Fonda and Hayden, given her record as a willing and unapologetic propagandist for a wartime enemy.

McCain will always carry a deformed arm as a result of Fonda's visit to North Vietnam.

As for Fonda, she merely has become more famous and immensely wealthier.●

WATT'S ACTIONS DO NOT MIX WITH HIS WORDS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. VENTO. Mr. Speaker, faced with one of the most dismal public opinion ratings ever recorded by a public official, Secretary of the Interior James Watt has been on the stump in an effort to make known the "truths" of the program he has been carrying out at the Department of the Interior. Unfortunately, the "truths" he is attempting to spread in numerous public speeches and media interviews are more fiction than fact.

As a member of the Interior and Insular Affairs Committee, I have had many opportunities to view and take part in a Secretary Watt performance. Make no mistake, his public statements and testimony are a performance, carefully crafted and delivered to focus on a particular view, regardless of the public record.

Even a polished performance has not been able to protect Secretary Watt from the numerous public statements he has made and positions he has taken that have created a public furor and rejection of his work as Secretary of the Interior. What has evolved from this litany of public statements and positions that have been repulsed by the public is a siege mentality at the Department of the Interior in which the Secretary cried foul and claimed he had not been able to present his care to the public.

The Secretary has since undertaken one of the most ambitious travel itineraries of any cabinet member, making himself available for speeches and interviews all over the United States. Instead of clearing up the record through these numerous public speeches and interviews, the Secretary has only served to muddy the waters further, and is attempting to create a false impression to the public as to just what the Secretary has and has not done during his tenure at the Department of the Interior.

The attached article from the Cleveland Plain Dealer illustrates point for point the misstatements the Secretary has been foisting on the public in an effort to counter his poor public standing. I commend the article to the attention of my colleagues so that they may have a better understanding of the real thrust of Secretary Watt's policies at the Department of the Interior.

The article follows:

[From the Cleveland Plain Dealer, June 9, 1983]

Secretary Jim Watt—His Truth Crusade Is a Heap of Falsehoods

(By Bill Strall)

Washington.—Secretary of Interior James G. Watt has persistently employed false statements and half-truths in his crusade to spread the "truth" about his stewardship of public lands and natural resources.

Watt made at least half a dozen factual errors in just one 30-minute CBS television interview program March 27.

On this show and in other forums, Watt tenaciously has brushed aside attempts to debate his figures and statements.

On CBS, on other broadcasts and in official Interior Department statements:

Watt claimed he had not imposed a moratorium on the purchase of new national parklands.

He did impose a moratorium.

Watt denied he ever supported the idea of exploring for oil and gas in wilderness areas.

He did support it.

Watt took credit for boosting historic preservation in America.

Soon after taking office, Watt canceled a longstanding Interior program of aid for historic preservation.

Watt declared there is no truth to reports he considered selling some national park system lands.

Watt is on the record saying the country has acquired too much parkland and that the ideas of disposing of some of it would be considered.

Watt boasted that Congress has supported him on all issues.

Congress repeatedly has rejected Watt proposals.

Watt's office declined a request for an interview. The Interior Department office of public affairs, however, provided written responses on specific points. In general, they acknowledged Watt's comments as a matter of record and sought to explain the statements within the context Watt intended.

For instance, on wilderness areas, the department said: "The secretary's remarks as quoted in the draft article are a matter of record. They do not however, reflect the whole story."

The issues of Watt's "truth" campaign, however, go beyond details of complex federal programs. The misstatements made on CBS March 27, and elsewhere, involve basic national policy. Those statements go to the heart of Watt's programs to encourage development of the nation's public lands and to halt the parkland and wilderness expansion.

In this campaign, Watt has given Americans an inaccurate picture of the state of the nation's parklands and resources upon taking office in 1981 and of actions he has taken since. At times, he has told Congress, and even the president, one thing and then gone on television to tell the American people something else.

Watt has been at odds with his own words. He now denies statements he made. He disclaims actions he took or tried to take.

Complaining that "I can't get the full truth out," Watt has made the rounds of the interview programs in an effort to shore up the credibility of the Reagan administration's record on the environment.

To Watt's critics, some of his comments are so sweepingly erroneous, they do not seem to be worth challenging. However, using charts, citing his own statistics and by being better prepared than his questioners, Watt may have come across to uninformed viewers as effective and credible.

For instance, Watt declared on CBS' "Face the Nation" that "we have gone forward with the full support of the Congress."

Instances of congressional opposition riddle the pages of the Congressional Record. One case was Watt's major initial proposal to change current law so he could use money from the Land and Water Conservation Fund for national park maintenance, repair and construction. The law now limits most of those funds to purchase of park and recreation lands. Congress has repeatedly refused to change it.

In another key Watt program, Watt boasted that "not one congressman has cast one vote at any time against" his sweeping five-year program for leasing outer continental shelf lands for oil and gas exploration and drilling. He is right, technically—because no vote was ever taken. The law provides that such plans go into effect automatically unless Congress specifically votes to reject them during a 60-day review period. Members of Congress are on record as voting against specific lease sales contained in the plan.

Watt insisted on "Face the Nation" that he had not imposed a moratorium on acquisition of new lands for the national park system. "That's obviously not the truth," Watt told moderator George Herman when Herman said he had read about the moratorium.

"No. I've tried to correct that three times on this program," Watt added later when asked about park acquisitions. "Let me say it once more. That is simply not true. We've asked for money every year to acquire additional parklands. Every year."

This contradicts what Watt has done and what he had told Congress and President Reagan over the past two years:

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In a report to Reagan early this year. Watt said: "Beginning in 1981, we instituted a moratoriun on adding new units to the park system until needed work in existing parks can be accomplished."

In a statement to the Senate Energy Committee Feb. 24, 1981, Watt said, "At this time, we are proposing a moratorium on new federal land acquisition. This would save nearly $400 million over the next 19 months. We would limit funding during this period to court awards and a limited number of emergency purchases . . ."

And an Interior Department press release on May 7, 1981, said: "Watt said he had placed a moratorium on newly acquisitioned land by the Interior Department as part of major redirection of the parks program.

(In its response, the Interior's office of public affairs said: "There is no moratorium and has been none since June 1981. Watt opposes establishment of new parks, with special exceptions like the Harry Truman home, during this period of tight budgets, but he does not oppose necessary acquisitions of land for existing parks.")

The Interior Department budget has contained funds for purchase of lands for addition to the national park system.

Most of the $240.4 million appropriated in 1982 and 1983 and proposed for fiscal 1984, however, has been mandated by the courts to pay for land acquired or condemned before Reagan and Watt took office.

Watt's 1984 budget for the National Park Service asks $54.7 million for acquisition of parklands. All but $1.4 million of that total—$53.3 million—is budgeted in expectation that Interior will have to pay the money under court order.

No money is budgeted to buy hundreds of thousands of acres of new national park lands authorized by Congress in recent years.

Watt's comments on land acquisition constitute a turnabout on that subject. On "Meet the Press" in January, he lauded the Carter record of cutting back on land purchases, adding, "We've cut it since we have been there. We think that was a good Carter decision." On CBS in March, he decried the Carter reductions and said, "We have sought to restore that."

Watt's arguments are valid in the sense that he has increased spending on facilities such as water and sewage systems and roads in the parks, but the overall Carter budget for park operations, maintenance and construction did not decline in the precipitous fashion Watt claims.

His figures look impressive in part because the 1983 and 1984 budgets include $175 million in highway and road construction funds that come out of the new 5-cent-a-gallon gasoline tax for roads.

The budget increases for which Watt can take credit have little to do with the impression Watt has fostered that the natural resources of the parks themselves have deteriorated and are being rescued by him.

The Carter budget for park operation and maintenance but not construction, increased from $426.1 million in 1977 to $502.4 million in 1981, the year Reagan took office. In 1983, Reagan asked for $539.7 million and Congress appropriated $564.5 million.

Watt failed to tell the full story of another critical Interior issue: whether oil, gas and mineral development should be allowed in wilderness areas.

On "Face the Nation," Watt insisted he always opposed any such activities.

And on the "Larry King Show," Watt said: "Never have we proposed that we would drill or mine the national parks or the wilderness . . . It's the law and we never would have proposed it in the first place."

But on April 22, 1981, Watt told a meeting with the Los Angeles Times' Washington bureau: "Congress has allowed exploratory drilling and mineral activity in wilderness areas. So I'm not changing anything there. That law Congress put into being in 1964 and I think it's right."

And Watt acknowledged, in a March 9, 1982, address to the Izaak Walton League in Des Moines, that the department had granted oil exploration leases on wilderness areas, as had his predecessors.

(Interior responded that Watt voluntarily pledged in early 1982 not to issue any leases in wilderness areas through the end of Congress' 1982 session so lawmakers could consider changes. In February 1982, he proposed a law that would ban all drilling in wilderness areas until the year 2000 unless the president declared a national emergency. The proposal has not gotten out of committee. "This chronology clearly shows that the secretary had indeed been seeking to amend the law to ban leasing in wilderness when he made the 1982-83 statements," Interior said.)

Other Watt statements and the record:

Sell parks: "There's no truth to that at all. There's never been a proposal that we would sell any parkland." ("Face the Nation.")

In a meeting with reporters Feb. 19, 1981, Watt was asked if he was looking to reduce the amount of national parklands. "We're looking at the options. We're open to a lot of ideas. In my judgment, some of the areas in the National Park Service system are not of the significance that deserve the national protection and the commitment of tax dollars."

Offshore oil: Watt said his new five-year plan reversed the "erratic and unpredictable" leasing schedule of his predecessor, Democrat Cecil Andrus. (Statement to House Interior Committee, Jan. 26, 1983.)

The plan was adopted by Andrus before Watt took office. Watt altered it to accelerate the schedule of sales and increase' the acreage available to industry.

"For the first time, seven OCS sales were held in one year." (Watt press release, Jan. 11, 1982.)

Alaskan oil: "We leased onshore resources in Alaska for the first time in 15 years." (Letter to Reagan, Jan. 20, 1983.)

Leasing in the National Petroleum Reserve-Alaska was banned by Congress until 1981. The ban was lifted by Congress at the request of President Carter.

Coal: "There has not been a prohibition against coal leasing in any state at any time . . . You'll see that we have leased more acres than did the Carter administration for coal." ("Face the Nation.")

Watt may have meant a prohibition during his term, but did not say that. The Nixon administration imposed a coal leasing moratorium on all federal lands in 1971. The moratorium was in force until Dec. 20, 1980, when Andrus called for the first lease sale in nearly a decade.

Mining: "The facts are that under our new program, there are more inspectors to enforce reclamation of mined lands than ever in the history of the program." ("Face the Nation.")

Watt did not say so, but he was talking about a total of state and federal inspectors. Watt's own chart showed that the number of federal inspectors was cut from 180 to 69 under him.

Mining rules: Asked if he had proposed changes in the rules governing strip mining, Watt said, "Absolutely not." ("Face the Nation.")

In January, he told Congress that "by the end of February, we will have rewritten 91% of all of the Office of Surface Mining's regulations."

Hunters, fishermen: Watt said, "We're for hunters and fishermen . . . I'm a hunter. Boy, and I champion hunting causes. So the people that hunt and fish, they think Jim Watt's the greatest." ("Larry King Show.")

The 4.5-million National Wildlife Federation composed primarily of hunters and fishermen, called for Watt's resignation. NWF Executive Vice President Jay D. Hair told Reagan that "the overwhelming majority are opposed to policies Mr. Watt has adopted or advocated."

Environment: ". . . We have accomplished these initiatives with more stringent environmental protection stipulations at all phases of the leasing process than any previous administration imposed." (Letter to Reagan, Jan. 20, 1983.)

On March 28, 1983, U.S. District Judge A. David Mazonne of Boston halted a Watt-proposed offshore lease sale in the Georges Bank off the Massachusetts coast. The judge said the sale might have violated four different federal environmental protection laws.

(Interior responded that the ruling would be appealed. Such rulings have been made in the past only to be overturned and the lease sales permitted.)

Clean air, water: "I could not conceive, Bob (Robert Novak, the show's co-host), that this administration would have to contend with a cantankerous Congress that would allow the Clean Air Act, the Clean Water Act, the Toxic Waste Dump Act—I think that's what it's called—and the Safe Drinking Water Act to expire during the last Congress. What did the Congress do? They voted themselves a raise, but did not address those pieces of legislation." (Evans-Novak program.)

Congress addressed all those programs during 1982. None of the laws expired. They continue in force until Congress passes new legislation.

(Interior responded: "Certainly these problems were addressed by the Congress to the extent that legislation was introduced. However, they were not 'addressed' to the extent that legislation was enacted to provide long-term solutions to the problems. The Congress was evidently unwilling to devote the attention and energy needed to resolve these issues.")●

REPORT ON EL SALVADOR TRIP

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 1983

● Mr. McGRATH. Mr. Speaker, I want to commend my colleague, TOM HARTNETT, for taking this special order to give Members who visited El Salvador 2 weeks ago the opportunity to discuss their observations. Nothing is more important to the American people and Members of this body than a realistic discussion of conditions in El Salvador and the options which are

available to the U.S. Government in dealing with this situation.

In the past, I have been highly critical of what I have seen in El Salvador, and I remain deeply concerned about the bloodshed—bloodshed which has been caused by both the leftist guerrillas, government military and paramilitary forces. Further, I remain concerned that the Salvadoran system of justice has been so slow to act with respect to the murders of the four American churchwomen slain in El Salvador nearly 3 years ago.

My 4 days in El Salvador have by no means made me an expert on that country and its deep problems. But I came back with a better understanding of what the Magana government is up against and a better appreciation for why continued U.S. assistance is needed.

The problems facing El Salvador today have roots several hundred years old. Solving those problems and ending a pattern of violence which has existed for scores of years is not an easy process. Difficult as the process would be under the best of circumstances, it is made more difficult by an armed insurrection, financed heavily by outside interests, which is aimed primarily at the destruction of the economic and public infrastructure of El Salvador.

But progress is being made. It is slow by our standards, but it is real and significant. On the human rights front, senseless violence continues on both sides. But two items are significant. First, a human rights commission has been established and is chaired by Monsignor Fredy Delagado and composed of seven members representing all sectors of Salvadoran society. Second, the human rights record of Salvadoran combat regiments trained in the United States has been exemplary, and stands in marked contrast to some of the reports of atrocities by other government troops.

In the area of land reform, progress is clear. At the end of May, some 51,000 farmers had filed for land under phase III of the land reform program, which allows former renters and sharecroppers to claim land they have previously worked. A total of 198,000 acres, or 5.5 percent of the country's farmland has been claimed. Including family members, approximately 300,000 rural people now benefit from secure tenure to the land they till. Under all aspects of the land reform program, 21 percent of the arable land in El Salvador has been redistributed.

Unfortunately, in the realm of judiciary reform, less progress is being made. By no means can the Salvadoran judiciary be considered honest and independent. Bribery of judges is still very much in evidence, and threats to judges and their families is in many ways a national pastime. I do sense that national leaders in El Salvador want very much to improve their judicial process, but even under the best of circumstances the Salvadoran judicial code is different from our own, and as slow as our court system is, the Salvadoran system is even slower. Nonetheless I sincerely hope that the accused murderers of the American churchwomen will be brought to justice before the summer is out. I hope, as a member of the Human Rights Commission told me, that the Salvadoran Government "means business" in this case.

A few words must be said about the electoral process. As everyone knows, the Salvadoran elections of 1982 were highly successful and remarkably free of irregularities. El Salvador has scheduled new elections for December of this year. A quasi-independent "Peace Commission" established earlier this year has announced an amnesty program for guerrilla members who are willing to pursue their goals through the electoral process. Many Salvadorans have already taken advantage of the amnesty offer, and shortly before we arrived in El Salvador, 500 of the 700 political prisoners held in Salvadoran jails were released. It seems to me that political reconciliation must be advanced through democratic processes, and those parties who are truly interested in the long-term welfare of the people whose interests they claim to represent should be willing to "put up or shut up." A million and a half Salvadorans voted with ballots not bullets in March 1982. They deserve the right to make that choice again.

Very few individuals oppose the economic assistance we have been giving to El Salvador. But I am firmly convinced that the economic aid we give to El Salvador would be wasted if we did not give the Salvadoran Government the bare minimum it needs to maintain its stability—and we are talking about a bare minimum of assistance. U.S. military assistance to El Salvador is supported not only by Government leaders in that country but by leaders of the Catholic Church in that country as well. The church officials I spoke with told me that an aid cut off would be disastrous. They echoed in large measure an editorial comment in the official Catholic Church newspaper, Orientation, which stated in part:

> Although we admit that El Salvador has not advanced as far as necessary with respect to human rights, we believe that it would be unjust to abandon us to our own fate only to fall unavoidably into the hands of those who give no sign of respecting such rights.

Human rights, democracy, and reform in El Salvador should be the goals of the United States. But we do not enhance the opportunity for these ideas to flourish unless we are willing to give the Salvadoran Government the reasonable opportunity to survive. The democratic processes which we take as second nature are not firmly rooted in Salvadoran society. They will never take root if we are going to abandon the Salvadoran people who believe in them.

There must be no mistaking the fact that the United States has direct national and security interests in El Salvador, and indeed in all of Central America. I will just cite three.

If some people are pained at the plight of boat people fleeing Vietnam and Cambodia, they will be terrified at the thought of 10 million or more people surging northward out of Central America. There are upward of 10 million illegal aliens in this country already, and 500,000 Salvadorans now living here. How will 10 million more be absorbed into our society without causing a substantial drain on the resources of our States and cities and a loss of jobs in an already tight job market?

Second, we must remember that El Salvador is not like Vietnam in that it is on our doorstep. A series of Communist takeovers in Central America would be a threat to the Panama Canal; a threat to Mexico; and a threat to the sealanes through which 50 percent of our trade passes.

Third, what does it do to our long-term credibility if we simply wash our hands and walk away from this vital area? Recent history is replete with examples of failed U.S. commitments to our allies. Those people who have traditionally looked to the United States for leadership will have yet another reason to rely on someone else.

But in the final analysis, we do not even have to look at this issue in terms of our own national interest. We need look no further than the perspective of the Salvadoran people. Whatever the negative effects a cut off of military aid would have on our own interests, the impact on the people of El Salvador would be infinitely worse.●

DEFER EFFECTIVE DATE OF RULE CHANGES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. RODINO. Mr. Speaker, today I am introducing a bill to defer the effective date of proposed amendments to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. These rules govern cases in Federal courts.

The proposed amendments were submitted by the Supreme Court to Congress on April 28, 1983, pursuant to provisions of law known as the Rules Enabling Acts. The acts authorize the

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Court to propose amendments to existing rules of "practice and procedure" by transmitting them to Congress after the start of a regular session, but no later than May 1. The amendments take effect 90 days after transmittal, unless Congress acts to the contrary. The purpose of the 90-day delay is to provide Congress with an opportunity to review the proposals.

The proposals transmitted last April 28 have stimulated a significant amount of controversy. The Committee on the Judiciary, which I chair, has received requests from members of the bench and bar, and from the academic community, to delay or disapprove the proposed rule changes. There have been a number of law review articles written that raise significant questions about specific aspects of the changes, as well as about the overall thrust of the changes.

The proposals to alter the Federal Rules of Civil Procedure, according to the Advisory Committee notes explaining the proposals, are intended to cure perceived abuses in the discovery process; though there is dispute about the extent of any alleged abuse. Accordingly, the proposals to change rule 11 impose upon attorneys the additional burden of certifying the "reasonableness" of the discovery device employed, "given the needs of the case * * * and the importance of the issues at stake in the litigation." In addition, under proposed changes to rule 16, the trial court would be required, within 120 days of the filing of the complaint, to issue a scheduling order that limits the time for the filing of motions and the completion of discovery and other matters. The judge, prior to trial could eliminate "frivolous" claims and evidence and impose sanctions, including attorneys fees—to be paid by a party, the attorney or both—for failure to abide by the scheduling order. Moreover, the proposed amendment to rule 26 would authorize the judge to limit discovery and require the judge to impose sanctions for failure to comply with the certification requirement.

These proposals would undoubtedly alter the character of the relationship between the litigants and the court in civil actions. Under the present rules, and consistent with our adversarial system of justice, the judge's role is that of impartial arbiter, and it is primarily up to the litigants to control the manner in which the litigation proceeds. The proposals shift the burden to the courts to process the cases expeditiously. Judges, practitioners, and scholars have suggested that the proposals place too much unchecked power in the hands of the judges and do little to enhance the efficiency of the courts. They voice concern that scarce judicial resources will be diverted to managerial tasks and, at the same time, that the new provisions will stimulate new cases and further divert the attention of the judges.

Similarily, the proposals to change the Federal Rules of Criminal Procedure will have a significant impact on the disposition of criminal cases in Federal courts. The proposals affect various aspects of the criminal justice process. For example, the proposed change in rule 23(b) would permit a verdict by a jury of 11 when 1 juror is justifiably excused after the jury has begun deliberating on the verdict. Critics of the proposed change argue that relaxing the longstanding 12 member jury rule will foster pressure to remove a recalcitrant juror and thereby interfere with the traditional, unanimous verdict.

The proposals would amend rule 11, which sets forth specific procedures for accepting a plea of guilty or nolo contendere, by adding a harmless error rule that permits a court to disregard any deviations from the specified procedures unless the deviation affects substantial rights. In 1975, Congress redrafted the rule to insure that a defendant pleading guilty or nolo contendere is fully aware of the consequences of his or her decision. The record of the proceeding enables an appellate court to assess the voluntariness of plea and thereby protects against groundless attacks on the plea proceeding by disgruntled defendants. Critics argue that the new section will thwart the purpose of rule 11 by allowing courts to accept pleas even though, as disclosed by the record, the defendant has not been fully informed about the consequences of the plea as specified in the rule.

Another proposal would permit a court to extend the life of a grand jury—now 18 months—by 6 months upon a finding that the "extension is in the public interest." Congress addressed the issue of the proper length of the term of a grand jury in 1970. Congress determined then that a court could extend the life of the grand jury but only under well-defined circumstances. The proposed amendment permits the extension arguably for any reason. Critics suggest that, aside from encouraging sloppy work by prosecutors, this provision enables the Government to wield even more than the considerable power it already has by enlarging the time within which one may be incarcerated for contempt. They suggest such a change is unnecessary in light of the few cases in which an extension may be appropriate and the court's current power to convene a special grand jury.

I have mentioned only some of the changes. The package of materials contains others, many of which have produced letters of concern and requests for delay.

The purpose of my bill is to defer the effective date of the amendments so that we can take a close look at them. The critics of the proposed changes include: Federal judges, bar associations, law professors, lawyers in private practice, and public defender associations. Some of the critics have questioned the wisdom of the specific amendments; some have questioned the power of the court under the Rules Enabling Acts to promulgate rules that affect the substance of litigation; and some have even questioned the constitutionality of various proposals. It may be that the opponents of the specific changes are sounding unnecessary alarms, but it would be an abdication of our responsibility under the Rules Enabling Acts to ignore these alarms.

I do not have the answers to the questions raised by the critics. The questions, however, are important ones which the Congress should have an opportunity to debate. The Enabling Acts provide 90 days within which Congress must act if it is to partake in the rulemaking process. This time period does not permit a detailed examination and resolution of the questions. My legislation will give Congress the time it needs to do that job. Accordingly, I urge my colleagues to support this bill to defer the effective date of the rules changes.●

CHILD HIGHWAY SAFETY

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. GORE. Mr. Speaker, today I rise to introduce a bill to improve child highway safety. Over the last three decades we have seen the death rate for preschool children decline by 53 percent. Virtually all of this decline resulted from a 62-percent reduction in death rates for medical illness. In contrast, the combined rate of child pedestrian and child passenger deaths remained unchanged. Highway death is the only major cause of death for these children that has not declined. In fact today it is the single leading cause of death in children. For this reason I believe we must immediately recognize that highway deaths and injuries are the No. 1 public health threat that all our children face.

The bill I am introducing today provides a program to meet this challenge. It encourages each State to combine their wisdom and experience in administering programs within their State, with the knowledge accumulated through implementation by many States of model child highway safety programs, to put forth a child highway safety program that will work best in that individual State.

The Federal Government's interest in protecting the Nation's children has a long, successful history. Federal dollars have been well spent for State programs in maternal and child health, nutrition, primary care, and immunizations. The combined Federal/State programs in these areas have resulted in the significant decline of deaths due to medical illness I cited earlier. We must now also turn our attention to motor vehicle safety and put an end to the senseless and easily preventable tragedy of so many of our children needlessly dying on our highways.

I am especially proud to introduce this bill as it builds upon the hard work of many of my fellow Tennesseans. I particularly would like to note the efforts of Dr. Robert Sanders, Dr. Sam Carney, Dr. Ed Caldwell, and Mr. Edward Casey. Mr. Casey of Nashville, Tenn., first had the idea for a child passenger safety law back in 1975. Dr. Robert Sanders of Murfreesboro, Tenn., with the help of his wife Pat and Drs. Carney and Caldwell, worked tirelessly to see that dream realized. Through an act that has truly demonstrated unique dedication, they have taken Mr. Casey's idea and today can share a large part of the credit in the great strides that have been made.

In 1977 Tennessee became the first State to enact child highway safety legislation. I am happy to report that this law and the carefully crafted programs that emerged to complement this law have met with dramatic success. Since the law took effect in 1978, there unfortunately have still been 71 deaths among children age 0 to 4 years, but only two of these deaths involved children using safety restraints; and of those two, one was registered in an accident classified as nonsurvivable and in the other, officials suspect the device may have been improperly installed. Even more important, State estimates show that at least 80 young lives have been saved in the 5½ years since Tennessee's law was implemented. As a result, Tennessee's program now serves as a model many States choose to follow. As of today 40 States plus the District of Columbia have joined Tennessee in passing similar legislation mandating the use of child restraints by preschool children.

This has been a fine beginning. However, experience has shown that the enactment of a law is just that, only a beginning. For a successful program leading to a reduction in deaths and injuries the law must be part of a larger comprehensive strategy.

There are several important steps that the bill I am introducing today takes to provide just that strategy.

First, it provides incentives to encourage all States to pass laws requiring the proper use of child passenger restraints. Second, it helps States with the initial resources and expertise necessary to build their law into an effective program tailored to their local needs. Third, it stresses the importance of education as a means of achieving the desired behavior changes. Fourth, it provides for child safety seat longer programs, a provision particularly important for low-income families. Fifth, it encourages States to recognize the equally important problem of child pedestrian safety.

Accidental deaths of child pedestrians is a problem that is not often discussed, so I would like to share some figures with my colleagues that illustrate the importance of including a child pedestrian program as an integral part of this legislation. In 1981, National Highway Traffic Safety Administration (NHTSA) data show in the 0- to 4-year age group there were 329 pedestrian deaths as compared to 633 passenger deaths. However, in the 5- to 9-year age group there were 549 pedestrian deaths as compared to 390 passenger deaths. Recent studies completed by the Department of Transportation have resulted in the availability of a comprehensive program for child pedestrian safety. This program, which is available to States, has been demonstrated extremely effective in reducing deaths and injuries caused in motor vehicle accidents involving child pedestrians.

Clearly the time is right for us to act. We have the means and the technology to prevent many of these tragic deaths. We need only recognize the problem and provide the States with the means to implement effective comprehensive programs to complement their laws. This bill does that. I urge my colleagues to join in support of this legislation. I look forward to working with all concerned parties to insure that American children are adequately protected.

Mr. Speaker, the text of the bill follows:

H.R. 3483

A bill to amend title 23, United States Code, to provide incentive grants in order to encourage States to adopt and enforce laws requiring the proper use of child restraint systems by children in motor vehicles, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the issuance of a Federal motor vehicle safety standard, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Highway Safety Act".

SEC. 2. (a) The Congress finds that—

(1) motor vehicle accidents are the leading cause of death for children;

(2) motor vehicle accidents are a leading cause of serious injury to and disability of children;

(3) child pedestrian deaths account for one-half of the total highway deaths of children and primarily occur in heavily populated areas;

(4) child restraint systems when used properly are 90 percent effective in preventing deaths of children and 67 percent effective in preventing disabling injuries to children;

(5) State laws requiring the use of child restraint system have resulted in dramatic reductions in both deaths of and injuries to children;

(6) State laws requiring the use of child restraint systems when implemented together with child safety seat loaner programs and education programs result in comprehensive State programs that significantly enhance the effectiveness of such laws;

(7) education programs concerning child pedestrian safety which target countermeasures to specific types of highway accidents have been demonstrated to be an effective means of substantially reducing the number of child pedestrian deaths; and

(8) current State initiatives, although extremely encouraging, lack the resources necessary for successful implementation of comprehensive and effective child highway safety programs.

(b) It is the purpose of this Act to provide States with incentive grants to assure the timely and widespread enactment of child highway safety laws and implementation of comprehensive and effective child highway safety programs.

SEC. 3. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 409. Child highway safely programs

"(a)(1) Subject to the provisions of this subsection, the Secretary shall make grants to those States which establish and implement child passenger safety programs. Such grants may only be used by recipient States to implement such programs.

"(2) Except as provided in paragraph (4), a State shall be eligible for a grant under this subsection for a fiscal year if (A) it has in effect a law that requires the proper use of child restraint systems by children in motor vehicles and that includes an enforcement program, and (B) it enters into such agreements as the Secretary may require under paragraph (3).

"(3) No grant may be made to a State under this subsection in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require—

"(A) to ensure that the State will maintain in such fiscal year its aggregate expenditures from non-Federal sources for child passenger safety programs (excluding expenditures for acquisition of child restraint systems) at or above the average level of such expenditures in its three fiscal years preceding the date of enactment of this section;

"(B) to ensure that the State will establish and implement in such fiscal year a program to lend or rent, at reasonable rates, child restraint systems to parents and guardians of children who are required to use such systems in motor vehicles under the laws of such State;

"(C) to ensure that the State will expend in such fiscal year an amount, which is not less than 60 percent of the amount of the grant, for establishment and implementation of a program to educate the public and law enforcement personnel concerning (i) the need for using child restraint systems, (ii) the proper installation and use of such systems, and (iii) the manner in which the law requiring proper use of such systems will be enforced; and

"(D) to ensure that the State collects, and submits to the Secretary, annually such data as the Secretary shall require on (i) the number of deaths of children as a result of motor vehicle accidents, (ii) the number of injuries to children as a result of motor vehicle accidents, (iii) the types of motor vehicle accidents, (iii) the types of motor vehicle accidents that result in deaths of or injuries to children, and (iv) the usage of child restraint systems by children in motor vehicles involved in such accidents.

The Secretary shall, by regulation, establish minimum standards for the programs referred to in clauses (B), (C), and (D). The minimum standards for the program referred to in clause (B) shall include, but not be limited to, a standard which requires that child restraint systems be lent or rented to parents and guardians who are economically disadvantaged at rates which such parents and guardians are able to afford. The minimum standards for the program referred to in clause (C) shall include, but not be limited to, a standard which requires that at least one-third of the amount expended by the State pursuant to such clause in any fiscal year shall be expended for establishment and implementation of nonmedia promotion and education programs. Funds expended by a State under clauses (B), (C), and (D) may include Federal funds provided by a grant made to the State under this subsection.

"(4) No grant may be made to a State under this subsection in fiscal year 1987, 1988, or 1989, unless such State—

"(A) received a grant under this subsection in fiscal year 1984, 1985, or 1986; and

"(B) demonstrates to the satisfaction of the Secretary—

"(i) a reduction in the mortality rates, injury rates, or both, for children required in such State to use child restraint systems in motor vehicles; or

"(ii) an increase in the usage of child restraint systems by such children in motor vehicles involved in accidents;

from calendar year 1983 (or calendar year 1979, 1980, 1981, or 1982 if the Secretary determines such calendar year is more appropriate for comparative purposes) to the last calendar year of calendar years 1984, 1985, and 1986 in which such State received a grant under this subsection.

"(5)(A) Subject to subparagraph (B), the Secretary shall determine the amount of a grant made under this subsection for a fiscal year to a State.

"(B) The maximum amount of a grant made under this subsection for a fiscal year to a State shall be determined by the Secretary so as to reflect the extent to which the child passenger safety program such State is implementing in such fiscal year exceeds the requirements established under paragraph (2); except that such maximum amount shall not exceed 9 percent, and shall not be less than 4.5 percent, of the amount apportioned to such State for the fiscal year ending September 30, 1983, under section 402 of this title.

"(C) A grant for the maximum amount authorized under subparagraph (B) for a fiscal year may only be made under this subsection to a State which is implementing in such fiscal year a law which, at a minimum, requires the proper use of a child restraint system in a motor vehicle by all children—

"(i) who weigh less than 40 pounds,

"(ii) who have a height of less than 40 inches, or

"(iii) who are less than 4 years of age.

"(b)(1) Subject to the provisions of this subsection, the Secretary shall make grants to those States which establish and implement child pedestrian safety programs. Such grants may only be used by recipient States to implement such programs.

"(2) Except as provided in paragraph (4), a State shall be eligible for a grant under this subsection for a fiscal year if (A) it enters into such agreement as the Secretary may require to implement an effective child pedestrian safety program, and (B) it enters into such agreements as the Secretary may require under paragraph (3).

"(3) No grant may be made to a State under this subsection in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require—

"(A) to ensure that the State will maintain in such fiscal year its aggregate expenditures from non-Federal sources for child pedestrian safety programs at or above the average level of such expenditures in its three fiscal years preceding the date of enactment of this section;

"(B) to ensure that the State will expend in such fiscal year an amount, which is not less that 60 percent of the amount of the grant, for establishment and implementation of a program to educate the public and law enforcement personnel concerning the need for child pedestrian safety, the types of child pedestrian accidents most often occuring within the area, and the countermeasures which will prevent those accident types;

"(C) to ensure that the State collects, and submits to the Secretary, annually such data as the Secretary shall require on (i) the number of deaths of children as a result of motor vehicle accidents, (ii) the number of injuries to children as a result of motor vehicle accidents, and (iii) the types of motor vehicle accidents that result in deaths of or injuries to children, and

"(D) to ensure that the State will expend in such fiscal year an amount, which is not less than 40 percent of the amount of the grant, for child pedestrian safety programs in urban areas.

The Secretary shall, by regulation, establish minimum standards for the programs referred to in clauses (B) and (C). The minimum standards for the program referred to in clause (B) shall include, but not be limited to, a standard which requires that at least one-third of the amount expended by the State pursuant to such clause in any fiscal year shall be expended for establishment and implementation of nonmedia promotion and education programs. Funds expended by a State under clauses (B), (C), and (D) may include Federal funds provided by a grant made to the State under this subsection.

"(4) No grant may be made to a State under this subsection in fiscal year 1987, 1988, or 1989, unless such State—

"(A) received a grant under this subsection in fiscal year 1984, 1985, or 1986; and

"(B) demonstrates to the satisfaction of the Secretary a reduction in the number of child pedestrian deaths or injuries or both from calendar year 1983 (or calendar year 1979, 1980, 1981, or 1982 if the Secretary determines such calendar year is more appropriate for comparative purposes) to the last calendar year of calendar years 1984, 1985, and 1986 in which such State received a grant under this subsection.

"(5)(A) Subject to subparagraph (B), the Secretary shall determine the amount of a grant made under this subsection for a fiscal year to a State.

"(B) The maximum amount of a grant made under this subsection for a fiscal year to a State shall be determined by the Secretary so as to reflect the extent to which the child pedestrian safety program such State is implementing in such fiscal year exceeds the requirements established under paragraph (2); except that such maximum amount shall not exceed 3 percent of the amount apportioned to such State for the fiscal year ending September 30, 1983, under section 402 of this title.

"(C) A grant for the maximum amount authorized under subparagraph (B) for a fiscal year may only be made under this subsection to a State which enters into an agreement with the Secretary to implement a child pedestrian safety education program which, at a minimum, includes the following:

"(i) designation of a single agency to carry out such program;

"(ii) identification of circumstances and factors which result in child pedestrian accidents, including an assessment of types of child pedestrian accidents; and

"(iii) use of targeted countermeasures for each type of child pedestrian accident.

"(c) After consultation with the Surgeon General, the Secretary shall issue regulations to carry out this section, including but not limited to, regulations to establish mandatory safety standards for child restraint systems and minimum standards regarding enforcement of child restraint system laws. Final regulations to carry out this section shall be issued not later than 180 days after the date of enactment of this section.

"(d) Of the amount appropriated to carry out this section for any fiscal year, the Secretary shall set aside $500,000 to carry out in such fiscal year evaluation, research, and demonstration projects concerning child pedestrian safety and child passenger safety. Such projects shall be designed to reduce mortality and injury rates for children resulting from usage of motor vehicles. The Secretary, acting through the National Highway Traffic Safety Administration, shall enter into contracts with persons who have experience in evaluating or implementing child highway safety programs to carry out such projects.

"(e) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $64,000,000 for the six-fiscal-year period ending September 30, 1989. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.

"(f) For purposes of this section, the term 'motor vehicle' means any vehicle driven or drawn by mechanical power manufactured primarily for use on public highways, except (1) any vehicle operated exclusively on a rail or rails, (2) any vehicle providing taxicab service, and (3) any vehicle having a capacity of 15 or more passengers.".

(b) The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end there of the following:

"409. Child highway safety programs.".

Sec. 4. Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end thereof the following new subsection:

"(j)(1) Not later than 4 months after the date of the enactment of the Child Highway Safety Act, the Secretary shall promulgate a Federal motor vehicle safety standard under which manufacturers of passenger motor vehicles would be required to install in such vehicles anchorages, or provide predrilled holes in such vehicles to attach tether anchorages, for child restraint systems.

"(2) For purposes of this subsection—

"(A) the term 'passenger motor vehicle' means any motor vehicle which is a passenger car or multipurpose passenger vehicle (as defined in section 571.3 of title 49, Code of Federal Regulations, as in effect October 1, 1982); and

"(B) the term 'child restraint system' has the meaning given such term by section 571.213 of title 49, Code of Federal Regulations, as in effect October 1, 1982.".●

WHAT HAPPENS WITHOUT THE LEGISLATIVE VETO

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. LEVITAS. Mr. Speaker, the problems facing our Government after last week's Supreme Court decision on the legislative veto have long been anticipated by James Sundquist, of the Brookings Institution. In an article written by Sundquist which appeared in the Los Angeles Times, on February 26, 1982, and which I placed in the RECORD on March 4, 1982, he predicted that a logjam would occur in Government without the legislative veto.

Following the Court's decision, Mr. Sundquist wrote, in the Washington Post on June 26, 1983, of the effectiveness of the legislative veto and of the purpose it served. Mr. Sundquist observes that "Insofar as this device of accommodation is now rendered unavailable, the two branches are condemned that much more often to the confrontation, stalemate and deadlock that so frequently leave the government of the United States impotent to cope with complex problems."

While it does us no good to bemoan the decision of the Supreme Court, I think that it would behoove us to review Sundquist's arguments. As we look for alternatives to the legislative veto, Mr. Sundquist's discussion reminds us of the severity of the problem we face. At this point I would like to place in the RECORD the articles by James Sundquist.

[From the Los Angeles Times, Feb. 26, 1982]

LEGISLATIVE-VETO ISSUE: WILL IT END IN A LOGJAM?

(By James L. Sundquist)

A constitutional dispute a half-century old appears finally headed for resolution by the U.S. Supreme Court, with profound implication for the practical conduct of government. At issue is a device invented in 1932 to enable Congress to delegate power to the President or to agencies of the executive branch, yet reserve the right to veto actions taken under the executive power.

Critics of the legislative veto contend that it permits Congress to meddle in the administration of laws, exerting improper influence and authority over decisions that should belong exclusively to the executive. They can make a strong case, but it overlooks a practical reality. If Congress is not permitted to veto actions taken under delegated power, it can simply refuse to delegate the powers in the first place. It can retain the decision-making authority, to be exercised through statute, but that will further clog the overloaded congressional calendar and result in delays and deadlocks on matters that urgently require action.

The specific case before the court arises from a ruling by the 9th Circuit Court of Appeals in San Francisco a year ago that struck down a legislative-veto provision in the statute regulating the deportation of aliens. Late last month, the Circuit Court for the District of Columbia rendered a much broader decision in a natural-gas-pricing case, appearing to outlaw the legislative veto in all forms and circumstances as a violation of the separation-of-powers doctrine of the Constitution. If the Supreme Court upholds that position, the veto provision in about 200 statutes will be invalid.

The veto came into being as a compromise in 1932, when Congress was unwilling to give President Herbert Hoover a free hand to reorganize government bureaus, yet could not do the job itself. Its solution was to authorize the President to issue reorganization orders provided that the House or the Senate could disapprove any such order within 60 days. Although Hoover signed the bill, his attorney general concluded a few months later that the arrangement was unconstitutional and a bad precedent. The Justice Department has stuck by that position ever since, sometimes (as, notably, in the Carter Administration) while the President was acquiescing in, or even advocating the legislative-veto provisions as the way to break legislative logjams.

How will those logjams be broken in the future if the legislative veto is outlawed? Certainly in many cases the executive branch will not gain power but will be the loser. Reorganization of the government is a case in point. Congress will be no more willing to trust President Reagan or any future President to recast the governmental structure on his own than it was willing to trust Hoover. Every reorganization will have to be achieved through .a congressional act, and few that are controversial are likely to become law.

In the War Powers Resolution of 1973, the legislative veto was the key to settling an even older and more urgent constitutional issue, over who has the power to involve the United States in war. Congress was again reluctant, and understandably so, to give the President carte blanche to use military forces anywhere in the world solely at his own discretion. Yet it recognized that sometimes the President has to act in crises, immediately and forcefully. The artfully crafted compromise that was adopted—over President Richard M. Nixon's veto—authorized the President to respond to emergencies with military force, but gave Congress the right to reverse the President's decision.

In the Impoundment Control Act of 1974, the President is prohibited from refusing to expend appropriated funds, but is allowed to defer expenditures, subject to a legislative veto. Without such a cimplified procedure, every such action would have to go through the full legislative process. The result would inevitably be fewer deferrals—in other words, more spending.

Similarly with regulatory agencies. For Congress to have review veto power over rules and regulations can be pernicious, but without it the legislators can simply withhold authority—telling the Federal Trade Commission, for example, to draft its regulations as proposed bills, to be enacted into law.

The list of cases could go on. But they all add up to this: If the executive branch finally wins its case against the legislative veto, it will live to regret its victory. Tension and conflict will increase within the government, many deadlocks between the branches will prove unbreakable, and problems that demand urgent attention will go unresolved.

The Supreme Court may hold that in interpreting the constitutional language it is not permitted to take practical considerations into account, although there are many occasions when it has done so. But the constitutional separation of powers surely introduces enough difficulties into the operation of the government already, without the addition of a new rigidity that would prevent statesmen from working out on a case-by-case basis the kind of power relationships that so far—on balance—have served the country well.

[From the Washington Post, June 26, 1983]

WITHOUT THE LEGISLATIVE VETO . . . MORE CONFRONTATION, STALEMATE, DEADLOCK

(By James L. Sundquist)

When the Supreme Court on Thursday outlawed the legislative veto, one wire service in its lead paragraph described the action as a "shattering blow to congressional power."

Reporters who must interpret an event within minutes of its happening can be forgiven a hasty judgment. But this particular judgment certainly qualifies as premature. A better guess is that, in the long run, the Supreme Court decision will prove to be a shattering blow to executive power.

Which branch won, however, is not the important consideration. The crucial point is that the court—if its ruling turns out to be as sweeping as it at first appears—has destroyed an ingenious device that has been worked out, usually cooperatively, by practical people in both the legislative and executive branches to overcome the conflict that is inherent in a government of separate and independent branches.

The court in its decision took some pride in defending and preserving the separation of powers written into our governmental structure by the Founding Fathers 200 years ago. One need not second-guess the court in divining what the Fathers had in mind. The court majority is, in all probability, quite right in its interpretation of 18th-century political philosophy. But it is a pity that that philosophy could not in this instance have somehow been made to accord with the practical experience of politicians and administrators in trying to fulfill the responsibilities of government in 20th-century America.

The fundamental problem, in trying to make the government of the United States work effectively, is not to preserve the separation of powers but to overcome it. For anything of consequence to be accomplished, the executive and legislative branches must be brought from confrontation into a reasonable degree of harmony. The legislative veto is a device that has served that purpose, providing even in cases of severe disagreement and distrust a framework wherein decisions can still be made expeditiously and actions taken. Insofar as this device of accommodation is now rendered unavailable, the two branches are condemned that much more often to the confrontation, stalemate and deadlock that so frequently leave the government of the United States impotent to cope with complex problems.

The first and longest use of the legislative veto is as good a case as any to illustrate the utility of the device. Fifty years ago Congress, recognizing that the departments of the government need to be reorganized from time to time to keep abreast of changing responsibilities, reached the obvious conclusion the Congress would not and could not do that job. To make all the necessary organizational changes through the legislative process was just too tedious, difficult and complicated—requiring hearings, committee consideration and floor debate in both houses, and House-Senate conference committees whenever the houses disagreed. Given this procedure, reorganization questions tended not to be considered at all; the structure of the government remained essentially frozen while its responsibilities grew and changed. One answer would have been to let the president, as the head of the executive branch, organize it as he pleased. Yet Congress was unwilling to give any president *carte blanche* to create and dissolve agencies and move them from department to department. So the legislative veto was invented: let the president reorganize the executive branch, but subject to the right of Congress to veto any scheme before it took effect. Under this arrangement, which has been satisfactory to both Congress and presidents alike for half a century, the structure of the government has generally been kept abreast of the times. Now and then Congress rejects a presidential reorganization plan, but most of the plans have been allowed to take effect, and the laborious and—for this purpose—ineffective legislative process has been circumvented.

Since its invention in the 1930s, the legislative veto has been used over and over again, by now more than 200 times. In my judgment, it has been overused, applied more frequently than it should have been. But each case has been a matter of executive-legislative negotiation, in the course of hammering out one or another practical compromise, and most have been mutually acceptable. In fact, in many cases, the legislative veto has been the means of achieving historic compromises that have resolved central constitutional questions over which the two branches have quarreled for decades. One such example is the War Powers Resolution of 1973—passed over President Nixon's veto, to be sure—which, until last Thursday, had settled the question of the extent to which the president may engage in military operations without a declaration of war by Congress. Another is the Congressional Budget and Impoundment Control Act of 1974, which was welcomed by President Nixon as the resolution of the acrimonious dispute over whether the president could refuse to spend money Congress had appropriated. In both cases, the president is given a limited delegation of authority: he may act, but Congress can reverse him if it disagrees.

The supposition that the court decision strikes "a shattering blow" at congressional power rests on the premise that in the absence of the veto the president will receive, instead of restricted grants of authority, unrestricted grants. But there is no reason whatever to believe that Congress will behave that way. In most circumstances where Congress has demanded a veto as the condition for granting power to the executive, it will simply retain the power in itself—which, constitutionally, it has every right to do. It will tell the president to recommend instead of giving him a contingent right to act.

In the case of reorganization, for example, it has never given a president unrestrained authority except during war emergencies—either before or after the legislative veto was invented. We can safely conclude it will not do so in the future. So, as a practical matter, the court has returned the country to the old days; if the government is to be reorganized in any significant respects, it will have to be done by statute—which means it will rarely be reorganized at all.

In the case of impoundment of appropriated funds, where the president and Congress have been routinely deferring expenditures under the simple legislative veto procedure, a blanket authorization to the president is likewise not conceivable. So deferrals will have to be enacted by statute, which can only mean that they will be fewer and more money will be spent. In these and many other matters, presidents and executive agencies will have less, not more, real delegation of authority.

Besides simply refusing to grant discretion in the first place, Congress has many other means of forcing the executive branch to behave as the legislators wish. Executive actions now subject to legislative vetoes can be barred through riders on appropriations and authorization bills. Those procedures are, compared with the legislative veto, clumsy and cumbersome—but they have been, and can be, totally effective. Assuming that Congress will continue to be jealous of its powers and suspicious of presidents and their subordinates—surely a safe assumption—the court's decision can be expected to increase friction between the branches, load an already overloaded Congress with more responsibilities that it is ill-equipped to handle, replace simple with complex processes of congressional control and, on occasion, tie the government in knots, without reducing congressional power in the least.

But there is one saving thought. In the process of amending the Constitution, the executive branch plays no formal part, either in the federal government or in the states. Amendments are proposed by Congress, with no need for approval by the president, and they are ratified by the state legislatures, with no approval by the governors. So, if legislators desire to restore the legality of the device they have invented and fostered—and if executives as a matter of principle resist—the constitutional amendment process is stacked heavily in favor of the legislators. The "shattering blow," if such it be, can be recouped with the executive branch merely a bystander in the process.●

LEGISLATION TO PROVIDE FOR CONTINUATION OF THE GUERNSEY SILT RUN

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. CHENEY. Mr. Speaker, I represent the members of the irrigation districts located in the Wyoming part of the North Platte irrigation project, which itself is located in both Wyoming and Nebraska. For many years, the irrigation districts have employed on a seasonal basis a natural water conservation practice known as the silt run. A silt run allows water released from storage and containing silt to flow into the irrigation project distribution systems, lining those distribution systems and increasing their conveyance efficiency substantially.

In the past few years, the North Platte project and the Secretary of the Interior have disagreed about whether, and on what terms, the silt run should be allowed to continue. The disagreement occurs essentially because the United States some time ago purchased certain hydropower facilities from the project and now claims the right to maximize power output from them even though this would impair or prevent the silt run, a custom which clearly predates the purchase of the facilities.

I have reviewed the correspondence between the Department and the irrigation districts concerning the dispute. I have also reviewed additional materials collected and supplied to me by the irrigators. On the basis of this review, I believe it is likely that representatives of the U.S. Government promised the irrigation districts during the hydropower negotiations that the customary silt run could continue. Recent Department of the Interior analyses of the dispute appear to concede that such promises were made.[1] Nothing in the contracts between the United States and the project is to the contrary.

For these reasons, I remain unconvinced by the Department's position that its contracts, although silent on this issue, do not allow or require the continuation of the silt run, or that they would allow the Department to impose unspecified, and potentially very burdensome, charges on the irrigators if the silt run interrupts power generation.

It seems to me that in this situation, the Government should be required to keep its promises, and this is what the legislation I introduced yesterday would do. The legislation would require the Department to continue the silt run in return for only those charges already explicitly spelled out for water deliveries under existing contractual agreements.●

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[1] Guernsey Silt Run—Power Interference charges: An Analysis Report, pp. 25-27 (DOI, April 1983).

FAILURE OF U.S. POLICY IN CENTRAL AMERICA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. VENTO. Mr. Speaker, our policy toward Central America raises some of the most serious and troublesome questions facing our Nation today. This administration has instituted a policy which places increasing emphasis on military aid and on military solutions to problems which are the result of social, economic, and political injustice.

This policy is not in the best interests of the United States, nor is it in the best interests of the people of Central America. Instead of relying on military assistance to prop up governments with little popular support, we should be using our considerable influence to encourage progressive and equitable development in the region.

Two recent articles illustrate the inherent fallacies in the Reagan administration's policy. The June 16 editorial from the St. Paul Pioneer Press discusses the counterproductive nature of our military aid. It also points to the chilling possibility that this administration may become a victim of its own cold war rhetoric and become so deeply involved that it cannot extricate itself from deeper and deeper military involvement. The second article was published in the New York Times on June 17. It was written by our former Ambassador to El Salvador, Murat Williams. This article poignantly illustrates the futility of this administration's propensity to rely on military solutions. More specifically, he identifies the social and economic inequalities of life in El Salvador, which prevent the Salvadoran military from gaining the support of the people or even the support of Salvadoran troops.

Mr. Speaker, these are both excellent articles which reflect my concerns about our current path in Central America, and I believe they also reflect the concerns of the majority of the American people. I commend them to the attention of my colleagues.

[From the St. Paul Pioneer Press, June 16, 1983]

SINKING KNEE-DEEP IN CENTRAL AMERICA

The United States military involvement in Central America becomes deeper and deeper by the day. Soon it may be at the point of no return.

Tuesday, 100 (possibly more) U.S. Army Special Forces troops—Green Berets—arrived in Honduras. They are there, ostensibly, to train several thousand Salvadoran troops in guerrilla warfare. But they will also train soldiers "from other Central American countries" (read: anti-Sandinista Nicaraguans), and a Honduran army spokesman said their main purpose is the training of Hondurans.

Whatever they are supposed to be doing, they ought not to be doing it.

There is a congressionally-imposed limit of 55 on the number of American military advisers in El Salvador. Sending 100 Green Berets to train Salvadorans in neighboring Honduras obviously is the administration's sneaky way of getting around that limit, in defiance not only of Congress but of the American people, who have expressed through public opinion polls and in other ways, their strong objection to further military involvement in Central America.

Nor should the Berets be in Honduras to train "other" Central Americans. Such a move gives the lie to the protestations of the Reagan administration that the United States is doing nothing to overthrow the Sandinista regime in Nicaragua. Few have ever actually believed these protestations; each new step toward direct intervention makes them sillier and more hypocritical.

Well, then, what about just training Hondurans? Shouldn't we help them protect themselves against a revolution that might bring communism to yet another small republic?

Rather than protecting them against a revolution, sending U.S. troops to Honduras will probably only hasten its coming. The move will almost certainly strengthen the hand of the Honduran military—like nearly every other Latin military, eager to grab power—and weaken the young and shaky civilian-run government. A military coup will in turn bring greater repression and fuel more insurgency.

The 100 Green Berets are by no means the only American presence in Honduras. They joined about 90 "advisers" already there. There are another 60 military personnel at a radar station (it's supposed to trace shipments of arms from Nicaragua to El Salvador). The CIA is said to have about 100 operatives in the country. There are reports of plans for as many as six American-built (and American-manned?) airfields.

The consequences of the administration's policies range in unpleasantness from merely promoting the growth of anti-American feeling throughout Latin America to, at worst, another wrong-headed, hopeless war, fought for all the wrong reasons in the wrong places.

[From the New York Times, June 17, 1983]

LIMITS IN AIDING SALVADOR

(By Murat W. Williams)

MADISON MILLS, VA.—"Give me one regiment of my old First Division and I can clean up all Central America." Those were the words of a United States Army adviser in El Salvador 35 years ago—in 1948, after he had spend some months on duty as director of the Salvadoran military academy.

I listened with respect because he had had a spectacular war record with the First Division of the United States Army in Europe. Since then, I have often wondered whether he was among the Pentagon planners who recommended sending troops to Vietnam, first in modest numbers and then in hundreds of thousands.

I have wondered more recently whether one of his like-minded successors is making plans now to reinforce the American advisers in El Salvador and whether he will ultimately feel that perhaps two regiments of the "Big Red 1," the old First Division, or the Marine Corps will suffice to "clean up" Central America.

If so, I hope they will hesitate long enough to review the military record of the uniformed forces in El Salvador whom we have grappled to our bosoms as gallant democratic allies. Those of us who have known these forces have rarely been impressed by the Salvadoran Army's military skills. Even the troops most recently trained seem to find invincible opponents in the outnumbered guerrillas whom they have met in jungles and dusty village streets.

It may prove too much to build an effective army out of the young conscripts, pressed into service to fight for a system that has done them little good, under officers who have been steadily maligned by their countrymen. The Salvadoran chief of staff convicted in New York in 1976 for trying to sell $2.5 million worth of machine guns to gangsters demonstrated the kind of corruption that our advisers may still have to confront.

Our training has many limits. Salvadoran country boys often do not have the minimum literacy to qualify for United States training camps. City boys may have the qualifications, but on their return they find life in the jungles harsh and unfamiliar. Two-thirds of the American-trained conscripts have not re-enlisted for further service. Youths from the upper classes have been conspicuously and completely absent from the army rank-and-file. The boys in uniform come almost entirely from families with no stake in the system and nothing to lose—with nothing to fight for.

These are the troops upon whom President Reagan risks our honor. He should consider the lesson we should have learned long ago—in many countries—that advice, training and military matériel are not enough to make military success.

It will be a disaster if we let our commitment of advice and supply go so far that, when it proves inadequate, we must inevitably follow it up with a regiment, or two, or three, of our own best troops.

It will be unpardonable if under the illusion of "not losing El Salvador," we should send American troops to Central America in an intervention that could "lose" the whole of Latin America.

The Reagan Administration proposes to increase the number of advisers in El Salvador and the volume of military aid. Whom will the Americans advise and who will use the weapons we supply? The same military establishment that has been receiving our advice and advisers for at least 37 years. (We sent our first Air Force mission to El Salvador in 1948 and an American officer was director of the military academy as far back as 1946). Our advisers have been good men. Our missions have been skillful. But during almost the entire time we have advised, trained and supplied the Salvadoran military forces, the main preoccupation of the leaders of those forces has been with their own domestic politics.

One need not labor the point that the military officers generally worked to help the wealthy landowning class maintain an oligarchical system. Despite occasional efforts for reform, especially in the early years of the Alliance for Progress, more often than not the military officers served the landed families—and received ample rewards. In the past decade or so, many officers began to ask why they should serve the landed families and not themselves. Today, most of the old landowners are dispersed abroad and military officers have increasingly become landowners.

Never has the system brought notable benefits to the rank-and-file soldiers. Seldom in this century have the higher aspirations of patriotism motivated the troops. Teen-aged youths, seized by press gangs and marched off to barracks with their thumbs tied behind their backs, could scarcely know what they would fight for if the time came to use the guns we have provided.●

PRESERVE FOR THE FUTURE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mrs. JOHNSON. Mr. Speaker, the spirit of preservation of our artistic heritage and of community giving still thrives in Connecticut. I rise to commend and to recognize the numerous individuals who have committed their time to the preservation of the Hill-Stead Museum in Farmington, Conn. This is a proud example of volunteers at work as a team to preserve for the future an outstanding representative of the past.

The Hill-Stead Museum is truly a national treasure. The home of a pioneer American woman architect, Theodate Pope Riddle, this unique house-museum, designed by Stanford White, contains a $25 million art collection which has been open to the public since 1946. Hill-Stead boasts a magnificant collection of impressionist paintings. Major canvasses by Monet, Degas, and Manet grace Hill-Stead's walls. Superb Japanese woodcuts, exceptional furniture, bronzes by Barye, Chinese porcelains of the Ming and Sung periods, an outstanding series of clocks—all add to Hill-Stead's beauty, charm, and legacy. Last year, 12,000 visitors toured Hill-Stead, an increase of more than 30 percent over the previous years.

In 1982, the Friends of Hill-Stead, a volunteer group of 1,200 individuals, accepted the challenge of raising a $1 million fund to preserve this splendid house for the enjoyment and education of present citizens and future generations. Raymond D'Argenio, senior vice president/communications, United Technologies Corp., serves as chairman of the Friends of Hill-Stead. Barbara Mooney, vice chairman of the campaign and a director of the Friends of Hill-Stead, has volunteered 2 years of her time to run the day-to-day operation.

Thanks to the generous and dedicated Friends of Hill-Stead, the many individuals and businesses who are working so untiringly to make this drive a success, this outstanding museum will continue to function as a place where new generations of students and scholars can come to study and savor its treasures. I salute all who have recognized, by contributing to the preservation of Hill-Stead, that the quality of the lives we share is very dependent on our willingness to give to one another.●

MARITIME SAFETY ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. JONES of North Carolina. Mr. Speaker, at the end of the second session of the 97th Congress, I introduced legislation, H.R. 7038, to promote maritime safety on the high seas and navigable waters of the United States. This legislation was the result of extensive hearings and investigations conducted by the Committee on Merchant Marine and Fisheries during the 97th Congress.

After holding two major full committee hearings on two major marine casualties—one on the loss of the vessel the SS *Poet* which disappeared in October 1980, and the other on the sinking of the mobile offshore drilling vessel, the *Ocean Ranger*, in February 1982—and after investigating other significant major marine casualties such as the Sunshine Skyway Bridge accident and the sinking of the *Marine Electric*, I have decided to reintroduce the Maritime Safety Act, with minor revisions.

The first part of the bill raises the lid placed on civil liability penalities for unlawfully operating without a certificate of inspection from $500 per offense to $5,000 per day. When the semisubmersible drilling vessel, the *Ocean Ranger*, sank on February 14, 1982, killing 85 men, it was operating without the legally required certificate of inspection issued by the Coast Guard. A one shot $500 penalty was no deterrent considering that the operation was leasing the drilling vessel for approximately $100,000 per day. The $5,000 per day penalty in the new bill will serve as a deterrent to operating a vessel without a current certificate of inspection.

The original H.R. 7038 penalty of $50,000 per day for knowingly operating without a certificate of inspection has been reduced to a maximum of $10,000 per day of violation. Another feature of the new bill is imposing mandatory penalties when a violation occurs. H.R. 7038 in the 97th Congress made the imposition of penalties discretionary. The Secretary retains discretion, however, to modify, compromise, remit, or mitigate the amount of the penalties.

The second part of H.R. 7038 focuses on communication between the owner of the vessel, the master, and the Coast Guard. The bill requires an owner to report to the Coast Guard when the owner has not heard from the vessel in over 48 hours. At the Merchant Marine and Fisheries Committee hearing on the disappearance of the cargo vessel, the SS *Poet*, testimony was given that the owner of the missing vessel did not report to the Coast Guard until 10 days had passed since his last communication with the ship. With such delayed notice there was scarce opportunity for the Coast Guard to assist the vessel.

H.R. 7038 also requires the master of the vessel to report to the vessel's owner at least every 48 hours. Thus, this section of the bill stresses the necessity of communication in making the marine environment safe. The importance of communication is seen also in section 3(c) of the bill which authorizes $5 million in both 1985 and 1986 to fund not more than 50 percent of the cost of purchasing and installing marine satellite telecommunications systems on vessels of 1,000 gross tons or more.

The final section of the bill permits the Coast Guard to investigate all acts of marine incompetency or misconduct committed by any person licensed by the Coast Guard. The rationale behind this section is that the agency which issues a marine officer's license, representing that the holder of the license is safe and qualified, should also be able to revoke that license if there is evidence of marine incompetency or misconduct, whether or not the officer is operating under a Coast Guard license or some other marine license. Under H.R. 7038, the negligence of a licensed marine officer will be admissable as evidence in a determination of the status of a Federal license.

The intent of H.R. 7038 is to improve the marine safety environment without imposing onerous burdens upon those involved in maritime work. It is a bill which requires all groups—industry, operators, and Federal agencies—to improve their own operations in order to better insure the safety of life and property at sea.

I look forward to working with the maritime community on this bill dedicated to improving safety at sea.●

TIME FOR NHTSA ACTION ON AUTOMATIC CRASH PROTECTIONS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. WIRTH. Mr. Speaker, last week, the Supreme Court ordered the National Highway Traffic Safety Administration to reconsider its rescission of the standard requiring automatic crash protections—seatbelts or airbags—as standard equipment on American automobiles. The Court called NHTSA's action in repealing this lifesaving rule "arbitrary and capricious." I agree.

The standard was supposed to be effective for 1982 model year cars, but has been delayed over and over. In the meantime, Americans have continued

to die or be injured because they do not have access to this lifesaving technology. Automatic crash protections work, and the time is long past due to get them into every automobile this country produces.

In this morning's Washington Post, George Will presents a lucid and comprehensive report of the sorry tale of delay and inaction in implementing the standard. I take exception only with Mr. Will's assertion that a new statute is needed to enforce the will of Congress. Congress has already spoken—and spoken clearly. It is time for NHTSA to act, and act expeditiously. I have written to Secretary Dole, insisting that she move forward quickly to establish a timetable for implementing the standard, and that such a timetable be in place no later than September 1, so that 1985 model year cars can be equipped with these necessary protections.

I commend Mr. Will's article to you.

AIRBAGS: THERE OUGHTA BE A LAW

(By George F. Will)

Government in Washington often is war carried on by other means. It is an interminable war of indecisive battles between factions of the government. Government needs more battles like those at Thermopylae, Tours, Hasting, Waterloo—battles where issues were settled.

Consider the war over automobile airbags, a war now in its second decade. If you think the Supreme Court ruling last week settled things, think again.

The ruling came a few days after the court's decision striking down the legislative veto. That decision focused attention on how much of the legislating process is delegated by the legislature to the executive branch: Congress expresses sentiments and asks an executive department or independent agency to turn the sentiment into law—into rules regulating behavior.

In 1966 Congress directed the secretary of transportation to issue safety standards that "shall be practicable, shall meet the need for motor-vehicle safety and shall be stated in objective terms." Congress authorized judicial review of all regulations. Such semi-legislation is an invitation to protracted conflict, and many parties—insurance organizations, auto manufacturers, consumerists, medical groups—accepted the invitation.

There have been approximately 60 separate rule-making actions in the history of Standard 208, issued in 1967. In 1967 seatbelts were required. When it became clear that few persons used belts, DOT began considering "passive restraints." Those are devices the effectiveness of which does not depend on any action by occupants of a vehicle. Automatic seatbelts fasten to doors and secure occupants when the doors close. Airbags are inflatable devices carried in dashboards and steering columns. They inflate when deceleration forces become severe; then they quickly deflate.

In 1969 the Nixon administration proposed passive restraints. In 1972 it said such restraints would be required in vehicles manufactured after Aug. 15, 1975. Challenged in court, that decision was upheld. Manufacturers opted for the "ignition interlock"—cars would not start until belts were buckled. An enraged public began performing appendectomies on their cars, dismantling the interlocks. The loud complaints awoke Congress, which, acting with a speed not seen since Pearl Harbor, forbade the interlock and, for good measure, gave itself a legislative veto (decreased) over subsequent standards.

The bureaucratic machinery clanked on, producing (to touch only high points) President Carter's requirement of passive restraints and President Reagan's rescinding thereof. The Reagan administration argued that the life-saving potential of airbags, which is not disputed, would not be realized. This because in 99 percent of all cases manufacturers would satisfy the "passive restraint" requirement with automatic seatbelts designed to be easy to detach, and most of these would be detached by the cars' owners.

The court concluded (all nine justices concurring, at least in part) that this decision was capricious. So? So "further consideration of the issue is required." World without end, amen. Victoria Will, age 2, may become a lawyer—don't almost all American children?—and earn her living litigating the airbag war.

And yet . . .

The court said that a minimal requirement of Congress' directive is consideration by DOT of the possibility that the logical response to the faults of detachable seatbelts is to require nondetachable belts, or airbags. At the risk of seeming radical, or perhaps reactionary, I suggest it is time for the lawmakers to make law.

Sen. John Danforth (R-Mo.) is prepared to play the part of Charles Martel, who at Tours in 732 A.D. sent the Moors packing. Danforth's bill says, among other things: "Each manufacturer of passenger automobiles shall install airbags in each passenger automobile manufactured on or after Sept. 1, 1985." That is what a law looks like.

And after 14 years the evidence is in and vindicates passive restraints. Spending on medicine—often on attempts to recover health lost unnecessarily—is becoming a threat to the nation's economic health. The only substantial and immediately achievable improvements of public health would cost the public treasury nothing. They would come from less smoking, less drinking, less overeating, more exercise. And more use of seatbelts. Use of seatbelts would cut fatalities in half and injuries by two-thirds.

For 54 years motor vehicles have been the nation's leading cause of accidental deaths and injuries. Last year an average of 126 Americans a day died on highways. A conservative estimate is that if airbags had been required during the last decade, the lives saved would number many more than the lives lost in Vietnam. The savings to the private economy and the public treasury would have been scores of billions of dollars.

Honorable persons can disagree about what the law ought to be. But surely it is time for Congress to say what the law shall be.●

PEDRO L. G. MAFNAS HONORED

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. WON PAT. Mr. Speaker, my colleagues will be interested to know that one of my constituents, Mr. Pedro L. G. Mafnas of Guam has been honored to be nominated for inclusion in the next edition of "Who's Who in American Law Enforcement."

A man with numerous honors, Mr. Mafnas has been a security guard at the Guam Department of Public Works for many years. He has an outstanding reputation and this latest honor is one he richly deserves.

At a time when our prisons are overcrowded and pressures grow each day on security guards, men such as Pedro L. G. Mafnas serve as reminders of the high degree of professionalism which exists in their community and as a reminder to others what can be accomplished through integrity and hard work.

At this time I insert a brief article about Mr. Mafnas which appeared in the June 16, 1983, Pacific Daily News:

[From the Pacific Daily News, June 16, 1983]

(By Linda Cefre)

WHO'S WHO NOMINEE

Pedro L. G. Mafnas, a security guard at the Department of Public Works, has been nominated to be included in this year's edition of Who's Who in American Law Enforcement.

Mafnas received a citation award in preventing the destruction of the 1981 Public Works Week exhibits and displays. He also completed a professional security training course at the Guam Community College and first aid training. He received a certificate for firearms qualification from Miles Security Agency and a certificate of recognition from Public Works.

The edition is published and distributed nationwide only once evey three years. This year's edition will be published this fall. Who's Who in American Law Enforcement is a non-profit project of the American Police Academy J. Edgar Hoover Memorial.●

THE LEGISLATIVE VETO—NOW THAT IT IS GONE

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. LEVITAS. Mr. Speaker, here we are a week after the Supreme Court decision ruling that legislative vetoes are unconstitutional, and the Congress and the executive branch are trying to sort out what this decision means for the realities of government. In an article which appeared in the New York Times today, Bernard Schwartz, a noted professor at New York University Law School, discusses why the legislative veto was so important to the oversight work of the Congress.

As Schwartz points out:

> There is not much point in merely criticizing the legislative veto decision.

But we must look to alternative means of control. For as Schwartz says:

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The legislative veto enabled the legislature to assume an effective role as supervisor of the executive. There is no more important role for the contemporary legislature.

At this point, I place Mr. Schwartz's article in the RECORD:

[From the New York Times, June 30, 1983]

THE "LEGISLATIVE VETO"—NOW THAT IT'S GONE

(By Bernard Schwartz)

The United States Supreme Court's crucial role rarely has been more dramatically illustrated than by its decision last week striking down the so-called legislative veto, under which Congress could annul executive action by simple resolution. At one stroke, the Court cast more than 200 laws containing legislative veto provisions into legal limbo. According to the Court, the Constitution requires that all legislation be presented to the President for his signature or veto and does not permit Congress to enact what amounts to veto-proof "legislation" that infringes upon the President's authority and thus violates the separation of powers.

Yet, as Justice Benjamin N. Cardozo wisely observed, "the separation of powers between the Executive and Congress is not a doctrinaire concept to be made use of with pedantic rigor." Indeed, despite the Supreme Court's decision, the Constitution never has been construed as setting up a rigid separation of powers. The key principle is a system of checks and balances—not a watertight separation among the branches. The only absolute separation that has ever been possible is in the theoretical writings of a Montesquieu, who looked across at foggy England from his sunny Gascon vineyards and saw a complete separation of powers that did not in fact exist in the English Government at that time.

As the dissent by Justice Byron R. White points out, the Court's decision that all "lawmaking" must be shared by Congress and the President "ignores that legislative authority is routinely delegated to the executive branch, to the independent regulatory agencies." If Congressional action under the legislative veto technique is "legislative" action that must be shared, why is the same not true of executive of administrative promulgation of orders, rules and regulations, which the legislative veto attempts to control?

The key issue is, indeed, one of control. The great need in an era of expanding administrative authority is to establish effective safeguards outside the executive branch.

Congress is the one organ of Government both responsive to the electorate and independent of the White House. The legislative veto enabled the legislature to assume an effective role as supervisor of the executive. There is no more important role for the contemporary legislature.

"The political philosopher," wrote Woodrow Wilson, "has something more than a doubt with which to gainsay the usefulness of a sovereign representative body which confines itself to legislation to the exclusion of all other functions." Important though the legislative function itself may be, a legislative body is hardly worthy of the title of Congress if it merely grinds out laws as a sausage-maker grinds out sausages.

However, since the Constitution is what the judges say it is, there is not much point in merely criticizing the legislative veto decision. The Supreme Court's condemnation is in such sweeping terms that it signals the death knell of direct Congressional attempts to review executive and administrative action. Yet, as John Stuart Mill tells us, "The proper office of a representative assembly is to watch and control the government." What tools are left to Congress by the Court decision to enable it to perform this function?

None that is as effective as the legislative veto. Congress can, to be sure, enact laws limiting executive authority and overruling invalid administrative exercises of power. These will, however, be subject to Presidential veto and the President will rarely agree to restrictions upon his own Administration's authority.

It is also unreal to assume that Congress will now impose detailed restrictions in laws delegating power to the executive. The modern trend has been all the other way. Congress has neither the time nor the expertise needed to draft detailed standards limiting delegated authority.

In addition, Congress is too often unwilling to make the hard choices needed to set defined policies for the executive. It has always been easier to pass a statute with vague language about the "public interest"—high-sounding and meaningless in terms of restricting executive power.

With the legislative veto now gone, it will be all but impossible for Congress to exercise its vital role of what Wilson called "vigilant oversight of administration." The Court decision will insure that we realize more than ever that oversight is the noun of the verb overlook as well as oversee.●

RHODE ISLAND RESPONDS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mrs. SCHNEIDER. Mr. Speaker, yesterday the Wall Street Journal printed an article on the State of Rhode Island which, in the opinion of the congressional delegation, seriously misrepresented the resilient character and wonderful environment of our State.

Today, Senators PELL and CHAFEE and our colleague, Mr. ST GERMAIN, and I responded. I would like to share our reply with our colleagues.

U.S. SENATE,
Washington, D.C., June 29, 1983.

Mr. ROBERT L. BARTLEY,
Editor, the Wall Street Journal,
New York, N.Y.

DEAR MR. BARTLEY: The harsh and unfair portrait of Rhode Island in a recent article painted a grossly inaccurate picture that brings the Wall Street Journal's reputation for objectivity into serious question.

That unbalanced article did less than paint Rhode Island "warts and all." It painted the warts alone. It dismissed, almost as asides, many of Rhode Island's unique charms and strengths. Beauty is, of course, in the eye of the beholder . . . but we do not think that you looked closely enough.

Our state has economic problems which we freely acknowledge and are working to solve. Rhode Island has forged a strong, creative partnership of labor, business and government—the Rhode Island Strategic Development Commission—to find new solutions. The firestorm of protest ignited in our State by your article is convincing proof of both the depth and strength of this coalition.

While we understand our problems, we also understand that the solutions to these problems can be found in our strengths. Rhode Island offers a total environment and a quality of life that many have found to be among the very best in the United States.

Employers, for generations, have valued the character and reliability of Rhode Island's workforce. Much of this unique character flows from the ethnic and cultural richness of our people, who have combined from many backgrounds to make Rhode Island one of the most diverse and interesting States in America.

The compact size of our state, while perhaps a source of continuing good humor for residents and non-residents alike, also means that our residents can live in city, rural or suburban settings and still be only minutes from work or from the beaches that ring the Rhode Island coastline.

Rhode Island is a beautiful State that has something to offer everyone—breathtaking beaches, old world and new world neighborhoods, industries to provide jobs, entertainment and opportunities for growth and new businesses.

Cross pens, Gorham silver, Bostitch staplers, Brown & Sharpe machine tools, Trifari jewelry, American Tourister luggage, General Dynamics submarines, all these and many more are products of Rhode Island.

We invite you to visit Rhode Island and hope you will bring along any editors or reporters who have grown weary of commuting or tired of the high prices of "big city" living and would like to improve the quality of their lives.

You may discover what we have known all along. Rhode Island is a great way of life. We are proud to represent the fine people of this State.

Warm regards.
Sincerely,

JOHN H. CHAFEE,
U.S. Senator.
CLAIBORNE PELL,
U.S. Senator.
CLAUDINE SCHNEIDER,
Member of Congress.
FERNAND J. ST GERMAIN,
Member of Congress.●

ARTIFICIAL REEFS

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. BREAUX. Mr. Speaker, today I am pleased to introduce legislation which will promote responsible and effective efforts to establish artificial reefs in U.S. waters. When properly designed, constructed, located, and maintained, artificial reef structures serve to enhance the habitat, diversity, and production of fishery resources; enhance U.S. recreational and commercial fishing opportunities; and increase the overall production of U.S. fishery products in the United States. In fact, the local and national environmental and economic benefits of a re-

sponsible artificial reef program are substantial.

This legislation, therefore, would provide the Corps of Engineers with specific authority to approve proposals to construct artificial reefs as well as standards for the evaluation of such proposals. In order to insure proper coordination between the oceanographic and other physical characteristics of a proposed artificial reef site, and the design and materials to be utilized in the construction of an artificial reef, the legislation further authorizes the Secretary of Commerce, through the National Marine Fisheries Service, to develop a long range plan for establishing artificial reefs in U.S. waters. The plan will be utilized by the Corps of Engineers as a benchmark by which to evaluate the quality of future artificial reef construction proposals. The result, I believe, will be a responsible and well coordinated program to maximize the benefits and minimize the potential detriments of artificial reef construction.

Although some nations such as Japan have spent in excess of $1 billion in government funds on highly successful artificial reef programs, there has been little, if any, interest expressed by the U.S. Government in such a program. Instead the legislation would provide encouragement to the private sector to donate appropriate materials to interested artificial reef construction permit holders. Provided that certain standards are met, the legislation specifies that artificial reef material donors would be eligible to claim a tax credit for those expenses incurred in providing such materials. Such expenses include only those that are above and beyond those expenses that would be incurred in the normal manner of disposition of such materials. Such artificial reef expenses eligible for the tax credit would include, but are not necessarily limited to, excess transportation costs, additional costs for preparing the materials in a suitable manner necessary to comply with the applicable permit for such artificial reef, and any expenditure for research on, or associated with, the utilization of such materials on a specific artificial reef site. It is intended that the inclusion of such research costs will encourage private sector research and development efforts on artificial reefs in lieu of analogous yet absent Federal activities. In fact, the intent of this entire legislation is to encourage and facilitate private sector, and State and local government initiatives to carry out virtually all artificial reef construction activities in compliance with minimal, yet necessary Federal requirements.●

THE TRUTH-IN-BUDGETING ACT

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. GRADISON. Mr. Speaker, today I am introducing a revision of the Truth-in-Budgeting Act of 1983 (H.R. 2868). This revised bill contains several changes to H.R. 2868, reflecting suggestions made by various parties since the Ways and Means Committee hearings on H.R. 2868 on May 22, 1983.

The basic intent is the same—to require agencies to show all of their transactions with the Federal Financing Bank (FFB) onbudget and in their budget accounts. Current law enables some agencies to transfer their spending to the offbudget FFB. My legislation would put the FFB onbudget by scoring all FFB transactions in onbudget accounts of the agencies actually conducting the programs (the FFB itself conducts no programs). My bill would not reduce the FFB's efficiency in marketing agency debt, and would only change the way in which agency transactions are recorded to reflect program activity more accurately.

Contrary to the intent of the Congress when it passed the Federal Financing Bank Act of 1973, the FFB created a crack in the budget process which quickly ruptured into a flood of offbudget spending—over $100 billion since 1975, and all for credit programs.[1] Until the strategic petroleum reserve was placed offbudget (effective in 1982) the FFB was used to record over 95 percent of offbudget spending each year.

The establishment of the FFB provided an accounting vehicle that has permitted agencies to transfer records of their actual activity (i.e., net spending) from their own books to the books of the offbudget FFB. Some of this spending also bypasses the normal appropriations process.

Agencies transfer their activities to the FFB in two general ways. The first involves direct loans. Agencies combine direct loans into a bundle (called participation certificates or certificates of beneficial ownership, CBO's) which they "sell" to the FFB. These transactions are recorded on the agency's books as sales even though the Government still owns the loan assets. In effect, the agencies have hidden their program levels in the nebulous offbudget accounts of the Federal Financing Bank. This is no small exercise; since 1975, some $60 billion of direct loans have been "sold" to the FFB.

The second way involves loan guarantees. In the case of a true loan guarantee, an agency issues the guarantee to a private party, who secures a loan from a private financial institution. However, agencies routinely arrange to sell the loan guarantees to the FFB, thus transforming the loan guarantees into direct Government loans from the FFB. Thus, not only is the original loan guarantee erased from the agency's budget, but the direct loan also is scored as an FFB loan, not an agency loan. This, too, was clearly not the intent of the legislation that created the FFB.

My bill would end these accounting wizardries by making the accounting honest and straightforward. The "sale" of loan assets to the FFB would be recorded as the agency borrowing it really is, and the sale of loan guarantees to the FFB would be recorded as direct loans from the originating agency which they are.

In a hearing on H.R. 2868, the Treasury Department, Office of Management and Budget, Congressional Budget Office and General Accounting Office all supported the legislation, with technical amendments. They testified that spending hidden in the FFB should appear in the agencies' budgets and the unified budget. In addition, the recently adopted budget resolution expressed the sense of the Congress that "Federal agencies selling loan assets to or guaranteeing loans originated by the Federal Financing Bank should have the budget authority and outlays resulting from those transactions reflected in their agency budgets."

The revised bill differs from H.R. 2868 in its determination of what loans would be required to be financed through the FFB. As originally drafted, H.R. 2868 would have required all agencies to offer their loans to the FFB, which would have had to buy all "suitable investments" that would not disrupt existing private secondary markets (such as for Ginnie Mae securities). The Secretary of the Treasury would have determined what is a suitable investment and what is undue disruption of private markets. Thus, the Secretary would have had to determine what agencies would have to use the FFB for financing.

The revised bill defines statutorily which loan programs would be required to use the FFB. Only programs which were at least 20 percent financed through the FFB during fiscal year 1982 would be required to continue to be FFB financed. No other current nor any future programs would required to use the FFB. For example, Ginnie Mae would not be required to use the FFB, though it would retain the option, exactly as in current law.

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[1] During the decade of the 1970's, budget outlays increased 151 percent yet direct loans and guaranteed loans outstanding increased 250 percent and 171 percent, respectively. During the same period, net direct loans and net guaranteed loans increased 436 percent and 459 percent, respectively.

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As another example, because less than 20 percent of low-income public housing loans were financed through the FFB in fiscal year 1982, future loans would not have to be made through the FFB.

H.R. 2868 also would require new loan programs to offer their loans to the FFB. The revised bill gives agencies running new programs the option of using the FFB. The revised bill does not affect existing loan guarantees which are privately financed—that is, "true" guarantees. It would, however, correct the current practice in which agency loan guarantees are converted into FFB direct loans, an accounting legerdemain difficult to match with congressional intent. In other words, the bill would have no effect on any existing loan guarantee programs which insure private obligations.

The revised bill would fully accommodate any future programs that provided for true loan guarantees. Agencies would have the option of FFB financing which, if exercised, would be recorded as agency direct loans—in contrast to the current practice of showing the transaction both as an agency loan guarantee and an FFB direct loan.

The current practice of FFB financing loan guarantees flies in the face of the widely held principle that Government funds only be expended based on an explicit appropriation of budget authority. Currently, FFB-financed loans are made on the basis of the permanent, indefinite budget authority of the FFB. By requiring future direct loans to be recorded as such on the originating agency's books, this bill permits Congress to decide explicitly on the type of spending authority most appropriate to the affected programs. As a result, Congress will have the same direct spending control over these programs as it presently has with nearly every other Government program.

At the same time, the bill leaves intact the current exclusion of loan guarantee authority from the definition of budget authority as defined in the 1974 Budget Act. The relationship between budget authority and loan guarantee authority is appropriately a budget process issue and not a Federal Financing Bank issue.

Opposition to H.R. 2868 has centered on the basic intent of the bill. Some agencies and interest groups are concerned about having their programs funded more openly and on budget. Yet the bill is in no way prejudicial to the affected programs, unless one believes that these programs are incapable of competing face-to-face, up front, and onbudget with other Federal programs. The affect of this bill is to create a level playing field.

It is hard to make a case for misrepresenting the activity levels of several Federal agencies, yet this is precisely what is happening, and why we need remedial legislation. Whether deliberate or by happenstance, these exceptions to accepted budget accounting principles undermine the confidence people have a right to expect in the way the Federal budget displays the activities and programs of their Government.●

CONSTITUENTS RESPOND

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. HUBBARD. Mr. Speaker, it is a pleasure to share with you and my colleagues the results of my annual questionnaire for 1983.

In February of this year I distributed the questionnaire through the First Congressional District of Kentucky. A total of 34,812 western Kentuckians responded to the questionnaire and on June 6 the tabulation of responses was concluded and announced to the Kentucky media.

The questionnaires were tabulated by my staff and by 100 college students at Murray State University and the community colleges at Henderson, Madisonville, Hopkinsville, and Paducah, Ky.

I would like to take this opportunity to express my appreciation to the following faculty and students for their hours of éffort in scoring the many questionnaires.

Murray State University—Dr. Winfield Rose, chairman of the political science department, and students Kim Thurman, Tamie Marret, Patricia Holland, Gerald Watkins, Monica Sturdivant, Bridget Bufkin, and Tanya Smith.

Henderson Community College—John Sistarenik, professor of history and political science, and students Ricky Abel, Belinda Abell, Beverly Drake, Susan Dixon, Jerry K. Hurt, Brent Hood, Kim Hahn, John Guthrie, Jeffrey D. Kelley, Anthony W. Neal, Patricia Ann Walker, Kane Morgan, Ashly McCormic, John R. Wroten, Patricia Johnson, and Bonnie Harmon.

Madisonville Community College—Tim Cantrell, chairman of social sciences, and students Cynthia Frederick, James K. Ramsey, Marie Ramsey, Jon Todd Tolbert, Lou Ann Russell, Denise L. Martin, Richard L. Curtis, Trixie Y. Lamb, Rebecca Ricks, Tandy Perkins, Rob Towery, Marty D. Cook, Sammy Scott, Robert Lee Curtis, Derrick Helton, Crawford Jent, Kathleen Angel, Virginia Fugate, Helen Langston and Helen Wilcox.

Hopkinsville Community College—Don Hoover, associate professor of social science, and students Norman Petrie, Petra Wesley, Andy Adams, Donna Gupton, Ronald Ramage, Malcolm Perry, Bruce Marklin, Leroy C. Davis II, Daryl Russell, Janet L. Adams, Beth Meighen, Ron Stewart, Wanda Colley, Carla Shelton, Ron Seybold, and Leslie Herndon.

Paducah Community College—Dr. Chun Ro, chairman, division of social science, business and related technologies, and students Judy Albritten, Greg Barnes, Joy Beckman, Janet Bernelle, Danny D. Beyer, Michelle Boaz, Carol Brandon, Scott Brian, Hosea Chatman, Jr., Rebecca J. DiSilvestro, Barry Dublin, Deborah L. Figert, Kelly Giles, Kathy Grant, Claudette Guhy, Phillip Harned, Darlene Heflin, Jessie Ingram, Jeff Kunsman, Lou Ann Geveden Latta, George F. Mahin, Jr., Bruce McGary, LaDonna Melton, Joan C. Mendenhall, Pat Morphew, Courtney Neel, Charles Owens, Greg Ray, Paula Jill Reeves, Harold Riley, Wendy Roof, Gina Smith, Keith Steele, Dianna Sumner, Joe Swatzell, Barry Theobald, E. T. Tidewell, Robert L. Tracy, Kim Williams, Carl Winstead, and Jean Wurth.

The following are the results of my 1983 questionnaire.

[In percent]

	Yes	No	No opinion
1. Which single development during the next 12 months would make you most confident about the nation's economic recovery?			
(a) Lower interest rates	22		
(b) Less inflation	13		
(c) Lower taxes	6		
(d) Less unemployment	44		
(e) Balanced budget	15		
2. Supporters of coal slurry pipeline legislation emphasize it would create new incentives for Kentucky's coal reserves and decrease America's dependence upon OPEC oil. Railroad and trucking companies now hauling coal are among the opponents of this legislation. Do you favor coal slurry pipeline efforts?	58	30	12
3. Are you in favor of the Paducah home (known as "Angles") of the late former Vice President Alben W. Barkley being purchased and maintained by the federal government as a national historic site?	28	67	5
4. As a means of helping those persons who are unemployed, would you favor:			
(a) Establishing federally funded vocational programs	54		
(b) Reducing the minimum wage for teenagers	40		
(c) No opinion	6		
5. As a means of reducing the size of the federal budget deficit, would you favor:			
(a) Freezing military pay	11		
(b) Repealing the 10-percent tax cut scheduled for July	31		
(c) Cutting domestic spending	31		
(d) Freezing federal civilian pay	27		
6. Do you think Congress should slow down the growth of military spending to help balance the budget?	51	44	5
7 If an acceptable basing mode for the MX missile can be found, would you favor its production and deployment?	56	35	9
8. Do you believe the United States should cut back on military and economic aid to Israel?	64	32	4
9. Do you support the recently enacted Payment-in-Kind (PIK) program that allows farmers to idle land in exchange for grain being held by the federal government?	56	38	6
10. Should the U.S. subsidize grain sales abroad in order to compete with highly subsidized European farmers?	42	47	11
11. In light of some recent farm foreclosures by the Farmers Home Administration, should Congress allow FmHA to defer payment of interest and principal for one year if the borrower can show he or she could stay in farming and pay off the debt in the future?	83	13	4
12. Do you think Congress should allow clean air laws to be weakened?	32	61	7
13. Do you think the U.S. Constitution should be amended to:			
(a) Require a balanced budget	55	26	19
(b) Permit prayer in public schools	72	17	11
(c) Include the Equal rights Amendment (ERA)	24	58	18
14. Should families who sent their children to private elementary or secondary schools receive a break on their taxes?	32	63	5
15. Do you approve of the job Ronald Reagan is doing as President?	42	51	7
16. Should the United States send more weapons and military advisers to El Salvador?	29	63	8
17. Should the U.S. government require cars sold in the U.S. to be made mostly with U.S. parts and labor?	68	27	5
18. Beginning in July, banks and other financial institutions will withhold 10% of interest and dividends earned by savers and investors. This money, paid directly to the IRS, will apply toward income taxes that are due or can be refunded. Do you want Congress to repeal this 1982 law?	68	28	4
19. Should Congress appropriate more money to help low and moderate income families pay their heating bills?	49	45	6
20. Do you feel the United States should begin reducing nuclear weapons on its own?	30	65	5

●

OBSERVATIONS ON NICARAGUA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I bring to the attention of my colleagues an article by Lawrence E. Harrison entitled "We Tried to Accept Nicaragua's Revolution, the Sandanistas Couldn't Live With a Positive Image of the United States."

Mr. Harrison's observations should be carefully studied by my colleagues and the American people.

The article follows:

[From the Washington Post, June 30, 1983]

WE TRIED TO ACCEPT NICARAGUA'S REVOLUTION—THE SANDINISTAS COULDN'T LIVE WITH A POSITIVE IMAGE OF THE UNITED STATES

(By Lawerence E. Harrison)

The Sandinista Government of National Reconstruction was installed four years ago, on July 19, 1979. Three days later, I arrived in Nicaragua in a Flying Tigers DC-8 stretch jet loaded with food—the first of many such flights—to take charge of U.S. assistance programs, the most tangible evidence of our commitment to build a new relationship with Nicaragua.

I left Nicaragua two years later on July 1, 1981. During those two years, the U.S. government was the most important source of food aid and one of the most important sources of financial aid to revolutionary Nicaragua. We provided assistance valued at $120 million, including 100,000 tons of food. We had tried very hard to build that new relationship. But the effort failed, principally, I believe, because the Sandinistas could not live with a positive image of the U.S. government. They did not try at all. And many in the United States cheered them on.

Within a few months of the installation of the Government of National Reconstruction, an article appeared in the Sandinista newspaper Barricada announcing the imminent arrival of 600 Cuban teachers. I called on the minister of education, with whom I had been working to reactivate an old school construction loan, to express concern that so large a number of Cuban teachers would be interpreted in the United States as a Cuban takeover of the Nicaraguan education system. The minister replied that the government would welcome qualified teachers from any country.

I told him that the United States would certainly be interested in sending teachers, possibly through the Peace Corps. He responded, somewhat apologetically. "You know, we Latin Americans have a view of the Peace Corps which would make it an inappropriate vehicle." (He meant, " We Latin Americans of the Left." What he had in mind was symbolized by the move "Blood of the Condor," which depicts Aryan-looking Peace Corps volunteers engaging in genocidal sterilization programs in Bolivia.)

At the end of 1979, as a result of the intervention of then junta member Alfonso Robelo (who is now allied with ex-Sandinista Eden Pastora's guerrilla movement), we received Sandinista approval in principle to start a Peace Corps program. After a lengthy study, the Peace Corps sent in a husband-wife team as co-directors. Both were experienced in Latin America, altruistic, and totally committed to building a new relationship with Nicaragua. After six months of being fobbed off by the Sandinistas, they left. Not one Peace Corps volunteer was accepted.

We often expressed our concern to Sandinista officials about the line in the Sandinista anthem, "We shall fight against the Yankee, enemy of humanity." In November 1979, Jaime Wheelock, one of the most influential *comandantes* and a person with whom I sustained a very frank dialogue throughout my two years in Managua, told me that the word "poverty" was going to be substituted for "the Yankee." Soon thereafter, I was told the same thing by then economic czar (and Stanford MBA) Alfredo Cesar, who has since defected. The change was never made.

At about the same time, a U.S. congressional delegation, led by Rep. Dante Fascell (D-Fla.), visited Managua at Ambassador Larry Pezzullo's initiative. Fascell was extremely effective, as were his colleagues, Lee Hamilton (D-Ind.), Matthew McHugh (D-N.Y.) and David Obey (D-Wis.). They pressed hard on the issues of political pluralism and nonalignment in very intense meetings with both the junta, which was increasingly becoming a figurehead, and the Sandinista National Directorate, which is where the real power resides. The congressional group was particularly forceful on the question of elections. In each session they were told that national reconstruction had to be the first priority but that the Sandinistas were committed to elections.

When Alfonso Robelo resigned from the junta in April 1980 and went into opposition, he was promptly labeled a traitor by the Sandinistas. In a conversation with Jaime Wheelock, I tried to explain our concept of dissent. I got nowhere—there is no Spanish word that accurately captures the nuances of "dissent." A day or two later I experienced similar frustration in a conversation about dissent with a young U.S.-trained cabinet minister who had on his desk a bottle of Cuban rum and a copy of "Das Kapital." At one point, he suddenly beamed and said, in English, "Now I know what you're talking about—civil disobedience!"

He has since defected.

A few months later, Larry Pezzullo and I were in Washington to lobby in Congress for the much-delayed $75 million special appropriation for Nicaragua. The Sandinista minister of health, with whom I was working on several programs, was also in Washington, and we had dinner together. During the conversation I complained about inaccuracies and distortions in Barricada, the official Sandinista newspaper, and El Nuevo Diario, which closely followed the Sandinista line. Both sounded very much like Cuba's official newspaper, Granma, particularly in their treatment of the United States. The minister's response: "You don't understand revolutionary truth. What is true is what serves the ends of the revolution."

The August 1980 ceremony to celebrate completion of the literacy campaign was a chilling experience. I had been invited to sit with the *comandantes* and the cabinet because AID had contributed food and some vehicles to the campaign. The ambassador sat in nearby stands with the diplomatic corps.

The Plaza of the Revolution was mobbed with kids in uniform shouting slogans in response to the urgings of leaders on the platform. I was reminded of films I had seen of Nuremberg in the 1930s.

Comandante Humberto Ortega gave the principal address. In the midst of a series of attacks on the United States, he announced that elections would not be held until 1985, thereby reneging on a commitment to opposition groups for early elections. Moreover, he assured his audience, the elections of 1985 would be nothing like the corrupted elections held in the United States. Larry Pezzullo and I both walked out.

My youngest daughter, Amy, then 16 years old, worked during the summer of 1980 as a volunteer with a Nicaraguan organization, Genesis II, which promoted breast-feeding and provided help to orphanages. The head of the organization was Geraldine Macias, a former American Maryknoll nun married to Edgard Macias, vice minister of labor. At the end of the summer (shortly after the completion of the literacy campaign), we had a get-together at our house for Amy and her co-workers. The evening was a little strained because some of the Genesis II people were totally committed to the Sandinista cause and doubtless felt uncomfortable being in the USAID director's house. The Maciases may have felt that way.

Two years later, after the Sandinista security police threatened his life, Edgard sought asylum in the Venezuelan embassy. The Maciases and their children arrived in Washington soon thereafter. They were treated as lepers by many left-leaning church people in the Washington area who had formerly been their friends. The Maciases have found it very difficult to get work and have been living on a shoestring ever since.

In a recent letter to friends, they said:

"Since leaving Nicaragua we have had access to documentation of [the Sandinistas] and some of [their] former members that proves beyond a doubt that their plans from 1979 on were to deny political and religious freedom. Documents that also show how their methods resemble Somoza to the point they appear as a mirror image: rapes, torture, disappearances, murders, threats, and control of unions and community groups through the formation of their 'elite' political party."

During the last part of 1980, the Partners of the Americas program between the state of Wisconsin and Nicaragua, which had endured for some 15 years, ran into trouble. Most of the activities were focused on the

Atlantic Coast. Among other problems, the Sandinistas attempted to take over the Partners' educational radio station (they subsequently did take it over); two Wisconsin plastic surgeons were harassed during a visit to Puerto Cabezas, where they did some highly complicated surgery free; and the Sandinistas circulated the word that Partners personnel were CIA agents.

The ambassador sent a letter to the junta expressing his concern, and I called on the *comandante* responsible for the Atlantic Coast. After I ran down the litany of problems, the *comandante* said, "You have to understand, Mr. Harrison, that Americans are not very popular in this country." I replied that I had lived in Nicaragua for 18 months, traveled extensively, and had the impression that, notwithstanding Sandinista efforts to paint us as devils, most Nicaraguans liked Americans. I added that this seemed to be particularly true on the Atlantic Coast.

He paused for a few moments, then broke into a broad grin and said, "You're right."

Norma Pineda, an accountant, was the senior Nicaraguan employee of the USAID mission, an admirable professional and human being. Her husband, Byron, had been a lieutenant colonel in a noncombatant unit of the National Guard. Just prior to their triumphal entry into Managua, the Sandinistas announced that National Guard members who had committed no crimes had nothing to fear. Despite the pleadings of family and friends to seek asylum in a nearby embassy, Byron Pineda chose to stay in his house because, as he told his wife, "I have done nothing wrong."

About two weeks after the installation of the Sandinista government, Pineda was arrested and much of his property was confiscated. He was tried some six months later and sentenced to 11 years in jail. As in thousands of other cases, all that was proven by the prosecution was that he had been a member of the National Guard.

A few months later, the Sandinistas told Pineda that he would be freed if his wife would provide information on USAID activities to the government. She refused. He was, however, released to house arrest toward the end of 1980, perhaps because of representations the ambassador and I made at high levels of government. Shortly after, he was told that he would be returned to prison if he failed to persuade his wife to become a spy and if he refused to engage in spying activities himself.

A few weeks after that Norma Pineda left Nicaragua. Byron Pineda sought asylum in the Peruvian embassy in Managua, where he has lived for more than two years.

Late in 1980, the Latin American Studies Association, an organization of U.S. intellectuals interested in Latin America, held its annual meeting in Bloomington, Ind. Junta member Sergio Ramirez and Foreign Minister Miguel d'Escoto attended and were given a hero's ovation. James Cheek, then deputy assistant secretary of state for Latin America, was jeered and heckled. (Cheek, one of the Foreign Service's most distinguished and enlightened specialists on Latin America, had played a crucial role in U.S. disengagement from Somoza as far back as 1974.)

In a subsequent Latin American Studies Association newslettter, Harvard Professor and Association President Jorge Dominguez described the Bloomington meeting as "one of the darkest moments of my professional life . . . appalling . . . scandalous . . . damnable."

I returned to the United States on July 1, 1981, and retired from AID early in 1982. I have been at Harvard working on a book on the relationship between culture and development. In December 1982, I was asked to appear on a panel at the John F. Kennedy School of Government at Harvard. The principal speaker was Francisco Fiallos, then Nicaraguan ambassador to the United States. Despite a subdued speech on Nicaragua's economic problems, Fiallos was given a hero's ovation by the 300 people in attendance. My comments focused on Sandinista human rights abuses and, in particular, Sandinist reneging on commitments to pluralism and nonalignment. I was booed and jeered repeatedly.

One week later, Fiallos defected.●

CALL TO CONSCIENCE VIGIL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. MAZZOLI. Mr. Speaker, for the past few years I have taken part in the congressional Call to Conscience Vigil in an attempt to draw attention to the plight of Soviet Jews and other prisoners of conscience who are denied basic human rights and privileges—such as the right to practice their religion freely and to emigrate.

In particular, I am concerned about the plight of Miss Galina Vilchinskaya. Miss Vilchinskaya, at 24, has already served 3 years in a Siberian concentration camp for teaching children's Bible classes during summer vacation.

She was released last August, only to be taken into custody again in November. The last word from her was that she was being held in a jail in Vladivostok for interrogation. Her family was denied permission to see her.

Mr. Speaker, as one of many concerned Members participating in this year's vigil, I hope the Soviet Union will exhibit respect for basic human rights and privileges and allow its citizens like Miss Vilchinskaya to follow their consciences and practice their religion without fear of punishment from the state.●

THE TRUTH ABOUT THE ADMINISTRATION'S VOCATIONAL EDUCATION PROPOSAL

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. GOODLING. Mr. Speaker, those who say that this administration has not kept in close contact with the vocational education community are wrong. When the administration submitted its original vocational education proposal it was obvious to many of us that changes were necessary. When the President and the Secretary of Education resubmitted their bill (H.R. 2940) the changes were included. They were asked to include a set-aside for the handicapped in order to assure that handicapped individuals receive equal opportunity for participation in vocational education. They agreed to this change. They were asked to include an authorization of appropriations for such sums as may be necessary rather than the level prescribed in their budget. They agreed to that change. They were asked to include more emphasis on sex equity activities, including programs for displaced homemakers. They agreed to that change as well. They also agreed to permit funding for day care and for the operation of State and local advisory councils. The administration has clearly shown that it is willing to listen to outside advice, and I believe that H.R. 2940 has improved as a result. Many groups have testified to this point. It is time that the truth comes out.●

JARRETT GOODMAN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. ASPIN. Mr. Speaker, I would like to call your attention to a remarkable man who has been of unvaluable service and inspiration to his community.

Mr. Jarrett Goodman of Milton, Wis., a Vietnam veteran, earned a discharge from the service in a most tragic way. He lost part of his right leg when he stepped on a landmine. Mr. Goodman is now employed by the Postal Service and delivers mail daily on a route that spans 60 miles.

Recently, he was honored in Washington as the U.S. Postal Service's handicapped employee of the year. This award was shared with four other postal employees. I bring this to your attention now because Mr. Goodman is representative of a group of people who have not let their handicaps hinder their active lifestyle. With the help of an artificial leg, Mr. Goodman still participates in his favorite sports—softball, basketball, hunting, and fishing.

It is gratifying to know medicine and technology today are capable of giving the support needed to assist the handicapped in carrying on as close to a normal lifestyle as possible.

I would like you to join me in honoring Mr. Goodman not only for his ability to overcome his handicap, but for the inspiration he serves to his community and the inspiration he should be to us all.●

JUSTICE FOR SENIOR CITIZENS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. DYMALLY. Mr. Speaker, anyone who has brought a case into a court of law knows how inconvenient the sometimes lengthy legal proceedings can be. Moreover, the length of time one must wait before a case is brought to trial can be excessive. Our overworked judicial system, unfortunately, can not provide for all citizens what the Constitution is supposed to guarantee us—a speedy and public trial. This failing in our Nation's legal system hurts one group of people most of all, the elderly, who simply do not have the time to wait month after month, year after year, for their case to be processed and adjudicated. Today I have introduced a bill that would remedy this particular failing in the legal system by compelling the courts to expedite and decide upon all cases brought by citizens 65 years or older within 1 year from the date which the particular action was brought.

This particular problem was brought to my attention by a constituent of mine, Henry Herriford, who is president of the 50/50 club in Compton. He wrote an impassioned personal letter to me, stating that "due to the long delay in court trials * * * the chance of a citizen 70 years or more living to have his chance in court * * * is not guaranteed. He felt that Congress should * * * make a rule that no one over 65 has to wait more than 1 year before coming to court on a hearing."

I agree with Mr. Herriford. The Nation's elderly deserve to gain justice from our legal system. Those citizens who have neither the time nor the strength for such a long wait for their case to be heard must be allowed to have a quick and speedy trial. Let us make the judicial system more fair to the elderly.●

VOCATIONAL EDUCATION

HON. JAMES R. "JIM" OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. OLIN. Mr. Speaker, in today's economy, vocational education is a smart investment. It gives us the skilled workers that will make us more productive. It helps put people in the work force and keep them off welfare.

Small businesses, which create most of our new jobs, frequently cannot afford their own job training programs and rely on vocational education to supply them with skilled employees. At a time when our rapidly changing workplace is demanding a greater number of skilled workers, how can the President justify cutting vocational education by nearly 40 percent?

Easing unemployment and fueling the recovery requires the shared efforts of business, labor, community leaders, and all levels of government. Vocational education is an essential element of this effort.

We are all very much aware of education and its role in achieving our economic, social, and defense goals. Maybe the President's visit to Kentucky will make him more aware of the contribution that vocational education makes. On behalf of nearly 300,000 vocational education students in Virginia, I hope so.●

HONORING ANTHONY QUINN

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. TORRES. Mr. Speaker, I am sure each of my fellow colleagues would agree Anthony Quinn is one of the few truly international stars of the theatrical industry. He is also an individual who over the years I have come to know, work with, and above all respect.

Born in Chihuahua, Mexico, of a Mexican mother and an Irish father, Tony was brought to the United States during the turmoil of the Mexican Revolution. Settling in East Los Angeles he grew up in the barrio and like so many other young people Tony worked hard shining shoes. He attended local schools and became an accomplished musician and eventually graduated with aspirations of one day becoming an actor.

In the late 1940's Tony made his Broadway debut in the critically acclaimed "The Gentleman From Athens." Following his crowd-pleasing performance, he starred in the national tour of "A Streetcar Named Desire," and in its Broadway production in 1950. He again toured the country starring in "Born Yesterday." While performing in New York during this time, Tony was also participating in the developing movie industry.

Tony's accomplished list of notable films includes: "Viva Zapata" and "Lust for Life." For his performance in these two films he won the coveted Oscar from the Academy of Motion Picture Arts and Sciences. His other pictures include: "Zorba the Greek," "La Strada," "The Guns of Navarone," "Lawrence of Arabia," "Wild Is the Wind," "The Visit," "The Shoes of the Fisherman," "Requiem for a Heavyweight," "A High in Jamaica," "Jesus of Nazareth," and "The Greek Tycoon."

In addition to his superior theatrical abilities, Mr. Speaker, Tony is an artist in more ways than one. He is an author, painter, and a sculpturer. In 1972, Tony authored "The Original Sin" and is currently working on three more books. Late last year his sculptures and paintings were unveiled at the Center Art Galleries in Honolulu, Hawaii. Among these artifacts 40 received high critical acclaim.

During the 1960's and 1970's Tony supported the Congress of Mexican-American Unity. He headed dozens of stars of the stage and screen in promoting fundraising events for the benefit of the congress. He has also identified with the social movements of years past and the quest for justice among the farmworkers of the Southwest. Recently he was honored by having a library in East Los Angeles dedicated in his name.

Mr. Speaker, I ask my fellow colleagues to join me in paying tribute to this outstanding individual and thanking him for his years of entertaining work and contribution to our country.●

IN DEFENSE OF CHILDREN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. MAZZOLI. Mr. Speaker, a few Sundays ago we celebrated Father's Day 1983. Across the Nation families celebrated the special relationship which exists between father and child.

While Father's Day was—and should have been—a joyous occasion, Father's Day 1983 also stood as a somber reminder to fathers—and mothers as well—of the duty to protect the children who came into their lives and enrich them so greatly.

On this Father's Day, I renewed my commitment to protect the lives of and the rights of all children. And the challenge is daunting.

Recent statistics have indicated that nearly 1 million cases of suspected child abuse and neglect are reported annually. Approximately 12 million children remain in poverty. Nine million children have no known source of regular health care. Eighteen million children have never seen a dentist.

Fathers, mothers, and, really, all citizens of this country have the responsibility to provide our Nation's youth the opportunity to lead full and productive lives. And in a special way we must protect the rights of the unborn who—although unable to defend their own rights—represent the very future of our society.

So, Mr. Speaker, on Father's Day 1983, I hope all my colleagues—not only we who are fathers—pledged themselves to improving the lot of all America's children.●

FOREIGN LANGUAGE SUPPORTERS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. SIMON. Mr. Speaker, recently the Education and Labor Committee reported to the House H.R. 2708, the Foreign Language Assistance For National Security Act of 1983.

Unfortunately, the report was filed before I had the opportunity to submit a list of 31 Members who wished to cosponsor H.R. 2708.

I would like to publicly acknowledge these 31 individuals, thank them for their support for language education, and apologize to them for this error.

The Members who were mistakenly excluded from cosponsoring my foreign language bill are: Mr. Harrison, Ms. Oakar, Mr. Price, Mr. Won Pat, Mr. Solarz, Mr. Beilenson, Mr. Smith of Florida, Mr. Sunia, Mr. Brown of California, Mr. Frank, Mr. Ford of Tennessee, Mr. Lantos, Mr. Ratchford, Ms. Kaptur, Mr. Kildee, Mr. Weaver, Mr. Rose, Mr. Wise, Mr. Clinger, Mr. Hamilton, Mr. Vento, Mr. Durbin, Mr. de la Garza, Mr. Ackerman, Mr. Foglietta, Mr. Porter, Mr. Hertel of Hawaii, Mr. Mrazek, Mr. Gaydos, Mr. Badham, and Mr. Fish.●

INSULT TO INJURY

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. WISE. Mr. Speaker, as I was listening to the news on the radio today, I learned that the Japanese Government has announced its intention to end its voluntary restriction on the export of cars to our country, beginning next year. To my disbelieving ears, this news came as a shock indeed.

The administration, in its attempt to head off the progress of the Fair Practices in Automotive Products Act (H.R. 1234), the domestic content bill, has been referring to these export restrictions as all but cast in stone.

Well, the Japanese Government has just displayed, once again, its feelings toward the American worker—the American auto and heavy industry worker in particular. This news hits this country when more than 360,000 auto workers and an additional 600,000 workers in auto-related industries are wondering where their next house payment and meal are going to come from. This news stabs like a sharpened knife into the belly of the auto industry in our country—and could not have come at a more inopportune time.

Mr. Speaker, I think that this news shows clearly—terribly clearly—why we should enact H.R. 1234 with all due haste. Clearly, we must take steps to protect ourselves. It appears as though if we do not, no one will.●

RULE ON THE HEALTH CARE FOR THE UNEMPLOYED ACT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 1983

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means yesterday favorably ordered reported H.R. 3021, with an amendment in the nature of a substitute. This legislation would provide for a program of grants to States to provide health care benefits for the unemployed.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek a closed rule on title II of our committee amendment.●

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